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PROCEEDINGS AND DEBATES OF THE 102^d CONGRESS, FIRST SESSION

SENATE—*Thursday, October 17, 1991*

(Legislative day of Thursday, September 19, 1991)

The Senate met at 11 a.m., on the expiration of the recess, and was called to order by the Honorable PAUL SIMON, a Senator from the State of Illinois.

PRAYER

The chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

Let us devote a moment of silent prayer for the recovery of Dave Marcos, assistant executive clerk, who has suffered a heart attack.

Bless the Lord, O my soul: and all that is within me, bless his holy name. Bless the Lord, O my soul, and forget not all his benefits: Who forgiveth all thine iniquities; who healeth all thy diseases; Who redeemeth thy life from destruction; who crowneth thee with lovingkindness and tender mercies * * *.—Psalm 103:1–4.

Gracious God, our heavenly Father, we pray for a special visitation of healing love—not only in the Senate but in the Nation. These last few days have left many deep wounds—not just Professor Hill and Judge Thomas, but many in the Senate and among the people. Your Word declares, "If any man offend not in word, the same is a perfect man. * * *" None of us is perfect, and words spoken out of deep emotions often hurt deeply. In love may those wounds be healed. May forgiveness be sought and given. Bind us together, Lord, bind us together in love.

In His name who is love incarnate. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, October 17, 1991.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable PAUL SIMON, a Senator from the State of Illinois, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. SIMON thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADERSHIP TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

THE JOURNAL

Mr. MITCHELL. Mr. President, am I correct in my understanding that under the previous order the Journal has also been approved?

The ACTING PRESIDENT pro tempore. The leader is correct.

SCHEDULE

Mr. MITCHELL. Mr. President and Members of the Senate, this morning there will be a period of morning business not to extend beyond 12:30 p.m. Five Senators are to be recognized to address the Senate for specific times under a previous order. At 12:30 p.m. today, the Senate will vote on a motion to invoke cloture on the motion to proceed to S. 596, the Federal Facilities Compliance Act. If cloture is invoked, I hope that we will then be able to adopt the motion to proceed and begin consideration of the bill and any possible amendments to that bill.

Therefore, following the cloture vote, if cloture is invoked, and if we are able to proceed to the bill, Senators should be aware that other votes will be possible on various amendments to the bill.

THE FEDERAL FACILITIES COMPLIANCE ACT

Mr. MITCHELL. Mr. President, I would like to speak just briefly about the Federal Facilities Compliance Act since it is a measure of which I am the author.

Most Americans today would be shocked to learn that the Federal Government is not subject to the same enforcement of environmental laws which the Federal Government imposes on others, yet that is the case. Although I believe the law is clearly to the contrary, some courts have held that the Federal Government is not subject to the same laws which it imposes on others. I believe those court decisions to be incorrect. But it is now imperative that legislation be adopted to make that clear beyond any doubt.

I am very sorry to say that the Bush administration opposes this legislation, and I am very sorry to say that our Republican colleagues have refused to permit us to even bring up the legislation and have required that we proceed to invoke cloture on a motion to proceed to the bill. I regret that very much.

I encourage all Senators to vote for the cloture motion on the motion to proceed so that we can begin consideration of this bill. If the administration, or if some Senator does not like a particular provision of the bill, then, of course, he or she has the perfect right to offer amendments to change those provisions or to modify or improve them in any way that the Senator feels appropriate. But to simply say that we cannot even consider a bill which has such a straightforward and, I believe, appropriate objective is most regrettable.

So, Mr. President, all of those Senators who represent States in which there are Federal facilities located—and I think that is most States—ought to be aware that the citizens of those States ought to have the right to demand that those Federal facilities comply with the laws which apply to all other citizens in our society, which

• This "bullet" symbol identifies statements or insertions which are not spoken by a member of the Senate on the floor.

apply to private businesses, private individuals, State and local governments, and other entities.

That is the essence of this bill. It is an important bill. It affects the lives of millions of Americans, particularly those who live near Federal facilities which, unfortunately, have a long and sorry record of compliance with those laws. So I hope that my colleagues will join me in voting for cloture on the motion to proceed and then in supporting the bill once it is brought to the floor for a vote.

Mr. DURENBERGER. Will the leader yield?

Mr. MITCHELL. Yes, I certainly will.

Mr. DURENBERGER. Mr. President, despite occasional appearances to the contrary, the majority leader is a very patient person, and I rise only to clarify that if there was any implication all Republicans were standing in the way of this bill, a number of people on this side of the aisle have at various times supported the majority leader's efforts to get this bill passed. At various times the House counterpart was hung on the Department of Energy bill, making that very difficult to pass through here.

So I say to my colleagues, certainly on the Republican side of the aisle, that there have always been objections from the administration to this bill. The majority leader and those of us who have supported him in this effort have worked very patiently, as the majority leader is working right this minute, to bring this bill to the floor with agreed-upon amendments. I think right now the burden is on the administration, not on the majority leader, the author of this bill, to deal with the final roadblocks that are in the way so that everyone in the body can vote for cloture and can vote this bill out of here this afternoon.

Mr. MITCHELL. Mr. President, I want to make clear I did not intend that implication, and I thank my colleague for his statement and clarification. The bill has more than 50 cosponsors including several Republican Senators. The problem has been, frankly, the administration's objections and foot-dragging. We have been at this bill for several years. It has passed the House three times by overwhelming margins, been reported twice out of the Senate Committee on Environment and Public Works by, I believe, a unanimous vote, the last time being 5 or 6 months ago, at which time I was asked specifically by the Senator from Minnesota, the senior Senator from Virginia, and others, if I would withhold bringing the bill to the floor for a period of time—and we discussed it for about a month or so—to permit discussions with the administration to see if we could resolve the matter.

I agreed. Not only did I hold it back for a month, but I held it back for almost 6 months. But I am sorry to say, Mr. President, that the administration has largely stonewalled the effort. Only now, at the very last minute—it is very clear only because I have now insisted bringing the bill to the floor—it is coming forward through other Senators as their spokesman to say maybe we ought to have this or that changed. Their discussions so far have effectively been stonewalling. Their proposals have been whatever one knew was unacceptable and had been deemed unacceptable over a period of many years before.

So I hope we can get the bill passed. I hope and expect that it will be with substantial Republican support because many Republican Senators are cosponsors of this bill. Every Republican Senator on the Environment and Public Works voted for the bill in the committee.

I hope we are going to be able to pass this bill at an early time, possibly today, or if not, as soon as all of the various amendments are considered.

I thank my colleague for his comments, and for his valuable help and support on this important legislation.

I yield the floor.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of morning business.

The Senator from Pennsylvania [Mr. WOFFORD] is recognized for up to 20 minutes.

A RIGHT, NOT A PRIVILEGE: MEETING THE CHALLENGE OF AFFORDABLE HEALTH CARE FOR ALL AMERICANS

Mr. WOFFORD. Mr. President, back in his 1960 campaign, John Kennedy used to say, "My opponent tells you we never had it so good; I say we can do better."

Thirty years later that same choice faces America. But today the crisis that most threatens our future is not in some faraway place—not in Moscow, or Havana, or Berlin—but right here at home. That crisis is as near as the closest doctor's office. It is as frightening as a child's cry of pain.

It is a health care crisis that is bankrupting our families, our businesses, our communities and our whole economy. And the solution is not to be satisfied with things as they are, but to work and fight for change.

There is an old saying that if you have your health, you have got just about everything. But in our country today, it would be more accurate to say, if you need health care, you stand to lose just about everything.

Some people seem to think we have a pretty good health care system as it is. I disagree.

They should listen to the people I have been listening to. They tell a different story. They cannot wait while this administration decides if they should do something to make health care more affordable and available.

On a visit to Philadelphia's Methodist Hospital recently, I spoke with a young woman in a wheelchair named Linda Sherk. She is a 24-year-old Lancaster resident who dropped her insurance coverage because she could no longer afford it. She had to wait a year and a half to have a disc removed from her back so that she could save up enough money for the operation. Instituting national health insurance "is something that needs to be done," she told me. "A lot of people can't afford health care now."

What would this administration say to Linda Sherk? Almost 2 years ago in his State of the Union Address, the President pledged that his Domestic Policy Council would put forward a health care plan. We are still waiting.

And now the latest we hear from the White House is that we cannot have a health care plan until after the next Presidential election. What is the message to the millions of Americans who lie awake at night, afraid of being one accident, one illness, one injury away from ruin? Do not get sick before November 1992.

We spend some $650 billion a year on health care—that is more than twice the Pentagon budget. We spend $30 billion a year in Pennsylvania alone. Americans not only spend far more than other nations, costs are also rising at a much faster rate. If we continue on the present course, by the year 2000 we will spend an estimated $1.6 trillion on health care, or 16 percent of our projected gross national product.

No other industrialized nation pays as much of its income for medical care as we do. And yet we seem to be getting less and less for our money. In 1989, Japan spent $1,035 per person on health care; Germany spent $1,232; Canada spent $1,683. While we in the United States spent $2,354.

Think about that: We are the only major country—except South Africa—that does not have some kind of national health insurance system to make sure that everyone can afford to see a doctor when they are sick. But we still spend so much more.

The numbers are staggering—especially when you see what health care costs working families and employers. The average cost to business of health coverage jumped from $2,600 per employee to over $3,100 in 1990 alone. At the present rate of growth, the average health care premium will top $22,000 per worker in the year 2000.

The fact is that doing nothing is really a health-care inflation plan for the American people.

Businesses will pay more and will find it harder and harder to compete with foreign companies that do not face such exorbitant health care costs. Chrysler estimates that health care costs the company $700 for every car it builds in the United States, but only $223 for every car it builds in Canada. No wonder we are losing jobs to Germany and Japan and Mexico.

As I found as Secretary of Labor and Industry in Pennsylvania, a growing number of labor disputes turn on the issue of who pays for health benefits and how much—and whether there is any room left for a wage increase.

There is a good reason for this: What American businesses spend on health services today is about equal to their entire after-tax profits. That is double the amount of only a decade ago.

The New York Times recently reported that 3 of 10 workers say that they have stayed put in a job they wanted to leave because they were afraid of losing health insurance benefits. This kind of job lock is hostile to the core American value of economic opportunity and upward mobility. It also means that our Nation's work force is less flexible, and therefore less productive, than those of our competitors.

I have also witnessed, in our Pennsylvania Job Centers, how so many people are afraid to move off of welfare into the work force because they will lose Medicaid coverage. These days an entry-level job rarely provides decent health benefits.

So it is not a matter of altruism, but simple economics: We cannot maintain the unfairness, inefficiency, and staggering expense of our current health care system.

Sometimes it seems as though the only place they do not know we have a health care crisis is right here on Capitol Hill. And so my call for action begins right here.

When a Member of Congress gets sick, he or she does not sit in a waiting room at a doctor's office. Members of the House and Senate can go to the Office of the Attending Physician of the Capitol. There they get free medical care, physicals, blood tests, x rays, lab work, even free prescription drugs.

But they do not get a bill or the half a dozen different bills most people get when they go to a hospital or clinic. It is unacceptable that politicians with free taxpayer-provided health care are delaying or opposing health insurance for working people.

That is why I have just introduced a bill to cutoff all the special health benefits for Members of Congress, until Congress passes a health plan for the country, because I think health care is a right for all Americans, not a privilege for the powerful.

Under my plan, Members of Congress will still be allowed to participate in the Federal Employees Health Benefits Plan, just as other Federal workers do. But until they pass a health care plan for working people, Members of Congress will no longer be able to live by the credit card company's slogan: "Membership has its privileges."

Once we put Congress in the same boat as the American people we will be amazed at how fast they can accomplish this bailout.

That is exactly what happened with the Social Security System. In 1981 Social Security was in deep trouble. In 1982, Congress included itself in the system, and in 1983, lo and behold, the Congress had put Social Security back on sound financial footing.

The next step, it seems to me, is to take action. And action Congress must take. There are certain principles that I believe must guide any plan to make health care affordable and available to all American families:

First. Health care must be recognized as a fundamental right. Our Constitution gives criminals a right to a lawyer. Working people should have the right to a doctor when they are sick.

Second. All Americans must be covered. We need to return to the American belief that programs must serve all the people, not just a targeted few. No one can be canceled, cutoff, or cut out.

Third. National health insurance must save the country money. Any acceptable system of national health insurance should save at least $50 billion a year in administrative overhead, duplication, redtape, and bureaucracy, money that is being wasted today.

Fourth. National health insurance must lower costs for our Nation's working families. Every time your family writes a check for health coverage, part of that check goes to pay for advertising, marketing, underwriting, and other nonpatient care costs. We must reduce those costs and pass the savings on to working families.

Fifth. National health insurance must lead to lower costs for businesses that already provide health insurance. Under the present system, thousands of responsible companies are picking up the tab for those who provide no health insurance. Including all employers will make the system fairer, as well as cheaper.

Sixth. National health insurance must embody the American values of freedom of choice and competition, and it must contain free market principles that improve the quality of care. People must have the right to choose their own doctor and hospital. The system must also have competition built into it to ensure good service and avoid do-nothing government bureaucracy.

Insurance companies must have a new role in a national health insurance system, a role in which they compete for customers based on the quality of the service they provide, and not on the quality of the jingles in their commercials.

Free market principles will raise the level of treatment people can expect. In throwing out the bathwater of inefficiency and skyrocketing costs, we do not have to throw out the baby of free-market choice as well.

Seventh. A national health insurance system must control medical inflation. Health care costs tripled from 1980 to 1990, and experts estimate that they will nearly triple again during this decade. Cost control is essential.

Eighth. National health insurance must address the need for long-term care. Older Americans today face policies which force them to spend their life savings in order to qualify for Medicaid-financed nursing care, and they must wade through a maze of co-insurance policies—many of them unnecessary—in order to feel secure about their coverage. A new system of national health insurance must provide a safety net for long-term care.

Ninth. The new system must use existing public resources more efficiently. Federal, State, and local governments already spend about $260 billion on health care—42 percent of all health care spending. In a comprehensive system, our Government dollars will be used more effectively, especially by focusing on low-cost preventive and routine medical care that the uninsured and underinsured often neglect.

Tenth. National health insurance must spread the burden fairly. A system built on the proven principles of Social Security and Medicare can work, but only if everyone pays their fair share. Under the current system, those with health insurance are paying more than their fair share to subsidize those with no health insurance. We cannot afford any more free riders.

Eleventh. There must be no new taxes on working families. We do not need them. We already have the most expensive health care system in the world. The most important reason we need national health insurance is to lighten the burden on working families. Taxing them any more would be unfair and unnecessary. These principles should guide policymakers as we develop a plan for national health insurance.

Let us turn now to the task of putting those principles into practice. Of course, the administration's Domestic Policy Council had 3 years to study the problem and take action; yet, it has done nothing fundamental about this problem. The government finds billions to help the Kurds and Kuwaitis, to bail out the S&L's and defend Western Europe and Japan. But when it comes to helping working Americans, they say the cupboard is bare. That attitude is proof positive that this administration just does not get it.

Our people know the problem is not that we spend too much for health care; we spend too wastefully. The people of Pennsylvania want to send a message to Washington. We want action on national health insurance, and we want it now.

We in this Chamber need to hear that message and act on it. After about 160 days in this Chamber, I have come to realize what Bismarck meant when he said that making laws was like making sausage—it is a grinding process. Many good ideas have already been put on the table by my colleagues, and there will be more to come.

Today I propose seven key ingredients, in addition to the general principles I have just mentioned. I believe these form the heart and soul of a sensible plan for meeting America's health insurance needs:

First, any workable plan must eliminate unnecessary insurance company costs, such as marketing and underwriting. That is one of the reasons that Medicare delivers health care to millions of Americans with less than 3 percent of its cost used for administration, while private insurance companies waste over 12 percent of their cost on administration and overhead.

Second, medical inflation should be controlled by the establishment of a national medical expenditures board. The board would play much the same kind of role that the Federal Reserve plays in our banking system. In the same way that the Fed controls our money supply, a health Fed would help us control our investment in medical care.

Third, a successful plan should reform insurance practices and establish a system of qualified insurance carriers. In order to be a qualified insurance carrier, a company must accept all Americans who seek coverage; eliminate experience rating; cease the practice of canceling policies on people who get sick, and abolish the preexisting condition rule, which tells millions of Americans that when they need insurance the most, they cannot have it.

Fourth, a successful plan would require all insurance carriers to provide comprehensive benefits, including a substantial period of completely covered long-term care.

Fifth, national health insurance should put an absolute limit on out-of-pocket expenses, so that never again will an accident or an illness be a one-way ticket to the poorhouse.

Sixth, all employees should be required to participate.

Seventh, the system should be administered by a nonprofit corporation, which would deal directly with private insurance companies to maximize economies of scale and minimize duplication, waste, and redtape. Individuals and companies that are currently paying premiums to a host of different insurance companies, and so are required to wrestle with a myriad of different forms and requirements, would pay their premiums to a central corporation.

These 11 general principles and seven specific policies can serve as a guide to the fundamental reform we need.

To those who ask first what it will cost, I say they are asking the wrong question. The point is: How much will it save us, especially in the long run?

Let me say this more strongly: National health insurance must not require new Government spending or taxes on working families, because the problem is not that we spend too little; the problem is that we waste too much. But here is how we can spend $50 billion less than the $650 billion a year we are now spending.

Start with the $260 billion that Government already spends on health program, redirect it into our comprehensive system so we can get better care for the same amount of money. Second, add $50 billion cut from the defense budget, which even the President says he wants to cut by $40 or $50 billion. Together, these two sources alone would provide $310 billion, more than half the total cost of a national system.

That leaves $290 billion which would still come from businesses and individuals. That may sound like a lot. It is until you realize that they are spending $390 billion right now, $100 billion more.

Under the current system, families then have to spend about $215 billion a year in skyrocketing premiums, copayments, deductibles and bills for care that insurance companies refuse to cover. At the same time, American companies are paying about $175 billion to provide health benefits to their employees. That is, those companies which can still afford it. We could cut the amount that families spend by $95 billion; reduce the amount business as a whole spends by about $5 billion. Everyone would be spending less, and we could finance this plan without any new Government spending. But the result would be better health care, for more people, for less money.

In his inaugural address, President Bush surveyed our domestic challenges, wrung his hands and sighed: "we have more will than wallet." But in this instance we have too much wallet and too little will. Our challenge is to generate that will.

From Allentown to Aliquippa I have seen that will. We in this body need to discover that will, make it our own, seize this moment and turn national health insurance into an idea whose time finally has finally come.

Health care is a right, not a privilege. And it is time for us to turn that right into a reality for all Americans.

Mr. President, I want to take this opportunity to clarify the health plan I have outlined. I am proposing a national health system which would allow this country to save $50 billion on health care costs by cutting administrative waste, asking everyone to pay their fair share and improving the way we manage patient care.

Under our current system, as a nation we spend $650 billion on health services each year. After instituting the reforms I am proposing, we would spend a total of $600 billion and provide better care for more people for less money. In addition to the savings detailed above, I believe we can redirect about $50 billion in unnecessary defense spending to health care.

The $50 billion in defense savings and the $50 billion in reduced health costs would, under the system I am proposing, be passed on to business and working families who together would spend $100 billion less than they do now.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Minnesota is recognized for up to 20 minutes.

Mr. DURENBERGER. Mr. President, before I speak, I would like to advance the cause of this body and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DURENBERGER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. LAUTENBERG). Without objection, it is so ordered.

The Senator from Minnesota is recognized.

Mr. DURENBERGER. I thank the Chair.

(The remarks of Mr. DURENBERGER pertaining to the introduction of S. 1836 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

EXTENSION OF MORNING BUSINESS

Mr. GORE. Mr. President, I ask unanimous consent that the period for morning business extend not beyond 12:30 p.m. today.

The PRESIDING OFFICER. Without objection, it is so ordered.

WEAPONS PROLIFERATION

Mr. GORE. Mr. President, one of the main outcomes of the war with Iraq is our subsequent discovery—in a process which is still unfolding and expanding—of the staggering extent of that country's efforts to acquire the full panopoly of weapons of mass destruction: chemical weapons, biological weapons, nuclear weapons, and the means for their delivery including both ballistic missiles and the so-called superguns. The flip side of this discovery is that none of this would have been possible without the help of corporations in advanced industrial countries, operating under the nearsighted and often tolerant supervision of their governments.

With each discovery by the U.N. inspection teams, we are seeing the documented failure of every single mechanism established over the years to try to block the proliferation of these weapons. The Australia Group, which deals with chemical weapons; the MTCR which deals with ballistic missiles; the Zanger and London Groups, which deal with nuclear technology; the International Atomic Energy Agency, and evidently the world's major intelligence services—none of them was a match for Saddam Hussein and his oil money.

Perhaps the world will draw appropriate conclusions about what has happened and will move vigorously to block any such development in the future. Frankly, we cannot assume this will happen and it remains to be seen whether it will or not. Yes, there has been a flurry of activity, and some tightening here and there. For example, the Australia Group met last May and did some constructive things: Notably, by expanding the list of dual-purpose chemicals to be subject to special export control regimes. But time is passing. The anniversary of the Persian Gulf war has already been observed. And where is the new legislation some governments declared they were going to secure? Where are proposals from President Bush to deal with this problem of the exporting of technology, dangerous technology to countries like Iraq?

In this country and elsewhere, usually the legislative proposals are still hung up, blocked by political problems relating to other matters.

The greatest single danger is a return, given time, to business as usual and to collective denial of individual responsibility in this matter. Recently, the New York Times published a portion of a speech I gave here on the subject of Iraq and proliferation, in which there was a reference to the role of Switzerland as a source and conduit of technologies and materials for Iraq's various programs. It was one of a series of speeches, in a number of which I have singled out various countries that have participated in the proliferation of weapons technologies to Iraq. That particular speech, and the article which resulted from it, stung the Swiss and their Ambassador came to see me. To the credit of his government he did not deny the involvement of Swiss firms in providing assistance to Saddam Hussein, but, rather, attempted to put their activities and the responses of his government into context. Subsequently, the Ambassador wrote to the Times in a similar vein, and at the conclusion of my remarks I will include for the RECORD a copy of his letter. I ask unanimous consent to do so.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. GORE. The Ambassador's point is that Switzerland was not alone, and indeed might be better considered as a junior partner in what took place. I certainly understand his point. Other countries were involved. It is abundantly clear that our own country was involved, to a much greater extent than Switzerland. I also understand the problems inherent in seeking multilateral cooperation so that all exporting countries are exercising restraint. And I understand the problems involved in dealing with ambiguous, dual-purpose technologies, which may as well be used for peaceful as for destructive purposes. But in the last analysis, the only way out of this is for each nation to accept not only such culpability as there may be, but also to accept the responsibility to act alone rather than to defer action, pending multilateral agreement on export policy.

Ideally, national export legislation and controls should be approximately equal to each other in terms of their effectiveness in screening exports, deterring violations, and severity of action in case of violation. The multilateral agreements we have cobbled together are still consensual: They are not treaties; they are not enforceable. And, therefore, they cannot yet substitute for action by individual governments to make these transactions high crimes under each country's legal system; to devote the resources necessary to find those who have violated those laws or who are conspiring to violate them, and to punish the violators so heavily as to guarantee the personal ruin of those who are responsible, and to easily threaten the destruction of any enterprise so engaged.

In the course of taking these steps, we and other advanced industrial governments should be utterly deaf to the outrageous demands of various so-called developing countries who regard these constraints as infringements upon their sovereignty. We do not have to recognize the sovereign right of all governments to acquire weapons of mass destruction if they happen to have the talent and money to waste on that process. The spread of these technologies is manifestly a fundamental threat to the security of the advanced industrial nations and the entire world. In our own self-interest we should act to interdict the flow of these technologies, and the louder other governments protest, the more we will know that we are on the right track.

What is needed ultimately are binding international covenants, similar in nature to the Nonproliferation Treaty, whereby advanced industrial nations undertake to make technologies available to others for peaceful uses, providing the recipients pledge to foreswear the military applications of these technologies, under conditions which can be monitored and verified, by highly intrusive means to the degree necessary. This is particularly necessary in light of the problem of dual capable technologies and materials. The only way to permit international commerce in these products—without accepting the inevitability of further profliferation—is to enforce inspection of end use, to assure that only peaceful applications are made. I would add also that suppliers groups focused on different aspects of proliferation need to be expanded so as to make full members out of not only the Soviet Union but also of key Republics of the former Soviet Union, some of which inherit significant manufacturing and technological assets against the background of desperate financial need.

The alternative to radical surgery of this kind is the further spread of the cancer. We have to learn from our experience. Had Saddam Hussein not backed himself into war, had he laid low and continued his operations for a year or two or three, we would be confronting a nuclear armed, totalitarian state, with the credible ability to annihilate countries hundreds and perhaps thousands of miles from its borders. Whether such a mentality as Saddam Hussein's could be deterred by the likelihood of the reciprocal annihilation of Iraq cannot be known. But there is reason for doubt. He and his supporters might be just as blind to the risks, and just as ready to gamble at that future time as they were a year ago. Perhaps even more so.

That kind of risk is so intolerable that the mind shies away from its consequences. And time is not an ally of those who believe we cannot avert our eyes and must take action. Other concerns take over. Attention is diverted by new crises. Those with political or commercial interests to protect will use this time to lobby against new constraints. And even though the threat is mortal, governments just barely awakened to the reality of the danger may yet again be distracted into inattention and lulled into forgetfulness.

I can think of only one way to push this process and that is to invoke public opinion, and the only way that I can think of to do that is to release as much information as we have on those corporations that were willingly complicit in the Iraqi effort, whether they are in Switzerland or the United States or Germany or Great Britain or France or Italy or wherever, or China—in every country, every company that was sufficiently dull-witted to sell dual-purpose materials and technologies to a customer whose objectives any but the witless and the greedy ought to have suspected.

The director of the IAEA has already said that the inspection process and the subsequent analytic effort is revealing a global network of suppliers, and that in his view, the correct approach to this information is—having first screened out the innocent—to treat the remainder transparently; to let the light shine in; to make it public; to expose corporations and corporate leaders who would deal in mass death, in apocalypse, in the destruction of entire nations, for profit.

Why not make it public? Let us see the names of the corporations who were willing to sell this technology to a madman, intent on threatening and destroying his neighbors.

Unfortunately, the IAEA does not feel enabled—given the ground rules established for it by its Board and by the Security Council—to release this information publicly itself. Instead, as it completes the work of assessing the information at its disposal, the IAEA will release that product to governments on a filtered basis: To each government that asks, a list of its own corporations. That may be all that the IAEA can do, but it is drastically inadequate. Any information available to the U.S. Government should be released publicly at once.

Governments are not compelled to ask for information. Having received information, they are not compelled to release it, and some governments, such as that of Great Britain, are clearly opposed to publication because of a fear of severe embarrassment.

Mr. President, I do not have this on official authority, but I am told the Swiss, as one nation, are prepared to be in favor of releasing all this information publicly. I would like to see President Bush take the position that the information on which corporations have sold technologies of mass destruction to Saddam Hussein, the information gathered by these inspectors who risked their lives and were impounded in the parking lot there, be made public for all the world to see. That way we will get a little pressure on the corporations that are selling this technology of mass death; that way we will get some effective pressure to stop this kind of proliferation activity. If they want to make a buck on the possibility of slaughtering hundreds of thousands and tens of millions, then let us expose it to public view and let us see if they want to continue that activity knowing that it is going to become public. It is exactly embarrassment and severe embarrassment that is needed. All governments should be urged to divulge this information and let the chips fall where they may. Ideally, the information should be divulged in its totality on instructions from the Security Council.

I call upon President Bush to take the lead in this matter. And may I say, Mr. President, that I am proud to join my colleague, Senator MCCAIN, in signing a letter, which he took the initiative to draft, to the Secretary of State urging him in this direction. I commend my colleague for his initiative. We must make this information public. To do less is to allow those who were exposed when we lifted up the rock they were hiding under to escape to other shelter. Pending the slower progress of efforts to strengthen national law and improve mechanisms for multilateral coordination among exporter States, exposure of those whose greed could take humanity to the gates of hell and beyond is the nearest, most effective means of self-defense at hand, and it must be used.

Mr. President, I yield the floor.

EXHIBIT 1

SWISS PLAY SMALL ROLE IN IRAQ ARMS DEALS

To the Editor:

In "Defeating Hussein, Once and for All" (Op-Ed, Sept. 26), Senator Al Gore labels Switzerland, among other things, a "well-known haven for arms dealers and proliferators."

It is true that a few companies were found to deal, in violation of Swiss law, with Iraq. Their numbers, however, are far fewer than those in other Western nations. Moreover, indictments were made after each disclosure of unauthorized or shady deals, and a series of legal actions were undertaken well before the imposition of complete sanctions by Switzerland on Iraq in August 1990.

Therefore, I was most surprised that my country had been singled out so as to give the impression we were especially involved in such transactions, when the Swiss have at most been the junior partner of more intimidating powers. I understand that Senator Gore's article, in fact a speech on the floor of the Senate, is part of a series on this same matter, in which he targeted different countries that have dealt with Iraq.

I welcome and commend Senator Gore's initiative to prevent the proliferation of arms and related technology, and I wish we all could learn from errors in this area to avoid repeating them. The Swiss Government has always felt that there needs to be better, more efficient international cooperation in such matters and is willing to increase its efforts in this direction.

EDOUARD BRUNNER,
Ambassador of Switzerland.

WASHINGTON, *October 7, 1991.*

The PRESIDING OFFICER (Mr. SHELBY). The Senator from Louisiana [Mr. BREAUX] is recognized to speak for up to 10 minutes. The Senator from Louisiana.

REDUCTION IN THE CAPITAL GAINS TAX RATE

Mr. BREAUX. Thank you, Mr. President.

Mr. President, it is time for Congress to start listening to the people whom we represent. As is normal, the people are way ahead in their understanding of when something is wrong. Mr. President, in this case, the wrong is the economy of our country.

People all over the United States understand better than all of the economists in Washington that something is not right. They know that when both parents are working and they still cannot pay the house note that something is wrong. Families know that when one of them loses his or her job, our economy is not growing, but is stagnant. People know that when money is not available to start a new business, something needs to be done.

Unfortunately, once again, the people are ahead of most of the elected officials in this country. Is it any wonder why most Americans distrust elected officials to solve their problems when we are unable to even recognize their problems?

Mr. President, it is time to do something more than just to talk about our economic problems and hope that they go away. It is time for Congress to be bold and to propose solutions to get America moving again. The American people are looking to us for solutions and not excuses.

Shortly, I will be introducing a new approach to help stimulate our economy, new in a sense that it addresses one of the criticisms aimed at a reduction in the capital gains tax rate. My legislation will reduce the tax on capital gains in order to stimulate growth and create jobs and reduce our chronic unemployment.

My proposal is simple: Reduce the capital gains tax from the current 28-percent rate to 20 percent for assets held 3 years or longer; to 22 percent for assets held 2 years; and a 25-percent rate for assets held 1 year. Currently, our U.S. capital gains tax rates are among the highest in the entire world. Our major competitors—Germany, Japan, South Korea—either totally exempt long-term capital gains or tax them only lightly. When we talk about lack of competitiveness, one of the first targets must be removing the shackles of an unreasonable capital gains tax rate.

Some argue that a capital gains tax reduction would be a windfall for the very rich. Mr. President, the facts show just the opposite. According to the Internal Revenue Service, nearly three-fourths of all tax returns with capital gains had other income of less than $50,000 and less than 2 percent had other income of $200,000 or more. In addition, nearly one-half of all of the capital gains in dollar terms are received by people with wage and salary incomes of less than $50,000.

Mr. President, in a country where over the last decade middle-income people have suffered the worst of all groups, it is clear that we need to help middle-income taxpayers, and a capital gains tax reduction would do just that.

Yesterday, Mr. President, I voted for extending unemployment benefits for millions of unemployed Americans. It was the right thing to do, and it should have passed over the veto of the President. But make no mistake, unemployment compensation does not create new jobs for people out of work. It does not solve the problem of no jobs. It only puts a Band-aid on the cut. It does not cure the problem.

Mr. President, we need to do more. We need to create jobs, we need to encourage capital formation, and we need to encourage investment in new businesses that will create new jobs. When we have savings and loans that are in trouble, when we have banks that do not lend, when we have insurance companies that are shaky, it is time that we act to ensure that economic growth and investment in America is not just part of our Nation's history, but rather part of America's future.

Mr. President, I believe that we have not acted on a capital gains tax reduction because no one can agree on whether such a proposal increases tax revenues or loses tax revenues. The Treasury Department tells us that it gains $12.5 billion between 1990 and 1995, but the Joint Tax Committee tells us that, no, it is going to lose $11.4 billion over the same period. Mr. President, that should not tie our hands and create paralysis.

My plan says, let us move forward, but let us do so with a safety net of protection, a safety net of protection in case it does, in fact, lose money. If the Treasury Department is right, we all win. More new jobs are created, more revenues are generated, and less deficits are the result. However, if it loses money, my legislation pays for any loss by creating a new fourth top rate of 36 percent on taxable income of $500,000, a half million dollars, or more. If such a rate was triggered by the loss of revenues, it would affect roughly 200,000 taxpayers out of 115 million taxpayers in this country. Mr. President, that is only two-tenths of 1 percent of the taxpayers in this country.

Mr. President, now is not the time to be timid. Now is the time for action. Let us not have to continue to argue about unemployment benefits. Let us act to create new businesses and new jobs and eliminate unemployment. My proposal should answer the question of what this proposal will do by providing the safety net of protection and the fairness that everyone, I think, should support.

Mr. President, I ask my colleagues to join with me in moving our economy forward by cosponsoring this legislation. I ask President Bush to join us in a bipartisan effort to solve what is a bipartisan problem. It is now time for Congress to move boldly with a plan that can, as President John F. Kennedy said, "stimulate a free flow of investment funds and facilitate economic growth, as well as provide more even-handed treatment of taxpayers across the board."

Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. WALLOP. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Wyoming is recognized for up to 15 minutes.

Mr. WALLOP. I thank the Chair.

THE THOMAS-FORTAS NOMINATIONS

Mr. WALLOP. Mr. President, on Tuesday evening the Senate finally voted, to the relief of the Senate and the American people, on the nomination of Judge Clarence Thomas to the U.S. Supreme Court.

No Senator is surprised by this Senator's view that the debate on this nomination seemed endless, and would probably have in fact been so had some on the other side of the aisle prevailed. The Senate must now try to reclaim some of its credibility by moving on to other legislative business and the energy bill would be an excellent option. But I would like to respond to the remarks of the majority leader in his closing arguments before the Thomas nomination vote.

The majority leader began his defense of the indefensible treatment of Judge Thomas by equating this travesty with the Senate's defeat of Justice Abe Fortas in 1968 when President Johnson attempted to elevate him to Chief Justice. The majority leader recounted that in June of 1968 Republican Senators publicly stated that they would oppose any nomination of a new Chief Justice before the 1968 election, arguing that whoever won the Presidency should select the new Chief Justice.

The majority leader, while noting that purely political statement, failed to mention that the retirement of then Chief Justice Earl Warren was a political move timed to ensure Lyndon Johnson the appointment of the next Chief Justice, so the Republicans' clearly political response was entirely understandable under the circumstances.

The leader equates those actions in 1968 with the Democrat majority today taking over 100 days to process the nomination of Judge Thomas, yet missed an important distinction: the opponents in 1968—Republican and Democrat—were honest and straightforward in their efforts to defeat Justice Fortas. The majority leader made a hypocritical pretense of giving Judge Thomas every fair consideration, taking 100 days to move the process forward; in fact giving their allies time to run a nationwide search for dirt and smut.

Further according to Senator MITCHELL, Abe Fortas was opposed in 1968 for reasons having nothing to do with his qualifications, and that, while searching for ammunition to use against Fortas, his opponents "uncovered some financial dealings which ultimately led to his resignation from the Supreme Court."

The majority leader finally noted that Republican Senators in 1968 shouted at Abe Fortas and demanded that he answer specific questions before the committee.

The analogy fails again, Mr. President. Any suggestion that the opposition to Abe Fortas was as scurrilous as the attacks on Clarence Thomas is absurd, and an historical reminder is in order: In 1968 Abe Fortas was accused of serious, continuing, probably criminal financial improprieties. Even Liberal author Bob Woodward, in his book "The Brethren," made no effort to defend Fortas: Abe Fortas was accused in a Life magazine spread of accepting a $20,000 payment from a millionaire named Louis Wolfson who was then under investigation by the Securities and Exchange Commission and who bragged that his friend Fortas was going to help him. Wolfson was later indicted and convicted, and Fortas returned the $20,000.

Wolfson later submitted to the Government documents showing that the $20,000 payment to Fortas from the Wolfson Foundation was not a single payment, but the first of lifetime payments to Fortas, which would continue to his widow for her lifetime. The Government had a copy of the contract specifying these lifetime payments to Fortas, and was about to obtain correspondence between Wolfson and Fortas dealing with the SEC case. These documents were shown to Chief Justice Earl Warren by Government investigators, and a few days later Abe Fortas resigned from the Supreme Court, at the urging not of Republicans but his fellow Justices.

The majority leader's moral equivalency fails as well in their effort to stop the Thomas nomination, the Democrats, their overly aggressive and in at least one case irresponsible staff, and their entire Nationwide Alliance for Justice, People for the American Way, National Organization for Women Leadership Conference on Civil Rights, NAACP Coalition, could come up with one sad individual to accuse Clarence Thomas of wrongdoing. One unsubstantiated claim of sexual harassment, corroborated in its commission or specificity by no one, denied passionately by the accused and dozens of his employees, associates and friends, and the majority leader implies this is on a par with the Abe Fortas accusations.

Last, and perhaps most offensively, the majority leader seemed to suggest that since some Republican Senators behaved badly and without civility or decorum in their treatment of Abe Fortas, the behavior of Democrats today is acceptable. Poppycock! Mr. President. Any Senator who abandoned common courtesy—then or now—should have his judgment condemned.

But let me return to the Thomas nomination specifically.

The majority leader argued that prior Presidents of both parties have sought nominees for the Court who combined excellence with compatible political views, but that the search for excellence has now been abandoned. Such a patently absurd and inaccurate partisan gibe cannot stand: One of the most indisputably qualified, jurists to come before this body—Robert Bork—was denied approval by the Senate despite excellence and because of a perceived political ideology. When faced with the intellectual power of Robert Bork, his opponents hid behind accusations of arrogance and rigid ideology.

When faced with a qualified, articulate, conservative black like Judge Thomas, they found a new screen behind which to hide: inexperience or underqualification. But that failed, and a clear majority of the U.S. Senate was prepared 1 week ago to cast their votes in support of Clarence Thomas, so a new issue had to be found. Sexual harassment. It is all nonsense.

Judge Bork's taste in rental movies had little to do with either his ideology or his qualifications, yet his opposition researchers pored over that information looking for dirt. Clarence Thomas himself said he would not mind being defeated on ideological grounds but condemned his adversaries for attempting to destroy his character.

If, as the majority leader seemed to suggest in his jeremiad on abortion, Clarence Thomas' ideology would have been enough to defeat the nominee, then this whole sordid scandal would not have occurred. But his ideology was not sufficient, nor seemingly did the majority party wish to fight it or face defeat over it. Thus began the week of terror that came close to destroying two people.

What his opponents cannot accept is the role model of Clarence Thomas to all young people today, especially to minorities and the underprivileged of all races: You can achieve your goals, and you can advance your beliefs, and you do not have to comply with some unwritten rule about accepted behavior of blacks or other minorities or women or any other special interest voting bloc whose votes the Democrats have taken for granted for years.

That is what the majority party has most to fear from Judge—no, Justice, Clarence Thomas, a black man from the deep South and the depths of poverty and racism who did not need—in fact rejected—the patronizing paternalism of the liberal Democrat establishment and still made good.

So that led to claims that Clarence Thomas "lacks the experience and the ability that is essential to service on the Supreme Court." Yet last week, before a criminal leak to the press, enough Members of the Senate were committed to supporting Thomas to have ensured his confirmation. A majority of the Senate felt he was sufficiently qualified.

The majority leader asserts that sexual harassment is a serious charge, and indeed it is. But that harassment was never the decisive factor in his decision to oppose Thomas. Does anyone think he would have changed his vote had there been a clear resolution of that issue? No, sir. Last week the votes committed to supporting Thomas were greater than those finally cast Tuesday evening, so to some Democrats at least a wholly unsubstantiated accusation of sexual harassment did become the decisive factor. How is this fairness?

The majority leader asserted that the White House approved a "typical, and tragic" orchestrated campaign to attack and discredit Anita Hill, though the unsubstantiated 11th hour attempt to discredit Judge Thomas failed to elicit his similar sympathy. He asserted that properly skeptical questioning of Anita Hill turned into a search and destroy mission. In over 100 days of steady inquisition and nationwide search for dirt, the opposition failed to come up with anything more than Anita Hill, and with a mere weekend of hearings forced on the country by a majority party unwilling to graciously accept the inevitability of his confirmation, poor Anita Hill's credibility and poor Judge Thomas' credibility was severely damaged.

What the organized opposition failed to accomplish against Clarence Thomas was accomplished against Anita Hill, and not by George Bush, but by Clarence Thomas' visible and unshakable integrity and honesty, joined by a vast array of men and women of decency who know him and would not stand by and permit him to be smeared.

The majority leader asserted that "what happened to Professor Hill unfortunately sent a clear and chilling message to women everywhere: If you complain about sexual harassment, you may be doubly victimized." This Senator does not know what women the majority leader is speaking about or for. Every public opinion poll this Senator saw, from most of the major media outlets, showed, consistently, that a majority of Americans—black, white, male, and female, by at least 2-to-1 margins, believe Clarence Thomas and supported his confirmation.

This Senator finds that polling data at least as exhilarating as the vote to confirm Clarence Thomas—despite all we do in government to demolish such noble notions—the American people still believe in fair play. God bless them for it.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. COCHRAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COCHRAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. the clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. FOWLER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WELLSTONE. Mr. President, I rise to support S. 596, the Federal Facilities Compliance Act of 1991, which I am proud to cosponsor. This is important legislation to close a major loophole in our national system of environmental protection—the failure of previous laws to ensure that Federal Government facilities meet the same Federal and State environmental rules and regulations as everybody else.

It is a tragic fact that many of our Federal agencies and facilities have been among the worst polluters in the Nation. In particular, the nuclear weapons plants managed by the Department of Energy, along with some of our other munitions plants and military bases, have contributed to enormous chemical and radioactive contamination of their sites and surrounding areas. Estimates of costs for cleaning up these facilities run into the hundreds of billions of dollars over the next several decades. There has obviously been a massive failure of our regulatory system.

I am reminded of similar failings in the Soviet Union and Eastern Europe which have received so much publicity. What happened in the defunct Communist systems of that region is not unlike what has happened here: government bodies were allowed to pursue their missions without any incentive to control their pollution. The result was an environmental catastrophe. The same thing would have happened in this country if we had not enacted the Clean Air Act, Clean Water Act, Solid Waste Disposal Act and other legislation to control toxic and hazardous wastes in the 1970's. The lesson is clear: unless there are checks and balances, unless there are controls on public as well as private parties, we will not get effective environmental protection.

The bill at hand is needed to clarify that Federal facilities must comply with the requirements of major environmental laws, including the Solid Waste Disposal Act as amended by the Resource Conservation and Recovery Act [RCRA]. Courts have given conflicting rulings on the applicability of State solid and hazardous waste laws to Federal facilities under section 6001 of this act, and this bill clearly establishes that applicability. The bill also requires each Federal department or agency to make an assessment, within 12 months of enactment, of all releases of hazardous substances from any of its waste management units, in order to see if it is in compliance with all applicable Federal environmental statutes.

At the Federal level, the Environmental Protection Agency [EPA] must have authority to ensure that other Federal agencies are in fact in compliance with the laws it is charged to implement. This bill therefore gives EPA explicit authority to make a thorough annual inspection of each facility to see if it is in compliance with Federal environmental laws; and, if necessary, to take administrative enforcement actions against Federal executive departments or agencies, or against instrumentalities of the legislative or judicial branches. The record of these inspections must be made public. The public has a right to know if their communities are threatened by toxic substances.

Finally, this bill also waives Federal immunity under RCRA so that States can levy civil fines or administrative penalties under section 6001 against Federal facilities which violate their environmental laws. States are presently handicapped by lack of clear legal authority to enforce compliance with their laws. This provision simply puts teeth into State solid and hazardous waste laws which supposedly apply to Federal agencies.

I don't know of anyone who is opposed to this important legislation other than the Department of Energy and the Department of Defense, the two agencies whose facilities are in greatest need of cleanup. It would be a travesty to postpone this legislation since the cleanups of DOD and DOE facilities are already well behind schedule. We are playing politics with peoples' public health here—we are risking peoples' lives.

This bill has broad support and was reported out of committee by a 16-0 vote. The House of Representatives has already passed similar legislation by voice vote. It is time for the U.S. Government to live up to its own laws; otherwise how can we expect anyone else to comply? People are already cynical enough about public institutions without adding to it. It is time to set an example for the country and the world by enacting this crucial legislation.

TRIBUTE TO CARL WALLACE

Mr. SASSER. Mr. President, I rise today to pay tribute to a true Tennessee volunteer and a staunch defender of democracy, retired Maj. Gen. Carl D. Wallace.

General Wallace served with dedication and distinction for 16 years as adjutant general of the Tennessee National Guard.

During his tenure, the strength of the Tennessee National Guard increased by more than 2,000, and it has maintained 100 percent strength or better during the past 10 years.

General Wallace also served as president of the Adjutant's General Association of the United States from June 1977, until June 1979.

Mr. President, these marks of distinction are the capstone of more than 40 years of military service. General Wallace began his career in 1951 as an enlistee in the U.S. Air Force. Transferring to the Army, General Wallace trained as an artillery officer and was first assigned to the 47th Division Artillery, Fort Rucker, AL, and then, later, to the 189th Field Artillery Battalion, 45th Infantry Division in Korea. In 1975, he was appointed as 70th Adjutant General of Tennessee, and he received Federal recognition as a Brigadier General, adjutant general's corps, on February 4, 1977.

His awards and decorations are many, and include the Legion of Merit, Korean Service Medal with two bronze stars, and the United Nations Service Medal. His Tennessee awards include the Governor's Meritorious Unit Citation with two service stars and the National Guard Commendation Ribbon. He has also received the Distinguished Service Medal from the National Guard Association of the United States.

He has also contributed greatly in the civic arena, as a member of the Lions Club, the American Legion, the Veterans of Foreign Wars, and the National Guard Associations of the United States and Tennessee. He also served as State fund chairman of the American Heart Association and American Cancer Society of Tennessee.

In short, he has consistently striven for excellence, tempered with humanitarian values.

Prior to his retirement as adjutant general, Carl Wallace presided over the deployment and return of thousands of Tennessee men and women during the military operation in the Persian Gulf.

General Wallace's professionalism and his sensitivity to the unique needs of the families who were left tending the home front earned him the admiration and appreciation of all Tennesseans.

Mr. President, we wish General Wallace much success and happiness in his future endeavors.

EXPLANATION OF NOT VOTING

Mr. KERREY. Mr. President, today the Senate will hold a cloture vote on the motion to proceed to S. 596, the Federal Facilities Compliance Act. Unfortunately, I will unavoidably be absent from this vote, though if I were present for the vote, I would vote "aye."

OSBORN ELLIOTT'S CALL

Mr. MOYNIHAN. Mr. President, Osborn Elliott has always been a blessing to us. A former editor-in-chief of Newsweek magazine, deputy mayor of New York City, and friend of many years, he has worked throughout to urge on the public an awareness of the plight of our urban centers. I would like to bring to my colleagues' attention a piece he contributed to Newsweek last spring, and to a statement he gave at the U.S. Conference of Mayors this past August. Both are an urgent call for aid to our cities. Mr. President, we would do well to listen. I ask unanimous consent that the text of these articles be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD as follows:

MARCH ON WASHINGTON

(By Osborn Elliott)

Now that the gulf war is behind us, it's time to start planning history's greatest March on Washington, a huge parade of protest by the cities of this land against a national government that has betrayed them. We live in an urban society. Yet, incredibly, our cities have lost their place on the national agenda. Brutal cutbacks in federal aid for schools, housing, food stamps, mass transit and social services have taken a terrible toll. The cuts were deliberate and their effects make daily headlines from Milwaukee to Miami:

A child left by her mother in the trunk of a car for lack of proper day care.

An army of inner-city dropouts honing their entrepreneurial skills by dealing drugs and dodging bullets.

A horde of young mothers and babies who are now the fastest growing group among our homeless millions.

"A Clockwork Orange" violence that has turned our streets and parks into killing fields.

It's high time that urban Americans, as well as suburbanites who depend on the cities for their daily bread, exercise their right "peaceably to assemble, and to petition the Government for a redress of grievances." In communities of 50,000 and in cities of many millions, governmental neglect has caused or worsened all these grievances. It is no concidence that homelessness has soared as federal subsidies for low-cost housing have been slashed by 80 percent. Since the late 1970s, the portion of state and local budgets picked up by Washington has slumped by one third. For New York City, that has meant the denial of more than $20 billion in federal funding over the last decade and $3 billion in the current year alone. That is exactly the size of the budget gap the city is now struggling to close.

No one claims that Washington should take on the whole burden of restoring urban America. Our cities and states, our great corporations and foundations, our academic institutions and our churches must do their part as well. So must ordinary Americans, who already give enormously of their time, effort and money. But all these cannot do the job alone; the federal government has a practical obligation and a moral imperative to assume a much larger role in helping to mend the frayed fabric.

Where should the marchers come from? From East and West, North and South, from cities and suburbs large and small. From San Francisco, where the pestilence of AIDS fights with the homeless for preference and priority. From sprawling Detroit and historic New London, Conn., cities whose downtown hearts barely beat anymore.

Who should join the protest? This march should be nonpartisan—for Democrats and Republicans alike are to blame for the cities' plight. The urban cutbacks started in the Carter administration, accelerated rapidly under Ronald Reagan and continue with President Bush. And all the while, a Democratic Congress has acquiesced in the butchery. Now bankers and businessmen and labor leaders should join hands, just as they did when New York was threatened with bankruptcy 15 years ago, in this crusade for the cities. Civil groups—Lions and Elks, war veterans, chambers of commerce—should join the line of march. Teachers and students and parents should demand that our crumbling schools be restored. Church leaders should rally their flocks to express outrage about their decaying communities. Civil-rights activists should unfurl their banners and raise their voices against the continuing cruelties of urban discrimination and the pathological conditions of ghetto life.

LOVE-HATE AMBIVALENCE

Who should lead the parade? Given the love-hate ambivalence the country has always displayed toward New York, probably not New York or its mayor. Boston's Mayor Raymond Flynn, an expert on homelessness, who is soon to become head of the U.S. Conference of Mayors, is one likely candidate. So is Cleveland's energetic Mayor Michael White. Or Seattle's Norman Rice. Or Mary Moran of Bridgeport, Conn. Or Lee Cooke of Austin, Texas. Or Kurt Schmoke of Baltimore.

When should this great march take place? Late this summer.

A quarter century ago, when Martin Luther King Jr. rallied 210,000 people in search of "jobs and freedom," many months went into the planning of that event. A. Philip Randolph, president of the Sleeping Car Porters of America, had the idea to begin with, and $110,000 was raised to coordinate and run that march. Randolph reached out to Bayard Rustin, the leading intellectual of the civil-rights movement, to plan the enormous gathering down to the tiniest detail. Marchers were advised to bring two box lunches apiece (hold the mayonnaise, the instructions said, lest it go bad in the summer heat). In Washington, 26 public toilets were set up, each with facilities for up to 40 persons. There were 22 first-aid stations, staffed with two doctors and four nurses apiece. And thousands of District of Columbia police, National Guardsmen and volunteer marshals stood by to maintain order, if needed (they weren't). More than 1,500 chartered buses rumbled into Washington, and on the morning of the march 40 special trains pulled into Union Station at the rate of one every few minutes.

Similar detailed planning, probably over a span of four or five months, will have to go into the great Urban March on Washington. That would bring us to late summer 1991. As it happens, next Aug. 28 will mark the 28th anniversary of that glorious day in 1963, when Dr. King dreamed his historic dream. Not a bad moment for our cities to put on parade their own dreams, so long denied, and to regain their rightful place atop the list of America's most pressing priorities.

STATEMENT BY OSBORN ELLIOTT, U.S. CONFERENCE OF MAYORS, HYANNIS, MA

I am a journalist. For almost half a century I have picked my way through a thicket of opposing views in search of fairness and objectivity. I am neither Republican or Democrat.

Once before, I became politicized. That was in the 1960's, in the heyday of the civil rights movement, when I was the editor of Newsweek. I'm proud to say that Newsweek became America's leading journalistic advocate of civil rights.

Now I have become politicized once again. Why? Because that America of the 1960's, that America of our aspirations, has evanesced. Instead of setting high goals at home, our national government now locks its sights on foreign ventures. Instead of nurturing our cities and our children, it has betrayed them.

As a father, as a grandfather, as a lifelong New Yorker and former Deputy Mayor of that amazing city, I'm mad as hell.

The time has come for history's greatest March on Washington—a huge parade of protest by the cities of this country against the indiffience of our federal governmental. I want one million Americans on parade. And I want you, the mayors of America, to lead that march.

The goal is to put the cities of America, and the children of America, back on the national agenda.

The cutbacks in federal aid for schools, housing, food stamps, mass transit and social services have been brutal: since the late 1970's the portion of state and local budgets picked up by Washington has plummeted by one third.

For New York City this has meant the denial of almost $25 billion in federal funding—$3 billion in the current year alone. That is about the size of the budget gap that my friend David Dinkins has just painfully managed to close.

These cutbacks have devastating effects—from crumbling schools to deteriorating health to sharply rising numbers of homeless. Everyone suffers—and in many places young and old alike live at the edge of the abyss.

The problems are not confined to the inner cities. They extend to surrounding areas, to the suburbs, even to rural America. That's why this event should engage everyone: we are all at risk.

Who should join in this crusade for our cities and our children?

Civic groups must join the line of march—Lions and Elks, Kiwanis clubs, women's organizations, war veterans, chambers of commerce, even the Boy Scouts, the Girl Scouts, the Red Cross.

Teachers and students and mothers and fathers must march, demanding delivery on all those promises of a better education—so that America can compete in the world, and so that America's young people can find decent jobs with a real and fulfilling future.

Labor leaders must rally their troops and join hands with bankers and businessmen, just as they did 15 years ago when New York City was threatened with bankruptcy.

Church leaders and their flocks must denounce the indifference that causes their communities to decay.

Civil-rights activists must unfurl their banners and raise their voices against the cruelties of urban discrimination and the pathological conditions of ghetto life.

Doctors and lawyers, artists and merchants, farmers and pharmacists, civil servants and neighborhood leaders must all be heard.

You might call it a million points of protest.

This march must be nonpartisan, for Democrats and Republicans are both to blame for the neglect of our cities and our children. The urban cutbacks actually started in the Carter administration, accelerated rapidly under Ronald Reagan and continue with President Bush. And all the while, a Democratic Congress has acquiesced in the butchery.

When should the march take place?

Saturday, April 4th, 1992. That's right in the midst of the Presidential primaries. And not so incidentally, April 4th, 1992 is the 24th anniversary of the death of Martin Luther King, Jr.

Who should lead the protest?

That's where you majors come in. Imagine the drama of one million people from hundreds of American cities protesting against the government of the United States! Not just the big cities, like New York. Chicago and Los Angeles, but cities as diverse as Bridgeport, Louisville and Boise, as different as Brownsville, Elkhart and Reno. And for that matter, not just the cities themselves but those surrounding areas and suburbs that simply would not exist without the cities.

You and I know that our cities are the very heart of our civilization. And we know that our children are the only hope for our future.

So my plea to you, the majors of America, is to lead this great protest and force the Congress and the White House to take action against our sea of troubles. Thus will we begin to heal our heart. Thus will we begin to burnish our hope once again.

Join the March!

Save Our Cities! Save Our Children!

TERRY ANDERSON

Mr. MOYNIHAN. Mr. President, I rise to inform my colleagues that today marks the 2,406th day that Terry Anderson has been held captive in Lebanon.

But I note that U.N. mediator, Giandomenico Picco, is again in the Middle East attempting to effect his release. Mr. President, I ask unanimous consent that an Associated Press report detailing Mr. Picco's most recent efforts be included in the RECORD at this time.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

U.N. CHIEF SAYS HOSTAGE TALKS "MOVING FORWARD"

(By Peter James Spielmann)

UNITED NATIONS.—A U.N. envoy's efforts to arrange a trade of Western hostages for Arabs held by Israel is moving forward, Secretary-General Javier Perez de Cuellar said Thursday.

The U.N. mediator, Giandomenico Picco, held a marathon 20-hour session of talks in Lebanon with representatives of Lebanese kidnappers and returned to Damacus, Syria, on Wednesday, sources in Lebanon said.

One of the security sources in the Mideast characterized the talks as "tough and complicated," but would not elaborate on the substance of the session, which began Tuesday.

Following the talks, Perez de Cuellar appealed to all parties in the Middle East to cooperate and said the process was "moving forward."

It wasn't known if Picco would return to Lebanon for further talks on his present mission, which began Sunday with his arrival in the Syrian capital.

The sources said Picco was driven Tuesday in a convoy of four Mercedes limousines with Syrian license plates to Nabi Sheet, a village in Lebanon's Syrian-controlled Bekaa Valley 10 miles south of Baalbek. The sources refused to identify the men Picco met with there.

Nabi Sheet is the hometown of two senior officials of the pro-Iranian Hezbollah, which is believed to be the umbrella grouped for the kidnappers: Abbas Musawi, secretary-general of the group, and Hussein Musawi, his distant cousin.

Picco was accompanied by several plainclothes Syrian security officers, who waited outside as he entered the house where the talks were held, the sources said.

Four groups have claimed the abduction of most of the nine missing Westerners—five Americans, two Germans, a Briton and an Italian.

The longest held hostage is American journalist Terry Anderson, who was kidnapped on March 16, 1985. Another Briton, Alec Collett, was kidnapped in 1985, but British officials say he is presumed dead.

Picco had returned to the region this week after holding separate talks in New York with Iranian Foreign Minister Ali Akbar Velayati and Uri Lubrani, the top Israeli involved in the hostage issue.

The Lebanese kidnappers are seeking the release of about 300 Arabs held in Israeli jails or at the Khiam detention center in the Israeli-occupied enclave in southern Lebanon.

Israel had demanded firm word on the fate of six of its soldiers missing in Lebanon.

Iran, eager to improve its relations with the West, has said it would use its influence with the kidnappers if Israel freed the Arab prisoners.

U.N. intervention in the hostage ordeal was requested by the kidnappers in a letter they sent to Perez de Cuellar via British television journalist John McCarthy, who was freed from captivity on Aug. 8.

American hostage Edward Tracy was freed three days later.

On Sept. 12, Israel freed 51 Arabs and repatriated the bodies of nine Hezbollah guerrillas, saying it was in exchange for receiving proof that one of its missing servicemen, Rahamim Alsheikh, was dead.

Jack Mann, a Briton, was freed on Sept. 24.

Alsheikh was captured in 1986 by Hezbollah guerrillas along with another Israeli soldier, Yossi Fink. Hezbollah has refused to say whether Fink is dead or alive.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

CLOTURE MOTION

The PRESIDING OFFICER. The hour of 12:30 p.m. having arrived, under the previous order, the clerk will report the motion to invoke cloture.

The bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to the consideration of S. 596, Federal Facility Compliance Act of 1991:

George Mitchell, Daniel Patrick Moynihan, Quentin Burdick, Paul Simon, John D. Rockfeller IV, Terry Sanford, Max Baucus, Howard M. Metzenbaum, Edward M. Kennedy, Don Riegle, Frank R. Lautenberg, Alan Cranston, John F. Kerry, Albert Gore, Jr., Pat Leahy, Wendell Ford.

CALL OF THE ROLL

The PRESIDING OFFICER. By unanimous consent, the quorum call has been waived.

VOTE

The PRESIDING OFFICER. The question is, Is it the sense of the Senate that debate on the motion to proceed to the consideration of S. 596, the Federal Facilities Compliance Act of 1991, shall be brought to a close?

The yeas and nays are required. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Nebraska [Mr. KERREY], is necessarily absent.

The yeas and nays resulted—yeas 85, nays 14, as follows:

[Rollcall Vote No. 226 Leg.]

YEAS—85

Adams
Akaka
Baucus
Bentsen
Biden
Bingaman
Boren
Bradley
Breaux
Brown
Bryan
Bumpers
Burdick
Burns
Byrd
Chafee
Coats
Cohen
Conrad
Craig
Cranston
D'Amato
Danforth
Daschle
DeConcini
Dixon
Dodd
Domenici
Durenberger
Exon
Ford
Fowler
Garn
Glenn
Gore
Gorton
Graham
Grassley
Harkin
Hatfield
Heflin
Hollings
Inouye
Jeffords
Johnston
Kassebaum
Kasten
Kennedy
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Lugar
McCain
McConnell
Metzenbaum
Mikulski
Mitchell
Moynihan
Nickles
Nunn
Packwood
Pell
Pressler
Pryor
Reid
Riegle
Robb
Rockefeller
Roth
Rudman
Sanford
Sarbanes
Sasser
Seymour
Shelby
Simon
Smith
Specter
Warner
Wellstone
Wirth
Wofford

NAYS—14

Bond
Cochran
Dole
Gramm
Hatch
Helms
Lott
Mack
Murkowski
Simpson
Stevens
Symms
Thurmond
Wallop

NOT VOTING—1

Kerrey

The PRESIDING OFFICER. The yeas are 85, the nays are 14; three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Mr. MITCHELL. Mr. President, I note the presence of the distinguished Republican manager of the legislation and the Republican leader, and the distinguished Senator from Wyoming. I inquire at this time whether, in view of the vote just cast, it will be appropriate to proceed directly to the bill.

As we all know, under the rules, Senators in opposition to taking up this bill could utilize up to 30 hours to delay getting to the bill, which is of course their right. Were that to occur, we would obviously have to just remain in continuous session until we could get to the bill. I hope that we could proceed to the bill now. I merely use this opportunity now to inquire whether or not that will be possible.

Mr. WALLOP. Will the majority leader yield?

Mr. MITCHELL. Yes.

Mr. WALLOP. Mr. President, as the majority leader well knows, there have been negotiations underway which could bear fruit. It is not my intention to delay ultimate consideration or deny consideration of this, but it is my intention to use some of those 30 hours to allow us to continue these negotiations.

My guess is that, in the long run, that saves time rather than expands it. But if not, ultimately we will have to go to the bill. I would like to use my right to some of that time for the purpose of allowing negotiations to be completed.

Mr. MITCHELL. Mr. President, that is, of course, the Senator's right, and I fully respect it. We will proceed then. Senators will have to utilize their time under the rules, and we will simply remain in session until such time as the time expires, and we can get to the bill.

If we are able to complete action on the bill tomorrow, it is not my intention that the Senate be in session other than—at least that there be no rollcall votes tomorrow. If we are not able to do so, then we will just stay in tomorrow and proceed as best we can.

Mr. WALLOP. Again, if the majority leader will yield, I have been talking to both majority and minority staff on the Senate Energy Committee. And it would appear that a negotiated settlement of the things in the committee is within reach. And if that is the case, I would let the bill go, if we got to that point.

But just to make certain that we have the ability to utilize that time and not get run over, I would again suggest to the majority leader that I would exercise my right and hope others would join me while those negotiations are underway.

Mr. MITCHELL. Mr. President, as I said, I understand that, and I respect that.

As the Senator from Wyoming knows, almost every Member of the Senate regularly inquires of me as to what the schedule is for the day and for remainder of the week, and I merely made that statement for that purpose so that Senators could be apprised of the fact that we will stay in session this week to try to complete action on this bill. Obviously, if we cannot, we will then discontinue and resume next week. But that includes tonight and tomorrow, to the extent necessary. I hope very much we will be able to resolve it in a way that ultimately we will be able to save time.

The Senator from Wyoming has indicated that he does intend to use at least some portion of the 30 hours under the rule available for further debate on the motion to proceed. I understand that, and we will proceed accordingly.

Mr. DOMENICI. Mr. President, I think the distinguished majority leader, who has been involved in this effort of Federal cleanup, knows that the Senator from New Mexico may indeed represent one of the most affected States in the Union, and that does not mean that I oppose imposing of us, the Federal Government, what the distinguished majority leader wants imposed; to do as we make others do, as I understand it.

I just want the leader to know we are engaged—and I think it is very, very forthright and aboveboard, and leading toward some good conclusions—we are negotiating to, in some ways, help the bill. We are concerned about some parts of it in terms of how it will be implemented. Fines are imposed that go from one Federal pocket to another; fine the Government and put it in EPA's pocket. We are not too sure about how that works.

I want you to know that I do not intend to delay. But this is a very, very serious bill for some of us, and we want to try to make it even better than the majority leader's efforts, as they show up in this bill.

I thank the leader.

Mr. MITCHELL. Mr. President, I appreciate the concerns of the Senator from New Mexico, and I appreciate his contribution to the bill. I hope it can be satisfactorily resolved.

Mr. SARBANES. Will the majority leader yield for a question?

Mr. MITCHELL. Yes, certainly.

Mr. SARBANES. As I understand it, it is the intention of the majority leader to keep us in session until we go on this bill; is that correct?

Mr. MITCHELL. That is correct.

Let me say, just so we can keep this in some perspective: First, to begin at the end, there are negotiations underway, and I believe and hope that they can result in a resolution of this that will permit prompt consideration and enactment of the bill. That is ultimately my objective.

To move back a little bit, to put it in perspective, I began this effort 5 years ago. This bill has passed the House three times by overwhelming margins, and has twice been reported unanimously by the Senate Committee on the Environment. This is a matter that is not of recent consideration. It has been under intensive consideration for some years.

When it passed the committee, the Environment Committee, earlier this year, I was asked at that time on the record by those who were concerned about some aspect of it, would I withhold bringing the bill to the floor for a period of time—and we discussed specifically a month—to permit negotiations to occur in the hopes of working it out.

I assented to that request, and in fact did not hold it up for a month, but several months—I think it is now 5 or 6 months—in an effort to do that. As so often happens, negotiations do not seem to take on an intensity until the matter is immediately before us. So we finally now brought it up, and I hope we can proceed to it.

I just want to say to my colleagues, this bill has a very simple purpose. All this bill says is that the Federal Government must abide by the environmental laws which it imposes upon others. And the enforcement of those laws will be the same as to the Federal Government as it is to others. In fact, I believe that the original law of some years ago provided for that.

The reason we are here is that courts have disagreed on interpreting that law. Some have said yes, that is what it meant; others have said no, that is not what it meant. So we are here now to clarify that and make it clear once and for all the Federal Government must obey the same environmental laws which it imposes upon States, municipalities, and private citizens.

I hope we are going to be able to work it out.

Mr. SARBANES. Will the majority leader yield further?

Mr. MITCHELL. Yes, certainly.

Mr. SARBANES. Well, of course, no one takes a negative view toward reasonable negotiation, negotiations that might reasonably work out differences. But the legislation is designed to accomplish certain purposes, and I am very frank to say to the majority leader, I do not think that the threat of delay ought to be used as a weapon in the negotiations to obtain adjustments that would otherwise not be seen as being reasonable and proper.

We can stay in session here for 30 hours and at 7 o'clock tomorrow night, when the time on this motion expires and we are on the bill, we can then face another filibuster on the bill, which is actually probably where this should have taken place, when you are actually dealing with the substance of the legislation at that point. But we are being subjected here, I guess, to a double filibuster. And it just seems to me at some point we just ought to say, well, fine, we will stay here and let the time run, and then we will get to the bill in the normal course.

I am not involved in those negotiations, and hopefully they address matters that can be reasonably reconciled appropriately.

I know the majority leader is very much involved in the substance of the legislation. But it seems to me that at some point we have to say, well, fine, people take that position. The procedures provide for the time running. The Senate is prepared to stay here and let the time run rather than have it used as a lever to obtain concessions that would not otherwise, in reasonable discussions, be appropriate.

I do not know where that point is, and we may not be there. But I just want to make that observation. This is a filibuster not on the bill itself. This is on the motion to even get to the legislation. I do not know how you are going to run the Senate if even just to get to a piece of legislation we have to go through this process. Maybe we ought to let the 30 hours run. I am prepared to be here in order to help to accomplish that purpose if it becomes necessary.

I understand it may not be necessary and perhaps the negotiations are dealing within the area of reasonableness. But if this process of just holding this thing up and putting everything into limbo in order to use it as a lever to obtain adjustments that would not otherwise reasonably be done on the basis of the substance is underway, I think we just ought to let the 30 hours expire.

I do commend the majority leader, at least, for his indication that it is his intention, in effect, to do that if we cannot resolve this situation in some other way.

Mr. MITCHELL. Mr. President, I thank my colleague. I wish to make clear two things. First, I have stated that we will, in fact, stay in session if necessary to get to the bill. But, second, it is my strong hope and my expectation that it will not be necessary to do so. There have been discussions. These are difficult issues. There are credible points of view involved on all sides.

The problem has been to get engaged in discussions. And as we all know, until we actually get a bill up and get to that point, it is hard to engage people in serious and intensive negotiations. But I believe we are at that stage. It is my very strong hope that we can work it out in a way that is responsible and that will permit us to pass the bill, hopefully today. So we are doing that.

I am going to yield momentarily to the Senator from Wyoming so that he may begin to utilize his time, even as I say I very much hope we can work it out. My staff has been engaged in such negotiations pursuant to my instructions, pursuant to an effort to arrive at a reasonable accommodation for all concerned.

I merely wanted to state my intentions so that all Senators would be aware of what the prospects will be for the next couple of days on this matter.

I am now pleased to yield to the Senator to use such time of his hour as he wishes, and hopefully the negotiations can continue.

FEDERAL FACILITIES COMPLIANCE ACT

MOTION TO PROCEED

The PRESIDING OFFICER (Mr. AKAKA). The Senator from Wyoming is recognized.

Mr. WALLOP. I thank the majority leader. I find myself in an unusual position. I am not generally one who does spend time delaying the process of the Senate, figuring that the Senate itself provides for its own delays. But there are some serious matters that have not been wisely considered that are contained within this bill. I cast no aspersion on either the proponents of the legislation, its authors, or otherwise, when it has been said that it has been passed by large margins in the House twice and twice been reported by the Committee on Environment unanimously. That does not give this Senator, nor should it give the Senate, the American people, or their Congress a great deal of confidence. Because RCRA is only just becoming known to the American people.

There are enormous budget considerations to this bill, the likes of which cannot be forecast; not by OMB, not by CBO, and not by diviners looking into crystal balls.

Should States, exercising their rights to sue the Federal Government under RCRA, be granted funds? Who can determine, one, what the success rate of the States is going to be; and, two, where the money is going to come from? So this is not an issue about cleaning up mixed and hazardous wastes all by itself. It is a budgetary issue.

It is my belief and the belief of others that a budgetary point of order lies against this bill. It would be my preference not to have to do that because the fact of mixed and hazardous wastes in our States and within our country and within our borders is a serious business which needs addressing. But it ought to be addressed in a rational way which does not eliminate the ability of America, its States, its businesses, or its people to compete in the world.

Our Government is too expensive today to allow one element of our Government to engage another element of our Government in constant lawsuits and the payments of fines of taxpayers' money over which neither has any control. Clearly the poor, benighted taxpayer is the last amongst equals in this issue, whose money is wasted in lawsuits and fines. Appropriations that go to one Department for the purpose of cleanup are now denied that very Department from the funds committed to cleanup.

Where, Mr. President, is there logic in that? There has to be some better solution than to take the money devoted and appropriated for cleanup away from the agency obliged and committed to do that cleanup. It is bizarre, Mr. President. But I guess one has grown used, in this day of actions of Congress, to accepting the bizarre as the normal and accepting inefficiency and incompetence and mediocrity as the standard by which all other judgments and actions are taken.

But we do not have to do it, Mr. President. We absolutely do not have to do it.

Let me address what S. 596 is all about. It makes all Federal facilities subject to fines and penalties to be paid from the Federal Treasury for violations of RCRA. RCRA precludes land disposal of hazardous waste that has not been treated, and it also precludes the storage of such waste.

Problem No. 1: If you cannot store it and you cannot dispose of it, what in God's green Earth is one expected to do with it? What one is expected to do with it is pay a fine for possessing it, and that gets us nowhere near the cleanup, nor, frankly, does it resolve any of the problems.

The Department of Energy, the National Institutes of Health, the Veterans Administration, all of these agencies and others, too, generate mixed waste having both radioactive and hazardous components, and it is not accepted by commercial hazardous waste treatment facilities because of its radioactive component. Mixed waste requires a treatment technology different from hazardous waste. We have become rather skilled as a nation in the dealing with and disposal of hazardous waste.

The technology: Mr. President, here is where the problems come. The technology is being developed, but it does not exist at present for all forms of mixed waste. Go back to the premise of the bill: You are not allowed to store it and you are not allowed to dispose of it, but the technology of dealing with it does not exist. A fine comes, and where does that lead this Nation and what possible competent use of the taxpayers' dollar is encompassed in that action?

It is idiotic. It is a nation wrapped in navel gazing that cannot lift its eyes from its technology—like a fascination with immortality—to the reality of a world where there are some things we do not know how to do yet. So we fine ourselves for not knowing how to do it. We prohibit ourselves from doing it. And we are set up in S. 596 to do just that to ourselves.

How is there logic in that?

What happened to a country that prides itself on technology expertise and a certain modicum of practicality, a certain ability to deal with problems and commit our ingenuity and our technology to dealing with them, but at least managing to cope until we have arrived?

We are saying we cannot cope, so we will fine ourselves and we will fine ourselves out of the money devoted to trying to determine how to cope. We are a brilliant country that has chosen that solution, and it is no wonder that we are unable to compete with the Japanese and Germans in the marketplace because we waste our efforts—technological and scientific—our resources, and other kinds of things, on this silly kind of fadism that one element of Government can fine another element of Government and the taxpayer does not have to pay any of that. All he has to do is sit by and see his resources coming out of his or her pocket for which he or she has worked endlessly through many hours, and see it flowing back and forth between agencies of Government, through the courts, to accomplish what, Mr. President? To accomplish a delay in the very resolution of the problems that bring us to the introduction of such a bill.

As if it were not enough that no such technology exists, and if it were not enough that one agency of Government can fine the other, Mr. President, let me make a point, and let me ask the Senate which just voted to go right to the consideration of this bill, to question their judgment and not their passion for a moment, to slip out from under the bonds of green ratings that bring money for campaigns and other kind of things and look rationally at the problems that exist in America.

Mr. President, there are today no existing EPA regulations regarding mixed waste for which treatment technology does exist. How can we fine ourselves for circumstances which are beyond our ability even to formulate regulations, and yet that is precisely what this bill seeks to do.

What we are seeking to do, in the moments the negotiations are going on, is to provide some element of rationality to this process; that we deal with the problems and hazards of mixed waste not by postponing our ability in technology by denying them resources which we have already appropriated to them, but by proceeding with it and allowing ourselves the means by which we can resolve this problem.

Had Dr. Seuss had any idea of the idiocy of this program, as devoted as he was to the environment and the things in this Nation, he would have been able to concoct a series of characters, as he often did, the ironic inconsistencies of which confuse them inevitably and amuse us into thinking rationally on such a serious issue.

Mr. President, if it is not enough that the EPA does not have the regulations and that one agency of Government can sue another agency of Government, the States can sue the Federal Government under the terms and provisions of this under terms and conditions which they concoct within their own bounds.

Mr. President, there is no greater devotee of States' rights in the Senate, nor with a more consistent voting record toward States' rights, than the Senator from Wyoming. But it ill behooves a Congress to try to yield the sovereign immunity of the United States to the States over rules and regulations and laws which have yet to be drafted or, if they have been drafted, can be used to sue the United States and levy fines and have the courts collect costs.

How, in an era of budget deficits, are we going to plan for what the courts will give to the States when we do not know the laws that they have, the regulations they possess or might promulgate or might yet pass? How can we sit here uniformly, Republicans and Democrats alike, and say what are we going to do about this deficit, and then toss into the hat something that could cost the Treasury billions for purposes about which we do not know and which will come out of the money to cleanup the waste and the research, the technology that does not exist?

Mr. President, these are the actions of a foolish Nation, not the actions of a Nation devoted to resolving its environmental problems.

Additionally, even though technology does exist for some waste streams, there has not yet been time, Mr. President, to construct enough facilities to process those mixed waste streams. We are on the cutting edge of technology, Mr. President. We are trying and tryig as a nation to advance it, and we are saying it does not matter that you have not arrived there and that you do not have time to build it, you should have put it in place even though it did not exist, and you can be fined for not using what you have not had time to construct. And where does the money come from but the money to construct even those technologies which we now possess that we ultimately can use to resolve some of the problems of these waste streams?

Mr. President, it was not clear until 4 years ago that mixed waste was covered by RCRA. When we say that the House has passed this legislation a couple of times by large margins and the Committee on Environment and Public Works unanimously in previous years, it is because they did not know what RCRA was. It is a law which we are about to reauthorize and even now is causing controversy because it is not clearly developed either in regulations or in law. But until 4 years ago, it was not clear that mixed waste was part of the territory that the intent of RCRA covered.

Again, let me point to the irony of what we are about to do, Mr. President, because it is a level of frustration for this Senator that our impatience as a Nation outruns our judgment sometimes. Mr. President, it takes 6 years after the technology is developed just to gain approval for a site to place the technology and begin to construct it. So here we have put in place an impediment to getting there, a series of laws and regulations which will not allow us to use the technology that is on the cutting edge because we have to have site permissions and approvals and construction permits and all the other kinds of things. It takes us 6 years.

I remind you, Mr. President, only 4 years ago did we know that RCRA covered this stuff. So now we are about to say both to the States and the other agencies of the Federal Government, you can sue the EPA or the Veterans' Administration or the National Institutes of Health or the Department of Defense because these mixed waste streams have not been cleaned up, but we will not give you permission to construct them. Yet we will fine you for storing them because that is not allowed, for not disposing of them because we have not permitted you to build the disposal.

What kind of a nation, Mr. President, does that to itself? What kind of nation is so healthy that it can indulge itself in this kind of idiosyncratic behavior, that it spends billions of dollars passing forth amongst agencies of Government, all of which deny us the efficient approach and conclusion to the storage of these wastes.

Now, the Senator from Wyoming is not denying that the wastes must be dealt with. He is not denying that they are hazardous. He is not denying that hazardous mixed wastes are extremely complicated and a serious part of the Nation's environmental health. But the Senator from Wyoming wants to get to the point where we can do it. And you cannot get to the point where you can do it by simply denying yourself day after day the ways and means of getting there because of a fascination with the courts, because of a fascination with regulations as yet unwritten, laws as yet undrafted in the States, by an EPA that does not know what they are, will not give approval for the technologies to deal with them, will not allow the construction of the technologies that do exist. What kind of nation tells itself that it ought to spend time in court over those kinds of issues? It is idiotic. It is wasteful. And the taxpayers simply ought not to have to put up with that.

Now, Mr. President, NEPA compliance is part and parcel of this program. That is part and parcel of what takes us 6 years to arrive at. So it becomes impossible for the agencies of Government that I have mentioned to comply until the facilities are constructed, and in many instances until the technology is developed, and just within the Federal Government the asinine transfer back and forth of up to $5 billion that is devoted to this very topic by the appropriations of the United States but comes out of the hide of offending agencies and into the coffers of other agencies that sue them.

Now, Mr. President, this is bad enough, as I have described it, but the medical research community has a dilemma as well. How do they deal with mixed wastes containing both radioactive and RCRA hazardous waste? It involves highly technical as well as regulatory issues but was recently well described as follows, and let me quote, Mr. President. "The waste cannot be disposed of without treatment. Treatment is not now available and the storage of waste until treatment technology or capacity can be developed is a violation of RCRA."

So what do we do, Mr. President? Do we stop medical research so that we can fine ourselves? Do we take money from the study of AIDS and other kinds of things so that we can pay fines while we wait for technologies to be developed under a law which prohibits its storage?

That is what S. 596 is all about. The Department of Health and Human Services, like DOE, like the Department of Defense, like the Veterans' Administration, supports the regulation of hazardous wastes, but they have a number of questions about the validity of RCRA regulations as currently written and applied to biomedical waste treatment.

As an example, Mr. President, a 5-gallon carboy of aqueous waste containing tracer levels of carbon 14 and 6 parts per million of chloroform is considered a mixed hazardous waste. There are many safe and practical methods for disposal of this waste but RCRA's regulations deny them to us. So we do not even allow ourselves to use the technology which exists because of a set of regulations developed under RCRA which deny us the ability to do that.

Now, more than 80 percent of all biomedical research, Mr. President, involves the use of radioactive materials. And this alone generates some 30 to 40 percent of the total volume of low-level radioactive waste produced annually in the United States. Much of it is classified as mixed waste. However, it should be noted that this waste stream contains only 1 to 2 percent of the total radioactivity of that generated by utilities in their low-level waste treatments. The 1 to 2 percent figure is the one most frequently quoted and has led many to assume that the problem is trivial for the biomedical community. Unfortunately, nothing could be farther from the truth.

One source has recently estimated that the cost of disposal of mixed waste will reach between $10,000 and $50,000 per cubic foot under the terms and regulations created by RCRA. And the $10,000 to $50,000 wasted on trying to find technology to store that, Mr. President, comes directly out of the hide of advanced medical research, make no mistake about it. And under RCRA and by the regulations of the EPA they are not required to make the slightest judgment as to the hazards contained in these things, only that they are mixed wastes and cannot be stored and the technology to dispose of them cannot be permitted.

That is what this bill is about, Mr. President. That is why some of us, too small a number of us, have focused on it.

Again, let me point out it is not that we deny the risks and the problem of mixed wastes. There has to come some moment that we, in a nation with a budget deficit as high as ours, with a competitive problem as great as ours, simply cannot afford the luxury of one agency of Government fining another agency of Government, keeping it in court, costing it money for the elimination of no risks at all.

What happens to our lead in technology when we do this to ourselves? What happens to the timeframe in which medical advances can take place, when you have $50,000 a cubic foot for the storage of mixed waste, technology for which and the safe disposal of which exists today but is denied by RCRA?

It is not that RCRA claims that there is public hazard in using current technology. It has simply drafted regulations which do not permit the use of current technology. They make no claim that the public is in some way threatened or endangered by these storage technologies. They have just written the regulations differently, at great expense. And if the expense is too great, the fine which comes out of the hide of medical research, shutting down facilities, shutting down promising technologies, shuts ourselves off from the genius which has led and guided this Nation all the time.

There is a hazard and a threat and a danger to the public health and safety, by all means. That is not what we are talking about. What we are talking about is a set of regulations that do not accommodate safe storage practices today and they are admittedly safe storage practices which somehow or another the words of the regulations got wrapped around the phrases of the English language and the technology of America to deny them to us.

The cost of storing this waste on site at medical facilities in addition to the dangers inherent in that approach are simply prohibited. The assumption under which both Congress and EPA have formulated all radioactive waste disposal laws and regulations is that increases in cost can be passed on to the consumer.

What an assumption? What an arrogant assumption by bureaucracies by which we live within the beltway and could not figure that the consumers—the people that we represent, who work hard for the moneys they earn—and simply pass on a cost to a consumer without telling that consumer that he has one iota of increased safety because of this piece of insanity. Yet that is what we are about to do, absent some modest structure.

Oh, how easy it is to terrify the public by saying radioactive waste. How can you expect the public to gain expertise in what hazard is contained in this language? Dreams of Chernobyl, Three Mile Island, and other kinds of things and low-level mixed waste which has been handled safely, Mr. President, for years until RCRA came along and only 4 years ago discovered that it ought to control hazardous streams of mixed waste—and other laws of the United States protect us from ourselves and prevent us from achieving the safe disposal of these things—so that the courts and the lawyers of the agencies can confront each other, pay moneys into each others' coffers and deny them the very intellectual capacity to resolve the problems which brings us to the introduction of such legislation in the first place.

Mr. President, after May in 1992, when the current national capacity variance expires, mixed wastes can be stored for no more than 90 days, this despite the fact that there are no disposal outlets for most of this type of biomedical research wastes, and the methods to treat them onsite do not exist.

Mr. President, this is not a fairy tale. This is reality. This is what the Senate is about to do to itself. I do not know what it takes to bring us to our senses to examine what it is that we are going to do. We are asking an America that is genius to deny itself genius. We are asking consumers to pay for frivolity that we are developing here on the floor of the U.S. Senate so that agencies can sue agencies. Agencies that deny agencies the ability to store or dispose of these things can sue them for having them.

I mean, this is a Government that belongs to all of us. It does not belong to the agencies. The money that funds them comes out of the pockets of the people in the gallery, the people in Wyoming, the people in Illinois, the people in Hawaii. We are letting them play games with it—not to increase the safety of Americans but to increase the importance of agencies, lawyers that work for them, staffs that write regulations for them, and the Congress that cannot see beyond its nose to what it is about to do to itself and its people.

Under section 3008(h) of RCRA, EPA may shut down a facilities operation or can assess a penalty of up to $25,000 a day for each violation. Is the Senate willing to say this afternoon that medical research will have to cease because we cannot reach a regulatory requirement that we have put on one agency of Government to the surprise of itself and the Congress that wrote it?

Congress really must consider the human costs of following RCRA as currently written, but the human cost of RCRA as currently written falls even greater, and deeper understood are the terms of S. 596 as it is presented to the Senate this afternoon.

Maybe I do not belong in the Senate. But I do not understand how a country can do that to itself. I really do not understand it. I really do not understand the country that has its agencies suing each other, fining each other, and taking appropriated funds, appropriated for one purpose, and put into the pockets of another agency for another purpose, and then complains about its deficits. I really do not understand it.

Perhaps I am not a modern man. Perhaps I do not understand what it is that makes modern government function. I daresay the people in Wyoming do not understand either why one agency of Government should sue another for the disposal of wastes that it, under other laws and provisions, denies it the ability to confront.

Mr. President, I would like to read a letter from the Assistant Secretary for Health, for the Department of Health and Human Services, about this problem of medical wastes. This is not a fantasy that is dreamed up by the Senator from Wyoming. These are the real idiosyncratics of modern American Government whipping itself into a frenzy and not allowing itself to proceed and use the genius of America.

> DEAR SENATOR MITCHELL: The Senate will soon consider S. 596, "The Federal Facilities Compliance Act of 1991." Under this Act, all Federal facilities would be subject to state civil penalties and fines under the Solid Waste Disposal Act for failure to comply with solid and hazardous waste laws and requirements. This would have a negative impact on the National Institutes of Health (NIH), particularly with respect to the problem of "mixed wastes," those containing both radioactive and hazardous wastes. NIH would be exposed to potentially costly litigation and penalties for the storage of mixed wastes.
>
> Mixed waste is, unfortunately, an essential byproduct of most biomedical research. Over 80 percent of all biomedical research involves the use of radioactive materials. Included is virtually all genetic research—

From which Americans have one Nobel Prize.

It shows more people with AIDS, Mr. President.

> most research on cancer, vaccine development—

Which is one of the things that we hope for in terms of AIDS, cancer, and other diseases that afflict the human existence—

> and research on many life-saving therapies.
>
> Mixed waste produced at NIH typically contains an extremely low-level radioactive component which prevents the waste from being neutralized and treated as any other environmentally hazardous waste. On the other hand, the hazardous chemical component of mixed waste prevents it from being transported and stored permanently at a radioactive waste storage site. Therefore, mixed waste is a special category of waste caught in a "catch-22" situation.

You cannot transport it, you cannot store it on site and you can be fined for either.

Mr. President, why are we doing this to ourselves? What is it that the Senator from Wyoming is missing in the equation that will not allow ourselves to do either thing with it and then fine ourselves for standing still?

Because there is no technology for treating mixed waste and no place to transport and store it, there is no alternative but to store mixed waste on site at great expense. NIH-mixed waste is presently stored in a special building on the Bethesda campus, which will reach full capacity within the next year. Until other options become available, NIH has little alternative but to build further storage capacity for mixed waste. S.596 has the potential for exacerbating an already costly problem.

The assumption under which both Congress and the Environmental Protection Agency have formulated radioactive waste disposal laws and regulations is that increases in costs can be passed on to the consumer. However, in medical research, the increased cost only reduces the amount of medical research that can be supported.

If S. 596 prevails in its present form, potential litigation and penalties will add to the cost of mixed waste storage and directly reduce NIH funds available for research grants.

When the Senate considers S. 596, there will be an opportunity to address some aspects of these problems. We support the administration's amendments dealing with mixed waste. It is certain that without some action on the part of Congress, biomedical research conducted at NIH will be impeded.

I might say that at a certain moment in time, the Senator from Wyoming predicts that biomedical research conducted at NIH, or within the continental United States, will come to a stop.

Mr. President, why do we do this to ourselves? Why is it that a Nation that leads the world in medical research would begin to make it so expensive that it cannot compete within its own boundaries for the right and privilege to continue that research?

Why is it that when we know that we can make safe transportation of this, safe storage of this, we sit around and try to figure out a way to fine ourselves $25,000 a day, rather than use what we know and come to a practical solution of the problem? A fine of $25,000 a day from one Government agency to another is not a practical solution, Mr. President, no matter how you try to lay down and view that problem.

It simply makes no rational sense. Americans had the spectacle of the Senate at war with itself over the last week. Not content with that, the Senate is about to set the Government at war with itself, at great cost to the taxpayers, and without a resolution of the problems that we say so proudly that we sit here and try to make ourselves the heroes of.

Radioactive waste scares the pajamas off Americans, and it ought to. But think about this, Mr. President: How long has it been stored out there, these low-level wastes? How long have the people at NIH and other medical research facilities at colleges and universities around America been using this stuff? How many Americans are dead from that, Mr. President?

What risk is worth setting the Government at war with itself over? It is unseemly enough that the Senate wars within its own curtain. Why do we set one Government agency at the throat of another? Especially giving the one agency that is most likely to be at the throat of the other the means to deny the resolution of the problem to the agency being sued. But that is what we are about.

Americans, in their homes, cannot be expected to know what we are about, merely by stating that we have introduced a bill to protect them from mixed waste containing low levels of radioactivity. It is hard for somebody in politics to come up here and suggest that maybe the risk of the waste is far less than the risk of what it is doing to ourselves as a society.

The demonstratable position on this waste cannot be made by science, but it can be made by flamboyance. It cannot be substantiated with statistics. But it can be substantiated in glorious speeches about how "I am protecting you from radioactivity." "No Chernobyl in your backyard," whether it be the great medical universities of America, or the great institutes of the Federal Government and the voters, the resolution of diseases, elimination of them, advancement of the health and well-being of all Americans.

That is why it is worth taking a little time over S. 596, Mr. President. That is why we really ought to pay attention before we leap and maybe for once, for the moment, set aside the war with ourselves and certainly set aside the temptation to put the States at war with the Government, the agencies of Government at war with themselves, and try to get some bang for the bucks that we peel out of the hides of the taxpayer, the working men and women of America.

They do not need to spend it on Government lawyers, Mr. President. They need this money to be spent by the agencies on developing the technologies to take care of whatever risks are out there. They do not need their taxpayer dollars going to pay some State for a new set of laws and regulations that it possesses, to drive out Federal health facilities, or defense facilities, or veterans facilities from within their midst, and ask us, down the road, what are we going to do to replace that lost Federal presence that once operated in their midst.

The Senator from Hawaii well knows how valuable certain Federal facilities are to certain local economies within our boundaries; and when we seek to shut them down, whether they are defense, or research, or Bureau of Land Management installations, you cause severe local economic distortions by moving them; and then you hear that Congress is authorizing the State to sue them out of their existence, and other agencies of Government can do that same thing, creating wars within the boundaries of Government, so that agencies can sue each other and occupy the courts.

Mr. President, we have better uses for our courts, and if we do not have better uses for our Government lawyers, we ought to have fewer Government lawyers so they can occupy their time more efficiently.

The public cannot be expected to shoulder their expense. And the public cannot be expected to be satisfied with a Government that shuts down its medical research facilities or with the imposition of fines or the creation of costs for the storage sites of waste that exceeds any rational threat to either the employees of those sites or the neighbors that surround them.

And as these medical facilities begin to store greater and greater volumes on site, you do finally begin to get around the corner, where they might in fact be a public hazard. But why do you have them in that volume? It is because Congress said you cannot do anything else with them unless you be fined $25,000 a day for having them on site.

Does it not seem to America, does it not seem to the Senate, does it not seem to someone that this is ironically stupid? So, Mr. President, that is what S. 596 is about. I will have more to say on it in another moment.

It is my hope that the negotiations that are going on now resolve a problem that the Senator from Wyoming does not deny exists. But I was merely pointing out the additional problems that are created by the passage of this legislation without resolution of the problems that exist.

The sponsors of this legislation, those who passed it out of committee, and those who voted to proceed, all ought to have one common purpose, and that is to relieve Americans of the risk and hazard of things that really threaten them in the safest and most efficient way possible. And the safest and the most efficient way possible is not to use the funds devoted to the advancement and development of technology and the payment of fines back and forth between States and the Federal Government and agencies within the Federal Government.

Mr. President, I suggest the absence of a quroum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SANFORD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. SANFORD. Mr. President, I ask unanimous consent to speak for 6 minutes as if in morning business.

Mr. WALLOP. Mr. President, reserving the right to object, I have no objection to the Senator speaking as if in morning business. But I want the time to be consumed from the 30 hours.

Mr. SANFORD. It will be, and I have checked that out.

The PRESIDING OFFICER. The time will come from the 30 hours.

Mr. WALLOP. It will count against the 30 hours?

The PRESIDING OFFICER. Yes.

Mr. WALLOP. I thank the Chair.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from North Carolina is recognized.

Mr. SANFORD. I thank the Chair.

(The remarks of Mr. SANFORD pertaining to the submission of Senate Concurrent Resolution 70 are located in today's RECORD under "Submission of Concurrent and Senate Resolutions.")

Mr. WALLOP. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. LIEBERMAN). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DIXON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. DIXON. Mr. President, I understand that my distinguished colleague and friend from Wyoming has permitted people to proceed as though in morning business with the understanding that the time consumed would be charged against the bill or against the 30 hours as presently running. Is that my understanding?

Mr. WALLOP. The Senator is correct; as long as it is charged to 30 hours, I have no objection to those proceedings.

Mr. DIXON. I thank my dear friend for that accommodation.

Mr. President, I would like to make a statement that I do not think will consume more than the time by the hour of 3 o'clock. I want my friend in the Chair to understand that I am the next person in the Chair. If I impose upon him for a minute or two, would he be tolerant of that?

The PRESIDING OFFICER. The Chair finds it easy to be tolerant of the Senator from Illinois.

Mr. DIXON. I thank my distinguished friend, the Senator from Connecticut.

THE INTERIM FINAL MEDICAID REGULATIONS MUST BE WITHDRAWN NOW

Mr. DIXON. Mr. President, on September 12, the Health Care Financing Administration [HCFA] published regulations that will have a serious adverse effect on my own State of Illinois, and more than 30 other States. Because of HCFA's arbitrary interpretation of what State revenues qualify for use to match Federal Medicaid payments, the ability of States to meet rapidly rising Medicaid costs and to provide critical health care services to those who so badly need them are being unnecessarily compromised.

The Omnibus Budget Reconciliation Act of 1990 [OBRA 1990] permits States to use what are called provider taxes as Medicaid matching funds.

The administration, however, wants to restrain the growth of provider donations and taxes, and is therefore working to undermine the authorization for the use of these revenue sources. It has now issued vague and ambiguous regulations regarding these tax programs, and has taken extreme liberties in interpreting congressional intent.

I have learned that the Illinois taxing plan appears not to meet the guidelines. However, HCFA has given some other States with very similar plans informal assurance that their donation or tax programs meet agency guidelines. What makes one State's plan acceptable while another is not, is unclear in the regulations, and continues to be a mystery to me. Frankly, Mr. President, this is troubling.

The Illinois medical assessment plan was unanimously approved by the Illinois House and Senate, signed into law on July 24, 1991, and has been submitted to HCFA for approval. The State plan addresses the rising Medicaid costs, spiraling caseloads, and ever-expanding Federal mandates and insufficient Federal financing.

As a means of helping to cover the costs of medical care, the Illinois plan assesses hospitals, nursing homes, facilities serving persons with developmental disabilities, and community mental health centers according to their Medicaid revenues. This is perfectly legal under current Federal law.

The proposed regulations, however, effectively undo all the work my State has done. The result will be real damage on the State's ability to deliver health care to the most needy Illinoisans—poor families, including children, the elderly, and disabled. In other words, the most vulnerable individuals in our society will no longer receive adequate health care.

Moreover, I am concerned about the adverse impact the Medicaid regulations will have on other programs in the State of Illinois. The fiscal year 1992 State budget began last July. The administration's regulations will become effective on January 1, 1992, midway through the State's fiscal year. This will force Illinois to abruptly end its new reimbursement plans for Medicaid providers before the start of the State's next immediate fiscal year. For this fiscal year alone, I understand that the Federal regulations will cost the State $320 million, revenues which will have to come out of funds now allocated to other State programs.

Mr. President, what makes the situation even worse is the fact that these hurtful regulations come at a time when the Federal Government has been significantly adding to the Medicaid burden that States now face. To cite my own State as an example, according to the Illinois Governor's office, recent mandatory Federal expansions of the Medicaid Program will cost the State approximately $44.8 million in fiscal year 1992. These new programs account for a major percentage of Medicaid spending increases during the past 2 years. And as a result of the new mandatory programs, the State has had to cut back on providing optional medical services to our neediest families.

Mr. President, on September 12, 1991, during Senate consideration of the Labor, HHS, Education appropriations bill, H.R. 2707, Senator BENTSEN entered a colloquy with Senator FORD on these new Medicaid regulations. Senator BENTSEN encouraged States to advise the Senate Finance Committee of the impact the regulatory changes would have on their provider donation and tax programs.

I share the concerns expressed in that colloquy, as do many of my constituents. I ask unanimous consent to have printed in the RECORD a letter from the president of the Illinois State Senate, the Honorable Philip J. Rock, who has written as a board member of the Loretto Hospital in Chicago.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

STATE OF ILLINOIS,
GENERAL ASSEMBLY,
September 25, 1991.

Hon. ALAN J. DIXON,
U.S. Senate, Washington, DC.

DEAR SENATOR DIXON: As a Board Member of Loretto Hospital in Chicago, I am writing to express my concern over a proposed HCFA rule that would disallow federal matching funds to states participating in a provider-specific tax program to generate additional Medicaid revenues. The effect of such a rule on cities and hospitals serving a disproportionately high volume of Medicaid clients would be devastating particularly since the proposed implementation date of the rule is January 1, 1992, six months into SFY92.

Illinois recently enacted such a provider-specific tax program and anticipates that it will receive $320 million in enhanced federal Medicaid reimbursements in SFY92. The impact of the proposed HCFA rule is threefold. The Illinois Constitution requires the state to enact a balanced budget. The newly enacted program, if deemed invalid, could create a $300 million gap in the budget. Secondly, Illinois hospitals, which have been ab-

> sorbing substantial losses due to chronic underpayment, will suffer if a new stream of revenue is not found between now and January. And finally, Illinois will be forced to pay for an estimated $274 million in unfunded federal Medicaid mandates in SFY92 thus further crippling Illinois' ability to generate additional dollars for Medicaid services.
>
> The provider-specific tax program provides a legitimate source of funding that will bring reimbursement rates in line with actual hospital costs and enable the State to maintain its balanced budget throughout the end of SFY92. If the Bush Administration is determined to invalidate such programs nationwide, then I ask that you work to delay the implementation date of the rule until the end of SFY92. This would give the State more time to devise an alternative source of funding. Furthermore, prohibiting HCFA from imposing retroactive disallowance of reimbursements during the extension period would ensure that the State is not monetarily penalized during the extension period. Such penalties are usually borne by hospitals in the form of payment delays or inadequate rates.
>
> Once again, I urge you to act quickly to avert the consequences of HCFA's action. The rule subverts Congress' intent in OBRA-90 to leave provider-specific tax programs intact for the purpose of generating additional Medicaid funds.
>
> Sincerely,
>
> *Philip J. Rock.*

Mr. DIXON. This letter is representative of the expression of concern raised by many of my constituents. It demonstrates the importance of the provider tax program to the citizens of the State of Illinois.

Mr. President, I urge HCFA to withdraw the unlawful interim final regulations. HCFA's recent proposal to clarify the regulations cannot solve the problem. The current regulations should be withdrawn at once and new ones developed that are based on the statute and congressional intent.

Mr. President, if I could briefly, beyond this prepared text, say this further: My State, like most States in the Union, has a very serious budgetary problem this year. The legislature was in continuous session past the adjournment date. My party happened to be the majority in both Houses, and they met over a long period of time with the Governor, who happens to be of the opposite political persuasion.

And with a great deal of agonizing on both sides, they made terribly deep cuts in our State budget. And they managed to emerge this year without any tax increases.

I recognize that my friend in the chair represents the State of Connecticut, which has been going through similar agonizing experiences—increasing taxes, as I recall, along with highly contentious budgetary cuts and other things.

Mr. President, we are in trouble already, and the Federal Government wants to adopt new regulations that would deprive my State, unbelievably, of $620 million, a tremendous blow to the State, Mr. President.

Let me say that at our congressional delegation luncheon today we had representative some of the well-known names in this Congress: My distinguished colleague, Senator SIMON, from the Senate, as well as this Senator; and on the other side, some of the giants of the House, like the Honorable DAN ROSTENKOWSKI, chairman of the House Ways and Means Committee, and BOB MICHEL, Republican leader of the House, who are all terribly concerned about this.

This is a matter of major import. There is nothing very exciting about this. This is not going to get the attention of the public, like what we have been through in the last few days on the question of the confirmation of the now Justice Clarence Thomas. But this is terribly important to the States.

I hope the administration is listening. I hope the administration understands that if they go through with this regulation in its present form, to the derogation of what we have done in the Congress, and deprive States in this country of substantial sums of money—$620 million in my State, with 30 other States affected—many of the great States of our Union are going to have tremendous fiscal problems, and are going to require special sessions of the legislature, terrible cuts in the budget, grievous cuts to the disadvantaged, the already disadvantaged people of the State, the possibility of tax increases, and other things.

I hope the administration understands that this is not a matter of no consequence, and that this is a terribly important matter.

I urge my colleagues on both sides of the aisle, representing States that will be impacted—and I am told a majority of the States of the Union will be—to make some remarks here about this subject before it is too late.

Mr. President, I see that discussions are still going on. I will talk about one other matter very briefly before I take the chair.

Mr. President, I just want to call the attention of my colleagues to the Washington Post of October 17, 1991, a column by William Raspberry. The whole column is subject to some debate, but I will read the closing part into the RECORD.

It is about the whole confirmation process regarding Clarence Thomas, and I want to read it, because it perfectly states the feelings of this Senator and reflects the point of view that led me to my vote. And while it is not precisely what I said, it is very similar, and it is interesting to note that a distinguished columnist would express this view in his column.

Here is what he says:

> We don't know—we can't know—whether Thomas did or didn't do the things he was charged with, and the question is what is the fairest thing to do in the face of such doubt.
>
> I don't think the Senate took sexual harassment lightly or believe Prof. Hill to be delusional or assume Thomas spoke only God's truth.
>
> A deadly serious allegation was made against Justice Thomas. The allegation was not proven, either by witnesses or by patterns of behavior or by a preponderance of evidence. On what basis, then, should Thomas have been denied the seat that, absent the accusation, would have been his?
>
> It is a tragedy of major proportions that two splendid lives have been tarnished and that, absent some dramatic confession, they cannot be restored.
>
> But let's be clear about what happened Tuesday night. The Senate did not convict Anita Hill of perjury; it merely found itself unable to resolve the unresolvable.

Mr. President, that statement by a distinguished columnist, William Raspberry, in the Washington Post on October 17, 1991, states the view of this Senator, explains the dilemma of this Senator, and I say that it is worthy of being in the RECORD for the further fact that it will enlighten people in this country about the views of many Senators such as this Senator from Illinois.

I thank the Chair.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered. The distinguished majority leader is recognized.

SCHEDULE

Mr. MITCHELL. Mr. President, several Senators have contacted me in the last few hours inquiring as to the current status of consideration of the matter and the prospects for the Senate's schedule for the remainder of today and tomorrow. And I thought, rather than engaging in 75 or 80 individual conversations, I would make statement here on the floor and thus inform all Senators at the same time of where the situation stands and what the alternatives are and what I believe the prospects are.

As we all know, under the rules of the Senate any one Senator can object to the Senate proceeding to even consider a bill, and it therefore requires a cloture motion to be filed on a motion to proceed to a bill. that is what occurred in this case.

I sought to obtain unanimous consent to proceed to this bill. Objection was made, which is the right of any Senator. Objection was made by our Republican colleagues, and we are unable to even begin consideration of this bill.

A cloture motion was filed and under our rules, it takes 60 Senators to vote for cloture or to terminate debate on the motion to proceed; that is, not to get to the bill but just on the motion to proceed to the bill. That vote occurred at 12:30 today and 85 Senators voted in the affirmative, 14 in the negative.

So an overwhelming majority of the Members of the Senate have expressed an interest in proceeding to consideration of this bill. However, under the Senate rules, notwithstanding the vote of 60 or more Senators, those who opposed proceeding to the legislation may continue to discuss the motion to proceed for an additional 30 hours before we even get to the bill.

That is the status which we are now in. The 30 hours commenced to run at 12:50 p.m., and if it runs its full course, the Senate would stay in session continuously until 6:50 p.m. tomorrow, at which time we would be in a position to take up the bill. After the vote on the cloture motion, request to take up the bill was denied. As is the right of any Senator, objection was made.

In the interim, negotiations are underway, and are continuing at this time, in an effort to resolve the matter in a way that will permit the Senate to proceed to consideration of the bill and to receive amendments and to express its will one way or the other on each of the amendments and on the bill itself. I am advised that the negotiations are continuing in good faith between Senators who support the bill, those who oppose the bill and who are acting in behalf of the Department of Energy and other administration agencies who have an understandable and appropriate interest in this legislation.

I hope that those negotiations will in the very near future reach a point of decision so that either we will know that we are able to reach agreement or that we cannot reach agreement and we will simply have to proceed to resolve the matter on the Senate floor.

Once we reach that point of decision, we will then confront the question of whether to do that today and obviate the need for the 30 hours until tomorrow evening or whether those Senators opposed to the bill who have been effectively filibustering to prevent the Senate from considering the bill will permit us to do that or will insist on exhausting the full 30 hours.

My hope and my expectation remains that we will reach agreement. Even though we may not reach agreement on every issue, we will reach agreement on the central issue or issues that will be sufficiently satisfactory to permit us to proceed to the bill.

I am unable to state that with any certainty, of course, because negotiations are continuing. I cannot firmly or conclusively predict or judge what the outcome will be.

Senators should be aware, therefore, that several possibilities exist.

It is conceivable that in a short time we could reach agreement and be in a position to proceed to consideration of the bill, and there may be one or more votes today.

It is conceivable—I hope not likely, but nonetheless conceivable—that we cannot reach agreement. The opponents will insist on using up all of the 30 hours, and we will then stay in session continuously until 6:50 p.m. tomorrow, at which time we will take up the bill and proceed to start voting on it at that time.

I hope we do not have to do that. Obviously, it will inconvenience a lot of Senators. That is not my desire. But I am making the statements so as to respond to the inquiries of a large number of Senators over the last several days as to what is occurring and what is likely to occur.

So what I have done is state the two outside possibilities in terms of what may occur, and there is, of course, a range of possibilities within those. The long and short of it is, the matter remains under negotiation. I hope it will be brought to a conclusion soon.

I am advised that negotiations are continuing in good faith on both sides and that it is possible that a point of decision one way or the other will be reached in the very near future.

Mr. WALLOP. Will the majority leader yield?

Mr. MITCHELL. Yes, certainly.

The PRESIDING OFFICER (Mr. DIXON). The distinguished Senator from Wyoming is recognized.

Mr. WALLOP. I say to the majority leader that it is also my understanding that a good many of the outstanding problems have been resolved and the remainder probably can be resolved.

I would say to the majority leader—without criticizing anybody—that we waited for a response that was to have been delivered at 6 o'clock last night and did not get delivered until 12:30 today which did not advance the cause of negotiations. That now is eliminated. Negotiations are fully engaged, and it is my expectation that there will be a resolution of that, and that if such a thing is obtained, and I believe it will be, we ought to easily be able to finish this bill this evening.

Mr. MITCHELL. I thank my colleague.

Mr. President, just so there is no misunderstanding on the part of Senators, I will repeat what I said earlier today but did not restate during my most recent statement here and that is, it is my intention that if we complete action on this bill today that the Senate will not be in session tomorrow. It is my hope that we can do that.

I stated earlier, and I repeat now, that if we can complete action on this bill today, the Senate will not be in session tomorrow. If we are not able to complete action on this bill today, The Senate will be in session tomorrow throughout the day and proceed to the extent we can in an effort to finish it then.

So I hope we will be able to do that and complete action today.

Mr. WALLOP. Mr. President, could I seek recognition on my own?

Mr. MITCHELL. Mr. President, I yield the floor now.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. WALLOP. Mr. President, let me just state for the record that while it is I who has insisted that some of the 30 hours run, that this has not been solely a Republican reaction to the contents of this bill. There have been, as well, some severe reservations on the majority leader's side which also are part of what is currently going on. I fully claim that it is I who has been undertaking this activity, but it is not fair to say that it is only Republicans who have reservations about certain provisions of this bill.

Mr. MITCHELL. Mr. President, will the Senator yield just to respond to that?

I never said it is only the Republicans who have reservations about the bill. What I have said is it is Republicans who have objected to proceeding to the bill, which I think is accurate.

Mr. WALLOP. Which is what I just said.

Mr. MITCHELL. No Democrat has objected to proceeding to the bill and no Democrat has interposed an objection when we sought to go to it.

I agree with the Senator there is clearly reservation on both sides and negotiations involve Senators on both sides. Every one of the Democratic Senators are agreeable to permitting us to go forward and consider the bill and resolve it on the floor.

I thank my colleague for that clarification.

The PRESIDING OFFICER. The distinguished Senator from Wyoming.

Mr. WALLOP. Mr. President, that is precisely right. It is I, and acting on behalf of others, who have insisted that some portion of this 30 hours run.

I will not go into the whole series of arguments that I have iterated on the Senate floor before. But just so we can put some perspective on what it is we have been trying to resolve, it is the belief of the Senator from Wyoming that medical research is important to America. It is the belief of the Senator from Wyoming that the resources of America, footed by the taxpayers in deficits, are sufficiently scarce that we ought to strive to use them in the most efficient way possible.

While it may be comfortable for the Senate to be at war with itself, as it was last week, it ought not to be comfortable for the American people for us purposely to set agencies of the Government at war with each other; namely, the Environmental Protection Agency with the Department of Defense or the Department of Energy or the National Institutes of Health.

We need better use of America's resources than to set Government lawyers against Government lawyers and waging fines back and forth within agencies, taking money out of appropriations that the Congress has authorized for the cleanup of these wastes.

Nobody involved in the struggles over the fine wording of this bill believes that there is no problem for the disposal of hazardous waste, but some of us believe that it is an inexcusable waste of effort and resources to set agencies at war with each other on the idea that moneys that are devoted to the research for technologies which do not now exist for the disposal of these wastes ought to be diverted to paying fines. That is simple logic of the Senator from Wyoming.

Second, under the terms of RCRA, criminal penalties against employees of the Department of Defense or their contractors or departments of the Government, not just the Department of Defense, but the Department of Energy and others, can be levied. And what is happening is that contractors that are trying to do for the Nation what it wishes to be done are saying, "If I get out of this contract with none of my employees under criminal indictment, nothing will persuade me to reenter that contract because I do not wish to subject my employees to that."

But, Mr. President, I would ask the Senate if anyone here thinks that advances cleanup, where agencies which do not have either the employees or expertise to do what is required of them under the law lose the skills and capabilities the private contractors possess to do just that.

Where do we go? Where does that advance the safety of Americans, the enhancement of our environment? The fact is that it does not. And so what some of us are trying to do is, one, have time to develop the technologies, which do not exist, to resolve this problem of Catch-22, where the Environmental Protection Agency can say it is an offense to store it and it is an offense to transport it, so it must be disposed of, but the technology does not exist to dispose of it.

On top of that, Mr. President, for those few areas under which the technology does exist, the same agency, the Environmental Protection Agency, forcing them to go through the other laws of America, the Endangered Species Act, NEPA, and all of those things, they cannot get their permits to construct the facilities which, if there, would be able to dispose of this waste and relieve them of the fine. And what do we do? We say "You cannot build it, you have not got the permits, so I am going to fine you $25,000 a day until you have the permits." And to fine you $25,000 a day until you have the permits." And they say, "Well, I can transport it."

You cannot transport it because it is a fine to transport it. You leave it in the States which have just developed new laws and regulations and the State can sue the Federal Government. That does not advance the safety of people. It is not efficient use of resources of the American taxpayer. And it does not get us to the goal that all of us seek, which is to somehow or other try to find the means to deal with the hazards of modern technology, engineering, science, and medicine.

I am concerned, Mr. President, that in doing this we just literally put the great medical institutions of America out of business, those that have been giving us Nobel Prize after Nobel Prize, those that are engaged in the research on AIDS, on heart disease, on cancer. Eighty percent of that research creates mixed waste which has some hazardous chemicals and some level of radioactivity, low levels.

If the Senate in its wisdom decides that medical research is no good for America, so be it. But this Senator does not want to agree to it just for the convenience of a few hours on the floor of the Senate. And my guess is we can resolve that problem.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from Wyoming suggests the absence of a quorum, and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HELMS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. MIKULSKI). Without objection, it is so ordered.

Mr. HELMS. Madam President, I ask unanimous consent that it be in order for me to proceed as if in the morning hours.

The PRESIDING OFFICER. Without objection, the Senator may proceed.

Mr. HELMS. I thank the Chair.

SENATE RESOLUTION 198 REFERRAL TO RULES COMMITTEE WAS CLEAR VIOLATION OF SENATE RULES

Mr. HELMS. Madam President, yesterday, about 5:30 p.m., my colleague from North Carolina [Mr. SANFORD] submitted Senate Resolution 198, "a resolution amending Senate Resolution 62 of the 102d Congress to authorize the Committee on Rules to exercise certain investigatory powers in connection with its inquiry into the release of the United States hostages in Iran." This matter is commonly referred to, as the distinguished occupant of the Chair knows, as the investigation of the "October surprise."

Madam President, this resolution (S. Res. 198) was immediately referred to the Committee on Rules and Administration. I will emphasize that I am a member of that committee, the Rules Committee. I submit that referring this resolution to the Rules Committee is contrary to rules XXV and XXVI of the Senate. The resolution concerns matters which fall within the substantive jurisdiction of the Committee on Foreign Relations, on which I happen to serve as the ranking member, and provides substantial new authority to make additional expenditures. Under the Senate rules, as I shall detail in a moment for the RECORD, the resolution should have been referred to the Committee on Foreign Relations.

Rule XXVI 9 says:

> . . . each committee shall report *one* authorization resolution each year authorizing the committee to make expenditures out of the contingent fund of the Senate.

Madam President, we have, of course, already adopted such a resolution, Senate Resolution 62, on February 21, 1991. And I might add that, as a result of the unorthodox procedure of allowing carryover funding from past years, the Committee on Foreign Relations has at its disposal over $800,000 more than in previous years.

But let me go back to rule XXVI 9. It goes on to say:

> After the annual authorization resolution of a committee for a year has been agreed to, such committee may procure authorization to make additional expenditures out of the contingent fund of the Senate during that year *only* by reporting a supplemental authorization resolution.

Madam President, this makes it crystal clear that additional authorization for spending taxpayers' money may be procured for the committee in question, only if the committee in question reports out a supplemental authorization resolution.

Now the Committee on Foreign Relations has not reported out a supplemental authorization resolution. It has not even discussed supplemental authorization. The question has never—repeat, never—been raised at any meeting of the committee whatsoever. There has been no hearing on the matter, and no discussion at any business meeting. As ranking member of the committee, I have not signed, I have not approved, I have not been asked to sign any request to the Rules Committee for additional authorization.

Moreover, Madam President, it is equally crystal clear that the Rules Committee has no jurisdiction whatsoever over a supplemental authorization that has not been reported from the committee seeking such a supplemental.

Rule XXV 1(n) of the Senate, in setting forth the jurisdiction of the Rules Committee, states in paragraph 8 as follows:

> 8. Payment of money out of the contingent fund of the Senate or creating a charge upon the same (except that any resolution relating to substantive matter within the jurisdiction of any other standing committee of the Senate shall be *first* referred to such committee).

And that means the Foreign Relations Committee, not the Rules Committee. And I happen to belong to both of them.

So once again, for the purpose of emphasis, it is clear that the Rules Committee has no jurisdiction over Senate Resolution 198, because the aforementioned resolution relates to substantive matters within the jurisdiction of the Foreign Relations Committee. In such cases, as the rules states, the resolution "shall first be referred to such committee." And in this case, the Foreign Relations Committee.

Therefore, on its face, Senate Resolution 198 was improperly referred, contrary to the rules and procedures of the Senate.

Now I am going to propound a unanimous consent request which I shall withdraw, but I want it to be included in the RECORD so that the leadership of the Senate, the majority leader and the minority leader, can confer on this matter with the Parliamentarian and see if I am not right. So I am going to propound it, and just as the Chair says, "Is there objection?, I am going to withdraw it.

Madam President, I ask unanimous consent that the referral of Senate Resolution 198 be vitiated and that it be properly referred to the Committee on Foreign Relations.

The PRESIDING OFFICER. Is there objection?

Mr. HELMS. I will withdraw the request.

The PRESIDING OFFICER. The request is withdrawn.

Mr. HELMS. I will further state, having put the Senate on notice, that I intend to pursue this. And if I am proven wrong about my understanding of the rules, I do not claim any authority on them; I am just a country boy who looks at the rule book every once in a while. But I think this is a serious mistake involving the expenditure of a relatively enormous sum of money chasing a rabbit around a ballpark. And if we are going to start that process, let us at least do it under the rules.

I thank the chair.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. McCAIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. (Mr. ROBB). Without objection, it is so ordered.

Mr. McCAIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator is recognized as if in morning business for up to 15 minutes.

NAMING NAMES: THE KEY LESSON OF IRAQ'S PROLIFERATION EFFORTS

Mr. McCAIN. Mr. President, it is only now some 6 months after our victory in the gulf, that we begin to see the full range of dangers that Iraq has posed to world peace. There were many before the war that claimed that Iraq's nuclear effort was being exaggerated and was a decade or more away from threatening Israel and Iraq's neighbors. There were many that claimed Iraq did not have chemically armed missiles, and that Iraq's efforts to develop biological weapons were little more than a matter of American propaganda.

We now know, however, that Iraq's efforts to develop chemical, biological, and nuclear weapons were far more advanced than even our best intelligence efforts suggested. We have learned that Iraq was actively developing a missile for the specific purpose of delivering nuclear weapons. We have learned that Iraq's efforts to develop "super guns" that could hurl projectiles hundreds of kilometers had advanced in spite of the efforts of Britian and the United States to deny Iraq key components.

THE MILITARY LESSON OF IRAQI PROLIFERATION

We have learned that even though coalition air power had unprecedented freedom of action during the gulf war, it could neither find enough of Iraq's facilities and weapons to destroy them, or prevent repeated missile attacks on Israel and Saudi Arabia. We have learned that today's best air and tactical antimissile defense are not leak proof, and that we cannot deal with proliferation by military means in time to ensure that it will not devastate an allied or friendly country.

THE INTELLIGENCE LESSON OF IRAQI PROLIFERATION

We have learned that Iraq successfully concealed major buildings and programs like those at Furat and Al Atheer from United States intelligence, and from the other intelligence services of the world. We have learned that it altered the shape of its buildings to fool satellite reconnaissance, and highly sophisticated filtering systems to fool on site intelligence collection efforts. It even conducted an indoor explosion at its rocket testing complex at Al Qaqa so that part of its nuclear weapons development tests would appear to be an exploding missile.

THE ECONOMIC AND TECHNICAL LESSONS OF IRAQI PROLIFERATION

We have learned that Iraq was willing to use virtually every aspect of its civil industry and ministries to disguise its efforts. That its petrochemical projects included nuclear weapons, that its national electric power system was altered to support uranium enrichment activity, and that its Ministry of Minerals and Industry was used as a front to obtain the materials for weapons of mass destruction and for their delivery systems.

We have learned that other such fronts include Iraqi Airway, Iraqi Reinsurance, and the Iraqi State Enterprise for foodstuffs, trading, and maritime transport. We have learned that dummy corporations, pass-throughs, and Iraqi agents set up operations in Austria, Bahrain, Bangladesh, Brazil, Britain, Czechoslovakia, Egypt, Germany, Honduras, India, Italy, Japan, Jordan, Lebanon, Morocco, Netherlands, Poland, PRC, Saudi Arabia, Soviet Union, Tunisia, Turkey, UAE, and the United States.

We have learned that Iraq first began to build up this vast effort in the 1970's and that it had the patience to go on in spite of Israel's successful attacks on Iraq's nuclear reactors. We have also gradually learned just how vast Iraq's network of international suppliers became.

We have learned that Iraq was willing to spend sums ranging from $4 billion to $8 billion to acquire weapons of mass destruction. We have learned that it built up a global network of suppliers, and that it drew on virtually every high technology power in the world for equipment, supplies, and skills. We have learned that it imported over 4,400 foreign employees, and employed up to 20,000 workers—including as many as 7,000 scientists.

THE SIZE OF THE IRAQ SUPPLIER NETWORK

If we consider recent press reports, we find that companies or individuals in the following countries have played a major role in shaping Iraq's capabilities:

Nuclear technology came from France, Italy, Egypt, the PRC, and URENCO, a British-German-Dutch consortium. Iraq obtained industrial vacuum equipment from Britain and Liechtenstein, power supply units and technology for the high explosive lenses for nuclear weapons from the United States, metal casings from Switzerland, copper coils from Finland, and electrical equipment from Yugoslavia.

Uranium ore came from Brazil, Britain, Germany, Niger, and Portugal; centrifuge magnets, and uranium feedstock and lithium hydride from the PRC. Centrifuge magnets, smelting furnances, special steels, electrical components for nuclear weapons, and other technology came from Germany; special hexagonal high explosives for nuclear detonators from Czechoslovakia; technology and machine tools for centrifuges from Switzerland; centrifuge parts from Brazil; small amounts of Plutonium from Britain, and a Plutonium separation facility from Italy. The full range of sources for Iraq's calutrons are not yet clear.

Super gun technology for Iraq's Project Babylon came from Belgium—particularly the Advance Technology Institute of its Space Research Corp., Britain, and Canada.

Test equipment for missiles, missile technology, and production equipment and parts came from Argentina, Brazil, France, Italy, Germany, Japan, the PRC, Switzerland, the U.S.S.R., and the United States.

The full range of sources for biological weapons technology—which now seem to include efforts to develop weapons based on anthrax, brucellosis, botulism, gas gangrene, and tularemia—are unknown, but they seem to have included Belgium, Britain, France, Germany, Italy, the PRC, and the United States.

Chemical weapons technology, equipment, and feedstocks came from a wide range of nations, including Belgium, Germany, Italy, the PRC, Romania, Soviet Union, and United States.

STOPPING PROLIFERATION AT THE SOURCE: THE KEY LESSON OF IRAQI PROLIFERATION

All of this experience makes it clear that we cannot rely on either intelligence or military action to solve the problems created by years of neglect in preventing proliferation. If we are to succeed in protecting our forces, our allies, and our friends we must stop these networks of suppliers long before they reach the point where they can create another Iraq.

This is the most important single lesson we should learn from Iraq's actions and successes. Yet, it is a lesson that we and the other supplier nations of the world have only begun to act upon. It is a lesson that no current or currently contemplated arms control agreement will properly address, and it is a lesson that has only begun to interfere with the actions of other proliferating nations like India, Iran, Libya, North Korea, Pakistan, and Syria.

SLOW AND LIMITED ACTION BY SUPPLIER STATES

Many supplier nations are beginning to tighten their export policies, but no one can seriously claim that these efforts begin to approach the kind of concerted crack down necessary to halt the process of proliferation. In many cases, national laws and policies are weak, poorly enforced, or contradictory. In others, governments have proved to be more concerned with exports and profits than the threat to peace.

INADEQUATE ARMS CONTROL EFFORTS

The main arms control agreements affecting proliferation—the Nuclear Nonproliferation Treaty, the Biological Weapons Convention, the Missile Technology Control Regime, and the draft Chemical Weapons Convention—are all important measures that have considerable value. None, however, place adequate controls on any major form of proliferation. None involve tight controls on the sales of technology and equipment that contributes to proliferation. None affect the wide range of different national interpretations of what the agreements mean and how they should affect sales and arms transfers. None involve adequate mechanisms for policing and inspecting the kind of sales that took place to Iraq.

CONTINUING PROLIFERATION

The countries that were actively involved in proliferation at the time Iraq invaded Kuwait have at best been forced to be somewhat more discrete. During the period since Saddam Hussein first invaded Kuwait, India and Pakistan have virtually come out of the nuclear closet. They have been identified as nations who are actively involved in developing or producing chemical weapons by the Director of Naval Intelligence, and they have continued to expand their efforts to develop long range missiles.

While the world's attention has been focused on Iraq, Iran has continued with its own efforts to develop chemical, biological, and nuclear weapons. It has joined with Syria to acquire, and possibly produce, long range North Korean missiles with far greater range-payloads than any of the missiles that Iraq used against Israel and Saudi Arabia. At the same time, Syria has expanded its chemical weapons efforts, and many experts believe its efforts to develop chemical weapons as well.

While Libya may have stumbled in its efforts to develop weapons of mass destruction, there is no question that it has built a massive chemical weapons production plant, has acquired a refueling capability for its long range strike aircraft, and is seeking long range missiles. North Korea has successfully deployed long range missiles, has chemical and biological weapons, and is rapidly nearing the point where it can produce nuclear weapons.

PUBLIC RELEASE OF THE NAMES OF IRAQ'S SUPPLIERS

We can hope that supplier states take stronger action. We can hope that arms control agreements are strengthened, and given teeth. We can hope that proliferating states turn away from proliferation. In the long run, we must turn such hopes into realities, or we will see more Iraq's and eventually we will see nations and peoples die because of our neglect.

We cannot, however, rely on hope or wait years to make a start. We cannot wait for other nations to act. We cannot wait the 5 to 10 years it would take to force major changes in today's arm control agreements. We cannot wait for proliferating states to renounce proliferation—a process that might well take forever without external pressure.

As a result, I believe that the United States must begin to take unilateral action, and that this action should take two forms:

EXPOSING THE SUPPLIERS

Until adequate national and international controls exist, the only major force that controls the actions of private individuals and companies is the threat of international exposure by a free press. The United States should take full advantage of this force for truth, and against proliferation, by ensuring that a comprehensive list is published of all companies and individuals who contributed to Iraq's efforts to produce and deliver weapons of mass destruction. It should ensure that no element of the information obtained by the United Nations is kept classified unless this classification is absolutely vital to the identification and prosecution of other suppliers.

This exposure should take place without regard to nation of origin. U.S. suppliers should be exposed as well as those of all other nations. It should take place even when the firms and individuals involved may well have not known the ultimate use of their services. The world can easily understand that many suppliers were unwitting, but we must force those involved to show they did not participate willingly and we must warn others of what Iraq has done.

Further, the United States should find ways to broaden this exposure to include proliferation by the other nations that threaten world peace. Exposure should become the rule, not the exception. Companies and individuals should understand that they risk becoming the subject of investigation by the world's media even if their home or host nation will not act.

This is why I developed legislation this year—which was cosponsored by Senator GORE, Senator BINGAMAN, and my other colleagues on the Arms Services Committee—that would require the first comprehensive U.S. report on proliferation, and reporting that would identify the suppliers that have become merchants of mass destruction. It is also why I have joined with Senator GORE in writing Secretary Baker to make sure that the fullest possible disclosure is made of the names of all the individuals and companies that are listed as suppliers in the material being uncovered in Iraq by the United Nations.

We must not let any individual or company hide behind the shelter of classification. We must not rely on national laws that often produce no penalties or a mere slap on the wrist. We must not rely on diplomatic courtesy. No supplier—deliberate of inadvertant—should be immune to the ruthless spotlight of world opinion.

TRADE SANCTIONS

Second, as I have said before in this body, we need legislation that will confront foreign nations and companies with the reality that they must make a choice between proliferation and access to the U.S. market, and U.S. individuals and companies with the reality that they face both serious criminal penalities and the loss of export licenses.

We are making slow progress in legislating such sanctions. They exist for missile technology, but they do not exist in meaningful form for chemical, nuclear, and biological weapons. Even within the United States, the entire system of export controls errs on the side of permissiveness—if not negligence. In other nations, controls are often deliberately ignored or do not exist.

This is why Senator GORE, Senator D'AMATO, and I have sponsored legislation that would establish comprehensive export sanctions for all forms of proliferation to match the reporting and disclosure legislation now being considered in the House and Senate conference on the fiscal year 1991 Defense Authorization Act. This bill is called the Non-Proliferation and Arms Transfer Control Act (S. 309), and clearly is even more urgent today than it has been in the past.

THE NEED FOR CONGRESSIONAL ACTION

Mr. President, there are many other Members of the Senate and the House who have supported the kind of legislation I advocate. Many Members have developed creative and useful legislation of their own. At the risk of seeming Cassandra-like, however, I must conclude by noting that we are making extraordinary slow progress and that our arms control efforts are faltering and incomplete.

The basic issue that this body, this Government, and our world must eventually come to grips with is that proliferation is the greatest single threat we face now that the cold war has ended. If we remain indifferent, or continue to confuse rhetoric and half-measures with forthright action, we or our friends will pay dearly indeed. I pray that we and the world will not have to pay the cost of such neglect.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator's time has expired. The absence of a quorum has been suggested. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. RIEGLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. RIEGLE. Mr. President, I ask unanimous consent to speak for as long as 10 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator is recognized for up to 10 minutes as in morning business.

EXTENDED UNEMPLOYMENT BENEFITS

Mr. RIEGLE. I thank the Chair. Mr. President, as everyone knows, the President just vetoed the extended unemployment benefits legislation that we passed here in the Congress. Unfortunately, that veto, by a very narrow margin, was upheld in the U.S. Senate.

The veto of the extended unemployment benefits now prevents that emergency assistance from getting out to the unemployed workers in this country and to their families. In my home State of Michigan, where the unemployment rate has just gone up to 9.7 percent, we have 170,000 unemployed workers out there who need these extended benefits, who will not get them because of that veto. Of course, the President argues that we just cannot afford to help people in this country; we just cannot afford to help the unemployed workers.

Actually, there is $8 billion sitting in the unemployment extended benefits trust fund that should be used for that purpose, but the President is unwilling to allow that money to be released to these unemployed workers at a time of desperate need on their part.

But there is an item this afternoon on the ticker tape outside the Chamber that I just read that I want to bring to the attention of my colleagues, because the President today did decide that it was time to take an economic initiative to really step out there and do something to deal with the economic problems. So I want to just read to my colleagues what he has decided to do. This is from the UPI wire service, and the first paragraph reads as follows:

> The administration said Thursday it would offer economic aid to Cambodia after the four warring factions marked the end of the country's civil war by signing a peace accord next Wednesday in Paris.

This is not help for Michigan. It is not help for Pennsylvania. It is not help for West Virginia. It is not help for any of the other 47 States where there are unemployed workers today needing help. But it is help for Cambodia.

It goes on to say:

> The official, Richard Solomon, Assistant Secretary of State for Asian and Pacific Affairs, added that the White House would also finance projects designed by the World Bank and other lending institutions to modernize Cambodia's moribund economy, marked by more than a decade of fighting.

So we are going to go to work now to put a little life into the moribund economy of Cambodia. How about the moribund economy of the United States? How do the areas in this country with high unemployment get on the foreign aid list so they can get a little help? Every day it is another country.

There is a jobs program now that the administration has for Mexico. They have a jobs program for China. China is going to have a trade surplus with the United States this year of $15 billion. Imagine that: Communist China, where they just mowed down the students who were seeking democracy in Tiananmen Square, will have a trade surplus with the United States this year of $15 billion. And that means that $15 billion is leaving this country, and the jobs that are attached to that money are leaving America and going to China.

The estimates are next year that the trade surplus that the Chinese will have with us will be $20 billion. So the Bush administration has a wonderful economic program for China, and it is helping China. Of course, it is hurting America. They have a plan for Turkey and a plan for Kuwait. It is hard to keep track of all the countries, but there is a new one today: Cambodia. Now we have help for Cambodia.

It says here:

> In addition, the administration expects to offer $25 million in humanitarian aid in fiscal '92 for civilians in areas controlled by the non-Communists.

There was just this terrible incident that we all have read about where this deranged man went into the restaurant down in Texas and shot all these people, 23 of whom have died. We have a lot of problems in this country to deal with. We do not seem to be able to do much about that. But boy, we are right on top of the problems in Cambodia. We have a program for Cambodia. Here it is. Here is another paragraph:

> In its first step to formalize ties with Cambodia, Solomon said the United States would soon establish a U.S. mission in the capital of Phnom Penh.

Well, I can imagine the Cambodians are probably pretty happy today that they have this economic help coming from the United States. The President has found time to work up a program for the Cambodians. I wonder about unemployed workers in this country who have been unemployed now 6 months and whose jobs have not come back and who cannot find another job, who are running out of money, who are having difficulty feeding their families, having difficulty keeping a roof over their head, and just having difficulty meeting the basic necessities of life. The President says no, we cannot afford extended unemployment compensation benefits. We cannot afford to help the unemployed workers in this country; it is not important enough. But here we learn today we have money for Cambodia. They got on the list. It was an emergency problem.

The people of this country do not understand this. They do not understand how this administration can spend so much time and so much effort and so much attention and so much money all around the world and cannot see the problems here at home. They just cannot see them.

Congress, for its part, has seen the problem of the unemployed workers who have exhausted their benefits because we have now passed that legislation, passed it with overwhelming majorities, and sent it down to the President. The President does not want to spend the money on our people, but he has no problem spending it on the Cambodians. It is just not right. In this country today, there are children of unemployed workers who will go to bed hungry tonight. It is just a cold, hard, mean fact, because there just is not the income in those families to meet the basic needs.

What has gone wrong in this country that in our executive branch of Government the priorities have been turned upside down, so that we care more about the economic problems of other nations and other people around the world than we do about our own people?

The President the other day went out to visit the Grand Canyon. It was a wonderful scene, a great photo opportunity. It is a wonderful natural resource in our country. We are lucky to have it. I am glad he drew some attention to it.

But we have a grand canyon of unemployed people in this country, millions and millions of them. They need help. They want their jobs back. Quite frankly, that is what they want most. They do not want to have to receive extended unemployment benefits. Oh, yes, they want them as an emergency measure until their jobs come back, but they really want their jobs back.

But there is no jobs program in this country to really get this economy going. One of the reasons that there is no jobs program for America, no economic strategy for America, is all the time is spent coming up with an economic program for other countries—today Cambodia. I have nothing against the Cambodians. I want them to do well. But why do they come ahead of our people when you have people in our country in desperate need?

This is the worst recession that we have had in years. There is a need for these extended unemployment compensation benefits. In fact, of the money that might go to our own unemployed workers the President is saying let us send it over to the Cambodians because they need it more than our people do. That is in effect what is happening here.

It is just not right. We have gone down the list of countries. This administration has an economic program for Kuwait, has one for Turkey, has one now for the Soviet Union, what is left of it. Its communism has collapsed. It has fallen apart. So the administration has gotten very busy to come up with an economic program to try to help Gorbachev and the others over there. All this interest in the rest of the world, helping the Kurdish people—certainly they face problems—but what about the people in Saginaw or Pontiac or Flint or Detroit or Pittsburgh or Cleveland or Los Angeles or other cities across this country, or people out in the rural areas?

There was a story the other day that the rate of suicide among men who are farmers in this country has jumped way up in recent years. Why has that happened? The analysis that has been done indicates the reason more farmers are committing suicide is because they are under tremendous economic pressure and they are afraid they are going to lose their farms.

This administration shows no concern about that problem. They are totally detached from that problem, just like they are totally detached from the problems of the unemployed workers but no detached from Cambodia, no sirree. Cambodia is important, so the administration announces today that there is a program for Cambodia and there is money for Cambodia.

The other day, the Census Bureau came out with statistics on what has happened to the living standard of a family of four in the United States over the last year. What the Census Bureau has found in their data is that the median income in this country for a family of four dropped last year. It did not go up; it went down. It went down, as I recall, about $570. People are sliding backward in this country. The middle class is shrinking. The underclass is growing. Reaganomics and the economic strategies over the last decade are hurting the middle class, squeezing the middle class, grinding it down. That is what the census data shows.

Any concern about that in the administration? Any plan to do something about that? No. They have an idea they want to do something now in the area of the capital gains tax to help people who have assets—and the more assets the more help they would get from a capital gains tax improvement. That certainly would be of some benefit to people fortunate enough to be in that situation. Most people in this country do not have capital gains year to year. They are living on their income, and they are living on less and less income, and they are living less well because the deck has been stacked against them by the economic program of this administration, Reagan-Bush/Bush-Quayle.

And now we see all this focus on the rest of the world—trips here and there, aid programs here and there. Today, it is Cambodia. Today, Cambodia is up on the radar screen. That is what they are talking about down in the White House today: Let us get in there and really give old Cambodia a hand. Cambodians really need help.

I wish somebody down there would pipe up, some staff member in the White House, and say: "Mr. President, what about doing something for the unemployed in this country? There are a whole lot of them out there. Millions of them out there cannot find work. They have exhausted their benefits. There is $8 billion sitting in the unemployment extended benefits trust fund. Why don't we take some of that money that was collected precisely for this problem of serious recession and put it out there so these families can hold their lives together?" Why doesn't somebody say that? Is there anybody down there with courage enough to slip a note under the door of the Oval Office and say, "Look, it is time to help the people of America because they need help, they deserve help"? Frankly, they are more deserving of help than the people of Cambodia or the people of Kuwait or the people of Turkey or the people of Mexico or the people of China, all of whom this administration has an economic plan to help.

It is time to help America. We did not elect a President to be a President of the world. We elected a President to be President of this country and to look after the needs of this country, some 250 million out across this country. They need somebody to pay attention to what is happening in the United States of America.

We need a health care program. More and more people are losing their health insurance every day. The estimates are somewhere in the range of 35, 37 million people in American today are without a penny of health insurance. A million of them live in my home State of Michigan, 300,000 of which are children.

There was a story the other day in the Detroit News about a working mother, a single women, Cynthia Fyte. She has about $3,000 in medical bills she cannot pay. She lives in a house-trailer. But there was with her in the picture in the paper her 6½-year-old son, a little fellow wearing a pair of eyeglasses. He has no insurance, no insurance whatsoever, no health insurance. If he gets sick, how do his bill get paid? Does he get to the doctor on time? Does he get the care he needs? Does he matter?

He matters to me, and he ought to this administration. But they cannot see that young boy because they are too busy coming up with a program for Cambodia. Let us help the Cambodians. Well, that little fellow in Michigan and the others, the 300,000 other children in Michigan who have no health insurance today, they need to get at least a minute or two of the President's thinking and concern one of these days.

It is time we do something about it. If the health insurance which is in place for the top officials of our Government—for the Senate, the President, the Vice President, the Cabinet officers, their families—if the health insurance that is in place that covers all the top officials of our Government disappeared this afternoon, how long do you suppose it would be before the administration would be in here with a plan to reestablish health insurance coverage? I would say maybe an hour or two. They would have a plan down here so fast it would be here in a matter of minutes. But can they come up with a plan—they have only been in office now, what, 8, 9, 10, 11 years? Eight years of Reagan and Bush, 3 years now of Bush and Quayle, 11 years. Is that long enough to study the health care issue and come up with some kind of a health care plan? They say they need more time. They want to do it after the next election. It is too tough, too difficult to tackle that problem.

I will tell you this: if that crowd lost their health insurance, they would tackle that problem today, and they would come up with an answer today. Cynthia Fyfe's son deserves health care coverage just as much as the child of any top official of this Government. We ought to do something about it.

If you ask yourself the question, why do they not come forward with a plan? One of the reasons is they are too busy coming up with a plan for Cambodia. It is Cambodia today. Who knows what country it will be tomorrow? But if you want a sure bet, the plan tomorrow will not be for America because they never seem to be able to come up with a plan for America even though they can find one for all these other countries. I am tired of spending money on other countries and ignoring the problems of our own people. It is just not right. It is just not right.

People are asked in public opinion polls, is the economy of the United States on the right track or the wrong track going into the future? Over 60 percent in public opinion polls are saying the country is on the wrong economic track going into the future.

We need to plan to do something about it. We can come up with a plan. We have put a plan out. We put any number of elements of a plan out on this side of the aisle.

Folks downtown do not think there is a need for a plan. Their view is, "If it ain't broke, you don't fix it." Well, that is not true if it is Cambodia. If it is Cambodia, then you fix it; if it is Kuwait, you fix it; Mexico, you fix it; China, well, we will fix that; Soviet Union, let us fix that; Turkey, let us fix it.

We have plans for everybody under the sun except our own people in real need here in the United States of America; the ones that build the country, fight the wars, pay the taxes, raise the children to go off and fight the next wars. They need some consideration, and they need some attention. They need an administration that comes down off that high elite plane and gets down there where the problems are and where people are struggling to make it through each day and each week.

Today our emphasis ought to be on our unemployed workers. Imagine being a worker unemployed for 6 consecutive months, exhausting your unemployment benefits, exhausting your savings, you are not called back to work, you are in an area of high unemployment so there are no other jobs, your kids are hungry. You know, school is starting again, they probably need clothes for school, new shoes and things of that kind. There is no money.

These are people with a work history. This administration has turned its back on that group of people. They say we cannot afford to help them even though there is $8 billion sitting in the extended benefits unemployment trust fund; just cannot afford to help them.

So when I see something like this today, that Cambodia deserves help, that the administration has decided to lend a helping hand to Cambodia, and the deal with Cambodia is for its moribund economy, they want to get their mission opened up there in Phnom Penh, getting this money flowing to Cambodia, it is just not right.

One of these days there is going to be a real backlash in this country against this insensitivity, this elite view, this preoccupation with foreign policy, this failure to address the problems of people in America, and this disinterest in what is really going on in the lives of everyday people in this country.

It is the reason we have a Government—to be there to help when the situation really becomes desperate. It has become desperate for so many of our unemployed people.

So, I do not know what country it will be next. There will probably be another country tomorrow, because there are an awful lot of countries out there, and they all want to get on the gravy train. And they are all getting on the gravy train. It just happens to be Cambodia today, but something needs to be done about it.

I hope that the new unemployment extended benefits program that we are able to put together will come through here. You know, the other day on the veto override, there were 65 votes—65 out of 100 Senators. You say to yourself, I thought we had majority rule in this country; if a majority of the Senators thought that there should be extended unemployment benefits, that would be enough to make the benefits happen and go out there. We had more than a majority. A majority would be 51. We had 65, both sides of the aisle. We had a substantial majority, but one person said no. The President said no for the second time. So no unemployment benefits, extended benefits, are flowing to the workers of this country who desperately need them. Instead, we are sending the help to Cambodia.

I yield the floor.

The PRESIDING OFFICER. Who seeks recognition?

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico [Mr. DOMENICI] is recognized.

Mr. DOMENICI. Mr. President, I really have difficulty understanding why we hear the same speech every day. Today we have changed it from other countries to Cambodia.

Let me repeat. I really do not know who is listening, but since it has been said I assume someone is and maybe I can set the record straight. In fact, I believe I will ask the Congressional Budget Office to give us a letter just in preparation for the next time the facts are presented improperly. It will not be a Republican answering a Democrat. It will be the independent Congressional Budget Office.

Mr. President, the President of the United States has not used the emergency powers under this agreement to give aid to Cambodia and all the other countries that are spoken of. What he did is the following: Immediately after the war, the Democrat and Republican leaders of the Congress—not the Senate, the Congress—and the President agreed that we ought to help Turkey and Israel because they were in big trouble because of that war. That we did. If anyone wants to complain about that and say the President should not have done it, then remember it was Turkey and Israel, and Democrats and Republicans joining.

Other than that, all the other ones, the foreign programs, the job programs overseas, are absolutely unequivocally untrue. If one is seeking to tie those to the emergency provisions in the Budget Act, they are not emergencies under the Budget Act. The money that was used came from a separate pot of money that came to us from foreign countries who are our allies. This was money left over from the war in either accumulations or interest, and it was used for those countries that the President thought and the Congress thought it was necessary to assist. So that is one.

The gravy train that is being spoken of in that regard just is not true. But I assume there are some who think that if they say it enough times on the floor someone will believe it. Perhaps it takes another two or three opportunities on the part of someone from that side of the aisle to say it, and then maybe they think someone will believe it.

Let me talk about the trust fund again. The only thing we did not see today, and those who are watching and listening on C-SPAN television, the only thing they did not see, Mr. President, was the worn-out chart that has been here so many times it is no longer usable. I assume that is why it is not here. Maybe we ought to mark on it how many times we use the chart. That one would have marks all over it.

Every time they bring it up, they bring this poor chart. Maybe we ought to leave it here permanently on the floor since it is used about every day. The trust fund, and the fact that it has accumulated money, is totally, absolutely irrelevant to extended unemployment benefits.

And I repeat what I said yesterday, not because I do not think those who are listening understand me; I believe they do, but apparently some did not believe that one time is enough or two times is enough. We need maybe 10 times. So maybe 10 times stating the thing wrong, some people think that it will be believed.

The trust fund that is set up for unemployment compensation is not being restricted for use by the President of the United States. It is being restricted for use by 75 U.S. Senators, who voted on this floor from that side and this side and who said: We are not going to use the accumulated trust funds for the unemployment compensation, for the highway trust fund, or any of the others. If you are going to use them, you have to replenish the amount used from some other source, such as new taxes or from programs you are going to have to restrain or cut. In other words, it is fill the trust fund with another source of income.

And we agreed to that. It is in the law of the United States, and the only way to get around it is to declare an emergency. I repeat: An emergency is a two-way street. The President and the Congress must declare it.

The President of the United States said: Pay for an extension, and I will sign it. So I do not think we need any more discussions.

I do not think we need any more air around the Senate. What we really need is Democrats and Republicans to get together and produce a bill that is budget neutral and extends the benefits, like the Dole-Domenici bill, or some other like it, where we pay for it with new revenues that we get into the Treasury of the United States that count under our budget process and replenish the used-up funds from the trust fund, or wherever.

I think that is what they want. That is what our people want. They do not want any more speeches, or any more accusations; they want a bill. And the bill that will get them benefits must pay for itself, must be budget neutral. That is what the problem is all about.

Senator DOLE, myself, and others have such a bill. They may be interested on the other side in looking at it, discussing it, or perhaps modifying it here or there. There is even another bill, a Durenberger bill. Then perhaps the unemployed working men and women would get some unemployment compensation. That is when it will happen. It will not happen with more speeches and charts. In fact, I submit it is time for a new chart, instead of a new speech.

I yield the floor.

The PRESIDING OFFICER. Who seeks recognition?

Mr. DOMENICI. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BRYAN). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. Mr. President, I ask unanimous consent that I may proceed as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

SALUTE TO SENATOR THURMOND

Mr. DOLE. Mr. President, tomorrow at 2, Clarence Thomas will be sworn in as an Associate Justice of the U.S. Supreme Court.

The swearing-in will be a moment of great pride—great pride for Clarence Thomas and his family and friends;

Great pride for Americans, who called their Senators in record numbers, indicting their support for Judge Thomas;

And it will also be a moment of great pride for a colleague of ours, who, from the day Judge Thomas was nominated, played a leadership role in ensuring his confirmation.

I speak of the ranking minority member of the Senate Judiciary Committee, Senator STROM THURMOND.

There was one thing that Americans could count on throughout both the initial 8 days of hearings and the subsequent 3 days of additional hearings—and that is the fact that Senator THURMOND would be in attendance—listening carefully to the witnesses, treating them with courtesy, and asking questions that got to the bottom line.

In fact, I do not think the Senator from South Carolina missed one minute of the hearings—a remarkable record of endurance and diligence.

And during the difficult days this past weekend, committee members from our side of the aisle turned to Senator THURMOND for leadership. It was Senator THURMOND who appointed Senators SPECTER and HATCH to serve as Republican questioners.

It was Senator THURMOND who worked with Senator BIDEN in deciding who would testify, and the order and duration of their testimony.

It was Senator THURMOND who called the Republican members together for a meeting in his office the night before the recent hearings for a discussion of what was at stake.

It was Senator THURMOND who led the efforts to have all Republicans on the committee sign a letter to the Acting Attorney General, requesting an investigation as to who leaked information from the FBI reports.

And it was Senator THURMOND who was the floor leader for the Republican side when the nomination was at last considered and confirmed by the full Senate.

Tomorrow, Americans will say "Thank you, Clarence Thomas. Thank you for remaining true to yourself, and for having the courage to fight the good fight."

And this Senator also hopes they will be saying "thank you, Senator THURMOND. Thank you for your leadership in seeing that this courageous man got what he so richly deserved."

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. PELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. DODD). Without objection, it is so ordered.

Mr. PELL. Mr. President, I ask unanimous consent to proceed as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE LIBRARY OF CONGRESS: FOSTERING DEMOCRATIZATION

Mr. PELL. Mr. President, in my capacity as chairman of the Joint Committee on the Library, I want to share with the Senate one of the truly remarkable, but largely untold stories behind the democratization of the former Soviet bloc of nations; namely, the influential role played by our own Library of Congress in helping to bring to life effective legislatures to assume the burden of representative government.

The process began in 1988 when a senior adviser to President Gorbachev suggested a continuing association between the Library's Congressional Research Service [CRS] and the Supreme Soviet, reflecting a desire on the part of the Soviets to establish a legislative research service on the model of CRS.

In 1990, the Joint Committee on the Library approved a proposal by the Library for a cooperative venture between CRS and the Secretariat of the Supreme Soviet, and later that year, an agreement in principle was negotiated between the two bodies. Exchange visits ensued, during which substantive discussions began on such topics as legislative research and analysis, constitutional foundations of legislation, executive-legislative relations and economic and budget policies.

The results of these cooperative efforts were very positive. The staff exchanges provided valuable insights for specialists on both sides, especially during a period of rapid change in the Soviet Union. In addition, the exchanges of documents have provided rapid CRS access to Soviet legislative information. The program resulted in the establishment of a direct electronic mail connection for more effective communication.

The dramatic events that have occurred in the Soviet Union since the failed coup in August, while virtually placing the central legislature on hold, have served to broaden the probable arena for constructive action. While the future of central Soviet institutions like the Supreme Soviet and its Secretariat may be uncertain, many of the individuals with whom Congress and CRS have worked closely, have become central figures in the democratization process. These include Georgii Shaknazarov, one of President Gorbachev's leading foreign policy advisers; Konstantin Lubenchenko, opposition candidate for chairman of the Supreme Soviet and a leader of the democratic movement, as well as a number of other prominent reformers.

Moreover, we now face a remarkable new era in which the Library may be called upon to deal with the fragmented remnants of the Soviet state. As the Soviet center dissolves, the legislatures of the 3 Baltic States and the 12 constituent republics will require the types of information and support that was previously provided by Congress to the center. Representatives of the Baltic States, the Russian, Ukrainian, and other republic legislatures have indicated a strong interest in establishing programs with Congress and CRS, similar to those existing with the Supreme Soviet.

While we must be cognizant of the limits of our own resources, I believe that we should offer our help to the legislatures of the Baltic States, the Russian, and possibly other republics. The staff time and resources that go into these projects are considerable, but I believe that the returns are immense. The success of the democratic revolutions in formerly Communist countries can strengthen and revitalize our own democracy and help promote a more just and stable world.

The extent and types of assistance we provide might vary from case to case, just as they have in our dealings with the Supreme Soviet or, more particularly, in two concurrent efforts to assist democratic evolution in Eastern Europe. Following the democratic revolutions in Eastern Europe in 1989, separate but complementary congressional initiatives, each utilizing the services of CRS, sought to provide resources necessary to building stable and effective parliamentary institutions.

The first of these, the Senate's Gift of Democracy to Poland Program in 1989, resulted in an allocation of $1.5 million to provide computer and office equipment, library and other assistance to the Polish Legislature. The second, in 1990, was the House of Representatives' bipartisan task force to provide support for the new parliaments of Eastern Europe, focusing on Hungary, Czechoslovakia, and most recently Bulgaria, as well as supplementing the efforts of the gift of democracy in Poland.

Congress appropriated $6 million for these parliamentary assistance activities for fiscal year 1991, as part of the funding for the Support for Eastern European Democracy Act [SEED]. The House task force has recommended another $6 million for direct congressional assistance to the parliaments of Eastern Europe in fiscal year 1992.

I am convinced that these unprecedented congressional assistance programs are instrumental in building our relations with the new democracies. We are helping to equip the parliaments of Poland, Czechoslovakia, Hungary, and Bulgaria with computers, printers, copiers, and other machinery necessary to the efficient operation of a legislature, years ahead of when they might have been able to do so with their own resources. By providing library and information resources, and advice in establishing research and analysis capabilities, we are strengthening the ability of these parliaments to rely on their own independent information systems—a prerequisite for any strong independent legislature.

Maybe we cannot implement programs as extensive as those for Eastern Europe in all the Soviet Republics. But we should do what we can to help the transition to democracy by providing technical assistance on difficult legislative, procedural, and infrastructure problems of new legislatures. These initiatives provide an American vote of confidence and strong moral support during the difficult democratic transition. What stronger statement could we make than helping to strengthen the most important yet fragile pillar of any democracy—namely, its freely elected legislature. I can think of no better form of foreign aid and no better investment in the future of world peace and security.

It is important to note that the U.S. Congress is the only Western legislature providing significant, direct assistance to the East European parliaments on an institution-to-institution basis. I can only say that this is a most appropriate area for the United States to take a leading role. I commend the dedication put into this effort by Members and staff of both Houses, as well as CRS, the Library of Congress, and House Information Systems Office.

I ask unanimous consent to place in the RECORD an article from the March issue of the CRS Review, by William Robinson, Deputy Director of CRS, describing ongoing congressional activities with the Soviet Union and Eastern Europe.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From CRS Review, March-April 1991]

PARLIAMENTARY DEVELOPMENT IN CENTRAL EUROPE AND THE U.S.S.R.

(By William H. Robinson)

According to a recent review by Freedom House, 1990 was a year of profound transition for the world's governments. For the first time since World War II, the people living in relatively free societies outnumbered those living under governments denying basic political liberties to their citizens. Nowhere was the process of change more striking than in Central and Eastern Europe; nowhere was the possibility of change more enticing and uncertain than in the Soviet Union.

Partially competitive parliamentary elections were held in the Soviet Union in 1989 for the first time since the election of the Constituent Assembly in 1917. Following in short order were the more genuinely open and competitive elections which ended Communist rule in Poland (June 1989), Hungary (March and April 1990), and Czechoslovakia (June 1990), and the formation of a united Germany (October 1990) less than a year after the dismantling of the Berlin wall in November 1989. Bulgaria and Romania also began moving, albeit slowly and unsteadily, down the road to reform.

The world watched these dramatic changes with some wonderment and considerable hope. There probably were few people who had witnessed the aftermath of World War II who thought they would live to see the end of the division of Europe, with the lifting of the Iron Curtain, the dissolution of the Warsaw Pact, the reunification of Germany, and the launching of significant political changes in the Soviet Union. Yet it began to happen swiftly and, for the most part, peacefully. For the first time since the beginning of the Cold War, people could actually conceive of a stable and peaceful world order built on hope rather than fear. Events of 1991 in the Persian Gulf and the Soviet Union have tempered that initial euphoria and the Asian communist bloc still exists, but the record of dramatic change in Europe remains largely intact.

Congress is not only monitoring developments in this important region of the world; it also is actively encouraging the development of political pluralism, market economies, and human rights programs. Congress also is directly supporting the evolution of effective legislatures in Central and Eastern Europe—especially in Poland, Hungary, and the Czech and Slovak Federal Republic and has launched two initiatives to strengthen democratic institutions in the area. The Congressional Research Service of the Library of Congress is assisting in these efforts and, at the encouragement of Congress, has entered into exchanges and cooperative efforts with the Supreme Soviet of the Soviet Union.

CONGRESSIONAL CONCERN

Congressional interest in helping to strengthen the nascent democratic institutions in Central Europe found its first formal legislative expression in the "Gift of Democracy to Poland" program. Senate Concurrent Resolution 74, submitted by Senator Pete Domenici (R-NM) in September 1989, authorized a staff delegation representing the House and Senate leadership to visit Poland to assess ways in which Congress might assist the new Polish Parliament through a "Gift of Democracy." The resolution directed that staff were to have "expertise in legislative systems management, legislative research, parliamentary procedure and related legislative matters." John Hardt and Walter Oleszek of CRS were invited to join representatives of the leadership of the House and Senate as members of the delegation.

The delegation was in Strasbourg, France, during February 8–11, 1990, to promote a coordinated effort with whatever assistance might be forthcoming from Western European nations. It then traveled to Warsaw for a fact-finding mission on February 11–17, 1990. On March 20, 1990, the delegation proposed the implementation of a three-phased technology assistance program for Poland's National Assembly (providing modern office equipment, microcomputers, word processing systems, and appropriate software); the organization of training programs for Polish parliamentarians and staff; and the development of research and information support for the Sejm (Poland's lower house) and the Polish Senate, including enhancement of its parliamentary library.

The spring of 1990 also witnessed the creation of a second congressional initiative, which came to be called the Frost Task Force. On April 6, 1990, Speaker Thomas Foley appointed Representative Martin Frost (D-TX) as Chairman of the Special Task Force on the Development of Parliamentary Institutions in Eastern Europe. The membership of this bipartisan Task Force was drawn from the House Rules Committee and the House Foreign Affairs Committee and included Representatives Jim Leach (R-IA), Bart Gordon (D-TN), Douglas Bosco (D-CA), and Gerald Solomon (R-NY). Aided by Francis Miko of CRS, the Task Force visited Poland, Hungary, and Czechoslovakia in May 1990 to assess the needs of their parliaments and to recommend initiatives to help build strong legislative institutions that can function effectively in a multiparty democratic environment. An in-depth needs assessment was conducted for the Czech and Slovak Federal Republic and Hungary later in the summer of 1990. The Task Force reported its recommendations to the Speaker on June 28, 1990.

The process for securing funds for these initiatives in Central and Eastern Europe had been launched earlier. In November 1989, Congress passed the Support for East European Democracy Act (SEED). The Act authorized almost $1 billion of assistance to Eastern Europe for FY90–FY92. Of that amount, $12 million was to go toward building democratic institutions, including democratic national legislatures. The FY91 appropriation for foreign operations increased the amount for that year alone for strengthening democratic institutions to $19 million. It was agreed that $6 million of that amount would be made available to implement the parliamentary support programs discussed above. In January 1991, $4.25 million was transferred by AID to the Library of Congress and CRS to purchase equipment (working closely with the expert technical staff of House Information Systems), books, and library materials, and to provide training and technical assistance to the parliaments of Poland, Hungary, and the Czech and Slovak Federal Republic as recommended by the Frost Task Force. Another $750,000 was to provide for continuation of the Gift of Democracy program in Poland. The remaining $1 million was held in reserve by AID for other parliamentary support programs consistent with activities already undertaken in the region. In addition, CRS sought and obtained private funds totaling nearly $600,000 from a combination of philanthropic foundations including Ford, MacArthur, IREX (International Research & Exchanges Board), and the German Marshall Fund of the United States.

The idea for a program of continuing cooperation between CRS and the U.S.S.R. Supreme Soviet was raised initially in October 1988 by Georgii Shakhnazarov, currently a close foreign policy advisor to Mikhail Gorbachev. The proposal was regularly repeated by high-level Soviet officials who wished to develop legislative research services for the Soviet parliament independent of the Communist Party and government bureaucracy. Seeing CRS as the major model in this regard, Soviet officials requested that the Service consider establishing formal ties with its nascent counterpart in the Supreme Soviet. As part of this effort, a delegation from the Soviet Union visited CRS in February 1990. With congressional support and approval, CRS engaged in joint staff working sessions in Moscow in May and November. These staff exchanges should continue to provide valuable insights for specialists from both nations, especially during a period of crisis and uncertainty in the Soviet Union. An agreement outlining various possible modalities of cooperation at the legislative staff level between CRS and the Supreme Soviet Secretariat is currently being negotiated under the guidance and with the approval of the Joint Committee on the Library.

At the same time, congressional leaders asked the Service to play a coordinating role in U.S. Soviet interparliamentary exchanges. CRS has received and provided briefings for high-level parliamentary delegations, including one headed by Yevgenni Primakov, then Chairman of the Supreme Soviet, and another headed by Konstantin Lubenchenko, the democratic opposition's candidate for Chairman of the Supreme Soviet in March 1990. CRS has also been visited by scores of other deputies from the U.S.S.R. Supreme Soviet and from republic legislatures.

PROGRAM PRINCIPLES

Although the Gift of Democracy of Poland program and the Frost Task Force began by taking independent paths, they arrived at strikingly similar conclusions—in terms of findings, philosophy, and programs.

The delegations representing both of these congressional initiatives found that the legislatures of Central and Eastern Europe shared comparable problems that stemmed from decades of totalitarian rule. The effects of this legacy obviously were felt even more acutely in the Soviet Union. In all four countries, national legislatures had been preserved as nothing more than symbolic shells; they were parodies of democratic government, having no real responsibility other than to rubber-stamp whatever decisions the Communist Party leaders made. These vestigial legislatures had no need for, and hence no capacity to gather, the kind and quality of information and analysis required to make independent policy assessments. These bodies had inadequate space and staff, sometimes no offices or equipment, insufficient library resources, and a pressing need to educate and inform new members, most of whom were coming to government positions for the first time.

The Representatives and Senators participating in the Gift of Democracy program and the Frost Task Force have tacitly agreed on several basic principles and approaches. They have concluded that any congressional assistance program should:

Be conducted on an institution-to-institution basis, with national-level legislatures in the region, but not including direct assistance to political parties or subnational governments.

Focus on building the capacity of the legislature to participate effectively in an open and pluralistic political system, drawing on a wide variety of sources, techniques, and institutions for information and analysis.

Encourage coordination and cooperation among the many possible sources of assistance (governmental and nongovernmental; U.S., foreign, and international) to these legislatures.

The programs also share some common features:

Office equipment and automation

The legislatures in Budapest, Prague, and Warsaw simply lack the basic requisites for functioning as modern, effective legislatures. Many of their needs are basic—for example, copiers, computers, telefacsimile equipment, and telephone answering machines. The Gift of Democracy program has already provided about $1.5 million worth of equipment to Poland. The Library of Congress serves as the agent for congressional efforts to provide appropriate equipment for the parliaments in Hungary and the Czech and Slovak Federal Republic—including technical assistance, installation, and maintenance.

Library collections and resources

Parliamentary libraries in the region have had neither the funds nor the freedom to develop adequate collections of books and periodicals or to take advantage of the automated services and technologies that are so valuable to modern libraries. CRS is cooperating with other departments of the Library and with the U.S. Information Agency to begin remedying these deficiencies.

Research and analysis capabilities

Effective and independent legislatures need direct access to objective research and analysis. CRS has begun working with leading members and officials of the Central European and Soviet national legislatures to explain the principles and methods that guide the process of informing a complex modern legislature, so each national institution can develop approaches that suit its circumstances and resources.

Consultation on policy and operations

CRS also will be working with legislative leaders in Czechoslovakia, Hungary, and Poland to arrange staff exchanges on subjects of critical importance to their parliaments. These may be urgent policy matters or questions of legislative organization and procedure on which the Central and Eastern European legislatures would like to consult with CRS experts. Assistance has been requested in preparing training programs for new members of these parliaments after impending elections. CRS also will continue a series of joint seminars begun in November 1990 with the Soviet national legislature.

The congressional support for the three parliaments of Central Europe is unique. To date, no other government has launched such a comprehensive program of assistance. During the coming months, articles in the CRS Review will explore these developments in greater depth.

Mr. PELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAUCUS. Mr. President, what is the regular order?

The PRESIDING OFFICER. Is there further debate on the motion?

If there is no further debate on the motion, then the motion to proceed is agreed to.

The motion was agreed to.

FEDERAL FACILITIES COMPLIANCE ACT

The PRESIDING OFFICER. The clerk will report the bill.

The legislative clerk read as follows:

A bill (S. 596) to provide that Federal facilities meet Federal and State environ-

mental laws and requirements and to clarify that such facilities must comply with such environmental laws and requirements.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Senate now proceed to S. 596, and that no amendment or motion be in order regarding Alaska wilderness.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The Senate proceeded to consider the bill.

Mr. BAUCUS. Mr. President, I am pleased to bring before the Senate the Federal Facilities Compliance Act. The issue of Federal facilities compliance is really quite simple. Should the Federal Government be subject to the same environmental laws as everyone else?

Quite frankly, I had thought this question had been settled a long time ago—as far back as 1976—when Congress first enacted the Resource Conservation and Recovery Act. Section 6001 of RCRA states that—

> Each department, agency, and instrumentality of the executive, legislative, and judicial branches of the Federal Government * * * shall be subject to, and comply with, all Federal, State, interstate and local requirements, both substantive and procedural * * * in the same manner, and to the same extent, as any person is subject to such requirements.

Clearly, congressional intent in 1976 was to make sure that the Federal Government complies with all RCRA requirements. In 1976, Congress placed Federal facilities on an equal basis with private firms, municipalities, States, and individuals who violated RCRA. But that is not the case today.

Despite this clear language, the executive branch has continued to insist that it is not subject to the same environmental laws as everyone else.

Despite this clear language, three Federal courts of appeal have read congressional intent differently.

In cases before the 6th, 9th and 10th circuits, each court ruled that States could not seek civil penalties from the Federal facilities violating RCRA.

In these cases, the U.S. Department of Justice argued, and the courts agreed, the RCRA has not clearly and unambiguously waived sovereign immunity with respect to civil penalties. With all due deference to these courts, I think they plainly misinterpreted the law.

I agree with the U.S. District Court for Maine—which is the highly esteemed court on which the majority leader once served. This court has held that:

> Any intelligent person reading the statute would think the message plain. Federal facilities will be treated the same as private institutions so far as enforcement of the solid waste and hazardous waste laws are concerned.

Mr. President, we need to make sure that all courts interpret congressional intent as it was meant to be; as the U.S. District Court in Maine has done. We need to clarify the law so that RCRA clearly and unambiguously waives sovereign immunity with respect to civil penalties.

That is the purpose of S. 596, the Federal Facilities Compliance Act. Senator MITCHELL, who has been fighting for this legislation, is to be commended for his leadership, his patience, and his persistence on this issue.

I am convinced that fines and penalties for violations of the law are a necessary and effective method of enforcement. This is as true for environmental law as it is for any other type of law.

The EPA itself testified to the Environment and Public Works Committee that:

> Penalties serve as a valuable deterrent to noncompliance and to help focus facility managers' attention on the importance of compliance with environmental requirements.

It's no wonder then that in May 1986 the General Accounting Office concluded that the Federal Government has been slow to comply with hazardous waste laws.

In its 1986 report, the GAO reviewed RCRA compliance at 17 Federal civilian agencies in 12 States. GAO found that almost half of the hazardous waste handlers inspected by EPA were cited for violations. Over one-quarter were out of compliance for 6 months or more. Some had been out of compliance for more than 3 years.

Similarly, in February 1991 the Office of Technology Assessment in a report on cleanup, stated that Federal weapons facilities have produced widespread contamination of the environment from toxic chemicals and radionuclides.

Mr. President, without this legislation, recalcitrant Federal facilities will continue to violate the law.

S. 596 will change that. It will ensure that the Federal Government must play by the same rules as everyone else. It does so in three fundamental ways.

First, according to some courts, RCRA is the only major Federal environmental statute that does not clearly waive sovereign immunity. S. 596 specifically states that it does.

Specifically, it provides that administrative orders, and all civil and administrative fines and penalties may be imposed for violations by Federal agencies.

Second, the bill rejects the Department of Justice position. It specifies that EPA may take enforcement actions against other Federal agencies.

Finally, the pace of cleanup at Federal facilities has been too slow. To speed it, this bill will require each Federal facility to conduct an environmental assessment and annual inspection.

Mr. President, the Federal Facility Compliance Act will without question, give States what the Federal Government now has—the ability to enforce against violations of the law.

Some have argued, however, that this legislation is a budget buster. Critics have argued that fines and penalties will drain the Federal budget and divert limited funds for cleanup into State coffers.

This criticism is unfounded.

First, the Congressional Budget Office does not believe that the legislation will bust the budget. CBO said in a letter to Senator BURDICK:

* * * the long-term cost of compliance would not change substantially as a result of this bill.

Second, in cases where sovereign immunity is clearly waived, under the Clean Air Act, for example, the size of fines and penalties collected has been minimal.

In Ohio, a $25,000 penalty was assessed for 10,270 days of violations under the Clean Air Act. It cost Ohio $30,000 to litigate that case.

In Tennessee an administrative penalty of $10,000 for a clean air violation is being assessed by the State.

According to CBO, in 1990, DOD paid about $150,000 in fines and penalties to EPA and various States. Since 1979, DOE has paid about $1 million in environmental fines and penalties. Typical assessments against Federal facilities ranged from $1,000 to $250,000.

History demonstrates that States will not impose fines and penalties to raise money from the Federal Treasury. So this criticism is a red herring.

Other critics have argued that they can support this legislation but only if we eliminate some of the RCRA requirements that Federal facilities must meet.

Now this doesn't make sense. It's like agreeing to pay a speeding ticket but only after we raise the speed limit.

The standards are based on protection of health and the environment. We can't afford to change the requirements for the Department of Defense, the Department of Energy or for other Federal agencies. Federal facilities are among the worst offenders of the law.

The Department of Energy's Rocky Flats facility in Colorado, and the Fernald site in Ohio, for example have had a long history of environmental violations.

DOE has admitted full knowledge, since 1951 of pollution at Fernald. Moreover, DOE has conceded that it has released more than 300,000 pounds of radioactive uranium particles into the air at Fernald.

At DOE's Rocky Flats facility, the Federal Bureau of Investigation and the EPA have found numerous violations—including the illegal disposal and burning of hazardous waste and radioactive waste, and the illegal discharge of such wastes into nearby rivers.

The track record at the Department of Defense is not much better. DOD has

94 Superfund sites, and over 17,000 contaminated sites in every State in the Nation.

All told, some 63 percent of Federal facilities have serious RCRA violations for failing to protect ground water. But only 38 percent of all private facilities have similar violations.

This is wrong. The Federal Government should be the leader in compliance with our Nations environmental laws. But the fact is we are laggards, not leaders.

The reason is quite clear.

When three courts rule that RCRA fines and penalties do not apply to Federal facilities, there is little to force compliance. That is why this legislation is absolutely necessary. It will ensure greater compliance by Federal facilities with our solid and hazardous waste laws.

Finally, Mr. President, let me point out to my colleagues that last year, the Environment and Public Works Committee unanimously reported similar legislation. Unfortunately, there was not enough time at the end of the session for the Senate to consider the legislation.

We are fortunate, that we now have time to consider this legislation. And I urge all of my colleagues to support it.

AMENDMENT NO. 1263

Mr. BAUCUS. Mr. President, I send to the desk a series of managers' agreed-upon amendments and technical amendments, and I ask unanimous consent that it be in order to proceed to the immediate consideration of these amendments en bloc; that the amendments be agreed to; and that the motion to reconsider the adoption of these amendments be laid upon the table en bloc; further, that any statements relating to these amendments appear at the appropriate place in the RECORD.

The PRESIDING OFFICER. Is there objection?

Mr. JEFFORDS. Reserving the right to object, and to my knowledge there is no objection at this point on our side.

The PRESIDING OFFICER. Are there further reservations to the unanimous-consent request?

Without objection, it is so ordered.

The amendment (No. 1263), was agreed to.

The text of the amendment follows:

On page 2, strike subsection (a) on lines 7 through 23.

On page 2, line 24, strike "(b)".

On page 4, line 23, insert "(b)" before "Federal".

On page 5, line 14, strike "(b)" and insert in lieu thereof "(c)".

On page 6, line 9, strike "(a).

On page 6, line 9, insert "of the Solid Waste Disposal Act" before "is amended".

On page 6, insert at the end the following new section:

"SEC. 5. (a) STORAGE OF MIXED WASTE.—Section 3004(j) of the Solid Waste Disposal Act (42 U.S.C. 6924(j)) is amended—

"(1) by striking "In" and inserting in its place the following:

"'(1) Except as provided in paragraphs (2) or (3), in'; and

"(2) by inserting at the end the following new paragraphs:

"'(2) Until December 31, 1993, where technologies do not exist or sufficient treatment capacity is not yet available for treatment of mixed waste generated at facilities owned or operated by a department, agency, or instrumentality of the United States, or by a person acting as an authorized agent of such department, agency, or instrumentals, such mixed waste shall be stored in compliance with all applicable regulations promulgated under this subtitle except those promulgated to implement paragraph (1). After December 31, 1993, the regulations promulgated to implement paragraph (1) shall apply to all mixed waste except as provided in paragraph (3).

"'(3) If the Administrator determines that compliance for a particular type of mixed waste is not possible by December 31, 1993, the Administrator may grant a variance from the regulations promulgated to implement paragraph (1) to any department, agency, or instrumentality of the United States, in accordance with the following procedures.

"'(A) Where sufficient treatment capacity is not yet available, the Administrator, after notice and opportunity for comment and after consultation with appropriate State agencies in all affected States, may on a case-by-case basis, for a particular type of waste, grant an extension of the effective date contained in paragraph (2) for up to one year, if the applicant demonstrates that treatment capacity cannot reasonably be made available by the effective date in paragraph (2) due to circumstances beyond the control of the applicant. Such extension may be renewed by the Administrator for additional periods of up to one year. In no case, however, shall the December 31, 1993, deadline for compliance with paragraph (1) be extended beyond July 1, 1997.

"'(B) Where technologies do not exist, the Administrator, after notice and opportunity for comment and after consultation with appropriate State agencies in all affected States, may on a case-by-case basis, for a particular type of waste, grant an extension of the effective date contained in paragraph (2) for up to two years, if the applicant demonstrates that treatment technology cannot reasonably be developed by December 31, 1993 due to circumstances beyond the control of the applicant. Such extension may be renewed by the Administrator for additional periods of up to one year. In no case, however, shall the December 31, 1993, deadline for compliance with paragraph (1) be extended beyond July 1, 1997.

"'(C) Any variance granted by the Administrator under this paragraph shall be considered a final agency action and shall be subject to judicial review.

"'(b) TREATMENT OF MIXED WASTE.—Section 3004(m) of the Solid Waste Disposal Act (42 U.S.C. 6924(m)) is amended by adding at the end the following new paragraphs:

"'(3) Not later than 90 days after the date of enactment of the Federal Facility Compliance Act of 1991, the Administrator, after notice and opportunity for comment, shall issue a list of mixed wastes for which the Administrator determines treatment technologies do not exist or sufficient treatment capacity is not yet available. The Administrator shall update this list annually.

"'(4) Not later than December 31, 1992, the Administrator, after notice and opportunity for comment, shall amend, as necessary, regulations promulgated under this subsection specifying those levels or methods of treatment which substantially diminish the toxicity of the waste or substantially reduce the likelihood of migration of hazardous constituents from the waste so that short-term and long-term threats to human health and the environment are minimized and exposure to radioactivity during treatment is minimized.

SEC. 6. Nothing in this Act shall alter, modify or change in any manner any agreement or consent order regarding the management of mixed wastes in effect on the date of enactment of this Act and to which an agency of the Federal Government is a party.

SEC. 7. Any State may comment on any determination made by the Administrator pursuant to this Act with respect to the commingling of radioactive and hazardous waste.

On page 6, after line 9, insert the following:

SEC. 8. MIXED WASTE.—Section 1004 of the Solid Waste Disposal Act (42 U.S.C. 6902) is amended by inserting the following new paragraph at the end of the section:

"'(41) The term "mixed waste" means waste that contains both hazardous waste and source, special nuclear, or by-product material subject to the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.).'.

SURETY BONDS

SEC. 9. (a) SURETY CONTRACTOR RELATIONSHIP.—Any surety which provides a bid, performance, or payment bond in connection with any contract for hazardous substance response with any department, agency, or instrumentality of the executive, legislative, and judicial branches of the Federal Government, and begins activities to meet its obligations under such bond, shall, in connection with such activities or obligations, be entitled to any indemnification and standard of liability to which its principal was entitled under the contract or under any applicable law or regulation.

(b) SURETY BONDS.—

(1) APPLICABILITY OF THE MILLER ACT.—If under the Act of August 24, 1935 (49 Stat. 793 et seq., chapter 642, 40 U.S.C. 270a–270d), commonly referred to as the "Miller Act", surety bonds are required for any direct Federal procurement of a contract for hazardous substance response with a department, agency, or instrumentality of the executive, legislative, and judicial branches of the Federal Government, and are not waived pursuant to the Act of April 29, 1941 (55 Stat. 147 et seq., chapter 81, 40 U.S.C. 270e–270f), the surety bonds shall be issued in accordance with such Act of August 24, 1935.

(2) LIMITATION OF ACCRUAL OF RIGHTS OF ACTION UNDER BONDS.—If, under applicable Federal law, surety bonds are required for any direct Federal procurement of any contract for hazardous substance response with a department, agency, or instrumentality of the executive, legislative, and judicial branches of the Federal Government, no right of action shall accrue on the performance bond issued on such contract to or for the use of any person other than the obligee named in the bond.

(3) LIABILITY OF SURETIES UNDER BONDS.—If under applicable Federal law, surety bonds are required for any direct Federal procurement of a contract for hazardous substance response with a department, agency, or instrumentality of the executive, legislative, and judicial branches of the Federal Government, unless otherwise provided for by the procuring agency in the bond, in the event of a default, the surety's liability on a performance bond shall be in accordance with the plans and specifications less the balance of funds remaining to be paid under the contract, up to the penal sum of the bond. The surety shall in no event be liable on bonds to

indemnify or compensate the obligee for loss or liability arising from personal injury or property damage whether or not caused by the breach of the bonded contract.

(4) NONPREEMPTION.—Nothing in this section shall be construed as preempting, limiting, superseding, affecting, applying to, or modifying any State laws, regulations, requirements, rules, practices, or procedures. Nothing in this section shall be construed as affecting, applying to, modifying, limiting, superseding, or preempting any rights, authorities, liabilities, demands, actions, causes of action, losses, judgment, claims, statutes of limitation, or obligations under Federal or State law, which do not arise on or under the bond.

(c) APPLICABILITY.—This section shall not apply to bonds executed before October 1, 1991, or after December 31, 1992. This section also shall not apply to facilities that are included on the National Priorities List as described in section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9605). For the purposes of this section, the terms "hazardous substance" and "response" shall have the same meaning as given such terms under paragraphs (14) and (25), respectively, of section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601).

SEC. 10. (a) This section may be cited as the "Federal Recycling Incentive Act".

(b) Subtitle F of the Solid Waste Disposal Act is amended by adding at the end thereof the following:

"FEDERAL GOVERNMENT REQUIREMENTS

"SEC. 6005. (a) FEDERAL AGENCIES.—Prior to the expiration of the 180-day period following the date of the enactment of this section, the Administrator of the Environmental Protection Agency in consultation with the Administrator of General Services, by regulation, shall establish, and from time to time modify, a program pursuant to which each department, agency, and instrumentality of the executive, legislative, and judicial branches of the Federal Government shall be required to separate materials to be collected for the purpose of recycling from solid waste generated by such department, agency, or instrumentality. Such material shall not be collected if the Administrator determines that inadequate markets exist for such materials. The program established pursuant to this section shall seek to incorporate existing Federal programs to separate materials from solid waste for the purpose of recycling but in no case shall interfere with existing programs.

"(b) PUBLICATION IN FEDERAL REGISTER.—Within 60 days following the establishment or modification of a program pursuant to subsection (a), the Administrator of the Environmental Protection Agency shall submit a copy of such program or modification to the Congress and publish a copy thereof in the Federal Register.

"(c) EFFECTIVE DATE.—180 days following such publication in the Federal Register, each department, agency, and instrumentality of the executive, legislative, and judicial branches shall take action as may be necessary to carry out the program established pursuant to subsection (a) as published in the Federal Register.

"(d) PROCEEDS FROM SALE—Any moneys received by any such department, agency, or instrumentality from the sale of materials collected for the purpose of recycling shall be available for use by the department, agency or instrumentality of the Executive, Legislative and Judicial branches of the Federal Government for activities which promote recycling. Nothing in this Act shall be construed to prohibit any agency from directing funds received from the sale of materials collected for the purpose of recycling for morale welfare or recreational purposes.

"(e) REPORT.—Prior to the expiration of the 15-month period following the date on which such program takes effect, and annually thereafter, the Administrator of the Environmental Protection Agency shall report to the Congress with respect to the extent of compliance by each department, agency, and instrumentality of the executive, legislative, and judicial branches with the program established pursuant to this Act for the preceding 12-month period. Such report shall identify any such department, agency, and instrumentality which fails to comply, in whole or in part, with such program. A copy of the report shall be published in the Federal Register.

"(f) AUTHORIZATION.—For the purpose of enabling the Administrator of the Environmental Protection Agency to carry out this section, there are authorized to be appropriated such sums as may be necessary.

SEC. 11. The Chief Financial Officers, of affected agencies, pursuant to 31 U.S.C. 501 shall submit an annual report to Congress on the activities of the Federal government regarding the disposal of mixed waste, subject to the Solid Waste Disposal Act. The report shall include, to the extent practicable, an estimate of the time required to develop adequate storage, treatment or disposal capacity for each mixed waste listed under the Solid Waste Disposal Act, an estimate of the costs expected to be incurred by the Federal government for such storage, treatment or disposal, a detailed discription of the compliance activities expected to be accomplished by the Federal government during the period covered by the budget submission, and an accounting of the fines and penalties collected pursuant to the Solid Waste Disposal Act."

On page 2 line 6 strike line 6 and all that follows through line 14 page 3.

SEC. 12. PUBLIC VESSELS.

(a) Any solid of hazardous waste generated on a public vessel shall not be subject to storage, manifest, inspection, or recordkeeping requirements under the Solid Waste Disposal Act, until such waste is removed from the public vessel on which it was generated. Nothing in this section shall affect, or in any way change the intention, implementation or applicability of 10 U.S.C. 7311, or the term "generator" as defined in 40 C.F.R. 260.10.

(b) for purposes of this section:

(1) the term "public vessel" means a vessel owned or bareboat chartered and operated by the United States or any other sovereign.

(2) waste transferred directly from one public vessel to another shall not be considered "removed from the public vessel on which it was generated" for as long as such waste remains on a public vessel.

SEC. 13. FEDERAL WASTEWATER TREATMENT WORKS.

(a) APPLICABILITY.—Subtitle F of the Solid Waste Disposal Act is amended by adding at the end thereof the following:

"SEC. 6006. FEDERAL WASTEWATER TREATMENT WORKS.

(a) IN GENERAL.—Except as provided in subsection (b), any wastewater treatment works owned by a department, agency, or instrumentality of the Federal Government shall be considered to be managing a solid waste, but not a hazardous waste, if:

(1) such wastewater treatment works receives and treats wastewater, the majority of which is domestic sewage;

(2) no solid waste in any unit that is part of the wastewater treatment works exhibits any hazardous waste characteristic as determined pursuant to test methods and criteria established by the Administrator under Subtitle C of this Act unless such waste is removed from the treatment works and is managed as a hazardous waste pursuant to subsection (b) and other applicable requirement of this Act;

(3) the wastewater treatment works has a permit issued pursuant to section 402 of the Federal Water Pollution Control Act and such permit includes conditions requiring that any individual wastewater received by the treatment works is pretreated (A) in accordance with national pretreatment standards promulgated by the Administrator pursuant to section 307(b) of such Act and applicable to each specific category of industrial wastewater received by the treatment works or (B) in the absence of national standards in accordance with local limits established pursuant to section 402(b)(8) of such Act, and (C) any solid waste rendered hazardous by any pretreated or non-compliant wastewater has been removed to the extent practicable;

(4) such treatment works complies with any other permit conditions as may be established by the Administrator or an authorized State pursuant to section 402 of the Federal Water Pollution Control Act.

(b) Notwithstanding subsection (a), the owner of a wastewater treatment works described in subsection (a) shall be required to—

(1) remove and manage as a hazardous waste any solid waste present in any unit of the treatment works that exhibits any hazardous waste characteristic as established by the Administrator under subtitle C of this Act; and

(2) take corrective action with respect to any release or threatened release of hazardous waste (including any solid waste present at the treatment works which exhibits any characteristic of a hazardous waste) or hazardous waste constituents from the treatment works in accordance with corrective action requirements under subtitle C of this Act.

(c) Subsection (a) does not constitute a waiver of any requirement under subtitle C of this Act with respect to any unit that is part of a wastewater treatment works that pretreats industrial waste prior to discharge to a treatment works described in subsection (a).

(d) Relationship to Federal Water Pollution Control Act.—Nothing contained in this section shall be construed, interpreted, or applied to include a wastewater treatment works owned by a department, agency, or instrumentality of the Federal Government within the definition of an "eligible treatment works" or "publicly owned treatment works" for purposes of Title II or Title III of the Federal Water Pollution Control Act.

(e) TABLE OF CONTENTS.—The table of contents for such subtitle F, of the Solid Waste Disposal Act is amended by adding the following new item at the end:

"Sec. 6006. Federal wastewater treatment works."

SEC. 14. MUNITIONS.

SEC. 6. Munitions, Section 1006 of the Solid Waste Disposal Act is amended by adding the following new subsection:

(d) MUNITIONS.—The Secretary of the Defense shall have the responsibility for carrying out any requirement of subtitle C of this Act with respect to regulations promulgated relating to the safe development, handling, use, transportation, and disposal of military munitions. The Secretary shall, with the concurrence of the Administrator, promulgate such regulations as may be necessary to carry out the purposes of this subsection.

SEC. 15. AMENDMENT TO THE FEDERAL FACILITY COMPLIANCE ACT OF 1991.

In carrying out the provisions of Sec. 2 (a)(b), the administrator of the Environmental Protection Agency may utilize the Mine Waste Treatment capabilities operated by the Environmental Protection Agency and the Department of Energy at DOE's Pittsburgh Energy Technology Center's Component Development and Integration Test Facility. The treatment and assessment technologies will be supplemented and upgraded as required.

SEC. 16. ESTABLISHMENT OF SMALL TOWN ENVIRONMENTAL PLANNING PROGRAM.

(a) ESTABLISHMENT.—The Administrator of the Environmental Protection Agency (hereafter referred to as the "Administrator") shall establish a program to assist small communities in planning and financing environmental facilities.

(b) SMALL TOWN ENVIRONMENTAL PLANNING TASK FORCE.—(1) The Administrator shall establish a Small Town Environmental Planning Task Force shall be composed of representatives of small towns from different areas of the United States, Federal and State governmental agencies, and public interest groups.

(2) The Task Force shall—

(A) identify areas of environmental and public health regulations developed pursuant to Federal environmental laws which pose significant problems for small towns;

(B) identify means to improve the working relationship between the Environmental Protection Agency (hereafter referred to as the Agency) and small towns;

(C) review proposed regulations for the protection of the environmental and public health and suggest revisions that could improve the ability of small towns to comply with such regulations;

(D) identify means to promote regionalization of environmental treatment systems and infrastructure serving small towns to improve the economic condition of such systems and infrastructure; and

(E) provide such other assistance to the Administrator as the Administrator deems appropriate.

(c) IDENTIFICATION OF ENVIRONMENTAL REQUIREMENTS.—(1) Not later than 6 months after the date of the enactment of this title, the Administrator shall publish a list of requirements under Federal environmental and public health statutes (and the regulations developed pursuant to such statutes) applicable to small towns. Not less than annually, the Administrator shall make such additions and deletions to and from the list as the Administrator deems appropriate.

(2) The Administrator shall, as part of the Small Town Environmental Planning Program under this section, implement a program to notify small communities of the regulations identified under paragraph (1) and of future regulations and requirements through methods that the Administrator determines to be effective to provide information to the greatest number of small communities, including, but not limited to, any of the following:

(1) Newspapers and other periodicals;

(2) Other news media;

(3) Trade, municipal, and other associations that the Administrator determines to be appropriate; and

(4) direct mail.

SEC. 17. SMALL TOWN OMBUDSMAN.

The Administrator shall establish and staff an Office of the Small Town Ombudsman. This Office shall provide assistance to small towns in connection with the Small Town Environmental Planning Program and other business with the Agency. Each regional office shall identify a small town contact. The Small Town Ombudsman and the regional contacts are also authorized to assist larger communities provided assistance is provided, on a priority basis, to small town.

SEC. 18. MULTI-MEDIA PERMITS.

(a) The Administrator shall conduct a study of establishing a multi-media permitting program for small towns. Such evaluation shall include an analysis of (1) environmental benefits and liabilities of a multimedia permitting program; (2) the potential of using such a program to co-ordinate a small town's environmental and public health activities; and (3) the legal barriers, if any, to the establishment of such a program.

(b) Within three years of enactment, the Administrator shall report Congress on the results of the evaluation performed in accordance with subsection (a). Included in this report shall be a description of the activities conducted pursuant to this Act.

SEC. 19. DEFINITIONS.

For the purposes of this Act, the term "small town" means an incorporated or unincorporated community (as defined by the Administrator) with a population of less than 2,500 individuals.

SEC. 20. APPROPRIATIONS.

There are authorized to be appropriated such sums as may be needed to implement this title.

In an appropriate place in S. 596 insert the following:

SEC. 21. SHORT TITLE.

This Act may be cited as the "Metropolitan Washington Waste Management Study Act".

SEC. 22. PURPOSES.

The purposes of this Act are—

(1) to require an environmental impact statement prior to the expansion of the I-95 Sanitary Landfill, at Lorton, Virginia; and

SEC. 23. FINDINGS.

The Congress finds that—

(1) the I-95 Sanitary Landfill, in Lorton, Virginia, is located on Federal land, and the ultimate responsibility for maintaining environmental integrity at the I-95 Sanitary Landfill is on the Federal Government, as well as the signatories to the July 1981 Memorandum of Understanding, as amended;

(2) operators of the I-95 Sanitary Landfill, in Lorton, Virginia, may seek to expand the landfill by 148 acres in the so-called "Site C";

(3) there are concerns that the I-95 Landfill may be discharging leachate into the surface waters of Mills Branch, a tributary of the Potomac River;

(4) the Potomac River empties into the Chesapeake Bay, recognized by the President of the United States, Congress, the Governors of Virginia, Delaware, Pennsylvania, and Maryland as one of the Middle Atlantic region's environmental priorities;

(5) possible sources of pollution affecting the environmental integrity of the Chesapeake Bay must be fully investigated, and eliminated if possible;

(6) operators of the I-95 Sanitary Landfill established an enterprise fund with the tipping fees charged for the dumping of waste on this Federal land;

(7) the Washington metropolitan area's local governments, while aggressively pursuing integrated solid waste management, including recycling, are facing a serious problem with regard to landfill space;

(8) much of the waste generated by Federal facilities in the Washington metropolitan area is disposed of at the I-95 Sanitary Landfill and other municipal landfills in the same area;

(9) few Federal facilities in the Washington metropolitan area have waste management plans, and the plans that do exist are not coordinated with the local governments in which the facilities are situated; and

(10) Federal facilities in the Washington metropolitan area have no cohesive waste management and recycling program.

SEC. 24. ENVIRONMENTAL IMPACT STATEMENT.

(a) ENVIRONMENTAL IMPACT STATEMENT.—Except as provided in subsection (b)(1), in order to assure environmental integrity in and around properties owned by the Government of the United States, no expansion of the I-95 Sanitary Landfill shall be permitted or otherwise authorized unless—

(1) an environmental impact statement, pursuant to the National Environmental Policy Act, regarding any such proposed expansion has been completed and approved by the Administrator; and

(2) the costs incurred in conducting and completing such environmental impact statement are paid from the landfill's so-called enterprise fund established pursuant to the July 1981 I-95 Sanitary Landfill Memorandum of Understanding entered into by the jurisdictions utilizing such landfill, or some other payment formula based on past and projected percentage of the jurisdictional usage of the landfill.

(b) CONDITIONS.—(1) Notwithstanding the provisions of subsection (a), such landfill may be expanded for the purpose of the planned ash monofill which can be used solely for the disposal of incinerator ash from the parties of the July 1981 Memorandum of Understanding.

(2) After December 31, 1995, the I-95 Sanitary Landfill, including any expansions thereof, shall not be available to receive or dispose of municipal or industrial waste of any kind other than incinerator ash.

(3) After December 31, 1999, the I-95 Sanitary Landfill, including any expansions thereof, shall not be available to receive or dispose of any incinerator ash.

(4) Notwithstanding any other provision of this Act, the parties of the July 1981 Memorandum of Understanding, together with the Federal Government, shall continue to be responsible for maintaining environmental stability at the I-95 Sanitary Landfill, including any expansion, in accordance with applicable laws of the United States, and the Commonwealth of Virginia (including any political subdivision thereof which is a party to the July 1981 Memorandum of Understanding).

SEC. 25. DEFINITIONS.

For purposes of this Act, the term—

(1) "expansion" includes any development or use, after May 31, 1991, of any lands, other than those lands which were used as a landfill on or prior to May 31, 1991, in accordance with the July 1981 I-95 Sanitary Landfill Memorandum of Understanding, owned by the Government of the United States in and around Lorton, Virginia, for the purpose of, or use as, a sanitary landfill. The term also includes variances or exemptions from any elevation requirements relating to landfill operations established by the laws of the Commonwealth of Virginia, or any subdivision thereof, in connection with any such lands used on or prior to May 31, 1991;

(2) "lands owned by the Government of the United States" includes any lands owned by the United States, and any such lands with

respect to which the Government of the District of Columbia has beneficial ownership; and

FEDERAL RECYCLING INCENTIVE ACT

Mr. McCONNELL. Mr. President, I offer my amendment to the Federal Facilities Compliance Act gives Federal facilities an economic incentive to recycle.

Mr. President, we push a lot of paper in this town. It is about time we started recycling some of it.

How often we sit here from our pulpits and point the finger at the American people: Blaming them for our Nation's environmental problems. It's time to point the finger at ourselves, and the huge Federal bureaucracy we've created.

The Federal Government is already required by law to recycle but less than 200 of the nearly 6,000 Federal facilities nationwide had documented recycling programs in 1990.

The reason these facilities don't comply with the current law is that they simply do not have an economic incentive to do so. They obtain no benefit from recycling, and no punishment for wasting.

Federal facilities must spend money separating garbage to be recycled, but when this separated material is sold, the revenues are swallowed up in the abyss of the general fund of the Federal Government.

Managers of Federal facilities see no direct link between their efforts to recycle and the financial returns that recycling produces. So the bureaucracy continues to waste.

My legislation gives Federal facilities an economic incentive to recycle: It allows the managers of Federal facilities to keep the moneys derived from the sale of waste materials to be recycled.

My legislation also requires the Environmental Protection Agency to compile a list each year of those Federal facilities that do not comply with recycling regulations currently on the books. This list will be printed in the Federal Register for the public to see. It holds Federal bureaucrats accountable for their wasteful ways.

Mr. President, the impact of this simple legislation will be substantial. The Federal Government uses nearly 2 million tons of paper each year. This is 2.2 percent of all the paper consumed in the United States. Eighty-five percent of this paper is recyclable.

According to a 1989 General Accounting Office analysis, if the Federal Government recycled all of the paper it uses, it would save over 5 million cubic yards of landfill space, 3 million barrels of crude oil, and 26 million trees each year.

In 1989, the Federal Government received $778,000 from the sale of source separated materials. The General Services Administration estimates that a comprehensive waste management recycling program would increase revenues to GSA managed facilities by $1.8 million per year.

My legislation provides the incentive for comprehensive waste management.

By returning this money to participating Federal facilities, I am convinced that the incremental costs of expanding the current Federal recycling program will be dwarfed by revenues generated from the expansion of recycling. Thus, my legislation will lead to a net increase in revenues to the Federal Government.

It is not often that legislation is introduced in Congress that will increase revenues, reduce the deficit and, in the process, helps save our Nation's natural resources.

Mr. President, I would like to thank the managers of this bill for accepting my amendment as a part of the Federal facilities compliance act. I look forward to working with them on solid waste in the future.

Mr. BAUCUS. I want to take a moment to explain some of the context of this amendment.

This amendment requires Federal agencies to recycle, and allows agencies to keep the proceeds from the sale of recyclable materials. Let me be clear that I support Federal recycling efforts. In fact, I have included provisions like this amendment in my comprehensive RCRA legislation that requires Federal facilities to prepare waste reduction plans and to purchase recycled materials.

I have just completed 10 days of hearings on RCRA. It is clear from those hearings that recycling will succeed only if we address three interrelated issues. The first is the development of a collection infrastructure for recyclable materials. Second is the quality of that supply. The last is the development of an infrastructure for purchasing recovered materials and their sale for processing and recycling. All three parts are necessary for recycling to succeed.

It must be understood by those supporting this amendment and by those affected by the amendment, that this amendment only addresses the first issue, that of collection. The comprehensive RCRA legislation that I am now working on will correct this by addressing all aspects of recycling.

It must be further understood that by adopting this amendment we will be requiring recycling Federal facilities to collect recyclables without providing recycling markets. This will lead to a glut of materials, lower prices for recyclable materials, and frustration by all involved in recycling.

Let me make a couple more points that illustrate the problem with this amendment. There are some 2,700 communities serving 40 million people which recover paper, glass, plastics, and other materials for recycling. Municipal and State representatives that testified at hearings on RCRA convinced me that unless someone is available to purchase these materials, they will pile up or end up in landfills or incinerators. What I have learned is that comprehensive legislation is needed to address both supply and demand. If we only require collection as this amendment does, it will add further glut to the market place without resulting in greater recycling.

Increasing supply of recyclables absent a comprehensive approach which increases demand, as this amendment does, will have little or no effect on recycling at Federal facilities or elsewhere.

Without developing demand, like S. 976 does or by some other means, prices for recyclables will be depressed or markets will not be available. Supply may be sold for little or nothing. In some cases, Federal facilities may actually have to pay for their disposal.

Federal facilities unable to sell recyclables will have handling, management, and perhaps, storage costs. In some cases, collected recyclables may have to be dumped in landfills for lack of a demand-side market. In such a case there would be a net cost to the Federal Government.

In fact, we have evidence that without markets, material collected for recycling can end up in landfills.

At the hearing on recycling on June 5, city, State and waste management officials echoed these concerns.

Jane Witherige, a vice president of Waste Management Inc., the Nation's largest waste management company, who testified at the hearing said:

> To focus recycling mandates on the collection of recyclables without a corresponding mandate or, at a minimum encouragement to industry and government to use recycled materials is, in short, a recipe for disaster * * *.

Ms. Witheridge went on to say:

> The fact of the matter is that a number of commodities that we now collect and process do not have their costs covered by market prices, even counting in avoided costs for disposal.

New York City's commissioner of sanitation, Steve Polan, who testified at the same hearing echoed similar views. The Commissioner said:

> The underlying premise of the program—and that of many recycling programs—has been that if a supply of recyclables is created, investment dollars will flow to manufacturing facilities that process and utilize recyclables.* * * It is clear that for several materials there will be at best a substantial time lag—several years, in some cases—between success in our collection programs and the development facilities that makes productive use of recyclables.

Furthermore, Mr. Polan went on to say:

> As New York's collection programs expand dramatically, and other area localities do likewise, the problem of limited demand and consequent additional costs will be exacerbated.

Finally, an article in the Los Angeles Times last year, May 8, 1990, perhaps best illustrates the problem with this amendment. In that article, city contractor said that "1,000 tons of glass that has been carefully separated by homeowners could end up in landfills." In fact, California's Conservation Department director, whose agency oversees the States bottle redemption program said that "7,000 tons of glass beverage containers * * * collected for recycling last year, were sent to landfills because of the market glut."

Another concern with this amendment is that it is silent on the collection of plastics, tires, used oil, scrap metals, batteries and yard wastes for recycling. These make up a significant portion of the Federal Government's waste stream. If we are going to truly address Federal collection, than these too should be covered, and in the comprehensive RCRA bill I intend to cover these materials.

It would be my preference to maintain a consistent policy by not passing this amendment, which addresses recycling in a piecemeal way. Because recycling issues like collection of materials, the quality of materials collected and the availability of markets for recycling are interrelated and are very complicated, this amendment is best addressed as part of the comprehensive RCRA legislation that I am now considering. I have, however, reluctantly agreed to the amendment with the understanding that the proponents of the amendment recognize our intention to correct the deficiencies with this amendment.

EFFECTIVE OPERATIONS OF CLEANUP PROGRAMS

Mr. LAUTENBERG. Mr. President, I have an amendment, which has been cleared on both sides, to assure the effective operation of Federal facility cleanup programs across the country. Based on a similar provision enacted last year on Superfund, the amendment would assure that cleanup contractors can obtain the required bonding they need to move forward in addressing the serious threats at Federal facilities.

The amendment is designed to prevent any bottlenecks in the cleanup effort, and to foster greater competition among contractors bidding for cleanup work.

Mr. President, the provision before us today would extend the improvements provided by S. 3187 in the last Congress, and enacted as Public Law 101-584. The goal with that legislation was to remove existing impediments to cleanups at Superfund National Priorities List [NPL] sites. This provision responds to the same problem, but does so for the many seriously contaminated Federal sites, not on the NPL.

For federally funded cleanup construction contracts exceeding $25,000, the Government, pursuant to the Miller Act, requires cleanup contractors to obtain bonding from sureties. Sureties which provide such bonding, in effect, guarantee the proper performance of the contract, as well as the payment of subcontractors.

After hearings in my subcommittee last year, we confirmed that we had an immediate problem facing Superfund sites. According to cleanup contractors, environmentalists, and the laborers who do the actual cleanup work, the lack of bonding was resulting in very few contractors being able to bid on certain contracts. And an EPA-commissioned report by the Corps of Engineers documented the concerns many had raised about the effect this can have on the Superfund Program.

EPA and others confirmed that we were already seeing less competition for Superfund cleanups. Less competition means higher prices for a program whose funds are already stretched too thin, and for a nation struggling to deal with a massive budget deficit.

Following up on the report EPA commissioned from the Corps of Engineers, and based on extensive staff discussions with all interested parties, the Environment and Public Works Committee on October 4, 1990, reported S. 3187, which was designed to allow contractors and the Government to obtain the necessary bonding protections they need.

The bill—which was supported by the Sierra Club, the Environmental Defense Fund, the Laborers International Union of the AFL-CIO, the National Constructors Association, the Associated General Contractors of America, and the American Insurance Association—essentially clarified two principles. First, where a surety steps into the shoes of a cleanup contractor, and takes over the cleanup work, the surety's liabilities and access to indemnification should be the same as the contractor's. Second, a surety's contractual liabilities should be only those obligations for which the surety contracts.

The consensus among the diverse groups supporting the bill last year suggested that these are two sensible, noncontroversial principles, consistent with the intent of currently applicable laws. These measures provided sureties with the certainty they needed to reenter the market, and provided the Government with the protections it needs.

The bill did this in a way that narrowly addresses the essential issues, without upsetting the scheme of current Federal or State law. My amendment would apply these same improvements and clarifications to cleanup work at Federal non-NPL sites.

Mr. President, I am pleased to report that last year's provision is working. It is my understanding that in the single contract let for bids governed by the Miller Act since the enactment of S. 3187, seven contractors were able to submit bids. Prior to enactment of this new law, only two contractors had been able to obtain the legally required bonds to bid on this project.

However, in the case of non-NPL sites, the necessary clarifications of the law do not yet exist. But as cleanups move forward at non-NPL Federal facility sites, the same impediments will arise and jeopardize the remediation effort.

This amendment, however, will prevent a repeat of the same bottleneck we were seeing at NPL sites. And it will provide the same benefits, of greater competition and resulting lower costs for Federal facility cleanup.

Mr. President, last year Senator METZENBAUM, offered amendments that limited the application of Public Law 101-584 to the period starting October 17, 1990 and ending December 31, 1992. That amendment was designed to afford redress for the immediate problems facing cleanups over the next 2 years, but envisioned that we would revisit this approach based on the provision's implementation. The current amendment, consistent with last year's measure, preserves the sunset.

Mr. President, the amendment takes a sound approach necessary to respond to an immediate threat to the environmental cleanup effort, and I ask for its immediate adoption.

SMALL TOWN ENVIRONMENTAL PLANNING ACT

Mr. JEFFORDS. Mr. President, I rise today to speak on two issues. The first is on Senator MITCHELL's Federal Facilities Compliance Act of 1991. I strongly support this bill. In spite of the importance of environmental compliance, the message has still not been received by some at our Government installations. Several contractors have told me of the difficulties they have experienced at Federal facilities in trying to get the facility personnel to assist them in reaching compliance. The frequent reply is, "Federal laws don't apply to us." No longer shielded from liability, I believe this perception will rapidly change.

I am also pleased to see that an amendment I made to the bill in the committee process is still an important part of this bill. EPA is to inspect Federal facilities. To ensure that budget constraints are not used to inhibit or stop EPA inspections, DOD and DOE are to reimburse EPA for their costs. Thus, EPA's budget will not have to be stretched to do quality inspections.

While we address liability at the highest levels of government, we must also remember that the lowest levels of government are also struggling with liability. That is the second issue I would like to address, the problems our small towns are facing. Last June, several of my colleagues and I introduced the Small Town Environmental Planning Act of 1901. Twenty-one cosponsors supported this effort. Since introduction, my staff and I have talked to numerous municipal officials and have written to all of the States seeking their counsel. What this effort has made clear is that small towns and the State agencies overseeing their activities need help in two areas. The first is financial assistance. Regulations that cost $5 per household per year for large cities can cost $1,000 or more for our smallest cities. The second area is in implementation of regulations. Many of our colleagues have recognized the importance of financial assistance and have supported Senator BURDICK's efforts in this regard. I, too, support the senior Senator from North Dakota in this effort. Money alone, however, will not solve our small town's problems.

When my colleagues and I put together the STEP Act, one of our goals was to create a process in which a small town could prioritize their compliance activities so as to achieve the maximum environment benefit for the available funds. However, what became clear from the comments I received is that many small towns felt uncomfortable with trying to prepare such a plan. Technical support from the States would be needed, and the States felt they had inadequate resources to provide this assistance. Thus, in practical terms, only the largest of the small towns would be able to participate in this process.

I also learned a great deal about how our small towns work with the Environmental Protection Agency. I believe there is room for improvement in this area. Many small towns frankly expressed hostility toward EPA, feeling that they only hear from the Agency when they're in trouble. All levels of government need to have a good working relationship if we are to reach our goal of a clean environment.

With this background and numerous other comments, my colleagues and I reevaluated our proposal. We came to the conclusion that, at this time, we should concentrate our efforts in four areas. First, we need to foster a dialog between EPA and small towns as to the problems each face. Second, we need to identify the requirements to which small towns are subject more clearly. Third, small towns need a friend within the bureaucracy. Right now, many small town officials feel afraid to even contact the Agency, seeing them more as prosecutor than friend. Fourth, we need to develop a mechanism for small towns to coordinate their compliance activities. With these goals in mind, we sought the counsel of Senators MITCHELL, BURDICK, BAUCUS, and CHAFEE. Together, we developed a revised Small Town Environmental Planning Act. I propose that this act be included as a separate title of this bill and would briefly like to describe the purpose of my amendment.

First, the act authorizes the creation of a Small Town Environmental Planning, or STEP, Task Force. This task force is to be composed of representatives of small towns, States agencies, and public interest groups. We had envisioned the representatives of the small towns being actual small town residents. While the number and selection of these individuals is at the discretion of the Administrator, we had envisioned that the Administrator should consider selecting one individual from each Federal region. Perhaps one State agency from each two Federal regions could be represented. Last, representatives of public interest groups should be included. At a minimum, representatives of the environmental and public health communities should be part of this task force.

This task force is to evaluate a number of areas including how EPA and the towns can work together better. In addition, many small towns have complained to me that they have difficulty understanding how to implement various regulations. One goal of the task force is to evaluate significant proposed regulations and suggest modifications that could improve a town's ability to comply without reducing protection of public health or the environment.

Many towns have also complained to me that they do not know about regulations until after they have been effective for some time. In this act, the Administrator is thus tasked with finding better ways to communicate new, proposed, and existing regulations to small towns.

Another section of the act requires EPA to issue a list of regulations to which towns are subject. The Administrator is required to notify the towns of the availability of this document through an appropriate mechanism as determined by the Administrator. I recognize that distributing this listing to all towns could pose significant hardship on the Agency's resources. This is not our intent. The Agency can use the National Technical Information Service as a means to distribute this listing. I envision that such a listing will help us determine the requirements we have placed on our larger towns.

In this act, we require the Administrator to establish an Office of the Small Town Ombudsman. This Office is to be the designated friend of our small towns. Many towns feel overwhelmed by the bureaucracy. The small town ombudsman can be their initial contact for information as well as a contact to explain procedures and provide assistance should the town get in trouble. Each regional office shall designate a small town contact to provide assistance at the regional level.

The last major element of this act is an evaluation of multimedia permits as an enforceable means to balance a town's compliance activities. Several States wrote to me saying that they have a process in place to consider a town's situation when setting compliance deadlines. Thus, I know it is possible to look at the big picture and prioritize a town's activities. The permit process has several advantages over our earlier proposal. First, it does not add an additional burden on our small towns. They must go through the permit process already. Second, a multimedia permit offers the advantage of one-stop shopping. All of their environmental requirements can be negotiated at one time. Thus, a town need not negotiate a wastewater permit one year, and a drinking water permit the next, and a solid waste permit still another year. The small town could conclude all of its business at once. Another advantage is that public notice and comment is part of the permit process. Thus, an opportunity exists for the public to express its concern. Last, the permits are enforceable.

These steps alone will not solve all of our small town's problems, but they are a step toward solving the problem. In taking this course of action, my colleagues and I feel it best to make what progress we could rather than to wait. We appreciate Senator MITCHELL'S assistance in this regard. The information developed pursuant to this act can then help us identify new ways to assist our communities.

Before closing, I would like to again thank Senators MITCHELL, BURDICK, CHAFEE, and BAUCUS for their assistance in developing this amendment. I would also like to recognize the cosponsors of the STEP Act: Senators AKAKA, BOREN, BREAUX, BURNS, COCHRAN, COHEN, CONRAD, DASCHLE, FORD, GARN, GORTON, HATCH, JOHNSTON, LOTT, PRESSLER, SIMPSON, SPECTER, STEVENS, SYMMS, WALLOP, and WOFFORD. Their contributions to this effort are greatly appreciated, and I hope they will be recognized by their constituents. Senators CONRAD, DASCHLE, and COHEN should be noted, in particular, for their assistance. Last, I would like to acknowledge Representative TIM JOHNSON for his efforts on our behalf in the House of Representatives.

Mr. MITCHELL. Mr. President, I rise in support of the amendment by Senator JEFFORDS to assist small communities in planning projects to protect public health and the environment.

Many small communities in my home State of Maine are working hard to plan and finance infrastructure projects. The provisions of this amendment will assist these communities in this difficult effort.

I hope the amendment we are considering today will be only the first step in addressing the many problems small communities face in planning and financing major environmental infrastructure projects.

I am a sponsor of legislation introduced by the chairman of the Environment and Public Works Committee, Senator BURDICK, to provide financial assistance to small communities. This legislation, S. 729, is very similar to legislation developed and reported by the Environment and Public Works Committee last year.

S. 729 proposes a significant loan and grant assistance program for environmental and public health projects in small communities with funding of over $2.5 billion over 5 years. Projects for sewage treatment, drinking water quality, and solid waste disposal would be eligible. The bill also authorizes the Army Corps of Engineers to assist financially distressed communities with these projects.

I expect that the Burdick small communities bill will be reported from the Environment and Public Works Committee as part of the clean water legislation now under development. This legislation will complement and support the authority included in the amendment we are considering today.

Mr. CONRAD. Mr. President, I am pleased to rise today with my colleague, Senator JEFFORDS, in support of the Small Town Environmental Planning Act [STEP Act]. The amendment we are offering today, along with Senators DASCHLE, COHEN, GORTON, and BURNS is a modified version of S. 1226, legislation to provide smaller towns with relief from the crushing weight of environmental mandates. S. 1226 would allow towns to prioritize environmental compliance activities to achieve the greatest health and environmental benefits within limited resources.

At the beginning of this year, I wrote to all of the mayors of communities in North Dakota and asked them to share with me the challenges they face in the years ahead. For smaller communities, meeting environmental requirements within very limited resources topped the list of urgent needs.

These communities do not have the resources to employ an office full of regulatory experts to keep them apprised of the latest regulatory requirements. Many towns are strapped for resources and have limited ability to raise necessary funds and have restricted access to credit. They see the Environmental Protection Agency [EPA] as uninterested in the special challenges they face. Because of their size, they face tremendous household-by-household costs to meet environmental requirements. EPA has reported that small communities pay the highest user charges for environmental protection, and will continue to do so.

Small communities need assistance in order to comply with Federal requirements. Mr. President, I joined Senator JEFFORDS to introduce the STEP Act to bring flexibility and reasonableness to the process of environmental compliance. After a great deal of comment on this legislation and advice from the Senate Environment and Public Works Committee, we have concluded that some changes in the legislation were warranted. The amendment we are offering today is the result of extensive comment on the STEP proposal.

The amendment requires the EPA, which administers most Federal environmental laws, to establish a program to assist small communities in planning and financing environmental facilities. The amendment establishes a small town environmental planning, or STEP, task force within the EPA to address the needs of small towns and make certain that the Agency is responsive to the needs of small towns. This task force will include representatives from small towns, State agencies, and other interested parties.

Furthermore, the amendment requires that EPA prepare a list of Federal environmental requirements and public health statutes applicable to small towns. The EPA will be required to establish a program to make certain small towns are notified of regulatory actions. This will be of special assistance to towns which lack full-time regulatory staffs. I have been informed that some towns do not know of a proposed requirement until much too late in the process to comment, and sometimes do not know of requirements until long after their effective date.

A small town ombudsman will also be established to assist small towns in their interactions with the EPA. This office will be the initial point of contact for small towns with the EPA, and the office can act as a friend and advisory to small towns.

Finally, the amendment calls for a study of multimedia permitting program for small towns. Such permitting would allow towns to receive one permit for all the various requirements they must meet, which would allow the development of a plan to prioritize actions which must be taken to meet Federal requirements. A town will have one-stop shopping if such permitting is adopted, and towns and States will have the ability to look at the big picture when determining compliance priorities. I understand that some States are already looking at a town's whole situation when establishing compliance plans, so I hope such a proposal will be given very serious consideration.

I want to thank members of the Senate Environment and Public Works Committee, especially Chairman BURDICK and Senators MITCHELL, BAUCUS, and the ranking member, Mr. CHAFEE. Senators BURDICK and BAUCUS have long worked to improve the ability of small towns to meet environmental mandates. I am strongly supportive of their efforts, and I appreciate the advice and assistance of the whole committee.

I also want to thank my colleague, Senator JEFFORDS for his tremendous work on this legislation. He has been a tireless advocate for small towns' needs. I would also like to give special thanks to Senator DASCHLE, who understands the plight of small towns so well, and has worked hard to see that the Federal Government is responsive to smaller communities' needs.

Finally, I would like to thank Senator MITCHELL. His willingness to entertain this amendment on this legislation is greatly appreciated.

Mr. President, this legislation is a first step, a very important step, to addressing the needs of small communities in this country.

Mr. BAUCUS. I want to thank the distinguished Senator from Vermont for developing this amendment to assist the Nation's small communities around the country in planning projects to protect public health and the environment. This amendment will be valuable to many communities in my home State of Montana, and I fully support it.

I expect to further address the environmental needs of small communities in legislation to reauthorize the Clean Water Act. Clean water legislation is now before my Subcommittee on Environmental Protection in the Environment and Public Works Committee.

The clean water legislation I plan to report from my subcommittee will include major provisions of S. 729, introduced by the chairman of the Environment and Public Works Committee, Senator BURDICK. S. 729 is very similar to legislation developed and reported by the committee last year.

Senator BURDICK's bill authorizes a major loan and grant program totaling over $2.5 billion over a 5-year period for environmental and public health projects in small communities. The bill authorizes the Army Corps of Engineers to assist financially distressed communities with these projects.

I look forward to working with the Senator from Vermont in developing provisions in the clean water legislation to assist small communities.

Mr. JEFFORDS. I thank the Democratic floor manager for his support. I share his determination to enact legislation to provide financial assistance to small communities. I support Senator BURDICK's bill, S. 729. It is an important and necessary complement to the amendment we are considering today, and I look forward to reporting it from the Environment and Public Works Committee at the earliest possible date.

Mr. BAUCUS. I thank the Senator from Vermont.

Mr. BURDICK. Mr. President, I rise in support of Senator JEFFORD'S amendment to help small towns plan and implement projects to protect public health and the environment.

Many small communities in my home State of North Dakota are in the process of developing plans to build needed infrastructure for environmental protection and public health. This amendment is an important step forward in addressing the needs of these communities.

I am the sponsor of legislation which would go beyond the amendment we are considering today to provide direct grant and loan assistance to small towns to finance environmental projects. This legislation, S. 729, is very similar to legislation developed and reported last year by the Environmental and Public Works Committee, which I chair.

The Environmental and Public Works Committee held hearings on small community environmental financing in May 1990. At the hearings, we heard compelling testimony about the difficulties faced by small communities in building infrastructure which meets the same public health and environmental standards which apply in other parts of the country.

In a major report on this issue, the Environmental Protection Agency [EPA] stated:

> Most municipalities will be able to meet the expected increase in environmental expenses and still remain financially sound. The municipalities most likely to experience difficulties will be those with populations of 2,500 or less.

The EPA stated:

> Most of the households that are expected to experience initial "rate shock" when confronted with rising user fees are in communities with fewer than 2,500 persons.

S. 729 proposes a significant loan and grant assistance program for environmental and public health projects in small communities with funding of over $2.5 billion in 5 years. Projects for sewage treatment, drinking water quality, and solid waste disposal would be eligible. The bill also authorizes the Army Corps of Engineers to assist financially distressed communities with these projects.

I expect that my small communities bill will be reported from the Environmental and Public Works Committee as part of the clean water legislation now under development. This legislation will complement and support the authority included in the amendment we are considering today and is essential if we are to effectively address the needs of small communities.

METROPOLITAN WASHINGTON WASTE MANAGEMENT STUDY ACT

Mr. ROBB. Mr. President, I want to take this opportunity to thank the chairman of the Environmental Protection Subcommittee, the floor manager for S. 596, the Federal Facilities Compliance Act. Senator WARNER and I introduced S. 1089, the Metropolitan Washington Waste Management Study Act, in May, in an attempt to relieve many of the fears of the residents in the Lorton, VA area. Senator BAUCUS has agreed to accept the bill as an amendment to S. 596, with the understanding that section 5 of S. 1089—(a provision calling for a General Services Administration study of the waste management plans of Federal facilities in the Washington, DC, area—will be deleted for now, and discussed during the reauthorization of the Resource Conservation and Recovery Act [RCRA]. As I understand the situation, the Environment and Public Works Committee has some concerns that a Federal agency other than GSA may be better suited to conduct that study.

Mr. BAUCUS. Mr. President, I want to thank the two Senators from Virginia, especially Senator ROBB, for working closely with the committee on this issue. I understand that this is a very important issue to the residents of northern Virginia, and we are willing to accept the language included in S. 1089 that will close down the I-95 sanitary landfill by 1996, and the site's ash monofil by 2000. At the same time, Senator ROBB has agreed to discuss his feasibility study provision as part of a comprehensive RCRA reauthorization.

I understand that the I-95 sanitary landfill is located on Federal land in northern Virginia, and has been operating as a landfill for local governments and the District of Columbia of nearly 20 years. If this site were located in Montana, I would demonstrate the same kind of concern that Senators ROBB and WARNER have demonstrated. I appreciate the efforts of the two Senators from Virginia to bring this issue to the attention of the U.S. Senate, and I look forward to working closely with them during RCRA reauthorization next year.

FEDERALLY OWNED TREATMENT WORKS

Mr. BAUCUS. The amendment to the Federal facilities bill includes an amendment to the Solid Waste Disposal Act to clarify the treatment of federally owned sewage treatment works.

Mr. NUNN. The Senator is correct; the amendment would address the concerns of the Department of Defense with regard to federally owned sewage treatment facilities.

Mr. BAUCUS. I want to take a moment to explain some of the context of this amendment.

Many Federal facilities operate sewage treatment systems. Municipal sewage treatment plants, but not Federal treatment plants, operate under a policy called the domestic sewage exclusion which excludes hazardous waste at a treatment works from coverage under the Solid Waste Disposal Act and prevents many municipal sewage treatment works from being treated as hazardous waste facilities.

Unfortunately, the domestic sewage exclusion as it now applies is poor policy. It results in the transfer of large amounts of hazardous materials to municipal sewage systems which are not prepared to deal with it.

The Environment and Public Works Committee is now considering legislation, which I introduced with Senator CHAFEE, to reauthorize the Clean Water Act which includes an amendment to correct the domestic sewage exclusion to assure that wastes discharged to municipal systems are as free of hazardous substances as possible.

The amendment before us today, rather than correcting the domestic sewage exclusion, would extend its coverage to sewage treatment works owned by the Federal Government.

It must be understood by those supporting this amendment and by those affected by the amendment, that future amendments to the Clean Water Act are likely to change the obligations of Federal facilities established by this amendment. The Clean Water Act amendments will both correct the domestic sewage exclusion and apply the policy equally to both Federal and municipal sewage treatment facilities.

It would be my preference to maintain a consistent policy by no passing this amendment or passing the amendment with all the safeguards we have proposed in the Clean Water Act. We have reluctantly agreed to the amendment, however, with the understanding that the proponents of the amendment recognize our intention to correct this policy and will not use the argument of a changing policy against future efforts to correct the policy.

Mr. NUNN. I recognize the concern expressed by the distinguished floor manager of the bill and I understand that the policy we adopt may well be changed in the near future. I support the ultimate goal of treating Federal and municipal sewage systems equally and I recognize that equal treatment may in the future require that the policy of this amendment be changed. This amendment requires the Department of Defense to operate its plants in a manner that brings greater protection to the environment than current practices at municipal sewage treatment plants. I look forward to working with the Senator to eliminate hazardous wastes from all sewage treatment plants.

JOHNSTON AMENDMENT ON MIXED WASTE

Mr. SIMPSON. Mr. President, this amendment represents the best possible compromise between the divergent philosophies regarding forcing mixed waste treatment and disposal technology.

The treatment technologies for mixed waste, for a number of waste streams, have not yet been developed. In fact, the estimates as to developing such treatment technology are actually very much guesses since in some cases we do not even know what kind of technology might even apply.

Even in the case of known technology, long lead times to develop and commercially deploy that technology with the appropriate environmental siting and permitting, will take years. Optimistic estimates by the Department of Energy range from 7 to 10 years—and this is for known technology.

Factors influencing development of treatment technology:

Technology evaluation and design, 7 to 10 years;

Development of environmental documentation under National Environmental Policy Act, appropriately 3 years;

Prototype demonstration, testing and evaluation, 1 to 2 years;

Submission and approval of RCRA permits by EPA or State regulator, 2 years;

Procurement and facility construction, 3 to 5 years; and

Facility demonstration prior to full-scale operations, 6 months.

It is my earnest hope that during conference committee action on this bill, the provisions which have been fashioned out of this compromise here today will prevail throughout the conference.

IMPACTS OF NOT LEGALIZING THE STORAGE OF RADIOACTIVE MIXED WASTE

Waiving the Federal Government's sovereign immunity under the Resource Conservation and Recovery Act [RCRA] without resolving the statutory impossibility for strong radioactive mixed waste could have significant impacts on DOE and other Federal agencies.

DOE, veterans hospitals, National Institutes of Health and the Food and Drug Administration only have the option of storing this waste safely until treatment technologies and facilities are constructed to deal with the waste.

This prolonged storage is illegal under RCRA as currently written. Unlike the Clean Air Act and Clean Water Act regulations that do recognize radioactive elements, it is estimated that these violations will allow the possibility of substantial fines and penalties to be assessed. For example: where a violation is assumed to occur on a daily basis at 10 percent of DOE's storage units the annual total amount of fines could average approximately $505 million. Leaving open the possibility of being fined and penalized for exercising the only environmentally responsible option—indeed the only option—is unacceptable.

This situation merits correction now. The passage of this bill without mixed waste provisions will force DOE into site specific agreements that could require the construction of duplicative and excessive treatment capacity. This approaches completion would increase the cost of DOE's waste management complex by $400 to $800 million.

Site managers may be compelled to suspend operations at facilities that generate mixed waste while site-specific agreements are being negotiated. Shutdown of Defense facilities for 6 months while an agreement is negotiated—a conservative time estimate—could cost DOE $550 million in lost production. This bill could have national defense implications.

All of these unnecessary actions will be triggered by the passage of this bill without fixing a problem that currently exists. Most importantly, these actions will have no positive effect on present compliance or future compliance. In fact, environmental efforts already underway will be hampered and diversion of funding for unnecessary litigation cost and fines will further delay mixed waste treatment and disposal.

This country needs a national compliance plan to deal with this problem because it is national in scope. Such a plan would outline schedules for treatment technology and facility development. A national plan is the most cost and risk effective approach, as well as the most expeditious way to treat this waste.

I ask unanimous consent that the following letters be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

MAY 29, 1991.

Hon. JOHN H. CHAFEE,
Ranking Minority Member, Environment and Public Works Committee, U.S. Senate, Washington, DC.

DEAR SENATOR CHAFEE: President Bush is committed to improving the environmental performance of facilities owned by the Federal Government. The substantial increases in the President's last two budgets for environmental compliance and cleanup, at the Departments of Energy and Defense and other Federal departments and agencies, reflect this commitment.

The administration has put substantial effort into crafting amendments to S. 596 in an effort to break the stalemate that has prevented passage of Federal facility environmental compliance legislation. The amendments we are proposing would ensure that the authority provided in this bill to impose fines and penalties against Federal facilities is exercised within a fair, workable statutory and regulatory framework.

The Resource Conservation and Recovery Act [RCRA] currently requires Federal facilities to comply with Federal and State hazardous waste laws and makes them subject to certain judicial enforcement actions. S. 596 would take the additional step of allowing civil penalties to be assessed administratively against Federal agencies for violations of Federal and State hazardous and solid waste requirements. It would also grant the Environmental Protection Agency the authority to issue administrative orders to other Federal agencies.

We opposed similar legislation during the 101st Congress, because of the concern that the authority to impose fines and penalties, by itself, will not achieve the desired environmental improvements. Because President Bush is committed to ensuring that Federal facilities comply with our Nation's environmental laws, we are submitting with this letter a new package of amendments.

Unless S. 596 addresses the underlying issues that contribute to the poor environmental compliance record at Federal facilities, it will not improve the compliance record of those facilities. Our proposed amendments address these issues. The amendments correct problems in S. 596 and RCRA that: (1) make compliance impossible; (2) inadvertently impose health risks; (3) do not adequately address unique Federal problems; or (4) treat Federal facilities differently from private entities. The proposed amendments, as well as an explanation and rationale for each, are attached.

We are ready to work with the Congress to develop a bill that provides the necessary accountability at Federal facilities for environmental cleanup and compliance and recognizes the unique situations of Federal facilities. If adopted, our proposed amendments will allow the administration to support S. 596. However, unless the bill adequately resolves the issues addressed in these amendments, the administration will be forced to strongly oppose the bill.

The Office of Management and Budget advises that, from the standpoint of the administration's program, there is no objection to the presentation of this report for the consideration of the committee.

Sincerely,

DONALD J. ATWOOD,
(For Richard Cheney,
Secretary of Defense).
WILLIAM K. REILLY,
Administrator, Environmental Protection Agency.
Adm. JAMES. D. WATKINS,
Secretary of Energy.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION,
Washington, DC, August 6, 1991.

Hon. QUENTIN N. BURDICK,
Chairman, Committee on Environment and Public Works, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: As the Senate prepares to consider S. 596, the "Federal Facility Compliance Act of 1991," NASA would like to express its belief that the amendments the administration submitted to the Senate on May 29, 1991, make a major improvement in the bill. If adopted, the amendments will enhance the statutory and regulatory framework under which S. 596 would be implemented.

With this letter, NASA wishes to emphasize its support for the administration's amendments concerning, particularly, the management of radioactive mixed wastes. The Department of Energy [DOE] produces plutonium-238 (a nonweapons grade of plutonium) for use in Radioisotope Thermoelectric Generators [RTG's], which are devices that convert the heat produced by the natural radioactive decay to provide electrical power for the spacecraft including its instruments. These RTG's have been used on a number of NASA's space missions where nuclear power is the only feasible alternative. If the administration's amendments are not adopted, the DOE's facilities required to produce plutonium-238 may be seriously jeopardized, because these facilities generate radioactive mixed waste in the production process. Should our country no longer be able to have the ability to produce plutonium-238 for fueling RTG's, NASA's space exploration programs would be severely compromised since several potential outer solar system missions would not have alternative power sources. The opportunities to further our understanding of the origin and evolution of our solar system and advance the understanding of Earth by comparative studies of the outer planets would be considerably curtailed.

We strongly support the administration's amendments and urge their adoption.

This letter has also been sent to the Chairman of the Committee on Energy and Natural Resources, United States Senate.

The Office of Management and Budget has advised that, from the standpoint of the administration's program, there is no objection to the submission of this letter to the Congress.

Sincerely,

RICHARD H. TRULY,
Administrator.

Mr. BAUCUS. Mr. President, I want to commend the majority leader. We know our leader to be a patient man. I think that his work on the Federal facilities bill is the best testament to his patience.

He first introduced this bill several years ago. The House has passed it several times. We are now passing that legislation this year. He has worked long and hard on it, and we are here tonight passing legislation which puts Federal agencies on the same playing field as private operations, private landowners, insofar as the Resource Conservation Recovery Act is concerned and other environmental legislation is concerned.

The Senate, and more important, the American people, owe a deep debt of gratitude to the leader for his very persistent yeoman's work in shepherding this bill through final conclusion.

Mr. MITCHELL. Mr. President, I thank my colleague for his kind words. I appreciate his effort and the efforts of Senators JEFFORDS and CHAFEE and all the others who contributed to the progress we made on this bill so far.

Mr. President, have the amendments been agreed to?

The PRESIDING OFFICER. The amendments have been agreed to.

Mr. MITCHELL. Mr. President, I suggest the absence of a quorum.

Mr. DOMENICI. Will the leader let us give some remarks about the bill before he does that, and about the amendments?

Mr. MITCHELL. Certainly.

I withdraw my request.

Mr. WALLOP. Mr. President, I do not want the majority leader to think these are related only to the amendments. I have a comment on the bill.

Mr. MITCHELL. Yes.

Mr. WALLOP. Mr. President, it is a mistake for the Senate to believe that Government agencies are like the private sector. It is also a mistake to think that, like the private sector, Government agencies can go out of business if simply forced beyond their economic capabilities of compliance. You are not going to lose the Department of Defense because they are fined. You are not going to lose the National Institutes of Health because they are fined.

What nobody seems to be focusing on is that all of this is dependent on a couple of things. First, science and technology, which in many instances does not now exist. Second, the willingness and the ability of the Environmental Protection Agency to promulgate regulations which are clear, understandable, and with which other agencies can comply. Third, having promulgated those regulations, that other environmental laws do not enter into the picture to prevent them from constructing facilities which are capable of handling these wastes. And fourth, and most important of all, I do not know anybody in this body who can guarantee that the funds will be made available to the agencies in question to be able to comply. And at some moment in time, Mr. President, we will be fining these agencies to take away the money that we have made available to them, in whatever sparse or generous amounts, to comply with the requirements of this act.

This Senate has spent the week fighting with itself and it ill-behooves us to create a circumstance where agencies of the U.S. Government are put into combat with each other, where the lawyers of each agency are required by law to spend taxpayers' hard-earned money, not getting to the resolution of the problem, but keeping each other in court and fining each other for lack of compliance when, oftentimes, the agency doing the suing is the agency responsible for the inability to comply.

It is my hope—and I ask for just a moment of the majority leader's attention, if I could have it. We have yet in this body to reauthorize RCRA. At some moment in time we will have to do such a thing. And it seems more than a little bit important that at that time we take a look at what we have created to see if it is possible under any set of good will efforts to comply. And it is my hope that the majority leader will at least consider a request that at that time we might, as a body, consider sequential referrals to other committees whose agencies are affected by the provisions of RCRA, just to talk about the realities of the ability to comply.

So I hope that maybe, when the RCRA reauthorization comes about, we could have a sequential referral period, with a confined moment in time, to the Department of Defense—the Armed Services Committee, to the Energy Committee, probably to Health and Human Services whose wastes are much in play here. I ask the majority leader if he would at least consider, at that moment in time, assisting in such a request.

Mr. MITCHELL. Mr. President, I assure my colleague that I will consider it seriously and as carefully as possible. As my colleague knows, sequential referral would require unanimous consent.

Mr. WALLOP. I do, indeed.

Mr. MITCHELL. Maybe it could be obtained. But I assure my colleague I will do that in good faith and seriously consider it with him and any other Senator who is interested.

Mr. WALLOP. I say to the majority leader, I am fully aware it requires unanimous consent. But I am also fully aware that the support and efforts of the majority leader have calming effects on the desire to raise objections.

Mr. President, let me conclude, and I will very briefly because we have been here, and I appreciate not only the majority leader's staff's work, but that of the committee.

We are able often, as a body, only to look at one devil at a time. In this instance the devil is mixed waste, waste containing chemicals and low levels of radioactivity.

The devil we are overlooking is that, in pursuit of this, without ever looking at the cost/benefits of what we are doing and the hazards which the public may or may not—most important—be exposed to, we run the risk of putting American medical technology out of business. Eighty percent of medical research contains low levels of radioactive waste.

The research into heart disease, the research into cancer, the research into AIDS, the research into preventive medicine—all of it requires trace elements of radioactivity. All of it lays in some small element of radioactive waste. We are now already in the position of having put costs up to $50,000 per cubic foot to store that waste. And the rationale behind this is the consumer can pay, the consumer is the beneficiary of medical research. And who pays for that, but governments in the United States, primarily? Precious little medical research is done by private endowment. It is the National Institutes of Health, the great medical universities of America. And what we are on the threshold of doing is making it so expensive that medical research in America will be an option that cannot be accepted.

What we have done is to soften that and give ourselves time to work on it. But I assure this body if we do not take advantage of the time that we have given ourselves to work on it, this Nation is in the pattern of self-destruct over the most important and wonderful things that we have been able to provide the world.

It is insane that somehow or another we take such things as medical waste and make them so expensive that the universities and the National Institutes of Health cannot afford to engage in that research.

Mr. President, we have this peculiar Catch-22, whereby it is illegal to store it, illegal to transport it, and are subject to $25,000 a day fines for having it.

If we wish to have this marvelous, advanced medical technology which has made our country the envy of the world, has given us Nobel Prizes and given hope to people with AIDS and cancer and heart disease and all the other things, we better be careful as to how we proceed from here.

So, while I am very grateful for the cooperative nature which brought us to the moment where we have bought ourselves time, in no way, Mr. President, in the end will I be able to support this legislation.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. I want to assure the majority leader and manager on our side I will be brief.

This year our Government appropriated $7.1 billion for environmental cleanup that the Government has to do. That is 22 percent higher than last year. And just to see the steep increase, it is 98 percent more than 2 years ago.

It is obvious to me, to do the cleanup that the Government is responsible for, that dramatic incline, from somewhere around $1 billion or $1.5 billion 2 years ago to $7.1 billion in just the beginning of what it is going to cost our Government to clean up—whether it be a national laboratory or the National Institutes of Health or some other facilities around the country where we have waste products that have accumulated over the years and are not now in technical compliance with our environmental laws.

I am going to support this bill because it is obvious to this Senator we want to push our Government to do the kind of cleanup we are requiring of others. The reason we should be doing this is because we do impose mandates on the private sector and others than Government, and we expect them to meet them. We have not been doing that for some of our Federal facilities. So the distinguished majority leader is saying, "Let's do it."

For those who wonder why there has been a delay this afternoon, I hope they understand it is not because a Senator like this one did not want to force the cleanup of Government waste that is currently not in compliance with out laws. Frankly, the reason I delayed it and tried to work out something was very simple. We have mixed waste in abundance. That is waste that is radioactive and contains chemical or other toxicities—mixed.

The problem with that is not that we do not want to clean it up but in some cases we do not know how. In many cases we do not have a technology. And it was obvious today, as this bill came to the floor, that everyone who knows about this problem admits that there is no way we can have compliance by next year or even the year after.

So what we have done in this bill is to compromise and say, as to that portion, the mixed cleanup, the cleanup of mixed waste, we have until 1997 to be in compliance. Some will say that is too long. Frankly, I am firmly convinced we will not get there even by 1997. But at least it gives us an opportunity to build in our system of cleanup a regularizing of this process.

And then we added another provision in these amendments that says every year the Government, that is the executive branch, in a very precise way will give us an accounting and an inventory of both what we are doing, what we have spent, and what technology is available and what the prognosis is. We have never had that. That is a very good provision, it seems to this Senator, because year by year we will know how close we are getting to reaching compliance. It seems to me in 3 or 4 years we ought to have a pretty good history and inventory of what we have done, a prognosis of what remains to be done, a listing of the technologies that will accommodate the cleanup, and where we have not yet achieved exact compliance with our laws.

Mr. President, it seems to me that that makes eminent sense. I do not see how it makes any sense to say we will meet these technical requirements next year when we know we cannot, even though we might be angry because we have not done it right in the past. The truth of it is we cannot meet these deadlines next year.

So, should we start fining ourselves, let a fine be imposed on DOE, and send that money into the general fund? Should we let the States start to cite us for violations and start fining us when we absolutely know that as to mixed waste in most cases we will not meet compliance next year?

I thank all of those who worked on this. I think it keeps our feet to the fire. Those who are concerned about cleanup, it gives them a map. And it says to those Federal installations and departments, get on with it and give us your best advice and recommendations each year as we proceed.

Mr. President, I want to make part of the RECORD a letter, dated October 17, from the Executive Office of the President, essentially the Office of Management and Budget. I do it only because I do not want anyone to think if we go to conference and the 1997 date is done away with—which I understand we do not want to do—and if we make it next year, I believe that bill in that manner may, indeed, be subject to a Budget Act point of order, because it has some expenses that are not currently expected that are in the nature of an entitlement. And if we do it on a 1-year basis, we probably can calculate it sufficiently to cause it to be looked at as possibly subject to a point of order.

This letter from the OMB explains that and other things about the cleanup. So I would like to make it a part of the record. I ask unanimous consent it be printed in the RECORD. And with its submission I yield the floor.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

OFFICE OF MANAGEMENT AND BUDGET,
Washington, DC, October 17, 1991.

STATEMENT OF ADMINISTRATION POLICY

(S. 596—Federal Facility Compliance Act of 1991—Mitchell of Maine and 48 others)

The Administration is committed to ensuring Federal facility compliance with environmental statutes and to improving the environmental performance of Federal facilities. The President's FY 1992 Budget includes $7.1 billion to speed the cleanup of Federal facilities—an increase of 24 percent over FY 1991 and 89 percent over FY 1990.

S. 596 would allow the assessment of fines, penalties, and orders against Federal agencies for violations of Federal, State, interstate, and local hazardous and solid waste requirements under the Resource Conservation and Recovery Act (RCRA).

S. 596, however, will not achieve its desired environmental improvements, because the bill does not address the problems specific to Federal facilities that have led to difficulties in complying with environmental law. The Administration has provided Congress with amendments which will ensure that the authority provided in S. 596 to impose fines, penalties, and administrative orders is exercised within a fair, workable statutory and regulatory framework.

The Administration strongly opposes S. 596, as reported by the Environment and Public Works Committee, and will continue to seek its amendments during further congressional consideration of this legislation. If the Administration's amendments are adopted, the Administration would support S. 596. The Administration's amendments include:

Mixed Waste Treatment Technology Development.—It is widely known that it is impossible to comply with certain statutory storage restrictions for radioactive mixed wastes because treatment technology or capacity for these wastes does not currently exist. The Administration's amendments provide for the development of a national compliance plan to establish schedules for development of the necessary treatment technology and capacity within enforceable prescribed timeframes.

Military-Essential Activities.—The Administration's amendments provide for the development of regulations that permit the conduct of military-essential activities (e.g., the manufacture, testing, and handling of ordnance and munitions) and fully protect human health and the environment. Existing regulatory requirements can lead to unsafe practices and may hinder the ability of the U.S. military to function effectively.

In addition, the Administration's amendments provide for the development of alternative waste management requirements where existing requirements for radioactive mixed waste would result in radiological exposure of workers that exceeds applicable numerical health and safety standards.

Finally, the Administration's amendments would ensure that public vessels and Federal wastewater treatment works are treated in a manner comparable to non-Federal entities.

To the extent that the Judgment Fund is not available to pay fines and penalties under this Act, they will be paid by agencies from funds which must be appropriated specifically for this purpose. Under the caps established by the Budget Enforcement Act, funds appropriated to pay fines will necessarily reduce funds available for other purposes. Thus, it is likely that the imposition of fines will reduce funds available for cleanup activity.

SCORING FOR THE PURPOSES OF PAY-AS-YOU-GO AND DISCRETIONARY CAPS

To the extent that S. 596 would increase direct spending it is subject to the pay-as-you-go requirement of the Omnibus Budget Reconciliation Act (OBRA) of 1990. No offsets to the direct spending increases are provided in the bill. A budget point of order would lie in both the House and Senate against this bill because, in the Administration's view, its costs have not been offset. The effects of enactment of this legislation would be included in the look back pay-as-you-go sequester report at the end of the Congressional session.

S. 596 will increase costs in two ways—payments from appropriated funds and payments from the Judgment Fund. S. 596 has a pay-as-you-go impact to the extent that the Judgment Fund is used to make payments under this Act.

If sovereign immunity is waived under RCRA without addressing the lack of current capacity to treat mixed waste, fines and penalties of up to $25,000 per day per violation could be imposed against Federal agencies. The fines would be imposed for storing radioactive mixed waste out of compliance with RCRA's prohibition on storage of restricted waste. Although it is impossible to predict with precision, the potential total Federal exposure for fines and penalties related to this situation could range up to about $5 billion per year.

At this time, it is difficult to predict what proportion of fines and penalties under S. 596 would be paid from the Judgment Fund. The high-range estimate noted below assumes that fines and penalties are sought for 10 percent of the violations for mixed waste at Department of Energy facilities.

Mixed waste is also produced in conjunction with most biomedical research. The National Institutes of Health and other Federal facilities engaged in biomedical research face similar mixed waste disposal problems and would be subject to fines and penalties. To the extent that fines and penalties were imposed, the funds available to support biomedical research may be reduced.

OMB's preliminary pay-as-you-go scoring estimates of this bill are presented in the table below. Final scoring of this legislation may deviate from these estimates. If S. 596 were enacted, final OMB scoring estimates would be published within five days of enactment, as required by OBRA. The cumulative effects of all enacted legislation on direct spending will be issued in monthly reports transmitted to the Congress.

Estimates for pay-as-you-go

Outlays:	*Millions*
1992	$15–500
1993	15–500
1994	15–500
1995	15–500
1992–95	60–2,000

The PRESIDING OFFICER (Mr. BUMPERS). The majority leader is recognized.

Mr. MITCHELL. I thank my colleague from New Mexico and my colleague from Wyoming for their constructive remarks. I hope we will be able to get the bill passed and ultimately into law in a manner all will find acceptable and accomplishes the objective we seek.

I will yield now to the Senator from Idaho for 3 minutes without losing my right to the floor.

The PRESIDING OFFICER. The Senator from Idaho is recognized for 3 minutes.

Mr. CRAIG. Mr. President, I associate myself with the remarks of my colleagues from Wyoming and New Mexico on the amendments en bloc that have just been offered to S. 596. With these amendments I can now in good faith support legislation that would not have been in the best interests of this Government, let alone its citizens, had we not have been able to offer the flexibility that I think these amendments now offer. It would not have been right for us to say that there is a double standard in this country. I think the author of the legislation was saying that, that there should not be. But we were putting some of our Federal agencies, especially DOE and DOD, into situations where they were in an ultimate catch-22 that they simply could not have lived with.

As effectively explained by my colleague from New Mexico, we were saying that by next year you had to be in compliance in a way that you could not get there. You had to be able to develop techniques you could not develop. Simply, we would not, in the issue of mixed waste, have been able to come on line. So we would have been throwing money around, not resolving the issue, and clearly saying to the citizens of this country who had a fundamentally legitimate concern about some of the mistakes that have gone on at Federal facilities, that have gone beyond the borders of those facilities, that we were merely creating a crisis without a solution.

I think these amendments now offer the kind of flexibility that we have to have. In my State, with a large Federal laboratory, with mixed waste, it says to them that they are not going to be allowed to be different. They are going to have to comply with RCRA, as they should, and that the citizens of the State and the State itself has a right to be a participant and a partner.

But it does not have a right to be superior. It should not have a right to be superior. Clearly, all ought to participate, all ought to be concerned for the kind of programs that run there that we know are correct and environmentally sound and do not put the citizens of the region or the area in any kind of danger. That is what we are attempting to do now.

I am glad that negotiations were able to go forward, we were able to gain the flexibility, we were able to arrive at a 1997 case-by-case extension and also recognize agreements that are already in existence continue to exist and that the agencies involved will continue to work correspondingly with those.

It is a block that serves us well and I think perfects the legislation to make it so that a substantial larger number of Senators can support it. I yield back the remainder of my time.

Mr. MITCHELL addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. MITCHELL. Mr. President, I thank my colleague from Idaho for his comments.

Mr. President, I am advised by the managers that action has now been completed on all amendments that are relevant to this bill.

Previously, I discussed with the distinguished Republican leader the possibility that he and I and other interested Senators meet on the possibility of other amendments being offered which are unrelated to this bill, and until I have the opportunity to do so, that is to meet with the Republican leader, which I hope to do shortly along with other interested Senators, I ask unanimous consent that there be a period for morning business, with Senators permitted to speak therein.

Mr. CHAFEE. I wonder if the majority leader can hold for just 2 minutes on that.

Mr. MITCHELL. Mr. President, I yield to the distinguished Senator from Rhode Island 2 minutes, without losing my right to the floor.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

Mr. MITCHELL. Does the Senator wish more than 2 minutes?

Mr. CHAFEE. No, that is fine.

Mr. President, I just want to say I think the majority leader deserves a lot of credit for this piece of legislation. Really, this is his bill. We have wrestled with this in the Environment Committee I guess now for about 3 to 4 years. I must say that I was very strongly opposed to the original language. It was an unequal contest. He blew me away in the votes we had, as I recall. But nonetheless, he did say that when we got to the floor, we would try to fix it up, amend it in a satisfactory way to satisfy the deep concerns that I and others had in the original legislation. And, indeed, he did that.

So I want to thank the majority leader who has been, as I say, the real pusher for this legislation. I think he is right in many respects on it. As the distinguished Senator from Idaho who previously spoke indicated, we cannot have a double standard in this country with DOE and our Department of Defense facilities able to carry on in a fashion that private industry cannot.

So I am very glad we have arrived at this situation. Again, I want to salute the distinguished majority leader who has been such a valued member of the Environment Committee.

Mr. MITCHELL. Mr. President, I thank my colleague for his comments, and I appreciate his valuable contribution to this bill.

MORNING BUSINESS

Mr. MITCHELL. Mr. President, I ask unanimous consent that there now be a period for morning business, with Senators permitted to speak therein.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SEYMOUR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from California is recognized.

SEYMOUR AMENDMENT NO. 1260

Mr. SEYMOUR. Mr. President, I just want to state for the record that I have been waiting throughout the day for an opportunity to present an amendment to the bill that is under consideration. It is an amendment that I submitted to the desk yesterday. The desk now has that amendment, amendment No. 1260. It is a very simple amendment, Mr. President. In fact, it is so simple I will just read it. It says:

> The Federal Bureau of Investigation is hereby authorized and directed to require by subpoena the attendance of such witnesses and the production of such correspondence, books, papers, and documents, to take such sworn testimony and to make such expenditures out of any funds appropriated and not otherwise obligated to make an investigation into the matter of releasing of confidential documents transmitted to the Senate Committee on the Judiciary regarding Professor Anita Hill of the University of Oklahoma and to report to the Congress the results of this investigation not later than 30 days after the date of enactment of this Act.

That is the amendment, Mr. President, that I submitted to the desk yesterday. I also said yesterday it was my intent to take that amendment up, where appropriate, as soon as possible to the next bill under consideration. I just want to state for the record, Mr. President, that I have been waiting most of the day to take up such an amendment and at the first appropriate time, as I said yesterday, it was and still is my intent to move forward with this amendment

Mr. WALLOP. Mr. President, will my colleague from California yield for a question?

Mr. SEYMOUR. Yes.

Mr. WALLOP. Mr. President, I would simply ask, is it the intent of the Senator from California to have a long debate on this or would he be quite willing to enter into a very short time agreement with the majority leader? After all, every Senator in the body knows what it is about. It does not need a debate. The amendment that he would have would simply be offered and voted upon. Then we could, however the disposition of that went, go to the disposition, final passage of the bill.

So my question is to my colleague, would he be interested in entering into a very short time agreement, say 10 minutes equally divided?

Mr. SEYMOUR. Mr. President, I say to my distinguished colleague from Wyoming that I have no intent, nor desire, to delay action on this bill and would be more than willing to accept a very short time period to debate my amendment. Ten minutes equally divided on either side would certainly be sufficient. I just would like to get the amendment up and get a vote taken on this amendment because I think it is a matter of great import to the Senate.

Mr. WALLOP. I thank my colleague. It seems clear, Mr. President, that we could settle this matter in a very short period of time were the spirit so willing.

Mr. DOMENICI. Will the Senator yield for 2 minutes?

Mr. SEYMOUR. Certainly, I yield.

Mr. DOMENICI. Mr. President, I note that the majority leader and——

The PRESIDING OFFICER. Does the Senator from California yield the floor?

Mr. SEYMOUR. Yes, Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. I ask for 2 minutes.

Mr. President, I notice that the majority leader and the minority leader are not present, but I think even in their absence I could say what I am going to say. I believe the majority leader and the minority leader ought to support this amendment. Whether it is this amendment or whether it is a freestanding bill, we ought to agree to dispose of it and let the Senate vote rather quickly.

The media is filled with concern about our institution, and perhaps it is the Congress, not just the Senate. But the last episode that causes great discouragement among our people is our inability to maintain confidentiality of information we receive in confidence. Actually, we should have within our institution the wherewithal to find out who breached this confidence with Anita Hill.

I submit the Senator from California has a very simple way and the best way I have heard—take it out of the Senate. Do not appoint a new commission. Just give the Federal Bureau of Investigation authority to make the investigation, to swear the witnesses, to issue subpoenas, and to report back to us their findings. They only have one goal and that is to find out who breached the confidence of Anita Hill in the submission of her statement.

Now, Mr. President, it is not difficult. It is somebody who works for the Senate. It has to be, because even if somebody from the Senate leaked it through a third party, who leaked it and breached the confidence, it was the Senate that did it. It is either a Senator or a staff person who works for us.

I think we ought to adopt a simple measure tonight, or at the earliest time our leaders should help us do it, not resist it, unless they have something better. It seems to me this is as good as I have heard. The FBI does this well. They can give the reports to whomever we like. Maybe it would be the majority leader and minority leader who would get the reports. But it would be done. In a month or so we would know.

I think we ought to say in it that they can subpoena and take testimony from anyone who has relevant information—maybe a staffer has left. I am not suggesting such a thing, but if they have, they ought to be subject to interrogation.

I thank the Senator from California. I support his amendment and I hope we adopt it soon.

Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. Mr. President, I rise to endorse the amendment of the distinguished Senator from California. I think it is important this matter be acted on promptly.

The majority leader says he wants to get to the bottom of it. The Republican leader says he wants to get to the bottom of it. I might say that the Republicans on the Judiciary Committee, at my request, have already signed a letter to the acting Attorney General requesting that the FBI investigate this matter.

Now, it could be investigated in various ways, but the FBI has the reputation for being unbiased, nonpartisan, and in my opinion they would probably be the best agency to investigate this matter, and I heartily endorse the amendment of the able Senator from California.

Mr. GRAMM. Mr. President, I congratulate our colleague from California. A lot of people have talked about the problem. I guess all 100 Members of the Senate at one time or another in the last 2 weeks have talked about this violation of the confidence of the Senate, violation of the confidentiality of the people who came forward to present information that the Senate had asked for and they gave in a belief that it would be kept confidential.

What our colleague from California has done is not just complain about it, he has put together, I think, a clearly drafted amendment that is very straightforward. We all have great confidence in the FBI; the FBI operates independent of the Senate; and this amendment would give it the authority and the mission of conducting a thorough investigation and reporting to the Senate on the findings of the FBI.

I think it is very important we not give the American people any reason to believe that anything is being swept under the rug. I think a failure to vote on this amendment, a failure to deal with it suggests we are not living up to the call for action that was issued during all the indignation expressed about the violation of confidence.

So I congratulate our colleague from California. I think this is an excellent amendment. I hope it would pass 100 to zero.

I also want to thank our colleague for making it clear that it is not his intention to delay what we are doing, that he is not doing this in any way to oppose the pending bill.

But the point is this. For 2 weeks Member after Member stood up and expressed outrage. Now is the time for action. Were we just expressing outrage because something had become public or were we expressing outrage because the rules of the Senate had been violated as was the confidentiality of people who had every right to expect that confidentiality to be respected?

So I congratulate our colleague, who has said he is willing to have 10 minutes of debate equally divided. This will hardly delay the Senate. I think it is very important that we vote on it. Again, I congratulate our colleague for providing the leadership.

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER (Mr. WIRTH). The Senator from Arkansas.

Mr. BUMPERS. Mr. President, I know the majority leader feels very deeply about what the Senator from Texas has just said. I could not agree with the Senator from Texas more, that we have some institutional rebuilding to do. It is a real tragedy, what has happened to the credibility of this body in the past week. It would be easy to point to that side of the aisle or that side of the aisle to point to this side of the aisle, but the truth is everybody will have to deal with this in his or her own way with his constituents.

I was very pleased when I picked up the paper yesterday morning to see that the majority leader said, "I intend to get to the bottom of this."

I have a great deal of confidence in him. I have not studied the amendment of the Senator from California and I would want to look at it. It may be the best possible way to restore confidence. I want the amendment of the Senator from California, or an amendment of his leader or my leader, whichever one will do the best job in this Senator's opinion, to begin that laborious tedious job of convincing the American people that this very important body, one of the most important bodies in America, is going to deal with this problem.

Mr. President, you might elevate the degree of respect of such an investigation if you appointed an independent counsel and give him access to the very best investigators the FBI or the GAO—both of them—have. I think it is going to be a complicated investigation, quite frankly. Everybody should understand there is a possibility that a definitive conclusion will not be reached. There is a possibility that there was no lead even of the FBI report.

Professor Hill and four witnesses Sunday afternoon testifying in her behalf. Each of them said that she had confided in them years go her charge, her allegation. If those four people knew, and each one of them told four people, and each one of them told four more people, and awful lot of people in this country knew that Professor Hill had something sticking in her craw about Judge Thomas.

So there is a possibility that all kinds of findings are going to be made other than the fact that a Senator or a staff member of a Senator leaked this report. That might be a happy, clean, satisfactory conclusion, and it might make people feel better to know precisely what happened. But I think that the Members of this body should understand that might not happen.

But having said that, Mr. President, I want to say I will vote for what I think is the very strongest measure to investigate this. It is a travesty that it happened. Judge Thomas and Professor Hill have not had their careers ruined but they certainly have gone through a traumatic experience because of this.

Let me refer my colleagues to a statement that Senator NUNN made yesterday on the floor of the Senate about this process. These things are never quite as easy as they seem, and Senator NUNN makes the point in his statement yesterday of some of the things, as chairman of the Armed Services Committee, that he and the other members of the Armed Services Committee have gone through from time to time on this.

We all remember that there were so many allegations against John Tower flying over the transom they could not keep up with them. It was impossible to sort them out. They were trying to decide which ones warrant further investigation. Should we confront some of these people and allow John Tower, our former colleague, to confront them?

So you have a host of concerns. You have people who say the public has a right to know. It seems to me that this country right now is pretty much divided between people who think this should have been handled behind closed doors and others who say the public has a right to know.

Mr. President, in the interest of fairness—and quite frankly I will be candid with you—I think the outpouring of support of the last few days for Judge Thomas was based on the proposition not dealing with his competency or incompetency or qualifications to serve on the Court but somehow or other he was being treated unfairly. The American people have very strong feelings about this issue of fairness. They will go to bat for almost anybody that they think is being treated unfairly.

But here is the point. Judge Thomas, First, was entitled to be confronted by his accuser.

So then the question becomes was he entitled to be confronted by his accuser in public for all the country to see and for his own satisfaction?

I think the answer to that is obviously, yes.

I can tell you as an old trial lawyer I always believed strongly in the accused being faced by his accuser.

Next question: Is it fair to the American people, and does it comport with what we believe is right, to do it behind closed doors or must it be done in public?

Three: If you have this public airing of accusation, do you not also inhibit the quality of the reports by any investigating team? The FBI takes statements all the time from people who give those statements based on the assurances of anonymity.

A lot of information is given to the FBI and other investigators on the basis that their names will be kept anonymous—good information.

So, Mr. President, all I am saying is this is not quite as simple as it looks. I know the majority leader and the minority leader are both determined to come up with a solution to deal with this in a way that will convince the American people that this body is genuinely concerned about a national tragedy. And we are not trying to hang scalps on the wall necessarily. We are also trying to figure out how to remedy this problem so that we can be assured it will not happen again, or at least that we have done everything we possibly can to keep it from happening again.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

FEDERAL FACILITIES COMPLIANCE ACT

The Senate continued with the consideration of the bill.

MODIFICATION TO AMENDMENT NO. 1263

Mr. BAUCUS. Mr. President, I ask unanimous consent that the amendment No. 1263 be modified with a technical correction that I now send to the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

The modification to amendment No. 1263 is as follows:

On page 18 strike line 1 and 2.

Mr. BAUCUS. Mr. President, this modification has been cleared on the Republican side.

Mr. MITCHELL. Mr. President, the legislation I introduced, the Federal Facilities Compliance Act, has a very simple premise. The Federal Government should be held to the same standard of accountability as everyone else regarding hazardous waste.

This legislation places private industry, States, individuals, towns and cities, and the Federal Government all on equal footing. Each should be required to meet the same environmental standards and should be subject to the same enforcement actions if they fail to comply with the law. Similar legislation has been adopted overwhelmingly by the House three times, including once earlier this year.

In 1976, when Congress enacted the Resource Conservation and Recovery Act, or RCRA, the intention was to waive sovereign immunity so everyone would be treated equally. In fact, the language of the 1976 amendments was directly in response to a 1974 Supreme Court decision, Hancock versus Train, in which the High Court held that sovereign immunity had not been completely waived because Congress had not addressed both substantive and procedural requirements.

It is more than mere coincidence that the language of section 6001, which waives sovereign immunity, uses practically identical language and states that the Federal Government must comply with all—

> Federal, State, interstate, and local requirements, *both substantive and procedural*". (emphasis added).

We waived sovereign immunity in 1976. However, some courts have held that Congress has not yet found the magic words to effect such a waiver.

The magistrate states in State of Maine versus Department of the Navy that:

> An intelligent person reading the statute would think the message plain: Federal facilities will be treated the same as private institutions so far as enforcement of the solid waste and hazardous waste laws are concerned. Indeed, if legislation is considered the means by which the Congress communicates its wishes to the Court and to the country, it is hard to imagine clearer language short of listing every possible variation of such requirements. (702 F.Supp. at 333)

The magistrate's opinion was upheld by Judge Carter of the Maine Federal District Court.

I think this is the correct decision. It would be unworkable for Congress to contemplate every type of requirement, fine, penalty, or enforcement action that could conceivably be brought against the Federal Government and then list such requirements exhaustively in each statute where we intend to waive sovereign immunity.

We waive sovereign immunity routinely in our Federal environmental laws. It is not questioned and was not throughout the lengthy Clean Air Act reauthorization process that the act waives sovereign immunity.

We intended to waive sovereign immunity in the Clean Water Act and again waived sovereign immunity in the Safe Drinking Water Act. Congress has been clear and consistent.

However, the courts have been neither. Thus the need for this legislation.

We are today clarifying what the courts have blurred: that sovereign immunity is completely waived under existing section 6001 of RCRA. It apparently is necessary to restate this proposition ourselves so there can be no further confusion in the courts.

Federal facilities noncompliance is legion and is not merely a theoretical problem. As President Bush stated while a candidate in Seattle on May 16, 1988:

> Unfortunately, some of the worst offenders are our own Federal facilities. As President, I will insist that in the future Federal agencies meet or exceed environmental standards: the Government should live within the laws it imposes on others.

I agree. This legislation holds the Federal Government accountable. The courts have created a situation where the Federal Government has had a period of voluntary compliance. It is well documented that such a system of compliance does not work.

We do not allow private individuals, industrial facilities, towns and cities or States to be subject to voluntary compliance or let them offer to comply if they can afford it.

The Comptroller General of the United States testified in 1989 that there is "widespread contamination" at Department of Energy [DOE] sites and that "some sites may be irreversibly contaminated and DOE may have to place them in long-term institutional care."

Earlier this year the Office of Technology Assessment [OTA] found in its report "Complex Cleanup: The Environmental Legacy of Nuclear Weapons Production" that:

> The waste and contamination problems at the DOE Weapons Complex are serious and complicated, and many public concerns about potential health and environmental impacts have not yet been addressed. * * * Many sites may never be returned to a condition suitable for unrestricted public access.

OTA, like GAO before them, is telling us that the extent and level of contamination may be so severe that some Federal facilities may be permanently off limits to the rest of society.

While DOE may be one of the best known examples of Federal noncompliance with our environmental laws, other agencies, including the Department of Defense, have their own serious problems.

Enactment of this legislation will not eradicate the public health and environmental threats overnight. What this legislation will do is return to the States the enforcement tools we thought we had given them in 1976.

Enforcement is key. EPA requires States to demonstrate they have adequate enforcement capability before the agency agrees to delegate programs to the States. EPA has frequently taken such enforcement action against noncomplying States and municipalities and insists that such authority is essential to assure compliance.

States have noted repeatedly in hearings before Congress and in arguments before the courts that civil penalties are a key tool in achieving compliance. The fines and penalties that are infrequently paid are minimal compared to full cleanup costs, or the costs of injunctive relief already available under current law. The adverse publicity and the deterrent effect are potent influences in assuring compliance, which is the ultimate goal.

Without a waiver of sovereign immunity, such as that envisioned in current law, there is no enforcement.

The administration has adopted a unitary executive theory that bars EPA from enforcing the law against other Federal agencies. EPA is reduced to jawboning other agencies, according to a former EPA Assistant Administrator responsible for implementing RCRA. Jawboning is not enough, as history has demonstrated.

Some agencies have interpreted the courts' ambiguities about the waiver of sovereign immunity as license to damage the environment.

The Department of Energy, for example, did not acknowledge that RCRA applied to its activities at all until 1987. However, this does not justify the agency's failure to take even reasonable steps to protect public health and the environment. One need not comply with the letter of every RCRA requirement in order to accept the spirit of environmental protection embodied in that statute.

Today we have an opportunity to begin to right these wrongs, to eliminate the special exemption the courts have created for Federal agencies. This legislation, once enacted, will assure that in fact the Federal Government is not above the law and that enforcement actions can and will be taken where there are violations.

I urge my colleagues to support this measure.

Mr. BROWN. Mr. President, I rise in strong support of S. 596. "Do as I say and not as I do" is the old political adage. The Federal Government follows that adage is spades when it comes to the environmental regulations.

Federal facilities in this Nation has disregarded our environmental laws and endangered their neighbors, and this activity is not going to end until this Congress says they have to live by the same rules as everybody else does. Allowing Federal facilities to be exempt may sound good to some, but I will guarantee that it does not sound good to the neighbors of such facilities.

In Colorado, there is a facility called the Rocky Mountain Arsenal. A few years ago, water draining from the site polluted, and some say poisoned, the drinking water of the adjacent community. We came to the Defense Department to ask that they help filter the water that was endangering the lives of the neighboring communities. Does anyone know what they said? Their initial response was: "We do not want to pay a penny to help filter the drinking water of our neighbors."

Is there anyone in the Senate who would like to defend that kind of callous attitude that endangers the health and safety of neighbors of Federal facilities? I would like to hear someone justify poisoning the water of their neighbors and then refuse to come up with a penny to correct it.

The truth is that nobody can justify it. The laws we have that exempt federal facilities from the responsibilities we demand of everybody else are just plain wrong and that is why this bill is needed. This bill is needed to make the Federal Government act responsibly.

Mr. President, environmental problems of our Nation's Federal facilities represent some of the most flagrant violations of our environmental statutes.

In Colorado, we have witnessed, in addition to Rocky Mountain Arsenal, a myriad of problems at the Department of Energy's Rocky Flats nuclear weapons facility—which fully came to light a couple of years ago after an FBI raid of the facility uncovered a multitude of environmental violations. By failing to comply with these laws, we endanger the neighbors who have a right to expect the Federal Government will follow its own statutes.

I believe the Federal Government, like all other entities, must be held accountable. Our States have the ability to protect the health and safety of their citizens and the quality of the environment, and they ought to do it.

S. 596 is a step forward in requiring Federal facilities to comply with the same environmental laws with which everyone else must comply. The Senate ought to enact it, not just because it is good law, but because it follows the good neighbor policy this Nation is concerned about.

Mr. LIEBERMAN. Mr. President, as an original cosponsor, I am proud to rise in support of S. 596 and I congratulate the majority leader for his perserverance in bringing forward this bill.

The passage of this bill will not only allow those who enforce the law to do it in a way that will truly protect the environment and people who might be affected by Federal facilities. It will also increase our own credibility as law makers and the credibility of the Federal Government enforcing the law because it is very hard to justify why we would protect the Federal Government from the full and equal enforcement of the law that we would demand of all other private and governmental entities who might be violating the law.

As former attorney general of Connecticut, I know that the State attorneys general are committed to an equal and full enforcement of the law. It has been extremely frustrating to State law enforcers to have full authority to take action against other local government entities and to seek fines and penalties against them, but not to have the same authority against Federal facilities in their States. It is wrong to do that. In Connecticut, we repeatedly took action against municipalities violating the Clean Water Act provisions by dumping sewage into Long Island Sound, but we could not take action against a military base for not fulfilling obligations under the hazardous waste laws, even when these actions also resulted in contamination of Long Island Sound.

There is no doubt that the Federal Government's lack of compliance with the Nation's hazardous waste laws is shameful. Numerous investigations by the GAO have concluded that the Federal Government has not complied with the waste management laws. In May 1986, the GAO released a report reviewing RCRA compliance at 17 Federal civilian agencies in 12 States and found that almost half of the hazardous waste handlers inspected by the EPA were cited for violations. Similarly, the EPA has reported difficulties with Federal facility compliance. Federal facility RCRA compliance statistics supplied by EPA indicate that 63 percent of Federal treatment, storage or disposal facilities were found to have one or more class I RCRA violations in fiscal year 1989, compared to a 38-percent rate for private facilities. A class I violation is defined as a violation that results in a release or serious threat of release of hazardous waste to the environment, or involves the failure to assure that ground water will be protected, that proper closure and postclosure activities will be undertaken, or that hazardous waste will be destined for and delivered to licensed facilities.

As a result of this failure to comply with the laws, there has been massive pollution of our Nation's air, surface water, ground water and lands. We are confronted with thousands of leaking waste disposal units, spills of toxic and radioactive substances, and the release of other hazardous materials into the environment.

During the 1988 campaign, then Vice President Bush firmly committed to address this problem. He stated:

> As President, I will insist in the future that Federal agencies meet or exceed environmental standards and that the government should live within the laws it imposes upon others.

But without this legislation, President Bush's campaign promise becomes merely environmental rhetoric, not backed up by a commitment to action.

The bottom line is simple and something which the most junior prosecutor knows: without the threat of penalties for failure to obey the law, an enforcement program collapses.

Of course, we would all like to resolve matters through a voluntary process. Federal facilities should be the first in line to sign agreements with EPA and the States to correct violations and to clean up the environmental mess they created.

The States' ability to assess penalties will help to insure that Federal facilities exercise care in the future in complying with our environmental laws and that they swiftly enter into agreements to clean up past problems. The prospect of penalties will also ensure that Federal facilities stick to the consent agreements they sign. All prosecutors know that a consent order without the threat of penalties for noncompliance is an unenforceable agreement.

In conclusion, Mr. President, I think this is a critical piece of legislation, not only to protect the environment, but to uphold and elevate our own credibility as lawmakers and law enforcers.

Mr. WOFFORD. Mr. President, I rise in support of this bill, and I applaud the efforts of the distinguished majority leader on this important issue.

Pennsylvania, fortunately, has so far escaped an all-out environmental disaster like Rocky Flats in Colorado and Hanford in Washington. It is clear, however, that in the event of such a catastrophe, the State is unable to enforce its environmental laws with respect to Federal facilities. These facilities have routinely resisted State efforts to enforce Pennsylvania's laws, claiming a lack of jurisdiction.

Most Federal facilities in Pennsylvania are industrial, and should be subject to the same kind of environmental regulation as private industry. Pennsylvania has absolutely no desire to be more or less stringent with Federal facilities. Rather, the State wants to insure that all of its lands and waterways are offered equal environmental protection, and that all of its citizens benefit from environmental protection, including those who reside near Federal facilities. As the State Department of Environmental Resources testified last May, the Agency has had trouble clarifying both the substance and the application of its environmental laws to Federal facilities within the State.

It is imperative that Congress spell out the remedies available to States and the EPA in these cases. The environment hazards posed by Federal facilities are every bit as dangerous as those resulting from private sector industries.

I urge my colleagues to support this long-overdue legislation, and quickly send it to the President.

Mr. JOHNSTON. Mr. President, I want to thank the majority leader for his help in working to fashion an amendment to address the problem with mixed waste storage at Federal facilities. I believe we have fashioned an amendment that addresses the problem in a sensible and straightforward manner that also includes an opportunity for involvement by the States.

The problem with mixed waste arises from a conflict in our laws and regulations. It is not legal to store some of these mixed wastes but yet we cannot dispose of them either. There are insufficient regulations. There is insufficient treatment technology. There is insufficient treatment capacity. It is a problem that is impossible to solve without this amendment.

Section 3004 of RCRA prohibits the land disposal of certain hazardous waste unless the waste has been treated and specifies that such waste can be stored only to allow the accumulation of sufficient quantities for treatment. This prohibition also covers mixed waste, where radioactive waste is mixed with hazardous waste.

The Department of Energy, the National Institutes of Health, and the Veterans' Administration have a serious problem with compliance with this storage prohibition because treatment technologies and/or capacity do not yet exist for most types of mixed waste streams that now exist or are stored at the Department of Energy's facilities. In addition, there are no existing regulations specifically for the treatment of mixed waste.

Specific provisions of the amendment would require the Environmental Protection Agency to publish within 90 days a list of radioactive mixed waste for which the Administrator determines that treatment technologies do not exist or sufficient treatment capacity is not yet available. This list shall be updated annually.

The amendment would also require EPA to promulgate regulations specifically for the treatment of mixed waste by December 31, 1992.

It would also exempt listed mixed wastes from the land disposal storage prohibition in RCRA until December 31, 1993.

In addition, it would provide an opportunity to obtain a variance from the land disposal storage prohibition in RCRA beyond December 31, 1993, where technology or capacity continues to be unavailable. Any variance granted by EPA would be subject to judicial review.

Finally, it would require the President to develop a national compliance plan for mixed waste.

To ensure that existing agreements between the States and the Federal agencies would not be adversely affected, the amendment specifically grandfathers these agreements.

Many Senators were involved in negotiating the specific language of this amendment and I think it truly represents the will of the Senate. It is my hope that when the Senate conferees meet with the House of Representatives on this legislation that they will stand firm in their commitment to this amendment.

Again, I am very appreciative of the efforts of the majority leader in addressing this problem.

I ask unanimous consent that the attached background information be included in the RECORD with this statement.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 596 ISSUES: STORAGE AND TREATMENT OF MIXED WASTE AT FEDERAL FACILITIES

1. REGULATIONS

Existing EPA regulations do not establish a level of treatment specifically required for mixed waste. Regulations must be in place before it is appropriate to assess fines and penalties for noncompliance.

2. TECHNOLOGY

Technology does not now exist for treatment of certain mixed waste streams. Technology must be developed before it is appropriate to assess fines and penalties for noncompliance.

3. FACILITIES

Even where technology exists, there is not now adequate treatment capacity (facilities) for processing of mixed waste. Facilities must be developed before it is appropriate to assess fines and penalties for noncompliance.

4. APPROPRIATIONS

Federal agencies should not be subject to fines and penalties for noncompliance where adequate funding has not been provided by Congress specifically for that purpose. The Secretary of Energy should have the discretion to establish priorities and not subject to fines or penalties at one facility if he determines that cleanup at another facility is a higher priority.

5. WAIVER OF SOVEREIGN IMMUNITY

The waiver of sovereign immunity should be dependent on the defendant's ability to comply. In situations where the defendant cannot comply, sovereign immunity should not be waived.

FACTSHEET ON MIXED WASTE PROBLEM IN FEDERAL FACILITIES COMPLIANCE ACT (S. 596)

PROBLEM

S. 596 makes all federal facilities subject to fines and penalties to be paid from the federal treasury for violations of RCRA. RCRA precludes land disposal of hazardous waste that has not been treated. RCRA also precludes storage of such waste.

The Department of Energy, the National Institutes of Health and the Veterans' Administration generate mixed waste (having both radioactive and hazardous components) which is not accepted by commercial hazardous waste treatment facilities because of its radioactive component.

Mixed waste requires treatment technology different from hazardous waste. The technology is currently being developed but does not exist at present for all forms of mixed waste. There are no existing EPA regulations regarding mixed waste for which treatment technology does not exist.

Additionally, even though technology exists for some waste streams, there has been insufficient time to construct enough facilities to process those mixed waste streams.

It was not clear until four years ago that mixed waste was covered by RCRA. It would take at least six years after the technology is developed just to gain approval for a site, obtain the necessary environmental permits, and conclude required NEPA compliance activities.

Therefore, it is impossible for DOE to comply until the technology is developed and treatment facilities are constructed.

The potential drain on the Federal Treasury could approach $5 billion. The fines and penalties would do nothing to correct the environmental problems for which they are levied.

MIXED WASTE PROBLEM AT DOE SITES

Section 3004 of RCRA prohibits the land disposal of certain hazardous waste unless the waste has been treated and specifies that such waste can be stored only to allow the accumulation of sufficient quantities for treatment. This prohibition also covers mixed waste, where radioactive waste is mixed with hazardous waste.

The Department of Energy has a serious problem with compliance with this storage prohibition because treatment technologies and/or capacity do not yet exist for most types of mixed waste streams that now exist at the Department's facilities.

Waste for which technology does not exist

The Department of Energy has identified over 25 discrete mixed waste streams for which there is no available treatment technology. DOE estimates that may take 10 or more years to develop appropriate treatment technology. These wastes represent about 30 percent of the total DOE inventory of mixed waste. Examples of these waste streams are the following:

High-level radioactive liquid waste—such as the high-level waste tanks at Hanford;

High-level radioactive waste safety and control rods from nuclear reactors—such as those from Savannah River reactors;

Tritiated process equipment contaminated with mercury—such as that located at Savannah River;

Concrete bricks of low-level mixed waste—such as that stored at Idaho National Engineering Lab;

Radioactive and lead-contaminated debris;

Soil contaminated with radioactive waste and chlorinated hydrocarbons;

Acidic liquids and sludges containing hazardous constituents and radioactive waste;

Equipment filters contaminated with transuranic waste;

Explosive uranium and tritium mixtures containing hazardous constituents; and

High-level radioactive waste contaminated with sodium and sodium-potassium alloys.

Waste for which inadequate capacity exists

The Department of Energy has also identified over 250 discrete waste streams for which there is either inadequate capacity for treatment of existing volumes of stored waste and newly generated waste, or for which identified technology exists but requires demonstration, permitting, or other actions to meet federal and state requirements prior to its use. This represents about 70% of the total DOE inventory of mixed waste. Examples of such radioactive mixed waste include the following:

Radioactive trichloroethylene—currently stored at Fernald and at Savannah River;

Radioactive-contaminated lead solids—currently stored at Idaho, Oak Ridge Reservation, Rocky Flats, Savannah River, and other smaller DOE sites;

Radioactive and mercury-contaminated solids—currently stored at Oak Ridge, Savannah River, Hanford, and other smaller DOE sites;

Radioactive contaminated waste oil and sludge—currently stored at Hanford;

Organic laboratory waste—currently stored at Idaho;

Radioactive trichloromethane;

Radioactive freon-113;

Rags and wipes contaminated with hazardous solvents and transuranic waste;

Rags and wipes contaminated with hazardous solvents and low-level radioactive waste; and

Radioactive contaminated paint materials.

IMPACTS OF NOT LEGALIZING THE STORAGE OF RADIOACTIVE MIXED WASTE

Waiving the Federal government's sovereign immunity under the Resource Conservation and Recovery Act (RCRA) without resolving the problem of a statutory impossibility for storing radioactive mixed waste could have significant impacts on DOE and other Federal agencies.

BACKGROUND

Congress dictated in section 3004(j) of RCRA that restricted wastes can be stored only to allow the accumulation of sufficient quantities of waste to facilitate proper recovery, treatment or disposal. It is impossible for DOE to comply with this statutory storage prohibition for radioactive mixed waste. DOE's only option is to store this waste, because treatment capability for these wastes does not currently exist and the waste cannot be disposed of without first being treated.

Currently, DOE seeks to enter into compliance agreements with EPA and the States to establish enforceable schedules to treat and dispose of this waste. Such agreements allay liability concerns and provide DOE's contractors with some protection from fines and penalties. However, these site-specific agreements are not conducive to developing an integrated and comprehensive national approach to a problem that is national in scope.

FINES AND PENALTIES

If sovereign immunity is waived and mixed waste amendments are not adopted, regulators could impose fines and penalties of up to $25,000 per day per violation against the Department of Energy, National Institutes of Health, and Veterans Administration for storing radioactive mixed waste out of compliance with RCRA's storage prohibition.

The total theoretical maximum possible exposure for fines and penalties for this illegal storage is about $5 billion for DOE. If one violation is assumed to occur on a daily basis at 10 percent of DOE's storage units the annual total amount of fines could average $505 million.

IMPACTS TO CLEANUP AND CORRECTIVE ACTION

DOE will need to divert money from the Environmental Restoration and Waste Management budget to pay fines and penalties for RCRA violations. Diversion of these monies will delay environmental restoration and improvements to waste management facilities but will neither resolve the noncompliance nor deter future noncompliance.

CRIMINAL LIABILITY

If storage of mixed waste is not made legal while treatment technology and facilities are being developed, Federal and contractor employees will continue to face criminal prosecution for violating RCRA when they are exercising the only option available to them.

TREATMENT COSTS

DOE may be forced to enter into site-specific compliance agreements to protect itself from fines and penalties and to allay the liability concerns of its contractors and employees.

Requirements in site-specific agreements may force site managers to construct treatment capacity at each site to treat waste from that site. DOE had not planned to construct treatment facilities at each site. Such an approach could increase the cost of DOE's waste management complex by approximately $400 to $800 million.

The resulting treatment complex would have repetitive capacity, would not be cost-effective, and may well delay the actual treatment of wastes. In addition, site-specific treatment may increase the overall risk to human health and the environment of treating DOE's waste.

INTERRUPTION COSTS

While site-specific agreements are being negotiated, DOE or its contractors may be compelled to suspend operations at those facilities that generate mixed waste subject to the storage prohibition. This could have a serious impact on DOE's ability to fulfill its mission. Shutdown of defense facilities for 6 months while an agreement is negotiated (a conservative time estimate) could cost DOE $550 million in lost production.

SUMMARY OF WASTE STREAM TREATMENT TECHNOLOGY INFORMATION

1. Radioactive Mixed Waste Stream Summary:

Total Volume—approximately 525,000 cubic meters.

Total Number of Streams—approximately 700.

2. Technology currently available but needs demonstration etc.

(This includes TRU waste destined for the WIPP under the no migration petition).

Volume—367,419 cubic meters or 70 percent of total volume.

Streams—672 or 95.5 percent of the total number of streams.

3. Technology not currently available but will be within 10 years:

Volume—14,776 cubic meters or 2.8 percent of total volume (3 percent).

Streams—18 or 3 percent of total number or streams.

4. Technology not available until after 10 years:

Volume—142,805 cubic meters or 27.2 percent of total volume (27 percent).

Streams—10 or 1.5 percent of total number of streams (2 percent).

Mr. **CHAFEE**. Mr. President, today we consider S. 596, a bill sponsored by the distinguished majority leader, that gives the State the authority to impose fines and penalties on the Federal Government for failure to comply with all Federal, State, and local solid and hazardous waste laws. This bill was reported out of the Committee on Environment and Public Works, on which I serve as the ranking member, by a unanimous vote of 15–0 on May 15 of this year. Before I discuss the substantive provisions of this bill, Mr. President, I would like to provide Senators with a little background on how we got to where we are today.

During the 101st Congress, Senator MITCHELL introduced S. 1140, the Federal Facility Act of 1990—legislation virtually identical to the legislation before us today. The Bush administration opposed that legislation. In particular, the Departments of Defense and Energy expressed serious concerns that devoting Federal funds to fines and penalties would divert scarce Federal resources away from the most important goal: that of cleaning up contaminated sites. In addition, those departments stated their belief that aggressive State attorneys general would disrupt Federal budgets and cleanup priorities by imposing enormous fines and penalties.

Last year, during committee consideration of S. 1140, I tried to address some of these concerns by introducing substitute language that would have waived sovereign immunity unconditionally for ongoing compliance violations. In contrast to S. 1140, though, my substitute would have waived immunity for failure to clean up old, inactive sites only in cases in which such failure violates an agreement or commitment to clean up. The substitute would not have affected the Federal Government's ongoing obligation to clean up its facilities, but would have allowed more Federal dollars to be devoted to that end. Unfortunately, the committee failed to approve the substitute, and instead reported S. 1140 to the full Senate with minor amendments. The full Senate did not take up S. 1140 before the 101st Congress adjourned.

Senator MITCHELL again introduced legislation waiving sovereign immunity for Federal facilities at the beginning of this Congress. As introduced, S. 596 raised the same concerns expressed last year. Despite these concerns, over the last several months, the administration has been attempting to shift the focus of the debate away from opposition to waiving sovereign immunity onto issues that make compliance with RCRA at Federal facilities difficult or impossible. At a hearing before the Committee on Environment and Public Works' Subcommittee on Environmental Protection earlier this year, the witnesses from the Environmental Protection Agency and the Departments of Defense and Energy testified that the administration would drop its opposition to S. 596, provided that the committee would attempt to address their RCRA compliance concerns.

Mr. President, on a number of occasions I have expressed my support for the administration's effort to develop a new approach to S. 596. I had hoped that, by the time the full Committee on Environment and Public Works met to mark up the legislation on May 15 of this year, the administration would have presented us with precise articulations of its problems and suggested legislative language. Unfortunately, that did not occur. However, during the markup session, I sought agreement from Senator MITCHELL that the administration's concerns be thoroughly considered prior to floor consideration of S. 596. Senator MITCHELL agreed to that request.

Shortly after the committee reported S. 596 to the full Senate, the administration submitted 11 amendments for consideration by the bill's sponsor, and the committee as a whole. From the day that the amendments were submitted, Senator MITCHELL has honored his commitment to give those amendments full consideration.

During the last several months—up to today as a matter of fact—representatives of the administration, members of the Environment Committee staff, as well as staff members from the Committees on Armed Services and Energy, have conducted a long series of discussions concerning the administration amendments. At this point, I would like to express my sincere gratitude to the distinguished majority leader for his cooperation and patience, and that of his staff, in dealing with this matter. I am pleased to say that we will be offering amendments to S. 596 that would remove most of the obstacles to administration support for this legislation. As amended, the bill will continue to require that the Departments of Energy and Defense comply with Federal and State hazardous and solid waste laws.

That, Mr. President, is a brief summary of the road we have traveled to arrive at floor consideration of S. 596 today. Now, I would like to discuss briefly the provisions of S. 596. As I have indicated on many occasions, S. 596 has a noble purpose. That purpose is stated in the enacting clause of the bill:

> A bill to provide that Federal facilities meet Federal and State environmental laws and requirements and to clarify that such facilities must comply with such environmental laws and requirements.

No one can disagree that the facilities of the Federal Government must comply with all environmental laws. The fact is, Mr. President, that the Federal Government is already required to do so, just like any other private citizen or corporation. What S. 596 would do is give the States the additional tool of fines and penalties to ensure compliance with the substantive requirements of RCRA and other States and local solid and hazardous waste laws.

Clearly, fines and penalties are useful tools and should be made available to State and local governments in their efforts to clean up contamination of Federal facilities. The Solid Waste Disposal Act currently allows for the imposition of civil penalties against private persons for violations of the act's requirements and should treat the Federal Government no differently. However, since three Federal courts of appeal have held that the act does not effectively waive sovereign immunity, Congress must take legislative action to make it clear that we are waiving sovereign immunity.

Mr. President, the need for this enforcement authority is illustrated by the current record of compliance at Federal facilities across the Nation. Although the precise extent of the Federal Government's hazardous waste problems is not yet fully known, it is clearly quite significant. As of November 1989, of the approximately 1,200 facilities on the national priorities list requiring cleanup under the Superfund law, 114 were Federal facilities. In addition, there are more than 7,100 properties formerly owned by the Federal Government for which the Federal Government may be liable for hazardous waste contamination. According to the Department of Defense, more than 14,400 of its sites are contaminated by hazardous waste.

Although DOE owns far fewer sites that contain hazardous waste, that Department is faced with a far more serious contamination problem. Specifically, the Defense Weapons Complex, a group of 20 facilities where U.S. nuclear weapons are designed, tested, and produced, are contaminated with large quantities of mixed wastes—that is, wastes containing both radioactive and hazardous components.

So far, Mr. President, cleanup at these facilities has in many cases been painfully slow. In some situations, remediation has been found to be impossible using currently available technology. In addition to the Superfund list of 1,200 sites, EPA has a hazardous waste compliance docket for Federal facilities. That docket identifies 724 Federal facilities that may require hazardous waste cleanup. Of these 724 sites, only 29 comprehensive investigations have been completed and only 30 facilities cleaned up. Of the more than 8,000 additional Federal facilities that are not on EPA's docket but may contain significant hazardous waste contamination, fewer than 200 have been the subject of some remedial action.

So, in conclusion, Mr. President, I think these numbers illustrate that the Federal Government has a big job ahead of it. While I have been heartened by the new culture of environmental stewardship instituted by the Secretaries of both the Departments of Defense and Energy, it is clear that even more of the Federal Government's attention and resources needs to be devoted to the task of cleanup. It is my hope that adding fines and penalties to the arsenal of enforcement tools at the States' disposal will encourage an even more concerted and targeted effort toward that end at Federal facilities.

I thank the majority leader, and the distinguished chairman of the Environmental Protection Subcommittee, who serves as the manager for the majority, for bringing this bill before us today.

Mr. LAUTENBERG. Mr. President, I rise in strong support of S. 596, the Federal Facilities Compliance Act of 1991. And I commend our distinguished majority leader for introducing this important legislation, which I have cosponsored.

The bill answers a very simple question. Does a town with a contaminated water supply care whether the polluter was a private corporation or Federal installation? Or does that town really care about getting that water cleaned up?

The answer is fairly obvious. People expect our environmental laws to guarantee protection and cleanup, regardless of who the polluter is.

That is what Congress intended back in 1976 when we passed the Resource Conservation and Recovery Act. We intended that States could use the same enforcement tools against Federal facilities as they use against private parties.

And the Federal court in Maine has properly interpreted the law's intent. Unfortunately some misguided courts and the administration have concluded that the law creates a double standard. They have suggested that States can obtain fines and penalties against private parties that violate RCRA, but not against Federal agencies.

I think the law is clear on this point. But to assure that courts universally follow the law's original intent, this bill clarifies the principle.

The key is for States to have all the enforcement tools in their arsenal. The need is obvious. DOD and DOE together annually generate about 20 million tons of hazardous or mixed hazardous and radioactive waste.

And double standards for enforcement may be contributing to double standards for compliance. In fiscal year 1990, 59 percent of inspected Federal facilities had RCRA violations. That's compared to about 51 percent for private facilities.

My State has several major Federal installations that are involved with hazardous waste. It is important that to the health and safety of New Jerseyans and protection of my State's environment that States clearly have the power to require Federal facilities to comply with environmental standards.

Mr. President, in the past we have heard some arguments against clarifying State enforcement powers. Some have argued that States will abuse fines and penalties. Some have argued that States will interfere with cleanup priorities.

But without any evidence that States will abuse enforcement powers, some have suggested that we have to be careful when it comes to Federal facilities. This ignores the mandate facing the Nation and this Congress.

Our mission must be to assure compliance with our laws by everyone—whether it is the Defense Department or a private company.

That is what this bill does, and that is why I urge my colleagues to give S. 596 their support.

Mr. SARBANES. Mr. President, I would like to engage the distinguished Senator from New Jersey [Mr. LAUTENBERG] in a colloquy concerning a matter of great importance to our ongoing efforts to restore the Chesapeake Bay. It had been my intention to offer an amendment to the Federal Facilities Act which would require Federal facilities in the bay watershed to comply with the toxic chemical release reporting requirements under section 313 of the Emergency Planning and Community Right-to-Know Act, also known as title III of SARA, the Superfund Amendments and Reauthorization Act of 1986.

Under the provisions of that act, certain businesses are now required to submit annual reports on their chemical inventories and the amount of toxic chemicals their facilities release into the environment, including both accidental spills and routine emissions. These reports show the releases of any of more than 300 chemicals which may pose health and environmental hazards into the air, water or land; the amount of chemicals stored at the facilities; and the treatment of disposal methods used for wastes, among other things. EPA is responsible for compiling these reports into a national computerized data base known as the Toxics Release Inventory or TRI.

While some 30,000 facilities nationwide are subject to reporting, Federal facilities which meet the same usage criteria are not subject to these requirements.

Why is this important? The purpose of this reporting requirement is to inform the Government and the public about releases of toxic chemicals into the environment. The Community Right-to-Know Act was based on the premise that citizens have a fundamental right to know what toxic chemicals are being emitted by facilities in their communities. The TRI data can pinpoint the source, location, volume and type of chemicals that could cause pollution problems. EPA, the States and others are using this information to strengthen the regulation of toxic releases, for legislative efforts to curb the release of toxic chemicals and for development of effective pollution prevention programs.

Although the inventory has been available only for the past 2 years, the results have been dramatic. Data generated by the 1989 Toxics Release Inventory show that industrial plants have reduced their toxic emissions by approximately 800 million pounds or 11 percent, compared to the previous year. And companies are finding that it pays to reduce these toxic emissions, by cutting raw material inputs and waste disposal costs.

Unfortunately the TRI data is limited when a substantial source of toxic chemical releases—Federal facilities—are excluded from the reporting requirements. It is estimated that Federal facilities may be releasing up to 5 billion pounds of toxic chemicals into the Nation's air, water, and land—without reporting these releases. EPA has identified some 850 Federal facilities currently subject to other environmental statutes which would likely be required to report their emissions if the law was changed to make Federal reporting mandatory. The General Accounting Office, in a recently released report on the collection and use of data in the TRI, has recommended that Federal facilities be mandated to undertake these reporting requirements.

In the Chesapeake Bay area, EPA has tried to get the Federal installations in the bay watershed to undertake this TRI reporting on a voluntary basis, but has been frustrated in this effort. Few facilities have voluntarily reported their releases. To their credit, the 50 Federal facilities in the bay watershed are making substantial progress with improving their compliance with pollution laws. However, if we are to achieve a "* * * toxics-free Bay by eliminating the discharge of toxic substances from all controllable sources" as called for under the 1987 Chesapeake Bay agreement, we will need the latest available information on pollution loadings from all potential sources as a baseline for further pollution prevention efforts.

Mr. President, it is my understanding that my good friend from New Jersey is preparing legislation that would require Federal facilities across our Nation to meet these reporting requirements.

Mr. LAUTENBERG. The Senator from Maryland is correct. I share his strong support for requiring Federal facilities to comply with these requirements and I am in the process of drafting legislation that would mandate compliance by facilities in the Chesapeake Bay area and throughout the country and require them to submit annual reports. On June 6, 1991, I along with Senator DURENBERGER, broadly circulated a discussion draft to expand the current Right-to-Know Program to include additional facilities, including Federal facilities, and more toxic chemicals. On June 27, 1991, I chaired a hearing in the Subcommittee on Superfund, Ocean and Water Protection on the Draft, and called for additional comments on the proposal. Based on the hearing record, and the additional comments, we are considering revisions to the draft, and hope to introduce a bill in the near future.

Mr. SARBANES. I thank the Senator for his assurance and commend him for his own commitment to environmental issues. Given his plans to introduce a comprehensive bill, I will not propose the amendment that I had drafted.

Mr. LAUTENBERG. I appreciate the Senator's willingness to work with me on this issue.

Mr. SARBANES. Mr. President, again I want to thank my friend from New Jersey. More than a year ago, EPA Administrator Reilly set a goal of bringing all 50 major Federal facilities in the Chesapeake Bay watershed into compliance with Federal environmental laws, and good public policy. The Senator from New Jersey's legislation will be an important step in that direction and I look forward to working with him on this important issue.

Mr. WARNER. Mr. President, I rise today in support of S. 596, as amended. This legislation should address the perceived inequities between Federal facilities and other facilities relative to compliance with environmental requirements.

I thank Senator MITCHELL, Senator CHAFEE and other members and staff of the Environment and Public Works Committee for their good faith negotiations, which have now resulted in needed amendments to the bill. These amendments address the major concerns of the administration with this bill.

Without these amendments, the Defense and Energy Departments would have been subjected to unfair results under this bill. These agencies have unique characteristics that require unique language. The amendments do insure these agencies will be required to comply with the law while ensuring that enforcement of these laws is fair and realistic.

Getting to the point has taken about 2 years, including long hours of debate over issues and impacts. Hopefully, this investment will result in a better environment.

I thank the managers of the bill, the majority leader, and all that have contributed to this achievement.

I urge the conferees to support the Senate positions in the conference with the House.

Mr. ADAMS. The Federal Facilities Act is an important piece of legislation for the State of Washington and for the Nation as a whole. I commend the distinguished majority leader for his foresight and perseverance in bringing this bill to the floor.

At the Hanford reservation in my State, one of the largest such facilities in the Nation, mixed waste has been a fundamental stumbling block to timely cleanup. The mixed-waste provisions in this bill will help resolve this problem, and will ensure that the Department of Energy moves as quickly as possible to develop adequate mixed-waste treatment technologies.

Mr. President, I would like to clarify one point with the majority leader. This is of tremendous concern to myself and to those most affected by and concerned about the waste problem at Hanford. We have worked very hard to hammer out an agreement between the State, the Department of Ecology and the Department of Energy on the timely cleanup of Hanford. This is an excellent agreement. It sets forth both an overall timetable and specific milestones for cleanup. Anything that could be construed to undermine the agreement or its enforceability would be devastating to our efforts to clean up Hanford.

Mr. President, is it the majority leader's intention that the Federal Facilities Act of 1991 shall have no affect whatsoever on such agreements and their enforceability, including the agreement worked out in my State to clean up Hanford?

Mr. MITCHELL. I share the Senator's concern about preserving the agreement reached in your State, and the many other such agreements reached by other States. These agreements have engendered real progress on the cleanup of Federal facilities across the Nation, and this legislation should be in no way construed to undermine the enforceability of those agreements.

Mr. ADAMS. I thank Senator MITCHELL for that clarification. He has done an excellent job managing this bill. This will ensure the continued integrity and enforceability of these kinds of agreements.

Mr. BAUCUS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nominations: Calendar No. 332, Elizabeth Anne Moler and Branko Terzic to be members of the Federal Energy Regulatory Commission.

I further ask unanimous consent that the nominees be confirmed en bloc; that any statements appear in the RECORD as if read; that the motions to reconsider be laid upon the table en bloc; that the President be immediately notified of the Senate's action; and that the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

DEPARTMENT OF ENERGY

The following-named persons to be members of the Federal Energy Regulatory Commission:

Elizabeth Anne Moler, of Virginia, for the term expiring June 30, 1994.

Branko Terzic, of Wisconsin, for the term expiring June 30, 1995.

NOMINATION OF ELIZABETH ANNE MOLER

Mr. WALLOP. Mr. President, on October 16, 1991, the Committee on Energy and Natural Resources favorably reported the nomination of Elizabeth Anne Moler to be a member of the Federal Energy Regulatory Commission by a vote of 19 to 0. Ms. Moler was reappointed by the President to be a member of the FERC and was last confirmed by the Senate 3 years ago. Before joining the FERC, she served as senior counsel to the U.S. Senate Committee on Energy and Natural Resources.

Mr. President, as the national energy strategy legislation unfolds, the challenges to the FERC will continue. I believe that Betsy Moler will continue to serve the FERC in a thoughtful and professional manner, and that her past experience will be invaluable as the Commission strives to meet these challenges.

Mr. President, I believe Ms. Moler to be very well qualified and committed to the work of the commission. I also believe that she has been fair in her assessments of the issues that have come before her.

I urge my colleagues to join me in supporting her confirmation.

CONFIRMATION OF BRANKO TERZIC

Mr. WALLOP. Mr. President, on October 16, 1991, the Committee on Energy and Natural Resources favorably reported the nomination of Branko Terzic to be a member of the Federal Energy Regulatory Commission by a vote of 19 to 0. Mr. Terzic has been reappointed by the President to be a member of the FERC and was last confirmed by the Senate a year ago. Prior to his service with the Federal Energy Regulatory Commission, Mr. Terzic served as group vice president for a consulting firm specializing in regulatory policy, valuation and depreciation, acquisition and divestiture, and strategic planning for regulated public utilities and the investment community. Mr. Terzic is a former public service commissioner for the State of Wisconsin and holds a bachelor of science degree in energy engineering.

Mr. President, I believe Mr. Terzic to be very well qualified and committed to the work of the Commission. I also believe that he has been fair in his assessments of the issues that have come before him. I urge my colleagues to join me in supporting his confirmation.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

200TH ANNIVERSARY OF THE MACLAY MANSION

Mr. SPECTER. Mr. President, it is my distinct pleasure to bring to the attention of my colleagues the 200th anniversary of the Maclay Mansion, currently headquarters for the 28,000 members of the Pennsylvania Bar Association. The Maclay Mansion is being honored on Friday, October 18, 1991. It is certain to be a day of historic remembrance and celebration.

The Maclay Mansion, which was built in 1791, is located at Front and South Streets in Harrisburg, PA, our State capital. The mansion is named for its founder, builder, and distinguished original owner, the Honorable William Maclay. This national historic site is a beautifully constructed three-story, limestone house. From 1827 to 1908, it served as the site of the Harrisburg Academy. It was then sold to the Bailey family of the Harrisburg National Bank, today's Commonwealth Bank. The Bailey family sold the property to the Pennsylvania Bar Association in 1948, whereupon the bar association began restoration of the mansion. The Maclay Mansion restoration was completed in 1975, and has served the association and the State well.

In its day, the site sheltered the mural works of Violet Oakley, which now hang in the hallowed chambers of the Pennsylvania State Supreme Court and Senate, and served as the American Red Cross blood bank during World War II. Interestingly enough, the gardens of the mansion produced the first tomatoes ever grown in central Pennsylvania.

I am informed that the Pennsylvania Bar Association will express its appreciation of the 45 years of public service of William Maclay—the first U.S. Senator from Pennsylvania, a U.S. Congressman, a Pennsylvania State senator, a State representative, and speaker of the Pennsylvania State House—by unveiling a monument in his memory during the ceremony. William Maclay dedicated his life to Pennsylvania and the newly formed United States of America.

Mr. President, it is with great delight that I offer my commendations to the Pennsylvania Bar Association for preserving this historical site and sponsoring this bicentennial celebration of the Maclay mansion. The restoration of the mansion is certainly a great accomplishment and a necessary preservation of one component of Pennsylvania's rich historical participation in our country's development and stability. I ask that my colleagues join me today in offering the best wishes of the U.S. Senate to all those participating in the 200th anniversary celebrations of the Maclay Mansion.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. McCathran, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

ANNUAL REPORT OF THE TOURISM POLICY COUNCIL—MESSAGE FROM THE PRESIDENT—PM 85

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Commerce, Science, and Transportation:

To the Congress of the United States:

In accordance with section 302 of the International Travel Act of 1961, as amended (22 U.S.C. 2124a(f)), I transmit herewith the annual report of the Tourism Policy Council, which covers fiscal year 1990.

GEORGE BUSH.

THE WHITE HOUSE, *October 17, 1991.*

REPORT ON EMIGRATION LAWS AND POLICIES OF THE CZECH AND SLOVAK FEDERAL REPUBLIC—MESSAGE FROM THE PRESIDENT—PM 86

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with accompanying papers; which was referred to the Committee on Finance:

To the Congress of the United States:

I hereby transmit the documents referred to in subsections 402(b) and 409(b) of the Trade Act of 1974 ("the Act"), 19 U.S.C. 2432(b) and 2439(b), with respect to the consistency of the emigration laws and policies of the Czech and Slovak Federal Republic with the criteria set out in subsections 402(a) and 409(a) of the Act. These documents constitute my decision that a waiver of subsections (a) and (b) of section 402 of the Act will no longer be required for the Czech and Slovak Federal Republic.

I include as part of these documents my determination that the Czech and Slovak Federal Republic is not in violation of paragraph (1), (2), or (3) of subsection 402(a) or paragraph (1), (2), or (3) of subsection 409(a) of the Act. I also include information as to the nature and implementation of the emigration laws and policies of the Czech and Slovak Federal Republic and restrictions or discrimination applied to or against persons wishing to emigrate, including those persons wishing to emigrate to the United States to join close relatives.

GEORGE BUSH.

THE WHITE HOUSE, *October 17, 1991.*

REPORT ON NATIONAL EMERGENCY WITH RESPECT TO THE LAPSE OF THE EXPORT ADMINISTRATION ACT—MESSAGE FROM THE PRESIDENT—PM 87

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States; which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

1. On September 30, 1990, in Executive Order No. 12730, I declared a national emergency under the International Emergency Economic Powers Act ("IEEPA") (50 U.S.C. 1701, *et seq.*) to deal with the threat to the national security and foreign policy of the United States caused by the lapse of the Export Administration Act of 1979, as amended (50 U.S.C. 2401 *et seq.*) and the system of controls maintained under that Act. In that order, I continued in effect, to the extent permitted by law, the provisions of the Export Administration Act of 1979, as amended, the Export Administration Regulations (15 C.F.R. 768, *et seq.* (1991)), and the delegations of authority set forth in Executive Order No. 12002 of July 7, 1977, Executive Order No. 12214 of May 2, 1980, and Executive Order No. 12131 of May 4, 1979, as amended by Executive Order No. 12551 of February 21, 1986.

2. I issued Executive Order No. 12730 pursuant to the authority vested in me as President by the Constitution and laws of the United States, including IEEPA, the National Emergencies Act ("NEA") (50 U.S.C. 1601, *et seq.*), and section 301 of title 3 of the United States Code. At that time, I also submitted a report to the Congress pursuant to section 204(b) of IEEPA (50 U.S.C. 1703(b)). Section 204 of IEEPA requires follow-up reports, with respect to actions or changes to be submitted every 6 months. Additionally, section 401(c) of the NEA requires that the President, within 90 days after the end of each 6-month period following a declaration of a national emergency, report to the Congress on the total expenditures directly attributable to that declaration. This report, covering the 6-month period from April 1, 1991, to September 30, 1991, is submitted in compliance with these requirements.

3. Since the issuance of Executive Order No. 12730, the Department of Commerce has continued to administer the system of export controls, including antiboycott provisions, contained in the Export Administration Regulations. In administering these controls, the Department has acted under a policy of conforming actions under Executive Order No. 12730 to those required under the Export Administration Act, insofar as appropriate.

4. Since my last report to the Congress, there have been several significant developments in the area of export controls:

We continued to address the threat to the national security and foreign policy interests of the United States posed by the spread of weapons of mass destruction. In Executive Order No. 12735 of November 16, 1990, and the Enhanced Proliferation Control Initiative of December 13, 1990 ("EPCI"), we had announced major steps to strengthen export controls over goods, technology, and other forms of assistance that can contribute to the spread of chemical and biological weapons and missile systems.

—On March 7, 1991, the Department of Commerce issued two new regulations and a proposed rule to implement EPCI. The new regulations controlled the export of 50 chemicals as well as dual-use equipment and technical data that can be used to make chemical and biological weapons. (56 F.R. 10756 and 10760, March 13, 1991.)

—On August 15, 1991, the Department of Commerce made the proposed rule final. The final rule expands controls to cover exports when the exporter knows or is informed by the Department of Commerce that an export will be used for missile technology or chemical or biological weapons, or is destined for a country, region, or project engaged in such activities. The rule also restricts U.S. citizen participation in such activities, as well as the export of chemical plants and plant designs. (56 F.R. 40494, August 15, 1991.)

—The Department of Commerce also issued a new regulation that revises the list of items subject to control for nuclear nonproliferation reasons. The updated list reflects technological developments in the field, as well as U.S. nuclear nonproliferation policy. (56 F.R. 42652, August 28, 1991.)

In light of the changes that have occurred in Eastern Europe, negotiations with our Coordinating Committee (COCOM) partners yielded a streamlined Core List of truly strategic items that will remain subject to multilateral national security controls. The Department of Commerce implemented this new Core List effective September 1, 1991. In implementing the Core List, the Department totally revised its Commodity Control List, now called the Commerce Control List (CCL), and made certain additional substantive changes in controls. (56 F.R. 42824, August 29, 1991.)

—For the first time, all controlled software and technical data have been integrated into the CCL, including definitions for these items that parallel those of our COCOM partners.

—Following my decision to remove certain sanctions under the Comprehensive Anti-Apartheid Act, controls on certain exports to South Africa of computers, aircraft, and petroleum products have been removed. Other controls affecting South Africa, such as those implemented pursuant to the United Nations arms embargo, remain in place.

—On August 28, 1991, the Department of Commerce submitted a report to the Congress indicating that the Department was reformulating controls on exports to countries that had been designated by the Secretary of State as repeatedly having provided support for acts of international terrorism. In a few instances we reported that controls were being expanded, particularly with respect to Iran and Syria, the only two of the six countries designated as terrorist-supporting not presently subject to separate trade embargoes. In addition, the report indicated that the Department was expanding controls on items of missile proliferation concern. The changes reported to the Congress were implemented in the course of revising the CCL.

Enforcement efforts have continued unabated:

—On August 21, 1991, the Department of Commerce renewed a previous Temporary Denial Order to withhold the export privileges of a Dutch company, Delft Instruments N.V., and certain related companies, in connection with an investigation of illegal reexport of U.S.-origin night vision equipment to Iraq. (56 F.R. 42977, August 30, 1991.)

—On August 28, 1991, Special Agents from the Department of Commerce's Bureau of Export Administration arrested two Iranian businessmen in Newport Beach, California, on charges of illegally exporting to Iran U.S.-origin equipment with possible nuclear and/or missile technology applications. The two businessmen were subsequently charged in a 17-count indictment with conspiracy, illegally exporting U.S.-origin equipment, and making false statements to the United States Government in connection with the exports.

—Following numerous discussions with officials of Czechoslovakia, Hungary, and Poland, the Department of Commerce has assisted the new East European democracies to implement and strengthen their export control systems, including prelicense inspections and postshipment verifications. These developments will allow for enhanced and much-needed trade in high technology items in the region, while helping to prevent unauthorized shipments or uses of such items.

5. The expenses incurred by the Federal Government in the 6-month period from April 1, 1991, to September 30, 1991, that are directly attributable to the exercise of authorities conferred by the declaration of a national emergency with respect to export controls were largely centered in the Department of Commerce, Bureau of Export Administration. Expenditures by the Department of Commerce are anticipated to be $20,390,000.00, most of which represents wage and salary costs for Federal personnel.

6. The unrestricted access of foreign parties to U.S. goods, technology, and technical data and the existence of certain boycott practices of foreign nations, in light of the expiration of the Export Administration Act of 1979, continue to constitute an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States. I shall continue to exercise the powers at my disposal to retain the export control system, including the antiboycott provisions, and will continue to report periodically to the Congress.

GEORGE BUSH.

THE WHITE HOUSE, *October 17, 1991*.

PRESIDENTIAL APPROVALS

A message from the President of the United States announced that he had approved and signed the following enrolled bills and joint resolutions:

On May 24, 1991:

S. 248. An act to amend the Wild and Scenic Rivers Act to designate certain segments of the Missouri River in Nebraska and South Dakota as components of the wild and scenic rivers system, and for other purposes.

On June 18, 1991:

S. 483. An act entitled the "Taconic Mountains Protection Act of 1991."

S.J. Res. 111. Joint Resolution marking the seventy-fifth anniversary of chartering by Act of Congress of the Boy Scouts of America.

On June 19, 1991:

S. 292. An act to expand the boundaries of the Saguaro National Monument.

June 27, 1991:

S. 64. An act to authorize appropriations to establish a National Education Commission on Time and Learning and a National Council on Education Standards and Testing, and for other purposes.

On June 28, 1991:

S. 909. An act to amend chapter 9 of title 17, United States Code, regarding protection extended to semiconductor chip products of foreign entities.

S.J. Res. 159. Joint resolution to designate the month of June 1991, as "National Forest System Month."

On July 10, 1991:

S. 674. An act to designate the building in Monterey, Tennessee, which houses the primary operations of the United States Postal Service as the "J.E. (Eddie) Russell Post Office Building," and for other purposes.

On August 2, 1991:

S.J. Res. 121. Joint resolution designating September 12, 1991, as "National D.A.R.E. Day."

On August 6, 1991:

S.J. Res. 40. Joint resolution designating the week beginning September 8, 1991, and the week beginning September 6, 1992, each as "National Historically Black Colleges Week."

S.J. Res. 142. Joint resolution to designate the week beginning July 28, 1991, as "National Juvenile Arthritis Awareness Week."

On August 10, 1991:

S.J. Res. 179. Joint resolution to designate the week beginning August 25, 1991, as "National Parks Week."

On August 14, 1991:

S. 1593. An act to improve the operation and effectiveness of the United States National Commission on Libraries and Information Science, and for other purposes.

S. 1594. An act to honor and commend the efforts of Terry Beirn, to amend the Public Health Service Act to rename and make technical amendments to the community-based AIDS research initiative, and for other purposes.

S.J. Res. 72. Joint resolution to designate the week of September 15, 1991, through September 21, 1991, as "National Rehabilitation Week."

On August 17, 1991:

S. 1608. An act to make Technical Amendments to the Nutrition Information and Labeling Act, and for other purposes.

On October 1, 1991:

S. 296. An act to amend the Immigration and Nationality Act to provide immigrant status for certain aliens who have served honorably (or are enlisted to serve) in the Armed Forces of the United States for at least 12 years.

On October 3, 1991:

S.J. Res. 73. Joint resolution designating October 1991 as "National Domestic Violence Awareness Month".

S.J. Res. 125. Joint resolution to designate October 1991 as "Polish-American Heritage Month".

S.J. Res. 126. Joint resolution to designate the second Sunday in October of 1991 as "National Children's Day."

S.J. Res. 151. Joint resolution to designate October 6, 1991, and October 6, 1992, as "German-American Day."

On October 4, 1991:

S. 363. An act to authorize the addition of 15 acres to Morristown National Historical Park.

On October 7, 1991:

S. 1106. An act to amend the Individuals with Disabilities Education Act to strengthen such Act, and for other purposes.

S.J. Res. 95. Joint resolution designating October 1991 as "National Breast Cancer Awareness Month."

On October 8, 1991:

S.J. Res. 78. Joint resolution to designate the month of November 1991 and 1992 as "National Hospice Month."

S.J. Res. 156. Joint resolution to designate the week of October 6, 1991, through October 12, 1991, as "Mental Illness Awareness Week."

On October 9, 1991:

S. 1773. An act to extend until October 18, 1991, the legislative reinstatement of the power of Indian tribes to exercise criminal jurisdiction over Indians.

S.J. Res. 172. Joint resolution to authorize and request the President to proclaim each of the months of November 1991 and 1992 as "National American Indian Heritage Month."

On October 10, 1991:

S. 868. An act to amend title 10, United States Code, and title 38, United States Code, to improve the educational assistance benefits for members of the reserve components of the Armed Forces who served on active duty during the Persian Gulf War, to improve and clarify the eligibility of certain veterans for employment and training assistance, and for other purposes.

S.J. Res. 132. Joint resolution to designate the week of October 13, 1991, through October 19, 1991, as "National Radon Action Week."

MESSAGES FROM THE HOUSE

ENROLLED BILLS SIGNED

At 6:10 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

H.R. 2426. An act making appropriations for military construction for the Department of Defense for the fiscal year ending September 30, 1992, and for other purposes;

H.R. 2698. An act making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 1992, and for other purposes; and

H.R. 2942. An act making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1992, and for other purposes.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

At 6:35 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

H.R. 1415. An act to authorize appropriations for fiscal years 1992 and 1993 for the Department of State, and for other purposes;

H.R. 2608. An act making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1992, and for other purposes;

H.R. 3280. An act to provide for a study, to be conducted by the National Academy of Sciences, on how the Government can improve the decennial census of population, and on related matters; and

S.J. Res. 107. Joint resolution to designate October 15, 1991, as "National Law Enforcement Memorial Dedication Day."

The enrolled bills and joint resolution were subsequently signed by the President pro tempore [Mr. BYRD].

ENROLLED JOINT RESOLUTION PRESENTED

The Secretary of the Senate reported that on today, October 17, 1991, he had presented to the President of the United States the following enrolled joint resolution:

S.J. Res. 107. Joint resolution to designate October 15, 1991, as "National Law Enforcement Memorial Dedication Day."

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-2032. A communication from the General Sales Manager and Vice-President of the Commodity Credit Corporation, transmitting, pursuant to law, a report on section 416(b) monetization programs for fiscal year 1990; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2033. A communication from the President of the United States, transmitting, pursuant to law, a report on Verification of Nuclear Warhead Dismantlement and Special Nuclear Material Controls; to the Committee on Armed Services.

EC-2034. A communication from the President of the United States, transmitting, pursuant to law, a report on Possible Effects of a Strategic Arms Reduction Agreement on the Trident Program; to the Committee on Armed Services.

EC-2035. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, the initial report on Missile Proliferation; to the Committee on Foreign Relations.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. FORD, from the Committee on Rules and Administration, without amendment:

S. 239. A bill to authorize the Alpha Phi Alpha Fraternity to establish a memorial to Martin Luther King, Jr., in the District of Columbia (Rept. No. 102-192).

By Mr. HOLLINGS, from the Committee on Commerce, Science, and Transportation, without amendment:

H.R. 470. A bill to authorize the Secretary of Transportation to release the restrictions, requirements, and conditions imposed in connection with the conveyance of certain lands to the city of Gary, Indiana (Rept. No. 102-193).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. DURENBERGER (for himself, Mr. DANFORTH and Mr. BURNS):

S. 1836. A bill to provide economic incentives through Medicaid bonus funds to promote State alternative dispute resolution systems, to assist States in the creation and evaluation of alternative dispute resolution systems, to encourage State-based quality improvement programs, and to provide comprehensive reform of State tort law to curb excesses in the current liability system, and for other purposes; to the Committee on Finance.

By Mr. REID (for himself and Mr. BRYAN):

S. 1837. A bill to repeal a provision of Federal tort claim law relating to contractor liability for injury or loss of property arising out of atomic weapons testing programs, and for other purposes; to the Committee on the Judiciary.

By Mr. PRYOR (for himself and Mr. MITCHELL):

S. 1838. A bill to amend title XVIII of the Social Security Act to provide for a limitation on use of claim sampling to deny claims or recover overpayments under Medicare; to the Committee on Finance.

By Mr. MCCONNELL:

S. 1839. A bill to prevent the disclosure of confidential information in the Senate advise and consent process; to the Committee on the Judiciary.

By Mr. GLENN:

S.J. Res. 216. A joint resolution requiring a report under the Nuclear Non-Proliferation Act of 1978 on United States efforts to strengthen safeguards of the International Atomic Energy Agency; to the Committee on Foreign Relations.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BROWN (for himself and Mr. BOND):

S. Res. 199. A resolution calling for an investigation of the unauthorized disclosure of a confidential Senate committee report during the consideration of the nomination of Clarence Thomas to be an Associate Justice of the Supreme Court; to the Committee on Rules and Administration.

By Mr. D'AMATO (for himself and Mr. MOYNIHAN):

S. Res. 200. A resolution expressing the sense of the Senate with respect to the important contributions of the men and women in the number one industry in New York State, the agriculture industry; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. SANFORD (for himself, Mr. KERRY, Mr. LEVIN, Mr. KENNEDY, Mr. BUMPERS, Mr. ROCKEFELLER, Mr. SARBANES, Mr. SIMON, Mr. LEAHY and Mr. WELLSTONE):

S. Con. Res. 70. A concurrent resolution to express the sense of the Congress with respect to the support of the United States for the protection of the African elephant; to the Committee on Foreign Relations.

By Mr. MACK:

S. Con. Res. 71. A concurrent resolution condemning the unconditional seizure of power by elements of the Haitian military and consequent violence, and calling on the Attorney General to suspend temporarily the forced return of Haitian nationals in the United States during the crisis in Haiti; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DURENBERGER (for himself, Mr. DANFORTH, and Mr. BURNS):

S. 1836. A bill to provide economic incentives through Medicaid bonus funds to promote State alternative dispute resolution systems, to assist States in the creation and evaluation of alternative dispute resolution systems, to encourage State-based quality improvement programs, and to provide comprehensive reform of State tort law to curb excesses in the current liability system, and for other purposes; to the Committee on Finance.

AMERICAN HEALTH QUALITY ACT

Mr. DURENBERGER. Mr. President, I appreciate having the opportunity this morning to listen to my colleague, Senator WOFFORD, speak on the issue of national health insurance, and I compliment him for his interest in the subject. Many people in this body and others have come to do that in recent years.

I also appreciate the fact that Americans want comprehensive change in our health care system. The question is mainly how are you going to go about it?

I was happy to see my colleague from Pennsylvania talk about small group insurance reform which is something I have been trying to do here for a couple years, and I trust it will be included in leadership package coming out quite soon.

I would hope that we would endorse the concept of national basic benefits plans. I heard words like national health insurance and words like comprehensive coverage. I am back to thinking about the way most Americans think about the health plan. They expect it to be a bill paying service rather than providing them with financial security that they need.

I hope that he and others will also endorse the concept of tax equity. We are spending $100 billion a year today in non-means-tested payments, people who work for big companies so they can buy their health insurance while self-employed persons, people in small businesses and low-income people generally in this country get nothing or little or nothing. I hope that when I make that proposal he and others will support that as well.

I say, Mr. President, that whether you use a comprehensive approach or you use an incremental approach, we have to take on the cost of health care or we will never be able to guarantee universal access.

This morning I would like to talk about a proposal that several colleagues on this side of the aisle are working on which is different from what others have proposed, some similarities, but a little different.

Let me start with the premise that every American citizen wants the same three things from their health care system.

The first thing they want is access to care. They want it there when they need it. The woman in Methodist Hospital in Philadelphia that Senator WOFFORD referred to is a good example of that.

The second thing they want is quality care. They want to know that they are going to have the best care that is available.

The third thing they need is to have both access to quality at a fair price.

The problem with the American health care system today is that it cannot deliver on these three at the same time or the same place. The reasons are many but it boils down to this: The health marketplace in this country does not function like it should. We need to set about repairing that marketplace so it produces what it should, how it should, and at the price that is should.

So today I am focusing on one part of that broken system: The part that is supposed to guarantee quality care, the so-called malpractice or medical liability system. This is the part that is so badly broken that not only does it not give us quality, but it impedes both access and raises cost.

The bill Senators DANFORTH, BURNS, and I are introducing today tries to turn that around and get the system headed in the direction of serving patients better by genuinely improving health care quality.

Let us look from the patient's point of view at the current malpractice system as it relates to access, quality and cost.

What does the current system do to access for Americans?

Mr. President, we have reports from over 150 communities in 26 States that they are losing doctors, particularly in the field of obstetrics, because they are unable to pay their malpractice premiums. Fifteen counties in Alabama have no obstetrical care. Nineteen counties in Colorado had no private obstetricians. The list goes on and on.

What are the women in those communities supposed to do? How are they going to get the care they need? Who is going to deliver their babies?

Every place where the financial condition of the health care system is marginal—rural areas and core innercities especially—malpractice premiums are becoming the last straw that break's the system's back.

What does the current system do to costs?

If you look at the chart behind me, it reflects the average rate of increase of three items during the last decade.

The first of these, the green line, over the decade of the 1980's, are CPI averge cost increases for all goods and services in America.

The second one is the physician fees.

And the third line is the cost of the malpractice or professional liability premiums.

The chart reflects the average rate of increase of three items during the last decade. At the bottom is the inflation rate for all items—about a 30-percent increase. The next line is physician fees: it shows a 50-percent increase.

The top line is what the cost issue is all about: a 160-percent increase in about 7 years. Mr. President, in terms we can understand, could any of us handle an increase in the price of a fill-up at the gas station that went from $15 to $39? Or the cost of a mortgage payment that went from $750 to $1,950? That is the kind of price rise physicians went through during the middle 1980's.

The CPI has gone up 30 percent during the decade, physicians fees going up 50 percent in the decade, but professional liability premiums have gone up 160 percent without guaranteeing any American they are getting better health care.

Let us not be naive. Who is really paying for all these increases? All of us. The lady in Methodist Hospital in Philadelphia is among them. As bill payers, as premium payers and taxpayers, we are all footing this enormous bill.

Let us look at the actual impact of that increase in some selected States. This is the situation faced by 44 million people living in these States.

This is illustrated by this chart right here to give you some idea of the premium cost.

When you go to see your doctor in Florida, he or she is working and charging enough to pay $21,000 a year, more than most Floridians make, just for liability insurance in internal medicine.

A general surgeon pays $1,900 in premiums each week, just to open the office door in Florida.

An obstetrician in Florida who worked a normal work week has to earn $700 a day just to pay his insurance bill.

Is it any wonder, Mr. President, that medical costs are skyrocketing?

As you can see, this is the case in the rest of the States as well. We are all paying a heavy price for the way the current system works, if I can use that term.

And the big question, Mr. President, is, What kind of quality is the system producing for that price?

Unfortunately, we have a situation like the kid who tells his basketball coach, "I may be small, but I can't jump!" We have a system that costs us an arm and a leg and doesn't get the job done.

Quality can be simply defined as patients getting what they need from their doctor and not getting what they do not need. Our current system delivers billions of dollars of care that American patients simply do not need.

The term for this is "defensive medicine." Physicians who are fearful of lawsuits prescribe unnecessary tests and perform extra procedures—not to benefit the patient—but to protect themselves from lawsuits.

The cost of defensive medicine is understandably hard to estimate but the American Medical Association says they may be as high as $15 billion a year. That is an unconscionable waste of money. And that is what our current system encourages.

Skyrocketing judgments may also drive innovators out of the medical field, depriving patients of new, lifesaving cures.

What about controlling medical errors and injuries, the kind of thing most of us think about when we hear about the malpractice system? Does the system give injured patients fair and timely compensation for their losses? Does it force doctors to shape up?

Regrettably, Mr. President, the current system is so unfair, so fraught with delay for victims of negligence and so skewed by financial motives that it does none of those things we intend it to do.

The civil courts of this country are jammed with a huge backlog of litigation which mean years of waiting before any claim can be settled. The wait for a trial date in many States in this country is well over 2 years. A person trying to bring a liability suit just across Minnesota's southern border in Iowa would have to wait 39 months for a trial date. If justice delayed is justice denied, we have an unjust system.

But Mr. President, a recent study at Harvard University uncovered a level of unfairness of an even greater magnitude.

The Harvard researches found that 97 percent of the people who are actual victims of negligence, for one reason or another do not even sue for damages. Ninety-seven percent of those who have been hurt by this system got less than quality care.

Equally amazing is the fact that 80 percent of people who do sue had no basis for doing so; they had frivolous claims.

This system does not work

Peter Huber, a renowned legal scholar put those numbers in this perspective:

> Imagine that the manufacturer of a car or a contraceptive delivered a product that was defective 80% of the time. Imagine a diagnostic laboratory that ran tests that produced 97% false negatives and 80% false positives. Or imagine that some doctor failed to diagnose 97% of all patients with gangrene, and that when he did reach for a scalpel, he applied it to the wrong limb 80% of the time.

Who could support the continuation of such a system?

My next chart answers that question. The blue and red chart. For every dollar that is thrown into the system, only 56 cents ever ends up with patients, the people this system is supposed to serve. The rest goes to lawyers. This is a full employment program for lawyers.

So, Mr. President, the system fails the test of access, the test of cost and the test of quality.

We must do better.

And we can do better. That's why we're here this morning.

The American Health Quality Act we are introducing today turns a costly, unfair and debilitating system into one that will bring about genuine improvement in the health care Americans receive. It is based on three principles.

First, serious reform must be comprehensive in scope

The health care system we have in America is extraordinarily complex. When I was growing up in rural Minnesota, health care came from Dr. Baumgartner, from Albany, 12 miles away. He came with his black bag when my mom called him. He fixed me up and my dad paid him out of this next paycheck. Everything about that system has changed.

The specialization of physicians is incredible.

The exponential growth of medical technology which replaces that black bag is staggering.

And instead of cash, the doctor patient transaction now involves thousands of insurance companies, employers and government programs.

That means problems spread throughout the system, and solutions therefore have to involve all the actors in the system. That is what this bill does. It deal not only with malpractice, but also with medical devices and pharmaceuticals as well. And it does more than try to solve problems; it points the whole system in the direction of quality improvement.

I ask unanimous consent that a list of the national organizations who have announced support for this bill be printed in RECORD.

There being no objection, ordered to be printed in the RECORD, as follows:

AMERICAN HEALTH QUALITY ACT OF 1991

(Prepared by the Office of Senator Dave Durenberger)

The following groups have expessed support for the goals of the bill:

American Academy of Orthopedic Surgeons.

American Association of Nurse Anesthetists.

American Chiropractic Association.

American College of Obstetricians and Gynecologists.

American College of Physicians.

American College of Radiology.

American College of Surgeons.

American Dental Association.

American Group Practice Association.

American Healthcare Systems Institute.

American Hospital Association.

American Medical Association.

American Osteopathic Hospital Association.

American Podiatric Medical Association, Inc.

American Protestant Health Association.

American Society for Healthcare Risk Management.

American Society of Internal Medicine.

American Thoracic Society.

American Tort Reform Association, representing 400 professional societies, trade associations and corporations.

Association of Private Pension and Welfare Plans.

Catholic Health Association.

College of American Pathologists.

Federation of American Health Systems.

Group Health Association of America.

Kaiser Permanente.

MMI Companies, Inc.

Medical Alley, 175 members including Minnesota's medical device manufacturers, hospitals, healthcare professionals, and health maintenance organizations.

Minnesota Medical Association.

National Association of Manufacturers.

National Association of Pediatric Nurse Associates and Practitioners.

National Medical Liability Reform Coalition.

Physician Insurers Association of America.

Voluntary Hospitals of America.

Washington Business Group on Health.

Mr. DURENBERGER. Second, we need to curb the excesses in the current liability system, while we maintain patient's rights to compensation for real economic losses.

Reform must include limitations on attorney's contingency fees, reducing the lawyer's slice of the liability pie I showed earlier. We also need to cap noneconomic damages, such as pain and suffering, and punitive damages at a reasonable level. In addition, we need to expedite settlement provisions to speed up the process. Uniform national rules for statutes of limitation, joint and several liability among defendants and other sources of compensation need to be set to bring greater certainty to all parties. That is what this bill proposes.

If I can refer back to my earlier chart. If you look at the difference between these States here, the first five States, Florida, Michigan, New York, Alaska, Arizona, and the State of California—let me say, California has enacted a lot of these reforms. And if you compare the impact on premiums even in a State like California, which has such an incredibly expensive medical system, you could see that in 1983 California obstetrical premiums were well above the national average. Now they are much below the average and the departure of obstetricians has slowed.

Third, if we want genuine quality improvement we need get as many of these matters as we can out of the court room and into a setting where there can be constructive resolution and some learing from the process.

There is a fundamental culture clash between the legal liability system and medical quality improvement. This is not the fault of doctors or hospitals, nor is it the fault of insurance companies, or even, Mr. President, is it the fault of lawyers. It is inherent in the litigation process.

The culture of liability litigation is adversarial, punitive, and confrontational. Mistakes are opportunities for lawsuits. The law looks for someone to blame.

In contrast, the growing literature on quality improvement in health care teaches us that mistakes are opportunities, even treasures. Improvement in quality comes through sharing information to aggressively confront failure and thus prevent it. Quality improvement requires all the participants to trust one another in order to work cooperatively toward the improvement.

Mr. President, the road to quality health care does not pass through the courtroom. We simply cannot get here from there.

We have to develop alternative systems that will fairly compensate individuals for medical mistakes while improving the quality of care for everyone. This bill offers incentives for States to achieve these goals. It creates affirmative incentives for States to develop alternative dispute resolution [ADR] systems outside of the courts.

In this bill, up to 10 States will receive Medicaid bonus funds to experiment with ADR systems. The Agency for Health Care Policy and Research, the Federal body with the greatest sophistication in issues relating to quality of care, will oversee the bonus program.

This offers a "win-win" solution for qualifying States. There will be more resources for care under the bonus plan, and patients will benefit from ADR systems that are likely to develop cost-efficient, quality-enhancing programs to compensate for health care injuries.

The bill also includes similar incentives for quality improvements in State health professional licensing boards, grants for private sector experimentation with ADR's, some special protection for certain obstetrical cases and programs for community and migrant health centers to finance coverage for liability claims.

This bill calls for a modest Federal expenditure for this experimentation with the ADR concept, about $100 million. However, we anticipate that Federal and State governments will reap the benefits of cost savings as rates decline and defensive medicine slows. This should be reflected in a lower malpractice adjustment in the physician fee schedule under Medicare.

In conclusion, Mr. President, it is the sad truth that the current medical liability system is the worst of all possible worlds for the American people. It impedes access, it damages quality and it raises costs; while at the same time it compensates only 3 percent of the people who are actually injured. This system makes everybody in America losers.

We have a huge task ahead of us in trying to reform the American health care system. It will be costly. It will be difficult. It will require sacrifice. This reform is one hopefully that we can agree upon.

We simply cannot afford the system we have now. We have so much to gain from a system that produces better and better quality as time goes by.

The time has come for change and we offer this proposal to our colleagues as the right way to start.

I ask unanimous consent that a copy of the bill and a section-by-section analysis be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1836

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "American Health Quality Act".

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) the Federal Government has a major interest in health care as a direct provider through the Public Health Service, as a source of payment for health care through Medicare, Medicaid, and other programs;

(2) the Federal Government has a demonstrated interest in assessing the quality of care, access to care, and the costs of care through the evaluative activities of several Federal agencies;

(3) the Federal Government has a longstanding interest in the quality of medical practice through its support for medical education and training of professionals under grant and loan programs, including the National Health Services Corps.

(4) there is increasing concern that health care liability claims have significant negative effects on the health care system, including—

(A) increasing costs attributable to defensive medical practices, the cost of medical liability insurance, and costs attributable to the inefficiencies in the civil justice system;

(B) adversely affecting the quality of health care through the encouragement of defensive health care practices including unnecessary tests and procedures; and

(C) adversely affecting patient access to care because of the threat of liability suits and liability costs, including the ability of health care professionals to continue to practice in high risk specialties, particularly obstetrical care, and in certain geographic regions of the country;

(5) it has been clearly demonstrated that the civil justice system is a costly, inefficient, and inequitable mechanism for all parties in resolving claims against health care providers, professionals, producers and employers;

(6) a disproportionately large percentage of funds expended to compensate patients is distributed to a few individuals, while others are denied adequate compensation;

(7) an exorbitant amount of funds in health care liability actions go to the transaction costs of the judicial system rather than to compensate for health care injuries;

(8) there is optimism that alternative dispute resolution systems have the potential to significantly improve the adverse effects of the health care liability environment, however more data and analysis is necessary to fully understand the benefits of various alternative procedural devices; and

(9) there is optimism that State-based disciplinary bodies could improve overall health care quality rather than merely penalize a few bad actors.

(b) PURPOSE.—It is the purpose of this Act to—

(1) provide incentives through a Medicaid bonus program for States to develop alternative dispute resolution procedures to attain a more efficient, expeditious, and equitable resolution of health care disputes;

(2) enhance general knowledge concerning the benefits of different forms of alternative dispute resolution mechanisms;

(3) provide incentives through a Medicaid bonus program for States to improve the health care professional disciplinary and licensing bodies and to encourage the adoption of quality assurance reforms to reduce the incidence of health care injuries; and

(4) promote uniformity and curb excesses in the State-based health care liability systems through Federally mandated tort reforms.

SEC. 3. DEFINITIONS.

As used in this Act:

(1) AGENCY.—The term "Agency" means the Agency for Health Care Policy and Research.

(2) ALTERNATIVE DISPUTE RESOLUTION SYSTEM.—The term "alternative dispute resolution system" means a system that is enacted or adopted by a State to resolve health care liability claims as an alternative to a judicial proceeding in a Federal or State court;

(3) CLAIMANT.—The term "claimant" means any person who brings a civil action that is subject to the requirements of this Act, and any person on whose behalf such an action is brought, if such an action is brought through or on behalf of an estate. Such term includes the claimant's decedent, or if it is brought through or on behalf of a minor or incompetent, such term includes the claimant's parent or guardian.

(4) CLEAR AND CONVINCING EVIDENCE.—The term "clear and convincing evidence" is that measure or degree of proof that will produce in the mind of the trier of fact a firm belief or conviction as to the truth of the allegations sought to be established. The level of proof required to satisfy such standard is more than that required under preponderance of the evidence, but less than that required for proof beyond a reasonable doubt.

(5) COMPENSATORY DAMAGES.—The term "compensatory damages" means all damages awarded to compensate a plaintiff, including economic and noneconomic damages.

(6) ECONOMIC DAMAGES.—The term "economic damages" means awards for losses suffered by the plaintiff to compensate for hospital and other medical expenses including rehabilitation costs, such as lost wages, lost employment, and other pecuniary losses;

(7) HEALTH CARE CLAIM.—The term "health care claim" means any claim relating to the provision (or failure to provide) health care services based on negligence or gross negligence, breach of express or implied warranty or contract, failure to discharge a duty to warn or instruct to obtain consent.

(8) HEALTH CARE EMPLOYER.—The term "health care employer" means any organization or institution that provides employee health benefits or systems of care, including employers, employee health benefit plans, multiple employer trusts, union trusts and managed care arrangements.

(9) HEALTH CARE LIABILITY ACTION.—The term "health care liability action" means any civil action or proceeding in any judicial tribunal brought pursuant to Federal or State law against a health care provider, health care professional, health care producer, or health care employer, alleging that injury was suffered by the claimant as a result of any act or omission by such provider, professional, producer, or employer, without regard to the theory of liability asserted in the action. Such term includes a claim, third-party claim, cross-claim, counterclaim or contribution claim.

(10) HEALTH CARE PROFESSIONAL.—The term "health care professional" means any individual who provides health care services in a State and who is required by State law or regulation to be licensed or certified by the State to provide such services in the State, including a physician, nurse, chiropractor, physical therapist, or physician assistant.

(11) HEALTH CARE PROVIDER.—The term "health care provider" means any organization or institution that is engaged in the delivery of health care services in a State that is required by State law or regulation to be licensed or certified by the State to engage in the delivery of such services in the State.

(12) HEALTH CARE PRODUCER.—The term "health care producer" means any firm or

business enterprise that designs, manufactures, produces or sells a medical product that is the subject of a liability action.

(13) INJURY.—The term "injury" means any illness, disease, or other harm that is the subject of a health care liability claim.

(14) NONECONOMIC DAMAGES.—The term "noneconomic damages" means losses for physical and emotional pain, suffering, inconvenience, physical impairment, mental anguish, disfigurement, loss of enjoyment of life, loss of consortium, and other nonpecuniary losses.

(15) PUNITIVE DAMAGES.—The term "punitive damages" means damages awarded as a form of punishment.

(16) SECRETARY.—The term "Secretary" means the Secretary of Health and Human Services.

(17) STATE.—The term "State" means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, and Guam.

SEC. 4. EFFECT ON INTERSTATE COMMERCE.

Congress finds that the health care and insurance industries are industries affecting interstate commerce and the health care liability systems existing throughout the United States impact on interstate commerce by contributing to the high cost of health care and premiums for malpractice and products liability insurance purchased by health care providers and producers.

TITLE I—ALTERNATIVE DISPUTE RESOLUTION SYSTEMS

SEC. 101. ESTABLISHMENT OF INCENTIVE PROGRAM.

(a) IN GENERAL.—The Secretary shall establish a program to make bonus or enhanced payments for a 2-year period pursuant to subsection (e) to eligible States that submit a State plan for the development or implementation of alternative dispute resolution systems in the State, under such terms as the Secretary may require.

(b) ELIGIBILITY.—To be eligible to receive enhanced payments under this section a State shall—

(1) prepare and submit to the Secretary an application at such time, in such form and containing such information as the Secretary may require including a description of the alternative dispute resolution system that the State intends to develop or implement that—

(A) should support access to health care;

(B) encourage improvements in the quality of care;

(C) enhance the patient-provider relationship;

(D) encourage innovation in health care delivery systems;

(E) provide prompt resolution and fair compensation;

(G) provide predictable outcomes; and

(H) operate efficiently in terms of costs and processes; and

(2) provide assurances that the State will comply with all data gathering and analysis requirements promulgated by the Agency under section 102(c)(2).

(c) APPROVAL OF APPLICATIONS.—The Secretary shall review applications and assurances submitted under subsection (b) and shall award enhanced payments to States based on demonstrations made by such States that the alternative dispute resolution systems to be developed or implemented meet the qualification standards developed by the Agency under section 102.

(d) DESIGNATION OF APPROVED STATES.—A State that receives enhanced payments under this section shall be designated as an approved alternative dispute resolution State by the Agency. Such approved States shall be eligible, upon application, for a 2-year extension of the applications and plans approved under this section and shall receive enhanced payments during such 2-year period.

(e) ENHANCED PAYMENTS.—

(1) AMOUNT.—A State that has an application approved by the Secretary under this section shall receive enhanced payments in accordance with section 1903(w) of the Social Security Act.

(2) IN GENERAL.—Except as provided in paragraph (3), the Secretary shall provide enhanced payments to not less than five and not more than 10 States in each fiscal year under this section.

(3) EXCEPTION.—Notwithstanding paragraph (2), the Secretary may provide enhanced payments to less than five States under this section in a fiscal year if the Secretary determines that there are an inadequate number of applications submitted that meet the eligibility and approval requirements of this section in such fiscal year.

SEC. 102. ESTABLISHMENT OF ADVISORY PANEL.

(a) IN GENERAL.—The Agency for Health Care Policy and Research shall make recommendations to the Secretary concerning the eligibility, approval and review requirements for alternative dispute resolution programs described in applications submitted under section 101.

(b) PANEL OF ADVISORS.—The Agency shall appoint 15 individuals to serve as a panel of advisors to assist in carrying out its activities under this section. Members of the panel shall include at least one representative, but in no event more than three such representatives, of each of the following—

(1) patient advocacy groups;

(2) groups representing State governments, such as the National Governors Association or National Conference of State Legislatures;

(3) health care provider organizations;

(4) professional groups, including organized medicine;

(5) health care insurers;

(6) health care employers;

(7) medical product manufacturers; and

(8) academic researchers from disciplines such as medicine, economics, law or health services, with expertise in alternative dispute resolution models.

(c) DUTIES OF ADVISORY PANEL.—The panel appointed under subsection (b) shall—

(1) assist in the development of criteria for alternative dispute resolution systems that States must meet to be eligible to receive enhanced payments under section 101 and make information on such criteria available to the States to assist such States in preparing applications under section 101(b);

(2) as part of the criteria developed under paragraph (1), require that States receiving enhanced payments under section 101 comply with data gathering and evaluation guidelines established by the panel;

(3) provide advice and assistance to representatives from State governments concerning the establishment of alternative dispute resolution systems;

(4) develop the qualification standards and provide advice and assistance to States applying to be quality improvement States under title III;

(5) not later than 4 years after the approval of an application of a State under section 101(b), prepare and submit to the Secretary and the appropriate committees of Congress, a report and evaluation concerning the alternative dispute resolution systems implemented by States receiving enhanced payments under this section, including information—

(A) on the effect of such systems on the cost of health care within the State;

(B) the impact of such systems on the access of individuals to health care within the State;

(C) the effect of such systems on the quality of health care provided within such State; and

(D) such other effects otherwise determined appropriate by the Secretary;

(6) not later than 4 years after the date of enactment of this Act, submit to the Secretary and to the appropriate committees of Congress a recommendation on the feasibility of a mandated alternative dispute resolution system; and

(7) not later than 4 years after the approval of the first quality improvement State plan under title III, prepare and submit to the Secretary and the appropriate Committees of Congress a report and evaluation concerning the reform of State health professions disciplinary boards or alternative quality assurance plans.

SEC. 103. DEMONSTRATION PROJECTS.

(a) ESTABLISHMENT.—The Secretary shall establish a program to award grants to private entities for the establishment of demonstration alternative dispute resolution programs in the private sector.

(b) APPLICATION.—To be eligible to receive a grant under this section an entity shall prepare and submit to the Secretary an application at such time, in such form and containing such information as the Secretary may require including a description of the alternative dispute resolution system that the entity intends to develop or implement.

(c) CRITERIA.—The Secretary shall consider applications received under subsection (b) and award grants based on criteria for such developed by the panel.

(d) REQUIREMENTS.—An alternative dispute resolution system that receives assistance under this section shall—

(1) be a dispute resolution system agreed to by health care providers and purchasers or members;

(2) be in compliance with applicable State laws; and

(3) meet such other requirements as the panel determines to be appropriate.

(e) DUTIES OF PANEL.—The panel shall—

(1) provide assistance to entities receiving a grant under this section in designing and implementing alternative dispute resolution systems; and

(2) collect data on alternative dispute resolutions systems implemented with assistance provided under this section and submit such data to the Agency, the Secretary and the appropriate Committees of Congress, together with a report concerning recommendations for improving such systems.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, $100,000,000 for fiscal year 1992, and such sums as may be necessary for each of the fiscal years 1993 through 1996.

SEC. 104. AMENDMENT TO SOCIAL SECURITY ACT.

Section 1903 of the Social Security Act (42 U.S.C. 1396b) is amended by adding at the end thereof the following new subsection:

"(w) Notwithstanding any other provision of this title, with respect to a State with an application approved under section 101(b) of the Health Care Injury Compensation and Quality Improvement Act, such State shall receive, in addition to the Federal medical assistance percentage determined for such State, not less than an additional .4 percent for each calendar quarter in which such State qualifies for such additional percentage under section 101 of such Act.".

TITLE II—UNIFORM STANDARDS FOR HEALTH CARE LIABILITY CLAIMS

SEC. 201. APPLICATION TO CIVIL ACTIONS.

This title shall apply to any health care liability action brought in any Federal or State court and any health care action resolved through an alternative dispute resolution system. This title shall not be construed to create or effect any cause of action or theory of liability recognized in any Federal or State proceeding.

SEC. 202. EXPEDITED HEALTH CARE LIABILITY SETTLEMENTS.

(a) RIGHT TO BRING ACTION.—Any claimant may bring a civil action for damages against a person for harm caused during the provision of health care pursuant to applicable Federal or State law, except to the extent that such law is superseded by this title.

(b) SETTLEMENT OFFERS.—

(1) BY CLAIMANT.—Any claimant may, in addition to any claim for relief made in accordance with Federal or State law as provided for in subsection (a), include in the complaint filed by such complainant an offer of settlement for a specific dollar amount.

(2) BY DEFENDANT.—Within 60 days after service of the complaint of a claimant of the type referred to in paragraph (1), or within the time permitted pursuant to Federal or State law for a responsive pleading, whichever is longer, the defendant may make an offer of settlement for a specific dollar amount, except that if such pleading includes a motion to dismiss in accordance with applicable Federal or State law, the defendant may tender such relief to the claimant within 10 days after the determination of the court regarding such motion.

(c) EXTENSION OF TIME.—

(1) AUTHORITY.—In any case in which an offer of settlement is made pursuant to subsection (a) or (b), the court may, upon motion made prior to the expiration of the applicable period for response, enter an order extending such period.

(2) CONTENTS OF EXTENSION ORDER.—Any order extending the period for response under paragraph (1) shall contain a schedule for discovery of evidence material to the issue of the appropriate amount of relief, and shall not extend such period for more than 60 days. Any such motion shall be accompanied by a supporting affidavit of the moving party setting forth the reasons why such extension is necessary to promote the interests of justice and stating that the information likely to be discovered is material, and is not, after reasonable inquiry, otherwise available to the moving party.

(d) REJECTION OF OFFER BY DEFENDANT OFFEREE.—If the defendant, as offeree, does not accept the offer of settlement made by a claimant in accordance with subsection (b)(1) within the time permitted pursuant to Federal or State law for a responsive pleading or, if such pleading includes a motion to dismiss in accordance with applicable law, within 30 days after the court's determination regarding such motion, and a verdict is entered in such action equal to or greater than the specific dollar amount of such offer of settlement, the court shall enter judgment against the defendant and shall include in such judgment an amount for the claimant's reasonable attorney's fees and costs. Such fees shall be offset against any fees owed by the claimant to the claimant's attorney by reason of the verdict.

(e) REJECTION OF OFFER BY CLAIMANT OFFEREE.—If the claimant, as offeree, does not accept the offer of settlement made by a defendant in accordance with subsection (b)(2) within 30 days after the date on which such offer is made and a verdict is entered in such action equal to or less than the specific dollar amount of such offer of settlement, the court shall reduce the amount of the verdict in such action by an amount equal to the reasonable attorney's fees and costs owed by the defendant to the defendant's attorney by reason of the verdict, except that the amount of such reduction shall not exceed that portion of the verdict which is allocable to noneconomic damages.

(f) CALCULATION OF ATTORNEY'S FEES.—For purposes of this section, attorney's fees shall be calculated on the basis of an hourly rate that should not exceed that which is considered acceptable in the community in which the attorney practices, considering the attorney's qualifications, experience and the complexity of the case.

SEC. 203. DAMAGES.

(a) PAYMENTS.—With respect to a civil action or claim of the type referred to in section 201, no person may be required to pay more than $100,000 in a single payment for future losses, but such person shall be permitted to make such payments on a periodic basis. The periods for such payments shall be determined by the court, based upon projections of such future losses.

(b) LIMITATION ON NONECONOMIC DAMAGES.—With respect to a civil action or claim of the type referred to in section 201, the total amount of damages that may be awarded to an individual and the family members of such individual for noneconomic damages may not exceed $250,000, regardless of the number of health care professionals, health care providers, health care producers, health care employers against whom the claim is brought or the number of claims brought with respect to the injury.

(c) MANDATORY OFFSETS FOR DAMAGES PAID BY A COLLATERAL SOURCE.—

(1) IN GENERAL.—With respect to a civil action or claim of the type referred to in section 201, the total amount of damages received by an individual under such action or claim shall be reduced, in accordance with paragraph (2), by any other payment that has been, or will be, made to an individual to compensate such individual for the injury that was the subject of such action or claim.

(2) AMOUNT OF REDUCTION.—The amount by which an award of damages to an individual for an injury shall be reduced under paragraph (1) shall be—

(A) the total amount of any payments (other than such award) that have been made or that will be made to such individual to compensate such individual for the injury that was the subject of the action or claim; minus

(B) the amount paid by such individual (or by the spouse, parent, or legal guardian of such individual) to secure the payments described in subparagraph (A).

(d) ATTORNEYS' FEES.—With respect to a civil action or claim of the type referred to in section 201, attorneys' fees may not exceed—

(1) 25 percent of the first $150,000 of any award or settlement under such action or claim; or

(2) 15 percent of any additional amounts in excess of $150,000.

(e) PUNITIVE DAMAGES.—

(1) LIMITATION.—With respect to a civil action or claim of the type referred to in section 201, punitive damages may not exceed an amount twice that of the award of compensatory damages.

(2) SEPARATE PROCEEDING.—

(A) CONSIDERATIONS.—At the request of the defendant or defendants, the trier of law shall consider in a separate proceeding—

(i) whether punitive damages are to be awarded and the amount of the award; or

(ii) the amount of punitive damages following a determination of punitive liability.

(B) EVIDENCE.—If a separate proceeding is requested in accordance with subparagraph (A), evidence relevant only to the claim of punitive damages, as determined by applicable Federal or State law, shall be inadmissible in any proceeding to determine whether compensatory damages are to be awarded.

(3) AMOUNT.—In determining the amount of punitive damages in an action under this section, the trier of law shall consider all relevant evidence, including—

(A) the financial condition of the defendant;

(B) the severity of the harm caused by the conduct of the defendant;

(C) the duration of the conduct or any concealment of the conduct by the defendant;

(D) the profitability of the conduct to the defendant;

(E) the number of products sold by the defendant who is a manufacturer or product seller of the kind causing the harm complained of by the claimant;

(F) awards of punitive of exemplary damages to persons similarly situated to the claimant;

(G) prospective awards of compensatory damages to persons similarly situated to the claimant;

(H) any criminal penalties imposed on the defendant seller as a result of the conduct complained of by the claimant; and

(I) the amount of any civil fines assessed against the defendant as a result of the conduct complained of by the claimant.

(4) TRUST FUND.—Each State shall establish a health care disciplinary trust fund consisting of such amounts as are transferred to the trust fund under paragraph (5).

(5) TRANSFER OF AMOUNTS.—Each State shall require that 50 percent of all awards of punitive damages resulting from all health care liability actions in that State be transferred to the trust fund established under paragraph (4) in the State.

(6) OBLIGATIONS.—A State shall obligate the sums available in the trust fund established in that State under paragraph (3) to provide additional resources to State health care professional disciplinary boards for the disciplining of health care professionals and to provide additional resources for alternative dispute resolution programs if the State is an approved alternative dispute resolution State or a quality improvement State under title III.

(7) ATTORNEY'S FEES.—Claimants pursuing punitive damage awards in health care liability actions are permitted to collect reasonable attorneys fees under such actions as provided for in this Act and at the discretion of the trial judge.

SEC. 204. JOINT AND SEVERAL LIABILITY FOR NONECONOMIC DAMAGES.

(a) IN GENERAL.—With respect to a civil action or claim of the type referred to in section 201, the liability of each defendant for noneconomic damages shall be several only and shall not be joint. Each defendant shall be liable only for the amount of noneconomic damages allocated to such defendant in direct proportion to such defendant's percentage of responsibility as determined under subsection (b).

(b) PROPORTION OF RESPONSIBILITY.—For purposes of this section, the trier of fact shall determine the proportion of responsibility of each party for the claimant's harm.

SEC. 205. UNIFORM STATUTE OF LIMITATIONS.

(a) IN GENERAL.—Except as provided in subsection (b), no health care liability action may be initiated after the expiration of the 2-year period that begins on the date on which the alleged injury should reasonably have been discovered, but in no event later than 4 years after the date of the alleged occurrence of the injury.

(b) EXCEPTION FOR MINORS.—In the case of an alleged injury suffered by a minor who has not attained 4 years of age, no health care liability claim may be initiated after the expiration of the 2-year period that begins on the date on which the alleged injury should reasonably have been discovered, but in no event later than 4 years after the date of the alleged occurrence of the injury or the date on which the minor attains 8 years of age, whichever is later.

SEC. 206. PROVISION FOR SPECIAL OBSTETRIC CASES.

With respect to a civil action or claim of the type referred to in section 201, related to services provided during the delivery of a baby, a court shall only find in favor of the claimant if such malpractice on the part of the defendant health care professional is proven by clear and convincing evidence, except that such evidentiary standard shall only apply if a defendant did not previously provide prenatal care to the claimant for this pregnancy, was not part of a group practice that previously treated the claimant during the pregnancy resulting in this delivery, or was not providing coverage pursuant to an agreement with another health care professional for this delivery.

SEC. 207. MEDICAL PRODUCTS LIABILITY REFORM.

(a) DEFINITIONS.—As used in this section:

(1) DEVICE.—The term "device" has the meaning given the term in section 201(h) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(h)).

(2) DRUG.—The term "drug" has the meaning given the term in section 201(g)(1) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(g)(1).

(b) LIMITATION.—

(1) IN GENERAL.—Punitive damages otherwise permitted by applicable law shall not be awarded in an action under this Act against a manufacturer or product seller of a drug or device that caused the harm complained of by the claimant if—

(A) the drug was subject to approval under section 505 (21 U.S.C. 355) of the Federal Food Drug and Cosmetic Act;

(B) the device was subject to premarket approval under section 505 (21 U.S.C. 360e); or subject either to special controls under section 513 (21 U.S.C. 360c) or is filed as a 510k premarket notification submissions only is such special controls or notification submission are supported by substantial evidence of safety and effectiveness based on valid scientific clinical data, with respect to—

(i) the safety of the formulation or performance of the aspect of the drug or device that caused the harm; or

(ii) the adequacy of the packaging or labeling of the drug or device; and

(C) the drug or device is generally recognized as safe and effective pursuant to conditions established by the Food and Drug Administration and applicable regulations, including packaging and labeling regulations.

(2) WITHHELD INFORMATION; MISREPRESENTATION; ILLEGAL PAYMENT.—The provisions of paragraph (1) shall not apply in any case in which the court determines on the basis on clear and convincing evidence that the defendant—

(A) withheld from or misrepresented to the Food and Drug Administration information concerning such drug or device that is required to be submitted under the Federal Food, Drug and Cosmetic Act of section 352 of the Public Health Service Act that is material and relevant to the harm suffered by the claimant; or

(B) made an illegal payment to an official of the Food and Drug Administration for the purpose of securing approval of the drug or device.

SEC. 208. PREEMPTION.

(a) IN GENERAL.—The provisions of this title supersede any State law only to the extent that such State law establishes higher payment limits, applies joint and several liability to all damages, permits the recovery of a greater amount of damages or the awarding of a greater amount of attorneys' fees, or establishes a longer period during which a health care liability claim may be initiated.

(b) EFFECT ON SOVEREIGN IMMUNITY AND CHOICE OF LAW OR VENUE.—Nothing in this title shall be construed to—

(1) waive or affect any defense of sovereign immunity asserted by any State under any provision of law;

(2) waive or affect any defense of sovereign immunity asserted by the United States;

(3) affect the applicability of any provision of the Foreign Sovereign Immunities Act of 1976;

(4) preempt State choice-of-law rules with respect to claims brought by a foreign nation or a citizen of a foreign nation; or

(5) affect the right of any court to transfer venue or to apply the law of a foreign nation or to dismiss a claim of a foreign nation or of a citizen of a foreign nation on the ground in inconvenient forum.

(c) APPLICATION.—Subsection (a) shall apply to health care liability claims initiated after the expiration of the 1-year period that begins on the date of enactment of this Act.

TITLE III—HEALTH CARE INJURY PREVENTION

SEC. 301. ENHANCED PAYMENTS.

(a) IN GENERAL.—The Secretary shall establish a program to make enhanced Medicaid bonus payments pursuant to subsection (e) for a 2-year period to eligible States that submit a State plan for the development or implementation of a health care injury prevention program or an approved alternative, under such terms as the Secretary may require.

(b) ELIGIBILITY.—To be eligible to receive enhanced payments under this section a State shall—

(1) prepare and submit to the Secretary an application at such time, in such form and containing such information as the Secretary may require including a description of the health care injury prevention program that the State intends to develop or implement and assurances that the State will comply with the requirements of this title; and

(2) provide assurances that the State will comply with all data gathering requirements promulgated by the Agency under section 102(c)(2).

(c) STANDARDS.—The Agency shall establish qualification standards that applications submitted under subsection (b)(1) must meet to be eligible to receive enhanced payments under this section. The Secretary shall review applications submitted under subsection (b)(1) and shall award enhanced payments to States based on demonstrations made by such States that the health care injury prevention programs to be implemented meet the standards developed by the Agency. The advisory panel shall provide assistance to the Agency in carrying out this subsection.

(d) DESIGNATION OF APPROVED STATES.—A State that receives enhanced payments under this section shall be designated as a quality improvement State by the Secretary. Such States shall be eligible, upon application, for a 2-year extension of the applications and plans approved under this section and shall receive enhanced payments during such 2-year period.

(e) ENHANCED PAYMENTS.—A State that has an application approved by the Secretary under this section shall receive enhanced Medicaid bonus payments in accordance with section 1903(x) of the Social Security Act.

SEC. 302. USE OF AMOUNTS.

(a) IN GENERAL.—

(1) PROVISION OF PAYMENTS.—Except as provided in paragraph (2), the Secretary shall provide enhanced payments to not less than 10 and not more than 20 States in each fiscal year under this section.

(2) EXCEPTION.—Notwithstanding paragraph (1), the Secretary may provide enhanced payments to less than 10 States under this section in a fiscal year if the Secretary determines that there are an inadequate number of applications submitted that meet the eligibility and approval requirement of this section.

(3) USE.—Each State that receives enhanced payments under section 301 shall—

(1) establish a Statewide health care injury prevention program that complies with the requirements of this title; and

(2) cooperate with Federal research efforts with respect to patient outcomes, clinical effectiveness and clinical practice guidelines.

(b) PERFORMANCE OF STATE MEDICAL BOARDS.—

(1) PERFORMANCE CRITERIA.—The Secretary shall promulgate regulations that establish performance criteria that State health care practitioner disciplinary boards of States referred to in subsection (a) should meet in performing their oversight functions concerning the health care professionals that are subject to such boards. Such criteria shall apply to procedural matters such as expeditious review of cases, appropriate reports of findings, and preservation of confidentiality.

(2) ALLOCATION OF CERTAIN FUNDS.—As part of the program established under subsection (a), the State shall allocate the total amount of fees paid to the State in each year for the licensing or certification of each type of health care professionals, or an amount of State funds equal to such total amount, to the State agency or agencies responsible for the conduct of disciplinary actions with respect to such type of health care professionals.

(3) MEMBERSHIP OF STATE HEALTH CARE PRACTITIONER BOARDS.—As part of the program established under subsection (a), the State shall ensure that the general public is represented on State health care professional disciplinary boards. Not less than 25 percent of the membership of each such health care practitioner disciplinary board shall be appointed from among the general public. Such members shall be representative of as many different regions of the State as practicable.

(4) IMMUNITY.—As part of the program established under subsection (a), the State shall ensure that there shall be no monetary

liability on the part of, and no cause of action for damages shall arise against, any current or former member, officer, administrator, staff member, committee member, examiner, representative, agent, employee, consultant, witness, or any other individual serving or having served on a State health care professional disciplinary board, either as a part of the board's operation or as an individual, or under contract with the Board to provide such services as a result of any act, omission, proceeding, conduct or decision related to the duties of such individual undertaken or performed in good faith and within the scope of the function of the board.

(5) INFORMATION AND DATA.—A State referred to in subsection (a), acting through the appropriate State health authority, shall collect, analyze and provide the Agency with information and data concerning the staffing, revenue, disciplinary actions, expenditures, and case-loads of the State health care professional disciplinary boards, and concerning the use of continuing medical education programs in the State, in order to demonstrate to the Agency that such State boards meet the performance criteria established under paragraph (1).

(6) REQUIREMENT OF CONTINUING EDUCATION.—The performance criteria established under paragraph (1) shall provide that State health care professional disciplinary boards require a physician who is disciplined by such boards to complete a minimum number of continuing education courses for which he or she has been adjudged deficient if the Board determines such courses are appropriate and available. In areas in which the Board determines that the physician's knowledge is deficient, the Board may require enrollment in treatment programs for substance abuse problems.

(c) ALTERNATIVE PROGRAMS.—

(1) IN LIEU OF PERFORMANCE CRITERIA.—A State referred to in subsection (a) shall be considered to be in compliance with the performance criteria established under subsection (b)(1) if the Agency determines that the State has in effect a program that the Agency finds to be at least as effective in reducing the incidence of disciplinary violations as compliance of the State with the performance criteria established under subsection (b)(1).

(2) REGULATIONS.—Not later than 4 years after the date on which the first model quality improvement State is designated under section 301, the Secretary, based on the recommendations of the Agency, shall promulgate regulations establishing criteria under which the Secretary will evaluate the effectiveness of a State program of the type referred to in paragraph (1). Such regulations shall include—

(A) requirements that health care providers within the State implement risk management systems;

(B) requirements that quality assurance systems be established in the State, to be administered by the State or by professional medical societies or associations, that review the quality of care rendered by health care professionals in the State; and

(C) requirements that the State review and evaluate programs for the promulgation of professional guidelines in areas of medical practice in which the risk of negligence is greatest.

SEC. 303. AMENDMENT TO SOCIAL SECURITY ACT.

Section 1903 of the Social Security Act (42 U.S.C. 1396b) (as amended by section 104) is further amended by adding at the end thereof the following new subsection:

"(x) Notwithstanding any other provision of this title, with respect to a State with an application approved under section 301(b) of the Health Care Injury Compensation and Quality Improvement Act, such State shall receive, in addition to the Federal medical assistance percentage determined for such State, an additional .1 percent for each calendar quarter in which such State qualifies for such additional percentage under section 301 of such Act.".

TITLE IV—COMMUNITY HEALTH CENTERS

SEC. 401. COMMUNITY AND MIGRANT HEALTH CENTERS RISK RETENTION GROUP.

(a) IN GENERAL.—Subpart I of part D of title III of the Public Health Service Act (42 U.S.C. 254b et seq.) is amended by adding at the end thereof the following new section:

"SEC. 330A. RISK RETENTION GROUP.

"(a) GRANT.—The Secretary shall make a grant to an entity that represents recipients of assistance under section 329 and 330 to enable such entity to develop a business plan as described in subsection (b)(2) and establish a nationwide risk retention group as provided for in Liability Risk Retention Act of 1986 (15 U.S.C. 3901 et seq.), and that meets the requirements of this section.

"(b) BUSINESS PLAN AND FORMATION.—

"(1) DEVELOPMENT AND ESTABLISHMENT.—

"(A) IN GENERAL.—Not later than September 30, 1992, the grantee shall develop a business plan as described in paragraph (2) and have established a risk retention group that meets the requirements of section 2(4) of the Product Liability Risk Retention Act of 1981 (15 U.S.C. 3901(2)(4)).

"(B) ESTABLISHMENT.—In establishing the risk retention group under subparagraph (A), the grantee shall take all steps, in accordance with this subsection, necessary to enable such group to be prepared to issue insurance policies under this section.

"(2) BUSINESS PLAN.—The grantee shall develop a plan for the operation of the risk retention group that shall include all actuarial reports and studies conducted with respect to the formation, capitalization, and operation of the group.

"(3) STRUCTURE, RIGHTS, AND DUTIES OF THE RISK RETENTION GROUP.—

"(A) BOARD OF DIRECTORS.—

"(i) APPOINTMENT.—The board of directors of the risk retention group shall consist of 12 members to be appointed by the recipient of the grant under subsection (a), and approved as provided in clause (ii).

"(ii) APPROVAL.—The initial members appointed under clause (i) shall be approved by the Secretary, and shall serve for a term as provided in clause (iii). All subsequent members shall be subject to the approval of the members of the risk retention group.

"(iii) TERMS.—The recipient of the grant under subsection (a) shall appoint the members of the board under clause (i) as follows:

"(I) Four members shall be appointed for an initial term of 1 year.

"(II) Four members shall be appointed for an initial term of 2 years.

"(III) Four members shall be appointed for an initial term of 3 years.

Members serving terms other than initial terms shall serve for 3 years. Members may serve successive terms.

"(iv) EXECUTIVE DIRECTOR.—The Executive Director of the board shall be elected by the members of the board, and shall serve at the pleasure of such members.

"(v) VACANCIES.—Vacancies on the board shall be filled through a vote of the remaining members of the board, subject to the approval of the members of the risk retention group.

"(B) BYLAWS.—The board shall develop the bylaws of the risk retention group that shall be subject to the disapproval of the Secretary. Any changes that the board desires to make in such bylaws shall also be subject to the disapproval of the Secretary. The Secretary shall provide the board with 90 days notice of the Secretary's intent to disapprove a bylaw.

"(C) ADMINISTRATION.—The risk retention group may negotiate with other entities for the purposes of managing and administering the risk retention group, and for purposes of obtaining reinsurance.

"(D) PROVISION OF INSURANCE.—The risk retention group shall provide professional liability insurance, and other types of profitable insurance approved for issuance by the Secretary, to migrant and community health centers that receive assistance under sections 329 and 330 and that meet the requirements of subparagraph (E).

"(E) PARTICIPANTS.—

"(i) IN GENERAL.—Except as provided in clause (ii), all community and migrant health centers that receive assistance under section 329 and 330 shall become members in the risk retention group established under this section and shall purchase the professional liability insurance that is offered by such group for such centers and any health care staff or personnel employed by such centers or under contract with such centers. All professional staff members of such centers shall be eligible to obtain the insurance offered by such group.

"(ii) EXCEPTIONS.—

"(I) GOOD CAUSE.—The Secretary may, on a showing of good cause by the center, exempt such center from the requirements of clause (i).

"(II) FAILURE TO MEET CONDITIONS.—If the risk retention group determines that a center is not complying with the established underwriting standards, such group may decline to provide insurance to such center. The risk retention group shall provide a center with 60 days notice of a decision by the group not to provide insurance to such center.

"(III) HEARING.—Prior to the Secretary granting an exemption or severance as requested in an application submitted under subclause (I), the Secretary shall require that the applicant provide evidence concerning its application and shall afford the risk retention group an opportunity to address the allegations contained in such application. The Secretary may grant the center temporary relief under this subparagraph without a hearing in emergency situations.

"(F) APPLICABILITY OF INSURANCE TO CLAIMS.—Insurance provided by the risk retention group under this section shall apply to all claims filed against a covered community or migrant health center after the initiation of insurance coverage by the risk retention group, including acts that occur prior to coverage under this section that are not covered by other insurance.

"(c) SUBMISSION OF BUSINESS PLAN TO OUTSIDE EXPERTS.—After the development of the business plan and the establishment of the risk retention group as required under subsection (b), the risk retention group shall enter into a contract with individuals or entities who are insurance, financing, and business experts to require such individuals or entities to analyze and audit the group. Such individuals and entities shall provide the group with an evaluation of such plan and group.

"(d) SUBMISSION OF PLAN AND EVALUATION.—

"(1) IN GENERAL.—The risk retention group shall submit to the Secretary the business plan required under subsection (b) and the evaluation completed under subsection (c) to the Secretary.

"(2) DETERMINATION BY SECRETARY.—Not later than September 30, 1992, the Secretary shall make a determination, based on the plan and evaluation submitted under paragraph (1), of whether the operation of the risk retention group result in an increase in the amount of funds available for use by community and migrant health centers and other entities that receive assistance under sections 329 and 330 in the 2 year period ending on September 30, 1994.

"(3) IMPLEMENTATION.—If the Secretary makes an affirmative determination under paragraph (1), the Secretary shall permit the implementation of the plan and the operation of the risk retention group as provided for in this section, and shall capitalize such group as provided for in subsection (e)(2).

"(e) FUNDING.—

"(1) CAPITALIZATION.—There are authorized to be appropriated to carry out this section, $40,000,000 for each of the fiscal years 1992 and 1993. Amounts appropriated under this paragraph may only be made available if the Secretary makes an affirmative determination under subsection (d)(2).

"(2) REMAINING ASSETS.—All assets of the risk retention group that remain after the dissolution of such group shall become the property of the Secretary who shall use such assets to pay the remaining expenses of the group.".

(b) CONFORMING AMENDMENTS.—

(1) Section 329(h)(1)(A) of such Act (42 U.S.C. 254b(h)(1)(A)) is amended by striking "1991" and inserting "1993".

(2) Section 330(g)(2)(A) of such Act (42 U.S.C. 254b(h)(1)(A)) is amended by inserting ", and such sums as may be necessary for fiscal year 1992" after "1991".

TITLE V—AUTHORIZATION OF APPROPRIATIONS

SEC. 501. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary for the establishment and operation of the Council of Advisors.

TITLE VI—CONSTRUCTION AND MISCELLANEOUS PROVISIONS

SEC. 601. CONSTRUCTION.

Nothing in this Act shall be construed to—

(1) preempt State choice-of-law rules with respect to claims brought by a foreign nation of a citizen of a foreign nation;

(2) to affect the right of any court to transfer venue, to apply the law of a foreign nation, or to dismiss a claim of a foreign nation or of a citizen of a foreign nation on the ground of inconvenient forum; or

(3) to prevent a State from enacting, adopting, or otherwise having in effect more comprehensive or additional health care liability reforms than those required under this Act.

SEC. 602. SEVERABILITY.

If any provision of this Act, or an amendment made by this Act, or the application of such provision to any person or circumstance is held to be unconstitutional, the remainder of this Act and the amendments made by this Act, and the application of the provisions of such to any person or circumstance shall not be affected thereby.

SEC. 603. COMPLIANCE.

Except as otherwise specifically provided, not later than 1 year after the date of enactment of this Act, a State shall enact, adopt, or otherwise comply with the provisions of this Act.

SECTION-BY-SECTION ANALYSIS OF THE AMERICAN HEALTH QUALITY ACT OF 1991

(Prepared by the Office of Senator Dave Durenberger)

Purpose: Improve health care quality; reduce spiraling health care costs; increase access to health care; and ensure fairness for patients.

Means: To provide economic incentives through Medicaid bonus funds to promote state alternative dispute resolution (ADR) systems. To assist states in the creation and evaluation of ADR with the expertise of the Agency for Health Care Policy and Research.

To provide comprehensive reform of state tort law that includes all relevant participants in the health care system—providers, professionals, product producers, and employers.

To promote uniformity and to curb excesses in the current state tort systems through federally mandated liability reforms.

To provide economic incentives through Medicaid bonus funds to encourage state-based programs for quality improvement through licensing and disciplinary reforms.

TITLE I—ALTERNATIVE DISPUTE RESOLUTION SYSTEMS

States may apply to become ADR States. Up to 10 States may qualify to receive a Medicaid bonus equal to .04% of their federal Medicaid funds each year for two years. The federal Agency for Health Care Policy and Research (AHCPR) will establish minimum criteria for applications consistent with the goals of this bill. After four years, AHCPR will report to Congress on the results of the state-based experiments.

Grant funds will be available for demonstration projects. Provider organizations may apply for grants to develop private ADR programs. There will be data gathering and reporting requirements for all applicants. The applications will receive the expert assistance of the advisory panel in the creation and development of their plans.

TITLE II—UNIFORM PROVISIONS FOR HEALTH CARE LIABILITY CLAIMS

The federal government will establish uniform liability provisions to be implemented by state courts. These federal rules include:

Uniform rules for health care injuries

Mandatory periodic payments of awards exceeding $100,000 (replaces lump sum awards); a cap on non-economic damages of $250,000 or if the state has a lower cap, the state cap will apply; mandatory offsets for damages paid by collateral sources; limitation on attorney contingency fees (25% of the first $150,000/15% on amounts over $150,000); joint and several liability for non-economic damages; expedited settlement provisions; uniform statute of limitations (2 years after injury reasonably should have been discovered, but no later than 4 years after date of occurrence, with special provisions for minors); punitive damages awards will be capped at twice amount of compensatory damages. A share of punitive damage awards will be placed in a special trust fund to assist states in the improvement of health care quality programs.

Special rules for medical products

Compliance with FDA approval processes are a defense to punitive damage claims for medical products, unless defendant withheld from or misrepresented information to the FDA.

Special provisions for certain obstetrical cases

Higher standard of proof required in cases where the physician delivering the baby has not provided prenatal services prior to delivery.

TITLE III—UNIFORM PROVISIONS FOR HEALTH CARE INJURY PREVENTION

States may apply to be Quality Improvement States (QI States). Up to 20 States may qualify to receive a Medicaid bonus of [.1%] of their share of federal Medicaid funds in each of the two years of the plan. To qualify for a QI bonus, the state must implement the following: creation of injury prevention programs and consumer representation on state health disciplinary boards. Alternative proposals for risk management and quality assurance programs may also qualify.

TITLE IV—COMMUNITY HEALTH CENTERS

Federal assistance for capitalization of a risk retention pool and contingent appropriation for reinsurance. After 5 years, the pool provides coverage from the hearings of the capitalized assets.

Costs

Up to $100 million to fund Title I and Title III plus costs of administration.

$40 million to capitalize risk retention pool.

Mr. DANFORTH. Mr. President, I am pleased to join my distinguished colleague from Minnesota in introducing this important piece of health care legislation. As usual, the Senator from Minnesota identifies a significant problem in the area of health care and offers a measured, and workable, solution.

It is high time that Congress comes to grips with the serious issue of medical malpractice. For too many years, spurious arguments by the unquestioning defenders of the trial bar have derailed needed malpractice reform. The first, and most heinous, misrepresentation is that the present malpractice system serves the interest of the health care consumer. The present system harms the consumer of health care in at least four different ways: It fails to compensate adequately many of those injured by health care negligence; it overcompensates those who do obtain recovery; it hurts access to health care; and it contributes significantly to the spiraling cost of health care.

Last year, Paul Weiler and a group of researchers at Harvard made what may be a startling finding to consumer advocates here in Washington. The present malpractice system does a terrible job of protecting the consumers of health care from health care negligence. According to Weiler's study of the New York State malpractice system, almost 16 times as many patients suffered an injury from negligence as received compensation from the tort system. In addition, the study found that many if not most of the suits brought were filed by patients who had not suffered from medical negligence. Therefore, the system is an ineffective deterrent to substandard care. It misses those practicing poorly while permitting suits against those practicing well.

In addition, the system overcompensates those who do recover. In 1980, the average jury award was $404,726. In 1986, the average had risen to $1,478,028. These huge awards might not be so bad for society if the costs were not felt by all of us. But, unfortunately, unwarranted and overly generous jury awards contribute to rising liability insurance premiums, and rising premiums contribute to the growing problem of access to health care.

A few figures bear out the terrible impact of the malpractice crisis on access to health care, especially in underserved rural areas. In Missouri, 40 percent of family practitioners stopped delivering babies between 1984 and 1988. Given that two-thirds of obstetrical care in rural areas is provided by family practitioners, the people of my State are traveling far too far to find a doctor willing to deliver their babies. This inaccessibility has a corresponding effect on the availability of prenatal care in those areas.

The impact of the malpractice crisis is not only felt in rural areas. According to the American College of Obstetrics and Gynecology, 12.4 percent of obstetrician-gynecologists nationwide have given up obstetrics due to liability concerns. Twenty-seven percent of obstetricians have given up high risk care.

Physicians specializing in areas besides obstetrics have also responded to concerns about malpractice by limiting their services. Eighty-one percent of general surgeons have eliminated services, 90 percent of neurosurgeons and 59 percent of psychologists have also found it necessary to eliminate parts of their practice due to liability concerns.

In a country where 37 million people have no access to health insurance and where twice that many are underinsured, we should be vigilant in correcting unnecessary deterrents to the practice of medicine. A dysfunctional malpractice system only adds to the problem of access to health care.

How do the systemic problems in our malpractice system exacerbate the lack of access to health care in this country? Primarily, the higher costs of providing services force physicians out of business. The cost of professional liability insurance was the fastest growing component of physician costs in the 1980's. Whereas physician fees rose by 51.9 percent between 1983 and 1988, professional liability insurance rose by 174.1 percent. I received a letter from a State senator in Missouri who also happens to be a doctor, and he told me about his insurance premiums a couple of years ago. His insurance bill for the first 3 months of the year was $10,687. This works out to be $178.12 a day. For Missouri, that is steep. These rising costs are the constant reminder of physicians of their vulnerability to lawsuits.

Yet, rising liability insurance costs are not the only reason that physicians are leaving the practice of medicine. There are plenty of more intangible reasons. For one, doctors don't enjoy the practice as much. Fear of lawsuits places an unnatural strain on the physician-patient relationship. Health professionals wonder if their next patient is going to serve them with a complaint if he or she is dissatisfied with an unavoidable outcome. There would be little cause for our concern if there were an overflow of qualified doctors serving the people of this Nation. Yet, that is far from the case. Most rural areas are in dire need of health professionals. The last thing we need is an ineffective malpractice system driving our doctors from the practice of medicine and driving up the cost of health care for the rest of us.

Our flawed method for adjudicating malpractice cases contributes significantly to the cost of our health care system. In 1984, the American Medical Association estimated the defensive medicine, unnecessary care performed simply to avoid the possibility of a lawsuit, costs this country $12.1 billion. Seventy percent of physicians order more consultations than are needed. Fifty-four percent schedule more follow up visits, and 28 percent delegate fewer procedures to subordinates. Defensive medicine adds significantly to the already bloated costs of our health care system.

Mr. President, the bill before you takes a measured approach to solving the problems of medical malpractice. Most importantly, it encourages resolving them out of court. That is the most important feature of this piece of legislation. Not only does it offer financial incentives to States for the development of alternative dispute resolution systems. It also places incentives in the law for early settlement of claims that unfortunately have made it to the court system.

The Federal tort reforms in this bill are reasonable approaches to curbing the excesses present in an unrestricted tort system. The feature that I find most attractive is the earmarking of half of the punitive damages awarded in any case to a State disciplinary trust fund. State disciplinary boards provide a good mechanism for rooting out those health professionals practicing substandard medicine.

The bill will also provide needed relief to community health centers which are suffering under the burden of paying enormous amounts for malpractice insurance when few claims are brought against them.

Again, I commend my colleague from Minnesota on a thoughtful piece of legislation, and I am pleased to have participated in the effort to produce this piece of legislation, and I look forward to its passage.

By Mr. REID (for himself and Mr. BRYAN):

S. 1837. A bill to repeal a provision of Federal tort claim law relating to contractor liability for injury or loss of property arising out of atomic weapons testing programs, and for other purposes; to the Committee on the Judiciary.

RADIATION VICTIMS FAIR TREATMENT ACT

• Mr. REID. Mr. President, I rise today to reintroduce the Radiation Victims Fair Treatment Act.

We all recognize that a grave injustice has been done to the many victims of radiation exposure, and that they have been effectively denied their day in court.

Between 1946 and 1962, approximately 235 atomic tests were conducted by the United States. Until 1985, those who incurred injuries as a result of exposure to radiation caused by these tests could file suit against contractors who participated in the testing program. The contractors were indemnified by the government for the cost of litigators, judgments, and settlements.

The 1985 Defense Authorization Act, however, included a provision, section 1631, which drastically altered the legal rights of these individuals by establishing the United States as the defendant in such suits and providing that these cases fall under the Federal Tort Claims Act [FTCA]. Limiting radiation victims, both civilian and veteran, to suits under FTCA deprives potential plaintiffs of a variety of previously held rights, including the fundamental right to a jury trial.

In addition, because the United States is provided with certain sovereign immunity defenses not available to contractors, judgments on behalf of veteran and civilian claimants against the government are effectively barred. This leaves the vast majority of those exposed to radiation in the atomic weapons testing program with no legal remedy.

In fact, this provision has resulted in the abrupt dismissal of approximately 50 lawsuits that had been filed by atomic veterans—and widows—against various nuclear weapons contractors, including the University of California, Los Alamos and Lawrence Livermore Laboratories, and AT&T. Section 1631 has adversely affected the rights of approximately 220 civilians, former employees—and their widows—at the Nevada Nuclear Test Site, who had filed suit against their former employer, Reynolds Electric & Engineering.

Last year, with 42 cosponsors, I managed to pass in the Senate a provision repealing section 1631. We did this as an amendment to the Defense authorization bill. But a curious thing took place as a result of the conference on that bill. Yes, section 1631 was repealed, but the very next section of the bill reenacted the same language.

This new section of law, section 3141 of the National Defense Authorization Act of fiscal year 1991, is as hideous as its predecessor.

My bill will repeal this new section, restoring to individuals the right to seek redress in court for acts or omissions by atomic weapons contractors which, in many cases, have resulted in premature death or painful disability.

The Congress came a long way last year in passing the Radiation Exposure Compensation Act which provides compensation for downwinders, onsite participants and uranium miners. However, this does not address the fact that an individual in this country has a fundamental right to be heard in court.

It is unconscionable that we drag our heels on this any further. Some of the radiation victims with unheard claims have died, and many are dying.

This bill does not guarantee compensation, but, rather, reiterates a basic American right. I hope my colleagues will cosponsor this legislation, and I hope that the Senate will once again pass it.

I ask unanimous consent that the text of my bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1837

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REPEAL RELATING TO CONTRACTOR LIABILITY FOR INJURY OR LOSS OF PROPERTY ARISING OUT OF ATOMIC WEAPONS TESTING PROGRAMS.

(a) REPEAL.—Section 3141 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 104 Stat. 1837; 42 U.S.C. 2212) is repealed.

(b) RELATIONSHIP TO STATUTES OF LIMITATIONS.—(1) The period beginning on October 19, 1984, and ending on the date of the enactment of this Act shall not be taken into account in computing the period provided in any Federal or State statute of limitations applicable to any civil action for an injury, loss of property, personal injury, or death described in section 1631(a)(1) of Public law 98–525 (98 Stat. 2646) or section 3141(b)(1) of Public Law 101–510 (104 Stat. 1837; 42 U.S.C. 2212(b)(1)).

(2) In the case of any civil action referred to in paragraph (1) which was filed before October 19, 1984, and was subsequently dismissed pursuant to section 1631 of Public Law 98–525 or section 3141 of Public law 101–510, the period beginning on the date of the initial filing of such action and ending on the date of the enactment of this Act shall not be taken into account in computing the period provided in any Federal or State statute of limitations applicable to such civil actions.

(3) If the period provided in any Federal or State statute of limitations applicable to a civil action referred to in paragraph (1) expires within the one-year period beginning on the date of the enactment of this Act, the action shall not be barred by such statute, but shall be forever barred if not commenced within one year after such date.●

By Mr. PRYOR (for himself and Mr. MITCHELL):

S. 1838. A bill to amend title XVIII of the Social Security Act to provide for a limitation on use of claim sampling to deny claims or recover overpayments under Medicare; to the Committee on Finance.

LIMITATIONS ON USE OF CLAIM SAMPLING IN DETERMINATIONS UNDER MEDICARE

Mr. PRYOR. Mr. President, a few weeks ago, the National Association for Home Care informed me about a problem in claims auditing that some Medicare home health care providers have encountered that could potentially cause a number of agencies to shut their doors. I am joined today by the majority leader in introducing legislation to alleviate this problem.

There are Medicare fiscal intermediaries who, when they audit a home health agency, look at only a sample of the agency's claims. The problem arises when the results of that very limited audit are then extrapolated and applied to all of the agency's claims. As a result, any errors in the sample are exponentially multiplied, often with serious consequences for the home health agency.

These so-called sampling techniques are not specifically authorized by current law. Rather, the law refers to individual coverage determinations, based on the principle that each patient under the Medicare home health benefit presents unique health care needs. HCFA, unfortunately, has chosen to ignore this principle through the use of its sampling audits. Consequently, some agencies have been driven out of business.

I have heard from a number of home health providers in my home State of Arkansas, who wrote to express their concern about this policy. A home health nurse in Little Rock told me that a sampling audit could devastate her agency. Ultimately, sampling audits affect Medicare beneficiaries' access to needed services—services to which they are entitled. Because Arkansas has one of the highest proportions of elderly citizens of all the 50 States, access to Medicare services is among one of my most important concerns. This bill would help to ensure that this is protected.

The legislation that Senator MITCHELL and I are introducing would bar HCFA from doing sampling audits except under strictly defined circumstances. I urge my colleagues to join us in support of this bill.

Mr. MITCHELL. Mr. President, I rise today to join my distinguished colleague Senator PRYOR, the chairman of the Senate Special Committee on Aging, in the introduction of legislation which would provide for a limitation on use of claim sampling to deny claims or recover overpayments under Medicare.

Using this technique, Medicare claims can be retroactively denied and repayment demanded without having been individually reviewed by the Medicare intermediary. The Health Care Financing Administration has used the practice of claims sampling to audit Medicare payments to providers, including home health agencies.

Mr. Chairman, HFCA's claims sampling auditing technique is but the latest twist on an ongoing attempt to deny payment for Medicare benefits, in particular, home health benefits, to which Medicare beneficiaries are entitled under law.

As a member of the Senate Finance Subcommittee on Medicare and Long-Term Care and as the former chairman of the Health Subcommittee, I have long been concerned about attempts to unfairly deny reimbursement for the Medicare home health benefit.

In 1987, I joined with Senator BRADLEY to introduce the Medicare Home Health Services Improvement Act of 1987. Included in that legislation were a number of provisions intended to ensure that Medicare beneficiaries were not denied reimbursement for home health benefits to which they were entitled. At that time, the denial rate for home health benefits under Medicare had reached 30 percent in my home State of Maine—the highest rate of denials in the Nation.

HCFA's Medicare intermediaries have used sampling techniques to audit Medicare claims, including home health agency claims. Intermediaries audit a small percentage of the agency's claims in lieu of auditing all the claims. Because the results of the sampling audit are then applied to the agency as a whole, any errors in the audit are exponentially multiplied, which can cause serious cash flow problems for the home health agency.

Sampling has proven to have a high risk of error. A single claim denial can result in tens of thousands of dollars of payment disallowances. The appeals process is an inadequate protection against erroneous denials since it can take several years to resolve a single claim denial. In the meantime, a home health agency is expected to reimburse the Medicare carrier for those claims which have been denied. This could result in bankruptcy for these agencies.

Current law does not authorize the use of sampling techniques in claims coverage audits. Instead, the law continually references requirements for individual coverage determinations. In spite of this, HCFA continues to use sampling techniques that have ignored these requirements, leading to denials of legitimate claims and serious cash flow problems for Medicare providers.

At the foundation of the coverage determination process is the recognition that individualized decisions are necessary because each Medicare patient presents unique health care needs. Sampling is in direct conflict with that principle.

The legislation Senator PRYOR and I are introducing today is similar to legislation introduced in the House of Representatives by Representative RINALDO, ranking member of the House

Aging Committee. Our bill would prohibit the use of claim sampling to deny claims or recover overpayments under Medicare except in cases where fraud has been determined. In cases of proven Medicare fraud, claim sampling may be used for the purpose of assessing civil monetary penalties.

According to the Maine Home Care Alliance, while Maine home care agencies have not yet experienced the claims sampling audits, they anticipate that it may become a problem in Maine if it is allowed to continue in other regions of the country, as HCFA is using it as a way to deny payments and therefore reduce the costs of the Medicare home health benefit.

It is important that elderly and disabled Medicare beneficiaries recieve the benefits to which they are entitled. In particular, the Medicare home health benefit can mean the difference between lack of care and good home care. It can delay or prevent expensive nursing home placement for many elderly persons. Clearly, the Health Care Financing Administration has a responsibility to assure that Medicare benefits are not unfairly denied.

The legislation Senator PRYOR and I are introducing today is intended to protect access to important health care benefits under the Medicare Program. I urge my colleagues to support this important effort.

By Mr. McCONNELL:

S. 1839. A bill to prevent the disclosure of confidential information in the Senate advice and consent process; to the Committee on the Judiciary.

PREVENTING THE DISCLOSURE OF CONFIDENTIAL INFORMATION IN THE SENATE ADVICE AND CONSENT PROCESS

• Mr. McCONNELL. Mr. President, millions of Americans viewed last weekend's hearings on the nomination of Clarence Thomas, and the events leading up to them, with a profound sense of disgust. These sentiments have been echoed by many Senators.

Aside from the bad impression, the repercussions from this latest episode where confidential documents were leaked may have serious negative effects on future nominations and investigations.

Whoever leaked the confidential FBI documents established a dangerous precedent in which anonymous character assassination can be an effective means of short circuiting the nomination process.

They sent a message to those whom the FBI seeks to interview in conducting background checks that any assurance of confidentiality is tenuous, at best. From now on, people know that they speak to FBI or Senate investigators at their own risk.

FBI agents cannot, with certainty, guarantee that someone's comments will not be leaked at some point by a Senator, staffer, or other official.

Mr. President, how can we expect people to provide the FBI with sensitive information knowing that they may turn up on the front page of every newspaper in the country, national public radio, or the evening news? We can't.

This effort to sabotage the nomination of Clarence Thomas damaged the integrity and esteem of the U.S. Senate. It seriously undercuts the credibility of the FBI.

We must not let this gross breach of ethics, Senate rules, and the public trust, go unpunished. We must take action to prevent such leaks in the future.

Of the two principal laws governing the disclosure of classified documents, Congress has exempted itself from one, the Privacy Act, and so watered down the unauthorized disclosure law that it is nearly useless.

The legislative and the executive branch have been guilty of leaking classified documents in shortsighted efforts to further, or destroy, various nominees or causes. We should address this subversion of due process.

My bill will hold the executive and legislative branches to the same standard: Any unauthorized or unlawful disclosure of an FBI background investigation report to any unauthorized party can result in criminal penalties, including a prison term and a fine. The same penalties will apply to anyone who knowingly solicits or receives such information. It would also make the Privacy Act applicable to the Senate with regard to FBI background investigations relating to Presidential nominations for Federal office.

Many of my colleagues on both sides of the aisle expressed their fury at the leak which impugned the character of Clarence Thomas and forever changed the life of Anita Hill. There is bipartisan belief that selective leaking of classified documents throughout the Government has gotten out of hand.

Mr. President, let us work together to restore integrity to our system of confidential and classified information. In the process, we may restore some of the esteem of the U.S. Senate.•

By Mr. GLENN:

S.J. Res. 216. Joint resolution requiring a report under the Nuclear Non-Proliferation Act of 1978 on U.S. efforts to strengthen safeguards of the International Atomic Energy Agency; to the Committee on Foreign Relations.

INTERNATIONAL NUCLEAR SAFEGUARDS

• Mr. GLENN. Mr. President, I am pleased to join today with my colleague, Congressman PETE STARK, in introducing a joint resolution identifying specific improvements that are urgently needed in the implementation of international safeguards over nuclear facilities and materials around the world. PETE has been a leader in the House of Representatives in finding new ways to prevent nuclear proliferation and I am delighted to team up with him in proposing new ways to strengthen the IAEA system. Our joint resolution identifies 21 reforms that need to be pursued by the United States and the IAEA to accomplish that goal.

The problem we are addressing today is not a new one. Sixteen years ago—in my first year in Congress—I stated on the floor of the Senate that the international safeguards implemented under the Nuclear Non-Proliferation Treaty were "* * * inadequate to prevent diversion of nuclear materials for weapons purposes and to maintain physical security against terrorism."

Since that time, I have worked hard both to improve those safeguards and to demonstrate American leadership in the world community by establishing strong sanctions against countries and companies that encourage the global spread of nuclear weapons.

In 1977, I authored an amendment to the Foreign Assistance Act which established severe penalties against international transfers of sensitive nuclear technology to countries that do not have safeguards over all their nuclear facilities. A year later, I was author of the Nuclear Non-Proliferation Act, which tightened U.S. Nuclear export policy and required that all of America's foreign nuclear customers must have full-scope IAEA safeguards.

While it is true that safeguards alone cannot guarantee that a country will not acquire a bomb, an improved system of safeguards backed by tough international sanctions can indeed help to reduce that risk. Unfortunately, governments are often slow to respond to new threats to their security and many proposed reforms have gone unheeded.

In 1981, for example—after the Israeli bombing of the Osirak nuclear reactor in 1981—I submitted a Senate resolution—Senate Resolution 179, which passed by a vote of 88–0—identifying a series of recommendations for strengthening the IAEA safeguards regime, which included: Expanding the scope of safeguards to undeclared nuclear facilities, increasing the frequency of IAEA inspections, eliminating the use of highly enriched uranium in research reactors, publishing IAEA inspection reports, and upgrading surveillance and containment measures of the IAEA. Unfortunately, the Reagan administration could just never bring itself to listen to congressional advice on nonproliferation issues. If these proposals were taken seriously, however, we may well have averted the crisis of confidence in international safeguards we are facing today thanks to Iraq.

So the joint resolution that PETE STARK and I are introducing today builds on a long history of congressional concerns about certain weaknesses in the IAEA safeguards system.

In our view, we just cannot afford to postpone the necessary reforms any longer, including those I identified a decade ago as essential for strengthening international safeguards.

The need for action is obvious. First, Saddam Hussein sent a wake up call to the international community this year about the vulnerabilities of international safeguards in a nation determined to acquire nuclear weapons. In this case, the violator was a nation that was an original signatory of the Nuclear Non-Proliferation Treaty [NPT] and that had formally agreed to IAEA safeguards over the full scope of its nuclear program. Saddam showed the world how it was possible—indeed, not even that difficult—to violate safeguards without timely detection by the IAEA.

Our intention, however, is not simply to criticize the IAEA but to strengthen it so that it can perform duties that must be performed to prevent future nuclear wars or terrorism. Although Saddam paid a heavy price for his actions, Iraq is surely not the only country in the world today with nuclear weapons aspirations. Challenge No. 1 is thus to address specific weaknesses in the system of international safeguards, and enhance the ability of the IAEA to detect violations—and to detect them in time for the international community to oppose the actual development and use of the bomb.

A second major challenge to international security arises from the growing commercial uses worldwide of bomb-usable nuclear materials. In the past, one of the most difficult technical barriers to acquiring the bomb was the extreme difficulty of acquiring sufficient amounts of nuclear materials to make bombs. Now, however, some nations are already producing ton quantities of these materials—in a world of imperfect safeguards, such activities will inevitably increase the risks both of nuclear terrorism and proliferation, as significant amounts of this material will increasingly appear on the black market.

Challenge No. 2 is thus to put the safeguards horse before the commercial cart—we need to do what we can to defer large-scale commercial uses of this dangerous material until safeguards are developed that can reliably protect against illicit uses. If such safeguards cannot be developed, we believe America should press for a global ban on such activities.

Challenge No. 3 is to marshall the political will both here and abroad to continue the search for new measures to halt nuclear proliferation. Our worst enemy of all is complacency. Before the bloody war in Iraq, I always used to hear people say, my eyes glaze over at the mere mention of the word, "proliferation." Now that the world's attention is focused on this issue, the time is ripe for action by the United States and supporters in the world community to strengthen the laws and institutions that for 35 years have helped to reduce the risk of nuclear proliferation and, indeed, nuclear war.

Some might say that the proposals we offer today amount to just another case of American unilateralism. We prefer to think of them as just another example of American leadership. With partnership on Capitol Hill, cooperation between the Congress and the Executive, and collective international action—there are virtually no limits on the improvements that can be made in global efforts to halt the proliferation of all weapons of mass destruction. Let us get to work today on that new agenda.●

ADDITIONAL COSPONSORS

S. 551

At the request of Mr. BOND, the name of the Senator from Oregon [Mr. PACKWOOD] was added as a cosponsor of S. 551, a bill to encourage States to establish Parents as Teachers programs.

S. 843

At the request of Mr. BREAUX, the name of the Senator from Nevada [Mr. REID] was added as a cosponsor of S. 843, a bill to amend title 46, United States Code, to repeal the requirement that the Secretary of Transportation collect a fee or charge for recreational vessels.

S. 891

At the request of Mr. MACK, the names of the Senator from Tennessee [Mr. GORE], the Senator from Indiana [Mr. LUGAR], and the Senator from South Carolina [Mr. THURMOND] were added as cosponsors of S. 891, a bill to amend the Internal Revenue Code of 1986 to provide a refundable credit for qualified cancer screening tests.

S. 1179

At the request of Mr. JOHNSTON, the name of the Senator from Nebraska [Mr. KERREY] was added as a cosponsor of S. 1179, a bill to stimulate the production of geologic-map information in the United States through the cooperation of Federal, State, and academic participants.

S. 1257

At the request of Mr. BOREN, the name of the Senator from Wisconsin [Mr. KOHL] was added as a cosponsor of S. 1257, a bill to amend the Internal Revenue Code of 1986 with respect to the treatment of certain real estate activities under the limitations on losses from passive activities.

S. 1261

At the request of Mr. DOLE, the name of the Senator from Connecticut [Mr. DODD] was added as a cosponsor of S. 1261, a bill to amend the Internal Revenue Code of 1986 to repeal the luxury excise tax.

S. 1441

At the request of Mr. COCHRAN, the name of the Senator from Illinois [Mr. SIMON] was added as a cosponsor of S. 1441, a bill to provide disaster assistance to agricultural producers, and for other purposes.

S. 1533

At the request of Mr. BRYAN, the name of the Senator from New York [Mr. D'AMATO] was added as a cosponsor of S. 1533, a bill to establish a statute of limitations for private rights of action arising from a violation of the Securities Exchange Act of 1934.

S. 1600

At the request of Mr. PRYOR, the name of the Senator from South Dakota [Mr. PRESSLER] was added as a cosponsor of S. 1600, a bill to amend title 39, United States Code, to provide for public comment on small post office closings, and for other purposes.

S. 1646

At the request of Mr. LEVIN, his name was added as a cosponsor of S. 1646, a bill to amend the Harmonized Tariff Schedule of the United States to clarify the classification of certain motor vehicles.

S. 1741

At the request of Mr. ROBB, the names of the Senator from Massachusetts [Mr. KENNEDY], and the Senator from Virginia [Mr. WARNER] were added as cosponsors of S. 1741, a bill to provide for approval of a license for telephone communications between the United States and Vietnam.

S. 1776

At the request of Mr. KENNEDY, the name of the Senator from California [Mr. SEYMOUR] was added as a cosponsor of S. 1776, a bill to amend the Immigration and Nationality Act with respect to the admission of O and P nonimmigrants.

S. 1813

At the request of Mr. DOLE, the names of the Senator from Indiana [Mr. LUGAR], and the Senator from Virginia [Mr. WARNER] were added as cosponsors of S. 1813, a bill to amend the Higher Education Act of 1965 to improve access to post secondary education for students with disabilities.

SENATE JOINT RESOLUTION 61

At the request of Mr. FORD, the names of the Senator from Montana [Mr. BAUCUS], the Senator from Missouri [Mr. BOND], the Senator from Indiana [Mr. COATS], the Senator from Mississippi [Mr. COCHRAN], the Senator from Minnesota [Mr. DURENBERGER], the Senator from Tennessee [Mr. GORE], the Senator from Oregon [Mr. HATFIELD], the Senator from Alabama [Mr. HEFLIN], the Senator from Louisiana [Mr. JOHNSTON], the Senator from Ohio [Mr. METZENBAUM], the Senator from Georgia [Mr. NUNN], the Senator from Oregon [Mr. PACKWOOD], the Senator from Arkansas [Mr. PRYOR], the Senator from California [Mr. SEYMOUR], and the Senator from Wyoming [Mr. WALLOP] were added as cosponsors of Senate Joint Resolution 61, a joint resolution to designate June 1, 1992, as "Kentucky Bicentennial Day."

SENATE JOINT RESOLUTION 157

At the request of Mr. ROCKEFELLER, the names of the Senator from Washington [Mr. ADAMS], the Senator from Delaware [Mr. ROTH], the Senator from Nevada [Mr. REID], the Senator from South Dakota [Mr. PRESSLER], the Senator from New Jersey [Mr. LAUTENBERG], the Senator from Pennsylvania [Mr. WOFFORD], the Senator from Idaho [Mr. SYMMS], and the Senator from Iowa [Mr. GRASSLEY] were added as cosponsors of Senate Joint Resolution 157, a joint resolution to designate the week beginning November 10, 1991, as "Hire a Veteran Week."

SENATE JOINT RESOLUTION 160

At the request of Mr. KERRY, the name of the Senator from Georgia [Mr. FOWLER] was added as a cosponsor of Senate Joint Resolution 160, a joint resolution designating the week beginning October 20, 1991, as "World Population Awareness Week."

SENATE JOINT RESOLUTION 176

At the request of Mr. DIXON, the names of the Senator from Tennessee [Mr. GORE], the Senator from Arizona [Mr. DECONCINI], the Senator from Indiana [Mr. COATS], and the Senator from Michigan [Mr. RIEGLE] were added as cosponsors of Senate Joint Resolution 176, a joint resolution to designate March 19, 1992, as "National Women in Agriculture Day."

SENATE JOINT RESOLUTION 188

At the request of Mr. LAUTENBERG, the name of the Senator from Nevada [Mr. BRYAN] was added as a cosponsor of Senate Joint Resolution 188, a joint resolution designating November 1991, as "National Red Ribbon Month."

SENATE JOINT RESOLUTION 194

At the request of Mr. GRAMM, the name of the Senator from Alabama [Mr. HEFLIN] was added as a cosponsor of Senate Joint Resolution 194, a joint resolution to designate 1992 as the "Year of the Gulf of Mexico."

SENATE JOINT RESOLUTION 206

At the request of Mr. RIEGLE, the names of the Senator from Wisconsin [Mr. KASTEN], the Senator from Arizona [Mr. DECONCINI], the Senator from Idaho [Mr. SYMMS], and the Senator from Wyoming [Mr. SIMPSON] were added as cosponsors of Senate Joint Resolution 206, a joint resolution to designate November 16, 1991, as "Dutch-American Heritage Day."

SENATE JOINT RESOLUTION 214

At the request of Mr. RIEGLE, the name of the Senator from Illinois [Mr. DIXON] was added as a cosponsor of Senate Joint Resolution 214, a joint resolution to designate May 16, 1992, as "National Awareness Week for Life-Saving Techniques."

SENATE CONCURRENT RESOLUTION 57

At the request of Mr. BOREN, the name of the Senator from Georgia [Mr. NUNN] was added as a cosponsor of Senate Concurrent Resolution 57, a concurrent resolution to establish a Joint Committee on the Organization of Congress.

SENATE CONCURRENT RESOLUTION 68

At the request of Mr. HATFIELD, the name of the Senator from Wisconsin [Mr. KOHL] was added as a cosponsor of Senate Concurrent Resolution 68, a concurrent resolution expressing the sense of the Congress relating to encouraging the use of paid leave by working parents for the purpose of attending parent-teacher conferences.

SENATE CONCURRENT RESOLUTION 69

At the request of Mr. CRANSTON, the name of the Senator from Colorado [Mr. BROWN] was added as a cosponsor of Senate Concurrent Resolution 69, a concurrent resolution concerning freedom of emigration and travel for Syrian Jews.

SENATE CONCURRENT RESOLUTION 70—RELATIVE TO PROTECTION OF THE AFRICAN ELEPHANT

Mr. SANFORD (for himself, Mr. KERRY, Mr. LEVIN, Mr. KENNEDY, Mr. BUMPERS, Mr. ROCKEFELLER, Mr. SARBANES, Mr. SIMON, Mr. LEAHY, and Mr. WELLSTONE) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 70

Whereas approximately 112 countries are parties to the Convention on International Trade in Endangered Species of Wild Flora and Fauna (with appendices, done at Washington on March 3, 1973);

Whereas the parties of the Convention meet biennially to review the status of species in danger of extinction and to establish trade restrictions with respect to endangered species;

Whereas species that are determined to be in danger of extinction and affected by trade are listed on Appendix I of the Convention;

Whereas, a listing of a species on Appendix I of the Convention calls for an end to all international commercial trade of the listed species and products made with the listed species;

Whereas during the 1980's, a serious problem developed with respect to the poaching of African elephants for ivory, and such poaching led to a drastic decline in the elephant population in many range countries;

Whereas, in 1989, the parties to the Convention agreed to halt the international commercial trade of elephants and elephant products by listing the African elephant on Appendix I of the Convention until such time as reliable conservation and ivory control methods are established;

Whereas as a result of the international trade restrictions, poaching has declined, but it has not yet been eliminated;

Whereas there is hope that, as a result of the trade restrictions, the size of the African elephant population will recover;

Whereas it is not yet clear that the international network of illegal trade of ivory has been dismantled;

Whereas several African countries are seeking to reopen the trade of ivory;

Whereas, as of the date of this resolution, no appropriate reliable conservation and ivory control methods have been proven to exist;

Whereas the period of time between the date of this resolution and the next conference of the parties of the Convention in March of 1992 is insufficient for the completion of adequate studies of any new proposals relating to the trade of ivory; and

Whereas without great advances in ivory trade control and widespread population recovery of African elephants across Africa, the reopening of the commercial trade of elephant ivory would jeopardize the African elephant, as there is a very substantial risk that an illegal ivory trade market could be reestablished: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress that the United States should continue to support the full protection of the African elephant through the unqualified listing of all populations of the African elephant on Appendix I of the Convention on International Trade in Endangered Species of Wild Flora and Fauna (with appendices, done at Washington on March 3, 1973).

Mr. SANFORD. Mr. President, I rise today, the second anniversary of the agreement to end the international elephant ivory trade, to submit a concurrent resolution calling for the United States to maintain its support for the protection of the African elephant.

The American public and my colleagues in the Senate are likely all familiar with the drastic decline of the African elephant during the last two decades. In 1979, there were an estimated 1,300,000 elephants in Africa. Ten years later, only 600,000, less than half remained. Illegal ivory poaching was the cause of the majority of these deaths.

A system of "ivory trade controls" had been established, but, clearly, it was not working. Two thousand elephants were being killed each week, and the future of the African elephant was in doubt.

Government leaders, wildlife management experts, and many concerned citizens began a concerted effort to protect the African elephant. Here in America, in 1988, Congress passed the African Elephant Conservation Act, which bolstered the efforts of African countries to protect their elephant populations. In June 1989, President Bush banned ivory imports into the United States. These were steps in the right direction, but more had to be done.

Many people argued that a complete ban on international ivory trade was the best and only way to protect the African elephant. Two years ago today, on October 17, 1989, the delegates of the parties to the Convention on International Trade on Endangered Species of Flora and Fauna [CITES], during their biennial meeting, voted in favor of an international ban on elephant ivory trade by placing the African elephant on the CITES appendix I, which lists those species that are threatened with extinction by trade.

As a result of the CITES trade ban, poaching has declined, the price for ivory has gone down, and there is hope that the African elephant population will recover.

Despite this encouraging news, however, we must not assume that the African elephant is no longer in danger. Although the ivory trade ban has been in effect for less than 2 years—barely enough time for an African elephant to be conceived and born—there is already a move afoot to reopen the ivory trade.

Several countries in southern Africa hope to convince the parties of CITES, at their next meeting in Japan in March 1992, to allow limited ivory trade from their countries. A few of these African nations are even working to establish a sort of ivory cartel.

Mr. President, due to the very substantial risk of reestablishing the illegal ivory trade market, I believe it would be a very serious mistake to reopen even limited ivory trade at this time.

The idea that limited ivory trade will not affect any increase in poaching is only theory. Our past experiences show us that the ivory trade—and poaching—stretch across national boundaries. Ivory smuggling was rampant before the current ban, and the reopening of limited trade would serve to rekindle the widespread poaching and smuggling problems.

We still do not have adequate methods for controlling the flow of ivory across national boundaries, and, therefore, we must not take the risk of reopening the trade and simply hoping for the best. Many countries in central and northern Africa are working hard to protect their elephants, and they do not want to put their elephants at risk by reopening the ivory trade. By allowing trade from a few of the southern African countries, or even just one, the market for ivory, and the poaching of elephants, will likely return to all African countries. The African elephant has not yet recovered from the many years of widespread poaching, and we must not put it in jeopardy again.

Mr. President, I am not arguing for banning ivory trade forevermore. Within a few years, we might have in place a real ivory trade control system. We might have adequate conservation measures for the elephant in all parts of Africa. The international network of illegal ivory trade might have been dismantled.

However, today, we do not have a proven system of ivory trade controls; conservation measures for the African elephant have improved, but they are still inadequate in many countries; and the poachers and illegal ivory traders are just hiding in the shadows, waiting for limited trade to begin anew.

Two years ago, when the original ban on ivory trade was debated, the United States, leadership was critical to achieving a vote in favor of the ban. As new efforts are made to open up limited trade, we must not let our support for the African elephant wane.

Our resolution calls on the United States to maintain its support for the protection of the African elephant by supporting the CITES appendix I listing of all populations of the African elephant. I strongly believe that this stance is necessary to protect the future of this great mammal.

Mr. President, I urge my colleagues to join me in supporting this important legislation.

SENATE CONCURRENT RESOLUTION 71—RELATIVE TO THE SITUATION IN HAITI

Mr. MACK submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 71

Whereas the people of Haiti have long suffered under the arbitrary rule of dictatorship rather than the democratic rule of law;

Whereas in 1986, Haitians from all sectors of society showed great courage in joining together to oust President-for-Life Jean Claude Duvalier;

Whereas the people of Haiti have repeatedly manifested their aspirations for democracy and a constitutional government and for equitable economic development, as outlined in their Constitution ratified on March 19, 1978;

Whereas the 1987 presidential election was canceled due to widespread violence on the day of the election;

Whereas the Haitian people participated in a second internationally supervised election on December 16, 1990, and elected President Jean-Bertrand Aristide by almost 70 percent of the vote in an election that was recognized by international observations as free, fair, and open;

Whereas elements of the military on September 30, 1991, launched an armed attack against President Aristide and the people of Haiti;

Whereas President Aristide was forced to leave Haiti, and a military junta has seized power; and

Whereas since President Aristide's departure, military forces loyal to the junta have reportedly engaged in the widespread murder of Haitian citizens and armed intimidation of the Haitian legislature: Now, therefore, be it

Resolved by the House of Representatives (the Senate Concurring), That the Congress—

(1) strongly condemns the unconstitutional seizure of power by the military junta in Haiti, its abridgement of civil and political rights for Haitian citizens, and its blatant disregard for the Haitian Constitution and international law;

(2) supports the Bush Administration's refusal to recognize the coup led by mutinous soldiers, its suspension of economic assistance to Haiti until President Aristide's government has been restored, and its diplomatic efforts to restore the legitimately elected government of President Aristide;

(3) strongly supports the Organization of American State's efforts to negotiate an end to the military seizure of power and the murder and mayhem that has followed;

(4) calls upon the Attorney General—

(A) to suspend all deportation and exclusion proceedings for Haitians in the United States pending a resolution of the deep political and military crisis in Haiti, as called for by the Inter-American Commission on Human Rights; and

(B) to designate Haiti under section 244A(b)(1) of the Immigration and Nationality Act (relating to temporary protected status);

(5) calls upon the United States Coast Guard to suspend the interdiction of Haitian boat people during this period in which basic human rights are being violated;

(6) calls upon the Secretary of State, in consultation with the Attorney General to review the policy of interdiction of Haitian boat people to ensure the policy's fairness to the Haitian people; and

(7) calls upon the Aristide government, upon its restoration, to respect and promote the human rights of all Haitian citizens.

• Mr. MACK. Mr. President, the recent violent military coup in Haiti has robbed Haitians of their freedom. Until democracy and basic human rights are restored in that country, we cannot, in good conscience, condone the deportation and interdiction of Haitians.

In light of this, I am introducing legislation which would: First, call upon the Attorney General to suspend deportation and exclusion proceedings for Haitians in the United States pending resolution of the crisis in Haiti; second, call upon the Attorney General to grant Haitians temporary protected status; third, call upon the Coast Guard to supend the interdiction of Haitian boat people during this period in which basic human rights are being violated; and fourth, call for the Secretary of State, in consultation with the Attorney General, to ensure the policy's fairness to the Haitian people.

It is morally wrong to embrace a policy that forces Haitians back to their island to face certain retirbution and persecution while the military remains in power. We cannot be accomplices to the crimes of the military by forcing Haitians to return to the island.

We must act now to protect against more people being killed at random on the streets by a brutal military dictatorship.

Haitians have been terrorized under dictatorship after dictatorship for generation after generation. It's time we give Haitians the same treatment as others who flee a well-founded fear of persecution. They deserve to live in freedom—not under a military junta which rules with raw force.•

SENATE RESOLUTION 199—CALLING FOR AN INVESTIGATION OF UNAUTHORIZED DISCLOSURE OF A CONFIDENTIAL SENATE COMMITTEE REPORT

Mr. BROWN (for himself and Mr. BOND) submitted the following resolution; which was referred to the Committee on Rules and Administration:

S. RES. 199

Whereas Article II, section 2 of the Constitution requires the President to nominate, with the advice and consent of the Senate, Justices of the Supreme Court;

Whereas in carrying out its constitutional responsibility to advise the President, the

Senate wishes to encourage appointment of the most competent individuals to serve as Supreme Court Justices;

Whereas the Senate of the United States wishes to advise the President to confirm or not confirm Presidential nominees to the Supreme Court based on their merits;

Whereas an unbiased evaluation by the Senate of a nominee's competence to serve on the Supreme Court requires the compilation of complete information about the qualifications of the nominee;

Whereas this may include personal or potentially sensitive information about the nominee;

Whereas it is appropriate that the confidentiality of certain information be maintained to preserve the integrity of the Senate confirmation process;

Whereas allegations have been made of the unauthorized disclosure of a confidential Senate committee report during the consideration of the nomination of Clarence Thomas to be an Associate Justice of the Supreme Court;

Whereas the unauthorized release of confidential information has potentially compromised the confirmation process; and

Whereas the unauthorized release of such confidential information is a violation of the Standing Rules of the Senate that provide that any Senator or officer of the Senate who shall disclose the secret or confidential business or proceedings of the Senate shall be liable, if a Senator, to suffer expulsion from the body, and if an officer, to dismissal from the service of the Senate, and to punishment for contempt: Now, therefore, be it

Resolved, That (a) the Majority Leader, with the concurrence of the Minority Leader, shall appoint a special counsel to investigate the unauthorized disclosure of a confidential Senate committee report during the consideration of the nomination of Clarence Thomas to be an Associate Justice of the Supreme Court, including a full investigation of all the facts and circumstances leading to and surrounding such disclosure. The special counsel shall consider whether any Member, officer, or employee of the Senate committed any of the activities prohibited in any rule of the Senate or of a committee, subcommittee, or office of the Senate, including paragraph 5 of rule XXIX of the Standing Rules of the Senate, or any other rules, regulations, or laws of the United States.

(b) The special counsel shall report the findings and conclusions of the investigation to the Senate not later than 30 days after the date of adoption of this resolution.

SENATE RESOLUTION 200—RELATIVE TO THE AGRICULTURE INDUSTRY IN THE STATE OF NEW YORK

Mr. D'AMATO (for himself and Mr. MOYNIHAN) submitted the following resolution; which was referred to the Committee on Agriculture, Nutrition, and Forestry:

S. RES. 200

Whereas October 17, 1991 is the 10th Annual Celebration of New York Agriculture known as the New York State Farm Harvest Celebration.

Whereas agriculture is New York State's largest industry with an annual farm value of almost $3 billion.

Whereas New York's 38,500 farms provide employment for some 113,000 individuals and total in-state food employment reaches 425,000.

Whereas a viable and strong agricultural industry is not only beneficial to New York's farm and food industry, but to the economy of New York State, hundreds of local communities and to all consumers in and out of New York State.

Whereas New York State is a tremendous agricultural resource base with abundant rainfall, productive soils, sufficient growing season and proximity to the nation's largest markets.

Whereas New York State is a leader in the production of a variety of products such as dairy, cheese, apples, grapes, onions, potatoes, cabbage, sweet corn, nursery plants, tart cherries, beets and maple syrup for the United States.

Whereas New York farms are an important provider to the nation of a variety of agricultural goods such as cattle, eggs, green beans, lettuce, cauliflower, celery, poultry, grain, hay and others: Now, therefore, be it

Resolved, It is the sense of the Senate, that we honor the important contributions of New York's farmers and other men and women in the New York State agriculture industry.

• Mr. D'AMATO. Mr. President, I am pleased to join with Senator MOYNIHAN in submitting a sense of the Senate resolution honoring the contributions of the men and women in the number one industry of New York State, the agriculture industry.

To many people, New York is an urban State noted for its tall buildings, glitz and glitter. Few people outside my State realize that there is another New York, a land of dairy cows, apple orchards, and wineries. It is a land of farmers, nursery owners, cheese processors, and a variety of other agribusinesses.

When I arrived in Washington over 10 years ago I pledged to make people aware of this New York. I wanted to make the rest of the Nation understand the critical contribution that agriculture makes not only to the economic health of my State but to the farm output of the whole Nation.

That is why I began to hold the Annual New York State Farm Harvest Celebration here in our Nation's Capitol. Today that celebration is in its 10th year. Farm Day has become one of the most popular receptions on Capitol Hill. Members of Congress, the administration, and their staffs now know what we in New York have always known, that the Empire State is a farm state.

Mr. President, this sense of the Senate resolution is an acknowledgement by this body that New York Farm Day has accomplished its goal of making the Nation aware of New York's agriculture industry, as well as to celebrate the hard work of men and women in New York agriculture.•

AMENDMENTS SUBMITTED

FEDERAL FACILITIES COMPLIANCE ACT

BAUCUS AMENDMENT NO. 1263

Mr. BAUCUS proposed an amendment to the bill (S. 596) to provide that Federal facilities meet Federal and State environmental laws and requirements and to clarify that such facilities must comply with such environmental laws and requirements; as follows:

On page 2, strike subsection (a) on lines 7 through 23.

On page 2, line 24, strike "(b)".

On page 4, line 23, insert "(b)" before "Federal".

On page 5, line 14, strike "(b)" and insert in lieu thereof "(c)".

On page 6, line 9, strike "(a)."

On page 6, line 9, insert "of the Solid Waste Disposal Act" before "is amended".

On page 6, insert at the end the following new section:

"SEC. 5. (a) STORAGE OF MIXED WASTE.—Section 3004(j) of the Solid Waste Disposal Act (42 U.S.C. 6924(j)) is amended—

"(1) by striking "In" and inserting in its place the following:

"'(1) Except as provided in paragraphs (2) or (3), in'; and

"(2) by inserting at the end the following new paragraphs:

"'(2) Until December 31, 1993, where technologies do not exist or sufficient treatment capacity is not yet available for treatment of mixed waste generated at facilities owned or operated by a department, agency, or instrumentality of the United States, or by a person acting as an authorized agent of such department, agency, or instrumentals, such mixed waste shall be stored in compliance with all applicable regulations promulgated under this subtitle except those promulgated to implement paragraph (1). After December 31, 1993, the regulations promulgated to implement paragraph (1) shall apply to all mixed waste except as provided in paragraph (3).

"'(3) If the Administrator determines that compliance for a particular type of mixed waste is not possible by December 31, 1993, the Administrator may grant a variance from the regulations promulgated to implement paragraph (1) to any department, agency, or instrumentality of the United States, in accordance with the following procedures.

"'(A) Where sufficient treatment capacity is not yet available, the Administrator, after notice and opportunity for comment and after consultation with appropriate State agencies in all affected States, may on a case-by-case basis, for a particular type of waste, grant an extension of the effective date contained in paragraph (2) for up to one year, if the applicant demonstrates that treatment capacity cannot reasonably be made available by the effective date in paragraph (2) due to circumstances beyond the control of the applicant. Such extension may be renewed by the Administrator for additional periods of up to one year. In no case, however, shall the December 31, 1993, deadline for compliance with paragraph (1) be extended beyond July 1, 1997.

"'(B) Where technologies do not exist, the Administrator, after notice and opportunity for comment and after consultation with appropriate State agencies in all affected States, may on a case-by-case basis, for a particular type of waste, grant an extension of the effective date contained in paragraph (2) for up to two years, if the applicant demonstrates that treatment technology cannot reasonably be developed by December 31, 1993 due to circumstances beyond the control of the applicant. Such extension may be renewed by the Administrator for additional periods of up to one year. In no case, however, shall the December 31, 1993, deadline for compliance with paragraph (1) be extended beyond July 1, 1997.

"'(C) Any variance granted by the Administrator under this paragraph shall be considered a final agency action and shall be subject to judicial review.

"'(b) TREATMENT OF MIXED WASTE.—Section 3004(m) of the Solid Waste Disposal Act (42 U.S.C. 6924(m)) is amended by adding at the end the following new paragraphs:

"'(3) Not later than 90 days after the date of enactment of the Federal Facility Compliance Act of 1991, the Administrator, after notice and opportunity for comment, shall issue a list of mixed wastes for which the Administrator determines treatment technologies do not exist or sufficient treatment capacity is not yet available. The Administrator shall update this list annually.

"'(4) Not later than December 31, 1992, the Administrator, after notice and opportunity for comment, shall amend, as necessary, regulations promulgated under this subsection specifying those levels or methods of treatment which substantially diminish the toxicity of the waste or substantially reduce the likelihood of migration of hazardous constituents from the waste so that short-term and long-term threats to human health and the environment are minimized and exposure to radioactivity during treatment is minimized.

SEC. 6. Nothing in this Act shall alter, modify or change in any manner any agreement or consent order regarding the management of mixed wastes in effect on the date of enactment of this Act and to which an agency of the Federal Government is a party.

SEC. 7. Any State may comment on any determination made by the Administrator pursuant to this Act with respect to the commingling of radioactive and hazardous waste.

On page 6, after line 9, insert the following:

SEC. 8. MIXED WASTE.—Section 1004 of the Solid Waste Disposal Act (42 U.S.C. 6902) is amended by inserting the following new paragraph at the end of the section:

"'(41) The term "mixed waste" means waste that contains both hazardous waste and source, special nuclear, or by-product material subject to the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.).'.

SURETY BONDS

SEC. 9. (a) SURETY CONTRACTOR RELATIONSHIP.—Any surety which provides a bid, performance, or payment bond in connection with any contract for hazardous substance response with any department, agency, or instrumentality of the executive, legislative, and judicial branches of the Federal Government, and begins activities to meet its obligations under such bond, shall, in connection with such activities or obligations, be entitled to any indemnification and standard of liability to which its principal was entitled under the contract or under any applicable law or regulation.

(b) SURETY BONDS.—

(1) APPLICABILITY OF THE MILLER ACT.—If under the Act of August 24, 1935 (49 Stat. 793 et seq., chapter 642, 40 U.S.C. 270a–270d), commonly referred to as the "Miller Act", surety bonds are required for any direct Federal procurement of a contract for hazardous substance response with a department, agency, or instrumentality of the executive, legislative, and judicial branches of the Federal Government, and are not waived pursuant to the Act of April 29, 1941 (55 Stat. 147 et seq., chapter 81, 40 U.S.C. 270e–270f), the surety bonds shall be issued in accordance with such Act of August 24, 1935.

(2) LIMITATION OF ACCRUAL OF RIGHTS OF ACTION UNDER BONDS.—If, under applicable Federal law, surety bonds are required for any direct Federal procurement of any contract for hazardous substance response with a department, agency, or instrumentality of the executive, legislative, and judicial branches of the Federal Government, no right of action shall accrue on the performance bond issued on such contract to or for the use of any person other than the obligee named in the bond.

(3) LIABILITY OF SURETIES UNDER BONDS.—If under applicable Federal law, surety bonds are required for any direct Federal procurement of a contract for hazardous substance response with a department, agency, or instrumentality of the executive, legislative, and judicial branches of the Federal Government, unless otherwise provided for by the procuring agency in the bond, in the event of a default, the surety's liability on a performance bond shall be in accordance with the plans and specifications less the balance of funds remaining to be paid under the contract, up to the penal sum of the bond. The surety shall in no event be liable on bonds to indemnify or compensate the obligee for loss or liability arising from personal injury or property damage whether or not caused by the breach of the bonded contract.

(4) NONPREEMPTION.—Nothing in this section shall be construed as preempting, limiting, superseding, affecting, applying to, or modifying any State laws, regulations, requirements, rules, practices, or procedures. Nothing in this section shall be construed as affecting, applying to, modifying, limiting, superseding, or preempting any rights, authorities, liabilities, demands, actions, causes of action, losses, judgment, claims, statutes of limitation, or obligations under Federal or State law, which do not arise on or under the bond.

(c) APPLICABILITY.—This section shall not apply to bonds executed before October 1, 1991, or after December 31, 1992. This section also shall not apply to facilities that are included on the National Priorities List as described in section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9605). For the purposes of this section, the terms "hazardous substance" and "response" shall have the same meaning as given such terms under paragraphs (14) and (25), respectively, of section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601).

SEC. 10. (a) This section may be cited as the "Federal Recycling Incentive Act".

(b) Subtitle F of the Solid Waste Disposal Act is amended by adding at the end thereof the following:

"FEDERAL GOVERNMENT REQUIREMENTS

"SEC. 6005. (a) FEDERAL AGENCIES.—Prior to the expiration of the 180-day period following the date of the enactment of this section, the Administrator of the Environmental Protection Agency in consultation with the Administrator of General Services, by regulation, shall establish, and from time to time modify, a program pursuant to which each department, agency, and instrumentality of the executive, legislative, and judicial branches of the Federal Government shall be required to separate materials to be collected for the purpose of recycling from solid waste generated by such department, agency, or instrumentality. Such material shall not be collected if the Administrator determines that inadequate markets exist for such materials. The program established pursuant to this section shall seek to incorporate existing Federal programs to separate materials from solid waste for the purpose of recycling but in no case shall interfere with existing programs.

"(b) PUBLICATION IN FEDERAL REGISTER.—Within 60 days following the establishment or modification of a program pursuant to subsection (a), the Administrator of the Environmental Protection Agency shall submit a copy of such program or modification to the Congress and publish a copy thereof in the Federal Register.

"(c) EFFECTIVE DATE.—180 days following such publication in the Federal Register, each department, agency, and instrumentality of the executive, legislative, and judicial branches shall take action as may be necessary to carry out the program established pursuant to subsection (a) as published in the Federal Register.

"(d) PROCEEDS FROM SALE—Any moneys received by any such department, agency, or instrumentality from the sale of materials collected for the purpose of recycling shall be available for use by the department, agency or instrumentality of the Executive, Legislative and Judicial branches of the Federal Government for activities which promote recycling. Nothing in this Act shall be construed to prohibit any agency from directing funds received from the sale of materials collected for the purpose of recycling for morale welfare or recreational purposes.

"(e) REPORT.—Prior to the expiration of the 15-month period following the date on which such program takes effect, and annually thereafter, the Administrator of the Environmental Protection Agency shall report to the Congress with respect to the extent of compliance by each department, agency, and instrumentality of the executive, legislative, and judicial branches with the program established pursuant to this Act for the preceding 12-month period. Such report shall identify any such department, agency, and instrumentality which fails to comply, in whole or in part, with such program. A copy of the report shall be published in the Federal Register.

"(f) AUTHORIZATION.—For the purpose of enabling the Administrator of the Environmental Protection Agency to carry out this section, there are authorized to be appropriated such sums as may be necessary.

SEC. 11. The Chief Financial Officers, of affected agencies, pursuant to 31 U.S.C. 501 shall submit an annual report to Congress on the activities of the Federal government regarding the disposal of mixed waste, subject to the Solid Waste Disposal Act. The report shall include, to the extent practicable, an estimate of the time required to develop adequate storage, treatment or disposal capacity for each mixed waste listed under the Solid Waste Disposal Act, an estimate of the costs expected to be incurred by the Federal government for such storage, treatment or disposal, a detailed discription of the compliance activities expected to be accomplished by the Federal government during the period covered by the budget submission, and an accounting of the fines and penalties collected pursuant to the Solid Waste Disposal Act."

On page 2 line 6 strike line 6 and all that follows through line 14 page 3.

SEC. 12. PUBLIC VESSELS.

(a) Any solid of hazardous waste generated on a public vessel shall not be subject to storage, manifest, inspection, or record-keeping requirements under the Solid Waste Disposal Act, until such waste is removed from the public vessel on which it was generated. Nothing in this section shall affect, or in any way change the intention, implementation or applicability of 10 U.S.C. 7311, or the term "generator" as defined in 40 C.F.R. 260.10.

(b) for purposes of this section:

(1) the term "public vessel" means a vessel owned or bareboat chartered and operated by the United States or any other sovereign.

(2) waste transferred directly from one public vessel to another shall not be considered "removed from the public vessel on which it was generated" for as long as such waste remains on a public vessel.

SEC. 13. FEDERAL WASTEWATER TREATMENT WORKS.

(a) APPLICABILITY.—Subtitle F of the Solid Waste Disposal Act is amended by adding at the end thereof the following:

"SEC. 6006. FEDERAL WASTEWATER TREATMENT WORKS.

(a) IN GENERAL.—Except as provided in subsection (b), any wastewater treatment works owned by a department, agency, or instrumentality of the Federal Government shall be considered to be managing a solid waste, but not a hazardous waste, if:

(1) such wastewater treatment works receives and treats wastewater, the majority of which is domestic sewage;

(2) no solid waste in any unit that is part of the wastewater treatment works exhibits any hazardous waste characteristic as determined pursuant to test methods and criteria established by the Administrator under Subtitle C of this Act unless such waste is removed from the treatment works and is managed as a hazardous waste pursuant to subsection (b) and other applicable requirement of this Act;

(3) the wastewater treatment works has a permit issued pursuant to section 402 of the Federal Water Pollution Control Act and such permit includes conditions requiring that any individual wastewater received by the treatment works is pretreated (A) in accordance with national pretreatment standards promulgated by the Administrator pursuant to section 307(b) of such Act and applicable to each specific category of industrial wastewater received by the treatment works or (B) in the absence of national standards in accordance with local limits established pursuant to section 402(b)(8) of such Act, and (C) any solid waste rendered hazardous by any pretreated or non-compliant wastewater has been removed to the extent practicable;

(4) such treatment works complies with any other permit conditions as may be established by the Administrator or an authorized State pursuant to section 402 of the Federal Water Pollution Control Act.

(b) Notwithstanding subsection (a), the owner of a wastewater treatment works described in subsection (a) shall be required to—

(1) remove and manage as a hazardous waste any solid waste present in any unit of the treatment works that exhibits any hazardous waste characteristic as established by the Administrator under subtitle C of this Act; and

(2) take corrective action with respect to any release or threatened release of hazardous waste (including any solid waste present at the treatment works which exhibits any characteristic of a hazardous waste) or hazardous waste constituents from the treatment works in accordance with corrective action requirements under subtitle C of this Act.

(c) Subsection (a) does not constitute a waiver of any requirement under subtitle C of this Act with respect to any unit that is part of a wastewater treatment works that pretreats industrial waste prior to discharge to a treatment works described in subsection (a).

(d) Relationship to Federal Water Pollution Control Act.—Nothing contained in this section shall be construed, interpreted, or applied to include a wastewater treatment works owned by a department, agency, or instrumentality of the Federal Government within the definition of an "eligible treatment works" or "publicly owned treatment works" for purposes of Title II or Title III of the Federal Water Pollution Control Act.

(e) TABLE OF CONTENTS.—The table of contents for such subtitle F, of the Solid Waste Disposal Act is amended by adding the following new item at the end:

"Sec. 6006. Federal wastewater treatment works."

SEC. 14. MUNITIONS.

SEC. 6. Munitions, Section 1006 of the Solid Waste Disposal Act is amended by adding the following new subsection:

(d) MUNITIONS.—The Secretary of the Defense shall have the responsibility for carrying out any requirement of subtitle C of this Act with respect to regulations promulgated relating to the safe development, handling, use, transportation, and disposal of military munitions. The Secretary shall, with the concurrence of the Administrator, promulgate such regulations as may be necessary to carry out the purposes of this subsection.

SEC. 15. AMENDMENT TO THE FEDERAL FACILITY COMPLIANCE ACT OF 1991.

In carrying out the provisions of Sec. 2 (a)(b), the administrator of the Environmental Protection Agency may utilize the Mine Waste Treatment capabilities operated by the Environmental Protection Agency and the Department of Energy at DOE's Pittsburgh Energy Technology Center's Component Development and Integration Test Facility. The treatment and assessment technologies will be supplemented and upgraded as required.

SEC. 16. ESTABLISHMENT OF SMALL TOWN ENVIRONMENTAL PLANNING PROGRAM.

(a) ESTABLISHMENT.—The Administrator of the Environmental Protection Agency (hereafter referred to as the "Administrator") shall establish a program to assist small communities in planning and financing environmental facilities.

(b) SMALL TOWN ENVIRONMENTAL PLANNING TASK FORCE.—(1) The Administrator shall establish a Small Town Environmental Planning Task Force shall be composed of representatives of small towns from different areas of the United States, Federal and State governmental agencies, and public interest groups.

(2) The Task Force shall—

(A) identify areas of environmental and public health regulations developed pursuant to Federal environmental laws which pose significant problems for small towns;

(B) identify means to improve the working relationship between the Environmental Protection Agency (hereafter referred to as the Agency) and small towns;

(C) review proposed regulations for the protection of the environmental and public health and suggest revisions that could improve the ability of small towns to comply with such regulations;

(D) identify means to promote regionalization of environmental treatment systems and infrastructure serving small towns to improve the economic condition of such systems and infrastructure; and

(E) provide such other assistance to the Administrator as the Administrator deems appropriate.

(c) IDENTIFICATION OF ENVIRONMENTAL REQUIREMENTS.—(1) Not later than 6 months after the date of the enactment of this title, the Administrator shall publish a list of requirements under Federal environmental and public health statutes (and the regulations developed pursuant to such statutes) applicable to small towns. Not less than annually, the Administrator shall make such additions and deletions to and from the list as the Administrator deems appropriate.

(2) The Administrator shall, as part of the Small Town Environmental Planning Program under this section, implement a program to notify small communities of the regulations identified under paragraph (1) and of future regulations and requirements through methods that the Administrator determines to be effective to provide information to the greatest number of small communities, including, but not limited to, any of the following:

(1) Newspapers and other periodicals;

(2) Other news media;

(3) Trade, municipal, and other associations that the Administrator determines to be appropriate; and

(4) Direct mail.

SEC. 17. SMALL TOWN OMBUDSMAN.

The Administrator shall establish and staff an Office of the Small Town Ombudsman. This Office shall provide assistance to small towns in connection with the Small Town Environmental Planning Program and other business with the Agency. Each regional office shall identify a small town contact. The Small Town Ombudsman and the regional contacts are also authorized to assist larger communities provided assistance is provided, on a priority basis, to small town.

SEC. 18. MULTI-MEDIA PERMITS.

(a) The Administrator shall conduct a study of establishing a multi-media permitting program for small towns. Such evaluation shall include an analysis of (1) environmental benefits and liabilities of a multi-media permitting program; (2) the potential of using such a program to co-ordinate a small town's environmental and public health activities; and (3) the legal barriers, if any, to the establishment of such a program.

(b) Within three years of enactment, the Administrator shall report Congress on the results of the evaluation performed in accordance with subsection (a). Included in this report shall be a description of the activities conducted pursuant to this Act.

SEC. 19. DEFINITIONS.

For the purposes of this Act, the term "small town" means an incorporated or unincorporated community (as defined by the Administrator) with a population of less than 2,500 individuals.

SEC. 20. APPROPRIATIONS.

There are authorized to be appropriated such sums as may be needed to implement this title.

In an appropriate place in S. 596 insert the following:

SEC. 21. SHORT TITLE.

This Act may be cited as the "Metropolitan Washington Waste Management Study Act".

SEC. 22. PURPOSES.

The purposes of this Act are—

(1) to require an environmental impact statement prior to the expansion of the I-95 Sanitary Landfill, at Lorton, Virginia; and

SEC. 23. FINDINGS.

The Congress finds that—

(1) the I-95 Sanitary Landfill, in Lorton, Virginia, is located on Federal land, and the ultimate responsibility for maintaining environmental integrity at the I-95 Sanitary Landfill is on the Federal Government, as well as the signatories to the July 1981 Memorandum of Understanding, as amended;

(2) operators of the I-95 Sanitary Landfill, in Lorton, Virginia, may seek to expand the landfill by 148 acres in the so-called "Site C";

(3) there are concerns that the I-95 Landfill may be discharging leachate into the surface waters of Mills Branch, a tributary of the Potomac River;

(4) the Potomac River empties into the Chesapeake Bay, recognized by the President of the United States, Congress, the Governors of Virginia, Delaware, Pennsylvania, and Maryland as one of the Middle Atlantic region's environmental priorities;

(5) possible sources of pollution affecting the environmental integrity of the Chesapeake Bay must be fully investigated, and eliminated if possible;

(6) operators of the I-95 Sanitary Landfill established an enterprise fund with the tipping fees charged for the dumping of waste on this Federal land;

(7) the Washington metropolitan area's local governments, while aggressively pursuing integrated solid waste management, including recycling, are facing a serious problem with regard to landfill space;

(8) much of the waste generated by Federal facilities in the Washington metropolitan area is disposed of at the I-95 Sanitary Landfill and other municipal landfills in the same area;

(9) few Federal facilities in the Washington metropolitan area have waste management plans, and the plans that do exist are not coordinated with the local governments in which the facilities are situated; and

(10) Federal facilities in the Washington metropolitan area have no cohesive waste management and recycling program.

SEC. 24. ENVIRONMENTAL IMPACT STATEMENT.

(a) ENVIRONMENTAL IMPACT STATEMENT.—Except as provided in subsection (b)(1), in order to assure environmental integrity in and around properties owned by the Government of the United States, no expansion of the I-95 Sanitary Landfill shall be permitted or otherwise authorized unless—

(1) an environmental impact statement, pursuant to the National Environmental Policy Act, regarding any such proposed expansion has been completed and approved by the Administrator; and

(2) the costs incurred in conducting and completing such environmental impact statement are paid from the landfill's so-called enterprise fund established pursuant to the July 1981 I-95 Sanitary Landfill Memorandum of Understanding entered into by the jurisdictions utilizing such landfill, or some other payment formula based on past and projected percentage of the jurisdictional usage of the landfill.

(b) CONDITIONS.—(1) Notwithstanding the provisions of subsection (a), such landfill may be expanded for the purpose of the planned ash monofill which can be used solely for the disposal of incinerator ash from the parties of the July 1981 Memorandum of Understanding.

(2) After December 31, 1995, the I-95 Sanitary Landfill, including any expansions thereof, shall not be available to receive or dispose of municipal or industrial waste of any kind other than incinerator ash.

(3) After December 31, 1999, the I-95 Sanitary Landfill, including any expansions thereof, shall not be available to receive or dispose of any incinerator ash.

(4) Notwithstanding any other provision of this Act, the parties of the July 1981 Memorandum of Understanding, together with the Federal Government, shall continue to be responsible for maintaining environmental stability at the I-95 Sanitary Landfill, including any expansion, in accordance with applicable laws of the United States, and the Commonwealth of Virginia (including any political subdivision thereof which is a party to the July 1981 Memorandum of Understanding).

SEC. 25. DEFINITIONS.

For purposes of this Act, the term—

(1) "expansion" includes any development or use, after May 31, 1991, of any lands, other than those lands which were used as a landfill on or prior to May 31, 1991, in accordance with the July 1981 I-95 Sanitary Landfill Memorandum of Understanding, owned by the Government of the United States in and around Lorton, Virginia, for the purpose of, or use as, a sanitary landfill. The term also includes variances or exemptions from any elevation requirements relating to landfill operations established by the laws of the Commonwealth of Virginia, or any subdivision thereof, in connection with any such lands used on or prior to May 31, 1991;

(2) "lands owned by the Government of the United States" includes any lands owned by the United States, and any such lands with respect to which the Government of the District of Columbia has beneficial ownership; and

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AUTHORITY FOR COMMITTEES TO MEET

SUBCOMMITTEE ON SECURITIES

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Subcommittee on Securities of the Committee on Banking, Housing, and Urban Affairs be allowed to meet during the session of the Senate Thursday, October 17, 1991, at 9:30 a.m. to conduct a hearing on shareholder rights and trends in corporate governance.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON HOUSING AND URBAN AFFAIRS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Subcommittee on Housing and Urban Affairs of the Committee on Banking, Housing, and Urban Affairs be allowed to meet during the session of the Senate Thursday, October 17, 1991, at 9:30 a.m. to conduct a hearing on the urgent Lead Paint Hazard Prevention Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INDIAN AFFAIRS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Select Committee on Indian Affairs be authorized to meet on October 17, 1991, beginning at 2 p.m., in 485 Russell Senate Office Building, on S. 1687, the Indian Tribal Government Waste Management Act of 1991.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL PARKS AND FORESTS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Subcommittee on Public Lands, National Parks and Forests of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate, 2 p.m., October 17, 1991, to receive testimony on S. 1225, a bill to designate certain lands in California as wilderness, and for other purposes.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Thursday, October 17, 1991, at 2:30 p.m., to hold a hearing by the Subcommittee on the Courts and Administrative Practices.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON EAST ASIAN AND PACIFIC AFFAIRS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Subcommittee on East Asian and Pacific Affairs of the Foreign Relations Committee be authorized to meet during the session of the Senate on Thursday, October 17, at 2:30 p.m. to hold a hearing on slave labor in China.

The PRESIDING OFFICER. Without objection, it is so ordered.

PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs, be authorized to meet during the session of the Senate on Thursday, October 17, 1991, to hold a hearing on Efforts to Combat Fraud and Abuse In The Insurance Industry: Part 4.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, October 17, 1991, at 10 a.m. to hold a hearing on the discovery of Iraq's weapons of mass destruction and possible initiatives for the future.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ARMED SERVICES

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet on Thursday, October 17, 1991, at 10:15 a.m., in closed session, to receive a briefing on the U.S. Navy's decision on the reopened investigation on the U.S.S. *Iowa* explosion.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

NATIONAL LAW ENFORCEMENT OFFICERS MEMORIAL

• Mr. LIEBERMAN. Mr. President, while the attention of most of the Nation was focused on the Supreme Court confirmation vote on Tuesday, another historic event occurred here in the Nation's Capital: the dedication of the National Law Enforcement Officers Memorial.

Hundreds of survivors of law enforcement officers killed in the line of duty, joined by police officers from jurisdictions all across the country and other supporters of the memorial, gathered to participate in this solemn occasion. Many people came from Connecticut, including a contingent of officers from West Haven, Milford, and Shelton, whom I had the pleasure of meeting personally.

I congratulate Craig W. Floyd, chairman of the memorial fund, and his staff, upon the successful completion of this huge endeavor. The memorial was authorized by Congress in 1984 and constructed entirely with funds donated by more than 700,000 Americans, some 250 U.S. corporations and businesses, and hundreds of thousands of our Nation's law enforcement officers. As Craig Floyd and others pointed out during the dedication ceremonies, this memorial is truly "the gift of a grateful Nation."

This memorial has a special meaning to a member of my own staff, Sharon Hickey, whose brother, Metropolitan Police Officer Martin I. Donovan, was killed in the line of duty here in Washington, DC, on July 9, 1964, while walking his beat alone near Thomas Circle. Like many of his colleagues, he was young—just 28 years old. It is fitting that Officer Donovan will be remembered in this place of honor, in the city of his birth, near the streets where he walked as a police officer, and where he gave his last full measure of devotion.

In the memorial's beautiful park-like setting, the names of more than 12,500 men and women who have lost their lives protecting our freedom and security are engraved on the walls. It is a special place, where one can reflect on the great sacrifice made by these heroes, their families, and the thousands of officers who are injured each year as they patrol their beats. We must look at the blank spaces on the walls, think about the dangers facing police officers every day, and vow to do all we can to support the people who enforce the law by fighting crime every day and night in this land. In this way I hope that many lives will be saved and that the graceful, solemn walls of the National Law Enforcement Officers Memorial will never be completely filled.•

DEDICATION OF THE NATIONAL LAW ENFORCEMENT OFFICERS MEMORIAL

• Mr. COATS. Mr. President, law is the superstructure of any enduring society, a framework resting on the firm foundation of sound moral principle. Honoring those who uphold our laws, often at the risk and sometimes at the expense of their own lives, is a worthy act for any society that places value on human dignity.

That is why the dedication of the National Law Enforcement Officers Memorial on October 15 is appropriate and significant. It will list the names of 12,561 officers slain in the line of duty, and will have space on which to list the names of those who fall in the future.

Of those names currently on the Memorial, 235 of them belong to law officers from Indiana. From Albert W. McCorkle, a member of the Shelby County Sheriff's Department who fell in the line of duty in 1880, to Thomas Deniston of the Department of Natural Resources, who fell in 1990, Indiana has a proud tradition of men and women who have paid with their lives so their fellow Hoosiers could enjoy a safer society.

Most recently, one of Indiana's sons fell in defending an innocent life. William May, Jr., was born and raised in Indiana. A direct descendant of settlers who founded the city of Hammond, he was a graduate of Wabash College and had served for 3 years with the police force in Atlanta, GA. On August 19, Officer May responded to an emergency in which he saved the life of a woman who had been shot, only then to be slain by the suspect himself. When confronted by such sacrifice, words of praise seem much too inadequate to express the depth of gratitude our Nation owes to men and women such as Officer May.

A memorial represents the homage of a people, but is by no means a final tribute. Honoring the memory of those slain so that their neighbors can live safely and freely is best demonstrated as each day men and women seek to practice the principles of justice under law that comprise the fabric of a civilized society.

It is in the spirit that today I am privileged to express my deep esteem for those Hoosiers who have given the final sacrifice for their fellow citizens. Their families deserve our honor for having to bear the pain such sacrifices bring. Although we cannot restore their loved ones to them, we can assure them that the memory of their husbands and sons, wives and daughters will endure after even the most imposing monument has crumbled into dust. It is embodied in the legacy of security and liberty these sacrifices have afforded.•

EFFORTS OF PHYSICIANS TO STOP DOMESTIC VIOLENCE SHOULD BE LAUDED

• Mr. DIXON. Mr. President, yesterday in Chicago, the American Medical Association, Surgeon General Antonia Novello, and others met at Cook County Hospital to declare a new initiative against family violence—violence against women, against children, against the elderly. The AMA has launched a program to provide physicians assistance in recognizing the signs of domestic violence, and to intervene.

Although family violence is a societal problem, the physicians of this country have recognized that the societal problem has become a medical problem that we can no longer ignore.

Mr. President, listen to these facts revealed by the Surgeon General yesterday: More than 2 million cases of child abuse and neglect are reported each year—that is just the reported cases. That is 700,000 children.

One-third of women killed in this country are murdered by their spouse or boyfriend.

Six out of ten couples have experienced violence at some time during their marriage.

Half of all adult women have been victims of domestic violence.

Research by Dr. Carole Warshaw of Cook County Hospital indicates that as many as 35 percent of women who visit hospital emergency rooms are there for symptoms of abuse.

I congratulate the AMA and the Surgeon General for speaking out on this silent epidemic which is costing our Nation billions of dollars each year—but more importantly—exacting a priceless human toll on the lives of women, children, and seniors whose lives are forever scarred by abuse.

The physicians of this country are stepping in to do their part, but society as a whole must face and address this problem before we create generation after generation of traumatized citizens. The cycle of abuse must be broken before it breaks us.•

THE 100TH ANNIVERSARY FOR GENERAL HOSPITAL CENTER, PASSAIC, NJ

• Mr. LAUTENBERG. Mr. President, I rise today to join with the citizens of Passaic, NJ, in congratulating The General Hospital Center of Passaic on the occasion of that institution's 100th anniversary.

Founded in 1891, the hospital has grown from a tiny, two-cot dispensary dedicated to the treatment of accident victims, to become today a 300-bed hospital offering a broad range of programs and treatments. To give an indication of its growth, in the sixth year of its existence, the facility served 198 patients, a number which ballooned to over 1,200 in the following year. By

1990, the General was serving over 31,000 patients annually.

The hospital was officially incorporated as The General Hospital in 1892, and it provided the basic health care services most pressing to the community it served. At that time, treatment for accidents and injuries made up the bulk of the services rendered to patients at the facility.

As the health care needs of the community grew, so too did the hospital. This institution, which eventually came to be known as Passaic General, grew into a comprehensive community hospital offering a broad range of health care programs including extensive cardiac care facilities. The facility is one of only 11 designated tertiary care cardiac centers in the State of New Jersey and the first transesophageal echocardiogram was performed here.

In 1985, Passaic General was officially renamed The General Hospital Center at Passaic—which it has been known as ever since.

For over 100 years, Mr. President, the citizens of the Passaic area have been well-served by the hospital's dedicated doctors, nurses, administrators, and volunteers. Their compassion and desire to be of service to the community has been appreciated by former patients for many years.

Take the case of Deenise J. ReCasino of Clifton, NJ, as outlined in a recent letter to the president of the General, Daniel L. Marcantuono. ReCasino, a former patient at the hospital, wrote of her gratitude to the doctors who saved her life and that of her mother.

In 1956, after a difficult birth, Ms. ReCasino was born 3 months premature and weighing only 2 pounds 13 ounces. At that time, a baby born so early and so tiny was given nearly no chance for a normal life, much less survival. Due in large part to the care she received at the hospital, Ms. ReCasino went home 5 months after being born and survived to become a healthy adult and have a child of her own. She writes, "If not for the dedication and professionalism of the doctors and staff, my mother and I probably would not be alive today." It is dedication such as this that has earned the hospital a reputation for providing New Jerseyans with quality health care.

The General has reached out to the community in other ways, as well. To touch on few examples, the hospital provides lessons in safety to area school children and provides groups and individuals within the region with basic first aid guidelines.

Mr. President, to the over 400 physicians and 1,400 employees of The General Hospital Center of Passaic, I extend my heartfelt congratulations as they commemorate their centennial year. For their commitment to improving the quality of life for all the people of New Jersey, they have our lasting gratitude. I encourage them in their ongoing efforts to provide the community with quality health care.•

EUROPEAN AIRBUS SUBSIDIES

• Mr. ADAMS. Mr. President, over the last 20 years Airbus, the European aircraft manufacturer, has received government subsidies in excess of $20 billion. These subsidies have allowed Airbus to develop, manufacture and sell aircraft without having to worry about profitability. By engaging in these practices Airbus is depriving the United States of aerospace jobs, market share, and the revenues needed to invest in new aircraft production. These trade practices by the four Airbus governments are in direct violation of the General Agreement on Tariffs and Trade [GATT]. I support the administration's efforts to pursue the matter in GATT and am pleased that our Government has also indicated its intention to protect U.S. rights through domestic trade laws, as well, should the negotiations with the EC prove unsuccessful. A preliminary decision on the German exchange rate subsidy is due out this fall, although the case of overall subsidization is still in the early stages. The health of the U.S. aerospace industry affects us all. I urge my colleagues to read the excellent article by George Will that follows.

The article follows:

FREE TRADE, OR TRADE WAR?

(By George F. Will)

RENTON, WASH.—Americans who look skyward, or around airports here and abroad, see many products from this Seattle suburb, home of Boeing's commercial aircraft division. But Boeing's competitive position is under sustained attack by substantial—and illegal—subsidies given by governments to Airbus, Boeing's European competitor.

So the Bush administration faces a high-stakes test of American willingness, and ability, to insist effectively on equitable trading practices from the "mixed" economies of our major trading partners. If the test is flunked, many Americans may conclude that free trade is an intolerably expensive fiction, particularly when rivals practice surreptitious socialism.

The stakes are enormous. Commercial aircraft are 77 percent of Boeing's sales. In 1990, when America's merchandise trade deficit was $100 billion, the commercial aircraft sector showed a $16 billion surplus. For the fifth time in 12 years Boeing was America's leading exporter.

Today 81 percent of the commercial jets ever made—9,100—are in service. Between now and 2005, about 9,000 more will be delivered, 30 percent because of retirements, 70 percent because of air traffic growth. More than 2,000 airplanes are more than 20 years old. The market from now until 2005, averaging 600 planes worth $41 billion every year, will be $615 billion.

The worldwide crisis of airport congestion requires a shift to larger planes. Boeing's 777, to be delivered in 1995, will seat 325 to 440, depending on whether it has three-class seating or all-economy configuration. An option will be fold-up wing tips to accommodate narrow gate slots. Next there probably will be "super jumbos" seating 650, superseding the 747 that has been Boeing's most profitable product.

Every time Boeing develops a new aircraft, it invests a sum exceeding more than half the company's net worth. Boeing must finance this from profits and by borrowing against future profits.

Two of the three significant commercial aircraft manufacturers are American—Boeing and McDonnell Douglas. Their historical market shares, 1947–1990, were 56 percent and 21 percent. But Airbus, their European competitor, has 30 percent of today's market and a goal of 40 percent by the middle of the decade. Note that Airbus's goal is expressed in terms of market share, not profits.

Airbus is a consortium of four companies—French, German, British and Spanish—constantly receiving substantial cash infusions from their governments. Airbus understandably prefers to measure its performance in terms of cash flow and market shares. This obscures the extent to which Airbus is a jobs program, a technology development project, a weapon in an aggressive war targeting an American industry, and even a prestige project for several nations. What Airbus is not is a competitive private enterprise comparable to Boeing.

Airbus is now in its third decade of subsidies estimated (bookkeeping is obsure and often secret) to total upward of $26 billion. The head of Airbus's U.S. operations exaggerated when he said, "If Airbus has to give away airplanes, we will," but subsidies enable Airbus to ease customers' financing and even to produce aircraft for inventory—"whitetails" with no customer's insignia. Northwest and America West got cheap loans from Airbus, loans not even restricted to use in purchasing aircraft, but usable as operating funds or for acquiring other airlines.

Strict free traders may say: Fine, if European governments, either supported by or deceiving their taxpayers, want to sell aircrarft below market prices, we should snatch the windfall and switch to manufacturing other things. But there are three arguments, each sufficient, against such passivity in the face of subsidies and political practices contrary to GATT (General Agreement on Tariffs and Trade) rules.

First, international agreements should not be violated. Second, the United States has a national security interest in the health of the complex social organism that Boeing has become, an organization of talent that if dispersed would be largely lost. Third, even in a world without weapons, the commercial aircraft industry would be a crucial component of America's economic vitality.

Airbus's arrogant aggression assumes that GATT enforcement mechanisms are toothless and GATT strictures, if any, can be stonewalled. Also, Airbus knows that U.S. retaliation may be inhibited by the fact that Boeing needs its European community customers.

Airbus's contemptuous illegalities already have cost America more than $80 billion in lost markets and jobs. Surely means can be found to shrink the subsidies.

Free trade is not solitaire, a game at which one can play alone. And the alternative is a trade war. The Airbus dispute is a suitable occasion for America to say what Americans said about some overbearing Europeans 216 years ago: If they mean to have war, let it begin here.•

JAMES J. KILPATRICK: CHARLESTONIAN BY CHOICE

• Mr. HOLLINGS. Mr. President, James J. Kilpatrick, the syndicated

columnist, purchased his house on Charleston's South Battery precisely 3 days before Hurricane Hugo made its memorable visit. He was undaunted by the welcome, and has settled in as one of the city's favorite adopted sons. He is a Charlestonian by choice, and we are glad to have him. In fact, we are doubly blessed with Kilpatricks, inasmuch as his son, Christopher, is a Navy chief quartermaster in Charleston.

Mr. President, on October 5, the Post and Courier newspaper in Charleston ran an excellent profile of James Kilpatrick in its style section. I know that many Senators count Jack among their good friends, and would enjoy the article. I ask that it be reprinted in the RECORD.

The article follows:

JAMES KILPATRICK: JOURNALIST KEEPS ART OF WRITING ALIVE

(By Bill Thompson)

James J. Kilpatrick, mellowed?

The very idea seems preposterous.

"I never weary of the combat. But I am of diminishing combativeness."

What happened?

"As a young editor, steam was always coming out of my ears, no question about it. But I've mellowed. Why? Age, wisdom. At 29 or 30, everything appeared more black and white. You'd take sides quicker. It was right or it was wrong; there wasn't much middle ground. Then you begin to grow older and you see most things are half-tone gray. Generally, there is something to be said on either side of the issue."

Can this be the tough-minded columnist who skewered liberals like so many limp shrimp, pilloried the pompous, raged against permissiveness and suffered fools not at all? Well, yes, as it happens.

But, while Kilpatrick at 71 may not be the right reverend of rancor to which we had grown accustomed, he remains no less outraged by injustice, cruelty, muddleheadness or bureaucratic malfeasance.

The Scowl, verbal or visual, still can be summoned. The Glower, judiciously worn, remains a part of his repertoire. And the acidity he once brought to the popular "Point, Counterpoint" segment on CBS' "60 Minutes" still percolates beneath the surface.

Oh, he's modified his attitudes a bit, has cultivated more flexibility. But consider: Even in the furnace, a sword is brought to its fine edge by tempering.

Signs of mellowing could be seen as early as the mid 80s (triple-bypass heart surgery in 1983 having little to do with it, he says). Yet it is a mistake to suppose that Kilpatrick is nearing his anecdotage or that he has strayed from the Jeffersonian path.

"Once you're identified with either side of the spectrum, publicly labeled, certified and have tenure, it is automatically assumed that you are a die-hard, rock-ribbed conservative or a flaming liberal. It seems to be taken for granted that you are at one extreme or the other."

However, much that is traditionally conservative—fiscal prudence, for example—can be misinterpreted as liberal in 1991 when the subject is, say, military expenditures.

Kilpatrick is on record as opposing NASA's proposed Space Station Freedom ("A terrible waste of money and a bad thing for the space program as a whole") and the Navy's Seawolf submarine on the basis of relative cost-benefit ("How do you justify $2 billion for a submarine when its necessity is by no means certain?"). He can confound friends in the Pentagon as easily as the politically correct on campus.

"I've always believed I possess an independent mind. I have tried to be a relatively responsible conservative over the years. But I delight in stirring up my conservative fans, throwing them a curve or slider.

"I came out in favor of research on fetal tissue. And I came out in favor of this proposed survey of teen-age sex habits. That stirred some people up. They couldn't understand how in the world I could have taken those positions. But my conviction is that if we're going to take action at the federal level at all let's act out of knowledge and not out of ignorance."

While he sees much that is gray, clear-cut issues nonetheless exist for the native Oklahoman and the fire ducts can fire up on a moment's notice if need be.

On this day, the sparks are reserved for his computer, which has had the temerity to defy its master's wishes. A capricious box of circuitry, clearly it does not realize with whom it deals; the most widely read syndicated columnist in the land and one of the English language's most ardent practitioners.

Annoyances aside, Kilpatrick brims with good humor.

His office, a converted pool house in back of the family home at 75 South Battery, reflects something of the accommodation Kilpatrick has made with plurality: the glistening appurtenances of modern journalism—computer, printer, files, FAX machine—coexisting with the traditional—massive antique desk, fireplace, austere bookcases, a framed final edition of the Washington Star, an Impressionist nude by Melchers.

The personal touch derives from a cache of favored photographs festooning the walls; the patrolling of Happy, a Shetland sheepdog who plays unobstrusive sentinel; and landscape painting by Kilpatrick's wife of 49 years, Marie, depicting a scene from their former home in the Blue Ridge Mountains.

Charleston is a decided change of venue for Kilpatrick, whose son Christopher, a Navy chief quartermaster, also lives here. A resident of Virginia for almost 50 years, Kilpatrick moved to Richmond in 1941 to accept a job as a rewrite man with the Richmond News-Leader, directly out of the University of Missouri's School of Journalism. By age 30, he was its editor.

REPUTATION SECURED

His reputation as a volatile Southern conservative was secured not only by caustic editorials, but by the first of his three books, the incendiary "The Sovereign States" (1957). Vehement in tone, it articulated both a distaste for federal meddling and horror at the tyranny of the U.S. Supreme Court with regard to integration. From that point on, his reputation as a right-wing dogmatist was secured.

"These labels stick with you, no matter how inaccurate. This image some people seem to have of me as a rigid, dogmatic ideologue who hasn't had a new idea in 50 years simply isn't the case."

Kilpatrick departed the News-Leader in 1966, two years after inaugurating his nationally syndicated column, "A Conservative View," in order to invest his full energies as a commentator on politics and language.

He moved to Alexandria, beginning a longstanding association with the best and brightest, as well as the dimmer lights—of the Nation's Capital and beyond. Newsday nabbed him for its editorial page and later he signed on with the Washington Star syndicate. When the Star folded in 1982, Kilpatrick cantered into the Universal Press stable.

There have been numerous national political conventions, frequent forays abroad and interviews with "platoons of presidents, prime ministers, ambassadors, con artists, senators, diplomats and medical quacks." And, of course, the consistently provocative column.

Owning the perspective of a half-century of journalism, Kilpatrick knows something of how things work in reality, not fable.

"I wouldn't be in any other business. I've learned all kinds of lessons out of newspapering. The way government really works, as distinguished from the way it is thought to work. Over the years you learn something about the nature of power, political power: How you get it, how you exercise it, how you lose it and under the Constitution, how you restrain it. Power is what it is all about in the public arena. And you learn something out of the newspaper experience about the evil nature of man and the goodness that is there also.

In the mid-80's, the Kilpatricks departed Washington, moving to White Walnut Hill, near Scrabble, Va. After a decade and a half savoring the country life, they chose to set up housekeeping in Charleston. The Kilpatricks purchased their South Battery home on Monday, Sept. 18, 1989—three days before Hurricane Hugo had the bad taste to visit its wrath upon the Lowcountry.

LOVE OF LANGUAGE CONTINUES

Though buffeted by the winds which beset all writers, his love affair with language and the writing life never has waned. But little comes easy. As the later sportswriter Red Smith was wont to say, "There's nothing to writing. You just sit down behind a typewriter and open up a vein."

Kilpatrick chuckles, agrees.

"It comes hard. After I've done all the reading and research that needs to be done on a column, it will take me two hours to get those 750 words into this infernal machine. Then, if I have it, I'll spend another hour rewriting the damn thing. I'm so seldom satisfied with what I write. I labor over it. My goal is to produce one first-rate sentence a month."

The license plate on Kilpatrick's steel blue Mercedes, appropriately enough, bears the legend "OP ED." His columns appear in 510 newspapers, down slightly from the 550 of five years ago. But he is far and away the most widely read in the field, a fact which might engender delusions of grandeur in another.

"I hope I don't fall victim to hubris. I keep in mind that part of it is sheer economics; my copy is the cheapest they can buy. A small paper pays $5 a week for four columns of 750-800 words each. Not all the columns may be good ones. But I work at it. Don't ever let anyone tell you writing is easy. It's hard work, at least for me. I let the readership or the market determine whether or not I'm out of date."

Meantime, he's broken ground on a second edition of "The Writer's Art," which is scheduled for publication late next year or the spring of 1993.

In excellent health. Kilpatrick will indulge in a few toddies before dinner. But he's quit smoking—again. And he remembers the last puff: "Two in the afternoon, June 20, 1990."

A defender of good grammar, but by no means pedantic, Kilpatrick says he has offended some of the purist grammarians "with some of my cavalier views." Here is a fellow who appreciates the music of language, yet can exhort young writers, not without a wink, to: "Be murky clearly."

His own views are decidedly straightforward.

One Print vs. Electronic Media: "those of us in print journalism have at least a little more time. We have a greater capacity for the nuance, for exploring of a particular side, for the qualifying quote that makes all the difference sometimes. We have a great advantage in print, if we survive—and we will."

On Literature in Academe: "I see no reason why some works from other cultures and traditions can't be studied alongside the great works of Western Civilization. In fact, there are some in the canon of the great works of Western Civilization that I think would felicitously be dropped—some of those novels we all had to slug through in school."

On Myth-Making and History: "I'm concerned that in certain institutions of higher learning some of the key people are inventing 'comfortable myths' of history to help the self-esteem of minority groups—in the name of cultural pluralism and diversity. There is something to be said on both sides of this controversy. I expect that blacks probably have been the losers in most of the history written by the white Anglo-Saxon Protestant. But not as much as is now proclaimed.

"I believe that it would be desirable and honest to take a very critical look at aspects of our history that have been neglected in terms of women and minorities. At the same time you can go so far in that direction that you wind up with made-up revisionist history and comfortable myths. In some cases, there is no basis for it; it's all fabricated. And that damages the whole cause of history and certainly doesn't help minorities."

On Desert Storm: "We learned a lot about our new weapons systems, at relatively little loss of American lives and at relatively little expenditure of taxpayer money. You hate to say that this is one of the things we got out of Desert Storm. I don't know that we got much else out of it. Out of evil, good. But to say let's go kill 100,000 Iraqis just find out if a weapon works, you can't justify that morally.

"I was hoping that we would have contributed more toward stability in the Middle East, but this doesn't seem to be the case. And I haven't seen a great rush of the region's nations to our side, politically. But I'm still satisfied we did the right thing. We could not permit Saddam Hussein to get away with the rape of Kuwait. It would have invited similar adventures."

On Patriotism: "There was a good deal of instant or puffed-up patriotism during Desert Storm, but at bottom I believe it was sincere. And I'm not sure there was, or is, more than usual. Even if this is the case, then there is plenty of debunking going on. With every wind that blows, somebody is knocking our country one way or another: We are called the most violent nation on earth, we've got the worst drug problems, our rates of illegitimacy are terrible, Bush has neglected education and health care, the Congress is going to the bow-wows, the roads are crumbling, the infrastructure is blown to pieces. We don't lack for critics. And there is plenty to criticize which, like it or not, is the nature of news. However, I don't think we in the media do enough to talk about the good things.

"The good kind of patriotism can be manifested in all sorts of ways other than waving the flag. It's love of country and that can be shown just by a person trying to be a good citizen in a lot of little ways."

On Abortion: "I'm basically a freedom of choice person. I don't like the idea of access to abortion being easy, but the liberty clause of the Fourteenth Amendment and the Ninth Amendment provides the Constitutional foundation to say that one has the right to this. As a conservative, I object to the intrusion of the state in areas of our personal responsibility. A foundation of conservative thought is to keep government off our backs and out of our lives. I can not imagine a greater violation of conservative philosophy than the current 'conservative' position on abortion, which allows the state to intervene in this most intimate, difficult decision in a woman's life.

"I will defend the right of anti-abortionists to march in the streets, but when they start blocking entrances to these clinics and harassing these sad women going through such a traumatic experience and physically abusing the nurses and medical personnel, that's something else. Zealotry has an ugly face."

On Ronald Reagan: "He was always very kind to me and I have great affection for him. A fine person a wonderful guy. He was always an actor. He played the role of president and I don't mean that in any perjorative or critical sense at all. The notion that he was just some amiable dunce is one that should be put aside. He has a very capacious knowledge of government."

On USA Today: "I think the editors of USA Today have provided us with something to think about. I'll stick up for it. Obviously there are shortcomings, but it has pioneered in some areas and is widely emulated. On the other hand, it's never going to replace *The New York Times*."

On "Saturday Night Live": "I thought Dan Aykroyd's and Jane Curtin's stabs at Shana Alexander and me were funny. Shana enjoyed the send-ups of 'Point, Counterpoint' so much she taped them all. When she'd have a party at her home on Long Island, she put them in the tape player and entertained everyone."

On Exuberant Young Talents: "I sometimes wonder how much talent is there. In my book 'The Writer's Art' I recall Truman Capote's quote on Jack Kerouac's 'On the Road': 'That's not writing, that's typing.' Kerouac was an exuberant young talent, but who reads him now? The writers who have managed to last and were equal to the task bring some sense of discipline to it.

"Picasso, remember, did not proceed to break the rules until he had mastered them."•

THE NATIONAL LAW ENFORCEMENT OFFICERS MEMORIAL

• Mr. HOLLINGS. Mr. President, the Nation is at peace internationally, but a deadly, daily war continues within our own borders—the war against crime. The foot soldiers in this war are America's law enforcement officers, men and women who put their lives on the line, and who serve our country with no less valor and dedication than our soldiers who fight on foreign battlefields. Each year, hundreds of these law enforcement officers are wounded, disabled, or killed in the line of duty. It is a terrible toll—a risk which these men and women voluntarily expose themselves to as the price of ensuring our domestic tranquility.

It is entirely fitting that this city of Washington, with its many monuments to national heroes, yesterday dedicated a striking new memorial to our Nation's fallen police officers. The National Law Enforcement Memorial, located on Judiciary Square, includes the engraved names of 12,561 law enforcement officers killed in the line of duty.

Mr. President, the State of South Carolina is well represented on this monument of heroes. In this century alone, 161 South Carolina law enforcement officers have been killed in the line of duty. From my time as Lieutenant Governor, I have vivid memories of the tragic slaying of Highway Patrolman Harry Boyd Ray in 1958. More recently, in 1990, St. Stevens police officer Joshua Milligan was stabbed to death while attempting to arrest a suspect. And, in August of this year, police officer William J. Werner of Seneca was struck and killed by a suspect's car while he was manning a roadblock.

Mr. President, the National Law Enforcement Memorial is a proud and heroic monument—a fitting recognition of the courage and sacrifice of America's fallen law enforcement officers. It is a national memorial that is long overdue.•

NATIONAL RED RIBBON CAMPAIGN, STATE OF OREGON

• Mr. PACKWOOD. Mr. President, it is my pleasure to serve as honorary chairman of the National Red Ribbon Campaign for the State of Oregon. I only wish I were able to be at home to participate in the many activities planned for the 1991 Red Ribbon Week.

The 1991 theme, "Neighbors—Drug Free and Proud," embodies the essence of the force that will make this a drug-free society. Neighbor helping neighbor, friend helping friend, family helping family, community helping community. This is a battle that must be waged in the homes, in the streets, in the schools and in the workplace.

Mr. President, I commend the Oregon Federation of Parents for Drug Free Youth and Dr. Peter Kohler for their unending dedication and work to make Red Ribbon Week a success. It may be some time before we are truly a drug-free society, but due to the efforts of everyone involved, today we are one step closer. I sincerely believe that the solution to our Nation's drug problem will be achieved through the devotion and commitment embodied in National Red Ribbon Week.

To the Oregon Federation of Parents for Drug Free Youth, Dr. Kohler, and all courageous, involved, citizens, best wishes—and may we all be drug free and proud.•

MICHIGAN AVIATION HALL OF FAME

• Mr. LEVIN. Mr. President, Michigan has played a key role in the history of the aviation industry. Henry Ford and the Wright Brothers began the first aero club back in 1909 in Detroit. America's first commercial air service was launched in 1935, with flights from Detroit to Chicago. Michiganians have helped develop what has become an indispensible mode of transportation and national defense in the 20th century.

On Saturday, October 26, 1991, aviation enthusiasts will gather in Lansing to honor five pioneers in the field: Bill Boeing, founder of Boeing Airplane Co.; Robert Fuhrman, an aerospace engineer; Ann Pellegreno, a pilot; Michael Erard, a military pilot; and Alfred Verville, an airplane designer. They join such distinguished previous honorees as Talbert "Ted" Abrams, James A. McDivitt, Jack Lousma, Gen. Earl O'Loughlin, and Henry Ford.

The sponsoring organization—the Michigan Aviation Hall of Fame—is largely responsible for the long overdue recognition of the major place that Michigan holds in U.S. aviation history.

Thanks to the tireless efforts of its President, Herb Swan of Gaylord, MI, the hall of fame has been gathering and storing data and artifacts relating to Michigan's role in flight history.

And thanks to Herb Swan and an ever-expanding group of backers, the hall of fame will soon break ground for its long-awaited museum in Lansing. In addition to the actual exhibits, the museum will include a library, video theater, workshop and study area, conference room, and gift shop. Displays will include memorabilia from the armed services, space exploration, and airports; special exhibits will focus on current events and on women in aviation.

Herb and his friends have pushed and cajoled and, yes, pleaded their case: the collection and preservation of objects and artifacts relating to the proud history of Michigan aviation. The new museum undoubtedly will become a center for education and research; those who have backed its creation should take pride in their successful efforts to promote a sense of appreciation for the origins and growth of the industry and Michigan's contributions to aviation in America.

Mr. President, I salute Herb Swan, the hall of fame's board of directors, and all those who have supported their endeavors. I look forward to the continued growth and success of the Michigan Aviation Hall of Fame.•

ST. MARY ACADEMY-BAY VIEW, 1990-91 BLUE RIBBON SCHOOL

• Mr. PELL. Mr. President, as chairman of the Senate Subcommittee on Education, Arts, and Humanities, it is an honor and a privilege to offer my congratulations to St. Mary Academy-Bay View on being named a 1990-91 Blue Ribbon School.

This is indeed a very significant award. Only those schools which meet the most rigorous standards of achievement and excellence are named Blue Ribbon Schools. In fact, less than one-half of 1 percent of all our Nation's schools receive the Blue Ribbon Schools Award. It is the highest honor bestowed by the Department of Education and was created to recognize outstanding public and private elementary and secondary schools across the United States that are unusually effective in meeting national education goals.

While much is learned at the St. Mary Academy-Bay View, certainly, much can be learned from them.

At Bay View, Sister Maureen McElroy has fostered an environment where students are encouraged to realize their potential both inside and outside of the classroom. Students take part in community service activities with faculty guidance. Local business leaders participate in a career awareness program that introduces students to the demands of the work world. St. Mary Academy-Bay View sends 94 percent of its students on to higher education, an impressive record for all our schools to reach.

Mr. President, the importance of a well-trained mind can never be overstated, no matter how often we speak of education, no matter how much we do to improve our schools.

I remind the students of St. Mary Academy-Bay View and my colleagues here in the Senate of the eloquent words of Joseph Addison:

> Education is a companion which no misfortune can depress, no crime can destroy, no enemy can alienate, no despotism can enslave, at home a friend, abroad an introduction, in solitude solace, and in society an ornament. It chastens vice and guides virtue.

St. Mary Academy-Bay View exemplifies the high standard of educational excellence upon which our Nation so critically depends. I congratulate all the people of the St. Mary Academy-Bay View community for the shining contribution they have made to our national wealth. They have brought honor and distinction to their community and to our State. I have said many, many times that our real wealth as a nation is measured by the sum total of the education and character of our people. I urge them to continue to work hard to maintain the fine standard they have set and, once again, express my heartfelt congratulations for a recognition well earned.•

REFERRAL OF SENATE RESOLUTION 198

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Rules Committee be discharged from further consideration of Senate Resolution 198, and it be referred to the Committee on Foreign Relations.

The PRESIDING OFFICER. Without objection, it is so ordered.

POWER OF INDIAN TRIBES TO EXERCISE CRIMINAL JURISDICTION OVER INDIANS—CONFERENCE REPORT

Mr. MITCHELL. Mr. President, I submit a report of the committee of conference on H.R. 972 and ask for its immediate consideration.

The PRESIDING OFFICER. The report will be stated.

The legislative clerk read as follows:

> The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 972) to make permanent the legislative reinstatement, following the decision of Duro against Reina (58 U.S.L.W. 4643, May 29, 1990), of the power of Indian tribes to exercise criminal jurisdiction over Indians, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by a majority of the conferees.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the conference report.

(The conference report will be printed in the House proceedings of the RECORD.)

Mr. GORTON. Mr. President, I will speak briefly about why I decided to allow the permanent extension of the Duro overturn to pass in spite of strong reservations regarding what I believe are inadequate civil rights protections for Native Americans on this country's Indian reservations.

My colleagues in the Senate are probably not aware of the long bipartisan battle which I waged with several other Senators against making permanent the Duro versus Reina Supreme Court decision overturn. As a group, we are concerned that a series of Supreme Court decisions have had the effect of creating a class of Americans who do not possess full constitutional protections in every corner of this country. We believed that the only leverage we had in this battle was the Duro legislation, and we were right.

I do not want to go too far into the complexities of the issue and the different twists and turns of negotiations with members of the Senate Select Committee on Indian Affairs. Suffice to say, however, because of my work and the work of the other Senators, we have an agreement to fully examine the issue of tribal sovereignty, tribal courts, and Federal review of Indian civil rights claims from the chairman of the select committee, Senator INOUYE.

Mr. President, I know that Senator INOUYE will hold these hearings to honestly examine this issue. In my view, these hearings will prove enlightening to my colleagues in the House and the Senate. I foresee a new understanding and sensitivity to the problems caused by the lack of adequate constitutional protection for all Indians on reservations as a result of these hearings.

Mr. President, I would be remiss if I did not mention the critical advice that I received on this issue from my friend and distinguished colleague, Senator JOHN MCCAIN. I credit Senator MCCAIN with providing me crucial insight into the necessity of preventing a criminal misdemeanor jurisdictional void from being recreated on reservations throughout this country. It was primarily Senator MCCAIN's advice and counsel, as well as his willingness to stick by a commitment, which persuaded me to agree to the permanent overturn.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The conference report was agreed to.

Mr. MITCHELL. Mr. President, I move to reconsider the vote by which the conference report was agreed to.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

PUBLICATION OF PROCEDURAL RULES OF THE SENATE SELECT COMMITTEE ON POW/MIA AFFAIRS

Mr. MITCHELL. Mr. President, in conjunction with the report of Senate Resolution 185, and on behalf of the distinguished Senator from Massachusetts [Mr. KERRY] and the distinguished Senator from New Hampshire [Mr. SMITH] I would like to propound a unanimous-consent request relating to the publication of the procedural rules of the Senate Select Committee on POW/MIA Affairs in the CONGRESSIONAL RECORD.

Although the Senate established the select committee on August 2, 1991, the Senate acted upon the resolution to fund the committee's operations and to delineate further the committee's powers. I, therefore, ask unanimous consent that notwithstanding Senate rule XXVI the Select Committee on POW/MIA Affairs be provided a period of 15 calendar days from the date of the Senate's agreement to this resolution within which to publish its rules of procedure in the CONGRESSIONAL RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FORD. Mr. President, on Wednesday, the Senate agreed to Senate Resolution 185, as amended, which provides for expenses and supplemental authority of the Select Committee on POW/MIA Affairs. The select committee ordered favorably reported on September 25, 1991, Senate Resolution 185, an original resolution requesting $2,615,887 in operating expenses. The Committee on Rules and Administration at its markup on October 3, 1991, reported favorably an amendment in the nature of a substitute to Senate Resolution 185, reducing the funding to $1.9 million for the authorized life of the select committee which will end January 2, 1993. This amendment has been agreed to by both Senate leaders, as well as the chairman and vice chairman of the select committee, and keeps the authorization amount in line with funding for other committees.

Mr. President, Senate Resolution 185, as amended also provides separate authorized amounts for each funding period consistent with other committees of the Senate. In the same manner, unused surplus carryover funds are authorized through September 1992.

This substitute resolution also provides that the majority and minority leaders will be ex-officio members of the select committee. In view of the nature of its mission and the sensitivity of much of the information it will deal with, the amendment includes provisions to conform the committee's operations, and specifically its handling of classified information, in accordance with Senate Resolution 400. both of these provisions are consistent with the Select Committee on Intelligence.

Any foreign travel by select committee members and staff shall be deemed to be on behalf of the Senate and will require leadership authorization consistent with section 4(2)(A) of Senate Resolution 179, agreed to May 25, 1977.

Finally, Mr. President, the select committee will be authorized to use staff from other committees and to pay for travel expenses of such staff, but will not be permitted to reimburse the salaries of such borrowed staff.

COMMENDING THE PEOPLE OF MONGOLIA ON THEIR FIRST MULTIPARTY ELECTIONS

Mr. MITCHELL. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on Senate Concurrent Resolution 21.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the resolution from the Senate (S. Con. Res. 21) entitled "Concurrent resolution commending the people of Mongolia on their first multiparty elections", do pass with the following amendment:

page 1, in the penultimate clause of the preamble, after "reform", insert "and the Executive Branch has responded by providing development and food assistance for fiscal year 1991 and has proposed similar assistance for fiscal year 1992".

Mr. MITCHELL. Mr. President, I move the Senate concur in the House amendment.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

Mr. MITCHELL. Mr. President, I move to reconsider the Senate's action in concurring with the House amendment.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

THE CIVIL RIGHTS ACT OF 1991

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 236, S. 1745, the Civil Rights Act of 1991.

Mr. DOLE. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

CLOTURE MOTION

Mr. MITCHELL. Mr. President, I now move to proceed to Calendar No. 236, S. 1745, and I send to the desk a cloture motion.

The PRESIDING OFFICER. The clerk will report the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to the consideration of S. 1745, a bill to amend the Civil Rights Act of 1964:

Paul Simon, Paul Wellstone, Joe Biden, Bob Graham, Claiborne Pell, Wendell Ford, Paul Sarbanes, Richard H. Bryan, Christopher Dodd, Bill Bradley, Joseph Lieberman, Edward M. Kennedy, Don Riegle, Al Gore, Terry Sanford, John D. Rockefeller IV.

Mr. MITCHELL. Mr. President, I now withdraw the motion to proceed.

The PRESIDING OFFICER. The motion is withdrawn.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the cloture vote on the motion I have just filed occur at a time to be determined by the majority leader after consultation with the Republican leader, and that the mandatory live quorum be waived.

The PRESIDING OFFICER. Is there objection? The Chair hears none. It is so ordered.

Mr. MITCHELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

FEDERAL FACILITIES COMPLIANCE ACT

Mr. MITCHELL. Mr. President, I ask unanimous consent that S. 596 be laid aside to reoccur at 2:15 p.m. on Tuesday, October 22; and I further ask unanimous consent that, when the Senate resumes consideration of S. 596, the only amendments that remain in order be the following: managers agreement on technical amendments; a Wirth amendment re: energy efficiency; and relevant second-degree amendments to the Wirth amendment; and amendments dealing with the subject of the unauthorized release of confidential Senate documents.

Mr. DOLE. Mr. President, reserving the right to object, I will not object for the time being. That would be any unrestricted number of second-degree amendments though we hope we could restrain that on Tuesday; is that correct?

Mr. MITCHELL. That is correct.

Our private discussions have centered on—in the event we cannot reach agreement, which I believe we can—that Senator SEYMOUR would offer his amendment to the bill which would then be pending. I would then offer a second-degree amendment which would be broader in scope, and we would then decide on those and then proceed to disposition of the bill.

That is not required under this. But we have agreed that we cannot clear that now with our respective colleagues, and we will attempt to do that between now and Tuesday when this matter occurs.

The PRESIDING OFFICER. The Chair in his role as a Senator from Colorado would like to reserve the right to object and request that the distinguished majority leader include in his unanimous-consent request a description of the Wirth amendment, a printing of the Wirth amendment in the RECORD at this point, and I will not object.

Mr. MITCHELL. I so modify my request.

There being no objection, the amendment was ordered to be printed in the RECORD, as follows:

(Purpose: To direct the Architect of the Capitol to pursue recycling of materials and cost-effective energy efficiency)

On page 6 after line 12, insert the following new sections:

SEC. 5. ENERGY MANAGEMENT REQUIREMENTS FOR CONGRESSIONAL BUILDINGS.

(a) IN GENERAL.—The Architect of the Capitol shall undertake a program of analysis and retrofit of the Capitol Buildings, the Senate Office Buildings, the House Office Buildings, and the Capitol Grounds as described in subsection (b).

(b) PROGRAM. —

(1) LIGHTING.—Not later than 18 months after the date of enactment of this Act, the Architect of the Capitol shall, to the maximum extent practicable, replace in each building described in subsection (a) all inefficient office and general use area fluorescent lighting systems with systems that incorporate the best available design and technology and that have payback periods of 10 years or less. The Architect shall also, wherever practicable in office and general use areas, replace incandescent lighting with efficient fluorescent lighting.

(2) REPORT.—Not later than 6 months after the date of enactment of this Act, the Architect shall submit to the Speaker of the House of Representatives and the President Pro Tempore of the Senate a report evaluating potential energy conservation measures in each building described in subsection (a) in the areas of heating, ventilation, air conditioning equipment, insulation, windows, domestic hot water, food service equipment, and automatic control equipment. The report shall detail the projected installation cost, energy and cost savings, and payback period of each energy conservation measure.

(3) IMPLEMENTATION PLAN.—

(A) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Architect shall issue an implementation plan for the installation of all energy conservation measures identified in paragraph (2) with payback periods of less than 10 years.

(B) INSTALLATION.—The plan shall provide for the installation of the measures described in subparagraph (A) not later than 6 years after the date of enactment of this Act.

• Mr. WIRTH. Mr. President, my efforts concerning the conservation of energy in Senate buildings began more than 4 years ago, when I was chairing an energy efficiency hearing of the Energy Committee. One of our witnesses pointed out that the lights in the hearing room were extremely inefficient and, like most of the Senate buildings, could be made much more efficient, set an example, and save money for the taxpayer.

I asked the witness if he would help, and before long we assembled a task force of lighting experts to examine the Senate system and make recommendations. For much of the next 2 years we attempted to persuade the relevant authorities that the Senate had a problem, that it would be fixed, and how. After a good deal of work, and more persuasion, we finally were able to convince the building authorities of what could be done, and about 6 months later, energy efficient lighting was installed in my office and that of Congresswoman Schneider of Rhode Island. It has been in place for a year and is working fine.

These fixtures use 30 percent less energy than before. If installed in the Russell Building alone, we could save a minimum of $65,000 per year; across the Capitol complex, more than half a million dollars—savings for doing what we ought to do anyway.

There are a number of very simple measures by which we can save energy in lighting. We could replace many of the electronic starters—ballasts—that are part of every fluorescent light fixture. The vast majority of the fluorescent lights in the Capitol buildings use inexpensive, but inefficient, ballasts. Longer lasting solid-state starters use far less electricity and are far more cost-efficient.

We could use more efficient light bulbs. The energy-efficient fluorescent light bulbs in my own offices produce as much light from three bulbs as standard bulbs do with four.

We can, in many instances, replace incandescent lights in lamps and for area lighting with fluorescent lights, which use far less energy.

And I have no doubt that more modern thermostat control systems for our heating and cooling could save us an enormous amount of energy, and money, and that there are many similar opportunities for us to increase the efficiency of all the ways we use energy in the Congress.

My amendment requires the Architect of the Capitol:

First, to update all lighting fixtures within the congressional complex with highly efficient, modern lighting units.

Second, to study and report back to Congress within 6 months on other energy conservation measures with a pay back period of less than 10 years. These measures include improvements in heating, ventilation, air conditioning, insulation, and windows. The amendment also requires the Architect to provide an implementation plan and to make these improvements within 6 years.

Third, to devise and implement a comprehensive recycling plan for all areas under control of the Architect of the Capitol including white paper, cans, glass, and newsprint.

My amendment calls for efficiency throughout Congress—and more. Why not be much more careful about our heating and air conditioning, with a significant demand-side management program? We ask the country to do this—where are we?

Mr. President, the Congress has to take many steps to get back in step with the American people, with what we ask of the people, and with what they expect of us. This is a small step, but an important one. I was pleased that the Senate earlier accepted strong recycling language. Now let us get on to energy.•

The PRESIDING OFFICER. Is there objection to the unanimous-consent request? The Chair hears none. It is so ordered.

ORDERS FOR FRIDAY, OCTOBER 18 AND TUESDAY, OCTOBER 22, 1991

Mr. MITCHELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 10 a.m. on Friday, October 18; that on Friday, the Senate convene for a pro forma session only; that when the pro forma session closes, the Senate stand in recess until 10:30 a.m. on Tuesday, October 22; that on Tuesday, October 22, following the prayer, the Journal of the proceedings be deemed approved to date; and following the time for the two leaders, there be a period for morning business not to extend beyond 12:30 p.m. with Senators permitted to speak therein for up to 10 minutes each; that the Senate stand in recess from 12:30 to 2:15 in order to accommodate the respective party conferences.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL TOMORROW AT 10 A.M.

Mr. MITCHELL. Mr. President, if there is no further business to come before the Senate today, I now ask unanimous consent that the Senate stand in recess as previously ordered until 10 a.m. on Friday, October 18.

There being no objection, the Senate, at 9:47 p.m., recessed until Friday, October 18, 1991, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate October 17, 1991:

FEDERAL RESERVE SYSTEM

ALAN GREENSPAN, OF NEW YORK, TO BE CHAIRMAN OF THE BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM FOR A TERM OF 4 YEARS, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

FORD BARNEY FORD, OF VIRGINIA, TO BE A MEMBER OF THE FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION FOR A TERM OF 6 YEARS EXPIRING AUGUST 30, 1996 (REAPPOINTMENT), TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

U.S. POSTAL SERVICE

THE FOLLOWING NAMED PERSONS TO BE GOVERNORS OF THE U.S. POSTAL SERVICE:

TIRSO DEL JUNCO, OF CALIFORNIA, FOR THE TERM EXPIRING DECEMBER 8, 1999, VICE IRA D. HALL, JR., TERM EXPIRED.

INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT

PIESTWA ROBER HAROLD AMES, OF CALIFORNIA, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT FOR A TERM EXPIRING OCTOBER 18, 1996, VICE HERMAN AGOYO, TERM EXPIRED.

CONFIRMATION

Executive Nomination Confirmed by the Senate October 17, 1991:

DEPARTMENT OF ENERGY

THE FOLLOWING-NAMED PERSONS TO BE MEMBERS OF THE FEDERAL ENERGY REGULATORY COMMISSION:

ELIZABETH ANNE MOLER, OF VIRGINIA, FOR THE TERM EXPIRING JUNE 30, 1994. (REAPPOINTMENT)

BRANKO TERZIC, OF WISCONSIN, FOR THE TERM EXPIRING JUNE 30, 1995. (REAPPOINTMENT)

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

HOUSE OF REPRESENTATIVES—*Thursday, October 17, 1991*

The House met at 10 a.m.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

As we give thanks for this new day, O God, we pray that we will gain discernment in what is important in our lives and what is transient, between what is indispensable and what is only interesting, between what is essential and what is superfluous. Grant each of us the wisdom to understand the great gifts of life and to be filled with concern for those essentials of faith and hope and love that make us truly human and truly responsible. In Your name, we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. The Chair will ask the gentleman from South Carolina [Mr. TALLON] if he would kindly come forward and lead the membership in the Pledge of Allegiance.

Mr. TALLON led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will receive 1-minute requests but not to exceed 10 requests on each side.

EXTENDING DEEPEST SYMPATHY TO KILLEEN, TX

(Mr. MAZZOLI asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. MAZZOLI. Mr. Speaker, I am sure that today I am not the only person who will address comments to the terrible carnage which took place in Killeen, TX, yesterday.

In some respects, those of us from Louisville and Jefferson County are particularly sympathetic and extend particularly deep senses of sympathy to the survivors and loved ones of the people killed and wounded in that shooting spree, because slightly over 2 years ago in Louisville, within a few feet of the Federal Building where my office is, a man, a demented person, using an AK-47, shot the place up, his former employment area, killed eight people, wounded many people, then killed himself.

Mr. Speaker, today we will have an opportunity to do something about these killings. There will be an amendment offered later today to strike from the crime bill a section which bans the manufacture, sale, and importation of 13 kinds of semiautomatic assault weapons. I urge my colleagues to vote against the amendment.

I only say to my colleagues that I realize the difficulty of the issue, but we have before us an opportunity to do something good for America and to save lives in the process.

JAMES MADISON AND THE OCTOBER SURPRISE

(Mr. STEARNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEARNS. Mr. Speaker, James Madison wrote: "The essence of Government is power; and power, lodged as it must be in human hands, will ever be liable to abuse."

One of the reasons we were sent here, Mr. Speaker, is to do all we can to stop abuses of power.

One way we can do that is by making certain that the great power entrusted to us is not bent to the use of any faction or ideology.

That is why I am so concerned about the fact we will have an investigation of the October surprise charges in the House.

These charges are clearly partisan in origin. The original newspaper article by Gary Sick, former staff aide to President Jimmy Carter, led directly to the investigation.

Let me ask you a question, Mr. Speaker: Do you believe that if similar charges were leveled by the Republican right against a Democratic Party Presidential nominee, we would be holding an investigation?

This October surprise investigation is not one of our brightest ideas, especially in light of the public's revulsion against the excesses we saw on television during Judge Clarence Thomas' ordeal.

IT IS TIME TO TAKE CARE OF OUR OWN

(Mr. DORGAN of North Dakota asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DORGAN of North Dakota. Mr. Speaker, Will Rogers once said that when there is no place left to spit, you either have to swallow your tobacco juice or change with the times.

The President again yesterday demonstrated that he is unwilling and unable to change with the times. He vetoed the bill to provide extended unemployment benefits to those folks who have lost their jobs in a recession and cannot find another.

Frankly, I think the President's priorities are out of line. He said yesterday, again, "Let us give the rich another big tax cut." He also is setting an international travel record hauling American tax dollars around the world to those that ask for help.

I think the President is wrong. I think it is time for us to do what we need to do for families here at home.

We do not need more tax cuts for the rich. We do not need more foreign aid. We need to say to those families who have lost their job in a recession and cannot find another that we are willing to help.

It is time to take care of our own.

RESIGNATION AS MEMBER AND ELECTION AS MEMBER OF COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION

The SPEAKER pro tempore (Mr. MAZZOLI) laid before the House the following resignation as a member of the Committee on Public Works and Transportation:

HOUSE OF REPRESENTATIVES,
Washington, DC, October 17, 1991.

Hon. THOMAS FOLEY
Speaker of the U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: I hereby resign my seat on the Committee on Public Works and Transportation.

Very truly yours,

FRED UPTON,
Member of Congress.

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

Mr. LEWIS of California. Mr. Speaker, by direction of the minority leader, I call up a privileged resolution (H. Res. 249) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 249

Resolved, That Mr. Gillmor of Ohio be, and he is hereby, elected to the Committee on Public Works and Transportation.

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

The resolution was agreed to.

A motion to reconsider was laid on the table.

STOP THE TOMFOOLERY

(Mr. GEKAS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GEKAS. Mr. Speaker, I am greatly surprised by the October surprise that is about to surprise the House.

This investigation is based, as has been said, on a newspaper or media report about a possible implication of the Reagan and Bush campaign with Iran in 1980.

Why not investigate the Kennedy Presidency connection with the Mafia, or the Jimmy Carter briefing-book idea, or how about George Washington's finances during the Valley Forge incident? And how about the funeral, or the assassination of, as alleged, of Zachary Taylor?

We can do all kinds of investigations in this House. All of them would be making waste of the taxpayers' money and laying us open for more ridicule at the hands of the American public.

Let us stop this tomfoolery. We are going to have a conspiracy on every corner of this Capitol, and there is not enough money in the whole world to finance October surprises.

□ 1010

WINTER OF THEIR DISCONTENT

(Mr. RHODES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RHODES. Mr. Speaker, the leaves are falling, the days are getting shorter, and the wind has got a sharper bite to it. October is here. And the Congress is launching an investigation of the so-called October surprise.

The October surprise task force is supposed to investigate charges that the Reagan campaign fiendishly delayed the release of the American hostages held in Iran.

These charges come from sources whose integrity is questionable, if not doubtful.

The American people demand action on the crime and highway bills. And the Democrats spend their time chasing down wild rumors and erroneous allegations about the Reagan campaign.

The surprise of October will be the frustrated response of the American people who are tired of the misplaced priorities of the Congress. As the wasteful October surprise investigation drones on through the winter, the public will be further convinced that Congress cannot effectively address their real concerns. For the American people, the October surprise is just the first sign that this will be the winter of their discontent.

HEALTH CARE SIRENS

(Mr. DOOLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DOOLEY. Mr. Speaker, sirens are going off all over this country about the sorry state of health care, but the Bush White House has not heard a thing.

Is it any wonder that every major health care proposal currently being debated has been introduced by Democrats?

Senior citizens, business, labor, doctors, and other health care professionals—all have turned to the Democrats in Congress to get something done. They know that domestic issues are foreign at the White House.

This week, a coalition of 285 business groups joined the health care debate. They are working with Chairman ROSTENKOWSKI and Senator BENTSEN to address some of their stated goals.

That's a positive step if we are to rework our health care system so that it helps all Americans.

It is time the Bush White House got engaged on this issue and started listening. Americans are crying for help.

HEALTH CARE CRISIS

(Mr. HASTERT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HASTERT. Mr. Speaker, we just heard the previous speaker talk about health care in this country. We certainly have seen proposals by the Democrat Members of this Congress. We have seen a proposal by the gentleman from Illinois [Mr. RUSSO] that says we adopt a one-payer provider care program in this country. It happens to cover a lot of people, but it also happens to raise taxes. It raises taxes on individuals 34 percent. It also happens to raise taxes on corporations 34 percent. It also happens to leave a $100 billion deficit at the end of the fiscal year.

Yes, I think we need to look at health care. We need to look at reasonable ways to address health care in this country. But one thing we need not do is tax the American people to death.

A LETTER FROM AN UNEMPLOYED CONSTITUENT

Mr. SMITH of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Florida. Mr. Speaker, a letter from an unemployed constituent in Miramar, FL.

> I've been working since I was 12 years old. I delivered newspapers for the Miami Herald. I've been working my whole life and I've never run into a problem like this in my whole life.
>
> I've been married for 12 years, I have a boy 10 years old and my daughter's 5, they both are in school. I've been unemployed since June 7. I am a union member.
>
> Now I've been out of work since June 7 and my unemployment is getting ready to run out anyday. What am I supposed to do? I am the sole supporter of my home.
>
> I go to the union hall everyday and there's no work not even residential which is only $10 dollars an hour—there's none of that.
>
> And all that unemployment tax money—the federal tax money—I was wondering what they're doing with all that money and I don't know what to do.
>
> The President vetoed it and said it would cost too much.
>
> The unemployment fund I've paying into since I was a kid and now when I need it it's not available.
>
> If I was a single person, if I wasn't trying to raise a family, I wouldn't care. I've trying to raise a family and put a roof over their head and send them to school to get an education.
>
> Here I am 35 years old and this happens.
>
> I've never experienced this before—I can't even afford the insurance on my vehicle so I had to turn the tags in on my car.
>
> I had to cut everything back to the bare necessities.
>
> And I can't even afford a vehicle to look for work.
>
> The President wants to give money to other countries to help get them through the winter but what about people like us who have been working our whole life?—since I was in 7th grade—here I am 35 years old—my kids are one quarter of the way grown and there is no work or anything.

Mr. Speaker, a powerful message to the President of the United States. Stop playing God with people's lives in this country. Let us get an unemployment bill signed.

RETURN TO "THE THRILLING DAYS OF YESTERYEAR"

(Mr. COX of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COX of California. Mr. Speaker, we all remember the words of the announcer of the Lone Ranger show: "Return with us now to those thrilling days of yesteryear."

It appears that the liberal majority is about to do just that. How else can we explain the fact that they are apparently taking seriously their looney tunes conspiracy they call the October surprise.

A return to history can be a useful thing if we learn from it. But it appears that the leftwing in this body has not learned much at all about history. They still do not recognize the legitimacy of Ronald Reagan as President of the United States. They see that his great Presidency represented a rejection by the American people of their leftwing ideas.

So the leftwing in this body cannot admit that President Reagan's ideas were popular. Instead, the Reagan Presidency must have been caused by some great conspiracy.

As a Republican, I hope the majority continues with this ridiculous notion, because it will only serve to further embarrass them in the eyes of the American people. But as a Member of this House, I wish that we would get down to serious business.

Mr. Speaker, why are we rerunning the election of 1980 when there is so much to do in 1991?

EXTENDING UNEMPLOYMENT COMPENSATION BENEFITS

(Mr. DURBIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DURBIN. Mr. Speaker, I was very disappointed with yesterday's failed vote in the other body to override the President's veto of a bill to extend unemployment benefits. How can we possibly explain this to the millions of unemployed Americans who have exhausted their unemployment benefits?

Here is a letter that I have just received from one of my constituents. He writes to me:

> I was laid off on July 1 and, while I am hopeful of returning to employment soon, I am only too painfully aware of the tightness of the present job market. I found out in late February that I was to be laid off. Three hundred plus résumés and applications and five months later, I am still looking for a new job.

What we face with this vote is whether or not people just like this gentleman face the prospect of turning to welfare as opposed to staying on unemployment benefits.

The House of Representatives and the Senate have passed a bill extending unemployment benefits twice, extending dignity to the unemployed Americans who are caught in this situation, and twice President Bush has vetoed that bill. We have to revisit this issue. We cannot leave it in this situation. We have to give to these unemployed Americans the same compassion which we are extending to nations around the world.

If we can spend millions of dollars to help them back on their feet, let us spend money to help Americans back on their feet, too.

WATERED DOWN DEMOCRAT CRIME BILL

(Mr. ZELIFF asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ZELIFF. Mr. Speaker, enough is enough. Today we debate the watered down Democrats version of the President's crime bill. A bill that guts the most important crime control measures that the President seeks, and which conservatives in the House have sought for years.

The Supreme Court has been pleading with Congress for years to put the brakes on the constant flow of special appeals filed and refiled by prisoners who have already gone through the normal appeals process. The President, and Republicans here in the House, have come up with a plan to do this. It eliminates special appeals 6 months after exhausting the normal appeals process, unless a prisoner can show a violation of State or constitutional law, can rely on a new right, or can produce new evidence. It is a tough standard that will keep frivolous appeals out of our overburdened courts, but allow reconsideration of genuinely questionable convictions.

The new limits proposed in the committee crime bill bends so far over backward to keep from convicting someone of a crime prematurely that a court can never throw the book at really bad offenders because the book is almost never finally closed.

Guilty people should go to jail, innocent people should be exonerated, and victims should be protected by laws that work. Too often, liberals seem fixated on making sure that guilty people go free if an "i" is not dotted or a "t" crossed. Never mind who was killed, raped, or robbed.

Let us pass tough language, like the President recommended, to limit these special appeals and reduce the already overwhelming burden on the Supreme Court.

FAILING AMERICAN AUTO INDUSTRY

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, in 1986 Detroit sold 16 million cars. In 1990 Detroit sold only 12.5 million cars. There was a 21-percent drop in American-made cars. To boot, now Japan has 30 percent of America's car markets.

□ 1020

What bothers me, Japan only gives a 2-percent opportunity for our cars in their marketplace.

Mr. Speaker, the truth is Japan keeps Detroit out and America keeps the doors wide open for Japan. Meanwhile we are going bankrupt and Congress will do nothing about Japanese illegal trades

Mr. Speaker, what has happened to the Democrat Party? We are debating unemployment benefits on the floor, but we allow the Japanese to come in here, take our marketplace, take our jobs, and we call it free trade.

Mr. Speaker, I think the Democrat Party better take a look at its roots.

ACCEPT NO SUBSTITUTE

(Mr. EWING asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EWING. Mr. Speaker, accept no substitute. The amendment to be offered by my colleague, BILL MCCOLLUM, on the exclusionary rule will be the only true reform of this rule.

Nothing frustrates the public more than when a hardened criminal gets out of jail because of a legal technicality.

The means streets of the city turn that much meaner when a known criminal is unleashed on our society, because a defense lawyer is able to find a glitch in the law.

Excluding evidence obtained through the good-faith efforts of a police officer is not only counter-productive, it is stupid.

Do not be fooled by substitute amendments that are soft on crime. No effective substitute to the McCollum amendment has been offered or is pending. Only McCollum offers the best hope for an improved criminal justice system.

Let us close the legal loopholes. Adopt the McCollum amendment, reform the exclusionary rule, and let the police officers do their job.

There is no substitute for effective crime control.

COST-OF-LIVING INCREASE FOR DISABLED VETERANS

(Mr. APPLEGATE asked and was given permission to address the House for 1 minute.)

Mr. APPLEGATE. Mr. Speaker, the cost-of-living increase for disabled veterans and surviving spouses has to be passed as soon as possible. Last year Congress delayed it for 2 months because of inter-House squabbling and bickering.

Now this year we passed that out of this House on July 29, but again it languishes in the other body. I am calling upon the leadership of both the House and the Senate not to allow this to happen again to our veterans.

Secretary Derwinski said that if this is not passed by next week, disabled veterans and surviving spouses are going to have to wait again until February.

Now, there is no rhyme or reason why our veterans should have to wait. They have earned this. Veterans are looking to us for responsible leadership. I think it is time that we gave them some for a change.

THE CRIME BILL

(Mr. INHOFE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. INHOFE. Mr. Speaker, to follow up on what the gentleman from New Hampshire said, I think the gentleman is right on target. We are starting the second day of debate on the omnibus crime bill in this body. Since we started this debate, 60 people have been murdered, 264 women have been forcibly raped. There have been over 15 robberies that have taken place.

And what are we doing in our liberal infinite wisdom in this institution? We are allowing endless appeals to take place. We are trying to put racial quotas on death row. We are weakening the death penalty, and at the same time we are rendering our citizenry, the honest citizenry in this country, defenseless by taking away their only means of defense.

I think the underlying problem has not really been stated here, but it needs to be stated, and that is that the majority of people in this body do not really believe that punishment is a deterrent to crime.

I would suggest, Mr. Speaker, that the entire Congress go out to Oklahoma, spend a day, talk to real people and come back and pass a bill that punishes people for committing crimes.

MEANINGFUL HABEAS REFORM

(Mr. SARPALIUS asked and was given permission to address the House for 1 minute.)

Mr. SARPALIUS. Mr. Speaker, I have heard loud and clear from my constituents about the need for reform of our criminal justice system. Just yesterday I discussed with the district attorney, Danny Hill, from my home town of Amarillo, about the brutal murder that occurred in Amarillo nearly a decade ago.

On Halloween night, 1982, Johnny Frank Garrett broke into a convent and proceeded to attack a nun, Sister Tedia Benz, a saintly woman 72 years old. Garrett brutally beat, stabbed, raped and then strangled to death this innocent nun. He later admitted that during this brutal beating, she was repeatedly reciting the Lord's Prayer.

Garrett was brought to justice under what criminal system that we have today, or what justice system we have. He was convicted and put on death row.

Well, 9 years have passed since this vicious killer killed this innocent woman. Garrett may not be an expert killer, but he has become an expert in dodging the criminal system that we have today.

Mr. Speaker, I urge my colleagues to support the Hyde amendment, an amendment that truly would take people like Johnny Frank Garrett and give him the punishment that he justly deserves.

TREMENDOUS ECONOMIC CHALLENGES FACING OUR COUNTRY

(Mr. ROTH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROTH. Mr. Speaker, there is good news out of Europe today for our country. Germany and France have told us today that they are going to be establishing a continental army and they do not need us anymore. This should be good news for the Congress, for the administration and for the American taxpayer.

At a time when our defense budget is $300 billion and half of that, $150 billion, goes to defend Europe, I think it is time that we rethink our priorities.

Now, $1 out of every $5 that this Congress spends is borrowed money, money that our children will have to pay.

Now is the time to get in step with the modern world. We are confronted today, not by military challenges, but by tremendous economic challenges.

In just a few days we will be celebrating the 50th anniversary of Pearl Harbor. We are as ill-prepared today in this country to meet the economic challenges as we were 50 years ago to meet the military challenge.

So now it is time for us to get in step for the 1990's and the 21st century so that America can meet the economic challenges and keep America in the 1990's and in the 21st century as the premier country in the world.

IN MEMORY OF TENNESSEE ERNIE FORD

(Mr. CLEMENT asked and was given permission to address the House for 1 minute.)

Mr. CLEMENT. Mr. Speaker, this morning, the country music family lost a very valued member.

Tennessee Ernie Ford died of a liver ailment at a nearby Reston, VA, hospital.

Known affectionately as "The Ol Pea-Picker" and "Ol Ern," Ford recorded more than 80 albums during a singing career of more than 40 years. He was especially known for his gospel music. One of his recordings, "Sixteen Tons" sold more than 20 million copies worldwide since its release in 1955. The song is a tribute to blue-collar workers, especially coal miners, with lines like "I owe my soul to the company store," and "Another day older and deeper in debt."

Born in Bristol, TN, Ford began his career as a radio announcer for $10 a week. He also worked at stations in San Bernardino, Knoxville, Atlanta, and Pasadena.

He studied voice at the Cincinnati Conservatory of Music, and after serving in World War II as an Army bomber pilot, he was signed by Capitol Records in 1949.

A favorite of fans and fellow artists, Tennessee Ernie Ford will be sorely missed. His bass voice and dramatic singing style are cherished memories.

Mr. Speaker, on behalf of country fans and his fellow citizens, and I know in my family, in the Clement family, he was a very close personal friend of ours and visited with us in Nashville. We convey our condolences to his wife and sons, Brian and Buck.

INTRODUCTION OF BILL TO FULLY FUND 20-WEEK UNEMPLOYMENT EXTENSION

(Mr. TAYLOR of North Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TAYLOR of North Carolina. Mr. Speaker, yesterday the Senate sustained the veto of a bill calling for a 20-week extension of unemployment benefits. While the main thrust of Congress should be fostering an environment for job creation, I am offering a bill that would—unlike all other proposals—fully fund the 20-week extension.

The funds would come first from cuts in the money Congress spends on itself. My bill would:

Repeal the congressional pay raise;

Eliminate all foreign travel by Members of Congress; and

Cut a billion dollars from the congressional budget.

The balance would come from a 30-percent cut in foreign aid to be determined by the President.

Mr. Speaker, Congress has lost the public's respect by extending itself privileges. Now, we have an opportunity to regain some of that lost respect. It is easy to demagogue the President as he tries to be fiscally responsible. This is our chance to show some of that same responsibility. The Congress must cut back the enormous sums it spends on itself. Let us show the Nation Congress is prepared to make the sacrifices necessary to solve our problems and help our people.

I welcome my colleagues to join me in support of my legislation.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate having proceeded to reconsider the bill (S. 1722), "An act to provide emergency unemployment compensation, and for other purposes," returned by the President of the United States with his objections, to the Senate, in which it originated, it was resolved that the said bill do not pass, two-thirds of the Senators present not having voted in the affirmative.

The message also announced that the Senate had passed without amendment a bill and a concurrent resolution of the House of the following titles:

H.R. 1720. An act to amend the St. Elizabeths Hospital and District of Columbia Mental Health Services Act to permit the Secretary of Health and Human Services to enter into an agreement with the Mayor of the District of Columbia with respect to capital improvements necessary for the delivery of mental health services in the District, and for other purposes; and

H. Con. Res. 219. Concurrent resolution making corrections in the enrollment of H.R. 2622.

The message also announced that the Senate had passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 2038. An act to authorize appropriations for fiscal year 1992 for intelligence and intelligence-related activities of the U.S. Government, the Intelligence Community Staff, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 2038) "An act to authorize appropriations for fiscal year 1992 for intelligence and intelligence-related activities of the U.S. Government, the Intelligence community staff, and the Central Intelligence Agency Retirement and Disability System, and for other purposes" requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. BOREN, Mr. NUNN, Mr. HOLLINGS, Mr. BRADLEY, Mr. CRANSTON, Mr. DECONCINI, Mr. METZENBAUM, Mr. GLENN, Mr. MURKOWSKI, Mr. WARNER, Mr. D'AMATO, Mr. DANFORTH, Mr. RUDMAN, Mr. GORTON, and Mr. CHAFEE, and from the Committee on Armed Services, Mr. EXON, and Mr. THURMOND, to be the conferees on the part of the Senate.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 2426) "An act making appropriations for military construction for the Department of Defense for the fiscal year ending September 30, 1991, and for other purposes."

The message also announced that the Senate agrees to the amendments of the House to the amendments of the Senate numbered 1, 3, 5, 15, 19, 22, and 30, to the above-entitled bill.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 2698) "An act making appropriations for Agriculture, Rural Development, Food and Drug Administration, and related agencies programs for the fiscal year ending September 30, 1992, and for other purposes."

The message also announced that the Senate agree to the amendments of the House to the amendments of the Senate numbered 25, 27, 34, 35, 36, 48, 49, 50, 52, 63, 64, 70, 83, 88, 103, 107, 108, 156, 176, 177, 184, 205, and 241, to the above-entitled bill.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 2942) "An act making appropriations for Department of Transportation and related agencies for the fiscal year ending September 30, 1992, and for other purposes."

The message also announced that the Senate agrees to the amendments of the House to the amendments of the Senate numbered 7, 10, 28, 64, 67, 68, 69, 70, 71, 72, 73, 84, 86, 104, 112, 114, 115, 116, 125, 128, 133, 134, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 152, 153, 154, and 157, to the above-entitled bill.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested.

S. 544. An act to amend the Food, Agriculture, Conservation, and Trade Act of 1990 to provide protection to animal research facilities from illegal acts, and for other purposes;

S. 772. An act to amend title V of Public Law 96-550, designating the Chaco Culture Archaeological Protection Sites, and for other purposes;

S. 870. An act to authorize inclusion of a tract of land in the Golden Gate National Recreation Area, California;

S. 1254. An act to increase the authorized acreage limit for the Assateague Island National Seashore on the Maryland mainland, and for other purposes; and

S. 1358. An act to amend chapter 17 of title 38, United States Code, to require the Secretary of Veterans Affairs to conduct a hospice care pilot program and to provide certain hospice care services to terminally ill veterans.

□ 1030

CONSUMER CREDIT REPORTING REFORM ACT OF 1991

(Mr. TORRES asked and was given permission to address the House for 1 minute.)

Mr. TORRES. Mr. Speaker, today I will be introducing legislation, the Consumer Credit Reporting Reform Act of 1991. I ask you to take careful note that I said "reform," reform of this $1 billion industry which engages in credit reporting on American consumers.

You will remember, Mr. Speaker, that 20 years ago, when this law was first enacted, consumer credit reports were kept in a manila folder like this and perhaps put into a large file cabinet. That is no longer the case.

Mr. Speaker, in the age of technology it is computers, megabytes, it is billions and billions of bits of information. No wonder that there are errors in the American consumers' files.

Recently, a small town in Vermont, Norwich, the whole town was put down as having a bad credit rating, every individual there, simply because of a bad entry into a computer.

My legislation will correct and attempt to correct the inaccuracies in the credit reporting industry.

Moreover, beyond the inaccuracies, the legislation will delve into protecting the privacy of consumers, privacy of American consumers.

DAY 20—THOUGHTS ON THE 1ST ANNIVERSARY OF THE SIGNING OF THE INFAMOUS 1990 BUDGET SUMMIT AGREEMENT

(Mr. DOOLITTLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DOOLITTLE. Mr. Speaker, today marks the 20th day until the first anniversary of the signing of the infamous 1990 budget summit agreement. It is funny how we do not hear of Reaganomics anymore. No wonder: by raising taxes over $200 billion and throwing 2 million Americans out of work, last fall's budget agreement repudiated the very essence of the Reagan/Bush economic policies that the economy grows when taxes and government interference are minimal.

But let me remind everyone that Reaganomics did work a lot better than present policies mandated by Congress. As the recent Heritage Foundation study points out, during the Reagan years adjusted income for black Americans soared 16.5 percent after plummeting previously more than 10 percent under the Democrats' policies. Women also benefitted from Reaganomics; their inflation-adjusted median income climbed by more than 28 percent during the 1980's. The average real income of the bottom 20 percent of American families rose nearly 12 percent under Reaganomics after having dropped 12 percent during the Carter administration.

Mr. Speaker, I say it is time we go back to Reaganomics. It worked. The numbers prove it. We do not have any time to waste. The economy needs to get back on the road to growth now.

SSC AND JAPANESE FUNDING

(Mr. SLATTERY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SLATTERY. Mr. Speaker, today I call the attention of my colleagues to the administration's plan to sell Japan part of the superconducting super collider. Among the proposed SSC firesale terms, for a mere $1 billion Japan will become, in the words of President Bush's science adviser, Dr. Bromley, "coowner of the superconducting super collider."

Keep in mind this is a $10 billion project, and for $1 billion the Japanese become coowners.

Under the President's proposal, Japan would manufacture and supply the SSC's dipole superconducting magnets. This will transfer to the Japanese all the benefits of building the magnets cited by Deputy Secretary of Energy Moore in his testimony before Congress.

Once again, Japan gets to take United States research and turn it into high-technology manufactured products that they can sell to us and the United States would agree to contribute an unspecified amount of Japan's "Human Frontier Project." These terms, my friends, are so sweet that, when coupled with the partnership with Germany on quadrapole magnets, the United States will be left with nothing to do but pour concrete and sign checks. But the Japanese know that being coowner of SSC is no bargain at any price, and they are not biting.

The Japanese have not put any money up yet.

My colleagues, we should kill the superconducting super collider now and save our taxpayers $10 billion.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. MAZZOLI). This will be the last 1-minute for today.

SEND THE PRESIDENT AN UNEMPLOYMENT COMPENSATION BILL THAT HE WILL SIGN

(Mr. SCHIFF asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHIFF. Mr. Speaker, I am sorry to say that I am tired of hearing the crocodile tears that are being shed for the unemployed. I personally agree that we have a serious problem with unemployment in this country which may last for some period of time. Because of that, I have supported personally one of the bills passed by Congress addressing this issue. However, the President of the United States, the only President we have, declared that he will not support deficit-financed spending for an additional unemployment compensation bill. The President has, however, identified a bill that he will sign immediately if Congress will send it to him. Instead, the Congress has chosen to continue to send to the President bills to aid the unemployed which the Congress knows the President will not sign.

Mr. Speaker, it is really time to help the unemployed now. That can be done, first, by sending the President of the United States a bill that the President has already stated he will sign and the benefits will start flowing immediately and then to pass a growth package to produce more jobs.

MOTION TO INSTRUCT CONFEREES ON H.R. 2686, DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 1992

Mr. DANNEMEYER. Mr. Speaker, I offer a privileged motion.

The Clerk read as follows:

Mr. DANNEMEYER moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendments to the bill, H.R. 2686, be instructed to agree to the provisions contained in amendment numbered 212 of the Senate amendments.

The SPEAKER pro tempore. The gentleman from California [Mr. DANNEMEYER] is recognized for 30 minutes.

Mr. DANNEMEYER. Mr. Speaker, I yield 1 minute to the gentleman from Missouri [Mr. COLEMAN].

(By unanimous consent, Mr. COLEMAN Missouri was allowed to speak out of order and to revise and extend his remarks.)

SPECIAL INTERESTS REFUSE TO DISCLOSE CONTRIBUTIONS TO CAMPAIGNS AFFECTING SUPREME COURT NOMINATIONS

Mr. COLEMAN of Missouri. Mr. Speaker, over the past 2 days Americans have raised a loud voice against the outrageous sideshow of rumor, innuendo, and falsehoods perpetrated by the special interests who tried to sway the confirmation proceedings for Justice Clarence Thomas.

Americans are clearly upset that our current laws offer no way to discover who's really behind the special interests that foot the bills for slick public relations campaigns that attempt to either make or break a nominee.

Mr. Speaker, this I know first-hand because last month I asked a dozen of the organizations involved in campaigns for and against Judge Clarence Thomas to voluntarily disclose their contributors. While all say they complied with the letter of current lobbying laws, none were willing to subject themselves to the same standard of accountability that every congressional or Presidential candidate must uphold—that is full disclosure of contributions. This is the response I got:

RESPONSES OF ORGANIZATIONS ENGAGED IN LOBBYING, EITHER FOR OR AGAINST CLARENCE THOMAS, WHICH WERE REQUESTED TO DISCLOSE CONTRIBUTORS ON SEPTEMBER 12, 1991

College Republican National Committee, Washington, D.C.—Declined on grounds that no contributions taken for the purpose of lobbying related to the Thomas confirmation exceeded $100.

Conservative Victory Committee, Alexandria, Virginia.—Declined on grounds that all funds spent on behalf of the committee for this purpose were disbursed by its state election boards, which, by federal law, are not required to disclose sources of contributions. Furthermore, cited refusal to disclose by groups opposing Thomas' confirmation.

Chamber of Commerce of the United States, Washington, D.C.—Declined on grounds that no funds were either "solicited or received" for this purpose. Furthermore, lodged opposition to the legislation, claiming that it would violate rights of freedom of association and petition provided by the First Amendment.

Alliance for Justice, Washington, D.C.—Declined on grounds that disclosure would violate First Amendment freedoms.

Leadership Conference on Civil Rights, Washington, D.C.—Declined to disclose receipts and expenditures specifically related to Thomas lobbying efforts but maintained that the organizations files quarterly financials records with the clerk of the House of Representatives and the secretary of the Senate as required by law.

National Abortion Rights Action League, Washington, D.C.—Declined, citing interest in protecting privacy of contributors.

National Association of Criminal Defense Lawyers, Washington, D.C.—Declined, saying no contributions were solicited or received for this purpose. Furthermore, maintained that no funds were spent for this purpose.

National Organization for Women, Washington, D.C.—Inquiries were not answered.

Now Legal Defense and Education Fund, New York, N.Y.—Declined, citing fact that the organization is chartered as a 501C corporation, and therefore is exempt from federal financial disclosure requirements.

Americans for Democratic Action, Washington, D.C.—Inquiries were not answered.

Citizens Committee To Confirm Clarence Thomas, Washington, D.C.—Declined on grounds that disclosure would, by imposing criminal penalties for violations, discourage exercise of First Amendment rights of free speech, and would "carve out" judicial nomination issues from the rest of the Federal Registration of Lobbying Act.

United States-Mexico Foundation, Washington, D.C.—No verification of organization's legal formation filed with appropriate agency—U.S. Department of Consumers and Regulatory Affairs. Not recognized by Embassy of Mexico.

Mr. Speaker, I think this response shows that the law casts a legal veil over the activities of special interests, which can be used to prevent public's right to know who is paying for these slick campaigns which are geared to affect the outcome of the confirmation process to the Nation's highest court.

The American people believe it is time to remove that veil and reform the confirmation process. I have introduced legislation, H.R. 3226, that will begin this process by requiring all organizations that campaign either for or against nominees to the Supreme Court to provide full financial disclosure.

Mr. Speaker, grassroots participation in any political process in our democracy, including confirmation of Supreme Court Justices, is desirable. The American people and the U.S. Senate must know who is influencing future confirmation proceedings.

Mr. DANNEMEYER. Mr. Speaker, first of all let me express my apology to the House for again addressing this matter, but I feel it is an important issue, not just on the merits of the cause but on the actions of our conferees.

□ 1040

Mr. Speaker, we all know that motions to instruct conferees are not binding on those conferees, but the House will recall yesterday that by a vote of 286 to 135 the House instructed our conferees, with respect to the appropriation for the National Endowment for the Arts and the National Endowment for the Humanities contained in the Interior appropriations bill, to adopt certain language that had been adopted by the Senate by a vote of 66 to 28 on September 12, and I was advised later on, after the vote in the House, that the conferees met and just stripped out this language that the House overwhelmingly adopted.

I am also advised that the conferees also instruct from that conference report considerations for dealing with raising grazing fees across this land that is of interest to our colleague, the gentleman from Oklahoma [Mr. SYNAR]. Someone has referred to this as the corn for porn, or corn and porn, compromise on the part of the conferees, but I think the House has to address a fundamental issue here.

Mr. Speaker, if our conferees are unable to accommodate the clear wishes of the House, then I think the honorable thing for them to do is to resign and let other conferees be appointed in order that this conference committee will follow the instructions of the House.

We can, perhaps, understand if after a long period of negotiation the conferees come back in 1 week, or 2 or 3 weeks, and tell us that they are unable to accommodate the requests of the House, but within a couple of hours after this adoption by the House of a vote of 286 to 135 that the instruction of the House is just summarily dismissed, I think there is an arrogance there that the House ought not to accept.

So, Mr. Speaker, I suggest to our conferees, "If you can't accommodate what we are clearly instructing you to do, resign, and we will appoint new conferees."

The language that I think is contained in what the House adopted yesterday is quite clear. I will remind my colleagues that this is what it says:

"Notwithstanding any other provision of law, none of the funds made available to the National Endowment for the Arts under this act may be used to promote, disseminate, or produce materials that depict, or describe in a patently offensive way, sexual or excretory activities or organs."

We should understand that the reason that the House is even considering this kind of an amendment is because of the existence in this Nation of a cultural war going on. This cultural war says in effect on one side that God created man and everything in the universe and gave man certain standards to live by. Then the other side of this controversy says there are no standards, man is able to decide anything for his own benefit. It is OK to do anything so long as the perception is that it does not harm somebody else.

Mr. Speaker, this is the fundamental issue that is at stake in this cultural war that is involved in this conference report. The American people demand that, when we expend taxpayers' money, that certain standards be observed.

Yesterday I had the misfortune to read through some of the work product that has been funded by the National Endowment for the Arts. I am not going to take the time of the House to go through the details of that trash again. Needless to say, the existing language in the law has not been adequate to stop the funding that is currently taking place by the NEA using taxpayers' money to fund this trash.

So, I think it is time that this conference report adopt language that is contained in the Senate, adopted September 12, adopted in the House yesterday, and we again instruct our conferees that we are serious about this, we request that they give heed to what the House has resolved, and again I will say, if they cannot accommodate this instruction, let them resign, and we will appoint new conferees and accommodate what the House seeks to do.

Mr. Speaker, I reserve the balance of my time.

The SPEAKER pro tempore (Mr. MAZZOLI). The gentleman from Illinois [Mr. YATES] is recognized for 30 minutes.

Mr. YATES. Mr. Speaker, I was told that the gentleman from California [Mr. DANNEMEYER] had described action which I and other conferees of the House took in yesterday's meeting at the conference on the Interior appropriations bill as arrogance. I should like the gentleman and the House both to know that I reject this cry of arrogance, particularly when it comes from him.

The gentleman from California [Mr. DANNEMEYER] consults the Parliamentarians almost every day. He plays the rules as though they were a harp. He should not object when another Member of the House uses the rules in connection with a parliamentary situation.

The gentleman has conceded that it was my right, as chairman of the House conferees, to consider what the House did yesterday as advisory, and indeed it was. My job essentially, as chairman of the conferees, is to protect the House bill. The House bill, as it went into conference, had nothing, had no amendments that were added in the House with respect to the National Endowment for the Arts, and I was attempting to protect it in that same situation.

Supplementing what I have said about the effect of instructions, I read from Deschler, chapter 31, section 10.1:

> Instructions by the House to its conferees are advisory in nature and are not binding as a limitation of their authority.

Mr. Speaker, there is no rule of the House requiring Members to seek further instructions if they are unable to comply with instructions suggested to them. If the gentleman from California [Mr. DANNEMEYER] has any complaint with respect to the action of the House conferees, let him make it in accordance with the rules. Let him make it next week, when we propose to bring the conference report before the House.

Yesterday I was required to come to the floor to respond to the gentleman's motion, and leave, and suspend, the conference for 4 hours. As a result of that, we were unable to finish the conference yesterday.

The conference has again been convened. They are meeting downstairs, and the second ranking member of the conference is acting in my place in the conference, and I will resume that as soon as we have disposed of this motion.

I do not propose to take all the time. I want to get back to the conference. I will recognize only one person to speak, the gentleman from Illinois [Mr. DURBIN], after which I propose to yield back my time.

Mr. Speaker, I yield 3 minutes to the gentleman from Illionis [Mr. DURBIN].

Mr. DURBIN. Mr. Speaker, those who have listened to the statement made by the gentleman from California [Mr. DANNEMEYER] about his concern and frustration over the question of obscenity should, I think, be apprised as well that this House of Representatives over the last several years has attempted to find various ways to stop those people at the National Endowment for the Arts who approve grants, from approving those grants with taxpayers' funds for projects which the vast majority of the Members of the House of Representatives and the vast majority of Americans find offensive. I will concede to the gentleman from California that I find them offensive, too. I am embarrassed by them.

What we have tried to do year in and year out is to redefine obscenity on the floor of the House of Representatives in the hopes that we will strike that perfect definition that will result in the National Endowment for the Arts not approving another embarrassing project. We do not want to toss out the whole National Endowment because we realize that for every two or three questionable or offensive projects that there were literally thousands of projects funded, arts and music, across America, in my hometown and in other places, that are valuable, things that America can be proud of, things that help young men and women come to understand the arts and music and make a real contribution to America. So, we try each year to redefine obscenity in the hopes that the people at the National Endowment for the Arts in reading a new set of words will be able to avoid this embarrassment of funding something which many Members and most Americans find obscene and offensive.

☐ 1050

We have failed. We have failed as courts have failed over the last century to define this term. Ultimately the buck stops with the people at the National Endowment for the Arts, with the executive director, Mr. Frohnmayer, with the appointees of President Bush who make these decisions on these projects, and the people they appoint to look at each and every one of them.

What I have found mystifying is that the anger of the gentleman from the Republican side of the aisle is not directed at the appointees of President Bush who approve these projects. These are the people who are making the mistakes that embarrass us. Instead, the gentleman tries valiantly year in and year out to redefine "obscenity" and try to find a way to avoid this embarrassment in the future.

I would suggest to the gentleman that the problem lies not with the words in our bill, the problem lies not with the definition of "obscenity"; the problem lies with the people who read the words and apply them. If the gentleman would take his case to the President, perhaps he would find that would be his appropriate day in court.

Mr. DANNEMEYER. Mr. Speaker, will the gentleman yield?

Mr. DURBIN. I am happy to yield to the gentleman from California.

Mr. DANNEMEYER. Mr. Speaker, I will ask a simple question. How much money can the National Endowment for the Arts spend if we do not appropriate the money?

Mr. DURBIN. Does the gentleman understand, though——

Mr. DANNEMEYER. I would ask the gentleman to please answer my question.

Mr. DURBIN. Absolutely you would cut them off.

Mr. DANNEMEYER. That is right.

Mr. DURBIN. And because of the fact you are offended by several projects which you find to be offensive and obscene—and I agree they are—you would cut off funding for arts and music projects across America. That is a small amount of money, but it is an important piece of our contribution for promotion of art in America. That would be a tragedy.

The SPEAKER pro tempore. The time of the gentleman from Illinois [Mr. DURBIN] has expired.

Mr. YATES. Mr. Speaker, I yield 2 additional minutes to the gentleman from Illinois [Mr. DURBIN] and I ask the gentleman to yield to me.

Mr. DURBIN. I am happy to yield to the subcommittee chairman.

Mr. YATES. Mr. Speaker, the effort was made by the gentleman from Illinois [Mr. CRANE] when our bill on which we are now having a conference was going through the House, to kill all the funds for the National Endowment for the Arts. I say this in response to what the gentleman points out. That motion to kill all the funds for the National Endowment for the Arts was defeated by a vote of 361 to 66. So the House does support the National Endowment for the Arts.

Mr. DURBIN. The House does support it. And I think the gentleman from Illinois would concede that we spend a relatively small amount of money for an important contribution to what is the culture and heritage of America.

Mr. YATES. The gentleman is exactly correct. No matter how we attempt to define language, that language still has to be administered by the chairman of the National Endowment for the Arts. The fault, if it lies at all in this case—and the gentleman from California believes it does—is with respect to a few items out of 4,500 grants that are administered every year. Those grants are approved by the present administrator under language that is more comprehensive in defining "obscenity" than is the language the gentleman from California wants to include.

Mr. DURBIN. Mr. Speaker, I would just say to the gentleman that I supported the language which was in the authorizing bill. I think it is valid and good language, and the people in good faith in applying it would avoid funding projects that would embarrass the gentleman from California and the gentleman from Illinois.

The people who are applying this language to these grants are appointees of the President, of the gentleman's own party. I would ask the gentleman to please take his case to the President and the White House when he makes his appointment. Trying to redefine "obscenity" here on the floor every year is a futile effort.

Mr. DANNEMEYER. Mr. Speaker, I yield 3 minutes to my friend, the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. Mr. Speaker, I thank the gentleman for yielding this time to me. That is an interesting discussion that just took place. One of the things we are trying to do is make certain that the law gives people at the NEA the proper authority. What would happen is, if we would pass the Senate amendment, it would make an absolute demand on the NEA not to fund obscene art, instead of the present law which allows it to go ahead and fund the obscene art and then eventually work it out in the courts, and it seems to me that is a much stronger standard than what we ought to be doing.

I want to get to the basic point. I heard the gentleman from Illinois tell us a minute ago that the whole point of what he had done in conference was that he had protected the House position. I am a little confused by that. I thought the House position on grazing fees was fairly clear. The grazing fee position of the House was that we wanted to raise the amount of the grazing fees. As I understand it, in the corn-for-porn deal, what we did was, we traded away the House position on grazing fees in return for some modified position of the Senate, and so we got neither. The House voted yesterday on the floor that we wanted tougher porn standards. The committee traded that away, saying that they were simply defending the House position, and when the House position comes to grazing fees, they traded that away, too.

What does the House get out of this? The House got its position traded away in both instances, and what we got was corn for porn. I just do not understand where it is that we somehow were the benefactors of this great deal.

Mr. YATES. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I am happy to yield to the gentleman from Illinois.

Mr. YATES. Mr. Speaker, I suggest that the gentleman read the conference report after we conclude it. As soon as we finish this debate, I am going back to the conference to complete our discussions on the conference report so that we can sign it as quickly as possible and bring it to the floor, and at that time the gentleman will be in a position to review what the actions of the conference committee were.

Mr. WALKER. We understand that, but I guess some of us feel that the position of the House was reflected in the conference committee, not just reflected after the conference committee finishes and the deal is brought back and the whole deal is all meshed together and then the arguments are made. But if you kill this conference report, you kill this whole host of things. We think that on the individual items the conference report ought to reflect the will of the House. In this instance the will of the House was clearly indicated yesterday on the pornography issue. The conference committee evidently has decided to ignore it.

The House position on grazing fees has been very clearly indicated, yet evidently the conference committee has decided to ignore it. I would simply suggest that we need as a House to have some confidence that our position is being reflected and not just when the conference committee report comes back, but during the deliberations that take place that produce that conference report. That is what we are concerned about today.

If Members share that kind of concern, I suggest that they vote with the gentleman from California [Mr. DANNEMEYER] on his motion to further instruct.

Mr. DANNEMEYER. Mr. Speaker, I yield 2 minutes to the gentleman from Oklahoma [Mr. SYNAR].

Mr. SYNAR. Mr. Speaker, I find myself today in the most awkward position I think I have ever been in here in the U.S. Congress. As the chief sponsor of the grazing fee amendment which the House has, not once but twice, clearly indicated they want to raise, and also being one who is adamantly opposed to what the gentleman from California is trying to do with the National Endowment for the Arts, I am faced with a dilemma since the trade yesterday in the conference was between the grazing amendment and the National Endowment for the Arts, as to how I am to satisfy both of those interests which I have.

I have come to the conclusion that one recourse, if not the only recourse I may have, is to support the gentleman from California in order that he may succeed in the National Endowment for the Arts so that this house of cards can collapse and we can really get a true indication and also implementation of the grazing fee sentiments of this House in the conference report of the Subcommittee on Interior.

I have not come to that final conclusion yet, but for those of us who have stood with our chairman, the gentleman from Illinois—and I want to say there is no one who has deeper respect for the gentleman, because he has been in many ways a mentor to me over the years—I am hard pressed to understand how we could have had a trade on two completely different and separate subjects that will affect the House and particularly for a Member who has been as supportive as he can be for the chairman on the National Endowment for the Arts.

I do not know what I am going to do, but for those Members who are watching this and those who are following this debate, this is the dilemma we find ourselves in today, and I hope as Members come to the floor to vote on this, they will recognize this vote has more significance than just for the National Endowment for the Arts, and it will have implications with respect to the entire conference report of the Subcommittee on Interior.

Mr. DANNEMEYER. Mr. Speaker, I yield 4 minutes to my colleague, the gentleman from Illinois [Mr. HYDE].

Mr. HYDE. Mr. Speaker, I thank the gentleman for yielding this time to me. Mr. Speaker, I really did not intend to get in this debate, but as I sit here, I cannot help but think that we are doing it again; we are providing more reasons for the public to look upon us with less than enthusiasm.

First of all, on the issue of the National Endowment for the Arts, the gentleman from Illinois—from downstate Illinois as distinguished from the gentleman from upstate Illinois—thought he made a telling point by saying that our President after all has appointed the director. That does not foreclose the issue, because our President is one branch of Government and we are another.

The issue is, What does Congress do about compelling taxpayers to sponsor with their money patently offensive, obscene, pornographic art? We may say that is in the eye of the beholder. I would be happy to submit some of this smut that we have to pay for and thus sponsor to any jury in the world to determine it unacceptable.

□ 1100

I agree that the gentleman who runs this agency is wrong, and the people administering it are not administering it in the public interest. I assert that. I do not want to throw the program out. I want to help aspiring artists. But I want public money to for public art, not somebody's private prurient interests.

If the gentleman administering it now, no matter who appoints him, is maladministering it, this Congress has a responsibility to the taxpayer. I wish that your concern would elevate itself beyond simply saying, "And it offends me too." I would do something about it. We can change the law here. We ought to change the law.

Mr. Speaker, a trade for grazing fees for the liberal NEA standard is something else that I think, forgive me, smacks of disreputability. A trade? Something of value for your vote? To me, that is an awful trade, chickens for horses. Of course, I was not there and I do not know how the Members conduct themselves in the inner sanctums of conference committees. But I should think grazing is grazing, and smut is smut, and never the twain should meet.

Mr. DURBIN. Mr. Speaker, will the gentleman yield?

Mr. HYDE. I yield to my friend from downstate Illinois.

Mr. DURBIN. Mr. Speaker, I thank the gentleman from Illinois for yielding. The gentleman from Illinois [Mr. HYDE] is probably one of the most respected Members in this Chamber when it comes to interpretations of constitutional law. I do think the gentleman would readily concede that courts have tried for decades to come up with an airtight definition of obscenity so that there would not be an instance where the American people would be offended or their money spent unwisely in the name of art, when in fact something pornographic or obscene is being funded. They have failed many times, and that is why courts continue to evaluate this principle and redefine it.

Mr. Speaker, I just happen to believe that we are going to find ourselves year in and year out running against the same problem. We are not going to come up with that airtight definition. It will depend on appointees by the President to apply the language, and I think the language already in the authorizing bill is adequate for people of good will to preserve us from these embarrassments.

Mr. HYDE. Mr. Speaker, reclaiming my time, I respectfully disagree. I think we ought to go the last mile in sending a message to these people that we represent, our taxpaying public, and they resent bitterly having to pay for some of the smut, and that is a dignified word for some of the stuff that we are forced to pay for and sponsor. We ought to be thinking of how to stop that, at the very least.

Before my time elapses, I want to pay tribute to the gentleman from California [Mr. DANNEMEYER], my friend, who catches unshirted hell from people because he stands up for principles that he believes in. I admire him and respect him, and I wish there were more like the gentleman from California. I admire both the gentlemen from Illinois, Mr. YATES and Mr. DURBIN, but I especially revere the gentleman from California [Mr. DANNEMEYER].

Mr. DANNEMEYER. Mr. Speaker, I yield 2 minutes to the gentleman from Arizona [Mr. RHODES].

Mr. RHODES. Mr. Speaker, yesterday I voted with the gentleman from California [Mr. DANNEMEYER] on this subject for the first time. In every instance in the past that this issue has come before the House I have supported the position which has been espoused by the gentleman from Illinois [Mr. YATES] and by the ranking Republican member, the gentleman from Ohio [Mr. REGULA], in the hopes that the NEA would get the message.

Mr. Speaker, we have exhorted them, we have begged them, we have pleaded with them to stop this stuff, and they just keep going on their merry way.

As one individual Member of the House, I've had it. So yesterday I did support the Dannemeyer motion to instruct.

Now I have to say I find myself in great sympathy with the confusion of the gentleman from Oklahoma [Mr. SYNAR], because I have opposed the gentleman from Oklahoma's grazing fees proposition in the House consistently. I have supported the position of the Senate on grazing fees.

So now what do I do? I think the gentleman from Oklahoma [Mr. SYNAR] and I ought to leave the floor and pair ourselves on this issue because we find ourselves each in a position from which there is no escape as a result of the negotiations that were entered into by the House conferees yesterday.

Mr. Speaker, I want to reiterate one thing: I feel very strongly that Members of good faith and good will in this House have done everything that they possibly can over the course of the past 3 or so years to try to get the attention of the National Endowment for the Arts. Regardless of which side of this aisle we sit on, regardless of which kind of philosophy we espouse, we cannot tolerate the expenditure of taxpayer funds for obscene material. I do not think there is a Member of this House who disagrees with that proposition. We obviously disagree about how we go about it.

Mr. Speaker, in my judgment, exhortations, pleading, begging, has not worked. Therefore, the language that the gentleman from California [Mr.

DANNEMEYER] has presented is appropriate. I just wish we did not have to deal with this trade that was presented to us.

Mr. DANNEMEYER. Mr. Speaker, I yield 2 minutes to the gentleman from Georgia [Mr. GINGRICH].

Mr. GINGRICH. Mr. Speaker, let me say I rise really in great sadness. I think it is almost ironic that we are dealing with what happened yesterday while we had the crime bill on the floor. I remember I believe a year ago we had a very similar moment when the House passed a motion to instruct on very, very strong crime conditions, and, within 3 or 4 hours, the conferees dropped everything the House had instructed them to include.

Mr. Speaker, I would just say, and I say this with the greatest respect to my friend, the gentleman from Illinois [Mr. YATES], who has done so much in so many ways for the arts and so much in so many ways for all sorts of things that Americans value and treasure, one of the reasons the country is increasingly angry about the legislative branch is the country cannot understand seeing the Members of the House vote by overwhelming numbers for a certain position, and, within 2 or 3 hours, seeing that position gutted in a conference committee.

Mr. Speaker, I think it is particularly important that we vote on this today, both to reassert the right of the House as the core institution from which conferees come, to in fact state its will, to in fact publicly vote for what it believes in. But in addition, I believe the public has the right to hold us accountable.

Conferees are appointed by the House on behalf of the House to represent the House. If conferees become purely free agents, totally ignoring the actions of the House, totally ignoring the wishes of the membership, I think that it makes it very hard for the average American to be able to understand what happened and how they can have their will expressed through their representatives in a free society.

Mr. YATES. Mr. Speaker, will the gentleman yield?

Mr. GINGRICH. I am glad to yield to my good friend, the gentleman from Illinois.

Mr. YATES. Mr. Speaker, I will tell the gentleman from Georgia [Mr. GINGRICH] that my responsibility, as I explained earlier to the House while the gentleman was not on the floor, my responsibility is to do the best I can to sustain the position of the House in the bill that has gone to conference.

With respect to the instructions that I received yesterday, I had read from the rules of the House and the precedents that the instructions of the House to the conferees are advisory. I do take them into consideration.

There are many issues here. I am sure the gentleman from Georgia [Mr. GINGRICH] has been in conference. There are many issues that we cannot sustain. There are many issues where we have to surrender certain principles.

Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, I am doing my best as chairman of the House conferees to handle all those issues. Some Members have their eyes on one issue in connection with a motion that was made by the gentleman from California [Mr. DANNEMEYER] yesterday. That is advisory to the conferees. I considered that in connection with the other responsibilities I had as chairman of the House conferees.

Mr. GINGRICH. Mr. Speaker, will the gentleman yield?

Mr. YATES. I yield to the gentleman from Georgia.

Mr. GINGRICH. Mr. Speaker, I would simply say to my very distinguished friend, unless I am mistaken, the gentleman gave up the position of the House on pornography in order to give up the position of the House on grazing fees.

Mr. YATES. Mr. Speaker, reclaiming my time, there are a number of issues that go into the total bargaining that is taking place, the negotiations that are taking place. This is one of the issues that came up at that particular time.

Mr. Speaker, I would say to the gentleman from Georgia [Mr. GINGRICH], the conference is not yet concluded. I have a substitute in my place right now, may I say to the gentleman, while the conference is still going on. I want to get back there and conclude the conference. I want to bring it to the House, at which time I expect the gentleman will again make one of his eloquent statements opposing what the conferees did in many respects.

Therefore, let me go back to my job. Let me bring out the conference report, bring it to the floor, and I anticipate what the gentleman will say at that time.

Mr. GINGRICH. If the gentleman will yield further, since the gentleman from Illinois [Mr. YATES] is still in conference, then if the House were to decide to advise the conferees emphatically, hopefully it might have some impact, if it knowingly then decided to send the signal that in fact the House would like this position.

Mr. YATES. Mr. Speaker, reclaiming my time, I am the servant of the House, may I say to the gentleman from Georgia [Mr. GINGRICH]. I will tell the gentleman that if I can get back to my conference, we will conclude it in about an hour.

□ 1110

If you want to direct me after we are through working there, that is something you may want to consider. But as of now, I propose to go back, finish the conference, bring the conference report to the floor so that the House may continue to try to meet its goal of adjournment by Thanksgiving.

Mr. GINGRICH. I thank the gentleman.

Mr. YATES. Mr. Speaker, I yield back the balance of my time.

Mr. DANNEMEYER. Mr. Speaker, I yield myself 1 minute.

Let me say Mr. Speaker, that in the last Congress we had to vote four times on the issue of religious liberty in connection with instructing conferees, and we were finally able to prevail on those instructions relating to Georgetown University. and I would hope that we do not have to vote four times in this, the 102d Congress, in order to have the House's position prevail.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MAZZOLI). The question is on the motion to instruct offered by the gentleman from California [Mr. Dannemeyer].

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. DANNEMEYER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 287, nays 133, not voting 13, as follows:

[Roll No. 314]

YEAS—287

Alexander
Allard
Anderson
Andrews (TX)
Annunzio
Anthony
Archer
Armey
Baker
Ballenger
Barnard
Barrett
Barton
Bateman
Bennett
Bentley
Bereuter
Bevill
Bilbray
Bilirakis
Bliley
Boehner
Borski
Boucher
Brewster
Brooks
Broomfield
Browder
Bruce
Bryant
Bunning
Burton
Bustamante
Byron
Camp
Campbell (CO)
Carper
Chandler
Chapman
Clement
Coble
Coleman (MO)
Coleman (TX)
Combest
Condit
Cooper
Costello
Coughlin
Cox (CA)
Cramer
Crane
Cunningham
Dannemeyer
Darden
Davis
de la Garza
DeLay
Dickinson
Dicks
Donnelly
Dooley
Doolittle
Dorgan (ND)
Dornan (CA)
Dreier
Duncan
Dwyer
Early
Edwards (TX)
Emerson
English
Erdreich
Espy
Ewing
Fawell
Fields
Franks (CT)
Frost
Gallegly
Gallo
Gaydos
Gekas
Geren
Gibbons
Gilchrest
Gillmor
Gingrich
Glickman
Goodling
Gordon
Goss
Gradison
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Hancock
Hansen
Harris
Hastert
Hayes (LA)
Hefley
Hefner
Henry
Herger
Hoagland
Hobson
Hochbrueckner
Hubbard
Huckaby
Hunter
Hutto
Hyde
Inhofe
Ireland
Jacobs
James
Jenkins

Johnson (CT)
Johnson (SD)
Johnson (TX)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kleczka
Klug
Kolbe
Kolter
Kyl
Lagomarsino
Lancaster
Lantos
Laughlin
Lent
Lewis (CA)
Lewis (FL)
Lightfoot
Lipinski
Livingston
Lloyd
Long
Lowery (CA)
Luken
Manton
Marlenee
Martin
Martinez
Mavroules
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDade
McEwen
McGrath
McMillan (NC)
McMillen (MD)
McNulty
Meyers
Michel
Miller (OH)
Miller (WA)
Molinari
Mollohan
Montgomery
Moody
Moorhead
Morrison
Murphy

Myers
Natcher
Neal (MA)
Neal (NC)
Nichols
Nussle
Olin
Ortiz
Orton
Oxley
Packard
Pallone
Parker
Patterson
Paxon
Payne (VA)
Penny
Perkins
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Porter
Poshard
Price
Pursell
Quillen
Rahall
Ramstad
Ravenel
Ray
Regula
Rhodes
Ridge
Riggs
Rinaldo
Ritter
Roberts
Roe
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Rostenkowski
Roth
Roukema
Rowland
Russo
Sangmeister
Santorum
Sarpalius
Saxton
Schaefer
Schiff

Schulze
Sensenbrenner
Sharp
Shaw
Shays
Shuster
Sisisky
Skelton
Slattery
Slaughter (VA)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Spratt
Staggers
Stallings
Stearns
Stenholm
Stump
Sundquist
Swett
Tallon
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (GA)
Thomas (WY)
Torricelli
Traficant
Traxler
Upton
Valentine
Vander Jagt
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Weber
Weldon
Whitten
Wilson
Wise
Wolf
Wylie
Yatron
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—133

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Aspin
Atkins
AuCoin
Bacchus
Beilenson
Berman
Boehlert
Boxer
Brown
Campbell (CA)
Cardin
Clay
Clinger
Collins (IL)
Collins (MI)
Conyers
Cox (IL)
Coyne
DeFazio
DeLauro
Dellums
Derrick
Dingell
Dixon
Downey
Durbin
Dymally
Eckart
Edwards (CA)
Engel
Evans
Fascell
Fazio

Feighan
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Gejdenson
Gilman
Gonzalez
Grandy
Green
Hatcher
Hayes (IL)
Hertel
Horn
Horton
Houghton
Hoyer
Hughes
Jefferson
Johnston
Jones (GA)
Kildee
Kopetski
Kostmayer
LaFalce
LaRocco
Leach
Lehman (CA)
Lehman (FL)
Levin (MI)
Levine (CA)
Lewis (GA)
Lowey (NY)
Machtley
Markey

Matsui
Mazzoli
McDermott
McHugh
Mfume
Miller (CA)
Mineta
Mink
Moran
Morella
Mrazek
Murtha
Nagle
Nowak
Oakar
Oberstar
Obey
Olver
Owens (NY)
Owens (UT)
Panetta
Pastor
Payne (NJ)
Pease
Pelosi
Rangel
Reed
Richardson
Roybal
Sabo
Sanders
Savage
Sawyer
Scheuer
Schroeder
Schumer
Serrano

Sikorski
Skaggs
Skeen
Slaughter (NY)
Smith (FL)
Smith (IA)
Solarz
Stark

Stokes
Studds
Swift
Synar
Torres
Unsoeld
Vento
Washington

Weiss
Wheat
Williams
Wolpe
Wyden
Yates

NOT VOTING—13

Applegate
Bonior
Callahan
Carr
Edwards (OK)

Gephardt
Holloway
Hopkins
Moakley
Thornton

Towns
Waters
Waxman

□ 1136

Mr. MINETA changed his vote from "yea" to "nay."

So the motion to instruct was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MOTION TO DISCHARGE MANAGERS AND APPOINT NEW CONFEREES ON H.R. 2686, DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 1992

Mr. DANNEMEYER. Mr. Speaker, I offer a privileged motion.

The Clerk read as follows:

> Mr. DANNEMEYER moves to discharge the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the bill, H.R. 2686, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1992, and for other purposes, and to appoint new conferees.

MOTION TO TABLE OFFERED BY MR. DERRICK

Mr. DERRICK. Mr. Speaker, I offer a motion to table.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

> Mr. DERRICK moves to lay on the table the motion offered by the gentleman from California.

PARLIAMENTARY INQUIRY

Mr. DANNEMEYER. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. DANNEMEYER. Mr. Speaker, is the motion to table debatable?

The SPEAKER pro tempore. The motion to table is not debatable.

Mr. DANNEMEYER. I have a further parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. DANNEMEYER. Mr. Speaker, is the motion to table amendable so as to table it to a specific time?

The SPEAKER pro tempore. The Chair would advise the gentleman that it is not amendable.

The question is on the motion to table offered by the gentleman from South Carolina [Mr. DERRICK].

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. DANNEMEYER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 286, nays 136, not voting 11, as follows:

[Roll No. 315]

AYES—286

Abercrombie
Ackerman
Alexander
Allard
Anderson
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Annunzio
Anthony
Aspin
Atkins
AuCoin
Bacchus
Barnard
Beilenson
Bennett
Berman
Bevill
Bilbray
Boehlert
Bonior
Borski
Boucher
Boxer
Brewster
Brooks
Browder
Brown
Bruce
Bryant
Bustamante
Byron
Campbell (CO)
Cardin
Carper
Carr
Chapman
Clay
Clement
Clinger
Coleman (MO)
Coleman (TX)
Collins (IL)
Collins (MI)
Condit
Conyers
Cooper
Costello
Coughlin
Cox (IL)
Coyne
Cramer
Darden
Davis
de la Garza
DeFazio
DeLauro
Dellums
Derrick
Dicks
Dingell
Dixon
Donnelly
Dooley
Dorgan (ND)
Downey
Durbin
Dwyer
Dymally
Early
Eckart
Edwards (CA)
Edwards (TX)
Engel
English
Erdreich
Espy
Evans
Fascell
Fazio
Feighan
Fish

Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Frost
Gallo
Gaydos
Gejdenson
Gephardt
Geren
Gibbons
Gilman
Glickman
Gonzalez
Gordon
Grandy
Green
Guarini
Hall (OH)
Hamilton
Harris
Hatcher
Hayes (IL)
Hayes (LA)
Hefner
Hertel
Hoagland
Hochbrueckner
Horn
Horton
Houghton
Hoyer
Hubbard
Huckaby
Hughes
Hutto
Jacobs
Jefferson
Jenkins
Johnson (CT)
Johnson (SD)
Johnston
Jones (GA)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Kolbe
Kolter
Kopetski
Kostmayer
Kyl
LaFalce
Lancaster
Lantos
LaRocco
Leach
Lehman (CA)
Lehman (FL)
Levin (MI)
Levine (CA)
Lewis (CA)
Lewis (GA)
Lightfoot
Lipinski
Lloyd
Long
Lowery (CA)
Lowey (NY)
Luken
Manton
Markey
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McCurdy

McDade
McDermott
McHugh
McMillen (MD)
McNulty
Mfume
Miller (CA)
Miller (WA)
Mineta
Mink
Moakley
Mollohan
Montgomery
Moody
Moran
Morella
Morrison
Murphy
Myers
Nagle
Natcher
Neal (MA)
Neal (NC)
Nowak
Oakar
Oberstar
Obey
Olin
Olver
Ortiz
Orton
Owens (NY)
Owens (UT)
Pallone
Panetta
Parker
Pastor
Patterson
Payne (NJ)
Payne (VA)
Pease
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Poshard
Price
Pursell
Quillen
Rahall
Rangel
Ray
Reed
Rhodes
Richardson
Roe
Roemer
Rose
Rostenkowski
Rowland
Roybal
Russo
Sabo
Savage
Sawyer
Scheuer
Schroeder
Schumer
Serrano
Sharp
Sikorski
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter (NY)
Smith (FL)
Smith (IA)
Solarz
Spratt

Staggers
Stark
Stenholm
Studds
Swett
Swift
Synar
Tallon
Tanner
Tauzin
Thomas (GA)
Thomas (WY)
Thornton
Torres
Torricelli
Traficant
Traxler
Unsoeld
Valentine
Vento
Visclosky
Volkmer
Vucanovich
Walsh
Washington
Waters
Weiss
Wheat
Whitten
Williams
Wilson
Wise
Wolpe
Wyden
Yates
Yatron
Young (AK)

NOES—136

Applegate
Archer
Armey
Baker
Ballenger
Barrett
Barton
Bateman
Bentley
Bereuter
Bilirakis
Bliley
Boehner
Broomfield
Bunning
Burton
Camp
Campbell (CA)
Chandler
Coble
Combest
Cox (CA)
Crane
Cunningham
Dannemeyer
DeLay
Dickinson
Doolittle
Dornan (CA)
Dreier
Duncan
Emerson
Ewing
Fawell
Fields
Franks (CT)
Gallegly
Gekas
Gilchrest
Gillmor
Gingrich
Goodling
Goss
Gradison
Gunderson
Hall (TX)
Hammerschmidt
Hancock
Hansen
Hastert
Hefley
Henry
Herger
Hobson
Hunter
Hyde
Inhofe
Ireland
James
Johnson (TX)
Kasich
Klug
Lagomarsino
Laughlin
Lent
Lewis (FL)
Livingston
Machtley
Marlenee
Martin
McCandless
McCollum
McCrery
McEwen
McGrath
McMillan (NC)
Meyers
Michel
Miller (OH)
Molinari
Moorhead
Nichols
Nussle
Oxley
Packard
Paxon
Perkins
Petri
Porter
Ramstad
Ravenel
Regula
Ridge
Riggs
Rinaldo
Ritter
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Santorum
Sarpalius
Saxton
Schaefer
Schiff
Schulze
Sensenbrenner
Shaw
Shays
Shuster
Slaughter (VA)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stokes
Stump
Sundquist
Taylor (MS)
Taylor (NC)
Thomas (CA)
Upton
Vander Jagt
Walker
Weber
Weldon
Wolf
Wylie
Young (FL)
Zeliff
Zimmer

NOT VOTING—11

Callahan
Edwards (OK)
Holloway
Hopkins
Mrazek
Murtha
Sanders
Sangmeister
Stallings
Towns
Waxman

□ 1159

Mr. HALL of Texas changed his vote from "aye" to "no."

Messrs. TALLON, KENNEDY, and DAVIS changed their votes from "no" to "aye."

So the motion to table was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

□ 1200

ACCEPTANCE OF HABEAS CORPUS AMENDMENTS TO H.R. 3371, OMNIBUS CRIME CONTROL ACT OF 1991

Mr. FISH. Mr. Speaker, I ask unanimous consent that the text of the amendment in the nature of a substitute made on order under the rule of the bill (H.R. 3371) to control and prevent crime, be amended by the language of the amendment I have at the desk.

The SPEAKER pro tempore. (Mr. MAZZOLI). The Clerk will report the amendment.

The Clerk read as follows:

Amendments offered by Mr. FISH: On page 70, after "15 years" in line 13, strike the remainder of line 13, lines 14 and 15, and through "sought" in line 16, and insert as a substitute: "of experience as a prosecutor or defense counsel in criminal felony cases".

On page 70, after "stages," in line 19, strike the remainder of line 19, lines 20-23, and through "death" in line 24, and insert as a substitute: "3 years of experience as a prosecutor of defense counsel in criminal felony cases"

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

Mr. BROOKS. Mr. Speaker, reserving the right to object, would the distinguished gentleman from New York explain the purpose of his request?

Mr. FISH. Mr. Speaker, if the gentleman will yield, I would be happy to explain the request.

Mr. BROOKS. I yield to the gentleman from New York.

Mr. FISH. Mr. Speaker, at the outset, just for the edification of my colleagues, I learned this morning that this amendment to the committee bill has to be made in the House rather than in the Committee of the Whole, and my colleagues on both sides of the aisle have granted me this delay in proceeding with the habeas corpus amendments.

This goes to title XI of the bill that came out of the Committee on the Judiciary which deals with habeas corpus. Specifically, on page 70, the language in referring to counsel to be appointed for the trial or sentencing stages or for the appellate and post-conviction stages requires 5 years of experience in the representation of criminal defendants in felony cases, and experience in at least one case in which the death penalty was sought.

This was alluded to yesterday by several of our colleagues, including our colleague, the gentleman from New Jersey [Mr. HUGHES] in general debate as being unduly restrictive in the selection of competent counsel to represent defendants. My amendment simply expands the pool of lawyers who have been prosecutors as well as defense counsel, and it drops the requirement that they have to have been involved in one capital case.

It is my understanding that the ranking members of the respective subcommittees on the minority side, the Subcommittee on Crime and the Subcommittee on Civil and Constitutional Law, have no objection to this, and that the matter has been cleared with the chairman and the subcommittee chairman, the gentleman from New Jersey [Mr. HUGHES], the gentleman from California [Mr. EDWARDS], and the gentleman from New York, [Mr. SCHUMER]. I understand that the subcommittee chairmen on the majority side have no objection to this unanimous-consent request.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

Mr. HYDE. Mr. Speaker, reserving the right to object, I would just like to ask the gentleman from New York a question.

I understand what he is doing, and I think this makes a bad bill a little better, although not enough, unfortunately. The gentleman is trying to remedy the situation in the bill which says you cannot be appointed a defense counsel in a collateral proceeding unless you have had 5 years as a criminal defense lawyer; the gentleman would shorten that to 3 years?

Mr. FISH. No. Mr. Speaker, if the gentleman will yield, we leave it at 5 years.

Mr. HYDE. You leave it at 5 years, but you can have been a prosecutor as well as a defense lawyer, and that permits former U.S. attorneys and assistant U.S. attorneys who are eminently qualified to act as defense counsel; is that correct?

Mr. FISH. That is correct.

Mr. HYDE. But what you are not touching, you are not amending at all that part of the Brooks bill which says that when these counsel are appointed for indigent accused for the purposes of collateral review, the appointment is not made by a judge but it is made by the defense bar; you are leaving that alone, is that correct?

Mr. FISH. The gentleman is correct.

Mr. HYDE. Mr. Speaker, I thank the gentleman, and I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

Mr. BROOKS. Mr. Speaker, further reserving the right to object, I yield to the gentleman from New Jersey [Mr. HUGHES] for a further explanation.

Mr. HUGHES. Mr. Speaker, I thank the distinguished chairman of the subcommittee for yielding.

Mr. Speaker, I just want to congratulate the gentleman from New York [Mr. FISH] and thank the gentleman from California [Mr. EDWARDS], the chairman of the subcommittee, because in subcommittee and in full committee there was recognition that the standards were much too stringent. The gentleman has put his finger on one of my major concerns in the bill.

We would have limited much of the defense bar who would be competent in trying these cases under the language of the bill because very few attorneys do in fact handle capital cases. That is not what we want to do. We want to make sure that competent counsel is appointed because we recognize that about 40 percent of our problems with habeas corpus proceedings are from inept counsel. Forty percent of the capital cases are reversed because of incompetent counsel.

Mr. BROOKS. Mr. Speaker, I would ask the gentleman from New Jersey [Mr. HUGHES], does this not delay the entire procedure by making prosecutors go back time and again and try cases again?

Mr. HUGHES. Mr. Speaker, the gentleman from Texas is absolutely right. Sometimes the reversal takes place 12 to 15 years after the case was tried and the conviction is held. Only on the second or successive petition has that reversal taken place because of incompetent counsel. So we have found that we have wasted a lot of resources and a lot of time.

Mr. Speaker, this is a good amendment.

Mr. BROOKS. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

REQUEST FOR CONSIDERATION OF THE DOLE-MICHEL UNEMPLOYMENT BILL

Mr. GINGRICH. Mr. Speaker, I ask unanimous consent to bring up the Dole-Michel unemployment bill.

The SPEAKER pro tempore. The Chair will state that under the Speaker's guidelines which have been announced earlier, the Chair will not recognize the gentleman for that purpose.

Mr. GINGRICH. I thank the Chair.

ACCEPTANCE OF AMENDMENT TO TITLE XIX OF H.R. 3371, OMNIBUS CRIME CONTROL ACT OF 1991

Mr. BERMAN. Mr. Speaker, I ask unanimous consent that the text of the amendment made in order under the rule on the bill (H.R. 3371) to control and prevent crime, be amended by the language of the amendment which I have at the desk.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. BERMAN: On page 215, strike line 14 and all that follows through line 8 on page 216 and insert:

SEC. 1958. SPECIAL RULE FOR CERTAIN HABEAS CORPUS PETITIONS RELATING TO DEATH SENTENCES.

Any race bias claim.

(1) asserted under Batson v. Ky, 476 U.S. 79 (1986); and

(2) seeking relief with respect to a sentence of death imposed before the date of the enactment of this Act,

Whether or not previously raised or determined, unless determined on the merits in a Federal habeas corpus proceeding, may be raised in a proceeding commenced under chapter 153 of title 28, United States Code, not later than 1 year after the date of the enactment of this Act and shall be determined on the merits. In determining the merits of that claim, the law in effect at the time of the determination shall apply, and the petitioner shall have the burden of showing intentional racial discrimination.

Mr. BERMAN (during the reading). Mr. Speaker, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The SPEAKER pro tempore. Is there objection to the initial request of the gentleman from California?

Mr. WALKER. Mr. Speaker, reserving the right to object, I think we ought to get an explanation of what the gentleman is doing, and I am glad to yield to the gentleman from California for that purpose.

Mr. BERMAN. Mr. Speaker, I thank the gentleman for yielding to me under his reservation.

Mr. Speaker, this will narrow the language in the text of the bill that came from the committee with respect to race claims in capital punishment cases. This has been discussed with the gentleman from Illinois [Mr. HYDE], and he has indicated to me that he has no objection to our making this narrowing amendment.

Mr. WALKER. Mr. Speaker, that is my understanding.

Will the gentleman tell us just for the RECORD what the nature of the narrowing is?

Mr. BERMAN. Mr. Speaker, the nature of the substitute amendment will make sure that habeas corpus petitions in race bias claims will be limited only to cases coming pursuant to Batson versus Kentucky, one Supreme Court case only.

Mr. WALKER. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

OMNIBUS CRIME CONTROL ACT OF 1991

The SPEAKER pro tempore (Mr. MAZZOLI). Pursuant to House Resolution 247 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 3371.

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IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 3371) to control and prevent crime, with Mr. SKAGGS in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose on Wednesday, October 16, 1991, pending was Amendment No. 6 printed in House Report 102-253 offered by the gentleman from Florida [Mr. MCCOLLUM].

The gentleman from Florida [Mr. MCCOLLUM] will be recognized for 7½ minutes and the gentleman from Texas [Mr. BROOKS] will be recognized for 7½ minutes.

The Chair recognizes the gentleman from Florida [Mr. MCCOLLUM].

Mr. McCOLLUM. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I wish to inform Members that this particular amendment was folded into the Gekas amendment that we passed last night, the last vote that we took. It was not in the Gekas amendment in the Committee on the Judiciary, it was put by the gentleman from Pennsylvania [Mr. GEKAS] into his amendment.

Mr. Chairman, I want to explain it, but I will, after I explain it, ask unanimous consent to withdraw it, because in the version I have offered it, it has already been adopted.

Mr. Chairman, the amendment that I have here and that is in the Gekas amendment now and was passed provides a couple of additional provisions that were left out when the committee considered the McCollum amendment with respect to drug kingpin death penalties.

If Members will recall, we had a debate over that also in a separate amendment last night when an effort was made to strike what was in the bill. What is in the bill from the very first get-go is the part of the McCollum death penalty provision on drug kingpins dealing with that situation where drug kingpins sell twice the amount of narcotics necessary currently to get a life imprisonment sentence. That was in the bill coming out of the Committee on the Judiciary.

What we are now talking about here are two other prongs of the drug kingpin death penalty that were not in the original Judiciary bill. The first of those two provisions is a case where a death actually occurs in a situation where there is a drug kingpin, but where in the bill that came out of the Committee on the Judiciary, you had to have the usual actual knowing or intent to kill.

What I had offered originally and offered in the last Congress, and was passed here on the floor and what was adopted last night by the Gekas amendment, is a provision where if you have a death by a drug kingpin as a part of a drug enterprise like this, that reckless disregard is a sufficient standard.

The reason why it is so important that that be allowed and why it was adopted by this body is that we have situations like occurred in Detroit a couple weeks ago, where someone who is a rival crack dealer burns down the rival crack house. He does not know that a mother and her infant baby are in the crack house, but they are burned to death in that process. That murder would not have been covered by the provision; in fact, it would not have been murder by the provision that came out of the Committee on the Judiciary. But with a reckless disregard standard with respect to this provision, it would be.

The second prong, and I think this is more unique and different and needs explanation, deals with the fact that also added as a part of the drug kingpin death penalty provision is the situation where, as a part of a continuing criminal enterprise, the principal administrator, organizer, or leader of the enterprise, either orders or directs in some way someone to kill, to attempt to kill, one who is a prosecutor, a juror, a witness, or a member of the family or household of such a person, with an intent to obstruct the proceedings that are coming up against him, the investigation, or the trial.

Mr. Chairman, I think that is a very important addition. There ought to be a death penalty in that situation, even though an attempt is involved and perhaps not the actual murder itself. I think that it rises clearly to the same kind of degree of concern that we have when we just talked about simply selling narcotics in large enough quantities in order to be assured that we have the public concern involved in this situation, with how egregious it is.

Mr. Chairman, this is the only way that we have as a country to control the kind of things that are being perpetrated by drug kingpins against those who would be involved in prosecuting them or investigating them. They make awful attempts at lives, and this would provide a clear sanction against that. I think it is an important addition.

Mr. Chairman, having said this and related what is involved in the amendment itself, and having related what I have done up to this point in time, I ask unanimous consent to withdraw this amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

There was no objection.

The CHAIRMAN. Under the rule, it is now in order to consider amendment No. 7 printed in part 2 of House Report 102-253.

AMENDMENT OFFERED BY MR. HYDE

Mr. HYDE. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. HYDE:

Page 65, strike line 11 and all that follows through line 24 on page 74 and insert the following:

TITLE XI—HABEAS CORPUS REFORM

Subtitle A—General Habeas Corpus Reform

SEC. 1101. SHORT TITLE.

This title may be cited as the "Habeas Corpus Reform Act of 1991".

SEC. 1102. PERIOD OF LIMITATION.

Section 2244 of title 28, United States Code, is amended by adding at the end thereof the following new subsection:

"(d) A one-year period of limitation shall apply to an application for a writ of habeas corpus by a person in custody pursuant to the judgment of a State court. The limitation period shall run from the latest of the following times:

"(1) The time at which State remedies are exhausted.

"(2) The time at which the impediment to filing an application created by State action in violation of the Constitution or laws of the United States is removed, where the applicant was prevented from filing by such State action.

"(3) The time at which the Federal right asserted was initially recognized by the Supreme Court, where the right has been newly recognized by the Court and is retroactively applicable.

"(4) The time at which the factual predicate of the claim or claims presented could have been discovered through the exercise of reasonable diligence.".

SEC. 1103. APPEAL.

Section 2253 of title 28, United States Code, is amended to read as follows:

"§ 2253. Appeal

In a habeas corpus proceeding or a proceeding under section 2255 of this title before a circuit or district judge, the final order shall be subject to review, on appeal, by the court of appeals for the circuit where the proceeding is had.

"There shall be no right of appeal from such an order in a proceeding to test the validity of a warrant to remove, to another district or place for commitment or trial, a person charged as a criminal against the United States, or to test the validity of his detention pending removal proceedings.

"An appeal may not be taken to the court of appeals from the final order in a habeas corpus proceeding where the detention complained of arises out of process issued by a State court, or from the final order in a proceeding under section 2255 of this title, unless a circuit justice or judge issues a certificate of probable cause.".

SEC. 1104. AMENDMENT TO RULES OF APPELLATE PROCEDURE.

Federal Rule of Appellate Procedure 22 is amended to read as follows:

"RULE 22

"HABEAS CORPUS AND SECTION 2255 PROCEEDINGS

"(a) Application for an Original Writ of Habeas Corpus.—An application for a writ of habeas corpus shall be made to the appropriate district court. If application is made to a circuit judge, the application will ordinarily be transferred to the appropriate district court. If an application is made to or transferred to the district court and denied, renewal of the application before a circuit judge is not favored; the proper remedy is by appeal to the court of appeals from the order of the district court denying the writ.

"(b) Necessity of Certificate of Probable Cause for Appeal.—In a habeas corpus proceeding in which the detention complained of arises out of process issued by a State court, and in a motion proceeding pursuant to section 2255 of title 28, United States Code, an appeal by the applicant or movant may not proceed unless a circuit judge issues a certificate of probable cause. If a request for a certificate of probable cause is addressed to the court of appeals, it shall be deemed addressed to the judges thereof and shall be considered by a circuit judge or judges as the court deems appropriate. if no express request for a certificate is filed, the notice of appeal shall be deemed to constitute a request addressed to the judges of the court of appeals. If an appeal is taken by a State or the Government or its representative, a certificate or probable cause is not required.".

SEC. 1105. SECTION 2254 AMENDMENTS.

Section 2254 of title 28, United States Code, is amended by redesignating subsections, "(e)" and "(f)" as subsections "(f)" and "(g)", respectively, and is further amended--

(1) by amending subsection (b) to read as follows:

"(b) An application for a writ of habeas corpus in behalf of a person in custody pursuant to the judgment of a State court shall not be granted unless it appears that the applicant has exhausted the remedies available in the courts of the State, or that there is either an absence of available State corrective process or the existence of circumstances rendering such process ineffective to protect the rights of the applicant. An application may be denied on the merits notwithstanding the failure of the applicant to exhaust the remedies available in the courts of the State.";

(2) by redesignating subsection "(d)" as subsection "(e)", and amending it to read as follows:

"(e) In a proceeding instituted by an application for a writ of habeas corpus by a person in custody pursuant to the judgment of a State court, a full and fair determination of a factual issue made in the case by a State court shall be presumed to be correct. The applicant shall have the burden of rebutting this presumption by clear and convincing evidence.";

(3) by inserting after subsection (c) a new subsection (d) reading as follows:

"(d) An application for a writ of habeas corpus in behalf of a person in custody pursuant to the judgment of a State court shall not be granted with respect to any claim that has been fully and fairly adjudicated in State proceedings."; and

(4) by adding at the end the following:

"(h) In all proceedings brought under this section, and any subsequent proceedings on review, appointment of counsel for a petitioner who is or becomes financially unable to afford counsel shall be in the discretion of the court, except as provided by a rule promulgated by the Supreme Court pursuant to statutory authority. Appointment of counsel under this section shall be governed by the provisions of section 3006A of title 18, United States Code.

"(i) An adjudication of a claim in State proceedings is full and fair within the meaning of this section, and of section 2259 of this title, unless the adjudication—

"(1) was conducted in a manner inconsistent with the procedural requirements of Federal law that are applicable to the State proceeding,

"(2) was contrary to or involved an arbitrary or unreasonable interpretation or application of clearly established Federal law, or

"(3) involved an arbitrary or unreasonable determination of the facts in light of the evidence presented.".

SEC. 1106. SECTION 2255 AMENDMENTS.

Section 2255 of title 28, United States Code, is amended by deleting the second paragraph and the penultimate paragraph thereof, and by adding at the end thereof the following new paragraphs:

"A two-year period of limitation shall apply to a motion under this section. The limitation period shall run from the latest of the following times:

"(1) The time at which the judgment of conviction becomes final.

"(2) The time at which the impediment to making a motion created by governmental action in violation of the Constitution or laws of the United States is removed, where the movant was prevented from making a motion by such governmental action.

"(3) The time at which the right asserted was initially recognized by the Supreme Court, where the right has been newly recognized by the Court and is retroactively applicable.

"(4) The time at which the factual predicate of the claim or claims presented could have been discovered through the exercise of reasonable diligence.

"In all proceedings brought under this section, and any subsequent proceedings on review, appointment of counsel for a movant who is or becomes financially unable to afford counsel shall be in the discretion of the court, except as provided by a rule promulgated by the Supreme Court pursuant to statutory authority. Appointment of counsel under this section shall be governed by the provisions of section 3006A of title 18, United States Code.".

Subtitle B—Death Penalty Litigation Procedures

SEC. 1111. SHORT TITLE FOR SUBTITLE B.

This subtitle may be cited as the "Death Penalty Litigation Procedures Act of 1991".

SEC. 1112. DEATH PENALTY LITIGATION PROCEDURES.

Title 28, United States Code, is amended by inserting the following new chapter immediately following chapter 153:

"CHAPTER 154—SPECIAL HABEAS CORPUS PROCEDURES IN CAPITAL CASES

"Sec.

"2256. Prisoners in State custody subject to capital sentence; appointment of counsel; requirement of rule of court or statute; procedures for appointment.

"2257. Mandatory stay of execution; duration; limits on stays of execution; successive petitions.

"2258. Filing of habeas corpus petition; time requirements; tolling rules.

"2259. Evidentiary hearings; scope of Federal review; district court adjudication.

"2260. Certificate of probable cause inapplicable.

"2261. Application to State unitary review procedures.

"2262. Limitation periods for determining petitions.

"2263. Rule of construction.

"§ 2256. Prisoners in State custody subject to capital sentence; appointment of counsel; requirement of rule of court or statute; procedures for appointment

"(a) This chapter shall apply to cases arising under section 2254 brought by prisoners in State custody who are subject to a capital sentence. It shall apply only if the provisions of subsections (b) and (c) are satisfied.

"(b) This chapter is applicable if a State establishes by rule of its court of last resort or by statute a mechanism for the appointment, compensation, and payment of reasonable litigation expenses of competent counsel in State postconviction proceedings brought by indigent prisoners whose capital convictions and sentences have been upheld on direct appeal to the court of last resort in the State or have otherwise become final for State law purposes. The rule of court or statute must provide standards of competency for the appointment of such counsel.

"(c) Any mechanism for the appointment, compensation, and reimbursement of counsel as provided in subsection (b) must offer counsel to all State prisoners under capital sentence and must provide for the entry of an order by a court of record: (1) appointing one or more counsel to represent the prisoner upon a finding that the prisoner is indigent and accepted the offer or is unable competently to decide whether to accept or reject the offer; (2) finding, after a hearing if necessary, that the prisoner rejected the offer of counsel and made the decision with an understanding of its legal consequences; or (3) denying the appointment of counsel upon a finding that the prisoner is not indigent.

"(d) No counsel appointed pursuant to subsections (b) and (c) to represent a State prisoner under capital sentence shall have previously represented the prisoner at trial or on direct appeal in the case for which the appointment is made unless the prisoner and counsel expressly request continued representation.

"(e) The ineffectiveness or incompetence of counsel during State or Federal collateral postconviction proceedings in a capital case shall not be a ground for relief in a proceeding arising under section 2254 of this chapter. This limitation shall not preclude the appointment of different counsel, on the court's own motion or at the request of the prisoner, at any phase of State or Federal postconviction proceedings on the basis of the ineffectiveness or incompetence of counsel in such proceedings.

"§ 2257. Mandatory stay of execution; duration; limits on stays of execution; successive petitions

"(a) Upon the entry in the appropriate State court of record of an order under section 2256(c), a warrant or order setting an execution date for a State prisoner shall be stayed upon application to any court that would have jurisdiction over any proceedings filed under section 2254. The application must recite that the State had invoked the postconviction review procedures of this chapter and that the scheduled execution is subject to stay.

"(b) A stay of execution granted pursuant to subsection (a) shall expire if—

"(1) a State prisoner fails to file a habeas corpus petition under section 2254 within the time required in section 2258, or fails to make a timely application for court of appeals review following the denial of such a petition by a district court; or

"(2) upon completion of district court and court of appeals review under section 2254 the petition for relief is denied and (A) the time for filing a petition for certiorari has expired and no petition has been filed; (B) a timely petition for certiorari was filed and the Supreme Court denied the petition; or (C) a timely petition for certiorari was filed and upon consideration of the case, the Supreme Court disposed of it in a manner that left the capital sentence undisturbed; or

"(3) before a court of competent jurisdiction, in the presence of counsel and after having been advised of the consequences of his decision, a State prisoner under capital sentence waives the right to pursue habeas corpus review under section 2254.

"(c) If one of the conditions in subsection (b) has occurred, no Federal court thereafter shall have the authority to enter a stay of execution or grant relief in a capital case unless—

"(1) the basis for the stay and request for relief is a claim not previously presented in the State or Federal courts;

"(2) the failure to raise the claim is (A) the result of State action in violation of the Constitution or laws of the United States; (B) the result of the Supreme Court recognition of a new Federal right that is retroactively applicable; or (C) based on a factual predicate that could not have been discovered through the exercise of reasonable diligence in time to present the claim for State or Federal postconviction review; and

"(3) the facts underlying the claim would be sufficient, if proven, to undermine the court's confidence in the determination of quilt on the offense or offenses for which the death penalty was imposed.

"§ 2258. Filing of habeas corpus petition; time requirements; tolling rules

"Any petition for habeas corpus relief under section 2254 must be filed in the appropriate district court within 180 days from the filing in the appropriate State court of record of an order under section 2256(c). The time requirements established by this section shall be tolled—

"(1) from the date that a petition for certiorari is filed in the Supreme Court until the date of final disposition of the petition if a State prisoner files the petition to secure review by the Supreme Court of the affirmance of a capital sentence on direct review by the court of last resort of the State or other final State court decision on direct review;

"(2) during any period in which a State prisoner under capital sentence has a properly filed request for postconviction review pending before a State court of competent jurisdiction; if all State filing rules are met in a timely manner, this period shall run continuously from the date that the State prisoner initially files for postconviction review until final disposition of the case by the highest court of the State, but the time requirements established by this section are not tolled during the pendency of a petition for certiorari before the Supreme Court except as provided in paragraph (1); and

"(3) during an additional period not to exceed 60 days, if (A) a motion for an extension of time is filed in the Federal district court that would have proper jurisdiction over the case upon the filing of a habeas corpus petition under section 2254; and (B) a showing of good cause is made for the failure to file the habeas corpus petition within the time period established by this section.

"§ 2259. Evidentiary hearings; scope of Federal review; district court adjudication

"(a) Whenever a State prisoner under a capital sentence files a petition for habeas corpus relief to which this chapter applies, the district court shall—

"(1) determine the sufficiency of the record for habeas corpus review based on the claims actually presented and litigated in the State courts except when the prisoner can show that the failure to raise or develop a claim in the State courts is (A) the result of State action in violation of the Constitution or laws of the United States; (B) the result of the Supreme Court recognition of a new Federal right that is retroactively applicable; or (C) based on a factual predicate that could not have been discovered through the exercise of reasonable diligence in time to present the claim for State postconviction review; and

"(2) conduct any requested evidentiary hearing necessary to complete the record for habeas corpus review.

"(b) Upon the development of a complete evidentiary record, the district court shall rule on the claims that are properly before it. The court shall not grant relief from a judgment of conviction or sentence on the basis of any claim that was fully and fairly adjudicated in State proceedings. A full and fair determination of a factual issue made in the case by a State court shall be presumed to be correct, and the prisoner shall have the burden of rebutting this presumption by clear and convincing evidence.

"§ 2260. Certificate of probable cause inapplicable

"The requirement of a certificate of probable cause in order to appeal from the district court to the court of appeals does not apply to habeas corpus cases subject to the provisions of this chapter except when a second or successive petition is filed.

"§ 2261. Application to State unitary review procedures

"(a) For purposes of this section, a 'unitary review' procedure means a State procedure that authorizes a person under sentence to death to raise, in the course of direct review of the judgment, such claims as could be raised on collateral attack. The provisions of this chapter shall apply, as provided in this section, in relation to a State unitary review procedure if the State establishes by rule of its court of last resort or by statute a mechanism for the appointment, compensation, and payment of reasonable litigation expenses of competent counsel in the unitary review proceedings, including expenses relating to the litigation of collateral claims in the proceedings. The rule of court or statute must provide standards of competency for the appointment of such counsel.

"(b) A unitary review procedure, to qualify under this section, must include an offer of counsel following trial for the purpose of representation on unitary review, and entry of an order, as provided in section 2256(c), concerning appointment of counsel or waiver or denial of appointment of counsel for that purpose. No counsel appointed to represent the prisoner in the unitary review proceedings shall have previously represented the prisoner at trial in the case for which the appointment is made unless the prisoner and counsel expressly request continued representation.

"(c) The provision of sections 2257, 2258, 2259, 2260, and 2262 shall apply in relation to cases involving a sentence of death from any State having a unitary review procedure that qualifies under this section. References to State 'post-conviction review' and 'direct review' in those sections shall be understood as referring to unitary review under the State procedure. The references in sections 2257(a) and 2258 to 'an order under section 2256(c)' shall be understood as referring to the post-trial order under subsection (b) concerning representation in the unitary review proceedings, but if a transcript of the trial proceedings is unavailable at the time of the filing of such an order in the appropriate State court, then the start of the 180 day limitation period under section 2258 shall be deferred until a transcript is made available to the prisoner or his counsel.

"§ 2262. Limitation periods for determining petitions

"(a) The adjudication of any petition under section 2254 of title 28, United States Code, that is subject to this chapter, and the adjudication of any motion under section 2255 of title 28, United States Code, by a person under sentence of death, shall be given priority by the district court and by the court of appeals over all noncapital matters. The adjudication of such a petition or motion shall be subject to the following time limitations:

"(1) A Federal district court shall determine such a petition or motion within 110 days of filing.

"(2)(A) The court of appeals shall hear and determine any appeal relating to such a petition or motion within 90 days after the notice of appeal is filed.

"(B) The court of appeals shall decide any application for rehearing en banc within 20 days of the filing of such application unless a response pleading is required in which case the court of appeals shall decide the application within 20 days of the filing of the responsive pleading. If en banc consideration is granted, the en banc court shall determine the appeal within 90 days of the decision to grant such consideration.

"(3) The Supreme Court shall act on any application for a writ of certiorari relating to such a petition or motion within 90 days after the application is filed.

"(b) The time limitations under subsection (a) shall apply to an initial petition or motion, and to any second or successive petition or motion. The same limitations shall also apply to the redetermination of a petition or motion or related appeal following a remand by the court of appeals or the Supreme Court for further proceedings, and in such a case the limitation period shall run from the date of the remand.

"(c) The time limitations under this section shall not be construed to entitle a petitioner or movant to a stay of execution, to which the petitioner or movant would otherwise not be entitled, for the purpose of litigating any petition, motion, or appeal.

"(d) The failure of a court to meet or comply with the time limitations under this section shall not be a ground for granting relief from a judgment of conviction or sentence. The State or Government may enforce the time limitations under this section by applying to the court of appeals or the Supreme Court for a writ of mandamus.

"(e) The Administrative Office of the United States Courts shall report annually to Congress on the compliance by the courts with the time limits established in this section.

"§ 2263. Rule of construction

"The provisions of this chapter shall be construed to promote the expeditious conduct and conclusion of State and Federal court review in capital cases.".

The CHAIRMAN. Under the rule, the gentleman from Illinois [Mr. HYDE] will be recognized for 15 minutes, and a Member opposed will be recognized for 15 minutes.

Does the gentleman from Texas [Mr. BROOKS] rise in opposition?

Mr. BROOKS. Mr. Chairman, I do.

The CHAIRMAN. The gentleman from Texas [Mr. BROOKS] will be recognized for 15 minutes.

The Chair recognizes the gentleman from Illinois [Mr. HYDE].

Mr. HYDE. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Alabama [Mr. HARRIS].

Mr. HARRIS. Mr. Chairman, I rise in support of the Hyde amendment on habeas corpus. My support for it is based on my 8½–10½ years experience as a State prosecutor. I have studied this amendment and given it very careful consideration in light of my 19 years experience in the State criminal justice system at the State level. This amendment is absolutely essential to meaningful habeas corpus reform. It would improve the process. The committee bill would make matters worse.

Justice is scarce to nonexistent in our criminal justice system today, because we have no finality of judgment. Finality of judgment is one of the most important goals of our judicial system, because it is an essential component of justice itself. When a judgment of conviction is never final and is always open to attack based upon some change in law or some new legal theory proposed by the latest in an endless series of lawyers, we can have no justice. When a criminal is never told with finality that his punishment must be served, we can have no justice. When the victim or a victim's family is never told with finality that their ordeal is over, there can be no justice. If we are to have justice, there must be finality of judgment so that our society can say with certainty that guilt has been determined, that punishment has been inflicted, and that it is over.

The habeas provisions of the committee bill will not further finality of judgment. Instead, they will result in even less finality of judgment than we have now. Among other things, the habeas provisions in the committee bill would destroy the nonretroactivity doctrine of the *Teague* v. *Lane*, 489 U.S. 288 (1989), decision and related cases. I know from my years on the State trial court bench that nothing is more frustrating and more unfair than to have a case reversed and have to retry it because the rules were changed after the trial. A judge exercises all possible caution, and he considers and carefully decides all legal issues in accordance with the latest Supreme Court decisions. What the committee bill would mean is that no matter how cautious, how careful, how diligent, and how respectful of existing precedent a State court judge is, his rulings are never safe from some unforeseen opinion issued in the distant future.

There can be no finality of judgment when litigation is constantly open to reexamination based upon rules that are announced years and years after guilt is determined and punishment imposed. I support the Hyde habeas corpus amendments, because unless the committee bill is amended it will overrule the Teague nonretroactivity doctrine and thus destroy what little finality of judgment we have today.

I also favor the Hyde habeas corpus amendments because of their "full and fair adjudication" provision. Under this provision, a Federal court would defer to the State courts' judgment concerning an issue if, but only if, that decision has been arrived at under full and fair procedures and it is also not an arbitrary or unreasonable decision.

The full and fair provision is the most valuable step we can take towards finality of judgment, because it will end the indefensible situation in which a single Federal court judge second guesses the considered and entirely reasonable judgment of more than a dozen State judges. Under the law as it exists today, one Federal judge can overrule a State trial court judge, five State intermediate appellate court judges, and nine State supreme court judges even in situations in which their judgment and decision on a particular issue is as fairly arrived at and as reasonable in result as the opinion of the one Federal judge. Moreover, 1 Federal judge can overrule those 15 State judges even when the U.S. Supreme Court has itself denied review in the case on direct appeal.

You can gauge the value that a provision will have for finality of judgment by the extreme reaction it provokes from those whose business and desire it is to fight finality of judgment at all costs. Opponents of finality of judgment say that the full and fair adjudication provision will end habeas corpus review. Of course, that is nonsense.

Under the full and fair provision, it is the Federal habeas courts that will have the final say on whether the State courts have given full and fair review to the contentions of the Federal habeas petitioner. Only if the Federal habeas courts find that the State court procedures were full and fair, and only if the Federal habeas courts find that the State court decision on the issue was reasonable will the Federal courts defer. That is an absolutely crucial point which bears repeating. The full and fair review provision would have absolutely no effect whatsoever unless the Federal courts themselves decide that the State court procedures were fair, and unless the Federal courts also decide that the State courts reached a reasonable decision in the matter.

The only habeas corpus review that will be ended by this provision is the second guessing of those State court decisions that the Federal habeas courts decide are reasonable decisions fairly arrived at by the State courts. It is still the Federal courts that will decide which State court decisions are reasonable. It is a sad commentary on our judicial system that such a moderate proposal can be viewed as revolutionary.

Contrary to what has been said, the full and fair adjudication provision will not allow State courts to trample on Federal constitutional rights, because the Federal habeas courts will never find that that is reasonable. Nor will the provision result in the innocent being convicted or executed. No Federal habeas court would ever find that that is reasonable.

We vote on a lot of legislation in this Congress, and all of it is important to someone or to some group. However, legislation which seeks to do something about the problem of crime and which seeks to improve our criminal justice system is important to every single person in this country. I want to tell you that based upon the 19 years I spent laboring in the justice system before I came to Congress, the Hyde amendment habeas corpus provisions are the most important single piece of legislation that this Congress has considered concerning our criminal justice system. The National Association of Attorneys General, the National District Attorneys Association, and victims and survivors groups all support the provisions of the Hyde amendment.

If we are to have finality, if we are to have justice, then it is essential that we not disturb the nonretroactivity doctrine and that we adopt the full and fair adjudication provision. It is essential that we enact the Hyde habeas corpus amendment.

Mr. BROOKS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I want to express my vehement opposition to this amendment. I strongly share the opinion that changes, reforms, and limitations are needed to reduce the length of time occurring between conviction of heinous murderers and their execution. My views on the need for capital punishment for certain unforgivable offenses are very well known. However, endless hearings and delays—many of which are spawned by attorneys unable to follow the complex procedure that applies in habeas corpus proceedings—have unfortunately cast into question the validity of one of our most cherished rights, and of the workings of the judicial system itself.

Having stated my commitment to useful and practical reform, I must, however, seriously question the direction which the gentleman from Illinois wishes to take us in raising this amendment. Only a year ago, the gentleman—a very distinguished and erudite lawyer—stood before this body and literally brought down the rule on the crime bill because his amendment on habeas corpus at that time was not made in order for a vote. Eventually, we did consider what the gentleman had to offer; and as a body, we adopted his amendment at that time. Ultimately, the Hyde amendment from the 101st Congress was not enacted, but the lessons derived from it were certainly remembered by me and many other Members. For this reason, the Judiciary Committee this year reported a habeas corpus provision that closely comports with the very proposal which the gentleman from Illinois sought last year.

A year has passed, and the gentleman comes forward again. But, he comes not to support that amendment which the committee passed and which was modeled on his handiwork. Instead, he comes before this body to advocate an amendment that would radically depart from his previous proposal and would, in essence, eviscerate the entire concept of habeas corpus under a procedural haze of glib rhetoric. It mocks plain and common usage to say that an amendment which destroys a doctrine is a reform package.

If our objective here is to reduce delays, achieve finality, and promote efficiency in the habeas corpus process, the habeas provision in H.R. 3371 does exactly that. But, if the objective is really to dismiss at one stroke a fundamental doctrine that goes back at least 750 years in Anglo-Saxon and American history, then such a radical intent should be forcefully and directly stated.

Let us give precise attention to what the Hyde amendment does. At bottom, it creates a pleasant sounding phrase—"full and fair adjudication"—that makes us initially feel that we are acting responsibly in the area of administration of justice. How could one be opposed to a provision containing the words "full and fair"? It sounds so constitutionally grounded in due process and equal protection of the laws. Yet the fine print taketh away what the nice label giveth. The fine print says that if a State simply declares that a person was given a full and fair proceeding, the actual fact of whether the 14th amendment protections of due process and equal protection were provided does not matter.

The amendment is almost the equivalent of demanding that a Federal court could not pierce the deep, dark veil surrounding due process so long as the magic words of "full and fair" are offered up.

While I have great confidence in the State courts, I do not believe that the doctrine of habeas corpus should be suspended when fundamental constitutional safeguards are not met. When they are not, the Judiciary Committee provision—the Hyde provision of yesteryear—will ensure a very limited and prompt review by a Federal court.

That is the very least we can do to ensure that the "great writ," as Blackstone termed it, remains basic to our judicial system in those rare cases when justice has not been given a chance to work.

Mr. Chairman, I reserve the balance of my time.

☐ 1220

Mr. HYDE. Mr. Chairman, I am pleased to yield 3 minutes to the gentleman from Virginia [Mr. MORAN].

Mr. MORAN. Mr. Chairman, almost all of us could relate to Mr. and Mrs. Collins and the pride and the love that they felt for their daughter. She was beautiful, bright, accomplished, athletic, full of spunk and fun. Until July 12, 1985, when she was jogging, and a man grabbed her from behind, a man that as far as I am concerned should not have been out in civilized society but was. And he was white. There is no issue of race here whatsoever.

But he grabbed her from behind, smashed her face into his automobile until her face was unrecognizable and then sexually tortured her, put a branch through the length of her body repeatedly until she died. The branch was found embedded the length of her body when she was found.

There was no question of guilt here, when the evidence was overwhelming, absolute. And so he confessed, and then when he confessed, he claimed multiple personality disorders. He was examined by dozens of psychiatrists and their unanimous conclusion was that he did not suffer from any isms but he was a very cruel person.

I am not going to go any further into this person's background because under current law and under this House bill it is simply too easy to find reasons for further Federal appeals.

This was 6 years ago. No question of guilt. I cannot describe in detail what happened to the Collins' daughter, but her father has had to do this for 6 years, will have to do that for years more.

What punishment, what revictimization? I have heard these arguments, and I want to believe and agree with my side of the aisle. I cannot in this case.

The point is that he was arrested over 6 years ago. It took 20 more months to get to trial. He was convicted 4½ years ago and since then has continually been able to appeal. It will be years of more hell for Mr. and Mrs. Collins under current law and under this bill because this bill does not set adepuate time limits on how long this case can be dragged out.

The Hyde amendment on the other hand sets a statute of limitations. I have to make the point that it is time we brought the punishment of innocent survivors to closure. It is not fair what we are doing.

Mr. BROOKS. Mr. Chairman, I yield 3 minutes to the gentleman from Georgia [Mr. JENKINS], a distinguished member of the Committee on Ways and Means.

□ 1250

Mr. JENKINS. Mr. Chairman, I voted yes on the Hyde amendment last year. But this year I am voting no, and I strongly urge my colleagues to vote no.

Since the Civil War, Federal habeas corpus has been the principal means for protecting our Bill of Rights in State criminal cases.

Last year the Hyde amendment would have streamlined habeas corpus. I support that. This year the Hyde amendment is radically different. It will end habeas corpus. I oppose that.

We must let the Federal courts have one chance to hear Federal constitutional claims. But the Hyde amendment would bar Federal courts from correcting erroneous State court interpretations of the Bill of Rights, so long as the claim was "fully and fairly adjudicated." This is the key difference between the Hyde amendment this year and last.

What "full and fair adjudication" really means is that if the State court proceeding was procedurally adequate, the fact that the State court was dead wrong on the law is irrelevant. The Federal courts are powerless to correct the error. When the Senate adopted virtually the same language in 1983, then-Attorney General William French Smith admitted the intent was the repeal habeas corpus.

Enacting this standard into law goes way too far. This is what attorneys general like William Guste of Louisiana, and Lee Fisher of Ohio, and Robert Abrams of New York say, and Chief Justice Rehnquist, the U.S. Judicial Conference, the American Bar Association, Federal and State judges, legal scholars, and practitioners from all perspectives say.

In death penalty cases, Federal habeas corpus may be the only thing standing between criminal defendants and death. An ABA study shows that, in capital cases, Federal courts overturn an astounding 40 percent of State prisoners' convictions or sentences. Forty percent of those on death row who do not deserve to die—who may be innocent—may be executed if this amendment becomes law.

Everyone agrees that the current system is inefficient, that cases take too long, that prisoners can abuse habeas corpus by filing one petition after another.

The Brooks-Jenkins-Derrick proposal in H.R. 3371 takes care of these problems. It doesn't abolish habeas corpus, as this amendment would. It only streamlines it.

During this past week, many of us watched the Thomas hearings in the Senate, and have been very critical of the process, and have stated that the process is unfair—either to Thomas or to Hill or both. Even Judge Thomas has said this is a lynching, and many have agreed. They do not have the privilege of habeas corpus in this process, they have no appeal to the decision. But, both have had the advantage of high dollar legal support from special interest groups.

How will an accused person who cannot afford a high dollar defense team, such as Thomas and Hill have, ever receive a proper trial without the opportunity of an appeal? It is not uncommon for the prejudice of a community to be reflected in the outcome of a trial. The rate of reversals in capital cases is presently around 40 percent. Without an appeal, this 40 percent would be imprisoned or executed despite the principals set forth in our very own Constitution. The appeals process is long and tedious, for both defendant and prosecutor, but we are obligated to provide an appeal to satisfy justice that any person executed was rightfully executed.

It is essential that we understand the gravity of the situation when we consider limiting this privilege by barring Federal courts from reviewing these cases. The example that has become classic in this argument is that of accused murderer Leo Frank, a fellow Georgian who was not allowed to attend critical portions of his own trial due to the mob that waited to lynch him. In addition, a witness that could have exonerated him was not allowed to testify due to the same mob. Although this was a clear violation of his sixth amendment rights "to be confronted with the witnesses against him" and "to have compulsory process for obtaining witnesses in his favor," Federal courts were barred from reviewing this case as the State courts had met the standard of a "full and fair" adjudication. That is to say, the State court had conducted a "procedurally correct" trial. Leo Frank was posthumously exonerated by the actual murderer, a result that could have been avoided had the Federal courts been able to examine his case.

Mr. Chairman, I ask my colleagues to join me in voting against this amendment. This will not streamline the review of habeas cases, it will add a whole new generation of litigation to the problem we have now. Under the Hyde amendment, Federal courts are barred from reviewing habeas claims. But there are three exceptions to this rule. If we think we have a backup of cases now, just wait until every prisoner who would file a habeas appeal files three claims for an exception. We will not be streamlining anything. We will be tripling the problem we now have. Believe me, the Hyde amendment is a litigator's dream. In the name of streamlining, the problem we now have is replaced with another.

By contrast, title XI of the Judiciary Committee's bill addresses the fundamental problems with habeas delays: Time and number. Neither time nor the number of appeals is presently limited, and it allows a prisoner to file endless claims which considerably delay final resolution of the case. Under the committee bill, time is limited to 1 year and the number is limited to one appeal only.

Mr. Chairman, I urge my colleagues on both sides of the aisle to vote against the Hyde amendment.

Mr. HYDE. Mr. Chairman, I am pleased to yield 1 minute to the gentleman from Rhode Island [Mr. MACHTLEY].

Mr. MACHTLEY. Mr. Chairman, I thank the gentleman very much for yielding me this time.

Mr. Chairman, I rise in strong support of Congressman HENRY HYDE'S habeas corpus amendment. It is time to put finality into the lawful, proper criminal conviction process.

Mr. Chairman, there are those who argue that this amendment will take away constitutional rights. But I would suggest that our Founding Fathers never envisioned a system that would be clogged with unnecessary appeals. They envisioned a system that would be fair, and reasonable, and more important, they envisioned a system which would be final in a reasonable time.

I would urge my colleagues to support this important amendment.

Mr. BROOKS. Mr. Chairman, I yield 3 minutes to the gentleman from South Carolina [Mr. DERRICK], a distinguished member of the Rules Committee.

Mr. DERRICK. Mr. Chairman, we are not just tampering this morning with a right that was guaranteed to us under the Constitution. That would be serious enough. But we are tampering with a right that has been guaranteed in the English common law for the last 700 or 800 years. We are looking at a right that is one of the basic rights guaranteed to individuals in this country and throughout our heritage.

Let me give an example. In a State court A is convicted of a crime. A year or two later B comes up and says, "No, he didn't do it; I did it." It is my opinion, under the Hyde amendment, there would not be review at the Federal level for A even though someone else admitted committing the crime.

There have been a lot of prosecutors around through my office as they have been through yours, and my prosecutors came to see me yesterday, and quite frankly, after we had an opportunity to sit down and discuss it for just a few minutes they said not to worry about that, it is OK and we are not upset about that. We can handle that.

Something else that has not been brought up is that the bill is supported by the U.S. Judicial Conference, former U.S. attorneys general, current and former Federal and State judges and prosecutors, hundreds of law deans and professors throughout this country, eminent historians and the American Bar Association, and State and local bars nationwide. I ask my colleagues, if the bill was going to do all the horrible things that the Hyde amendment and those who sponsor it suggest it would do, would this distinguished group of Americans support the judiciary bill? I suggest that they would not.

Justice delayed is justice denied. Under the judiciary bill there is a 1-year statute of limitations. There is a very limited, one petition with the exception of extraordinary cases. These are basically the things that our people, the people in this country have complained about for years, because someone takes 8 years or 9 years after a judgment to get to the final adjudication of the matter. All of this is taken together with competent counsel. This is one of the most serious votes that we will cast, and I ask Members to please vote against the Hyde amendment.

Mr. HYDE. Mr. Chairman, I am pleased to yield 1½ minutes to the gentleman from New York [Mr. FISH].

Mr. BROOKS. Mr. Chairman, I yield 2 minutes to my distinguished friend, the gentleman from New York.

The CHAIRMAN. The gentleman from New York [Mr. FISH] is recognized for a total of 3½ minutes.

Mr. FISH. Mr. Chairman, I thank my colleagues for yielding me this time.

Mr. Chairman, our vote on this amendment by my colleague and friend from Illinois touches one of the most fundamental rights in Anglo-American jurisprudence. We deal here with habeas corpus, the great writ of liberty. I know that some of my colleagues insist that modern habeas corpus for State prisoners is different from the common law writ protected by the Constitution. But the development of habeas corpus did not end in 1787 when the Constitution was adopted. Nor did it end in 1867, when the statute we are amending today was enacted. The great writ is a living instrument of our liberty. It stands now where it has always stood, to protect the rights of our citizens against arbitrary imprisonment, even death. I would not want to trifle with habeas corpus. I trust this House feels the same and that the gentleman's amendment will not be adopted.

I agree that habeas corpus today is time consuming, inefficient, and in need of reform—particularly in death penalty cases. That is why we adopted my colleague's amendment last year. But last year's Hyde amendment contained only the verbatim recommendation of Justice Powell's committee. My colleague's amendment this year is different. The Powell Committee did not propose this "full and fair" adjudication standard. If adopted, this standard leaves the Federal courts without power to remedy constitutional violations if State courts have considered the issue in a procedurally fair forum. The Powell Committee assumed that the Federal courts would continue to do what they have always done, but recommended that we make a number of procedural changes to expedite the processing of cases.

It is clear that the attempted definition of "full and fair adjudication" does not alleviate these concerns. The judiciary, the ABA, and much of the legal community strongly opposes "full and fair," even as defined by the gentleman's amendment.

The Hyde amendment this year is a far cry from the Powell Committee. If any language this year essentially adopts the Powell Committee recommendations, it is the language in the committee bill, title XI.

I call on this House to read these competing proposals, and seriously consider what the committee has produced this year. The changes against the committee language are unfair. This bill would not create more delays and litigation, and it certainly would not frustrate the implementation of the death penalty. By contrast, this bill would establish a strict statute of limitations in death penalty cases, cut off virtually all multiple petitions from the same prisoner, and bar the Federal courts from granting relief on the basis of changes in the Law. Mr. Chairman, none of these measures is in current law; each would restrict habeas litigation considerably.

Proponents of the Hyde amendment pick away at the details. For example, their bill has a limitation period of 6 months, while the committee bill provides for 1 year. I, for one, think it makes all the sense in the world to have a 1-year rule, so long as it is strict and is relaxed only for reasons not in the prisoner's control. To cite one example, under the committee bill the 1-year period does not begin to run until competent counsel has been assigned to a case.

But matters such as these are insignificant next to the extraordinarily important steps the committee bill takes in requiring competent, experienced lawyers in death penalty cases, from trial on. If we mean to expedite habeas litigation and also to be fair, this is the only way to do it. Competent counsel will improve the State process. It recognizes the incompetent counsels are responsible for errors in capital litigation. It gets to the reason finality has been delayed.

A lot has been said about the rules governing second or successive petitions from the same prisoner. Under the committee bill, a successive petition must be dismissed unless the prisoner shows one of two things—either State authorities prevented him or her from raising the claim in the first petition, or the facts supporting the claim could not have been discovered at the time the first petition has filed. Even then, the Federal court must dismiss unless the claim goes to the prisoner's guilt or to the validity of a death sentence. This is the U.S. Judicial Conference recommendation.

Proponents of the gentleman's amendment complain that this is still not strict enough. Under Hyde, a prisoner would not be able to challenge a death sentence in a second petition, even if State officials unconstitutionally kept him or her from raising the claim earlier. I frankly do not understand the justice, or the sense, of that position.

These are complex bills, and I could go on. Let me finish simply with this. I support reasonable, meaningful, even tough reforms of habeas corpus. But I cannot support doing away with the writ. That is what the gentleman's amendment would do. I urge the House to reject it.

□ 1240

Mr. HYDE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, first of all, forgive me, but we are not dealing with the great writ as two of the last speakers have said. The great writ of habeas corpus in the Constitution is involved when the executive is holding someone without charge.

We are dealing with statutory habeas corpus. Now, unfortunately, nobody seems to notice, including the Judicial Conference, that we have amended the bill to define what full and fair means.

If you want to reform habeas corpus, you want to stop relitigating, retrying the same issues again and again and again. The defendant has a trial, an appeal, an appeal to the Supreme Court, a direct appeal, then initiates collateral review through the State courts, then he moves over to the Federal system for Federal habeas corpus review.

Now, the Federal judge takes cognizance of what went on in the State courts, and only will assign validity to matters of fact, of law, and of procedure if they were dealt with reasonable consonant with the definition we have supplied in our bill.

The Judicial Conference, which wrote to Chairman BROOKS, says they are opposed to full and fair. They never consulted our amendment, our definition. We called them this morning. They never heard of it. They only looked at the Senate bill. So their letter is out of date.

You know, 15 minutes to discuss habeas corpus is an absurdity, and it was done, in my judgment, to keep us quiet so we cannot adequately discuss this, so I have got to resort to authority.

Here is a letter from a Democrat State's attorney from the County of Fairfax, VA.

Let me tell you what he says:

> This bill—

Meaning the Brooks bill—

> expands the rights of criminals, does little for victims, and will effectively end the death penalty in all of the States.

Here is what he says, and this is the Democrat State's attorney, Robert F. Horan, Jr.:

> I urge you to vote for the Hyde amendment that will curb abuse of habeas corpus procedure, defer to full and fair State court adjudications and leave intact the retroactivity doctrine established in Teague v. Lane.

Now, listen to this, and I am quoting:

> It pains me somewhat as a lifelong Democrat to sound like a cheerleader for the republicans on this bill. I truly believe that the American people have a perception that the Democratic Party is soft on crime. It is bills such as this that add to that perception. Giving the criminal more tools with which to avoid justice simply makes no sense to me.

The National District Attorneys' Association supports the Hyde amendment, 30 attorneys general, bipartisan, from around the country, support the Hyde amendment. We heard yesterday from my resourceful friend from Texas, a letter from an exattorney general, Jim Mattox. He served in this House, no conservative he. Well, let me point out that the present attorney general, and I assume he is a Democrat, Dan Morales, supports the Hyde amendment, and I have his letter from Texas. Moreover, here is a resolution from the Texas District-County Attorneys' Association supporting the Hyde amendment.

So all of these people would not be supporting the Hyde amendment unless it had some merit.

Do not be misled. Full and fair adjudication is determined by the Federal judge of the Federal habeas corpus petition and within a definition that requires it not to be arbitrary but to be reasonable, not just as to procedure but as to the facts and as to the law as well as to the procedure.

There must be an end to litigation. There must be finality, and so we get to finality by reforming habeas corpus, as the overwhelming majority of States' attorneys, attorneys general, and law enforcement want it reformed, and that is the Hyde amendment, not a regressive step back which is the Brooks-Edwards amendment, and never forget, the gentleman from California [Mr. EDWARDS], my dear friend and chairman of my subcommittee, is an adamant opponent of the death penalty.

Support the Hyde amendment.

Mr. WASHINGTON. Mr. Chairman, will the gentleman yield?

Mr. HYDE. Mr. Chairman, for whatever time I have, I yield to the gentleman.

Mr. WASHINGTON. I just want to ask one question. Would the gentleman agree with me that an example cited by our friend from Virginia, that inasmuch as that case is still in the State court system that his position does not have anything to do with this amendment one way or the other?

Mr. MORAN. Mr. Chairman, will the gentleman yield?

Mr. HYDE. I am happy to yield to the gentleman from Virginia.

Mr. MORAN. Mr. Chairman, I can answer that. As we have discussed, the point is it is being appealed to the Federal court. And the point is that there is no question of guilt or innocence, and the bill allows appeal or other reasons than guilt or innocence. That is the issue.

Mr. WASHINGTON. I would ask the gentleman from Illinois [Mr. HYDE] if he would tell our friend that this does not have anything to do with direct appeal. I believe he is misinformed.

The CHAIRMAN. The gentleman in the well controls the time.

Mr. HYDE. Mr. Chairman, I yield 30 seconds to my friend, the gentleman from California [Mr. LAGOMARSINO].

Mr. LAGOMARSINO. Mr. Chairman, I rise in strong support of the meaningful habeas corpus reforms in Mr. HYDE's amendment.

In California, convicted murderer Robert Alton Harris has been beating the system through an apparently unlimited number of lengthy appeals since 1978, when he was sentenced to death. Both California Attorney General Dan Lungren and Ventura County District Attorney Michael Bradbury join me in supporting the enactment of meaningful habeas corpus reform that limits the ability of convicted criminals to unfairly abuse the judicial system at taxpayers expenses.

I urge my colleagues to join me in voting to amend the habeas corpus provisions in H.R. 3371 to provide for real reform. We must not continue to put the minds of convicted criminals at lease with the idea that they can make a mockery out of our justice system.

Mr. HYDE. Mr. Chairman, I yield the balance of my time to the gentleman from Virginia [Mr. MORAN].

Mr. MORAN. Mr. Chairman, today, I rise in support of the Hyde amendment to H.R. 3371.

Mr. Jack Collins is a constituent who—in his own tragic story—demonstrates clearly and powerfully the reason why the Hyde amendment must replace the committee language.

As Mr. Collins testified before the House and Senate Judiciary Committees earlier this year, his beloved only daughter, Suzanne, was the victim of a brutal crime on July 12, 1985, when she was jogging on the Memphis Naval Air Station base in Tennessee. As Mr. Collins recalled, a man by the name of Mr. Smedley Alley grabbed Suzanne from behind, choked her into a state of semiconsciousness, and abducted her from the base. He then took her to a county park where he smashed her face against his car until she was unrecognizable, raped her, and sadistically tortured her sexually in a way that is too extreme to describe on this floor, and then savagely killed her. This attack was so brutal and so cruel that the Collins' were unable to have an open coffin at their daughter's funeral.

Suzanne Collins' attacker did not go unnoticed. Two fellow Marines, responding to Suzanne's screams, ran after Alley and were able to clearly identify his vehicle leading to his arrest. Seeing that the evidence against him was incontrovertible, Mr. Alley confessed to the crime. He later pleaded insanity claiming that he suffered from multiple personality disorder. Dozens of psychiatrists studied Mr. Alley and concluded unanimously that he did not suffer for any "isms", but was rather an extremely cruel person. He was convicted and sentenced to death.

The point of my appeal is this: Mr. Alley was first arrested over 6 years ago. It took 20 months to get to trial. Since then, it has been continuously appealed in the State courts on both direct and collateral habeas corpus appeals. Alley is currently on his third appeal, having had an appeal to the Tennessee State Supreme Court and the U.S. Supreme Court both fail. A year from now—more than 7 years after the crime was committed—we expect that Alley will appeal his case yet again—this time under Federal habeas corpus.

While these appeals go on and on, Mr. and Mrs. Collins must each time relive the nightmare horror their daughter experienced.

The House crime bill contains a provision which seeks to reform Federal habeas corpus. Mr. Speaker, I argue that the crime bill does not go far enough. I argue that we must adopt a strong, effective reform of habeas corpus that speeds up the judicial process and ends the suffering felt by the thousands of Mr. and Mrs. Collins across the country. I argue that we should adopt the Hyde amendment to H.R. 3371.

The Hyde amendment sets a statute of limitations of 6 months for filing a habeas petition consistent. This statute is consistent with the Powell Commission's recommendation on habeas corpus reform. The Hyde amendment also sets a time limit on the disposition adjudication of habeas corpus cases in Federal courts—110 days in district courts and 90 days in appeals court. Most importantly, the Hyde amendment allows cases to be appealed under Federal habeas corpus reform only if it regards the guilt or innocence of the defendant. Cases cannot be appealed incessantly on technical or procedural grounds. Thus, the Hyde amendment ensures that the rights of victims are addressed and while the rights of criminal are protected.

This amendment takes a necessary step in closing the most glaring and inequitable "loophole" in our judicial system by limiting the endless appeals process—a process which does little in terms of fulfilling justice but rather continues to torment families like the Collins and further undermine the faith the American people have in our criminal justice system.

How much more grinding punishment can we in good conscience inflict on the Mr. and Mrs. Collins' of this country. How much longer can we ask them to relive a nightmare time and time again?

I urge my colleagues to bring a sensible end to the interminable habeas corpus appeals that are blocking our judicial system. I urge my colleagues to join me to voting for the Hyde amendment.

Mr. BROOKS. Mr. Chairman, I yield 1 minute to the gentleman from Illinois [Mr. COX].

Mr. KOPETSKI. Mr. Chairman, will the gentleman yield?

Mr. COX of Illinois. I am happy to yield to the gentleman from Oregon.

Mr. KOPETSKI. Mr. Chairman, I ask my colleague from Illinois, as a former prosecutor, do you think the definition of full and fair adjudication in the Hyde amendment takes care of the problem that has the legal community up in arms?

Mr. COX. No, as a matter of fact I think it makes the problem worse.

First, the definition will create new delays in capital and noncapital cases, because the Federal courts will have to figure out whether the State review was full and fair.

Second, the definition is so extreme and so narrow that nearly every State court decision will be declared full and fair. Not only must the State court be wrong about Federal constitutional claims, but it must have deliberately ignored clearly established Federal law.

Third, Federal law is often not clearly established, but the Federal courts would now have this new issue to determine as well.

That is why this is a court-stripping amendment and I strongly oppose it.

□ 1250

Mr. KOPETSKI. As a former prosecutor, what is the gentleman's opinion of the committee bill?

Mr. COX of Illinois. I agree with the many current and former prosecutors who oppose the amendment of the gentleman from Illinois and support the committee bill. The committee bill is a dramatic restriction on Federal habeas corpus, but it does not eliminate it, as the amendment by my colleague from Illinois would. The committee bill reduces delays dramatically and does give one, but only one, fair appeal to the Federal courts.

Mr. KOPETSKI. Mr. Chairman, I rise today in opposition to the Hyde amendment.

Mr. Chairman, our English ancestors fought for habeas corpus until it was guaranteed by the Magna Carta. Our Founding Fathers fought for the right of habeas corpus to ensure that the State will not wrongfully punish citizens. They considered it to be the highest safeguard of liberty. In this year of the bicentennial of the Bill of Rights, we should affirm the importance of habeas corpus, not abolish it.

Mr. Chairman, habeas corpus is the principal way for Federal courts to enforce the bill of rights in criminal cases. Why is habeas corpus so important? The American Bar Association found that in 40 percent of death penalty cases reviewed by the Federal courts, the State court conviction or sentence was based on serious violations of constitutional rights. This is not to say that 40 percent of these convictions were thrown out; it simply meant that the defendant was entitled to a new trial or new sentencing. Because of our habeas corpus procedure, some of these people were fairly retried, others were resentenced to life terms, others were acquitted of all charges, and yes, still others faced their original sentences.

Mr. Chairman, under the able leadership of Chairman BROOKS and Chairman EDWARDS, the committee crafted a compromise to expedite habeas proceedings and promote finality, while at the same time ensuring that capital cases are fairly processed at all stages of the criminal justice system.

Specifically, this bill has a 1-year statute of limitations. It also prohibits successive petitions in virtually all circumstances. It eliminates last minute requests for stays of execution. These provisions stipulate that new rules of law—a clear break from precedent—will never apply in habeas corpus proceedings, a standard even tougher than the Teague case, which says new rules may apply in certain situations. Under this bill, Federal habeas courts may not retroactively apply a new rule even though a defendant's conviction would be unconstitutional if the rule was law before the conviction became final. Lastly, this bill ensures that States will provide competent counsel in capital cases, from the trial forward. This will do more to expedite capital cases than any other provision. It will decrease the number of unnecessary appeals, retrials and resentencings, and is critical if we are going to try these cases fairly.

It is ironic to me that just 3 months ago this House debated granting most-favored-nation status to the People's Republic of China. In that debate, many argued that we should not grant China MFN status because they do not guarantee fundamental rights, like habeas corpus, to their citizens. Now 3 months later, this House is considering an amendment that will in effect eliminate habeas corpus. If this amendment is enacted, defendants will be executed despite the fact that they were convicted or sentenced unconstitutionally. Innocent people will be executed if this amendment becomes law.

Mr. Chairman, I urge my colleagues to reject the Hyde amendment.

Mr. BROOKS. Mr. Chairman, I yield the balance of our time to the gentleman from New Jersey [Mr. HUGHES], a distinguished member of the subcommittee.

Mr. HUGHES. Mr. Chairman, I rise in the strongest opposition to this amendment.

This amendment relates to the most important portion of the crime bill. If enacted, the amendment would gut the Federal writ of habeas corpus, one of the most fundamental rights under our Constitution. In the words of former New Jersey Chief Justice and Gov. Richard J. Hughes, "the full and fair provision would be tough not on crime, but on the Constitution."

Habeas corpus is the process whereby Federal courts may remedy violations of rights under the Federal Constitution which occur in State proceedings, usually State criminal proceedings.

It is not a loophole, or a clever lawyer's trick, or a vehicle for "getting off on a mere technicality"—it is a fundamental right under our system.

We are told that many State attorneys general and prosecutors support the Hyde amendment, therefore it must be good. It is not surprising that they like it. Federal habeas corpus is designed to address constitutional errors made in the State proceedings. It is, in the parlance we all know, oversight. Few oversightees welcome oversight.

More noteworthy is that many prosecutors and State attorneys general do not support the Hyde amendment. It is too radical and destructive to our system of justice for them to support, even though it offers seductive attractions to their natural self interest in avoiding annoying and sometimes embarrassing oversight.

There are many, many flaws in the Hyde amendment—far too many for us to address in the 15 minutes alloted. I will therefore address only the two most fundamental flaws.

The first goes to the heart of the proposal—indeed, to the name with which the amendment marches forward—"full and fair."

Under the amendment, Federal courts would be prohibited from granting a writ of habeas corpus—and I quote—"with respect to any claim that has been fully and fairly adjudicated in State proceedings."

The fatal flaw in this proposal is that a State court decision can be full, fair, and, at the same time, dead wrong. "Full and fair" goes to procedural rights—a lower court can meticulously observe these procedural rights, while clearly misunderstanding, misinterpreting, and misapplying Federal constitutional requirements.

When we pointed out this flaw in committee markup, proponents of the amendment argued that the clear language of the amendment does not mean what it says. The argument was made by Mr. MCCOLLUM that the Federal courts "are going to have to determine whether or not there was a reasonable interpretation of Federal law, and there's going to be considerable sweeping opportunity here for the Federal court to get involved."

Proponents of full and fair have apparently concluded that this invitation for runaway judicial activism will not wash. They have amended the amendment in an attempt to define "full and fair adjudication." I commend them for recognizing this necessity.

However, the revised amendment does not make clear that "Federal courts are going to have to determine whether or not there was a reasonable interpretation of Federal law." If they had done this, I would have to reconsider my strong opposition.

On the contrary, the hasty fix makes the amendment even worse. It makes explicit what was only implicit before. By defining full and fair in the manner it does, the amendment explicitly forbids Federal courts from overturning erronious determinations of Federal law. Under this amendment, such erroneous rulings are deemed to be "full and fair" unless they are not just wrong, but "arbitrary or unreasonable". Not just arbitrary or unreasonable, but arbitrary or unreasonable and involving "clearly established Federal law."

The Department of Justice explanation of this new language is instructive as to the intent and meaning of this language. The Department states that this language still permits Federal courts to reverse State errors "where a State court defied or disregarded Supreme Court precedent."

The Federal writ of habeas corpus exists to correct erroneous applications of law. It is not limited to rulings which defy or show contempt for Supreme Court precedent. It is not limited to rulings which are both erroneous and arbitrary, nor ones which are erroneous and unreasonable.

There is no good faith exception built into the writ of habeas corpus. Nor is it limited to Federal law which is some sort of super law. The escape clause built into the new Hyde amendment by the requirement that the Federal law being violated must be "clearly established" law seems to do just this.

Can anyone tell what clearly established means? It probably means that if the 12 Circuit Courts of Appeal are not in total agreement on a legal point, it is not "clearly established", and does have to be followed by State courts. What about a Supreme Court ruling which is less than unanimous?

The second fundamental flaw in the Hyde amendment is its failure to deal with the biggest contributing factor in the chaos which surrounds the administration of the death penalty in the United States today.

That problem is inadequate counsel. Forty percent of all death penalty cases are overturned on review. The most frequent cause is inadequate legal representation of the defendant during State proceedings.

The Hyde amendment gives each State two choices regarding counsel.

First, do nothing. Make no changes in your present system of providing—or not providing—appointed lawyers in post conviction proceedings, or in the standards for appointed counsel to defend death penalty cases. Unfortunately, States with the worst problems are the ones most likely to stay with business as usual, since there is a slight cost for opting in to even more radical restraints on Federal habeas in death cases.

Second, States can agree to appoint counsel to represent persons under sentence of death when those sentences are reviewed in State collateral proceedings. State habeas corpus. No specific qualifications or standards are set for lawyers who are so appointed.

In exchange for this nominal commitment on the part of a State, the rules for Federal habeas corpus review of death penalty cases arising in that State become even more stringent than those applicable to nondeath penalty cases under the "full and fair" gutting of all habeas corpus writs.

Federal writs must then be filed in 180 days in death cases, instead of in one year in the case of non-death penalty cases.

Federal courts, including the Supreme Court, would be mandated to conclude habeas corpus proceedings in unreasonably short time periods.

In the case of persons whose death sentences have already been reviewed, virtually all opportunity for an extraordinary second review is barred. For example, if it is later discovered that the prosecution fabricated evidence or encouraged perjured testimony, a new review would be permitted only if the new discovery would likely reverse the finding of guilt—not if it would only overturn the death penalty. Perjured testimony that formed the basis of an essential aggravating factor to justify a death sentence would not. Neither would a landmark Supreme Court decision such as that in Coker versus Georgia—death penalty for rape is disproportionate punishment—since that defect, however fundamental, goes only to the sentence and not to guilt.

Protecting "full and fair" State decisions sounds great. However, protecting "full, fair, and dead wrong" is not so great. That is what this amendment calls for. It should be rejected.

Mr. SCHEUER. Mr. Chairman, I rise in strong opposition to the amendment offered by the gentleman from Illinois. This amendment is unnecessary and dangerous. It is unnecessary because the bill already streamlines the habeas corpus review process, and it is dangerous because it threatens a precious civil liberty guaranteed by the Constitution.

This is not only my opinion, but also the opinion of many prosecutors, judges, and legal scholars, many of whom are strong advocates of the death penalty.

Floyd Abrams—one of the Nation's leading authorities on the Constitution.

Francis Bellotti and James Shannon—former attorneys general from Massachusetts.

Lindy Boggs—our former colleague from Louisiana.

Hyman Bookbinder—of the American Jewish Committee.

Guido Calabresi—Dean of Yale Law School.

L. Stanley Chauvin, John Curtin, and Robert Raven—all former Presidents of the American Bar Association.

W.J. Michael Cody—former attorney general from Tennessee.

Stanley Fuld—former Chief Judge of the New York State Court of Appeals.

Joseph Grodin—former Justice of the California Supreme Court.

Gerald Gunther—professor of law from Stanford University, author of a superb and widely read constitutional law textbook.

Rev. Theodore Hesburgh—former president of Notre Dame.

Charles Mathias—former Republican Senator from Maryland.

Jim Mattox—former attorney general from Texas.

Elliot Richardson—former Republican U.S. Attorney General.

Peter Rodino—former chairman of the House Judiciary Committee.

Whitney North Seymour—former U.S. attorney.

Robert Spire—former attorney general from Nebraska.

Mr. Chairman, this is only a partial list of those that oppose this amendment. There are many more who believe this amendment is unnecessary, a threat to our precious freedoms, and unconstitutional. Listen to these experts. Vote no on the Hyde amendment.

Mrs. MINK. Mr. Chairman, I rise in opposition to the Hyde amendment. The writ of habeas corpus is one of our fundamental constitutional safeguards. Under it the Federal courts have become the final guarantors of justice to all, rich or poor, black or white. The Hyde amendment will for the sake of speed and economy, remove historic protections and safeguards.

As we confront problems in our legal system it is absolutely essential that we not lose sight of the principles upon which our Nation was founded. When our founders made their claim for the right to self government, the right to habeas corpus was at the heart of their demands, and it is clear that in the preservation of this right they handed down to us a profoundly difficult task to implement. Such is the challenge of democracy. I am prepared to participate in the search for ways to ease that challenge, but not if we find solutions which eliminate it.

The Hyde amendment would result in the elevation of form over substance in our juridical process. Federal courts would loose their jurisdiction to review any claim that has been "fully and fairly adjudicated" in State courts; as such, they would only be able to ask whether the State courts employed proper procedures when they considered and rejected a defendant's Federal constitutional claim, and then whether the State courts reached a reasonable result. If both questions are answered in the affirmative, then the Federal court would be stripped of its habeas jurisdiction.

What is significant in the application of the administration's "fully and fairly adjudicated" provision is that at no time will the Federal court be able to consider whether the State courts reached a correct result in adjudicating the prisoner's Federal constitutional claim. Results that are wrong, but which were reached by proper procedures would be immune from Federal review. This may expedite the process, but it would do so in exactly the wrong way—by destroying the safeguard.

Moreover, the full and fair provision would fundamentally threaten the uniformity of our constitutional rights. Throughout our history, Federal courts have provided an indispensable constitutional backstop to State courts, ensuring that the constitution is not interpreted differently between the States. Lack of uniform Federal court review could result in a patchwork quilt of constitutional protections. The same time-honored and timeless guarantees found in our Bill of Rights could soon mean one thing in one State, another in a second, and perhaps nothing in the third. Our national motto, E Pluribus Unum—out of many, one—might be stood on its head, for out of one Constitution could spring many interpretations. For these reasons Federal courts must be available to endore and ensure uniform Federal rights from coast to coast.

To be sure, there are changes that need to be made in our legal system, and we must consider drastic measures—but if those changes are so fundamental as to obliterate the basic rights that sets our Government apart from dictatorships, and if those measures eliminate the ability of citizens to be treated fairly in our courts, than we as Government will have forfeited our leadership among free nations.

I have heard many people discuss the war on crime, and I want to win that war as much as anyone—it is imperative, though, that in fighting that war we not lose sight of what we are fighting for. I urge my colleagues to vote no on the Hyde amendment.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from Illinois [Mr. HYDE].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. HYDE. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 208, noes 218, answered "present" 1, not voting 6, as follows:

[Roll No. 316]

AYES—208

Allard
Andrews (NJ)
Andrews (TX)
Applegate
Archer
Armey
Baker
Ballenger
Barnard
Barrett
Barton
Bateman
Bentley
Bereuter
Bevill
Bilirakis
Bliley
Boehlert
Boehner
Borski
Brewster
Broomfield
Browder
Brown
Bunning
Burton
Camp
Campbell (CA)
Campbell (CO)
Chandler
Chapman
Clinger
Coble
Coleman (MO)
Combest
Condit
Coughlin
Cox (CA)
Cramer
Crane
Cunningham
Dannemeyer
Darden
Davis
DeLay
Dickinson
Dooley
Doolittle
Dornan (CA)
Dreier
Duncan
Edwards (OK)
Edwards (TX)
Emerson
English
Erdreich
Ewing
Fawell
Fields
Franks (CT)
Gallegly
Gallo
Gaydos
Gekas
Geren
Gillmor
Gingrich
Goss
Gradison
Grandy
Gunderson
Hall (TX)
Hammerschmidt
Hancock
Hansen
Harris
Hastert
Hatcher
Hayes (LA)
Hefley
Henry
Herger
Hobson
Houghton
Hubbard
Hunter
Hutto
Hyde
Inhofe
Ireland
James
Johnson (TX)
Kasich
Klug
Kolbe
Kolter
Kyl
Lagomarsino
Lehman (CA)
Lent
Lewis (CA)
Lewis (FL)
Lightfoot
Lipinski
Livingston
Lloyd
Lowery (CA)
Machtley
Marlenee
Martin
Martinez
McCandless
McCollum
McCrery
McDade
McEwen
McGrath
McMillan (NC)
Meyers
Michel
Miller (OH)
Miller (WA)
Molinari
Montgomery
Moorhead
Moran
Morrison
Murphy
Murtha
Myers
Natcher
Neal (NC)
Nichols
Nussle
Orton
Oxley
Packard
Parker
Paxon
Payne (VA)
Petri
Pickett
Porter
Pursell
Quillen
Ramstad
Ravenel
Ray
Regula
Rhodes
Ridge
Riggs
Rinaldo
Ritter
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Rowland
Santorum
Sarpalius
Saxton
Schaefer
Schulze
Sensenbrenner
Shaw
Shays
Shuster
Sisisky
Skeen
Skelton
Slaughter (VA)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stenholm
Stump
Sundquist
Tallon
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (GA)
Thomas (WY)
Upton
Valentine
Vander Jagt
Volkmer
Vucanovich
Walker
Walsh
Weber
Weldon
Wolf
Wylie
Yatron
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—218

Abercrombie
Ackerman
Alexander
Anderson
Andrews (ME)
Annunzio
Anthony
Aspin
Atkins
AuCoin
Bacchus
Beilenson
Bennett
Berman
Bilbray
Bonior
Boucher
Boxer
Brooks
Bruce
Bryant
Bustamante
Byron
Cardin
Carper
Carr
Clay
Clement
Coleman (TX)
Collins (IL)
Collins (MI)
Conyers
Cooper
Costello
Cox (IL)
Coyne
de la Garza
DeFazio
DeLauro
Dellums
Derrick
Dicks
Dingell
Dixon
Donnelly
Dorgan (ND)
Downey
Durbin
Dwyer
Dymally
Early
Eckart
Edwards (CA)
Engel
Espy
Evans
Fascell
Fazio
Feighan
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Frost
Gejdenson
Gephardt
Gibbons
Gilchrest
Gilman
Glickman
Gonzalez
Gordon
Green
Guarini
Hall (OH)
Hamilton
Hayes (IL)
Hefner
Hertel
Hoagland
Hochbrueckner
Horn
Horton
Hoyer
Hughes
Jacobs
Jefferson
Jenkins
Johnson (CT)
Johnson (SD)
Johnston
Jones (GA)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Kopetski
Kostmayer
LaFalce
Lancaster
Lantos
LaRocco
Laughlin
Leach
Lehman (FL)
Levin (MI)
Levine (CA)
Lewis (GA)
Long
Lowey (NY)
Luken
Manton
Markey
Matsui
Mavroules
Mazzoli
McCloskey
McDermott
McHugh
McMillen (MD)
McNulty
Mfume
Miller (CA)
Mineta
Mink
Moakley
Mollohan
Moody
Morella
Mrazek
Nagle
Neal (MA)
Nowak
Oakar
Oberstar
Obey
Olin
Olver
Ortiz
Owens (NY)
Owens (UT)
Pallone
Panetta
Pastor
Patterson
Payne (NJ)
Pease
Pelosi
Penny
Perkins
Peterson (FL)
Peterson (MN)
Pickle
Poshard
Price
Rahall
Rangel
Reed
Richardson
Roe
Rose
Rostenkowski
Roybal
Russo
Sabo
Sanders
Sangmeister
Savage
Sawyer
Scheuer
Schiff
Schroeder
Schumer
Serrano
Sharp
Sikorski
Skaggs
Slattery
Slaughter (NY)
Smith (FL)
Smith (IA)
Solarz
Spratt
Staggers
Stallings
Stark
Stokes
Studds
Swett
Swift
Synar
Tanner
Thornton
Torres
Torricelli
Towns
Traficant
Traxler
Unsoeld
Vento
Visclosky
Washington
Waters
Weiss
Wheat
Whitten
Williams
Wilson
Wise
Wolpe
Wyden
Yates

ANSWERED "PRESENT"—1

Goodling

NOT VOTING—6

Callahan
Holloway
Hopkins
Huckaby
McCurdy
Waxman

☐ 1311

Mr. RAHALL, Mr. GORDON and Mrs. JOHNSON of Connecticut changed their vote from "aye" to "no."

Mr. CRAMER changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENTS EN BLOC OFFERED BY MR. BROOKS

Mr. BROOKS. Mr. Chairman, I offer amendments en bloc.

The CHAIRMAN. The Clerk will designate the amendments en bloc.

The text of the amendments en bloc is as follows:

Amendments en bloc offered by Mr. BROOKS: Page 175, strike line 8 and all that follows through line 7 on page 176, and insert the following:

SEC. 1803. AVAILABILITY OF THE DEPARTMENT OF JUSTICE ASSETS FORFEITURE FUND FOR CERTAIN GRANTS.

Section 524(c) of title 28, United States Code is amended by adding at the end the following new paragraph:

"(12)(A) In addition to the purposes otherwise provided for in this subsection, the Fund shall be available, subject to appropriation, for the purpose of supporting drug abuse treatment and prevention through grant programs under title V or title XIX of the Public Health Services Act.

"(B) Amounts made available under subparagraph (A)—

"(i) may be transferred only from excess unobligated amounts in the Fund and only to the extent that, as determined by the Attorney General, such transfers will not impair the future availability of amounts for the purposes under paragraph (1); and

"(ii) shall, with respect to each fiscal year, equal 25 percent of the total of such excess amounts for that fiscal year.

"(C) Amounts made available under this paragraph for treatment and prevention referred to in subparagraph (A) shall be used to supplement, rather than replace, amounts that would be otherwise available for such treatment and prevention.".

SEC. 1803A. REPORT TO CONGRESS ON ADMINISTRATIVE AND CONTRACTING EXPENSES.

Section 524(c)(6) of title 28, United States Code, is amended—

(1) by striking out "and" at the end of subparagraph (B);

(2) by striking out the period at the end of subparagraph (C) and inserting in lieu thereof "; and"; and

(3) by adding at the end the following new subparagraph:

"(D) a report for such fiscal year containing a description of the administrative and contracting expenses paid from the Fund under paragraph (1)(A).".

SEC. 1803B. NOMINAL CONSIDERATION SALES OF LOW VALUE REAL PROPERTY TO CERTAIN TAX EXEMPT ORGANIZATIONS.

Section 511(e) of the Controlled Substances Act (21 U.S.C. 881(e)) is amended by adding at the end the following new paragraph:

"(4)(A) If any property referred to in paragraph (1)(B) is low value real property located in a metropolitan statistical area, the Attorney General shall have the authority to offer such property for sale, for nominal consideration, to tax exempt organizations that provide direct services furthering community-based crime control, housing, or education efforts in such area.

"(B) As used in this paragraph—

"(1) the term 'low value real property' means, with respect to a metropolitan statistical area, real property that is appraised at less than 40 percent of the median value of comparable real property in the metropolitan statistical area; and

"(2) the term 'tax exempt organization' means an organization described in section 501(c)(3) of the Internal Revenue Code of 1986, and exempt from tax under section 501(a) of such Code.".

Page 126, after line 14, insert the following:

SEC. . PROGRAM TO PROVIDE PUBLIC AWARENESS OF THE PROVISION OF P.L. 101-516 WHICH CONDITIONS PORTIONS OF A STATE'S FEDERAL HIGHWAY FUNDING ON THAT STATE'S ENACTMENT OF LEGISLATION REQUIRING THE REVOCATION OF THE DRIVER'S LICENSES OF CONVICTED DRUG ABUSERS.

The Attorney General, in consultation with the Secretary of Transportation, shall implement a program of national awareness of Public Law 101-516, section 333. This program shall notify the Governors and State Representatives of the requirements of Public Law 1-1-516, section 333.

Page 155, after the matter following line 4, insert the following:

SEC. . MILITARY MEDALS AND DECORATIONS.

Section 704 of title 18, United States Code, is amended—

(1) by striking "not more than $250" and inserting "under this title"; and

(2) by adding at the end "For the purposes of this section, the term 'sells' includes trades, barters, or exchanges for anything of value.".

Page 21, line 20, after "model" insert "in English and in Spanish".

Page 23, line 19, strike "and".

Page 23, line 21, strike the period and insert "; and".

Page 23, after line 21, insert the following new paragraph:

"(6) a description of educational materials to be developed in Spanish.".

Page 51, line 20, insert between "State" and "," the following: "or where the threat of a drug-related emergency exists to part of a State bordering part of a foreign country where a drug-related emergency is known to exist".

Page 52, line 5, insert "drug smuggling" between "which" and "drug trafficking".

Page 53, line 5, insert "drug smuggling" between "drug trafficking" and ",".

Page 225, strike lines 8 through 18.

Page 227, strike line 18 and all that follows through line 3 on page 229.

Redesignate the sections of subtitle A of title XX accordingly.

Page 14, after line 20, insert the following subtitle heading:

Subtitle A—Grants for Substance Abuse .Treatment 2

Page 20, after line 22, insert the following new subtitle:

Subtitle B—Study on Effectiveness of Residential Treatment and Assessment of Effect of Alcohol on Crime

SEC. 311. STUDY AND ASSESSMENT OF ALCOHOL USE AND TREATMENT.

The Director of the National Institute of Justice shall—

(1) conduct a study to compare the recidivism rates of individuals under the influence of alcohol or alcohol in combination with other drugs at the time of their offense—

(A) who participated in a residential treatment program while in the custody of the State; and

(B) who did not participate in a residential treatment program while in the custody of the State.

(2) conduct a nationwide assessment regarding the use of alcohol and alcohol in combination with other drugs as a factor in violent, domestic, and general criminal activity.

Page 230, after line 4, insert the following:

SEC. 2018. STUDY OF INCENDIARY AMMUNITION; REPORT TO CONGRESS.

(a) STUDY—The Secretary of the Treasury shall conduct a study of the incendiary ammunition offered for sale under the brand name "Dragon's Breath" and also known as the "Three Second Flame Thrower", and all incendiary ammunition of similar function or effect, for the purpose of determining whether there is a reasonable sporting use for such ammunition and whether there is a reasonable use for such ammunition in law enforcement.

(b) REPORT TO THE CONGRESS.—Within 1 year after the date of the enactment of this Act, the Secretary of the Treasury shall submit to the Committee on the Judiciary of the House of Representatives a report containing the results of the study required by subsection (a) and recommendations for such legislative or administrative action, with respect to the ammunition referred to in subsection (a), as the Secretary deems appropriate.

Page, 178, line 17, strike the period and insert "; and".

Page 178, after line 17, insert the following:

"(5) to improve the knowledge of health professionals regarding domestic violence and facilitate cooperation between health professionals, social service providers, and law enforcement personnel to better assist victims of domestic violence.".

Page 178, line 15, strike "and".

Page 175, line 22, strike ", as determined by the Attorney General,".

Page 176, after line 3, insert the following:

"(C) The authority under subparagraphs (A) and (B) to transfer amounts and obligate those transferred amounts shall exist in any fiscal year only to the extent provided for such fiscal year in appropriations Acts.".

Page 176, line 4, strike "(C)" and insert "(D)".

Page 21, line 16, insert ", in consultation with the Secretary of Education," before "may".

Page 21, line 19, and page 24, line 17, insert ", in consultation with the Secretary of Education," before "shall" each place it appears on such lines.

Page 118, line 11, strike "; and" and insert in lieu thereof a period, and strike lines 12 and 13.

Page 143, line 6, insert ", in consultation with the Secretary of Education," before "shall"; and strike all after "research" on line 8 through line 12, and insert in lieu thereof the following: "the effectiveness of campus sexual assault policies for institutions of postsecondary education.".

Page 145, line 8, insert "with the concurrence of the Secretary of Education," after "General".

Page 145, after line 8, insert the following new subsection (and redesignate the succeeding subsection accordingly):

(c) REPORT.—The Secretary of Education shall review the results of the research authorized by this section, and report to the Committee on Education and Labor of the House of Representatives and the Committee on Labor and Human Resources of the Senate by September 1, 1995, coordinating such report with the report and dissemination required under section 485(f)(4) of the Higher Education Act of 1965, as amended.

Page 145, line 12, strike "legal aspects of campus violence" and insert "expertise in campus security".

Page 177, strike lines 15 through 17, and insert in lieu thereof the following:

"or local governments with the concurrence of local educational agencies" after "for grants to local educational agencies".

Page 187, line 14, insert "and the Secretary of Labor" after "Development".

Page 195, after line 10 insert the following:

(5) A representative of the Department of Labor, who shall be selected by the Secretary of Labor.

Page 126, after line 14, insert the following new section:

SEC. 15 . USE BY STATES OF FORFEITED REAL PROPERTY FOR STATE PARKS OR RELATED PURPOSES.

Section 511(e) of the Controlled Substances Act (21 U.S.C. 881(e)) is amended—

(1) in paragraph (1)(B), by striking "sell," and inserting "except as provided in paragraph (4), sell,"; and

(2) by adding at the end the following new paragraph:

"(4)(A) With respect to real property described in subparagraph (B), if the chief executive officer of the State involved submits to the Attorney General a request for purposes of such subparagraph, the authority established in such subparagraph is in lieu of the authority established in paragraph (1)(B).

"(B) In the case of property described in paragraph (1)(B) that is civilly or criminally forfeited under this title, if the property is real property that is appropriate for use as a public area reserved for recreational or historic purposes or for the preservation of natural conditions, the Attorney General, upon the request of the chief executive officer of the State in which the property is located, may transfer title to the property to the State, either without charge or for a nominal charge, through a legal instrument providing that—

"(i) such use will be the principal use of the property; and

"(ii) title to the property reverts to the United States in the event that the property is used otherwise.".

Page 126, after line 14, insert the following:

SEC. 1507. TRAUMA CENTERS AND DRUG-RELATED VIOLENCE.

Title XII of the Public Health Service Act (42 U.S.C. 300d et seq.), as added by section 3 of Public Law 101-590 (104 Stat. 2915), is amended by adding at the end the following new part:

"PART D—TRAUMA CENTERS OPERATING IN AREAS SEVERELY AFFECTED BY DRUG-RELATED VIOLENCE

"SEC. 1241. GRANTS FOR CERTAIN TRAUMA CENTERS.

"(a) IN GENERAL.—The Secretary may make grants for the purpose of providing for the operating expenses of trauma centers that have incurred substantial uncompensated costs in providing trauma care in geographic areas with a significant incidence of violence arising from the abuse of drugs. Grants under this subsection may be made only to such trauma centers.

"(b) MINIMUM QUALIFICATIONS OF CENTERS.—

"(1) SIGNIFICANT INCIDENCE OF TREATING PENETRATION WOUNDS.—

"(A) The Secretary may not make a grant under subsection (a) to a trauma center unless the population of patients that has been served by the center for the period specified in subparagraph (B) includes a significant number of patients who were treated for wounds resulting from the penetration of the skin by knives, bullets, or other weapons.

"(B) The period specified in this subparagraph is the 2-year period preceding the fiscal year for which the trauma center involved is applying to receive a grant under subsection (a).

"(2) PARTICIPATION IN TRAUMA CARE SYSTEM OPERATING UNDER CERTAIN PROFESSIONAL GUIDELINES.—The Secretary may not make a grant under subsection (a) unless the trauma center involved is a participant in a system that—

"(A) provides comprehensive medical care to victims of trauma in the geographic area in which the trauma center involved is located;

"(B) is established by the State or political subdivision in which such center is located; and

"(C) has adopted guidelines for the designation of trauma centers, and for triage, transfer, and transportation policies, equivalent to (or more protective than) the applicable guidelines developed by the America College of Surgeons or utilized in the model plan established under section 1213(c).

"SEC. 1242. PRIORITIES IN MAKING GRANTS.

"In making grants under section 1241(a), the Secretary shall give priority to any application—

"(1) made by a trauma center that, for the purpose specified in such section, will receive financial assistance from the State or political subdivision involved for each fiscal year during which payments are made to the center from the grant, which financial assistance is exclusive of any assistance provided by the State or political subdivision as a non-Federal contribution under any Federal program requiring such a contribution; or

"(2) made by a trauma center that, with respect to the system described in section 1241(b)(2) in which the center is a participant—

"(A) is providing trauma care in a geographic area in which the availability of trauma care has significantly decreased as a result of a trauma center in the area permanently ceasing participation in such system as of a date occurring during the 2-year period specified in section 1242(b)(1)(B); or

"(B) will, in providing trauma care during the 1-year period beginning on the date on which the application for the grant is submitted, incur uncompensated costs in an amount rendering the center unable to continue participation in such system, resulting in a significant decrease in the availability of trauma care in the geographic area.

"SEC. 1243. COMMITMENT REGARDING CONTINUED PARTICIPATION IN TRAUMA CARE SYSTEM.

"The Secretary may not make a grant under subsection (a) of section 1241 unless the trauma center involved agrees that—

"(1) the center will continue participation in the system described in subsection (b) of such section throughout the 3-year period beginning on the date that the center first receives payments under the grant; and

"(2) if the agreement made pursuant to paragraph (1) is violated by the center, the center will be liable to the United States for an amount equal to the sum of—

"(A) the amount of assistance provided to the center under subsection (a) of such section; and

"(B) an amount representing interest on the amount specified in subparagraph (A).

"SEC. 1244. GENERAL PROVISIONS.

"(a) APPLICATION.—The Secretary may not make a grant under section 1241(a) unless an application for the grant is submitted to the Secretary and the application is in such form, is made in such manner, and contains such agreements, assurances, and information as the Secretary determines to be necessary to carry out this part.

"(b) LIMITATION ON DURATION OF SUPPORT.—The period during which a trauma center receives payments under section 1241(a) may not exceed 3 fiscal years, except that the Secretary may waive such requirement for the center and authorize the center to receive such payments for 1 additional fiscal year.

"SEC. 1245. AUTHORIZATION OF APPROPRIATIONS.

"For the purpose of carrying out this part, there are authorized to be appropriated $50,000,000 for fiscal year 1992, and such sums as may be necessary for each of the fiscal years 1993 and 1994. The authorization of appropriations established in the preceding sentence is in addition to amounts made available under section 524(c)(12) of title 28, United States Code.".

SEC. 1508. CONFORMING AMENDMENTS.

Title XII of the Public Health Service Act (42 U.S.C. 300d et seq.), as added by section 3 of Public Law 101-590 (104 Stat. 2915), is amended—

(1) in the heading for part C, by inserting "REGARDING PARTS A AND B" after "PROVISIONS";

(2) in section 1231, in the matter preceding paragraph (1), by striking "this title" and inserting "this part and parts A and B"; and

(3) in section 1232(a), by striking "this title" and inserting "parts A and B".

Page 175, beginning on line 14, strike "the Fund shall be available" and all that follows through line 17 and insert the following: "the Fund shall be available for the purpose of carrying out part D of title XII of the Public Health Service Act.".

Page 176, line 5, strike "for block grants" and all that follows through "(A)" and insert "for the purpose described in subparagraph (A)".

Page 176, line 7, strike "for such block grants" and insert "for such purpose".

Page 79, after line 3, insert the following new subsection:

(f) IRWIN RUTMAN PROGRAM.—Part L of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by inserting the following new section:

SEC. 1200. The program established under this part shall be known as the "Irwin Rutman Retired Safety Officers Benefit Program".

Page 300, after line 11, add the following:

SEC. 2433. DEATH PENALTY FOR RAPE AND CHILD MOLESTATION MURDERS.

(a) OFFENSE.—Chapter 109A of title 18, United States Code, is amended by redesignating section 2245 as section 2246, and by adding the following new section:

"§ 2245. Sexual abuse resulting in death

"Whoever, in the course of an offense under this chapter, engages in conduct that results in the death of a person, shall be punished by death or imprisoned for any term of years or for life.".

(b) CLERICAL AMENDMENT.—The analysis for chapter 109A of title 18, United States

Code, is amended by striking the item for section 2245 and adding the following:

"2245. Sexual abuse resulting in death.

"2246. Definitions for chapter.".

SEC. 2434. VIOLENCE AT AIRPORTS SERVING INTERNATIONAL CIVIL AVIATION.

(a) OFFENSE.—Chapter 2 of title 18, United States Code, is amended by adding at the end thereof the following:

"§36. Violence at international airports

"(a) Whoever unlawfully and intentionally, using any device, substance or weapon,—

"(1) perform an act of violence against a person at an airport serving international civil aviation which causes or is likely to cause serious bodily injury or death; or

"(2) destroys or seriously damages the facilities of an airport serving international civil aviation or a civil aircraft not in service located thereon or disrupts the services of the airport;

if such an act endangers or is likely to endanger safety at that airport, or attempts to do such an act, shall be fined under this title or imprisoned not more than twenty years, or both; and if the death of any person results from conduct prohibited by this subsection, shall be punished by death or imprisoned for any term of years or for life.

"(b) There is jurisdiction over the prohibited activity in subsection (a) if—

"(1) the prohibited activity takes place in the United States and—

"(A) the perpetrator of the prohibited activity engages in terrorism or acts on behalf of a terrorist group;

"(B) the activity violates subsection (a)(1) and the person against whom the violence is directed is engaged in international air travel;

"(C) the activity violates subsection (a)(2) and the facility or aircraft destroyed or damaged is owned by or leased by a foreign flag carrier or the services disrupted are primarily for the benefit of such a carrier; or

"(D) the activity is not prohibited as a crime by the law of the State in which the airport is located; or

"(2) the prohibited activity takes place outside of the United States an the offender is later found in the United States.

"(c) For the purposes of this section, the terms 'terrorism' and 'terrorist group' have, respectively, the meanings given those terms in section 140 of Public Law 100–204 (22 U.S.C. 2656f).".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 2 of title 18, United States Code, is amended by adding at the end the following:

"36. Violence at international airports.".

(c) EFFECTIVE DATE.—This section shall take effect on the later of—

(1) the date of the enactment of this Act; or

(2) the date the Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, Supplementary to the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, done at Montreal on 23 September 1971, has come into force and the United States has become a party to the Protocol.

SEC. 2435 OFFENSES OF VIOLENCE AGAINST MARITIME NAVIGATION OR FIXED PLATFORMS.

Chaoter 111 of title 18, United States Code, is amended by adding at the end the following:

"§2280. Violence against maritime navigation

"(a) Whoever unlawfully and intentionally—

"(1) seizes or exercises control over a ship by force or threat thereof or any other form of intimidation;

"(2) performs an act of violence against a person on board a ship if the act is likely to endanger the safe navigation of that ship;

"(3) destroys a ship or causes damage to a ship or to its cargo which is likely to endanger the safe navigation of that ship;

"(4) places or causes to be placed on a ship, by any means whatsoever, a device or substance which is likely to destroy that ship, or cause damage to that ship to its cargo which endangers or is likely to endanger the safe navigation of that ship;

"(5) destroys or seriously damages maritime navigational facilities or seriously interferes with their operation, if such act is likely to endanger the safe navigation of a ship;

"(6) communicates information, knowing the information to be false and under circumstances in which such information may reasonably be believed, thereby endangering the safe navigation of a ship;

"(7) injures or kills any person in connection with the commission or the attempted commission of any of the offenses set forth in paragraphs (1) through (6); or

"(8) attempts to do any act prohibited under paragraphs (1) through (7);

shall be fined under this title or imprisoned not more than twenty years, or both; and if the death of any person results, from conduct prohibited by this subsection, shall be punished by death or imprisoned for any term of years of for life.

"(b) Whoever threatens to do any act prohibited under paragraphs (2), (3) or (5) of subsection (a), with apparent determination and will to carry the threat into execution, if the threatened act is likely to endanger the safe navigation of the ship in question, shall be fined under this title or imprisoned not more than five years, or both.

"(c) There is jurisdiction over the prohibited activity in subsections (a) and (b)—

"(1) in the case of a covered ship, if—

"(A) such activity is committed—

"(i) by a person engaged in terrorism or who acts on behalf of a terrorist group;

"(ii) against or on board a ship flying the flag of the United States at the time the prohibited activity is committed;

"(iii) in the United States and the activity is not prohibited as a crime by the State in which the activity takes place; or

"(iv) the activity takes place on a ship flying the flag of a foreign country or outside the United States, by a national of the United States or by a stateless person whose habitual residence is in the United States;

"(B) during the commission of such activity, a national of the United States is seized, threatened, injured or killed; or

"(C) the offender is later found in the United States after such activity is committed;

"(2) in the case of a ship navigating or scheduled to navigate solely within the territorial sea or internal waters of a country other than the United States, if the offender is later found in the United States after such activity is committed; and

"(3) in the case of any vessel, if such activity is committed in an attempt to compel the United States to do or abstain from doing any act.

"(d) As used in this section, the term—

"(1) the term 'ship' means a vessel of any type whatsoever not permanently attached to the sea-bed, including dynamically supported craft, submersibles or any other floating craft; but such term does not include a warship, a ship owned or operated by a government when being used as a naval auxiliary or for customs or police purposes, or a ship which has been withdrawn from navigation or laid up;

"(2) the term 'covered ship' means a ship that is navigating or is scheduled to navigate into, through or from waters beyond the outer limit of the territorial sea of a single country of a lateral limit of that country's territorial sea with an adjacent country;

"(3) the terms 'terrorism' and terrorist group' have respectively, the meanings given those terms in section 140 of Public Law 100–204 (22 U.S.C. 265f)

"(4) the term 'national of the United States' has the meaning given such term in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22));

"(5) the term 'terrorital sea of the United States' means all waters extending seaward to 12 nautical miles from the baselines of the United States determined in accordance with international law; and

"(6) the term 'United States', when used in a geographical sense, includes the Commonwealth of Puerto Rico, the Commonwealth of the Northern Marianas Islands and all territories and possessions of the United States.

"§2281. Violence against maritime fixed platforms

"(a) Whoever unlawfully and intentionally—

"(1) seizes or exercises control over a fixed platform by force or threat thereof or any other form of intimidation;

"(2) performs an act of violence against a person on board a fixed platform if that act is likely to endanger its safety;

"(3) destroys a fixed platform or causes damage to it which is likely to endanger its safety;

"(4) places or causes to be placed on a fixed platform, by any means whatsoever, a device or substance which is likely to destroy that fixed platform or likely to endanger its safety;

"(5) injures or kills any person in connection with the commission or the attempted commission of any of the offenses set forth in paragraphs (1) through (4); or

"(6) attempts to do anything prohibited under paragraphs (1) through (5);

shall be fined under this title or imprisoned not more than twenty years, or both; and if death results to any person from conduct prohibited by this subsection, shall be punished by death or imprisoned for any term of years or for life.

"(b) Whoever threatens to do anything prohibited under paragraphs (2) or (3) of subsection (a), with apparent determination and will to carry the threat into execution, if the threatened act is likely to endanger the safety of the fixed platform, shall be fined under this title or imprisoned not more than five years, or both.

"(c) There is jurisdiction over the prohibited activity in subsections (a) and (b) if—

"(1) such activity is committed against or on board a fixed platform—

"(A) that is located on the continental shelf of the United States, if—

"(i) by a person engaged in terrorism or who acts on behalf of a terrorist group; or

"(ii) if the activity is not prohibited as a crime by the State in which the activity takes place;

"(B) that is located on the continental shelf of another country, by a national of the United States or by a stateless person whose habitual residence is in the United States; or

"(C) in an attempt to compel the United States to do or abstain from doing any act;

"(2) during the commission of such activity against or on board a fixed platform located on a continental shelf, a national of the United States is seized, threatened, injured or killed; or

"(3) such activity is committed against or on board a fixed platform located outside the United States and beyond the continental shelf of the United States and the offender is later found in the United States.

"(d) As used in this section, the term—

"(1) 'continental shelf' means the sea-bed and subsoil of the submarine areas that extend beyond a country's territorial sea to the limits provided by customary international law as reflected in Article 76 of the 1982 Convention on the Law of the Sea;

"(2) 'fixed platform' means an artificial island, installation or structure permanently attached to the sea-bed for the purpose of exploration or exploitation of resources or for other economic purposes;

"(3) 'national of the United States' has the meaning given such term in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22));

"(4) 'territorial sea of the United States' means all waters extending seaward to 12 nautical miles from the baselines of the United States determined in accordance with international law; and

"(5) 'United States', when used in a geographical sense, includes the Commonwealth of Puerto Rico, the Commonwealth of the Northern Marianas Islands and all territories and possessions of the United States.".

SEC. 2436. CLERICAL AMENDMENTS.

The table of sections at the beginning of chapter 111 of title 18, United States Code, is amended by adding at the end thereof the following:

"2280. Violence against maritime navigation.
"2281. Violence against maritime fixed platforms.".

SEC. 2437. EFFECTIVE DATES.

Sections 2435 and 2436 of this Act and the amendments made by such sections shall take effect on the later of—

(1) the date of the enactment of this Act; or

(2)(A) in the case of section 2280 of title 18, United States Code, the date the Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation has come into force and the United States has become a party to that Convention; and

(B) in the case of section 2281 of title 18, United States Code, the date the Protocol for the Suppression of Unlawful Acts Against the Safety of Fixed Platforms Located on the Continental Shelf has come into force and the United States has become a party to that Protocol.

SEC. 2438. DEATH PENALTY FOR SEXUAL EXPLOITATION OF CHILDREN.

Section 2251(d) of title 18, United States Code, is amended by adding at the end the following: "Whoever, in the course of an offense under this section, engages in conduct that results in the death of a person, shall be punished by death or imprisoned for any term of years or for life.".

SEC. 2439. MURDER BY ESCAPED PRISONERS.

(a) In General.—Chapter 51 of title 18, United States Code, is amended by adding at the end the following:

"§ 1120. Murder by escaped prisoners

"(a) In General.—Whoever, having escaped from a Federal prison where such person was confined under a sentence for a term of life imprisonment, kills another shall be punished as provided in sections 1111 and 1112 of this title.".

"(b) Definition.—As used in this section, the terms 'Federal prison' and 'term of life imprisonment' have the meanings given those terms in section 1118 of this title.".

(b) Clerical Amendment:—The table of sections at the beginning of chapter of title 18, United States Code, is amended by adding at the end the following:

"1120. Murder by escaped prisoners.".

Page 158, line 8, after the period insert "These conditions may not be based on race, creed, color, national origin, gender, or age."

Page 40, line 3, insert ", including alcohol abuse," after "abuse".

Page 160, strike line 10 and all that follows through line 13 and insert the following:

"(f) Participation States or Locality:—A State or locality may participate in the program, if the legislature of such State, or of the State in which such locality is located, has conceded, by filing an agreement to comply with the terms and conditions of the program with the Attorney General.".

Page 155, beginning in line 11, strike "Establishment " and all that follows through "(a)" in line 15.

Page 155, beginning in line 20, strike the open quotation marks each place they appear down through those on line 22 on page 160.

Page 160, line 24, strike the close quotation marks.

Page 161, strike lines 1 through 3 and the matter which follows line 3.

Page 153, line 1, strike "AMENDMENT" and insert "AMENDMENTS".

Page 153, line 4, Insert "(a) Definition of Gambling Ship in Title 18.—" before "The first paragraph".

Page 153, after line 9, insert the following:

(b) Johnson Act.—The Act of January 2, 1951 (15 U.S.C. 1171 et seq.), commonly referred to as the "Johnson Act", is amended—

(1) by striking section 1(d) and inserting the following:

"(d) The term 'interstate or foreign commerce' means commerce from a point in any State or possession to any point outside that State or possession, except that term does not include commerce described in subsection (e)(2).";

(2) by striking section 1(e) and inserting the following:

"(e) The term 'intrastate commerce' means commerce—

"(1) wholly within one State or possession of the United States; or

"(2) from a point in any State or possession to any point outside that State or possession, if that commerce—

"(A) can only be conducted by transit through a point that is not within any State or possession, and

"(B) is not conducted to or through a point in a foreign country or another State or possession."; and

(3) in section 5, by inserting "(a)" before "It shall be unlawful", and by adding at the end the following new subsection:

"(b) Subsection (a) applies to a gambling device being transported on board a vessel only if that vessel is a gambling ship under chapter 50 of title 18, United States Code.".

Mr. SENSENBRENNER. Mr. Chairman, I reserve a point of order against the en bloc amendments.

The CHAIRMAN. Pursuant to the rule, the gentleman from Texas [Mr. Brooks] is recognized in support of the en bloc amendments for 10 minutes, and a Member opposed will be recognized for 10 minutes.

Mr. EMERSON. Mr. Chairman, I oppose the en bloc amendments.

The CHAIRMAN. The gentleman from Missouri [Mr. Emerson] will control the 10 minutes in opposition.

PARLIAMENTARY INQUIRIES

Mr. WALKER. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his inquiry.

Mr. WALKER. Mr. Chairman, is the en bloc amendment going to be read? I mean, we are having trouble on our side finding out what is in it.

The CHAIRMAN. Pursuant to the rule, the en bloc amendment is considered as read.

Mr. WALKER. I have a further parliamentary inquiry, Mr. Chairman.

By what process could we assure that the en bloc amendment is read, since it is not clear at this point exactly what is in it?

The CHAIRMAN. The Chair will direct the Clerk to designate, by number, the various amendments that were included in the rule that have now been included in the en bloc amendment so that Members may be advised.

Mr. WALKER. That would be helpful.

Mr. SENSENBRENNER. I have a further parliamentary inquiry, Mr. Chairman.

Mr. Chairman, are the provisions of the amendments contained in the en bloc amendment identical to the provisions that were reported in the House report accompanying the rule that was adopted by the House, or, alternatively, have any of these amendments been modified in any way?

The CHAIRMAN. The Clerk will designate all of the amendments that have been subsumed in the en bloc and will indicate which, if any, have been modified, and again the Chair will direct the Clerk to report.

The Clerk read as follows:

No. 13, as modified; Nos. 18, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 39, 40, 41 as modified, 42, 43 as modified, 44, 45, 46, 47, and 48.

Mr. SENSENBRENNER. I have a further parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state his inquiry.

Mr. SENSENBRENNER. Mr. Chairman, would it be in order, under the rule, for the Clerk to read these three amendments that have been modified, since there are no texts of the modifications on the minority side?

The CHAIRMAN. If the gentleman from Wisconsin [Mr. Sensenbrenner] wishes to ask unanimous consent for the Clerk to do so, he may.

Mr. SENSENBRENNER. Mr. Chairman, I ask unanimous consent to have the Clerk read the modifications of amendments 13, 41, and 43, which have been modified by the chairman, the gentleman from Texas [Mr. Brooks].

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

□ 1320

The Clerk read the modification to amendments No. 13, 41, and 43, as follows:

Page 175, line 14, strike out "the Fund" and all that follows through line 17 and insert in lieu thereof the following:

", subject to appropriation, the Attorney General shall make excess unobligated amounts in the Fund available for the purposes of—

"(i) establishing residential substance abuse treatment services for pregnant addicts and their children, pursuant to section 509F of the Public Health Service Act;

"(ii) supporting prevention demonstration programs to deter substance abuse among high risk youth, pursuant to section 509A of the Public Health Service Act; and

"(iii) carrying out part D of title XII of the Public Health Service Act.".

Page 175, line 24, strike out "and" after the semicolon at the end.

Page 176, strike out lines 1 through 3, and insert in lieu thereof the following:

"(ii) subject to clause (i), shall, with respect to each fiscal year, equal 25 percent of the total of such excess amounts for that fiscal year, with 6.25 percent of such total for the purpose described in subparagraph (A)(i), 6.25 percent of such total for the purpose described in subparagraph (A)(ii), and 12.5 percent of such total for the purpose described in subparagraph (A)(iii); and

"(iii) shall be made available before amounts are made available under paragraph (1)(H) and before such unobligated amounts are made available for the Special Forfeiture Fund or any other purpose.

Page 176, line 5, strike out "block grants" and insert in lieu thereof "programs".

Page 176, line 5, strike out "block grants" and insert in lieu thereof "programs".

Page 184, after line 2, insert the following:

SEC. 1823. REPORT TO CONGRESS ON ADMINISTRATIVE AND CONTRACTING EXPENSES.

Section 524(c)(6) of title 28, United States Code, is amended—

(1) by striking out "and" at the end of subparagraph (B);

(2) by striking out the period at the end of subparagraph (C) and inserting in lieu thereof "; and"; and

(3) by adding at the end the following new subparagraph:

"(D) a report for such fiscal year containing a description of the administrative and contracting expenses paid from the Fund under paragraph (1)(A).".

SEC. 1824. NOMINAL CONSIDERATION SALES OF LOW VALUE REAL PROPERTY TO CERTAIN TAX EXEMPT ORGANIZATIONS.

Section 511(e) of the Controlled Substances Act (21 U.S.C. 881(e)) is amended by adding at the end the following new paragraph:

"(4)(A) If any property referred to in paragraph (1)(B) is low value real property located in a metropolitan statistical area, the Attorney General shall have the authority to offer such property for sale, for nominal consideration, to tax exempt organizations that provide direct services furthering community-based crime control, housing, or education efforts in such area.

"(B) As used in this paragraph—

"(1) the term 'low value real property' means, with respect to a metropolitan statistical area, real property that is appraised at less than 40 percent of the median value of comparable real property in the metropolitan statistical area; and

"(2) the term 'tax exempt organization' means an organization described in section 501(c)(3) of the Internal Revenue Code of 1986, and exempt from tax under section 501(a) of such Code.".

Page 126, after line 15, insert the following:

SEC. 1506. TRAUMA CENTERS AND DRUG-RELATED VIOLENCE.

Title XII of the Public Health Service Act (42 U.S.C. 300d et seq.), as added by section 3 of Public Law 101-590 (104 Stat. 2915), is amended by adding at the end the following new part:

PART D—TRAUMA CENTERS OPERATING IN AREAS SEVERELY AFFECTED BY DRUG-RELATED VIOLENCE

"SEC. 1241. GRANTS FOR CERTAIN TRAUMA CENTERS.

"(a) IN GENERAL.—The Secretary may make grants for the purpose of providing for the operating expenses of trauma centers that have incurred substantial uncompensated costs in providing trauma care in geographic areas with a significant incidence of violence arising from the abuse of drugs. Grants under this subsection may be made only to such trauma centers.

"(b) MINIMUM QUALIFICATIONS OF CENTERS.—

"(1) SIGNIFICANT INCIDENCE OF TREATING PENETRATION WOUNDS.—

"(A) The Secretary may not make a grant under subsection (a) to a trauma center unless the population of patients that has been served by the center for the period specified in subparagraph (B) includes a significant number of patients who were treated for wounds resulting from the penetration of the skin by knives, bullets, or other weapons.

"(B) The period specified in this subparagraph is the 2-year period preceding the fiscal year for which the trauma center involved is applying to receive a grant under subsection (a).

"(2) PARTICIPATION IN TRAUMA CARE SYSTEM OPERATING UNDER CERTAIN PROFESSIONAL GUIDELINES.—The Secretary may not make a grant under subsection (a) unless the trauma center involves is a participant in a system that—

"(A) provides comprehensive medical care to victims of trauma in the geographic area in which the trauma center involved is located;

"(B) is established by the State or political subdivision in which such center is located; and

"(C) has adopted guidelines for the designation of trauma centers, and for triage, transfer, and transportation policies, equivalent to (or more protective than) the applicable guidelines developed by the American College of Surgeons or utilized in the model plan established under section 1213(c).

"SEC. 1242. PRIORITIES IN MAKING GRANTS.

"In making grants under section 1241(a), the Secretary shall give priority to any application—

"(1) made by a trauma center that, for the purpose specified in such section, will receive financial assistance from the State or political subdivision involved for each fiscal year during which payments are made to the center from the grant, which financial assistance is exclusive of any assistance provided by the State or political subdivision as a non-Federal contribution under any Federal program requiring such a contribution; or

"(2) made by a trauma center that, with respect to the system described in section 1241(b)(2) in which the center is a participant—

"(A) is providing trauma care in a geographic area in which the availability of trauma care has significantly decreased as a result of a trauma center in the area permanently ceasing participation in such system as of a date occurring during the 2-year period specified in section 1242(b)(1)(B); or

"(B) will, in providing trauma care during the 1-year period beginning on the date on which the application for the grant is submitted, incur uncompensated costs in an amount rendering the center unable to continue participation in such system, resulting in a significant decrease in the availability of trauma care in the geographic area.

"SEC. 1243. COMMITMENT REGARDING CONTINUED PARTICIPATION IN TRAUMA CARE SYSTEM.

"The Secretary may not make a grant under subsection (a) of section 1241 unless the trauma center involved agrees that—

"(1) the center will continue participation in the system described in subsection (b) of such section throughout the 3-year period beginning on the date that the center first receives payments under the grant; and

"(2) if the agreement made pursuant to paragraph (1) is violated by the center, the center will be liable to the United States for an amount equal to the sum of—

"(A) the amount of assistance provided to the center under subsection (a) of such section; and

"(B) an amount representing interest on the amount specified in subparagraph (A).

"SEC. 1244. GENERAL PROVISIONS.

"(a) APPLICATION.—The Secretary may not make a grant under section 1241(a) unless an application for the grant is submitted to the Secretary and the application is in such form, is made in such manner, and contains such agreements, assurances, and information as the Secretary determines to be necessary to carry out this part.

"(b) LIMITATION ON DURATION OF SUPPORT.—The period during which a trauma center receives payments under section 1241(a) may not exceed 3 fiscal years, except that the Secretary may waive such requirement for the center and authorize the center to receive such payments for 1 additional fiscal year.

"SEC. 1245. AUTHORIZATION OF APPROPRIATIONS.

"For the purpose of carrying out this part, there are authorized to be appropriated $50,000,000 for fiscal year 1992, and such sums as may be necessary for each of the fiscal years 1993 and 1994. The authorization of appropriations established in the preceding sentence is in addition to amounts made available under section 524(c)(12) of title 28, United States Code.".

"SEC. 1507. CONFORMING AMENDMENTS.

Title XII of the Public Health Service Act (42 U.S.C. 300d et seq.), as added by section 3 of Public Law 101-590 (104 Stat. 2915), is amended—

(1) in the heading for part C, by inserting "REGARDING PARTS A AND B" after "PROVISIONS";

(2) in section 1231, in the matter preceding paragraph (1), by striking "this title" and inserting "this part and parts A and B"; and

(3) in section 1232(a), by striking "this title" and inserting "parts A and B".

At the end of the amendment add the following:

SEC. 2440. LAW ENFORCEMENT AND MILITARY EXEMPTION FROM THE PROHIBITION AGAINST POSSESSION OR TRANSFER OF LARGE CAPACITY AMMUNITION FEEDING DEVICES.

Section 925(a) of title 18, United States Code, is amended by adding at the end the following:

"(6) For the purposes of this subsection, the term 'ammunition' includes large capacity ammunition feeding devices, as defined in section 921 of this title.".

Mr. SENSENBRENNER (during the reading). Mr. Chairman, we now have a copy of the modification. I ask unanimous consent that further reading of this modification be dispensed with, and that it be printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

The CHAIRMAN. We will continue with the reading of the modification to amendment No. 41.

The Clerk continued the reading of modifications to amendments Nos. 41 and 43.

Mr. SENSENBRENNER (during the reading). Mr. Chairman, we have a copy of this modification, and I ask unanimous consent that further reading of this modification be dispensed with and that it be printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

POINT OF ORDER

Mr. SENSENBRENNER. Mr. Chairman, I make a point of order against the modification to amend No. 43.

The CHAIRMAN. The gentleman will state his point of order.

Mr. SENSENBRENNER. Mr. Chairman, the modified version of amendment No. 43 is not germane to amendment No. 43 as it appears in the report of the Committee on rules, and it is, therefore, in violation of House Resolution 247 and the rules of the House.

House Resolution 247, which is the rule on the crime bill, states in the relevant part, and I quote from page 3, line 3 through line 8:

> It shall be in order at any time for the chairman of the Committee on the Judiciary to offer amendments en bloc consisting of amendments, and modifications in the text of any amendment which are germane thereto, printed in part 2 of the report of the Committee on Rules.

The modification that the Clerk just read is not germane to amendment No. 43. Amendment No. 43 purports to expand the death penalty to three terrorist-related crimes. The modification as read by the Clerk expands a law enforcement and military exemption from the prohibition against possession and transfer of large capacity ammunition feeding devices. This is entirely an unrelated modification to the amendment. It has nothing whatsoever to do with the death penalty that is proposed in amendment No. 43. It is my clear violation of the germaneness rules, and I ask the chair to sustain my point of order.

The CHAIRMAN. Does the gentleman from Texas [Mr. BROOKS] wish to be heard on the point of order?

Mr. BROOKS. I do, Mr. Chairman.

Mr. Chairman, the underlying amendment relates to a series of topics concerning crimes and punishment for those crimes. The diverse nature of the crimes covered by the section makes it susceptible to a broad range of germane amendments. The crimes included range from child molestation to maritime navigation to murder by escaped prisoners. The sanctions included range from a term of years in prison to the death penalty.

The modification to the amendment relates to defining an exception from the class of persons who would be criminally liable for possession of certain large capacity ammunition feeding devices.

Since the modification relates to classes of persons who are subject to criminal liability, it is a germane modification of the underlying amendment.

Mr. WALKER. Mr. Speaker, I wish to be heard on the point of order.

The CHAIRMAN. The gentleman from Pennsylvania is recognized on the point of order.

Mr. WALKER. Mr. Chairman, under the rule adopted by the House it is clear that the modification has to be made germane to the specific amendment, not to the overall bill and not to the overall content of the en bloc amendments. The rule is very clear that the modification has to be made to the specific amendment in question.

In this particular instance that is not being done. There is nothing in amendment No. 43 which relates to law enforcement and military exemption from the prohibition against possession or transfer of large capacity ammunition feeding devices.

Therefore, the chairman's point that his amendment goes to the overall en bloc amendment does not relate here because the amendment specific to terrorist activity is what he would have to be germane to. He has not met that test, so, therefore, under the rule adopted by the House he cannot modify his amendment in this way.

The CHAIRMAN (Mr. SKAGGS). The Chair is prepared to rule.

The gentleman from Wisconsin [Mr. SENSENBRENNER] makes a point of order that the modification to the amendment No. 43 contained in the amendments en bloc offered by the chairman of the Committee on the Judiciary [Mr. BROOKS] is not germane. While the rule governing consideration of this bill, House Resolution 247, authorizes the chairman to offer amendments en bloc and waives all points of order against such amendments, any modification in an amendment printed in the report of the Committee on Rules must be germane thereto. Amendment No. 43 adds seven new sections to the bill to impose criminal penalties in various chapters of the Criminal Code ranging from any term of years to death for a variety of behavior from child molestation, violence at airports, violence or threatening communications against maritime navigation and fixed platforms, and murder by escaped prisoners. The modification simply adds a clarification in the intended application of another criminal offense which amends a chapter of the Criminal Code relating in part to the use as well as possession of dangerous weapons. Given the diverse nature of both the crimes and the sanctions contained in the amendment, a modification concerning another related criminal offense is germane. As precedent the Chair cites chapter 28, section 9.2 of Procedure in the U.S. House of Representatives (Fourth Edition): "Where a bill defines several unlawful acts, an amendment proposing to include another unlawful act of the same class is germane." The Chair overrules the point of order.

The gentleman from Texas [Mr. BROOKS] is recognized in support of his amendment.

Mr. BROOKS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, as I indicated in my opening statement, the Judiciary Committee has brought to the House floor a comprehensive crime package, covering all aspects of the criminal law—and then some.

Nonetheless, the committee makes no claim to having all the good ideas; and, it's a good thing—if the number and quality of some of the amendments filed are any indication.

In working on our crime bill, the Judiciary Committee made a determined effort to stay within its jurisdiction. So, there are a wide range of issues it could not and did not properly cover.

Of the amendments filed, there are a number that I believe are noncontroversial, or are relatively noncontroversial, or were requested by other committees with subject matter jurisdiction. Because I think that this body should be given the chance to vote on them, I am now offering them in an en bloc amendment.

This is in no way meant to cut off debate on any of these important amendments. However, we do have a long way to go before we can sleep, the deep comforting sleep of those who know they have done all they can—within our Federal Constitution—to strengthen our criminal laws and to protect our citizens. The Members who made the proposals covered by this en bloc amendment have graciously agreed to help us get there.

This en bloc includes amendments from both Republicans and Democrats. It ranges widely—covering many different subject areas—from Congresswoman OAKAR'S amendment on alcohol use and crime to Congressman GOODLING'S amendment on criminal records, from Congressman MCCANDLESS' amendment on military medals to Congressman DERRICK'S amendment on dragon's breath incendiary ammunition, from Congresswoman SLAUGHTER'S amendment on a national commission to support law enforcement to Congresswoman MOLINARI'S naming a program in honor of a valiant retired police officer. The list goes on, and I make note of just a few.

In addition, and as made in order, there is an amendment that makes clear the term "ammunition" includes large capacity feeding devices This ensures that there is no restriction on the use of such devices by Federal, State, and local law enforcement agencies or by our military forces.

The gentleman from Texas, Congressman LAMAR SMITH, a valued and respected member of the Judiciary Committee, and the gentleman from California, Congressman DON EDWARDS, the distinguished chairman of the committee's Subcommittee on Civil and Constitutional Rights, have worked together in bipartisan harmony to craft amendment No. 32. That amendment creates a new felony offense for providing nonhumanitarian support or resources to terrorists, knowing or intending that they will be used to prepare for, carry out, or conceal specific terrorist-related offenses.

Congressman KOPETSKI, a new member of this body and the Judiciary Committee who is already making his mark, has several important amendments—two that will make the bill's Motor Vehicle Decal Program more workable, and one that makes sure alcohol abuse is covered in the program dealing with young offenders.

I am sure that all of the Members included in the en bloc care a lot about their amendments, but they also care about getting a final crime bill in some reasonable amount of time—like, in our foreseeable lifetimes. So, with their gracious cooperation, and in the interest of moving the debate along, this en bloc amendment is now offered.

I thank all these Members for their efforts to perfect the bill and to assist in the fight against crime. I ask your support for the amendment.

□ 1330

Mr. EMERSON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in opposition to the Brooks en bloc amendment. Until yesterday a number of us opposed this rule because of procedures that it would or would not allow. I think that the offering of this particular en bloc amendment at this time is a full reason for which the rule should not have been adopted.

The procedure vis-a-vis this en block amendment has been very devious. As a matter of fact, until 1:05 p.m., and I noted the time, no one on this side could even find out what was in the en block amendments. I have been spending a great deal of the morning trying to find out, because there has been a substantive amendment about which I have been concerned would be included in the en bloc amendment, and it was.

The chairman tells us that these are all relatively noncontroversial amendments, that there are a lot of Republican amendments that have been included, together with a number of Democrat amendments that have been included, and they are all relatively innocuous. They name some program after a police officer or do some other thing that is good.

It may well be that in this en bloc amendment there are more good things than bad, but I do not think we should move the en block amendment and say, "Oh, boy, here is something where we can condense in time what we are going to be debating in this bill and pass things in a bundle here," without looking very, very carefully at what is in these amendments.

Mr. Chairman, I think there probably is a lot of good in the en bloc amendments, perhaps a lot more than bad. But I am particularly opposed, and this has not been spoken to, to the Bustamante language amendment which is included in the en bloc amendment. This amendment would require two things: First, it would require the Bureau of Justice Assistance to develop its safe schools model project in Spanish.

The second thing this amendment would do is require each and every school that wants to submit an application for the safe schools grant to develop educational materials in Spanish.

Mr. Chairman, frankly I do not think that makes sense. What of school districts that do not have Spanish speakers? What of school districts where the primary secondary language is Cantonese or Vietnamese or German or French or Italian or Portuguese, or any other language other than Spanish?

If each and every school needs to develop Spanish language materials, do we not need to require each and every school in America that wants to keep its kids off drugs to develop materials in all 150 languages that are spoken in America?

Mr. Chairman, most of us would agree that that would in fact be a very bad precedent and would contribute to the Balkanization of America along language lines as well as the Bustamante amendment contributing to the Balkanization of America along language lines.

Mr. Chairman, we want to avoid, not enhance, the kind of activity that this Balkanization is leading to, such as the disunion of our neighbor to the north, Canada.

The Language of Government Act declaring English to be the official language of the U.S. Government, just the official language, now has in this House 105 cosponsors. English is the unifying language in this country, and the Federal Government should conduct its business in English.

Mr. Chairman, this en bloc grouping probably has many very beneficial amendments. This amendment not only adds to the increasing division of America along linguistic and ethnic lines, but by allowing special privileges to a select second language group, it effectively discriminates against the speakers of more than 140 other languages in this country.

The Bustamante amendment included in this en bloc amendment is bad precedent for America. I urge Members, unless we are certain of knowing what is in the en bloc amendment, to vote against it. This is just one onerous example that I have found, something that even if you do not agree with my position on it, if you violently disagree with my position on it, deserves a full and fair discussion in this House.

Mr. Chairman, I yield 2 minutes to the gentleman from Wisconsin [Mr. SENSENBRENNER].

Mr. SENSENBRENNER. Mr. Chairman, I thank the gentleman from Missouri for yielding.

Mr. Chairman, I would like to associate myself with the remarks of the gentleman from Missouri [Mr. EMERSON] in opposition to the Bustamante amendment.

Mr. Chairman, there is a major change contained in this en bloc amendment with respect to the assets forfeiture fund, which are the proceeds of the sale of property which has been seized by law enforcement as a result of it being used in the drug trade.

Presently there are two funds. One is the special fund, which can be used for all kinds of programs, and then there is the regular asset forfeiture fund, which is used to support law enforcement.

There are two amendments that are contained in the en bloc amendment, one by the gentleman from Michigan [Mr. CONYERS], and the other by the gentleman from California [Mr. WAXMAN], that siphon money out of the regular fund that aids law enforcement to provide for low cost or nominal consideration sales of low value real estate property to certain tax-exempt organizations, as well as to provide grants for trauma centers which treat people who are addicted to drugs.

Mr. Chairman, I personally see nothing wrong with either of these programs. What is objectionable, very objectionable, is taking funds away that law enforcement needs for its antidrug programs, its drug interdiction programs, its programs of arresting drug pushers and prosecuting them and sending them to jail for this kind of social engineering.

Mr. Chairman, I would say that anybody that wants to support law enforcement and wants to give law enforcement the funding that is necessary to do the best job it possibly can do, to stop this poison from coming out on our streets any more, should oppose the en bloc amendment and keep the regular asset forfeiture fund whole, rather than siphoning it off as the two amendments that are included in the en bloc amendment propose to do.

The law enforcement vote on the en bloc amendment is no.

Mr. EMERSON. Mr. Chairman, I yield 1 minute to the gentleman from Tennessee [Mr. SUNDQUIST].

Mr. SUNDQUIST. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, if we did not have this onerous rule, I would try to make a point of order at this point, because as I understand en bloc amendment No. 13 and en bloc amendment No. 14, they should go through the Committee on Ways and Means.

□ 1340

As I understand what happened as I recall the Committee on Ways and Means, we rejected a different concept that would be similar to one of these by the gentleman from New Jersey [Mr. GUARINI], I believe. And so what we are having here is, we are acting on an area that concerns the Committee on Ways and Means. And if it was not for this rule, both of those en bloc amendments, it is my understanding, would be out of order. So I rise in objection to the en bloc amendment and would urge my colleagues to vote no.

Mr. EMERSON. Mr. Chairman, I reserve the balance of my time.

Mr. BROOKS. Mr. Chairman, I yield 2 minutes to the gentleman from Missouri [Mr. VOLKMER].

Mr. VOLKMER. Mr. Chairman, I do not want to take my full 2 minutes.

As I understand it, in the en bloc is not only the provision to clean up the ammunition feeding devices that make it so that it is exempt as far as the military and as far as the fleet, that before when the bill came out it was clear that the police and the military were not exempt. And as a result of this, that would be in there. I do not understand that if we have my amendment in the en bloc amendment, the second part of my original amendment that does away, in other words, strikes the provisions in the bill that pertain to multiple sales of guns, handguns, and strikes also the provision that requires dealers for licenses to get licenses or renewals, that they have to have local authority approval.

I ask the gentleman, is that correct? Is that in the en bloc?

Mr. BROOKS. Mr. Chairman, will the gentleman yield?

Mr. VOLKMER. I yield to the gentleman from Texas.

Mr. BROOKS. Mr. Chairman, that is my understanding.

PARLIAMENTARY INQUIRY

Mr. VOLKMER. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. VOLKMER. Mr. Chairman, at this time I would like to inquire, if the en bloc amendment fails, that does not mean that all these amendments fail?

The CHAIRMAN. The gentleman is correct.

Mr. VOLKMER. And they would be taken seriatim as each one comes up?

The CHAIRMAN. That is correct.

Mr. EMERSON. Mr. Chairman, I yield myself 15 seconds.

I simply want to note that I agree that there may be a lot of good amendments in this en bloc process, but they have stuck a lot of onerous stuff in here that could not get by on its own. Hoping, with these numerous good, little amendments, they are accommodating the Members and their individual wishes, in order to get the bill to pass.

Mr. Chairman, I yield 45 seconds to the gentleman from Tennessee [Mr. SUNDQUIST].

Mr. SUNDQUIST. Mr. Chairman, I thank the gentleman for yielding time to me.

Would the chairman address the question in a colloquy as to whether the funds in Nos. 13 and 40 are only Justice funds and there are no Custom funds in there? On amendments that I just discussed, 13 and 40, are those funds only Justice Department funds?

Mr. HUGHES. Mr. Chairman, will the gentleman yield?

Mr. SUNDQUIST. I yield to the gentleman from New Jersey.

Mr. HUGHES. Mr. Chairman, they are Justice funds. In fact, I put the amendment in in subcommittee, and it sets aside 25 percent of just surplus Justice funds. It has nothing to do with the Customs forfeiture funds. The Department of Justice funds, they will compromise only one thing.

Mr. BROOKS. Mr. Chairman, I yield 1 minute to the gentleman from Michigan [Mr. CONYERS], chairman of the Committee on Government Operations.

Mr. CONYERS. Mr. Chairman, if I may add to what the gentleman from New Jersey has just stated, this money does not come out of the Department of Justice funds that are used to prosecute drug dealers. This is the 25 percent of the excess unobligated asset forfeiture funds, and it combines the program of the gentleman from California [Mr. WAXMAN] that does something that is very important to us, because it does not add any additional dollars to the Drug Treatment and Prevention Program.

It is beginning to now deal with the treatment programs for people who cannot afford to wait in lines that are 3 and 4 months long. I think it is extremely important.

The other part of this en bloc amendment that I would like to refer to quickly is the Commission on National Abuse initiated by my colleagues, the gentleman from New York [Mr. HORTON] and the gentleman from New York [Mr. RANGEL].

Mr. EMERSON. Mr. Chairman, I yield 30 seconds to the gentleman from California [Mr. DANNEMEYER].

Mr. DANNEMEYER. Mr. Chairman, I came over here to congratulate the gentleman from Texas [Mr. BROOKS] as qualifying in the running for king of pork. Because this amendment the gentleman put together picks up all those cats and dogs and hopefully from his viewpoint is going to permit this bill to be passed. But let me point out to my colleagues there is a new authorization in here, $50 million for trauma centers that should come out of the Subcommittee on Health and the Environment where I serve. It should not be attached to this crime train going through the Congress today. I hope that the Members will say that we do not want to use this crime bill for this procedure. I ask for a "no" vote.

Mr. BROOKS. Mr. Chairman, I yield 1 minute to the gentleman from North Carolina [Mr. JONES], the distinguished chairman of the Committee on Merchant Marine and Fisheries.

Mr. JONES of North Carolina. Mr. Chairman, I rise in support of the amendment offered by Chairman BROOKS. It includes a provision of interest to the Committee on Merchant Marine and Fisheries.

The committee amendment includes my amendment that will correct an unintentional inequity. Section 1722 of H.R. 3371, as reported, clarifies the authority for foreign-flag vessels leaving from U.S. ports on overnight voyages, or when they are beyond the territorial sea of the United States, to offer gambling. As written, this permission applied only to foreign-flag ships. My amendment, which has now been included, will allow U.S.-flag vessels to offer the same activity under the same conditions.

Every day, huge numbers of American citizens sail on foreign-flag ships from ports in Florida, Puerto Rico, the Virgin Islands, the Gulf of Mexico, and elsewhere. Nearly all of these ships offer gambling, and U.S. law allows them to do so.

At the same time, Federal law effectively bans gambling on U.S.-flag passenger ships that operate in international waters. This is one reason we have virtually no passenger ships under the American flag.

Mr. Chairman, American maritime industries have a hard enough time without the Federal Government giving a statutory advantage to their foreign-flag competitors.

The committee bill, coupled with my amendment, will allow U.S.-flag ships the opportunity to offer gambling to the same extent as their foreign-flag rivals.

This is no subsidy for the U.S. maritime industry. It won't cost the Government a dime.

It merely gives our ships the same opportunity given those of other nations.

Mr. EMERSON. Mr. Chairman, I yield one-half minute to the gentleman from Wisconsin [Mr. SENSENBRENNER].

Mr. SENSENBRENNER. Mr. Chairman, the Chair has ruled that if the en bloc amendment goes down, it does not preclude bringing up each of the individual amendments contained in the en bloc amendment.

The only way that we are going to be able to separate out the good provisions of the en bloc amendment from the bad ones is by voting down the en bloc amendment.

Then we can pass the good ones and reject the bad ones. I urge a "no" vote.

Mr. BROOKS. Mr. Chairman, I yield 30 seconds to the gentlewoman from Ohio [Ms. OAKAR].

Ms. OAKAR. Mr. Chairman, I would like to thank Chairman BROOKS and the rest of the Judiciary Committee for their excellent work in shaping this crime package. I'd also like to thank Mr. SCHUMER of the Subcommittee on Crime and Mr. EDWARDS of the Civil and Constitutional Rights Subcommittee for their efforts. Crime is one issue which touches the lives of virtually every American in some fashion, and I am pleased to support this package as it seeks to address this troubling issue.

Mr. Chairman, my amendment simply directs the National Institute of Justice to conduct two studies on alcohol and crime. As the primary Federal sponsor of research into crime control since its inception in 1968, the National Institute of Justice has never once studied the most widely used and abused drug in America—alcohol—and its potential link to criminal activity. This amendment will correct what I view as an academic oversight.

Alcohol's presence in criminal situations is well documented. According to a 1986 survey of State prison inmates, 54 percent of all inmates were under the influence of some substance at the time of their offense. Of these inmates, alcohol was used more frequently than all other substances. In fact, alcohol alone was the most prevalent substance in murder, negligent manslaughter, sex offenses, assault, and other violent crimes. Twice as many victims of violent crimes, including rape, reported their attackers to be under the influence of alcohol compared to other drugs. In aggravated assaults, offenders were three times more likely to be under the influence of alcohol than any other substance. Alcohol is also the substance most frequently involved in domestic violence assaults, and the preferred illegal drug of our youth. I could literally go on and on.

There still exists a debate over the extent to which alcohol plays a causal role in crime. Despite the previous statistics, our Government refuses to admit their is a link. In fact, the 1990 HHS report entitled "Alcohol and Health" states that "despite the apparent positive correlation, a direct causal link between alcohol and crime has not been established." This same report suggests that high arrest rates after bars close are attributed to police being on guard at these times. I ask, Mr. Speaker, if there is no link between alcohol use and crime, why are the police on guard during these hours? Research on alcohol and crime in general is often conflicting and spotty at best, and we need the National Institute of Justice to examine this issue, research which I believe is long overdue.

My amendment will direct the NIJ to compare the recidivism rates of offenders who were under the influence of alcohol—or alcohol in combination with other drugs—who receive residential treatment with those who do not receive residential treatment. It should be noted, Mr. Chairman, that pleas by Lionel Dahmer to get his son Jeffrey treatment for his unarrested alcoholism went unheeded long before the horrifying, tragic murders in Milwaukee became known to the Nation. Among all convicts on parole, alcohol problems are present in a staggering 76 percent. If we can address the alcohol problem while the individual is in the custody of the State, perhaps we can effectively prevent those same offenders who were under the influence at the time of their offense from further criminal behavior. The only way we can determine this is through examination of recidivism rates.

This amendment also directs the NIJ to do a nationwide assessment of alcohol as a factor in crime, focusing on domestic and violent criminal activity. One area in which all researchers agree is that alcohol plays a significant role in domestic violence and abuse. In the family, studies have shown that over 50 percent of abuse incidents are related to the use of alcohol alone. Research regarding alcohol's role in the most feared type of crimes—violent crimes—is also insufficient, but scientists have discovered that alcohol increases aggressive behavior in laboratory animals. If for no other reason, a national assessment of alcohol's role as a factor in crime is necessitated simply for economic reasons: At the local corrections level, alcohol abuse costs our Nation three times as much as all other abused substances—$1.25 billion versus $460 million.

I have contacted the National Institute of Justice and have been assured that this amendment fits in perfectly with their 1992 research plan. I would also suggest that the NIJ conduct this study in consultation with the National Institute on Alcohol Abuse and Alcoholism, and urge NIAAA to conduct a similar study in this area.

It is time we assess the potential causal link between alcohol and crime on a national level, Mr. Chairman, and I urge my colleagues to support this amendment.

Let me give a specific example, in May 1989, Lionel Dahmer appeared before Judge Gardner in a Milwaukee courtroom, pleading for treatment for his son Jeffrey's alcoholism. Despite the efforts of Lionel working with Jeff's parole officers, no kind of treatment program was initiated. In May 1990, Lionel Dahmer contacted Judge Gardner again, this time in a letter, beseeching the court to help Jeff get treatment because—in his words—"I have tremendous reservations regarding Jeff's chances when he hits the streets. Every incident, including the most recent conviction for sex offense has been associated with and initiated by alcohol in Jeff's case."

Mr. Chairman, Jeffrey Dahmer never got that treatment. As we all know, Jeff Dahmer went on to kill 17 people in the most shocking grisly murders our Nation has ever seen. It is preposterous for our Government to claim that, as a 1990 HHS report states, "A casual link between alcohol and crime has not been established." I would say it's because we've refused to study it and provide the evidence for the correlation. My amendment will study the potential link between alcohol and crime—an area which our Justice Department has never studied—and perhaps we will discover that the most used and abused drug in America has much more serious effects than we ever imagined. Jeff Dahmer's father was certain there was causal link between alcohol and crime. We cannot overlook this area any longer.

And yet, the National Institute of Justice has never studied links between crime and alcohol. We must put the subject of alcohol in the realm of public policy.

THE FATHER'S LETTER

Jeffrey L. Dahmer's father, Lionel H., wrote this letter to a Wisconsin judge on March 1, 1990, to urge treatment for his son, who was about to be released from prison. Jeffrey Dahmer was convicted in 1988 of second-degree sexual assault for offering a 13-year-old boy $50 to pose for nude photos. Jeffrey Dahmer was released from prison. The 13-year-old boy's brother may have been one of his victims.

Judge WILLIAM D. GARDNER,
Safety Bldg., Milwaukee, WI.

DEAR JUDGE GARDNER: I am writing in regard to my son, Jeff Dahmer, who is scheduled to be released from the House of Correction on 10th street the first part of March, 1990. The reason that I am writing to you is to ask if you would please do what you can to define and maximize the treatment that was mandated in the Court record on 5-24-89.

Ever since 5-24-89, when I appeared with Jeff and spoke in your Courtroom, I have experienced an extremely frustrating time trying to urge initiation of some type of treatment. It was not until almost Dec., 1989 that G. Boyle told me that there existed no coordination of action between your area, his area, and the Parole area.

Since Dec. I have been focusing most of my efforts towards Gary Parker, Jeff's in-house

Parole supervisor. Although Gary was not able to provide viable reason why some kind of treatment was not initiated way back in June, 1989, he has been extremely courteous and helpful of late in my many phone conversations with him. Gary said that he would recommend evaluation, as a first step for Jeff right now, at some alcoholic treatment facility in Milwaukee.

My biggest concern as Jeff is released the first part of this month is that the same situation may ensue which existed in a prior conviction for indecent exposure while intoxicated (approx. 1988 or 1987). Jeff was ordered to obtain therapy for one year with a Dr. Rosen, a woman clinical psychologist. Nine months into the treatment, when I finally was told by Jeff of his treatment, I made a paid visit to Dr. Rosen. I discovered that she was not a specialist in treating alcoholism and that there were no critical evaluations nor feedback to the Court or Parole people so that changes could be made due to no progress being made in her sessions. Based upon this and several conversations with Jeff's prior generic case load Parole Officers, I have tremendous reservations regarding Jeff's chances when he hits the streets.

In closing, may I relate to you what I was told during a long discussion with a psychologist and then I will leave my plea with you to initiate anything that you deem appropriate. A clinical psychologist, with a specialty in treating alcoholics here in Ohio, said that, although it is a fact that the vast majority do not want treatment, he has shown a 78% (permanent) success rate by mandating a minimum of 2 years active participation in AA, concurrent with a minimum of 2 years therapy with a clinical psychologist specializing in alcoholism. He further emphasized the absolute necessity of an effective monitoring system to continually evaluate progress, with changes, if progress is not being made or if it is judged that Jeff is not cooperating in an ongoing fashion. Every incident, including the most recent conviction for sex offense has been associated with and initiated by alcohol in Jeff's case. I sincerely hope that you might intervene in some way to help my son who I love very much and for whom I want a better life. I think it best to ensure my relationship with Jeff that no one tell him of my efforts towards effective treatment. I do feel that though this may be our last chance to institute something lasting and that you can hold the key—

LIONEL H. DAHMER.

Let me give statistics:

Despite all the statistics, a 1990 HHS report entitled "Alcohol and health" stated that "despite the apparent positive correlation between alcohol and crime, a direct causal link has not been established."

In 1989, alcohol accounted for 3.2 million arrests, whereas drug abuse accounted for 1.3 million, not including the role alcohol plays in abuse, neglect, violent offenses, or other crimes.

At the local corrections level, alcohol abuse costs our Nation $1.25 billion, three times as much as all other abused substances.

Fifty-four percent of all prison inmates said they were under the influence of some drug at the time of their offense. Among these, alcohol alone was the most prevalent factor versus drugs or drugs and alcohol combined for the offenses of: Murder, negligent manslaughter, sex offenses, assault, arson, and other violent crimes.

Twice as many victims of violent crimes, including rape, reported their attackers to be under the influence of alcohol compared to other drugs.

Alcohol alone is the most prevalent factor in public-order and weapons offenses.

Alcohol alone was the most prevalent factor in the most feared type of offense, violent crimes.

Among inmates, alcohol problems are present in 76 percent of parolees and 56 percent of their spouses.

Recent studies have determined that with small amounts of alcohol, aggressive behavior increases in laboratory animals.

Thirty-three percent of all prison inmates drank daily in the year before their crime.

Over 50 percent of all abuse incidents are related to the use of alcohol alone.

Eighty-four percent of abuse/neglected children had at least one parent who abused alcohol.

Therefore, support my amendment to have the National Institute of Justice study the link between alcohol and crime.

Mr. BROOKS. Mr. Chairman, I yield 1½ minutes to the distinguished gentleman from California [Mr. EDWARDS], chairman of the subcommittee.

Mr. EDWARDS of California. Mr. Chairman, I want to commend the gentleman from Texas for carefully crafting this amendment. The gentleman from Texas, the author of the amendment, agreed with us that it must be clear that the concept of material support is tied directly to a list of specific criminal violations. Am I correct that under this statute the material support at issue must be used in connection with an actual violation of one of the listed provisions?

Mr. SMITH of Texas. Mr. Chairman, if the gentleman will yield, the gentleman is correct. For a prosecution to occur under this amendment, there must be a violation of one of the statutes listed in this amendment.

Mr. EDWARDS of California. And do I also correctly read the amendment that an investigation under this section cannot be initiated and continued solely on the basis of expression of political support for a group or cause?

Mr. SMITH of Texas. Again the gentleman is correct.

Mr. EDWARDS of California. With that understanding, I am happy to support the amendment. I commend the gentleman from Texas.

□ 1350

Mr. COLEMAN of Texas. Mr. Chairman, will the gentleman yield?

Mr. EDWARDS of California. I yield to the gentleman from Texas.

Mr. COLEMAN of Texas. Mr. Chairman, I suggest to my colleagues from Wisconsin and California that the parts of the bill they do not like passed last year. They are talking about the Waxman amendment that does what we ought to be doing for trauma care centers and people who have to work on law enforcement officers who have been wounded in the line of duty.

Mr. Chairman, I rise today in support of the en bloc amendment, one of which is the Waxman amendment to H.R. 3371, the Omnibus Crime Control Act of 1991. This amendment strengthens the trauma system of this country and thereby aids the victims of drug-related violence. Among these victims are law enforcement officials, abused children, and other victims such as the students on their lunch break at Austin High School in El Paso, TX, who were shot last year in a gang-related drive-by shootings.

The trauma centers that provide care to these victims are themselves falling victim to the rapid increases in social problems threatening our Nation, among them chemical and substance abuse, gang violence, and child abuse. Trauma centers in Houston, Los Angeles, Chicago, and Miami have shut their doors, it is clear that our Nation's fragile trauma network is crumbling.

In El Paso, our community adopted a comprehensive trauma care network in October 1988. The system has saved the lives of people throughout west Texas and southern New Mexico, but is beginning to buckle. The public hospital in El Paso, which is the hub of the trauma system, faces severe financial strain due, in large part, to the increase in uncompensated care resulting from drug-related violence. In fact, Thomason Hospital, in the El Paso County hospital district, received a 50-percent tax increase from the community for this fiscal year. Due to this increase, El Paso, the sixth poorest city in the Nation, now has the highest county tax rate in Texas. For El Paso, this hospital represents the only game in town when it comes to civilian trauma care. Its failure would be felt by all of west Texas and parts of southern New Mexico.

But this represents only one example of a problem occurring across our Nation. This fragile trauma care network is in the business of saving lives. Nothing can be more important.

Mr. Chairman, in addition this amendment contains the Lowey amendment to H.R. 3371, the Omnibus Crime Control Act of 1991. This amendment restores authorization for the High Intensity Drug Trafficking Areas [HIDTA] Program. This program has been providing funds to law enforcement officers struggling to combat drug trafficking activities in those areas of our Nation where their efforts are most crucial: along the borders and at major ports. The southwest border, for example, is a principal corridor for moving drugs—especially marijuana, heroin, and cocaine—into the United States. The southwest border HIDTA has provided funds for a coordinated Federal, State, and military effort along this border. El Paso County, which is part of the southwest HIDTA, has used their portion of this funding to establish a special unit devoted to preventing these drug traffickers from enjoying the spoils of their criminal labor. The officers of this unit, which began operation on October 1, will work with Federal officers of the DEA, the IRS and the FBI to seize assets purchased with drug money. This is only one example of the ways in which this program is assisting law enforcement officers fighting on the front lines of the war against drugs. I urge my colleagues to approve the en block amendment.

Mr. BROOKS. Mr. Chairman, I yield such time as he may consume to the gentleman from Georgia [Mr. DARDEN].

Mr. DARDEN. Mr. Chairman, I thank the gentleman for yielding time and rise in strong support of the en bloc amendments, especially No. 40 offered by the gentleman from Georgia [Mr. ROWLAND] and myself.

Mr. Chairman, I rise in strong support of the Rowland-Darden amendment. This amendment enhances an already well-crafted bill, and I urge my colleagues' support.

Quite simply, our amendment would allow the U.S. Attorney General to transfer title of forfeited property appropriate for use as a public area to the chief executive officer of the State in which the property is located. As you may know, one of the goals of the Department of Justice's forfeiture program is to enhance cooperation among Federal, State and local law-enforcement agencies through equitable sharing of assets recovered through this program. I can think of no better enhancement than providing States involved in drug enforcement with properties suitable for parks or historic preservation. Nor is there a better use for property confiscated from criminals involved in the insidious drug trade than for the benefit of communities plagued by this type of activity.

In my own community, Cobb County, GA, a parcel of land recently confiscated by the Drug Enforcement Agency would be eminently suited for a county nature park. This land, located in Austell, is heavily forested with trees, shrubs, and plants indigenous to the area, and features springs, waterfalls, and other examples of natural beauty almost impossible to find in our rapidly growing area. Cobb County has experienced unprecedented growth and development over the last decade, and many of our open spaces have been lost to high rises and subdivisions. I see no reason to deny to the people of this community the recreational use of land already owned by the Government.

Our amendment does not seek the wholesale confiscation of private property on the whim of a Government official. This is property already owned by the Federal Government as the result of criminal activity, and subject to appropriate disposition. Allowing this land to be used for parks would be of lasting benefit both to the environment and to the public. With our budget already strained, we must find new ways of preserving and protecting our natural resources without incurring additional unnecessary costs. Our amendment provides a reasonable and responsible alternative and I urge the committee's support. I want to especially thank and commend my colleague from Georgia, Mr. ROWLAND, for his leadership and support.

Our amendment is supported by the Governor of Georgia, the director of the Department of Public Safety of Georgia and all public and law-enforcement officials directly concerned with this property.

The following letters of support are self-explanatory:

GEORGIA BUREAU OF INVESTIGATION,
Decatur, GA, October 17, 1991.

Hon. GEORGE (BUDDY) DARDEN,
Hon. ROY ROWLAND,
U.S. House of Representatives,
Washington, DC.

DEAR CONGRESSMEN: This is a letter of strong support for the proposed amendment to the Controlled Substances Act that would allow the Attorney General of the United States to transfer the title for real property to the chief executive officer of the state in which the property resides if the property is to be used for recreation, historical purposes or for the preservation of natural conditions.

As you are aware, the Drug Enforcement Administration State and Local Task Force, of which the Georgia Bureau of Investigation is a participant, recently confiscated a 35 acre tract of land at 570 Lake Careco Road, Austell, Georgia. This tract of land is highly unusual for a metropolitan area in that it is heavily forested with old growth trees and native azaleas and has outstanding springs, waterfalls, and other natural resources. The availability of this type of land in a rapidly growing suburban area such as Cobb County presents a unique opportunity to create a park that will benefit all of our citizens.

It is the intention of the Cobb County Parks and Recreation Department to establish a nature center and park on this land. While we understand that the Justice Department normally sells assets such as this and uses the proceeds to support local law enforcement, this is a unique opportunity to create a place of natural beauty and recreation from this seized property.

I thank you for introducing this amendment into the 1991 Omnibus Crime Control Act. While we will not receive funds for local law enforcement as a result of this decision, our environment will gain greatly from the creation of a nature park in one of the fastest growing parts of Georgia.

Sincerely,
J. ROBERT HAMRICK,
Director.

DEPARTMENT OF PUBLIC SAFETY,
Atlanta, GA, October 16, 1991.

Hon. GEORGE (BUDDY) DARDEN,
Hon. ROY ROWLAND,
U.S. House of Representatives,
Washington, DC.

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Sincerely,
COL. RONALD L. BOWMAN,
Commissioner.

COBB COUNTY
BOARD OF COMMISSIONERS,
Marietta, GA, October 17, 1991.

Hon. GEORGE "BUDDY" DARDEN,
Hon. ROY ROWLAND,
U.S. House of Representatives,
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It is the intention of the Cobb County Parks, Recreation, and Cultural Affairs Department to establish a nature center and park on this land. While we understand that the Justice Department normally sells assets such as this and uses the proceeds to support local law enforcement, this is a unique opportunity to create a place of natural beauty and recreation from this seized property.

We thank you for introducing this amendment into the 1991 Omnibus Crime Control Act. While we will not receive funds for local law enforcement as a result of this decision, our environment will gain greatly from the creation of a nature park in one of the fastest growing parts of our county.

Sincerely,
PHILIP L. SECRIST,
Chairman.
SHERIFF BILL HUTSON,
ROBERT E. HIGHTOWER,
Director of Public Safety.

Mr. DERRICK. Mr. Chairman, several weeks ago, the American Federation of Police brought to my attention an advertisement that ran in the Shotgun News. Quite frankly, I was astounded at what I read.

The ad offered a 3-round pak of 12-guage fire spewing ammunition called Dragon's Breath, a shell that will turn any shotgun into a 3-second flame thrower. According to the advertisement, the ammo shoots out high temperature metals 300 or more feet and will totally engulf a target in a 4,000 degree fireball.

I personally question the usefulness or need for this type of ammunition. The American Federation of Police tells me that flame throwers are not required for police work. I certainly can't think of a civilian use for this ammunition. Yet, Dragon's Breath can be easily obtained by calling or faxing in your order to a company right in my congressional district.

My amendment, which Chairman BROOKS has incorporated into the en bloc amendment, calls for a Treasury Department study of this particular brand as well as other similar flame throwing incendiary ammunitions. We need to be sure that ammunition of this type is properly and accurately categorized.

Mr. Chairman, both Mr. BROOKS and Mr. SCHUMER were receptive to my amendment, and I appreciate very much their allowing me to address my concern with this proposal.

Mr. SANTORUM. Mr. Chairman, I would like to express my support of an important piece of legislation for our country's youth and for our educational system. I am referring to the Safe Schools Act contained in the crime bill that we will be voting on today.

The Safe Schools Act recognizes and attempts to address the escalating battle that is being fought every day. The war on crime and drugs is no longer being fought in just our Nation's inner cities, but has spread to the 23 suburban school districts I represent. Today children in this country can't simply focus on getting an education. They have to deal with the pressures of resisting drugs and staying safe in their own schools. This program will work to develop education and training programs for the prevention of crime, violence, and drug abuse. It will also establish counseling programs for the growing number of students who have been victimized within the schools.

However, this program does not simply focus on prevention and counseling, but it also implements some decisive measures to combat violence, especially in inner-city school districts. The Safe Schools Act calls for crime prevention equipment, such as metal detectors and video-surveillance devices. With the increasing amount of gang violence, this measure will attempt to eliminate organized crime activity in schools.

Mr. Chairman, we must make our children's schools a place where they can be instructed, not intimidated. The Safe Schools Act is a step in the right direction. Let us work to make our youth safe once again.

Ms. MOLINARI. Mr. Chairman, on a late October evening in 1990, a 55-year-old retired police officer, who had served on the police force for 23 years, observed a crime in progress. Driven by instinct and a sense of duty, the retired officer, Irwin Rutman, rushed to the aid of a fellow citizen. After a difficult physical struggle, Irwin Rutman was shot to death by a ruthless mugger on a dark Manhattan subway train.

Irwin Rutman left behind a wife and four young sons. If this tragedy had taken place earlier, while Rutman was still on active duty, his family would have been eligible for up to $100,000 in death benefits under the Public Safety Officers' Benefits Act. But because he was retired at the time of his heroic act, his family was left in dire financial straits.

This glaring inequity in the law that establishes eligiblity for those death benefits prompted me to introduce a bill, the Irwin Rutman Retired Safety Officers Benefits Act, to extend the same death and disability benefits to retired public safety professionals that would have been available to them or their families if they had been on active duty and were killed or disabled while attempting a rescue or responding to a fire or other police emergency.

When public safety officers retire, can we seriously expect them to shed their instincts and their training? Of course not. That is why Irwin Rutman so willingly risked his life in the interest of public safety.

When the Judiciary Committee reviewed my bill and incorporated it into this crime bill, the committee made two significant changes. The bill no longer applies retroactively, so Irwin Rutman's family derives no financial benefit even though the families of retired safety officers who follow in his footsteps after the bill is enacted would benefit. Finally, the section of the crime bill that extends these benefits to retired public safety officers is no longer named in his honor.

If we cannot extend death benefits to Irwin Rutman's surviving family, at least we can memorialize his name in the appropriate section of this bill.

Mr. GOODLING. Mr. Chairman, I rise in support of several provisions contained in the en bloc amendments offered by Congressman BROOKS.

First and foremost, I appreciate Mr. BROOK's acceptance of an amendment I was going to offer which would draw a clear distinction between the educational and law enforcement records maintained by colleges and universities.

In the past few years, colleges and universities have come under a great deal of criticism because of their refusal to release law enforcement information. In reality, schools are not covering up crime; they are abiding by the law.

As currently interpreted by the Department of Education, the Family Educational Rights and Privacy Act, better known as the Buckley amendment, prevents the release of law enforcement records as well as the educational records it was actually intended to protect from unauthorized release.

My amendment would allow the release of records kept by a law enforcement unit or the educational agency or institution which were created by that law enforcement unit for the purpose of law enforcement.

While the Senate crime bill, S. 1241, addresses this same issue, it only exempts campus law enforcement records covered by State open records laws. I believe the law should apply equally. Last year, the Congress enacted the Student Right-to-Know and Campus Security Act which requires institutions of higher education to make available to students important information on campus security and campus crime. It was our hope that the provision of this information to students would allow them to take steps to insure they did not become the victim of campus crime.

One provision in this new law permits schools to provide alleged victims with the results of any disciplinary proceeding conducted by the institution against the alleged perpetrator of such crime. I have been informed by schools that they are not currently providing such information to victims as they are concerned that it would violate the Buckley amendment—and yet this provision appears in the same section of the General Education Provisions Act as the Buckley amendment. Enactment of the Senate amendment would only allow victims residing in States with open records laws to receive information as to the disciplinary action taken against the perpetrator of a crime such as sexual assault. My amendment would assure this information is provided to all victims.

Another reason we need to pass this amendment is a recent lawsuit filed against the Secretary of Education, Lamar Alexander, by the Student Press Law Center and several students from various campus newspapers. The purpose of the lawsuit is to force the Secretary to require schools to release law enforcement records such as investigation reports and student arrest records. However, as I indicated earlier, the Secretary believes he does not have the authority to allow schools to release this information. Passage of this amendment would eliminate the need for this lawsuit and allow the release of law enforcment records.

I would also like to speak in support of several amendments which were to have been offered by my colleague on the Education and Labor Committee, DALE KILDEE.

In particular, I am pleased to see that we are calling for coordination of a report on campus sexual assault to be conducted by the Attorney General with a report on campus crime to be issued by the Secretary of Education is September 1995.

It is important, Mr. Chairman, that we do not have a fragmented effort to address the very real problem of crime on college campuses. As mentioned earlier, we just enacted the Student Right-to-Know and Campus Security Act last year. One section of this new law calls upon the Secretary of Education to disseminate information on effective campus security programs and practices on September 1, 1995. This information is to be based on reports received from colleges and universities. It is only logical that information received as a part of the Attorney General's study on sexual assault should be included as a part of that report, particularly since we are amending the current campus crime reporting law to required the reporting of all sexual offenses, not just rape.

These are important amendments and I am pleased to see they are included in Mr. BROOKS' package of amendments.

Mr. MCDERMOTT. Mr. Chairman, I rise in support of this amendment. Domestic violence is a hidden crime in this country, whose victims often suffer in silence. But it is widespread, affecting millions of families each year.

Domestic violence has become a major public health problem in this country. Each year, thousands of women go to their doctors or the emergency room for the serious injuries they receive at the hands of their abusive partners and the debilitating stress they endure. In fact, domestic violence accounts for more injuries to women than auto accidents, rape and muggings combined. It accounts for roughly one-third of hospital emergency room admissions for women.

Yet our health professionals generally have little or no training in recognizing this violence as a cause of injury. Victims, of course, rarely volunteer the true reason for their injury.

Health care providers need to be knowledgeable enough about the nature of domestic violence to treat them with competence and compassion and to refer them for help—help that will allow them to stop or leave the abuse before it results in permanent injury or murder. Health professionals are in a unique position to intervene and can do so effectively.

This amendment would allow funds to be used for the purpose of training health care professionals. If we are to stop the plague of violence against women in this country, everyone must be involved. This amendment will facilitate education about domestic violence that is critically needed and I urge my colleagues to support it.

Mr. WAXMAN. Mr. Chairman, I am pleased to rise in support of the amendment offered by the distinguished gentleman from Texas [Mr. BROOKS]. I want to express particular support for three provisions dealing with the needs of trauma care centers, making excess forfeiture funds available for public health purposes, and modifying procedures for the disposition of forfeited real property.

The amendment authorizes $50 million in fiscal year 1992 to help trauma centers cope with the tremendous costs associated with caring for the victims of the drug-related violence. The amendment is similar to a proposal approved overwhelmingly by the House last year during its consideration of the 1990 crime bill.

Trauma centers are the MASH units in the war against illegal drugs. Like their MASH predecessors in Korea and Vietnam, trauma centers are on the front lines of the drug war.

Violence associated with the illicit drug culture is on the increase. The number of trauma patients suffering penetrating trauma, generally gun and knife wounds, is also increasing. The responsibility for providing medical care to these patients, including many law enforcement officers, falls on the Nation's trauma care centers.

In recent years, trauma centers have experienced an increase in uncompensated medical costs because a growing number of patients injured by the drug war are unable to pay for care. As a result, many trauma centers have been placed in financial jeopardy. Many private hospitals have withdrawn from trauma center systems. Many public hospitals, particularly those accepting increasing numbers of trauma patients after the withdrawal of private hospitals, are approaching a stage of medical collapse.

Trauma centers save lives, but the cost of care is expensive. While uncompensated costs are an all too common problem for hospitals, the plight for trauma centers is particularly grave due to the severity of injuries they treat and the growing number of injuries resulting from the illicit drug culture.

Areas of our inner cities have become virtual battle zones as rival drug gangs vie for turf and control. A disproportionately large number of trauma patients, particularly those suffering from knife and gun wounds, test positive for drugs. The costs of caring for them and sometimes the innocent victims of their attacks is huge.

While the President's national drug strategy did not address the important role trauma centers play in the drug war, it is a simple fact that drug-related violence is a major factor in the decline of trauma care nationwide.

The closing of trauma centers is a serious threat to any community. When a trauma center closes, its lifesaving services are denied to all patients. Patients include law enforcement officers wounded in the line of duty. They include the thousands injured in automobile accidents—a risk each of us, our families and constituents face daily.

Last May the General Accounting Office issued a disturbing report noting that 60 trauma care centers have closed in the past 5 years. These include centers in Miami, Houston, Philadelphia, Los Angeles, and Chicago. This decline can be traced in large part to increased crime and violence associated with the drug war. The GAO concluded that the closing of additional trauma centers could threaten the access of Americans to prompt treatment of severe injury. The amendment helps to address the needs of the trauma care system before additional centers close their doors.

The American College of Surgeons recently wrote the House urging Members to support this amendment. Dr. Paul A. Ebert, director of the college wrote:

> Urban trauma centers have reported outstanding increases in the number of severity of penetrating injuries as a result (of) the increase in drug-related crime and violence. Penetrating trauma victims consume vast amounts of hospital resources. In the face of these tremendous financial losses, many urban hospitals are dropping out of their local trauma care networks.
>
> When trauma centers drop out of the system, a domino effect results, with the remaining centers being required to assume a tremendous increase in the severity of their case-mix and the size of their uncompensated care burden.
>
> The deterioration of our trauma systems does not merely translate into unnecessary deaths among the perpetrators of violent crime, or even their innocent bystanders. The failure to address the financial concerns of our beleaguered trauma centers now could result in a loss of access to care for all trauma patients. It is the family member in an automobile accident, the child who falls from his bicycle, the friend hurt while cutting his grass or the constituent injured by machinery at his place of work who may not have access to the lifesaving care they need. Anyone who is unfortunately enough to be injured will be in danger if our trauma centers close.
>
> Trauma centers bear a large share of the cost of drug violence, but they do not share in any of the federal programs to redistribute the assets seized from drug dealers.

Dr. Elbert called upon the House to "assure that all Americans have access to vital trauma care services by supporting the amendment."

If we are to effectively wage a war on drugs, we dare not allow the Nation's trauma care system to fail.

Mr. Chairman, I also want to support provisions directing that a portion of amounts declared excess in the Justice Department's assets forfeiture fund be directed to support public health programs, including trauma care centers. In addition to assisting trauma centers, funds from the assets forfeiture fund would also be allocated to expand substance abuse prevention programs directed at high risk youth and establish new residential treatment programs for pregnant addicts. These are two important public health programs administered by the Department of Health and Human Services' Office for Substance Abuse Prevention.

Mr. Chairman, I also want to support provisions of the amendment authored by the gentlemen from Georgia, Dr. ROWLAND and Mr. DARDEN, to encourage the use of forfeited real property for recreational or historic purposes or for the preservation of natural conditions.

The amendment grants the Attorney General authority to transfer to States the title of forfeited real property which is of historic or recreational value. The amendment would authorize the Attorney General to grant the request of a Governor that forfeited real property of historical or recreation value be deeded to States desiring to preserve such land for the benefit of its citizenry. In such circumstances States would be required to maintain the property for this purpose in perpetuity. Title would revert back to the United States in the event the property was used otherwise.

Current law is inflexible on this subject. When real property is determined to be of no value to the Federal Government, the Attorney General is required to put the property up for sale. We were surprised to learn that current law requires the Attorney General to sell such property even when States request the property be converted to public use. While this may be appropriate action for the disposition of forfeited cars, speedboats or houses, in those limited circumstances when a natural area is suitable for use as a State park or wildlife preserve, Federal law should possess the flexibility to defer to a greater public interest.

The interests of a State in preserving natural areas for public benefit, particularly the benefit of young people seeking recreational alternatives to the streets, should take priority over whatever temporary monetary advantage might be achieved by selling such property to private interests.

There is special urgency to this proposal. It involves the fate of a 36-acre, heavily forested track of land located in Cobb County, GA. Title to the land is currently held by the Department of Justice and a public sale for development is threatened. Georgia Gov. Zell Miller has written the Attorney General citing the property as unique and expressing the State's desire to preserve the land as a park or nature preserve.

The amendment is a modest but vitally important proposal that will assist Georgia and other States to preserve their natural heritage.

Mr. Chairman, I urge support for the amendment.

Mr. CONYERS. Mr. Chairman, the crime bill that is before us today deals with only 2 percent of the crimes committed in the United States. Crime is by and large a State problem, not a Federal problem. Which is why our job should be to help the States as much as possible through grant programs. The amendment on asset forfeiture will do just that.

At no cost to our taxpayers, we can put additional dollars into drug treatment and prevention programs. Prevention and treatment are key to stopping drug use. But current prevention programs do not effectively reach the urban poor. And waiting lists for treatment programs for people who cannot afford to pay are still 3 to 4 months long. The problem is money.

My amendment will designate 25 percent of excess unobligated asset forfeiture funds of the Justice Department to support the most critically underfunded drug abuse treatment and prevention programs: Treatment for pregnant addicts and their children, prevention programs that target high risk youth, and trauma centers in the areas most severely affected by drug-related violence.

In addition, my amendment will make crack houses and other marginal real properties seized by the U.S. Marshal Service available to nonprofit organizations that provide community-based crime control, housing or educational efforts. These properties are seldom used by the public because they have little resale value. But they could be of great use in local efforts to combat drug abuse. My amendment will make it possible for inner city communities to put to good use property that is currently torn down or abandoned.

COMMISSION

On behalf of myself, FRANK HORTON, the ranking minority member of the Government Operations Committee and CHARLIE RANGEL, chairman of the Select Committee on Narcotics Abuse and Control, I am also offering an amendment to create a national commission to examine the root causes of drug abuse in the United States.

Twenty years ago, a National Commission on Drug Abuse initiated by President Nixon found that research on the roots of the drug problem in the United States was essential to preventing drug abuse. Regrettably for our country, this recommendation was not followed.

Since 1972, only 4.6 percent of drug abuse research funding has been spent on root causes. We don't know how to measure root causes or how they actually contribute to drug abuse. We don't know which risk factors are obstacles to treatment, nor which factors should be targeted in prevention policy and programs.

We are fighting a multibillion-dollar drug war without adequate information.

This commission will examine the root causes of drug use and abuse in the United States and make recommendations for improvement in policy to reduce the use of drugs. The time has come to include the root causes of drug use in our thinking about national drug policy.

Mr. SOLOMON. Mr. Chairman, today I am offering an amendment to the crime bill which would require the Attorney General, in consultation with the Secretary of Transportation, to implement a national awareness program for section 333, the Drivers' License Suspension Program, of Public Law 101–516.

As you may know, the Congress enacted my legislation that requires States to enact legislation to suspend the drivers' licenses of individuals who are convicted of any drug offense. If the States fail to enact these laws, they stand to lose 5 percent of their Federal highway funds annually.

The Drivers' License Suspension Program has had great results in New Jersey and Oregon, and I am looking forward to its implementation across the entire United States.

However, there is 1 year left before the States will begin to lose their funding if they don't put the drivers' license suspension law into place. And I am putting the States on notice that we here in the Congress will not extend the deadline for compliance with this important drug prevention law. It is far too valuable to be put off and the compliance deadline has been more than fair.

So all you Governors and State legislatures be aware that time is of the essence and you have 1 year left. Time is running out for States like New York and California which stand to lose over $100 million in Federal highway funds, if they fail to act.

So I would urge your support for my amendment to let your State know for the last time, either pass this necessary drug prevention law or plan on living without Federal highway funds.

Mrs. LOWEY of New York. Mr. Chairman, I rise to thank the committee for incorporating into this en bloc amendment two important amendments that I authored.

The first of my amendments included in the en bloc would address one of the most innovative, important, and forward-looking parts of this excellent bill, title VIII—the Drug Emergency Areas Act. This title will provide local governments across the country with funding to fight the war on drugs through a variety of means. I strongly support this title.

Unfortunately, the way that it is currently drafted, title VIII would strike the authorization for another weapon in our antidrug arsenal which has proven to be very effective, the high-intensity drug trafficking areas [HIDTA] program. Repeal of HIDTA was never debated in either the Crime Subcommittee or in the full Judiciary Committee. No one has yet come forward to suggest that HIDTA should in fact be abolished.

HIDTA should not be eliminated. It is a first-rate program, an example of the kind of thing that we ought to be doing to make our country safer. Congress realized, when it enacted this program in 1988, that stopping drug trafficking in the places where that heinous activity is centered is smart policy for the entire country. By making a concerted effort to fight drug traffickers in New York, Miami, Houston, Los Angeles, and along the Mexican Border, the choke points of the drug trade, we make life easier for law enforcement officials in Vermont, Alabama, Kansas, Oregon, Ohio, and throughout this Nation. If you want to fight drug kingpins, go to where they are. It's common sense.

The HIDTA program has provided startup funds for the Houston major drug squads initiative and the Southern California drug task force. Miami area officials have used HIDTA funds to establish an institutional money laundering task force and an interdiction task force. The beleaguered law enforcement agencies along our Nation's Southwest border have been reinvigorated by these funds.

And in the New York area, HIDTA funds have been used to strengthen existing programs by bringing in additional FBI, DEA, and Secret Service agents. The funds are being used to track down drug fugitives and protect witnesses from the predators who they seek to help put behind bars. In Westchester County, HIDTA funds are used to fund important law enforcement endeavors.

This work does not just help the areas that are directly affected. The dedication, bravery, and hard work of the law enforcement professionals in the HIDTA areas makes the job of every cop, every prosecutor, every soldier in the drug war across this Nation that much easier.

This is a good program, an effective program, a program that is being used to fight crime and drugs even as we stand here debating this issue. We need to expand our antidrug efforts. We should not give up on a program that is working. We should save high-intensity drug trafficking areas. That will be achieved through this en bloc amendment.

My second amendment in the en bloc addresses the widespread use of illegal drugs, which is directly responsible for the soaring crime rates across this country over the past 20 years. That comes as no surprise. With the development of crack and the resurgence of heroin use, this has become clearer and clearer. Drug users will commit more than 9 million serious crimes this year. This has got to stop. We simply must do a better job of getting people off of drugs.

Doing so will require a strong commitment to drug treatment. Simply put, treatment prevents crime. It works.

Unfortunately, we have yet to commit ourselves to making treatment a central part of our war against drugs. It's estimated that there are more than ten million people who need treatment for alcohol or drug abuse in this country right now. But there are fewer than a million and a half spaces in treatment programs. As a result, waiting lists are unconscionably long.

In the parts of this country that have been hardest hit, it can take years to get into an effective program. Every day that one of these people stays on a waiting list is a day when they might lose their resolve and turn instead to a life of crime to support their habit. We must do a better job if we're going to be successful in stopping crime by ending the drug scourge.

An important step towards doing that is to set for ourselves a goal, to lay down a marker, and to say, "Here we stand. This is what we intend to do. Judge us by whether we succeed." That sort of firm stand would keep everyone's nose to the grindstone. It will bring about results.

That's what this second amendment will do. When the Office of National Drug Control Policy [ONDCP] was created by the 1988 crime bill, Congress mandated that it produces each year a set of objective and measurable goals that could be used as benchmarks. The three strategies that have been issued since then have included specific goals in specific areas: Current overall drug use; current adolescent drug use; occasional cocaine use; frequent cocaine use; current adolescent cocaine use; drug-related medical emergencies; drug availability; domestic marijuana production; and student attitudes toward drug use.

Now is the time to add treatment availability to that package. Let's make this vital step one of the basic tests for the success or failure of our efforts. I feel confident that once we've made that commitment, that meaningful action will follow quickly.

This amendment also expresses the sense of Congress that the ultimate goal of the war on drugs should be to have treatment available to every person who needs it. That's a big challenge. But if we don't set bold goals, we will never solve this massive problem. Our future is jeopardized by drugs. If boldness is what it takes to guarantee our children's safety, then let us by all means be bold.

We are debating this legislation today because we know that the problem of crime is out of control. We know that we must move forcefully, with tough and effective measures, to make our streets and our schools safer, to free our homes and our neighborhoods from the bonds of fear. There's been a lot of talk in this chamber, Mr. Chairman, about the need to put aside rhetoric and to concentrate on meaningful action. This amendment is meaningful action. Treatment works. Goal setting works. This will help stop crime.

Once again, I thank the committee for including these two amendments in the en bloc amendment, and for all of their work in bringing forward legislation that makes America a safer place.

Ms. SLAUGHTER of New York. Mr. Chairman, this amendment would create a National Commission to Support Law Enforcement. Not since President Lyndon Johnson appointed a Commission on Law Enforcement and the Administration of Justice in 1965 have we comprehensively examined the issues affecting law enforcement and the Federal Government's role in working with law enforcement. Such a study is long overdue.

There is no doubt that the crime problem has changed since 1965. Now police may be facing drug abusers and others who are armed with high-power weapons and have little regard for anyone's life. We send our law enforcement officers into this battle at a disadvantage. These officers deserve our wholehearted support and whatever aid we can provide to allow them to do their jobs more efficiently and effectively.

The National Commission to Support Law Enforcement would be comprised of 23 members, appointed by Congress and the President, from all aspects of law enforcement: management, labor, academia, the Department of Justice, the Treasury Department, Members of Congress, and the Comptroller General of the United States. The Commissioners would hold hearings around the country to hear from local law enforcement about the problems they face and how the Federal Government can help.

The Commission will focus on: the sufficiency of Federal funding; the conditions of employment; information sharing and infrastructure among law enforcement at all levels; the adequacy of equipment and physical and human resources; the status of law enforcement training, education, and research; and the impact on law enforcement of the criminal justice system. After 18 months, the Commission will report its analysis and recommendations.

Last year the Congress passed virtually identical legislation but the Commission has never been appointed due to technical disagreements about the appointing process. This amendment clarifies those disagreements to everyone's satisfaction and will allow the Commission to begin its important work.

Mr. Chairman, the law enforcement community in my district in Rochester and the representatives of the national law enforcement organizations in Washington strongly endorse the creation of the National Commission to Support Law Enforcement. The Senate, too, has voiced its support by including the Commission as part of its crime bill this year.

I urge support for this amendment which will allow us to support the women and men who risk their lives daily to keep ours safe.

Mr. KILDEE. Mr. Chairman, I rise today to offer a series of minor and technical amendments en bloc to H.R. 3371 on behalf of the Education and Labor Committee as provided for under the rule, amendment 37.

The amendment en bloc consists of five minor and technical amendments.

The first amendment simply requires that the Attorney General consult with the Secretary of Education when making grants for the Safe Schools Assistance Act created under this legislation.

The second amendment deletes a provision within the crime bill that could harm States' child abuse prevention efforts by requiring that Child Abuse Prevention and Treatment Act funds be cut off from a State if that State does not implement a new centralized information system to track child abuse offenders.

The third amendment amends the national baseline study on campus sexual assault included in this legislation by requiring the Attorney General to consult with the Secretary of Education. The amendment also clarifies that the Secretary of Education will coordinate this report with the reporting requirements under section 485(f)(4) of the Higher Education Act.

The fourth amendment clarifies that local governments may administer drug abuse resistance education program funds with the concurrence of local educational agencies.

The fifth amendment ensures that the Secretary of Labor is consulted on key provisions and included on the advisory board of the midnight basketball league created under this legislation.

Mr. Chairman, these amendments have been cleared with the minority members of the committee. I know of no opposition and I urge their adoption.

Mr. Chairman, a few days after George Bush became President of the United States, he said that the only way our society will rid itself of drugs is to have a successful educational system. I agree that the way to rid our society of drugs and crime is through education.

Mr. Chairman, with regard to our Nation's crime and drug policy, this Congress can have no greater goal than the protection of those in the dawn of life—our children.

If we are to be successful in educating our children we must provide them with drug-free, violence-free schools which are conducive to learning.

It is estimated that up to 375,000 drug-exposed babies will be entering our Nation's schools this year. There could be over 3 million drug-exposed children in the school system by the year 2000. It is critical that the Congress begin to address this crisis immediately.

As chairman of the subcommittee which has jurisdiction over all elementary and secondary education policy, I believe that it is critical that the Federal Government provide the leadership to address the special educational needs of crack babies and other drug-exposed children in our schools.

For this reason, I will be developing education legislation in this Congress which will provide Federal leadership to States and schools in addressing the growing crisis of drug-exposed children in our Nation's schools.

The Congress must also continue its efforts to address the needs of all schoolchildren to have a drug-free and violence-free environment which is conducive to learning.

One program which addresses the needs of all children to have a drug-free and violence-free school is the Drug-Free Schools and Communities Act. This program, which is under the jurisdiction of the subcommittee I chair, provides substantial support to State and local educational agencies to create innovative programs to help fight drugs and crime in their schools.

In my home State of Michigan, local educational agencies are using drug-free schools funds in innovative ways. Michigan is using funds to target at-risk children early on in their school experience to prevent them from becoming violent or susceptible to drugs. Another program addresses the needs of children in school to confront their anger. Dealing with anger, an innovative program in my home town of Flint, incorporates violence prevention programs into the health education curriculum. This model assists students in confronting their anger in the classroom and helps them defuse that anger before it explodes on the streets.

Another innovative use of drug-free schools moneys in Michigan is to assist children who have left school because of drugs or crime who now desire an opportunity to return to school, by providing comprehensive counseling and transition support for bringing these children back into the school system. This program is designed to bring problem children back into the school system and give them the kind of support they need to keep them off the streets.

The last program I mention is one of the most important. Michigan is using Federal drug-free schools moneys for a voluntary program to teach parents about how to discipline and talk to their children about preventing the use of drugs and violence. The program also offers parents education regarding how to get involved with their child's education.

These are just a few examples of the programs being funded with Federal drug-free schools dollars. It is critical that the Congress continue its commitment to these programs while expanding its commitment to all our country's neighborhood schools to develop innovative programs to address the need to have safer drug-free schools.

Mr. KOPETSKI. Mr. Chairman, I rise in support of Chairman BROOKS' en bloc amendments. Among these en bloc amendments are three clarifying amendments that I am offering.

Before I discuss my amendments, I want to commend Chairman BROOKS for his outstanding leadership throughout the process of bringing this bill to the floor. It takes a herculean effort to bring a bill that is so encompassing and yet so controversial to the House floor. I am sure that all my colleagues on the Judiciary Committee will agree that the gentleman from

Texas made every effort to accommodate each member regardless of different interests or philosophies. I also want to commend Chairmen SCHUMER and EDWARDS for their hard work in crafting the individual pieces that make up this bill.

Mr. Chairman, an hour after the Judiciary Committee voted to report H.R. 3371, I met with Capt. Charles Moose, a precinct captain of the Portland Police Department. Captain Moose is in the streets every day waging the war against crime. He confirmed to me that the most important parts of the crime bill for local law-enforcement agencies are the grant programs. These agencies desperately need the resources that H.R. 3371 authorizes, especially for the Cop on the Beat and Certainty of Punishment for Young Offenders programs.

Captain Moose illuminated on one point that is a deficiency in this bill, the problem of alcohol among young offenders. Mr. Chairman, this is the same point that the county sheriffs—Sheriffs Bob Prinslow, Jack Brooks, Art Martinek, Dave Cook and Ray Steele—in my district make to me on a regular basis when we meet to discuss crime.

In the streets of Portland's north precinct, police are seeing an increase in alcohol abuse by minors. Captain Moose and my sheriffs see the drug education programs working in the sense that the young people are saying no to using drugs, but yes to selling drugs. These youth know that crack is for fools, but will sell it to these fools. As these young people move away from crack and cocaine, they are turning back to alcohol.

The number of crimes involving people, both young and old, high on alcohol is on the rise. In Oregon, in 1988, there were over 36,000 arrests for alcohol-related offenses, including driving under the influence, liquor law violations, drunkenness, disorderly conduct, and vagrancy. This statistic does not take account the role of alcohol in violent crimes, such as murder, negligent manslaughter, sex offenses, assault, and arson. Nationwide, 54 percent of all prison inmates said they were predominately under the influence of alcohol when committing these offenses.

The National Institute of Justice also recently reported that alcohol outweighed all other substances used by offenders under the influence at the time of their offense. The FBI's 1990 Uniform Crime Report shows more than 200,000 alcohol-related arrests for people under the age of 18. This does not take into account the more than 68,000 violent crimes such as murder, negligent manslaughter, sex offenses, and assault, nor 471,000 property crimes such as burglary, larceny theft, motor vehicle theft, and arson that are frequently alcohol related or induced.

A recent Center for Disease Control [CDC] survey confirmed the increased trend of alcohol use among young people. This survey showed that 47 percent of a surveyed group of Oregonian high school students, grades 9–12, used alcohol during the 30 days preceding the survey and 30 percent had five or more drinks on at least one occasion. The survey also reported that 14 percent of these students smoked marijuana and 3 percent used cocaine. Nationwide, the CDC high school student survey showed that 59 percent used alcohol; 37 percent had five or more drinks; 14 percent smoked marijuana; and 2 percent used cocaine over the same 1 month period.

Although these statistics document this disturbing trend, there is a problem with our substance abuse counseling and treatment in that these programs are geared almost exclusively to cocaine and crack. Teenagers convicted of crimes involving drugs are often required to undergo substance abuse counseling and treatment, but alcohol is just not covered, often because of the limitations on resources.

The certainty of punishment for young offenders title provides grants to the States to develop alternative sanctions and innovative methods of rehabilitation, treatment, and counseling. My amendment simply will include alcohol abuse in the establishment of innovative methods to counsel and treat young offenders convicted of serious substance abuse and associated crimes. It is a minor amendment, but it may become a major tool to counsel and treat young people for alcohol abuse and prevent them from heading down a road to a life of crime.

Mr. Chairman, before I discuss my additional amendments, I want to commend my colleague from Ohio, Congresswoman OAKAR, for her timely and relevant amendment on alcohol's possible role as a contributing factor to crime.

Quite frankly, I was surprised to learn that the National Institute of Justice has never done a study on alcohol's role in crime. Clearly, the time has come for such a study.

Mr. Chairman, the Oakar amendment will direct the National Institute of Justice to conduct two studies relating to alcohol and crime. The first study will include a nationwide assessment of alcohol as a factor in violent, domestic, or other criminal activity. The second study will examine the effectiveness of residential treatment in reducing the recidivism rates of offenders who were under the influence of alcohol, or alcohol in combination with other drugs, at the time of their offense.

Mr. Chairman, these studies will be an important first step for a greater understanding of alcohol's role in crime. I commend Congresswoman OAKAR for her leadership on this issue.

Mr. Chairman, my remaining amendments deal with the Motor Vehicle Theft Prevention Program established in subtitle B of title XVII.

Auto theft is a major problem in communities all over the country, including my own district. Last year, more than 13,000 cars were stolen in the State of Oregon.

The Motor Vehicle Theft Prevention Program attempts to prevent and deter auto theft by requiring the U.S. Attorney General to develop a voluntary decal program. The Attorney General will develop a number of conditions, such as the owner does not operate the vehicle between 1 a.m. and 5 a.m., for the issuance of a decal to be placed on a motor vehicle. If a law-enforcement officer observes the vehicle operating in violation of one of these conditions, this alone will constitute the reasonable suspicion for the officer to stop the vehicle.

Proponents of the Motor Vehicle Theft Prevention Program argue that the U.S. Attorney General will never establish conditions that will discriminate. Yet, right now in Trenton, NJ, the local police department is operating a decal program that is based solely on the criterion of age. The owner of a participating vehicle voluntarily gives the local police consent to stop his or her vehicle if anyone who appears to be under the age of 25 is operating the vehicle. If this program is already in place, is it so unreasonable to anticipate that other States' programs, or the conditions established by the U.S. Attorney General, may be based on the color of the owner's skin or his or her national origin or even gender?

If enacted, this amendment will prohibit the U.S. Attorney General from basing the conditions of the Motor Vehicle Theft Prevention Program on race, creed, color, national origin, gender, or age.

Mr. Chairman, I also am concerned about State's rights and this program. The Attorney General of the United States is essentially granting the authorization to the instrumentalities of State and local law-enforcement agencies for a new form of reasonable suspicion for a motor vehicle stop. The presence of a decal and a violation of that decal's condition will allow a law-enforcement officer to stop a vehicle without meeting any additional standards for reasonable suspicion.

My amendment will simply require any State that wants to participate in the National Motor Vehicle Theft Prevention Program to do so only after the State legislature votes to approve such participation in accordance with the conditions of the program. It also specifically authorizes law-enforcement officers, whether at the State or local level, to make this stop without meeting additional reasonable suspicion standards. There are real questions here about civil liberties. Mr. Chairman, all I am proposing is that the peoples' elected representatives authorizes the State's law-enforcement agencies to stop cars with a decal, not the U.S. Attorney General.

Mr. Chairman, these three amendments are important and I would hope relatively noncontroversial. I urge my colleagues to support Chairman BROOKS' en bloc amendments.

Mr. RANGEL. Mr. Chairman, I rise in support of the amendment offered by Mr. CONYERS for himself, Mr. HORTON, and me to establish a national commission to study the causes of the demand for drugs in the United States. The provision is very similar to the amendment I added to the House crime bill last year. Unfortunately, my amendment was deleted in conference.

Many of us who have witnessed this country's so-called war on drugs in the last 10 years, know very well that we have been running on a treadmill. Despite an increased emphasis on illegal drugs on the part of law enforcement, judges and prosecutors, we have accomplished very little, if anything, in reducing the impact of these poisons on society.

In a recent conversation, Budget Director Dick Darman told me that in his estimation, substance abuse costs society more than one-quarter of a trillion dollars annually. Furthermore, we spend $1,500 a day for AIDS-affected boarder babies. We spend $600 a day for homeless people who wind up in hospitals.

Mr. Chairman, we have chased our own tails, as we have stepped up our efforts to combat drugs at the border and in our streets, their popularity with Americans has soared. Our commitment and our dedication of resources to fight the war on drugs leaves a lot to be desired. But even if we could fix these two concerns, our progress would be very limited without knowing, as part of our approach, the root causes of drug demand.

I want to strongly urge my colleagues to support the Conyers-Horton-Rangel amendment that would create a national commission to study the causes of the demand for drugs. This commission is long overdue. The discussion of why people use drugs is long overdue. If there is one element regarding the drug crisis that has been missing from our efforts, it is an examination of this question.

When I first introduced the root causes bill a couple years ago, my intention was to put together a working group of experts and professionals who could change the direction of our approach on drugs and crime in this country.

On September 25, 1991, I testified before the Government Operation's Subcommittee on Legislation and National Security on my bill H.R. 464, the National Commission to study the causes of the demands for drugs. The subcommittee heard extensive testimony on the dearth of research on the root causes of illicit drug use and abuse and reported favorable on the bill. I welcomed the Government Operations Committee interest in this area and am pleased to have the support of such distinguished Members of Congress as Mr. CONYERS and Mr. HORTON.

For so many years, America's response to the drug crisis has been rather pedestrian. Our ineffective strategy has been centered on the expenditure of billions of dollars to build and maintain jails. We ignore basic needs that many people have no access to—like housing, health care, education, and enough income to beat out the poverty line. In the end, we create conditions conducive to drugs and other crime and end up spending even more money to pay for the damage and the continuous vicious cycle of incarceration.

We have failed to see what I think is an obvious and glaring connection between poverty, other social inequities, and the proliferation of illicit drugs in our society.

We need to look not only at why poor people drift to drugs, but why someone who is middle-class and otherwise making it would want to drift to drugs as well. What is it that attracts professional athletes making millions of dollars a year to something as dangerous and as potentially devastating as drugs? Why do young kids who come from good homes and who have a good future want to risk the temptation? Is there a common denominator in all drug abuse that we can pull out and say, "This is where we start with the answer?" If there is, then a commission like this would be perfect.

Addressing the root cause issue means providing people with something to say yes to if they are going to say no to drugs. And giving them something to say yes to means that we must provide a minimum standard of existence for those in our society who are disadvantaged and locked out. Not only is it the humanitarian thing to do, but it is the most cost-effective way of running our country and utilizing our vast resources.

We can build all the jails and prisons we want. We can hire all the police we want. We can double and triple the checkpoints along the United States-Mexico border and the United States-Canadian border. We can seize more drugs from boats, cars, and airplanes. We can give people stiffer sentences and we can do more undercover operations and street sweeps. But the fact of the matter is that none of this is going to make a whole lot of difference in the overall scheme of things unless we address the environmental factors that lead some people to drug abuse.

The National Commission to Study the Root Causes of the Demand for Drugs in the United States is proposed as a true working commission that would have regular reports to, and contacts with, Government and the American people. The National Commission to Study the Root Causes of the Demand for Drugs would be responsible for presenting a final report that would detail all of its activity and provide concrete, feasible recommendations for addressing the root causes of the drug problem.

The Commission would be comprised of 13 members, with 3 to be appointed by the President, and 5 each by the Senate and the House of Representatives. The individuals appointed to the Commission would not be officers or employees of the Government.

The amendment calls for such a Commission to study the following aspects of drug abuse and drug demand: characteristics, environment, family and friends, attraction, and efforts of Government.

The National Commission to Study the Demand for Drugs in the United States is a very simple concept that could provide a big payoff for our society. If we can get a panel of well-known experts who cross social, ethnic, political, and philosophical lines to put their talent, their ideas, and their expertise together to explore this subject, we stand to make great progress.

Mr. BUSTAMANTE. The purpose of this amendment is to make programs funded under the Safe Schools Act more accessible to Spanish-speaking students.

To carry out this purpose, my amendment would require the Bureau of Justice Assistance to produce written materials for the program in both English and Spanish. My amendment would also require local educational authorities who desire to avail themselves of Federal funding under the program to include in their grant applications a description of the educational materials that will be developed in Spanish.

This does not mean, however, that every school will have to use Spanish language materials, even though they have no Spanish-speaking students enrolled at their school.

My amendment would require the use of Spanish language materials only when it's appropriate, and those materials are appropriate only when a significant portion of a school's population is Spanish-speaking.

I hasten to note that the Bureau of Justice Assistance supports my amendment because it is in accord with the Agency's overall goal of reaching as many young people through their Criminal Education and Drug Prevention Programs.

In fact, the U.S. Attorney General has noted on numerous occasions that the Bureau should utilize Spanish language materials in implementing its programs given the fact that Hispanics are overrepresented among our inmate populations.

Indeed, Hispanics constituted over 20 percent of the inmate population in 1990 in State and local jails and over 20 percent of the inmate population in Federal prisons, according to the Congressional Research Service.

The need for my amendment is further underscored by the fact that according to the 1990 census the Hispanic population in the United States increased from 14.6 million in 1980 to 22.3 million a mere 10 years later.

Unfortunately, Mr. Chairman, our drug prevention messages are not reaching everyone, in part because we are failing to tailor those messages to the audience we are intending to serve.

To correct this problem, vote for the Bustamante amendment—it will put education programs to effective use in preventing more of our young people from falling prey to drugs.

Mr. HUGHES. Mr. Chairman, I rise in support of the en bloc amendment and specifically the Hughes, Waxman, Conyers forfeiture amendment to section 1803 of the bill.

Section 1803 of the bill, which I offered as an amendment at the subcommittee level, allows 25 percent of the excess funds accumulated at the end of each fiscal year in the Department of Justice forfeiture fund to go to drug treatment programs under the Public Health Service Act. At the present rate of forfeitures, that would be about $37 million a year.

This money, I would like to emphasize, is only residual money left over after the payment of administrative expenses, authorized law enforcement needs, State and local sharing and other specified ongoing expenditures of the DOJ forfeiture fund.

The en bloc amendment will not alter this aspect of the bill at all—that is, only residual funds will be used.

My distinguished colleagues Mr. WAXMAN and Mr. CONYERS have noticed amendments 51 and 48, respectively, which were made in order by the rule and would expand the use of this money for other salutary purposes. After considerable discussion we have agreed to a compromise provision which is before the House today.

Essentially this amendment will split up the 25 percent in excess funds in the following fashion: One-half to drug treatment and prevention programs; and one-half to hospital trauma centers.

The treatment and prevention programs are specified in the amendment and are programs which are in the most dire need around the country. They are:

First, resident substance abuse treatment services for pregnant addicts and their children; and

Second, preventive substance abuse demonstration programs for high risk youth.

The amendment also requires a report to the Congress on administrative and contracting expenses for the DOJ forfeiture fund and allows—not demands—the Attorney General authority to offer nominal value real property to tax exempt organizations to provide direct services furthering community-based crime control, housing, or educational efforts in the area.

The amendment also authorizes grants to hospital trauma centers severely impacted by drug-related violence. This proposal is similar to a proposal by Congressman WAXMAN which was approved by a vote of 262–160 in the House during the consideration of the 1990 crime bill.

I believe the compromise forfeiture amendment included within this en bloc amendment will provide an appropriate portion of forfeited drug money to go to the victims of drug trafficking and hopefully move toward prevention of future drug-related crimes.

Mr. SMITH of Texas. Mr. Chairman, today I am offering an amendment that would make it a crime to knowingly provide material support or resources to terrorists who commit crimes such as hijacking, bombings, or assassinating Members of Congress.

Under the amendment, material support or resources is defined as currency or other financial securities, financial services, lodging, training, safehouses, false documentation or identification, communications equipment, facilities, weapons, lethal substances, explosives, personnel, transportation, or other physical assets. Material support specifically does not include humanitarian assistance.

The amendment is necessary because of increased concern about the nature of assistance being given to terrorists. Fortunately, fewer governments are providing assistance to terrorist groups, but unfortunately, front organizations and individuals are stepping in to provide support to terrorists.

The problem became evident when investigators uncovered front companies helping the Abu Nidal Organization. Those companies have been shut down, and I hope that by establishing a criminal offense for such activities in the United States we can deter terrorists and their sympathizers before they set up new operations, either here or abroad.

Combating terrorism should be a top priority of our Government. This amendment will give us another tool to use against terrorists. By our example, we can also encourage other countries to toughen their antiterrorist laws.

I first offered a version of this amendment during Judiciary Committee markup of the crime bill. Mr. EDWARDS, the chairman of the Civil Rights Subcommittee, expressed concern over some of the language, and I agreed to withdraw the amendment and work with him to reach a compromise.

We have reached a compromise, one that I feel should be added to the crime bill.

Mr. BUSTAMANTE. Mr. Chairman, my second amendment also touches on drug prevention in the sense that it authorizes the President to provide drug emergency funding to U.S. border communities that are under an imminent threat of having a drug emergency in a neighboring country cross over into their State. Under my amendment, the President would be authorized to declare such threatened regions, drug emergency areas. The President could then authorize the funding of an increase in drug enforcement moneys to border communities in order to avert a large scale flow of illegal drugs into that potentially affected United States region.

The purpose of my amendment is thus to authorize the President to prevent a drug-related emergency from occurring in U.S. territory where he has reason to know that a border community is under imminent and substantial risk of harm.

To illustrate my point, Mr. Chairman, assume, for example, that the President has been notified by the Secretary of State and the head of the Drug Enforcement Administration that intelligence reports indicate that an arm of the Medellin Drug Cartel has shifted its operations directly to a location in Northern Mexico that borders southern California. As a result of this development, a large quantity of illegal drugs are being concentrated along this northern Mexico frontier. This concentration of drugs would constitute an imminent threat of greater drug smuggling than neighboring U.S. border communities are both accustom and capable of interdicting. Under my amendment, the President could declare such threatened border communities as, drug emergency areas, which would qualify them for an increase drug law enforcement funding under title VIII of the bill.

My amendment does not, however, call for an increase in title VIII authorization than the level already authorized by the Judiciary Committee. My amendment solely alters the policy requirements under title VIII to allow the President to declare a border community a drug emergency area when a sufficient risk of increased drug activity so warrants. I believe this policy change gives the President a practical and effective tool for preventing a drug crisis before it ever has a chance of getting started. For all these reasons, Mr. Chairman, I respectfully request the adoption of my amendment.

Mr. BROOKS. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendments en bloc, as modified, offered by the gentleman from Texas [Mr. BROOKS].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. BROOKS. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 216, noes 207, not voting 10, as follows:

[Roll No. 317]

AYES—216

Abercrombie
Ackerman
Alexander
Anderson
Andrews (NJ)
Andrews (TX)
Annunzio
Anthony
Aspin
Atkins
AuCoin
Bacchus
Beilenson
Bonior
Borski
Boucher
Boxer
Brooks
Brown
Bruce
Bryant
Bustamante
Campbell (CO)
Cardin
Carper
Carr
Chapman
Clay
Coleman (TX)
Collins (IL)
Collins (MI)
Conyers
Cooper
Cox (IL)
Coyne
Darden
de la Garza
DeFazio
DeLauro
Dellums
Derrick
Dicks
Dingell
Dixon
Donnelly
Dooley
Dorgan (ND)
Downey
Durbin
Dwyer
Dymally
Early
Eckart
Edwards (CA)
Edwards (TX)
Engel
Espy
Evans
Fascell
Fazio
Feighan
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Frost
Gejdenson
Gephardt
Geren
Gibbons
Glickman
Gonzalez
Gordon
Guarini
Hall (OH)
Hamilton
Hayes (IL)
Hefner
Hertel
Hoagland
Hochbrueckner
Horn
Hoyer
Hughes
Jacobs
Jefferson
Jenkins
Johnson (SD)
Johnston
Jones (NC)
Jontz
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Kolter
Kopetski
Kostmayer
LaFalce
Lancaster
Lantos
LaRocco
Laughlin
Lehman (CA)
Lehman (FL)
Levin (MI)
Lewis (GA)
Long
Lowey (NY)
Luken
Manton
Markey
Matsui
Mavroules
Mazzoli
McCloskey
McDermott
McHugh
McMillen (MD)
McNulty
Mfume
Miller (CA)
Mineta
Mink
Moakley
Mollohan
Moody
Moran
Mrazek
Murtha
Natcher
Neal (MA)
Nowak
Oakar
Oberstar
Obey
Olin
Olver
Ortiz
Owens (NY)
Owens (UT)
Pallone
Panetta
Pastor
Payne (NJ)
Payne (VA)
Pease
Pelosi
Perkins
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Poshard
Price
Rahall
Rangel
Ray
Reed
Richardson
Roe
Roemer
Rose
Rostenkowski
Rowland
Roybal
Russo
Sabo
Sanders
Sangmeister
Savage
Sawyer
Scheuer
Schroeder
Schumer
Serrano
Sharp
Sikorski
Skaggs
Slattery
Slaughter (NY)
Smith (FL)
Smith (IA)
Solarz
Spratt
Staggers
Stallings
Stark
Stokes
Studds
Swift
Synar
Thomas (GA)
Thornton
Torres
Towns
Traficant
Traxler
Unsoeld
Vento
Visclosky
Volkmer
Washington
Waters
Weiss
Wheat
Whitten
Williams
Wilson
Wise
Wolpe
Wyden
Yates
Yatron

NOES—207

Allard
Andrews (ME)
Applegate
Archer
Armey
Baker
Ballenger
Barnard
Barrett
Barton
Bateman
Bennett
Bentley
Bereuter
Bevill
Bilbray
Bilirakis
Bliley
Boehlert
Boehner
Brewster
Broomfield
Browder
Bunning
Burton
Byron
Camp
Campbell (CA)
Chandler
Clement
Clinger
Coble
Coleman (MO)
Combest
Condit
Costello
Coughlin
Cox (CA)
Cramer
Crane
Cunningham
Dannemeyer
Davis
DeLay
Dickinson
Doolittle
Dornan (CA)
Dreier
Duncan
Edwards (OK)
Emerson
English
Erdreich
Ewing
Fawell
Fields
Fish
Franks (CT)
Gallegly
Gallo
Gaydos
Gekas
Gilchrest
Gillmor
Gilman
Gingrich
Goodling
Goss
Gradison
Grandy
Green
Gunderson
Hall (TX)
Hancock
Hansen
Harris
Hastert
Hatcher
Hayes (LA)
Hefley
Henry
Herger
Hobson
Horton
Houghton
Hubbard
Hunter
Hutto
Hyde
Inhofe
Ireland
James
Johnson (CT)
Johnson (TX)
Jones (GA)
Kanjorski
Kasich
Klug
Kolbe
Kyl
Lagomarsino
Leach
Lent
Lewis (CA)
Lewis (FL)
Lightfoot
Lipinski
Livingston
Lloyd
Lowery (CA)
Machtley
Marlenee
Martin
McCandless
McCollum
McCrery
McCurdy
McDade
McEwen
McGrath
McMillan (NC)
Meyers
Michel
Miller (OH)
Miller (WA)
Molinari
Montgomery
Moorhead
Morella
Morrison
Murphy
Myers
Nagle
Neal (NC)
Nichols
Nussle
Orton
Oxley
Packard
Parker
Patterson
Paxon
Penny
Petri
Porter
Pursell
Quillen

Ramstad
Ravenel
Regula
Rhodes
Ridge
Riggs
Rinaldo
Ritter
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Santorum
Sarpalius
Saxton
Schaefer
Schiff
Schulze
Sensenbrenner
Shaw
Shays
Shuster
Sisisky
Skeen
Skelton
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stenholm
Stump
Sundquist
Swett
Tallon
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (WY)
Torricelli
Upton
Valentine
Vander Jagt
Vucanovich
Walker
Walsh
Weber
Weldon
Wolf
Wylie
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—10

Berman
Callahan
Hammerschmidt
Holloway
Hopkins
Huckaby
Levine (CA)
Martinez
Slaughter (VA)
Waxman

□ 1410

Messrs. GILMAN, McCANDLESS, SARPALIUS, MILLER of Washington, RHODES and SISISKY changed their vote from "aye" to "no".

Mr. MATSUI changed his vote from "no" to "aye".

So the amendments en bloc, as modified, was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN. Under the rule, it is now in order to consider amendment No. 8 printed in part 2 of House Report 102-253.

AMENDMENT OFFERED BY MR. VOLKMER

Mr. VOLKMER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. VOLKMER: Page 230, strike line 9 and all that follows through line 24 on page 235.

Page 217, strike lines 14 and 15.

Amend the table of contents at the beginning of the bill accordingly.

The CHAIRMAN. Under the rule, the gentleman from Missouri [Mr. VOLKMER] will be recognized for 30 minutes, and a Member opposed will be recognized for 30 minutes.

Mr. SCHUMER. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from New York [Mr. SCHUMER] will control the time in opposition.

Mr. VOLKMER. Mr. Chairman, this amendment was jointly offered by myself and the gentleman from Wisconsin [Mr. SENSENBRENNER].

Mr. Chairman, I ask unanimous consent to yield 14 minutes of my 30 minutes to the gentleman from Wisconsin [Mr. SENSENBRENNER] and that the gentleman be able to yield time to others.

The CHAIRMAN. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. VOLKMER. Mr. Chairman, I yield myself such time as I may consume.

Mr. VOLKMER. Mr. Chairman, let me make it very clear, everyone in this House wants to stop what occurred in Killeen, TX, yesterday. That is not the question, but rather how do we stop it? In this specific case, I simply have no answer. When someone loses their mind, as the man who caused this tragedy yesterday obviously did, I do not believe it can be stopped. It was not the pistol that caused those deaths. If it was not a pistol, it could easily have been a rifle, if not a rifle a shotgun. If not a gun, a can of gasoline thrown into the restaurant would have caused as much or more tragedy. If the truck had been loaded with dynamite and the man is willing to die, as in this case he was, how do you stop it?

Our debate today is on legislation dealing with the banning of firearms and magazines and clips. My colleagues, you should know this is the most far-reaching restriction on second amendment rights ever considered in Congress. As the pictures I have here demonstrate, we are not talking about simply banning 13 weapons. The language calls for banning 113 rifles and all other rifles that have the same basic configuration. That means that as we look at the chart here, only the second and last gun in these pictures are on the list. All of these guns could be banned along with millions of other semiautomatic firearms that have the same basic configuration.

That means, Mr. Speaker, that this rifle is banned, but not this rifle, and they are the same rifle. This rifle is not banned. This rifle is not banned, but this one is, because it has a tripod and because in the picture it has a large magazine. The same magazine could fit into this rifle. So under the list you are only banning supposedly this one and this one, and these are just as deadly but Mr. Chairman, under the language that is in the bill following the list, all of these are banned.

Mr. Chairman, I have a lot of hunters in my district, all over my district, that have this one right here. That is a Ruger mini-14, used extensively by hunters, and under this bill that Ruger 14 will very probably—by the BATF—fall within the language of that basic configuration and it is banned, like lot of other rifles, like my 30.06 that I plan to use next month, and want to go deer hunting. So we have to remember that.

I want to also point out that this bill if left intact, without amendment, will also affect even .22 caliber's, as any .22 with a clip or magazine—other than a tubular magazine—with more than seven rounds is affected by the magazine language. We are afraid of those .22's. That means Remington, Ruger, Weatherby, and any other .22 currently on the market with a clip or box feeding device is in jeopardy.

Make no mistake about it, failure to support my amendments will result in millions of semiautomatic firearms, owned by millions of law-abiding citizens, will be left to the whim of BATF for possible inclusion in the list to be banned.

Mr. SCHUMER. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, the Nation is watching to see how this Congress will react to the carnage in Killeen, TX. In the last 24 hours, we have been grimly reminded that weapons of massive fire power have no place in our society, but on a scrap heap. No matter how the opponents of this bill try to nip around its edges, they cannot escape the truth that the weapons in this bill are weapons of war. They were made by the military, for military use, to kill people, not to hunt deer or squirrels, not to defend one's self, but in a rapid fire way to kill other people.

□ 1420

They were made expressly for the efficient killing of human beings. People like Patrick Purdy in Stockton, CA, Joseph Harris in Ridgewood, NJ, have proven how awfully efficient these weapons are.

The opponents of this bill, echoing the comments of the NRA, say these guns only look bad and they shoot the same as standard hunting rifles, which are left untouched by this bill. They say there is no documentation of their use in crime.

Do not believe them. Assault weapons come equipped with hardware for the purpose of killing people. Flash suppressors, so that you cannot see where you are shooting from. No hunter uses that.

Folding stocks to conceal the weapons, no hunter does that. Silencers to conceal them in close combat, no hunter needs that. And barrel mounts for bayonets and grenade launchers, no hunter I know uses those.

These weapons account for less than 1 percent of all guns, but they are used in 10 percent of crimes, they are 35 times more likely to be used in murder, and they are becoming prevalent. A study by the ATF showed that between 1987 and 1988 the use of assault weapons increased by 78 percent. This legislation simply prohibits the possession of certain of these enumerated types of weapons. That is all it does. It does not add other weapons. There are no similar or comparable weapons as ATF has testified. Rifles with fixed magazines are not included. It is as narrow a bill as possible.

Any weapon that had any legitimate purpose was not put on this list. Only those that kill, and kill quickly, but also have no legitimate hunting purpose.

This legislation is not going to affect the law-abiding hunters of this country, but it will have an effect on people like George Hennard, who used a gun able to hold a 17-round detachable clip to kill 22 people and wound 20 others in

Luby's Cafeteria in a very short span of time, without reloading.

My colleagues, 22 people died. Maybe they did not have to. This House will decide today whether they died in vain.

Mr. Chairman, I reserve the balance of my time.

Mr. SENSENBRENNER. Mr. Chairman, I yield 2 minutes to the gentleman from Alaska, [Mr. YOUNG].

Mr. YOUNG of Alaska. Mr. Chairman, I stand before you to speak in strong support of this amendment to strike the language banning firearms. I do so because the very idea that a law restricting gun ownership will stop criminals has no foundation, after all criminals do not obey gun laws.

The problem is not guns. The problem is criminals and a justice system that is not working. Criminals do not buy their guns at gun shops in a legal manner, they obtain them through black-market dealers. A gun ban will not get the guns out of the hands of criminals, it will only prevent honest people who are intent on obeying the law from possessing these firearms. Banning firearms is not the solution to our Nation's crime problems, the real solution lies in criminal control: Capital punishment for taking the life of another; less plea bargaining; stiff and mandatory penalties; and no early release for violent repeat felons are the most effective means of preventing crime. Gun crimes can be stopped by punishing lawbreakers, not the law abiding. If a criminal wants a so-called assault weapon does anyone here really believe he will be deterred by a law banning guns?

Automatic firearms are not new. The first semiautomatics were introduced over 100 years ago, and their basic mechanical function has remained unchanged. H.R. 3371 specifically names 13 categories of weapons consisting of 22 assault weapons, as well as, "a weapon, by whatever name known, which embodies the same basic configuration as the weapon so specified." Essentially, this list bans every firearm that has the same relative arrangement of parts or elements of the 13 categories named in the bill. Since the list contains rifles, shotguns, and handguns, given language this broad, any firearm may be banned. The label "assault weapon" itself is inaccurate. Assault weapons have the built-in capacity to select fully automatic fire. Such weapons have already been federally regulated.

All the statistical evidence and research shows that tough antigun laws do nothing to stop crime. New York City, Boston, Chicago, and Detroit all have strict gun laws and their crime rates are very high. We work in a city that has some of the most stringent gun-control laws in the Nation, but the crime rate continues to skyrocket.

In Alaska, many of my constituents rely on firearms to maintain their existence. By taking away their constitutional right to keep and bear arms, many Alaskans would have to give up a lifestyle that has been traditional for hundreds of years. My constituents elected me to exercise my good judgment in representing their interests and those of future Alaskans.

Banning guns will not fix the justice system, nor will it put a dent in crime. Limiting the second amendment right to keep and bear arms would only inconvenience law-abiding citizens and limit our constitutional freedoms. Provisions in this bill are aimed at turning lawful citizens into criminals instead of turning criminals into law-abiding citizens. Furthermore, banning guns does not tackle the difficult problem of reforming our criminal justice system, nor does it address the root causes of crime. The only result of harsher gun laws will be to increase the market of illicit guns in the United States while disarming honest citizens. Please join me in support of this amendment to strike the gun ban.

Mr. VOLKMER. Mr. Chairman, I yield such time as he may consume to the gentleman from Missouri [Mr. SKELTON].

Mr. SKELTON. I thank the gentleman for yielding to me.

Mr. Chairman, I compliment the gentleman from Missouri [Mr. VOLKMER] on his amendment. Should this amendment not pass, what actually will be happening is harming and prejudicing all of those lawful hunters out there who, by the way, are probably the safest people handling any type of firearms in this country. Why penalize them?

I certainly think the amendment is proper, and I endorse it.

Mr. VOLKMER. Mr. Chairman, I yield 1 minute to the gentleman from Arkansas [Mr. ALEXANDER].

Mr. ALEXANDER. Mr. Chairman, last Christmas, five blocks from the Capitol, around the corner from where I then lived, a passenger van was riddled with machinegun bullets. The driver and occupant were killed. This movie-like horror was reported to have been a fight between gangs over drugs. It was a fight between warring drug lords over illegal drugs.

It was also reported that the victims were criminals that were released for lack of jail space. When guns are used by criminals they become instruments of death. Guns do not kill, criminals do.

All law-abiding citizens, including the hunters that I represent, want something done about the rampant crime in America. But under this bill, under these provisions, my deer rifle, my Winchester .308, when modified with a larger clip, is eligible for classification as an assault weapon which is outlawed by this bill. The problem is that criminals are roaming the streets. The Nation needs more prisons to lock up the criminals and keep them off the streets.

Mr. Chairman, I rise in support of the gentleman's amendment.

Mr. SCHUMER. Mr. Chairman, will the gentleman yield?

Mr. ALEXANDER. I yield to the gentleman from New York.

Mr. SCHUMER. Mr. Chairman, the rifle mentioned by the gentleman from Arkansas [Mr. ALEXANDER] is not banned by this legislation.

Mr. ALEXANDER. It is if it is modified with a larger clip. With a 10-round clip, it is illegal under this legislation.

Mr. SCHUMER. Mr. Chairman, I yield 3 minutes to the gentleman from Texas [Mr. EDWARDS].

Mr. EDWARDS of Texas. Mr. Chairman, we are not going to solve crime today. We cannot stop all mass murders. But, I believe, with your vote we can take assault weapons out of the hands of drug kingpins and crazed criminals. We cannot bring back the lives lost in my district yesterday. But I hope with your vote today perhaps, just perhaps, you can save a life in your neighborhood tomorrow.

Mr. Chairman, for generations, in my rural Texas district, guns have been a way of life. This issue is not about gun control, it is about saving lives.

Yesterday we saw the stark, brutal death of 22 innocent men and women in my district. Today this House must make a choice about guns, not about hunting rifles, but about assault weapons, about Uzi's. That is the choice we will make today.

In the past I have been opposed to gun control; I still am. I have talked about statistics in States with gun control laws, but today is different. And no clock can ever turn that back.

Today I am not talking about statistics and charts and graphs and constitutional esoteric issues; I am talking about 22 people, preachers, soldiers, mothers, fathers, teachers, who were killed brutally by this murderer.

I think this House must make a choice. For me, suddenly the old arguments ring hollow. We hear, "Guns do not kill, people do." Tell that to the victims of those 22 citizens who are dead today.

We hear statistics are inconclusive. Those people yesterday were not statistics; they were caring human beings. We hear about the right to bear arms, an important right. Does that mean, though, that absolutely no limits can be placed on the possession of firearms? Surely not; not bazookas in every garage or grenade launchers in every living room; surely not.

No more than the right to free speech gives the citizen of this country the authority to yell "Fire" in a crowded theater.

We hear this is a first step to complete gun control. Hogwash. This is one step, one reasonable, commonsense effort to put in regulations in the real-world of crazed individuals and criminals. That is what this issue is all about. We cannot bring those lives back, but I hope we can make that tragedy of yesterday meaningful.

□ 1430

Mr. SENSENBRENNER. Mr. Chairman, I yield 2 minutes to the gentleman from New Mexico [Mr. SCHIFF].

Mr. SCHIFF. Mr. Chairman, I am sorry that this amendment, the firearms provision of the bill and the clip limitation of the bill are tied together. I think they are separate issues, should be considered separately. Nevertheless, because of my opposition to the firearms portion of the bill, I am going to support the Volkmer-Sensenbrenner amendment.

Mr. Chairman, we should oppose the firearms provision called assault weapons in this bill for four important reasons.

First, it is mislabeled. None of the weapons of the list to be banned are assault weapons. That label has been applied erroneously and deceptively because none of these weapons are built with a selector for full automatic fire as our military weapons.

Second, we should oppose the provisions in the bill because it is vague. A list of weapons is banned, and any weapon with the same configuration; the Department of Alcohol, Tobacco and Firearms has said this is what this provision means to us; but what is it going to mean to every U.S. attorney around the country? We could be making thousands of American citizens criminals if we pass this bill because they own a firearm that is the same configuration, whatever that means, as any of the weapons on the list.

Third, we should oppose the provisions of the bill because it is invasive. The point is continuously made that these weapons are not desired by honest citizens. Their only purpose is to commit crime. But if this bill passes and becomes law, nobody has to give up a weapon. The bill itself says that anyone who owns one of the weapons on this list gets to keep the weapon. Now, if only criminals own these weapons, I ask, "Why aren't the weapons forfeited immediately?" It is really because the supporters know very well that hundreds of thousands, perhaps millions, of American citizens who are not criminals own these weapons, and they would not dare try to forfeit them.

Finally, we should vote against this provision because it is meaningless. These are not assault weapons. They are semiautomatic weapons. They are the same all over. That was proven in Texas. The Glock is not on the list to be banned.

Mr. VOLKMER. Mr. Chairman, I yield 1 minute to the gentleman from Oklahoma [Mr. BREWSTER].

Mr. BREWSTER. Mr. Chairman, I come to the floor today to offer my heartfelt sympathy to the families of those individuals who were killed in the tragedy in Killeen, TX. As we debate the right for individuals to own firearms my thoughts, as well as the thoughts of many of my colleagues, turn to the awful events which happened just a few short hours ago. I am sure that many of the interest groups who are trying to limit our second amendment rights will hold this tragic event up as an example of why we need to restrict firearm ownership. The grief and senseless loss of life will be used by these groups as a tool to advance their agenda.

Like the families in Killeen, my wife and I also have suffered a tragedy. During my campaign to become a Member of this great body, we lost two of our children and two good friends in an airplane accident. This is something which we think about every day. Like those families in Killeen, we will never forget our loved ones. Not a day goes by when I do not remember the tragic event which took the lives of two of our children. In our grief we wanted something or someone to blame. But never, not once, did the thought of outlawing airplanes cross our minds. Like the events in Killeen, there were many circumstances which led to our loss. However, the right to own an aircraft was not a factor.

Mr. Chairman, I strongly urge Members to examine their position on this issue. I know your first instinct might be to restrict firearm ownership. But neither this bill, nor any other gun control bill, would have prevented this sick individual from acting out his Machiavellian nightmare against the innocent people of Killeen.

Again, support for this amendment is critical if we are to maintain the integrity of the Constitution. We must not take away the right of the good people of this Nation to protect themselves from the actions of sick individuals such as the one in Killeen, TX.

Mr. SCHUMER. Mr. Chairman, I yield 1 minute to the gentleman from New York [Mr. GREEN].

Mr. GREEN of New York. Mr. Chairman, I thank the gentleman from New York [Mr. SCHUMER] for yielding this time to me.

Let me simply say that this is a very carefully, narrowly drafted piece of legislation. The weapons that are banned are specified. The other language which has been cited is simply there so that a manufacturer cannot take a different nameplate, put it on the same weapon and sell it under a new name to get around this legislation. That is all that provision is in there for.

Mr. Chairman, I went down to the shooting range that the Capitol Police have at the invitation of my colleague, the gentleman from New York [Mr. SCHUMER], and tried one of these weapons, and let me say to my colleagues, "These aren't hunting weapons. If you shoot a deer with these weapons, you're not going to get venison. You'll be lucky to get hamburger."

Mr. SCHUMER. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. FAZIO].

Mr. FAZIO. Mr. Chairman, the assault weapons provisions have very little effect on the right of the average American to bear arms. The provisions include weapons used almost exclusively by organized crime, by gangs, and drug cartels. They do not include any weapons, semiautomatic or otherwise, used for hunting.

Mr. Chairman, this is a preventive measure. We know that this alone will not cause a reduction in crime, but it will make it very hard for people, like the gunman in yesterday's massacre in Texas, to get their hands on high-powered assault weapons and large capacity ammunition feeding devices. Perhaps with provisions like these in effect tragedies similar to yesterday's Texas massacre and the 1989 blood bath in Stockton, CA, in which 5 children were killed and 30 others wounded, can be prevented.

Mr. Chairman, these provisions are a small price to pay for curbing this kind of senseless violence, and I want to associate myself with my courageous friend from Texas in urging my colleagues to adopt the amendment of the gentleman from New York [Mr. SCHUMER].

Mr. SCHUMER. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from South Carolina [Mr. DERRICK].

Mr. DERRICK. Mr. Chairman and my colleagues, who are we kidding?

My dad gave me a semiautomatic shotgun when I was 12 years old and took me out bird hunting. If there is anyone that does not know the difference between an assault weapon and hunting weapon in this body, they surely do not have business with one, I say to my colleagues. We are led to believe that we need an assault weapon to go out and kill Bambi. An assault weapon has nothing to do with semiautomatic shotguns and semiautomatic rifles that I own and have owned all my life, that, when I grew up as a kid in South Carolina, were in the back hall of my grandparent's home, my parent's home, and later my home, as we went hunting during the season and still do. We felt no need for a semiautomatic weapon to go out hunting.

Mr. Chairman, these weapons are not for hunting, they are not for sportsmen, and I will tell my colleagues outside of this body there is some organization that has some self-interest in it. I have not found anyone who thinks that anyone in this country outside of the military or the police needs an assault weapon. It is absurd.

I am just as amazed that we are even here debating this. Who in the world ever heard of going out and buying an assault weapon to take hunting?

So, Mr. Chairman, I would say to my colleagues, You're very much on the wrong side of the American people and this business about, you know, it's going to be the camel's nose under the tent. That is, as my friend, Mr. EDWARDS, says, "Just hogwash." We know what we're talking about here, and you know the thing in Stockton, CA. I'm not going to use that; it's a tragic thing. A similar thing happened in Greenwood, SC, a couple of years ago where a guy went in and just mowed down a lot of school children. He didn't have an assault weapon, you know, those of you who so want to protect the rights of those who own guns in this country, as I do. You are doing those who you represent a great disservice because one of these days, if you don't restrict and keep these guns out of the hands of the people who shouldn't have them, there is going to be an uprising in this country, and everyone is going to suffer.

Mr. Chairman, no one is going to be able to use those weapons for sporting purposes or self-defense.

Mr. SCHUMER. Mr. Chairman, I yield such time as she may consume to the gentlewoman from Connecticut [Mrs. KENNELLY].

Mrs. KENNELLY. Mr. Chairman, I represent many of the employees of Colt Industries of Hartford. Colt has just emerged from a difficult point in its history, it has only recently recovered from the longest strike in the history of Connecticut. The men and women of Colt are skilled, professional workers whose expertise in gun manufacturing is unchallenged.

I want to be certain that their products are not inadvertently harmed by the language of this legislation. To that end, I have discussed the language and intent of title XX, subtitle B of the Omnibus Crime Control Act of 1991 with Representative CHARLES SCHUMER, chairman of the Subcommittee on Crime and Criminal Justice. I have done this specifically to determine the intent of the committee's language regarding assault weapons. I have been assured that the intent of this language is not to restrict semiautomatic rifles which have been modified for sporting purposes. The ban pertains only to 13 specific types of assault weapons, and the language of the bill is intended to be read very narrowly.

Although the bill also restricts copies of those restricted weapons, the term copy means those weapons which have the same basic configuration as those weapons listed and which have only minor cosmetic differences. If a weapon has been changed so that its basic configuration is altered by reducing its capacity, removing features characteristic of assault weapons, or modifying its functional parts, it is a different weapon and not a copy. It would not, then, be prohibited by this bill. It is also my understanding that the Colt Sporter, a semiautomatic rifle for hunting and other routine shooting activities or collection is not prohibited by title XX legislation.

Mr. Chairman, the men and women of Colt Industries, deserve to continue manufacturing the Sporter. I appreciate the opportunity for this clarification.

Mr. SENSENBRENNER. Mr. Chairman, I yield such time as he may consume to the gentleman from Missouri [Mr. EMERSON].

Mr. EMERSON. Mr. Chairman, I rise in support of the Volkmer amendment and associate myself with the remarks of Mr. VOLKMER on this subject.

Mr. SENSENBRENNER. Mr. Chairman, I yield 1 minute to the gentleman from Wyoming [Mr. THOMAS].

Mr. THOMAS of Wyoming. Mr. Chairman, here we go again. Every time there is an effort to clamp down on criminals and criminal activity we hear the same chorus: Ban the guns, and that will fix it.

Mr. Chairman, that is a fantasy, an emotional easy out. The use of weapons for illegal purposes is now a criminal act. Does that stop their use or stop crime? Of course not.

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People who are going to use weapons illegally will get them in their hands illegally. We need to find a way to keep criminals off the street. The concept of limiting personal freedom to law-abiding citizens to achieve some of the kinds of emotional and political satisfaction is wrong.

Mr. Chairman, I support the Sensenbrenner-Volkmer amendment.

Mr. SENSENBRENNER. Mr. Chairman, I yield such time as he may consume to the gentleman from Texas [Mr. FIELDS].

Mr. FIELDS. Mr. Chairman, I rise in strong support of the Volkmer amendment.

Mr. Chairman, this legislation designed to ban assault weapons is poorly drafted and ill-conceived.

I share the concerns of all Americans, in particular those in Texas, about the magnitude of crime and the role these weapons may play; but this provision would cause us to lose sight of the real problems with crime in our society and what we could do to stop this crime.

The incident which occurred in my State yesterday is definitely a tragedy.

In light of the tragedy, I am sure that many of you are considering revoking your support of the Volkmer amendment. I am asking that you stand back and look at the whole picture. Yes, this is a horrible tragedy which could have been avoided but not by laws against the use of some semiautomatic weapons and magazines and clips which hold over seven rounds.

Criminal misuse of firearms yearly is less than 0.2 percent of firearms. Over 99.8 percent of legally purchased U.S. firearms will not be involved in criminal activity in any given year.

The FBI and police department in Houston, as well those in many other large cities, have stated that assault weapons are involved in a statistically insignificant number of crimes.

Not one of the firearms listed by Mr. SCHUMER is a significant factor in crime. Not one. Cosmetic differences aside, there is no functional difference between these and any other firearm used for hunting or self-protection of the same caliber.

Only 1 percent of firearms used in violent crimes are traced, and the most common reason for tracing an assault weapon is miscellaneous—not violent and narcotics crimes.

From 75 to 80 percent of violent crimes are committed by career criminals, many on some conditional or early release; 30 to 35 percent career criminals are rearrested with previous charges still pending. Most are drug related.

This murderer in Killeen, TX, had a criminal record.

This murderer was not even a resident of Texas. He came from Nevada. In 1981, he was arrested in El Paso for drug charges. He also received approval for a permit to carry a concealed weapon in Nevada. One month ago he was arrested in Las Vegas for drunkenness, with the gun he used yesterday on him. When he was released, the police returned his gun to him.

Let me also mention that this gun is the same type our D.C. police officers carry.

I must also disagree with Congressman SCHUMER on his point that if his magazine and clip limit were in place this never would have happened. First of all, this man took plenty of time to shoot. In a 10-minute time period, he shot 22 people, so there was no spray firing. Had he needed to load and reload he could have.

Our crime bill has gotten the nickname criminal rights act and it is precisely at points like this that we are taking rights away from law abiding citizens and giving them to the criminals walking our streets.

Study by National Institute of Justice found that the release of felons due to lax sentencing or prison overcrowding will commit, on average, 187 crimes each year. These crimes cost society about $430,000 per criminal, while the cost of keeping them in prison is about $25,000.

The grandfather clause in the bill discloses that only one transfer from the current owner is possible and that one can transfer the weapon, but not the magazine.

Primary reasons for owning/using firearms: Percent of owners—65 million American owners of 200,000,000 guns—hunting 51 percent, protection 32 percent, target shooting 13 percent, collecting 4 percent.

Let us look at the real problems in our criminal justice system and quit trying to take rights away from the law-abiding citizen.

Mr. VOLKMER. Mr. Chairman, before yielding time to the gentleman from Michigan [Mr. DINGELL], let me yield myself such time as I may consume.

Mr. Chairman, I would just like to say to the gentleman from South Carolina who spoke earlier that in his district they may shoot deer with a single-shot .22. In my district, I am sorry, but we are not as good shots. We use 30.06's and 30/30's and semiautomatics. They are not assault weapons. They are hunting rifles.

Mr. Chairman, I yield 2 minutes to the gentleman from Michigan [Mr. DINGELL].

Mr. DINGELL. Mr. Chairman, like every Member of this body, yesterday I was quite horrified by the events that occurred in a small town in Texas. A terrible thing happened. A large number of innocent and inoffensive people were killed, and they were killed by a man who had been earlier picked up on weapons charges and who had been released.

One of the terrible things about this was that the weapons used was not one which would be on the list of those which would be banned in the legislation. The individual concerned used two semiautomatic pistols to do what he did, none of which and neither of which would be included in the banned weapons which we discuss here.

Mr. Chairman, I urge my colleagues to support the Volkmer motion to strike. I urge them to vote against the provisions in the legislation which are, I believe, unfair, unwise, unworkable, and unnecessary. The bill would ban the manufacture and sale of a large number of firearms. That may seem to be relatively inoffensive because these are tagged with the name of assault rifles. Somebody gave them that name. I do not know why. They do not meet the test of a military assault rifle, which is a full automatic weapon usable for specific military purposes.

But included in the language of the committee bill is broad authority to the Treasury Department to ban weapons which embody the same basic configuration as those which are prohibited. Now, these are revolvers, they are semiautomatic weapons, they are shotguns, they are rifles, and they are pistols. Some of them have aluminum frames and aluminum parts, some of them have wood.

Mr. Chairman, the authority is enormous. If we want to preserve the right of Americans, let us not vote for this kind of authority to sweep from the hands of all free men any firearm that the BATF might choose.

Mr. SCHUMER. Mr. Chairman, I yield 1 minute to the gentleman from Pennsylvania [Mr. FOGLIETTA].

Mr. FOGLIETTA. Mr. Chairman, I rise in strong opposition to the Volkmer amendment and in strong support of the assault weapons ban.

My city, the city of Philadelphia, used to be a peaceful place. I am sorry to say that today it is a war zone.

Mr. Chairman, today, drug wars are fought in our city streets. The weapons of choice in these drug wars are the assault weapons that this amendment would ban.

The weapons we are talking about today are not used for hunting; they are not used for protection. They are used for killing people.

These killing machines are slaughtering police officers in my city. They are slicing down children caught in the crossfire of the drug wars.

My colleagues talk about law and order in this debate. They talk about supporting our police officers. I tell you that the best way to support our police officers is to ban these weapons.

Let us get the Uzis and the Kalishnikovs off the street.

Let us stop the madness.

On behalf of the people of the city of Philadelphia, and as chairman of the Congressional Urban Caucus, I urge my colleagues to oppose the Volkmer amendment.

Mr. SENSENBRENNER. Mr. Chairman, I yield such time as she may consume to the gentlewoman from Nevada [Mrs. VUCANOVICH].

Mrs. VUCANOVICH. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I rise in strong support of the amendment offered by my colleagues, the gentleman from Missouri [Mr. VOLKMER] and the gentleman from Wisconsin [Mr. SENSENBRENNER]. I do so because the gun control provisions of the Committee on the Judiciary are the wrong way to fix a very serious problem.

Mr. Chairman, I appreciate what the champions of gun control are trying to do. People across America are scared—scared to walk down streets at night; scared of the seemingly endless random violence sweeping the Nation; and scared that this body is incapable of formulating a potent crime bill to end the rampant spread of violence.

Yet, here we are, ready to pass a bill that fails to take the necessary steps that would be truly effective.

The problem is crime, not guns. We need to focus on that fact. Gun ownership alone does not cause crime, nor do gun bans stop crime.

One of the major problems is that our current system does not work. It does not provide deterrence to crime and it does not provide effective punishment of the criminal. It does not provide fairness to the victim. In short, it is the failure of the system—of this body—that is to blame for a great part of our crime epidemic.

There was a very revealing article in the New York Times this past summer indicating that the vast majority of violent criminal cases end in a plea bargain and a reduced sentence.

Reduced sentences often do not involve prison time, or, at most, a very short prison stay. Our system is replete with second, third, and fourth offenders.

Criminals are taken through a revolving door. It is a travesty to us, a nightmare to the average citizen and a joke to the criminal.

Criminals have little fear of getting caught. Most of them simply look at it as the cost-of-doing business. The point is, the cost of arrest is not high enough. The threat of prosecution and imprisonment should act as a significant deterrent, but it does not.

Criminals know that our system will protect them, and give them every opportunity to avoid serious punishment. Meanwhile the victims of crime grow ever more frightened to go out at night.

No, my friends, the system is not working. It must be changed soon or we will find ourselves in a society that is completely overrun by crime.

We must eliminate the early release of violent criminals, and must place more emphasis on the rights of victims than on those of criminals. We must increase the number of prosecutors, judges, and prisons.

Most importantly, we absolutely must restore the respect of the people in the criminal justice system. That means making it accountable to the people and making it effective at catching, prosecuting, and punishing violent criminals.

We must put more police back on the street, and we must give them the tools they need to take the drug dealer, muggers, rapists, and other violent criminals off the street.

If we do this, then we can say we are really fighting crime.

Respect for the Federal Government is at an alltime low. We can start to change this tarnished image of both Congress and the justice system by rejecting this ill-conceived gun ban, and in its place, start to look at real reforms.

Join me in this effort. Support the Volkmer-Sensenbrenner amendment.

The SENSENBRENNER. Mr. Chairman, I yield 1 minute to the gentleman from Montana [Mr. MARLENEE]

Mr. MARLENEE. Mr. Chairman, what is an assault weapon? Have you ever heard of a retreat weapon? A baseball bat can be an assault weapon.

What's a semiautomatic firearm? Our colleagues for control of handguns and semiautomatics can't even define the difference between a 9-mm semiauto pistol and a semiauto 9-mm so-called assault weapon. They can't define the difference except the assault weapon looks evil.

This is a play on sensationalism. They use sensationalism to start us down the slippery slope of allowing a federal agency to decide for you and me what firearms we can own.

If these provisions in this bill are accepted, we insure that every antigun bureaucrat will be dancing in the street at the prospect of expanding and expanding those firearms that we use to target shoot, to hunt, and to protect ourselves, our property, and our families.

Vote for the Volkmer-Sensenbrenner amendment to strike these antigun provisions from the crime bill.

Mr. SCHUMER. Mr. Chairman, I yield 1 minute to the gentleman from North Carolina [Mr. PRICE].

Mr. PRICE. Mr. Chairman, I rise today in opposition to the Volkmer amendment which strikes the bill's provisions making it illegal to own or sell 13 specified categories of assault weapons.

The rhetoric surrounding this issue is once again, unfortunately, getting out of hand. Notwithstanding the claims of the opponents of this ban, the provisions regarding assault weapons are tightly drawn. The Department of Treasury's Bureau of Alcohol, Tobacco, and Firearms' [ATF] has reviewed this proposal and has come to three key conclusions. First, the ban in the bill only applies to 13 specific categories of firearms and 22 individual models. No additional weapons will be placed on the prohibited list without the affirmative ratification by Congress. Second, current owners of assault weapons will not be affected by this ban. Finally, the definition of assault weapon in the bill is drawn far narrower and less inclusive than the sporting purposes test used by ATF in implementing the administration's ban on imported weapons of this type.

Legitimate sportsmen and women will not be affected by this ban; they never have hunted with assault weapons. Furthermore, it will help correct one of the most mystifying policy decisions made by President Bush, banning the importation of foreign-made assault weapons, but not the purchase of domestic weapons. If these weapons are dangerous, it does not matter what country they are manufactured in.

I am truly stunned by the opposition to this modest proposal especially in light of the tragedy in Texas yesterday. My thoughts and prayers are with those poor families today. But the Texas massacre raises questions we must all face as legislators: How many schoolyards, cafeterias, or McDonald's have to become assault weapon battlegrounds before we stop the political posturing and realize that we must take these weapons off our streets? How many more of our children have to fall before we realize that these weapons serve no legitimate purpose?

I also want to remind my colleagues about an event that took place in Washington this past weekend. The National Law Enforcement Officers Memorial was dedicated, commemorating those police who had died protecting our neighborhoods and communities. It took 24 hours to read the names of all the dead officers. Law enforcement officers understand all too well the violence and weapons they face on the streets. That is why the International Association of Police, the National Association of Police Organizations, and the National Sheriffs' Association, among others support the restrictions on assault weapons. At the very minimum, we owe these officers this type of protection. I urge my colleagues to stand against the Volkmer amendment to honor the memory of those who have fallen protecting our children and families.

Mr. SCHUMER. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Illinois [Mr. PORTER].

Mr. PORTER. Mr. Chairman, I thank the gentleman for yielding this time to me, and I thank him for his leadership on this issue.

I believe Americans have a right to own and keep firearms to protect their homes or their places of business or for target shooting or sporting purposes, but I believe that there can be and should be reasonable restrictions on this right in the pubic interest.

This is a nation not only of rights but a nation of responsibilities, and no responsible person needs to own an assault weapon. They do not need it for protection or for targeting or sporting purposes. It is the weapon of terrorists and drug dealers and criminals, and people who demand so many rights forget that sometimes as Americans they also have responsibilities. Certainly we protect the right to keep arms, to own arms, but not everything goes under that right. This a reasonable limitation supported by law enforcement officials across the country. It is supported by close to 90 percent of the American people and this Chamber ought to have the courage of their convictions and defeat the Volkmer amendment.

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Mr. SCHUMER. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Illinois [Mr. DURBIN].

Mr. DURBIN. Mr. Chairman, every day in America thousands of men and women put on their uniforms and pin badges and shields, just like this one, over their hearts. They leave their homes and their families to serve as uniformed policemen, deputies, and State troopers. Theirs is not an easy job. A traffic arrest can cost them their life. A wrong turn into a drug deal can result in a shootout of innocent people. Policemen risk their lives for us every day. Now all of the major police organizations in America have asked this Congress to prohibit 13 assault weapons which threaten the lives of policemen and innocent people, 13 assault weapons which are turning drug dealers into military forces.

The gun lobby has defied Congress to grant the request of America's policemen. The gun lobby in Washington will not give an inch, even to save the life of a policeman or an innocent child.

The choice before this House is between the police and the gun lobby. The choice is between the regulation of assault weapons and the carnage of mass murder. The choice is between the safety of the men and women who wear these badges and the political support of the gun lobby.

Mr. Chairman, vote "no" on the Volkmer motion.

Mr. SENSENBRENNER. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania [Mr. SCHULZE].

Mr. SCHULZE. Mr. Chairman, I rise in strong support of the Volkmer-Sensenbrenner amendment.

Emotions are running high today on the floor of the House. But we must inject some rational thinking into the debate. If we are truly concerned about deaths in America, we should contemplate banning tobacco, automobiles, and alcohol.

Every year 390,000 Americans die from tobacco and tobacco products. Every year more than 50,000 Americans die on our Nation's highways. Every year alcohol-related deaths exceed 100,000 and alcohol, by the way, is involved in 50 percent of all homicides.

While guns of all kinds are responsible for fewer than 3 percent of that amount annually, let us not fall into the politically expedient device of blaming an inanimate object for the actions of human beings.

Let us not blame the automobile and autoworker for the car that kills on our Nation's highways and let us not blame the gun and gun manufacturer for the inappropriate and illegal use of an inanimate object.

There are more than 70 million law-abiding gun owners in America. FBI data indicate that annual criminal misuse of all firearms involves two-tenths of 1 percent of the total number of firearms owned.

Mr. Chairman, banning these weapons will do nothing to reduce violent crime. The mentally deranged and career criminal will find some inanimate object to carry out their criminal activity. Let me remind my colleagues, that 2 years ago in New York City, a distraught boyfriend bought a gallon of gasoline and torched a nightclub, killing 87 innocent people.

Gun control does not equate to crime control. I urge my colleagues to reject the emotional appeal of the gun control advocates, and support the rational Volkmer-Sensenbrenner amendment.

Mr. VOLKMER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would first like to respond to the gentleman from Illinois [Mr. DURBIN]. We have a communication from a John Chapman of the Killeen Police Department. He is in the second unit responding to the shooting. He says,

> I do not speak for the department, but I take a personal stand on the right to keep and bear arms. Although I am not a member of the National Rifle Association of America, I support NRA in its opposition to the gun control provisions of the House crime bill.

Mr. Chairman, I yield such time as he may consume to the gentleman from Oregon [Mr. KOPETSKI].

Mr. KOPETSKI. Mr. Chairman, I believe many Americans and some of my colleagues, share my concern over the claims made by advocates of banning firearms and magazines—firearms which, in H.R. 3371, are called assault weapons.

First, advocates of the gun-ban claim that firearms in H.R. 3371's ban list possess a common trait that makes them assault weapons and justifies their being outlawed.

After reviewing the bills list of assault weapons, I have found that there is little they all share in common.

The ban list is made up of many different types of firearms. The list includes shotguns, rifles, and pistols. The firearms in question use a wide range of ammunition; some use removable ammunition magazines, others use nonremovable magazines; some of the firearms are made in America while others are imported.

My frustration is understandable considering the attempts by gun-ban advocates to lump this great variety of firearms into one, single category.

However, I have found one commonly shared attribute between this great variety of firearms on the ban list. That common attribute is their lack of use in crime. In fact, all the evidence shows that these are among the very least criminally used firearms in America. If the lack of use in crime is what makes firearms assault weapons, I do not understand why we are considering banning them.

Opponents of the ban contend that efforts to ban assault weapons is just another step in the step by step strategy in gun control.

Furthermore, members of this body have publicly declared that they view certain firearms legislation of this session of Congress as a first step toward more restrictive firearms legislation in the future.

Nevertheless, gun-ban advocates say that gun-ban opponents exaggerate the motive of this firearms legislation. They contend they fully understand that the second amendment guarantees the right of the people to have firearms. However, they believe that assault weapons are military firearms, that are not protected under the second amendment.

Gun-ban proponents believe that military firearms are protected by the second amendment, but that only the National Guard is allowed to possess these firearms.

Mr. Chairman, there are two flaws with this argument. First, the second amendment makes no distinction about one group being guaranteed one kind of firearms while another group is guaranteed another type of firearms.

Second, the National Guard, which proponents of the gun-ban claim is allowed to have assault weapons, did not exist in 1791, when the second amendment became law.

Supporters of the gun-ban agree that citizens have the right to keep and bear certain firearms, but they only would guarantee that right to the National Guard.

Because assault weapons are not often used in crimes, and because the second amendment protects all firearms for law-abiding Americans, and because the rationale offered by the gun-ban side as reason for banning certain firearms is not supported by historical or contemporary evidence, I will vote to reject these bans, and I urge my colleagues to do the same.

Mr. VOLKMER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the other point I would like to make before yielding is that many of these opponents to my amendment have been characterizing the listing of guns as assault weapons. They are not. The assault weapon is a machine gun. It is the automatic Uzi. It is not the semi. The assault weapon is the automatic. We banned that 5 years ago. That is gone. But the criminals still use it.

Mr. Chairman, I yield 1 minute to the gentleman from Texas [Mr. SARPALIUS].

Mr. SARPALIUS. Mr. Chairman, there are those who think we must have strong gun control laws in this country, like the city of New York and the city of Washington, DC, who have the strongest gun control laws of any city in the country. But, yet, they rank one and two in the number of murders in their cities in this country.

Mr. Chairman, passing gun control laws will not stop people from killing people. My heart goes out to the people from Killeen. I am a Texan. But we are talking about emotions.

Yesterday, did you hear about the murder in New Jersey, where a woman stabbed a baby 175 times with a pair of scissors? Why do we not outlaw scissors?

This year there were 3,503 people stabbed by knives and scissors and other weapons. This year there were 1,075 people that died by blunt objects. Why do we not outlaw hammers and baseball bats?

Mr. VOLKMER. Mr. Chairman, will the gentleman yield?

Mr. SARPALIUS. I yield to the gentleman from Missouri.

Mr. VOLKMER. Because last year only 743 people were killed with a rifle, a lot less than were killed even with blunt instruments or knives.

Mr. SARPALIUS. Mr. Chairman, reclaiming my time, I strongly urge Members to support the Volkmer amendment.

Mr. SCHUMER. Mr. Chairman, I yield 1 minute to the gentleman from Texas [Mr. BRYANT], a member of the committee.

Mr. BRYANT. Mr. Chairman, I took offense at it when I heard the gentleman from Missouri [Mr. VOLKMER] say a moment ago that one policeman in Killeen happened to be recruited to call in here and say that he was in favor of the Volkmer amendment.

Let me just say this to the gentleman from Missouri [Mr. VOLKMER]: I doubt if the Member called the families of any of those 23 people who were murdered yesterday by this nut who walked in there with an automatic weapon. It is preposterous.

Mr. Chairman, I am going to just say this: I am going to dust off my 30.06 and go hunting here in about 2 weeks, just like I have every year and I hope to do every year in the future. I do not need an assault weapon to go out there and kill a deer.

The fact of the matter is, nobody needs an assault weapon, except cowards, criminals, and weirdos, who have to own an assault weapon in order to feel like a man. Those are the people who ought not to have assault weapons.

Mr. Chairman, I hope the amendment of the gentleman from Missouri [Mr. VOLKMER] is defeated. I am going to vote against it. I am going to keep on speaking against it until we get some common sense in our laws in this country and begin to recognize that we have got to apply common sense to everything, no matter what one particular powerful special interest group happens to say.

Mr. SCHUMER. Mr. Chairman, would the Chair tell us how much time each of the parties have remaining?

The CHAIRMAN. The gentleman from New York [Mr. SCHUMER] has 14½ minutes remaining, the gentleman from Missouri [Mr. VOLKMER] has 6 minutes remaining, and the gentleman from Wisconsin [Mr. SENSENBRENNER] has 6 minutes remaining.

Mr. SCHUMER. Mr. Chairman, I yield 1 minute to the gentleman from Washington [Mr. MILLER].

Mr. MILLER of Washington. Mr. Chairman, I appreciate the gentleman from New York yielding and his leadership on this issue.

Mr. Chairman, I rise in support of this bill's ban against military design assault weapons. There are obvious and undeniable features that clearly distinguish these military design assault weapons from the vast majority of legitimate semiautomatic weapons.

Legitimate semiautomatics do not have lugs for bayonets. They do not have threaded barrels for flash suppressors. Legitimate semiautomatics do not have pistol grips to aid in shooting from the hip. They do not have folding stocks to help conceal the weapon. They do not have grenade launchers or night sights.

Mr. Chairman, we cannot continue to allow military design assault weapons to proliferate at the expense and abuse of either innocent victims or legitimate gun owners' constitutionally guaranteed freedoms. We are not on a slippery slope, Mr. Chairman; we are simply putting common sense into the law.

Mr. SCHUMER. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Georgia [Mr. LEWIS].

Mr. LEWIS of Georgia. Mr. Chairman, I rise to urge support for the ban on assault weapons. Yesterday, 22 innocent people were killed by a madman with an assault weapon. We must get those weapons off our streets.

Some would have us believe that the crime bill would take guns away from those who use them for sporting purposes. The guns included in this bill are not sporting weapons. These are killing weapons. These are not the weapons for self-defense.

We must stop the violence and the bloodshed. Too many people are dying. There have been too many killings. We must act now.

We, as lawmakers have a responsibility to stop the killing. Tougher jail sentences are not enough. We must take the weapons off the streets.

Mr. Chairman, I urge my colleagues to defeat the Volkmer amendment. This amendment would send a message that assault weapons have a legitimate purpose in the hands of the public. We must defeat the amendment. We must stop the killing now.

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Mr. VOLKMER. Mr. Chairman, I yield such time as he may consume to the gentleman from Montana [Mr. WILLIAMS].

Mr. WILLIAMS. Mr. Chairman, I rise in support of the Volkmer amendment.

Mr. Chairman, I rise today in strong support of the Volkmer/Sensenbrenner amendment, of which I am a cosponsor, striking this bills antifirearms provisions.

I have voted against every gun control bill proposed since I have been in Congress. I voted no on the Brady bill earlier this year.

The U.S. House made a mistake in passing the Brady. Former President Reagan's public endorsement of Brady and President Bush's not so quiet behind the scenes lobbying for Brady pushed the gun control bill to passage. And now we have the President sending word up to the Hill that he will sign gun control measures if they are part of the crime bill.

Too many folks, especially in our large cities, see firearms regulations as the instant cure to crime. The fact is it is really no cure at all. There are already more than 20,000 gun control regulations and laws on the books, is crime decreasing? No. With the concerning statistics that have been surfacing regarding the increase in crime, it becomes more evident than ever that we need real solutions. More gun control laws will not solve the blood being spilled in our cities and towns.

Yes, we do have a serious crime problem in America. But it will not be solved until the Government commits itself to better schools, good jobs, and tougher sentences for hardcore criminals. I believe that we can move on the crime problem by helping law enforcement officers do the job, requiring mandatory sentences and by stopping the release of habitual criminals who have committed violent crimes.

Mr. Chairman, I urge my colleagues to support this amendment and strike these antigun provisions. If we are going to pass a cirme bill lets pass one that gets tough on criminals not law-abiding citizens.

Mr. VOLKMER. Mr. Chairman, I yield 1 minute to the gentleman from West Virginia [Mr. MOLLOHAN].

Mr. MOLLOHAN. Mr. Chairman, I rise today in strong support of the amendment offered by my colleague from Missouri and in strong opposition to the highly restrictive provisions contained in title XX of this bill. There is no doubt in my mind, Mr. Chairman, that these provisions are well intended. We all want very much to find solutions to crime problems in this Nation. In the zest for seeking solutions, it is possible to go too far and in the wrong direction.

There is absolutely no proof whatsoever that banning any type of weapon in these provisions will prevent their unlawful use by criminals.

For example, there are strict gun controls in New York City, and it has been mentioned that there are strict gun controls right here in the Nation's Capital. But do the criminals care? They do not. Is there any correlation between restrictive gun control and a decrease in crime? There is not.

In fact, the evidence would point to the contrary. The bans contained in this bill will only penalize law-abiding people. Can we imagine the turmoil across this country which will be created when the BATF agents go throughout the land trying to enforce the provisions of this legislation and in the process making criminals out of perfectly law-abiding citizens?

Mr. SENSENBRENNER. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. CUNNINGHAM].

Mr. CUNNINGHAM. Mr. Chairman, I heard the term machinegun. These are not machineguns. They are semiautomatic.

I say to my friend, the gentleman from Texas [Mr. BRYANT], I have shot 11 deers with a Mini-14. It is not because I am crazed. It is because it is light. It is easy to carry. It has a scope.

I killed one 2 weeks ago in Shaniko, OR. It does not make hamburgers either. Yes, it was legal.

Maybe we did not ask people in Desert Storm or the press to tell us how to run Desert Storm. We do not need someone that has never fought in combat or even served in the military to tell us what weapons to carry or how to hunt. Maybe we need some credibility.

I have spent a lifetime with weapons. I flew over this Capitol with an F-14. I could have disintegrated it in a half a second.

The gentleman is telling me that I cannot shoot a .22 with a 9 clip; if I put a stock on it, that is going to qualify as an assault weapon. Malarkey.

The liberals want to attack our weapons. Do not let them do it.

Mr. SCHUMER. Mr. Chairman, I yield 1 minute to the gentleman from Ohio [Mr. FEIGHAN].

Mr. FEIGHAN. Mr. Chairman, I would have thought that yesterday at 12:41 in the afternoon in Killeen, TX, this body had run out of time for posturing on this crime bill or pandering to one of the most powerful special interests in this country. The deadliest massacre in American history tells us now once again the land that we all love very dearly is also the world's most violent.

We are not talking in this bill about hunting rifles. We are not talking about guns now owned by law-abiding citizens. The bill does not touch either one of those categories. What we are talking about are AK-47's, which Members will recall Patrick Purdy used in Stockton, CA, to murder schoolchildren. We are talking about Tec-9's, now the weapon of choice for drug dealers which can fire up to 32 rounds in just a few seconds. And we are talking about 17-round ammunition clips on guns like the Glock-9 millimeter that was used yesterday afternoon to kill 22 innocent Americans.

Three out of every four Americans as well as every major police organization supports the ban on these weapons. I hope Members of Congress will have the common sense this afternoon to do the same.

Mr. SCHUMER. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. CAMPBELL.]

Mr. CAMPBELL of California. Mr. Chairman, the most important part of this bill is not the specific semiautomatic assault weapons but what we do to ban the huge capacity ammunition clip. Here is why.

It is that huge capacity ammunition clip that allows an insane person to shoot and shoot and keep shooting. It is when the person has to stop to change the clip that a police officer or someone sane has the chance to stop them.

There is no legitimate hunting purpose for a clip that takes more than seven cartridges. I have not heard an argument in favor of a legitimate use of a clip of that size, but I do know that a clip of that size can kill and kill quickly, before the insane person can be interrupted.

Why do I mention insane person? Because I am practical, and I realize that law-abiding people deserve the right to keep and bear arms, and criminals will always get guns. But the insane person is what we saw in Stockton, Louisville, Jacksonville, and Killeen.

When I first came to Congress, Stockton happened. I have complained in the well of this floor after every event of mass killings.

Please, I do not wish to come here again.

Mr. VOLKMER. Mr. Chairman, I yield 1 minute to the gentleman from Idaho [Mr. STALLINGS].

Mr. STALLINGS. Mr. Chairman, I rise in support of the Volkmer amendment.

As we debate these gun control measures, we should not lose sight of what is happening at the State level.

While it may seem hard to believe here in the East, these sorts of firearms we are discussing really are used for sporting and competitive shooting events in States like Idaho. The restrictions we are considering today come into sharp and direct conflict with traditions and lifestyle choices that have genuine value for those of us in the American West.

Over the last 2 or 3 years, this so-called assault rifle issue has gotten as much attention at the State level as it has here. The various arguments being offered today have all been brought to the attention of our State legislatures.

In 1989, 23 States introduced gun-ban proposals. Twenty-two of these proposals failed. Twenty-seven States did not even address the issue. This means that in 1989, 49 States rejected the kind of action being considered here today.

In 1990, 24 States introduced assault weapon or other restrictive bans. Twenty-three failed. In other words, 48

States elected not to impose restriction.

In 1991, a similar pattern is developing.

Ladies and gentlemen, we are here to serve the will of the people, and to represent their will. It seems to me that the will of the people is evident in these State-level actions, and I urge my colleagues to follow the example of their legislatures and reject this bill.

Mr. VOLKMER. Mr. Chairman, I yield myself such time as I may consume.

I would just like to take time to point out to the gentleman from Texas who spoke that this MINI-14 is also banned under the bill under the general language. That is a hunting rifle used by millions. It is just a semiautomatic. It is not an assault weapon.

Mr. Chairman, I yield 1 minute to the gentlewoman from Washington [Mrs. UNSOELD].

Mrs. UNSOELD. Mr. Chairman, I rise in support of the Volkmer-Sensenbrenner amendment because I do not trust a nameless, faceless bureaucrat at the Bureau of Alcohol, Tobacco, and Firearms to determine which firearms our law-abiding citizens may bear.

Last year, my amendment to the crime bill banned the assembly from imported parts of any semiautomatic rifle or shotgun which is not allowed to be imported as a sporting firearm. The majority of this House who supported my amendment did so to simplify and clarify for ATF that we did not want currently banned weapons imported in pieces and then reassembled here. It was so clear. Yet, once again nameless, faceless bureaucrats have struck.

ATF recently proposed regulations that prohibit the assembly of a rifle from domestic parts if as few as only two imported parts are used. Two imported parts. Is this what the word "assemble from imported parts" means to you? This is a complete perversion of the language of the bill we passed last year.

Yet, in a letter from ATF to Mr. SCHUMER, the Bureau claimed that it will narrowly construe the language contained in the bill we have before us allowing it to ban "a weapon * * * which embodies the same basic configuration" as the 13 firearms listed in the bill. ATF suggests that this would be applied only in isolated circumstances. Trust us, the Bureau says.

Mr. Chairman, my amendment last year was clear and easy to apply. Yet, ATF chose to ignore the plain meaning of it and turn it against law-abiding gun manufacturers and owners. The Bureau will do it again if the Volkmer amendment is not adopted. Don't let you or your constituents' constitutional rights be eroded by the unknown bureaucrat at ATF. Support this amendment.

Mr. SCHUMER. Mr. Chairman, I yield 1 minute to the gentleman from Massachusetts [Mr. ATKINS].

Mr. ATKINS. Mr. Chairman, another shocking episode in the anti-gun-for-everyone sideshow took place yesterday in Texas. As happens every few months a maniac acquires a weapon that can only be described as a killing machine and indiscriminately goes for blood.

Today in the ultimate irony the House is debating the gun lobby's crazy notion of what constitutes a sportsman and a sportsman's weapon.

One weapon in the banned list is the Intratec Tec-9, a 36-shot rapid fire murder machine similar to the Glock model 17 used yesterday in Texas.

The NRA claims that this weapon is used for sporting purposes, in self-defense, good for hunting. We all know the only kind of hunting this monster is good for. There is no need to be accurate with the Tech-9 because it is designed to spray bullets, not aim them.

Self-defense, not a chance. This weapon is designed for carnage, not protection. Make no mistake about it. This is not a debate about the effectiveness of a ban on assault weapons. It is a debate about the will to stop crime.

□ 1510

Mr. SCHUMER. Mr. Chairman, I yield 1 minute to the gentleman from Oregon [Mr. AuCOIN].

Mr. AuCOIN. Mr. Chairman, for years the gun lobby's line has been that assault weapons should not be banned because law-abiding collectors and sportsmen deserved access to these weapons.

For years that argument carried the day—especially in the west.

But today, this is no longer a sport or collector's issue. It is now instead a national nightmare. Today, heavily armed drug gangs travel Interstate 5 from Los Angeles to Oregon, my State, spreading violence in their wake. These packs of savages use assault guns with rapid-fire clips as their weapons of choice.

In Portland, OR—not Watts, not the South Bronx—5-year-old Charlie Johnson was killed in his living room this spring. In suburban Washington County, the heart of my district, law enforcement officials face criminals with assault weapons every day.

Even chiefs of police in small Oregon towns—many of them NRA members—are strong supporters of the provisions in this bill. As one of them told me, assault weapons have one purpose: killing people, and killing people alone.

Please, defeat the Volkmer amendment for those law enforcement officials and for your own constituents.

Mr. SCHUMER. Mr. Chairman, I yield 1 minute to the gentleman from Virginia [Mr. MORAN].

Mr. MORAN. Mr. Chairman, in incident after incident, our Nation is witnessing an unrelenting assault on innocent individuals by weapons that were made for war. Semiautomatic assault weapons, because of their killing power and ability to fire many rounds quickly, have unquestionably become the firearm of choice for criminals and drug dealers. And with each killing spree and each drive-by murder, our country is coming to the frightening realization that we are losing control in the war on drugs and crime and that our police officers who are serving on the front lines of this battle are being outgunned by criminals that society is empowering by standing on the sidelines.

Semiautomatic assault weapons are not used for sport hunting of animals or self protection. They are used for killing people. They are high-powered weapons of war and mass destruction. The AK-47 is a weapon of war used by Soviet and Chinese armies. The UZI submachine gun is a weapon of war used by Israeli paratroopers and the United States Secret Service. The Mac-10, Tec-9, and AR-15 are weapons of war used by the armies of drug lords and violent gangs in our cities. All of these weapons are restricted from private ownership in almost every nation on the globe. Yet these weapons can be purchased in almost every gun shop across the United States with little more than a perfunctory background check.

Assault weapons account for one-half of one percent of the firearms privately owned by Americans but they are used in 1 out of every 10 crimes in which a firearm was seized last year. Of the thousands of firearm models sold in the United States, only 10 assault weapons account for over 12 percent of the Nation's drug related crime. Furthermore, these weapons comprise nearly 30 per cent of the firearms traced to organized crime, gun trafficking, and crimes committed by terrorists in the United States.

In 1989, Congress and the administration took a crucial first step in limiting the availability of assault weapons by banning their importation. While this ban had the dramatic effect of halting the flow of an estimated 750,000 assault weapons into the United States, it did nothing to control the rising use of assault weapons. Today, "Made in America" models are still being manufactured and are still readily available for purchase over the counter.

Today, we have an opportunity to take the next step and ban the manufacture and sale of 13 specific assault weapons. Any effort short of passage of this amendment will be an unconscionable capitulation to the NRA and U.S. weapons manufacturers. It is time that the rights of the American people to safer streets be considered greater than the rights of individuals to buy these weapons of war.

I urge my colleagues to join me in supporting a rational and reasonable gun control measure and in opposing the Volkmer amendment.

Mr. SCHUMER. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Kentucky [Mr. MAZZOLI], a member of the committee.

Mr. MAZZOLI. Mr. Chairman, I rise in opposition to the Volkmer amendment.

I want to commend the courage of my friend from New York and my friend from New Jersey [Mr. HUGHES] who began this struggle many years ago.

A little over 2 years ago my hometown of Louisville, Kentucky and my congressional district experienced very nearly the same kind of horror and carnage as was experienced at Killeen, TX yesterday. We, therefore, extend our great sympathies to the people of Killeen and to its Representative, CHET EDWARDS.

Let me just simply say were we to continue to have the language in the bill that will ban these assault weapons—and that is good language—we will not stop all of the crime in this country, but we will make a good contribution to solving the crime and ending some of the unnecessary deaths.

So let me just urge the committee to defeat the gentleman's amendment and keep the committee language intact.

Mr. SCHUMER. Mr. Chairman, I yield 2 minutes to my predecessor, the distinguished gentleman from New Jersey [Mr. HUGHES], former chairman of the Subcommittee on Crime and Criminal Justice.

Mr. HUGHES. Mr. Chairman, like many of my colleagues, I, too, many years ago hunted in the woods of southern New Jersey. I own weapons, long guns and handguns, and I value that privilege.

But we have to draw a reasonable line. We have to balance the rights of the sportsmen to own, possess and use weapons and the right of society to protect themselves from nuts and people who would abuse the privilege. And the reason why the 13 categories should be banned is because they are weapons of mass destruction. And in just a few seconds, by the continuous pulling of the trigger, you can see 22 people killed in a matter of just minutes.

My colleague from California said that he could fly his F-14 over the Capitol, and he could drop a bomb and wipe out the Capitol. The reason why civilians cannot own F-14's and have that capacity is because we know that some would do that. We do not permit people to carry a bazooka or a hand-held stinger missile. They are weapons also. Is there any Member who is going to come to the well and argue that people should have the right to own those weapons?

The argument is also made that this particular bill was so loosely drawn that we are going to see ATF abuse the privilege. Nobody has come to this well to argue yet that the import ban put in place by the President in 1989, has been abused. And that is far more liberal than the very carefully constructed features of this particular legislation.

There are 13 categories of weapons that are assault weapons.

I visited one of my sporting clubs last year when they had some concern in southern New Jersey, because they wanted to talk to me about assault weapons. I took to that meeting about seven different assault weapons. After they viewed the weapons I said, "Anybody in the room own anything like this?" There was not one person that owned a weapon like that.

Let us be sane and rational and do what is right. Oppose the Volkmer amendment and preserve the provisions of the bill.

Mr. SENSENBRENNER. Mr. Chairman, I yield 1 minute to the gentleman from Missouri [Mr. VOLKMER].

Mr. VOLKMER. Mr. Chairman, I would just like to answer the gentleman from New Jersey who knows so much about guns, and I want the media to catch this. I think his words will show. The gentleman said with one continuous pull of the trigger that you can kill all that is around.

Mr. HUGHES. No, I did not. I did not, and the gentleman knows I hope that I did not say that.

Mr. SENSENBRENNER. Mr. Chairman, reclaiming my time, I yield such time as she may consume to the gentlewoman from Connecticut [Mrs. JOHNSON].

Mrs. JOHNSON of Connecticut. Mr. Chairman, in order to address a problem with the language of title XX of this bill, I rise in opposition to the amendment.

Mr. Chairman, I wish to add my concerns to those already expressed concerning the ban on certain assault-type weapons contained in this bill. While I agree that we must do more to keep weapons out of the hands of criminals, the language of this section could unnecessarily restrict the rights of legitimate gun owners who own or wish to purchase certain semiautomatic rifles for hunting, target shooting, or other routine collection or shooting activities.

The definition of "copy" in subparagraph (b)(30)(B) is of particular concern to me and many of my constituents and I urge the House to insist that any bill sent to the President be absolutely clear in its intent that weapons appropriately modified for sporting use are not banned under this bill.

Mr. SENSENBRENNER. Mr. Chairman, I yield myself the balance of my time.

The CHAIRMAN. The gentleman from Wisconsin [Mr. SENSENBRENNER] is recognized for 4½ minutes.

Mr. SENSENBRENNER. Mr. Chairman, I rise in support of the Volkmer-Sensenbrenner amendment, and in doing so I want to state that I am not a water carrier for the National Rifle Association. In May I stood up to them and supported the Brady bill. I support the Brady bill today as good legislation. And I would support legislation on semiautomatic weapons if I thought it would be effective in dealing with the problem of the criminal misuse of those weapons.

This legislation does not effectively deal with the criminal misuse of semiautomatic weapons. We heard from the gentleman from Virginia [Mr. MORAN] that the weapons proposed to be banned in this bill are military weapons, are weapons of war, and they are not. The weapons of war are fully automatic weapons that can spray a battlefield with one pull of the trigger. Those machineguns were banned by the Congress 5 years ago and are not an issue today.

What is an issue today is the list of 13 semiautomatic weapons contained in the Schumer legislation incorporated into the committee bill.

There are those today who have attempted to use the tragedy in Killen, TX, to get support for this amendment. Let me say shame on them, shame on them, because the weapons that were used by the demented killer in the cafeteria in Killen, TX, are not on the list proposed to be banned. If this legislation was law yesterday, the gun that was used by the killer would have been just as legal as if it were not law. And to attempt to use that tragedy to try to get votes for your proposal demeans the legislative process.

I believe that this legislation is ineffective for two reasons. First, it tries to ban 13 weapons by name, but contains a grandfather clause so those weapons that are presently owned can continued to be owned.

All that a manufacturer needs to do to get around this proposal is to simply make some modifications to their present weapons, stick a different label on the box, and go on selling the weapon. That would require another act of Congress, and it would really make this Congress look silly in response to the ingenuity of weapons manufacturers.

The legislation also gives the BATF very wide authority to determine what a copy is, and the gentlewoman from Washington [Mrs. UNSOELD] hit that nail on the head. In some respects this is a bureaucratic overkill.

I do not feel quite as strongly about the ineffectiveness of the clip limit of seven that is proposed in the committee bill.

□ 1520

However, we did get testimony from a representative of the BATF, no less, in the subcommittee that indicated that even an inexperienced handler of a semiautomatic weapon would be able to change the clips in a matter of seconds. So that person would be able to go from one clip to the other, get seven additional rounds relatively easy.

Bringing that to yesterday's tragedy in Texas, the killer was in the cafeteria for over 10 minutes. He had plenty of opportunity to change his clips, and apparently he did do so.

It seems to me that this Congress should not be fooling people that the passage of the semiautomatic ban and the weapons clip limitation is going to solve the problem of criminal firearms misuse. This is nothing but a feel-good amendment. It is not going to affect criminals in any way, shape, or form, and it seems to me that for once the Congress ought to be honest with the American people, and when they deal with this issue, do something effective.

The Volkmer-Sensenbrenner amendment deletes two very ineffective provisions of the bill, and it ought to be passed.

Mr. Chairman, I yield back the balance of my time.

Mr. VOLKMER. Mr. Chairman, I yield such time as he may consume to the gentleman from Texas [Mr. GEREN].

Mr. GEREN of Texas. Mr. Chairman, I rise in support of the Volkmer amendment.

Mr. VOLKMER. Mr. Chairman, I yield the balance of my time, which I understand to be 3 minutes, to the gentleman from Texas [Mr. BROOKS], the chairman of the committee, for his support of the amendment.

Mr. BROOKS. Mr. Chairman, I, too, was a recipient on my father's death, when I was 13, of a nice .97 Winchester pump 12-gauge. It is a beautiful weapon, and I enjoy it.

I want to say that I opposed this provision in the committee, and I oppose it now. I support the amendment offered by the gentleman from Missouri [Mr. VOLKMER] to strike subtitles B and C from title XX.

I want to focus on title B, which ought to be stricken. These provisions would create criminal penalties for the unlawful possession and transfer of certain so-called assault weapons.

Not one single weapon will be taken from a criminal, a known felon by this amendment. They are not going to take anything away from him. Do not think that they are. Through the amendment's grandfather clause, all they are going to do is legalize all the assault weapons he currently owns. That is what this committee bill does, and now that is why I was opposed to it.

My concern over subtitle B rests with the effect that the overly broad and vague language of that subtitle might have on the right of all of our citizens to bear arms, guaranteed by the Constitution.

I do not believe that a statutory provision of law which will inevitably impinge on second amendment constitutional rights should be drafted in such an imprecise manner.

In the bill's provisions, there is no accurate, satisfactory definition of an assault weapon.

Subtitle B attempts to define an assault weapon by setting out certain examples of currently manufactured weapons. It goes on to say that it also includes "a copy thereof," but what is now known, and I do not know what that is, and it then defines a copy as "a weapon, by whatever name known, which embodies the same basic configuration. . ." That might mean as little as the fact that it has a trigger and fires.

Mr. Chairman, such loose, even convoluted language will only lead to overreaching by opponents of the right to bear arms so as to include guns that clearly fall outside any reasonable definition of assault weapons.

What we have is something we have seen in other contexts in the debate over crime. We are attempting to legislate by slogan rather than by attacking with precision the problem to be solved. The sweep and the imprecision of the language of subtitle B makes it objectionable and impossible to debate in an informed manner, and I believe we should support the Volkmer amendment to strike this language.

Mr. SCHUMER. Mr. Chairman, I yield 30 seconds to the distinguished gentleman from Florida [Mr. GIBBONS].

Mr. GIBBONS. Mr. Chairman, I have stalked people with weapons such as described in this bill, and I have killed people with weapons such as described in this bill; and I have been shot at with weapons such as described in this bill.

The secret of this whole thing is to get rid of large magazines. This legislation does it.

I think we ought to adopt it on that basis, if no other basis alone.

Mr. SCHUMER. Mr. Chairman, I yield such time as he may consume to the gentleman from Connecticut [Mr. GEJDENSON].

Mr. SCHUMER. Mr. Chairman, I yield such time as she may consume to the gentlewoman from New York [Mrs. LOWEY].

Mrs. LOWEY of New York. Mr. Chairman, I rise in opposition to the Volkmer amendment.

Mr. Chairman, 2 days ago, President Bush dedicated a monument to the brave men and women who have lost their lives in the line of duty as officers in our Nation's police forces. Today, we are debating an amendment on this floor that, if adopted, would desecrate their memory by allowing the continued manufacture and sale of the weapons that took many of their lives.

I ask unanimous consent to enter into the RECORD at this point a list of police officers—among the bravest to ever walk the streets of America—who were killed by the assault weapons that the crime bill would ban. Their names should not only be etched in marble, but also on our hearts.

Read this list, Mr. Chairman, and contemplate for a moment how we can go home to our districts and face these officers' families if we do not act to stop the spread of the very weapons that took their lives. I urge my colleagues to honor the memory of these fallen heroes by rejecting the Volkmer-Sensenbrenner amendment.

Just yesterday, this Nation was hit by another senseless tragedy. Twenty-two innocent people were stricken down in an act that could at least have been diminished in magnitude if the 17-round clip which George Hennard attached to his semiautomatic pistol had been banned as this bill would do. For those who died, for their families, I plead with my colleagues to act so that we will know in our hearts that they did not die in vain.

The weapons that are banned by this bill are, pure and simple, killing machines. They were, for the most part, designed for military use, to kill human beings on the battlefield. There is no legitimate use for them on the streets of this Nation. Yesterday's tragedy made that harsh reality clear again.

The National Rifle Association is fighting tooth and nail for this amendment, Mr. Chairman. That's the reason why we're here. There is no great uproar in this country in support of these weapons of mass destruction. Americans know that there is no need for anyone to own a streetsweeper. Every poll shows that the vast majority of Americans support banning assault weapons. Now is the time for this Congress to follow the lead of those we represent.

I wish, Mr. Chairman, that before we voted on this amendment, we could all walk down to that moving new memorial. I wish that we could read those thousands of names, and talk with the children who had their fathers taken away from them by criminals armed with assault weapons. The Volkmer-Sensenbrenner amendment will mean more dead police officers, more innocent people who become innocent victims. I urge my colleagues to defeat this amendment.

COPS KILLED AND WOUNDED WITH ASSAULT WEAPONS

NAME, LOCATION, DATE

ATF Special Agent Michael Dawkins, Los Angeles, CA, June 19, 1991.

William "Steve" Whalen, Dayton, OH, March 21, 1991.

Rob Cosner and Julie McAlpine, Los Angeles, CA, February 5, 1991.

Philip "Mike" Pennington, Prince William County; VA, Nov 22, 1990.

Mike DiLorenzo, Union City, CA, June 18, 1990.

Deputies Jack Greeney and Robert Sallustio, Broward County, FL, February 18, 1991.

Anthony DiSalvatore, Gloucester County, NJ, August 23, 1989.

Deputy Sheriff Arthur L. "Corky" Hilton, Louviers, CO, March 23, 1989.

Deputy Varner, Winslow, AZ, December 31, 1988.

Seventeen-year veteran senior corporal, Dallas Police Dep't, Dallas, TX, December 13, 1988.

Six-year LAPD veteran Daniel Pratt, Los Angeles, CA, Sept 3, 1988.

Sgt. John D. Connors III, Manassas, VA, July 24, 1988.

Juan Sevillano, Oakland, CA, January 30, 1988.

Deputies Lonny Gene Brewer and Scott Rossall, Escondido, CA, December 5, 1987.

Deputy Sheriff James Bennetts, Vista, CA, July 31, 1987.

Daniel Dubiel, Clay Hoover, and Sgt. Ira Parker, Inkster, MI, July 9, 1987.

State Highway Patrol Trooper Russell W. Harper, Springfield, MO, February 8, 1987.

FBI Special Agents Ben Brogan, Jerry Dove killed, Edmundo Mireles, John F. Hanlon, Jr., and Gordon McNeil wounded. Miami, FL, April 11, 1986.

Det. Thomas C. Williams, October 31, 1985.

San Jose Police Officer Joe Tamarit, San Jose CA, October 1984.

Juvenile Det. Robert Davie, East Bay, CA, March 3, 1983.

Mr. SCHUMER. Mr. Chairman, I yield such time as she may consume to the gentlewoman from Connecticut [Ms. DELAURO].

Ms. DELAURO. Mr. Chairman, I rise in opposition to the amendment.

Mr. SCHUMER. Mr. Chairman, I yield such time as she may consume to the gentlewoman from California [Ms. PELOSI].

Ms. PELOSI. Mr. Chairman, I rise in opposition to the Volkmer amendment.

Mr. SCHUMER. Mr. Chairman, I yield such time as she may consume to the gentlewoman from New Jersey [Mrs. ROUKEMA].

Mrs. ROUKEMA. Mr. Chairman, I rise in strong opposition to the Volkmer amendment.

As the Congresswoman from Ridgewood, NJ where a postal worker who was deranged killed with these kinds of assault weapons, I strongly oppose this amendment.

Mr. Chairman, I rise in strong opposition to the Volkmer amendment, and in support of the commonsense assault weapon restrictions contained in the bill.

Mr. Chairman, I say to my colleagues it would be almost laughable, were it not so tragic—that we even come to the floor to debate the necessity of restricting access to 13 of the deadliest firearms known to man. These are guns designed to be easily concealed, to spray from the hip, to fire massive bursts of lethal ammunition in a few seconds, in short, to kill people. One need only look at the headlines of the last 7 days to see the gruesome destruction caused by these guns, and the need to act to control them.

Last week, in my home town of Ridgewood, NJ, a disgruntled postal clerk walked into the Ridgewood post office at 2 in the morning, herded postal employees into the basement, and opened fire. Almost instantly, two innocent people were dead. The weapons of choice for the gunman: A semiautomatic 9-millimeter Uzi assault rifle, and a MAC 10 assault pistol. Under this bill, both of these assault weapons would be banned.

Just yesterday, as we took to the floor to take up debate on this legislation, a man drove his truck through the window of a cafeteria in Killeen, TX, and, armed with a semiautomatic Glock pistol, opened fire on a roomful of innocent people. What enabled the gunman to kill 23 people in a 10-minute death spray—clips of bullets holding more than 15 rounds each. These, my colleagues, are the large-capacity ammunition devices that would be outlawed under the Schumer proposal.

What more do we need than these tragic events to show us that the weapons and devices discussed in the bill are not legitimate sporting or hunting weapons—they are weapons of war. What more do we need to see—how many more people must die at the hands of criminals and the mentally incompetent—before we see this issue for what it is? Before we realize how appallingly clear it is that the availability of firepower in this country has gotten completely out of control? To me, one more death is one too many.

My colleagues, I urge you to make no mistake about it: The assault rifles restricted in the bill are not designed for sport by hunters or target-shooters. They are designed to kill people, to be used by those who show absolutely no regard for human life. And tragically, as these events show us, they work.

I urge each of you to look past the empty rhetoric of the gun lobby, and see this issue for what it is: simple common sense. We are not banning an entire class of weapons, nor are we taking legitimate sporting guns out of the hands of law-abiding gun owners. We are acting with common sense and restricting 13 specific weapons of war.

I urge my colleagues to vote "No" on the Volkmer amendment, keep the bill's assault rifle restrictions intact, and act decisively to take these deadly weapons off our streets and towns.

Mr. SCHUMER. Mr. Chairman, I yield the remainder of my time.

Mr. Chairman, as is typical in these arguments, we hear a lot of bogus arguments, because the opponents of this legislation do not want to debate what it is, a very narrow and very specific ban on 13 types of weapons that we have talked about here.

It is hard to do that, and so we have heard bogus arguments. We have heard this legislation will not affect the awful killing in Killeen. Untrue. The killer used 17-round ammunition magazines, shoved one in after the other which would be banned under this legislation. The number of bullets he could have shot would be decreased, and the number of people killed would probably, we hope and pray, be less if the legislation passed.

We have heard arguments that the perfect should be the enemy of the good; baseball bats kill; automobiles kill. We do not ban them, so why should we ban these weapons? One reason: Baseball bats and automobiles have a real purpose, a beneficial purpose. These do not.

We have heard the copy argument, that because of the weapons listed, there is no language about copying and, therefore, any other weapon could be banned.

Well, let me assure my colleagues the legislation drafted is so narrow that even the gentleman from Missouri has got it wrong. We do not ban the weapon he kept pointing to, nor could it be banned under the language. We only ban the mini-Ruger 14, an assault weapon if there ever was one.

Let me read from ATF's letter to this chairman. They say, and they are hardly friends of gun control, "The proposed definition of copy would apply only in isolated circumstances in which a manufacturer or any other person might attempt to evade the ban by renaming a weapon or making a minor cosmetic change." Minor cosmetic change only, not all the weapons talked about.

Mr. Chairman, in conclusion, this body, this Congress has been kicked around by the public for the last several months. We have had problem after problem, and the public seems to be saying, "You are not getting it. You do not understand."

Let us today rise to the occasion. Let us show them we know about the carnage in our streets. Let us show them that we know about the killings that go on.

□ 1530

Let us show them that we have the courage to rise above a lobby that is unscrupulous and uses bogus arguments to scare us from doing the right thing. Let us rise to the occasion, my colleagues, and do what we know is right and ban these weapons of killing, ban these weapons of crime and make our streets and our country a little bit safer once and for all.

Mr. MCMILLEN of Maryland. I rise in favor of the Volkmer amendment striking provisions banning the ownership of certain firearms. I have heard from a number of my constituents on this issue, and agree with them that in our efforts to control crime, we need not infringe upon the legitimate rights of individuals.

I am concerned about the proliferation of urban crime, and the attendant violence. We need to control the illegal use of these guns, and keep them out of the hands of criminals. Unfortunately, the ban proposed in the legislation is imprecise, it denies legitimate uses of certain guns, and would negatively impact domestic manufacturers.

More important, the presupposition of the legislation is that everyone who purchases certain rifles is either deranged or a potential criminal. This clearly is not the case.

If we really want to address the issue of criminal use of semiautomatic weapons and to limit violence, we should not try to simply ban certain categories of rifles, but, rather, look into other alternatives such as registration or waiting periods. Previously, I have supported a waiting period for handguns, and see potential in extending this to other areas. The effectiveness of this approach has been demonstrated by various States, including my home State of Maryland.

In summary, though the aims of the legislation are admirable, there are better ways of accomplishing the same goals.

Mr. LEVINE of California. I rise in strong opposition to this amendment. The provisions on assault weapons in this crime bill are reasonable and necessary. After yesterday's massacre in Texas—the worst in American history—it would be shameful for Congress to strike the few simple safeguards against assault weapons contained in this bill. Our actions today must be worthy of the memory of those killed in Killeen.

Nobody can reasonably claim that these weapons are used for hunting purposes. An Uzi. A MAC 10. A Colt AR-15. And how about the large capacity ammunition feeding clips, like the one used yesterday? If we do not have the wisdom and courage to get these things off our streets, at least we must limit a criminals' ability to gun down dozens of innocent people.

The language in this bill will do precisely that. While it would not ban the 9mm pistols and semiautomatic used yesterday, it would limit the size of the magazine for such guns. Has such a limitation been in effect it is likely that some of those murdered yesterday afternoon would be alive today.

No sportsman or hunter needs access to the kinds of weapons covered by this bill. Their only usefulness is to carry out an insane rampage like Killeen or Stockton. Not even the staunchest NRA members could make a case arguing for legitimate purposes of those weapons of death. Poll after poll has shown that the overwhelming majority of the American public supports a ban on these weapons.

Claims that these provisions are merely a first step in taking away Americans' right to own a gun are ludicrous. This isn't a first step in gun control; it's first step in sanity. The American people deserve to be safe in their homes and communities. I urge my colleagues to defeat this misguided, dangerous amendment.

Mr. SANTORUM. Mr. Chairman, I would like to express my strong opposition to the antigun provisions in this year's crime bill, H.R. 3371. In particular, I am opposed to the language in this bill that calls for a ban on assault weapons. This does not simply make 13 categories of firearms illegal, it also expands this ban to include any copy which embodies the "same basic configuration as the weapon so specified." This provision not only violates the second amendment, but when the word "configuration" is defined, it is clear that specific language is a back door attempt to pull the wool over the eyes of gunowners in this country. Webster's dictionary defines "configuration" as, "the relative arrangement of parts or elements." Since rifles, shotguns, and handguns contain the same "relative arrangement of parts or elements," this broad language could effectively ban any firearm.

However, it is what happens after the ban takes effect which makes this provision much worse. The proponents of this antigun legislation would have us believe that the citizens who currently own these guns would not be effected by this ban. This is untrue! While it is correct that these guns would not be immediately confiscated, the lawful owners of these weapons would be severely limited in the transfer of their ownership. This proposed legislation would limit transfer of ownership to only one transfer! The lawful owner of 1 of the 13 banned guns could legally transfer ownership to 1 person of the owner's choice. However, the person receiving the gun could not transfer it to someone of their choice. For example, a father who owns a prized gun could pass it on to his son, but the son could not hand it down to his son. Instead he would have to give it to "Uncle Sam." The text of the bill states that legally, ownership must revert to the Government.

In essence, this legislation is much more far reaching than the American citizens have been led to believe. If this provision is not struck down, it would open the door for more bans until the second amendment as we know it would be dissolved.

Mr. DORGAN of North Dakota. Mr. Chairman, the provisions in this bill to prohibit the manufacture and sale of certain assault rifles would, in my judgment reach to a definition of at least some weapons that are commonly used for sport shooting and hunting.

This provision goes far beyond the Senate provision and it is drafted in a manner that will not allow any of us to understand how it will be interpreted and which guns will be affected.

I am prepared to vote for a careful, precise, limitation of certain assault weapons such as streetsweepers and others. But the provision to do that must be crafted in a manner that is certain as to its affect.

The provision in this bill simply fails in that respect.

Mr. HUGHES. Mr. Chairman, in debating legislative measures such as the assault weapons provisions, a lot of time is spent arguing over how far reaching the bill is.

We also frequently spend a lot of time carefully explaining what it will not do, answering the standard set of lies and hysteria whipped by the gun lobby.

However, I don't have much time, and I'm not going to use a lot of it that way.

You know what the bill would do. Very little. It would ban a few assault weapons by applying the same standards that President Bush has applied to ban the importation of foreign made ones.

The bill was kept very modest and limited. It doesn't even reach some of the most efficient and deadly of these horrible human killing machines—such as the Glock 17 that was used in yesterday's massacre.

It was done this way to keep it clear and simple: The right to keep and bear arms, including semiautomatic weapons, is not taken away. What we are trying to limit is the further proliferation, into the hands of criminals and deranged persons, of military killing machines that have no sporting purpose, and which are designed, manufactured, and marketed to appeal to criminals and nuts.

This is a fact. It is confirmed by the fact that these guns are 10 times more likely to be used in crimes than are guns in general.

The gun lobby has bombarded you with mailings and phone calls saying this bill will give gun grabbing bureaucrats unrestricted authority to take away every semiautomatic weapon in the country

It will take away no guns—zero. But you already know that.

It will limit new ownership of firearms not yet in private ownership. Existing models which would be affected are already well known.

That list contains just 13 categories of guns.

Furthermore, even if this legislation is enacted, the list is likely to be effectively reduced to an even smaller list.

This is because the bill, like the President's import ban, is based in large part on military characteristics of the firearms.

In many instances, it is fairly easy to remove these characteristics. Several banned foreign made weapons have been cleared for importation after such modification.

The same thing can happen under this bill. The military features can be removed and the new weapon marketed here.

I point this out to highlight the very modest dimensions of this extremely limited and focused legislation. We are only limiting the most outrageous creations which attract the most dangerous and deranged in our society, and encourage and facilitate their violent, criminal tendencies.

This bill won't stop them, but it can slow them down.

Your constituents are, in overwhelming numbers, in support of such a measure. In this regard, do you know what the political pollsters tell us on this issue?

They say, "We are no longer taking polls, because we don't continue to poll when there is virtual unanimity on an issue."

This includes 90 percent of gunowners. Wake up, my colleagues, and let's catch up with those we are supposed to be leading.

Mrs. COLLINS of Illinois. Mr. Chairman, I rise in strong opposition to the amendment offered by my colleague from Missouri [Mr. VOLKMER], which would delete this bill's provisions banning 13 types of assault weapons and large capacity ammunition clips.

The 13 types of weapons specified by this bill, Mr. Chairman, have no other legitimate purpose, except to kill and maim human beings. They are not meant for sport, and I have yet to see an American family keep an Uzi in their closet for self-defense. They are pure and simple machines of death used by drug traffickers and criminals to outgun our police forces. The names given to some of these guns say it all. "Striker." "Street Sweeper." They don't give these names to cap guns, Mr. Chairman. They give them to guns designed, quite simply, to kill a lot of people as quickly as possible.

This bill will not ban those assault weapons already legally owned. No government stormtroopers are going to come knocking on the doors of law-abiding Americans looking for guns. Such notions are pure and simple NRA generated hysteria.

What Mr. VOLKMER's amendment will do, however, is derail the wishes of the majority of Americans who believe the Congress should adopt sensible and fair gun control laws. Furthermore, nearly every police and law enforcement organization across the country has come out in favor of this ban. We owe it to these brave men and women to at least give them a fighting chance on the streets.

Certainly nobody is so naive to believe that this ban will stop every criminal from obtaining a weapon. However, we know that with the Volkmer amendment, anyone who wants an assault weapon will have the opportunity to get it. If we can save just one life, Mr. Chairman, or prevent just one criminal from obtaining these deadly weapons by enacting the ban as included in this bill, then we have done this country a great service.

I urge my colleagues to reject this amendment.

Mr. STARK. Mr. Chairman, this amendment is a killer amendment, in more ways than one. It should be defeated by this body.

Assault weapons like the Uzi, AK-47, and Street Sweeper have no place in a civilized society.

My State of California passed the first ban on assault weapons in 1989, and I can verify the law has helped to stem the use of military-style weapons in drug-trafficking crimes and crimes of violence.

Let's look at the record of my congressional district, in Oakland.

In the 4 years prior to enactment of the State law, Oakland saw a 2,000 percent increase in crimes using specific types of assault weapons. Since 1988, Oakland has seen a 37 percent decrease due to the statewide ban on assault weapons.

In 1985, 12 assault weapons were used in drug-related crimes and crimes of violence.

In 1986, it was 56. In 1987, it doubled to 113. In 1988, it doubled again to 214.

In 1989, California State passed the assault weapon bill, and the number in Oakland dropped to 162.

In 1990, it dropped again to 134.

A ban on future manufacture of assault weapons, however limited, won't stop all crimes. No one has ever said it would. But it will help stop some.

Defeat the Volkmer amendment.

Mr. CONYERS. Mr. Chairman, it is our duty in the next few days to pass the strongest, fairest crime control bill we possibly can. Balancing constitutionally guaranteed rights with our deep desire to control crime is a difficult task—it is the price of democracy. Many of us disagree as to how this balance should be struck—but there is one thing that almost everyone agrees on. And that is a ban on assault weapons. The National Association of Police Organizations agrees on it. The U.S. Conference of Mayors, National League of Cities, the National Association of Counties agree on it. Organizations as diverse as the Children's Defense Fund, the American Association of Retired Persons, the NAACP, and the League of Women Voters all agree on it. And most importantly, poll after poll shows that most Americans agree on it. Everyone agrees that assault weapons are the weapon of choice for drug dealers and gang members. Everyone agrees that we should ban these cop-killing weapons. Everyone agrees that this is a reasonable and fair measure of gun control. Everyone, that is, but the National Rifle Association.

The National Rifle Association—the NRA—has blindly opposed any and all attempts at protecting our law enforcement officers through assault weapon prohibitions. Incredibly, the NRA would have us believe that if the assault weapons provisions in H.R. 3371 become law, sportsmen and hunters will suffer a tremendous blow to their constitutional rights. A spokesman of the NRA stood on television this morning and called the assault weapons provision procriminals. The NRA is dead wrong. The 13 types of weapons this crime bill seeks to prohibit were designed for military purposes—not for sport game hunting, not for self-defense purposes—their sole purpose is mass human destruction. And in this they are extremely successful. Just ask the families of those brave men and women whose names are engraved on the National Law Enforcement Officers Memorial. Just ask them how efficiently a drug dealer's assault weapons did the job on the day their husband, or daughter, or son died in the line of duty. Or instead, you can go to my city of Detroit and ask my constituents what kind of sport the drug dealers engage in—what kind of hunting do they use their assault weapons for? Every one of us standing in this Chamber knows the answer to that question. Just yesterday, just yesterday, 21 innocent people lost their lives to a gunman whose import Glock-17 was a death machine which fed bullet after murderous bullet into the firing chamber. The gun advocates here and in the NRA have told the public that this tragedy could not have been prevented by the legislation before us. But what they haven't told the public is that this bill could have prevented George Hennard from using the large capacity ammunition feeder which killed 22 people. He would have had to stop his massacre three times to put more ammunition in his pistol. Police officers on the scene would have had opportunities to stop the killing. We will never know how many lives could have been saved in Killeen, TX, just as we will never know how many lives could have been saved every day in Detroit, Atlanta, Los Angeles, New York, and every other city in this country.

A few years ago, President Bush supported assault weapons legislation banning the importation of 43 types of assault weapons. Just as I supported those efforts then, I call upon him now to give real meaning to such assault weapon legislation by supporting this expanded prohibition. The reality is that over two thirds of the assault weapons used in crimes are not imported—the are being manufactured in George Bush's backyard, my backyard, and yours—right here in the USA. The Bureau of Tobacco, Alcohol and Firearms has already warned us that 1 out of every 5 assault guns traced to crime was a domestically produced Intratec Tec-9. BATF has warned us that domestically produced Mac-10's are also on this criminal top 10 list. And the list goes on and on. If this House and this administration intend to adopt real crime control measures, we must begin with the most elementary protections to human life—the lives of our citizens and law enforcement officers. Instead of listening to the bully tactics of the National Rifle Association, let's listen to our police organizations, our city and county leaders, our elderly, and our children and support the assault weapons ban already in place in the crime bill.

The NRA has warned the Members of this House that their votes on this issue will be watched very closely. I welcome their scrutiny. And every Member of this House should welcome it—it's time to standup and be counted on the side of police officers and their families, and on the side of innocent crime victims everywhere.

Mr. MOODY. Mr. Chairman, this amendment, which I strongly oppose, is not being offered because its supporters think U.S. citizens want to hunt with semiautomatic assault weapons. They do not offer it because they think all of us ought to carry around assault weapons for protection.

They are smarter than that.

This amendment is being offered because they claim to fear that this ban is the "nose under the tent" for people who are conspiring secretly in smoke-filled rooms behind closed doors to achieve another goal—total ban of guns.

This is absurd. I have no interest in taking legitimate hunting weapons out of the hands of legitimate hunters, and I, for one, deeply support the Schumer language.

But the only things that can be hunted with the weapons banned by this bill are you and me, our children, our friends. Is this the game targeted by supporters of this amendment? Because that is who will be hurt. And the hunters are urban criminals that roam our cities' streets.

The Congress, the President, and the Supreme Court have, for the past 200 years, interpreted the Bill of Rights in a common sense manner that avoids extremism.

For example, we do not have an absolute right to free speech in every and all circumstances. We do not have the right to cry "fire" in a crowded theater. This has not led to censorship on speech or the press.

Likewise, this assault weapons ban will not lead to a total ban on hunting weapons. This is a false argument made by zealots.

My friends, choose the reasonable, middle course. Oppose this amendment. Support the right to live in peace and quiet without fear of lunatics gunning us down.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from Missouri [Mr. VOLKMER].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. VOLKMER. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 247, noes 177, not voting 9, as follows:

[Roll No. 318]

AYES—247

Alexander
Allard
Andrews (TX)
Applegate
Archer
Armey
Baker
Ballenger
Barnard
Barrett
Barton
Bentley
Bevill
Bilbray
Bilirakis
Bliley
Boehlert
Boehner
Boucher
Brewster
Brooks
Browder
Bruce
Bunning
Burton
Bustamante
Byron
Camp
Campbell (CO)
Carr
Chandler
Chapman
Clement
Clinger
Coble
Coleman (MO)
Coleman (TX)
Combest
Condit
Cooper
Costello
Cox (CA)
Cramer
Crane
Cunningham
Dannemeyer
Darden
Davis
de la Garza
DeFazio
DeLay
Dickinson
Dingell
Doolittle
Dorgan (ND)
Dornan (CA)
Dreier
Duncan
Edwards (OK)
Emerson
English
Erdreich
Espy
Ewing
Fields
Fish
Ford (MI)
Franks (CT)
Gallegly
Gallo
Gaydos
Gekas
Gephardt
Geren
Gilchrest
Gillmor
Gilman
Gingrich
Goodling
Gordon
Goss
Grandy
Gunderson
Hall (TX)
Hamilton
Hammerschmidt
Hancock
Hansen
Harris
Hastert
Hatcher
Hayes (LA)
Hefley
Hefner
Herger
Hobson
Horton
Houghton
Hubbard
Hunter
Hutto
Hyde
Inhofe
Ireland
Jacobs
James
Jenkins
Johnson (SD)
Johnson (TX)
Jones (GA)
Jones (NC)
Jontz
Kanjorski
Kasich

Klug
Kolbe
Kolter
Kopetski
Kostmayer
Kyl
Lagomarsino
Lancaster
LaRocco
Laughlin
Lewis (CA)
Lewis (FL)
Lightfoot
Livingston
Lloyd
Long
Lowery (CA)
Marlenee
Martin
McCandless
McCollum
McCrery
McCurdy
McEwen
McMillan (NC)
McMillen (MD)
Michel
Miller (OH)
Molinari
Mollohan
Montgomery
Moorhead
Murphy
Murtha
Myers
Nagle
Natcher
Neal (NC)
Nichols
Nussle
Oberstar
Obey
Olin
Ortiz
Orton

Owens (UT)
Oxley
Packard
Pallone
Parker
Paxon
Payne (VA)
Penny
Perkins
Peterson (FL)
Peterson (MN)
Petri
Pickett
Poshard
Quillen
Rahall
Ramstad
Ravenel
Ray
Regula
Rhodes
Richardson
Ridge
Riggs
Ritter
Roberts
Roemer
Rogers
Rohrabacher
Rose
Roth
Rowland
Santorum
Sarpalius
Saxton
Schaefer
Schiff
Schulze
Sensenbrenner
Sharp
Shaw
Shuster
Sisisky
Skeen
Skelton

Slattery
Smith (IA)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Spratt
Staggers
Stallings
Stearns
Stenholm
Stump
Sundquist
Swett
Tallon
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (GA)
Thomas (WY)
Thornton
Traxler
Unsoeld
Upton
Valentine
Vander Jagt
Volkmer
Vucanovich
Walker
Walsh
Weber
Weldon
Whitten
Williams
Wilson
Wise
Yatron
Young (AK)
Zeliff
Zimmer

NOES—177

Abercrombie
Ackerman
Anderson
Andrews (ME)
Andrews (NJ)
Annunzio
Anthony
Aspin
Atkins
AuCoin
Bacchus
Bateman
Beilenson
Bennett
Bereuter
Berman
Bonior
Borski
Boxer
Broomfield
Brown
Bryant
Campbell (CA)
Cardin
Carper
Collins (IL)
Collins (MI)
Conyers
Coughlin
Cox (IL)
Coyne
DeLauro
Dellums
Derrick
Dicks
Dixon
Donnelly
Dooley
Downey
Durbin
Dwyer
Dymally
Early
Eckart
Edwards (CA)
Edwards (TX)
Engel
Evans

Fascell
Fawell
Fazio
Feighan
Flake
Foglietta
Ford (TN)
Frank (MA)
Frost
Gejdenson
Gibbons
Glickman
Gonzalez
Gradison
Green
Guarini
Hall (OH)
Hayes (IL)
Henry
Hertel
Hoagland
Hochbrueckner
Horn
Hoyer
Hughes
Jefferson
Johnson (CT)
Johnston
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
LaFalce
Lantos
Leach
Lehman (CA)
Lehman (FL)
Lent
Levin (MI)
Lewis (GA)
Lipinski
Lowey (NY)
Luken
Machtley
Manton
Markey
Matsui

Mavroules
Mazzoli
McCloskey
McDade
McDermott
McGrath
McHugh
McNulty
Meyers
Mfume
Miller (CA)
Miller (WA)
Mineta
Mink
Moakley
Moody
Moran
Morella
Morrison
Mrazek
Neal (MA)
Nowak
Oakar
Olver
Owens (NY)
Panetta
Pastor
Patterson
Payne (NJ)
Pease
Pelosi
Pickle
Porter
Price
Pursell
Rangel
Reed
Rinaldo
Roe
Ros-Lehtinen
Rostenkowski
Roukema
Roybal
Russo
Sabo
Sanders
Sangmeister
Savage

Sawyer
Scheuer
Schroeder
Schumer
Serrano
Shays
Sikorski
Skaggs
Slaughter (NY)
Smith (FL)
Smith (NJ)

Solarz
Stark
Stokes
Studds
Swift
Synar
Torres
Torricelli
Towns
Traficant
Vento

Visclosky
Washington
Waters
Weiss
Wheat
Wolf
Wolpe
Wyden
Wylie
Yates
Young (FL)

NOT VOTING—9

Callahan
Clay
Holloway

Hopkins
Huckaby
Levine (CA)

Martinez
Slaughter (VA)
Waxman

☐ 1550

The Clerk announced the following pairs:

On this vote:

Mr. Huckaby for, with Mr. Levine against.

Mr. Holloway for, with Mr. Waxman against.

Mr. Hopkins for, with Mr. Clay against.

Mr. Allard and Mr. Yatron changed their vote from "no" to "aye".

So the amendment was agreed to.

The result of the vote was announced as above recorded.

☐ 1730

PERSONAL EXPLANATION

Mr. CLAY. Mr. Speaker, I was inadvertently delayed today and missed the vote on rollcall vote No. 318, the Volkmer amendment. Had I been here I would have voted no.

AMENDMENT OFFERED BY MR. HYDE

Mr. HYDE. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. HYDE: After line 24 on page 74 insert the following:

Subtitle C—Funding for Capital Habeas Corpus Litigation

SEC. 1121. FUNDING FOR DEATH PENALTY PROSECUTIONS.

Part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.) is amended by adding at the end the following new section:

"SEC. 515. Notwithstanding any other provision of this subpart, the Director shall provide grants to the States, from the funding allocated pursuant to section 511, for the purpose of supporting litigation pertaining to Federal habeas corpus petitions in capital cases. The total funding available for such grants within any fiscal year shall be equal to the funding provided to capital resources centers, pursuant to Federal appropriations, in the same fiscal year.".

The CHAIRMAN. Under the rule, the gentleman from Illinois [Mr. HYDE] will be recognized for 5 minutes, and a Member opposed to the amendment will be recognized for 5 minutes.

Mr. BROOKS. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Illinois [Mr. HYDE].

The CHAIRMAN. The gentleman from Texas [Mr. BROOKS] will control the 5 minutes in opposition.

The Chair recognizes the gentleman from Illinois [Mr. HYDE].

Mr. HYDE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, now that the House has voted in favor of extended delay and unnecessary litigation for Federal habeas appeals by approving the Judiciary Committee habeas antireform provisions, we must address the issue of one-sided funding of Federal habeas appeals. The purpose of my amendment is to guarantee equal funding of capital litigation at the Federal habeas corpus stage.

As a result of the millions of dollars we are giving the antideath penalty capital resource centers, the States are badly outnumbered in resources devoted to capital litigation at the Federal habeas stage. One of the principal reasons for the inordinate delay in determining the validity of capital convictions and death sentences is that there is such a tremendous imbalance of resources against the States at the Federal habeas corpus stage.

This year's appropriations bill provides $11.4 million in appropriations to capital resource centers in more than a dozen States for use in litigating in Federal habeas corpus against capital convictions and death sentences imposed in State courts.

This money is over and above the amount which is provided under Federal law to attorneys who are appointed to represent State death-row inmates in Federal habeas corpus litigation. This money also provides representation over and beyond that which is already provided by scores of law firms around the country which provide Federal habeas corpus representation of State death-row inmates on a pro bono basis.

In the State of Texas, for example, on a grant of $2.14 million, the Texas Appellate Practice and Educational Resource Center maintains offices in three Texas cities, employing a staff of 10 full-time attorneys and numerous interns, clerks, and investigators. In contrast, the entire budget for the enforcement division of the attorney general of Texas is $2.5 million, only 6 of the 37 attorneys in that division handle death penalty cases.

In North Carolina, the vast resources of the State consist of two attorneys, two computers, part-time access to a paralegal and part-time access to a secretary. In contrast, the North Carolina Death Penalty Resource Center has seven positions budgeted for fiscal year 1992. It is currently receiving $350,000 in funding, $210,000 of which represents Federal taxpayer's money. The budget of the State to fight these cases is closer to $150,000.

As we pump Federal funds into the antideath penalty capital defense resource centers, some State assistant attorneys general are being forced to take furloughs due to tight budgets.

The North Carolina Death Penalty Resource Center, which had so much money that it returned part of its appropriation to the Federal Treasury last year, gave one of its lawyers an all-expenses-paid trip to Washington to watch an argument in the Supreme Court involving a death penalty case from Arizona. In contrast, the Mississippi attorney general's office has requested that the fifth circuit not set any of its cases for argument since the State cannot afford to send its chief attorney to New Orleans to argue its cases.

At a time in which three-fourths of the American people favor capital punishment for aggravated murder, Congress ought to at least be evenhanded in its approach to the issue. The Hyde amendment provision on equal funding would earmark the same amount of funds for use by the States that is appropriated each year for use by the capital resource centers. No new appropriation would be required because the funds would come out of Bureau of Justice Assistance grant money that is already appropriated. The money would be distributed on the same basis and to the same States where capital resource centers receive Federal money.

The equal funding provision is supported by the National Association of Attorneys General and the National District Attorneys Association.

A vote for the Hyde amendment provision on equal funding is a vote for a level playing field, for fairness, and against the one-sided funding that has led to obstruction and delay in the litigation in this area.

This year's appropriations bill does authorize the Governor in each State to use formula grant funds that are provided for other purposes to assist the States in capital litigation purposes, but only as a discretionary matter. Since those formula grant funds are already planned for other uses, little or no funding would result from that appropriation act provision. Moreover, that authorization would expire at the end of this fiscal year. The Hyde amendment provision on equal funding would ensure that the funding is actually provided and that it is equal not only this year but in future years.

Mr. Chairman, I reserve the balance of my time.

Mr. BROOKS. Mr. Chairman, I yield such time as he may consume to the gentleman from Texas [Mr. BRYANT], a distinguished member of the Committee on the Judiciary and of the Committee on Energy and Commerce as well.

Mr. BRYANT. Mr. Chairman, I would like to advise the Committee that I do not intend to offer my amendment—which is a king-of-the-hill amendment and which was listed as one to follow the currently pending Hyde amendments—and I intend to vote no on the Hyde amendments, and I urge my colleagues to do so inasmuch as I think it would exacerbate a problem which we had to try to cure 3 or 4 years ago when we began funding the defense resource centers because of a constitutional mandate that we do so. I intend to vote no on the Hyde amendment, and I urge other Members to do so, and they should not count on the possibility of voting for the king-of-the-hill amendment which I had previously intended to offer.

PARLIAMENTARY INQUIRY

Mr. HYDE. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his inquiry.

Mr. HYDE. Mr. Chairman, I say to the gentleman from Texas [Mr. BRYANT], if you're not going to offer your amendment, that takes 5 minutes away from our debate time.

Mr. Chairman, may we have the 5 minutes? I have people who want to speak on this.

The CHAIRMAN. The rules does not permit the fungibility of time between amendments.

Mr. BROOKS. Mr. Chairman, I will give the gentleman from Illinois [Mr. HYDE] 20 percent of my time.

Mr. HYDE. Mr. Chairman, I say to the gentleman from Texas [Mr. BROOKS], "I thank you, sir. I appreciate it. You are a true Texan."

Mr. BROOKS. Mr. Chairman, I rise in opposition to the amendment. In 1988, congress recognized that a resource disparity existed in favor of prosecutors in capital litigation. To help mitigate the disparity, Congress provided a small amount of money to State resource centers to be used to defray the cost of bringing habeas corpus claims. The American Bar Association released a study later last month which reexamined the question of the resources that each side has available to it in death penalty litigation. the ABA president said that:

> The report concludes that to the extent an imbalance of resources exists with respect to capital cases, it favors the prosecution. Indeed, there appears to be a disparity of funding in favor of the prosecution at all levels of capital cases.

The ABA did note the problems they had in gathering data on this issue. It may require further study. In the meantime, Congress in the State, Commerce, and Justice appropriations bill, has already spoken on the need for resource centers to have some base of funding.

In addition, Mr. HYDE's amendment directs money to a few States for a particular purpose—prosecuting habeas corpus petitions—at the expense of other crime-fighting efforts. This money will be taken away from stopping street drug sales, investigating public corruption, and funding victims assistance programs. Mr. HYDE is adding no new money for his program—he is simply redirecting several million dollars from a small discretionary fund to a few States for this sole purpose. Prosecuting death penalty appeals is a worthy goal, but not at the expense of fighting drugs and helping victims of crime.

□ 1600

Mr. Chairman, I reserve the balance of my time.

Mr. HYDE. Mr. Chairman, do I understand that I have 3 minutes remaining?

The CHAIRMAN. The gentleman is correct.

Mr. HYDE. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Louisiana [Mr. LIVINGSTON].

Mr. LIVINGSTON. Mr. Chairman, 1 minute is not enough, but let me say that I did play a role in getting a similar amendment in the Commerce-State-Justice conference report. The fact is that our attorneys general and our district attorneys, Republican and Democrat alike, want the Hyde amendment to pass. The Hyde amendment levels the playing field. We currently provide $11.5 million to death penalty resource centers whose sole purpose is to provide expertise and representation to convicted murders, after they have been investigated, tried, convicted, and sentenced to death. These resource centers are funded with Federal money to defeat the death penalty through habeas corpus petitions. A level playing field simply does not exist. The defense attorneys have all the marbles, and, Mr. Chairman, I do not have to tell you that the American people are outraged at the level of heinous crime in this country.

The best thing we Members of Congress can do is to answer to our attorneys general and our district attorneys, as well as our constituents who are terrified with violent crimes, by adopting the Hyde amendment.

Mr. Chairman, I rise in support of providing equal funding to State prosecutors in death penalty litigation cases.

Congress currently appropriates funds for Federal block grant to States for capital defense resource centers. Often these resource centers receive more Federal money than the entire budget of the criminal section of the State attorney general section of the State attorney general's office that handles death penalty litigation.

This money is not for attorney's fees, and does not pay lawyers at trial or on appeal in death penalty cases but helps groups coordinate Federal habeas corpus challenges to State death penalty sentences. Members of these groups often testify and lobby before Congress and State legislatures against the death penalty or to hamper its effectiveness.

Some of this money goes to groups whose only purpose is to fight enforcement of State death penalty laws. States are often completely swamped in death penalty litigation by the superior resources of these antideath penalty groups.

In addition, Congress pays for attorney's fees for State death row inmates who file Federal habeas corpus petitions. The 1988 Anti-Drug Abuse Act established special fee provisions for lawyers who represent death row inmates on Federal habeas corpus at a greater amount of compensation than defense attorneys at a Federal criminal trial.

Thus, while 80 percent of the American people support the death penalty and 36 States have death penalty laws on the books, the Federal taxpayers' money is going to organizations devoted to blocking enforcement of the death penalty and for greater compensation to lawyers representing habeas corpus cases.

Both the National Association of Attorneys General and the Department of Justice have condemned this one-sided funding of antideath penalty groups. The administration and numerous State attorneys general support an amendment to allow the Bureau of Justice Assistance to match the funds to the resource centers with equal grants to the States.

If Federal money must go to antideath penalty groups, at a minimum, we should ensure that we provide equal funding to the States. The public interest in swift and fair justice in death penalty litigation should not be subordinated to the interests of antideath penalty groups.

Right now, the death penalty is being effectively thwarted in most States. The average delay from time of sentence to imposition of sentence is over 8 years. While there are over 2,400 convicted killers on death row, only 4 persons have been executed this year. Part of the reason for the delay and repetitive appeals is one-sided Federal funding of the habeas corpus battle.

This amendment does not take any money away from the resource centers, it merely matches their money with grants to the States. In addition, Congress does not have to appropriate new money for this amendment. The Judiciary budget calls for $11.4 million for resource centers in fiscal year 1992. This amendment earmarks an equal amount for hiring and training State prosecutors and appellate lawyers in 1992.

A vote for this amendment is a vote to begin to even the scales of justice by providing Federal funds to ensure the States are as well represented in Federal court as death row inmates.

The CHAIRMAN. The Chair will state that the gentleman from Texas [Mr. BROOKS] has 2 minutes remaining, including the 1 minute that the gentleman from Texas has already yielded.

Mr. BROOKS. Mr. Chairman, I would ask the gentleman if he would be willing if I did not give him that 20 percent of my time and give it to the gentleman from New Jersey [Mr. HUGHES]. Would that suit the gentleman? He would then have 2 minutes left in which to close.

Mr. HYDE. I will give you anything I have over 2 minutes.

Mr. BROOKS. That is fair enough.

Mr. Chairman, I yield all the time I have remaining to the gentleman from New Jersey [Mr. HUGHES].

Mr. HUGHES. Mr. Chairman, I basically support the effort to provide additional resources to attorneys general around the country.

The problem with this amendment, in addition to what has been articulated by the chairman of the committee, is that it would take money from the discretionary pot. That is only 20 percent of the money; 80 percent of the justice assistance funds goes to the States by way of block grant programs. The various States already have the authority, under 1 of the categories, and there are 22 categories, to fund such programs.

The difficulty is that there is going to be a misallocation of resources at the expense of some of the States, and why should we take the moneys basically from the discretionary funds? These are funds the Department of Justice uses for the various States for innovative programs to try to take care of needs that crop up from State to State.

Mr. ROGERS. Mr. Chairman, will the gentleman yield?

Mr. HUGHES. I do not have much time. I yield briefly.

Mr. ROGERS. Mr. Chairman, was it not the gentleman's initiative that took 13.5 from the discretionary at the outset?

Mr. HUGHES. The problem is that we are taking too much away from the discretionary fund.

The CHAIRMAN. The time of the gentleman from New Jersey [Mr. HUGHES] has expired.

The Chair will state that the gentleman from Illinois [Mr. HYDE] has 2 minutes remaining.

Mr. HYDE. Mr. Chairman, I yield 1 minute to the gentleman from Alabama [Mr. CRAMER].

Mr. CRAMER. Mr. Chairman, I rise in support of the Hyde amendment which would provide more equal funding of Federal habeas corpus litigation in capital cases. At a time when three-fourths of all Americans believe in capital punishment for aggravated murder, it is indefensible for Congress to be pouring millions of dollars into special groups whose purpose is to oppose capital punishment, without providing a single penny to the States for assistance in their efforts to have capital convictions and death sentences upheld.

Under Federal statute, attorneys appointed to represent State death row inmates in Federal habeas corpus proceedings are entitled to be paid from the Federal Treasury at a reasonable hourly rate and to be reimbursed for all their necessary expenses. That should be done, and that is fine. In addition, many law firms, including some of the largest law firms in this country, devote thousands of hours and expend millions of dollars representing State death row inmates in Federal habeas corpus proceedings. That, too, is fine.

However, in addition to all those resources which are available to support representation of capital murderers in Federal habeas corpus proceedings, we in Congress have also been appropriating millions upon millions of dollars each year to fund special capital resource centers. The only authorized purpose for those funds is for use by the centers in Federal habeas corpus proceedings fighting against capital convictions and death sentences which have been imposed in State trial courts and upheld on direct appeal. This year's appropriations bill contains $11.4 million in funding for those capital resource centers to us in Federal habeas corpus proceedings litigating in opposition to the various State attorneys general offices.

The result of the congressional effort in this area has been a terrible imbalance of resources at the Federal habeas corpus stage. A State attorney general's office seeking to have capital convictions and sentences upheld in Federal habeas corpus review must battle the resource of attorneys appointed and compensated under the regular Federal statutes, must battle the tremendous resources of some of the largest law firms in the country, and then must battle the millions of dollars that we have appropriated to the capital resource centers. To put it bluntly, the actions of Congress in appropriating money to the capital resource centers without appropriating the same amount to the States has stacked the deck against the fair and expeditious adjudication of capital cases in the Federal habeas corpus. We have been funding unfairness, one-sidedness, and delay.

It is true that this year's appropriation bill contains language that would permit Governors, in their descretion, to take formula grant money away from other needs and use it for State capital litigation efforts. However, that formula grant money is already planned for other purposes, and the political reality is that little or no funds will go for capital litigation under that provision. Moreover, even that meager authorizing language would expire with the fiscal year. The Hyde amendment provision on equal funding would ensure that equal capital litigation funding is actually provided to the States, and that that occurs not only this year but in future years as well.

This even funding amendment is supported by the National Association of Attorneys General in a resolution passed in December of last year. It is also requested in a recent letter signed by the attorneys general of 30 States, including some noncapital punishment States. Finally, it was adopted by the Senate and is part of the anticrime bill passed by that body.

This even funding amendment would not reduce by 1 cent the amount of money that is appropriated to represent convicted murderers in Federal habeas corpus. Instead, it would simply provide that the same amount of funds appropriated to the capital resource centers would be allocated out of justice assistance grant money for use by the States to litigate against those resource centers in Federal habeas proceedings. Even with this, the battle will not be an even one because of the intervention of the law firms and because of the regular Federal statutory appropriations for death row inmates. However, this amendment will make the playing field a more level one than it is now.

A vote against this amendment is a vote for one-sided funding, and a vote against this amendment is a vote to subsidize unfairness, obstruction, and delay in capital punishment litigation. A vote for this amendment is a vote for the position of the State attorneys general. It is a vote for evenhandedness; it is a vote for fairness; and it is a vote consistent with the position of the American people of this subject.

Mr. HYDE. Mr. Chairman, I yield whatever time I have remaining to the distinguished gentleman from Kentucky [Mr. ROGERS].

The CHAIRMAN. The gentleman from Kentucky [Mr. ROGERS] is recognized for 1 minute and 50 seconds.

Mr. ROGERS. Mr. Chairman, 1 minute is not enough. It is outrageous to allow 5 minutes debate on a matter of this import.

Mr. Chairman, let me quote from the attorney general of Kentucky, who is a friend of mine, a Democrat but a good guy. He says:

> How come you folks are financing all of the brief-writing for the capital offense cases in my State for the defendant, and you give me nothing with which to work? We have not the staff that Kentucky provides. Why doesn't the Federal Government play evenhanded in this matter?

Let us give the prosecutors in our States the same kind of funding. Let us be fair and provide our attorneys general the same kind of funding that we provide for the defense resources centers. That is only fair. I am not asking that we cut the defense resource centers. Just give equal treatment to the other side. That is all we are asking.

The attorney general of Kentucky tells me that some of these criminal defendants have filed up to 30 petitions, and yet he is having to find staff from his own funds, not yours, with which to combat the appellate process. Please, let us be fair. Let us provide the same funding for our attorneys general that they are asking that we provide for the defense centers.

The CHAIRMAN. All time for debate on this amendment has expired.

The question is on the amendment offered by the gentleman from Illinois [Mr. HYDE].

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. BROOKS. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 281, noes 137, not voting 15, as follows:

[Roll No. 319]

AYES—281

Alexander
Allard
Andrews (NJ)
Andrews (TX)
Anthony
Applegate
Archer
Armey
Aspin
Atkins
AuCoin
Bacchus
Baker
Ballenger
Barnard
Barrett
Barton
Bateman
Bentley
Bereuter
Bevill
Bilbray
Bilirakis
Bliley
Boehlert
Boehner
Borski
Brewster
Broomfield
Browder
Bunning
Burton
Byron
Camp
Campbell (CA)
Carper
Chandler
Chapman
Clement
Clinger
Coble
Coleman (MO)
Coleman (TX)
Combest
Condit
Costello
Coughlin
Cox (CA)
Cramer
Crane
Cunningham
Darden
Davis
de la Garza
DeLauro
DeLay
Derrick
Dickinson
Dicks
Dingell
Donnelly
Dooley
Doolittle
Dornan (CA)
Dreier
Duncan
Early
Edwards (OK)
Edwards (TX)
Emerson
English
Erdreich
Ewing
Fawell
Fields
Fish
Frank (MA)
Franks (CT)
Frost
Gallegly
Gallo
Gejdenson
Gekas
Geren
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Goodling
Gordon
Goss
Gradison
Grandy
Gunderson
Hall (TX)
Hammerschmidt
Hancock
Hansen
Harris
Hastert
Hatcher
Hayes (LA)
Hefley
Hefner
Henry
Herger
Hobson
Horn
Horton
Houghton
Hubbard
Hunter
Hutto
Hyde
Inhofe
Ireland
James
Jefferson
Jenkins
Johnson (SD)
Johnson (TX)
Johnston
Jones (GA)
Kanjorski
Kasich
Kennedy
Kleczka
Klug
Kolbe
Kolter
Kostmayer
Kyl
Lagomarsino
Lancaster
LaRocco
Leach
Lehman (CA)
Lent
Lewis (CA)
Lewis (FL)
Lightfoot
Lipinski
Livingston
Lloyd
Long
Lowery (CA)
Luken
Machtley
Markey
Marlenee
Martin
Mavroules
McCandless
McCollum
McCrery
McCurdy
McDade
McEwen
McGrath
McMillan (NC)
McMillen (MD)
Meyers
Michel
Miller (OH)
Miller (WA)
Moakley
Molinari
Montgomery
Moorhead
Moran
Morella
Morrison
Murphy
Murtha
Myers
Neal (MA)
Neal (NC)
Nichols
Nowak
Nussle
Olver
Ortiz
Orton
Oxley
Packard
Pallone
Panetta
Parker
Pastor
Patterson
Paxon
Payne (VA)
Penny
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Porter
Price
Pursell
Quillen
Rahall
Ramstad
Ravenel
Ray
Reed
Regula
Rhodes
Richardson
Ridge
Riggs
Rinaldo
Ritter
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Rowland
Santorum
Sarpalius
Saxton
Schaefer
Schiff
Schulze
Sensenbrenner
Shaw
Shays
Shuster
Sisisky
Skeen
Skelton
Slattery
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Spratt
Stallings
Stearns
Stenholm
Studds
Stump
Sundquist
Swett
Tallon
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (GA)
Thomas (WY)
Thornton
Traficant
Traxler
Upton
Valentine
Vento
Volkmer
Vucanovich
Walker
Walsh
Weber
Weldon
Whitten
Wilson
Wolf
Wyden
Wylie
Yatron
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—137

Abercrombie
Ackerman
Anderson
Andrews (ME)
Annunzio
Beilenson
Bennett
Berman
Bonior
Boucher
Boxer
Brooks
Brown
Bruce
Bryant
Bustamante
Campbell (CO)
Cardin
Clay
Collins (IL)
Collins (MI)
Conyers
Cooper
Cox (IL)
Coyne
DeFazio
Dellums
Dixon
Dorgan (ND)
Downey
Durbin
Dwyer
Dymally
Eckart
Edwards (CA)
Engel
Espy
Evans
Fascell
Fazio
Feighan
Flake
Foglietta
Ford (TN)
Gephardt
Gibbons
Gonzalez
Green
Guarini
Hall (OH)
Hamilton
Hayes (IL)
Hertel
Hoagland
Hochbrueckner
Hoyer
Hughes
Jacobs
Johnson (CT)
Jones (NC)
Jontz
Kaptur
Kennelly
Kildee
Kopetski
LaFalce
Lantos
Laughlin
Lehman (FL)
Levin (MI)
Lewis (GA)
Lowey (NY)
Manton
Mazzoli
McCloskey
McDermott
McHugh
McNulty
Mfume
Miller (CA)
Mineta
Mink
Mollohan
Moody
Mrazek
Nagle
Natcher
Oakar
Oberstar
Obey
Olin
Owens (NY)
Owens (UT)
Payne (NJ)
Pease
Pelosi
Perkins
Poshard
Rangel
Roe
Rose
Rostenkowski
Roybal
Russo
Sabo
Sanders
Sangmeister
Savage
Sawyer
Scheuer
Schroeder
Schumer
Serrano
Sharp
Sikorski
Skaggs
Slaughter (NY)
Smith (FL)
Smith (IA)
Solarz
Staggers
Stokes
Swift
Synar
Torres
Torricelli
Towns
Unsoeld
Visclosky
Washington
Waters
Weiss
Wheat
Williams
Wise
Wolpe
Yates

NOT VOTING—15

Callahan
Carr
Dannemeyer
Ford (MI)
Gaydos
Holloway
Hopkins
Huckaby
Levine (CA)
Martinez
Matsui
Slaughter (VA)
Stark
Vander Jagt
Waxman

□ 1628

Messrs. OWENS of New York, SAWYER, and LAFALCE changed their vote from "aye" to "no."

Messrs. ATKINS, JOHNSON of South Dakota, STUDDS, GEJDENSON, OLVER, and KENNEDY changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

□ 1630

The CHAIRMAN. It is now in order to consider amendment No. 11 printed in House Report 102-253.

The Chair will advise Members that the author of amendment No. 10 previously advised the committee that he did not intend to proceed.

AMENDMENT OFFERED BY MR. MC COLLUM

Mr. McCOLLUM. Mr. Chairman, I offer amendment No. 11.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. McCOLLUM: Page 150, strike line 18 and all that follows through line 12 on page 151, and insert the following:

SEC. 1720. ADMISSIBILITY OF CERTAIN EVIDENCE.

(a) IN GENERAL.—Chapter 223 of title 18, United States Code, is amended by adding at the end the following:

"§ 3509. Admissibility of evidence obtained by search or seizure

"(a) EVIDENCE OBTAINED BY OBJECTIVELY REASONABLE SEARCH OR SEIZURE.—Evidence which is obtained as a result of a search or seizure shall not be excluded in a proceeding in a court of the United States on the ground that the search or seizure was in violation of the fourth amendment to the Constitution of the United States, if the search or seizure was carried out in circumstances justifying an objectively reasonable belief that it was in conformity with the fourth amendment. The fact that evidence was obtained pursuant to and within the scope of a warrant constitutes prima facie evidence of the existence of such circumstances.

"(b) EVIDENCE NOT EXCLUDABLE BY STATUTE OR RULE.—Evidence shall not be excluded in a proceeding in a court of the United States on the ground that it was obtained in violation of a statute, an administrative rule or regulation, or a rule of procedure unless exclusion is expressly authorized by statute or by a rule prescribed by the Supreme Court pursuant to statutory authority.

"(c) RULE OF CONSTRUCTION.—This section shall not be construed to require or authorize the exclusion of evidence in any proceeding.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 223 of title 28, United States Code, is amended by adding at the end the following:

"3509. Admissibility of evidence obtained by search or seizure.".

The CHAIRMAN. Under the rule, the gentleman from Florida [Mr. McCOLLUM] will be recognized for 10 minutes, and a Member opposed will be recognized for 10 minutes.

Mr. EDWARDS of California. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from California [Mr. EDWARDS] will be recognized for 10 minutes in opposition.

The Chair recognizes the gentleman from Florida [Mr. McCOLLUM].

Mr. McCOLLUM. Mr. Chairman, I yield myself such time as I may consume.

Mr. McCOLLUM. Mr. Chairman, the amendment that I am offering today is the exclusionary rule. The amendment is the good faith exception that this Congress, this body, this House at least has passed in the last three Congresses, the 99th Congress, the 100th Congress and the 101st Congress. It is no different from any of the other amendments.

We are offering it today because those of us who have been working with this for some time are fully aware that there are serious problems in this Nation with the rules of evidence and the fact that we are not getting enough evidence in. We know in this Nation we are simply not getting enough evidence in in many instances to get the convictions we need in drug cases and many other cases. That is why all of the major police associations, the National Sheriffs Association and so on support this amendment so strongly and have over the years, including some 30-odd of the attorneys general of many of the States.

A 1979 study showed in California that almost 3,000 felony drug arrests in California were not prosecuted because of exclusionary rule problems in a 3-year period out there, as an example.

The Supreme Court of the United States made a rule, and I want to make this very clear to my colleagues. We are dealing now not with tampering with the constitutional requirements against unreasonable searches and seizures, but with a rule of court, a rule made by the U.S. Supreme Court many years ago which said that you will not be allowed to put into evidence anything which a police officer seizes that is seized in a manner in violation of fourth amendment rights against illegal searches and seizures. And then they carved out an exception to that, which has been around for quite a while from the Supreme Court decision which is what we call the good faith exception. But it says that when there has been a reasonably objective effort made by the police officer to go out and comply with the Constitution, and he gets this evidence, and then we find a technicality along the way, then if it was a search and seizure done with a warrant, a search warrant, which is one of two ways we can do a legal search and seizure, then in that particular case the Supreme Court said fine, that is an exception to the exclusionary rule of excluding this evidence. If it is a mere technicality, if you have a reasonable, objective basis and there is a technical problem, we are going to let the evidence in.

Now what has happened is that in other cases where there is not a search warrant, but perfectly legitimate cases for normally allowing evidence to come in, if it is done properly, such as consent searches where a police office knocks on the door and asks permission to come in and look, and somebody grants it, or where we have not pursuit, in those cases the Supreme Court has not had a chance to rule in this. But two Federal circuits, the fifth circuit and the eleventh circuit have, and they have said this same test ought to apply to that situation where there is no search warrant. All this amendment does is take the Supreme Court exception to the exclusionary rule that it has already applied to search warrant cases and applies it to otherwise legitimate searches without warrants, such as consent searches. It is nothing more than and nothing less than that. But it can make a big difference in the total number of cases we can get convictions on, because we are losing those cases to technicalities we should not have.

It replaces a provision that is in the bill that the gentleman from Illinois [Mr. SANGMEISTER] put in the bill, which purports to codify the Supreme Court decision on search warrant cases. Unfortunately, even if we do not want to do more than that, what he does is retreat from the Supreme Court decision and narrows the exclusionary rule exception from what the Supreme Court said, and makes it even more difficult to get convictions.

So what is in the bill is bad. It is worse than present law.

What we are offering is simply an expansion that two Federal circuits have already suggested is a good idea, what every one of the law enforcement associations in the country wants to see us do, and what this House of Representatives has passed overwhelmingly in the last three Congress.

So I urge my colleagues to vote for the McCollum amendment, put the exclusionary rule exception into law known as good faith.

Mr. Chairman, I reserve the balance of my time.

Mr. EDWARDS of California. Mr. Chairman, I yield as much time as he may consume to my chairman, the gentleman from Texas [Mr. BROOKS].

Mr. BROOKS. Mr. Chairman, the exclusionary rule remains an essential element in our criminal justice system. It is the only effective means we have of deterring unreasonable searches and seizures, a concern that was primary in the minds of our Founding Fathers. Properly applied, the exclusionary rule does not impose unreasonable or harsh burdens on law enforcement—it simply requires that police officers operate within constitutional boundaries and thus speeds up the administration of the criminal justice system.

In 1984, the Supreme Court recognized a good faith exception to the exclusionary rule. The Judiciary Committee bill codifies it. It reflects the conclusion that certain situations provide absolutely no deterrence to police action or that that deterrence is far outweighed by the value of the excluded evidence. The exception applies when police conduct is both in good faith and is taken pursuant to the issuance of a warrant. It is appropriate; it is drawn from real-life experience and it eliminates vexing technicalities which were previously used to bar the admission of certain evidence.

The McCollum amendment does something entirely different, however. It allows police to obtain—and use in courts—evidence even if no warrant has been issued. There are both practical and due process reasons why our system of law has long provided that a warrant be issued by an objective official of a branch different than the executive branch. It is called the principle of checks and balances in ensuring constitutional protections. Somehow, the McCollum amendment overlooks this principle, and by so doing, overlooks the reasons behind the fourth amendment. In the words of the able Senator from New Hampshire, Mr. RUDMAN, on the floor of the other body, this amendment "will open the door to the very kind of abuse that the Founding Fathers were concerned about" when the fourth amendment was written.

Mr. MCCOLLUM has failed to offer a sound explanation as to why his amendment is necessary, 10 of the 12 Federal circuits have failed to adopt it, and the U.S. Supreme Court also has not agreed with his view. The committee bill, on the other hand, has provided a workable approach to applying the exclusionary rule—one that the Supreme Court has embraced. I urge the Members to defeat the McCollum amendment.

□1640

Mr. MCCOLLUM. Mr. Chairman, I yield 2 minutes to the gentleman from Wisconsin [Mr. SENSENBRENNER].

Mr. SENSENBRENNER. Mr. Chairman, there are those who believe that the adoption of the McCollum amendment will trash the constitutional protection against unreasonable searches and seizures. Nothing could be further from the truth.

In 1980, the U.S. Court of Appeals for the Fifth Circuit handed down the decision in *United States* v. *Williams*, 622 Fed. 2d 830 which embodied the principles that are stated in the McCollum amendment. The McCollum amendment merely codifies what has been the law in the fifth circuit for 11 years.

The fifth circuit was divided following 1980, and the eleventh circuit adopted the fifth circuit rules, so we have two circuits that have adopted the rule in the United States versus Williams. Sooner or later, there will be a circuit that has an opposite ruling, and that is the kind of case that the U.S. Supreme Court takes very quickly.

My feeling is that if we vote down the McCollum amendment, the Congress will be abdicating to the U.S. Supreme Court the right to set the limits on the exclusionary rule when there is a warrantless search and a good-faith exception claimed.

If I were my friend from the other side of the aisle who has incessantly criticized the conservative drift of the U.S. Supreme Court, I would embrace the statutory codification of a rule that has been the law in the southern part of our country for the last 11 years. I would hope that the Congress would adopt that rule, because if we do so, we will be able to put our imprimatur on this very sensitive issue rather than leaving it up to the courts to decide.

Mr. EDWARDS of California. Mr. Chairman, I yield myself 4 minutes.

Mr. Chairman, I hope we do not go home tonight with our fingerprints on admitting illegal evidence in criminal trials. Already the Leon case has opened the door to some extent, but this will put not just the nose of the camel under the tent, it will put half the camel.

The Senate turned this down. I am going to in a few minutes give the Members some words from Senator RUDMAN, who is not known as one of the great leftwingers of this country, but the Senate had a great debate on this, and they decided they were going to protect the fourth amendment, which is so terribly important. The fourth amendment says roughly that the Government, Government police, are supposed to, they must leave you alone in your house and in your papers unless they have a warrant, and the warrant must be appropriately prepared and describe what they are after to seize.

Now, the gentleman from Florida [Mr. MCCOLLUM], my good friend, is asking us to kick that out the window and let a cop go anywhere, and as long as he is in good faith, he does not have to get a warrant in advance.

Do the Members really want their fingerprints on that? Do you really?

Now, I mentioned the Senate. The Senate rejected the same kind of amendment that the gentleman from Florida [Mr. MCCOLLUM] offered, and Senator RUDMAN, and he is an expert on the exclusionary rule, and he believes, and he said, and I quote him, "A good faith exception for warrantless searches is unconstitutional on its face," on its face, a violation of the fourth amendment. How good is the fourth amendment? How does it protect us when what you get with a violation of the fourth amendment that you can take into court? That makes the fourth amendment a paper amendment.

Then Senator RUDMAN said, "In creating the exclusionary rule, the Court took the incentive out of abuse by law enforcement authorities." Senator RUDMAN said about the Rodney King case, and does everybody remember the Rodney King case in Los Angeles? It was on videotape, and this is what he said about the Rodney King case, "Even within police departments there are those who we could possibly call bad apples," bad apples. That is what the Rodney King case was about. He said, "We have had all sorts of television exposure of police brutality."

You know something, one might say the police in the Rodney King case were in good faith. They did not have warrants, but they were getting evidence of speeding or something.

Senator RUDMAN wound up his speech to the Senate, and he said that this amendment would let "the police, after the fact, justify the reasons for the search and seizure and bootstrap into a good faith exception."

He urged his colleagues in the Senate to turn down this amendment. It was turned down, and, Mr. Chairman, I ask a resounding "no" vote on the McCollum amendment.

Mr. MCCOLLUM. Mr. Chairman, I yield 1½ minutes to the gentleman from Florida [Mr. JAMES].

Mr. JAMES. Mr. Chairman, I rise in support of the McCollum amendment, because I feel the committee language does violence to the fourth amendment to the constitution. The committee draft (section 1720(2)) says that illegally seized evidence shall not be excluded unless the underlying circumstances indicate the belief that probable cause existed was entirely unreasonable.

That entirely unreasonable standard makes me very nervous. What does it mean?

It seems to say that searches that are merely unreasonable are OK. This is not what the constitution says. The fourth amendment says the right of the people to be secure against unreasonable searches which I take to mean any unreasonable searches, shall not be violated.

In attempting to codify the U.S. Supreme Court's *Leon* decision (104 S. Ct. 3405 (1984)), the committee missed the nuances and went beyond where the Court ventured and beyond where the Constitution may allow.

I support the McCollum amendment because it is consistent with the constitutional language. The McCollum amendment sets a standard of objective reasonableness.

While some say that language is vague, I feel that among the choices before us, it is constitutionally more sound.

Mr. EDWARDS of California. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. BERMAN], a valuable member of the committee.

Mr. BERMAN. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I would like to ask a question of the sponsor of the amendment if he would be willing to respond on my time.

In the gentleman's amendment, he has the phrase, "if the search or seizure was carried out in circumstances justifying an objectively reasonable belief that it was in conformity with the fourth amendment"; is this to impose an objective standard as opposed to simply the police officer saying, "I thought it was reasonable?"

Mr. MCCOLLUM. Mr. Chairman, will the gentleman yield?

Mr. BERMAN. I am happy to yield to the gentleman from Florida.

Mr. MCCOLLUM. That is precisely correct, which is what the court did in Leon. That is correct.

Mr. BERMAN. My next question is: Does ignorance of the law comply with the objective standard?

Mr. McCOLLUM. If the gentleman will yield further, I think that is a question for the Court to decide. Normally ignorance of the law is no excuse, but you do have a situation in which if you have the right circumstances like a technical infirmity in warrant searches and warrantless searches where the police officer reasonably believes it, you know, he knows what the Constitution says, but interpretations of that he may not know about, so that ignorance is not in question.

Mr. McCOLLUM. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. ROHRABACHER].

Mr. ROHRABACHER. Mr. Chairman, pardon me for not gratuitously tipping my hat to the exclusionary rule.

This monstrous joke on the American people was foisted upon us by liberal, eggheaded judges who unleashed a crime wave on the American people that is costing tens of thousands of lives. No citizen ever voted for it. No other major country of this world, no democracy has this kind of nonsense of not permitting evidence to be submitted in criminal cases that can determine innocence or guilt.

This rule has turned our criminal justice system into a sick game where the police and our law enforcers must play this game in order to do their job and to protect our families and innocent citizens.

The burden of proof of the law is to protect the innocent; the exclusionary rule protects the guilty.

The McCollum amendment is proper.

□ 1650

Mr. EDWARDS of California. Mr. Chairman, the exclusionary rule was put into effect by a Supreme Court in 1914, and it has been protecting Americans ever since from an overintrusive Government. It hardly was a knee-jerk liberal court in 1914.

Mr. Chairman, I yield 1½ minutes to the gentleman from Illinois [Mr. SANGMEISTER], the author of the solid provision in this bill.

Mr. SANGMEISTER. Mr. Chairman, I thank the gentleman for yielding this time to me.

Mr. Chairman, there are times when we stand in this well when we feel like Don Quixote flailing away at windmills. I am afraid that is probably the situation on this particular amendment.

But I would ask you to think about what you are doing here, if you have any respect for the fourth amendment whatsoever. We are about to derogate it today by adopting this amendment.

I think sometimes the easiest way to get across to Members what we are talking about is an illustration, and I am going to try to get that in during the limited time I have.

Take for example you are coming home from work and the wife says, "On the way home please stop and pick up some milk, some bread, and some butter at a store on your way home."

So let us say you are doing that and you go through an unsavory neighborhood somewhere and you stop at a store and you pick up these goods and you come out. Unbeknownst to you, that particular store is under surveillance because there have been some drug sales out of that particular store before. There are two policemen sitting out there, and they are saying, "You know, why did that particular person, why did GEORGE SANGMEISTER stop at that particular store? You know, they have been selling drugs out of that store. There is a possibility that is exactly what he is doing, that he stopped there for."

So they say, "Should we go get a warrant and present this to a magistrate and go in and search GEORGE SANGMEISTER's home?" No, they do not say that. They say, "Hey, under this new law we have the good-faith amendment under warrantless searches." So rather than going to a magistrate and explaining this and getting a warrant, what they simply do is they say, "Let's take our chances. Let's bust into GEORGE SANGMEISTER'S home. Let's search it. If we find drugs, great; but if we don't find drugs, so what? Sorry, Mr. SANGMEISTER. We're sorry that we broke into your home and made the search."

Is this what we want in this country? I doubt it very much. Let us protect the fourth amendment.

Mr. McCOLLUM. Mr. Chairman, I yield my remaining 1½ minutes to the gentleman from California [Mr. CAMPBELL].

Mr. CAMPBELL of California. Mr. Chairman, the best examples are those taken from actual cases. Here is one that the fifth circuit dealt with in DeLeon Reyna. The police officer calls in the wrong license plate number. It says "M" instead of "N". It turns out the wrong license plate number is of an automobile owned by a felon. They search it. They find 1,200 pounds of cocaine. That is a good-faith mistake. Nobody intended to break into the car of an innocent person. It is not like the example of my good friend and respected colleague, the gentleman from Illinois, who would never ever come under any reasonable suspicion; but it is a mistake by a police officer in good faith. A couple points that have been debated earlier should really be corrected. It is not as though 10 circuits have held against the gentleman from Florida [Mr. McCOLLUM] and only two in favor. Only four circuits have even considered it, and they are evenly split, two in favor, two the other way. In fact, the State of Maryland actually tips the balance so that there are more jurisdictions that hold the good-faith exception than hold the contrary.

Lastly, please distinguish between what the Constitution requires and what is good police work. The Constitution requires that there be no unreasonable searches and seizures, but when they occur the question is, did the officer intend it? If the officer did not intend it, you serve no function by keeping out evidence that could otherwise lead to the conviction of somebody who was guilty.

Where, however, you do have a misact, an intentional misact, evidence should stay out.

In conclusion, Mr. Chairman, this is not violative of the fourth amendment. The Constitution has only been read in this way since the 1960's applicable to State courts; hence it is not offensive to the Constitution. It is good law enforcement.

Mr. EDWARDS of California. Mr. Chairman, I yield 1 minute to the gentleman from Michigan [Mr. HERTEL].

Mr. HERTEL. Mr. Chairman, you know, sometimes you really cannot believe your ears, and sometimes people try to have it both ways.

Now, the other side has argued in favor of this amendment that years ago activist judges passed this rule. But then I hear another Member from the other side say that we really should pass this amendment because one appellate court ruled that this was proper, that this amendment should be adopted.

Mr. Chairman, you cannot have it both ways. You cannot say you are against activists courts, that we should do what the appellate court did.

We went on to say that we should do it before the Supreme Court agrees with the appellate court, and not let the Supreme Court make the laws, but we should take the responsibility for making the laws, not try to have it both ways and have one speaker say he does not like an activist court, the other says to follow the appellate courts.

I mean, it is a very circular argument to be made. We have the responsibility not only to make the laws, but to protect the Constitution. We took an oath. This is America. People should have to have warrants.

Mr. Chairman, let us vote down the amendment.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from Florida [Mr. McCOLLUM].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. McCOLLUM. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 247, noes 165, answered "present" 1, not voting 20, as follows:

[Roll No. 320]

AYES—247

Alexander
Allard
Andrews (NJ)
Andrews (TX)
Anthony
Applegate
Archer
Armey
Aspin
Bacchus
Baker
Ballenger
Barnard
Barrett
Barton
Bateman
Bennett
Bentley
Bereuter
Bevill
Bilbray
Bilirakis
Bliley
Boehlert
Boehner
Borski
Brewster
Broomfield
Browder
Bunning
Burton
Byron
Camp
Campbell (CA)
Campbell (CO)
Carper
Chandler
Chapman
Clement
Clinger
Coble
Coleman (MO)
Combest
Condit
Cooper
Coughlin
Cox (CA)
Cramer
Crane
Cunningham
Darden
Davis
DeLay
Dickinson
Dooley
Doolittle
Dornan (CA)
Dreier
Duncan
Dwyer
Edwards (OK)
Edwards (TX)
Emerson
English
Erdreich
Ewing
Fawell
Fields
Fish
Frank (MA)
Franks (CT)
Gallegly
Gallo
Gekas
Geren
Gilchrest
Gillmor
Gilman
Gingrich
Gordon
Goss
Gradison
Grandy
Green
Guarini
Gunderson
Hall (TX)
Hamilton
Hammerschmidt
Hancock
Hansen
Harris
Hastert
Hatcher
Hayes (LA)
Hefley
Hefner
Henry
Herger
Hobson
Houghton
Hubbard
Hunter
Hutto
Hyde
Inhofe
Ireland
Jacobs
James
Jenkins
Johnson (CT)
Johnson (SD)
Johnson (TX)
Jones (NC)
Kanjorski
Kaptur
Kasich
Klug
Kolbe
Kolter
Kyl
Lagomarsino
Lancaster
LaRocco
Laughlin
Leach
Lent
Lewis (CA)
Lewis (FL)
Lightfoot
Livingston
Lloyd
Long
Lowery (CA)
Luken
Machtley
Marlenee
Martin
Mazzoli
McCandless
McCollum
McCrery
McCurdy
McDade
McEwen
McGrath
McMillan (NC)
Meyers
Michel
Miller (OH)
Miller (WA)
Molinari
Montgomery
Moorhead
Moran
Morrison
Murtha
Myers
Nichols
Nussle
Oxley
Packard
Pallone
Parker
Patterson
Paxon
Payne (VA)
Penny
Peterson (FL)
Peterson (MN)
Petri
Pickle
Porter
Price
Pursell
Quillen
Rahall
Ramstad
Ravenel
Ray
Reed
Regula
Rhodes
Richardson
Ridge
Riggs
Rinaldo
Ritter
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Rowland
Santorum
Sarpalius
Saxton
Schaefer
Schiff
Schulze
Sensenbrenner
Sharp
Shaw
Shays
Shuster
Sisisky
Skeen
Skelton
Smith (FL)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stallings
Stearns
Stenholm
Stump
Sundquist
Swett
Tallon
Tauzin
Taylor (MS)
Thomas (CA)
Thomas (GA)
Thomas (WY)
Thornton
Traficant
Upton
Valentine
Volkmer
Vucanovich
Walker
Walsh
Weber
Weldon
Wolf
Wyden
Wylie
Yatron
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—165

Abercrombie
Ackerman
Anderson
Andrews (ME)
Annunzio
Atkins
AuCoin
Beilenson
Berman
Bonior
Boucher
Brooks
Brown
Bruce
Bryant
Cardin
Clay
Coleman (TX)
Collins (IL)
Collins (MI)
Conyers
Costello
Cox (IL)
Coyne
de la Garza
DeFazio
DeLauro
Dellums
Derrick
Dicks
Dingell
Dixon
Donnelly
Dorgan (ND)
Downey
Durbin
Dymally
Early
Eckart
Edwards (CA)
Engel
Espy
Evans
Fascell
Fazio
Feighan
Flake
Foglietta
Ford (TN)
Frost
Gejdenson
Gephardt
Gibbons
Glickman
Gonzalez
Hall (OH)
Hayes (IL)
Hertel
Hoagland
Hochbrueckner
Horn
Horton
Hoyer
Hughes
Jefferson
Johnston
Jones (GA)
Jontz
Kennedy
Kennelly
Kildee
Kleczka
Kopetski
Kostmayer
LaFalce
Lantos
Lehman (CA)
Lehman (FL)
Levin (MI)
Lewis (GA)
Lipinski
Lowey (NY)
Manton
Markey
Mavroules
McCloskey
McDermott
McHugh
McMillen (MD)
McNulty
Mfume
Miller (CA)
Mineta
Mink
Moakley
Mollohan
Moody
Morella
Murphy
Nagle
Natcher
Neal (MA)
Neal (NC)
Nowak
Oakar
Oberstar
Obey
Olin
Olver
Ortiz
Orton
Owens (NY)
Owens (UT)
Panetta
Pastor
Payne (NJ)
Pease
Pelosi
Perkins
Pickett
Poshard
Rangel
Roe
Rose
Rostenkowski
Roybal
Russo
Sabo
Sanders
Sangmeister
Savage
Sawyer
Scheuer
Schroeder
Schumer
Serrano
Sikorski
Skaggs
Slattery
Slaughter (NY)
Smith (IA)
Solarz
Spratt
Staggers
Stokes
Studds
Swift
Synar
Tanner
Taylor (NC)
Torres
Torricelli
Towns
Unsoeld
Vento
Visclosky
Washington
Waters
Weiss
Wheat
Williams
Wilson
Wise
Wolpe
Yates

ANSWERED "PRESENT"—1

Goodling

NOT VOTING—20

Boxer
Bustamante
Callahan
Carr
Dannemeyer
Ford (MI)
Gaydos
Holloway
Hopkins
Huckaby
Levine (CA)
Martinez
Matsui
Mrazek
Slaughter (VA)
Stark
Traxler
Vander Jagt
Waxman
Whitten

☐ 1715

The Clerk announced the following pair:

On this vote:

Mr. HUCKABY for, with Mr. LEVINE of California against.

Mr. DICKS and Mr. MOAKLEY changed their vote from "aye" to "no."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Mr. DINGELL. Mr. Chairman, H.R. 3371, the Omnibus Crime Control Act of 1991, contains many important provisions to prevent and punish crime in this country. One important part of this bill is a proposal that I, along with my colleague, the chairman of the Judiciary Committee, introduced earlier this year to make it a Federal crime to defraud an insurance company. I believe that this new statute will help prevent many of the serious crimes perpetrated by some unscrupulous individuals in the interstate insurance arena.

This provision, which is now section 1301 of the crime bill, is the result of 3 years of hearings conducted by the Energy and Commerce Subcommittee on Oversight and Investigations. These hearings demonstrated that the enforcement of insurance laws and regulations is one of the weakest links in the present insurance regulatory system. States apparently are not collecting adequate information, investigating wrongdoing, or taking legal action against the perpetrators of insurance fraud even when an insolvency results from that fraud. Statutory penalties and remedies also seem out-of-step with the realities of today's insurance market and the interstate and international nature of the business of insurance in today's marketplace. With little fear of meaningful administrative sanctions or criminal prosecution, there is no Federal deterrent for most complex insurance fraud schemes.

The purpose of this insurance fraud provision is to establish strong Federal criminal and civil penalties for fraud against insurance companies doing business in interstate commerce. For 3½ years, the Energy and Commerce Subcommittee on Oversight and Investigations conducted investigations and hearings on the insurance industry. In February 1990, the subcommittee focused public attention on the need for Federal criminal legislation with its report, "Failed Promises." In this report, the subcommittee examined four major insurance company failures and concluded that existing State remedies were ineffective against the fraudulent behaviors that drove these companies into insolvency:

> [M]ost people involved with obvious wrongdoing at insolvent insurance companies simply walk away with no real investigation of their activities. Many of them continue to be active in the insurance business.

The subcommittee also found that:

> Federal enforcement efforts are greatly restricted because looting an insurance company is not itself a Federal crime, and the 5-year statute of limitations on mail and wire fraud has often run before a case can be successfully developed.

Based on this record, Chairman BROOKS and I introduced the insurance fraud bill, H.R. 3171, the provisions of which are now contained in section 1301 of this crime bill.

The Dingell-Brooks proposal amends title 18 of the United States Code by adding two new sections to the title and amends to existing statutes to provide adequate enforcement against insurance fraud.

New section 1033 establishes specific Federal crimes and strong penalties for willful and material insurance fraud. This section contains five subsections. Subsection (a) would make it a Federal crime to file fraudulent statements with insurance regulators for the purpose of influencing the regulators' decisions. Subsection (b) would make it a Federal crime to embezzle or misappropriate insurance company money, funds, premiums, or credits. Subsection (c) would make it a Federal crime to falsify company records or to deceive its policyholders and creditors about the financial states of an insurance company. Subsection (d) would make it a Federal crime to obstruct the proceedings of insurance regulatory authorities. Subsection (e) would prevent those who have committed felony involving dishonesty from engaging in the business of insurance for 5 years.

New section 1034 would authorize the Attorney General to bring a civil action for a money penalty against any person who has violated the provisions of new section 1033. This provision also authorizes injunctive relief to prevent continuing conduct that violates section 1033. Under section 1034, any civil fines for violations of section 1033 would, if the violation contributed to the insolvency of the insurance company, affected by the violations, be remitted to the appropriate State regulator for the benefit of the policyholders, claimants, and creditors of that insurance company. This provision will ensure that those harmed by these fraudulent acts will be made whole to the maximum extent possible.

Finally, the provision also makes several miscellaneous amendments to other enforcement provisions of title 18. Among these is the adoption of a 10-year statute of limitations for offenses committed under section 1033. This provision reflects the conclusion of "Failed Promises" that more effective deterrence, detection, and punishment of those who perpetrate insurance fraud is critical to safeguarding the solvency of the insurance companies on which American policyholders rely.

There are a few parts of the insurance fraud provision that may benefit from further explanation as to the intent of Congress in enacting them.

Section 1033(a)(1) would make it a Federal crime to file material statements and reports with insurance regulators or to make overvaluations of land, property, or securities that are filed with regulators in an attempt to influence their decisions. This subsection incorporates that the false statements must be material to constitute an offense. This is intended to clarify that this subsection applies only to those statements or reports that are materially false in the sense that the statement could reasonably be expected to make a difference in the actions that the regulator takes in reliance on the statement. For example, in the securities context, a material fact is one that could reasonably be expected to cause or to induce person to invest or not to invest, *TSC Industries* v. *Northway, Inc.,* 426 U.S. 438, 449 (1976). See also *United States* v. *Palolicelli,* 505 F.2d 971, 973 (4th Cir. 1974). Similarly, under this subsection, a material fact is one that could reasonably be expected to lead an insurance regulator to take an official action.

In addition, the concept of materiality is embodied in the subsection (a) prohibition of overvaluations of land, property, and securities. This prohibition focuses on acts—that is, overvaluations—that, by their very nature, involve elements of individual, subjective judgment. By employing the higher standard that the overvaluation be willful is order to constitute an offense under this subsection, it is intended, as is the case under this subsection with false statements, to incorporate the concepts of materiality described above. In fact, under the proposed statute, both the overvaluation offense and the false statement offense specifically require that they be done for the purpose of influencing the actions of regulatory officials in order to constitute an offense.

Section 1033(b)(1) makes the willful embezzlement or misappropriation of money or funds an offense punishable by up to 15 years in prison. A statute that requires an act to be willful in order to constitute a crime always requires that the necessary intent to commit the act and to violate the laws exist for the act to constitute a violation. Therefore, although it need not be stated in this provision because of the nature of the prohibited acts, "intent to defraud" is an essential element of any offense under this subsection.

Finally, section 1033(e)(1)(A) would exclude from the business of insurance those who have been convicted of any criminal felony involving dishonesty or breach of trust. The term "convicted" is intended to mean a conviction which is final and for which all direct appeals have been exhausted or waived or for which the time in which to file such appeals has lapsed. See, for example, *Martinez-Montoya* v. *INS,* 904 F.2d 1018 (5th Cir. 1990); in re Ming, 469 F.2d 1352 (7th Cir. 1972) and *State* v. *Bridwell,* 592 F.2d 520 (Okla. 1979).

Prosecution, conviction, and incarceration have proven to be very effective in deterring white collar crime, yet most people involved in recent cases of obvious wrongdoing at insolvent insurance companies simply walk away with no real investigation of their activities. Many of them continue to be active in the insurance business. It is clear that the current criminal statutes and penalties are inadequate to deal with this fraudulent activity, and that there are insufficient resources being devoted to criminal enforcement of insurance fraud at the State level.

I would like to note that the National Association of Insurance Commissioners, the National Conference of State Legislators, the National Association of Casualty & Surety Agents, the National Association of Professional Insurance Agents, and the National Association of Mutual Insurance Companies have all called for a Federal criminal statute to help insurance regulators deal with the interstate and sometimes international nature of many insurance fraud schemes that drive insurance companies into insolvency.

Insurance is truly an interstate and international business and abuse of insurance companies has also become interstate and, in some cases, international. This new Federal insurance fraud prevention bill will be a strong enforcement tool to bring a stop to criminal fraud in the business of insurance.

I want to thank my colleague, Chairman BROOKS, and the Judiciary Committee for including this insurance fraud provision in H.R. 3371, and I urge its enactment by the House.

Mr. ANDREWS of Texas. Mr. Chairman, during every trip I have made to my district recently, I have been besieged with questions about what Congress can do to help control the plague of violent crime that has descended upon Houston and other cities across the Nation. Twenty-one people were murdered in my hometown over the weekend last month. Another eight were murdered just last night, bringing the total number of homicides this year to 527. And yesterday, there was a drive-by shooting at Sparks Elementary School in Pasadena where my district director's wife is a teacher. A gunman in a speeding car opened fire on the crowded playground during recess, wounding a 7-year-old boy.

You may also recall that the Houston Police recently took a 3-year-old girl into custody for selling crack. Two 10-year-olds have also been arrested for the same offense.

This situation is intolerable. I don't know how this blatant disregard for human life has come about, but I do know that the people of Houston have had enough of it. They are tired of fearing for their lives while they are putting gas in their cars at 9:30 at night. They are tired of watching convicted criminals go through the revolving doors of our State and local prisons. And they certainly are not going to allow elementary school playgrounds to become shooting galleries where their children provide moving targets for psychopaths.

Since I have been in Congress, we have passed at least four crime control bills and still the problem continues to escalate. When residents of Houston ask me what Congress is doing to help them, I wish I had a better record to point to. This year, we need to enact a truly effective crime bill that will make some real changes in our system.

We must act to prevent convicted defendants from getting their convictions overturned on simple technicalities. We need to create a good faith exception to the rule that excludes evidence from a trial because of inadvertent mistakes. As a former prosecutor, I saw this problem occur again and again. Law enforcement officers make a minor technical error and the whole case is thrown out of court, despite overwhelming evidence of guilt and unanimous jury convictions. We continue to allow guilty criminals to go free, not because they are innocent, but because of minor technical errors. The punishment is inflicted not on guilty criminals, but on the law abiding American public. I find this outrageous and I think the people of Houston would agree.

It is also time to streamline the Federal habeas corpus process to prevent death row inmates from filing repeated appeals that cause unnecessary delays and hopelessly clog our judicial system. The present system of multilayered State and Federal death penalty appeal leads to repetitious litigation and years of delay before cases are finally resolved. It is absolutely essential that we resolve cases quickly and make punishment swift. The current system is no deterrent to crime.

Many elements of this bill are steps in the right direction. Ensuring punishment for young offenders, assisting local police forces with community beat programs, providing scholarships for young people who want to pursue careers in law enforcement, even organizing midnight basketball programs to keep young people off the streets at night, can help us prevent crime.

But only when we pass a strict anti-crime bill that unclogs our courts and ensures that guilty criminals are punished—with certainty and swiftness—can we hope to slow the senseless, violent killings that plague our cities. Only then can we help innocent residents in our cities in our districts regain control of their neighborhoods. Only then will people stop fearing for their lives and safety—for themselves and their children. Only then can we hope to stop the criminal insanity that now haunts our lives.

Mr. FASCELL. Mr. Chairman, I rise in support of Chairman WAXMAN's amendment to H.R. 3371, the Omnibus Crime Act of 1991, which would make $50,000,000 from the Department of Justice Assets Forfeiture Fund available for the purpose of supporting trauma care services provided by local nonprofit hospitals. This amendment would help defray the uncompensated costs incurred by trauma centers in those areas severely impacted by drug-related violence.

Law enforcement is only one of several necessary responses to the drug crisis. Since the actual drug war is not being fought in the halls of the Justice Department, but in the streets and alleys of our local neighborhoods, it is imperative that steps be taken to improve this face of our national dilemma. The people out in the streets are the victims of this war. They are the ones being wounded and killed, and they need help. In addition, in these field hospitals of the drug war, drug-related trauma cases often crowd out other trauma patients and cases frequently involving indigents. Community coffers are depleted while community health deteriorates.

All of us in this Chamber are aware of the toll this violence is taking on Americans in all walks of life. From bustling urban areas to small towns, illicit drug use and its related violence has worked its way into the core of our communities, causing suffering for many, and placing new demands on the law-enforcement community and health care providers.

In my hometown of Miami, Jackson Memorial Hospital, a nonprofit facility, is charged with providing medical care for all who need it, regardless of an individual's financial status. For years, Jackson Memorial has filled this void admirably. Now, however, this facility is faced with the very real possibility of not being able to meet the needs of our community's trauma patients.

Our Nation's local, State and Federal law-enforcement professionals are getting more financial support than ever to win the war they wage against the dealers of death. The Waxman amendment simply provides modest financial support for those who pickup the pieces after the battle is done.

Mr. Chairman, Chairman Waxman's amendment is a ray of hope for Jackson Memorial and many other trauma care providers across the country. We cannot afford to see one more trauma unit closed due to a lack of funds and we need to remember that when such a facility closes, it is not just the victim of a drug-related violent crime who loses but, rather, all individuals needing sudden, lifesaving trauma care. For this reason, I urge our colleagues to act to ensure that their communities not face such a tragic scenario by voting for the Waxman amendment.

Mr. CUNNINGHAM. Mr. Chairman, I rise in strong support of the Volkmer amendment and in strong opposition to title 20 of the bill. In its current form, H.R. 3371 is nothing less than a wholesale assault on the second amendment.

Now, proponents of the bill claim that title 20 will do nothing to the law-abiding citizen or sportsman. Let's set the record straight.

The limitation of magazines to seven rounds will affect a wide variety of firearms, from the old M–1 to many semiautomatic pistols.

The current wording of the bill is designed to include practically every internal and external feature in practically every firearm, rifle, shotgun, and pistol.

Proponents claim that this language will affect only assault weapons. Well, Mr. Speaker, there's no such thing.

Assault weapons is a misnomer. They are not the weapons of choice for criminals.

The Bureau of Alcohol, Tobacco, and Firearms analysis shows that only one so-called assault weapon was traced in a narcoterrorism crime in 1989. Only one so-called assault weapon was confiscated by the Washington Police Department in the first quarter of 1989. The San Diego Police Department only confiscated two so-called assault weapons in the last year.

Mr. Chairman, guns or assault weapons aren't the problem. The problem is crime. Title 20 of the bill won't affect the criminal. We already know that.

It will, however, deprive millions of Americans of their constitutional right to keep and bear arms. Make no mistake, title 20 will affect the sportsman, the hunter, the target shooter, and the law-abiding citizen who wants to protect his home and family.

Mr. Chairman, let's get tough on crime, not the law-abiding citizen. Let's enact tough penalties for those who abuse the second amendment and use a firearm in the commission of a crime. But let's not assault the second amendment. I urge my colleagues to support the Volkmer amendment.

Ms. PELOSI. Mr. Chairman, I rise in support of Representative SCHUMER'S provision in the crime bill that would ban semiautomatic assault weapons.

As a sign of how bad the situation in our cities has become, pre-school teachers report that 4-year-old children, in school for the first time, when hearing a balloon pop cry out "drop, drop" and fall to the floor.

Assault weapons are weapons of war. Uzi's, street sweepers, and bullet feeders are being used for mass assault. Why would we condone this type of destruction on the streets of America?

At a time when we are intent on controlling weapons throughout the world, we are allowing the proliferation of weapons of destruction in our own neighborhoods. Drive-by shootings, outgunned police officers, and crowds sprayed with bullets are to our neighborhoods the equivalent of Scud missiles.

Assault weapons are used to kill, not to threaten. These weapons are an invitation to violence. H.R. 3371 will not make assault weapons disappear from our streets, but it will take a step toward restricting these weapons of violence. Let us vote today in favor of the assault weapon ban included in H.R. 3371 and take the important and logical step toward reducing the violence these weapons breed.

We cannot have a war on crime if the enforcers of crime laws are confronted with overpowering firepower.

I urge my colleagues to support this ban.

Mr. GEJDENSON. Mr. Speaker, Mr. Chairman, earlier today I had an interesting discussion with the distinguished gentleman from New York, the chairman of the Subcommittee on Crime, Mr. SCHUMER, regarding the language of title XX, subtitle B. I asked the distinguished chairman whether I was correct that the intent of the committee's language regarding assault weapons is not to restrict semiautomatic rifles which have been modified for sporting purposes.

Mr. SCHUMER informed me that I was in fact correct. He added that it is the intent of the legislation that if a weapon has been changed so as to alter its configuration by reducing its capacity, removing features characteristic of assault weapons, or modifying its functional parts so as to limit their operations, it is a different weapon and should not be construed as a copy of an assault weapon, and therefore is not prohibited by this bill.

I further sought and obtained assurances from Mr. SCHUMER that the availability of semiautomatic rifles to collectors and sportsmen for hunting, target shooting, or other competitions would not be impeded by this legislation.

Mr. STOKES. Mr. Chairman, I rise in opposition to H.R. 3371, the Omnibus Crime Control Act of 1991. While this bill includes several provisions I support as independent measures, I am particularly concerned over provisions in the bill addressing the Federal death penalty and the exclusionary rule.

Let me acknowledge the leadership of my colleague Congressman JACK BROOKS, who has not had an easy task fashioning this legislation. Although I do not support the bill in its current form, he is to be commended for addressing in H.R. 3371 some critical issues facing our Nation.

Mr. Chairman, the inclusion of the Federal death penalty in H.R. 3371 for more than 50 Federal death penalty offenses is alarming. Many of the offenses included raise grave constitutional concerns. H.R. 3371 would apply the death penalty to crimes not requiring an intentional killing, but merely reckless behavior. The imposition of the Federal death penalty for leaders of enterprises trafficking drugs in large amounts, or the so-called kingpin provision, is patently unconstitutional, because it would apply the ultimate penalty for a crime that does not involve an intent to commit murder. Furthermore, such a standard is open to far too broad an interpretation by juries.

Moreover, I am concerned that the "Good Faith" exception to the exclusionary rule in H.R. 3371, would codify the Supreme Court's 1984 decision rendered in *United States* v. *Leon,* 468 U.S. 897 (1984). The exclusionary rule was first adopted for Federal cases by the Supreme Court in 1914 and extended to State actions nearly half a century later. The rule helps prohibit the use of evidence that was illegally obtained from being used in a court of law. The adoption of the "Good Faith" exception to the rule would grievously infringe upon an individuals right to be free from unreasonable search and seizure.

The fourth amendment of our U.S. Constitution and the exclusionary rule serve as tools of protection, assuring an individual's right from unlawful search and seizure. Moreover, the exclusionary rule prohibits the use of evidence obtained by officers acting upon a search warrant later found to be unsupported by probable cause. Mr. Speaker, the "Good Faith" exception would yield way to blatant disregard for the requirement of specificity when obtaining a search warrant and would, in itself, become "the fruit of the poisonous tree."

I commend the members of the House Committee on the Judiciary for the inclusion of the measure barring execution of prisoners who demonstrate that their death sentence was imposed because of racial discrimination. Sentencing history of the death penalty shows that its imposition has generally been arbitrary, capricious, and racially biased. The Department of Justice, Bureau of Justice Statistics reported recently that African-Americans account for 40 percent of all prisoners awaiting death penalties. This percentage is three times greater than the black population as a whole, which according to the 1990 census report was only 12.1 percent.

Mr. Chairman, H.R. 3371 contains many other meritorious provisions including the Fairness in Sentencing Act, the habeas corpus reform measures, the police brutality provisions, the various grant programs for safe schools and alternatives to incarceration for youthful offenders.

Unfortunately, I cannot support the bill in its current form, because it violates the basic rights of American citizens. I urge my colleagues to join me in opposing H.R. 3371.

Ms. DELAURO. Mr. Chairman, I rise to oppose the amendment, and to express my strong support for the ban on assault weapons.

It is my understanding that only the 13 assault weapons on the list, and weapons which are deemed copies of those guns, would be banned. This provision would have no effect on sportsmen who use semiautomatic rifles for hunting, target practice, or sporting competitions.

Further, it is my understanding that the word "copy" is defined as a weapon with a similar capacity and configuration to a banned assault weapon. That definition should be followed.

Mr. BROOKS. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. SPRATT) having assumed the chair, Mr. SKAGGS, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 3371) to control and prevent crime, had come to no resolution thereon.

PERSONAL EXPLANATION

Mr. DANNEMEYER. Mr. Speaker, I was unavoidably absent from the House floor during roll call vote numbered 320. Were I present, I would have voted "aye."

PERMISSION TO HAVE UNTIL MIDNIGHT FRIDAY, OCTOBER 18, 1991, TO FILE CONFERENCE REPORT ON H.R. 2686, DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 1992

Mr. YATES. Mr. Speaker, I ask unanimous consent that the managers may have until midnight tomorrow, Friday, October 18, 1991, to file a conference report on the bill (H.R. 2686) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1992, and for other purposes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

PERMISSION FOR COMMITTEE ON APPROPRIATIONS TO FILE PRIVILEGED REPORT ON DIRE EMERGENCY SUPPLEMENTAL APPROPRIATIONS AND TRANSFERS

Mr. YATES. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations may have until midnight tonight, Thursday, October 17, 1991, to file a privileged report on a bill making dire emergency supplemental appropriations and transfers for relief from the effects of natural disasters, for other urgent needs, and for incremental costs of Operation Desert Shield/Desert Storm for the fiscal year ending September 30, 1992, and for other purposes.

Mr. MCDADE reserved all points of order on the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

LEGISLATIVE PROGRAM

(Mr. MICHEL asked and was given permission to address the House for 1 minute.)

Mr. MICHEL. Mr. Speaker, I ask for this 1 minute for the purpose of inquiring of the distinguished majority leader the program for the balance of this week and next week.

Mr. GEPHARDT. Mr. Speaker, will the gentleman yield?

Mr. MICHEL. Mr. Speaker, I am happy to yield to the distinguished majority leader.

Mr. GEPHARDT. Mr. Speaker, I first say that the business is finished for today. There will not be further votes today. There will not be votes tomorrow.

Monday, October 21, the House will meet at noon to consider three suspensions, but the recorded votes on the suspensions will be postponed until Tuesday, October 22. So, there will not be votes on Monday.

We will be taking up House Concurrent Resolution 197, urging the Secretary-General of the United Nations to develop plans to respond to disasters; House Resolution 116, urging the President to complete the review of the Convention on the Elimination of all Forms of Discrimination Against Women, and H.R. 1885, Limited Partnership Rollup Reform Act.

On Tuesday, October 22, the House will meet at noon to begin again consideration of H.R. 3371, the Omnibus Crime Control Act of 1991, and we would like to complete consideration of the bill that day, and that may mean that we will be here voting late on that day, Tuesday.

On Wednesday, October 23, and the balance of the week, the House will meet at 10 a.m., first on H.R. 2650, the Intermodal Surface Transportation Infrastructure Act of 1991, subject to a rule; House resolution on the dire emergency supplementals, domestic disaster assistance, and incremental costs of Operation Desert Shield/Desert Storm, subject to a rule, and then conference reports can be expected on the Interior and related agencies appropriations for fiscal year 1992; Labor, Health and Human Services appropriations for fiscal year 1992; the foreign assistance authorization for fiscal year 1992 and 1993 conference report, and then on the further continuing resolution for fiscal year 1992, subject to a rule.

Obviously other conference reports can be brought up at any time.

□ 1720

Mr. Speaker, I think that Members should keep in consideration the fact that we would meet and have votes on Friday, depending upon the state of the bills that I have outlined. We are getting close to the period of Thanksgiving. We would like to finish this first session of this Congress, and I think Members could expect from now forward that we are likely to work a number of Fridays and Mondays in order to get our work completed.

Mr. Speaker, I would like to ask the gentleman about Monday. During the last few days we have had various motions brought up on conferences that have caused votes, and obviously we want to assure Members, if we are saying that there are not going to be votes on Monday, that there not be votes on Monday. So I would like to ask the gentleman if there are any plans on his side to offer any motions on conferences or other things that would cause votes, because we want to make sure that if we tell Members there will not be votes, there will not be votes on Monday.

Mr. MICHEL. Mr. Speaker, may I say that from my personal point of view right at the moment, I know of none, but let me yield to my deputy whip here and get some expression from him on that subject.

Mr. WALKER. Mr. Speaker, I thank the gentleman for yielding.

I know of none either. The motions that we have had were relative to the Interior appropriation bill which has now been filed. It is my understanding that that will not come to the floor until Thursday. That being the case, I do not anticipate that there would be any further action on that, and we would hope that it would be held until Thursday because there is some effort to try to find out whether that might inspire some opposition. But I do not anticipate anything that would take place on Monday.

Mr. Speaker, may I ask a question as well?

Mr. GEPHARDT. Yes.

Mr. WALKER. One thing that I did not hear on the schedule was any mention of the President's unemployment bill coming up in hopes that we could in fact move something that is signable. In fact, I heard nothing about any unemployment bill one way or the other.

Is there any kind of anticipation that a signable unemployment bill could be brought to the House floor any time next week?

Mr. GEPHARDT. Mr. Speaker, if the gentleman will yield, there is the possibility of movement on an unemployment bill. We do not know that at this point. We will obviously give notice, and there will be activity on the Rules Committee at the earliest possible moment if that is the case.

Mr. MICHEL. Mr. Speaker, I might say that the Secretary of Labor called me this afternoon, and it is my understanding she was certainly going to call the majority leader and the Speaker and other leaders on both sides of the Capitol with a view toward trying to work out some compromise that might be acceptable to the President. I think it is certainly within the realm of possibility that we would do that, so the question of the gentleman from Pennsylvania is, I think, well put, and obviously if we are going to be here all next week, we might very well have the opportunity behind the scenes to work up something that will be acceptable. I would hope that we could do that.

Mr. Speaker, does that complete the program?

Mr. GEPHARDT. It does, Mr. Speaker, and I thank the gentleman for yielding.

ADJOURNMENT UNTIL MONDAY, OCTOBER 21, 1991

Mr. GEPHARDT. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at noon on Monday next

The SPEAKER pro tempore (Mr. CARPER). Is there objection to the request of the gentleman from Missouri?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. GEPHARDT. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday Rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF HOUSE RESOLUTION 194

Mr. BENNETT. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of House Resolution 194.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

ANNOUNCEMENT OF RULES COMMITTEE PROCEDURES WITH RESPECT TO CONSIDERATION OF H.R. 2950, THE INTERMODAL SURFACE TRANSPORTATION INFRASTRUCTURE ACT OF 1991

(Mr. MOAKLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MOAKLEY. Mr. Speaker, I rise today to notify Members of the Rules Committee's plans with respect to H.R. 2950, the Intermodal Surface Transportation Infrastructure Act of 1991.

The Rules Committee plans to meet Tuesday, October 22, to take testimony on the bill. To assure fair consideration, the Rules Committee is considering a rule that may structure offering of amendments.

Mr. Speaker, any Member who contemplates offering an amendment to H.R. 2950 should submit 55 copies of the amendment by 5 p.m. on next Monday, October 21. The committee offices are in H-312 in the Capitol.

It is my understanding, Mr. Speaker, that the Public Works Committee introduced a bill, H.R. 3566, last night and that copies of the bill are available in the House Document Room.

It is expected that the Public Works and Ways and Means Committees will ask that the text of H.R. 3566 be considered as original text for the purposes of amendment. Members wishing to offer amendments to this legislation should draft their amendments to the text of H.R. 3566.

Mr. Speaker, I have sent a "Dear Colleague" letter to all offices explaining our intentions on this bill. We appreciate the cooperation of all Members in our effort to be fair and orderly in granting a rule.

NATIONAL DOWN SYNDROME AWARENESS MONTH

Mr. MCNULTY. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the Senate joint resolution (S.J. Res. 131) designating October 1991 as "National Down Syndrome Awareness Month," and ask for its immediate consideration.

The Clerk read the title of the Senate joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

Mrs. MORELLA. Mr. Speaker, reserving the right to object, I yield to the gentleman from New York [Mr. GILMAN], who is the ranking member of the Committee on Post Office and Civil Service.

Mr. GILMAN. Mr. Speaker, I thank the gentlewoman for yielding.

Mr. Speaker, I rise in support of House Joint Resolution 228, a joint resolution designating October 1991 as "National Down Syndrome Awareness Month." I commend the gentleman from Massachusetts [Mr. MAVROULES] for introducing this important measure.

Down syndrome is a chromosomal disorder which can cause delays in physical and intellectual development. To date, the cause and prevention of Down syndrome are unknown. The incidence of Down syndrome in the United States is approximately 1 in every 800–1,000 live births. Even more alarming than the number of babies afflicted with this disorder, is the fact that one-quarter million families in the United States are affected by Down syndrome.

Mr. Speaker, advances have been made to improve the quality of Down syndrome's lives. There is a wide variation in mental abilities, behavior, and physical development in individuals with Down syndrome. Programs have been developed to educate new parents of babies with Down syndrome, to develop special education classes within mainstreamed programs in schools, to provide for vocational training in preparation for entering the work force, and to prepare young adults with Down syndrome for independent living in the community.

I would like to take this opportunity to commend the actor from "Life Goes On," Christopher Burke, who has shown us that people who are afflicted with Down syndrome can lead a normal life, when they receive the love, patience, and guidance they so desperately deserve. Christopher Burke is an inspiration to all of those who are among the quarter million families affected by Down syndrome, as well as those wanting to see these wonderful individuals live a happy life.

National Down Syndrome Month will promote public awareness and a better understanding of Down syndrome. Hopefully, this measure will help alleviate the past stigmas attached to Down syndrome.

Mr. Speaker, it is time for us to work together to provide needed training, jobs and support services for those with Down syndrome and their families. By supporting this measure, we will not only promote greater awareness of this disorder, but we will help pave the way for a brighter future for these Americans.

Mrs. MORELLA. Mr. Speaker, I thank the gentleman from New York [Mr. GILMAN] for his very appropriate statement about National Down Syndrome Awareness Month, and I join in commending the chief sponsor of this joint resolution, the gentleman from

Massachusetts [Mr. MAVROULES], and the chairman of our full Committee on Post Office and Civil Service.

I would call the attention of the House to the fact that about 4,000 babies are born every year with Down syndrome, and we have much to learn about it. They can grow up and lead fully productive lives.

So, Mr. Speaker, I commend this joint resolution to the attention of the body.

Mr. McNULTY. Mr. Speaker, if the gentlewoman will yield, I, too, wish to express my very strong support for the joint resolution, and I commend the sponsor, the gentleman from Massachusetts [Mr. MAVROULES].

Mrs. MORELLA. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 131

Whereas a more enlightened attitude has emerged during the past 15 years in the care and training of the developmentally disabled;

Whereas one disability which has undergone considerable reevaluation is Down syndrome;

Whereas approximately 4,000 babies are born with Down syndrome annually in the United States;

Whereas until recently, Down syndrome was stigmatized as a mentally and physically retarding condition, that required institutionalization and restricted its victims to lives of passivity;

Whereas remaining ignorance, prejudices, myths, and stereotypes regarding Down syndrome can be overcome only through increased awareness and education;

Whereas through the efforts of concerned physicians, teachers, and parent groups, such as the National Down Syndrome Congress and the National Down Syndrome Society, programs are being put into place to educate the parents of babies with Down syndrome, to develop special education classes for individuals with Down syndrome within mainstreamed school programs, to provide vocational training for individuals with Down syndrome in preparation for entering the workforce, and to prepare young adults with Down syndrome for independent living in the community;

Whereas the television medium has greatly augmented such efforts by casting actors with Down syndrome and offering programming that demonstrates to hundreds of thousands of viewers in a positive and educational manner the everyday, personal, and family effects of living with Down syndrome;

Whereas the cost of programs designed to help individuals with Down syndrome enter their rightful plae in society as productive citizens is a small fraction of the cost of institutionalization;

Whereas advancements in genetic research are also offering a brighter outlook for individuals born with Down syndrome; and

Whereas the many children with Down syndrome who attend regular schools, play on Little League teams, and enjoy basketball and golf demonstrate daily the success that people with Down syndrome are able to achieve: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That October 1991 is designated as "National Down Syndrome Awareness Month". The President is authorized and requested to issue a proclamation calling upon the people of the United States to observe the month with appropriate ceremonies and activities.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

NATIONAL RED RIBBON WEEK FOR A DRUG-FREE AMERICA

Mr. McNULTY. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the joint resolution (H.J. Res. 340) to designate October 19 through 27, 1991, as "National Red Ribbon Week for a Drug-Free America," and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore (Mr. CARPER). Is there objection to the request of the gentleman from New York?

Mrs. MORELLA. Mr. Speaker, reserving the right to object, I yield to the gentlewoman from Missouri [Ms. HORN], the chief sponsor of House Joint Resolution 340, to designate October 19, through 27, 1991, as "National Red Ribbon Week for a Drug-Free America."

Ms. HORN. Mr. Speaker, I would like to thank the gentlewoman from Maryland.

Mr. Speaker, the high rate of drug abuse by our young people troubles us all. While stiffer penalties for drug dealers and stepping up interdiction efforts can help, the only way we can truly keep our young people from drugs is through educational efforts.

In an effort to help these educational activities, I have introduced House Joint Resolution 340 to declare the week October 19 to 27, as "National Red Ribbon Week for a Drug-Free America." During this week communities and organizations all over America will display red ribbons to show their support for a drug-free America.

The National Red Ribbon Campaign and the National Federation of Parents are located in my district and they are planning large rallies and events and other activities in local schools in many communities throughout this country to highlight this week and to promote drug awareness among young people. These groups have members across the country and in almost every State.

Mr. Speaker, this resolution will help them in their efforts toward a goal I know we all share, making our schools and our communities drug free for the children of America.

Mrs. MORELLA. Mr. Speaker, continuing to reserve the right to object, it gives me pleasure now to yield to the ranking member of the Committee on Post Office and Civil Service, the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Mr. Speaker, I rise in support of House Joint Resolution 340, designating October 19 through October 27, 1991 as "National Red Ribbon Week for a Drug-Free America," and I want to commend the gentlewoman from Missouri [Ms. HORN] for her leadership in bringing this measure to the floor of the House for consideration.

House Joint Resolution 340 commends the hard work and dedication of concerned parents, youth, law enforcement officers, educators, business leaders, religious leaders, private sector organizations, and government leaders for their efforts to help achieve a drug-free America, and it encourages anti-drug activities to take place during National Red Ribbon Week. The resolution also encourages all Americans to ware or display red ribbons to symbolize their commitment to a healthy, drug-free lifestyle and to develop an attitude of intolerance to the use of drugs.

I can assure my colleagues that this resolution, which I am pleased to have cosponsored, represents an additional effort to raise the public's consciousness as to the dangers of drug abuse and to develop an attitude of intolerance to the use of illicit drugs.

If our Nation is to win the war against drug abuse, then attitudes regarding the use of illicit drugs must be changed and the public must reject their deadly drugs. House Joint Resolution 340 is an important step in that direction. Accordingly, Mr. Speaker, I urge my colleagues to support this resolution.

Mrs. MORELLA. Mr. Speaker, I thank the gentleman from New York [Mr. GILMAN] for his comments. I also want to compliment the gentlewoman from Missouri [Ms. HORN] for introducing this resolution. We should become aware of it. It is a resolution supported by a lot of groups, as the gentlewoman has mentioned, not only in here district, but throughout the country. The National Federation of Parents for Drug-Free Youth has supported it. We know that any illegal drug is unacceptable. Not only the drugs that we think of, but alcohol also. I am pleased to say that Mothers Against Drunk Drivers in my district and throughout the Nation have also supported this.

Mr. Speaker, I yield to the gentleman from New York [Mr. McNULTY].

Mr. McNULTY. Mr. Speaker, I too am a cosponsor of this resolution. I strongly support its adoption, and join Members in commending the gentlewoman from Missouri [Ms. HORN] for her leadership in bringing this measure to the floor.

Mrs. MORELLA. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. RES. 340

Whereas alcohol and other drug abuse has reached epidemic proportions and is of major concern to all Americans;

Whereas alcohol and other drug abuse is a major public health threat and is one of the largest causes of preventable disease, disability and death in the United States today;

Whereas illegal drug use is not limited to persons of a particular age, gender, or socioeconomic status;

Whereas the drug problem appears to be insurmountable, but the United States has begun to lay the foundation to combat the use of illegal drugs;

Whereas the United States must continue the important strides made to combat alcohol and other drug abuse;

Whereas it has been demonstrated through public opinion polls that the American people consider drug abuse one of the most serious domestic problems facing the United States and have begun to take steps against it;

Whereas the National Federation of Parents for Drug Free Youth has declared October 19–October 27, 1991 as "National Red Ribbon Week", has organized the National Red Ribbon Campaign to coordinate the week's activities, has established the theme, "Neighbors—Drug Free and Proud" for the week, and has called for a comprehensive public awareness, prevention, and education program involving thousands of parent and community groups across the country;

Whereas the National Red Ribbon Campaign is headed by President and Mrs. George Bush and national honorary chairmen;

Whereas any use of an illegal drug is unacceptable and the illegal use of a legal drug cannot be tolerated; and

Whereas alcohol and other drug abuse destroys lives, spawns crime, undermines our economy, and threatens our security as a Nation: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That—

(1) the period of October 19-27, 1991 is designated as "National Red Ribbon Week for a Drug Free Armerica";

(2) the President is authorized and directed to issue a proclamation calling on the people of the United States—

(A) to observe the week by holding conferences, meetings and other activities to support community and alcohol education, and with other appropriate activities, events and educational campaigns; and

(b) both during the week and thereafter, to wear and display red ribbons to present and symbolize commitment to a healthy, drug-free live style, and to develop an attitude of intolerance concerning the use of drugs; and

(3) Congress recognizes and commends the hard work and dedication of concerned parents, youth, law enforcement officials, educators, business leaders, religious leaders, private sector organizations, and Government leaders in combatting the abuse of alcohol and other drugs.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. McNULTY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include therein extraneous material on the joint resolutions just considered and passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

SUNDRY MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by Mr. McCathran, one of his secretaries.

CONSISTENCY OF IMMIGRATION LAWS AND POLICIES OF CZECH AND SLOVAK FEDERAL REPUBLIC—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Ways and Means and ordered to be printed:

To the Congress of the United States:

I hereby transmit the documents referred to in subsections 402(b) and 409(b) of the Trade Act of 1974 ("the Act"), 19 U.S.C. 2432(b) and 2439(b), with respect to the consistency of the emigration laws and policies of the Czech and Slovak Federal Republic with the criteria set out in subsections 402(a) and 409(a) of the Act. These documents constitute my decision that a waiver of subsections (a) and (b) of section 402 of the Act will no longer be required for the Czech and Slovak Federal Republic.

I include as part of these documents my determination that the Czech and Slovak Federal Republic is not in violation of paragraph (1), (2), or (3) of subsection 402(a) or paragraph (1), (2), or (3) of subsection 409(a) of the Act. I also include information as to the nature and implementation of the emigration laws and policies of the Czech and Slovak Federal Republic and restrictions or discrimination applied to or against persons wishing to emigrate, including those persons wishing to emigrate to the United States to join close relatives.

GEORGE BUSH.

THE WHITE HOUSE, *October 17, 1991.*

REPORT ON U.S. EXPORT CONTROLS—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Foreign Affairs and ordered to be printed:

To the Congress of the United States:

1. On September 30, 1990, in Executive Order No. 12730, I declared a national emergency under the International Emergency Economic Powers Act ("IEEPA") (50 U.S.C. 1701, *et seq.*) to deal with the threat to the national security and foreign policy of the United States caused by the lapse of the Export Administration Act of 1979, as amended (50 U.S.C. 2401, *et seq.*) and the system of controls maintained under that Act. In that order, I continued in effect, to the extent permitted by law, the provisions of the Export Administration Act of 1979, as amended, the Export Administration Regulations (15 C.F.R. 768, *et seq.* (1991)), and the delegations of authority set forth in Executive Order No. 12002 of July 7, 1977, Executive Order No. 12214 of May 2, 1980, and Executive Order No. 12131 of May 4, 1979, as amended by Executive Order No. 12551 of February 21, 1986.

2. I issued Executive Order No. 12730 pursuant to the authority vested in me as President by the Constitution and laws of the United States, including IEEPA, the National Emergencies Act ("NEA") (50 U.S.C. 1601, *et seq.*), and section 301 of title 3 of the United States Code. At that time, I also submitted a report to the Congress pursuant to section 204(b) of IEEPA (50 U.S.C. 1703(b)). Section 204 of IEEPA requires follow-up reports, with respect to actions or changes, to be submitted every 6 months. Additionally, section 401(c) of the NEA requires that the President, within 90 days after the end of each 6-month period following a declaration of a national emergency, report to the Congress on the total expenditures directly attributable to that declaration. This report, covering the 6-month period from April 1, 1991, to September 30, 1991, is submitted in compliance with these requirements.

3. Since the issuance of Executive Order No. 12730, the Department of Commerce has continued to administer the system of export controls, including antiboycott provisions, contained in the Export Administration Regulations. In administering these controls, the Department has acted under a policy of conforming actions under Executive Order No. 12730 to those required under the Export Administration Act, insofar as appropriate.

4. Since my last report to the Congress, there have been several significant developments in the area of export controls:

We continued to address the threat to the national security and foreign policy interests of the United States posed by the spread of weapons of mass destruction. In Executive Order No.

12735 of November 16, 1990, and the Enhanced Proliferation Control Initiative of December 13, 1990 ("EPCI"), we had announced major steps to strengthen export controls over goods, technology, and other forms of assistance that can contribute to the spread of chemical and biological weapons and missile systems.

—On March 7, 1991, the Department of Commerce issued two new regulations and a proposed rule to implement EPCI. The new regulations controlled the export of 50 chemicals as well as dual-use equipment and technical data that can be used to make chemical and biological weapons. (56 F.R. 10756 and 10760, March 13, 1991.)

—On August 15, 1991, the Department of Commerce made the proposed rule final. The final rule expands controls to cover exports when the exporter knows or is informed by the Department of Commerce that an export will be used for missile technology or chemical or biological weapons, or is destined for a country, region, or project engaged in such activities. The rule also restricts U.S. citizen participation in such activities, as well as the export of chemical plants and plant designs. (56 F.R. 40494, August 15, 1991.)

—The Department of Commerce also issued a new regulation that revises the list of items subject to control for nuclear nonproliferation reasons. The update list reflects technological developments in the field, as well as U.S. nuclear nonproliferation policy. (56 F.R. 42652, August 28, 1991.)

In light of the changes that have occurred in Eastern Europe, negotiations with our Coordinating Committee (COCOM) partners yielded a streamlined Core List of truly strategic items that will remain subject to multilateral national security controls. The Department of Commerce implemented this new Core List effective September 1, 1991. In implementing the Core List, the Department totally revised its Commodity Control List, now called the Commerce Control List (CCL), and made certain additional substantive changes in controls. (56 F.R. 42824, August 29, 1991.)

—For the first time, all controlled software and technical data have been integrated into the CCL, including definitions for these items that parallel those of our COCOM partners.

—Following my decision to remove certain sanctions under the Comprehensive Anti-Apartheid Act, controls on certain exports to South Africa of computers, aircraft, and petroleum products have been removed. Other controls affecting South Africa, such as those implemented pursuant to the United Nations arms embargo, remain in place.

—On August 28, 1991, the Department of Commerce submitted a report to the Congress indicating that the Department was reformulating controls on exports to countries that had been designated by the Secretary of State as repeatedly having provided support for acts of international terrorism. In a few instances we reported that controls were being expanded, particularly with respect to Iran and Syria, the only two of the six countries designated as terrorist-supporting not presently subject to separate trade embargoes. In addition, the report indicated that the Department was expanding controls on items of missile proliferation concern. The changes reported to the Congress were implemented in the course of revising the CCL.

Enforcement efforts have continued unabated:

—On August 21, 1991, the Department of Commerce renewed a previous Temporary Denial Order to withhold the export privileges of a Dutch company, Delft Instruments N.V., and certain related companies, in connection with an investigation of illegal reexport of U.S.-origin night vision equipment to Iraq. (56 F.R. 42977, August 30, 1991.)

—On August 28, 1991, Special Agents from the Department of Commerce's Bureau of Export Administration arrested two Iranian businessmen in Newport Beach, California, on charges of illegally exporting to Iran U.S.-origin equipment with possible nuclear and/or missile technology applications. The two businessmen were subsequently charged in a 17-count indictment with conspiracy, illegally exporting U.S.-origin equipment, and making false statements to the United States Government in connection with the exports.

—Following numerous discussions with officials of Czechoslovakia, Hungary, and Poland, the Department of Commerce has assisted the new East European democracies to implement and strengthen their export control systems, including prelicense inspections and postshipment verifications. These developments will allow for enhanced and much-needed trade in high technology items in the region, while helping to prevent unauthorized shipments or uses of such items.

5. The expenses incurred by the Federal Government in the 6-month period from April 1, 1991, to September 30, 1991, that are directly attributable to the exercise of authorities conferred by the declaration of a national emergency with respect to export controls were largely centered in the Department of Commerce, Bureau of Export Administration. Expenditures by the Department of Commerce are anticipated to be $20,390,000.00, most of which represents wages and salary costs for Federal personnel.

6. The unrestricted access of foreign parties to U.S. goods, technology, and technical data and the existence of certain boycott practices of foreign nations, in light of the expiration of the Export Administration Act of 1979, continue to constitute an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States. I shall continue to exercise the powers at my disposal to retain the export control system, including the antiboycott provisions, and will continue to report periodically to the Congress.

GEORGE BUSH.

THE WHITE HOUSE, *October 17, 1991.*

ANNUAL REPORT OF TOURISM POLICY COUNCIL—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Energy and Commerce:

To the Congress of the United States:

In accordance with section 302 of the International Travel Act of 1961, as amended (22 U.S.C. 2124a(f)), I transmit herewith the annual report of the Tourism Policy Council, which covers fiscal year 1990.

GEORGE BUSH.

THE WHITE HOUSE, *October 17, 1991.*

ALABAMA'S MEDICAID PROGRAM COULD BE WIPED OUT

(Mr. BEVILL asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matters.)

Mr. BEVILL. Mr. Speaker, the Health Care Financing Administration has proposed a new rule that could wipe out Alabama's Medicaid Program. This rule will have a devastating effect on the elderly, the poor and the children of Alabama. It will affect the lives of thousands of people. And, it could mean the difference between life and death for many of them. If this rule goes into effect, as many as 10,000 senior citizens would be put out of nursing homes. Some of them have no other place to live.

The rule would prevent States like Alabama from using taxes on providers—such as hospitals and nursing homes—to help pay the States' share of Medicaid.

The rule would have a disastrous effect on rural hospitals. In my district, three rural hospitals together would lose over $4.7 million. Baptist Medical Center De Kalb alone would lose over $3 million. This is the county's only hospital.

Rural hospitals are struggling to survive with Medicaid funds. I hate to think what will happen if these hospitals lose their Medicaid funding. They may have to shut their doors.

Congress intended that provider specific taxes be used to match Federal Medicaid funds. It was not our intent to have the rug pulled out from under the States. This rule far exceeds congressional intent.

We should be looking for ways to help State and local governments deal with the problems of the poor, the elderly, and the children. We certainly should not be creating more problems for the needy and for those who serve them.

I sincerely hope that the Health Care Financing Administration will revise this rule before it does needless damage to the lives of innocent people.

Mr. Speaker, I am inserting a copy of my testimony today on this matter before the House Energy and Commerce Subcommittee on Health and the Environment.

TESTIMONY OF THE HONORABLE TOM BEVILL BEFORE THE HOUSE ENERGY AND COMMERCE SUBCOMMITTEE ON HEALTH AND THE ENVIRONMENT, OCTOBER 16, 1991

Mr. Chairman, I appreciate the opportunity to address this distinguished panel. I am here because the Health Care Financing Administration has promulgated a new rule that could wipe out Alabama's Medicaid Program. I am here to tell you that this rule will have a devastating effect on the elderly, the poor, and the children of Alabama. It will affect the lives of thousands of people. And, it could mean the difference between life and death for many of them.

As you know, the proposed rule would prevent States like Alabama from applying provider specific taxes to the States' share of Medicaid. And, Alabama is not the only State that would suffer if this rule goes into effect. Many other States also use these taxes to help fund their Medicaid programs.

At the September 30 hearing before this subcommittee, you heard from two of my distinguished colleagues from Alabama, Congressman Ben Erdreich and Congressman Claude Harris, and the Commissioner of the Alabama Medicaid Agency, Carol Herrmann. I can assure you that I share their assessment of the dire consequences this proposed regulation would have on the State of Alabama.

As our Medicaid Commissioner told you, loss of this source of matching funds could shut down the Medicaid Program in Alabama. This would be disastrous to hundreds of thousands of Alabamians. As many as 10,000 senior citizens would be put out of nursing homes. Some of them have no other place to live. And, it would also be disastrous to hospitals, particularly rural hospitals.

In the Fourth District of Alabama, there are three rural hospitals which together would lose over $4.7 million. One of these hospitals, Baptist Medical Center De Kalb, alone would lose over $3 million. The tragedy here is that this is the county's only hospital. The fact is, this would be a disaster for rural hospitals everywhere. These hospitals have a moral obligation to care for the citizens of the communities they serve. Without this Medicaid funding it is a distinct possibility that they would have to close their doors. At a time when rural hospitals are struggling to survive with Medicaid funds, I hate to think what will happen if these hospitals lose their Medicaid funding.

Congress intended that provider specific taxes be used to match Federal Medicaid funds. A very limited restriction was included in the Omnibus Budget Reconciliation Act of 1990. But clearly, it was not the intent of Congress to have the rug pulled out from under the States. The restrictions in the promulgated rule far exceed congressional intent.

Now, HCFA and the Office of Management and Budget are attempting to restrict a State's right to legislate taxes and use the proceeds of such taxes for the benefit of the State's residents. This comes after Federal mandates have increased the amount of Medicaid benefits which a State must provide to its citizens. In my judgment, States have the right to raise whatever taxes they see fit. Frankly, I don't think the Federal Government should be tampering with State taxes.

We should be looking for ways to help State and local governments deal with the problems of the poor, the elderly and the children. We certainly shouldn't be creating more problems for the needy and for those who serve them.

Finally, I want to thank Chairman Waxman and the subcommittee. Your continued leadership on this most critical issue is of vital importance to the country. I also want to assure you of my full support and that of the entire Alabama delegation in addressing this most pressing matter.

□ 1740

THANK YOU, ATLANTA BRAVES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia [Mr. JONES] is recognized for 5 minutes.

Mr. JONES of Georgia. Mr. Speaker, I would like to take a few minutes to talk baseball. I would like to tip my hat to the 1991 Atlanta Braves.

Mr. Speaker, the Braves have a long and colorful history going back to the 1930's, when they were the Boston Braves. Babe Ruth wore the colors. Casey Stengel was there. And then in the 1940's in Boston, it was Spahn and Sain and pray for rain.

A young slugger named Eddie Mathews came up playing third base as the team moved to Milwaukee. In 1957 and 1958 in Milwaukee, the great Milwaukee Braves won the pennant, won a world championship with Warren Spahn, Lou Burdette. It was about that time that a youngster from Alabama named Henry Aaron came along and put on number 44 and proceeded to play the game as well as anybody ever played it.

The Braves moved to Atlanta in 1966 and, in 1969, with Henry Aaron and a young knuckleballer named Phil Niekro, won the division championship. They won it again in 1982, with a slugger named Dale Murphy, who is as fine a gentleman as ever played the game.

But all that is prolog, the past, to this season, this extraordinary 1991 season.

There is a game tonight. There is a baseball game that starts at 8:37 in Pittsburgh, PA.

I know that there are a few hardy optimistic Pittsburghans, folks up there in Pennsylvania who believe that the Pirates are going to prevail. I would hate to disappoint them, Mr. Speaker, but I must, because I truly believe in my heart that the Atlanta Braves are going to win tonight.

They are going to win the National League Championship. We are not going to meet again to speak until next Tuesday, and I will not be able tomorrow to come to this floor and say congratulations to the Atlanta Braves. So I want to do that beforehand.

I admit that there is that chance in 1 million that the Pirates will prevail, that somehow perhaps a bad hop will get through or another bad call, as we have seen in this series, will affect the outcome of the game. There is that 1 in a million chance.

If that is the case, there is going to be a parade Monday in Atlanta to celebrate these Atlanta Braves, America's team, for the season that they have had. But I think that Saturday we are going to see the Atlanta Braves play the Minnesota Twins for the World Championship, starting the World Series.

We in Georgia want to thank them. The Braves have fans throughout Georgia, throughout the Southeast, in fact across the United States. We want to thank them. In fact, across the world. The tomahawk chop is being done from here to Hong Kong, and on behalf of all of us who this year have been thrilled by the Braves, who have done the tomahawk chop and seen this team come from last place to first place in one of the most extraordinary pennant races ever, and then to have seen this magnificent seven-game National League championship series with the Pittsburgh Pirates, we want to say thank you.

That is why I am here, to thank the Atlanta Braves, to thank Ted Turner, to thank general manager John Scheurholtz, to thank manager Bobby Cox, his tremendous pitching staff, all of the Braves who have given so much all year, who have persevered through tough luck, through setbacks, and have never said die.

They are now on the threshold of the championship. I just want to say thank you. This season, this pennant drive, this championship season is proof that the good Lord loves baseball, Mr. Speaker. We are going to chop, chop, chop until we drop.

Go, Braves, Thank you, Braves.

UPON INTRODUCTION OF H.R. 3585 "THE FEDERAL SUPPLEMENTAL COMPENSATION ACT OF 1991"

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. ROSTENKOWSKI] is recognized for 5 minutes.

Mr. ROSTENKOWSKI. Mr. Speaker, today, in response to the Senate's failure yesterday to override the President's veto of S. 1722, The Emergency Unemployment Compensation Act of 1991, I am introducing H.R. 3575, the Federal Supplemental Compensation Act of 1991.

When the President vetoed S. 1722, he raised several objections to the bill. First, he said its three tiers of benefits were too complex and would lead to administrative problems. Second, he said it would cost too much. Third, he said it would bust the budget summit agreement because the bill did not provide for offsetting revenue increases or outlay cuts.

Mr. Speaker, in the spirit of compromise with the President, I am introducing a modified version of S. 1722 that responds constructively to the President's veto objections.

First, H.R. 3575 simplifies the program by reducing the number of tiers of benefits from three to two, the same number of tiers of benefits in the bill the President said he would sign.

Second, it reduces the cost from CBO's original estimate of $6.4 billion to approximately $5.3 billion, over $1 billion lower than the cost of the conference report on S. 1722.

Third, it fully pays for itself by: First, making permanent the nontax-debt-collection provisions scheduled to expire at the beginning of 1994; second, extending the 0.2 percent Federal unemployment surtax for 1 year through 1996; and third, raising the Federal unemployment taxable wage base from the current $7,000 to $7,700.

In addition, the bill adds a provision that was overwhelmingly supported by the House during consideration of H.R. 3040, giving States the option to pay unemployment benefits to nonprofessional school employees between academic years or terms.

Mr. Speaker, we have come a long way on this issue. The President says he wants to extend benefits to the long-term unemployed, but he wants to spend less than Congress proposes, and he does not want to increase the Federal budget deficit. H.R. 3575 meets each and every of the President's conditions.

Mr. Speaker, 300 Members of the House supported S. 1722. I strongly urge all my colleagues on both sides of the aisle to support this bill, and pass it as soon as possible. Equally important, I urge the President—who pledged himself to a "kinder and gentler" America—to sign this bill. In the spirit of true compromise and in the interest of millions of unemployed Americans and their families, I have attempted to squarely meet the President's objections to S. 1722. America's workers have waited long enough for us to act—long enough for us to compromise. Let us quit the partisan bickering, and get on with the Nation's business.

The text of the bill follows:

H.R. 3575

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Federal Supplemental Compensation Act of 1991".

TITLE 1—FEDERAL SUPPLEMENTAL COMPENSATION PROGRAM

SEC. 101. FEDERAL-STATE AGREEMENTS.

(a) IN GENERAL.—Any State which desires to do so may enter into and participate in a agreement under this Act with the Secretary of Labor (hereafter in this Act referred to as the "Secretary"). Any State which is a party to an agreement under this Act may, upon providing 30 days written notice to the Secretary, terminate such agreement.

(b) PROVISIONS OF AGREEMENT.—Any agreement under subsection (a) shall provide that the State agency of the State will make payments of Federal supplemental compensation—

(1) to individuals who—

(A) have exhausted all rights to regular compensation under the State law,

(B) have no rights to compensation (including both regular compensation and extended compensation) with respect to a week under such law or any other State unemployment compensation law or to compensation under any other Federal law (and are not paid or entitled to be paid any additional compensation under any State or Federal law), and

(C) are not receiving compensation with respect to such week under the unemployment compensation law of Canada, and

(2) for any week of unemployment which begins in the individual's period of eligibility (as defined in section 106(2)).

(c) EXHAUSTION OF BENEFITS.—For purposes of subsection (b)(1)(A), an individual shall be deemed to have exhausted such individual's rights to regular compensation under a State law when—

(1) no payments of regular compensation can be made under such law because such individual has received all regular compensation available to such individual based on employment for wages during such individual's base period, or

(2) such individual's rights to such compensation have been terminated by reason of the expiration of the benefit year with respect to which such rights existed.

(d) WEEKLY BENEFIT AMOUNT.—For purposes of any agreement under this Act—

(1) the amount of Federal supplemental compensation which shall be payable to any individual for any week of total unemployment shall be equal to the amount of the regular compensation (including dependents' allowances) payable to such individual during such individual's benefit year under the State law for a week of total unemployment,

(2) the terms and conditions of the State law which apply to claims for extended compensation and to the payment thereof shall apply to claims for Federal supplemental compensation and the payment thereof, except where inconsistent with the provisions of this act, or with the regulations or operating instructions of the Secretary promulgated to carry out this Act, and

(3) the maximum amount of Federal supplemental compensation payable to any individual for whom an account is established under section 102 shall not exceed the amount established in such account for such individual.

(e) ELECTION.—Notwithstanding any other provision of Federal law (and if State law permits), the Governor of a State in a 7-percent period, as defined in section 102(c), is authorized to and may elect to trigger off an extended compensation period in order to provide payment of Federal supplemental compensation to individuals who have exhausted their rights to regular compensation under State law.

SEC. 102. FEDERAL SUPPLEMENTAL COMPENSATION ACCOUNT.

(a) IN GENERAL.—Any agreement under this Act shall provide that the State will establish, for each eligible individual who files an application for Federal supplemental compensation, a Federal supplemental compensation account with respect to such individual's benefit year.

(b) AMOUNT IN ACCOUNT.—

(1) IN GENERAL.—The amount established in an account under subsection (a) shall be equal to the lesser of—

(A) 100 percent of the total amount of regular compensation (including dependents' allowances) payable to the individual with respect to the benefit year (as determined under the State law) on the basis of which the individual most recently received regular compensation, or

(B) the applicable limit times the individuals's average weekly benefit amount for the benefit year.

(2) APPLICABLE LIMIT.—For purposes of this section—

(A) IN GENERAL.—Except as provided in this paragraph, the applicable limit shall be determined under the following table:

In the case of weeks beginning during as:	The applicable limit is:
7-percent period	13
6-percent period or other period	7.

(B) APPLICABLE LIMIT NOT REDUCED.—An individual's applicable limit for any week shall in no event be less than the highest applicable limit in effect for any prior week for which Federal supplemental compensation was payable to the individual from the account involved.

(C) INCREASE IN APPLICABLE LIMIT.—If the applicable limit in effect for any week is higher than the applicable limit for any prior week, the applicable limit shall be the higher applicable limit, reduced (but not below zero) by the number of prior weeks for which Federal supplemental compensation was paid to the individual from the account involved.

(3) REDUCTION FOR EXTENDED BENEFITS.—The amount in an account under paragraph (1) shall be reduced (but not below zero) by the aggregate amount of extended compensation (if any) received by such individual relating to the same benefit year under the Federal-State Extended Unemployment Compensation Act of 1970.

(4) WEEKLY BENEFIT AMOUNT.—For purposes of this subsection, an individual's weekly benefit amount for any week is the amount of regular compensation (including dependents' allowances) under the State law payable to such individual for such week for total unemployment.

(c) DETERMINATION OF PERIODS.—

(1) IN GENERAL.—For purposes of this section, the terms "7-percent period", 6-percent period", and "other period" mean, with respect to any State, the period which—

(A) begins with the second Sunday of the month after the first month during which the applicable trigger for such period is on, and

(B) ends with the Saturday immediately preceding the second Sunday of the month after the first month during which the applicable trigger for such period is off.

(2) APPLICABLE TRIGGER.—In the case of a 7-percent period, 6-percent period, or other period, as the case may be, the applicable trigger is on for any week with respect to any

such period if the average rate of total unemployment in the State for the period consisting of the most recent 6-calendar month period for which data are published—

(A) equals or exceeds 6 percent, and

(B) falls within the applicable range (as defined in paragraph (3)).

Subparagraph (A) shall only apply in the case of a 7-percent period or 6-percent period.

(3) APPLICABLE RANGE.—For purposes of this subsection, the applicable range is as follows:

In the case of a:	The applicable range is:
7-percent period	A rate equal to or exceeding 7 percent.
6-percent period	A rate equal to or exceeding 6 percent but less than 7 percent.
Other period	A rate less than 6 percent.

(4) SPECIAL RULES FOR DETERMINING PERIODS.—

(A) MINIMUM PERIOD.—Except as provided in subparagraph (B), if for any week beginning after November 2, 1991, a 7-percent period, 6-percent period, or other period, as the case may be, is triggered on with respect to such State, such period shall last for not less than 13 weeks.

(B) EXCEPTION IF APPLICABLE RANGE INCREASES.—If, but for subparagraph (A), another period with a higher applicable range would be in effect for such State, such other period shall take effect without regard to subparagraph (A).

(5) NOTIFICATION BY SECRETARY.—When a determination has been made that a 7-percent period, 6-percent period, or other period is beginning or ending with respect to a State, the Secretary shall cause notice of such determination to be published in the Federal Register.

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), no Federal supplemental compensation shall be payable to any individual under this Act for any week—

(A) beginning before the later of—

(i) November 3, 1991, or

(ii) the first week following the week in which an agreement under this Act is entered into, or

(B) beginning after July 4, 1992.

(2) TRANSITION.—In the case of an individual who is receiving Federal supplemental compensation for a week which includes July 4, 1992, such compensation shall continue to be payable to such individual in accordance with subsection (b) for any week beginning in a period of consecutive weeks for each of which the individual meets the eligibility requirements of this Act.

(3) REACHBACK PROVISIONS.—

(A) IN GENERAL.—If—

(i) any individual exhausted such individual's rights to regular compensation (or extended compensation) under the State law after February 28, 1991, and before the first week following November 2, 1991 (or, if later, the first week following the week in which the agreement under this Act is entered into), and

(ii) a period described in subsection (c)(2)(A) is in effect with respect to the State for the first week following November 2, 1991,

such individual shall be entitled to Federal supplemental compensation under this Act in the same manner as if such individual's benefit year ended no earlier than the last day of the following week referred to in clause (i).

(B) SPECIAL RULE.—A State not meeting the requirements of subparagraph (A)(ii) shall be treated as meeting such requirements if such State would have met them for the first week following August 31, 1991, or October 5, 1991, if this Act had been in effect for such week.

(C) LIMITATION OF BENEFITS.—In the case of an individual who has exhausted such individual's rights to both regular and extended compensation, any Federal supplemental compensation payable under subparagraph (A) or (B) shall be reduced in accordance with subsection (b)(3).

SEC. 103. PAYMENTS TO STATES HAVING AGREEMENTS FOR THE PAYMENT OF FEDERAL SUPPLEMENTAL COMPENSATION.

(a) GENERAL RULE.—There shall be paid to each State which has entered into an agreement under this Act an amount equal to 100 percent of the Federal supplemental compensation paid to individuals by the State pursuant to such agreement.

(b) TREATMENT OF REIMBURSABLE COMPENSATION.—No payment shall be made to any State under this section in respect of compensation to the extent the State is entitled to reimbursement in respect of such compensation under the provisions of any Federal law other than this Act or chapter 85 of title 5, United States Code. A State shall not be entitled to any reimbursement under such chapter 85 in respect of any compensation to the extent the State is entitled to reimbursement under this Act in respect of such compensation.

(c) DETERMINATION OF AMOUNT.—Sums payable to any State by reason of such State having an agreement under this Act shall be payable, either in advance or by way of reimbursement (as may be determined by the Secretary), in such amounts as the Secretary estimates the State will be entitled to receive under this Act for each calendar month, reduced or increased, as the case may be, by any amount by which the Secretary finds that his estimates for any prior calendar month were greater or less than the amounts which should have been paid to the state. Such estimates may be made on the basis of such statistical, sampling, or other method as may be agreed upon by the Secretary and the State agency of the State involved.

SEC. 104. FINANCING PROVISIONS.

(a) IN GENERAL.—Funds in the extended unemployment compensation account (as established by section 905 of the Social Security Act) of the Unemployment Trust Fund shall be used for the making of payments to States having agreements entered into under this Act.

(b) CERTIFICATION.—The Secretary shall from time to time certify to the Secretary of the Treasury for payment to each State the sums payable to such State under this Act. The Secretary of the Treasury, prior to audit or settlement by the General Accounting Office, shall make payments to the State in accordance with such certification, by transfers from the extended unemployment compensation account (as established by section 905 of the Social Security Act) to the account of such State in the Unemployment Trust Fund.

(c) ASSISTANCE TO STATES.—There are hereby authorized to be appropriated without fiscal year limitation, such funds as may be necessary for purposes of assisting States (as provided in title III of the Social Security Act) in meeting the costs of administration of agreements under this Act.

(d) AUTHORIZATION OF APPROPRIATIONS FOR CERTAIN PAYMENTS.—There are authorized to be appropriated from the general fund of the Treasury, without fiscal year limitation, to the extended unemployment compensation account (as established by section 905 of the Social Security Act) such sums as may be necessary to make the payments under this section in respect of—

(1) compensation payable under chapter 85 of title 5, United States Code, and

(2) compensation payable on the basis of services to which section 3309(a)(1) of the Internal Revenue Code of 1986 applies.

Amounts appropriated pursuant to the preceding sentence shall not be required to be repaid.

SEC. 105. FRAUD AND OVERPAYMENTS.

(a) IN GENERAL.—If an individual knowingly has made, or caused to be made by another, a false statement or representation of a material fact, or knowingly has failed, or caused another to fail, to disclose a material fact, and as a result of such false statement or representation or of such nondisclosure such individual has received an amount of Federal supplemental compensation under this Act to which he was not entitled, such individual—

(1) shall be ineligible for further Federal supplemental compensation under this Act in accordance with the provisions of the applicable State unemployment compensation law relating to fraud in connection with a claim for unemployment compensation, and

(2) shall be subject to prosecution under section 1001 of title 18, United States Code.

(b) REPAYMENT.—In the case of individuals who have received amounts of Federal supplemental compensation under this Act to which they were not entitled, the State shall require such individuals to repay the amounts of such Federal supplemental compensation to the State agency, except that the State agency may waive such repayment if it determines that—

(1) the payment of such Federal supplemental compensation was without fault on the part of any such individual, and

(2) such repayment would be contrary to equity and good conscience.

(c) RECOVERY BY STATE AGENCY.—

(1) IN GENERAL.—The State agency may recover the amount to be repaid, or any part thereof, by deductions from any Federal supplemental compensation payable to such individual under this Act or from any unemployment compensation payable to such individual under any Federal unemployment compensation law administered by the State agency or under any other Federal law administered by the State agency which provides for the payment of any assistance or allowance with respect to any week of unemployment, during the 3-year period after the date such individuals received the payment of the Federal supplemental compensation to which they were not entitled, except that no single deduction may exceed 50 percent of the weekly benefit amount from which such deduction is made.

(2) OPPORTUNITY FOR HEARING.—No repayment shall be required, and no deduction shall be made, until a determination has been made, notice thereof and an opportunity for a fair hearing has been given to the individual, and the determination has become final.

(d) REVIEW.—Any determination by a State agency under this section shall be subject to review in the same manner and to the same extent as determinations under the State unemployment compensation law, and only in that manner and to that extent.

SEC. 106. DEFINITIONS.

For purposes of this Act:

(1) IN GENERAL.—The terms "compensation", "regular compensation", "extended

compensation", "additional compensation", "benefit year", "base period", "State", "State agency", "State law", and "week" have the meanings given such terms under section 205 of the Federal-State Extended Unemployment Compensation Act of 1970.

(2) ELIGIBILITY PERIOD.—An individual's eligibility period shall consist of the weeks in the individual's benefit year which begin in a 7-percent period, 6-percent period, or other period under this Act and, if the individual's benefit year ends on or after November 2, 1991, any weeks thereafter which begin in any such period. In no event shall an individual's period of eligibility include any weeks after the 39th week after the end of the benefit year for which the individual exhausted his rights to regular compensation or extended compensation.

(3) RATE OF TOTAL UNEMPLOYMENT.—The term "rate of total unemployment" means the average unadjusted total rate of unemployment (as determined by the Secretary) for a State for the period consisting of the most recent 6-calendar-month period for which data are published.

TITLE II—DEMONSTRATION PROGRAM TO PROVIDE FOR JOB SEARCH ASSISTANCE

SEC. 201. DEMONSTRATION PROGRAM TO PROVIDE FOR JOB SEARCH ASSISTANCE.

(a) GENERAL RULE.—The Secretary of Labor (hereafter in this title referred to as the "Secretary") shall carry out a demonstration program under this title for purposes of determining the feasibility of implementing job search assistance programs. To carry out such demonstration program, the Secretary shall enter into agreements with 3 States which—

(1) apply to participate in such program, and

(2) demonstrate to the Secretary that they are capable of implementing the provisions of an agreement under this section.

(b) SELECTION OF STATES.—

(1) IN GENERAL.—In determining whether to enter into an agreement with a State under this section, the Secretary shall take into consideration at least—

(A) the size, geography, and occupational and industrial composition of the State,

(B) the adequacy of State resources to carry out a job search assistance program,

(C) the range and extent of specialized services to be provided by the State to individuals covered by the agreement, and

(D) the design of the evaluation to be applied by the State to the program.

(2) REPLICATION OF PRIOR DEMONSTRATION PROJECT.—At least 1 of the States selected by the Secretary under subsection (a) shall be a State which has operated a successful demonstration project with respect to job search assistance under a contract with the Department of Labor. The demonstration program under this title of any such State shall, at a minimum, replicate the project it operated under such contract in the same geographic areas.

(c) PROVISIONS OF AGREEMENT.—Any agreement entered into with a State under this section shall—

(1) provide that the State will implement a job search assistance program during the 1-year period specified in such agreement,

(2) provide that such implementation will begin not later than the date 1 year after the date of the enactment of this Act,

(3) contain such provisions as may be necessary to ensure an accurate evaluation of the effectiveness of a job search assistance program, including—

(A) random selection of eligible individuals for participation in the program and for inclusion in a control group, and

(B) collection of data on participants and members of a control group as of the close of the 1-year period and 2-year period after the operations of the program cease,

(4) provide that not more than 5 percent of the claimants for unemployment compensation under the State law shall be selected as participants in the job search assistance program, and

(5) contain such other provisions as the Secretary may require.

SEC. 202. JOB SEARCH ASSISTANCE PROGRAM.

(a) GENERAL RULE.—For purposes of this title, a job search assistance program shall provide that—

(1) eligible individuals who are selected to participate in the program shall be required to participate in a qualified intensive job search program after receiving compensation under such State law during any benefit year for at least 6 but not more than 10 weeks,

(2) every individual required to participate in a job search program under paragraph (1) shall be entitled to receive an intensive job search program voucher, and

(3) any individual who is required under paragraph (1) to participate in a qualified intensive job search program and who does not satisfactorily participate in such program shall be disqualified from receiving compensation under such State law for the period (of not more than 10 weeks) specified in the agreement under section 201.

(b) ELIGIBLE INDIVIDUAL.—For purposes of this title—

(1) IN GENERAL.—The term "Eligible individual" means any individual receiving compensation under the State law during any benefit year if, during the 3-year period ending on the last day of the base period for such benefit year, such individual had at least 126 weeks of employment at wages of $30 or more a week with such individual's last employer in such base period (or, if data with respect to weeks of employment with such last employer are not available, an equivalent amount of employment computed under regulations prescribed by the Secretary).

(2) EXCEPTION.—Such term shall not include any individual if—

(A) such individual has a definite date for recall to his former employment,

(B) such individual seeks employment through a union hall or similar arrangement, or

(C) the State agency—

(i) waives the requirements of subsection (a)(1) for good cause shown by such individual, or

(ii) determines that such participation would not be appropriate for such individual.

(c) QUALIFIED INTENSIVE JOB SEARCH PROGRAM.—For purposes of this section, the term "qualified intensive job search program" means any intensive job search assistance program which—

(1) is approved by the State agency,

(2) is provided by an organization qualified to provide job search assistance programs under any other Federal law, and

(3) includes—

(A) all basic employment services, such as orientation, testing, a job-search workshop, and an individual assessment and counseling interview, and

(A) additional services, such as ongoing contact with the program staff, followup assistance, resource centers, and job search materials and equipment.

(d) INTENSIVE JOB SEARCH VOUCHER.—For purposes of this section, the term "intensive job search voucher" means any voucher which entitles the organization (including the State employment service) providing the qualified intensive job search assistance program to a payment from the State agency equal to the lesser of—

(1) the reasonable costs of providing such program, or

(2) the average weekly benefit amount in the State.

SEC. 203. ADMINISTRATIVE PROVISIONS.

(a) FINANCING PROVISIONS.—

(1) PAYMENTS TO STATES.—There shall be paid to each State which enters into an agreement under section 201 an amount equal to the lesser of the reasonable costs of operating the job search assistance program pursuant to such agreement or the State's average weekly benefit amount for each individual selected to participate in the job search assistance program operated by such State pursuant to such agreement. Funds in the extended unemployment compensation account (as established by section 905 of the Social Security Act) shall be used for purposes of making such payments.

(2) PAYMENTS ON CALENDAR MONTH BASIS.—There shall be paid to each State either in advance or by way of reimbursement, as may be determined by the Secretary, such sum as the Secretary estimates the State will be entitled to receive under this subsection for each calendar month, reduced or increased, as the case may be, by any sum by which the Secretary finds that his estimates for any prior calendar month were greater or less than the amounts which should have been paid to the State. Such estimates may be made on the basis of such method as may be agreed upon by the Secretary and the State agency.

(3) CERTIFICATION.—The Secretary shall from time to time certify to the Secretary of the Treasury for payment to each State the sums payable to such State under this subsection. The Secretary of the Treasury, prior to audit or settlement by the General Accounting Office, shall make payment to the State in accordance with such certification, by transfers from the extended unemployment compensation account (as established by section 905 of the Social Security Act) to the account of such State in the Unemployment Trust Fund.

(4) SPECIAL RULE.—Notwithstanding any other provision of law, amounts in the account of a State in the Unemployment Trust Fund may be used for purposes of making payments pursuant to intensive job search vouchers provided pursuant to an agreement under this title.

(b) REPORTS TO CONGRESS.—

(1) INTERIM REPORTS.—The Secretary shall submit 2 interim reports to the Congress on the effectiveness of the demonstration program carried out under this title. The 1st such report shall be submitted before the date 2 years after operations under the demonstration program commenced and the 2d such report shall be submitted before the date 4 years after such commencement.

(2) FINAL REPORT.—Not later than the date 5 years after the commencement referred to in paragraph (1), the Secretary shall submit a final report to the Congress on the demonstration program carried out under this title. Such report shall include estimates of program impact, such as—

(A) changes in duration of unemployment, earnings, and hours worked of participants,

(B) changes in unemployment compensation outlays,

(C) changes in unemployment taxes,

(D) net effect on the Unemployment Trust Fund,

(E) net effect on Federal unified budget deficit, and

(F) net social benefits or costs of the program.

(c) Definitions.—For purposes of this title, the terms "compensation", "benefit year", "State", "State agency", "State law", "base period", and "week" have the respective meanings given such terms by section 106.

TITLE III—OTHER PROVISIONS

SEC. 301. PAYMENTS OF UNEMPLOYMENT COMPENSATION TO FORMER MEMBERS OF THE ARMED FORCES.

(a) Repeal of Certain Limitations.—Subsection (c) of section 8521 of title 5, United States Code, is hereby repealed.

(b) Reduction in Length of Required Active Duty by Reserves.—Paragraph (1) of section 8521(a) of such title 5 is amended by striking "180 days" and inserting "90 days".

(c) Effective Date.—The amendments made by this section shall apply to weeks of unemployment beginning on or after the date of the enactment of this Act.

SEC. 302. OPTIONAL BENEFITS FOR CERTAIN SCHOOL EMPLOYEES.

(a) In General.—

(1) Subclause (I) of section 3304(a)(6)(A)(ii) of the Internal Revenue Code of 1986 is amended by striking "shall be denied" and inserting "may be denied".

(2) Subparagraph (A) of section 3304(a)(6) of such Code is amended by striking "and" at the end of clauses (iii) and (iv) and by inserting after clause (v) the following new clause:

"(vi) with respect to services described in clause (ii), clauses (iii) and (iv) shall be applied by substituting 'may be denied' for 'shall be denied', and".

(b) Effective Date.—The amendments made by this section shall apply in the case of compensation paid for weeks beginning on or after the date of the enactment of this Act.

SEC. 303. ADVISORY COUNCIL ON UNEMPLOYMENT COMPENSATION.

Section 908 of the Social Security Act is amended to read as follows:

"ADVISORY COUNCIL ON UNEMPLOYMENT COMPENSATION

"Sec. 908. (a) Establishment.—Not later than February 1, 1992, and every 4th year thereafter, the Secretary of Labor shall establish an advisory council to be known as the Advisory Council on Unemployment Compensation (referred to in this section as the 'Council').

"(b) Function.—It shall be the function of each Council to evaluate the unemployment compensation program, including the purpose, goals, countercyclical effectiveness, coverage, benefit adequacy, trust fund solvency, funding of State administrative costs, administrative efficiency, and any other aspects of the program and to make recommendations for improvement.

"(c) Members.—

"(1) In general.—Each Council shall consist of 11 members as follows:

"(A) 5 members appointed by the President, to include representatives of business, labor, State government, and the public.

"(B) 3 members appointed by the President pro tempore of the Senate, in consultation with the Chairman and ranking member of the Committee on Finance.

"(C) 3 members appointed by the Speaker of the House, in consultation with the chairman and ranking member of the Committee on Ways and Means.

"(2) Qualifications.—In appointing members under subparagraphs (B) and (C), the President pro tempore of the Senate and the Speaker of the House shall each appoint—

"(A) 1 representative of the interests of business,

"(B) 1 representative of the interests of labor, and

"(C) 1 representative of the interests of State governments.

"(3) Vacancies.—A vacancy in any Council shall be filled in the manner in which the original appointment was made.

"(4) Chairman.—The President shall appoint the Chairman.

"(d) Staff and Other Assistance.—

"(1) In general.—Each council may engage any technical assistance (including actuarial services) required by the Council to carry out its functions under this section.

"(2) Assistance from Secretary of Labor.—The Secretary of Labor shall provide each Council with any staff, office facilities, and other assistance, and any data prepared by the Department of Labor, required by the Council to carry out its functions under this section.

"(e) Compensation.—Each member of any Council—

"(1) shall be entitled to receive compensation at the rate of pay for level V of the Executive Schedule under section 5316 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the actual performance of duties vested in the Council, and

"(2) while engaged in the performance of such duties away from such member's home or regular place of business, shall be allowed travel expenses (including per diem in lieu of subsistence) as authorized by section 5703 of title 5, United States Code, for persons in the Government employed intermittently.

"(f) Report.—

"(1) In general.—Not later than February 1 of the second year following the year in which any council is required to be established under subsection (a), the Council shall submit to the President and the Congress a report setting forth the findings and recommendations of the Council as a result of its evaluation of the unemployment compensation program under this section.

"(2) Report of first council.—The Council shall include in its February 1, 1994, report findings and recommendations with respect to determining eligibility for extended unemployment benefits on the basis of unemployment statistics for regions, States, or subdivisions of States.".

SEC. 304. REPORT OF METHOD OF ALLOCATING ADMINISTRATIVE FUNDS AMONG STATES.

"(a) In general.—The Secretary of Labor shall submit to the Congress, within the 12-month period beginning on the date of the enactment of this Act, a comprehensive report setting forth a proposal for revising the method of allocating grants among the States under section 302 of the Social Security Act.

"(b) Specific Requirements.—The report required by subsection 9a) shall include an analysis of—

(1) the use of unemployment insurance workload levels as the primary factor in allocating grants among the States under section 302 of the Social Security Act,

(2) ways to ensure that each State receive not less than a minimum grant amount for each fiscal year,

(3) the use of nationally available objective data to determine the unemployment compensation administrative costs of each State, with consideration of legitimate cost differences among the States,

(4) ways to simplify the method of allocating such grants among the States,

(5) ways to eliminate the disincentives to productivity and efficiency which exist in the current method of allocating such grants among the States,

(6) ways to promote innovation and cost-effective practices in the method of allocating such grants among the States, and

(7) the effect of the proposal set forth in such report on the grant amounts allocated to each State.

(c) Congressional Review Period.—The Secretary of Labor may not revise the method in effect on the date of the enactment of this Act for allocating grants among the States under section 302 of the Social Security Act, until after the expiration of the 12-month period beginning on the date on which the report required by subsection (a) is submitted to the Congress.

TITLE IV—FINANCING PROVISIONS

SEC. 401. PERMANENT EXTENSION OF PROVISIONS RELATING TO COLLECTION OF NONTAX DEBTS OWED TO FEDERAL AGENCIES.

(a) In General.—Subsection (c) of section 2653 of the Deficit Reduction Act of 1984 is amended by striking "on or before January 10, 1994".

(b) Effective Date.—The amendment made by this section shall take effect on October 1, 1991.

SEC. 402. EXTENSION OF FUTA SURTAX.

Section 3301 of the Internal Revenue Code of 1986 (relating to rate of unemployment tax) is amended—

(1) by striking "1995" in paragraph (1) and inserting "1996", and

(2) by striking "1996" in paragraph (2) and inserting "1997".

SEC. 403. INCREASE IN FUTA WAGE BASE.

(a) General Rule.—Paragraph (1) of section 3306(b) of the Internal Revenue Code of 1986 (defining wages) is amended by striking "$7,000" each place it appears and inserting "$7,700".

(b) Effective Date.—The amendment made by subsection (a) shall apply to remuneration paid after December 31, 1991.

TITLE V—BUDGET PROVISIONS

SEC. 501. TREATMENT UNDER PAY-AS-YOU-GO PROCEDURES.

Any amount of new budget authority, outlays, or receipts resulting from the provisions of (and amendments made by) this Act shall not be considered for any purpose under the Balanced Budget and Emergency Deficit Control Act of 1985.

SEC. 502. EXEMPTION OF FEDERAL SUPPLEMENTAL COMPENSATION FROM SEQUESTRATION.

Payments under title I of this Act (relating to Federal supplemental compensation) shall be exempt from any order issued under part C of the Balanced Budget and Emergency Deficit Control Act of 1985.

SEC. 503. COST ESTIMATE.

The applicable cost estimate of this Act for all purposes of sections 252 and 253 of the Balanced Budget and Emergency Deficit Control Act of 1986 shall be as follows:

For fiscal year	Increase in Outlays	Increase in Receipts
1992	$4,770,000,000	$1,100,000,000
1993	137,000,000	880,000,000
1994	140,000,000	1,080,000,000
1995	140,000,000	880,000,000

TRIBUTE TO GUILFORD, CT, BUSINESSMAN H. LOGAN PAGE III

(The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Connecticut [Ms. DeLauro] is recognized for 5 minutes.)

Ms. DELAURO. Mr. Speaker, I rise today to congratulate an outstanding man and community leader on the occasion of his election to the presidency of the National Retail Hardware Association. H. Logan Page III, owner of Page Hardware and Appliance Co. in Guilford, CT, was elected president of the National Retail Hardware Association [NHRA], at NHRA's annual business meeting in July.

Mr. Page and his family have operated the Page Hardware and Appliance Co. since 1939. Logan became sole owner when he purchased his brother's share of the company in 1973 and has expanded the store several times to better serve the needs of Guilford.

Mr. Page and other small businessmen like him, provide an invaluable service to their community as well as supporting our Nation's economy. The small businessman is the backbone of our country. In each community across America, it is the small businesses that provide the seeds for greater economic enhancement. It is the small businessperson who has the time and concern to give of themselves to the community.

A native of Guilford, Mr. Page has been very active in local community organizations. He is trustee of the Guilford Savings Bank and is on the board of directors of the Alderbrook Cemetery Association. He has served as president of the Guilford Parents Advisory Council, the Guilford Jaycees, and Eagle Hose Company Number 2 of the Guilford Volunteer Fire Department. He was chairman of the Guilford Green Merchants Association and of the First Congregational Church Business Committee, and was member of the board of finance of the town of Guilford for 14 years.

In addition to his involvement in the local community, Mr. Page has also helped to further the interests and activities of the retail hardware community. He is a respected, past president of the Connecticut Hardware Association and the New England Hardware Dealers Association as well as treasurer and member of the board of directors of the Connecticut Hardware Supply Co. Mr. Page is also active director of the American Hardware Mutual Insurance Co.

The National Retail Hardware Association has elected an able and respected leader as their president. They are fortunate to have such a leader and I commend Mr. Page on the occasion of his election.

AN UPDATE ON THE AIDS VIRUS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana [Mr. BURTON] is recognized for 60 minutes.

Mr. BURTON of Indiana. Mr. Speaker, I will not take the whole 60 minutes, but I did want to update my colleagues on what has been going on with the virulent, deadly AIDS virus in this country.

People in this country are very concerned about this deadly virus, but it appears as though we do not get all of the information that we should in order to be able to protect ourselves. So I would like to start out by citing some statistics and some new information which has come to my attention over the last week.

First of all, the Centers for Disease Control is going to be changing the definition of those who have active AIDS. And when that definition is changed, it is estimated that there will be up to an additional 200,000 people defined as having active AIDS that will be either dead or dying from this dread disease.

As of the end of this year, using the old standard on how many people have active AIDS, dead or dying from it, we would have 270,000 people who would be fatally afflicted with this disease. But under the new definition, that figure will go to somewhere between 250,000 and 400,000 who are defined as having active AIDS and are either dead of it or dying from it.

The projections that we had 5 years ago, 4 or 5 years ago, estimated that we would have between 250,000 and 280,000 people dead or dying by the end of 1991. With this new definition being applied by CDC, we are going to go over that. It is going to be between 250,000 and 400,000.

If we extrapolate these figures on out through the middle of the 1990's, it shows that we will have between a million and a million and a half people dead or dying of AIDS in this country by the mid-1990's.

These figures have been pooh-poohed from time to time by HHS, Health and Human Services, and the Centers for Disease Control. But the facts bear out the figures I just cited. With the new definition being applied by CDC, we will probably go over the 250,000 dead or dying by the end of this year. And it will probably be closer to 400,000.

Five years ago we projected there would be between 250,000 and 280,000. So we are going to be low on those figures.

If we extrapolate the lower figures that we used 5 years ago, we come out to between 1 and 1½ million people dead or dying of AIDS by the mid-1990's.

Why do I bring this figure up? Because we are really not doing anything to deal with this crisis. Five years ago the Centers for Disease Control told the people of this country that we had between a million and a million and a half people infected with AIDS and it was doubling every year to a year and a half, year to 18 months. Here we are 5 years later, and we know that we are going to have between 250,000 and 400,000 people actually dead or dying of the disease by the end of this year, and yet the CDC still tells us we have between a million and a million and a half people infected. That does not make sense.

Nobody knows for sure because we have never had a comprehensive testing program to find out how widespread the AIDS virus is in this country. We are running around with our head in a sack, and we are not coming to any valid conclusions about how bad the disease is, how widespread it is.

□ 1750

I believe that we have between 4 million and 5 million, maybe 6 million people infected. That is 1 out of every 40 or 50 people in this country that have the virus. Perhaps my figure is high, but I do not believe so.

But the fact of the matter is the extrapolation we came up with 4 or 5 years ago on how many people would be dead or dying is accurate. In fact, we are a little bit below on those figures based upon CDC's projections.

So I just say to my colleagues, we have a disease that is probably going to rival the worst epidemics in the history of mankind, and we as a governing body are more concerned about things like civil rights than we are about the health of the Nation. I am concerned about the civil rights of the people of this country, but we have a disease that is deadly. It is not curable. It is going to kill we know 250,000 to 400,000 people within the next year or two, and we are not doing anything concrete to combat it.

I have said time and again we need to have a comprehensive program to deal with this pandemic. I said that 5 years ago, I said it 4 years ago, 3 years ago, 2 years ago, and last year, and I am saying it now. We need a program that not only educates the people of this country, but we need a program that expends large sums of money for scientific research, which we are doing, and we could spend more for that because it is important. We need to have a testing program to test everybody in this country on a routine basis so we could come to conclusions about how really bad it is, and we can come to conclusions about how it is breeding, where it is spreading, and how rapidly it is spreading so that we can get a handle on it.

We need to do contact tracing. Each year people would be tested, and if people who have the AIDS virus and know they have it continue to spread it, they are killing other human beings, and through contact tracing we could find out who they are, and they should be constrained. We cannot allow them to continue to kill other people. We have people in this country who know they have AIDS and deliberately infect other human beings, deliberately go out and kill them. That cannot be tolerated, and that should be part of a comprehensive program.

Also a part of the program should be psychological help in the initial stages at least for those who know they have the AIDS virus, because it is a very traumatic experience for anybody when they find out they have got it.

Finally, we need to protect the jobs, the housing, the civil rights, and the health care benefits of people who have the AIDS virus. So that needs to be part of the comprehensive program.

But we do not have a comprehensive program to deal with AIDS. We are doing scientific research and we are doing education, and education is not going to stop the disease.

Let me give the reason why I say that. A doctor wrote this recently. We have been told to tell young people in this country, and we see it on the television every single day, we have been told that condoms will provide safe sexual conduct for those involved.

Here is what a doctor says: "What do I know about this," he says. "I'm an infectious disease physician and an AIDS doctor to the poor. Passing out condoms to teenagers is like issuing them squirt guns for a four-alarm fire. Condoms just don't hack it. We should stop kidding ourselves."

He goes on to say that, "Nobody these days lobbies for abstinence, virginity, or single lifetime sexual partners. That would be boring. Abstinence or sexual intercourse with one mutually faithful uninfected partner are the only totally effective prevention strategies. That's from another recently published Government report. What am I going to tell my daughters?" He says, "I'm going to tell them that condoms give a false sense of security, and that having sex is dangerous. Reducing the risk is not the same as eliminating the risk. Condoms aren't going to make a dent in the sexual epidemic we are facing."

The fact of the matter is, according to studies, 18 to 25 percent of the people who use condoms while having sexual contact with somebody who is HIV-infected is seroconverted. That means they got AIDS, they got the virus. One out of six to one out of four of the people using condoms still get the AIDS virus, and so when they tell young people categorically that this is going to provide a mechanism for safe sex, we are lying to them and we are giving them a false sense of security, and we are creating a situation where their life could be taken from them because of misinformation.

The fact of the matter is there is no such thing any longer in this world as safe sexual contact with another individual outside of a monogamous relationship. That means one person, one man, one woman, marriage, or a one-person relationship.

I want to give some other information that I think is very important, and I hope many of my colleagues are paying attention. Last fall, and this report is a little bit older,

> Last week's report of the National Commission on AIDS, criticizing the Nation's failure to develop a comprehensive strategy for combatting the disease, is only the latest salvo in a reporting war of grim statistics. Note some other dire projections:
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> 1. Last fall, Dr. Antonia C. Novello, U.S. Surgeon General, noted that the main mode of transmission in Africa where the disease is rampant—heterosexual contact—"also may be becoming the trend" in parts of the United States.

Many of my friends do not believe that that is the case, but I want to tell you something. Here in Washington, DC we just found out that the rate of infection among teenagers, teenagers in Washington, DC, not from drugs, but from sexual contact, the increase has been 300 percent, over 300 percent in the last 3 years. It has gone from four-tenths of 1 percent of the teenage population in Washington, DC to 1.3 percent in 3 years.

Well, you say, 1.3 percent is not very much. But wait until this steamroller gets going.

The most adversely impacted segment of our society in the next decade is going to be the teenagers and the college students of this country. And what is so terrible about this is they are getting misinformation.

At Ball State University right on the edge of my congressional district they are selling, as I understand it, condoms in vending machines on campus. And the students were interviewed. I watched the television interview last week, and they were saying that they were selling out. They were all practicing safe sex, and they were being very careful, and they took a survey and found that 80 percent of the college students at Ball State University are sexually active, 80 percent. I submit that is not unusual. It is probably the same on most college campuses across this country. And those young people believe that those condoms are going to protect their lives. And one out of six to one out of four of them are likely over the long term to get AIDS, even though they are using those condoms.

That is a terrible tragedy, and it is because we have been giving them misinformation. They need to know that abstinence, and I know that this is a tough thing to say to a young person, abstinence and a monogamous relationship is the only safe bet. But we keep telling them otherwise.

Another item. "The Centers for Disease Control in Atlanta estimates that AIDS will become one of the top five causes of death in 1991 for women of childbearing age."

Women are getting hit harder than men. We know now scientifically that women are about seven or eight times as likely to get AIDS through contact with an infected partner as a man is. And I think that is something that women ought to think about.

> As early as November 1988, the CDC estimated that 3 of every 1,000 college students were infected with the AIDS virus—a figure that in recent months has been challenged as much too conservative.

Most people believe that over 5 percent or as many as 5 percent of our college students on some of these campuses are infected. But here they are saying 3 out of 1,000. Well, if 3 out of 1,000 young people on any campus are infected, and they are having sexual contact with other people on that campus, it is bound to spread, and that percentage is going to go up rapidly, especially if we realize that 80 percent of them are sexually active, as is the case at Ball State University.

So we have to educate young people, and we have to have a comprehensive plan to deal with this.

> 4. Because college-aged people tend to have more sexual partners than any other age group, they carry a greater risk of contracting the disease. Already the epidemic rise of syphilis, cases, the highest since 1949, suggests continued sexual behavior as usual that will encourage the spread of AIDS.

We had a couple of opportunities in the last few weeks to try to come to grips with at least part of the epidemic. We had the Kimberly Bergalis health care bill. She is one of five people who were infected by Dr. Acer, a dentist in Florida that had AIDS and infected these five people. This young lady is in her early twenties. She is dying. She does not have a long time left now. She came to the Congress to testify in behalf of the Kimberly Bergalis health care bill, which would have mandated that health care workers be tested on a routine basis, regular basis, and if they are infected they have the obligation to tell their patients that they are infected.

□ 1800

Ninety-some percent, 95 percent approximately, of the people of this country believe that if a health care worker is infected, they, as their patient, have a right to know, and that bill never even got out of committee.

In addition to that, this was not a one-sided bill. It not only let patients know of the HIV status of their doctor, it also let the doctor test the patient if he or she felt there was any possibility they might have the AIDS virus. So it was a two-way street. The doctor could test the patient; the patient could demand to know the HIV status of their doctor or dentist.

I personally would not want a doctor or dentist doing invasive procedures on me if they had the AIDS virus. That is a personal preference. Some people would not mind a doctor or dentist working on them internally if they had the AIDS virus. I personally feel very strongly about it, but I believe people ought to be able to make that decision informed. They have a right to know.

That bill never even got out of committee. We killed it. It was a step in the right direction towards illuminating for this country the problem we have with AIDS and protecting individual citizens.

Now, they said that Dr. Koop, who was the Surgeon General, sent out to every house in this country a brochure on AIDS. In that brochure he said you could not get, he categorically denied that you could get AIDS from a doctor, a dentist, or a hairdresser, or any health care worker. We now know from Dr. Acer's case that that is not true. So now they have asked Dr. Koop about whether or not health care workers should be tested. He said that the chances of getting it from a health care worker are so small that it should not be considered, testing health care workers. Well, just a couple of years ago, he said you could not get it at all, and now he says the situation is so small that the chance of getting it does not merit testing. He was wrong before, and he is wrong again.

A case in point: In the prisons in Maryland, they had two dentists who had the AIDS virus. Those dentists treated a lot of inmates in that prison. In fact, they treated about 957 of them. In fact, they treated more than that, but 957 of the inmates who did not believe they had any dangerous behavior wanted to be tested for AIDS. The 957 of them were tested, and 33 of them tested seropositive for AIDS, 33 out of the 957. That is about 3 percent of the population that thought they did not have any behavioral pattern that would give them AIDS, but they got AIDS from these dentists. So we know for a fact that Dr. Acer gave 5 of his patients AIDS through contact in his office, and now we know that 33 inmates in the Maryland penitentiary have gotten AIDS from 2 dentists.

Yet, when I asked CDC and I asked the Maryland prison officials if they were going to pursue this to see if they could categorically find out for sure, if they could categorically confirm or deny whether they got the AIDS from these dentists, they would not do it. They said it was too costly, and they indicated they did not think it could be done. Well, it can be done through DNA samples through testing, and we can find out categorically if those 33 inmates got that disease from those dentists.

We should, because it will give us a guide and give us some knowledge about whether or not there really is danger in addition to Dr. Acer. It will give more conclusive evidence that there is danger in going to a health care worker who has the AIDS virus. Yet, we are having a difficult time getting CDC to follow up on this.

I have written them a letter. I have asked them to give me a reason why they do not follow up on this. I have yet to hear from them. But you can rest assured that I will continue checking this out.

Another related bit of information, because of HIV AIDS, we are seeing a tremendous explosion in TB cases in this country and around the world. TB worldwide is the greatest killer of human beings, and in the United States we are seeing an explosion of TB cases in New York hospitals where AIDS is really prevalent, and the situation there is really disastrous right now.

Many of these TB cases cannot be treated with drugs. They are not susceptible to the antibiotics that are being used, so what we are seeing, because of AIDS, is we are seeing a tremendous increase in the number of TB cases, because the immune system is broken down when you get the AIDS virus, and other diseases are easy to catch, such as hepatitis B and tuberculosis.

These new cases of TB, and this is very disturbing, many of them cannot even be treated with conventional drugs and antibiotics, because they are related to AIDS, and that is very disturbing, because we are going to have a lot of people die from tuberculosis because they caught it from a person who had the HIV virus, and it has properties in it which make it resistant to antibiotics that we use today.

Finally, in USA Today this morning, they asked the people in a survey around this country what they thought about testing for AIDS. I have seen polls in the past that said over 70 percent of the people in this country believe that a universal testing program is necessary in order to get a handle on this terrible disease.

Here is what we found today in USA Today:

> Most people favor tough AIDS control measures such as mandatory testing that are generally opposed by AIDS activists, a new poll shows. "People really want this thing stamped out," says Calvin Martin of the Gallup Organization, which conducted the poll for the American Association of Blood Banks. Among findings from the survey of over 1,000 adults was, No. 1, 89 percent of the people in this country favor mandatory AIDS tests for health care workers.

Well, the last one I saw showed over 95 percent favored that, but 89 percent of the people in this country want to know the HIV status of their health care workers; 82 percent of the people favor mandatory tests for hospital patients; 82 percent want the names of infected people reported to health care agencies.

Many activists and health experts oppose forced testing, saying it would infringe on civil rights. Again, there is that civil rights issue. Health is not important; civil rights is; deplete money available for other anti-AIDS efforts and produce few benefits; name reporting is controversial because of potential for breaches in confidentiality.

Among other findings, AIDS is named as the Nation's top health problem by 27 percent, down from a high of 36 percent in 1988, and that is because people are not aware of all of these things, next to cancer and so forth; 22 percent of the people in this country know someone infected with the AIDS virus, up from 16 percent; 71 percent say the blood supply is very or somewhat safe, down slightly from 74 percent in 1989; 26 percent believe wrongly that people are likely to get AIDS from giving blood.

Donating carries absolutely no risk, because they use clean needles there. Fifty-two percent, they say in this paper, also wrongly believe that people are apt to get AIDS from a transfusion. Despite some celebrated cases, the actual risk ranges from about 1 in 40,000.

I can tell you this, that if I had to have a blood transfusion and it was elective surgery, I most certainly would donate my own blood and make sure I was not running the risk, even if it is 1 in 40,000, of getting it from a blood transfusion.

In closing, let me say to my colleagues one more time—and I will be back down here periodically talking about this with additional information—that these are the facts: We are going to have over 250,000 people dead or dying of AIDS by the end of this year. That was projected 5 years ago, and the projections, if carried out through the mid-1990's, would indicate to me and to many others that we are going to have between 1 million and 1½ million people dead or dying. That is a cataclysmic experience, a cataclysmic number.

I believe we have 4 million, 5 million, 6 million people infected right now. But we do not know who they are, and they do not know who they are, and as a result, they continue to carry on their activities in colleges, in high schools, in pubs around this country, and spreading this disease, and they do not know they have it, and the people that are coming in contact with them obviously do not know that they have it.

I believe that in the next few years the most rapidly growing segment of our society that is going to be infected with the AIDS virus is going to be our college students, our high school students, and our people in their sexually active years.

A poll taken at Ball State University showed 80 percent of the people there are sexually active. I think that is consistent with many universities around the country, yet they believe that there is safe sex by using condoms.

The fact of the matter is that 230 million AIDS viruses will fit on a period at the end of a sentence. It is in every single bodily fluid, and condoms will not give you the kind of protection you believe. Eighteen to 25 percent of the people in this country who have used condoms while having sexual contact with people who are infected with AIDS get it, and so there is still a great risk.

So finally, I would like to say that we need a comprehensive program, and I plead with my colleagues one more time that instead of turning our backs on bills like the Kimberly Bergalis health care bill, as the gentleman from California [Mr. WAXMAN] and his committee did just a couple of weeks ago, we need to come to grips with this.

□ 1810

The people of this country and the future generations of this country, the young people of this country, are going to hold us accountable for our inaction if we do not do something about this. We need a comprehensive program.

I will say this once again probably for the 5,000th time in the last 5 years—testing, contact tracing, education, scientific research, psychological help, penalties for those who have the AIDS virus and continue to spread it, and finally, to protect the civil rights of those who have the virus so that they will know we are concerned about them. We should be concerned about those folks who have AIDS, but we should be even more concerned about the people who do not have it, who might become infected because of ignorance and because of our inaction in this body and in this Government.

MAKING AMERICA WORK AGAIN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin [Mr. OBEY] is recognized for 60 minutes.

Mr. OBEY. Mr. Speaker, I normally do not take special orders, because as anyone who really understands this place knows, special orders occur at the end of the day when everybody has gone home and so you are pretty much talking to yourself; but I suspect this is often not an unusual occurrence for politicians, so I wanted to take this time tonight because I care very deeply about the subject and I think people need to understand what is happening to our economy before we can decide what to do about it.

The question is often asked: Why are people so cynical about their politicians and about politics? One answer is that often people are concerned about the ethics of people in government. I have heard that answer many times, and I agree with it. I think my record shows that I have been at the center of virtually every effort to strengthen ethics codes for elected officials, to reform the ways in which political campaigns obtain and spend money and to reform the way Congress itself operates. I frankly made some enemies, some powerful ones on occasion, because of those reform efforts.

But I really believe that the most important reason why the public is angry with government is because they think that government is ignoring their most basic needs, and they are right.

Nowhere is it more obvious than in the White House itself. The President has admitted that he much prefers to deal with foreign policy rather than dealing with domestic and economic affairs. He tells us continually that it is important for us to be engaged internationally and he points to Harry Truman's efforts to defend the West from economic and military catastrophe through NATO, through the Bretton Woods Agreement and the Marshall plan.

It is true that Harry Truman did all those things in those days and that was a hard sell, because the American people had sacrificed greatly during World War II and they wanted to deal with the problems at home. Public support for Harry Truman's foreign aid policies never rose above 20 percent in the opinion polls, yet the American people acquiesced in what Harry Truman was doing abroad. They allowed him to play Churchill abroad because he was not playing Scrooge at home. They allowed Truman to engage abroad because they knew he was already engaged at home.

I think it is important to remember three things about Harry Truman. First, Truman presented the Marshall plan and his other proposals within the context of a balanced budget.

Second, he presented them to the country in the context of expanding economic opportunity for American families.

Third, he presented his proposals in the context of economic policy at home that put Government on the side of the average American. Americans did think in those days that Government was on their side. It was helping families to buy their first house through the VA and the FHA housing programs so they could build equity and grab a piece of the American dream. It was helping to create economic opportunity for all by making quality education available through the GI bill. And it was seen as fair because it had a progressive tax system which taxed people on the basis of their ability to pay, not on the basis of their ability to pay lobbyists to get out of paying.

The price of Harry Truman's activities was expensive and Americans did not like it much, but they tolerated it because the U.S. economy stood astride the world like a colossus and the American worker was king. Economic opportunity was expanding and people expected that it would continue to expand. The American educational system was the best in the world. American workers were the best trained. American managers were the world's best. Our research and development led the world and our technology, both product and process technology, was unmatched.

Today President Bush, as did Harry Truman, wants to play Churchill abroad. But in contrast to old Harry, old George is playing Scrooge at home and the American people resent it because times and prospects have changed.

Today our elementary and secondary education is at best, average. Fewer than 20 percent of our students in the 4th, 8th, and 12th grades have reached competence in mathematics. Our worker training programs show less than average effort. Our civilian research and development programs are a pale imitation of our past strengths. Our technology is mediocre and Government economic policy, instead of making things better, is making them worse.

As a result, for most Americans, family income is not rising. It is falling, in contrast to what it was doing under Harry Truman.

The American people have a right to ask, how did it happen? Well, part of our relative decline was certainly inevitable as other countries rebuilt their economies, often with our help. It was inevitable that our share of world markets would decline and that our dominance would recede, but our problems are much more serious than that.

First of all, America's private sector rested on its lead. Many sectors of American business took economic and technological leadership for granted. They did not invest as much as they should. They did not train their workers as much as they should. They did not think ahead as much as they should, and in 1973 we first paid a price. The first round of oil price shocks demonstrated which economies in the world were organized in a way best able to handle those shocks and ours was not one of them.

But something happened in the public sector as well. From 1945 to the late 1970's America had a national consensus that certain public investments were crucial to the strength and stability and decency of this society, but that consensus began to show strains during the second round of energy price shocks in the late 1970's and in 1981 and 1982 that consensus was shattered.

Let us review a little history. In 1981, the day that Ronald Reagan walked in the White House door, the Federal deficit stood at $57.9 billion. The Defense budget stood at $160 billion. Tax rates at that time ranged from 14 percent in the lowest brackets to 50 percent in the highest, on income above $215,000. The national debt stood at $830 billion.

The Reagan-Bush administration argued that we could double military spending, reduce Government involvement in the economy, deregulate business, cut taxes primarily for high income people, all at the same time and that the result would be both a balanced budget by 1985 and unparalleled economic prosperity for all.

On May 7, 1981, the key economic decisions of that decade were made. The administration rammed through its Gramm-Latta budget by a vote of 253 to 176. Republicans voted for it 190 to 0. Democrats opposed it by a vote of 176 to 63.

Eleven weeks later, the Reagan-Bush administration rammed through their tax package which reduced revenues by huge amounts, primarily by providing huge tax increases for high income people. That package also passed. Republicans voted for it 190 to 1. Democrats voted against it 194 to 48. It passed 238 to 195.

I am proud to say that at that time I offered one of the two Democratic alternatives to each of those packages. Our budget amendments would have spent less and borrowed less and our tax amendments would have extracted fewer taxes from middle-income people than the budget and tax packages which passed, but we would have rejected the bonanzas for the rich in the administration's successful package. But we were clobbered.

On passage of that Tax bill, then-Secretary of the Treasury Donald Regan said, "Our program is now in place."

Thus began the Republican experiment in supply side economics. Those decisions set us on the road to a massive transfer of income and wealth from almost all income groups in society to the very wealthiest among us. Those decisions also provided an immense increase in military spending.

□ 1820

At the same time they provided a massive and damaging disinvestment in some key building blocks of national strength and stability, such as worker training, community development and education programs.

Some of us warned at the time that those decisions would lead to record deficits and a dangerous, long-term undermining of our economic strength. But our warnings were drowned out by the national megaphone at the White House.

David Stockman, Budget Director for the Reagan/Bush administration, revealed later in his famous article in the Atlantic Monthly that he had been explaining for 6 months "to the West Wing guys that these numbers just didn't add." He explained that he got his budget deficit projections "down to $31 billion by hook or by crook, mostly the latter."

Then he went on to say this, he said:

> We didn't think it all the way through, we didn't add up the numbers. We should have designed those pieces to be more compatible. But the pieces were moving on independent tracks. You see, it didn't quite match. That is what happened, but you see, we got away with it because of the novelty of it all.

In fact, the deficit that year increased by over $160 billion. Still, the administration correctly argued at the time that initiatives needed to be taken to increase economic growth, to strengthen the supply side of the economy. But we now know what the real purpose of the administration's Kemp-Roth supply side program was, because it was also revealed to us by Mr. Stockman in that famous article when he said as follows:

> Kemp-Roth was always a Trojan horse to bring down the top rate. It is kind of hard to sell trickle-down, so the supply-side formula was the only way to get a tax policy that was really trickle-down. Supply-side is trickle-down theory.

What makes it all so sad is that some of the criticism that the administration leveled against previous Government policies was correct. Stockman said in that famous Atlantic Monthly article that the debate, the economic debate, began with two premises, which in my view were correct. First, he thought that liberal politics in its later stages in the 1970's had lost the ability to judge claims on Government, and so it yielded to all of them, creating what he called a constituency-based choice-making, which could no longer address national interests, including fiscal control.

Then he said that the way to change that was to curtail weak claims rather than weak clients. He correctly observed that key to political and economic success was to demonstrate that the administration would not just attack weak clients. We have to show that we are willing to attack powerful clients with weak claims, he said.

He was right. But how did he assess the final administration product? In describing the bidding war on the tax bill, which the administration finally won, he said, "The hogs were really feeding, the greed level, the level of opportunism just got out of control."

And what about the administration's original goal of curtailing weak claims? Did the tax and budget changes rammed through by the administration really result in attacking powerful clients with weak claims? Or did they wind up shooting the sick and the economy along with it?

Well, as the Atlantic Monthly article noted:

> What had changed fundamentally was the list of winning clients, but not the nature of the game.

The average American lost out, in other words, to the powerful, whose political clout ensured that their claims continued to be addressed no matter how unsubstantial they were.

So what is the record after the years of Reagan-Bush policies? What have they delivered? They promised us record economic growth when, in fact, at the end of his first 3 years in office, with an average annual growth in GNP of no more than 1 percent, the Bush administration will have the lowest economic growth on record. They promised us huge productivity increases, but productivity growth of roughly 1.1 percent over the last decade places us way behind our closest competitors.

They promised us more jobs and increased prosperity. But as this chart would demonstrate, in fact, under the Bush administration we have had lower average monthly job growth than under any President, going back to Eisenhower: 14,000 jobs created per month on average under Bush, 208,000 created per month under Carter, 174,000 created under Reagan. Even old Ike did better than that, with 43,500 jobs per month.

And if you take a look at the kind of jobs since January of 1989, 900,000 manufacturing jobs have been lost. The jobs being created are usually in the service sector, and they are characterized by low wages and no benefits. Today, two-thirds of those earning minimum wage are adults. Overall wage growth in the United States lags behind that of most other industrialized countries.

Now, the administration also claims that family income has made great strides in the past decade. But the reality is quite different.

It is true that many families have kept pace economically, but only by sending a lot of wives into the work force. In plain language, many families need two earners today to maintain the same living standard that was achievable with only the husband in the workplace a generation ago.

From 1973 to 1978, a male worker at the exact middle of the American wage scale saw the purchasing power of his wages actually decline by 2 percent after inflation.

During the 1980's, the real average income of a 30-year-old male who dropped out of high school had fallen 40 percent. Average income of the high school graduate has fallen, in terms of real purchasing power, by 17 percent.

The average income of a 30-year-old college-educated male has risen only slightly, by 5 percent—not 5 percent a year, but 5 percent over the entire decade.

From 1978 to 1988, average hourly earnings measured in terms of their purchasing power declined a full dollar, from $11.72 to $10.13, or nearly 16 percent, figuring both of those numbers in 1988 dollars.

That meant that the worker in the middle lost $2,000 in real purchasing power over the decade. And since President Bush has walked into the White House, per-person income has dropped some more, by $428, from $14,800 to $14,385, over the last 2 years, and that does not count the further drop that you will see this year.

The earnings of men who work full time have declined for the third year in a row.

Now, the administration will brag about the fact that women's pay in comparison to men's has risen over the past few years. But as this chart will show, that is not because women's wages have increased; it is because male wages have actually declined. That is the wrong way to go in evening up the difference.

Then we get to the question of overall income, and we see that the richest 1 percent in this society have doubled their income over the last 12 years from $300,000 to $600,000. While 80 percent of Americans have seen their income remain the same or drop. In fact, the richest 1 percent of all Americans have had more growth in income than 90 percent of American families combined.

And in fact, if you compare the numbers today, you will see that the richest 1 percent average $600,000 in income whereas the average income for all American families is $35,000.

Yet, since 1981, taxes on middle-class families have risen at the same time that the wealthiest 1 percent have had tax reductions averaging $80,000. This chart shows how the tax burden distribution changed over that same period. You see increases in virtually every tax bracket except the richest 5 percent, and the richest 1 percent has had a 12-percent reduction in their taxes over that time, amounting to $80,000 on average.

While middle-class workers are continuing to be squeezed and the poor are continuing to be crushed, the very wealthiest people are riding the gravy train. Not only does the Government not do anything about it, it promotes more of the same. And the evidence is all around us.

And yet, official Washington and the Bush administration has been telling us last year that we were not going to have a recession, and then after we got into it, they have kept telling us that we are out of it.

□ 1830

But the facts show the opposite to be true. One day after the White House called efforts to extend unemployment insurance compensation to workers who lost their jobs garbage. The Government's own numbers showed that the recession was continuing even as the Government was denying it. Jobless rates have increased to 8.4 million, up nearly 1.6 million since the recession began in July 1990, and nearly 6 million people are working part-time because they cannot find full-time work.

Long-term unemployment, those unemployed 154 weeks and longer, stands at 2.4 million Americans, about 850,000 above the July 1990 figure. Over the last 10 weeks, as President Bush saw fit to deny the long-term unemployed some help, roughly 700,000 additional Americans have exhausted their benefits. Up to 10 million American families will experience unemployment by someone in their family over the next year and a half.

Mr. Speaker, people are scared. Right now the number of persons who are unemployed and are without any unemployment compensation is larger than it has been in the last 40 years. And yet Government remains, as FDR once said, "frozen in the ice of its own indifference."

The number of people living in poverty grew by more than 2 million people over the same period. After 20 years of substantial economic growth, the poverty rate is higher now than under Nixon. One out of five kids is growing up in poverty, and those numbers are for last year. When the numbers come out for this year, they will be worse. People often talk about this problem as being a problem of racial minorities, but the fact is two-thirds of people in poverty today are white.

Now I am often accused of having a temper. I plead guilty, and these numbers leave me angry because what they show is what is happening to human beings behind the numbers. What deepens my anger is the insistence of official Washington and the administration in denying these facts and looking the other way while working people continue to get squeezed. That is not only immoral; it is lousy economics.

Mr. Speaker, this country will not keep decent-paying jobs in America if the Government does not stop being limp-wristed on the trade front, if Government does not start recognizing that Germany invests twice as much to train workers as does America and if it does not admit that taxes on the middle class are too high, while taxes on the very wealthy are too light.

Now I do not have anything against rich people. I think everybody ought to be rich. But I want tax burdens distributed fairly so that everybody can share in the American dream, and I want somebody to benefit in this society except the economic elite.

We cannot afford to allow the younger generation to be the first generation in the 20th century to wind up being less well off than their parents, but that is exactly what is going to happen if this systematic trend of disinvestment on the domestic side of the ledger continues.

It is time to recognize that the major threat to the United States is no longer a Russian soldier coming over the horizon. It is a German, or a Swiss, or a Japanese, or an Italian, or Irish worker in a modern plant who is able to take away American jobs because, while we have been spending money to defend Europe and the rest of the world, they have been investing in new plants, new equipment, worker training, preparing to knock our socks off on the trade front. If you do not think it has worked, just take a look at the trade deficit numbers today.

Mr. Speaker, since the budget summit last year a few things have changed. We had a major revolution. The Soviet Union is in disarray. The Warsaw Pact no longer exists. Germany is united. The Communist Party is legal in the United States today, but it is suspended in Russia. Those changes and others, it seems to me, have given us a second chance to reclaim our future.

Now some of us tried to begin that process last year. Last year, in the teeth of all of the evidence, the administration tried to pass a budget at the summit which took $30 billion out of Medicare and raised taxes on middle-income people by twice as much as it raised taxes on the very wealthy. A majority of Democrats said, "Hell, no," and we helped to bring it down, and out of that came a bill which was a lot more fair to the middle class. It put $20 billion back in the pockets of senior citizens on Medicare, and it raised taxes on the wealthy twice as much as it did on the middle class. It made marginal progress in redressing the unfairness in the Tax Code. It was a tiny start toward tax justice.

However, Mr. Speaker, it is not enough, and this year we need to go back to that fight again.

Yet the administration still has learned virtually nothing. Today the facts came out that the trade deficit is up 13 percent, industrial production is flat, inflation is up by four-tenths of 1 percent development, which ought to concern everyone, real earnings are up by a tiny one-tenth of 1 percent this month in comparison to 1.1 percent the previous month. We have an actual drop in hours worked. In fact, the economy is in a stall!

Mr. Speaker, the administration's response to that is to go back to the same old tired, "reward-the-gravy-train-boys" approach which they showed up within the budget summit last October. They want more capital gains, and 80 percent of the benefits under the President's last capital gains proposal went to the very wealthiest people in this society.

Oh, yes, the President talks about providing some help for first-time homebuyers under IRA's. Welcome aboard. That was in the Democratic tax package more than 1 year ago. But he is still missing the point.

What we need to do in the short term to restore a sense of confidence in Government fairness toward working families. And what we need to do to get the economy moving again is to provide a middle income tax cut. The best way to help this economy is to help working families. The best way to jump-start the economy is to put more money in their pockets.

That is why the gentleman from New York [Mr. DOWNEY], and the gentleman from California [Mr. MILLER], and I, and a number of others—I see the gentleman from Michigan [Mr. BONIOR] on the floor; he as well—are pushing the Working Family Tax Relief Act, a bill that would provide a tax cut averaging $800 for the families who need it most, those with kids who earn less than $75,000. To prevent adding to the deficit, we would pay for it by, among other things, imposing a 15-percent surtax on those with adjusted gross incomes over $200,000.

We need to do that, and we need to do it now. We should not wait until January. We should not wait until after the election. We ought to do it now, and the Democratic Party has an obligation to support that, and so does the Republican Party.

But over the long term we need to do more than that. We need to reorder our budget priorities so that we can make investments that are needed to rebuild America. Now that the Soviet Union has collapsed, we need a healthy cut in military spending so that we can move more resources home to help us deal with our own education, our own economic investment needs and our own tax problems. We simply have to reinvest in our physical and human resources now in order to continue to be economically competitive in the future.

We have two bridges a day falling down in this country. We ought to do something about it. We need to pass the new highway bill which came out of the Committee on Public Works and the Committee on Ways and Means this week. And we need to have an administration that gets behind it rather than threatening to veto it.

We need to reinvest in our physical and human resources in many other ways. The Federal Government pulled the plug on education in the 1980's in order to push money into the military budget. Now that the military threat is largely evaporated, we need to bring some of that money back home to relieve the very property taxes which the Federal Government drove up when it pulled the plug on education. Local property taxes today are $11 billion higher than they would be if the Federal Government supported elementary and secondary education to the same degree that it did in 1980. We need to bring some of that money home and put it back into programs that will enable us to relieve the property tax squeeze for education at the local level.

□ 1840

We obviously need to do more than that on the educational front. We also have to raise education standards. We have to increase the length of the school year. We are not going to win the game long-term if we are on the field 20 or 40 days a year shorter than our competitors.

Worker training and employment programs have been cut over 50 percent in the last decade, and yet the President proposed to entirely eliminate the program that provides training for workers displaced by foreign competition and to reduce by over 200,000 the number of workers served by the Job Training Partnership Act.

In order to attain a high skills-high wage path for our economy, we need to be fully funding these programs, and we need to develop school work transition programs for our non-college-bound youth while simultaneously shifting economic rewards to people who deserve them the most.

The result of the economic policies that we have had has been to produce a massive disinvestment in the things that are crucial to economic growth at the same time that we have rewarded people who need help the least. The result has been fewer jobs at lower pay and a dimmer future for a growing portion of America's working families.

I know that many people who are well off do not want to hear about these problems. They just do not want to hear about them. It makes them uncomfortable. But the fact is that America has never worked when we have ignored the problems of our neighbors. America has always had a standard of decency and a belief in fairness which is being ignored today, and we have always tried to look at tomorrow, not just the next quarterly report.

We all have to work hard to reverse a decade of neglect, and we also have to look forward to policies which can rebuild America, but first we need a better balance in the way we spend our money. We need to retarget the scarce dollars we have and at the same time be tough enough to cut spending on programs that are outdated or were designed to protect us against a threat that no longer exists. And we need a better balance in the way this society rewards hard work.

In 1960, the year Jack Kennedy walked into the White House, the average corporation president for the 200 largest nonbanking corporations in this country, earned about 12 times as much as the average worker in that same plant. Today that same corporate president earns 75 times as much as the average worker in that same plant. That is simply not right. It is unjust, and it is lousy economics.

But most of all, what we need on the part of government is a better balance in whose problems are paid attention to by the government. The test of America has always been what we do for the greatest number in our society, not the greatest number of those with power and leverage. After 2 years of neglect, now the White House wakes up and discovers that not only is the country threatened by these economic problems but perhaps the administration's continued lease on the White House is threatened by the continuation of these problems. But they suggest that we do something about it by rewarding the people who need help the least, by rewarding the people who had the most benefits over the 80's. They continue to send the bill to the people who were not invited to the party in the 1980's, and it is time the Democratic Party and the House of Representatives stand up to that and say, "no more." And it is time that we insist that we get action, and action now, as FDR said when he gave his inaugural speech in 1932.

So it just seems to me, Mr. Speaker, that instead of watching the White House give a sugar pill to the average American family while it gives another martini to the rich, we have an obligation to keep pushing that unemployment compensation legislation until the White House is shamed into signing it, and we have an obligation to renew the fight which we joined last October to restore some tax justice to the middle class, because that is the most direct way we can not only restore fairness but to jump-start this economy at the same time.

The so-called budget summit deal which was agreed to a year ago is past history. It ought to be assigned to the ash can of history. It served a temporary, short-term purpose, but as I have said earlier, we have had an incredible revolution internationally since that time. That budget summit was designed to protect the defense budget from attacks. It was designed to keep the money flowing to the Pentagon. We do not need that much money there any more. It is time to bring it home and put some of that money into the pockets of middle-class taxpayers and put some of the rest of it into public programs to rebuild the investment portion of the budget which has been savaged over the last 12 years.

Mr. BONIOR. Mr. Speaker, will the gentleman yield?

Mr. OBEY. I am happy to yield to the gentleman from Michigan.

Mr. BONIOR. Mr. Speaker, I would like to associate myself with my colleague's remarks and congratulate him for taking this time to raise this issue today and raise as many issues as he has raised this evening.

I am in sync with not only what you said and with the priorities you set, but with the tone of your remarks, which are sensible but which have a sense of anger in them and a outrage. And we should be outraged. The statistics you gave to us this evening with respect to income disparity, with respect to the neglect of the unemployed, with respect to what we have on our plate and what we are not moving, and what we should move, ought to outrage every American who is listening to the gentleman this evening.

I also want to make a statement, if the gentleman will yield further, on the question of unemployment compensation which he addressed in his remarks just a second ago. Last week, for the second time, the President blocked desperately needed benefits for millions of Americans. In July he killed benefits by refusing to declare an emergency. Last week he vetoed a bill approved by an overwhelming majority of Americans and by 300 Members in this body and 65 in the other body, and in both cases he demonstrated that unemployment just is not important enough to divert his attention from other issues. He justified himself with a cloud of rhetoric about breaking the budget.

I ask my colleagues, when did George Bush become so concerned about the budget. He did not mention it when he approved emergency spending for the Kurds. He seemed to have no qualms about breaking the rules to give millions to the Turks or the Israelis. He did not seem concerned about the budget when the sent literally hundreds of thousands of our men and women into battle last winter, but when these same men and women returned, he failed through the sponsored bill he supports, the Dole bill, to take care of these same men and women who cannot find jobs when they return from service to their country.

The President was simply reminding us that Americans just do not qualify for the same special considerations as his friends abroad. The real irony here is the fact that unemployed Americans are not asking for any special treatment. We are not asking for anything that we do not have entitled to us. They simply want the President to release the money that is already in the unemployment trust fund. Eight billion dollars has been set aside for that purpose. The American people and the majority in Congress have twice called upon the President to release the trust fund. It is aptly named. It is properly named. It is a trust fund. And on Friday the President said no again. He clings to this fantasy that the recession is over and that those embarrassing unemployed workers are just going to fade away.

But we have heard from the gentleman from Wisconsin who has given us the growth figures over the last 40 years since Eisenhower. There is no growth in this economy. It is dead in the water. The statistics the gentleman gave us a second ago with regard to personal income, with regard to the inflation rate, and with regard to the number of unemployed who have exhausted their benefits last month, are scary, and they should be scary.

□ 1850

The President does not understand the deep trouble that the country is in. Twenty percent, the New York Times poll last week indicated, of the people thought this was the No. 1 domestic issue, unemployment. It is an interesting figure. One out of 5 Americans list this as the No. 1 problem, yet only 7 out of 100 people are directly affected by it.

This shows the amount of concern and anger and edginess that people have about this issue. They have someone in their family affected, or they are worried about their own job.

Now, we all know the pain, the mental anguish this causes. We all know people have trouble paying for their mortgages when they are unemployed, paying for their utility bills. Jobless workers are troubled deeply about this false sense of optimism that the President has put up in a bravado of real disguise. The real hoax that has been perpetrated on the American people has been the fact that the President has not awakened to the fact that he has got a serious economic problem and that he has tried on two occasions to mask this issue by, No. 1, last August, signing the bill that we sent him, but not releasing the funds; and No. 2, last week, vetoing the bill while the country was focusing its attention on the Supreme Court nomination process.

Cynicism, callousness, the height of it. I think that, quite frankly, Mr. Speaker, the President now is worried. He ought to be worried. He is worried about his own political hide, and he ought to be worried about it, because this issue is growing.

Twenty percent of the American people say that this is the No. 1 issue. Seventeen percent additionally look at the economy and say that is the No. 1 issue.

These are real people in this country who have problems. I want to read to Members, if I may, a letter that I received several weeks ago from a constituent of mine in Mt. Clements, MI. He lost his job and his unemployment benefits have run out. Listen to what he says about his family.

> We are educated people. I have an electrical engineering degree. To serve my country, I did a tour in Vietnam. Now I need help. With a wife and three children, we are living with shattered dreams and fright from day to day. My savings are gone and we may soon have to put the home we worked 18 years for on the market. Is there any hope in sight?

Yesterday, in the Detroit newspapers, I picked this up from a woman who reacted to that veto. This is a woman who is 60 years of age, worked 42 years. She is a resident of Lathrup Village. With only two more unemployment checks due her, this is what she says.

> It stinks. If this recession is over or if it is going to be over, it is going to take time. Some people are going to need financial support. I haven't the foggiest idea of what I will do now. I am not as bad off as other people out there, but I will be. It is scary. I really feel sorry for people with small children. I am very upset with the President. He doesn't seem to care about people.

She indicated in the article that she voted for George Bush last time. Would she support him in the future? Absolutely not. She urges voters to write Bush and their Congressmen about their anger over the veto.

Or Joseph Chronowski, a 34-year-old resident in my district in Roseville, who lost his job of 12 years when the Borden Dairy plant in Madison Heights closed down last December. He says:

> I was counting on that 20 weeks. I am a little worried about it. It gets a little depressing when you go to an interview and find hundreds of people waiting for the same job.

Mr. Speaker, Members have hundreds of these letters, thousands of these letters, from constituents, asking us, asking the President, to do something about this unemployment situation, to do something about the economy.

The Bureau of Labor Statistics says that 8.4 million Americans are unemployed today. The gentleman from Wisconsin [Mr. OBEY] knows as well as I do that that figure is much higher. Structurally we have had literally thousands, if not millions of people, dropped from the rolls. During the last 12 months, 3.1 million Americans have exhausted their unemployment benefits. According to the Labor Department, that number could jump to 3.4 million next year.

These are people who are out of work because of George Bush's recession. They have run out of unemployment benefits, and now they are suffering from the President's rather insensitive and callous veto.

After this week there will be no State in the Union that will be eligible for extended unemployment benefits. Despite these record-breaking statistics, the President and his advisers have decided that these issues are trivial.

We have got the Secretary of Treasury saying that this recession is, "no big deal." It is no big deal to him. We have got the OMB Director saying that people stay on these extended unemployment benefits so they do not have to go to work, not understanding the dignity of work and how important it is to these people I have just quoted in my statement, and literally millions of others who look for work as a source of providing not only for their families, but for their own self-worth.

Mr. Speaker, the cruelest and most cynical hoax of all is the President's so-called alternative to our Democratic plan on unemployment. I would just like, if I could, to address that a second, and perhaps even engage the gentleman from Wisconsin [Mr. OBEY] as to his reaction to it.

The so-called Dole unemployment bill which the President has given his reluctant and last minute support to is just another bit of trickery. Let us strip away the cynical rhetoric and gimmicks and look at what the Dole bill actually does.

First of all, the proposal only covers a tiny fraction of the jobless Americans who really deserve and need help today. Under the Dole proposal, most of the long-term unemployed workers who have exhausted their benefits over the last 6 months would receive no benefits at all. In fact, only 14 percent of these workers would receive benefits if the Dole bill was adopted today—14 percent.

Furthermore, the Dole proposal entirely eliminates benefits for many veterans. According to a recent study, the bill would deny a half a billion dollars in benefits to veterans over the next 5 years.

It gets even more ridiculous. Under the Dole bill the States with the highest unemployment rate, like Michigan, where my district has 11 percent unemployment right now, as well as 9.7 statewide, Michigan, the highest unemployment rate States, are ineligible to reach back for benefits for people who have exhausted theirs.

States like New Jersey get additional benefits, States with low unemployment rates.

I do not understand what rationale, what logic, went into putting this proposal together. When the President says the Dole bill pays for itself, the gimmickry reaches epic proportions. The benefits in the bill depend upon some cockamany scheme to sell radio frequencies at fire sale prices. It contains a deceptive attempt to count school loan repayment years before the money is actually even repaid.

Mr. Speaker, I just do not understand why all these smoke and mirrors, why all the hair brain funding schemes. Why not just give the jobless workers the benefits they have already paid for from the $8 billion that is in the trust fund that was set aside for this purpose? The Dole bill is just one more trick in the latest of a long line of deceptive tactics to divert attention from the simple truth: President Bush and his friends in Congress just are not interested in the problems of most Americans. They are interested, as the gentleman from Wisconsin [Mr. OBEY] said, in taking care of those who got theirs during the eighties, those people at the top. Capital gains for the wealthy. Let us keep the money flowing. Let us try this trickle down a little bit more.

What we need, as the gentleman correctly indicated a little earlier, is a little bubble-up. We need to give the breaks, the tax cuts, to middle income Americans. Eight hundred dollars a year in the proposal that the gentleman from Wisconsin, the gentleman from New York, and the gentleman from California [Mr. MILLER] has sponsored. That is what we need to get this economy moving again. Not trickle-down capital gains, 80 percent to the wealthiest group of people in our country. Not more money for those people at the top 1 percent of our population making literally hundreds of thousands of dollars a year, getting about a 122-percent increase in after-tax income over the last decade.

Mr. Speaker, they had their day. They had their day. Now it is the turn for the middle class working families in this country.

We need to get that bill out on the floor, we need to debate it, and we need to get it over to the White House. We need to do this unemployment bill again, and we are going to do it again, and we are going to get it to the President, and, hopefully he will sign it. If he does not sign it, we will hopefully get enough Senators to join us. We just need two more to get those compensation benefits.

We need to do the highway bill. As the gentleman from Wisconsin [Mr. OBEY] indicated, two bridges fall apart every day. Sixty-one percent of our roads need repair. There are 2 million jobs in that bill, 2 million jobs in that bill over a 6-year period. That is an economic program, an economic stimulus program we can put into effect in short order.

□ 1900

I would also join my colleague in calling for property tax relief at the local level to take care of the schools, making sure that the benefits to our educational system are not harmed. The property tax rates in this country have gone and accelerated to ridiculous proportions to the point where people cannot buy a home, young families and older people cannot stay in their homes.

I am personally leading a statewide petition to drive to get on the ballot a proposal that would put between $500 and $600 in the pockets of middle-class homeowners in the State of Michigan and would not touch the schools because it would close two business loopholes to pay for it, loopholes that were given to large corporations, the same folks that got all the breaks over the last 12 years.

Mr. Speaker, I want to join my friend from Wisconsin in his call for support for working middle-class families and his agenda and his timeliness of his remarks in terms of moving that agenda soon and ask the American people and ask my colleagues to call the President, to write the President, to make him understand that we are in a deep and a prolonged recession.

We need help. We need it now. We need to get moving now on this economic program.

People like the gentleman I referred to, the Vietnam veteran and his family, who are going to lose their home, Mr. Chronowski, who is afraid that he is going to lose what he has for his family. Mrs. Ferman, a 60-year-old woman who has worked 42 years, who is out of work now and has not the foggiest idea what she is going to do in the future because of this situation. They need our help.

We are here to provide that help, and I commend my colleague for his remarks in addressing their concerns and their needs.

I want to tell him that I look forward in the next 5 to 6 weeks, that I suspect we will be around here, to moving the agenda on employment in this country, to get this country back to work. I thank him for his patience in standing and yielding to me on this issue.

Mr. OBEY. Mr. Speaker, I thank the gentleman. I just have one observation.

I served with a fellow in the State legislature a number of years ago by the name of Harvey Duholme. Harvey observed once, he said, "You know, the problem with this country is all too often the poor and the rich get the same amount of ice but the poor get theirs in the wintertime."

That is pretty much what the President's tax package reminds me of. It is not just the poor that are ignored under that tax package. It is the average middle class taxpayer, the average middle class worker as well.

I do not know how the President stays in touch with the public. I understand they pool all the time. Well, that is one way of doing it.

The way that I do it, among others, is that I as often as I can simply get out and knock on some doors in different neighborhoods so that people have an opportunity to cut through the filter and tell me directly what it is that is bugging them or give me their views on issues.

If we do that enough, we will soon understand that the average American is not looking for any handout. The average American wants to know that his or her work is rewarded. That is what they want to know.

What they are frustrated by is that when they work, husband, wife, kid, when they are all in the work force and they still, at the end of the month, cannot make ends meet, when they see that they cannot afford to send their kids to college and get any help under the Pell grant program, for instance, if they make more than a modest amount when they see that they cannot afford to keep paying their health insurance, when they see the cost of that rising through the roof, they do not see the Government paying attention.

I would simply hope that now that the Nation has gotten away from the television show that we watched over the weekend on the Thomas confirmation hearings, I would hope that this city and this Congress and this President will get back to the business of focusing on the problems of the average American. That is what they expect us to do. That is what they need us to do. That is what we have to do if the country itself is going to be in better shape.

It seems to me that it is essential for us to do that.

I also think that the public has to understand that in the end none of this is going to be possible without cooperation rather than obstruction from the White House. While I do not like it, the fact is that going all the way back to Harry Truman's time, no Congress has ever been able to change any President's budget by more than about 2 percent.

What we can try to do is prick the conscience of the White House, to point out the facts, to put on some pressure and try to be messengers of the public to those on the throne in the White House.

The White House seems to almost redefine the Presidency. They are trying to con the American people into thinking that the President is only in charge of the rest of the world but somehow he is not in charge here in his own country, that he is not responsible for the day-to-day actions of government, the administration of government.

The Congress does not administer the laws. The Congress cannot make agencies do what needs to be done. All we can do is pass legislation and hope that it is effectively handled.

We need more help from the White House in focusing on the real problems of average Americans, and we are not going to get that until the average American demonstrates clearly that he and she understands that without White House involvement, deep involvement, this simply is not going to get done.

Mr. BONIOR. And they expect us to deliver that message as we are doing tonight and in other ways to prick the conscience of the administration with regard to these problems.

The gentleman is absolutely correct. The American people are squeezed on a number of fronts, many of which the gentleman has mentioned. When we go back to our congressional districts, and I hear this from my colleagues every day when they come back on Monday from a weekend at home, four or five town meetings, people are talking about the same thing.

They are talking about the squeeze in health care. They are talking about the squeeze in terms of being able to provide for their child's education, perhaps a college education. They are talking about the tax squeeze. They are squeezed to death.

They do not have enough money to make ends meet at the end of the month, and they want the President to deal with the situation in a realistic way.

They want his attention. They want his attention. The President has not given his attention to the American people.

He has given it to the Mideast. He has given it to the Soviet Union. He has given it to the war that we had last year. He has given it to the Kurds, the Bangladeshis. He has given it to Red China, but he has not given it here at home.

People want him to focus here on the problems in America. People want him to start taking care of our own here at home. The President has to understand that.

We will continue to take that message to him. It is one of the great political tragedies on legislation that I have had to witness in my almost 20 years of elected public life that the President, under these dire economic situations in this country today, with almost 10 million people out of work with no hope, the economy flat as it is, would veto an unemployment compensation bill twice in a row.

He vetoed it once. He signed one before, but he failed to release the money for it. It is even worse than a veto because it was a cruel hoax. He said, "No," twice to the American people.

Yet in the same breath he has said "Yes," to people around the world. I do not understand that.

The American people do not understand it, and they are angry. And they are mad, and they are looking for some hope.

I hope that we as a party, with my friend's support, will bring together a package, a highway bill to put people to work, tax relief so we can get some bubble up in this economy to get money in people's pockets so they are spending, saving, providing for their families to get their economy moving again and to take care in the short term of the needs of those people who through no fault of their own, 10 million of them have been thrown out of work by this cruel, long, debilitating recession that we are in.

I thank my colleague for yielding to me to express our views on this important issue.

VACATION OF SPECIAL ORDER

Mr. KYL. Mr. Speaker, I ask unanimous consent to vacate my 60-minute special order previously requested for this evening and convert it to a 5-minute special order.

The SPEAKER pro tempore (Mr. HATCHER). Is there objection to the request of the gentleman from Arizona?

There was no objection.

BRAY VERSUS ALEXANDRIA, A CLEAR CHOICE; VIOLENCE OR LAW AND ORDER

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York [Mrs. LOWEY] is recognized for 5 minutes.

Mrs. LOWEY of New York. Mr. Speaker, today 1 day after the Senate confirmed a Supreme Court Justice who would not make clear his views on Roe versus Wade, the Supreme Court is hearing arguments in the first abortion-related case of its 1991 term. While it is not the only case that will come before the Court, it raises the very troubling prospect that the Court may issue a ruling that ties the hands of Federal officials to protect access to family planning clinics. The case is Bray versus Alexandria.

At stake in this case is not just access to abortion services in Alexandria, VA. but access to clinics around the country including Wichita, KS, Iowa City, IA, and my own district of Westchester County, NY. The principle at stake in this case is clear. It is the protection of clients of family planning clinics throughout this Nation from harassment and even violence as they try to enter those clinics.

Letters cited in an amicus brief in the Bray Case are replete with tales of horror growing out of Operation Rescue demonstrations. They include countless reports of people—exercising constitutionally protected rights—pinned against walls, tripped and trampled, held hostage, and threatened with sticks, clubs, and worse. The demonstrators have engaged in "mob action and terrorist behavior * * * similar to the conspiracy of violence and intimidation carried out by the Ku Klux Klan," according to the brief.

The demonstrators have left us no choice but to believe that they care little, if at all, about the lives of those seeking help from those clinics. In one case, Operation Rescue demonstrators blocked a woman diagnosed as diabetic whose physician had determined an abortion was medically necessary. In another, protestors stood in the way of a laminaria patient who had to have an abortion that day or risk serious complications. Another had come to a health clinic for further screening after an abnormal pap smear to determine if she had cervical cancer.

Just as real as the physical abuse is the psychological brutality which these demonstrators inflict: screaming at women and their children, "Do you want to kill this one too?" Incessant name calling and threats to personal safety. No one should be subject to such verbal abuse as they seek to exercise their constitutional rights.

In the face of such abuse, one would think it appropriate to turn to Federal authorities for protection. Who is better suited to protect our constitutional rights than Federal marshals? And that is what judges in Alexandria and Wichita have tried to do. They have sought to apply to this situation a post-Civil War law which protects classes of people from being subjected to concerted efforts aimed at violating constitutional rights.

Yet our Justice Department's and our President's response is almost as infuriating as these protests themselves. In the Justice Department brief, former Attorney General Thornburgh argued that this is "a matter properly handled in State and local courts." During the Wichita fiasco, the President said this is not "A matter for the President to be concerned about, especially on the first day of his vacation." This vacation is over, and in my view while this case is before the Court, it seems to me that the President should speak out strongly in support of protecting the right of every American to avail herself of her constitutionally protected right to choose. But in all candor, I do not expect that to happen.

The Justice Department bases its brief in the lower court cases on the faulty premise that the Operation Rescue activities do not represent A class-based, invidiously discriminatory animus. They argue at great length that the women of this Nation—the only ones who could even need to exercise the right to choose abortion—are not a class to be protected under Federal law. While the courts have recognized that women are a target of discrimination in other cases, the Justice Department had decided to cast its lot with mob action and against law and order in this instance.

And the Justice Department position is in line with its provisions on record. We all recall that they argued strenuously in Rust versus Sullivan that it was within bounds to prevent doctors in federally funded health clinics from fulfilling their hippocratic oath by not allowing them to tell their patients about the abortion option. Surely it is, to them, a logical though frightening extension of that reasoning to say that these mobs should be permitted to systematically use physical and psychological violence to blockade the abortion option.

While we might not be able to sway the administration by calling for the protection of constitutional rights or by explaining the emotional and physical impact these protests have on women's lives, they should look at the fiscal implications of their hands-off policy in not responding to those who seek to obstruct Americans in exercising their right.

Police protection is expensive. Our local governments are already under severe financial strain. Many are being forced to cut back on services including police protection. In my own district of Westchester County, the governments have spent upwards of $300,000 this year alone on police protection for its clinics. Why? Because Federal officials will not stand up for what is right. They will not stand at the side of those who want to exercise their rights.

In this case, the Supreme Court has an opportunity to bring the power of the Federal Government to bear in protecting American citizens. As the eight Justices hear this case today, I hope they will be swayed by those arguing on behalf of the women of America. What we ask is simple. We want to be able to enter health care facilities and make medical decisions freely, without being blocked and harassed by individuals who know nothing of the reasons behind our decisions, but who are intent on taking away our right to choose. American women have the values, the judgment, and the intelligence to make choices about reproductive health care without being threatened and browbeaten by those who object themselves to abortions. They are entitled to their views, but not to imposing them on others through harassment and violence.

STOP THE SQUABBLING OVER BALTIC TRADE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. ANNUNZIO] is recognized for 5 minutes.

Mr. ANNUNZIO. Mr. Speaker, last August, millions of Americans joined with the people of Latvia, Lithuania, and Estonia in celebrating their emergence from tyranny.

Now, the people of the Baltic Republics are struggling to overcome the economic disaster spawned by 50 years of exploitation by the former Soviet Union.

Recognizing the need to encourage this process, I have joined nearly 100 colleagues in cosponsoring House Resolution 3314. This bill would restore most-favored-nation trading status to the Baltic Republics, a condition that was authorized by treaties in the mid-1920's, but later suspended to prevent the Soviets from exploiting the Baltic people. This bill won't require any Federal funds, but it will help the Baltic people to implement market reforms.

Unfortunately, a recent political squabble between Members of Congress and the administration has put this bill on hold. While the questions involved in that dispute go beyond the issue of trade with the Baltic Republics, they do not outweigh the urgent need to pass this bill. The people of the Baltic Republics have suffered too long to endure additional delays.

Anyone who doubts this view should read "Three Days in Riga," an article published in the November edition of the American Spectator. This story details last August's failed coup in the Soviet Union through telex messages from Latvia that were received by Ojars Kalnins at the Latvian Embassy in Washington. Excerpts of these telexes follow:

> Monday, August 19, 1991:
>
> 05:36 EST: For the time being all is calm in Riga. According to latest reports the commander of the Liepaja Garrison has seized the executive council of the city of Liepaja. (Republic of Latvia President Anatolijs Gorbunovs went on radio at 11:00 urging people to maintain calm and not to obey any orders given by illegally formed ruling structures. (FM)
>
> 05:42 EST: An emergency parliamentary session will begin at 12:00. There are unconfirmed reports of armored vehicles in Riga. The situation is generally still calm. As soon as we have new information we will send it without delay.
>
> Tuesday, August 20:
>
> 04:09 EST: The parliament and government are working. We are cut off from phone contact. Telex is still working. Reports we have indicate that a journalist and Supreme Council deputy Aivars Berkis were injured during the takeover of the radio. The city is quiet. Armored vehicles are only on the bridges. Supply trucks are not being allowed out of the city. (FM)
>
> 10:33 EST: Latvian Republic Foreign Ministry Announcement: 'The attempted military coup of August 19, 1991 by Soviet Bolshevik military powers is in reality open aggression against the Latvian Republic and the other Baltic states. In Riga, the interior ministry has been taken by force, all communications have been blocked and television and radio centers have been occupied. The Latvian Republic and its governing bodies have been effectively shut off from the rest of the world. (FM)
>
> 12:26 EST: Three are dead, two or more are injured, but not seriously. This is since yesterday. The Supreme Council has not been taken, but rumors are spreading * * *. We will keep sending, for we don't know when we'll get cut off from the outside world. Ojars, if you can, please answer as soon as you receive this telex. (FM)
>
> Wednesday, August 21:
>
> 08:28 EST: I've found a telex that works. It's a private business that hasn't been disconnected. This is the only way we can maintain contact. Today tanks approached the Supreme Council building and 10–15 OMON soldiers released tear gas and appeared to be ready to seize the building, but then retreated. I don't know what will happen next. People are on strike, but it's hard to tell how many. The Supreme Council has adopted and released a new declaration of independence, without a transition period. (FM)
>
> 16:10 EST: The situation in Riga is becoming normal. The paratroopers have left all occupied buildings: radio, TV, international telephone central. All war materiel has been removed from Riga. Latvia TV and Radio are working again. The Foreign Ministry will begin working again at 7:00 GMT. We will all be in our places. Thank (Latvia's charge d'affairs in Washington) Dr. Dinbergs for the congratulatory note on our declaration of independence. (FM)

Mr. Speaker, after the Baltic Republics finally regained their independence, our attention shifted to other matters. This left the long-suffering Baltic people with the daunting task of rebuilding their homeland. As the world's leading democracy, the United States of America has a moral obligation to help the Baltic Republics. There is no justification for this Congress to delay the restoration of most-favored-nation trading status to Latvia, Lithuania, and Estonia. I urge everyone involved with this issue to settle their differences so we can move forward on H.R. 3314.

HUMAN RIGHTS IN MEXICO—ITS EFFECT ON THE PROPOSED TRADE AGREEMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio [Ms. KAPTUR] is recognized for 60 minutes.

Ms. KAPTUR. Mr. Speaker, I rise today to speak about some very troubling concerns regarding the state of human rights in Mexico, and its effect on the proposed trade agreement between the United States, Mexico and Canada. I rise also in memory of United States drug enforcement official Enrique Camarena Salazar, who was tortured and murdered in 1985 with the complicity of the Mexican police.

A review of the New York Times supplement on October 6 gives a truly chilling picture of political conditions in Mexico, where human rights violations are flaunted to suppress critics of the Government. Many of my colleagues may have already seen the startling expose of official police corruption in Mexico by New York Times Mexico bureau chief Mark Uhlig in the magazine section. I would like to submit sections of this article for the RECORD. Mr. Uhlig writes that, once Mexican police officials became aware that he and his assistant were in the possession of information regarding police corruption, they were the subject of intimidation. According to Uhlig, "Notoriously sensitive to press coverage, Mexican officials expect local news media to withhold unflattering information. Journalists who ignore this rule do so at their own peril." He goes on to cite the torture and assassination of a Mexican journalist and human rights investigator, respectively.

The point of this article is that the Mexican Federal Judicial Police is deeply, systemically—with examples from top to bottom—infiltrated by corrupt officials in the pay of drug mafia and that the judicial system doesn't work. Writes Uhlig, "Relatively few corrupt Mexican officials ever spend time in jail, and when they do, it is often for minor related offenses that serve principally to cut short investigations of their serious crimes."

Indeed, charges of judicial impunity for government officials has been the major criticism of Mexican human rights organizations, including the well-respected Commission for Defense and Promotion of Human Rights based in Mexico City. The New York Times article observes:

> Such pervasive wrongdoing contrasted sharply with a refurbished national image that Mexico has recently tried to project. Since taking office in late 1988, President Carlos Salinas de Gortari has relied on strong economic initiatives to quell most foreign discussion of Mexican corruption and human rights abuses. Buoyed by a personal friendship between Salinas and President Bush, the Mexican Government has won Washington's commitment to a new North

> American free-trade-agreement that would make Mexico a full economic partner with the United States and Canada. "President Salinas' bold economic reform and modernization program is a model for countries in this hemisphere and other countries around the world," declared Secretary of State James A. Baker 3d last month in Mexico City. But for average Mexicans, who have long suffered the predations of their own public servants, the Matamoros episode was a dark reminder of the rot that lingers behind their Government's polished new exterior.

Yet, why is the Bush administration proceeding full steam ahead on a free trade agreement with Mexico that has no provisions relating to human rights nor freedoms. I ask, how free can such an agreement be?

And now, within the past month, prestigious international human rights organizations have lent their own voices to what is happening in Mexico.

Mexico: Torture with Impunity was released by Amnesty International on September 18. The report documents the use of torture techniques during the great majority of police detentions, as well as targeting political opposition leaders, journalists, indigenous people and labor and human rights activists. Amnesty International concludes:

> The principal factors which facilitate the practice of torture by law enforcement agents in Mexico are: constitutional safeguards are routinely violated; aspects of the Mexican criminal justice system foster the use of torture; investigation and prosecution of the perpetrators is rare and the victims of torture and their relatives are provided with few and inadequate means of seeking redress.

In his letter to Members of Congress, Amnesty International Washington director James O'Dea announced Amnesty has launched an international campaign against Mexican impunity. He wrote, "I hope that you do everything you can to ensure that human rights are not left out of any discussion on Mexico."

Unceasing Abuses: Human Rights in Mexico One Year After the Introduction of Reforms was released by Americans Watch [AW] in September 1991. While lauding reforms such as the banning of confessions not made before a judge or public prosecutor and the establishment of the National Human Rights Commission, AW concluded that crucial steps to check rural violence, judicial impunity and on-going violations of the rights of freedom of expression and association—particularly of labor and political activists—have not been taken. The report concludes:

> Negotiations for a North American Free Trade Agreement (NAFTA) are proceeding without any publicly acknowledged discussion about human rights conditions on either side of the United States-Mexico border. . . . we are disappointed that both governments are ignoring this extraordinary opportunity for bilateral cooperation to focus attention of and assist Mexico in bringing about an end to human rights abuses.

Mr. Homero Aridjis, president of the Group of 100, a Mexican environmental group, wrote in an op-ed in the New York Times on October 7, "Even defending dolphins in Mexico has been a risky business. I have received death threats and been attacked in the press. Criticizing the slaughter is unpatriotic * * *", he laments. Mr. Aridjis concludes with a plea that "environmental issues be an integral part of talks on the United States-Mexico free-trade pact."

Finally, with regard to political rights, I wish to remind my colleagues of the very disturbing results of midterm elections in Mexico held this past August 18. On September 17, our distinguished colleague JOHN LAFALCE hosted a forum on the midterm Mexican elections, with independent views presented by experts Andrew Reding, World Policy Institute, Douglas Payne, Freedom House, and Carlos Heredia—Equipo Pueblo. All three analysts agreed that the elections were seriously marred by fraud, with the objective of the ruling PRI party—with its satellite parties—to gain a two-thirds majority in the Chamber of Deputies. This majority was achieved. Reding suggests that this majority was not necessary for President Salinas to achieve his economic program—he already has the support of the right-leaning PAN for that—but for his political program, which may include a constitutional amendment to permit his own reelection.

Aspects of the fraud included: selective withholding of the voter credential; ballot-box stuffing; annulment of ballots; banning of pollwatchers from their assigned sites. Until the Federal electoral commission is reformed and not presided over by the Minister of the Interior, we cannot speak of free and fair elections in Mexico. Only Cuba and Mexico do not permit access to international observers.

Finally, the election observers spoke of the Mexican elections as being inherently unfair because of the enormous advantages enjoyed by the ruling party. Heredia mentioned that, in addition to receiving the lion's share of official campaign financing—by virtue of being the winners of the last elections—the PRI receives government funding which is not accountable by Mexican laws. It is estimated that about $1 million per night was spent for PRI's TV prime time advertising for the three months leading up to the elections.

I believe it is incumbent on the United States Congress to respond to this staggering display of recent documentation of human rights abuse in Mexico. Frankly, human rights remains an obstacle to the establishment of the bilateral trust necessary for developing a North American free trade zone and will remain one as long as there remains the evidence of a lack of political will in Mexico to correct this dismal state of affairs. The United States stands for Democracy and we must insist on democracy as part of the terms of entering into a free trade agreement with Mexico. How can we promote free trade while ignoring the inherent right of Mexicans to be free.

Mr. Speaker, I want to submit for the RECORD an article by John Burstein of the Center for International Policy published in the Orlando Sentinel that outlines the importance of linking human rights and electoral reforms in Mexico with any potential trade agreement entered into by the United States with that country. Let me quote from the article:

> Mexico's human rights record is a highly appropriate concern of Washington in the context of our deepening bilateral relations. There already exists an array of U.S. law that conditions U.S. foreign policy on respect for human rights generally. And, by the U.S. International Financial Institutions Act, violations of internationally recognized labor rights constitute an unfair trading practice, a determination which prohibits special bilateral benefits.
>
> And yet the Bush administration is intent on concluding the free-trade agreement in the shortest time possible—requesting the House Ways and Means Committee and the Senate Finance Committee to support "fast track authorization"—and to limit the issues under discussion to tariffs, intellectual property and investment.
>
> Labor rights ought to be specifically included in the agreement. If not, labor exploitation on contravention of internationally recognized results will continue and likely expand along with the expansion of foreign-owned industry.
>
> Similarly, acceptance of political and human rights monitoring and international dispute resolution mechanisms ought to be a condition of closer bilateral relations, to ensure stability and in accord with stated U.S. policy goals generally to promote respect for human rights and democracy.

We must in the body of the agreement insist on conditions for a free trade agreement with Mexico, and one of these conditions must be the acceptance of political and human rights monitoring and international dispute resolution mechanisms. The social dimension of the North American Free Trade Agreement cannot be ignored and cannot be separated from trade. It must be considered concurrently with the notion of opening investment and trade. I urge the administration to take this opportunity to set the standards and define the international instruments to guarantee internationally recognized human rights as party of any North American free trade agreement.

Mr. Speaker, the article referred to is as follows:

[From the New York Times October 6, 1991]

Behind a Mexican Prison Uprising: Two Warring Drug Lords and Corrupt Police on Either Side

(By Mark A. Uhlig)

By nightfall, the toll from the eight-day-old prison uprising in Matamoros, Mexico, had reached 18 dead. The man holding the police and soldiers at bay was one of Mexico's most notorious imprisoned drug lords, 29-year-old Oliverio Chavez Araujo. When I arrived in Matamoros with Silvana Paternostro, a New York Times stringer, the prison siege loomed like a classic showdown between a cornered criminal and the massed strength of Mexican law enforcement. But as the standoff continued, it became clear that the true story of the siege remained hidden from view.

Chavez asserted that he had ordered the prison takeover to protect himself from corrupt Mexican police officials seeking to kill him. In another country, such claims might have been dismissed as a desperate ploy. But in Mexico, where police corruption has played a role in nearly every recent major crime scandal, the allegations aired the ring of truth. The drug lord's accounts corroborated allegations by American law enforcement officials that Mexican police had participated directly in the brutal drug war that had provoked the prison takeover.

Such pervasive wrongdoing contrasted sharply with a refurbished national image that Mexico has recently tried to project. Since taking office in late 1988, President Carlos Salinas de Gortari has relied on strong economic initiatives to quell most foreign discussion of Mexican corruption and human rights abuses. Buoyed by a personal friendship between Salinas and President Bush, the Mexican Government has won Washington's commitment to a new North American free-trade-agreement that would make Mexico a full economic partner with the United States and Canada. "President Salinas' bold economic reform and modernization program is a model for countries in this hemisphere and other countries around the world," declared Secretary of State James A. Baker 3d last month in Mexico City.

But for average Mexicans, who have long suffered the predations of their own public servants, the Matamoros episode was a dark reminder of the rot that lingers behind their Government's polished new exterior. Because protection from criminal harm is so central to the functioning of a modern society, its absence carries over to virtually all aspects of Mexican life. In politics, police corruption opens the door to fraud and intimidation; in a civil lawsuit, it can mean systematic payoffs even for the right to bring a case to trial; in the business world, it can mean weekly gifts for the local telephone repairman to prevent him from shutting off service, and for a homeowners, it can mean regular graft to the local inspector to ward off trumped-up "building code violations."

Feared and mistrusted by average citizens and by their own civilian commanders, Mexico's police are described by international human rights organizations as an important cause of violent crime in the country. According to Amnesty International, at least 80 percent of suspects arrested by Mexican police are subjected to torture. Thousands of Mexican citizens each year are robbed, raped or blackmailed after falling into police hands, and dozens, perhaps hundreds, are killed outright.

With the explosive growth of cocaine trafficking across the porous border between Mexico and the United States, the involvement of corrupt police officials in major crimes has mushroomed, extending from the torture-slaying of a United States drug-enforcement agent, Enrique Camarena Salazar, to the bizarre rituals of a sacrificial drug cult that was broken up in 1989 after it had murdered at least 15 people, including a vacationing American college student.

But if history is any guide, the men in charge of Mexico's current anti-corruption campaign will be the principal targets of the next. The officials brought in to clean up the federal police in the early 1980's were later indicted for helping to plan the torture and murder of Enrique Camarena. Senior police commanders who helped resolve the Camarena case were subsequently revealed to have ties to the so-called narcosatanic drug cult. And just two years before the Matamoros prison uprising, the city's entire federal police detachment was imprisoned for corruption and replaced. "There is no easy way to change a system like this," said a senior Western diplomat in Mexico City. "After so long, the dirt is the glue that holds everything together."

Chavez's arrival at the Matamoros prison coincided with a fundamental shift in the tactics employed by Colombian cocaine producers. Faced with increasing interception of drug shipments across the Caribbean, cartel leaders had begun to reorient their trade toward the United States-Mexico border, where local couriers could ferry the drugs to American destinations in trucks or even backpacks. Organizing such shipments through friends and relatives outside the prison, Chavez found he could earn up to $4,000 for every kilogram (2.2 pounds) of cocaine he successfully smuggled. His gang was transporting more than 2,000 kilos a month, earning the young drug lord roughly $100 million a year.

Following Mexican prison practice that permits wealthy inmates to buy privileges from their jailers, he obtained control of a cell block intended for 50 men, furnishing it with carpeting, cellular phones, a fax machine, a microwave oven, a refrigerator, airconditioning, wood paneling and a color television. Such flagrant corruption infuriated American drug agents across the border in Texas who were tracking Chavez's smuggling business. But Chavez's drug dealings could have gone unimpeded if he had not begun to infringe on the territory of Mexico's most powerful and established cocaine trafficker, Juan Garcia Abrego.

Garcia Abrego expanded his smuggling operations to epic proportions. According to a 131-count Federal indictment handed down in Dallas, his gang was responsible for the second-largest cache of cocaine ever uncovered in the United States—a nine-ton (18,000 pounds) mountain of drugs captured in October 1989 near Harlingen, Tex. At wholesale prices, that stockpile was worth more than $360 million. The greatest potential threat to Garcia Abrego and his gang was not the risk of arrest but competition from the region's brash newcomer, Oliverio Chavez. So Garcia Abrego moved to strike back.

In case after case, members of the Chavez gang were found dead after being taken into custody by the Mexican federal police. Any remaining uncertainty about the police role in the killings were erased on May 9, 1991, when two of Chavez's Colombian associates were released from the Matamoros prison for deportation. While they were being processed at a Mexican immigration office in Matamoros, the Colombians and their Mexican legal worker were arrested, shackled and taken away by armed men identifying themselves as Federal Judicial Police. Five days later, the corpses of the Colombians and the Mexican legal worker were found dumped on the American side of the Rio Grande. All three had been executed with a heavy-caliber machine gun.

The discovery of the bodies on American soil outraged Brownsville officials. But as frightening as it may have seemed to Americans, the image of badge-carrying assassins was hardly a novelty in Mexico. The criminal potential of such a system was dramatically illustrated in 1985, when American investigations into the kidnapping and murder of Enrique Camarena revealed complicity by Mexican police officials in nearly every aspect of the crime and its subsequent cover-up. Virtually all of the major drug-trafficking figures implicated in the murder had been issued police credentials from Mexico's Federal Judicial Police or from the Federal Security Directorate, a new-disbanded federal police unite known by its initials D.F.S. Mexico's highest-ranking police official, Manuel Ibarra Herrera, who was in charge of investigating the case, was later indicted in the United States for direct involvement in planning Camarena's death.

After a bitter, extended exchange of recriminations over the Camarena murder, the United States and Mexico agreed to put the case aside and to focus on rebuilding their badly strained relationship. But the episode did little to change Mexican police behavior. Many of the country's most spectacular criminal cases have centered on police wrongdoing. Arturo (El Negro) Durazo Moreno, the police chief of Mexico City, fled the country in 1982 after a binge of corrupt activities that paid for lavish mansions, personal helicopters, dog kennels, horse stables, a casino and even a private discotheque with live-in disk jockey.

In the country's most notorious recent assassination, unidentified gunmen killed one of Mexico's best-known newspaper columnists Manuel Buendia, on a Mexico City street in May 1984. The man who was later tried for masterminding the killing was Jose Antonio Zorrilla Perez, the D.F.S. commander who had directed the initial Government investigation of the murder. In 1989, Federal Judicial Police officials were identified as direct accomplices of the most notorious criminals of recent Mexican history, the narcosatanic drug cult that killed at least 15 people, 13 of whom were dismembered in black-magic rites on a ranch outside Matamoros.

The problem of corruption and abuses by Mexican police agents has grown markedly with the increase in drug shipments across the Mexico-United States border. "Federal narcotics police are accountable for a large number of the cases of murder, torture and abuse of due process in Mexico today," declared a special Americas Watch report in June 1990. Techniques used by Mexican police range from beatings and electric shocks to a procedure known as 'la Tehuacan', after a local bottled water, in which soda water laced with the juice of chili peppers is forced into the victim's nostrils, causing intense pain. Justice is dispensed not by laws but by a local patron, or strongman, who offers protection in return for favors and other tribute.

After photographing drug-world figures in northern Mexico in March 1989, Sergio Dorantes, a Mexican freelance photographer whose work appears frequently in The New York Times, Time and Newsweek, was abducted at gunpoint in Mexico City by four apparent police agents. Forcing him into an unmarked radio patrol car, the men told Dorantes that he would "confess everything" before they arrived at the Federal Judicial Police detention cells. During a four-hour car ride, the men forced Dorantes to drink a near fatal quantity of tequila, and beat him severely with automatic pistols, fracturing his skull and sternum before leaving him for dead on a darkened back street. Discovered there by Red Cross, Dorantes survived, but no suspects were ever arrested.

Last year, three gunmen killed Norma Corona Sapien, president of the nongovernmental Commission in Defense of Human Rights. At the time of her murder, Corona was investigating the deaths of three Venezuelan men and a Mexican lawyer, whose bodies were found 17 days after they were arrested by Federal Judicial Police.

For other disgraced officials, being charged with wrongdoing has not stood in the way of a promotion. After being accused of human rights abuses ranging from extortion to murder and being indicted in the United States for running a giant auto-theft ring along the U.S.-Mexico border, the former head of the Federal Security Directorate, Miguel Nazar Haro, was named by the Salinas Government to assume the powerful job of chief of police intelligence for Mexico City. Only after an international outcry did Salinas replace him. Human rights advocates are hopeful that the same economic aspirations that have deflected American criticism will give Mexico's leaders a direct interest in seeing their system of justice improved.

[From the Orlando Sentinel, April 1, 1991]

U.S.-MEXICAN FREE TRADE PACT? NOT AT EXPENSE OF HUMAN RIGHTS

(By John Burstein)

With President Bush scheduled to meet Mexican President Carlos Salinas de Gortari on Sunday in Houston, relations between Mexico and the United States are closer today than at any time in more than half a century.

Yet with keen interest in cinching a free trade deal, the Bush administration is loath to rock the boat by bringing up the delicate issue of human rights. Let's integrate trade now, they say, and worry about social issues such as human rights later. But it won't work, and every day it becomes more apparent that the two sorts of issues, being intertwined, must be treated together.

Human rights—including basic rights of physical integrity, political rights and labor rights—are under growing assault in Mexico. Violations, as documented by both human rights organizations and the just-released State Department human rights report, range from torture in Mexican prisons to electoral fraud.

Amnesty International calculates that at least 80 percent of detainees are tortured, and there remain more than 500 unresolved cases of disappearance. Meanwhile, politically motivated violence has grown endemic. The center-left Party of the Democratic Revolution, created three years ago, claims more than 100 deaths and disappearances at the hands of government-linked forces. In the countryside, leaders of independent peasant organizations are targets of government-condoned violence and police harassment. Labor organizations defying the monolithic government-linked Confederation of Mexico Workers are similarly under attack.

Freedom of the press? The London-based Article 19 human rights organization documents 51 killings of journalists between 1970–1988, and intimidation of the press has continued to the present.

Despite electoral reforms, the practice of fraud has been blatantly repeated in the states of Guerrero, Mexico and Yucatan.

Despite legal reforms, including curtailed reliance on confessions and the passage of anti-torture laws, the implementor—that is, the court system—is still far from functioning adequately. Corruption and cronyism are central elements of that system—which has yet to prosecute a government official for human rights abuse. Indeed, a "policy of impunity" reigns in Mexico, according to the most recent Americas Watch report.

Labor rights? The Confederation of Mexican Workers—whose members make up more than half of the country's organized labor—it thoroughly integrated with the governing Institutional Revolution Party, with the attendant, significant restrictions on freedoms to associate, organize and strike. Mexico's minimum wage is $3.50 a day in U.S. money, and according to U.S. State Department statistics, buying power has been halved in the last decade.

The fault of these abuses does not lie in Mexican law—Mexico's constitution is among the world's best for its protection of all manner of basic social and economic rights. The fault lies with implementation. Reform of these longstanding structures permitting or even promoting disregard for human rights is a massive political undertaking, even for the most well-intentioned leadership.

Is this the business of the U.S. government? Mexico's human rights record is a highly appropriate concern of Washington in the context of our deepening bilateral relations. There already exists an array of U.S. law that conditions U.S. foreign policy on respect for human rights generally. And, by the U.S. International Financial Institutions Act, violations of internationally recognized labor rights constitute an unfair trading practice, a determination which prohibits special bilateral benefits.

And yet the Bush administration is intent on concluding the free-trade agreement in the shortest time possible—requesting the House Ways and Means Committee and the Senate Finance Committee to support "fast-track authorization"—and to limit the issues under discussion to tariffs, intellectual property and investment.

Labor rights ought to be specifically included in the agreement. If not, labor exploitation in contravention of internationally recognized rights will continue and likely expand along with expansion of foreign-owned industry.

Similarly, acceptance of political and human rights monitoring and international dispute resolution mechanisms ought to be a condition of closer bilateral relations, to ensure stability and in accord with stated U.S. policy goals generally to promote respect for human rights and democracy.

CONFERENCE REPORT ON H.R. 2686

Mr. YATES submitted the following conference report and statement on the bill (H.R. 2686) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1992, and for other purposes:

CONFERENCE REPORT (H. REPT. 102-256)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 2686) making appropriations for the Department of the Interior and Related Agencies, for the fiscal year ending September 30, 1992, and for other purposes having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 7, 8, 13, 17, 31, 35, 38, 42, 44, 45, 46, 49, 50, 59, 61, 67, 72, 73, 77, 78, 79, 80, 82, 90, 92, 93, 94, 99, 110, 112, 125, 132, 139, 140, 141, 146, 150, 156, 159, 160, 161, 162, 166, 177, 178, 186, 192, 200, 203, 223, and 225.

That the House recede from its disagreement to the amendments of the Senate numbered 3, 4, 5, 15, 27, 83, 84, 85, 102, 103, 104, 114, 115, 116, 117, 118, 119, 120, 147, 155, 158, 168, 169, 189, 210, 211, 220, and 221 and agree to the same.

Amendment numbered 2:

That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment, as follows:

In lieu of the sum named by said amendment insert: *$23,500,000*; and the Senate agree to the same.

Amendment numbered 10:

That the House recede from its disagreement to the amendment of the Senate number 10, and agree to the same with an amendment, as follows:

In lieu of the sum named by said amendment insert *$14,318,000*; and the Senate agree to the same.

Amendment numbered 11:

That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment, as follows:

In lieu of the sum named by said amendment insert: *$25,322,000*; and the Senate agree to the same.

Amendment numbered 14:

That the House recede its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment, as follows:

In lieu of the sum named by said amendment insert: *$518,437,000*; and the Senate agree to the same.

Amendment numbered 23:

That the House recede from its disagreement to the amendment of the Senate numbered 23, and agree to the same with an amendment, as follows:

In lieu of the sum named by said amendment insert *$4,370,000*; and the Senate agree to the same.

Amendment numbered 25:

That the House recede from its disagreement to the amendment of the Senate numbered 25, and agree to the same with an amendment, as follows:

In lieu of the sum named by said amendment insert *$12,000,000*; and the Senate agree to the same.

Amendment numbered 30:

That the House recede from its disagreement to the amendment of the Senate numbered 30, and agree to the same with an amendment, as follows:

In lieu of the sum named by said amendment insert *$965,665,000*; and the Senate agree to the same.

Amendment numbered 47:

That the House recede from its disagreement to the amendment of the Senate numbered 47, and agree to the same with an amendment, as follows:

Restore the matter stricken by said amendment, amended as follows:

In lieu of the sum named insert *$5,000,000*; and the Senate agree to the same.

Amendment numbered 48:

That the House recede from its disagreement to the amendment of the Senate numbered 48, and agree to the same with an amendment, as follows:

In lieu of the sum named by said amendment insert *$106,570,000*; and the Senate agree to the same.

Amendment numbered 57:

That the House recede from its disagreement to the amendment of the Senate numbered 57, and agree to the same with an amendment, as follows:

In lieu of the sum named by said amendment insert *$207,070,000*; and the Senate agree to the same.

Amendment numbered 58:

That the House recede from its disagreement to the amendment of the Senate numbered 58, and agree to the same with an amendment, as follows:

In lieu of the sum named by said amendment insert *$66,584,000*; and the Senate agree to the same.

Amendment numbered 74:

That the House recede from its disagreement to the amendment of the Senate numbered 74, and agree to the same with an amendment, as follows:

In lieu of the sum named by said amendment insert *$1,236,078,000*; and the Senate agree to the same.

Amendment numbered 75:

That the House recede from its disagreement to the amendment of the Senate numbered 75, and agree to the same with an amendment, as follows:

Restore the matter stricken by said amendment, amended as follows:

In lieu of the sum named insert *$248,152,000;* and the Senate agree to the same.

Amendment numbered 91:

That the House recede from its disagreement to the amendment of the Senate numbered 91, and agree to the same with an amendment, as follows:

In lieu of the sum named by said amendment insert *$213,163,000;* and the Senate agree to the same.

Amendment numbered 95:

That the House recede from its disagreement to the amendment of the Senate numbered 95, and agree to the same with an amendment, as follows:

Restore the matter stricken by said amendment, amended as follows:

In lieu of the sum named insert *$5,000,000;* and the Senate agree to the same.

Amendment numbered 97:

That the House recede from its disagreement to the amendment of the Senate numbered 97, and agree to the same with an amendment, as follows:

In lieu of the sum named by said amendment insert *$93,477,000*; and the Senate agree to the same.

Amendment numbered 98:

That the House recede from its disagreement to the amendment of the Senate numbered 98, and agree to the same with an amendment, as follows:

In lieu of the sum named by said amendment insert *$89,447,000*; and the Senate agree to the same.

Amendment numbered 100:

That the House recede from its disagreement to the amendment of the Senate numbered 100, and agree to the same with an amendment, as follows:

In lieu of the sum named by said amendment insert *$4,030,000;* and the Senate agree to the same.

Amendment numbered 101:

That the House recede from its disagreement to the amendment of the Senate numbered 101, and agree to the same with an amendment, as follows:

In lieu of the sum named by said amendment insert *$24,451,000;* and the Senate agree to the same.

Amendment numbered 106:

That the House recede from its disagreement to the amendment of the Senate numbered 106, and agree to the same with an amendment, as follows:

In lieu of the sum named by said amendment insert *$64,445,000;* and the Senate agree to the same.

Amendment numbered 107:

That the House recede from its disagreement to the amendment of the Senate numbered 107, and agree to the same with an amendment, as follows:

In lieu of the sum named by said amendment insert: *$31,525,000*; and the Senate agree to the same.

Amendment numbered 121:

That the House recede from its disagreement to the amendment of the Senate numbered 121, and agree to the same with an amendment, as follows:

Restore the matter stricken by said amendment, amended to read as follows:

SEC. 113. None of the funds made available by this Act may be used for the implementation or financing of agreements or arrangements with entities for the management of all lands, waters, and interests therein on Matagorda Island, Texas, which were purchased by the Department of the Interior with federally appropriated amounts from the Land and Water Conservation Fund.

SEC. 114. The provision of section 113 shall not apply if the transfer of management or control is ratified by law; and the Senate agree to the same.

Amendment numbered 122:

That the House recede from its disagreement to the amendment of the Senate numbered 122, and agree to the same with an amendment, as follows:

In lieu of the section number named by said amendment, insert *115*; and the Senate agree to the same.

Amendment numbered 123:

That the House recede from its disagreement to the amendment of the Senate numbered 123, and agree to the same with an amendment, as follows:

In lieu of the section number named by said amendment, insert *116*; and the Senate agree to the same.

Amendment numbered 128:

That the House recede from its disagreement to the amendment of the Senate numbered 128, and agree to the same with an amendment, as follows:

In lieu of the sum named by said amendment insert *$182,812,000*; and the Senate agree to the same.

Amendment numbered 134:

That the House recede from its disagreement to the amendment of the Senate numbered 134, and agree to the same with an amendment, as follows:

in lieu of the sum named by said amendment insert *$1,359,662,000*; and the Senate agree to the same.

Amendment numbered 135:

That the House recede from its disagreement to the amendment of the Senate numbered 135, and agree to the same with an amendment, as follows:

Restore the matter stricken by said amendment, amended to read as follows, *including $26,968,000 for wilderness management;* and the Senate agree to the same.

Amendment numbered 143:

That the House recede from its disagreement to the amendment of the Senate numbered 143, and agree to the same with an amendment, as follows:

In lieu of the sum named by said amendment insert *$275,178,000*; and the Senate agree to the same.

Amendment numbered 145:

That the House recede from its disagreement to the amendment of the Senate numbered 145, and agree to the same with an amendment, as follows:

In lieu of the sum named by said amendment insert *$193,089,000*; and the Senate agree to the same.

Amendment numbered 148:

That the House recede from its disagreement to the amendment of the Senate numbered 148, and agree to the same with an amendment, as follows:

In lieu of the sum named by said amendment insert *$89,433,000*; and the Senate agree to the same.

Amendment numbered 172:

That the House recede from its disagreement to the amendment of the Senate numbered 172, and agree to the same with an amendment, as follows:

In lieu of the sum named by said amendment insert *$458,104,000*; and the Senate agree to the same.

Amendment numbered 173:

That the House recede from its disagreement to the amendment of the Senate numbered 173, and agree to the same with an amendment, as follows:

In lieu of the sum named by said amendment insert *$338,000*; and the Senate agree to the same.

Amendment numbered 181:

That the House recede from its disagreement to the amendment of the Senate numbered 181, and agree to the same with an amendment, as follows:

In lieu of the sum named by said amendment insert *$543,166,000*; and the Senate agree to the same.

Amendment numbered 182:

That the House recede from its disagreement to the amendment of the Senate numbered 182, and agree to the same with an amendment, as follows:

In lieu of the sum named by said amendment insert *$243,433,000*; and the Senate agree to the same.

Amendment numbered 183:

That the House recede from its disagreement to the amendment of the Senate numbered 183, and agree to the same with an amendment, as follows:

In lieu of the sum named by said amendment insert *$2,000,000*; and the Senate agree to the same.

Amendment numbered 188:

That the House recede from its disagreement to the amendment of the Senate numbered 188, and agree to the same with an amendment, as follows:

In lieu of the sum named by said amendment insert *$14,771,000*; and the Senate agree to the same.

Amendment numbered 194:

That the House recede from its disagreement to the amendment of the Senate numbered 194, and agree to the same with an amendment, as follows:

In lieu of the sum named by said amendment insert *$77,233,000*; and the Senate agree to the same.

Amendment numbered 198:

That the House recede from its disagreement to the amendment of the Senate numbered 198, and agree to the same with an amendment, as follows:

In lieu of the sum named by said amendment insert *$277,852,000*; and the Senate agree to the same.

Amendment numbered 202:

That the House recede from its disagreement to the amendment of the Senate numbered 202, and agree to the same with an amendment, as follows:

In lieu of the sum named by said amendment insert *$6,612,000*; and the Senate agree to the same.

Amendment numbered 204:

That the House recede from its disagreement to the amendment of the Senate numbered 204, and agree to the same with an amendment, as follows:

In lieu of the sum named by said amendment insert *$283,961,000*; and the Senate agree to the same.

Amendment numbered 205:

That the House recede from its disagreement to the amendment of the Senate numbered 205, and agree to the same with an amendment, as follows:

In lieu of the sum named by said amendment insert *$25,839,000*; and the Senate agree to the same.

Amendment numbered 206:

That the House recede from its disagreement to the amendment of the Senate numbered 206, and agree to the same with an amendment, as follows:

In lieu of the sum named by said amendment insert *$24,710,000*; and the Senate agree to the same.

Amendment numbered 207:

That the House recede from its disagreement to the amendment of the Senate numbered 207, and agree to the same with an amendment, as follows:

In lieu of the sum named by said amendment insert *$19,400,000*; and the Senate agree to the same.

Amendment numbered 208:

That the House recede from its disagreement to the amendment of the Senate numbered 208, and agree to the same with an amendment, as follows:

In lieu of the sum named by said amendment insert *$49,192,000*; and the Senate agree to the same.

Amendment numbered 209:

That the House recede from its disagreement to the amendment of the Senate numbered 209, and agree to the same with an amendment, as follows:

In lieu of the sum named by said amendment insert *$3,120,000*; and the Senate agree to the same.

Amendment numbered 212:

That the House recede from its disagreement to the amendment of the Senate numbered 212, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert

$147,700,000 shall be available to the National Endowment for the Arts for the support of projects and productions in the arts through assistance to groups and individuals pursuant to section 5(c) of the Act, and for administering the functions of the Act: Provided, That none of the funds made available in this Act for the National Endowment for the Arts may be used to fund any application for a grant that is not submitted to the Endowment pursuant to existing law as contained in section 5(d) of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 954(d)), for which terms are defined in section 3 of that Act (20 U.S.C. 952); and the Senate agree to the same.

Amendment numbered 213:

That the House recede from its disagreement to the amendment of the Senate numbered 213, and agree to the same with an amendment, as follows:

In lieu of the sum named by said amendment insert *$152,650,000*; and the Senate agree to the same.

Amendment numbered 215:

That the House recede from its disagreement to the amendment of the Senate numbered 215, and agree to the same with an amendment, as follows:

In lieu of the sum named by said amendment insert *$25,550,000*; and the Senate agree to the same.

Amendment numbered 216:

That the House recede from its disagreement to the amendment of the Senate numbered 216, and agree to the same with an amendment, as follows:

In lieu of the sum named by said amendment insert *$12,550,000*; and the Senate agree to the same.

Amendment numbered 217:

That the House recede from its disagreement to the amendment of the Senate numbered 217, and agree to the same with an amendment, as follows:

In lieu of the sum named by said amendment insert; *$4,775,000*; and the Senate agree to the same.

The committee of conference report in disagreement amendments numbered 1, 6, 9, 12, 16, 18, 19, 20, 21, 22, 24, 26, 28, 29, 32, 33, 34, 36, 37, 39, 40, 41, 43, 51, 52, 53, 54, 55, 56, 60, 62, 63, 64, 65, 66, 68, 69, 70, 71, 76, 81, 86, 87, 88, 89, 96, 105, 108, 109, 111, 113, 124, 126, 127, 129, 130, 131, 133, 136, 137, 138, 142, 144, 149, 151, 152, 153, 154, 157, 163, 164, 165, 167, 170, 171, 174, 175, 176, 179, 180, 184, 185, 187, 190, 191, 193, 195, 196, 197, 199, 201, 214, 218, 219, 222, 224, and 226.

SIDNEY R. YATES,
JOHN P. MURTHA,
NORMAN D. DICKS,
LES AUCOIN,
TOM BEVILL,
CHESTER G. ATKINS,
JAMIE L. WHITTEN
(except amendment No. 212),
RALPH REGULA
(except amendments Nos. 167, 212, and 221),
JOSEPH M. MCDADE
(except amendment No. 167),
BILL LOWERY
(except amendment No. 212),
JOE SKEEN,
Managers on the Part of the House.

ROBERT C. BYRD,
J. BENNETT JOHNSTON,
PATRICK J. LEAHY,
DENNIS DECONCINI,
QUENTIN N. BURDICK,
DALE BUMPERS,
ERNEST F. HOLLINGS,
HARRY REID,
DON NICKLES
(except amendment No. 212),
TED STEVENS,
JAKE GARN,
THAD COCHRAN,
WARREN B. RUDMAN,
PETE V. DOMENICI
(except amendment No. 95),
SLADE GORTON,
MARK O. HATFIELD,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 2686), making appropriations for the Department of the Interior and Related Agencies for the fiscal year ending September 30, 1992, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report.

The conference agreement on H.R. 2686 incorporates some of the provisions of both the House and the Senate versions of the bill. The language and allocations set forth in House Report 102–116 and Senate Report 102–122 shall be complied with unless specifically addressed to the contrary in the conference agreement and accompanying statement of the managers.

TITLE I—DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

MANAGEMENT OF LANDS AND RESOURCES

Amendment No. 1: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment that appropriates $538,940,000 for management of lands and resources instead of $516,865,000 as proposed by the House and $537,199,000 as proposed by the Senate. The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate. The net increase above the amount proposed by the House consists of increases of $12,300,000 in mining law administration; $1,000,000 for Alaska lands; $175,000 for forest management to initiate an Alaska forestry program; $100,000 for a population model, $200,000 for immunocontraception research, $100,000 for vegetation monitoring, $250,000 for mapping and census data, and $200,000 for fertility control, all in Nevada and all in the wild horse and burro program; $700,000 to restore the general budget increase and $1,050,000 for 50 percent of the cost of range improvement projects, both in rangeland management; $560,000 for anadromous fish activity in Oregon, Washington, and Idaho, and $1,580,000 for riparian, wetland, and general programs with a priority for work in the Lake Creek area, Odessa, WA all in wildlife habitat management; $500,000 in cultural resources management, including implementation of prehistoric trackway studies; $2,400,000 in recreation resources management, which should include priority consideration of the needs of Flagstaff Hill, OR, the Alcan Highway, AK, Gila Box Riparian NRA, AZ, and Red Rock Canyon, NV, in addition to restoring the budgeted increase; $2,000,000 for Alaska cadastral surveys; $100,000 for the Four Corners cultural resources protection task force in resource protection and law enforcement; and $1,560,000 to restore the budgeted increase, with priority consideration for Flagstaff Hill, OR, and Red Rock Canyon, NV, $1,300,000 to restore road reconstruction, and $1,500,000 to restore project engineering and design, all in facilities maintenance; and decreases of $3,500,000 for the automated land and mineral record system; and $2,000,000 for hazardous materials management.

The managers agree that amounts for mining law administration include Alaska programs at the 1991 base level.

The managers agree that a portion of amounts for both Alaska lands and Alaska cadastral surveys should be used to modernize and upgrade systems involved in this activity to improve efficiency.

The managers agree that the Bureau should consider the Scandinavian model in developing a forest management plan in Alaska.

The managers are concerned about the apparent lack of meaningful progress in negotiations between the Department and the Potlatch Corporation regarding the transfer to the Fish and Wildlife Service of wetlands owned by Potlatch in Arkansas in exchange for public lands in Idaho. The managers continue to support an equal value exchange as a means of acquiring prime wetland habitat for public use, and continue to urge the Department to proceed as expeditiously as possible with the necessary actions required to conclude the negotiations.

The managers expect the Bureau to fund 50 percent of the cost of range improvement projects from funds in the range improvement appropriation.

The managers agree with the Senate position supporting the orderly phasedown of wild horse sanctuary operations by adoption of existing herds. It is expected that adoption of horses from sanctuaries will be the highest priority since no additional roundup costs are necessary. It is also expected that no additional horses will be placed in the sanctuaries.

The managers expect the Bureau to ensure that the percentage of wild horse and burro program funds both spent in Nevada and directly benefiting Nevada will increase over historic levels, and to provide a plan for such increases to the House and Senate Appropriations Committees by December 1, 1991. The plan should address targets for direct spending included in Senate Report 102–122, and how and why they can or cannot be achieved.

For planning, preparation and offer of timber sales for fiscal year 1992, and in planning for sales in future years, the managers direct the Bureau to designate, not later than 10 days after enactment of this Act, if not already in place, at least one person in each BLM district where timber is harvested under BLM jurisdiction in Oregon and Washington, and one person in each of the Idaho and California State Offices or the districts where timber is harvested in these States determined by the State Director, to be designated as the primary person responsible for coordination and oversight on Pacific Yew issues.

The managers further direct the Bureau to establish a special Task Force to develop a comprehensive strategy document for ensuring a sustainable supply of Pacific Yew for the medical community with the least impact to the environment and to the Pacific Yew resource, publish the comprehensive strategy plan for comment no later than June 30, 1992, and implement a strategy no later than November 30, 1992.

Amendment No. 2: Earmarks $23,500,000 for the Automated Land and Mineral Record System Project instead of $27,000,000 as proposed by the House and $20,000,000 as proposed by the Senate.

Amendment No. 3: Deletes House proposed appropriation of $12,300,000 for mining law administration as proposed by the Senate. This amount is included in Amendment No. 1.

Amendment No. 4: Deletes House language which provided for use and earmarking of funds from a mining claim holding fee as proposed by the Senate.

Amendment No. 5: Deletes House language limiting patenting of mining claims on Federal lands under current mining laws as was proposed by the Senate.

The managers agree to delete the House language with the understanding that the Senate will take up this issue in the appropriate authorizing committee during fiscal year 1992. The managers expect the Senate to address the specific concerns regarding fair market value for mining patents, a reversionary clause precluding mining patents from being transferred for other uses, and some type of holding fee for non-patented mining claims.

Amendment No. 6: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the date named in said amendment, insert: *October 1, 1992*.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The amendment prohibits issuance of land patents for certain oil shale mining claims before October 1, 1992, instead of July 1, 1992 as proposed by the Senate. The House had no similar provision. This makes the provision applicable for the full fiscal year.

FIREFIGHTING

Amendment No. 7: Appropriates $122,010,000 for firefighting as proposed by the House instead of $222,879,000 as proposed by the Senate. Additional amounts are included in amendment No. 9.

Amendment No. 8: Deletes language proposed by the Senate which designated amounts above $100,869,000 as "emergency requirements" pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985. The House had no similar provision. This item is addressed in Amendment No. 9.

Amendment No. 9: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

Restore the matter stricken by said amendment, amended to read as follows:

EMERGENCY DEPARTMENT OF THE INTERIOR FIREFIGHTING FUND

For the purpose of establishing an "Emergency Department of the Interior Firefighting Fund" in the Treasury of the United States to be available only for emergency rehabilitation and wildfire suppression activities of the Department of the Interior, $100,869,000, to remain available until expended: Provided, That all funds available under this head are hereby designated by Congress to be "emergency requirements" pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985: Provided further, That hereafter, beginning in fiscal year 1993, and in each year thereafter, only amounts for emergency rehabilitation and wildfire suppression activities that are in excess of the average of such costs for the previous ten years shall be considered "emergency requirements" pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985, and such amounts shall hereafter be so designated.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The amendment restores the House proposed appropriation of $100,869,000 for emergency firefighting and includes a Congressional designation of an emergency under the Balanced Budget and Emergency Deficit Control Act of 1985. The amendment deletes language requiring a similar Presidential declaration in order to spend the funds. Language is also included specifying that in future years only amounts in excess of the ten-year average for emergency firefighting costs will be considered "emergency requirements" under the Act.

CONSTRUCTION AND ACCESS

Amendment No. 10: Appropriates $14,318,000 for construction and access instead of $12,503,000 as proposed by the House and $15,768,000 as proposed by the Senate. The net decrease below the amount proposed by the Senate consists of increases of $100,000 for the Cisco boat take-out facility, UT; $370,000 for the La Cueva picnic area, Organ Mountains, NM; $200,000 for Baker Dam and Sand Mountain in the Dixie Resource Area, UT; and $400,000 to reconstruct the pipeline water system on the McGregor Range, NM; and decreases of $950,000 for the interagency administrative office in Nevada, leaving $650,000 for survey and design; $320,000 for the Campbell Tract in Alaska, leaving $100,000 for design activities; $1,000,000 for Yaquina Head, OR, leaving $2,119,000 for lower quarry and tidal zone work only; and $250,000 for End of the Oregon Trail visitor center planning and design.

LAND ACQUISITION

Amendment No. 11: Appropriates $25,322,000 for Bureau of Land Management land acquisition instead of $33,640,000 as proposed by the House and $16,660,000 as proposed by the Senate.

The managers agree to the following distribution:

Arkansas River, CO	$250,000
Bear Creek Flats, MT	800,000
Blanca Waterfowl Habitat, CO	400,000
Cache Creek ACEC, CA	500,000
Carrizo Plains, CA	2,020,000
Central Pacific RR ACEC, UT	750,000
Cross Mtn. NCA, CO	1,400,000
Desert Tortoise Habitat	700,000
Dos Palmas/Salt Creek, CA	500,000
El Malpais NM, NM	750,000
Grande Ronde ACEC, WA ..	950,000
King Range NCA, CA	100,000
Lopez Islands, WA	1,100,000
Merced W&SR, CA	100,000
Morongo Canyon, CA	250,000
New River ACEC, OR	1,500,000
N. Fork American W&SR, CA	400,000
San Pedro Ecosystem, AZ .	2,000,000
San Pedro NCA, AZ	500,000
San Sebastian Marsh ACEC, CA	100,000
Santa Rosa Mtns NSA, CA	1,000,000
S. Fork Snake River SRMA, ID	450,000
Steens Mountain, OR (Warner Basin)	2,000,000
Upper Sacramento River, CA	750,000
West Eugene Wetlands, OR	2,000,000
Wolf Lodge/Beauty Bay SRMA, ID	120,000
Yakima River Canyon, WA	1,832,000
Acquistion Management	1,600,000
Inholdings, emergencies and hardships	500,000
Total	25,322,000

Priority for acquisitions at Santa Rosa Mountains NSA, CA, should be given to those tracts with greatest benefit to wildlife resources.

The managers recognize an agreement which exists between the Bureau of Land Management and Lake and Harney Counties regarding continued acquisition of private lands by the Federal Government in the Steens Mountain, OR area. Pursuant to this agreement, the Nature Conservancy will make annual tax equivalency payments to the counties based on the purchase price per acre and shall continue making such annual payments until legislation is enacted which will increase the overall level of Payment-in-Lieu-of-Taxes payments to the counties.

While the managers support the acquisition of the Gillette Ranch properties, this project should be accomplished to the greatest extent possible through a land exchange. The managers provide an amount not to exceed $2,000,000 to acquire only what cannot be acquired through land exchange.

The managers further direct the Bureau of Land Management to develop, within one year, and implement, within two years, from the date of enactment of this Act, a plan to restore the Federal land ownership ratio to that which existed prior to this fiscal year 1992 acquisition.

OREGON AND CALIFORNIA GRANT LANDS

Amendment No. 12: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment that appropriates $90,274,000 for Oregon and California grant lands instead of $93,074,000 as proposed by the House and $96,994,000 as proposed by the Senate. The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate. The net decrease below the amount proposed by the House consists of increases of $1,500,000 for timber management; and $800,000 for resource management planning; and a decrease of $5,100,000 for reforestation. Within the total amount of $79,109,000 for resources management the Bureau may adjust amounts for timber management, resource management planning and reforestation based on operating needs provided that any significant changes are reported to the House and Senate Committees on Appropriations.

ADMINISTRATIVE PROVISIONS

Amendment No. 13: Restores House language stricken by the Senate excepting cooperative printing arrangements from certain requirements.

U.S. FISH AND WILDLIFE SERVICE

RESOURCE MANAGEMENT

Amendment No. 14: Appropriates $518,437,000 for Resource Management instead of $509,891,000 as proposed by the House and $526,675,000 as proposed by the Senate.

The net increase to the amount in the House includes increases of:

Endangered species consultation	$250,000
Endangered species recovery (Pacific Islands)	400,000
Upper Colorado River Basin Recovery	200,000
Wildstock monitoring evaluation in Oregon	200,000
Wolf reintroduction EIS	348,000
Farm Bill Technical Assistance	1,500,000
Middle Rio Grande bosque habitats study	200,000
Grand Island NE biodiversity study	150,000
Lake Champlain Special Designation Act	500,000
Baltimore port of entry	200,000
Appropriate Technology Transfer	1,200,000
Underground storage tank replacement	500,000
Chesapeake Bay and Estuary program	400,000
Gulf of Maine estuary program	100,000
Water rights acquisition	810,000
Wetland restoration and management	350,000
Alaska subsistence	400,000
Environmental education	200,000
Pintail management	175,000
Norfork NFH, AR	200,000
Greers Fork NFH, AR	80,000
Bowden NFH, WV	30,000
Tishomingo NFH, OK	100,000
Lower Snake River Compensation Fund	500,000
Mitigation hatcheries	375,000
Shellfish harvest dispute	200,000
Upper Colorado River basin recovery (research)	50,000
Leetown striped bass conservation study	250,000
Forest bird avian disease investigations	300,000
Wetland loss research	400,000
Acidic mitigation studies in Appalachia	300,000
Hawaii biodiversity inventories	250,000
Platte River wetland studies	200,000
Brant & Emperor Geese studies	250,000
Breeding waterfowl survey improvements	200,000
Tustumena Lake salmon studies	100,000
Marbled Murrlets & steller's eiders studies	150,000
Yukon River salmon studies	325,000
Arctic Goose education activities	550,000
Training Office	300,000
Restoration of general reduction (research)	1,625,000
Restoration of general reduction (administration)	250,000
Decreases to the House position include:	
Endangered species listing	250,000
Chicago wetlands office	100,000
Portland, OR urban wetlands project	100,000
Hydroelectric licensing review	100,000
Puget Sound Estuary	100,000
Southern California Coast	75,000
Hawaii and Pacific refuge operations	100,000
Refuge operations	4,000,000
Refuge contaminant cleanup	197,000
Washington State Ecosystems project	250,000
Law enforcement	500,000
Neotropical migratory birds	200,000
Aquatic nuisance control	200,000
Chehalis River Study	350,000

The managers agree to the following:

1. Pursuant to an Inspector General's report, for fiscal year 1993 the Service must have in place a mechanism to recover costs for operation of four mitigation hatcheries.

2. Aquatic nuisance control includes increases of $300,000 for work related to control of the zebra mussel, $200,000 for the laboratory at Sandusky, OH and $200,000 for the LaCrosse NFRC, WI.

3. The Service is expected to establish an ecological services suboffice in northern Indiana.

4. No funds are made available for a study of seals and sea lions at the Ballard Locks in Seattle.

5. In total $500,000 is available for Service participation in the Southern California wetlands cooperative research project.

6. The Service is to survey the wetlands and wildlife habitat at Fort Devens, MA for possible inclusion in the adjacent Oxbow National Wildlife Refuge and report its findings to the Committee by December 31, 1991.

The managers are aware of the multi-species habitat conservation plans which are being developed for coastal sage scrub areas of southern California. This comprehensive planning requires the cooperation of Federal, state and local governments and the affected property owners. The conference report provides $600,000 to the Laguna Niguel field office of the Fish and Wildlife Service for the sole purpose of evaluating and processing these plans. The managers expect the headquarters and regional office of the U.S. Fish and Wildlife Service to work closely with the field office in order to utilize Service expertise in habitat conservation planning.

The managers reiterate the Senate report language directing the U.S. Fish and Wildlife Service to report on hatchery practices and agree that the report should address tribal proposals for hatchery practice reform. The Service shall report on modifications to existing Columbia Basin hatchery programs that will be necessary to implement hatchery reform proposals consistent with the trusteeship responsibilities of the Service and its duty to mitigate fish losses due to hydroelectric development. The managers further direct the Service to consult within the framework of the Columbia River Management Plan under United States v. Oregon on a pilot project implementing Chapter C entitled "Supplementation" of the Integrated Systems Plan unanimously submitted to the Northwest Power Planning Council on June 1, 1991, by the member tribes and agencies of the Columbia Basin Fish and Wildlife Authority. However, the pilot project shall be consistent with the duty of the Service to mitigate fish losses due to hydroelectric development and shall not interfere with the genetic integrity of existing wild salmon populations.

The managers direct the Fish and Wildlife Service to do a study of the staffing needs at the Silvio O. Conte Anadromous Fish Lab and report back to Congress by March 1, 1992.

The Service in cooperation with the Governor of the State of Washington is to initiate a negotiated settlement of the shellfish harvest dispute in the State of Washington with the $200,000 provided. The managers expect that after consultation with affected parties, and in cooperation with the Governor of the State of Washington, $150,000 of the amount provided shall be expended for necessary facilitation, staff support, and technical expertise. The managers direct the remaining $50,000 to be divided equally between the Northwest Indian Fisheries Commission and private landowner organizations for negotiation support.

Amendment No. 15: Provides $10,806,000 for the Lower Snake River Compensation Fund as proposed by the Senate instead of $10,306,000 as proposed by the House.

Amendment No. 16: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter inserted by said amendment insert the following: *: Provided, That none of the funds in this Act may be expended to reintroduce wolves in Yellowstone National Park and Central Idaho*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The managers have agreed to include language in the bill to prohibit use of funds in this Act to reintroduce wolves into Yellowstone National Park and Central Idaho. The managers further agree that:

1. The Fish and Wildlife Service is to prepare an environmental impact statement in

consultation with the National Park Service and the Forest Service. For this purpose, $348,000 is provided for the Fish and Wildlife Service and $150,000 is provided for the National Park Service. Forest Service needs are to be covered within funding for the agency's endangered species responsibilities.

2. The environmental impact statement is to cover a broad range of alternatives.

3. The draft environmental impact statement should be completed no later than 18 months after enactment of the 1992 Interior appropriations bill.

4. The Fish and Wildlife Service is to provide quarterly reports on the progress of the draft EIS.

5. The Fish and Wildlife Service should follow normal distribution patterns for EIS including appropriate Congressional distribution.

CONSTRUCTION AND ANADROMOUS FISH

Amendment No. 17: Retains the heading "And Anadromous Fish" as proposed by the House instead of deleting it as proposed by the Senate.

Amendment No. 18: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment which appropriates $114,895,000 for Construction and Anadromous Fish instead of $71,102,000 as proposed by the House and $96,750,000 as proposed by the Senate.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The managers agree to the following distribution of funds:

Aransas National Wildlife Refuge, TX (boat house/ranch house rehab)	$199,000
Audubon Institute Species Survival and Research Center, LA	6,500,000
Bear River Refuge, UT (flood damage repairs)	1,738,000
Bo Ginn National Fish Hatchery, GA (rehabilitation planning)	300,000
Bosque del Apache, NM (equipment/water delivery system)	200,000
Bridge inspections and analyses	500,000
Buffalo Lake National Wildlife Refuge, TX (Umbarger dam)	3,729,000
Cameron Prairie (visitor center)	571,000
Coleman National Fish Hatchery, CA:	
Fish barrier dam	739,000
Water sterilization system	3,475,000
Crab Orchard National Wildlife Refuge, IL:	
Superfund site cleanup	9,929,000
Little Grassy Dam	6,255,000
D.C. Booth Hatchery, SD (rehabilitation)	1,585,000
Dam reinspections	450,000
Fairbanks, AK (airport hangar)	1,800,000
Felsenthal National Wildlife Refuge, AR (bridge replacements)	263,000
Flint Hills National Wildlife Refuge, KS	680,000
Greak Lakes Research Center (research vessel)	3,475,000
Great Swamp National Wildlife Refuge, NJ	450,000
Harpers Ferry NETC, WV	12,689,000
Hawaii Refuges (fencing and water systems)	750,000
Lower Suwannee National Wildlife Refuge, FL (bridge replacement)	174,000
Maine Atlantic Sea-Run Salmon Commission	100,000
Mammoth Springs National Fish Hatchery, AR	450,000
Mora National Fish Hatchery, NM	5,000,000
Natchtioches National Fish Hatchery, LA	750,000
National Fishery Research Center, Seattle, WA	8,200,000
National Key Deer National Wildlife Refuge, FL (sewage treatment)	74,000
National Wetlands Center (move facility)	1,500,000
Neosho National Fish Hatchery, MO (radon gas reduction)	318,000
North Attleboro National Fish Hatchery, MA (Greenwood Lake Dam)	2,990,000
Northeast Fisheries Lab (rehab 10 ponds)	250,000
Parker River National Wildlife Refuge, MA:	
Hazardous materials cleanup	4,270,000
Road repairs	1,390,000
Patuxent WRC, MD:	
Hazardous materials cleanup	1,986,000
Complete visitor facility	4,375,000
Poulsbo Marine Science Center, WA	268,000
Research centers (6 chemical storage buildings)	496,000
San Francisco Bay National Wildlife Refuge, CA (maintenance facility)	650,000
Saratoga National Fish Hatchery, WY (water supply/rehab)	2,135,000
Skilak Loop, AK	1,000,000
Striped bass study	300,000
Walnut Creek, National Wildlife Refuge, IA (development)	13,550,000
Wichita Mountains National Wildlife Refuge, OK	2,075,000
Wichita National Environmental Education Center, KS	680,000
Construction management	4,637,000
Emergency, health, and safety	1,000,000
Total, construction and anadromous fish	114,895,000

The managers agree to the following:

1. No money is provided for planning a new visitor facility at Mammoth Springs NFH, AR.

2. The striped bass study is to be carried out at Leetown NFRC, WV.

3. Remaining repairs necessary to complete flood damage repair at Leavenworth NFH, WA are to be accomplished within available funds.

The managers direct the Services to study the feasibility of a joint partnership with the Wildlife of the American West Art Museum, a not-for-profie organization, to develop a fish and wildlife interpretative/educational facility on non-Service lands adjacent to the National Elk Refuge and Jackson National Fish Hatchery. The study will include provisions for public access to the joint facility, the Refuge Sleigh Ride, the hatchery and related facilities with minimal impact on the environment and operation of the refuge and hatchery. A report on this matter should be submitted to the Committees on Appropriations not later than March 1, 1992.

The managers agree that total construction costs for the National Education and Training Center shall be no more than $100,000,000 and that total costs for the Center, including land acquisition, site preparation, planning, design and outfitting shall be no more than $125,000,000.

The $6,500,000 appropriation for construction of the Audubon Institute Audubon Center for Research in Endangered Species (ACRES) is contingent upon a commitment by the Center to focus research and propagation for species determined by the Fish and Wildlife Service to be highest priority. Service priorities will include native species (i.e., those with a range that includes part of the United States including the Commonwealth of Puerto Rico, American Samoa, the Virgin Islands, Guam, and the Trust Territory of the Pacific Islands) that are listed under the Endangered Species Act (Act) or are candidates for listing under the Act. The Service and the Institute shall jointly develop a binding cooperative agreement that identifies particular species or groups of species for which the Service has identified a priority need for captive propagation, research associated with reproductive biology or other endangered species research, and establishes a mechanism for addressing the research needs.

The managers understand that the total project is expected to cost $30 million. The Federal share for this project shall be limited to $15 million, or 50 percent of the total cost, whichever is less.

Amendment No. 19: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows: In lieu of the matter stricken by said amendment, insert: , *of which $400,000 shall be available for expenses to carry out the Anadromous Fish Conservation Act (16 U.S.C. 757a–757g) and of which $13,000,000 for Walnut Creek NWR, IA shall be made available on September 30, 1992*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The amendment restores House language regarding the Anadromous Fish Conservation Act and provides $13,000,000 for Walnut Creek NWR, IA to become available on September 30, 1992.

Amendment No. 20: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which allows for full procurements for the Patuxent Wildlife Research Center, for the National Education and Training Center and the National Fisheries Research Center.

NATURAL RESOURCE DAMAGE ASSESSMENT AND RESTORATION FUND

Amendment No. 21: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which adds the words "and Restoration" to the account title of the Natural Resource Damage Assessment Fund.

Amendment No. 22: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which allows restoration activities to be funded through this account.

It is the intent of the managers that restoration activities be funded through reimbursements to the account. The Service is to report quarterly on the receipts and disbursements in this account.

Amendment No. 23: Appropriates $4,370,000 for the Natural Resource Damage Assessment and Restoration Fund instead of $3,740,000 as proposed by the House and $5,000,000 as proposed by the Senate.

Within funds provided for the Natural Resource Damage Assessment program, $300,000 is to be used by the Fish and Wildlife Service, as a Natural Resource Trustee, to work with other public and private entities, including the Commencement Bay Cleanup Action Committee, to develop, administer, and implement a natural resource damage assessment and restoration plan for the Commencement Bay environment. The assessment and restoration plan should be developed as a bay-wide rather than piecemeal approach to assessment and restoration. The plan should be completed in one to three years, with the scope of work for the plan to be completed within no more than one year.

LAND ACQUISITION

Amendment No. 24: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment which appropriates $100,117,000 for Fish and Wildlife Service land acquisition instead of $87,722,000 as proposed by the House and $84,720,000 as proposed by the Senate. The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The managers agree to the following distribution:

ACE River Basin, SC	2,000,000
Alligator River NWR, NC	750,000
Anahuac NWR, TX	1,500,000
Archie Carr NWR, FL	1,500,000
Back Bay NWR, VA	2,750,000
Balcones Canyonlands, TX	4,000,000
Bald Knob NWR, AR	3,000,000
Bayou Cocodrie NWR, LA	1,455,000
Bogue Chitto NWR, LA	500,000
Bon Secour NWR, AL	500,000
Bond Swamp NWR, GA	700,000
Cape May NWR, NJ	3,000,000
Cokeville Meadows NWR,, WY	1,000,000
Colorado wetlands, CO	500,000
Crystal River NWR, FL	500,000
Cypress Creek NWR, IL	2,000,000
Dahomey NWR, MS	1,000,000
Deep Fork NWR, OK	1,500,000
E.B. Forsythe NWR, NJ	4,000,000
Grand Bay NWR, AL/MS	1,000,000
Great Meadows NWR, MA	1,500,000
Great Swamp NWR, NJ	1,000,000
Harpers Ferry NETC, WV	2,000,000
James River NWR, VA	4,500,000
Kaskaskia NWR, IL	250,000
Lake Umbagog NWR, NH	5,000,000
Lower Rio Grande Valley NWR, TX	6,500,000
Marais des Cygnes NWR, KS	2,000,000
Marin Islands, CA	1,000,000
Minnesota Valley NWR, MN	1,000,000
Moosehorn NWR, ME	2,000,000
National Key Deer NWR, FL	2,000,000
Ohio Key, FL	350,000
Ohio River Islands NWR, WV	1,000,000
Oregon Islands NWR, OR	2,000,000
Ottawa NWR, OH	2,700,000
Rachel Carson NWR, ME	1,700,000
Rainwater Basin, NE	500,000
Reelfoot NWR, TN	1,000,000
Sacramento River NWR, CA	7,000,000
San Francisco Bay NWR, CA	3,000,000
Savannah River NWR, GA (Bear Island))	812,000
Stillwater NWR, NV (water rights)	3,800,000
Trinity River, TX	2,000,000
Walden Pond, MA	350,000
Wallkill River NWR, NJ	500,000
Wetlands Acquisition (NFWF)	2,000,000
Acquisition management	7,500,000
Emergency & hardships	1,000,000
Inholdings	1,000,000
Total	100,117,000

The managers agree that:

1. The Forest Service is to be consulted as part of the study to determine possible acquisition at Afognak Island from oil spill settlement funds. Potential acquisitions are not expected to be carried out by the use of condemnation.

2. The Service may use unobligated balances from the San Joaquin NWR, CA for purchase of property in the East Grasslands area of California.

3. Funds for E.B. Forsythe NWR, NJ are for properties at Reedy Creek and Cedar Bonnet Island.

4. Additional funds to complete acquisition at Savannah River NWR, GA will be considered in fiscal year 1993.

The managers direct the Fish and Wildlife Service to study alternatives for managing the new addition to the Ottawa National Wildlife Refuge. This study should include options for dealing with the current contracts to pump surface runoff for area residents; current farming operations; and the feasibility of using land acquired as a flow through filtration system for water. Particular attention should be paid to management of the land for endangered and threatened species, neotropical migrants and the potential for restoring biodiversity. It is the managers' intention that the acquisition not include the 6309 square foot manor house, adjacent to the property.

The managers agree to provide initial funding for the establishment of Bald Knob National Wildlife Refuge, Arkansas and expect that this refuge will be managed in a manner to sustain not less than 50 percent bottom land hardwood characteristics as the refuge is developed.

The $5,000,000 agreed to for Lake Umbagog NWR, NH/ME is conditioned upon final approval by the Appropriations Committees on the terms and conditions of the easements proposed for acquisition.

NATIONAL WILDLIFE REFUGE FUND

Amendment No. 25: Appropriates $12,000,000 for the National Wildlife Refuge Fund instead of $11,000,000 as proposed by the House and $14,000,000 as proposed by the Senate.

NORTH AMERICAN WETLANDS CONSERVATION FUND

Amendment No. 26: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter inserted by said amendment, insert the following:

NORTH AMERICAN WETLANDS CONSERVATION FUND

For expenses necessary to carry out the provisions of the North American Wetlands Conservation Act, P.L. 101-233, in fiscal year 1992 and thereafter, amounts above $1,000,000 received under section 6 of the Migratory Bird Treaty Act (16 U.S.C. 707) as penalties or fines or from forfeitures of property or collateral, but not to exceed $12,000,000; and, in fiscal year 1992 and thereafter, amounts credited as interest during the immediately preceding fiscal year to the Federal Aid in Wildlife Restoration Fund in accordance with section 3(b) of the Act of September 2, 1937 (16 U.S.C. 669(b)), as amended. All amounts made available herein shall remain available until expended.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The managers have agreed to recommend up to $12,000,000 in appropriations for the North American Wetlands Conservation Act from fines paid by Exxon and Exxon Shipping Company as a result of the Exxon Valdez spill in Prince William Sound, Alaska rather than $8,500,000 as proposed by the Senate under the North American Wetlands Conservation Act. These funds are in addition to $14,000,000 in permanent appropriations which will be available in fiscal year 1992 for the wetlands conservation program.

SPORT FISH RESTORATION ACCOUNT

Amendment No. 27: Deletes House provision stricken by the Senate capping the State share of Sport Fish Restoration Account at $190,000,000.

ADMINISTRATIVE PROVISIONS

Amendment No. 28: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which allows the Fish and Wildlife Service to enter into cooperative arrangements and grants with public and private agencies, organizations, institutions, and individuals to implement, on a public-private cost-sharing basis, the North American Wetlands Conservation Act and the North American Waterfowl Management Plan.

Amendment No. 29: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which allows the National Fish and Wildlife Foundation to draw down Federal funds when matching requirements have been met. It also allows interest earned by the Foundation and its subgrantees on funds drawn down to date but not immediately disbursed to be used to fund direct projects and programs.

NATIONAL PARK SERVICE

OPERATION OF THE NATIONAL PARK SYSTEM

Amendment No. 30: Appropriates $965,665,000 for Operation of the National Park System instead of $969,047,000 as proposed by the House and $949,976,000 as proposed by the Senate.

In management of park areas, the change to the House position includes increases of $75,000 for Acadia NP, $250,000 for Alaska subsistence operations, $160,000 for Agate Fossil Beds NM, $70,000 for Buffalo NR, $200,000 for Gateway NRA, $125,000 for Great Basin NP, $50,000 for Lake Meredith RA & Alibates Flint Quarries, $200,000 for the U.S.S. Arizona Memorial on a one-time basis, $100,000 for Natchez NHP, MS, $100,000 for New River Gorge NR, WV, and $50,000 for Scotts Bluff NM and decreases of $80,000 for the Accokeek Foundation, $35,000 for the Alice Ferguson Foundation, $150,000 for Blackstone River Corridor Technical Assistance, $150,000 for Lowell NHP, $150,000 for the servicewide intake program, $250,000 for the William O. Douglas Outdoor Education Center and a $5,000,000 general reduction.

For concessions management, there is no change to the House position. Under interpretation and visitor services there are increases of $150,000 for Harpers Ferry NHP and $100,000 for Knife River.

Under visitor protection and safety Olympic NP is to receive $56,000 for a one-time installment of a telephone and radio dispatch service.

In maintenance, the change to the House position includes increases of $100,000 for Cape Cod NS, $30,000 for Chickasaw NRA, $225,000 for Jean Lafitte NHP, $50,000 for Lake Mead NRA, $150,000 for Lowell NHP, $400,000 for New River Gorge NR, $100,000 for San Antonio Missions NHP, and $300,000 for Hot Springs NP, and a decrease of $50,000 for San Francisco Maritime NHP.

For resources management, the change to the House position includes increases of $75,000 for the applied ethnography program, $300,000 for Chacoan Outliers NM, $250,000 for Lake Mead NRA, and $550,000 for Mimbres Native American archaeological sites and decreases of $1,000,000 in global change research, $198,000 for a wolf EIS and $5,000,000 in the Targeted parks program.

There is a decrease of $125,000 to the amount provided by the House for the International Union for the Conservation of Nature and Natural Resources.

There is a decrease of $2,000,000 in the proposed Challenge Cost Share program.

The managers agree to the following distribution of funds under Statutory and Contractual Aid:

Blackstone River Corridor Commission	$350,000
Columbia River Bicentennial Commission	250,000
Delaware and Lehigh Navigation Canal	350,000
Horseshoe Curve NHL	300,000
Hot Springs, AR	500,000
Ice Age National Scientific Reserve	570,000
Johnstown Area Heritage Association	380,000
Lowell Historic Preservation Canal Commission	716,000
Maine Acadian Cultural Preservation Commission	25,000
Martin Luther King, Jr. Center	547,000
Mary McLeod Bethune NHS	298,000
National Constitution Center, PA	250,000
National Folk Festival	100,000
Native Hawaiian culture and arts program	2,000,000
Roosevelt Campobello International Park Commission	566,000
Sloss Furnace NHL, AL	250,000
Southwestern Pennsylvania Heritage Preservation Commission	380,000
Steel Industry Heritage Task Force	1,250,000
Susan LaFelsche Picotte Center, NB	65,000
Vancouver Historical Management Planning Commission	200,000
Wheeling Park Commission	1,950,000
William O. Douglas Outdoor Center	250,000

In General Administration, there is an increase over the House position of $2,100,000 for D.C. water payments.

The managers agree to the following;

1. $300,000 is provided for a handicapped accessibility study. The study is to be conducted in association with Indiana University.

2. of the $250,000 increase provided Lake Meade NRA under resources management, $50,000 is for burro management. In addition, $250,000 within available funds is for visitor protection at Lake Mead NRA.

3. $150,000 is included for National Park Service activities associated with preparation of an EIS related to reintroduction of wolves in Yellowstone and other related wolf activities.

4. the National Park Service may establish a cave research institute in connection with Lechuguilla Cave.

5. $100,000 is provided within available funds to allow the National Park Service to provide assistance to the City of Tacoma, WA.

6. based on the report submitted to the Appropriations Committees there is no objection to moving the Williamsport Preservation and Training Center to Monocacy NB, MD.

The managers understand that the Superintendent of Olympic National Park and the city of Tacoma, Washington have reached an agreement on the matter of the Lake Cushman Reservoir boundary dispute. The managers are pleased to learn that the Park and the City have identified a three-way land exchange involving the lands of the Washington Department of Natural Resources as a mutually acceptable means of resolving this dispute. After completion of a land exchange between the City and the Department of Natural Resources, the City will convey the former Department of Natural Resources lands to Olympic National Park in exchange for title to the disputed Cushman project lands. The Park has agreed to support legislation which will direct the Secretary of the Interior to adjust the boundary of the Park contingent upon completion of the property exchange. The managers urge the National Park Service, in an expeditious manner, to submit to Congress the following:

(a) an agreement pursuant to which Olympic National Park and the City will proceed expeditiously to take all necessary actions to facilitate the contemplated land exchange between the Department of Natural Resources and the City, and to complete the land exchange between the City and the Park; and

(b) legislative language which authorizes an adjustment to the boundary of Olympic National Park to exclude newly-titled city lands, effective upon completion of the Tacoma-Olympic National Park land exchange set forth in subsection (a) above.

Amendment No. 31: Restores House language stricken by the Senate which provides $700,000 for the National Institute for Conservation of Cultural Property as proposed by the House.

Amendment No. 32: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows: Restore the matter stricken, amended to read as follows: *: Provided further, That hereafter appropriations for maintenance and improvement of roads within the boundary of the Cuyahoga Valley National Recreation Area shall be available for such purposes without regard to whether title to such road rights-of-way is in the United States: Provided further, That notwithstanding any other provision of law, hereafter the National Park Service may make road improvements for the purpose of public safety on Route 25 in New River Gorge National River between the towns of Glen Jean and Thurmond*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The amendment allows the National Park Service to maintain or improve certain roads within New River Gorge NR, WV and Cuyahoga Valley NRA, OH.

Amendment No. 33: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows: In lieu of the matter inserted, insert the following: *: Provided further, That of the funds provided herein, $65,000 is available for a cooperative agreement with the Susan LaFlesche Picotte Center*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The amendment provides $65,000 for a cooperative agreement with the Susan LaFlesche Picotte Center.

Amendment No. 34: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the number "fifteen" in said amendment insert: *ten*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The managers have agreed to cap any increase in the rates charged for employee quarters at ten percent. The Senate had proposed a ceiling of fifteen percent.

Amendment No. 35: Deletes Senate amendment which earmarked $205,000 for the Santa Fe National Historic Trail for brochures, signing and a film. The managers agree that within available funds up to $205,000 should be made available for this project.

Amendment No. 36: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which makes $500,000 available to Hot Springs, AR for a flood study as part of the non-Federal share for the purpose of title I of Public Law 99-662.

NATIONAL RECREATION AND PRESERVATION

Amendment No. 37: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment which appropriates $23,090,000 for National recreation and preservation instead of $23,420,000 as proposed by the House and $25,269,000 as proposed by the Senate. The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The changes to the House position include increases of $150,000 for the Lake Champlain management plan, $125,000 for the Connecticut River, and $300,000 for the New Jersey Coastal Heritage Trail; and decreases of $125,000 in recreation programs. $730,000 in the rivers and trails assistance program, and $50,000 for the Quinebaug-Shetucket River.

The managers agree that:

1. the only role for the National Park Service in the Lake Champlain area is to provide technical assistance,

2. up to $270,000 is available to continue studies on the Merrimack, Pemigewasset and Lamprey Rivers, and

3. the Service is to give consideration to moving forward with wild and scenic designations for the Niobrara and Missouri Rivers in Nebraska and South Dakota.

The managers remain concerned about the growth in the Washington office for the

State and local Rivers and Trails program, both in project work and staff. The managers, therefore, urge the National Park Service to allocate a greater percentage of Rivers and Trails funds and positions to the regional offices to more effectively and efficiently respond to project requests.

The managers encourage the National Park Service to continue to use its projects and services to promote more comprehensive objective decision making and conflict avoidance between competing river uses.

The managers direct the NPS to provide the Appropriations Committees a written formal policy and guidelines for NPS river protection activities related to existing and potential energy projects. The policy and guidelines should be prepared in open public consultation with a range of public and private river conservation, recreation and energy interests. The policy and guidelines should be made available to the Appropriations Committees by March 31, 1992.

Included is $500,000 to continue the Institute for the History of Technology and Industrial Archaeology, with substantial contributions to come from West Virginia.

The Secretary of the Interior is encouraged to give consideration to providing assistance to Oakview, on the Rust College campus. Oakview was listed on the National Register of Historic Places on June 18, 1982.

Amendment No. 38: Deletes Senate amendment which made $7,500,000 for the American Battlefield Initiative available until expended. The House had no such provision.

CONSTRUCTION

Amendment No. 39: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment which appropriates $275,801,000 for construction instead of $237,506,000 as proposed by the House and $202,097,000 as proposed by the Senate. The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The managers agree to the following distribution:

	Planning	Construction
Acadia National Park, ME (carriage roads)		1,200,000
Alaska National Parks:		
Cabins		500,000
Employee housing	300,000	1,638,000
America's Industrial Heritage	1,325,000	11,775,000
Andersonville National Historic Site, GA	573,000	
Appalachian National Scenic Trail, NY (dam safety modification)		629,000
Assateague National Seashore, MD		2,000,000
Bandelier National Monument, NM (maintenance facility)	200,000	
Big Bend National Park, TX	200,000	1,057,000
Big South Fork National River and Recreation Area, KY		500,000
Biscayne National Park, FL	805,000	3,590,000
Blackstone River Corridor		2,000,000
Blue Ridge Parkway, NC:		
Fisher Peak	360,000	
Dam safety modifications		432,000
Boston National Historic Park, MA:		
Old South/rehab planning	100,000	
Dorchester Heights		3,123,000
Faneuil Hall/Old State House		750,000
U.S.S. Constitution/planning	266,000	
Buffalo National River, AR (fire and rescue)		313,000
Canyonlands National Park, UT	200,000	2,457,000
Cape Cod National Seashore, MA		100,000
Capital area parks, DC (bicycle trails)		600,000
Chattahoochee National River, GA		885,000
Chicago Public Library, IL		2,000,000
Chickamauga/Chattanooga (road relocation)		1,000,000
Coulee Dam, National Recreation Area, WA:		
Lake fluctuation retrofits		431,000
Boat launch ramps/parking		400,000
Council Bluffs National Trail Center, IA	1,684,000	
Crater Lake National Park, OR		13,773,000
Cuyahoga National Recreation Area, OH:		
Oak Hill environmental education		2,493,000
Boston Company Store		300,000
Krejci waste site		1,218,000
Ohio and Erie Towpath Canal (Gateway Park)		2,298,000
Virginia Kendall Sewers	235,000	
Historic structure restoration		200,000
Frazee House restorationn	100,000	
Jaite Paper Mill		1,800,000
Track restoration		300,000
Darwin Martin House, Buffalo, NY		500,000
Delaware Water Gap National Recreation Area		
Dam safety modifications		747,000
Route 209		400,000
Denali National Park and Preserve, AK:		
Hotel	335,000	7,000,000
Talkeetna Rescue Station	75,000	
Everglades National Park, FL		8,440,000
Fisk University, TN		2,000,000
Foothills Parkway		3,000,000
Fort McHenry National Monument, MD		1,500,000
Fort Sumter National Monument, SC		100,000
FDR Memorial, DC		6,000,000
Gateway National Recreation Area, NJ/NY:		
Sandy Hook Beach Centers		1,700,000
Jacob Riis Park		3,000,000
George Washington Memorial Parkway, MD		1,032,000
Gettysburg National Military Park, PA	50,000	
Grand Canyon National Park, AZ (transportation system)	25,000	1,579,000
Great Basin National Park, NV (parking area)		525,000
Haleakala National Park, HI		300,000
Hamilton Grange National Mounment, NY		750,000
Harpers Ferry National Historical Park, WV	898,000	2,840,000
Hawaii Volcanoes National Park, HI:		
Fencing		300,000
Water storage tanks	100,000	786,000
Hot Springs National Park, AR	350,000	1,100,000
Illinois and Michigan Canal (Gateway)		3,650,000
Independence Hall NHS, PA (replace sprinkler system)		1,000,000
Indiana Dunes National Lakeshore, IN	210,000	890,000
International Peace Garden, ND, Canada		2,500,000
James A. Garfield National Historic Site, OH		2,777,000
Jean Lafitte National Historic Park and Preserve:		
Barataria unit (amphitheatre)		130,000
Decatur House		590,000
John Day Fossil Beds, OR	809,000	
John D. Rockefeller, Jr. Memorial Parkway	300,000	1,966,000
Kenilworth Aquatic Gardens		275,000
Kennicott, AK (emergency stabilization)		376,000
Klondike Gold Rush National Historic Park, AK:		
Peniel Mission	100,000	
Kennedy-Lynch Store		656,000
Lackawanna Heritage Valley	375,000	
Lackawanna Rails to Trail	100,000	
Lake Mead NRA, NV	250,000	
Lane College, TN		1,000,000
Lewis and Clark NHT Center, NB		1,674,000
Lincoln Center:		
Planning	1,300,000	
Site preparation and land acquisition		1,400,000
Lincoln Home National Historic Site, IL:		
Arnold House		537,000
Julia Sprigg House (planning)	207,000	
Lincoln and Jefferson Memorials, DC, stabilization	200,000	1,278,000
Lowell National Historic Park, MA:		
Boott Mill Museum completion		1,945,000
Commission reauthorization projects	400,000	1,769,000
Lyndon B. Johnson, National Historic Park, TX		3,000,000
Martin Luther King, Jr. National Historic Site, GA:		
Service owned houses (stabilization)		400,000
Headquarters and related facilities	645,000	
Mesa Verde National Park, CO	200,000	
Minuteman National Historic Park, MA:		
Job Brooks House rehab		300,000
Burke House rehab		60,000
Alarm systems		45,000
Landscape management plan	60,000	
Monocacy NB, MD (training center)	450,000	
Montpelier, VA		1,000,000
Natchez National Historic Park, MS		260,000
Natchez Trace Parkway	200,000	12,800,000
National Park Service conservation lab and regional warehouse, WV	1,220,000	
New Jersey urban history initiative:		
Perth Amboy		1,808,000
Trenton		1,892,000
Paterson		4,200,000
New River Gorge National River	2,930,000	2,650,000
Penn Center, SC		1,000,000
Perry's Victory, OH		2,859,000
President's Park, DC:		
Ellipse comfort station	300,000	
White House utilities	300,000	1,966,000
White House Visitor Center	600,000	
Saguaro National Monument, AZ (Red Hills facilities)	380,000	2,700,000
Salem Martime National Historic Site, MA:		
Advance project planning	1,500,000	
Visitor center		1,950,000
Historic wharves rehab		2,000,000
San Antonio Missions National Historic Park, TX:		
Mission San Jose		3,971,000
San Juan National Historic Site, PR (El Morro)	400,000	8,354,000
Sequoia National Park, CA:		
General's Highway	200,000	
Clover Creek visitor facilities	900,000	5,756,000
Sleeping Bear Dunes National Lakeshore, MI:		
Platte River campground	300,000	1,966,000
North Manitou Island Dock		1,000,000
Steamtown National Historic Site, PA	1,000,000	12,000,000
Stones River National Battlefield, TN:		
Trail	25,000	145,000
Brannon Redoubt	75,000	250,000
Ted Gormley Stadium, LA		1,000,000
Thomas Stone National Historic Site, MD		1,300,000
Vicksburg NMP, MS (Gunship Cairo)	400,000	
Washington Tennis Center		400,000
Weir Farm National Historic Site, CT	100,000	150,000
Yellowstone National Park (winter operations)		850,000
Yosemite National Park, CA:		
Electrical utilities	100,000	4,613,000
El Portal employee housing	300,000	2,123,000
El Portal warehouse and maintenance facility	2,000,000	6,850,000
Balance, planning requests	13,203,000	
Emergency projects		2,000,000
Employee housing		8,000,000
Subtotal	40,220,000	229,392,000
General management plans	6,189,000	
Grant total construction appropriations		275,801,000

Changes to the House position for general management plans include increases of $100,000 for Saguaro NM (Tucson Mtn. Unit), AZ, $150,000 for O'opu hi'u Kole and Opai, HI, $75,000 for Jean Lafitte NHPP, LA, $50,000 for the Chisholm, Ellsworth and Western Cattle Drive Trail, KS, and $100,000 for a coal heritage study and a decrease of $200,000 for the Springfield Armory, MA.

The managers agree to the following:

1. there is $50,000 within available general management funds to develop an improvement plan for the campground areas at the Chickasaw NRA, OK.
2. the National Park Service is to provide only technical assistance in the Maumee River area of Ohio.
3. the Assateague appropriation is for the visitor center and associated utilities.
4. if additional money is needed for the Chickamauga-Chattanooga road relocation in fiscal year 1992, it should be taken from savings and slippages.
5. the amount provided for the International Peace Garden is the final Federal payment.
6. the amount for Natchez NHP, MS is for the highest priority work.
7. the Service may transfer sums appropriated for Fortress Rosecrans and Brannan Redoubt at Stones River NB between the two projects to prevent any project delays due to funding shortfalls and to provide flexibility. The Service may also use construction funds to acquire a small plot of land and pave it to provide parking for Brannan Redoubt.
8. the additional $1,950,000 for the Salem NHS, MA visitor center is the final construction appropriation for this facility.

The managers are concerned about the increased costs and the scope of the Crater Lake project in Oregon. No funds have been provided for planning the Activity Center/Hotel until current plans and additional Crater Lake alternatives are reviewed with the House and Senate Appropriatons Committees.

The managers have not included construction funding of $5,964,000 requested for the President's Park. While the managers agree that improved visitors facilities are needed for the White House and the surrounding area, questions were raised about the proposed location, including safety aspects, its proximity to the White House, and how the current plans fit into an overall long-term development plan for the Ellipse area. The managers believe that the proposed plans need more consideration and that further planning is necessary before construction funding should be provided. Planning funds of $600,000 are included to develop a comprehensive long term plan for the construction of facilities to serve both White House visitors and the users of the Ellipse area.

For Hot Springs National Park, the managers have included a total of $350,000 for planning and $1,100,000 for construction. These planning funds are to be used solely for activities related to emergency stabilization of park facilities on Bathhouse Row including roof repairs and air handling systems and related utilities necessary for dehumidification to prevent further internal decay of historic structures. Within the amount for construction, $700,000 has been included for roof stabilization and $400,000 is for regarding of landscapes in the vicinity of Bathhouse Row to inhibit surface water drainage into historic structures. In the Operations account, $300,000 has been added to enable the park to hire day labor to make such ongoing repairs as may be necessary including external painting, reglazing and water runoff interceptor systems.

The managers have agreed to include $645,000 for Martin Luther King NHS for planning of a headquarters and all related facilities in construction package 102 except the rehabilitation of historic homes. The Service is expected to complete these aspects of package 102 well ahead of the 1996 Summer Olympics which are planned for Atlanta. The managers have also recommended $400,000 for emergency stabilization of Park Service-owned buildings at this historic site. These funds are not to be used for renovation purposes. Rather, the Service is expected to review with the Committees on Appropriations in advance of the fiscal year 1993 appropriations hearings the feasibility and cost of maintaining the integrity of the Martin Luther King National Historic Site through historic leasing or other mechanisms. The Service should be prepared to discuss the long-term impacts of each alternative. The Committees will review the relevant material thoroughly prior to consideration of the fiscal year 1993 Interior Appropriations Bill.

The $1,000,000 provided for Montpelier, James Madison's home in Virginia, is the Federal contribution to the $3,000,000 necessary to complete rehabilitation of this historic home. The $1,000,000 is to be drawn down only to the extent it is matched on a two to one basis with non-Federal funds.

The managers agree that the $1,674,000 provided for the Lewis & Clark National Historic Trail Interpretive Center is for a Nebraska City, Nebraska site located on the south side of U.S. Highway 2 overlooking the Missouri River.

Amendment No. 40: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment which provides $8,440,000 for Everglades National Park instead of $11,200,000 as proposed by the House and $9,340,000 as proposed by the Senate. The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Restore the matter stricken, amended to read as follows: *: Provided further, That of the funds provided under this heading, $1,400,000 shall be available for site acquisition and site preparation for the Lincoln Center in Springfield, Illinois: Provided further, That up to $376,000 of the funds provided under this head, to be derived from the Historic Preservation Fund, established by the Historic Preservation Act of 1966 (80 Stat. 915), as amended (16 U.S.C. 470), shall be available until expended for emergency stabilization of the Kennicott, Alaska copper mine, such funds to be transferred to the Alaska State Historic Preservation Office*

The managers on the part of the Senate will move to concur in the amendments of the House to the amendment of the Senate.

The managers agree that $1,400,000 shall be available for site acquisition and site preparation for the Lincoln Center. The House had provided $1,500,000 for land acquisition and $650,000 for site preparation.

The amendment also provides $376,000 in the form of a cooperative agreement for emergency stabilization of the Kennicott, Alaska copper mine. The work is to be carried out by the State Historic Preservation Officer. No other Federal contribution will be made available for this site.

Amendment No. 42: Provides $2,000,000 for the Chicago Public Library as proposed by the House.

Amendment No. 43: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which provides $1,000,000 to rehabilitate Tad Gormley Stadium.

Amendment No. 44: Provides $3,650,000 for a Gateway Park associated with the Illinois and Michigan Canal National Heritage Corridor as proposed by the House.

Amendment No. 45: Retains House language "until March 1, 1992," regarding the date when funds under the head "Construction" may be released if Steamtown NHS. PA has not been specifically authorized. The Senate had deleted the date.

Amendment No. 46: Retains the word "head" as proposed by the House instead of "Act or any subsequent Act" as proposed by the Senate. This amendment is related to Amendment No. 45 above.

URBAN PARK AND RECREATION

Amendment No. 47: Appropriates $5,000,000 for the Urban Park and Recreation program instead of $10,000,000 as proposed by the House and nothing as proposed by the Senate.

LAND ACQUISITION AND STATE ASSISTANCE

Amendment No. 48: Appropriates $106,570,000 for land acquisition and State assistance instead of $108,365,000 as proposed by the House and $84,450,000 as proposed by the Senate. The managers agree to the following distribution:

Assistance to States:	
Matching grants	$20,000,000
Administrative expenses	3,500,000
Subtotal	·23,500,000
Antietam NB, MD	800,000
Appalachian Trail	7,000,000
Aztec Ruins NM, NM	500,000
Big Cypress NP, FL	3,000,000
Big South Fork NR, KY	2,000,000
Chattahoochee NRA, GA	500,000
Congaree Swamp NM, SC	2,000,000
Cuyahoga Valley NRA, OH	3,000,000
Delaware Water Gap NRA, PA	500,000
Denali NP&P, AK	3,100,000
Everglades NP, FL	6,000,000
Fort Frederica NM, GA	2,500,000
Fort Raleigh NHS, NC	5,600,000
Fort Sumter NM, SC	55,000
Fredericksburg and Spotsylvania NMP, VA	2,000,000
Gettysburg NMP, PA	800,000
Golden Gate NRA, CA	2,100,000
Minuteman NHP, MA	920,000
Natchez NHP, MS	400,000
National Park of Samoa	300,000
Pecos NHS, NM	400,000
Petroglyphs NM, NM	6,000,000
Pinelands, NJ	3,000,000
Rocky Mountain NP, CO	695,000
Saint Croix NSR NM/WI	2,700,000
Santa Monica Mtns NRA, CA	14,000,000
Stones River NB, TN	200,000
Timucuan Ecological & Historical Preserve	1,000,000
Weir Farm NHS, CT	1,500,000
Acquisition Mgt	8,500,000
Inholdings	2,000,000
Subtotal, NPS	83,070,000
Total	106,570,000

The managers agree to consider additional funds, as necessary, for Fort Frederica NM in fiscal year 1993.

While no funds were provided for land acquisition at Channel Islands NP, CA, during the coming year, the Committees will explore options for protection of this property, including fee acquisition.

Amendment No. 49: Provides $23,500,000 for the State assistance program as proposed by the House instead of $15,500,000 as proposed by the Senate.

Amendment No. 50: Deletes Senate amendment earmarking $850,000 within available funds for the acquisition of the Shipley and Grandview Schools for use by the National Park Service's interpretive design center in Harpers Ferry, WV. The managers agree that up to $850,000 shall be made available for this purpose from unobligated balances remaining in completed projects.

Amendment No. 51: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which allows acquisition of property by condemnation at Santa Monica Mountains National Recreation Area under the condition that zoning permits or variances for such property shall not have changed since those in place on September 19, 1991.

ADMINISTRATIVE PROVISIONS

Amendment No. 52: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter inserted by said amendment insert: *: Provided further, That section 323 of Public Law 101–512 is amended by striking out "B½NW¼ section 9" and inserting in lieu thereof "E½NW¼ section 9": Provided further, That Federal funds available to the National Park Service may be used for improvements to the National Park Service rail excursion line between milepost 132.7 and 100.5 located in Northeastern Pennsylvania*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The amendment changes the description of public lands to be withdrawn for an administrative site contained in Public Law 101–512 for Great Basin NP, NV. The amendment also allows the National Park Service to make improvements to a rail excursion line associated with Steamtown NHS, PA.

Amendment No. 53: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which allows the National Park Service to enter into a cooperative agreement with the William O. Douglas Outdoor Classroom.

Amendment No. 54: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which directs the Superintendent of Olympic NP, WA to issue a ten-year special use permit for the continued operation of Kamp Kiwanis.

GEOLOGICAL SURVEY

SURVEYS, INVESTIGATIONS, AND RESEARCH

Amendment No. 55: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment that appropriates $590,054,000 for surveys, investigations, and research instead of $589,499,000 as proposed by the House and $569,457,000 as proposed by the Senate. The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate. The net increase above the amount proposed by the House consists of increases of $3,000,000 for earthquake hazards reduction; $800,000 for Louisiana wetlands, $1,000,000 for western Louisiana/eastern Texas coastal erosion, and $300,000 for South Carolina coastal erosion, all in the coastal studies program; and $500,000 to continue the Upper Mississippi River study, and $250,000 for toxic studies of Lake Champlain and upgrading of the monitoring station at Lake Memphremagog in Vermont, both in the Federal water program; and decreases of $750,000 for side-looking airborne radar (SLAR); $2,000,000 for advanced cartographic systems; $350,000 for Southern Lake Michigan, $250,000 for Massachusetts Bay, and $800,000 for Alabama/Mississippi, all in the coastal studies program; $645,000 for offshore geologic surveys, and $500,000 for National Water Clearinghouse activity.

The managers agree that any studies on the Kualopu'u aquifer in Hawaii should be funded within the Federal-State cooperative water program if proposed by the State as a priority in its program with the Survey.

The managers agree that the Survey should continue to participate in the cooperative research project in the Federal-State cooperative water program which involves the Oregon Graduate Institute, if proposed by the State and local cooperators as a priority within the ongoing program.

The managers agree that the USGS should pay particular attention to those regional networks that received favorable ratings from the Review Panel on regional Seismograph Networks.

ADMINISTRATIVE PROVISIONS

Amendment No. 56: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which redesignates the Geological survey as the United States Geological Survey. The House had no such provision.

MINERALS MANAGEMENT SERVICE

LEASING AND ROYALTY MANAGEMENT

Amendment No. 57: Appropriates $207,070,000 for leasing and royalty management instead of $208,090,000 as proposed by the House and $199,614,000 as proposed by the Senate.

The net decrease to the amount by the House includes increases in resource evaluation of $500,000 for activities in the Gulf of Mexico region and $2,000,000 in the regulatory program for the oil spill response initiative; and decreases of $2,000,000 for environmental studies, $1,000,000 for leasing and environmental assessment activities in areas not included in the next 5-year OCS leasing program, $320,000 for late disbursement interest payments.

The managers note that the decrease of $2,000,000 in environmental studies in actuality represents an increase of $2,000,000 over the budget. At the end of fiscal year 1991 the Appropriations Committees approved the reprogramming or roughly $4,000,000, originally appropriated for the West Delta OCS oil and gas drainage claim, to the environmental studies program, thereby offsetting some fiscal year 1992 requirements.

The managers agree that:

1. Funds provided for leasing and environmental and resource evaluation programs, including environmental studies, are to be limited to areas with active leases or which are under consideration for leasing in the 5-year OCS plan;

2. Funds provided for the oil spill response initiative include the budgeted amounts for operations and research at the Oil and Hazardous Materials Simulated Environmental Test Tank;

3. The MMS should initiate the Technical Information Management System as a pilot project in the Gulf of Mexico region and include, in its fiscal year 1993 budget request, a detailed description, an implementation schedule and cost estimates by year for that pilot project;

4. The National Academy of Sciences study of Alaska OCS sale areas should be conducted consistent with the intent expressed in the statement of the managers accompanying the fiscal year 1991 appropriation, considering information available from the nationwide OCS assessment conducted by the NAS; the managers did not intend this evaluation to be a multi-year, high cost study and are dismayed that this project has not yet commenced;

5. The MMS, in cooperation with the Bureau of Land Management and the Forest Service, should report in its fiscal year 1993 budget request recommendations for revising the methodology used to assess mineral leasing royalty collection and distribution costs by State; and

6. The MMS, in coordination with the Bureau of Land Management, the Forest Service and the States, should report by February 1, 1992 on the extent to which mineral leasing royalty collection and distribution functions could be performed by State agencies more efficiently and at lower costs.

Amendment No. 58: Earmarks $66,584,000 for royalty management instead of $66,784,000 as proposed by the House and $66,574,000 as proposed by the Senate. The $200,000 decrease to the amount proposed by the House is for late disbursement interest. The managers expect the MMS to provide for interest payments within available funds as in the past.

Amendment No. 59: Restores House language providing for refunds on Indian allotted lease overpayments.

Amendment No. 60: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which provides for the deduction of 50 percent of program administrative costs prior to the distribution of mineral leasing receipts to the States and the Federal Treasury. The House had no such provision.

Amendment No. 61: Deletes language proposed by the Senate providing $21,000,000 to the State of Louisiana and its lessees for the West Delta oil and gas drainage claim concerning certain offshore oil and gas leases.

Amendment No. 62: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which provides for cooperative audits to be conducted by States and Indian tribes for coal, geothermal and other Federal lease royalties. The house had no such provision.

BUREAU OF MINES

MINES AND MINERALS

Amendment No. 63: Reported in technical disagreement. The managers on the part of the House will offer motion to recede and concur in the amendment of the Senate with an amendment which appropriates $176,690,000 for mines and minerals instead of $175,890,000 as proposed by the House and $172,849,000 as proposed by the Senate. The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The managers expect the Bureau, to the maximum extent within the funds provided, to continue on schedule the programs, projects and activities at its research centers, and agree to the following changes to the budget request.

Information and Analysis.—The managers agree to a decrease of $5,148,000 for information and analysis activities which will allow continuation of the program at the same level as in fiscal year 1991.

Health Safety and Mining Technology.—In the health safety and mining technology activity, increases include $4,035,000 for advanced mining systems, of which $950,000 is for the Casa Grande in-situ copper leaching project, contingent on a 25 percent industry cost share, $500,000 is for in-house laboratory support for the Casa Grande project and $1,400,000 is for computer assisted mining; $5,750,000 for occupational health research; $3,000,000 for ground control research; $860,000 for human factors research; $300,000 for mine safety systems research; and $3,290,000 for mine disaster prevention, of which $1,000,000 is for fire technology testing and equipment recovery at the Mathies mine in Pennsylvania, contingent on a dollar-for-dollar industry cost share.

Minerals and Materials Science.—In the minerals and materials science activity the managers agree to an increase of $1,115,000, of which $615,000 is for ongoing research at the Idaho National Engineering Laboratory, and $500,000 is for the third and final year funding of the Oregon Metals Initiative which is to be matched on a dollar-for-dollar basis with non-Federal funds.

Environmental Technology.—In the environmental technology activity the managers agree to an increase of $5,104,000 including $1,500,000 for the National Mine Land Reclamation Center; $530,000 for an assessment of the sediments in the Chicago River; $250,000 for the fifth and final year funding on soil revegetation in Arkansas; $75,000 each for site characterization of subsidence from abandoned iron ore mines in High Bridge and Oxford Township, New Jersey, contingent on matching funds from non-Federal sources; and $2,674,000 for ongoing research on the control of mine drainage and liquid waste, of which $150,000 is for an examination of the hydrology impacts of subsidence and $1,292,000 is for water contamination research.

Mineral Institutes.—The managers agree to an increase of $1,700,000 for the mineral institutes program including $1,200,000 to continue the Marine Minerals Technology Center at the same level as in fiscal year 1991 and $500,000 for allotment grants to the 30 institutes.

General Administration.—The managers agree to a decrease of $921,000 for General

Administration as described in House Report 102–116 ad Senate Report 102–122.

Amendment No. 64: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment which earmarks $101,682,000 to remain available until expended for research programs instead of $101,382,000 as proposed by the House and $99,523,000 as proposed by the Senate. The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT

REGULATION AND TECHNOLOGY

Amendment No. 65: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment which appropriates $111,100,000 for regulation and technology instead of $110,250,000 as proposed by the House and $110,065,000 as proposed by the Senate. The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate. The change to the House recommended level consists of an increase of $850,000 to fund implementation of the Applicant Violator System by the States.

Amendment No. 66: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which provides for full funding of the States' costs for implementation of the Applicant Violator System. The House had no such provision.

ABANDONED MINE RECLAMATION FUND

Amendment No. 67: Appropriates $190,200,000 for the abandoned mine reclamation fund as proposed by the House instead of $188,404,000 as proposed by the Senate. The amount agreed to by the managers includes two changes to the House recommended funding levels. First, State reclamation program grants are funded at $137,000,000 which is an increase of $7,000,000 to fund State-run emergency reclamation programs. Second, there is a decrease of $7,000,000 for the emergency program under the Federal reclamation program to offset that portion of the emergency program funded under the State AML grants account.

The managers have agreed to statutory language in amendment No. 68 which limits the amounts that may be obligated on emergency reclamation projects, including the amount that may be spent in any one State. Specifically, $22,000,000 is provided for State and Federal programs, of which no State may receive more than 20 percent and no more than $15,000,000 may be used for Federal emergency programs. The OSM may reprogram funds from the Federal emergency program account to the State AML grant account as needed for State-administered emergency programs as long as the 20 percent limit per State is not exceeded.

The emergency program exists to provide immediate abatement at reclamation sites that pose imminent threats to public health and safety. This program should not be used by States as a secondary delivery mechanism that parallels the States' AML grant program.

The managers continue to be concerned as OSM Federal emergency program costs have escalated out of control over the past three years with no apparent rationale, and seem likely to continue to escalate without some strict controls. The Senate's proposed solution to this problem has merit. It would establish a single delivery mechanism for State AML reclamation projects including emergencies in primacy States. Indeed several States effectively manage their own emergency programs now. The managers have elected not to make State takeovers of emergencies mandatory in fiscal year 1992 due to the concern that some of the States that currently rely on OSM for quick response to emergency reclamation needs may require some time to establish the needed procedures to take over their emergency programs.

The managers have agreed to continue emergency program funding in fiscal year 1992 subject to the restrictions explained below.

The managers expect to see reforms in the Federal emergency program. Preliminary results of an OSM evaluation of the program have indicated that a large number of high cost projects involving full reclamation are being funded with Federal emergency funding. Some of these projects are not begun until 4 to 6 months after the declaration of an emergency. This practice must stop.

The managers believe that an emergency should involve a situation that needs to be addressed in a matter of days not months and that the OSM, using Federal emergency funds, should do the minimum necessary to effect emergency abatement. The OSM should work with the States to establish cooperative agreements on the use of State AML grant funds to conduct the balance of work required for full reclamation if such an action is cost effective at the time of emergency abatement.

Each outstanding emergency project awaiting funding at the beginning of fiscal year 1992 should be reevaluated and recertified, including an assessment of the cost required for minimum emergency abatement. The OSM, as part of its State AML grant award criteria, should consider first projects identified through the emergency program as having potential for deterioration of emergency conditions.

The managers expect the OSM to report, no later than two weeks before its first fiscal year 1993 budget hearing, on the status of the State and Federal emergency programs; on recommendations for the takeover by the States of the emergency programs currently conducted by OSM and on schedules for such takeovers.

Amendment No. 68: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter stricken by said amendment insert: *Provided, That of the funds herein provided up to $22,000,000 may be used for the emergency program authorized by Section 410 of Public Law 95–87, as amended, of which no more than 20 percent shall be used for emergency reclamation projects in any one State and funds for Federally-administered emergency reclamation projects under this proviso shall not exceed $15,000,000: provided further, That 23 full-time equivalent positions are to be maintained in the Anthracite Reclamation Program at the Wilkes-Barre Field Office*

And on page 26 beginning on line 9 of the House engrossed bill H.R. 2686, strike: "of which, notwithstanding any other provision of law, the following amounts shall be available to carry out the various provisions of section 402(g) of Public Law 95–87, as amended (30 U.S.C. 1232(g))"

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The amendment specifies the distribution of emergency funding and the staffing level for the Wilkes-Barre Field Office and strikes language referring to section 402(g) of Public Law 95–87, as amended.

Amendment No. 69: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

After the word "Provided" in said amendment insert: *further*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The amendment allows the Department of the Interior to use up to 20 percent of delinquent debt recoveries, pursuant to Public Law 97–365, to pay for contracts to collect these debts. The House had no such provision.

Amendment No. 70: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which limit administrative expresses of the rural abandoned mine program to 15 percent of the funds available for that program. The House had no such provision.

Amendment No. 71: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which allows the Secretary of the Interior to any 50 percent of a State's AML grant if the State is systematically failing to administer its approved regulatory program. The House had no such provision.

BUREAU OF INDIAN AFFAIRS

OPERATION OF INDIAN PROGRAMS

Amendment No. 72: Restores language proposed by the House and stricken by the Senate making funds available for education.

Amendment No. 73: Restores language proposed by the House and stricken by the Senate making funds available for schools.

Amendment No. 74: Appropriates $1,236,078,000 for operation of Indian programs instead of $1,283,630,000 as proposed by the House and $803,489,000 as proposed by the Senate. The decrease from the amount proposed by the House consists of the following: decreases of $47,437,000 for education, $4,000,000 for self-determination services; $5,000,000 for community and economic development grants, $50,000 for agriculture, $200,000 for water resources; $197,000 for wildlife and parks, $50,000 for minerals and mining, $500,000 for rights protection, and $2,500,000 for essential tribal services; and increases of $1,330,000 for tribal government services; $400,000, for social services; $1,857,000 for Indian services, tribe/agency; $2,621,000 for natural resources, tribe/agency; $50,000 for trust responsibilities, tribe/agency to restore the 1991 add-on for Flathead realty; $400,000 for facilities operations and maintenance (transferred from school operations); and $5,724,000 for general administration.

The decrease in education consists of a decrease of $6,274,000 to school operations, which includes increases of $1,000,000 for the ISEP formula and $100,000 for the Navajo child sexual abuse project, to be spent consistent with the comprehensive plan formulated to address this problem, and decreases of $2,000,000 for Education 2000 grants, $1,400,000 to facilities operations and maintenance, and $3,974,000 to transfer facilities area offices staffing to the facilities operations and maintenance (non-education) line item; an increase of $532,000 for continuing education, including a decrease of $118,000 for

SIPI and increases of $500,000 for Title I tribally-controlled colleges and $150,000 for the Navajo Community College; an increase of $1,000,000 for tribe/agency operations, to restore FY 1991 scholarship funding, as allocated by the Senate; and a decrease of $42,695,000 for putting the balance of the education programs on a forward-funded basis. The managers hope to be able to address this issue in the next fiscal year.

The increase of $1,330,000 for tribal government services includes an increase of $80,000 under new tribes funding for the Coquille tribe, and a decrease of $250,000 for the Yurok Interim Council. This will provide continued funding of $250,000, since the Council will not be organized and able to use these funds until November, 1992. There is also an increase of $1,500,000 for child protection and family violence protection. The increase of $400,000 for social services includes an increase of $5,000,000 due to the increased rate of general assistance payments in Arizona, and decreases of $1,600,000 for Kalispell retroactive payments, since these payments were made in fiscal year 1991, and $3,000,000 for Indian Child Welfare Act grants, leaving an increase of $7,550,000 over the fiscal year 1991 level. Within Indian services, tribe/agency, there is $298,000 to continue the Navajo child sexual abuse program and $100,000, which was included in the budget request, for the Hopi child sexual abuse program. Within the general assistance program, up to $2,000,000 may be made available, as needed, for administrative costs related to the Alaska general assistance program.

The managers understand that some tribes have expressed concern about the lack of meaningful consultation in the BIA's current efforts to revise its social service regulations. The managers want to ensure that the annual appropriation for BIA social services provides for programs that are responsive to the needs of the tribes. Therefore, the managers strongly urge the BIA to give the tribes additional opportunities to consult on the future of these vital programs prior to publication of proposed regulations.

The managers have agreed to provide a $2,000,000 increase over the budget request for the self-governance demonstration project for shortfalls experienced by the tribes in negotiation and implementation. The education initiative associated with the project should be continued, with $150,000 to be provided to the Lummi tribe. Shortfall monies are to be available only to tribal annual funding agreements, and to the extent possible stable tribal base funding should be maintained for those tribes entering their second year of project implementation. The managers are aware that various Bureau officials are questioning the discretionary authority of self-governance tribes in expending BIA funds according to tribal budget priorities pursuant to tribal compacts and annual funding agreements. The managers agree that the Bureau should not encroach on tribal decision-making authority regarding self-governance funds management, when such decision-making is pursuant to the compacts and funding agreements. Within the funds provided for self-governance activities, the Bureau shall consider the needs of the Makah tribe for its self-governance demonstration project.

The managers have agreed to provide $200,000 each for the Intertribal Agricultural Council and the Council of Energy Resource Tribes. It is expected that an increasing portion of the costs for these organizations will be provided from member tribes.

The decrease of $200,000 to water resources is for a transfer of funds from tribal water resource planning in Washington State (leaving a balance of $550,000) to the Fish and Wildlife Service for shellfish negotiations.

The decrease of $197,000 to wildlife and parks consists of decreases of $500,000 to the timber-fish-wildlife initiative, $110,000 for the Quinault tribe since these funds are included in the tribe's self-governance compact funding, $100,000 for the Chippewa-Ottawa Treaty Fishery Management Authority, $300,000 for the Circle of Flight wetlands initiative, $86,000 for Minneapolis Area conservation officers training, $25,000 for the Native American Fish and Wildlife Society, and $100,000 for the bison project; and increases of $174,000 for the Navajo natural heritage program, $175,000 for Wisconsin fisheries, $175,000 for the Skokomish Delta recovery plan, and $500,000 for Pyramid Lake fisheries.

The increase of $2,621,000 for natural resources-tribe/agency consists of restoration of the fiscal year 1991 add-ons, with the exception of $174,000 for the Navajo natural heritage program which has been included under tribal management and development. The total amount provided includes $100,000 to restore timber administration. The decrease of $500,000 under rights protection is for water rights negotiation. The managers expect a total of $1,800,000 to be made available for the Little Colorado River litigation, including funding for the Navajo, Hopi, Zuni and San Juan Southern Paiute tribes.

The managers have agreed to provide $12,500,000 for essential tribal services. Of this amount, $500,000 is available to begin to address historic funding inequities at the Michigan agency. Additional efforts for this purpose, as well as to address historic inequities at other locations, should be reviewed and included in the recommendations of the Reorganization Task Force. No earmark is included for the Taos Blue Lake wilderness program, for which the managers understand $111,000 is included in the base for fiscal year 1992. The Taos Pueblo may use additional funds available under this program, as well as the expanded reprogramming authority discussed below, to increase this program if necessary in fiscal year 1992.

With regard to the essential tribal services funding, the managers agree that the funds are to be allocated under the Indian Priority System, but only for tribal priorities. None of the funds are available for Area office field operations, or for Agency office administrative or executive direction costs, unless the tribe or tribes involved establish such costs as a priority. For fiscal year 1992, the funds are not available for tribes receiving $100,000 or more in restorations of fiscal year 1991 add-ons. At the beginning of fiscal year 1992, all tribe/agency funds included in the 1992 budget plus these additional funds may be reprogrammed by the tribes if they determine there are higher priorities than those for which the funds were initially provided, or as provided under the IPS process; thereafter, for the balance of the year, the regular reprogramming guidelines should be followed. The resulting revised distribution should be used as the basis for the table showing tribe/agency allocations included with fiscal year 1993 budget request, and the funds should be retained in the base.

The increase of $5,724,000 in general administration includes $1,000,000 for the Federal Financial System, $250,000 for education program management, to be used only for education positions, not administrative positions, $500,000 for construction program management, and $3,974,000 for the transfer of the Area Office staffing from the school operations line item.

The managers agree that funding for the 1854 Authority includes the Fond du Lac tribe. Within water resources funds, the Miccosukee and Seminole water management programs are to be continued at current levels. At least $300,000 is available for participation of the Lower Elwha Klallam tribe in FERC proceedings related to dam removal. The Bureau is directed to complete the strategic plan for trust fund management, continue to work with the General Accounting Office and the Intertribal Monitoring Association and report quarterly to the Committees on progress made in the program, including the reconciliation effort. In cooperation with the Reorganization Task force, the managers expect the Bureau to consider alternative methods of presenting the natural resources budget. Within litigation support, there is $150,000 for the Arkansas Riverbed Authority. Under attorneys' fees, the Bureau should provide sufficient funds for the Hopi and Navajo tribes for the 1882 litigation, and for the Hopi, Navajo and San Juan Southern Paiute tribes for the 1934 litigation.

Based on materials provided by Sealaska Corporation, the Tlingit and Haida Central Council, the Alaska Federation of Natives, and other readily available documents including court decisions, the Secretary is directed to prepare a report detailing the historical evidence, if any, which may indicate whether the villages of Tenakee Springs, Haines, Wrangell, Ketchikan, and Petersburg were inadvertently denied village or urban corporation status under the Alaska Native Claims Settlement Act.

The managers are aware of a difficult situation in the community of White Swan, WA, and request the Department to work with the Yakima Tribe and the Mount Adams School District to investigate alternates to respond to the pressing needs of this community.

Amendment No. 75: Restores House language stricken by the Senate, amended to provide the sum of $248,152,000 in advance funding for school operation costs, instead of $302,025,000 as provided by the House. The differences are decreases of $42,695,000 which the House had proposed to provide for forward funding of all education programs in fiscal year 1992, $2,000,000 for Education 2000 grants, $3,000,000 for institutionalized handicapped, and $7,278,000 for technical support, and an increase of $1,100,000 for the Indian school equalization program.

Amendment No. 76: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment which provides $75,912,000 for scholarships, vocational training and assistance to public schools instead of $74,912,000 as proposed by the House and $18,392,000 as proposed by the Senate.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The increase of $1,000,000 over the House is to restore scholarship funding (tribe/agency) to the 1991 level.

Amendment No. 77: Restores language proposed by the House and stricken by the Senate which provides funds for higher education scholarships and assistance to public schools.

Amendment No. 78: Restores language proposed by the House and stricken by the Senate providing that grants authorized by the Indian Education Amendments of 1988 shall remain available until expended.

Amendment No. 79: Provides that $2,021,000 for litigation support shall remain available until expended as proposed by the House instead of $3,021,000 as proposed by the Senate.

Amendment No. 80: Provides that $5,000,000 shall be made available for self-governance tribal compacts as proposed by the House instead of $3,000,000 as proposed by the Senate.

Amendment No. 81: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which adds language providing that the accounting of trust funds furnished to tribes or individual Indians will allow the beneficiary to determine whether there has been a loss.

Amendment No. 82: Restores House language stricken by the Senate which provides $300,000 for a grant to the Close Up Foundation.

Amendment No. 83: Deletes House language which would have limited spending for the Federal Financial System in fiscal year 1992, as proposed by the Senate. The managers have agreed to provide $4,218,000 for this purpose, and expect reprogramming procedures to be followed if this amount is to be exceeded.

Amendment No. 84: Deletes House language prohibiting the use of funds to prepare a reprogramming proposal to reorganize the Bureau of Indian Affairs until a task force has reported to the Committees on Appropriations, and prohibiting a reorganization under provisions of law, as proposed by the Senate. This issue is discussed further under Amendment No. 87.

Amendment No. 85: Deletes House language providing for deductions from timber sale receipts to remain available until expended.

Amendment No. 86: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter inserted by said amendment, insert the following: *: Provided further, That until such time as legislation is enacted to the contrary, none of the funds appropriated in this or any other Act for the benefit of Indians residing within the jurisdictional service area of the Cherokee Nation of Oklahoma shall be expended by other than the Cherokee Nation, nor shall any funds be used to take land into trust within the boundaries of the original Cherokee territory in Oklahoma without the consent of the Cherokee Nation*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The managers have agreed to delete funding for the United Keetoowah Band of Cherokees in Oklahoma, and have included language providing that until such time as Congress enacts contrary legislation, Federal funds should not be provided to any group other than the Cherokee Nation, within the jurisdictional area of the Cherokee Nation.

Amendment No. 87: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter inserted by said amendment, insert the following: *: Provided further, That the Task Force on Bureau of Indian Affairs Reorganization shall continue activities under its charter as adopted and amended on April 17, 1991: Provided further, That any reorganization proposal shall not be implemented until the Task Force has reviewed it and recommended its implementation to the Secretary and such proposal has been submitted to and approved by the Committees on Appropriations, except that the Bureau may submit a reorganization proposal related only to management improvements, along with Task Force comments or recommendations to the Committees on Appropriations for review and disposition by the Committees*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The managers have included language that will allow the Task Force on Bureau of Indian Affairs Reorganization to continue its activities during fiscal year 1992, and to submit any reorganization proposals recommended by the Task Force after its review of such proposals to the Appropriations Committees for disposition. If the Bureau chooses to propose a reorganization that is related only to management improvements, such as in the areas of procurement, financial management, or data processing, the language will allow the Bureau to submit such a proposal to the Task Force for review and comment, and then to submit the proposal, along with the Task Force comments or recommendations to the Appropriations Committees for review and disposition.

Amendment No. 88: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which provides that any funds provided in this Act that are to be included under a self-governance compact, with availability for more than one year, may be reprogrammed to one year availability but shall remain available within the compact until expended.

Amendment No. 89: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter inserted by said amendment, insert the following: *: Provided further, That within available funds $100,000 is available to lease space in a facility to be constructed by the Nez Perce Tribe in Lapwai, Idaho: Provided further, That the Bureau of Indian Affairs will incorporate General Services Administration Market Survey findings into the final lease agreement: Provided further, That notwithstanding any other provision of law, $150,000 shall be provided to the Blackfeet Tribe for a model trust department pilot program*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The managers have agreed to make available $100,000 to lease space in a facility to be constructed by the Nez Perce Tribe in Idaho, subject to GSA market survey findings, and to provide $150,000 to the Blackfeet Tribe for a model trust department pilot program.

INDIAN EDUCATION PROGRAMS

Amendment No. 90: Deletes language proposed by the Senate which would have established a separate account for Indian education programs. These programs are continued within the Operation of Indian programs account.

CONSTRUCTION

Amendment No. 91: Appropriates $213,163,000 for construction instead of $219,856,000 as proposed by the House and $106,735,000 as proposed by the Senate. The decrease from the amount proposed by the House consists of decreases of $667,000 for two juvenile detention facilities (Ute Mountain Ute and Chinle), $300,000 from facilities improvement and repair, for a transfer to construction program management, $2,500,000 for Ute Mountain Ute farm development, $2,500,000 for the Navajo Indian Irrigation Project, $500,000 to employee housing, and $3,000,000 to road sealing; and increases of $500,000 for the Tamgass Creek hatcher, $1,000,000 for the Wind River irrigation project, $500,000 for road maintenance, and $774,000 for land acquisition, including $716,000 for the Swinomish Tribe (McGlinn Island) and $58,000 for San Carlos mineral strip acquisitions.

The additional funds for road maintenance are for areas identified by the Bureau as high priority needs, including the Tohono O'odham. The Papago Agency base for fiscal years 1992 will be $423,000 for road maintenance and $380,000 for road sealing, as included in the BIA capability statement. Within the funds provided for employee housing, the Bureau should work with the Rough Rock and Black Mesa schools and Ramah Navajo tribe to meet their employee housing needs to the extent possible. The Bureau should work with the Chickasaw Nation to complete planning for a cultural resources center. The managers understand that other sources of funds will be sought for construction of such a center.

Funds have been provided to acquire in trust the property known as "McGlinn Island" located in Skagit County, WA for the Swinomish Tribal Community under the construction that it shall be preserved in its natural condition.

The managers have included funding, as discussed above, for planning and design of new schools, and funding for construction of new schools. In addition, a significant increase is provided over the funding requested in the President's Budget for facilities improvement and repair. With respect to these funds, the managers agree:

1. Planning and design funding will be available for the top ten schools contained on the fiscal year priority list, to the extent that funds are available;

2. Schools on the fiscal year 1992 priority list not funded for planning and design in fiscal year 1992 will be funded for these purposes in fiscal year 1993;

3. The Department shall review applications and prepare a new school construction priority list for fiscal year 1993, with these schools eligible for planning and design and construction funding, subject to budget constraints, in fiscal year 1993 and beyond in addition to any remaining fiscal year 1992 schools;

4. The Department should continue efforts currently underway to revise the new school construction priority setting process, with an emphasis on tribal consultation, improving the objectivity of the selection process, instilling some continuity into the program and addressing how emergency needs will be handled;

5. New school construction funding is not earmarked for specific projects, but is to be made available upon completion of the necessary validations and planning and design, starting at the top of the fiscal year 1992 list and including Pyramid Lake;

6. To the extent the construction funds are insufficient to address the total costs associated with the projects directed by the managers, additional funds to complete these projects will be provided in fiscal year 1993 and the outyears;

7. At least $250,000 is available to begin planning and design of the replacement school at Pyramid Lake, with construction funds to be consistent with items 5 and 6 above; and

8. Within funds provided for facilities improvement and repair, $835,000 is available for interim safety improvements at the existing facility at Pyramid Lake, and $310,000

is available for health and safety needs at the Navajo Academy.

The managers are aware of the apparent need for additional space at the Four Winds School on the Fort Totten reservation, and expect the school will participate in the revised priority setting process. The managers expect that the emergency replacement needs of the Second Mesa School will be reviewed as part of the priority-setting process discussed earlier.

The managers have not recommended any transfer at this time of the Old Tuba City Boarding School Building No. 78 pending the resolution of outstanding issues associated with the condition of the facility.

The managers expect the Department to submit expeditiously a reprogramming request to address the adequacy of space requirements for 300 students at Laguna Middle School.

Amendment No. 92: Rescinds $7,000,000 as proposed by the House instead of $3,000,000 as proposed by the Senate.

Amendment No. 93: Deletes language proposed by the Senate which would have made funds appropriated for the Wind River Irrigation Project in fiscal years 1990, 1991 and hereafter available on a non-reimbursable basis. The managers understand that there are questions as to whether the costs of the Wind River Irrigation Project should be nonreimbursable, and request that a report on the legal history of the project and its status be provided to the Committees by April 1, 1992.

EDUCATION CONSTRUCTION

Amendment No. 94: Deletes language proposed by the Senate which would have established a separate education construction account. The managers have included funding for education construction within the construction account.

MISCELLANEOUS PAYMENTS TO INDIANS

Amendment No. 95: Restores House language stricken by the Senate with an amendment providing that $5,000,000 shall be made available under Public Law 101-602 on September 30, 1992, instead of $12,000,000 as proposed by the House. The language provides that certain amounts of three authorized Indian settlements will be made available on September 30, 1992. As discussed under amendment number 222, funds appropriated under this head will not be subject to any across-the-board reduction affecting this Act.

MISCELLANEOUS PERMANENT APPROPRIATIONS

Amendment No. 96: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which provides that beginning on October 1, 1991 and thereafter, amounts collected in connection with the Alaska Resupply Program shall be deposited in a special fund in the Treasury and shall remain available until expended, and that unobligated amounts previously collected shall be transferred to this account.

TERRITORIAL AND INTERNATIONAL AFFAIRS

ADMINISTRATION OF TERRITORIES

Amendment No. 97: Appropriates $93,477,000 for administration of territories instead of $103,177,000 as proposed by the House and $74,150,000 as proposed by the Senate. The decrease from the amount proposed by the House consists of decreases of $200,000 for American Samoa operations, $2,000,000 for American Samoa power improvements, $8,000,000 for Virgin Islands hurricane recovery for schools, and $1,000,000 for Compact impact on Guam and the Northern Mariana Islands; and increases of $500,000 for the Northern Mariana Islands airport control tower, and $1,000,000 under technical assistance for studies on Rongelap Atoll. Any additional funds needed to complete the Northern Mariana Islands airport control tower should come from local sources.

The balance of $1,000,000 remaining for Compact impact assistance on Guam and the Northern Marianas Islands should be moved to the technical assistance line item and specifically earmarked for this purpose. The funds should be provided to these governments based on information provided as to how the funds will be used to offset the increased impacts on education and social services as a result of increased immigration from the Freely Associated States. The provision of these funds is not intended to preclude additional technical assistance related to Compact impact, where appropriate. The Department is to report by April 1, 1992 on options to institutionalize future Compact impact assistance.

Within the $500,000 provided for the brown tree snake program, $100,000 is to be provided for training of beagles on Hawaii. The balance of the funding is for additional research and control activities, as included in the brown tree snake program plan.

The managers expect the American Samoa government to submit a plan for improving its financial management and accountability, which will be considered along with future requests for increased operations funding.

The managers have included $1,000,000 for additional studies on Rongelap Atoll, to be provided through the technical assistance line item. These studies are to be carried out in accordance with the plan recently agreed to by the Republic of the Marshall Islands, the Rongelap Atoll local government, the Department of Energy and the Department of the Interior. Additional funding needs for the studies will be reviewed in the future.

Amendment No. 98: Provides $89,447,000 for technical assistance, maintenance assistance and grants instead of $99,194,000 as proposed by the House and $69,847,000 as proposed by the Senate. The decrease from the amount proposed by the House consists of the same items discussed under Amendment No. 97.

Amendment No. 99: Restores language proposed by the House and stricken by the Senate making funds available for brown tree snake control and research.

Amendment No. 100: Provides $4,030,000 for the Office of Territorial and International Affairs rather than $3,983,000 as proposed by the House and $4,303,000 as proposed by the Senate. The increase over the amount proposed by the House is $47,000 to restore funds for pay costs and administrative efficiencies.

The reprogramming proposal to establish a Pacific Operations center, dated August 23, 1991, is not agreed to.

TRUST TERRITORY OF THE PACIFIC ISLANDS

Amendment No. 101: Appropriates $24,451,000 for the Trust Territory instead of $27,951,000 as proposed by the House and $22,451,000 as proposed by the Senate. The increase over the amount proposed by the Senate is $2,000,000 for additional high priority water and sewer projects in the Republic of Palau.

Amendment No. 102: Deletes House language which would have provided for Palau operations a grant funds to the expended as determined by the Government of Palau, as proposed by the Senate.

In order to provide for an open and timely consideration by all interested parties in the matter of the financial program of the Palau government, the managers expect the following: For fiscal year 1992, as soon as possible upon enactment of appropriations for the Department of the Interior and Related Agencies, Palau should adopt and submit to the Department a unified national budget with separate delineation of Federal and local funds. Within 20 days, the Department will notify Palau and the authorizing and appropriating committees of the U.S. Congress of any concerns regarding that budget, and clearly identify why any portions are inconsistent with the Secretary's trusteeship responsibilities. If concerns are raised and resolution not reached within thirty days of the initial notification, the Secretary shall submit Palau's proposal as a reprogramming without change by the Administration. In addition, the Department should include with any such transmittal an identification of those concerns which relate significantly to the trusteeship responsibility. The managers wish to reiterate that self-government for Palau means local decision-making. The Department should not second-guess decisions primarily local in nature. Decisions regarding operations of the Government of Palau are not to be decided by the Department. The principal point of the Secretary's review should be to ensure that the trusteeship responsibility is fulfilled.

The Appropriations Committees of the House and Senate will review Palau's reprogramming consistent with the reprogramming guidelines established by the committees. If no action is taken within thirty days and an extension not requested, Palau's proposal will take effect. If the Department fails to abide by this procedural framework in the coming fiscal year, restrictive language will be included in the fiscal year 1993 Appropriations Act.

With respect to the Palau operations grant in fiscal year 1993, Palau should submit its proposed expenditure of Federal funds and allow for Department of the Interior review. The Palau proposal and any Interior comments thereto should be forwarded to the Appropriations Committees within thirty days of the President's budget submission. Palau will then have an opportunity to review the Department's comments, and submit an official response in the context of the hearings on the fiscal year 1993 budget. Congress will then be able to make any decisions it believes appropriate, and include specific direction to be followed, if any, in the appropriations Act or accompanying report.

COMPACT OF FREE ASSOCIATION

Amendment No. 103: Appropriates $25,010,000 for the Compact of Free Association as proposed by the Senate instead of $26,010,000 as proposed by the House. The decrease of $1,000,000 from the amount proposed by the House is for studies on Rongelap Atoll, which have been provided under the Administration of territories account, as discussed under Amendment No. 97.

Amendment No. 104: Strikes House language providing funding for the relocation and resettlement of the people of Rongelap as proposed by the Senate.

Amendment No. 105: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter inserted by said amendment, insert the following: *: Provided further, That $2,000,000 shall be available on an ex gratia basis for the relocation and resettlement of the people of Rongelap on Rongelap Atoll: Provided further, That such funds shall* *remain available for deposit into a Rongelap Resettlement Trust Fund to be used by the people of Rongelap under the terms and conditions as set forth in a trust agreement or amendment thereto approved by the Rongelap Local Government Council subject only to the disapproval of the Secretary of the Interior: Provided further, That the Government of the Republic of the Marshall Islands and the Rongelap Local Government Council shall provide for the creation of the Rongelap Resettlement Trust Fund to assist in the resettlement of Rongelap Atoll by the people of Rongelap, and the employment of the manager of the Rongelap fund established pursuant to the Section 177 Agreement (pursuant to Section 717 of Public Law 99-239) as trustee and manager of the Rongelap Resettlement Trust Fund, or, should the manager of the Rongelap fund not be acceptable to the people of Rongelap, another United States investment manager with substantial experience in the administration of trusts and with funds under management in excess of $250,000,000, subject only to the disapproval of the Secretary of the Interior: Provided further, That such funds shall be available only for costs directly associated with the resettlement of Rongelap by the people of Rongelap and for projects on Mejatto: Provided further, That the Secretary may approve expenditures of up to $500,000 in fiscal year 1992 for projects of Mejatto benefiting the people of Rongelap presently residing on the island of Mejatto: Provided further, That after fiscal year 1992, such projects on Mejatto benefiting the people of Rongelap may be funded only from the interest and earnings generated by the trust fund corpus: Provided further, That such fund and the earnings and distribution therefrom shall not be subject to any form of Federal, State or local taxation: Provided further, That the Governments of the United States and the trust Territory of the Pacific Islands shall not be liable in any cause of action in law or equity from the administration and distribution of the trust funds*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The managers have revised the language included in the House and Senate bills, to clarify the provision of $2,000,000 for the relocation and resettlement of the people of Rongelap on Rongelap Atoll. Of the amount provided, up to $500,000 may be made available in fiscal year 1992 for projects on Mejatto island.

OFFICE OF THE SECRETARY

Amendment No. 106: Appropriates $64,445,000 for the Office of the Secretary instead of $66,414,000 as proposed by the House and $58,428,000 as proposed by the Senate.

The managers agree to the following distribution of funds:

Departmental Direction:	
Secretary's immediate office	2,756,000
Executive Secretariat	660,000
Congressional and legislative affairs	1,273,000
Equal opportunity	1,647,000
Public affairs	888,000
Small and disadvantaged business utilization	523,000
Quality assurance	298,000
Subtotal	8,045,000
Program Direction and Coordination:	
A/S Water and science	810,000
A/S Land and minerals management	931,000
A/S Fish and wildlife and parks	831,000
A/S Indian affairs	819,000
American Indian trust	650,000
Office of self-governance	682,000
Audit and evaluation	1,150,000
A/S Territorial and international affairs	642,000
A/S Policy, management and budget	1,103,000
Subtotal, Program Direction and Coordination	7,618,000
Administration:	
Environmental affairs	3,761,000
Acquisition and property management	1,998,000
Office of personnel	2,095,000
Administrative services	1,265,000
Library services	1,218,000
Information resources management	2,845,000
Management improvement	1,537,000
Program analysis	2,340,000
Office of budget	2,240,000
Financial management	1,580,000
Security and drug enforcement	705,000
Subtotal, Administration	21,584,000
Hearings and appeals	6,875,000
Aircraft services	2,247,000
Central services	18,709,000
Federal Financial System	−633,000
Total, Office of the Secretary	64,445,000

OFFICE OF THE SOLICITOR

Amendment No. 107: Appropriates $31,525,000 for the Office of the Solicitor instead of $30,525,000 as proposed by the House and $31,902,000 as proposed by the Senate. The increase over the House reflects a general reduction of $2,951,000 instead of $3,951,000 as proposed by the House. The managers agree that within the amount available there is a $300,000 increase for Alaska operations.

OFFICE OF INSPECTOR GENERAL

Amendment No. 108: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment which appropriates $24,044,000 for the Office of Inspector General instead of $24,244,000 as proposed by the House and $25,518,000 as proposed by the Senate.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The change to the House position increases the general reduction from $705,000 to $905,000.

NATIONAL INDIAN GAMING COMMISSION

Amendment No. 109: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter stricken and inserted by said amendment, insert: *$2,190,000*.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The amendment appropriates $2,190,000 for the National Indian Gaming Commission instead of $1,890,000, subject to authorization, as proposed by the House and $2,490,000, as proposed by the Senate. The managers understand that a one-year extension of authorization will be enacted into law in the near future.

OIL SPILL EMERGENCY FUND

Amendment No. 110: Appropriates $3,900,000 for the Oil Spill Emergency Fund as proposed by the House instead of deleting the account as proposed by the Senate.

The managers agree that not less than $1,065,000 is for the National Park Service.

ADMINISTRATIVE PROVISIONS

OFFICE OF AIRCRAFT SERVICES

The managers direct the Office of Aircraft Services to evaluate the feasibility of allowing the Ohio Department of Natural Resources (ODNR), Division of Wildlife aircraft to participate in the Department of the Interior's Office of Aircraft Services Aviation Management System. The specific concerns that should be addressed cover many operational areas, including but not limited to: a) aircraft operations standards; b) ability of Ohio to bill DOI for maintenance work performed in the Ohio aircraft maintenance facility; c) ability of Ohio to pay DOI for all aircraft operations costs; and d) liability issues involved when DOI is scheduling and accomplishing routine maintenance on ODNR aircraft. If it is determined that both parties are committed to the arrangement, the managers request the Department to report on the appropriate implementing mechanism.

GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR

Amendment No. 111: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which designates all funds used by the Secretary for emergency purposes under this general authority as "emergency requirements" pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985. The House had no such provision.

Amendment No. 112: Restores House language stricken by the Senate which limits the Secretary of the Interior's use of emergency authorities with regard to emergency rehabilitation and wildfire suppression activities.

Amendment No. 113: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which designates all funds used by the Secretary for emergency purposes under this general authority as "emergency requirements" pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985. The House had no such provision.

Amendment No. 114: Deletes House proposed language prohibiting use of funds in the Act to rename Mount McKinley.

Amendment Nos. 115–120: Change section numbers as proposed by the Senate.

Amendment No. 121: Restores House language stricken by the Senate which pertains to the management of Matagorda Island, Texas, amended to change the section numbers.

Amendment Nos. 122–123: Change House and Senate proposed section numbers.

Amendment No. 124: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter inserted by said amendment, insert the following:

SEC. 117. Section 105 of Public Law 100–675 is hereby amended by adding the following new subsection:

"(c) AUTHORITY TO DISBURSE INTEREST INCOME FROM THE SAN LUIS REY TRIBAL DEVELOPMENT FUND.—Until the final settlement agreement is completed, the Secretary is authorized and directed, pursuant to such terms and conditions deemed appropriate by the Secretary, to disburse to the San Luis Rey Indian Water Au-

thority, hereinafter referred to as the 'Authority', funds from the interest income which has accrued to the San Luis Rey Tribal Development Fund, hereinafter referred to as the 'Fund'. The funds shall be used only to assist the Authority in its professional development to administer the San Luis Rey Indian Water Settlement, and in the Authority's participation and facilitation of the final water rights settlement agreement of the five mission bands, subject to the terms of the Memorandum of Understanding Between the Band and the Department dated August 17, 1991.".

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The amendment amends Public Law 100-675 to provide authority for disbursing interest income from the San Luis Rey tribal development fund established by that law and changes the section number proposed by the Senate. The funds will be used only to assist the San Luis Rey Indian Water Authority in administering the settlement, and no funds will be distributed to bands or members of bands not directly associated with the Authority.

Amendment No. 125: Deletes Senate proposed bill language requesting a report on restoration of certain Native American murals in the Department of the Interior building. The managers agree that within 60 days of enactment of this Act, a report from the Secretary of the Interior in consultation with the Administrator of General Services on actions to restore and protect the murals mentioned in the Senate amendment is still required.

Amendment No. 126: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the first section number named in said amendment insert: *118*.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The amendment extends the time available for the Secretary of the Interior to approve the extension of the Blackstone Commission and changes the section number proposed by the Senate.

Amendment No. 127: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter proposed by said amendment insert:

SEC. 119. None of the funds appropriated in the Energy and Water Development Appropriations Act, 1992 (Public Law 102-104) shall be used to implement the proposed rule for the Army Corps of Engineers amending regulations on "ability to pay" (33 CFR Part 241), published in the Federal Register, vol. 56, No. 114, on Thursday, June 13, 1991.

SEC. 120. (a) The Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1992 (H.R. 2608), is amended as follows:

(1) The third paragraph in title I (under the headings "Justice Assistance" and "Office of Justice Programs" within amounts for the Department of Justice) is amended by striking out the period at the end and inserting in lieu thereof ": Provided, That of the $76,000,000 appropriated herein, $4,000,000 shall be derived from deobligated funds previously awarded under part B and subparts I and II of part C of title II of said Act.".

(2) The paragraph in title I under the heading "Salaries and Expenses" under the heading "Federal Communications Commission" is amended by striking out "For total obligations" and inserting in lieu thereof "For necessary expenses".

(3) The paragraph in title IV under the heading "Payment to the Legal Services Corporation" under the heading "Legal Services Corporation" is amended by inserting ", coordinated through the national Legal Services Corporation," in the proviso after "such Institutes".

(b) The amendments made by subsection (a) shall take effect as if included in the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1992, on the date of the enactment of such Act.

And on page 91, line 7 of the House engrossed bill, H.R. 2686, strike "22" and insert "15".

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The amendment prohibits funds in the Energy and Water Appropriations Act from being used to implement an Army Corps of Engineers proposed rule on ability to pay and changes the section number proposed by the Senate.

The amendment also adds new language, not included in either the House or Senate bills, which makes technical corrections to H.R. 2608, the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1992, as approved by the House and Senate, as follows:

First, a provision agreed to by the conferees to H.R. 2608 was included in the conference agreement but inadvertently left out of the final bill. Exclusion of this provision results in the bill being scored $833,000 in outlays above the amounts assumed in the conference agreement. Inclusion of this provision in this amendment will bring H.R. 2608 back within its 602(b) allocations.

Second, corrects language in H.R. 2608, under the Federal Communications Commission (FCC), which inadvertently provides an overall obligation limitation on the FCC. This change should have been made when the conferees on H.R. 2608 decided not to accept the Administration's FCC fee proposal.

Third, clarifies the intent of the conferees on H.R. 2608 concerning the awarding of a grant for a National Resource and Training Center under the Legal Services Corporation (LSC). The language clarifies that preference should be given to a university which has hosted National Trial Advocacy Institutes coordinated through the national Legal Services Corporation office.

Finally, the amendment changes the allowable percentage of increase for Forest Service and Bureau of Land Management communication site fees to not more than 15 percent in fiscal year 1992 instead of 22 percent in the House engrossed bill.

The managers have agreed to change the maximum per centum amount by which communication site fees may be increased in final year 1992, which is contained in Sec. 314, from 22 percent included in the House bill, to 15 percent.

The managers are concerned that previous agency efforts to establish an acceptable methodology for communication site reappraisals have been unsuccessful. The managers therefore direct the Forest Service and the Bureau of Land Management to jointly establish a broad-based advisory group comprised of representatives from the broadcast industry (users of both private and public communication sites) and the two agencies to review recommendations on acceptable criteria for determining fair market values and next best alternative use. The advisory group shall review the methodology used in the study previously mandated and reach concurrence on such methodology. The advisory group shall also assess the validity of the results of such studies, taking into account all reasonable options for the establishment of fair market values and next best alternative use. Finally, the advisory group shall take into account appropriate fee waivers or reductions for public service by communication site users who provide for the public convenience, interest, and necessity as required for licensing under the Communications Act of 1934.

The advisory group shall report its findings to the Senate and House Committees on Appropriations no later than May 1, 1992.

TITLE II—RELATED AGENCIES

DEPARTMENT OF AGRICULTURE—FOREST SERVICE

FOREST RESEARCH

Amendment No. 128: Appropriates $182,812,000 for forest research instead of $183,572,000 as proposed by the House and $176,850,000 as proposed by the Senate. The decrease from the amount proposed by the House consists of decreases of $380,000 for forest protection research and $1,375,000 for forest environment research; and increases of $357,000 for resource analysis research, $283,000 for forest management research and $355,000 for forest products and harvesting research.

In forest protection research, there are increases of $350,000 for Lincoln, NE, which is to be used for the highest priority research activities, which could include initiation of the Center for Semiarid Agroforestry; $100,000 for Moscow, ID; and $50,000 for Juneau, AK; and decreases of $200,000 for Corvallis, OR (new perspectives), $80,000 for Athens, GA (tree health), $140,000 for Macon, GA, $100,000 for Berkeley, CA, $160,000 for Honolulu, $100,000 for Hamden, CT, and $100,000 for the Blue Mountain Institute, OR.

The managers agree that the $1,000,000 provided for bark beetle research is not earmarked but is to be directed where the impacts are the most severe throughout the West.

For resource analysis research, the increase of $357,000 consists of decreases of $100,000 for Riverside, CA, $100,000 for Syracuse (recreation research), $50,000 for Fort Collins, and $100,000 for Davis, CA; and increases of $50,000 for St. Paul, including an increase of $200,000 for inventory and a decrease of $150,000 for the Lake States regional analysis, $157,000 for Albuquerque and $200,000 for Anchorage. There is also an increase of $300,000 for Fort Collins for a southwestern forestry study, which had been included by the Senate under forest management research.

Under forest management research, there are decreases of $40,000 for Burlington, $300,000 for Pacific Yew research at Corvallis/Olympia, leaving $300,000, $75,000 for Grand Rapids, MN, $200,000 for Gainesville, FL, and $450,000 for new perspectives research; and increases of $400,000 for Monticello, AR, $50,000 for Morgantown, $273,000 for Moscow, $350,000 for New Orleans, $75,000 for Parsons, WV, and $200,000 for Research Triangle Park, NC. A total of $2,950,000 is provided for new perspectives research, as follows:

Olympia, WA	$100,000
Olympic Natural Resources Center	1,250,000
H.J. Andrews	450,000
Macon, GA	50,000

Charleston, SC	100,000
Unallocated	1,000,000
Total	2,950,000

With regard to the funds provided for the Olympic Natural Resources Center, the Center is to select the projects for which the funds will be used, but in coordination with the balance of the new perspectives program. The Forest Service should provide a proposed distribution of the unallocated funds within 90 days of enactment.

The decrease of $1,375,000 for forest environment research includes decreases of $100,000 to Corvallis (steelhead and salmon), $250,000 to Clemson, including $50,000 to threatened and endangered plants and $200,000 to neotropical migratory birds, $200,000 to Tempe, including $100,000 each for habitat research and neotropical migratory birds, $50,000 to Logan, UT, $225,000 to Rio Piedras, including $125,000 for tropical research and $100,000 for neotropical migratory birds, $100,000 to Missoula/Boise (salmon and grizzly bear), $150,000 to new perspectives, including $100,000 at Olympia and $50,000 at Seattle, $100,000 to Rapid City, $300,000 to Raleigh, NC; and an increase of $100,000 at Laramie, WY for neotropical migratory birds.

The increase of $355,000 for forest products and harvesting research includes decreases of $150,000 at Houghton for pallet recycling, $200,000 at Portland for new perspectives, $45,000 at Asheville for pallet recycling; and increases of $150,000 at Juneau, AK, $100,000 at Princeton, and a net increase of $500,000 at Madison, as follows: increases of $500,000 for timber bridge research and $450,000 for recycling, and decreases of $50,000 for Pacific Yew and $400,000 to research work units with budgeted increases. Within the timber bridge funds, at least $250,000 shall be made available to West Virginia University.

STATE AND PRIVATE FORESTRY

Amendment No. 129: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment appropriating $184,107,000 for State and private forestry instead of $205,041,000 as proposed by the House and $199,332,000 as proposed by the Senate. The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate. The decrease from the amount proposed by the House includes increases of $8,000,000 for Appalachian integrated pest management, $300,000 under fire protection for field management, training and technical assistance in South Carolina, and $7,050,000 for special projects; and decreases of $8,484,000 to transfer cooperative law enforcement back to the National forest system account, and $27,800,000 for forest management and utilization, which includes decreases of $300,000 for forest resource management, $6,500,000 for forest stewardship, $15,000,000 for stewardship incentives/tree planting, $8,000,000 for urban forestry, and $5,000,000 for economic recovery; and increases of $3,000,000 for reforestation in South Carolina and $4,000,000 for rural development in the Northeast and Midwest. The increase of $7,050,000 for special projects includes increases of $1,250,000 for northern forest lands, $4,500,000 for the Hardwoods Training and Flexible Manufacturing Center, WV, $5,000,000 for the Forest Legacy program, and $550,000 for a grant to Berkeley County, SC, and decreases of $250,000 for the Gifford Pinchot Center and $4,000,000 for tropical forestry.

The $500,000 included in forest pest management for the bark bettle initiative is not earmarked to any specific region, but is to be directed to where the need is greatest. Within urban forestry, the following amounts are earmarked: $1,000,000 for Chicago, $500,000 for the Ohio Arbor program, $100,000 for Tacoma, WA, $50,000 for Bremerton, WA, $50,000 for Port Orchard, WA, $500,000 for the cooperative demonstration project in northern New Jersey, $500,000 for Atlanta, and $250,000 for Grand Forks, ND. There is also an earmark of $500,000 for the Ohio Arbor program within the stewardship incentives/tree planting program. Within forest resource management, there is $200,000 for the Chesapeake Bay program. Under special projects, $2,000,000 is provided for grants to the Washington State Office of Trade and Economic Development and the Oregon Economic Development Department for projects to diversify western Oregon and Washington timber dependent communities. The funds are to be matched on a 50/50 basis by each State. In considering its use of the funds provided herein to encourage economic diversification, the Oregon Economic Development Department should give consideration to various proposals for improved utilization of red alder and demonstration projects regarding value-added wood products manufacturing. Within the tropical forestry initiative, the composition of the funding should be adjusted to continue providing historic proportional shares to Africa, Asia, and other parts of the world, as well as Latin America and the Caribbean. The Forest Service is expected to allocate $175,000 from within forest resource management funds for coordination and liaison work with the Northern Forest Lands Council and to continue funding for this effort in the base program. Of the funds provided for the northern forest lands project, $450,000 is for support of the Council, including $250,000 for the council and $50,000 for each State, and the balance is to begin research, inventory and resource identification.

With regard to plans under the forest stewardship program, existing plans may be used if they meet the requirements of the stewardship program or can be modified to do so.

Within the funds provided for economic diversification studies, there is $30,250 for the Trico housing panel project, and $30,000 for a tourboat/train diversification project, both in the State of Washington.

The Forest Service should report on the need for and feasibility of establishing greenhouse and seed orchard capacity in interior and southcentral Alaska for reforestation and forest enhancement. The Forest Service should look at requirements for Federal lands in Alaska, and how such a program would meet their requirements. As part of its feasibility assessment, the Forest Service should work with other agencies in considering the requirements of a development plan for such facilities. The capabilities of the other agencies should be integrated into any such comprehensive plan. It is the managers' understanding that such facilities would service Federal lands only.

Amendment No. 130: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which makes available a grant of $4,500,000 to Mercer County, West Virginia for a hardwood training and flexible manufacturing center.

Amendment No. 131: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter proposed by said amendment, insert the following: *: Provided further, That a grant of $550,000 shall be available to Berkeley County, South Carolina*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The amendment deletes language proposed by the Senate which would have provided $250,000 for a Snow Science Center at Alta, UT, and adds language which provides a one-time grant to Berkeley County, SC to assist in an orderly transition due to reduce timber receipt payments as a result of timber blowdown by Hurricane Hugo. Payments to this county are declining as a result of a significantly reduced timber program, and the county should plan accordingly for this situation, which will likely last for many years.

Amendment No. 132: Deletes language proposed by the Senate which would have made $5,000,000 available for the Morris K. Udall Foundation, subject to authorization. Funding for the Udall Foundation has been included under the Indian Health Service. The managers agree that funding will be considered for a Silvio O. Conte Foundation, when such a foundation has been authorized.

Amendment No. 133: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter inserted by said amendment, insert: *: Provided further, That $5,000,000 shall be available for necessary expenses of the Forest Legacy Program, as authorized by section 1217 of Public Law 101–624, the Food, Agriculture, Conservation and Trade Act of 1990: Provided further, That the Forest Service shall not, under authority provided by this section, enter into any commitment to fund the purchase of interests in lands, the purchase of which would exceed the level of appropriations provided by this section*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The managers have provided $5,000,000 in initial funding for the Forest Legacy program, with language prohibiting commitments beyond the $5,000,000 provided. In New York State, any political subdivision must agree to include itself, in order to participate in the Forest Legacy program. A subdivision is defined as a village, city, town or county.

Upon completion of a needs assessment study and approval by the Secretary of Agriculture, Massachusetts shall be eligible to receive funding provided for the Forest Legacy program in fiscal year 1992.

NATIONAL FOREST SYSTEM

Amendment No. 134: Appropriates $1,359,662,000 for the national forest system instead of $1,280,947,000 as proposed by the House and $1,379,605,000 as proposed by the Senate. The net increase from the amount proposed by the House consists of increases of $8,484,000 for cooperative law enforcement to restore funds proposed to be transferred to State and private forestry; $86,987,000 for road maintenance, to restore funds proposed to be transferred to the construction account, and to restore the budget request level; $5,184,000 for timber sales, including $184,000 for inventory and $5,000,000 for harvest administration; and $1,625,000 for general administration, including $1,375,000 for Tongass and $250,000 for public affairs; and decreases of $1,098,000 for minerals; $1,163,000 for real estate management; $601,000 for landline location, partially related to the timber program; $200,000 for national forest system drug control; $1,000,000 for trail maintenance, leaving a general increase of $4,000,000 and an increase of $500,000 for Washington flood recovery; $1,000,000 for reforestation and stand improvement; $14,961,000 for recreation use; $300,000 for wildlife and fish habitat; $1,600,000 for range management; and $1,642,000 for soil, water and air management.

The managers agree that the reductions for minerals and real estate management are to apply to all of the expanded budget line items for these categories. Within minerals, the reduction is to be applied in such a manner as to limit the increase over the base amount to roughly half that requested in the budget. For real estate management, the total reduction of $2,163,000 is to be spread as follows: $825,000 for land exchanges, $500,000 for special uses, and $838,000 for geometronics.

The funding decrease for reforestation includes a reduction of $600,000 for the joint Forest Service/National Cancer Institute study, and a decrease of $400,000 for timber stand improvement. The net change to the budget request for timber stand improvement is to be applied nationally, since the managers agree that no specific reductions in any budget activity will be directed at the Tongass National Forest. Funding for the Tongass National Forest is to be treated as any other national forest. General increases will go the Tongass, and so will general decreases. With respect to the Pacific Yew, the Forest Service should designate at least one person in each National Forest where the Pacific Yew is found to coordinate Pacific Yew issues. The Regional Forester in each region where the Pacific Yew is a significant resource should be responsible for ensuring the Pacific Yew is raised as a critical issue when timber sales are planned, and to ensure full utilization of the Pacific Yew, with little or no waste. The Forest Service should develop a strategy for ensuring a sustainable supply of Pacific Yew for the medical community with the least possible environment impact, and should publish the strategy as soon as possible for implementation during fiscal year 1992.

The decrease in recreation use includes reductions of $321,000 below the House level for timber support; $10,000,000 for recreation management, with no earmarks, other than those identified below; $4,000,000 for wilderness management; and $640,000 for cultural resources management. Within wildlife and fish habitat, the net change from the House recommendation includes decreases of $2,000,000 for neotropical migratory birds, $750,000 for Eyes on Wildlife, and $2,000,000 for threatened and endangered species, and increases of $1,750,000 as a general increase for the wildlife management program, to be allocated to all wildlife programs, including Eyes on Wildlife; $200,000 for timber support; and $2,500,000 for anadromous fish. The decrease below the House within the soil, water and air program includes reductions of $642,000 for operations and $1,200,000 for improvements, which leaves an increase of $1,500,000 for Washington flood repair, and an increase of $200,000 for inventories. The funds for threatened and endangered species are not earmarked for specific programs, but the Forest Service should address needs in the areas of new listings, plants, fish, and the Rocky Mountain wolf.

The managers agree that within the funding recommended, the following amounts shall be available: $400,000 in road maintenance for the Monongahela National Forest; $100,000 within trail maintenance for the Shawnee National Forest; in recreation management, $500,000 for Wild and scenic rivers planning in Oregon, $150,000 for the Shawnee National Forest, $200,000 for Skagit River management, $500,000 for the Columbia River Gorge National Scenic Area management plan, and $150,000 for a feasibility study regarding a reservoir on the Homochitto National Forest; in wildlife management, $100,000 for the black bear study on the Green Mountain National Forest and $90,000 for a wolverine study on the Sawtooth National Recreation Area; $150,000 in inland fish management for the Monongahela National Forest; $5,000,000 within anadromous fish for "Salmon Summit" related activities in regions 1, 4, and 6; $150,000 within wildlife and fish habitat for the Shawnee National Forest; and $250,000 for soil, water and air on the Monongahela National Forest. Within the funds provided for timber sales, the Forest Service should allocate additional funds needed to replace fiscal year 1991 timber preparation funds on the Tongass that were expended to rework existing sales into conformance with the new authorizing legislation. Also within timber, $250,000 is available to begin an assessment by the National Research Council of the status of the biological and hydrological resources of the forests in the Pacific Northwest and the relationship of those forests to supply and demand for forest products in other regions of the country. No specific funds are earmarked beyond the items identified in the statement of the managers. The managers have provided funding for "Salmon Summit" activities under the anadromous fish category, but if higher priority needs related to accomplishing the Columbia Basin salmon plan exist in other line-items, the Forest Service should reprogram, consistent with the guidelines.

The managers agree that the timber sale program is facing a great deal of uncertainty in fiscal year 1992. The Chief's letter of October 1, 1991 regarding fiscal year 1992 capabilities reiterated that the Forest Service is ". . . committed to implementing the forest plans, making sure that all projects are implemented consistent with the Forest plan standards and guidelines." The managers agree and expect standards and guidelines to be followed in carrying out the programs funded in this bill. The proposed structuring of the timber sales program allows for flexibility in conducting the program. Specific sales offer volumes are not specified by region in the bill. A range for sales preparation is provided in this statement, with the understanding that as sales preparation activities are completed, timber is expected to be offered for sale. The funding recommended by the managers is consistent with the high range for levels. The estimated program capability is to be determined by on the ground conditions, and may result in actual outputs different from those included in this statement. The managers agree, however, that the need for flexibility is accompanied by an equally strong need for accountability in the conduct of the program and the expenditure of funds.

As requested by the House, the Forest Service is to report monthly on the regional and national status of the timber sales preparation and offer program. This report shall include, at a minimum, information about volume prepared and offered for sale, both new and salvage sales; pipeline accomplishments through Gates 2 and 3, with clear identification of the changes from month to month; information on timber program staffing and costs (including support costs); information on any downsizing of the organization and associated costs; and details on program activities funded out of the salvage fund. In addition, any changes to the scope of the program during the year should be reported to the Committees.

Based on information provided by the Forest Service regarding timber sale preparation capability, the following distribution for the timber program in fiscal year 1992 is assumed:

[In million board feet]

Region:	*Volume*
1	664–750
2	335
3	307–375
4	345
5	1,000–1,300
6	2,200–3,000
8	1,100
9	756
10	420
Total	7,127–8,381

The volume in the fiscal year 1992 President's budget for Region 1 was 940 million board feet. Recently, the Forest Service indicated that less than this amount was likely to be prepared due to appeals and litigation in the region, and other factors. In the event that appeals and litigation and other issues are resolved, additional volume may be prepared, subject to the availability of funds. This volume of timber does not include the timber in the fiscal year 1991 timber sale progrm that was funded to be offered, but was not offered in fiscal year 1991. It is the expectation of the managers that this volume will be made available for sale in fiscal year 1992, to the extent possible.

The managers direct the Forest Service to submit a reprogramming to make available all funds in fiscal year 1992 not utilized for sales preparation activities in Region 6, for the purpose of expanding employment opportunities in that Region, particularly in those areas which have been adversely affected by the reduction of the timber sales program due to the Spotted Owl and other impacts. Activities supported by these funds shall include trail maintenance, timber stand improvement campground improvement, and recreation site improvement.

In addition to the current year timber program, the managers have continued the pipeline initiative begun in previous years. Recognizing that some regions and forests have a greater degree of stability and certainty in their timber sales program, the managers recommend $20,000,000 for the pipeline. By December 1, 1991, the Forest Service should report to the Committees regarding the proposed distribution of funds and anticipated accomplishment through gates 2 and 3 for the pipeline initiative, by region. In reaching these decisions, the managers expect the Forest Service to take into account the prospects for clearing sales through the various gates in the timber sales preparation process, so that the pipeline may begin to fill up. The proposed distribution should consider existing pipeline levels, relative certainty of the timber base, market demand, meeting all legal requirements, and the need for advance work, such as road construction. For example, if greater certainty exists in Region 10 due to the passage of the Tongass Timber Reform Act and the completion of a new land management plan for the Tongass, then funds should be allocated accordingly. The managers also agree that if the Forest Service believes it has additional capacity to complete pipeline activities in fiscal year 1992 after the $20,000,000 is spent, the Forest Service should notify the Committees.

Given the lengthy drought in the West and increases in the amount of dead and dying timber, the managers are concerned that the Forest Service has not placed as much emphasis on the salvage of this timber as is needed. The managers urge the Forest Service to pursue a timber salvage program which will allow for the removal of maximum salvage volumes while protecting the full range of environmental values. The Forest Service is directed to develop a report which will assess volumes and locations of dead and dying timber in Oregon, Washington, and California and a 5 year timber salvage plan to accelerate timber salvage operations. The Forest Service shall submit the accelerated timber salvage report to the House and Senate Committees on Appropriations for consideration along with the President's fiscal year 1993 budget submission.

The managers further direct the Forest Service to proceed with implementation of the "Blue Mountains Forest Health Report Summary and Recommendations" for Region 6, to the fullest extent possible, in conjunction with the accelerated timber salvage program.

The managers expect the Forest Service to continue efforts underway to reduce below-cost sales. The Forest Service should work with the GAO on the feasibility and associated costs of developing an exceptions policy for significant below-cost sales on forests that would otherwise be above cost, and report by March 1, 1992. In considering various alternatives or proposed changes to the proposed below-cost policy, the Forest Service should include an analysis of the associated costs. In addition, prior to the fiscal year 1993 hearing, the Forest Service should analyze the possibility of including information regarding desired future condition and the cost alternatives to achieve it as a part of TSPIRS, and report on the cost of including such information. The Forest Service should continue the efforts underway to identify the basis for any proposed minimum bid rate. The managers do not direct implementation of such a rate at this time since the Forest Service anticipates having a plan and timetable for development of a minimum bid rate by February 1, 1992. The plan and timetable should then be submitted to the Committees, and be made available for public notice and comment at that time.

The managers expect the Forest Service to submit the requested reports regarding changes to timber sale contracts designed to improve the government's financial security. Changes to the downpayment provisions are not recommended herein pending completion of the ongoing public notice and comment period. The managers will expect the Forest Service to continue its efforts to complete this process, and will expect a progress report prior to the fiscal year 1993 appropriations hearings. The Committees may revisit this issue next year if an impasse prevents any proposed changes from proceeding.

As requested by the House, as soon as the formal documentation called for by the Mitre study on the geographic information system is completed, the Forest Service should submit all such documentation to the Committees and to GAO, for review and comment prior to releasing the request for proposals for the GIS system.

Specific funding for the implementation of new perspectives demonstration projects is not identified, since the Forest Service estimated that it planned more activity than identified by the Senate. Within the new perspectives program, however, the managers expect the Forest Service to distribute funds in a manner consistent with the Chief's intention to include some forests such as the Ouachita National Forest as demonstration sites.

The managers direct the Forest Service to conduct a feasibility study on the establishment of a Supervisor's Office for the Wayne National Forest, Ohio. The Wayne has grown from 178,000 acres to more than 200,000 acres in the past several years and continues to grow. The current Forest Plan projects that the Wayne will exceed 322,000 acres.

National forest management is more complex today due to changed societal values and demands than when the management structure for the Wayne National Forest was established. The political and economic climate, social culture, historical and current land use patterns, and public demands are significantly different than those associated with management of the Hoosier National Forest. A Supervisor's office may better serve the public and enhance management of the Wayne National Forest in a cost efficient manner.

Establishing a fully staffed Supervisor's office may not be necessary. Some shared staff functions may best continue to be centralized at one location to avoid duplication of skills and expertise and to save costs. The study should include an analysis of the projected costs and benefits and recommendations on procedures for establishing a Supervisor's office for the Wayne NF.

The managers have restored part of the reduction proposed by the House for public affairs. The reduction is associated with the need to bring the size of the public affairs organization of the Forest Service more in line with the size of the public affairs function of other agencies funded in the bill.

The managers are aware of serious maintenance problems at a number of water storage reservoirs within wilderness areas in Montana, such as the Big Creek Dam and reservoir on the Selway-Bitterroot Wilderness. The managers expect the Forest Service to proceed with maintenance and repair of these reservoirs as expeditiously as possible, and understand that the Forest Service may use the authorities contained in section 1133(d)(4) of the Wilderness Act if it determines them to be necessary.

Amendment No. 135: Modifies House language, stricken by the Senate, to reduce the earmark for wilderness management to $26,968,000, instead of $30,968,000 as proposed by the House.

Amendment No. 136: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which extends the availability of funds in the National Forest System account until September 30, 1993.

Amendment No. 137: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter proposed by said amendment, insert the following: *Provided further, That timber volume authorized or scheduled for sale during fiscal year 1991, but which remains unsold at the end of fiscal year 1991 shall be offered for sale during fiscal year 1992 in addition to the fiscal year 1992 timber sale volume to the extent possible: Provided further, That within available funds, up to $238,000 shall be available for a cooperative agreement with Alabama A&M University*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The language provides that unsold fiscal year 1991 timber volume shall be offered for sale during fiscal year 1992 to the extent possible, and allows the use of $238,000 for a cooperative agreement with Alabama A&M University.

Amendment No. 138: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which provides that up to $5,000,000 of the funds provided for road maintenance may be used for the planned obliteration of roads that are no longer needed.

Amendment No. 139: Deletes language proposed by the Senate which would have prohibited the Forest Service from establishing a timber sale offer volume different from that stated by the Committee without advance approval of the Committee.

FOREST SERVICE FIREFIGHTING

Amendment No. 140: Appropriates $189,803,000 as proposed by the House instead of $302,203,000 as proposed by the Senate. Additional funding for firefighting is addressed under Amendment No. 142.

The managers have not earmarked any specific funds within the firefighting accounts. Beetle outbreaks plague the western United States, from California north to Alaska. The managers expect the Forest Service to conduct presuppression activities commensurate with the potential threats caused by this outbreak, including the need for fuels treatment in the Kenai Peninsula, Chugach National Forest.

Amendment No. 141: Deletes language proposed by the Senate which would have provided that funds needed for emergency firefighting in excess of $112,000,000 shall be designated as "emergency requirements."

Amendment No. 142: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment as follows:

Restore the matter stricken by said amendment, amended to read as follows:

EMERGENCY FOREST SERVICE FIREFIGHTING FUND

For the purpose of establishing an "Emergency Forest Service Firefighting Fund" in the Treasury of the United States to be available only for emergency rehabilitation and wildfire suppression activities of the Forest Service, $112,000,000 to remain available until expended: Provided, That all funds available under this head are hereby designated by Congress to be "emergency requirements" pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985: Provided further, That hereafter, beginning in fiscal year 1993, and in each year thereafter, only amounts for emergency rehabilitation and wildfire suppression activities that are in excess of the average of such costs for the previous ten years shall be considered "emergency requirements" pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985, and such amounts shall hereafter be so designated.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The amendment restores the House proposed appropriation of $112,000,000 for emergency firefighting and includes a Congressional designation of an emergency under the Balanced Budget and Emergency Deficit Control Act of 1985. The amendment deletes language requiring a similar Presidential designation in order to spend the funds. Language is also included specifying that in future years any amounts in excess of a ten-year average for emergency firefighting costs will be considered "emergency requirements" under the Act.

CONSTRUCTION

Amendment No. 143: Appropriates $275,178,000 for construction rather than $350,420,000 as proposed by the House and $265,545,000 as proposed by the Senate. The net decrease from the level recommended by the House consists of an increase of $3,482,000 for facilities construction, and decreases of $1,537,000 for road construction, $76,987,000 for road maintenance, which is funded out of the National Forest System account, and $200,000 for trail construction of the Pinhoti trail on the Talladega National Forest.

The increase for facilities construction consists of increases of $1,240,000 for the Monongahela National Forest, $295,000 for the Kisatchie NF, $436,000 for Trout Pond in the George Washington National Forest, $1,095,000 for the Winding Stair National Recreation Area, $300,000 for Hilltop campground, Toiyabe NF, $100,000 for Arizona recreation facilities, $1,500,000 for the Ketchikan visitors center, $140,000 for White River access, Vermont, $250,000 for rehabilitation of Snow Bunny Lodge, Mount Hood NF, and $2,612,000 for Mount St. Helens; and decreases of $1,068,000 for the H.J. Andrews Experimental Forest, $400,000 for the Hells Canyon National Recreation Area, $185,000 for Clear Creek, $278,000 for the Jefferson National Forest (Cascades), $500,000 for the Tahoe Tallac site, $225,000 for Big Cottonwood Canyon, $830,000 for Badin Lake, Uwharrie National Forest, and $1,000,000 for Region 8 hurricane recovery projects.

Within the regionwide recreation initiative funds included in the budget request for Region 8, to improve accessibility, $400,000 is earmarked for the Badin Lake project, Uwharrie NF.

Because of budget constraints, the managers are unable to provide the entire balance of funding to complete the Ketchikan visitors center this year. These funds will be addressed in future years. The managers do not expect the scope of the project to be redrawn. Within the funds included in the budget request for survey and design of new projects in Region 6, the Forest Service is to provide $400,000 to begin the rewiring of the historic Timberline Lodge.

Budgetary constraints preclude concurrence with the Senate recommendation of $600,000 for Las Huertas Canyon in New Mexico. If this project is of high priority to the Southwestern Region, the Forest Service should prepare a reprogramming of funds from other New Mexico Forest Service projects to continue this initiative in fiscal year 1992. The managers supported this project with the inclusion of $392,000 in fiscal year 1991.

The net decrease in road construction from the House level consists of increases of $250,000 for the Ketchikan visitors center, $1,000,000 for the Hells Canyon NRA, and $715,000 for the Salmon River Road, and decreases of $890,000 for the Wayne National Forest and $2,612,000 for Mount St. Helens, which is transferred to recreation facilities.

Amendment No. 144: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the sum stricken and inserted by said amendment, insert the following: *$82,089,000*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The amendment provides $82,089,000 for construction and acquisition of buildings and other facilities instead of $78,607,000 as proposed by the House and $78,272,000 as proposed by the Senate. The increases over the amount proposed by the House are discussed in the preceding amendment.

Amendment No. 145: Provides $193,089,000 for road and trail construction rather than $271,813,000 as proposed by the House and $187,273,000 as proposed by the Senate. The difference from the amount proposed by the House is discussed in Amendment No. 143.

Amendment No. 146: Provides a ceiling of $113,000,000 in new authority for construction of forest roads by timber purchasers as proposed by the House, rather than the Senate proposed ceiling of $120,000,000.

Amendment No. 147: Deletes language proposed by the House providing for the use of up to $5,000,000 in road repair funds for the planned obliteration of roads which are no longer needed. The language is provided under the National Forest System account along with the road maintenance funds.

LAND ACQUISITION

Amendment No. 148: Appropriates $89,433,000 for Forest Service land acquisition instead of $90,735,000 as proposed by the House and $78,270,000 as proposed by the Senate.

The managers agree to the following distribution of funds.

Allegheny NF, PA	$320,000
Appalachian Trail	3,000,000
Brasstown Wilderness, GA	268,000
Cascade Head SRA, OR	250,000
Chattanooga W&SR, GA/NC	2,200,000
Chequamegon NF, WI	815,000
Chippewa NF, MN	1,000,000
Clearwater NF, ID	150,000
Cleveland NF, CA	1,500,000
Columbia Gorge NSA/WA/OR	3,578,000
Croatan NF, NC	2,600,000
Daniel Boone NF, KY	2,000,000
Flathead NF, MT	1,186,000
Flathead NF, MT (Plum Creek)	1,200,000
Florida NST, FL	120,000
Gallatin NF, MT	2,000,000
Galt, Crazy Mountains, MT	3,000,000
Green Mountain NF, VT	2,000,000
Hells Canyon NRA, ID	1,500,000
Hoosier NF, IN	1,042,000
Kootenai NF, MT	1,200,000
Lake Tahoe Basin	5,000,000
Lincoln NF, NM	4,000,000
Los Padres NF, CA	1,988,000
Manistee, NF, MI	200,000
Monongahela NF, WV	1,200,000
Ocala NF, FL	118,000
Oregon Dunes NRA, OR	3,000,000
Osceola NF, FL	2,000,000
Ottawa NF, MI	5,184,000
Ouachita NF, AR/OK	6,000,000
Ozark NF, AR	2,700,000
Pacific Crest Trail, CA	1,320,000
San Juan NF, CO (Hidden Valley)	800,000
Santa Fe NF, NM	1,000,000
Sawtooth NRA, ID	676,000
Shawnee NF, IL	1,000,000
Siuslaw NF, OR	1,560,000
Sumter NF, SC	484,000
Superior NF, MN	1,525,000
Toiyabe NF, CA	2,499,000
Uwharrie NF, NC	750,000
Wayne NF, OH	2,000,000
Wenatchee NF, WA (Alpine Lakes)	1,000,000
Acquisition Management	8,500,000
Emergencies	2,000,000
Cash Equalization	1,000,000
Total	89,433,000

The managers direct the Forest Service to purchase the Big Creek property located in the Siuslaw National Forest for an amount up to and including the previously appropriated amount of $1,500,000.

Included within the allowance for Toiyabe NF are funds for Hope Valley and the Fibre Board property.

Amendment No. 149: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which provides authority to make a grant of $633,000 to the City of Missoula, Montana for direct acquisition of property known as Rattlesnake Greenway.

ADMINISTRATIVE PROVISIONS

Amendment No. 150: Restores House language stricken by the Senate which provides that no funds shall be advanced for firefighting until the emergency firefighting funds have been exhausted.

Amendment No. 151: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which continues the availability of the timber salvage sale fund under the same authorities as provided in prior years. The managers have not specified a funding level from the salvage sale fund because of uncertainty about the level of salvage opportunity that may exist during fiscal year 1992. As discussed previously, the Forest Service should include information about the use of salvage sale funds in the monthly timber program report requested by the managers.

Amendment No. 152: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which changes the reference regarding reprogramming procedures to House Report 102–116 rather than House Report 99–714.

Amendment No. 153: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which makes permanent language providing authority for the Forest Service to negotiate and enter into cooperative arrangements with other agencies, organizations, and individuals.

Amendment No. 154: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which allows the Forest Service to enter into cooperative arrangements for the printing of educational materials related to its programs.

Amendment No. 155: Deletes House language on the timber sales program on the Shawnee National Forest, as proposed by the Senate. This matter is discussed under Amendment No. 164.

Amendment No. 156: Restores House language stricken by the Senate providing for certain types of timber management on the Wayne National Forest.

Amendment No. 157: Reported in technical disagreement.

The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter stricken by said amendment, insert the following:

None of the funds made available to the Forest Service in this Act shall be expended for the purpose of administering a special use authorization permitting land use and occupancy and surface disturbing activities for any project to be constructed on Rock Creek, Maderia County, *California, until a study has been completed and submitted to the Congress by the Forest Service in consultation with the U.S. Fish and Wildlife Service, the U.S. Army Corps of Engineers, the California State Water Resources Control Board, the California Department of Fish and Game and other interested public parties regarding the project's potential cumulative impacts on the environment, together with a finding that there will be no substantial adverse impact on the environment. Findings from the study must be presented at no less than three public meetings.*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The managers have included language prohibiting the use of funds to administer a special use authorization on Rock Creek, Maderia County, CA, until an environmental study has been completed and a finding made that there will be no adverse impact on the environment. The managers believe this study is necessary because an extended five-year drought has changed conditions such that some of the earlier information may need to be updated.

Amendment No. 158: Deletes House language requiring a below cost timber sales test on the Shawnee National Forest, as proposed by the Senate. This matter is discussed under Amendment No. 164.

Amendment No. 159: Deletes language proposed by the Senate that directed the Forest Service to offer specific volumes of timber for sale during fiscal year 1992.

Amendment No. 160: Deletes language proposed by the Senate that directed the Forest Service to prepare timber for sale in future years through specific gates in the timber sales preparation process.

Amendment No. 161: Deletes language proposed by the Senate that would have provided increased funding to national forests achieving timber sale offer and pipeline preparation volume.

Amendment No. 162: Deletes language proposed by the Senate which would have provided that the payment from fiscal year 1992 receipts to South Carolina for the Francis Marion NF shall be not less than 90% of the average annual payment to the State based on the 1986–1989 baseline period. A related grant to the State is discussed under Amendment No. 131.

Amendment No. 163: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter proposed in said amendment, insert the following:

As a pilot effort, for the purpose of achieving ecologically defensible management practices, the Kaibab and Dixie National Forests are authorized to apply the value or a reasonable portion of the value of timber removed under a stewardship end result contract as an offset against the cost of stewardship services received including, but not limited to, site preparation, replanting, silviculture programs, recreation, wildlife habitat enhancement, and other multiple-use enhancements on selected projects. Timber removed shall count toward meeting the Congressional expectations for the annual timber harvest.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The managers have included language authorizing the Forest Service in two national forests to apply the value of timber removed under a stewardship end result contract as an offset against the cost of various stewardship services, such as reforestation, recreation, wildlife habitat, etc. This is intended to be a pilot effort, and the Forest Service should document in detail all such contracts entered into during fiscal year 1992, including the calculations used in determining the value of timber removed and the value of services received, and include this information in a report to be submitted to the authorizing committees and the Appropriations Committees as soon as possible after the end of the fiscal year.

Amendment No. 164: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter inserted by said amendment, insert the following:

The Forest Service shall conduct a below-cost timber sales study on the Shawnee National Forest, Illinois, in fiscal year 1992.

The Forest Service shall work with the purchasers of sales already under contract on the Shawnee National Forest to achieve mutually acceptable modifications to said contracts so that the harvest of timber under such contracts may occur consistent with the expected management prescriptions and/or practices envisioned in the Draft Amendment to the Forest Plan for the Shawnee National Forest issued in 1991.

To the greatest extent possible, and pending final approval of the Draft Amendment to the Shawnee National Forest Plan, none of the funds available in this Act shall be used for preparation of timber sales using clearcutting or other forms of even aged management in hardwood stands in the Shawnee National Forest, Illinois.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The managers have included Senate proposed language regarding conducting a below cost study on the Shawnee NF, IL, and working with timber purchasers to achieve mutually acceptable modifications to existing timber contracts, in line with the practices and procedures envisioned in the draft amendment to the Shawnee NF management plan released in 1991. The managers have also added language which prohibits the use of funds to the greatest extent possible, pending final approval of the draft amendment to the Shawnee forest plan, to prepare timber sales using clearcutting or other forms of even aged management in hardwood stands.

It is not the intention of the managers to take a position with regard to the overall merit of the draft plan for the Shawnee and this language is not intended as a an endorsement. The plan is referenced only to provide a range of timber management alternatives for the Shawnee. It is the understanding of the managers that the draft plan cited in the language calls for virtually no clearcutting on the Shawnee and instead, relies heavily on a practice known as "gap phase dynamics" which simulates natural tree fall patterns. Under the plan, uneven aged management is to be the predominant silvicultural practice on the Shawnee. Given the strong concern for the decline in neotropical migratory bird species and the role of dwindling forest resources such as those on the Shawnee in this process, the managers encourage this shift towards low-impact timber management practices for this forest such as those included in its 1991 draft amendment to the plan.

DEPARTMENT OF ENERGY

CLEAN COAL TECHNOLOGY

Amendment No. 165: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter stricken and inserted by said amendment insert:

Notwithstanding the issuance date for the fifth general request for proposals under this head in Public Law 101–512, such request for proposals shall be issued not later than July 6, 1992, and notwithstanding the proviso under this head in Public Law 101–512 regarding the time interval for selection of proposals resulting from such solicitation, project proposals resulting from the fifth general request for proposals shall be selected not later than ten months after the issuance date of the fifth general request for proposals: Provided, That hereafter the fifth general request for proposals

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The amendment changes the issuance date for the fifth general request for proposals to July 6, 1992 instead of March 1, 1992 as proposed by the House and August 10, 1992 as proposed by the Senate and changes the allowable length of time from issuance of the request for proposals to selection of projects to ten months. The amendment also deletes Senate proposed bill language pertaining to a sixth general request for proposals as discussed below.

The managers agree that the additional two months in the procurement process for the fifth round of proposals should include an additional month to allow for the preparation of proposals by the private sector, and up to an additional month for Department of Energy review and evaluation of proposals when compared to the process for the fourth round.

The managers have agreed to delete bill language regarding a sixth round of proposals, but agree that funding will be provided for a sixth round based on unobligated and unneeded amounts that may become available from the first five rounds. The report from the Secretary on available funds, which was originally in the Senate amendment, is still a requirement and such report should be submitted to the House and Senate Committees on Appropriations not later than May 1, 1994. Based on that report, the funding, dates and conditions for the sixth round will be included in the fiscal year 1995 appropriation.

The managers expect that the fifth solicitation will be conducted under the same general types of criteria as the fourth solicitation principally modified only (1) to include the wider range of eligible technologies or applications; (2) to adjust technical criteria to consider allowable development activities, to strengthen criteria for non-utility demonstrations, and to adjust commercial performance criteria for additional facilities and technologies with regard to aspects of general energy efficiency and environmental performance; and (3) to clarify and strengthen cost and finance criteria, particularly with regard to development activities.

Amendment No. 166: Restores House language deleted by the Senate which refers to a fifth general request for proposals. The Senate proposed language dealing with both a fifth and a sixth round.

Amendment No. 167: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which directs the Secretary of Energy to reobligate up to $44,000,000 from the fourth round of Clean Coal Technology proposals to a proposal ranked highest in its specific technology category by the Source Evaluation Board if other than the highest ranking project in that category was selected originally by the Secretary, and if such funds become unobligated and are sufficient to fund such project. This amendment would earmark such funds, if they become available, to a specific project not chosen in the Department of Energy selection process for the fourth round of Clean Coal Technology.

Amendment No. 168: Technical amendment which deletes House proposed punctuation and numbering as proposed by the Senate.

Amendment No. 169: Deletes House proposed language which made unobligated funds available for procurements for which requests for proposals have not yet been issued.

Amendment No. 170: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which adds "not less than" to employment floor language for PETC as proposed by the Senate. The House had no such language.

Amendment No. 171: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which adds "not less than" to employment floor language for METC as proposed by the Senate. The House had no such language.

FOSSIL ENERGY RESEARCH AND DEVELOPMENT

Amendment No. 172: Appropriates $458,104,000 for fossil energy research and development instead of $453,989,000 as proposed by the House and $462,015,000 as proposed by the Senate. The net increase above the amount proposed by the House consists of increases of $500,000 for work at Ames Laboratory (IA) in coal preparation; $260,000 for PFBC filter development, $800,000 for two-stage desulfurization in gasification, $150,000 for bench-scale testing of sorbents in gasification concepts, and $350,000 for direct coal-fired turbine research, all in gas stream cleanup; $750,000 for the final year of the Hawaii energy study and $175,000 for the IEA coal service, both in advanced research and technology development; $250,000 for AFBC special applications projects in AFB combustion; $4,000,000 for a pilot scale facility for second generation PFB technology in PFB combustion; $2,300,000 for indirect cycle critical components work and $500,000 for conceptual design activities for a generic heat exchanger, indirect cycle test facility, both in advanced combustion technology; $1,500,000 for two contracts in molten carbonate fuel cell stack development, and $400,000 for research studies, both in molten carbonate fuel cells; $1,000,000 for alternative concepts and $350,000 for solid oxide seal work at Argonne National Laboratory, both in fuel cell advanced concepts; $800,000 for low-Btu combustion work, $200,000 for in-house r&d, and $750,000 for a cooperative advanced turbine program, all in the turbine heat engine program; $800,000 to continue one systems contractor and terminate another, and $500,000 to close out work on novel concepts, both in diesel heat engines; $250,000 for IGCC by-product studies and $400,000 for trace contaminant studies, both in gasification for power production; $650,000 for the NIPER thermodynamics program, and $400,000 for technology transfer, both in advanced extraction and process technology; $700,000 (for a total of $2,500,000 in all oil programs) for the Oil Recovery Technology Partnership; $800,000 (for a total of $800,000) to complete METC CO_2 oil contracts, and $900,000 for the overall program, all in light oil enhanced recovery; $750,000 for tar sands; $750,000 for a competitive procurement in value-added product research in oil shale; $1,500,000 for the UNDEERC facility; $2,000,000 for the National Research Center for Coal and Energy; and $3,500,000 for METC and PETC "tiger team" environmental, health and safety deficiencies; and decreases of $750,000 for PETC in-house and Hi-bay r&d, $900,000 for premium fuels, and $150,000 for trace element removal, all in coal preparation; $550,000 for in-house r&d, and $620,000 for coolside technology, both in flue gas cleanup; $50,000 for in-house research in waste management; $750,000 for coal exports, and $500,000 for molecular sciences, both in advanced research and technology development; $1,000,000 for advanced research in coal liquefaction; $500,000 for ongoing contracts and $750,000 for advanced concepts, both in direct coal liquefaction; $750,000 for ongoing contracts in indirect coal liquefaction; $300,000 for support studies in liquefaction; $400,000 to reduce the number of contracts to two for the PETC high efficiency combustion program in advanced combustion; $500,000 in alternative fuels utilization; $50,000 for in-house research in molten carbonate fuel cells; $1,300,000 for indirect turbine cycle work and $1,300,000 to continue one turbine systems contractor and phase out others, both in turbine heat engines; $4,700,000 for the 5-foot diameter fixed bed gasifier facility in gasification for power production; $200,000 for in-house research in co-products gasification; $300,000 ($190,000 from PETC; $110,000 from METC) in gas-to-liquids work in advanced extraction process technology; $300,000 in eastern oil shale; $500,000 in headquarters program direction; $2,000,000 in ETC program direction, split evenly between PETC and METC; $3,000,000 for capital equipment; $600,000 in general plant projects; $1,000,000 for UNDEERC and WRI, split evenly, in cooperative research; $1,000,000 as an offset by using prior year deobligations; and $100,000 for the Federal Inspector, Alaska Natural Gas Transportation System.

The managers agree that:

1. continued support for larger scale activities in the coal preparation program is dependent on firm indications from industry of the need for the program as well as a financial commitment by industry to the activities. The managers expect the Department to meet with industry and develop a plan for such activities as soon as possible during fiscal year 1992, and report the results to the House and Senate Appropriations Committees by June 1, 1992.

2. funding in coal preparation, high efficiency processes includes up to $250,000 for the Liccado process.

3. with regard to the Calderon project, $1 million is to be released by the Department of Energy (DOE) upon delivery to and approval by DOE of a detailed project plan including a description of the engineering changes to be made to overcome the present technical (plugging) problems and providing for adequate instrumentation for heat/material balances. The changes shall include fixes for safe and continuous operation only. The managers are concerned with the previous cost overruns, schedule slips, and lack of successful operation of the Calderon process development unit (PDU). The DOE is directed to review closely the project plan to ensure that adequate engineering analysis has been done to support the recommended fixes to the plugging problem and that the recommended changes in hardware and operating procedures are adequate and suitable prior to release of funds. The project plan shall also include a detailed description of startup/operation test procedures and a test plan to include a description of all planned tests. The DOE shall release the remaining $400,000 only upon satisfactory installation of the engineering changes and satisfactory operation of the complete and integrated system as approved by DOE. Prior to release of the $400,000, the PDU shall be shown to operate without plugging for 48 hours continuous operation. All DOE funding is contingent upon a minimum of 20 percent cost share from non-Federal sources. The DOE shall not release any funds until Calderon has provided documentation showing the ability to meet the 20 percent non-Federal cost share. Such support shall include letters of commitment from any third-party sources.

4. the liquefaction pilot plant program at Wilsonville, Alabama should be terminated in an orderly fashion, and an alternate arrangement should be sought as quickly as possible for a cooperative program with private sources to continue such "proof-of-concept" level development work in the future. Such a program should include significantly increased cost-sharing.

5. future development work at the LaPorte, Texas, liquefaction pilot plant is expected to include significantly increased cost-sharing. This requirement should be applied to facility modifications and experimental operations, but not to the maintenance of the facility in standby conditions between runs.

6. the $4,000,000 provided for continued design and construction of a facility to test pilot plant scale components for second generation pressurized fluidized bed combustion technology should be expended in conjunction with gas stream clean-up particle test facilities being supported at Wilsonville, Alabama. No construction funds for the combined project may be expended without assurance of at least 20% cost-sharing from other sources, or prior to receipt by the House and Senate Appropriations Committees of a definitive cost estimate for construction and operation of the facility. Any design and site planning for this facility should allow for possible additions for heat exchanger, turbine, or overall indirect turbine testing facilities which may result from the heat exchanger, indirect turbine study, or the planned indirect cycle Phase II procurement.

7. no commitment is made to and no funding is provided for a generic heat exchanger facility and the December 1, 1990 report required by Senate Report 102–122 is still required. Conceptual design funds ($500,000) have been included contingent on the results of the study.

8. funding has been provided to continue current scale development of critical indirect turbine cycle components at METC and for two or three competitively selected projects in PETC's high efficiency indirect cycle program. Funding of one or more concepts for further testing and scale-up of facilities arising from this work, or from other potential competitors outside this program, should be determined in the open competition contemplated as Phase II of the PETC program.

9. funds provided for molten carbonate fuel cells are for scheduled work, including optional stacks, with the two stack developers, and orderly termination of the third contractor. In addition, the $5,000,000 provided for 50–50 cost-shared support of demonstration stacks is for support of two contractors.

10. funds available from previous years for the five-foot diameter fixed-bed gasifier facility, approximately $5.4 million, continue to be subject to a 20 percent cost-sharing re-

quirement. The managers expect prior notification to the House and Senate Appropriations Committees if the Department alters the concept for this facility in any significant manner.

11. within funds for competitive procurements in light oil enhanced oil recovery, NIPER and Metairie offices through the Bartlesville project offices are expected to manage at least $1,400,000 of the contracts.

12. for eastern oil shale research, $1,600,000 available from fiscal year 1991 because of lack of industry cost-sharing may be applied, without the 40 percent cost-sharing requirement, to ongoing research at the current scale.

13. for unconventional gas recovery the recommended $12,900,000 consists of $6,400,000 for resources, $5,500,000 for extraction, and $1,000,000 for utilization. In resources, the amount consists of $1,000,000 for deep gas and gas hydrates, $1,400,000 for natural fracture diagnostics, $3,000,000 for modeling and resource assessment consisting of METC in-house activities, continuation of reserve estimates for the Greater Green River Basin, and resource assessment in the Uinta Basin, and $1,000,000 for data bases, interpretive models and atlases in conjunction with GRI. No resource assessment wells in the Greater Green River Basin are to be initiated. In extraction the amount consists of $2,000,000 for a cost-shared fluids laboratory with GRI, $2,000,000 to complete stimulation of the already-drilled Western well, $500,000 to complete Eastern well tests, and $1,000,000 to continue research on air drilling technology for horizontal wells. In utilization the $1,000,000 is to continue research on upgrading low quality gas in conjunction with GRI.

14. the $3,500,000 provided in environmental restoration to correct construction, maintenance, and operating deficiencies identified at PETC and METC by "tiger team" inspections is for the highest priority items at both Centers based on environmental, health, and safety considerations. The managers expect a prompt report to the House and Senate Appropriations Committees on the proposed manner and timing of the use of these funds.

15. the statements regarding cost-sharing in House Report 102–116 reflect the managers' view. The managers are concerned particularly with attempts to obtain 50 percent cost-sharing for facilities and technologies in development stages well short of commercial demonstrations like clean coal technology which require similar cost-sharing.

16. Small Business Innovative Research (SBIR) requirements are to be met from funds becoming available in 1991 and 1992 from contract deobligations.

17. up to 5 percent of internal (non-contract) research and development funds for METC, PETC, WRI, UNDEERC, and the National Institute for Petroleum and Energy Research (NIPER) may be used for equipment, and such use should continue to be reported on a quarterly basis. Of the funds provided to National Laboratories a like percentage may be used for equipment, and reported on the same basis.

18. more funds from the total may be placed in the cost-shared program at the request of either WRI or UNDEERC.

19. within fuel cell advanced research up to $500,000 may be used for ongoing materials research through the Pacific Northwest Laboratory.

20. within light oil enhanced oil recovery, $800,000 is for technology transfer activities at the NIPER and Metairie offices through the Bartlesville project office.

21. funding for Argonne National Laboratory shall be at levels equivalent to fiscal year 1991 with maximum emphasis on its core r&d program.

22. within light oil enhanced oil recovery, $500,000 is for the University of Kansas for technology transfer activities expanding the Kansas Tertiary Oil Recovery Program (TORP) concept to transfer of near term priority reservoir class activities to independent operators nationwide.

23. language in House report 102–116 pertaining to a plan for long range applied oil and gas research reflects the managers' view.

24. the $750,000 added for a cooperative advanced turbine program, is to initiate planning for a comprehensive effort with DOE's conservation program, turbine manufacturers, the Gas Research Institute (GRI), the Electric Power Research Institute (EPRI), and others. Funding for future work will depend on an overall rationale and program plan for government participation.

Amendment No. 173: Earmarks $338,000 for the Office of the Federal Inspector for the Alaska Natural Gas Transportation System instead of $438,000 as proposed by the House and $278,000 as proposed by the Senate.

Amendment No. 174: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which limits the individuals that can manage fossil energy research and development funds.

Amendment No. 175: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter proposed by said amendment insert: *: Provided further, That the funds provided under this head in fiscal year 1991 for the purchase of supercomputer time needed for Fossil Energy programmatic purposes shall be provided as a grant to the University of Nevada-Las Vegas: Provided further, That disbursements pursuant to such a grant shall be made only upon the actual use of such supercomputer time upon request by Fossil Energy and receipt by Fossil Energy of the products therefrom*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate. The amendment earmarks a grant as proposed by the Senate, modified to specify the terms of payment. The House had no similar provision.

Amendment No. 176: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which earmarks $2,000,000 for the National Research Center for Coal and Energy and $1,500,000 on a matching basis for the University of North Dakota Energy and Environmental Research Center.

Amendment No. 177: Restores House earmark of $40,800,000 for magnetohydrodynamics stricken by the Senate.

Amendment No. 178: Provides for a 35 percent private sector cost-share for the magnetohydrodynamics program as proposed by the House instead of 40 percent as proposed by the Senate. This continues the current level of cost-sharing.

ALTERNATIVE FUELS

Amendment No. 179: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter stricken and inserted by said amendment insert:

Monies received as investment income on the principal amount in the Great Plains Project Trust at the Norwest Bank of North Dakota, in such sums as are earned as of October 1, 1991, shall be deposited in this account and immediately transferred to the General Fund of the Treasury. Monies received as revenue sharing from the operation of the Great Plains Gasification Plant shall be immediately transferred to the General Fund of the Treasury: Provided, That the Department of Energy shall not agree to modifications to the Great Plains Project Trust Agreement, dated October 31, 1988, that are not consistent with the following criteria: (1) for the purpose of financing a sulfur control technology project using Government contributions from the Trust, the cost of such project shall not include costs of plant downtime or outages; (2) upon modification of the Trust Agreement the Department shall immediately transfer $20,000,000 from the Reserve Account to the Environmental Account, both established pursuant to section 2(b) of the Trust Agreement, and shall provide a loan from the Reserve Account for 40 per cent of the remaining project costs after the disbursement of funds from the Environmental Account in an amount not to exceed $30,000,000 and at the rate of interest specified in sections 1 and 7(b) of the Trust Agreement; (3) no disbursements for construction shall be made from either the Reserve Account or from funds which have been transferred to the Environmental Account from the Reserve Account prior to receipt by Dakota Gasification Company of an amended Permit to Construct from the North Dakota State Department of Health; (4) the Government contribution from the Reserve Account shall be disbursed on a concurrent and proportional basis with the contribution from the Dakota Gasification Company; (5) repayment of any loan shall be from revenues not already due the Government as part of the Asset Purchase Agreement, dated October 7, 1988, and at least in proportion to the Government contribution to the costs of the project net of the disbursement from the Environmental Account, for any increased revenues or profits realized as a result of the sulfur control project; and (6) such contributions from the Reserve Account, including funds to be transferred to the Environmental Account, shall be made available contingent upon a finding by the Secretary, in the form of a report to Congress submitted not later than March 1, 1992, that such planned project modifications are cost effective and are expected to meet such environmental emissions requirements as may exist.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The amendment establishes conditions for disbursing up to $50,000,000, consisting of $20,000,000 as a grant and up to $30,000,000 as a loan, from a reserve account in trust agreement, for the construction of a sulfur control project at the Great Plains Gasification Plant. The Senate amendment concerned a $50,000,000 grant and the House amendment concerned a $30,000,000 loan.

Should the agreement be modified, the amendment specifies the manner of payment of loan and grant funds; limits the Government contribution to eligible costs; prohibits release of funds without a construction permit; specifies the loan interest rate; specifies some revenue sources for loan repayment; and makes contributions contingent on a report to Congress by the Secretary of Energy on the efficacy of the project.

NAVAL PETROLEUM AND OIL SHALE RESERVES

Amendment No. 180: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter stricken and inserted by said amendment insert: *$235,300,000 to remain available until expended: Provided, That notwithstanding any other provision of law, revenues received from use and operation of Naval Petroleum Reserves Numbered 1, 2, and 3 and the Naval Oil Shale Reserves and estimated to total $523,000,000 for fiscal year 1992 shall be retained and used for the specific purpose of offsetting costs incurred by the Department in carrying out naval petroleum and oil shale reserve activities: Provided further, That the sum herein appropriated shall be reduced as such revenues are received so as to result in a final fiscal year 1992 appropriation estimated at not more than $0.*

And on page 64, lines 22 and 23 of the House engrossed bill, H.R. 2686, strike: ", to remain available until expended".

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate. The amendment appropriates $235,300,000 for Naval Petroleum and Oil Shale Reserves instead of $238,200,000 as proposed by the House and $222,300,000 as proposed by the Senate. The increase of $13,000,000 over the amount proposed by the Senate is for the highest priority production enhancement and environmental compliance projects.

The amendment also provides for offsetting the appropriations with receipts from operation of the Reserves. This arrangement is similar to the current practice with regard to Department of Energy uranium enrichment operations. It has no direct effect on the operation of the Reserves or on legislation pertaining to it. The managers expect this procedure to be followed by the Department in submitting future budget requests to provide a more complete picture of the profitability of Reserve operations.

ENERGY CONSERVATION

Amendment No. 181: Appropriates $543,166,000 for energy conservation instead of $559,661,000 as proposed by the House and $526,084,000 as proposed by the Senate. The net increase above the amount proposed by the Senate consists of increases of $400,000 for windows in the materials and structures activity in buildings; $150,000 for lighting and appliance standards in the lighting and appliances activity in buildings; $250,000 for an industrialized housing program in the Northeast, and $350,000 for NAHB research, both in building systems; $1,000,000 for cost-shared ferrosilicon research and $700,000 for ongoing programs in waste utilization, both in industrial wastes; $615,000 for existing combustion research contracts in municipal solid wastes; $500,000 for metals casting research in industrial materials processing; $939,000 for management in industrial conservation; $1,500,000 for existing light duty engine contracts in heat engines in transportation; $300,000 for National Laboratory fuel cell support research in electric and hybrid vehicles; $1,000,000 for the urban Consortium in municipal energy in technical and financial assistance; and $23,283,000 for State and local grant programs; and decreases of $900,000 for appliance research in lighting and appliances in buildings; $700,000 for capital equipment in buildings; $2,000,000 in waste minimization in industrial wastes; $500,000 in data collection and analysis in municipal solid wastes; $2,000,000 for the steel information system project; $500,000 for electric devices; $500,000 in implementation and deployment in industrial conservation; $100,000 for capital equipment in industrial conservation; $500,000 for natural gas vehicles research on nontechnical factors in alternative fuels; $1,000,000 in heavy duty engines in heat engines in transportation; $500,000 for student programs and $500,000 for fellowship programs at the HTML, both in implementation and deployment in transportation; $1,000,000 for district heating and cooling joint ventures and $1,000,000 in integrated resource planning, both in the utility sector; $1,000,000 for the budgeted municipal energy program; $330,000 for SERI capital equipment in information and communications in technical and financial assistance; and $875,000 for SBIR allocations in policy and management.

The managers agree that:

1. the EADC program in industrial conservation implementation and deployment should support 22 centers.

2. the $2,300,000 reduction from the budget request in transportation implementation and deployment is to delete Alternative Fuels Centers of Excellence.

3. rather than establishing a separate municipal grant program the Department should work with States to require more assistance to municipalities through the State conservation grant program.

4. Small Business Innovative Research (SBIR) funds should be made available from amounts becoming available in 1991 and 1992 from contract deobligations.

5. within overall transportation funding up to $500,000 may be made available for services provided to the United States Alternative Fuels Council which are consistent with the responsibilities of the Council under the Alternative Motor Fuels Act of 1988 if deemed appropriate by members of the Council.

6. up to 5 percent of funds provided to National Laboratories for research and development may be used for equipment, and such use should be reported to the House and Senate Appropriations Committees on a quarterly basis.

7. in order to facilitate program management, transfers of funds for personnel costs or personnel between program direction activities do not require advance reprogramming approval, but should be reflected in quarterly updates of the Department's "Base Table" submitted to the Appropriations Committees.

8. within alternative fuels funds, $105,000 is for a Northwest Missouri State University ethanol fuels study for small engines.

9. total State and local grant funding of $243,433,000 includes $196,400,000 for low income weatherization, $30,632,000 for institutional conservation, and $16,401,000 for State conservation grants, including the Energy Extension Service.

Amendment No. 182: Earmarks $243,433,000 for certain State and local grant programs instead of $247,893,000 as proposed by the House and $220,150,000 as proposed by the Senate.

Amendment No. 183: Earmarks $2,000,000 for metal casting research instead of $3,000,000 as proposed by the House and $1,500,000 as proposed by the Senate.

Amendment No. 184: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which earmarks $1,500,000 for a grant to the National Center for Alternate Transportation Fuels.

Amendment No. 185: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the sum named in said amendment insert: *$3,000,000*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The amendment earmarks $3,000,000 for an ongoing steel industry contract instead of $5,000,000 as proposed by the Senate. The House had no such earmark.

Amendment No. 186: Earmarks $17,968,000 for the metals initiative as proposed by the House instead of $17,967,000 as proposed by the Senate.

Amendment No. 187: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which inserts the words "up to" with regard to an earmark for battery research as proposed by the Senate.

ECONOMIC REGULATION

Amendment No. 188: Appropriates $14,771,000 for economic regulation instead of $15,114,000 as proposed by the House and $14,428,000 as proposed by the Senate. The increase above the amount proposed by the Senate is for Office of Hearings and Appeals staffing.

STRATEGIC PETROLEUM RESERVE

Amendment No. 189: Prohibits leasing of storage facilities for the Strategic Petroleum Reserve until oil stored in or committed to government-owned facilities is 700,000,000 barrels as proposed by the Senate instead of 750,000,000 barrels as proposed by the House. The amendment applies only to funds appropriated in this Act. The managers reiterate that leasing of facilities, if proposed, is subject to Congressional review procedures contained in sections 173 and 174, Part C, title I of the Energy Policy and Conservation Act (42 U.S.C. 6211 et seq.) as contained in section 6 of Public Law 101-383.

SPR PETROLEUM ACCOUNT

Amendment No. 190: Reported in technical disagreement. The manager on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment which appropriates $274,100,000 for the acquisition of petroleum for the Strategic Petroleum Reserve, instead of $203,000,000 as proposed by the House and $178,100,000 as proposed by the Senate. The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate. Funds included in this appropriation and previously available amounts total approximately $1 billion for oil acquisition.

Amendment No. 191: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

Restrore the matter stricken by said amendment, amended to read as follows: *Provided further, That no funds available in fiscal year 1992 in this, or any previous or subsequent appropriations Act, or made available in this account pursuant to 42 U.S.C. 6247(b) as a result of any test drawdown or drawdown and distribution of the Reserve under the provisions of 42 U.S.C. 6241 may be used in fiscal year 1992 for leasing, exchanging, or otherwise acquiring except by direct purchase crude oil from a foreign government, a foreign State-owned oil company, or an agent of either: Provided further, That the Secretary of Energy may negotiate contracts pursuant to the provisions of part C, title I of the Energy Policy and Conservation Act (42 U.S.C. 6211 et seq.), as contained in section 6 of Public Law 101–383: Provided further, That restrictions on leasing, exchanging, or otherwise acquiring except by direct purchase crude oil from a foreign government, a foreign State-owned oil company, or an agent of either which are contained under this head in Public Law 101–512 are hereby repealed*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate. The Senate amendment struck House proposed language that made contracts for leasing of foreign-owned crude oil subject to legislative approval by Congress. The amendment agreed to allows the Secretary of Energy to negotiate leases or contracts for other than direct purchases with foreign entities under existing law but prohibits the use of any available funds during fiscal year 1992. The amendment also repeals the mandatory approval process contained in the fiscal year 1991 Department of the Interior and Related Agencies Appropriations Act (Public Law 101–512), and is effective for fiscal year 1992 only.

Amendment No. 192: Deletes language proposed by the Senate which would have permitted the Secretary of Energy to contract for foreign-owned crude oil for the Strategic Petroleum Reserve without regard to current procedures for Congressional review of contracts. Congressional review of such contracts is included in Amendment No. 191.

Amendment No. 193: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment with an amendment that sets an outlay cap of $137,000,000 for oil acquisition instead of $139,000,000 as proposed by the House and $141,000,000 as proposed by the Senate. The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

ENERGY INFORMATION ADMINISTRATION

Amendment No. 194: Appropriates $77,233,000 for the Energy Information Administration instead of $77,908,000 as proposed by the House and $77,073,000 as proposed by the Senate. The decrease below the amount recommended by the House consists of $100,000 for the cost-shared State heating oil and propane data program, $75,000 for the State energy price and expenditure report, and $500,000 for end use surveys. The managers agree that the State energy price and expenditure report should be accommodated within available funds.

The managers expect the Department to continue the seven positions at the Dallas, Texas Field Office which support the oil and gas reserves reports, oil and gas cost studies, and foreign energy supply assessments for which both the House and Senate restored funding.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

INDIAN HEALTH SERVICE

INDIAN HEALTH SERVICES

Amendment No. 195: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the sum named in said amendment, insert the following: *$1,449,871,000, of which $5,000,000 shall be available on September 30, 1992 and shall remain available until expended for the Morris K. Udall Scholarship Foundation subject to the passage of authorizing legislation.*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate. The amendment appropriates $1,449,871,000 for Indian health services instead of $1,432,712,000 as proposed by the House and $1,487,091,000 as proposed by the Senate, and makes $5,000,000 available until expended for the Morris K. Udall Scholarship Foundation subject to authorization.

The net increase to the amount proposed by the House includes increases for population growth of $9,900,000 in hospitals and clinics, $214,000 in dental health, $240,000 in mental health, $911,000 in alcohol and substance abuse, $6,760,000 in contract health services, $180,000 in public health nursing and $880,000 in community health representatives; for unmet needs of $1,000,000 in dental health, $2,000,000 in alcohol and substance abuse and $5,535,000 in Indian health manpower, of which $5,000,000 is for the Morris K. Udall Scholarship Foundation; and for child abuse prevention $500,000 in mental health; and decreases in hospitals and clinics of $5,938,000 for inflation and $4,237,000 to be transferred to the facilities appropriation; $200,000 in urban health to be divided equally between health promotion/disease prevention and immunization services; and $586,000 in direct operations to be transferred to the facilities appropriation.

The managers agree that:

1. Individual projects not specifically referenced in the IHS budget are to be continued at the same funding level as in fiscal year 1991 plus inflation unless directed otherwise herein or in the reports accompanying the fiscal year 1992 appropriation;

2. Alcoholism programs at urban Indian clinics, originally funded through National Institute on Alcoholism and Alcohol Abuse grants or through funds available pursuant to Public Law 100–690 should be continued at the same level as in fiscal year 1991 plus inflation; and the IHS, in future budget submissions, should identify these urban programs as a separate subactivity within the alcohol and substance abuse program;

3. Within the funds provided for the alcoholism account, $200,000 is for counselors in BIA detention facilities, $125,000 is for the University of Washington fetal alcohol syndrome project (an increase of $25,000 above the fiscal year 1991 level) and $100,000 is for an evaluation of the Winnebago drug dependency unit;

4. The IHS is to report to the Committees no later than December 1, 1991 on the proposed structure and format of the fiscal year 1993 budget request, including a description of the components of the social service program and how this program could be consolidated within the mental health account;

5. There is no earmark for a specific increase in the social services program; however, the social services program, which the managers understood is funded at $5,000,000 in the base, should receive a fair share of the funds provided for inflation and population growth and the IHS should include in future budget requests an estimate of the amount and level of need funded for this program for the prior, current, and budget years;

6. At least $1,800,000 is available in the mental health program for payments to State hospitals in North and South Dakota for indigent Indians involuntarily committed for treatment;

7. The Navajo child sexual abuse prevention and treatment program is to be continued at $300,000;

8. The Navajo/Gallup alcoholism project is to be continued at a funding level of $1,226,000 which includes at least $200,000 for continuing cooperative efforts at the Rehobeth McKinley facility;

9. With respect to the Navajo alcoholism project, the managers agreed to increased funding for this very needed program in fiscal year 1991 with the understanding that it would be a cooperative effort with the Tribe, local governments and private health care providers; the program is being continued in fiscal year 1992 with the same expectation and the IHS should keep the Committees fully apprised of how these funds are being used.

10. There is no specific earmark for increased funds for patient travel in Alaska; however, the managers understand that the Alaska region will receive approximately $1 million of the $10 million total increase for unmet need in contract health services and will receive its fair share of the funds provided for inflationary costs and population growth in the hospitals and clinics and contract health services activities;

11. There is no specific earmark for an assessment of village built clinics in Alaska; however, the managers expect the IHS to work with the Alaska Native organizations on a plan to address the deficiencies identified in annual reviews by the IHS environmental health staff;

12. $535,000 of the increase above the amount provided by the House for the manpower program is to aid in recruitment and retention of personnel at IHS locations, such as those in South Dakota, which are experiencing severe problems in maintaining adequate staffing; and the managers expect that these funds will be awarded on a competitive basis for the most meritorious proposals for addressing these problems and that the proposals that are funded do not duplicate existing IHS programs in the manpower, health education or community health representatives areas;

13. The IHS should review on an area-by-area basis the historical and prospective situation with respect to physician and other health professional recruitment and retention as compared with the current distribution of manpower funds for the program and present the results of this review at the fiscal year 1993 budget hearings;

14. The IHS should initiate planning activities with tribal governments with approved self-governance compacts for development of a Self-Governance Demonstration Project as authorized by Public Law 100–472;

15. Within the funds available to the IHS, $500,000 should be set aside to reimburse participating self-governance tribal governments for planning expenses; and

16. The IHS, in close coordination with participating self-governance tribes, should report to the Committees, no later than two weeks before its first fiscal year 1993 budget hearing, on the status of self-governance planning including budget requirements, the development of transfer models including experimental operations, and proposed monitoring and evaluation methodologies.

Amendment No. 196: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment that earmarks $301,311,000 to remain available until September 30, 1993, for contract medical care instead of $294,551,000 as proposed by the House and $296,311,000 as proposed by the Senate.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Amendment No. 197: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which inserts the words "not less than" before the amount available for a loan repayment program.

INDIAN HEALTH FACILITIES

Amendment No. 198: Appropriates $277,852,000 for Indian health facilities instead of $295,211,000 as proposed by the House and $202,068,000 as proposed by the Senate.

The net decrease to the amount proposed by the House includes increases of $350,000 to complete construction of the Sallisaw, OK health center, $4,237,000 transferred from the hospitals and clinics activity and $586,000 transferred from the direct operations activity for facilities support; and decreases of $2,645,000 for the Crow, MT hospital, $10,000,000 for repair, improvement and maintenance, $2,111,000 for the Aberdeen area regional youth treatment center, $3,776,000 for the Portland area regional youth treatment center, and $4,000,000 for sanitation facilities to be divided equally between the newly constructed/renovated homes and existing homes subactivities.

The managers agree that:

1. The IHS may reprogram up to a total of $600,000 from the Rosebud hospital project and the Belcourt hospital to the Rosebud staff quarters project if needed for the completion of the 66 units now under construction;

2. The IHS should reprogram $1,130,000 from surplus funds available upon completion of the Belcourt hospital project to the Wagner outpatient project to complete construction of that health center;

3. The IHS reprogram up to $1,000,000 from the Belcourt hospital project for construction expenses for the Aberdeen area regional youth treatment center project;

4. The IHS may reprogram up to $500,000 from within available funds, if needed, for further design or site work for the Portland area regional youth treatment center;

5. For future hospital and clinic design, the IHS should project 10 years in its estimates of needed space for facilities on its construction priority list rather than the current 8 years;

6. The IHS, in consultation with the Tribes, needs to rework its methodology for hospital and clinic design to incorporate new concepts, such as low acuity beds in health centers, so as to provide cost-effective alternatives to a full service hospital or a facility strictly limited to outpatient services;

7. No funds are earmarked for the Winnebago project but the IHS is expected to continue to work with the tribe within available funds to reach agreement on the scope of the project and should report to the Committees during the fiscal year 1993 budget hearings on the status of the Winnebago project in particular and, in general, on recommendations for revising the facility design methodology;

8. There are no earmarks for specific water and sewer projects within the sanitation account; all funds to address the backlog of sanitation needs for existing homes should be spent in accordance with the sanitation priority system; and

9. The IHS should explore directly providing engineering services rather than funding the Public Health Service for construction engineering support and report in the fiscal year 1993 budget on the requirements for this program assuming IHS were to assume this function.

Administrative Provisions, Indian Health Service

Amendment No. 199: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate requiring a quarterly report on additional leased space requirements. The House had report language regarding quarterly reporting requirements on this subject.

DEPARTMENT OF EDUCATION

Office of Elementary and Secondary Education

INDIAN EDUCATION

Amendment No. 200: Appropriates $77,547,000 for Indian Education as proposed by the House instead of $77,400,000 as proposed by the Senate. There is no specific earmark for a Hopi model education project using Subpart 2 funding. The managers understand that curriculum improvement is a high priority of the Hopi Tribe and expect the Office to work with the Hopi and all Tribes on improving their grant applications.

OTHER RELATED AGENCIES

Office of Navajo and Hopi Indian Relocation

SALARIES AND EXPENSES

Amendment No. 201: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment which appropriates $26,172,000 for the Office of Navajo and Hopi Indian Relocation instead of $31,634,000 as proposed by the House and $30,572,000 as proposed by the Senate. The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The decreases to the amount proposed by the House include $5,000,000 in housing funds due to the large unobligated balances remaining at the end of fiscal year 1991, $212,000 for road development on the New Lands and $250,000 in discretionary funds. Within the funds provided for housing the managers expect the Office to work with the Tribes and IHS on resolving the situation with respect to sanitation needs in the Cliff Springs area. The managers understand that approximately $325,000 is needed to remove a wall and tank from a sacred spring site as requested by the Hopis, to provide a haul fixture addition to an existing windmill to access a water system which is about a mile away from the sacred spring and which uses a different water source, and to provide bathroom and plumbing renovations for 73 existing homes.

INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE

Culture and Arts Development

PAYMENT TO THE INSTITUTE

Amendment No. 202: Appropriates $6,612,000 for the Institute of American Indian Arts instead of $8,187,000 as proposed by the House and $6,087,000 as proposed by the Senate. The decrease from the amount proposed by the House consists of decreases of $75,000 to operations of the Institute and $1,500,000 the change to a calendar year basis.

Amendment No. 203: Provides $350,000 for Federal matching contributions to the endowment fund as proposed by the House instead of $300,000 as proposed by the Senate.

Smithsonian Institution

SALARIES AND EXPENSES

Amendment No. 204: Appropriates $283,961,000 for salaries and expenses instead of $286,269,000 as proposed by the House and $281,074,000 as proposed by the Senate. The decrease from the amount proposed by the House consists of $778,000 for research, $1,380,000 for museums, and $150,000 in facilities.

The net decrease for research includes decreases from the House level of $100,000 for five new positions and related costs for the submillimeter array in the Astrophysical Observatory, $178,000 for two new positions and related costs in global change research at the Tropical Research Institute, and an increase of $50,000 for the crew (1.25 FTEs) of the new research vessel also at the Tropical Research Institute.

At the Environmental Research Center, decreases include $50,000 for two new positions and related costs in global change research and $300,000 for land acquisition. With regard to any future land acquisitions proposed by the Smithsonian, the managers agree that such proposals should be reviewed by the authorizing committees, including whether the use of non-Federal funds would be more appropriate.

Additional decreases in research from the House level include $125,000 in libraries related to the inflation costs for the purchase of journals and $75,000 in the international environmental science program for two positions and related costs in global change research and one position and support costs related to the establishment of the Mpala Research Station in north central Kenya.

The decrease in museums consists of $250,000 in the National Museum of Natural History for the establishment of a clearinghouse on biological diversity, and $25,000 related to the study of human ecological history. The managers have agreed to provide $315,000, on a one-time only basis, for a laboratory for the Amazon biological diversity project. In the National Museum of American History, there is a decrease of $250,000 for the Jazz Masterworks program, leaving an increase of $250,000 over 1991. With regard to the funding provided for the museum studies program in the National Museum of American History for the Duke Ellington School of Arts, the managers expect that this will be one-time only funding.

For the National Museum of the American Indian, a decrease of $225,000 is included for two new positions, media, and promotional costs in the National Campaign office. Additional decreases in museums include $30,000 for the National Portrait Gallery, $470,000 which is not needed in FY 1992 for exhibit reinstallation at the Freer Gallery, $30,000 for an archivist at the Archives of American Art, and $100,000 for the Cooper-Hewitt Museum.

In facilities, there is a decrease of $150,000 for protection services.

The managers expect the Smithsonian will not embark upon any costly new initiatives or any significant redirection of its staff or resources without providing the necessary justification required as a part of its annual budget submission.

If requested, the managers encourage the Smithsonian to provide technical assistance regarding collections management for an Indian culture center in Oklahoma. The managers expect, however, that the Smithsonian's role with the center will be limited to an advisory capacity only.

Amendment No. 205: Provides that $25,839,000 shall remain available until expended instead of $26,679,000 as proposed by the House and $25,229,000 as proposed by the Senate. The decrease from the amount proposed by the House consists of $615,000 for exhibit reinstallation and $225,000 for the National Museum of the American Indian.

REPAIR AND RESTORATION OF BUILDINGS

Amendment No. 206: Appropriates $24,710,000 for repair and restoration of buildings instead of the $27,710,000 as proposed by the House and $24,700,000 as proposed by the Senate. The decrease from the amount proposed by the House is $3,000,000 for additional backlog projects. While the managers regret that limitations on the overall budget require a reduction from the budget estimate in this account, they are confident that the funding provided will allow the Smithsonian to complete the most urgently needed projects in fiscal year 1992.

CONSTRUCTION

Amendment No. 207: Appropriates $19,400,000 instead of $20,100,000 as proposed by the House and $19,350,000 as proposed by the Senate. The decrease from the amount proposed by the House includes $250,000 for construction planning and $450,000 for auditorium renovation at the Freer Gallery.

The managers on the part of the House reaffirm their position regarding the use of planning funds for, and the site selection of, the proposed extension to the National Air and Space Museum. The managers on the part of the Senate reaffirm their position on these issues.

NATIONAL GALLERY OF ART

SALARIES AND EXPENSES

Amendment No. 208: Appropriates $49,192,000 for salaries and expenses instead of $48,236,000 as proposed by the House and $49,900,000 as proposed by the Senate. The increase over the amount proposed by the House consists of increases of $512,000 for care and utilization of art collections, $350,000 for operations and maintenance, and $94,000 for general administration.

The increase over the House for care and utilization of art collections includes increases of $100,000 for payroll base deficiencies, $62,000 for the Gallery Senior Executive Service, $250,000 for special exhibitions, and $100,000 for data processing. In operations and maintenance, the increase over the House consists of a decrease of $85,000 for utilities, and an increase of $435,000 for water and sewer costs. In general administration, the increase includes $49,000 for transportation of things and $45,000 for rents and utilities.

Amendment No. 209: Provides $3,120,000 for the special exhibition program instead of $2,870,000 as proposed by the House and $3,370,000 as proposed by the Senate.

REPAIR, RESTORATION AND RENOVATION OF BUILDINGS

Amendment No. 210: Appropriates $3,600,000 for repair, restoration and renovation of buildings as proposed by the Senate instead of $6,850,000 as proposed by the House.

WOODROW WILSON INTERNATIONAL CENTER FOR SCHOLARS

SALARIES AND EXPENSES

Amendment No. 211: Appropriates $5,744,000 for the Woodrow Wilson International Center for Scholars as proposed by the Senate instead of $5,819,000 as proposed by the House.

The managers commend the Center for its efforts in identifying private sources of funds for the planned Mozart bicentennial program. The managers expect that the appropriated funds provided for the "Wilson Quarterly" will be used to offset partially the postage costs associated with that publication.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

NATIONAL ENDOWMENT FOR THE ARTS

GRANTS AND ADMINISTRATION

Amendment No. 212: Appropriates $147,700,000 for grants and administration as proposed by the House instead of $143,583,000 as proposed by the Senate and deletes Senate language regarding the use of funds to produce materials that depict or describe in a patently offensive way, sexual or excretory activities or organs.

The managers reaffirm the language of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 954(d)), for which terms are defined in section 3 of that Act (20 U.S.C. 952) which states as follows:

(1) "artistic excellence and artistic merit are the criteria by which applications are judged, taking into consideration general standards of decency and respect for the diverse beliefs and values of the American public; and

(2) "that obscenity is without artistic merit, is not protected speech, and shall not be funded;"

and that:

"projects, productions, workshops and programs that are determined to be obscene are prohibited from receiving financial assistance under this Act from the National Endowment for the Arts."

"The term 'obscene,' means with respect to a project, production, workshop, or program that—

"(1) the average person, applying contemporary community standards, would find that such project, production, workshop, or program, when taken as a whole, appeals to the prurient interest;

"(2) such project, production, workshop, or program depicts or describes sexual conduct in a patently offensive way; and

"(3) such project, production, workshop, or program, when taken as a whole, lacks serious literary, artistic, political, or scientific value."

The term "determined to be obscene", means determined, in a final judgment of a court of record and of competent jurisdiction in the United States, to be obscene.

The term "final judgment" means a judgment that is either—

"(1) not reviewed by any other court that has authority to review such judgment; or

"(2) is not reviewable by any other court."

This language is included by reference in bill language.

NATIONAL ENDOWMENT FO THE HUMANITIES

GRANTS AND ADMINISTRATION

Amendment No. 213: Appropriates $152,650,000 for National Endowment for the Humanities, Grants and Administration instead of $153,150,000 as proposed by the House and $144,550,000 as proposed by the Senate.

The changes to the House position include increases of $90,000 for museums and historical organizations, $900,000 for fellowships and seminars, $410,000 for humanities projects in libraries, $600,000 for administration and a increase of $2,500,000 in the National Heritage Preservation program.

The reduction of $600,000 to the budget request for the education programs is not allocated to any specific activity. The managers expect that this reduction will be distributed across all of the activities in this category.

Within the amount provided is $1,000,000 to initiate a dissertation fellowship program in the humanities.

Amendment No. 214: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter stricken and inserted by said amendment, insert: *$1,000,000 for the dissertation fellowship program and $5,700,000*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The amendment earmarks $5,700,000 for the Office of Preservation to remain available until September 30, 1993 instead of $8,200,000 as proposed by the House and $1,600,000 as proposed by the Senate. The amendment also makes the $1,000,000 provided for the dissertation fellowship program remain available until September 30, 1993.

MATCHING GRANTS

Amendment No. 215: Appropriates $25,550,000 for matching grants instead of $25,050,000 as proposed by the House and $30,450,000 as proposed by the Senate.

Amendment No. 216: Earmarks $12,550,000 for challenge grants instead of $12,050,000 as proposed by the House and $16,050,000 as proposed by the Senate.

NATIONAL CAPITAL PLANNING COMMISSION

SALARIES AND EXPENSES

Amendment No. 217: Appropriates $4,775,000 for the National Capital Planning Commission instead of $4,500,000 as proposed by the House and $5,000,000 as proposed by the Senate. The $275,000 increase above the amount proposed by the House is to enable the Commission to develop its monumental core plan and vision 2050 study on a more timely schedule than that envisioned in the budget request. The managers expect this increase to remain in the Commission's base budget for fiscal year 1993 and subsequent years. Further, the Commission should identify in its fiscal year 1993 budget submission the schedules for these initiatives and any additional funds needed to ensure those schedules are met.

FRANKLIN DELANO ROOSEVELT MEMORIAL COMMISSION

SALARIES AND EXPENSES

The managers expect the Commission to begin a fundraising effort to help offset the Federal cost of the FDR Memorial. The Commission is to report to the House and Senate Committees on Appropriations, no later than April 15, 1992, on a plan to carry out such an effort.

PENNSYLVANIA AVENUE DEVELOPMENT CORPORATION

SALARIES AND EXPENSES

The managers expect the PADC to accommodate 28 FTEs within the amount provided for salaries and expenses.

PUBLIC DEVELOPMENT

Amendment No. 218: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment which appropriates $5,126,000 for public development instead of $4,491,000 as proposed by the House and $5,026,000 as proposed by the Senate. The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The increase to the amount proposed by the House consists of $635,000 for administration of the International and Cultural Trade Center project.

UNITED STATES HOLOCAUST MEMORIAL COUNCIL

HOLOCAUST MEMORIAL COUNCIL

Amendment No. 219: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment which appropriates $11,005,000 for the Holocaust Memorial Council instead of $10,605,000 as proposed by the House and $7,300,000 as proposed by the Senate. The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The increase above the House level provides $400,000 for operation and maintenance of Annex III. Within the funds provided the managers agree that the Council should accommodate an increase of 5 FTEs above its budget request for the development and implementation of educational programs and for administrative support. The managers expect that the funds provided for fiscal year 1992 will remain in the base budget for fiscal year 1993 and beyond. Further, the Council should include in its fiscal year 1993 budget request a detailed description of the funds required for operation and maintenance of the museum itself and of programs within the museum.

TITLE III—GENERAL PROVISIONS

Amendment No. 220: Deletes House language which required the Secretary, in consultation with the U.S. Trade Representative, to determine whether a foreign country had violated a reciprocal trade agreement and prohibited the expenditure of Department of the Interior funds for the acquisition of products from such countries. The managers, however, agree that the Secretary, to the extent possible, should seek to purchase American made goods and services.

Amendment No. 221: Deletes House proposed language which provided for increased grazing fees on public lands, and provided certain grazing reforms.

The managers direct the Secretaries of Agriculture and the Interior to contract for an updating and review of the information contained in their joint 1986 report to Congress, "Grazing Fee Review and Evaluation." Such information shall include—but is not limited to—: information in Chapter 1 pertaining to (1) the significance of public lands grazing relative to the Western livestock industry and the red meat industry nationwide and (2) revenues and costs of rangeland management and permittee expenditures on improvements and maintenance; information in Chapter 2 pertaining to the appraised market value of public rangelands grazing as determined in the 1983–1984 "Appraisal Report Estimating Fair Market Rental Value of Grazing on Public Lands" prepared for the Forest Service and the Bureau of Land Management (special emphasis should be given to updating Westwide and pricing area market values and determining the utility of the information for use in developing appraised market values for local and USDA livestock marketing areas); indices, charts, and information in Chapter 3; Chapter 4 information on alternatives to the PRIA formula; Figures 5.1 through 5.10 in Chapter 5; and Figure 6.6 in Chapter 6. Appendix Figure B.9 of the 1986 Report (page 85) should be updated through indexing to derive a new base value. Appendix Figures B.5, B.6, B.7, and B.10 through B.15 shall also be updated. The Secretaries of Agriculture and the Interior shall involve the appropriate agencies, including the Forest Service, the Bureau of Land Management, the Economic Research Service, and the National Agricultural Statistics Service, and may contract through the National Academy of Sciences or use other means for the update and review of the above mentioned information. A report on the updating shall be provided to the Appropriations Committees of the House and Senate, the House Interior and Insular Affairs Committee and the Senate Committee on Energy and Natural Resources no later than April 30, 1992.

Amendment No. 222: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter proposed by said amendment, insert:

SEC. 318. With the exception of budget authority for "Miscellaneous payments to Indians", Bureau of Indian Affairs, Department of the Interior; "Salaries and expenses", National Indian Gaming Commission, Department of the Interior; "Payment to the Institute", Institute of American Indian and Alaska Native Culture and Arts Development; "Salaries and expenses", Woodrow Wilson International Center for Scholars; "Salaries and expenses" and "National capital arts and cultural affairs", Commission on Fine Arts; "Salaries and expenses", Advisory Council on Historic Preservation; "Salaries and expenses", National Capital Planning Commission; "Salaries and expenses", Franklin Delano Roosevelt Memorial Commission; and "Salaries and expenses" and "Public development", Pennsylvania Avenue Development Corporation, each amount of budget authority for the fiscal year ending September 30, 1992, provided in this Act, for payments not required by law is hereby reduced by 1.411 per centum: Provided, That such reductions shall be applied ratably to each account, program, activity, and project provided for in this Act.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The amendment provides for a 1.411 per cent reduction to all accounts in the Act with the exception of payments required by law, payments to certain Indian groups, and certain small independent agencies. The reduction is made to reduce amounts in the Act to a total that is within the budget allocation.

Amendment No. 223: Deletes language proposed by the Senate which directed the Forest Service to continue the preparation of environmental documents to implement land management plans in Region 6. Statutory language is not required for these activities to continue.

The managers urge the Recovery Team for the Northern Spotted Owl to prepare the recovery plan in a manner that recognizes the need to minimize the employment loss due to owl-related timber harvesting restrictions while providing for the recovery of the owl, and in all respects, adhering to requirements of the Endangered Species Act.

The managers strongly urge the U.S. Fish and Wildlife Service to promulgate, as promptly as possible, regulations to interpret the requirements of section 9 of the Endangered Species Act for the Northern Spotted Owl on nonfederal lands.

Amendment No. 224: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter inserted by said amendment, insert:

SEC. 319. LAND TRANSFER AND CONVEYANCE, PEASE AIR FORCE BASE, NEW HAMPSHIRE

(a) TRANSFER BY THE AIR FORCE.—Notwithstanding any other provision of law, the Secretary of the Air Force shall transfer to the Department of the Interior a parcel of real property located west of McIntyre Road at the site of former Pease Air Force Base, New Hampshire: Provided, That the Secretary of the Air Force shall retain responsibility for any hazardous substances which may be found on the property so transferred.

(b) Establishment of National Wildlife Refuge.—Except as provided in subsection (c), the Secretary of the Interior shall designate the parcel of land transferred under subsection (a) as an area in the National Wildlife Refuge System under the authority of section 4 of the Act of October 15, 1966 (16 U.S.C. 668dd).

(c) CONVEYANCE TO STATE OF NEW HAMPSHIRE.—

(1) (1) CONVEYANCE.—Subject to paragraphs (2) through (5), the Secretary of the Interior shall convey to the State of New Hampshire, without consideration, all right, title, and interest of the United States in and to a parcel of real property consisting of not more than 100 acres that is a part of the real property transferred to the Secretary under subsection (a) and that the Secretary determines to be suitable for use as a cemetery.

(2) CONDITION OF CONVEYANCE.—The conveyance under paragraph (1) shall be subject to the condition that the State of New Hampshire use the property conveyed under that paragraph only for the purpose of establishing and operating a state cemetery for veterans.

(3) REVERSION.—If the Secretary determines at any time that the State of New Hampshire is not complying with the condition specified in paragraph (2), all right, title, and interest in and to the property conveyed pursuant to paragraph (1), including any improvements thereon, shall revert to the United States and the United States shall have the right of immediate entry thereon.

(4) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the parcel of real property to be conveyed under paragraph (1) shall be determined by a survey that is satisfactory to the Secretary.

(5) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require any additional terms or conditions in connection with the conveyance under this subsection that the Secretary determines appropriate to protect the interests of the United States.

(d) The purposes for which this national wildlife refuge is established are—

(1) to encourage the natural diversity of plant, fish and wildlife species within the refuge, and to provide for their conservation and management;

(2) to protect species listed as endangered or threatened, or identified as candidates for listing pursuant to the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

(3) to preserve and enhance the water quality of aquatic habitat within the refuge; and

(4) to fulfill the international treaty obligations of the United States relating to fish and wildlife.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The managers have agreed to transfer certain portions of Pease AFB, NH to the U.S. Fish and Wildlife Service. Purposes of the refuge have been added to the Senate amendment as well as a provision which requires the Secretary of the Air Force to retain responsibility for any hazardous substances which may be found on the property.

Amendment No. 225: Deletes a general provision proposed by the Senate allowing the Secretary of Energy to negotiate modifications to an existing oil shale contract currently administered by the Secretary of the Treasury.

Amendment No. 226: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter proposed by said amendment, insert:

SEC. 320. Amend section 12(d)(2) of Public Law 94–204 (The Act of January 2, 1976) as follows:

(a) In the second sentence of the first proviso, following the words "public purposes" insert a period. Following the period add the following: "An area encompassing approximately sixty-two acres and depicted on the map entitled 'Native Heritage Park Proposal' and on file with the Secretary shall be managed".

(b) At the end of this section, add a new proviso: ": Provided further, That to the extent necessary, any and all conveyance documents executed concerning the conveyance of the lands referred to in this proviso shall be deemed amended accordingly to conform to this proviso".

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The amendment releases 4,325 acres in the Campbell Tract in Anchorage, AK from the restrictions of a bicentennial park master development plan, and retains approximately 62 acres subject to the restrictions of the plan as proposed by the Senate. The Senate amendment also allowed the Bureau of Land Management (BLM) to dispose of unneeded land from another 1,000 acre parcel. The House had no like provisions.

The managers agree that:

1. the Native Heritage Park proposed for the 62 acres in the amendment may not be placed on the 4,325 acres of the tract released from the restrictions of the plan; and

2. the 4,325 acres released from the plan are still to be managed under provisions of law regarding non-Federal land management for recreation and public purposes and BLM is not to approve changes in use which alter significantly the nature of the current land uses of the area.

APPLICATION OF GENERAL REDUCTIONS

The level at which reductions shall be taken pursuant to the Deficit Reduction Act of 1985, if such reductions are required in fiscal year 1992, is defined by the managers as follows:

As provided for by section 256(1)(2) of Public Law 99–177, as amended, and for the purposes of a Presidential Order issued pursuant to section 254 of said Act, the term "program, project, and activity" for items under the jurisdiction of the Appropriations Subcommittees on the Department of the Interior and Related Agencies of the House of Representatives and the Senate is defined as (1) any item specifically identified in tables or written material set forth in the Interior and Related Agencies Appropriations Act, or accompanying committee reports or the conference report and accompanying joint explanatory statement of the managers of the committee of conference; (2) any Government-owned or Government-operated facility; and (3) management units, such as national parks, national forest, fish hatcheries, wildlife refuge, research units, regional, State and other administrative units and the like, for which funds are provided in fiscal year 1992.

The managers emphasize that any item for which a specific dollar amount is mentioned in an accompanying report, including all increases over the budget estimate approved by the Committees, shall be subject to a percentage reduction no greater or less than the percentage reduction applied to all domestic discretionary accounts.

CONFERENCE TOTAL—WITH COMPARISONS

The total new budget (obligational) authority for the fiscal year 1992 recommended by the Committee of Conference, with comparisons to the fiscal year 1991 amount, the 1992 budget estimates, and the House and Senate bills for 1992 follow:

New budget (obligational) authority, fiscal year 1991	$11,747,550,000
Budget estimates of new (obligational) authority, fiscal year 1992	11,595,927,000
House bill, fiscal year 1992	12,717,527,000
Senate bill, fiscal year 1992	12,644,603,000
Conference agreement, fiscal year 1992	12,623,563,000
Conference agreement compared with:	
New budget (obligational) authority, fiscal year 1991	+876,013,000
Budget estimates of new (obligational) authority, fiscal year 1992	+1,027,636,000
House bill, fiscal year 1992	−93,964,000
Senate bill, fiscal year 1992	−21,040,000

SIDNEY R. YATES,
JOHN P. MURTHA,
NORMAN D. DICKS,
LES AUCOIN,
TOM BEVILL,
CHESTER G. ATKINS,
JAMIE L. WHITTEN
(except amendment No. 212),
RALPH REGULA
(except amendments Nos. 167, 212, and 221),
JOSEPH M. MCDADE
(except amendment No. 167),
BILL LOWERY
(except amendment No. 212),
JOE SKEEN,
Managers on the Part of the House.

ROBERT C. BYRD,
J. BENNETT JOHNSTON,
PATRICK J. LEAHY,
DENNIS DECONCINI,
QUENTIN N. BURDICK,
DALE BUMPERS,
ERNEST F. HOLLINGS,
HARRY REID,
DON NICKLES
(except amendment No. 212),
TED STEVENS,
JAKE GARN,
THAD COCHRAN,
WARREN B. RUDMAN,
PETE V. DOMENICI
(except amendment No. 95),
SLADE GORTON,
MARK O. HATFIELD,
Managers on the Part of the Senate.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. BURTON of Indiana) to revise and extend their remarks and include extraneous material:)

Mr. COLEMAN of Missouri, for 5 minutes, today.

Mr. MCEWEN, for 5 minutes, today.

(The following Members (at the request of Mr. MCNULTY) to revise and extend their remarks and include extraneous material:)

Mr. JONES of Georgia, for 5 minutes, today.

Mr. ROSTENKOWSKI, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mrs. LOWEY of New York, for 5 minutes, today.

Mr. BONIOR, for 60 minutes each day, on October 24 and 31 and November 7, 14, and 21.

Ms. KAPTUR, for 60 minutes each day, on October 22, 23, 24, and 25.

Mr. DORGAN of North Dakota, for 60 minutes each day, on October 18 and 21.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. BURTON of Indiana) and to include extraneous matter:)

Mr. YOUNG of Alaska.
Mrs. ROUKEMA.
Mr. SCHULZE.
Mr. PETRI.
Mr. COX of California.
Mr. MCMILLAN of North Carolina.
Mr. LAGOMARSINO.
Mr. WOLF.
Mr. PORTER.
Mr. BALLENGER.
Mr. LEWIS of California.
Mr. MICHEL.
Mr. PURSELL.
Mr. THOMAS of California.
Mr. SHUSTER.
Mr. SCHAEFER.
Mr. WELDON.
Mrs. BENTLEY.

(The following Members (at the request of Mr. MCNULTY) and to include extraneous matter:)

Mr. ATKINS.
Mr. LEHMAN of Florida.
Mr. AUCOIN.
Mr. MANTON in two instances.
Mr. FASCELL.
Mrs. KENNELLY.
Mr. CARDIN.
Mr. LANTOS.
Mr. DE LUGO.
Mr. MAZZOLI.
Mr. NEAL of Massachusetts.
Mr. ANDREWS of New Jersey.
Mr. TRAFICANT in three instances.
Mr. MILLER of California.
Mr. LEVINE of California.
Mr. MCCURDY.
Mr. FROST.
Mr. SWETT.
Mr. LAROCCO.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 544. An act to amend the Food, Agriculture, Conservation and Trade Act of 1990 to provide protection to animal research facilities from illegal acts, and for other purposes; to the Committee on Agriculture.

S. 772. An act to amend title V of Public Law 96–550, designating the Chaco Culture Archaeological Protection Sites, and for other purposes; to the Committees on Agriculture and Interior and Insular Affairs.

S. 870. An act to authorize inclusion of a tract of land in the Golden Gate National Recreation Area, California; to the Committee on Interior and Insular Affairs.

S. 1254. An act to increase the authorized acreage limit for the Assateague Island National Seashore on the Maryland mainland, and for other purposes; to the Committee on Interior and Insular Affairs.

S. 1358. An act to amend chapter 17 of title 38, United States Code, to require the Secretary of Veterans Affairs to conduct a hospice care pilot program and to provide certain hospice care services to terminally ill veterans; to the Committee on Veterans' Affairs.

ENROLLED BILLS SIGNED

Mr. ROSE, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 2426. An act making appropriations for military construction for the Department of Defense for the fiscal year ending September 30, 1992, and for other purposes;

H.R. 2698. An act making appropriations for Agriculture, rural development, Food and Drug Administration, and related agencies programs for the fiscal year ending September 30, 1992, and for other purposes; and

H.R. 2942. An act making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1992, and for other purposes.

ADJOURNMENT

Mr. BONIOR. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 10 minutes p.m.) under its previous order, the House adjourned until Monday, October 21, 1991, at noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2221. A letter from the Secretary, Department of Labor, transmitting the annual report of enforcement activities under the Fair Labor Standards Act for the period October 1, 1988 through September 30, 1989, pursuant to 29 U.S.C. 204(d)(1); to the Committee on Education and Labor.

2222. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report on missile proliferation, pursuant to 22 U.S.C. 2797 note; to the Committee on Foreign Affairs.

2223. A communication from the President of the United States, transmitting the bimonthly report on progress toward a negotiated solution of the Cyprus problem, including any relevant reports from the Secretary General of the United Nations covering the period from June through July 1991, pursuant to 22 U.S.C. 2373(c); to the Committee on Foreign Affairs.

2224. A letter from the Director, Arms Control and Disarmament Agency, transmitting the 1990 annual "Report to Congress on Arms Control and Disarmament Studies," pursuant to Public Law 100-213, section 4 (101 Stat. 1445); to the Committee on Foreign Affairs.

2225. A letter from the Director, Office of Management and Budget, transmitting OMB estimate of the amount of change in outlays or receipts, as the case may be, in each fiscal year through fiscal year 1995 resulting from passage of S. 868, pursuant to Public Law 101-508, section 13101(a) (104 Stat. 1388-582); to the Committee on Government Operations.

2226. A letter from the Director, Office of Management and Budget, transmitting the eighth report on U.S. costs in the Persian Gulf Conflict and foreign contributions to offset such costs, pursuant to Public Law 102-25, section 401 (105 Stat. 99); jointly, to the Committees on Armed Services and Foreign Affairs.

2227. A letter from the Secretary, Department of Labor, transmitting the ERISA annual report for 1990, describing the Department's administration of its responsibilities under ERISA during calendar year 1990, pursuant to 29 U.S.C. 1143(b); jointly, to the Committees on Education and Labor and Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. FORD of Michigan: Committee on Education and Labor, H.R. 2837. A bill to amend the Agricultural Act of 1949 to improve the milk price support program and to establish a milk inventory management program to operate during calendar years in which purchases of milk and milk products by the Commodity Credit Corporation are estimated to exceed 5,000,000,000 pounds; with amendments (Rept. 102-173, Pt. 2). Ordered to be printed.

Mr. ROSTENKOWSKI: Committee on Ways and Means. H.R. 2837. A bill to amend the Agricultural Act of 1949 to improve the milk price support program and to establish a milk inventory management program to operate during calendar years in which purchases of milk and milk products by the Commodity Credit Corporation are estimated to exceed 5,000,000,000 pounds; with an amendment (Rept. 102-173, Pt. 3). Referred to the Committee of the Whole House on the State of the Union.

Mr. WHITTEN: H.R. 3543. A bill making dire emergency supplemental appropriations and transfers for relief from the effects of natural disasters, for other urgent needs, and for incremental costs of "Operation Desert Shield/Desert Storm" for the fiscal year ending September 30, 1992, and for other purposes; with amendments (Rept. 102-255). Referred to the Committee of the Whole House on the State of the Union.

Mr. YATES: Committee of Conference. Conference report on H.R. 2686 (Rept. 102-256). Ordered to be printed.

SUBSEQUENT ACTION ON A REPORTED BILL SEQUENTIALLY REFERRED

Under clause 5 of Rule X the following action was taken by the Speaker:

H.R. 534. Referral to the Committee on Ways and Means extended for period ending not later than October 22, 1991.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ROSTENKOWSKI (for himself and Mr. DOWNEY):

H.R. 3575. A bill to provide a program of Federal supplemental compensation, and for other purposes; to the Committee on Ways and Means.

By Mr. GONZALEZ:

H.R. 3576. A bill to amend the Cranston-Gonzalez National Affordable Housing Act to reserve assistance under the HOME Investment Partnerships Act for certain insular areas; to the Committee on Banking, Finance and Urban Affairs.

By Mr. BARRETT:

H.R. 3577. A bill to amend the Internal Revenue Code of 1986 to provide that certain cash rents will not result in the recapture of the benefits of the special estate tax valuation rules for certain farm and other real property; to the Committee on Ways and Means.

By Mr. BROWN:

H.R. 3578. A bill to conduct a study of the environmental research basis for wetlands delineation; to the Committee on Science, Space, and Technology.

By Mr. COBLE:

H.R. 3579. A bill to suspend until January 1, 1995, the duty on unpackaged blank raw material baseballs; to the Committee on Ways and Means.

By Mr. DE LUGO:

H.R. 3580. A bill to provide that the rate of postage for any first-class mail sent to or from the U.S. Virgin Islands be 6 percent of the rate which would otherwise apply; to the Committee on Post Office and Civil Service.

By Mr. DELLUMS (for himself and Ms. NORTON)

H.R. 3581. A bill to amend the District of Columbia Self-Government and Governmental Reorganization Act to eliminate congressional review of newly passed District laws, to provide the District of Columbia with autonomy over its budgets, and for other purposes; to the Committee on the District of Columbia.

By Mr. MORAN:

H.R. 3582. A bill to prohibit the expansion of the I-95 sanitary landfill in Lorton, VA, unless an environmental impact statement on any such expansion is completed and approved by the Administrator of the Environmental Protection Agency, and for other purposes; jointly, to the Committees on Energy and Commerce and the District of Columbia.

By Mr. MRAZEK (for himself, Mr. POSHARD, Mr. DOWNEY, Mr. PENNY, Mr. MCCLOSKEY, Mr. SHAYS, Mr. GREEN of New York, Mr. MILLER of Washington, and Mr. MCHUGH):

H.R. 3583. A bill to extend the statute of limitation applicable to the filing of administrative complaints by Federal employees who allege employment discrimination in violation of title VII of the Civil Rights Act of 1964; jointly, to the Committees on Education and Labor and Post Office and Civil Service.

By Mr. MURTHA (for himself and Mr. REGULA):

H.R. 3584. A bill to amend chapter 11 of the Bankruptcy Act of 1978 to ensure the continuation of health and follow-on benefits of debtor pension plans; jointly, to the Committees on the Judiciary and Education and Labor.

By Mr. PETRI:

H.R. 3585. A bill to set aside tax revenues collected on recreational fuels not used on highways for the purposes of improving and maintaining recreational trails; jointly, to the Committees on Ways and Means, Interior and Insular Affairs, and Public Works and Transportation.

By Mr. RINALDO:

H.R. 3586. A bill to improve supervision of Government sponsored enterprises; jointly, to the Committees on Banking, Finance and Urban Affairs, Agriculture, and Education and Labor.

By Mr. SCHULZE:

H.R. 3587. A bill to amend title XVIII of the Social Security Act to prevent telemarketing fraud against Medicare beneficiaries by suppliers of durable medical equipment and for other purposes; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. TAYLOR of North Carolina:

H.R. 3588. A bill to provide emergency unemployment compensation on a pay-as-you-go basis; jointly, to the Committees on Ways and Means, Education and Labor, Energy and Commerce, Appropriations, House Administration, and Government Operations.

By Mr. YOUNG of Alaska:

H.R. 3589. A bill to amend title 39, United States Code, to revise the procedures under which any change in the nature of postal services, which will generally affect service on a nationwide or substantially nationwide basis, may be implemented; to the Committee on Post Office and Civil Service.

By Mr. BALLENGER (for himself, Mr. FAWELL, Mr. GOODLING, Mr. GUNDERSON, Mr. HENRY, Mr. JEFFERSON, Mr. KLUG, Mrs. LOWEY of New York, Mr. MARTINEZ, Mr. OWENS of New York, Mr. PAYNE of New Jersey, Mrs. ROUKEMA, Mr. SAWYER, Mr. SERRANO, and Mrs. UNSOELD):

H.J. Res. 353. Joint resolution designating January 4 through January 10, 1992, as "Braille Literacy Week"; to the Committee on Post Office and Civil Service.

By Mr. FISH:

H.J. Res. 354. Joint resolution designating the week of February 2 through February 8, 1992, as "Eating Disorders Awareness Week"; to the Committee on Post Office and Civil Service.

By Mr. TRAFICANT:

H.J. Res. 355. Joint resolution to guarantee the borrowing efforts of American States, municipalities, school districts, and other local tax levying entities, prior to guaranteeing loans of any foreign borrowing entity, especially foreign governments and foreign central banks; to the Committee on Banking, Finance and Urban Affairs.

By Mr. ENGEL:

H. Con. Res. 223. Concurrent resolution expressing the sense of the Congress that the International Red Cross/Red Crescent Movement should include Magen David Adam as a legitimate national society of that movement.

By Mr. LEWIS of California:

H. Res. 249. Resolution electing Representative Gillmor of Ohio to the Committee on Public Works and Transportation; considered and agreed to.

By Mr. SENSENBRENNER:

H. Res. 250. Resolution to amend the Rules of the House of Representatives to require that all signatures on discharge petitions be made public immediately.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. MOAKLEY introduced a bill (H.R. 3590) for the relief of Lloyd B. Gamble; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 12: Mr. MANTON and Mr. SOLARZ.

H.R. 43: Mr. HUGHES, Mrs. LLOYD, and Mr. ZELIFF.

H.R. 73: Mrs. JOHNSON of Connecticut, Mr. SMITH of New Jersey, Mr. JEFFERSON, Mr. TAYLOR of Mississippi, Mrs. UNSOELD, Mr. ANDREWS of Maine, Mr. BLILEY, Mr. SANGMEISTER, Mr. RAMSTAD, Mr. PETRI, Mr. GOSS, Mr. ESPY, Mr. SKEEN, Mr. YATES, Mr. SCHIFF, Mr. NUSSLE, Mr. DOWNEY, Mr. PAYNE of Virginia, Mr. BILBRAY, Mr. OLIN, and Mr. MARLENEE.

H.R. 123: Mr. YATRON and Mr. SHAYS.

H.R. 252: Mr. PETERSON of Florida.

H.R. 352: Mr. LEWIS of California.

H.R. 371: Mr. GINGRICH.

H.R. 413: Mr. NAGLE, Mr. DARDEN, Mr. YOUNG of Florida, Mr. SHAW, and Mr. NUSSLE.

H.R. 426: Mr. YOUNG of Florida, Mr. CAMP, and Mr. SCHAEFER.

H.R. 643: Mr. KLUG.

H.R. 700: Mr. SCHAEFER, Mr. RITTER, Mr. KYL, and Mr. JACOBS.

H.R. 862: Mr. SCHAEFER.

H.R. 870: Mr. MORAN.

H.R. 871: Mr. FAWELL and Mr. MORAN.

H.R. 872: Mr. FAWELL, Mr. MORAN, and Mr. WILSON.

H.R. 873: Mr. MORAN.

H.R. 911: Mr. PETERSON of Minnesota, Mr. HEFNER, Mr. ROYBAL, Mr. TAYLOR of Mississippi, and Mr. GORDON.

H.R. 1124: Mr. YOUNG of Florida.

H.R. 1218: Mr. COLEMAN of Texas.

H.R. 1240: Mr. WALSH and Mr. BROWN.

H.R. 1251: Mr. MACHTLEY.

H.R. 1385: Mr. WILSON, Mr. LANCASTER, Mr. SERRANO, and Mr. MANTON.

H.R. 1414: Ms. DELAURO.

H.R. 1473: Mr. OBERSTAR and Mr. ROGERS.

H.R. 1495: Mr. LANCASTER and Mr. PRICE.

H.R. 1516: Mr. ROGERS, Mr. SPENCE, Mr. HANSEN, and Mr. RAHALL.

H.R. 1527: Mr. LIVINGSTON and Mr. BENNETT.

H.R. 1559: Mr. ENGEL.

H.R. 1565: Ms. SNOWE.

H.R. 1574: Mr. DORNAN of California, Mrs. COLLINS of Illinois, Mr. TOWNS, Mr. JEFFERSON, and Mr. COX of California.

H.R. 1575: Mr. COX of California, Mr. DORNAN of California, Mrs. COLLINS of Illinois, Mr. TOWNS, Mr. JEFFERSON, and Mr. CAMP.

H.R. 1677: Mr. BLAZ.

H.R. 1733: Ms. OAKAR.

H.R. 1771: Mr. GEJDENSON, Ms. OAKAR, and Mr. WOLPE.

H.R. 1774: Mr. MACHTLEY.

H.R. 1777: Mr. SCHEUER.

H.R. 1960: Mr. OWENS of Utah, Mr. GILLMOR, Mrs. BOXER, Mr. STAGGERS, Mr. ROYBAL, Mr. BILBRAY, Mr. BORSKI, Mr. MILLER of Ohio, Mr. FALEOMAVAEGA, and Mr. PAYNE of New Jersey.

H.R. 2056: Mr. RIDGE and Mrs. BENTLEY.

H.R. 2092: Mr. GEJDENSON, Mrs. MEYERS of Kansas, and Mr. SCHEUER.

H.R. 2248: Mr. SMITH of Texas, Mr. SABO, Mr. JAMES, Mr. ANDREWS of Maine, Mr. CLEMENT, and Mr. CRAMER.

H.R. 2267: Mr. BONIOR and Mr. RAVENEL.

H.R. 2336: Mr. CAMP and Mr. MARLENEE.

H.R. 2355: Mr. ENGEL.

H.R. 2390: Mr. FASCELL, Mr. HUGHES, and Mr. LIPINSKI.

H.R. 2559: Mr. ENGEL.

H.R. 2566: Mr. MARTINEZ and Mr. SANDERS.

H.R. 2598: Mr. HUCKABY, Mr. OWENS of Utah, and Mr. ANTHONY.

H.R. 2663: Mr. HORTON, Mr. PETERSON of Minnesota, Mr. KOLTER, Mr. BEILENSON, Mr. LANCASTER, Mr. MARTINEZ, Mr. HUGHES, and Mr. ROYBAL.

H.R. 2755: Ms. SLAUGHTER of New York, Mr. LAFALCE, Mr. MFUME, and Mr. GUARINI.

H.R. 2812: Mr. FALEOMAVAEGA, Mrs. UNSOELD, and Mr. COUGHLIN.

H.R. 2832: Mr. CARDIN, Mr. CARPER, Mr. GILCHREST, Mr. HENRY, Mr. HOYER, Mr. TALLON, Mr. TAUZIN, Mr. LAGOMARSINO, Mr. INHOFE, and Mr. YOUNG of Alaska.

H.R. 2840: Ms. PELOSI, Mr. SERRANO, and Mr. MFUME.

H.R. 2860: Mrs. BOXER.

H.R. 2863: Mr. ZELIFF.

H.R. 2872: Mr. MACHTLEY and Mr. MILLER of Washington.

H.R. 2890: Mr. PETERSON of Florida and Mr. KLECZKA.

H.R. 2912: Mr. GORDON, Mr. FROST, Ms. KAPTUR, Mr. JONTZ, Mr. LAFALCE, and Mr. RANGEL.

H.R. 2936: Mr. HALL of Ohio.

H.R. 2958: Mr. ZELIFF and Mr. GOSS.

H.R. 3071: Mr. LIPINSKI.

H.R. 3130: Mr. COUGHLIN, Mr. SKEEN, Mr. CUNNINGHAM, Mr. OXLEY, Mr. DANNEMEYER, Mr. SCHAEFER, Mr. LENT, Mr. CAMP, Mr. GALLO, Mr. INHOFE, Mr. EMERSON, Mr. LIVINGSTON, Mr. MILLER of Washington, Mr. FAWELL, Mr. SHAYS, and Mr. BLILEY.

H.R. 3164: Mr. BOUCHER and Mr. THOMAS of Georgia.

H.R. 3211: Mr. DWYER of New Jersey, Mr. STENHOLM, Mr. DINGELL, and Mr. BONIOR.

H.R. 3212: Mr. PETRI.

H.R. 3311: Mr. LANCASTER.

H.R. 3313: Mr. HOYER.

H.R. 3373: Mr. WYDEN, Mr. CARDIN, Mr. MILLER of Washington, and Mr. GILCHREST.

H.R. 3376: Mr. SANTORUM and Mr. ZELIFF.

H.R. 3380: Mr. DANNEMEYER, Mr. SUNDQUIST, Mr. LANCASTER, Mr. DOOLEY, Mr. PETERSON of Minnesota, Mr. JEFFERSON, Mr. RAHALL, Mr. MCMILLEN of Maryland, Mr. ROBERTS, Mr. LIPINSKI, and Mr. WILLIAMS.

H.R. 3393: Ms. KAPTUR.

H.R. 3409: Mr. PAYNE of New Jersey.

H.R. 3419: Ms. SNOWE.

H.R. 3438: Mr. PETRI.

H.R. 3440: Mr. PETRI.

H.R. 3441: Mr. PETRI.

H.R. 3475: Mr. RAVENEL, Mr. HAYES of Illinois, Mr. LAFALCE, Mr. RANGEL, Mr. LIPINSKI, Ms. PELOSI, and Mr. JEFFERSON.

H.R. 3476: Mr. SERRANO, Mrs. UNSOELD, Mr. MCNULTY, Mr. RAVENEL, Mr. JONTZ, Mr. HORTON, Ms. PELOSI, and Mr. JEFFERSON.

H.R. 3511: Mrs. COLLINS of Illinois, Mr. PETERSON of Minnesota, Mr. HAYES of Illinois, Mr. JONTZ, Mr. LANTOS, Mr. LAROCCO, Mr. BERMAN, Mrs. UNSOELD, Mr. COLEMAN of Texas, Mr. WOLPE, Mr. TORRES, Mr. LIPINSKI, and Mr. JEFFERSON.

H.R. 3515: Mr. GINGRICH, Mr. LANTOS, Mr. WILSON, Mr. YOUNG of Alaska, Mr. GLICKMAN, and Mr. BREWSTER.

H.R. 3516: Mr. HERGER.

H.R. 3528: Mr. ANDREWS of Maine, Mr. LAFALCE and Mr. MORAN.

H.R. 3538: Mr. BRUCE, Mr. EVANS, Mr. COSTELLO and Mr. POSHARD.

H.R. 3553: Mr. MCCLOSKEY, Mr. MOODY and Mr. MCNULTY.

H.R. 3555: Mr. KOSTMAYER, Mr. AUCOIN, Mr. DUNCAN, Mr. WALSH, Mr. SHAYS, Mr. FAWELL, Mr. POSHARD and Mr. SANDERS.

H.J. Res. 14: Mr. VANDER JAGT.

H.J. Res. 22: Mr. BALLENGER.

H.J. Res. 177. Mr. SHAW, Mr. NAGLE and Mr. MOODY.

H.J. Res. 198: Mr. FUSTER, Mr. BAKER and Mr. MILLER of Ohio.

H.J. Res. 228: Mr. TOWNS, Mr. SOLARZ, Mr. HUTTO, Mr. JONES of North Carolina, Mr. SAWYER, Mr. BRUCE, Mr. MORAN, Mr. HENRY, Mr. SLAUGHTER of Virginia, Mr. NATCHER, Mr. WASHINGTON, Mr. NEAL of Massachusetts, Mr. BERMAN and Mr. SCHUMER.

H.J. Res. 261: Mr. ANTHONY, Mr. BILBRAY, Mr. CALLAHAN, Mr. CHAPMAN, Mr. BRUCE, Mr. COSTELLO, Mr. CRAMER, Mr. DARDEN, Mr. DWYER of New Jersey, Mr. FORD of Michigan, Mr. GEREN of Texas, Mr. GILCHREST, Mr. GORDON, Ms. HORN, Mr. KANJORSKI, Mr. LEHMAN of California, Mr. MANTON, Mrs. MINK, Ms. OAKAR, Mr. OLIN, Mr. SCHUMER, Mr. SIKORSKI, Mr. STARK, Mr. STENHOLM, Mr. VANDER JAGT, Mr. WISE, Mr. ANNUNZIO and Mr. SMITH of Iowa.

H.J. Res. 293: Mr. DE LA GARZA.

H.J. Res. 312: Mr. HAYES of Illinois, Mr. SANGMEISTER, Mr. RINALDO, Mr. BUNNING, Mr. CARDIN, Mr. HATCHER, Mr. SARPALIUS, Mr. SCHAEFER, Mr. YOUNG of Florida, Mr. MURPHY, Mr. CALLAHAN, Mr. HALL of Texas, Mr. COSTELLO, Mr. WILSON, Mr. ROE, and Mr. WASHINGTON.

H.J. Res. 321: Mr. ACKERMAN, Mr. APPLEGATE, Mr. DOWNEY, Mr. DAVIS, Mr. FORD of Tennessee, Mr. GILMAN, Mr. HAMILTON, Mr. HATCHER, Ms. HORN, Mr. HUNTER, Mr. HUTTO, Mr. JONES of Georgia, Mr. JONES of North Carolina, Mr. JONTZ, Mr. JOHNSTON of Florida, Mr. KANJORSKI, Mr. KENNEDY, Mr. LEWIS of Florida, Mr. LOWERY of California, Mr. MATSUI, Mrs. MINK, Mr. MINETA, Mr. MFUME, Mr. MCGRATH, Mr. NEAL of Massachusetts, Mr. PAXON, Mr. POSHARD, Mr. RAVENEL, Mr. RIGGS, Mr. ROYBAL, Mr. SAVAGE, Mr. SAWYER, Mr. SPRATT, Mr. STOKES, Mr. TALLON, Mr. TRAXLER, Mr. SCHEUER, Mr. FISH, Mr. MCCOLLUM, Mr. WAXMAN, Mr. YATRON, Mr. MILLER of Washington, Mr. MACHTLEY, Ms. PELOSI, Mr. PAYNE of Virginia, Mr. HASTERT, Mr. MAVROULES, Mr. SAXTON, Mr. MORAN, Mr. MOORHEAD, Mr. YOUNG of Alaska, and Mr. MARKEY.

H.J. Res. 324: Mr. NEAL of Massachusetts, Mr. IRELAND, Ms. MOLINARI, Mr. PAXON, Mr. RAVENEL, Mr. DEFAZIO, and Mr. COUGHLIN.

H.J. Res. 335: Mr. RIGGS and Mr. RAMSTAD.

H.J. Res. 340: Mr. CLAY, Mrs. LOWEY of New York, Mr. SANDERS, Mr. WHEAT, Mr. KENNEDY, Mr. BEILENSON, Mrs. UNSOELD, Mr. FLAKE, Mr. MCCLOSKEY, Mr. GOODLING, Mr. ORTIZ, Mr. BILIRAKIS, Mr. KOSTMAYER, Mr. DE LA GARZA, Mr. SAWYER, Mr. KASICH, Mr. MORAN, Mr. SHAW, Mr. STEARNS, Mr. BATEMAN, Mr. FROST, Mr. DURBIN, Mr. GILLMOR, Ms. PELOSI, Ms. OAKAR, Mr. LEWIS of Florida, Mr. POSHARD, Mr. SWETT, Mr. ANDREWS of Maine, Mr. SHARP, Mr. DWYER of New Jersey, Mr. SCHUMER, Mr. BROWDER, Mr. BROWN, Mr. ASPIN, Ms. COLLINS of Michigan, Mr. AUCOIN, Mr. DIXON, Mr. MCNULTY, Mr. HORTON, Mr. LEWIS of Georgia, Mr. SMITH of New Jersey, Mr. EWING, Mr. CARR, Mr. CARDIN, Mr. DANNEMEYER, Mr. HOBSON, Mr. HAYES of Louisiana, Mr. DARDEN, Mr. SABO, Mr. WASHINGTON, Mr. ROHRABACHER, Mr. WAXMAN, Mr. BREWSTER, Mr. WEISS, Mr. MACHTLEY, Mr. PAYNE of Virginia, Mrs. MINK, Mr. PALLONE, Mr. ROEMER, Mr. DOOLEY, Mr. ABERCROMBIE, Mr. COX of Illinois, Mr. SANGMEISTER, Ms. SLAUGHTER of New York, Mr. ECKART, Mr. CHAPMAN, Mr. LUKEN, Ms. WATERS, Mrs. KENNELLY Mrs. MORELLA, Ms. DELAURO, Mr. PETERSON of Florida, Mr. MONTGOMERY, Mr. HOYER, Mr. JACOBS, Mr. SCHAEFER, Mr. VALENTINE, Mr. PORTER, and Mr. SMITH of Texas.

H. Con. Res. 188: Mr. ZELIFF and Mr. BATEMAN.

H. Con. Res. 212: Ms. OAKAR, Mr. JEFFERSON, Mr. LIPINSKI, Mr. BROOMFIELD, Mr. CUNNINGHAM, Ms. SLAUGHTER of New York, Mr. ROHRABACHER, and Mr. COX of California.

H. Con. Res. 215: Mr. SWETT and Mr. PETERSON of Florida.

H. Res. 116: Mr. SABO, Ms. MOLINARI, Mr. SKAGGS, and Mrs. KENNELLY.

H. Res. 234: Mr. YOUNG of Florida, Mr. ZELIFF, and Mr. BLILEY.

H. Res. 244: Mr. POSHARD, Mr. BEREUTER, Mr. LUKEN, Ms. NORTON, Mr. GILMAN, Mr. GUARINI, Mr. MCCLOSKEY, Mr. SANGMEISTER, Mrs. MEYERS of Kansas, and Mr. BATEMAN.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H. Res. 194: Mr. BENNETT.

EXTENSIONS OF REMARKS

WETLANDS PROTECTION

HON. WAYNE T. GILCHREST

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 17, 1991

Mr. GILCHREST. Mr. Speaker, I am glad the two subcommittees are holding this hearing on this important and controversial issue.

Most of us support the President's goal of no net loss of the Nation's wetlands. Achieving the goal fairly and effectively is proving to be difficult, but it can and must be done. We can protect wetlands and still sustain economic growth and development.

Everyone agrees that the administration and enforcement of section 404 needs to be improved, a subject that the Congress is considering as part of the Clean Water Act reauthorization.

Wetlands of all kinds are vital to the achievement of the goals of the Clean Water Act. Wetlands provide our country with natural flood and erosion control, water purification, outdoor recreation, and fish and wildlife habitats.

I personally know the values of wetlands because my district, Maryland's first, surrounds the Chesapeake Bay. The bay's health and bounty depend on vital, functioning wetlands.

To have any success in a Federal wetlands program we must first establish the facts regarding what wetlands are and where they are located. Before any legislation can go forward, we have to be assured that these facts are as accurate and unbiased as possible. We must rely, primarily, on scientists and scientific data to define and delineate wetlands, how they function, and what functions and values they provide to our ecosystems.

Legislatively, Congress needs to articulate an effective wetlands program, building on what has already been done. The essence of such a program is to encourage and, in some instances, require land owners and developers to sit down with public officials to determine the best ways to reduce wetlands losses. Such a program must be based on sound scientific data. It must be administered efficiently and fairly without unnecessary and arbitrary delays.

I strongly support the general permit authority that allows States and localities to fashion wetlands programs that meet Federal guidelines. The diverse lands of this country require flexible practices to achieve common wetlands goals. Ideally, regulatory discretion should be allowed to take place on a regional basis through a partnership between the State and Federal Government.

The State of Maryland has streamlined the administration of the wetlands program to make it more predictable and expedited. Currently, Maryland serves as a nationwide example of an efficient wetlands management program.

In addition, the Army Corps must have adequate funding and staff. We should also expand the economic incentives to encourage protection of wetlands.

I have introduced H.R. 3492, the Wetlands Improvement Act of 1991, because I believe we must improve the administration of the wetlands program, codify certain other aspects of the program and obtain further scientific evaluation of the values and functions of prior converted croplands.

Regarding the revisions to the 1989 manual, I concur with the comments of the State of Maryland contained in its letter of October 7, 1991, offering its position on the proposed revisions. Maryland officials call for substantial refinement of the revisions. They base their lack of support for implementation of the revisions on the results of rigorous field testing of the revisions at 18 sites in 11 counties, occurring in all physiographic regions of the State of Maryland. They also had grave technical, administrative, and editorial concerns with the proposed revisions.

Maryland's findings and conclusions and other early scientific evaluation and field testing indicate that these revisions are more costly and time consuming to use than the current ones, are confusing, are difficult to use, substantially raise the complexity of the delineation process, contain technical inaccuracies and exclude much wetlands now covered by the section 404 regulatory program.

While I support some midcourse corrections to the 1989 manual, the proposed revisions go beyond sound science and policy. The criteria for hydrology and vegetation severely compromises the scientific integrity of Federal wetlands delineation procedures. The proposed manual's treatment of "exceptions" is an additional concern, for if these areas are excluded, many millions of acres of wetlands will be removed from Federal jurisdiction.

Temporary and seasonal wetlands—those not wet year-round—also function as wetlands performing vital ecological services. But under the proposed revisions, these systems would become available for unregulated development.

The proposed revisions are not consistent with the National Wetland Inventory [NWI] mapping effort conducted by the U.S. Fish and Wildlife Service since the late 1970's. The revised manual proposes a more cumbersome and costly method for delineating vegetation. It requires a "prevalence index" rather than the more commonly used methodology known as dominance. It takes much more time.

The scientific basis for the 1989 manual remains sound. Some changes may be necessary but they deal with application in the field, not the basic science. The 1989 manual should be improved by clarifying when and how certain indicators at the site can be used to demonstrate wetlands hydrology, soils, and vegetation. But rather than clarifying the determination, the proposed revisions eliminate the usefulness of the indicators.

In conclusion, we need further scientific evaluation and field testing of not only the revised manual but also other proposals before Congress such as classification of wetlands, mitigation banks, and prior converted croplands. This evaluation and testing should be done immediately, given top priority in its completion and be a cooperative effort of all interested parties with full opportunity for input. It should include, as its centerpiece, a review by the National Academy of Sciences before proposed revisions to the manual are adopted or major wetlands legislation is enacted.

There is one last point I would like to make. I read the book "Turning the Tide—Saving the Chesapeake Bay." by Tom Horton. It was just released. It contains some excellent research and analysis of the functions and values of wetlands and nontidal wetlands. I recommend it to Members and staff.

NATIVES' SURVIVAL ISN'T DISNEY FILM

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 17, 1991

Mr. YOUNG of Alaska. Mr. Speaker, I would like to submit for the RECORD, an article which appeared in the September 1 edition of the Alaska News Miner's, Heartland magazine. The article is titled "Natives' Survival Isn't Disney Film," written by Elise Sereni Patkotak.

The Senate is scheduled to take up energy legislation later this week. Oil exploration and development in ANWR is a primary provision of the legislation. At the center of the debate are the Inupiat people from the North Slope of Alaska, the area under consideration for exploration and development. The Inupiat people are stewards of the land and they know the land best. For centuries, they have used the Earth's resources, whether it be trees, minerals, seals, whales, bears, oil, caribou, or the like. They will continue to do so because they depend on the resources for survival.

NATIVES' SURVIVAL ISN'T DISNEY FILM

Having grown up as a very definite Bambi lover, it was difficult for me when I first came to Barrow to understand the hunting mentality. I had never grown up around guns and the only time I saw blood on an animal was when the steaks were being grilled.

After many years in the Arctic, I can honestly say that while I still would have trouble actually killing something, I do have a great respect and understanding for what it takes to survive in this world. And part of what it takes for life to survive here is for other life to die. That's nature as reality and not a Disney fantasy.

The Inupiat have hunted on the North Slope for thousands of years. They have no illusions about the pain involved in survival. When you kill an animal for survival you become close to that animal in many ways.

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

You understand and respect its way of life while knowing that for the most part you will spend your lives in an adversarial relationship.

Many well-intentioned people who have little knowledge of the price of Arctic survival tend to romanticize not only the animals and land, but also the people who inhabit it. They think of the Inupiat as some poor and noble savage who managed to inhabit this land for millennia without ever touching it.

They fantasize that somehow the Inupiat survived while floating across the tundra about 2 feet off the ground leaving no footprints or marks. They envision a culture that killed without blood or pain.

But the Inupiat did touch this land. They used its resources to survive. They left their footprints. And they were intimate with the pain and blood of death as they struggled to feed and clothe their families.

They respected the need to use it wisely so that it would be there for the future. The key here is to understand that their respect for it was based on its use to their survival.

As the debate about ANWR continues, many outsiders find themselves horrified at the thought that some Inupiat are actually in favor of drilling. This goes against all they believe about the noble savage living in peace and harmony with the land while music swells in the background and sunsets stay eternally stunning.

What they fail to understand is that the Inupiat culture is a living, evolving organism. The outside world invited itself in to the home of the Inupiat and took what it needed. Along the way, the Inupiat learned the ways of the world and adopted some of its advances.

Where once the land supported them through its game, they now see the potential for the land to also support them through its oil and gas riches. Where once their needs were for polar bar skin leggings and caribou skins, they now need the money that will continue to buy health care and housing for their people.

They have not changed their basic attitude toward the land. It is still an attitude of respect and a desire to keep it in such a manner that it will be there for the future. But the basis for this attitude is the use of the land for the betterment of the people here.

Whether you agree with the development of ANWR or not, people need to understand and respect the fact that Native people are real—not some cartoon fantasy of Adam and Eve before the fall. They have real needs and the land is the resource they have to meet those needs. They rightfully resent the idea that self-determination exists only to the extent that someone from 5,000 miles away allows.

The television show "Northern Exposure" recently had an episode in which some Indians wanted to buy a piece of land for the purpose of drilling for oil. The white lady who owned the land was at first thrilled that the Indians wanted to buy it. She assumed they would preserve it in this pristine state and make of it the game reserve she wanted.

She was horrified to find out their true plan. She made the all too common mistake of seeing a fantasy and not the reality of people living and surviving in the 20th century. Native Americans are no different from you and me when it comes to the desire to care for their families. They will continue to turn to the land to do this in whatever way the land can help them most.

JOSEPH DOHERTY GETS HIS DAY IN COURT

HON. THOMAS J. MANTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 17, 1991

Mr. MANTON. Mr. Speaker, yesterday, the Supreme Court heard oral arguments in the case of Immigration and Naturalization Service versus Joseph Patrick Doherty. Mr. Doherty is an Irish national who has been held in U.S. prisons for 8 years without being charged with or convicted of any crime in the United States.

The Justice Department has asked the Court to deny Mr. Doherty the right to reopen his request for political asylum despite rulings by the Justice Department's own Board of Immigration Appeal and the U.S. Court of Appeals for the Second Circuit ordering such a hearing. To accomplish this goal, they have asked the Court to grant the Attorney General unlimited discretion in denying an individual's request for political asylum.

I am proud that more than 130 of my colleagues joined me in an amici curiae brief on Mr. Doherty's behalf. In our brief, we argued that the Refugee Act of 1980 was designed to ensure all refugees, regardless of their country of origin, equal treatment under the law.

Mr. Speaker, Congress passed the Refugee Act to limit the discretion of the executive branch and to guarantee asylum seekers the right to a full and fair hearing on the merits of their claims. Mr. Doherty is entitled to a hearing. I urge the Court to carefully consider the arguments presented in the congressional amici brief.

Mr. Speaker, I ask unanimous consent that the names of all the signatories to the amicus brief be entered into the RECORD at this point.

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HOWARD COUNTY COUNCIL TO HONOR VETERANS

HON. BENJAMIN L. CARDIN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 17, 1991

Mr. CARDIN. Mr. Speaker, on October 21, at 7 p.m., the Howard County Council of Maryland will honor more than 100 Howard County veterans who served their county in Desert Storm. I applaud the council for its leadership in expressing the pride we all feel in these soldiers' heroic efforts in the Persian Gulf.

These patriotic men and women risked their lives to resist aggression in the Persian Gulf. Many of them left behind their families and their jobs at a moment's notice to answer their country's call. Some did not return. I am proud to join Chairman C. Vernon Gray and the members of the county council in honoring these veterans who made Howard County's contribution to our Nation's effort to remove Saddam Hussein's forces from Kuwait.

Support Our Troops, a support group for servicemen and women and their families, deserves our thanks for the work they have done in making us aware of the hardships faced by the families of the troops. The war was not only tough on the soldiers who fought for our country, but on the family members and friends who stayed behind. For this reason the ceremony is dedicated to them as well.

Howard County and the Nation want to say a heartfelt thanks to all of our returning troops. I am proud to represent these brave and courageous service people.

A TRIBUTE TO SEUMAS MacNEILL

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 17, 1991

Mr. LAGOMARSINO. Mr. Speaker, I rise to pay tribute to Mr. Seumas MacNeill, the principal of the College of Piping in Glasgow, Scotland. Mr. MacNeill has run a school which has taught the art of Scottish bagpiping to thousands of pupils from many parts of the world and has thus kept alive a unique part of Scotland's musical heritage.

For the past 19 summers, MacNeill has been the principal and teacher of the California Summer School of Piping in Idyllwild, CA.

MacNeill, a physicist by profession who has taught at the University of Glasgow, founded the College of Piping in 1945. MacNeill is regarded as one of the foremost experts of piping, claiming most of the important awards in the art. He is an excellent teacher, the editor of Piping Times, a monthly magazine printed by the college, and has published very successful piping books on piobaireachd—the classical music for the Great Highland bagpipe.

Seamus MacNeill has been a leader in both preserving and promoting a unique part of Scotland's musical heritage, and indeed of the world's culture. Deservedly, he has been congratulated and praised by many prominent people, including President Reagan, for his contributions at the summer school in Idyllwild, CA. On April 16, 1991, MacNeill was recognized for his efforts and devotion when he was placed on the Order Paper of the House of Commons, London, England, by Michael J. Parkin, M.P. This order was signed by 64 members of various parties.

Mr. Speaker, I want to publicly acknowledge and thank Mr. MacNeill for his dedication and contributions he has made not only for bagpiping enthusiasts but also for all who enjoy the distinct and historic piping sound.

AN EARLY DAY MOTION 712: COLLEGE OF PIPING

That this House congratulates Mr. Seumas MacNeill, the Principal of the College of Piping, who has for 45 years run a college which has taught the art of Scottish bagpiping to thousands of pupils from many parts of the world and has thus kept alive a unique part of Scotland's musical heritage; and, in order to allow the college to flourish, urges the Government to give moral and financial support to this worthwhile institution so that future generations can avail themselves of the art of piping.

PRESIDENT BUSH'S JOBLESS BENEFIT VETO

HON. ALBERT G. BUSTAMANTE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 17, 1991

Mr. BUSTAMANTE. Mr. Speaker, my colleagues, Representatives BOB WISE and VIC FAZIO scheduled time under special orders on Tuesday, October 15, so that some of us could talk about the recession in America and what we in the majority party of Congress are trying to do to help the victims of this economic downturn. Unfortunately, my schedule required me to be elsewhere in the Capitol complex, and I was unable to participate in the discussion. I would like to take this opportunity to present my views on this problem which is presenting a tremendous hardship for many American families.

While the White House continues to debate the question of whether the American economy is in a recession, many American workers, newspaper editors, and economists agree that the economy is weak and that unemployment in the country is a problem and has the potential of becoming a bigger problem next year.

I'd like to call my colleagues' attention to two articles written by the Washington Post's economic reporter, Hobart Rowan. In these articles, Mr. Rowan cites a forecast by the U.S. Chamber of Commerce—which is, he notes, hardly a liberal institution. The chamber projects little growth in the third quarter of this year, with another recession following in the final quarter of this year and the first quarter of 1992. The chamber further projects a growth rate of less than 2 percent for all of 1992 and a rising unemployment rate, "which would hit 7.6 percent in mid-1992."

These articles dispute the assertion made by President Bush on October 11 that the economy is "strengthening." The comments of Mr. Rowan, Larry Hunter of the chamber of commerce, and Charles Schultz of the Brookings Institution indicate little confidence in future economic performance.

Each month hundreds of thousands of jobless workers leave the unemployment rolls because they have exhausted their benefits. However, corporate chieftains like Steven J. Ross, chairman of Time-Warner, Inc., who rakes in more than $80 million in salary "and other forms of benefits" while laying off 600 people this year, are able to line their pockets. As Richard Cohen, another Post writer, pointed out recently, the only class of Americans benefiting from current economic conditions are the corporate elite. The President looks the other way when corporate America pays itself excessive salary and benefit packages and rewards poor management with millions of dollars in golden parachutes. Yet, he is quick to denounce the majority in Congress who support a bill that will help millions of unemployed middle Americans pay their mortgages, rent, food, and medical bills.

The victims of this economic squeeze are the over 8 million unemployed Americans. In the past 6 months, more than 1.8 million people have exhausted their unemployment benefits, and the majority of them remain out of work and without jobless benefits. These are the people that we as Democrats have tried to help, but we've met resistance every step of the way from the Bush administration. Last Friday, the President threw another impediment in our efforts when he vetoed the unemployment bill.

That bill would have given 500,000 unemployed Texans an additional 7 weeks in unemployment benefits. It would have given another 68,000 unemployed Texans who have exhausted their benefits 7 additional weeks of benefits. But the President has denied them that small measure of assistance.

I would like to remind the American people that this is the second extended unemployment insurance bill Congress has passed. The first bill we passed in July was never invoked because the President refused to declare an emergency under the terms of the Budget Act. Every time Congress has tried to do something about the unemployment situation in America, President Bush has responded with a thumbs down.

The President has said he prefers the unemployment insurance bill sponsored by Senator ROBERT DOLE. The Dole bill differs from the bill Congress passed October 1. Under the formula established under the Dole bill, only six States would be able to extend benefits to jobless Americans who have exhausted their benefits. Under the Dole proposal, Texas, the President's home State, would not qualify for reach back benefits.

Hobart Rowen was right when he concluded that the President hasn't been minding the store when it comes to taking care of our own. With the Senate's failure to override the President's veto of the jobless benefits bill, let me assure the millions of jobless Americans that we won't give up on our efforts to help ease the situation in which they find themselves. We remain committed to helping the victims of this recession and their families. If we can't persuade the White House to join us, then we'll continue to take our case to the American people.

[From the Washington Post, Oct. 13, 1991]

SO WHERE'S THIS ALLEGED RECOVERY?

(By Hobart Rowen)

Denial of reality is a self-inflicted danger—whether it relates to one's personal health or to signs of weakness in the economy. For the past year, the Bush administration has looked the other way at clear-cut signals of an economy struggling to keep its head above water, with the result that the "recovery" officials have been touting can't be distinguished from recession.

Economist Lawrence Chimerine, a consultant to major corporations, told me he is stunned by the pessimism among most of his clients, based on bad results for August and September. More layoffs, rather than rehires, are in the offing.

"There's no strength anywhere in the economy, not even in manufacturing and housing that had seemed to pick up in the spring," Chimerine said.

"The fundamental point is that most [analysts] mistook this as an oil-shock recession. It goes beyond that. The economy has been weak for three years—reflecting structural problems of the '80s—and we're paying for it now. You can't keep the economy going forever by building empty office buildings and Patriot missiles."

Yet President Bush has scrambled to identify every scrap of "good news" as proof that the nation is back on track to the boom that technically lasted until mid-1990 but that actually began to run out of gas two years earlier.

More recently, Bush has been forced to acknowledge that—gosh—"all is not well."

On a CNN talk show, consumer advocate Ralph Nader warned, "We've got hunger, homelessness, poor housing—a lot of the basic needs of an economy are not being met. But the entertainment industry is doing great. . . .

"You just look in the health insurance area as a segment of our economy, and see what's happening, not just to the poor, but to the middle class, millions of whom are now paying more for health insurance than food. And [they are] afraid to change their jobs because the new [insurance] policy doesn't cover preexisting conditions . . ."

For the first time, insiders say, Bush is asking his economic aides some pointed questions, having finally made the connection between an economy likely to be stagnant in mid-1992 and the impact that continued below-par performance could have on his reelection chances.

In emergency meetings with his Economic Policy Council recently, Bush has been more attentive to what he hears from Commerce Secretary Robert A. Mosbacher, Labor Secretary Lynn Martin, and Housing and Urban Development Secretary Jack Kemp.

In the "denial" period, sources report, Treasury Secretary Nicholas F. Brady, Budget Director Richard G. Darman, Economic Council Chairman Michael J. Boskin and chief of staff John H. Sununu assured the president that the recession would be over by mid-1991. In effect, they counseled him: Sit tight and don't do anything dramatic.

But a new forecast by the United States Chamber of Commerce—hardly the most radical institution in America—puts a grim face on prospects, echoing Chimerine's observations. It predicts the third quarter will show scanty real growth and then a return to recession—the "double dip"—in the final quarter of this year and the first quarter of 1992.

For all of 1992, the growth rate would be less than 2 percent, deepening the budget deficit and resulting in a rising, rather than falling, unemployment rate, which would hit 7.6 percent in mid-1992. But suppose the chamber is too pessimistic and that there is no second dip into recession in the six-month period that began on Oct. 1 because economic growth rates are marginally positive instead of marginally negative?

It doesn't make any difference. Economic activity a hair this way or that way around zero amounts to further economic stagnation.

Chamber economist Larry Hunter said that even if the unemployment rate next year is a full point below the organization's current estimate, "it will be too high for the administration to defend. We need to see the unemployment rate come down steadily over the next nine months [from the current 6.7 percent], and I don't see that happening."

Hunter thinks that Bush had an opportunity six to nine months ago to seize the high ground—both in an economic and political sense—by initiating a reasonable program for extended unemployment benefits, coupled with the demand that the Democrats support him with a pro-growth program, including tax cuts for middle-income groups. He could have use the "emergency" safety-valve allowed by last year's budget deficit agreement.

Failure to act was a major blunder, and some in the administration say they gave the president fair warning. "I think that all too many blue-chip [private] economists and White House economists have been overly optimistic about the recovery," Kemp told me. "They have not seen how the collapse of real estate values and [dangers to] financial institutions have prevented a more positive recovery. What recovery we have is anemic at best."

What—if anything—can produce a real recovery? The pros and cons of various recovery proposals will be examined in my next column.

[From The Washington Post, Oct. 15, 1991]

WHAT WILL GET THE ECONOMY MOVING?

(By Hobart Rowen)

As disappointments over the economy multiply, President Bush is desperately searching for a new approach. But he hasn't done more than jawbone the Federal Reserve Board into pumping cheaper money into the economy, and demand that bankers get off their backsides and lend money more freely.

And, after being pushed by a more generous Democratic proposal, Bush has been forced to say he would sign a token extension of unemployment benefits proposed by Capitol Hill Republicans. Until the past few days, the White House view was that unemployment would be no worse then 6.5 percent to 6.7 percent at the peak of the 1992 campaign, and as long as the jobless rate began trending down, Bush wouldn't be hurt politically.

"After all, that means that more than 93 percent of the labor force has jobs," said a White House insider.

Putting aside the cynical, inhumane aspect of that judgment, if a new forecast by the Chamber of Commerce of the United States is right (and they've been pretty accurate all along) the unemployment rate in mid-1992 is likely to top the 7.6 percent level unless Bush takes the leadership in establishing a more aggressive recovery program.

Those who tut-tut current unemployment rates reported by the Bureau of Labor Statistics forget two things: First, the real rate is higher, because so many workers have quit searching for jobs, or have taken part-time work in desperation. And second, even those who retain jobs don't spend money freely, wondering if they will be caught in the next wave of layoffs.

Earlier in 1991, Bush could have sought a coalition with the Democrats to propose a number of stimulants, including a middle-income tax break with a safety net package, invoking the "emergency" provision of the budget deficit agreement. It would have been first-rate politics and economics.

But Bush's timid group of advisers told him to hold off, and thereby handed the unemployment issue to the Democrats on a silver platter. It took the Democrats some time to wake up, but they finally got their act together and initiated legislation extending unemployment benefits.

Stubbornly, Bush refused to go along, and his economic advisers hammered away at the need for lower interest rates: they had no other policy, pleading the constraints of the 1990 budget package.

Interest rates did come down significantly but didn't pump up the economy. The White House blames the regulators for being too tough and bankers for being too cautious. But it takes two to tango: The demand for loans, from consumers and business, has been weak even at the lower interest rates now in effect.

Can anything—to paraphrase Jack Kennedy—get the economy moving again? The Chamber proposes not only lower interest rates and a cut in taxes (including the capital gains tax), but easing new regulations, symbolized by the Clean Air Act, that it believes divert money from constructive investments.

Brookings Institution economist Charles Schultze points out that interest rates are still historically high, "so there's more room for them to come down." But he would move only slowly to unravel the budget package, and would raise taxes to finance education and other civilian needs.

Schultze cites the need to look past the current imbroglio on unemployment insurance and tackle some of the underlying weaknesses in the economy that will correct "the real tragedy"—the fact that the U.S. economy has grown almost not at all in the past 15 years, with the bottom half of the population actually losing ground.

Jack Albertine, formerly with the congressional Joint Economic Committee and now a private economic consultant, agrees with Schultze on the depth of the problem but not on raising taxes. Without sharply lower interest rates, Albertine sees no chance to revive the housing sector, always a key to economic recovery. He advocates moving as expeditiously as possible to cut defense spending, applying some of the savings to reducing the deficit but allocating a good share to relief of the hard-pressed middle-income sector. He would cut taxes and restore Individual Retirement Accounts.

But Lawrence Chimerine of DRI-McGraw Hill, a national business advisory firm, believes that lower interest rates, while having a cushioning effect, can't generate a recovery. "There is very little the Fed or anybody else can do about the mess we're in," Chimerine says. "Our real problems are long-term in nature."

He would tackle the problem of boosting productivity—hence competitiveness—by an investment tax credit of as much as 20 percent—but only for new projects. He favors cutting defense spending, but observes that there is little short-term bang for the buck in that approach.

Clearly, there is room for debate on precisely how to proceed to encourage recovery. Chimerine and some others see stagnation ahead for years. It's Bush, not any banker, who needs to get off his duff. There is a tendency in the White House to blame everybody else for the recession—the Democrats, the Fed, the bankers, the regulators, Saddam Hussein, even consumers. In reality, there's only the president: He hasn't been minding the store.

[From the Washington Post, Oct. 9, 1991]

TEMPEST IN A TELLER'S CAGE

(By Richard Cohen)

Having virtually given up on television, I cannot tell you if Johnny Carson or "Saturday Night Live" had a field day with the congressional bank scandal, but I suspect they did. I know the press did, since every morning I peruse the newsstands and dip into three or four newspapers. Some of the mightiest organs in the land harrumphed their objection: Bouncing checks is not nice.

Oh, what guts! Here was the free press in all its glory—newspaper and television editorials in denunciation, radio talk-show hosts spewing indignation, the people rising (as if one, etc.) until, to the strains of the score of "Les Miserables," the House of Representatives of the United States of America closed its little bank and democracy was restored to the land. Or something like that.

My cynicism, deeply and religiously felt, should not lead you to conclude that I am in favor of bouncing checks—although like you, dear reader, I have done so in my time. Nor, while we're at it, do I favor the nonpayment of restaurant bills. But I would like to point out in the matter of the bank that no taxpayer money was involved. The rubber checks, some 8,000 in a single year, were covered with funds on hand—the funds, in fact, of other members of Congress. It's those guys, the ones who did not bounce checks, who were the patsies of this operation. They were putting up loan money for their colleagues and not earning a cent in interest.

But in terms of public indignation, compare the House Bank scandal with what is happening almost daily elsewhere in America. Recently, for instance, I assassinated the character of Steven J. Ross, the chairman of Time-Warner Inc., for taking almost $80 million in salary and other forms of compensation last year—and laying off 600 people this year. As columns go, that one was a hit—a 7.8 on the Richter scale of phone calls, letters and favorable mention at lunch. Then it was used to carpet bird cages throughout the land and, in colder climes, to kindle fires.

Here is what did not happen: No member of the House rose before the television cameras and denounced Ross for selfishness. No congressman put a paper bag over his head or in some other way tried to dramatize how unaccountable the American business elite has become—unaccountable to its workers anyway or, if you will, propriety itself. Few if any editorialists worked themselves into a lather about the newly fired or, to be quaint about it, suggested that not everything that makes or saves a buck is moral.

Something weird has come over this country. It's as if almost everything that transpires in the private sector—unless it's plainly illegal—is beyond criticism as long as it's tied to making a profit. At the same time, almost everything in the public sector that concerns money is either a scandal monumentally blown out of proportion or is presented as yet another attempt by government to pick the taxpayer's pocket. Just recall John Sununu, the unpleasant and somewhat arrogant White House chief of staff. He was wrong to take a limo to New York. But was he banner-headline wrong?

Eight years of Ronald Reagan has taken its toll. The country is still in an anti-government snit. There was near bloodshed in Connecticut over a pending income tax. But where is the indignation about infant mortality in the ghetto or leaking roofs in certain public schools? A wariness toward government is always healthy. But the good that government does is also a part of the picture—and that almost never gets any ringing defense. If, for some reason, all sorts of evil and greed can be pardoned under the rubric of "maximizing profit" or some such lie, then it seems "attempting good" ought to count for something.

I am open to the suggestion that when countless people pay so much attention to so trivial a matter as the House private bank then government ought to pay attention: the natives are restless. But if they are, then some of that restlessness has to be blamed on politicians themselves, particularly the cheap-shot artists who daily parade before the television cameras for the people back home. These people, many of them new members, seem to have no loyalty to their own institution and no pride in their own profession. It makes you wonder why they chose politics and the House in the first place.

Kiting checks is bad. Dead-beating restaurants is also bad. But, truly, the perks enjoyed by a member of Congress are nothing compared with those enjoyed by corporate executives—some of whom do far more damage than almost any congressman on a bad day. Yet, we have punishing contempt for politicians and either awe or indifference for businessmen. Little wonder businessmen have so little awe for politicians and so much contempt for us.

LETTER FROM U.S. TRANSPORTATION SECRETARY SAM SKINNER

HON. C. CHRISTOPHER COX

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 17, 1991

Mr. COX of California. Mr. Speaker, this week my Public Works and Transportation Committee completed markup of the Intermodal Surface Transportation Infrastructure Act of 1991. The current version of the bill deletes the so-called nickel for America tax increase that would have funded, among other projects, billions of dollars of unnecessary special demonstration projects. In this and other ways, the bill is a significant improvement. Nonetheless, several features of the current bill have prompted serious objections from the Bush administration. For the RECORD, I submit the following letter from U.S. Transportation Secretary Sam Skinner:

THE SECRETARY OF TRANSPORTATION,
Washington, DC, October 15, 1991.

Hon. ROBERT A. ROE,
Chairman, Committee on Public Works and Transportation, House of Representatives, Washington, DC.

DEAR CHAIRMAN ROE: Your Committee is about to mark up a revised "Intermodal Surface Transportation Infrastructure Act of 1991." We had hoped you would address the many serious concerns that we had expressed about the original bill, but, after examining the substitute bill, I am disappointed to find that you have not responded to the serious problems we had identified.

The very title of the Committee's bill hints at the objective of the legislation and hence the standard by which it must be judged: Does it correctly focus and adequately fund infrastructure investment? In our view, it does not.

You have deleted your proposal for a five-cent gas tax increase in the substitute bill, but otherwise you continue the most serious problems of the original bill.

Half of last year's gas tax increase, which was intended to be temporary, will be extended for an additional four years, largely to fund special interest projects and other programs that should be reduced or eliminated. Higher priority infrastructure needs will go underfunded.

Funds are diverted for earmarked highway and transit projects that will be constructed without regard to whether they are the wisest investments.

Our State and local partners will have an incentive to reduce appropriate investments in infrastructure by taking advantage of the higher Federal funding shares in the bill.

An increasing share of Federal funds will be used to cover mass transit operating deficits, which are the result of decisions made by local officials. In addition, the bill's earmarks for new transit projects could result in the funding of projects that are not cost-effective.

As you have reduced the annual funding levels in the substitute bill, you have reduced the funds dedicated to the National Highway System (NHS) to a level below what will be needed to ensure that it can continue to meet America's growing transportation needs.

The authorization levels in the bill are excessive. The Administration had proposed a 39 percent increase in highway funding over the five-year period of its proposal. The highway and transit levels in the bill would be very difficult to accommodate in future-year appropriations bills, and; if they were, funding for other important Federal programs would be imperiled.

If the bill were passed in its current form, I and the President's other senior advisers would recommend that he veto it.

The enactment of responsible surface transportation reauthorization legislation will contribute to American prosperity in the next century. I urge your Committee to make significant progress in addressing the concerns presented above, as well as those identified in my July 23 letter to you, including elimination of State regulation of interstate carriers, so that such legislation can be enacted promptly. The Office of Management and Budget advises that there is no objection to the presentation of these views and that enactment of H.R. 2950 in its current form would not be in accord with the program of the President.

Sincerely,

SAMUEL K. SKINNER.

While I voted to send the committee bill to the floor, it is my intention to support changes to the bill—both on the floor and in conference with the Senate—to remedy the remaining problems that the administration has identified. I am heartened that the Senate version of the bill does not contain the extension of last year's gas tax increase, and I expect that this superior Senate approach will be adopted in the House-Senate conference prior to a House floor vote on final passage. Finally, I am concerned with specific provisions involving waiver of environmental regulations in Orange County, CA. My vote on final passage will ultimately depend on resolution of this and the other problems cited above in the conference report.

HONORING FAMILY PRIDE DAY

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 17, 1991

Mr. ENGEL. Mr. Speaker, an event of special significance is taking place in my district on Saturday, October 19. It is called Family Pride Day and it is being sponsored by the Youth Services Planning Committee of Bronx Community Board No. 10.

In these times of rampant crime and drug abuse, the temptations that confront our young people are astounding. It is more important than ever that our children know they can count on the support and dedication of their family members. That is what Family Pride Day is all about—an affirmation in our community's belief that the strength of our families can overcome any obstacles our young people confront. Family Pride Day goes beyond speeches and rallies to provide families with the tools and knowledge needed to preserve their quality of life.

I congratulate the staff at Community Board No. 10 for conceiving and carrying out the idea of Family Pride Day. I urge my colleagues in Congress to recognize the need to raise awareness about the importance of family values, so that one day we may celebrate a national feeling of family pride.

TRIBUTE TO W.R. "RAY" BRADLEY

HON. WILLIAM M. THOMAS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 17, 1991

Mr. THOMAS of California. Mr. Speaker, this week the citizens of Taft, CA, will dedicate an auditorium to the memory of W.R. "Ray" Bradley. I want to join with them in celebrating this event to honor the memory of one of the most well-respected members of California's oil industry.

Ray Bradley was the quintessential oil man. He literally worked his way to the top. He started working in the oil fields in 1935, holding a variety of jobs over the decades until he eventually became president of the Berry Holding Co., a prominent California independent producer.

Ray Bradley was proud of his profession and he offered valuable assistance to many of us in government in trying to resolve problems the industry faced. He was given to careful consideration of issues. Many of us came to rely on the sound advice and information we could count on him to provide.

Ray was more than an oil advocate, he was a community leader. His participation in local service organizations and his service as a director of the West Kern Oil Museum illustrate the kinds of efforts he made to improve his community.

Ray Bradley's service to his chosen profession and to Taft are recognized by those of us who knew, respected, and appreciated him. Dedicating an auditorium in a city he liked so much honors his memory and the examples he set for everyone who knew him.

INTERNATIONAL CREDIT UNION DAY—OCTOBER 17, 1991

HON. LARRY LaROCCO

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 17, 1991

Mr. LAROCCO. Mr. Speaker, I rise today to mark International Credit Union Day, October 17, and to praise credit unions, here and abroad, for the help that they give families, individuals, and small businesses in managing their resources.

Credit unions have long been popular with the American people. Indeed I have been a credit union member for many years.

But, I am especially pleased about the spread of credit unions in other countries. In the past few years, more people than ever have been able to join new credit unions opening in countries emerging from centralized economic control and countries with less developed financial services.

In this month's issue of the League Bulletin, published by the Idaho Credit League, Kathy Thomson makes the point that "In many developing countries credit unions provide the only local access to financial services and can mean the difference between simply existing or enjoying a better quality of life."

We Americans take for granted a range of financial services in this country that are unknown in many parts of the world. Credit unions have an important role in countries with little financial infrastructure. They encourage capital formation and provide needed loan resources for entrepreneurs.

"The philosophy of self-help is important to successful economic development," says Thomson. "Yet, in many countries, dependency is reinforced rather than self-reliance. Economic progress is more effective when people are able to help themselves. That is the philosophy that credit unions exemplify."

Mr. Speaker, I could not agree more with this view, and I commend the work of credit unions worldwide.

GERARD MIGNONE: WESTCHESTER'S DETECTIVE OF THE YEAR

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 17, 1991

Mrs. LOWEY of New York. Mr. Speaker, as we debate important legislation to control and prevent crime, I rise to salute someone who pursues those goals 365 days a year. Det. Lt. Gerard Mignone of the Tuckahoe Police Department, an outstanding law enforcement officer for almost 25 years, is being honored as Westchester County's Detective of the Year. It is a great and richly deserved honor.

Since his graduation from the police academy in November 1966, Detective Mignone has been helping to make Tuckahoe a better and safer place to live. He received his first letter of commendation from then Village Police Justice Paganelli less than a month after joining the force. Many more followed. In 1973, he saved the life of a child who had been badly injured in a fire, and over the years he has foiled many crimes. His diligent efforts have resulted in the arrest of murderers, rapists, and many other dangerous criminals, including one who shot another police officer. For his conduct of that investigation, he received the Tuckahoe Police Officer of the Year Award in 1989. A short time later, he was promoted to detective lieutenant, the position in which he has admirably served over the last 2 years.

Mr. Speaker, I submit that it is people like Detective Lieutenant Mignone who should be the focus of our efforts to fight crime. Ultimately, our greatest protection against criminal activity is the bravery, intelligence, skill, and commitment of our Nation's police officers. They are the frontline troops, the ones who have to take the risks to protect our families.

A TRIBUTE TO HENRY P. BECTON

HON. MARGE ROUKEMA

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 17, 1991

Mrs. ROUKEMA. Mr. Speaker, the Boy Scouts of America are a unique organization. When most think of the Boy Scouts, the image that immediately comes to mind is the young man, dressed in his khaki uniform, escorting the elderly woman across the street. While I'm sure no scout would pass up that chance to lend a helping hand, for Henry P. Becton and the Bergen Council of the Boy Scouts of America, Scouting has meant so much more. It is for that reason that tonight the Bergen County New Jersey Council of the Boy Scouts of America will gather to recognize this native son of New Jersey as a Distinguished Eagle Scout.

The Distinguished Eagle Scout Award is presented to Eagle Scouts who, after 25 years, have distinguished themselves in their life work and who have shared their talents with their communities on a voluntary basis. Few meet their criteria as fully as Henry Becton. Few more perfectly fit the definition of rule model for young Americans.

Henry Becton was first granted the Eagle Scout Award on November 11, 1928. As this 14-year-old boy would soon learn, the motto—"Be Prepared"—embodies so much more than learning how to start a campfire or pack for a hike. As Henry Becton knows, Scouting prepares young men and women to be contributing and important members of society. Through the Scouting experience, Henry Becton learned the essential lessons of country, commerce, and community. He has been a success at each.

Soon after his graduation from Yale's Sheffield Scientific School in 1937, Henry Becton became a salesman at the small medical instrument company founded in 1897 by his father Maxwell Becton and Maxwell's best friend in New York, NY. Within 2 years, he was elected secretary of the board of directors.

In 1942, shortly after the United States was drawn into World War II, Henry Becton put his career on hold and, holding to the Scout's oath to answer the call to do his duty to his country, joined his comrades as a technical sergeant in the 67th Fighter Wing of the 8th Air Force in England. He served with honor and distinction.

Upon his safe return home, Henry Becton set about guiding his father's company into a Fortune 500 enterprise. Today, as a leader in the medical instrument industry, Becton Dickinson and Co. employs over 20,000 people worldwide, with operations in more than 30 countries and sales of over $2.3 billion annually. The company ranks fourth in the medical instrument industry worldwide and products can be found in every hospital and major medical facility in America.

Serving as director emeritus, Henry Becton is world renowned in promoting quality manufacturing of medical instruments and has lectured often at colleges and other national meetings. He has also served as an officer and director of National Community Bank of New Jersey since 1947, vice chairman and trustee of Fairleigh Dickinson University since 1948, and councilman of the Borough of Rutherford, NJ from 1953–1960.

Finally, Mr. Speaker, Henry Becton has not forgotten the scout lessons of community and to help other people at all times. In that effort, he has served the New Jersey Symphony Orchestra, the YMCA of Greater Bergen County, Outward Bound, the New Jersey Aviation Hall of Fame, the Blue Hill, Maine Memorial Hospital, Englewood, New Jersey Hospital, the Englewood School for Boys, and the Ethel Walker School.

Mr. Speaker, Scouting brings boys of common interests together and provides a camaraderie that builds friendships and nurtures character. I can think of few who are better role models for our youths than Henry Becton. That is why I urge my colleagues in the House to join with the Bergen County Council of the Boy Scouts of America and me in congratulating Henry P. Becton as he earns the rank of Distinguished Eagle Scout.

TRIBUTE TO THE LATE EDMUND J. SALATA

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 17, 1991

Mr. TRAFICANT. Mr. Speaker, I rise today to pay tribute to the late Edmund J. Salata from my 17th District in Ohio. It is with great sympathy that I pay respect to this man who passed away on October 15, 1991.

He was a well respected man in Youngstown. He served as executive director of facilities at Youngstown State University since 1980 and as deputy director of Public Works for the city from 1968–1976. In these positions, Mr. Salata was participant in city projects such as the construction of Federal Plaza, the reorganization of our mass transit system and the development of the university's sports complex.

Not only did Mr. Salata serve his city with his expertise, but also he was active in his community. He was a member of the Kiwanis Club of Youngstown, the Youngstown Goodwill Industries, the Henry H. Stambaugh Auditorium Association and the Eastgate Development and Transportation Agency This great man found time to serve his community after serving his country as a lieutenant in the Army and the Reserves.

Mr. Speaker, I pay tribute to this man today and offer the Salata family my deepest sympathy. This is a man who will be missed by many.

VOTER EMPOWERMENT

HON. WAYNE T. GILCHREST

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 17, 1991

Mr. GILCHREST. Mr. Speaker, I have read that the majority party is getting ready to introduce their campaign finance bill, and it seems to me that their proposals would not effectively stem the flow of special-interest money. The majority of a candidate's funds should not come from PAC's and special-interest lobbies from around the country as the Democrat bill would allow. A majority of funds should come from the individuals living in the candidate's own district. This will give an aggressive challenger who is willing to build grassroots local support a fair chance of winning. No longer will an entrenched incumbent who has lost touch with his constituency be able to raise all his campaign funds in Washington.

In-district financing will limit spending, not based on some arbitrary limit, but on the willingness of a candidate's constituents to contribute. Candidates with strong, broadbased support within their home districts will have the advantage over candidates with wealthy friends from outside the district. Requiring that a majority of funds come from individuals, from within the voting district, will only handicap candidates who do not have strong local support.

INTRODUCTION OF LEGISLATION REGARDING PUBLIC COMMENT ON THE POSTAL SERVICE

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 17, 1991

Mr. YOUNG of Alaska. Mr. Speaker, I am introducing legislation today which would provide a more effective avenue by which the public can comment regarding any proposed changes by the Postal Service in mail delivery service or service standards.

As you know, the Postal Service reduced service standards last year and this caused a reduction in mail service throughout parts of the United States. Both the Postal Inspection Service and the Postal Rate Commission have concluded that a reduction in service standards should not have been implemented. Moreover, labor union representatives have testified before the House Committee on Post Office and Civil Service that the Postal Service should not have downgraded delivery service.

As many postal patron's have discovered, ontime delivery service has not improved under existing changes. Regrettably, the Postal Service has also proposed additional changes in mail delivery service which may reduce the timely delivery of mail throughout isolated parts of Alaska.

I don't believe further reductions in mail service are in the best interest of the public. Thus, I am introducing a bill which would revise the service-change process; thus, providing a more effective avenue by which the public can comment regarding any proposed changes in delivery service by the Postal Service.

Under present law, when the Postal Service plans to substantially change postal services nationwide, it is required to obtain an advisory opinion from the Postal Rate Commission [PRC]. Since the PRC's role is purely advisory, the Commission's advice may be disregarded by the Postal Service.

My bill would amend title 39, United States Code, to revise the procedures under which any change in the nature of postal services may be implemented. In particular, my bill would create a significant role for the Board of Governors—and indirectly for the PRC—in the service-change process. If the Postal Rate Commission recommends against a service change, the management of the Postal Service may not go forward with a change unless all members of the Board of Governors give their written approval. I firmly believe my legislation would increase the public's input regarding reductions in mail service standards.

THE 150TH ANNIVERSARY OF OUR LADY OF MOUNT CARMEL PARISH

HON. THOMAS J. MANTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 17, 1991

Mr. MANTON. Mr. Speaker, this year Our Lady of Mount Carmel Parish celebrates its 150th anniversary of religious service to Queens County. The celebrations will be marked by the gala 150th anniversary dinner dance on October 19, 1991, at the Astorian Manor.

Mr. Speaker, 150 years ago on July 3, 1841, Our Lady of Mount Carmel Parish was established with Father Michael Curren becoming the first pastor of Mount Carmel. This was the first Catholic Church in my western Queens County.

In 1858, due to the death of Father Curren, the Reverend John Phelan was appointed as the new pastor. By 1869, the parish began to flourish and a new building was required. A new church was built in 1873 to accomodate the parish.

In 1883, Rev. Patrick Walsh become pastor. During his tenure, the school and convent were built. The parish school opened for the first time on September 14, 1891, with 300 children and a staff of 6 Sister's of St. Joseph of Brentwood, Long Island.

In 1915, Father Gibney, the next pastor, began renovations on the church and rededicated it on May 21, 1916. Additional classrooms were added to the school and nine more sister's were added to the staff. Monsignor Rodgers succeeded Father Gibney as pastor. He purchased land near the rectory for a future new school. The school was finished in 1954 when Monsignor Kelaher served as pastor to Mount Carmel. Part of this new school served as a convent for the Sister's of St. Joseph. In 1965, Monsignor Heneghan became the new pastor and major renovations were made throughout the premises.

Father James Smith is the current pastor and Sister Irene de Lourdes serves as principal of the school. Reverend Smith who was appointed on March 1, 1980, is in the process of finalizing the modernization of the lower church. Rev. Richard J. Hoar, Rev. Joseph Pham, and Rev. Anthony F. Raso are also assigned to Our Lady of Mount Carmel Parish.

Mr. Speaker, as we mark the 150th anniversary of Our Lady of Mount Carmel Parish, we must remember their 150 years of dedicated service to Queens County. Mount Carmel is a fine institution which has made great contributions to the religious community. I commend Our Lady of Mount Carmel Parish for their dedicated service to Queens County.

ANTONIA GARY: MINORITY BUSINESS ADVOCATE OF THE YEAR

HON. WILLIAM LEHMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 17, 1991

Mr. LEHMAN of Florida. Mr. Speaker, I would like to congratulate Antonia Gary on her recent designation as Minority Business Advocate of the Year by the Miami/Ft. Lauderdale Minority Business Development Center.

I would like to share with my colleagues an article from The Miami Times which details Antonia Gary's distinctive accomplishments. As the list of achievements will attest, she is committed to the development of minority-owned businesses and to numerous other public service activities. Antonia is definitely an asset to our community and to her family.

TONI GARY SELECTED AS YEARS'S TOP ADVOCATE FOR MINORITY ISSUES

(By Lisa Jacques)

Hard work, determination and lots of support from family and the community is a great combination to a successful career.

Just ask Antonia Gary.

They are some of the attributes that led to her being selected the Minority Business Advocate of the Year by the Miami/Ft. Lauderdale Minority Business Development Center.

"I've been really lucky. Now I have to work even harder to live up to the title," said Gary.

She is the associate dean and executive director of Miami-Dade Community College's North Campus Entrepreneurial Education Center since 1989. Its primary focus is to design, develop and implement programs for entrepreneurial training.

Gary initiated, designed and developed a business library as a resource center for training course participants and the general public. She is also involved in co-ownerships of businesses around Dade County.

Staying in the community college system is what Gary plans to do.

"The opportunity is very great here and it's very close-knit and the people are very dedicated," she told The Times. "They help me to have things running smooth."

Since graduating from Marymount College in New York, Gary said, she has been encouraged to do whatever she felt was necessary that fulfilled her.

"I was married at an early age and my husband, family and friends have always supported me in my endeavors and I have led a very full life * * * but my only regret," she joked, "is that I never became a flight attendant. That is something that I've always wanted to do. I always thought that flying all over the place and seeing different places for free would be great."

Her husband is former Miami city manager Howard Gary, who runs his own business.

Along with being a member of the Links, the Greater Miami Chamber of Commerce, Black Economic Development Corporation, and other organizations, Gary is a mother of two boys, Kito, 14, and Issa, 9.

"They're just like any ordinary teenagers in the sense that they want everything, but, no matter what, they value education," she said.

Gary has been the recipient of numerous awards for activities in the development of minority businesses and as an outspoken advocate on women's issues in the past 12 years.

Being involved and aware in the community is what she says motivates her the most.

"I grew up in Richmond Heights and I am a true Miamian, and here is where things have always been good to me, and I hope it will continue," she said.

VETO OF THE UNEMPLOYMENT BILL

HON. LES AuCOIN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 17, 1991

Mr. AUCOIN. Mr. Speaker, the Nation's unemployed workers can not wait any longer. Once again, the administration's message to 86,000 unemployed Oregonians is the same. It is clear, it is cold, and it is callous: Drop dead. That's why there can be no compromise with the White House.

The failure to override President George Bush's veto of the unemployment bill means this House must go back to work. If this administration won't give these workers the benefits they've earned, then Congress must.

There is a fundamental problem when the administration shows more concern for the people of Kuwait and Eastern Europe than it does for the working people in this country. Enough is enough.

If the Kurds are an emergency and the S&L's are an emergency—why aren't 33,000 Oregonians an emergency? That's how many Oregonians have exhausted their unemployment benefits this year—11,000 of them since mid-July.

Mr. Speaker, let's go for a hat-trick and pass another unemployment benefits bill. Let's keep sending bill after bill to the President until he gets it right. Until unemployed Oregonians and all unemployed Americans get some relief.

TRIBUTE TO ARLETTE GATEWOOD

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 17, 1991

Mr. TRAFICANT. Mr. Speaker, I rise today to pay tribute to Mr. Arlette Gatewood from my 17th District of Ohio. On November 3, 1991, Mr. Gatewood will be honored at the annual recognition banquet held by the Youngstown Chapter of the A. Philip Randolph Institute at the Mahoning Country Club.

Mr. Gatewood is a retiree of the Brier Hill plant of the Youngstown Sheet & Tube Co. after 32 years of faithful service. His friends described him as a dedicated trade unionist referring particularly to his service as a member of the local union 1462. He represented his union as an officer, vice-president, and member of the civil rights committee and the workers compensation committee.

Mr. Gatewood has proven his devotion to his union and community through this and other undertakings. He is not only a member of the Youngstown Area Urban League and the Youngstown Chapter of the NAACP, but he has also offered his services to the Associated Neighborhood Centers and the A. Philip Randolph Institute.

It is with with gratitude and pride that I rise today, Mr. Speaker, to pay tribute to Mr. Arlette Gatewood on this momentous occasion.

BREAST CANCER MUST BE A PRIORITY

HON. CHESTER G. ATKINS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 17, 1991

Mr. ATKINS. Mr. Speaker, some assert that we Americans are benefiting from health care that is superior to that of other countries because we do not have a national health system. In commemoration of Breast Cancer Awareness Month, however, I believe it is appropriate to point out that research on and screening for breast cancer is one aspect of health care in which West European medicine has put the American health-care system to shame.

The United States has one of the highest rates of breast cancer in the industrialized world. The incidence of breast cancer among women aged 45 to 69 in the United States is 34 percent higher than in Great Britain and 39 percent higher than in France. In 1991, an estimated 175,000 women will develop and 44,500 women will die from breast cancer. Indeed, breast cancer is currently the leading killer of women aged 35 to 54 in the United States.

Most of these deaths from breast cancer would have been avoidable if this killer had been caught early enough. Studies have demonstrated that early detection, the use of mammography, can reduce breast cancer deaths by at least 30 percent.

Mr. Speaker, one reason why the West Europeans are so much more effective than us in combating breast cancer is because many West European nations have set up nationwide programs for the early detection of breast cancer. Most of these programs include a national commitment to nationwide breast cancer screening of all women over 40 and a network of specialized breast cancer centers at hospitals for the diagnosis and treatment of breast cancer. As a matter of fact, all Swedish women between the ages of 40 and 74 receive periodic mammograms and actually automatically receive letters reminding them to schedule their routine mammogram appointments.

By contrast, the American health system has been much less committed to combating breast cancer. Here in the United States, we have been plagued by a lack of commitment to universal screening, poor quality mammography, and the lack of systems that might catch mistakes in diagnosis. As a result, only 30 percent of American women over 40 are participating in a periodic mammogram program.

I believe that the United States ought to enact a new health-care system which will provide adequate health benefits for all Americans at a reasonable cost, and such a universal health insurance program should include periodic mammograms. However, I also realize that universal health will not be enacted overnight, and that it is unrealistic to expect American women to wait that long. That is why I am a cosponsor of H.R. 1161, the Women's Health Equity Act of 1991.

The Women's Health Equity Act is comprehensive legislation which includes the provisions of four important mammography bills: H.R. 381, which would authorize an additional $25 million for basic breast cancer research at the National Cancer Institute; H.R. 382, which would withhold Federal Medicaid funds to States which do not enact laws requiring physicians and surgeons to inform breast cancer patients of alternative effective methods of treatment for breast cancer before treatment begins; H.R. 1129, which would require States to provide Medicaid coverage for routine mammography and pap smear screening; and H.R. 3462, the Breast Cancer Screening Safety Act of 1991, which would ensure safe and accurate mammograms by requiring national quality standards for all mammography facilities.

Mr. Speaker, these bills do not replace the importance of a total overhaul of our Nation's health-care system, but they are a step in the right direction. I wholeheartedly urge my colleagues to join in increasing awareness of breast cancer and women's health issues by cosponsoring these important bills.

HONORING IRWIN GOLDFARB

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 17, 1991

Mr. ENGEL. Mr. Speaker, I rise today to pay tribute to Mr. Irwin Goldfarb on the occasion of his retirement from the New York City Board of Education.

During his 33 years of service, Mr. Goldfarb served as a teacher, school psychologist, and supervisor of psychologists for special education students. He also served as an adjunct professor at City University of New York for 10 years.

Through all his professional endeavors, Mr. Goldfarb has demonstrated a combination of sensitivity and expertise that has enriched the lives of many young people. His caring is apparent in the fact that since last July he has taken time to work with pre-school children at the Western Queens Child Development Center.

Knowing that his contributions are far from finished, I nonetheless join his colleagues and friends in wishing Irwin Goldfarb a healthy and happy retirement.

UPON THE RETIREMENT OF MR. ELROY THOMAS

HON. WILLIAM M. THOMAS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 17, 1991

Mr. THOMAS of California. Mr. Speaker, I want to recognize Mr. Elroy Thomas on his retirement from public service after over 40 years of dedicated employment with the Federal-State Shipping Point Inspection Office in California.

During his first 10 years with the Inspection Office, Mr. Thomas worked in 17 different inspection districts throughout California, and even one in Arizona, before he made the Delano district his permanent office in 1960. Using his knowledge of most all the fresh fruits and vegetables grown in the State of California, Mr. Thomas served admirably as a fruit and vegetable quality control inspector II for the Delano district until 1971, when he was promoted to the supervising inspector for the Downey District. In 1972, Mr. Thomas was transferred back to the Delano district to be the supervising inspector in charge, where he remained until his recent retirement.

Throughout his career with the Federal-State Shipping Point Inspection Office, Elroy Thomas has exemplified the dedication and expertise we all hope to find in our public servants. Mr. Thomas is highly respected by both his colleagues and employees at the inspection office, as well as by the farmers and shippers with which he has worked over the past 40 years. While we are all pleased that Elroy Thomas will finally have a well-deserved opportunity to relax, you can be sure that he and his many talents will be missed.

Mr. Speaker, I thank my colleagues for allowing me this opportunity to honor Elroy Thomas on his retirement from the Federal-State Shipping Point Inspection Office, and wish him the best of luck on his future endeavors.

A BREAKTHROUGH FOR PEACE IN EL SALVADOR

HON. LARRY LaROCCO

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 17, 1991

Mr. LAROCCO. Mr. Speaker, before adjournment, it is likely that the House of Representatives will consider the future of the United States' policy toward the country of El Salvador. The latest round of negotiations between the Salvadoran Government and the FMLN, coupled with the trial of Salvadoran military personnel for the 1989 murder of six Jesuit priests, indicates to us all that the United Nations-sponsored peace process is truly working.

It is my belief that we must remain committed to a peaceful resolution of El Salvador's civil war. These recent developments offer signs of hope for a nation in need and reveal that final solutions must be reached at the bargaining table, and not on the battlefield.

The following editorial from the September 27, 1991, Idahonian, was written by Kenton Bird. It provides an informative summary of the most recent negotiations, and offers useful suggestions for the U.S. role in future peace talks.

A BREAKTHROUGH FOR PEACE IN EL SALVADOR

(By Kenton Bird)

An agreement reached at the United Nations this week has the potential to end El Salvador's 12-year-old civil war—as long as the United States doesn't do anything to upset the delicate balance between the two sides.

The negotiators overcame a major obstacle by designing ways to protect rebel groups from reprisals by death squads linked to the Salvadoran military. The accord signed Wednesday lays the groundwork for another round of talks next month in Mexico City.

"The Gordian knot has been untied," said U.N. Secretary-General Javier Perez de Cuellar, referring to the breakthrough after 10 days of talks in New York.

The agreement's success owes much to Perez de Cuellar, who has made peace in Central America a priority for the remainder of his term, and to his representative at the talks, Alvaro de Soto. Credit is also due to House Speaker Tom Foley and the Democratic leadership in Congress, for pushing the last two years to put conditions on U.S. military aid in El Salvador.

Members of the principal rebel group, the Farabundo Marti National Liberation Front (FMLN), are justifiably reluctant to lay down their weapons until they are assured of protection against revenge kidnappings and killings. The agreement addresses their fears in two main ways:

It calls for a new civilian police force, independent of the Defense Ministry, in which the FMLN may participate. The existing National Guard and Treasury Police, which provide covers for the notorious death squads, will be disbanded.

It commits the government to recognizing the property rights of FMLN members who occupy land in areas of fighting. While agrarian reform is being negotiated, the rebels and their families will be protected against eviction at gunpoint.

Many difficult issues, including a procedure for removing renegade officers from the military, need to be resolved before a cease-fire can take place. Even as negotiators announced their agreement in New York, renewed fighting killed four people in El Salvador. And the leader of a construction union was murdered in San Salvador in what appeared to be a death squad killing.

What El Salvador needs now from the United States is encouragement for the next round of talks. What it doesn't need is more weapons. The Bush administration should immediately suspend weapons shipments previously approved and withdraw its request for more money for next year.

Pressing ahead with more military aid now would undercut the efforts of Salvadoran President Alfredo Cristiani and invite right-wing extremists to sabotage the agreement. Surely President Bush can see the window of opportunity represented by the U.N. accords—a window that could be easily shattered by U.S. carelessness.

AMERICAN-IRISH ASSOCIATION HONOREES

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 17, 1991

Mrs. LOWEY of New York. Mr. Speaker, I would like to draw the attention of my colleagues to two individuals who have been leaders of the Irish-American community in Westchester. These two individuals will be honored tomorrow by the American-Irish Association of Westchester County, which I am proud to represent.

For her many contributions to the Irish-American Community, Amelia Babcock is being honored as the "Irish-Woman of the Year." She has consistently served the American-Irish Association in her many leadership positions within that organization. She was recently elected New York State president of the Ladies Ancient Order of Hibernians. She has also been instrumental in organizing both the Yonkers and New York City St. Patrick's Day parades.

The American-Irish Association is also honoring Monsignor John J. Foley with its distinguished service award. Monsignor Foley was ordained on June 3, 1950, by Cardinal Spellman. In 1954, he was assigned to Christ the King Church as parochial vicar and became pastor of the parish in 1980. He has also served the community as Catholic chaplain to the Yonkers Police Department, and he is chairperson of the pastoral care department of St. John's Hospital. In addition, he is chaplain to the Yonkers St. Patrick's Day parade committee and marched proudly as the grand marshal of the parade in 1977. In 1986, Post John Paul II bestowed the title of "Monsignor" on Father Foley.

These are truly outstanding individuals who should be praised for their years of dedication and sacrifice, and I think that the honors they are receiving are richly deserved. I congratulate Amelia Babcock and Monsignor Foley for their community service. The many lives they have touched have been enriched because of their activities.

LEGISLATION TO GUARANTEE AMERICAN BORROWING EFFORTS PRIOR TO GUARANTEEING LOANS OF ANY FOREIGN BORROWING ENTITY

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 17, 1991

Mr. TRAFICANT. Mr. Speaker, I am introducing a resolution today stipulating that the borrowing efforts of American States, municipalities, school districts, and other tax levying entities be guaranteed prior to guaranteeing the loans of any foreign borrowing entity, especially foreign governments and foreign central banks.

The reason I introduce this legislation is apparent. Israel recently requested $10 billion in housing guarantees from the United States and Congress is so eager to shell out the money that it came to blows with the administration over a 120-day delay in providing them. I am aware of the foreign policy concerns that proponents and opponents of the guarantees and delays in providing the guarantees continue to debate. They are concerned with the effect the guarantees will have on a Middle East peace conference, Palestinians, Israelis, and Israeli emigres. I believe that those considerations are important. However, it is more important to consider the effect that providing those guarantees or any guarantees will have on the domestic situation in the United States.

Let's consider the $10 billion Israel loan guarantee proposal specifically. Proponents of the guarantees argue that Israel has never defaulted on a loan. However, a recent report issued by the United States Export-Import Bank cautions that Israel's present financial and economic problems make the likelihood of default on such a large loan a very real possibility. Taking on these loan guarantees would be a large credit risk for the United States. Reports have estimated that the cost of default to the American taxpayer would range from $112 to $117 billion.

At the same time, a recent Wall Street Journal article related that military loans that the United States provides Israel have a "way of becoming grants. From 1974 to 1989, Israel received a total of $16.4 billion in 'loans' that the United States converted to 'grants.'"

These considerations aside, one report estimates that providing the guarantees would cost the United States between $3.1 to $7.1 billion simply in administrative costs. With the United States facing ceaseless economic crisis, it does not seem fair to the American taxpayer to dole out and risk so much money.

Federal budgetary constraints have resulted in reductions of needed public sector health, housing, education, environmental and public safety infrastructures and program operations. CBO estimates that our fiscal year 1992 budget deficit will be at $362 billion. It was supposed to shrink to $247 billion by 1992.

Cuts have been proposed in the current fiscal year budget and the upcoming year's budget for almost every State and major urban center. States and local governments have been forced to restrict essential services. In Ohio alone, there were $220.6 million in budget cuts in fiscal year 1991. Across the board cuts went into effect, State workers were laid off, contributions to State employee retirement funds were delayed, and there was a hiring and traveling freeze. New taxes of up to $98 million have been proposed in fiscal year 1992.

Providing loans and assistance of any kind to a foreign nation when our country is in such dire straits is nothing but inappropriate. It seems quite obvious that we need housing guarantees and other subsidies right here in the United States. It's bad enough that the United States gives away approximately $15 billion annually to foreign countries. These supplemental foreign assistance giveaways have got to end. We've already given Israel supplemental assistance this year, not to mention the Turks and the Kurds. Enough is enough.

I want to make it clear that any nation requesting such an astronomical amount of assistance from the United States, when the United States is literally bankrupt, would receive the same response from me. If this bill is ever enacted into law, I made it broad enough to encompass any nation that requested such assistance.

In the final analysis, it all comes down to priorities. Do you obligate our taxpayers' dollars to the United States or foreign governments first? I urge my colleagues to join me in cosponsoring this important legislation.

A TRIBUTE TO A LIFETIME OF DEDICATED GOVERNMENT SERVICE: GEORGE L. WARREN, JR.

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 17, 1991

Mr. FASCELL. Mr. Speaker, today I would like to honor the memory of George L. Warren, Jr., a consultant for the House Committee on Foreign Affairs, who died after taking ill in his office at the Rayburn Building on October 10, 1991.

Mr. Warren, 68, devoted his very productive lifetime to Government service. And he died doing what he liked best: dealing with world refugee matters.

A native of Boston and graduate of Harvard University with a degree in economics, Mr. Warren spent most of his long career as a State Department Foreign Service officer.

He was with the Army in Europe during World War II and received the Bronze Star and Purple Heart commendations during battlefield operations.

From 1948 through 1958, Mr. Warren served in Austria, working on United States programs for displaced persons and later for refugees of the 1956 Hungarian Revolution. In 1959, his first assignment with the State Department was working on the White House Conference on Refugees.

Following that, he worked with the Agency for International Development and from 1962 to 1966 he was assigned to the State Department's political and military affairs office and the Vietnam working group. In 1965, he served on a White House mission to Vietnam.

Mr. Warren was stationed in Athens from 1967 to 1972, where he was a political officer and special assistant to the U.S. Ambassador. He then spent 6 years as an officer in the international negotiations division of the Office of the Joint Chiefs of Staff. He retired from the Foreign Service in 1978.

As a policy assistant for the Intergovernmental Organization for Migration, Mr. Warren then spent the next 10 years in Geneva. He had served as a consultant for the House Committee on Foreign Affairs after returning from Switzerland.

Our prayers and sympathies are with his wife, Lila, daughter, Mary and son, George III. They can take comfort in knowing that George, who had served his country well and faithfully throughout his life was engaged in dedicated and productive service to the plight of refugees even as he was fatally stricken.

SADDAM'S CONTINUING DEFIANCE

HON. MEL LEVINE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 17, 1991

Mr. LEVINE of California. Mr. Speaker, in his article, "Act Now Against Saddam," (Washington Post, October 16), Jim Hoagland correctly points out that so long as Saddam Hussein remains in power, the people of Iraq will continue to suffer for the aggression and intransigence of their brutal dictator.

Moreover, nearly every day new evidence is discovered about Iraq's nuclear capabilities, which proved to be much farther developed than most experts or the administration previously believed. Considering Saddam has used every weapon he has had in his possession, it is imperative that the international community continue to demand the complete disarmament of the Iraqi war machine.

Mr. Hoagland suggests several immediate steps the United States and the West can take to deal with the continuing threat Saddam poses to the stability of the region and particularly to the Iraqi people.

I strongly urge my colleagues to review the following analysis:

ACT NOW AGAINST SADDAM

This much is now beyond dispute: Saddam Hussein's scientists were years closer to building an atomic bomb than the world's most knowledgeable experts believed. And Saddam is still trying.

That stark reality, and the Iraqi dictator's continuing disdain for the welfare of his starving citizenry, should strip away the complacency that surrounds U.S. postwar policy toward Iraq. These developments demand immediate steps to replace Saddam's regime with a new Iraqi government.

The peculiar pattern of Iraq's behavior in recent confrontations over United Nations inspection rights suggests to intelligence experts that Saddam's nuclear effort continues in some secret cavern deep in Iraq.

For those in range of Saddam's hidden missiles, each day counts.

New reports from Baghdad show that while Iraq's civilian population, put in harm's way by American bombs, desperately forages for food and medicine, Saddam's cronies amass small fortunes from smuggling. Saddam's clansmen grow fat by creating a black market out of the sanctions that are supposed to bring them down.

The streets of Baghdad are filled with Mercedes limousines stolen from Kuwait or smuggled in more recently by people such as Ali Hassam Hamadi, one of the new sanctions millionaires described in detail in the Paris daily Le Figaro on Oct. 3. But ordinary citizens lack money to pay the skyrocketing prices for food.

For those who are starving in Iraq, each day counts.

The revelations about Saddam's nuclear effort and the extent of sanctions-breaking show conclusively how wrong President Bush's critics were in arguing a year ago that time was on America's side and that sanctions would work against Saddam if given a chance.

Disclosures of how close Saddam has come to a doomsday weapon also show how mistaken Bush was to adopt the positions of his opponents after the war ended. The need for urgency should also be clear by now. But the president pursues a strategy of slow attrition.

For those who took on the responsibility of establishing regional security and stability through Operation Desert Storm, each day counts.

At least it should. But Bush has taken as the pillars of his postwar policy the notions his opponents preached to try to avoid Operation Desert Storm. Time is on America's side, the president's men now say. Sanctions will work against Saddam.

Saddam delights in proving otherwise. The administration assumed sanctions would force Saddam to agree to United Nations sale of $1.6 billion of Iraqi oil on world markets to buy food and medicine that U.N. personnel would distribute inside Iraq.

He refused. In a defiant speech in Baghdad on Sunday, Saddam said Iraq could endure sanctions for 20 years rather than accept the U.N. plan, which is spelled out in Security Council Resolution 706.

The Bush administration, which should have learned better, weakly explains away such statements by Saddam as vain boasting that he will have to abandon soon. But Saddam has no interest in protecting or feeding his people. "He would prefer to see people starve than to see his authority eroded by having a foreign organization distribute food to Iraqi citizens," says a member of the opposition International Committee to Free Iraq.

Israel's unilateral decision to send reconnaissance aircraft over Iraq is a concrete expression of doubt about time being on America's side. Israel would not have taken the risks involved in the surveillance flights unless it was seriously considering sending in commando units to clean out the rocket launching sites and depots in western Iraq that are within range of Israel.

Astonishing, the United States has criticized these flights of self-protection, claiming they jeopardize the Middle East peace process.

The administration has it exactly backward. The peace process, as conceived and implemented at the State Department, jeopardizes the more urgent talk of finishing with Saddam. Concern over convening a ceremonial peace conference causes the United States to turn a blind eye to the active aid Jordan gives Saddam in breaking sanctions and money laundering.

Several immediate steps need to be taken.

The Iraqi opposition is on the verge of forming a broad-based provisional government in Iraqi territory now under United Nations protection. Recognition by Washington and other Western capitals would provide a basis for an aggressive international pursuant of the secret bank accounts owned by Saddam and his family in Jordan, Switzerland and elsewhere.

Those funds could be used to buy food and medicine for Iraq. The international coalition, led by the United States, should offer the military protection the U.N. teams need to distribute humanitarian relief, just as Washington was ready to use force to protect the U.N. atomic inspection team.

For those willing to save even one Iraqi child's life or to reduce Saddam's chance to send an atomic or chemical warhead to Israel or Saudi Arabia by even a fraction of one percent, each day counts.

BANNING ASSAULT WEAPONS

HON. TOM LEWIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 17, 1991

Mr. LEWIS of Florida. Mr. Speaker, today, I voted in support of the Volkmer amendment to delete provisions of the crime bill to ban ownership or transfer of 13 categories and copies of assault weapons. This amendment also banned ammunition feeding devices with a capacity of more than seven rounds.

I have always had one goal in reviewing gun control legislation. That goal has been to keep guns out of the hands of criminals without infringing upon the rights of law abiding citizens. The proposed assault weapon ban fails the test of my goal on both counts and in my opinion is not responsive to curbing assault weapon crime.

Make no mistake, this measure falsely lulls the American people into believing they are being protected by congressional regulation. This is no more than an illusion. I find it difficult to believe that organized crime bosses and drug kingpins were watching today's vote to determine what weapons they are no longer able to use.

This ill-conceived and poorly drafted legislation would do nothing to reduce crime. Yesterday's horrid incident in which George Hennard slayed 22 individuals in Kileen, TX, is simply unspeakable. Mr. Hennard's Glock model 17 semiautomatic pistol was not on the list of 13 proposed banned assault weapons. The assault weapons language in this crime bill would have done nothing to stop George Hennard from taking those 22 lives.

These needless deaths must stop. If we are serious about reducing crime and preventing needless assault weapons deaths, we need to strengthen our criminal justice system by holding convicted felons and criminals responsible for their actions. We also need to do what I have advocated from the very beginning—require a mandatory, instantaneous criminal background check for firearms purchases. These are the only effective ways to keep guns out of the hands of criminals and mentally ill individuals.

Let us not mislead the American people with measures that offer empty solutions.

ANTI-ASIAN AMERICAN VIOLENCE: A DISGRACE TO OUR NATION

HON. PETER H. KOSTMAYER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 17, 1991

Mr. KOSTMAYER. Mr. Speaker, racially motivated crimes are a disgrace to our Nation. Positive action must be taken to recognize these incidents for what they are and to put a stop to them.

In the past, anti-Asian violence has received little or no attention. Like many other Americans, Asian Americans are hard-working and law-abiding people who are too often left out of discussions on racism and civil rights.

Mr. Speaker, the New York Times of September 12, 1991, contained a very valuable article by Helen Zia on the subject of anti-Asian violence entitled "Another American Racism." I commend it to my colleagues, and I urge them to join me in speaking out against the prejudice against all Asian-Americans:

ANOTHER AMERICAN RACISM

(By Helen Zia)

As Jeffrey Dahmer's defense attorney ponders the advantages of an insanity plea for the confessed murderer of 17 people, one unforgettable image stands in sharp contrast: Mr. Dahmer rationally, convincingly telling the Milwaukee police that Konerak Sinthasomphone, a 14-year-old Laotian boy, was his adult lover.

Last week, two officers were dismissed and one was suspended for their handling of the situation, and their cavalier dismissal of an

African American woman who questioned why they returned a naked, brusied Asian boy to his attacker. Though much has been said, and rightly, about the bias of these officers toward the black and gay communities, there has been virtually no recognition of their racism toward Asians.

Sadly, Mr. Sinthasomphone is not the only victim of anti-Asian racism. He is one of many Asian Americans harassed, assaulted and killed, whether through direct racial confrontation or malfeasance rooted in bias.

A sampling from July: In Revere, Mass., 100 Asians were rounded up by the police in a random search-and-detain action. In Waterbury, Conn., a Chinese restaurant delivery boy was killed in a planned execution by teenagers, who invited neighborhood kids to watch. In Phoenix, nine Thai clergy were shot to death in their Buddhist temple; anti-Asian bias has not been ruled out.

Almost as distressing as the rise in such racism has been the failure to acknowledge the anti-Asian racial component of such attacks. Whether expressed by business leaders and politicians in their Japan-bashing or, more overtly, by hate groups, anti-Asian sentiment is rampant.

For much of the last decade, Asian Americans have been trying to draw attention to this increasingly hostile racial climate. In 1983, a national effort led to the Federal civil rights prosecution of the killers of Vincent Chin, a 27-year-old Chinese American who was beaten to death in Detroit by two white auto workers who were overheard making obscene remarks about Asians and Japanese cars.

When the workers were acquitted, many Asians concluded that the U.S. was not ready to recognize Asian Americans' civil rights. At the time, more than a misinformed few liberals argued that Asian Americans have not faced discrimination and were therefore not entitled to the same civil rights protections as blacks.

Paradoxically, only days before the negligence of the Milwaukee police in Konerak Sinthasomphone's murder was exposed, Asian Americans had finally won a Federal civil rights victory in the killing of a Chinese American. Jim Ming-hai Loo.

On July 15, a jury of 11 whites and one African American found Lloyd Ray Piche, a 34-year-old white man, guilty of interfering with the civil rights of Mr. Loo and six Vietnamese-American companions as they played pool at an upscale billiards hall in Raleigh, N.C.

Mr. Piche had spent the evening assailing the youths with every imaginable anti-Asian slur, including mock Asian language sounds and kung fu noises. Before he fatally injured Mr. Loo with a blow to the back of the head, Mr. Piche offered his own twisted logic for the attack: "My brothers didn't come back from Vietnam because of you," he said repeatedly, although he had no relatives who had served there.

Mr. Piche's trial yielded two surprises for the Asian American community—a guilty verdict—and silence. Unlike most civil rights prosecutions, this one passed virtually unnoticed, despite its being only the second Federal civil rights prosecution involving an Asian victim. Compare this lack of coverage to the steady flow of reports about Asian gangs, drugs and gambling.

Asian Americans are growing restless with this national intransigence. We have grown at a rate faster than any other group this decade. Some of us are recent immigrants; others have been here longer than many European Americans. But in a society that recognizes only black and white, those who don't fit the color scheme become shadows.

TRIBUTE TO LILY AND PAT OKURA

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 17, 1991

Mr. MATSUI. Mr. Speaker, I rise to pay tribute to Lily and Pat Okura, who this Sunday will be celebrating their 50th wedding anniversary. In order to mark this joyous and noteworthy accomplishment, the Okuras will be having a party at the Fort Myer Officers' Club in Arlington, VA.

Together, Lily and Pat have made great contributions to the Japanese-American community, and indeed to all Americans. They have worked tirelessly to ensure justice and due process to all citizens, so that no person is denied any opportunity on the basis of race. The Okuras also played a major role in the effort to provide redress to Japanese Americans interned during World War II.

Mr. Speaker, I believe we could all learn something from Lily and Pat Okura and the values that have seen them through a half century together. Their commitment to each other and to their fellow citizens is truly inspirational. In honor of their 50th anniversary, I ask my colleagues to join me in wishing them congratulations on this most impressive milestone and all the best in the coming years.

THE EASTCHESTER SCHOOL BOARD: DEDICATED TO OUR CHILDREN

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 17, 1991

Mrs. LOWEY of New York. Mr. Speaker, I'd like to call attention to a group of people whose great contributions to the future of our Nation all too frequently go unnoticed. I am speaking of those who serve on local school boards, who give of their time and energy to improve education for children in their communities.

At the end of this month, New York State will observe School Board Recognition Week. I am glad to join them in saluting the men and women who make up the school boards of our State. School board members give up long hours of their time to do these jobs. They don't get paid, and they are called on to address problem after problem. But there is an immense sense of satisfaction, a knowledge that they have made their communities better places and they have made an important contribution to our Nation's future. Those rewards are truly beyond compare.

I am aware of no finer example of this than the wonderful people who serve on the Eastchester School Board: Orlando Magnani, Carmine Giannelli, Robert Keller, Diane Carre, Stephen DiNardo, Vincent Forte, Robert Mancuso, William O'Connell, and Robert Sicilia. They are a hard working, dedicated, imaginative, and caring group of people. The citizens of Eastchester will be honoring these fine individuals during School Board Recognition Week. It is a privilege to join them in expressing appreciation for their service.

In every community in every congressional district, Mr. Speaker, there are wonderful people who have found the energy and commitment to give of themselves to strengthen our schools. Their tireless efforts should be recognized more frequently. I am sure that all of my colleagues join me in honoring the members of the Eastchester School Board, and every school board across the country, for their dedication to our Nation's children.

HEALTH CARE IN NEW HAMPSHIRE

HON. DICK SWETT

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 17, 1991

Mr. SWETT. Mr. Speaker, on Tuesday, October 15, the Committee to Study Rural Health Care in New Hampshire, made up of lawmakers and health care officials, released its final report after more than a year of research. The report confirms the great urgency of the serious health care problems which exists in New Hampshire and throughout rural America.

According to the committee's report, the major problem is the continuing exodus of physicians from rural communities. This serious decline in the number of available physicians is creating tremendous difficulties for residents to receive adequate health care. This situation leads to another problem—the limited availability of transportation to reach the remaining health care facilities As lawmakers, we need to make it our priority to assist these rural communities in their ability to attract and retain primary care physicians.

Mr. Speaker, I insert excerpts of this important report by the New Hampshire Committee to Study Rural Health Care be inserted into the CONGRESSIONAL RECORD:

HEALTH CARE IN NEW HAMPSHIRE

(By the New Hampshire Committee to Study Rural Health Care)

SUMMARY

The premise behind the legislation establishing the Committee to Study Rural Health Care was that residents in rural areas have a health status worse than residents in other areas and are at a disadvantage in receiving health care. The work of this committee confirms that premise:

The age adjusted death rates for heart disease, cancer and stroke are higher in rural areas then in other areas of the state.

The incidence of infants being born with a low birth weight, which is a general indicator of health risk, is greater in rural areas than in other areas of the state.

Between 1980 and 1991 the number of primary care physicians serving rural areas of New Hampshire increased by 38 (from 62 to 100) while the number of primary care physicians serving urban areas increased by 228 (from 220 to 448).

During the course of its work, the Committee found that:

Eight of the state's 26 hospitals serve approximately 100,000 citizens in predominantly rural areas. Eight of the hospitals are located in urban areas and provide services to a little over 500,000 citizens.

Less than 10% of New Hampshire's population reside in rural areas, areas that comprise almost one-third of the state's total land area. On the other hand, almost 50% of New Hampshire's population live in urban areas, areas that are only about one-fourth of the state's area.

In 1980, the population in rural areas living in poverty was greater than the population living in poverty in urban areas (12.3% vs. 7.8%). The Committee believes that the 1990 national census will show this problem continues.

Poor or non-existing access to health care for rural population due to limited transportation. This lack of mobility especially effects teens.

Eight family practitioners who previously provided obstetrical services have left Coos County this year.

Three other family practitioners in Coos County have announced that because of the cost of liability insurance, they will limit obstetrical services.

Recent trends in New Hampshire and Vermont show that independent solo practitioners are joining hospitals or other group practices due to escalating costs of liability insurance, third party administrative burdens, and the demands of "on-call" coverage.

INTRODUCTION

The mandate of Chapter 222 (HB 1304), New Hampshire Laws of 1990, to the Rural Health Study Committee has proved to be an extraordinary vehicle for the first accurate assessment of the general health and medical picture of New Hampshire (see Appendix A for the text of Chapter 222). To complete this picture it was necessary to define "urban" and "rural," taking into consideration corresponding population and mileage factors, accessibility to hospitals, clinics, and doctors, and the patterns of health needs.

Mobile Health Care Units

From the onset, testimony from physicians involved in rural mobile unit practice, information received from other states, and correspondence with the North Dakota Center for Rural Health quickly led the committee to realize mobile units were not an answer to New Hampshire's rural health needs for the following reasons:

Mobile equipment is expensive. A fully-equipped van begins with the initial cost of $100,000 or more, then adds maintenance, cost of time spent on the road, and the financial incentives needed to entice appropriate personnel. (Only Arizona has succeeded with a rural mobile health unit.) Mobile health units are most effective if they are supported by and used to supplement existing community health services.

Most health practitioners would rather practice in close proximity to their colleagues and community hospitals than be isolated in rural communities. Even Dartmouth Hitchcock's Outreach Clinics utilize established "satellite" facilities and afford access to research and consultation.

Most patients need the security of visiting a permanent, fixed site. They would prefer the inconvenience of arranging for their own transportation and contending with the vagaries of New Hampshire's weather rather than have the health care unit come to them. Communities themselves are bent on establishing their own local facility, even though it might be a "satellite" clinic. A local community clinic is a symbol of status and prestige.

Health Care Access Alternatives

After realizing that rural mobile health care units are not the right solution to New Hampshire's rural health problems, the committee members then directed their attention to alternative sources for providing access to health care for all the population of New Hampshire. Most states have chosen to address the problem of rural health care deliver through methods other than mobile health units. Accordingly, the Committee has included these concepts in the recommendations.

Integrating public school health programs into existing community health resources. Most communities have visiting nurse or home health agencies and all communities have school health programs.

Using service organizations as volunteer staff for health clinics. It takes more than professional staff to operate a clinic.

Participation of community hospitals in expanding services to outlaying communities.

Establishing evening clinics in school/municipal buildings to more efficiently and effectively utilize space. Those schools in the State's technical college system that already have facilities to offer programs in health related fields would be ideal.

The formation of coalitions of communities and health and social service agencies aimed at establishing community health centers.

Locating health clinics for adolescents at high schools with community participation.

These possible solutions can be applied to urban as well as rural locations. The challenge to rural communities is the recognition that they share with each other the same health care needs and that together, through cooperative efforts, they can more easily marshal the resources to address those needs than can individual communities on their own.

RECOMMENDATIONS

The Committee to Study Rural Health Care, after receiving testimony from health care providers and considering the actions of other states in providing health care in rural areas, recommends that:

The General Court enact legislation requiring the Division of Public Health Services and the Department of Education to develop a "model" for school based clinics to deliver health services. Sites would include vocational, technical, middle, and high schools. The model should be completed within six months of enactment (see the Additional Information and Resources file for a description of the Clipper Health Service in Portsmouth, NH, and information on other school-based clinics).

The General Court identify incentives to attract and retain primary health care providers and review existing statutes relative to the delivery of health care, insurance coverage for health care, and the public purchase of health care, to identify barriers to effective primary care.

Health Manpower Availability

The federal government, in its guidance to states and community organizations for identifying medically underserved areas (MUAs) and Health Professional Shortage Areas (HPSAs) as a precondition for establishing community health centers, focuses on five physician specialties as key providers of primary health care (10). For the purpose of this report these five specialties were used in reviewing health manpower in the three areas of the state. Those specialties are family practitioners, general practitioners, obstetricians/gynecologists, physicians practicing in internal medicine, and pediatricians. Information on the numbers of practitioners in each specialty and the locations of their practices was provided to the Division of Public Health Services by the Board of Registration in Medicine. Any future studies should include the availability of other health professions, such as Advanced and Pediatric Nurse Practitioners, midwives, and others within the concept of health manpower. At the time this report was prepared, data on these professions was not readily available and, as the federal government is refining its own definition, the Division of Public Health Services chose the more narrow definition to assure compatibility with other reviews and findings from this state and elsewhere.

Table 5 presents, for Rural, Rural/Urban and Urban areas, the number of currently licensed practitioners (as of 3/91) in these specialties and as was reported in a survey done in 1980 by the Division of Public Health Services' Bureau of Vital Records and Health Statistics (11). Table 5 also presents the population to physician ratio, based on the population in each area from the 1980 Census and the preliminary 1990 Census release. Data is provided for each hospital service area in Appendix F.

Between 1980 and the present time, the availability of primary care physicians in the Rural areas has remained relatively constant with the population to physician ratio actually improving. Only the General Practice specialty in the Rural areas experienced a decline from eight providers to five. The largest rate of increase in providers was in the Urban areas, where the number of providers increased by over 100% (220 to 448) and the physician to population ratio changed from just over 2,000 residents per physician to 1,227 residents per physician. This increase was at a rate higher than the general population increase, which climbed by 24% in the ten year period. The highest rate of population increase in the decade was in the Rural/Urban areas, with an increase of 27%. The Rural areas population increase in the decade was 17%. Relative to primary care physicians, the rate of increase in both the Rural and Rural/Urban areas was about the same: 61% in Rural areas and 63% in Rural/Urban areas.

A note of caution needs to be raised here. The number of primary care physicians generally, and especially in the Rural/Urban areas, is inflated by the presence of the medical school at Dartmouth College. While these physicians may be engaged in providing care, their practices should not be considered the same as the practices of their colleagues in other communities. Further, considering only the number of physicians may be misleading. Physicians may be licensed but not in active practice, may have reduced practice hours, may limit the number of patients they serve, and may not take patients whose payment source is public funding (e.g., Medicaid). Additional study, done on a community by community and physician by physician basis, is needed to develop an accurate picture of primary care physician availability.

The material gathered for this report, however, does permit generally describing the availability of primary care physicians. In 1980, seven hospital service areas had no providers in at least one specialty (see Appendix H). Five of the areas are classified as Rural in this report, and there was one area in each of the Rural/Urban categories. Two areas in 1980, the Cottage Hospital (Haverhill) area and the Upper Connecticut Valley (Colebrook) areas, both of which are Rural, lacked providers in three areas, including OB/GYN and Pediatricians. They shared this lack with the Franklin and Weeks (Lancaster) areas and, for OB/GYN, with the Huggins (Wolfboro) and Speare (Plymouth) areas. All of these areas are Rural, except for Franklin, which is an Urban area. In 1991, the number of areas without providers in at least one specialty increased from seven to eleven, with seven in the Rural category, three in the Rural/Urban category and one in the Urban category. Unlike 1980, however, there were no areas lacking providers in three specialties.

On balance, between 1980 and 1991, while the distribution of primary care physicians improved in all areas, and the population to physician ratio improved in all areas, the Rural areas, though having the best ratio of population to physicians, experienced an increase in the number of areas not having ready access to some specialties. It would seem, in spite of ten years of improvement, that Rural areas continue to experience disadvantages in the availability of primary health care. Without the additional studies mentioned above, no firm conclusions can be drawn about the availability of health manpower and the effect that availability (or lack of) may have on the health status of those living in the Rural areas.

Statement of Findings

The Committee to Study Rural Health Care finds that using hospital service areas as a focus, there are definable and distinct rural and non-rural areas of the state. The rural areas do differ appreciably from the non-rural areas in economic terms, health status and the availability of health manpower and these differences place the residents of rural areas at a disadvantage, healthwise, to residents in non-rural areas.

HOUSE RESOLUTION 237—ONGOING CRISIS IN YUGOSLAVIA

HON. EDWARD F. FEIGHAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 17, 1991

Mr. FEIGHAN. Mr. Speaker, the war in Yugoslavia rages on. Hundreds—perhaps thousands—of people have lost their lives. Many more have been maimed, orphaned, or had their homes and property destroyed throughout this madness.

Meanwhile the United States is silent. The European Community has been involved—their diplomats should be commended for their determination and the long hours spent mediating between the warring factions. But each cease-fire has been violated by shortsighted, hateful gunmen who care not about human life or the future of their own region.

The United States is the most powerful and respected Nation in the world. Why has our Government been reluctant to use our power and prestige in the name of peace?

Many observers tend to write this conflict off as some kind of inevitability—as one not easily prevented. They assume that everybody in that regional wants war and that there's no stopping them. This cynical view, Mr. Speaker, is completely wrong.

I strongly feel in my heart that the people of Yugoslavia do not want war. The great majority of Croats, Serbs, and others want to see an end to the killing, the wanton destruction of homes and property, the economic devastation that war has wrought. Sadly, war is forced upon them by a zealous and paranoid leadership. War is perpetuated by a majority of Yugoslavs—by a few ruthless zealots and an out-of-control federal army.

Mr. Speaker, last Thursday, I introduced House Resolution 237 regarding the ongoing crisis in Yugoslavia. In writing this resolution, I have striven to achieve balance. Nothing is gained by parceling out blame and taking sides. To do so in a resolution meant to encourage peace would not help achieve peace. In fact, it would most likely push true peace further into the future.

But that does not mean that I cannot stand up now and vent some of my feelings about those most responsible for this crisis.

I say loud and clear that those most responsible for the Yugoslav tragedy include Yugoslavia's extremist leaders and the federal army. Many leaders, most notably Serbian President Slobodan Milosevic, pathetically hide their economic failures behind nationalist rhetoric. Such rhetoric encourages extremism and directly leads to more killing. The army, by openly siding with Serb insurgents in Croatia, has totally failed in its duty to keep the peace.

Milosevic and his ruthless cronies are pushing their country to the brink of ruin. And some individual Serbs have committed heinous atrocities against Croats. If they truly cared about their country and the well-being of their people, they would not bankrupt their economy and future to wage this brutal war. They would not continue to lead their country into international isolation.

To those who would lump the Serbian people in with some of their worst leaders, I must say this. It is wrong to blame the Serbian people as a whole. To do so is to forget the thousands of brave Serbs who marched against Milosevic's rule in antigovernment demonstrations in Belgrade. What about those mothers of Serb conscripts who have begged the government to end the aggression and bring their boys home? We cannot forget their courage.

Rather than engage in the pointless—and counterproductive—exercise of parceling out blame at this stage, we should instead work toward achieving an end to the fighting. House Resolution 237 does that by offering the Helsinki principles—to which all Yugoslavs should be held—as guidelines for solving their differences peacefully.

The Helsinki principles have kept peace in Europe for two decades. I call on all parties to the Yugoslav conflict to use these principles as guidelines for peacefully resolving their differences—and to protect the rights and self-determination of minorities.

This resolution also condemns the federal army's partisan conduct and calls on it to cease providing assistance to the Serbian insurgents in Croatia.

Finally, House Resolution 237 urges the President and Secretary of State to support the formation of a Commission on Security and Cooperation in Europe [CSCE] peacekeeping force in order to assist in the enforcement of cease-fire compliance once the fighting parties separate themselves.

I believe that this resolution offers sound guidelines for the resolution of the conflict in Yugoslavia. I strongly urge my colleagues to support House Resolution 237.

LOWERING INTEREST RATES ISN'T GOING TO REVIVE THIS ECONOMY

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 17, 1991

Mr. ANDREWS of New Jersey. Mr. Speaker, one of southern New Jersey's prominent business leaders, Mr. Gerald Banmiller, has written a very thoughtful article entitled, "Lowering Interest Rates Isn't Going To Revive This Economy." Printed by the Courier-Post on October 4, 1991, today I am inserting it into the CONGRESSIONAL RECORD.

The article follows:

[From the Courier-Post, Oct. 4, 1991]

LOWERING INTEREST RATES ISN'T GOING TO REVIVE THIS ECONOMY

(By Gerard M. Banmiller)

An article in the Courier-Post on Sept. 14 described the potential impact of the lowering of the discount rate and the reduction of other borrowing rates, such as the mortgage and prime rate.

Speculation that lower rates will be good for the economy is so far off the mark that it is beyond belief.

We will not—I repeat, not—cause the economy to turn around by lowering interest rates. The reason the economy is sluggish is not a function of the rate of interest that people pay. The reason we are in an economic malaise is because of perception.

Let me describe to you the reasons why there is a perception problem on the part of the borrower and the lender in today's economic environment.

Talk to any tax specialist, any Certified Public Accountant and most individuals who have an economic awareness and an IQ above 50 and they will tell you that the Tax Reform Act of 1986 was not a positive influence on our economy. Essentially, the act discourages people from owning real estate. It's treatment of accelerated depreciation and passive losses essentially took 25 percent off the value of commercial real estate.

It is no coincidence that we snuck into a recession in 1987 and 1988 and felt the full effects in 1989 and 1990. When real estate loses value, our economy, which is essentially real estate driven, pays the ultimate price. It is no coincidence that savings and loan institutions began falling like dominoes soon after the passage of this act.

Another impediment imposed on economic health is the capital gains fiasco. The liberals in Congress have convinced themselves and tried to convince the public that capital gains relief is a rich man's benefit. Nothing—I repeat, nothing—could be further from the truth. To tax someone beyond the normal tax rate for any appreciation in an asset discourages the movement of money. When you discourage the movement of money, you, by definition, impede economic growth.

Every astute economist has recommended that we do something to encourage the movement of property ownership. It generates jobs, it generates commissions and generates income. Until we see some relief from the onerous provisions of the 1986 Tax Reform Act, and until we perform a lobotomy on the liberals in Congress and convince them that their wrong-headed position on capital gains is causing the malaise that we have, there will be no robust recovery.

There are also administrative problems with our economy. The failures of the S&Ls have caused the regulators to look hard at the lending practices of commercial banks. The regulators' rules haven't changed, but conditions have, particularly the performance of the real estate sector. Since the overwhelming majority of loans are real-estate based, the economy and, therefore, the condition of bank portfolios, have been negatively impacted. The regulators, in doing their jobs, have caused the banks to be incredibly cautious about granting any loans, not just real estate loans.

It is ironic that an agency of the U.S. government is wagging its finger at the lending practices of banks. To my knowledge, banks have never collectively operated at a multi-billion dollar operating loss, as has the U.S. government. Think about that the next time you hear pompous posturing on the part of our elected representatives in Washington. They and their spending habits have put our country in serious multi-billion dollar debt. If the banks ran themselves like the government, we would have been out of business 40 years ago.

How can we recover vibrant economic growth? First, repeal the 1986 Tax Reform Act and replace it with one devised with serious input on the part of the economic community. Second, provide sellers of assets with capital gains relief. Third, convince Washington that you have to have a dollar before you spend a dollar and tell the regulators that cooperation is necessary if we are going to recover from this economic situation.

News of the economy should be moved from the back pages of the newspapers to the front pages. Until then, we won't have an opportunity to throw out the idiots who buy their election by catering to special interest groups.

TRIBUTE TO THE SPRINGFIELD BOYS' CLUB

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 17, 1991

Mr. NEAL of Massachusetts. Mr. Speaker, I take this opportunity to do what is too seldom done, namely, to give credit where credit is due. Today, and every day for the past 100 years, credit has been due to the Springfield Boys' Club. Without this remarkable institution, neither I nor thousands of other boys in the Springfield area would have become the men that we are today. As the 100th anniversary of that founding November 19 draws near, I would like to pay tribute to an organization that has been a positive shaping force in the lives of countless Springfield youths over the past century.

Henry Wright, who served as president of the club during the late 1890's, often invoked President Calvin Coolidge's comment, "What the boy is, the man will be." It was with this thought to the future character, as well as present happiness, of the boys in all of Springfield's various neighborhoods that a few concerned individuals and a good number of the city's merchants banded together to develop and expand the role of the boys' club in the city of Springfield as a new century dawned.

The founders of the club, as they held their first meetings over Lobsitz's Bakery, had as their goal the creation of a comfortable, safe, and companionable meeting place for neighborhood boys. The early focus was on building strong bodies as well as strong minds in these children of the American melting pot. Members of every conceivable ethnic group came together to play, read, and learn useful skills under the guiding influence of men such as Henry Spurdle, Donald North, Harry Feldman, and the stern but caring Fred Stephenson, among others.

Somehow the lines of demarcation between and among Irish, Italians, French, Jews, Russians, Arabs, blacks, and whites were erased with every day that their children played and learned as one community. The club was and is a place to learn more about yourself and your neighbors. It represented a way to improve yourself, and the door to opportunity was wide open to all, regardless of color or religion. I often think that this has been one of the most significant factors in the development of my own views on racial and religious equality.

The club moved several times during its early years, and benefited enormously from the support of local businesses and private individuals. A pool was built and the facilities expanded to keep pace with the growing size and character of the club. Activities ranged from sporting contests to weekly movie nights. And, as always, the boys' club offered a quiet, well-lit area in which to read or study. In 1921, John Robinson donated a farm in Brimfield to the Springfield Boys' Club, which has been put to good use as a summer camp which stresses a balance between work and play to an untold number of visitors over the past 70 years or so.

The Springfield Boys' Club possessed an understanding of its members that is reflected in the dues charged. They were never more than a boy could afford, yet enough to teach the value of saving the pennies you earned on your newspaper route in order to belong and maybe buy some popcorn at the weekly movie. They say that you get what you pay for, but at the boys' club I got a great deal more than what my annual dues of $1.50 would have bought in any store.

All of what I am describing to you today is living history to me and thousands like myself, who belonged to the club, or coached or taught there. Their names come easily; Tommy Ryan, Mike Pagos, Gary McCarthy, Art Jones, and Mark Moran. Each one of these men had a profound effect upon the hundreds of kids who passed through the doors of 260 Chestnut Street in the early 1960's. To us, they were more than just coaches or counselors. They taught us dignity, courtesy, and respect for the institutions of life. More importantly, they introduced us to the value of friendship. To this day, the people whom I met at the boys' club during my youth remain my closest and best friends.

Of course, athletics are what really attracted us to the club. I remember walking up Chestnut Street every Saturday morning in the winter to play in the old Inter-City Basketball League, made up of players from Sixteen Acres to East Springfield, and from Brightwood to Hill-McNight. Each game was played with the pride of your neighborhood at stake, so the competition was always tough. We used the old "winners" rule: you had to keep winning if you wanted to keep playing. There was Henry Payne, Dwight Durrant, and Bob "Rabbi" Ryan from Commerce; Red Moriarty, Tom Long, and the Gallagher brothers from Technical; and Barry Metayer from Classical, just to name a few. If you were looking for a good pick-up game with good people, you found it at the boys' club on any given Saturday.

Ironically, the boys' club also played an important role in my eventual decision to enter the field of public service. On a crisp November day over 30 years ago, I stood outside the club with my family and watched as Senator John F. Kennedy spent part of his last day as a candidate for the Presidency in Springfield. I can remember vividly the sight of Kennedy's motorcade traveling slowly downtown, where he addressed a large crowd from a stage that he shared with Congressman Edward Boland. It is a memory that I have never forgotten.

For the people with whom I grew up, the boys' club was more than just a recreation center, it was a second home. Even today, I'll run into one of the old members and our conversation will drift back to our days playing hoops on the court at the boys' club. It was a place that gave me character, it is where I met some of my best friends, and it is where we all learned about winning, losing, and life.

I was fortunate to have been a member of the Springfield Boys' Club as a youth and I continue to offer my full support of their activities today. There is no doubt in my mind that the Springfield Boys' Club will continue to prosper in the next century because of the continued support of the Springfield community and the hard work of dedicated volunteers like Peter Picknally, Attorney John Fitzgerald, the Foleys, and E. James Stephens. People such as Archie Rintoul, Jim Shonak, and Billy Sullivan and the Moses family have been lifelong friends and supporters of the Springfield Boys' Club. Saco Catjakis, Irv Schrachs, and the Garveys have all played important roles in the club and have contributed countless hours to such long-standing club activities as the ever-popular bingo games.

The strong network of care and commitment created by these individuals has done more than just maintain and improve the boys' club. It has also provided a base for the launching of the Springfield Girls' Club, lending valuable experience and support during that organizations early years, and the two clubs continue to work cooperatively on a number of programs. It is only with the continued active support of the entire community, as well as the innovative and far-sighted leadership of Gary McCarthy, that the club has been able to grow and adapt to the changing character of Springfield's youth, and today offers services designed to curtail such increasingly pervasive problems as substance abuse and delinquency. The modern Springfield Boys' Club strives to raise self-esteem and focus ambitions through life-skills development programs and career counseling. The club's goal of "service to youth" retains a strong link to athletics but also incorporates contemporary concerns and problems into its programs.

I extend my congratulations to Executive Director Gary McCarthy and his fine staff on continuing the noble tradition which began 100 Novembers ago. The boys of Springfield continue to become productive and responsible men of the worlds thanks to the mission which Henry Spurdle undertook, and which is proudly upheld for the boys of today and tomorrow.

HONORING BOB RAY SANDERS

HON. MARTIN FROST

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 17, 1991

Mr. FROST. Mr. Speaker, Bob Ray Sanders is being honored tonight by the Dallas Civil Liberties Union Foundation, which will give him its Thomas Jefferson Liberty Award. This award is richly deserved.

Mr. Sanders has committed his professional life to journalism, working in both Dallas and Fort Worth in radio, television, and a daily newspaper. More than that, he has utilized his journalistic abilities to explore controversial issues and pursue justice.

The Dallas Times Herald published an editorial in today's edition praising Bob Ray Sanders for his work and contributions to the community. I join in this praise and commend the editorial to my colleagues for their review:

[From the Dallas Times Herald, Oct. 17, 1991]

HONOR FOR BOB RAY SANDERS

Bob Ray Sanders has long been the conscience of Dallas journalism. At the Fort Worth Star-Telegram, at KERA-TV and FM, and now at radio station KLIF he has upheld the highest standards not only of professionalism but of fairness and justice. No one deserves the Second Annual Thomas Jefferson Liberty Award of the Dallas Civil Liberties Union Foundation more than he does. It is highly appropriate that Mr. Sanders will be presented that award tonight.

Bob Ray Sanders left the Star-Telegram in 1982 to join "Newsroom," a week-nightly program at Channel 13. He quickly established himself as one of the strongest reporters on the show, covering issues fraught with controversy and pain in a manner characterized by compassionate intelligence.

Not for him the detachment of the purely professional. Mr. Sanders was more than that. He was a seeker after justice, and for him journalism meant a life of fidelity to a few cardinal principles embodied in our national canon, the Constitution and the Declaration of Independence.

After running KERA-FM and producing an elegant series for public television with Ossie Davis and Ruby Dee, Mr. Sanders started "News Addition", where he was host. He left KERA earlier this year to join KVIL. His talk show quickly became one of the most talked about in the city.

There to honor Mr. Sanders tonight will be Tarrant County Commissioner Dionne Bagsby; Warren (Buck) Buckingham III, director of the AIDS Arms Network; Rene Castilla, president of the DISD Board of Education and a former colleague of Mr. Sanders on "Newsroom"; Sylvia Komatsu, vice president of local programming at KERA and KDNT-TV; John McCaa, news manager and anchor at WFAA-TV and Jack Tinsley, editor of the Fort Worth Star-Telegram.

We add our congratulations to theirs.

WHAT ABOUT ARMS CONTROL?

HON. DAVE McCURDY

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 17, 1991

Mr. McCURDY. Mr. Speaker, as the administration continues its efforts to convene a Middle East peace conference, it should keep in mind the pressing need for serious proposals to curb the flow of dangerous weapons into that volatile region. While meaningful arms control in the Middle East would be a difficult and complicated process, the United States should still place the issue on the agenda if a peace conference takes place.

Jay Winik, senior fellow at the National Defense University, Michael Nacht, dean of the University of Maryland's School of Public Affairs, and Alan Platt, and international consultant, recently served on the U.S. Institute of Peace Study Group on Arms Control in the Middle East. In an article published by the Washington Post, they offered some excellent suggestions on how arms control might be pursued in the Middle East. I commend their article to my colleagues:

WHAT ABOUT ARMS CONTROL?

(By Michael Nacht, Jay Winik and Alan Platt)

In its headlong rush to convene the Middle East peace conference, the Bush administration is given short shrift to arms control in the region. That is a serious mistake: Reducing the capabilities and incentives for states in the region to wage war is not only an urgent concern but one that can be usefully addressed even if a peace conference bogs down.

The administration has taken some initiatives to stem the flow of new ballistic missiles into the Middle East, and the president himself has stated that arms control should be priority. But these efforts have not received the sustained high-level attention and support required to produce results. And even if these efforts were successful, they would still be woefully inadequate.

The Middle East remains virtually the only region where war is still a legitimate and widely used means of achieving political ends and where all the major powers have important ties and interests. Even if all outside arms shipments to the region ceased tomorrow, the region would be the most heavily armed in the world today. What must be found are measures that inhibit and ultimately delegitimize aggressive war as an instrument of policy.

Virtually all observers of the Middle East have rightly noted that it will take years, if not decades, for deep-seated difference between Arabs and Israelis to be overcome. Even if the peace conference were successful—a big if—this sobering reality will not change. Israeli officials have quietly speculated that increased Syrian-Israeli tensions could result from a stalemated peace conference. Should the peace process fail, another war is likely. Whatever the outcome, in the absence of arms control, regional hostility will loom as a cloud threatening reconciliation in the region.

The notion of applying arms control to the Middle East, is often greeted with skepticism based upon three arguments: that arms control is a Western concept inapplicable in the Middle East; that there is no experience with arms control in the region; and that even after the Gulf War there is no evidence of support in the Middle East for such measures. All three arguments are erroneous.

It is true that modern arms control was conceptually developed in the United States and Great Britain in the late 1950s and early 1960s. But this does not make it ill-suited for the Middle East. East-West arms control has had to cover a far broader range of issues and Uechnological esoterica than would be necessary in the Middle East, from strategic and theater nuclear arms to space weapons to a myriad of conventional systems.

The immediate requirements for arms control in the Middle East, however, need not be nearly so comprehensive and arcane. Rather, smaller attainable steps such as confidence-building measures, taken by the regional states themselves, hold far greater promise than they did in the U.S.-Soviet and European contexts.

The bitterness of the Arab-Israeli dispute is not necessarily a block to useful arms negotiations—no more than was the once bitter enmity between the West and the Soviet bloc. Indeed, arms control has often been more effective between adversaries than allies, because its potential payoff is most obvious and the interest of the parties is correspondingly intense. Particularly in times of crisis, arms control can prevent escalation of conflict from political miscalculations or the perception of one side that another has acquired new, first-strike weapons systems. At a minimum, arms control measures could delay or prevent a new round of qualitative weapons competition and military maneuvers which, if left unchecked, would likely bog down the peace process or serve as a catalyst for renewed conflict.

There is, moreover, greater experience with arms control in the Middle East than is commonly acknowledged. The disengagement-of-forces agreements concluded in 1974 and 1975 between Egypt and Israel and between Israel and Syria specified a number of quantitative and geographical limitations on weapons deployments. The 1979 peace treaty between Israel and Egypt also included many such provisions. Over the years, a series of tacit understandings about acceptable military actions has also evolved.

More importantly, arms control is today being accorded for greater attention in the region. United Nations Security Council Resolution 687, which is unprecedented in its scope, seeks to construct an elaborate arms control regime. It calls for the destruction of Iraq's weapons-grade nuclear material and chemical and biological weapons, research sites, equipment to develop weapons of mass destruction and all ballistic missiles with ranges exceeding 150 kilometers. Not unlike the European theatre, a weapons data base is called for, as are intrusive methods of verification and rigorous measures to enforce compliance.

Both in Egypt and Israel, at the Al Ahram and Jaffe strategic study centers respectively, independent experts are, for the first time, exploring regional arms control measures. And in terms of declaratory policy, Egyptian President Hosni Mubarak has called for the elimination of all weapons of mass destruction from the Middle East, while Israel has publicly supported the concept of a nuclear-free zone.

Agreement on a series of confidence-building measures must undergird any arms control regime. These would reduce the likelihood of war by fostering what experts call "transparency of capabilities and intentions."

The Middle East's historical record demonstrates that ambiguity about intentions has repeatedly led to war. In 1967 Egyptian troops massed against Israel. Uncertain as to Egypt's intentions, Israel struck preemptively, thus beginning the Six Day War. In 1973, Egyptians and Syrians conducted deceptive maneuvers. Israel chose a wait-and-see attitude, only to be caught off guard when the combined Arab armies attacked. And in August 1990, Iraq employed similar tactics against Kuwait. In each of these cases, military action, whether defensive or preemptive, was seen as the only viable option for ending the crisis.

Among specific measures that should be considered are: hotline agreements; risk-reduction centers; establishment of keep-out zones and demilitarization of critical terrain; and requirements for pre-notification and explanation of military exercises above agreed-upon limits. Clear violations would create a "political trip-wire" designed to bring immediate international pressure to bear *before* aggressive hostilities break out.

Collectively these measures would go a long way toward making the use of war a far more difficult course for resolving political differences. Over time, states in the region would have far greater confidence in the diplomatic process and would also have greater incentives to make concessions for peace. Moreover, in due course arms-reduction agreements that could lend further stability to the region would have a better chance of success.

While the administration has been slow to articulate a policy for arms control in the Middle East, this approach has already been endorsed by an international group of regional and security specialists. In a recent report published by the United States Institute of Peace, they state: "The Gulf War has created a rare opportunity for serious initiatives on arms control in the Middle East. * * * * Arms control measures should be pursued in parallel with the peace process."

The winter 1991 issued of Daedalus, the prestigious journal of the American Academy of Arts and Sciences, reflecting on 30 years of arms control, notes the imperative of disseminating the lessons of arms-control practice to the Middle East. Indeed, no less a hawk than Israel's Ariel Sharon has openly observed that arms control, not a continued arms race, could help bring peace to the Middle East.

What must be emphasized is that trust is not a necessary pre-condition for effective arms control. Control does not automatically translate into arms reductions and disarmament, as is popularly believed. Nor should it necessarily be construed as meaning comprehensive arrangements that are often unattainable. Rather, arms control encompasses those measures that strengthen regional stability and diminish war as an attractive instrument of national policy whether by design or perceived necessity—precisely what is needed now.

NATIONAL ASSOCIATION OF WOMEN BUSINESS OWNERS HONORS BONNIE HENESON

HON. HELEN DELICH BENTLEY

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 17, 1991

Mrs. BENTLEY. Mr. Speaker, I rise today to recognize Bonnie K. Heneson, president of Bonnie Heneson Communications, upon her selection as the National Association of Women Business Owners—Baltimore Regional Chapter's 1991 Woman of the Year.

A native of New York City, Bonnie is a graduate of Goucher College in Baltimore and is an active board member of NAWBO-BRC, National Association of Women Business Owners—Baltimore Regional Chapter. She has served for several years as public relations chair for the group and serves on the group's executive forum. Bonnie also participates in the national association's marketing committee where her work was important in obtaining national publicity for NAWBO Month in March.

Bonnie was cited especially for her contribution of time and services to the Baltimore regional chapter of NAWBO and for the example she has set as a successful business woman in the community. At a dinner on October 22, she will receive the Margaret Brent Award for her contribution to furthering women in business and for her active role in both the business and civic community.

In August 1990, Mrs. Heneson opened Bonnie Heneson Communications, with offices in Owings Mills, MD. Bonnie was vice president and a stockholder of a Baltimore public relations agency with which she was affiliated with for 16 years. She specialized in health care marketing and public relations. Throughout the years, her talent and ability was clearly evident as she directed the public relations activities of many Baltimore area hospitals and health care institutions.

Bonnie Heneson Communications provides public relations, advertising, marketing, special events planning, and graphic design and development services to a wide variety of clients. Manufacturing companies, retail stores, service businesses, real estate accounts, startup businesses, hospitals, and health care institutions all call upon the expertise of her firm.

However, Bonnie's interest and success extends far beyond the professional realm as she has done several pro bono public relations projects for local charitable causes. In addition, she serves on the executive committee of the board of the National Multiple Sclerosis Society of Maryland Chapter as secretary of the board. She is a board member and communications chair of the Maryland Chapter of the Academy of Health Care Marketing and a board member of the Center for Ethic and Corporate Policy, where she serves on the public relations committee. Bonnie is a member of the Maryland Hospital Association's Public Relations Society, the Public Relations Society of America, and the Reisterstown-Owings Mills-Glydon Chamber of Commerce, where she serves on the chamber's program committee.

Her commitment and dedication to such endeavors truly is commendable. It is far too easy to judge one by their professional success or material wealth. Yet individuals like Bonnie Heneson truly are blessed as they possess a wealth of character and spirit.

Although we are all proud of the success of women such as Bonnie Heneson, we must keep in mind that women deserve recognition, not for the mere fact that they are women in the work force or women employed in typically male occupations, but for their hard work, professionalism, and dedication.

When I covered the waterfront and labor issues for the Baltimore Sun, and when I served as Chairman of the Federal Maritime Administration, I did not place emphasis upon the fact I was working in positions never held before by women. Rather, my goal was to do the best job I could.

One who seeks to gain respect and recognition for the mere novelty of holding such positions do a great injustice to their position and to other women. If respect is deserved, it is because women must demonstrate, as Bonnie has, that we are not simply a part of the work force, but that we are equally competent and capable of making significant contributions, no matter what field of work we choose.

I share in the pride and joy of the National Association of Women Business Owners as they recognize Bonnie Heneson as 1991 Woman of the Year. Bonnie personifies so many qualities that have made this such a great nation. Her work ethic, commitment to civic organizations and professionalism are deserving of the utmost recognition.

Mr. Speaker, it is with great respect and admiration that I congratulate Bonnie Heneson upon this momentous occasion. May she have continued success and happiness in the years ahead.

PRESERVING THE NATION'S HERITAGE: THE 25TH ANNIVERSARY OF THE NATIONAL HISTORIC PRESERVATION ACT

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 17, 1991

Mr. MICHEL. Mr. Speaker, America's relationship with its past is unique. Present constitutional debates on modern issues frequently require our society to look back into history, into the minds of the Founding Fathers, to determine what their original intent may have been. The Constitution, while its interpretations may evolve over the years, remains a static document and a bedrock for our form of government.

America's heroes, as venerated in many of the monuments in the Nation's Capital reflect this Nation's deep regard for its history. From Washington and Jefferson to Lincoln and Kennedy, much of the attention has focused on the great men in our past. In recent historiography that focus has shifted from the great men of history to the common society of the past.

Twenty-five years ago, the National Historic Preservation Act became law. By this act, the Congress recognized that a true understanding of history meant more than remembering the deeds of great men. Indeed, it meant preserving those homes, buildings, and other important artifacts of people from all sectors of society.

Part of the challenge of historic preservation is selectivity. Needlessly protecting useless buildings can be as counterproductive as protecting none. Like pruning an overgrown tree, the selective choosing of worthy historic preservation sites will encourage both an appreciation of our past and a facilitation of progress in our future.

The National Trust for Historic Preservation is dedicated to this difficult task. This private nonprofit association works with thousands of local historic preservation and community groups to help with preservation of individual buildings, objects, sites, and districts significant to the history and culture of the Nation. It provides technical advice to public and nonprofit organizations, sponsors educational programs, and advocates the country's heritage in many different ways.

In fact, the National Trust has done work in my hometown of Peoria by providing a grant to help support the Judge Jacob Gale House. This and countless other projects have contributed to a richer historical understanding of our Nation.

I would like to commend the National Trust for Historic Preservation, which is now meeting in San Francisco, on its contributions to American historical preservation over the last 25 years. I also encourage them to keep up the good work in achieving the right balance between preserving areas that have real historic value and discarding places that are just plain old.

THE FIGHT AGAINST BREAST CANCER

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 17, 1991

Mr. MAZZOLI. Mr. Speaker, it is appropriate in this month of October—National Breast Cancer Awareness Month—that we focus our attention on the positive steps we can take here in Congress to promote treatment and prevention of this terrible disease.

All too often with diseases like breast cancer, preventive measures are unavailable or ignored until a critical condition is reached. We have within our grasp the ability to reduce significantly the incidence of illness and death from breast cancer.

Among the legislative initiatives which offer hope in breast cancer prevention is H.R. 3462, the Breast Cancer Screening Safety Act of 1991. I am pleased to be a cosponsor of this bill which seeks to establish national quality standards for all mammography facilities—their equipment, personnel, and quality control. Women have a right to feel secure that their mammogram results are accurate and of the highest quality.

It is easy to understand that the payments for routine screening programs are cost-effective and that detecting cancer in its early stages can greatly increase the chances for survival. Preventive care simply makes good sense and, as the familiar phrase goes, it is the right thing to do.

I am also pleased to support the Medicaid Women's Basic Health Coverage Act of 1991 (H.R. 1129), which would provide Medicaid coverage for routine mammogram tests for women over 35 years old, and the Medicare Preventive Benefits Act of 1991 (H.R. 2565), which similarly, would extend Medicare coverage to various preventive services for senior citizens, including annual screening for breast cancer, rather than the current biennial exam. Both of these common sense bills have my full support.

Legislation with its emphasis placed on preventive should move in concert with vigorous efforts in research. There is presently no cure for breast cancer, nor is its cause known. But funding for research toward finding answers to these questions, like that proposed by H.R. 381, the Breast Cancer Basic Research Act of 1991, which I have cosponsored, is an important step in the right direction.

Earlier this year the House approved its fiscal year 1992 labor, health and human services, and education appropriations bill which would provide $1.83 billion for the National Cancer Institute [NCI]. This represents an increase of about $117 million over last year's appropriation, with the largest percentage of increases being provided to women's health issues.

The House bill also includes $50 million for the Centers for Disease Control to continue its breast and cervical cancer prevention and control program. I hope that funding for these initiatives can be maintained at the highest possible levels following House and Senate conferees' deliberations.

Mr. Speaker, in sum, there is much that we in Congress can do to reduce the tragic consequences of breast cancer in America. Accomplishing this task will require the collective efforts of the medical and scientific communities, our elected leaders, and every American citizen.

So, during the celebration of National Breast Cancer Awareness Month, as we recognize what progress has been made and what lies ahead, let us set our sights high with renewed commitment to this worthy goal.

NATIONAL BRAILLE LITERACY WEEK

HON. CASS BALLENGER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 17, 1991

Mr. BALLENGER. Mr. Speaker, I am pleased to introduce today a resolution designating January 4, 1992, through January 10, 1992, as National Braille Literacy Week. This designation would serve to highlight the importance of Braille to blind people, and would also stand as a memorial to Louis Braille who was born on January 4, 1809. This resolution has the full support of the American Council of the Blind, the Nation's largest organization of blind people.

Braille is the most effective reading and writing medium available to people who are blind. A recent decline, however, in Braille literacy has led several States to examine the need to encourage, and in some cases virtually mandate, Braille instruction to blind students in the public schools. In these times of ever-increasing public and media focus on our national education system, it is vital that blind children who can benefit from Braille instruction have access to highly qualified teachers who can provided this instruction regardless of the type of school in which the child is educated.

Not only is it crucial that blind children are taught the Braille language, but adults who are blind or visually impaired should have the right to become literate through instruction in Braille as well. The ability to read and write independently is a great asset and an immeasurable joy to the blind person of any age.

Braille should be recognized as a legitimate and useful medium. National Braille Literacy Week will help bring about greater interest in Braille and give this valuable means of communication the recognition it rightly deserves.

INTRODUCTION OF LEGISLATION CALLING FOR A REVIEW OF DELINEATING WETLANDS

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 17, 1991

Mr. BROWN. Mr. Speaker, today, I am introducing legislation calling upon the National Academy of Sciences to complete an independent review of the science and methodology of delineating wetlands.

In 1989, wetland scientists representing the four Federal agencies: the Army Corps of Engineers, the Environmental Protection Agency, the Fish and Wildlife Service, and the Agriculture Department's Soil Conservation Service, reached a consensus on the scientific definition of wetlands and devised a Federal Manual for delineating wetlands. Wetlands are valued because of the ecological and recreational uses that they provide. These include flood control, water quality improvement, ground water recharge, shoreline stabilization, and wildlife habitat and fisheries.

On August 14, the administration announced sweeping changes to the Nation's no-net loss of wetlands policy, including proposed revisions to the 1989 Federal Manual for identifying and delineating jurisdictional wetlands. The debate over the methodology for defining wetlands has been raging for some time. The proposed changes to the manual appear, however, to be based largely on political considerations rather than science. In fact, the events leading up to the publication of the new consensus proposal clearly show that the changes to the wetlands manual were not reached by a true scientific consensus between the involved agencies, but instead appear to reflect the politically based dictates of the President's Council on Competitiveness chaired by Vice President DAN QUAYLE. Thus, instead of a scientifically based consensus document to delineate wetlands, we may be called upon to implement a less substantive policy—a policy that many Federal scientists with expertise in wetlands definition apparently do not support.

This legislation requiring a National Academy of Sciences review will serve, at least, to confirm the scientific underpinnings of the administration's proposals, including the prospect of mitigation banking of wetlands by creation and restoration, and the prospect of wetland classification according to varying degrees of ecological value. If the review proves it necessary, this legislation will also serve to bring science back into the regulatory arena and will allow Congress to determine the appropriate wetland policy.

I believe that before any of the proposed changes to the manual are adopted and implemented, an independent scientific review must be conducted. Preliminary results from over 25 States that are field testing the proposed changes to the manual indicate that in a majority of States more than half of the existing wetlands will lose their protection. Chesapeake Bay, already in serious trouble from pollution and overfishing, is dependent on an enormous watershed covering all of Maryland, a third of Pennsylvania, and more than half of Virginia for perpetual flushing with fresh water. A current estimate is that at least 35-percent of the tri-state's freshwater wetland would fall out of protection under the new manual. Further, the Governor of Pennsylvania recently testified that the proposed changes to the manual would pose a serious threat to hundreds of thousands of acres of valuable—and vulnerable—wetland heartland. Also at risk are prairie potholes in the Great Plains States which provide essential habitat for nesting waterfowl, vernal pools in California and Oregon, and bottomland hardwood forests which serve as flood plains for our rivers and streams. In the opinion of many wetland scientists, even the Everglades—our most significant wetland is at risk.

In addition to a number of witnesses appearing this week at wetlands hearings held by two of the House committees, nationally recognized wetland scientists as well as the Audubon Society and the National Wildlife Federation have called for a National Academy of Sciences study of wetlands. The study that will be undertaken following passage of this bill will insure that the scientific integrity of our wetlands policy remains defensible and uncompromising.

IN TRIBUTE TO GEORGE RUSSELL

HON. JOHN EDWARD PORTER

OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES
Thursday, October 17, 1991

Mr. PORTER. Mr. Speaker, when House Assistant Chief Clerk to Reporters George Russell passed away recently, the Congress lost a great friend and an outstanding public servant. He faithfully served this House and his Nation for many years, and he will be deeply missed by all of us who were fortunate enough to know and work with him.

When I first came to Congress, George was already a familiar face in this Chamber. At that time, as a freshman Member taking on new responsibilities and facing new pressures in the House of Representatives—an intimidating experience for anyone—I found reassurance in his personal warmth, friendship, and easy smile. Throughout my service in Congress, George continued to be a friend and an individual of delightful spirit whose goodwill touched and inspired me.

In the midst of the partisan political battles which have frequently consumed this House, George was a constant reminder of our common bonds and the goals of public service which we all share. He earned the respect of Members on both sides of the aisle, and with good reason.

George Russell was recently described by House Clerk Donnald Anderson as a man of "spontaneous friendship and kindness," a man whose delightful personality was so apparent that he received thousands of letters from viewers of House proceedings on C–SPAN, "people who didn't know him but felt like they should."

Mr. Speaker, that observation speaks volumes about how lucky we all have been to know George Russell. His contributions to this Congress, our Nation, and those of us who are privileged to serve here will not be forgotten.

I join my colleagues in expressing my deep sadness over George's death, and in sending my profound condolences to his friends and family at this difficult time.

IN MEMORY OF ENS. JOHN LONERGAN

HON. THOMAS M. FOGLIETTA

OF PENNSYLVANIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, October 17, 1991

Mr. FOGLIETTA. Mr. Speaker, I rise today to pay tribute to the memory of Ens. John Joseph Lonergan of Philadelphia, who tragically lost his life in an automobile accident on October 12 at the age of 23.

As a boy, Mr. Lonergan used to sit with this father on the bleachers at JFK Stadium in Philadelphia, and watch the annual Army-Navy football game. From that time on, John Lonergan knew that he wanted to attend Annapolis, and worked with persistence and diligence throughout his school years to achieve his goal. I helped young John attend the academy. Whether he was serving as a class officer, or playing the tenor saxophone in the Northeast Catholic High School Jazz Band, John Lonergan constantly delighted his friends and teachers with his numerous talents.

In 1987, John Lonergan fulfilled the goal he had set for himself long ago, as he entered the freshman class of the U.S. Naval Academy in Annapolis. Following his graduation this year, Ensign Lonergan was assigned to the Navy's Surface Warfare Officers' School Command in Newport, RI.

John Joseph Lonergan's friends and family recall that he lived by "a code of persistence." As a student, an officer, or a friend, John Lonergan will always be remembered for his determination, and his kindness toward others. I join my colleagues in extending my deepest sympathies to Ensign Lonergan's parents, John and Sally, as well as to the rest of his family and friends.

TRIBUTE TO HIRAIR HOVNANIAN

HON. FRANK PALLONE, JR.

OF NEW JERSEY
IN THE HOUSE OF REPRESENTATIVES
Thursday, October 17, 1991

Mr. PALLONE. Mr. Speaker, on October 26, in a place that most Americans have probably never heard of, a ceremony will take place marking an act of extreme generosity. In the city of Gumairi, in the newly independent Republic of Armenia, a grand opening will be held for a new factory complex that was constructed by the Armenian Assembly of America Relief Fund, Inc.

Mr. Speaker, all Americans should take pride in this wonderful act of kindness and concern extended by U.S. citizens to the people of a land that is finally emerging from so many years of Communist tyranny and mismanagement. For me, it is a special source of pride that the president of the board of directors of the Armenian Assembly is one of my constituents, Mr. Hirair Hovnanian of Deal, NJ.

Hirair Hovnanian has enjoyed great success in the construction industry with his family-owned business. But what truly distinguishes this fine man is the tireless work that he has performed to give the Armenian people a ray of hope for the future. Mr. Hovnanian was born in Iraq, the son of Armenian parents who were displaced from their homeland by the terrible tragedy perpetrated on the Armenian people by the Ottoman Turks. He immigrated to the United States when he was 21. After graduating from Villanova University, he started his own construction company, Hovsons, Inc. Mr. Hovnanian has joked that his goal was to be "an American tycoon businessman." While succeeding in that endeavor, he has not forgotten the strong ties that bind together the Armenian people—both those who live in the small Republic that until recently was part of the Soviet Union and the millions of other Armenians dispersed throughout the world.

It is indeed fitting that the Hovnanian business is in the construction industry. Building, and rebuilding, is exactly the type of assistance that Armenia needs. For many Americans, the reality of Armenia was unknown until the December 1988 earthquake that claimed the lives of 50,000 Armenians and left another half-million homeless. This tragedy exposed to the world the inability of Soviet-dominated Armenia to recover from a tragedy of this magnitude. Coming at the time that the cold war was beginning to wind down, this natural disaster resulted in the first direct assistance from the United States to the Soviet Union since the end of World War II. But, after the news of the Armenian earthquake went off the front pages, the problems faced by the Armenian people remained. With the recent tumultuous events in Moscow, it now appears that the destiny of Armenia will be in the hands of the Armenian people and not in central government. This provides both an opportunity and a challenge.

Hirair Hovnanian has spearheaded a $3.3 million project, through the Armenian Assembly, that will give the Armenians a greater degree of self-sufficiency in the future. The assembly has been building three factories in Armenia—with prefabricated materials shipped from the United States to Armenia on huge Soviet cargo planes—that will produce building materials for homes and other structures. The expectation is that the new factories, built to modern Western standards, will be able to turn out enough material to build 10,000 homes per year. Next Saturday, the dream will begin to become reality.

Mr. Speaker, lest we forget, the Armenian people are the proud descendants of one of the most ancient cultures in human history—a history that has continued unbroken despite unimaginable adversity. The Armenians suffered horrendously—over 1 million dead—in a deliberate and ongoing policy of genocide by the Ottoman Empire that modern Turkey has still refused to acknowledge. For the past seven decades, the citizens of the Armenian Soviet Socialist Republic, comprising only a fraction of the Armenian homeland, have suffered the kind of oppression and deprivation experienced throughout the U.S.S.R.

In February 1990, Levon Ter-Petrosian, a scholar and former political prisoner of the Soviet system, became President of the Republic of Armenia. Earlier this week, in the wake of last month's near unanimous vote in favor of secession from the Soviet Union, Mr. Ter-Petrosian became the first popularly elected President of Armenia with approximately 80 percent of the vote. About a year ago, President Ter-Petrosian paid a visit to Capitol Hill, and many Members of this House had the honor of meeting and speaking with this remarkable man.

The Armenian Assembly of America is a charitable, nonprofit association, founded in 1972, headquartered in Washington. In the wake of the earthquake, the assembly established a special earthquake relief fund which has raised more than $4 million in contributions.

SYRIA'S CYNICISM

HON. JAMES H. SCHEUER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 17, 1991

Mr. SCHEUER. Mr. Speaker, in this morning's news we once again see the cynicism and unreliability of Syrian President Hafez al-Assad—President Bush's newly found Middle Eastern ally.

After 12 hours of talks, even the tireless James Baker could not get Mr. Assad to budge from his longstanding rejectionism of Israel.

Notwithstanding his earlier—vague but much celebrated—agreement to attend a Middle East Peace Conference with Israel, Assad now says he will certainly not attend multilateral talks about regional issues—such as water, the environment, and arms control—until Israel withdraws from all of the disputed territories.

The primary purpose of the talks, the Syrian Foreign Minister now admits, is to get back the Golan Heights—not to talk peace and cooperation.

He says he won't even shake Israeli Foreign Minister David Levy's hand when the conference begins.

Let us not forget whom we are dealing with here, Mr. Speaker. As the leader of a country that the State Department cites for engaging in state-sponsored terrorism, Mr. Assad harbors and supports vile terrorists—including those who bombed Pan Am Flight 103, who kidnaped and continue to hold American hostages in Lebanon, and who killed 238 U.S. marines in a car-bomb attack on their barracks in Lebanon.

Mr. Speaker, sadly, President Bush and Secretary Baker have invested so much time and political capital in convening a history-making Middle East Peace Conference that they refuse to apply heavier pressure on Assad as he backs away from his earlier commitment to attend peace talks with Israel. Their reluctance to push Assad harder only encourages his—and others—further intransigence.

This is a mistake. Mr. Speaker, because until Assad, and the many other Arab States that follow his lead, truly pursue peace for peace's sake, no peace will ever reign in the Middle East.

A TRIBUTE TO JAN MISHODEK

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 17, 1991

Mr. LEWIS of California. Mr. Speaker, I would like to bring to your attention the fine work and outstanding community service of Jan Mishodek of Yucaipa, CA. Jan will be honored for 16 years of service as a member of the Board of Education of the Yucaipa Joint Unified School District at a special dinner in November.

Jan's love for children is no secret. The mother of seven children and eight grandchildren, she has always secured a special place in her heart for kids. "Jan Mishodek is a woman who loves children," said Ron Bennett, district superintendent. "Her primary concern as a board member has been what is best for students. Jan has given her entire adult life to serving the children of the Yucaipa Valley."

Jan has left her valuable mark on education and the community for many years. She began as a young room-mother in 1968 and has had a long involvement with PTA, serving as both school and council presidents on several occasions. She has served as a school board member longer than any other woman since the first Yucaipa school board was formed in 1917. As a member of the school board, she was elected president four times.

The school district has distinguished itself in many areas during Jan's tenure with the school board. The district has been recognized for consistently high test scores in all areas of the CAP and CTBS achievement tests. Valley Elementary and Yucaipa Middle Schools were designated as distinguished schools by the California State Department of Education. Green Valley Continuation School was the recipient of the California School Board Golden Bell Award. In addition, the high school forensics team has been ranked nationally for many years.

Of course, Jan has made a number of other contributions to education and the community. She served on the Colton-Redlands-Yucaipa regional occupational program boards from 1975–89, three times as president. Statewide she has been a member of the delegate assembly for the California School Board Association, including 6 years as regional director. In addition, she has served in a number of capacities on the San Bernardino County School Boards Association.

"Now, I really feel it is time for me to move on," Jan explains. "I will probably miss the board all the rest of my life. When you work with a group of such fine people, you enjoy the rewards of success. It's got to be one of the most fulfilling things you can do."

Mr. Speaker, I urge you and our colleagues to join me in recognizing the devotion and many unselfish contributions made by Jan Mishodek over the years. Her commitment to the future of our children is worthy of recognition by the House today.

TRIBUTE TO THE CROSWELL OPERA HOUSE

HON. CARL D. PURSELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 17, 1991

Mr. PURSELL. Mr. Speaker, I rise today to comment on the 125th anniversary of the Croswell Opera House located in Adrian, MI.

The Croswell is the oldest continuously operating theater in the State of Michigan. It also is believed to be the third oldest theater in the Nation, having been built in 1866 by Charles Croswell.

Croswell, who would go on to become the Governor of Michigan, originally operated the auditorium for live theater. From 1866 to 1921 the Croswell Opera House served as the home for stage, concerts, lectures, vaudeville, minstrel shows and educational activities.

From 1921 to 1967, live entertainment gave way to film as the opera house became a movie theater.

In 1967 the wrecker's ball was trained on the facility, however, the Croswell Opera House and Fine Arts Association was created and saved the historic building from destruction. The association now operates, maintains and preserves the theater.

Since 1967, the Croswell has returned to live entertainment, including professional theater. In 1976 the building became a Michigan Historical Site. In 1985 it was added to the National Register of Historical Places.

Today's activities at the Croswell include summer musical theater, winter theater, Junior Town Hall, Town Hall Lecture Series, an art gallery, the Lenawee County Heritage Festival, as well as other local school and charity events.

Mr. Speaker, on this 125th anniversary, I salute the directors of the Croswell—Carol Jodis and Robert Soller—and the entire board of trustees and officers of the association—Allan Brittain, Samuel Engardio, Ray Maxe, Marcia Lngnick, Kenneth Roof, Milton Schoch, Mary Weeber, Robert Bell, Gerald Burg, Karen Glaser, Jan Gurdjian, Thomas Hummel, Harvey Koselka, Charles Ojeda, Martha Poppink, and Paul Rupert.

HEROES IN EDUCATION

HON. DAN SCHAEFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 17, 1991

Mr. SCHAEFER. Mr. Speaker, it is with great pleasure that I rise today to salute a Colorado educator, Principal Thomas Trembath, who has given unselfishly of his time and talents to complete a task that had no funding from his school district.

In this time of ever shrinking school budgets, there was no money available to paint the trim at Kullerstrand Elementary School in Jefferson County, CO. When the Kullerstrand PTA got involved, they provided the money to buy the paint, and Thomas Trembath spent over 2 weeks of his summer vacation painting the trim on the school. Thomas Trembath realized there was a need, and unselfishly donated his time and energy to see that the project was completed.

I am proud to represent educators such as Thomas Trembath, who go the extra mile when it comes to children. He represents what is best both in Jefferson County Schools and in Colorado, and that is the spirit of giving of time and talents to see that a much needed project can become a reality.

Mr. Speaker, I ask my colleagues to join with me in thanking Thomas Trembath and all those unsung heros in unwavering dedication and commitment.

TRIBUTE TO DR. RONALD N. LEVINSON

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 17, 1991

Mr. MILLER of California. Mr. Speaker, on November 2, 1991, the Graduate School of Professional Psychology of John F. Kennedy University will pay tribute to Dr. Ronald N. Levinson for his contributions to Contra Costa County, CA. It gives me great pleasure to join them by offering this special recognition.

Dr. Levinson has had a distinguished career in the field of clinical psychology, including a number of achievements both in private clinical practice and in sharing his knowledge with others.

As dean of the Graduate School of Professional Psychology at John F. Kennedy University for the past 18 years, Dr. Levinson has created a highly acclaimed program for the purpose of teaching and training therapists and other mental health practitioners. The graduate school has grown under Dr. Levinson's direction from a student body of 30 to more than 500 students on two campuses. Today more than 1,200 alumni from this program work in mental health and community service agencies.

Dr. Levinson began his career in community service with the Economic Youth Opportunity Agency of Los Angeles in the 1960's. He continued his service-oriented work with the Peace Corps in the West Indies, the Lane County Community Action Agency in Eugene, OR, the Group Health Cooperative of Puget Sound in Seattle, and as the director of Continuing Care Services for Contra Costa County Mental Health in California. In 1976, Dr. Levinson established the Community Council Center in Pleasant Hill, CA, which is now the largest low-fee mental health clinic in the San Francisco Bay area.

Dr. Levinson is currently a consultant to the Phoenix Programs of Concord, Sunrise House of Concord, and Allied Fellowship in Oakland. He also serves on the advisory board of New Connections in Concord, CA. In addition, Dr. Levinson maintains a private practice and serves as clinical supervisor to master's degree and doctoral students from various bay area universities such as California State University, Hayward, St. Mary's College, the Wright Institute, and Saybrook Institute.

In recognition of his years of hard work and many accomplishments, Dr. Levinson has been the recipient of several awards, the most recent being the prestigious Koret Foundation Israel Prize.

Mr. Speaker, I am proud to join his family and colleagues in honoring the many achievements that dominate his career. Dr. Levinson has earned our deepest respect and admiration for his service to his community.

RED RIBBON WEEK

HON. CALVIN DOOLEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 17, 1991

Mr. DOOLEY. Mr. Speaker, it takes a remarkable amount of courage and leadership for any community to stand strong in the war against substance abuse. On October 24, 1991, Delano, CA, will initiate its latest step to help combat the growing drug and alcohol abuse problem in our Nation by kicking off its second annual Red Ribbon Week.

Last year's event was a tremendous success which can be attributed to concerned individuals who felt the growing need to guide the youth of Delano. Lonnie Lemmons, sales manager of the Delano Record, is one such individual.

Lonnie developed and organized the week-long event which focused on the importance of the youth of Delano. He realized the best way to educate the younger generation about the dangers of drug use was to involve members from all segments of the community. Lonnie firmly believes education and unity have always been the most powerful weapons in wiping out the problem of drugs. Red Ribbon Week not only concerns the schools, it encourages the businesses, community organizations, and city government to conduct services that promote a drug- and alcohol-free lifestyle.

This year the event will focus on awareness, involvement, and alternatives. The goals outlined by Lonnie and his committee are to make the public aware of the hazards children face relating to drugs, gangs, alcohol and tobacco; to get as many people involved as possible as good role models for the children of the community; and to raise money for alternative programs and projects that Delano's youth can turn to, like a youth center.

Recently, Lonnie and his committee were honored for community coordination and collaboration during the Kern County Superintendent of Schools Substance Abuse Program Excellence Awards presentation. Now I ask my colleagues to join me in commending Lonnie for the altruistic contributions he has made to his community. The concern and dedication he shows for our future generations should set an example for all to follow.

MASSACHUSETTS FIREFIGHTING ACADEMY OPENS NEW FIRE TRAINING GROUNDS

HON. CURT WELDON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 17, 1991

Mr. WELDON. Mr. Speaker, I rise today to call your attention to the grand opening of the Massachusetts Firefighting Academy's Fire Training Grounds scheduled for this weekend.

On October 19, 1991, the formal grand opening ceremony for the academy's fire training grounds will be conducted, uniting the training facilities with the administrative headquarters. The new state-of-the-art facilities represent the second phase of an $11 million improvement project at the academy, which serves as central training ground for firefighters from across the State.

The facility, one of the most modern in the Nation, includes a six-story high-rise structure for realistic high-rise fire simulation and training; a specially designed structure that simulates different types of building fires; a complex maze through which firefighters will crawl to learn how to battle blazes in confined areas in full gear; a 6½-acre flammable-gas training facility; and a 19,000-gallon pool for rural fire fighting instruction.

The facility operates with the problems of our environment in mind—with a 70-percent capture of the water used in training exercises for recycle and reuse.

More than 1 million dollars' worth of utilities and technical equipment have been donated by private industry to the academy.

Mr. Speaker, please join me in applauding the efforts of the leadership, staff and friends of the Massachusetts Firefighting Academy for providing the means to better educate and train the brave men and women of the Massachusetts fire service.

ANNIVERSARY OF THE NATIONAL HISTORIC PRESERVATION ACT

HON. J. ALEX McMILLAN

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 17, 1991

Mr. McMILLAN of North Carolina. Mr. Speaker, October 15 was the 25th anniversary of the National Historic Preservation Act. Preservationists and historians are now gathering in San Francisco for their annual conference. The meeting will stimulate discussion about the historic preservation movement over the past 25 years and what can be expected in the future.

Earlier this summer, we held a congressional symposium on private sector solutions to historic and natural preservation opportunities. I was impressed by the variety of private sector innovations in historic and natural places. The difference in our quality of life that organizations like the National Trust for Historic Preservation and preservation-conscious entrepreneurs make is outstanding. If it were not for the vision of a few, we might not today be able to enjoy Mount Vernon, walk the sacred ground where the Battle of Gettysburg was fought, or appreciate the charm of historic Charleston.

My State of North Carolina is fortunate to have abundant historic and natural resources such as Tryon Palace, Biltmore Estate, and the Smoky Mountains. The Preservation Foundation of North Carolina has been integral in stimulating over 135 historic preservation projects through a private revolving fund that has stimulated private sector investments of over $40 million, so that generation after generation will have the opportunity to know the past as if it were here today.

I invite my colleagues to reflect this week on the importance of the historic places in their lives and in their districts and how these places contribute to this Nation as a whole. I also urge you to take a look at H.R. 1601 and H.R. 1566 for your possible support.

ASSAULTING ASSAULT WEAPONS, NOT THE SECOND AMENDMENT

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 17, 1991

Mr. ANDERSON. Mr. Speaker, I rise today in support of the assault weapons ban contained in H.R. 3371, the 1991 crime bill. This bill specifically bans 22 semiautomatic assault weapons. These weapons are defined as any repeating firearm which utilizes a portion of the energy of a firing cartridge case to extract the firing cartridge case and chamber the next round. This requires a separate pull of the trigger to fire each cartridge. This definition is narrower than the sporting test language implemented by the Bush administration to ban the import of 43 types of semiautomatic, military-style rifles. Much debate has centered on this definition and the degree to which assault weapons are used in drug and violent crimes, but the bottom line is that these weapons threaten our Nation's law enforcement officials and the general public. They are specifically designed to kill human beings, not for hunting or recreational purposes. That is why I join the numerous police organizations, including the National Association of Police Organizations [NAPO], the International Association of Chiefs of Police [IACP], and the Fraternal Order of Police [FOP], in endorsing the assault weapon ban.

In discussing the assault weapon ban, we must not only spell out what it accomplishes, but also dispel the myths circulated by the bill's opponents. The bill would not grant unelected bureaucrats the power to ban additional weapons. The Bureau of Alcohol, Tobacco, and Firearms [BATF] has explicitly acknowledged this fact. While the BATF can recommend changes to the list of banned weapons, these recommendations will not have the force of law unless they are approved by Congress. The bill does allow the BATF to ban a copy of a prohibited gun. A copy applies to isolate circumstances in which a manufacturer or any other person attempts to evade the ban by renaming a weapon or by making a minor, cosmetic change.

The assault weapon ban will not turn the owners of these weapons into criminals. The bill's grandfather clause protects the rights of those who legally owned the banned weapons prior to the bill's enactment. The BATF will have the authority to draft regulations concerning the transfers of these grandfathered weapons, but the transfer of these legally owned firearms will not be prohibited. If you own an assault weapon now, you will be able to retain your ownership and your right to sell or transfer it under the crime bill's provisions.

I would not support a bill that broadly restricted the second amendment rights of gunowners. The assault weapons ban contained in H.R. 3371, though, is narrowly confined to the 22 weapons listed. While opponents view this ban as an infringement on the second amendment's right to bear arms, the Supreme Court has rejected the notion that this right is without limitations. By refusing to grant cert in the case of Farmer versus Higgins earlier this year, the Supreme Court implicitly accepted Congress' constitutional ability to curtail the proliferation of machineguns without violating the second amendment and to regulate the possession of any firearm if deemed in the public interest. This principle clearly extends to the semiautomatic weapons covered by H.R. 3371. For this reason, I have continued to support such limited gun control measures that will keep guns out of the hands of criminals and make the streets safer for our citizens.

When debating the assault weapons ban, a central consideration should be the men and women who fight crime every day, our Nation's police officers. The proliferation of assault weapons has left these officers outgunned in the war against crime. It is time to even the competition. Next, the most principal of our concerns must be the people in our communities, who should feel safe in their own neighborhoods. While assault weapons currently comprise one-half of 1 percent of all guns in circulation, they accounted for 10 percent of all crime guns traced in 1988–89. Unless Congress takes action now, these weapons will continue to proliferate to the detriment of our Nation's security.

Yesterday, the National Law Enforcement Officers Memorial was dedicated to the memory of those officers who died in the line of duty. Over 12,561 names were listed on the memorial, with over 1,000 coming from my own State of California. These officers made the ultimate sacrifice defending our streets against crime. Today's officers face life and death situations every day. They support this ban on semiautomatic weapons to make the streets safer for them to patrol. I urge my colleagues to support the pleas of law enforcement by supporting the ban on semiautomatic assault weapons.

TRIBUTE TO FIVE OF STATEN ISLAND'S FINEST

HON. SUSAN MOLINARI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 17, 1991

Ms. MOLINARI. Mr. Speaker, I rise today to congratulate five members of the Staten Island Police and Highway Patrol Departments, whose dedication and outstanding service are to be recognized at a local awards ceremony in my district this week. All of these officers contribute and serve the needs of our community with a strong commitment to excellence.

Lt. Donald J. Boyle, 120th precinct, has served with New York City's finest for 21 years and currently organizes training, crime prevention, and warrant enforcement programs for his precinct. Detective Bruce I. Schreiber, 120th precinct, commits himself to making a change in our society by working diligently with the local community groups, schools, and religious institutions. Officer James O'Brien, 122d precinct, also actively works with senior citizens and schools helping foster better relations throughout Staten Island. A 29-year veteran, Police Officer David Hunter, 123d precinct, unselfishly passes on to younger officers the benefit of his experiences. Highway Patrolman Thomas Del Priore, the most senior highway officer on Staten Island, is best known among his peers for his ability to assist families in need.

It seems fitting that we should praise the dedication of these officers in a week in which the Nation has come together to dedicate the National Law Enforcement Officers Memorial. Staten Island remains proud and appreciative to these men for their steadfast guardianship and thoughtful assistance.

A TRIBUTE TO BERNARD RAPOPORT

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 17, 1991

Mr. LANTOS. Mr. Speaker, On Tuesday, October 29, the Jewish National Fund will honor Bernard Rapoport, chairman of the board and chief executive officer of the American Income Life Insurance Co., with its highest honor, the Tree of Life Award. I invite my colleagues to join me today in paying tribute to this remarkable individual.

"B" Rapoport, as he is known to all, is being honored not only for his legendary success in business but also for his accomplishments in private life. In both of these realms, "B" has made a lasting mark.

Born in San Antonio on July 17, 1917, "B" demonstrated early in his life the splendid traits that led him to the very top: hard work, perseverance, and a genuine kindness of generosity that has touched the lives of many.

The son of a Russian revolutionary who fled Latvia during an agrarian revolt is 1905, "B" learned well the lessons of capitalism: through "luck and pluck," "B" established and nurtured a highly prosperous insurance business. Indeed, the success of his company says much for the man.

While looking to acquire a business many years ago, "B" had been able to find opportunity and provide service where others could not. He was able to identify and target an underserved area of the insurance market: union members with the need for supplemental insurance beyond what their organization offered. He turned this idea into the American Income Life Insurance Co., a leader in the field today.

"B"'s high degree of accomplishment in the field of business is surely matched by that in his private life. He is an extraordinary humanitarian. Much of his time and energy has been spent to help better the lot of his fellow man and woman, particularly in the field of education. He is a member of the board of regents of the University of Texas System; board of overseers of the Hebrew Union College; board of directors of the American Jewish Congress; a member of the Economic Policy Institute; Waco Symphony Orchestra; and a host of other local, State, and national organizations.

Mr. Speaker, the world could use more "B" Rapoports. He embodies what it means to be a good friend, a good neighbor, and a good American. On the occasion of his receiving the Tree of Life Award from the Jewish National Fund, I ask that my colleagues join me in paying well-deserved tribute to him and wishing him the very best in all of his future endeavors.

A SALUTE TO SID DEWBERRY

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 17, 1991

Mr. WOLF. Mr. Speaker, on behalf of my colleague, Representative JIM MORAN of the Eighth District of Virginia, and myself, we want to bring to our colleagues' attention the annual Northern Virginia Community Foundation's Founders Award which this year on November 23 at the Ritz-Carlton in Tysons Corner will be presented to a most exemplary citizen of northern Virginia—Sidney O. Dewberry of Arlington.

The founders award is presented each year in recognition of outstanding community service and dedication to the betterment of the northern Virginia community. The Northern Virginia Community Foundation was established in 1978 by a group of northern Virginia residents seeking to improve the community in which they live. The foundation is a nonprofit community endowment from which funds are used to support the arts, education, health care, youth programs, and civic improvement for the benefit of citizens in northern Virginia.

This year's award recipient—Sid Dewberry—has a history of dedicated service to his community. Sid Dewberry is managing partner of Dewberry & Davis, an award-winning architectural, engineering, planning, and surveying firm—the largest in Virginia. Mr. Dewberry, a native of Pittsylvania County, VA, has been an integral figure in the development and civic improvements that have taken place in northern Virginia and the surrounding area. Those include the Dulles Toll Road, Tysons II, Fair Lakes, Fairview Park, Fair Oaks Shopping Center, Pentagon City, and the Filene Center at Wolf Trap, and residential projects such as Lake Braddock, Burke Centre, Lake Ridge, Franklin Farm, Sully Station, and Ashburn Farm.

His work nationally includes surveying and mapping the White House grounds and national mall and monument areas, and dispatching dozens of engineers to South Carolina and the Virgin Islands in the wake of Hurricane Hugo and to San Francisco following the Loma Prieta earthquake.

He holds a B.S. degree in civil engineering from George Washington University and this year received the university's Distinguished Alumni Achievement Award. Mr. Dewberry has spent time promoting education initiatives in northern Virginia, including the establishment of the Dewberry & Davis Institute, a comprehensive in-house training and employee development program.

Sid Dewberry is also past chairman and founding member of the Northern Virginia-based Engineers and Surveyors [ESI]. His other educational initiatives include the new Urban Systems Engingeering Program at George Mason University and ESI's Plans Examiner Program.

Professional and community service achievements have always been a part of Sid Dewberry's life. His continuous dedication to the betterment of northern Virginia serves as a reminder that each individual can make a difference. We offer sincere congratulations and best wishes on behalf of all northern Virginians to Sid and his family for this most deserving honor.

HISTORIC PRESERVATION

HON. CHARLES E. BENNETT

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 17, 1991

Mr. BENNETT. Mr. Speaker, in 1966, I, along with a majority of the Members of the 89th Congress, voted in favor of the National Historic Preservation Act and on October 15, 1991, President Johnson signed that legislation into law. This week, historians and preservation activists across the country celebrate the 25th anniversary of the passage of that monumental bill and I join them in that.

Throughout my career in Congress, I have taken an active role in the field of historic preservation. From the passage of the Moss-Bennett Act, protecting thousands of archaelogical sites around the country, to the time and energy I spent in helping to preserve the St. Lukes Hospital Building in Jacksonville, FL, which now houses my district office, I have commited myself to saving, for my children and my children's children, invaluable resources which, in a variety of ways, tell the unique stories of our history.

While I am proud of the work that I and so many others have done to protect our historic resources, I realize that there is a great deal more to be done. It is for that reason, that on March 19, 1991, I introduced H.R. 1601, the National Historic Preservation Amendments Act of 1991, which would enhance the Federal protection of historic sites. The legislation is a needed and logical next step in the area of historic preservation and a great followup to the legislation this body passed 25 years ago.

RATE OF POSTAGE FOR MAIL GOING TO AND FROM THE U.S. VIRGIN ISLANDS

HON. RON de LUGO

OF THE VIRGIN ISLANDS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 17, 1991

Mr. DE LUGO. Mr. Speaker, today I have introduced legislation to provide that the rate of postage going to and from the U.S. Virgin Islands shall be 6 percent of the rate that would otherwise apply.

A survey to be released tomorrow by the firm of Price Waterhouse will show that only 6.4 percent of the 3-day mail going to and from my district, the Virgin Islands, is actually delivered in 3 days. This is, by far, the worst service in the Nation, which averages better than an 83 percent delivery rate.

My legislation makes an exception to the Postal Service Reorganization Act for the Virgin Islands. Under law, the Postal Service Commission is empowered to set postal rates at a level that covers the cost of service. Six percent of the current 29-cent first class postage rate is about 2 cents. Mr. Speaker, this is all that postal patrons of the Virgin Islands should be required to pay because it is all that the mail service they receive is worth.

I commend the hard-working staff at Virgin Islands Post Offices who have been shown by the postal survey to have improved inter-island overnight mail from 17 percent a year ago to 52 percent in the most recent survey.

But, after many years of effort on my part to see mail service to the Virgin Islands brought up to acceptable levels, to have 3-day service to and from the U.S. mainland slip to the point where only 6 letters in 100 are delivered on time, it is high time that postal patrons be required to pay no more for a first-class postage stamp than the value of the service they can expect to receive.

Mr. Speaker, I hope my colleagues will join me in support of this legislation.

INTRODUCTION OF THE AMERICAN TRAILS TRUST FUND

HON. THOMAS E. PETRI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 17, 1991

Mr. PETRI. Mr. Speaker, today I am introducing the American Trails Trust Fund Act of 1991, which would create a trust fund with the taxes currently being paid on nonhighway recreational fuel used on or near trails. Money from the trust fund will be used to maintain and enlarge the Nation's recreational trails system. I am introducing this bill as replacement legislation for H.R. 1155, the National Recreational Trails Trust Fund Act which I introduced earlier this year. The American Trails Trust Fund Act is very similar to provisions that were passed by the Senate as part of S. 1204, the Surface Transportation Efficiency Act.

This bill sets a framework for hikers, equestrians, snowmobilers, cross country skiers, motorcyclists, and campers to work together on the State and Federal levels to create a trails system that all recreationists can enjoy. This bill has support from many diverse organizations.

This legislation would not produce higher taxes. When you tank up your snowmobile or other recreational vehicle, you pay a Federal gasoline tax. Currently, that tax on gasoline used for recreation goes to build highways. Even more absurd is the fact that you pay a tax on the fuel you use to fill your camp stove, and that tax money also goes to the highway trust fund. I think it makes more sense, and would be more equitable, to spend that money on recreational uses to benefit those who have paid the taxes.

Some believe that because our national infrastructure needs are great, money should not be spent on funding recreational trails. However, Federal gasoline taxes are regarded as user fees. If we want to build more highways, we tax the highway users to do it. And we already reserve taxes paid on motorboat fuel for programs to benefit boaters. This bill simply applies the same concept to fuel used on recreational trails. Only the trail users are paying the taxes reserved under the bill. Why shouldn't they get the benefits? Surely that is reasonable and fair.

Mr. Speaker, I would like to insert the bill at this point in the RECORD.

H.R. 3585

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "American Trails Improvement Act of 1991".

SEC. 2. CREATION OF AMERICAN TRAILS TRUST FUND.

(a) IN GENERAL.—Subchapter A of chapter 98 of the Internal Revenue Code of 1986 (relating to the trust fund code) is amended by adding at the end thereof the following new section:

"SEC. 9511. AMERICAN TRAILS TRUST FUND.

"(a) CREATION OF TRUST FUND.—There is established in the Treasury of the United States a trust fund to be known as the 'American Trails Trust Fund', consisting of such amounts as may be appropriated, credited, or paid to it as provided in this section, section 9503(c)(6), or section 9602(b).

"(b) EXPENDITURES FROM TRUST FUND.—Amounts in the American Trails Trust Fund shall be available for making expenditures to carry out the purposes of the American Trails Improvement Act of 1991.".

(b) DEPOSIT OF UNREFUNDED HIGHWAY TRUST FUND MONEYS.—Section 9503(c) of the Internal Revenue Code of 1986 (relating to the Highway Trust Fund) is amended by adding at the end thereof the following new paragraph:

"(6) TRANSFERS FROM THE TRUST FUND FOR NONHIGHWAY RECREATIONAL FUEL TAXES.—

"(A) TRANSFER TO AMERICAN TRAILS TRUST FUND.—The Secretary shall annually pay from the Highway Trust Fund into the American Trails Trust Fund amounts (as determined by the Secretary) equivalent to 0.5 percent of total Highway Trust Fund receipts, as adjusted by the Secretary pursuant to subparagraph (B).

"(B) ADJUSTMENT OF PERCENTAGE.—

"(i) FIRST YEAR.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall, based on studies of nonhighway recreation fuel usage in the various States, adjust the percentage of receipts paid into the American Trails Trust Fund to correspond to the revenue received from nonhighway recreational fuel taxes.

"(ii) SUBSEQUENT YEARS.—Not more frequently than once every 3 years, the Secretary may increase or decrease the percentage established under clause (i) to reflect, in the Secretary's estimation, changes in the amount of revenues received from nonhighway recreational fuel taxes.

"(iii) AMOUNT OF ADJUSTMENT.—The amount of an adjustment in the percentage stated in clause (ii) shall be not more than 10 percent of that percentage in effect at the time the adjustment is made.

"(iv) USE OF DATA.—The Secretary shall make use of data on off-highway recreational vehicle registrations and use in making an adjustment under clauses (i) and (ii).

"(C) DEFINITIONS.—For the purposes of this paragraph, the following definitions apply:

"(i) NONHIGHWAY RECREATIONAL FUEL TAXES.—The term 'nonhighway recreational fuel taxes' means the taxes under sections 4041, 4081, and 4091 (to the extent attributable to the Highway Trust Fund financing rate) with respect to fuel used as nonhighway recreational fuel.

"(ii) NONHIGHWAY RECREATIONAL FUEL.—The term 'nonhighway recreational fuel' means—

"(I) fuel used in vehicles and equipment on recreational trails or back country terrain, including use in vehicles registered for highway use when used on recreational trails, trail access roads not eligible for funding under title 23, United States Code, or back country terrain; and

"(II) fuel used in campstoves and other outdoor recreational equipment.".

(c) CLERICAL AMENDMENT.—The table of sections for subchapter A of chapter 98 of the Internal Revenue Code of 1986 is amended by adding at the end thereof the following new item:

"Sec. 9511. American Trails Trust Fund.".

SEC. 4. AMERICAN TRAILS FUNDING PROGRAM.

(a) IN GENERAL.—The Secretary, using amounts available in the Fund, shall administer a program allocating moneys to the States for the purposes of providing and maintaining recreational trails.

(b) STATEMENT OF INTENT.—Moneys made available under this Act are to be used on trails and trail-related projects which have been planned and developed under the otherwise existing laws, policies, and administrative procedures within each State, and which are identified in, or which further a specific goal of, a trail plan included or referenced in a statewide comprehensive outdoor recreation plan required by the Land and Water Conservation Fund Act.

(c) STATE ELIGIBILITY.—

(1) TRANSITIONAL PROVISION.—Before the date that is 3 years after the date of the enactment of this Act, a State shall be eligible to receive moneys under this Act only if such State's application proposes to use the moneys as provided in subsection (e).

(2) PERMANENT PROVISION.—On and after the date that is 3 years after the date of the enactment of this Act, a State shall be eligible to receive moneys under this Act only if—

(A) a recreational trail advisory board on which both motorized and nonmotorized recreational trail users are represented exists within the State;

(B) in the case of a State that imposes a tax on nonhighway recreational fuel, the State by law reserves an amount equivalent to a reasonable estimation of the revenues from that tax for use in providing and maintaining recreational trails;

(C) the Governor of the State has designated the State official or officials who will be responsible for administering moneys received under this Act; and

(D) the State's application proposes to use moneys received under this Act as provided in subsection (e).

(d) ALLOCATION OF MONEYS IN THE FUND.—

(1) ADMINISTRATIVE COSTS.—No more than 3 percent of the expenditures made annually from the Fund may be used to pay the cost to the Secretary—

(A) for approving applications of States for moneys under this Act;

(B) for paying expenses of the American Trails Advisory Committee;

(C) for conducting national surveys of nonhighway recreational fuel consumption by State, for use in making determinations and estimations pursuant to this Act; and

(D) if any such funds remain unexpended, for research on methods to accommodate multiple trail uses and increase the compatibility of those uses, information dissemination, technical assistance, and preparation of a national trail plan as required by the National Trails System Act (16 U.S.C. 1241 et seq.).

(2) ALLOCATION TO STATES.—

(A) AMOUNT.—Amounts in the Fund remaining after payment of the administrative costs described in paragraph (1), shall be allocated and paid to the States annually in the following proportions:

(i) EQUAL AMOUNTS.—50 percent of such amounts shall be allocated equally among eligible States.

(ii) AMOUNTS PROPORTIONATE TO NONHIGHWAY RECREATIONAL FUEL USE.—50 percent of such amounts shall be allocated among eligible States in proportion to the amount of nonhighway recreational fuel use during the preceding year in each such State, respectively.

(B) USE OF DATA.—In determining amounts of nonhighway recreational fuel use for the purpose of subparagraph (A)(ii), the Secretary may consider data on off-highway vehicle registrations in each State.

(e) USE OF ALLOCATED MONEYS.—

(1) PERMISSIBLE USES.—A State may use moneys received under this Act—

(A) in an amount not exceeding 7 percent of the amount of moneys received by the State, for administrative costs of the State;

(B) in an amount not exceeding 5 percent of the amount of moneys received by the State, for operation of environmental protection and safety education programs relating to the use of recreational trails;

(C) for development of urban trail linkages near homes and workplaces;

(D) for maintenance of existing recreational trails, including the grooming and maintenance of trails across snow;

(E) for restoration of areas damaged by usage of recreational trails and back country terrain;

(F) for development of trail-side and trailhead facilities that meet goals identified by the American Trails Advisory Committee;

(G) for provision of features which facilitate the access and use of trails by persons with disabilities;

(H) for acquisition of easements for trails, or for trail corridors identified in a State trail plan;

(I) for acquisition of fee simple title to property from a willing seller, when the objective of the acquisition cannot be accomplished by acquisition of an easement or by other means;

(J) for construction of new trails on State, county, municipal, or private lands, where a recreational need for such construction is shown;

(K) for development and maintenance of recreational features of State and local greenways; and

(L) only as otherwise permissible, and where necessary and required by a State Comprehensive Outdoor Recreation Plan, for construction of new trails crossing Federal lands, where such construction is approved by the administering agency of the State, and the Federal agency or agencies charged with management of all impacted lands, such approval to be contingent upon compliance by the Federal agency with all applicable laws, including the National Environmental Policy Act (42 U.S.C. 4321 et seq.), the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1600 et seq.), and the Federal Land Policy and Management Act (43 U.S.C. 1701 et seq.).

(2) USE NOT PERMITTED.—A State may not use moneys received under this Act—

(A) for condemnation of any kind of interest in property;

(B)(i) for construction of any new recreational trail on National Forest System lands unless such lands—

(I) have been allocated for uses other than wilderness by an approved forest land and resource management plan or have been released to uses other than wilderness by an Act of Congress, and

(II) such construction is otherwise consistent with the management direction and such approved land and resource management plan; or

(ii) for construction of any new recreational trail on Bureau of Land Management lands unless such lands—

(I) have been allocated for uses other than wilderness by an approved Bureau of Land Management resource management plan or have been released to uses other than wilderness by an Act of Congress, and

(II) such construction is otherwise consistent with the management direction in such approved management plans; or

(C) for upgrading, expanding or otherwise facilitating motorized use or access to trails predominantly used by nonmotorized trail users and on which, as of May 1, 1991, motorized use is either prohibited or has not occurred.

(3) GRANTS.—

(a) IN GENERAL.—A State may provide moneys received under this act as grants to private individuals, organizations, city and county governments, and other government entities as approved by the State after considering guidance from the recreational trail advisory board satisfying the requirements of section 4(c)(2)(A), for uses consistent with this section.

(b) COMPLIANCE.—A State that issues such grants subparagraphs (A) shall establish measures to verify that recipients comply with the specified conditions for the use of grant moneys.

(4) ASSURED ACCESS TO FUNDS.—Except as provided under paragraphs (6) and (8)(B), not less than 30 percent of the moneys received annually by a State under this Act shall be reserved for uses relating to motorized recreation, and not less than 30 percent of those moneys shall be reserved for uses relating to nonmotorized recreation.

(5) DIVERSIFIED TRAIL USE.—

(a) REQUIREMENT.—To the extent practicable and consistent with other requirements of this section, a State shall expend moneys received under this Act in a manner that gives preference to project proposals which—

(i) provide for the greatest number of compatible recreational purposes including, but not limited to, those described under the definition of "recreational trail" in subsection (g)(5); or

(ii) provide for innovative recreational trail corridor sharing to accommodate motorized and nonmotorized recreational trail use.

This paragraph shall remain effective until such time as a State has allocated not less than 40 percent of moneys received under this Act in the aforementioned manner.

(b) COMPLIANCE.—The State shall receive guidance for determining compliance with subparagraph (A) from the recreational trail advisory board satisfying the requirements of section 4(c)(2)(A).

(6) SMALL STATE EXCLUSION.—Any State with a total land area of less than 3,500,000 acres, and, in which nonhighway recreation fuel use accounts for less than 1 percent of all such fuel use in the United States, shall be exempted from the requirements of paragraph (4) of this subsection upon application to the Secretary by the State demonstrating that it meets the conditions of this paragraph.

(7) CONTINUING RECREATIONAL USE.—At the option of each State, moneys made available pursuant to this Act may be treated as Land and Water Conservation Fund moneys for the purposes of section 6(f)(3) of the Land and Water Conservation Fund Act.

(8) RETURN OF MONEYS NOT EXPENDED.—

(A) IN GENERAL.—Except as provided in subparagraph (B), moneys paid to a State that are not expended or dedicated to a specific project within 4 years after receipt for the purposes stated in this subsection shall be returned to the Fund and shall thereafter be reallocated under the formula stated in subsection (d).

(B) EXCEPTION.—If approved without dissent by the State recreational trail advisory board satisfying the requirements of section 4(c)(2)(A) moneys paid to a State may be exempted from the requirements of paragraph (4) and expended or committed to projects for purposes otherwise stated in this subsection for a period not to extend beyond 4 years after receipt, after which any remaining moneys not expended or dedicated shall be returned to the Fund and shall thereafter be reallocated under the formula stated in subsection (d).

(f) COORDINATION OF ACTIVITIES.—

(1) COOPERATION BY FEDERAL AGENCIES.—Each agency of the United States Government that manages land on which a State proposes to construct or maintain a recreational trail pursuant to this Act is encouraged to cooperate with the State and the Secretary in planning and carrying out the activities described in subsection (e). Nothing in this Act diminishes or in any way alters the land management responsibilities, plans, and policies established by such agencies pursuant to other applicable laws.

(2) COOPERATION BY PRIVATE PERSONS.—

(A) WRITTEN ASSURANCES.—As a condition to making available moneys for work on recreational trails that would affect privately owned land, a State shall obtain written assurances that the owner of the property will cooperate with the State and participate as necessary in the activities to be conducted.

(B) PUBLIC ACCESS.—Any use of a State's allocated moneys on private lands must be accompanied by an easement or other legally binding agreement that ensures public access to the recreational trail improvements funded by those moneys.

(g) DEFINITIONS.—For the purposes of this section, the following definitions apply:

(1) ELIGIBLE STATE.—The term "eligible State" means a State that meets the requirements stated in subsection (c).

(2) FUND.—The term "Fund" means the American Trails Trust fund established by section 9511 of the Internal Revenue Code of 1986.

(3) MOTORIZED RECREATION.—The term "motorized recreation" may or may not include motorized conveyances (such as self-propelled wheelchairs) used by individuals with disabilities, at the discretion of each State.

(4) NONHIGHWAY RECREATIONAL FUEL.—The term "nonhighway recreational fuel" has the meaning stated in section 9503(c)(6)(C)(ii) of the Internal Revenue code of 1986.

(5) RECREATIONAL TRAIL.—The term "recreational trail" means a thoroughfare or track across land or snow, used for recreational purposes such as bicycling, cross-country skiing, day hiking, equestrian activities, jogging or similar fitness activities, trail biking, overnight and long-distance backpacking, snowmobiling, aquatic or water activity and vehicular travel by motorcycle, four-wheel drive or all-terrain off-road vehicles, without regard to whether it is a "National Recreation Trail" designated under section 4 of the National Trails System Act (16 U.S.C. 1243).

(6) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

SEC. 5. AMERICAN TRAILS ADVISORY COMMITTEE.

(a) ESTABLISHMENT.—There is established the American Trails Advisory Committee.

(b) MEMBERS.—There shall be 11 members of the advisory committee, consisting of the following:

(1) 8 members appointed by the Secretary of the Interior (hereinafter in this section referred to as the "Secretary") from nominations submitted by recreational trail user organizations, one each representing the following recreational trail uses:

(A) Hiking.

(B) Cross country skiing.

(C) Off-highway motorcycling.

(D) Snowmobiling.

(E) Horseback riding.

(F) All terrain vehicle riding.

(G) Bicycling.

(H) Four-wheel driving.

(2) An appropriate official of government with a background in science or natural resources management, including any official of State or local government, designated by the Secretary.

(3) 1 member appointed by the Secretary from nominations submitted by water trail user organizations.

(4) 1 member appointed by the Secretary from nominations submitted by hunting and fishing enthusiast organizations.

(c) CHAIRMAN.—The chair of the advisory committee shall be the government official referenced in subsection (b)(2), who shall serve as a nonvoting member.

(d) SUPPORT FOR COMMITTEE ACTION.—Any action, recommendation, or policy of the advisory committee must be supported by at least 5 of the members appointed under subsection (b)(1).

(e) TERMS.—Members of the advisory committee appointed by the Secretary shall be appointed for terms of 3 years, except that the members filling 5 of the 11 positions shall be initially appointed for terms of 2 years, with subsequent appointments to those positions extending for terms of 3 years.

(f) DUTIES.—The advisory committee shall meet at least twice annually to—

(1) review utilization by States of moneys allocated under this Act;

(2) establish and review criteria for trailside and trail-head facilities that qualify for funding under this Act; and

(3) make recommendations to the Secretary for changes in Federal policy to advance the purposes of this Act.

(g) ANNUAL REPORT.—The advisory committee shall present to the Secretary an annual report on its activities.

(h) REIMBURSEMENT FOR EXPENSES.—Nongovernmental members of the advisory committee shall serve without pay, but, to the extent funds are available pursuant to section 4(d)(1)(B), shall be entitled to reimbursement for travel, subsistence, and other necessary expenses incurred in the performance of their duties.

(i) REPORT TO CONGRESS.—Not later than 4 years after the date of the enactment of this Act, the Secretary shall prepare and submit to the Committee on Environment and Public Works of the Senate and the Committee on Public Works and Transportation and the Committee on Interior and Insular Affairs of the House of Representatives, a study which summarizes the annual reports of the American Trails Advisory Committee, describes the allocation and utilization of moneys under this Act, and contains recommendations for changes in Federal policy to advance the purposes of this Act.

HUMAN RIGHTS NEWS IN EL SALVADOR IS ENCOURAGING

HON. BUD SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 17, 1991

Mr. SHUSTER. Mr. Speaker, the recent human rights news in El Salvador has been encouraging. On September 28, 1991, after a short trial during which all of the accumulated evidence was presented, a Salvadoran jury convicted Col. Guillermo Benavides and Lt. Yusshy Mendoza for the murders of six Jesuit priests, their maid, and her daughter in November 1989.

Benavides is the highest ranking officer ever convicted of a human rights crime in El Salvador. As the senior Republican appointed by Republican Leader ROBERT MICHEL to monitor the Jesuit case, I am encouraged that the much-criticized Salvadoran judicial system has shown that it can work. Most importantly, contrary to the critics who said it was impossible to convict Benavides, he now faces at least 20 years in jail for this heinous crime.

With respect to the whole matter, I have reviewed a just-released study, "The Rule of Law in Wartime El Salvador: The Jesuit Case in Context," published by the Central American Lawyers Group. I urge each of my colleagues to read it. Among other things, this careful analysis challenges some of the conclusions reached in reports recently released by the special task force on El Salvador—better known as the Moakley Commission.

Chairman MOAKLEY has been influential in stimulating progress in this case. But the Central American Lawyers Group raises provocative questions and alternative explanations for the behavior of the Salvadoran military hierarchy that are fully detailed in their study and merits your close attention as you review the outcome of the recent concluded Jesuit trial.

INTRODUCTION OF A BILL TO PREVENT MEDICARE ABUSE

HON. RICHARD T. SCHULZE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 17, 1991

Mr. SCHULZE. Mr. Speaker, today, I am introducing a bill to prevent Medicare abuse. Many honest, unsuspecting senior citizens are becoming victims of aggressive medical equipment suppliers. Certain medical equipment companies are telephoning senior citizens and conning them into accepting unwanted and ineffective equipment. In many cases, the equipment is of little value. However, suppliers often charge outrageous prices knowing that they will be reimbursed by Medicare.

My bill will eliminate this abuse by preventing durable medical equipment companies from soliciting senior citizens by telephone. These medical suppliers, in most cases, are not physicians and are not qualified to make medical diagnoses over the phone. Suppliers do not always know what sort of equipment a particular senior citizen actually needs.

In addition to posing potential dangerous health effects, such medical equipment is often overpriced, in some cases up to 500 percent of cost. For example, a tens unit, a transcutaneous nerve stimulator, costs only $50 to produce. However, these companies were reimbursed $419 by Medicare. With this profit margin, there is no wonder why medical equipment companies are urging senior citizens to accept equipment.

While some may say this bill is too restrictive, there is simply no other way to prevent this Medicare abuse. The incentive is too great for suppliers not to continue badgering innocent senior citizens to accept unnecessary equipment.

Mr. Speaker, this Medicare abuse must be stopped. Such fraud and abuse is costing the American taxpayer millions every year, not to mention wasting precious Medicare dollars which could be used for much better purposes.

ON THE OCCASION OF THE 25TH ANNIVERSARY OF THE ENACTMENT OF THE NATIONAL HISTORIC PRESERVATION ACT

HON. BARBARA B. KENNELLY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 17, 1991

Mrs. KENNELLY. Mr. Speaker, on the occasion of the 25th anniversary of the enactment of the National Historic Preservation Act of 1966, I rise to recognize and cheer the progress this Nation has made in that time in conserving those places that give Americans so much pride in our past.

As a member of the Hartford Court of Common Council, I remember well coming to work each day through some of the oldest neighborhoods of Hartford, CT. These fine buildings, long neglected, have been, and continue to be, part of the rebirth of our city and so many other cities like it. As my colleagues know, I have long championed the use of income tax credits to encourage the reuse of historic places. Since 1976, Federal tax incentives have encouraged the rehabilitation of more than 21,000 historic buildings for commercial and residential use.

The Tax Incentives Program has become one of the most important historic preservation tools and a model for Federal assistance to old and historic areas of the Nation's cities and small towns. As my colleagues know, since 1986, historic preservation work has slowed due in large measure to unfavorable tax law changes. I sincerely hope that, on this 25th anniversary of the National Historic Preservation Program, we can redouble our efforts to remedy this situation and get the hard work of historic preservation moving again.

Let me extend my special thanks on this occasion to Connecticut's preservationists including the Connecticut Historical Commission, and the members of the National Trust for Historic Preservation, the Connecticut Trust for Historic Preservation, and all those local historic preservation organizations throughout the State that have done so much for historic preservation.

SENATE—*Friday, October 18, 1991*

(Legislative day of Thursday, September 19, 1991)

The Senate met at 10 o'clock and 10 seconds a.m., on the expiration of the recess, and was called to order by the Honorable JOSEPH I. LIEBERMAN, a Senator from the State of Connecticut.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, October 18, 1991.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JOSEPH I. LIEBERMAN, a Senator from the State of Connecticut, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. LIEBERMAN thereupon assumed the chair as Acting President pro tempore.

RECESS UNTIL 10:30 A.M., TUESDAY, OCTOBER 22, 1991

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate stands in recess until 10:30 a.m., on Tuesday, October 22, 1991.

Thereupon, at 10 o'clock and 58 seconds a.m., the Senate recessed, under the order of Thursday, October 17, 1991, until Tuesday, October 22, 1991, at 10:30 a.m.

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

HOUSE OF REPRESENTATIVES—*Monday, October 21, 1991*

The House met at 12 noon.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

We remember in this our prayer, gracious God, all those people who are apprehensive about the day or anxious about the future. O God, Your blessings have been ever with us and Your goodness surrounds on every side. Our supplications this day are with those who are ill or in any distress, those who do enjoy the fullness of health or the confidence of renewed strength, and whose names we remember in the privacy of our own hearts. As You have created each of us in Your image and have breathed into us the very breath of life, so may Your strength and healing give each person the assurance that You are always with them and Your grace is sufficient for every need. In Your name, we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. The Chair will ask the gentleman from Colorado [Mr. ALLARD] if he would kindly come forward and lead the membership in the Pledge of Allegiance.

Mr. ALLARD led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

SUPPORT LAW ENFORCEMENT ASSISTANCE PROVISIONS OF CRIME BILL

(Mr. MAZZOLI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MAZZOLI. Mr. Speaker, later in this week, possibly tomorrow, the House will have an opportunity to, in effect, put its money where its mouth is in the fight against drugs and in the war which is being waged around the country against illegal drug activity.

When the Committee on the Judiciary on which I serve marked up the crime bill, it adopted my amendment which makes permanent the current 75-percent/25-percent Federal/local match on law enforcement assistance grants dealing with antidrug efforts. If we had not adopted my amendment, the share would revert to 50/50.

There will be an amendment offered, possibly tomorrow, to strip the Mazzoli language from the House bill and to substitute in its place a temporary extension of the 75-percent/25-percent share. At a time when local governments, Mr. Speaker, have a very difficult time finding even the 25-percent match, we want to be sure that they do not run any risk of at some later date having to provide as much as 50 percent.

I would urge my colleagues to pay attention to the issue when it comes up, and I hope that they vote to keep the committee language in the pending bill.

HOW MUCH DID THE PRESIDENT KNOW?

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SCHROEDER. Mr. Speaker, well, we have a new October surprise. There are a lot of us who really were not surprised.

We now hear from Ollie North that Reagan knew everything all along in the Iran/Contra scandal. I really find that absolutely condemning of this Government and how they have treated the Congress and the Senate.

We had hearings. We did all sorts of things. Official after official came and covered and stonewalled and covered up some more and stonewalled some more.

I think if this Government is to work, we have to deal with each other honestly and openly. I can see why they did not want to admit that they were dealing with the ayatollah, but they were, and the American public had the right to know.

I must say to Ollie North and Ronald Reagan and that whole bunch that that is a horrible, horrible record, and I hope we hear from President Reagan and others. I only wonder now if we will find out next week whether George Bush knew.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore (Mr. MAZZOLI) laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, DC,
October 18, 1991.

Hon. THOMAS S. FOLEY,
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 5 of Rule III of the Rules of the U.S. House of Representatives, the Clerk received at 10:33 a.m. on Friday, October 18, 1991 the following message from the Secretary of the Senate: That the Senate agreed to the Conference Report on H.R. 972 and agreed to the House Amendment to S. Con. Res. 21.

With great respect, I am,
Sincerely yours,
DONNALD K. ANDERSON,
Clerk, House of Representatives.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, DC,
October 18, 1991.

Hon. THOMAS S. FOLEY,
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 5 of Rule III of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from the White House at 11:45 a.m. on Friday, October 18, 1991 and said to contain a message from the President wherein he transmits a report concerning an international agreement governing large-scale driftnet fishing violations by the Repubiic of Korea and Taiwan to the Congress.

With great respect, I am,
Sincerely yours,
DONNALD K. ANDERSON,
Clerk, House of Representatives.

INTERNATIONAL AGREEMENT GOVERNING LARGE-SCALE DRIFTNET FISHING VIOLATIONS BY REPUBLIC OF KOREA AND TAIWAN—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 102–155)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, without objection, referred to the Committee on Merchant Marine and Fisheries and ordered to be printed:

To the Congress of the United States:

The conservation of high seas living marine resources and averting threats to such resources have become important international issues in recent years. Much of the concern has focused on the use of the large-scale pelagic driftnet fishing method. The United

States has worked with several high seas driftnet fishing countries to assess the impacts that these methods have upon the marine environment through cooperative high seas monitoring programs. The data collected in these programs has substantiated concerns about the destructive nature of this wasteful fishing technique.

The international community recognizes the problems posed by large-scale pelagic driftnet fishing on the high seas. In December 1989, the United States cosponsored Resolution 44/225 that was adopted by consensus by the United Nations General Assembly (UNGA), as was reaffirmation Resolution 45/197 a year later. UNGA Resolution 44/225 calls for an end to the use of large-scale pelagic driftnets on the high seas by June 30, 1992, unless jointly agreed conservation and management regimes can be put in place to prevent the unacceptable impacts posed by this fishing method on the marine environment. The scientific data show the indiscriminate nature of this fishing technique. Thus, I fully expect that all those involved in large-scale pelagic driftnet fisheries will make plans to end such fishing by June 30, 1992. Accordingly, I have instructed Secretary Baker to seek such commitments from driftnet fishing countries.

Pursuant to the provisions of subsection (b) of the Pelly Amendment to the Fishermen's Protective Act of 1967, as amended (22 U.S.C. 1978), I am reporting to you following certification by the Secretary of Commerce on August 13, 1991, that the Republic of Korea (ROK) and Taiwan violated the terms of the cooperative scientific monitoring and enforcement agreements the United States has with the ROK and Taiwan. The Secretary's letter to me was deemed to be a certification for the purposes of subsection (a) of the Pelly Amendment. Subsection (a) requires that I consider and, at my discretion, order the prohibition of imports into the United States of fish products from the ROK and Taiwan, to the extent that such prohibition is sanctioned by the General Agreement on Tariffs and Trade.

Since certification, both the ROK and Taiwan have responded to U.S. concerns in some measure. The ROK has recalled to port all the Korean driftnet vessels that were detected by U.S. enforcement patrols beyond the high seas driftnet fishing boundaries, instructed its commercial and enforcement vessels to adhere to the ROK regulations enacted pursuant to the U.S.-ROK driftnet agreement, and imposed penalties on masters and owners of 14 violating vessels. Since the ROK certification, Korean driftnet vessels appear to have operated in accordance with the boundary provisions of the U.S.-ROK driftnet agreement; however, as of October 5, seven Korean driftnet vessels had failed to return to port in compliance with the ROK recall notice. The Government of the ROK has expressed its regret for the violations and has assured the United States that it will do its utmost to ensure that its vessels adhere to all relevant enforcement provisions outlined in the U.S.-ROK driftnet agreement.

Taiwan has yet to take remedial and punitive measures with respect to its driftnet vessels found operating outside of the prescribed high seas fishing area in the North Pacific. The authorities on Taiwan, however, have noted that the vessels in question have been boarded and investigated on the high seas by Taiwan patrol vessels and that punitive actions would be contemplated at the close of the current fishing season when the fishing vessels return to their home ports.

Taiwan has responded to the general concern of the international community by positively addressing the fundamental objective of ending large-scale pelagic driftnet fishing on the high seas by June 30, 1992, as called for by UNGA Resolution 44/225. On September 13, 1991, our representatives received a letter from the authorities on Taiwan that stated that the Executive Yuan reiterated a government policy to end the use of this fishing method by June 30, 1992. We place great reliance on the authorities on Taiwan to implement this policy in a forthright and timely manner.

I have decided to defer sanctions against Taiwan and Korea for 90 days pending evaluation of any additional remedial and punitive measures that each may take regarding the 1991 violations for which it was certified and their adherence to the driftnet agreements.

Over the longer term, I will watch closely their commitment to end large-scale palagic driftnet fishing on the high seas by June 30, 1992, in line with the desire of the international community to end such fishing by that date.

Certification of Korea or Taiwan will be continued pending review of their performance. I have directed Secretary Mosbacher, in cooperation with Secretary Baker, to continue to monitor developments relating to large-scale pelagic driftnetting conducted on the high seas by the ROK and Taiwan and to report to me in 90 days or as otherwise warranted.

GEORGE BUSH.

THE WHITE HOUSE, *October 18, 1991.*

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 5, rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken on Tuesday, October 22, 1991.

CRANSTON-GONZALEZ NATIONAL AFFORDABLE HOUSING ACT AMENDMENTS

Mr. GONZALEZ. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3576) to amend the Cranston-Gonzalez National Affordable Housing Act to reserve assistance under the HOME Investment Partnerships Act for certain insular areas.

The Clerk read as follows:

H.R. 3576

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. RESERVATION OF ASSISTANCE.

Section 217(a) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12747(a)) is amended—

(1) in the first sentence of paragraph (1), by inserting "and after reserving amounts for the insular areas under paragraph (3)" before the first comma; and

(2) by adding at the end the following new paragraph:

"(3) INSULAR AREAS.—For each fiscal year, of any amounts approved in appropriations Acts to carry out this title, the Secretary shall reserve for grants to the insular areas the greater of (A) $750,000, or (B) 0.5 percent of the amounts appropriated under such Acts. The Secretary shall provide for the distribution of amounts reserved under this paragraph among the insular areas pursuant to specific criteria for such distribution. The criteria shall be contained in a regulation promulgated by the Secretary after notice and public comment.".

SEC. 2. DEFINITIONS.

Section 104 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12704) is amended—

(1) in paragraph (1), by striking "Guam" and all that follows through "American Samoa,"; and

(2) by adding at the end the following new paragraph:

"(24) The term 'insular area' means any of the following: Guam, the Northern Mariana Islands, the Virgin Islands, and American Samoa.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas [Mr. GONZALEZ] will be recognized for 20 minutes and the gentleman from Iowa [Mr. LEACH] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Texas [Mr. GONZALEZ].

Mr. GONZALEZ. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise to offer a technical amendment to the HOME Program which was enacted into law last year in the Cranston-Gonzalez National Affordable Housing Act. This bill will correct a serious and unintended problem in that legislation. In defining which jurisdictions will be able to participate in the HOME Investment Partnerships Program and the formula criteria to determine participating jurisdictions, the four U.S. territories, the Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands have been unintentionally excluded.

This bill will establish a set aside of funds from the total appropriation for HOME so that the four U.S. territories with serious shortages of affordable housing will be able to participate like all the other eligible jurisdictions. This was what was intended by both the majority and the minority in last year's housing bill and is acceptable to both sides of the aisle. I urge my colleagues to support this technical change.

Mr. Speaker, I reserve the balance of my time.

Mr. LEACH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me just stress the distinguished chairman of the full committee is precisely right. This is a technical amendment. It is philosophically very significant in that it fulfills the intent of Congress that the insular areas, those being Guam, the Northern Marianas, the Virgin Islands, and American Samoa, share in this very important program under the National Housing Act.

I would like personally to thank the distinguished chairman for raising this issue at this time in such a timely way. I would also like to thank the distinguished gentleman from Guam [Mr. BLAZ] for his leadership in this issue.

Mr. Speaker, I yield such time as he may consume to the gentleman from Guam [Mr. BLAZ] for any comments he might have.

Mr. BLAZ. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, indeed, I come to the floor to thank the chairman for this very, very gracious effort on his part, and also the ranking member, the gentlewoman from New Jersey [Mrs. ROUKEMA].

I took this opportunity because I always take the opportunity, Mr. Speaker, to remind our country that there are some responsibilities to the Americans on the periphery of the Republic. Unfortunately, in many instances, oversights such as this have just disappeared without any consideration, without the thought of going back.

☐ 1210

One of the joys I have today is to see that the system does work.

I want to thank the gentleman from Texas [Mr. GONZALEZ] again and thank the gentleman from Iowa for yielding me this time and thank the Speaker for giving me this marvelous opportunity.

Mr. Speaker, I rise in support of H.R. 3576 which seeks to amend the Cranston-Gonzalez National Affordable Housing Act to reserve grants under the HOME Program for certain insular areas.

When the HOME Program was enacted as part of the National Affordable Housing Act, the insular areas were not included. I would like to comment Chairman GONZALEZ and the ranking member, Mrs. ROUKEMA, for their prompt attention to this situation.

The HOME Program seeks to improve the supply of decent and affordable housing for low-income families by encouraging new construction of affordable housing and by providing rental assistance to low-income tenants. The amendment being considered today will set aside a portion of the funds appropriated for the HOME Program specifically for the insular areas.

Affordable housing continues to be an area of concern for many of us in the territory of Guam. The boom in tourism has helped our economy to the point that we have become nearly self-sufficient. But the combination of a relatively small land mass and the high demand for property created by tourism has placed real estate prices out of the range of the average resident. It is difficult to watch children whose families have lived on Guam for generations, who I have watched grow into adulthood, now unable to afford adequate housing.

Mr. Speaker, this bill seeks to correct an oversight in the National Affordable Housing Act and address an area of growing concern in the territories.

Mr. LEACH. Mr. Speaker, let me just emphasize what an extraordinary tribute this is to the Delegate from Guam [Mr. BLAZ] and his efforts in this body, one of the truly impressive Members we have here.

Mr. GONZALEZ. Mr. Speaker, I just merely want to thank both the gentleman from Iowa [Mr. LEACH] and the Delegate from Guam [Mr. BLAZ] for their kind words, and also to thank the gentleman from Iowa [Mr. LEACH] for the great work he continues to do as a member of the Banking Committee and everything connected thereto.

I also want to say that the record ought to show that the Delegate from Virgin Islands [Mr. DE LUGO] was the one who had been perturbed when he discovered, in speaking with the chairman of the Appropriations Subcommittee, the gentleman from Michigan [Mr. TRAXLER] that this oversight had occurred.

I also think the record ought to show that the gentleman from Michigan [Mr. TRAXLER] asked to be shown as a cosponsor of this request.

I am profoundly grateful to all these gentlemen, but particularly to the staff who worked diligently as soon as we saw what needed to be done.

Mr. DE LUGO. Mr. Speaker, I rise in support of H.R. 3576, introduced by the distinguished chairman of the House Committee on Banking, Finance, and Urban Affairs, HENRY GONZALEZ, and which I have cosponsored, as well as my distinguished colleague BOB TRAXLER of Michigan.

I thank the distinguished chairman for introducing this bill and bringing it to the floor for action today.

This bill corrects an oversight in the Cranston-Gonzalez Affordable Housing Act of 1990, which omitted the U.S. territories from participation in the HOME Program.

I would point out that the needs which project HOME is designed to meet very much exist in the territories and in my own district, the U.S. Virgin Islands. Lack of adequate and affordable housing is the No. 1 social problem in the Virgin Islands. There is a severe housing shortage and many of the existing units are substandard and severely overcrowded. Project HOME will help us to solve this problem.

Again, I thank the distinguished chairman for taking the necessary steps to correct this oversight so that the U.S. territories can participate in this new HUD program as they do with virtually every other HUD program.

Mr. LEACH. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

Mr. GONZALEZ. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MAZZOLI). The question is on the motion offered by the gentleman from Texas [Mr. GONZALEZ] that the House suspend the rules and pass the bill, H.R. 3576.

The question was taken; and (two-thirds having voted in favor thereof), the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. GONZALEZ. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include therein extraneous material on H.R. 3576, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

LENGTHENING EXPIRATION PERIOD FOR CONSTRUCTION OF COMMEMORATIVE WORKS ON FEDERAL LAND

Mr. VENTO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3169) to lengthen from five to seven years the expiration period applicable to legislative authority relating to construction of commemorative works on Federal land in the District of Columbia and its environs, as amended.

The Clerk read as follows:

H.R. 3169

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 10(b) of the Act entitled "An Act to provide standards for placement of commemorative works on certain Federal lands in the District of Columbia and its environs, and for other purposes" (40 U.S.C. 1010(b)) is amended by striking out "five-year period" and inserting in lieu thereof "seven-year period".

SEC. 2. EFFECTIVE DATE.

The amendment made by this Act shall take effect on October 1, 1991.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from

Minnesota [Mr. VENTO] will be recognized for 20 minutes and the gentleman from Colorado [Mr. ALLARD] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Minnesota [Mr. VENTO].

GENERAL LEAVE

Mr. VENTO. Mr. Speaker, I ask unanimous consent that all members may have 5 legislative days within which to revise and extend their remarks and include therein extraneous material on H.R. 3169, the bill now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. VENTO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 3169, introduced by Congressman BILL CLAY from Missouri, extends from 5 to 7 years the amount of time allowed for sponsors of commemorative works on certain Federal lands in the District of Columbia and its immediate environs to begin construction after receiving congressional authorization. This legislation amends the Commemorative Works Act, in recognition that longer amounts of time have been consistently needed to make these statutes and monuments become reality.

The Commemorative Works Act was enacted in 1986 in response to congressional awareness that the precious open space of our Capital was being threatened by a proliferation of statues and monuments which, while well-intentioned, preempted all other uses of this land that hosts so many activities. The Commemorative Works Act was the product of our determination that the core of the Nation's Capital would not be indiscriminately filled with commemorative works but that additional commemorative works would be thoughfully placed.

H.R. 3169 immediately affects four commemorative works: Korean War Veterans, Women in the military, black Revolutionary War patriots, and the Peace Garden. The authorization for the Black Revolutionary War Patriots Memorial expires October 26, 1991, and for the Korean War Veterans Memorial October 27, 1991, the Memorial to Women in Military Service for America expires on November 5, 1991, and the Peace Garden next June 29. The bill provides existing authorized commemorative works with a one-time 2-year extension of their original 5-year authorization. Future authorized works will also be provided with a 7-year authorization. The Committee on Interior and Insular Affairs adopted an amendment to the bill that clarifies our intent that even if the legislation is not enacted before these deadlines it is congressional intent that the authorization for these commemorative works not expire.

Mr. Speaker, I support this legislation, the administration supports it, and the groups seeking to construct commemorative works certainly support it and its speedy passage.

Mr. ALLARD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 3169, a bill to extend the legislative time limitation regarding construction of commemorative works on Federal lands within the District and nearly Virginia from 5 to 7 years.

As the subcommittee chairman has described, the Commemorative Works Act was enacted in 1986 in order to address the numerous requests received by Congress to authorize commemorative works on public space in the D.C. area. Overall this act has been very successful in ensuring that only the most important works are constructed and that those works constructed are of the highest quality.

Of course, it takes time to develop an outstanding proposal and it appears that when Congress enacted this law 5 years ago, we underestimated the amount of time required to secure the necessary approvals and raise funds for these projects. Therefore, I support this modest extension of the time frame.

However, I want to make it clear in the passage of this amendment that I will not support any future increases in the time frame. To do so would begin to undermine the very law itself, whose purpose is to ensure that only the most important works are constructed.

I thank the chairman for his expeditious consideration of this measure, which is timely since several projects are fast approaching their deadlines.

I urge my colleagues to join with the administration and support this measure.

Mr. VENTO. Mr. Speaker, I am pleased to yield such time as he may consume to the gentleman from Mississippi [Mr. MONTGOMERY], the chairman of the Veterans' Affairs Committee.

Mr. MONTGOMERY. Mr. Speaker, I want to thank the chairman of the committee for yielding me this time.

I certainly rise in support of H.R. 3169, a bill that would amend the Commemorative Works Act by extending from 5 to 7 years the authority for the construction of all memorials in the District of Columbia and surrounding area.

Next Monday, October 28, the authority to raise funds for the construction of the Korean War Memorial will expire. Earlier this year, at the request of the American Battle Monuments Commission, and the chairman, the gentleman from Minnesota [Mr. VENTO] mentioned this, I introduced H.R. 1744. The bill would extend the construction authorization for the Korean War Memorial for an additional 2 years. There is strong support, Mr. Speaker, among this Nation's veterans and Members of the Congress for the establishment of a Korean War Memorial. This is demonstrated time and again by the numerous phone calls and letters to our committee, as well as to the committee represented by the gentleman from Minnesota [Mr. VENTO].

Members of the House have also heard from veterans urging that we not forget the 54,000 American servicemembers who lost their lives, in the Korean war, the 103,000 who were wounded and the 8,200 who were listed as missing in action during the Korean conflict.

Mr. Speaker, the American Battle Monuments Commission and the Korean Advisory Board have done everything they could possibly do to get the Korean Memorial constructed. However, after months and months of working together and coming up with a design that cost a lot of money, the Fine Arts Commission rejected the design, and the process has caused long delays.

□ 1220

Time is critical for the Korean Memorial. To date, nearly $15 million has been raised toward the construction of the Memorial. Tens of thousands of people have contributed and it would be a tragic mistake not to grant an extension of the construction authority.

The enactment of H.R. 3169 would solve the problem. It would extend the time for the construction authority of all memorials that are now pending under the 1986 Commemorative Works Act.

I want to commend the gentleman from California, Chairman MILLER, and the gentleman from Alaska, Congressman YOUNG, the chairman and ranking minority member of the full committee, the gentleman from Minnesota, Mr. BRUCE VENTO and the gentleman from Colorado, Mr. ALLARD, chairman and minority member of the subcommittee, for their timely action on the measure.

Let me say that we need to have the Senate move on this legislation or we have problems with the date of October 28, which is right upon us.

So I fully support the provisions of H.R. 3169 and urge its full consideration.

Mr. VENTO. Mr. Speaker, I again want to thank the gentleman from Mississippi, Chairman MONTGOMERY, as I noted earlier, who had introduced another measure initially calling this matter to our attention. He acceded to work on a broad-based measure that dealt with the generic act, and I very much appreciate his cooperation and efforts in this matter.

It is, obviously, something he and many other Members of this House care deeply about, and those Members in the Senate, about establishing the Korean War Memorial.

Mr. Speaker, this Member feels very strongly also and supports this and the other measures that passed through the subcommittee that called for various types of monuments and memorials. I think we have a basic reform in the overall law that had been written. I think with this modification it will be approved and the realization of these monuments will be possible.

Mr. CLAY. Mr. Speaker, H.R. 3169 will lengthen from 5 to 7 years the legislative authority relating to the construction of commemorative works under the Commemorative Works Act.

The Commemorative Works Act was born out of a need to address the sheer proliferation of memorials in our Nation's Capital and to provide standards for the placement of commemorative works. This legislation provides authorization for memorial projects to acquire site and design approval and to raise the necessary building funds for construction within a 5-year period.

Since the enactment of this legislation in 1986, six memorial projects have been authorized but only one has been completed. I believe there are two primary reasons for the difference in the number of memorials authorized and those completed.

First, while the 5-year authorized period seemed in 1986 a reasonable timeframe for applicants to seek design and site approval, the process of obtaining this approval proved to be much more demanding and intricate than envisioned. In examining this issue, I believe that many of these challenges have arisen because the site and design process was new and untested. And as with all new processes, there are certain imperfections and delays. But after 5 years, most of those problems have been eliminated.

Second, and most importantly, the current economic condition has caused private sector donations to shrink, leaving a meager pool of available dollars for commemorative projects and causing fundraising efforts to fall far short of their needed goals.

Mr. Speaker, there are four memorials—Korean War, Black Revolutionary War Patriots, Women in the Military Service, and the American Armed Forces—whose legislative authority will expire within the next 30 days. To prevent this from occurring, I encourage my colleagues to support and pass H.R. 3169.

Mr. VENTO. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MAZZOLI). The question is on the motion offered by the gentleman from Minnesota [Mr. VENTO] that the House suspend the rules and pass the bill, H.R. 3169, as amended.

The question was taken; and (two-thirds having voted in favor thereof), the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

NEZ PERCE NATIONAL HISTORICAL PARK ADDITIONS ACT OF 1991

Mr. VENTO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2032) to amend the Act of May 15, 1965, authorizing the Secretary of the Interior to designate the Nez Perce National Historical Park in the State of Idaho, and for other purposes, as amended.

The Clerk read as follows:

H.R. 2032

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Nez Perce National Historical Park Additions Act of 1991".

SEC. 2. AMENDMENTS TO ACT DESIGNATING NEZ PERCE NATIONAL HISTORICAL PARK.

The Act entitled "An Act to authorize the Secretary of the Interior to designate the Nez Perce National Historical Park in the State of Idaho, and for other purposes", approved May 15, 1965 (79 Stat. 110; 16 U.S.C. 281 and following) is amended as follows:

(1) In section 1, insert after "the Nez Perce Country of Idaho" the words "and in the States of Oregon, Washington, Montana, and Wyoming".

(2) Add the following at the end of section 2: "Sites to be so designated shall include—

"(1) Tolo Lake, Idaho;

"(2) Looking Glass 1877 Campsite, Idaho;

"(3) Buffalo Eddy. Washington and Idaho;

"(4) Traditional Crossing Near Doug Bar, Oregon and Idaho;

"(5) Camas Meadows Battle Sites, Idaho;

"(6) Joseph Canyon Viewpoint, Oregon;

"(7) Traditional Campsite at the Fork of the Lostine and Wallowa Rivers, Oregon;

"(8) Burial Site of Chief Joseph the Younger, Washington;

"(9) Nez Perce Campsites, Washington;

"(10) Big Hole National Battlefield, Montana;

"(11) Bear's Paw Battleground, Montana; and

"(12) Canyon Creek, Montana;

each as described in the National Park Service document entitled 'Nez Perce National Historical Park Additions Study, dated 1990 and Old Chief Joseph's Gravesite and Cemetery, Oregon, as depicted on the map entitled 'Nez Perce Additions', numbered 429–20–018, and dated September 1991. Lands added to the Big Hole National Battlefield, Montana, pursuant to paragraph (10) shall become part of, and be placed under the administrative jurisdiction of, the Big Hole National Battlefield, but may be interpreted in accordance with the purposes of this Act.".

(3) In section 3 strike the proviso in the first sentence and insert "except that, no such lands, or interests therein, or other property may be acquired without the consent of the owner thereof unless such lands are (1) located within an area depicted on the map entitled 'Nez Perce Additions', numbered 429–20–018, and dated September, 1991, or (2) at a site designated before the enactment of the Nez Perce National Historical Park Additions Act of 1991. In the case of Old Chief Joseph's Gravesite and Cemetery, Oregon, no lands, or interests therein, or other property may be acquired without the consent of the owner thereof unless located within the 8-acre parcel depicted on such map as 'Panel A'."

(4) In section 4(a) strike the third sentence.

(5) In section 6(a) strike the words "State of Idaho, its" and insert in lieu thereof the words "States of Idaho, Oregon, Washington, Montana, Wyoming, their".

(6) Add the following new subsection at the end of section 6:

"(c) The Secretary shall consult with officials of the Nez Perce Tribe on the interpretation of the park and its history.".

(7) In section 7 strike "$630,000" and insert "$2,130,000" and strike "$4,100,000" and insert "$9,300,000".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Minnesota [Mr. VENTO] will be recognized for 20 minutes and the gentleman from Colorado [Mr. ALLARD] will recognized for 20 minutes.

The Chair recognizes the gentleman from Minnesota [Mr. VENTO].

GENERAL LEAVE

Mr. VENTO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 2032, the bill presently before us.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. VENTO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 2032 is legislation introduced by Representative PAT WILLIAMS to make additions to the Nez Perce National Historical Park.

The story of Chief Joseph's bravery and military brilliance in the Nez Perce war of 1877 is well known. His band of 750 men, women and children managed to elude 2,000 Army soldiers for over 5 months and 1,500 miles through the wilderness of Idaho, Wyoming, and Montana. He was finally caught just 40 miles short of his goal of reaching freedom in Canada. The Nez Perce war of 1877 marked the last time that the U.S. Army and an Indian tribe engaged in hostilities.

Nez Perce National Historical Park was established in 1965 to preserve and interpret the history and culture of the Nez Perce Indian country. The park consists of 24 sites, only four of which are owned by the National Park Service. The other sites involve cooperative agreements with the Nez Perce Tribe, the State of Idaho, other Federal agencies and private landowners.

Because the park's authorizing legislation limited sites to the State of Idaho, a number of important sites which are critical to the interpretation of the history and culture of the Nez Perce and the 1877 war are not a part of the park. H.R. 2032 as amended would add 14 new sites to park in the States of Idaho, Oregon, Washington, and Montana. The sites were recommended to be included in the park by a 1990 study prepared by the National Park Service.

The Committee on Interior and Insular Affairs has spent a considerable amount of time on this legislation and worked in a bipartisan fashion to address concerns which were raised about the bill. Action on the bill was delayed several times in order to get further information from the National Park Service on sites involving private lands proposed to be included in the park. I worked closely with the author of the bill and Members from the affected districts from both sides of the aisle to address concerns about boundaries and acquisition authorities in the bill. Although not unanimously supported, the amendment in the nature of a substitute adopted in full committee was carefully drafted to meet the concerns of the National Park Service, the Nez Perce Tribe, private landowners and affected Members.

The committee substitute limits the acquisition of private land by the use of eminent domain to only those identified parcels determined by the National Park Service to be absolutely necessary and referenced on the map accompanying the bill. Previously the bill would have granted that authority to any private lands related to the historical themes of the park in the States of Idaho, Wyoming, Washington, and Oregon. I would point out that in the 26-year history of the park, eminent domain authority has never been used, nor does the National Park Service intend to use it at any of the new sites added by this bill. However, as I have previously stated, it is not in the best interests of the National Park System for Congress to make a determination that a resource is nationally significant and worth protecting and then tie the hands of the National Park Service when it comes to the acquisition of such a parcel. In the committee substitute, this authority is granted for only 4 of the 14 sites added by the bill. In all cases, the landowners involved have been contacted and they are willing sellers.

The bill before us makes several special considerations for the old Chief Joseph Gravesite in Wallowa County, OR. The bill makes the boundary of the site smaller than the Senate passed bill to address concerns of county officials about the county tax base and to reflect the results of lengthy negotiations which occurred regarding that site. Furthermore, the bill limits potential condemnation of land to only 8 acres, the minimum necessary for the development of a visitor's center and to provide a protective perimeter for the sacred gravesite. This compromise is supported by the landowner whose lands are included in the boundaries as well as the Nez Perce Tribe and the National Park Service.

Mr. Speaker, H.R. 2032 as amended is a carefully crafted measure which would preserve and interpret an important part of the history of our Nation. It is long overdue and it is deserving of our full support. I urge my colleagues to support this measure.

Mr. Speaker, I reserve the balance of my time.

Mr. ALLARD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as introduced and passed by the National Parks and Public Lands Subcommittee. H.R. 2032 would have permitted condemnation of private lands for purposes of interpretation and preservation of the Nez Perce Indian culture, the Lewis and Clark expedition, gold mining, logging, and anything else which occurred in the Nez Perce country related to westward expansion. Further, it would have permitted this condemnation anywhere in a five-State region and in an unlimited amount. Clearly, it was objectionable and unreasonable to move such a boundless bill.

Following bipartisan discussions on this matter with Subcommittee Chairman VENTO, a letter was sent to the NPS requesting they conduct a study to determine exactly which private lands should be considered for addition to the park. The NPS conducted such a study in August and reported back to the Interior Committee in September. The changes made to this bill as a result of the administration study have resolved most of the problems with this measure.

The bill we reported will still allow condemnation of private lands to a limited extent. While use of condemnation is occasionally necessary, it must be tightly controlled by this body to prevent its abuse. Condemnation authority must be designed to meet the individual needs of the situation and the affected Members must have a significant voice in crafting policies which directly affect their constituents.

The final point to make relates to the extensive bipartisan effort which has taken place in the development of this measure. That effort resulted in a delay of several months in full committee in consideration of this bill. Clearly, this bill could have been moved several months ago over the objections of this side. After all, there was an administration study, plenty of groups could be found to support the original measure and we had held the obligatory hearing. Instead, we asked more questions, sought more information, and the result is a bill which is very different and substantially better than the original one. Even though there may not be total agreement on every word in this bill, the process by which it was developed characterizes the deliberate type of analysis which should be undertaken on every measure considered here.

I urge my colleagues to join with the administration in supporting this bill.

☐ 1230

Mr. Speaker, I yield back the balance of my time.

Mr. VENTO. Mr. Speaker, I yield such time as he may consume to the gentleman from Montana [Mr. WILLIAMS], the principal sponsor of this measure.

Mr. WILLIAMS. Mr. Speaker, I thank the gentleman from Minnesota [Mr. VENTO] for yielding, and, Mr. Speaker, I encourage the passage of H.R. 2032, the legislation authorizing the expansion and creation of the Nez Perce National Historical Park. I believe this is an important piece of legislation granting recognition to a truly historic chapter in this Nation's development.

Mr. Speaker, all Americans recognize the importance of the Civil War battlefields of the Northeast and the South. However, America has neither considered, nor understood, nor even begun to preserve, the critical battlefields of the American Indian wars out our way in the West. Those wars are as critical to the development of the West and the Nation as was the Civil War critical to the development of the South, the East, the Northeast, and the Nation.

Today this House considers my bill to preserve and recognize the Nez Perce Trail. For the record, I will include in my remarks the historian, Page Smith's, description of the battles that followed Joseph's refusal to surrender. This passage is from Smith's book, "The Rise of Industrial America." He notes:

> What was most notable about all the engagements involving the Nez Perce was the outnumbered Indians inflicting a series of defeats on superior forces of, in the main, U.S. Army regulars. There was no parallel in all the years of fighting to the victories of the Nez Perce over their pursuers led by two of the ablest and most experienced Indian fighters of the West.

Assailed by three separate detachments, Chief Joseph fought his way across Idaho and Montana, moving the tribe's women and children across remote and difficult wilderness. Joseph finally surrendered just short of the Canadian border, just outside of what is now the Montana town of Chinook. History records Joseph's words, most likely given to his people rather than to his pursuers. Let me quote now what is widely regarded as Chief Joseph's surrender statement.

> Tell General Howard that I know his heart. I am tired of fighting. Our chiefs are killed. Looking Glass is dead. Toohoolzote is dead. The old men are dead. It is young men who say yes or no. He who led the young men is dead. It is cold and we have no blankets. The little children are freezing to death. My people, some of them, have run away to the hills, and have no blankets, no food; no one knows where they are—perhaps freezing to death. I want to have time to look for my children and see how many I can find. Maybe I shall find them among the dead. Hear me, my chiefs. I am tired; my heart is sick and sad. From where the sun now stands, I will fight no more * * * forever."

Page Smith again notes; quoting the historian Smith now:

> Joseph rode into the lines of the soldiers and handed his gun to General Miles. Of the handful of Nez Perce who escaped to Canada, some were killed by Assiniboine and Hidatsa. Joseph's six children survived. Miles did what he could to assist those who surrendered, some 400 in all. They were taken by train to Bismarck * * * within a few months a fourth of their number was dead from dis-

ease (among them all of Joseph's children), some doubtless from heartbreak. "I will fight no more forever," became an epitaph for the American Indian.

The legislation we consider today, Mr. Speaker, recognizes these historical events throughout the Nez Perce Trail, ending with the surrender site, and it preserves the places that Americans, Indian and U.S. soldiers, fell: White Bird Canyon, Clearwater, the Big Hole, Bear's Paw. This legislation also critically and importantly assures the protection of the gravesite of Old Joseph.

Mr. Speaker, I introduced this legislation and have worked with the House Public Lands Subcommittee and the gentleman from Minnesota [Mr. VENTO] to pass it through the subcommittee and full committee, and now, hopefully, over to the Senate.

I want to make a critical point: that this bill is particularly attentive to the rights of landowners while it still assures the protection of the most important historic cultural and religious sites. I want to place, if I may, in the RECORD at this point, a letter from the attorney of some of the landowners in the most contentious places where we had disagreement about willing seller, willing buyer. The letter from the landowners' attorney will indicate that the landowners support this bill.

The letter referred to is as follows:

MAUTZ & HALLMAN,
ATTORNEYS AT LAW,
Pendleton, OR, September 23, 1991

Hon. BRUCE VENTO,
House of Representatives,
Washington, DC.

DEAR CONGRESSMAN VENTO: I have previously written on behalf of my clients, Parmenters and Steve Krieger of WGK Development Corporation, concerning the above-referenced Bill. My clients are the owners of the 68 acre parcel of land adjacent to the Nez Perce National Historic Site at the Chief Joseph Monument in Joseph, Oregon.

Sandy Scott has informed us of the details of the new Park Service proposal concerning this legislation. We understand that that proposal includes limiting condemnation authority to a specific 8 acre portion of my clients' property. The Bill would also provide authority to the Park Service to acquire fee simple or other property interests in additional acreage on a willing seller willing buyer basis.

This is to advise that a proposal of that nature is satisfactory to my clients. Although they still feel strongly that condemnation authority should not be exercised, granting of that authority to the Park Service when limited to 8 acres is not something to which my clients will object.

Sincerely yours,
MAUTZ & HALLMAN.
D. RAHN HOSTETTER.

I delayed bringing this bill to full committee and here to the floor of the House until we were as certain as we could be that the historic condemnation procedures, which are held to the Government, would not have to be used in order to create, establish, and preserve the important sites that we so protect with this legislation.

I also want to add, Mr. Speaker, that this legislation adds to and encourages the important work of the Forest Service. They have already completed much work in preserving the trail that the Nez Perce followed during this great American odyssey.

This is, my colleagues, important legislation, and I hope to be joined in recognizing this chapter in one of American's great national stories.

An army commission that included General Oliver Otis Howard had met with Joseph to try to persuade him to sell the land. The commissioners were clearly impressed by Joseph's presence and by the quiet but determined skill with which he defended the right of the Nez Perce to their homeland. "If we ever owned the land we own it still, for we have never sold it. . . . In the treaty councils the commissioners have claimed that our country has been sold to the government. Suppose a white man should come to me and say, 'Joseph, I like your horses, and I want to buy them but he refuses to sell.' My neighbor answers, 'Pay me the money and I will sell you Joseph's horses.' The white man returns to me and says, 'Joseph, I have bought your horses and you must let me have them.' If we sold our lands to the government, that is the way they were bought."

The decision of the commissioners was that Joseph's Nez Perce should be required to join the other Nez Perce on the Lapwai Reservation by persuasion or force. Howard, who was in charge of the territory that included the Lapwai Reservation, gave Joseph a month to bring his tribe, which numbered fewer than 100 warriors, into the reservation. Joseph protested that the Snake was too high for his band to cross safely, but Howard refused to allow him more time. After the Nez Perce band had crossed the river a group of young braves, who were not members of Joseph's band and were furious at being forced onto a reservation, broke out in an orgy of killing. It was a classic Indian uprising, triggered by a profound sense of grievance and frustration and fueled by traders' whiskey. Before they were through, some 20 whites had been killed, with farms burned and women raped.

Howard started out from the Lapwai Reservation immediately with some 110 soldiers and volunteers. The soldiers came up to Joseph's small band and, rejecting the offer of a truce, attacked its camp in White Bird Canyon. Although outnumbered, the Nez Perće, led by Joseph, killed 34 soldiers and wounded 4, administering a severe defeat to Howard's small force. Howard began to round up a larger contingent of troops, and, since nothing succeeds like success, Joseph found his own band augmented by other discontented groups of Indians spoiling for a fight. Howard, now with 400 soldiers and 180 Indian scouts, surprised Joseph's party, which now included five other bands of Nez Perće, on the Clearwater River, in early July. The first warning the Indians had was the fire from Howard's howitzer and Gatling guns from a bluff above their camp. The Indians rallied, and once more Howard suffered a humiliating setback. The Nez Perće chiefs believed that if they could get over the Bitterroot Mountains into Idaho, they would be safe from pursuit. In a remarkable hegira, herding along several thousand horses as well as children, the sick, and those wounded at the Clearwater River, they reached western Montana, where they found their path blocked by some 35 army infantrymen. The Nez Perće made their way around the soldiers and stopped at Stevensville, where they bought much needed supplies from the townspeople. After crossing the Continental Divide, they made camp in the Big Hole Valley, near the present-day town of Dillon, Montana. There Colonel John Gibbon, veteran of the fighting against Crazy Horse and the Sioux, came on the camp and caught the sleeping Nez Perće by surprise in a dawn attack. Men, women, and children were killed indiscriminately. Once more the warriors rallied and gave such a good account of themselves that Gibbon's larger force soon found itself on the defensive (the Nez Perće were noted for being the finest marksmen of all the Indian tribes). Gibbon lost 33 dead and as many wounded, and his command may well have been saved from Custer's fate only by the arrival of Howard. The Nez Perće lost 89, most of them apparently women and children and old men. Among the Nez Perće dead were two of their most noted warriors, Rainbow and Five Wounds. The Nez Perće buried their dead before abandoning their camp, but the Bannock scouts dug up the bodies and scalped them.

What was most notable about all the engagements involving the Nez Perće was that the outnumbered Indians inflicted a series of defeats on superior forces of, in the main, army regulars. There was no parallel in all the years of fighting to the "victories" (victories in the rather modest sense of avoiding annihilation and inflicting heavier casualties than they suffered) of the Nez Perće over their pursuers, led by two of the ablest and most experienced Indian fighters in the West. By the time of the Big Hole Battle, the attention of the nation had become fixed on the dramatic odyssey of the Nez Percé. Chief Joseph, although only one among equals and not, in fact, the most accomplished of the Nez Percé leaders, was credited with the victories and became an instant hero. Indeed, it is safe to say that, Montana and Idaho settlers aside, there were more Americans rooting for Joseph and "his" Nez Percé than for Howard and the United States Army. Never able to resist a military hero, whatever the color of his skin, Americans elevated Joseph to that pantheon of Indian heroes that included Tecumseh (the middle name of the commanding general of the United States Army was Tecumseh), Black Hawk, Osceola, and, more recently, Crazy Horse and Sitting Bull.

Fleeing from Howard's implacable pursuit, the Nez Percé passed through Yellowstone Park, which was already attracting tourists. They had hoped to find refuge among the Crow, allies from other days against the Sioux and Cheyenne, but they found that the Crow were not only at peace with the whites but acting as army scouts. It was decided to press on to Canada, as the remnants of the Sioux under Sitting Bull had recently done, but in camp not far from the border they were overtaken by Nelson Miles, who had been called up from Fort Keogh with 600 soldiers, including part of the 7th Cavalry. Miles ordered a charge which was stopped with heavy casualties; 24 officers and men were killed, and another 42 wounded. The Nez Percé. after four months of fighting against three different expeditions dispatched against them in a journey that had covered more than 1,300 miles, were still dangerous. Some of the Nez Percé women and children, among them Joseph's twelve-year-old daughter, escaped but the remaining warriors—some 120—found themselves besieged by Miles's much larger force. A few days later Howard arrived with more troops, ending all hope of escape. Joseph persuaded the remaining warriers, cold and hungry, to surrender. He sent his message of surrender to Howard by way of Captain John, a Nez Percé interpreter, who wept as he delivered it: "Tell General Howard I know his heart. What he told me before I have in my heart. I am tired of fighting. Our chiefs are killed. Looking Glass is dead. . . . The old men are all dead. It is the young men who say yes and no. He who led the young men is dead. It is cold and we have no blankets. The little children are freezing to death. My people, some of them, have run away to the hills, and have no blankets, no food; no one knows where they are—perhaps freezing to death. I want to have time to look for my children and see how many I can find. Maybe I shall find them among the dead. Hear me, my chiefs, I am tired; my heart is sick and sad. From where the sun now stands, I will fight no more forever." From Chief Logan, mourning the murder of his wife and children by renegade whites almost 100 years earlier, to the words of Chief Joseph, there had been the same refrain of unfathomable sadness by Indian chieftains caught in the web of an inexorable fate.

Joseph rode into the lines of the soldiers and handed his gun to Miles. Of the handful of Nez Percé who escaped to Canada, some were killed by the Assiniboine and Hidatsa. Joseph's six children survived. Miles did what he could to assist those who surrendered, some 400 in all. They were taken by train to Bismarck on the way to Fort Abraham Lincoln, and there they were greeted by the citizens of that frontier Indian-hating town as heroes, showered with gifts of food and clothing. Joseph and other chiefs were given a dinner by the women of the town. But the reservation they were placed on was hundreds of miles from the land where their ancestors were buried; they were moved from the luxuriant forests and clean winds to an area of malarial dampness. Within a few months a fourth of their number was dead from disease (among them all of Joseph's children), some doubtless from heartbreak. "I will fight no more forever," became a kind of epitaph for the American aborigines.

Mr. VENTO. Mr. Speaker, I want to commend the gentleman from Montana [Mr. WILLIAMS] for his effort, and I want to suggest to everyone that there has been a great deal of cooperation and effort to avoid the National Government, in terms of the authority granted here, imposing or interfering with the legitimate concerns and rights of landowners, and this is as it should be. I could not help, as I was thinking about the plight of our Native Americans in this country; if only there had been more sensitivity to the rights of Native Americans some 150 short years ago. I could not help but note the gentleman's eloquent words as he repeated the prose of Chief Joseph. I think all of us know to the point where the Sun now stands in the sky is something that we have all recognized as the important commemoration of the efforts and of the utter frustration that Native Americans faced. But it is, I think, something appropriate for us to do as we again are dealing with an important piece of our national, our cultural, heritage. That is what this is.

Mr. Speaker, only 150 years ago—I was thinking that this community I represent, St. Paul, MN, 150 years ago came into existence. It is such a short period of time, but the changes and the importance to the Native American peoples and the importance to our culture as a people are enormously important, and it is because of this reason and with the greatest sensitivity that we approach, through the National Park Service, trying to maintain that heritage.

□ 1240

Mr. Speaker, I hope that everyone will join with the author and with the committee in supporting this measure. I think the author and the staff have done an outstanding job on a bipartisan basis. I want to thank the gentleman from Montana [Mr. WILLIAMS] for his statement and for his contribution.

Mr. WILLIAMS. Mr. Speaker, I appreciate the generous and kind statements of the subcommittee chairman.

Mr. SMITH of Oregon. Mr. Speaker, I want to take this opportunity to offer my perspective on legislation to expand the existing Nez Perce National Historical Park. This is an issue that has interested me for quite some time. In fact, I was part of the Oregon congressional delegation that asked the National Park Service to make recommendations for possible additions to the Nez Perce National Historical Park System.

The Nez Perce Indians have played a significant role in the history of Wallowa County in the northeastern part of my congressional district. This rugged area was claimed by Chief Joseph and his Nez Perce Tribe as their hunting and fishing territory. Chief Joseph and the story of the 1877, Nez Perce war should be recognized. However, this bill has provisions that may prevent it from becoming the law of the land.

The 1877 Nez Perce war was fought over property rights. The U.S. Government gave Chief Joseph and his band until April 1, 1877, to move to the Lapwai Reservation. When that deadline passed, the Nez Perce war began in earnest, forcing Chief Joseph and his band on a 1,700-mile dash for freedom.

It appears that we have learned very little about private property rights in the intervening 114 years. In the process of expanding the Nez Perce National Historical Park, this legislation gives the National Park Service authority to trample over the rights of private property owners through the power of condemnation. If he were alive today, Chief Joseph would most assuredly oppose this egregious assault on private property rights.

To be fair, the proposal we are considering today is an improvement on the bill that was originally heard by the National Parks and Public Lands Subcommittee. We started with a proposal that had unlimited condemnation and lacked any information of any of the 13 sites proposed for addition under this act.

The boundary issue has been resolved and Chairman VENTO has made a good-faith effort to limit condemnation authority to 8 acres. Nonetheless, we have several other private landowners who also have the threat of condemnation over their heads.

During full committee markup, I offered an amendment that provided that private land interests may be acquired only on a willing-seller basis. I decided not to raise this issue on the floor today because I am hopeful that in conference committee, the bill we pass today will conform with the Senate bill that prohibits condemnation. The chief sponsor of this legislation in the other body has informed me that condemnation language is unacceptable and could prevent this legislation from becoming law.

Accordingly, in the conference committee I urge the sponsors of H.R. 2032 to recede to the Senate language that protects the rights of private landowners from the hammer of condemnation. You can be certain that Chief Joseph wouldn't want it any other way.

Mr. VENTO. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MAZZOLI). The question is on the motion offered by the gentleman from Minnesota [Mr. VENTO] that the House suspend the rules and pass the bill, H.R. 2032, as amended.

The question was taken.

Mr. WILLIAMS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to the provisions of clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

URGING THE SECRETARY GENERAL OF THE UNITED NATIONS TO DEVELOP PLANS TO RESPOND TO DISASTERS AND HUMANITARIAN EMERGENCIES

Mr. YATRON. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 197) providing that the President should urge the Secretary General of the United Nations to develop plans for coordinating and expanding resources of the United Nations to respond effectively to disasters and humanitarian emergencies, as amended.

The Clerk read as follows:

H. CON. RES. 197

Whereas international peace and security is increasingly dependent on prevention of disasters and humanitarian emergencies, and on the rapid response by the international community when disasters and humanitarian emergencies do occur;

Whereas recent natural disasters and man-made humanitarian emergencies, such as, in the past 12 months, the evacuees fleeing Kuwait and Iraq in the fall of 1990, the Kurdish emergency, the Bangladesh cyclone of spring 1991, the current refugee and relief emergency in the Horn of Africa, and the continuing problem of refugees and displaced persons in Liberia and neighboring countries, clearly demonstrate that the United Nations family of agencies and other international organizations are not currently properly organized to respond adequately;

Whereas the number of refugees worldwide requiring relief and assistance was more than 18,000,000 in May 1991 and has been rising by 10 percent each year since 1983;

Whereas the number of internally displaced persons is estimated to be even greater than the number of refugees;

Whereas in the present rapidly changing international political situation there is a new opportunity for the United Nations to develop its capacity to respond to disasters and humanitarian emergencies;

Whereas in May 1991 President Bush cited the need to build upon the United Nations' ability to respond to humanitarian crises;

Whereas the leaders of the Group of 7 at the July 1991 London Economic Summit declared that "we will promote a truly multilateral system, which is secure and adaptable and in which responsibility is shared widely and equitably" and that "central to our aim is the need for a stronger, more effective United Nations system . . .";

Whereas the Group of 7 also noted that "we will provide humanitarian assistance to those parts of Africa facing severe famine and encourage the reform of United Nations structures in order to make this assistance more effective";

Whereas reassessment and clarification of United Nations responsibilities for those needing humanitarian assistance is required;

Whereas mechanisms for early warning about emergencies need to be augmented and linked to more adequate and effective response mechanisms;

Whereas despite the fact that many United Nations agencies engage in emergency response activities, including UNHCR, UNDRO, UNICEF, WFP, UNDP, and WHO, there is no central United Nations authority for coordinating responses to disasters and humanitarian emergencies and for mobilizing additional resources from donor governments and additional effort from other agencies such as International Committee of the Red Cross and the League of Red Cross/Red Crescent Societies;

Whereas member governments have begun to make available to the United Nations their civilian and military resources for use in humanitarian emergency relief operations;

Whereas systematic mechanisms to call upon such resources and agreed procedures for their use would enhance the capability to enlist such additional contributions in emergency situations; and

Whereas the next election of a Secretary-General of the United Nations will provide an opportunity to address these needs as a high priority: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the President of the United States should urge the Secretary-General of the United Nations, in consultation with appropriate United Nations and other agencies, organizations, and experts to—

(1) initiate within 90 days after the adoption of this resolution a study of existing structures and mechanisms for relief of both natural and manmade disasters and humanitarian emergencies, with special attention of the United Nations and its affiliated agencies;

(2) develop plans for expanding the standby and reserve resources available for disaster and humanitarian assistance, including the use of both civilian and military resources from outside the United Nations and its affiliated agencies,

(3) develop a plan for assigning and coordinating responsibilities within the United Nations at its headquarters and in the field that is adequate to begin responding to humanitarian emergencies within 24 hours, including the rapid designation of a field coordinator, and that is complementary with United Nations peacekeeping operations;

(4) develop a plan for coordinating such unified United Nations efforts with the efforts of other relief agencies, including those in the nongovernmental sector; and

(5) provide an initial report on such plans to the representative of the member nations of the United Nations not later than January 1, 1992, and a final set of recommendations for implementation as soon as possible thereafter and not later than May 1, 1992.

Such plans should include criteria and procedures for working with member nations in the rapid callup from member governments of standby reserves of personnel, logistics, communications, and other resources for disaster and humanitarian assistance, and should recommend criteria and procedures for how such reserve resources should be trained, deployed, managed, financed, and released from service when participating in an international disaster or humanitarian assistance effort under the auspices of the United Nations.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania [Mr. YATRON] will be recognized for 20 minutes and the gentleman from Michigan [Mr. BROOMFIELD] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Pennsylvania [Mr. YATRON].

Mr. YATRON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Concurrent Resolution 197, as amended, urges the next Secretary General of the United Nations to develop plans to make the United Nations more effective in responding to international disasters.

As an original sponsor of House Concurrent Resolution 197, I want to commend Congressman BEREUTER for what is an extremely important and timely resolution. All of us here who have followed United Nations issues over the years were pleased to see the administration work through that organization and its affiliated agencies to advance U.S. policy objectives during the Persian Gulf crisis.

Give Iraq's noncompliance with many of the provisions of the permanent cease-fire resolution, the United States is continuing to work closely with the U.N. Security Council to take the appropriate measures under international law to respond to Baghdad's belligerent attitude.

However, the U.N. system's response to the humanitarian disasters emanating from the gulf crisis was simply not of the same degree as the U.N.'s successful efforts to thwart Saddam's aggression.

Bureaucratic tension among various U.N. agencies, an inconsistent response from major donors to fund U.N. relief operations, and an ambiguous chain of command within the international organizations system caused needless delays in facilitating critically important foodstuffs and medicines for countless thousands of refugees, displaced persons, and others suffering from the ravages of war.

These shortcomings can only be rectified by the member states of the United Nations and any reforms must be initiated by them. With the end of the cold war and the upcoming selection of a new Secretary General, the United States is in an excellent position to take the lead in addressing this problem.

The gentleman from Nebraska drafted this legislation well in advance of the current General Assembly session. Although the Department of State has not conveyed to Congress what policy reforms it plans to promote at the General Assembly, it appears that this effort reflects some of the concerns in Congressman BEREUTER's resolution.

Mr. Speaker, during consideration of the resolution, the subcommittee adopted an amendment by Congressman BEREUTER which points out that the President advocated reform to the U.N. bureaucracy earlier this year. This resolution, as amended, sends a message to the world community that the Congress of the United States strongly supports reforms at the United Nations which will result in a more effective response to disasters and that the new Secretary General should make such reforms a priority.

I want to commend Chairman FASCELL and Congressman BROOMFIELD, the ranking minority member of the Foreign Affairs Committee, for their leadership on this legislation. I urge my colleagues to support the resolution.

Mr. BROOMFIELD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I take this opportunity to thank my good friend, the gentleman from Pennsylvania [Mr. YATRON], who is the chairman of the Subcommittee on Human Rights of the Committee on Foreign Affairs, as well as the chairman of the full committee, the gentleman from Florida [Mr. FASCELL], for expediting this concurrent resolution, and I commend particularly the gentleman from Nebraska [Mr. BEREUTER], who is a member of the Committee on Foreign Affairs, for introducing this concurrent resolution.

Mr. Speaker, House Concurrent Resolution 197 calls on the President to urge the Secretary-General to develop plans to enable the United Nations to more effectively respond to disasters.

In the past 12 months we have witnessed several natural and manmade disasters. Among them were the Bangladesh cyclone, the Persian Gulf war, and famine on the Horn of Africa. While I was pleased with the response of American relief organizations and governmental agencies, the response of the United Nations to these disasters was inadequate. This was due in large part to a lack of adequate resources and organization.

It is time for the Secretary-General to take the lead in developing plans for several important areas:

First, expanding the standby and reserve resources available for disaster and humanitarian assistance;

Second, assigning and coordinating responsibilities so that the United Nations can respond to disasters within 24 hours; and

Third, coordinating United Nations efforts with those of other relief agencies.

There is need to make the United Nations more effective as part of the new world order. Improving the United Nations' ability to coordinate disaster relief and humanitarian assistance would be a good start.

This resolution has the support of the administration. I urge my colleagues to give it their support.

Mr. YATRON. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. BROOMFIELD. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania [Mr. YATRON] that the House suspend the rules and agree to the concurrent resolution (H. Con. Res. 197) as amended.

The question was taken.

Mr. BROOMFIELD. Mr. Speaker, on that I demand the yeas and nays.

The SPEAKER pro tempore. Pursuant to the provisions of clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. YATRON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the concurrent resolution just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

URGING PRESIDENT TO COMPLETE REVIEW OF CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN

Mr. YATRON. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 116) urging the President to complete the review of the Convention on the Elimination of All Forms of Discrimination Against Women in order that the Senate may give its advice and consent to ratification, as amended.

The Clerk read as follows:

H. RES. 116

Whereas the Convention on the Elimination of All Forms of Discrimination Against Women (hereafter referred to as the "Women's Human Rights Convention") seeks to advance the status of women worldwide for the purpose of guaranteeing the human rights and fundamental freedoms of women on a basis of equality with men in all respects; political, civil, social, cultural, and economic;

Whereas the Women's Human Rights Convention was adopted by the United Nations General Assembly on December 18, 1979;

Whereas the United States was an active participant in drafting the Women's Human Rights Convention and signed the Convention on July 17, 1980;

Whereas on November 12, 1980, the President transmitted the Women's Human Rights Convention to the Senate, but at that time did not submit the necessary reservations, understandings, and declarations required for Senate advice and consent to ratification;

Whereas 108 nations have ratified and acceded to the Women's Human Rights Convention;

Whereas there is a continuing gap between the status and rights of women and men, and there is still no nation in the world where this gap has been eliminated in all major fields of activity;

Whereas the Women's Human Rights Convention calls on nations which are parties to the convention to take all appropriate measures to ensure women, on an equal basis with men, access to education, economic opportunities, legal protection, representation in government, and health care;

Whereas two-thirds of the world's illiterates are women;

Whereas women produce more than half of the food in developing countries, as much as 80 percent of the food produced in Africa, and perform two-thirds of the world's work hours, yet receive only 10 percent of the world's income and own less than 1 percent of the world's property;

Whereas worldwide, including in the United States, women earn only two-thirds as much as their male counterparts, contributing to the growing feminization of poverty;

Whereas as a result of unequal economic opportunities women are the growing majority at the poverty level worldwide, and approximately 78 percent of all people living in poverty in the United States are women and their children;

Whereas in many nations women do not have the same legal or constitutional rights as men, particularly regarding family law—marriage, inheritance, property rights, divorce, alimony, and child support;

Whereas enactment of laws ensuring the rights and fundamental freedoms of women are ineffectual unless governments are willing to enforce them;

Whereas in most countries women attained the right to vote only in the last 35-45 years, and in some countries women still do not have the right to vote;

Whereas only 9.7 percent of the representatives in the world's parliaments are women;

Whereas childbearing carries the highest risk of death for women of reproductive age in the developing world, resulting in approximately 500,000 deaths each year, the majority of which could be prevented with adequate health care;

Whereas the Women's Human Rights Convention calls on nations which are parties to the convention to take measures to modify the social and cultural practices of men and women with a view to eliminating prejudices and practices which are based on the belief of the inferiority or superiority of either of the sexes;

Whereas violence against women is the extreme expression of the belief in women's inferiority and occurs in all cultures and countries;

Whereas there is a high degree of official and social tolerance of violence against women, and family violence is the most prevalent form of violence against women;

Whereas trafficking and slavery of women and female children for the sex trade and as forced labor takes place in many regions of the world and is a result of the subjugation of women;

Whereas preference for sons results in the severe neglect of daughters with respect to food, medical care, and education, and as a consequence girls aged two to four die at twice the rate of boys in some regions, female infanticide is practiced, and worldwide female children are three times more likely to suffer from malnutrition than male children;

Whereas the Women's Human Rights Convention emphasizes the equal responsibilities of men and women in the context of family life, and until that occurs women will never be able to exercise and enjoy full equal rights and they and their children both will suffer;

Whereas when women are better informed and educated, their family's health and income benefit, and when women are given training and skills, their nation's productivity increases and its economy grows;

Whereas worldwide there are women's and human rights groups working under adverse circumstances to promote and implement the principles of the Women's Human Rights Convention; and

Whereas by ratifying and acceding to the Women's Human Rights Convention the United States will become a more credible proponent of the rights of women and a more effective advocate in encouraging other countries to protect the human rights and fundamental freedoms of women: Now, therefore, be it

Resolved, That it is the sense of the House of Representatives that—

(1) the full realization of the rights of women is vital to the development and well-being of people of all nations; and

(2) the President should, therefore, promptly complete the review of the Women's Human Rights Convention and submit to the Senate any reservations, understandings, or declarations that he considers necessary in order that the Senate may give its advice and consent to ratification.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania [Mr. YATRON] will be recognized for 20 minutes, and the gentleman from Michigan [Mr. BROOMFIELD] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Pennsylvania [Mr. YATRON].

□ 1250

Mr. YATRON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 116 urges the President to complete the administration's review of the U.N. Convention on the Elimination of All Forms of Discrimination Against Women. The convention, referred to as the Women's Human Rights Convention, is the most comprehensive and detailed human rights instrument seeking the advancement of women. The Subcommittee on Human Rights and International Organizations approved this resolution on September 26 and the full Foreign Affairs Committee reported the resolution on October 10.

To date, 108 countries have ratified and acceded to the convention. The United States is one of the few developed countries that has not ratified this convention, even though we were an active participant in drafting and promoting it in the United Nations. In 1979 the United States voted for the convention's adoption in the U.N. General Assembly and became a signatory in July 1980. Even though the convention was submitted to the Senate in November 1980, the administration has not submitted its review in order that the Senate may give its advice and consent to ratification.

The Senate held a hearing on the Women's Human Rights Convention last year. At that time, the Senate asked the administration to finish and transmit its review. Over 1 year later, the Senate has still not received a transmittal.

Mr. Speaker, the House should go on record as denouncing the deplorable human rights situation of the world's women, many of whom do not have such basic rights as access to education, due process, health care, and even personal safety.

I want to commend Chairman FASCELL, Congressman BROOMFIELD, the ranking minority member of the Foreign Affairs Committee, the ranking minority member of my subcommittee, DOUG BEREUTER, and Congressman GILMAN for their leadership on this legislation. I urge my colleagues to vote in favor of House Resolution 116.

Mr. BROOMFIELD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am a cosponsor of this resolution, which urges the President to complete his review of the Convention on the Elimination of All Forms of Discrimination Against Women. This would permit the Senate to consider whether the United States should join the 108 countries that have ratified it.

In many countries, women still do not have the same legal or constitutional rights as men. In some countries, women don't even have the right to vote. Worldwide, women earn only a fraction as much as men in comparable positions. In addition, highly offensive practices such as female infanticide still occur in some places.

The United States took an active role in drafting the convention. We signed it and voted in favor of its adoption by the United Nations.

In 1980, President Carter transmitted the convention to the Senate, noting some legal problems that might be raised by ratification. However, he did not provide any specific reservations, understandings, or declarations to address those potential problems.

The Bush administration is now reviewing the legal issues, and the Senate has deferred considering ratification pending the outcome of this review. House Resolution 116 simply urges the President to complete the review and submit any reservations, understandings, or declarations that are necessary in connection with ratification.

I urge my colleagues to support this resolution.

Mr. Speaker, I yield such time as she may consume to the gentlewoman from Kansas [Mrs. MEYERS].

Mrs. MEYERS of Kansas. Mr. Speaker, I rise in support of this resolution. Human rights abuses against women is an issue that has long been ignored. The plight of an ethnic or religious minority that is subject to discrimination often generates considerable attention from Congress and the human rights community. Unfortunately, less attention is paid to abuses that are directed against women.

Too many people are willing to turn their heads away from the mistreatment inflicted upon women because they are justified in the name of religion or cultural practices. Even as the United States was freeing Kuwait and protecting the oil fields of Saudi Arabia—the Saudi's were vigorously making sure that Saudi women never learn to drive a car—in the name of religion. But it really gets much worse than that. Women in the Middle East and Africa are subjected to female circumcision. In India, young women are burned to death because their dowries—which are supposedly illegal—are not large enough to satisfy their inlaws. In Pakistan, women who are raped then can be prosecuted for adultery and sentenced to up to 100 lashes. Female infaticide is common in much of the Third World. We in the West are not supposed to criticize the cultures that allow such vile customs because that would be ethnocentric. But the entire concept of human rights—the idea that people have worth as individuals rather than just as members of some political, social, or ethnic group—demands that we denounce these practices regardless of their foundation. Furthermore, this concept of human rights is one that the nations of the world voluntarily accepted when each agreed to the U.N. Charter and Universal Declaration of Human Rights.

I'm not saying that nations support these hideous actions, but they look the other way. A state that tolerates the murder or mutilation of women for cultural reasons is just as much a violator of human rights as one that jails and tortures political opponents. The primary duty of a government is to protect all of its citizens from aggression.

The U.S. Government must continually express its opposition and revulsion to these practices and attitudes. But in order to be effective at advocating this, the President has to complete the review on the Convention on the Elimination of All Forms of Discrimination Against Women so the Senate can consent to its ratification. Once the United States ratifies this treaty, no longer will other nations be able to accuse us unfairly of not practicing what we preach.

Mr. BROOMFIELD. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. YATRON. Mr. Speaker, I wish to commend the gentlewoman from Kansas [Mr. MEYERS] for her leadership on this particular issue.

Mrs. SCHROEDER. Mr. Speaker, I'm thrilled to see the Convention on the Elimination of All Forms of Discrimination Against Women [CEDAW] on the floor today. We have been waiting since the convention was adopted by the United Nations in 1979 to see some action. Today we have the chance to send a clear message to the President that we are tired of waiting. It is time to send the convention to the Senate for ratification.

The convention is vitally important, and cannot be implemented until 20 countries ratify it. CEDAW establishes rights for women in areas not previously subject to international law. It defines discrimination against women, requires action on all fronts, and creates a Committee on the Elimination of Discrimination Against Women to review international progress.

Since the adoption of CEDAW, in 1979, women around the world continue to be subject to abuse simply because they are women. Most of the abuse they suffer is not as easily categorized as human rights abuses as, say, disappearances, and torture in detention, or other political and civil abuses. However, sexual harassment, rape, bride burnings, infanticide, genital mutilation, trafficking in women, and domestic violence are as serious, as painful, and as prevalent as any human rights abuse. The only difference is that the risk the victim takes is being a woman. An example: Disappearances as a result of political participation are more easily identified than disappearances from a refugee boat and subsequent sale of the woman into slavery.

Furthermore, courts around the world refuse to acknowledge crimes, which are dealt with swiftly when they occur between unrelated parties, that occur between a married couple. Often the widespread hands-off attitude about discrimination and violence against women is excused as awareness of other cultures.

Sexual harassment is harassment. Bride burnings and infanticide are murder. Genital mutilation is mutilation. Domestic violence is torture. Courts, foreign and domestic, that refuse to recognize the severity of these crimes must be held accountable. Just as the United States has made it clear that we believe that racism is not an acceptable cultural tradition, we must also send the message that neither is discrimination against women. Vote to tell President Bush that it is time to brush the dust off of the Convention on the Elimination of All Forms of Discrimination Against Women and send it to the Senate.

[From the New York Times International, Oct. 21, 1991]

TEARFUL BRIDE, JUST 10, TOUCHES INDIA'S CONSCIENCE

(By Edward A. Gargan)

NEW DELHI, October 20.—It was a routine flight, a two-hour hop to New Delhi from Hyderabad in the country's south in a plane jammed with the usual business commuters and some tourists. But in one row, a young girl sat sobbing, covering her tears with her hands. Beside her, an unshaven man wearing a checkered Arabian headdress stared blankly out of the window.

A flight attendant, Amrita Ahluwaha, bent over the child and asked what was wrong. The girl wept even as the attendant and several passengers ushered her to the front of the plane to find out why she was crying so. According to an account in an Indian newspaper, this is what she told them:

"My name is Ameena. I am about 10 years old. This man came to our house. He found my elder sister dark and ugly. My father, who drives an auto-rickshaw, made me marry this man. He is taking me to Saudi Arabia. I don't want to go with him."

When the plane landed in New Delhi, the police arrested the man and took Ameena into protective custody. The man was identified in court later as 60-year-old Yahya M.H. al-Sagih, a Saudi who had been bride shopping in the Muslim neighborhoods of Hyderabad. He protested his arrest and produced an Islamic marriage certificate. He was bustled off to jail.

Since the case erupted in August, India's English-language newspapers have chronicled the fate of the child bride, scrutinizing falsified documents produced by the Saudi, interviewing the girl's father, who sold her off for 6,000 rupees, or $240, with another payment of $4,000 unconfirmed but widely rumored, and reveling in the pandemonium of each court appearance.

Women's organizations have taken up Ameena's cause, denouncing the custom of child marriages and calling for Government investigations into the practice. Lawmakers have held forth from the chambers of Parliament and Prime Minister P.V. Narasimha Rao has demanded that New Delhi's Lieutenant Governor keep him abreast of the case.

But the case has brought not only the matter of child marriages bubbling to the surface of Indian politics and society, but also fundamental issues like irremediable poverty, religious tension and governmental complicity and ineptness.

What may be most surprising is not that Ameena was married off at the age of 10, but that the case has provoked such a furor. For the marriages of children, of young girls to old men, of children to each other, are not only unremarkable in much of India, but routine.

"It's very common," said Tavleen Singh, one of the country's most acerbic columnists. "The average lower-class Indian wouldn't even be shocked by it. Although there is a lot of noise in the press, you must remember that 90 percent of girls in villages get married before 13 anyway. You're a spinster at 16."

"This is the reaction of middle-middle and upper-middle class women," she said of the attention focused on Ameena's case. "I'm afraid it's a brutalized society. There is a little bit more horror now."

She paused in her thoughts for a moment, and then said, almost hopefully, "Maybe its a reflection of some kind of change."

ANTI-MUSLIM BIAS SUGGESTED

But the uproar from news organizations and Parliament has another, darker side. Tahir Mahmood, a professor of family law at Delhi University, said he detected an undercurrent of anti-Muslim sentiment in the cries of outrage over Ameena's wedding. "A similar case involving a Hindu girl would have gone unnoticed," he said. Even so, Professor Mahmood insisted, there is widespread revulsion for Mr. Sagih among Indian Muslims and a general acceptance of the invalidity of the marriage itself.

Mr. Sagih remains free on bail but forbidden to leave the country. The original charge of kidnapping against him has been dropped, but charges of fraudulent marriage, forgery and use of forged documents are still pending.

Criminal statutes here prohibit any marriages of females under the age of 18 and males under the age of 21. But civil law, which is based in part on the individual practices of India's religious communities—that is, Hindu or Muslim—does sanction marriage among minors. In the case of Islamic law, girls who have reached puberty are permitted to marry if they agree to the match. Similarly, Hindu civil law recognizes the validity of childhood marriages.

It is difficult to find anyone in New Delhi, lawyer or public servant, who can call to mind another instance of a prosecution for childhood marriage. Indeed, some people contend that marrying off children has become a response to entrenched poverty, in a sense a rational response of the country's poorest citizens to their unchanging plight.

"This really shows that it's become a social alternative at that strata," said Brinda Karat, the head of the All-India Democratic Women's Association. "That you can get your girl to bear the whole burden of the family has become acceptable."

Ameena's father, Badruddin, admitted as much. Sitting in a lawyer's cubbyhole office near the court where his daughter's future was being decided, he lamented his inability to support his family.

"I earn between 25 and 40 rupees a day driving an auto-rickshaw," he said, a daily wage of only $1 to $1.60. "I can't get clothes for my children. It's difficult for me to pay rent on my house. That amounts to 150 rupees a month," or $6.

The father, who was in New Delhi in an effort to regain custody of his daughter, appeared baffled by the outcry over his daughter's marriage. "I thought because I had nothing else it was good for the family," he said. "We have six daughters and two sons. How can I feed 10 mouths on my salary?"

The court refused to grant the parents' request for custody and has ordered Ameena into a children's home.

While sympathetic to the plight of Ameena's father, Mrs. Karat of the women's association said solutions to poverty must come from positive Government programs.

"The central Government has to take this up more seriously," she said. "The problem is there is quite a lot of money involved in this."

Still, she said, it is unrealistic to expect a rapid change in this society. "I'm sure," she said, an edge of resignation in her voice, "that there have been sales of young girls after Ameena. And there will be more."

Mrs. MINK. Mr. Speaker, I rise in support of House Resolution 116, which would urge the President to complete the review of the Convention on the Elimination of All Forms of Discrimination Against Women in order that the Senate may give its advice and consent to ratification.

The United States needs to be in the forefront of the historical quest for equality between the sexes. Our country was an active participant in drafting the Women's Human Rights Convention which was adopted by the U.N. General Assembly in 1979 and was actually signed by the United States in 1980. Why has it taken so long for the Senate to act?

The convention, drafted more than a decade ago, chronicles the plight of women on this planet. It condemns every form of discrimination women are being forced to endure: economic, social, cultural, civil, political. Where women are granted citizenship it is usually of the second-class variety. Money, power, and good jobs are denied women in most countries of the world simply because they are female. This Convention not only describes the unfair predicament of females everywhere, but offers solutions.

The convention urged governments to affirm the value of equality between the sexes, to ban all forms of sex-based discrimination, and to institute a rights-based civil code that would guarantee all women the rights and privileges afforded men.

Although this treaty has been ready for ratification since the beginning of the last decade, the Reagan-Bush administration has handled it with malign neglect. The necessary reservations, understandings, and declarations required for Senate advice and consent ratification have never been submitted. Now, 11 years later, the problem of sexual unfairness is still with us everywhere. Two-thirds of the world's illiterates are women. Only 1 percent of the world's property is owned by women; 500,000 women die each year during child birth due to inadequate health care.

The United States prides itself as a role model for other nations when it comes to human rights. But women here still make only two-thirds as much money as their male counterparts. Sadly, 78 percent of all people living in poverty in the United States are women and their children.

For the last decade the issue of equality between the sexes has lost favor with many policymakers in Washington. Failure to act on the convention on the elimination of all forms of discrimination against women would confirm this loss of support.

Fairness must become a top public policy priority. It is imperative the President comply with his part of the process to bring this matter up to a vote in the Senate.

U.S. leadership in world affairs requires that we not languish in making this important statement of guaranteeing basic human rights to all women everywhere.

I urge all of my colleagues to vote for House Resolution 116.

Mr. YATRON. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MAZZOLI). The question is on the motion offered by the gentleman from Pennsylvania [Mr. YATRON] that the House suspend the rules and agree to the resolution (H. Res. 116) as amended.

The question was taken.

Mr. BROOMFIELD. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. YATRON. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks on the resolution just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

□ 1300

APOLOGY FOR BANK INCIDENTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. STARK] is recognized for 5 minutes.

Mr. STARK. Mr. Speaker, I asked the Sergeant at Arms to examine my account at the House Bank and have just received a report on the period of the audit that 17 checks had been paid against insufficient funds.

When I did not receive word from the Bank of an overdraft, it was made good by the normal flow of deposits to the account. When I was notified, I immediately deposited funds to cover within a day. At all times, I had an overdraft line-of-credit account at the Congressional Employee Credit Union available had the checks not been covered from other sources.

No taxpayer funds were involved. I have sent the Sergeant at Arms $15 for each uncovered check for administrative costs incurred.

I want to apologize to my colleagues for contributing to this controversy which has so distracted us from other key issues.

I deeply apologize to my constituents for any embarrassment I have caused them by being part of this problem.

THOUGHTS ON THE U.S. ECONOMY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Dakota [Mr. DORGAN] is recognized for 60 minutes.

Mr. DORGAN of North Dakota. Mr. Speaker, I have asked for time in a special order today to make some points about what is happening to the American economy. Month after month, I have watched folks on the floor of this House and folks down at the other end of 1600 Pennsylvania Avenue tell us that everything that's right in America ought to be credited to the Republicans and everything that's wrong ought to be blamed on the Democrats in Congress. This is a novel way of looking at this country and, in my judgment, not a fair way.

I think that both political parties have a lot to offer this country. I think both do some good things; both propose good ideas and both make mistakes.

Instead of getting the worst of what each political party has to offer this country, I think it is critically important that we start getting the best of what both can give this country.

We are told that things are fine. Things are not fine in this country. We are suffering through a recession. More Americans are living in poverty than ever before, and we're told that our education system is a mess. Our health care system is in crisis too.

The Federal deficit is endangering our future. Our Government is beset by scandal after scandal, and we see failure in key American industries.

What is to be done about this? My sense is that most Americans feel deep inside them that something is wrong. They feel that America is losing its edge somehow.

As I grew up, every day that I woke up I understood that America was No. 1. America was the best. We produced the best. We competed the best. America was the preeminent economic power in the world. That has now changed.

We have seen the development of shrewd, tough international economic competitors. And this country has been beset with problems internally that have not allowed it to keep pace with the kind of progress necessary for America to maintain its standard of living that we want and expect for the American people.

If we are losing our edge, what can be done about it? A century ago American power shifted in this world from London to New York, from England to the United States. England was a preeminent world economic power, and then it shifted to the United States. It is shifting again, from this country to the Pacific Rim. It is not gone, but it is shifting.

We do not see it on a boat that leaves or on a plane that flies, but it is happening.

What can we do about it. We must decide as Democrats and Republicans, as a President and Congress to start worrying about what is happening at home, and start taking care of things at home. It seems that every time one reads a news report, the President is across the other side of the world in a foreign land or Congress is considering a new foreign aid bill. It is time to park Air Force 1, and it is time for Congress to focus on what is necessary to put America back on track at home.

Here are some of the ideas that I think that we ought to pursue, some old virtues and some ideas, some timeless truths and some new realities. It starts with something very simple. The old virtue that we ought to pay our bills.

The Federal budget deficit this fiscal year is going to be about $420 billion. I know we will not hear that from the people keeping track of it. It is $420 billion. They'll use the Social Security surplus this year to reduce it, but I think that is dishonest. They will tell us that the deficit is really about $348 billion. It is not.

The only way to get to $348 billion is by taking money out of the Social Security system and using it to reduce the deficit. The real operating budget deficit this year is about $420 billion. That is a billion and a quarter a day, 7 days a week, every day all year of money that is spent that we do have have.

President Bush and his followers would say, "That is Congress' fault. Congress spends all that money."

It is certainly true that some of the fault is in this Chamber. I cannot deny that. All of us bear that responsibility. Our fault is that we follow the leadership of the President. He sends down a budget that is so seriously out of balance and so seriously flawed that it calls for the largest deficits in the history of the country. Unfortunately Congress then decides to quibble about the yard lines but not about the stadium we are playing in. Thus we have these very large budget deficits.

I believe they cripple the country's ability to compete in the long term. It is spending today for immediate gratification and charging it to the kids. It is fundamentally dishonest and must be stopped.

How do we put an end to Federal deficits? Tough, tough political choices are necessary by the President and by the Congress. We cannot do everything. We have to decide what we can do and then decide if we are going to do it. We have to pay for it. It does not matter whether it is defense or health care. If we decide that the American people need and want, and if we decide it is necessary for this country, security, health care or education, then we must be willing to pay for it as we spend it.

It's time to understand the virtue of paying our bills as a virtue that is necessary, especially necessary in public spending. And as tough as it might be, the President ought to be forced to send to this Congress a balanced budget. We have not seen one even close for years and years. And the Congress ought to be forced, if necessary, by a constitutional amendment, to enact a balanced budget. Both, I think, are necessary.

It seems to me that we must reconcile with this issue of what we spend and what we raise, and stop these crippling, hemorrhaging, Federal deficits. For example, we can no longer afford to continue forgiving debt to every foreign country that asks for debt forgiveness.

Seven billion debt forgiveness to Egypt. The President of Senegal comes to town. We say, "That's fine." President Bush says, "We will forgive your debt, only $42 million." And the list goes on and on and on. Thirty countries in the last couple of months have had foreign debt forgiveness, in this instance by the President, but in some instances Congress has also been involved.

It's time, to take care of things at home.

Second, we ought to cut the size of the Federal bureaucracy. As I look at the Federal Government, it seems to me that we ought to decide, through attrition, to begin in a meaningful way to cut back the size of the Federal Government. I know that sounds like someone who is a hard conservative, and I am not that. I do believe, however, that we have too many people in too many areas of the Federal Government writing too many regulations that are causing too much pain and too much anguish.

We ought to step back for a little bit. We need to make things a little less complicated and stop having such enormous growth in Federal employment in almost every area.

I mentioned the other day that the farm program, which is so important to the State I come from, in the past decade has resulted in the following: The farm program has 24 percent more people in the last decade running the farm program. That is 24 percent more Government employees running the farm program. Yet, we have lost 34 percent of our farm population.

What kind of a farm program is it that allows us to lose 34 percent of our farm population but requires 24 percent more Government workers to run it.

□ 1310

It seems to me that is a farm program that is a failure. We ought to talk about cutting the size of the Federal bureaucracy and, yes, when we talk about a percentage reduction in employment, it ought to be in the Congress as well as the executive branch.

Third, we ought to write a farm program that works. There's no excuse for a country like ours not to have a farm program that works.

If you think food is expensive that is now produced by family farmers, just wait until corporations produce America's food. Then you will see what really is the cost of food.

The fact is people that are puffing rice are getting more money for the puff than the farmers who are raising it. The people flaking corn are getting more money for the flaking than the farmers who are raising the corn. It ought not happen.

There ought to be an opportunity out on the farm to make a decent living with a decent farm program. The way to do that is to change the farm program so that we provide farm program benefits that are a small bridge called price supports so when prices drop below the cost of production, family farmers can make it. And we should provide those price supports only to family size farms, and not to the giant agrifactories. They do not need it.

If they want to buy 30,000 acres and farm three counties, God Bless them. But they can certainly do it without Government help. If you have a family farmer out there milking 80 cows and farming a family size operation, it seems to me that we ought to decide to provide a decent price support when international prices drop below the cost of production. We can do that if we decide that the purpose of a farm program is to help maintain and foster a network of family farms in this country's future.

If that is not our goal, I am not so sure we need a farm program at all. I think we ought to make that our goal, and retarget the family farm program that works to family farmers.

Fourth, we need affordable health care for all Americans. That sounds easy, but it is not.

The fact is we have too many people in this country who cannot afford health care. We have kids who do not go to the doctor because their folks do not have any money.

We had a young woman testify in Congress who told of being pregnant. She was poor. Her problem was she did not have any money. She was pregnant and going to have the baby delivered at home with the help of a midwife neighbor. If you do not have money, it is pretty hard to get a hospital in the part of the country she was living in.

When the baby came, it proved to be a difficult birth. The neighbor midwife could not help. They put her in a car and took her to a hospital. When they got to the hospital, the woman was asked, "Do you have insurance?" And she said, "No." "Do you have cash?" And she said, "No." They said, "We are sorry." This was a woman in labor.

The young woman was taken to a second hospital where they asked the same two questions and turned her away. At the third hospital, they delivered the baby, which was a breech baby. The umbilical cord had been wrapped around the baby's neck, cutting off oxygen. The baby lived, but will now be a baby who is destined for a life of terrible handicap because that woman did not have money when she showed up at a hospital door. It should not happen in this country.

Health care ought to be available to the American people at an affordable price, and if they cannot afford it, it still ought to be available.

We also need to shut down the activity in this country that represents the kind of casino economics we have seen in a decade. An orgy of greed on Wall Street has persuaded so many of our most talented people that you ought to go to school to get a degree, and then go to work for somebody so that you can put together a hostile takeover, floating junk bonds, and getting some S&L's to buy them. They've learned how to take over a company in a hostile takeover, only to ruin the company by taking it apart, to make some short-term money. The S&L's get stuck with junk bonds, and the taxpayer is going to pay for the whole mess. That is what has been happening in this country for 10 years, and it is criminal.

There is no excuse for the kind of leveraged buyouts, hostile takeovers and junk bond activities that have been going on.

Hostile takeovers are prohibited in Japan. Do you know why? Because they know it cannibalizes their economic enterprises in a way that is terribly unhealthy for their economy.

How do we compete in the world? Well, you compete by building the best products available and selling them at a competitive price. You compete when halfway around the world tonight somebody sees a product on the shelf and they take it off and look at the bottom and it says, "Made in the U.S.A.," and they think to themselves immediately, "I know what that means. That 'Made in the U.S.A.' means that is the finest product I can buy anyplace." If and when that happens, we win. When it does not happen, we lose.

For a decade, we've seen people who have not gotten rid of their acne on Wall Street making a half-million dollars a year helping others take over another company by floating junk bonds. What does all of this add up to? It adds up to economic cannibalization of our enterprises so that there is no attention being paid to producing better products. All the attention is on how do we take over another company to get rich, or how do we set up a defensive system to avoid getting taken over.

The grotesque description of all of this is that the Federal Government finally ended up owning junk bonds in the Taj Mahal. I will bet not many Americans understand that. The American people ended up owning the Taj Mahal when the Resolution Trust Corporation took over the savings and loan that had junk bonds in the Taj Mahal. That means that when Donald Trump built the Taj Mahal, the world's biggest, glitziest casino, and floated junk bonds to do it, the ultimate speculation, we, the taxpayers, ultimately got stuck with the junk bonds. That is the final grotesque position that we found ourselves in at the end of a decade in which nobody seemed to care. Regulators who were supposed to have been hired by the executive branch to regulate this kind of behavior said, "As far as we are concerned, we do not like government. Government is evil. We were appointed to regulate, but we are not going to regulate. You folks do whatever you want. We will not look. We will not listen. We will not see."

There is almost criminal culpability on the part of regulators who refused to regulate to put a stop to this kind of greed.

What we ought to do is decide that we are going to shut down the kind of junk bond, hostile takeover, and LBO speculation that is ruining this country.

Next, we ought to take a simple step to say it is time to force our allies to pay for their own defense. Why on Earth should taxpayers in the United States borrow money from Japan to defend France against an attack by Poland. What on Earth are people thinking of?

We are asking American taxpayers to pay $100 billion a year and more for the defense umbrella to protect the free world. Yet, countries like Japan that spend one-tenth of what we spend on defense per capita are getting a free ride from us. So is Germany. So is France. So are so many other countries.

It is time for us to say that Uncle Sam cannot afford it anymore. "Uncle Sam cannot afford to pay your bills." "No. We do not want you to rearm, Japan, and that is not what we are asking. We are saying that when we keep the sea lanes open and the routes free so that you can ship your Datsuns and Toyotas to Pittsburgh, we want you to help pay part of the cost of the captains and the cruisers that we have got out there to help keep those sea lanes open. We want offset payments every year from those countries for whom we now spend American taxpayers' dollars for defense."

I think it is time, to stop borrowing from them so we can go in debt to defend them.

Also, in the area of international trade, America should employ a golden rule of trade. We want to be the open market of the world. We want to be the freest market of the world, and we want to tell other countries, "You are welcome to compete in our marketplace with your goods." There is only one small hitch to that: we tell other countries that we are tired of being played for a sucker. "If you want to move your goods into this country to our market and compete, then we expect and demand that you would open your markets to American producers who want to compete in your country as well. We will treat you just as you treat us, and for openers, our market is open to your producers, so come ahead and bring your goods. The American people want the opportunity to shop for your goods, but understand that when you do, your market must be open to Americans producing goods to sell to your markets. We will not allow any longer one-way streets on trade." We want and expect and demand reciprocal trade treatment from other countries.

Finally, we should work for a national commitment to have the finest education system in the world. Everything, it seems to me, starts with education.

I mentioned on the floor previously my experience in walking into a colleague's office when I was a freshman Congressman. That colleague was Congressman Claude Pepper, the oldest Member of Congress. Claude Pepper had come to Washington when Franklin Delano Roosevelt was in his first term, and he was still here in 1981 when I came to Congress. On the wall, behind his desk, there were two pictures. One of Orville and Wilbur Wright making the first airplane flight, and it was autographed to Congressman Pepper. The second, below it, was a picture of Neil Armstrong standing on the Moon, similarly autographed to Congressman Pepper.

□ 1320

As I looked at the juxtaposition of autographed pictures to this living human being of the first person to fly and the first person to walk on the moon, it occurred to me what it represented. This incredible burst of knowledge, of technology, of progress, made possible in my judgment by this massive investment in education to allow the young people in this country to become the best they can be, to train the minds and develop the discipline so that those young people can flower in all their talents in an educational system that allows all that to happen.

In the long run, for this country to retain its edge we must have the finest education system in the world, because the genesis of progress starts with education. That might mean more payment for teachers. It might mean restructuring of ways to educate children, exploring new approaches, but it certainly must mean a commitment to having the finest education system in the world.

I mentioned briefly "Made In The USA." I think we also need at this time in our country a national program in which we marry public policy interests and private sector interests in a national program to produce quality products in this country.

I think we need a national commitment to product quality, because the way we compete in the years ahead is to produce the best products. If there are ways for the public sector and the private sector to join in a national commitment to product quality so that "Made In The USA" once again stands as a symbol of value and quality all across the world, then that ought to be our goal.

On foreign aid, I think it is time for us to change the way we think about it. I am not against all foreign aid. I have been in many countries where American aid has helped people live. I have been in neonatal clinics in countries and held in my arms children who are dying, who should not have died. I see, even in countries very close to us, where people die for the lack of an inexpensive inoculation against one of the dread diseases. But it was not done, and the children died. I have seen young children die of starvation even when we have an abundance of food, bulging graineries in this country.

Yes, we ought to have foreign aid, a foreign aid program makes sense to me, but it ought to be aid that moves the kinds of things that people need directly to those people. We ought to produce food to feed the hungry, and we ought to produce medical aid that heals the sick.

What we ought to do is stop sending arms to governments and start sending some help to the people that govern.

In our foreign aid budget, paradoxically we have at times been sending arms to both sides of the same war In the 1980's the USA was literally the arms merchant of the world. That makes no sense to me. We need to cut substantially today's foreign aid program and make sure that a program in which the bulk of our foreign aid program goes to help people who need help.

Another important element of putting this country back on track is to get regulators who will regulate. The fact is for the last decade we have had people put in charge of regulatory areas in this town who were basically hostile to the notion of regulating. They were paid to regulate, but they refused to do it.

Example after example abounds. Savings and loans, yes, Congress has some responsibility in that, but I am telling you that the greatest responsibility was among the regulators who were supposed to look over the shoulder of those in the S&L business, but these people simply stood back and said, "Do what you want. We won't look. We won't listen. We won't interfere." The result was we had a bunch of shysters in the S&L business who were willing to cheat, not all of them, but a pretty good-sized bunch willing to cheat and commit fraud. Our regulators got taken for a ride because they did not care enough. Unfortunately some of the same sort of things are happening now in banks.

And we also are not paying attention to what is happening in the airline industry? Airlines are merging and getting bigger. There is no merger apparently that anybody in this town seems to care about. Two airlines want to merge, get two or three airlines that are losing money and merge. Their people apparently think it is a wonderful thing.

Regulators who are supposed to regulate issues of public good have allowed airlines to merge in an uncontrolled way. They have allowed airlines to be loaded up with debt and LBO's and hostile takeovers and again said, "It's not our business. We won't look. We won't interfere."

The result is an airline industry that is in perilous trouble, loaded with debt, trying to fly through a recession and we are going to end up with fewer airlines. And those that continue to fly are losing money. It all means less competition and higher prices for the consumer.

We need to put this country back on track, and there are some steps that we can take to do that which respond to the areas of education and trade, paying our bills, making quality products, a whole range of those things that I have just mentioned.

You know, we hear all the time about this new world order. What we need to do, the President says, is help create this new world order.

Well, I would be the first to say that what has happened in the world is almost breathtaking. I did not expect in my lifetime to see what has happened in just the last 2 years. The Berlin Wall is gone. It is down. Eastern Europe is largely free. The Soviet Union is coming apart through centrifugal force. I did not expect to see that in my lifetime, and yet it has happened.

Acts of courage all over the world abound. We had a fellow step to this microphone behind me a while back and tell a story that is being retold all over the world. He was a man who was unemployed. He was probably in pretty desperate condition, unemployed with a family, no income. He was an electrician, not a bureaucrat, not a politician, not a diplomat. He was an electrician at a shipyard in Gdanysk, Poland and had lost his job.

Well, they had a strike at the shipyard and this man jumped over the fence to lead it. A couple years later he came back to speak in this Chamber. He is now the President of Poland.

Do you know what he said to us? He said, "We didn't break a windowpane. We didn't have any arms, no guns." That man is Lech Walesa.

Vaclav Havel walked through that door and spoke to us as President of Czechoslovakia. He talked about how 4 months earlier he had a midnight visit in Prague from the Communist police. He knew that knock meant he was going to prison because he was a dissident. He knew the terror of cell block isolation. He knew the brutality. The question was, How long would he be in prison?

Four months later he was standing here in this Chamber as President of Czechoslovakia. He came to us and told us that people were standing on street corners in Prague, reading the Declaration of Independence from the United States of America in street demonstrations to overthrow the oppressive yolk of communism.

Examples like that abound. Vaclav Havel had no arms either.

The issue it seems to me is not always arms. The issue is the power of an idea.

Another woman spoke from the microphone behind me a few years ago. Her husband Benigno Aquino had been assassinated by Ferdinand Marcos and his regime. He was assassinated when he tried to return home to the Philippines. His wife went home later to the Philippines by herself without arms or guns. She too came back to this Chamber as the President of the Philippines.

The power of an idea, in the Philippines and Czechoslovakia, in Poland, the power of the idea that people who want to be free. Ideas are more powerful than guns.

In this country, it seems to me after languishing now for a long, long time, we must resurrect the notion that the idea of putting this country back on track, the idea of people being responsible, everybody, not just the Congress and the President, but the American people being responsible for our direction is an important idea.

There are things we must commit ourselves to as citizens and as public servants to put this country back on track. They are in most cases not new things. They are the timeless truths that most of us understand, but many have forgotten.

□ 1330

You cannot make better products by trying to take a corporation apart through hostile means. You cannot better America's economic future by spending money you do not have. You cannot long sustain a program in which you open your markets wide open and then are taken advantage of by other countries who close their markets to you.

The list of lessons that we have learned and forgotten is endless and we now must rededicate ourselves to relearn.

Most important, I think it is important for President Bush and for Congress to decide that the trouble this country finds itself in is not Republican or Democratic trouble; it is trouble for the long-term economic future of this country. And it is not a trouble from which we cannot survive. We can, if we do the right things now, decide to put the country back on track.

This country is a better country than we have seen in recent years. We have been told that government is somehow bad. Government is evil. Government is the problem. The fact is government is us, it is all of us. It is only as good as all of us are. And there are things that all of us have to rededicate ourselves to for the future of this country if we are going to have the kind of a country and the kind of a future that all of us want and expect.

In short, we need leadership. Yes, especially leadership from the White House. And, no, I am not happy with the current state of leadership coming from the White House.

Mr. Speaker, it is easy to be critical, I know, but the fact is President Bush, who has such great capacity for leadership, in my judgment, is flying around the world working on a new world order.

But we need leadership for a new economic order here in this country. It is really time to take care of things here at home. This country is off track and most of the American people, deep in their guts, know it. They know we are losing our edge and they know that soon we have to do something about that.

How, I ask, can a country which produces wonderful young scientists and engineers and others and moves them to support a $300 billion defense industry—even as the cold war is now over, and uses those scientists and engineers to produce new tanks and new fighters and new bombers—how can that country compete in selling new toasters, tires, and television sets with another country that produces those scientists and engineers and sends them into the private sector to work on providing better toasters, tires, and television sets?

The answer is: The current system does not work for our long-term future and we must change. Our priorities need changing, and they probably cannot and will not be changed until and unless the American people tell the President and the Congress that we want to move on a different course, that we choose a different path, that we see a different future for this country and we are willing to sacrifice to do that.

As I said, Mr. Speaker, it is easy to be critical. There is an old poem about bullfighting, and it goes like this: "Bullfight critics, row by row, crowd the vast arena fold. But there is only one there who knows, and that is the one that fights the bulls."

It is easy to be critical of the President, it is easy to be critical of Members of the House and the Senate, but we do, all of us, need to understand the President and all of us serving here, that leadership is what is so critically necessary now to put this country back on track.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. BROOMFIELD) to revise and extend their remarks and include extraneous material:)

Mr. DREIER of California, for 60 minutes, on October 29.

Mr. GINGRICH, for 60 minutes each day, on November 4, 5, 6, 7, 8, 12, 13, 14, 15, 18, 19, 20, 21, and 22.

Mr. KYL, for 5 minutes, today.

(The following Members (at the request of Mr. DORGAN of North Dakota) to revise and extend their remarks and include extraneous material:)

Mr. ANNUNZIO, for 5 minutes today.

Mr. STARK, for 5 minutes, on October 21.

Mr. LIPINSKI, for 5 minutes, on October 21 and 60 minutes on October 22.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. BROOMFIELD) and to include extraneous matter:)

Mr. CRANE.

Mr. ROHRABACHER in three instances.

Mr. MCEWEN.

Mr. GRADISON.

(The following Members (at the request of Mr. DORGAN of North Dakota) and to include extraneous matter:)

Mr. ANDERSON in 10 instances.

Mr. BROWN in 10 instances.

Mr. GONZALEZ in 10 instances.

Mr. ANNUNZIO in six instances.

Mr. TRAFICANT.

Mr. LEHMAN of Florida in two instances.

Mr. RANGEL.

Mr. KANJORSKI.

Mr. SOLARZ.

Mr. ACKERMAN.

Mr. KILDEE.

ENROLLED BILLS SIGNED

Mr. ROSE, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 1720. An act to amend the Saint Elizabeths Hospital and District of Columbia Mental Health Services Act to permit the Secretary of Health and Human Services to enter into an agreement with the Mayor of the District of Columbia with respect to capital improvements necessary for the delivery of mental health services in the District, and for other purposes; and

H.R. 2622. An act making appropriations for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1992, and for other purposes.

SENATE ENROLLED JOINT RESOLUTION

The SPEAKER announced his signature to an enrolled joint resolution of the Senate of the following title:

S.J. Res. 131. Joint resolution designating October 1991 as "National Down Syndrome Awareness Month."

BILLS PRESENTED TO THE PRESIDENT

Mr. ROSE, from the Committee on House Administration, reported that that committee did on the following date present to the President, for his approval, bills of the House of the following titles:

On October 18, 1991:

H.R. 2608. An act making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1992, and for other purposes;

H.R. 1415. An act to authorize appropriations for fiscal years 1992 and 1993 for the Department of State, and for other purposes;

H.R. 3280. An act to provide for a study, to be conducted by the National Academy of Sciences, on how the Government can improve the decennial census of population, and on related matters;

H.R. 2426. An act making appropriations for military construction for the Department of Defense for the fiscal year ending September 30, 1992, and for other purposes;

H.R. 2698. An act making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 1992, and for other purposes; and

H.R. 2942. An act making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1992, and for other purposes.

ADJOURNMENT

Mr. DORGAN of North Dakota. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 35 minutes p.m.), the House adjourned until tomorrow, Tuesday, October 22, 1991, at 12 noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2228. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 9-85, "D.C. Government Comprehensive Merit Personnel Act of 1978 Temporary Amendment of 1991", pursuant to D.C. Code section 1–233(c)(1); to the Committee on the District of Columbia.

2229. A letter from the Secretary of Education, transmitting final regulations for Services for Children with Deaf-Blindness Program, pursuant to 29 U.S.C. 1232(d)(1); to the Committee on Education and Labor.

2230. A letter from the Acting Director, Defense Security Assistant Agency, transmitting the price and availability report for the quarter ending September 30, 1991, pursuant to 22 U.S.C. 2760; to the committee on Foreign Affairs.

2231. A letter from the Assistant Secretary of State for Legislative Affairs, transmitting copies of the original report of political contributions of George Fleming Jones, of Texas, to be Ambassador to the Co-operative Republic of Guyana; of John Giffen Weinmann, of Louisiana, as Chief of Protocol for the White House, and members of their families, pursuant to 22 U.S.C. 3944(b)(2); to the Committee on foreign Affairs.

2232. A letter from the Executive Director, National Commission on Libraries and Information Science, transmitting the annual report under the Federal managers' Financial Integrity Act for fiscal year 1991, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

2233. A letter from the Assistant Attorney General for Legislative Affairs, transmitting comments on H.R. 1717; to the Committee on the Judiciary.

2234. A letter from the Assistant Secretary of the Army for Civil Works, transmitting a report dated July 24, 1991, from the Chief of Engineers, Department of the Army, on Canaveral Harbor, Brevard County, FL, together with other pertinent reports and comments, pursuant to Public Law 89–789, section 209 (80 Stat. 1423 Doc. No. 102–156); to the Committee on Public Works and Transportation and ordered to be printed.

2235. A letter from the Assistant Secretary of the Army for Civil Works, transmitting a report dated June 29, 1990, from the Chief of Engineers, Department of the Army, on the inland navigation project at McAlpine Lock and Dam, Indiana and Kentucky, together with other pertinent reports and comments, pursuant to Public Law 89–789, section 209 (80 Stat. 1423 (H. Doc. No. 102–157); to the Committee on Public Works and Transportation and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows.

Mr. MILLER of California: Committee on Interior and Insular Affairs. H.R. 3169. A bill to lengthen from five to seven years the expiration period applicable to legislative authority relating to construction of commemorative works on Federal land in the District of Columbia and its environs; with an amendment (Rept. 102–257). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLER of California: Committee on Interior and Insular Affairs. H.R. 2032. A bill to amend the act of May 15, 1965, authorizing the Secretary of the Interior to designate the Nez Perce National Historical Park in the State of Idaho, and for other purposes; with an amendment (Rept. 102–258). Referred to the Committee of the Whole House on the State of the Union.

Mr. BROWN: Committee on Science, Space, and Technology. H.R. 585. A bill to establish a national policy for the conservation of biological diversity; to support environmental research and training necessary for conservation and sustainable use of biotic natural resources, to establish mechanisms for carrying out the national policy and for coordinating related activities; and to facilitate the collection, synthesis, and dissemination of information necessary for these purposes; with an amendment (Rept. 101–259, Pt. 1). Ordered to be printed.

Mr. JONES of North Carolina: Committee on Merchant Marine and Fisheries. H.R. 1464. A bill to authorize appropriations for fiscal year 1992 for the Maritime Administration, and for other purposes; with an amendment (Rept. 102–260). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. WYDEN (for himself and Mrs. JOHNSON of Connecticut):

H.R. 3591. A bill to amend the Public Health Service Act to provide protections from legal liability for certain health care professionals providing services pursuant to such act; jointly, to the Committees on Energy and Commerce and the Judiciary.

By Mr. McCANDLESS:

H.R. 3592. A bill to amend the Federal Election Campaign Act of 1971 to clarify the coverage of a provision that prohibits contributions by foreign nationals in elections for Federal, State, and local offices, and to provide for an additional prohibition on contributions by foreign nationals in initiative, referendum, and recall elections; to the Committee on House Administration.

By Mr. SMITH of Texas:

H.R. 3593. A bill to increase the irrigable acreage for the San Angelo Federal reclamation project, Texas, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. TORRICELLI:

H.R. 3594. A bill to exclude certain rebates received by families for State property taxes paid by such families from consideration as family income for purposes of the United States Housing Act of 1937 and section 202 of the Housing Act of 1959; to the Committee on Banking, Finance and Urban Affairs.

By Mr. WAXMAN (for himself, Mr. Dingell, Mr. Gephardt, Mr. Rostenkowski, Mr. Sikorski, Mr. Bruce, Mr. Rowland, Mr. Towns, Mr. Studds, Mr. Kostmayer, Mr. Scheuer, Mr. Synar, Mr. Wyden, Mr. Hall of Texas, Mr. Richardson, Mr. Bryant, Mrs. Collins of Illinois, Mr. Harris, Mr. Frost, Mr. Bevill, Mr. Stark, Mr. Ford of Tennessee, Mr. Hubbard, Mr. Russo, Mr. Durbin, Mr. Erdreich, Mr. Sundquist, Mr. Darden, Mr. Hayes of Illinois, Mr. Clement, Mr. Costello, Mr. Poshard, Mr. Browder, and Mr. Cramer):

H.R. 3595. A bill to delay until September 30, 1992, the issuance of any regulations by the Secretary of Health and Human Services changing the treatment of voluntary contributions and provider-specific taxes by States as a source of a State's expenditures for which Federal financial participation is available under the medicaid program and to maintain the treatment of intergovernmental transfers as such a source; to the Committee on Energy and Commerce.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

284. By the SPEAKER: Memorial of the General Assembly of the State of Colorado, relative to the selection of Stapleton International Airport as the site of the Smithsonian National Air and Space Museum extension; to the Committee on House Administration.

285. Also, memorial of the House of Representatives of the Commonwealth of Pennsylvania, relative to the extension of unemployment benefits; to the Committee on Ways and Means.

286. Also, memorial of the Assembly of the State of California, relative to the Persian Gulf war; jointly, to the Committees on Energy and Commerce and Science, Space, and Technology.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 112: Mr. Nussle.

H.R. 371: Mr. Darden.

H.R. 710: Mr. Weldon.

H.R. 784: Mr. Riggs and Mr. Zeliff.

H.R. 1335: Mr. Oberstar.

H.R. 1445: Mr. Boucher.

H.R. 1472: Mr. Vento, Mr. Herger, and Mr. Fazio.

H.R. 1582: Mr. Saxton, Mr. Quillen, Mr. Bilbray, Mr. Rangel, Mr. Serrano, Mr. de Lugo, Mr. Santorum, Mr. Foglietta, Mr. Roe, and Mrs. Lloyd.

H.R. 1597: Mr. Barnard.

H.R. 1663: Mr. Pursell.

H.R. 2049: Mr. Allard.

H.R. 2180: Mr. Stark.

H.R. 2410: Mr. Kolbe and Mr. Emerson.

H.R. 2740: Mr. Sikorski.

H.R. 2749: Mr. Martinez, Mr. Guarini, and Mrs. Lloyd.

H.R. 2780: Mr. Traficant, Mr. Evans, Mr. Rangel, Mr. Hochbrueckner, Mr. Guarini, Mr. Johnston of Florida, Mr. Towns, Mr. Jontz, Mr. Frost, Mr. Lagomarsino, Mr. Gunderson, Mr. Fuster, Mrs. Lloyd, Mr. Dwyer of New Jersey, Mr. Faleomavaega, and Mr. Roe.

H.R. 2864: Mr. Traficant, Mr. Evans, Mr. Rangel, Mr. Hochbrueckner, Mr. Guarini, Mr. Kennedy, Mr. Johnston of Florida, Mr. Towns, Mr. Jontz, Mr. Lagomarsino, Mr. Gunderson, Mrs. Lloyd, Mr. Dwyer of New Jersey, Mr. Faleomavaega, Mr. Mrazek, and Mr. Roe.

H.R. 2872: Mrs. Johnson of Connecticut, Mrs. Collins of Illinois, and Mr. Lantos.

H.R. 3067: Mr. Smith of Oregon, Mr. Horton, Mr. Costello, Mr. Towns, and Mr. Moran.

H.R. 3071: Mr. Peterson of Florida, Mr. Cunningham, Mr. Porter, Mr. Stump, Mr. Bilirakis, and Mr. Annunzio.

H.R. 3180: Mr. Murtha.

H.R. 3221: Mr. Payne of New Jersey, Mr. Cardin, Mr. Dreier of California, Mr. Payne of Virginia, Mr. Zimmer, Mr. Huckaby, Mr. Thomas of Wyoming, and Mr. Morrison.

H.R. 3222: Mr. Hutto.

H.J. Res. 239: Mr. Slattery.

H.J. Res. 317: Mr. Allard, Mr. McNulty, Mr. Dornan of California, and Mr. Walsh.

H.J. Res. 327: Mr. Annunzio, Mr. Applegate, Mr. Ballenger, Mrs. Bentley, Mr. Boehlert, Mr. Boucher, Mr. Bunning, Mr. Burton of Indiana, Mr. Campbell of Colorado, Mr. Coble, Mr. Cox of California, Mr. Cox of Illinois, Mr. Cramer, Mr. Cunningham, Mr. Dannemeyer, Mr. DeFazio, Mr. DeLay, Mr. de Lugo, Mr. Doolittle, Mr. Dreier of California, Mr. Eckart, Mr. Edwards of Texas, Mr. Emerson, Mr. Engel, Mr. Ewing, Mr. Fazio, Mr. Feighan, Mr. Fish, Mr. Frank of Massachusetts, Mr. Gallegly, Mr. Gibbons, Mr. Gordon, Mr. Hall of Ohio, Mr. Hertel, Mr. Hunter, Mr. Inhofe, Mr. Jones of Georgia, Mr. Kanjorski, Mr. Kennedy, Mr. Kolter, Mr. Kopetski, Mr. Lancaster, Mr. Lent, Mr. Levin of Michigan, Mr. Lightfoot, Mr. Lipinski, Mrs. Lowey of New York, Mr. McCrery, Mr. McDermott, Mr. McEwen, Mr. McNulty, Mr. Manton, Mr. Miller of Washington, Mr. Moakley, Mr. Neal of Massachusetts, Mr. Nichols, Mr. Nowak, Ms. Oakar, Mr. Olver, Mr. Panetta, Mrs. Patterson, Mr. Paxon, Mr. Penny, Mr. Perkins, Mr. Ray, Mr. Reed, Mr. Rohrabacher, Mr. Rose, Mr. Rowland, Mr. Sangmeister, Mr. Schulze, Mr. Shuster, Mr. Skaggs, Mr. Skelton, Mr. Slattery, Mr. Solarz, Mr. Spence, Mr. Staggers, Mr. Stump, Mr. Sundquist, Mr. Upton, and Mr. Wolf.

H.J. Res. 350: Mr. Donnelly, Mr. Engel, Mr. Fish, Mr. Franks of Connecticut, Mr. Gilman, Mr. Ireland, Mr. Kanjorski, Mr. Kennedy, Mr. McCloskey, Mr. Moakley, Mr. Neal of Massachusetts, Mr. Pastor, Mr. Traxler, and Mr. Vander Jagt.

H. Con. Res. 192: Mr. Peterson of Florida, Mr. Santorum, Mr. Horton, Mr. Camp, Mr. Klug, Mr. Lancaster, Mr. Payne of Virginia, Mr. Browder, and Ms. Long.

H. Res. 116: Ms. Waters.

H. Res. 152: Mr. Lowery of California and Mr. Bliley.

EXTENSIONS OF REMARKS

COLLEGE ADMISSIONS PRACTICES DISCRIMINATE AGAINST ASIAN AMERICANS

HON. DANA ROHRABACHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 21, 1991

Mr. ROHRABACHER. Mr. Speaker, the January 1989 Yale Law Journal carried an article entitled "Assuring Equal Access of Asian-Americans to Highly Selective Universities" by an Asian-American woman, Grace W. Tsaung who was a graduate of Brown University and was in 1989 a student at Yale Law School. She presented information that Harvard, Brown, and Stanford Universities had a lower admit rate for Asian-American applicants suggesting an upper limit quota.

In a May 5, 1990 20/20 ABC–TV program segment on discrimination against Asian-American college applicants the new Dean of Admissions at Brown virtually admitted that in the past Brown had an upper limit quota against Asian-American applicants.

The same program interviewed Grace Tsaung and Yat Pang Au of San Jose, CA a high school student who had an outstanding academic and extra-curricular record but was not admitted to the University of California at Berkeley. He told 20/20 he felt he had been suffered racial discrimination. After the 20/20 program a cover story in the Los Angeles Times Magazine and a national AP. wire service story lo and behold he was admitted 2 years after his initial application.

I commend the following excerpt from Grace Tsaung's Yale Law Journal article, the transcript of the 20/20 program and the A.P. story on Yat Pang Au to my colleagues:

[From the Yale Law Journal, January 1989]

EQUAL ACCESS OF ASIAN AMERICANS

Admissions programs at many institutions granted preferences to racial minorities in the selection process, which frequently resulted in high admit rates for minority groups compared to Caucasians Statistics from the Brown Admissions Office reflected such patterns. Beginning with the Class of 1985, however, Asian Americans were admitted at a lower rate than Caucasians, and the disparity continued until the Class of 1987, when only 14% of Asian applicants, compared to 19% of Caucasian applicants, were accepted for admissions. Although the number of Asian applicants continued to escalate, the number of Asian candidates accepted remained fairly constant, suggesting the existence of an upper limit quota. Similar disparities in admit rates occurred at Harvard and Stanford,[1] suggesting a trend at the nation's highly selective institutions.

TRANSCRIPT FROM 20/20 PROGRAM, MAY 5, 1989

Hugh Downs, co-host:

For many high school seniors, the month of May is a month of misery. They're waiting to hear if the college of their choice has a place for them next September. Well, conventional wisdom is that the best students with the best grades have the best shot at getting in, but a growing number of Asian-American students say that for them, different rules apply, that while as a group, they are excelling academically, they're also as a group, victims; victims of racism and a resentment of their scholastic success. Lynn Sherr investigated to see if they have a case.

Lynn Sherr reporting:

Brown University in Providence, Rhode Island; one of the most prestigious Ivy League colleges in the country. It is also one of the toughest to get into. But some of those who have worked hard to make it, say they are victims of their own success; they say excelling academically has created resentment, and that now they are not being treated fairly. They are a growing minority delivering a modern protest: Asian-Americans, two percent of the U.S. population, 8.6 percent of the Brown student body; the highest proportion ever, but they say that's not enough, and that discrimination by officials is reflected in the atmosphere on campus.

Kelly Kim (Student): You know, I walk around, and I hear comments like, the elevator being the Orient Express. I'm walking—I'm walking around with a bunch of my Asian friends, and I hear a crack, 'Oh, there goes the yellow peril,' you know, to me, that's very overt racism.

Sherr: Herald Chen of Butler, Pennsylvania, thinks his race may have been a strike against him from the moment he applied to college. A straight-A student who scored 1350 on his SAT's, way above average, Herald told us he was turned down by Harvard last year.

Herald Chen (Student): As I filled out the application, there was one section where you can mark a box if you're Asian or any other minority group, and I did ask myself, and I also asked my parents, 'Oh, do you think that I should mark this box?' But I was wondering, would my changes be better getting into Harvard if I wasn't an Asian student?

Sherr: This is Chinatown in the heart of downtown San Francisco, the city with the largest concentration of Asian-Americans in the continental United States. Some of the youngsters here are immigrants, some were born in the U.S.A., but they all want their share of the American dream, and for many, that means access to the prestigious campus of the University of California at Berkeley, just North of here. But in recent years, Berkeley, like a number of other universities around the country, has been accused of limiting the number of Asian-Americans it accepts as students. Now, Asian-Americans are fighting back.

Henry Der (Asian-American Task Force): They may not have in their mind, "I hate Asians, and therefore, I don't want them in," but they do take advantage of Asians, thinking that we're not going to speak out. Well, we've proven them wrong.

Sherr: For the past five years, Henry Der, executive director of the Asian-American Task Force, based in San Francisco, has waged an all-out war at Berkeley. Asians now make up twenty-six percent of the Berkeley student body, and in recent years, many have turned in breathtaking academic records. But some Asian students think their achievements have made them a threat. Listen to what happened to one Berkeley senior when she ran for campus office.

Unidentified Asian Student #1: I found one of my flyers marked and defaced. And one of my issues was Asian missions, and someone actually crossed it out and said, "Go home, there's too many of you here already."

Sherr: The problem began in the early 1980's, when the number of applications from students of all races to selected universities nationwide, soared. At the same time, thanks largely to liberalized immigration laws, Asian-Americans also began to apply in far greater numbers than before, but at some of the schools, there was no rise in the number of Asians admitted. All the universities deny the existence of Asian quotas, but Grace Tsuang, a Brown graduate whose now studying law, recently published a study of admissions policies as they pertain to Asian-Americans at a number of major universities.

Grace Tsuang (Student): Over the last ten years, what we're seeing is dramatic increases. In fact, at Brown, from 1978 to 1986, there was a four hundred and thirty percent increase in the number of Asian-Americans applying, yet at the same time (and this trend is true also, for Harvard and Stanford), the number of Asian-Americans admitted remains fairly constant, even though this is an extremely highly-qualified pool applying. And so, what we are suggesting is that there is some type of upper limit ceiling on the number of Asian-Americans admitted to these highly selective universities.

Sherr: At Brown, Eric Widmar, current dean of administration, agrees, there were times when too few were admitted, but he says Asian-Americans can't expect their numbers to escalate continually.

Eric Widmar (Dean of Admission, Brown University): Ten years ago, we had relatively few Asian-American applicants to the university. We wanted to have more. We accepted, as you said, practically half, in the class of, I think, 1982. Now, we have fifteen hundred or more every year; we can't accept half of that number.

Sherr: This year, Brown anticipates up to thirteen thousand applicants. There is room for only thirteen hundred freshmen. So, like other schools experiencing the same surge of interest, Brown is looking at more than just academic qualifications to balance their campus. Among the subjective criteria: race, gender, geography, sports and leadership skills.

Widmar: What Asian-Americans have to understand, and what their parents have to understand, is that every college in this country, so far as I'm aware, has to pay attention to enrolling a variety of different kinds of people, and they reserve the right to describe, as long as it's not discriminatory, what those different categories of people are.

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[1] Between 1982 and 1985, "Asian-American applicants to Stanford had admission rates ranging between 66 percent and 70 percent of admission rates for whites "STANFORD UNIVERSITY, 1985–86 ANNUAL REPORT OF THE COMMITTEE ON UNDERGRADUATE ADMISSIONS AND FINANCIAL AIDS 5 (1986), reprinted in The Stanford University Campus Report, Nov. 12, 1986, at 14, col. 2 [hereinafter CUAFA REPORT]

Sherr: Brown and Harvard, like other private institutions around the country, do indeed have the right to select and shape their own student bodies, as long as they're not violating any civil rights. But in California, the branches of the vast state university system have less leeway. State laws says they must find places for the top one-eighth of all California high school graduates.

UCLA and the University of California at Berkeley are the two most prestigious and highly sought after campuses in the state system; so popular, that there is room for only about one out of every seven students who sends in one of these applications. The competition has gotten so fierce, that each year Berkeley turns away two thousand students with straight-A averages. So, they have come to rely increasingly on non-academic criteria to help choose a mixed student body. But critics say those subjective criteria were adopted exactly when the Asian-American applications peaked, and that it's never been clear when or how much they count, and that, say Grace Tsuang and others, recalls a time when those ratings were used to impose quotas.

Tsuang: Personal ratings were initially adopted in the 1920's to exclude and limit the number of Jewish students admitted to highly selective universities. They have remained to be standardless, formless and contentless, so that universities can have greater play in how they shape the class.

Sherr: Yat Pang Au believes that such subjective criteria kept him out of the school of his dreams. A straight-A student from San Jose, California, he applied to Berkeley in 1987, and was rejected.

Yat Pang Au (Student): It was really disappointing to have worked so hard (I worked four hard years in high school) doing your best, and doing what you think was the right way to get into the college that you wanted to, and all of a sudden, that one—where you tear open that letter and you see, 'I regret to inform you . . .' and that's it.

Sherr: Yat Pang knew how important extra curricular activities were in the selection process, so he worked hard to qualify. He graduated first in his class and won seven scholarships. Eager to round out his resume, he also got letters in cross-country and track, ran a business, and was elected to the school supreme court: The list goes on. But Berkeley's College of Engineering and Computer Science, one of the most demanding, turned him down.

Sherr: Do you think you were discriminated against because of your race?

Yat Pang: I think that has some very—that's a very important factor to take into account.

Sherr: William Frazer, senior vice president of the University of California System, is responsible for admissions policy on all eight campuses.

Why was Yat Pang rejected from Berkeley?

William Frazer (Vice President, University of California system): As I understand it, he applied to a program which is one of the most competitive in the system: There are two hundred applications and only thirty places, and a lot of excellent were—were turned away. His scores were just not quite high enough.

Sherr: Yat Pang's parents have filed a complaint with the Justice Department, because they were not satisfied with the explanation given them. They understood that among the elite applicants, their son's dazzling academic ratings were only marginal, but they felt his extra-curriculars would have made up the difference, yet they received no evidence from Berkeley that his outside activities were taken into account.

Der: We believe that the university had an obligation to make clear what their subjective criteria what—were, at that point in time. Instead though, they hold all their cards close to the vest. Behind closed doors, they make these decisions, and these poor students really don't know why they're being rejected.

Sherr: Some Berkeley students say the issue has increased tension and helped promote racial stereotypes.

Unidentified Asian Student #2: You get this cover of Time, that says, 'Whiz Kid Honored,' and—and people think that all of sudden they're like a supernatural, you know, group of—group of students.

Sherr: Are you?

Asian Student #2: No. I think we're really—you know, you have—you have smart Asians; you have dumb Asians, just like—just like every other racial group, right?

Unidentified Asian Student #3: People see you hanging around a lot of Asian-Americans, and they think, you know, you're banning together, and it's a conspiracy. And then, if you—if you hang around with only—if you're seen hanging around with only, you know, your non-Asian friends, then people—you're often accused of being called a banana, or somebody, you know, trying—yellow on the outside, white on the inside; all that.

Sherr: Some Asians believe that those same racial biases are held by some admissions officials, and they point to internal memos dating back to the early 80's as proof.

In this 1984 memo, a UCLA director of admissions said the campus "will endeavor to curb the decline of Caucasian students." I asked William Frazier, the university official, about the memo.

Frazier: That again, is a period in which the university is starting to face a tremendous increase in the number of ones that come here. Every campus is struggling with ways to deal with that. There were all sorts of memos written, thinking, 'How should we do this? What criteria should we use?'

Sherr: That memo went on to say there would be rising concern from Asian-Americans, as their numbers decline. It sure sounds like it was intended to be discrimination against Asian-Americans.

Frazier: I can't account for every memo written in the university. What I can account for is what goes into policy and into practice.

Sherr: Did that every go into policy?

Frazier: No. No.

Sherr: How do you feel about the intent of it?

Frazier: I'm sorry, it's not my memo, and I haven't talked to the person about the intent of it.

Sherr: You're the guy in charge of admissions and admissions policy.

Frazier: If I had to say, 'Please don't write any memos that you don't want discussed on "20/20," I'd never get any new ideas around here.

Sherr: The UCLA memo and the admissions policies, and the declining Asian admit rates, have now become the subject of federal scrutiny. The U.S. Department of Education is investigating both UCLA and Harvard. While neither school would comment pending the outcome of the investigation, an agency spokesman told us, there seems to be support for the allegations of racial quotas.

Mahlon Anderson (United States Department of Education): There appears to be a lot of evidence out there that would indicate that perhaps that could be the case. We don't want to prejudge that. Obviously, we're taking a look at two institutions now, and we will take a look at additional institutions, if we feel that is necessary to get a complete picture.

Sherr: So, for UCLA and Harvard, the complaints are now in the hands of the federal government.

Unidentified Asian Student #4: Am I to believe that I am insignificant?

Sherr: At Brown, where an internal investigation has brought some changes, critics say they will wait to see if admissions continue to improve.

Asian Student #4: . . . because I am an American.

Sherr: But the situation at the University of California at Berkeley remains unresolved.

Frazier: I won't say we didn't make some mistakes, we're not perfect, but we're trying to do the best we can with a very complicated problem.

Der: That know that the heat is on them, and that they cannot unilaterally make decisions that will have an adverse impact on Asian applicants. It's just not fair.

Sherr: And Barbara, there is already some news. Remember Yat Pang Au, the young man we showed you in the piece. . .

Barbara Walters (Co-host): Sure.

Sherr: . . . who did not get into Berkeley? He has now been accepted on his reapplication. So, he is going to Berkeley.

Walters: OK. Well, that's good news, but what about the others? I mean, there is this problem of how do you have a mixed population in the school, when so many Asian-Americans are worthy?

Sherr: And Berkeley has admitted, in fact, that it's a problem. They've admitted that there were some policies in place that did affect Asian-American applications negatively. So, they know what's been going on. Henry Der says they're going to keep the pressure on; they're not walking away from this issue, and the Education Department has told us they may investigate more schools; so it goes on.

Walters: Well, we've seen the beginning of it; we certainly haven't heard the end of it.

Sherr: Oh, no.

[From the Sacramento Bee, Nov. 13, 1989]

NEW COURSE—UC BERKELEY CHANGE AIDS ASIAN-AMERICANS

(By Tamara Henry)

WASHINGTON.—Yat-pang Au enrolled at the University of California, Berkeley, this semester after a two-year battle against a school admissions policy that he said discriminated against Asian-Americans.

His case has drawn new attention to affirmative action programs designed to help minorities enter top colleges and universities—because in some cases they have hampered rather than helped Asian-Americans, who scholastically outperform the general population.

Au graduated at the top of his high school class and received awards for 10 extracurricular activities. But his initial application to Berkeley was rejected two years ago, his father said, because of an affirmative action policy that put a 40 percent limit on admissions based strictly on grades and test scores.

In a single year, the proportion of Asian-Americans accepted as freshmen at Berkeley dropped from 24 percent to 21 percent amid cries of racism.

"I fight this not because it's my son, but for Asian people as a whole," said Au's father, Sik-kee Au, a businessman in San Jose, Calif. "One of the most important things in life for us is an education."

The university has since revised its admissions policy, and the younger Au enrolled there as a transfer student this semester as a junior. His younger brother Yat-hon was admitted as a freshman.

University officials say the new admissions policy maintains high academic standards while reflecting the state's diverse population, helping blacks, Hispanics and other low-achieving groups. It has placated the once-angry Asian-American community, but California Rep. Dana Rohrabacher, R-Long Beach, wants more.

Rohrabacher is sponsoring a resolution that would put Congress on record as opposing quotas that appear to discriminate against Asian-Americans.

"I believe that the issue here is not affirmative action but one of equal opportunity for all students," said Rohrabacher in a recent letter to the Asian Pacific Americans in Higher Education.

University officials said the proposed resolution may hamper efforts by colleges and universities to enroll more minorities.

"It would appear that Mr. Rohrabacher is using this resolution as a way to get at affirmative action, which we obviously would totally disagree with," said John Cummins, assistant chancellor for public affairs.

Most colleges and universities across the nation are seeking ways to increase minority enrollment to prepare for demographic projections that minorities collectively will become the majority by the year 2000.

The Chronicle of Higher Education said that in 1986, colleges enrolled 90,000 American Indians, 448,000 Asians, 624,000 Hispanics, 1.1 million blacks, 9.9 million whites and 344,000 foreign students. The schools also have instituted special programs to recruit and retain minorities.

UC Berkeley officials insist their new admissions policy merely reflects the state's population, while upholding high academic standards. The school receives about 22,000 applications for 4,000 spaces.

Cummins said that since 1980, the state's population has increased 500,000 a year and that between now and the year 2000, there will be an additional 6 million residents, mostly minority—Hispanic and Asian-Americans particularly.

The Asian-American population has grown a phenomenal 70 percent since 1980 and now approaches 10 percent of the state's total.

Statistics show that Asian-Americans at UC Berkeley had the highest graduation rates, nearly 95 percent in 1987, compared with 93 percent for whites. Other minorities, including blacks and Hispanics, had graduation rates in the low to mid-80s.

By 1991, UC-Berkeley will admit 50 percent of its students based on grades and test scores alone. Currently, 40 percent are in this academic category.

About 45 percent of the fall freshman admissions will be based on criteria other than academic scores alone. The other criteria will include race, disability and special talents, such as in music, drama and debating.

Patrick Hayashi, who works with admissions at the university, stressed that all applicants still fall within the top 12.5 percent of high school seniors.

The elder Au said that before the recent changes, "it was very clear" UC Berkeley "had unfair practices for admissions."

"But they are now gradually working to change that. I hope this is the beginning of opportunity," he said.

ANTONIA GARY: MINORITY BUSINESS ADVOCATE OF THE YEAR

HON. WILLIAM LEHMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 21, 1991

Mr. LEHMAN of Florida. Mr. Speaker, I would like to congratulate Antonia Gary on her recent designation as Minority Business Advocate of the Year by the Miami/Fort Lauderdale Minority Business Development Center.

I would like to share with my colleagues an article from the Miami Times which details Antonia Gary's distinctive accomplishments. As the list of achievements will attest, she is committed to the development of minority-owned businesses and to numerous other public service activities. Antonia is definitely an asset to our community and to her family.

TONI GARY SELECTED AS YEAR'S TOP ADVOCATE FOR MINORITY ISSUES

(By Lisa Jacques)

Hard work, determination and lots of support from family and the community is a great combination to a successful career.

Just ask Antonia Gary.

They are some of the attributes that led to her being selected the Minority Business Advocate of the Year by the Miami/Ft. Lauderdale Minority Business Development Center.

"I've been really lucky. Now I have to work even harder to live up to the title," said Gary.

She is the associate dean and executive director of Miami-Dade Community College's North Campus since 1989. Its primary focus is to design, develop and implement programs for entrepreneurial training.

Gary initiated, designed and developed a business library as a resource center for training course participants and the general public. She is also involved in co-ownerships of businesses around Dade County.

Staying in the community college system is what Gary plans to do.

"The opportunity is very great here and it's very close-knit and the people are very dedicated," she told the Times. "They help me to have things running smooth."

Since graduating from Marymount College in New York, Gary said, she has been encouraged to do whatever she felt was necessary that fulfilled her.

"I was married at an early age and my husband, family and friends have always supported me in my endeavors and I have led a very full life . . . but my only regret," she joked, "is that I never became a flight attendant. That is something that I've always wanted to do. I always thought that flying all over the place and seeing different places for free would be great."

Her husband is former Miami city manager Howard Gary, who runs his own business.

Along with being a member of the Links, the Greater Miami Chamber of Commerce, Black-Economic Development Corporation, and other organizations, Gary is a mother of two boys. Kito, 14, and Issa, 9.

"They're just like any ordinary teenagers in the sense that they want everything, but, no matter what, they value education," she said.

Gary has been the recipient of numerous awards for activities in the development of minority businesses and as an outspoken advocate on women's issues in the past 12 years.

Being involved and aware in the community is what she says motivates her the most.

"I grew up in Richmond Heights and I am a true Miamian, and here is where things have always been good to me, and I hope it will continue," she said.

TRIBUTE TO STEVE AVERY

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, October 21, 1991

Mr. FORD. Mr. Speaker, last Wednesday night, baseball fans everywhere were treated to a very special performance by a young lefthander from my hometown, Taylor, MI. Steve Avery, a 1988 graduate of Kennedy High School, threw 8 innings of shutout baseball that, when combined with his previous outing, set a championship series record for a pitcher of 16⅓ scoreless innings. More importantly, it helped his team, the Atlanta Braves, force a decisive seventh game at Pittsburgh's Three Rivers Stadium.

Although only 21, Avery pitched Wednesday night like a seasoned veteran. He had said in an interview earlier in the week that he was most nervous on the bench, not on the mound. It was only on the mound that Steve knew he was in complete control. To say that he had control, however, should be an understatement. In 8 innings, No. 33 allowed just 3 hits and walked only 1 while striking out 8. In the bottom of the seventh inning, his fastball was being clocked at a blinding 95 m.p.h. and was still popping like it did in the bottom of the first. The only show of nerves came, as Steve had predicted, when he was pulled in the 9th to allow Atlanta's ace closer, Alejandro Pena, to finish off the Pirates. CBS cameras caught Steve in the dugout hiding inside the hood of his poncho. Aside from one hit, however, Pena gave Steve no reason to be nervous, as he did his job to get Avery his second win of the series.

Steve's effort drew rave reviews from all quarters. None, however, were as big a complement as Pirates' manager Jim Leyland's when he said that Avery's night "was a Koufax performance," a reference to the great Dodgers hurler.

On the night, the Braves beat the Pirates again for the right to represent the National League in the 1991 World Series against the Minnesota Twins. In a jubilant Atlanta locker room, it was Steve Avery who received the series most valuable player award.

Mr. Speaker, for me, and everyone from the 15th Congressional District, this is truly a story of "local boy does good." And I would say that if this year and this National League Championship Series is any indication of the career that young Steve Avery has ahead of him, it will only be a matter of time before I can come up here and say, "Local boy gets inducted into the Hall of Fame in Cooperstown." Certainly all of Atlanta, including my colleagues from Georgia, are singing the praises of Steve Avery, but none are more proud than the people of Taylor and the 15th District of Michigan. We wish Steve all the best in what should be a very exciting World Series.

TRIBUTE TO COMMUNITY HEALTH LAW PROJECT

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, October 21, 1991

Mr. PAYNE of New Jersey. Mr. Speaker, I rise today to bring to the attention of my colleagues the event of the 15th anniversary of the community health law project, located in the city of East Orange, NJ.

Congress and the President enacted the Americans With Disabilities Act in 1990. In New Jersey, we have had a legal and advocacy service for people with disabilities since 1976, the community health law project [CHLP]. Organized at first to help people discharged from public psychiatric hospitals to return to community life, CHLP now provides expert legal and advocacy services to people with all types of disabilities and of all ages. I am pleased that this valuable initiative was begun in East Orange, part of my congressional district.

CHLP's work is to be commended. The organization has attorneys, advocates, and trained volunteers who help people meet their basic legal and social needs, and help secure health care and housing assistance. CHLP intervenes in crisis situations to prevent homelessness, to secure emergency and long-term care, to help people obtain rehabilitation and education training and to secure employment. It is a community-based, nonprofit, special legal services organization supported by government contracts, corporations, foundations and private citizens.

Long before passage of the Americans With Disabilities Act, CHLP was at work securing rights and entitlements under New Jersey's progressive laws against discrimination in employment, housing and access to public facilities and services. CHLP attorneys have brought special cases to remove barriers to health care insurance, to protect peoples' benefits while taking transitional employment training programs, to remove physical barriers to restaurants, apartments, and other public buildings.

In addition to celebrating its anniversary, the 1991 Ann Klein Advocate Awards will be presented. One of these will go to Mr. Isaac Hopkins, external affairs manager of New Jersey Bell. He is a member of the President's Committee on Employment of People with Disabilities, and is currently a member of a select committee formed to implement strategies to hire blacks who are disabled, under the auspices of the Center for the Study of Handicapped Children and Youth.

Mr. Speaker, I think it is worth noting that CHLP's work takes place before a person is hospitalized or rehospitalized, before they lose their home and become homeless, before disaster strikes. By helping people to secure education and rehabilitation services, they have given them the hope and opportunity to be productive members of society.

PEORIA TEACHER RECEIVES PRESIDENTIAL "RED APPLE"

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 21, 1991

Mr. MICHEL. Mr. Speaker, Laverna Wilkie spends four afternoons each week tutoring children at a South Side school in my hometown, Peoria, IL. That, in and of itself, is no small accomplishment. Ms. Wilkie, however, is at the youthful age of 80 years, and was recognized last week by President Bush as a daily point of light for her dedication in helping and serving others.

After 34 years of teaching students, Ms. Wilkie retired and began to assist in the after school program offered through Common Place for South Side children. She has been involved in this exemplary program for nearly all of its existence of 24 years.

Mr. Speaker, the example of Ms. Wilkie serves to remind each of us that yes, one person can make a difference. I salute Ms. Wilkie for her courage and energy and thank her for being that difference which has enriched the lives of so many children.

At this point in the RECORD, I wish to insert an article which appeared in the Peoria Journal Star on Saturday, October 19, 1991: "Bush Honors Peoria Woman."

BUSH HONORS PEORIA WOMAN

(By Bill Mitchell)

An 80-year-old Peoria woman has been recognized by President Bush as a "Daily Point of Light" for her efforts in helping others.

"I'm just a humble servant," said Laverna Wilkie on Friday after receiving the honor. "I don't feel proud about it. I am shocked, I guess, and I find myself at a loss as to how to handle the publicity. It's just not my cup of tea."

She is comfortable though in talking about what she does and why.

Wilkie, who retired from teaching after 34 years, said she decided to continue working with children "to help this world become the best place it can be."

To do that, Wilkie spends four afternoons a week at Common Place helping South Side children with their homework. She has been involved with Common Place for nearly all of its 24-year existence.

"Children are my life-line, for sure," said Wilkie, who has her own ideas on the education system.

Teachers should look at children as unique individuals, she said. "When you look at a child like that instead of like 'How much information can we pour down them and box them up?' Well, that's my hope for the school system," Wilkie said.

Recognizing and cultivating a child's special talents is the most important thing a parent can do to help a children through what Wilkie terms the "maze of education."

"We need to build in (them) an appreciation of self. Ask ourselves, 'What is their special talent?'"

Wilkie brushed off her presidential recognition, insisting that what she does is just a natural thing.

"I was born a teacher. I find children wherever they are," she said.

When she sees a child come into Common Place for help, she sees two roads ahead for the child, Wilkie said.

"They can be people of the street or they can be college graduates," she said. Whether society and the child recognize the child's unique talents will determine the route, she said.

"It ought to be the task of every parent, every educator and the entire community to help every person discover what their special talent is."

WORLD MARITIME DAY 1991

HON. WALTER B. JONES

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 21, 1991

Mr. JONES of North Carolina. Mr. Speaker, the International Maritime Organization [IMO] celebrated World Maritime Day 1991 on September 26, 1991. IMO Secretary-General William A. O'Neil chose the theme, "Shipboard Safety for Passengers and Crews," because it "is the most important subject of all" facing the IMO.

The International Maritime Organization is a United Nations technical organization with 135 members and two associate members. From its beginning in 1958, as the first international body devoted exclusively to maritime matters, maritime safety improvement and maritime pollution prevention have been the IMO's most important objectives. To achieve its goals, the IMO has promoted the adoption of over 30 conventions and protocols as well as over 600 codes and recommendations concerning maritime safety and pollution prevention. Most of this work is carried out in a number of committees and subcommittees. The Coast Guard is the United States' primary representative at these meetings.

The IMO has made great strides recently on issues pertaining to the theme of World Maritime Day 1991. With regard to passenger vessel safety, the United States, and particularly the Coast Guard, has helped make this progress possible. At the May 1991 session of the IMO's Maritime Safety Committee [MSC], the Coast Guard not only chaired a working group on passenger vessel safety, it also worked closely with the IMO Secretariat to produce a global consensus on these issues. The MSC generally agreed and prepared a draft chapter on management for safe ship operation to be added to the International Convention for the Safety of Life at Sea and a preliminary outline for an International Code for the Safe Management and Operations of Ships to complement the new chapter. The IMO hopes to complete this work in August 1992.

Mr. Speaker, ship, passenger, and crew safety is a paramount national and international concern. This year's World Maritime Day theme should focus more attention on this important matter. Secretary-General O'Neil's message marking the observance of World Maritime Day 1991 follows:

A MESSAGE FROM THE SECRETARY-GENERAL, MR. WILLIAM A. O'NEIL

This year IMO is celebrating its 14th World Maritime Day. Each year the Organization used the Day to highlight a particularly important activity. But this year the theme is the most important subject of all—the safety of the passengers and crews who sail on board the world's ships.

The days of the great ocean liners and the emigrant ships may have gone, for nowadays most people travelling between continents do so by plane rather than ship. Nevertheless sea travel remains popular. More and more people are now choosing to take their holidays on cruise ships which offer all the comforts of a luxury hotel, with the bonus of visiting a different port every day. The short-sea routes are dominated by ro-ro ferries. And the bulk of the world's trade is still carried in a fleet of more than 78,000 vessels.

IMO's most important task is to make sure that the people who sail on these ships, whether they are passengers or crew members, arrive at their destination safely. Over the years a great deal has been done in this regard by adopting international measures which are then implemented by national Governments. IMO's Membership now stands at a record 135 States and its most important conventions apply to more than 97 per cent of the world's ships.

This shows that IMO's work has global support and it should mean that the safety standard in the world fleet are roughly the same everywhere, but regrettably this is not the case. A glance at the annual statistics for losses at sea shows that people travelling on ships from the country with the worst record are 114 times more likely to be involved in an accident than those on board ships from the country with the best. This is unacceptable.

The responsibility for enforcing IMO standards rests with individual Governments. When they ratify a convention they undertake to ensure that its provisions are effectively applied to all ships which fly its flag. Yet the huge discrepancy between the accident rates of various fleets indicates that this is not being done.

For the last few years, IMO has been handicapped by a serious cash-flow crisis caused by the failure of many Governments to pay their contributions on time. Payments were due in January but by July only 59 states had paid in full. The other 76 were behind for this year and many of them owe money for previous years as well. This failure to meet their legal obligation is sapping the strength of the Organization and tends to divert everyone's attention and energy from the real issues of life and death of those at sea.

It should not be any surprise that several IMO Members have expressed concern at the huge differences in safety standards and the attitudes toward safety that seem to exist in different countries. This concern has deepened by the changes that are now taking place in world shipping and which are likely to continue in the years to come. Many shipowners are reducing the sizes of their crews in an effort to save money, but is enough being done to raise the standard of the crews that remain? The average age of ships today is 16 years, which is already fairly elderly in shipping terms, and old ships need more maintenance and repair than young ones. Are Governments and shipping companies doing enough to ensure that this is done?

The danger is that if the improvement in the casualty rate that marked the 1980s is halted in the 1990s many lives will be lost. In 1989, 3.7 million people took their vacation on a cruise liner; by the end of the century this figure is expected to grow to 10 million a year. Yet in recent years there have been a number of accidents to passenger ships which have resulted in the deaths of hundreds of people. Will 10 million people really want to go to sea if they think there is a serious risk of a fire on board or of the ship sinking and that those responsible for safety are not doing anything to improve the situation?

The stability of roll-on/roll-off passenger ships continues to give cause for concern, as does the continuing loss of bulk carriers, many of which have vanished without a trace in the past year. If nothing is done to stop these casualties the public will lose faith in shipping and some countries will become impatient with the ability of the shipping industry to introduce improvements on an international basis, through IMO. This could lead to a proliferation of regional or national standards and would be the end of any real attempt to raise safety standards internationally.

Standards might improve in some countries—but overall there would almost certainly be a serious reduction in safety levels, an increase in the casualty rate and more accidents involving heavy loss of life.

IMO is taking positive steps to prevent this from happening by becoming more proactive rather than reactive in improving international safety legislation. Emphasis is being placed on the fact that no single unit in the safety chain can act alone but, instead, all must work in concert to achieve the common objective. Shipbuilders, classification societies, shipowners, ship managers, charterers, insurers, seafarers' unions, government administration and IMO must all do their part to bring about safer shipping and regain the confidence of the public—without always trying to put the blame on others for any failures.

For its part, IMO will continue to assist and encourage all parties in this endeavor and will provide leadership in the never ending quest for improvements to safety of life at sea.

TRIBUTE TO SOL ROSENSWEIG: "SENIOR OF THE QUARTER"

HON. WILLIAM LEHMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 21, 1991

Mr. LEHMAN of Florida. Mr. Speaker, I am proud to recognize today one of the most active members of our North Miami Beach community, Sol Rosensweig, who was named "Senior of the Quarter" by the City of North Miami Beach Recreation Department.

Sol Rosensweig is a doer. He has worked on North Miami Beach's innovative food distribution project and is also an active member of the Senior Advisory Board, the United Democratic Club, the Humana Senior Association, American Association of Retired People, and the International Ladies' Garment Worker Union.

Mr. Rosensweig is truly an unsung hero who is working hard to make a difference in our community without expecting honors and recognition for his contribution. The City of North Miami Beach is a better place to live because of his endeavors.

I would like to share with my colleagues an article which provides more information on Mr. Rosensweig's accomplishments.

SENIOR NEWS NMB TODAY

The McDonald Senior Center salutes Sol Rosensweig, "Man with a Purpose," as our Senior of the Quarter.

At this time, we are proud indeed, to recognize a good and loyal friend, Sol Rosensweig.

Sol is a quiet, unassuming, gentle man, who keeps within himself. He is an active member of the Senior Advisory Board, assists at the monthly food distributions, monthly pro shows, and any other project that involves our seniors. More? Yes, Sol is involved with ILGWU, the United Democratic Club, Humana Senior Association, and AARP.

Yes, this wonderful man will go on to help others, with the support of his dear wife, daughter and two grandkids. Thanks Sol Rosensweig for allowing us to count on you as a friend.

COLLEGE ADMISSIONS PRACTICES DISCRIMINATE AGAINST ASIAN-AMERICANS

HON. DANA ROHRABACHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 21, 1991

Mr. ROHRABACHER. Mr. Speaker, in October 1990 the U.S. Department of Education Office for Civil Rights [OCR] found the graduate mathematics department of the University of California at Los Angeles [UCLA] discriminated against Asian-American applicants to that program in violation of title VI of the Civil Rights Act of 1964. Today a year later, to the best of my knowledge, this violation has not been corrected to the satisfaction of OCR.

OCR also found that eight other graduate programs at UCLA had so little information about their admissions policies and practices that OCR could not determine if discrimination had occurred. These eight programs were put on a monitoring system by OCR.

This finding against the UCLA graduate math program was part of a larger compliance review being conducted by OCR. This review started almost 4 years ago in early 1988. OCR's investigation of the undergraduate admissions and the special admit program are still ongoing.

Mr. Speaker, I and 50 of our colleagues have sponsored House Concurrent Resolution 102 which would put Congress on record against college admissions practices that through racial quotas or other policies discriminate against Asian-Americans.

I commend to the attention of my colleagues the following October 2, 1990, Los Angeles Times news story "Anti-Asian Bias Found in UCLA Program" and the Washington Post report "Bias Against Asians Found In Admissions to UCLA" and the text of House Concurrent Resolution 102.

I urge my colleagues who are not already cosponsors to add their names as sponsors.

ANTI-ASIAN BIAS FOUND IN UCLA PROGRAM

(By Larry Gordon)

UCLA's graduate department of mathematics discriminated against Asian applicants in 1987 and 1988 in violation of federal civil rights law, the U.S. Department of Education announced Monday after a 30-month investigation. The government said 75 other UCLA graduate departments showed no anti-Asian bias in admissions and that an additional eight programs kept inconclusive records.

UCLA Chancellor Charles E. Young denounced the conclusions about the mathematics department, saying they were the result of faulty reasoning and political pressure. The university plans to appeal the findings within the Department of Education and, if need be, take the matter to court, he said.

The government is asking that UCLA change its admissions policies in graduate mathematics programs and offer admission to five Asian-American applicants allegedly denied entrance because of bias. The government could deny UCLA all federal grants, not just in mathematics studies, if the matter is not settled to Washington's liking.

U.S. Secretary of Education Lauro F. Cavazos said in a prepared statement that he was encouraged by much of what the probe by his department's Office of Civil Rights had found at UCLA. He added, "Although only one program was found to discriminate, that is one program too many."

The study determined that there was a disparity between the rates at which whites, particularly white women, and at least equally qualified Asian-American applicants were admitted to the graduate mathematics department and concluded that the disparity "appeared to be race related." About a third of the mathematics students at UCLA are Asian, either American citizens or foreigners, campus officials said.

The five rejected applicants allegedly discriminated against do not know that they are the object of such controversy and have not been contacted by federal authorities, said Michael Williams, assistant secretary for civil rights in the Department of Education. He said he did not know the identities of the five and would not name them if he did.

The issue of alleged entrance bias against Asians in the UC system has prompted several inconclusive state investigations over the past five years. The controversy had begun to die down because of significant increases in the ranks of Asian-American students at prestigious campuses such as UCLA and UC Berkeley this year and last. Asian students now comprise 36% of UCLA's freshman class.

Asian-American activist said Monday's announcement is expected to renew suspicions.

A similar federal investigation into undergraduate admissions at UCLA could be concluded later this year, Williams said. The results of a probe of Harvard University's undergraduate entrance policies may be announced later this week, he said.

At a press conference on campus Monday, Chancellor Young contended that federal investigators relied too heavily on numerical measures, such as grades and test scores, and did not take into account how much UCLA considers the reputation of applicant's undergraduate schools and the strength of personal recommendations. Some Asians who are U.S. residents but not citizens were denied admission because certain government-funded fellowships require the recipients to be citizens, Young said. He added that federal officials did not properly consider that different disciplines within mathematics, such as statistics and applied mathematics, make separate judgments on applicants.

Young alleged that investigators were under pressure from U.S. Department of Education officials to announce the results by Monday and to make sure UCLA received some criticism.

"We believe the study and the results are in error. We believe there is no basis for the findings they have reached," he stated.

Asked for a response to Young's charge about political pressure, Williams said, "I take a great deal of, I have to admit, offense at that. It challenges my own integrity." Williams said he had placed an Oct. 1 deadline for the study's release because the matter had dragged on for so long.

UCLA's insistence that it will appeal disappointed some Asian-American activists, who said energies might be better spent on a campus study of the issues.

"We are hoping that UCLA will conduct a more in-depth review to come up with more systematic admissions guidelines," said Stewart Kwoh, executive director of the Asian Pacific American Legal Center in Los Angeles and president of the Asian alumni group at UCLA.

BIAS AGAINST ASIANS FOUND IN ADMISSIONS TO UCLA

(By Jay Mathews)

LOS ANGELES.—In the first federal finding of discrimination against Asian Americans in higher education, the Department of Education said today that the University of California at Los Angeles (UCLA) has given illegal preference to whites over Asians in admissions to its graduate mathematics department.

Rep. Dana Rohrabacher (R-Calif.), who has pressed for accelerated federal action on several Asian-American discrimination complaints, said the finding "marks a turning point in efforts to stop discrimination against Asian-American students by colleges and universities."

UCLA Chancellor Charles E. Young said the university would appeal the finding to an administrative law judge because "we firmly believe that racially neutral criteria were used to make these decisions." But he acknowledged "the Asian community's legitimate concerns about illegal discrimination," and noted that 75 other UCLA departments were cleared of discrimination and eight were asked for better records after the Education Department's investigations proved inconclusive.

Kathryn Imahara, staff attorney for the Los Angeles-based Asian Pacific American Legal Center, said complaints about discrimination in college admissions often brought remarks like " 'Aren't there enough of you in there already?' Racist things like that." She said, "It's nice to know that we're not being paranoid."

The Education Department said in a statement that its Office of Civil Rights found during a 30-month investigation "a statistical disparity in the rates of admission to the mathematics department on the basis of race, an inconsistency in how Asian and white applicants who received the same evaluation ratings were treated, and insufficient evidence to show a nondiscriminatory basis for this pattern."

Assistant Secretary for Civil Rights Michael Williams, who was praised by Rohrabacher for accelerating the investigation after his appointment in July, said UCLA will be required to ensure equal future treatment in mathematics admissions and offer admission to five Asian-American applicants the department decided were unfairly rejected.

Williams said the department's investigations, which are proceeding at the University of California at Berkeley and at Harvard University, are "extremely complex and complicated," and he declined to predict when they would be complete. Rohrabacher has asked the Senate Appropriations Committee to set aside $500,000 to complete the investigations by Dec. 31.

Asian-Americans, benefiting from cultural and family emphasis on hard work and academic achievement, are admitted to many major universities in numbers far higher than their proportion of the general population. Some Asian-Americans have suggested that universities use unwritten quotas, similar to those used against Jewish applicants before World War II, to keep their numbers from growing even larger.

Young criticized federal investigators for "completely dismissing" the even larger number of foreign-born Asians at the university in calculating compliance with anti-discrimination rules.

A UCLA spokesman said the ethnic origin of the school's estimated 23,000 foreign and American undergraduates in the fall of 1989 was 49.3 percent non-Hispanic white, 25.7 percent Asian, 16 percent Hispanic and 7.1 percent black. The 11,500 or so graduate students were 63 percent non-Hispanic white, 21.9 percent Asian, 7.9 percent Hispanic and 4.9 percent black.

Under Title VI of the 1964 Civil Rights Act, recipients of federal funds such as UCLA are prohibited from discriminating on the basis of race, color or national origin.

H. CON. RES. 102

Whereas racial discrimination is indefensible, improper, and immoral;

Whereas it has been reported that many institutions of higher education have instituted admissions quotas designed to limit the admission of Asian-Americans;

Whereas these restrictive quotas are similar to those instituted in the 1920's to limit the admission of Jewish students;

Whereas statistics show that Asian-American students face greater obstacles in their attempts to attend institutions of higher education than students of other races;

Whereas the Office of Civil Rights of the Department of Education is conducting compliance reviews at Harvard University and the University of California at Los Angeles to determine whether the schools in violation of title VI (relating to nondiscrimination in Federally assisted programs) of the Civil Rights Act of 1964 (42 U.S.C. 2000d–2000d-6); and

Whereas the Chancellor of the University of California at Berkeley apologized to Asian-Americans for an admission process for the school which had a negative impact on the admission of Asian-Americans: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that—

(1) institutions of higher education should review their admissions policies and, if necessary, revise them to ensure that applicants are not illegally excluded from admission because of their race in violation of Regents of the University of California v. Bakke, 438 U.S. 265 (1978);

(2) the Attorney General should investigate allegations of illegal racial discrimination in the admissions policies of institutions of higher education and pursue legal action against those schools which have violated title IV or VI (relating to desegregation of public education and nondiscrimination in Federally assisted programs respectively), or both, of the Civil Rights Act of 1964 (42 U.S.C. 2000c–2000c-8 and 42 U.S.C. 2000d–2000d-6 respectively); and

(3) the Secretary of Education should conclude, as soon as possible, the compliance reviews on admissions policies of certain institutions of higher education being conducted by the Department of Education and should,

in addition, initiate additional reviews of the admissions policies of schools alleged to have illegally discriminated on the basis of race.

TRIBUTE TO JAMES W. ARCHIBALD

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, October 21, 1991

Mr. FORD of Michigan. Mr. Speaker, I would like to take this opportunity to honor one of my good friends, James W. Archibald, upon his retirement as the postmaster of Dearborn. Jim is retiring after nearly 40 years of distinguished service to the U.S. Postal Service.

Jim's career with the Postal Service began in December 1951 when he signed on as temporary help during the busy Christmas season. He worked his way up through the ranks from mail carrier to his first supervisory position as foreman of mails and delivery in 1966. From there it was only a matter of time before his appointment as postmaster in Dearborn in 1974.

His career was temporarily interrupted from 1956 to 1958 when he served in the Army.

Jim was an active member of the National Association of Postal Supervisors [NAPS] on the local and State level. He was one of the original founders of local NAPS branch 268 and served as its president. He was elected to serve in the Michigan State Chapter of NAPS as first vice president and second vice president.

Once he was appointed postmaster, Jim joined the National Association of Postmasters and the National League of Postmasters.

Jim has made a tremendous contribution to his community. Among other things, Jim served on the Dearborn Heights District 7 School Board and was the president of the Annapolis Booster Club. He continues to be an active member of the Masonic lodge.

Mr. Speaker, I am honored to have this opportunity to recognize Jim Archibald for his years of service to his country and community. I want to extend my best wishes for a happy and healthy retirement. I do not know anyone who deserves it more.

SCREENING OF "TRUE COLORS"

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, October 21, 1991

Mr. PAYNE of New Jersey. Mr. Speaker, I would like to take this opportunity to encourage my colleagues to attend the screening of "True Colors" tomorrow, October 22. "True Colors" takes a look at the everyday instances of racial discrimination that permeate our society. I want to commend Congressman JOHN LEWIS and Congressman CHUCK SCHUMER for bringing this documentary to the attention of the Members of Congress.

For the RECORD, I would like to submit the following articles that illustrate the frustration of young African-American men as they strive to survive in our democratic society. The first is a letter to the editor from David Lockett of South Orange, NJ, that appeared on August 23, 1991, in the Star-Ledger, New Jersey's daily newspaper. The second is an article that appeared in the Washington Post on October 17, 1991. This article, entitled "Presumed Dangerous," examines the stereotypes confronting African-American male teenagers.

[From the New Jersey Star-Ledger, Aug. 23, 1991]

COP SEARCH CALLED AN ORWELLIAN ACT

DEAR EDITOR: Perhaps George Orwell's epic novel "1984" was prophetic afterall, but should have been titled "1991." In a country where some of our forefathers have dedicated and sacrificed their lives for the civil rights of generations to come, we are still missing the point.

On July 6, I went to New York to see Arnold Schwarzenegger's new movie, "Terminator II: Judgment Day," and realized the primary theme was: "No fate except the one we make." Especially in a democracy, we must stand up and take an active role in positively shaping the future.

The message stayed with me, but I did not expect to have to act on it before the evening ended. Upon returning to Penn Station in Newark, via NJ Transit, I used the stairway on the train platform which leads directly to Market Street—a stairway I use almost every day. I was the first person from my train to reach that stairway, and as I neared the bottom, I saw two police officers. One looked at me and said to his partner, "Oh yeah, here comes one."

When I reached the bottom, I saw several people chained in handcuffs. Next thing I knew, I was confronted with: "Where are you coming from?" "Where are you going?" When I asked what they were looking for, one said "We're looking for you!" and "If I find any drugs on you, I'm gonna bust your . . . head in!"

During the ensuing moments, the officer frisked me, checked my pockets, and ordered me to open my pants, supposedly looking for drugs, but more seemingly examining me for a hernia. No reasons of probable cause were given, just that I was clear to go.

I felt the need to express my opinion, because while feeling like my privacy and civil rights had just been violated, there was no probable cause other than that I chose this particular stairwell, because it leads directly to the street and was the quickest route to my bus stop.

If I had been in another car on the train and decided to use a different stairway I would not have been checked.

I understand, support and sympathize with the need to stop drug trafficking, but was this really an efficient means of solving the drug problem? Let's face it, the main sources of the area's drug problem do not take the 9:34 from New York to Newark on a Saturday night. These cops would be much more effective if they channeled their efforts into directly attacking the source of the problem.

Do the police think I look like a drug user? I am a black man, about 5-10 and 180 pounds. I went to a top prep school in New Jersey, a top university and graduated from the nation's top journalism school.

If the police think there is a real problem with the transportation of illegal narcotics from New York to Newark via NJ Transit trains, they should be checking all people at every exit. They should also be checking all people when they exit the PATH train and stop motorists returning to New Jersey via the Lincoln and Holland tunnels and the George Washington Bridge.

Do we really want this to happen? Where does it end? Where do we draw the line on invasion of privacy?

Citizens cannot always object outright to such injustices when confronted by the police. Let's not forget what happened to Rodney King in Los Angeles earlier this year. Besides, even if they had found drugs on me, and I was willing to cooperate, would that alone be sufficient reason for one of our law "enforcers" to bash my head in?

I realize that we are not winning this essential war against drugs. It is a battle that I firmly believe must be supported. But when are we taking it too far? Where does it stop? Do we wait until the law allows for the "protectors" and "enforcers" of the law to randomly storm and ransack our homes? There must be a point where we draw the line.

But just as I am sure that New York's homeless problem will not be solved in time for Thanksgiving, I know the officer with whom I nearly, albeit unwillingly, became intimate with on the evening in question, will not be punished. He will not be penalized for violating my civil rights.

While I have no police record, I'm the first to admit I am far from perfect. But throughout my almost 25 years of life, I have always believed that I, as well as others, must do whatever it takes to uphold what is right. How else can we end the random violence and crime throughout the country but to support those who "uphold" the law.

It is important to realize that the ends don't always justify the means. The law in this country says a person, regardless of race, beliefs, economic status, or the route chosen to catch a bus, is innocent until proven guilty. The police are civil servants and it is their responsibility to protect the civil rights of the people.

If the police are continually allowed to stray from this whenever they desire, then it is not far fetched to envision the United States of America, the universal symbol of "freedom," becoming a police state.

No fate but the one we make,

DAVID L. LOCKETT,
South Orange.

[From the Washington Post, Oct. 17, 1991]

PRESUMED DANGEROUS—AREA'S YOUNG BLACK MEN CONFRONT NEW STEREOTYPES BORN OF DRUG CRISIS

(By Marcia Slacum Greene)

They say women clutch their purses and sometimes cross the street as they approach. When they gather in a group, residents in some neighborhoods call the police. Taking advantage of the fear they sense, some have used a glance to force men twice their size and age to back away.

They are young, black, male—and suspect.

"I think [adults] all see us as a bunch of hoodlums," said 16-year-old Harry Mayo. "You can sense it from the way they act toward you. You can tell they don't trust you or they're afraid."

Black men say they always have been subject to suspicion, but the city's drug war and attendant violence have added a tough new dimension to the problem. Although the violence still involves a minority of their peers, teenagers say fearful adults are unable to distinguish a drive-by shooter from a valedictorian, and often try to protect themselves by wrongly assuming all young black men are potentially dangerous.

Interviews with two dozen black teenagers during a two-week period reveal a group acutely aware of the fear and hostility their mere presence can engender. Some of them have been in trouble, most have not. All contended they encounter demeaning slights almost daily; slights that make them feel like outcasts.

"I ask for the time and they just ignore me," 15-year-old Banneker High school student Dennis Green said, referring to adults.

"I can smile and say hi, and they act like I'm not there . . . If you're black and a young male, that's the first count against you. The second count is that everything is negative."

Psychologists say that although violence is inexcusable, there is a recognizable vicious cycle: Feeling scorned and rejected, some youths then fulfill the worst of people's expectations.

Some of the young men interviewed said they shoulder the burden of suspicion and try to allay the fears of strangers. Others lash out. They talk about gaining a sense of power by playing games—some innocent, some chilling—to intimidate nervous adults.

Most of the young men said that to some degree, they understand adults' reactions.

"I really don't blame them" for being wary, Green said. "I do blame them for not trying to reach out and show that they understand what we are going through as young men."

INNOCENT LOOKS PROVOKE FEAR

Demond Taylor, 17, is one of several who said women in particular will stand rather than sit next to him on the Metro. Taylor, who said he used to sell drugs but stopped more than a year ago, is 5 feet 11 inches tall and weights 265 pounds. But he is often teased about his baby face and says he dosen't understand why he should appear frightening.

Describing a recent incident near Union Station, he said he and his friends had not even noticed a couple until they "grabbed each others' hands" and cowered.

"They had a look that said, 'Please don't bother us,'" Taylor said. "They didn't have any bags or anything. They acted like we were going to grab one of them."

Green, an active church member who works in his father's maintenance business, clenched his teeth as he described being aggressively questioned by security personnel as he stood in the lobby of the Shiloh Baptist Church's Family Life Center. Green was certain that his polo shirt, baggy designer jeans and expensive sneakers caused the guard to see him as a young hustler.

Mayo's examples are typical: A man and woman in the ground-floor elevator of a downtown office building had punched the seventh-floor button by the time he and several of his friends got on. The couple, without a word to each other, both got off on the next floor.

Mayo, a Roosevelt High School senior who plays three sports, said he observed a woman in Georgetown crossing the street when he and his friends were less than a block away. When Mayo and his friends also crossed the street to enter a store, she was a stone's throw from them. She turned and went in the opposite direction.

Mayo, who wants to become a pharmacist or an accountant, said adults almost always scatter if he and his friends talk loudly in argumentative tones. He said that if they ever got close enough, they would hear young men defending their favorite professional athletes.

"I ignore stuff like that," Mayo said. "What would it prove to say anything?"

"It happens so often I don't feel anything," said Green, describing similar encounters.

"They suppress it," responded Frederick B. Phillips, a clinical psychologist and director of the District's Progressive Life Center, a private firm.

"I think they become numb emotionally, but underneath they are like time bombs."

Even the young men who claim not to be bothered disprove their words by their actions.

Imani Scope, a 15-year-old academic scholarship student at Potomac School in McLean, said he fights what he sees as a stereotype.

"I feel like I have to prove I'm not a deadbeat or a shiftless or lazy person . . . I try to catch myself if I'm being loud on the bus or someplace else."

Mike, 16, lashes out, representing the most extreme response of those interviewed. Mike is a juvenile offender on probation for robbery. Probation officials allowed him to be interviewed with the understanding that his last name would not be used.

Mike said people who stereotype young black males "can go to hell." He describes how empowered he feels when he deliberately intimidates adults.

'PLAYING CHICKEN' WITH THE IMAGE

At a gas station, Mike strolled toward a pump as his eyes targeted a man who would get there ahead of him. He slipped on his in-you-face look, locked eyes with the stranger and reached for the pump first. The stranger flinched, apologized and backed away.

"The grown-up figures, 'They're killing each other, so they wouldn't waste no time killing me,'" Mike said. "If you look at them hard, they back off. It makes you feel superior. It makes you feel bold."

Mike said he and others have, for fun, put their hands under baggy shirts to make it appear they have guns. Mike said he once did that to a woman and told her to freeze. He said she paused briefly and then ran away "like she was going to be shot."

To walk into a store is to find suspicious stares, many of the young men said. Some said they have reacted by splitting up to see who the clerks will follow, or by pretending to snatch something from a shelf and then laughing at a clerk when they reveal an empty hand.

Psychologist A.J. Franklin, director of clinical psychology at City College of New York, characterizes such games as "playing chicken with the stereotype."

"It's a way of coping," he said. "There is enough collective awareness about the stigma * * * that at some point the kids will assume the threatening posture to get a rush from the reaction. They are saying, 'Let's see how far we can push the image without getting in trouble.'"

But Scope, who studies three hours a night and hopes to become a lawyer, does not play the games.

Instead, he said, he tries not to notice the women who tighten their grips on their purses when he walks by, and tries to ignore clerks who follow him around in record stores.

He blames the media for making it appear that the majority of his peers are involved in illegal activities, and he shoulders responsibility for trying to change what he said is an entrenched image.

"I'm one of the few black males in my school," said Scope, who volunteers to help needy children and the homeless. "I have to be the person who gives them an example of black male who can be smart and excel.

"If I can change one person's mind, then that person can tell someone else that they know a black male who is positive, and then that person can tell another. It's like planting a seed."

Some youths combine the reaction of Mike and Scope, illustrating their confusion about how to deal with the stereotype.

Mayo recounted a shopping trip to Wheaton Plaza with a 17-year-old friend. Mayo's friend was browsing for a gift for a girl when a clerk began following the two young men and asking if he could help.

"He went to check [the price] on a couple of things and then he said, 'If ya'll aren't going to buy anything, would you please leave the store.' He told us it was a female store, and to see young black males walking around the store raised his concern. My friend called him a racist bigot and a white bitch."

Yet before leaving the store, Mayo said, his friend bought something just to show the clerk he had not entered the store to steal.

Many of the young men said the stereotype is difficult to change because adults can point to a rational basis for their fears.

Mike said there are times when adults should fear teenagers.

"Some of us are plain old ruthless," Mike said, "They be mad at white people. They be mad at where they live. They be mad because their families are on welfare. They be mad because they are forced to sell drugs to get money. People be asking why we selling drugs. Why don't they ask why we ain't got a job?"

Mike said he once sold drugs, but is now turning his life around with the help of several adults. Asked if his past actions contributed to the image that his peers now have, he said he should not be blamed.

"I could see it if I was selling drugs," he said. "I haven't sold drugs since last November."

A DEEP NEED TO BE ACCEPTED

Psychologists and sociologists said a complex web of racism, poverty and other social problems contributes to a higher than average incidence of violence among young black males.

Last year in the District, police made 5,250 juvenile arrests, including 4,355 arrests of black males. The numbers include individuals repeatedly arrested; the charges include everything from petty vandalism to murder. Sixty-seven of the arrests were for murder; 462 for aggravated assault.

Though the numbers are high, they represent a fraction of the 25,931 black males ages 10 to 19 in the city.

Moreover, many argue that at least some of the violence is a reaction to the barrage of suspicion.

Adam L. Oliphant, a father of three who runs a corner store at 15th and D streets NE, said he has seen what happens to youngsters shunned by adults who fear the "unpredictable potential" for violence.

"Many of these kids have a deep, burning need to be accepted and nurtured," said Oliphant, who lectures on the problems facing black males.

"When they don't get it, they build something in its place—a mean, hard shell. Then they say, "I'm mean and tough, and I'll kick the world's behind.'"

The young men interviewed said that not only are they all judged by the actions of a minority of their peers, but they also become the easiest targets for the violence of that minority.

Martyn "Moochie" Norris, 18, a senior at Cardozo High School, said he deliberately tries to look different than other black teenagers by wearing such combinations as dreadlocks encircled by colorful headbands, socks worn above his knees or shoelaces tied around his elbows and wrists. The intent, Norris said, is to avoid mistaken identity when someone comes gunning for one of his peers.

"I wear odd stuff and nobody gets me mixed up," said Norris, who spends his free time playing basketball and is hoping for a college scholarship.

But Norris's dress-for-survival look can prompt neighbors, store owners and strangers to eye him with suspicion. They incorrectly assume that he is involved in drugs, he said.

All the youths agreed that they are most likely to get suspicious looks when they travel in groups, especially if they wear expensive clothes they consider fashionable.

They are convinced that adults, particularly those with children, examine them from sneakers to headbands, calculate a cost for the clothes and conclude the youngsters are dealing drugs.

"I don't think I should be seen as a thug because I'm able to wear something new or if my mother gives me something as a gift," Scope said. "It's a fashion statement."

Damien Oliphant, 15, agreed. In fact, he said, adults have negative reactions no matter what he wears.

When he is "comfortable" in his T-shirts, baggy shorts and sometimes a gold chain, many adults flash "that annoyed look." But when he's dressed for school, where he must wear a coat and tie, he faces another set of problems.

"Whites smile more and say hello," he said. "But if you walk by three or four [adult men] in the neighborhood, they'll say, 'Don't be coming around here looking like that. Don't forget where you come from.' Or they'll say, 'The white man is not going to let you be one of them'."

Oliphant, a student at the Landon School in Bethesda, is one of the few who admitted being troubled by the reactions of adults.

"It is a big pressure," he said. "At this age, we have enough to worry about besides people thinking we are drug dealers. Like the 23 books I have to read in nine months, girls and dodging bullets."

It is incumbent on all of us to take a serious look at racial discrimination, as it is perceived and practiced in our Nation, and take personal, as well as political and institutional actions to alleviate the problem. Mr. Speaker, we have Workforce 2000, we have Healthy People 2000, we have America 2000—it's time that we make the eradication of racial discrimination another goal for the year 2000 and begin working on it today.

MEDICAID MORATORIUM AMENDMENTS OF 1991

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 21, 1991

Mr. WAXMAN. Mr. Speaker, on September 12, the health care financing administration issued a regulation that will prohibit States from using revenues from taxes on hospitals and other health care providers to help pay for their Medicaid programs. The regulation is scheduled to go into effect on January 1, 1992—just 2½ months from now. It will cost the States billions in Federal Medicaid matching funds, throwing many State budgets into chaos and leading to widespread program cutbacks that fall heavily on poor women and children.

In a recent letter to Secretary Sullivan, Chairman DINGELL, Chairman PANETTA, Chairman BENTSEN, Chairman SASSER, Chairman RIEGLE, and I urged that the administration withdraw this regulation. We told the Secretary that the rule "violates congressional intent, as expressed in the Omnibus Budget Reconciliation Act [OBRA] of 1990. With one narrow exception, section 4701 of that act gave States the flexibility to use provider-specific taxes toward their share of Medicaid costs."

The majority leader, Mr. GEPHARDT, has also called for the withdrawal of the regulation, as have congressional delegations from Texas, Oklahoma, California, and other States.

Unfortunately, the administration seems determined to press forward and try to implement this illegal and, in their own words, "disruptive" regulation. Although I fully expect the courts to strike this regulation down, it is possible that they may not have enough time to intervene before these regulations go into effect on January 1. That's why I am today joining with Chairman DINGELL, Mr. GEPHARDT, Mr. ROSTENKOWSKI, 12 of my colleagues on the Subcommittee on Health and the Environment, and 18 other Members in introducing the Medicaid Moratorium Amendments of 1991.

BACKGROUND

Medicaid is a Federal-State, means-tested entitlement program that buys basic medical services and long-term care for certain categories of poor people. The Federal Government shares in the cost of the program, matching between 50 and 80 percent of the cost of covered services, depending on the State. In States with relatively high per capita incomes, like California, the Federal matching rate is 50 percent. In States with relatively low per capita incomes, like Alabama and Arkansas, the Federal matching rate is higher.

In order to receive Federal matching payments, States must first spend money to pay for covered services delivered by qualified providers to eligible individuals. These expenditures are then matched by the Federal Government at the applicable rate. What the September 12 regulation attempts to do is to deny States the ability to use certain revenues—from voluntary contributions, from provider-specific taxes, and from intergovernmental transfers—to pay for covered services and draw down Federal Medicaid matching funds.

Voluntary contributions are donations by private entities, including providers, to the State. Under current law, States may use funds donated by providers or others as the State share for purposes of receiving Federal Medicaid matching funds. Under a moratorium first enacted in 1988 and subsequently extended until December 31, 1991, the administration is prohibited from repealing the regulations it issued in 1985 which authorize the use of these voluntary contributions. Under the September 12 regulation, use of donated funds to draw down Federal matching funds would be prohibited effective January 1, 1992.

Provider-specific taxes are taxes, assessments, fees, or other payments that hospitals, physicians, nursing facilities, or other health-care providers are required to make to the State. The use of provider-specific taxes are clarified in OBRA 1990. The statute allows States to use revenues from taxes applied solely to hospitals or other providers as the State share for purposes of claiming Federal matching payments, with one narrow exception. Under this exception, Federal Medicaid matching funds are not available for those costs attributable to provider-specific taxes in cases where States reimburse hospitals and other institutional providers on a cost basis. The September 12 regulation illegally expands this exception into a broad prohibition of the use of most, if not all, revenues from provider-specific taxes.

Intergovernmental transfers are public funds that are raised through taxes by counties or other levels of government and transferred to the State. The term is also applied to funds transferred to the State Medicaid agency from other State agencies, such as those responsible for maternal and child health or developmental disabilities. Many States have used such funds for many years as their State share for purposes of receiving Federal Medicaid matching funds. The September 12 regulation would repeal the current regulatory authority under which intergovernmental transfers are now recognized for purposes of Medicaid, and it appears to prohibit the use of many of these funds by treating them as voluntary contributions.

THE HEARINGS

The Subcommittee on Health and the Environment has already held two hearings on this regulation to try to get a clear understanding on exactly what impact it will have on the States.

At our first hearing, on September 30, we learned that if this regulation goes into effect on January 1 as scheduled, many States that now rely on provider taxes or intergovernmental transfers to help finance their Medicaid programs will be forced to make drastic cutbacks in eligibility, benefits, or reimbursement.

The Governor of Kentucky, Wallace Wilkinson, testified that if his State loses the ability to use revenues from provider taxes, over 16,000 pregnant women and infants will lose coverage for pre- and postnatal care. The head of the Alabama Medicaid Agency testified that if her State is no longer able to use provider tax revenues, 10,000 nursing home residents will lose their eligibility for Medicaid, and the State's infant mortality rate will increase as pregnant women and infants lose access to physicians and other providers who drop out of the program because of reimbursement cuts.

We also learned that the September 12 regulation is extremely ambiguous and exceedingly broad, jeopardizing not just provider-specific taxes but also the well-established use of funds transferred from other levels of government, or other State agencies, to the State Medicaid agency.

The Governor of Oklahoma, David Walters, testified that crucial ambiguities in the regulation relating to intergovernmental transfers threaten over 16 percent of his State's Medicaid budget. The director of the California Department of Health Services testified that the regulation could jeopardize an intergovernmental transfer program signed into law by

Governor Wilson just this past July. Under this program, county funds will be transferred to the State Medicaid agency and used to shore up funding to public and private hospitals that serve large numbers of Medicaid patients. Without these funds, Governor Wilson's chief health officer concluded, "the survival of California's safety net providers will be in jeopardy."

At our second hearing, on October 16, the subcommittee heard from Dr. Gail Wilensky, the Administrator of HCFA and the author of the regulations. Dr. Wilensky testified that "we are acutely aware that our rulemaking is disruptive and controversial." She also acknowledged that the regulation had "several deficiencies." Despite these problems, she testified that HCFA would not withdraw the regulation. Instead, she intends to issue a "clarification" of the regulation before the end of this month to correct the "deficiencies." She also expressed a willingness "to discuss legislative alternatives to our rule." However, she did not offer any concrete proposal.

The subcommittee members tried very hard to get Dr. Wilensky to explain exactly how the September 12 rule would affect the 22 States that now rely on revenues from provider taxes—Alabama, Arkansas, Florida, Illinois, Indiana, Kentucky, Maine, Maryland, Minnesota, Mississippi, Montana, Nevada, New Hampshire, New Jersey, New York, Ohio, South Carolina, Tennessee, Texas, Vermont, Washington, and Wisconsin—or the numerous States that rely on intergovernmental transfers—including California, Oklahoma, New York, and Texas. For each State, the subcommittee asked: First, whether it would be able to continue its current practices after January 1; second, if it could not, how much in Federal Medicaid matching funds it would lose; and third, what the State could do to restructure its provider tax or intergovernmental transfer arrangements to make them acceptable to HCFA. Dr. Wilensky was unable to give a definitive answer for any State, indicating that we should await the clarification.

So where does that leave the States?

Mrore than 1 month after the issuance of the regulation, and just 10 weeks before they are scheduled to go into effect, the author of the regulations can still not explain exactly what they would mean for any of the States that currently have such programs in effect. On January 1, most States will be right in the middle of their current fiscal years. Yet they still don't know if this rule invalidates their provider tax or intergovernmental transfer policies or how much in Federal matching payments they stand to lose. They still don't know what changes they would need to make to bring themselves into compliance, and they won't know for at least another 2 weeks.

This is no way to run a railroad, much less a health-care program that buys basic medical services and long-term care for 28 million low-income mothers, children, disabled, and elderly. And it is certainly ironic behavior from an administration that prides itself on its commitment to Federalism and a collegial partnership with the States.

This regulation—and its destructive impact on States and program beneficiaries—was never intended by the Congress and is plainly illegal. While I fully expect that the courts will strike it down, it is possible they may not act before January 1. Since the administration is clearly not willing to withdraw the regulations, the Congress will have to intervene if fiscal and programmatic chaos are to be avoided.

THE LEGISLATION

The Medicaid Moratorium Amendments of 1991 has three elements.

First, the bill would prevent HCFA from implementing the September 12 regulation by extending from December 31, 1991, to September 30, 1992, the current moratorium on the issuance of any regulation changing the treatment of voluntary contributions or provider-specific taxes. The bill also gives States until December 31, 1992, to transition off of a reliance on voluntary contributions, so long as they do not spend more using voluntary contributions than they did during fiscal year 1991.

Second, the bill would impose a permanent moratorium, effective on enactment, on the issuance of any regulation that changes the current regulation that authorizes the use of intergovernmental transfers as a source of the State share of Medicaid spending.

Third, the bill would require the Secretary to submit to the congressional committees of jurisdiction by no later than February 3, 1992—the date that the President's fiscal year 1993 budget is due—a report describing any regulation the Secretary intends to issue limiting the use of provider-specific taxes; the types of provider-specific taxes that would be permissible under such a regulation; and any legislation that the Secretary believes is appropriate.

This legislation would not make any change in the current law treatment of provider-specific taxes as reflected in section 4701 of OBRA 1990. It does, however, provide an additional 9 months for the courts to strike down the September 14 regulation as not in conformity with this statutory language.

COST

According to the Congressional Budget Office, this legislation would not result in any increase in Federal Medicaid outlays in fiscal year 1992, 1993, 1994, or 1995.

CONCLUSION

It is difficult to overstate the importance of this issue for the poor, for the States, and for the Nation's safety net hospitals and clinics.

If the September 12 regulation is allowed to go into effect on January 1, the Bush administration will have achieved by regulation what the Reagan administration failed to do by legislation: cripple the ability of States to pay for basic medical care and long-term care for the poor.

The consequences will be felt not only by those States who currently rely on voluntary contributions or provider-specific taxes or intergovernmental transfers, but also by those who might want to turn to these revenue sources in the future.

The consequences are fairly straightforward. To plug the hole that will result from the loss of Federal Medicaid matching funds as of January, the States can either raise revenues from some other source—income, sales, or property taxes—take money from other State government functions—education, corrections, transportation—or cut Medicaid eligibility, benefits, or reimbursement.

As Dr. Wilensky, the author of the regulations, noted in a letter to me dated October 16:

> I know that many States, for the most part, have been using the increased Federal funding to support legitimate and often necessary expansions to their Medicaid programs.

Under the September 12 regulation, these "legitimate and often necessary" expansions will have to be refinanced or dropped. It's a safe bet that in most States, in this economic climate, they'll be dropped. This will undercut this Nation's efforts to reduce infant mortality, to assure that school-aged children are immunized and ready to learn, to enable working poor families to transition off of welfare into employment, to increase the quality of care for nursing home residents, to protect the spouses of nursing home residents against impoverishment, and to improve access to home and community-based services for the frail elderly and the disabled.

I urge my colleagues to support this bill.

TRIBUTE TO THE BETHLEHEM LIONS CLUB, BETHLEHEM, PA, ON ITS 69TH ANNIVERSARY

HON. DON RITTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 21, 1991

Mr. RITTER. Mr. Speaker, I rise today to pay tribute to the Bethlehem Lions Club of Bethlehem, PA, on the occasion of its 69th anniversary of service to its members and to our great Lehigh Valley community.

The Bethlehem Lions Club was chartered on November 9, 1922, under the observation of Lions Club International Organizer Frederick Amigo. Forty-eight Bethlehem residents gathered as charter members to elect Adams Dodson as the club's first president. Others elected at that time included Edwin H. Young as first vice president, William J. Fink as second vice president, W.D. Seyfried as third vice president, Truman H. Fatzinger as secretary and Ralph Hunsicker as treasurer. Records of that meeting also show that William E. Reichard was named the club's first tail twister and Howard C. Rader became the first lion tamer.

From that start the Bethlehem Lions Club has grown in size and stature—in large part because of its commitment to public service and support of worthy causes. A major beneficiary of its members' efforts over its history has been the Northampton County Branch of the Pennsylvania Association of the Blind. The Bethlehem Club, under the leadership of the late Walter Ruthhart, organized the branch in May 1928, calling upon the resources of the other Lions Clubs in Northampton County to form an agency to assist the visually impaired. Bethlehem Lions since that time have given their time, talents, and money to help the association and agencies such as the Northeast Eye Bank, Beacon Lodge, and Pennsylvania Eye Research in their vital efforts.

But the commitment of the Lions to helping the less fortunate is not limited to assistance for the blind. Over the Bethlehem Lions Club's history, members have helped such organizations as the Boy and Girl Scouts, the Salvation Army, Historic Bethlehem, Little League, YMCA, YWCA, and many others. The club has invited outstanding high school students to its weekly meetings throughout the school year and provided both scholarships to needy students and substantial support to the junior achievement program. And dedicated members such as Dr. Edwin Frey and Tommy Hess have become well known in our community through their work with other charitable organizations.

Perhaps because of this shining example of service to one's fellow man, the Bethlehem Club has been a leader in Lionism in the Lehigh Valley. It has sponsored Lions Clubs in Hellertown, Nazareth, Easton, Lehighton, Pen Argyl, Northwest Bethlehem, and my home community of Coopersburg, as well as the Bethlehem Lioness Club and the nonprofit Bethlehem Lions Charities organization.

Mr. Speaker, the Bethlehem Lions Club embodies the ideal and the power of free citizens volunteering to make a difference in their community—and the wonderful fellowship and friendliness its members have shown me and so many others over the years has demonstrated how enjoyable volunteering can be. Please join me in congratulating President Lion Carl Alborelli, Secretary Lion Charles Morgan, and the other members of the Bethlehem Lions Club on its 69th anniversary, and wish them many more years of service and fellowship in the future.

A SYMBOL OF HOPE

HON. STEPHEN J. SOLARZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, October 21, 1991

Mr. SOLARZ. Mr. Speaker, a few days ago, the Burmese democratic leader Aung San Suu Kyi was awarded the Nobel Peace Prize in recognition of her struggle against the forces of repression in her country.

I first met Aung San Suu Kyi in 1988, in the midst of the political turmoil that had engulfed her country. At the time, and in the years that have followed, I have been deeply impressed by her dignity, wisdom, and courage. Her willingness to lay her life on the line for democracy and to take whatever risks were necessary to carry out her campaign for nonviolent change in Burma has not only served as an inspiration to the Burmese people, but has captured the imagination of the entire global community.

Unhappily, and despite the efforts of this courageous woman, the military regime in Burma continues to reject the democratic aspirations of the Burmese people. Aung San Suu Kyi remains under house arrest and thousands of opposition figures reportedly remain behind bars, all for the simple crime of wanting to bring political freedom and individual liberties to their country.

They should know, however, that they and their cause have not been forgotten. And as one manifestation of our continuing interest in and concern for the heroic struggle for freedom in Burma, I ask that the attached essay by Aung San Suu Kyi, recently published in the Washington Post, be reprinted in the RECORD.

[From the Washington Post, Oct. 15, 1991]

CORRUPTED BY FEAR

(By Aung San Suu Kyi)

(Aung San Suu Kyi, leader of the democratic opposition to Burma's military government, was named yesterday as winner of the 1991 Nobel Peace Prize. She has been under house arrest and incommunicado since July 1989. The following is from an unpublished essay.)

It is not power that corrupts but fear. Fear of losing power corrupts those who wield it, and fear of the scourge of power corrupts those who are subject to it. . . .

The effort necessary to remain uncorrupted in an environment where fear is an integral part of everyday existence is not immediately apparent to those fortunate enough to live in states governed by the rule of law. Just laws do not merely prevent corruption by meting out impartial punishment to offenders. They also help to create a society in which people can fulfill the basic requirements necessary for the preservation of human dignity without recourse to corrupt practices. Where there are no such laws, the burden of upholding the principles of justice and common decency falls on the ordinary people. It is the cumulative effect of their sustained effort and steady endurance which will change a nation where reason and conscience are warped by fear into one where legal rules exist to promote man's desire for harmony and justice while restraining the less desirable, destructive traits in his nature.

In an age when immense technological advances have created lethal weapons which could be, and are, used by the powerful and the unprincipled to dominate the weak and the helpless, there is a compelling need for a closer relationship between politics and ethics at both the national and international levels. . . .

[A]s long as there are governments whose authority is founded on coercion rather than on the mandate of the people, and interest groups which place short-term profits above long-term peace and prosperity, concerted international action to protect and promote human rights will remain at best a partially realized struggle. There will continue to be arenas of struggle where victims of oppression have to draw on their own inner resources to defend their inalienable rights as members of the human family.

The quintessential revolution is that of the spirit, born of an intellectual conviction of the need for change in those mental attitudes and values which shape the course of a nation's development. A revolution which aims merely at changing official policies and institutions with a view to an improvement in material conditions has little chance of genuine success. Without a revolution of the spirit, the forces which had produced the inequities of the old order would continue to be operative, posing a constant threat to the process of reform and regeneration. It is not enough merely to call for freedom, democracy and human rights. There has to be a united determination to persevere in the struggle, to make sacrifices in the name of enduring truths, to resist the corrupting influences of desire, ill-will, ignorance and fear.

Saints, it has been said, are the sinners who go on trying. So free men are the opposed who go on trying and who in the process make themselves fit to bear the responsibilities and to uphold the disciplines which will maintain a free society. Among the basic freedoms to which men aspire that their lives might be full and uncramped, freedom from fear stands out as both a means and an end. A people who would build a nation in which strong, democratic institutions are firmly established as a guarantee against state-induced power must first learn to liberate their own minds from apathy and fear. . .

Fearlessness may be a gift but perhaps more precious is the courage acquired through endeavor, courage that comes from cultivating the habit of refusing to let fear dictate one's actions, courage that could be described as "grace under pressure"—grace which is renewed repeatedly in the face of harsh, unremitting pressure.

Within a system which denies the existence of basic human rights, fear tends to be the order of the day. Fear of imprisonment, fear of torture, fear of death, fear of losing friends, family, property or means of livelihood, fear of poverty, fear of isolation, fear of failure. A most insidious form of fear is that which masquerades as common sense or even wisdom, condemning as foolish, reckless, insignificant or futile the small daily acts of courage which help to preserve man's self-respect and inherent human dignity. It is not easy for a people conditioned by fear under the iron rule of the principle that might is right to free themselves from the enervating miasma of fear. Yet even under the most crushing state machinery courage rises up again and again, for fear is not the natural state of civilized man.

The wellspring of courage and endurance in the face of unbridled power is generally a firm belief in the sanctity of ethical principles combined with a historical sense that despite all setbacks the condition of man is set on an ultimate course for both spiritual and material advancement. It is his capacity for self-improvement and self-redemption which most distinguishes man from the mere brute. At the root of human responsibility is the concept of perfection, the urge to achieve it, the intelligence to find a path towards it, and the will to follow that path if not the end at least the distance needed to rise above individual limitations and environmental impediments. It is man's vision of a world fit for rational, civilized humanity which leads him to dare and to suffer to build societies free from want and fear. Concepts such as truth, justice and compassion cannot be dismissed as trite when these are often the only bulwarks which stand against ruthless power.

COLLEGE ADMISSIONS PRACTICES DISCRIMINATE AGAINST ASIAN AMERICANS

HON. DANA ROHRABACHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 21, 1991

Mr. ROHRABACHER. Mr. Speaker, on February 26, 1989, the Los Angeles Times revealed that the University of California-Berkeley Law School had been using racially categorized waiting lists. In October of that year this information came to my attention and I met with Dean Jesse Choper of the Law School. He stated that the Berkeley Law School reserves 23 to 25 percent of the entering places for members of certain races. He said the school had been doing this for about 10 years. Applicants of other races could apply for only the remaining 73 to 75 percent of the entering class.

By letter I asked the Office for Civil Rights of the Department of Education to look into this matter. After several further inquiries I was informed on April 4, 1990, almost 6 months after my request, that OCR would initiate an investigation of this apparent racial quota system at the Berkeley Law School. The investigation is still continuing today.

To say this delay is frustrating is an understatement.

If any of my colleagues doubt there is quota discrimination occurring in university admissions I urge them to read the following Los Angeles Times article describing the racially categorized waiting lists and my exchange of correspondence with the civil rights officials at the Department of Education.

This situation and the department's response to it are exactly why my resolution House Concurrent Resolution 102 is needed.

I urge the Committee on Education and Labor that will soon begin markup on the Higher Education Act reauthorization bill to add my sense of the Congress resolution against college admissions quotas to that bill.

[From the Los Angeles Times, Feb. 26, 1989]

LAW SCHOOLS WEIGH VALUE OF WAITING LISTS FOR MINORITIES

(By Larry Gordon)

In reply to her application for admission to UC Berkeley's law school, an Asian-American woman last spring received what she called a "weird" letter.

She was disappointed but not surprised, considering the fierce competition, to learn that she had not been accepted right away and had been put on a waiting list. What did disturb her, she recalled, was being told in the letter that she was on "the Asian waiting list."

You'd think the law school would have been more careful about saying that," said the woman, who asked not to be identified because she never made it into the school and plans to reapply this year.

Her letter was not unique. UC Berkeley's law school, known as as Boalt Haal, has kept separate formal waiting lists for Asians, blacks, Latinos and American Indians for at least 12 years and has notified applicants about being on such a list. Boalt officials say the practice is an unusually candid yet legal attempt to help minorities gain seats in the incoming class; it does not signify a racial quota system, they insist.

Now, however, the law school may get rid of those lists.

"The separate waiting list issue is something we are re-examining, not because it's been brought to our attention by any irate candidate but because we like to re-examine our policies every so often," said Edward Tom, who became Boalt's director of admissions and financial aid last year.

Recent allegations of bias against Asians at UC Berkeley's undergraduate divisions also make this a good time to consider changing the waiting list policy at the law school, Tom said in response to an inquiry from The Times. He conceded that the waiting list letters might be easily misconstrued.

Boalt Prof. John Coons, who is chairman of the Admissions Committee, said he was not aware of the waiting list letters until a few days ago but said he expects the practice will be dropped this year for "cosmetic" reasons. The letters, Coons said, "are perhaps cosmetically upsetting to some people, and probably we were imprudent to use that particular practice."

Prof. Coons and others suggested that there may be an element of hypocrisy in the complaints from minorities about the letters, because minority applicants who disclose their race do so voluntarily in hopes of being given special consideration. "It sounds like their gripe is that they didn't get in," said another Boalt professor who asked not to be identified.

Some experts on affirmative action law say the Boalt lists may violate the 1978 Bakke decision by the U.S. Supreme Court. That controversial ruling forbade specific racial quotas for admission at the UC Davis medical school but stated that race could be one of several considerations in admissions. As a result, the school enrolled Allan Bakke, a white student who had previously been rejected in favor of what he claimed were less qualified blacks.

PERFECTLY SENSIBLE

Coons insisted that the use of separate lists at Boalt does not violate the Bakke ruling. Nor would a decision to do away with the lists signify a retreat from affirmative action, he said. The waiting lists are "perfectly sensible" and are consistent with Boalt's goal of having minorities make up about 25% of a class, he said.

According to Admissions Director Tom, Boalt's current first-year class of 258 students includes 16 Asians, 19 blacks, 23 Latinos and three Native Americans.

In interviews, several legal educators across the country said they never heard of publicly acknowledged waiting lists separated by race, although they said that it is common practice to give qualified ethnic minorities an extra boost in admissions. They stressed that no quotas are kept, although most schools aim for such "goals" of minority representation because the legal profession is so overwhelmingly white.

IMPORTANT FACTOR

Betsy Levin, executive director of the Assn. of American Law Schools, said "most law schools look at what they can contribute to the legal education of the whole student body as well as to society." At the University of Colorado's law school, where she used to be dean, the admissions office treated ethnicity "as certainly an important factor but not the only one," according to Levin.

At Stanford University's law school, Admissions Director Dora Hjertberg said one waiting list is kept for all promising candidates who could not be accommodated in the first round. She said the school has an informal method of ensuring diversity. If, for example, a woman candidate who was accepted decides to attend another school, Stanford would probably seek to replace her with another woman; the same probably would be true in the case of black applicants, she said.

Boalt's previous admissions director, Beth O'Neil, is now executive director of the Law School Admission Council, a national organization. She said she believes that other schools keep similar racial lists. "They may not be doing it in as public a way and may not be telling you that they are doing it," O'Neil said.

Without such lists, she said, it would be difficult to achieve ethnic diversity just by ranking waiting-list candidates by test scores and undergraduate grades. (Blacks and Latinos, as a group, tend to score lower than whites on law school admissions tests.)

According to O'Neil, Boalt never received a complaint about the letters in the 12 years she was an administrator there.

But even if the separate waiting lists are legal and well-intentioned, they make some people uneasy, according to Henry Der, executive director of Chinese for Affirmative Action, an organization that has been active in investigating claims of anti-Asian bias in the UC system. "What it does is cause a lot of resentment and suspicion," Der said. "People wonder if it becomes an upper ceiling against us."

QUOTA MENTALITY

John H. Bunzel, a senior research fellow at Stanford University's Hoover Institution who writes about affirmative action from a conservative viewpoint, agreed. "This comes awfully close to smacking of a quota mentality, and calling it a goal doesn't diminish it. Why not call it a quota?" said Bunzel, who was a member of the U.S. Civil Rights Commission in the Ronald Reagan Administration.

The Times was given a copy of one of the letters by Los Angeles attorney Richard M. Mosk, who is acquainted with the applicant who received it. Mosk is the son of state Supreme Court Justice Stanley Mosk, who wrote the 1976 California ruling ordering Bakke's admission to medical school—which the federal court upheld. Richard Mosk said he has not discussed the Boalt practice with his father.

Because of its distinguished reputation and relatively low tuition, Boalt always draws far more applicants than it can accept. About 15 percent of the 5,300 applicants last year were offered admission and about 40 percent of those accepted enrolled. Candidates on waiting list hope that somebody accepted in the first round will decide to attend another school. The number of candidates from the waiting list who eventually get admitted at Boalt varies from year to year according to Tom.

Whites are not told that they are on an ethnic list, just that they are on a list for either California residents or out-of-staters; because it is a state school, Boalt must not have more than a quarter of its class from outside California, he said.

HOUSE OF REPRESENTATIVES,
October 13, 1989.

DR. WILLIAM L. SMITH,
Acting Assistant Secretary for Civil Rights, Department of Education, Washington, DC.

DEAR DR. SMITH: This will follow up our meeting with James Turner of the Civil Rights Division of the Department of Justice.

I am pleased to learn that several Asian admission college discrimination complaints have now been formally referred. Even though these cases are approximately 2 years old I hope you will vigorously investigate them rather than close them as not having been filed in a timely manner.

As we discussed, I am concerned about the University of California at Berkeley Law School's use of racial waiting lists. I request that your office, in conjunction with the Civil Rights Division of the Department of Justice, provide for me the following information:

(1) For how many years has the law school used race specific waiting lists?

(2) What is the justification (formal document) that requires these lists?

(3) Other than Asian lists, how many more race specific waiting lists do they have?

(4) Is there a Jewish waiting list?

(5) For each year that such a list existed, how many people were placed on a race specific list?

(6) Does the use of race specific waiting lists signify that the admissions process was also race specific?

I appreciate your willingness to include and address these questions in the on-site investigation your office is conducting in connection with a complaint against the undergraduate admissions policy at UC-Berkeley.

In connection with your compliance review at UCLA, I am concerned about the slowness and delay you are experiencing. I urge that an expert in Title VI law from your main office closely supervise all further meetings or on-site investigations in connection with the UCLA compliance review.

Sincerely,

DANA ROHRABACHER,
Member of Congress.

U.S. DEPARTMENT OF EDUCATION,
OFFICE FOR CIVIL RIGHTS,
April 4, 1990.

Hon. DANA ROHRABACHER,
House of Representatives, Washington, DC.

DEAR MR. ROHRABACHER: This is in response to your letter to me, dated March 14, 1990, concerning an inquiry by the Office for Civil Rights (OCR) into the use of race-specific waiting lists by the University of California at Berkeley School of Law (Boalt Hall), in its admission process. You have asked for responses to questions that you posed in an earlier letter to me concerning Boalt Hall.

The Seattle Regional Office of OCR recently completed a report on its inquiry into the use of race-specific waiting lists by Boalt Hall. OCR headquarters has received and is reviewing this report. Based on this report, OCR is able to provide responses to questions that you have raised.

1. For how many years has the law school used race-specific waiting lists?

The oldest racially separate waiting list of which Boalt Hall has a record is dated June 4, 1980. Such lists have been used for each year through 1988. Although there are no records of waiting lists from the 1970s, Boalt Hall used a two-track admissions process from 1971 through 1978—one for minorities and one for minorities. In 1989, Boalt Hall did not use race-specific waiting lists; it used a unitary waiting list. However, the waiting list indicated the race or ethnicity of students who were to receive special consideration.

2. What is the justification (formal document) that requires these lists?

There is no formal document that requires these lists. Boalt Hall officials stated that these lists were used to facilitate the selection of applicants consistent with target ranges under the school's self-initiated affirmative action plan.

3. Other than Asian lists, how many more race-specific waiting lists do they have?

In 1988, the last year for which race-specific waiting lists were used, there were separate waiting lists for persons who were American Indian, Black, Chicano, Chinese, Korean, Latino, and Filipino/Vietnamese. On the unitary waiting list used for 1989, race and ethnicity was identified for students who were members of the following racial/ethnic groups: Chinese, Latino, Filipino, American Indian, Black, Chicano, Polynesian, Korean, Asian, Japanese/Korean, and Vietnamese.

4. Is there a Jewish waiting list?

There is no Jewish waiting list.

5. For each year that such a list existed, how many people were placed on a race-specific list?

OCR gathered comprehensive data for all waiting lists used for 1987 and 1988, the last two years for which race-specific waiting lists were used. OCR's review of the lists reflects the following:

	Students
1987 waiting lists:	
Asian subgroups	[1]6
Black	40
Chicano/Latino	9
Chinese/Korean	20
1988 waiting lists:	
American Indian	8
Black	44
Chicano	20
Chinese	9
Korean	5
Latino	7
Filipino/Vietnamese	6

[1] Vietnamese, Thai, and Polynesian.

6. Does the use of race-specific waiting lists signify that the admissions process was also race-specific?

Race and ethnicity are considered at several points during the admissions process. Boalt Hall sets a target range of 23–27 percent minority enrollment. This goal is broken down as follows: 8–10 percent Black: 8–10 percent Chicano, 5–7 percent Asian-American (excluding Japanese), and 1 percent Native American. Included within the Chicano goal are certain Latino groups.

Criteria for admission to Boalt Hall include grade point average, Law School Admissions Test, graduate studies, outside activities, work experience, and ethnic background. According to Boalt Hall, consideration of ethnic background means that "[a]n applicant's racial or cultural minority background may be considered a 'plus' if he or she is a member of a group which has not had a fair opportunity to develop its potential for academic achievement and which lacks adequate representation in the legal profession." Boalt Hall, Admissions Criteria (Jan. 1987).

Based upon a review of the information which has been collected by OCR's Seattle Regional Office. Such a review will be scheduled as soon as possible. I also have shared the information collected by the regional office with the Department of Justice.

Please let me know if you have any questions or if I can be of any further assistant.

Sincerely,

WILLIAM L. SMITH,
Acting Assistant Secretary
for Civil Rights.

U.S. PROBING CHARGE OF BOALT HALL QUOTAS—ACCUSATION ON LIMITING ASIAN-AMERICANS

(By Diane Curtis)

The U.S. Department of Education is investigating complaints that racial quotas are being used to limit the number of Asian Americans Accepted to Boalt Hall School of Law.

Jack McGrath, spokesman for the department's Office of Civil Rights, said yesterday that the law school will join the University of California at Berkeley and UCLA as targets of civil rights investigations.

The probe of admissions policies at Boalt, which is located on the UC Berkeley campus, was prompted by a request from Representative Dana Rohrabacher, R-Long Beach, to review reports that Boalt uses waiting lists that are categorized by race.

According to a preliminary response to a list of questions submitted by the congressman, the department reported that between 1980 and 1988 the school grouped waiting lists according to race. The 1989 admissions waiting list did not include the grouping but did note each applicant's race.

"When you have a waiting list based solely on race, that's what the students are being judged on," Rohrabacher said. "Judging people solely on the basis of race is illegal in this country."

DEAN DENIES RACIAL QUOTAS

Boalt Hall Dean Jesse Choper confirmed that the school uses waiting lists categorized by race, but he denied that they were used to establish racial quotas.

"We use our admissions process on the waiting list in part to achieve a diverse student body, and that requires some consciousness of race and ethnicity," he said.

The waiting lists, which inlcuded categories for American Indians, black, Chicanos, Chinese Koreans, Latinos and Filipino/Vietnamese, were used to meet the school's ranges for affirmative action goals.

The students are not judged solely on race, school officials noted. Criteria for admissions include grade-point average, score on the Law School Admissions Test, graduate studies, outside activities and work experience.

"According to Boalt Hall," the department wrote, "consideration of ethnic background means that 'an applicant's racial or cultural minority background may be considered a plus if he or she is a member of a group which has not had a fair opportunity to develop its potential for academic achievement and which lacks adequate representation in the legal profession.'"

COMPLAINTS FROM TWO SIDES

Chopper said it was ironic that Boalt was being investigated for giving preference to underrepresented racial minorities a day after students staged a massive demonstration outside his office to object to what they say are weak affirmative action hiring and enrollment practices.

The Education Department also is investigating undergraduate admissions practices at UC Berkeley and undergraduate and graduate admissions practices at UCLA.

The investigation at Berkeley was prompted by charges from a Chinese American scientist that Berkeley discriminates against whites by admitting less qualified blacks and Hispanics.

Arthur Hu, a Sausalito computer expert, has said that the only way to prove discrimination against Asians is to prove discrimination against whites.

However, in a column in last month's Asian Week newspaper, Hu said that by increasing the proportion of students who are admitted by academic standards alone and by discontinuing automatic admission of all UC-eligible black and Hispanic applicants, "they've quietly fixed everything that I can legally complain about."

McGrath said the investigations into possible discrimination against Asian Americans at UCLA and at Harvard University "are nearing completion at this time."

CONGRESSMAN KILDEE SALUTES ANTONIO OTERO

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, October 21, 1991

Mr. KILDEE. Mr. Speaker, I rise today to urge my colleagues to join me in honoring Antonio Otero who was recently named "Hispanic Engineer of the Year" by the Hispanic Engineer National Achievement Awards Conference [HENAAC]. As director of manufacturing, engineering, and quality at Buick City Assembly Center in my hometown of Flint, MI, Tony played an integral role in converting the 50-year-old plant into a world-class, state-of-the-art facility.

For his hard work and tremendous achievements, Tony richly deserves the national recognition he received at HENAAC's awards ceremony on October 12 in Los Angeles. In addition to his outstanding accomplishments as an engineer, Tony also serves as an exemplary role model for all youth across the Nation. This past week, the Mobil Corp. recognized Tony for encouraging young people to pursue a never-ending quest for quality. Mr. Speaker, I would like to submit Mobil's tribute to Tony that appeared in newspapers across the country. Only with tremendous people like Tony will our Nation continue to nurture the talent and attitude among our youth that is absolutely vital for lasting success in an increasingly competitive world economy:

ROLE MODELS

Suppose you're a white, male child. And suppose you live in a society where all the doctors are women. And all the business leaders are Asian. And all the important politicians are black. Would you dream of being a doctor or a business leader or a politician when you grow up? Probably not.

When it comes to grooming young minds for career success, strong role models are important—almost as important as good education and employment opportunities. And the better those role models mirror their audiences, the better they work.

Antonio Otero is about as good a role model as they come. A 1959 Cuban immigrant to the U.S., Otero received his bachelor's degree in mechanical engineering at age 28 and a Master of Business Administration degree a year later. He began his career at General Motors. A quarter-century later, he's still there.

Today, Otero is director of Manufacturing, Engineering and Quality at GM's Buick City Assembly Center. He was instrumental in fashioning this world-class facility from a group of 50-year-old plants. He converted the center's paint process, which improved environmental quality while it also produced slicker-looking vehicles. And he has been recognized for his ingenuity in marrying quality production to quality design.

The Hispanic Engineer National Achievement Awards Conference (HENAAC) has named Otero 1991 Hispanic Engineer of the Year. He is one of 18 top engineers from business, government and academia who were honored by HENAAC in Los Angeles on October 12 during Hispanic Heritage Month. The awards ceremony closed HENAAC's third annual forum, dedicated to "Success through Education" for young Hispanic men and women. More than 2,000 students, professional engineers, educators and employers attended to learn, advise, network, recruit—and meet role models.

Indeed, HENAAC recognized Otero not only as an exemplary engineer, but also as an exemplary role model. He makes no secret of wanting to see more Hispanics succeed at General Motors. To that end, he works actively with New Mexico State University to identify young Hispanic engineers and to offer them practical work experience through GM's summer internship programs. And he shares with these and other students his personal real-world insights. On quality, for example:

"Quality is not like running a race where, if you win, you receive your award and go home. If you produce quality products, it does not stop there. Others will imitate you, so you have to keep running. That is a big challenge. In a way, it is a never-ending race."

His message is as true for careers as it is for cars.

Mobil has been a corporate sponsor of HENAAC since its inception, in part because HENAAC is about role models like Otero. They motivate talented young people very much like themselves to shoot for the top, in engineering and other fields, and to work for employers who'll see to it that they grow.

Besides Mobil, many other companies support HENAAC (and vice versa), and there's always room for more. For additional information about HENAAC, write to the organizers: Career Communications Group, Inc., 729 East Pratt Street, Suite 504, Baltimore, MD 21202.

"Success through Education: The Third Annual Hispanic Engineer National Achievement Awards" will be televised in November in 49 U.S. cities. Contact Career Communications Group for local dates, times and stations.

THE IMMIGRATION POLICY OF THE REPUBLIC OF CHINA ON TAIWAN

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, October 21, 1991

Mr. RANGEL. Mr. Speaker, I would like to address a subject that has caused me some concern. On my recent trip to Taiwan, I met with a number of their high ranking officials, including President Li Teng-Hui and Premier Hao Po-Ts'un. During the course of our meetings, I raised the question that has been of great concern to many Members of Congress and the citizens of the United States concerning a so-called blacklist of people who have been refused visas for admission into the Republic of China on Taiwan. I was told categorically that a blacklist did not exist, and that I would get a more detailed, written response to my query. Following is the response I have received from the Taiwan Government. I am forwarding the same to Chairman SOLARZ of the Foreign Affairs Subcommittee on Asian and Pacific Affairs. I would like to include this piece into the RECORD:

THE IMMIGRATION POLICY OF THE REPUBLIC OF CHINA ON TAIWAN

We have always welcomed overseas Chinese to return home. Under the principle of facilitating entry procedures to the ROC, we have provided all types of assistance to various overseas Chinese without discrimination, except those very few who believe in secession, who deny our sovereignty, who are violence-prone, and who attempt to subvert the government. These exceptions are made in full consideration of our overall national security and social stability. After we have accumulated enough evidence to indicate that those people would create clear and present danger to our national security and social stability, we can legally restrict their entry. This measure is necessary. All other countries in the world, including the United States, have similarly denied entry to terrorists and smugglers on the basis of safeguarding their own national security and interests.

A very small number of overseas dissidents, after having been denied entry to Taiwan, have been given to emotional outbursts, charging that we have a "blacklist" to restrict people's freedom of travel, which infringes upon their right to return to their native land. These charges are all false and need to be clarified. According to 1990 figures, only 13 out of all the cases of overseas Chinese applying for admission to Taiwan were rejected on the ground and with the proof that these applicants might use violence to subvert the government after entry. These 13 rejections cannot negate the fact that we guarantee the freedom of free entry and exit for two to three million people each year.

TURNING DOWN A HELPING HAND

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 21, 1991

Mr. CRANE. Mr. Speaker, in recent years there has been a great deal of public pressure for society to assist the homeless in their attempt to reenter society. Despite all the good intentions of the public and private initiatives intended to accomplish this purpose there continues to be a group who seem perpetually caught in their homeless condition. In his article on the homeless which appeared in the September 30, 1991 issue of Newsweek, L. Christopher Awalt suggests that the reason why there are such people who fail to escape their homelessness lies not with a lack of programs, but with the people themselves, who for various reasons choose a vagrant lifestyle. I submit Mr. Awalt's article on this issue to my colleagues who are concerned about the homeless and the inability of society to keep some of these people off the street:

BROTHER, DON'T SPARE A DIME

(By L. Christopher Awalt)

Homeless people are everywhere—on the street, in public buildings, on the evening news and at the corner parking lot. You can hardly step out of your house these days without meeting some haggard character who asks you for a cigarette or begs for "a little change." The homeless are not just constant symbols of wasted lives and failed social programs—they have become a danger to public safety.

What's the root of the homeless problem? Everyone seems to have a scapegoat: advocates of the homeless blame government policy; politicians blame the legal system; the courts blame the bureaucratic infrastructure; the Democrats blame the Republicans; the Republicans, the Democrats. The public blames the economy, drugs, the "poverty cycle" and "the breakdown of society." With all this finger-pointing, the group most responsible for the homeless being the way they are receives the least blame. That group is the homeless themselves.

How can I say this? For the past two years I have worked with the homeless, volunteering at the Salvation Army and at a soup kitchen in Austin, Texas. I have led a weekly chapel service, served food, listened, counseled, given time and money and shared in their struggles. I have seen their response to troubles, and though I'd rather report otherwise, many of them seem to have chosen the lifestyles they lead. They are unwilling to do the things necessary to overcome their circumstances. They must bear the greater part of the blame for their manifold troubles.

Let me qualify what I just said. Not everyone who finds himself out of a job and in the street is there because he wants to be. Some are victims of tragic circumstances. I met many dignified, capable people during my time working with Austin's homeless: the single father struggling to earn his high-school equivalency and to be a role model for his children; the woman who fled a good job in another city to escape an abusive husband; the well-educated young man who had his world turned upside down by divorce and a layoff. These people deserve every effort to help them back on their feet.

But they're not the real problem. They are usually off the streets and resuming normal lives within a period of weeks or months. Even while "down on their luck," they are responsible citizens, working in the shelters and applying for jobs. They are homeless, true, but only temporarily, because they are eager to reorganize their lives.

For every person temporarily homeless, though, there are many who are chronically so. Whether because of mental illness, alcoholism, poor education, drug addiction or simple laziness, these homeless are content to remain as they are. In many cases they choose the streets. They enjoy the freedom and consider begging a minor inconvenience. They know they can always get a job for a day or two for food, cigarettes and alcohol. The sophisticated among them have learned to use the system for what it's worth and figure that a trip through the welfare line is less trouble than a steady job. In a society that has mastered dodging responsibility, these homeless prefer a life of no responsibility at all.

Waste of time: One person I worked with is a good example. He is an older man who has been on the streets for about 10 years. The story of his decline from respectability to alcoholism sounded believable and I wanted to help. After buying him toiletries and giving him clothes, I drove him one night to a Veterans Administration hospital, an hour and a half away, and put him into a detoxification program. I wrote him monthly to check on his progress and attemped to line up a job for him when he got out. Four months into his program, he was thinking and speaking clearly and talking about plans he wanted to make. At five months, he expressed concern over the life he was about to lead. During the sixth month, I called and was told that he had checked himself out and returned home. A month later I found him drunk again, back on the streets.

Was "society" to blame for this man? Hardly. It has provided free medical care, counseling and honest effort. Was it the fault of the economy? No. This man never gave the economy a chance to solve his problems. The only person who can be blamed for his failure to get off the streets is the man himself. To argue otherwise is a waste of time and compassion.

Those who disagree will claim that my experience is merely anecdotal and that one does not a policy make. Please don't take my word for it. The next time you see someone advertising that he'll work for food, take him up on it. Offer him a hard day's work for an honest wage, and see if he accepts. If he does, tell him you'll pay weekly, so that he will have to work for an entire week before he sees any money. If he still accepts, offer a permanent job, with taxes withheld and the whole shebang. If he accepts again, hire him. You'll have a fine employee and society will have one less homeless person. My guess is that you won't find many takers. The truly homeless won't stay around past the second question.

So what are the solutions? I will not pretend to give ultimate answers. But whatever policy we decide upon must include some notion of self-reliance and individual responsibility. Simply giving over our parks, our airports and our streets to those who cannot and will not take care of themselves is nothing but a retreat from the problem and allows the public property that we designate for their "use" to fall into disarray. Education, drug and alcohol rehabilitation, treatment for the mentally ill and job training programs are all worthwhile projects, but without requiring some effort and accountability on the part of the homeless for whom these programs are implemented, all these efforts do is break the taxpayer. Unless the homeless are willing to help themselves, there is nothing anyone else can do. Not you. Not me. Not the government. Not anyone.

REMEMBERING TENNESSEE ERNIE FORD

HON. NORMAN Y. MINETA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 21, 1991

Mr. MINETA. Mr. Speaker, the United States lost a great entertainer last Thursday with the passing of Tennessee Ernie Ford.

Ford's country and western ballads, as well as his religious recordings, leave America a rich cultural legacy.

But what many people do not know, Mr. Speaker, is that Tennessee Ernie Ford also had a proud record of service in our Armed Forces.

During the Second World War, Ford was a bombardier in the Army Air Corps, flying B–29 missions in Italy.

The Air Force Association chapter in Sunnyvale, CA named itself in Ford's honor, and I am a proud member of that association.

Mr. Speaker, the funeral for Tennessee Ernie Ford will be held today in Palo Alto, where he had been living with his wife, Beverly, at the time of his death.

Tennessee Ernie Ford will be missed by everyone who knew him, and by everyone whose life he touched with his music, and with his service to this Nation.

I ask my colleagues to join with me in extending our sympathies to his wife and family.

IN HONOR OF JAMES LAWRENCE CLARK

HON. BOB McEWEN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, October 21, 1991

Mr. MCEWEN. Mr. Speaker, I rise today to honor James Lawrence Clark, who at 92 is one of the most decorated surviving American veterans of the "Great War," World War I. A native of Adams County, OH, he is still living an active life in Portsmouth, OH, in the Hillview Retirement Center.

Just 11 days after the United States entered World War I on the side of the allied powers by declaring war on Germany, Clark traveled to Cincinnati to enlist in the Marines. Although this was his first travel outside of Adams County, he was soon on his way to Parris Island for basic training, and finally Europe.

James Clark served in France from June 14, 1917, until February 22, 1919, including extensive combat action during the German Marine offensive and the Battle of Belleau Woods. It was during the Battle of Belleau Woods that Clark was wounded in action, which led to his spending 6 weeks in an Army hospital in Paris and 5 months in a hospital in Vichy. It was during this battle that the U.S. Marines earned the name "Teufelhunde" from the German soldiers, which means "Devildogs."

Mr. Speaker, James Lawrence Clark, a humble man, does not readily discuss the honors and commendations that he earned for his service in France, but the list is a long one. He was awarded the Distinguished Service Cross for gallantry in action, the Navy Cross, the Croix de Guerre, the Purple Heart, the Good Conduct Medal, the Victory medal, the Silver Star, and a citation from Maj. Gen. Omar Bundy for his bravery during the Battle of Belleau Woods.

Returning from Europe following his recuperation from his combat wounds, Clark got a job in Columbus, OH, and worked his way through Ohio State University. Graduating from the university's college of agriculture in 1923, became a highschool teacher and dedicated 27 years of service to Ohio public schools. This included 4 years as principal at Johnsville, in Morrow County, 8 years as superintendent at Coalton, in Jackson County, and 8 years as the executive head of the Rio Grande schools. After leaving school administration, he spent 15 years as an examiner with the State auditor, covering school and other public accounts in southeastern Ohio.

Mr. Speaker, along with his wartime service and his dedication to the educational achievements of young people in Ohio, James Clark has been active in the Methodist Church, a life-long Mason, and, of course, a proud member of the American Legion. I rise today with my colleagues in the House to honor this living "Teufelhunde" and decorated veteran of the "Great War" and wish him Godspeed in the days ahead.

THE UNIVERSITY OF CALIFORNIA, DAVIS WINS ITS 20TH CONSECUTIVE CONFERENCE TITLE IN FOOTBALL

HON. VIC FAZIO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 21, 1991

Mr. FAZIO. Mr. Speaker, I rise today to recognize and honor the University of California, Davis for winning its 20th consecutive conference title in football. This year, the UC Davis campus commemorated this truly remarkable milestone in collegiate athletics at a celebration well-attended by Aggie football players representing all 20 of the conference title teams.

When UC Davis won its 15th consecutive football title in 1985, it snapped the NCCA record held by the Bud Wilkerson-coached Oklahoma Sooners from 1946–59. The UC Davis conference title streak began in 1971 when Jim Sochor—a former quarterback at rival California State University, San Francisco—coached the Aggies to the Far Western Conference championship. Even with a name change of the conference to the Northern Athletic Conference in 1982, the Sochor-coached football teams continued to dominate on the field with a pro-style passing offense developed by Sochor and his staff from many years of study and Sochor's annual visits to National Football League training camps. The UC Davis football team has often competed against teams with bigger and stronger players, but this has not prevented the team from winning conference titles and reaching the Division II playoffs on several occasions.

The work of Sochor and his all-volunteer staff of assistant coaches paid tremendous dividends in 1982 as the Aggie football squad reached the National Collegiate Athletic Association Division II championship game. The Aggies were led by record-breaking quarterback Ken O'Brien who would later be drafted by the New York Jets in the first round of the NFL draft and continues to hold the team's starting quarterback position. A number of other players have gone on to career in the NFL including Mike Wise, Mike Moroski, Bo Eason, and Rolf Benirschke.

While Sochor handed over the reins of the Aggie football program 2 years ago in order to assume the athletic director's position at UC Davis, his replacement, longtime assistant Bob Foster, has continued the winning tradition so well established by Sochor. This month, the Aggies begin their quest for a 21st consecutive football conference title.

It would be difficult to find one reason which the Aggies continue to garner football conference titles, but the nonscholarship nature of the UC Davis athletic program may hold some clues. Prospective football players come to UC Davis to be students first and athletes second. Only when they meet the academic standards required of all students are they allowed to compete in football. Aggie football players have continually used the strong motivation and scholarship they display in the classroom to compete on the field. This has led to a current 50-game NCAC winning streak and a 105–3 league mark since UC Davis's 20-year unbeaten conference title record began in 1971.

I am honored to have the opportunity to recognize the UC Davis football program for its distinguished conference title record. I join my colleagues today in wishing the players continued success in the classroom and on the field.

FRANK CIMINO ELECTED SENIOR VICE-COMMISSIONER OF DISTRICT TWO CHAPTER OF DISABLED VETERANS OF AMERICA

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 21, 1991

Mr. KANJORSKI. Mr. Speaker, today I am honored to recognize an esteemed individual, Frank Cimino, for his longstanding service to our community, State, and Nation. I would also like to congratulate Frank for recently being elected senior vice commander of the district 2 chapter of the Disabled American Veterans [DAV].

Frank Cimino's involvement with the DAV is impressive. He is presently an organizer and adjutant with chapter 129, where he has served as chapter commander. Frank also serves as a member of the executive committee of the Pennsylvania DAV.

In addition to his outstanding contributions to the DAV, Frank has displayed his leadership skills and dedication through the Veterans of Foreign Wars. He was a past district 12 commander, and now serves as adjutant and deputy chief of staff of the Department of Pennsylvania VFW. He is also a former national deputy chief of staff.

During World War II, he won several important medals, serving as both a runner during blackouts, and as a block warden. He served his country with honor in the Korean war, where he won the Soldier's Medal, the highest noncombat award given by the Army.

Frank Cimino's career in public service is also long and distinguished. In 1966, Frank was appointed borough director of civil defense by Governor Scranton, and he was later appointed to the State council of civil defense by Governor Shapp. Since the late 1960's, he has served many vital leadership roles in the Mount Carmel community, including auditor, councilman, and mayor. He also has served the State in several capacities. Clearly, Frank Cimino is an experienced and dedicated leader.

In addition, Frank devotes much time to his community on a more personal level. His longtime association with both the Boy Scout and Girl Scout organizations, as well as his former position as president of the Big Brother's Booster Association are testimony to his continued dedication to the youth of our community.

Frank has played an active role in other organizations, such as the American Red Cross, the American Cancer Society, Senior Citizens, and the Holy Name Society, just to name a few. It is no wonder that Frank was designated as Pennsylvania's "Service Man of the Year" in 1984, as well as winning the Northumberland County Medical Society's Benjamin Rush Award for human services in 1984. Certainly, no one was more deserving of these prestigious awards.

To say Frank Cimino is simply a public servant is a gross understatement. He has repeatedly displayed the qualities of leadership humility, and unselfishness during a lifetime of community achievement. I am heartened to know that Frank will continue to serve his community for many more years to come.

TRIBUTE TO FELIX S. MIKA

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, October 21, 1991

Mr. TRAFICANT. Mr. Speaker, I rise today to pay tribute to Mr. Felix S. Mika. It is with deep regret that I pay tribute to this man who passed away on October 15, 1991.

Mr. Speaker, this man was an example for us all. He was committed to his city as Youngstown's law director from 1954 to 1960. In this position, he fought against high utility bills for the city. He also served the State of Ohio as assistant attorney general from 1960 to 1963. Previous to this, he served his country in the Army Air Forces in World War II.

Mr. Mika also found time to be husband and father. Additionally, Mr. Mika served his community as a loyal Democrat as a member of the Mahoning County Democratic Central and Executive Committee.

Mr. Speaker, it is with my deepest sympathy that I offer my condolences to the family and friends of Mr. Felix S. Mika.

A TRIBUTE TO MYRON M. SLOAN

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, October 21, 1991

Mr. ACKERMAN. Mr. Speaker, Myron M. Sloan is retiring after 22 years of dedicated service as the United Federation of Teachers District 25 Representative. I rise to pay tribute to a man who has faithfully worked in the New York City school system for 34 years, 31 as a member of the United Federation of Teachers executive board.

Mike has been active in the union since 1958, holding positions as delegate, chapter leader, executive board member and district representative. He was also a member of the Strike Network as a district chairman in 1960. During these early and challenging years, Mike was integral in building the United Federation of Teachers—the early labor disputes, the fight for collective bargaining and the first contract. It is now the largest local union in America.

In the early days of his career, Mike diligently and effectively taught and helped disadvantaged youngsters in east Harlem, bringing a satisfaction which I know has been among the most rewarding of his life. Yet teaching in a less disadvantaged district has also proved gratifying, where he has worked to motivate underachieving students and to encourage overachieving ones. His contribution to the community, however, would not be possible without the efforts of the union he helped build. With Mike's work, the United Federation of Teachers will continue to grow and prosper, and thus be in a position to improve education for the children and support its members.

Mike Sloan's efforts have already been recognized with the Eli Trachtenberg Award and the Albert Lee Smallheiser Award from the United Federation of Teachers, and the Jewish Teachers' Community Chest Award for educational leadership. I ask my colleagues to join me in saluting Myke Sloan for his tremendous service to the educational community.

DEFENSE AND TAX CUTS

HON. WILLIS D. GRADISON, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, October 21, 1991

Mr. GRADISON. Mr. Speaker, over the weekend the chairman of the Senate Finance Committee suggested that we make additional cuts in the defense budget to finance a $72 billion tax cut. The Senator is promising more than we can, or should, deliver.

I believe it is going to be extremely difficult to come up with the 25-percent real cuts in Defense already incorporated into the 1990 Budget Agreement. Even if additional defense cuts are made, using any defense savings for anything other than deficit reduction is a violation of the budget agreement.

CBO's recent 10-year budget forecast shows that even if we stick to the budget agreement, we will be facing a significant budget deficit problem for the next decade.

If we're really interested in growth, we should focus on cutting the deficit. Reducing the deficit is the best way to encourage sustainable, long-term economic growth, and the best way to do that is to stick to the budget agreement.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, October 22, 1991, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

OCTOBER 23

9:00 a.m.

Foreign Relations

Terrorism, Narcotics and International Operations Subcommittee

To continue hearings to examine allegations of drug trafficking and money laundering activities in the United States by the Bank of Credit and Commerce International (BCCI), focusing on narcotics and foreign policy implications.

SH-216

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans' Affairs to review the Report of the Commission on the Future Structure of Veterans Health Care.

334 Cannon Building

9:30 a.m.

Agriculture, Nutrition, and Forestry

Business meeting, to consider pending calendar business.

SR-332

Governmental Affairs

To resume hearings to examine the employment and promotion opportunities in the Federal Government for women and minorities.

SD-342

10:00 a.m.

Banking, Housing, and Urban Affairs

Consumer and Regulatory Affairs Subcommittee

To hold hearings on restructuring the Resolution Trust Corporation (RTC), including a proposal by the Administration.

SD-538

Labor and Human Resources

To hold hearings to review the educational policies and practices of the fifty school teachers and principals named as America's best in 1991.

SD-430

2:00 p.m.

Energy and Natural Resources

Water and Power Subcommittee

To hold hearings on miscellaneous energy and water development bills, including S. 1618, S. 724, S. 1370, S. 1806, S. 1812, and titles XII, XXI, XXII, XXVI, and XXVIII of H.R. 429.

SD-366

Foreign Relations

To hold hearings on the START treaty and to examine the future of nuclear arms control.

SD-419

Labor and Human Resources

Employment and Productivity Subcommittee

To hold hearings to examine issues relating to women in the workplace, focusing on discrimination practices that prevent women from advancing in their positions (referred to as "the glass ceiling").

SD-430

3:30 p.m.

Foreign Relations

To hold hearings to examine issues relating to Iraq's recent experience and possible directions for the future.

SD-419

OCTOBER 24

8:45 a.m.

Office of Technology Assesment

Board meeting, to consider pending business.

EF-100, Capitol

9:00 a.m.

Commerce, Science, and Transportation

To hold hearings on the nomination of Mary L. Azcuenaga, of the District of Columbia, to be a Federal Trade Commissioner.

SR-253

Foreign Relations

Terrorism, Narcotics and International Operations Subcommittee

To continue hearings to examine allegations of drug trafficking and money laundering activities in the United States by the Bank of Credit and Commerce International (BCCI), focusing on narcotics and foreign policy implications.

SH-216

9:30 a.m.

Governmental Affairs

To hold hearings to examine the regulatory Federal agency review role of the President's Council on Competitiveness.

SD-342

10:00 a.m.

Banking, Housing, and Urban Affairs

To hold hearings on issues relating to funding of the Resolution Trust Corporation (RTC).

SD-538

Labor and Human Resources

Education, Arts, and Humanities Subcommittee

Business meeting, to mark up S. 1150, to authorize funds for programs of the Higher Education Act, and S. 1275, to authorize funds for the Office of Educational Research and Improvement, Department of Education.

SD-430

2:00 p.m.

Energy and Natural Resources

Water and Power Subcommittee

To hold hearings on S. 144, to authorize funds to protect the natural and cultural resources of the Grand Canyon and Glen Canyon, and to continue hearings on H.R. 429, to authorize funds for the construction of the Buffalo Bill Dam and Reservoir, Shoshone Project, Pick-Sloan Missouri Basin Program, Wyoming, focusing on titles XVI, XV, XVIII, and XXV.

SD-366

Labor and Human Resources

Aging Subcommittee

To hold hearings to review the failure and success of current mammography practice and to examine the need for stronger federal quality standards.

SD-430

3:00 p.m.

Foreign Relations

To hold a closed briefing on the Administration's plan for military assistance to Jordan.

SD-415

OCTOBER 25

9:30 a.m.

Veterans' Affairs

To hold hearings on the nominations of Allen B. Clark, Jr., of Texas, to be Director of the National Cemetery System, James A. Endicott, Jr., of Texas, to be General Counsel, Sylvia Chavez Long, of New Mexico, to be Assistant Secretary for Congressional Affairs, and Jo Ann K. Webb, of Virginia, to be Assistant Secretary for Policy and Planning, all of the Department of Veterans Affairs.

SR-418

10:00 a.m.

Foreign Relations

To hold hearings on the nominations of Curtis W. Kamman, of the District of Columbia, to be Ambassador to the Republic of Chile, Michael G. Kozak, of Virginia, to be Ambassador to the Republic of El Salvador, and Robert S. Pastorino, of California, to be Ambassador to the Dominican Republic.

SD-419

Foreign Relations
Terrorism, Narcotics and International Operations Subcommittee
To continue hearings to examine allegations of drug trafficking and money laundering activities in the United States by the Bank of Credit and Commerce International (BCCI), focusing on narcotics and foreign policy implications.
SH-216

OCTOBER 29

9:30 a.m.
Labor and Human Resources
To hold hearings on S. 1622, to revise the Occupational Safety and Health Act of 1970 to improve the provisions of such Act with respect to the health and safety of employees.
SD-430

Select on Indian Affairs
To hold joint hearings with the House Committee on the Interior on H.R. 1476, to provide for the divestiture of certain properties of the San Carlos Indian Irrigation Project in the State of Arizona.
SR-485

10:00 a.m.
Commerce, Science, and Transportation
Merchant Marine Subcommittee
To hold hearings to review Federal ship-chartering practices.
SR-253

2:30 p.m.
Agriculture, Nutrition, and Forestry
Agricultural Research and General Legislation Subcommittee
To hold hearings on reducing foreign material limits in official soybean standards.
SR-332

OCTOBER 30

10:00 a.m.
Environment and Public Works
To hold hearings on the nominations of E. Gail de Planque, of New Jersey, to be a Member of the Nuclear Regulatory Commission, and Herbert Holmes Tate, of New Jersey, to be an Assistant Administrator of the Environmental Protection Agency for Enforcement and Compliance Monitoring.
SD-406

SENATE—*Tuesday, October 22, 1991*

(Legislative day of Thursday, September 19, 1991)

The Senate met at 10:30 a.m., on the expiration of the recess, and was called to order by the Honorable CHARLES S. ROBB, a Senator from the State of Virginia.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

Righteousness exalteth a nation * * * *sin is a reproach to any people.*—Proverbs 14:34.

Sometimes the mirror of God's truth helps us see ourselves in the light of that truth, and we do not like what we see. Somehow this happened during the Judge Thomas/Professor Hill hearings watched by multiplied millions. Their revulsion, their cynicism, their criticism aimed at the Judiciary Committee and the Senate are reflections of the social deterioration of our Nation. We are an addictive society—addicted to power, pleasure, money, comfort, drugs, sex, instant gratification. We don't like ourselves and what we are, so we must blame someone. And public figures are easy targets for our dissatisfaction with ourselves.

Forgive us, Lord, in this time of cultural disintegration and blindness to our condition, our preoccupation with materialism, our surrender to secularism, and our indifference to ethical values—our propensity for fabricating, stereotyping, and scapegoating.

God of all wisdom, help us face these realities. Take off our masks, our blinders, and help us acknowledge our moral bankruptcy. Give us grace to repent of our godlessness and open our hearts to a fresh visitation of the Holy Spirit upon us.

In the name of the holiness of the Father, the Son, and the Holy Spirit. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The bill clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, October 22, 1991.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable CHARLES S. ROBB, a Senator from the State of Virginia, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. ROBB thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. Under the standing order, the majority leader is recognized.

SCHEDULE

Mr. MITCHELL. Mr. President, this morning, following the time reserved for the two leaders, there will be a period for morning business, not to extend beyond 12:30 p.m., with Senators permitted to speak therein for up to 10 minutes each.

From 12:30 p.m. until 2:15 p.m., the Senate will stand in recess in order to accommodate the party conferences.

Upon reconvening at 2:15 p.m. this afternoon, the Senate will resume consideration of S. 596, the Federal Facilities Compliance Act, with that measure now governed by a unanimous-consent agreement limiting amendments remaining in order to the bill.

It is my hope that the Senate will be able to act expeditiously on those amendments which do remain in order to the bill and that we will be able to pass that bill this afternoon.

Last Thursday, a cloture motion was filed on the motion to proceed to the civil rights bill. The vote on that cloture motion will occur at a time to be determined by the majority leader, following consultation with the Republican leader. I have discussed the matter briefly with the Republican leader and expressed my hope that we will be able to have that cloture vote today, following disposition of the Federal Facilities Compliance Act.

RESERVATION OF LEADER TIME

Mr. MITCHELL. Mr. President, I reserve all of the remainder of my leader time, and I reserve all of the leader time of the distinguished Republican leader, and I yield the floor.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. There will now be a period for the transaction of morning business for not to extend beyond the hour of 12:30 p.m., with Senators permitted to speak therein for not to exceed 10 minutes each.

Who seeks recognition?

Mr. GORE addressed the Chair.

The ACTING PRESIDENT pro tempore. The Chair recognizes the Senator from Tennessee [Mr. GORE].

Mr. GORE. Mr. President, I ask unanimous consent that I be allowed to speak for up to 20 minutes and at the conclusion of my remarks it be in order to recognize the Senator from Vermont.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Tennessee is recognized for up to 20 minutes.

TAX RELIEF FOR MIDDLE-INCOME FAMILIES

Mr. GORE. Mr. President, we are now 16 months into a recession. Some say we have entered the recovery stage, but most Americans have found it impossible to distinguish between the recession and the recovery. Finally, 16 months later, President Bush is at long last beginning to recognize what Americans on Main Street have known since this recession began; that is, something has to be done. The President has no plan, no proposal, no ideas to advance, nothing except politics.

What is new is in the last few days we have seen evidence that a whiff of political panic has hit the White House. New public opinion polls make it abundantly clear that the American people have reached the conclusion that indeed this President does have nothing to offer.

He has plenty of ideas where foreign policy is concerned. I have differed with him on some of those ideas. But he has at least paid attention to the challenges facing this country in the international arena. He has not paid attention to the problems facing Americans here at home.

Some people say, OK, that is political rhetoric from Democrats. Mr. President, it is a fact that people in this country are hurting economically. A lot of Americans are wondering when they go to the mail box whether or not they are going to have to worry about some pink slip. They are worried whether or not they are going to have some bill that is going to bust their bank account. That is not rhetoric; that is reality. And they also remember from times past that once upon a time Presidents of the United States of America stepped forward to offer lead-

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

ership to get our Nation's economy moving again and to help the people of this country make ends meet.

When is this President going to offer anything remotely resembling that kind of leadership? Look at health care. Polls indicate that is the No. 1 concern immediately facing many families. A lot of our colleagues here, especially on the Democratic side of the aisle, have put forward some imaginative proposals. I am listening for the President to say word one about health care. I am waiting for the first proposal from the White House on health care. Where is it? He has none. He has no plan for this country whatsoever.

Oh, wait a minute. He does have one proposal. Another tax cut for the wealthiest 1 percent of Americans. We have tried that one all right, and look at where it has gotten us. In the worst recession since Herbert Hoover's times, since the Great Depression, coupled with astronomical budget deficits far beyond the worst nightmares of any financial analyst who would have dared to speculate on these kinds of circumstances only a few short years ago.

I believe it is time for action. I believe it is time for us to put forward here in the U.S. Senate and in the other body proposals that will get this economy moving again. It is past that time, in fact.

Seven months ago I joined with Congressman TOM DOWNEY in the other body to put forward the Gore-Downey proposal for middle-income tax relief, tax cuts for American families who need it for a change. In a budget-neutral proposal we explained how to get the money in the hands of those families with children who were having the most trouble making ends meet. It provoked a lot of discussion. Many have now begun to support this basic proposal. I believe that we can see a time not long from now when a measure similar to the Gore-Downey proposal can pass both here in the Senate and in the other body.

In that connection, let me speak very favorably this morning about a proposal offered over the weekend by my colleague the senior Senator from Texas, and chairman of the Senate Finance Committee, Senator LLOYD BENTSEN.

And in the process I want to again urge my colleagues to finally and decisively help to relieve the financial pressures squeezing America's middle-income families. I believe that Senator BENTSEN deserves tremendous credit for raising the volume on this issue and for putting forth a proposal that deserves and will get the most serious consideration of every Member of this body and the other body, both Democratic and Republican.

In the legislation that I introduced earlier this year with Congressman DOWNEY, which I referred to a moment ago, we offered an idea that is also contained in this innovative, new proposal from Senator BENTSEN: real tax relief for middle-income families with children. And I look forward to working with Senator BENTSEN, with the Finance Committee, and with all of my colleagues here to move this idea forward.

We are talking about putting money back in the empty pockets of middle-income families in America, while President Bush is talking about giving more money to those who already have plenty.

We are talking about helping hard-working families who are having a tough time paying their bills and supporting their children, while President Bush is talking about giving more to those who already have more.

We are talking about reversing a trend that has stuck middle-income families with the tab, while President Bush is talking about continuing that trend, worsening it, giving a free ride to those who have already skipped out on their fair share of America's bill.

For middle-income families with children, making ends meet is a monthly, or weekly, or even daily ritual that has become far more difficult and more painful over time. The mortgage is due, the doctor's bill is unpaid, the day care center is raising its rates, the grocer will not accept credit, college tuition is going up and the kids need shoes. For too many American families, paychecks—even two paychecks from two full-time jobs—will not stretch far enough in today's economy. Keeping up is hard. Getting ahead, for too many, is out of the question.

These families do not need Washington economists to tell them times are tough—and getting tougher. They are living it every single day. Every time they have to choose between health care or child care. Every time they shuffle the bills, leaving some of them unpaid. Every time they nervously check for that pink slip and worry about losing their health insurance if they lose their job. Every time they reach into their pocketbooks and find there is more disappointment than money.

The numbers tell their story. A recent study by Citizens for Tax Justice provides a stark but not surprising picture. It tells us what we already know: working poor and middle-income families—60 percent of Americans—have less after-tax income today than in 1977. For those with an average income of about $32,000, since 1977, there has been a nearly 10-percent loss in after-tax income. Meanwhile, those with an average income of more than $600,000 saw their after-tax income increase by 136 percent.

Those are the ones who President Bush says need relief now. He looks at the group making over $600,000 a year who have seen their after-tax income skyrocket 136 percent and he says those are the people who need relief in today's economy. He looks at those who are unemployed and he gets the bill from Congress saying, "Look, they have paid into this unemployment compensation fund; it is waiting there for a rainy day; they need unemployment compensation benefits," and President Bush says "no," and he vetoes the bill even though the money is there.

I do not quite understand where he is coming from, Mr. President. Those who have been doing extremely well, in spite of the recession, are the ones he wants to help. Those who are bearing the heaviest burdens—unemployment, unpaid health bills and all the rest—are the ones he refuses to help.

Rhetoric. It is reality for American families. Where is the leadership?

You know, a lot of people have now begun to think: "We just don't have what it takes to solve our problems in this country." I do not believe that and deep down the American people do not believe that. But if we are going to solve our problems, we need leadership from the President of the United States, not favoritism for the powerful and wealthy wrapped up in a political package that pretends to be responsible policy.

That is what we are getting. The American people are catching on to it. That is why we are getting this panic beginning to build in the White House.

And now with Senator BENTSEN's proposal and with the ideas that have been advanced on middle-income tax relief, we are on the threshold of having a responsible alternative here in the Congress that will do what the President has been unwilling to do. He says "no" to unemployed workers. He says "no" to any effort to control skyrocketing health care costs. He says "no" to real tax cuts for middle-income families who need them.

If President Bush is unwilling to step up to the plate, and go to bat for middle-income families, it is time we did. Let him sit in the skyboxes and relax. We will take the field and we will go to bat for those who need help. The choices are clear. Do we give something back to middle-income families with children or do we let those who already have it get more?

Mr. President, there are differences between Senator BENTSEN's bill and the Gore-Downey proposal. I will elaborate on them for the RECORD. The Gore-Downey proposal would provide an $800 tax credit for each child, for some taxpayers, more than doubling the value of the existing personal exemption, for all families, offering significant tax cuts. And, for working poor families, the Gore-Downey proposal offers a refundable tax credit and an incentive to keep working through an expansion of the earned income tax credit. These are important provisions.

The refundable nature of the tax credit is one that I want to emphasize. And in the dialog which is now beginning in earnest, I want to urge that feature of the Gore-Downey proposal on my colleagues who now clearly anticipate that there will be a bill on middle-income tax relief. I also want to urge an expansion of the earned income tax credit.

In the course of the debate on these proposals, and others, the differences will be examined and weighed. Each bill offers innovative approaches. But I cannot state strongly enough that it is the similarities of these bills that is most impressive, not the differences. And, it is on these shared goals that we must focus if we are to successfully provide real tax relief for the middle-income families who need it.

These families are the engine driving our Nation's economy, the people who create the wealth and the jobs. They are the ones we ought to be about. They are the ones we ought to be fighting for. America's leaders have to stand up for work and for the people who work for a living.

The economic foundation we provide for American families must be as strong as their values and broad enough to help families protect themselves from the threats they face every day—from illegal drugs to AIDS to random violence and even to illiteracy and unemployment.

It is time these families got a break for a change. They are the ones who need it.

Mr. President, how much time do I have remaining?

The ACTING PRESIDENT pro tempore. The Senator has 6 minutes and 43 seconds remaining.

Mr. GORE. Mr. President, in the time remaining, I would like to turn to another topic.

NEW OZONE DATA

Mr. GORE. Mr. President, later today, in New York, the U.N. International Ozone Trends Scientific Assessment Panel will have a press conference.

Yesterday, late in the day, telefax messages went out from Switzerland to governments of all nations in the world. The governments are now analyzing the message from the scientific panel and they will hear, as I said, later today from the public expression at the United Nations.

I want to alert my colleagues to the news that is coming later today and to underscore its significance. What they have done is carefully measured the latest developments in the stratospheric ozone layer, and once again the results are not good. That is an understatement, Mr. President. The results are extremely troubling.

Some 80 experts, scientists from around the world, have confirmed now, after a week of closed-door meetings in Switzerland to review the details of what they saw in the rough data and wanted to confirm before they alarmed people, they now confirm that ozone depletion is proceeding at a rate of 200 percent greater than previously measured or predicted.

They reported that earlier, actually. But what they are adding are some new and equally ominous findings.

For the first time, the scientists have found evidence of significant decreases in summertime. Over the United States of America, the entire United States of America, it now appears from the evidence that there is a 2- to 3-percent loss of the stratospheric ozone layer in summertime.

The significance is that in winter, when the Sun angle is low, even a thinner ozone layer still provides significant protection because the Sun's rays slice on an angle through the atmosphere and are significantly blocked out—the ultraviolet rays, especially.

In summertime, of course, when the Sun is high in the sky, the danger posed by a thinner ozone layer is significantly greater.

There is now only a very narrow band of the atmosphere—the equatorial region—that has not been seriously impaired.

What are the implications? Mr. President, I fear they are very wide ranging, and we will all need time to absorb the full significance of what will be reported later today. First and foremost, they signal a serious change in the relationship between humankind and the atmosphere.

The bottom line is that instead of fully and freely enjoying the summer sunshine, for the rest of our lives and the lives of our children, we will have to understand that the relationship between humankind and the sky will have to be redefined. For the rest of our lives and the lives of our children, the attitude we have about our children going out into the Sun during the summer will have to be changed.

We have done this, Mr. President, by putting the chemicals into the atmosphere that have caused the damage. The scientists warned us. We did not listen. We have taken limited measures, belatedly. We now must do much more.

The operating principle has been, well, let us do what we can so long as it does not make anybody uncomfortable. We are going to have to discard that principle. We are going to have to make significant changes, even though the changes make us uncomfortable.

In April, Administrator Reilly said that the ozone data I referred to that was earlier released was startling, and his experts predicted it meant that an extra 12 million Americans would suffer skin cancer, and an extra 200,000 would die because of the levels that had then been detected. These latest figures, unfortunately, Mr. President, mean that those numbers will have to be revised upward dramatically.

When we first learned of the accelerated depletion in April, I introduced a resolution calling for the accelerated phaseout schedule for ozone-depleting chemicals as called for under the Clean Air Act. The administration put a hold on the bill, saying that it would not take unilateral action.

The administration has been skeptical of all these problems and has resisted action. We are not a leader in phasing out CFC's. In fact, many countries—most recently Switzerland—have decided to eliminate CFC's in 1995—5 years before the London amendments to the Montreal protocol requires it. It is time we do the same.

I am going to reintroduce the resolution that I introduced last April. I am going to circulate it first to my colleagues. I urge Members on both sides of the aisle to cosponsor this resolution. Let us, in a bipartisan way, urge the President to do the responsible thing. We cannot stand by in the face of this extremely troubling new evidence.

This action, incidentally, embodied in the resolution, is clearly supported by the international team of scientists, and they have urged just these limitations. They were not prepared to do that back in April. A few of them were. Now all of them are. So let us act.

They also have important insights with regard to the administration's policies on global warming. Their data indicates that CFC's—in depleting the ozone layer—actually cool the surface. Ozone depletion has therefore been hiding the true magnitude of the greenhouse effect, and the bottom line is that, contrary to the administration's position, we cannot allow our greenhouse strategy to consist solely of eliminating CFC's.

The other important massage of this news for global warming policy is that nature will not react to our continued perturbations gracefully and gradually. We are hearing a loud message that we must act now to stop dumping greenhouse gases and other pollutants into the atmosphere.

I will speak again about that another day. But these findings directly bear on the inaction of the administration, where that problem is concerned.

How can we stand here and contemplate dramatic changes for us, our children, and our grandchildren, and not be willing to do something about it?

Mr. President, in closing, let me say I will elaborate on these remarks for the RECORD.

I urge my colleagues to cosponsor the resolution. I yield the floor.

The ACTING PRESIDENT pro tempore. The time of the Senator has expired. Under the previous order, the Senator from Vermont [Mr. JEFFORDS] is recognized for up to 10 minutes.

LOW-INCOME ENERGY ASSISTANCE

Mr. JEFFORDS. Mr. President, as my colleagues know, the Appropriations subcommittees are meeting on various issues. One of those conference committees is the one dealing with the Labor-HHS appropriations bill. I have this morning with me two identical letters, one addressed to the chairman of the subcommittee, Senator HARKIN; the other addressed to the ranking member, Senator SPECTER.

The letters ask the Senate conferees to hold the line on appropriations for LIHEAP to the Senate figure.

The Senate provides $94 million more than the House for the immediate obligation; another $406 million in delayed obligations. Forty Senators have signed each of these letters.

Mr. President, I ask unanimous consent the letters be printed in the RECORD at the conclusion of my remarks.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 1.)

Mr. JEFFORDS. Mr. President, I also have for my colleagues a table prepared by the Northeast-Midwest Coalition. The table provides information on LIHEAP expenditures on a State-by-State basis for the years fiscal 1985—when the Federal appropriations at that time were about $2 billion, that was the peak of the LIHEAP appropriations—and also I have in that table the 1991 and anticipated 1992 appropriations. The 1992 column assumes, just to make it easier for understanding, $1 billion in funding—the amount approved by the House of Representatives. The table contains estimates for the numbers of households served in fiscal years 1989 and 1992. It documents how many households will lose benefits in each State should the House funding level be adopted.

I ask unanimous consent that that also be printed in the RECORD to appear after my comments.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 2.)

Mr. JEFFORDS. Mr. President, I do not intend to speak for all of those who signed the letters. I would like to make, however, some comments of my own, especially with respect to the implications it may have for my State, plus some more general comments.

Thirty years ago, we declared war on poverty in this Nation. Today I fear that if we cut these appropriations, as we may well do, we will be declaring war on the poor. Believe me, there will be casualties if we do that. Even the Senate funding level is inadequate. For the heating season we are about to enter—just to keep pace with inflation—we would have to appropriate $1.670 billion. Instead, even if just the Senate funding level is provided, we will appropriate $1.094 billion. That is a cut of $576 million, or 34 percent, in real terms.

It is essential that the other $406 million be appropriated. But I will make it clear that money will not be available until after the winter. It will not be available, with the kind of gimmickry we have to go through with the budget crisis we have, until the very end of the fiscal year. So it might be available, really, for the next winter, and help in regard to this.

According to the National Consumer Law Center, the average annual income of program beneficiaries is below $6,000. Most of these families have annual residential energy bills over $900. Consequently, they spend between 13 and 23 percent of their gross income on home energy. An earlier report prepared on behalf of the National Association of State Community Service Programs indicated that a LIHEAP benefit can boost a recipient's discretionary income by 60 percent.

Mr. President, I would submit that we cannot balance the budget on the backs of the poor, of the frail, of the handicapped, of the elderly on fixed incomes. LIHEAP beneficiaries are the poorest of the poor in our society. It is unfair and unconscionable for this program to bear the brunt of deficit reduction.

If the committee appropriates just $1 billion for LIHEAP this winter, over 2 million households will lose benefits at a time when we have added 2 million households to the eligibility aspect by virtue of the recession.

Last winter, in my State of Vermont, the caseload increased 20 percent over the previous season. The State had to close the program nearly a month earlier than usual. State officials anticipate a 23-percent increase in the caseload for the coming year.

Mr. President, winters can be brutal in my State of Vermont. Vermont is predominantly a rural State. Vermont residents live in homes heated with propane or kerosene. The consequences are severe when people cannot pay their utility bills. People can die of hypothermia. Or they can die because they are using unsafe space heaters, kerosene lanterns, and open stoves to heat their homes. The space heaters overload an electrical circuit and sometimes creates a fire in that home. The kerosene lanterns are subject to being knocked over, and the stoves ignite nearby paper or blankets and engulf homes in flames.

I might add that next summer, in warm weather States, frail elderly people may die from heart attacks and strokes because of overexposure to heat. We heard testimony to this fact last year in the Labor and Education Committee when we held a reauthorization hearing on LIHEAP.

Mr. President, there will be casualties. But I hope the least we can do is to ask the appropriations committees to hold the line, the Senate line, on expenditures in the LIHEAP Program and that way at least we can attempt as best we can to reduce those casualties.

Mr. President, I yield the floor.

EXHIBIT 1

U.S. SENATE,
Washington, DC, October 15, 1991.

Hon. TOM HARKIN,
Committee on Appropriations, Subcommittee on Labor, Health and Human Services, Education, and Related Agencies, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: We write to urge you and your fellow Senate Conferees to insist on the Senate funding level for the Low Income Home Energy Assistance Program [LIHEAP] during consideration of H.R. 2707, the fiscal year 1992 appropriations bill for the Departments of Labor, Health and Human Services, Education, and Related Agencies.

The Senate version of H.R. 2707 contains $1.500 billion in funding for LIHEAP—$1.094 billion for immediate obligation and $406 for delayed obligation. This funding level exceeds the House funding level by $500 million. If the Senate funding level prevails, States will have $94 million more (relative to the House level) for the heating season we are about to enter and an additional $406 million next fall.

Since delayed obligation funds will not be available, in effect, until fiscal year 1993, even the Senate funding level represents a significant reduction in Federal support for LIHEAP. Federal funding for the program peaked in fiscal year 1985 at $2.100 billion. Last year, it was $1.610 billion. This year—more importantly—this winter, it will be $1.094 billion. That is a 48 percent reduction in nominal terms.

LIHEAP benefits reached just one in four households eligible to receive them last year. Two million people are newly eligible for LIHEAP as a result of the economic downturn. LIHEAP has borne more than its share of deficit reduction. Please do all that you can to convince your fellow conferees to hold the Senate line on funding for this vital safety-net program.

Sincerely,

Christopher J. Dodd, William S. Cohen, James M. Jeffords, Donald W. Riegle, Jr., Edward M. Kennedy, John C. Danforth, Paul Simon, John H. Chafee, Jeff Bingaman, Robert W. Kasten, Jr., Wyche Fowler, Jr., John F. Kerry, Patrick J. Leahy.

Howard M. Metzenbaum, Claiborne Pell, Paul David Wellstone, Al Gore, Christopher S. Bond, Max Baucus, Alfonse M. D'Amato, Kent Conrad, Larry Pressler, Herb Kohl, Carl Levin, George J. Mitchell, David Pryor.

Wendell H. Ford, Conrad Burns, Thomas A. Daschle, Dan Coats, Bill Bradley, John McCain, John Glenn, Frank R. Lautenberg, Joseph I. Lieberman, Daniel P. Moynihan, Jim Sasser, Charles S. Robb, Dave Durenberger, Harris Wofford.

U.S. SENATE,
Washington, DC, October 15, 1991.

Hon. ARLEN SPECTER,
Committee on Appropriations, Subcommittee on Labor, Health and Human Services, Education, and Related Agencies, U.S. Senate, Washington, DC

DEAR SENATOR SPECTER: We write to urge you and your fellow Senate Conferees to insist on Senate funding level for the Low Income Home Energy Assistance Program [LIHEAP] during consideration of H.R. 2707, the fiscal year 1992 appropriations bill for the Departments of Labor, Health & and Human Services, Education, and Related Agencies.

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EXHIBIT 2

A COMPARISON OF LIHEAP ALLOCATIONS AND HOUSEHOLDS SERVED: FISCAL 1985—FISCAL 1992

State or region	Fiscal 1985 LIHEAP allocations[1]	Fiscal 1991 LIHEAP allocations[1]	Proposed fiscal 1992 allocations[2]	Change fiscal 1991 to fiscal 1992[3]	Households served in fiscal 1989[4]	Estimated households served in fiscal 1992[5]	Change from fiscal 1989 to fiscal 1992[6]
Alabama	18,312,310	15,856,352	8,600,450	−7,255,902	66,991	45,204	−21,786
Alaska	11,689,158	9,594,072	5,489,860	−4,104,212	8,906	6,010	−2,896
Arizona	9,648,195	6,200,052	4,159,280	−2,040,772	34,845	23,513	−11,332
Arkansas	13,973,158	11,068,912	6,562,550	−4,506,362	65,215	44,006	−21,209
California	98,219,787	68,764,442	46,138,910	−22,625,532	492,838	332,559	−160,279
Colorado	33,298,847	23,418,846	16,087,200	−7,331,646	63,025	42,529	−20,497
Connecticut	43,439,520	35,540,698	20,986,320	−14,554,378	75,673	51,063	−24,610
Delaware	5,931,025	4,599,538	2,785,530	−1,814,008	11,509	7,766	−3,743
District of Columbia	6,939,598	6,139,839	3,259,210	−2,880,629	20,767	14,013	−6,754
Florida	28,975,542	21,730,542	13,608,480	−8,122,062	183,909	124,099	−59,810
Georgia	22,909,609	17,438,800	10,759,590	−6,679,210	92,242	62,244	−29,999
Hawaii	2,242,836	1,530,666	1,083,550	−447,116	5,919	3,994	−1,925
Idaho	13,098,768	9,492,966	6,275,080	−3,317,886	34,592	23,342	−11,250
Illinois	123,679,361	85,711,209	58,086,510	−27,624,699	282,172	190,406	−91,767
Indiana	55,371,045	41,068,788	26,299,940	−14,768,848	140,135	94,561	−45,574
Iowa	38,581,057	28,719,086	18,639,120	−10,079,966	93,185	62,879	−30,305
Kansas	18,226,012	12,901,387	8,559,920	−4,341,467	70,783	47,763	−23,020
Kentucky	29,141,451	22,536,557	13,686,400	−8,850,157	76,628	51,708	−24,921
Louisiana	18,721,526	13,202,800	8,792,640	−4,410,160	104,229	70,332	−33,897
Maine	28,141,884	23,549,641	13,595,790	−9,953,841	54,727	36,929	−17,798
Maryland	34,214,462	29,360,614	16,068,960	−13,291,654	83,113	56,084	−27,030
Massachusetts	86,893,426	69,363,990	41,979,590	−27,384,400	125,668	84,799	−40,869
Michigan	114,150,782	86,099,210	55,148,050	−30,951,160	290,099	195,754	−94,345
Minnesota	82,256,230	62,063,452	39,731,050	−22,332,402	112,628	76,000	−36,628
Mississippi	15,682,911	12,390,734	7,373,550	−5,017,184	61,893	41,765	−20,129
Missouri	48,025,791	35,779,317	23,202,020	−12,577,297	123,343	83,230	−40,113
Montana	15,235,000	10,938,261	7,360,270	−3,577,991	21,349	14,406	−6,943
Nebraska	19,079,813	13,851,143	9,217,760	−4,633,383	40,990	27,660	−13,331
Nevada	4,159,423	3,213,962	1,953,491	−1,260,471	17,087	11,530	−5,557
New Hampshire	16,447,153	13,648,094	7,945,880	−5,702,214	22,184	14,969	−7,214
New Jersey	82,979,209	66,929,211	38,971,520	−27,957,691	152,749	103,073	−49,676
New Mexico	10,108,227	8,122,660	5,207,130	−2,915,530	42,032	28,363	−13,669
New York	263,390,085	214,983,027	127,247,910	−87,735,117	788,105	531,801	−256,304
North Carolina	40,378,234	35,611,552	18,963,800	−16,647,752	178,347	120,346	−58,001
North Dakota	16,689,945	12,502,501	7,995,480	−4,507,021	18,152	12,249	−5,903
Ohio	109,412,876	78,364,912	51,386,200	−26,978,712	405,667	273,738	−131,929
Oklahoma	16,832,774	12,249,509	7,905,580	−4,343,929	90,868	61,316	−29,552
Oregon	25,808,013	19,297,758	12,468,260	−6,829,498	62,074	41,887	−20,187
Pennsylvania	141,479,321	107,475,436	68,350,900	−39,124,536	339,740	229,251	−110,489
Rhode Island	14,303,153	11,571,838	6,910,080	−4,661,758	24,819	16,747	−8,072
South Carolina	14,543,706	12,450,694	6,830,510	−5,620,184	87,438	59,002	−28,436
South Dakota	13,301,226	10,690,959	6,493,730	−4,197,229	21,114	14,248	−6,867
Tennessee	29,519,666	21,651,512	13,864,030	−7,787,482	63,120	42,592	−20,527
Texas	48,205,634	36,455,109	22,639,970	−13,815,139	371,631	250,771	−120,860
Utah	15,372,326	11,061,545	7,475,760	−3,585,785	40,672	27,445	−13,227
Vermont	12,327,727	9,813,401	5,955,720	−3,857,681	16,397	11,064	−5,333
Virginia	41,677,041	36,050,642	19,573,790	−16,476,852	117,663	79,397	−38,266
Washington	42,450,627	31,495,007	20,508,570	−10,986,437	73,001	49,260	−23,741
West Virginia	19,285,111	13,675,783	9,057,330	−4,618,453	69,655	47,002	−22,653
Wisconsin	74,027,070	56,987,253	35,763,650	−21,223,603	161,684	109,102	−52,582
Wyoming	6,195,470	4,605,014	2,993,130	−1,611,884	11,275	7,608	−3,667
Total	2,094,973,121	1,607,819,293	1,000,000,000	−607,819,293	6,012,848	4,057,376	−1,955,473

[1] Includes both contingency funds and tribal allocations.

[2] One billion dollar base funding level assumed; each State's assumed share based on its share of the fiscal 1991 base grant.

[3] Difference between fiscal 1991 LIHEAP allocations and proposed fiscal 1992 LIHEAP allocations.

[4] Sum of households given heating assistance, cooling assistance and one-third of those receiving winter or year-round crisis assistance.

[5] Determined from the product of the number of people served in fiscal 1989 and the ratio of the assumed $1 billion base funding to fiscal 1989 funding to the program mentioned in footnote 4.

[6] Difference between estimated people served in 1992 and those served in 1989.

SOURCE: Based on U.S. Department of Health and Human Services Annual Report, fiscal 1985–92 (Washington, DC, 1985–91).

Mr. BREAUX addressed the Chair.

The ACTING PRESIDENT pro tempore. The Chair recognizes the Senator from Louisiana [Mr. BREAUX].

CAPITAL GAINS TAX

Mr. BREAUX. Thank you, Mr. President, it is very encouraging to hear my colleagues, both those on this and on the other side of the aisle, to talk about efforts to do something about our economy. There are suggestions, and those suggestions are encouraging. I certainly hope to be one Member who is going to work with Members of this body, like the distinguished chairman of the Senate Finance Committee, on trying to come up with an economic incentive package that will, in fact, encourage growth in this country, because, certainly, it is dramatically and very seriously needed.

I think it is interesting that Members of Congress now are sort of getting on the bandwagon about doing something about the economy. That is a simple fact that our constituents, I might suggest, have known for a very long time, much longer than we who serve in the Congress or who are not just coming in. They seem to realize that there is a problem out there with all Americans who are seeing a reduction in their standard of living because of the recession that, in fact, is upon us in many parts of the country.

People outside the beltway know that our economy, indeed, is not going anywhere and something needs to be done. It is interesting that while we have debated what I would call Band-Aid approaches to solving the problems, such as the Unemployment Compensation Act, which I supported—it is needed, but it certainly does not solve the problem about a lack of jobs in this country; it only puts on a Band-Aid and temporarily stops the bleeding—it is clear that the ultimate answer to unemployment in this country is not unemployment compensation. The ultimate answer is to increase jobs and growth in this country. So, Mr. President, that is a fact that I think our constituents in America have understood for indeed a very long time.

So many Members have introduced, in effect, economic growth packages. I applaud them for their efforts. It is clear that much more needs to be done. I think it is also clear that, in the last decade in this country, the rich have in fact become richer and the poorest among us are still poor, and equally, a part of the middle class have just about been squeezed to death financially.

Now, we see, of course, signs of recession all around us in all parts of the country. It is no longer just limited to one section; it is throughout America. We really need to jump-start the economy. We need an aggressive package of growth and job creation to try to move out of this recession. We need to do more than just pass unemployment compensation packages. We need to encourage new investment. We need to encourage new growth. We need to allow businesses in this country to take the American technology that we have developed in this country and put it out into the workplace, to start new businesses that employ the new technology that we have in America. In effect, I think, Mr. President, what we need at this point in our country's history is, indeed, an economic revolution. We need an effort by both parties, by the Mr. President, by all of us to try to establish some type of a program that is rational, that is balanced, that is reasonable, and that moves toward an economic growth period that I think we certainly are capable of if we have the right type of structure in order to allow it to be accomplished.

Mr. President, I have said all along that one aspect, one part, of any economic growth package must be a reduction in the capital gains tax. I still support that idea. Today, I will be introducing legislation which, in effect, will result in a reduction in the capital gains tax. It is no wonder, Mr. President, that America's competitors, who are beating us to death economically in the world, countries like Germany and Japan and Taiwan and South Korea, all have very small capital gains tax rates or none at all. That is not just a coincidence. That is part of their economic packages that, in effect, have created jobs, have made them more competitive, and have allowed them to have the type of economic growth that we are seeking in this country. I think it is a critical part of their growth. It is a critical part of their competitive edge that they have over us. Therefore, it is very important, in my opinion, that we do something in order to stimulate growth along the lines of what our competitors have done. There is nothing magic, there is no secret. If we look at the capital gains tax rates they have and compare them to ours, we see one of the main reasons we lag behind economic growth with our competitors around the world.

There are those who have legitimate concerns, and I have heard eloquent speeches on this subject: A capital gains tax just benefits the rich in this country and that is not going to help the average working middle-income person.

I reject that. When rich people start new businesses, when they create new jobs, they hire people basically who are middle-income taxpayers. They hire, in effect, mainstream Americans who work every day. Many of them have wives and husbands both working to pay the mortgage. I assure you, that person who gets a job in a new business that has been started up with new technology as a result of the reduction in the capital gains, that person who finds a job in that plant does not resent anyone having a capital gains tax break because he or she has, in effect, been given a job that would not have been there had it not been for these extra incentives.

Another point. Capital gains is not something that just wealthy people receive. Capital gains is not just paid by the rich, according to the IRS. Nearly three-fourths, 75 percent, of all the tax returns with capital gains had other income of less than $50,000. I assure you that an income of less than $50,000 is not a very wealthy person in America in 1991. So, according to the IRS, nearly 75 percent of all tax returns that had any capital gains in them whatsoever were from people who had other income of less than $50,000 and less than 2 percent had other income of over $200,000. In fact, Mr. President, nearly one-half of all capital gains in dollar terms are received by people with wage and salary income of less than $50,000.

I do not know where the concept of the fact that only the rich benefit from capital gains comes from, but I assure you the facts, according to IRS, are just the opposite. It is something that middle-income working families benefit from, either as people who earn capital gains or certainly by people who, in fact, have jobs created that they work in as a result of these new economic advances and growth in this country.

Mr. President, the only other argument I have heard is that we do not know whether a capital gains tax reduction is going to increase revenues or whether they are going to decrease revenues in this country. If they decrease revenues, we are just going to increase the deficit and that is going to hurt middle-income people in this country. There is a legitimate difference of opinion. Mr. President, we see the Joint Tax Committee that we work with in the Congress estimating an approximately $11.4 billion loss if we pass a capital gains tax reduction. However, on the other hand, if we ask the Treasury Department, "Mr. Treasurer, what is going to happen if we pass a capital gains tax cut?" the Treasurer of the United States will tell you, no, that is totally wrong; a capital gains tax cut is going to increase revenues by approximately $12.5 billion.

So, Mr. President, literally the Congress' hands are tied under the budget that we have.

We do not know who to believe. As a result we have paralysis, we have no one doing anything on capital gains because the argument is we do not know whether it is going to increase revenues or whether it is going to decrease revenues.

Mr. President, the legislation that I will be introducing today is a capital gains tax reduction. It is a capital gains tax reduction that says for assets held for 3 years or more the rate will be effectively approximately 20 percent; for assets held at least 2 years but less than 3 years, the effective rate will be approximately 22 percent; for assets held at least 1 year or less than 2 years, the effective rate will be 25 percent.

More importantly my legislation addresses the question of what happens with the revenues. That has been the big stumbling block. That has been the big logjam that has prevented the Congress from moving forward.

My legislation simply says that if there is a revenue gain we will win. More jobs are created, new growth is created, economic advancement is encouraged, competitiveness will increase in this country, and we all win.

But on the other hand, my legislation says, well perhaps the Joint Tax Committee is right and we are going to lose money in the third, fourth, and fifth year. My legislation directly addresses that by establishing a safety net.

My legislation says that if we lose money as a result of this capital gains tax reduction, which I do not think will occur, but if it does, for the sake of argument my legislation establishes a fourth tax rate to pay for it. My legislation says simply that if the capital gains tax cut loses money there will be a fourth tax rate at 36 percent and the 36-percent rate will generate enough money to offset any loss. This new rate will only apply to taxpayers with net taxable income of over $500,000 a year. This then would cover only two-tenths of 1 percent of all taxpayers in America.

I think, Mr. President, that is simply the way to go. It is a safety net and it answers the biggest and most serious question of people that oppose a capital gains tax rate by establishing this safety net.

I urge my colleagues to give serious consideration to the legislation.

Mr. DANFORTH addressed the Chair.

The ACTING PRESIDENT pro tempore. The Chair recognizes the Senator from Missouri [Mr. DANFORTH].

Mr. DANFORTH. I thank the Chair.

(The remarks of Mr. DANFORTH pertaining to the submission of Senate Resolution 201 are located in today's RECORD under "Submission of Concurrent and Senate Resolutions.")

Mr. CHAFEE addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Rhode Island, Senator CHAFEE.

REAUTHORIZATION OF THE SURFACE TRANSPORTATION PROGRAM

Mr. CHAFEE. Mr. President, authorization for the Surface transportation program—which is also sometimes called the highway bill, expired 2 weeks ago on October 1. In other words, no longer is it authorized for any State to do spending to proceed with the highway construction program.

The Senate passed S. 1204, which is the Surface Transportation Efficiency Act of 1991, on June 19. We passed it here on the floor of this body on June 19, over 4 months ago. Since that time we have been waiting patiently for the House of Representatives and their transportation bill to pass over there so we can go to conference, work out our differences, and send the bill to the President.

It is now October 22. The House has yet to pass a bill, and we are running out of time.

I might say the cry in Congress these days is we have to do something about the economy. Everybody is coming up with a proposal to do something about the economy. I agree with that. But I might say there is no better way we can start than to pass this legislation which involves literally billions of dollars being spent, which provides jobs, but just as importantly it improves the transportation of our Nation.

I would like to now make several observations with regard to the task before us in reauthorizing the surface transportation program.

First, Congress has known since April 2, 1987, over 4 years ago, that this program had to be reauthorized by October 1 of this year. There is no secret about this. This is not being kept over in the CIA someplace. This was no surprise. Ample notice was served on Congress.

The Senate and the administration took this very seriously. President Bush sent to us, both bodies, his transportation proposal on February 13 of this year.

In the Environment and Public Work Committee I was pleased to join with my distinguished colleagues, Senators BURDICK, MOYNIHAN, SYMMS, and other members of the committee in holding hearings, developing the legislation, passing it out of committee, sending it to the floor of the Senate, and having it approved here. All of that was done by June 19 of this year, 4 months ago.

Congress is frequently charged with not getting its work done on a timely basis. Sometimes these accusations are accurate and sometimes they are not. In this particular case the American people should be able to expect the decisions would be made so that deadlines could be met. The Senate and the President have done their jobs. It was not easy but we did it.

Now it is the responsibility of the House to do its part to make the tough decisions and to prove to the American people that Congress can meet its responsibilities.

Second, a short-term extension of the program might appear to be an easy solution, but it is no way to deal with the future. One short-term extension—meaning just continue the current program on for another month or another couple of months—usually spawns another short-term extension, and another, until the hard decisions are put off indefinitely, and the program sputters along, meeting no one's purpose. For this reason, I am strongly opposed to any kind of short-term fix. It is in the best interest of the States, the cities, the transportation interest groups, and all affected parties to press for immediate action on a long-term transportation bill.

Third, the current budget agreement imposes specific limits on spending only until fiscal year 1995. However, I believe strongly that the discipline of the budget agreement will have to continue long after 1995. Resources are going to continue to be limited, as far as we can see, and we should not fool ourselves. If we adopt proposals today that guarantee high levels of funding for a specific program, such as transportation, we will be deciding now to shortchange other perhaps just as important programs in the future, such as health care and education.

If we lock in a spending program for the highway bill in 1996, in 1997, it means that other programs are going to have to suffer in those outyears.

Decisions about transportation funding in year 6 may be beyond the scope of the existing budget agreement, but we cannot afford to backload this agreement, load it all up in the outyears. We must resist the temptation to increase the authorization level during later years, after the existing budget agreement does not constrain spending.

The highway program received approximately a 20-percent increase from fiscal year 1990 to 1991. It jumped by 2 percent. That is a tremendous leap. Many programs, at the same time, in our country were suffering reductions.

This country is addressing its transportation needs and will continue to do so, but huge increases in spending and loading up a bill in future years at the expense of other programs is not a responsible approach, and I cannot support it.

Fourth, the House bill includes a provision that allows States to begin work on Federal highway projects prior to the enactment of a reauthorization bill, and to receive reimbursement from the Federal Government after a bill is signed into law. This is wrong. I do not believe that Congress should be signing any blank checks, until we know what the program will be and how much money will be available. I agree that States should not be penalized, and they will not be penalized, if Congress gets going and completes its work quickly on this bill.

Fifth, discipline must also be brought to the practice of what has been come to be known as demonstration projects, or as they are called in the House: congressional projects of national significance. The 1982 bill was done with demonstration projects costing $386 million, which was about 0.7 percent of total highway authorizations in the bill. That was in 1982. Seven-tenths was spent on these pork barrel projects. In 1987, it crept up to 2.1 percent. The passage of the bill in 1987 was delayed 6 months because of a controversy over these demonstration projects—vetoes, overrides, so forth.

This year, the House bill is not like the 1982 bill with seven-tenths percent on demonstration, nor like the 1987 bill with 2.1 percent. The House bill this year has almost 5 percent spent on these congressional demonstration projects.

The time to end pork barrel politics is long overdue. The Senate passed a bill with no earmarks. We had no pork in our barrel, no special demonstration grants for this State or that State. If the other body is institutionally incapable of passing the National Surface Transportation Act without demonstration projects, they should at least be able to limit them and show some constraint. There is simply no excuse for expanding this practice.

Sixth, and finally, the transportation bill should be a bold and sweeping revision of our national transportation policy. The Senate passed such a bill on June 19 by a vote of 91 to 7, this sweeping review and revision of our national transportation policy.

We are running out of time, and it is important to finish this process quickly. But the Senate and the administration did their work on a timely basis, and we are not going to be coerced into passing a bad bill in haste because time has run out. I completely agree with our distinguished subcommittee chairman, Senator MOYNIHAN, who said, "No bill may be preferable to a bad bill."

The Senate bill makes changes to the transportation program that are long overdue. It puts transportation options, rapid transit, for instance, it is not a highway bill. It is a transportation bill—on equal footing and provides flexibility so that the States and localities can make the best transportation decisions. In the past, most of the incentives have been on the side of highway spending, rather than transit spending, and that must change. Even the name of this program has changed. It used to be the highway bill; now it is the Surface Transportation Act.

A study recently completed by the economist, David Aschauer, which is entitled Transportation Spending and Economic Growth, says the following:

> Within the broad category of transportation spending, the evidence indicates that public transit spending carries more of a potential to stimulate long run economic growth than does highway spending.

The best way for long-term economic growth, which we are all talking about in this country, is through transit spending, not more highway spending.

> In turn, the benefit to cost ratios for transit spending in any particular year exceed those for highway spending to a considerable degree.

The Senate bill, S. 1204, balances the needs of all regions of the country and all States, so that we have an efficient national transportation system. Everyone wants more, and everyone, in the name of fairness, claims more.

Some States think they should get back exactly what they contribute in revenues to the highway trust fund. If that is the case, why have a Federal program? If what you send to Washington is what you get back, do not bother sending it. Save the postage, and keep it in the State. That means we will have no national program. One of the major purposes of a national program is the transportation system that benefits all of our citizens.

The Senate bill, I might say, is also environmentally responsible. It provides a planning framework that will improve the transportation decisions that States and localities make and that will carry out the requirements of the Clean Air Act. The bill emphasizes the responsibility of maintaining and using more efficiently the transportation facilities that already exist, before rushing out and building new ones.

Mr. President, I do hope the House will pass, very soon, a good Surface Transportation Act, so that we can go to conference and get on with a measure that is so important to all of the citizens of our country.

I thank the Chair and the distinghished Senator from Illinois for permitting me to finish.

Mr. SIMON addressed the Chair.

The PRESIDING OFFICER (Mr. AKAKA). The Senator from Illinois is recognized.

Mr. SIMON. I thank the Chair.

(The remarks of Mr. SIMON and Mr. DURENBERGER pertaining to the introduction of S. 1845 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

FEDERAL HIGHWAY PROGRAM

Mr. BOND. Mr. President, I rise today to discuss an issue which is of great urgency to my State and the entire Nation. I believe the entire Nation is beginning to lose its patience on this.

As you know, the current Federal highway program expired on October 1, 3 weeks ago. As incredible as it may seem, we now have no Federal highway program and none is in sight in the near future.

The Senate acted well before the October 1 deadline. The environment and Public Works Committee reported its bill on June 4 and this body approved it on June 19. I commend the committee and its leadership for the prompt action.

In contrast, the House has yet to act. While it reported a bill from committee on July, its load of pork and nickel tax hike attached to it mercifully killed it before it could read the floor. The House finally got the message that taxpayers are tired of being nickled and dimed to death.

We have been waiting since August for them to try again. The House will finally consider another bill on the floor tomorrow—22 days after the program's expiration. And, there is a long road ahead. At this rate, we may see the cherry blossoms before we see a highway bill.

I met with Secretary Skinner of the Department of Transportation last week and learned from him the same frustration and concern that the administration has about this problem.

Many Americans are, I think, beginning to question what we are doing up here.

While the House fought over increasing taxes and dividing the spoils, time ran out for road and bridge construction. The situation outside the beltway in the real world is very serious. The Missouri Highway Department has no 1992 Federal funds and, as a result, it has placed all future road and bridge construction projects throughout the State on hold, costing us thousands of jobs.

There has been a lot of discussion in this body in recent months about unemployment and how bad it is. Here is something that we can and must do or unemployment is going to get worse. In Missouri alone, a 6-month delay could cost up to 3000 jobs lost in construction, manufacturing, the trucking industry, and the service sector. In this tough times, we need the jobs, we need the economic boost which this program continues to provide, but most of all, we need a sound transportation system. The Missouri Department of Highways has already postponed construction projects.

Mr. President, I ask unanimous consent that a list of Missouri Department of Highways Projects canceled for bidding in October and November be printed in the RECORD.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

MISSOURI HIGHWAY PROJECTS CANCELED FOR OCTOBER AND NOVEMBER 1991; POSSIBLE MHTD PROJECT DELAYS WITHOUT A FEDERAL SURFACE TRANSPORTATION ACT

DISTRICT 1

Route 71—Nodaway County (Oct.)—Additional grading for the relocation of Route 71 at Maryville—$8.5 million.

Route 6—Buchanan County (Nov.)—Widening and resurfacing and on Frederick Avenue in St. Joseph between Route 169 and I-29 and interchange construction at I-29.

(Also: seven miles of widening and resurfacing on Route 136 east of Tarkio).

DISTRICT 2

Route 65—Livingston County (Oct.)—Replace the railroad bridge south of the Grand River—$3 million.

(Also: resurfacing of seven miles of Route 36 west of Macon; approximately 10 miles of resurfacing on Route 63 north and south of Moberly).

DISTRICT 3

Route 61—Clark County (Jan.)—Replace pavement on Route 61 near Route 136—$2.5 million.

DISTRICT 4

Route 210 and 10—Ray County (Nov.)—Continue improvements for the Richmond relocation of Route 210—$11 million.

(Also: three and one-half miles of resurfacing on Route 50 in Lee's Summit; seven miles of resurfacing on I-29 north of Platte City).

DISTRICT 5

Route 70—Callaway County (Jan.)—19 miles of resurfacing on I-70—$7.5 million.

(Also: resurfacing on five miles of Route 50 in Syracuse-Tipton area).

DISTRICT 6

Route 340—St. Louis County (Nov.)—Widen Olive Blvd. to five lanes from East Drive to Ladue Road and from Route 100 to Route HH—$5.5 million.

(Also: resurfacing on 7.5 miles of Route 30 in northern Jefferson County; six miles of resurfacing on Route 61 south of Crystal City; about 11 miles of Route 94 in St. Charles County; about seven miles of resurfacing on Route 47 between Washington and Union;

four miles of resurfacing on Route 61 north of Wentzville; approximately four miles of resurfacing on Route 30 (Gravois Road) in St. Louis County between Route 61-67 (Lindbergh Boulevard) and Route P (Mackenzie Road); and four miles of resurfacing on I-64 in St. Louis City between Kingshighway and 12th Street).

DISTRICT 7

Route 71—Newton County (Nov.)—Widen and resurface Route 71 south from Route 60—$1.5 million.

Route 60—Newton County (Jan.)—New highway construction and bridge replacements on five miles of Route 60 east of Granby.

DISTRICT 8

Route 32—Polk/Dallas Counties (Nov.)—Widen and resurface 15 miles of Route 32 between Bolivar and Buffalo—$1.4 million.

(Also: resurfacing on Route 65 for about 22 miles between Route 54 and Buffalo).

DISTRICT 9

Route 60—Carter County (Nov.)—Completion of the approaches to the Current River Bridge—$7.5 million.

DISTRICT 10

Route 61—New Madrid/Scott Counties (Oct.)—Resurface 25 miles of Route 61 from Route 77 south to Sikeston and then from Sikeston south to I-55 near New Madrid—$5.5 million.

Route 60—New Madrid (Nov.)—Work on Route 60 bridges between Morehouse and Sikeston.

Mr. BOND. Mr. President, although recent news reports have spotlighted bouncing checks, unpaid bills, and stalled nominations, I think this highway bill holdup is a sleeper candidate for worst congressional failure of the year. It is frustrating when Congress hurts itself as an institution; it is even worse when we hamstring the country, and I am afraid that is what is happening here.

The distinguished chairman of the Transportation Subcommittee, Senator MOYNIHAN, has suggested that maybe we do not need a Federal highway program now that the Interstate System is virtually complete. Maybe, just maybe, he is right. Given the low return that Missouri, as a donor State, receives from the trust fund, given the lapse of the Federal program and given the fact that we must still continue to pay taxes into the trust fund with no end in sight to getting the money back, it is hard to see how the benefits outweigh the costs.

I am tempted to argue that maybe we should forget the Federal role, and just give the money back to the States. We know how to use the money in Missouri. We know how to build the roads and bridges, and improve our transit systems. Donor States, like Missouri, would never have to go begging to the donee States for equity and fair play, only to be turned down time and time again. We would finally achieve our goal of $1 in and $1 back—we would keep our money at home.

I hope it does not come to this, Mr. President, because there are good reasons to maintain a Federal highway program. But the longer we go without a bill, the more persuasive the arguments against it become.

Thank you, Mr. President.

Mr. President, I ask unanimous consent to proceed for 2 more minutes on a different subject, if that is agreeable with my colleague from Minnesota.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator may proceed for 2 additional minutes.

Mr. BOND. I thank the Chair.

(The remarks of Mr. BOND pertaining to the submission of Senate Resolution 201 are located in today's RECORD under "Submission of Concurrent and Senate Resolutions.")

Mr. BOND. I thank my colleague and yield the floor.

TWO-YEAR ANNIVERSARY OF JACOB WETTERLING'S ABDUCTION

Mr. DURENBERGER. Mr. President, I rise to talk about a young man I have never met but hope to meet sometime very soon. Exactly 2 years ago today, a tragedy struck my home community of St. Joseph, MN, when on a quiet Sunday evening in a community which is fewer than 3,000 people, three little boys, 10 and 11 years of age, were bicycling home from a local convenience store with a rented movie. One of them, 11-year-old Jacob Wetterling traveled this path many times before with his little 10-year-old brother and with a friend. But this time, however, about halfway home, they were stopped by a masked man who was waving a gun in their faces.

The man ordered all the boys to lie in the ditch beside the road. Then he asked them their ages. He did not ask them for their names. After they responded, the gunman ordered Jacob's brother and friend to run into the woods and not to look back or he would shoot them. When they reached the wooded area, they looked back and Jacob and the gunman were gone. No one has heard from Jacob or his abductor since that day.

That masked gunman who invaded St. Joseph 2 years ago took away a precious son and a brother and a friend. He took away the feeling of security that existed in a small town in the heartland of America. But he could not take away the hope that Jacob will return home safely to his family some day.

The darkest moments of our lives are never dark enough to extinguish hope, and the Wetterling family of St. Joseph has proved this. Over these terrible 2 years, Jerry and Patty Wetterling have kept alive their hope of finding Jacob. They have devoted their lives to bringing that same feeling of hope to countless others who are in the dark times of their lives.

Shortly after Jacob's abduction, Jerry and Patty Wetterling worked to set up the Jacob Wetterling Foundation. It is an organization for preventing and responding to stranger abductions, and it has brought national attention to the problem of sexual exploitation of children.

The foundation has a 24-hour hotline for calls that might generate leads in missing children cases. Foundation volunteers and staff conduct community meetings regarding child safety and services. Last year, Jacob's mother Patty spoke to about 300 audiences about child safety.

Last July, when Minnesota was shocked by the abduction and senseless killing of St. Cloud State University student Melissa Johnson, I was not surprised to hear that Patty Wetterling immediately travelled to be with Melissa's family. It is during these dark times that the incredible strength and hope of the Wetterling family is most visible.

The Wetterlings have truly made a difference in the way we feel bout protecting our children on a local, State, and national level. Patty Wetterling's involvement in passing a Minnesota law to protect children caused me to introduce similar Federal legislation.

I am pleased that the Senate adopted this legislation as an amendment to the crime bill this summer. This legislation—which I have named the Jacob Wetterling bill—is also part of the crime bill that the House of Representatives is debating today. The Jacob Wetterling bill would require people who are convicted of a sexual offense against a child to register a current address with law enforcement officials, for 10 years after their release from prison.

If local and State police had been aware of the presence of any convicted sex offenders in the area after Jacob's abduction, it would have been of invaluable assistance during those first critical hours of investigation. This legislation, which we have all voted in favor of, would provide law enforcement officials with this tool. The Wetterlings realize that this may not help Jacob, but it will certainly help a lot of other families.

Mr. President, this is just another one of the ways that the Wetterlings are bringing hope into other people's lives.

Jacob Wetterling, this young man for whom we all hope, was born on February 17, 1978. He has a slender build. His hair is brown, he has blue eyes, and there is a mole on his left cheek. The Jacob Wetterling Foundation has offered a $200,000 reward for information leading to the safe return of Jacob. The foundation hotline number is 1-800-325-HOPE.

We will never give up looking for Jacob, until the day he returns home to his family safely. We hope and we pray that that day will be soon.

Mr. President, I yield the floor.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington [Mr. GORTON] is recognized.

PLAYING POLITICS WITH THE UNEMPLOYED

Mr. GORTON. Mr. President, for the fourth time in 3 months I am on the floor of the Senate to implore our leadership to hear the cries of America's unemployed. I appear to appeal to the leadership of this body: Stop playing politics with America's unemployed.

Mr. President, I will outline briefly my view of the situation with regard to extending unemployment benefits, and will share a special frustration.

First, the Congress has twice passed irresponsible proposals which everyone knew would not result in a dime of benefits being paid to the unemployed. Congress knew the money would never be spent. The leadership of Congress knew that not one unemployed worker's family dinner would be paid for by the benefits from their proposal. They knew that not one worker's mortgage payment would be made because of their unemployment benefit extension packages.

Second, the economy of this country, while perhaps no longer in a recession, is not providing the kind of growth which expands job opportunities for the unemployed. Unarguably, the economy remains sluggish, and unemployment remains at around 7 percent.

At best, economic signals are mixed. For example, the housing industry, often considered a bellwether for the rest of the economy, seems to be going in two directions at once. Last month housing starts, considered a sign of health in the construction industry, dropped dramatically. At the same time, however, housing permits, which indicate future building activity, rose several percentage points.

In fact, Mr. President, the recession has now come to the economy of Washington State. For the first time during this recession, Washington State's economy registered negative economic growth in August. While the decline was small, other measures of economic activity in Washington such as retail sales and bank lending are either growing at significantly reduced rates or are in absolute decline.

Mr. President, I believe that I am more frustrated than most of my Republican colleagues by this Congress' refusal to consider the Republican proposals. In addition to providing all of Washington State's unemployed with extended benefits, both Republican proposals provide much needed extra retraining assistance to timber workers in Washington State.

These parts of Washington have double digit unemployment rates which will not be coming down even if the economy gets going again—because of the impact of Federal environmental laws and litigation. Because of congressional leaders' obstinacy, workers in Darrington, Forks, and Hoquiam and many other Washington timber towns are denied extra training benefits. In effect, Mr. President, my constituents are being denied much needed retraining benefits because the leadership of Congress is more interested in scoring points in a game called Beltway politics.

In this Senator's view, the mixed signals we are getting from the country's economic indicators do provide sufficient evidence to support congressional action to bridge the gap for the unemployed through lean economic times.

Mr. President, this country can afford to assist those in need during these difficult economic times, but it cannot afford to bill these benefits to future generations. The congressional leadership agreed in last year's budget act to provide new revenues or spending offsets to pay for increasing existing programs or starting new initiatives.

No one argues against expanding the existing program of unemployment benefits. The only question remains is whether congressional leadership can muster the political will to pay for this extension of unemployment benefits or whether the country's unemployed will continue to be a political football.

Mr. President, I hope that our congressional leadership will at least consider Senator DOLE'S or Senator DURENBERGER'S proposal so that we can all respond to our constituents in need. People are hurting, Mr. President, so let us get past the politics and send the President a package which pays for, as well as extends, unemployment benefits. The President can and will sign that kind of unemployment benefits extension package.

Mr. President, I note the absence of a quorum.

The PRESIDING OFFICER. The Senator from Washington suggests the absence of a quorum. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LEVIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Michigan is recognized for 10 minutes.

VIOLENCE ON TELEVISION PROGRAMMING

Mr. LEVIN. Mr. President, we all know about the increasing level and amount of violence on our streets. We wrestle every day with various ways to try to stop it. But another place where our lives have become increasingly violent is in family programming that appears on television in the sanctity of our own homes. This is particularly troubling because of its impact on small children. Parents who wish to avoid exposing their small children to violence are unable to screen it out for reasons that I will allude to in a moment.

Last year we passed the Television Violence Act, which permits the television networks to work together to establish guidelines on TV violence. I am particularly concerned about the level of violence that is being permitted in commercials shown during family shows where, despite a parent's best efforts to restrict a child to so-called family type programs, that child can still be exposed to violence through the commercials that may appear during that program.

Here are some examples. On July 25, 1991, a commercial for the movie "The Mobsters" was aired during "The Cosby Show." The commercial depicted a man who was begging for his life from a man pointing a gun at him. He was being killed in cold blood.

All the young children who were watching "The Cosby Show" were exposed to it.

On two different occasions during "The Simpsons," commercials were aired for a subsequent television program called "America's Most Wanted." These commercials graphically depicted and orally described gruesome crimes which were going to be reviewed in the upcoming show. All the young children who were watching "The Simpsons" saw it.

A commercial for the movie "Child's Play Two" was aired repeatedly during family programming hours. It shows a person who looks like a news broadcaster describing the movie and then shows an excerpt of the demented doll in that movie, with blood dripping from its mouth, striking out at a child.

During a recent Sunday afternoon NFL football game, a promo aired for an upcoming made-for-TV movie, "Death in New Hampshire." It showed and described a young teacher seducing her pupil and getting him to kill her husband. One scene showed a terror-stricken man with a large knife at his throat, begging for his life.

I cite these instances not because they are unique or solely the problem of the networks on which they appeared, but because they are examples of a trend.

These acts of violence are particularly offensive because they are presented in a way—through 30-second commercials—that seriously limit a parent's ability to prevent young children from being exposed to them. Even the most attentive parents can find themselves suddenly confronted with a horribly violent act—the cold-blooded murder of a human being—on television during television programs otherwise acceptable to them and be unable to keep their children from seeing it. The commercial may be over before the parent realizes what he or she has just witnessed. The damage in that situation is done, despite the parents' intentions.

I am not suggesting that we should legislate in this area, given the legal complexities involved in our constitutional protections of free speech. But it does not strike me as too difficult or inappropriate for the television networks themselves to establish guidelines by which commercials are screened for very violent acts so they can be aired during nonfamily-type programming. That is only common sense, and I hope that the television networks will consider embracing such a principle.

To further that result, today I have written to the heads of the major networks, including cable, urging them to promptly address this issue, and to establish guidelines that will protect our children from these violent commercials when parents want them protected. Some parents do not object to their young children being exposed to raw violence on TV, but others care very much. There can be standards for programming that do not unduly restrict commercial speech but allow parents, if they choose, to protect the most impressionable segment of our society—our small children—from that kind of raw violence.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

The PRESIDING OFFICER. In my capacity as a Senator from Hawaii, I ask unanimous consent that the order for the quorum call be rescinded.

Without objection, it is so ordered.

SENATOR BEN SMITH OF MASSACHUSETTS

Mr. KENNEDY. Mr. President, it is with great sadness that I mourn the death last month of my friend and my predecessor in the U.S. Senate, former Senator BENJAMIN A. SMITH of Massachusetts.

Ben Smith served in the Senate with great distinction in the early 1960's. As a member of what was then called the Senate Committee on Labor and Public Welfare, he played an important role in the economic recovery legislation of the Kennedy administration, especially with respect to the increase in the minimum wage and the Area Redevelopment Act. He also cast a key vote in support of the early legislation that led to the enactment of Medicare. As a Senator, he also devoted a great deal of effort to assisting the local communities of Massachusetts, which were struggling then, as they are now, to lift themselves from a national recession.

Another of Ben Smith's impressive achievements as a Senator was his successful sponsorship of the Cape Cod National Seashore Act. That historic legislation has preserved and protected the majestic beauty of Cape Cod for succeeding generations. For them, and for the 70 million people today who live within a day's drive of the Cape, the national seashore is an enduring legacy of Senator SMITH's service in this Chamber.

Ben Smith was Massachusetts down to his roots. He lived all of his life in Gloucester. His family business made the boxes that held the catch of Gloucester fishermen. He was mayor of his hometown, and an active participant in countless civic activities. He was also one of the finest sailors on the North Shore, and consistently won the races out of Marblehead in his Lightning Class.

Most of all, Ben Smith was a dear friend of all the members of the Kennedy family. He roomed with my brother Jack in Winthrop House at Harvard in the 1930's, where they developed a lifelong friendship. In all of my brother's political campaigns, Ben Smith was at his side. In 1960, he took many months out of his life to campaign in Wisconsin, West Virginia, and New York State. He was the best kind of friend—always concerned, always supportive, always giving you the straight story.

Because of his vast knowledge of Massachusetts, he was a fitting successor to be appointed to the Senate when my brother was elected President. In addition, as a Senator, Ben enjoyed a unique status among his colleagues here in the days of the New Frontier, because they knew Ben Smith always had a respectful and attentive ear in the Oval Office.

On behalf of my entire family, I express my deepest sympathy to Ben's wife Sis, and to his children and their families. As a Member of this body and throughout his entire career, he served the people of Massachusetts and the Nation well, and I shall miss his leadership and his friendship.

Mr. President, I ask unanimous consent that the eulogies for Senator BEN SMITH at the funeral service at Sacred Heart Church in Lanesville, MA, on September 30, 1991, and other articles on Senator SMITH may be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

EULOGIES FOR SENATOR BEN SMITH, SACRED HEART CHURCH, LANESVILLE, MA, SEPTEMBER 30, 1991.

BENJAMIN A. SMITH II—A MEMORY

(By Rev. Myron F. Bullock)

In Kipling's poem, "If", these lines occur:

If you can talk with crowds and keep your virtue
Or walk with kings nor lose the common touch,
If neither foes nor loving friends can hurt you,
If all men count with you but none too much,
If you can fill the unforgiving moment
With sixty seconds worth of distance run.

In Ben Smith's life there were no "ifs", just accomplishments. Whether in Norwood Heights, on Dale Avenue, or at Pennsylvania Avenue, there was only one Ben Smith. He would be in contact with the famous and the near famous, the unknown and the neighbor, and all would have the same reaction. They would be proud to acknowledge that they knew Ben Smith, for they would sense that to know Ben was to be touched, enriched, and to be somehow better for that knowing.

He was a man of great faith—a simple faith in the best sense of the word, because, as the philosophers remind us, to be simple, without parts, is to approach perfection. It was an uncluttered, agenda-less faith, never flaunted outwardly, but unmistakable. One would have to be naive not to know where Ben stood, and where that faith was leading him. He never had to talk it; he lived it far too effectively.

Politics will miss him—his loyalty and integrity. By his very presence he was a conscience-raiser. I was going to say that Ben was a life-long Democrat, but I suspect that there was one place where Ben did not believe in democracy: on the deck of a sailing ship. There he might feel that a benevolent (or not so benevolent) despotism would be in order—that is, if you wanted to win!

His parish will miss him. In a time of stress and tension some years ago, he was a strong and sure guide. He was always a presence. He may not have owned his pew—but he certainly had a lien upon it. I will miss particularly his delightful informality—the invisible socks, the sweaters—especially that green sweater on St. Patrick's Day. Ben was on far too good terms with God to worry about little things like that!

His neighbors will miss him. Any trouble or sorrow was sure to find Ben at the door, asking, "What can I do?"

His family will miss him—his wife, Sis; their love and devotion was so strong and, over the years, gave a lesson to all in the true meaning of married commitment; Russell and Barb, Susan, Punky and Cathy—5 children, each unique but united in their love for him; may they always remember that each, in their own way, was a source of great pride and love for Ben; their families—Roz and Bruce and Frank, Russell, Nate and Shelley; Corey, Luke and Benjamin; Cassy; Gerry and Julie. Their loss is the greatest—but their shared and individual memories the most wonderful.

It is only when a mighty tree topples that one realizes how much space it occupied. We are all the losers because a great space is vacant; we are all winners because the fruit and accomplishments of that tree have enriched us all—family, friends, associates, admirers, in so many and varied ways.

TRIBUTE TO BEN SMITH

(By David E. Harrison)

I wonder, fifty or so years ago when "Sis" Mechem married Ben Smith, whether she realized that she was marrying a "Gloucester boy." Not every Gloucester male qualifies as a "Gloucester boy"—only those who leave, but keep coming back. Ben left. He went to Governor Dummer, to Harvard, to Washington, but he always came back to Gloucester. Ben has left us now, but he will always be a part of Gloucester.

The first Smith arrived in Gloucester in the late 1600's, making the Smith's one of the city's oldest families. The first Smith in the City was a merchant seaman who jumped ship in Gloucester and married the Fort lighthouse-keeper's daughter. Three hundred years later, a lighthouse is a part of our memory of Ben. We remember Ben's sailing off Lighthouse Beach and at the family home next to the Annisquam Lighthouse, surrounded by his children and grandchildren.

Gloucester may never recognize the great accomplishments of Ben Smith, because everyone here knew him as Ben, the former football player, Mayor and owner of the box company. I was fortunate to travel with him on the political trail and was amazed at his political acumen. Whether we were in a meeting in Columbus, Ohio, Washington, DC or Atlanta, Georgia, Ben seemed larger than himself when he mingled with Senators, Governors and Congressmen, whether in a national political meeting or here on Cape Ann.

Ben could bring people together and always made you feel that you were the only person in his thoughts while you were with him. He did so much for so many in Gloucester. People couldn't understand how he and his late friend "Simmy" Steele could have coffee together every day. Little did people realize that Ben and Simmy were figuring ways to get a job for someone, get someone into the military academy, or solve an immigration problem.

It was so typical of Ben to call and say, "Let's go to a hockey game," and fifteen minutes later he'd be at your home with a load of sandwiches made by Sis. It didn't matter whether the game was in Lake Placid, New Haven or Boston; one just jumped in and went along with Ben.

Russell O'Maley tells the story about how he was with Ben at a game in Lake Placid one night when Ben got a bit agitated at a referee about a call. When the cop came over to restore peace, Ben told the cop that Russell was the troublemaker, and Russell was thrown out of the arena. I'm not sure Russell's been to a hockey game since.

Ben was significant to all of us here today. We saw his loving relationship with Sis, his pride in his children and grandchildren, and we all remember and cherish our unique, special friendship with Ben.

Ben served his city as Mayor and our state as its Senator. In the Massachusetts House of Representatives, there is a plaque with a speech made by President John F. Kennedy shortly after Ben was sworn in as our Senator. An excerpt from that speech reads as follows: "For those to whom much is given, much is required, and when at some future date the high court of history sits in judgment on each of us, recording whether in our brief span of service we fulfilled our responsibilities to the state, our success or failure, in whatever office we hold, will be measured by the answers to four questions: First, were we truly men of courage. Second, were we truly men of judgment. Third, were we truly men of integrity. Finally, were we truly men of dedication?"

Ben Smith had courage, judgment, integrity, and dedication, not only as a statesman, but as a husband, father, grandfather and friend.

Quiet sleep Ben and a sweet dream. We'll miss you.

SENATOR BEN SMITH—"TRULY OUT OF GLOUCESTER"

(By Senator Edward M. Kennedy)

It is always difficult to say goodbye to someone whose life was so full and whose friendship meant so much. Most of you were Ben's friends and neighbors of a lifetime. You know the love he gave to his family, and the leadership he gave to this community as First Citizen of the City of Gloucester.

Many of you also know how much his friendship meant to my brothers and to me, and how much his public service accomplished for this Commonwealth and our country.

My oldest brother Joe discovered Ben at Harvard in the 1930's. Joe introduced Ben to Jack, and the two of them hit it off so well that they roomed together in Winthrop House. And for half a century after that, Ben Smith was one of the best friends that any Kennedy brother ever had.

My brother Bob came here to Gloucester in 1962, to speak at a testimonial dinner for Senator Ben Smith. He began by saying that, for the young Kennedys growing up in our family, Ben was a legendary figure. He was a Harvard football fullback—and also an able student who, according to Jack, could do well in his studies and graduate from college without really ever going to class. He was one of the big guys we little guys looked up to, hoping he would choose us on his team or take us for a sail, so that we could learn a few pointers about winning a game or a race.

Ben Smith had the greatest of dreams—to be a good family man, to serve his fellow citizens—and, just incidentally, to be the best Lightning skipper on the North Shore.

He did all those things well. He served Gloucester on the City Council, on the School Board, and as Mayor. He won some of the most coveted cups in racing. He had a magical relationship with Barbara, who shared everything he did. And his children grew up straight and strong, blessed with a wonderful father and a wonderful mother.

And then, as we all know, Ben's own life was caught up inseparably in Jack's career. In all my brother's political campaigns, Ben Smith was at his side. He was the best kind of friend you can have—always concerned, always supportive, always giving you the straight story.

He took many months out of his life to campaign, especially in Wisconsin, West Virginia, and New York. People in other states may have had trouble with his accent, but they could tell he was a straight shooter. And they were willing to take his word that his friend, the young Senator from a different region, with a different religion, was what our country needed to get moving again.

I remember one night, campaigning together in West Virginia. We talked about all the coal buried in the mountains, and how hard life was in the deep mines. And Ben said, "I'd go down every mine in every mountain, and dig out every chunk of coal with my bare hands, if I could elect your brother President." And he did.

When the opportunity came for Ben to serve on the national stage, he brought with him to Washington the lifelong knowledge and values he had learned here in Gloucester, and he used them to make America a better place.

As a member of the Senate Labor Committee, he played an important part in the economic recovery legislation of the New Frontier, especially the minimum wage and the Area Redevelopment Act. He cast a key vote in support of the initial Medicare law. He traveled to the cities and towns of Massachusetts, and urged the Mayors and Selectmen to participate in the federal programs being developed to help their industries and communities.

He literally single-handedly saved small firms—like the Waltham Watch Company, where workers with forty years of experience were in danger of losing their jobs, until Ben Smith found them contracts making clocks for the Air Force.

He came to the rescue of the state's cranberry industry, which had been reeling for more than a year after Eisenhower officials had created a false cancer scare and warned the country not to use cranberry sauce in Thanksgiving dinners. It was Senator Ben Smith who persuaded the Department of Agriculture to start buying cranberries for the school lunch program—and for 30 years, school children across America have been enjoying cranberry sauce because of Ben Smith.

In the Senate, Ben played a unique and special personal role. The 99 other Senators knew that when Ben left at the end of the day, he was probably going to the White House for a swim with the President. So other Senators would ask Ben to put in a good word for a piece of legislation or a project they were interested in. Most Senators' influence is measured by seniority. Ben's was measured by the number of laps he swam with Jack.

They had a wonderful personal relationship. On one occasion, the President was signing the Cape Cod National Seashore Act, which Ben had sponsored in the Senate. A President has a large array of pens at bill signings. He uses a different pen for each letter of his name, and sometimes for each stroke, so he can give the pens out later to the dignitaries attending the ceremony. Often, it can take five or ten minutes for a President to sign his name on a bill.

Well, as Jack was going through this ritual, the only conversation he had was with Senator Ben Smith, who was standing beside him.

"I heard you lost last weekend," the President said.

"Yes," said Ben. "The wind died in the last three minutes."

"Same old Smith excuse," the President said.

When Ben left the Senate, he could have had almost any other job he wanted in the Administration. But he didn't want to leave Gloucester, the place he loved most. So you kept him and loved him for the rest of his life.

This is a unique city, steeped in history, open to the sea. In the glory days of the New England fishing fleet, there was always a special respect for the men and the ships that put to sea "Out of Gloucester." It meant their crews were unusually strong and highly skilled. Their captains were especially wise in the ways of the sea, and could always be trusted to get the job done.

It is in that sense, and with a feeling of fond remembrance for his leadership and his friendship, that we say today, Ben Smith was truly "Out of Gloucester."

When I think of Ben, I see him at the helm of his beloved sailboat "Teaser," heading out into the swells, the salt spray kicking up, the wind rising, the race under way, a man of the sea at peace with himself on the great voyage of life.

As the poet John Masefield wrote in "Sea Fever":

I must go down to the seas again, to the lonely seas and the sky,
And all I ask is a tall ship and a star to steer her by,
And the wheel's kick and the wind's song and the white sail's shaking,
And a gray mist on the sea's face, and a gray dawn breaking.
I must go down to the seas again, for the call of the running tide

Is a wild call and a clear call that may not be denied.
And all I ask is a windy day with the white clouds flying,
And the flung spray and the blown spume and the sea-gulls crying.
I must go down to the seas again, to the vagrant gypsy life,
To the gull's way and the whale's way, where the wind's like a whetted knife;
And all I ask is a merry yarn from a laughing fellow rover,
And quiet sleep and a sweet dream when the long trick's over.

FROM "THE BIOGRAPHICAL DIRECTORY OF THE UNITED STATES CONGRESS" (1989)

Smith, Benjamin A., II, a Senator from Massachusetts; born in Gloucester, Essex County, Mass., March 26, 1916; attended Gloucester public schools and graduated from Governor Dummer Academy; graduated from Harvard University in 1939; during the Second World War served as a lieutenant in the United States Navy with service in the Pacific Theater 1941–1945; president of Merchants Box Factory, Cape Ann Fisheries, Inc., United Fisheries Co., Gloucester By-Products, Inc., and Gloucester Community Pier Association, Inc.; mayor of Gloucester, Mass., 1954–1955; appointed as a Democrat to the United States Senate on December 27, 1960, to fill the vacancy caused by the resignation of John F. Kennedy and served until November 6, 1962; was not a candidate for election to fill the vacancy in 1962; is a resident of Gloucester, Mass.

[From the Gloucester Times, Sept. 26, 1991]

BENJAMIN A. SMITH II DIES; WAS U.S. SENATOR, MAYOR

Former U.S. Sen. Benjamin A. Smith II—"a man who could walk with kings without losing the common touch," according to a friend—died early this morning at the Addison Gilbert Hospital after a long illness.

Sen. Smith, a Gloucester native and former mayor of the city, stepped into the Senate seat and served for two years after John F. Kennedy was elected president in 1960.

Sen. Smith, 75, was the husband of Barbara A. (Mechem) Smith of 47 Norwood Heights.

Those who knew Sen. Smith attested this morning to his infectious personality and pivotal role in both local and national politics.

"You could say that Sen. Smith was a friend of everyone, a man with no enemies, and people only had the highest regard for him," said District Court Judge and former state representative David Harrison. "He was loved by everyone in the city."

Former Gloucester Mayor Richard Silva agreed, saying that "Everyone who came in contact with him liked him."

Silva, who knew Sen. Smith for close to 40 years, recalled Sen. Smith as an avid sailor and an exceptional football player. Sen. Smith was captain of the high school football team in 1933 and played football in college for Harvard.

City Clerk Fred Kyrouz, who first met Sen. Smith during those football days, said it would be impossible to point out one crowning achievement in Sen. Smith's life because he did so much for the people of Gloucester and Massachusetts.

Sen. Smith never flaunted his numerous accomplishments, Kyrouz said, because personal recognition was not important to him.

"He was the type of guy who wouldn't advertise," Kyrouz said.

And once Sen. Smith moved on to the national scene, he never forgot his ties to his hometown, Kyrouz said.

When Kyrouz would call Sen. Smith in Washington regarding local concerns and ideas, Sen. Smith always listened and did everything he could. "Ben liked to talk politics," Kyrouz said.

Kyrouz also pointed out that fellow congressmen held Sen. Smith in high regard because of his hard-working, decent air.

"He had a great reputation in Washington," Kyrouz said.

Sen. Smith also helped to put Gloucester on the map, Kyrouz said.

Norman Ross, whose father, the late Norman "Nate" Ross, was best friends with Sen. Smith, also recalls a wonderful man who cared for everyone. Ross remembered how Sen. Smith taught him to ice skate.

"He was truly a man who could walk with kings without losing the common touch," Ross said.

Jack Cunningham of Annisquam knew Sen. Smith his entire life.

"He was a very warm person and a very close friend," Cunningham said.

Smith also attended Governor Dummer Academy and graduated from Harvard in 1939.

At Harvard, Sen. Smith was a member of the football team for three years as a fullback, and was a roommate of the late President Kennedy.

During World War II, Sen. Smith served in the Navy as commanding officer of an antisubmarine ship. He was separated from the service as a lieutenant commander.

Sen. Smith was active in John Kennedy's two campaigns for the United States Senate in 1952 and 1958.

In local politics, Sen. Smith was elected in Gloucester as a member of the School Board and the City Council. He was mayor of the city in 1954–55, the first mayor under Gloucester's Plan E charter, in which the council elected the mayor.

He also played a key role in John Kennedy's campaign for the presidency, participating in many of the primary battles across the nation.

In December 1960, when President-elect Kennedy resigned his Senate seat, Benjamin Smith was named to succeed him. The senator served for two years as a member of the Senate's Labor, Public Works, and District of Columbia committees. Sen. Edward Kennedy succeeded Sen. Smith, winning an election in 1962.

A resolution signed in 1952 by the mayor and councilman declared April 8, 1962 as Senator Ben Smith Day. The recognition was given to Sen. Smith because of his constant attention to the community and its needs. The resolution wished Sen. Smith continued good fortune in his service and career.

In addition to all of his political accomplishments, Sen. Smith was an accomplished fisherman and sailor.

Sen. Smith won first prize in the tuna class of the George Ruppert fishing contest for 1948 with his catch of a 718-pound tuna in Ipswich Bay.

Cunningham said that Sen. Smith loved sailing his entire life, and did much to promote the sport. Cunningham said that Sen. Smith has been recognized for his devotion to the sport and involvement in race week in the Sailing Hall of Fame in Marblehead.

Funeral arrangements are incomplete and will be published in Friday's edition of the Gloucester Daily Times.

Arrangements are being conducted by the James C. Greely Funeral Home, 212 Washington Street.

[From the Boston Globe, Sept. 27, 1991]

BENJAMIN ATWOOD SMITH 2D, AT 75; FORMER SENATOR, KENNEDYS' ADVISER

Benjamin Atwood Smith 2d, who was appointed to the US Senate from Massachusetts when John F. Kennedy became president in 1961, died yesterday at the Addison Gilbert Hospital in Gloucester after a long illness. Mr. Smith was 75.

Long prominent in the Democratic Party on a state and national level, Mr. Smith was a roommate of President Kennedy's at Harvard in the late 1930s and long one of his political confidants and campaign planners.

Mr. Smith served in the Senate for two years, giving way to Edward M. Kennedy, who was elected to the seat in November 1962. During his tenure in Washington, Mr. Smith was a member of the Labor, Public Works and District of Columbia committees.

In 1964, Mr. Smith served on the US Senate campaign committee in New York for the late Robert F. Kennedy and in 1968 he was with the Kennedy for President organization. He also was a longtime member of Edward Kennedy's political family.

For most of his life, Mr. Smith was involved in civic activities in his native city of Gloucester, serving in 1954 and 1955 as mayor of that city. He sat on the School Committee and the City Council and served as a trustee of the Addison Gilbert Hospital.

Mr. Smith was a member of the Annisquam Yacht Club in Gloucester and the Corinthian Yacht Club in Marblehead. Early in his sailing career, he won an international competition and received the Prince of Wales trophy. This past year he was inducted into the Marblehead Sailing Hall of Fame. A member of Gloucester's tuna fishing fleet, he was a United States sports tuna champion for three years, 1946–48.

During World War II, Mr. Smith served in the Navy for four years as a commander on an antisubmarine, antitorpedo vessel.

Born in Gloucester on March 26, 1916, Mr. Smith was the son of R. Russell and Grace Smith. His grandfather, Benjamin A. Smith, was for years president of Gorton-Pew Fisheries Co., an internationally-known fishing company in Gloucester. In 1963, Mr. Smith was named by President Kennedy as U.S. ambassador to an international fisheries conference involving the United States, the Soviet Union, Canada and Japan.

For many years, Mr. Smith was chief executive of the Merchants Box Company, a family business in Gloucester.

Before entering Harvard College, from which he was graduated in 1939, Mr. Smith attended the public schools in Gloucester, played football at Gloucester High, where he was captain of the 1933 team under coach Nate Ross, and later attended Governor Dummer Academy. At Harvard, he was a fullback under coach Dick Harlow.

Mr. Smith leaves his wife, Barbara M. (Mechem); two sons, R. Russell Smith 2d and Benjamin A. Smith 3d of Gloucester; three daughters, Barbara S. Ramsey of Hamilton, Susan S. Crotty of Kittery Point, Maine, and Cathleen Smith of Gloucester; two sisters, Geraldine Ryan of San Mateo, Calif., and Julianna S. Hedblom of Gloucester.

A funeral Mass will be said at 10 a.m. Monday in Sacred Heart Church in Gloucester. Burial will be in Calvary Cemetery in Gloucester.

[From the Gloucester Times, Oct. 1, 1991]

BENJAMIN A. SMITH II

The funeral of former Senator and Mayor Benjamin A. Smith II, 75, husband of Barbara M. (Mechem) Smith of 47 Norwood Heights was held yesterday morning from the James C. Greely Funeral Home, 212 Washington Street.

He was the son of the late R. Russell and Grace (O'Brien) Smith.

Funeral Mass was celebrated at 10 a.m. in Sacred Heart Church, Lanesville, by the Rev. Myron Bullock, pastor.

The organist was Janette H. Coull and the soloist was Patricia A. Natti, who led the congregation in singing "Eternal Father," "Holy God We Praise Thy Name," "On Eagles Wing," "Be Not Afraid" and "The Battle Hymn of the Republic."

The church was filled to overflowing capacity with an additional 50 persons standing outside.

An honor guard was formed by members of the Corinthian Yacht Club, Marblehead.

Ushers were Dwight A. Ware and Michael A. Wheeler, both of Gloucester, Thomas J. Somers Jr. of Manchester and Jon W. Pear of Newburyport.

The scripture reading and responsorial psalm were read by a granddaughter, Cornelia S. Ramsey of Hamilton.

The offertory gifts were brought to the altar by grandchildren Benjamin A. Ramsey of Hamilton and Shelley M. Smith of Gloucester.

The pallbearers were a nephew, Benjamin S. Hedblom of Gloucester and close friends Colin P.C. Smith of Manchester, Dr. George Peter of Barrington, R.I., Joseph B. Kittredge of New Haven, Conn., Donald K. Usher of Gloucester and John J. Parker of Melrose.

Poems were read by two of his children, Cathleen Smith and R. Russell Smith II, both of Gloucester.

Words of remembrance and personal tribute were spoken by U.S. Sen. Edward "Ted" Kennedy.

A eulogy was written and delivered by District Court Judge David E. Harrison.

Burial was held in Calvary Cemetery with prayers read at the grave by the Rev. Bullock. The flag covering the casket of the World War II U.S. Navy veteran was folded and presented to his wife, Barbara M. Smith.

An honor escort from the Gloucester Police Department, under the command of Sgt. Michael MacLeod, led the funeral procession from the funeral home to the church and cemetery. Other members of the honor escort were Patrolmen Howard Costa, Michael Crippen, Sanford Amero and Marjorie Erkkila.

[From the Boston Globe, Oct. 6, 1991]

"A FAREWELL TO BEN SMITH"

(By Jeremiah V. Murphy)[1]

GLOUCESTER.—The crowd started arriving early the other morning at Sacred Heart Church in Lanesville for the funeral Mass for former U.S. Senator Ben Smith of Annisquam.

Father Myron Bullock knew the white wooden church perched on a steep hill would not be big enough. There was only room inside for 215 people, but almost 350 showed up and scores stood in the aisle and others waited outside on the steep granite steps.

It was a quiet crowd. Smith was 75 and had lived the good life through the years. He had made many friends.

I have never once heard anybody put the knock on Ben Smith or the late football coach Nate Ross or Russ O'Maley in Gloucester. Not once.

Now it was 10 a.m. and the church was jampacked and the Annisquam crowd was seated mostly on the right and the townspeople and the politicians were seated on the left. Smith's wife, Barbara, two sons, three daughters, and other relatives sat in the middle section.

Organ music filled the church a few minutes before the ancient ritual began when U.S. Senator Edward M. Kennedy slowly walked alone down the left aisle. He looked older and thinner than the last time I saw him. Kennedy's hair has turned white gray, and his face has taken on a deep pink, almost purple color.

Kennedy later delivered a eulogy and three times he had to stop speaking until he regained his composure. He spoke from a prepared speech but sometimes deviated with a bit of humor.

It was appropriate under the circumstances. Kennedy said, now serious, Ben "always stood with my brothers and myself." When his speech was over, Kennedy looked at Smith's casket and softly said, "Good bye, Ben."

Ben Smith's life changed dramatically one day in 1936 when he walked across Harvard Yard with Joe Kennedy. The Harvard students bumped into Joe's younger brother and Joe Kennedy said, "Ben, I want you to meet my brother—Jack."

They hit it off from that day on. Torby MacDonald, later a Massachusetts congressman, was also part of the trio who lived together in the same suite at Winthrop Hall at Harvard and became fast friends. All three are now dead.

Several years ago, a young man I know quite well was writing a college paper on John F. Kennedy's college years. The student phoned Smith in Annisquam and outlined what he sought. "Sure, no problem. I'll help you as much as I can," said Smith.

An appointment was set up and the student spent more than two hours talking to Smith about Jack Kennedy and Torby MacDonald.

The young man was my son, Paul. I remember later reading the college paper. One question stayed with me. Smith was asked what he liked most about Jack Kennedy. He replied: "Without a doubt his sense of humor. He had a way of walking into a room and lighting it up with his presence."

That quality of laughter must have been contagious with Smith and MacDonald. I have heard often that was the case. It is ironic that the two men who knew Jack Kennedy best never wrote a line about him. They never did cash in on their friendship with the Kennedys.

Now back to Sacred Heart Church. Father Bullock, a tall, thin man with grey hair, delivered the first of three eulogies. "Ben Smith was a man in life who was at peace with himself," he said. Somehow that seemed to fit.

District Court Judge David Harrison recalled that Smith had a wonderful sense of humor. He loved hockey and would go almost anywhere to see a hockey game. Russ O'Maley, a longtime gentle Gloucester personality, accompanied Smith to a game in Lake Placid, N.Y.

The refereeing was bad, at least in Smith's eyes, and he was yelling loudly at an official. One thing led to another and a police officer was called to their seats. Harrison recalled that Smith pointed to O'Maley, who had not said a word, and said, "That's the man, officer! He started the ruckus!" They all had a great laugh, which came easily to both Smith and O'Maley. Those in attendance appeared to enjoy Harrison's vignette.

Now the Mass was over, and the congregation sang, "The Battle Hymn of the Republic," and filed out of the church and into the sunshine. Father Bullock stood by the door and nodded and shook hands with the people.

Kennedy filed out with the crowd. He seemed deeply touched by the occasion. Perhaps it was because Ben Smith was one of the last of Jack Kennedy's close friends.

Maybe it was because Smith had held Jack Kennedy's old Senate seat until Ted Kennedy had reached age 30 in 1962 and then was eligible by law to run.

But in any case, Kennedy appeared very moved and used both hands to shake hands with Father Bullock after the Mass.

Ben had known just about everyone and everything about Gloucester. He was "Ben," and not Mr. Smith. Smith moved comfortably through the city where he had been mayor and city councilor and high school football captain. Gloucester was truly home.

Ricky Schrafft, 25 of Rockport, is Ben Smith's grandnephew. He visited his uncle a few months ago and found Smith sitting and reading. Smith was affable and in good spirits, as he always was. Schrafft said the other day, "He was a good man who lived a good life."

TERRY ANDERSON

Mr. MOYNIHAN. Mr. President, I rise today to inform my colleagues that today marks the 2,411th day that Terry Anderson has been held captive in Lebanon.

But today we share in the great joy of the Turner family. As you know, Mr. President, Jesse Turner was released yesterday after 57 months as a hostage in Beirut. The world still waits for Terry Anderson, Thomas Sutherland, Joseph Cicippio, Alann Steen, Terry Waite, Alberto Molinari, Heinrich Strubig, and Thomas Kemptner. I ask unanimous consent that the New York Times article announcing his release be printed in the RECORD at this time.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, Oct. 22, 1991]

AMERICAN HOSTAGE FREED IN LEBANON, U.N. OFFICIAL SAY

(By Paul Lewis)

UNITED NATIONS, October 21.—The United Nations tonight announced the release in Beirut of Jesse Turner, a 44-year-old American professor who has been held hostage in Lebanon for almost five years. His release was apparently linked to Israel's freeing of 15 Arab detainees earlier today.

A brief statement issued here said that Secretary General Javier Pérez de Cuéllar had been informed of the release by his assistant in the area, Giandomenico Picco. Mr. Pérez de Cuéllar "understands" that Mr. Turner is now "on his way to Damascus," the announcement said.

The confirmation of Mr. Turner's release followed hours of confusion about his whereabouts. Although earlier reports from Beirut said that Mr. Turner had been freed, United States and Syrian officials had said they had not seen him.

THANKS TO "GROUPS IN LEBANON"

The Secretary General expressed satisfaction over the release of both Mr. Turner and the 15 Arab prisoners, who had been held at a jail inside the security zone that Israel maintains in southern Lebanon.

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[1] Jeremiah V. Murphy is a retired Globe reporter and columnist who lives in Rockport.

Mr. Pérez de Cuéllar thanked "the groups in Lebanon" for their cooperation in bringing about the release of Mr. Turner. He also thanked the Governments that had assisted him, "notably the governments of Iran, Libya and Syria." He said he was "grateful to the Government of Israel for the release of 15 Lebanese detainees".

Finally, the Secretary General seemed to hold out a new ray of hope for the eight other Western hostages that are believed to be detained by extremist groups in Lebanon. He said he hoped "this process will continue and that, in the near future, hostages of all nationalities detained in this part of the world will be freed."

PROFESSOR FROM IDAHO

Mr. Pérez de Cuéllar said he was "prepared to pursue his efforts with all concerned for a comprehensive solution of this humanitarian problem."

A computer science and mathematics professor from Boise, Idaho, Mr. Turner was kidnapped by a pro-Iranian group called Islamic Holy War for the Liberation of Palestine on Jan. 24, 1987 from Beirut University College along with another American professor, Alann Steen. Up to eight other Westerners are being detained after disappearing in Lebanon: five Americans, two Germans, a Briton and an Italian businessman who some reports say may be dead.

Mr. Turner was the fourth longest-held Western hostage to be released since mid-August, when complex negotiations began under the aegis of the United Nations Secretary General to bring about freedom for all Middle East captives. The focus of the talks are the Westerners, some 300 Arabs held prisoner by Israel and its surrogate militia in Lebanon, and four Israeli servicemen who were part of an original group of seven missing in Lebanon for years.

STEP-BY-STEP PROCESS

It has been a painstaking, step-by-step process, with an understanding that a move by one side will lead to reciprocal actions from others.

In Mr. Turner's case, the path for his release was smoothed this morning when Israel freed 15 of its Lebanese captives, bringing to 66 the number of Arabs that it has let go since August. A release had been expected after the Israelis received definitive word over the weekend that one of their missing men, Pvt. Yossi Fink, had been killed.

Danny Naveh, an Israeli Defense Ministry spokesman, described the Israeli action as "a gesture" intended to advance the hostage negotiations undertaken by Secretary General Javier Pérez de Cuéllar. But Mr. Naveh said, "I can't tell you that it's part of a deal where we did this and then we expect something tomorrow morning."

Even so, Israeli officials have repeatedly made clear that if Israel is to free the Arabs still in its hands, it will expect the return of its servicemen—or at least reliable information about them, especially if they may be dead. By the same token, hostage holders in Lebanon insist that the freedom for the Westerners hinges on Israeli action.

The negotiations have been accompanied by finger-pointing, with Arabs and Israelis accusing each other of deliberately blocking a comprehensive deal for political gain. Further complicating matters are the internal rivalries reported among various groups of hostage-taking groups and their patrons in Iran and Syria.

Earlier today it was thought that Mr. Turner's release might have been delayed or scuttled when Islamic Holy War denounced Israel for staging an air strike this morning on a Lebanese camp of the Party of God, a pro-Iranian Shiite group.

The raid, which produced no reported casualties, was carried out in apparent retaliation for a bombing on Sunday that killed three Israeli soldiers who were on patrol in southern Lebanon.

Israeli officials said their forces staged the air attack on a Party of God headquarters in Jibsheet, which is nine miles north of the Lebanon border and close to the ambush site where the three Israeli soldiers were killed on Sunday. Jibsheet is also the home of Sheik Abdel Karim Obeid, a Shiite clergyman who was kidnapped by Israel two years ago.

His release has specifically been demanded by hostage-holding groups. But Israeli officials say that Sheik Obeid is an essential bargaining chip in the hostage negotiations, and that he would be among the last to be set free.

There had been little doubt that the Israeli military would retaliate after the bombing on Sunday, and thousands of Lebanese villagers in the area were reported today to have fled their homes.

In a statement issued tonight, hours before Mr. Turner's release was confirmed by the United Nations, Islamic Holy War denounced "the hypocritical intentions of the invading Zionist enemy and its continuation in the policy of killing, displacement and planting fear and terror in the souls of Muslims in Lebanon and Palestine."

PHOTO OF ANDERSON

The statement was accompanied by what was apparently an old photograph of Terry A. Anderson, an American who has been held longer than any other Western hostage, since March 1985.

But while retaliating for its soldiers' deaths, Israel kept its side of an apparent bargain by letting more Lebanese prisoners go home.

Twelve men and two women were released from Al Khiyam prison, which is run by a client militia in Israel's declared security zone in southern Lebanon. A 15th prisoner, Ali Fawaz of the Party of God, removed from a prison in Israel and sent back across the border to the Lebanese port of Tyre.

THE NOMINATION OF JUDGE CLARENCE THOMAS

Mr. DECONCINI. Mr. President, the following is a compilation of my statements regarding the nomination of Judge Clarence Thomas throughout the confirmation process.

As a result of the allegations of Professor Hill, the Senate, by unanimous consent, postponed the vote on the confirmation of Judge Thomas last week and directed the Senate Judiciary Committee to investigate and conduct hearings on the allegations.

The Judiciary Committee has been highly criticized for its action on these allegations before the Judiciary Committee vote on September 27. Let me just say that many have lost sight of the condition of confidentiality that Professor Hill demanded of Chairman BIDEN. Ultimately, the decision of her confidentiality was taken from Professor Hill when her confidential statement to the chairman was leaked to the press. Unfortunately, the process that ensued has, I fear, scarred Judge Thomas and Professor Hill for life—they have both been through a dreadful ordeal.

The allegations of Professor Hill are extremely serious: That Judge Thomas sexually harassed her—that he used vile, demeaning, and disgusting language with her in conjunction with his quest to date her while she was employed by him.

Unfortunately, despite the extensive investigation and exhaustive hearings—amounting to 32 hours and 23 witnesses, the results are inconclusive.

Claims of sexual harassment are difficult to prove because there are often no witnesses. However, by the same token, those accused of sexual harassment have virtually no defense because they cannot prove a negative. The claims of Professor Hill are egregious but so too is the injustice perpetrated when we attempt to adjudicate a 10-year-old claim through a political process that deprives an accused of the most basic safeguards of due process and fairness.

For this Senator, the burden of proof was on the accuser, Professor Hill. In this country, it is a basic right of our legal system that the benefit for the doubt rests with the accused. These are very serious allegations of personal conduct. This is not a question of ideology or judicial philosophy. It is for that reason that these charges must meet the burden of proof that we afford every defendant in our legal system.

Granted, this was not a court of law with the rules of evidence and the usual protection for a defendant. But that does not lessen the need to require these allegations to overcome the presumption that Judge Thomas is not guilty of these allegations. And those who suggest that the burden of proof is not on Professor Hill would have to deny that Judge Thomas was on trial this past week. Clearly Judge Thomas' integrity and reputation were on trial.

The evidence supporting the allegations of Professor Hill do not meet any reasonable burden of proof that they must overcome. The allegations cannot stand by themselves and what little supporting evidence that has been provided is inadequate.

The conclusion does not have to be made that one of the two is right and the other is wrong. The decision is whether the evidence that was presented over the last few days is conclusive. And here it is not.

I have not been convinced that Professor Hill's allegations occurred. And for that reason I cannot withdraw my support for the nomination of Judge Thomas to the U.S. Supreme Court. To do otherwise would open up the nominations process to all sorts of unsubstantiated allegations.

Professor Hill alleges that Clarence Thomas' sexual harassment commenced at the Office of Civil Rights for the Department of Education during the winter of 1981. In 1983, Clarence Thomas became the Chairman of the Equal Employment Opportunity Commission [EEOC]. Shortly thereafter, Anita Hill followed him to the EEOC. Professor Hill testified that after being subjected to his verbal assaults at the Office of Civil Rights she never sought alternative employment. Moreover, she asserted that when he left the Department of Education to become the Chairman of the EEOC that she would not have a job. Therefore, she had no recourse but to follow him to his new place of employment.

However, Ms. Berry, a personnel specialist at the Office of Civil Rights testified that as a "schedule A" employee Anita Hill had job security and was informed of her employment rights when she assumed the position. In addition, Mr. Singleton, Clarence Thomas' successor as the Assistant Secretary for the Office of Civil Rights, submitted an affidavit that stated that not only would Anita Hill continue to have a position she would have been able to maintain the same position that she occupied at the time of Clarence Thomas' departure. I wondered if perhaps she didn't realize that she had job security. However, Ms. Berry said that she was informed of her employment rights. Even if she didn't know wouldn't someone, who has been victimized by verbal assaults, ask?

Professor Hill testified that she feared that the Department of Education would be abolished. Yet, that threat was looming over the Department of Education when she left her law firm to go to the Department. Hence, the threat of the Department's elimination did not deter her then.

Professor Hill indicated that the harassment at the Office of Civil Rights had stopped, therefore, she assumed it would be safe to follow Clarence Thomas to the EEOC. However, would a victim of such atrocious behavior willingly run the risk of being abused again?

Diane Holt, Clarence Thomas' former secretary, testified that Anita Hill called Clarence Thomas, on numerous occasions, after she left the EEOC, sounding cheerful and anxious to speak with him.

Charles Kothe, former dean of the Oral Roberts University Law School, testified that Judge Thomas recommended Anita Hill for the teaching position that she assumed at Oral Roberts Law School. Moreover, he testified that in 1987 he dined together with Professor Hill and Judge Thomas in addition to having breakfast together the next morning and this breakfast, Mr. Kothe stated, was "one of joviality and just one of joy. After that, * * * she volunteered to take him to the airport * * *." Moreover, Mr. Kothe said of this conversations with Professor Hill "in our discussions about [Clarence Thomas] she was always very complimentary and I felt that she was fascinated by him."

These statements represent only a few of the indications of an ongoing and pleasant relationship that Professor Hill maintained with Clarence Thomas. While I found Professor Hill's testimony compelling, I cannot dismiss the continued indication of a favorable attitude that she demonstrated toward Judge Thomas subsequent to his alleged abuses.

One victim of sexual harassment testified that it is not unusual for a victim of sexual harassment to follow her harasser. However, another victim of sexual harassment, Ms. Brown, moved me very deeply when she testified most passionately:

> Let me assure you that the last thing I would ever have done is follow the man who did this to a new job, call him on the phone or voluntarily share the same air space ever again.

The claims of Professor Hill portrayed a very dark side of Clarence Thomas, a side that had not previously surfaced through five FBI background investigations and heated confirmation hearings for Government positions. If this dark side of Clarence Thomas existed, surely someone other than Anita Hill would have seen it. Surely someone, including Anita Hill who witnessed this dark side would have found him unsuitable to head the EEOC, the agency that is responsible for enforcing sexual harassment laws, or unsuitable for the Federal Court of Appeals of the D.C. Circuit that is responsible for adjudicating the rights of victims.

Due to Clarence Thomas' conservative ideology, his previous confirmations have been highly contested—this is not a man who has eluded scrutiny but rather has been in the public eye for quite some time. Why is Professor Hill the only one who witnessed his cruelty and abuse? Opponents of Clarence Thomas would say that Professor Hill is not alone; Angela Wright has also come forward, within the last week, and made allegations of sexual behavior in the office.

However, Angela Wright was fired by Clarence Thomas. By her own admission she was fired because she didn't accomplish the job that Clarence Thomas directed. Regarding her dismissal, Judge Thomas testified that he was dissatisfied with her job performance and he finally decided to fire her when she called someone a faggot, a slur that was unacceptable in the workplace. Moreover, after she came forward and requested to testify against Clarence Thomas she withdrew this request at the last minute. In my judgment, this places her credibility in serious doubt.

Many have attempted to reconcile these inconsistencies by second guessing Professor Hill's motivation to make a claim that is anything other than truthful. I leave such analysis to the experts. However, her behavior has placed, in this Senator, at least a shadow of a doubt regarding the weight of the evidence to substantiate her allegations.

I know that many women believe that we in the Senate, and men in general just don't get it—we don't understand. I for one agree that few men can truly understand the quiet desperation experienced by victims of sexual harassment. However, I believe that we do get it. My mother was a victim of sexual harassment and was fired for rejecting her boss' sexual overtures. Believe me, as a son knowing what happened to his mother, I get it. The use of power in the workplace over women in order to extract sexual gratification is despicable and must not be tolerated. The victimization of women at work, at home, and in the streets, is something that must be stopped.

I have supported legislation that promotes and protects the rights of women against physical assaults as well as verbal assaults in the Civil Rights Act and the Violence Against Women Act. I set up an award-winning program in Arizona, when I was county prosecutor, to provide counseling for sexual assault victims during and after rape trials. My current office policy insures that it sexual harassment should occur within my office, the offender will be dealt with severely.

However, the legislation and programs that I have supported protect women within the framework of American jurisprudence—they provide forums for proper adjudications of claims of assault against women—extending the appropriate safeguards to the accused as well as the accuser. Sexual harassment cannot be adjudicated through a political process. These charges must be resolved in a forum that restricts: hearsay; those that exceed the statute of limitation; wild speculation as to motive and unsubstantiated, inflammatory material that is calculated to incite the public and ultimately prejudice the parties involved.

Perhaps the hidden benefit of these allegations have been the heightened awareness of the prevalence of sexual harassment of women in the workplace and the injury that results. While the damage done to Professor Hill and Judge Thomas is irreversible, so too, will be the face of the American workplace.

No time in our Nation has the issue of sexual harassment been so dramatically portrayed in living rooms across the country. The number of women who have come forward and told of the abuse and degradation of sexual pressures from their bosses is staggering. Decent men have been shocked by the pervasiveness of sexual harassment. They now will be more vigilant regarding day-to-day office occurrences that in the past have gone unnoticed. Sensitive men and women should offer their support for women who they suspect are victims of harassment. Men who have been committing these abuses know now that they will be policed by this heightened awareness. Men who, in the past, were confused as to what constitutes acceptable behavior know now what is unacceptable.

I believe that Judge Thomas and Professor Hill have been pawns in a calculated game staged by interest groups that believe that the ends justify the means. If these groups are successful in their objective of defeating Judge Thomas, then these groups are the only winners—and the price for them was cheap because Professor Hill, Judge Thomas, and the American public are picking up the tab.

Mr. President, at this point, I ask unanimous consent to include the statement in support of the confirmation of Judge Thomas that I made before the Senate Judiciary Committee on September 27, 1991.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

I would like to first commend the chairman for his stewardship in these hearings. Once again, he has conducted the hearings in a fair manner with respect to both parties, the nominee and the witnesses.

The hearings are an exhausting process, but essential. During the hearings we have heard detractors of the process harken back for the days when nominees were not questioned by the Senate. I disagree with that notion. Five days of insight into a nominee is a small price to pay for someone who will spend the next 40 years interpreting the Constitution. The Senate and the American public have a right to know a nominee's judicial philosophy, and quite frankly, many of my concerns regarding Judge Thomas were only alleviated through his hearing testimony and his answers to our questions.

Many of my colleagues believe that Judge Thomas was less than candid to several direct questions. I do not quarrel with their right to ask those questions, and I recognize their frustration with the process, but I found Judge Thomas forthcoming on several issues. And I believe that his testmony revealed his judicial philosophy.

No doubt, there are improvements to be made in the process. But we must remember that we have made considerable advancements from prior nomination hearings. It was not too long ago when Senator SPECTER and I were in the process of drafting a resolution concerning the issue of nonresponsive judicial nominees before this committee.

As we all know, voting upon a nominee to the Supreme Court entails a difficult, personal decision. For this particular nomination, I must admit, I struggled in making my decision.

I began my consideration of Judge Thomas' nomination with the presumption that the President's nominee to office should be confirmed. During the August recess, I read extensively from Judge Thomas' writings, speeches, and judicial decisions. I reviewed his record at the Equal Employment Opportunity Commission [EEOC] and at the Department of Education. I read analyses of his record prepared by opponents and proponents. I talked to my constituents in Arizona.

And after this preparation, I was left with a number of concerns about Judge Thomas. I knew these concerns could only be resolved through the hearings. After 5 days of testimony by Judge Thomas and hearing from over 90 witness, I came to the conclusion that I could support Judge Thomas.

Over the past few weeks, we have heard from various reputable groups and individuals who oppose the nomination of Judge Thomas, including national groups representing the interest of women, African-Americans, Hispanics, and the elderly. I do believe that the opponents of Judge Thomas had a right to be concerned about his nomination. Over the years Judge Thomas has written articles and delivered numerous speeches criticizing landmark decisions of the court, rebuking Congress, and ridiculing the civil rights community.

His positions on natural law and the right to privacy as well as his praise of the views of Thomas Sowell raised serious questions in this Senator's mind.

I have not discounted the controversy of Judge Thomas' tenure at EEOC. He and I have had our differences regarding EEOC's treatment of the claims of Hispanics and the elderly during his tenure. I made this clear to him both at his court of appeals hearing and these hearings. I was not happy with the results at EEOC during his tenure. But I do believe that Judge Thomas acted within his official capacity and was earnest in his efforts.

In making my decision to support Judge Thomas, I balanced several important factors against Judge Thomas' prior record, statements, and writings. Judge Thomas has shown a capacity for growth, an understanding of the role of the judiciary, and an ability to divorce his prior duties with that role. I also believe that his controversial writings and his tenure at EEOC must be weighed against his commendable work on the court of appeals. Most importantly, Judge Thomas has shown that he will be a jurist who will not impose his agenda on the court.

More so than even Justice Souter, Judge Thomas supported heightened scrutiny for discrimination against women. I was very encouraged to hear him say that he believed that the court should be willing to apply even greater scrutiny to gender discrimination.

Unlike Judge Bork, he assured the committee that he did recognize an unenumerated right to privacy in the Constitution; some of my colleagues would have liked to have heard a more direct application of this right. Considerable emphasis has been placed upon Judge Thomas' position regarding abortion. Members of this committee have strong views on this issue. I, too, have strong views on this issue. The right of a woman to choose an abortion is one of the most passionate and divisive issues facing our Nation, today. However, whoever ascends to the court will also confront the fundamental issues of tomorrow. Therefore, my vote on a judicial nominee will never turn on one issue.

Drawing from a remarkable life story, Judge Thomas will bring a perspective to the court that it is surely lacking. His story is one of courage—a story of an individual who has risen from the indignity and pain of segregation and poverty to be considered for the highest court in the land. If confirmed, I hope that Judge Thomas will continue to recall his humble background and draw upon it.

But Judge Thomas' personal success story does not alone qualify him for the Supreme Court. Instead, I believe that he has the strength of character, diverse experience, intellectual ability, integrity, and judicial temperament to succeed on the court. I believe that he is an independent thinker beholding to no particular cause.

Judge Thomas would not have been my choice to be on the Supreme Court. I do not agree with President Bush that he is the most qualified candidate for the position. But the Senate should not superimpose its choice in the role of advice and consent.

If confirmed, Judge Thomas will be making some of the most important decisions for this country for decades into the future. I will not agree with all of his conclusions. But it is my belief that, in reaching those conclusions, Judge Thomas will exercise judicial restraint. By voting in favor of a nominee to the Supreme Court, we express our trust that the nominee will exercise the immense powers of that position, judiciously. I believe that Clarence Thomas will not compromise that trust.

TRIBUTE TO MAXWELL N. "JUG" BROWN

Mr. HEFLIN. Mr. President, I rise today to pay tribute to Maxwell N. "Jug" Brown, a man who epitomizes every characteristic of the term "public service." Throughout his entire life and career, Jug Brown has been there for his community, State, and country.

It is indeed rare, Mr. President, when a person's accomplishments and record of service to his or her fellow citizens truly captures the imagination and inspires others to action. Jug Brown is one of those rare individuals who has made a tremendous difference, and has an extraordinary degree of respect and exemplary record to prove it.

Jug Brown served as mayor of the city of Enterprise for 18 years, from 1954–72, an era of unprecedented revitalization and growth. The mayor's other political and governmental leadership roles included, most notably, president of the Alabama League of Municipalities; chairman of his region's Law Enforcement Planning Agency; president of the Southeast Alabama Gas District; and member of both the Alabama Armory Commission and Enterprise State Junior College's Advisory Committee.

Jug's keen business interests and acumen were evidenced by his work with the Dale Carnegie Foundation, through which he organized, promoted, and taught motivational seminars throughout the Southeastern United States. He later served as president of Garwood Enterprise Truck Equipment Co., and Enterprise Motor Lines, and was a governmental affairs consultant to the Alabama Power Co.

The true mark of an outstanding public servant is the ability to not only carry out the duties of important leadership positions successfully, but to also dedicate himself to improving the lives of others. Perhaps the best testament to Jug Brown's fulfillment of the latter is his service to the Association of the U.S. Army, which exists specifically to address the personal needs of its members and their families.

Jug served his country as an Army staff sergeant during World War II. In 1957, he organized and became the first president of the Association of the U.S. chapter at Fort Rucker, AL, known as the Bogardus S. Chairns Chapter. Under his leadership, the group earned recognition as one of the top six throughout the world. He also organized the Army association chapters in Huntsville, one of the largest in the country, and Birmingham.

In 1959, Jug was the recipient of the President's Gold Medal for outstanding service to the association, only the third such award ever made. Later, he was elected president of the Association's Third Region, covering the States of Alabama, Georgia, Florida, Mississippi, Tennessee, and the Carolinas.

Incredibly, Jug Brown somehow found the time to accomplish even more. He served as Rotary Club president, director of civil defense for the Enterprise area, and district chairman of the South Alabama Council of Boy Scouts of America. He was also a member of the American Legion, board of stewards of the First United Methodist Church, the Military Advisory Committee at Fort Rucker, and the Enterprise Hospital-Nursing Home Board of Trustees. In 1961, Jug was named Enterprise "Man of the Year."

Jug Brown is married to Helen Adcock Brown, herself a former Enterprise "Woman of the Year." Their three sons, each an Auburn University graduate, all attained the rank of Eagle Scout.

Mr. President, as his city honors its former mayor and foremost civic leader on "Jug Brown Day" October 24, 1991, and as we marvel at Jug's impeccable character and record of public service, we cannot help but find it fitting that he hails from a place known as Enterprise, a synonym for which is adventure. Jug Brown's life has been an adventure—in every sense, he has left a mark and made a difference, all the while finding happiness by serving others.

In reviewing his long list of endeavors, honors, and accomplishments, the theme of the beloved Frank Capra film "It's a Wonderful Life" comes to mind. Just like the character George Bailey, Jug Brown vastly enriched the lives of those around him, as well as impacted positively upon the general welfare of his community. How different it might have been in his absence.

Mr. President, we commend and salute Maxwell "Jug" Brown on a wonderful life and wish him continued health and prosperity, as well as a splendid Jug Brown Day."

TRIBUTE TO JUDGE JOHN CAIUS TYSON III

Mr. HEFLIN. Mr. President, I rise today to pay tribute to my good friend and colleague, Judge John Caius Tyson III, upon the occasion of his retirement from the Alabama Court of Criminal Appeals, effective October 1. Judge Tyson steps down after almost 20 years of distinguished and honorable service to the people of Alabama, who elected him to four consecutive terms on the court.

I have often characterized Judge Tyson as a "workhorse judge." Indeed, for the past several years, he has written over 100 separate opinions annually. He has demonstrated a total and unyielding commitment to his work throughout his legal career, consistently and untiringly exercising the duties and responsibilities of his important office with an uncommon degree of professionalism, responsibility, and fair-mindedness which serves as an inspiration and model for other public officials.

John Caius Tyson III, a native of Montgomery, AL, was educated at the University of Alabama, where he earned both his bachelor of science and law degrees. He married Mae Martin Bryant, daughter of legendary Alabama football coach Paul "Bear" Bryant, in 1957, and served as the State's Assistant Attorney General from 1959 to 1971. In January 1972, Gov. George Wallace nominated him for a vacant seat on the Court of Criminal Appeals, the Governor's first appellate judicial appointment.

A prolific writer and lecturer, Judge Tyson has served as a member of several governing boards, as well as numerous civic and legal organizations, including his present position as chairman of the advisory committee on judicial ethics. His biography was listed in "Who's Who in the South and Southwest," and he was a member of the U.S. Naval and Coast Guard Reserves for 7 years.

Mr. President, I commend Judge John Tyson III on his esteemed career and contributions to the legal profession, and offer my sincere congratulations and best wishes on his well-deserved retirement. In addition, I ask unanimous consent that an article describing the judge's career be included in the CONGRESSIONAL RECORD. Although his energy, fortitude, and dedication will be sorely missed, I am quite confident that the citizens of Alabama, who vested so much public trust in this very public man, have not seen nor heard the last from this "workhorse judge."

There being no objection, the article was ordered to be printed in the RECORD, as follows:

TYSON TO RETIRE OCTOBER 1

(By Stan Bailey)

MONTGOMERY.—After nearly 20 years on the Alabama Court of Criminal Appeals, Judge John C. Tyson III will retire at the end of this month.

Tyson, who turns 65 on Oct. 7, was appointed by former Gov. George Wallace in January 1972, and later was elected to a six-year term.

He was elected to his fourth consecutive six-year term last year. His retirement, which becomes effective Oct. 1, will allow Gov. Guy Hunt to appoint a replacement.

Tyson said the people of Alabama have honored him by electing him four times.

"This service has been the highlight of my legal career. It is now time for me to pursue other interests and allow another the opportunity to serve on this court," Tyson said.

He said he plans to teach part-time at Auburn University at Montgomery after he leaves office.

Alabama Chief Justice Sonny Hornsby said Tyson "has an excellent grasp of the criminal law, is an excellent writer and a prodigious worker."

When Wallace named Tyson as his first appellate appointment in 1972, he called him "an outstanding lawyer." Former Alabama chief justice and now U.S. Sen. Howell Heflin, D-Alabama, called Tyson a "workhorse judge."

A native of Montgomery, Tyson earned his law degree from the University of Alabama. He was in private practice in Montgomery from 1951–1959. MacDonald Gallion, a former attorney general, appointed him as an assistant attorney general in 1959—a job he held until 1971.

TRIBUTE TO JAMES HATCHER

Mr. HEFLIN. Mr. President, I rise today to pay tribute to one of my longtime friends, Mr. James Hatcher, as he steps down as the director and producer of the UAB Town and Gown Theater.

Hatch and I went to Birmingham-Southern College together. It was here that he first developed his enduring love for the theater. In fact, he and I were in a play together while we were in college.

James Hatcher has been the director and producer of the Town and Gown Theater for 41 years. He has been an outstanding asset for the community and the theater. Few people have the type of love and dedication for their job that Hatch has shown over the past decades. He has produced thousands of shows and launched the careers of many actors and actresses, as well as several Miss Americas.

James Hatcher has also used his talents to successfully run 13 seasons of Birmingham's Summerfest. He has been asked by the president of the University of Alabama in Birmingham to remain on as the assistant to the president of UAB for performing arts. This position should enable him to continue influencing the performing arts throughout Alabama.

I wish him the best of luck in his future endeavors and look forward to his continued success. I ask unanimous consent that an article from the Birmingham Post-Herald be included in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Birmingham Post-Herald, July 15, 1991]

HATCHER TO BOW OUT OF UAB THEATER

(By Kathy Kemp)

For a man about to give up the thing he loves most, James Hatcher seems remarkably chipper.

"How do you like my hat?" he says, modeling an exotic-looking pith helmet he acquired during his frequent travels.

"I just love hats. I need them to cover up my bald head."

Hatcher, who turns 70 next month, is poised to retire from the job he has cherished for 41 years—that of director and producer of UAB Town and Gown Theater.

An intense, emotional man who approaches every task with a passion, he appears to be approaching this new phase in his life with a decidedly upbeat attitude.

"I just know that things have to keep moving, that life continues, new generations come, and that's the reason I'm able to accept this so peacefully," he explains.

What will he do, this never-married, rotund bachelor, who has devoted the best years of his life to the stage?

"Hatch," as he's known to the legion of friends and acquaintances he's acquired through the years, ticks off a list of possibilities.

He plans to write at least three books, including the one he's currently working on—a collection of anecdotes from his life in the spotlight. He's got an idea for a screenplay, which an agent friend has assured him she can sell to a producer. He plans to travel and likely will vacation with Fannie Flagg, the actress-novelist-screenwriter who got her start about 30 years ago as a spotlight operator at Town and Gown.

"And I want to spend more time with my family—my cousins and my two aunts," he says.

Sitting in an Officer at Boutwell Auditorium, where he's putting together the 13th season of Birmingham Summerfest, Hatcher reflects on his colorful career, acknowledging there might be a few things he'd have done differently, if he had a choice.

"I only have two regrets. One was that I never had the funds to do any show the way I would have liked, as far as sets and costumes. It's always been accomplished with the sweat of other people's brows. Our staff has been tremendously underpaid. I would have liked to have been able to bring in a key dancer, for instance, to give leadership to my own corps of dancers.

"The other thing is, we've never really had state-of-the-art electrical equipment, and sometimes we've had trouble with the sound system, as (the critics) have written, because we didn't have a state-of-the-art sound system. Things like that."

Even with its flaws, Town and Gown Theater—under Hatcher's direction—has clearly been something special. For one thing, it has turned many an unpaid community actor into professional talent.

Hatcher says he's lost count of the shows he's put on at Town and Gown. There's no doubt, though, that musical comedies have been his specialty—probably because they, like Hatcher himself, are most often charming, colorful and sentimental.

He loves celebrities, and drops their names with unabashed abandon. He's met at least four presidents—Harry S. Truman, John F. Kennedy, Lyndon B. Johnson and Jimmy Carter. He counted among his friends Tallulah Bankhead and Mary Pickford. When he visits California, he lunches with Wayne Rogers or one of his many other show-business acquaintances.

Growing up in Enterprise, Hatcher claims, he didn't plan on a career in entertainment. When he enrolled at Birmingham-Southern College, he was bent on becoming a minister. That career was side-tracked, though, when he saw a notice for theater auditions on a campus bulletin board.

At Birmingham-Southern, he performed in a dozen productions, though be has long admitted he's a terrible actor. After a three-year stint in the Navy, he was hired by the University of Alabama to start a community theater at UAB, then known as the university's Birmingham extension center. Town and Gown Theater's first production, "Born Yesterday," opened in 1949 in the old Temple Theater.

Eventually, the theater company moved to its permanent location on Southside, in Clark Memorial Theater.

As Hatcher's reputation grew, he was sought out for an ever growing number of projects. For years he helped stage the city's annual Sacred Music Festival, its Miss Alabama pageants and the Razzberry Awards. He was the founding director of the Alabama State Council on the Arts and Humanities. Thirteen years ago, he helped launch Birmingham Summerfest, a city-sponsored non-profit summer stock theater, with which he will continue to work after he retires.

Also in post-retirement, Hatcher will become "assistant to the president of UAB for performing arts," a part-time position created for him by UAB President Charles McCallum. Among his duties, Hatcher says, will be to create an exchange program in the arts with other universities around the world.

Had he not been forced to step down next month when be turns 70, the state's mandatory retirement age, would he want to stay on as head of Town and Gown?

Hatcher smiles, and for the first time since he took off that pith helmet, Hatcher looks sad.

"Probably," he finally says. "It's all I've ever known."

[From the Birmington Post-Herald, July 15, 1991]

UAB TAPS SUCCESSOR, INSIDERS SAY

(By Kathy Kemp)

Although there has been no official announcement, James Hatcher's successor at UAB Town and Gown Theater has already been hired.

Gary Robertson of New York, who has directed on both the professional and university levels, will take over the 41-year-old community theater next month, according to sources at the University of Alabama at Birmingham.

UAB Town and Gown Theater spokeswoman Barbara Perley yesterday would say only that no announcement on Hatcher's replacement is planned for later this month. But several people in the local theater and entertainment community have confirmed that Robertson will replace Hatcher, who is retiring from his job as producer and director of Birmingham's oldest community theater, which he founded.

Hatcher acknowledged that a new director has been hired, and said he was pleased with the choice. "I like him. I was on the committee that selected him, and the university was very respectful of my concerns."

Few, if any, of those connected with Town and Gown knew Robertson before he applied for the job, the sources said. But one old acquaintance of Robertson's—New York director and writer Russell Treyz—had good things to say about him.

"If it's the Gary Robertson I worked with years ago, they've hired a good person," said Treyz, who co-wrote "The Cotton Patch Gospel" with Tom Key and Harry Chapin.

"Gary was a wonderful actor, and I think he's even done some writing. He is warm, bright and positive. And he went out of his way to do a good job."

Treyz met Robertson in California in the 1970s, when Treyz was a guest director at the Pacific Conservancy of the Performing Arts. Robertson—as well as another young, unknown actor named Robin Williams—was a cast member in "The Music Man," one of the shows Treyz directed.

When Robertson takes over, Town and Gown Theater will undergo some changes. From its beginning, it has functioned as a community theater, with mostly non-student actors, independent of UAB's theater and dance program. And as director, Hatcher answered to the dean of the department of humanities, rather than to the head of the theater department.

Under Robertson's leadership, Town and Gown is expected to be more closely associated with the college's theater program, with Robertson reporting to Karma Ibsen, chairwoman of the UAB theater department.

TRIBUTE TO DR. JOHN CAULFIELD

Mr. HEFLIN. Mr. President, I rise today to pay tribute to Dr. John Caulfield as he steps down as director of the university of Alabama in Huntsville's Center for Applied Optics. He has been an integral part of the development of a first-class optics department at UAH and the evolution of the optics industry in Huntsville.

For the past 6 years, John Caulfield has nurtured the optics facility and the Government contracts it has brought UAH. Under his leadership, over $10 million in optics research has flowed through Huntsville. He has encouraged the type of public-private cooperation which has emerged from UAH's work with numerous local companies.

John has been a continuous and vigorous contributor to the field of optics. Projects with which Caulfield has been involved in include holography, electrooptically modulated infrared nonlaser sources, clinical medicine applications of florescence, optical microphones, real-time fingerprint recognition, optical computing, and active and passive night vision devices.

During his distinguished career, John has contributed a number of books and other writings to the world of optics. Contributions to periodicals such as the Journal of Applied Physics, Applied Optics, International World Tribune, Newsweek, Popular Science, Omni, and National Geographic include approximately 130 articles. In addition, he served as editor of Optical Engineering and Optical Memory Neural Networks, and on the editorial board of Fiber and Integrated Optics. During his stay at UAH, John acted as a consultant for Understanding Computers-Alternative Computers, published by Time-Life Books.

The university and the business communities brought John to Huntsville in

1985 and he has meant much to those communities. Through his leadership, the university's new optics facility should be completed this fall. Dr. Caulfield was instrumental in acquiring the $8.7 million Department of Energy grant which made the center possible.

Since his affiliation with the Center for Applied Optics, John has been invited to speak around the world to audiences such as the International Symposium on Optical and Electro-Optical Science and Engineering in France, Automatic Optical Inspection in Austria, the International Conference on Holography Applications in China, the International Optical Computing Conference in Israel, the Technical University of Warsaw, the Institute of Electronics Fundamentals in Poland, and the Cetraro Conference in Italy.

John has also attained over 20 optical computer patents, including those for the Fiber Stellar Interferometer, Hologram Writer and Method, Fiber Fourier Spectrometer, Fiber Optic Cable Connector, and a Neural Processor with Holographic Optical Paths and Nonlinear Operating Means, all developed during his tenure at UAH.

John served as United States Coordinator for the Korea-USA Joint Workshop on Optical Neural Networks, and served on boards ranging from the Patent Board for Applied Optics to the Helen Keller Research Institute. He was an advisory committee member for the Museum of Holography in New York as well.

Thankfully, Dr. Caulfield plans to remain at the University of Alabama in Huntsville, continuing his research in optical computing and neural networks. He has expressed interest in further serving the university as a professor of physics, continuing to lend a helping hand to students with their own research. Aside from his university-related activities, he is affiliated with a new optical computing company that is presently undergoing major capitalization. According to a co-worker, John believes Nodal Systems will establish Huntsville as a major center in the field of applied optics and bring a number of jobs to the area.

In addition to his many contributions, awards, and achievements in the field of optics, John has incredibly found time to help his wife realize her life-long dream of becoming a sheep farmer. With much after-hours hay tossing and other sheep-related chores, John's helping hand has aided Mrs. Caulfield in producing a prize-winning black sheep.

I look forward to John's continued success in his many and varied endeavors. His work with optical computers could prove to be a revolutionary force in shaping the next wave of computer technology.

Mr. President, I ask unanimous consent that an article from the Huntsville Times on the work of Dr. Caulfield be included in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Huntsville Times, Aug. 1, 1991]

UAH'S JOHN CAULFIELD LEAVING OPTICS POST

(By Mike Paludan)

The University of Alabama in Huntsville's top optics expert is leaving his position but plans to stay in the area.

Dr. John H. Caulfield, director of UAH's Center for Applied Optics and an optics researcher of international reputation, told the Huntsville Times Wednesday that he hoped the university would find a replacement for him within about a month.

UAH officials have interviewed several candidates to replace Caulfield in the position, which paid him $110,000 a year, said university spokesman Rick Mould.

Caulfield, 55, said he plans to remain in the Huntsville area and possibly stay at UAH to teach physics. Another option, he said, would be to join the private sector.

After six years in a job Caulfield said he always planned to keep for only five, the UAH scientist leaves the school with a beefed-up optics program and what he called "the best optics facility in the world."

A new $8.7 million optics center, paid for with a Department of Energy grant, should be completed on the UAH campus this fall, Mould said.

That facility will help UAH attract the top optics researchers in the world, Caulfield said.

UAH has performed more than $10 million in optics research under Caulfield's directorship, with participation from about 30 local companies. Caulfield said his work will continue in that research area.

University and business leaders in Huntsville recruited Caulfield in 1985 after identifying optics as an industrial focus for the city in line with the push to diversify its economic base beyond a dependence on government defense and space work.

On the industrial development side, Caulfield admitted his goal of turning North Alabama into the "Silicate Valley" of the United States in optics work remains elusive, so far.

"The recession has hurt," Caulfield said.

Major funding from private investors to start up a new optical computing company, Nodal Systems Inc., fell through last year, but Caulfield said a new source of capital may surface this fall.

And further discussions between Caulfield and others behind Nodal, on the one hand, and other companies for use of its patents could bring work to Huntsville, Caulfield said.

Those patents could place Caulfield's company in an early lead for the new-generation computer industry. So far, only a handful of optical computing patents have been granted, said Ed Rosenfield, editor and publisher of Intelligence, a trade publication devoted to advanced computer technology.

The most recent of Caulfield's patents is assigned to Teledyne Brown Engineering of Huntsville, said Donald L. Wenskay, a patent attorney in Michigan who tracks neural network developments. That optical computer patent is one of 24 granted to Caulfield since the mid-1980s, he said.

Nodal would seek to design, build and market an optical computer capable of operating 1,000 times faster and with a million times less power than existing electronic computer technology.

Using holograms for storage instead of chips and laser beams instead of electronics for data transmissions, the optical computer could have a worldwide multibillion-dollar market in the next decade, Caufield has said.

High-speed and low-energy optics may usher in development of a long-sought-after computer that mimics the human brain—a so-called neural network with capabilities far beyond the artificial intelligence technology of present-day computers.

Nobal's lack of financial backing to date doesn't surprise Rosenfeld.

"He's certainly one of the premier talents in the optical world. That doesn't mean he can attract money. Three or four years ago people got money fairly quickly. Venture capital money hasn't been flowing into neural networks. A lot of venture money went into (leveraged buyouts) in the late '80s," Rosenfeld said.

Japanese officials have contacted Caulfield about optical computer development, but the UAH scientist has expressed little interest in that financial route, he said.

Caulfield's sentiment is in line with members of the Bush administration who have protested such overtures to university researchers, according to a recent Washington Post story.

The story said no actual funding offers had been made to the university researchers such as Caulfield.

Mitsubishi Corp. in Japan appears to be the company closest to commercial development of optical computers, said Rosenfeld.

TRIBUTE TO AUBREY J. "RED" WAGNER

Mr. HEFLIN. Mr. President, I rise today to pay tribute to Aubrey J. "Red" Wagner for his outstanding leadership and contributions on behalf of the Tennessee Valley Authority. His distinguished work and tenure as its Chairman—longer than anyone else in TVA's history—earned him the title "Mr. TVA."

Red Wagner, who died in July 1990 at the age of 78, served the public throughout his entire life, leaving a profound and lasting impression on those who had the privilege of working with him. Those who were close to him commonly refer to his honesty, dedication, energy, and persistence in accomplishing TVA's mission and goals.

Red's TVA career began in 1934, the year after the agency was founded, and spanned 44 years. Originally from Wisconsin, he came to TVA as an engineering aide, focusing on the agency's river development program. In 1948, he became manager of the Navigation and Transportation Branch. He eventually became general manager and was subsequently appointed by President Kennedy to the TVA Board. Not surprisingly, Red soon became Chairman, a position he held for 16 years. His tenure as a board member and as its Chairman still stand as agency records. As has often been stated, as TVA grew, Red Wagner grew with it.

During his career at TVA, Red Wagner earned a degree of respect and loyalty uncommon in business organizations, public or private. His personal and direct influence on TVA's mission and programs is unparalleled, as he helped design and build one of the Nation's largest electric power systems. Of course, his efforts were instrumental to the development of Alabama's inland waterways and overall navigational system.

It is entirely fitting that last month, the towboat *Maggie B* was renamed the *Red Wagner* in recognition of his leadership and contributions to TVA. The *Red Wagner* is based in Muscle Shoals, AL, and is used to move material and heavy equipment up and down the Tennessee River. This is perhaps the ideal memorial to an impeccable individual whose very work made such transportation possible.

Mr. President, I ask unanimous consent that an article on the life and career of Red Wagner be included in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

"MR. TVA" REMEMBERED

(By Worth Wilkerson)

Those who worked with him most closely remember Aubrey J. "Red" Wagner best for his integrity, his dedication, and his persistence.

"Red spent his life serving the public," says retired manager of Power G. O. Wessenauer. "That was always uppermost in his mind, whether he was planning for the navigation system on the Tennessee River, or serving as TVA General Manager, or making decisions as a member of the Board of Directors."

Wessenauer describes Wagner as a "very dedicated man" who also "was very persistent, as exemplified by the Tellico Project—many people didn't think the projected benefits would ever be realized, but Red never had any doubts, and I think what's happening at Tellico now bears him out."

A family member spoke with a resident of Tellico Village last winter about the possibility of Wagner's visiting that new housing/recreation development, health permitting, when the weather got better. He never got to make that visit. Wagner died in his sleep July 14 in a Knoxville health-care facility at the age of 78.

In a TVA career that began the year after the agency was organized and that lasted for 44 years, Wagner served a record 17 years on the TVA Board of Directors. He was Chairman for 16 of those years—also a record.

During his tenure, Wagner gained a degree of respect and personal loyalty among rank-and-file TVA employees that is almost unprecedented for a large organization. He was called "Mr. TVA" by many. Historians say his influence on TVA's direction and programs is equaled only by that of the first Board.

Retiree Godwin Williams, who also once served as Manager of Power, applies the word "integrity" to Wagner. "There was never anything shady or questionable about what he was doing," Williams says. "It was always very straightforward."

Williams says he often marveled at Wagner's "tireless energy—he never let up until he accomplished what he was trying to do. If he wanted something, he'd tell you why he thought it was a good idea and would listen to you, for a little while at least, if you disagreed. He was always very polite and a gentleman in letting you have your say."

Bob Howes, who headed TVA's recreation program and was the first manager of Land Between the Lakes, says Wagner was a "penetrating thinker who was always thinking ahead of most of us. I remember saying to myself, 'I wish I'd said that' sometimes, when he'd made a point in a meeting."

Howes also echoes the comments of Wessenauer and Williams about Wagner's tenacity.

"He could be very stubborn when he was convinced he was right," Howes says. "Yet, he was willing and able to grow as he moved up through the organization. I remember early on he and I were on opposite sides of an issue on reservoir shorelines, but he came full circle as he moved up and gained a broader perspective."

J. Porter Taylor, who took over TVA's navigation program after Wagner moved to the General Manager's Office, sums up the feeling of many of Wagner's colleagues and TVA employees, saying simply, "He was just a great guy; there was none better."

A native of Wisconsin, Wagner came to TVA in 1934 fresh with a civil engineering degree, to work as an engineering aide. He concentrated on the navigation aspects of the river development program and in 1948 was named to head the Navigation & Transportation Branch. He was made Assistant General Manager in 1951 and General Manager in 1954.

President John F. Kennedy appointed him to the TVA Board in 1961 to succeed Brooks Hays, who had resigned. When Chairman Herbert D. Vogel resigned the following year, Kennedy designated Wagner as Chairman.

When Wagner's first term neared an end in 1969 without a reappointment, he cleared his desk and prepared to leave. But President Richard Nixon reappointed him at the last minute, and he returned to serve another nine years—giving him the longest service of any member ever on the board.

THE TALLADEGA PRISON UPRISING

Mr. HEFLIN. Mr. President, the period between August 19 and 30 is indelibly etched in our minds as the time of the "Second Russian Revolution," the time when the forces of democracy prevailed in the Soviet Union and altered the world's political landscape as we have known it for some 45 years.

We should, however, also take note of the dramatic events which were unfolding simultaneously at the Federal Correctional Institute in Talladega, AL, when 121 angry inmates seized control of the facility and took 10 employees hostage, leading to a perilous standoff with law enforcement officials.

The uprising itself began on August 20, when Cuban detainees took 10 hostages at the prison to protest their eminent deportation; they had exhausted all appeals and had little to lose by employing violence to fight this extradition. The siege lasted for 10 tense and emotional days, as the entire Talladega community and State rallied in support.

The uprising came to a climax in the early morning hours of August 30, when all deliberative attempts to secure the hostages' release proved futile. The hostage rescue team, backed by other FBI and Bureau of Prisons response teams, led a precisely executed assault on the prison at the direction of Acting Attorney General Barr. At considerable risk to their own safety and in the face of unknown potential dangers, these well-trained law enforcement officers stormed the facility and within seconds the hostages had been removed to safety. Again, it is a credit to this special group of FBI men, whose motto is simply "To Save Lives," that no one suffered major injury.

I applaud the teamwork of the FBI and Bureau of Prisons, as well as the strong leadership and decisiveness of their respective directors, William Sessions and J. Michael Quinn, and that of Acting Attorney General William P. Barr. Indeed, the participants at all levels within these organizations should be commended for their roles in resolving the crisis. Without their professionalism and total cooperation, the outcome could have been very different.

Additionally, the Talladega Police Department, local media, and the correctional institute's community relations board, comprised of elected officials and community leaders, all provided valuable assistance. Volunteers established a center for the families of the hostages and conducted a "Yellow Ribbon" campaign. These yellow ribbons, symbolizing the community's support for the hostages and their families and friends covered the normally quiet town of Talladega, most known for its yearly stock car racing events.

Mr. President, today we can celebrate a happy ending to this saga, for an extraordinary group of FBI agents and other law enforcement professionals acted decisively and courageously in bringing the uprising to a halt, with the 10 hostages relatively unharmed.

I conclude by extending a belated but special "welcome home" to Linda Marie Calhoun, Herman Cruz, Mary A. Hogan, Ronald J. Holland, Leonard C. McKinney, Bryon K. Sanders, Sherwin K. Scarbrough, Rita K. Sudduth, Mark L. Tinsley, and Gerald Michael Walsh, and salute their bravery while held hostage at the correctional facility.

Mr. President, I request unanimous consent that an article on the FBI's hostage rescue team and its role in the Talladega uprising, as well as a list of the members of the institute's community relations board, be included in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times, Aug. 31, 1991]

F.B.I. RESCUE TEAM'S BAPTISM OF FIRE

(By David Johnston)

WASHINGTON, August 30.—Until today the Federal Bureau of Investigation's elite team that led the assault on the Federal prison in

Talladega, Ala., was a little-known force that had never before been used for such a large-scale hostage rescue. It had taken part in a few violent confrontations with less risk of widespread injury and in fugitive arrests in high-risk situations and it had been posted to several sites where there was a potential for violence.

The bureau's 50-member Hostage Rescue Team was created in 1982 in response to concern about terrorism, hijackings and hostage taking. The unit serves as a domestic counterpart to the military's Delta Force, set up to conduct similar operations overseas.

Drawn from the ranks of the bureau's agents, the team consists of 50 men. Women are not barred from the team. Several have applied, but failed the very demanding physical trials.

NO OTHER DUTIES

The team operates from a base at Quantico, Va., the site of the F.B.I.'s national training academy. Unlike members of the F.B.I. Special Weapons and Tactics Teams who have regular investigative assignments, members of the hostage rescue group have no other duties while assigned to four- or five-year tours with the unit.

Members of the team, whose motto is "To Save Lives," undergo rigorous physical and mental conditioning as well as intensive training in firearms, explosives and rescue operations on aircraft, buses, high-rise buildings and prisons. Several officials said that the specialized training was a factor that helped explain how the team succeeded in storming the prison without causing serious injuries among the hostages or inmates.

Acting Attorney General William P. Barr began preparing for today's assault on the prison on the day that Cuban inmates seized the hostages, law enforcement officials said today.

Shortly after the hostages were taken on Aug. 20, Mr. Barr convened an advisory group, which met at least once a day. The group left the actual negotiations to prison officials, who, except in an emergency, were under orders not to try any rescue efforts without approval from Washington.

But after realizing early on that negotiators could not give in to the inmates' demands to be freed and that a stalemate was likely to be reached quickly, the officials "concluded that the situation could not be successfully resolved through negotiations," a senior Justice Department official said.

The F.B.I. prepared two plans, an emergency rescue mission and a more elaborate plan, which evolved into the raid undertaken today. The advisory group concluded that the hostages would be in jeopardy unless the rescuers acted before the inmates realized they would not be able to obtain their freedom through negotiations.

Fearing that the opposing factions among the detainees might use the hostages in their own internal disputes, officials decided to act before the situation deteriorated to the point that an emergency rescue operation might have to be mounted, possibly placing the hostages in even greater danger.

On Thursday morning, Mr. Barr and his aides made the preliminary decision to storm the cellblock, but held open the possibility that negotiations might progress far enough to avoid a forced rescue. Late Thursday night, Mr. Barr moved from the Justice Department to F.B.I. headquarters, where the bureau's Strategic Intelligence Operations Center on the fifth floor of the J. Edgar Hoover Building was activated.

Among those present with Mr. Barr were William S. Sessions, F.B.I. director, Michael Quinlan, director of the Bureau of Prisons, Floyd Clarke, F.B.I. deputy director, and William Baker, F.B.I. assistant director in charge of the criminal division.

Before giving the order to free the hostages, Mr. Barr polled his aides as well as prison officials in Alabama about the risks of the operation.

For today's operation, bureau officials deployed the full team, along with some former members. In all, the team that led the assault had nearly 80 agents. Members of bureau SWAT units in Atlanta, Birmingham, Ala., and Knoxville, Tenn., and a Bureau of Prisons' Special Operations and Response Team entered the prison compound behind the main rescue team.

The F.B.I. team was first posted at the Los Angeles Olympics in 1984, where it was never needed; since then it has been a presence behind the scenes at events in which there is a potential terrorist actions. Among these have been the Republican and Democratic National Conventions in 1988.

In 1987, members of the team took part in the arrest of Fawaz Yunis, who was seized in international waters off Cyprus. He was later convicted of air piracy and hostage-taking in connection with the hijacking of an airliner at Beirut International Airport in 1985.

TALLADEGA FEDERAL CORRECTIONAL INSTITUTE COMMUNITY RELATIONS BOARD

Rev. Ralph Jernigan, First Baptist Church.

Mr. Mike Hamlin, Chief, Talladega Police Department.

Mrs. Rebecca Grevas, Program Coordinator, DeSoto Caverns.

Mr. James Anderson, Vice President, AmSouth Bank.

Ms. Edythe Sims, City Councilwoman.

Mr. Ray Miller, Director, Industries for the Blind.

Ms. Jean Burk, Branch Manager, First Alabama Bank, Lincoln.

Mr. Frank Hubbard, Director, Talladega Chamber of Commerce.

Dr. Edison Daniel Barney, Talladega City School System.

Mr. Cuviere Terry, Terry's Mortuary.

Mr. Jack Hethcox, Director, Citizens' Hospital.

Mr. Phil Cox, News Director, WHMA TV.

Mr. Joe Lee, Dean of Students, Talladega College.

Hon. George Montgomery, Major, City of Talladega.

Dr. Lance Grissett, Superintendent, Talladega County Schools.

Dr. Joseph B. Johnson, President, Talladega College.

Mr. Thomas Bannister, President, Alabama School for the Deaf and Blind.

Rev. Horace Patterson.

Mr. Bob Hand, Field Representative, Office of Congressman Glen Browder.

Mr. Jay Thornton.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

RECESS UNTIL 2:15 P.M.

The PRESIDING OFFICER. Under the previous order the hour of 12:30 p.m. having arrived, the Senate stands in recess until the hour of 2:15 p.m.

Thereupon, the Senate, at 12:30 p.m., recessed until 2:16 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. ADAMS].

FEDERAL FACILITIES COMPLIANCE ACT

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of S. 596, which the clerk will report.

The bill clerk read as follows:

A bill (S. 596) to provide that Federal facilities meet Federal and State environmental laws and requirements and to clarify that such facilities must comply with such environmental laws and requirements.

The Senate resumed consideration of the bill.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I note both managers are still in their respective, usual, Tuesday caucuses so I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order of the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT

Mr. MITCHELL. Mr. President, I am about to propound a unanimous-consent request which I am advised by staff for the Republican leader has been cleared by the Republican leader.

I, therefore, now ask unanimous consent that the majority leader, following consultation with the Republican leader, may at any time return the Senate to the consideration of Calendar No. 99, S. 596, the Federal Facilities Compliance Act, notwithstanding the provisions of rule XXII.

Mr. President, I should amend that to say "may at any time turn the Senate."

The PRESIDING OFFICER. Without objection, it is so ordered.

CLOTURE VOTE—S. 1745

Mr. MITCHELL. Mr. President, following consultation with the Republican leader, I now announce that the cloture vote on the motion to proceed to the civil rights bill will occur at 2:50 p.m. today, that is, in approximately 20 minutes.

Mr. President, I have not yet put that in the form of a unanimous-consent request. I do so now.

I ask unanimous consent that the vote on cloture on the motion to proceed to the civil rights bill occur beginning at 2:50 p.m. today.

The PRESIDING OFFICER. Is there objection?

The Chair hears none, and it is so ordered.

Mr. MITCHELL. Mr. President, although I am not going to put this into a unanimous-consent request, we have discussed the matter, our staffs have discussed the matter, and it is our understanding that the Federal Facilities Compliance Act will now be before us and that the managers intend to dispose of the remaining managers' technical amendment and the Wirth amendment, and that that will complete action on that measure but for the subject matter of unauthorized disclosure of information, which is still now the subject of discussion between the distinguished Republican leader, myself, and other interested Senators.

So what we will do is get those matters done between now and 2:50, then have a cloture vote at 2:50. Following that, we will then make a determination as to whether I exercise the authority just granted me to turn to the Federal Facilities Compliance Act or whether we continue with respect to the Civil Rights Act. That will follow further discussions that I will have shortly with the distinguished Republican leader.

Mr. President, I understand the managers on the Federal Facilities Compliance Act are present and will be ready to go shortly, so I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAUCUS. Mr. President, under the agreement that pertains to this bill, it is my understanding that the managers of the bill are entitled to offer a technical amendment. Is my understanding correct?

The PRESIDING OFFICER. The Senator's understanding is correct.

Mr. BAUCUS. Mr. President, with respect to that interpretation, there may be one or two other technical amendments that the managers may wish to offer as a package to be in order at a later date. Would it be in order to offer those technical amendments as well?

The PRESIDING OFFICER. Yes. That would be in order. The order includes technical amendments to be agreed to by the managers.

AMENDMENT NO. 1265

Mr. BAUCUS. I thank the Chair. Mr. President, I have a series of three technical amendments to the bill that have been cleared by both sides, essentially. One is at the request of the Senator from Washington, the Presiding Officer; another by Senator LAUTENBERG, with respect to surety provisions; and another from Senator BURNS, my colleague from Montana, with respect to mine waste capabilities. I send those amendments to the desk and ask that they be considered.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Montana [Mr. BAUCUS] proposes an amendment numbered 1265.

In section 105, subsection (b), in line 4 of new section 3004(m)(3) of the Solid Waste Disposal Act, after "comment", insert "and after consultation with appropriate State agencies in all affected States".

In section 105, subsection (b) in line 12 of new section 3004(m)(4) of the Solid Waste Disposal Act, after "comment", insert "and after consultation with appropriate State agencies in all affected States".

In section 109, subsection (b)(3), line 12, after "shall be" insert "only for the cost of completion of the contract work".

In section 111, line 1, after "solid", delete "of" and insert in lieu thereof "or".

In section 114, delete "AMENDMENT TO THE FEDERAL FACILITY COMPLIANCE ACT OF 1991" and insert in lieu thereof "USE OF MINE WASTE TREATMENT CAPABILITIES".

The PRESIDING OFFICER. Does the Senator wish to have the amendments considered en bloc?

Mr. BAUCUS. I make that request.

The PRESIDING OFFICER. The amendments will be considered en bloc.

The question is on agreeing to the amendment.

The amendment (No. 1265) was agreed to.

Mr. BAUCUS. Mr. President, I move to reconsider the vote.

Mr. CHAFEE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BAUCUS. Mr. President, we are now awaiting clearance on two amendments. I see one of the Senators on the floor. I ask the Senator if he is ready.

AMENDMENT NO. 1266

(Purpose: To establish energy management requirements for congressional buildings)

Mr. WIRTH. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Colorado [Mr. WIRTH] proposes an amendment numbered 1266.

Mr. WIRTH. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 6, after line 12, add the following new section:

SEC. 5. ENERGY MANAGEMENT REQUIREMENTS FOR CONGRESSIONAL BUILDINGS.

(a) IN GENERAL.—The Architect of the Capitol (referred to in this section as the "Architect") shall undertake a program of analysis and retrofit of the Capitol Buildings, the Senate Office Buildings, the House Office Buildings, and the Capitol Grounds, in accordance with subsection (b).

(b) PROGRAM.—

(1) LIGHTING.—

(A) IMPLEMENTATION.—

(i) IN GENERAL.—Not later than 18 months after the date of enactment of this Act and subject to the availability of appropriated funds to carry out this section, the Architect shall begin implementing a program to replace in each building described in subsection (a) all inefficient office and general use area fluorescent lighting systems with systems that incorporate the best available design and technology and that have payback periods of 10 years or less.

(ii) REPLACEMENT OF INCANDESCENT LIGHTING.—Wherever practicable in office and general use areas, the Architect shall replace incandescent lighting with efficient fluorescent lighting.

(B) COMPLETION.—Subject to the availability of appropriated funds to carry out this section, the program described in subparagraph (A) shall be completed not later than 5 years after the date of enactment of this Act.

(2) EVALUATION AND REPORT.—

(A) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, the Architect shall submit to the Speaker of the House of Representatives and the President pro tempore of the Senate a report evaluating potential energy conservation measures for each building described in subsection (a) in the areas of heating, ventilation, air conditioning equipment, insulation, windows, domestic hot water, food service equipment, and automatic control equipment.

(B) COSTS.—The report shall detail the projected installation cost, energy and cost savings, and payback period of each energy conservation measure.

(3) IMPLEMENTATION PLAN.—

(A) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Architect shall issue an implementation plan for the installation of all energy conservation measures identified in accordance with paragraph (2) with payback periods of less than 10 years.

(B) INSTALLATION.—The plan shall provide for the installation of the measures described in subparagraph (A) not later than 6 years after the date of enactment of this Act.

(4) ENERGY SAVINGS PERFORMANCE CONTRACTS.—

(A) IN GENERAL.—In carrying out this section, the Architect is authorized and encouraged to solicit and enter into one or more energy savings performance contracts offered by one or more private firms.

(B) CONTRACT REQUIREMENTS.—Each energy savings performance contract shall—

(i) require an annual energy audit;

(ii) specify the terms and conditions of each payment and performance guarantee; and

(iii) provide that, for the term of each guarantee, the contractor is responsible for maintenance and repair services for energy-related equipment, including computer software systems.

(C) PAYMENTS.—The Architect may incur an obligation to finance a project contracted for in accordance with this paragraph if—

(i) the energy savings guaranteed in the contract exceeds the debt service requirements; and

(ii) aggregate annual payments do not exceed the energy savings guaranteed in the contract during each contract year.

(D) IMPLEMENTATION.—The procedures and methods used to calculate the energy savings guaranteed in the contract shall be based on—

(i) sound engineering practices; and

(ii) consideration of relevant variables, including applicable utility rate schedules and fuel and utility billing schedules.

(E) DEFINITION.—As used in this paragraph, the term "energy savings performance contract" means a contract that—

(i) provides for the performance of services for the design, acquisition, installation, testing, operation, and, if appropriate, maintenance and repair, of an energy conservation measure identified in accordance with paragraph (2); and

(ii) may provide for appropriate software licensing agreements.

(5) UTILITY INCENTIVE PROGRAMS.—In carrying out this section, the Architect is authorized and encouraged to—

(A) accept any rebate or other financial incentive offered through a program for energy conservation or the management of electricity or gas demand that—

(i) is conducted by an electric or natural gas utility;

(ii) is generally available to customers of the utility; and

(iii) provides for the adoption of energy efficiency technologies or practices that the Architect determines are cost effective for the buildings described in subsection (a); and

(B) enter into negotiations with electric and natural gas utilities to design a special demand management and conservation incentive program to address the unique needs of the buildings described in subsection (a).

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

Mr. WIRTH. Mr. President, this amendment requires that the U.S. Capitol complex not only become energy efficient, but it requires the Architect of the Capitol to undertake relamping of the Capitol, the Senate buildings, the House buildings, and also to undertake a study of all of the methods and to implement those methods for heating and air-conditioning efficiency.

This is an amendment which I have been working on for a long time.

I ask unanimous consent that an industry review of Capitol Hill lighting which I commissioned from industry groups some years ago, which was completed in 1989, be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[A report to the U.S. Senate Subcommittee on Energy Regulation and Conservation and the U.S. House of Representatives Subcommittee on Energy and Power]

INDUSTRY REVIEW OF CAPITOL HILL LIGHTING

(Prepared by the Lighting Equipment Division, National Electrical Manufacturers Association, Washington, DC, October 16, 1989)

EVOLUTION OF LIGHTING TECHNOLOGY

During the past decade significant advances have been made in lighting energy efficiency. Political/economic forces spawned by the OPEC oil embargo of the early 1970s and technological innovations, particularly the introduction of computers into the workplace, are the driving forces for changes in lighting.

As a result, lamps, ballasts and fixtures changed. Sophisticated lighting controls gained market acceptance. The traditional incandescent and fluorescent lamps were supplemented by an array of more energy efficient types.[1] These lamps address the special need to save energy by a simple replacement process. These were augmented by additional advanced technology lamps.[2] Even greater energy savings are achievable with these new generation lamps, but they generally require new fixtures or circuits to optimize their performance.

Fluorescent lamp ballasts have also undergone major changes. The standard electromagnetic ballast is being displaced by the energy saving premium electromagnetic ballast.[3] Despite slow commercial acceptance of early generations of electronic fluorescent ballasts during the past decade, there are indications that advanced electronic ballast designs introduced during the past two years are receiving considerably greater attention in the market place. An electromagnetic ballast consists basically of a steel laminated core surrounded by two aluminum or copper coils. This assembly, along with a capacitor, transforms electrical power into a form appropriate to start and regulate the fluorescent lamp. The energy saving electromagnetic ballast differs from the traditional standard ballast in the materials used. Electronic ballasts start and regulate fluorescent lamps through the use of electronic circuitry at the range of 9 kHz and above, rather than the traditional core and coil assembly at 60 Hz. The high frequency levels of electronic ballasts reduce the power required by fluorescent lamps for a given level of light output.

The proliferation of visual display terminals (VDTs) and concomitant demands for altered light delivery systems have dramatically impacted lighting design practices. The viewing surface of the VDT is vertical; the opposite of the horizontal "paper task," which is viewed flat on a desk top. The VDT screen's surface is usually highly polished curved glass as opposed to the matte flat surface of most paper. As a result, lighting designs once considered appropriate for offices, are now considered inappropriate for electronic offices.

This change in visual demands in today's office place affects the energy conservation equation and initial costs, because of the increased demands by end-users for quality lighting design. With VDTs present, delivery systems must be more carefully designed, installed and maintained. The reflectance of objects, such as the ceiling, walls, floor, and desk tops of an office, are taken into account. Daylighting controls, such as venetian blinds, curtains, bottom-up and top-down shades and other shielding devices should be integrated into the total lighting plan. Lighting control system may include microprocessors, occupancy sensors, light sensors, dimmers, and low voltage switching systems. New types of luminaries have evolved that are both efficient and increase visual comfort while using VDTs.

The significance of our changing work environment to those desiring greater energy conservation is this: Lighting design and application have become more critical in areas where VDTs are used. Tolerances are tighter; arbitrary lighting limits[4] increase the probability of more problems.

DESIGNER AND CUSTOM OPTIONS

NEMA lighting manufacturers responded to the mandate of the Senate and House energy subcommittees with a practical "straight forward" list of retrofit recommendations—direct exchange of equipment.

However, there are other "lighting design" options. The professional staff of the Office of Architect of the Capitol suggested NEMA provide a "design recommendation." It would be inappropriate for NEMA, as an association of equipment manufacturers, to make such a recommendation. A professional lighting designer should be retained by Congress to consider a wide range of alternatives.

CONCLUSIONS AND COST/BENEFIT ANALYSIS

There are many opportunities for Congress to improve the lighting in its own domain while establishing an energy saving precedent for the Nation. Pages 9 through 17 of this report details NEMA's recommendations for improved lighting energy management.

To focus on what Congress can accomplish, NEMA concludes its review by highlighting office lighting and providing a cost/benefit analysis of its recommended "Best" options for replacing lighting systems in Congressional offices.

Throughout the Senate and House office buildings, except for the Hart Senate Office Building, fluorescent luminaries with four F4OT12 lamps and two standard ballasts are the primary source of general illumination. Such "standard systems" use between 175 and 192 watts per luminaire, depending upon the measurement criteria.[5]

As previously shown, a "good" alternative would be to change the standard lamps to F40T12ES (energy saving) lamps and use of two premium electronic ballasts. The "Better A" alternative would use energy saving lamps in conjunction with two electronic ballasts. "Better B" proposed using F032T8 or F40T10 lamps with electronic ballasts. The "Best" options, considering both lighting quality and energy savings, are luminaries using three F032T8 fluorescent lamps with one 3-lamp electronic ballast.[6]

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[1] Examples include: (1) energy saving incandescent and fluorescent, (2) cathode disconnect fluorescent lamps, (3) 1¼ inch diameter (T10), four-foot fluorescent lamps, (4) compact fluorescent systems for retrofitting incandescent lamps, (5) tungsten-halogen capsule lamps in traditional and reflector envelopes, and (6) krypton-filled incandescent lamps for long life.

[2] Examples of advanced technology lamps are compact fluorescent lamps (the bases of which may not allow them to be simple replacements for incandescent lamps), the recent reduced-diameter fluorescent lamps, low voltage tungsten-halogen reflector lamps, and low wattage HID light sources.

[3] Effective January 1, 1990, standard fluorescent ballasts used to start and operate F40T12, F96T12 and F96T12HO in 120 VAC and 277VAC fluorescent lamp systems will no longer be allowed to be manufactured for use within the U.S. Premium electromagnetic and electronic fluorescent lamp ballasts complying with minimum ballast efficacy factor (BEF) standards will be required to be used in their place. Cf PL 100-357.

[4] Such an example is found in the Commercial Building Guidelines promulgated by U.S. Department of Energy, Jan. 30, 1989, Federal Register, Vol. 54, No. 18, Part III, which amended 10 CFR 435 by projecting 1993 area lighting limits in watts-per-square foot without regard to the state of lighting technology or the visual demands of end users.

[5] A "lighting system" referred throughout this report equates to a luminaire—the combination of lamps, ballast and fixture. Luminaries of the type referred to in this report, tested in accordance with NEMA Standard 270-1988 "Procedure for Fluorescent Lamp/Ballast/Fixture Performance Comparison," show lower wattage consumption rates that bench test measurements.

ANSI Standard C82.2-1984 provides a measurement of lamp and ballast performance on a test bench in a controlled 77 °F ambient temperature environment. The watts consumed by the lamp/ballast combination is generally higher than the watts consumed by lamps and ballasts installed in fixtures. Because the industry uses both methods of measurements, the figures presented in this report are listed in a range.

[6] Relatively similar savings can be achieved with three-lamp parabolic louvered recessed or surface-mounted fixtures using T-8 lamps (Cf. Table 1-A). However, for sake of example, only the pendant mounted fixtures were compared in the presentation.

Table 1 shows comparable energy savings which can be achieved by replacing various lamp and ballast combinations. Table 1-A portrays energy savings gained by replacing lighting systems with one of the "Best" options—whether an open pendant, surface mounted and recessed fixture.

TABLE 1.—SAVINGS OPPORTUNITIES RETROFITTING LAMPS AND BALLASTS

[Existing fluorescent fixture as base comparison—four F40T12 lamps with two standard ballasts=175 to 192 watts]

Options	WATTS saved	Percent saved	Lighting equivalency
Base	0	0	Base.
Good	37 to 54	21 to 28	Slightly less.
Better A	57 to 74	33 to 39	Do.
Better B/T8	70 to 87	40 to 45	Do.
Better B/T10	32 to 49	18 to 26	Slightly more.

Note.—Research has shown that within the range of normal office lighting environments, the human eye cannot normally distinguish differences in levels of 15 percent or less. In Tables 1. and 1–A., "slightly less" is in the range of zero to −10 percent, while "slighly more" is in the range of zero to +20 percent. The low range figures are based on the luminaire NEMA 270–1988 criterion; the higher numbers are computed on the ANSI C82.2–1984 bench test criterion.

TABLE 1.A—SAVINGS OPPORTUNITIES REPLACING LIGHTING SYSTEMS—NEW FIXTURES

[Existing fluorescent fixture as base comparison—four F40T12 lamps with two standard ballasts=175 to 192 watts]

Options	WATTS saved	Percent saved	Lighting equivalency
Base	0	0	Base.
Best pendant	86 to 103	49 to 54	Equivalent Light.
Best surface	95 to 112	54 to 58	Slightly Less.
Best recessed	91 to 108	52 to 56	Do.

Lighting professionals recognize that line voltage, ambient operating temperature, environmental surfaces, differences in commercially available component tolerances, and other factors affect the performance of individual systems. However, the basic comparison in sound, and energy conservation can be achieved by "trading up" from a standard fixtue to one of the "Best" option three-lamp (T8) electronically ballasted fixtures.

To complete a cost/benefit analysis, the three "Best" option lighting systems were compared to two operational models provided by the Office of the Architect: One is a 500-room office building (comparable in size to the Cannon and Russell buildings) using four fixtures per room and paying 5 cents per kilowatt hour (kWh). The other, is the same building paying 7 cents per kWh.

Energy computation formula: Luminaire total watts divided by 1,000 times 4 luminaires per room times 500 rooms times 18-hour daily use times 300 days a year equals total annual building-wide energy (kWh) used for lighting.

As an example, the "Base" option (the existing luminaire with standard F40T12 lamps and two standard magnetic ballasts) uses 175 watts under the NEMA 270–1988 measurement (192 watts under the ANSI C82.2—1984 bench test). Four such luminaires use 700 watts; that, times 500 rooms equals 350,000 watts, or 350 kW. Left on 18 hours a day (6,300 kWh daily) for 300 days a year equals 1,890,000 kWh.

[Using the ANSI bench-test method, the total yearly energy consumption would be 2,073,600 kWh.]

Experience with how fixtures actually perform in the field show that the NEMA 270–1988 luminaire measurement procedure more closely approximates reality. Therefore, the standard fixture consumption base for this analysis is based on 175 watts per luminaire. All comparisons of systems are made against the standard luminaire currently used in the Congressional Office Buildings.

Using the options described on pages 33 and 34, and the formula on page 35, the following energy savings tables were prepared:

TABLE 2.—ANNUAL SAVINGS IN kWh AND DOLLARS COMPARING VARIOUS OPTIONS VERSUS STANDARD LIGHTING

[Lamp and ballast retrofit]

Options	Total building kWh to operate	Amount kWh saved versus standard	Savings at $0.05 kWh	Savings at $0.07 kWh
Base	1,890,000	0	0	0
Good	1,490,400	399,600	$19,980	$27,972
Better A	1,274,400	615,600	30,780	43,092
Better B/T8	1,134,000	756,000	37,800	52,920
Better B/T10 [1]	1,544,400	345,600	17,280	24,192

[1] The Better B/T10 recommendation ranks higher than the Good, Better A, or Better B/T8, on the basis of increased light output per luminaire as compared to both the standard (or base) systems and the other energy saving systems.

TABLE 2–A.—ANNUAL SAVINGS IN kWh AND DOLLARS COMPARING VARIOUS OPTIONS VERSUS STANDARD LIGHTING

[Replacing lighting systems—new fixtures]

Options	Total building kWh to operate	Amount kWh saved versus standard	Savings at $0.05 kWh	Savings at $0.07 kWh
Base	1,890,000	0	0	0
Best pendant	961,200	928,800	$46,440	$65,016
Best surface	864,000	1,026,000	51,300	71,820
Best recessed	907,200	982,800	49,140	68,796

The cost/benefit analysis concentrates on the three "Best" option lighting systems (pendant, surface and recessed fixtures with a single electronic ballast and three F032T8 lamps). An analysis of retrofitting various lamp and ballast combinations was not done because of the highly variable labor rate. While there are commonly agreed-upon labor units for removing and installing various fixtures, there are different methods of calculating the cost of replacing lamps and ballasts.

Therefore the only valid data which could be provided for retrofitting lamps and ballasts, would be the government purchase price of the recommended items.

TABLE 3.—INSTALLED COSTS OF VARIOUS BEST SYSTEMS

Fixture type [1]	Labor unit per fix [2] (units)	Labor cost per building [3]	Mean unit fix cost [4]	Total fixture cost bldg. [5]
Type A: Pendant 3-lamp	2.45	$137,440	$193.15	$386,300
Type B: Surface mounted 3-lamp	2.10	117,800	137.00	274,000
Type C: Recessed flanged 3-lamp	2.20	123,420	140.38	280,760

[1] NEMA conducted a confidential survey of manufacturers to determine the mean price of a model fixture ordered in quantities of 2,000 and delivered on site without lamps. Type A: A pendant-mounted fluorescent fixture (complete with a 5-foot stem and mounting hardware) with provision for three FO32T8 lamps, containing one 120 V AC electronic (high frequency) ballast, and fitted with 3 inch 18 cell low brightness anodized aluminum parabolic lovuer. Type B: A surface-mounted fluorescent fixture, 2 feet by 4 feet in size, containing one 120 V AC electronic (high frequency) ballast, with provision for three FO32T8 lamps, and fitted with 3 inch 18 cell low brightness anodized aluminum parabolic louver. Type C: A NEMA-type F (flanged) recessed fluorescent fixture, 2 feet by 4 feet in size, containing one 120 V AC electronic (high frequency) ballast, with provision for three FO32T8 lamps, and fitted with 3 inch 18 cell low brightness anodized aluminum parabolic louver.

[2] The National Electrical Contractors Association (NECA), founded in 1901, headquartered at 7315 Wisconsin Avenue, Bethesda, Maryland 20814, represents 5,000 electrical contractors throughout the U.S. Annually, NECA publishes a Manual of Labor Units to assist the electrical construction industry in estimating the amount of labor required to install various electrical devices and systems. Labor units are listed in three categories, "normal," "difficult," and "very difficult." For purposes of this analysis, the "very difficult" rate was used since it applies to installations at ceiling heights between 12 and 16 feet which applies to most Congressional offices.

[3] The labor cost per building was computed by multiplying the sum of the labor unit per fixture and 0.60 labor units for old fixture removal by the hourly contract rate for labor. (The contract rate is a combination of $18.70 per hour for a journeyman electrician in the Washington, D.C., area, plus $5.61 for employee benefits, and $3.74 for contractor overhead and profit; the total is $28.05.) Therefore for Type-A fixtures, the unit cost is $28.05 x 2.45=$68.72. to calculate the labor cost per building, the unit cost (e.g. $68.72) is multiplied by 2,000 fixtures ($68.72 x 2,000=$137,440.00).

[4] The mean unit fixture costs are based upon prices collected by the NEMA Statistical Department under confidential policies established by the Board of Governors and administered in compliance with federal anti-trust laws. The prices are not bid prices, but are presented only as representative of commercial market prices for model fixtures at the July-August 1989 level.

[5] The total fixture cost for buildings is the value of a unit times 2,000 units based on four fixtures for each of 500 rooms.

Because the federal government purchases lamps (fluorescent tubes) and ballasts on a fixed schedule, their prices are considered separately. All unit fixture prices shown in this report are without lamps, but do include ballasts. Therefore, to correctly compute the total installed costs, the price of lamps must be added. In the "Best" option scenario proposed by NEMA, 3 FO32T8 lamps would be used in each new fixture, for a total of 6,000 lamps. If the "Good," "Better A," "Better B/T8," or "Better B/T10" options were chosen, then 4 lamps would be needed to relamp existing fixtures, for a total of 8,000 lamps.

TABLE 4.—LAMP COSTS I

Lamp type	Unit price	Total number to retrofit building	Total cost
The following lamps are Government price listed: [1]			
F40T12 warm white (cents)	74.9	8,000	$5,992
F40T12ES warm white energy saving (cents)	90.0	8,000	7,200
FrOT10 warm white [2]	$5.30	8,000	42,400

[1] Prices are based on those published by U.S. Department of Defense General Logistics 1989 Contract Awards.

[2] Price based on GSA Federal Supply Schedule; additional 4 percent applies to purchases in quantities of 1,500 to 8,970.

TABLE 5.—LAMP COSTS II

Lamp type	Unit price	Total number to retrofit building	Total cost
The following unit prices were provided by a confidential NEMA statistical survey: [1]			
F032T8 3,000 kelvin color.	$2.13	8,000 relamp	$17,040
		6,000 new fix	12,780
F032T8 4,100 kelvin color.	2.26	8,000 relamp	18,080
		6,000 new fix	13,560

[1] Since the government contract does not list all T–8 lamps, NEMA conducted a confidential survey to determine the mean historical price for these lamps.

To determine the simple pay-back for investing in the three "Best" option lighting systems, NEMA compared the energy savings at both 5 and 7 cents to the total installed cost. The total cost includes (a) the total building installation and removal costs, (b) the cost of 2,000 fixtures, and (c) the cost of 6,000 T–8 lamps. Ballasts are installed by the fixture manufacturer and are part of the cost of the luminaire. The result of that comparison is shown in Table 6.

It should be noted that in the context of this review, simple pay-back takes into account only the purchase of the luminaires and lamps, and their installation. In the private sector, numerous other direct and indirect cost/benefits would be considered including impacts on productivity, increased safety and security (and the concomitant financial savings on insurance rates), cost of money, marketability of office space, and so on. In such cases, the pay-back period is generally much shorter.

TABLE 6.—INSTALLED COSTS VERSUS ENERGY SAVINGS

Fixture type	Total installed cost of new light-system [1]	Simple payback at $0.05 kWh (years)	Payback at $0.07 kWh (years)
Type A: Pendant 3-lamp	$536,520	11.6	8.3
Type B: Surface mounted 3-lamp	404,580	7.9	5.6

TABLE 6.—INSTALLED COSTS VERSUS ENERGY SAVINGS—Continued

Fixture type	Total installed cost of new light-system[1]	Simple payback at $0.05 kWh (years)	Payback at $0.07 kWh (years)
Type C: Recessed flanged 3-lamp	416,960	8.5	6.1

[1] The total installed cost of new lighting systems includes: Unit cost times 2,000 luminaries. Labor for removal of old luminaries and installation of new luminaries. The cost of 6,000 cool white FO32T8 (4,100K) lamps.

If one of the "Good," "Better A," or "Better B" options were chosen, then the unit price of fluorescent lamp ballasts would have to be taken into consideration, together with installation costs. To compute the total cost of replacing ballasts, a decision would have to be made whether to do a one-for-one replacement (exchanging one high frequency ballast for each standard magnetic ballast in the case of retrofitting an F40T12 system), or whether a three- or four-lamp ballast would be used for F40T10 and F032T8 systems. The following is a table of ballasts unit costs for computing cost/benefit payback.

TABLE 7.—BALLAST UNIT PRICE

[Industry mean price for ballasts sold to GSA through an electrical distributor]

Ballast type	Unit price
Type PR[1]	$6.60
Type E–1[2]	22.90
Type E–2[3]	27.40
Type E–3[4]	27.90

[1] Type PR: A premium electromagnetic ballast designed to start and operate two F40T12 fluorescent lamps at 120 V AC. Such ballast complies with the National Appliance Energy Conservation Amendments of 1988 (Public Law 100–357) enacted June 28, 1988.

[2] Type E–1: An electronic (high frequency) ballast designed to start and operate two F40T12 and F40T10 fluorescent lamps at 120 V AC. Such ballasts comply with provisions of 47 CFR Parts 15 and 18, Rules of the Federal Communications Commission.

[3] Type E–2: An electronic (high frequency) ballast similar to E–1 designed to start and operate three FO32T8 fluorescent lamps at 120 V AC.

[4] Type E–3: An electronic (high frequency) ballast similar to E–1 designed to start and operate four FO32T8 fluorescent lamps at 120 V AC.

The savings in electrical charges shown in the "Savings in kWh and Dollars" table on pages 36 and 37 should be used in conjunction with the "Lamp Cost I" and "Lamp Cost II" tables on pages 43, along with the above "Ballast Unit Price" table to calculate simple payback.

Lighting controls offer another opportunity for significant energy savings. While there are a wide variety of control systems currently on the market, NEMA concentrated on occupancy (presence sensitive) controls for its analysis in response to concerns expressed by the Architect of the Capitol that the working patterns in Congressional offices are such that more sophisticated systems would be impractical. Therefore NEMA used a very conservative model of having the fluorescent office lighting (the three "Best" option types) turned off 2 additional hours a day through the use of sensor technology. The resulting savings are shown in Table 8.

TABLE 8.—ENERGY SAVINGS THROUGH USE OF OCCUPANCY CONTROLS 2 HOURS PER DAY—300 WORK DAYS ANNUALLY

Fixture type	Kilowatt hours saved annually at 2 hrs × 300 work days (kWh annual)	Annual savings at $0.05 kWh	Annual savings at $0.07 kWh
Type A: Pendant 3-lamp	106,800	$5,340	$7,476
Type B: Surface mounted 3-lamp	96,000	4,800	6,720
Type C: Recessed flanged 3-lamp	100,800	5,040	7,056

There are wide variances in control technology costs and installation rates. For an accurate estimate of costs and payback, it is suggested Congressional officials work with a systems designer and individual companies. Unlike lamps, ballasts, and fixtures, there are no "generic answers" to questions about controls.

What is established, is that in the commercial/industrial setting, controls have been found to save very significant amounts of energy. As a result, they have been found to be cost effective and in increasing demand by the market.

Mr. WIRTH. This amendment has been cleared by the Rules Committee, by Senator GLENN, the Government Operations Committee, and the Energy Committee. So I think we have touched all the relevant jurisdictions on this. I hope we might get the distinguished managers of the bill to accept the amendment as well.

Mr. BAUCUS. Mr. President, we have reviewed the amendment offered by the Senator from Colorado. It is acceptable to the committee. It is this Senator's understanding that the committee which has jurisdiction over the matter, the Rules Committee, has cleared the amendment, as well as the Government Operations Committee. Senator GLENN has cleared the amendment. I urge adoption of the amendment.

Mr. CHAFEE. Mr. President, I think it is a good amendment. Indeed I would like to be added as a cosponsor if I might.

We think it is worthwhile and should be adopted.

Mr. GLENN. Mr. President, I rise to say a few words about Senator WIRTH's amendment, which I support. With this amendment, Senator WIRTH incorporates and extends an idea which I included in my bill S. 1040, the Government Energy Efficiency Act of 1991. One section of my bill requires that the Architect of the Capitol undertake a study to determine the feasibility and costs of bringing congressional buildings in line with Federal energy reduction goals. Having reported my bill out of the Governmental Affairs Committee on June 27, 1991, I instructed my staff to begin negotiating with Senator JOHNSTON's and Senator WALLOP's staff in order to develop a Federal energy management amendment to S. 1220. I should add that significant progress has been made to this end.

I strongly believe that we in Congress should not exempt ourselves from the same energy efficiency requirements which we place on the Federal Government. As chairman of the Senate Committee on Governmental Affairs, I've taken an increasingly hard look at special exemptions for Congress, particularly in the areas of civil rights, and environment, safety, and health legislation.

Our experience with energy efficiency investments over the last 10 years shows that before we mandate such improvements, we need to know how much they are going to cost and how much energy will be saved. Senator WIRTH's amendment incorporates this notion, and extends several other provisions of S. 1040 to the Architect's office. Notably, the Architect, under Senator WIRTH's proposal, may accept utility rebates and enter into performance-based energy contracts.

Mr. President, I would like to congratulate my friend from Colorado on his amendment—which I think will go a long way toward improving energy efficiency in the Capitol complex, and I urge my colleagues to support it.

Mr. WIRTH. Mr. President, given the sorry state of public opinion, the Congress is going to have to do all that it can to demonstrate its leadership capability.

The amendment I am offering today is an attempt to demonstrate that kind of leadership.

For more than 3 years, I have been working with private-sector representatives and the Architect of the Capitol to determine what opportunities we have in the area of energy-efficient lighting.

In short, we have an enormous opportunity—the amendment I am offering would demonstrate our leadership on environmental policy, energy policy, and economic policy.

My amendment directs the Architect to relamp all congressional office buildings where there is a potential to pay back this investment within 10 years. That potential is huge Mr. President.

The Architect of the Capitol estimates that there are 27 million dollars worth of cost-effective, energy-efficient lighting opportunities throughout the Capitol complex.

Based on a survey I requested with Congressman SHARP, lighting experts estimate that much of our lighting is so inefficient that new lighting would pay for itself in 5–10 years.

If the equipment pays for itself in 7 years, for example, we could cut our energy bill by almost $4 million a year—saving the $27 million over the bulk of one term in the Senate. And because this equipment lasts for many years, we would save much more than that. If we assume that the equipment operates for 20 years—a modest assumption—over those 20 years, new lighting equipment would save the Congress $80 million for a gross savings of $53 million. That is not bad, Mr. President, saving $53 million on a $27-million investment—a 15-percent rate of return, or twice the amount we could make by investing in a 10-year Treasury bill today.

But the news is even better than that. My amendment authorizes the Architect to enter into performance contracting and utility rebate programs that could yield the Congress that $53 million at little or no cost.

Energy saving performance contracts offer a way to improve energy efficiency at no cost to the building owner. Performance contracts are very popular in the private sector and in local government operations. They work like this. In most cases, a third party will audit buildings and install cost-effective efficiency improvements. The client, the Congress in this case, uses private third-party financing to pay for the cost of the retrofit. The contractor guarantees that the monthly savings on the energy bill will exceed the cost of the loan payment or else the contractor pays the difference. Therefore, Congress as a stable institution, would be able to borrow the funds and repay the loan at no cost.

The Honeywell Co., just one of many companies engaged in these programs, recently completed energy retrofit in 750 school districts across the Nation using performance contracts.

My amendment also allows the Architect to take advantage of utility rebate programs. Under these programs—again, widely used by the private sector and local governments—local utilities will pay for a portion of the cost of installing energy-efficiency improvements. Nationwide, electric utilities spent more than $1 billion on efficiency in 1990, according to the Edison Electric Institute. It is estimated that $2 billion will be invested by utilities in 1991. There is absolutely no reason why we should not be working with Pepco to realize similar benefits in the Congress.

Finally, Mr. President, this amendment directs the Architect to look at other areas of congressional energy use to find even more cost-effective efficiency projects. There are a number of new heating and cooling technologies, occupancy controls, and window technologies that could help us save even more taxpayer money, reduce environmentally harmful emissions even further, and save energy overall.

This, is a win, win, win amendment, Mr. President. And Lord knows that we need to be sending this kind of signal to the American people. We have to get our house in order. We have to be an example for the rest of the Nation. We need to be leaders on sound economic policy, good environmental policy, and strong energy policy. That is what this amendment does and I urge all of my colleagues to support it.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Colorado.

The amendment (No. 1266) was agreed to.

Mr. BAUCUS. Mr. President, I move to reconsider the vote.

Mr. CHAFEE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BAUCUS. Mr. President, I think there is only one other amendment that is yet to be cleared. We are waiting clearance of that amendment. It is essentially an amendment to be offered by Senator ROBB. Pending that clearance, and I see no other business to be transacted on this bill, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, the hour of 2:50 having arrived, the clerk will report the motion to invoke cloture.

The clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to the consideration of S. 1745, a bill to amend the Civil Rights Act of 1964:

Paul Simon, Paul Wellstone, Joe Biden, Bob Graham, Claiborne Pell, Wendell Ford, Paul Sarbanes, Richard H. Bryan, Christopher Dodd, Bill Bradley, Joseph Lieberman, Edward M. Kennedy, Don Riegle, Al Gore, Terry Sanford, John D. Rockefeller IV.

CALL OF THE ROLL

The PRESIDING OFFICER. By unanimous consent, the quorum call has been waived.

VOTE

The PRESIDING OFFICER. The question is, is it the sense of the Senate that debate on the motion to proceed to the consideration of S. 1745, a bill to amend the Civil Rights Act of 1964, shall be brought to a close?

The yeas and nays are required.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from North Dakota [Mr. BURDICK] and the Senator from Nebraska [Mr. KERREY] are necessarily absent.

I further announce that, if present and voting, the Senator from North Dakota [Mr. BURDICK] would vote "aye."

Mr. SIMPSON. I announce that the Senator from Indiana [Mr. COATS] is necessarily absent.

The PRESIDING OFFICER (Mr. GRAHAM). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 93, nays 4, as follows:

[Rollcall Vote No. 227 Leg.]

YEAS—93

Adams
Akaka
Bond
Boren
Bradley
Breaux
Brown
Bryan
Bumpers
Burns
Byrd
Chafee
Cochran
Cohen
Conrad
Cranston
D'Amato
Danforth
Daschle
DeConcini
Dixon
Dodd
Dole
Domenici
Durenberger
Exon
Ford
Fowler
Garn
Glenn
Gore
Baucus
Bentsen
Gorton
Graham
Gramm
Grassley
Harkin
Hatch
Hatfield
Heflin
Hollings
Inouye
Jeffords
Johnston
Kassebaum
Kasten
Kennedy
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Metzenbaum
Mikulski
Mitchell
Biden
Bingaman
Moynihan
Murkowski
Nickles
Nunn
Packwood
Pell
Pressler
Pryor
Reid
Riegle
Robb
Rockefeller
Roth
Rudman
Sanford
Sarbanes
Sasser
Seymour
Shelby
Simon
Simpson
Specter
Stevens
Thurmond
Wallop
Warner
Wellstone
Wirth
Wofford

NAYS—4

Craig
Helms
Smith
Symms

NOT VOTING—3

Burdick
Coats
Kerrey

The PRESIDING OFFICER. On this vote, the yeas are 93, the nays are 4. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

The majority leader.

Mr. MITCHELL. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. CRANSTON. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MITCHELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum having been suggested, the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. MITCHELL. Mr. President, I have discussed with the distinguished Republican leader who is present here on the floor, as well as the managers of the civil rights bill, including Senators KENNEDY, DANFORTH and others, about the best way to proceed at this time.

Under the rules, the Senate now having voted to invoke cloture on the motion to proceed to the civil rights bill, those who oppose proceeding to the civil rights bill have the right to utilize up to a maximum of 30 hours before the Senate could get to the bill itself.

I have suggested that rather than requiring the Senate to remain in continuous session for the next 30 hours, in which circumstance we could not get to the bill until 9:30 p.m. tomorrow evening, approximately, that we agree simply to proceed to the bill at a time certain tomorrow that is agreeable to all concerned and thereby obviate the need for a continuous session through the evening.

I have suggested to the distinguished Republican leader and other interested Senators, following discussions with them as to their respective schedules, that noon tomorrow would be an appropriate time. Following comments on the other pending matter and any comments the distinguished Republican leader would like to have, I am going to propose that we do that.

The other matter is the Federal facilities bill on which we have been working intermittently for the past several days and with respect to which I am advised by the managers all has been completed but for one amendment which will be accepted by the managers and, therefore, take just a few minutes and the subject matter for amendment to that bill under the order which would remain after that is with respect to investigation of unauthorized disclosure of information.

With respect to that latter subject, Senator DOLE and I have had a series of discussions which I anticipate are continuing. I made a suggestion to Senator DOLE this morning in writing which he has indicated he is going to shortly respond to in writing. It is my hope that we could reach agreement on that matter today, or at the latest sometime tomorrow, or in the absence of agreement, reach a point where it is evident that we cannot agree, in which case proceed to the alternative which we discussed and incorporated partially in the order, which would be to permit the junior Senator from California to offer his amendment, at which time I would then offer a second-degree amendment, in effect a competing alternative for conducting the inquiry, and have that matter debated and disposed of by the Senate.

I do not have a fixed time in mind for that at this time because I do not know when we are going to reach either an agreement or reach the point where it is clear to us we cannot reach agreement or resolve the matter in a manner just last stated by myself. That is where we stand now.

If this is agreeable, I would be prepared to announce that there will be no further rollcall votes today and that we proceed to try to dispose of this matter. If we reach agreement, we can do so by voice vote and then set a time for final passage on the Federal facilities bill sometime tomorrow at a time convenient for most Senators.

With that, Mr. President, having stated the situation and the various considerations that I have had in mind, I will be pleased to yield to the distinguished Republican leader for any comments or suggestions he may wish to make.

The PRESIDING OFFICER. The Republican leader.

Mr. DOLE. Mr. President, the majority leader having yielded, I think we are now in the process of determining whether or not we can proceed tomorrow.

So far, it is OK, but we have additional parties to check. And then we do have the matter of deciding in the event we should proceed to the civil rights bill and not-yet-resolved ground rules on investigation, improperly disclosed information, whether we would interrupt the civil rights bill or whether that would follow that because that might have an impact whether or not I can get consent to go at an earlier time.

So we are prepared I think on the civil rights bill—it is my hope there is some movement now. I think the parties are expressing some willingness on all sides to try to come together to see if we cannot resolve this. I know that Senator DANFORTH is meeting with Mr. Gray from the White House, or was shortly before the last vote. That, itself, I think is significant. I will get back to the majority leader as soon as I can.

In addition, I think I will momentarily be able to give you a counterproposal with reference to the proposal you gave me this morning.

Mr. MITCHELL. Mr. President, I thank my colleague for his comments.

I, therefore, will await a response by my Republican colleague both with respect to my suggestion that we agree on a time certain for taking up the civil rights bill and that we get back a counterproposal with respect to the subject matter of the investigation.

It is my intention that we get to the civil rights bill hopefully sometime tomorrow. I understand that Senators have the ability under the rules to further delay getting to it, but that time, at the outside, would expire at about 9:30 tomorrow. I think it actually would expire before that given the very few number of Senators who voted against. They could take other time, I understand. But I hope we can get agreement on that, and I look forward to receiving a response from the Senator in both respects.

Mr. SEYMOUR addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

Mr. SEYMOUR. I thank the Chair. Just a question of clarification. It was my understanding that as of last Thursday evening, in accordance with the unanimous-consent agreement, we were going to attempt to do everything we could to reach a bipartisan solution and agreement relative to the investigation of the leaks that occurred in the Senate Judiciary Committee; however, in the event we could not, that in fact my amendment would come up for a vote sometime today. Did I misunderstand that and, if so, is there a time certain?

Mr. MITCHELL addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. MITCHELL. I believe the Senator did misunderstand. The order, which is printed on page 2 of the calendar, simply provides that the legislation would be laid aside until 2:15 p.m. today, at which time the only amendments in order would be the following amendments listed there, including the last there being amendments dealing with unauthorized release of Senate documents.

Since there were four categories of amendments listed and no time limitation on those, it was not possible for anyone as of the time this order was entered to state with certainty what time that process would be completed, any Senator, as we know from long and sad experience, having the ability to speak at any time for as long as he or she wants.

I hope we can get to it soon. I have been in the forefront of those urging investigation and hope that we can either reach an agreement on how best to proceed or, failing that, to decide it on the basis of the debate and votes of the Senate.

The way this order is written—and I think was intended—is that there is not any way to state it specifically. For example, right now, if we went back to it and the Senator offered his amendment, in the absence of a unanimous consent limiting the time, neither I nor anyone else would be able to know when that debate would be concluded and, therefore, when the vote would occur. So my hope is we can do it as soon as possible. But I am quite certain the order does not require that the vote occur today.

Mr. SEYMOUR. I thank the Senator.

Mr. CHAFEE. I wonder if I could ask a question of the distinguished majority leader.

Mr. MITCHELL. Mr. President, I will be pleased to yield to the Senator from Rhode Island for a question.

Mr. CHAFEE. It is my understanding that the first order of business is for there to be agreement that we could proceed to the civil rights bill at noon tomorrow, something similar thereto. I think that is going to work out.

My question really pertains to the amendment of the distinguished Senator from California. If we did get agreement to proceed to the civil rights bill tomorrow at noon, would it be the intention of the distinguished majority leader that we would have no more votes today and then, assuming the Senator could not get agreement on the Seymour language with what he wanted, then we would proceed to that tomorrow?

Mr. MITCHELL. I have not made a decision on precisely when to proceed to it. Under the order, I will make that decision following consultation with the Republican leader. My hope has been that we could complete action on that as soon as possible.

I, frankly, had intended and hoped that we could do it today, but we are not able to because we have not completed the process of discussion to see whether or not we could reach agreement. At this moment I am awaiting a response from the Republican leader to a proposal which I made this morning. When I receive that response, I will review it, consult with my colleagues, and see if we can reach agreement on it.

Mr. CHAFEE. So the luring prize of no more votes today awaits both the determination of the agreement to proceed at noon tomorrow, or thereabout, on the civil rights bill and also agreement on the arrangement of the distinguished Senator from California with the Senator in connection with the undisclosed information revelation?

Mr. MITCHELL. I have not sought to condition my statement with respect to no more votes on either or both of those. It is my hope that will be the result, but I do not present it in conditional form or suggest that it is conditional in any way.

Mr. CHAFEE. I thank the Senator.

Mr. MITCHELL. Indeed, if we can reach an agreement, I would suggest we do it by voice vote, unless someone wants a recorded vote, in which event we set the recorded vote for a time certain when it will be convenient for most Senators. And the same is true with passage of the Federal facilities bill. I would like to get agreement on that and set a time certain for a vote on tomorrow.

The only thing holding up the Federal facilities bill now is the subject matter of the amendment of the Senator from California. And, of course, it has to be pointed out that if it is offered and voted on as an amendment to that bill, it must go through the whole legislative process which must occur.

I hope we can do this in a way unrelated to the Federal facilities bill. If we do it in relationship to that, it means that bill has to go to conference with the House. We do not know when it will be completed. I have been trying to get this bill passed for 5 years.

Mr. CHAFEE. I can tesify to that.

Mr. MITCHELL. I hope it will not take 5 more years to get it done, but I hope, in an effort to accommodate many conflicting interests involved, we can resolve it in the fairest possible way.

Mr. SEYMOUR. Mr. President, I would like to ask a question of the distinguished majority leader.

Mr. MITCHELL. Mr. President, I will be pleased to yield to the distinguished Senator from California.

Mr. SEYMOUR. Mr. President, I certainly do not want to stand in the way of passage of the important legislation that the Senator brought before this body, the Federal facilities bill. And I certainly do not want to delay consideration of the civil rights bill. My whole motive has been to try to ensure that this body address the leaks that occurred as quickly as possible and yet in a responsible fashion.

In that regard, I ask the majority leader, would it be the Senator's consideration that if in fact this body acts responsibly and in a majority relative to whatever amendment we might agree to, in fact immediately following the passage of such an amendment the Senator would support an independent bill, a stand-alone bill that could move us quickly to begin these investigations? Is my understanding correct?

Mr. MITCHELL. I will certainly consider that. Indeed, my original objective was in that regard. My original objective was to do this in a freestanding way. And it was the Senator from California who chose to offer it as an amendment to other unrelated legislation.

I will certainly consider that alternative and certainly had done so prior to the time the Senator from California offered his amendment.

Mr. SEYMOUR. Again, my only objective is to ensure that we move and we do not stop moving toward an objective on which I am sure we both agree. I would just state I am hopeful that this afternoon yet the distinguished Republican leader and the Senate majority leader can come to an agreement that would not necessitate my moving forward with the amendment. But in the event that we are not, then I am interested in pursuing a time certain in which my alternative amendment could be brought up.

In that regard, I just wanted to go on record to state that if we are not successful in putting the bipartisan agreement together, nor reaching a time certain relative to when I might bring up my alternative amendment, then I would oppose the civil rights bill coming up at noon tomorrow.

Mr. MITCHELL. The Senator has a perfect right to oppose the civil rights bill, if that is his decision, and I respect his exercise of that right for whatever reason he chooses. It is a rather commonplace event in the Senate that Senators who oppose legislation use rules or procedural devices to prevent legislation from coming up.

The fact of the matter is we deal with it every day, on almost every bill now. We have had to go through a cloture vote on a motion to proceed to a bill on which only four Senators voted against. This tied up the Senate, in effect delayed us 2 days, to accommodate the interest of 4 Senators. We often do it to accommodate one Senator.

So if the Senator from California wants to prevent the civil rights bill from coming up, he can do it tomorrow. He can do so. But I will say to the Senator that the maximum length of delay that he can achieve under the rules is 30 hours, which has already started running.

So that is his perfect right. I understand, if he wishes to exercise that right. I daily confront that situation on a variety of measures. I do not know what is gained for the Senator from California, or anybody else, to say we are going to make the Senate stay in session all night and go 30 consecutive hours until 9 o'clock tomorrow night, instead of agreeing in advance to bring the bill up at noon. That is the difference.

So I am prepared to say 1 or 2 hours. But if he wants to do that, he has a perfect right to do that, and I understand and accept it.

Mr. President, am I correct in my understanding that the time is running?

The PRESIDING OFFICER. The time on cloture is running.

Mr. MITCHELL. So the time is now running?

Mr. DOLE. Will the Senator yield?

Mr. MITCHELL. Yes.

Mr. DOLE. Mr. President, I think the point the Senator from California was making—and he had indicated to me earlier he does not want to hold up the civil rights bill—and what he is concerned about, is if he agrees to take it up at noon, then he may be foreclosed for several days from offering his amendment to the Federal facilities bill.

I think he certainly wants to cooperate. I think he also is trying to preserve his rights.

Mr. MITCHELL. I understand that. I appreciate that.

ORDER OF PROCEDURE

Mr. MITCHELL. Mr. President, accordingly, I now ask unanimous consent that there be a period for morning business during which Senators be permitted to speak.

I amend that request to ask that the Senate turn to the consideration of S. 596, the Federal Facilities Compliance Act of 1991, for the sole purpose of disposing of an amendment by Senator ROBB.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, I further ask unanimous consent that, following disposition of the amendment by Senator ROBB, there be a period for morning business during which Senators be permitted to speak not to extend beyond the hour of 5 p.m., at which time the majority leader be recognized.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, I further ask unanimous consent that the time between now and 5 p.m. be counted against the 30 hours under the cloture rule.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

FEDERAL FACILITIES COMPLIANCE ACT

The PRESIDING OFFICER. The clerk will report the bill.

The legislative clerk read as follows:

> A bill (S. 596) to provide that Federal facilities meet Federal and State environmental laws and requirements and to clarify that such facilities must comply with such environmental laws and requirements.

The Senate continued with the consideration of the bill.

AMENDMENT NO. 1267

Mr. BAUCUS. Mr. President, in behalf of Senator ROBB, I offer a technical amendment to section 304 of S. 596. It is essentially a clarification amendment which would, in effect, provide that any reclamations under a Federal EIS, that applies to Lorton landfill, will in fact be complied with.

This amendment has been cleared by all appropriate Members on this side.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

> The Senator from Montana [Mr. BAUCUS], for Mr. ROBB, proposes an amendment numbered 1267.
>
> Insert at the end of section 304(b)(2): "unless the conditions enumerated in subsection (a) are met.".
>
> Insert at the end of section 304(b)(3): "unless the conditions enumerated in subsection (a) are met.".

The PRESIDING OFFICER. Is there further debate? Is there objection to the amendment?

Without objection, the amendment (No. 1267) is agreed to.

Mr. BAUCUS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. CHAFEE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. COHEN. Mr. President, I am very pleased that the Senate is considering the Federal Facilities Compliance Act of 1991. This important legislation will ensure that States are able to enforce Federal hazardous waste laws with all parties, including facilities of the Federal Government. It is entirely appropriate that Federal facilities be held to the same standard as others for the disposal and cleanup of hazardous waste, just as they are held accountable for adherence to Federal standards governing clean air and water. As an original cosponsor of S. 596 and a cosponsor of the same legislation in the last Congress, I am glad that the time to correct the previous imbalances in this area has finally arrived.

The bill the Senate is considering, however, is actually an improvement over the bill I originally cosponsored. I am pleased that an amendment to the bill, offered by Senator JEFFORDS, myself, and others, has been adopted to provide some relief to small towns that are struggling to meet Federal mandates. Representatives of many small towns in Maine have contacted me with alarming reports about the costs that accompany Federal requirements associated with clean water and safe drinking water laws. In Bethel, ME, where 500 of its 2,300 residents use the water system, the town's cost for complying with the Safe Drinking Water Act is estimated at between $500,000 and $750,000, and water rates are expected to double. The town of Andover, ME, with only 135 water users, must pay $880,000 to comply with the act.

This summer, I joined with several of my colleagues on both sides of the aisle in introducing two pieces of legislation that offer assistance to the small communities now facing tremendous costs in their efforts to comply with Federal environmental mandates.

One of these authored by the senior Senator from North Dakota [Mr. BURDICK] offers financial assistance to small communities. While I support this goal and have cosponsored his legislation, I do not believe that dollars alone will ease the burden of compliance that these communities face. Accordingly, I also joined Senator JEFFORDS in introducing legislation, the Small Town Environmental Planning [STEP] Act, which would create a practical way for small towns to prioritize their compliance with Federal mandates, while still progressing toward our environmental goals. It seems to make good sense that, in the interest of meeting the goals of the Clean Water Act, the Safe Drinking Water Act, and other laws, we do all we can to see that every municipality has the means to come into compliance.

The amendment to the Federal Facilities Compliance Act by my colleague from Vermont, Senator JEFFORDS, builds on the basic premise of the STEP Act and gives small towns some important tools to meet Federal goals. It authorizes the creation of a small town environmental task force to more effectively identify environmental and public health regulations that pose significant problems for small towns, improve the relationship between the EPA and small towns, and study ways to improve small towns' ability to meet Federal regulations. It also ensures that small towns will have a friend in the agency in the newly established office of a small town ombudsman, who will be assigned specifically to assist small towns and facilitate their contacts with the EPA in Washington.

All too often, small communities can be unaware of the intricate details of Federal regulations until they are notified that they have failed to meet specified requirements. To alleviate this concern and the subsequent penalties that may result, this amendment requires the EPA to publish a list of mandates under Federal environmental and public health statutes, and to notify small communities of these requirements. The EPA will also study the possibility of establishing a multimedia permit program, where small communities can do one-stop shopping for all their required Federal permits. The time, effort, and money saved by this process would be a welcome relief to these towns.

I think it is worth noting that the goals of this amendment and the original STEP Act are not inconsistent with the interests of a clean, safe environment. I have long supported Federal efforts aimed at preservation of the environment and of the health of all Americans. In the long run, I believe our national environmental and public health and safety goals can actually be better served if we ensure that local communities are equipped to meet Federal mandates.

I want to commend Senator JEFFORDS in particular for his tireless efforts on behalf of all small communities across this Nation. My thanks also to the distinguished majority leader—my colleague from Maine, Senator MITCHELL—for his willingness to include this amendment in this legislation. I hope that enactment of these provisions will be only the first of several steps to help small towns meet all the requirements of Federal mandates.

As I said when the STEP Act was originally introduced, I will continue to work on ways to provide relief to larger towns, which face many of the same difficulties in meeting these mandates. I look forward to working with my colleagues to explore the most effective means possible of providing these communities with the tools they need to comply with Federal requirements, without being overburdened by the costs.

FEDERAL FACILITIES COMPLIANCE ACT

Mr. BAUCUS. Mr. President, the issue of Federal facilities compliance is really quite simple. Should the Federal Government be subject to the same environmental laws as everyone else?

Quite frankly, I had thought this question had been settled a long time ago—as far back as 1976—when Congress first enacted the Resource Conservation and Recovery Act. Section 6001 of RCRA states that:

> Each department, agency, and instrumentality of the executive, legislative, and judicial branches of the Federal Government * * * shall be subject to, and comply with, all Federal, State, interstate, and local requirements, both substantive and procedural * * * in the same manner, and to the same extent, as any person is subject to such requirements.

Clearly, congressional intent in 1976 was to make sure that the Federal

Government complies with all RCRA requirements. In 1976, Congress placed Federal facilities on an equal basis with private firms, municipalities, States, and individuals who violated RCRA. But that is not the case today.

Despite this clear language, the executive branch has continued to insist that it is not subject to the same environmental laws as everyone else.

Despite this clear language, three Federal courts of appeal have read congressional intent differently.

In cases before the sixth, ninth, and tenth circuits, each court ruled that States could not seek civil penalties from the Federal facilities violating RCRA.

In these cases, the U.S. Department of Justice argued, and the courts agreed, that RCRA has not clearly and unambiguously waived sovereign immunity with respect to civil penalties. With all due deference to these courts, I think they plainly misinterpreted the law.

I agree with the U.S. District Court for Maine—which is the highly esteemed court on which the majority leader once served. This court has held that:

> Any intelligent person reading the statute would think the message plain. Federal facilities will be treated the same as private institutions so far as enforcement of the solid waste and hazardous waste laws are concerned. * * *

Mr. President, we need to make sure that all courts interpret congressional intent as it was meant to be; as the U.S. District Court in Maine has done. We need to clarify the law so that RCRA clearly and unambiguously waives sovereign immunity with respect to civil penalties.

That is the purpose of S. 596, the Federal Facilities Compliance Act. Senator MITCHELL, who has been fighting for this legislation, is to be commended for his leadership, his patience, and his persistence on this issue.

I am convinced that fines and penalties for violations of the law are a necessary and effective method of enforcement. This is as true for environmental law as it is for any other type of law.

The EPA itself testified to the Environment and Public Works Committee that:

> Penalties serve as a valuable deterrent to noncompliance and to help focus facility managers' attention on the importance of compliance with environmental requirements.

It's no wonder then that in May 1986 the General Accounting Office concluded that the Federal Government has been slow to comply with hazardous waste laws.

In its 1986 report, the GAO reviewed RCRA compliance at 17 Federal civilian agencies in 12 States. GAO found that almost half of the hazardous waste handlers inspected by EPA were cited for violations. Over one-quarter were out of compliance for 6 months or more. Some had been out of compliance for more than 3 years.

Similarly, in February 1991 the Office of Technology Assessment in a report on cleanup, stated the Federal weapons facilities have produced widespread contamination of the environment from toxic chemicals and radionuclides.

Mr. President, without this legislation, recalcitrant Federal facilities will continue to violate the law.

S. 596 will change that. It will ensure that the Federal Government must play by the same rules as everyone else. It does so in three fundamental ways.

First, according to some courts, RCRA is the only major Federal environmental statute that does not clearly waive sovereign immunity. S. 596 specifically states that it does.

Specifically, it provides that administrative orders, and all civil and administrative fines and penalties may be imposed for violations by Federal agencies.

Second, the bill rejects the Department of Justice position. It specifies that EPA may take enforcement actions against other Federal agencies.

Finally, the pace of cleanup at Federal facilities has been too slow. To speed it, this bill will require each Federal facility to conduct an environmental assessment and annual inspections.

Mr. President, the Federal Facility Compliance Act will without question, give States what the Federal Government now has—the ability to enforce against violations of the law.

Some have argued, however, that this legislation is a budget buster. Critics have argued that fines and penalties will drain the Federal budget and divert limited funds for cleanup into State coffers.

This criticism is unfounded.

First, the Congressional Budget Office does not believe that the legislation will bust the budget. CBO said in a letter to Senator BURDICK:

> * * * the long-term cost of compliance would not change substantially as a result of this bill.

Second, in cases where sovereign immunity is clearly waived, under the Clean Air Act, for example, the size of fines and penalties collected has been minimal.

In Ohio, a $25,000 penalty was assessed for 10,270 days of violations under the Clean Air Act. It cost Ohio, $30,000 to litigate that case.

In Tennessee an administrative penalty of $10,000 for a clean air violation is being assessed by the State.

According to CBO, in 1990, DOD paid about $150,000 in fines and penalties to EPA and various States. Since 1979, DOE has paid about $1 million in environmental fines and penalties. Typical assessments against Federal facilities ranged from $1,000 to $250,000.

History demonstrates that States will not impose fines and penalties to raise money from the Federal Treasury. So this criticism is a red herring.

Other critics have argued that they can support this legislation but only if we eliminate some of the RCRA requirements that Federal facilities must meet.

Now this does not make any sense. It is like agreeing to pay a speeding ticket but only after we raise the speed limit.

The standards are based on protection of health and the environment. We cannot afford to change the requirements for the Department of Defense, the Department of Energy or for other Federal agencies. Federal facilities are among the worst offenders of the law.

The Department of Energy's Rocky Flats facility in Colorado, and the Fernald site in Ohio, for example have had a long history of environmental violations.

DOE has admitted full knowledge, since 1951 of pollution at Fernald. Moreover, DOE has conceded that it has released more than 300,000 pounds of radioactive uranium particles into the air at Fernald.

At DOE's Rocky Flats facility, the Federal Bureau of Investigation and the EPA have found numerous violations—including the illegal disposal and burning of hazardous waste and radioactive waste, and the illegal discharge of such wastes into nearby rivers.

The track record at the Department of Defense is not much better. DOD has 94 Superfund sites, and over 17,000 contaminated sites in every State in the Nation.

All told, some 63 percent of Federal facilities have serious RCRA violations for failing to protect ground water. But only 38 percent of all private facilities have similar violations.

This is wrong. The Federal Government should be the leader in compliance with our Nation's environmental laws. But the fact is we are laggards, not leaders.

The reason is quite clear.

When three courts rule that RCRA fines and penalties do not apply to Federal facilities, there is little to force compliance. That is why this legislation is absolutely necessary. It will ensure greater compliance by Federal facilities with our solid and hazardous waste laws.

Finally, Mr. President, let me point out to my colleagues that last year, the environment and Public Works Committee unanimously reported similar legislation. Unfortunately, there was not enough time at the end of the session for the Senate to consider the legislation.

We are fortunate that we now have time to consider this legislation. And I urge all of my colleagues to support it.

MIXED WASTE

Mr. JOHNSTON. Mr. President, I spoke briefly last week when the Senate adopted an amendment to address the problem of mixed waste storage at federal facilities. That amendment—which was worked out with the majority leader, members of the Armed Services Committee, members of the Energy Committee, and many other Members of the Senate—will go a long way toward solving the problem of mixed waste storage. I am grateful to all those Members who worked with us to develop the amendment.

In the absence of this amendment, I am afraid that S. 596 would have been a train wreck waiting to happen. In the absence of a comprehensive solution to the problem of mixed waste storage, I am afraid that we would have been right back here on the Senate floor in a couple of years trying to correct the problem that we created in S. 596. Fortunately, the Senate has worked its will, and we have developed such a comprehensive solution to this problem. The amendment adopted last week addresses the problems in a sensible and straightforward manner that also includes an opportunity for involvement by the States.

It simply would not make sense to adopt S. 596 without this amendment. Without this amendment, S. 596 would create an untenable situation where Federal agencies would be penalized for failure to comply with requirements with which it is impossible to comply.

The fundamental premise of S. 596 is that the Federal Government should be held to the same standards as the private sector with respect to compliance with the environmental laws. To ensure that the Federal Government is held to the same standards, S. 596 would waive sovereign immunity and allow the State to impose fines and penalties against Federal facilities to enforce compliance with the Solid Waste Disposal Act. I agree with the premise of S. 596. The Federal Government must be held to the same standards as the private sector. But it simply does not make sense to waive sovereign immunity and impose fines and penalties in situations where it is impossible for the Federal Government to comply.

This is precisely the situation that now exists with respect to mixed waste at Federal facilities. The problem with mixed waste arises from a conflict in our laws and regulations. It is not legal to store some of these mixed wastes but yet we cannot dispose of them either. There are insufficient regulations. There is insufficient treatment technology. There is insufficient treatment capacity. It is a problem that is impossible to solve without this amendment.

Section 3004 of the Solid Waste Disposal Act prohibits the land disposal of certain hazardous waste unless the waste has been treated and specifies that such waste can be stored only to allow the accumulation of sufficient quantities for treatment. This prohibition also covers mixed waste, where radioactive waste is mixed with hazardous waste.

The Department of Energy, the National Institutes of Health, and the Veterans' Administration each have a serious problem with compliance with this storage prohibition because treatment technologies do not yet exist for many types of mixed waste streams. Even where technology exists, there is not now adequate treatment capacity for processing of mixed waste. The Department of Energy has identified over 25 discrete mixed waste streams—representing 30 percent of the total inventory of mixed waste—for which there is no available treatment technology. For another 250 discrete mixed waste streams—or 70 percent of the inventory—the technology exists, but there is insufficient capacity.

In addition, there are no existing regulations specifically for the treatment of mixed waste. The regulations developed pursuant to the Solid Waste Disposal Act were developed strictly for hazardous waste and not for mixed waste. In many cases, what is appropriate for treatment of hazardous waste may not be appropriate for treatment of mixed waste. Attempts to apply the existing hazardous waste treatment regulations to mixed waste have proved unworkable. For example, the treatment regulations may require an inventory and retreatment of the contents of a storage drum prior to disposal. However, similar handling of a storage drum that contains mixed waste might result in unnecessary exposures to radioactivity. Therefore, it is essential that the regulations that will govern the handling and treatment of mixed waste are specifically designed for mixed waste.

The mixed waste amendment adopted to S. 596 will correct an otherwise unworkable situation. This amendment will get at the heart of the problem by requiring the Environmental Protection Agency to develop a list of mixed waste for which treatment is unavailable and promulgate the necessary regulations for mixed waste and by making it legal to store these mixed wastes until December 31, 1993. Where technology continues to be unavailable, there would be an opportunity to obtain a variance from EPA to continue to store these mixed wastes until July 1, 1997. By 1997, we hope that the technology will be developed for most of these waste streams.

I am very pleased that we were able to develop this amendment. I believe that it is structured in such a way that it will not only address the immediate problem of mixed waste storage but also serve to force the limits of technology development. There is an absolute deadline for compliance with the land disposal storage prohibition contained in section 3004 of the Solid Waste Disposal Act. But it is a sensible deadline. It is not an unrealistic deadline that will only ensure that we will be back here again to extend it.

Many of my colleagues have stated that the Federal Government lacks incentive to develop the needed technology aggressively and that fines and penalties are necessary to force the technology along. I do not agree with that. I agree that we must force the limits of technology development but we must do so in a sensible manner. I believe that the amendment we have crafted will address both of these objectives.

Again, I want to thank the majority leader for his efforts in working with us to address this problem. Many Senators were involved in negotiating the specific language of this amendment, and I think it truly represents the will of the Senate. It is my hope that when the Senate conferees meet with the House of Representatives on this legislation that they will stand firm in their commitment to this amendment.

S. 596, as amended, represents a sensible way to ensure that the Federal Government is subject to the same environmental standards as the private sector. Without this amendment, however, I fear that the solution in S. 596 will simply be unworkable.

I ask unanimous consent that the attached letter from the Secretary of Energy, Adm. James Watkins, as well as an explanation of the amendment, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE SECRETARY OF ENERGY,
Washington, DC, October 16, 1991.

Hon. J. BENNETT JOHNSTON,
U.S. Senate,
Washington, DC.

DEAR BENNETT: The Senate will soon consider S. 596, a bill that would amend the Resource Conservation and Recovery Act (RCRA) to expand the existing waiver of sovereign immunity to cover fines and penalties and administratively assessed orders.

I would like to emphasize that I fully support the objectives of the legislative proposals: to bring Federal facilities into compliance with applicable Federal and State environmental laws and, in particular, RCRA. In working to review and address the requirements of the Senate bill, the Department has stated that it can and should comply with all RCRA requirements applicable to the management of purely hazardous waste and that sovereign immunity should be waived to allow fines and penalties for violations of these requirements.

In principle, the Department also favors an expanded waiver of sovereign immunity with regard to the management of mixed waste. However, before such a waiver takes place, I believe that amendments to RCRA's technical requirements must be made to address the problems associated with the Department's management and treatment of this unique waste.

Provisions of RCRA prohibit the land disposal of certain hazardous and mixed wastes unless the wastes have been treated in accordance with Environmental Protection Agency standards to reduce their potential for migration. The law also prohibits the storage of these wastes except to allow the accumulation of sufficient quantities to facilitate proper recovery, treatment, or disposal. However, compliance with these requirements is not possible since treatment technology and capability is currently not available for much of the Department's mixed waste.

The Department's mixed waste compliance problem reflects, in part, the fact that RCRA and its regulations were drafted for the management of purely hazardous waste. Attempts to "force fit" current RCRA requirements related to mixed waste have proved unworkable. If the Department is to achieve full compliance with RCRA, we must have a regulatory framework that takes into account the unique problems associated with treating mixed waste and provides for mixed-waste storage until appropriate treatment technologies are developed and implemented. Passage of Federal facility compliance legislation that does not establish such a process and not add efforts to bring the Department's facilities into compliance with RCRA. I firmly believe that sound public policy requires that laws establish workable requirements—rather than set the stage for regulated entities to fail.

In order words because of RCRA, it is illegal to store mixed waste, and because of technological reality it is impossible to treat and dispose of the waste. This untenable predicament must be resolved in the context of this bill. Allowing the assessment of fines and penalties when it is impossible to comply makes a mockery of the law and will simply divert resources and delay clean-up efforts.

I appreciate your interest in ensuring compliance at Federal facilities and assure you that I share the same interest. I ask your support in ensuring that amendments to S. 596 are adopted that direct the safe storage of this mixed waste until adequate treatment technologies are developed and implemented. I look forward to your continuing role in these efforts.

Sincerely,

JAMES D. WATKINS,
Admiral, U.S. Navy (Retired).

JOHNSTON AMENDMENT—MIXED WASTE STORAGE AT FEDERAL FACILITIES

Amends section 3004(m) of the Solid Waste Disposal Act to require the Environmental Protection Agency to publish within 90 days a list of mixed waste for which the Administrator determines that treatment technologies do not exist or sufficient treatment capacity is not yet available. This list shall be updated annually.

Amends section 3004(m) to require EPA to promulgate regulations specifically for the treatment of mixed waste by December 31, 1992.

Amends section 3004(j) of the Solid Waste Disposal Act to exempt from the land disposal storage prohibition mixed waste for which treatment technology does not exist or for which sufficient treatment capacity is not yet available until December 31, 1993.

Amends section 3004(j) to provide an opportunity to obtain a variance from the land disposal storage prohibition beyond December 31, 1993, where technology or capacity continues to be unavailable. Where technology is unavailable, the EPA Administrator could grant a two-year variance, which could be renewed for periods of one year. Where capacity is unavailable, the Administrator could grant a one-year variance, which could be renewed for periods of one year. No variance could extend beyond July 1, 1997. Any variance granted by EPA would be subject to judicial review.

Does not alter or modify any existing agreements or consent orders affecting mixed waste storage to which the federal government is a party.

MIXED WASTE

Mr. BAUCUS. Mr. President, last week the Senate adopted an Environment and Public Works Committee amendment on mixed waste to address the issue of compliance with hazardous waste storage requirements for mixed waste. I appreciate the interest of other Senators in the development of this committee amendment.

The amendment was a compromise by all concerned. Some of my colleagues are persuaded that the Department of Energy faces a treatment capacity shortfall that is beyond the power of that agency to control. While I do not agree, I am willing to address the issue as evidenced by the mixed waste amendment adopted last week. This is a difficult issue of great interest to the States.

I ask unanimous consent to insert a copy of a letter I received today from the National Association of Attorneys General on the amendments to S. 596 that were adopted on October 17, 1991. These are particularly useful comments as they are prepared by State officials responsible for enforcing hazardous waste requirements against the Federal Government.

I also want to applaud the efforts of the National Association of Attorneys General, the National Governors Association, Sierra Club, and the many other organizations who have worked hard on this legislation.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

NATIONAL ASSOCIATION OF
ATTORNEYS GENERAL,
Washington, DC, October 22, 1991.

Hon. MAX S. BAUCUS,
Washington, DC.

DEAR SENATOR BAUCUS: We are pleased that Senate passage of S. 596 is imminent. S. 596, the Federal Facilities Compliance Act, which would ensure that federal agencies comply with state and federal environmental laws, has been a key priority of the National Association of Attorneys General. Congress' reaffirmation that penalties can be applied to federal facilities when they violate the law is a significant step forward in helping to protect the health and safety of the citizens. We commend your Subcommittee for addressing this issue and moving it along.

We have several reservations, however, about S. 596 as it appeared in the October 17 Congressional Record and hope that these issues will be addressed in conference with H.R. 2194. Our concerns about amendments to this legislation generally fall within three areas, (1) mixed wastes; (2) munitions; and (3) public vessels.

Regarding mixed wastes, S. 596 does nothing to encourage DOE to move forward in developing adequate treatment capacity. In fact, the potential length of the extension combined with a lack of incentives for DOE to meet these deadlines causes serious concern.

By its own reckoning, DOE has had four years to address the need to develop adequate capacity to treat mixed wastes. It is worth noting that adequate capacity was lacking for many wastes when the land disposal restrictions first came out in 1984. EPA granted a national capacity variance, and other generators took advantage of that time to develop adequate capacity for a wide variety of wastes, including many that, except for the radioactive component, are the same as many of DOE's mixed wastes. Right now, DOE is in violation of the land disposal restrictions at many of its facilities. While extensions beyond 1993 do require that DOE demonstrate that treatment capacity or technology cannot reasonably be developed by the 1993 deadline, absent specific obligations imposed by statute, order, or judicial decree, it is entirely probable that DOE will continue to muddle along for another six years with little progress toward resolving this issue.

While we understand that there were other reasons for changing the language, we are concerned that the impact of this change could be to eliminate the violations entirely, thus precluding the states or EPA from imposing compliance schedules to ensure that DOE acts swiftly to correct these violations. If there is no violation, no order can be issued, no complaint can be filed and no relief can be granted. As Judge Babcock of the federal district court for the District of Colorado found in a recent case brought by the Sierra Club against DOE, "DOE's demonstrated attitude is that it is a governmental agency that can avoid RCRA's mandates indefinitely with impunity. Absent appropriate sanction, I have no credible reason to believe that DOE will comply with a two year time requirement [to obtain a RCRA permit]. Therefore, I conclude that nothing less than the threat of shutdown on noncompliance with this order will effectively enforce the requirement that DOE obtain a RCRA permit for the mixed residues now stored in violation." If Congress wants DOE to comply with the land disposal restrictions regarding its mixed wastes by 1993, or any other date, it should not pardon DOE's existing violations and eliminate the only existing incentive to which DOE appears responsive: the threat of court orders.

In other areas, the savings clause in section 6 is under-inclusive in that it excludes non-consensual orders and permits that may impose requirements on DOE related to correcting violations of §3004(j). Such orders and permits should be preserved. Further, the definition of "mixed waste" in section 8 gives federal departments and agencies an incentive to mix hazardous waste with radioactive waste in order to obtain an exemption from §3004(j). In an age where we encourage private industry to reduce the volume and toxicity of their wastes through pollution prevention measures, thereby minimizing the hazardous waste compliance costs, it is hardly appropriate to encourage federal agencies and departments to do the opposite at the expense of the taxpayer. The mixed waste definition should apply only to wastes that could not have been managed in such a manner as to avoid the mixture of radioactive and hazardous wastes.

We also have concerns about the amendment to section 1006 of the Solid Waste Disposal Act concerning munitions. We would prefer, among other things, to have EPA draft the regulations in consultation with DOD.

Finally, with regard to section 12 of the bill, labelled "Public Vessels," we are concerned about potential abuse. Ships at sea may have space restrictions that limit their ability to comply with RCRA storage requirements. However, when the ships dock, these wastes should be removed and stored in a RCRA permitted facility where they can be managed more safely.

We appreciate your efforts to make federal departments and agencies accountable for their pollution at their facilities. This legislation is clearly in the public interest, and we thank you for your efforts in this area.

Sincerely,

Attorney General Ken Eikenberry, President, National Association of Attorneys General, Attorney General of Washington; Attorney General Jeff Amestoy, President-elect, National Association of Attorneys General, Chair, NAAG Environment Legislative Subcommittee, Attorney General of Vermont; Attorney General Gale Norton, Vice Chair, NAAG Environment and Energy Committee, Attorney General of Colorado; Attorney General Hubert H. Humphrey, III, Chair, NAAG Environment and Energy, Committee, Vice President, National Association of Attorneys General, Attorney General of Minnesota; Attorney General Lee Fisher, Member, NAAG Environment Legislative Subcommittee, Chair, NAAG Midwest Regional Conference Attorney General of Ohio.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous unanimous-consent agreement, the Senate will now proceed to a period for morning business with Senators entitled to speak for up to 5 minutes each, such period to last until 5 p.m., at which time the majority leader will be recognized.

Mr. BAUCUS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GRAHAM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SANFORD). Without objection, it is so ordered.

Mr. GRAHAM. Mr. President, I understand that we are now in a period of morning business.

The PRESIDING OFFICER. The Senator is correct.

VETERANS' COLA

Mr. GRAHAM. Mr. President, in the rush to conclude our activity last fall, Congress adjourned without authorizing a cost-of-living increase for our Nation's veterans.

Not surprisingly, over the recess Members heard from their constituents who were angry about being forgotten.

So in January of this year, numerous Members stood on the floor to speak about how terrible it was that Congress recessed without authorizing a cost-of-living adjustment for our Nation's veterans.

The distinguished majority leader offered as the first piece of legislation introduced in this body in 1991 a bill authorizing the veterans' COLA.

I introduced an identical bill on this subject, and eventually a COLA was authorized.

Mr. President, I would like to draw your attention to the calendar. Today is October 22. Although no adjournment date has yet been set, we know that it is drawing closer. As of this date, no cost-of-living-adjustment bill for veterans is scheduled for debate.

Are we going to let this matter slip through the cracks again in 1991 as we did in 1990? This Senator, and I know the Presiding Officer will join me in this, is committed to see that that does not happen.

Back in July, the Senate Veterans' Affairs Committee approved a cost-of-living adjustment. I am confident that the distinguished chairman of the Veterans' Affairs Committee and the ranking member are working hard to bring that bill to the floor.

It is imperative that the kind of behind the scenes negotiating that killed the cost-of-living adjustment bill last year not result in similar inaction by Congress this year.

Last Friday, the Washington Post reported that 40 million Social Security recipients would receive a 3.7-percent cost-of-living increase starting January 3, 1992.

A similar increase will go into effect automatically for low-income individuals receiving supplemental security income; to retired Federal employees and their survivors; and to military retirees. This group of individuals can now begin to calculate what their Federal benefits will be for 1992.

But, Mr. President, the men and women who have served honorably in the armed services during combat and their suvivors do not know if or when their benefits will be adjusted or by how much.

During consideration of the legislation in the Veterans' Affairs Committee, an amendment was offered to index the veterans' cost-of-living adjustment to the Social Security COLA to make authorization an automatic process rather than a legislated, politicized process.

I supported that amendment, although it failed in the committee, and I intend to support that provision if it is debated on the Senate floor.

Mr. President, the committee has included some very important provisions related to radiation exposure in the cost-of-living adjustment bill, legislation which I support.

However, I want to alert my colleagues that I do not intend to sit back and watch the Senate adjourn this year as we did last year without passing a cost-of-living adjustment for our Nation's veterans.

It is my understanding that timely receipt of benefit adjustments in January will not be ensured if Congress does not approve the COLA by this Thursday.

Mr. President, I ask unanimous consent to print in the RECORD immediately after my remarks a letter received by me, dated October 22, 1991, from Cleveland Jordan, the National Commander of the Disabled American Veterans.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. GRAHAM. Mr. President, in this letter Mr. Jordan makes this statement:

> * * * I urge that you make every effort to get immediate Senate consideration of our COLA legislation. Recently, Secretary of Veterans' Affairs Derwinski stated that if Congressional approval were not achieved by October 24th his Department could not ensure the timely receipt of benefit adjustments in January of next year.

Mr. President, I encourage my colleagues to join me in demanding that the cost-of-living adjustment bill is passed and passed without further delay. We have already just last year placed our veterans in great anxiety and personal disruption and placed this institution into serious question as to whether it can conduct its business in an appropriate and expedited manner. We cannot afford to repeat that sorry spectacle again in 1991.

EXHIBIT 1

DISABLED AMERICAN VETERANS,
Washington, DC, October 22, 1991.

Hon. BOB GRAHAM,
U.S. Senate, Dirksen Senate Office Building, Washington, DC.

DEAR SENATOR GRAHAM: Last July, the full House of Representatives approved and referred to the Senate H.R. 1046, legislation authorizing a cost-of-living adjustment (COLA) in the VA disability and death compensation benefits of our nation's service-connected disabled veterans, their widows and orphans. A short time later, following the August recess, the Senate Veterans Affairs Committee ordered its own COLA legislation, S. 775, favorably reported to the floor.

Since that time no further action has been taken on this legislation.

Senator Graham, I am certain you recall that last year, due to the inability of a few members of the House and Senate to resolve differences on the issue of Agent Orange, VA disability compensation increase legislation failed to clear the Congress and over 2.3 million disabled veterans, their widows and orphans—the only such federal beneficiaries—were forced to wait months for their benefit adjustments. Cries of outrage and anger from across the country were focused upon Washington and embarrassed members of Congress were forced to temporarily halt their praise of Desert Shield (soon to be Desert Storm) veterans and promise that such an insensitive lapse would never occur again.

Incredibly I am now forced to ask if we are once again poised on this same precipice?

As noted above, weeks and weeks have gone by with no action taken on the pending

COLA legislation. True, the Senate schedule has been dominated of late by confirmation hearings, but this is only a recent development and does not explain the inaction since early September. Also, as you and I are both very much aware, if need be, the House and the Senate can act quite expeditiously, with both bodies approving legislation and sending it to the White House in a single day.

Senator Graham, in your capacity as a member of the Veterans Affairs Committee, I urge that you make every effort to get immediate Senate consideration of our COLA legislation. Recently, Secretary of Veterans Affairs Derwinski stated that if Congressional approval were not achieved by October 24th his Department could not ensure the timely receipt of benefit adjustments in January of next year.

Senator Graham, I am certain that you will give this request the most serious attention that it deserves. It would indeed be a great burden for members of Congress—in an election year—to explain why they again could not act quickly and favorably on benefit adjustments for our nation's wartime disabled.

Sincerely,

CLEVELAND JORDAN,
National Commander.

Mr. GRAHAM. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. RIEGLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. RIEGLE. I also ask unanimous consent to speak for 5 minutes as in morning business.

The PRESIDING OFFICER. The Senator has that right.

THE HOMELESS

Mr. RIEGLE. Mr. President, I want to present to my colleagues a portion of a column, a newspaper column, written in the Detroit Free Press. It appeared on October 20 and is written by a woman who writes for the Free Press named Susan Watson. She, in this piece, describes coming to Washington to sit in on the Thomas nomination hearings. And in the course of describing her trip to Washington, she talks about some of the things that she saw while she was here in the city. I want to read just that portion of her column and then I will put the whole column in the RECORD.

In the middle of her article—just to start at that point—she said:

> I was absorbed in that kind of woolly daydreaming when I saw him. Or rather, I should say, when I saw it. At first glance, I thought someone had discarded a bundle of old clothes on the freshly swept sidewalk. Then I took a second look, and I recognized that the tattered clothes were draped over a body that lay on the walkway, perpendicular to the broad boulevard.
>
> I shouldn't have been surprised. After all, this was Washington, D.C., a city where homeless people stretch out on crowded streets traveled by bureaucrats, policy makers and members of high society. Long before it was commonplace in Detroit to see some disheveled homeless person stretched out in a bus shelter, the homeless had staked their claim to the Capitol's most impressive streets.
>
> "Is that a person?" I asked the driver, more out of a need to comment on what I had just seen, rather than to confirm it.
>
> The driver nodded. He said people were sleeping and living in the streets all over the city. "It's going to get worse because some of the shelters have shut down," he said.
>
> "What do you do, just step over people sleeping on the sidewalk?" I asked, turning the subject back to the man we had just passed.
>
> "No," the driver said softly. "You don't step over them. You walk around them."
>
> A DELUDED MAN'S DANCE
>
> I hesitated, then mentioned a disoriented and probably homeless man I had seen the previous evening as I was having dinner in a pleasant restaurant that overlooked a small plaza.
>
> The man of indeterminate age danced with the night shadows. His clothes were dirty, his hair was matted, but he moved with a certain grotesque grace, his arms gently guiding an invisible partner.
>
> Some pedestrians walked by as if he didn't exist.
>
> I know the dancing man was delusioned, a fantasizer, perhaps burdened by schizophrenia. But I wonder about our nation's reactions to him and those like him. Our leaders funnel billions of dollars into foreign countries while citizens here go jobless and hungry. The White House speaks of economic recovery while the country grapples with a recession. We ignore poverty and homelessness at our feet.
>
> Surely, that kind of behavior makes us as a nation just as delusional as that dancing man, just as socially disconnected and just as swept up by fantasy.

I ask unanimous consent, Mr. President, that the full text of her column be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

WHILE HOMELESS LIVE ON STREETS, NATION LIVES A FANTASY

(By Susan Watson)

It was Tuesday morning, and I was looking out the window of the cab that was taking me to Capitol Hill for the Senate vote on Clarence Thomas' nomination to the U.S. Supreme Court.

The driver cruised down one boulevard after another, past elegant marble buildings with shiny brass fixtures.

I wasn't paying attention to the scenery. I was thinking about all the psychological mumbo jumbo that had been bandied about during the closing days of the tortured process.

Words like delusional and schizophrenic had bounced off the richly marbled walls of the hearing room. Under sparkling chandeliers, Anita Hill was described as a woman who fell victim to her own improbable romantic hallucinations.

Soft whispers about fantasies tiptoed up graceful federal stairways. Everyone seemed preoccupied with that one woman's psychological well-being—or the lack of it.

LIAR, THEN A SCHIZOPHRENIC

People who couldn't spell the word schizophrenic suddenly became experts at recognizing the sickness in the Oklahoma law professor. It was ironic, I mused, that before Hill passed her much-discussed lie-detector test, she had been branded a manipulative liar. After the test, she suddenly was transformed into a person suffering from delusions.

The psychological labeling was a matter of political convenience. It helped Hill's accusers make it through the thorny tangle of the hearings.

I was absorbed in that kind of woolly daydreaming when I saw him. Or rather, I should say, when I saw it. At first glance, I thought someone had discarded a bundle of old clothes on the freshly swept sidewalk. Then I took a second look, and I recognized that the tattered clothes were draped over a body that lay on the walkway perpendicular to the broad boulevard.

I shouldn't have been surprised. After all, this was Washington, D.C., a city where homeless people stretch out on crowded streets traveled by bureaucrats, policy makers and members of high society. Long before it was commonplace in Detroit to see some disheveled homeless person stretched out in a bus shelter, the homeless had staked their claim to the Capitol's most impressive streets.

"Is that a person?" I asked the driver, more out of a need to comment on what I had just seen, rather than to confirm it.

The driver nodded. He said people were sleeping and living in the streets all over the city. "It's going to get worse because some of the shelters have shut down," he said.

"What do you do, just step over people sleeping on the sidewalk?" I asked, turning the subject back to the man we had just passed.

"No," the driver said softly. "You don't step over them. You walk around them."

A DELUDED MAN'S DANCE

I hesitated, then mentioned a disoriented and probably homeless man I had seen the previous evening as I was having dinner in a pleasant restaurant that overlooked a small plaza.

The man of indeterminate age danced with the night shadows. His clothes were dirty, his hair was matted, but he moved with a certain grotesque grace, his arms gently guiding an invisible partner.

Some pedestrians walked by as if he didn't exist.

I know the dancing man was delusional, a fantasizer, perhaps burdened by schizophrenia. But I wonder about our nation's reactions to him and those like him. Our leaders funnel billions of dollars into foreign countries while citizens here go jobless and hungry. The White House speaks of economic recovery while the country grapples with a recession. We ignore poverty and homelessness at our feet.

Surely, that kind of behavior makes us as a nation just as delusional as that dancing man, just as socially disconnected and just as swept up by fantasy.

I only hope that now that Anita Hill's detractors have had their say about her so-called emotional problems, those same people will turn their attention to the emotional problems of this country. After all, any nation that can pretend that its poor and sock do not exist obviously isn't playing with a full deck.

Mr. RIEGLE. Mr. President, I am very struck by the power with which she describes the scene which is common to so many of us in this city; and is, to see homeless people all around the city, particularly in the wintertime on the sidewalks where the hot-air grates are to be found. In every case, those hot-air grates have become the places where homeless people go in the wintertime in order to get enough heat to keep from freezing to death here in the District of Columbia. In fact, on some very cold nights, we have had situations where the temperatures have been well below zero where people, in fact, have frozen to death—right here on the streets of the Nation's Capital.

We can do something about this if we decide that we want to commit ourselves to addressing the problems here in the United States, not just the problems of homeless persons such as she describes, but our unemployed workers who have exhausted their unemployment compensation need the extended unemployment benefits. Surely, we are in a position to respond to that need. Other persons in our society are seeking work, and not finding it with the high unemployment; single parents in many cases, men and women out there today trying to support a family, finding either no jobs or maybe only part-time work and what they need and are seeking is full-time work.

Unfortunately, our Government today has an economic plan for every country in the world except our own. We have plans for almost every foreign nation, jobs plan for Mexico, help last week announced for the nation of Cambodia, and the list goes on and on around the world; almost no help in terms of building a stronger and a fairer and a more decent America. There are people out there in desperate circumstances and, in some instances, there is no recourse for them other than the fact that we take some account of their dire situation and move to respond to it as a society.

Most people, however, want to work; they cannot find jobs. They need unemployment compensation in the meantime. We ought to be providing it. But this condition of walking around our problems, stepping over our human problems in America, is part of the condition that I think this writer so aptly describes and something that we can change.

We have the power in this country to set a direction for our Nation. What we see here in America we are not seeing in other nations today. Japan is a nation that is thriving. It does not have a condition where it has thousands of homeless people out across the streets and in the doorways and under the bridges in their country. And the same is true of other modern nations. They manage to organize their economic affairs and their society in such a way that you do not have these kinds of widespread and mounting problems such as we have in America.

Something can be done about it. Something should be done about it. I think it ought to be the goal of our Government to address the problems here in the United States, to get our people back to work, to get our economy humming, to make sure there is opportunity for people to be able to be self-sufficient and go out and earn a living and for those who cannot, because of either mental difficulties that they may have or other problems, that we have some humane way of responding to that problem so they are not just thrown to the four winds, such as described in this article today.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator suggests the absence of a quorum and the clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Montana is recognized.

Mr. BAUCUS. I thank the Chair.

(The remarks of Mr. BAUCUS pertaining to the introduction of S. 1850 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. BAUCUS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXTENSION OF MORNING BUSINESS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the period for morning business be extended until 6:30 p.m. under the same terms and conditions as the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BRYAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

Mr. BRYAN. I thank the Chair.

(The remarks of Mr. BRYAN pertaining to the introduction of S. 1852 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. BRYAN. Mr. President, I do not believe any other Member seeks recognition at this time. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. ROCKEFELLER). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXTENSION OF MORNING BUSINESS

Mr. MITCHELL. Mr. President, and I say to Members of the Senate, our discussions are continuing in an effort to resolve the pending matter in a way that will be accepted as fair and responsible by all concerned. I hope we can reach agreement in the near future.

Accordingly, Mr. President, with the consent of the distinguished Republican leader, I ask unanimous consent that the period for morning business be extended until 7 p.m. under the same terms and conditions as under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. (Mr. BRYAN). Without objection, it is so ordered.

MORNING BUSINESS

Mr. MITCHELL. Mr. President, I ask unanimous consent that there now be a period for morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

Executive Calendar

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to Executive Session to consider the following nominations reported today by the Committee on Banking, Housing, and Urban Affairs:

Russell K. Paul, to be an Assistant Secretary of Housing and Urban Development;

Shirlee Bowne, to be a member of the National Credit Union Administration Board;

James C. Kenny, to be a member of the Board of Directors of the National Corporation for Housing Partnerships; and

William Taylor, to be a member and Chairman of the Board of Directors of the Federal Deposit Insurance Corporation.

I further ask unanimous consent that the nominees be confirmed, en bloc, that any statements appear in the RECORD as if read, that the motions to reconsider be laid upon the table, en bloc, that the President be immediately notified of the Senate's action, and that the Senate return to legislative session.

The PRESIDING OFFICER. Without, objection, it is so ordered.

The nominations confirmed, en bloc, are as follows:

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Russell K. Paul, to be an Assistant Secretary of Housing and Urban Development.

NATIONAL CREDIT UNION ADMINISTRATION BOARD

Shirlee Bowne, to be a member of the National Credit Union Administration Board.

NATIONAL CORPORATION FOR HOUSING PARTNERSHIPS

James C. Kenny, to be a member of the Board of Directors of the National Corporation for Housing Partnerships.

FEDERAL DEPOSIT INSURANCE CORPORATION

William Taylor, to be member and Chairman of the Board of Directors of the Federal Deposit Insurance Corporation.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to the consideration of legislative business.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. McCathran, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations and a withdrawal which were referred to the appropriate committees.

(The nominations and withdrawal received today are printed at the end of the Senate proceedings.)

REPORT OF VIOLATIONS OF THE FISHERMEN'S PROTECTIVE ACT RELATIVE TO DRIFTNET FISHING—MESSAGE FROM THE PRESIDENT—PM 88

Under the authority of the order of the Senate of January 3, 1991, the Secretary of the Senate, on October 18, 1991, during the recess of the Senate, received the following message from the President of the United States; which was referred to the Committee on Commerce, Science, and Transportation.

To the Congress of the United States:

The conservation of high seas living marine resources and averting threats to such resources have become important international issues in recent years. Much of the concern has focused on the use of the large-scale pelagic driftnet fishing method. The United States has worked with several high seas driftnet fishing countries to assess the impacts that these methods have upon the marine environment through cooperative high seas monitoring programs. The data collected in these programs has substantiated concerns about the destructive nature of this wasteful fishing technique.

The international community recognizes the problems posed by large-scale pelagic driftnet fishing on the high seas. In December 1989, the United States cosponsored Resolution 44/225 that was adopted by consensus by the United Nations General Assembly (UNGA), as was reaffirmation Resolution 45/197 a year later. UNGA Resolution 44/225 calls for an end to the use of large-scale pelagic driftnets on the high seas by June 30, 1992, unless jointly agreed conservation and management regimes can be put in place to prevent the unacceptable impacts posed by this fishing method on the marine environment. The scientific data show the indiscriminate nature of this fishing technique. Thus, I fully expect that all those involved in large-scale pelagic driftnet fisheries will make plans to end such fishing by June 30, 1992. Accordingly, I have instructed Secretary Baker to seek such commitments from driftnet fishing countries.

Pursuant to the provisions of subsection (b) of the Pelly Amendment to the Fishermen's Protective Act of 1967, as amended (22 U.S.C. 1978), I am reporting to you following certification by the Secretary of Commerce on August 13, 1991, that the Republic of Korea (ROK) and Taiwan violated the terms of the cooperative scientific monitoring and enforcement agreements the United States has with the ROK and Taiwan. The Secretary's letter to me was deemed to be a certification for the purposes of subsection (a) of the Pelly Amendment. Subsection (a) requires that I consider and, at my discretion, order the prohibition of imports into the United States of fish products from the ROK and Taiwan, to the extent that such prohibition is sanctioned by the General Agreement on Tariffs and Trade.

Since certification, both the ROK and Taiwan have responded to U.S. concerns in some measure. The ROK has recalled to port all the Korean driftnet vessels that were detected by U.S. enforcement patrols beyond the high seas driftnet fishing boundaries, instructed its commercial and enforcement vessels to adhere to the ROK regulations enacted pursuant to the U.S.-ROK driftnet agreement, and imposed penalties on masters and owners of 14 violating vessels. Since the ROK certification, Korean driftnet vessels appear to have operated in accordance with the boundary provisions of the U.S.-ROK driftnet agreement; however, as of October 5, seven Korean driftnet vessels had failed to return to port in compliance with the ROK recall notice. The Government of the ROK has expressed its regret for the violations and has assured the United States that it will do its utmost to ensure that its vessels adhere to all relevant enforcement provisions outlined in the U.S.-ROK driftnet agreement.

Taiwan has yet to take remedial and punitive measures with respect to its driftnet vessels found operating outside of the prescribed high seas fishing area in the North Pacific. The authorities on Taiwan, however, have noted that the vessels in question have been boarded and investigated on the high seas by Taiwan patrol vessels and that punitive actions would be contemplated at the close of the current fishing season when the fishing vessels return to their home ports.

Taiwan has responded to the general concern of the international community by positively addressing the fundamental objective of ending large-scale pelagic driftnet fishing on the high seas by June 30, 1992, as called for by UNGA Resolution 44/225. On September 13, 1991, our representatives received a letter from the authorities on Taiwan that stated that the Executive Yuan reiterated a government policy to end the use of this fishing method by June 30, 1992. The place great reliance on the authorities on Taiwan to implement this policy in a forthright and timely manner.

I have decided to defer sanctions against Taiwan and Korea for 90 days pending evaluation of any additional remedial and punitive measures that each may take regarding the 1991 violations for which it was certified and their adherence to the driftnet agreements.

Over the longer term, I will watch closely their commitment to end large-scale pelagic driftnet fishing on the high seas by June 30, 1992, in line with the desire of the international community to end such fishing by that date.

Certification of Korea or Taiwan will be continued pending review of their performance. I have directed Secretary Mosbacher, in cooperation with Secretary Baker, to continue to monitor developments relating to large-scale pelagic driftnetting conducted on the high seas by the ROK and Taiwan and to report to me in 90 days or as otherwise warranted.

GEORGE BUSH.

THE WHITE HOUSE, *October 18, 1991.*

REPORT ON EMBARGO OF CERTAIN TUNA AND TUNA PRODUCTS FROM MEXICO—MESSAGE FROM THE PRESIDENT—PM 89

Under the authority of the order of the Senate of January 3, 1991, the Secretary of the Senate, on October 21, 1991, during the recess of the Senate, received the following message from the President of the United States;

which was referred to the Committee on Commerce, Science, and Transportation.

To the Congress of the United States:

Pursuant to the provisions of subsection (b) of the Pelly Amendment to the Fishermen's Protective Act of 1967, as amended (22 U.S.C. 1978), I am reporting to you that on August 22, 1991, the Secretary of Commerce reported to me that the country of Mexico has been under a court-ordered embargo since February 22, 1991. No yellowfin tuna or products derived from yellowfin tuna harvested by Mexico with purse seines in the eastern tropical Pacific Ocean may be imported into the United States.

The Secretary's letter to me was deemed to be a certification for the purposes of subsection (a) of the Pelly Amendment. Subsection (a) requires that I consider and, at my discretion, order the prohibition of imports into the United States of fish and fish products from Mexico, to the extent that such prohibition is consistent with the General Agreements on Tariffs and Trade. Subsection (b) requires me to report to the Congress within 60 days following certification on the actions taken pursuant to the certification; if fish and wildlife imports have not been prohibited, the report must state the reasons for the lack of a prohibition.

After thorough review, I have determined that, given that an embargo is currently in effect and given the continuing negotiations with Mexico toward an international dolphin conservation program in the eastern tropical Pacific Ocean, sanctions will not be imposed against Mexico at this time. Mexico will continue to be certified, and we will review Mexico's marine mammal incidental mortality under the Marine Mammal Protection Act if a finding is requested for 1992. I will make further reports and recommendations to you as developments warrant.

GEORGE BUSH.

THE WHITE HOUSE, *October 21, 1991.*

MESSAGES FROM THE HOUSE RECEIVED DURING RECESS

Under the authority of the order of the Senate of January 3, 1991, the Secretary of the Senate, on October 21, 1991, during the recess of the Senate, received a message from the House of Representatives announcing that the House disagrees to the amendments of the Senate to the bill (H.R. 2521) making appropriations for the Department of Defense for the fiscal year ending September 30, 1991, and for other purposes; it agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and appoints Mr. MURTHA, Mr. DICKS, Mr. WILSON, Mr. HEFNER, Mr. AUCOIN, Mr. SABO, Mr. DIXON, Mr. DWYER of New Jersey, Mr. WHITTEN, Mr. MCDADE, Mr. YOUNG of Florida, Mr. MILLER of Ohio, Mr. LIVINGSTON, and Mr. LEWIS of California as managers of the conference on the part of the House.

The message also announced that the House has passed the joint resolution (S.J. Res. 131) designating October 1991 as "National Down Syndrome Awareness Month," without amendment.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

The message further announced that the Speaker has signed the following enrolled bills and joint resolution:

H.R. 1720. An act to amend the Saint Elizabeths Hospital and District of Columbia Mental Health Services Act to permit the Secretary of Health and Human Services to enter into an agreement with the Mayor of the District of Columbia with respect to capital improvements necessary for the delivery of mental health services in the District, and for other purposes;

H.R. 2622. An act making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1992, and for other purposes; and

S.J. Res. 131. Joint resolution designating October 1991 as "National Down Syndrome Awareness Month."

MESSAGES FROM THE HOUSE

At 11:35 a.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bills and joint resolution, in which it requests the concurrence of the Senate:

H.R. 3169. An act to lengthen from five to seven years the expiration period applicable to legislative authority relating to construction of commemorative works on Federal land in the District of Columbia or its environs;

H.R. 3576. An act to amend the Cranston-Gonzalez National Affordable Housing Act to reserve assistance under the HOME Investment Partnerships Act for certain insular areas; and

H.J. Res. 340. Joint resolution to designate October 19 through 27, 1991, as "National Red Ribbon Week for a Drug-Free America."

MEASURES REFERRED

The following bills were read the first and second times by unanimous consent, and referred as indicated:

H.R. 3169. An act to lengthen from five to seven years the expiration period applicable to legislative authority relating to construction of commemorative works on Federal land in the District of Columbia or its environs; to the Committee on Energy and Natural Resources.

H.R. 3576. An act to amend the Cranston-Gonzalez National Affordable Housing Act to reserve assistance under the HOME Investment Partnerships Act for certain insular areas; to the Committee on Banking, Housing, and Urban Affairs.

MEASURES PLACED ON THE CALENDAR

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 3033. An Act to amend the Job Training Partnership Act to improve the delivery of services to hard-to-serve youth and adults, and for other purposes.

ENROLLED BILLS SIGNED

The PRESIDENT pro tempore (Mr. BYRD) reported that on October 18, 1991, during the recess of the Senate, he had signed the following enrolled bills which had been previously signed by the Speaker of the House:

H.R. 2426. An act making appropriations for military construction for the Department of Defense for the fiscal year ending September 30, 1992, and for other purposes;

H.R. 2698. An act making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 1992, and for other purposes; and

H.R. 2942. An act making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1992, and for other purposes.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

The PRESIDENT pro tempore (Mr. BYRD) reported that on today, October 22, 1991, he had signed the following bills previously signed by the Speaker of the House:

H.R. 1720. An act to amend the Saint Elizabeths Hospital and District of Columbia Mental Health Services Act to permit the Secretary of Health and Human Services to enter into an agreement with the Mayor of the District of Columbia with respect to capital improvements necessary for the delivery of mental health services in the District, and for other purposes;

H.R. 2622. An act making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1992, and for other purposes; and

S.J. Res. 131. Joint resolution designating October 1991 as "National Down Syndrome Awareness Month."

ENROLLED JOINT RESOLUTION PRESENTED

The Secretary of the Senate reported that on today, October 22, 1991, he had presented to the President of the United States the following enrolled joint resolution:

S.J. Res. 131. Joint resolution designating October 1991 as "National Down Syndrome Awareness Month."

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-2036. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report on the District of Columbia Appropriations Act for 1992; to the Committee on the Budget.

EC-2037. A communication from the Acting Deputy Associate Director for Collection and Disbursement, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of certain offshore lease revenues; to the Committee on Energy and Natural Resources.

EC-2038. A communication from the Acting Deputy Associate Director for Collection and Disbursement, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of certain offshore lease revenues; to the Committee on Energy and Natural Resources.

EC-2039. A communication from the Acting Deputy Associate Director for Collection and Disbursement, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of certain offshore lease revenues; to the Committee on Energy and Natural Resources.

EC-2040. A communication from the Acting Deputy Associate Director for Collection and Disbursement, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of certain offshore lease revenues; to the Committee on Energy and Natural Resources.

EC-2041. A communication from the Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the State Revolving Fund Final Report; to the Committee on Environment and Public Works.

EC-2042. A communication from the General Counsel of the Department of the Treasury, transmitting a draft of proposed legislation to amend section 5315 and 5316 of title 5, United States Code, to raise the position of the Chief Counsel for the Internal Revenue Service, Department of the Treasury, from Level V to Level IV of the Executive Schedule; to the Committee on Finance.

EC-2043. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, notice that the President has authorized the use of assistance from the U.S. Emergency Refugee and Migration Assistance Fund to meet the unexpected and urgent needs of refugees and other displaced persons in the Horn of Africa and the Middle East; to the Committee on Foreign Relations.

EC-2044. A communication from the Assistant Legal Advisor for Treaty Affairs, Department of State, transmitting, pursuant to law, a report on international agreements, other than treaties, entered into by the United States, in the sixty day period prior to October 10, 1991; to the Committee on Foreign Relations.

EC-2045. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report entitled "Statistical Programs of the United States Government, Fiscal Year 1992"; to the Commitee on Governmental Affairs.

EC-2046. A communication from the Executive Director of the United States National Commission on Libraries and Information Science, transmitting, pursuant to law, the fiscal year 1991 annual report of the Commission under the Federal Managers' Financial Integrity Act; to the Committee on Governmental Affairs.

EC-2047. A communication from the Mayor of the District of Columbia, transmitting, pursuant to law, an actuarial report on changes to the Police Officers and Firefighters Retirement Program; to the Committee on Governmental Affairs.

EC-2048. A communication from the Director of the Federal Judicial Center, transmitting, pursuant to law, the Center's report on Court-Annexed Arbitration in Ten District Courts (1990) and legislative recommendations of the Center's Board on Court-Annexed Arbitration; to the Committee on the Judiciary.

EC-2049. A communication from the Chairman of the Administrative Conference of the United States, transmitting, pursuant to law, the annual report on agency activities under the Equal Access to Justice Act for fiscal year 1990; to the Committee on the Judiciary.

EC-2050. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a cumulative report on budget rescissions and deferrals dated October 1, 1991; pursuant to the order of January 30, 1975, as modified by the order of April 11, 1986, referred jointly to the Committee on the Budget, the Committee on Appropriations, the Committee on Agriculture, Nutrition, and Forestry, the Committee on Commerce, Science, and Transportation, the Committee on Environment and Public Works, the Committee on Finance, and the Committee on Foreign Relations.

EC-2051. A communication from the Secretary of Commerce, transmitting a draft of proposed legislation to amend title II of the Export Administration Amendments Act of 1985, as amended, to authorize appropriations for fiscal years 1992, 1993, and 1994 for the Department of Commerce export promotion programs; to the Committee on Banking, Housing, and Urban Affairs.

EC-2052. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report on the Continuing Appropriations for fiscal year 1992; to the Committee on the Budget.

EC-2053. A communication from the Secretary of the Interior, transmitting a draft of proposed legislation to approve the location of a memorial to George Mason; to the Committee on Energy and Natural Resources.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BIDEN, from the Committee on the Judiciary, with an amendment in the nature of a substitute:

S. 756. A bill to amend title 17, United States Code, the copyright renewal provisions, and for other purposes (Rept. No. 102-194).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. RIEGLE, from the Committee on Banking, Housing, and Urban Affairs:

William Taylor, of Illinois, to be a member of the Board of Directors of the Federal Deposit Insurance Corporation for a term expiring February 28, 1993;

William Taylor, of Illinois, to be chairperson of the Board of Directors of the Federal Deposit Insurance Corporation for a term expiring February 28, 1993;

James C. Kenny, of Illinois, to be a member of the Board of Directors of the National Corporation for Housing Partnerships for the term expiring October 27, 1993;

Shirlee Bowne, of Florida, to be a member of the National Credit Union Administration Board for the term of six years expiring April 10, 1997; and

Russell K. Paul, of Georgia, to be an Assistant Secretary of Housing and Urban Development.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

By Mr. PELL, from the Committee on Foreign Relations:

Richard C. Houseworth, of Arizona, to be United States Alternate Executive Director of the Inter-American Development Bank;

Edward Gibson Lanpher, of the District of Columbia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States to Zimbabwe;

(Contributions are to be reported for the period beginning on the first day of the fourth calendar year preceding the calendar year of the nomination and ending on the date of the nomination.)

Nominee: Edward Gibson Lanpher.

Post: Harare, Zimbabwe.

Contributions, amount, date, and donee:

1. Self, none.
2. Spouse, none.
3. Children and spouses names, none/all minors.
4. Parents names, Anne Gibson Lanpher, Mother (see attached memo), father, deceased.
5. Grandparents names, deceased/none.
6. Brothers and spouses names, Mr. and Mrs. Lawrence Coe Lanpher (see attached memo).
7. Sisters and spouses names, Mr. and Mrs. Peter D. Ellis, None.

[Memorandum, Feb. 6, 1991]

To: E. Gibson Lanpher.
From: Lawrence Coe Lanpher.
Re: Political Contributions.

In accordance with your request, I have attempted to identify all political contributions made by my family, Mom, and Lori (including Pete) during the period January 1, 1986 to the present in connection with any federal, state or local candidate, political action committee, election or otherwise. The results are set forth below.

LAWRENCE COE LANPHER AND FAMILY

The direct political contributions are as follows:

Ed Markey for Congress, April 24, 1986, $250.

Friends of John Whitney, May 17, 1986, $50.

Ed Markey for Congress, November 4, 1986, $250.

Ed Markey for Congress, June 7, 1987, $500.

Udall for Congress, May 19, 1988, $50.

Georgiou for Assembly, December 27, 1989, $15.

Please note that the Whitney contribution was for a Maryland State race; the Georgiou contribution was for a California State race; the rest were U.S. Congress.

In addition, I have contributed to the Kirkpatrick & Lockhart Political Action Committee, which, in turn, makes contributions in U.S. Congress and Senate races, Pennsylvania State and local elections, and in D.C. elections. My contributions to the K & L PAC have been as follows:

1990, $1,175.
1989, $1,175.
1988, $590.
1987, $585.
1986, $862.50.

LORI AND PETE ELLIS

I spoke with Lori and Pete on February 3, 1991. They told me that they have made no political contributions of any kind during the period January 1, 1986 to the present.

ANN GIBSON LANPHER

I spoke with Mom after you had spoken with her and thus made sure that the search included state and local contributions going back to January 1, 1986. The list Mom put together is set forth below. She has included some "semi-political" payments which probably do not have to be listed. However, since she went to the trouble of pulling all the data together, I will set it all out an let you make the decision on what to list.

Date	To whom	Amount
Federal:		
Jan. 8, 1990	Democratic National Committee/Federal Account.	$50
Do	Democratic Congressional Campaign Committee.	50
Do	Democratic Senatorial Campaign Committee.	50
Jan. 27, 1990	National Committee for an Effective Congress.	50
Feb. 15, 1990	Common Cause	50
Mar. 20, 1990	American Civil Liberties Union	25
Aug. 9, 1990	Handgun Control	25
Oct. 19, 1990	Democratic National Committee/Federal Account.	50
State:		
May 5, 1990	Committee to Elect Paul Luebke	50
Sept. 7, 1990	Committee to Elect Paul Luebke (North Carolina State Legislature).	50
Local:		
May 29, 1990	Wilson for Chairman Committee (John Wilson for Chairman of D.C. City Council).	25
Semipolitical:		
Jan. 22, 1990	Women's National Democratic Club (Assessment at $150 on 5 Life Memberships in WNDC=Ann Gibson Lanpher; E. Gibson Lanpher; Lawrence Coe Lanpher; Claudia Lee Lanpher; Sue [Lanpher] Sherman).	750
Oct. 29, 1990	Women's National Democratic Club (Part of pledge made in 1989 to help reduce indebtedness on building next door on New Hampshire Ave, NW., owned by WNDC and rented out).	300
Jan. 4, 1989	Democratic Congressional Campaign Committee (Membership renewal).	50
Feb. 6, 1989	National Committee for an Effective Congress.	50
Feb. 16, 1989	Common Cause (Membership renewal)	50
April 11, 1989	Democratic Senatorial Campaign Committee.	50
May 28, 1989	Democratic Congressional Campaign Commitee.	25
Sept. 12, 1989	Handgun Control	25
Oct. 2, 1989	Woman's National Democratic Club (Contribution to "Pop the Balloon" campaign, to meet balloon payment, due early 1991, on property WNDC owns (and rents out) next door on New Hampshire Ave., NW).	300
Jan. 6, 1988	Democratic Congressional Campaign Committee.	50
Jan. 8, 1988	Democratic National Committee (Membership renewal).	50
Jan. 23, 1988	Common Cause (special contribution refinancing Reform Congressional Campaign).	50
Do	Handgun Control (Lobbyist)	25
Feb. 18, 1988	AARP/Vote (American Association of Retired Persons).	15
Feb. 19, 1988	Common Cause Renewal	50
May 24, 1988	Democratic National Committee/Federal Account.	50
Oct. 24, 1988	National Committee for an Effective Congress.	50
Mar. 12, 1987	Democratic Congressional Campaign Committee.	75
Do	National Committee for an Effective Congress.	50
Do	Common Cause	50
Do	Democratic National Committee	50
Oct. 13, 1987	Democratic National Committee (Membership renewal).	50
Feb. 28, 1986	Democratic National Committee (Membership renewal).	50
Mar. 4, 1986	Democratic Congressional Campaign Committee.	75
Do	Common Cause	50
Do	National Committee for an Effective Congress.	25
July 10, 1986	"Senate Majority '86" (Pamela Harriman)	25
Sept. 22, 1986	Democratic Congressional Campaign Committee.	25
Sept. 23, 1986	Common Cause/D.C.	50
Sept. 27, 1986	National Committee for an Effective Congress.	50
Oct. 20, 1986	Handgun Control PAC	25

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. BOREN (for himself and Mr. NICKLES):

S. 1840. A bill to direct the release of all right, title, and interest of the United States in and to, and all restrictions, conditions, and limitations on the use or conveyance of, certain real property located in Oklahoma City, Oklahoma, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. INOUYE:

S. 1841. A bill to amend the Internal Revenue Code of 1986 to increase the rollover period on principal residence of handicapped individuals to allow removal of architectural barriers; to the Committee on Finance.

By Mr. DASCHLE:

S. 1842. A bill to amend title XIX of the Social Security Act to provide for medicaid coverage of all certified nurse practitioners and clinical nurse specialists services; to the Committee on Finance.

By Mr. LAUTENBERG (for himself and Mr. MOYNIHAN):

S. 1843. A bill to amend the Federal Water Pollution Control Act to improve and enforce compliance programs; to the Committee on Environment and Public Works.

By Mr. SEYMOUR:

S. 1844. A bill to authorize the sale of a Bureau of Reclamation loan to the United Water Conservation District in California, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. SIMON (for himself and Mr. DURENBERGER):

S. 1845. A bill to ensure that all Americans have the opportunity for a higher education; to the Committee on Labor and Human Resources.

By Mr. BRADLEY:

S. 1846. A bill to modify the tax and budget priorities of the United States, and for other purposes; to the Committee on Finance.

By Mr. METZENBAUM (for himself and Mr. GLENN):

S. 1847. A bill to direct the Secretary of the Interior to construct a National Training Center at the National Afro-American Museum and Cultural Center and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. KENNEDY:

S. 1848. A bill to restore the authority of the Secretary of Education to make certain preliminary payments to local educational agencies, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. HELMS:

S. 1849. A bill to provide for the full settlement of all claims of Swain County, North Carolina, against the United States under the agreement dated July 30, 1943, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BAUCUS (for himself and Mr. DANFORTH):

S. 1850. A bill to extend the period during which the United States Trade Representative is required to identify trade liberalization priorities, and for other purposes; to the Committee on Finance.

By Mr. ROCKEFELLER:

S. 1851. A bill to provide for a Management Corps that would provide the expertise of United States businesses to the Republics of the Soviet Union and the Baltic States; to the Committee on Foreign Relations.

By Mr. KENNEDY:

S. 1852. A bill to amend the Social Security Act with respect to Medicare to protect the wage index for an urban area in a State if such wage index is below the rural wage index for such State for purposes of calculating payments to hospitals for inpatient hospital services, and for other purposes; to the Committee on Finance.

By Mr. BRYAN (for himself, Mr. DODD, and Mr. RIEGLE):

S. 1853. A bill to amend the Fair Credit Reporting Act to protect consumers from the use of inaccurate credit information and the misuse of credit information; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. DASCHLE:

S. 1854. A bill to authorize the Secretary of the Interior to perform the planning studies necessary to determine the feasibility and estimated cost of incorporating all or portions of the Rosebud Sioux Reservation in South Dakota into the Mni Wiconi Rural Water Supply Project, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. GRASSLEY:

S. 1855. A bill to provide for greater accountability for Federal Government foreign travel; to the Committee on Governmental Affairs.

By Mr. CRANSTON (for himself, Mr. AKAKA, Mr. BURDICK, Mr. COHEN, Mr. DECONCINI, Mr. GORE, Mr. HATFIELD, Mr. JEFFORDS, Mr. KERRY, Mr. KOHL, Mr. LIEBERMAN, Mr. METZENBAUM, Mr. PELL, Ms. MIKULSKI, Mr. PACKWOOD, Mr. SARBANES, Mr. INOUYE, and Mr. BIDEN):

S. 1856. A bill to require the executive branch to gather and disseminate information regarding, and to promote techniques to eliminate, discriminatory wage-setting practices and discriminatory wage disparities which are based on sex, race, or national origin, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. BREAUX (for himself and Mr. BOREN):

S. 1857. A bill to amend the Internal Revenue Code of 1986 to provide a reduction in the capital gains rate, to provide a mechanism to pay for such reduction if it results in a decrease in Federal revenues, and for other purposes; to the Committee on Finance.

By Mr. MOYNIHAN:

S. 1858. A bill to direct the Secretary of Health and Human Services to prepare an annual report to the Congress on welfare dependency; to the Committee on Labor and Human Resources.

By Mr. HATFIELD (for himself, Mr. ADAMS, Mr. AKAKA, Mr. BAUCUS, Mr. BRADLEY, Mr. BURDICK, Mr. BURNS, Mr. COCHRAN, Mr. CRAIG, Mr. DECONCINI, Mr. DIXON, Mr. DODD, Mr. DOMENICI, Mr. DURENBERGER, Mr. FOWLER, Mr. JEFFORDS, Mr. INOUYE, Mr. LEVIN, Mr. METZENBAUM, Mr. MITCHELL, Mr. PACKWOOD, Mr. PELL, Mr. PRYOR, Mr. SANFORD, Mr. SEYMOUR, Mr. STEVENS, and Mr. WOFFORD):

S.J. Res. 217. A joint resolution to authorize and request the President to proclaim 1992 as the "Year of the American Indian"; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. DANFORTH (for himself, Mr. PRYOR, Mr. BAUCUS, Mr. BOND, Mr. FOWLER, Mr. MCCONNELL, Mr. HELMS, Mr. BOREN, Mr. SANFORD, Mr. KERREY, Mr. DURENBERGER, Mr. SIMON, Mr. GRASSLEY, Mr. DIXON, Mr. JOHNSTON, Mr. BURDICK, Mr. WALLOP, and Mr. HARKIN):

S. Res. 201. A resolution to express the sense of the Senate regarding enforcement of the oilseeds GATT panel ruling against the European Community; to the Committee on Finance.

By Mr. SPECTER:

S. Con. Res. 72. A concurrent resolution to support the presentation of the Ellis Island Medal of Honor on January 1, 1992; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BOREN (for himself and Mr. NICKLES):

S. 1840. A bill to direct the release of all right, title, and interest of the United States in and to, and all restrictions, conditions, and limitations on the use or conveyance of, certain real property located in Oklahoma City, OK, and for other purposes; to the Committee on Energy and Natural Resources.

TRANSFER OF CERTAIN REAL PROPERTY IN OKLAHOMA CITY, OK

• Mr. BOREN. Mr. President, I have come to the floor today to introduce a bill that will transfer the title of the Tinker Bicentennial Park property in Midwest City, OK, from the Federal Government to Midwest City. The release of this title would allow Midwest City to initiate improvements on Tinker Bicentennial Park that would expand its usage and upgrade its facilities. The proposed changes will benefit not only the citizens of Midwest City, but tourists and visitors to Tinker Air Force Base and Midwest City as well.

Acquired by Midwest City in 1976, through the Federal Used Property Program, Tinker Bicentennial Park literally serves as a front door to Tinker Air Force Base and because of its location on Interstate 40, it is seen by thousands of motorists daily.

As it is now, Tinker Bicentennial Park is predominantly undeveloped green space; its potential as a pleasant, functional park has gone largely unrealized. In an effort to better serve the public, Midwest City is seeking permission to make improvements necessary to beautify the park, and to create new recreational opportunities for residents and tourists.

Among the proposed changes is the construction of a 3,200 square foot tourist and information center. An additional parking area with room for 35 passenger vehicles and 3 recreational vehicles will accompany the center. The center will not only provide a rest stop for tourists, but will also serve as a focal point for the distribution of literature on the many recreational and cultural amenities available in the Oklahoma City metropolitan area and the entire State.

To increase the value of the park to the public, the city would like to install walking/jogging trails and a pair of volleyball courts. With the exception of city streets, there is currently no outdoor walking/jogging area available in the Midwest City public recreational facilities.

The city has also proposed the installation of several pieces of playground equipment, picnic tables, and a sand box. Adjacent to the playgrounds will be several areas designated as display grounds. The city wishes to locate an F-4 fighter and other military hardware in these areas. Because of the city's close economic and geographic ties with Tinker Air Force Base, the equipment would serve both an educational; and decorative function.

Mr. President, since at least 1989, Midwest City has been negotiating with the Park Service to initiate the proposed changes, but has been unsuccessful in its efforts. The Park Service is concerned that the construction of visitors center at Tinker Bicentennial Park would convert the site from recreation to tourism and transportation use. Specifically, the Park Service questions the need for parking areas suitable for recreational vehicle/bus parking. The city feels it is important for several reasons. Because of Tinker's prominence in central Oklahoma, the city envisions that the many central Oklahoma elementary schools and other organizations that visit Tinker AFB, will stop at the park to view the aircraft, rest or eat lunch. Second, the city feels that further enhancement of the park's facilities will not only increase its daily use, but will enable it to become a very important location for special events and gatherings.

Mr. President, the legislation I offer today, by transferring the title of Tinker Bicentennial Park property from the Federal Government to Midwest City, will enable the city to turn this beautiful, but under utilized park, into a functional area which will provide needed services to the citizens of Midwest City and the visitors of Tinker Air Force Base.

Mr. President, I ask unanimous consent that a copy of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1840

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. RELEASE.

(a) IN GENERAL.—Except as provided in subsection (b), not later than 30 days after the date of the enactment of this Act, the Secretary of the Interior shall execute such instruments as may be necessary to release all right, title, and interest of the United States in and to, and all restrictions, conditions, and limitations on the use or conveyance of, the real property described in subsection (c).

(b) EXCEPTION.—Subsection (a) shall not apply to—

(1) the reversionary interest of the United States in such property in the case of national defense, as described in clause I of the deed referred to in subsection (c); and

(2) the reservation of the right of the United States to a perpetual easement for the establishment, maintenance, and operation of a restrictive use area for the operation of aircraft to and from Tinker Air Force Base, Oklahoma, as described in clause J of the deed referred to in subsection (c).

(c) REAL PROPERTY DESCRIBED.—The real property referred to in subsection (a) is the property described in Exhibit "A" of the Quitclaim Deed (Oklahoma Statutory Form) that is contained in the records of the County Recorder of the County of Oklahoma, State of Oklahoma, and that has been recorded in Book No. 4295, pages 924 through 931.•

By Mr. DASCHLE:

S. 1842. A bill to amend title XIX of the Social Security Act to provide for Medicaid coverage of all certified nurse practitioners and clinical nurse specialists services; to the Committee on Finance.

MEDICAID COVERAGE OF NURSE PRACTITIONER AND CLINICAL NURSE SPECIALIST SERVICES

• Mr. DASCHLE. Mr. President, I rise today to introduce a bill to provide direct Medicaid reimbursement to certified nurse practitioners and clinical nurse specialists delivering primary care to patients in both rural and urban areas. The ultimate goal of this measure is to enhance the availability of health care services for our country's unserved and underserved citizens.

According to a recent Department of Health and Human Services report entitled "The Status of Health Personnel in the United States," the availability of primary care expands access to services, improves health outcomes, minimizes unnecessary utilization, and lowers costs. However, today, many Americans are doing without basic health care services because of the diminishing number of primary care physicians and the declining number of those physicians willing to accept Medicaid patients. Fortunately, this dilemma of need and benefit facing a dearth of physicians has a solution. Because of their advanced training, certified nurse practitioners and clinical nurse specialists are licensed to perform many of the primary care services usually performed by physicians. A number of recent studies, including one conducted by the Office of Technology Assessment, have documented that certified nurse practitioners and clinical nurse specialists provide high quality care in a cost-effective manner that results in a high level of patient satisfaction.

The Department of Defense recognizes these facts. Its CHAMPUS Program has for more than a decade provided direct reimbursement to nurse practitioners, and, in more than 15 States, legislation has been enacted requiring health insurers to reimburse nurse practitioners directly for their services. These States acknowledge the potential cost savings that can be passed on to their residents through increased utilization of nurse practitioners.

Congress has supported similar measures in the past: Recent legislation now provides direct Medicare reimbursement for nurse practitioners in rural areas, and direct Medicaid reimbursement for certified pediatric and family nurse practitioners. This bill would go beyond the two specialized nurse practitioner professions currently receiving direct reimbursement under Medicaid and allow for all nurse practitioners and clinical nurse specialists, who are legally authorized to perform under State law, to be reimbursed.

The legislation I am introducing today recognizes that better utilization of nurse practitioners and clinical nurse specialists among Medicaid-eligible patients will help enhance both access to and quality of care for those citizens whose access to health care services is so severely limited.

Mr. President, I ask unanimous consent that this legislation in its entirety be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1842

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. MEDICAID COVERAGE OF ALL CERTIFIED NURSE PRACTITIONER AND CLINICAL NURSE SPECIALIST SERVICES.

(a) IN GENERAL.—Section 1905(a) of the Social Security Act (42 U.S.C. 1396d(a)) is amended—

(1) by amending paragraph (21) to read as follows:

"(21) services furnished by all certified nurse practitioners (as defined by the Secretary) or clinical nurse specialists (as defined in subsection (t)) which the certified nurse practitioner or clinical nurse specialist is legally authorized to perform under State law (or the State regulatory mechanism provided by State law), whether or not the certified nurse practitioner or clinical nurse specialist is under the supervision of, or associated with, a physician or other health care provider;";

(2) in paragraph (24) by striking the comma at the end; and

(3) by redesignating paragraphs (22), (23), and (24) as paragraphs (24), (22), and (23), respectively, and by transferring and inserting paragraph (24) after paragraph (23), as so redesignated.

(b) CLINICAL NURSE SPECIALIST DEFINED.—Section 1905 of such Act (42 U.S.C. 1396) is amended by adding at the end the following new subsection:

"(t) The term 'clinical nurse specialist' means an individual who—

"(1) is a registered nurse and is licensed to practice nursing in the State in which the clinical nurse specialist services are performed; and

"(2)(A) holds a master's degree in a defined clinical area of nursing from an accredited educational institution.".

(c) EFFECTIVE DATE.—The amendments made by this section shall become effective with respect to payments for calendar quarters beginning on or after January 1, 1992.•

By Mr. LAUTENBERG (for himself and Mr. MOYNIHAN):

S. 1843. A bill to amend the Federal Water Pollution Control Act to improve and enforce compliance programs; to the Committee on Environment and Public Works.

CLEAN WATER ENFORCEMENT AND COMPLIANCE IMPROVEMENT ACT

• Mr. LAUTENBERG. Mr. President, I rise today to introduce the Clean Water Enforcement and Compliance Improvement Act of 1991. This important bill will provide much-needed changes to the enforcement provisions of the Clean Water Act, and will help restore and preserve our Nation's already stressed lakes, rivers, and coastal areas. I would like to commend my colleague from New Jersey, Congressman PALLONE, for introducing similar legislation in the other body.

Mr. President, when Congress first enacted the Clean Water Act in 1972, we established lofty goals—to make our Nation's waters fishable and swimmable. And we mandated strict enforcement and provided for penalties to assure compliance with the act's provisions.

We were responding to strong public concern about pollution of our waterways. That concern is every bit as strong today because people understand that clean water is essential to human life. In a Gallup Poll taken this past spring, pollution of rivers, lakes, and drinking water was first on the list of environmental problems people worry about. They want us to make the commitment to rid our waters of bacteria, toxins, and garbage.

Yet after close to 20 years, and after substantial revisions since its enactment, the act has failed to meet its goals. While water quality is improving, our waters are not clean. In 1988, over one-third of our rivers, lakes, and estuaries which have been assessed throughout the country either are failing to achieve designated water quality levels or are threatened with failing to achieve those levels. In my State of New Jersey, a survey of roughly 10 percent of the State's rivers showed that only 15 percent are safe for swimming.

And we need go not further than our own backyard for proof: in the District of Columbia, the Nation's Capital, there is not a single body of water—not one, Mr. President—that's classified as fishable and swimmable. One reason is plain—the Clean Water Act is not being adequately enforced.

Mr. President, effective enforcement is essential to achieving the goals of the act. Not only does effective enforcement deter violations, but it also helps ensure that appropriate corrective actions are taken in a timely manner when violations do occur.

But recent testimony before the Environment and Public Works Committee confirms that enforcement of our clean water laws had been far from adequate. The EPA's inspector general testified that enforcement actions taken by EPA and the States were frequently ineffective in returning major violators to compliance. The GAO said that EPA and State enforcement actions were weak and sporadic. And the Public Interest Research Group found that violations of the act are frequently ignored, even when patterns of chronic noncompliance appear. And these are just the generalizations. The specifics are appalling:

USPIRG testified that in a 3-month period last year, 12 percent of the largest industrial dischargers in the Nation, and 13 percent of the largest municipal dischargers were in significant noncompliance with their NPDES permits.

And these are only the worst violators at the largest facilities—we are not exactly sure what the other roughly 63,000 NPDES permitted facilities are discharging because EPA does not count them against agency goals. Even the EPA IG said that the number of facilities reported as being in significant noncompliance is vastly understated compared to the total number of permitted facilities;

The EPA IG found that in 46 of 69 NPDES audits he conducted, the penalty assessments were not sufficient to recover the economic benefit gained as a result of noncompliance. The IG pointed to one case where a POTW had been in chronic violation of its permit for 6 years. A maximum penalty was assessed at $97 million, EPA reduced the penalty in settlement to $5.9 million, and the violator ultimately paid $40,600. And the facility is still not in full compliance. the message of such a penalty policy is clear: It pays to pollute. If you pollute, you will have an economic advantage over your competitors who are complying.

This inadequate enforcement must end. Our citizens who want clean water, are insisting on it. The Clean Water Enforcement and Compliance Improvement Act will strengthen enforcement efforts.

The provisions in this bill have been drawn from two sources. The first is New Jersey's tough, new "Clean Water Enforcement Act," which is being held up across the Nation as the standard for water pollution penalty assessment, compliance, and enforcement. As one of the most densely populated and industrialized States, New Jersey is sending a tough message to polluters, that clean water is not just a luxury, it is a necessity. But New Jerseyans should not be the only ones to benefit from effective clean water enforcement. My bill will help ensure that all people, in every State, are protected from the dangers of polluted water.

Mr. President, this bill also incorporates recommendations from a draft EPA report to Congress. The report, which focuses on improving compliance and enforcement under the Clean Water Act, was required by the 1987 amendments to the act. But the report, Mr. President, has been held up at OMB for over a year. Now EPA can not even implement the recommendations of its own environmental professionals. So once again its time for Congress to step in and make into law what the agencies cannot seem to do administratively.

My bill will toughen penalties for polluters, improve enforcement by EPA and State water pollution agencies, and expand citizens' right-to-know about violations of the Clean Water Act.

It establishes mandatory minimum penalties for serious violations of the Clean Water Act.

It requires that civil penalties be no less than the economic benefit resulting from the violation.

It requires more frequent reporting of water discharges to identify violations more quickly.

And it requires EPA to publish annually a list of those facilities that are in significant noncompliance with the Clean Water Act.

The bill has been endorsed by the Natural Resources Defense Council, the National Wildlife Federation, U.S. Public Interest Research Group, and almost 100 other groups within the clean water network.

I urge my colleagues to join me in sending a strong message to polluters. And I ask unanimous consent that a copy of the bill and a summary of its provisions be included in the CONGRESSIONAL RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1843

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Clean Water Enforcement and Compliance Improvement Act of 1991".

SEC. 2. FINDINGS.

(a) IN GENERAL.—The Congress finds that—

(1) a significant number of persons who have been issued permits under section 402 of the Federal Water Pollution Control Act (33 U.S.C. 1342) are in violation of such permits;

(2) current enforcement programs of the Administrator of the Environmental Protection Agency and the States fail to address violations of such permits in a timely and effective manner;

(3) often violations of such permits continue for a considerable period of time, yielding significant economic benefits for the violator and thus penalizing similar facilities which act lawfully;

(4) penalties assessed and collected by the Administrator from violators of such permits are often less than the economic benefit gained by the violator;

(5) swift and timely enforcement by the Administrator and the States of violations of such permits is necessary to increase levels of compliance with such permits; and

(6) actions of private citizens have been effective in enforcing such permits and directing funds to environmental mitigation projects.

(b) FINDING WITH RESPECT TO HARM CAUSED BY VIOLATIONS.—Section 101 of the Federal Water Pollution Control Act (33 U.S.C. 1251) is amended by adding at the end the following new subsection:

"(h) FINDING WITH RESPECT TO HARM CAUSED BY VIOLATIONS.—Congress finds that a discharge which results in a violation of this Act, including a violation of a regulation, standard, limitation, requirement, or order issued pursuant to this Act, interferes with the restoration and maintenance of the chemical, physical, and biological integrity of the water system into which the discharge occurs (including any downstream waters) and, therefore, harms users of such water system.".

SEC. 3. VIOLATIONS OF REQUIREMENTS OF LOCAL CONTROL AUTHORITIES.

Section 307(d) of the Federal Water Pollution Control Act (33 U.S.C. 1317) is amended to read as follows:

"(d) VIOLATIONS.—After the effective date of any effluent standard or prohibition, pretreatment standard or requirement, or local limit promulgated under this section, it shall be unlawful for any owner or operator of any source to operate any source in violation of any such effluent standard or prohibition, pretreatment standard or requirement, or local limit.".

SEC. 4. INSPECTIONS, MONITORING, AND PROVIDING INFORMATION.

Section 308(a) of the Federal Water Pollution Control Act (33 U.S.C. 1318(a)) is amended—

(1) by striking "the owner or operator of any point source" each place it appears in the subsection and inserting "a person subject to a requirement of this Act"; and

(2) in subparagraph (A) of paragraph (4)—

(A) by striking "and" at the end of clause (iv);

(B) by redesignating clause (v) as clause (vi); and

(C) by inserting after clause (iv) the following new clause:"(v) submit to periodic inspections at such intervals as the Administrator shall prescribe by regulation (by not later than 2 years after the date of the enactment of the Clean Water Enforcement and Compliance Improvement Act of 1991), and".

SEC. 5. PENALTIES.

(a) CRIMINAL PENALTIES RELATING TO THE ENFORCEMENT OF LOCAL PRETREATMENT REQUIREMENTS.—Section 309(c)(3)(A) of the Federal Water Pollution Control Act (33 U.S.C. 1319(c)(3)(A)) is amended by inserting after "Army or by a State," the following: "or who knowingly violates any requirement imposed in a pretreatment program approved under section 402(a)(3) or 402(b)(8) of this Act,".

(b) TREATMENT OF SINGLE OPERATIONAL UPSETS.—

(1) CRIMINAL PENALTIES.—Section 309(c) of such Act (33 U.S.C. 1319(c)) is amended by striking paragraph (5) and redesignating paragraphs (6) and (7) as paragraphs (5) and (6), respectively.

(2) CIVIL PENALTIES.—Section 309(d) of such Act (33 U.S.C. 1319(d)) is amended by striking the last sentence.

(c) AMOUNTS OF ADMINISTRATIVE PENALTIES.—

(1) IN GENERAL.—Section 309(g)(3) of such Act (33 U.S.C. 1319(g)(3)) is amended by striking the last sentence.

(2) AMOUNTS.—Section 309(g)(2) of such Act (33 U.S.C. 1319(g)(2)(B)) is amended—

(A) in subparagraph (A)—

(i) by inserting "(or an adjusted amount determined pursuant to subsection (k))" after "$10,000"; and

(ii) by inserting "(or an adjusted amount determined pursuant to subsection (k))" after "$25,000"; and

(B) in subparagraph (B), by striking the first sentence and inserting the following new sentences: "The amount of a class II civil penalty under paragraph (1) may not exceed $10,000 per day (or an adjusted amount determined pursuant to subsection (k)), and except as provided in the following sentence, the maximum amount of any such civil penalty under this subparagraph shall not exceed $200,000 (or an adjusted amount determined pursuant to subsection (k)). The maximum amount of any such civil penalty (as described in the preceding sentence) shall not apply in any case where the Administrator (or the Secretary, as the case may be), in consultation with the Attorney General, determines that a greater amount is appropriate for the violation. A determination under the preceding sentence that the amount of the penalty for a violation shall exceed $200,000 shall not be subject to judicial review.".

(d) USE OF CIVIL PENALTIES FOR MITIGATION PROJECTS.—

(1) IN GENERAL.—Section 309(d) of such Act (33 U.S.C. 1319(d)) is amended by inserting after the second sentence the following new sentence: "The court may, in the court's discretion, order that a civil penalty be used for carrying out mitigation projects which are consistent with the purposes of this Act and which enhance the public health or environment.".

(2) CONFORMING AMENDMENT.—Section 505(a) of such Act (33 U.S.C. 1365(a)) is amended by inserting before the period at the end of the last sentence the following: ", including ordering the use of a civil penalty for carrying out mitigation projects in accordance with such section 309(d)".

(e) LIMITATION ON DEFENSES.—Section 309(g)(1) of such Act (33 U.S.C. 1319(g)(1)) is amended by adding at the end the following new sentence: "In a proceeding to assess or review a penalty under this subsection, the adequacy of consultation between the Administrator or the Secretary, as the case may be, and the State shall not be a defense to assessment or enforcement of such penalty.".

(f) RECOVERY OF ECONOMIC BENEFIT.—Section 309 of such Act (33 U.S.C. 1319) is amended by adding at the end the following new subsection:

"(h) RECOVERY OF ECONOMIC BENEFIT.—Notwithstanding any other provision of this section, any civil penalty assessed and collected under this section must be in an amount which is not less than the amount of the economic benefit or savings (if any) resulting from the violation for which the penalty is assessed plus interest as determined under section 3717(a) of title 31, United States Code, accruing from the date of the violation.".

(g) LIMITATION ON COMPROMISES.—Section 309 of such Act (33 U.S.C. 1319) is further amended by adding at the end the following new subsection:

"(i) LIMITATION ON COMPROMISES OF CIVIL PENALTIES.—Notwithstanding any other provision of this section, the amount of a civil penalty assessed under this section may not be compromised below the amount determined by adding—

"(1) the minimum amount required for recovery of economic benefit under subsection (h), to

"(2) 50 percent of the difference between the amount of the civil penalty assessed and such minimum amount.".

(h) MINIMUM AMOUNT FOR SERIOUS VIOLATIONS.—Section 309 of such Act (33 U.S.C. 1319) is further amended by adding at the end the following new subsection:

"(j) MINIMUM CIVIL PENALTIES FOR CERTAIN SERIOUS VIOLATIONS AND FOR SIGNIFICANT NONCOMPLIERS.—

"(1) SERIOUS VIOLATIONS.—Notwithstanding any other provision of this section (except as provided in paragraph (2)), the minimum civil penalty which may be assessed and collected under this subsection from a person—

"(A) for a discharge from a point source of a hazardous pollutant which exceeds any applicable effluent limitation established by or under this Act by 20 percent or more, or

"(B) for a discharge from a point source of a pollutant (other than a hazardous pollutant) which exceeds any applicable effluent limitation established by or under this Act by 40 percent or more,

shall be $1,000 (or an adjusted amount determined pursuant to subsection (k)) for the first such violation in a 180-day period.

"(2) SIGNIFICANT NONCOMPLIERS.—Notwithstanding any other provision of this section, the minimum civil penalty which may be assessed and collected under this subsection from a person—

"(A) for the second or more discharge in a 180-day period from a point source of a hazardous pollutant which exceeds any applicable effluent limitation established by or under this Act by 20 percent or more;

"(B) for the second or more discharge in a 180-day period from a point source of a pollutant (other than a hazardous pollutant) which exceeds any applicable effluent limitation established by or under this Act by 40 percent or more;

"(C) for the fourth or more discharge in a 180-day period from a point source of any pollutant which exceeds by any amount the applicable effluent limitation established by or under this Act; or

"(D) for not filing in a 180-day period 2 or more reports in accordance with section 402(r)(1),

shall be $5,000 (or an adjusted amount determined pursuant to subsection (k)) for each such violation.

"(3) INSPECTIONS FOR SIGNIFICANT NONCOMPLIERS.—The Administrator shall classify any person described in paragraph (2) as a significant noncomplier and shall conduct an inspection described in section 402(q) of this Act of the facility at which the violations were committed. Such inspections shall be conducted at least once in the 180-day period following the date of the most recent violation which resulted in such person being classified as a significant noncomplier.

"(4) ANNUAL REPORTING.—The Administrator shall transmit to Congress and to the Governors of the States, and shall publish in the Federal Register, on an annual basis, a list of all persons classified as significant noncompliers under paragraph (3) in the preceding calendar year and the violations which resulted in such classifications.

"(5) LIMITATION ON COMPROMISES.—Notwithstanding any other provision of this section, the amount of a civil penalty established pursuant to this subsection may not be compromised.

"(6) HAZARDOUS POLLUTANT DEFINED.—For purposes of this subsection, the term 'hazardous pollutant' has the same meaning as given the term 'hazardous substance' under subsection (c)(7 of this section.".

(i) ADJUSTMENT FOR INFLATION.—Section 309 of such Act (33 U.S.C. 1319) is further amended by adding at the end the following new subsection:

"(k) ADJUSTMENT FOR INFLATION.—(1) Any maximum amount of any class I or class II civil penalty described in subsection (g)(2) and any minimum amount of a civil penalty described in subsection (j) shall be adjusted for inflation by the Administrator by regulation pursuant to this subsection.

"(2) Not later than December 1, 1995, and every 5 years thereafter, the Adminstrator shall, pursuant to paragraph (3), prescribe by regulation, and publish in the Federal Register, a schedule containing the adjusted amount for each penalty described in paragraph (1), applicable to violations that occur on or after January 1 of the calendar year immediately following the date of publication of the regulations.

"(3) The adjusted amount for each penalty described in paragraph (1) shall be determined by increasing the amount of such penalty by a cost-of-living adjustment for the preceding 5 years. Any increase determined under this paragraph shall be rounded—

"(A) in the case of a penalty of an amount greater than $1,000, but less than or equal to $10,000, to the nearest multiple of $1,000;

"(B) in the case of a penalty of an amount greater than $10,000, but less than or equal to $100,000, to the nearest multiple of $5,000;

"(C) in the case of a penalty of an amount greater than $100,000, but less than or equal to $200,000, to the nearest multiple of $10,000; and

"(D) in the case of a penalty of an amount greater than $200,000, to the nearest multiple of $25,000.

"(4) For the purposes of this subsection:

"(A) The term 'Consumer Price Index' means the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics of the Department of Labor.

"(B) The term 'cost of living adjustment for the preceding 5 years' means—

"(i) with respect to an initial adjustment for inflation under this subsection, the percentage by which the Consumer Price Index for the month of June preceding the date of the initial adjustment exceeds the Consumer Price Index for the month of June in the calendar year 5 years before the date of the initial adjustment; and

"(ii) with respect to any subsequent adjustment for inflation under this subsection, the percentage by which the Consumer Price Index for the month of June preceding the date of the adjustment exceeds the Consumer Price Index for the month of June preceding the month of the date of the immediately preceding adjustment for inflation.".

SEC. 6. NATIONAL POLLUTANT DISCHARGE ELIMINATION PERMITS.

(a) JUDICIAL REVIEW OF RULINGS ON APPLICATIONS FOR STATE PERMITS.—Section 402(b)(3) of the Federal Water Pollution Control Act (33 U.S.C. 1342(b)(3)) is amended by inserting "and to insure that any person who is or may be adversely affected by such ruling has the right to judicial review of such ruling" before the semicolon at the end.

(b) GRANTING OF AUTHORITY TO POTWs FOR INSPECTIONS AND PENALTIES.—Section 402(b) of such Act (33 U.S.C. 1342(b)) is further amended by adding at the end the following new paragraph:

"(13) To ensure that the State will grant to publicly owned treatment works in the State, not later than 3 years after the date of the enactment of this paragraph, authority, power, and responsibility to conduct inspections under subsection (q) of this section and to assess and collect civil penalties and civil administrative penalties under paragraph (7) of this subsection.".

(c) INSPECTIONS.—Section 402 of such Act (33 U.S.C. 1342) is amended by adding at the end the following new subsection:

"(q) INSPECTION.—

"(1) GENERAL RULE.—Each permit for a discharge into the navigable waters or introduction of pollutants into a publicly owned treatment works issued under this section shall include conditions under which the effluent being discharged will be subject to random inspections in accordance with this subsection by the Administrator or the State, in the case of a State permit program under this section.

"(2) MINIMUM STANDARDS.—The Administrator shall establish minimum standards for inspections under this subsection. Such standards shall require, at a minimum, the following:

"(A) A representative sampling by the Administrator or the State, in the case of a State permit program under this section, of the permitted facility and the effluent being discharged. To the extent possible, such representative sampling shall be taken at the same time and from the same effluent discharge as is a sampling taken to carry out a permit requirement under this section.

"(B) An analysis of all samples collected by the Administrator or the State under subparagraph (A) by a Federal or State owned and operated laboratory or a State approved laboratory, other than one that is being used by the permittee or that is directly or indirectly owned, operated, or managed by the permittee.

"(C) An evaluation of the maintenance record of any treatment equipment of the permittee.

"(D) An evaluation of the sampling techniques used by the permittee.

"(E) A random check of discharge monitoring reports of the permittee for the purpose of determining whether or not such reports are consistent with the applicable analyses conducted under subparagraph (B) with respect to the representative sampling conducted by the Administrator or the State under subparagraph (A).

"(F) An inspection of the sample storage facilities and techniques of the permittee.".

(d) Reporting.—Section 402 of such Act (33 U.S.C. 1342) is further amended by adding at the end the following new subsection:

"(r) Reporting.—

"(1) General rule.—Each person holding a permit issued under this section that the Administrator determines to be a major industrial or municipal discharger of pollutants into the navigable waters shall prepare and submit to the Administrator a monthly discharge monitoring report. Any other person holding a permit issued under this section shall prepare and submit to the Administrator quarterly discharge monitoring reports or more frequent discharge monitoring reports if the Administrator requires. Such reports shall contain, at a minimum, such information as the Administrator shall require by regulation.

"(2) Signature.—All reports filed under paragraph (1) must be signed by the highest ranking official having day-to-day managerial and operational responsibility for the facility at which the discharge occurs or, in the absence of such person, of another responsible high ranking official at such facility. Such highest ranking official shall be responsible for the accuracy of all information contained in such reports; except that such highest ranking official may file with the Administrator amendments to any such report if the report was signed in the absence of the highest ranking official by another high ranking official and if such amendments are filed within 7 days of the return of the highest ranking official.".

(e) Applicability.—The amendments made by this section shall apply to permits issued before, on, or after the date of the enactment of this Act; except that—

(1) with respect to permits issued before such date of enactment to a major industrial or municipal discharger, such amendments shall take effect on the last day of the 1-year period beginning on such date of enactment; and

(2) with respect to all other permits issued before such date of enactment, such amendments shall take effect on the last day of the 2-year period beginning on such date of enactment.

SEC. 7. EXPIRED STATE PERMITS.

Section 402(d) of the Federal Water Pollution Control Act (33 U.S.C. 1342(d)) is amended by adding at the end the following new paragraph:

"(5) Expired state permits.—In any case in which—

"(A) a permit issued by a State for a discharge has expired,

"(B) the permittee has submitted in a timely manner an application to the State for a new permit for the discharge, and

"(C) the State has not acted on the application before the last day of the 18-month period beginning on the date the permit expired,

the Administrator may issue a permit for the discharge under subsection (a).".

SEC. 8. COMPLIANCE SCHEDULE.

Section 302(b)(2)(B) of the Federal Water Pollution Control Act (33 U.S.C. 1312(b)(2)(B)) is amended by adding at the end the following new sentence: "The Administrator may only issue a permit pursuant to this subparagraph for a period exceeding 2 years if the Administrator makes the findings described in clauses (i) and (ii) of this subparagraph on the basis of a public hearing.".

SEC. 9. CITIZENS SUITS.

(a) Pretreatment Requirements and Local Limits.—Section 505(f)(4) of such Act (33 U.S.C. 1365(f)(4)) is amended by striking "or pretreatment standards" and inserting ", pretreatment standard, pretreatment requirement, or local limit".

(b) Definition of Citizen.—Section 505(g) of such Act (33 U.S.C. 1365(g)) is amended by inserting before the period at the end the following: ", including a person who uses the water downstream from a discharge, or would use such water if it were not polluted, during the period that the discharge exceeds an effluent standard or limitation issued under this Act".

SEC. 10. ISSUANCE OF SUBPENAS.

Section 509(a)(1) of the Federal Water Pollution Control Act (33 U.S.C. 1369(a)(1)) is amended by striking "obtaining information under section 305 of this Act, or carrying out section 507(e) of this Act," and inserting "carrying out this Act,".

SUMMARY OF S. 1843

TOUGHENS PENALTIES

Establishes minimum civil penalties for Serious Violations and Significant Noncompliers.

Serious Violations require a minimum $1,000 penalty. Serious Violations are discharges of hazardous substances exceeding a water pollution discharge standard by 20% or more and dischargers of less harmful pollutants by 40% or more.

Significant Noncompliance requires a minimum $5,000 penalty. Significant Noncompliance involves two or more serious violations, four or more violations of any water pollution standard, or two instances of non-reporting in a 180 day period.

Requires that civil penalties be no less than the economic benefit or savings resulting from the violation.

Requires that penalties be adjusted to account for inflation.

FACILITATES ENFORCEMENT

Increases the level of administrative penalties EPA may assess, which will expand EPA's ability to use administrative penalties rather than having to file enforcement actions in court.

Authorizes sewage treatment plants to inspect facilities which discharge into sewer systems.

Requires large facilities to report to EPA or the state on its water emissions monthly and requires smaller facilities to report quarterly. Reports must be signed by the highest ranking official at the facility.

Expand EPA's authority to obtain any information needed to implement the Clean Water Act. Current law limits this authority to obtaining information only for certain sections of the Act.

EXPANDS CITIZEN RIGHT-TO-KNOW

Requires EPA to publicize list annually of significant noncompliers.

Requires public hearings where industry proposes to take more than two years to come into compliance with the Clean Water Act.•

By Mr. SEYMOUR:

S. 1844. A bill to authorize the sale of a Bureau of Reclamation loan to the United Water Conservation District in California, and for other purposes; to the Committee on Energy and Natural Resources.

SALE OF A BUREAU OF RECLAMATION LOAN

• Mr. SEYMOUR. Mr. President, today I rise to introduce the Freeman Diversion Improvement Project Act of 1991, a bill which would authorize the Secretary of Interior to enter into negotiations with the United Water Conservation District for the purchase of their Government loan.

In 1983 the United Water Conservation District of Ventura County in my State of California applied for a loan with the Bureau of Reclamation under the Small Reclamation Loan Act. The loan application was approved and funded in 1987. With the funds available, the district was able to improve the Freeman Diversion Dam and to stabilize the Santa Clara River. A portion of the funds were used to provide fish protection features to the diversion dam.

This project is important to the area known as the Oxnard Plains which depends on both underground and surface supplies to provide water for agriculture and urban uses. Diversion from the Santa Clara River provides much-needed additional surface supplies. It is also critical to recharge the ground water basin in order to counter the intrusion of saltwater from the Pacific Ocean into the underground zones.

This legislation will lead to an agreement with the district to pay off in lump sum its loan with the Federal Government. Passage will relieve the Federal taxpayers of carrying, over the next 20 years, the debt owed by the district. It will reduce the Federal administration cost and overall will improve the management and performance of the Federal Government's loan portfolio. The district intends to issue local revenue bonds to finance the loan buyout. This will place into the private economy the investment of nearly $10 million in the water infrastructure of Ventura County.

Mr. President, this is good business for the American taxpayer and for the economy. It will open the way for private funds to be invested in the Freeman diversion improvement project thus reducing the burden of the general public to carry this multimillion-dollar loan.

Mr. President, I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 1844

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION. 1. SALE OF THE FREEMAN DIVERSION IMPROVEMENT PROJECT LOAN.

(a) Agreement.—

(1) In general.—As soon as practicable after the date of enactment of this Act, the Secretary of the Interior shall enter into negotiations leading to an agreement for the sale of the loan contract described in paragraph (2) to the United Water Conservation District in California (referred to in this Act as the "District") for the Freeman Diversion Improvement Project.

(2) Loan contract.—The loan contract described in paragraph (1) is numbered 7-07-20-

W0615 and was entered into pursuant to the Small Reclamation Projects Act of 1956 (43 U.S.C. 422a et seq.).

(b) PAYMENT.—The agreement negotiated pursuant to subsection (a) shall provide for payment of the purchase price on a lump-sum basis in an amount determined by the Secretary of the Interior to be appropriate.

SEC. 2. TERMINATION AND CONVEYANCE OF RIGHTS.

Upon receipt of the payment specified in section 1(b)—

(1) the District's obligation under the loan contract described in section 1(a)(2) shall be terminated;

(2) the Secretary of the Interior shall convey all right and interest of the United States in the Freeman Diversion Improvement Project to the District; and

(3) the District shall absolve the United States, and its officers and agents, of any liability associated with the Freeman Diversion Improvement Project.

SEC. 3. REVIEW.

Not later than 60 days before entering into the agreement described in section 1, the Secretary shall submit the agreement to Congress for review.●

By Mr. SIMON (for himself and Mr. DURENBERGER):

S. 1845. A bill to ensure that all Americans have the opportunity for a higher education; to the Committee on Labor and Human Resources.

FINANCIAL AID FOR ALL STUDENTS ACT OF 1991

Mr. SIMON. Mr. President, today, Senator DURENBERGER, from Minnesota, and I are introducing the Financial Aid For All Students Act.

Last week a Gallup poll found, once again, and I will quote from an article from the Chronicle of Higher Education: "More than ever, Americans think that having a college degree is important to get a job or advance in a career."

And there is no question it is important. For those between the ages of 25 and 34, if you have a 2-year associate degree, you will earn on the average 40 percent more than those who have only a high school education. If you have a bachelor's degree, you will earn on the average 63 percent more than those who have only a high school education. If you have a professional degree you will earn triple the amount.

That is important to these individuals, but it is also important to the economy of the Nation.

You and I, Mr. President, if I may say, are old enough to remember the GI bill after World War II. It was conceived as a gift to veterans. But it turned out to be a huge investment in our own prosperity. If you were to take the old GI bill and put an inflation factor on it, today that would average a little better than $8,000 a year in student assistance.

I am not suggesting that we can move to that; nor is my colleague from Minnesota. But there is no question we have to do better. We have been slipping as a nation in terms of our student assistance, and tens of thousands of people in this Nation are not going to college who would like to go to college simply because they do not have the funds for it.

I am going to read briefly from three letters that are fairly typical of mail all of us receive. What we are doing with this bill that Senator DURENBERGER and I are introducing that I hope we can get many of our colleagues to cosponsor has met a need.

Why is there disillusionment with our Government? I think in part it is they see us in partisan fights and not meeting the real needs that are out there. And these are real needs.

Let me quote from a letter from Nancy Dobereiner from Moline, IL. She says:

> I currently work two jobs (one full-time and one part-time) just to make ends meet. I do not live an extravagant life. I drive a 1985 Ford Tempo, and am paying off a mortgage on a home that had to be refinanced due to my former husband's employment status. He was one of the many in this area affected by major layoffs in the farm implement industry during the 1980's.) My gross income from both jobs last year was $29,600. My oldest son, Craig, will be a junior at Northeast Missouri State University this fall. Two of his three years he has been eligible for a grant of $250/year. Although this is not a great amount, when you are a struggling student, every penny counts. By the time he graduates, he will have accumulated approximately $23,300 in student loans (Perkins and GSL. He also receives aid from the work/study program.) I would not want to enter the profession he intends to facing that amount in loans. Craig intends to be a math teacher, a low paying profession, but it is what he wants to do because he feels this country is in dire need of good math teachers. Northeast offers a 5 year teaching program that he will graduate from with his masters degree. There are no 4 year high standards and it's affordability. Craig has a tough road ahead of him.

One story from one person.

Tracy Gleason from Trivoli, IL—again, one paragraph in the letter. It says:

> Not so long ago when I was in junior high and high school, I had no choice, I was forced to attend school. Now, I desire nothing more than to attend college and earn my degree, and money is the only thing holding me back.

And another letter from Niccy Nebelsick from Bellville, IL, and she writes:

> I am in between a rock and a hard place.
>
> I am looking for some way to finish college. I am 27 years old, and I support myself by working three jobs. One is a full time position with the City of Belleville, one part time position is with the Circuit Clerk's Office for St. Clair County, and the third position is part time at the Ford Truck Dealership. I've held two positions for three years and three positions for two years.
>
> Here is the rock; at this point I have acquired 25 credit hours at Belleville Area College. I've done this by two night courses and the rest by their Telecourse classes. Here is the hard place; I tried to find out about some kind of financial assistance. As soon as I told them that my gross salary for last year was slightly under $20,000.00 I was told that my income was too high for assistance.

Well, what can we do? I am on the board of trustees of a fine, small Lutheran college of Danish heritage, Dana College, in Blair, NE—about 500 students. It is like most small colleges, it is struggling, but it has to use an unusual amount of its resources to devote to helping students.

We have a choice, Mr. President, as we reauthorize the Higher Education Act, and that is either to tinker at the edges or to do something really significant.

What Senator DURENBERGER and I are trying to do is something really significant. We say let us provide assistance, and we have a program that not only complies with the Budget Act but long term saves money for the Federal Government because we reduce the amount of default payments. This year we will pay $3.8 billion in student loan defaults. We reduce that ultimately to zero, and we provide assistance to everyone.

Let me just add others have come up with similar plans. Congressman PETRI from over in the House has done it. Senator BRADLEY has a somewhat comparable program. Senator KENNEDY a few years ago introduced a somewhat similar program.

We pay for this combination of increasing the Pell grant, the basic grant, and having a loan program, a credit program called the IDEA Program, a credit program that will be available to students and they pay back on the basis of their income.

Right now, under the guaranteed student loan, you have a certain amount you are supposed to pay back no matter what the income. It makes it almost impossible for many students to pay back. We save approximately $2.7 billion in money that would otherwise go to banks, servicers, default costs, and the in-school interest subsidy. We also establish—and this is a specific suggestion of my colleague, Senator DURENBERGER—a $1,000 excellence scholarship as well as providing $100 million to the States for establishing early intervention programs following the Eugene Lang suggestion of his "I Have a Dream" program.

Mr. President, I ask unanimous consent to have printed in the RECORD the full text of the three letters to which I have referred.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

MOLINE, IL,
August 9, 1991.

Senator PAUL SIMON,
U.S. Senate,
Washington, DC.

DEAR SENATOR SIMON: Enclosed is a copy of an editorial that was in the August 7, 1991, edition of the Daily Dispatch concerning federal grants to college students.

I cannot believe, and have a hard time swallowing the fact that the current administration is actually proposing only those families with an income of $10,000 or less should receive federal grants.

As a single parent, I would ask Congress not to go along with this proposal. Let me explain why.

I currently work two jobs (one full-time and one part-time) just to make ends meet. I do not live an extravagant life. I drive a 1985 Ford Tempo, and am paying off a mortgage on a home that had to be refinanced due to my former husband's employment status. (He was one of the many in this area affected by major layoffs in the farm implement industry during the 1980's.) My gross income from both jobs last year was $29,600. My oldest son, Craig, will be a junior at Northeast Missouri State University this fall. Two of his three years he has been eligible for a grant of $250/year. Although this is not a great amount, when you are a struggling student, every penny counts. By the time he graduates, he will have accumulated approximately $23,300 in student loans (Perkins and GSL. He also receives aid from the work/study program.) I would not want to enter the profession he intends to facing that amount in loans. Craig intends to be a math teacher, a low paying profession, but it is what he wants to do because he feels this country is in dire need of good math teachers. Northeast offers a 5 year teaching program that he will graduate from with his masters degree. There are no 4 year programs at the University. We chose this school because of it's high standards and it's affordability. Craig has a tough road ahead of him.

My youngest son, Joshua, will be a senior in high school this fall. He also intends to go on to college in the fall of '92. (This will put two students from the same family in college at the same time—what a financial crunch.) Josh plans to major in political science and go on to law school. His lifetime goal is to become a member of Congress. Big dreams (we all have to have them, don't we?) that could be crushed if the federal grant system becomes limited to those families under the $10,000 income bracket. I hate to think what Josh's student loans will amount to by the time he finishes school.

I don't understand how the current administration can even think about cutting out families with incomes in the $10,000-$30,000 range. Today, in order to "make it financially" in America, one must be very poor, or very rich. There is nothing to help middle income families such as ours. I sometimes think I should give up the fight, loose our home, quit my job, and go on welfare. Then my children, too, could benefit from federal grants, instead of racking up an insurmountable amount in loans, but that would be totally against my nature.

I work hard for everything I have in life—I don't believe in free rides. Without federal grants available to families in our income range, children such as mine will be the ones to suffer. With two children in college within the next year, things will be even tighter than they currently are in the Dobereiner household. Grants in whatever amount are needed. I will do whatever is necessary to see that both of my boys get a college education (even if it means taking on a third part-time job). I hope that I can count on you to help stop this current proposal dead in it's tracks.

I look forward to hearing your views on this matter in the near future.

Sincerely,

Nancy Dobereiner.

Trivoli, IL,
September 12, 1991.

Dear Senator: I am writing to inquire about any available scholarships that you may be aware of. I am currently a second semester sophomore attending Illinois Central College (ICC) in East Peoria, Illinois. My major course of study is psychology, my GPA is 3.4, and my long term career goal is to earn my doctorate in counseling psychology.

I have previously attended Millikin University in Decatur, Illinois. I was unable to return this semester due to financial problems. After this semester, I will have achieved over sixty credit hours, and I will be unable to transfer any more credits from a community college, such as ICC. Therefore, my plan is to return to Millikin for the upcoming spring semester. However, my financial status is hindering my ability to return.

Last semester, Millikin gave me approximately $6,000 in grants and a student loan of about $2,000. Recently, my mother remarried causing my financial aid to drop. Millikin has estimated the spring semester to cost me approximately $3,500. I live with my grandparents, and neither my mother nor my father give me financial support of any kind.

Not so long ago when I was in Jr. high and high school, I had no choice, I was forced to attend school. Now, I desire nothing more than to attend college and earn my degree, and money is the only thing holding me back.

Any information or assistance you could give would be greatly appreciated. I have the desire and the will to learn, therefore I know I would be a good candidate for a scholarship. Furthering my college education would give me the chance to experience life and push my self to the limit, giving me the opportunity to reach the goals I have set for myself.

Thank you for your concern and understanding!

Very truly yours,

Tracy Gleason.

Belleville, IL,
August 12, 1991.

Hon. Paul Simon,
Senate Office Building, Washington, DC.

Dear Senator Simon: I am in between a rock and a hard place.

I am looking for some way to finish college. I am 27 years old, and I support myself by working three jobs. One is a full time position with the City of Belleville, one part time position is with the Circuit Clerk's Office for St. Clair County, and the third position is part time at a Ford Truck Dealership. I've held two positions for three years and three positions for two years.

Here is the rock; at this point I have acquired 25 credit hours at Belleville Area College. I've done this by two night courses and the rest by their Telecourse classes. Here is the hard place; I tried to find out about some kind of financial assistance. As soon as I told them that my gross salary for last year was slightly under $20,000.00 I was told that my income was too high for assistance.

You see, they fail to understand that my salary is $20,000.00 because I work three jobs! Very rarely do I work less than 72 hours per week every week. This is accomplished by a seven day a week schedule. My only days off are National Holidays, but sometimes I work those at the Ford Dealership to help them catch up.

Now, if I quit my part time positions in order to qualify for assistance, I won't make enough money to support myself. Believe me when I tell you that I don't live the lifestyle of the rich and famous.

I desperately want to finish my education so that some day I can live on a 40 hour work week and find out how most people live. Who knows, maybe even have the time to meet a man, that would be a treat!

If you have any suggestions for me on programs, funding, or personal ideas on this matter it would be greatly appreciated if you would share them with me.

Thank you for your time and consideration in this matter. I look forward to hearing from you.

Sincerely,

Niccy Nebelsick.

Mr. SIMON. Mr. President, I ask unanimous consent that a summary of the bill and a list of questions and answers, as well as the bill itself, be printed in the Record at this point.

There being no objection, the material was ordered to be printed in the Record, as follows:

S. 1845

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Financial Aid for All Students Act of 1991".

TITLE I—PELL GRANT ENTITLEMENT, GRADUATE ASSISTANCE, AND EXCELLENCE SCHOLARSHIPS

SEC. 101. PELL GRANT ENTITLEMENT.

Section 411 of the Higher Education Act of 1965 (hereafter in this Act referred to as the "Act") (20 U.S.C. 1070(a)) is amended by adding at the end the following new subsections:

"(j) Entitlement to an Additional $600.—(1) Notwithstanding the provisions of subsection (g), after July 1, 1994, no student shall be denied the additional amount to which such student would be entitled if the maximum basic grant allowable pursuant to the appropriate appropriation Act were increased by $600.

"(k) Full Entitlement for All Eligible Students.—Notwithstanding the provisions of subsection (g), no student shall be denied the basic grant to which such student is entitled, as calculated under subsection (b), if Congress makes available for such purpose sufficient additional revenue or savings pursuant to the Budget Enforcement Act of 1990.".

SEC. 102. PELL GRANT FOR FIRST-YEAR GRADUATE STUDENTS.

Subsection (c) of section 411 of the Act is amended by adding at the end the following new paragraph:

"(4) A graduate student who has not completed the full-time equivalent of 1 year of coursework following the completion of the graduate student's first undergraduate baccalaureate degree shall be eligible for a basic grant in any fiscal year if—

"(A) sufficient funds have been made available to provide the basic grant for which all eligible undergraduate students are eligible in accordance with subsection (b) to all eligible undergraduate students; and

"(B) such graduate student would be eligible for a Pell grant if such student were an undergraduate student.".

SEC. 103. EXCELLENCE SCHOLARSHIPS FOR PELL GRANT RECIPIENTS.

Part A of title IV of the Act (20 U.S.C. 1070 et seq.) is amended by adding at the end the following new subpart:

"Subpart 9—Excellence Scholarship Program

"Sec. 420C. (a) Purpose.—It is the purpose of this part to award scholarships to Pell Grant recipients who demonstrate high academic achievement, and thereby encourage students to excel in elementary and secondary studies, enter postsecondary education, and continue to demonstrate high levels of academic achievement at the postsecondary level.

"(b) Entitlement Program.—The Secretary shall, in accordance with the provisions of this section, award scholarships to eligible students in accordance with this section. An eligible student shall be deemed to have a contractual right against the United States to receive a scholarship under this section.

"(c) Eligible Student.—For the purposes of this section, the term 'eligible student' means a student that—

"(1) is enrolled on at least half-time basis in a program of study of not less than 2 academic years in length that leads to a degree or certificate;

"(2) has received a Pell Grant under subpart 1 of this part for that academic year; and

"(3) in the case of a student who will be attending such student's first year of postsecondary education—

"(A) has demonstrated academic achievement and preparation for postsecondary education by taking college preparatory level coursework equivalent to not less than 4 years of English, 3 years of science, 3 years of mathematics, 3 years of social science (including history), and 2 years of a foreign language, unless the Secretary determines that such courses were not available to the student; and

"(B) ranks in the top 10 percent, by grade point average, of the student's secondary school graduating class;

"(C) achieves at least the minimum score, as determined by the Secretary pursuant to regulations that are published in the Federal Register, on 1 of the nationally administered, standardized tests identified by the Secretary; or

"(D) has participated, for a minimum period of 36 months, in a program authorized under section 415F or under subpart 4 of this part or a similar program as determined by the Secretary;

"(2) in the case of a student who initially qualified for a scholarship as a first year student pursuant to subparagraph (c)(3)(D) of this section, participates in a student support services program described in subpart 4 or a similar program as determined by the Secretary in which such student is required to enter into an agreement to achieve certain academic milestones and the student continues to make significant progress toward those milestones; and

"(3) in the case of any other student—

"(A) ranks in the top 10 percent, by cumulative grade point average (or its equivalent, if the institution does not use a system of ranking its students by grade point averages), of the student's postsecondary education class as of the last academic year of study completed; or

"(B) meets another measure of academic achievement as determined by the Secretary.

"(d) Scholarship Amount.—

"(1) In general.—Except as provided in paragraphs (2) and (3), the amount of a scholarship awarded under this section for any academic year shall be $1,000.

"(2) Relationship with other assistance.—Notwithstanding the provisions of paragraph (1), the amount of a scholarship awarded under this subpart shall be reduced, by the institution of higher education that the student is or will be attending, by the amount that the scholarship—

"(A) exceeds the student's cost of attendance, as defined in section 472; or

"(B) when combined with other Federal or non-Federal grant or scholarship assistance the student receives in any academic year, exceeds the student's cost of attendance, as defined in section 472.

"(3) Reduction.—Notwithstanding the provisions of paragraph (1), if the Secretary projects that the total amount of scholarships to be awarded during an academic year under paragraph (1) will exceed $500,000,000, then the Secretary shall reduce the amount of each scholarship awarded under this section on a pro rata basis such that the projected total amount will not exceed $500,000,000.

"(e) Period of Scholarship.—

"(1) In general.—An eligible student may receive not more than 4 scholarships under this section, each awarded for a period of 1 academic year, except that, in the case of a student who is enrolled in an undergraduate course of study that requires attendance for the full-time equivalent of 5 academic years, the student may receive not more than 5 scholarships under this section.

"(2) Special rule.—A student's eligibility for a scholarship under this section for an academic year is not dependent on whether the student received an excellence scholarship, Pell Grant, or any other aid in the previous academic year.

"(f) Administrative Provisions.—

"(1) In general.—The Secretary shall promulgate regulations establishing the procedures by which scholarships under this section shall be awarded.

"(2) Information.—Each institution of higher education receiving a payment under this section shall provide to the Secretary such information as is required by the Secretary regarding a potential scholarship recipient's rank or test score.

"(3) Institutional payments.—The Secretary shall make payments of scholarship proceeds on behalf of eligible students to the institutions of higher education at which such students are enrolled.".

TITLE II—INCOME-DEPENDENT EDUCATION ASSISTANCE PROGRAM

SEC. 201. IDEA CREDIT.

(a) In General.—Part D of title IV of the Act is amended to read as follows:

"PART D—INCOME-DEPENDENT EDUCATION ASSISTANCE CREDIT

"SEC. 451. ENTITLEMENT PROGRAM.

"(a) In General.—The Secretary shall, in accordance with the provisions of this part—

"(1) make loans to eligible students; and

"(2) enter into an agreement with the Secretary of the Treasury for the collection of repayments on such loans in accordance with section 459.

"(b) Entitlement Provision.—An eligible student shall be deemed to have a contractual right against the United States to receive a loan under this part.

"(c) Definitions.—For purposes of this part—

"(1) the term 'eligible institution' has the meaning given to such term by section 435(a); and

"(2) the term 'eligible student' means a student who is eligible for assistance under this title in accordance with section 484 and is carrying at least one-half the normal full-time work load for the course of study the student is pursuing as determined by the eligible institution.

"(d) References.—A loan pursuant to this part may be referred to as an 'IDEA' loan.

"SEC. 452. ELIGIBILITY; USE OF LOANS.

"(a) Eligibility.—An eligible student shall not be eligible for a loan under this part unless—

"(1) in the case of an independent student with an adjusted gross income in the applicable year of less than $40,000 (or an appropriate amount determined by the Secretary), the eligible student has applied for need-based assistance under this title;

"(2) in the case of a dependent student with a family income in the applicable year of less than $60,000 (or an appropriate amount determined by the Secretary), the eligible student has applied for need-based assistance under this title;

"(3) in the case of a dependent student with an expected family contribution (excluding the student's own contribution) exceeding $2,000 (or an appropriate amount determined by the Secretary), the head of household has been notified of such person's eligibility for a loan under section 428B; and

"(4) such eligible student understands and signs directly beneath the following statement: 'I understand that taking this loan will increase the income taxes I owe each year until the loan is paid in full, with interest.'.

"(b) Use of Loan.—Each eligible student receiving an IDEA loan shall use the proceeds of such loan only to attend an eligible institution.

"SEC. 453. DISTRIBUTION TO ELIGIBLE INSTITUTIONS AND STUDENTS.

"The Secretary shall prescribe by regulation a process for the distribution of funds authorized by this part to eligible institutions and eligible students. To the extent that the distribution process would be simpler and would improve program accountability, the process shall be similar to the procedure under paragraphs (1) and (2) of section 411(a).

"SEC. 454. AMOUNT AND TERMS OF LOANS.

"(a) Eligible Amounts.—

"(1) Annual limits.—Any individual who is determined by an eligible institution to be an eligible student for any academic year shall be eligible to receive an IDEA loan for such academic year in an amount which is not less than $500 or when combined with other Federal student assistance received by the student is not more than the cost of attendance at such institution for the academic year 1991-1992, determined in accordance with section 472. Notwithstanding the preceding sentence, the amount of such loan shall not exceed—

"(A) $6,500 in the case of any eligible student who has not completed the second year of undergraduate study;

"(B) $8,000 in the case of any eligible student who has completed such second year but who has not completed such student's course of undergraduate study;

"(C) $20,000 in the case of any eligible student who is enrolled in a medical or other high-cost doctoral degree program as determined by the Secretary;

"(D) $30,000 in the case of any eligible student who is enrolled in an extraordinarily high-cost graduate degree program as determined by the Secretary; or

"(E) $11,000 in the case of an eligible student who is enrolled in any other graduate degree program.

"(2) Limitation on borrowing capacity.—No individual may receive any amount in an additional IDEA loan if the sum of the original principal amounts of all IDEA loans to such individual (including the pending additional loan) would equal or exceed—

"(A) $70,000, minus

"(B) the product of—

"(i) the number of years by which the borrower's age (as of the close of the preceding calendar year) exceeds 40; and

"(ii) one-twentieth of the amount specified in subparagraph (A), as adjusted pursuant to paragraph (3).

"(3) EXCEPTIONS TO BORROWING CAPACITY LIMITS FOR CERTAIN GRADUATE STUDENTS.—For a student who is—

"(A) a student described in paragraph (1)(C), paragraph (2) shall be applied by substituting "$100,000" for "$70,000"; or

"(B) a student described in paragraph (1)(D), paragraph (2) shall be applied by substituting "$120,000" for "$70,000".

"(4) COMPUTATION OF OUTSTANDING LOAN OBLIGATIONS.—For the purposes of this subsection, any loan obligations of an individual under student loan programs under this title or title VII of the Public Health Service Act shall be counted toward IDEA loan annual and aggregate borrowing capacity limits. For purposes of annual and aggregate loan limits under any such student loan program, IDEA loans shall be counted as loans under such student loan program.

"(5) ADJUSTMENTS OF ANNUAL LIMITS FOR LESS THAN FULL-TIME STUDENTS.—For any eligible student who is enrolled on a less than full-time basis, loan amounts for which such student shall be eligible for any academic year under this subsection shall be reduced in accordance with regulations prescribed by the Secretary.

"(b) DURATION OF ELIGIBILITY.—An eligible student shall not be eligible to receive an IDEA loan for more than a total of the full-time equivalent of 9 academic years, of which not more than the full-time equivalent of 5 academic years shall be as an undergraduate student and not more than the full-time equivalent of 5 academic years shall be as a graduate student.

"(c) TERMS OF LOANS.—Each eligible student applying for a loan under this title shall sign a written agreement which—

"(1) is made without security and without endorsement, except that if the borrower is a minor and such note or other written agreement executed by such student would not, under the applicable law, create a binding obligation, endorsement may be required;

"(2) provides that such student will repay the principal amount of the loan and any interest or additional charges thereon in accordance with section 459;

"(3) provides that the interest on the loan will accrue in accordance with section 456;

"(4) certifies that the student has received and read a notice of the student's obligations and responsibilities under the loan, including the statement described in section 452(a)(4); and

"(5) contains such additional terms and conditions as the Secretary may prescribe by regulation.

"SEC. 455. APPLICATION.

"Each eligible student desiring an IDEA loan shall submit an application to the eligible institution which such student plans to attend. Each such application shall contain sufficient information to enable such institution to determine such student's eligibility to receive an IDEA loan.

"SEC. 456. INTEREST CHARGES.

"Interest charges on IDEA loans made shall be added to the recipient's obligation account at the end of each calendar year. Such interest charges shall be based upon an interest rate equal to the lesser of—

"(1) the sum of the average bond equivalent rates of 91-day Treasury bills auctioned during that calendar year, plus 2 percentage points, rounded to the next higher one-eighth of 1 percent; or

"(2) 10 percent.

"SEC. 457. CONVERSION AND CONSOLIDATION OF OTHER LOANS.

"(a) IN GENERAL.—The Secretary may, upon request of a borrower who has received a federally insured or guaranteed loan under this title or under title VII of the Public Health Service Act, make a loan to such borrower in an amount equal to the sum of the unpaid principal on loans made under this title or title VII of the Public Health Service Act. The proceeds of the new loan shall be used to discharge the liability on loans made under this title or title VII of the Public Health Service Act. Except as provided in subsection (b), any loan made under this subsection shall be made on the same terms and conditions as any other loan under this part and shall be considered a new IDEA loan for purposes of this part.

"(b) CONVERSION REGULATIONS.—The Secretary shall prescribe regulations concerning the methods and calculations required for conversion to IDEA loans under subsection (a). Such regulations shall provide appropriate adjustments in the determination of the principal and interest owed on the IDEA loan in order to—

"(1) secure payments to the Federal Government commensurate with the amounts the Federal Government would have received had the original loans been IDEA loans;

"(2) fairly credit the borrower for principal and interest payments made on such original loans and for origination fees deducted from such original loans; and

"(3) prevent borrowers from evading their obligations or otherwise taking unfair advantage of the conversion option provided under this section.

"(c) MANDATORY CONVERSION OF DEFAULTED LOANS.—Any loan which is—

"(1) made, insured, or guaranteed under part B of this title or title VII of the Public Health Service Act after the date of enactment of this Act; and

"(2) assigned to the Secretary or the Secretary of Health and Human Services for collection after a default by the borrower in repayment of such loan,

shall, in accordance with regulations prescribed by the Secretary and the Secretary of Health and Human Services, be treated for purposes of collection as if such loan had been converted to an IDEA loan under subsections (a) and (b) of this section.

"SEC. 458. STUDY; REPORT; AND UPDATING.

"(a) STUDY.—The Secretary shall conduct a study of the effects of—

"(1) the loan program assisted under this part on—

"(A) the tuition rates of eligible institutions participating in such program; and

"(B) the accrediting and licensure standards of such institutions; and

"(2) inflation on—

"(A) the loan limits described in section 454;

"(B) the progressivity factor described in section 459(b)(3); and

"(C) the cost of attendance at an eligible institution.

"(b) REPORT.—

"(1) IN GENERAL.—The Secretary shall prepare and submit a report to Congress, including recommendations, on the results of the study conducted pursuant to subsection (a).

"(2) DATE.—The report described in paragraph (1) shall be submitted on or before December 31, 1995.

"(c) UPDATING.—For any academic year after academic year 1996–1997, the Secretary is authorized, after consultation with the appropriate Congressional committees, to make adjustments to increase—

"(1) the loan limits described in section 454;

"(2) the adjusted gross income levels used to determine the progressivity factor described in section 459(b)(3); and

"(3) the cost of attendance determination described in section 454(a)(1).

"SEC. 459. COLLECTION OF INCOME-DEPENDENT EDUCATION ASSISTANCE LOANS.

"(a) NOTICE TO BORROWER.—

"(1) IN GENERAL.—During January of each calendar year, the Secretary shall furnish to each borrower of an IDEA loan notice as to—

"(A) whether the records of the Secretary indicate that such borrower is in repayment status;

"(B) the maximum account balance of such borrower;

"(C) the account balance of such borrower as of the close of the preceding calendar year; and

"(D) the procedure for computing the amount of repayment owing for the taxable year beginning in the preceding calendar year.

"(2) FORM, ETC.—The notice described in paragraph (1) shall be in such form as the Secretary may by regulation prescribe and shall be sent by mail to the individual's last known address or shall be left at the dwelling or usual place of business of such individual.

"(b) COMPUTATION OF ANNUAL REPAYMENT AMOUNT.—

"(1) IN GENERAL.—(A) The annual amount payable under this section by the taxpayer for any taxable year shall be the lesser of—

"(i) the product of—

"(I) the base amortization amount, and

"(II) the progressivity factor for the taxpayer for such taxable year, or

"(ii) 20 percent of the excess of—

"(I) the modified adjusted gross income of the taxpayer for such taxable year, over

"(II) the sum of the standard deduction and any exemption amount applicable to such taxpayer's income tax return for the taxable year.

"(B) For purposes of subparagraph (A)(ii)(II)—

"(i) the term 'standard deduction' has the meaning given such term by section 63(c) of the Internal Revenue Code of 1986; and

"(ii) the term 'exemption amount' has the meaning given such term by section 151(d) of such Code.

"(2) BASE AMORTIZATION AMOUNT.—

"(A) IN GENERAL.—For purposes of this section, the term 'base amortization amount' means the amount which, if paid at the close of each year for a period of 12 consecutive years, would fully repay (with interest) at the close of such period the maximum account balance of the borrower. For purposes of the preceding sentence, an 8-percent annual rate of interest shall be assumed.

"(B) JOINT RETURNS.—In the case of a joint return where each spouse has an account balance and is in repayment status, the amount determined under subparagraph (A) shall be the sum of the base amortization amounts of each spouse.

"(3) PROGRESSIVITY FACTOR.—

"(A) IN GENERAL.—For purposes of this section, the term 'progressivity factor' means the number determined under tables prescribed by the Secretary which is based on the following tables for the circumstances specified:

"(i) JOINT RETURNS; SURVIVING SPOUSES.—In the case of a taxpayer to whom section 1(a) of the Internal Revenue Code of 1986 applies—

"If the taxpayer's modified adjusted gross income is:	The progressivity factor is:
Not over $7,860	0.429
11,700	0.500
16,740	0.571
21,720	0.643
26,880	0.786
32,700	0.893
39,060	1.000
48,600	1.000
63,480	1.152
87,360	1.272
117,000	1.364
163,080	1.485
240,000 and over	2.000.

"(ii) HEADS OF HOUSEHOLDS.—In the case of a taxpayer to whom section 1(b) of the Internal Revenue Code of 1986 applies—

"If the taxpayer's modified adjusted gross income is:	The progressivity factor is:
Not over $6,540	0.429
10,320	0.500
12,300	0.607
16,080	0.643
19,920	0.714
25,020	0.857
31,380	1.000
37,740	1.000
47,280	1.094
63,180	1.313
85,440	1.406
114,060	1.500
204,000 and over	2.000.

"(iii) UNMARRIED INDIVIDUALS, ETC.—In the case of a taxpayer to whom section 1(c) of the Internal Revenue Code of 1986 applies—

"If the taxpayer's modified adjusted gross income is:	The progressivity factor is:
Not over $6,540	0.467
9,000	0.500
11,580	0.533
14,220	0.600
16,740	0.667
19,920	0.767
25,020	0.867
31,380	1.000
37,740	1.000
45,360	1.118
58,080	1.235
82,260	1.412
94,320	1.500
168,000 and over	2.000.

"(iv) MARRIED INDIVIDUALS FILING SEPARATE RETURNS.—In the case of a taxpayer to whom section 1(d) of the Internal Revenue Code of 1986 applies—

"If the taxpayer's modified adjusted gross income is:	The progressivity factor is:
Not over $3,930	0.483
5,850	0.552
8,370	0.655
10,860	0.759
13,440	0.862
16,350	1.000
19,530	1.000
24,300	1.182
31,740	1.333
43,680	1.485
84,000 and over	2.000.

"(B) RATABLE CHANGES.—The tables prescribed by the Secretary under subparagraph (A) shall provide for ratable increases (rounded to the nearest 1/1,000) in the progressivity factors between the amounts of modified adjusted gross income contained in the tables.

"(4) MODIFIED ADJUSTED GROSS INCOME.—For purposes of this subsection, the term 'modified adjusted gross income' means adjusted gross income for the taxable year, modified as the Secretary determines is necessary to carry out the purposes of this part.

"(c) TERMINATION OF BORROWER'S REPAYMENT OBLIGATION.—

"(1) IN GENERAL.—The repayment obligation of a borrower of an IDEA loan shall terminate only if there is repaid with respect to such loan an amount equal to the principal amount of the loan plus interest computed at the rates applicable to the loan.

"(2) NO REPAYMENT REQUIRED AFTER 25 YEARS IN REPAYMENT STATUS.—No amount shall be required to be repaid under this section with respect to any loan for any taxable year after the 25th year for which the borrower is in repayment status with respect to such loan.

"(3) DETERMINATION OF YEARS IN REPAYMENT STATUS.—For purposes of paragraphs (1)(A) and (2), the number of years in which a borrower is in repayment status with respect to any IDEA loan shall be determined without regard to any year before the most recent year in which the borrower received an IDEA loan.

"(d) DEFINITIONS.—For purposes of this section—

"(1) MAXIMUM ACCOUNT BALANCE.—The term 'maximum account balance' means the highest amount (as of the close of any calendar year) of unpaid principal and unpaid accrued interest on all IDEA loan obligations of a borrower.

"(2) CURRENT ACCOUNT BALANCE.—The term 'current account balance' means the amount (as of the close of a calendar year) of unpaid principal and unpaid accrued interest on all IDEA loans of a borrower.

"(3) REPAYMENT STATUS.—A borrower is in repayment status for any taxable year unless—

"(A) such borrower was, during at least 7 months of such year, an eligible student; or

"(B) such taxable year was the first year in which the borrower was such an eligible student and the borrower was such an eligible student during the last 3 months of such taxable year.

"(e) LOANS OF DECEASED AND PERMANENTLY DISABLED BORROWERS; DISCHARGE BY SECRETARY.—

"(1) DISCHARGE IN THE EVENT OF DEATH.—If a borrower of an IDEA loan dies or becomes permanently and totally disabled (as determined in accordance with regulations of the Secretary), then the Secretary shall discharge the borrower's liability on the loan.

"(2) LIMITATION ON DISCHARGE.—The discharge of the liability of an individual under this subsection shall not discharge the liability of any spouse with respect to any IDEA loan made to such spouse.

"(f) CREDITING OF COLLECTIONS; SPECIAL RULES.—

"(1) CREDITING OF AMOUNTS PAID ON A JOINT RETURN.—Amounts collected under this section on a joint return from a husband and wife both of whom are in repayment status shall be credited to the accounts of such spouses in the following order:

"(A) First to repayment of interest added to each account at the end of the preceding calendar year in proportion to the interest so added to the respective accounts of the spouses.

"(B) Then to repayment of unpaid principal, and unpaid interest accrued before such preceding calendar year, in proportion to the respective maximum account balances of the spouses.

"(2) COMPUTATION OF ALTERNATIVE ANNUAL PAYMENT FOR INDIVIDUALS WHO HAVE ATTAINED AGE 55.—In the case of an individual who attains age 55 before the close of the calendar year ending in the taxable year, or of an individual filing a joint return whose spouse attains age 55 before the close of such calendar year, the progressivity factor applicable to the base amortization amount of such individual for such taxable year shall not be less than 1.0.

"(3) RULES RELATING TO BANKRUPTCY.—

"(A) IN GENERAL.—An IDEA loan shall not be dischargeable in a case under title 11 of the United States Code.

"(B) CERTAIN AMOUNTS MAY BE POSTPONED.—If any individual receives a discharge in a case under title 11 of the United States Code, the Secretary may postpone any amount of the portion of the liability of such individual on any IDEA loan which is attributable to amounts required to be paid on such loan for periods preceding the date of such discharge.

"(4) PAYMENTS IN EXCESS OF AMOUNT PAYABLE.—Nothing in this part shall be interpreted to prohibit a borrower from paying an amount in excess of the amount required to be repaid under this part.".

(b) APPLICATION OF ESTIMATED TAX.—Subsection (f) of section 6654 of the Internal Revenue Code of 1986 (relating to failure by individual to pay estimated income tax) is amended by—

(1) striking "minus" at the end of paragraph (2) and inserting "plus";

(2) redesignating paragraph (3) as paragraph (4); and

(3) inserting after paragraph (2) the following new paragraph:

"(3) the amount required to be repaid under section 6306 (relating to collection of income-dependent education assistance loans), minus".

(c) FILING REQUIREMENT.—Subsection (a) of section 6012 of the Internal Revenue Code of 1986 (relating to persons required to make returns of income) is amended by inserting after paragraph (9) the following new paragraph:

"(10) Every individual required to make a payment for the taxable year under section 6306 (relating to collection of income-dependent education assistance loans).".

(d) CLERICAL AMENDMENT.—The table of sections for subchapter A of chapter 64 of such Code is amended by adding at the end thereof the following new item:

"Sec. 6306. Collection of income-dependent education assistance loans.".

SEC. 202. REPAYMENTS USING INCOME TAX COLLECTION SYSTEM.

(a) Subchapter A of chapter 64 of the Internal Revenue Code of 1986 (relating to collection) is amended by adding at the end the following new section:

"SEC. 6306. COLLECTION OF INCOME-DEPENDENT EDUCATION ASSISTANCE LOANS.

"The Secretary of the Treasury shall enter into an agreement with the Secretary of Education to provide for the collection of payments due pursuant to part D of title IV of the Higher Education Act of 1965. The Secretary shall assess and collect such payments in the same manner, with the same powers, and subject to the same limitations applicable to a tax imposed by subtitle C the collection of which would be jeopardized by delay.".

TITLE III—EARLY INTERVENTION PROGRAM

SEC. 301. STATE DREAM FUNDS.

Subpart 3 of part A of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070c et seq.) is amended by adding at the end thereof the following new section:

"SEC. 415F. EARLY INTERVENTION PROGRAM.

"(a) FINDINGS AND PURPOSE.—

"(1) FINDINGS.—The Congress finds that at-risk students who do not receive some form of intervention early in their educational careers (in most cases by junior high school) are more likely to drop out of school and not pursue gainful educational or employment opportunities as adults.

"(2) STATEMENT OF PURPOSE.—It is the purpose of this section to make incentive grants to States to enable States to conduct early intervention programs that—

"(A) raise the awareness of eligible students about the advantages of obtaining a postsecondary education; and

"(B) prepare students for postsecondary education; and

"(C) qualify students for scholarship assistance pursuant to subpart 9.

"(b) EARLY INTERVENTION PROGRAM ESTABLISHED.—

"(1) PROGRAM ESTABLISHED.—The Secretary shall make payments to States in accordance with paragraph (2).

"(2) AMOUNT OF PAYMENTS.—Except as provided in paragraph 3, for any fiscal year, the Secretary shall pay to each State an amount which bears the same ratio to $100,000,000 as the number of eligible students in such State bears to the total number of eligible students in all the States.

"(3) ENTITLEMENT.—Except as provided in paragraph 5, each State shall be entitled to receive the payment described in paragraph (2) in each fiscal year. Each State shall be deemed to have a contractual right against the United States to receive a payment in accordance with the provisions of this part.

"(4) REALLOTMENT.—If in any fiscal year the Secretary determines that any amount of a State's payment under paragraph (2) or (3) will not be required for such fiscal year for early intervention programs of that State or will be available as a result of the State's failure to comply with subsection (c), then such amount shall be available to make payments from time to time, on such dates during such year as the Secretary may fix, to other States in proportion to the original payment to such States under such paragraphs for such year, but with such proportionate amount for any of such States being reduced to the extent it exceeds the sum the Secretary estimates such State needs and will be able to use such year for carrying out the State plan. The total of such reductions shall be similarly paid among the States whose proportionate amounts were not so reduced. Any amount paid to a State under this paragraph shall be deemed part of its payment under paragraph (3).

"(5) PAYMENT SUBJECT TO CONTINUING COMPLIANCE.—The Secretary shall make payments for early intervention programs only to States which continue to meet the requirements of subsection (c).

"(6) DEFINITIONS.—For the purpose of this section—

"(A) the term 'eligible institution' has the same meaning provided such term in section 435(a); and

"(B) the term 'eligible student' means a student eligible—

"(i) to be counted under section 1005(c) of the Elementary and Secondary Education Act of 1965;

"(ii) for assistance pursuant to the National School Lunch Act; or

"(iii) for assistance pursuant to part A of title IV of the Social Security Act (Aid to Families with Dependent Children).

"(c) USE OF PAYMENTS.—

"(1) IN GENERAL.—A State shall use payments received under this section to conduct an early intervention program that—

"(A) provides eligible students in any of the grades pre-school through 12 with a continuing system of mentoring and advising that—

"(i) is coordinated with the Federal and State community service initiatives;

"(ii) may include such support services as after school and summer tutoring, assistance in obtaining summer jobs, and academic counseling; and

"(iii) may be provided by service providers such as community-based organizations, schools, eligible institutions, and public and private agencies, particularly institutions and agencies sponsoring programs authorized under subpart 4;

"(B) requires each student to enter into an agreement with the State under which the student agrees to achieve certain academic milestones, such as completing a prescribed set of courses and maintaining satisfactory academic progress as described in section 484(c), in exchange for receiving a scholarship pursuant to subpart 9;

"(C) contains an incentive system to encourage greater collaboration between elementary and secondary schools and institutions of higher education through the creation of new linkage structures and programs; and

"(D) contains an evaluation component that allows service providers to track eligible student progress during the period such students are participating in the program assisted under this section.

"(2) EVALUATION STANDARDS.—The Secretary shall prescribe standards for the evaluation described in paragraph (1)(E). Such standards shall—

"(A) provide for input from States and service providers; and

"(B) ensure that data protocols and procedures are consistent and uniform.

"(d) STATE PLAN.—

"(1) IN GENERAL.—Each State desiring a payment under this section shall submit a State plan to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

"(2) CONTENTS.—Each State plan submitted pursuant to paragraph (1) shall—

"(A) describe the activities for which assistance under this section is sought;

"(B) contain assurances that the State will provide matching funds to help pay the cost of activities assisted under this part in an amount equal to the Federal payment received under this part; and

"(C) provide such additional assurances as the Secretary determines necessary to ensure compliance with the requirements of this section.

"(3) APPROVAL.—The Secretary shall approve a State plan submitted pursuant to paragraph (1) within 6 months of receipt of the plan unless the plan fails to comply with the provisions of this section.

"(e) EVALUATION AND REPORT.—

"(1) EVALUATION.—Each State receiving a payment under this section shall annually evaluate the early intervention program assisted under this section in accordance with the standards described in subsection (c)(3) and shall submit to the Secretary a copy of such evaluation.

"(2) REPORT.—The Secretary shall annually report to the Congress on the activities assisted under this section and the evaluations conducted pursuant to paragraph (1).".

SEC. 302. CONFORMING AMENDMENT.

Section 415A(a) of the Higher Education Act of 1965 (20 U.S.C. 1070c(a)) is amended by adding the following new sentence at the end thereof: "It is also the purpose of this part to make payments to States to enable States to conduct early intervention programs described in section 415F.".

TITLE IV—GUARANTEED STUDENT LOAN PROGRAMS

SEC. 401. TERMINATION OF ALL LOAN PROGRAMS EXCEPT THE PLUS LOAN PROGRAM.

(a) STAFFORD LOANS, SUPPLEMENTAL LOANS AND PLUS LOANS.—Notwithstanding any other provision of law, no new loans shall be made insured or guaranteed pursuant to part B of title IV of the Higher Education Act of 1965 after June 30, 1994, except loans made, insured or guaranteed pursuant to section 428B of such Act.

(c) ADMINISTRATION.—The provisions of this section shall not affect the administration of the loans described in subsections (a) and (b) made on or before June 30, 1994.

FINANCIAL AID FOR ALL STUDENTS

The Simon-Durenberger proposal eliminates most of the funds that the Higher Education Act promises to banks, and instead promises funds to students. It also shifts the current in-school interest subsidy to grants. In all, about $2.7 billion in annual entitlement spending currently in the guaranteed student loan programs are shifted into:

A new, simpler student assistance program called IDEA Credit, available to students without regard to income, with income-sensitive payback through the income tax system;

An increase in the current Pell Grant to provide more assistance to students from low-income families, and extend aid to students from moderate-income families;

"Excellence Scholarships" for students who work hard and students who do well in school; and,

Early intervention programs for at-risk youth, to help prepare them for college and to make them aware of the availability of financial aid.

All of the dollar figures below are actual, not simply authorizations. They are shifted entitlements, as allowed under the Budget Enforcement Act of 1990.

PELL GRANT ENTITLEMENT & GRADUATE ASSISTANCE

The Pell Grant maximum is increased by $600 above the appropriated amount (in addition to any other appropriated increases), beginning with the 1994–95 academic year (it is currently at $2400). This both increases the grant for students who already qualify, and allows eligibility to reach the current median family income and beyond. The additional amount that a student qualifies for is an entitlement to the student. A full entitlement is authorizes for the entire Pell Grant program, if Congress designates additional savings or revenue for that purpose. In addition, first-year graduate students would be eligible for Pell Grants if funds are available after fully funding the authorized grants for undergraduates.

EXCELLENCE SCHOLARSHIPS

This new scholarship program would encourage Pell Grant recipients to work hard in school by providing them with a $1000 bonus each year if they take a challenging curriculum in high school, and either rank at the top of their class, perform well on a national standardized test, or participate in an early intervention program. In order to continue receiving the scholarship at a degree-granting college, recipients must demonstrate high achievement, or, for those who first qualified by participating in early intervention, continue to make progress toward their goals. (This entitlement is capped at $500 million).

INCOME-DEPENDENT EDUCATION ASSISTANCE (IDEA CREDIT)

Beginning with the 1994-95 academic year, the current guaranteed student loan programs (except the PLUS loan for parents) would be replaced with new IDEA Credit available to all students regardless of income. A student would set up an IDEA Account and receive education assistance of up to $6,500 per year for first- and second-year undergraduates, up to $8,000 per year for other undergraduates, and up to $11,000 per year for graduate students. Medical and some other doctoral students could receive up to $20,000, or more in some circumstances. Total credit is limited to $70,000 per student (or $100,000 for medical and some other doctoral students, more in some circumstances).

While the student is in school, interest accrues in the IDEA Account at a rate equal to the 91 day T-bill rate plus two percentage points, up to a maximum of 10 percent; the rate projected by the Congressional Budget Office, 8%, is lower than all of the current guaranteed student loan programs (Stafford increases to 10% after four years). While there is no in-school interest subsidy as there is in the Stafford program, there would be no origination or insurance fees (an average 6.6% levy, sometimes as high as 8%, is currently charged to Stafford borrowers, and is being considered for the other programs).

After the student finishes school and finds work, he or she will begin to make payments to the IDEA Account though increased income tax withholding by the employer. The amount of the payments depends on annual income (according to a progressive schedule), but unlike some income-contingent programs, no borrower would pay back more than the principal and interest in his or her account. In addition, a certain amount of income (depending on family size) is protected, so that the payments do not drive anyone who is already low income even deeper into poverty. Further, no payment can exceed 20% of the difference between actual income and the protected income, and anyone with amounts still due 25 years after finishing school will have the slate wiped clean, so that those who remain low income relative to their debt are not indebted for life.

EARLY INTERVENTION

To encourage more early intervention programs, the bill would also provide $100 million in matching funds to states to establish programs modeled on the "I Have a Dream" effort started by Eugene Lang in New York. The funds would be used to run programs of mentoring, advising, and tutoring for at-risk youth. Youth participating in these programs would be eligible for Excellence Scholarships.

QUESTIONS AND ANSWERS ABOUT THE FINANCIAL AID FOR ALL STUDENTS ACT

1. Where does the money come from that will go into the Pell Grant entitlement, the Excellence Scholarships, and the state early intervention programs?

Replacing the current guaranteed student loan programs with IDEA Credit saves about $2.7 billion, which is shifted into the new programs. By getting the capital for the program directly instead of paying banks to do it, the federal government saves up to $1.4 billion (according to a new report from the U.S. General Accounting Office). Additional savings come from simpler collection through the income tax system, and reduced defaults. Also, the in-school interest payments that the federal government now makes for Stafford borrowers would, in effect, become part of the increased Pell Grant and new Excellence Scholarships under this program.

2. Doesn't IDEA Credit just increase the federal deficit?

No. IDEA Credit is designed to break even. The Congressional Budget Office has analyzed the proposal on which IDEA Credit is based (H.R. 2336, Petri-Gejdenson) and determined that participants who remain low income after college would, on the average, receive a slight subsidy in the program, while those who are middle and higher income provide a small profit to the government because the interest rate is slightly higher than the federal cost of money. (The government borrows at the T-bill rate, and provides for funds at T+2%. In passing the Credit Reform Act of 1990, Congress recognized that providing capital directly at market rates can be more efficient and less costly than guaranteeing capital at a politically-determined interest rate).

3. Will there be problems getting capital for this program, like in the Perkins (or National Direct Student Loan) program?

No. The Perkins program is under-funded only because it is not an entitlement. IDEA Credit is an entitlement to the student. There is nothing inherently more stable about guarantees as a funding source as opposed to direct loans. In fact, there have been shortages in the GSL program in the past (because of banks' unwillingness to lend) and the current HEAL program for medical students is an example of a guaranteed program with a limit on the overall capital.

4. Will the Department of Education be able to run this program?

Right now, the Department tries to keep track of the thousands of institutions, millions of students, 10,000 lenders, 35 secondary markets, and 45 guaranty agencies. Because of all the players, it takes years for the Department to know how many students at which institutions took out how much money in loans (on the most recent list of defaulted loans, the Department often listed the guaranty agency as "unknown"). IDEA, instead, would be run like the Pell Grant Program. Schools would determine eligibility, draw down funds, and then reconcile the accounts. The Department only has to worry about schools and students.

5. Won't this open up the program to more abuse?

There is no question that, whatever changes are made in the student aid programs, fraud and abuse needs to be addressed. IDEA would improve accountability in two ways. First, as in the Pell Grant program, no school could draw down more than its previous year's allocation without providing additional justification. The current finger-pointing by banks, schools, guaranty agencies and the Department of Education will end. In the loan programs now, the Department can't tell if a school has an unusual increase in loan volume—until it's too late. Second, defaults will be virtually eliminated, since payments are collected through payroll deductions in the income tax system.

6. Will this be more work for the schools?

No, less. Right now, schools have to process individual applications, receive separate checks at various times (often to different offices on campus) from different banks for each student, get the student's signature on the check, and process a check for the remainder after tuition and fees are paid. Under IDEA, the school would still process applications and get a signature (on a promissory note) from each student, but the funds would come in one lump-sum payment to the school for all of the IDEA applicants, and the school would disburse to the students any funds remaining after tuition and fees are paid.

7. Will this subject schools to more liability?

Schools continue to be responsible for errors they make, just as in the current programs. But due to the reduced number of players, schools have greater control over the process, and the possibility of mistakes is reduced. Furthermore, most of the errors that banks make in the current program are in complying with the "due diligence" requirements in the collection of payments on loans. With IDEA Credit, collection is the responsibility of the federal government, through the IRS.

8. Will student loans still be available over the next two years until IDEA Credit becomes available?

Yes. The current programs stay in place until the new programs begin. A recent study by the Department of Education found that guaranteed student loans are among the most profitable and least risky for the lenders. Even after IDEA starts, lenders will continue to get the guaranteed interest rate on outstanding loans. To take advantage of economies of scale, the industry will likely consolidate as the volume of loans to be collected decreases.

9. Who is better off, and who is worse off with the Durenberger-Simon proposal?

Some bankers will be worse off. But more students will get Pell Grants, low-income students will get larger grants and will have to borrow less, and any student who needs a loan for school will be eligible, regardless of family income. While the benefits and costs of this proposal will vary depending on a student's individual circumstances, no student will have to worry that a drop in income, whether expected or not, will lead to overwhelming debt or default.

10. Didn't Reagan and Bennett propose something like this, and it was not well received?

Yes and no. They did propose an income contingent loan (ICL) program, but it was part of a $600 million cut in campus-based grants and loans, and most people in the education community opposed it on that basis. Both the New York Times and the Washington Post endorsed the ICL concept while opposing the aid cut that went along with it. The Simon-Durenberger proposal includes a significant increase in grant aid.

11. But isn't the ICL demonstration program, which came out of the fight over the Reagan-Bennett proposal, a failure?

By most accounts, yes. But none of the problems with the demonstration program apply to IDEA:

The ICL demonstration program is an administrative nightmare for schools. ICL requires schools to collect copies of income tax forms to determine the students' payments, and the school does the collection. With IDEA, the IRS is responsible for collection (as columnist William Raspberry suggested in 1986).

Some ICL borrowers will be indebted for life. Negative amortization (payments which are less than the interest during any particular period) can lead to someone never being able to repay a loan if he or she remains relatively low income. IDEA addresses this problem by forgiving any amount that is owned after someone is in repayment for 25 years (the duration of current consolidation loans) and capping the interest rate at 10%.

ICL has no minimum income protection. This means that, under ICL, people who make so little that they don't even file a tax form must file anyway, then pay a percentage. With IDEA, those under the filing threshold would owe nothing.

12. Do high incomes borrowers have to subsidize low income borrowers by paying more than they owe?

No. No one pays more than the loan principal plus interest.

13. If there's no high income penalty, then how can this program be self-funding?

The interest rate of T-bill plus 2% is higher than the federal cost of borrowing. This profit to the government is used to protect low-income borrowers. The enormous costs of the current guaranteed student loan programs—defaults and interest subsidies—are eliminated.

14. Shouldn't parents take more responsibility for funding their children's education, instead of forcing debt on the young?

Parents should continue to be the first line of responsibility in financing higher education. But most parents are doing what they can, and are struggling in the current system. The proposal encourages parents to pay their share by requiring that they be notified of their ability to borrow in the PLUS program before a dependent student can take IDEA Credit.

15. Society benefits from the higher education and job training that students receive. Shouldn't society pay, instead of students?

Both society and the students benefit, and both take some responsibility for paying. At age 25–34, those with associate degrees make on the average 40% more than those with just a high school education. With a bachelor's degree, they make 63% more. With a professional degree, they make three times as much.

16. Will this lead to higher tuition? Are the dollar amounts indexed for inflation?

To reduce any incentive to raise tuition, the loan amounts are limited to the cost of attendance in 1991–92, and there is no automatic indexing. After the program starts, the Secretary of Education will report to Congress on the effects of the program on tuition, if any, and the effects of inflation on the loan amounts and repayment provisions. The Secretary, in consultation with Congress, will make adjustments after the first two years of the program.

17. Won't the fear of debt deter low-income students?

Low-income students will be provided with more aid in the Pell Grant program. Also, low-income students fear debt because they do not know if they will make enough money to make payments. IDEA Credit addresses this problem by making payments sensitive to income.

18. Why create the Excellence Scholarships and early intervention program as entitlements?

Under the Budget Enforcement Act of 1990, entitlement funds can only be shifted into other entitlements. The Excellence Scholarships and the early intervention program are "capped" at $500 million and $100 million, respectively, so that they will not result in the same kind of unexpected spending that other types of entitlements (such as Medicare) can entail.

Mr. SIMON. Mr. President, I see my colleague is on the floor. I think Senator BOND was here before the Senator. But let me yield to Senator DURENBERGER at this point to fill in some of the details, and then, if my colleague from Missouri will yield after that, I may have just a comment or two and then, believe it or not, we will yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. DURENBERGER. Mr. President, I thank my colleague from Illinois and I express my appreciation to our colleague from Missouri for permitting me time to speak to this issue, even though he came to the floor to speak on another issue before I did.

Mr. President, it is a particular pleasure for me to join my distinguished colleague from Illinois in introducing the Financial Aid to All Students Act of 1991.

As Senator SIMON has already stated, this legislation builds on a proposal that I previously introduced, authorizing a new student loan program called IDEA—a student loan program that is available to any American up to age 55.

As he appropriately indicated, there are a number of people in this body on the other side of the aisle that have been thinking about what is happening in America today as it becomes more difficult for the family to finance higher education with recent changes in economics and changes in the cost of living.

The old notion that "I could work my way through college" graduated into "I can work my way through college with the help of my parents borrowing against their home equity" or "Maybe I can get a student loan." That is an uneven proposition to the point where today parents looking at children who will be going into higher education do not see either the child's capacity to finance his or her education or their own because of the other demands that are being made on people.

So the time has come to think about financing education from the standpoint of what the student can do with that education and how the purpose of education enables a person to finance his or her education—not how you judge your ability on the past record of your parents—but on the future potential to use that education to finance the repayment of the money advanced to you.

I must say that the acting President today, Senator AKAKA, who has just come to this body from the House, is one of the people who is working on any income-based loan proposal. How do we deal with the realities of what is going on in America and be able to put in place a national system which treats all young and older people alike, as they approach the challenge of using higher education for their own benefit and the benefit of the country?

The IDEA Program is simple, it is efficient—it offers flexibility in avoiding needless defaults for graduates when their incomes rise and fall, which is the current problem with the current loan program.

Above all—and I suppose this is why the Senator from Illinois and I have come together on this issue—the savings that come from this new income-related loan program can be channeled back to students. It can be used for that other very important part of the access for all students—the current needs-based Pell grant.

So the first principle that is recognized in the realities of higher education today is that the National Government does have an obligation to help assure financial access to higher education to every American who can benefit from the rich rewards that higher education can offer.

I think it was just last week, the College Board released its annual report on average tuition and fees at public and private universities. I think, despite relatively low overall inflation, this fall's increase marked the first double-digit jump in college charges in almost a decade.

Perhaps most sobering, Mr. President, tuition and fees were up 12 percent at public 4-years institutions. It was up 13 percent at 2-year public universities, the fastest growing sector of higher education.

It is clear from the budgetary realities in my own State of Minnesota—and in many others—that this is not a 1-year aberration in statistics.

It is a very real trend that is most likely to continue, a trend that threatens to price middle-income Americans out of higher education at the same time economic realities are demanding an even better educated work force.

At the same time, the other reality I think we have to deal with is that the current system of financing higher education desperately needs reform.

Those twin realities lead to a second principle, Mr. President, that meeting this challenge will require fundamental changes in a system of financing higher education that is badly in need of reform.

It is a system that is unnecessarily bureaucratic and complex;

It is a system that largely neglects the needs of middle-income students and their families;

It is a system that spends billions of dollars a year on overhead and redtape, and ways in which people are excluded from the system;

It is a system that is vulnerable to administrative and financial problems best documented by last year's collapse of the Higher Education Assistance Foundation;

It is a system that is limiting institutional, career, and family-related choices for a growing number of America's students; and

It is a system that is burdening millions of students with inflexible loan payments and a growing level of debt that last year produced $2.4 billion in student loan defaults. And that is an indictment that we need to do something about.

The Senator from Hawaii knows this very well because he has introduced his own approach to this problem. The Senator from Illinois and I have now collaborated on a combination program which also deals both with the Pell grant enhancement, and a new reward to those who will engage in enrichment programs preparing people for college, so colleges do not become the repair shops for higher education in this country.

There are so many people thinking about it, it cannot be that revolutionary. It is, perhaps, logical more than it is anything else.

Under the proposal that we are introducing today, Federal student loans will be available to all students—all students. If your parent happens to own a farm that is worth $1 million, but it is not making it under current prices, under the current system you cannot get a loan. The assumption is your parents will borrow. Parents used to do that, and then they get money with higher interest rates, and out of business they go. It is just one example of how the current system has been working. But with this one, all students will be eligible. Loan payments will be flexible based on income after graduation.

During the course of this year's Higher Education Act reauthorization, both my colleague from Illinois and I heard some very sobering stories of how our current system of financing higher education is affecting America's students and their families. It is also the realities of the current job market and the consequence that has for repayment.

The proposal in this bill will restructure the Federal student loan system so we link financing of higher education to a student's future earnings rather than to parents' income at the time of the loan.

The second major feature of the legislation taps the savings from the IDEA Loan Program to expand the Pell Grant Program, targeting those students most in need. Again, my colleague has well articulated—and certainly will well articulate—the needs that young people have, particularly those from low-income families.

So, finally, Mr. President, the Simon-Durenberger proposal promotes the belief that Federal funding should reward quality and excellence by providing additional assistance to students based on merit—with merit defined in ways that promote college readiness and promote academic excellence.

This bill provides an additional $1,000 Pell grant to individuals who have demonstrated excellence and achievement, either in high school or in college.

One criticism of past proposals aimed at rewarding merit, Mr. President, has been that they are too inflexible in defining merit, and that they have unfairly hindered participation of disadvantaged or low-income students.

This bill, Mr. President, addresses that concern by including a qualifying category of students participating in TRIO programs—or TRIO-like programs—and by including a new early intervention program aimed at reaching these students while they are still in high school.

There are values here; I say to my Republican colleagues, I understand the administration does not think direct loans are a great idea. But, let's just talk about values that I think are Republican values, and I would like to believe are Democratic values as well.

The first one, Mr. President, focuses on individual responsibility. By retaining and improving the loan concept, but converting it to the notion of a credit—converting it to the notion of a credit—we focus on primary responsibility for financing education at the individual level, not the Government.

The second important value is fiscal responsibility.

Unlike some other proposals for Pell grant expansion, this proposal carries with it a revenue source that makes Simon-Durenberger deficit neutral.

It shifts an existing Federal commitment to higher education from overhead and defaults to students. It is a good example of how fundamental reform must be used to free up resources that are now being unwisely spent.

A third underlying value, Mr. President, is the need to focus public resources where they are needed the most.

The Pell Grant Program is income tested. And, no one—Republican or Democrat—can doubt the need to increase funding for the Pell Program in light of what is happening to the cost of today's higher education.

Fourth, is the value of rewarding excellence.

The $1,000 per year academic excellence scholarships authorized by this legislation will go to students on the basis of merit. That is an important principle in the administration's approach to Federal involvement in higher education and one which a lot of congressional Republicans subscribe to, as well.

And, finally, Mr. President is the value of encouraging sound preparation for college.

That is a factor in determining eligibility for the excellence scholarships we are proposing. And, it is also the goal of the early intervention program this bill authorizes.

Just like we need more attention to school readiness for very young children, Mr. President, we need more attention to college readiness during high school and in advance of college.

That is a goal highly consistent with the President's America 2000 initiative.

Properly implemented, this part of our proposal offers an important incentive to secondary schools to improve the quality of their college prep courses.

And, properly communicated, it offers a good incentive to lower-income students to take college prep courses while they are still in high school.

Mr. President, Senator SIMON and I have introduced legislation that we believe should be part of this year's reauthorization of the Higher Education Act.

We realize these are far-reaching proposals. They are controversial. They confront powerful special interests. They challenge deep-seated ideology.

But, the system we have now, Mr. President, will not serve Americans into the 21st century. The system we have now must be fundamentally changed.

Mr. President, my distinguished colleague from Illinois has already explained—in some detail—what this proposal does, and how this proposal will affect students who use it.

I will not attempt to repeat what Senator SIMON has said, except to point again to the chart he used that shows so graphically the tangled web of bureaucracy in the current system—compared to the chart outlining the much simpler IDEA credit proposal we're introducing here today.

It's no wonder, Mr. President, that there are billions of dollars in savings to be realized in moving from one of these programs to the other.

Those savings, Mr. President, must be realized. Those savings, Mr. President, must be used to assure access, regardless of income, to promote quality and academic excellence, to encourage college readiness and sound academic performance.

Mr. President, the Financial Aid for all Students Act offers a solid commitment to ensuring access to higher education for all Americans. I urge your support.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. SIMON. Mr. President, I know I used my time, but I ask unanimous consent to proceed for just 2 minutes.

First, I want to commend my colleague from Minnesota for his leadership. I am hopeful, frankly, we can persuade the administration to come aboard because in the long term it saves money, both in reducing the defaults and obviously increasing the revenue so tens of thousands of students will be able to go to college. So I hope we can have a meeting with Dick Darman and some others and say let us take a good look at this thing.

For those who want to know what we are talking about more specifically, let me just mention, we are talking about loan limits of $6,500 a year for freshmen and sophomores; $8,000 a year for juniors and seniors; $11,000 a year for graduate students; and then in some exceptional cases more—$70,000 total aggregate.

You would pay it back. Your income, basically, up to the poverty level—we do not use that specific criterion—but your basic income up to that point would be excluded. Then you would have to pay above that an extra percentage, until your loan is paid out or until 25 years. And the interest is charged on Treasury bill plus 2 percent.

So that, ultimately, not only will there not be a default, there should be some small amount of income for the Federal Government.

I think it is a sound program. It increases Pell grants by $600 a year. I think it moves this country in the direction that we have to go.

Again, I thank my colleague from Minnesota, and I thank my patient colleague from Missouri, who has had to listen to both of us.

By Mr. BRADLEY:

S. 1846. A bill to modify the tax and budget priorities of the United States, and for other purposes; to the Committee on Finance.

FAMILY TAX RELIEF ACT OF 1991

• Mr. BRADLEY. Mr. President, every night, across this country, there are families who sit around their kitchen tables trying to figure out how to make ends meet. It isn't easy, because costs are going up and incomes aren't. Maybe both parents are working but they're still just getting by, and whether it's health care, college tuition, home mortgages, insurance, or taxes, somebody—everybody—seems to want more money from them.

A woman in New Jersey recently wrote me the following letter:

> My husband and I jointly earn $55,000 and believe me, we are struggling. Paul earns $30,000 per year, we have two children, and a mortgage of $1,100 per month. When you add up our other expenses, food, etc., there is no way he could support us by himself. I earn $25,000, and a good bit of that is eaten up by nursery school and babysitter costs. Our car insurance premium is obscene, our property taxes have gone through the roof (rising over $1,400 in the 5 years we have owned our house and is still climbing), and any raise we get from our employers is dwarfed by the yearly increases we get hit with. . . . I would love to think that the elected officials who represent me really care about the middle class. It seems we are always the ones who get dumped on and it isn't fair. My husband and I are struggling right now to make ends meet and I see no end in sight. There has got to be relief for us somewhere. . . . Does it ever get fair? I don't expect to make out better than anyone else—all I want is a fair shake. I want someone to look out for my interests once in a while. Will you be that person? Please give the middle guy a break.

Another New Jersey woman wrote me the following:

> I work very hard to support myself and my children. I must work overtime to make ends meet. I often drive to work and back (54 miles/day) with less than $5 in my pocket. I got caught in a storm recently with an almost empty tank of gas, because it was the day before payday.

Mr. President, the middle class squeeze of the late 1980's has become the economic vise of the 1990's, and families are the victims. Even as the Federal Government spends less on programs for children, families have less to spend on their children.

Today I am proposing that one of those groups that keeps asking for more from families give some of it back. I am introducing legislation that would establish a refundable $350 tax credit per child for all American families, paid for by cuts in Government spending. Simply put, Government spends less so that families can have more.

I'm not proposing we pay for this by accounting tricks, growth estimates, or eliminating some unspecified waste, fraud, and abuse. The cuts are specific—in military spending that is no longer necessary given the collapse of the Soviet Union, and on domestic programs that don't do what they're intended to, have outlived their usefulness, or serve only narrow interests.

The kitchen table should be a place where families talk about where to go on vacation, not whether they can afford one; where children decide what college to attend, not whether they can afford the college of their choice; and where families decide what color to paint their house, not whether they have to sell it. With the collapse of the Soviet Union, we have an opportunity to help with a little of the burden by cutting unnecessary Government spending and giving it back to the people who bear the brunt of the tax burden.

Mr. President, in July of 1990, President Bush refused to believe there was a recession. In July 1991, he said the recession was over. Here we are in October, and we still haven't seen any leadership or understanding from the President about the problems American families are facing economically. I believe my proposal is a good place to start. It asks that a few narrow interests bear a little pain for the gain of the next generation. It doesn't raise taxes, and it cuts both domestic and military spending. It's time to do this, for the sake of those families out there who are trying desperately to make ends meet.

I ask unanimous consent that a short as well as a detailed summary of my bill be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SHORT SUMMARY OF BRADLEY PROPOSAL

TAX CUTS FOR FAMILIES

Senator Bill Bradley is proposing a new $350 per child refundable tax credit for all American families. The $350 per child tax credit would be available for each dependent child up to the age of 18. This will provide $116 billion in tax relief for American families over the next 5 years. Approximately 32 million American households would benefit directly from the proposal.

The average American family has two children and thus would realize a tax savings of $700 in the first year of the plan. The credit is indexed to inflation and therefore would grow in size over time; by 1995, the tax credit would equal about $400 per child.

CUTS IN FEDERAL SPENDING

The childrens tax credit is "paid for" through a broad-based cut in federal spending. Targeting both domestic and defense outlays, these spending cuts would make the proposal revenue-neutral. Essentially, the government would return $116 billion to American families.

The proposal reflects the need to make tough choices about cutting long-standing federal programs. The government can't afford everything, and must be able to establish priorities about what is essential for the general population. Both defense and domestic spending would be reduced. Realignment of the U.S. defense budget would save $80 billion over the next 5 years, while cutting unnecessary domestic spending would save $38 billion.

The proposal calls for fewer expensive new weapons, reorganization of manpower needs, and a reduction of military hardware. Several systems would be eliminated, including the B-2, MX, and Midgetman, with sizable reductions in SDI. Active duty personnel will be reduced from 1.6 million to 1.35 million by the middle of the decade, and weapons procurement will be scaled back accordingly.

In proposing to reduce federal domestic spending by $38 billion over the next 5 years, programs are targeted which are wasteful, which primarily serve narrow interests, or which have outlived their usefulness. This includes the elimination of the SBA, the space station, the ExImbank and the SSC, as well as reforms in student loans, energy R&D, and agriculture and postal subsidies.

Tax relief for families with children—5 year cost

	Billion
Provide $350 tax credit per child	$116
Realign Defense budget	−80
Reduced Need for New Weapons	−40
Reorganized and Reduced Troop Strength	−35
Reduced Military Hardware	−15
New Priorities	+10
Domestic budget cuts	−38
Superconducting super collider	−2.5
Space station	−10.5
Postal Service subsidies	−2.0
Energy R&D	−6.0
Small Business Administration	−2.0
Impact Aid B Program	−0.6
Agriculture subsidies	−5.0
Agriculture export promotion programs	−2.7
Student Loan Program default crackdown	−2.0
Eximbank	−1.3
Welfare savings	−3.0

DETAILED SUMMARY OF THE BRADLEY PROPOSAL

1. SUMMARY OF CHILDRENS' CREDIT

Senator Bradley proposes a $350 per child (up to age 18) refundable tax credit for families. This proposal would directly benefit the 32 million households in the United States with dependent children. Since the average family in the United States has 2 children, the average family would receive a $700 credit to their federal income tax.

The credit is indexed to inflation and therefore would grow in size over time. By 1995, the credit would equal about $400 per child. The cost of this proposal is $116 billion over 5 years.

The credit is universal—for all families, regardless of income. The Federal income tax threshold next year for a family with two children is about $15,000. If the credit was nonrefundable, families below this income level—about a quarter of all families—would receive nothing. And another 10–15 percent of all families would receive only a partial credit.

Targeted to Families

The Bradley proposal targets tax relief to the households in the United States with children. All families are under stress, but the plight of families with children is particularly severe. Measured by average post-tax per capita income, families with children are the lowest income group in the United States; their average post-tax income is below that of elderly households, single persons and couples without children.

Traditionally, the code has provided tax relief for activities deemed central to the basic fabric of American society—costs of owning a home, charitable contributions, costs of raising a family, etc. But the code doesn't always work as it should. Over the past few decades, the tax system has forced families with children to bear a larger share of the total tax burden.

The root cause of the anti-family bias in the code is the eroding value of the dependents' exemption—the exemption designed to assist families with children. Years ago, our Tax Code provided real relief for families with children. The dependents' exemption was $600 in 1948 and is only $2,050 under current law. If the deduction had kept pace with inflation and per capita income growth, the exemption would now be almost $8,000. If it had simply kept up with inflation, it would be set at $3,400.

The Tax Code needs to be reformed to help families with children. The $350 credit is a big step in the direction of restoring a "pro-family" bias to the Tax Code.

2. SUMMARY OF REALIGNED DEFENSE BUDGET

Reduced need for new weapons—Five-year savings, $40 billion

The dissolution of the U.S.S.R. has left the United States with radically changed military requirements. Notably, the threat of a massive, sudden nuclear assault from a military peer has greatly diminished. Accordingly, it is appropriate to stop procurement of new strategic weapons—the B-2, MX, the Single ICBM (Midgetman)—as well as to reorient and scale back the Strategic Defense Initiative to deal with a limited threat.

In addition, it is appropriate to delay the development and production of new weapons systems. While research should continue at a healthy pace, the emphasis should remain on continued production and upgrading of existing proven systems. The Air Force's advanced Tactical Fighter, the Aerospace Plane, the Milstar Satellite, the Navy's A-12, the V-22, and the Army's Light Helicopter program are all programs that should not be put into full development or procurement until after a complete reevaluation of the U.S. force structure and potential threats.

This plan does not call for a reduction, however, of the Trident II upgrade program. The modernization of the submarine strategic force should continue as before until nuclear weapons reductions are agreed to internationally.

Reorganized and reduced troop strength—Five year savings, $35 billion

The recent changes in the world political and military order permit a new vision of the U.S. force structure. Since last year's budget agreement, the possibility of a sudden superconflict in Europe involving ground forces has become remote. This new reality allows for accelerated and increased cuts in European-stationed ground forces and air support.

Additonally, there are lessons to be learned from the Iraq conflict. First, the Iraq war demonstrated the potential for the successful coordination of an international military force. Second, the possibility and threat of one neighbor pitted against a smaller, poorly defended neighbor in an inter-regional conflict has been realized. The United States needs to pursue opportunities for new "home-porting" of United States and international forces, as these ports represent the best options for a quickly deployed but low-cost defensive force.

A reorganized military would permit the shift of two Army heavy divisions to reserve status, and the reduction of two Army light divisions. The Air Force would cut an additional six tactical wings. But the heaviest cuts would fall on the Navy. An additional 2 carrier groups would be mothballed, leaving an active carrier force of 10. Lastly, marine manpower would be cut by 15 per cent.

Total active military personnel would decrease from a planned 1.6 million men and women by an additional 250,000 under this proposal.

Reduced military hardware—Five year savings, $15 billion

Clearly, the reorganized military will have different and new needs for equipment. Certain of these costs are included in the above estimates of savings from reductions in manpower. Additionally, it will be appropriate to slow procurement of existing major weapons systems to minimum levels. While it is necessary still to maintain sufficient industrial infrastructure to counter new threats, procurement is a low priority for the next few years.

Minimum procurement is appropriate for the SSN-21 "Seawolf" submarine, the M-1 tank, the Navy's F/A-18, helicopters and the Air Force's F16 and F14.

On the other hand, modernization of the carrier force and defenses should continue. The reduction in carrier groups is premised on a better prepared and protected naval force. One lesson, however, that should be learned from the Iraq War is that a nuclear navy has its drawbacks. All six carriers deployed to the Persian Gulf were non-nuclear. As long as there is concern about the environmental risks associated with a nuclear carrier deployment during hostilities, the Navy should retain a non-nuclear capability.

New priorities—Five year cost, $10 billion

While the above changes will result in a "leaner" military force, it does not have to be a less capable one. Upgrades in existing hardware will result in increased firepower and compensate for force reductions.

However, there are some budget additions that need to be factored in. First, the above calls for a policy of foreign "home-porting." New bases are not cheap, although there is long-term savings. Second, we need to invest in increased sea-lift capability. To counter a perception of a less effective and smaller armed force, we should augment our ability to move soldiers and material. Third, we need to design our strategic defenses to handle, to the extent possible, a limited or "rogue" attack. Even with a recommended 50 percent cut in SDI spending, there should be adequate funding for this emphasis. However, additional funding will be needed to enhance and maintain anti-submarine warfare capabilities.

3. SUMMARY OF DOMESTIC BUDGET CUTS

The superconducting super collider—FY 92-6 savings, $2.5 billion

The SSC is the latest generation of particle accelerators designed to investigate the nature of matter and the origins of the universe through physics research. When the SSC was first proposed in 1988, its projected cost was $4 billion, with at least $1 billion to be cost-sharing by foreign nations. Today, the cost estimate exceeds $8 billion, with foreign partners less and less likely to contribute. A Department of Energy audit group is putting the likely price tag even higher, at between $11 and $12 billion.

The SSC represents perhaps good science, but at too great a price tag. While we plan our $10 billion SSC, a European consortium is moving forward with a $2 billion acclerator which—through not as powerful as the SSC—will be the most powerful ever built. We should participate in this effort and shift our basic science priorities back to smaller, cooperative research efforts with industry and universities.

The space station—FY 92-6 savings; $10.5 billion

In 1984, NASA selected a space station design that was to be assembled by 1994 at an estimated development cost of $12.2 billion. By 1991, the estimate reached almost $40 billion. In response to these cost pressures, NASA has drastically scaled back the design and mission of the space station. Yet in a May, 1991, GAO report, the cost of the redesigned station was projected to be about $40 billion to launch and almost $80 billion to keep the station operational through its lifetime.

The Space Station only makes sense in a future of extensive manned space exploration. Such a future can only occur with the greatest level of international cooperation, including the fullest participation of the U.S.S.R. A largely independent, very costly endeavor like the space station is inappropriate. News reports last month indicated that the struggling, but effective, Soviet space agency was prepared to supply and launch a copy of their MIR space station for a $600 to $700 million price tag. A more imaginative space policy is in order in our post-cold war world.

Postal Service subsidies—FY 92-6 savings; $2.0 billion

The taxpayer subsidizes certain charitable organizations for their third-class bulk mailing costs through a subsidy to the U.S. Postal Service to give those organizations special rates that cover about 70 percent of the cost of mailing. The government pays about 3.1 cents of the 11 cent cost of mailing each letter. These subsidies have caused non-profit third-class mail volume to nearly triple since 1972, to more than 12 billion or 125 pieces of mail per household. Almost half of this mail is to raise funds, and 13 percent to sell goods and services, rather than providing information.

The postal subsidy for non-profit organizations should be eliminated. Non-profits should not be given an incentive to deluge households with mail. They should bear the full cost of their mailings, and should be encouraged to target their mailings and use their funds more effectively. Special rates for the blind, libraries, and for overseas voting would be retained at minimal cost.

Limit energy research to basic science—FY 92-6 savings, $6 billion

The Department of Energy supports efforts to make commercial various technologies that use conventional fuels. DOE's fossil and nuclear energy budgets (including the Clean Coal program) total in excess of $1.2 billion annually. The programs continue to fund technologies that are perpetually on the border of economic viability but, in reality, are unlikely to be supported by the private sector without extensive federal subsidies. Other funds are furnished to projects that probably would be pursued by the private sector regardless of government involvement.

Large amounts of taxpayer funding support such areas as coal litigation, coal gasification, magnetohydrodynamics, high temperature gas nuclear reactors, oil shale development, etc. The government should not be paying one company to secure a NRC license for its own reactor design. Such efforts to provide federal subsidies to "near commercial" ventures should be abandoned.

Small Business Administration—FY 92-6 savings, $2.0 billion

The SBA was established several decades ago to aid America's small businesspeople and give them a voice in government. Today the SBA tries to achieve this mainly by providing direct loans and guarantees to small businesses and by providing advice through branch offices and small business development centers.

The SBA has outlived its usefulness. It is an agency caught in a web of bureaucratic inefficiency and scandal. The majority of Americans now work for small businesses; we no longer need special loan guarantee programs to help small businesses or a separate agency to provide advice to help people establish small businesses.

The programs that still perform an important function would be shifted to other federal agencies (disaster loans to FEMA and the 8-A contracting program to DOD and the Commerce Department), with the balance of the agency scrapped.

Impact aid "B" program—FY 92-6 savings, $0.6 billion

Federal Impact Aid is a $770 million/year Education Dept. program to pay for the education of schoolchildren whose parents live or work on federal facilities. Most of the money for impact aid goes to the "a" program, which goes to schools whose students live and work on federal property; where school directs are required to educate kids whose parents live and work on federal property, and therefore pay no local taxes, the federal government has a legitimate obligation to reimburse the district that is "impacted" by federal activity. However, under the Impact Aid "b" program, about $100 million/year is provided for the education of children whose parents live or work on federal property.

This "b" aid should be eliminated, except for a small portion that is designated for children who live in Section 8 federally financed housing. School district operations do not generally depend on "b" payments, which constitute less than half of 1 percent to total expenditures in over half of the districts receiving them. The parents of "b" children also pay state and local taxes, which fund educational expenditures, at almost the same rate as the parents of children who are not federally connected.

Agriculture subsidies—FY 92-6 savings, $6 billion

Deficiency payments are the primary form of direct government payments to farmers. This legislation would make those individuals with adjusted gross incomes in excess of $100,000 ineligible for such payments. In addition, target prices which are used to calculate deficiency payments would be scaled back. In the 1990 Farm Bill, target prices are held fixed for five years. By reducing target prices by 1.5 percent per year, government payments are lowered substantially.

Such an action would send a positive signal around the world that the United States is serious about reducing subsidies and will be able to deliver on international trade proposals to reduce subsidies worldwide.

Agriculture export promotion programs—FY 92-6 savings, $2.7 billion

Two programs that promote agriculture subsidies should be eliminated. The first program, the Export Enhancement Program (EEP), subsidizes U.S. agricultural exports. American exporters who claim unfair competition from subsidized grain exporting nations can get certificates for grain that the USDA buys from American farmers to support prices and income.

There are several reasons why EEP should be eliminated. First, subsidies distort trade and make agricultural exports a political, not an economic activity that encourage other countries to subsidize their exports. Second, the main beneficiaries of the program are the exporters and the nations that buy the subsidized grain. Since the program began, 26 percent of the EEP subsidized wheat has gone to the U.S.S.R., 25 percent to China—bypassing American trade restrictions. Third, American farmers do not benefit from EEP—only the giant agricultural exporters do.

The second agriculture export program, the Market Promotion Program (MPP), is a program through which trade associations and private producers can get support for their marketing efforts abroad in order to encourage agricultural exports. MPP should be eliminated because it is a direct payment to private producers of branded goods, channeled through trade associations. Only agribusiness gets paid by the U.S. government to engage in activities that directly improve profits; activities promoting exports of non-agriculture goods do not receive similar support.

Student loans—FY 92-6 savings, $12.5 billion

In the current system of guaranteed student loans, almost as much money goes to lenders, defaulters, and fraudulent institutions as to education. To make the Federal investment in education go further, we should eliminate obsolete loan programs, and make students, lenders, and institutions take more responsibility to use the capital they receive through loans more efficiently.

Saving $2.5 billion in taxpayers' money on student loans and grants requires three reforms:

Require institutions to pay a 2.5-percent coorigination fee on loans, with higher fees for institutions with high default rates.

Cut the federal payments to lenders (banks) by one-half of one percentage point. Lenders would still be insured a return on Guaranteed Student Loans equal to 2.75 percentage points above the T-bill rate.

Extend IRS refund offset on defaulters. The provision permitting the IRS to garnish the personal income tax refund of defaulters is scheduled to expire in 1994. It has been a very effective initiative and should be extended.

Eximbank—FY 92-6 savings, $1.3 billion

The Export-Import Bank (Eximbank) attempts to increase U.S. exports by providing credit to foreign purchases of U.S. manufactured products. Exim does three things: It extends direct loans to American exporters, it guarantees loans by banks to exporters, and it provides exporters with insurance against defaults.

There is no strong evidence that the price of financing is a significant factor in the competitiveness of exports; reducing the price of financing would have little impact on the level of exports. Also, concessionary financing for one industry creates a competitive disadvantage for other industries, resulting in an inefficient allocation of resources. The government loan guarantees and direct loans are subsidies to the industries that can afford to lobby the federal government. Most importantly, Ex-Im programs make it harder to establish mutually beneficial trade and economic relations. Rather than opening up trade, these subsidies enter the United States into a downward cycle of trade wars with other export subsidizers.

Welfare savings—FY 92-6 savings, $3.0 billion

The childrens credit is universal—it is available for all families. That means that families with children who do not owe federal taxes will receive back from the government a check for $350 per child per year. Of the 32 million households in the United States, about 4 million receive AFDC welfare benefits. These welfare families will benefit from the credit.

The Bradley child credit proposal requires that half of the tax credit be counted as income for purposes of determining welfare payment levels. Therefore, the welfare family with two children will receive a $700 refundable credit, but will receive $350 less in welfare benefits.

Budget process reforms

Current budget rules allow increases or decreases in taxes or entitlements to be "paid for" through increases or decreases in other taxes or entitlement programs. Defense savings and non-defense discretionary savings can only be "used" for deficit reduction; these savings cannot be used for reductions in taxes. The Bradley bill reforms the budget process to enable tax cuts to be financed by cuts in defense and domestic discretionary spending.•

By Mr. METZENBAUM (for himself and Mr. GLENN):

S. 1847. A bill to direct the Secretary of the Interior to construct a National Training Center at the National Afro-American Museum and Cultural Center, and for other purposes; to the Committee on Energy and Natural Resources.

NATIONAL TRAINING CENTER FOR AFRO-AMERICAN MUSEUM PROFESSIONALS ACT

• Mr. METZENBAUM. Mr. President, I am today introducing the National Training Center for Afro-American Museum Professionals Act, a bill to help train museum professionals in the field of Afro-American history and culture. This legislation is identical to H.R. 1960, a measure introduced in the House of Representatives by my friend and colleague Representative LOUIS STOKES, and cosponsored by 37 other Members of the House.

This measure builds on legislation enacted in 1980, which created the National Afro-American Museum and Cultural Center at Wilberforce, OH. The museum, which opened to the public in 1988, has truly exceeded all early expectations of its success. In the number of visitors and the quality of its exhibits, the museum is unsurpassed in its field. It is a dynamic, living institution serving all Americans by promoting a better understanding of, and respect for, the African-American heritage.

During consideration of the 1980 legislation, it was the intent of Congress to accomplish a second objective in creating Afro-American Museum and Cultural Center at Wilberforce. That objective was to establish an educational program for the training of African-American Museum professionals. No university or museum establishment in the country currently has a curriculum leading to a degree in Afro-American museum studies. As a result, we have a serious dearth of professionals observing, cataloging, and collecting the artifacts of Afro-American history and culture in this country. This legislation would help to correct that deficiency.

In addition, when Congress established the museum and cultural center in 1980, the project was intended to be a partnership between the Federal Government, the State of Ohio and private benefactors interested in preserving and protecting a significant aspect of our history and culture. So far, however, the State of Ohio has assumed almost exclusive financial responsibility for building and operating the center with no financial support from Congress. At this point, the State has gone about as far as it can in terms of providing additional funds for capital construction.

Mr. President, enactment of this legislation will fulfill the original intent of Congress. It authorizes funds for construction of the national training center, and the development and implementation of a program of Afro-American professional museum studies. I believe this is important legislation, and I urge my colleagues to support it. We must do all we can to preserve this fundamental aspect of our common national heritage.

I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1847

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National training Center for Afro-American Museum Professionals Act".

SEC. 2. FINDINGS.

The Congress makes the following findings:

(1) By a law enacted in 1980, the National Afro-American History and Culture Commission was established to develop plans for the construction and operation of the National Center for the Study of Afro-American History and Culture (now known as the National Afro-American Museum and Cultural Center and hereinafter referred to as the "Museum").

(2) The Museum was constructed at Wilberforce, Ohio, and opened to the public in April 1988.

(3) It was the intent of Congress, and the understanding of the State of Ohio, that the Federal Government would assist the State by providing funds for construction and development of the Museum, yet this partnership was not clarified in the original legislation.

(4) The State of Ohio has assumed almost exclusive financial responsibility for the Museum thus far.

(5) There is a gross underrepresentation of Afro-American museum professionals in our Nation's museums, which results in the failure to preserve important pieces of Afro-American historical and cultural artifacts.

(6) The State of Ohio has gone as far as it can without tangible Federal assistance, and needs Federal funds for construction of a center at the Museum to be used to train Afro-American museum professionals for our Nation's museums.

(7) If the charge of the original legislation is to be met, it is the responsibility of the Federal Government to authorize and appropriate funds for construction and maintenance of the National Training Center at the National Afro-American Museum and Cultural Center at Wilberforce, Ohio.

SEC. 3. NATIONAL TRAINING CENTER AND OPERATIONS AND MAINTENANCE.

(a) CONSTRUCTION AND OPERATIONS AND MAINTENANCE.—The Secretary of the Interior, acting through the National Park Service, shall—

(1) construct a National Training Center at the National Afro-American Museum and Cultural Center which will prepare professionals for our Nation's museums, and

(2) provide for the operation and maintenance of the National Afro-American Museum and Cultural Center and provide for technical assistance to the Museum.

(b) AUTHORIZATION.—There is authorized to be appropriated to the Secretary of Interior such sums as may be necessary for the Secretary to carry out subsection (a).

SEC. 4. AFRO-AMERICAN PROFESSIONAL MUSEUM STUDIES.

(a) STUDIES AND STUDENT ASSISTANCE.—The Secretary of Education, acting through the National Afro-American Museum and Cultural Center, shall—

(1) contract with a consortium of institutions of higher education to implement a program of Afro-American professional museum studies at the National Training Center of the National Afro-American Museum and Cultural Center, and

(2) provide scholarships and loans for students in the studies established under paragraph (1).

(b) AUTHORIZATION.—There is authorized to be appropriated to the Secretary of Education such sums as may be necessary for the Secretary to carry out subsection (a).

SEC. 5. COMMISSION TERMINATION.

The National Afro-American Museum and Cultural Commission established by the National Center for the Study of Afro-American Museum and Cultural Act (20 U.S.C. 3701) shall terminate 30 days after the date of the enactment of this Act.

SEC. 6. GOVERNANCE OF MUSEUM.

Ultimate governance of the Afro-American Museum and Cultural Center shall rest with a Board of Governors established by Congress in consultation with the State of Ohio.●

● Mr. GLENN. Mr. President, I rise today to join Senator METZENBAUM in introducing the National training Center for Afro-American Museum Professionals Act, a bill that will help train professionals in Afro-American history and culture for our Nation's museums.

Mr. President, minorities have been historically underrepresented among museum professionals, an area in which there is currently a pressing need. This legislation will assist in training minority professionals. Furthermore, this bill will provide information about various cultures to enrich museum exhibits and displays. Through this act, we as Americans will help portray the involvement of all groups who have had a part in making this country great.

Representative LOUIS STOKES has introduced a similar bill in the House of Representatives, which has enjoyed bipartisan support. The original plan for this act was included in Public Law 96-430, which established the National Afro-American Museum and Cultural Center at Wilberforce, OH. As one who was very involved in the creation of this center, I am proud to support the completion of phases II and III of this center through this legislation.●

By Mr. KENNEDY (for himself, Mr. HATCH, Mr. PELL, Mrs. KASSEBAUM, Mr. ADAMS, Mr. BRADLEY, Mr. LAUTENBERG, Mr. WALLOP, Mr. WIRTH, and Mr. HEFLIN):

S. 1848. A bill to restore the authority of the Secretary of Education to make certain preliminary payments to local educational agencies, and for other purposes; to the Committee on Labor and Human Resources.

DROPOUT PREVENTION TECHNICAL CORRECTION AMENDMENT OF 1991

Mr. KENNEDY. Mr. President, I am introducing this legislation to correct a problem in the Impact Aid Program that urgently needs attention. I am introducing this legislation on behalf of myself and Senators HATCH, PELL, KASSEBAUM, ADAMS, BRADLEY, LAUTENBERG, WALLOP, WIRTH, and HEFLIN.

Under normal circumstances, eligible school district submit applications to the U.S. Department of Education for impact aid by January 31. Since some school districts are heavily dependent on the funds they receive from impact aid, the authorizing statute formerly authorized the Department to make section 3 preliminary payments of up to 75 percent of a district's prior-year payment at the request of the district. This provision enabled districts to maintain their cash flow until final payments based on current-year data were made after the January 31 application deadline.

For fiscal year 1992, the administration proposed a modification to the authorizing statute that would allow impact aid section 3 payments to be made based on prior-year data. The intent of this change was to allow school districts to be paid much earlier in the school year, possibly as early as Thanksgiving if appropriations were available at the beginning of the fiscal year. The administration's proposal also included a provision to eliminate the authorization for preliminary payments, which would no longer be needed under the prior-year data system.

Prior to its enactment into law, H.R. 2313, the dropout bill, at one time included the amendments proposed by the administration to authorize section 3 payments based on prior-year data. Shortly before the bill was enacted into law, most of these prior-year data provisions were deleted. However, section 402 of the bill continued to contain the provision that eliminated the statutory authority for preliminary payments. On August 17, 1991, the dropout bill was signed into law as Public Law 102-103, eliminating the authority to make preliminary payments.

As my colleagues well know, some school districts are exceptionally dependent on the funds they receive from impact aid. These districts are very short of cash now, and since preliminary payments cannot be made, they are facing very severe financial problems. This bill, which was drafted with the assistance of the Department of Education, would restore the Department of Education's authority to make section 3 preliminary payments.

I urge my colleagues to join me in passing this urgently needed legislation so that school districts may receive impact aid payments as soon as possible.

By Mr. HELMS:

S. 1849. A bill to provide for the full settlement of all claims of Swain County, NC, against the United States under the agreement dated July 30, 1943, and for other purposes; to the Committee on Energy and Natural Resources.

SETTLEMENT OF CLAIMS OF SWAIN COUNTY, NC

Mr. HELMS. Mr. President, today I feel obligated to renew my efforts to fulfill a commitment to the people of Swain County in the far western part of North Carolina. I told those citizens that I would do everything in my power to require the Federal Government to keep a commitment it made to them back in 1943, nearly a half-century ago.

On July 12, I wrote to a committee of concerned citizens in Swain County to advise that I would again introduce legislation to bring the Government in full compliance with the 1943 agreement. This legislation—the Swain County Settlement Act of 1991—directs the Secretary of the Interior to fully honor the 1943 contract between the people of western North Carolina and the Federal Government.

Mr. President, at the outset I make this point: At issue here is whether the U.S. Government will keep its word, and live up to a very clear commitment made 48 years ago in exchange for the Federal Government being given the right to flood thousands of acres of Swain County land to create the Fontana Lake. The integrity of the Federal Government, and those of us who serve in Congress today, will be decided by what we do, or fail to do, in the minds of people who have been waiting for 48 years.

The Helms legislation proposes three things: First, it orders the Secretary of the Interior to build the road promised by the Federal Government in 1943; second, it directs the Secretary of the Treasury to pay Swain County, NC, the sum of $16 million to compensate the county for the destruction of North Carolina Highway 288; and third, it orders the Park Service to erect a historical marker at Soco Gap to honor the contributions of the Cherokee Nation to the people of North Carolina and to the United States.

Senators should be aware of what happened 48 years ago to understand why I so vigorously support full settlement of this matter. In 1943 the Federal Government and the Tennessee Valley Authority decided they needed to flood land from the farmers in Swain County, in order to generate hydroelectric power. Literally thousands of Swain County residents packed up and left their homes because the Federal Government needed their land. The Government did not relocate them, nor did Government give North Carolina families additional land. The Government merely offered a few dollars for the land, but Swain County citizens have told me that they never received even a dime for their land.

I don't have to remind Senators, Mr. President, that in 1943, World War II was raging in Europe and the Pacific. Many of the men from the Swain County area were overseas fighting for their country's freedom—at the very time their land back home was being taken by the Federal Government.

When the Government took the 44,400 acres of land north of Fontana Lake, the Government: First, to reimburse Swain County for an existing highway that would be flooded in order to create Fontana Lake; and second, to build an around-the-park road to, among other things, provide access to gravesites left behind when the people were forced off the land.

With respect to the around-the-park road, the written agreement states:

> * * * the Department agrees that, as soon as funds are made available for that purpose by Congress after the cessation of the hostilities in which the United Sates is now engaged, the Department will construct or cause to be constructed the following described sections of road, all of said sections being hereinafter collectively referred to as the "Park Road":
>
> (a) A section of road beginning at a point on the Fontana Dam Access Road near the crossing of Fox Branch and extending to a point on the western boundary of the land identified on Exhibit A as the property of North Carolina Exploration Company.
>
> (b) A section of road beginning at the eastern boundary of said North Carolina Exploration Company land and extending to the eastern boundary of the Park as extended hereunder.
>
> (c) A section of road across said North Carolina Exploration Company land connecting the ends of the sections of road described in paragraphs (a) and (b) above.
>
> (d) A section of road beginning at a point in the road described in paragraph (a) above, and extending in a generally southerly direction to the west abutment of Fontana Dam. *Provided*, however, that in lieu of the sections of road described in paragraphs (a), (b), and (c) above, the Department may at its election construct or cause to be constructed, as a part of the Park Road, a continuous section of road beginning at a point on the Fontana Dam Access Road near the crossing of Fox Branch and extending around the aforesaid property of the North Carolina Exploration Company (through existing Park lands) to the eastern boundary of the Park as extended hereunder.

Building the road was contingent on appropriations by Congress. However, it was clear that the Government assumed that the road would be built shortly after the war.

In July 1943, shortly after the agreement was signed, a Tennessee Valley Authority supervisor wrote the families about gravesite removal. The letter stated:

> The construction of Fontana Dam necessitates the flooding of the road leading to the Proctor Cemetery located in Swain County, NC, and to reach this cemetery in the future will be necessary to walk a considerable distance until a road is constructed in the vicinity of the cemetery, which is proposed to be completed after the war has ended. We are informed that you are the nearest surviving relative of a deceased who is buried in this cemetery.

Because of the understanding mentioned in this letter—that the road would be completed shortly after the war—families agreed to leave their deceased relatives on the land taken by the Federal Government.

Mr. President, documents dating back to 1943 show that the Government did fulfill its promise to pay for Highway 288. In 1943 the Government paid to the State of North Carolina approximately $400,000, an amount which represents the principal which Swain County owed on outstanding bonds.

According to my information, the Federal Government paid that amount to the State of North Carolina as trustee. A letter dated November 22, 1943, from the Treasurer of the Tennessee Valley Authority to the Treasurer of the State of North Carolina confirms that payment was made.

The money never reached Swain County, however, and the county continued to pay for the road until the late 1970's.

But, and let me emphasize this, the Federal Government never fulfilled its obligation to build the road. There were a few false starts, though. In 1963, the Federal Government built 2.5 miles of the road; in 1965 it built 2.1 miles; and in 1969 it built one additional mile and a 1,200-foot long tunnel. Then the environmentalists got into the act and the project was shutdown. Now you can visit one of western North Carolina's best-known sites, the "Road to Nowhere." It is a travesty—a monument a broken promise by the U.S. Government.

Legislation already introduced by the junior Senator from North Carolina however would be a surrender, a guarantee that the U.S. Government's commitment will never be honored, and that the "Road to Nowhere" will go nowhere in perpetuity.

With all due respect to my friend and colleague, this is an abject surrender to the Wilderness Society, the Sierra Club, the National Park Service, and a handful of politicians in Swain County.

In fact, the last time this issue was considered by the Senate—September 19 of this year—Senator SANFORD quoted a letter from the Swain County Commissioners saying that those who want the road are a few small special interests. In response, I brought to the floor—and showed Senators and reporters from North Carolina—about 7,000 letters from current and former residents of Swain County who had written to me supporting the construction of the road when Senator SANFORD first attempted in 1987 to vitiate the agreement between the United States and Swain County.

I cannot, and will not, agree that 7,000 citizens of western North Carolina are "a small special interest."

It is my information, and my colleague can correct me if I'm wrong, but he has not met with the citizens of Swain County since he left the Governor's Mansion in January 1965. He has only met with a few politicians who are eager to get their hands on the quick, easy 16 million Federal dollars, which the junior Senator has offered them in return for their support of his efforts.

As North Carolina's Gov. Jim Martin's representative testified in June 1987—when hearings were held on Senator SANFORD's first Swain County bill:

> When TVA acquired the communities and lands necessary to build Fontana Lake in the 1940's the Federal Government promised the residents a road so that they would be able to visit the gravesites of their ancestors. Senator HELMS' bill honors this longstanding promise to the Swain County residents and their heirs. I support this approach because I feel that government must keep the promises it makes to its citizens. Credibility and trust in government are essential in our democratic system of government.

The Governor of North Carolina, as recently as September 18, has restated that position.

Senator SANFORD suggests that Swain County has not been able to grow because it has not received the payment of $16 million—which the Federal Government owes the county for destroying NC Hwy 288 in 1943. I disagree. Swain County and most of western North Carolina have suffered economic distress because—I repeat: because—as each year goes by more and more land in North Carolina is taken off the tax rolls and placed off limits.

Mr. President, over the years, North Carolinians in western North Carolina have watched the Federal Government seize their land for one purpose or another. They have very little industry. They have no tax base. The unemployment rate is high.

No one can fully appreciate how the Government has crippled the economy in western North Carolina until he or she looks at how much land the Federal Government has actually seized. In Swain County alone, out of 345,715 acres, the Federal Government has taken 276,577 acres. Nearby Graham County has the same problem. Of the 193,216 acres in that county, the Federal Government has taken 138,813 acres. Of the 353,452 acres in Haywood County, the Federal Government has taken 131,111 acres.

I mention all this to emphasize the frustration in western North Carolina. Meanwhile, in the four Tennessee counties bordering the Great Smoky Mountains National Park for instance, the Federal Government owns less than two-fifths of the land. I have no quarrel with our friends in Tennessee but facts are facts.

Another aspect of this story was omitted from Senator SANFORD's statement in support of his legislation. Although the Great Smoky Mountains National Park is the most visited national park in the country, few tourists who travel through the Smokies have a place to pause on the North Carolina side of the park. The road in Swain County, promised over 48 years ago, would change that. It would attract industry and tourists, not to the detriment of the scenic beauty of the Smokies but for the betterment of the citizens of western North Carolina.

Senator SANFORD also stated that the Department of the Interior regulations and so-called environmental guidelines prevent the construction of the road and, for that reason he would not support full compliance with the 1943 agreement. The Helms legislation should ease Senator SANFORD's concerns because it orders, notwithstanding any other provision of law, the Secretary of the Interior to build the road.

As Paul Harvey would say, "now you know the rest of the story."

The narrow special interests want to stop all progress, and if they achieve their goal of persuading the Federal Government to abandon Swain County they will move closer to their goal. In effect Senator SANFORD appears to favor enjoyment of the land for a minority at the expense of the majority. There has been too much of that already in western North Carolina.

Make no mistake about it, the radical environmentalists will not be satisfied until all of western North Carolina is locked up and the key is thrown away. They have opposed my efforts to achieve fairness for western North Carolina.

I have tried to compromise with the environmentalists and with Senator SANFORD. I have introduced legislation in the 98th, the 99th, and the 100th Congresses. I agreed to place approximately 200,000 acres of North Carolina land into wilderness in exchange for three things: First, reimbursement for Highway 288 and a farmers home loan; second, exclusion of 44,000 acres of North Carolina land from wilderness; and third, the authorization of money for a primitive road to be built to the cemeteries north of Fontana Lake.

Mr. President, nothing has happened.

I made a commitment to the people of western North Carolina years ago. I promised to fight for their interest. If I lose, Senator SANFORD and the Federal Government will lose the respect and confidence of thousands of North Carolinians.

I challenge my able colleague to go with me to Swain County and talk to the real people who have repeatedly told me their concerns and their needs through the years. I have already discussed the prospect of field hearings with the Energy and Natural Resources Committee with the distinguished ranking member, Senator WALLOP, and the distinguished chairman of the Senate Republican Policy Committee, Senator NICKLES. They are willing to go to Swain County. I trust the junior Senator from North Carolina do likewise.

Finally, Mr. President, I hope my able colleague will join me, Governor Martin, the people of Swain County, the Eastern Band of Cherokee Indians, and all of the other citizens of western North Carolina in supporting my effort to get Swain County moving toward a more prosperous future.

Mr. President, I ask unanimous consent that a letter from the Governor of North Carolina, a history of the North Carolina Shore Road-Wilderness controversy, a letter I wrote to the Fontana Agreement Bi-Partisan Committee on July 12, 1991, a copy of the 1943 agreement, and an article from the Winston-Salem Journal, be placed in the RECORD at the conclusion of my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATE OF NORTH CAROLINA,
OFFICE OF THE GOVERNOR,
Raleigh, NC, September 18, 1991.

Hon. JESSE HELMS,
Dirksen Senate Office Building,
Washington, DC.

DEAR JESSE: I understand that an amendment to the Interior Appropriations regarding payment to Swain County, North Carolina in lieu of a road on the north shore of Fontana Lake is expected to be offered by Senator Terry Sanford. I would like to voice my opposition to that amendment.

The North Shore Road was promised to the people of Swain County in 1943, when the Tennessee Valley Authority flooded their lands and an existing road to create what is now Fontana Lake. The 1943 agreement required that a new road be built so that the people of Swain County would have access to ancestral lands and cemeteries that are now part of the Great Smoky Mountains National Park. In the ensuing years, the lack of federal action in carrying out the agreement has engendered a deep distrust of the federal government on the part of the people of Swain County. Only construction of the road would show that the federal government is true to its word and help alleviate that mistrust.

There are some who believe that the federal government should discharge its 1943 obligation via a $16 million cash payment to the Swain County government in lieu of building the promised road. That would, in effect, compensate a third party instead of keeping the promise to the first party. I oppose this travesty, but urge that no such resolution be authorized without a referendum to show the will of the people of Swain County.

Thank you for your attention to this matter.

Sincerely,

JAMES G. MARTIN.

U.S. SENATE,
Washington, DC, July 12, 1991.

The Fontana Agreement Bi-Partisan Committee,
Bryson City, NC.

DEAR FRIENDS: Many thanks for your letter of July 3, requesting my opinion of the legislation by Senator Sanford, authorizing the payment of $16 million as a final settlement for the federal government's failure to keep its 1943 promise to the people of Swain County.

While I sincerely appreciate Senator Sanford's efforts to settle this matter, I must be frank with you: I cannot support any proposal which does not require the United States Government to honor its full and complete pledge—and that means the construction of the road.

Literally thousands of people who have written to me during the last five years feel the same way, and it is not my intent to turn my back on them. To me a commitment is a commitment, whether it is made by one person or the United States Government.

You also asked if I think that a two lane paved road will be built in the future. My answer to that must also be frank. The only way this road will be constructed is for the entire North Carolina congressional delegation to stand together and demand that the 1943 agreement be upheld.

For too long this issue has been dominated by special interest groups outside our state. These groups have promoted divisions among us—and you see the result. Our elected leadership can no longer permit these outside forces to dictate the economic future of a splendid section of Western North Carolina.

I will soon offer an alternative to Senator Sanford's legislation designed to bring the United States Government in full compliance with its 1943 commitment. This is not time to back down and compromise what was clearly promised to us.

I stand ready to work with you, Senator Sanford, and the Department of the Interior, to help Swain County and all of Western North Carolina move toward a prosperous future as we approach the 21st century.

Kindest regards.

Sincerely,

JESSE HELMS.

THE GREAT SMOKY MOUNTAINS WILDERNESS CONTROVERSY: THE REAL STORY

(By Charlene Hogue Triplett)

Hardy pioneers, mostly Scotch—Irish, English and German, settled the mountains of Western North Carolina (WNC) in the 1800s. By the late 1800s, the area was very prosperous; unemployment was an unknown thing. The area was rich in natural resources, there were lumber companies, copper mines, farms, orchards, and prosperous towns with their own theatres, churches, and businesses. This was a time when a man's word was his bond and a handshake was sufficient for a contractual agreement.

The Great Smoky Mountains National Park (GSMNP) was authorized in 1927. The first land was purchased for the Park in 1928, and the original GSMNP was dedicated in 1934 by President Roosevelt. The mountain people in the region were proud that their beautiful homeland had been chosen to be a National Park "for the enjoyment of all people"; even the school children raised money to help pay for the land, which was largely owned by huge lumber companies. Park land was paid for not only by donations from private citizens, but also towns, the States of North Carolina and Tennessee; and a large grant from J.D. Rockefeller.

The GSMNP lies between North Carolina and Tennessee; the majority in North Carolina. One mountain county of North Carolina, Swain, sacrificed more of its land than any other county to be included in the GSMNP. The total acreage held by the Park today within Swain County is 217,565 acres, or 65 percent of the county. More than 40 percent of the Park is in Swain County.[1]

Prior to the early 1940s, there was one area of Swain County which was originally intended for inclusion in the Park, an area lying south of the original Park boundary and north of the Little Tennessee River. Originally, this strip of land was not purchased, partly because of lack of funds but also because the people who lived in that area vigorously refused to sell their land. But this area was later taken in the early 40s in another federal project.

As early as 1920, Alcoa, (Aluminum Corporation of America), a large corporation in neighboring Tennessee, began buying water rights and power plants in WNC. Later, when the Tennessee Valley Authority (TVA) was created, it became partners with Alcoa in many projects. With the onset of World War II, the United States' industrial sector began operating at full production, and TVA was called upon to produce more electric power to expedite the production of war materials. The eastern Tennessee region was a leader in the production of aluminum and war munitions, and more electricity was needed in this area for those existing industries. Alcoa already had plans to construct a dam on the Tennessee River in the region to provide more hydroelectric power. Therefore a deal was made between TVA and Alcoa, in which Alcoa transferred to TVA the land which it had already purchased, as well as other rights and interests in the Fontana Project and other Little Tennessee River projects; and TVA would pay Alcoa with electric power.[2]

Congress authorized construction of Fontana Dam on December 17, 1941, as part of TVA's third wartime emergency program. The Fontana project was the biggest ever to be undertaken by TVA. Hydroelectricity from the dam was to be used primarily to produce aluminum for airplanes in the big factories in eastern Tennessee. On completion, the dam was to be 480 feet high, the highest dam East of the Rockies and the fourth highest in the world at the time. Construction on the dam began January 1, 1942, and was completed by round the clock construction in record time. The closure of the dam occurred on November 7, 1944, and it began generating power January 20, 1945, ". . . in time to be of considerable value in the closing phases of the war."[3]

The creation of Fontana Reservoir necessitated the acquisition of 11,800 acres of prime land in WNC, for the dam site and reservoir. The reservoir would also flood a State Highway, 288, leaving approximately 44,400 acres on the north shore of the planned reservoir isolated. (This area has been termed the "North Shore".) The land area acquired for the Project, which could have been about 12,000 acres, finally totaled 68,291 acres.[4]

The official TVA document which recorded the project, The Fontana Project, gives us an account by which the land was acquired:

"Prices to be paid for the land were fixed by TVA's appraisal staff. No price-trading was permitted to enter into the negotiations and the property was either purchased at the appraised price or condemned . . . TVA's governing price policy is to purchase land and rights required at prices which will enable owners to relocate or re-establish themselves on properties at least equal in value to those they previously owned."[5]

TVA has its account of how the land was taken; the natives of the North Shore area also have their account:

"I might say a few things that I really do not like to say about the U.S. Government, but I believe I lost part of my heritage when it was taken over by the U.S. Government. My grandfather, Andrew J. Posey, owned 300-plus acres of land on Pilkey's Creek. [Which is on the North Shore.] He was not asked if he could sell it. He wasn't asked what he would take for it. He was told that he would get $2,000 for it. Then when he refused to sign a deed, he was forced to watch a judge sign a deed for him," thus states Joyce Posey Breedlove at a Senate Subcommittee Hearing.[6]

Obviously "TVA's governing price policy" was not used or taken into account in buying land for this project. Taylor Kirkland, a native of the North Shore, also testified at this March 14, 1984 field hearing held in Bryson City, NC, by the Senate Subcommittee on Public Lands and Reserved Waters, stating: "We had 99.9 acres of property. We were given $1,435. . . . We came up here and relocated about 2 and ½ miles north of Bryson City, and we got 12 acres for $1,300."[7]

Reverend Buford Woodard of the Deep Creek Baptist Church in Bryson City, NC, also testified at the hearing. He remembers how the TVA came and took his family's land:

"My mother was a widow. My father passed away in 1935 . . . and she was left with six children. At the time that the TVA came, of course, to take over the property, she had four children left. . . . She would never sign the deed because she felt that 600 acres was the inheritance of her family that she had worked hard to rear. But it was carried to the court . . . and there in the court of this country the deed was made to the TVA and $5,000 put in the Bryson City Bank, . . . $5,000 for 600 acres, 3 houses, 350 fruit-bearing trees."[8]

Countless testimonies at this 1984 Senate hearing clearly show that these people were not given fair market value for their land and homes. Some people's land was taken for county back taxes they owed. Others claim that they were never given a cent for their land. These testimonies question the constitutionality of how the TVA took the people's land.

Most private citizens were usually only given about six dollars an acre for their land. Mining property and developed industrial property brought the average price up to $37.76 an acre, still the second lowest price in TVA history. (The lowest price paid by TVA was for a reservoir which did not affect any towns or communities, nor did it contain rich copper mines or a prosperous industrial sector, as the Fontana Project did.) TVA tried to justify these low averages by stating that they ". . . reflect the mountainous character and remoteness of the reservoir settings."[9]

But to the people who had chosen to live there, the land was invaluable. A price could not be placed on land which had been in one's family for generations. The mountain people recognized the land then, for what the "preservationists" (so called environmentalists) are proclaiming it today: as "crown jewels."

It is no wonder these people, who had been taken advantage of, are bitter and mistrustful of the United States Government. Reverend Buford Woodard's story tells of how he was drafted into the armed service a year after his family's land was taken: ". . . I received greetings from the President of the United States, saying that 'You have been selected to honor your country.' I had a hard time dealing with that, because I had just gone through the trauma and the experience of seeing the Nation that called upon me to bear arms and defend its freedom take my own mother's home and take my inheritance . . . ."[10]

Not only were these mountain people cheated out of their land; they were misled by TVA officials. The Fontana Project reports that, of the land ". . . secured for the project, 88.4 percent [was acquired] by voluntary sell . . . [the rest] by condemnation."[11] These figures probably would have been reversed if the people affected had realized how they were being taken advantage of.

The TVA officials told the people almost anything which would appeal and get them to agree to give up their land.

This was a time when feelings of patriotism were high and everyone was trying to help in the war effort. Many of the husbands and sons were overseas fighting the war. TVA officials played on the feelings of these patriotic people, telling them that, if they did not move off the land, thousands more American boys would lose their lives in the war; or that the war would be over much more quickly if they would sell their land and make way for the project.

Everyone was assured, by TVA officials personally, and by official TVA letters, that as soon as the war was over and more resources were available, a road would be built back into the area. Some people were told that they could return to their land if it was not flooded. Millie Vickery once lived in Possum Hollow on the North Shore. "When the TVA came to take the land they told me and my husband that a road would be built which would allow us to come back and move our house, if we wanted to," she stated at the March, 1984 Senate Hearing.[12] But when the people moved out, practically all the homes and buildings which were left were torched. In preparing land to be flooded for a dam reservoir, the proper method is to clear away everything which would be underwater. However, the land on the North Shore was above the high water mark; it was not necessary to burn existing buildings, especially since the people were promised they could return. Natives and descendants of the North Shore believe this was done to ensure they would never try to come back home to live.

Another major aspect of the TVA deception concerns the ancestral cemeteries in the area. Several cemeteries and graves in the planned reservoir area were moved either above the high water mark on the North Shore or to other areas in WNC, most in Swain County. Over 1,000 graves were left in the 28-plus cemeteries on the North Shore which was to be isolated. The people there were strongly encouraged by the TVA, which was trying to minimize grave relocation costs, not to move these cemeteries, as the new road would provide access back into the area.

As a July 1943 official TVA letter to Mr. L.B. Cook of Marion, NC, reads:

"The construction of Fontana Dam necessitates the flooding of the road leading to the Proctor Cemetery located in Swain County, NC, and to reach this cemetery in the future will be necessary to walk a considerable distance until a road is constructed in the vicinity of the cemetery, which is proposed to be completed after the war has ended."[13]

In 1943 a four-party agreement was signed among Swain County, the State of North Carolina, the TVA, and the Department of the Interior, in which TVA transferred the land on the north shore of Fontana Lake to the Department of the Interior to be added to the GSMNP. In turn, the Park Service agreed to build a road ". . . when constructed shall as a minimum standard be finished throughout its length with a dustless surface not less than twenty (20) feet in width . . ." from Bryson City to Fontana Dam to link up with Deal's Gap, Tennessee.[14] Swain County assumed the bond debt of State Highway 288, and the interest of this debt, a total sum of $694,000. The State of North Carolina would contribute $100,000 to assist in TVA's acquisition of the North Shore. TVA would contribute $400,000 to the State of North Carolina to be held in trust for Swain County to help pay off the bond debt for Highway 288. North Carolina would construct a road from Bryson City to the Park Boundary line to connect with the new Park highway.[15]

The Bryson City Times, a local paper, reports of the contract, termed the 1943 Agreement, on August 5, 1943:

"* * * it would appear that Swain County came out on the losing end of the deal. But happily, this isn't the case. . . . The National Park Service says that as soon as money is made available after the war it will build a modern highway along the shores of Fontana Lake connecting Bryson City with the TVA access highway at Fontana Dam. . . . Anyone with the smallest amount of imagination can visualize what a road of this kind will mean to Bryson City . . . there is nothing that can keep Bryson City from becoming the tourist center of Eastern America."[16]

The 1943 Agreement reflects the schemes of high United States Government officials to take the North Shore and make it a part of the GSMNP. According to The Fontana Project: "In the Fontana Reservoir vicinity . . . there was a strip of mountainous land [the North Shore] . . . which had not been acquired by the Department of the Interior because of lack of funds."[17] The reason that Swain County agreed to accept the bond debt ". . . was influenced by the fact that the National Park Service desired to acquire this land lying between existing park boundary and the river and to build a park highway paralleling the river from Fontana Dam to near Bryson City as soon as the necessary funds were available."[18]

The land on the North Shore was taken under false pretense by TVA officials who told the people the land was needed for the dam project when actually it was being taken for inclusion in the Park. Due to the speed of removal of the people and the lack of communication in the early 1940s, the vast majority of people did not know that their vacated land was going to be transferred to the Park Service. Many actually thought they were going to be allowed to return and live on the land.

To add insult to injury, the Department of the Interior has failed to live up to its end of the agreement; the promised Park Highway which was supposed to compensate so much, has not been constructed to this date. The Department of the Interior has tried to get out of building the road because the terminology in the 1943 Agreement reads, "If and when funds are made available by the Congress . . ." the road will be built.[19]

However, the Department's own actions have clearly proven that they have a legal responsibility to construct the road. The State of North Carolina fulfilled its part of the contract; the road from Bryson City to the Park boundary was completed in 1959. The National Park Service then started construction on this "New Fontana Highway," completed almost nine miles of road into the Park, at which point construction was stopped due to outcry from "environmental" or preservationist groups.[20] Swain County also fulfilled its end of the bargain; the flooded Highway 288 was finally paid off in 1974. Not only did Swain County pay a huge amount of money for this flooded road, it also sacrificed financially when the excessive amount of land was taken from its tax rolls.

In return for these sacrifices, Swain County has received nothing but so-far broken promises.

The people who were living on what is now the North Shore of Fontana Lake would never have peacefully agreed to leave their homes and cemeteries had they envisioned a future of broken promises and no access back. Over the years few trips were made back across the lake to the North Shore; these trips were made by individuals in private boats. After several trips over a period of years, it became obvious that the National Park Service was neglecting the upkeep of the cemeteries. After people began protesting, this care was started. Finally, in 1977, the North Shore Cemetery Association was organized by former residents. They organized homecomings and scheduled annual visits to the cemeteries by pooling resources and renting boats. A couple of years later, the Park Service started helping with access and later, providing yearly access. Today this access consists of a boat ride across Fontana Lake, then a bumpy ride on the back of a truck, on hay bales, in jeeps, or in Suburbans. The transportation is insufficient and slow. This bittersweet journey is an arduous ordeal for the elderly and many are physically unable to continue to make the trip. But the religious tradition of cemetery visitation as well as the bitterness toward the Federal Government is passed on to children and grandchildren who still insist that the Park Service build the promised road.

Road construction was stopped by cries of "environmental damage" by "environmental groups" which had gained public recognition and political power in the 60s. Costly studies were then conducted by the Park Service, heavily influenced by preservationist sentiments, which found that further road construction ". . . would result in extreme cuts and fills and unstable conditions would cause environmental damage . . ."[21] Another argument used by the preservationists is that further damage would be done by Anakeesta rock which would be uncovered by road construction. This is a type of rock in which the surface emits acid when exposed to air and water. Senator Al Gore, debating on the Senate Floor, stated of Anakeesta rock: ". . . when uncovered by road builders this acidic material washes into nearby streams and kills them."[22] Other environmentalists, using this argument, have said that all the fish in Fontana Lake would be killed when the acid "leaches" down into the lake. Users of such arguments either have not done their research or are deliberately misleading the public.

Anakeesta rock is commonly found by WNC road builders and methods have been developed to deal with it. A federal geological survey states that the banks of Fontana Lake are lined with this acidic rock. Also, a recent federal study has found that acid rain is more acidic than Anakeesta rock. If the Anakeesta rock argument was true, the fish in Fontana would have all died long ago; instead, the fish population is thriving.

Tales of environmental damage road construction would cause are greatly exaggerated and often false. Joseph E. Beck, a professor of Environmental Health Sciences at Western Carolina University has written: "Arguments that this . . . road could not be constructed without serious environmental damage makes a mockery of our technological abilities."[23]

In the late 1960s, the road construction issue became complicated by talk of Federal Wilderness by environmental groups. These preservationists worked to pass the Wilderness Act of 1964, which placed repressive restrictions on National Forests and Parks. The highest level of preservation given land by law is Wilderness designation.

Ron Arnold is the Executive Director of the Center for the Defense of Free Enterprise, in Bellevue, Washington; he is also a writer and a Wilderness expert. In his book, Ecology Wars: Environmentalism as if People Mattered, Arnold discusses Wilderness:

"Wilderness, at first blush, has a wholesome ring in modern America . . . A 1978 survey by Opinion Research, Inc., found that more than 75 percent of all Americans still didn't realize the difference between just any woodsy recreation spot and officially designated wilderness. The difference is monumental. The Wilderness Act of 1964, which created the National Wilderness Preservation System, mandated that wilderness is an area of at least 5,000 federally-owned acres and defined it thus:

'A Wilderness, in contrast to those areas where man and his works dominate the landscape, is hereby recognized as an area where the earth and its community of life are untrammeled by man, where man himself is a visitor who does not remain.' In practical terms, that means no roads, no buildings, no watershed management, severely restricted fire, insect, disease, and wildlife management, and in most places, not even toilets. It's the law. But the average American never even heard of it."[24]

When land is designated as a wilderness area, it is made inaccessible to a large majority of American Citizens. Because of the "no roads" language in the Wilderness Act, the only people who can enjoy the land are those who have access to it, and who have the time, money, and physical capability to explore a "wilderness." The Wilderness Act is clearly discriminatory in this way.

According to expert Grant Gerber, founder of the Wilderness Impact Research Foundation in Elko, Nevada, when land is designated Wilderness, restrictions are placed on any kind of activity within. This activity can include such things as hunting, livestock grazing, and access to water. In many cases landowners adjacent to the Wilderness Area are affected with the establishment of "buffer zones", or restricted zones outside the Wilderness boundary.[25]

The Wilderness Act of 1964 contained a directive for all federal land agencies to study all units under their jurisdiction and recommend which units were suitable for Wilderness designation. Units so recommended were/are then managed as Wilderness until Congress passed legislation officially designating those units Federal Wilderness or releasing them from Wilderness management.

In 1975 the GSMNP was recommended for inclusion in the Wilderness Preservation System, therefore, any road construction would have been in direct conflict with the Wilderness management plan of the Park.[26]

In 1980, after several proposals on how to resolve the North Shore road issue, the Secretary of the Interior supported a cash settlement being paid to Swain County in lieu of completing the road. Under this plan, the Park Service, would provide cemetery access to the North Shore Cemetery Association.[27] This proposal was exactly what the environmental groups wanted; once the road issue was settled, the Department of the Interior would be relieved of their legal obligation which would expedite the passage of a Great Smoky Mountain Bill. But the North Shore Association and Swain County people, who had been fighting for the road for years, were not satisfied with this proposal.

The North Shore of Fontana Lake contains a few old cabins, which were missed by the TVA, several building foundations, other historical structures, many old relics, old roads and trails, not to mention some 28-plus cemeteries. The area does not even meet the criteria for Wilderness designation; according to the Wilderness Act, a Wilderness is an area "untrammeled by man." The people from the area are very concerned that the Park Service will slowly remove all "signs of man" from the area, wiping out the remains of their heritage. Reportedly, the Park Service has been seen destroying non-native plants such as rose bushes; and rainbow trout, which is also not native to the Smokies. In effect, the Park Service may be trying to "create" an area suitable for Federal Wilderness designation, where none exists.

Concerned people have asked that at minimum the North Shore be exempt from Wilderness designation. However, top preservationist groups such as the Sierra Club have said, in effect, that all the Park be designated Wilderness, or the county will not receive the monetary settlement for the road. In effect, this amounts to blackmail, considering the power such groups have in Congress. Swain County is legally and morally owed a road and was promised other tourism-related developments by the Park Service prior to the signing of the 1943 agreement. Environmental groups, which were not party to this agreement, should have no place in negotiating proposals.

Various Wilderness bills have been sponsored since 1975, usually by Tennessee Senators, but none have passed. Senator Jesse Helms has led the fight against these bills. Helms promised that as long as he was in the United States Senate, he would do his best to see that the Government kept its word to Swain County people.

The most recent battle over Wilderness for the Smokies started in 1987 with the introduction of more Wilderness Bills. At this point a group of concerned property owners adjacent to the GSMNP organized to form "Non-Partisan Citizens Against Wilderness in Western North Carolina". Their primary goal was to block a Wilderness Bill which would affect the entire Park, including the North Shore.

On a current membership form, the Citizens group clearly lists their guiding philosophies:

"We are for multiple use of Public Land. We are for private ownership of land. We are for the fulfillment of the 1943 Agreement. We actively oppose any Wilderness legislation. We seek to elect officials who represent us, regardless of party affiliation. We work to educate the public concerning these issues."[28]

In 1987 and 1988, this group sent a total of over 11,000 petitions and letters to Washington, DC. In July of 1988, when a Great Smoky Mountains Wilderness Bill was being debated on the Senate floor, the group distributed hundreds of "Action Alerts" which asked people to telephone targeted Senators and listed their phone numbers. The group has also secured several resolutions against Wilderness designations and for the fulfillment of the 1943 agreement. Resolutions were secured from: the Swain County Board of Commissioners, the Graham County Commissioners, the Bryson City Board of Aldermen, The Swain County Chamber of Commerce, The Swain County Board of Education, the Swain County Coonhunters Club, The Republican Party of Swain County, the Democrat Men's Club (of Swain County), and several Democratic Precincts in Swain County. Swain, a county in which the Democrat to Republican ratio is 3 to 1, strongly supports the efforts of Senator Jesse Helms, a conservative Republican leader.

Additionally, the local Veterans of Foreign Wars Post voted to support the National VFW Resolution against any further Wilderness designation nationally. The Eastern and Western Cherokee Indian Nations also passed resolutions against Wilderness. Also, approximately 95 percent of the businesses in Bryson City signed a petition calling for the completion of the road as called for in the 1943 Agreement. All these efforts would have been in vain had it not been for Senator Jesse Helms, who courageously stood up for the people of WNC and blocked passage of the Wilderness Bill in the summer of 1988. In the following January, (1989), a Jesse Helms Appreciation Day was named, and Citizens Against Wilderness sponsored a dinner at which the Senator was the honored guest speaker.

The North Shore Road was intended to be much more than a cemetery access road. It was intended to secure Swain County's future. The proposed cash settlement for the road, (which totaled 15 million in 1988), is nothing compared to what Swain County could have been making through tourism, had the road been completed, along with promised National Park Service developments constructed on the North Carolina side of the Park.

According to The Fontana Project, the North Shore road was planned to diffuse heavy tourist traffic in the Park to Swain County and provide a better Eastern entrance to the Park. When the 1943 agreement was in the negotiating stages, much talk was about developing tourism opportunities in Swain County and along Fontana lake. This tourism industry was supposed to compensate Swain for all the land which had been removed from its tax rolls.

It is easy to understand why Tennessee members of Congress always sponsor Great Smoky Mountain Wilderness Bills. They want to make it impossible for the North Shore Road to be built; this would divert tourists from Tennessee. Tennessee does not want to share their rich tourist industry with North Carolina. In 1983 $150 million was reaped from tourists in Gatlinburg, Tennessee while Swain County generally averages less than one-fifth that amount.[29]

As a direct result of the Government failing to fulfill its agreements, and because of excessive Federal ownership of land, Swain is one of the poorest counties in North Carolina, and consistently has the highest unemployment rate in (non-tourist) winter months. Excessive concern by preservationist groups for a near-pristine environment on private land has caused developers and industry to go elsewhere with their jobs and opportunities.

Swain County is currently 86 percent Federal land, containing parts of land from the GSMNP, TVA, the Cherokee Indian Reservation, Nantahala National Forest, and the Blue Ridge Parkway.

Despite this fact, Swain is still targeted for even more federal "protection" by preservationist groups, which, according to several members of Congress, "undoubtedly are the most powerful lobby in Washington, DC"[30]

Because of these factors, Citizens Against Wilderness plan to become a permanent "watchdog" for private property in Western North Carolina. The group has gained support nationwide, and has become politically effective. At the 1988 National Wilderness Conference in Reno, Nevada, Linda G. Hogue, co-founder and chairman of the Citizens group, was a guest speaker, and was honored with the "Most Effective Grassroots Organization Leader of the Year Award."

Hogue has vowed to continue pushing for the Federal Government to fulfill its agreement to the people of Swain County. "They should either build the road or give the land back," she has stated.[31]

* * * *

The story of the people displaced by the Fontana Project is among the saddest in American history. What is even more tragic is that perhaps one day this story might be forgotten; these people's "Trail of Tears" is not recorded in history books. These patriotic people made huge sacrifices during a time when their country was at war and should not be overlooked. Many North Shore descendants and Swain County people would like to see this history included among the educational features at Fontana Dam. They also feel that the Park Service should build a museum dedicated to the lost communities and their way of life. The Park Service should construct this museum in Swain County along the completed North Shore Road. These WNC people deserve special recognition as well as the fulfillment of so-far broken promises; not to have the old relics and cultural heritage permanently destroyed by the Park Service. The people do not deserve the atrocious treatment aimed at them by environmental groups, some who go as far as to call the North Shore people selfish for even wanting a primitive jeep road back to their homelands and cemeteries.

In addition, comprehensive plans to construct once-planned tourism related developments on the North Carolina side of the Park should be completed. Currently, the Tennessee side of the Park has more than twice the development as does North Carolina, even though most of the Park is in North Carolina.

Perhaps if these things were done, some of the harsh feelings Swain County and North Shore people have for the Federal Government might be changed, and a continuing controversy put to rest.

FOOTNOTES

[1] Gibson, Jennifer; Donald Guge, and Chad Killebrew. Testimonies before the Senate Subcommittee on Public Lands and Reserved Waters, concerning Senate Bills S. 1947 and S. 2183. Bryson City, NC. March 16, 1984. (Hereafter the March 16, 1984 Senate Subcommittee Hearing.)

[2] United States. Tennessee Valley Authority. The Fontana Project: A Comprehensive Report on the Planning, Design, Construction, and Initial Operation of the Fontana Project: Technical Report No. 12. Washington: GPO, 1950. pp. 1–13. (Hereafter The Fontana Project.)

[3] The Fontana Project. pp. 1–13.

[4] The Fontana Project. p. 478.

[5] The Fontana Project. p. 478

[6] Breedlove, Joyce Posey. Testimony at the March 16, 1984 Senate Subcommittee Hearing.

[7] Kirkland, Taylor. Testimony at the March 16, 1984 Senate Subcommittee Hearing.

[8] Woodard, Rev. Buford. Testimony at the March 16, 1984 Senate Subcommittee Hearing.

[9] The Fontana Project. p. 479.

[10] Woodard, Rev. Buford. Testimony at the March 16, 1984 Senate Subcommittee Hearing.

[11] The Fontana Project. p. 478.

[12] Vickery, Millie. Testimony at the March 16, 1984 Senate Subcommittee Hearing.

[13] Turner, H. H., Supervisor, Grave Removal Section, Tennessee Valley Authority. Letter to Mr. L. B. Cook of Marion, NC. 31 July 1943.

[14] United States Department of Interior, Tennessee Valley Authority, State of North Carolina, and Swain County. Contractual agreement. October 8, 1943. (Hereafter the 1943 Agreement.)

[15] The 1943 Agreement.

[16] The Bryson City Times, Bryson City, NC, August 5, 1943.

[17] The Fontana Project. p. 475.

[18] The Fontana Project. p. 43.

[19] The 1943 Agreement.

[20] Hodel, Donald Paul, Secretary of Interior. Letter and Briefing Statement to Senator Jesse Helms. 3 June 1986.

[21] Hodel, Donald Paul. Briefing Statement to Senator Jesse Helms. 3 June 1986.

[22] Gore, Sen. Albert. Congressional Record: Proceedings and Debates of the 100th Congress, Second Session: Vol. 134, No. 92. Washington: GPO, June 21, 1986.

[23] Beck, Joseph E., Professor of Environmental Health Sciences, Western Carolina University. Letter to Senator Jesse Helms. 13 June 1988.

[24] Arnold, Ron. Ecology Wars: Environmentalism as if People Mattered. Bellevue, Washington: Free Enterprise Press, 1987.

[25] Gerber, Grant, Executive Director, Wilderness Impact Research Foundation. Personal interviews, 1986–1989.

[26] Stewart, Jim, National Park Service. Telephone interview. Summer, 1989.

[27] Hodel, Donald Paul. Letter and Briefing Statement to Senator Jesse Helms. 3 June 1986.

[28] Non-Partisan Citizens Against Wilderness in Western North Carolina. Membership form. 1989.

[29] Carpenter, William L., Executive Director, Chamber of Commerce, Gatlinburg, Tennessee. Testimony at the March 16, 1984 Senate Subcommittee Hearing.

[30] Craig, Larry, Alan Simpson, Richard Stallings, Bob Stump, and Don Young, members of the United States Congress. Personal interviews. Summer, 1989.

[31] Houge, Linda G., Chairman, Non-Partisan Citizens Against Wilderness in Western North Carolina. Public statements and personal interviews. 1986–1989.

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Other source: Personal knowledge.

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All the many North Shore natives and descendants who have provided me with their countless stories over the years.

APPENDIX A

THE 1943 AGREEMENT

(Memorandum of agreement of October 8, 1943 between the Department of the Interior and the Tennessee Valley Authority relating to the acquisition and transfer of certain lands in Fontana Dam area for use as part of Great Smoky Mountains National Park)

This agreement, made and entered into as of the 30th day of July 1943, by and between Tennessee Valley Authority (hereinafter called the "Authority"), a corporation created by an Act of Congress known as the Tennessee Valley Authority Act of 1933; the State of North Carolina (hereinafter called the "State"), acting by and through its Governor, its Council of State, and its State Highway and Public Works Commission; Swain County (hereinafter called the "County"), a political subdivision of the State of North Carolina, acting by and through the Board of Commissioners for the County of Swain; and United States Department of the Interior (hereinafter called the "Department"), acting herein for the use and benefit of the National Park Service of said Department.

Witnesseth:

Whereas, the Authority pursuant to the powers vested in it by the Tennessee Valley Authority Act of 1933, is engaged in the construction of a hydroelectric development, known as the Fontana Project, consisting of a dam and reservoir on the Little Tennessee River in North Carolina, said dam being located approximately ten (10) miles upstream from the Tennessee-North Carolina State line; and

Whereas, the Forney Creek Road District has heretofore issued bonds for and constructed on road or highway extending from Deals Gap on the west to Bryson City on the east, said road following a course north of the Little Tennessee and Tuckasegee rivers and south of the present southern boundary of the Great Smoky Mountains National Park (hereinafter referred to as the "Park"); and

Whereas, the County has heretofore assumed full liability for all principal of and interest on the bonds issued for the construction of said road as aforesaid, and in 1940 issued its own refunding bonds (and interest funding bonds) in the place of all such bonds then outstanding and unpaid; and

Whereas, the State has heretofore assumed jurisdiction and control of said Deals Gap-Bryson City road, which is now known as North Carolina State Highway No. 288, and of all other public road connecting therewith; and

Whereas, the reservoir to be constructed and operated by the Authority as a part of said Fontana Project will submerge, flood, or otherwise adversely affect a substantial portion of said Highway 288 east of the site of the Fontana Dam, together with other public roads connecting with said Highway 288; and

Whereas, the War Production Board has indicated that it would not approve or permit the reconstruction or relocation of said Highway 288 so long as the present war emergency and the shortage of labor, materials, and equipment resulting therefrom continue to exist; and

Whereas, said Highway 288 as now constructed does not furnish or afford a high standard of service, and it is recognized by the parties hereto that the reconstruction or relocation of said road on an equivalent basis after the war emergency or at any other future time would not constitute a wise or efficient expenditure of public funds; and

Whereas, there are now held in private ownership certain lands (hereinafter described in section 1 of this agreement) aggregating approximately forty-four thousand four hundred (44,400) acres in area, located within the limits of the County south of the present southern boundary of the Park and north of the Little Tennessee and Tuckasegee rivers, all of which acreage (along with certain other acreage now in private ownership) was originally proposed for inclusion with the boundaries of the Park; and

Whereas, the acquisition of said land described in section 1 hereof by the United States of America and in the inclusion thereof within the boundaries of the Park would serve to extend said boundaries substantially as originally contemplated, and would also establish a basis for the construction by the Department of a park standard road over and across said land; and

Whereas, the Department regards a park standard road connection between Deals Gap and Bryson City as an important link in a planned "around the Park" road, has included the same as a part of a Master Plan for the development of the park (extended as aforesaid), and subject to inclusion of the aforesaid additional acreage within the Park area, is agreeable to initiating construction of the Park portion of such a road as soon after the present war as funds are made available therefor by Congress; and

Whereas, the parties hereto desire to provide for and agree upon the extension of the Park boundaries as aforesaid, the closing and ultimate replacement of Highway 288, and the immediate and final settlement and disposition of all claims which the State and the County may at any time have against the Authority or the United States of America by reason of the flooding, taking, or closing of said Highway 288 and the other roads hereinafter described or referred to, all in the manner and upon the terms and conditions hereinafter specified, and all to the end and purpose of avoiding unwise and inefficient expenditures of public funds and of capturing certain benefits for the region affected and the public generally;

Now, therefore, in consideration of the premises and of the mutual covenants and promises hereinafter contained, it is hereby mutually agreed by and between the parties hereto as follows:

1. Promptly upon the execution of this agreement, the Authority shall, to the extent it has not already done so, in the name of the United States of America, commence and thereafter prosecute in a systematic, orderly, and diligent manner the acquisition by purchase, the exercise of eminent domain, or otherwise, of the land identified on the map attached to and hereby made a part of this agreement as Exhibit A[1] as "Land Proposed for Transfer to U. S. Department of the Interior," the land to be so acquired being more particularly described as follows:

All that land, except that part hereinafter excluded, lying in Swain County, North Carolina, on the north side of the Little Tennessee and Tuckasegee rivers, and south of the Great Smoky Mountains National Park, extending from Twenty Mile Ridge on the West to the divide between Lands Creek and Peachtree Creek on the East, the east boundary of the area being approximately 2 miles west of Bryson City, North Carolina, the said area being bounded as follows:

1. On the west and north by the present boundary line of the Great Smoky Mountains National Park;

On the east by the divide between Lands Creek and Peachtree Creek (the nearest property line being the true boundary) but including the two tracts along the Tuckasegee River formerly owned by A. E. Lowe and A. L. and W. C. Nichols and acquired by the Authority from Nantahala Power and Light Company under tract designations FR-262 and FR-264;

3. On the south by proposed Fontana Lake (1710 contour) from the east boundary to a point on the edge of the lake approximately 3600 feet as measured along the shore (1710 contour) in a northerly direction from the axis of Fontana Dam; thence first with the north boundaries thence the west boundary of two tracts of land acquired by the Authority from Nantahala Power and Light Company and Carolina Aluminum Company, respectively, under tract designations FR-438 and FR-16 to a point 150 feet north of the center line of the principal access road to Fontana Dam and approximately 100 feet west of Lewellyn Branch; thence along a line parallel to and 150 feet north of said center line in a general westerly direction to an intersection with the boundary line of the Great Smoky Mountains National Park on the south end of Twenty Mile Ridge and east of Twenty Mile Creek.

Excepting and excluding from the area above defined (1) all those lands owned by the North Carolina Exploration Company, consisting of some three or four tracts of land situated in the Eagle Creek and Myers Branch watersheds and containing approximately 1,920 acres, more or less, and (2) all land upstream from Fontana Dam having the elevation of its present ground surface below the plane of the 1710-foot (m.s.l.) contour.

The above described land contains a net total of approximately 44,400 acres, more or less.

Provided, however, that the Authority may at its election postpone the acquisition of the taking of any steps in connection with the acquisition of all or any part of or interest in the following property:

The tract of land owned by the North Carolina Mining Corporation situated on the north side of the Sugar Fork tributary of Hazel Creek approximately 2 miles north of Proctor and being the tract of land conveyed by Walter S. Adams and Wife, Melinda, to the North Carolina Mining Corporation by deed dated March 29, 1901, and recorded in the Office of the Register of Deeds of Swain County, North Carolina, in Deed Book 29, page 238, the said tract containing 196 acres, more or less.

until a date six months after the cessation of the hostilities in which the United States is now engaged, it being recognized by the parties hereto that the mining of said tract of land and the removal of such minerals as may be contained therein may be of importance to the prosecution of the war.

It is recognized and agreed that any or all of the lands acquired by the Authority under this section may be subject to outstanding rights of way, easements, and/or mineral rights; that any of said lands acquired from the Aluminum Company of America or any of its subsidiaries may be subject to rights of way one hundred fifty (150) feet in width for any transmission line or lines of any of said companies which may be constructed to interconnect any of the plants of said companies with the power system of the Authority, the location of such rights of way to be as agreed upon from time to time by said companies or any of them and the Authority; and that any of said lands acquired from Carolina Aluminum Company may be subject to any or all of the following perpetual rights, easements, and privileges in favor of Carolina Aluminum Company, its successors and assigns, as the owner or owners of the dam site of the Cheoah Development and as appurtenant thereto:

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[1] On file in the Washington office.

a. The right at all times without limitation or restriction to flood by the waters of the reservoir impounded by the Cheoah Dam or any other dam erected on or near the site thereof, the said properties to an elevation of 1276.63 feet above mean sea level and to flood said properties to such additional elevations as may result from wave action, floods, and other high water conditions.

b. The right is the discretion of Carolina Aluminum Company, its successors or assigns, to remove from the shore of Cheoah Reservoir and the land under said reservoir and to destroy or otherwise dispose of silt, drift, timber, vegetation, and other matter, and to use said shore and land for such purposes and any other purpose reasonably connected with the maintenance and operation of the Cheoah Development together with the right of ingress, egress, and regress for such purposes * * * tools, vehicles, and equipment egress said properties.

It is further understood and agreed that in the purchase or other acquisition of the aforesaid land as herein provided, the Authority shall be privileged to follow and abide by its standard policies and procedures, as the same may be varied or amended from time to time pertaining to the acquisition of lands or interests therein. The Authority shall not be responsible and shall incur no liability under this section for any delay or delays in the acquisition of title to any of said land caused or attributable to title searches or other studies, condemnation proceedings or other litigation, or caused by or attributable to any act or circumstance which is incident to or reasonably related to such acquisition or which is beyond the Authority's control, it being the intention of the parties that Authority shall incur no liability for any delays in the acquisition of any land under this section resulting from any cause whatsoever other than the willful failure or refusal of the Authority to take any step necessary to effect such acquisition.

2. Immediately following its acquisition in accordance with Section 1 hereof of all of the land described in said section, the Authority shall assign and transfer to the Department, for the use and benefit of the National Park Service and for inclusion as a part of the Park, the right of possession and all other right, title, and interest which the Authority may have in and to said land, and shall also grant to the Department, its agents, servants and invitees the right of access to any use of all lands of the United States in the Authority's custody lying upstream from Fontana Dam between the land to be transferred to the Department hereunder and low watermark on Fontana Lake, together with the right of access to and the use of the waters of said lake, for the purpose of constructing and maintaining thereon boating and recreational facilities, piers, docks, and related xxxx and of performing all other acts which may be reasonable necessary to the administration and use, as a part of the Park, of the lands to be transferred to the Department under this section 2; provided, however, that said assignment, transfer, and grant shall be effected by an agreement of transfer between the Authority and the Department substantially in the form attached to and made a part hereof as Exhibit B[2] and shall be subject to all of the terms, conditions, provisions, exceptions, exclusions, and reservations contained in said Exhibit B, and shall also be subject to all those rights, easements, and interests (whether or not now listed or specified in said Exhibit B) which have been or may be reserved or left outstanding at the time of Authority's acquisition of the lands described in Section 1, as permitted or contemplated by said Section 1; provided further that, prior to the execution of said transfer agreement, a metes and bounds description of the lands to be transferred to the Department thereunder shall be incorporated therein in substitution for the description of said lands not contained in Exhibit B; and provided further that if the Authority shall at any time have acquired all of the land described in Section 1, with the exception of all or any part of or interest in the North Carolina Mining Corporation tract separately described in said Section 1, the Authority and the Department shall then enter into an agreement of transfer, as aforesaid, with respect to so much of the land described in Section 1 as the Authority shall then have acquired, and in such case said North Carolina Mining Corporation Tract, or the part thereof or interest therein not initially transferred by the Authority to the Department, shall be the subject of a separate and subsequent agreement of transfer between the Authority and the Department, such subsequent agreement of transfer to be consistent with the provisions of this agreement and substantially in the form attached hereto as Exhibit B, and to be executed immediately following the Authority's acquisition of the part of or interest in said tract not covered by the initial agreement of transfer.

The parties recognize and agree that, as an incident to the construction, maintenance, and operation of the Fontana Project, the Authority will acquire certain lands and rights and interests in land in addition to those specified to be acquired under Section 1 hereof and to be transferred under this Section 2. The acquisition of such additional lands and rights and interests in land shall not give rise to any obligation on the part of the Authority to transfer the same, or any part thereof or interest therein, to the Department, and the Authority's sold obligation under Sections 1 and 2 of this agreement shall be to effect the acquisition of the lands specified in Section 1 and to transfer the possession and control of said lands to the Department along with the additional rights of access and use specified in the preceding paragraph, all as herein specifically provided.

3. The Department agrees to enter into an agreement or agreements of transfer with the Authority as provided by Section 2 hereof, and pursuant to and subject to the provisions of such agreement or agreements, to accept an assignment and transfer of the lands described in Section 1 hereof, together with the additional rights of access and use specified in Section 2. The Department further agrees that, forthwith upon the execution and delivery of such an agreement of transfer, it will extend the present boundaries of the park to embrace and include the land transferred thereby.

4. The Department represents and states that it has evolved a Master Plan for the development of the Park as extended by the addition of the lands described in Section 1 hereof, and that said Master Plan includes an "around the park" road, of which the Park section of a project road between Deals Gap and Bryson City constitutes an important link. Subject to the transfer by the Authority to the Department of the land described in Section 1 as herein provided, the Department agrees that, as soon as funds are made available for that purpose by Congress after the cessation of the hostilities in which the United States is now engaged, the Department will construct or cause to be constructed the following described sections of road, all of said sections being hereinafter collectively referred to as the "Park Road":

a. A section of road beginning at a point on the Fontana Dam access Road near the crossing of Fax Branch, and extending to a point on the western boundary of the land identified on Exhibit A as the property of North Carolina Exploration Company.

b. A section of road beginning at the eastern boundary of said North Carolina Exploration Company land and extending to the eastern boundary of the Park as extended hereunder.

c. A section of road across said North Carolina Exploration Company land connecting the ends of the sections of road described in paragraphs a. and b. above.

d. A section of road beginning at a point in the road described in paragraph a. above, and extending in a generally southerly direction to the west abutment of Fontana Dam.

Provided, however, that in lieu of the sections of road described in paragraphs a., b., and c. above, the Department may at its election construct or cause to be constructed, as a part of the Park Road, a continuous section or road beginning at a point on the Fontana Dam Access Road near the crossing of Fax Branch and extending around the aforesaid property of the North Carolina Exploration Company (through existing Park lands) to the eastern boundary of the Park as extended hereunder. In the event of such election on the park of the Department, the Department shall nevertheless construct or cause to be constructed, as a part of the Park Road, the section of road described in paragraph d. above, which section shall in such case commence on said alternative section of Park Road at a point west of the lands identified on Exhibit A as the property of North Carolina Exploration Company. Upon commencement of construction of the Park Road, the Authority shall transfer and assign to the Department its right of possession, and all its other right, title, and interest in and to the land required for the right of way of that portion of the road described in paragraph d. above which lies within the boundaries of Fontana Dam Reservation. The Department shall secure and provide for itself all such easements and rights of way as may be necessary for the construction and maintenance of any portion of the Park Road which may be located upon or across any of said North Carolina Exploration Company property.

If and when funds are made available by the Congress for said Park Road as aforesaid, the location and type of said road, the method and manner of construction the same, and all standards and specifications therefor shall be determined by the Department in its sole discretion; provided, however, the said Park Road when constructed shall as a minimum standard be finished throughout its length with a dustless surface not less than twenty (20) feet in width; and provided, further that said Park Road shall connect at the eastern boundary of the Park, as extended hereunder, at a point to be selected by the Department, with the road which is to be constructed by the State in accordance with and subject to the provisions of Section 6 hereof.

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[2] On file in the Washington Office.

The obligation of the Department, to construct or provide for the construction of a Park Road as defined in this Section 4 shall be XXX and contingent in all respects under the appropriation by Congress of all funds necessary for such construction, and failure on the part of Congress for any reason to make such appropriations shall not constitute a breach or violation of this agreement by the Department or any other party hereto.

5. Following completion of the Park Road to be constructed by the Department subject to the provisions of Section 4, the Department may in its discretion bar said road to commercial use, and restrict the same solely to pleasure and tourist traffic.

6. At such time as the Department shall commence the construction of the Park Road pursuant to Section 4 hereof, the State shall fortwith proceed to acquire good and sufficient easements and rights of way for and shall construct, a road commencing at a point on U.S. Highway 19 in Bryson City, North Carolina, and extending to a point on the eastern boundary of the Park (as extending hereunder) to be selected and designated by the Department, the point so designated by the Department to be such as to provide for the connection of the State road provided for in this section with the Park Road described in Section 4. The easements and rights of way to be acquired by the State for said Bryson City-Park Boundary Road shall be not less than two hundred (200) feet in width outside the corporate limits of Bryson City. In all other respects, except for the termini thereof as above provided, the location and type of said road, the method and manner of constructing the same, and all standards and specifications therefore shall be determined by the State in its sole discretion; provided, however, that said road when constructed by the State shall as a minimum standard be finished throughout its length with a dustless surface not less than twenty (20) feet in width.

7. Following completion of the construction of the Fontana Project by the Authority, the Authority, on its own behalf and as agent of the United States of America, shall quitclaim to the State all of the right, title, and interest which it or the United States of America may have in and to the so-called Fontana Access Road heretofore constructed by the Authority from U.S. Highway 129 near Deals Gap to the left (east) abutment of the Fontana Dam, including all bridges, culvert, and other facilities constituting a part of the transfer of said access road to the State as aforesaid, the Authority shall also:

a. Transfer and quitclaim or cause to be transferred and quitclaimed to the State all easements and rights of way acquired by the Authority as agent of the United States appurtenant to those portions or sections of said access road which may be located outside the limits of land of the United States in the custody of the Authority, together with such land as the Authority, as agent of the United States, may hold or acquire in fee west of a point on the north right of way line of said access road approximately one hundred (100) feet west of Lewellyn Branch, and between said north right of way line and the Cheoah Reservoir of Carolina Aluminum Company. For the purposes hereof, the north right of way line of said access road west of said point approximately one hundred (100) feet west of Lewellyn Branch shall be deemed to a line parallel to and one hundred fifty (150) feet north of the center line of said access road.

b. Grant and quitclaim or cause to be granted and quitclaimed to the State suitable easements and rights of way for the maintenance of all of the portions of said access road which are located on land of the United States in the custody of the Authority, where such land is not included in the land to be transferred and quitclaimed to the States under paragraph a. immediately preceding.

c. Transfer and assign or cause to be transferred and assigned to the State an agreement between the Authority and Carolina Aluminum Company dated May 5, 1943, relating to an easement for the construction and maintenance of the bridge located on said Fontana Access Road across the Little Tennessee River, together with all rights, privileges, and interests of the Authority and the United States in, to, and under said agreement.

The State agrees that it will, by formal agreement with the Authority and Carolina Aluminum Company, accept an assignment of the aforesaid agreement of May 5, 1943, and assume all of the duties and obligations of the Authority and the United States of America thereunder, so as to effect the substitution of the State for the Authority and the United States of America for all of the purposes of said agreement as contemplated by Section 3 thereof. The State further agrees that, forthwith upon the transfer of said access road as aforesaid, it will open and thereafter maintain said access road for public travel, take over at the expense of the State the maintenance, repair, and upkeep thereof, and thereafter hold the Authority and the United States of America harmless on account of any loss, damage, or injury sustained by any person or persons using the same; provided, however, that in transferring said access road to the State as aforesaid, the Authority may reserve the right, but shall have no obligation to maintain, flatten, plant grass or shrubbery upon, or otherwise modify the slopes of cuts and embankments adjacent to any portion or portions of said access road between the south end of the Little Tennessee River Bridge and the left (east) abutment of Fontana Dam.

8. Forthwith upon the execution of this agreement, the State, as a means of cooperating with and assisting the Authority in the purchase of the land described in Section 1 hereof, and in the settlement of the problems incident or related thereto, shall pay to the Authority the sum of One Hundred Thousand Dollars ($100,000), such payment to be made for the purposes of and pursuant to the authority contained in S. B. 198 enacted at the 1943 Session of the North Carolina Legislature and approved March 5, 1943.

9. Promptly upon the execution of this agreement, the Authority shall pay to the State Treasurer of North Carolina, Treasurer ex officio of the North Carolina Local Government Commission, in trust for the County, the sum of Four Hundred Thousand Dollars ($400,000), said State Treasurer of North Carolina being hereby designated by the County to receive and receipt for said sum on the County's behalf.

Prior to or simultaneously with the payment of said sum to said State Treasurer of North Carolina, the County shall enter into a trust agreement governing the management and disbursement of said trust fund. Said trust agreement shall be subject to the approval of the North Carolina Local Government Commission, and shall provide that said sum shall be applied by the trustee exclusively to the payment of the principal of road bonds of the County which are now outstanding and unpaid. The County agrees that said trust agreements, once entered into with the approval of the North Carolina Local Government Commission, shall not be amended, revoked, or supplemented except with the written consent and approval of said Local Government Commission.

Delivery to said State Treasurer, as Treasurer ex officio of the North Carolina Local Government Commission, of the Authority's check in the amount of Four Hundred Thousand Dollars ($400,000), payable to his order as trustee for the County, shall operate as a complete fulfillment and discharge of all obligations of the Authority under this Section 9.

10. The State and the County hereby agree that they will, forthwith upon receipt of a request from the Authority so to do, by instrument or instruments in form suitable for recording, transfer, assign, convey, and quitclaim unto the Authority and the United States of America all right, title, and interest which they and the public may have in and to that portion or section of existing North Carolina State Highway 288 between Fax Branch and Watkins Branch, in and to all other roads or portions for sections of road (irrespective of elevation) located upon or across any of the land described in Section 1 hereof and/or any of the land identified on Exhibit A hereto as the property of North Carolina Exploration Company, and in and to all other roads or portions or sections of road in the County lying north of the Little Tennessee and Tuckasegee rivers east of Fontana Dam below elevation 1716 (m.s.l.), including all bridges, culverts, and other facilities constituting a part of any of said roads or portions or sections of road, together with all easements and rights of way appurtenant thereto. The State and the County further agree that they will, forthwith upon receipt of a request from the Authority to so, take or procure the taking of any and all action which may be necessary and appropriate to vacate and abandon all of the roads and portions or sections of road to be conveyed and quitclaimed as provided in this paragraph, and to close the same to the use of the public. Until such time as the Authority shall request the conveyance and the vacation, abandonment, and closing of the roads or portions or sections of road referred to in this paragraph, all such roads or portions or sections of road shall retain their present status and continue to be used and maintained as public roads or highways.

In consideration of the premises and of the convenants and promises of the Authority and the Department in and under this agreement, the State and the County, for themselves, their respective successors, representatives, and assigns, shall and do hereby, jointly and severally, release, acquit, and discharge the Authority, its successors and assigns, and its agents and employees, and the United States of America, of and from all obligations, liability, claims and demands of every nature, character, or description, whether now or hereafter existing, arising out of or in any way connected with the inundation, closing, or taking, under or as the result of this agreement or as the result of the construction, maintenance, or operation of Fontana Dam or Fontana Reservoir, of North Carolina State Highway 288, or any portion or section thereof, wheresoever located, or of any other road or roads or section or sections of road (irrespective of elevation) located wholly or partially upon or across any of the land described in Section 1 hereof or any of the land identified on Exhibit A hereto as the property of North Carolina Exploration Company, or of any road or roads or section or sections of road lying north of the Little Tennessee and Tuckasegee Rivers below elevation 1715 (m.s.l.), together with all obligations, liability, claims, and demands arising out of or in any way connected with any impairment of the efficiency, value, usability, or convenience of any portion (irrespective of elevation or location) of said Highway 288 or of any of said other roads or sections of road, not so inundated, closed, or taken; and the State and the County expressly agree that they will not, jointly or severally, maintain or attempt to maintain any suit or cause of action against the Authority, its agents or employees, or the United States of America based upon or arising out of any such inundation, closing, taking, or impairment, it being in the intention hereof that the convenants and promises of the Authority and the Department herein contained shall constitute and effect and be accepted as an immediate, complete, and final payment and discharge of all such obligations, liability, claims and demands; provided, however, that nothing herein contained shall apply to or preclude any action by the State or the County to enforce compliance or to recover damages for noncompliance by the Authority or the Department with their respective convenants and promises herein made.

11. Anything in Section 10 to the contrary notwithstanding the State does not release or waive or agree not to enforce any claim, demand, or "action over" which it may now or hereafter have against the Authority or the United States, and which is based upon an obligation or liability which the State may have or incur to any landowner by reason of his being deprived of access to land owned by him in Swain County, North Carolina, where such obligation or liability on the part of the State arises out of the inundation, flooding, closing, or other impairment, under or as the result of this agreement or as the result of the construction, maintenance, or operation of Fontana Dam or Fontana Reservoir, of existing North Carolina State Highway 288 between Fax Branch and Watkins Branch; and the Authority hereby expressly agreeds to indemnify the State against and save it harmless from any such obligation or liability; provided, however, that whenever such obligation or liability exists or is alleged or claimed to exist on the part of the State in favor of any landowner, the State shall not, except pursuant to a judicial judgment or decree, pay, compromise, settle, or otherwise dispose of such obligation or liability or any claim, demand, suit, or action based thereon without the written consent of the authority; provided further that the Authority shall at times have and exercise full control over the defense, settlement, and disposition of all claims, demands, suits, and action filed with or against the State in respect of any such obligation or liability, and may compromise, settle, or dispose of the same in any manner or by any method or procedure which it may see fit to adopt in its sole discretion.

Whenever any claim, demand, suit, or action is made or filed with or against the State in respect of an actual or alleged obligation or liability on the part of the State of the kind referred to in the preceding paragraph of this section, the State shall promptly, and in any event within ten (10) days after receipt of formal written notice thereof by the State or summons issued by any court and served on the State, give the Authority written notice of the making or filing of such claim, demand, action, or suit, so as to permit the Authority to defend, compromise, settle, or otherwise dispose of the same as herein contemplated. In the event of failure by the State to give the Authority written notice of any such claim, demand, action, or suit as herein provided, or if the State shall, otherwise than pursuant to judicial judgment or decree, pay, compromise, settle, or otherwise dispose of any such claim, demand, action, or suit without the written consent of the Authority, then and in either or any of such events, the Authority shall be relieved and discharged of any obligation to indemnify the State against or save it harmless from any obligation or liability in respect of such claim, demand, suit, action, or any renewal thereof.

12. This agreement may be simultaneously executed and delivered in any number of counterparts, and each such counterpart shall be deemed an original.

In witness whereof, the parties hereto have caused this agreement to be executed by their proper representatives thereunto duly authorized as of the day and year first above written.

Swain County, North Carolina Tennessee Valley Authority

By the Board of Commissioners for the County of Swain

(SGD) R.D. ESTES,
Chairman.

Date: October 8, 1943.

United States Department of the Interior:
(SGD) HAROLD L. ICKES,
Secretary.
(SGD) ARTHUR S. JANDREY,
Acting General Manager

State of North Carolina:
(SGD) J. MELVILLE BROUGHTON
Governor.

And by Council of State:
(SGD) J. MELVILLE BROUGHTON,
Chairman.

And by State Highway & Public Works Commission:
(SGD) D.B. MCCRARY,
Acting Chairman.

SWAIN COUNTY STILL WAITS FOR PROMISED ROAD TO SOMEWHERE

(By Jon Healey)

Ruth Chandler, 71, of Waynesville is a mountain girl who doesn't mind climbing up a slope. She's not too crazy about travel by water, though, and that's why she wants the federal government to build a new road on the north shore of Fontana Lake in Swain County. Like several hundred others who have relatives buried in Swain County, Chandler must cross Fontana Lake by motor launch (a glorified barge) to reach the cemeteries on the north side of the lake.

It's bad enough that the boats only run on Sundays; what's worse is that they ride low in the water, giving Chandler the impression that she'll be looking for Davy Jones' locker someday. Still, she's braver than some of her friends.

The boats deliver visitors to 28 different cemeteries, 25 of which can be reached on foot after a hilly trek. Flatbed trucks take visitors to the other three via narrow mountain roads. Those trips have a pulse pounding quality to them, too. Chandler has visions of the road's shoulder giving way under the weight of a fully loaded truck, sending the truck rolling down the mountain and its passengers to their deaths.

Chandler said that she doesn't care much for the trucks creature comforts—the seats are made of hay—but what really bugs her is getting on and off. This summer, the park service condemned all three bridges on the route driven by the trucks, she said, forcing the trucks to unload their passengers before driving over each one. That meant getting on and off the truck 10 times in the course of one visit, a challenge for anyone over 70, she said. These indignities were forced on folks such as Chandler by the federal government, more particularly by the Tennessee Valley Authority.

To generate more power for its customers in Tennessee, the TVA decided during World War II to build a dam on the Little Tennessee River about 8 miles inside of North Carolina, near the border of Swain and Graham counties. The resulting 20-mile-long lake, called Fontana Lake, flooded a road that the county had just built, cutting off access to the cemeteries.

The government signed an agreement in 1943 to pay for the road that was wiped out and to replace it with a two-lane paved road on the north shore. The new road was delayed for more than a decade, then abandoned after less then one-third of the route was built. The state's maps mark the road with a blue line leading from Bryson City to one edge of the lake, signifying that it literally is a road to nowhere.

Everyone agrees that the federal government has done wrong by Swain County, breaking the promise it made when it flooded the original road. There is sharp, even bitter, division over how to make things right, however.

The side represented by Chandler, which includes the North Shore Cemetery Association and the Fontana Agreement Committee, argues that the government has a moral obligation to build a new road from Bryson to Deals Gap, Tenn. The road is much more to them than just an easier way to reach the cemeteries, it is a chance to tap into tourist dollars that flow into the Great Smoky Mountains National Park, dollars now spent in Tennessee.

Linda Hogue, a spokesman for the Fontana Agreement Committee, said, "Tennessee is getting rich off of the park. . . . Our side is virtually undeveloped." The proroad forces envision the new road being as breathtaking as the Blue Ridge Parkway, and as lucrative.

On the other side are the National Park Service, the county commissioners and environmental groups, all of whom want the county to accept a $16 million settlement from the government in lieu of a new road. In a letter written last week, the three commissioners said, "We as elected officials are convinced there will never be a road built in Swain County as agreed to in the 1943 agreement. . . . A $16 million settlement would provide payment of school bond debts, allow us to address our economic problems, (and) provide the much-needed services to our citizens. Thirty-five percent of our citizens are living at or below the federal poverty level."

Sen. Jesse A. Helms, R-N.C., sides with the pro-road forces. Sen. Terry Sanford, D-N.C., sides with the pro-settlement forces. Because they both are supported by their colleagues from their own political parties, they have been able to block each other. That happened again on Thursday, with Helms stopping Sanford. For Swain County, that means no money and no road.

The odd thing is, Helms and Sanford aren't far apart on the issue. Sanford has given up the idea of designating wilderness in Swain County, which Helms opposed. Sanford's bill also would allow the county to use the $16 million to build a road on the north shore, if the county's residents voted to do so. The language about voting comes from the bill that Helms introduced four years ago. The county couldn't build much of a road for $16 million, through—the estimated cost of a paved road on the rocky north shore is $91 million, according to one of Sanford's aides.

Helms plans to introduce a bill soon calling for the government to pay Swain County for the road it flooded and to build a "primitive" road on the north shore of the lake. The only real difference between the two senators' approaches is the underlying assumption: Helms believes that the county's residents want a road, and Sanford believes that they'd rather have more money. You'd think that the two politicians could have solved that dispute already with a poll.

The Swain County commissioners could also have tried to settle the dispute by holding a referendum to gauge the will of the people. Instead, each side is left with its assumption—Sanford's assumption based on the commissioners' position, and Helms' assumption based on the letters, form letters and petitions he has received, many from people who live outside of Swain County. Meanwhile, the people who live inside Swain County are left with a written agreement from 1943 that's not worth the paper it's printed on.

By Mr. BAUCUS (for himself and Mr. DANFORTH):

S. 1850. A bill to extend the period during which the United States Trade Representative is required to identify trade liberalization priorities, and for other purposes; to the Committee on Finance.

EXTENSION OF PERIOD FOR IDENTIFICATION OF TRADE LIBERALIZATION PRIORITIES

Mr. BAUCUS. Mr. President, I rise today to introduce an extension of the Super 301 provision of the 1988 Trade Act.

DESCRIPTION OF THE LEGISLATION

The original Super 301 provision was the heart of the 1988 Trade Act. It required the U.S. Trade Representative to annually identify the countries that maintain the most significant trade barriers to U.S. exports.

Once the countries were identified, USTR was required to Initiate section 301 cases against the major trade barriers in these countries. Super 301 gave USTR 12 to 18 months to negotiate an agreement to eliminate the barrier.

If an agreement could not be reached, the Trade Representative was directed to retaliate against imports from the countries maintaining the barriers.

RECORD OF SUPER 301

In 1989, USTR identified three countries as priorities under Super 301: Japan, Brazil, and India.

In Japan, USTR identified barriers blocking United States exports of forest products, satellites, and supercomputers. In Brazil, import licenses were cited. In India, barriers to insurance sales and investment were cited.

Within 12 months, all of the 1989 cases with Japan and Brazil had been successfully concluded. New market, had been opened for U.S. exporters.

No agreement was reached with India.

In addition, to these direct successes, Super 301 had indirect benefits. To avoid being listed under Super 301, Taiwan and Korea both concluded significant agreements to open their markets to United States exports and investment.

Overall, Super 301 chalked up an impressive record of market opening.

THE ADMINISTRATION'S IMPLEMENTATION EFFORTS

But the administration did not vigorously implement Super 301. In 1990, for example, the administration declined to identify any new countries under Super 301—though there were deserving candidates.

For example, even though 19 pages of the National Trade Estimate released only a few weeks earlier were devoted to listing Japanese trade barriers, Japan was not named a priority country.

Though China had dramatically raised its trade barriers causing the bilateral deficit to swell, China was not named.

More disturbingly, the administration chose not to retaliate against India even though it refused to even negotiate with the United States to lower its trade barriers.

I believe this decision undermined the credibility of U.S. trade law in the world's eyes. If we are going to identify India's trade barriers as among the most significant in the world, we must be willing to back our words with deeds.

The administration clearly did not implement the law as Congress intended.

THE BAUCUS-DANFORTH SUPER 301 EXTENSION

Unfortunately, the 1988 Trade Act authorized Super 301 for only 2 years. It expired in 1990.

The legislation I am introducing today is essentially a 5-year extension of Super 301.

In addition to the extension, my legislation makes two changes in the Super 301 provision of the 1988 Trade Act.

First, the period between the date on which the National Trade Estimate is released and the date on which Super 301 determinations are made is lengthened from 1 month to 6 months. This is to allow for more negotiations market opening agreements with countries that wish to avoid being listed under Super 301.

Second, the Senate Finance Committee and the House Ways and Means Committee may file a section 301 petition by passing a resolution. This provision is identical to one included in the version of Super 301 that passed the Senate, but was dropped in conference committee.

The purpose of this provision is to give Congress recourse if the administration fails to implement the law as intended.

I am pleased to say that Senator DANFORTH is joining me in introducing this extension of Super 301. Senator Danforth is the ranking Member of the Senate Finance Committee's International Trade Subcommittee—which I chair. He is also the one of the original authors of Super 301.

I am confident that, working with our colleagues in Congress and the administration, we can soon pass this legislation.

ARTICLE 23

Many have argued that the United States should try to lower foreign trade barriers through multilateral negotiations, not unilateral actions.

In principle, I agree. Unilateral measures, like Super 301, are not a substitute for multilateral agreements.

But multilateral measures and unilateral measures are not incompatible. In fact, they complement each other.

As we work to pass this bill into law I will be working to make Super 301 work with the General Agreement on Tariffs and Trade—the GATT—the heart of the multilateral trading regime.

Under article 23 of the GATT, action can be taken against a GATT member if that nation has taken trade actions that effectively nullify or impair trade concessions made under the GATT.

As I suggested in 1987, I believe it is time to employ this GATT provision to open some of the world's closed markets.

Specifically, the United States should initiate broad article 23 actions against the priority foreign countries identified under Super 301.

The section 301 actions should also proceed in parallel with action under article 23.

In this way, the United States can bring multilateral pressure on countries, like Japan, to open their markets. But the United States can also use the deadlines set under section 301 of U.S. trade law to ensure that the proceedings are completed within a reasonable period of time.

CONCLUSION

As this year's National Trade Estimate demonstrated, other countries still maintain many unfair trade barriers. Far more than does the United States.

Japan, China, Korea, the EC, and many others all impose unreasonable trade barriers on United States exports.

Super 301 is the crowbar we need to pry open these closed foreign markets.

It also provides the stick in the closet to keep our trading partners from erecting further trade barriers.

Experience demonstrates that Super 301 is a critical addition to our trade policy arsenal.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1850

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PERIOD FOR IDENTIFICATION OF TRADE LIBERALIZATION PRIORITIES EXTENDED.

Section 310(a) of the Trade Act of 1974 (19 U.S.C. 2420(a)) is amended—

(1) by striking "By no later than the date that is 30 days after the date in calendar year 1989, and also the date in calendar year 1990, on which the report required under section 181(b) is submitted to the appropriate Congressional committees," and inserting "By no later than September 30 of each of the calendar years 1992 through 1997,",

(2) by striking "such report" in subparagraph (B) and inserting "the most recent report submitted under section 181(b)", and

(3) by adding at the end thereof the following new subsection:

"(e) PETITIONS BY CONGRESSIONAL COMMITTEES.—If the Committee on Finance of the Senate or the Committee on Ways and Means of the House of Representatives determines (by a resolution adopted by such Committee) that an investigation under this chapter should be initiated with respect to any barriers and market distorting practices of any foreign country that maintains a consistent pattern of import barriers or market distorting practices, such Committee shall be eligible to file a petition under section 302(a) and shall file a petition under section 302(a) with respect to such barriers and practices.".

Mr. RIEGLE. Will the Senator yield?

Mr. BAUCUS. Mr. President, I would like to yield to the Senator from Michigan.

Mr. RIEGLE. Let me just say I want to commend the Senator from Montana for his statement today and for his important initiative on this matter. There is no person in the Senate who carries a greater responsibility in the area of international trade than does the Senator from Montana and the important subcommittee which he chairs.

As one who had a hand in developing and writing Super 301 originally, I want to say how much I appreciate his proposal to now have a 5-year extension and also to put back in what we had in the Senate version originally, namely the right of the Senate Finance Committee and the House Ways and Means Committee to self-initiate a trade action in the case of blatant discrimination which is practiced against the United States.

I also want to say how much I welcome and appreciate his further comments on our ability to move against unfair trading practices with other existing areas of law where we now have the power to move on some of the trade violations that are taking place.

Finally, I just want to underscore the points that you have made with respect to two countries particularly. Obviously, looking at the growth in the trade surplus that Japan has both with the United States and with the rest of the world, it is obvious that the pervasive pattern of predatory trading practices, both coming into this country and restricting the home market, are problems that have not gone away. In many instances, they have actually worsened.

And then also in the case of China, where this year there will be a bilateral trade deficit with China of roughly $15 billion, estimated to go to $20 billion next year, we know from other information that there is currency manipulation that has been practiced. Every time our trade negotiators try to have a tough, straight, factual conversation with the Chinese on these issues, they bristle and do not want to deal with those issues.

And so I want to just say again I think the statement that the Senator from Montana has made today ought to serve notice generally that there has to be an effort made to correct these trading abuses, and these are revenues that we can take. I very much want to be listed as a cosponsor of the Senator's legislative proposal.

Mr. BAUCUS. Mr. President, I thank the Senator. He makes an excellent point about the urgency of the legislation. I think we all agree that with the end of the cold war, our country must now devote its energy and its attention to the trade war, to the economic war that we now face.

It is clear to this Senator, and I know the Senator from Michigan agrees, that the administration has not undertaken this effort. We have not developed our arsenal in this front with near the determination and dedication that we must if we are going to prevail.

I am very impressed, frankly, with the degree to which countries like Japan and the European Community have forged economic policies for their benefit and sometimes to the detriment of the United States.

It is clear that if we Americans are going to maintain our standard of living, if our children are going to enjoy a high standard of living in the next century, that we have to be more aggressive.

I think we all agree, too—at least I hope we agree—and I hope the President better understands, that the definition of national security now includes economic as well as military security.

I very much hope that the President can devote the same attention to this economic war that he devoted, say, to the Persian Gulf war. It was very good that President Bush devoted the time and attention that he did to the Persian Gulf. But it is now critical that Americans, including the President of the United States, devote proportionate time and attention to the world economic struggle in which we Americans now find ourselves engaged.

Mr. RIEGLE. If the Senator will yield for one other comment, I am struck by what he has just said. It is so clear that anything we want to do in this country, whether we do it privately as citizens, or as individual families, or whether we do it as a public endeavor, depends upon our economic strength.

If we want health care, if we want to send our children to college, or have a well-housed Nation, have a national defense to mount a fight against cancer and other dread diseases, we have to have a strong economic system. Everything we want to do depends upon our ability to have the economic strength to pay for those things, to finance those things, to enable those things.

To the extent that our economy is weakened or damaged or comes in way below where it otherwise could be or should be, then we become a Nation that does fall behind internationally.

We can look around the world to see the gains other nations are making. I was struck by the census data that came out a week ago that indicated that last year the median income in the United States for a family of four had actually fallen over the 12-month period. The figure was about $570. So that at the end of that year a family in that relatively average type situation in this country was actually worse off than they had been at the start of the year. It is partly because of the failure to really have an economic plan at work that gets the most out of our system, which means, by the way, also getting the unemployed people off the sidelines where they do not want to be, and back into jobs and into the work force where they can produce for themselves and produce for their country.

But I think the Senator is exactly right. We now face a different kind of war. It is an economic war that is being waged on a global scale. Other countries are very forceful and effective with their strategies. We need a strategy. I think what he described today helps move us in the direction of a more aggressive strategy for America.

Mr. BAUCUS. I thank the Senator. It is a very complex subject. It is a very urgent subject. I hope this bill will help give more teeth to our trade laws. Trade is a very essential, very important component of this economic war we are now discussing.

I just think it is important that this legislation pass so that it is likely that we Americans are taken advantage of by other countries. Their main purpose, not surprisingly, is to protect the interests of their own people. We must make sure that when they protect the economic interests of their own people, they do not do it unfairly or at the expense of Americans. I thank the Senator.

I yield the floor.

Mr. DANFORTH. Mr. President, I am pleased to join the Senator from Montana in sponsoring a renewal of Super 301. This provision of the 1988 Trade Act proved to be an effective tool for opening foreign markets. Unfortunately, as originally enacted, it applied only for 2 years. The time has now come to reestablish Super 301 as a key element of U.S. trade policy.

The primary objective of U.S. trade policy must be to open foreign markets for competitive American products and services. To achieve this objective, we must apply consistent and systematic pressure for change. There must be some disincentive for a foreign country to keep its market closed. The 1988 Trade Act's Super 301 provision established the formal mechanism needed to combat unfair foreign barriers in a credible, businesslike, and systematic way.

In 1989, Super 301 was effectively used to open closed markets. I can remember our U.S. Trade Representative Carla Hills telling me that the 30 days before the designation of the Super 301 priority countries in 1989 were the most productive days in the history of USTR. That first year, Super 301 enabled us to address both sectoral and systemic barriers in Japan and other countries. Ultimately, we were able to secure commitments from Japan in the areas of satellites, supercomputers, and wood products. Super 301 also was the driving force behind the administration's efforts to focus on systemic barriers in the Japanese economy through the structural impediments initiative, [SII]. While I remain skeptical about the results of the SII process, without Super 301 we would not have made it even that far.

In 1990, however, the administration failed to keep the pressure on Japan and other nations and instead focused on the Uruguay round as its top trade liberalization priority. I support the administration's efforts in the Uruguay round, but the lack of progress in those negotiations demonstrates the danger of putting all our eggs in that one basket. If we want to see real progress in our multilateral and bilateral negotiations, I believe we must demonstrate our resolve to deal systematically and consistently with unfair trade barriers. We must keep our focus on real results, in the form of sustained increases in U.S. export sales and new economic opportunities for our people. Otherwise, I am afraid we will continue to be frustrated by a lack of progress in our negotiations and a lack of results from those agreements we do reach.

The legislation being introduced today will reestablish Super 301 as an effective tool of U.S. trade policy. I urge my colleagues in the Senate to support it, and I urge the administration to embrace it as a critical tool in our common effort to open foreign markets for competitive American products and services.

By Mr. ROCKEFELLER:

S. 1851. A bill to provide for a Management Corps that would provide the expertise of United States businesses to the Republics of the Soviet Union and the Baltic States; to the Committee on Foreign Relations.

MANAGEMENT CORPS ACT OF 1991

• Mr. ROCKEFELLER. Mr. President, I am pleased today, along with Congressmen MARKEY of Massachusetts and HOUGHTON of New York, to introduce the Management Corps Act of 1991, a bill that will mobilize American talent and experience on behalf of the rapidly changing economies of the Baltic States and the Soviet Republics.

The dramatic changes in Eastern Europe and the Soviet Union pose major challenges to maintaining peace and stability. The most obvious and immediate example is, of course, in Yugoslavia where the resurgence of centuries-old ethnic conflicts are tearing apart a society while the rest of the world watches apparently powerless to help.

Yugoslavia is unlikely to be the last such case in this region, but the larger threat comes from longer term economic decline that is leaving the region impoverished and vulnerable to violent and demagogic solutions to their problems. That simple inevitability explains clearly the West's interest in ensuring that economic reforms in this part of the world succeed.

There is another, more selfish, reason. New markets and increased exports are tied to economic recovery in Eastern Europe. This is particularly important where complex high technologies are involved, and initial decisions have generations-long implications. The Russians, for example, will inevitably seek to expand and upgrade their telecommunications capabilities. If they look to America for help, we can be assured not only of immediate market opportunities but of ongoing sales and service relationships for years to come. If they look to the Germans, on the other hand, the profits will be calculated in deutsche marks instead of dollars.

For both reasons, we must find creative cost-effective ways to contribute to economic growth in Eastern Europe. One part of that puzzle concerns financial aid, either through direct foreign assistance or debt forgiveness, or both.

At the same time, however, there is a long menu of other steps we can take to address immediate needs in the region with minimal costs. One of the most pressing needs is for expertise in coping with the rigors of a market economy. Western economic experts who have already been working in Eastern Europe have discovered major knowledge, skill, and experience gaps in fundamental areas such as banking, accounting, marketing, and general management. A year ago, one expert intimately familiar with the problems of the Polish economy, suggested that one of the most useful contributions the United States could make would be 40 volunteer accountants able to help determine the actual value of Polish enterprises and to teach Poles how to maintain adequate records in a market system.

This may seem trivial, but it is no small matter in countries where supply, costs, and prices have all been determined by the central government. Our Commerce Department has discovered this problem first hand while investigating dumping complaints against nonmarket economies. Attempting to determine the true cost of production of exported items, Commerce realized the offending producers had no idea in real terms of their costs and therefore had no way to appropriately price their goods.

These are elementary issues for people who have grown up in a capitalist system, but they can be a foreign language for those trying to break away from central planning.

This is only one example of the knowledge gap these countries face. Plagued by primitive and outdated communications and transportation systems, the situation is even worse at the technical level. Installing a new telephone system will be a critical element of competitiveness for these countries. Hungary, for example, has consistently made that one of its highest technological priorities. Yet doing that means more than simply buying equipment. It means installation, maintenance, and service; and all requiring training.

Thus is is clear that knowledge and experience are two of our most valuable commodities and two of the most useful things we can provide to economies making the transition to capitalism.

Fortunately, these commodities are embodied in one of our most mobile and reusable exports—people. We can recruit them, support them while they serve abroad, and then welcome them back when their service is done.

No doubt much exchange of experience and knowledge takes place in the normal course of business. Companies seeking a sale in the Soviet Union will generally make training and service part of their offer, if it is appropriate. Those considering an investment there will look at human resources available and include necessary training.

At the same time, however, there is a role for the U.S. Government in helping provide American people power to the Baltic States and the Soviet Republics. There is ample precedent. The Peace Corps is the longest lasting and most successful example, and the Government has, for some time, encouraged programs for retired executives to go abroad to lend their expertise to foreign businesses.

The bill we are introducing today, which is a variation on the Peace Corps theme, will provide for Federal chartering of a private, nonprofit Management Corps that will arrange for groups of American business men and women—experts in their professions—to donate a period of their time in the Baltic States or the Soviet Republics working directly with companies there. These experts will serve without compensation, but the bill provides for appropriations of $5 million, $10 million, and $20 million over the next 3 fiscal years to cover necessary expenses.

While there, the Americans will assist foreign businesses in developing management and other market skills.

Mr. President, this concept is taken from a pilot program conducted under private auspices in Latvia earlier this year, but I want to emphasize that it is not the intent of the bill that that particular program receive the support that is authorized.

I also want to make clear that, although the pilot program featured a group of Americans traveling for only a few weeks, the bill would not restrict the Management Corps to that format, which is only one of several different variations which can make a contribution to the economic crisis this region faces.

Some will say, for example, that the best approach is a fairly long stay, perhaps 6 months or a year, by individual experts working alone. Because of the length of time involved, such a program would normally consist largely of recent retirees. An alternative is shorter stays by larger groups, on the theory, that this is the only way to involve current company executives; and, because of the synergy that occurs when an entire group is traveling together and sharing its experiences. The bill is neutral on this point, although it is fair to say that the amount of money authorized is probably insufficient to support any extensive program of longer visits. In my judgment, the needs of the Soviet Union are so great and sufficiently diverse to leave room for both concepts, as well as others. I expect that hearings on the legislation will look at these alternatives in some depth.

Obviously, as I indicated, this bill deals with only a small part of the economic and political challenge we all face in Eastern Europe, but it is an important part; a part which will produce large benefits at a modest cost. In our present era of tight budget constraints, that is an important consideration.

Mr. President, I ask that the text of the bill be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1851

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Management Corps Act of 1991".

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds that—

(1) The Republics of the Soviet Union and the Baltic States have requested business and technical assistance from the United States in order to make the transition from a centrally planned economy to a free market economy; and

(2) the long term security of the United States and of the peoples of the Republics of the Soviet Union and the Baltic States would benefit greatly from their transformation to a fully democratic nation based on the principles of government by the people, respect for individual rights, and free market economic opportunity; and

(3) assistance from the United States to the Republics of the Soviet Union and the Baltic States should promote rather than retard this transformation; and

(4) by providing assistance to those who are trying to achieve the transformation to a market economy, the United States will be supporting the sources of democratic stability.

(b) PURPOSE.—It is the purpose of this Act to establish an organization whose purpose is to provide assistance to business enterprises in the Republics of the Soviet Union and the Baltic States through United States citizens with expertise in the management of business enterprises who donate their time and services to business enterprises in those countries.

SEC. 3. ESTABLISHMENT OF THE MANAGEMENT CORPS.

(a) DESIGNATION.—The President shall designate a private nonprofit organization which has demonstrated expertise in providing business assistance to Soviet or Baltic enterprises as eligible to receive funds under this Act, upon determining that such organization has been established for the purposes specified in section 2(b). For purposes of this Act, the organization so designated shall be referred to as the "Management Corps".

(b) CONSULTATION WITH CONGRESS.—The President shall consult with the Congress before designating an organization under subsection (a).

(c) BOARD OF DIRECTORS.—The Management Corps shall be governed by a board of directors comprised of three individuals designated by the President and three individuals designated by Congress who have demonstrated expertise in business exchanges for private sector development.

(d) ELIGIBILITY FOR GRANTS.—Grants may be made to the Management Corps under this Act only if the Corps agrees to comply with the requirements of this Act.

(e) PRIVATE CHARACTER OF THE CORPS.—Nothing in this Act shall be construed to make the Management Corps an agency or establishment of the United States Government, or to make the officers, employees, or members of the Board of Directors of the Management Corps officers or employees of the United States for the purposes of Title 5, United States Code.

SEC. 4. USE OF FUNDS.

(a) GRANTS.—Funds appropriated to the President pursuant to section 7(a) shall be granted to the Management Corps by the Secretary of State through the Agency for International Development to enable the Management Corps to carry out the purposes specified in section 2(b) and for the administrative expenses of the Management Corps.

(b) ELIGIBLE PROGRAMS AND PROJECTS.—

(1) IN GENERAL.—The Management Corps shall provide for the donations of services by United States citizens with expertise in the management of business enterprises to business enterprises in the Republics of the Soviet Union and the Baltic States.

(2) ACTIVITIES OF THE CORPS.—The Management Corps may use funds granted under this Act for the following:

(A) To organize groups of United States citizens described in paragraph (1) to donate their time and expertise to business enterprises in those countries described in paragraph (1).

(B) To pay appropriate travel and other expenses incurred by individuals during their volunteer service to the Management Corps.

(C) To establish and maintain such offices as may be necessary to carry out the purposes of the Corps.

(3) VOLUNTARY NATURE OF THE CORPS.—Individuals who participate in the Management Corps by providing their services to foreign business enterprises shall receive no compensation from the Corps for such services.

SEC. 5. REQUIREMENTS OF THE MANAGEMENT CORPS.

(a) LIMITATION ON PAYMENTS TO CORPS PERSONNEL.—No part of the funds of the Management Corps shall inure to the benefit of any board member, officer, or employee of the Corps, except as salary or reasonable compensation for services.

(b) INDEPENDENT PRIVATE AUDITS.—The accounts of the Management Corps shall be audited annually in accordance with generally accepted auditing standards by independent certified public accountants or independent licensed public accountants certified or licensed by regulatory authority of a State or other political subdivision of the United States. The report of each such independent audit shall be included in the annual report required in section 6.

(c) GAO AUDITS.—The financial transactions undertaken pursuant to this Act by the Management Corps may be audited by the General Accounting Office in accordance with such principles and procedures and under such rules and regulations as may be prescribed by the Comptroller General of the United States, so long as the Management Corps is in receipt of United States Government grants.

SEC. 6. ANNUAL REPORT.

The Management Corps shall publish an annual report, which shall include a comprehensive and detailed description of the Corps' operations, activities, financial condition, and accomplishments under this Act for the preceding fiscal year. This report shall be published not later than January 31 each year, beginning in 1993. The annual report shall be submitted to the Speaker of the House of Representatives and the President of the Senate.

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION.—To carry out this Act, there are authorized to be appropriated to the President—

(1) $5,000,000 for fiscal year 1993; and

(2) $10,000,000 for fiscal year 1994; and

(3) $20,000,000 for fiscal year 1995.

(b) NONAPPLICABILITY OF OTHER LAWS.—The funds appropriated pursuant to section (a) may be made available to the Management Corps and used for the purposes of this Act notwithstanding any other provision of law.•

By Mr. KENNEDY (for himself and Mr. KERRY):

S. 1852. A bill to amend the Social Security Act with respect to Medicare to protect the wage index for an urban area in a State if such wage index is below the rural wage index for such

State for purposes of calculating payments to hospitals for inpatient hospital services, and for other purposes; to the Committee on Finance.

OPERATION OF MEDICARE GEOGRAPHIC CLASSIFICATION REVIEW BOARD

• Mr. KENNEDY. Mr. President, today I am introducing legislation with my colleague Senator KERRY to clarify the congressional intent of certain provisions of the Omnibus Budget Reconciliation Act of 1989 on the establishment and operation of the Medicare Geographic Classification Review Board. The review board was created to enable hospitals to seek reclassification from one area to another for wage index purposes.

The 1989 statute included a number of hold harmless provisions to reduce the impact on hospitals affected by decisions of the reclassification board. These provisions include protection in cases where hospitals shift from one classification area to another. Although Congress intended to include the same protection for hospitals remaining in one area after one of its hospitals joins a new area, the statutory language is unclear as to how these hospitals are to be treated. Recently, the Department of Health and Human Services, has interpreted the hold harmless language as not covering such hospitals.

This past year, one hospital in the Springfield, MA, wage area received approval for reclassification into the Hartford, CT, wage area. As a result of this change, and as a result of the Department of Health and Human Services' interpretation of the hold harmless provisions, the wage index for the hospitals that remain in Springfield fell nearly 7 percent.

As a result, it is likely that Medicare revenues for the hospitals will decline by about $4 million a year. If the original congressional intent had applied in this situation, the hospitals would have had their Medicare wage index held harmless at the previous level, and they would have suffered no loss of revenues.

Under another provision in OBRA, the urban wage index cannot fall to a level below the rural wage index in the State as a result of the Board's reclassification decisions. But in some States, urban wage rates are lower than rural wage rates. The rural wage rate for hospitals in Massachusetts, for example, is the highest in the country. In fact, the rural index in Massachusetts is higher than nearly all of the urban wage indexes in the State.

The bill we are introducing today does not make any policy changes. It merely clarifies congressional intent with regard to each of these issues. For remaining hospitals indirectly affected when one hospital moves out of their wage area, the bill would maintain these hospitals at the fiscal year 1991 area wage rates for fiscal year 1992, and would include such hospitals under the hold harmless language in the future. The bill also clarifies that in future years, if additional changes are brought about by Board decisions, and if the wage level for hospitals in the original urban area is already below the rural level, then the urban wage rate cannot be reduced further.

Any unintended drop in Medicare reimbursements for hospitals in Massachusetts would be especially damaging. Hospitals in the State are operating at or near capacity. As a result of the current recession, the hospitals are caring for a growing number of persons without health insurance.

The bill that I am introducing today closes loopholes in current law that are unfair to hospitals and contrary to congressional intent in the Medicare law. I want the Senate to approve this legislation as soon as possible, so that these unintended reductions in Medicare revenues can be avoided.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1852

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. HOLD HARMLESS PROTECTION FOR WAGE INDEX FOR AN URBAN AREA WITH A WAGE INDEX BELOW THE RURAL WAGE INDEX IN A STATE.

(a) IN GENERAL.—Section 1886(d)(8)(C)(iii) of the Social Security Act (42 U.S.C. 1395ww(d)(8)(C)(iii)) is amended by adding at the end the following new sentence: "In the case of an urban area in a State that has a wage index below the wage index for rural areas in the State, such an application or decision may not result in a reduction of that urban area's wage index.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to discharges occurring on or after April 1, 1990.

SEC. 2. FLOOR FOR AREA WAGE INDEX FOR URBAN AREAS.

(a) IN GENERAL.—Section 1886(d)(3)(E) of the Social Security Act (42 U.S.C. 1395ww(d)(3)(E)) is amended by adding at the end the following sentence: "Notwithstanding any other provision of this section (including paragraph (8)(B)) or any decision of the Medicare Geographic Classification Review Board or the Secretary under paragraph (10), no area wage index applicable under this subparagraph to hospitals in a county may be less than the area wage index applicable to hospitals located in rural areas in the State in which the county is located.".

(b) CONFORMING AMENDMENT.—Section 1886(d)(8)(C) of such Act (42 U.S.C. 1395ww(d)(8)(C)) is amended by striking clause (iii).

(c) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to discharges occurring on or after October 1, 1992, and the amendment made by subsection (b) shall take effect on that date.•

• Mr. KERRY. Mr. President, I rise today to introduce legislation with my friend and colleague, the senior Senator from Massachusetts, to correct an unintended result of the Medicare Geographic Classification Review Board which has caused a significant reduction in payments for the Springfield wage area hospitals in Massachusetts.

The Omnibus Budget Reconciliation Act of 1989 [OBRA89] established the Medicare Geographic Classification Review Board which was given the authority to consider hospital requests to change their geographic classifications for purposes of determining the Medicare standardized payment amount. The Board responded with its first group of reclassifications on August 30 in the prospective payments systems fiscal year 1992 final rule. Anticipating potential side effects of the reclassifications, OBRA89 required a series of hold harmless rules to soften the impact on hospitals indirectly affected by the decisions of the Board.

It is the Department of Health and Human Services' interpretation of the application of these hold harmless rules which has prompted the need for this legislation. We believe that it is critical that we clarify Congress' intent with regard to the hold harmless language.

The hold harmless language states that if a decision of the Board results in a reduction in the wage index for "merged into" urban areas of 1 percentage point or less, the wage index value is determined exclusive of the wage data for the redesignated hospitals. In addition, if the wage index for merged into urban areas would fall by more than 1 percentage point, the wage index is calculated separately for each class of hospitals. Although the intent of Congress under the hold harmless rule was to include "merged out of" urban areas as well as merged into urban areas, the statute was only clear on the issue of merged into situations.

Equally unclear appears to be the OBRA89 language which provides that decisions of the Board can never result in a reduction of the wage index to a value below the wage index applicable to rural areas in the State. We believe it is important to clarify instances where a State urban wage index is already below the State rural wage index and is further reduced as a result of the Board's decisions. Massachusetts hospitals are unique in that the rural wage index is the highest in the Nation at 1.1723 and as a result is higher than nearly all our urban wage indexes.

There are 10 hospitals in the Springfield, MA/New England County Metropolitan Area [NECMA]. In fiscal year 1991, one hospital in the Springfield NECMA applied to, and received approval from, the Board to be reclassified into another NECMA and was therefore merged out of the Springfield NECMA. As a result of the reclassification and the Department's interpretation of hold harmless language, the wage index applicable to the remaining hospitals in the Springfield NECMA fell from 1.0336 to 0.9632—a reduction of nearly 7 percent.

This resulting payment drop, which was effective October 1, means a significant loss of revenue to these hospitals, and clearly for no other reason than a statutory loophole. It comes at a time when many of these hospitals are running at or near capacity, and the State's depressed economy has meant a steady increase in the number of uninsured seeking health care. Avoiding a red ink bottom line has never been more essential for these hospitals, nor has equity in their payment system ever been more necessary to their survival.

Our legislation seeks to correct this inequity by maintaining these hospitals at the fiscal year 1991 area wage rates for fiscal year 1992 and including them under the hold harmless language in the future as would be the case for all other hospitals. The integrity of Medicare will be enhanced by the passage of this legislation and the affected Massachusetts hospitals will be treated fairly and permitted to continue their vital work.•

By Mr. BRYAN (for himself, Mr. DODD, and Mr. RIEGLE):

S. 1853. A bill to amend the Fair Credit Reporting Act to protect consumers from the use of inaccurate credit information and the misuse of credit information; to the Committee on Banking, Housing, and Urban Affairs.

FAIR CREDIT REPORTING AMENDMENTS OF 1991

Mr. BRYAN. Mr. President, today along with Senators DODD and RIEGLE, I am introducing legislation to amend the Fair Credit Reporting Act [FCRA]. The Fair Credit Reporting Act has protected consumers for 20 years by requiring consumer reporting agencies to provide accurate information when a consumer applies for credit, insurance, or a job. When the law was drafted, no one envisioned the impact computer technology would have on the distribution of information.

Credit bureaus today keep files on 150 million Americans, make 2 billion updates on consumer's credit histories each and every month, and sell 1.5 million credit reports each and every day. Credit reports have become instrumental in our high-tech economy.

Credit reports affect the businesses, careers and reputations of almost every American. They affect every consumer's ability to obtain mortgages, consumer loans and credit cards. Credit records are more than just account numbers. They represent the lives of families who can be adversely impacted by inaccurate records.

Unfortunately, credit reports are also the No. 1 subject of complaints before the Federal Trade Commission [FTC]. The FTC had over 9,000 complaints and inquiries filed each year regarding credit reports and that is a 50-percent increase over the previous year.

The credit reporting industry has taken steps to make the reports more accessible and understandable to consumers. Despite these efforts, I believe legislation is needed to increase consumer protection. According to a recent story in the Wall Street Journal, credit reports are so incomprehensible to most consumers that some credit bureaus are making hefty profits out of a service in which they sell information explaining how to more accurately understand information contained in these credit reports.

My legislation would require that consumers receive a free copy of their credit report once a year or when they have experienced an adverse decision based on their credit report. Consumers would also receive a statement containing their rights to dispute information on their credit report, which consumers believe to be inaccurate.

A person's credit report is only as accurate as the information provided for it. The expression "garbage in, garbage out" certainly applies to credit reports. Creditors, who initially collect consumer information and provide this information to credit bureaus, should be accountable for the accuracy of the information they receive and transmit to credit bureaus. My bill would require suppliers of information to be as accurate as possible and to the maximum extent possible.

This legislation would also make an individual liable for getting credit reports under false pretense and would require companies that claim they can fix an individual's credit report provide the service first before receiving compensation for the service rendered.

I believe that credit bureaus and creditors must do their utmost to ensure the maximum possible accuracy by adopting mechanisms and procedures to prevent errors and to correct them, and to prevent those errors from occurring again.

I am hopeful that Congress will enact legislation this session to improve the accuracy of credit reports and, thereby, protect consumers from mistakes that have potentially life-altering consequences.

By Mr. DASCHLE:

S. 1854. A bill to authorize the Secretary of the Interior to perform the planning studies necessary to determine the feasibility and estimated cost of incorporating all or portions of the Rosebud Sioux Reservation in South Dakota into the Mni Wiconi rural water supply project, and for other purposes; to the Committee on Energy and Natural Resources.

WATER NEEDS OF THE ROSEBUD INDIAN RESERVATION, SOUTH DAKOTA

• Mr. DASCHLE. Mr. President, I rise today to introduce a bill to address the ongoing water problems in South Dakota. This amendment would authorize the Secretary of the Interior to perform a needs assessment of the Rosebud Sioux Reservation's current and future water needs and to determine the desirability, feasibility and cost of extending the Mni Wiconi water pipeline to the Rosebud Reservation.

The Mni Wiconi project was authorized in 1988 in Public Law 100-516. The goal of the project is to bring decent drinking water to areas in South Dakota where water quality and quantity are unsound, including the Pine Ridge Indian Reservation. Rosebud faces water problems similar to those in Pine Ridge and in other areas in western South Dakota. In order to address these problems, the Rosebud Tribal Council passed a resolution asking to become a part of the Mni Wiconi project. The current beneficiaries of the Mni Wiconi project, namely the Oglala Sioux Tribe and the West River and Lyman-Jones water systems, have passed similar resolutions supporting Rosebud's addition to the project.

In order to determine the wisdom of adding Rosebud to the project, which would require amending Public Law 100-516, it is essential that we better understand the water needs on the reservation, and the feasibility, both technically and financially, of amending the current law. Because Rosebud is outside the project area as defined by Public Law 100-516, the bill I am introducing today is necessary to give the Bureau of Reclamation the authority to perform the study.

This should be a noncontroversial bill, and I would hope that it could be swiftly adopted. I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1854

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AUTHORIZATION FOR SOUTH DAKOTA WATER PLANNING STUDIES.

The Secretary of the Interior, acting through the Commissioner of the Bureau of Reclamation, may perform the planning studies necessary (including a needs assessment) to determine the feasibility and estimated cost of incorporating all or portions of the Rosebud Sioux Reservation in South Dakota into the service areas of the rural water systems authorized by the Mni Wiconi Project Act of 1988 (Public Law 100-516).•

By Mr. GRASSLEY:

S. 1855. A bill to provide for greater accountability for Federal Government foreign travel; to the Committee on Governmental Affairs.

FEDERAL GOVERNMENT FOREIGN TRAVEL ACCOUNTABILITY ACT

• Mr. GRASSLEY. Mr. President, today I rise to introduce legislation to address one of the ongoing problems facing our Nation today. That problem is Government waste by an imperial Congress that too often is not accountable.

Every day it seems we hear about another scandal relating to Congress, and the American people are sick of it. If my mail tells me anything, it tells me that Iowans are tired of the wasteful, self-indulgent behavior of their Representatives and they are no longer going to tolerate it.

One of the areas of excess that I hear about is the unnecessary junkets that many Members take. I say unnecessary because some fact-finding—as opposed to fun-finding—trips are legitimate. Iowans are particularly irritated by the foreign junkets that Members take. Mr. President, I'm sure many of my constituents would like to have a job that allowed for free foreign travel, but most do not. They are busy making ends meet and don't have the financial means to take trips out of the country.

They wonder if we have such a budget shortfall, how can our Nation afford for Members to have this luxury at taxpayer expense? They think that certainly there must be better ways to spend our limited Federal dollars.

Well, Mr. President, I agree.

Today, I am introducing a bill to add greater accountability for Federal Government foreign travel. This bill applies not only to Congress, but to any employee of the United States, whether elected or appointed.

The rule that will apply for congressional travel is that it should be "accomplished by the most economical means conveniently possible." Mr. President, this is the rule used by American families every day and it is a rule that should apply to Congress and national leaders as well.

Not only does this bill require economical travel, it also requires that a report be filed that includes information on the purpose and agenda of the trip, the employees who will travel at taxpayer expense, the accomplishments of the trip, and a record of all expenses incurred.

Mr. President, I don't believe this is too much to ask when Federal Government employees travel abroad at taxpayer expense. I don't believe the American people will think so either.•

By Mr. CRANSTON (for himself, Mr. AKAKA, Mr. BURDICK, Mr. COHEN, Mr. DECONCINI, Mr. GORE, Mr. HATFIELD, Mr. JEFFORDS, Mr. KERRY, Mr. KOHL, Mr. LIEBERMAN, Mr. METZENBAUM, Mr. PELL, Ms. MIKULSKI, Mr. PACKWOOD, Mr. SARBANES, Mr. INOUYE, and Mr. BIDEN):

S. 1856. A bill to require the executive branch to gather and disseminate information regarding, and to promote techniques to eliminate, discriminatory wage-setting practices and discriminatory wage disparities which are based on sex, race, or national origin, and for other purposes; to the Committee on Labor and Human Resources.

PAY EQUITY TECHNICAL ASSISTANCE ACT

• Mr. CRANSTON. Mr. President, I am pleased to be joined by 17 of my colleagues in reintroducing today the Pay Equity Technical Assistance Act. This legislation would require the Secretary of Labor to develop a program for the dissemination of information on the steps which employers, in both the public and private sectors, can take to eliminate wage disparities which reflect the sex, race, or national origin of employees. An identical bill was introduced in the House of Representatives as H.R. 386, by Representative MARY ROSE OAKAR, who has been a vigorous leader in the fight to achieve pay equity. Representative OAKAR and I introduced a similar measure in the last Congress.

I am pleased to note that the provisions of our proposal were included in the civil rights bill, H.R. 1, which the House passed on June 5, 1991.

A perceptive article, "Comparable Worth: It's Already Happening," appeared in Business Week in April 1986. It outlines how major companies across the country are quietly undertaking the job evaluations and comparisons that provide the basis for wage adjustments to achieve pay equity.

I ask unanimous consent that the text of this article from Business Week appear in the CONGRESSIONAL RECORD at the conclusion of my remarks.

Similar activity has been taking place at the State and local government level. According to a study done by the National Committee for Pay Equity, all but four States have undertaken at least an initial step to address the pay equity problem. Six States have begun or are completing implementation of broad plans to correct inequities, and an additional 14 States have made or appropriated funds for pay equity adjustments to eliminate wage inequities based on sex and/or race.

The legislation I am introducing is designed to help facilitate this spread of voluntary action to eliminate pay inequities by requiring the Department of Labor to serve as a clearinghouse for the dissemination of information and research on ways various employers are dealing effectively with this problem. This bill directs the Secretary of Labor to develop and carry out a continuing program for the dissemination of information, to conduct research, and to provide technical assistance to employers seeking information on ways which they can work to eliminate wage inequities.

Mr. President, many opponents of pay equity efforts have said in the past that they do not object to voluntary efforts by employers to identify and remedy wage inequities. This bill is aimed at facilitating such voluntary activity by providing for the dissemination of information and the promotion of research into the techniques that employers seeking assistance might utilize. The bill provides that the Secretary shall establish a program for providing appropriate technical assistance to any public or private entity requesting such assistance to correct wage-setting practices or to eliminate wage disparities, based on the sex, race, or national origin of the employee, rather than the work performed or other appropriate factors.

Mr. President, over a decade ago, the Federal Government had an active interest in the problem of the wage gap between male and female workers. In 1980, the Department of Labor issued guidelines, subsequently rescinded by the Reagan administration, governing Federal contractors which were aimed at helping reduce wage disparities. In 1978, the Equal Employment Opportunity Commission commissioned a study by the National Academy of Sciences into the issues surrounding the wage gap. That study, released in 1981, "Women, Work and Wages—Equal Pay for Jobs of Equal Value," found that the wage gap results from the fact that women's jobs pay less, regardless of the work entailed, and that the more a job is dominated by women, the less it pays. In the intervening years, however, the Federal Government has abdicated any role in combating wage inequities. It is time that it began, again, to play a constructive role in dealing with this problem. This bill would charge the Department of Labor with the modest task of helping employers who want to deal with wage disparity problems find out what other employers are doing, what works and what doesn't work, and perhaps stimulating some employers—through the dissemination of information—to take a hard look at their own practices.

Mr. President, wage disparities between male and female workers, and among minority workers, is a serious problem that needs to be addressed. The gap between male and female workers has remained around 65 percent for a number of years. This gap has narrowed to 71 percent but this has been attributed to the falling of male worker's wages rather than the increase in female worker's wages. Studies have shown that some portion of this wage gap can be explained by nondiscriminatory factors, such as different work patterns of male and female workers. But virtually every researcher who has looked closely at the problem has concluded that some portion of the wage gap remains inexplicable and that discriminatory practices account for some portion of the gap. We ought to be doing everything we can, in both the public and private sector, to make sure that every possible effort is made to purge discrimination from the workplace and from the wage system.

I ask unanimous consent that the text of the bill be printed in the CONGRESSIONAL RECORD as well as the article from Business Week.

There being no objection, the material was ordered to be printed in the RECORD as follows:

S. 1856

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled

SECTION 1. SHORT TITLE.

This Act may be cited as the "Pay Equity Technical Assistance Act".

SEC. 2. STATEMENT OF PURPOSE.

Recognizing that the identification and elimination of discriminatory wage-setting practices and discriminatory wage disparities is in the public interest, the purpose of this Act is to help eliminate such practices and disparities by—

(1) providing for the development and utilization of techniques that will promote the establishment of wage rates based on the work performed and other appropriate factors, rather than the sex, race, or national origin of the employee; and

(2) providing for the public dissemination of information relating to the techniques described in paragraph (1), thereby encouraging and stimulating public and private employers, through the use of such techniques, to correct wage-setting practices and eliminate wage disparities, to the extent that they are based on the sex, race, or national origin of the employee, rather than the work performed and other appropriate factors.

SEC. 3. PROGRAM SPECIFICATIONS.

In order to carry out the purpose of this Act, the Secretary of Labor shall develop and carry out a continuing program under which, among other things, the Secretary shall—

(1) develop and implement a program for the dissemination of information on efforts being made in the private and public sectors to reduce or eliminate wage disparities, to the extent that they are based on the sex, race, or national origin of the employee, rather than the work performed and other appropriate factors;

(2) undertake and promote research into the development of techniques to reduce or eliminate wage disparities, to the extent that they are based on the sex, race, or national origin of the employee, rather than the work performed and other appropriate factors; and

(3) develop and implement a program for providing appropriate technical assistance to any public or private entity requesting such assistance to correct wage-setting practices or to eliminate wage disparities, to the extent that they are based on the sex, race, or national origin of the employee, rather than the work performed and other appropriate factors.

SEC. 4. DEFINITION.

For the purpose of this Act, the term "other appropriate factors" includes factors such as—

(1) the skill, effort, responsibilities, and qualification requirements for the work involved, taken in their totality;

(2) geographic location and working conditions; and

(3) seniority, merit, productivity, education, and work experience.

[From Business Week Magazine, Apr. 28, 1986]

COMPARABLE WORTH: IT'S ALREADY HAPPENING—COMPANIES ARE QUIETLY EVENING UP PAY SCALES

(By Aaron Bernstein)

Ever since the concept of comparable worth surfaced a few years ago, Corporate America has derided the idea—which holds that women should be paid the same as men for comparable jobs as well for the same jobs. Destroys the free market, said the National Association of Manufacturers. Opens the door to unending litigation, worried the U.S. Chamber of Commerce.

Now, very quietly, major companies such as AT&T, BankAmerica, Chase Manhattan, IBM, Motorola, and Tektronix are trying forms of comparable worth. These experiments may be the first steps in a movement to raise women's pay, which averages 64¢ for each dollar men earn. Some experts say that stopping discrimination—which they say includes paying women less than men for comparable jobs—would erase half this gap. "In 10 years we'll probably have comparable worth, even though businesses will still be saying we don't," says George P. Sape of Organization Resources Counselors (ORC), a management consulting group.

SCARED TO DEATH

The latest moves have hardly ended the philosophical debate. Women's groups contend that secretaries earn less than janitors even though the skills needed for the two jobs are comparable, simply because the secretaries are women. Opponents argue that a more plentiful supply of secretaries has kept their pay down.

But pragmatism is pushing companies toward comparable worth anyway. The doctrine was dealt a blow last year when a U.S. appeals court turned down the first major case brought to trial, against the state of Washington. However, proponents are keeping up the legal pressure with dozens of suits. Some 13 states already have laws that require public and private employers to pay equally for "comparable" work. Nurses in Alaska are claiming in a test case that this means comparable worth.

Corporations fear developments in the legislative arena as well. Some 30 states have comparable worth bills pending or have commissions studying the issue. Minnesota has applied the idea to state workers since 1983. Despite its court victory, Washington State is spending $482 million to raise the pay of women. The House of Representatives passed a bill in October that would require a comparable worth study of federal workers.

Such actions worry companies. "The bill in Congress scares employers to death: They fear it will put a stamp of approval on comparable worth," says Virginia R. Lamp, a labor relations attorney at the U.S. Chamber of Commerce.

For years many big companies have been doing the job comparisons necessary to make judgments on comparable worth, mostly for white-collar staffs. They evaluate jobs according to factors such as responsibility, skill, and physical labor. The factors are given points. "We call this method internal equity, which can be used to do comparable worth," says Lance A. Berger, a vice-president at Hay Associates Inc., a compensation firm.

EYE STRAIN

Now some companies, such as Tektronix Inc. and Motorola Inc., have started to adhere closely to internal comparisons—even when it means paying more than the market demands. "Many companies go through the exercise of doing the internal equity analysis, but then they upset these relationships if the market tells them to," says Richard A. Baker, Tektronix' corporate compensation manager. "We look at the market, but that's secondary to us." Both companies say it hasn't cost them much because their high-tech jobs don't have a history of being dominated by one gender.

Tektronix took another step when it put in a new pay system in the 1970s: it put all workers on the same evaluation system. Blue-collar pay rates tend to follow patterns set by unions, even in unorganized companies. Many female clericals are paid less because they're lumped in at the bottom of management evaluation systems, where there are no high-paying blue-collar jobs for comparison.

Other companies are trying to ensure that the factors used to evaluate jobs aren't biased against work usually done by women. After General Electric Co. was hit by a wage discrimination lawsuit in the 1970s, it overhauled its job evaluation which now reflect comparable worth concerns.

BankAmerica Corp. went further in its new pay system by expanding the definition of physical labor used by most evaluation systems to include eye strain. This helps to measure work on video display terminals, which is usually done by women. The bank also looks at muscle strain, which lets it assess work done by tellers—also often female—who stand at bank windows all day. "This isn't the traditional evaluation method, which thinks of physical demands as lifting a box or something, as men usually do," says Dan C. Rowland, BankAmerica's director of compensation.

CATCHING DEVIATIONS

Other companies, such as International Business Machines Corp. and Control Data Corp., are looking directly at pay disparities between men and women. One approach is to find an average pay level for a series of jobs. Each employee's pay is then compared with the average. At the same time, a mathematical analysis is done to see if factors such as sex are significant predictors of pay levels. "You look to see if anybody is two or more standard deviations below the norm and hope they're not women," says one consultant. If they are, the company may raise the pay of women below the average.

Industry sources say Chase Manhattan Bank Corp. compared vice-presidents' jobs. It found that those in commercial banking, where women predominate, were paid less than those in male-dominated investment banking, although the jobs weren't that different. The bank narrowed the salary gap, in part by giving commercial bankers more responsibility and paying them more.

Some unionized companies are unwilling converts to comparable worth. The St. Louis Newspaper Guild alleged in a suit last year that the St. Louis Post-Dispatch's largely female staff of inhouse sales representatives, who sell ads over the phone, should be paid the same as its outside representatives, who are usually male. On Mar. 27, management agreed to raise in-house sales salaries by about 4.5%. "Our lawyers said the case had no merit, but we settled because of the legal fees we were running up," says Nicolas G. Penniman, publisher and general manager.

In 1980, pushed by its union, AT&T developed an evaluation system for comparing all the company's jobs with each other. The two sides didn't agree on how to implement the plan. But it's part of current bargaining aimed at reaching a new pact for 255,000 workers by May 31.

Northwestern Bell Telephone Co., which was spun off as part of U.S. West Inc. in AT&T's breakup, has gone further. Together with its unions, it developed a job evaluation system that reflects comparable worth. The two sides will use it to help set wages when they bargain over a new contract in August.

The pay gap between men and women won't shrink overnight. But as long as it persists, companies' subterranean efforts to close it will probably continue.•

By Mr. MOYNIHAN:

S. 1858. A bill to direct the Secretary of Health and Human Services to prepare an annual report to the Congress on welfare dependency; to the Committee on Labor and Human Resources.

WELFARE DEPENDENCY ACT OF 1991

• Mr. MOYNIHAN. Mr. President, I am introducing today the Welfare Dependency Act of 1991. In so doing, I hope that we can begin to generate the information needed to understand our single greatest domestic problem, the problem of welfare dependency. Mr. President, I ask unanimous consent that the text of the Welfare Dependency Act of 1991 be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1858

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Welfare Dependency Act for 1991".

SEC. 2. FINDINGS.

The Congress finds that welfare dependency has reached threatening levels;

(1) In the period since 1960 the average annual caseload of the Aid To Families With Dependent Children Program under Title IV of the Social Security Act has quintupled.

(2) In 1990 there were on average almost twice as many households receiving Aid to Families With Dependent Children payments as the number of households and individuals receiving Unemployment Compensation Benefits.

(3) Nearly one quarter of children born in the period 1967 through 1969 were dependent on welfare (AFDC) before reaching age 18. For minority children this ratio approached three quarters.

(4) At any given time one quarter of school children are from single parent families, or households with neither parent. The National Assessment of Education Progress has documented the educational losses associated with single parent or no parent households.

(5) Only one quarter of father-absent families receive full child support and over half receive none.

(6) The average Aid to Families With Dependent Children benefit has declined by more than one-third since 1960.

(7) The burden of welfare dependency is an issue of necessary concern to women who in overwhelming proportion are the heads of single parent families.

(8) The rate of welfare dependency is rising. However, the statistical basis on which to assess this national issue is wholly inadequate, much as the statistical basis for addressing issues of unemployment was inadequate prior to the Employment Act of 1946 and the creation of the annual Economic Report of the President.

SEC. 3. CONGRESSIONAL POLICY.

The Congress hereby declares:

(1) That it is the policy and responsibility of the Federal Government to reduce welfare dependency to the lowest possible level, consistent with other essential national goals.

(2) That it is the policy of the U.S. to strengthen families, to ensure that children grow up in families that are economically self-sufficient, and to underscore the responsibility of parents to support their children.

(3) That the Federal Government should help welfare recipients as well as individuals at risk of welfare dependency to improve their education and job skills and to take such other stops as may assist them in becoming financially independent.

(4) That it is the purpose of the Welfare Dependency Act to aid in lowering welfare dependency by providing the public with generally-accepted measures of welfare dependency so that it can track dependency over time and determine whether progress is being made in reducing it, and also to determine the adequacy of welfare benefits.

SEC. 4. ANNUAL WELFARE DEPENDENCY REPORT.

(1) The Secretary of Health and Human Services (hereafter referred to as the "Secretary") shall submit an annual report on welfare dependency in the United States. The report will attempt to identify predictors of welfare dependency and trends thereof.

(2) The report shall include families and individuals receiving needs-tested benefit programs, including Aid to Families With Dependent Children, Food Stamps and Medical Assistance, as well as General Assistance programs administered by state and local governments.

(3) Not later than three years after the date of enactment of the Act, the Secretary shall submit the first annual Welfare dependency report to the Senate Committee on Finance and the House Ways and Means Committee. Such report shall set forth:

(a) current trends in the number of recipients and total expenditures for each of the means-tested welfare programs.

(b) the proportion of the total population receiving each of the means-tested programs.

(c) annual numerical goals for recipients and expenditures for each program for the calendar year in which the report is transmitted and for each of the following four calendar years. These goals will reflect the objective of reducing welfare dependency to the lowest possible level consistent with other essential national goals. Numerical goals should also be provided for significant subgroups within the population.

(d) the programs and policies the Secretary determines are necessary to meet the goals for each of the five years, together with such recommendations for legislation as the Secretary may deem necessary or desirable.

(e) the Secretary's annual reports will include interim goals for reducing the proportion of families and children who are recipients of Aid to Families With Dependent Children to ten (10) percent.

(4) The Secretary shall submit reports annually after the due date of the report described in subsection (a) to the Senate Committee on Finance and the House Ways and Means Committee. The report shall be transmitted during the first 60 days of each regular session of Congress.•

By Mr. HATFIELD (for himself, Mr. ADAMS, Mr. AKAKA, Mr. BAUCUS, Mr. BRADLEY, Mr. BURDICK, Mr. BURNS, Mr. COCHRAN, Mr. CRAIG, Mr. DECONCINI, Mr. DIXON, Mr. DODD, Mr. DOMENICI, Mr. DURENBERGER, Mr. FOWLER, Mr. JEFFORDS, Mr. INOUYE, Mr. LEVIN, Mr. METZENBAUM, Mr. MITCHELL, Mr. PACKWOOD, Mr. PELL, Mr. PRYOR, Mr. SANFORD, Mr. SEYMOUR, Mr. STEVENS, and Mr. WOFFORD):

S.J. Res. 217. Joint resolution to authorize and request the President to proclaim 1992 as the "Year of the American Indian;" to the Committee on the Judiciary.

YEAR OF THE AMERICAN INDIAN

• Mr. HATFIELD. Mr. President, I rise today to introduce legislation designating 1992 as "The Year of the American Indian."

In 1492, Christopher Columbus ended his search for the East Indies by landing in the new world. Whether or not one believes Columbus was the actual discoverer of the Western continents, next year Americans will be celebrating the 500th anniversary of Europe's first coming to America. The year 1992, however, also marks the 500th anniversary an equally important discovery in the history of our Nation—the year the native Americans discovered the great European explorers. Truly, the European discovery of our continent is a pivotal chapter in the history of the United States and the entire Western Hemisphere. Equally, the contribution to our Nation's heritage from native American cultures has profoundly reinforced the foundation upon which the American culture has been built. Amidst next year's celebrations of the 500th anniversary of the European discovery of the new world, it is appropriate to recognize and celebrate the original inhabitants of our great land—the people we now call the Indians.

My joint resolution, designating 1992 as "The Year of the American Indian," seeks to recognize the many important contributions American Indians have made to our Nation in the areas of medicine, science, agriculture, literature, governmental organization, language, music, military service, and the arts.

For instance, native American governments are responsible for assisting our Nation's Framers in developing America's founding principles of Government. Separation and balance of powers, Government by representation, and the rights of free speech and peaceable assembly were all principles incorporated into Indian government years before Columbus set sail across the Atlantic. In fact, the Iroquois Tribe of upper-east New York State, recognizing the wisdom of establishing unity and amity between separate Indian nations, formed a long-lasting union of five separate tribes sometime around the year 1400—390 years before the signing of the U.S. Constitution.

Native Americans were also responsible for sharing their knowledge of fishing, hunting, and agriculture with the very first settlers to America—the Pilgrims. The first Thanksgiving feast was attended by the Indians and the Pilgrims together in celebration of the Pilgrims' first harvest. This harvest, if I may remind my colleagues, was possible because of the Indians' generous contributions of agricultural knowledge to the Pilgrims.

In addition to these most significant contributions is the frequently unrecognized sacrifice so many American Indians have made to the United States of America. Thousands upon thousands of native Americans have courageously served in the wars and military confrontations fought by this Nation, from the Revolutionary War to the conflict in the Persian Gulf, often serving in greater numbers, proportionately, than the population of the Nation as a whole. Many of these fighting men and women have lost their lives in the line of duty. As you know Mr. President, perhaps no one in the Senate is as outspoken as I on matters of peace and war, but as a former lieutenant in the U.S. Navy, I must express my extreme gratitude to all those of my Indian brothers and sisters who have served the United States of America in the name of peace.

Indeed, the native American cultures among us have greatly contributed to laying many of the cornerstones of our Nation. Therefore, the 500th anniversary of the discovery of the new world is the perfect opportunity to reflect on the countless contributions made to America by the Indian community. Reflections on history, however, must often include examinations of unpleasant events. We must therefore, in 1992, also reflect on a not-so-glamorous chapter in the history of the Indian people and our Nation—the Termination Act of 1954.

This ill-conceived policy attempted to assimilate and Americanize native American cultures into mainstream society. A tragic number of Indian cultures may have been lost forever under this unfortunate act of Congress, but a healing process is currently under way. In my own State of Oregon, there are currently nine federally recognized Indian tribes, all striving to regain their culture and their economic self-sufficiency which will allow them to compete and flourish in the free-enterprise world. I have, and will continue to work to the best of my abilities to correct the injustices done to the Indian nations of Oregon and the United States. It is my sincere hope that this resolution, designating 1992 as "The Year of the American Indian," will assist us in recasting a spotlight on the incredible contributions our Nation has, is, and will be privileged to experience from the American Indian nations disbursed throughout our country.

Mr. President, I ask that a copy of the joint resolution be printed in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES 217

Whereas American Indians are the original inhabitants of the lands that now constitute the United States of America;

Whereas American Indian governments developed the fundamental principles of freedom of speech and the separation of powers in government, and these principles form the foundation of the United States Government today;

Whereas American Indian societies exhibited a respect for the finite quality of natural resources through deep respect for the Earth, and such values continue to be widely held today;

Whereas American Indian people have served with valor in all wars that the United States has engaged in, from the Revolutionary War to the conflict in the Persian Gulf, often serving in greater numbers, proportionately, than the population of the Nation as a whole;

Whereas American Indians have made distinct and important contributions to the United States and the rest of the world in many fields, including agriculture, medicine, music, language, and art;

Whereas it is fitting that American Indians be recognized for their individual contributions to American society as artists, sculptors, musicians, authors, poets, artisans, scientists, and scholars;

Whereas the 500th anniversary of the arrival of Christopher Columbus to the Western Hemisphere is an especially appropriate occasion for the people of the United States to reflect on the long history of the original inhabitants of this continent and appreciate that the "discoverees" should have as much recognition as the "discoverer";

Whereas the peoples of the world will be refocusing with special interest on the significant contributions that American Indians have made to society;

Whereas the Congress believes that such recognition of their contributions will promote self-esteem, pride, and self-awareness in American Indians young and old; and

Whereas 1992 represents the first time that American Indians will have been recognized through the commemoration of a year in their honor: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That 1992 is designated as the "Year of the American Indian". The President is authorized and requested to issue a proclamation calling upon Federal, State, and local governments, interested groups and organizations, and the people of the United States to observe the year with appropriate programs, ceremonies, and activities.●

ADDITIONAL COSPONSORS

S. 316

At the request of Mr. CRAIG, the name of the Senator from Missouri [Mr. BOND] was added as a cosponsor of S. 316, a bill to provide for treatment of Federal pay in the same manner as non-Federal pay with respect to garnishment and similar legal process.

S. 327

At the request of Mr. BOREN, the name of the Senator from Wisconsin [Mr. KASTEN] was added as a cosponsor of S. 327, a bill to amend title 38, United States Code, to require the Secretary of Veterans Affairs to furnish outpatient medical services for any disability of a former prisoner of war.

S. 447

At the request of Mr. THURMOND, the names of the Senator from Illinois [Mr. DIXON], the Senator from Arkansas [Mr. BUMPERS], the Senator from Virginia [Mr. WARNER], and the Senator from Oregon [Mr. HATFIELD] were added as cosponsors of S. 447, a bill to recognize the organization known as the Retired Enlisted Association, Incorporated.

S. 514

At the request of Ms. MIKULSKI, the names of the Senator from Arizona [Mr. DECONCINI], the Senator from West Virginia [Mr. ROCKEFELLER], and the Senator from Tennessee [Mr. GORE] were added as cosponsors of S. 514, a bill to amend the Public Health Service Act, the Social Security Act, and other acts to promote greater equity in the delivery of health care services to women through expanded research on women's issues, improved access to health care services, and the development of disease prevention activities responsive to the needs of women, and for other purposes.

S. 567

At the request of Mr. SANFORD, the name of the Senator from New Jersey [Mr. LAUTENBERG] was added as a cosponsor of S. 567, a bill to amend title II of the Social Security Act to provide for a gradual period of transition (under a new alternative formula with respect to such transition) to the changes in benefit computation rules enacted in the Social Security Amendments of 1977 as such changes apply to workers born in years after 1916 and before 1927 (and related beneficiaries) and to provide for increases in such workers' benefits accordingly, and for other purposes.

S. 596

At the request of Mr. MITCHELL, the name of the Senator from Arizona [Mr. MCCAIN] was added as a cosponsor of S. 596, a bill to provide that Federal facilities meet Federal and State environmental laws and requirements and to clarify that such facilities must comply with such environmental laws and requirements.

S. 747

At the request of Mr. PRYOR, the name of the Senator from Tennessee [Mr. GORE] was added as a cosponsor of S. 747, a bill to amend the Internal Revenue Code of 1986 to clarify portions of the Code relating to church pension benefit plans, to modify certain provisions relating to participants in such plans, to reduce the complexity of and to bring workable consistency to the applicable rules, to promote retirement savings and benefits, and for other purposes.

S. 866

At the request of Mr. BREAUX, the name of the Senator from Nevada [Mr. REID] was added as a cosponsor of S. 866, a bill to amend the Internal Revenue Code of 1986 to clarify that certain activities of a charitable organization in operating an amateur athletic event do not constitute unrelated trade or business activities.

S. 972

At the request of Mr. BRADLEY, the name of the Senator from Hawaii [Mr. AKAKA] was added as a cosponsor of S. 972, a bill to amend the Social Security Act to add a new title under such act to provide assistance to States in providing services to support informal caregivers of individuals with functional limitations.

S. 1010

At the request of Mr. INOUYE, the names of the Senator from Illinois [Mr. SIMON], the Senator from Iowa [Mr. HARKIN], and the Senator from Massachusetts [Mr. KERRY] were added as cosponsors of S. 1010, a bill to amend the Federal Aviation Act of 1958 to provide for the establishment of limitations on the duty time for flight attendants.

S. 1032

At the request of Mr. DANFORTH, the name of the Senator from Michigan [Mr. RIEGLE] was added as a cosponsor of S. 1032, a bill to amend the Internal Revenue Code of 1986 to stimulate employment in, and to promote revitalization of, economically distressed areas designated as enterprise zones, by providing Federal tax relief for employment and investments, and for other purposes.

S. 1088

At the request of Mr. KENNEDY, the name of the Senator from Michigan [Mr. RIEGLE] was added as a cosponsor of S. 1088, a bill to amend the Public Health Service Act to establish a center for tobacco products, to inform the public concerning the hazards of tobacco use, to provide for disclosure of additives to such products, and to require that information be provided concerning such products to the public, and for other purposes.

S. 1175

At the request of Mr. KERRY, the names of the Senator from Michigan [Mr. RIEGLE], and the Senator from North Dakota [Mr. CONRAD] were added as cosponsors of S. 1175, a bill to make eligibility standards for the award of the Purple Heart currently in effect applicable to members of the Armed Forces of the United States who were taken prisoners or taken captive by a hostile foreign government or its agents or a hostile force before April 25, 1962, and for other purposes.

S. 1245

At the request of Mr. DASCHLE, the names of the Senator from Wisconsin [Mr. KOHL], and the Senator from Iowa [Mr. GRASSLEY] were added as cosponsors of S. 1245, a bill to amend the Internal Revenue Code of 1986 to clarify that customer base, market share, and other similar intangible items are amortizable.

S. 1261

At the request of Mr. DOLE, the name of the Senator from California [Mr. SEYMOUR] was added as a cosponsor of S. 1261, a bill to amend the Internal Revenue Code of 1986 to repeal the luxury excise tax.

S. 1289

At the request of Mr. BIDEN, the names of the Senator from Connecticut [Mr. DODD], and the Senator from New Jersey [Mr. BRADLEY] were added as cosponsors of S. 1289, a bill to amend the provisions of the Higher Education of 1965 relating to treatment by campus officials of sexual assault victims.

S. 1333

At the request of Mr. SASSER, the names of the Senator from Washington [Mr. ADAMS], the Senator from Michigan [Mr. RIEGLE], the Senator from Texas [Mr. BENTSEN], and the Senator from Louisiana [Mr. BREAUX] were added as cosponsors of S. 1333, a bill to amend the Federal Property and Administrative Services Act of 1949 to authorize the Administrator of General Services to make available for humanitarian relief purposes any nonlethal surplus personal property, and for other purposes.

S. 1358

At the request of Mr. LEVIN, his name was added as a cosponsor of S. 1358, a bill to amend chapter 17 of title 38, United States Code, to require the Secretary of Veterans Affairs to conduct a hospice care pilot program and to provide certain hospice care services to terminally ill veterans.

S. 1364

At the request of Mr. PRYOR, the name of the Senator from Montana [Mr. BURNS] was added as a cosponsor of S. 1364, a bill to amend the Internal Revenue Code of 1986 to simplify the application of the tax laws with respect to employee benefit plans, and for other purposes.

S. 1372

At the request of Mr. GORE, the names of the Senator from Virginia [Mr. ROBB] and the Senator from Alabama [Mr. HEFLIN] were added as cosponsors of S. 1372, a bill to amend the Federal Communications Act of 1934 to prevent the loss of existing spectrum to Amateur Radio Service.

S. 1381

At the request of Mr. GRAHAM, the name of the Senator from South Dakota [Mr. PRESSLER] was added as a cosponsor of S. 1381, a bill to amend chapter 71 of title 10, United States Code, to permit retired members of the Armed Forces who have a service-connected disability to receive military retired pay concurrently with disability compensation.

S. 1423

At the request of Mr. DODD, the names of the Senator from South Carolina [Mr. HOLLINGS] and the Senator from Wisconsin [Mr. KOHL] were added as cosponsors of S. 1423, a bill to amend the Securities Exchange Act of 1934 with respect to limited partnership rollups.

S. 1424

At the request of Mr. CONRAD, the name of the Senator from Michigan [Mr. RIEGLE] was added as a cosponsor of S. 1424, a bill to amend chapter 17 of title 38, United States Code, to require the Secretary of Veterans Affairs to conduct a mobile health care clinic program for furnishing health care to veterans located in rural areas of the United States.

S. 1451

At the request of Mr. BIDEN, the names of the Senator from Arizona [Mr. MCCAIN] and the Senator from New Mexico [Mr. DOMENICI] were added as cosponsors of S. 1451, a bill to provide for the minting of coins in commemoration of Benjamin Franklin and to enact a fire service bill of rights.

S. 1505

At the request of Mr. DECONCINI, the name of the Senator from Washington [Mr. GORTON] was added as a cosponsor of S. 1505, a bill to amend the law relating to the Martin Luther King, Jr. Federal Holiday Commission.

S. 1578

At the request of Mr. THURMOND, the name of the Senator from Pennsylvania [Mr. SPECTER] was added as a cosponsor of S. 1578, a bill to recognize and grant a Federal charter to the Military Order of World Wars.

S. 1623

At the request of Mr. DECONCINI, the name of the Senator from North Carolina [Mr. SANFORD] was added as a cosponsor of S. 1623, a bill to amend title 17, United States Code, to implement a royalty payment system and a serial copy management system for digital audio recording, to prohibit certain copyright infringement actions, and for other purposes.

S. 1711

At the request of Mr. DOLE, the names of the Senator from Minnesota [Mr. DURENBERGER] and the Senator from Oregon [Mr. HATFIELD] were added as cosponsors of S. 1711, a bill to establish a Glass Ceiling Commission and an annual award for promoting a more diverse skilled work force at the management and decisionmaking levels in business, and for other purposes.

S. 1725

At the request of Mr. DIXON, the names of the Senator from Michigan

[Mr. LEVIN] and the Senator from West Virginia [Mr. ROCKEFELLER] were added as cosponsors of S. 1725, a bill to authorize the minting and issuance of coins in commemoration of the quincentenary of the first voyage to the New World by Christopher Columbus and to establish the Christopher Columbus Quincentenary Scholarship Foundation and an Endowment Fund, and for related purposes.

S. 1729

At the request of Mr. KENNEDY, the name of the Senator from New Mexico [Mr. BINGAMAN] was added as a cosponsor of S. 1729, a bill to amend the Public Health Service Act to require drug manufacturers to provide affordable prices for drugs purchased by certain entities funded under the Public Health Service Act, and for other purposes.

S. 1738

At the request of Mr. DASCHLE, the name of the Senator from Washington [Mr. ADAMS] was added as a cosponsor of S. 1738, a bill to prohibit imports into the United States of meat products from the European Community until certain unfair trade barriers are removed, and for other purposes.

S. 1741

At the request of Mr. ROBB, the name of the Senator from Kentucky [Mr. MCCONNELL] was added as a cosponsor of S. 1741, a bill to provide for approval of a license for telephone communications between the United States and Vietnam.

S. 1810

At the request of Mr. ROCKEFELLER, the names of the Senator from Wisconsin [Mr. KOHL] and the Senator from Florida [Mr. GRAHAM] were added as cosponsors of S. 1810, a bill to amend title XVIII of the Social Security Act to provide for corrections with respect to the implementation of reform of payments to physicians under the Medicare Program, and for other purposes.

At the request of Mr. KENNEDY, his name was added as a cosponsor of S. 1810, supra.

At the request of Mr. DURENBERGER, the name of the Senator from Louisiana [Mr. JOHNSTON] was added as a cosponsor of S. 1810, supra.

SENATE JOINT RESOLUTION 131

At the request of Mr. KERREY, his name was withdrawn as a cosponsor of Senate Joint Resolution 131, a joint resolution designating October 1991 as "National Down Syndrome Awareness Month."

SENATE JOINT RESOLUTION 139

At the request of Mr. THURMOND, the names of the Senator from Virginia [Mr. ROBB], the Senator from Montana [Mr. BAUCUS], the Senator from Idaho [Mr. CRAIG], the Senator from New Mexico [Mr. DOMENICI], the Senator from New Jersey [Mr. BRADLEY], the Senator from Iowa [Mr. GRASSLEY], the Senator from Michigan [Mr. LEVIN], and the Senator from Alabama [Mr. HEFLIN] were added as cosponsors of Senate Joint Resolution 139, a joint resolution to designate October 1991, as "National Lock-In-Safety Month."

SENATE JOINT RESOLUTION 157

At the request of Mr. ROCKEFELLER, the name of the Senator from Michigan [Mr. RIEGLE] was added as a cosponsor of Senate Joint Resolution 157, a joint resolution to designate the week beginning November 10, 1991, as "Hire a Veteran Week."

SENATE JOINT RESOLUTION 164

At the request of Mr. GORE, the names of the Senator from Indiana [Mr. COATS], the Senator from South Carolina [Mr. HOLLINGS], the Senator from Florida [Mr. GRAHAM], the Senator from Delaware [Mr. ROTH], the Senator from Oregon [Mr. PACKWOOD], the Senator from California [Mr. SEYMOUR], the Senator from New York [Mr. D'AMATO], the Senator from Idaho [Mr. CRAIG], the Senator from Maryland [Mr. SARBANES], and the Senator from Arkansas [Mr. PRYOR] were added as cosponsors of Senate Joint Resolution 164, a joint resolution designating the weeks of October 27, 1991, through November 2, 1991, and October 11, 1992, through October 17, 1992, each separately as "National Job Skills Week."

SENATE JOINT RESOLUTION 176

At the request of Mr. DIXON, the names of the Senator from Missouri [Mr. DANFORTH], the Senator from Connecticut [Mr. LIEBERMAN], the Senator from Pennsylvania [Mr. WOFFORD], the Senator from New York [Mr. D'AMATO], the Senator from Idaho [Mr. SYMMS], the Senator from Georgia [Mr. NUNN], and the Senator from Minnesota [Mr. WELLSTONE] were added as cosponsors of Senate Joint Resolution 176, a joint resolution to designate March 19, 1992, as "National Women in Agriculture Day."

SENATE JOINT RESOLUTION 188

At the request of Mr. LAUTENBERG, the names of the Senator from North Carolina [Mr. SANFORD], the Senator from Washington [Mr. ADAMS], the Senator from Hawaii [Mr. INOUYE], the Senator from Georgia [Mr. NUNN], the Senator from California [Mr. CRANSTON], the Senator from Mississippi [Mr. COCHRAN], the Senator from Pennsylvania [Mr. WOFFORD], the Senator from Virginia [Mr. ROBB], the Senator from North Dakota [Mr. CONRAD], the Senator from Missouri [Mr. DANFORTH], the Senator from Wisconsin [Mr. KASTEN], and the Senator from Oregon [Mr. PACKWOOD] were added as cosponsors of Senate Joint Resolution 188, a joint resolution designating November 1991, as "National Red Ribbon Month."

SENATE JOINT RESOLUTION 196

At the request of Mr. SIMON, the names of the Senator from Florida [Mr. MACK], the Senator from Kansas [Mrs. KASSEBAUM], the Senator from South Dakota [Mr. PRESSLER], the Senator from Idaho [Mr. CRAIG], the Senator from Pennsylvania [Mr. SPECTER], the Senator from Virginia [Mr. WARNER], the Senator from Oregon [Mr. PACKWOOD], the Senator from Maine [Mr. COHEN], the Senator from Minnesota [Mr. DURENBERGER], the Senator from Delaware [Mr. ROTH], the Senator from Idaho [Mr. SYMMS], the Senator from South Carolina [Mr. THURMOND], the Senator from Ohio [Mr. METZENBAUM], the Senator from Michigan [Mr. LEVIN], the Senator from Maryland [Ms. MIKULSKI], and the Senator from North Dakota [Mr. CONRAD] were added as cosponsors of Senate Joint Resolution 196, a joint resolution to designate October 1991 as "Ending Hunger Month."

SENATE JOINT RESOLUTION 197

At the request of Mr. COCHRAN, the name of the Senator from Texas [Mr. GRAMM] was added as a cosponsor of Senate Joint Resolution 197, a joint resolution acknowledging the sacrifices that military families have made on behalf of the Nation and designating November 25, 1991, as "National Military Families Recognition Day."

SENATE JOINT RESOLUTION 198

At the request of Mr. AKAKA, the name of the Senator from Tennessee [Mr. GORE] was added as a cosponsor of Senate Joint Resolution 198, a joint resolution to recognize contributions Federal civilian employees provided during the attack on Pearl Harbor and during World War II.

SENATE JOINT RESOLUTION 211

At the request of Mr. D'AMATO, the name of the Senator from Michigan [Mr. LEVIN] was added as a cosponsor of Senate Joint Resolution 211, a joint resolution designating October 1991 as "Italian-American Heritage and Culture Month."

SENATE CONCURRENT RESOLUTION 19

At the request of Mr. CRANSTON, the name of the Senator from Vermont [Mr. JEFFORDS] was added as a cosponsor of Senate Concurrent Resolution 19, a concurrent resolution condemning the People's Republic of China's continuing violation of universal human rights principles.

SENATE CONCURRENT RESOLUTION 57

At the request of Mr. DOMENICI, the name of the Senator from Mississippi [Mr. LOTT] was added as a cosponsor of Senate Concurrent Resolution 57, a concurrent resolution to establish a Joint Committee on the Organization of Congress.

SENATE CONCURRENT RESOLUTION 62

At the request of Mr. SEYMOUR, the names of the Senator from Alabama [Mr. SHELBY], the Senator from Utah [Mr. HATCH], the Senator from Oklahoma [Mr. BOREN], and the Senator from North Carolina [Mr. SANFORD] were added as cosponsors of Senate Concurrent Resolution 62, a concurrent resolution expressing the sense of the Congress that the President should award the Presidential Medal of Freedom to Martha Raye.

SENATE CONCURRENT RESOLUTION 65

At the request of Mr. DECONCINI, the names of the Senator from Connecticut [Mr. DODD], the Senator from Wyoming [Mr. WALLOP], the Senator from New York [Mr. MOYNIHAN], and the Senator from Michigan [Mr. RIEGLE] were added as cosponsors of Senate Concurrent Resolution 65, a concurrent resolution to express the sense of the Congress that the President should recognize Ukraine's independence.

SENATE CONCURRENT RESOLUTION 70

At the request of Mr. SANFORD, the names of the Senator from Arkansas [Mr. PRYOR], and the Senator from New Mexico [Mr. BINGAMAN] were added as cosponsors of Senate Concurrent Resolution 70, a concurrent resolution to express the sense of the Congress with respect to the support of the United States for the protection of the African elephant.

AMENDMENT NO. 1260

At the request of Mr. SEYMOUR, the names of the Senator from South Carolina [Mr. THURMOND], the Senator from Wyoming [Mr. SIMPSON], the Senator from Colorado [Mr. BROWN], the Senator from Missouri [Mr. BOND], the Senator from Indiana [Mr. COATS], the Senator from Idaho [Mr. CRAIG], the Senator from Texas [Mr. GRAMM], the Senator from Iowa [Mr. GRASSLEY], the Senator from Utah [Mr. HATCH], the Senator from Wisconsin [Mr. KASTEN], the Senator from Florida [Mr. MACK], the Senator from Kentucky [Mr. MCCONNELL], the Senator from Montana [Mr. BURNS], the Senator from Oregon [Mr. HATFIELD], the Senator from Indiana [Mr. LUGAR], the Senator from Oklahoma [Mr. NICKLES], the Senator from New Hampshire [Mr. SMITH], the Senator from Vermont [Mr. JEFFORDS], and the Senator from Idaho [Mr. SYMMS] were added as cosponsors of amendment No. 1260 intended to be proposed to S. 596, a bill to provide that Federal facilities meet Federal and State environmental laws and requirements and to clarify that such facilities must comply with such environmental laws and requirements.

SENATE CONCURRENT RESOLUTION 72—SUPPORTING THE PRESENTATION OF THE ELLIS ISLAND MEDAL OF HONOR

Mr. SPECTER submitted the following concurrent resolution; which was referred to the Committee on the Judiciary:

S. CON. RES. 72

Whereas the immigrant station at Ellis Island, New York, opened on January 1, 1892, and admitted 700 immigrants to the United States on its first day of operation;

Whereas January 1, 1992, will mark the centennial of the opening of Ellis Island;

Whereas approximately 17,000,000 immigrants were admitted through Ellis Island between 1892 and 1954;

Whereas approximately 40 percent of all people in the United States today can trace their heritage to immigrant ancestors who were admitted through Ellis Island;

Whereas the presentation of the Ellis Island Medal of Honor on January 1, 1992, by the National Ethnic Coalition of Organizations, in association with the Statue of Liberty-Ellis Island Foundation, will be a symbolic way to commemorate the centennial of the opening of Ellis Island;

Whereas the Ellis Island Medal of Honor will be presented to distinguished citizens who have promoted the bond between their native countries and their adoptive country and who exemplify a lifetime dedicated to the growth and strength of the United States while preserving the values and tenets of their heritage;

Whereas the Ellis Island Medal of Honor will also be awarded to individuals for distinguished service to humanity in all fields, professions, and occupations; and

Whereas the United States House of Representatives has passed a resolution designating January 1, 1992, as National Ellis Island Day; Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress supports the presentation of the Ellis Island Medal of Honor on January 1, 1992, to initiate in a most worthy manner the centennial celebration of the opening of Ellis Island.

Mr. SPECTER. Mr. President, today I am introducing a concurrent resolution expressing support for awarding the Ellis Island Medal of Honor on January 1, 1992. This date marks the centennial of the opening of Ellis Island. My colleague in the House of Representatives, FRANK GUARINI, introduced House Joint Resolution 130, designating January 1, 1992, as "National Ellis Island Day."

The Statue of Liberty-Ellis Island Foundation and the National Ethnic Coalition of Organizations will award the Ellis Island Medal of Honor to a group of notable American citizens who typify the ideal of a life dedicated to the American way, while maintaining the values of their particular heritage. The awards ceremony will take place on January 1, 1992, in the Grand Hall at Ellis Island.

On opening day, January 1, 1892, 700 immigrants entered the United States through Ellis Island, and from 1892 to 1924, 17 million immigrants were admitted through this historic passageway. The Ellis administration and staff, on the average, processed up to 5,000 people a day. It is estimated that 100 million Americans can trace their ancestry to the immigrants that came through Ellis Island before traveling and settling throughout the country. Again, the room at Ellis Island will be filled with hundreds of thousands of visitors.

During this time of mass immigration, the newcomers had little to no knowledge of English and hardly any money. Many arrived with only the clothes on their backs. Essentially, they risked their lives in exchange for freedom and a better way of life.

President Reagan asked Lee Iacocca to undertake a private sector venture and restore the Statue of Liberty and Ellis Island. In 1984, the restoration and preservation of Ellis Island and the Statue of Liberty began. It was the largest refurbishment project in the United States. On September 10, 1990, the Ellis Island Immigration Museum opened, marking the completion of the restoration. One of the features of the Immigrant Museum is the American Immigrant Wall of Honor. This exhibit is devoted to a display of names from a number of national origins. At the opening last fall, 2,000 names were inscribed on the Wall of Honor.

Mr. President, I come to this issue with a point of view, you might even say a substantial bias, because my parents were both immigrants. My father came to this country in 1911 at the age of 18 from Russia, and my mother came to this country at the age of 5 from a section of Russo-Poland. America is a land of immigrants who have enriched our country with their dedication, hard work, and traditions. I urge my colleagues to review and cosponsor this concurrent resolution, for I am sure they will concur that it is appropriate to honor those individuals who have made special contributions to build this great Nation.

SENATE RESOLUTION 201—RELATIVE TO ENFORCEMENT OF THE OILSEEDS GATT PANEL RULING AGAINST THE EUROPEAN COMMUNITY

Mr. DANFORTH (for himself, Mr. PRYOR, Mr. BAUCUS, Mr. BOND, Mr. FOWLER, Mr. MCCONNELL, Mr. HELMS, Mr. BOREN, Mr. SANFORD, Mr. KERREY, Mr. DURENBERGER, Mr. SIMON, Mr. GRASSLEY, Mr. DIXON, Mr. JOHNSTON, Mr. BURDICK, Mr. WALLOP, Mr. HARKIN) submitted the following resolution; which was referred to the Committee on Finance:

S. RES. 201

Whereas in 1962, the European Community agreed to duty-free bindings on imports of oilseeds and oilcakes, including those exported from the United States;

Whereas in December 1987, the American Soybean Association filed a section 301 petition with the United States Trade Representative charging that the European Community's production and processing subsidies on oilseeds and animal feed proteins were inconsistent with the General Agreement on Tariffs and Trade (GATT), and nullified and impaired the European Community's duty-free bindings granted to the United States in 1962;

Whereas in May 1988, after consultations failed to result in a satisfactory resolution of this dispute, the United States Trade Representative requested the GATT Council of Representatives to establish a dispute settlement panel to consider the matter;

Whereas in July 1988, the United States Trade Representative determined that the rights of the United States under the GATT were being denied by the European Community's oilseeds subsidies;

Whereas in December 1989, the GATT dispute settlement panel found that the European Community's oilseeds subsidies were inconsistent with its GATT obligations regarding national treatment, and nullified and impaired the benefit of the duty-free bindings granted to the United States in 1962;

Whereas in January 1990, the European Community accepted the GATT panel ruling and committed to reforming its oilseeds regime to bring it into conformity with its GATT obligations beginning in the 1991 crop year;

Whereas in June 1991, the European Community Council of Ministers agreed that it would adopt by October 31, 1991, a new oilseeds regime that would bring the European Community into conformity with its GATT obligations;

Whereas the new oilseeds regime proposed by the Commission of the European Community would continue to provide unacceptably high subsidies for oilseeds, guaranteeing European Community producers a return of approximately twice the world market price for oilseeds, and would continue to nullify and impair the benefit of the duty-free bindings granted to the United States in 1962; and

Whereas the European Community's existing oilseeds regime is seriously injuring the United States economy and is estimated to cost United States farm interests at least $2 billion annually in lost sales: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) if by October 31, 1991, the European Community Council of Ministers has not adopted a new oilseeds regime that is fully in conformity with its GATT obligations, the United States Trade Representative should immediately take action under section 301 to compensate for the trade losses caused by the European Community's failure to comply with the GATT panel ruling; and

(2) the actions taken by the United States Trade Representative under section 301 should remain in full force and effect until such time as the European Community brings its oilseeds regime into conformity with its GATT obligations.

Mr. DANFORTH. Mr. President, this resolution is a sense-of-the-Senate resolution which is designed to serve as something of a rallying point for Members of the Senate relating to what has become increasingly a damaging and outrageous situation that we have with the European Community in connection with their subsidies of oilseeds. These oilseeds subsidies are costing the American soybean farmer an estimated $2 billion per year in lost sales.

Back in 1987, the American Soybean Association filed a section 301 petition with the U.S. Trade Representative challenging the European Community's system of subsidies for oilseeds.

The USTR proceeded under the General Agreement on Tariffs and Trade and requested that a GATT dispute settlement panel consider the matter. The GATT panel in December 1989 issued its findings stating that the European oilseed subsidy program violated the General Agreement on Tariffs and Trade and also nullified and impaired the duty-free bindings that the European Community granted the United States in 1962.

Despite the fact that this case was commenced in December 1987, and despite the fact that the GATT panel issued its finding in December 1989, to date absolutely nothing has happened.

In June of this year, the European Community Council of Ministers agreed that it would adopt a reform implementing the GATT panel finding by October 31 of this year. Despite the fact that the European Community Council of Ministers stated that position in June, in the next month, in July, the EC commission proposed a new system of oilseeds subsidies which would guarantee European producers a return approximately twice that of the world market.

So, Mr. President, instead of moving forward, the European Community has been dragging its feet and resisting the kind of remedies that are required under the General Agreement on Tariffs and Trade.

This sense-of-the-Senate resolution states very simply that, first, if by October 31, 1991, the European Community Council of Ministers has not adopted a new oilseeds regiment that is fully in conformity with its GATT obligations, the United States Trade Representative should immediately take action under section 301 of the Trade Act to enforce the GATT panel ruling against the European Community; and, second, that the actions taken by the USTR under section 301 should remain in full force and effect until such time as the EC brings its oilseed regime into conformity with its GATT obligations.

Mr. President, it is my intention at some point to bring this matter to the floor of the Senate for a vote, and in the meantime I would welcome the cosponsorship of any Senators.

Mr. PRYOR. Mr. President, today I join my friend from Missouri, Senator DANFORTH, in continuing pursuit of bringing to the attention, not just within this Nation but for an international audience, the grossly unfair trade policies being exercised by the European Community. Many of you in this Chamber are already familiar with the oilseed policy of the EC, as witnessed by the fact that 58 of you signed a letter in April expressing your frustration with the insistence of the European Community to neglect the authority of the General Agreement on Tariffs and Trade.

In December, 1989, after an extended period of debate a GATT panel found the EC's oilseed policy of subsidies to be inconsistent with the rules of the GATT. The EC formally accepted the findings of the panel and agreed to make the needed reforms in its oilseed policy for the 1991 crop year, which by now, is nearing a close. Soon after that however, the EC announced its intention to maintain its current subsidy program until the negotiation in the Uruguay round was completed. This new decision by the EC has proven to be the primary stumbling block to reaching any results in the Uruguay round. It also means money out of the pockets of American soybean farmers. Mr. President, this has gone on too long. This is our opportunity to send a strong and loud message to the EC and our own negotiators that we find the inaction of the EC intolerable.

Subsidies for the production of oilseeds in the European Community have now become the single largest aspect of agriculture spending for them. This year alone, they expect to increase spending in this area over 20 percent. Meanwhile, U.S. soybean producers operate without a direct subsidy program. This maddening policy of the EC has had a seriously adverse impact on the U.S. farm sector: Farm income has suffered; exports have declined; our market share has fallen dramatically; and this is not limited to soybeans, this is all oilseeds—cotton seed, canola, rape seed, sunflower oil, and this list eventually, includes the overall U.S. economy. The Danforth-Pryor resolution addresses this, and it calls for reform from the EC by October 31, 1991. Do not think for a moment this is short notice for them either, Mr. President, for the EC has been playing this hide-and-seek game for 2 years now.

A couple of years ago I accompanied the distinguished chairman of the Senate Finance Committee, Senator BENTSEN, as well as other colleagues on a trade mission through the EC, and raised repeatedly the issue of their oilseed policy. That was a time of discussion, debate, and requests for fairness. My friends, the time for such diplomatic niceties has since passed, and I urge you to join me in demanding that the EC abandon its policy of piracy. In Arkansas, it is just common sense to let someone know when you are serious; Now is the time to let the EC know that we are serious and do not intend to sit idlely by while they continue to maim the integrity of the international trade negotiations and the universal rules of fair play.

For additional information supporting these claims I ask unanimous consent to have the RECORD several pieces of correspondence, charts and statistics that I believe others will find not only interesting, but appalling.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, April 23, 1991.

The PRESIDENT,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: We are writing to express our concern regarding an issue of great importance to U.S. farmers—the reluctance of the European Community (EC) to bring its policies for soybeans and other oilseeds into conformance with its obligations under the General Agreement on Tariffs and Trade (GATT).

In December 1989, after an extended period of debate, a dispute settlement panel under the GATT found the EC's oilseed subsidy programs to be inconsistent with the rules of the GATT. The EC formally accepted the finding of that panel and agreed to make the necessary reforms in it oilseed policies for the 1991 crop year, which is about to begin.

The EC, however, has recently announced that it does not intend to reform its internal oilseed policies this year and has linked its obligation under the GATT panel decision to a successful conclusion of the Uruguay Round of trade negotiations. The refusal of the EC to make meaningful commitments in those negotiations has been the primary stumbling block to progress in the Uruguay Round.

Subsidies paid for the production of oilseeds in the EC have now become the largest single component of farm program spending in the Community. Spending on oilseeds, protein crops, and olive oil within the EC is expected to increase this year by over 20 percent, to nearly $9.5 billion—roughly equal to total projected U.S. farm program costs. The oilseed policies are estimated to cost U.S. farm interests at least $2 billion annually in lost sales.

The damage done to our oilseed sector is cumulative—oilseed exports have declined, farm income has been hurt, and processing plants have shut down all over the United States. Yet the EC says that the United States should wait until the Uruguay Round negotiations are completed.

The strategy of the EC is readily apparent. By wrapping lost trade disputes into the GATT negotiations, the EC is betting on coming out better in those negotiations than it would under current GATT rules. The resolution of the EC's obligations under the GATT panel decision should not be dependent upon the Uruguay Round negotiations.

The integrity of international trade disciplines and important U.S. commercial interests are at stake in this case. We encourage you to employ every diplomatic avenue possible to convince the EC to fulfill its obligations under the GATT panel decision in a timely fashion. Should a diplomatic solution fail, we believe that you should exercise our rights under U.S. trade law to retaliate.

We thank you for your consideration of our views.

Sincerely,

David Pryor, Patrick Leahy, Bob Dole, Conrad R. Burns, Dan Coats, Al Gore, John C. Danforth, Dick Lugar, Bob Packwood, Carl Levin, Nancy Landon Kassebaum, Thad Cochran, Malcolm Wallop, Kit Bond, John McCain, Ernest F. Hollings, Bill Roth, Alan J. Dixon, Bob Kerrey, Tom Harkin, John Breaux, Paul David Wellstone, John Warner, Strom Thurmond, Wendell Ford, J. Bennett Johnston, Barbara A. Mikulski, Larry E. Craig, Tom Daschle, Quentin Burdick, Howell Heflin, Terry Sanford.

James M. Jeffords, Paul Simon, Frank H. Murkowski, Richard Shelby, Chuck Grassley, Conrad Burns, Jim Sasser, Joe Biden, Mitch McConnell, Bill Bradley, Jesse Helms, J.J. Exon, Herb Kohl, Kent Conrad, Don Riegle, Dave Durenberger, Chuck Robb, Wyche Fowler, Jr., Max Baucus, Bob Kasten, Trent Lott, Paul Sarbanes, Dale Bumpers, John Glenn, Larry Pressler, Sam Nunn, Al Simpson.

U.S. SENATE,
Washington, DC, July 24, 1991.

Hon. CARLA A. HILLS,
U.S. Trade Representative, Washington, DC.

DEAR CARLA: We are writing to share our views regarding efforts to bring the European Community's [EC] oilseeds programs into conformance with its obligations under the General Agreement on Tariffs and Trade [GATT].

We understand that the EC Commission is expected to present a proposal by July 31, 1991, to bring the EC's programs into conformity with the GATT panel report on oilseeds. In anticipation of this action, we would like to express our view that only a full implementation of the GATT panel report would be an acceptable resolution of this case. We note that the GATT dispute settlement panel found that the EC's programs both violate the national treatment principle of GATT Article III and nullify and impair the EC's duty-free binding on oilseeds and oilseed meal. Any reform proposal must implement fully both aspects of the GATT panel ruling.

We also believe it important to emphasize the need for strong and immediate action by the United States should the EC again fail to live up to its commitments to reform its oilseeds policies this year. It has been more than one and one-half years since the GATT dispute settlement panel ruled against the EC's oilseeds subsidy programs. To date, there has been no discernible action by the EC to comply with the GATT panel report. In the meantime, U.S. soybean farmers have continued to suffer lost sales and depressed prices. Further delays will only exacerbate the injury to U.S. agriculture.

Your recent success in obtaining an extension of fast track authority was clearly related to your willingness to stand up for U.S. agriculture in the Uruguay Round negotiations. We view the vigorous enforcement of U.S. rights in the oilseeds dispute to be another critical measure of the administration's commitment to a strong and effective trade policy. Accordingly, we strongly urge you to have a plan of retaliation prepared should the EC proposal fail to implement fully the panel report. The U.S. must be prepared to enforce immediately its rights should the EC attempt to avoid further its GATT obligations.

Thank you for your consideration of our views.

Sincerely,

DAVID PRYOR.
JOHN C. DANFORTH.

Brussels, October 18, 1991.

Mrs. CARLA A. HILLS,
U.S. Trade Representative,
Mr. EDWARD MADIGAN,
Secretary of Agriculture, Washington, DC.

DEAR CARLA AND ED: Thank you for your letter of September 7 and the message sent to us on September 24 concerning the implementation of the conclusions of the GATT oilseeds panel.

We are glad to read that you acknowledge that the Commission has taken the right initiative to resolve the violation of GATT Article 111.4 by proposing to the Council to support farmers' incomes by a system of direct payments.

Unfortunately, you do not seem to accept that the other main issue addressed by the Soya Panel, the impairment of the tariff concession, will be removed as well upon adoption by the Council of the Commission proposal. You will recall that the panel conclusions of December 1989 state that the support arrangements for oilseeds should not "protect Community producers completely from the movement of prices of imports and thereby prevent the tariff concession from having any impact on the competitive relationship between the domestic and imported oilseeds". It is our view that the Commission proposal meets this point and we disagree with your assessment to the contrary.

We believe that the requirements laid down by the panel's conclusions will be met by the combined effects of the following elements of the Commission's proposal if they are adopted by the Council:

The producer will sell his product at the world market price and will, consequently, be subject to the risks related to such a situation;

The aid will be calculated once a year, will include a franchise and will be paid for an average production. The aid will, therefore, not compensate for price fluctuation on the world market;

The producer will not be shielded by an intervention system.

It is in particular for these reasons, that we cannot agree with your conclusion that, under the new system, the GATT binding will continue to be prevented from having any impact on the competitive relationship between domestic and imported oilseeds.

As regards your proposal to apply paragraph k.4 of the Uruguay Round draft text on dispute settlement which allows, *Inter alia*, for a resort to the original panel in case of disagreement as to measures taken to comply with recommendations and rulings under GATT Article XXIII:2, we are of the opinion that this provision, even though its inclusion in the Lacarte text was supported by the EC, only creates obligations after it has been accepted as part of an overall agreement on the outcome of the Uruguay Round. Until such time, we do not wish to anticipate on the entry into force of the new text on dispute settlement. For the time being, the GATT Council remains, therefore, the sole body to be addressed for monitoring the implementation of recommendations or rulings adopted under Article XXIII [and in particular paragraph 1 of the April 1989 Decision, §180 365/61].

As we indicated in our letter of June 27, the EC Concil has agreed to adopt, by October 31 of this year, a new oilseeds regime which will bring EC legislation into conformity with the panel conclusions. The Commission proposal which was sent to the Council in July is only a step in the decision-making process of the Community. In view of this and of the Council's pledge to decide on the proposal before the end of October, your complaint is, to say the least, premature.

We would like to point out that the Commission's proposal, while complying with the GATT panel conclusions, lays down a transitional scheme which will apply until the definitive one is adopted as part of the CAP reform under discussion in the Council.

We hope that you will be convinced that we are fulfilling the obligations we undertook on the adoption of the panel report and we are, as always, ready to continue to explore with you the ways to control this issue.

Yours sincerely,

FRANE ANDRIESSEN.
RAY MAC SHARRY.

HOW THE EUROPEAN COMMUNITY HARMS U.S. AGRICULTURE

The EC provides tremendous subsides for its farming industry.

Consequently, EC agricultural production has expanded rapidly over the past two decades.

EC subsidized exports have driven down world market prices of farm products.

The EC has shifted from a net importer of many agricultural products to the world's second largest exporter [behind the U.S.].

Lower world prices and reduced U.S. Market shares have cut U.S. agricultural exports, resulting in less U.S. acreage planted and lower U.S. farm incomes.

While the EC has undertaken some modest reforms of agricultural policy, its production and trade continue to expand.

Mr. MCCONNELL. Mr. President, patience may be a virtue, but being too patient can be viewed as inaction. During the decade of the 1980's U.S. soybean farmers suffered from lost income because of unfair trade practices by the European Community. In 1987, a section 301 petition was initiated under GATT rules to investigate the problems.

The EC guarantees its farmers more than twice the current world price of soybeans and EC oilseed processors receive additional subsidies. It is not surprising their farmers have increased acreage fivefold during the past decade. This increased production in the EC will displace around $1.5 billion in potential income to U.S. soybean producers this year alone.

Almost 2 years ago, a GATT panel which reviewed this petition found the European Community's oilseed subsidy program was inconsistent with the rules of the General Agreement on Tariffs and Trade. It is time to act, before our soybean farmers lose more money.

My home State of Kentucky typically ranks as the 13th largest soybean producing State. Over $200 million per year is earned by Kentucky soybean farmers. So you see, unfair trade practices directly hurt the soybean industry in my State and I believe it is time to exercise our rights under U.S. trade law.

EC officials claim they will modify their internal support programs in an effort to resolve this dispute. However, no positive steps have been taken. This problem has dragged on far too long and it is time it was resolved.

Mr. President, I strongly support this resolution and I am frankly becoming impatient waiting for the EC to correct the inequities which exist. I yield the floor.

Mr. BOND. Mr. President, I rise in strong support of the resolution offered by my distinguished colleague from Missouri, Senator DANFORTH, and Senator PRYOR and others. This resolution expresses the sense of the Senate regarding enforcement of the oilseeds GATT panel ruling against the European Community.

While the European Community [EC] has expanded its oilseed exports, U.S. exports have fallen, domestic stocks have risen and prices for both oilseeds and oil have dropped. The ability of the EC to produce and export oilseeds is entirely dependent on subsidies. It is time the administration recognize that the EC has no intention of complying with its GATT commitments to reform its GATT ilegal oilseed subsidy regime. It is clear to me and the Nation's soybean farmers that nothing less than certain retaliation against EC exports to the United States will convince the EC that the United States is completely serious. We will accept nothing less than the EC reforming its oilseed subsidy regime as it is required to do as a GATT signatory.

As the resolution indicates, the American Soybean Association [ASA] representing all U.S. soybean farmers, filed a section 301 petition against the EC in December 1987. The petition charged that the EC was impairing its duty-free tariff bindings on soybeans and soybean meal by providing lucrative subsidies to growers and processors of EC-origin soybeans, rapeseed, and sunflower seed. The ASA petition was accepted by the Reagan administration in January 1988, and actively pursued through the GATT and in consultations with the EC.

In January 1989, the GATT Council of Ministers adopted a report of a dispute settlement panel that had considered the merits of the charges contained in the American Soybean Association's section 301 petition. The GATT dispute settlement panel ruled that EC subsidies are a violation of GATT trading rules. It is important to note that the EC accepted the results of the dispute settlement panel when it was presented to the GATT Council in January 1989. In so doing the EC agreed to bring its oilseed regime into compliance with the GATT and to eliminate the impairment of its duty-free bindings.

Soon, it will be 4 years since the ASA's section 301 petition was filed with USTR and 2 years since the EC's oilseed regime was found to be GATT-illegal. Yet, the EC has yet to take action to come into compliance. Quite the opposite has occurred in fact. In 1986–87 marketing year, the time when ASA filed its petition, the EC produced a total of 6.9 million metric tons [MMT] of oilseeds. This year, the EC is expected to produce over 12 MMT of oilseeds, the largest crop in its history.

The EC budgeted the equivalent of $9 million in 1990–91 to pay the cost of its subsidies for the production of oilseeds, protein crops, and olive oil, directly affecting demand in Europe for U.S. soybeans and soybean meal. That is almost as much as the United States spent in fiscal year 1991 on all domestic farm income and price supports. This year the EC is expected to export well over 1 MMT of highly subsidized rapeseed oil to markets previously supplied with U.S. soybeans and soybean oil.

It is important to consider the extent of the EC's subsidies. Here in the United States we guarantee our soybean farmers $4.92 for each bushel of soybeans they grow and 8½ cents per pound for each pound of sunflower seed and rapeseed they grow. That is below the cost of production for many farmers and well below the normal market price for those crops. In Europe farmers receive in excess of $12–$15/bushel for all of their soybeans and almost 20 cents per pound for each pound of rapeseed and sunflower seed they grow. By reimbursing EC oilseed processors for the higher price they must pay EC farmers for oilseeds, the EC is able to sell at a cost lower than the EC processors can purchase U.S. soybeans. United States soybeans and soybean meal simply cannot compete in the European market with EC-origin oilseeds. I ask my colleagues, what would be the reaction from the EC if we adopted their policy for oilseeds and applied it to wine? Without question they would retaliate.

This summer the EC promised U.S. Trade Representative Carla Hills and Secretary of Agriculture Ed Madigan that it would adopt a new oilseeds program that complied with the GATT panel's ruling by October 31 of this year. In August, the EC's proposed oilseed plan was unveiled. The EC's plan for compliance with the December 1989 GATT panel's ruling merely continues the excessive oilseed subsidies of the past.

Mr. President, I am fed up with the EC's continued uncompromising position on the oilseeds case as well as with just about every other agricultural issue. The EC has had 2 years to make acceptable reforms. In the meantime, U.S. soybean farmers and processors are losing at least $1.5 billion annually in sales to the EC. It is my view that the EC will keep on stealing our soybean farmers' and procesors' market in Europe if we don't retaliate.

Our soybean farmers and soybean processors should not have to wait any longer for the EC to act on the oilseeds issue. They have waited far too long already. The way to get ahead of the EC is to get behind the American producer. The administration must retaliate against the EC by taking action under section 301 to impose prohibitive import duties on no less than $1.5 billion in EC exports to the United States. Through such retaliation the United states will make the EC pay an economic price for its failure to make acceptable reforms and provide a reason for the EC to complete fairly. I urge my colleagues to support this resolution.

Mr. DURENBERGER addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. DURENBERGER. I thank the Chair. I thank my colleague from Missouri for both of those statements. I am pleased to be a cosponsor of the resolution that he has introduced with regard to the European Community. I want to express the sense of frustration of being on the Finance Committee and not being able to deal as adequately as we should with these problems, but the time is running short for the Europeans, and we have all the time in the world in the one sense. They do not have that much time to make a decision to deal appropriately with fair trade in this world.

AMENDMENTS SUBMITTED

CIVIL RIGHTS ACT OF 1991

DECONCINI AMENDMENT NO. 1264

(Ordered to lie on the table.)

Mr. DECONCINI submitted an amendment intended to be proposed by him to the bill (S. 1745) to amend the Civil Rights Act of 1964 to strengthen and improve Federal civil rights laws, to provide for damages in cases of intentional employment discrimination, to clarify provisions regarding disparate impact actions, and for other purposes, as follows:

Beginning on page 6, strike line 8 and all that follows through page 7, line 2, and insert the following:

"(3) LIMITATIONS.—The amount of punitive damages that may be awarded under this section shall not exceed the greater of—

"(A) $150,000; or

"(B) an amount equal to the sum of compensatory damages awarded under this section and equitable monetary relief awarded under section 706(g) of the Civil Rights Act of 1964.

• Mr. DECONCINI. Mr. President, I would like to offer an amendment to Senator DANFORTH'S civil rights bill (S. 1745) to strike the limitations on the damages provisions included in his bill and replace them with the limits included in last year's conference report on the Civil Rights Act of 1990. These are the same limits that are included in H.R. 1, the House-passed civil rights bill.

I commend Senator DANFORTH for the hard work he has put into drafting his compromise bill and I support him in this effort. However, I am concerned that the caps he places on damages for victims of intentional discrimination are too restrictive. Senator DANFORTH'S bill would create three tiers of remedies for victims of intentional discrimination, based not on the egregiousness of the injury, but on the size of the employer.

Damage awards would be limited to $50,000 for employees with 15 to 100 employers, $100,000 for employers with 101 to 500 employees, and $300,000 for employers with more than 500 employees. Since 97 percent of all employers would fall under the first tier, I feel strongly that victims will have little incentive to seek enforcement of their rights. No matter how egregious an employer's behavior, most victims would never be eligible to receive more than $50,000.

These caps would apply to the total of all punitive and compensatory damages, including future pecuniary losses, pain and suffering, mental anguish, and loss of enjoyment of life. Compensatory damages are designed to compensate an injured party for the harm actually done, and to place the injured party, inasmuch as possible, in the same position he or she would have been in the absence of the discrimination. Compensatory damages are designed to make the victim whole. Limits on compensatory damages are unfair and should be avoided at all costs.

My amendment would eliminate all caps on compensatory damages and instead place a cap on punitive damages of $150,000 or the amount of compensatory damages, whichever is higher. This seems a fair alternative and one that was accepted last year in the conference report on civil rights and this year in the House-passed bill. In the situation where an employer's actions have caused an exceptional amount of out-of-pocket expenses or pain and suffering, the amount of punitive damages should be correspondingly higher. However, a cap of $150,000 will provide some protection in those cases where the behavior caused less damage.

Victims of intentional discrimination should be treated fairly and equitably. Victims of intentional race discrimination have long been able to seek compensatory and punitive damages for the discrimination they suffer under 42 U.S.C. 1981. However, women, certain religious minorities and the disabled are severely limited in the remedies they can receive.

In its current form, title VII's remedies are limited to: reinstatement to the job; back pay if the victim can prove lost wages; and/or court orders against future discrimination. Title VII does not provide compensation for other harm attributable to the discrimination, such as medical injuries and their associated costs; emotional distress; losses, such as loss of a house or car because payments were missed due to discriminatory discharge from a job.

Title VII does not address the needs of victims who do not wish to return to their jobs, who suffer medical and psychological harm, or who suffer out-of-pocket expenses because of the harassment from their employers. For example, Helen Brooms was sexually harassed on the job. She finally quit her job after her supervisor showed her sexually explicit photographs and threatened her life. She fell down a flight of stairs trying to get away from him and subsequently suffered from severe depression. Although the court found her civil rights had been violated, she received no compensation at all for her medical injuries. These types of examples are endless. The need for damages for all victims of intentional discrimination is clear.

Opponents of the damages provisions argue that it will subject employers to enormous liability and put them out of business. A recent study completed by the Washington, DC, law firm of Shea and Gardner at the request of the National Women's Law Center challenges this assertion. This study shows that monetary awards under section 1981 for victims of intentional racial discrimination has not led to unlimited awards and bonanzas for lawyers. The study which covers a 10-year period, found that in over 85 percent of cases, no damages at all were awarded. Of the remaining cases where there was a monetary award, the average award was about $40,000 and in only three cases were the damage awards more than $200,000.

A victim's ability to recover damages for harm caused by intentional discrimination should not be artificially constrained based upon a presumption about the employer's ability to pay. A victim should be able to recover the full cost of the losses they suffer because of the discrimination of their employer. It is for this reason compensatory damages should not be restricted.

An adequate damages remedy in title VII, like that proposed in my amendment, will deter employers from discrimination and encourage the settlement of cases. It will send employers the message that all forms of illegal, intentional discrimination are not to be tolerated. I urge my colleagues to accept my amendment which I intend to offer when the civil rights bill is considered this week.•

FEDERAL FACILITY COMPLIANCE ACT OF 1991

BAUCUS AMENDMENT NO. 1265

Mr. BAUCUS proposed an amendment to the bill (S. 596) to provide that Federal facilities meet Federal and State environmental laws and requirements and to clarify that such facilities must comply with such environmental laws and requirements, as follows:

In section 105, subsection (b), in line 4 of new section 3004(m)(3) of the Solid Waste Disposal Act, after "comment", insert "and after consultation with appropriate State agencies in all affected States".

In section 105, subsection (b), in line 12 of new section 3004(m)(4) of the Solid Waste Disposal Act, after "comment", insert "and after consultation with appropriate State agencies in all affected States".

In section 109, subsection (b)(3), line 12, after "shall be" insert "only for the cost of completion of the contract work".

In section 111, line 1, after "solid", delete "of" and insert in lieu thereof "or".

In section 114, delete "AMENDMENT TO THE FEDERAL FACILITY COMPLIANCE ACT OF 1991" and insert in lieu thereof "USE OF MINE WASTE TREATMENT CAPABILITIES".

WIRTH (AND CHAFEE) AMENDMENT NO. 1266

Mr. WIRTH (for himself and Mr. CHAFEE) proposed an amendment to the bill S. 596, supra, as follows:

On page 6, after line 12, add the following new section:

SEC. 5. ENERGY MANAGEMENT REQUIREMENTS FOR CONGRESSIONAL BUILDINGS.

(a) IN GENERAL.—The Architect of the Capitol (referred to in this section as the "Architect") shall undertake a program of analysis and retrofit of the Capitol Buildings, the Senate Office Buildings, the House Office Buildings, and the Capitol Grounds, in accordance with subsection (b).

(b) PROGRAM.—

(1) LIGHTING.—

(A) IMPLEMENTATION.—

(i) IN GENERAL.—Not later than 18 months after the date of enactment of this Act and subject to the availability of appropriated funds to carry out this section, the Architect shall begin implementing a program to replace in each building described in subsection (a) all inefficient office and general use area fluorescent lighting systems with systems that incorporate the best available design and technology and that have payback periods of 10 years or less.

(ii) REPLACEMENT OF INCANDESCENT LIGHTING.—Wherever practicable in office and general use areas, the Architect shall replace incandescent lighting with efficient fluorescent lighting.

(B) COMPLETION.—Subject to the availability of appropriated funds to carry out this section, the program described in subparagraph (A) shall be completed not later than 5 years after the date of enactment of this Act.

(2) EVALUATION AND REPORT.—

(A) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, the Architect shall submit to the Speaker of the House of Representatives and the President pro tempore of the Senate a report evaluating potential energy conservation measures for each building described in subsection (a) in the areas of heating, ventilation, air conditioning equipment, insulation, windows, domestic hot water, food service equipment, and automatic control equipment.

(B) COSTS.—The report shall detail the projected installation cost, energy and cost savings, and payback period of each energy conservation measures.

(3) IMPLEMENTATION PLAN.—

(A) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Architect shall issue an implementation plan for the installation of all energy conservation measures identified in accordance with paragraph (2) with payback periods of less than 10 years.

(B) INSTALLATION.—The plan shall provide for the installation of the measures described in subparagraph (A) not later than 6 years after the date of enactment of this Act.

(4) ENERGY SAVINGS PERFORMANCE CONTRACTS.—

(A) IN GENERAL.—In carrying out this section, the Architect is authorized and encouraged to solicit and enter into one or more energy savings performance contracts offered by one or more private firms.

(B) CONTRACT REQUIREMENTS.—Each energy savings performance contract shall—

(i) require an annual energy audit;

(ii) specify the terms and conditions of each payment and performance guarantee; and

(iii) provide that, for the term of each guarantee, the contractor is responsible for maintenance and repair services for energy-related equipment, including computer software systems.

(C) PAYMENTS.—The Architect may incur an obligation to finance a project contracted for in accordance with this paragraph if—

(i) the energy savings guaranteed in the contract exceeds the debt service requirements; and

(ii) aggregate annual payments do not exceed the energy savings guaranteed in the contract during each contract year.

(D) IMPLEMENTATION.—The procedures and methods used to calculate the energy savings guaranteed in the contract shall be based on—

(i) sound engineering practices; and

(ii) consideration of relevant variables, including applicable utility rate schedules and fuel and utility billing schedules.

(E) DEFINITION.—As used in this paragraph, the term "energy savings performance contract" means a contract that—

(i) provides for the performance of services for the design, acquisition, installation, testing, operation, and, if appropriate, maintenance and repair, of an energy conservation measure identified in accordance with paragraph (2); and

(ii) may provide for appropriate software licensing agreements.

(5) UTILITY INCENTIVE PROGRAMS.—In carrying out this section, the Architect is authorized and encouraged to—

(A) accept any rebate or other financial incentive offered through a program for energy conservation or the management of electricity or gas demand that—

(i) is conducted by an electric or natural gas utility;

(ii) is generally available to customers of the utility; and

(iii) provides for the adoption of energy efficiency technologies or practices that the Architect determines are cost effective for the buildings described in subsection (a); and

(B) enter into negotiations with electric and natural gas utilities to design a special demand management and conservation incentive program to address the unique needs of the buildings described in subsection (a).

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

ROBB AMENDMENT NO. 1267

Mr. BAUCUS (for Mr. ROBB) proposed an amendment to the bill S. 596, supra, as follows:

Insert at the end of section 304(b)(2): "unless the conditions enumerated in subsection (a) are met.".

Insert at the end of section 304(b)(3): "unless the conditions enumerated in subsection (a) are met.".

RECLAMATION PROJECTS AUTHORIZATION AND ADJUSTMENT ACT OF 1991

CONRAD AMENDMENT NO. 1268

(Ordered referred to the Committee on Energy and Natural Resources.)

Mr. CONRAD submitted an amendment intended to be proposed by him to the bill (H.R. 429) to authorize additional appropriations for the construction of the Buffalo Bill Dam and Reservoir, Shoshone project, Pick-Sloan Missouri Basin Program, Wyoming, as follows:

On page 227, after line 4, insert the following new title:

TITLE XXXIV—IRRIGATION ON STANDING ROCK INDIAN RESERVATION

SEC. 3401. IRRIGATION ON STANDING ROCK INDIAN RESERVATION.

Section 5(e) of Public Law 89-108, as amended by section 3 of the Garrison Diversion Unit Reformulation Act of 1986, is amended by striking "Fort Yates" and inserting "one or more locations within the Standing Rock Indian Reservation".

CIVIL RIGHTS ACT OF 1991

MOYNIHAN AMENDMENT NO. 1269

(Ordered to lie on the table.)

Mr. MOYNIHAN submitted an amendment intended to be proposed by him to the bill S. 1745, supra, as follows:

At the appropriate place, add the following:

SECTION 1. SHORT TITLE.

This section may be cited as the "Welfare Dependency Act of 1991".

SEC. 2. FINDINGS.

The Congress finds that welfare dependency has reached threatening levels:

(1) In the period since 1960 the average annual caseload of the Aid to Families With Dependent Children Program under title IV of the Social Security Act has quintupled.

(2) In 1990 there were on average almost twice as many households receiving Aid to Families With Dependent Children payments as the number of households and individuals receiving unemployment compensation benefits.

(3) Nearly one quarter of children born in the period 1967 through 1969 were dependent on welfare (AFDC) before reaching age 18. For minority children this ratio approached three-quarters.

(4) At any given time one-quarter of schoolchildren are from single parent families, or households with neither parent. The National Assessment of Educational Progress has documented the educational losses associated with single parent or no parent households.

(5) Only one quarter of father-absent families receive full child support and over half receive none.

(6) The average Aid to Families With Dependent Children benefit has declined by more than one-third since 1960.

(7) The burden of welfare dependency is an issue of necessary concern to women who in overwhelming proportion are the heads of single-parent families.

(8) The rate of welfare dependency is rising. However the statistical basis on which to assess this national issue is wholly inadequate, much as the statistical basis for addressing issues of unemployment was inadequate prior to the Employment Act of 1946 and the creation of the annual Economic Report of the President.

SEC. 3. CONGRESSIONAL POLICY.

The Congress hereby declares:

(1) That it is the policy and responsibility of the Federal Government to reduce welfare dependency to the lowest possible level, consistent with other essential national goals.

(2) That it is the policy of the United States to strengthen families, to ensure that children grow up in families that are economically self-sufficient, and to underscore the responsibility of parents to support their children.

(3) That the Federal Government should help welfare recipients as well as individuals

at risk of welfare dependency to improve their education and job skills and to take such other stops as may assist them in becoming financially independent.

(4) That it is the purpose of the Welfare Dependency Act to aid in lowering welfare dependency by providing the public with generally accepted measures of welfare dependency so that it can track dependency over time and determine whether progress is being made in reducing it, and also to determine the adequacy of welfare benefits.

SEC. 4. ANNUAL WELFARE DEPENDENCY REPORT.

(1) The Secretary of Health and Human Services (hereafter referred to as the "Secretary") shall submit an annual report on welfare dependency in the United States. The report will attempt to identify predictors of welfare dependency and trends thereof.

(2) The report shall include families and individuals receiving needs-tested benefit programs, including Aid to Families With Dependent Children, Food Stamps and Medical Assistance, as well as general assistance programs administered by State and local governments.

(3) Not later than three years after the date of enactment of the Act, the Secretary shall submit the first annual Welfare dependency report to the Senate Committee on Finance and the House Ways and Means Committee. Such report shall set forth:

(a) current trends in the number of recipients and total expenditures for each of the means-tested welfare programs.

(b) the proportion of the total population receiving each of the means-tested programs.

(c) annual numerical goals for recipients and expenditures for each program for the calendar year in which the report is transmitted and for each of the following four calendar years. These goals will reflect the objective of reducing welfare dependency to the lowest possible level consistent with other essential national goals. Numerical goals should also be provided for significant subgroups within the population.

(d) the programs and policies the Secretary determines are necessary to meet the goals for each of the five years, together with such recommendations for legislation as the Secretary may deem necessary or desirable.

(e) the Secretary's annual reports will include interim goals for reducing the proportion of families and children who are recipients of Aid to Families With Dependent Children to ten (10) percent.

(4) The Secretary shall submit reports annually after the due date of the report described in subsection (a) to the Senate Committee on Finance and the House Ways and Means Committee. The report shall be transmitted during the first 60 days of each regular session of Congress.

NOTICES OF HEARINGS

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. LEAHY. Mr. President, I would like to announce that the Senate Committee on Agriculture, Nutrition, and Forestry, will hold a hearing on agricultural and food assistance for the Soviet Union on Wednesday, October 30, 1991, at 10 a.m., in SR-332.

For further information please contact Lynnett Wagner of the committee staff at 224-5207.

AUTHORIZATION FOR COMMITTEES TO MEET

COMMITTEE ON FOREIGN RELATIONS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, October 22, at 2 p.m. to hold a business meeting.

BUSINESS MEETING

The Committee will consider and vote on the following business items:

LEGISLATION

(1) S. Res. 198, authorizing the Committee on Foreign Relations to exercise certain investigatory powers in connection with its inquiry into the release of the U.S. hostages in Iran.

(2) S. 503, the U.S.-Mexico Border Environmental Protection Act, sponsored by Senators McCain and DeConcini.

NOMINATIONS

(1) Mr. Edward Gibson Lanpher, of the District of Columbia, to be Ambassador to Zimbabwe.

(2) Mr. Richard C. Houseworth, of Arizona, to be U.S. Alternate Executive Director of the Inter-American Development Bank.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON TAXATION

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Subcommittee on Taxation of the Committee on Finance be authorized to meet during the session of the Senate on October 22, 1991, at 2:30 p.m. to hold a hearing on S. 1787, the Asset Disposition and Revitalization Credit Act of 1991.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL PARKS, AND FORESTS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Subcommittee on Public Lands, National Parks, and Forests of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate, 9:30 a.m., October 22, 1991, to receive testimony on S. 1696, a bill to designate certain national forest lands in the State of Montana as wilderness, to release other national forest lands in the State of Montana for multiple use management, and for other purposes.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON TERRORISM, NARCOTICS AND INTERNATIONAL OPERATIONS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Subcommittee on Terrorism, Narcotics and International Operations of the Foreign Relations Committee be authorized to meet during the session of the Senate on Tuesday, October 22, at 10 a.m. to hold a hearing on the narcotics and foreign policy implications of the BCCI affair.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON WATER AND POWER

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Subcommittee on Water and Power of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate, 2 p.m., October 22, 1991, to receive testimony on S. 1825, a bill to authorize the sale of Bureau of Reclamation loans to the Redwood Valley County Water District, California; and H.R. 429, the Reclamation Projects Authorization and Adjustment Act of 1991.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON AGRICULTURAL RESEARCH AND GENERAL LEGISLATION

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry, Subcommittee on Agricultural Research and General Legislation be allowed to meet during the session of the Senate on Tuesday, October 22, 1991, at 9 a.m. to hold a hearing on the viability of the U.S. grain inspection system.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Governmental Affairs Committee be authorized to meet on Tuesday, October 22, at 9:30 a.m., for a hearing on the subject: FTS-2000.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON CONSUMER AND REGULATORY AFFAIRS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Subcommittee on Consumer and Regulatory Affairs of the Committee on Banking, Housing, and Urban Affairs be allowed to meet during the session of the Senate, Tuesday, October 22, 1991, at 10 a.m. to conduct a hearing on recommendations for amending the Fair Credit Reporting Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INDIAN AFFAIRS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Subcommittee on Indian Affairs be authorized to meet on October 22, 1991, beginning at 9 a.m., in 485 Russell Senate Office Building, on S. 1315, the Indian Federal Recognition Administrative Procedures Act of 1991.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

MAGAZINE SURVEY FINDINGS DECRY NEED FOR HIGHWAY BILL

• Mr. SHELBY. Mr. President and Members of the Senate, I rise today to recognize the contributions of Overdrive and Equipment World magazines toward educating readers and the general public about problems and challenges facing our Nation's drivers and truckers in particular. Recently, I read an article in the September issue of Overdrive magazine, a trucking magazine published in Tuscaloosa, AL, that drives home the importance of drafting and enacting a highway bill that has meaning and substance.

Overdrive, the magazine for the owner-driver trucker, and Equipment World, Overdrive's sister publication and the leading magazine for the construction industry, are both owned by Randall Publishing Co. Together, these publications represent those persons whose livings are made driving and constructing this Nation's roads.

I feel the Overdrive article "Streets of Shame" should be entered into the CONGRESSIONAL RECORD. It expresses the opinions of this country's experts on our roads—professional truckers. Overdrive's readers, professional owner-drive truckers, were asked to select the worst roads in the country. I can think of no group of Americans better qualified to make that selection than the people who travel the highways to make their living.

The results of the survey tell us that the need for effective highway legislation is real and immediate. When 2,500 truckers are willing to voice their opinions on the worst roads in America, we have a responsibility to listen to them. Published by both Equipment World and Overdrive, the survey's finding and conclusion of the need for a highway bill was aired on Equipment World's construction report and Overdrive's Trucking News, each a nationally-ranked syndicated radio show, highlighted by Bryant Gumbel in a segment on the Today Show, and reported by the national wire services.

The survey ranks 36 States and clearly demonstrates that the need for highway improvements is not limited to just a few special areas. Entire intestates and major arteries, such as I-80, are named for a lack of attention and serious, hazardous truck-damaging potholes. In some cases, truckers are calling for a boycott of some of the worst sections and routes. The truckers and contractors of America are speaking out through Overdrive and Equipment World magazines for a comprehensive bill that would help maintain our highways and in turn allow our Nation's economy to remain prosperous and internationally competitive. In effect, the article, "Streets of Shame" challenges us to produce effective highway legislation that will ensure the continued future of one of our greatest resources—our National Highway System.

Mr. President, as the Congress continues to hammer out a comprehensive highway bill, I hope the recommendations and observations contained in this survey of America's truckers is not left out of this process.

I ask that this article be printed in the RECORD.

The article follows:

[From Overdrive magazine, October 1991]

STREETS OF SHAME

The results are in: Pennsylvania gets the wooden spoon for the nation's worst roads—and gets it by a country mile over second-place New York state.

In the *Overdrive* Worst Roads Contest, readers voted for their least favorite sections of highway. The mail-in cards in the March issue gave each respondent five opportunities to rank their least favorite roads on a "hate" list. The response was enormous. No fewer than 2,500 entries for the Worst Road were received, showing the nation's truckers are fed up with the state of repair of the nation's highways.

After tabulation it turns out that Pennsylvania is tops in the ranking, followed by New York. Third place state is Ohio, making it a grand slam for the Northeast.

The rankings for all states mentioned in the respondents' cards are reported in the accompanying table. It's interesting to note that not all states are represented. Some states either look after their highways, or else truckers don't go there often enough that their roads are a problem.

While Pennsylvania gets the overall vote for the state that cares least for road users, it's New York that has the single worst road. By almost two to one, truckers voted the Cross Bronx Expressway the single worst road in the nation.

It was not just the individual states that came in for a panning. The whole country came in for a consistent thrashing. Major arteries such as I-80 "across the nation" were consistently criticized for poor attention, for truck-damaging potholes, for discomfort. In some cases, the respondents called for outright boycott of some of the worst sections and routes.

Overdrive plans to present the information to the state governors and the Secretary of Transportation so they can make funding for the repair and upgrading of the worst roads in the nation a priority.

Here's how the top 10 states stack up:

PENNSYLVANIA

Ranking among the highest of the worst roads was I-80, scoring in many states, though none worse than Pennsylvania's. Especially singled out for comment was the section from Milesburg to Hazelton.

Next came I-81, scoring half as many, yet still outrating many other states' worst-rated roads. Again, a single stretch was highlighted: Carlisle to Scranton. Scranton was a popular—or rather unpopular—city for truckers on I-84, as this scored third in the Keystone State. Other highways singled out for the dubious honor of being included in this list included I-70, I-78, I-79 and I-90.

NEW YORK

New York achieves notoriety by having the worst road in the nation: the Cross Bronx Expressway, I-84/I-95. After that, the complaints about the state's highway system are scattered, but Highway 17 around Binghamton gets its share of brickbats from unhappy truckers.

Another of New York City's streets that causes concern is the Brooklyn-Queens Expressway, another sign that the Big Apple is struggling to make budget ends meet.

OHIO

Complaints about Ohio's roads are statewide, with I-70 and I-90 particularly singled out. I-70 is voted worst around St. Clairsville/Richmond, while I-90 is reckoned bad across the state.

Of the state roads, Route 23 received a number of votes for the Worst Road.

ILLINOIS

The state's interstate freeway system came in for knocks over the whole area, but I-55 and I-80 were three times more frequently mentioned in the cards, the former around Chicago and the latter in the Chicago/Joliet area.

A state highway that popped up was Highway 41 in Lake County.

LOUISIANA

In Louisiana, most respondents who complained thought I-20 in the Shreveport-Monroe area was the worst, though one comment was along the lines that you could forget about the whole highway all the way to Michigan.

The only other highway in the state to rate a mention (way behind I-20, which has to be one of the nation's poorest roads in our ranking) was I-10, particularly around the attractively named town of Sulphur.

ARKANSAS

There were two interstates equally disliked in Arkansas: I-30 and I-40. I-30 was reckoned bad from Little Rock to the Texas state line. I-40 is said to be bad from Little Rock to Memphis, or Fort Smith to Memphis. Take your pick.

TEXAS

In Texas, I-10 gets the big thumbs down. Beaumont is highlighted as the major problem area, through the whole road west seems pretty much disliked. I-45 is not a particularly popular route, especially around the Dallas area. I-35 and I-40 also come in for some complaints, the former around Waco, the latter from Oklahoma City on west.

KANSAS

Salina, Kan., must be one of the least favorite cities with truckers, if its highways are any guide. The city is highlighted for the poor condition of both I-70 and I-135, I-70 seems universally disliked from Salina to the Colorado border, where I-135 is reckoned especially bad between Salina and Wichita.

Wichita gets a brickbat or two for the condition of Highway 54 from the city to the Texas border.

IOWA

I-80 across Iowa must be the worst of what is generally reckoned to be America's poorest main artery. Comments like "statewide" and "east to west" show that the road is disliked across the whole state, and it rates as one of the worst roads in our survey.

Other "favorites" are I-74 from Davenport east and Highway 61 between Dubuque and DeWitt.

NEW MEXICO

Tenth-place New Mexico gets its notoriety for the condition of I-40 as it crosses the state. It outranks other poor roads in New Mexico by four to one. However, I-25 and I-10 are also rated in the Worst Roads Hall of Shame.

New Mexico also rates a black mark for Highway 54 around Alamogordo.

These are just a few of the worst roads from the worst states around the nation. We will be using the list in further moves to get highway attention and highway funds appropriated to attend to America's crumbling Interstates. But as this is written, the Highway Reauthorization seems to be sliding back onto the back burner. We hope that we can do something to get it back into the government's consciousness before truck transportation sinks into one giant chuckhole.

[From Equipment World magazine, October 1991]

TRUCKERS: THUMBS DOWN ON U.S. ROADS

Who better to rate America's roads than over-the-road truckers? These people feel every bump, jolt and rattle as they drive their mobile offices down U.S. highways. In fact, you might think of them as roads scholars, with Ph.Ds in avoiding particularly nasty stretches of highway.

So it made sense for Overdrive magazine, a sister publication of Equipment World that reaches truck drivers, to ask their readers to nominate candidates for the Worst Roads Contest. Using a mail-in card, Overdrive asked each respondent to rank their five least favorite roads. "The response was enormous, with more than 2,500 truckers responding" says Steve Sturgess, editor of Overdrive. "It shows that the nation's truckers are fed up with the state of repair of the nation's highways."

And the survey says . . . Pennsylvania is heads above any other state when it comes to bad roads. (See chart.) However, New York gets the nod in the "single worst road" category. By almost two to one, truckers voted the Cross Bronx Expressway in New York City the single worst road in the nation.

Not just individual states roads came in for a panning; in fact, entire interstates were consistently criticized. Major arteries such as I80 across the nation were faulted for poor attention, for truck-damaging potholes and for discomfort. In some cases, truckers called for an outright boycott of some of the worst sections and routes.

The key question is this: is anyone in Congress listening? By the time you receive this issue, we will know the answer.

We do know this much now, however, before Congress voted, they knew exactly how truckers felt about the road construction job they'd done to date. As Congress began debating the finer points of the highway re-authorization bill, Randal Publishing issued a press release on the survey's results. The release was picked up by the Today show, plus numerous news outlets across the nation.

Let's hope it did some good.

Worst Roads Tally: Top 10

State	*Percent*
1. Pennsylvania	20.95
2. New York	15.90
3. Ohio	5.41
4. Illinois	4.72
5. Louisiana	4.72
6. Arkansas	3.26
7. Texas	3.26
8. Kansas	3.05
9. Iowa	2.80
10. New Mexico	2.76•

WORKING TOGETHER TO PRESERVE OUR ENVIRONMENT

• Mr. McCONNELL. Mr. President, I want to draw the attention of my colleagues to a heartening effort to preserve the stunning natural beauty of Kentucky.

Recently, Westvaco Corp., in consultation with the Kentucky Department of Fish and Wildlife Resources, purchased and set aside the land of the Carlisle County Wildlife Preserve.

This type of cooperative effort is an ideal example of how government and industry can work together to protect our natural heritage.

The Westvaco wildlife management area will provide an economic stimulant to Carlisle County and a protected habitat for migrating waterfowl. The foresight and progressiveness shown by Westvaco has provided a direct benefit to Kentucky and the Nation.

Mr. President, I would like to share with my colleagues the remarks of Westvaco's president, John Luke, who dedicated the Westvaco wildlife management area earlier this fall. I also want to express my congratulations on a job well done.

The remarks follow:

REMARKS OF JOHN A. LUKE

Thank you, Don, for your very kind remarks. I am pleased to be here this morning to participate in the dedication of this very important project. Westvaco is honored to join with the Kentucky Department of Fish and Wildlife Resources in providing critical habitat areas for waterfowl in the Mississippi Flyway.

As I stand here this morning, I am reminded that the wisdom of Westvaco's decision to locate its new mill at Wickliffe 25 years ago is reinforced by Kentucky's natural resources. This magnificent setting overlooking the mighty Mississippi River highlights the importance of this unique, environmental project carried out by the public and private sectors for the good of America's wildlife resources. I can almost see the ducks and geese winging their way toward us! They will be here soon, and they will be most welcome in their new winter home!

This wildlife management area is very important, I know, to Kentucky, the surrounding states, local communities, and sportsmen and outdoor enthusiasts nationwide. It is also extremely important to Westvaco, our shareholders, and our employees. As a company with strong and traditional ties to natural resources, we have been involved in a number of innovative and successful conservation efforts over the years, and we fully expect this pioneering project to be one of our most successful.

Today, I plan to focus my remarks on Westvaco's presence in the region and our partnership with the Kentucky Department of Fish and Wildlife Resources in helping meet the goals of the North American Waterfowl Management Plan. Then, I want to talk about the depth of our commitment to wise stewardship of our nation's forests and related natural resources, and in conclusion, I will comment on Westvaco's broader efforts and attitudes toward the environment as a whole.

Westvaco is especially pleased to be the owner and the enabling partner in this pioneering wildlife program in western Kentucky since we have been a corporate citizen of the Commonwealth for nearly a quarter of a century. Construction of our fine papers mill at Wickliffe just up river from where we are this morning began in the summer of 1967, and at that time it was the largest single project in our company's history.

From its initial production run in 1970 through 20 years of continuing process improvements and expansion, the Wickliffe mill has remained a state-of-the-art producer of world-class products for markets throughout this country and abroad. Wickliffe's 640 dedicated employees produce nearly 1,000 tons of high-quality, communications paper and market pulp products daily.

I wish I could invite you to the mill today, but the plant has just been down for a normal maintenance outage, and it is not the time to receive guests. However, I do issue an invitation to one and all to tour the mill at some other time. If you would like to see it, please call our Public Relations Department at Wickliffe, and given a bit of notice, it can be arranged. We are very proud of our mill. There is none better in the world, and we like to show it off.

In addition to the mill at Wickliffe, Westvaco's presence here, including our 235,000 acres of timberlands, our wood procurement activity, and the 165,000 acres in our Cooperative Forest Management programs which are owned by 500 private landowners, extends into a six-state region. Our contribution to these economies, according to the Kentucky Cabinet for Economic Development, amounts to more than $350 million each year.

Since Westvaco first came to Kentucky, we have enjoyed working with some of the finest state, local, and federal agencies in the country. No relationship or project, however, has been more rewarding than working with the Kentucky Department of Fish and Wildlife Resources to establish the "Westvaco Wildlife Management Area." When our Senior Vice Presidents, Scott Wallinger and Lee Andrews, joined Commissioner McCormick in Frankfort this June to jointly announce the creation of the Westvaco Wildlife Management Area, it marked the beginning of a unique partnership project that will have a significant environmental impact for many years to come.

Initially we intend to voluntarily designate over 2,000 acres of the Columbus Bottoms lands which we own or have under option as a key wintering habitat for migrating waterfowl. This habitat will exist in perfect harmony with the most advanced industrial forest management—a superb demonstration of multiple-use land management and of the compatibility of sound environmental and sound business practice.

When the North American Waterfowl Management Plan was first implemented in 1987, it was called the largest conservation program of its kind in the world—a multinational effort including the United States, Canada, and Mexico working in concert to reverse the trend of steeply declining waterfowl populations, primarily ducks. The goals of restoring waterfowl populations to the levels of the early 1970s and adding more than six million acres of priority habitat across the North American Continent by the year 2000 are among the most ambitious conservation efforts ever undertaken. Westvaco is indeed proud to contribute to this effort. And we are especially encouraged that those who developed the Plan sought to include private participation and to encourage joint ventures. We pledge Westvaco's full support in making our joint venture with the Kentucky Department of Fish and Wildlife Resources the shining example of private participation in the North American Plan.

Now let me comment on Westvaco's commitment to wise stewardship and conservation of natural resources. For many years we have worked hard in Kentucky, Tennessee, Illinois, Missouri, Mississippi, South Carolina, Virginia, West Virginia, and other states to bring a high level of responsible forest management to our lands. I am going to take a moment here and later in my remarks to illustrate, I hope conclusively, that our environmental and resource commitment can be judged every bit as much by our performance as by our words.

We are considered the leaders in the forest products industry in ensuring that timber management and logging activities are done in full compliance with the best management practices. This means that our standards provide the best protection possible for soil, water, wildlife, and other resources.

We manage all of our forests intensively with the most advanced technology, and we pride ourselves on their multiple use for the benefit of all—wildlife, recreation, hunting, forest products, and jobs—all in compatible fashion and with the most sensitive attention to the environment.

Healthy, rapidly growing, young forests are widely accepted as important contributors to the environment. Each year we plant more than 45 million genetically advanced seedlings, more than two new trees for every one we harvest. As benchmarks of progress, in 1988, we celebrated the planting of our one billionth seedling, and our forests consume more CO_2 than our mills release. Not many companies or industries can match that environmental contribution.

In July, Westvaco joined a conservation partnership with 17,000 of our acres to protect the watershed and estuary formed by the Ashepoo-Combahee-Edisto (ACE) Rivers in coastal South Carolina. This is the largest undeveloped estuary on the Atlantic Coast. It is a unique ecosystem and our cooperative efforts can help maintain that uniqueness for future generations. Protection of the area provides a wonderful opportunity for cooperation among private and public interests—forestry, wildlife, farming, fisheries, and outdoor recreation.

We were also instrumental in efforts to Save the Cache River Wetlands project in southern Illinois through the transfer of our Little Black Slough properties to the Illinois Nature Conservancy 16 years ago. And earlier this year, we participated in the dedication ceremonies of the Cypress Creek National Wildlife Refuge and the Lower Cache River Nature Preserve.

Through our Cooperative Forest Management Program, which we created in the 1950s as our industry's very first such program, we provide free professional forest management advice to over 2,500 private landowners to encourage sound and advanced forestry practice on 1.2 million acres of their land.

Westvaco's distinguished forestry and environmental programs have been recognized over a long period of years by a wide variety of resource conservation organizations and state and federal agencies. We maintain a close working relationship with the Tennessee Wildlife Resources Agency, particularly in their small game management, eagle nesting, and public hunting area programs. We have been heavily involved with the Illinois conservation community for years; and in Virginia, Westvaco pioneered the creation of wildlife corridors as harvesting is done. This is now a standard practice for us in those regions where it is beneficial. Our Woodlands Division has two, full-time wildlife biologists on its staff to help with efforts such as these.

We have participated actively in a range of cooperative ventures with Ducks Unlimited, The Nature Conservancy, the ruffed Grouse Society, the National Wild Turkey Federation, the U.S. Fish and Wildlife Service, and the Tennessee Conservation League.

We aggressively fund our forest research activities which are at the very cutting edge of modern biotechnology efforts as we strive to develop tree seedlings which can grow faster, straighter, and which are more resistant to disease and weather. We are excited by the potential future benefits of this work, and we are investing in its future.

It is in these ways, and countless more, that Westvaco brings substance to the support of its words of commitment as a good corporate neighbor and in the wise use of its natural resources. We know that sound industrial forest management is fully compatible with all of the other uses of our forest resource because we prove it—on the ground and before our neighbors' eyes—each and every day, year in and year out.

Concern for the environment is no fleeting matter, and it is deeply ingrained in our corporate culture. The Westvaco organization has long shared this concern, and we pledge to be at the forefront of responsible environmental stewardship for the future. The establishment of this wildlife management area, in such close proximity to our Wickliffe paper mill, readily demonstrates that modern, well-managed manufacturing can operate in full and balanced harmony with sound and environmentally sensitive land uses.

A few months ago Administrator Reilly of the Environmental Protection Agency invited over 600 companies to voluntarily and aggressively reduce certain chemical emissions from their facilities. Westvaco promptly responded that it would join in the voluntary program and even go a step further. Not only did we agree to reduce the specified chemical emissions by 50 percent by 1995, but we volunteered to achieve the same reduction for an additional list of chemicals that are reported each year. We expect to meet both of those commitments ahead of schedule. Actions such as these keep Westvaco positioned in the vanguard of American industrial environmental performance.

At this time I would like to make special note that in 1989 Westvaco became one of the very first companies in American industry to establish a Committee on the Environment on its Board of Directors—a clear example of the importance we attach to the environment. This committee has the leadership and oversight responsibility for all of Westvaco's environmental practices and policies.

The Chairperson of our Board's Committee on the Environment, Katherine Peden, is well known to Kentuckians for all that she has done for the Commonwealth, and it is particularly appropriate that she is here today.

It was her Board Committee that gave life to our dream of the Westvaco Wildlife Management area we celebrate today. I would also note that when Westvaco made the decision to locate its new paper mill near Wickliffe, Katie was serving as Kentucky's Commerce Commissioner, and she persuasively clinched our decision that the Blue Cross State was where we should be. We have never regretted that decision, and we are deeply indebted to her for her distinguished service as a Westvaco Director, for Chairing our Board's Environmental Committee, for this Refuge, and for bringing Westvaco to Kentucky. She is an active and determined leader, and I can assure you that if there is ever any grass under Katie's feet, it will only be pure Blue Grass! Please join me in a round of special thanks to a very special friend of us all.

And now I will leave you with these concluding thoughts.

Westvaco, in its broad commitment to environmental matters, has long had a record of workplace safety and health that stands at the forefront of industrial performance in respect for the human environment. And it has an equally long and distinguished record of respect for the natural environment, capped by demonstrated performance and by the investment, in today's dollars, of almost $1 billion in protective facilities. Much of this investment has been made voluntarily and well ahead of regulatory requirement. We also spend another $50 million each year to operate these facilities, and compliance with each of the numerous and complex environmental regulations governing our activities is our clear and constant objective. We consider ourselves environmentalists, we believe in sound science, and we believe in sound environmental practice. We are very proud of what we have done and of what we are doing.

It is our conviction that safe and healthy workplaces, communities, and products are essential to the conduct of a successful business, and we simply do not compromise. While we would not be so naive as to profess perfection in these complex and demanding areas, you can be assured that our commitment to health, safety, and the environment is absolute. We fully respect the environment for today and as a legacy to the future.

Westvaco, as the owner and the enabling partner in the Wildlife Area we celebrate today, is extremely proud to share with the Kentucky Department of Fish and Wildlife Resources in the important goals of the North American Waterfowl Management Plan and in the needs of this region. We hope the Westvaco Wildlife Management Area will stand as a shining example of what a business and a community can accomplish for the benefit of all. May it signal new potentials for sound social, economic, and environmental prosperity for all of us in western Kentucky.•

HONG KONG DESERVES A BETTER DEAL

• Mr. SIMON. Mr. President, I have been talking on the floor and buttonholing my colleagues occasionally about the need to pay more attention to the yearning of the people of Hong Kong for democracy.

The British have not done a good job, and the United States has not been good in prodding the British to do a good job.

And unless something happens soon, it is unlikely that the Chinese will feel any obligation to provide basic human rights to the people of Hong Kong when they take over in 1997.

We seem excessively sensitive to the wishes of the leaders of the People's Republic of China but not sensitive enough to the human rights hopes and dreams of the people of Hong Kong.

Recently, the Chicago Tribune reprinted a column written by Jack Payton, of the St. Petersburg Times, on the subject of the Hong Kong situation.

I urge my colleagues to read his column, and I urge people in the administration to do the same.

I ask that it be printed in the RECORD at this point.

The column follows:

[From the Chicago Tribune, Oct. 5, 1991]

HONG KONG DESERVES A BETTER DEAL

(By Jack R. Payton)

WASHINGTON.—While we're patting ourselves on the back because democracy seems to be triumphing over tyranny and oppression around the world, let's not forget the awful thing we're getting ready to do to 6 million or so fellow freedom lovers.

I'm talking, of course, about the people of Hong Kong, a people whose devotion to free enterprise and democratic ideals could be a model for all of us. What we're getting ready to do to these people is sell them down the river.

By "we" I mean the Western democracies, but most especially Britain. It was Britain, after all, that negotiated the treaty to return Hong Kong to Chinese sovereignty.

Many Americans have a lot of admiration for Margaret Thatcher. But the treaty she signed with Beijing in 1984 is seen in Hong Kong as one of this century's great betrayals.

Under the terms of that treaty, the people of Hong Kong have less than six years of freedom left before they come under the sway of the mainland Chinese leaders who brought us the Tiananmen Square massacre in 1989.

The Chinese have promised to maintain Hong Kong's Western-style freedoms and free enterprise system for at least 50 years after taking over. But the treaty Thatcher signed doesn't have any guarantees on this. Thatcher, and now her successor John Major, simply decided to trust them.

That may be easy enough for the British, who won't have to live with the consequences of the treaty. But for the people of Hong Kong who will, trusting their communist cousins on the mainland just isn't in the cards. They know them too well for that.

More than 50,000 Hong Kong residents showed how much they distrust the mainlanders last year by packing up and moving to safe havens elsewhere, mainly Canada, Australia and the United States.

But escapes like that are mainly for the wealthy or highly skilled. The vast majority of Hong Kong's residents are going to be stuck when the Chinese take charge in 1997.

For years, the British authorities who run the colony have dismissed concerns about freedom and democracy by saying that the only thing the people of Hong Kong care about is making money, not politics and certainly not Western ideals of democracy and freedom. And for years, it was hard to contradict that because the people of Hong Kong never had a forum to make their views known.

That changed this past week when for the first time in Hong Kong history its people had a chance to vote on delegates to the colony's Legislative Assembly.

In objective terms, it wasn't much of an election. Only 18 of the 60 seats on the council were up for grabs. And in any case, the council doesn't have any real power. Whatever the trappings of representative government, Hong Kong is really run by its British governor.

What made the elections important was that the voters overwhelmingly chose candidates who favor bold and rapid moves toward democracy instead of the timid, go-slow approach favored by Hong Kong's British overlords. The results, though not surprising, came despite a blunt warning from the mainland Chinese that the wrong choices in the election could threaten the colony's political and economic future.

The balloting shattered two convenient myths. First, that the people of Hong Kong don't care about politics; and second, that given their choice, they'd go with cautious bureaucrats who wouldn't do anything to upset the mainland Communists.

So now that Hong Kong's voters have spoken, what's to be done about it?

Britain, of course, would rather stand pat than get into a tug-of-war it couldn't win with the mainland Chinese. There's no way Britain could wangle any significant changes in the 1984 treaty much less secure Hong Kong's eventual independence.

As a practical matter, if the Chinese wanted to take over the colony by force tomorrow, they could do it easily. There's nothing the British could do to stop it. Hong Kong isn't the Falkland Islands, and the Chinese army is somewhat more formidable than Argentina's.

But what the British can do is be a bit more bold in challenging China's attempts to thwart the democratic evolution in Hong Kong even before it gains sovereignty. What they can do is allow the democratic process to spread as rapidly as Hong Kong's voters might desire.

The aging communist leaders in Beijing wouldn't be happy about this. No doubt, they'd complain bitterly. But they'd almost certainly go along with it because they don't want to do anything that would hurt Hong Kong's vibrant economy. They don't want to kill the goose that lays the golden eggs. And that's how China sees Hong Kong—as the goose that lays the golden eggs.

Even though Hong Kong is mainly a British concern these days, the United States could play a useful role in safeguarding its democratic future.

The Chinese know as well as anybody that the biggest customer for Hong Kong's golden eggs is the United States. They also have to keep in mind that the United States is one of their biggest customers too and that China even managed a $10 billion trade surplus with us last year.

That's possible only because China enjoys most-favored-nation trading status with Washington, thanks in part to President Bush's fond memories of his time as U.S. ambassador to Beijing. It's a situation that already irritates a lot of people in Congress, both Republicans and Democrats.

If the British could somehow find the gumption to challenge the Chinese politically in Hong Kong, Bush could certainly protect London's flanks keeping the Chinese in line with the implicit threat of withdrawing its most-favored-nation status.

If the Chinese are convinced that the West is serious about democracy—not just political convenience—they'll be likely to accept whatever *fait accompli* we hand them six years from now in Hong Kong.

All it takes is a bit of boldness in the West.•

AMNESTY INTERNATIONAL'S CAMPAIGN FOR FREEDOM

• Mr. DECONCINI. Mr. President, I rise today to extend my gratitude and support for the work of Amnesty International in their 1991 Campaign for Freedom. Under this campaign, each State is designated a case in which a citizen is being unlawfully detained for sustaining religious or political beliefs inconsistent with those of their respective government. In my State of Arizona, Amnesty International is working for the release of prisoner of conscience Dr. Ahmad Fa'iz al-Fawwaz, detained without trial for 10 years in a Syrian prison for being a member of the opposition party.

Throughout my Senate career, I have been consistent in my opposition to human rights violations whether they occur in El Salvador, South Africa, or the Soviet Union. I have spoken out on numerous occasions about the systematic violations of human rights and religious liberties in Syria, as well as Syrian-occupied Lebanon. Be it denial of individual rights in Kuwait or the brutal suppression of peaceful demonstrators in China, no government is exempt from criticism when it denies fundamental rights.

I commend Amnesty International and its Arizona chapter for making the case of Dr. Ahmad Fa'iz al-Fawwaz a priority, and for its efforts to secure individual rights and freedoms for those living under oppressive governments around the globe.

I ask that an explanation of Dr. Fawwaz's case be printed at this point in the RECORD.

The explanation follows:

DR. AHMAD FA'IZ AL-FAWWAZ, SYRIA

Dr. Ahmad Fa'iz al-Fawwaz has been detained without trial for over 10 years because of his political beliefs.

Ahmad Fa'iz al-Fawwaz, a medical doctor, was arrested in October 1980 during a round-up of leading members of the Communist Party Political Bureau which is banned in Syria. Since March 1972, when President Hafez al-Assad set up a coalition of political parties called the National Progressive Front, all parties which have not joined this Front have been prohibited, among them the Communist Party Political Bureau (CPPB). The CPPB was set up in 1973 and has been frequently attacked by the government and its members arrested because of the party's opposition to government policies.

Dr. Ahmad Fa'iz al-Fawwaz, born in al-Raqqa, is married and has four children. He is detained in 'Adra Civil Prison.

Amnesty International believes that Dr. Ahmad Fa'iz al-Fawwaz has been detained for over a decade now for merely expressing his political beliefs and for criticizing policies of the Syrian Government. It calls for his immediate and unconditional release.

All Amnesty International members in the state of Arizona will work on the behalf of Dr. Ahmad Fa'iz al-Fawwaz during Amnesty's 30th anniversary year. Members of the state's Congressional delegation can expect to be contacted by Amnesty members regarding this case and other human rights issues.•

THE USO COUNCIL OF NEW ENGLAND

• Mr. KERRY. Mr. President, I ask my colleagues today to join me in celebrating the 50th birthday of the USO Council of New England. Across the country, there are men and women, including me, who have strong love and respect for a group that brought a little bit of home to them while they were serving their Nation in the furthermost corners of the globe. In providing a bright, cheerful spot in the harsh atmosphere of conflict, the USO keeps alive the inspiration and morale of the troops. Their concerts and shows provide an entertaining reminder to all serving men and women that their country will never forget. The entertainment is almost secondary to the fact that there is a group of people willing to go halfway around the globe to liven up an afternoon or evening for the troops. This has had an incalculable effect on everyone who has witnessed their enthusiastic and lively shows.

Somewhat less visibly, and perhaps somewhat less glamorously—but equally importantly—the USO has established a fine tradition of providing recreational opportunities ranging from checkers to dances, and other critical assistance regarding matters of personal concern, for our servicemen and women who are serving away from their homes and families, whether in the United States or abroad.

As a nation, we should take a moment to thank and honor an organization whose countless hours of planning, organizing, performing, traveling, and helping have endured for 50 years. To the people at home, the USO is our own personal ambassador, carrying messages of hope and inspiration to places we cannot go, to our loved ones we cannot see. From Martha Raye and Marlene Dietrich in World War II, to Marilyn Monroe in Korea, to Dean Martin and his Gold Diggers in Vietnam, and right up through Steve Martin's visit to the men and women of Desert Storm, the USO has never failed the troops. And of course, who could forget the incomparable Bob Hope and his decades of commitment to the USO. His is a special place in the hearts of the troops. They and countless others—those who are stars and those who are not—have served admirably. Their contributions have occurred under USO auspices.

As a veteran from New England, I stand to salute the USO Council of New England and ask my colleagues to take a moment to do the same.•

ICP IS SETTING THE PACE FOR THE APPROVAL OF NEW MEDICAL TECHNOLOGIES

• Mr. SASSER. Mr. President, I am pleased to join my distinguished colleague from Tennessee today to call the attention of the Senate to the third annual conference of the Institute for Clinical PET to be held here in Washington, October 23–26. [PET] stands for positron emission tomography, the newest, most sophisticated advance in medical diagnostic imaging. PET has already proven itself as an amazing diagnostic tool with respect to the heart and brain. It has shown great promise in the diagnosis of epilepsy and Alzheimer's disease.

Like most new medical technologies, PET has all the classic conflicts of proven usefulness but high costs. When contemplating reimbursement by the Government or private insurers, caution must be exercised regarding utilization by providers so that there are specific medical benefits to justify the cost. That is why the Institute for Clinical PET was formed.

The institute [ICP] promotes the use of PET and advocates Government approvals of the radiopharmaceuticals used in PET procedures and the eventual reimbursement of PET. But ICP is unique because it was formed as much to coordinate its own members' studies and to do its own cost-benefit analysis as it was to promote its product and procedures.

Recognizing that technology is a major contributor to the increases in health care costs, ICP sought to discipline its approach to the Government by being sensitive to cost factors. To that end, ICP submitted to the FDA a drug master file for the approval of the radiopharmaceuticals used in PET. ICP continues to coordinate the clinical studies of PET procedures under a common protocol at six major university medical centers, including our own medical center at the University of Tennessee at Knoxville. And ICP's cost-benefit analysis has helped determine which PET procedures show the promise of saving costs and which ones might result in added costs.

Mr. GORE. Mr. President, I rise today to join my friend from Tennessee in calling attention to ICP's third annual conference. Mr. President, I know of no precedent for ICP. In the past, petitioners for FDA approvals or for reimbursement by the Health Care Financing Administration have not coordinated their petitions because of academic competition or because of individual desire to receive credit. But, through the instrument of ICP, researchers, physicians, manufacturers, and clinicians have shown they understand that the Government cannot afford an uncoordinated approach and the costs of overutilization. By a coordinated approach, it is likely that approvals will be more timely because the applications themselves are not scattered and include better and more pertinent data.

More importantly, ICP's coordination will allow more patients who need PET to receive PET's benefits sooner. It may seem to some that the methodical approach of ICP takes longer. But Government approvals are given with care, so the coordinated approach of ICP may save years as well as dollars.

ICP is a pioneer. I would not be surprised if all future petitions for approvals of new medical technologies follow the ICP example.

Mr. President, ICP may complete its approvals by the time of their fourth conference next year. For now, however, it is noteworthy that ICP is here in Washington actively working to prove itself and to set the pace for introducing new medical technologies throughout the Nation.•

FEDERAL RECYCLING INCENTIVE ACT

• Mr. McCONNELL. Mr. President, last Thursday the Senate adopted the Federal Recycling incentive Act as an amendment to the Federal Facilities Compliance Act. After my amendment was accepted, the manager of the bill made several remarks which indicate some confusion as to the purpose and plain meaning of my legislation.

I want to make the record absolutely clear on what my amendment does, and what it does not do.

My amendment does two things.

First, it allows the managers of Federal facilities to keep the revenues derived from the sale of source-separated materials to provide an economic incentive to recycle where markets for these materials exist.

Second, it punishes Federal facilities which fail to recycle, when recycling is feasible, by publishing the name of the facility in the Federal Register for public inspection.

The first criticism of my amendment by the senior Senator from Montana suggests that my amendment is inappropriate because it requires Federal facilities to recycle at a time when there is a glut in the recycled goods market.

To state that my bill requires Federal facilities to recycle is inaccurate. Make no mistake: My amendment does not require managers of Federal facilities to establish recycling programs. It merely makes a program available to the managers of these facilities if it is economically feasible to recycle.

The language of my amendment is quite clear on this matter:

> Such materials shall not be collected if the administrator—of the EPA—determines that inadequate markets exist for such materials. The program established pursuant to this section shall seek to incorporate existing Federal programs to separate materials from solid waste for the purpose of recycling but in no case shall interfere with existing programs.

To state that there is a glut in the recycled goods market is simplistic. According to the Congressional Research Service, the glut in the recycled goods is a regional problem, and certainly not nationwide. In regions with a glut for such items as newspaper and mixed paper, there exist markets for other recyclable materials such as aluminum cans, corrugated paper, and glass.

Denying facilities the incentive to recycle where the market demand exists for source-separated materials would be environmentally irresponsible. That is why I insisted on my amendment being passed as soon as possible.

Second, the Senator from Montana criticizes my amendment for failing to list specific types of waste. I find this criticism particularly bewildering since the general term "materials" as it now appears in this bill came at the request of the Senator's own staff. I believe this was a positive change to my amendment since it expands the scope of items that may be recycled. Why should Federal facilities be limited in regard to the waste materials they can recycle? I can only conclude that the Senator's statement was drafted before this constructive change was suggested by his staff.

Finally, the Senator says that it is inappropriate for my legislation to be passed outside of RCRA because of the close relationship between the supply and demand sides of the recycled goods market.

I agree with the Senator from Montana that the supply and demand sides of the recycled goods market must be dealt with together. But in this case, why should we wait until RCRA comes to the floor when my amendment can start increasing Federal recycling now, to take waste out of the waste stream, and out of our landfills without obstructing other Federal recycling efforts?

In conclusion, my legislation does not interfere with current Federal recycling. It only allows facilities to keep the sales proceeds for goods where a market exists to give them an incentive to expand recycling efforts. If there is a market then the manager of a Federal facility may keep the proceeds of the sale of that material for recycling purposes.

I hope these comments have alleviated some of the confusion which has arisen in regard to the Federal Recycling Incentive Act.

I look forward to working closely with the senior Senator from Montana on the serious solid waste issues facing our Nation in the months to come.•

LIFT THE TRADE EMBARGO ON VIETNAM

• Mr. SIMON. Mr. President, the New York Times recently ran an article in its business section titled, "Lift the Trade Embargo on Vietnam."

It is written by Thomas J. Schwarz, who is a partner at Skadden Arps Slate Meagher & Flom and Eugene A. Matthews, president of Ashta International, an investment and consulting firm, who now lives in Hanoi.

The evidence is simply overwhelming that we ought to be modifying our policy toward Vietnam.

At the same time, we ought to be putting pressure on Vietnam to modify its rigid Communist system and to be more sensitive to human rights.

But our present posture does not encourage that, and our present process encourages people to leave Vietnam because of a lack of hope. There is no question in the minds of the British and many other countries that American economic policy toward Vietnam is helping to create many of the boat people who plague Hong Kong, Thailand, and many others areas where they can ill afford massive new numbers of boat people.

I urge my colleagues to read this article, and I hope there are some people in the State Department and the White House who will also read it.

I ask that the article be printed in the RECORD at this point.

The article follows:

[From the New York Times]

LIFT THE TRADE EMBARGO ON VIETNAM

(By Thomas J. Schwarz and Eugene A. Matthews)

If the 16-year-old ban on trade with Hanoi continues, the United States will lose Vietnam all over again. But this time, the defeat will be economic and the winner will be our economic rival, Japan.

In the next decade, Vietnam has the potential to outpace other nations in economic growth. With a population of 70 million, it offers a larger market for American goods than Romania, Czechoslovakia and Hungary combined. Nearly 60 percent of the population is under the age of 21.

Despite what is called the "American" war, Americans and American products in Vietnam are looked upon with friendliness and favor—even in Hanoi. Teen-agers in Hanoi dance to American rock music in cafes owned by the Government; children in Hanoi wear T-shirts imprinted with "United States of America"; their faces light up when they realize an American is in their midst. The tastes of the nearly 42 million consumers under 21 also include such traditional American brands as Juicy Fruit gum and Kodak film.

Asian merchants and manufacturers recognize Vietnam's potential. Aside from the billions of dollars of oil reserves mapped by American companies before the ban and now being exploited by non-American companies, trade in other areas has boomed. Japan is Vietnam's second-leading trading partner, after the Soviet Union. Trade with Japan reached $853 million in 1990, and with Moscow's economic and political difficulties, Japan can be expected to loom much larger in Vietnam's future. JVC, National and Sanyo television sets and tape recorders are being assembled in Vietnam. Toyota, Mitsubishi and Honda have finalized plans to build factories there.

To encourage foreign investment, Vietnam has adopted one of the most liberal foreign investment codes of any developing country. Foreigners can own and manage 100 percent of their enterprises in Vietnam or they can form joint ventures with private companies or individuals there. Generous tax write-offs are available to foreign investors; the Government has eliminated subsidies to state-run businesses, abolished price controls and is openly discussing a stock market.

American opposition to our trade embargo—both in the business community and among Vietnam veterans—is widespread. Many blue chip companies, as well as Wall Street investment houses and law firms, have joined the United States-Vietnam Trade Council. The Senate Foreign Relations Committee voted 12 to 1 in June to support a measure that would lift the trade embargo. The measure's chief sponsor is a Republican.

The Bush Administration has not established relations with Vietnam for many reasons, including Vietnam's presence in Cambodia. Given progress on the issue of Americans missing in action, however, the Administration's resistance to stronger economic ties can only be explained by a determination to keep punishing Vietnam for having humiliated the United States in the war.

Recently, under pressure to stop changing its demands on Vietnam, the Administration outlined its "road map" for what Vietnam must do to improve relations with the United States. But as a guide for American businesses, it is essentially a dead end. It essentially would allow American companies to do nothing more than sign contracts that would not become binding for an indefinite period—six months after peace in Cambodia. By then, the agreements could well have been rendered meaningless.

The White House is scheduled to decide this month whether to renew the Vietnamese trade embargo. But even if it were lifted tomorrow, most American companies would be at least a year away from making investments.

For our benefit and Vietnam's, the United States should let its free-market values triumph in Vietnam, as they have around the world, and it should allow United States companies to participate in the next great Asian economic success story.•

SOIL CONSERVATION SERVICE

• Mr. BOND. Mr. President, I rise today to recognize the Soil Conservation Service and its mission to provide leadership in the conservation and wise use of soil, water, and related resources through a balanced, cooperative program that protects, restores, and improves those resources.

The Soil Conservation Service was established as an agency of the United States Department of Agriculture on April 27, 1937, through the enactment of Public Law 46 of the 74th Congress, and in this same year the Soil Conservation Service was established in Missouri.

State conservationists K.G. Harmon, Oscar C. Bruce, Howard C. Jackson, J. Vernon Martin, Kenneth G. McManus, Paul F. Larson, and Russell C. Mills provided outstanding direction and leadership from 1935 to present.

The Soil Conservation Service has a proud history of working with and through soil and water conservation districts since their creation by the Missouri Legislature in 1943.

Mr. President, in its 55-year history the Soil Conservation Service has earned the reputation as a respected, professional, service-oriented Federal agency as a result of the work of the hundreds of dedicated employees who have made an enduring contribution to the sustained productivity of Missouri's $4 billion agricultural industry.

The Conservation Operations Program has provided technical assistance to land users in the application of a wide range of soil and water conservation practices to protect Missouri's 44 million acres of cropland, grassland, and forest land with recent emphasis focusing on the State's 6.3 million acres of highly erodible cropland.

The Cooperative Soil Survey Program will complete soil mapping for a progressive soil survey in all 114 Missouri counties by 1998.

The National Resources Inventory Program inventories land cover and use, soil erosion, prime farmland, and other natural resource statistics on Missouri's Federal rural lands.

The Plant Materials Program, through the Elsberry Plant Materials Center, to evaluate a wide variety of plant materials, in vegetative solutions to erosion control.

The Watershed Protection and Flood Protection Program provides technical and financial assistance to sponsoring organizations of 71 Public Law 566 and two pilot watershed projects.

The River Basin Investigation and Survey Program facilitates water resource planning statewide, resulting in completion of seven regional river basin studies and six flood plan management studies.

The Resource Conservation and Development Program providing technical and financial assistance to five formally organized Resource Conservation and Development Councils.

Mr. President, both the people and the natural resources of the State of Missouri have benefited greatly by the contribution of the USDA Soil Conservation Service and the employees who are the heart of its organization. I would like to express my sincere appreciation and gratitude for the contribution the USDA Soil Conservation Service has provided to the care and use of Missouri's soil and water resources.•

THE ST. FRANCIS CONFERENCE-DEVEREAUX APARTMENTS, SALEM, OR

• Mr. PACKWOOD. Mr. President, it is a pleasure for me to rise today in honor of the volunteers of the St. Francis Conference-Devereaux Apartments in Salem, OR. These volunteers have been outstanding in their efforts to provide low-income families with free of charge housing for up to 1 year, thus allowing them to better their lives without the worries of rent payment.

Four years ago a group of volunteers set up the nondenominational St. Francis Conference with the goal of helping the homeless in Salem by providing them with a place to live while they concentrate on finding a job and improving their lives.

In 1987, the St. Francis Conference purchased a dilapidated apartment complex in a low-income community and refurbished it, thus helping to improve the neighborhood.

The apartment facility is comprised of 32 units—20 of which are rented at market prices and 12 of which serve as rent-free transitional housing. Over 50 volunteers and 1 full-time house manager keep the apartment complex up and running.

In addition to housing low-income families, the Devereaux Apartment volunteers work with the residents, teaching them the skills needed to obtain employment and permanent housing. The efforts by the volunteers of the St. Francis Conference are vital in assisting people in need. The pressures of trying to pay rent, raise a family and find a job can be extremely challenging, if not impossible. The people of the St. Francis Conference help eliminate some of these pressures facing unemployed families, allowing them more time to get back on their feet.

To the many outstanding volunteers of the St. Francis Conference, who are the perfect example of what hard work and kindness can do for others, I take great pride in saluting you for a job well done.•

LATINO FAMILY SERVICES

• Mr. RIEGLE. Mr. President, on October 25, 1991, Latino Family Services, Inc. of Detroit, MI, will celebrate its 20th anniversary. From its outset, this agency has been recognized for its innovative programs. Emphasizing human services in a bilingual and culturally sensitive context, workers of Latino Family Services have reached out to thousands of individuals in the State of Michigan.

Latino Family Services operates from centers in southwestern Detroit. Over the years its programs have evolved to meet changing needs of the community. Founded on the premise that "the community has many undeveloped strengths that need to be enhanced," the agency is involved in family service projects for all age groups. Today, some 65 staff members operate 30 educational programs which provide health care and training services.

The Hispanic community has been increasing in size in our State, and Latino Family Services, considered the largest organization in the State providing services for Hispanic people, has responded to this growth with successful outreach projects. Counselors have offered their professional services in many capacities and the center itself has become a home for other groups providing similar services. Among these are the Metro Girl Scouts Latino project, the Southwest Detroit Community Mental Health Hispanic project, the Police Athletic League, Wayne State University night classes, adult education classes in conjunction with the board of education, and the Pinto project, an ex-offender program.

In honoring Latino Family Services on its 20th anniversary, I join the people of Michigan in showing appreciation for the invaluable services provided to Detroits' Hispanic community by this agency.•

COSPONSORSHIP OF S. 1257

• Mr. KOHL. Mr. President, I rise today to cosponsor S. 1257, a bill that undoes the inequitable tax treatment of passive losses on rental real estate for real estate professionals.

In the 1986 Tax Reform Act, Congress automatically deemed passive any loss from rental real estate ownership. The intention behind this blanket provision was good: to close down the real estate tax shelters that had made a mockery of our progressive Tax Code. However the provision resulted in one unfair and unintended consequence: Real estate professionals who derive active income from their work with real property are not allowed to write off their losses against active income.

S. 1257 corrects this inequity. It taxes those who have materially participated in the rental real estate business on their net income rather than their gross income—the same treatment afforded any other business person.

S. 1257 is a simple, fair solution to a real problem. It deserves the support of the entire Senate.

I say that not just because the bill rights a true wrong. I say it because it also does so in the right way.

Let me explain. Months ago, when this bill was brought to my attention by several real estate groups. I expressed sympathy, but no support. My reason was the bill's price tag: $3 billion.

At that time, I explained to the groups and constituents supporting S. 1257 that, regardless of the strength of their case, I couldn't support a tax law change that would increase the Federal deficit by $3 billion in 1 year. Frankly, the Tax Code is replete with inequities. It is full of disincentives to investment, to business growth, to income equality, to worker advancement—you name it, the Tax Code discourages it. Were Congress to fix each of these inequities without concern for the costs, we would quickly collapse under incredible levels of deficit and debt.

Furthermore, were I to put my name on a tax break bill without understanding how it was to be financed, I would be misleading my constituents and ignoring my duty. I would mislead my constituents by implying that a tax break can be passed without an offset. It cannot. New Senate rules, which I voted for and which I support, require that Congress "pay as it goes"—that is, that we only give out tax benefits if we are willing to take the lost revenues from someplace—or someone—else.

Second, supporting a tax bill that is not offset would send a clear message: When it is my political fortune on the line, damn the deficit, full speed ahead. As much as I wanted to help out the realtors in my State, I just cannot live by that philosophy.

So I put a challenge to the real estate groups and my constituents: find a way to pay for this, and I will support S. 1257. Just last week, the National Association of Realtors presented me with an offset to the costs of S. 1257 that they are willing to support. The offset comes out of their own industry—so it is a proposal they understand and have a right to offer. I will not say exactly what the offset is because the realtors do not want to show their hand without being assured of action on S. 1257.

But I will commend the realtors for their responsible and realistic treatment of this issue. They will ultimately prevail on this because they are playing by the rules, and they are acting responsibly. The final result will be the end of the unfair tax treatment of realtors in a deficit neutral way. That is good for the real estate industry and good for the economy. I encourage other groups who seek tax relief to follow this stellar example.●

RULES OF THE SELECT COMMITTEE ON POW/MIA AFFAIRS

● Mr. KERRY. Mr. President, the Select Committee on POW/MIA Affairs, in accordance with the unanimous consent agreement propounded by Senate Majority Leader MITCHELL on October 17, 1991, hereby submits its rules of procedure to be printed in the CONGRESSIONAL RECORD. I ask unanimous consent that they be printed in their entirety.

The rules of the committee follow:

RULES OF PROCEDURE OF THE SENATE SELECT COMMITTEE ON POW/MIA AFFAIRS

RULE 1. CONVENING OF MEETINGS AND HEARINGS

1.1 Definitions. As used in these rules, the term "meeting" includes a meeting to conduct a hearing. The term "hearing" is used to describe any meeting of the committee for the purpose of receiving testimony.

1.2 Calling of Meetings. The committee shall meet at the call of the chairman. The members of the committee may call special meetings as provided in Senate Rule XXVI(3).

1.3 Notice of Hearings. The committee shall publicly announce the date, place, and subject matter of any hearing at least one week before its commencement. A hearing may be called on shorter notice if the chairman, after consultation with the vice chairman, determines that there is good cause to begin it at an earlier date.

1.4 Presiding Officer. The chairman shall preside when present. If the chairman is not present at any meeting, the vice chairman shall preside. The chairman may designate any member of the committee to preside in the absence of the chairman or vice chairman.

RULE 2. OPEN AND CLOSED SESSIONS AND MEDIA

2.1 Procedure. All meetings shall be open to the public unless closed. To close all or part of a meeting, or a series of meetings for a period of no more than 14 days, the committee shall vote in open session by a record vote, including proxy votes, of a majority of the members of the committee. If discussion is necessary, a motion shall be made and seconded to go into closed session to discuss whether the meeting will concern the matters enumerated in Rule 2.2. Immediately after such discussion the committee shall return to open session and the meeting may then be closed by a record vote.

2.2 Closed Session Subjects. A meeting may be closed if the matters to be discussed concern: (1) national security or the confidential conduct of foreign relations; (2) committee staff personnel or internal staff management or procedure; (3) matters tending to reflect adversely on the character or reputation, or to invade the privacy, of any individuals; (4) matters that will disclose the identity of any informer or undercover law enforcement agent or will disclose any information relating to the investigation or prosecution of a criminal offense that is required to be kept secret in the interests of effective law enforcement; or (5) other matters enumerated in Senate Rule XXVI(5)(b).

2.3 Representative of the President. The presiding officer at any closed meeting or hearing may permit any personal representative of the President, designated by the President to serve as a liaison to the committee, to attend the closed meeting.

2.4 Witness Request. Any witness may submit to the chairman, no later than 24 hours in advance of a hearing, a written request that he or she be examined in closed or open session. The chairman shall inform the committee of the request, and the committee shall take such action pursuant to Rule 2.1 as it deems appropriate.

2.5 Media. Any meeting open to the public may be covered by television, radio, or still photography. Coverage must be conducted in an orderly and unobtrusive manner. The presiding officer, in exercising his or her responsibility for the conduct of meetings, may order that the use of cameras, microphones, and lights adhere to standards which the select committee deems appropriate, taking into account the concerns of any witness. For good cause the presiding officer may terminate coverage in whole or in part or take other action to promote orderly proceedings or for the protection of witnesses.

RULE 3. QUORUMS AND VOTING

3.1 In General. A majority of members of the committee shall constitute a quorum for reporting to the Senate and for the transaction of other business.

3.2 Testimony. One member shall constitute a quorum for taking testimony.

3.3 Proxies. Proxies shall be in writing, and shall be filed with the chief clerk by the absent member or by a member present at the meeting. Proxies shall contain sufficient reference to the pending matter to show that the absent member has been informed of it and has affirmatively requested that he or she be recorded as voting on it. Proxies shall not be counted towards a quorum.

3.4 Polling.

(a) Subjects. The committee may poll only (1) internal committee matters including the committee's staff, records, and budget; (2) authorization for steps in any investigation within its jurisdiction, including the authorization and issuance of subpoenas, applications for immunity orders, and requests for documents; (3) other committee business, not including a vote on reporting to the Senate, that the committee at a meeting has designated for polling at a subsequent time.

(b) Procedure. At the direction of the committee or the chairman, the chief clerk shall distribute a polling form to each member specifying the matter being polled and the time limit for completion of the poll. If any member so requests, the matter shall be held for consideration at a meeting. If the chairman, with the approval of a majority of the members, determines that the polled matter is in one of the areas enumerated in Rule 2.2, the record of the poll shall be confidential. The chief clerk shall keep a record of polls, and shall notify the members of the committee of the results of each poll. In order for a proposition to be approved by poll, a majority of the members of the committee must have responded to the poll and a majority of those responding must have voted in the affirmative.

RULE 4. SUBPOENAS

4.1 Authorization. Subpoenas shall be authorized either by a majority of the committee or by the chairman with the consent of the vice chairman, and shall be issued by the chairman. Subpoenas may be served by any person designated by the chairman. The chief clerk shall keep a log, and a file, of all subpoenas.

4.2 Return. A subpoena duces tecum or order for records may be issued whose return shall occur at a time and place other than at a meeting. When a return on such a subpoena or order is incomplete or accompanied by an objection, the chairman, after consultation with the vice chairman, may convene a meeting, including a hearing on shortened notice, to determine the adequacy of the return and to rule on the objection, or may refer the issues raised by the return for decision by poll of the committee. At a hearing on such a return one member shall constitute a quorum.

RULE 5. HEARINGS

5.1 Notice. Witnesses shall be given at least 48 hours notice, unless the chairman, after consultation with the vice chairman, determines that extraordinary circumstances warrant shorter notice, and all witnesses shall be furnished with copies of Senate Resolution 82 (102d Congress, 1st Session), Senate Resolution 185 (102d Congress, 1st Session), and these rules.

5.2 Oath. All witnesses who testify to matters of fact shall be sworn unless the committee authorizes waiver of an oath. Any member of the committee may administer oaths to witnesses.

5.3 Statement. Any witness desiring to make an introductory statement shall file 40 copies of the statement with the chairman or chief clerk 48 hours in advance of the appearance, unless the chairman determines that there is good cause to modify either of these requirements. A witness may be required to summarize a prepared statement if it exceeds ten minutes. Unless the committee determines otherwise, a witness who appears before the committee under a grant of immunity shall not be permitted to make an introductory or other statement and may be required to testify only in response to questions posed directly by committee members or committee staff.

5.4 Counsel.

(a) Presence. A witness's counsel shall be permitted to be present during the witness's testimony at any open hearing, closed hearing, or deposition, or at any staff interview of the witness, to advise the witness of his or her rights; provided, however, that in the case of any witness who is an officer or employee of the government, or of a corporation or association, the chairman or the committee may rule that representation by counsel from the government, corporation, or association or by counsel representing other witnesses, creates a conflict of interest, and that the witness shall be represented by personal counsel not from the government, corporation, or association or not representing other witnesses.

(b) Inability to Obtain Counsel. A witness who is unable for indigence or other reason to obtain counsel shall inform the committee at least 48 hours prior to the witness's appearance, and the committee will endeavor to obtain volunteer counsel for the witness. Failure to obtain counsel will not excuse the witness from appearing and testifying.

(c) Conduct. Counsel shall behave in an ethical and professional manner. Failure to do so shall, upon a finding to that effect by a majority of the members present, subject counsel to disciplinary action, which may include warning, censure, or ejection.

5.5 Transcript. An accurate electronic or stenographic record shall be kept of all testimony in open and closed hearings. At a witness's request and expense, access to a copy of the transcription of a witness's testimony in open or closed session shall be provided to the witness. Upon inspecting the transcript, within a time limit set by the chief clerk, a witness may in writing request changes in the transcript to correct errors of transcription. A witness may also request that specified grammatical errors and obvious errors of fact be corrected for the purpose of any printed record of the witness's testimony. The chairman or a staff officer designated by the chairman shall rule on such requests.

5.6 Impugned Persons. Any person who believes that evidence presented, or comment made by a member or staff, at a public hearing or at a closed hearing concerning which there have been public reports, tends to impugn his or her character or adversely affect his or her reputation may:

(a) file a sworn statement of facts relevant to the evidence or comment, which shall be placed in the hearing record;

(b) request the opportunity to appear personally before the committee to testify in his or her own behalf; or

(c) request that submitted written questions be used for the cross-examination of witnesses called by the committee. The chairman shall inform the committee of requests for appearance or cross-examination. If the committee so decides, the requested questions, or paraphrased versions or portions of them, shall be put to the other witnesses by a member or by staff.

5.7 Additional Witnesses. Any four members of the committee shall be entitled, upon a timely request made to the chairman, to call additional witnesses or to require the production of documents during at least one day of hearing.

5.8 Objections. The presiding officer shall rule on any objections at a hearing, which ruling shall be the ruling of the committee unless a majority of the committee disagrees with the ruling. In the case of a tie, the vote of the chairman shall prevail.

RULE 6. DEPOSITIONS, EXAMINATION OF RECORDS, AND INTERROGATORIES

6.1 Authorization for Depositions. The chairman and the vice chairman, acting jointly, may authorize the taking of a deposition. The authorization shall specify a time and place for examination, and the name of the staff member or members who will take the deposition. Unless otherwise specified, the deposition shall be in private. The committee shall not initiate procedures leading to criminal or civil enforcement proceedings for a witness's failure to appear unless any notice of the deposition was accompanied by a subpoena authorized by the committee.

6.2 Counsel at Depositions. Witnesses may be accompanied at a deposition by counsel to advise them of their rights, subject to the provisions of Rule 5.4.

6.3 Deposition Procedures. Witnesses at depositions shall be examined upon oath administered by a committee member or an individual authorized by local law to administer oaths. Questions shall be propounded orally by staff members. Objections by the witness as to the form of questions shall be noted for the record. If a witness objects to a question and refuses to testify on the basis of relevance or privilege, the committee staff may proceed with the deposition, or may, at that time or at a subsequent time, seek a ruling by telephone or otherwise on the objection. The ruling may be sought from the chairman of the committee or, in the absence of the chairman, from the vice chairman, or, in the absence of both the chairman and the vice chairman, from any member designated by the chairman. The member from whom the ruling is sought may rule on the objection, and order the witness to answer the question if the objection is overruled, or may refer the matter to the committee for a ruling. The committee shall not initiate procedures leading to civil or criminal enforcement unless the witness refuses to testify after having been ordered to answer.

6.4 Deposition Transcripts. An accurate electronic or stenographic record shall be kept of all testimony at depositions. If a transcript is prepared, the witness shall be furnished with a copy, or access to a copy, for review. No later than five days thereafter, if a copy is provided, the witness shall return it with his or her signature, and the staff may enter or append to the transcript the changes, if any, requested by the witness in accordance with the procedures established by Rule 5.5. If the witness fails to return a signed copy the staff shall note on the transcript the date a copy was provided and the failure to return it. The individual administering the oath shall certify on the transcript that the witness was duly sworn in his or her presence, the transcriber shall certify that the transcript is a true record of the testimony, and the transcript shall then be filed with the chief clerk. Committee staff may stipulate with the witness to changes in this procedure. Objections to errors in this procedure that might be cured if promptly presented are waived unless timely objection is made.

6.5 Examination of Records. The committee or the chairman and vice chairman, acting jointly, may authorize the staff to inspect locations or systems of records on behalf of the committee.

6.6 Written Interrogatories. Written interrogatories may be authorized by the committee or the chairman and vice chairman, acting jointly, and issued by the chairman, or, in the absence of the chairman, by the vice chairman, or, in the absence of both the chairman and the vice chairman, by any member designated by the chairman, and shall specify a date for filing an answer with the chief clerk. Written interrogatories shall be answered under oath.

RULE 7. PROCEDURES FOR HANDLING OF CONFIDENTIAL OR CLASSIFIED MATERIALS

7.1 Security. Committee offices shall operate under strict security precautions. The chairman or vice chairman may request the Senate Sergeant at Arms and the Office of Senate Security to provide assistance necessary to ensure strict security.

7.2 Confidential or Classified Materials. Confidential or classified materials shall be segregated in a secure storage area under the supervision of the committee's security officer. The committee shall adopt security regulations, in consultation with the Office of Senate Security, governing the handling of confidential or classified materials. The chairman may enter into agreements to obtain materials and information under assurances concerning confidentiality. Each member of the committee shall be notified of such agreements.

7.3 Privacy Interests. Before disclosing publicly information that could adversely affect the privacy or other legitimate interests of any person, the committee shall carefully consider that person's interests, but the committee may disclose publicly any information for which it determines that the national interest in disclosure outweighs the privacy or other interests of the persons concerned.

7.4 Access. Staff access to classified materials shall be limited to staff members with appropriate security clearances and a need to know, as determined by the chairman and vice chairman, in consultation with the Director of Central Intelligence. The committee shall adopt internal guidelines governing staff access to particular categories of classified materials, which shall be applied by the chairman and vice chairman. Staff access to confidential materials may be limited by the chairman and vice chairman.

7.5 Nondisclosure. No member of the committee or its staff shall disclose, in whole or in part or by way of summary, to any person outside the committee and its staff, for any purpose or in connection with any proceeding, judicial or otherwise, any testimony taken, including the names of witnesses testifying, or material presented, in closed hearings, or any confidential materials or information, including the results of the committee's investigation and any proposed or otherwise nonpublic conclusions of the committee, unless authorized by the committee or the chairman.

7.6 Nondisclosure Agreement. All members of the committee staff shall agree in writing, as a condition of employment or agreement for the provision of services, to abide by the conditions of the nondisclosure agreement promulgated by the committee pursuant to section 5(a)(1) of Senate Resolution 82.

7.7 Violations. Allegations concerning unauthorized disclosure may be addressed by the committee or may be referred by a majority vote of the committee to the Select Committee on Ethics in accordance with section 8 of Senate Resolution 400 (94th Congress, 2d Session), as made applicable to this committee by Senate Resolution 185. Any member of the staff who fails to conform to the provisions of Rule 7 shall be subject to disciplinary action, including termination of employment or agreement for the provision of services.

7.8 Applicability of Rules. For purposes of Rule 7, committee staff include the employees of the committee, staff designated by the members, with the approval of the chairman, to work on committee business, other officers and employees of the Senate who are requested by the chairman to work on committee business, and detailees and consultants to the committee, including any person engaged to perform services for or at the request of the committee.

RULE. 8. DETAILEES, CONSULTANTS, AND ASSISTANCE OF OTHER COMMITTEES

8.1 Detailees and Consultants. The chairman and vice chairman, acting jointly, shall have authority to use on a reimbursable or nonreimbursable basis, with the prior consent of the Committee on Rules and Administration, the services of personnel of any department or agency of the United States and shall have authority to procure the temporary or intermittent services of individual consultants or organizations.

8.2 Assistance of Other Committees. The chairman and vice chairman, acting jointly, may request the chairman of any Senate committee or subcommittee for consent to utilize the facilities of any such committee or the services of any members of its staff for the purpose of enabling this committee to perform its responsibilities under Senate Resolution 82 and Senate Resolution 185.

8.3 Scope of Authority. Detailees, consultants, and staff of other committees who provide services to the committee pursuant to Rule 8 shall be deemed to be staff of the committee for all purposes under these rules.

RULE 9. FOREIGN TRAVEL

No member of the committee or its staff shall travel abroad on committee business unless specifically authorized by the President pro tempore, Majority Leader, or Minority Leader of the Senate, in accordance with Senate Resolution 179 (95th Congress, 1st Session). All requests for authorization of such travel shall first be presented to the chairman and vice chairman for approval and shall state the extent, nature, and purpose of the proposed travel. When the foreign travel of a member of the staff not accompanying a member of the committee has been authorized, all members of the committee shall be advised, prior to the commencement of such travel, of its extent, nature, and purpose.

RULE 10. EFFECTIVENESS OF RULES AND RULE CHANGES

These rules shall become effective upon publication in the Congressional Record. These rules may be modified, amended, or repealed by the committee, provided that all members are present or provide proxies or if a notice in writing of the proposed changes has been given to each member at least 48 hours prior to the meeting at which action thereon is to be taken. The changes shall become effective immediately upon publication of the changed rule or rules in the Congressional Record.•

CHRISTOPHER COLUMBUS: OUR FIRST IMMIGRANT

• Mr. D'AMATO. Mr. President, the Columbus story is a series of tragic ironies. Both during his lifetime and on the eve of the quincentenary of his momentous voyages, Columbus suffered and continues to suffer humiliations and reversals of fortune. Born in Genoa, he left his native city as a teenager and went to Portugal, where he lived with his brother Bartholomew and learned the art of mapmaking. He remained in Portugal for at least 10 years, during which time he sailed along the African coast and into the northern waters near Iceland. For 7 years he then sought the support of the Spanish monarch for backing to sail west in order to find a shorter sea route to the riches of India. In October 1492 he found what he thought were the outer islands of Asia and India. He returned to Spain a hero; but his subsequent three journeys were wrought with difficulties and personal misfortune.

He returned to Spain in chains after the third voyage to answer a variety of charges. The fourth and last journey was perhaps the greatest letdown of all, for he was forbidden to set foot on Hispaniola, the first Spanish settlement he had founded in the New World. When he died soon after, in 1506, he had been pretty much forgotten.

Today, his name and accomplishments are once again being challenged. He has been accused of the most atrocious crimes and has been sentenced by special interest groups who have taken the opportunity to undermine not only the name of Columbus but the European and Western tradition for which he stands. The charges and accusations can easily be sloughed off; what should concern us all, as Americans, is the larger and more insidious suggestions that such charges contain.

Columbus discovered a new world for an expanding Europe. His conquest was, as all conquests are, not a placid and easy undertaking. But conquest is the history of the world and is going on today still—just as racial inequities, wars, and other injustices are still with us. To accuse Columbus of the frailties of human nature and the realities of our human condition is hardly fair.

Europeans brought disease into the new world, we are told. But an expanding world is subject to both good and bad influences. Such possibilities have never deterred courageous men and women in the past and never will. But if we speak of diseases, we must also mention such imports as European foods and the horse. Before the introduction of the horse in the new world, the native populations had to hunt for bison and other animals on foot. The horse changed the lives of the native populations forever. From their point of view, the introduction of the horse was a blessing. From some other point of view one could possibly argue that the horse helped speed up the destruction of the environment and contribute to the problem of endangered species. To accuse Columbus of having destroyed the environment is a desperate effort to undermine his great accomplishments.

Even the native populations must eventually see themselves as part of this great multiethnic society which Columbus made possible as the first immigrant to the New World. Surely no one Native tribe can assert with certainty that it was here first. There is much speculation about Asian invasions of the continent many centuries ago and conquests of that kind long before Columbus. Who was here first is not really the issue, nor should it be. Columbus was the first European to bring the Renaissance vision and daring to the new world. He made possible the kind of dream Sir Thomas More envisions in his great work "Utopia," and which so many nations of Europe expanded and realized in the following centuries. We should honor Columbus as the father of our multiethnic society, the first immigrant of the new world, one who suffered as many of our fathers and mothers and grandparents suffered when they first came to these shores. Columbus deserved to be honored for his courage, determination, and dream of a better life!

As the quincentenary approaches, Americans throughout this great part of the world should work together to pay homage to the Age of Discovery and the dauntless European navigators who brought the two great continents of Europe and America together. True, someone else would have accomplished that great feat sooner or later; but it was Columbus who came first and it is his name that must be honored in that connection. Those who are already here had undergone their own difficult transitions, conquests, wars, and deprivations. To blame Columbus for what already existed, and continued to exist even after the Age of Discovery was well under way is unjust and untrue.

In this context I wish to mention "Columbus Countdown 1992," the organization that began promoting this message back in 1984 and which still continues to encourage conferences, artistic events, plays and music, as well as puppet plays and poetry readings on themes connected with Columbus and the quincentenary. Dr. Anne Paolucci, founder of "Columbus Countdown 1992," deserves our thanks for having put into motion the kind of multicultural and multiethnic programs that will surely become an important part of the quincentenary archives and for insisting from the very beginning that we honor Christopher Columbus as the First Immigrant to the New World, the founder of our great multiethnic society.•

ISRAEL AND THE SOVIET UNION RENEW TIES

• Mr. SIMON. Mr. President, the restoration of full diplomatic relations between Israel and the Soviet Union on October 18 marked an historic watershed for both countries and for the Middle East.

The resumption of diplomatic relations between Israel and the Soviet Union after 24 years of severed ties ends a process that began in earnest only after Mikhail Gorbachev became President of the U.S.S.R.

The Soviets recently joined the United States in cosponsoring the Middle East Peace Conference scheduled to begin in Madrid on October 30, 1991. I commend the efforts of Secretary of State James Baker and Foreign Minister Boris Pankin in bringing all legitimate parties to the conference table to begin the long road to peace in the Middle East. Clearly, Soviet recognition of Israel can contribute to progress in Madrid.

I urge all parties at the Middle East Peace Conference to take a reasonable and constructive approach during the discussions. All will benefit from a just and lasting settlement in the region. Such an outcome will permit Israel to exist securely within internationally recognized borders. It will also bring an end to the continuing tension and the violence which is in no one's interest. I hope that the spirit of healing, signaled by the new diplomatic ties between Israel and the Soviet Union, will carry the day in Madrid.•

TRIBUTE TO THE HOLY APOSTLES SOUP KITCHEN

• Mr. D'AMATO. Mr. President, I rise today to give recognition to the Holy Apostles Soup Kitchen in New York City. The Holy Apostles Soup Kitchen will commemorate its ninth anniversary on October 22, 1991. The soup kitchen is a program of the Church of the Holy Apostles, located at 296 Ninth Avenue at 28th Street in Manhattan.

The soup kitcken, the largest private onsite feeding program in the tristate area, will celebrate its anniversary by doing what it does every single weekday of the year—serving more than 1,000 hot nutritious meals to its guests.

The Holy Apostle Soup Kitchen began serving meals to the needy on October 22, 1982. On that day, approximately 35 meals were served. Since then the soup kitchen has increased both the meal size, from soup and vegetables then, to complete meals now, and the number of guests that are served.

The Reverend William A. Greenlaw serves as executive director of the soup kitchen. He is also rector of the Church of the Holy Apostles. Father Greenlaw, his 10 employees, and 20 to 30 volunteers per day are committed to being there "to help break the vicious cycle of poverty, hunger, and homelessness" by providing service every day.

Mike Neufeld is in charge of recruiting volunteers for the soup kitchen. Jimmy Novack coordinates the activities of volunteers once they are onsite. Volunteers come from all walks of life, from retired senior citizens to former guests.

The Holy Apostles Soup Kitchen serves as a symbol for a caring New York. As such, they are deserving of our recognition today and our best wishes and support for tomorrow.•

SIMON HIGHER EDUCATION FINANCE PROPOSAL

• Mr. BRADLEY. Mr. President, last week's news makes clear that we must not let the reauthorization of the Higher Education Act pass with mere incremental changes to a system of grants and loans that does not offer any help to middle-income families. Last week's headlines told us what families already know—tuitions at America's public universities, which are supposed to be a bargain, jumped 12 percent last year. Average tuition at a private college crossed the $10,000 mark.

We also learn from today's Wall Street Journal that the pay gap between college graduates and other workers grew dramatically in the 1980's. This, too, is something every family knows. College graduates earn more than 60 percent more than workers with only a high-school education. A college education has become indispensable to get ahead in today's economy. At the same time its costs are taking it further and further out of reach of middle-class families. Pell grants are available only to the poor, and the administration wants to narrow eligibility even further to the poorest. The only alternative, guaranteed student loans, leave graduates burdened with an inflexible debt that they cannot manage in this recessionary economy.

I rise to commend my colleagues, Senators SIMON and DURENBERGER, for joining the fight to create a new way to pay for college. We cannot accept the administration's narrow vision of college finance as a tradeoff between the have-nots and the have-not-enoughs among American families. We should stand with students and parents who refuse to accept Secretary Alexander's advice that they pick a cheaper college. We have to increase our investment in education and help students use the 60 percent higher income they will gain from education in order to pay for that indispensable education.

Their proposal shares some key features with the self-reliance scholarship option I introduced earlier this year. We all want to create a system that lets students invest in themselves by repaying not a flat monthly fee, but a percentage of income. Income-contingent repayment is essential if we are to help middle-income families overcome the barrier of college costs.

There are also important differences between self-reliance and this approach. Self-reliance would not sweep away the current system, but add a new option that would transform the way the whole system appears to the student. Self-reliance would begin with a new investment of $1 billion a year paid for by a surtax on millionaires, and leverage it into $120 billion of aid to more than 12 million students in the first 10 years. No graduate would pay back more than 5 percent of income, and graduates with little or no income would nonetheless pay a reasonable minimum payment for the education they received. Above all, the student would have a choice of repayment options with different percentages of income and different lengths of repayment.

The proposal my colleagues have introduced takes a different approach to the same objective. It would completely replace the current system, releasing $2.7 billion that was trapped in the current system and going to banks or to waste, and transferring that money to students and their families. I have some misgivings about this feature because I would prefer to create a new pool of capital to supplement the current system. Also, the Simon-Durenberger proposal is based on a repayment table that allows those who earn little to pay nothing and requires those who do well to pay as much as 17 percent of their income each year.

I hope we will have the opportunity for a healthy and productive debate about the very different structures underlying our two plans. I know we will have hearings not only in the Labor Committee, but also in the Finance Committee to consider how best to use the tax system to collect repayment. In the meantime, I hope the administration recognizes that there is an unmistakable groundswell of support here for the idea of income-contingent student aid. We have a chance to pass a reauthorization bill that makes as big an improvement in students' opportunities as the original Higher Education Act of 1965, or even the GI bill. I am pleased that Senators SIMON and DURENBERGER have stepped forward in committee to make sure that the chance is not missed. I look forward to working with them as this amendment moves forward in committee and when the bill comes to the floor.

Before I conclude, Mr. President, let me pass on to my colleagues the words of a New Jersey woman, a single parent, who wrote me describing her long struggle to earn a bachelor's degree in accounting so she could get a better job. "My dream of ever going back to college is gone," she wrote. But the idea of self-reliance would be, she wrote, "the light at the end of the tunnel." Senator SIMON and Senator DURENBERGER are bringing the light closer to her dreams. I commend them for their proposal.•

SENATE RESOLUTION 196 CALLING ON SOVIET PRESIDENT GORBACHEV TO BEGIN NEGOTIATIONS ON THE IMMEDIATE WITHDRAWAL OF SOVIET TROOPS FROM THE BALTIC STATES, OCTOBER 18, 1991

• Mr. D'AMATO. Mr. President, I rise today to support Senate Resolution 196, calling on Soviet President Gorbachev to begin negotiations on the immediate withdrawal of Soviet troops from the now independent nations of Estonia, Latvia, and Lithuania.

With their new-found independence, these nations, former prisoners of the Soviet empire, can exercise the rights due all sovereign nations, the right of complete and unhindered freedom from foreign intervention. No longer do they take orders from Moscow, no longer do they follow the dictates of a foreign power. The nations of Estonia, Latvia, and Lithuania are independent in almost all aspects, with the exception of the perilous presence of over 100,000 Red army troops stationed on their territory. Until this egregious injustice ends, the Baltic nations will never be totally free.

Soviet President Mikhail Gorbachev has gone far in granting the Baltic nations their independence, yet he must complete the transition to freedom by immediately withdrawing all Soviet troops from Estonia, Latvia, and Lithuania.

The presence of Soviet troops on the sovereign territory of the Baltic nations must end immediately. As long as Soviet troops remain, the territorial integrity of Estonia, Latvia, and Lithuania will continue to be violated. The presence of foreign troops on their soil represents a clear violation of all standards of international law. This must end immediately.

The Baltic nations have finally won their struggle for independence, and now complete and unobstructed sovereignty must be theirs. The Red army must pull out of the Baltic nations now!●

MEASURE PLACED ON CALENDAR

Mr. MITCHELL. Mr. President, I ask unanimous consent that H.R. 3033, the job training reform amendments, just received from the House, be placed on the calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL RED RIBBON WEEK FOR A DRUG-FREE AMERICA

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of House Joint Resolution 340, designating National Red Ribbon Week for a Drug-Free America just received from the House; that the joint resolution be deemed read a third time and passed; that the motion to reconsider be laid upon the table; and that the preamble be agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the joint resolution (H.J. Res. 340) was deemed read a third time and passed.

The preamble was agreed to.

HIGH-SPEED RAIL TRANSPORTATION ACT OF 1991

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 242, S. 811, the High-Speed Rail Transportation Act of 1991.

The PRESIDING OFFICER. The bill will be stated by title.

The legislative clerk read as follows:

A bill (S. 811) to require the Secretary of Transportation to lead and coordinate Federal efforts in the development of magnetic levitation transportation technology and foster implementation of magnetic levitation and other high-speed rail transportation systems, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Commerce, Science, and Transportation, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

SHORT TITLE

SECTION 1. This Act may be cited as the "High-Speed Rail Transportation Act of 1991".

FINDINGS

SEC. 2. The Congress finds the following:

(1) An efficient, integrated transportation network is an essential element in assuring the economic progress of the United States.

(2) Our Nation's current transportation network faces increasing demands and limited capacity. The Federal interstate highway system is nearing completion and it has been over two decades since the construction of a major new airport in the United States.

(3) Conventional ground and air transportation systems rely heavily on fossil fuels, which are in limited supply.

(4) High-speed rail transportation technologies offer an innovative, energy efficient, and environmentally sound way to supplement existing transportation modes, increase system capacity, and support economic growth.

(5) While magnetic levitation (maglev) technology was pioneered in the United States, development since 1975 has been concentrated outside of this country.

(6) Cooperative research and development efforts among industry, the academic community, and government are necessary for the United States to regain a leadership role in the next generation of maglev and for high-speed rail transportation to become a reality in the United States. Federal efforts should be directed toward support for a domestic maglev industry and construction of viable maglev and other high-speed rail systems, including demonstration systems, as part of an integrated transportation network.

(7) The Department of Transportation has been charged historically with promoting advanced transportation systems through the High-Speed Ground Transportation Act and has responsibility for the safety of high-speed rail and newly emerging technologies pursuant to the Rail Safety Improvement Act of 1988.

(8) In order for high-speed rail transportation to achieve its potential within the United States, existing Federal efforts (including the National Maglev Initiative) need to be strengthened, with the Department of Transportation, in consultation with the Army Corps of Engineers and other interested agencies, leading these efforts.

RESEARCH AND DEVELOPMENT

SEC. 3. The first section of the High-Speed Ground Transportation Act (79 Stat. 893) is amended by designating the existing text as subsection (a) and by adding at the end the following new subsection:

"(b) Pursuant to the authority under subsection (a) to undertake research and development in high-speed ground transportation, the Secretary, in consultation with the Secretaries of Commerce, Energy, and Defense, the Administrator of the Environmental Protection Agency, the Assistant Secretary of the Army for Public Works, and the heads of other interested agencies, shall lead and coordinate Federal efforts in the development of magnetic levitation (maglev) transportation technologies and shall foster the implementation of magnetic levitation and other high-speed rail transportation systems as alternatives to existing transportation systems.".

COOPERATIVE AGREEMENTS AND FUNDING AGREEMENTS

SEC. 4. The High-Speed Ground Transportation Act (79 Stat. 893) is amended by inserting immediately after section 3 the following new section:

"SEC. 4. (a) In carrying out the responsibilities of the Secretary under the first section, the Secretary is authorized to enter into one or more cooperative research and development agreements (as defined by section 12 of the Stevenson-Wydler Technology Innovation Act of 1980, 15 U.S.C. 3710a), and one or more funding agreements (as defined by section 201(b) of title 35, United States Code), with United States companies for the purpose of—

"(1) conducting research to overcome technical and other barriers to the development and construction of practical high-speed rail transportation systems and to help advance the basic generic technologies needed for these systems; and

"(2) transferring that research and basic generic technologies to industry in order to help create a viable commercial high-speed rail transportation industry within the United States.

"(b) In a cooperative agreement or funding agreement under subsection (a), the Secretary may agree to provide not more than 80 percent of the cost of any project, including any technology demonstration project, under the agreement. Not less than 5 percent of the non-Federal entity's share of the cost of any such project shall be paid in cash.

"(c) The research, development, or utilization of any technology pursuant to a cooperative agreement under subsection (a), including the terms under which such technology may be licensed and the resulting royalties may be distributed, shall be subject to the provisions of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3701 et seq.).

"(d) The research, development, or utilization of any technology pursuant to a funding agreement under subsection (a), including the determination of all licensing and ownership rights, shall be subject to the provisions of chapter 18 of title 35, United States Code.

"(e) At the conclusion of fiscal year 1993 and again at the conclusion of fiscal year 1996, the Secretary shall submit reports to appropriate committees of the Senate and House of Representatives regarding research and technology transfer activities conducted pursuant to the authorization contained in subsection (a).".

AUTHORIZATION OF APPROPRIATIONS

SEC. 5. Section 11 of the High-Speed Ground Transportation Act (79 Stat. 895) is amended to read as follows:

"SEC. 11. (a) There are authorized to be appropriated to the Secretary $25,000,000 for fiscal year 1992, $40,000,000 for fiscal year 1993, $50,000,000 for fiscal year 1994, $60,000,000 for fiscal year 1995, and $30,000,000 for fiscal year 1996, to carry out the provisions of this Act.

"(b) Of the sums authorized to be appropriated under subsection (a)—

"(1) no more than 40 percent for fiscal year 1992, and no more than 30 percent for each of the fiscal years 1993, 1994, 1995, and 1996, shall be available for research and development; and

"(2) the balance for each of the fiscal years 1993, 1994, 1995, and 1996 shall be available for technology demonstration and implementation.".

COMMERCIAL FEASIBILITY STUDY

SEC. 6. Section 13 of the High-Speed Ground Transportation Act is amended to read as follows:

"SEC. 13. (a) Within 18 months after the date of enactment of the High-Speed Rail Transportation Act of 1991, the Secretary shall complete and submit to appropriate committees of the Senate and House of Representatives a study of the commercial feasibility of constructing one or more high-speed rail transportation systems in the United States. Such study shall consist of—

"(1) an economic and financial analysis;

"(2) a technical assessment; and

"(3) recommendations for model legislation for State and local governments to facilitate construction of high-speed rail transportation systems.

"(b) The economic and financial analysis referred to in subsection (a)(1) shall include—

"(1) an examination of the potential market for a nationwide high-speed rail transportation network;

"(2) an examination of the potential markets for short-haul high-speed rail transportation systems and for intercity and long-haul high-speed rail transportation systems, including an assessment of—

"(A) the current transportation practices and trends in each market; and

"(B) the extent to which high-speed rail transportation systems would relieve the current or anticipated congestion on other modes of transportation;

"(3) projections of the costs of designing, constructing, and operating high-speed rail transportation systems, the extent to which such systems can recover their costs (including capital costs), and the alternative methods available for private and public financing;

"(4) the availability of rights-of-way to serve each market, including the extent to which average and maximum speeds would be limited by the curvature of existing rights-of-way and the prospect of increasing speeds through the acquisition of additional rights-of-way without significant amounts of relocation of residential, commercial, or industrial facilities;

"(5) a comparison of the projected costs of the various competing high-speed rail transportation technologies;

"(6) recommendations for funding mechanisms, tax incentives, liability provisions, and changes in statutes and regulations necessary to facilitate the development of individual high-speed rail transportation systems and the completion of a nationwide high-speed rail transportation network;

"(7) an examination of the effect of the construction and operation of high-speed rail transportation systems on regional employment and economic growth;

"(8) recommendations for the roles appropriate for local, regional, and State governments to facilitate construction of high-speed rail transportation systems, including the roles of regional economic development authorities;

"(9) an assessment of the potential for a high-speed rail transportation technology export market;

"(10) recommendations regarding the coordination and centralization of Federal efforts relating to high-speed rail transportation;

"(11) an examination of the role of the National Railroad Passenger Corporation in the development and operation of high-speed rail transportation systems; and

"(12) any other economic or financial analyses the Secretary considers important for carrying out this Act.

"(c) The technical assessment referred to in subsection (a)(2) shall include—

"(1) an examination of the various technologies developed for use in the transportation of passengers by high-speed rail, including a comparison of the safety (including dangers associated with grade crossings), energy efficiency, operational efficiencies, and environmental impacts of each system;

"(2) an identification of those system concepts that might be appropriate for further development and implementation of magnetically levitated high-speed rail technology;

"(3) an examination of the potential of United States industries to participate in the development and manufacture of high-speed rail transportation systems, including the potential to 'leapfrog', or exceed, existing high-speed rail transportation technologies and produce a superior domestically designed product;

"(4) an examination of the work being done to establish safety standards for high-speed rail transportation as a result of the enactment of section 7 of the Rail Safety Improvement Act of 1988;

"(5) an examination of the need to establish appropriate technological, quality, and environmental standards for high-speed rail transportation systems;

"(6) an examination of the significant unresolved technical issues surrounding the design, engineering, construction, and operation of high-speed rail transportation systems, including the potential for the use of existing rights-of-way;

"(7) an examination of the effects on air quality, energy consumption, noise, land use, health, and safety as a result of the decreases in traffic volume on other modes of transportation that are expected to result from the full-scale development of high-speed rail transportation systems; and

"(8) any other technical assessments the Secretary considers important for carrying out this Act.".

HIGH-SPEED RAIL TECHNOLOGY DEVELOPMENT

SEC. 7. The High-Speed Ground Transportation Act is amended by adding at the end the following new section:

"SEC. 14. (a)(1) The Secretary, in consultation with the Secretaries of Commerce, Energy, and Defense, the Administrator of the Environmental Protection Agency, and the Assistant Secretary of the Army for Civil Works, shall develop detailed designs for those high-speed rail system technological concepts that, in the opinion of the Secretary, have the potential for successful application in the United States and have the potential for significant participation by United States industries in the development and manufacture of such technology, and that otherwise warrant further development.

"(2) In carrying out paragraph (1), the Secretary shall develop the detailed designs of not less than two, nor more than four, of the system concepts identified under section 13(c)(2) that, in the opinion of the Secretary, have demonstrated the greatest technical merit and greatest likelihood for resolving any outstanding technical issues, including the development of a full-scale prototype.

"(b)(1) The Secretary may award multiple grants or contracts for the development of the designs pursuant to subsection (a).

"(2) In awarding such grants and contracts, the Secretary shall consider such factors as the proposed design's likely ability to meet existing and future domestic transportation requirements; probable initial system capital costs; probable long-term system operating and maintenance costs; safety; environmental effects; the proposed design's likely ability to achieve sustained high speeds; the proposed design's likely ability to utilize available rights-of-way; the proposed design's potential to contribute to technological advancement and innovation; the potential awardee's resources, capabilities, and history of successfully designing and developing systems of similar complexity; and the extent to which the potential awardee would share in the cost of the development of such a design.

"(3) Grants for the development of such designs shall be for activities the Secretary deems appropriate and may include, but not be limited to, the development, testing, and evaluation of scale models of systems and the development, testing, and evaluation of full scale prototypes of major system subcomponents.

"(4) No trade secrets or commercial or financial information that is privileged or confidential under the meaning of section 552(b)(4) of title 5, United States Code, which is obtained from a United States business, research, or education entity as a result of activities under this section shall be disclosed.

"(5) The research, development, and use of any technology developed pursuant to an agreement reached pursuant to this section, including the terms under which any technology may be licensed and the resulting royalties distributed, shall be subject to the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3701 et seq.). In addition, the Secretary may require any grant recipient to assure that research and development shall be performed substantially in the United States, and that the products embodying the inventions made under any agreement pursuant to this section or produced through the use of such inventions shall be manufactured substantially in the United States.

"(c)(1) The Secretary shall provide periodic reports to the appropriate committees of the Congress on the progress of activities performed pursuant to this section.

"(2) Not later than February 1, 1996, the Secretary shall transmit to the appropriate committees of the Congress a report that identifies which detailed designs, if any, warrant development as a full-scale prototype.

"(3) The report required by paragraph (2) shall include a detailed plan, schedule, and estimate for the development of any full-scale prototype as well as recommendations for mechanisms to fund the development of such a prototype in a manner that ensures that the maximum practicable amount of funding comes from non-Federal sources.".

NATIONAL HIGH-SPEED RAIL TRANSPORTATION POLICY

SEC. 8. The High-Speed Ground Transportation Act, as amended by section 7 of this Act, is further amended by adding at the end the following new section:

"SEC. 15. (a) Within 6 months after the submission of the study required by section 13, the Secretary shall establish the National High-Speed Rail Transportation Policy (hereafter in this section referred to as the 'Policy').

"(b) The Policy shall include—

"(1) provisions to promote the design, construction, and operation of high-speed rail transportation systems in the United States;

"(2) a determination whether the various competing high-speed rail transportation technologies can be effectively integrated into a national network and, if not, whether one or more such technologies should receive preferential encouragement from the Federal Government to enable the development of such a national network;

"(3) a strategy for prioritizing the markets and corridors in which the construction of high-speed rail transportation systems should be encouraged; and

"(4) provisions designed to promote American competitiveness in the market for high-speed rail transportation technologies.

"(c) The Secretary shall solicit comments from the public in the development of the Policy and may consult with other Federal agencies as appropriate in drafting the Policy.".

HIGH-SPEED GROUND TRANSPORTATION OFFICE

SEC. 9. Section 103 of title 49, United States Code, is amended by adding at the end the following new subsection:

"(e) There is established within the Administration the High-Speed Ground Transportation Office, which shall be headed by a Director, who shall report to the Administrator. It shall be the function of the Office, in consultation with the Army Corps of Engineers, the Federal Highway Administration, and the Environmental Protection Agency, to—

"(1) coordinate Federal activities related to high-speed rail transportation, including research and development and technology demonstration and implementation;

"(2) carry out the Administration's mandate to ensure the safety of high-speed rail transportation systems under the Rail Safety Improvement Act of 1988; and

"(3) on an annual basis make recommendations for such legislative or administrative action as may be necessary to facilitate the advancement and implementation of high-speed rail transportation systems.".

DEFINITION

SEC. 10. For purposes of this Act, the term "High-Speed Ground Transportation Act" means the Act entitled "An Act to authorize the Secretary of Commerce to undertake research and development in high-speed ground transportation, and for other purposes", approved September 30, 1965 (Public Law 89-220; 79 Stat. 893).

Mr. HOLLINGS. Mr. President, today I am pleased that the Senate is considering S. 811, the High-Speed Rail Transportation Act of 1991, which I introduced earlier this year. This legislation is cosponsored by my distinguished colleagues Senators EXON, BRYAN, BREAUX, REID, MIKULSKI, SIMON, and ROBB.

High-speed rail is an important technology for our Nation's future. It offers the potential to relieve congestion, ease the burden on our crowded aviation and highway systems, and conserve energy relative to other modes of transportation. The success of Amtrak's high-speed Metroliners between New York and Washington, DC, the growing industry participation in the National Maglev Initiative sponsored by the Federal Government, and the increasing interest in high-speed surface transportation systems of States and metropolitan areas across the country amply demonstrate the appeal of high-speed rail.

It is now time for the Federal Government to reassert its leadership in promoting the implementation of this technology. In the 1960's and 1970's, the United States led the world in development of new high-speed surface transportation technologies, including magnetic levitation [maglev]. Recently other countries have eclipsed our efforts in this area. It is thus imperative for us as a nation to refocus our collective attention to refining existing high-speed rail systems, developing new technologies, and adopting a national strategy to assure our future competitiveness in transportation.

S. 811, the High-Speed Rail Transportation Act of 1991, offers just such a plan. This legislation maps the way for a well-thought-out Federal role to assist States and the private sector in building high-speed rail systems between our crowded metropolitan areas 200 to 500 miles apart. S. 811 also will advance a shared partnership between U.S. industry and Government to boost the pace of domestic research and development in all high-speed rail technologies and move the United States more rapidly to the implementation stage for new, more advanced high-speed surface technologies.

S. 811 directs the establishment of a comprehensive Federal policy for the development of maglev and other high-speed rail transportation within the United States. This legislation accomplishes several important goals. It provides the Department of Transportation [DOT] with a statutory mandate to lead Federal high-speed rail efforts in cooperation with other interested Federal agencies, including the U.S. Army Corps of Engineers. Within 18 months of the date of enactment of this legislation, DOT is to complete a study of the commercial feasibility of constructing one or more high-speed rail systems in the United States. Within 6 months after that date, DOT is to establish a national high-speed rail transportation policy to promote the design, construction, and operation of high-speed rail systems in the United States.

At the same time, S. 811 requires DOT, in consultation with other designated Federal agencies, to develop detailed designs for high-speed rail system technological concepts which have potential for successful application in the United States, and potential for significant participation by U.S. Industries in the development and manufacture of such technologies. DOT is to report to Congress on its progress, and to report by 1996 on which detailed designs, if any, warrant development as a full-scale prototype.

S. 811 also amends the High-Speed Ground Transportation Act of 1965 to permit DOT to enter into cooperative research and development agreements with industry, pursuant to the Stevenson-Wydler Technology Innovation Act of 1980. Under the provisions of the bill, the Federal Government could provide up to 80 percent of the funding for any cooperative research agreement or funding agreement entered into with industry.

In order to coordinate Federal activities related to high-speed rail research, development, demonstration, and implementation, and make recommendations for appropriate legislative and administrative action, S. 811 would establish a new High-Speed Ground Transportation Office within the Federal Railroad Administration. The bill also would authorize funding levels of $25 million in fiscal year 1992, $40 million in fiscal year 1993, $50 million in fiscal year 1994, $60 million in fiscal year 1995, and $30 million to carry out the provisions of the 1965 act as amended.

S. 811 offers us an opportunity to take advantage of a visionary technology, and to move forward with high-speed surface systems that can help the Nation meet its pressing transportation problems. We must face up to our Federal responsibility to ensure that various State and regional high-speed rail efforts are integrated effectively into our national transportation system, and to expedite the development of American-designed high-speed rail technologies, including advanced electromagnetic and superconducting maglev systems, to provide jobs and stimulate economic growth, and competitiveness.

Mr. President, S. 811 will accomplish these goals. I urge my colleagues to join me in securing Senate passage and enactment of this important legislation.

Mr. EXON. Mr. President, as chairman of the Surface Transportation Subcommittee, I am pleased to join the chairman of the full Committee on Commerce, Science, and Transportation, Senator HOLLINGS, in support of S. 811, the High-Speed Rail Transportation Act of 1991. Other cosponsors of this bill include Senators BRYAN, BREAUX, REID, MIKULSKI, SIMON, and ROBB.

The United States faces a crisis of congestion. Unless we act boldly and with an eye to the future, gridlock on our highways and winglock on our airways will choke off economic growth and vitality. The problem is not confined to the densely populated areas of the Northeast or the west coast, but affects every part of this Nation, including my own home State of Nebraska. We are a transportation interdependent nation. For example, improved high-speed rail systems in the Northeast corridor would open up badly needed airport landing slots to enable improved air service from the Midwest. This is currently a problem for Omaha.

To meet this national crisis, we cannot simply pour concrete to build more highways and more airports. We also must explore and encourage new solutions such as magnetic levitation and other high-speed rail technologies. Only through new approaches can we as a nation stimulate the public and private partnerships critical to revitalizing our transportation infrastructure.

While the States and the private sector have to date led in the development of high-speed rail in the United States, the Federal Government must reestablish a leadership position, both nationally and internationally. It is a Federal responsibility to assist in coordinating the development of regional high-speed systems, to ensure their safe operation, and to promote the development of new, cutting edge high-speed surface transportation technologies. Incorporating the multiagency national maglev initiative, the Federal Government must plan for the comprehensive development of high-speed surface transportation systems in the United States. We must not allow this technology and its application to be dominated exclusively by foreign nations.

S. 811, the legislation which I introduced with Senator HOLLINGS and our other original cosponsors, will require the Department of Transportation [DOT] to establish an appropriate Federal policy to assist States and the private sector in building high-speed rail systems. This will be a national high-speed rail transportation policy, and it will draw upon the findings of the commercial feasibility study also incorporated into S. 811.

To advance the pace of research and development of next generation high-speed rail technologies such as maglev, S. 811 will also require DOT, in consultation with other designated Federal agencies, to develop detailed designs for high-speed rail system technological concepts which have potential for successful application in the United States and potential for significant participation by U.S. industries in the development and manufacture of such technologies. DOT will report to Congress on its progress, and will report by 1996 on which detailed designs, if any, warrant development as a full-scale prototype. Under the provisions of the bill, the Federal Government could share up to 80 percent of the cost of any cooperative research agreement or funding agreement entered into with industry, pursuant to the Stevenson-Wydler Technology Innovation Act of 1980.

S. 811 would further establish a new High-Speed Ground Transportation Office within the Federal Railroad Administration to centralize Federal administrative oversight responsibilities. The bill would authorize funding levels of $25 million in fiscal year 1992, $40 million in fiscal year 1993, $50 million in fiscal year 1994, $60 million in fiscal year 1995, and $30 million in fiscal year 1996 to carry out the provisions of the 1965 High-Speed Ground Transportation Act as amended.

S. 811 offers us a vehicle to help rebuild our transportation infrastructure, and to take advantage of worldwide developments in high-speed rail technology. Let us consider how we can integrate high-speed surface transportation systems utilizing existing technologies into the regional transportation mix. And if superconducting maglev systems represent the future of transportation in the 21st century, let us as a nation be in a position to capitalize upon these developments.

In short, S. 811 represents a plan to assure the economic competitiveness of the United States through a modern, efficient—and high-speed— transportation infrastructure. I urge my colleagues to join me in voting for its passage.

Mr. SIMON. Mr. President, as an original cosponsor of the High-Speed Rail Transportation Act of 1991, I urge my colleagues here in the Senate to pass this bill. I wish I could say it was timely, but in the mind of many of the citizens in Illinois and throughout the Nation a national high speed rail system is long overdue. If individual nations in Europe can put together a modernized international state-of-the-art high-speed rail system, surely our States with the help of their Federal Government, can do the same.

Why then does the administration continue to drag its feet on promoting a promising new high-speed ground transportation system? That foot dragging is putting our Nation and our citizens further and further behind the Europeans who not only have the trains up and running but are exporting their technology as well. The French TGV, the German ICE, the British high-speed rail, the Spanish Talgo, and the Swedish tilt train represent state-of-the-art service tailored to each nation. Japan has had a bullet train in service for over 25 years and is moving now to complete a number of other high-speed rail project.

Here we have vowed to rebuild rail passenger service during two oil crises and now a war while many good faith proposals in State after State continue to languish on the drawing board. I compiled a list of 22 of these high-speed rail service plans while I was pressing for highway-rail safety measures to permit those plans to go forward.

Since 1984, Illinois has been a member of the Midwest high-sped rail compact along with the States of Indiana, Ohio, Pennsylvania, and Michigan which studied the feasibility and cost of a number of interconnected Midwest high-speed rail services. Our Chicago-St. Louis route ranked among the highest in ridership and revenue raising potential in the Midwest. Illinois has also conducted its own studies of potential high-speed rail routes along with others needing traditional Amtrak service in the interim. Minnesota, Wisconsin, and Illinois are actively studying high-speed rail service between Minneapolis, Madison, Milwaukee, and Chicago.

If we focus on the future and are serious about relieving highway and airport congestion, saving energy, improving air quality, bringing good transportation back to many cities and towns, and giving a tremendous spur to our national economy, this bill is an important beginning. It not only paves the way for a national high-speed rail policy and plan but it allows us to look at all technologies capable of bringing this about.

Mr. DOMENICI. Mr. President, I am pleased to have the opportunity to say a few words in support of S. 811, the High-Speed Rail Transportation Act of 1991. In light of this Nation's desperate need to reduce foreign oil dependence, S. 811 is an especially topical matter to come before the Senate.

S. 811 was reported out of the Senate Committee on Commerce, Science, and Transportation, without objection on April 11, 1991. In full compliance with the Omnibus Budget Reconciliation Act, S. 811 authorizes to be appropriated a total of $200 million over 5 years to support the research, development, design, and implementation of advanced high-speed rail technologies in the United States. Additionally, S. 811 will establish a High-Speed Ground Transportation Office within the Federal Railroad Administration.

The transportation infrastructure of the United States is a key component to prosperity and growth. Yet, it is clear that the United States cannot simply keep building more lanes on more highways. Further highway development is a less efficient and environmentally sound approach to meeting our Nation's transportation needs.

Rather, we must keep an eye to the future, and invest in technologies that utilize intermodal concepts, encourage mass transit, and that are energy efficient. Rapid rail is the solution.

Interestingly, the surface transportation legislation in the House does not address the issue of rapid rail projects. For this reason it is imperative that the Senate take the lead role in making rapid rail a reality.

This might surprise some of my Eastern colleagues, but even Western States recognize the feasibility and economy of rapid rail lines between major Western cities. In New Mexico, the Rio Grande Corridor Rapid Rail project has been widely embraced.

The Rio Grande Corridor Rapid Rail would link Albuquerque, our most populated city, to Santa Fe, our State capital. A $100,000 study was recently performed on this concept. This study was funded by a mix of public and private dollars including: a State appropriation, Federal planning dollars, contributions from the city of Albuquerque, Bernallio Country, the Public Service Co. of New Mexico, the Catellus Development Corp., Sandia National Laboratories, Los Alamos National Laboratories, and Kirtland Air Force Base.

The Rio Grande Rapid Rail incorporates S. 811's intermodal goals. The Rio Grande Rapid Rail will link Albuquerque's intercity bus system, the city bus systems of Albuquerque and Santa Fe, and the Albuquerque International Airport. The rapid rail will greatly reduce the amount of congestion on Interstate 25 between Albuquerque and Santa Fe.

It is my sincerest hope that rapid rail will soon be a pragmatic component of the U.S. transportation infrastructure. Passage of S. 811 is an important and timely step to meeting this goal.

Thank you for your consideration of my thoughts.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment in the nature of a substitute.

The committee amendment was agreed to.

The PRESIDING OFFICER. If there are no further amendments, without objection, the bill is deemed to have been read a third time and passed.

So the bill (S. 811) as amended, was passed.

Mr. MITCHELL. Mr. President, I move to reconsider the vote, and move to lay that motion on the table.

The motion to lay on the table was agreed to.

ORDER OF PROCEDURE

Mr. MITCHELL. Mr. President, for the information of Members of the Senate and the public, we have been engaged throughout the day in an effort to proceed with respect to two important legislative matters.

The Federal Facilities Compliance Act, which would subject the U.S. Government to the same environmental laws and rules and enforcement thereof, is legislation which I have introduced and which I have been pushing for several years. We have now reached the stage in that legislation where all matters relevant to that bill have been completed and we are prepared for final passage on the bill. The only remaining amendments in order to that bill are amendments relating to the subject matter of unauthorized disclosure of information, which are unrelated to the bill but which was the subject of an amendment offered to the bill.

Last week, when this matter arose, we agreed that we would attempt to negotiate a bipartisan approach that would satisfy all concerned as to the subject of that investigation and would also permit us to pass the Federal Facilities Compliance Act.

Pursuant to that, I discussed the matter with Senator DOLE by telephone yesterday and then in person today. This morning, I provided a proposal to Senator DOLE, in writing, setting forth a possible approach to the subject of the investigation.

Following consultation with his colleagues, Senator DOLE returned this afternoon with a counterproposal and then, earlier this evening, after receipt of that counterproposal and consultation with my colleagues, I provided to Senator DOLE a revised version of our original proposal. That is where the matter now stands. Senator DOLE will review the latest proposal and consult with his colleagues over the evening and has indicated that he will respond to that tomorrow morning.

In the meantime, in parallel to that, we have attempted to proceed with the civil rights bill. As all Senators know, under the rules of the Senate, any one Senator, any one Senator can prevent the Senate from even beginning consideration of a bill by objecting to a unanimous-consent request to bring a bill up, and thereby forcing the Senate to delay for 2 days and then have a vote on whether or not to terminate debate on the motion to proceed to a bill.

That is what has occurred with respect to the civil rights bill. I sought consent to proceed to the bill. Our Republican colleagues objected. I made a motion to proceed to the bill and filed a cloture motion to terminate that debate, and that vote was held today. The vote was 93 to 4. The Senate has clearly expressed itself in terms of proceeding to the bill.

Under the rules, however, even after a vote occurs and 60 or more Senators vote to terminate debate on a motion to proceed and then to get to the bill, those who opposed getting to the bill may delay for an additional 30 hours. And I was unable to gain consent to terminate that 30 hours, and that time has been running since the vote occurred early this afternoon. Since then, I had asked that we get an agreement to go to the civil rights bill tomorrow at noon, which would not require us to stay here all night and run 30 hours. I have been unable to get that agreement.

However, the distinguished Republican leader has agreed to my suggestion that we recess for the night but count the time overnight as though the Senate were in fact in session, thereby running more of the 30 hours in what I think is our mutual hope—I would not want to presume to speak for the Republican leader—I think he shares the hope that we can then, tomorrow morning, reach an agreement on both matters and then proceed to start action on the civil rights bill, resolve the question of the inquiry into the unauthorized disclosures, and pass the Federal Facilities Act. That at least is my hope, that we will be able to do all three of those things tomorrow. And I look forward to continuing discussions, to see if we cannot resolve the matter of the inquiry because that, really, is the thing holding up the Federal facilities bill and also going to the civil rights bill.

So, Mr. President, that being the case, I have proposed and the distinguished Republican leader has agreed, that we go out tonight, the time count as though we were in session, that we come back tomorrow morning in the hopes that we can resolve each of the matters to which I have referred. And I can report, having been involved in the discussions, that it has been a good faith and genuine effort on both sides, and considerable progress has been made toward reaching an agreement.

Many of the initial areas of disagreement have been resolved. There remain, really, one or two issues with respect to which we are still in discussion. But based upon what has occurred today I am quite hopeful that we will be able to resolve the matter tomorrow in a bipartisan and fair and responsible way.

ORDERS FOR TOMORROW

Mr. MITCHELL. Accordingly, Mr. President, I now ask unanimous consent that when the Senate completes its business today it stand in recess until 11 a.m. on Wednesday, October 23; that, following the prayer, the Journal of proceedings be deemed approved to date, and that following the time for the two leaders there be a period for the transaction of morning business not to extend beyond the hour of 12 noon, with the following Senators permitted to speak therein under the following time limitations: Senator BOREN for 15 minutes; Senator WIRTH for 10 minutes; Senator LIEBERMAN for 5 minutes; and that any other Senator then be permitted to speak therein for up to 5 minutes each.

I further ask unanimous consent that the time under cloture on the motion to proceed to S. 1745, the civil rights bill, continue to run during the time the Senate is in recess.

I am advised by staff that this is agreeable to the distinguished Republican leader.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL TOMORROW AT 11 A.M.

Mr. MITCHELL. Mr. President, if no other Senator is seeking recognition, I now ask unanimous consent that the Senate stand in recess until 11 a.m. on Wednesday, October 23, 1991.

There being no objection, the Senate, at 7:13 p.m., recessed until Wednesday, October 23, 1991, at 11 a.m.

NOMINATIONS

Executive nominations received by the Senate October 22, 1991:

THE JUDICIARY

LILLIAN R. BEVIER, OF VIRGINIA, TO BE U.S. CIRCUIT JUDGE FOR THE FOURTH CIRCUIT VICE A NEW POSITION CREATED BY PUBLIC LAW 101-650, APPROVED DECEMBER 1, 1990.

TERRENCE W. BOYLE, OF NORTH CAROLINA, TO BE U.S. CIRCUIT JUDGE FOR THE FOURTH CIRCUIT VICE A NEW POSITION CREATED BY PUBLIC LAW 101-650, APPROVED DECEMBER 1, 1990.

DEPARTMENT OF STATE

JOHN KENNETH BLACKWELL, OF OHIO, FOR THE RANK OF AMBASSADOR DURING HIS TENURE OF SERVICE AS REPRESENTATIVE OF THE UNITED STATES OF AMERICA ON THE HUMAN RIGHTS COMMISSION OF THE ECONOMIC AND SOCIAL COUNCIL OF THE UNITED NATIONS.

SECURITIES AND EXCHANGE COMMISSION

J. CARTER BEESE, JR., OF MARYLAND, TO BE A MEMBER OF THE SECURITIES AND EXCHANGE COMMISSION FOR THE TERM EXPIRING JUNE 5, 1996, VICE PHILIP R. LOCHNER, JR., RESIGNED.

U.S. SENTENCING COMMISSION

MICHAEL S. GELACAK, OF VIRGINIA, TO BE A MEMBER OF THE U.S. SENTENCING COMMISSION FOR A TERM EXPIRING OCTOBER 31, 1997. (REAPPOINTMENT)

EXECUTIVE OFFICE OF THE PRESIDENT

KAY COLE JAMES, OF VIRGINIA, TO BE ASSOCIATE DIRECTOR FOR NATIONAL DRUG CONTROL POLICY, VICE REGGIE B. WALTON.

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF ADMIRAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be admiral

VICE ADM. JEREMY M. BOORDA [redacted] U.S. NAVY.

THE FOLLOWING OFFICER FOR APPOINTMENT TO THE GRADE OF VICE ADMIRAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601 AND 5141:

To be chief of naval personnel

To be vice admiral

REAR ADM. (1H) RONALD J. ZLATOPER [redacted] U.S. NAVY.

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICERS OF THE MARINE CORPS FOR PERMANENT APPOINTMENT TO THE GRADE OF LIEUTENANT COLONEL UNDER TITLE 10, UNITED STATES CODE, SECTIONS 624 AND 628:

LAURENCE FARNEN, JR.
WILLIAM D. YORK

IN THE NAVY

THE FOLLOWING NAMED NAVAL RESERVE OFFICERS TRAINING CORPS PROGRAM CANDIDATES TO BE APPOINTED PERMANENT ENSIGN IN THE LINE OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

HUGH L. MIDDLETON
PAUL M. NITZ

THE FOLLOWING NAMED DISTINGUISHED NAVAL GRADUATES TO BE APPOINTED PERMANENT ENSIGN IN THE LINE OR STAFF CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

SCOTT E. ALTORIER
WILLIARD H. BERRIEN, III
RAYMOND R. BUETTNER
JOHN E. BURPEE
DANIEL E. CRIPE
JAMES M. GENT
FRANK W. HATCH
ANDREW M. LEIDY
JAMES T. MCGUIRE
KEVIN M. MCLAUGHLIN
STEPHEN H. MURRAY
PAUL W. ROHDE
DAVID A. WAINWRIGHT

THE FOLLOWING NAMED FORMER U.S. NAVAL RESERVE OFFICERS TO BE APPOINTED PERMANENT COMMANDER IN THE MEDICAL CORPS OF THE U.S. NAVAL RESERVE, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 593:

DONALD H. GREENE
JAMES E. O'ROURKE
DOUGLAS W. RAINFORTH

THE FOLLOWING NAMED U.S. NAVY OFFICERS TO BE APPOINTED PERMANENT COMMANDER IN THE MEDICAL CORPS OF THE U.S. NAVAL RESERVE, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 593:

STANLEY B. GETZ, JR.
BENJAMIN R. HASTY

THE FOLLOWING U.S. NAVY OFFICER TO BE APPOINTED PERMANENT COMMANDER IN THE DENTAL CORPS OF THE U.S. NAVAL RESERVE, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 593:

MILES L. WILHELM

THE JUDICIARY

Robert L. Echols, of Tennessee, to be U.S. District Judge for the Middle District of Tennessee vice a new position created by Public Law 101–650, approved December 1, 1990.

Thomas K. Moore, of the Virgin Islands, to be a Judge of the District Court of the Virgin Islands for a term of 10 years vice Almeric L. Christian, retired.

Henry C. Morgan, Jr., of Virginia, to be U.S. District Judge for the Eastern District of Virginia vice a new position created by Public Law 101–650, approved December 1, 1990.

WITHDRAWAL

Executive message transmitted by the President to the Senate on October 22, 1991, withdrawing from further Senate consideration the following nomination:

CORPORATION FOR PUBLIC BROADCASTING

KAY COLES JAMES, OF VIRGINIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR PUBLIC BROADCASTING, WHICH WAS SENT TO THE SENATE ON AUGUST 1, 1991.

CONFIRMATIONS

Executive Nominations Confirmed by the Senate October 22, 1991:

NATIONAL CORPORATION FOR HOUSING PARTNERSHIPS

JAMES C. KENNY, OF ILLINOIS, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE NATIONAL CORPORATION FOR HOUSING PARTNERSHIPS FOR THE TERM EXPIRING OCTOBER 27, 1993.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

RUSSELL K. PAUL, OF GEORGIA, TO BE AN ASSISTANT SECRETARY OF HOUSING AND URBAN DEVELOPMENT.

FEDERAL DEPOSIT INSURANCE CORPORATION

WILLIAM TAYLOR, OF ILLINOIS, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE FEDERAL DEPOSIT INSURANCE CORPORATION FOR A TERM EXPIRING FEBRUARY 28, 1993, VICE L. WILLIAM SEIDMAN.

WILLIAM TAYLOR, OF ILLINOIS, TO BE CHAIRPERSON OF THE BOARD OF DIRECTORS OF THE FEDERAL DEPOSIT INSURANCE CORPORATION FOR A TERM EXPIRING FEBRUARY 28, 1993, VICE L. WILLIAM SEIDMAN.

NATIONAL CREDIT UNION ADMINISTRATION

SHIRLEE BOWNE, OF FLORIDA, TO BE A MEMBER OF THE NATIONAL CREDIT UNION ADMINISTRATION BOARD FOR THE TERM OF 6 YEARS EXPIRING APRIL 10, 1997.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

HOUSE OF REPRESENTATIVES—*Tuesday, October 22, 1991*

The House met at 12 noon.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Of all the gifts that have blessed us and made us human, we are specially grateful for the gift of freedom. We pray, gracious God, that people of every nation and every background will enjoy the liberties that have been our heritage and be able to celebrate each day with those they love. As hostages are released we offer our thanksgivings even as we recall those who are yet held against their will. May we soon know the time when understanding and respect will mark the actions of people everywhere and freedom will be shared by men and women of every place. In Your name, we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. The Chair will ask the gentleman from Virginia [Mr. PAYNE] if he would kindly come forward and lead the membership in the Pledge of Allegiance.

Mr. PAYNE of Virginia led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

AUTHORIZING USE OF FUNDS BY DEPARTMENT OF VETERANS AFFAIRS TO MAINTAIN NATIONAL MEMORIAL CEMETERY OF ARIZONA

Mr. MONTGOMERY. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 1823) to amend the Veterans' Benefit and Services Act of 1988 to authorize the Department of Veterans Affairs to use for the operation and maintenance of the National Memorial Cemetery of Arizona funds appropriated during fiscal year 1992 for the National Cemetery System, and ask for its immediate consideration by the House.

The Clerk read the title of the Senate bill.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 1823

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) paragraph (1) of section 346(f) of the Veterans' Benefits and Services Act of 1988 (Public Law 100–322; 102 Stat. 542, is amended in the matter preceding clause (A)—

(1) by striking out "appropriated funds"; and

(2) by inserting "funds appropriated to the Department of Veterans Affairs' Compensation and Pension account" after "Cemetery".

(b) The amendments made by subsection (a) shall take effect with respect to expenses incurred on or after October 1, 1991.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. MONTGOMERY

Mr. MONTGOMERY. Mr. Speaker, I offer an amendment in the nature of a substitute.

The Clerk read as follows:

Amendment in the nature of a substitute offered by Mr. MONTGOMERY: Strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. NATIONAL MEMORIAL CEMETERY OF ARIZONA.

(a) IN GENERAL.—Subsection (f) of section 346 of the Veterans' Benefits and Services Act of 1988 (102 Stat. 541) is amended—

(1) by striking out paragraph (1) and redesignating paragraphs (2) and (3) as paragraphs (1) and (2), respectively;

(2) in paragraph (1) (as redesignated by paragraph (1) of this section)—

(A) by striking out subparagraph (B);

(B) by striking out "(A) Subject to subparagraph (B), in" and all that follows through "section 903(b)(1)" and inserting in lieu thereof "In addition to amounts made available to carry out chapter 24 of title 38, United States Code, in the three-year period beginning on the date on which the conveyance under subsection (a) is made, the Secretary shall use amounts available for payments under section 2303(b)(1) of such title"; and

(C) by adding at the end thereof the following: "The amount the Secretary may use under such section 2303(b)(1) during a year for the purposes of this subsection may not exceed the greater of—

"(A) the amount that the Secretary estimates would have been obligated for payment during that year pursuant to such section 2303(b)(1) in connection with the burial of deceased veterans had the cemetery not been transferred to the Department of Veterans Affairs; or

"(B) the amount obligated for the purposes of such payment during fiscal year 1987.".

(b) TECHNICAL AMENDMENT.—Section 346 of the Veterans' Benefits and Services Act of 1988 (102 Stat. 541) is amended—

(1) by striking out "Administrator" the first place it appears and inserting in lieu thereof "Secretary of Veterans Affairs"; and

(2) by striking out "Administrator" each subsequent place it appears and inserting in lieu thereof "Secretary".

Mr. MONTGOMERY (during the reading). Mr. Speaker, I ask unanimous consent that the amendment in the nature of a substitute be considered as read and printed in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

Mr. STUMP. Mr. Speaker, reserving the right to object, although I do not intend to object, I would like to yield to the chairman for a brief explanation of the amendment.

Mr. MONTGOMERY. Mr. Speaker, will the gentleman yield?

Mr. STUMP. Further reserving the right to object, I am happy to yield to the gentleman from Mississippi.

Mr. MONTGOMERY. Mr. Speaker, S. 1823, as amended, would allow the Department of Veterans Affairs to maintain the National Memorial Cemetery of Arizona with funds appropriated for the National Cemetery System.

Under current law, Federal funding for the operation and maintenance costs for this cemetery cannot exceed $150 per burial. This was one of the restrictions that was placed in the law when we allowed the Federal Government to take over jurisdiction of this State veterans' cemetery in 1988.

The VA has made a convincing argument that the limitations should be lifted. Otherwise, the VA cannot maintain the cemetery at the high standards we all expect.

The additional cost is estimated to be $275,000 and these additional funds would come out of funds already appropriated for the National Cemetery System.

I know that my view is shared by the ranking minority member of the full committee, BOB STUMP, of Arizona. Mr. STUMP has been vigilant in his efforts to monitor this matter, and I urge my colleagues to support this measure.

Mr. STUMP. Mr. Speaker, further reserving the right to object I rise in strong support of S. 1823 regarding the operation and maintenance of the National Memorial Cemetery of Arizona. We certainly appreciate the chairman for giving expedited consideration to this matter of importance to Arizona veterans.

This bill authorizes the Department of Veterans Affairs to use NCS funds appropriated for fiscal year 1992 for the operation and maintenance of the National Memorial Cemetery of Arizona.

Public Law 100–322 transferred the National Memorial Cemetery of Arizona from State jurisdiction to a national veterans cemetery. The law provided for cost sharing between the

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

State and the Department of Veterans Affairs. But the current costs of operating the cemetery far outstrip the resources provided by the original authorizing language.

Mr. Speaker, the National Memorial Cemetery of Arizona sorely needs upgrading to meet minimum aesthetic and operational standards. Because of prior funding restrictions, this is the only cemetery that cannot benefit from additional appropriations for the National Cemetery System as included in H.R. 2519, which awaits the President's signature.

The other body included the provisions of S. 1823 in the VA/HUD appropriations bill, but the conference agreement limited the authority to November 30, 1991.

The House Committee on Veterans' Affairs agrees with the need to provide this authorization change without time constraints. We also appreciate the appropriations conferees' recognition of our desire to guard the Veterans' Affairs Committee's jurisdictional prerogatives over authorization provisions such as this.

I want to express my appreciation to Mr. TRAXLER and Mr. GREEN, chairman and ranking minority member of the Appropriations Subcommittee on VA, HUD, and Independent Agencies for their understanding and assistance.

And as always, I want to thank my distinguished chairman of the Veterans' Affairs Committee, SONNY MONTGOMERY, for his help and expeditious action on this measure. I also want to thank HARLEY STAGGERS, chairman of the Subcommittee on Housing and Memorial Affairs, for his interest and support on this action.

Mr. Speaker, I urge full House approval of S. 1823.

Mr. STAGGERS. Mr. Speaker, will the gentleman yield?

Mr. STUMP. Further reserving the right to object, I am happy to yield to the gentleman from West Virginia.

Mr. STAGGERS. Mr. Speaker, I rise in support of S. 1823, as amended, which would permit the Department of Veterans Affairs to operate the National Cemetery of Arizona the same way as it operates all national cemeteries in the system.

When Public Law 100-322 transferred the then State of Arizona Veterans Memorial Cemetery to the Department of Veterans Affairs for use as a national cemetery, the State of Arizona agreed to provide funding for a period of 3 years based on their own expenditures up to the date of the agreement. The VA's contribution was restricted to $150 per interment.

The costs of operating and maintaining the National Memorial Cemetery of Arizona at VA National Cemetery standards considerably exceed the previous State expenditure levels. The cemetery currently employs a staff of 9 but its workload requirements would actually warrant a staff of 15. In addition, many equipment requirements are unmet.

The VA estimates that $400,000 will be required to operate and maintain this cemetery over the next 6 months. Under the limitations imposed by Public Law 100-322, only $125,000 in total funding will be available. The bill before us today would simply allow the VA to fully fund the operation of this cemetery with funds already appropriated to the National Cemetery System.

I wish to commend Mr. MONTGOMERY, chairman of the full committee, and Mr. STUMP, ranking minority member, for their efforts; and I urge my colleagues to join with me in supporting this measure.

Mr. STUMP. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

The SPEAKER. The question is on the amendment in the nature of a substitute offered by the gentleman from Mississippi [Mr. MONTGOMERY].

The amendment in the nature of a substitute was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. MONTGOMERY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on S. 1823, the Senate bill just passed.

Mr. SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

FORGIVE AND FORGET

(Mr. VISCLOSKY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VISCLOSKY. Mr. Speaker, President Bush has a new motto: "Forgive and Forget." Forgive others—forget America.

President Bush forgives Egypt's $6.7 billion debt, while he forgets America's unemployed.

President Bush forgives Poland $3 billion it owes, while he forgets America's uninsured.

President Bush forgives over $1.6 billion owed by Latin America and African nations.

The President forgets that forgiving foreign debt doesn't feed American families.

That is something worth remembering.

HOSTAGE ISSUES RIGHT HERE IN WASHINGTON

(Mr. KLUG asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KLUG. Mr. Speaker, congratulations to the family of Jesse Turner freed after 5 years as a hostage.

But there are other hostage deals left. Not just in the Middle East but right here in Washington.

The Democrats continue to be obsessed with an earlier hostage deadlock, not in Lebanon, but Iran, the so-called October surprise. The Reagan administration is suspected of swapping weapons for hostages. But what did the Carter administration swap for its cozy relationship with BCCI?

Meanwhile President Bush has been accused of not having a domestic agenda. He has got one all right, it has just been kidnaped, shanghaied, and raped.

Why are we voting on the crime and highway bills in the fall instead of last spring when the President asked Congress to act on them?

Finally most Members are held hostage by a leadership that refuses to release the records of a shaky bank and a debt-ridden restaurant.

Why cannot the public see those records? For the matter, why cannot Members of Congress see those records?

The hostages in Lebanon are political prisoners. Come to think of it, so are the hostage issues right here in Washington too.

□ 1210

TIME TO DO SOMETHING FOR THE MIDDLE CLASS

(Mr. DOWNEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DOWNEY. Mr. Speaker, this is the 16th month of the recession. And what has the President done? For the first 15 months, he said the recession was over. It is not. He refused to declare an emergency in August to allow unemployment benefits to be extended to 3 million jobless Americans. He then vetoed a bill that declared the emergency, telling the unemployed, in effect, to drop dead.

Now he wants to reduce capital gains taxes on the wealthy in an effort to spur the economy that he has insisted all along is okay, a tax break for the only people who have benefited from the Reagan-Bush economic policy. They have already seen their real incomes go up and their taxes down.

Mr. Speaker, if there is a group in America that needs tax breaks, it is the middle class, the people who have paid the freight for this country for the last 12 years and have seen their taxes go up and their real incomes go down.

Mr. President, if you want capital gains, first do something for the middle class.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair reminds all Members that remarks in debate should be addressed to the Chair and not to others, such as the President.

NEED FOR FULL DISCLOSURE OF DEMOCRATS' MANAGUA CONNECTION

(Mr. BALLENGER asked and was given permission to address the House for 1 minute, to revise and extend his remarks and to include extraneous matter.)

Mr. BALLENGER. Mr. Speaker, I have spoken on several recent occasions on the need for full disclosure of the Democrats' Managua connection. In this connection, I was interested to see an article by Raul Fernandez last week on the subject. I offer this item for inclusion in the RECORD.

The article notes that while the "October Surprise" task force was being implemented by the Democratic leadership, it was dismissing sworn testimony from Allan Fiers that Democrat Congressmen were "engaged in questionable dealings with the Sandinista junta ruling Nicaragua in the 1980's."

When the Democrat leadership gallops off following a trail so faint as to suggest it exists only in the fevered mind of some beholders, and at the same time ignores a paper trail you could trip over, it suggests a double standard at least. As Raul Fernandez puts it:

> Elliott Abrams and his . . . colleagues have answered their share of questions, and it's time for all Democrats implicated by Mr. Fiers to do the same. The principles and the law guiding the integrity and sensitive nature of classified information are too serious to be left uninvestigated.

The article follows:

[From the Washington Times, Oct. 14, 1991]

NOT EAGER TO HEAR WHAT WAS HEARD?

(By Raul Fernandez)

Faced with the certainty of years of legal terrorism and thousands of dollars in legal bills defending himself against Prosecutor Lawrence Walsh, former Assistant Secretary of State Elliott Abrams plea bargained to two misdemeanor counts of witholding Iran-Contra-related information from Congress.

One must remember, however, that this was a Congress that was changing U.S. law on aid to the Contras faster than the seasons change in Washington; a Congress that was playing "Simon says" with thousands of young freedom fighters who were putting their lives on the line for a free and democratic Nicaragua.

As Mr. Walsh prepares to shut down his five-year investigation, a House task force has been named by the Democratic leadership to investigate the so-called "October Surprise," a supposed plot by which Reagan-Bush campaign aides managed to convince the Iranian leadership to delay the release of American hostages until about an hour after Ronald Reagan was sworn in as president. New allegations from former Carter administration National Security Council aide Gary Sick renewed the congressional interest.

But as the panel members for this "October Surprise" task force were being named, Sen. David Boren, Oklahoma Democrat, dismissed the testimony of another former intelligence official who, under oath, disclosed that Democratic members of the House were engaged in questionable dealings with the Sandinista junta ruling Nicaragua in the 1980s.

In recent testimony before the Senate Intelligence Committee, Alan Fiers, former head of the CIA's Central American Task Force (and another "two misdemeanor" catch for Mr. Walsh), testified that, in the process of monitoring Sandinista communications, the CIA had intercepted conversations between several members of Congress and the "commandantes" in Managua.

The communications in question were in the form of congressmen and their staff giving the Sandinistas PR tips and strategy suggestions on how to subvert President Reagan's foreign policy agenda in Central America. The former and present members of Congress whose judgment and actions need to be reviewed include former House Speaker Jim Wright of Texas, former Rep. Michael Barnes of Maryland and current House Whip David Bonior of Michigan.

There is clearly a double standard at play when allegations against Republican officials are taken seriously and immediately investigated, while equally serious actions by former and current Democratic congressmen are dismissed without a thought. While the president of the United States was going through the appropriate channel of publicly requesting appropriations from Congress for the Contras, ranking Democrats with access and knowledge of U.S. intelligence were giving back-room advice to the leaders of a communist country openly aggressive to the United States and its interests (democracy, free elections and peace) in the region. All the members involved were outspoken critics of the president's policy and all had the opportunity to oppose the president's policy on the floor of the House.

There is nothing wrong with opposing the administration's position on a foreign or domestic matter, but it's another issue entirely if those members used their access to classified information to advance the cause of the totalitarian government that was in power in Nicaragua at the time.

Congressional access to classified information is both a right and a privilege. Following Mr. Fier's testimony, the use of that privilege is clearly in question, and the American public deserves to know if any laws were broken by lawmakers obsessed with handing Mr. Reagan a foreign policy defeat. Questions need to be asked: What did the Sandinista PR squad on Capital Hill know? When did they know it? And which "comandante" did they tell it to?

Elliott Abrams and his former colleagues have answered their share of questions, and it's time for all Democrats implicated by Mr. Fiers to do the same. The principles and the law guiding the integrity and sensitive nature of classified information are too serious to be left uninvestigated.

IN SUPPORT OF H.R. 1414, PASSIVE LOSS CORRECTIONS BILL

(Mr. PAYNE of Virginia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PAYNE of Virginia. Mr. Speaker, our tax laws treat Americans engaged in real estate investment and development more severely than any other category of business professionals.

Under the passive loss rules, many real estate professionals are effectively taxed on their gross income, not their net.

As a result, many in real estate are no longer able to carry troubled properties and are turning them over to the lenders.

In turn, many financial institutions are in trouble—in part because of the large inventories of real estate they have taken back from borrowers.

Mr. Speaker, people in the private sector need a reasonable incentive to work out troubled properties and to purchase those properties being held by the Resolution Trust Corporation and the FDIC.

If passed and signed into law, H.R. 1414—the Passive Law Corrections Act—will properly reestablish the passive loss deduction for losses incurred in real estate.

It will not promote the construction of unneeded office or apartment buildings, nor will it create or restore potential tax abuses to the code.

H.R. 1414 will allow us to keep troubled properties in private hands and return those currently held by the RTC and FDIC to the private sector.

I hope Members will have the opportunity to vote on H.R. 1414 before Congress adjourns for the year.

We should move quickly on this legislation.

DOORWAYS, A PROGRAM WITH HOPE FOR FUTURE OF EDUCATION

(Mr. BILIRAKIS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BILIRAKIS. Mr. Speaker, today, the Pinellas County School System is kicking off a program called Doorways, the culmination of efforts to address the needs of disadvantaged students in Pinellas County, FL. Under the program, the school system will target disadvantaged students at a very young age—3 or 4 years old—and will provide these students with long-term support and a network of services until they graduate from high school. Children will then be provided with scholarships to college or vocational school, giving them hope for the future and motivation to stay in school.

Doorways is the first broad-based, public-private partnership to develop a comprehensive and long-term initiative of this magnitude in Florida. Thus, Doorways should be viewed as a model not only for the State of Florida, but for the Nation.

Mr. Speaker, today, I would like to congratulate Howard Hinesley, the superintendent of Pinellas County schools and the force behind this program. I also applaud the efforts of all the hardworking individuals behind the scenes and the generous contributors. I am proud to say that individuals in my district in Florida are working so diligently and innovatively toward a better future for our students. Without a doubt, Doorways is a program which gives us hope for the future of education nationwide.

WE NEED A PRESIDENT WITH AN EYE ON THE NEXT DECADE

(Mr. DORGAN of North Dakota asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DORGAN of North Dakota. Mr. Speaker, our country is in trouble. We are in a recession. America is deep in debt. Millions are unemployed and millions more live in poverty. We are losing our edge in international competition. We have failures in key industries. We see a financial house of cards built on financial takeovers and we have scandal on top of scandal, at HUD, in the S&L's and in procurement down at the Defense Department.

What is wrong? This country is a drifting ship, and there is no captain on the bridge. We need leadership from a President who is interested in what is going on here in this country.

Now, as President Bush continues his heavy international travel schedule to create a new world order, he ought to understand that what we need here in this country is some leadership to create a new economic order here in America.

Mr. Speaker, we need a President who has his eye not on the next election, but on the next decade for America.

PASS THE FIRE SERVICE BILLS OF RIGHTS

(Mr. WELDON asked and was given permission to revise and extend his remarks.)

Mr. WELDON. Mr. Speaker, over the last several days we have seen terrible devastation in the western part of America. In 6 States we have seen 43,000 acres devastated by terrible wildlands fires, $1.8 billion in damage, 2,400 homes lost, 14 deaths, including that of Battalion Chief James Riley.

Thousands of firefighters from all over America proudly defended this great Nation.

Approximately 3 weeks ago, Mr. Speaker, I spoke to the California State Firefighters Association in Sacramento. They said, "Please come back and ask the Congress to pass our No. 1 priority, the Fire Service Bill of Rights."

Mr. Speaker, I urge my colleagues and the members of the Banking Committee and the Coinage Subcommittee to release this bill, endorsed by 280 of my colleagues, so that we can properly pay respect to the domestic defenders of this country. It is the very least we can do.

STOP THE CONGRESSIONAL VISITORS' CENTER

(Mr. GLICKMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GLICKMAN. Mr. Speaker, I held several town hall meetings in Kansas this weekend and came away with one message; people are hurting financially, and they feel they are overtaxed, angry about how the Government spends their tax dollars.

Given this mood prevailing across the country, why is Congress, led by the Senate Rules Committee, about to begin building a $71 million visitors center here at the Capitol when most people cannot even afford to visit Washington? The proposed center, to be located under the east lawn of the Capitol, would be a three-level complex of offices for the Capitol Police, the guide service, maintenance shops, a museum, and theaters for orientation films. The new center would also free up more space in the Capitol for legislative offices.

It would be a nice project if we had money to spend, but this year the Government will create the highest budget deficit in our history, one-third of a trillion dollars. Especially now, we do not need a new visitor center, we do not need more office space, we do not need theaters or a museum. This project is a bad idea, fiscally and politically, so let us nip it in the bud right now. Let us concentrate instead on spending tax dollars prudently and finding ways to reduce taxes on middle-income Americans.

HEALTH CARE FOR ALL AMERICANS

(Mr. THOMAS of Wyoming asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THOMAS of Wyoming. Mr. Speaker, this weekend we have heard a lot of talk about reducing taxes. It is about time. Some of us have been talking about it for a very long time, reducing taxes and reducing spending at the same time.

I would like to talk a little bit about reducing taxes in a little different context, that of health care. Health care is the most pressing social issue that we have. It touches each of us. It touches each of our families, and 37 million people in this country are affected by a lack of health care insurance.

□ 1220

It is very difficult and will take a good deal of time to draft a total package to deal with health care. But we should not wait until that is done. We can do something now. That is, to give equal and fair treatment to the self-employed regarding the deductions for purchase of health care insurance. Employers can now deduct 100 percent of insurance costs that they pay for employees, but self-employed only can deduct 25 percent. That is not fair.

Equal tax treatment for the self-employed can help move toward health care reform and get the economy moving as well. We should do it, and we should do it now.

DO NOT RAISE OR LOWER TAXES: STOP THE HANDOUTS OVERSEAS

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, cutting taxes wins elections; Republicans know it. Now Democrats are jumping on the bandwagon too.

It is very simple, it works, just ask Ronald Reagan. But the bottom line is, Mr. Speaker, America is bankrupt. Do you not think it might be better for Congress to: No. 1, stop cutting taxes; No. 2, stop raising taxes; No. 3, stop the loopholes in the tax law; and, No. 4, stop the handouts for everybody overseas?

Mr. Speaker, if Democrats and Republicans really wanted to cut taxes, they would not have passed the biggest tax increase in American history last year.

SEVEN RULES FOR ECONOMIC GROWTH

(Mr. DELAY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DELAY. Mr. Speaker, in answer to the gentleman from Ohio, today marks the 15th day until the first anniversary of the signing of the infamous 1990 budget summit agreement, which has greatly hindered the prosperity of our economy. Our country now needs to relearn the lessons of the 1980's.

The Heritage Foundation has just issued a report called Tax Rates, Fairness, And Economic Growth: Lessons From the 1980's, and I commend it to your attention. It spells out seven simple but powerful lessons which the Democrats need to learn and implement if we are ever going to pull the country out of this terrible recession and put it back on the road to sustained economic growth.

First, economic growth is the best weapon against poverty;

Second, economic growth is stimulated by low taxes;

Third, the poor get richer when the rich get richer;

Fourth, if the aim is to make the rich pay more actual taxes, cut their tax rates;

Fifth, raising taxes on the rich does not help the poor;

Sixth, increased Social Security taxes have wiped out the benefits of Reagan's tax cuts for many Americans; and

Seventh, hiking taxes does not lower spending, it raises it.

Yes—they're simple lessons—but they work. The 1980's proved that. And the sooner we go back to the tried and true, the better off this country will be.

EMERGING AGREEMENT ON AN ECONOMIC REFORM PLAN FOR THE NATION

(Mr. MAZZOLI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MAZZOLI. Mr. Speaker, I think all of us, when we go back home on the weekend, find one of the constant criticisms is that Congress seems to be bickering and arguing within itself as to who should get credit for which good deeds or get the blame for the bad deeds. They do not like this bickering.

I was therefore very happy, starting over the weekend, to discern what appears to be a kind of emerging agreement on the Hill on economic reform.

I would like to add to that argument or debate to this extent: I think that any kind of economic recovery program ought to include some extension of unemployment benefits to the long-term unemployed. It should clearly include some kind of economic stimulus, possibly targeted cuts in the capital gains rates; and, it should certainly include tax relief for the middle-income people.

Yesterday one of the Members of the other body talked about extending the deductibility of IRA's, making them more available to the middle-income people, and to have additional tax credits for dependent children within families.

One way or the other, Mr. Speaker, whoever gets credit, certainly we ought to get started, in a congenial, collaborative effort to solve the economic problems of this country.

I see an emerging agreement. I think the American people will be happy to see that plan come to fruition.

CREDIT CRUNCH NEEDS SOLUTIONS NOW

(Mr. STEARNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEARNS. Mr. Speaker, the credit crunch has gripped all segments of our society. This grip is particularly strong on the small business men and women in America. It is suffocating them, while they are attempting to expand their businesses and create new jobs. Real estate is hardest hit, particularly in central Florida, the area that I represent.

Businesses need the money to buy property and the financing to develop it.

Mr. Speaker, I am worried that things are not getting any better. Only long-term solutions will begin to reduce this crunch, such as the reduction of capital gains tax and the return of the investment tax credit.

There are also two bills in the House that may offer long-term solutions. H.R. 1414 would correct the passive loss rules imposed on the rental real estate industry by the Tax Reform Act of 1986. It treats those in the real estate business the same as people in other industries and has 315 cosponsors.

The other bill is H.R. 1450. This bill limits the liability of lending institutions and others holding property from unfair and burdensome environmental laws.

If these ideas were enacted we could bring relief to overly cautious lenders and ease lending to individuals and businesses that deserve it.

THERE ARE DRAMATIC DIFFERENCES BETWEEN THE REPUBLICAN-PROPOSED TAX CUTS AND THE DEMOCRATIC-PROPOSED TAX CUTS

(Mr. DURBIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DURBIN. Mr. Speaker, both parties are talking about tax cuts, but there is a dramatic difference between them.

The Republican tax cut is a tax cut for the rich. Eighty percent of the so-called Gramm-Gingrich growth package goes to those earning over $100,000 a year. The Republicans believe in growth programs so long as they mean growth in the income of the rich.

The Democratic plan is dramatically different. Our tax cut plans are for working families. Critics may argue this approach is good politics, but it is also good economics.

Putting more spending power in the hands of the families in America is just what our ailing economy needs.

Mr. Speaker, retail sales have been stagnant for months, auto sales have been falling back, and housing starts actually fell during September.

Mr. Speaker, we can get our economy moving again by giving working families the tax break they deserve.

WHY $12 BILLION FOR THE IMF? VOTE DOWN THIS FOREIGN AID AUTHORIZATION

(Mr. DUNCAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DUNCAN. Mr. Speaker, yesterday David Mulford, Under Secretary of the Treasury, told the Senate Committee on Finance that the United States and six other major industrial nations are considering a 6-to-12-month forgiveness of payment of Soviet debt.

The Soviet Union owes nearly $70 billion in foreign debt which they are unable to repay. Yet we are scheduled to take up a foreign aid authorization bill later this week which increases the U.S. share of the International Monetary Fund by $12 billion.

According to the Scripps-Howard newspaper chain and others, as well as columnist Pat Buchanan, this money will be used primarily for loans to the Soviet Union.

As I mentioned on the floor a few weeks ago, Scripps-Howard foreign affairs columnist B.J. Cutler says these loans to Russia will be used mainly to pay off big banks in London, Paris, Frankfurt, Tokyo, and other places around the world for bad loans made to the Soviets.

Last week the Washington Post also reported that Treasury Secretary Brady has been unsuccessful in convincing other nations to come up with more aid to the Soviet Union.

We should not, either. We should vote down this foreign aid authorization bill as long as it has this additional $12 billion for the IMF. We certainly cannot afford it.

Mr. Speaker, I am convinced that our constituents do not want us spending money in this way when we have so many problems here at home. They do not want us appropriating $12 billion to bail out big banks around the world for bad loans made to the Soviet Union.

LEGISLATION TO CORRECT THE PROBLEM OF PASSIVE LOSS RULES

(Mr. NEAL of Massachusetts asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. NEAL of Massachusetts. Mr. Speaker, as a Member representing a district in New England, I have been extremely concerned and outspoken about the credit crunch. I firmly believe that enough has not been done to help New England get on the right track financially.

Under the current passive loss rules, real estate professionals are effectively taxed on their gross income, and not their net income. This rule has a negative impact on the economy. Real estate agencies are unable to continue to carry troubled properties and wind up turning them over to lenders. And this leads to many financial institutions having large inventories of real estate.

Recently, the Resolution Trust Corporation has made a request for an additional $80 billion. We cannot afford to have more financial institutions fail because of the staggering real estate market. It is time to take action that will address the root of this problem. For this reason, and along with 307 other Members of Congress, I am a cosponsor of H.R. 1414. This legislation corrects this problem of passive loss.

I supported the budget agreement that placed the budget on a pay-as-you-go basis, and I believe this method is needed to cut the deficit. While it is true that H.R. 1414 would be a revenue loser, the industry is willing to offer a revenue offset to finance this measure.

I urge all my colleagues to take a look at this legislation. It is time to take steps to fight the credit crunch, and this can be done by limiting the amount of real estate held by financial institutions in their portfolios.

□ 1230

RECOGNIZING THE CROATIAN PEOPLE'S LEGITIMATE CLAIM TO SOVEREIGNTY

(Mr. MILLER of Washington asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MILLER of Washington. Mr. Speaker, the United States has on many occasions stood for the right of self-determination. It is time we stood up for the people of Croatia. It is time we recognized Croatia's claim to independence.

These brave people have clearly stated their desire to be free. But while the European Community opens its arms to negotiations, the Serbian Communist-dominated federal government opens up its firearms on Croatia.

The European Community has made constructive suggestions for resolving the civil war. The United States should support international efforts to mediate a settlement. But it must be a settlement which addresses the aspirations of the people of Croatia and protects the rights of all minorities in all the republics of what was formerly Yugoslavia.

If the United Nations and European Community measures are not effective, the United States should consider other steps toward settling this conflict. Over 1,000 people have died in this civil war. Not another should. Mr. Speaker, we should recognize the Croatian peoples' legitimate claim to sovereignty.

CONDOLENCES TO CONGRESSMAN DELLUMS' DISTRICT

(Ms. PELOSI asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. PELOSI. Mr. Speaker, this weekend, as we are all very sadly aware, strong winds whipped a brush fire in the Oakland Hills into a nightmarish inferno that engulfed hundreds of houses, killed at least 16 people and left many thousands homeless. This weekend, sadly, also commemorates the second anniversary of the Loma Prieta earthquake. Disasters of this magnitude are rare, although it does not seem so with two in 1 year, and this fire was the worst in California's history. But these disasters also test the mettle of our society.

Mr. Speaker, for the past 2 years, with the help of this body, the people of the bay area have worked tirelessly to put the earthquake behind them. The rebuilding is still going on.

Mr. Speaker, I hope that the body will be generous in its assistance to the people of Oakland and Berkeley, as well as to those in the Speaker's home State of Washington, for whom fire has brought great suffering.

On behalf of my constituents I extend to the gentleman from California [Mr. DELLUMS] my condolences for the tragedy that has befallen his district.

I also want to give special praise to those firefighters who gave their lives that others might be saved and who fought so bravely in order to stop the blaze.

I know our colleagues will join in addressing this issue later, but I know that many will want to join in extending condolences to the gentleman from California [Mr. DELLUMS].

OCTOBER SURPRISE: LET'S DO IT RIGHT

(Mr. KYL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KYL. Mr. Speaker, the House will be spending its time reviewing past history when it begins the October surprise investigation in the coming weeks.

I think it important that this review not be selective. There have been many questions raised about the role of the Carter Presidency in its dealing with the Iranians.

I expect these questions to be fully examined by the October Surprise Task Force. Who knows what deals were contemplated by a Carter team that knew its political survival hinged on the release of those hostages?

The American people have a right to know to what lengths President Carter went to stay in power.

OPEN INVITATION TO GEORGE BUSH AND CARLA HILLS

(Ms. KAPTUR asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. KAPTUR. Mr. Speaker, it is now over 1 month, in fact the 44th day, since I personally invited the Bush administration's top United States-Mexico trade negotiator, Carla Hills, to join me and other Members of Congress on a tour of Midwest and other United States factories that have closed or downsized here in the United States. Jobs have been lost in dozens of United States communities, where workers earned a living wage; and, corresponding plants have opened in Mexico where workers earn on average $1 an hour, not even enough to buy the goods they are producing.

Today is the 44th day that Carla Hills has not responded to my invitation to get out from behind the bargaining table and come meet Americans face to face who will be affected by this trade pact. In Ohio alone, 100,000 jobs have been lost to Mexico already.

Thousands more U.S. jobs are on the line. Real jobs to real Americans. In fact, since George Bush became President, there are 300,000 less jobs in the United States of America. Negotiating a free trade agreement with Mexico means more than conducting talks; it means facing the people whose lives and jobs are in your hands. Wouldn't it be nice if George Bush also accepted our invitation? My message to Carla Hills and George Bush: we're waiting.

OUR HEALTH CARE SYSTEM NEEDS AN OVERHAUL

(Mr. CLINGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CLINGER. Mr. Speaker, my constituents write to me often to find out what Congress is doing to fix our beleaguered health care system. Some want to know why Medicare does not pay for electrocardiograms, others wonder how they are going to pay next month's hefty insurance premium. But overall, they all say that our system is broken and we need to fix it.

Although there are obstacles to major reform, I am rising today to urge my colleagues to enact legislation in areas such as malpractice reform and small group insurance market reform. It is hard to say when we will be able to overhaul the entire system but this should not preclude us from revamping certain health care sectors that are driving up costs and preventing access. We can ease the health care burden on our constituents while we study the major reform proposals and decide which is best. But we need to act in the meantime. I urge my colleagues to take up this issue and cosponsor legislation which helps increase access and lower costs.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 2824

Mr. THOMAS of Georgia. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor from the bill, H.R. 2824.

The SPEAKER pro tempore (Mr. MAZZOLI). Is there objection to the request of the gentleman from Georgia?

There was no objection.

THE POLITICS OF INTROSPECTION

(Mr. PACKARD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PACKARD. Mr. Speaker, let us not lose sight of the bigger picture when the Congress begins its October surprise task force investigation.

The Democrats in the Congress seek to destroy the reputation of Ronald Reagan, one of the most popular Presidents in American history.

The Democrats use historical revision, because they can't accept historical reality.

They deny that the greatest economic expansion in our history occurred during the 1980's, thanks to the policies of Ronald Reagan.

They refuse to admit that communism is disappearing from the Earth largely due to President Reagan's policies.

They launch an investigation which they know will yield nothing but rumors and faulty conjecture. Have they so quickly forgotten the public's reaction to the Thomas confirmation hearings?

Mr. Speaker, I challenge the Democrats to stop playing the politics of innuendo and start playing the politics of introspection. The public wants Congress to clean up it's own act, not destroy the reputation of one of our finest Presidents.

THE INTRODUCTION OF H.R. 2909—A BILL TO PROVIDE FOR COMMUNITY DEVELOPMENT BANKS

(Mr. FLAKE asked and was given permission to address the House for 1 minute.)

Mr. FLAKE. Mr. Speaker, 2 years ago there were reports in the Atlanta Constitution, the New York Times and other papers that suggested that in this Nation there was a practice of red lining as it relates to the giving of mortgages to minority groups in this country. Subsequently, the gentleman from Kentucky [Mr. HUBBARD] of the Committee on Banking, Finance and Urban Affairs and myself conducted a hearing in New York, and what we discovered was that it was factual. Today every major newspaper is reporting that a study recently released by the Federal Reserve Board indicates that such practices have not ceased. Indeed such practices are not only going on all the more, but such practices are being carried out by some of the major banks of this Nation.

The gentleman from Pennsylvania [Mr. RIDGE] and I have introduced a piece of legislation, H.R. 2909, which we hope will be able to solve some of the problems. What we have done in the Committee on Banking, Finance and Urban Affairs bill, which will come before this House later, is to provide for the development of community development banks, wherein those banks of this Nation will be able to invest in those communities where they are not currently making loans. Those banks will be able to solve some of the problems of red lining. We will give them some credit for their community reinvestment. We will allow them the opportunity to solve the problem of helping a segment of our population that is currently underserved to be served by being able to participate in home ownership.

Mr. Speaker, the gentleman from Pennsylvania [Mr. RIDGE] and I would encourage everybody to join us as cosponsors of this legislation. We believe that this is the solution to the problem that is presented to us on this day.

□ 1240

SUPPORT URGED FOR BANK ENTERPRISE ACT OF 1991

(Mr. RIDGE asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. RIDGE. Mr. Speaker, the Federal Reserve has released its study on mortgage lending patterns in this country. The report shows that white and black neighborhoods of similar incomes have very different experiences with credit availability.

Mr. Speaker, this report will generate much debate, and my colleague, the gentleman from New York [Mr. FLAKE], and I are concerned that the debate will generate more heat than light. That is why some time ago we had introduced H.R. 2909, which is a part of the banking bill. We are looking for cosponsors of the Bank Enterprise Act of 1991.

This particular piece of legislation which the gentleman from New York and I have introduced, as placed in the House banking reform bill, provides incentives for banks to increase their activities in distressed communities. It is now mandated most of the time, and over the years there have been more and more mandates.

Taking a look at the Federal Reserve report, it is pretty clear that we have to try some new approaches for investment in distressed communities, and I think this is a good sound, solid approach. It provides even more incentive for banks to establish community development banks in distressed communities. We believe it will bring banks and community groups together more with the common goals of improving the lives of residents, and we certainly encourage our colleagues to support this initiative.

PASSIVE LOSS

(Mr. WOLPE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WOLPE. Mr. Speaker, there has been much speculation of late about whether we will act on a major tax bill this year. Whether we do or not, I believe there are some issues in the tax arena that should be addressed as soon as possible, especially given the on and off-again nature of our economic recovery.

One issue that falls into that category is the treatment of real estate under the 1986 passive loss rules. During consideration of the 1986 Tax Reform Act, I, along with a number of my colleagues voiced serious concerns about the wisdom of these new provisions and their potential economic fallout.

Well, I am afraid the fallout has arrived and the damage is broad in scope.

We are not simply talking about a real estate market gone sour, we are talking about financial institutions on the brink of collapse, we are talking about a credit crunch making it difficult, if not impossible, for businesses to continue to do business, we're talking about Government-owned RTC properties that have no buyers because there is no incentive to hold such properties. In fact, the current rules have not only created an incentive to unload property on the banks, they have also made it more difficult to find people willing to buy and invest—unless, of course, we only want to attract foreign investors.

Mr. Speaker, it is high time we recognized the folly in this approach and acted to revise these rules. Until we do, we will only be contributing to a further decline in critical sectors of our economy. I hope we can act soon on legislation to reverse this dangerous course.

COMMUNITY HEALTH CENTERS

(Mr. GOSS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GOSS. Mr. Speaker, imagine a young mother of four. She is pregnant and diabetic and her family is uninsured. Where can she turn for the care her high-risk pregnancy demands? With so many negatives about our Nation's health care system, it is important to stop and recognize some things that are working. Like community health care centers, which is where this young mother was able to turn and where she eventually received the care she needed at a price she could afford. With the encouragement of the health care center, this young woman went on to become a certified nursing assistant and her full time job now supports her family.

Mr. Speaker, the health care center in this success story is one of 570 federally funded community-based facilities on 1,200 sites across this country. They provide compassionate, quality care to 6 million Americans at an average cost of under $40 per visit. Our Nation's health care system is very sick, we know that. Let us capitalize on the successful formulas that are already in place while we work on long-term solutions.

THE AMERICAN ECONOMY DESERVES ATTENTION

(Mr. RICHARDSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RICHARDSON. Mr. Speaker, we need to start worrying more about the American economy than the Soviet economy. The Bush administration has basically given up saying that we are not in a recession. A Democratic package might include the following: a tax credit for every child; a $2,000 IRA credit to stimulate savings and investment; tax relief for those in the middle-income brackets; assistance and incentives for first-time home buyers.

What is President Bush's response? Capital gains for the wealthy; drop dead to the unemployed, and an international trip.

Mr. Speaker, we need to start spending attention and time at home.

THE OCTOBER SURPRISE

(Mr. GILMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GILMAN. Mr. Speaker, the American people are distressed at our propensity to engage in wild goose chases while the many crises in our Nation continue to accumulate.

The latest wild goose chase is the establishment of a commission to investigate the so-called October surprise—the allegation that the Republican Presidential candidate in 1980 connived with the Iranian Government to keep American hostages in captivity for political purposes.

That charge flies in the face of reason. Why would any Presidential candidate of either party risk the public censure that the disclosure of such a scheme would invariably bring? Why have these allegations taken over a decade to surface? How did the Iranian Government know the Republican ticket was going to emerge victorious that year, when it was not apparent to the professional pollsters until the waning hours of the campaign?

These latter-day allegations, which bear the taint of sour grapes, should be treated with the disdain they deserve. Instead, the House leadership has consented to establish a commission to formally look into these questions—some 11 years late.

If the Congress sincerely believes that we should expend resources to track down this will-of-the-wisp, why not be consistent? What about an investigation of the BCCI scandal, in which the media has alleged earned for a former highly placed administrative official in excess of $1 million? And how about an investigation of the alleged consultation by some Members of this body with the Sandinista government in Nicaragua, prior to that government being booted out by the people?

DISCRIMINATION AGAINST ASIAN-AMERICANS

(Mr. ROHRABACHER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROHRABACHER. Mr. Speaker, the Asian-Americans in my community are hard-working, honest citizens who deserve to be treated as every other citizen should expect to be treated in this country, to have their rights and to not suffer discrimination, but the Asian-Americans in my community, as do the Asian-Americans throughout the United States, suffer an insidious form of discrimination.

Their children seem to achieve higher in their academic endeavors and actually do better on tests for entrance examinations, and they do very well in school, which probably is the result of not only family pressure but family support that we find in the Asian-American family. Asian-Americans are being penalized because their children are achievers. They are being denied space in our institutions of higher learning because they are Asians, because of their race. This is unconscionable. We cannot permit this to go on.

In San Diego recently four Filipino-Americans were denied admission because they were Filipinos, while other students from their very same school with lower academic standards or lower academic achievement were admitted.

What happened? The admissions policy of those schools in the University of California at San Diego was that 40 percent of the spaces were off bounds to Asian-Americans. This cannot be permitted to exist.

Mr. Speaker, we attempted to solve this problem with a resolution, but this body has not acted upon it. I call upon this body to strike out and to speak out against discrimination against Asian-Americans.

THE NATION NEEDS A STRONG CRIME BILL

(Mr. DORNAN of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DORNAN of California. Mr. Speaker, we have before us today a crime bill. I hope and pray that we are going to put some teeth into crime legislation in our Nation so that we are not the place of wonderment to the whole world and at the same time a leading, advanced industrial nation with street crime and terror.

□ 1250

Over the last 2½ days I just got back late last night—my wife and I took two of our oldest eight children to Disney World. There is only one word to describe this vacation complex, and that is just utterly breathtaking. It is the world's number one destination spot for honeymooners, number one, and the Nation's number one vacation spot, hands down.

In all of this enjoyable 2½ days, looking at this place of wonderment through my own grandchildren's eyes and through my own childlike eyes, there was one bit of nostalgia that kept eating away at me. This is yet another gated community.

It is not the fault of the Disney people, it is just simply a secure, wonderful place to be, because of its own security and the fact that it is gated.

I thought of the World's Fair which my dad took me and my brothers to in 1939 and 1940, and how you had a feeling of safety there and enjoyment in the wonderment on the edge of World War II, about to tear the world apart.

It is just tragic and sinful that in this great country you have to live in a gated community and go to a place of wonderment to enjoy with your children away from the terror of street crime. All of our Nation, all of our Nation, could and should be as secure as Disney World.

ODE TO THE MINNESOTA TWINS

(Mr. WEBER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WEBER. The Braves traveled north, in search of some wins, thought they could vanquish our Minnesota Twins, they came from the State of nuts, peaches, and Carter, to visit the State known for sky blue water, but from the moment they set foot in the HHH Metrodome, all they could ask was how soon can we get back home.

For the team that came backed by Jane Fonda and Ted, ran the bases as if they had legs made of lead. Yes, the team that came north backed by my good friend NEWT, couldn't field worth a darn, couldn't hit worth a hoot, but the Twins set right out from the start to inform us, that their pitching was strong, led by Tapani and Morris, and when it came to hitting, well the Braves were up a tree, they just couldn't compete with Leius, Hrbek, and Gagne.

So what is the lesson this past weekend teaches? We shouldn't call 'em Braves, we should call 'em the Peaches.

I don't want to brag, NEWT, that would be unseemly, but compared to our Twins, your Braves are just wienies.

ODE TO THE BRAVES

(Mr. GINGRICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GINGRICH. Mr. Speaker, my friend from the Land of the Lakes must realize that two games no victory makes. In the Land of the Loons they will soon sing a new tune and eat crow as the Braves raise the stakes.

The Braves finally play one at home, not in the riotous Hump thunder-dome. We can hear and can see what a treat Fulton will be. They'll be cheering from Savannah to Rome.

The game played tonight will be won by Avery's pitching, their hits and a run. The fans, they are psyched for a victory tonight and another on Wednesday, what fun.

Ah, the Braves, they are ready tonight and the game sure will be a fair fight. Our fans are the best and the Twins, like the rest will wish they were on Hartsfield's next flight.

We don't wrestle, it's baseball we play so tell Hrbek to cool it, OK? If body checks he wants to do, tell Hrbek, the Northstars need you. But don't try that play here today.

So VIN, enjoy your two wins, they're a fluke and by Thursday, the Twins you'll rebuke. The homer hankies will do as you sob and boo hoo the Brave's championship victory in Minnesota, to boot.

ECONOMIC GROWTH

(Mr. DANNEMEYER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DANNEMEYER. Mr. Speaker, the Heritage Foundation has just issued a report called Tax Rates, Fairness, and Economic Growth: Lessons From the 1980's, and I commend it to your attention. It spells out seven simple but powerful lessons which Congress needs to re-learn and re-implement if we are ever going to pull the country out of this terrible recession and put it back on the road to sustained economic growth.

First, economic growth is the best weapon against poverty;

Second, economic growth is stimulated by low taxes;

Third, the poor get richer when the rich get richer;

Fourth, if the aim is to make the rich pay more actual taxes, cut their tax rates;

Fifth, raising taxes on the rich does not help the poor;

Sixth, increased Social Security taxes have wiped out the benefits of Reagan's tax cuts for many Americans; and

Seventh, hiking taxes does not lower the budget, it raises it.

Yes—they're simple lessons—but they work. The 1980's proved that. And the sooner we go back to the tried and true, the better off this country will be.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 759

Mr. BROOMFIELD. Mr. Speaker, I ask unanimous consent to have my name removed from the list of cosponsors of H.R. 759.

The SPEAKER pro tempore (Mr. MAZZOLI). Is there objection to the request of the gentleman from Michigan?

There was no objection.

HEALTH CENTERS AND TORT REFORM: PART OF THE SOLUTION

(Mrs. JOHNSON of Connecticut asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. JOHNSON of Connecticut. Mr. Speaker, what would you say if I offered you a quick $50 million for health care for America's most needy? No new appropriation, no breach of the budget agreement?

Well, I can offer you it, and you can take it. Just by placing the physicians and other licensed health care providers working at our community, migrant, and homeless health centers under the Federal Tort Claims Act, we can free up $50 million to expand quality care to a half million people without access to health insurance.

The gentleman from Oregon [Mr. WYDEN] and I am introducing a carefully crafted solution, H.R. 3591, to shield community health centers and clinics for the homeless from liability insurance premiums, which climb annually, despite the fact that only about $2 million in claims were brought last year.

Mr. Speaker, let us provide more childhood immunizations, better access to prenatal and well child care, better preventive health care, more holistic health care.

Redirecting $50 million into providing direct medical service means providing an additional half million people with access to affordable quality health care, not a bad day's work, and we can do it right now.

GUILTY COAL EXECUTIVES SHOULD BE SENTENCED ACCORDINGLY

(Mr. PORTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PORTER. Mr. Speaker, today's newspapers report dozens of coal companies and their executives agreed to plead guilty that they conspired to falsify dust samples used by Federal safety inspectors to protect underground miners from the deadly black lung disease.

Mr. Speaker, black lung disease is as deadly an environmental killer as can be found. We spend hundreds of millions of dollars in my appropriations subcommittee to attempt to help those who have contracted it, a burden that in common sense and conscience ought to be borne by the mine operators, not the taxpayers.

Mr. Speaker, I can think of few acts more immoral than coal executives conspiring to falsify data used to protect miners from this deadly disease. If the guilty pleas are a prelude to plea bargained light sentences, the Federal courts would be a fellow coconspirator and equally guilty as the mine operators.

Mr. Speaker, if ever there was a time to give stiff punishment to impress upon the industry that it cannot live outside the law, that time, it seems to me, is now.

CONFERENCE REPORT ON H.R. 972, POWER OF INDIAN TRIBES TO EXERCISE CRIMINAL JURISDICTION OVER INDIANS

Mr. MILLER of California submitted the following conference report and statement on the bill (H.R. 972) to make permanent the legislative reinstatement, following the decision of Duro against Reina (58 U.S.L.W. 4643, May 29, 1990), of the power of Indian tribes to exercise criminal jurisdiction over Indians:

CONFERENCE REPORT (H. REPT. 102–261)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 972), to make permanent the legislative reinstatement, following the decision of Duro against Reina (58 U.S.L.W. 4643, May 29, 1990), of the power of Indian tribes to exercise criminal jurisdiction over Indians, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment to the text of the bill.

That the Senate recede from its amendment to the title of the bill.

GEORGE MILLER,
BILL RICHARDSON,
JOHN J. RHODES III,
Managers on the Part of the House.

DANIEL K. INOUYE,
DENNIS DECONCINI,
QUENTIN N. BURDICK,
THOMAS A. DASCHLE,
KENT CONRAD,
HARRY REID,
PAUL SIMON,
DANIEL K. AKAKA,
PAUL WELLSTONE,
JOHN MCCAIN,
FRANK H. MURKOWSKI,
THAD COCHRAN,

PETE V. DOMENICI,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE ON CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 972) to make permanent the legislative reinstatement, following the decision of Duro against Reina (58 U.S.L.W. 4643, May 29, 1990), of the power of Indian tribes to exercise criminal jurisdiction over Indians, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The Senate amendment to the text of the bill struck out all of the House bill after the enacting clause and inserted a substitute text.

The Senate recedes from its amendment to the text and title of the bill.

The Committee of the Conference references the background sections contained in the Senate Report 102-153 and House Report 102-61 (as corrected in the June 12, 1991 Congressional Record) on H.R. 972, to make permanent the legislative reinstatement of the power of Indian tribal governments to exercise criminal jurisdiction over Indians.

This legislation clarifies and reaffirms the inherent authority of tribal governments to exercise criminal jurisdiction over all Indians on their reservations. The Committee of Conference is clarifying an inherent right which tribal governments have always held and was never questioned until the recent Supreme Court decision of *Duro* v. *Reina*, 110 S.Ct. 2953 (1990). The Congressional power to correct the Court's misinterpretation is manifest as is its plenary power over Indian tribes which derives from the Constitution.

The Committee of the Conference asserts that the Congressional power over Indian tribes allows this recognition of the inherent right of tribal governments to retain this jurisdiction and notes that two fundamental maxims of Indian law come into play in this legislation. First, as Justice Kennedy stated in the *Duro* decision, Congress determines Indian policy. Second, Indian tribes retain all rights and powers not expressly divested by Congress. These principles go back to the decisions of Chief Justice John Marshall and are part of the foundation of the federal tribal relation. See *Worcester* v. *Georgia* 31 U.S. (6 Pet.) 515 (1832).

The Committee of the Conference notes that Congress has the power to acknowledge, recognize and affirm the inherent powers of Indian tribes. The Committee of the Conference notes that Indian tribal governments have retained the criminal jurisdictional over non-member Indians and this legislation is not a delegation of this jurisdiction but a clarification of the status of tribes as domestic dependent nations. Hence, the constitutional status of Indian tribes as it existed prior to the *Duro* decision remains intact.

In the Act of March 3, 1817, Congress adopted criminal laws applicable to Indian country and disclaimed jurisdiction over crimes committed by Indians against Indians:

"That nothing in this act shall be so construed to affect any treaty now in force between the United States and any Indian nation, or to extend to any offense committed by one Indian against another, within any Indian boundary."

Similar language was in the Act of June 30, 1834. No distinction was made as to the membership of the Indian. The status of nonmember Indians under the 1834 Act was clarified in *United States* v. *Rogers* where the Supreme Court held that the statute applied to Indians as a class, not as members of a tribe, but as part of the "family of Indians." (45 U.S. at 573).

The Major Crimes Act was recodified in 18 U.S.C. 1151-1153 but employs the 1834 Act's language with minor changes. The federal courts have held repeatedly that the term "Indian" includes any Indian in Indian Country, without regard to tribal membership. *U.S.* v. *Kagama*, 118 U.S. at 383; *United States* v. *Dodge*, 538 F.2d 770, 785-787 (8th Cir. 1976) (conviction of non-members under Major Crimes Act); *United States* v. *Burland*, 441 F.2d 1199 (9th Cir.), cert. denied, 404 U.S. 842 (1971) (conviction of non-member Indian under 18 U.S.C. 1152). Cf. *States* v. *Allan*, 100 Idaho 918, 607 P.2d 426, 429 (1980) (State lacks jurisdiction over bribery committed by Quinault Indian on Coeur d'Alene Reservation); *Application of Monroe*, 55 Wash. 2d 107, 346 P.2d 667 (1959) (federal jurisdiction is exclusive over crime of aiding and abetting grand larceny committed by Blackfeet Indian on Yakima Reservation). Congress has never changed its position as to the authority of Indian tribal governments to exercise criminal misdemeanor jurisdiction over nonmember Indians and is now reaffirming this inherent authority.

In the case of *United States* v. *Antelope*, 430 U.S. 641 (1977), the Supreme Court held that the Major Crimes Act was "based neither in whole nor in part upon impermissible racial classifications" and did not simply apply to Indians as members of a "race" but followed *Morton* v. *Mancari*, 417 U.S. 535 (1974) and recognized their unique political status. (430 US at 646-647).

Tribes are "unconstrained by those constitutional provisions framed specifically as limitations on federal or state authority." *Santa Clara Pueblo* v. *Martinez*, 436 US 49, 56 (1978); see *Talton* v. *Mayes*, 163 US 396. However, under the Indian Civil Rights Act of 1968, Congress enacted standards comparable to the Constitution to regulate tribal actions. Should an Indian in tribal court claim a lack of due process, equal protection or other Indian Civil Rights Act violation, he has a remedy for violations of basic fairness which Congress imposed on tribes in 25 U.S.C. 1302 through a writ of habeas corpus in federal court. The Indian Civil Rights Act does not distinguish between member and non-member Indians and the proposed legislation clarifies the fact that jurisdiction over all Indians by tribes is the intent of Congress under this Act.

Section 3 of the Indian Civil Rights Act (25 U.S.C. 1303) guarantees to any person subject to the jurisdiction of a tribal court the following:

"The privilege of the writ of habeas corpus shall be available to any person, in a court of the United States, to test the legality of his detention by order of an Indian tribe."

Thus, if the prosecution cannot meet its burden of proof that the person over whom it is seeking to exercise criminal jurisdiction is an Indian for purposes of 18 U.S.C. 1153, the person has access to Federal court for a determination of whether the tribal government is authorized to exercise criminal jurisdiction over him.

As amended, section 1301 of title 25 of the United States Code [the Indian Civil Rights Act of 1968], contains the following definition of the term "Indian":

"(4) 'Indian' means any person who would be subject to the jurisdiction of the United States as an Indian under section 1153, title 18, United States Code, if that person were to commit an offense listed in that section in Indian country to which that section applies."

The definition of "Indian" for purposes of 18 U.S.C. 1153 was used in the 1990 amendments to the Indian Civil Rights Act so that there would be a consistent definition of "Indian" in the exercise of jurisdiction by either the Federal government or a tribal government. This consistency in definition assures that a person cannot assert that he is an Indian for purposes of avoiding tribal jurisdiction. The same would of course be true if a person sought to assert himself as an Indian for purposes of the exercise of tribal jurisdiction, and sought to deny his status as an Indian for purposes of a Federal prosecution.

Both the majority and dissenting opinions of the Supreme Court in *Duro* v. *Reina*, recognized the creation of a jurisdictional void. The Senate and the House received testimony of many Indian tribes, indicating that the Congress needs to act to resolve the jurisdictional void created in the *Duro* decision. Several states have enacted resolutions recommending a permanent return to tribal jurisdiction and the U.S. Department of Justice supports this approach.

The delegation of Federal authority to state governments under Public Law 83-280 is generally concurrent with tribal government jurisdiction unless an exception to this statutory framework has been enacted into law. In states where criminal misdemeanor jurisdiction has been assumed for all Indians on all reservation lands, a jurisdictional void arises only when a state refuses to exercise jurisdiction and the Supreme Court's ruling in *Duro* v. *Reina* would have applied to prevent a tribal government from exercising criminal jurisdiction over a non-tribal member Indian.

In states where criminal misdemeanor jurisdiction has been assumed only for fee or nontrust Indian lands, a state cannot exercise jurisdiction over crimes committed by non-tribal member Indians on trust lands and a tribal government would also be precluded from exercising jurisdiction as a result of the Court's ruling in *Duro* v. *Reina*.

The Maine Indian Claims Settlement Act (P.L. 96-420; 25 U.S.C. 1721 et seq.) and the Maine Implementing Act, an Act of the State Maine settling the claims of the Maine tribes, address the jurisdictional status of the tribes in Maine in numerous areas including the extent of tribal jurisdiction over non-member Indians. While these Acts make it clear that the Passamaquoddy Tribe has exclusive jurisdiction over Penobscot Indians violating Passamaquoddy law and ensure that the Penobscot Nation has similar jurisdiction over Passamaquoddy Indians, the Acts are not clear on the extent of jurisdiction each tribe has over Indians from other tribes.

At the time the Maine Indian Settlement Act was enacted in 1980, it was believed and assumed that the inherent authority of all tribes to prosecute crimes in Indian country extended to all Indians within a tribal government's jurisdiction. The holding in the *Duro* case conflicts with that understanding. It is therefore the intent of the Committee of the Conference that the provisions of H.R. 972 shall be applicable to tribes in the State of Maine.

The Committee of the Conference finds that the merits of this bill are clear both as a matter of public safety and as a matter of tribal sovereignty. The Committee of the Conference fully recognizes that the tribal court is the best forum to handle misdemeanor cases over non-member Indians and chaos would result were tribes to lose this long held jurisdictional authority. The Committee of the Conference reaffirms the inherent authority of tribal governments to exercise criminal jurisdiction over all Indians on their reservations.

SEPARATE STATEMENT OF SENATOR TOM DASCHLE

For practical reasons, legislation to resolve the issue of tribal government criminal authority over non-member Indians needs to be adopted without delay. Legislation extending temporary jurisdiction to tribes in these cases expired on September 30, and there is a jurisdictional void on many reservations. That situation is unacceptable.

However, I have serious concerns about this issue and about tribal jurisdiction issues in general. Specifically, I am concerned that non-member Indians and all U.S. citizens subject to tribal court decisions should be guaranteed full protection under the U.S. Constitution, including the Bill of Rights. Furthermore, I am troubled by the fact that non-member Indians are precluded from participation in the tribal governments to which they are subject. Finally, I am concerned that tribal governments do not currently have the resources necessary to carry out their responsibilities in the way the law requires.

Understandably, these broader concerns that I and other senators have expressed cannot be addressed in the context of this legislation. However, it is important that the Congress take a long and hard look at all issues surrounding tribal jurisdiction. My understanding from the Chairman of the Select Committee on Indian Affairs is that these matters will be fully explored during the next two or three years. In fact, hearings have already begun on the issue of the resources needs of tribal courts and on the issue of Federal court review of tribal court decisions.

It is likely that legislation will be needed to address some of the findings of the Committee. For example, we may need legislation to address Federal court review of civil cases that concern rights guaranteed under the U.S. Constitution that do not now apply to tribal governments, or even rights guaranteed under the Indian Civil Rights Act that tribal courts may not be adequately addressing. While there is Federal court review of criminal cases through writ of habeas corpus, it may be that other access to Federal courts is required. It is with these reservations, with the understanding that these reservations will be addressed, and with recognition of the urgency of this situation, that I sign the Conference Report of the Managers on H.R. 972.

GEORGE MILLER,
BILL RICHARDSON,
JOHN J. RHODES III,
Managers on the Part of the House.

DANIEL K. INOUYE,
DENNIS DECONCINI,
QUENTIN N. BURDICK,
THOMAS A. DASCHLE,
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JOHN MCCAIN,
FRANK H. MURKOWSKI,
THAD COCHRAN,
PETE V. DOMENICI,
Managers on the Part of the Senate.

Mr. MILLER of California. Mr. Speaker, I ask unanimous consent that it be in order today, or any day thereafter, to consider the conference report on H.R. 972, and that the conference report be considered as read when called up.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. MILLER of California. Mr. Speaker, under the previous order of the House, I call up the conference report on the bill (H.R. 972), to make permanent the legislative reinstatement, following the decision of Duro against Reina (58 U.S.L.W. 4643, May 29, 1990), of the power of Indian tribes to exercise criminal jurisdiction over Indians.

The Clerk read the title of the bill.

(For conference report and statement, see immediately preceding portions of the RECORD.)

The SPEAKER pro tempore. Under the previous order of the House, the conference report is considered as read.

The gentleman from California [Mr. MILLER] will be recognized for 30 minutes, and the gentleman from Arizona [Mr. RHODES] will be recognized for 30 minutes.

The Chair recognizes the gentleman from California [Mr. MILLER].

GENERAL LEAVE

Mr. MILLER of California. Mr. Speaker, I ask unanimous consent that all Members may have five legislative days to extend their remarks on H.R. 972.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. MILLER of California. I yield myself such time as I may consume.

Mr. Speaker, H.R. 972 makes permanent the reinstatement of tribal criminal misdemeanor jurisdiction over nonmember Indians. The Senate amended H.R. 972 to provide for a 2-year fix to this jurisdictional problem. In the conference on H.R. 972 the Senate has agreed to recede to the House language and make this reinstatement permanent.

This legislation has the strong support of every Indian tribe in the United States. The legislation has the support of the Department of the Interior, the Department of Justice, the U.S. Commission on Civil Rights, the International Chiefs of Police, the States of Arizona, South Dakota, Nevada, New Mexico, North Dakota, Montana, and Oregon.

The Congress has never acted to take this jurisdiction away from Indian tribes. This legislation clarifies and reaffirms the inherent authority of tribal governments to exercise jurisdiction over all Indians on their reservations.

Mr. Speaker, I reserve the balance of my time.

☐ 1300

Mr. RHODES. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of the conference report just described by the gentleman from California [Mr. MILLER]. The purpose of this legislation is to fill in a void that was judicially created in a Supreme Court case known in Indian country as the Duro case. I strongly support the conference report.

I am very pleased that our conferees on the House side were able to prevail upon the conferees from the Senate to accept the House position to permanently reinstate this jurisdiction.

Mr. Speaker, I reserve the balance of my time.

Mr. MILLER of California. Mr. Speaker, I yield such time as he may consume to the gentleman from New Mexico [Mr. RICHARDSON].

Mr. RICHARDSON. Mr. Speaker, as a Member of Congress with the largest number of native Americans in my congressional district, let me say that I echo what the gentleman from California, Chairman MILLER, just said, that there is no more important decision to Indian nations around this country than making permanent the repeal of the Duro decision.

In this connection, I want to take special mention to say that the gentleman from California [Mr. MILLER] and the gentleman from Arizona [Mr. RHODES] stood very firm with the House position which was to make this decision permanent. This was the bill that I had offered in the Committee on Interior and Insular Affairs, passed unanimously in committee, passed on the floor of the House, and we went to conference.

Regrettably, some in the other body only wanted a short solution, a 2-year solution, then maybe compromising it to 4 years instead of making it permanent.

I think if it had not been for the efforts of the chairman of this committee, who very strongly insisted on maintaining the House position and the principle on this issue, and that is that each tribe should have jurisdiction over crimes of nonmember Indians on their reservation.

Two weeks ago, Mr. Speaker, I attended one of the largest events in the Indian nation; 150,000 native Americans at the Shiprock Fair in Shiprock, NM, the Navajo Tribe is the largest of all of our tribes. Consider what might have happened if there had been, given 20,000 native Americans from other tribes among the Navajos, a crime committed by any of those 20,000 on the reservation. The Navajo nation would not have had jurisdiction over any of those nonmember Indians.

What this bill does is simply say that we respect Indian sovereignty. We are taking care of proper law enforcement, and we are reversing a bad decision made by the Supreme Court.

I want to once again commend the chairman of the committee and the gentleman from Arizona [Mr. RHODES] for outstanding work on behalf of the Congress and the native American people of this country.

Mr. MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I wanted to also commend the gentleman from New Mexico and the gentleman from Arizona for their support not only in the conference committee but in getting this legislation through the House of Representatives. They both worked very tirelessly on an issue that had the potential to become somewhat explosive and rather emotional. But because of their hard work and because of the bipartisan agreement that we reached, we were able to deal with this issue on the merits, based on the rights and sovereignty of the Indian nations.

I want to thank them for their help.

Mr. MILLER of California. Mr. Chairman, I yield back the balance of my time.

Mr. RHODES. Mr. Speaker, I urge adoption of the conference report, and I yield back the balance of my time.

Mr. MILLER of California. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The conference report was agreed to.

A motion to reconsider was laid on the table.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The Speaker pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, DC,
October 18, 1991.

Hon. THOMAS S. FOLEY,
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 5 of Rule III of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from the White House at 5:52 p.m. on Monday, October 21, 1991 and said to contain a message from the President wherein he transmits a 60-day report concerning imports of yellowfin tuna harvested by Mexico to the Congress.

With great respect, I am
Sincerely yours,
DONNALD K. ANDERSON,
Clerk, House of Representatives.

REPORT ON CONTINUED CERTIFICATION OF MEXICO UNDER MARINE MAMMAL PROTECTION ACT—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 102–158)

The Speaker pro tempore laid before the House the following message from the President of the United States; which was read and, without objection, referred to the Committee on Merchant Marine and Fisheries; and ordered to be printed.

(For message, see proceedings of the Senate of Tuesday, October 22, 1991.)

OMNIBUS CRIME CONTROL ACT OF 1991

The SPEAKER pro tempore. Pursuant to House Resolution 247 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for further consideration of the bill, H.R. 3371.

□ 1305

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for further consideration of the bill (H.R. 3371) to control and prevent crime, with Mr. SKAGGS in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose on Thursday, October 17, 1991, amendment No. 11 printed in the House Report 102–253 offered by the gentleman from Florida [Mr. MCCOLLUM] has been disposed of.

It is now in order to consider amendment No. 12 printed in House Report 102–253.

AMENDMENT OFFERED BY MR. SCHIFF

Mr. SCHIFF. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. SCHIFF: Page 177, strike line 3 through 9 and insert the following:

SEC. 1806. GRANT LIMITATIONS.

Section 504(a)(1) of part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended by section 211 of the Department of Justice Appropriations Act, 1990 (Public Law 101–162) and section 601 of the Crime Control Act of 1990 (Public Law 101–647), is amended by striking "1991" and inserting "1992".

The CHAIRMAN. Pursuant to the rule, the gentleman from New Mexico [Mr. SCHIFF] will be recognized for 7½ minutes, and a Member opposed will be recognized for 7½ minutes.

Does the gentleman from Kentucky [Mr. MAZZOLI] rise in opposition?

Mr. MAZZOLI. Mr. Chairman, I rise in opposition to the gentleman's amendment.

The CHAIRMAN. The gentleman from Kentucky [Mr. MAZZOLI] will be recognized for 7½ minutes.

The Chair recognizes the gentleman from New Mexico [Mr. SCHIFF].

Mr. SCHIFF. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I want to take a moment and explain this amendment because, while I believe it is important on its own face, it has not received the notoriety that a number of other issues dealing with the crime bill have certainly received.

The area we are discussing in this portion of the bill is the Byrne Memorial Grant Program. This is administered by the Department of Justice through the Bureau of Justice Assistance. The purpose of this program is to provide seed money grants on a matching formula to States and local governments to help them develop new and innovative anticrime programs.

Certainly everyone is supportive of that program. The issue here is with the formula.

When first written, the Congress stated that the formula would be 75 percent Federal money to 25 percent State or local money for 1 year. At the end of that year, there would be an automatic reversion of a 50–50 grant between the Federal Government and the State and localities. However, the Congress has seen fit year by year to extend the 75 percent match.

In other words, the 1 year has come and gone but the Federal percentage in this program is still 75 percent. The bill as now written and now before us makes that 75-percent match permanent.

My amendment, if adopted, would keep the law the same. My amendment would also keep the 75-percent match in effect, but for 1 more year as we have done in the past, so that in 1 year, Congress can review the matter again.

My amendment would not require States and localities to come up with 50 percent either for existing programs or future programs at the present time.

In other words, Mr. Chairman, the one and only difference between the bill as it is written now and my amendment, but it is a significant difference, is the bill as written now says permanently under this program, for all time, the Federal share will be 75 percent of this program. Whereas my amendment says for 1 more year the Federal Government will be committed for 75 percent.

Obviously it can review the matter in a year, as it has done all along. I have seen two reasons given in favor of this time making this formula permanent.

The first is to ensure security for existing grants. I would not have thought that is a problem. I would have thought that any existing grant, if it is multiyear, would be at 75 percent for the duration of that grant. But certainly if that is a loophole in the existing law, I would support an amendment to correct that insofar as existing multiyear grants go. If one is given under 75 percent, certainly they should continue at 75 percent.

□ 1310

The other reason given for making permanent 75 percent is that the States and localities cannot afford any more than 25 percent for these matching grants.

Well, I would ask how the Federal Government now has its financial house in order that it is going to continually leap to the aid of States and other governments. The fact is we have our own budget constraints, and although it is true that we can always control the amount of money we put into this program, if we are going to give it in grant requests at 75 percent, then we will run out of money. When we do, there is no more money for seed matching in any amount.

But that really begs the question, because I am prepared to support 75 percent for another year. I just think the Congress should be free to review the matter.

Mr. Chairman, I reserve the balance of my time.

Mr. MAZZOLI. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman I rise in strong opposition to the gentleman's amendment.

He is a very valuable member of our committee, and he and I have worked together on several issues in the past, but in this particular matter, I think the gentleman is incorrect in his appraisal.

I would hope that the House would support the committee, which has decided to continue permanently the current 75-percent Federal, 25-percent local match on the Edward Byrne Memorial law enforcement assistance grants.

I have, and I will put in the RECORD, the various uses to which Louisville and Jefferson County, my constituency, have put this money which has come into our community. There are many antidrug efforts including regular law enforcement and also in the area of education.

But let me say that the committee has deliberated this issue, the committee has followed the lead of the House which over the years has temporarily, on a 1-year basis, extended the 75-25 match, and I would ask, Mr. Chairman, only that the House support the committee and continue permanently the 75-25 match.

Mr. Chairman, I yield 3 minutes to the gentleman from West Virginia [Mr. WISE].

Mr. WISE. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I also want to acknowledge the valuable contribution of the gentleman from New Mexico to the Subcommittee on Government Information, Justice and Agriculture of the Committee on Government Operations.

As the chair of that committee, we held eight hearings across the country including, of course, in my own State of West Virginia on this very subject.

I would urge my colleagues to remember that this program provides 75-percent Federal match for 25-percent local match for those programs to assist local law enforcement in some of the toughest enterprises they have, particularly dealing with drug enforcement.

The amendment offered by the gentleman from New Mexico would reduce that after 1 year to 50-50. Each of the last 3 years, this Congress has seen fit not to put that into play, to keep it at 75-25. The reason is that the localities, and it also came across in our hearings across the country, the localities simply cannot afford this burden at a time when we are asking them to do even more in the areas of law enforcement.

For instance, in our State of West Virginia, I learned that 23 drug task forces would be put at risk, and 33 DARE classrooms might have to close if this amendment is adopted.

Please, I urge my colleagues to consult with your local authorities, your mayors, your country commissioners, your State agencies, because what you will find for the most part is that they simply cannot pick up this additional burden.

Is it a fact that the States and localities are not assuming their own fair share? Absolutely not. They are not only meeting this match, but they have increased their own allocations to local law enforcement 27 percent.

So who is it that is going to go to Jackson County in West Virginia or Jefferson County and tell the sheriff there that we cannot have that multijurisdictional task force that the Federal Government has been urging us to have for so long because the Federal Government has now increased the match?

Our opposition to the Schiff amendment has been endorsed by the Conference of Mayors, the League of Cities, the National League of Governors, the National Association of County Organizations, and the Fraternal Order of Police.

I urge the Members not to support the Schiff amendment but to keep the existing 75-25 match.

Finally, for those State administrators who are trying to plan programs, even if an amendment were adopted, there are multiyear programs. These do not go 1 year. They go often 3 years. So it tosses all of this, all of these cards, up in the air to suddenly strike that down and to say it would be 50-50. Would it be for the life of the grant? I do not know. But even if it does stay 75-25 for the life of the grant, what will happen is that most administrators will have to terminate that grant immediately to reissue it under 75-25.

The Congress for 3 years has kept it at 75-25, and I ask that we make this a point of policy and let our States and localities know that it is going at 75-25.

Finally, I would say that this is no entitlement program. The Committee on Appropriations sets a level of funding every year, and so that is another way that you keep control of the Federal expenditure.

Mr. SCHIFF. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, if my amendment is successful, absolutely nothing will change. My amendment keeps the 75-percent current Federal match.

I agree with the value of the program. I agree that at the present time the 75 percent is the appropriate Federal share. None of that is the issue.

There is a different issue, and it is with regret that I find myself disagreeing with my colleagues, one on the Committee on the Judiciary and one on the Committee on Government Operations, with whom I normally agree on issues of law enforcement. The issue is whether at this time the Congress should make the 75-percent commitment permanent.

I would ask my colleagues how many times elsewhere in the law are we involved with permanent commitments of Federal policy where Congresses long past said that this will be permanent policy, and now we are stuck with it in our financial planning.

I suggest that we should continue the present law. We should continue the 75 percent for 1 more year and analyze it then.

No harm is done.

Mr. Chairman, I reserve the balance of my time.

Mr. MAZZOLI. Mr. Chairman, I yield 1 minute to the distinguished chairman of our committee, the gentleman from Texas [Mr. BROOKS].

Mr. BROOKS. Mr. Chairman, I would point out that we are frequently reminded by our constituents of the drastic economic downturn in many of our communities and localities, and the corresponding drop in revenue, if this amendment would pass, available for law enforcement purposes; it would just drop it down a little bit, and it strikes me that really this is probably the worst time to shift a greater burden to the State and local governments as the gentleman's amendment requests.

I hope that it would be rejected.

Mr. MAZZOLI. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would sum up by saying that as our chairman, the gentleman from Texas, has said, this is not the propitious moment to require of local governments additional money for law enforcement activities, even though, as the gentleman from New Mexico has framed the amendment, that would not happen immediately.

It would open the door to a reversion to a 50-50 match or even perhaps a reversal of the 25-75 match.

So I do not think that this is the propitious time to even entertain ideas that might lead to a change in the local share. At this time local government is strapped financially, and they are pressed particularly by the fact that it is local government which is the line of first defense against drug encroachment, and whether it is a large city or a small city, all cities are affected, and all communities are affected. So I would, again, urge the Members of the House to support your committee, which has voted to make permanent the current 75-percent Federal/25-percent State and local match; and restate that the position taken by your committee has been one which has been taken by this body for the last 3 consecutive years by voting for 1-year extensions of the 75–25 percent match.

So Members of the House would be supporting the committee and this body by opposing the amendment offered by the gentleman from New Mexico, which action I urge the House to take.

Mr. SCHIFF. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, first, again, I regret being in disagreement with my committee chairman and my other colleagues whom I greatly admire and normally agree with on issues.

But the truth is that we do disagree. The fact is that this is not an issue of making State and local governments pay more now. My amendment would keep the 75-percent ratio.

The issue is the reverse. They would keep the 75-percent Federal commitment permanently. Permanently means, of course, more than next year and the year after. It means for all time.

□ 1320

Mr. Chairman, I think it would be unwise, given our own financial problems, to make such a permanent financial commitment to bind future Congresses.

Mr. Chairman, the other body has written this portion of the crime bill in the same way as my amendment. I urge the House to join the other body and adopt my amendment.

Mr. MAZZOLI. Mr. Chairman, I yield my remaining 1½ minutes to the gentleman from New York [Mr. RANGEL].

Mr. SCHIFF. Mr. Chairman, if the gentleman needs further time, I would be glad to yield time to the gentleman from New York.

Mr. RANGEL. Mr. Chairman, let me implore the Members to reject this amendment. The reasons for it is that we as a national legislative body often talk about national crime and what we are trying to do to control it.

As the chairman of the Select Narcotics Committee, sometimes I am embarrassed to have to inform the American people that the total number of drug enforcement agents that we have in this country and in 44 countries are less than 3,000.

When we talk about fighting crime, we have to talk about fighting and supporting those local and State efforts. In the city of New York alone, we have 32,000 policemen, and at the same time we are trying to educate people to protect themselves, to avoid crime and avoid being burglarized.

It seems to me that when the President talks about a thousand points of light, at least he ought to let a ray or two shine on local and State governments who ultimately are in the trenches and the people on whom we depend.

So if you are trying to keep kids in recreational programs, if you are trying to go into the schools, if you are trying to improve the way that we can get down crime and injuries to people in public, then for God's sake try to help out the States and continue to make payments under the formula that has been established by the committee.

For us to decide what is best for cities and States and at the same time not be willing to share in those expenses, I do not think is right.

Mr. SCHUMER. Mr. Chairman, will the gentleman yield?

Mr. RANGEL. I yield to the gentleman from New York.

Mr. SCHUMER. Mr. Chairman, I thank the gentleman for yielding to me.

I think his remark is right on target. Our localities are drowning in the extra expenses that the criminal justice system has them go through. To make these programs work, there should be a match, but if you are going to make it go 50–50, you are going to have a lot of localities that desperately need help in this bill and not get it.

Mr. Chairman, I compliment the gentleman. He is on point. I hope the amendment will be defeated.

Mr. RANGEL. I think, Mr. Chairman, when we talk about putting the 25 percent up, this means it is not a Federal program. It takes participation. It takes partnership and that is what this Congress should do, not just mandating what you can do, not just asking for State legislators and cities to put in 50 percent that they do not have, but truly saying we want to see what works and we are providing incentives, not just partnerships, to make certain that you can go into these programs, make them work, and then we can come back and try to legislate on a national level.

I know that the committee put a lot of time into this. On behalf of the Conference of Mayors, on behalf of the Governors of the great States that make up this great Nation, we thank you for what you have done, and we hope the Members of Congress do not take it back.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Mexico [Mr. SCHIFF].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. SCHIFF. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there was—ayes 129, noes 286, note voting 18, as follows:

[Roll No. 321]

AYES—129

Allard
Archer
Armey
Ballenger
Barrett
Barton
Bateman
Bentley
Bereuter
Bilirakis
Bliley
Boehner
Bunning
Burton
Camp
Campbell (CA)
Clinger
Coble
Coleman (MO)
Combest
Coughlin
Cox (CA)
Crane
Cunningham
Dannemeyer
Davis
DeLay
Dicks
Doolittle
Dornan (CA)
Dreier
Duncan
Edwards (OK)
Emerson
Fawell
Fish
Franks (CT)
Gallegly
Gallo
Gekas
Gilchrest
Gillmor
Gingrich
Goodling
Goss
Gradison
Grandy
Hancock
Hastert
Hefley
Herger
Hobson
Holloway
Hunter
Hyde
Inhofe
Ireland
James
Johnson (TX)
Johnston
Kasich
Klug
Kolbe
Kyl
Lagomarsino
Leach
Lent
Lewis (CA)
Lewis (FL)
Lightfoot
Livingston
Lowery (CA)
Martin
McCollum
McDade
McEwen
McGrath
McMillan (NC)
Meyers
Michel
Miller (OH)
Miller (WA)
Moorhead
Morrison
Murphy
Myers
Nichols
Nussle
Oxley
Packard
Petri
Porter
Quillen
Ramstad
Ravenel
Rhodes
Riggs
Ritter
Roberts
Rohrabacher
Roth
Roukema
Schaefer
Schiff
Schulze
Sensenbrenner
Shaw
Shuster
Skeen
Smith (TX)
Solomon
Spence
Stearns
Stump
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (WY)
Vander Jagt
Vucanovich
Walker
Walsh
Weber
Weldon
Wylie
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—286

Abercrombie
Ackerman
Alexander
Anderson
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Annunzio
Anthony
Applegate
Aspin
Atkins
AuCoin
Bacchus
Barnard
Beilenson
Bennett
Berman
Bevill
Bilbray
Boehlert
Bonior
Borski
Boucher
Boxer
Brewster
Brooks
Broomfield
Browder
Brown
Bruce
Bryant
Bustamante
Byron
Campbell (CO)
Cardin
Carper
Carr
Chapman
Clay
Clement
Coleman (TX)
Collins (MI)
Condit
Conyers
Cooper
Costello
Cox (IL)
Coyne
Cramer
Darden
de la Garza
DeFazio
DeLauro
Derrick
Dickinson
Dingell
Dixon
Donnelly
Dooley
Dorgan (ND)
Downey
Durbin
Dwyer
Dymally
Early
Eckart
Edwards (CA)
Edwards (TX)
Engel
English
Erdreich
Evans
Ewing
Fascell
Fazio
Feighan
Flake
Foglietta
Ford (MI)
Frank (MA)
Frost
Gaydos
Gejdenson
Gephardt
Geren
Gibbons
Gilman
Glickman
Gonzalez
Gordon
Green
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Hansen
Harris
Hatcher
Hayes (IL)
Hayes (LA)
Hefner
Henry
Hertel
Hoagland
Hochbrueckner
Horn
Horton
Hoyer
Hubbard
Huckaby
Hughes
Hutto
Jacobs
Jefferson
Jenkins
Johnson (CT)
Johnson (SD)
Jones (GA)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kennedy

Kennelly
Kildee
Kleczka
Kolter
Kopetski
Kostmayer
LaFalce
Lancaster
Lantos
LaRocco
Laughlin
Lehman (CA)
Lehman (FL)
Levin (MI)
Levine (CA)
Lewis (GA)
Lipinski
Long
Lowey (NY)
Luken
Machtley
Manton
Markey
Marlenee
Martinez
Matsui
Mavroules
Mazzoli
McCandless
McCloskey
McCrery
McCurdy
McDermott
McHugh
McMillen (MD)
McNulty
Mfume
Mineta
Mink
Moakley
Molinari
Mollohan
Montgomery
Moody
Moran
Morella
Murtha
Nagle
Natcher
Neal (MA)
Neal (NC)
Nowak
Oakar
Oberstar
Obey
Olin
Olver
Ortiz
Orton
Owens (NY)
Owens (UT)
Pallone
Panetta
Parker
Pastor
Patterson
Paxon
Payne (NJ)
Payne (VA)
Pease
Pelosi
Penny
Perkins
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Poshard
Price
Pursell
Rahall
Rangel
Ray
Reed
Regula
Richardson
Ridge
Rinaldo
Roe
Roemer
Rogers
Ros-Lehtinen
Rose
Rostenkowski
Rowland
Roybal
Russo
Sabo
Sanders
Sangmeister
Sarpalius
Savage
Sawyer
Saxton
Scheuer
Schroeder
Schumer
Serrano
Sharp
Shays
Sikorski
Sisisky
Skaggs
Skelton
Slattery
Slaughter (NY)
Smith (FL)
Smith (IA)
Smith (NJ)
Smith (OR)
Snowe
Solarz
Spratt
Staggers
Stallings
Stark
Stenholm
Stokes
Studds
Sundquist
Swett
Swift
Synar
Tallon
Tanner
Tauzin
Thomas (GA)
Thornton
Torres
Torricelli
Traficant
Traxler
Unsoeld
Upton
Valentine
Vento
Visclosky
Volkmer
Washington
Waxman
Wheat
Whitten
Williams
Wilson
Wise
Wolf
Wolpe
Wyden
Yates
Yatron

NOT VOTING—18

Baker
Callahan
Chandler
Collins (IL)
Dellums
Espy
Fields
Ford (TN)
Hopkins
Houghton
Lloyd
Miller (CA)
Mrazek
Santorum
Slaughter (VA)
Towns
Waters
Weiss

☐ 1346

The Clerk announced the following pair:

On this vote:

Mr. Baker for, Mr. Dellums against.

Messrs. LEHMAN of Florida, RAHALL, BROOMFIELD, and SAXTON changed their vote from "aye" to "no."

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mrs. LLOYD. Earlier today I was absent on rollcall No. 321 because I was unavoidably detained. Had I been present I would have voted no on the Schiff amendment to require State and local participants in the Bureau of Justice Formula Grants Program to produce a 50-percent match after 1992, rather than the permanent 25-percent match called for in the bill. The amendment would have effectively doubled the amount of money it would cost the States to participate in the Justice Department's Block Grant Program. At a time when many States and local governments are experiencing severe budgetary shortfalls, I do not feel that the amendment is wise or feasible.

The CHAIRMAN. It is now in order to consider amendment No. 14 printed in part 2 of House Report 102-253.

AMENDMENT OFFERED BY MR. MCCOLLUM

Mr. McCOLLUM. Mr. Chairman, I offer amendment No. 14.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. McCOLLUM:

Page 126, strike line 15 and all that follows through line 9 on page 130 and insert the following:

TITLE XVI—EQUAL JUSTICE ACT

SEC. 1601. SHORT TITLE.

This title may be cited as the "Equal Justice Act".

SEC. 1602. PROHIBITION OF RACIALLY DISCRIMINATORY POLICIES CONCERNING CAPITAL PUNISHMENT OR OTHER PENALTIES.

(a) The penalty of death and all other penalties shall be administered by the United States and by every State without regard to the race or color of the defendant or victim. Neither the United States nor any State shall prescribe any racial quota or statistical test for the imposition or execution of the death penalty or any other penalty.

(b) For purposes of this title—

(1) the action of the United States or of a State includes the action of any legislative, judicial, executive, administrative, or other agency or instrumentality of the United States or a State, or of any political subdivision of the United States or a State;

(2) "State" has the meaning given in section 541 of title 18, United States Code; and

(3) "racial quota or statistical test" includes any law rule, presumption, goal, standard for establishing a prima facie case, or mandatory or permissive inference that—

(A) requires or authorizes the imposition or execution of the death penalty or another penalty so as to achieve a specified racial proportion relating to offenders, convicts, defendants, arrestees, or victims; or

(B) requires or authorizes the invalidation of, or bars the execution of, sentence of death or other penalties based on the failure of a jurisdiction to achieve a specified racial proportion relating to offenders, convicts, defendants, arrestees, or victims in the imposition or execution of such sentences or penalties.

SEC. 1603. GENERAL SAFEGUARDS AGAINST RACIAL PREJUDICE OR BIAS IN THE TRIBUNAL.

In a criminal trial in a court of the United States, or of any State—

(1) on motion of the defense attorney or prosecutor, the risk of racial prejudice or bias shall be examined on voir dire if there is a substantial likelihood in the circumstances of the case that such prejudice or bias will affect the jury either against or in favor of the defendant;

(2) on motion of the defense attorney or prosecutor, a change of venue shall be granted if an impartial jury cannot be obtained in the original venue because of racial prejudice or bias; and

(3) neither the prosecutor nor the defense attorney shall make any appeal to racial prejudice or bias in statements before the jury.

SEC. 1604. FEDERAL CAPITAL CASES.

(a) JURY INSTRUCTIONS AND CERTIFICATION.—In a prosecution for an offense against the United States in which a sentence of death is sought, and in which the capital sentencing determination is to be made by a jury, the judge shall instruct the jury that it is not to be influenced by prejudice or bias relating to the race or color of the defendant or victim in considering whether a sentence of death is justified, and that the jury is not to recommend the imposition of a sentence of death unless it has concluded that it would recommend the same sentence for such a crime regardless of the race or color of the defendant or victim. Upon the return of a recommendation of a sentence of death, the jury shall also return a certificate, and signed by each juror, that the juror's individual decision was not affected by prejudice or bias relating to the race or color of the defendant or victim, and that the individual juror would have made the same recommendation regardless of the race or color of the defendant or victim.

(b) RACIALLY MOTIVATED KILLINGS.—In a prosecution for an offense against the United States for which a sentence of death is authorized, the fact that the killing of the victim was motivated by racial prejudice or bias shall be deemed an aggravating factor whose existence permits consideration of the death penalty, in addition to any other aggravating factors that may be specified by law as permitting consideration of the death penalty.

(c) KILLINGS IN VIOLATION OF CIVIL RIGHTS STATUTES.—Section 241, 242, and 245(b) of title 18, United States Code, are each amended by striking "shall be subject to imprisonment for any term of years or for life" and inserting in lieu thereof "shall be punished by death or imprisonment for any term of years or for life".

SEC. 1605. EXTENSION OF PROTECTION OF CIVIL RIGHTS STATUTES.

(a) Section 241 of title 18, United States Code, is amended by striking "inhabitant of" and inserting in lieu thereof "person in".

(b) Section 242 of title 18, United States Code, is amended by striking "inhabitant of" and inserting in lieu thereof "person in", and by striking "such inhabitant" and inserting in lieu thereof "such person".

The CHAIRMAN. Under the rule, the gentleman from Florida [Mr. McCOLLUM] will be recognized for 20 minutes, and a Member opposed to the amendment will be recognized for 20 minutes.

Mr. EDWARDS of California. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from California [Mr. EDWARDS] will be recognized for 20 minutes in opposition.

The Chair recognizes the gentleman from Florida [Mr. McCOLLUM].

Mr. McCOLLUM. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the amendment that I am offering today would strike what is known as the Fairness in Sentencing Act from the bill, and it would substitute what we call the Equal Justice Act. Quite frankly, the bill, as it is now printed, the fairness in sentencing provision in the bill as it is now printed, would end the death penalty to the United States in every jurisdiction, and virtually all prosecutors across the country understand that fact. What the bill now does, as it presently reads, is to raise an inference of race bias in death penalty sentencing cases, if there is a statistically significant factor shown by whomever is the defendant in a particular case for an entire jurisdiction. And that is a little bit of a confusing term, but it is defined in the bill, so it makes it pretty clear what one has to do and what can be used to show that race is a statistically significant factor in a given jurisdiction.

I would like to illustrate what the problem is here by giving my colleagues an example of how simple it would be in any jurisdiction, State or Federal, in this entire country to get a race bias inference created, and, if one gets that race bias inference created in the law, as it would be if the bill would pass as it now reads, it would say, "You never get to have a death penalty in that jurisdiction again, period, for any case regardless of the merits of the individual case unless that inference is overcome," and then there is a virtually irrebuttable set of obstacles set up there to keep one from rebutting this inference.

Now let us go over how easy it would be and why it means that in almost every jurisdiction in this country, if the bill stands as it is now, we would get this race bias inference and we would prohibit the death penalty in any case. There are two variations that would give rise to a situation of an inference.

□ 1350

Let us give an example where there are 50 murders. That is real simple. There are 50 murders in a given State court jurisdiction over some period of time that is measurable. Of those 50 murderers, every one of them, under the criteria of the law, every murderer is eligible for the death penalty in theory. There are aggravating factors, and it would be constitutionally proper to give him the death penalty, but let us say over that measurable period of time the actual results are that out of the 50 murderers that were tried in that jurisdiction, 15 who are black get the death penalty and 10 who are white get the death penalty. We will assume the rest do not get it; they get life sentences or whatever. Now, in that case there would be a significant difference that would be statistically a significant factor, and that is all it would take to raise the inference of bias in that jurisdiction.

Let me give another example, because there is a second possibility. Let us assume that the race of the murderers is irrelevant, but there are 50 murderers or 50 different people convicted of muder in that jurisdiction, but forget the race of the murderer altogether and think only for a moment about the race of the victim. Let us assume that in that jurisdiction, of the 50 murderers, that there are sentences of death given in the case where there are 15 white victims and the person who committed the murder in those 15 cases gets the death penalty, and there are 10 cases in which there are black victims and the death penalty is given in that case, assuming, of course, that there are 25 in each of the cases I gave, 25 whites and 25 blacks in each case that committed murders in the first instance, and 25 that are white and 25 that are black victims in the second case.

Let me run that by again, because that may sound a little confusing. You have 50 murderers in one particular example, 25 of them who are white and 25 of them who are black, in a given State jurisdiction.

The net result, when you finally get the trial results, if every one of them is eligible for the death penalty, you have 10 who are whites who get the death penalty and 15 who are blacks who get the death penalty. That would be sufficient statistical variation to give rise to this inference of bias.

Or in the case where you don't worry about whether the murderers are black or white, but you are talking about the victims, and you have 25 white victims and 25 black victims, and you have a situation where you have 15 white murderers of 15 white victims who get the death penalty, and the murderers of 10 black victims get the death penalty, in that case you would have an inference of bias that would arise.

Now, what happens when you have that inference is, you cannot have the death penalty given any more. That is an absurd situation. It does not matter a flip about the particulars of the case that is being tried in the jurisdiction at the time. It does not matter if it is a hatchet murder. It does not matter what the aggravating factors are. It does not matter how many murders the particular killer had done in the past. It just does not matter. If there is an inference of race bias statistically by virtue of this example or two that I have given, either on the victim's side or on the murderer's side, then there cannot by any more death penalties in that jurisdiction, period, unless somehow by some miracle the prosecutor overcomes that.

Now, he cannot overcome it as a practical matter because we say two things cannot be introduced to overcome it: First, you cannot have attestations from anybody with respect to whether they discriminated or not in the given case and, second, you cannot consider the aggravating factors in any given case. It does not make any difference what the aggravating factors were. It is irrelevant.

The bottom line is, it also applies to all other retroactive cases in the United States where the death penalty has been awarded, some 2,450 cases. The bottom line, again, is that if it applies to all of those cases, it applies to any future cases. The simple fact of being able to raise this inference that is irrebuttable essentially means you not have a death penalty awarded in this country, because everybody has some statistical difference out there.

Statistics are not the way to go, so I have offered a substitute. My amendment that is a substitute is known as the Equal Justice Act. What it does is, it bans discrimination from consideration in any case. Race is not to be a consideration in any case where you have the death penalty being considered in this country. It says, in essence, that in every voir dire situation it is appropriate to consider race and to make sure it is eliminated from the scene, and it should be done. It provides for each change of venue. The Equal Justice Act provides for jury instructions that will make it very, very clear to the jurors that they are not to consider race, and it provides for certification that the jurors understand the jury instructions that are given to them. No discrimination will be allowed.

Mr. BRYANT. Mr. Chairman, will the gentleman yield?

Mr. McCOLLUM. I will be glad to yield to the gentleman from Texas.

Mr. BRYANT. I would like to ask the gentleman, the gentleman gave us a lot of statistics a few minutes ago. I wonder if the gentleman could give us statistics on this question: Since 1976, when the death penalty was reinstated, there have been 144 executions. I am wondering, of those 144 executions, how many of them were the execution of a white person for killing a black person?

Mr. McCOLLUM. I have no idea.

Mr. BRYANT. The answer is, only one. I wonder if that statistic bothers you.

Mr. McCOLLUM. I do not think the statistics should be relevant to the overall picture, but I do think that statistics should be relevant to an individual case. If there is racial discrimination in a particular case, fine, let us have that brought up and let us discuss it. But we ought to be talking about individual cases in this country, not talking about generalities.

Mr. BRYANT. As much as your entire presentation for 5 minutes was about statistics, it is curious to me that you could ignore this statistic, the fact that only one execution of a white person for killing a black person has taken place in the last 15 years.

Mr. McCOLLUM. Let me reclaim my time and tell you historically more than twice as many whites have been executed in this country as blacks have been under the death penalties of this country. So I think you can capsulize 15 cases and say that—unless you are against the death penalty altogether.

Reclaiming my time, I would like to reserve the balance of my time, Mr. Chairman.

Mr. EDWARDS of California. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, the committee bill provides an effective remedy for racial discrimination in death sentencing.

Evidence of racial bias in death sentencing exists in a limited number of jurisdictions. Comparing similar cases, blacks consistently get the death penalty where whites do not. The bill allows courts to consider this evidence.

Statistical evidence is only the starting point. The defendant must prove that race influenced the sentence in his or her own case. Under the bill, the defendant bears a substantial burden of proof.

The committee bill will not set any prisoner free. The only remedy under the bill is a new sentencing.

The so-called protections in the McCollum amendment are no substitute for the committee bill because they are already the law.

The amendment allows defendants to seek a change of venue. It allows the court to question jurors on potential bias. It says prosecutors shouldn't appeal to racial prejudice in closing arguments.

All these provisions are part of current law. The McCollum amendment does not strengthen them and it provides no remedy for violating them.

The McCollum amendment goes further and forbids the use of any comparative evidence, no matter how compelling, to prove discrimination.

Even if 100 percent of the death sentences were handed out against blacks in a particular jurisdiction, the amendment would prohibit courts from taking that evidence into account.

The McCollum amendment prohibits not only Federal courts from considering this evidence, but prohibits State courts and State legislatures from considering it as well. It limits State courts and State legislatures in protecting their citizens from discrimination.

The McCollum amendment would insulate from review even the most egregious racial bias in death sentencing. It is a sham. It is worse than current law. I urge a no vote.

Mr. Chairman, I yield back the balance of my time.

Mr. McCOLLUM. Mr. Chairman, I yield 3 minutes to the gentleman from Florida [Mr. JAMES].

Mr. JAMES. Mr. Chairman, I want to express my support for Mr. McCOLLUM'S substitute for the fairness in sentencing provision. The practical effect of the so-called Fairness in Sentencing Act would be to abolish capital punishment.

Mr. Chairman, the American people have supported capital punishment for many years. They feel strongly that it is the proper punishment for certain crimes. Although, I can understand there are those who oppose capital punishment, we owe it to the public to protect innocent citizens against the most violent criminals. The U.S. Supreme Court has imposed specific rules and safeguards for the imposition of capital punishment, and in appropriate cases, capital punishment should be imposed.

The proponents of the Fairness in Sentencing Act argue that the death penalty is not racially neutral. They may be correct. However, using statistics concerning prior unrelated cases to bar capital punishment—no matter how terrible the crime and no matter how conclusive the facts—is absurd.

Furthermore, once one case is thrown out, the statistics can never change and capital punishment for one race in that jurisdiction will be forever outlawed. Where will we be then? Either in a situation where one race only is exempt from capital punishment—or in a situation where capital punishment may never be imposed on anyone. Neither is acceptable.

For these reasons, I am supporting the alternative offered by the gentleman from Florida [Mr. McCOLLUM].

□ 1400

Mr. EDWARDS of California. Mr. Chairman, I yield 2 minutes to the gentleman from Texas [Mr. BRYANT].

Mr. BRYANT. Mr. Chairman, I strongly urge Members to vote against the McCollum amendment. I think it is a thinly veiled effort to offer something that appears to be fair but really is just a device to strike from this bill a fundamental part of the bill which dramatically broadens the use of the death penalty in the United States.

Mr. Chairman, this has death penalty provisions in it which I voted for. I have voted for this in past years, and I am sure I will vote for it again in the future.

Mr. Chairman, my view is if we are going to have the death penalty, it ought to be fair. The fact of the matter is statistics indicate it is not fairly applied in the United States.

Mr. Chairman, I gave this figure a moment ago in my questioning of the gentleman from Florida [Mr. McCOLLUM]. Since 1976, when the death penalty was reinstated in the United States, there have been 144 executions, but only 1 execution of a white person for killing a black person.

I will say this as well: There is not a single lawyer in this body, not a single lawyer—in a body filled with lawyers—that could reasonably deny that race plays a factor in sentencing. Of course it does. Statistically it is shown that it does. Common sense and experience of every lawyer, every defense lawyer, every prosecutor, or any other kind of lawyer, would verify that as well.

Mr. Chairman, it would be absolutely immoral for this body to pass up this opportunity to straighten out and fix and repair a major flaw in our criminal justice system, a flaw which allows a black person to go to his or her death under circumstances in which a white person would not be put to death.

No one can deny that happens. Everybody knows it happens. If it is happening, then we ought to be able to stop it. This provision would do so.

Mr. Chairman, as the gentleman from California [Mr. EDWARDS] said a moment ago, it would not let anybody out of prison, but it would allow you to use evidence to show that there is a racial bias with regard to the application of the death penalty. If that is going on in the United States of America, it is the moral obligation of the Members of this side of the aisle, as well as Members on that side of the aisle, to see that it does not happen.

Mr. Chairman, I urge Members to vote against the McCollum amendment and for the bill.

Mr. McCOLLUM. Mr. Chairman, would the Chair please inform Members how much time each side has remaining?

The CHAIRMAN. The gentleman from Florida [Mr. McCOLLUM] has 9 minutes remaining, and the gentleman from California [Mr. EDWARDS] has 16 minutes remaining. The Chair would announce that the gentleman from California [Mr. EDWARDS] has the right to close.

Mr. EDWARDS of California. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. DIXON].

Mr. DIXON. Mr. Chairman, I rise in strong support of the Fairness in Death Sentencing Act and in opposition to the McCollum amendment.

The Constitution guarantees equal protection of the laws for all Americans—without regard to race. Therefore, it prohibits consideration of race as a factor in criminal trials and sentencing. In a free and fair society, a defendant's fate turns on the facts of the case and on the nature of the conviction—not on the color of his or her skin. The value of human life does not vary according to race.

Nevertheless, current statistics indicate that in some legal jurisdictions, the death penalty is imposed on the basis of race. Blacks and whites are victims of homicide in roughly equal numbers, yet nearly 85 percent of all prisoners executed since 1976 were convicted for killing whites. In some jurisdictions, African-American defendants consistently get the death penalty in cases where white defendants do not. This is unfair and it must not continue.

The Fairness in Death Sentencing Act would permit prisoners to use statistical evidence in challenging death sentences on the basis of race bias. It is no free ride for defendants.

The measure provides that: Defendant has responsibility of collecting evidence; a preponderance of the evidence must show a significant pattern of racial disparity; and defendant must demonstrate that he has compared similar cases and considered all aggravating factors.

States could counter discrimination charges by presenting evidence—such as prior criminal record—to justify the death sentence. Successful challenges would result in resentencing. At a minimum, the defendant could receive life imprisonment without possibility of parole.

Contrary to the claims of this measure's opponents, the Fairness in Death Sentencing Act would not eliminate the death penalty and it would not let anyone out of prison. The sole intent of this measure is to nullify racism as a factor in death sentencing and ensure equal punishment for equal crimes.

The McCollum substitute—ironically named the Equal Justice Act—would gut the Fairness in Death Sentencing Act. It would also take the unprecedented step of prohibiting States from enacting legislation to eliminate race discrimination in death penalty cases. In short, the McCollum amendment would ensure that racism will continue to be a factor in death sentencing.

I urge my colleagues to vote for the Fairness in Death Sentencing Act and defeat the McCollum amendment.

Mr. EDWARDS of California. Mr. Chairman, I yield 2 minutes to the gentleman from Illinois [Mr. DURBIN].

Mr. DURBIN. Mr. Chairman, I support the death penalty, but I cannot tolerate or countenance racial discrimination in the imposition of this sentence. We have study after study which has shown that defendants in homicide cases involving white victims are four, five, and six times more likely to receive the death penalty than those involving black victims.

Mr. Chairman, let me add very quickly, this is not just a phenomenon in the Southern part of the United States, but it is occurring in the North as well. In my home State of Illinois, defendants in homicide cases with white victims are six times more likely to receive the death sentence than in those cases involving black victims.

Mr. Chairman, it is painful to concede that America is still a racially divided nation. The evidence of the election in Louisiana a few days ago certainly can verify that problem in a major State.

Though we have made great strides toward equality, we still must struggle with hatred, prejudice, and bigotry. Here in the imposition of the most serious penalty known to man, the most serious penalty available to any government, death by execution, can we do anything less than call up every weapon in our legal arsenal to guarantee fairness and justice?

Mr. Chairman, I rise in the strongest possible opposition to the amendment offered by the gentleman from Florida [Mr. MCCOLLUM].

Mr. EDWARDS of California. Mr. Chairman, I yield 2 minutes to the gentleman from Oregon [Mr. KOPETSKI].

Mr. KOPETSKI. Mr. Chairman, I rise in opposition to the McCollum amendment. I think we need to examine exactly what the committee work provides and contrast that with the McCollum amendment.

Mr. Chairman, this has nothing to do with the conviction; it has everything to do with the sentencing phase of the trial. This procedure recognizes the fact that in our society in certain jurisdictions patterns and practice in death sentencing results in discriminatory implementation of the death penalty. So let us correct this injustice.

Mr. Chairman, the supporters of the McCollum amendment urge that this will end the death penalty, if you go with the committee report, for all cases anywhere. Not true. That is because you can only use this once statistics and patterns have developed that show a pattern of discrimination in application of the death penalty.

First, the defense must prove this, and the prosecution has two means by which it can rebut. First, it shows the faultiness of the statistics, that the statistics were wrong. Second, if that does not work, they can say, "Look, your statistics are right, but for this case, even though it fits the pattern, even though it fits the pattern for this community, this person, this client, this defendant deserves the death penalty, and here is why: It was premeditated, it was an egregious act, there is no chance for rehabilitation."

The prosecution only has to prove this, and not beyond a reasonable doubt. The standard of proof for this is the preponderance of the evidence. That is all the standard that is necessary to rebut the defense argument.

Mr. Chairman, this is an extremely reasonable approach to this egregious fact that is going on in our society, and I urge a "no" vote to the McCollum amendment.

Mr. Chairman, I rise in opposition to the McCollum amendment, the so-called Equal Justice Act. Mr. Chairman, I want to set the record straight on the Fairness in Death Sentencing Act.

Both sides of this debate today agree that racial discrimination is a problem in death-penalty sentencing in this country. As a member of the Subcommittee on Civil and Constitutional Rights, I sat through days of testimony on the pattern of racial discrimination in death-penalty sentencing. There is a clear problem in this country.

The Fairness in Death Sentencing Act seeks to rectify this racial discrimination. It will not abolish the death penalty. It will not require prosecutors to consider race. In fact, it will do just the opposite by prohibiting prosecutors from considering race. it requires prosecutors to seek the death penalty based on the facts of each case.

Mr. Chairman, the Fairness in Death Sentencing Act simply will provide that where there is a statistically valid showing the death penalty has been imposed in a racially biased manner, this ultimate form of punishment will be subject to challenge. Death penalty defendants can use a valid statistical study to establish an inference that their sentence was based on race. It will not, as the other side would have you believe, deal with the conviction. The Fairness in Death Sentencing Act will merely set aside the sentence, absent successful rebuttal by the Government that nonracial factors explain the racial disparities in sentencing.

Mr. Chairman, the defendant in the death-penalty case has the burden under the Fairness in Death Sentencing Act. The defendant seeking to invoke the act's protections must show, by a preponderance of the evidence, a significant disparity in the outcome of other capital cases similar to his or her case, in the jurisdiction where he or she is sentenced, at the time he or she was sentenced. The defendant must show that the statistics are valid—that he or she is accurately comparing other cases similar to his or her own in terms of aggravation and mitigation—and that his or her analysis is valid. The defendant must show by a preponderance of the evidence that he or she has taken all relevant factors into consideration. The defendant must show that the numbers of cases he or she is comparing to his or her own constitute a sample large enough to be statistically significant. If the defendant fails on any of these points, he or she loses.

Mr. Chairman, there are two ways in the Fairness in Death Sentencing Act in which the prosecution can rebut the evidence. One is clearly to show that the statistics are wrong, or incomplete, or irrelevant. The other way is for the prosecution to show that the facts of the specific sentence in the specific jurisdiction at this specific time is not a result of racial prejudice. A prosecutor does this by showing that the egregious facts of the case, even though the pattern of discriminatory statistics, are such that the defendant deserves the death penalty.

Mr. Chairman, this is an argument against a death penalty sentence that cannot be used very often. Certainly it could not be used in a jurisdiction's first death penalty sentencing. Rather, the pattern must develop over time sufficient to produce discriminatory statistics.

Mr. Chairman, in this bill, the House will be adding an additional 50 capital offenses. Let us make sure that the application of the death penalty is fair and without racial bias.

I urge my colleagues to reject the McCollum amendment and support the carefully crafted Fairness in Death Sentencing Act reported by the Judiciary Committee.

Mr. McCOLLUM. Mr. Chairman, I yield myself 30 seconds.

Mr. Chairman, I just want to rebut one thing the gentleman from Oregon [Mr. KOPETSKI] said. I wish that what the gentleman said were true. But the only way you can rebut this is by statistical evidence. You cannot rebut it by showing the aggravating factors, because in the bill as it is now written before us on fairness, it says that the cases fit a statutory criteria for imposition of the death penalty which are the aggravating factors. The fact they fit that criteria cannot be used to rebut.

Mr. Chairman, I wish it were so, what the gentleman said, but, unfortunately, it is not.

Mr. Chairman, I yield 2 minutes to the gentleman from Wisconsin [Mr. SENSENBRENNER].

Mr. SENSENBRENNER. Mr. Chairman, there are two other things that are wrong with the committee bill in this area that have not been brought out. One is that the statistics that we are talking about and we are debating over, whose formulation of the statistics are correct or not, really do not take into account what happens in small jurisdictions, rural jurisdictions, where a capital crime is committed very infrequently, say once every 5 or 6 or 7 years.

Mr. Chairman, there is no way when the first crime is committed that any kind of statistics would be relevant under the formulation. Once someone is sentenced to death in one of these small low-crime jurisdictions, the race of that person and the race of the victim would so skew the statistical formulation that it would be very hard to put anybody to death of another race who committed the same or similar kind of crime.

□ 1410

Fortunately, we would hope that we would have a lot more of these small jurisdictions where there are very few capital offenses that are committed. But the way this formula works is that anybody can be put to death under any circumstances there whatsoever.

Second, there is a reverse grandfather clause contained at the end of the committee amendment which opens up the sentence of death that has been pronounced on everybody who is sitting on death row and has this formulation imposed upon them.

One of the things that we have been arguing about repeatedly during the course of this bill is to have finality in sentencing. With the last clause of the committee bill, there is no finality in sentencing because where those people have been sentenced to death and their habeas corpus petitions have been denied, the sentencing procedure goes right back to square one with all of the appeals and all of the habeas corpus petitions.

I would hope that the McCollum amendment would be adopted because I believe that the committee provision is fatally flawed.

Mr. EDWARDS of California. Mr. Chairman, I yield 2 minutes to the gentlewoman from the District of Columbia [Ms. NORTON].

Ms. NORTON. Mr. Chairman, racism is a word that I do not use easily or lightly. I have been a civil rights lawyer and equal rights professional most of my life. But when shameful, searing statistics show the death penalty is imposed far more often when the victim is white and the defendant is black, racism is the word for it. When statistics yield the unassailable conclusion that blacks will be executed in capital cases but whites will not, racism is the word for it. That, my colleagues, is the situation in too many jurisdictions in this country today.

This Nation has made meaningful progress toward equality in treatment and opportunity in voting, employment, housing, and education. But racism has survived remediation in the application of the death penalty. This last and lethal form of discrimination often remains untouched.

This administration apparently has few answers to street crime, where the need is overwhelming. I find scant evidence of provisions that will bring real relief from crime. The death penalty frenzy by which the administration would increase Federal application of the death penalty by 2,500 percent, ignores the cry from Americans for real relief. Conclusive data show that death does not deter crime. I have measured the Fairness in Death Sentencing Act, which would require imprisonment without possibility of release by a real relief standard.

Ignoring such a standard with calculated cynicism, the administration has proffered a so-called Equal Justice Act. This provision draws its inspiration from George Orwell's 1984. Instead of erasing racism, the Equal Justice Act would assure raw racism in death cases by forbidding the use of evidence of consistently biased outcomes to prove discrimination and barring the courts from reviewing the death sentencing process, no matter how dramatic the discriminatory pattern. It is the most atrocious piece of legislation I have seen since coming to Congress. I strongly urge my colleagues to oppose this amendment and to pass the fairness in death sentencing amendment.

Mr. McCOLLUM. Mr. Chairman, I yield 2 minutes and 30 seconds to the gentleman from Illinois [Mr. HYDE].

Mr. HYDE. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, if somebody takes a .45 and puts it to my head and wants to blow my brains out and does, I do not care what color of skin that person has. He ought to get the chair. If some citizen of the third world, some person of color puts a bomb on an airplane and the bomb goes off and 200 people are killed, whatever their race, I think that person deserves the chair.

To introduce statistics that have to do with other cases at other times in other places under other circumstances to affect the sentence in this crime, I think is wrong. The Fairness in Death Sentencing Act which used to be called the Racial Justice Act is based on a myth, the myth that black defendants are sentenced to death far in excess of white defendants for the same crimes. There is no study that has ever shown that to be case.

In fact, the opposite is true. Data from the Bureau of Justice Statistics shows that white homicide defendants are proportionately more likely to be sentenced to death than black homicide defendants. But the effect of this bill, the Edwards Act, will be to invalidate capital sentences of any defendant who decided to raise a claim of racial discrimination without regard to whether there is any evidence or not in his case.

It is essential that our criminal justice system operate so that impermissable factors, such as race, do not affect the capital sentencing process. The Constitution guarantees that race shall not be a factor, and there are numerous procedural safeguards that have been put into place by the Supreme Court to ensure that racial bias does not affect the imposition of the death penalty. The Batson versus Kentucky is just one case.

The Equal Justice Act that the gentleman from Florida [Mr. McCOLLUM] is offering codifies procedures with respect to voir dire of jurors. In contrast to what we are hearing, the insurmountable problem with the Fairness in Death Sentencing Act is it makes race the most important factor in testing the constitutionality of the criminal justice system. We should have equal protection of the law, not statistical protection of the law.

This is a quota system for the death penalty. If Members can explain that black home, good luck. I certainly will not. I am going to support the amendment of the gentleman from Florida [Mr. McCOLLUM].

Mr. EDWARDS of California. Mr. Chairman, I yield 2 minutes to the gentleman from Kansas [Mr. SLATTERY].

Mr. SLATTERY. Mr. Chairman, I rise today in strong support of the Fairness in Death Sentencing Act as found in H.R. 3371. This act would not abolish the death penalty. The act would merely allow similar cases to be compared to determine if race is influencing the imposition of the death penalty.

Under this act, the death penalty defendant must shoulder the burden of proof. He or she must collect the evidence and demonstrate that there is a racial disparity that is significant. He or she must show that similar cases have been compared and that all relevant nonracial factors have been taken into account. He or she must prove the case by a preponderance of the evidence.

For those who do not think racial discrimination exists in the imposition of the death penalty, please consider these facts:

In one judicial district where 65 percent of the murder victims are black, 85 percent of the death sentences sought were in cases involving white victims. In nine cases where the defendant was black and the victim was white, the district attorney used over 85 percent of his preemptory challenges to exclude blacks from the jury. In another example, in Florida, while blacks comprise 40 percent of murder victims, all 17 cases where the death penalty was sought between 1975 and 1987 involved white victims.

As the gentleman from Texas observed earlier in the debate, only once in 15 years has a white person been executed for the killing of a black person. If the death penalty is consistently given to blacks in cases where it is not given to whites, this is relevant and deserves examination.

In 1987, the Supreme Court ruled that without legislative authority courts cannot consider statistical evidence of bias in death penalty cases, no matter how factual the evidence might be.

My colleagues, this should be changed. It is wrong, and we have the obligation to change it. We should provide that legislative authority that is needed to consider statistical evidence in those cases of bias involving the imposition of the death penalty.

I urge my colleagues to support this act and to reject the McCollum amendment.

Mr. EDWARDS of California. Mr. Chairman, I yield 2 minutes to the gentleman from Vermont [Mr. SANDERS].

Mr. SANDERS. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I rise in strong opposition to the McCollum amendment and, in fact, in strong opposition to this so-called crime prevention bill.

Mr. Chairman, let us be honest. This is not a crime prevention bill. This is a punishment bill, a retribution bill, a vengeance bill.

All over the industrialized world now, countries are saying, "Let us put an end to state murder; let us stop capital punishment."

But here what we are talking about is more and more capital punishment. What we are discussing now is an issue where some of our friends are saying, we are not getting tough enough on the criminals. But my friends, we have the highest percentage of people in America in jail per capita of any industrialized nation on Earth. We have better than South Africa. We have better than the Soviet Union.

What do we have to do, put half the country behind bars?

□ 1420

Mr. Chairman, instead of talking about punishment and vengeance, let us have the courage to talk about the real issue: how do we get to the root causes of crime. How do we stop crime, which is in fact a very, very serious problem in this country?

And there, Mr. Chairman, I have a problem. I have a problem with a President and a Congress which allows 5 million children to go hungry, 2 million people to sleep out on the streets, cities that become breeding grounds for drugs and violence, and they say we are getting tough on crime.

If we want to get tough on crime, let us deal with the causes of crime. Let us demand that every man, woman, and child in this country have a decent opportunity and a decent standard of living. Let us not keep putting poor people into jail and disproportionately punishing blacks.

Mr. EDWARDS of California. Mr. Chairman, I yield 2 minutes to the gentleman from Texas [Mr. WASHINGTON].

Mr. WASHINGTON. Mr. Chairman, I thank the gentleman for yielding the time.

I say to the gentleman from Illinois [Mr. HYDE], I think he missed the point. It is not the punishment. The gentleman set the example of a person putting a gun to his head, putting the gun to someone else's head.

I only speak for myself. Personally I am opposed to the death penalty, but the reason that I oppose it is because I have tried lawsuits for 20 years, and not only in cases that I tried but in cases other people tried where we sit and watched 10 or 15 black people in the jury panel, all of them get a chance to get up and go home when the jury is selected—and all-white juries have tried too many people for too many crimes—and the gentleman from Illinois ought to be suspicious of that, as I am.

If we had a total system that was totally fair where we knew that only people who were guilty would be convicted—and we would convict people who were guilty regardless of their race and they would get the same punishment—I may change my position on the death penalty, but the problem is, as the gentleman very well knows, there is so much discretion about who gets charged, and then who gets charged with the death penalty as opposed to ordinary murder, if there is such a thing, there is too much difference in jury selection.

And the prosecutor who will call you on the phone and tell you that there is nothing wrong with the system is the same one who day after day, year after year are the ones will try a black defendant with an all-white jury. There is nothing inherently wrong with a black defendant being tried with an all-white jury, but it ought to make a reasonable person like the gentleman from Illinois suspicious. Come down to the microphone and ask me a question about it. I only have a few seconds left. But I want to be fair. I want to be fair.

No one in this room would suggest that the system right now is fair when black people get put to death for a crime that a white person would not be put to death for.

This amendment amounts to nothing more than an attempt to legally lynch. If you want to talk about legal lynching, a legal lynching is when in the dark of some night you put some black person to death, whether it is by a rope, a lethal injection, or an execution, and I want to stop the legal lynching of all people in this country.

Mr. McCOLLUM. Mr. Chairman, I yield 30 seconds to the gentleman from Illinois [Mr. HYDE].

Mr. HYDE. Mr. Chairman, in response to my distinguished friend from Texas, I just want to say under Batson versus Kentucky it is no longer permissible to dismiss people from the voir dire because of their color. You have a noninvidious reason for doing so or the whole conviction is invalidated. So really the gentleman has painted a picture of something that can no longer happen since 1986.

Mr. WASHINGTON. Mr. Chairman, will the gentleman yield?

Mr. HYDE. With pleasure, I yield to the gentleman from Texas.

Mr. WASHINGTON. Mr. Chairman, the gentleman from Illinois voted against an amendment in committee that would give people who were subjected to that in the past the right to have their cases reviewed.

Mr. HYDE. I am for Batson, but I am not for the retroactive operation of Batson.

Mr. McCOLLUM. Mr. Chairman, I yield myself the balance of the time I have remaining.

Mr. Chairman, I think one point needs to be made. There is nobody here, on either side of this issue today, who wants to see discrimination or race bias in sentencing. In fact, neither amendment would purport to allow that, but there is a big difference between the substitute amendment I am offering today and what is in the bill.

My amendment would outlaw race considerations in sentencing of any type, any place, in any jurisdiction in the country, and affirmatively take steps that would assure that it would not happen on an individual case-by-case basis. It does not, as some have purported today, in any way, it does not prohibit the use of statistics in a given individual case to demonstrate that there has been a pattern of race bias for that particular case.

But what the majority wants to do in the bill that is put before us out of committee today is to have a prohibition in a jurisdiction forever and ever unless the prosecution can do something under the statute that they can do. Unless they can properly rebut this inference, they can prevent the death penalty from ever occurring. It would take a situation of race as a statistical matter, codify it, and the Supreme Court never said that you could not show statistics to show discrimination in individual cases. But if we are going to say that we have 50 murderers—25 were black murderers, 25 white murderers—and you have 15 blacks that get the death penalty and 10 whites that get the death penalty and you have a statistical variation, therefore you cannot have the death penalty for any case in that jurisdiction anymore, and you cannot present the aggravating factors, then as I said earlier, there is no way that the prosecution can rebut it. There is no way you can overcome it, and there is no way you can have the death penalty in any jurisdiction in this country again, I submit.

That is why prosecutors are so upset. They do not say that there is not a problem in some instances, but it ought to be handled on an individual case-by-case basis. We ought to outlaw discrimination clearly. There should be no race consideration, there should be no race bias in sentencing, and where there is we ought to have a full opportunity, as the McCollum amendment provides, to get it out of there, to throw the case out and to get rid of it. But we also need to have the death penalty.

If Members are for getting rid of the death penalty, if they are against the death penalty, then of course vote against my amendment and accept what is in the bill. But if they want to maintain the death penalty, if they want to protect black victims and make sure that those white criminal murderers who kill blacks get the death penalty, then vote for McCollum, vote for the commonsense amendment to this bill. Do not let this subterfuge, that is in the bill now, stand. Get rid of it, because all it does is eliminate the death penalty and make it impossible for prosecutors to ever get it in any case, no matter what the circumstances are.

It is being brought up in the name of racial fairness, and it is not that.

What I have proposed is indeed equal justice and an opportunity for voir dire jury instruction, and the absolute outlawing of race bias. What is in the bill now, on the other hand, is a situation where if you have any statistical disparity at all in any jurisdiction—and you have it in virtually every one of them if we will look back through it historically—then regardless of the merits of the case we cannot have a death sentence imposed anymore in that jurisdiction at all. And that is wrong, because that effectively ends the death penalty in this country.

So I urge a vote for the McCollum amendment. It is equal justice, and it will end racial discrimination and bias in sentencing.

Mr. EDWARDS of California. Mr. Chairman, I yield such time as he may consume to the gentleman from Florida [Mr. LEHMAN].

Mr. LEHMAN of Florida. Mr. Chairman, I rise in opposition to the McCollum amendment.

Mr. Chairman, I oppose the McCollum amendment because it would prohibit State courts and State legislatures from addressing racial bias in death sentencing through any analysis that statistically compared the sentences imposed in similar cases.

The Committee bill provides the opportunity for defendants to raise evidence of race bias in death sentencing. A death penalty defendant must show that there is a racial disparity and that it is significant. He must show that he has compared similar cases and taken into account all relevant nonracial factors, and he must prove his case by a preponderance of the evidence. Mr. Chairman, juries and prosecutors are not going to volunteer that they are racially biased. The ability to use statistical evidence is therefore critical to fair application of the death penalty.

I have long suspected that racial bias is a factor in applying the death sentence. In one judicial district in Georgia, the prosecutor has sought the death penalty in 29 cases since 1974. In 23 of these cases, the defendant was black. In another Georgia district, 65 percent of murder victims are black, but 85 percent of the death sentences sought have been in cases where the victims were white. In one Florida county where blacks were 40 percent of murder victims, all cases between 1975 and 1987 where the death penalty was sought involved white victims. These are just some of the examples where racial bias may exist.

It is a sad fact the racial discrimination continues in this country, and we would all agree that it should be eliminated from every facet of life. How much more important it should be to ensure that there be no racial bias in a matter such as the imposition of a sentence of death.

Let me emphasize that the Fairness in Death Sentencing Act would enable a defendant to challenge only his death sentence, not his conviction. This act would help ensure that similar crimes were subject to similar sentences, regardless of the race of the perpetrator or the race of victim.

The Supreme Court ruled in 1987 that statistical evidence could not be taken into account by courts unless there was legislative authority for such consideration. The committee bill provides this important authority. The McCollum amendment on the other hand will make matters worse than current law. Not only would Federal courts not be permitted to take statistical evidence into account, but State legislatures and State courts would be forbidden from doing so. This amendment would challenge the laws of many States that require proportionality review of death sentences. This amendment does not provide equal justice; it perpetuates existing biases and makes it even more difficult to eliminate them.

Mr. Chairman, I strongly urge my colleagues to support the Committee bill and to vote against the so-called equal justice amendment.

Mr. EDWARDS of California. Mr. Chairman, I yield such time as he may consume to the gentleman from Illinois [Mr. HAYES].

Mr. HAYES of Illinois. Mr. Chairman, I rise in opposition to the McCollum amendment.

Mr. Chairman, I rise today to speak in opposition to the amendment offered by my colleague Mr. MCCOLLUM. Mr. Chairman, I cannot turn away from the compelling evidence that suggests that racial discrimination is often a determining factor in death sentencing. The U.S. General Accounting Office issued a report in 1990 which concluded that there was "racial disparity in the charging, sentencing, and imposition of the death penalty." The evidence shows that, in certain jurisdictions, if the victim is white, the defendant is far more likely to receive the death sentence than if the victim were black. In addition, if the defendant is black, he is more likely to be sentenced to death than if he were white. What this data tells me is that our criminal justice system treats crimes against white victims as inherently more serious than crimes against others, particularly African-Americans. Retaining the Racial Justice Act as part of the crime bill would at least allow consideration of race when imposing the death penalty.

I have always been one who opposes the death penalty because it is simply one of the most hideous acts sanctioned by this Government. However, today's debate is not about determining if we should or should not have the death penalty, that has been established. We are here today for one purpose: To allow the use of valid statistics to establish an inference of race discrimination in death sentencing. States are still free to carry out all death sentences unless a significant racially discriminatory pattern can be shown.

No person should be executed under a death sentence that was imposed because of racial considerations. It only seems fair that all the evidence is examined before someone is sentenced to death. Again, I implore my colleagues to oppose the amendment before us today.

Mr. EDWARDS of California. Mr. Chairman, to close debate, I yield the balance of my time to the author of the bill, the distinguished gentleman from Michigan [Mr. CONYERS].

Mr. HUGHES. Mr. Chairman, will the gentleman yield?

Mr. CONYERS. I am pleased to yield to the gentleman from New Jersey.

Mr. HUGHES. Mr. Chairman, I rise in opposition to the McCollum amendment.

Mr. Chairman, I rise in opposition to the McCollum substitute for Title XVI, the Equal Justice Act.

Like those who support the amendment, I have reservations about those provisions as they presently appear in the bill.

My concern about the bill as reported is that it does not make it sufficiently clear that mere racial disparity in the imposition of the death penalty is not a basis for overturning death penalty sentences. Specifically, my concern is that proposed section 3501(c) may be misapplied in such a fashion.

However, while title XVI is in need of revision, merely striking the provision, as opponents of the title sought to do in the 1990 crime bill, is not the proper response. Striking it would leave in place a Supreme Court ruling that statistical evidence suggesting a pattern of racial discrimination in death penalty sentencing can never be considered.

Affirmatively prohibiting courts, including State courts over which this Congress does not have jurisdiction, from receiving such evidence is the worst solution of all. This is what the McCollum amendment would do.

Racial discrimination does sometimes taint our judicial processes. Even the proponents of the McCollum amendment acknowledge this sad fact of life. Where we disagree is on how to confront it. In my view, it is naive to suggest that we have adequately addressed it by requiring judges to instruct jurors not be influenced by race, and requiring jurors to sign statements that they were not so influenced.

It would also be naive to believe that a prosecutor or other charging entity would admit their prejudice or their intent to discriminate. We all know that racial discrimination does not work like that.

As a prosecutor, I have tried a capital case. The last major case I tried resulted in a death sentence. I also know from this experience that factors such as an arrogant and contemptuous demeanor by a defendant in the court room can influence a jury. So too can the fact that a defendant takes the stand and tells obvious lies. Even when these lies do not go to the heart of the case against the defendant, they can insult the intelligence of the jury to the extent they tip the balance between a life sentence and a death sentence.

Because of factors such as these, I frankly doubt that statistics alone are ever going to overturn death sentences. Nonetheless, fundamental fairness requires that a defendant be given the opportunity to submit such evidence. Persons who are influenced by racial bias almost never acknowledge this fact openly, and frequently not even to themselves. In the real world, circumstantial evidence must be considered in determining if such bias exists.

Suppose, for example, that the record for a particular jurisdiction indicated that, in a 10-year period, in like cases, 100 percent of all black defendants were given death sentences and zero percent of white murder defendants were. Should that record not even be considered?

Unless we act to restore a level playing field, that is exactly the result that will flow from the Supreme Court's decision in the McCleskey case.

Opponents of the bill as reported claim that it is a Trojan Horse, designed to shut down the death penalty in the United States.

I assure you that if this were the case, I would support an amendment to strike the provision. I did precisely this in the committee vote on an earlier version of title XVI in the 1990 crime bill.

I have carefully examined the Court decisions which prompted this proposal. Most of the attention in this controversy focuses upon one Supreme Court decision. In that case, the High Court held that historical or statistical data should never be considered.

As I have noted earlier, I think that decision is wrong, and that the Congress should accept the invitation of the Court to legislate in this area if we feel otherwise.

However, to understand the issue more fully, it is important to also read the decisions of the lower courts in that same case.

It is most useful to look at how the U.S. district court in Georgia handled the issue.

Unlike the Supreme Court, district court Judge Forrester concluded that statistical disparity can be used.

Judge Forrester examined the data in dispute and took extensive testimony from both sides regarding its content, validity, and meaning. He concluded that, because of omissions or defects in the data, it did not support a prima facie case of discrimination.

He also concluded that, even if it did, the State had successfully rebutted it by showing that nonracial factors explain the disparity.

This case illustrates that allowing historical evidence will not end the death penalty.

The study involved in that case was probably the most detailed study ever done of racial influences over the death penalty. It seemed to show stark racial disparity.

The fact that Georgia was able to prevail convinces me that the death penalty will not be ambushed if we do what is only fair and appropriate—allow persons facing the death penalty to introduce historical evidence of racial disparity, just as it is allowed in challenging racial discrimination in employment, housing, or other areas.

We have made a lot of progress in rooting around racial discrimination in our society, but the task is not complete, and the effort must be a continuous one. We cannot continue it by denying that it exists. We certainly cannot do it, as the McCollum amendment would do, by labeling all proposals to get at the problem as racial quotas, and not only tolerating a Supreme Court decision unfairly suppressing circumstantial evidence of racial discrimination, but codifying it.

We should instead reject the amendment, and make the necessary adjustments to title XVI when we improve it in conference with the Senate.

Mr. CONYERS. Mr. Chairman, not since the fugitive slave laws of the 1870's has the Congress passed a bill limiting the protection States can give to their citizens from discrimination; and yet, this is precisely what this amendment would do. It would prevent the States from determining that an unexplained pattern of apparently racially biased sentencing may raise an inference of discrimination. I do not think we want to repeat that part of our legislative history.

The gentleman from Florida has repeatedly quoted or misquoted the wrong part of the law in showing the validity of evidence presented. To establish an inference:

> Such evidence must take into account, to the extent it is compiled and publicly made available, evidence of the statutory, aggravating factors of the crimes involved and shall include comparisons of similar cases involving persons of different races.

□ 1430

Mr. Chairman, in all of American history, there have been only 30 of 15,978 total executions of whites being executed for killing a black person. In other words, 1 white for every 533 blacks.

And so to raise this statistical evidence is extremely important. It has been approved by the American Bar Association. We have had it in the bill from previous years.

The McCollum amendment would gut the most elemental fairness about capital punishment. The bill requires prosecutors to focus on the nonracial facts of each case.

Please, vote down the McCollum amendment.

Mr. Chairman, once again the White House has decided to play racial politics. As he continues to do with the Civil Rights Act, the President has injected the phony issue of racial quotas into this debate strictly for political purposes. The difference between the Civil Rights Act debate is that we are not talking about someone losing a job, we are talking about someone losing their life. Every one in this Chamber should be offended by the cynical use of the race issue in this amendment.

The McCollum amendment purports to ban racial quotas or specified racial proportions. This is the ultimate red herring. Nothing in the fairness in death sentencing provisions of this bill requires or would lead to racial quotas or racial proportions. Instead, it would merely allow courts to consider statistics of a consistent pattern of racial discrimination death sentencing in determining whether a defendant's death sentence is influenced by racial factors.

The McCollum amendment's solution to racial discrimination in death sentencing is to require each juror to pledge that they were unaffected by racial prejudice. It also prohibits prosecutors and defense attorneys from making racially inflammatory statements. This amendment doesn't even pass the laugh test. What juror or prosecutor would admit to racial prejudice. If willingness to admit racial prejudice were the standard for measuring discrimination, we would be rolling back 40 years of civil rights laws.

Not since the fugitive slave laws has this Congress passed a bill limiting the protection States can give to their citizens from discrimination. Yet, this is precisely what this amendment would do. It would prevent States from determining that an unexplained pattern of apparently racially biased sentences may raise an inference of discrimination.

It would also overturn portions of existing State laws like that in the State of New Jersey, which has crafted a carefully tailored requirement for a review of statistical data on race discrimination in New Jersey's death penalty statute. The New Jersey experience demonstrates that efforts to determine if discrimination exists are not an effort to get rid of the death penalty; rather they serve to make capital punishment work by reducing the risk of racial bias.

Frankly, I am not sure that anybody knows what this amendment does or how it would work. There have been no hearings on it. None of us on the Judiciary Committee have had an opportunity to hear from any witnesses, or to ask questions about how this proposal would respond to the problem of racial bias in the criminal justice system.

Opponents of the fairness in death sentencing provision, raise a number of specious arguments. They say it's easy for defendants to establish an inference of discrimination, and that it is impossible for a prosecutor to rebut that inference once it has been established. The truth is the provision imposes a heavy burden on the defendant. The defendant must compile and analyze substantial data showing a significant pattern of racial disparity in death sentencing. This is not an easy task.

The act does not limit the grounds on which the State may rebut the statistical showing. It would allow the State to demonstrate by a mere preponderance of the evidence that:

First, the defendant's statistics are invalid or incomplete because they fail to compare similar crimes;

Second, the State can show that the sentence does not fall within the statistical pattern because of the existence of non-racial aggravating factors or the prior records of the offenders;

Third, the State could show that the evidence of statewide pattern is irrelevant and that the evidence in the local jurisdiction where the sentence was imposed shows no pattern of racial bias in that locality.

Another false argument is that because the act would apply retroactively, it will be impossible to recall jurors or prosecutors to prove lack of bias. Thus, opponents say it would result in the end of capital punishment. The truth is that there will be no need to recall trial witnesses or juries or prosecutors to determine if they are racially biased. The evidence of bias will be drawn from the trial transcripts, and other written records in previous cases.

Opponents also argue that the criminal justice system is based on individualized decisionmaking that makes it inappropriate to use statistics, unlike employment discrimination, where the use of statistics is well established. In fact, the Supreme Court has already sanctioned the use of statistics in jury bias cases, like the landmark case of Batson versus Kentucky.

Finally, opponents argue that prosecutors would be unable to seek the death penalty against blacks who kill blacks or will seek more executions against white defendants. This is not true. If a death sentence is given to a black defendant who kills a black victim fits no discriminatory pattern, or can be justified on nonracial grounds then the death sentence can proceed. On the other than killing more white defendants merely because they are white would violate this provision as an execution based on race.

In summary, Mr. Chairman, the fairness in death sentencing provision is supported by every major civil rights organization in this country including the NAACP, NAACP Legal Defense Fund, the Leadership Conference on Civil Rights and the National Urban League. It is also supported by the American Bar Association.

No one knows quite what the McCollum amendment would do, and I urge you to vote against it.

Mr. LEWIS OF GEORGIA. Mr. Chairman, let me begin by saying that while I am unequivocally opposed to the death penalty, the Fairness in Death Sentencing Act is something that all Americans should support, regardless of their feelings about the death penalty.

So long as we have the death penalty, we must confront the overwhelming evidence that black defendants are more likely to receive the death penalty than are white defendants. It is very difficult to pinpoint discrimination in a particular case, but when we look at the statistics and see patterns, it is clear that race plays a role.

We must ensure those who sit on death row are not there simply because they are poor and black, and their victims are white. Race and class should not be the deciding factors. But sadly, when we look in county after county, State after State, we see that race plays an overwhelming role. This is fact.

Mr. MCCOLLUM's amendment will do away with our attempt to add some fairness to the death penalty process. In addition, it would take us one step backward and prevent all discussion of racial bias in any case regardless of how clear the pattern of discrimination is.

I look forward to a day when there is no racial prejudice in this country. I look forward to a day when the Government no longer decides who will live and who will die. But—until that day—I urge you to instill some fairness into our judicial system.

I urge my colleagues to vote "no" on the McCollum amendment.

Mr. LAGOMARSINO. Mr. Chairman, I rise in strong support of Mr. MCCOLLUM's amendment to remove the use of racial quotas in sentencing convicted murderers.

Judges and juries must be able to render decisions based on the facts of a particular case rather than consider the statistical histories of previous, unrelated cases. The rights of all victims and all accused criminals rest on the courts employing this factual basis for the determination of justice.

I am joined in my opposition to the use of racial quotas in sentencing by California State Attorney General Dan Lungren and Ventura County District Attorney Michael Bradbury. Both of these fine prosecutors, working on the front lines in the fight to ensure justice and keep dangerous criminals off the street in California, agree that the consideration of racial quotas in sentencing would effectively block any meaningful capital punishment reform.

District Attorney Bradbury uses the case of Earl Lloyd Jackson, a convicted murderer on death row in California. Mr. Jackson, using a statistical formula involving the defendant's race, the victim's race, and the defendant's gender, claimed that the death sentence in California was being imposed in a discriminatory manner. The 3-year preparation for the hearing ordered by the Rose Bird-era California supreme court cost over $1 million to California taxpayers. The more-than $1 million preparations for the hearing were ended when the U.S. Supreme Court ruled against a similar statistical study in Georgia.

The use of racial quotas in imposing capital sentences will effectively abolish the death penalty in the 36 States, including California, that have chosen to adopt constitutional death penalty procedures.

I urge my colleagues to join me in supporting the McCollum amendment to strike the use of racial quotas in capital sentences.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from Florida [Mr. MCCOLLUM].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. MCCOLLUM. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 223, noes, 191, answered "present" 1, not voting 18, as follows:

[Roll No. 322]

AYES—223

Allard
Andrews (TX)
Anthony
Applegate
Archer
Armey
Aspin
Bacchus
Ballenger
Barnard
Barrett
Barton
Bateman
Bennett
Bentley
Bereuter
Bevill
Bilbray
Bliley
Boehlert
Boehner
Borski
Brewster
Broomfield
Browder
Brown
Bunning
Burton
Byron
Camp
Campbell (CA)
Clement
Clinger
Coble
Coleman (MO)
Combest
Condit
Coughlin
Cox (CA)
Cramer
Crane
Cunningham
Dannemeyer
Darden
Davis
DeLay
Dickinson
Dooley
Doolittle
Dornan (CA)
Dreier
Duncan
Early
Edwards (OK)
Edwards (TX)
Emerson
Erdreich
Ewing
Fawell
Franks (CT)
Gallegly
Gallo
Gekas
Geren
Gilchrest
Gillmor
Gingrich
Goss
Gradison
Grandy
Gunderson
Hall (TX)
Hammerschmidt
Hancock
Hansen
Harris
Hastert
Hatcher
Hayes (LA)
Hefley
Hefner
Henry
Herger
Hoagland
Hobson
Holloway
Houghton
Hubbard
Huckaby
Hunter
Hutto
Hyde
Inhofe
Ireland
James
Jenkins
Johnson (CT)
Johnson (SD)
Johnson (TX)
Jones (NC)
Kanjorski
Kasich
Klug
Kolbe
Kolter
Kyl
Lagomarsino
Lancaster
Laughlin
Leach
Lehman (CA)
Lent
Lewis (CA)
Lewis (FL)
Lightfoot
Lipinski
Livingston
Lloyd
Lowery (CA)
Luken
Machtley
Marlenee
Martin
McCandless
McCollum
McCrery
McCurdy
McDade
McEwen
McGrath
McMillan (NC)
Meyers
Michel
Miller (OH)
Miller (WA)
Molinari
Montgomery
Morrison
Murphy
Myers
Natcher
Neal (NC)
Nichols
Nussle
Olin
Orton
Oxley
Packard
Parker
Paxon
Payne (VA)
Petri
Pickle
Porter
Price
Quillen
Ramstad
Ravenel
Ray
Regula
Rhodes
Richardson
Ridge
Riggs
Rinaldo
Ritter
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rostenkowski
Roth
Roukema
Rowland
Russo
Sangmeister
Santorum
Sarpalius
Saxton
Schaefer
Schiff
Schulze
Sensenbrenner
Shaw
Shuster
Skeen
Skelton
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stenholm
Stump
Sundquist
Swett
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (GA)
Thomas (WY)
Upton
Valentine
Vander Jagt
Volkmer
Vucanovich
Walker
Walsh
Weber
Weldon
Whitten
Wilson
Wolf
Wylie
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—191

Abercrombie
Ackerman
Alexander
Anderson
Andrews (ME)
Andrews (NJ)
Annunzio
Atkins
AuCoin
Beilenson
Berman
Bonior
Boucher
Boxer
Brooks
Bruce
Bryant
Bustamante
Campbell (CO)
Cardin
Carper
Carr
Clay
Coleman (TX)
Collins (MI)
Conyers
Cooper
Costello
Cox (IL)
Coyne
de la Garza
DeFazio
DeLauro
Derrick
Dicks
Dingell
Dixon
Donnelly
Dorgan (ND)
Downey
Durbin
Dwyer
Dymally
Eckart
Edwards (CA)

Engel
English
Evans
Fascell
Fazio
Feighan
Fish
Flake
Foglietta
Ford (MI)
Frank (MA)
Frost
Gaydos
Gejdenson
Gephardt
Gibbons
Gilman
Glickman
Gonzalez
Gordon
Green
Guarini
Hall (OH)
Hamilton
Hayes (IL)
Hertel
Hochbrueckner
Horn
Horton
Hoyer
Hughes
Jacobs
Jefferson
Johnston
Jones (GA)
Jontz
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Kopetski
Kostmayer
LaFalce
Lantos
LaRocco
Lehman (FL)
Levin (MI)
Levine (CA)
Lewis (GA)
Long
Lowey (NY)
Manton
Markey
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McDermott
McHugh
McMillen (MD)
McNulty
Mfume
Miller (CA)
Mineta
Mink
Moakley
Mollohan
Moody
Moran
Morella
Murtha
Nagle
Neal (MA)
Nowak
Oakar
Oberstar
Obey
Olver
Ortiz
Owens (NY)
Owens (UT)
Pallone
Panetta
Pastor
Patterson
Payne (NJ)
Pease
Pelosi
Penny
Perkins
Peterson (FL)
Peterson (MN)
Pickett
Poshard
Rahall
Rangel
Reed
Roe
Rose
Roybal
Sabo
Sanders
Savage
Sawyer
Scheuer
Schroeder
Schumer
Serrano
Sharp
Shays
Sikorski
Sisisky
Skaggs
Slattery
Slaughter (NY)
Smith (FL)
Smith (IA)
Solarz
Spratt
Staggers
Stallings
Stark
Stokes
Studds
Swift
Synar
Tallon
Thornton
Torres
Torricelli
Traficant
Traxler
Unsoeld
Vento
Visclosky
Washington
Waxman
Wheat
Williams
Wise
Wolpe
Wyden
Yates
Yatron

ANSWERED "PRESENT"—1

Goodling

NOT VOTING—18

Baker
Bilirakis
Callahan
Chandler
Chapman
Collins (IL)
Dellums
Espy
Fields
Ford (TN)
Hopkins
Moorhead
Mrazek
Pursell
Slaughter (VA)
Towns
Waters
Weiss

☐ 1450

The Clerk announced the following pairs:

On this vote:

Mr. Baker for, with Mr. Dellums against.
Mr. Chandler for, with Ms. Waters against.
Mr. Bilirakis for, with Mr. Towns against.

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN. It is now in order, under the rule, to consider amendment No. 15 printed in the report accompanying the bill.

AMENDMENT OFFERED BY MR. SOLOMON

Mr. SOLOMON. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. SOLOMON: Page 43, after line 17, insert the following subtitle heading:

Subtitle A—Grants for Drug Testing

Page 51, after line 8 insert the following new subtitle:

Subtitle B—Drug Testing Requirement

SEC. 711. DRUG TESTING IN STATE CRIMINAL JUSTICE SYSTEMS.

(a) IN GENERAL.—Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.), is amended by adding at the end of part E (42 U.S.C. 3751-3766b) the following:

"DRUG TESTING PROGRAMS

"SEC. 523. (a) PROGRAM REQUIRED.—It is a condition of eligibility for funding under this part that a State formulate and implement a drug testing program for targeted classes of persons, confined in, or subject to supervision in the criminal justice systems of the State. Such a person must meet criteria specified in regulations promulgated by the Attorney General under subsection (b) of this section. Notwithstanding the above, no State shall be required to expend an amount for drug testing pursuant to this section in excess of 10 percent of the minimum amount which the State is eligible to receive under subpart 1 of this part.

"(b) REGULATIONS.—The Attorney General, in consultation with the Secretary of Health and Human Services, shall promulgate regulations to implement this section to ensure reliability and accuracy of drug testing programs. The regulations shall include such other guidelines for drug testing programs in State criminal justice systems as the Attorney General determines are appropriate, and shall include provisions by which a State may apply to the Attorney General for a waiver of the requirements imposed by this section, on grounds that compliance would impose excessive financial or other burdens on such State or would otherwise be impractical or contrary to State policy.

"(c) EFFECTIVE DATE.—This section shall take effect with respect to any State at a time specified by the Attorney General, but no earlier than the promulgation of the regulations required under subsection (b)."

The CHAIRMAN. Under the rule, the gentleman from New York [Mr. SOLOMON] will be recognized for 7½ minutes, and a Member opposed thereto will be recognized for 7½ minutes.

Mr. BROOKS. Mr. Chairman, I rise in opposition.

The CHAIRMAN. The gentleman from Texas [Mr. BROOKS] will be controlling the time in opposition.

The gentleman from New York [Mr. SOLOMON] will be recognized for 7½ minutes, and the gentleman from Texas [Mr. BROOKS] will be recognized for 7½ minutes.

The Chair recognizes the gentleman from New York [Mr. SOLOMON].

Mr. SOLOMON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, my amendment would condition Bureau of Justice assistance block grants upon the implementation of drug testing within the States' criminal justice systems.

You are probably wondering why this amendment is necessary? Well the answer is quite clear: Our fight against drug use and drug abuse in this country must move forward with resolve and direction.

The President believes that this amendment makes an important contribution to the national drug control strategy and that is why he has requested this measure.

So, how does this amendment work? Well, let me begin by saying that most States already comply with the provisions in this amendment.

These States currently conduct drug testing in every stage of their criminal justice system—including testing those who are incarcerated or on parole or probation.

Those particular States will not have to do anything more than what they are already doing.

The remaining States will be required to establish or expand their current drug testing strategies.

If they can fully expand their drug testing system for less than 10 percent of their Bureau of Justice assistance [BJA] block grant, then that is all they need to do.

If they spend the full 10 percent of their BJA block grant and are unable to cover the costs of fully expanding their drug testing to cover all the stages of the criminal justice system, then they will not be mandated to spend any additional amount over that 10 percent.

Given the fiscal stresses which many States face today, this amendment sends a firm message about the direction of the Nation's drug control strategy, while at the same time, carefully safeguarding against another costly mandate on a State's budget.

This amendment leaves each State with considerable flexibility in deciding the priorities for drug testing within its own criminal justice system.

Mr. Chairman, there are several advantages which develop from expanding a State's drug testing system.

For instance, it becomes easier to monitor and deter drug use among parolees and those on probation. Those drug-involved offenders who cannot—or will not—stay drug free while on release should be confined before they have a chance to become criminally involved again.

Mr. Chairman, the value of this benefit should be obvious.

Additionally, the allocation of limited drug treatment slots also becomes more efficient through this expanded drug testing strategy.

It does this by providing help to those who need it most. You may be interested to know that a recent Office of National Drug Control Policy white paper asserts that the majority of drug users do not need drug treatment but they often do need the threat of social, legal, or employer sanctions to motivate them to stop using drugs on their own.

For these drug users, drug testing alone, without referral to treatment, can be sufficient to prompt them to stop using drugs.

This testing would then weed out these individuals and open up much-needed slots for those who desperately need drug treatment.

Mr. Chairman, I urge my colleagues to join me in supporting this amendment to the crime control bills.

This is a proposal which is in agreement with the President's national drug control strategy and which keeps in mind the fiscal restraints which all the States face today.

Finally, Mr. Chairman, the Democrat study group had inquired whether employees of FBI or Justice are included. The answer is no. The only people subject to drug testing in this amendment are those who are arrested, confined on parole or probation.

Mr. Chairman, I reserve the balance of my time.

Mr. BROOKS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I think we have no objection to the amendment. There are some problems we could probably resolve in the conference with Mr. SOLOMON and with the drug people.

Mr. Chairman, I yield such time as he may consume to the gentleman from New York [Mr. SCHUMER].

Mr. SCHUMER. I thank the chairman for yielding to me.

Mr. Chairman, again I think the gentleman has done a good job. We do have considerable funding, as the gentleman knows, in this bill to deal certainly with prearraignment and post-arraignment drug testing. This would dovetail into the broad provision of this bill.

Mr. Chairman, as the chairman, the gentleman from Texas [Mr. BROOKS] said, if in conference we could work something out, I think it would work for the benefit of everybody.

So, Mr. Chairman, I support the amendment as well.

Mr. BROOKS. Mr. Chairman, I yield back the balance of my time.

Mr. SOLOMON. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. SOLOMON].

The amendment was agreed to.

The CHAIRMAN. Under the rule, it is now in order to consider amendment No. 16 in the report accompanying the bill.

AMENDMENT OFFERED BY MR. CLEMENT

Mr. CLEMENT. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. CLEMENT: Page 126, after line 14, insert the following:

SEC. . INCREASED PENALTIES FOR DISTRIBUTION OF CONTROLLED SUBSTANCES AT TRUCK STOPS AND REST AREAS.

(a) IN GENERAL.—Part D of the Controlled Substances Act (21 U.S.C. 801 et seq.) is amended by inserting after section 408 the following new section:

"TRANSPORTATION SAFETY OFFENSES

"SEC. 409. (a) Any person who violates section 401(a)(1) or section 416 by distributing or possessing with intent to distribute a controlled substance in or on, or within 1,000 feet of, a truck stop or safety rest area is (except as provided in subsection (b)) punishable—

"(1) by a term of imprisonment, or fine, or both, up to twice that authorized by section 401(b) of this title; and

"(2) at least twice any term of supervised release authorized by section 401(b) for a first offense. Except to the extent a greater minimum sentence is otherwise provided by section 401(b), a term of imprisonment under this subsection shall not be less than one year.

"(b) Any person who violates section 401(a)(1) or section 416 by distributing or possessing with intent to distribute a controlled substance in or on, or within 1,000 feet of, a truck stop or a safety rest area after a prior conviction or convictions under subsection (a) have become final is punishable—

"(1) by the greater of (A) a term of imprisonment of not less than three years and not more than life imprisonment or (B) a term of imprisonment of up to three times that authorized by section 401(b) of this title for a first offense, or a fine up to three times that authorized by section 401(b) of this title for a first offense, or both; and

"(2) at least three times any term of supervised release authorized by section 401(b) of this title for a first offense.

"(c) In the case of any sentence imposed under subsection (b), imposition or execution of such sentence shall not be suspended and probation shall be granted. An individual convicted under subsection (b) shall not be eligible for parole under chapter 311 of title 18 of the United States Code until the individual has served the minimum sentence required by such subsection.

"(d) For purposes of this section—

"(1) the term 'safety rest area' has the meaning given that term in part 752 of title 23, Code of Federal Regulations, as in effect on the date of enactment of this section; and

"(2) the term 'truck stop' means any facility (including any parking lot appurtenant thereto) with the capacity to provide fuel or service, or both, to any commercial motor vehicle as defined under section 12019(6) of the Commercial Motor Vehicle Safety Act of 1986, operating in commerce as defined in section 12019(3) of such Act, and located adjacent to or within 2,500 feet of a highway on the National System of Interstate and Defense Highways or the Federal-aid primary system.".

(b) CONFORMING AMENDMENT.—Section 401(b) of such Act (21 U.S.C. 841(b)) is amended by striking "or 405B" each place it appears and inserting "405B, or 409".

(c) AMENDMENT TO TABLE OF CONTENTS.—The table of contents of the Comprehensive Drug Abuse Prevention and Control Act of 1970 is amended by inserting after the item relating to section 408 the following new item:

"Sec. 409. Transportation safety offenses.".

(d) SENTENCING COMMISSION GUIDELINES.—Pursuant to its authority under section 994 of title 28, United States Code, and section 21 of the Sentencing Act of 1987 (28 U.S.C. 994 note), the United States Sentencing Commission shall promulgate guidelines, or shall amend existing guidelines, to provide that a defendant convicted of violating section 409 of the Controlled Substances Act, as added by section 3, shall be assigned an offense level under chapter 2 of the sentencing guidelines that is—

(1) two levels greater than the level that would have been assigned for the underlying controlled substance offense; and

(2) in no event less than level 26.

(e) IMPLEMENTATION OF SUBSECTION (d).—If the sentencing guidelines are amended after the effective date of this section, the Sentencing Commission shall implement the instruction set forth in subsection (d) so as to achieve a comparable result.

(f) OFFENSES WHICH COULD BE SUBJECT TO MULTIPLE ENHANCEMENTS.—The guidelines referred to in subsection (e), as promulgated or amended under such subsection, shall provide that an offense that could be subject to multiple enhancements pursuant to such subsection is subject to not more than one such enhancement.

The CHAIRMAN. Under the rule, the gentleman from Tennessee [Mr. CLEMENT] will be recognized for 5 minutes, and a Member opposed thereto will be recognized for 5 minutes.

Mr. BROOKS. Mr. Chairman, I am opposed to amendment, and I rise in opposition.

The CHAIRMAN. The gentleman from Tennessee [Mr. CLEMENT] will be recognized for 5 minutes, and the gentleman from Texas [Mr. BROOKS] will be recognized for 5 minutes.

The Chair recognizes the gentleman from Tennessee [Mr. CLEMENT].

Mr. CLEMENT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the drug-free truck stop amendment establishes drug-free zones around truck stops and highway rest areas, and it mandates for the first time minimum penalties and increases maximum penalties for distribution or possession with intent to distribute illegal drugs at or within 1,000 feet of truck stops and rest areas.

Under current law, for example, no minimum penalties exist for conviction of selling cocaine. However, this amendment will set a minimum jail term of 1 year, and a maximum, for a first-time conviction of selling or possessing with intent to distribute cocaine.

For subsequent convictions for distributing illegal drugs at or within 1,000 feet of truck stops or rest areas, the amendment also doubles and trebles existing penalties.

Mr. Chairman, I think all of us know that drug use is at an epidemic proportion at the present time.

Mr. Chairman, I remember as a small child traveling with my father and my family to truck stops and rest areas. People will not do that anymore; they will not stop at truck stops and many rest areas in this country because of the concern that people have about their safety and that of their families.

I think the time has come when we have areas such as truck stops and rest areas where we are going to have to set some true examples. Let me just say to you that in 1988, the Department of Transportation conducted an extensive study which showed at least 10 percent of our Nation's 8 million truck drivers using drugs on a regular basis. We do not know how many drivers of passenger vehicles use drugs, but there are undoubtedly many.

The source of many of these drugs used on our highways are truck stops and rest areas which become convenient marketplaces for selling and distributing drugs. The drug-free truck stop zone amendment would amend the Controlled Substances Act in a fashion similar to that which was done for our Nation's schools.

Like the Drug-Free Schools Act of 1986, the amendment would target a specific area where drug trafficking and drug use are a particularly serious threat to public safety. Truck stops are small self-contained communities where people do stop to rest, to eat, to sleep, and shower.

Responsible truck drivers are not going to fall into the trap of taking drugs in these areas, but we know that it happens today. In fact, two sting operations at truck stops by the California attorney general, there 180 people were arrested for selling drugs. Of them, only 40 were truckers. The rest were drivers and passengers of private automobiles.

Mr. Chairman, I myself participated in an undercover sting operation in February 1990, at a truck stop in Nashville, TN. I witnessed firsthand a variety of drug-related criminal activity, including the use of code words over the CB radio to indicate where drugs could be purchased.

Mr. Chairman, I was encouraged, though, to hear a reference to my legislation which I introduced, the Drug-Free Truck Stop and Rest Area Amendment, over the CB radio during the sting operation that I participated in.

A trucker was heard to say to two other truckers engaged in negotiating a drug purchase, "You guys better be careful; a Congressman is pushing a law to put us in jail for a long time for drug deals, and he is not fooling around." This illustrates that stiffer penalties will send the right kind of message to those engaged in drug-related activities on our Nation's highways.

Fortunately, the trucking and truck stop industries have responded to this crisis by instituting educational programs, and I commend them.

We have a number of different organizations and associations that are supporting this legislation, such as the National Association of Truck Stop Operators, the American Trucking Association, the National Private Truck Council, the Owner-Operated Independent Drivers Association, the Professional Truck Drivers Institute of America.

This particular piece of legislation has already passed the other body. It is now pending in this House. It passed the House in the last session but was taken out by the conference committee. It is a good piece of legislation.

Congressman FRENCH SLAUGHTER of Virginia has been very helpful and very instrumental in pushing this legislation.

When we talk about drug-free truck stops and rest areas, it is time to take action and it is time to target those areas where much trafficking in drugs is taking place.

☐ 1500

Mr. BROOKS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the amendment offered by the gentleman from Tennessee would revise current laws on the distribution of controlled substances by imposing substantially greater penalties for violations of such laws that occur in or within 1,000 feet of a truck stop or safey rest area.

While I strongly support the apparent objective of this proposal—to enhance safety on our Nations highways—I must point out that I have certain reservations.

First, I have doubts as to whether it is possible to define precisely just exactly what a truck stop or rest area is for the purposes of enforcing a criminal statute.

Second, the enactment and enforcement of laws governing illegal drugs traditionally has been a State and local government function. This amendment certainly would not be the first time Congress has federalized drug law. However, if this trend continues, it will soon become impossible to maintain any sort of logical and rational allocation of law enforcement functions and responsibilities among the three levels of government.

In addition, we run the risk of enacting legislation that exceeds the enforcement capabilities of the Federal criminal justice system.

Therefore, Mr. Chairman despite my appreciation of the good intentions behind the amendment by the gentleman from Tennessee, I must oppose it.

Mr. PACKARD. Mr. Chairman, I rise in support of the amendment offered by my colleague, Congressman CLEMENT. His amendment to the crime bill seeks to remedy an alarming trend which directly threatens motorists traveling on our Interstate System. Our truck stops, and highway rest areas have become rendezvous points for illegal activities of all sorts. Mr. CLEMENT's amendment would establish drug-free zones at these areas along our highways: Truck stops, highway rest areas, and the areas within 1,000 ft. of them.

Now, a drug-free zone may sound like lip service, but this amendment has teeth. It establishes minimum penalties and increases maximum penalties for offenses involving the distribution of illegal drugs, or possession with intent to distribute these drugs. This accomplishes two things: it creates an effective enforcement structure to punish this type of criminal activity, and it sends a clear signal that this type of behavior will not be tolerated in these areas which are designed to provide drivers with a safe, clean place where they can rest.

In general, drug traffic is a threat to the safety and well being of this Nation. In particular, this type of drug traffic has become a source of great concern in the 43d District of California. The Aliso Creek rest stops on Interstate 5 in Oceanside are plagued by illegal alien smugglers, drug users, and pushers, as well as peddlers of stolen property. Instead of providing drivers with a place to rest and refresh themselves, the Aliso Creek rest stops have become nests of criminal activity.

I believe that this problem is widespread throughout the Nation and that these criminals prey upon tired motorists and threaten their safety. Congressman CLEMENT's amendment addresses this problem head-on. Those convicted of distribution or possession with intent to distribute illegal drugs would be sentenced to a mandatory 1 year in prison for a first offense, and 3 years for a second or subsequent offense. Also, by doubling the maximum penalties set forth in existing law for a first offense, and triple those in existing law for a second offense, this amendment sends a clear signal to habitual drug traffickers. The amendment would also bar the granting of probation for a suspended sentence for person convicted of a second offense. I think it is important that we harshly punish those who habitually threaten the safety of the traveling public. I urge my colleagues to support this amendment.

Mr. MINETA. Mr. Chairman, I rise in support of the amendment offered by the gentleman from Tennessee.

I would like to commend him for his leadership and commitment to establishing drug-free zones at truck stops and highway rest stops. Drug dealing in these areas will not be tolerated and must be stopped.

This amendment will help us continue the battle against the drug-impaired driver on our Nation's highways. While the rate of traffic fatalities has been declining over the past several years, the total number of highway deaths has been steadily climbing since 1982. If trends continue, more than 500,000 Americans will lose their lives on highways nationwide.

It is equally important to make these rest areas safe for drivers. Crimes around these areas have increased dramatically during the last decade. All over the country, law enforcement officials are citing increases in incidents at highway truck stops and rest areas.

In my home State of California, the State Department of Transportation was forced to shut down many of their highway rest stops due to escalating drug dealing and related crimes.

By establishing minimum penalties for the distribution of illegal drugs at truck and rest stops, we will begin to reclaim these facilities and give them back to the public.

I thank the gentleman for his effort and I urge the support of his amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Tennessee [Mr. CLEMENT].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. CLEMENT. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 371, noes 48, not voting 14, as follows:

[Roll No. 323]

AYES—371

Abercrombie
Alexander
Allard
Anderson
Andrews (NJ)
Andrews (TX)
Annunzio
Anthony
Applegate
Archer
Armey
Aspin
Atkins
AuCoin
Bacchus
Ballenger
Barnard
Barrett
Barton
Bateman
Bennett
Bentley
Bereuter
Berman
Bevill
Bilbray
Bliley
Boehlert
Boehner
Bonior
Borski
Boucher
Boxer
Brewster
Broomfield
Browder
Brown
Bruce
Bryant
Bunning
Burton
Bustamante
Byron
Camp
Campbell (CA)
Campbell (CO)
Cardin
Carper
Carr
Chapman
Clement
Clinger
Coble
Coleman (MO)
Coleman (TX)
Combest
Condit
Cooper
Costello
Coughlin
Cox (CA)
Cox (IL)
Cramer
Crane
Cunningham
Dannemeyer
Darden
Davis
de la Garza
DeFazio
DeLauro
DeLay
Derrick
Dickinson
Dicks
Dingell
Donnelly
Dooley
Doolittle
Dorgan (ND)
Dornan (CA)
Downey
Dreier
Duncan
Durbin
Dwyer
Eckart
Edwards (OK)
Edwards (TX)
Emerson
Engel
English
Erdreich
Evans
Ewing
Fawell
Feighan
Fish
Flake
Foglietta
Frank (MA)
Franks (CT)
Frost
Gallegly
Gallo
Gaydos
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Goodling
Gordon
Goss
Gradison
Grandy
Green
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Hancock
Hansen
Harris
Hastert
Hatcher
Hayes (LA)
Hefley
Hefner
Henry
Herger
Hertel
Hoagland
Hobson
Hochbrueckner
Holloway
Horn
Horton
Houghton
Hoyer
Hubbard
Huckaby
Hunter
Hutto
Hyde
Inhofe
Ireland
James
Jefferson
Jenkins
Johnson (CT)
Johnson (SD)
Johnson (TX)
Johnston
Jones (GA)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kleczka
Klug
Kolbe
Kolter
Kostmayer
Kyl
Lagomarsino
Lancaster
Lantos
LaRocco
Laughlin
Leach
Lehman (CA)
Lent
Levin (MI)
Levine (CA)
Lewis (CA)
Lewis (FL)
Lightfoot
Lipinski
Livingston
Lloyd
Long
Lowery (CA)
Lowey (NY)
Luken
Machtley
Manton
Markey
Marlenee
Martin
Martinez
Matsui
Mavroules
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDade
McEwen
McGrath
McMillan (NC)
McMillen (MD)
McNulty
Meyers
Mfume
Michel
Miller (CA)
Miller (OH)
Miller (WA)
Mineta
Mink
Moakley
Molinari
Mollohan
Montgomery
Moody
Moran
Morella
Morrison
Murphy
Murtha
Myers
Nagle
Natcher
Neal (MA)
Neal (NC)
Nichols
Nowak
Nussle
Oakar
Oberstar
Obey
Olver
Ortiz
Orton
Owens (NY)
Owens (UT)
Oxley
Packard
Pallone
Panetta
Parker
Pastor
Patterson
Paxon
Payne (VA)
Pease
Perkins
Peterson (FL)
Peterson (MN)
Petri
Pickett
Porter
Poshard
Price
Pursell
Quillen
Rahall
Ramstad
Rangel
Ravenel
Ray
Reed
Regula
Rhodes
Richardson
Ridge
Riggs
Rinaldo
Ritter
Roberts
Roe
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Rostenkowski
Roth
Roukema
Rowland
Russo
Sangmeister
Santorum
Sarpalius
Sawyer
Saxton
Schaefer
Schiff
Schroeder
Schulze
Sensenbrenner
Sharp
Shaw
Shays
Shuster
Sikorski
Sisisky
Skeen
Skelton
Slattery
Slaughter (NY)
Smith (FL)
Smith (IA)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solarz
Solomon
Spence
Spratt
Staggers
Stallings
Stark
Stearns
Stenholm
Studds
Stump
Sundquist
Swett
Swift
Tallon
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (GA)
Thomas (WY)
Thornton
Torres
Torricelli
Traficant
Traxler
Upton
Valentine
Vander Jagt
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Weber
Weldon
Whitten
Williams
Wilson
Wise
Wolf
Wolpe
Wyden
Wylie
Yatron
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—48

Ackerman
Andrews (ME)
Beilenson
Brooks
Clay
Collins (MI)
Conyers
Coyne
Dixon
Dymally
Early
Edwards (CA)
Fascell
Fazio
Ford (MI)
Gonzalez
Hayes (IL)
Hughes
Jacobs
Kopetski
LaFalce
Lehman (FL)
Lewis (GA)
McDermott
McHugh
Olin
Payne (NJ)
Pelosi
Penny
Pickle
Roybal
Sabo
Sanders
Savage
Scheuer
Schumer
Serrano
Skaggs
Stokes
Synar
Towns
Unsoeld
Vento
Washington
Waxman
Weiss
Wheat
Yates

NOT VOTING—14

Baker
Bilirakis
Callahan
Chandler
Collins (IL)
Dellums
Espy
Fields
Ford (TN)
Hopkins
Moorhead
Mrazek
Slaughter (VA)
Waters

☐ 1525

Mr. PAYNE of New Jersey and Mr. McDERMOTT changed their vote from "aye" to "no."

Mr. BEREUTER changed his vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN. Under the rule, the amendment designated as No. 17 in the report accompanying the bill is now made in order.

AMENDMENT OFFERED BY MR. HYDE

Mr. HYDE. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. HYDE: Page 215, strike line 14 and all that follows through line 8 on page 216.

The CHAIRMAN. Under the rule, the gentleman from Illinois [Mr. HYDE] is recognized for 10 minutes in support of his amendment, and a Member opposed to the amendment will be recognized for 10 minutes.

Mr. BERMAN. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from California [Mr. BERMAN] will control the 10 minutes in opposition.

The Chair recognizes the gentleman from Illinois [Mr. HYDE].

Mr. HYDE. Mr. Chairman, I am pleased to yield 4 minutes to the gentleman from Alabama [Mr. HARRIS].

Mr. HARRIS. Mr. Chairman, I rise in support of the Hyde Amendment to delete the Berman provision from the committee bill. That provision, which should be deleted, would make *Batson* v. *Kentucky*, 476 U.S. 79 (1986), fully and completely retroactive in every capital case, even those that were tried a decade or more ago.

The Berman provision is not about racial discrimination, nor is it a civil rights provision. Instead, it is an anticapital punishment provision. That is why it applies only to capital cases, and that is why it would only invalidate the capital sentence and not the underlying conviction. The Berman provision is an anticapital punishment provision parading as an antidiscrimination measure.

The Berman provision, which the Hyde amendment would delete, would invalidate a huge number of the capital sentences in this country. It would have that effect not because racial discrimination was practiced in jury selection at the trial of those cases, but because it is literally impossible for a prosecutor to go back years and years after the fact and describe in satisfactory detail the reasons why he struck from a particular jury certain venire members and not others. Many of our prosecutors try scores of cases each year, and it is impossible for them to recall as much as a decade later the reasoning behind each jury strike in any particular case.

Let me give you an example of how the Berman provision would apply and why it should be deleted. In April 1982, I presided over the trial of a defendant who was found guilty of robbing and murdering an elderly lady just a few months after he had been released on parole from an earlier murder sentence. The defendant in that case was white, and the victim was white. I am sure that the prosecutor struck some black venire members, just as I am sure that he struck an even larger number of white venire members, given the population of Tuscaloosa County. Under the Berman provision, the decision in *Powers* v. *Ohio*, 111 S.Ct. 1364 (1991), would apply to require that the prosecutor explain race-neutral reasons for striking any and all blacks from that jury 9 years ago. I am certain that the prosecutor cannot do that, and it is not because he did not have race-neutral reasons at the time. Instead, I am certain that he cannot explain his strikes now, because it has been 9½ years, and at the time he had no cause to preserve in writing the reasons for each of his strikes.

The net result of the Berman provision will be that that white murderer, who murdered an elderly lady while out on parole from a prior murder sentence, will again escape the sentence which a fairly chosen jury recommended and which I imposed more than 9 years ago. That is not justice.

Ironically, the Berman amendment will work to benefit white murderers who are on death-row because of racist violence committed against black victims. For example, one of our deathrow inmates in Alabama is a Ku Klux Klansman who stabbed and lynched an innocent young black man solely because he was black. Under the Berman provision, coupled with the Powers versus Ohio decision, the racist-murderer in that case will be able to have his death sentence set aside unless the prosecutor can explain 8 years after the fact why he struck any blacks from that jury.

Of course, the prosecutor in that Klan case will not be able to explain any such strikes, because it never occurred to him 8 years ago that he would ever have to explain his strikes. The defendent never raised the issue, but under the Berman provision that does not matter. Thus, the Berman provision will result in a Klan murderer escaping the death sentence for the race-motivated lynching of a black man. That is not justice.

I urge you to vote for justice. I urge you to vote for the Hyde amendment to delete the Berman provision from the committee bill.

□ 1530

Mr. BERMAN. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, I tell my colleagues most sincerely that my friend from Alabama is incorrect with respect to my motives. This is not about one's position on capital punishment. This is about conscious and intentional race discrimination in the selection of a jury panel in capital cases.

Since the passage of the 14th amendment to the Constitution, intentional racial discrimination has been prohibited. But we know, everyone who has followed the criminal courts' history in this country knows that black defendants have sometimes been denied equal protection of our laws because prosecutors exercise preemptory challenges to intentionally strike black jurors on the basis of race, solely for the reason of their race.

In 1986 the U.S. Supreme Court held 7 to 2 that it is unconstitutional for prosecutors to do so. This amendment that the gentleman from Illinois [Mr. HYDE] seeks to strike is about whether we should now execute people who were convicted and sentenced to death simply because in the context of a jury that was composed where the prosecutor purposefully and intentionally challenged, using his preemptory challenges, African-American jurors from the juror panel.

I find it just unconscionable and unthinkable that in a humane society that respects constitutional order and understands the gravity of this sentence, the death penalty, that we would tolerate such a thing.

This amendment, the underlying amendment that is in the bill that the gentleman from Illinois seeks to strike only gives a 1-year statute of limitations. It leaves the burden of proof on the petitioner, the defendant, to establish that in fact jurors were challenged and removed from the jury solely because of race.

It only applies not to the underlying conviction but only to the execution, and it is in the context of a Supreme Court that has decided this issue already but has held that it would not be applied retroactively.

Records, voir dire examination, transcripts in capital cases are kept. It is a red herring to talk about loss of records or absence of records in capital cases. That is not the problem. And if it is the problem, the petitioner still has the burden of demonstrating the burden of proof in this case.

For heaven's sake, let us not accept the validity of a Supreme Court decision, which I know my friend from Illinois does, and then say we are now going to execute people, sentence people when they were sentenced to death by a jury which was chosen in an intentionally racially discriminatory fashion.

Mr. Chairman, I reserve the balance of my time.

Mr. HYDE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, section 1958 of H.R. 3371, as amended, which is the Berman proposal, is an extreme and far-reaching measure which would give every inmate on death row a free chance to challenge his sentence. It will allow convicted murderers whose guilt is not in question to raise a claim regarding the exclusion of jurors on the basis of race, even though such a claim has never before been presented to any court hearing his case. This is simply an anti-death-penalty provision masquerading as civil rights legislation.

At a minimum, over half of those currently on death row, and that is 1,225 of the most heinous criminals in America, will be given a new opportunity to challenge their sentence under this provision.

In 1986, in Batson versus Kentucky, the Supreme Court reaffirmed the principle that the equal protection clause prohibits a State from denying minority participation on juries on account of the race of the juror. In keeping with this principle in Batson, the Court held that a prosecutor may not use preemptory challenges to strike jurors on account of their race.

Not only did this rule serve to protect the defendant, but it also protected the rights of minorities to serve as jurors as well as the need to maintain public confidence in the fairness of our justice system.

A short 3 weeks later, in the Allen versus Hardy, the same Supreme Court said that the rule announced in the Batson case should not be applied retroactively. In support of its decision, the Court found that the rule announced in Batson lacked such fundamental impact on the integrity of fact-finding as to compel retroactive application.

In addition, the Court noted there were already protective procedures in place which created a high probability that the individual jurors seated in a particular case were free from bias.

Most importantly, the Court emphasized that retroactive application of Batson would seriously disrupt the administration of justice. The Court said retroactive application would require trial courts to hold hearings years after the conviction became final to determine whether the defendant's proof concerning the prosecutor's exercise of challenges established a prima facie case of discrimination. It would be impossible in virtually every case since the prosecutor would have no reason to think that such an explanation would be someday necessary, and not retain his trial notes.

In short, my colleagues, the cost of retroactivity to the administration of justice would be extreme because a prosecutor could rarely, if ever, recall and explain why he struck particular jurors in a particular case, if the issue was raised for the first time years after the trial.

Do not be misled. It is extraordinarily easy for a defendant to prove a prima facie case of discrimination. Section 1958, as amended, just restates current law under which all a death row inmate needs to do is allege that one or two jurors of a particular race were excused by the prosecutor.

Now, proponents of 1958 have argued that its purpose is to protect minorities from racial discrimination. I point out that section 1958 is not limited to offenders of any particular racial group. Under the Supreme Court's recent decision in Powers versus Ohio, white offenders will be able to raise a challenge alleging that minorities were excluded from their juries that convicted them, even though such a claim did not exist at the time of their trial.

Now, the Berman amendment, which is section 1958 of the bill, is an extreme proposal. It does not simply allow defendants whose convictions became final prior to 1986 to raise a new claim concerning race bias in the selection of jurors. It entitles death row inmates whose convictions became final after 1986, who have raised a Batson claim, but sat on their hands silently through their trial, their direct appeal, their habeas corpus and their Federal habeas corpus, now to challenge the validity of their sentence.

If these prisoners had a meritorious Batson claim, surely they would have raised it at some point in the process. That is why this proposal will lead to frivolous litigation.

We are asking the prosecutors to ransack their notes from 9, 10 years before to find out reasons why they excused a juror. It cannot be done.

What if the prosecutor is no longer in town? What if he has retired? What if he is dead? We are opening the door to set aside murder conviction after murder conviction after murder conviction by making Batson versus Kentucky retroactive from 1986.

The Supreme Court said, do not do it, in Allen versus Hardy. That was why. That is a good decision.

I hope that my colleagues will support my amendment and defeat the Berman amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. BERMAN. Mr. Chairman, I yield 3 minutes to the gentleman from Florida [Mr. JAMES].

Mr. JAMES. Mr. Chairman, I oppose the amendment offered by my good friend, the gentleman from Illinois, [Mr. HYDE], on the grounds of fairness.

The Supreme Court has said that it is unconstitutional for a prosecutor to strike all the blacks—or nearly all the blacks—from a death penalty jury.

A "yes" vote on this amendment is a vote to send to their deaths prisoners whose sentence is unconstitutional.

We can paraphrase the argument in favor of Mr. HYDE'S amendment like this: There was no intentional harm when the States used an unconstitutional process to sentence men to death before April 1986, because they didn't know it was unconstitutional.

I can understand that logic, but I can't swallow it. Not in a capital case. Not where the issue was whether to impose the death sentence.

I support the death penalty, but I can't say to a group of defendants convicted before April 1986, on one hand your method of sentencing was unconstitutional, but on the other hand, we're going to execute you anyway.

The committee bill will create administrative problems; but, when it comes to imposing the death penalty, we should deal with administrative problems rather than send men to death in a process the Supreme Court has found to be unconstitutional.

□ 1540

Mr. BERMAN. Mr. Chairman, I yield 2 minutes to the gentleman from Texas [Mr. WASHINGTON].

Mr. WASHINGTON. Mr. Chairman, I realize that consistency is the hobgoblin of little minds, but the author of this amendment is the very same person who was up debating the McCollum amendment and said he was in favor of fairness. Now fairness on this amendment means that a black defendant who on March 31, 1986, was convicted by an all white jury in which the prosecutor said "Yes, I struck all 15, I used all 15 of my preemptory strikes, Mr. HYDE, to strike black people off the jury, because by God, I did not want any on the jury," and that white jury went on to convict that defendant and give him the death penalty, under your amendment, even when they admit it, you go ahead and give the person the death penalty. You go ahead and execute them because there is no way out.

Sure, the Supreme Court decided 3 weeks later in Allen versus Hardy, but as a lawyer, does that not tell you something? First, the retroactivity in Batson was not an issue in Allen versus Hardy. How could it be when Allen versus Hardy was argued in December 1985, before Batson was decided? They took that case as an opportunity to decide the issue of retroactivity without briefing it, without having the lawyers argue it. They just had a vehicle to make a decision, and it was not going to retroactivity, which they have a right to do because they are the U.S. Supreme Court.

But we have the right to right or wrong. We have the opportunity of right or wrong. We are going to tell defendants it does not matter to me whether they are black or white because this applies, Batson versus Kentucky applies to black people as well as white.

Someone used the argument about the Ku Klux Klan man. I represented a Ku Klux Klan man once before in my private practice. It does not make any difference what color a person is. If their rights are denied, under our Constitution they ought to have a fair trial. And any person who calls himself a prosecutor ought to have the gumption to be able to give a person a fair trial before we lynch them, give them a fair trial before we lynch them, Mr. HYDE. Do not hide our hands in the dark of night and hang them and then say well, "We're sorry you didn't have a fair trial."

Mr. BERMAN. Mr. Chairman, I yield such time as he may consume to the gentleman from California [Mr. EDWARDS].

Mr. EDWARDS of California. Mr. Chairman, I rise in opposition to the amendment.

The provision of the gentleman from California is very simple, and very limited. It says that prisoners under sentence of death should not be executed if prosecutors at their trial intentionally engaged in racial discrimination by striking all African-Americans from the jury.

In 1986, the Supreme Court held in the Batson case that it was unconstitutional for prosecutors to do this. Should we let prisoners be executed simply because they were convicted before Batson? The provision of the gentleman from California says no, and I strongly agree.

This provision is limited in time. Defendants will only have 1 year to file a habeas corpus petition using these special rules.

It is limited in scope. Defendants may use this provision only to attack their sentences, not their convictions. The jailhouse doors will remain closed.

Where the issue was raised and decided on its merits, this provision says it may not be raised again. Only where the courts did not address the merits may the prisoner use this provision.

Finally, the burden of proving the intentional racial discrimination is on the petitioner, not the prosecution.

Where intentional racial discrimination has led to a death sentence, these special and very limited rules are appropriate. I hope we can all agree that any such sentence cannot and should not stand.

Vote no on the Hyde amendment.

Mr. BERMAN. Mr. Chairman, I yield 1 minute to the gentlewoman from the District of Columbia [Ms. NORTON].

Ms. NORTON. Mr. Chairman, while the death penalty divides Americans, virtually all can agree that no one should be executed until a fair claim of unconstitutional racial discrimination is heard. How can there be any serious argument for allowing the penalty of a death sentence when the proof is at hand to show that the prosecutor deliberately struck jurors because they were black, and how can this argument be made in the face of conclusive evidence that the death penalty is imposed with raw racism in many jurisdictions when the perpetrator is black and the victim is white?

Surely the fortuity of the timing of a Supreme Court decision that should always have been law should not condemn a person to death. This is one more opportunity to erase the racism that has survived the 1980's in the American criminal justice system.

Mr. Chairman, I urge my colleagues to oppose the Hyde amendment.

Mr. HYDE. Mr. Chairman, I yield myself my remaining 30 seconds.

Mr. Chairman, I listened to my friend from Texas. Not a word, not a breath about the victim or the victim's family. Let them bleed. Let them bleed 10 years after the conviction, but let us worry about the killer.

The Supreme Court said 3 weeks after Batson, retroactive application of Batson, "would seriously disrupt the administration of justice. Retroactive application would require trial courts to hold hearings, often years after the conviction became final, to determine whether the defendant's proof concerning the prosecutor's exercise," was discrimination.

Support the Hyde amendment; strike this from the bill.

Mr. BERMAN. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, Batson versus Kentucky did not say there have to be minorities on the jury. It did not say there have to be minorities on the veneer from which the jury is chosen. It did not go to the question of grand jury selection in this process. All it said was if you are found, Mr. Prosecutor, to have used your preemptory challenges to discriminate against a minority group, against blacks, based on race, that is unconstitutional.

The gentleman from Illinois [Mr. HYDE] talks about administration of justice. Allen versus Hardy doubled the retroactivity on all convictions on all crimes. We are talking here just simply about imposing the death sentence on someone who was convicted prior to the decision in Batson, and did not raise that claim because there was no such constitutional law holding at that particular time and giving that person and people who were represented by incompetent counsel afterward the opportunity to establish the burden of evidence.

I would suggest this is not too much to ask as we try to apply this very final sentence fairly.

Ms. PELOSI. I rise today in opposition to the amendment offered by Congressman HYDE of Illinois. The Hyde amendment would strike a provision in the bill that would allow African-Americans, tried before 1986, to file habeas corpus appeals on the basis of deliberate discrimination by prosecutors in the selection of juries—a practice that has been prohibited by the Supreme Court.

The Supreme Court in Batson versus Kentucky in 1986, held that it is unconstitutional for prosecutors to use peremptory challenges to exclude African-American jurors from serving on juries in cases where African-American defendants were on trial. However, in a later case, Allen versus Hardy in 1986, the Supreme Court held that defendants who were tried before the Batson decision would not be granted protection. Therefore, the Court, in effect, provided less constitutional protection for African-American defendants tried before 1986 than those tried after 1986.

Thanks to the efforts of Congressman BERMAN, a provision was included in H.R. 3371 which would give African-American defendants tried before the Batson case an opportunity to file habeas corpus petitions to demonstrate that intentional discrimination in the selection of jurors occurred.

This provision is extremely important to African-American inmates who face execution for crimes they may not have committed. It is also important as a matter of principle—that all Americans are entitled to protection against intentional discrimination on the part of prosecutors, not just those tried after 1986. Mr. HYDE's amendment would deny them that protection. I urge my colleagues to vote against the Hyde amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois [Mr. HYDE].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. HYDE. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 238, noes 180, answered "present" 2, not voting 13, as follows:

[Roll No. 324]

AYES—238

Allard
Andrews (TX)
Annunzio
Archer
Armey
Aspin
Bacchus
Ballenger
Barnard
Barrett
Barton
Bateman
Bentley
Bereuter
Bevill
Bilbray
Bliley
Boehlert
Boehner
Borski
Brewster
Broomfield
Browder
Brown
Bunning
Burton
Byron
Camp
Campbell (CA)
Campbell (CO)
Carper
Chandler
Chapman
Clement
Clinger
Coble
Coleman (MO)
Combest
Condit
Cooper
Coughlin
Cox (CA)
Cramer
Crane
Cunningham
Dannemeyer
Darden
Davis
de la Garza
DeLay
Dickinson
Dooley
Doolittle
Dornan (CA)
Dreier
Duncan
Edwards (OK)
Edwards (TX)
Emerson
English
Erdreich
Ewing
Fawell
Fields
Franks (CT)
Gallegly
Gallo
Gaydos
Gekas
Geren
Gilchrest
Gillmor
Gingrich
Glickman
Gonzalez
Gordon
Goss
Gradison
Grandy
Gunderson
Hall (TX)
Hammerschmidt
Hancock
Hansen
Harris
Hastert
Hatcher
Hayes (LA)
Hefley
Hefner
Henry
Herger
Hobson
Holloway
Houghton
Hubbard
Huckaby
Hunter
Hutto
Hyde
Inhofe
Ireland
Jenkins
Johnson (CT)
Johnson (TX)
Jones (NC)
Kanjorski
Kasich
Klug
Kolbe
Kolter
Kyl
Lagomarsino
Lancaster
LaRocco
Laughlin
Leach
Lehman (CA)
Lent
Lewis (CA)
Lewis (FL)
Lightfoot
Lipinski
Livingston
Lloyd
Lowery (CA)
Luken
Machtley
Marlenee
Martin
McCandless
McCollum
McCrery
McCurdy
McDade
McEwen
McGrath
McMillan (NC)
Meyers
Michel
Miller (OH)
Miller (WA)
Molinari
Montgomery
Moran
Morrison
Murphy
Murtha
Myers
Neal (NC)
Nichols
Nussle
Olin
Orton
Owens (UT)
Oxley
Packard
Panetta
Parker
Patterson
Paxon
Payne (VA)
Peterson (FL)
Petri
Pickett
Porter
Price
Pursell
Quillen
Ramstad
Ravenel
Ray
Regula
Rhodes
Richardson
Ridge
Riggs
Rinaldo
Ritter
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Rowland
Russo
Sangmeister
Santorum
Sarpalius
Saxton
Schaefer
Schiff
Schulze
Sensenbrenner
Shaw
Shuster
Sisisky
Skeen
Skelton
Smith (FL)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stallings
Stearns
Stenholm
Stump
Sundquist
Swett
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (GA)
Thomas (WY)
Torricelli
Upton
Valentine
Vander Jagt
Volkmer
Vucanovich
Walker
Walsh
Weber
Weldon
Wilson
Wolf
Wylie
Yatron
Young (AK)
Zeliff
Zimmer

NOES—180

Abercrombie
Ackerman
Alexander
Anderson
Andrews (ME)
Andrews (NJ)
Anthony
Applegate
Atkins
AuCoin
Beilenson
Bennett
Berman
Bonior
Boucher
Boxer
Bruce
Bryant
Bustamante
Cardin
Carr
Clay
Coleman (TX)
Collins (MI)
Conyers
Costello
Cox (IL)
Coyne
DeFazio
DeLauro
Derrick
Dicks
Dingell
Dixon
Donnelly
Dorgan (ND)
Downey
Durbin
Dwyer
Dymally
Early
Eckart
Edwards (CA)
Engel
Espy
Evans
Fascell
Fazio
Feighan
Fish
Flake
Foglietta
Ford (MI)
Frank (MA)
Frost
Gejdenson
Gephardt
Gibbons
Gilman
Green
Guarini
Hall (OH)
Hamilton
Hayes (IL)
Hertel
Hoagland
Hochbrueckner
Horn
Horton
Hoyer
Hughes
Jacobs
James
Jefferson
Johnson (SD)
Johnston
Jones (GA)
Jontz
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Kopetski
Kostmayer
LaFalce
Lantos
Lehman (FL)
Levin (MI)
Levine (CA)
Long
Lowey (NY)
Manton
Markey
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McDermott
McHugh
McMillen (MD)
McNulty
Mfume
Miller (CA)
Mineta
Mink
Moakley
Mollohan
Moody
Morella
Nagle
Natcher
Neal (MA)
Nowak
Oakar
Oberstar
Obey
Olver
Ortiz
Owens (NY)
Pallone
Pastor
Payne (NJ)
Pease
Pelosi
Penny
Perkins
Peterson (MN)
Pickle
Poshard
Rahall
Rangel
Reed
Roe
Rose
Rostenkowski
Roybal
Sabo
Sanders
Savage
Sawyer
Scheuer
Schroeder
Schumer
Serrano
Sharp
Shays
Sikorski
Skaggs
Slattery
Slaughter (NY)
Smith (IA)
Solarz
Spratt
Staggers
Stark
Stokes
Studds
Swift
Synar
Tallon
Thornton
Torres
Towns
Traficant
Traxler
Unsoeld
Vento
Visclosky
Washington
Waxman
Weiss
Wheat
Williams
Wise
Wolpe
Wyden
Yates
Young (FL)

ANSWERED "PRESENT"—2

Goodling
Whitten

NOT VOTING—13

Baker
Bilirakis
Brooks
Callahan
Collins (IL)
Dellums
Ford (TN)
Hopkins
Lewis (GA)
Moorhead
Mrazek
Slaughter (VA)
Waters

□ 1608

The Clerk announced the following pairs:

On this vote:

Mr. Baker for, with Mr. Dellums against.

Mr. Bilirakis for, with Ms. Waters against.

Mr. SIKORSKI and Mr. MARTINEZ changed their vote from "aye" to "no."

Messrs. ANNUNZIO, GLICKMAN, VOLKMER, and OWENS of Utah changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN. Under the rule, amendment No. 19 in the report accompanying the bill is now in order.

AMENDMENT OFFERED BY MR. GILMAN

Mr. GILMAN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. GILMAN: Page 126, after line 14, insert the following:

SEC. . Advertising.

Section 403 of the Controlled Substances Act (21 U.S.C. 843) is amended—

(1) by inserting after subsection (b) a new subsection (c) as follows:

"(c) It shall be unlawful for any person to knowingly print, publish, place, or otherwise cause to appear in any newspaper, magazine, handbill, or other publications, any written advertisement that has the purpose of seeking or offering illegally to receive, buy, or distribute a Schedule I controlled substance, as used in this section the term "advertisement" includes, in addition to its ordinary meaning, such advertisements as those for a catalog of Schedule I controlled substances and any similar written advertisement that has the purpose of seeking or offering illegally to receive, buy, or distribute a Schedule I controlled substance. The term "advertisement" does not include material which merely advocates the use of a similar material, which advocates a position or practice, and does not attempt to propose or facilitate an actual transaction in a Schedule I controlled substance."; and

(2) by redesignating subsections (c) and (d) as (d) and (e) respectively.

The CHAIRMAN. The gentleman from New York [Mr. GILMAN] will be recognized for 5 minutes, and a member in opposition will be recognized for 5 minutes.

The Chair recognizes the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Mr. Chairman, I ask unanimous consent to have my amendment modified.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

The CHAIRMAN. The Clerk will report the modification to the amendment offered by the gentleman from New York [Mr. GILMAN].

The Clerk read as follows:

Modification of amendment offered by Mr. GILMAN: In the matter proposed to be inserted, strike "knowingly" before "print," insert the phrase "knowing that it," after "advertisement," and strike the word, "that," in the following line.

The text of the amendment, as modified, is as follows:

Page 126, after line 14, insert the following:

SEC. . Advertising.

Section 403 of the Controlled Substances Act (21 U.S.C. 843) is amended—

(1) by inserting after subsection (b) a new subsection (c) as follows:

"(c) It shall be unlawful for any person to print, publish, place, or otherwise cause to appear in any newspaper, magazine, handbill, or other publications, any written advertisement knowing that it has the purpose of seeking or offering illegally to receive, buy, or distribute a Schedule I controlled substance, as used in this section the term "advertisement" includes, in addition to its ordinary meaning, such advertisements as those for a catalog of Schedule I controlled substances and any similar written advertisement that has the purpose of seeking or offering illegally to receive, buy, or distribute a Schedule I controlled substance. The term "advertisement" does not include material which merely advocates the use of a similiar material, which advocates a position or practice, and does not attempt to propose or facilitate an actual transaction in a Schedule I controlled substance."; and

(2) by redesignating subsections (c) and (d) as (d) and (e) respectively.

Mr. GILMAN. Mr. Chairman, my modification would delete the word "knowingly" before the word "print", and insert the phrase "knowing that it" before "has the purpose of seeking or offering illegally" in order to clarify any ambiguity that may exist in the original language.

The modification clarifies the intent of this amendment, stressing that it is a crime to place or publish an ad knowing that it advertises the illegal sale of controlled substances.

□ 1650

Mr. Chairman, I am pleased to offer this amendment to title 15, H.R. 3371, the Comprehensive Violent Crime Control Act of 1991.

Mr. Chairman, the American public still views drugs as the No. 1 problem facing our Nation today. This crime bill even in its present form, without this amendment, represents the Federal Legislature's commitment to fighting the scourge of drugs. However, I believe that my amendment would close a loophole in that law that allows drug peddlers to legally promote their trade.

Mr. Chairman, this amendment would make it illegal for anyone to print, publish or place, or otherwise cause to appear in any newspaper, magazine, handbill, or other publication, any written advertisement knowing that it has the purpose of seeking or offering illegally to receive, buy or distribute a schedule I controlled substance.

My colleagues may question if such advertisement actually occurs. I assure you that this type of advertising not only occurs, but it occurs with great frequency—in magazines, in newspapers, and trade papers across the United States.

Marijuana seeds have been advertised and sold by several mail order companies for the last 6 years—during which time the cultivation of domestic marijuana crops has doubled.

You need only open to the classified in any edition of High Times—sold at the local newsstand—to read an ad such as this, and I quote, "Copenhagen marijuana seed catalog. Guaranteed untraceable 3½ weeks delivery. Send self-addressed stamped envelope to * * *" or "Quit paying high Dutch prices for strains started in Northern California. The Novelty Seed Companies. Hidden Valley and Sinsemilla Farms: Now together under one free catalog, new private discreet way to order."

And the advertisements do not stop there. Another ad touts, "Peyotea * * * packaged and ready for use. Each order includes: one peyote button, * * * and enough Peyotea for seven people." In Popular Science's May 1990 edition, a classified appeared that read, "'Rock' methamphetamine recipe. For five pounds. Proven reliable. Includes chemical names, formulas, times, amounts, temperatures and techniques * * *"

In *Pittsburgh Press* v. *Pittsburgh Commission on Human Relations*, 93 S. Ct. 2553 (1973), the Supreme Court upheld an ordinance which prohibited newspapers from carrying sex designated advertising columns. The Court ruled that "a newspaper constitutionally could be forbidden to publish a want ad proposing a sale of narcotics or soliciting prostitutes." They ruled that is not only commercial activity, but illegal commercial activity.

I have examples of these advertisements here for my colleagues to view. And these catalogs are what you get when you answer some of these ads—state of the art, hybrid strains of hashish and growing tips for successful cultivation.

Mr. Chairman, my amendment would clearly and simply eliminate this type of advertising which so directly adds to the proliferation of drug labs and marijuana farms in our Nation.

On a final note, Mr. Chairman, my colleagues may be interested to learn that this measure is supported by both the DEA and ACLU. I urge my colleagues to vote in favor of this necessary measure.

The CHAIRMAN. No Member having claimed time in opposition on this amendment, all time has expired.

The question is on the amendment, as modified offered by the gentleman from New York [Mr. GILMAN].

The amendment, as modified, was agreed to.

The CHAIRMAN. Under the rule, the amendment next in order for consideration is amendment No. 20, to be offered by the gentleman from Oklahoma.

AMENDMENT OFFERED BY MR. MC CURDY

Mr. MCCURDY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. MCCURDY: Page 96, after line 14, insert the following new subtitle:

Subtitle F. Police Corps and Law Enforcement Training and Education

SEC. 1251. POLICE CORPS AND LAW ENFORCEMENT TRAINING AND EDUCATION.

(a) IN GENERAL.—Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.) as amended by section 1821 of this Act, is amended—

(1) by redesignating part X as part Y;

(2) by redesignating section 2401 as section 2501; and

(3) by inserting after part W the following:

"PART X—POLICE CORPS AND LAW ENFORCEMENT TRAINING AND EDUCATION

"SEC. 2401. ESTABLISHMENT OF OFFICE OF THE POLICE AND LAW ENFORCEMENT EDUCATION.

"(a) ESTABLISHMENT.—There is established in the Department of Justice, under the general authority of the Attorney General, an Office of the Police Corps and Law Enforcement Education.

"(b) APPOINTMENT OF DIRECTOR.—The Office of the Police Corps and Law Enforcement Education shall be headed by a Director (referred to in this Act as the "Director") who shall be appointed by the President, by and with the advice and consent of the Senate.

"(c) RESPONSIBILITIES OF DIRECTOR.—The Director shall be responsible for the administration of the Police Corps program established under this part and shall have authority to promulgate regulations to implement this part.

"SEC. 2402. DESIGNATION OF LEAD AGENCY AND SUBMISSION OF STATE PLAN.

"(a) LEAD AGENCY.—A State that desires to participate in the Police Corps program under this part shall designate a lead agency that will be responsible for—

"(1) submitting to the Director a State plan described in subsection (b); and

"(2) administering the program in the State.

"(b) STATE PLANS.—A State plan shall—

"(1) contain assurances that the lead agency shall work in cooperation with the local law enforcement liaisons, representatives of police labor organizations and police management organizations, and other appropriate State and local agencies to develop and implement interagency agreements designed to carry out the program;

"(2) contain assurances that the State shall advertise the assistance available under this part; and

"(3) contain assurances that the State shall screen and select law enforcement personnel for participation in the program.

"SEC. 2403. DEFINITIONS.

"For the purposes of this part—

"(1) the term "academic year" means a traditional academic year beginning in August or September and ending in the following May or June;

"(2) the term "dependent child" means a natural or adopted child or stepchild of a law enforcement officer who at the time of the officer's death—

"(A) Was no more than 21 years old; or

"(B) if older than 21 years, was in fact dependent on the child's parents for at least one-half of the child's support (excluding educational expenses), as determined by the Director;

"(3) the term "educational expenses" means expenses that are directly attributable to—

"(A) a course of education leading to the award of the baccalaureate degree; or

"(B) a course of graduate study following award of baccalaureate degree, including the cost of tuition, fees, books, supplies, transportation, room and board and miscellaneous expenses;

"(4) the term "participant" means a participant in the Police Corps program selected pursuant to section 2408;

"(5) the term "State" means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, and the Commonwealth of the Northern Mariana Islands; and

"(6) the term "State Police Corps program" means a State police corps program approved under section 2408

"SEC. 2404. SCHOLARSHIP ASSISTANCE.

"(a) SCHOLARSHIP AUTHORIZED.—(1) The Director is authorized to award scholarships to participants who agree to work in a State or local police force in accordance with agreements entered into pursuant to subsection (d).

"(2)(A) Except as provided in subparagraph (B) each scholarship payment made under this section for each academic year shall not exceed—

"(i) $10,000; or

"(ii) the cost of the educational expenses related to attending an institution of higher education.

"(B) In the case of a participant who is pursuing a course of educational study during substantially an entire calendar year, the amount of scholarship payments made during such year shall not exceed $13,333.

"(C) The total amount of scholarship assistance received by any one student under this section shall not exceed $40,000.

"(3) Recipients of scholarship assistance under this section shall continue to receive such scholarship payments only during such periods as the Director finds that the recipient is maintaining satisfactory progress as determined by the institution of higher education the recipient is attending.

"(4)(A) The Director shall make scholarship payments under this section directly to the institution of higher education that the student is attending.

"(B) Each institution of higher education receiving a payment on behalf of a participant pursuant to subparagraph (A) shall remit to such student any funds in excess of the costs of tuition, fees, and room and board payable to the institution.

"(b) REIMBURSEMENT AUTHORIZED.—(1) The Director is authorized to make payments to a participant to reimburse such participant for the costs of educational expenses if such student agrees to work in a State or local police force in accordance with the agreement entered into pursuant to subsection (d).

"(2)(A) Each payment made pursuant to paragraph (1) for each academic year of study shall not exceed—

"(i) $10,000; or

"(ii) the cost of educational expenses related to attending an institution of higher education.

"(B) In the case of a participant who is pursuing a course of educational study during substantially an entire calendar year, the amount of scholarship payments made during such year shall not exceed $13,333.

"(C) The total amount of payments made pursuant to subparagraph (A) to any one student shall not exceed $40,000.

"(c) USE OF SCHOLARSHIP.—Scholarships awarded under this subsection shall only be used to attend a 4-year institution of higher education.

"(d) AGREEMENT.—(1) Each participant receiving a scholarship or a payment under this section shall enter into an agreement with the Director. Each such agreement shall contain assurances that the participant shall—

"(A) after successful completion of a baccalaureate program and training as prescribed in section 2406, work for 4 years in a State or local police force without there having arisen sufficient cause for the participant's dismissal under the rules applicable to members of the police force of which the participant is a member;

"(B) complete satisfactorily—

"(i) an educational course of study and receipt of a baccalaureate degree (in the case of undergraduate study) or the reward of credit to the participant for having completed one or more graduate courses (in the case of graduate study);

"(ii) Police Corps training and certification by the Director that the participant has met such performance standards as may be established pursuant to section 2406; and

"(C) repay all of the scholarship or payment received plus interest at the rate of 10 percent in the event that the conditions of subparagraphs (A) and (B) are not complied with.

"(2)(A) A recipient of a scholarship or payment under this section shall not be considered in violation of the agreement entered into pursuant to paragraph (1) if the recipient—

"(i) dies; or

"(ii) becomes permanently and totally disabled as established by the sworn affidavit of a qualified physician.

"(B) In the event that a scholarship recipient is unable to comply with the repayment provision set forth in subparagraph (B) of paragraph (1) because of a physical or emotional disability or for good cause as determined by the Director, the Director may substitute community service in a form prescribed by the Director for the required repayment.

"(C) The Director shall expeditiously seek repayment from participants who violate the agreement described in paragraph (1).

"(e) DEPENDENT CHILD.—A dependent child of a law enforcement officer—

"(1) who is a member of a State or local police force or is a Federal criminal investigator or uniformed police officer,

"(2) who is not a participant in the Police Corps program, but

"(3) who serves in a State for which the Director has approved a Police Corps plan, and

"(4) who is killed in the course of performing police duties,

"shall be entitled to the scholarship assistance authorized in this section. Such dependent child shall not incur any repayment obligation in exchange for the scholarship assistance provided in this section.

"(f) GROSS INCOME.—For purposes of section 61 of the Internal Revenue Code of 1986, a participant's or dependent child's gross income shall not include any amount paid as scholarship assistance under this section or as a stipend under section 2406.

"(g) APPLICATION.—Each participant desiring a scholarship or payment under this section shall submit an application as prescribed by the Director in such manner and accompanied by such information as the Director may reasonably require.

"(h) DEFINITION.—For the purposes of this section the term "institution of higher education" has the meaning given that term in the first sentence of section 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a)).

"SEC. 2405. SELECTION OF PARTICIPANTS.

"(A) IN GENERAL.—Participants in State Police Corps programs shall be selected on a competitive basis by each State under regulations prescribed by the Director.

"(b) SELECTION CRITERIA AND QUALIFICATIONS.—(1) In order to participate in a State Police Corps program, a participant must—

"(A) be a citizen of the United States or an alien lawfully admitted for permanent residence in the United States;

"(B) meet the requirements for admission as a trainee of the State or local police force to which the participant will be assigned pursuant to section 2407, including achievement of satisfactory scores on any applicable examination, except that failure to meet the age requirement for a trainee of the State or local police shall not disqualify the applicant if the applicant will be of sufficient age upon completing an undergraduate course of study;

"(C) possess the necessary mental and physical capabilities and emotional characteristics to discharge effectively the duties of a law enforcement officer;

"(D) be of good character and demonstrate sincere motivation and dedication to law enforcement and public service;

"(E) in the case of an undergraduate, agree in writing that the participant will complete an educational course of study leading to the award of a baccalaureate degree and will then accept an appointment and complete 4 years of service as an officer in the State police or in a local police department within the State;

"(F) in the case of a participant desiring to undertake or continue graduate study, agree in writing that the participant will accept an appointment and complete 4 years of service as an officer in the State police or in a local police department within the State before undertaking or continuing graduate study;

"(G) contract, with the consent of the participant's parent or guardian if the participant is a minor, to serve for 4 years as an officer in the State police or in a local police department, if an appointment is offered; and

"(H) except as provided in paragraph (2), be without previous law enforcement experience.

"(2)(A) Until the date that is 5 years after the date of enactment of this part, up to 10 percent of the applicants accepted into the Police Corps program may be persons who——

"(i) have had some law enforcement experience; and

"(ii) have demonstrated special leadership potential and dedication to law enforcement.

"(B)(i) The prior of law enforcement of a participant selected pursuant to subparagraph (A) shall not be counted toward satisfaction of the participant's 4-year service obligation under section 2407, and such participant shall be subject to the same benefits and obligations under this part as other participants, including those stated in subparagraphs (b)(1) (E) and (F).

"(ii) Clause (i) shall not be construed to preclude counting a participant's previous period of law enforcement experience for purposes other than satisfaction of the requirements of section 2407, such as for purposes of determining such a participant's pay and other benefits, rank, and tenure.

"(3) It is the intent of this part that there shall be no more than 20,000 participants in each graduating class. The Director shall approve State plans providing in the aggregate for such enrollment of applicants as shall assure, as nearly as possible, annual graduating classes of 20,000. In a year in which applications are received in a number greater than that which will produce, in the judgment of the Director, a graduating class of more than 20,000, the Director shall, in deciding which applications to grant, give preference to those who will be participating in State plans that provide law enforcement personnel to areas of greatest need.

"(c) Recruitment of Minorities.—Each State participating in the Police Corps program shall make special efforts to seek and recruit qualified applicants from among members of all racial and ethnic groups. This subsection does not authorize an exception from the competitive standards for admission established pursuant to subsections (a) and (b).

"(d) Enrollment of Applicant.—(1) An applicant shall be accepted into a State Police Corps program on the condition that the applicant will be matriculated in, or accepted for admission at, a 4-year institution of higher education (as described in the first sentence of section 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a))——

"(A) as a full-time student in an undergraduate program; or

"(B) for purposes of taking a graduate course.

"(2) If the applicant is not matriculated or accepted as set forth in paragraph (1), the applicant's acceptance in the program shall be revoked.

"(e) Leave of Absence.—(1) A participant in a State Police Corps program who requests a leave of absence from educational study, training or service for a period not to exceed 1 year (or 18 months in the aggregate in the event of multiple requests) due to temporary physical or emotional disability shall be granted such leave of absence by the State.

"(2) A participant who requests a leave of absence from educational study, training or service for a period not to exceed 1 year (or 18 months in the aggregate in the event of multiple requests) for any reason other than those listed in paragraph (1) may be granted such level of absence by the State.

"(f) Admission of Applicants.—An applicant may be admitted into a State Police Corps program either before commencement of or during the applicant's course of educational study.

"SEC. 2406. POLICE CORPS TRAINING.

"(a) In General.—(1) The Director shall establish programs of training for Police Corps participants. Such programs may be carried out at up to 3 training centers established for this purpose and administered by the Director, or by contracting with existing State training facilities. The Director shall contract with a State training facility upon request of such facility if the Director determines that such facility offers a course of training substantially equivalent to the Police Corps training program described in this part.

"(2) The Director is authorized to enter into contracts with individuals, institutions of learning, and government agencies (including State and local police forces), to obtain the services of persons qualified to participate in and contribute to the training process.

"(3) The Director is authorized to enter into agreements with agencies of the Federal Government to utilize on a reimbursable basis space in Federal buildings and other resources.

"(4) The Director may authorize such expenditures as are necessary for the effective maintenance of the training centers, including purchases of supplies, uniforms, and educational materials, and the provision of subsistence, quarters, and medical care to participants.

"(b) Training Sessions.—A participant in a State Police Corps program shall attend two 8-week training sessions at a training center, one during the summer following completion of sophomore year and one during the summer following completion of junior year. If a participant enters the program after sophomore year, the participant shall complete 16 weeks of training at times determined by the Director.

"(c) Further Training.—The 16 weeks of Police Corps training authorized in this section is intended to serve as basic law enforcement training but not to exclude further training of participants by the State and local authorities to which they will be assigned. Each State plan approved by the Director under section 2408 shall include assurances that following completion of a participant's course of education each participant shall receive appropriate additional training by the State or local authority to which the participant is assigned. The time spend by a participant in such additional training, but not the time spent in Police Corps training, shall be counted toward fulfillment of the participant's 4-year service obligation.

"(d) Course of Training.—The training sessions at training centers established under this section shall be designed to provide basic law enforcement training, including vigorous physical and mental training to teach participants self-discipline and organizational loyalty and to impart knowledge and understanding of legal processes and law enforcement.

"(e) Evaluation of Participants.—A participant shall be evaluated during training for mental, physical, and emotional fitness, and shall be reburied to meet performance standards prescribed by the Director at the conclusion of each training session in order to remain in the Police Corps program.

"(f) Stipend.—The Director shall pay participants in training sessions a stipend of $250 a week during training.

"SEC. 2407. SERVICE OBLIGATION.

"(a) Swearing In.—Upon satisfactory completion of the participant's course of education and training program established in section 2406 and meeting the requirements of the police force to which the participant is assigned, a participant shall be sworn in as a member of the police force to which the participant is assigned pursuant to the State Police Corps plan, and shall serve for 4 years as a member of that police force.

"(b) Rights and Responsibilities.—A participant shall have all the rights and responsibilities of and shall be subject to all rules and regulations applicable to other members of the police force of which the participant is a member, including those contained in applicable agreements with labor organizations and those provided by State and local law.

"(c) Discipline.—If the police force of which the participant is a member subjects the participant to discipline such as would preclude the participant's completing 4 years of service, and result in denial of educational assistance under section 2404, the Director may, upon a showing of good cause, permit the participant to complete the service obligation in an equivalent alternative law enforcement service and, if such service is satisfactorily completed, section 2404(d)(1)(C) shall not apply.

"SEC. 2408. STATE PLAN REQUIREMENTS.

"A State Police Corps Plan shall—

"(1) provide for the screening and selection of participants in accordance with the criteria set out in section 2405;

"(2) state procedures governing the assignment of participants in the Police Corps program to State and local police forces (no more than 10 percent of all the participants assigned in each year by each State to be assigned to a statewide police force or forces);

"(3) provide that participants shall be assigned to those geographic areas in which—

"(A) there is the greatest need for additional law enforcement personnel; and

"(B) the participants will be used most effectively;

"(4) provide that to the extent consistent with paragraph (3), a participant shall be assigned to an area near the participant's home or such other place as the participant may request;

"(5) provide that to the extent feasible, a participant's assignment shall be made at the time the participant is accepted into the program, subject to change—

"(A) prior to commencement of a participant's fourth year of undergraduate study, under such circumstances as the plan may specify; and

"(B) from commencement of a participant's fourth year of undergraduate study until completion of 4 years of police service by participant, only for compelling reasons or to meet the needs of the State Police Corps program and only with the consent of the participant;

"(6) to provide that no participant shall be assigned to serve with a local police force—

"(A) whose size has declined by more than 5 percent since June 21, 1989; or

"(B) which has members who have been laid off but not retired;

"(7) provide that participants shall be placed and to the extent feasible kept on community and preventive patrol;

"(8) assure that participants will receive effective training and leadership;

"(9) provide that the State may decline to offer a participant an appointment following completion of Federal training, or may remove a participant from the Police Corps program at any time, only for good cause (including failure to make satisfactory progress in a course of educational study) and after following reasonable review procedures stated in the plan; and

"(10) provide that a participant shall, while serving as a member of a police force, be compensated at the same rate of pay and benefits and enjoy the same rights under applicable agreements with labor organizations and under State and local law as other police officers of the same rank and tenure in the police force of which the participant is a member.

"SEC. 2409. REPORTS TO CONGRESS.

"(a) ANNUAL REPORTS.—Not later than April 1 of each fiscal year, the Director shall submit a report to the Attorney General, the President, the Speaker of the House of Representatives, and the President of the Senate. Such report shall—

"(1) state the number of current and past participants in the Police Corps program authorized by this part, broken down according to the levels of educational study in which they are engaged and years of service they have served on police forces (including service following completion of the 4-year service obligation);

"(2) describe the geographic dispersion of participants in the Police Corps program; and

"(3) describe the progress of the programs authorized by this part and make recommendations for changes in the programs.

(b) CONFORMING AMENDMENT.—The table of contents of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.) as amended by section 1821 of this Act, is amended by striking the matter relating to part X and inserting the following:

"PART X—COMMUNITY POLICING; COP ON THE BEAT GRANTS

The CHAIRMAN. Under the rule, the gentleman from Oklahoma [Mr. MCCURDY] will be recognized for 10 minutes, and a Member opposed thereto will be recognized for 10 minutes.

The CHAIRMAN. The Chair recognizes the gentleman from Oklahoma [Mr. MCCURDY].

Mr. MCCURDY. Mr. Chairman, I rise today to offer an amendment to H.R. 3371, the Omnibus Crime Control Act.

The amendment establishes a Police Corps program which will provide local police forces with a much-needed influx of well-educated and well-trained individuals committed to serving as police officers for 4 years. Unlike some traditional types of Federal assistance for fighting crime, the Police Corps addresses problems which we can truly influence. It provides concrete resources to local police forces.

There are many worthwhile programs authorized by this crime bill and by the much more expensive Senate version. However, I believe that the Police Corps program will have a more direct benefit, will do more to prevent crime, and will be more cost effective than any of the other programs.

The Police Corps amendment mandates that recruits be positioned on community and preventative patrol. Community policing would place recruits in neighborhoods and allow them to get to know the people and the surroundings of the area. By gaining a real understanding of the community, the police would be more responsive to its difficulties. This approach would allow officers to secure citizen cooperation and stop problems before they become crimes.

The Police Corps is modeled after the military's Reserve Officer Training Corps. Students would be given up to $10,000 per year in college assistance and would receive police training in return for service in a State or local police department for 4 years after they graduate.

The time to make a real impact on crime in the United States has never been more vital, nor has the opportunity been so promising. Police Corps, while only a part of the solution, can make a real difference.

The CHAIRMAN. Does any Member claim the time in opposition to this amendment?

There being none, the Chair recognizes the gentleman from Oklahoma [Mr. MCCURDY].

Mr. MCCURDY. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from California [Mr. DORNAN].

Mr. DORNAN of California. Mr. Chairman, I rise today in strong support of the McCurdy-Gephardt-Dornan-Michel amendment to establish a Police Corps. This amendment is based on legislation that Mr. MCCURDY and I introduced earlier this year, and which has gained broad bipartisan support.

Mr. Chairman, the Police Corps is an idea whose time has come. The bill would establish opportunities for meaningful community service with State and local police departments in exchange for college scholarships.

It has been demonstrated that more police can significantly reduce the drug and related crime problems in inner-city neighborhoods. Police officers are our foot soldiers in our war on drugs, and if we don't increase their presence in crime-ridden areas—where men, women, and children live in constant fear of being the victim of a violent crime or a stray bullet—then we should stop calling our effort a war.

But increasing the sheer number of police officers is not enough at a time when the pool of qualified and educated candidates is diminishing. We must do more.

Like our military's ROTC program, which supplies our Armed Forces with college-educated officers, the Police Corps will do several things:

First, the Police Corps will enlarge the pool of officer recruits.

Second, the Police Corps will significantly increase the number of college-educated applicants available in that pool—officers who are better prepared to deal with the problems of crime and violence.

Third, the Police Corps would attract highly qualified, minority recruits, which are now in short supply.

Fourth, the Police Corps would offer college opportunities to disadvantaged youth, with an obligation and opportunity to perform community service.

Fifth, the Police Corps would help local governments add new officers at lower cost.

Sixth, the Police Corps would be an important weapon in the effort to eliminate police brutality. Police chiefs have called for the enactment of Police Corps, especially as a way to eliminate the abuse of citizens.

Seventh, police chiefs, law enforcement groups, and leaders have called for the enactment of Police Corps.

Mr. Chairman, I urge all of my colleagues to support this strong, bipartisan effort and vote for the McCurdy-Gephardt-Dornan-Michel amendment to the crime bill.

Mr. Chairman, here is a more comprehensive analysis and explanation on this excellent anticrime legislation.

I should note that this amendment is based on my legislation, H.R. 3172, which has broad bipartisan support. Indeed, the bill's 64 cosponsors are divided almost evenly between Republicans and Democrats. And let me take this time to thank Mr. MCCURDY and Mr. GEPHARDT for offering this amendment. I also want to particularly thank Mr. MICHEL, our minority leader, for his support and also Mr. HYDE and Mr. SCHIFF, both members of the Judiciary Committee.

But the person who deserves most of the credit for bringing this project to fruition is Adam Walinsky, whose original concept the Police Corps is based upon. Without his perseverance and dedication, we would not be here today debating this important program.

Mr. Chairman, the Police Corps is an idea whose time has come. The bill would establish opportunities for meaningful community service with a police department in exchange for a college education. But as worthy as that goal may be, in my mind, the Police Corps is necessary for one overriding reason: We need more cops on the beat on America's streets, especially in our major cities, which as we all know have been torn apart by crime and drug-related violence. In a recent article in National Review entitled "How to Make Their Day," Don B. Kates, Jr. and Patricia Terrell Harris state the problem clearly: "The U.S. has only 500,000 police officers; dividing that number by three shifts per day, and adjusting for vacation leave, desk duty, etc., leaves only about 75,000 police on patrol at any one time to protect 250 million Americans." In short, there are simply not enough police.

But if we are going to make a commitment to put more cops on the beat, then we should seek to attract the most qualified candidates to fill those positions. The Police Corps' candidate selection process is designed to be very competitive, thus we can be reasonably certain to attract excellent people.

Let me say right off the bat, Mr. Chairman, that this in no way implies that our current crop of police officers is anything but a well-trained, highly motivated, and caring group of professionals. It is merely recognizing that our law enforcement officials need to keep pace with the growing sophistication of criminals. For instance, the FBI used to accept high school graduates as trainees. Now they accept only college graduates, and if those graduates are not lawyers or accountants, they must have 3 years of administrative work experience before they can become agents. We need that same commitment to improving the educational excellence of our local and State police forces.

Mr. Chairman, there is a national crisis in recruiting police personnel. In one department after another, massive retirements are expected over the next 3 years and many departments are already scrambling to replace retirees. Once established, the Police Corps will help plug this manpower gap by putting thousands of college-educated police officers on the streets each year. After 4 years, the Police Corps will increase the number of police on America's streets by about 20 percent. And because graduates would be placed almost exclusively on foot patrol and not added to bureaucracies, the corps should increase cops on the front lines by about 40 percent. And most of these extra cops will be in our highest crime areas where they are desperately needed, especially when you consider how the demands on the job have changed.

In 1951, there were 3.2 cops on the job for every reported violent felony in American cities with populations over 50,000. This year, that ratio will be reversed, or three felonies for every cop.

Take Buffalo for instance. In 1951, there were 1,229 police officers in Buffalo and 361 violent crimes. By 1989, however, the Buffalo police force had shrunk to 970 officers, while violent crimes had soared to 3,555. Similar conditions exist in other metropolitan areas, and in some cities the ratio is only one police officer for every nine violent crimes reported. In fact, nationwide, we are allocating only one-sixth of the police we deployed 40 years ago in comparison to the volume of crime the police are expected to confront and deter.

My own Orange County, CA is faced with a similar situation. According to the Bureau of Criminal Statistics in California, in 1968 the ratio of violent crimes to police officers in Orange County was 1.2; in 1978 it was 2.7; and by 1988 it was a whopping 3.5. In other words, the volume of crime the police in Orange County are expected to confront and deter has increased three times faster during the last 20 years than the number of sworn officers. The result? A lot of overworked cops.

Consider another, broader example. Since 1979, the number of police per inhabitant has not changed. Yet the incidence of violent crime has increased over 16 percent.

Mr. Chairman, it has been shown that more police significantly change the drug and related crime problem in inner-city neighborhoods. Cops are the foot soldiers in our war on drugs, and if we don't increase their presence in crime-ridden areas, then we should stop calling our effort a war. Because if we are serious about fighting a war, then we must take wartime-like measures. Like our military's ROTC program, which supplies our Armed Forces with college-educated officers, the Police Corps will enhance the quality and professionalism of our Nation's police forces and help us win that war.

You know, Mr. Chairman, one of the most tragic situations in America today is that so many of our fellow citizens, especially those in the inner-city areas of our country, live in constant fear. They are afraid to go about their normal lives. There are people right here in our Nation's Capital who are afraid to sit out on their front porch for fear of being the victim of violent crime or a stray bullet. Now this is not the fault of the police. It is instead, I believe, the fault of liberal politicians and judges who have emasculated our criminal justice system and shifted resources away from fighting crime to dubious social programs. In our inner cities there is simply no effective deterrent to criminal behavior. Indeed, considering the status some drug dealers have in these neighborhoods, there seems to me to be an actual incentive to engage in criminal activity.

If you don't believe our criminal justice system is in bad shape I suggest you conduct a few experiments using what I have termed the "Murray Test," named for Charles Murray, who, as you may know Mr. Chairman, is a social scholar of some repute. His test measures the public's perception of the effectiveness of our criminal justice system. It is a very simple test. Suppose someone in a particular community is arrested for a violent crime. If the criminal justice system is perceived to be working, those in the community will say, "He is in big trouble." If on the other hand, the criminal justice system is seen as a failure, then the response will be more like, "He'll probably walk." A pretty good test, I think. Unfortunately, we all know how most of our inner city residents would respond to the Murray test.

It should therefore be clear that with the perception the world isn't lawful anymore, and a revolving-door prison system and its resultant lack of criminal deterrent, we need to prevent crime before it happens and give people in crime-ridden areas a measure of security and confidence that will allow them to lead their lives in a normal fashion. The most effective way to do that is to increase the police presence in our inner cities and other crime-plagued areas. Indeed, as has been reported by Al Hunt of the Wall Street Journal and others, more police can significantly change the drug and related crime problem in inner-city neighborhoods. In those few places where the drug threat has been driven out, such as the Winzer Park neighborhood in Houston, almost invariably the major factor is more police and better police-community relations. Again, the Police Corps can help in this regard.

Allow me to expand on this point of police-community relations. The criminal justice system, as William Tucker has written, "is more than just a method for dealing with criminals. It is also a public stage upon which the continuing drama of public morality is enacted." To be sure, it is not enough that crime be dealt with efficiently or effectively, it must also be dealt with appropriately. And this perception that crime is being dealt with in an appropriate manner begins with the police and extends through the courts and into the correctional system. Therefore it is vital that our police be responsive to, and considerate of, the communities they serve. A college education and proper training provided by the Police Corps can help tremendously in that process.

Despite its laudable goals, I have heard complaints about the program from some in the law enforcement fraternity. They say the Police Corps will result in elitism, that graduates will not stay past their 4-year commitment and that the money could be better used on providing educational opportunities for officers already on the force. Let me address these criticisms.

First, if elitism is argued against the Police Corps, it may also be applied to countless other special units. I have heard from police officers that they have observed an elitist attitude among SWAT teams, antiterrorist units, and narco squads. Does that mean we should do away with such units? Indeed, this same logic carried to an extreme would require us to close down our three military service academies and end the military ROTC Program because they create elitist cadres inside the armed services. Of course, this is ludicrous.

I am confident that Police Corps graduates will be sensitive to appearances of elitism and that they will work hard to earn the respect of their colleagues.

Second, some critics contend Police Corps graduates would not be committed to police work and would leave the force after their 4-year obligation expires. While there is no doubt some Police Corps graduates will move on to other professions, it is my belief that the percentage who stay in law enforcement will be far higher than the percentage of military officers who remain in the service. And according to the Pentagon, there is a retention rate of about 55 percent for ROTC-trained officers.

After all, policing is far more conducive to regular family life than military life, where overseas assignments or sea duty put great strain on families. Furthermore, the type of people drawn to the Police Corps will be individuals who are attracted to the excitement, adventure, and satisfaction of public-service associated with police work.

But what about the others who leave the police and move on to other careers? Again, the military offers a compelling example. Throughout our Nation, all aspects of our society benefit from the training and experience of former military officers. The U.S. Congress and the Bush administration are full of ex-military people who use their knowledge and experience to shape foreign policy and other national security issues. The Police Corps might help establish such a tradition among police officers. I would love to see as many ex-cops among my colleagues here in Congress as ex-military officers. And I am sure that we would be much closer to winning the war on drugs had we more policymakers with police experience directly that struggle.

Finally, critics argue that we should use the money set aside for the Police Corps to educate officers currently on the force because these officers have already shown a commitment to police work. I agree that educating police officers is a worthy endeavor. Spending Federal funds on existing officers, however, will do little to solve the problems of police recruitment, increasing the number of cops on the beat, and increasing the pool from which law enforcement organizations can recruit qualified candidates.

Mr. Chairman, I also believe that we need more minority police officers, especially in the inner city where they can also serve as positive role models for the youth there. The Police Corps Act addresses this concern, but in a manner consistent with the principles that should—but don't always—guide our hiring policies. The amendment's language encourages minority recruitment while expressly providing that the competitive standards required for admission may not be in any way relaxed. A college education can be a powerful incentive to minority youth who would not otherwise be able to afford college. Indeed, a survey conducted by the Justice Department revealed that an extraordinary 45 percent of black college students said that they would be disposed to sign up for Police Corps. Thus the Police Corps will attract qualified minority candidates to fill positions for which they are desperately needed.

I certainly don't believe, Mr. Chairman, that we will be able to put an end to the crime problem in our cities by passing the Police Corps. But we will be able to at least give the streets back to the people who live there, and that would be a remarkable accomplishment. No one in this great country should be afraid to leave their home to go for a walk or to visit a neighbor or go to school.

I don't want to sound like a defeatist, Mr. Chairman, but as I survey the current crime situation in our great urban areas, like our Nation's Capital, I am not optimistic about the chances of making much progress in changing the behavior of those who have victimized their neighborhoods and caused tremendous suffering. In my view, they are the result of the great liberal social experiments of the 1960's and 1970's. Don't misunderstand me, Mr. Chairman, I don't mean to write off an entire generation, but the problems of the inner city are so intractable and will take so long to solve, that perhaps the best we can do is concentrate our efforts on protecting—indeed saving—the next generation. And one of the ways to do that is to prevent them from becoming the victims of crime, which causes and perpetuates the other ills of our underclass neighborhoods. A heightened police presence in these neighborhoods, enhanced by the Police Corps, can fulfill that duty.

In closing, Mr. Chairman, the Police Corps will do three things. It will increase the pool of qualified candidates for law enforcement officers, it will significantly upgrade the quality of the police applicant pool, and it will—most importantly—put more cops on the street, where we need them most. It is a concept that can work. In short, we need the Police Corps, Mr. Chairman.

I urge a yes vote on the McCurdy-Gephardt amendment.

The CHAIRMAN. For what purpose does the gentleman from New Jersey [Mr. HUGHES] rise?

Mr. HUGHES. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from New Jersey [Mr. HUGHES] will be recognized for 10 minutes.

The Chair recognizes the gentleman from New Jersey [Mr. HUGHES].

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Mr. HUGHES. Mr. Chairman, I yield myself 4 minutes.

Mr. Chairman, I rise reluctantly in opposition to the amendment of the gentleman from Oklahoma [Mr. MCCURDY].

Mr. Chairman, basically the Police Corps amendment would establish a Federal program similar to the ROTC Program in the military to grant participants educational benefits in exchange for 4 years of service on a State or local police department. The purpose of this amendment is to help State and local governments combat crime and neighborhood deterioration by putting more and better educated police officers on the streets. The bill offers educational benefits to worthy candidates who may not otherwise have the ability to acquire a higher education. It also creates opportunities for young people to perform community service as members of local law enforcement organizations.

Mr. Chairman, the amendment's heart is in the right place, and its goals are admirable ones. They are theoretical goals that are shared by me and, possibly, every Member of the Congress.

I should also point out that this concept originally included a law enforcement scholarship component for personnel presently in law enforcement agencies. This was dropped from the amendment since our colleague, the gentleman from Ohio [Mr. FEIGHAN], has already added subtitle D, part U, of title XII, which authorizes $30 million for such a program. The Police Corps Program authorizes $100 million for fiscal years 1992 and 1993, and $200 million for fiscal years 1994, 1995, 1996, a total of $800 million. It was a consensus of the Committee on the Judiciary, and this Congress and in the last Congress that at least $40,000 per student for the Police Corps Program just was not justified given today's budget constraints.

There was also a question as to whether such a program would promote elitism in our police forces, and in fact many rank and file police organizations were, at best, lukewarm. Some opposed the bill.

There is another issue that I believe warrants further study and evaluation. The Police Corps is based upon a concept of creating a college-trained pool of recruits who could assist local law enforcement. At the present time many State and local agencies are laying off personnel, and there is some question whether there will be a State and local fund available 4 years from now to hire the graduates of this program.

Mr. Chairman, for this and for many other reasons the Committee on the Judiciary rejected. It is a fine idea. In the last Congress, as a matter of fact, I developed a scaled-back version of the bill. That made sense. But let me ask a question: "Do you think we have $10,000 per student to pay when in fact kids today are struggling with $2,500 student-aid grants?" Mr. Chairman, many youngsters are going to colleges in their backyard because they cannot muster the college tuition for independent colleges today, and we are talking about a $40,000 grant? I mean $40,000 per student?

Mr. Chairman, we just do not have those kinds of resources to fund that kind of a program, so we scaled it back in the last Congress to a more manageable level, comparable to what other students would receive in the private sector who are not going to be Police Corps trainees, and the sponsors rejected that. We had it in conference, and it was rejected.

So, I say what we need to do is reject this particular amendment, send it back to committee, scale it back, and try to come up with something that is manageable given today's economic doldrums.

Mr. MCCURDY. Mr. Chairman, will the gentleman yield?

Mr. HUGHES. I yield to the gentleman from Oklahoma.

Mr. MCCURDY. Mr. Chairman, I appreciate the gentleman from New Jersey [Mr. HUGHES] yielding to me.

The only point that I wanted to raise was in reference to the amounts which were indicated. Each of these students that will sign up for Police Corps and receive those benefits are undertaking a 4-year commitment to serve in local law enforcement agencies as opposed to having a grant. It is not a grant. It is a commitment; it is a contract. And if they do not serve, then they are obligated——

Mr. HUGHES. Mr. Chairman, the point I am making is that local departments are laying off today, and in many communities around the country we do not have the resources, and the chances are they are going to recall those police officers who have been laid off that have the experience, and are we going to have the resources, in fact, to put these Police Corps trainees to work, and do we have the resources to provide $800 million over the next few years for such a program.

I mean it is not the idea. It is a great idea. But it is overly ambitious given our fiscal constraints today and the constraints that local units of government have in attempting to keep the resources they have in place today. That is happening, not just in my district, but around the country. They are laying off police officers because they do not have sufficient resources.

Mr. Chairman, I reserve the balance of my time.

Mr. McCURDY. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Massachusetts [Mr. KENNEDY].

Mr. KENNEDY. Mr. Chairman, with regard to the issue of whether or not we should spend $40,000 for this program, the question really, it seems to me, is whether or not we can afford not to spend the money on this program. These are not going to the normal students that we spend for student loans. These moneys will go toward crime prevention that is going to go out in the community, and they will act as policemen. These individuals will be able to go out and fight crime in a way that is going to end up saving this country hundreds and hundreds of millions of dollars over the period of the life of the bill. This is one of the best investments that I think our country can make.

Mr. Chairman, I want to add my support to this amendment. Any time Members with names like KENNEDY and GINGRICH and DORNAN support the same measure, either it's good policy, or someone has lost their bearings.

In this instance, it's good policy. The Police Corps is an innovative, practical way to fight crime from the ground up. In recent years, we have witnessed a truly staggering rise in the rate of violent crime in this Nation. One person is killed every 22 minutes. A robbery is committed every 49 seconds. Main Street America is starting to resemble Main Street Beirut. Where there were once pleasant greetings and casual conversations, there are now only fearful glances.

One reason why our streets are less safe is that the number of cops has not kept pace with the number of crooks. Forty years ago, there were three cops to cover every one felony committed. Today, the numbers are reversed: one cop must try to stop every three felonies.

The cop on the beat needs help. This amendment gives it. It will increase the number of officers patrolling our streets, increase the number of young men and women entering police forces, and increase the peace of mind of American families. I urge its adoption.

Mr. HUGHES. Mr. Chairman, I yield 1 minute to the gentleman from Maryland [Mr. HOYER].

Mr. HOYER. Mr. Chairman, I thank the gentleman from New Jersey [Mr. HUGHES] for yielding in light of the fact that I am not on his side on this issue. I rise in very, very strong support of this amendment.

Mr. Chairman, crime in our community is worsening every day. All one has to do is read the daily papers. Let me say that what we need to do in America is engage young people in public service. We talk about the thousand points of light. We need millions of points of light. Mr. Chairman, this domestic Police Corps will recruit young people, get them involved in law enforcement in our communities.

Is it an investment? Yes, it is. Can we afford it? Yes, we can. Should we spend this money? Absolutely.

Mr. Chairman, if there is any area where we want to move, it is in making our streets safe for Americans. It is in an area where we want to confront those who would threaten property and lives first hand. If it was necessary to have a corps of young people for armed services, certainly it is necessary to have a corps of young people for our Police Force.

Mr. Chairman, I rise today in very strong support of the amendment offered by the gentleman from Oklahoma [Mr. McCURDY] and the distinguished majority leader, Mr. GEPHARDT. I would like to thank and commend the gentleman for their foresight in creating an impetus to recruit young people to serve with police departments in exchange for assistance with their college education.

I have been a longtime advocate of programs which encourage young people to participate in community-based service and be compensated with educational opportunities. The Police Corps/Law Enforcement Scholarship Program established by this amendment would create an office in the Department of Justice which would administer the program and require participating States to establish the agency which would screen and select participants. Individuals selected would be required to make a 4-year commitment to serve in the State or local police department and in return would compete for up to $10,000 per year to cover the cost of their education.

Mr. Chairman, the Police Corps Scholarship Program is similar to an extremely popular and successful training corps, the military's Reserve Officer Training Corps [ROTC]. It allows a college student to follow their own educational curriculum and participate in an intensive training program during two summers. After graduation the student would fulfill their obligation by serving 4 years with a local police department. Defaulting on the commitment would require the student to not only repay the scholarship but would require payment of an additional 10 percent.

Mr. Chairman, crime in our communities is worsening every day. The Police Corps Program would give law enforcement the opportunity to recruit talented and educated young people who may go on to use their training and education to pursue long-term careers in law enforcement. As investigatory techniques become more sophisticated in order to meet the rising level of crime, the need for highly trained individuals increases. An influx of well-educated, fresh recruits to enlist to help combat the crime epidemic would be well worth the $100 million authorized for the first year of operation.

I strongly believe that the Police Corps Program would encourage young Americans to serve their communities with a greater sense of civic consciousness and personal responsibility while getting the benefit of an education that may otherwise not be available to them. For these reasons I urge my colleagues to join with me and support passage of this amendment.

Mr. McCURDY. Mr. Chairman, I yield 1 minutes to the gentleman from Illinois [Mr. HYDE].

Mr. HYDE. Mr. Chairman, I am strongly in favor of this innovative idea. I think upgrading the police career for people and by upgrading the education of people available and interested in a police career is a great idea. Law enforcement is becoming one of the most important vocations and occupations in our country, and the opportunity to get a college education, if one will serve in the police force, is a marvelous tradeoff. I only wish it was 6 years instead of 4 years because I would prefer a longer term for these graduates.

Mr. Chairman, the notion of getting a college education and serving one's community in the police force is a very good one, and I strongly support this excellent legislation

Mr. McCURDY. Mr. Chairman, I yield 3½ minutes to the distinguished majority leader, the gentleman from Missouri [Mr. GEPHARDT], to close the debate.

Mr. GEPHARDT. Mr. Chairman, I rise in support of the amendment.

I say to my colleagues we are in a social crisis. In Congress, we deal only with the pieces.

We see the unemployed and unemployable; we see dropouts and failing schools; we see whole areas of central cities virtually abandoned, streets, empty and menacing.

These communities are drowning in an acid bath of crime and violence. The bonds that tie civilization together are dissolving; and the seemingly remorseless children of this inhuman environment, are spreading that violence into every corner of the country.

Let us be clear. This is not the real America. This need not be accepted as our destiny.

This explosion of violence, this tide of destruction and murder, has happened in our generation, and it is getting worse on our watch. It is our job to turn it around.

This is what the Police Corps is all about.

With the Police Corps, we are saying that the reestablishment of civic order is the central task of politics, and cannot be simply left to, or wished off on, our undermanned force of professional police.

Rather it demands a real mobilization of effort and energy, imagination and commitment, from all of us—the very best we have to give.

We are saying, to our very best and brightest young people: The challenge facing this generation is not in Salvador or the Ivory Coast.

It is here, in the territories within our country, where all our social programs, and all our efforts at human betterment, will mean nothing unless we shut down the murderous violence of the streets.

We are saying, to the tough and ambitious children of the poor, to those of the middle class, and to all of those who love our country: We need engineers and schoolteachers and journalists and scientists, and so we want to help you get your college education.

But, in exchange, as your generation's contribution to us, we ask for 4 years of your lives in the ongoing work of national reconstruction.

Finally, we are saying, to the American people: We are going to help local communities raise the police forces necessary to restore law and order.

For 200 years, we have maintained a great Navy to protect the freedom of the seas.

Now it is time to build the police forces that can regain the freedom of the streets.

It is the right kind of commitment to our future. We have taken three decades to dig ourselves into this pit, and it will take decades to climb out of it. The Police Corps will enlist the unmatched power of young American citizens to the task.

☐ 1630

Mr. McCURDY. Mr. Chairman, I yield such time as he may consume to the gentleman from California [Mr. RIGGS].

Mr. RIGGS. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, as a former police officer, having worked 7 years in local law enforcement in California as a police officer and a deputy sheriff, I rise in strong support of this amendment.

Mr. HUGHES. Mr. Chairman, I yield myself such time as I may consume.

Let me just assure my colleagues that I support the concept of a Police Corps, make no mistake about it. I just do not think it has been thought out the way it should be. We had a series of hearings in the last Congress on it, and took a lot of testimony from those that support it and those that oppose it. The bottom line is, as I indicated, we are laying off police personnel around the country. We are working on the assumption that we are going to have jobs for individuals 4 years from now or whatever, and that is not assured. I would hope that the first people we would hire back are the police officers now being laid off.

I also want to make the point that we have a scholarship program in the legislation to encourage police officers to advance their training. They are doing that around the country. Police officers, as the gentleman from California well knows, are attempting to increase their education. I know a lot of police officers in my own back yard who are seeking criminal justice degrees at night. They are working very hard, and we should encourage that, and we are.

It seems to me that we can have the best of both worlds by having a scaled-back Police Corps, not at a $10,000 scholarship, but scaled back, and an in-house scholarship program to encourage police officers to get better training, and then we will get where we all want to go.

But ladies and gentlemen, spending $800 million for a program that is of dubious worth at a time when, in fact, we do not have those resources, I don't think is a direction that we need to go. We are overpromising and we are going to underdeliver. I would urge my colleagues to vote against the amendment.

I yield back the balance of my time.

Mr. McCURDY. Mr. Chairman, I yield such time as he may consume to the gentleman from Utah [Mr. OWENS].

Mr. OWENS of Utah. Mr. Chairman, I rise in strong support of the gentleman's amendment.

Mr. PENNY. Mr. Chairman, I rise in strong support of the amendment to H.R. 3371, the Omnibus Crime Control Act, offered by Representatives McCURDY and GEPHARDT. Their amendment establishes a Police Corps Program which would provide competitive college scholarships in return for a 4-year commitment to serve in a State or local police force.

A number of other colleagues, including Representatives FRANK and DORNAN, have previously introduced legislation that would establish this ROTC-type program for police officers. My own proposed voluntary national service bill, H.R. 390, also contains a section establishing a similar program.

It is especially important that we attach this provision to the Crime Control Act because the establishment of a Police Corps will make a tremendous difference in the ability of our State and local governments to fight crime, curb drug abuse, and make all our communities safer. By increasing the pool of trained law enforcement officers, we will be addressing the problem right where it will do the most good—on the front lines in our local communities. The Police Corps would assist financially strapped cities, counties, and communities by assuming a significant share of the costs of training law enforcement personnel.

The Police Corps scholarship program will also attract more minority students into law enforcement with the result that local police forces will be more representative of the communities they serve.

I urge my colleagues to vote in favor of the McCurdy-Gephardt amendment.

Mr. ACKERMAN. Mr. Chairman, I rise in strong and enthusiastic support of the McCurdy-Gephardt Police Corps amendment.

By now no one would dispute that our Nation is suffering from a shortage of police officers and a corresponding increase in crime. In New York City, for example, there were 244 homicides in 1951 compared with 1,896 in 1988. Rapes during the same period were up from 904 to 3,912, and robberies were up from 7,004 to 86,578. Likewise, the ratio of police officers to reported felonies is chilling. In 1951, there were 3.2 police officers per felony committed. Today, there are 6.1 felonies committed per police officer.

In addition to the need to recruit more people to serve as police officers, law enforcement experts around the country are reporting the need for police that are more representative of the community at large. They also agree on the need to develop ways to reduce the burnout and alienation typically associated with incidents of police brutality and collective silence that make misconduct impossible to investigate and prosecute.

Mr. Chairman, the amendment offered today by Representative McCURDY and GEPHARDT to the Omnibus Crime Control Act will establish a Police Corps Program similar to the Reserve Officers' Training Corps. I believe it will go a long way toward opening a new source of capable candidates for police duty while bringing a broader understanding of crime fighting to a wider community. I urge my colleagues to join me in supporting this important proposal.

The Police Corps Program would provide 4-year college loans of up to $10,000 per year for 25,000 students, who would get an education in the field of their choosing. However, beginning in the summer of their junior year in college, students would undergo 16 months of training, a regimen more rigorous than the usual police academy course. In exchange, graduates would be required to serve 4 years as State or local police officers after graduation. If they complete the 4 years of service successfully, their college loans would be forgiven. If not, a trainee would be required to pay off the loan. The localities they serve would pay their salaries at the standard rate, and could not use them to replenish ranks reduced by cutbacks.

The Police Corps promises a number of benefits. The infusion of college graduates would improve the pool of well-educated police recruits. Furthermore, cities would get more police protection while saving money by avoiding paying pensions and other fringe benefits to Police Corps participants. In addition, a Justice Department survey has concluded that many inner-city minority youths would be attracted to the Corps service-for-college trade. This is important because many urban police departments have trouble attracting qualified minority recruits, a factor that could be helpful in reducing racial hostilities and discriminatory behavior on the part of police. Finally, over time, the program could promote a better appreciation for police in the community, as Police Corps veterans return to civilian life.

I urge my colleagues to support passage of this important amendment.

Mr. McCURDY. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oklahoma [Mr. McCURDY].

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. McCURDY. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 369, noes 51, not voting 13, as follows:

[Roll No. 325]

AYES—369

Abercrombie
Ackerman
Alexander
Anderson
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Annunzio
Anthony
Applegate
Archer
Aspin
Atkins
AuCoin
Bacchus
Baker
Barnard
Barrett
Barton
Bateman
Bennett
Bentley
Bereuter
Berman
Bevill
Bilbray
Bliley
Boehlert
Boehner
Bonior
Borski
Boucher
Boxer
Brewster
Broomfield
Browder
Brown
Bruce
Bryant
Bunning
Bustamante
Byron
Camp
Campbell (CA)
Campbell (CO)
Cardin
Carper
Carr
Chandler
Chapman
Clay
Clement
Clinger
Coleman (MO)
Coleman (TX)
Collins (MI)
Combest
Condit
Cooper
Costello
Coughlin
Cox (IL)
Coyne
Cramer
Cunningham
Darden
Davis
de la Garza
DeFazio
DeLauro
Derrick
Dickinson
Dicks
Dixon
Donnelly
Doolittle
Dorgan (ND)
Dornan (CA)
Downey
Durbin
Dwyer
Dymally
Early
Eckart
Edwards (OK)
Edwards (TX)
Emerson
Engel
English
Erdreich
Espy
Evans
Fascell
Fazio
Fields
Flake
Foglietta
Ford (MI)
Frank (MA)
Franks (CT)
Frost
Gallegly
Gallo
Gaydos
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Gonzalez
Goodling
Gordon
Goss
Green
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Hansen
Harris
Hastert
Hatcher
Hayes (IL)
Hayes (LA)
Hefley
Hefner
Henry
Herger
Hertel
Hoagland
Hobson
Hochbrueckner
Holloway
Horn
Horton
Houghton
Hoyer
Hubbard
Huckaby
Hunter
Hutto
Hyde
Inhofe
Ireland
Jacobs
James
Jefferson
Jenkins
Johnson (CT)
Johnson (SD)
Johnston
Jones (GA)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kleczka
Klug
Kolter
Kostmayer
Kyl
LaFalce
Lagomarsino
Lancaster
Lantos
LaRocco
Laughlin
Leach
Lehman (CA)
Lehman (FL)
Lent
Levin (MI)
Levine (CA)
Lewis (CA)
Lewis (FL)
Lightfoot
Lipinski
Livingston
Lloyd
Long
Lowery (CA)
Lowey (NY)
Luken
Manton
Markey
Marlenee
Martin
Martinez
Matsui
Mavroules
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDade
McDermott
McEwen
McGrath
McHugh
McMillan (NC)
McMillen (MD)
McNulty
Meyers
Mfume
Michel
Miller (WA)
Mineta
Mink
Moakley
Molinari
Mollohan
Montgomery
Moody
Moran
Morella
Morrison
Murphy
Murtha
Myers
Nagle
Natcher
Neal (MA)
Neal (NC)
Nichols
Nowak
Nussle
Oakar
Oberstar
Olin
Olver
Ortiz
Orton
Owens (NY)
Owens (UT)
Packard
Pallone
Panetta
Parker
Pastor
Patterson
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Penny
Perkins
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Poshard
Price
Pursell
Quillen
Rahall
Ramstad
Rangel
Ravenel
Ray
Regula
Rhodes
Richardson
Ridge
Riggs
Rinaldo
Ritter
Roe
Roemer
Rogers
Ros-Lehtinen
Rose
Rostenkowski
Roth
Roukema
Rowland
Roybal
Russo
Sabo
Sanders
Sangmeister
Santorum
Sarpalius
Saxton
Schaefer
Scheuer
Schiff
Schroeder
Schulze
Serrano
Sharp
Shaw
Shays
Shuster
Sikorski
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter (NY)
Smith (FL)
Smith (IA)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solarz
Solomon
Spence
Spratt
Stallings
Stark
Stenholm
Stokes
Studds
Sundquist
Swett
Swift
Tallon
Tanner
Tauzin
Taylor (MS)
Thomas (CA)
Thomas (GA)
Thomas (WY)
Thornton
Torres
Torricelli
Towns
Traxler
Unsoeld
Upton
Valentine
Vander Jagt
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Waxman
Weber
Weiss
Weldon
Wheat
Whitten
Williams
Wilson
Wise
Wolf
Wolpe
Wyden
Wylie
Yates
Yatron
Young (AK)
Young (FL)

NOES—51

Allard
Armey
Ballenger
Beilenson
Burton
Coble
Conyers
Cox (CA)
Crane
Dannemeyer
DeLay
Dingell
Dooley
Dreier
Duncan
Edwards (CA)
Ewing
Fawell
Feighan
Fish
Glickman
Gradison
Grandy
Hancock
Hughes
Johnson (TX)
Kolbe
Kopetski
Machtley
Miller (CA)
Miller (OH)
Obey
Oxley
Pease
Petri
Porter
Reed
Roberts
Rohrabacher
Savage
Sawyer
Schumer
Sensenbrenner
Staggers
Stearns
Stump
Synar
Taylor (NC)
Traficant
Zeliff
Zimmer

NOT VOTING—13

Bilirakis
Brooks
Callahan
Collins (IL)
Dellums
Ford (TN)
Hopkins
Lewis (GA)
Moorhead
Mrazek
Slaughter (VA)
Washington
Waters

☐ 1647

Messrs. COX of California, GLICKMAN, ALLARD, ZELIFF, DANNEMEYER, EWING, DREIER of California, DELAY, STEARNS, MILLER of California, ROBERTS, and EDWARDS of California changed their vote from "aye" to "no."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN. It is now in order to consider amendment No. 21 printed in the report accompanying the rule providing for consideration of this bill.

AMENDMENT OFFERED BY MR. SMITH OF FLORIDA

Mr. SMITH of Florida. Mr. Chairman, I offer amendment No. 21 made in order under the rule.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. SMITH of Florida:

Page 184, after line 2, insert the following:

SEC. . ASSET FORFEITURE.

Subsection (c) of section 524 of title 28 of the United States Code is amended—

(1) in paragraph (1)—

(A) by striking "and" at the end of subparagraph (G);

(B) by inserting "and" at the end of subparagraph (H); and

(C) by inserting after subparagraph (H) the following new subparagraph:

"(I) payments of $25,000,000 for each of the years 1992 through 1994 to increase funding for the Cops on the Beat Program in part P of title I of the Omnibus Crime Control and Safe Streets Act of 1968 with such payments used to assist the 12 Metropolitan Statistical Areas with the highest crime index (as reported in Appendix III of the Uniform Crime Reports published by the Department of Justice) and the Metropolitan Statistical Areas that physically adjoin the 12 areas except that not more than $2,500,000 shall be distributed to any of the 12 Metropolitan Statistical Areas or the areas that physically adjoin the 12 areas in any fiscal year.";

(2) in the first sentence of the matter following subparagraph (H) of paragraph (1) by striking "and (G)" and inserting "(G), and (I)"; and

(3) in paragraph (9)(A), by inserting before the period the following: "and $25,000,000 for each of the fiscal years 1992, 1993, and 1994 for the purposes described in subparagraph (I)".

The CHAIRMAN. Under the rule, the gentleman from Florida [Mr. SMITH] will be recognized for 10 minutes, and a Member opposed will be recognized for 10 minutes.

The Chair recognizes the gentleman from Florida [Mr. SMITH].

☐ 1700

Mr. SMITH of Florida. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, my amendment would authorize $25 million per year for the Asset Forfeiture Program to fund an additional Cops on the Beat allotment. These funds would be available to the 12 metropolitan statistical areas that have the highest total crime index determined by the Department of Justice.

These high-crime metropolitan areas have special needs that the Cops on the Beat Program can provide. With ethnic and cultural gang violence and neighborhood drug businesses common in these metropolitan areas, the need for a police presence in the community is critical. Large urban areas have suffered the greatest damage both to property and quality of life because of the scourge of drug violence. This amendment would target some of the drug lords' own money back toward these communities, ensuring that there will be more police out from behind desks, walking the streets, and protecting our neighborhoods.

As the Christopher Commission that investigated the beating of Rodney King by the Los Angeles Police Department showed, the central factor that led to this tragedy was an "us against them" attitude in the police force. The best way to fight this siege mentality is to get the police out of the station and out walking the streets of the community they protect. Targeting some of the funds from this program to major urban areas can help the police forces meld with the diverse ethnic communities in these metropolitan areas.

Last year the Asset Forfeiture Program took in over $478 million. After distributing money to cover forfeiture-related costs, equitable sharing for local governments, Federal law enforcement agencies, and the Drug Czar's office, the fund still had over $131 million left over. This year Mike Milken alone has had to surrender just over $198 million to the Asset Forfeiture Program. There will be more than enough money for to us cover the allocation created by this amendment.

Mr. Chairman, this is a simple amendment that will take some of the drug lords' own money and put it into protecting the streets that they terrorize. I urge the House to support this amendment to the crime bill.

Let me just say, Mr. Chairman, we have lived in Miami for 15 years with the results of the problem of drugs and violence. Those Members in this House who do not live in metropolitan areas like ours do not want our problems. I do not wish them on any Member. It is terrible to have a community under siege, gang violence, deaths, crack cocaine, crack houses, 10-year-old kids taking drugs, selling drugs, protecting drugs. This is what we have to stop. This amendment will help us do that.

I urge Members to vote to make sure your town, your city does not get to where we have been.

Mr. FASCELL. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Florida. I am happy to yield to the gentleman from Florida.

Mr. FASCELL. Mr. Chairman, I just want to rise and join the gentleman in support of this amendment. I think recycling this money back into law enforcement efforts in the cities and the metropolitan areas that have the greatest problem is a sensible thing to do.

Mr. SMITH of Florida. I thank the gentleman for his statement. Obviously coming from Miami, having represented it for many years, he sees the vast difference between the way Miami as a community was before the advent of this drug problem and afterwards, and I am grateful for his support.

Mr. FISH. Mr. Chairman, will the gentleman yield?

PARLIAMENTARY INQUIRY

Mr. SMITH of Florida. Mr. Chairman, parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. SMITH of Florida. Mr. Chairman, was there an allocation of time on both sides?

The CHAIRMAN. There is 10 minutes available for a Member in opposition. No Member has claimed that time.

Mr. SMITH of Florida. Mr. Chairman, how much time do I have remaining?

The CHAIRMAN. The gentleman from Florida has 6 minutes remaining.

Mr. SMITH of Florida. Mr. Chairman, I yield 1 minute to the gentleman from New York [Mr. FISH].

Mr. FISH. Mr. Chairman, I know of no Member on this side of the aisle who is opposed to the gentleman's amendment, and I am glad to accept it.

Mr. SMITH of Florida. I appreciate that very much.

Mr. SCHUMER. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Florida. I yield to the gentleman from New York [Mr. SCHUMER], chairman of the Subcommittee on Crime and Criminal Justice.

Mr. SCHUMER. Mr. Chairman, I thank the gentleman for yielding me the time and I rise in support of his excellent amendment. The amendment contains an increase in Federal authorization for the Cop on the Beat Program contained in the bill.

This is the kind of stuff that really reduces crime and prevents crime from occurring. We have focused for years and years in this House on punishing the criminal, as we should. But we have sometimes neglected trying to prevent the crime from occurring as well.

We must have police back on the beat. We have not seen police on the beat in years and years in many of the areas, cities and suburbs of this country. And in the crime bill there is a comprehensive program to help localities switch over to a community policing, cop-on-the-beat mode.

This probably will do more to prevent crime than anything else, any other single program in the bill. There is not much controversy about it. It is not what the people are writing about, but it is probably more important than any other provision.

To increase those funds and to make sure some of them come from the forfeiture fund makes a great deal of sense, because it is time once and for all, my colleagues, that we as a body, Democrat and Republican of any ideology started focusing on those noncontroversial nuts and bolts matters that really reduce crime. This is one of them.

I commend the gentleman and I hope the amendment will be approved.

Mr. SMITH of Florida. I thank the chairman of the subcommittee.

I just want to say one thing. We have voted in this body over the last few days on this bill and on a number of amendment that deal only in the narrowest sense with any kind of crime that will impact on most people in this country, maybe one-tenth of 1 percent, one-fiftieth of 1 percent. This amendment deals with crime in everybody's community. This goes to State crime, local crime, everything, not just that little bit of Federal crime that is covered under a lot of what is in the crime bill.

Mr. SCHUMER. Will the gentleman yield?

Mr. SMITH of Florida. I am happy to yield.

Mr. SCHUMER. Mr. Chairman, we have, as the gentleman knows, in some localities excellent community policing programs, and the people in those neighborhoods are amazed because what do they see, lo and behold, but police officers actually walking the beat.

The problem is that it is very hard for most localities to convert their systems back to cop on the beat instead of all of these specialized patrol cars and everything else. This amendment give the localities not money for new police; that is their job; but the wherewithal to convert to the community policing, cop-on-the-beat mode. That is what makes it so important. The gentleman is indeed on target. It will indeed do a lot to reduce crime as our localities switch over to the community police.

Mr. SMITH of Florida. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida [Mr. SMITH].

The amendment was agreed to.

The CHAIRMAN. It is now in order to consider amendment No. 22 printed in part 2 of House Report 102-253.

AMENDMENT OFFERED BY MR. SKELTON

Mr. SKELTON. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. SKELTON: Page 177, after line 17, insert the following new sections:

SEC. 1808. AUTHORIZATIONS FOR RURAL LAW ENFORCEMENT AGENCIES.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 1001(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended by section 1822 of this Act, is amended by adding at the end thereof the following new paragraph:

"(17) There are authorized to be appropriated $50,000,000 for fiscal year 1992 and such sums as may be necessary for fiscal years 1993 and 1994 to carry out part O of this title.".

(b) AMENDMENT TO BASE ALLOCATION.—Section 1501(a)(2)(A) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by striking "$100,000" and inserting in lieu thereof "$250,000".

SEC. 1809. RURAL DRUG ENFORCEMENT TASK FORCES.

(a) ESTABLISHMENT.—Not later than 90 days after the date of enactment of this Act, the

Attorney General, in consultation with the Governors, mayors, and chief executive officers of State and local law enforcement agencies, may establish a Rural Drug Enforcement Task Force in each of the Federal judicial districts which encompass significant rural lands.

(b) TASK FORCE MEMBERSHIP.—The task forces established under subsection (a) shall be chaired by the United States Attorney for the respective Federal judicial district. The task forces shall include representatives from—

(1) State and local law enforcement agencies;

(2) the Drug Enforcement Administration;

(3) the Federal Bureau of Investigation;

(4) the Immigration and Naturalization Service; and

(5) law enforcement officers from the United States Park Police, United States Forest Service and Bureau of Land Management, and such other Federal law enforcement agencies as the Attorney General may direct.

SEC. 1810. CROSS-DESIGNATION OF FEDERAL OFFICERS.

The Attorney General may cross-designate up to 100 law enforcement officers from each of the agencies specified under section 1809(b)(5) with jurisdiction to enforce the provisions of the Controlled Substances Act on non-Federal lands to the extent necessary to effect the purposes of this title.

SEC. 1811. RURAL DRUG ENFORCEMENT TRAINING.

(a) SPECIALIZED TRAINING FOR RURAL OFFICERS.—The Director of the Federal Law Enforcement Training Center shall develop a specialized course of instruction devoted to training law enforcement officers from rural agencies in the investigation of drug trafficking and related crimes.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $1,000,000 in each of the fiscal years 1992, 1993, and 1994 to carry out the purposes of subsection (a).

The CHAIRMAN. Under the rule, the gentleman from Missouri [Mr. SKELTON] will be recognized for 5 minutes, and a Member opposed will be recognized for 5 minutes.

The Chair recognizes the gentleman from Missouri [Mr. SKELTON].

Mr. SKELTON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise today to offer an amendment to fight the increasing crime and drug problem in rural America. The need for action can be seen in news headlines from small towns and rural areas around the country, as well as a Senate report released this summer which revealed that violent crime and drug abuse are increasing at a faster rate in rural areas than in many of our urban States and large cities. Statistics revealed:

In 1990, violent crime rose faster in 13 of 15 rural States than in New York City.

One of every ten hard-core cocaine addicts lives in a rural State.

In 1990, violent crime rose faster in about half of the rural States than it did in California.

In 1990, violent crime increased by more than 10 percent in 6 of 15 rural States.

Rural high school seniors reported use of the synthetic drug Ice at twice the rate of urban seniors and 1½ times the rate of suburban seniors.

In 1990, the number of addicts seeking drug treatment in rural States increased more than 50 percent faster than in the largest and most urban States.

High school seniors from rural areas were more likely to use marijuana on a daily basis than their urban and suburban peers.

Only one of every three students in rural States receives comprehensive antidrug education.

States included in this study were Arkansas, Arizona, Colorado, Idaho, Iowa, Kansas, Maine, Montana, Nebraska, Oklahoma, Oregon, South Dakota, Utah, Vermont, and Wyoming.

To help combat these increasing crime rates, my amendment:

Creates a $50 million grant program for State and local law enforcement agencies in rural areas;

Increases the base allocation for distribution of antidrug funds to States under the Omnibus Crime Control and Safe Streets Act from $100,000 to $250,000;

Authorizes the establishment of rural drug enforcement task forces in Federal judicial districts with significant rural areas.

Allows the cross-designation of a specified number of Federal law enforcement officers to enforce Controlled Substances Act on non-Federal lands; and

Authorizes $1 million for specialized courses for law enforcement personnel from rural agencies in investigation of drug trafficking and related crimes.

My amendment will enable State and local law enforcement agencies to hire, train, and better equip officers on the frontlines of the war on drugs and crime. It specifically focuses on training, because good training is critical to law enforcement efforts in both rural and urban areas. All of us have seen instances where cases had to be thrown out because the arresting officer failed to read a suspect his Miranda rights or had illegally obtained a confession. Training reduces the possibility of these mistakes.

The proliferation of the synthetic drug Ice has brought about the need for special law enforcement training to deal with the hazardous conditions under which it is produced. Rural America is very attractive to Ice traffickers because production of the smokeable form of methamphetamine produces a significant odor and several common chemicals are used in its manufacture. However, the deadly combinations of acids, solvents, and other poisons can put officers with only brief exposure to Ice labs in severe danger.

Similar language is already included in S. 1241, the Violent Crime Control Act passed by the Senate in July. If we are to win the war on drugs and crime in this Nation, we cannot ignore rural America. Violent crime, drug addiction, and drug trafficking do not stop at the boundaries of our large cities. We must provide rural law enforcement agencies with the tools they need to cut off the production and transportation of drugs to the cities, as well as address the increasing drug treatment and prevention needs of rural citizens.

Mr. EMERSON. Mr. Chairman, will the gentleman yield?

Mr. SKELTON. I yield to the gentleman from Missouri.

Mr. EMERSON. Mr. Chairman, I want to compliment the gentleman from Missouri on the introduction of this amendment.

Mr. CHAIRMAN. I rise in strong support of the amendment offered by my colleague from Missouri [Mr. SKELTON]. The Skelton amendment recognizes that illegal drugs and violent crime are not limited to the America's cities. By helping rural areas to fight drug crime, the Skelton amendment is a comprehensive approach to the war on drugs.

Mr. Chairman, this far we have waged an admirable battle on drugs in our Nation's cities. The war is far from over, no doubt. But we've done such a good job that we've pushed a substantial amount of crime and drug activity over the city limits. Drugs and crime have moved into the rural areas, and rural areas just don't have the resources to effectively combat the problem. Unless we address both the urban and rural aspects of the problem at once, we'll just shift the problem back and forth over the city boundaries. That's no solution.

The Skelton amendment will increase assistance to State and local law enforcement and create programs to hire, train, and better equip rural police officers who are on the frontlines of the drug war. Support the Skelton amendment, and support a comprehensive approach to the war on drugs.

□ 1710

This is a meritorious amendment, and I urge my colleagues to support it.

Mr. SKELTON. Mr. Chairman, I appreciate my friend from Missouri for his comments.

Mrs. BYRON. Mr. Chairman, will the gentleman yield?

Mr. SKELTON. I am happy to yield to the gentlewoman from Maryland.

Mrs. BYRON. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I say that I rise to join the gentleman in strong support of his amendment.

Just last year I witnessed firsthand the expansion of the drug trade into my own district in western Maryland. It is sophisticated, it is well financed both in the air and on the ground.

The gentleman's amendment would create a much needed $50 million grant system to assist our State and local law enforcement agencies in the rural areas to defeat this dangerous trend.

Let me take my point home, and that is that a report released from the other body this summer indicated in 1990, violent crime and drug abuse rose faster in Maine and Montana than it did in Los Angeles and New York, and that is that 1 in every 10 cocaine addicts live in rural States and only 1 in every 3 students in rural areas receive comprehensive antidrug education.

Just 2 weeks ago in Maryland we almost were forced to cut the Drug Abuse Resistance Education Program, more formally known as DARE. This program had been operating successfully in our rural school systems, and just last spring, 1,500 fifth and sixth graders in Grove Stadium received their certificates.

The Governor in Maryland proposed to cut 83 State troopers. It was a great crime for us to have to look at this program.

I urge my colleagues to support this critical and timely amendment, and those of us in rural areas need this kind of help.

Mr. SCHUMER. Mr. Chairman, will the gentleman yield?

Mr. SKELTON. I am happy to yield to the gentleman from New York.

Mr. SCHUMER. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, while certainly I do not have any rural areas in my district, we might define those rural areas as people living in single-family homes.

I would say to the gentleman that this amendment is much needed. Crime is a problem everywhere. It is no longer just a problem of inner cities, the cities, the suburbs, it is everywhere, and when you ask people throughout America where they feel government has let them down, it is in the area of crime. That is true in rural areas.

There are drug operations in rural areas.

I support the amendment. It is a worthy amendment.

Mr. FISH. Mr. Chairman, I have no one on this side who is opposed to this amendment, and I am glad to support the gentleman's amendment.

Mrs. LLOYD. Mr. Chairman, I rise in strong support of the Skelton amendment. It helps focus some of the scarce resources we have available for crime control on rural areas.

Speaking as a Member who proudly represents some of the most beautiful, scenic, and rural parts of Tennessee, I am keenly aware that crime is no longer isolated to poor inner city neighborhoods. Crime is rapidly growing in America's rural communities and these areas urgently need a fair share of the Federal law enforcement pie as well.

The Justice Department's 1990 Uniform Crime Report indicates that nationwide one violent crime occurs every 17 seconds. Small town America has certainly seen its fair share of the murders, rapes, robberies, and aggravated assaults which the Justice Department data reflects.

I say enough is enough. Far too many people are afraid in their own homes and neighborhoods. The strong and measured steps prescribed by the Skelton amendment must be taken.

Not only does it create a grant program for State and local law enforcement agencies in rural areas, it authorizes the establishment of rural drug enforcement task forces and funding for the special instruction of law enforcement personnel from rural agencies.

The Skelton amendment will provide rural communities with their fair share of crime control dollars. I urge its adoption.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Missouri [Mr. SKELTON].

The amendment was agreed to.

The CHAIRMAN. It is now in order to consider amendment No. 23 printed in part 2 of House Report 102-253.

AMENDMENT OFFERED BY MR. DORGAN OF NORTH DAKOTA

Mr. DORGAN of North Dakota. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. DORGAN of North Dakota: Page 155, after the material following line 4, insert the following:

SEC. 1725. SAVINGS AND LOAN PROSECUTION TASK FORCE.

The Attorney General shall establish within the Justice Department a savings and loan criminal fraud task force to prosecute in an aggressive manner those criminal cases involving savings and loan institutions.

The CHAIRMAN. Under the rule, the gentleman from North Dakota [Mr. DORGAN] will be recognized for 10 minutes, and a Member in opposition will be recognized for 10 minutes.

The Chair recognizes the gentleman from North Dakota [Mr. DORGAN].

Mr. DORGAN of North Dakota. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I offer on my behalf and on behalf of the gentleman from Ohio [Mr. ECKART] the amendment today that would require the Attorney General to establish a savings and loan criminal fraud prosecution task force in the Justice Department to prosecute in an aggressive manner those criminal cases involving savings and loan fraud.

The reason I do this is that the issue of S&L fraud is important. We are now in the middle of a bailout of the S&L industry. We've had institution after institution fail. We are told, the GAO and others that have done studies, that up to 60 percent of the failures involved fraud.

It is clear to us that if we are having a half trillion dollar bailout of the S&L industry and if 60 percent of those failures involved fraud, we have a responsibility to the people of this country to be certain that we aggressively prosecute those who committed fraud. We ought to prosecute them, put them in jail, and seize the assets that are available. That is the least we owe to the people of this country as we try to deal with the vexing problem that we have with the S&L industry.

I am not suggesting that the Justice Department is not prosecuting fraud. They are. But they now have a task force that is much broader than a task force that focuses on fraud in the S&L industry. It is a task force on financial institutions and, for example, the data shows that of the approximately 4,200 major ongoing cases, only 943 are S&L cases. Between October 1, 1988, and August 31, 1991, only 820 defendants were charged in major S&L cases with fewer convictions than that and only modest asset recoveries.

The gentleman from Ohio [Mr. ECKART] and I believe that what we ought to do is have focus. We have provided enormous amounts of money for prosecution of S&L fraud. That money, we believe, ought to be used with some focus.

The bill that passed the House this year has close to $260 million for the purpose of investigating and prosecuting financial institution fraud cases. We believe there ought to be specific focus at the Justice Department to find out who cheated, and committed the fraud in the S&L industry, and then prosecute them aggressively.

In order to accomplish that, using the money Congress has already appropriated, there should be developed in the Justice Department a task force on criminal prosecutions for S&L fraud. That is the amendment we offer today, Mr. Chairman, and we would hope that the Committee of the Whole and the Congress will consider it favorably.

Mr. Chairman, I yield 2 minutes to the gentleman from Ohio [Mr. ECKART].

Mr. ECKART. Mr. Chairman, I thank the gentleman for yielding.

As the gentleman has so capably articulated the purposes of the provisions of this amendment, I will just simply underscore what he has stated.

This amendment will provide focus. Clearly we appreciate what has gone on, but we know that there needs to be done so much more.

It will provide direction, direction in the sense that we will be able to better assess the efforts made by both the FBI and the Treasury Department in prosecuting this fraud. It will help create a separate stand-alone plan against which we can measure the progress being made by those who seek to bring people to justice who have defrauded the taxpayers.

Hardly a day goes by for any of us when we do not receive a letter of inquiry from our constituents about what is going on. One of my constituents from Chesterland, OH, wrote, "Who is paying for all the waste and corruption in the banking industry? The taxpayer. And what are you going to do to prosecute those involved?"

Mr. Chairman, the Dorgan-Eckart amendment today provides focus, direction, and a plan to help protect the taxpayer from future raids on our Treasury.

I encourage and plead for the adoption of the amendment.

Mr. FISH. Mr. Chairman, we have no one to speak in opposition, and we are happy to accept this amendment.

Mr. HENRY. Mr. Chairman, will the gentleman yield?

Mr. DORGAN of North Dakota. I am happy to yield to the gentleman from Michigan.

Mr. HENRY. Mr. Chairman, the amendment was not considered in subcommittee nor in the full committee, to the best of my knowledge. For that reason, I would simply pose an inquiry: Would the task force that the amendment would establish and fund also extend to the questions the public has pertaining to many of the questions that have been raised relative to the Congress of the United States itself and the U.S. Senate pertaining to this, and would it have full access to the ethics committee investigations, standards of conduct investigation in the Senate? Will, in fact, that be appropriate?

Mr. DORGAN of North Dakota. Mr. Chairman, reclaiming my time, that is not a serious question. If the gentleman had read our amendment he would better understand exactly what we are trying to do with the amendment.

Mr. HENRY. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from Michigan [Mr. HENRY] is recognized for 10 minutes in opposition.

Mr. HENRY. Mr. Chairman, I yield myself such time as I may consume.

If the gentleman will not answer the question, and I asked the question in good faith, but I would like to know whether or not the legislation addresses questions that have been raised about this body and the Congress at large in relation to this issue.

Mr. DORGAN of North Dakota. Mr. Chairman, will the gentleman yield?

Mr. HENRY. I am happy to yield to the gentleman from North Dakota.

Mr. DORGAN of North Dakota. Has the gentleman read the amendment?

Mr. HENRY. I have not seen the amendment in full. I have the summary of the amendment.

Mr. DORGAN of North Dakota. If the gentleman will yield further, I should tell the gentleman that we went to the Committee on Rules and offered the amendment. The amendment is printed in the report. I wish the gentleman would have read it.

Had the gentleman read the amendment, what he would discover is we simply attempt with this amendment to require there to be established in the Justice Department a task force on criminal prosecution for S&L fraud. The Justice Department is not limited in any way by our amendment with respect to any other powers or authorities they might have to do anything outside of that admonition.

□ 1720

We would want there to be a criminal task force on S&L fraud. It alters or reshapes nothing else that the Justice Department does.

Mr. HENRY. So the answer to the question is that, yes, it does potentially open up for a full-fledged investigation. There are no limitations in terms of what the task force can pursue.

Mr. DORGAN of North Dakota. Mr. Chairman, if the gentleman will yield further, the answer to the question is that this does nothing to alter or reshape existing authority in the Justice Department to do anything they choose to do when they see something that they should investigate or prosecute.

Mr. HENRY. Fine.

Mr. DORGAN of North Dakota. Mr. Chairman, I yield 1 minute to the gentleman from Wisconsin [Mr. KLECZKA].

Mr. KLECZKA. Mr. Chairman, I rise in strong support of the Dorgan amendment to establish a savings and loan criminal fraud task force within the Department of Justice.

This amendment improves current law, which now provides for a Justice Department financial institutions fraud task force, but does not specifically target S&L wrongdoers.

I am sure the mail I receive on this subject differs little from that of other Members of this House.

The American people, who will pay at least $260 billion in the S&L crisis, want those who helped cause it to be prosecuted.

When appropriate, they want fines to be levied.

Where possible, they want restitution.

When necessary, they want forfeiture of property.

Quite simply, the American people want justice.

The administration and its supporters may maintain this amendment is not needed. They may argue we have already appropriated millions to go after the S&L high fliers who ran up the tab and left the rest of us with the bill.

This Congress has indeed appropriated millions. But it is not clear taxpayers are getting their money's worth when it comes to prosecution of S&L offenders.

Consider the figures the administration itself cites on this matter.

In a May 1991 Justice Department report, "Attacking Financial Institution Fraud," the Department says that restitutions in financial institution cases in the first half of fiscal 1991 total $125 million.

Let's take a closer look at those numbers. Of that $125 million, only $20 million came from actions taken against S&L's.

Of the $4.8 million realized through seizures in that period, only $963,523 came from S&L's.

A breakdown of figures by regional office is even more revealing. In two Southwestern field offices, Phoenix and Albuquerque, taxpayers have realized no money as a result of seizures and forfeitures, according to the Justice Department.

Things may be looking up. The Justice Department reports fines total $75 for the Phoenix office from October 1, 1990, through March 31, 1991.

The Albuquerque office did twice as well. They were responsible for a grand total of $150 in fines.

These fines are equivalent in amounts to overdue parking tickets. They probably have the same deterring effect.

The Southwest, I need not remind my colleagues, has been part of a virtual black hole for tax dollars in the S&L disaster.

It is possible to assess fines. The Justice Department report notes the Milwaukee area office, which lists only one failed financial institution through April 30, 1991, was responsible for $536,200 in fines.

Mr. Chairman, these startling figures are buried inside a Justice Department report which gives an overall view of financial institution fraud efforts. In so doing, it provides a convenient cover for a less than vigorous effort to bring S&L wrongdoers to Justice.

The Dorgan amendment, which requires a separate task force to combat S&L fraud, addresses this issue. I urge support for this amendment.

Mr. DORGAN of North Dakota. Mr. Chairman, I have no further requests for time.

I wish to say that I appreciate the statements of the gentleman from New York on the other side and the gentleman from New York on our side accepting the amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. AUCOIN. Mr. Chairman, 60 percent of the S&L failures involved fraud—billions of dollars stolen from depositors. That's why we gave the Justice Department $260 million this year—to go after stolen funds and the S&L thieves. Yet the Justice Department is spending most of those resources on other cases, leaving thousands of S&L crooks to enjoy their loot.

Mr. Chairman, the American taxpayer is being asked to pony up the amazing sum of $500 billion to cover Federal deposit insurance obligations connected with these crimes. They deserve better. Oregonians, who have seen few S&L failures, are being asked to fork over millions to pay for Porsches and Rembrandts of freewheeling S&L kingpins in the Sunbelt. They deserve better.

Taking S&L crooks out of their fancy cars and putting them behind prison bars must be a top priority. The S&L Crime Task Force proposed by the Dorgan-Eckart amendment would make that happen. I urge my colleagues to vote for this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from North Dakota [Mr. DORGAN].

The amendment was agreed to.

PERSONAL EXPLANATION

Mr. FIELDS. Mr. Chairman, due to inclement weather conditions, I was unavoidably detained in my district this morning. Had I been here, I would have voted in favor of the Schiff amendment, No. 12, to H.R. 3371, in favor of the McCollum amendment, No. 14, and in favor of the Clement amendment, No. 16.

The CHAIRMAN. It is now in order to consider amendment No. 38 printed in part 2 of House Report 102-253.

No Member named in the report or their designee has appeared on this amendment.

Mr. ALEXANDER. Mr. Chairman, I rise in strong support of this crime control package.

I am especially interested in and particularly supportive of title VI certainty of punishment for youthful offenders which provisions are aimed at turning young people from a path of crime, which will not only ruin their lives, but also do great harm to the lives of their victims.

Slapping them on the wrist is not enough. Putting them in prison with adult inmates exposes youthful offenders to big-time often hardened criminals which leads to a life of crime. There is little likelihood of rehabilitations, I am told.

The concept of tough bootcamp-type prisons for youthful offenders represents, in my mind, an alternative.

The programs in these camps should be tough enough so that youthful offenders will leave with one clear impression: Their deeds will bring swift and tough punishment.

And, the program should be structured to ensure that these offenders all have the same goal upon their release: Never to return.

The overriding purpose of these camps should be to cut short a young person's journey into crime.

If the punishment is tough enough for stealing a hubcap, then, perhaps, that young person will think twice before stealing a car, or graduating to robbing armored cars.

Law abiding citizens are tired of being victims, tired of gangs roaming our streets, tired of drugs being sold in our schools, and tired of not feeling safe in their homes.

I believe that expanding the bootcamp prison idea for youthful offenders will help cut back on the number of hardened adult criminals.

Expansion of the bootcamp-type prison will help us return to the principle that the certitude of punishment is a deterrent to crime. It will help young law breakers get the message: We are going to do whatever is necessary to end the days when people can't feel safe in school, at home, or on the streets, and to reach the day when Americans don't have to look over their shoulders, fearing for the worst.

Mr. SYNAR. Mr. Chairman, today the House will pass a comprehensive crime bill to help address the apprehension felt by all in the Nation that he or she may be a victim of crime. Crime and its impact on innocent citizens is certainly of major concern to my Oklahoma residents.

In considering the crime bill and the various amendments offered during the debate I had several considerations. My foremost concern was that the bill and amendments actually address local problems. While there is much talk and debate on the Federal level, Federal crimes, those crimes prosecuted exclusively by the Federal Government, constitute a very minor portion of the overall crime rate. The local and State law enforcement forces bear the burden of confronting the vast majority of crimes committed in America. I wanted to ensure that the proposals address the real problems experienced by victims, police, and the justice system.

The bill contains 24 titles dealing with a variety of matters that affect local and State crime fighting efforts. There are grant programs to assist with drug treatment of State prisoners, drug testing of arrestees, victim restitution, community policing efforts, and punishment alternatives for youth offenders. While appropriate punishment of crimes must remain of prime importance, it is imperative that the Federal Government do more to address the causes and culture of crime. This was the focus of the crime bill.

There were a number of complex and difficult amendments that were voted on that need additional explanation. These amendments impact the entire justice system and the equal administration of justice in this country. These include the issues of habeas corpus, imposition of the death penalty in certain cases, the gathering of evidence by law enforcement, and the banning of certain assault weapons.

While I support the death penalty, and voted for the imposition of the death penalty under the Federal system for a variety of Federal crimes, I also believe that it should be imposed as a sentence in a proceeding that is equal in fairness to all other proceedings. I also agree that reform to the system of federal habeas corpus is necessary in order to expedite the Federal portion of the process that permits prisoners to bring constitutional claims to the Federal courts. The bill contains a provision that brings significant reforms to the Federal process by speeding it up and guaranteeing that there is a finality to the procedures.

Most important, the bill requires competent counsel during the trial phase in all capital cases. This alone will do more, than any other changes proposed, to speed up the process. If counsel is competent at trial, the chance of mistakes or errors that can be raised in an appeal will be reduced significantly. The bill provides for legal representation all of us would be willing to accept or provide.

I strongly believe that the writ of habeas corpus is essential to our system of justice. Without it, we would be compromising our most fundamental constitutional protections. Thus, it was important to address the real needs of the justice system while maintaining an essential component of our world respected justice system.

The bill contained a provision that banned certain assault weapons and ammunition clips of over seven rounds. Presently owned weapons would have been exempted from the ban. This provision was deleted from the crime bill; however, I voted to retain this section.

The weapons banned in the crime bill serve no useful purpose. While I am a strong advocate of owning guns and particularly support weapons that are legitimate hunting weapons, I do not believe my constituents want the presence of weapons that can replicate the tragedy in Killeen, TX, that occurred last week. Real sportsmen do not need or use these weapons in sports hunting. The ammunition clip used in the Killeen killings was able to fire 17 rounds in 30 seconds. No hunting rifle, knife, car, baseball bat, or scissors—all of which have other useful and legitimate purposes—could kill or maim that equivalent number of persons in so short a time.

These assault weapons do increase the likelihood of death or serious injury when used in criminal activity. While assault weapons only comprise approximately 1 percent of all privately owned weapons in the United States, they accounted for more than 10 percent of the guns traced in criminal acts in the years 1988 to 1989. Law enforcement officials are being outgunned. Unless these are prohibited on a national level, these will continue to cross State lines and be used in violent crimes. If these guns are less accessible, incidents such as that in Killeen, TX, will be less likely to happen.

The fourth amendment to the U.S. Constitution ensures that citizens in the United States are not subject to the types of searches and seizures we have condemned in other countries that do not enjoy our system of democracy. Under the fourth amendment, law enforcement officials are required to follow a simple process of obtaining a warrant before embarking on a search for evidence of illegal activity. Under present law, if evidence is seized without a valid search warrant and the person has not voluntarily consented, evidence can be prevented from being used in a criminal conviction. Under this exclusionary rule evidence has been rejected in only approximately 2 percent of all adult felony cases including those which are not brought to trial by decision of the prosecuting attorney.

An amendment was offered to permit law enforcement officials to make warrantless searches as long as these were in good faith. I voted against this amendment. Since I expect that the police always try to, and believe that they do, act in good faith, I believe firmly that the authors of the U.S. Constitution intended that there never be searches and seizures without warrants and where an individual has not voluntarily consented. These are the tools by which we protect innocent citizens against any possible excesses by law enforcement officials. While I support and hope that actions of this nature are never taken unless in good faith, it is certainly possible that errant officers and those acting under the pressures of increasing crime problems may falter in the protection of innocent citizens.

Death penalty sentencing, a separate procedure from conviction of the underlying crime, is a procedure that all of us expect to take place without regard to any elements of bias. Unfortuntely, there are appalling examples in several jurisdictions of where a person has received the sentence of death simply because of racism. Testimony presented both last Congress and this Congress by various groups provided factual evidence and actual court transcripts of cases in which persons had been sentenced after representation by third year law students or drunk attorneys; cases in which a black defendant was represented by the grand master of the Ku Klux Klan and referred to by racial epithets throughout the trial; cases in which no evidence at all was presented at trial or at the sentencing phase. Even for those of us who agree with the imposition of the death penalty in particular cases, we surely can not support a system that does not guarantee fairness in carrying out the ultimate penalty.

The crime bill contained a section to ensure that racism plays no part in America's justice system. The Fairness in Death Sentencing Act, a section of the bill, guaranteed that if a defendant received sentence under these conditions, evidence could be presented to challenge the death sentence. The burden was on the defendant and could be challenged under simple evidentiary standards by the prosecutors. An amendment offered to strike this section went so far as to eliminate present Supreme Court and State law which ensured review in certain cases. I voted against this amendment because I believe that no one can support any sentence imposed on the basis of racism. This simply has no place in our system of justice.

The fight against crime requires cooperation between the Federal Government and local law enforcement. This bill attempts to strike the balance between new laws and the necessary funds needed to implement real solutions to crime.

Mr. COLEMAN of Texas. Mr. Chairman, I rise today in support of H.R. 3371, the Omnibus Crime Control Act of 1991. This bill makes real strides in our ongoing efforts to remove illegal drugs and the violence that accompanies them from our society. It does that by providing much needed support for our local law enforcement officers.

For example, this bill authorizes grants to allow local governments to develop community policing programs to help law enforcement officers do their jobs more effectively. It targets additional funds towards those areas of the Nation, such as the Southwest border, that are the major corridors for drug trafficking. Local law enforcement officers in those areas will be aided in their efforts through the High Intensity Drug Trafficking Areas [HIDTA] Program which has proven so effective.

The bill also provides assistance to State and local school officials in their efforts to protect our children from drug and gang-related violence. It authorizes funds for schools to develop new educational programs to prevent drug and alcohol use and to discourage gang-related violence. It also increases the penalties for distributing drugs in drug-free zones around schools and playgrounds.

Finally, the bill provides much needed assistance to trauma care centers that are struggling to deal with the victims of drug-related violence. Without this assistance, more of these trauma centers would close their doors, leaving local citizens with nowhere to turn for emergency trauma care.

These are only a few of the ways in which the Omnibus Crime Control Act will help those at the front lines, our local law enforcement officers, in their efforts to rid us of the terrible problems that illegal drugs have brought to our Nation. I urge my colleagues to approve the Omnibus Crime Control Act.

Mr. LIGHTFOOT. Mr. Chairman, I would like to state my opposition to H.R. 3371, the Omnibus Crime bill. We all know that now is the time for a comprehensive measure combating crime and all its ugly aspects. Unfortunately, we should have made the time to have this debate on crime control when the President offered his comprehensive crime package several months ago. The House majority leadership, apparently, did not consider our Nation's crime problems as urgent as the President. Nonetheless, I am pleased to see we are finally debating comprehensive crime control legislation.

There are issues addressed in the Democrats' crime bill that should be addressed—habeas corpus reform, domestic violence, gang violence, drug abuse, the exclusionary rule and others. However, while the Democrats have chosen the right subjects to discuss, they have not chosen the right approach to these subjects.

I am pleased to know the House remedied some of the more objectionable aspects of the bill reported out of the Judiciary Committee such as the firearms provisions and the fairness in death sentencing section. However, I do not believe the bill goes far enough with respect to habeas corpus reform. In additon, I believe the bill generally adopts a throw-some-money-at-it approach to our Nation's crime problems as evidenced by the multitude of grant programs which may have good intentions, but are of questionable effectiveness.

It is time, Mr. Chairman, for us to stop focusing only on the rights of the accused. It's time for us to remember that we are obligated to fight for the rights of law-abiding citizens. While this bill is clearly not the answer to our Nation's crime problems, I am optimistic that someday soon, we will consider legislation that will truly assert the rights of innocent, law-abiding citizens. I look forward to working with my colleagues toward that goal.

Mr. WEISS. Mr. Chairman, I rise in opposition to H.R. 3371, the Omnibus Crime Control Act.

For the fifth time in 7 years we are considering major crime legislation. Yet, little, if any, progress has been made in the seemingly endless struggle against the scourge of crime. Mr. Chairman, we are failing because we spend our time reacting to crime, and doing little to prevent it from ever occurring.

My opposition to capital punishment has long been part of the public record. Yet, it is not this opposition that leads me to criticize the death penalty debate today. This debate, in which we seem to ritually engage, is a perfect example of our shortsightedness in regard to crime. There has never been any indication that capital punishment deters crime, yet we continue to focus on it as though it were an effective means to combat crime; we introduce legislation to expand it, and we spend hours debating it. Why do we expend so much effort debating the punishment for crimes already committed, and so little searching for ways to prevent them from ever being committed?

The bills that we introduce are, for the most part, measures of punishment and retribution. We spend our time debating punishment, legal procedures, and policing. Clearly, these are important issues, but they are relevant only to crimes already committed. Those who commit crimes must be appropriately punished, but let us stop avoiding the real, and truly difficult, issues.

Any real struggle against crime must begin by attacking the conditions that are its causes. We talk about getting tough on crime, but we fail to do that which will have a real effect on it. We debate ways to expedite the appeals process, expand the number of crimes eligible for the death penalty, the narrowing of our fourth amendment rights; and ignore the very real and pressing needs of our citizens.

Crime is the product of poverty and life without opportunity. It is born in the hopelessness and impoverished despair of our inner cities and the silent poverty that lurks in the country side. The real anticrime bills must be the housing bills; the job training bills; the increased funding of schools, drug treatment centers, and needed social services. These programs, which have been eviscerated over the past two administrations, are the ones with which we will help rid ourselves of the plague of crime.

Clearly, those who commit criminal acts must be appropriately punished. But, when the government fails to help those in need and, in effect, tells them that society does not care about them, we must not be surprised at what will occur: The crime and violence that we see plaguing or neighborhoods and streets.

Mr. Chairman, let us stop the political posturing, the oneupmanship on who is toughest on crime. Let us start addressing the needs of American citizens; let us attack the conditions that are the breeding ground of crime. Mr. Chairman, that is how we will get tough on crime.

Mr. FAZIO. Mr. Chairman, I rise with my colleagues in support of H.R. 3371, the Omnibus Crime Control Act of 1991—legislation which will put teeth in the saying that "crime does not pay," and make our schools and neighborhoods safer for us.

The administration's war on drugs and crime clearly is not working. Americans are not better off than they were 4 years ago and—with substantial increases in murder, forcible rape, robbery, and aggravated assault—they certainly are not any safer. In California alone, violent crimes increased 6.5 percent from 1989 to 1990.

But, H.R. 3371 will make a difference in people's lives. Not only is it tougher than current law, it is preventive. It will deter crime by beefing up local crime fighting efforts. It puts more police officers on the beat and helps the local police forces who are on the frontline fighting crime every day. It sends young criminals to boot camps where they can learn the value of hard work. It provides money for our schools to fight drugs and crime and to educate and counsel our children about the dangers of drugs and crime. H.R. 3371 provides more agents to fight drugs in rural areas and mandates drug treatment for criminals in jail. It also does more for victims and their families.

American families are sick of talking about crime. They want action, and we here in Congress have a responsibility to delivery it to them. H.R. 3371 gives us real ways to keep drugs and crime out of our homes, our neighborhoods, and our schools. I wholeheartedly urge my colleagues to support the Omnibus Crime Control Act of 1991.

Mr. AuCOIN. Mr. Chairman, as is the case with any large, complex piece of legislation, the vote on final passage of H.R. 3371 requires a balancing of concerns. Many of the issues in this crime bill go to the very heart of how we see ourselves as a Nation. What should we do when the government has obtained evidence illegally? Where do we draw the line on prisoners' use of the writ of habeas corpus? How do we ensure that racial bias is not a factor when the death sentence is imposed?

H.R. 3371 includes many provisions strengthening the Federal-State-local war on crime. It authorizes increased funding for drug enforcement, antidrug efforts such as the DARE Program in our schools, substance abuse treatment of prisoners, community policing, safe schools, crime victims' compensation, law enforcement families' support services, domestic violence grants, and many other programs that deal with the causes and consequences of crime. In Oregon and throughout the country, these programs will provide valuable support to the State and local agencies in the frontlines of this war on crime. These worthwhile efforts deserve Federal support, especially since the recession has forced many States to cut their budgets to the bone.

And yet H.R. 3371 contains a number of disturbing provisions. The worst is the death penalty. The central philosophy behind any sentence is deterrence. Conclusively, the death penalty does not meet that standard. I can not and will not support provisions of H.R. 3371 that expand the death penalty.

Nonetheless, Congress has repeatedly voted to establish and expand the death penalty as part of Federal law. Many States also authorize capital punishment. Under these circumstances, I believe it is imperative to ensure that racial bias is not a factor in the imposition of this ultimate punishment. As approved by the House Judiciary Committee, H.R. 3371 included a long overdue provision requiring courts to consider the evidence of a racially discriminatory pattern in State and Federal death penalty cases. I regret that the House approved the McCollum amendment to eliminate this important provision.

Nor do I support the provision weakening the exclusionary rule. The only acceptable standard is to insist that all government officials must make every effort to comply with all legal requirements. Broadening the exceptions to this rule goes too far in the wrong direction.

The House can be proud of its vote on the habeas corpus issue. The unsuccessful Hyde amendment would have imposed excessive limits on habeas corpus and was quite properly opposed by many distinguished judges and attorneys. The amendment referred to full and fair adjudication, but its detailed language was not fair and it could have prevented full adjudication in too many instances.

Finally, it is worth noting that House passage of this bill will enable a conference committee to consider two important provisions of the Senate-passed crime bill. One is the Brady bill 5-day waiting period for handgun purchases. The second is a provision barring the sale, importation, or possession of nine kinds of semiautomatic assault weapons. It is my strong hope that the House conferees will agree to the Senate language on these issues.

On balance, then, I view this bill as a positive step in our efforts to provide Federal support for the war on crime. My vote in favor of the bill is based on my support for the House language on habeas corpus, and as a vote in favor of increased Federal funding for the many meritorious anticrime programs in this bill.

Mr. LEHMAN of California. Mr. Chairman, it is time for the United States to take the offensive on crime. The law enforcement community has been hampered by the inability of the courts to properly implement the death penalty. I applaud the efforts of the Judiciary Committee and its distinguished chairman, Mr. BROOKS, for their efforts to restore an enforceable death penalty.

The Omnibus Crime Control Act of 1991 expands the Federal death penalty and places limitations on habeas corpus petitions. The habeas corpus reform is designed to streamline litigation and promote finality in death sentences. Since the invalidation of the death penalty by the Supreme Court in 1972, Congress has approved the death penalty in Federal cases only in two instances: When death results from an airline hijacking and drug-related murders. This comprehensive bill will expand the death penalty to a variety of heinous crimes which include espionage, treason, and drug kingpins who distribute high volumes of narcotics.

I believe, as do millions of Americans, that capital punishment can be an effective instrument of the judicial system if properly implemented. However, as I speak before this House, cold blooded murderers sit on death row with the realization that the current judicial system is not adequately equipped to apply their punishment. The first step toward a safer society is to allow the law enforcement community to use the most valuable weapon they have in their arsenal—justice. The restoration of the federal death penalty coupled with curbing habeas corpus appeals will allow the courts to properly apply justice.

I understand crime will not cease once the Omnibus Crime Control Act of 1991 is approved. Crime is a formidable opponent which will continue to inflict injuries upon society. While we may lose some battles, I am confident if we continue to administer justice, as prescribed in this legislation, the war can still be won.

Mr. CHANDLER. Mr. Chairman, I rise today in opposition to H.R. 3371, the Violent Crime Prevention Act of 1991. I am adamantly opposed to this legislation in its current form because it falls considerably short of the goal of crime control.

Earlier this year, the President gave Congress a 100 day challenge to pass his Violent Crime Control Act. To the dismay of many Americans, this challenge went unanswered. And now, here we are, in the third consecutive Congress faced with another stripped down crime bill that the Majority has fashioned. The Democrats' bill enables criminals to use legal technicalities to beat the justice system and return to the streets to break the law again and again. I ask you, how long will it be before we take serious steps to make our neighborhoods safe for law-abiding Americans?

Mr. Chairman, the American public is tired of hearing Congress debate bills which seek to protect the rights of criminals at the expense of law-abiding citizens. The American public is tired of being prisoners in their homes after dark. It is time that we take the streets back from the criminals.

I urge my colleagues to reject the Democrats' bill which is a charade and support efforts to implement true crime control. Let us give the American public the safe neighborhoods they deserve. Thank you.

Mr. CHANDLER. Mr. Chairman, I rise today in strong support of this amendment to strike the so-called forcedown provisions in this bill. I am concerned that this provision, as currently drafted, goes far beyond the intent to discourage pilots from running drugs.

I am a pilot, and I can tell you that if an unmarked Customs plane came up beside me, there would be no way of knowing what to do. A real drug-smuggler, however, will realize it is a Customs plane, and will have much more to fear than the penalties contained in this bill. The only pilot that will be penalized by this provision will be the innocent pilot who will truly be a victim of this provision if it becomes law.

Mr. Chairman, I realize that the Aircraft Owners and Pilots Association has been working hard with the sponsors of this legislation to incorporate a legal standard requiring law enforcement agents to have probable cause that an aircraft is involved in drug smuggling activity prior to issuing an order to land. Unfortunately, attempts to clarify these concerns have been unsuccessful. For this reason, I must oppose the forcedown provision in its current form, and would urge my colleagues to join me in protecting the rights of law-abiding pilots. Thank you.

Mr. SANDERS. Mr. Chairman, there is no debate that crime is a major problem in America.

In 1990 there were: 23,438 murders; 102,555 forcible rapes or attempted forcible rapes; over 1 million instances of aggravated assault; over 1.5 million motor vehicle thefts; over 3 million burglaries; and almost 8 million larcenies.

Listening to the debate on this crime bill over the last week, one would get the impression that the cause of all the crime in America was due to laxness on the part of our judicial system.

But the truth is the United States has one of the highest incarceration rates in the world. One in four black men between the ages of 20 and 29 is either in jail, on probation, or parole. Numerous studies have shown that blacks are far more likely to be sentenced to death than nonwhites.

And now, at a time when most Western democracies have either discarded or severely restricted the use of the death penalty, the President and some in this Congress want to increase the use of the death penalty, a penalty which will be imposed far more frequently on nonwhites. Passage of this amendment will only ensure that a disproportionate number of nonwhites will go to their death at the hands of a government authorized executioner. I will not support this amendment and I will not support this crime bill. Over the last decade this government has gutted housing, education, and poverty programs. America's great patriotic corporations continue to export tens of thousands of jobs. Is anyone in this chamber surprised that there is an increase in the crime rate?

This Member does not believe that we can execute our way out of the social and economic crisis in this country. This bill will not take a bite out of crime but it will go a long way toward shredding the Constitution.

The President may want to use America's crime problem to mask the neglect of the last decade, but I will not take part in this bloodthirsty orgy of tough-guy rehetoric, chest beating, and promises of around-the-clock execution.

It is obvious that the President feels comfortable appealing to the worst in all of us as he did with his Willie Horton ads, but this Member will not join him in that. And I would ask Members of this House to reject him as well.

Last week, a Member of this House said that we need a death penalty we can be proud of. If this House passes this amendment and this phony crime bill, I will not be proud, I will be ashamed.

The President and his party have an interest in diverting the public's attention from the real problems facing America and their inability to deal with them, but I would ask that the majority party in this body not assist him in this effort. Vote "no" on this amendment and "no" on this crime bill.

The CHAIRMAN. The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. MURTHA) having assumed the chair, Mr. SKAGGS, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 3371) to control and prevent crime, pursuant to House Resolution 247, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. HYDE

Mr. HYDE. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. HYDE. Yes, in its present form, Mr. Speaker, I am.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. HYDE moves to recommit the bill, H.R. 3371, to the Committee on the Judiciary, with instructions to report the same to the House forthwith with the following amendment:

Page 65, strike line 11 and all that follows through line 24 on page 74 and insert the following:

TITLE XI—HABEAS CORPUS REFORM

Subtitle A—General Habeas Corpus Reform

SEC. 1101. SHORT TITLE.

This title may be cited as the "Habeas Corpus Reform Act of 1991".

SEC. 1102. PERIOD OF LIMITATION.

Section 2244 of title 28, United States Code, is amended by adding at the end thereof the following new subsection:

"(d) A one-year period of limitation shall apply to an application for a writ of habeas corpus by a person in custody pursuant to the judgment of a State court. The limitation period shall run from the latest of the following times:

"(1) The time at which State remedies are exhausted.

"(2) The time at which the impediment to filing an application created by State action in violation of the Constitution or laws of the United States is removed, where the applicant was prevented from filing by such State action.

"(3) The time at which the Federal right asserted was initially recognized by the Supreme Court, where the right has been newly recognized by the Court and is retroactively applicable.

"(4) The time at which the factual predicate of the claim or claims presented could have been discovered through the exercise of reasonable diligence.".

SEC. 1103. APPEAL.

Section 2253 of title 28, United States Code, is amended to read as follows:

"§ 2253. Appeal

"In a habeas corpus proceeding or a proceeding under section 2255 of this title before a circuit or district judge, the final order shall be subject to review, on appeal, by the court of appeals for the circuit where the proceeding is had.

"There shall be no right of appeal from such an order in a proceeding to test the validity of a warrant to remove, to another district or place for commitment or trial, a person charged with a criminal offense against the United States, or to test the validity of his detention pending removal proceedings.

"An appeal may not be taken to the court of appeals from the final order in a habeas corpus proceeding where the detention complained of arises out of process issued by a State court, or from the final order in a proceeding under section 2255 of this title, unless a circuit justice or judge issues a certificate of probable cause.".

SEC. 1104. AMENDMENT TO RULES OF APPELLATE PROCEDURE.

Federal Rule of Appellate Procedure 22 is amended to read as follows:

"Rule 22. Habeas Corpus and Section 2255 Proceedings

"(a) APPLICATION FOR AN ORIGINAL WRIT OF HABEAS CORPUS.—An application for a writ of habeas corpus shall be made to the appropriate district court. If application is made to a circuit judge, the application will ordinarily be transferred to the appropriate district court. If an application is made to or transferred to the district court and denied, renewal of the application before a circuit judge is not favored; the proper remedy is by appeal to the court of appeals from the order of the district court denying the writ.

"(b) NECESSITY OF CERTIFICATE OF PROBABLE CAUSE FOR APPEAL.—In a habeas corpus proceeding in which the detention complained of arises out of process issued by a State court, and in a motion proceeding pursuant to section 2255 of title 28, United States Code, an appeal by the applicant or movant may not proceed unless a circuit judge issues a certificate of probable cause. If a request for a certificate of probable cause is addressed to the court of appeals, it shall be deemed addressed to the judges thereof and shall be considered by a circuit judge or judges as the court deems appropriate. If no express request for a certificate is filed, the notice of appeal shall be deemed to constitute a request addressed to the judges of the court of appeals. If an appeal is taken by a State or the Government or its representative, a certificate or probable cause is not required.".

SEC. 1105. SECTION 2254 AMENDMENTS.

Section 2254 of title 28, United States Code, is amended—

(1) by amending subsection (b) to read as follows:

"(b) An application for a writ of habeas corpus in behalf of a person in custody pursuant to the judgment of a State court shall not be granted unless it appears that the applicant has exhausted the remedies available in the courts of the State, or that there is either an absence of available State corrective process or the existence of circumstances rendering such process ineffective to protect the rights of the applicant. An application may be denied on the merits notwithstanding the failure of the applicant to exhaust the remedies available in the courts of the State."; and

(2) by adding at the end the following:

"(g) In all proceedings brought under this section, and any subsequent proceedings on review, appointment of counsel for a petitioner who is or becomes financially unable to afford counsel shall be in the discretion of the court, except as provided by a rule promulgated by the Supreme Court pursuant to statutory authority. Appointment of counsel under this section shall be governed by the provisions of section 3006A of title 18, United States Code.".

SEC. 1106. SECTION 2255 AMENDMENTS.

Section 2255 of title 28, United States Code, is amended by deleting the second paragraph and the penultimate paragraph thereof, and by adding at the end thereof the following new paragraphs:

"A two-year period of limitation shall apply to a motion under this section. The limitation period shall run from the latest of the following times:

"(1) The time at which the judgment of conviction becomes final.

"(2) The time at which the impediment to making a motion created by governmental action in violation of the Constitution or laws of the United States is removed, where the movant was prevented from making a motion by such governmental action.

"(3) The time at which the right asserted was initially recognized by the Supreme Court, where the right has been newly recognized by the Court and is retroactively applicable.

"(4) The time at which the factual predicate of the claim or claims presented could have been discovered through the exercise of reasonable diligence.

"In all proceedings brought under this section, and any subsequent proceedings on review, appointment of counsel for a movant who is or becomes financially unable to afford counsel shall be in the discretion of the court, except as provided by a rule promulgated by the Supreme Court pursuant to statutory authority. Appointment of counsel under this section shall be governed by the provisions of section 3006A of title 18, United States Code.".

Subtitle B—Death Penalty Litigation Procedures

SEC. 1111. SHORT TITLE FOR SUBTITLE B.

This subtitle may be cited as the "Death Penalty Litigation Procedures Act of 1991".

SEC. 1112. DEATH PENALTY LITIGATION PROCEDURES.

Title 28, United States Code, is amended by inserting the following new chapter immediately following chapter 153:

"CHAPTER 154—SPECIAL HABEAS CORPUS PROCEDURES IN CAPITAL CASES

"Sec.
2256. Prisoners in State custody subject to capital sentence; appointment of counsel; requirement of rule of court or statute; procedures for appointment.
"2257. Mandatory stay of execution; duration; limits on stays of execution; successive petitions.
"2258. Filing of habeas corpus petition; time requirements; tolling rules.
"2259. Evidentiary hearings; scope of Federal review; district court adjudication.
"2260. Certificate of probable cause inapplicable.
"2261. Application to State unitary review procedures.
"2262. Limitation periods for determining petitions.
"2263. Rule of construction.

"§ 2256. Prisoners in State custody subject to capital sentence; appointment of counsel; requirement of rule of court or statute; procedures for appointment

"(a) This chapter shall apply to cases arising under section 2254 brought by prisoners in State custody who are subject to a capital sentence. It shall apply only if the provisions of subsections (b) and (c) are satisfied.

"(b) This chapter is applicable if a State establishes by rule of its court of last resort or by statute a mechanism for the appointment, compensation, and payment of reasonable litigation expenses of competent counsel in State postconviction proceedings brought by indigent prisoners whose capital convictions and sentences have been upheld on direct appeal to the court of last resort in the State or have otherwise become final for State law purposes. The rule of court or statute must provide standards of competency for the appointment of such counsel.

"(c) Any mechanism for the appointment, compensation, and reimbursement of counsel as provided in subsection (b) must offer counsel to all State prisoners under capital sentence and must provide for the entry of an order by a court of record: (1) appointing one or more counsel to represent the prisoner upon a finding that the prisoner is indigent and accepted the offer or is unable competently to decide whether to accept or reject the offer; (2) finding, after a hearing if necessary, that the prisoner rejected the offer of counsel and made the decision with an understanding of its legal consequences; or (3) denying the appointment of counsel upon a finding that the prisoner is not indigent.

"(d) No counsel appointed pursuant to subsections (b) and (c) to represent a State prisoner under capital sentence shall have previously represented the prisoner at trial or on direct appeal in the case for which the appointment is made unless the prisoner and counsel expressly request continued representation.

"(e) The ineffectiveness or incompetence of counsel during State or Federal collateral postconviction proceedings in a capital case shall not be a ground for relief in a proceeding arising under section 2254 of this chapter. This limitation shall not preclude the appointment of different counsel, on the court's own motion or at the request of the prisoner, at any phase of State or Federal postconviction proceedings on the basis of the ineffectiveness or incompetence of counsel in such proceedings.

"§ 2257. Mandatory stay of execution; duration; limits on stays of execution; successive petitions

"(a) Upon the entry in the appropriate State court of record of a order under section 2256(c), a warrant or order setting an execution date for a State prisoner shall be stayed upon application to any court that would have jurisdiction over any proceedings filed under section 2254. The application must recite that the State has invoked the postconviction review procedures of this chapter and that the schedules execution is subject to stay.

"(b) A stay of execution granted pursuant to subsection (a) shall expire if—

"(1) a State prisoner fails to file a habeas corpus petition under section 2254 within the time required in section 2258, or fails to make a timely application for court of appeals review following the denial of such a petition by a district court; or

"(2) upon completion of district court and court of appeals review under section 2254 the petition for relief is denied and (A) the time for filing a petition for certiorari has expired and no petition has been filed; (B) a timely petition for certiorari was filed and the Supreme Court denied the petition; or (C) a timely petition for certiorari was filed and upon consideration of the case, the Supreme Court disposed of it in a manner that left the capital sentence undisturbed; or

"(3) before a court of competent jurisdiction, in the presence of counsel and after having been advised of the consequences of his decision, a State prisoner under capital sentence waives the right to pursue habeas corpus review under section 2254.

"(C) If one of the conditions in subsection (b) has occurred, no Federal court thereafter shall have the authority to enter a stay of execution or grant relief in a capital case unless—

"(1) the basis for the stay and request for relief is a claim not previously presented in the State or Federal courts;

"(2) the failure to raise the claim is (A) the result of State action in violation of the Constitution of laws of the United States; (B) the result of the Supreme Court recognition of a new Federal right that is retroactively applicable; or (C) based on a factual predicate that could not have been discovered through the exercise of reasonable diligence in time to present the claim for State or Federal postconviction review; and

"(3) the facts underlying the claim would be sufficient, if proven, to undermine the court's confidence in the determination of guilt on the offense of offenses for which the death penalty was imposed.

"§ 2258. Filing of habeas corpus petition; time requirements tolling rules

"Any petition for habeas corpus relief under section 2254 must be filed in the appropriate district court within 180 days from the filing in the appropriate State court of record of an order under section 2256(c). The time requirements established by the section 2256(c). The time requirements established by this section shall be tolled—

"(1) from the date that a petition for certiorari is filed in the Supreme Court until the date of final disposition of the petition if a State prisoner files the petition to secure review by the Supreme Court of the affirmance of a capital sentence on direct review by the court of last resort of the State or other final State court decision on direct review;

"(2) during any period in which a State prisoner under capital sentence has a properly filed request for postconviction review pending before a State court of competent jurisdiction; if all State filing rules are met in a timely manner, this period shall run continuously from the date that the State prisoner initially files for postconviction review until final disposition of the case by the highest court of the State, but the time requirements established by this section are not tolled during the tendency of a petition for certiorari before the Supreme Court except as provided in paragraph (1); and

"(3) during an additional period not to exceed 60 days, if (A) a motion for an extension of time is filed in the Federal district court that would have proper jurisdiction over the case upon the filing of a habeas corpus petition under section 2254; and (B) a showing of good cause is made for the failure to file the habeas corpus petition within the time period established by this section.

"§ 2259. Evidentiary hearings; scope of Federal review; district court adjudication

"(a) Whenever a State prisoner under a capital sentence files a petition for habeas corpus relief to which this chapter applies, the district court shall—

"(1) determine the sufficiency of the record for habeas corpus review based on the claims actually presented and litigated in the State courts except when the prisoner can show that the failure to raise or develop a claim in the State courts is (A) the result of State action in violation of the Constitution of laws of the United States; (B) the result of the Supreme Court recognition of a new Federal right that is retroactively applicable; or (C) based on a factual predicate that could not have been discovered through the exercise of reasonable diligence in time to present the claim for State postconviction review; and

"(2) conduct any requested evidentiary hearing necessary to complete the record for habeas corpus review.

"(b) Upon the development of a complete evidentiary record, the district court shall rule on the claims that are properly before it.

"§ 2260. Certificate of probable cause inapplicable

"The requirement of a certificate of probable cause in order to appeal from the district court to the court of appeals does not apply to habeas corpus cases subject to the provisions of this chapter except when a second or successive petition is filed.

"§ 2261. Application to State unitary review procedures

"(a) For purposes of this section, a 'unitary review' procedure means a State procedure that authorizes a person under sentence of death to raise, in the course of direct review of the judgment, such claims as could be raised on collateral attack. The provisions of this chapter shall apply, as provided in this section, in relation to a State unitary review procedure if the State establishes by rule of its court of last resort or by statute a mechanism for the appointment, compensation, and payment of reasonable litigation expenses of competent counsel in the unitary review proceedings, including expenses relating to the litigation of collateral claims in the proceedings. The rule of court or statute must provide standards of competency for the appointment of such counsel.

"(b) A unitary review procedure, to qualify under this section, must include an offer of counsel following trial for the purpose of representation on unitary review, and entry of an order, as provided in section 2256(c), concerning appointment of counsel or waiver or denial of appointment of counsel for that purpose. No counsel appointed to represent the prisoner in the unitary review proceedings shall have previously represented the prisoner at trial in the case for which the appointment is made unless the prisoner and counsel expressly request continued representation.

"(c) The provision of section 2257, 2258, 2259, 2260, and 2262 shall apply in relation to cases involving a sentence of death from any State having a unitary review procedure that qualifies under this section. References to State 'post-conviction review' and 'direct review' in those sections shall be understood as referring to unitary review under the State procedure. The references in sections 2257(a) and 2258 to 'an order under section 2256(c)' shall be understood as referring to the post-trial under subsection (b) concerning representation in the unitary review proceedings, but if a transcript of the trial proceedings is unavailable at the time of the filing of such an order in the appropriate State court, then the start of the 180 day limitation period under section 2258 shall be deferred until a transcript is made available to the prisoner or his counsel.

"§ 2262. Limitation periods for determining petitions

"(a) The adjudication of any petition under section 2254 of title 28, United States Code, that is subject to this chapter, and the adjudication of any motion under section 2255 of title 28, United States Code, by a person under sentence of death, shall be given priority by the district court and by the court of appeals over all noncapital matters. The adjudication of such a petition or motion shall be subject to the following time limitations:

"(1) A Federal district court shall determine such a petition or motion within 110 days of filing.

"(2)(A) The court of appeals shall hear and determine any appeal relating to such a petition or motion within 90 days after the notice of appeal is filed.

"(B) The court of appeals shall decide any application for rehearing en banc within 20 days of the filing of such application unless a responsive pleading is required in which case the court of appeals shall decide the application within 20 days of the filing of the responsive pleading. If en banc consideration is granted, the en banc court shall determine the appeal within 90 days of the decision to grant such consideration.

"(3) The Supreme Court shall act on any application for a writ of certiorari relating to such a petition or motion within 90 days after the application is filed.

"(b) The time limitations under subsection (a) shall apply to an initial petition or motion, and to any second or successive petition or motion. The same limitations shall also apply to the redetermination of a petition or motion or related appeal following a remand by the court of appeals or the Supreme Court for future proceedings, and in such a case the limitation period shall run from the date of the remand.

"(c) The time limitations under this section shall not be construed to entitle a petitioner or movant to a stay of execution, to which the petitioner or movant would otherwise not be entitled, for the purpose of litigating any petition, motion, or appeal.

"(d) The failure of a court to meet or comply with the time limitations under this section shall not be a ground for granting relief from a judgment of conviction or sentence. The State or Government may enforce the time limitations under this section by applying to the court of appeals or the Supreme Court for a writ of mandamus.

"(e) The Administrative Office of the United States Courts shall report annually to Congress on the compliance by the courts with the time limits established in this section.

"§2263. Rule of construction

"The provisions of this chapter shall be construed to promote the expeditious conduct and conclusion of State and Federal court review in capital cases.".

Mr. HYDE (during the reading). Mr. Speaker, I ask unanimous consent that the motion to recommit be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. SCHUMER. Mr. Speaker, I rise in opposition to the motion to recommit.

The SPEAKER pro tempore. The gentleman from Illinois [Mr. HYDE] will be recognized for 5 minutes, and the gentleman from New York [Mr. SCHUMER] will be recognized for 5 minutes.

The Chair recognizes the gentleman from Illinois [Mr. HYDE].

Mr. HYDE. Mr. Speaker, the Members of this body still have one opportunity for meaningful habeas reform, and I want to emphasize this is a bipartisan opportunity.

I am offering this motion to recommit because what is at stake here is no less than the respect of the American people for the integrity of this Congress, the law, and the Constitution and the Bill of Rights. We cannot preach law and order and pass laws that weaken the existing laws, that already cry out for reform, yet this is what we are about to do, weaken prison law by passing the Edwards habeas corpus.

Now, I have deleted every reference in my amendment to the full and fair adjudication standard. This motion to recommit will apply the standard under current law, de novo review. This means that every Federal habeas petitioner will get a full hearing on all properly raised legal claims in the Federal court.

Now that "full and fair" is off the table, let us focus on the Edwards provision currently in the bill.

First, it imposes mandatory Federal standards for counsel in State capital trials.

Second, it prohibits judges from appointing counsel and mandate that counsel is to be appointed by the criminal defense bar.

Third, it overturns the decision of the Supreme Court in Teague versus Lane, which is the most important decision to law enforcement in recent history.

Fourth, it allows multiple petitions on the same issue and allows repetitive petitions to challenge the validity of a lawfully imposed sentence.

It is a giant leap backward for habeas reform. It will be a major step forward for the antideath penalty forces across this Nation. It will cause the will of the American people, 80 percent of whom support the death penalty, to be frustrated.

In 1988, Chief Justice Rehnquist appointed a panel of judges chaired by former Supreme Court Justice Lewis Powell to make recommendations to improve the Federal habeas process.

This amendment that I am offering in the instruction is the Powell committee recommendation. They provide that States which appoint counsel for indigent prisoners on collateral review will have the benefit of stronger rules of finality with respect to Federal habeas petitions.

Make no mistake, the habeas corpus provisions in this bill, without my motion to recommit, are a major setback and the most direct assault on law enforcement imaginable with respect to habeas corpus reform.

Let me share a letter I have received from a victim, Jack Collins, whose young daughter, as our colleague, the gentleman from Virginia [Mr. MORAN] stated, was brutally murdered in the prime of her life, and here is what he says:

> The Edwards bill would constitute a terrible revictimization by cynically using the language of reform without the substance of reform. The ultimate pain of the victim/survivor is the lack of closure to grief and the absence of any finality of judgment. The Edwards bill does not treat this pain—it accentuates it. It puts no time limits on the deliberations of Federal Courts considering habeas petitions; it gives no priority to capital cases in those courts; it puts no real limits on successive petitions; and it allows federal courts to retroactively apply new rules of law to cases which have finished their direct appeals. The Edward bill is not reform, it is a charade. It is a cynical and hypocritical attempt to demonstrate concern over habeas corpus abuse without taking the tough but fair steps necessary to do that.

Mr. Speaker, I urge you to vote aye on this motion to recommit. It is the same habeas corpus reform that this House passed last year overwhelmingly and that got shot down in conference. That will not happen again.

Mr. Speaker, I yield back the balance of my time.

□ 1730

Mr. SCHUMER. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, I must rise in opposition to the gentleman's motion.

The committee's package of habeas corpus reforms which we upheld only a few days ago reflects two complementary goals: First, promoting finality and efficiency in reducing delay and abuse. The committee goes very, very far, as we heard in the lengthy debate last week, to do that.

But at the same time we must understand that because in capital crimes the ultimate sanction is asked for, we want to give some amount of fair appeal, not to allow the cases to drag on forever but at the same time, in case an awful mistake was made—and there is a very real possibility of the wrong person being executed—that that person has an appeal.

Mr. Speaker, we all know that what could undo our criminal justice system more than anything else is, in capital crimes, to find that we not give appropriate amount of appeals, understanding that the system has to move along, and result in, again, wrongful execution.

Mr. Speaker, the committee bill strikes that appropriate balance. The floor upheld that last week. We should uphold it again.

We understand no matter what the committee does there are going to be people who say, "Hah, not good enough."

The proposal made is a darned good proposal, and I urge that it be adopted.

Mr. Speaker, I yield 1½ minutes to the gentleman from South Carolina [Mr. DERRICK].

Mr. DERRICK. Mr. Speaker, the Hyde amendment by any other name is still the Hyde amendment. We can call it what we want, but this is an amendment that the House spoke on just a few days ago. And here we are, with turning a couple of little screws, asking that the House go through the trauma of voting on it again.

I said in my remarks several days ago, and it still is applicable, we are tampering with very serious rights that have been guaranteed to our citizens under our Constitution. But not only are we tampering with those rights, we are tampering with the rights that have been guaranteed for hundreds of years under the English common law.

Habeas corpus says, "Deliver the body." Many people in this country have been dissatisfied, and rightly so, for a long time about the length of the appeal process. This committee bill cuts that down to a year with limited petitions.

Mr. BROOKS. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, I must rise again in vehement opposition to the gentleman's motion. The committee package of habeas corpus reforms, which we upheld only a few days ago, reflects the complementary goals of promoting finality and efficiency and reducing delay and abuse, goals which the Congress has expressed in its habeas votes in each of the last 2 years.

Let us be clear: Mr. HYDE's parliamentary gambit is simply the last in a long line of attempts during the consideration of this legislation to gut habeas corpus. His amendment was criticized as destroying habeas corpus when he proposed it, but Mr. HYDE pressed ahead with it unswayed and was defeated at the Judiciary Committee. However, rather than cutting back on his language when we went to the floor, he continued to advocate a radical proposal, only to find this body unsympathetic last week. He has had his debate and his vote. To raise a new provision at the last moment—which still does not correct the excesses of his radical proposal—with little examination or debate—threatens the appropriate balance struck by the committee language and mocks the gravity of the issue under discussion.

The House has spoken on this issue. Let us enact reforms which promote finality, reduce delay, and permit the ultimate punishment to be swiftly and justly imposed. I urge the defeat of the motion.

The SPEAKER pro tempore (Mr. MURTHA). Does the gentleman from Texas [Mr. BROOKS] yield back the balance of his time?

Mr. BROOKS. No, Mr. Speaker.

Mr. Speaker, how much time do I have remaining?

The SPEAKER. One minute remains for the gentleman from Texas.

Mr. BROOKS. Mr. Speaker, does the gentleman from Illinois [Mr. HYDE] have any further time?

Mr. HYDE. Mr. Speaker, I yield any time that I may have to the gentleman from Texas [Mr. BROOKS].

Mr. BROOKS. The gentleman is as gracious as ever.

Mr. Speaker, I yield the balance of his time and my time to the distinguished majority leader, the gentleman from Missouri [Mr. GEPHARDT].

The SPEAKER pro tempore. The gentleman from Illinois [Mr. HYDE] has no time remaining.

The gentleman from Missouri [Mr. GEPHARDT] is recognized for 1 minute.

Mr. JENKINS. Mr. Speaker, will the gentleman yield?

Mr. GEPHARDT. I yield to the gentleman from Georgia [Mr. JENKINS].

Mr. JENKINS. Mr. Speaker, I rise in opposition to the motion to recommit.

Mr. Speaker, an overwhelming majority of us are in favor of some reform of habeas corpus. We are in agreement that cases need to be brought to an end with much greater speed. Unfortunately, the Hyde amendment even without full and fair will not solve the problem. It will continue to create additional delays.

The committee version, the one we accepted last week, streamlines the process by addressing the three areas necessary for reform: A time limit for appeals, a limit of the number of appeals, and requirements to provide competent counsel at trial.

Under Hyde, new rules of law are able to be applied to old cases, forcing retrials and further delay. Courts are forced to hear appeals from prisoners without counsel, who will make mistakes causing further delay. Under the committee bill, new rules of law do not apply to old cases and counsel is required.

You voted last week to reject full and fair whether it is defined or not. If you do not vote against this motion to recommit you will be allowing the Senate to accept full and fair in conference, thus eliminating Federal habeas corpus. We need reform, not elimination. I urge you to reject this motion.

Mr. GEPHARDT. Mr. Speaker, members on both sides of the aisle deserve our thanks for taking the problem of street crime seriously, and for proposing real solutions for it.

We have a bill with more than 50 crimes punishable by death. We streamline habeas corpus. We have cops on the beat, safe school, and drug treatment provisions that fight the old demons who menace our families with new and effective weapons. These all deserve our support.

But what we must not support is fighting crime with bumper stickers, not support more delays in court, not destroy procedural rights granted by the States, and not support this motion.

The House has already rejected similar proposals to repeal habeas. This motion does not fight crime, it merely rehashes an old argument.

In his new book, E.J. Dionne writes about street crime and the politics of street crime, saying:

> At its best democratic politics is about * * * the search for remedy.' But since the 1960s, the key to winning elections has been to reopen the same divisive issues over and over again. * * * Political consultants have been truly ingenious in figuring out creative ways of tapping into popular anger about crime. Yet their spots do not solve the problem.

Mr. Speaker, let the people we represent know, this bill fights crime not with empty gestures but with real bullets. At our best, we search for remedies and solve the problem. Vote no on the motion to recommit, and stand with those of us who want to solve the problem of crime in this country.

PARLIAMENTARY INQUIRY

Mr. HYDE. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. HYDE. Mr. Speaker, I wonder if I might have equivalent time to that which the gentleman from Texas [Mr. BROOKS] had. I believe I have an extra minute, maybe. Is that possible?

The SPEAKER pro tempore. Without objection, the gentleman may reclaim the time he yielded back.

Mr. BROOKS. Mr. Speaker, we did not have any more time. We gave it all to the gentleman from Missouri [Mr. GEPHARDT]. It amounted to about 1 minute. What we got from the gentleman from Illinois turned out to be—was it seconds? How many?

Mr. HYDE. If the gentleman would yield, I just thought it was 5 minutes for the gentleman from Texas and 5 minutes for us. It just seemed a little different.

But, Mr. Speaker, far be it from me to make it an issue. I have great confidence in the Speaker,

Mr. Speaker, I withdraw my parliamentary inquiry.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. HYDE. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to the provisions of clause 5 of rule XV, Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the question of final passage.

The vote was taken by electronic device, and there were—yeas 201, nays 221, not voting 11, as follows:

[Roll No. 326]

YEAS—201

Allard
Andrews (ME)
Applegate
Archer
Armey
Baker
Ballenger
Barnard
Barrett
Barton
Bateman
Bentley
Bereuter
Bevill
Bilirakis
Bliley
Boehlert
Boehner
Borski
Broomfield
Browder
Bunning
Burton
Camp
Campbell (CA)
Carper
Chandler
Clinger
Coble
Coleman (MO)
Combest
Condit
Coughlin
Cox (CA)
Cramer
Crane
Cunningham
Dannemeyer
Davis
DeLay
Dickinson
Dooley
Doolittle
Dornan (CA)
Dreier
Duncan
Edwards (OK)
Emerson
English
Erdreich
Ewing
Fawell
Fields
Franks (CT)
Gallegly
Gallo
Gekas
Geren
Gilchrest
Gillmor
Gingrich
Goodling
Goss
Gradison
Grandy
Gunderson
Hall (TX)
Hammerschmidt
Hancock
Hansen
Harris
Hastert
Hayes (LA)
Hefley
Henry
Herger
Hobson
Holloway
Houghton
Hubbard
Huckaby
Hunter
Hutto
Hyde
Inhofe
Ireland
James
Johnson (CT)
Johnson (TX)
Kasich
Klug
Kolbe
Kolter
Kyl
Lagomarsino
Leach
Lehman (CA)
Lent
Lewis (CA)
Lewis (FL)
Lightfoot
Lipinski
Livingston
Lloyd
Lowery (CA)
Machtley
Marlenee
Martin
McCandless
McCollum
McCrery
McCurdy
McDade
McEwen
McGrath
McMillan (NC)
Meyers
Michel
Miller (OH)
Miller (WA)
Molinari
Montgomery
Moorhead
Moran
Morrison
Murphy
Myers
Neal (NC)
Nichols
Nussle
Ortiz
Oxley
Packard
Parker
Paxon
Payne (VA)
Petri
Porter
Pursell
Quillen
Ramstad
Ravenel
Ray
Regula
Rhodes
Ridge
Riggs
Rinaldo
Ritter
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Rowland
Santorum
Sarpalius
Saxton
Schaefer
Schiff
Schulze
Sensenbrenner
Shaw
Shays
Shuster
Sisisky
Skeen
Skelton
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stenholm
Stump
Sundquist
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (GA)
Thomas (WY)
Upton
Valentine
Vander Jagt
Volkmer
Vucanovich
Walker
Walsh
Weber
Weldon
Wolf
Wylie
Yatron
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—221

Abercrombie
Ackerman
Alexander
Anderson
Andrews (NJ)
Andrews (TX)
Annunzio
Anthony
Aspin
Atkins
AuCoin
Bacchus
Beilenson
Bennett
Berman
Bilbray
Bonior
Boucher
Boxer
Brewster
Brooks
Brown
Bruce
Bryant
Bustamante
Byron
Campbell (CO)
Cardin
Carr
Chapman
Clay
Clement
Coleman (TX)
Collins (MI)
Conyers
Cooper
Costello
Cox (IL)
Coyne
de la Garza
DeFazio
DeLauro
Derrick
Dicks
Dingell
Dixon
Donnelly
Dorgan (ND)
Downey
Durbin
Dwyer
Dymally
Early
Eckart
Edwards (CA)
Edwards (TX)
Engel
Espy
Evans
Fascell
Fazio
Feighan
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Frost
Gaydos
Gejdenson
Gephardt
Gibbons
Gilman
Glickman
Gonzalez
Gordon
Green
Guarini
Hall (OH)
Hamilton
Hatcher
Hayes (IL)
Hefner
Hertel
Hoagland
Hochbrueckner
Horn
Horton
Hoyer
Hughes
Jacobs
Jefferson
Jenkins
Johnson (SD)
Johnston
Jones (GA)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Kopetski
Kostmayer
LaFalce
Lancaster
Lantos
LaRocco
Laughlin
Lehman (FL)
Levin (MI)
Levine (CA)
Long
Lowey (NY)
Luken
Manton
Markey
Matsui
Mavroules
Mazzoli
McCloskey
McDermott
McHugh
McMillen (MD)
McNulty
Mfume
Miller (CA)
Mineta
Mink
Moakley
Mollohan
Moody
Morella
Murtha
Nagle
Natcher
Neal (MA)
Nowak
Oakar
Oberstar
Obey
Olin
Olver
Orton
Owens (NY)
Owens (UT)
Pallone
Panetta
Pastor
Patterson
Payne (NJ)
Pease
Pelosi
Penny
Perkins
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Poshard
Price
Rahall
Rangel
Reed
Richardson
Roe
Roemer
Rose
Rostenkowski
Roybal
Russo
Sabo
Sanders
Sangmeister
Savage
Sawyer
Scheuer
Schroeder
Schumer
Serrano
Sharp
Sikorski
Skaggs
Slattery
Slaughter (NY)
Smith (FL)
Smith (IA)
Solarz
Spratt
Staggers
Stallings
Stark
Stokes
Studds
Swett
Swift
Synar
Tallon
Tanner
Thornton
Torres
Torricelli
Towns
Traficant
Traxler
Unsoeld
Vento
Visclosky
Waxman
Weiss
Wheat
Whitten
Williams
Wilson
Wise
Wolpe
Wyden
Yates

NOT VOTING—11

Callahan
Collins (IL)
Darden
Dellums
Hopkins
Lewis (GA)
Martinez
Mrazek
Slaughter (VA)
Washington
Waters

□ 1747

The Clerk announced the following pair:

On this vote:

Mr. Darden for, with Mr. Lewis of Georgia against.

Mr. VOLKMER changed his vote from "nay" to "yea."

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. MURTHA). The question is on the passage of the bill.

This will be a 5-minute vote.

For what purpose does the gentleman from South Carolina [Mr. DERRICK] rise?

Mr. DERRICK. Mr. Speaker, I ask unanimous consent that following the 5-minute vote on final passage, all three votes on the suspension motions postponed from yesterday be reduced to a minimum of 5 minutes each.

I would like to explain also to the House that the three votes would be, first, on H.R. 2032, the second would be on House Concurrent Resolution 197, U.N. disaster assistance, and the third would be on House Resolution 116, Convention on Discrimination Against Women.

The SPEAKER pro tempore. May the Chair have the attention of the Republican leader?

The Republican leader?

The request is that we reduce the suspension voting time to 5 minutes.

Is there objection to the request of the gentleman from South Carolina [Mr. DERRICK]?

There was no objection.

Mr. SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. FISH. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 305, noes 118, answered "present" 1, not voting 9, as follows:

[Roll No. 327]

AYES—305

Abercrombie
Ackerman
Alexander
Anderson
Andrews (NJ)
Andrews (TX)
Annunzio
Anthony
Applegate
Aspin
Atkins
AuCoin
Bacchus
Barnard
Barrett
Bateman
Bennett
Bentley

Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bliley
Boehlert
Bonior
Borski
Boucher
Boxer
Brewster
Brooks
Broomfield
Browder
Brown
Bruce
Bryant
Bunning
Bustamante
Byron
Camp
Campbell (CA)
Campbell (CO)
Cardin
Carper
Carr
Chapman
Clement
Coleman (MO)
Coleman (TX)
Condit
Cooper
Costello
Coughlin
Cox (IL)
Coyne
Cramer
de la Garza
DeFazio
DeLauro
Derrick
Dicks
Dingell
Donnelly
Dooley
Dorgan (ND)
Downey
Duncan
Durbin
Dwyer
Early
Eckart
Edwards (OK)
Edwards (TX)
Emerson
Engel
English
Erdreich
Espy
Evans
Fascell
Fawell
Fazio
Feighan
Fish
Foglietta
Ford (TN)
Frank (MA)
Franks (CT)
Frost
Gallegly
Gallo
Gaydos
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Glickman
Gordon
Goss
Grandy
Green
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harris
Hatcher
Hayes (LA)
Hefner
Henry
Hertel
Hoagland
Hobson
Hochbrueckner
Horn
Horton
Houghton
Hoyer
Hubbard
Huckaby
Hughes
Hutto
Inhofe
Ireland
Jacobs
James
Jefferson
Jenkins
Johnson (CT)
Johnson (SD)
Johnston
Jones (GA)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kleczka
Klug
Kolter
Kopetski
Kostmayer
Kyl
LaFalce
Lagomarsino
Lancaster
Lantos
LaRocco
Laughlin
Leach
Lehman (CA)
Lent
Levin (MI)
Levine (CA)
Lewis (CA)
Lewis (FL)
Lipinski
Lloyd
Long
Lowey (NY)
Luken
Machtley
Manton
Markey
Martin
Martinez
Matsui
Mavroules
Mazzoli
McCandless
McCloskey
McCurdy
McDade
McDermott
McGrath
McMillan (NC)
McMillen (MD)
McNulty
Meyers
Michel
Miller (CA)
Miller (OH)
Miller (WA)
Mineta
Mink
Moakley
Molinari
Montgomery
Moody
Morella
Murphy
Murtha
Myers
Natcher
Neal (MA)
Neal (NC)
Nowak
Oakar
Ortiz
Orton
Owens (UT)
Oxley
Pallone
Panetta
Parker
Pastor
Patterson
Payne (VA)
Perkins
Peterson (FL)
Peterson (MN)
Pickle
Porter
Poshard
Price
Pursell
Quillen
Rahall
Ramstad
Ravenel
Ray
Reed
Regula
Richardson
Ridge
Rinaldo
Ritter
Roberts
Roe
Roemer
Rogers
Ros-Lehtinen
Rose
Rostenkowski
Roukema
Rowland
Russo
Sangmeister
Santorum
Sawyer
Saxton
Scheuer
Schiff
Schroeder
Schumer
Sharp
Shaw
Shays
Sikorski
Sisisky
Skeen
Skelton
Slattery
Slaughter (NY)
Smith (FL)
Smith (NJ)
Smith (OR)
Solarz
Solomon
Spence
Spratt
Stallings
Stark
Stearns
Stenholm
Studds
Sundquist
Swett
Synar
Tallon
Tanner
Tauzin
Taylor (MS)
Thomas (CA)
Thomas (GA)
Thornton
Torres
Torricelli
Towns
Traficant
Traxler
Upton
Valentine
Visclosky
Volkmer
Walsh
Weber
Weldon
Whitten
Wilson
Wolf
Wolpe
Wyden
Wylie
Yatron
Young (AK)
Zimmer

NOES—118

Allard
Andrews (ME)
Archer
Armey
Baker
Ballenger
Barton
Beilenson
Boehner
Burton
Chandler
Clay
Clinger
Coble
Collins (MI)
Combest
Conyers
Cox (CA)
Crane
Cunningham
Dannemeyer
Davis
DeLay
Dickinson
Dixon
Doolittle
Dornan (CA)
Dreier
Dymally
Edwards (CA)
Ewing
Fields
Flake
Ford (MI)
Gingrich
Gonzalez
Gradison
Hammerschmidt
Hancock
Hastert
Hayes (IL)
Hefley
Herger
Holloway
Hunter
Hyde
Johnson (TX)
Kildee
Kolbe
Lehman (FL)
Lightfoot
Livingston
Lowery (CA)
Marlenee
McCollum
McCrery
McEwen
McHugh
Mfume
Mollohan
Moorhead
Moran
Morrison
Nagle
Nichols
Nussle
Oberstar
Obey
Olin
Olver
Owens (NY)
Packard
Paxon
Payne (NJ)
Pease
Pelosi
Penny
Petri
Pickett
Rangel
Rhodes
Riggs
Rohrabacher
Roth
Roybal
Sabo
Sanders
Sarpalius
Savage
Schaefer
Schulze
Sensenbrenner
Serrano
Shuster
Skaggs
Smith (IA)
Smith (TX)
Snowe
Staggers
Stokes
Stump
Swift
Taylor (NC)
Thomas (WY)
Unsoeld
Vander Jagt
Vento
Vucanovich
Walker
Washington
Waxman
Weiss
Wheat
Williams
Wise
Yates
Young (FL)
Zeliff

ANSWERED "PRESENT"—1

Goodling

NOT VOTING—9

Callahan
Collins (IL)
Darden
Dellums
Hopkins
Lewis (GA)
Mrazek
Slaughter (VA)
Waters

□ 1800

Messrs. ROHRABACHER, ZELIFF, MOORHEAD, DORNAN of California, EWING, and DICKINSON changed their vote from "aye" to "no."

Messrs. OXLEY, FOGLIETTA, and LEVIN of Michigan changed their vote from "no" to "aye."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

□ 1610

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 3371, OMNIBUS CRIME CONTROL ACT OF 1991

Mr. BROOKS. Mr. Speaker, I ask unanimous consent that, in the engrossment of the bill, H.R. 3371, as amended, the Clerk be authorized to correct section numbers, cross-references, and punctuation, and to make such stylistic, clerical, technical, conforming, and other changes as may be necessary.

The SPEAKER pro tempore (Mr. MURTHA). Is there objection to the request of the gentleman from Texas?

There was no objection.

GENERAL LEAVE

Mr. BROOKS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 5, rule I, the Chair will now put the question on each motion to suspend the rules on which further proceedings were postponed on Monday, October 21, 1991, in the order on which that motion was entertained.

Votes will be taken in the following order:

H.R. 2032, as amended, by the yeas and nays;

House Concurrent Resolution 197, as amended, by the yeas and nays; and

House Resolution 116, as amended, by the yeas and nays.

These are all 5-minute votes.

NEZ PERCE NATIONAL HISTORICAL PARK ADDITIONS ACT OF 1991

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the bill, H.R. 2032, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Minnesota [Mr. VENTO] that the House suspend the rules and pass the bill, H.R. 2032, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 402, nays 21, not voting 10, as follows:

[Roll No. 328]

YEAS—402

Abercrombie
Ackerman
Alexander
Allard
Anderson
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Annunzio
Anthony
Applegate
Aspin
Atkins
AuCoin
Bacchus
Baker
Barnard
Barrett
Barton
Bateman
Beilenson
Bennett
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bliley
Boehlert
Boehner
Bonior
Borski
Boucher
Boxer
Brewster
Brooks
Broomfield
Browder
Brown
Bruce
Bryant
Bunning
Bustamante
Byron
Camp
Campbell (CA)
Campbell (CO)
Cardin
Carper
Carr
Chandler
Chapman
Clay
Clement
Clinger
Coleman (MO)
Coleman (TX)
Collins (MI)
Combest
Condit
Conyers
Cooper
Costello
Coughlin
Cox (CA)
Cox (IL)
Coyne
Cramer
Cunningham
Davis
de la Garza
DeFazio
DeLauro
Derrick
Dickinson
Dicks
Dingell

Dixon
Donnelly
Dooley
Doolittle
Dorgan (ND)
Dornan (CA)
Downey
Dreier
Durbin
Dwyer
Dymally
Early
Eckart
Edwards (CA)
Edwards (OK)
Edwards (TX)
Emerson
Engel
English
Erdreich
Espy
Evans
Ewing
Fascell
Fawell
Fazio
Feighan
Fields
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Franks (CT)
Frost
Gallegly
Gallo
Gaydos
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goodling
Gordon
Goss
Gradison
Grandy
Green
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Harris
Hastert
Hatcher
Hayes (IL)
Hayes (LA)
Hefley
Hefner
Henry
Hertel
Hoagland
Hobson
Hochbrueckner
Horn
Horton
Houghton
Hoyer
Hubbard
Huckaby
Hughes
Hunter
Hutto
Hyde
Inhofe
Ireland
Jacobs
James
Jefferson
Jenkins
Johnson (CT)
Johnson (SD)
Johnson (TX)
Johnston
Jones (GA)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kleczka
Klug
Kolbe
Kolter
Kopetski
Kostmayer
Kyl
LaFalce
Lagomarsino
Lancaster
Lantos
LaRocco
Laughlin
Leach
Lehman (CA)
Lehman (FL)
Lent
Levin (MI)
Levine (CA)
Lewis (CA)
Lewis (FL)
Lightfoot
Lipinski
Livingston
Lloyd
Long
Lowery (CA)
Lowey (NY)
Luken
Machtley
Manton
Markey
Marlenee
Martin
Martinez
Matsui
Mavroules
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDade
McDermott
McGrath
McHugh
McMillan (NC)
McMillen (MD)
McNulty
Meyers
Mfume
Michel
Miller (CA)
Miller (OH)
Miller (WA)
Mineta
Mink
Moakley
Molinari
Mollohan
Montgomery
Moody
Moorhead
Moran
Morella
Morrison
Murphy
Murtha
Myers
Nagle
Natcher
Neal (MA)
Neal (NC)
Nichols
Nowak
Nussle
Oakar
Oberstar
Obey
Olin
Olver
Ortiz
Orton
Owens (NY)
Owens (UT)
Oxley
Packard
Pallone
Panetta
Parker
Pastor
Patterson
Paxon
Payne (NJ)
Payne (VA)
Pease
Pelosi
Penny
Perkins
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Porter
Poshard
Price
Pursell
Quillen
Rahall
Ramstad
Rangel
Ravenel
Ray
Reed
Regula
Rhodes
Richardson
Ridge
Rinaldo
Ritter
Roberts
Roe
Roemer
Rogers
Ros-Lehtinen
Rose
Rostenkowski
Roth
Roukema
Rowland
Roybal
Russo
Sabo
Sanders
Sangmeister
Santorum
Sarpalius
Savage
Sawyer
Saxton
Schaefer
Scheuer
Schiff
Schroeder
Schulze
Schumer
Serrano
Sharp
Shaw
Shays
Shuster
Sikorski
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter (NY)
Smith (FL)
Smith (IA)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solarz
Solomon
Spence
Spratt
Staggers
Stallings
Stark
Stenholm
Stokes
Studds
Sundquist
Swett
Swift
Synar
Tallon
Tanner
Tauzin
Taylor (MS)
Thomas (CA)
Thomas (GA)
Thomas (WY)
Thornton
Torres
Torricelli
Towns
Traficant
Traxler
Unsoeld
Upton
Valentine
Vander Jagt
Vento
Visclosky
Volkmer
Vucanovich
Walsh
Washington
Waxman
Weber
Weiss
Weldon
Wheat
Whitten
Williams
Wilson
Wise
Wolf
Wolpe
Wyden
Wylie
Yates
Yatron
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—21

Archer
Armey
Burton
Coble
Crane
Dannemeyer
DeLay
Duncan
Hammerschmidt
Hancock
Hansen
Herger
Holloway
McEwen
Riggs
Rohrabacher
Sensenbrenner
Stearns
Stump
Taylor (NC)
Walker

NOT VOTING—10

Ballenger
Callahan
Collins (IL)
Darden
Dellums
Hopkins
Lewis (GA)
Mrazek
Slaughter (VA)
Waters

□ 1809

Mr. DANNEMEYER, Mr. HERGER, and Mr. ROHRABACHER changed their vote from "yea" to "nay."

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

□ 1820

URGING THE SECRETARY-GENERAL OF THE UNITED NATIONS TO DEVELOP PLANS TO RESPOND TO DISASTERS AND HUMANITARIAN EMERGENCIES

The SPEAKER pro tempore (Mr. MURTHA). The unfinished business is the question of suspending the rules and agreeing to the concurrent resolution, House Concurrent Resolution 197, as amended.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania [Mr. YATRON] that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 197, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 422, nays 1, not voting 10, as follows:

[Roll No. 329]

YEAS—422

Abercrombie
Ackerman
Alexander
Allard
Anderson
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Annunzio
Anthony
Applegate
Archer
Armey
Aspin
Atkins
AuCoin
Bacchus
Baker
Barnard
Barrett
Barton
Bateman
Beilenson
Bennett
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bliley
Boehlert
Boehner
Bonior
Borski
Boucher
Boxer
Brewster
Brooks
Broomfield
Browder
Brown
Bruce
Bryant
Bunning
Burton
Bustamante
Byron
Camp
Campbell (CA)
Campbell (CO)
Cardin
Carper
Carr
Chandler
Chapman
Clay
Clement
Clinger
Coble
Coleman (MO)
Coleman (TX)
Collins (MI)
Combest
Condit
Conyers
Cooper
Costello
Coughlin
Cox (CA)
Cox (IL)
Coyne
Cramer
Crane
Cunningham
Dannemeyer
Davis
DeFazio
de la Garza
DeLauro
DeLay
Derrick
Dickinson
Dicks
Dingell
Dixon
Donnelly
Dooley
Doolittle
Dorgan (ND)
Dornan (CA)
Downey
Dreier
Duncan
Durbin
Dwyer
Dymally
Early
Eckart
Edwards (CA)
Edwards (OK)
Edwards (TX)
Emerson
Engel
English
Erdreich
Espy
Evans
Ewing
Fascell
Fawell
Fazio
Feighan
Fields
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Franks (CT)
Frost
Gallegly
Gallo
Gaydos
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goodling
Gordon
Goss
Gradison
Grandy
Green
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Hancock
Hansen
Harris
Hastert
Hatcher
Hayes (IL)
Hayes (LA)
Hefley
Hefner
Henry
Herger
Hertel
Hoagland
Hobson
Hochbrueckner
Holloway
Horn
Horton
Houghton
Hoyer
Hubbard
Huckaby
Hughes
Hunter
Hutto
Hyde
Inhofe
Ireland
Jacobs
James
Jefferson
Jenkins
Johnson (CT)
Johnson (SD)
Johnson (TX)
Johnston
Jones (GA)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kleczka
Klug
Kolbe
Kolter
Kopetski
Kostmayer
Kyl
LaFalce
Lagomarsino
Lancaster
Lantos
LaRocco
Laughlin
Leach
Lehman (CA)
Lehman (FL)
Lent
Levin (MI)
Levine (CA)
Lewis (CA)
Lewis (FL)
Lightfoot
Lipinski
Livingston
Lloyd
Long
Lowery (CA)
Lowey (NY)
Luken
Machtley
Manton
Markey
Marlenee
Martin
Martinez
Matsui
Mavroules
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDade
McDermott
McEwen
McGrath
McHugh
McMillan (NC)
McMillen (MD)
McNulty
Meyers
Mfume
Michel
Miller (CA)
Miller (OH)
Miller (WA)
Mineta
Mink
Moakley
Molinari
Mollohan
Montgomery
Moody
Moorhead
Moran
Morella
Morrison
Murphy
Murtha
Myers
Nagle
Natcher
Neal (MA)
Neal (NC)
Nichols
Nowak
Nussle
Oakar
Oberstar
Obey
Olin
Olver
Ortiz
Orton
Owens (NY)
Owens (UT)
Oxley
Packard
Pallone
Panetta
Parker
Pastor
Patterson
Paxon
Payne (NJ)
Payne (VA)
Pease
Pelosi
Penny
Perkins
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Porter
Poshard
Price
Pursell
Quillen
Rahall
Ramstad
Rangel
Ravenel
Ray
Reed
Regula
Rhodes
Richardson
Ridge
Riggs
Rinaldo
Ritter
Roberts
Roe
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Rostenkowski
Roth
Roukema
Rowland
Roybal
Russo

Sabo
Sanders
Sangmeister
Santorum
Sarpalius
Savage
Sawyer
Saxton
Schaefer
Scheuer
Schiff
Schroeder
Schulze
Schumer
Sensenbrenner
Serrano
Sharp
Shaw
Shays
Shuster
Sikorski
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter (NY)
Smith (FL)
Smith (IA)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solarz
Solomon
Spence
Spratt
Staggers
Stallings
Stark
Stearns
Stenholm
Stokes
Studds
Stump
Sundquist
Swett
Swift
Synar
Tallon
Tanner
Tauzin
Taylor (NC)
Thomas (CA)
Thomas (GA)
Thomas (WY)
Thornton
Torres
Torricelli
Towns
Traficant
Traxler
Unsoeld
Upton
Valentine
Vander Jagt
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Washington
Waxman
Weber
Weiss
Weldon
Wheat
Whitten
Williams
Wilson
Wise
Wolf
Wolpe
Wyden
Wylie
Yates
Yatron
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—1

Taylor (MS)

NOT VOTING—10

Ballenger
Callahan
Collins (IL)
Darden
Dellums
Hopkins
Lewis (GA)
Mrazek
Slaughter (VA)
Waters

□ 1815

So (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

URGING PRESIDENT TO COMPLETE REVIEW OF CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and agreeing to the resolution, House Resolution 116, as amended.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania [Mr. YATRON] that the House suspend the rules and agree to the resolution, House Resolution 116, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 374, nays 48, not voting 11, as follows:

[Roll No. 330]

YEAS—374

Abercrombie
Ackerman
Alexander
Allard
Anderson
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Annunzio
Anthony
Applegate
Aspin
Atkins
AuCoin
Bacchus
Baker
Barnard
Barrett
Barton
Bateman
Beilenson
Bennett
Bentley
Bereuter
Berman
Bilbray
Bilirakis
Bliley
Boehlert
Boehner
Bonior
Borski
Boucher
Boxer
Brewster
Brooks
Broomfield
Browder
Brown
Bruce
Bryant
Bustamante
Byron
Campbell (CA)
Campbell (CO)
Cardin
Carper
Carr
Chandler
Chapman
Clay
Clement
Clinger
Coleman (MO)
Coleman (TX)
Collins (MI)
Combest
Condit
Conyers
Cooper
Costello
Coughlin
Cox (CA)
Cox (IL)
Coyne
Cramer
Dannemeyer
Davis
DeFazio
de la Garza
DeLauro
Derrick
Dickinson
Dicks
Dingell
Dixon
Donnelly
Dooley
Dorgan (ND)
Downey
Dreier
Duncan
Durbin
Dwyer
Dymally
Early
Eckart
Edwards (CA)
Edwards (OK)
Edwards (TX)
Emerson
Engel
English
Erdreich
Espy
Evans
Fascell
Fawell
Fazio
Feighan
Fields
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Franks (CT)
Frost
Gallegly
Gallo
Gaydos
Gejdenson
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Glickman
Gonzalez
Goodling
Gordon
Goss
Gradison
Grandy
Green
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Harris
Hatcher
Hayes (IL)
Hayes (LA)
Hefley
Hefner
Hertel
Hoagland
Hobson
Hochbrueckner
Horn
Horton
Houghton
Hoyer
Hubbard
Huckaby
Hughes
Hutto
Ireland
Jacobs
Jefferson
Jenkins
Johnson (CT)
Johnson (SD)
Johnston
Jones (GA)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kleczka
Klug
Kolbe
Kolter
Kopetski
Kostmayer
Kyl
LaFalce
Lancaster
Lantos
LaRocco
Laughlin
Leach
Lehman (CA)
Lehman (FL)
Lent
Levin (MI)
Levine (CA)
Lewis (CA)
Lewis (FL)
Lipinski
Lloyd
Long
Lowey (NY)
Luken
Machtley
Manton
Markey
Martin
Martinez
Matsui
Mavroules
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDade
McDermott
McGrath
McHugh
McMillan (NC)
McMillen (MD)
McNulty
Meyers
Mfume
Miller (CA)
Miller (WA)
Mineta
Mink
Moakley
Molinari
Mollohan
Montgomery
Moody
Moorhead
Moran
Morella
Morrison
Murphy
Murtha
Myers
Nagle
Natcher
Neal (MA)
Neal (NC)
Nichols
Nowak
Nussle
Oakar
Oberstar
Obey
Olin
Olver
Ortiz
Orton
Owens (NY)
Owens (UT)
Oxley
Pallone
Panetta
Parker
Pastor
Patterson
Payne (NJ)
Payne (VA)
Pease
Pelosi
Penny
Perkins
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Porter
Poshard
Price
Pursell
Quillen
Rahall
Ramstad
Rangel
Ravenel
Ray
Reed
Regula
Rhodes
Richardson
Ridge
Riggs
Rinaldo
Ritter
Roberts
Roe
Roemer
Rogers
Rose
Rostenkowski
Roth
Roukema
Rowland
Roybal
Russo
Sabo
Sanders
Sangmeister
Sarpalius
Savage
Sawyer
Saxton
Schaefer
Scheuer
Schiff
Schroeder
Schulze
Schumer
Sensenbrenner
Serrano
Sharp
Shaw
Shays
Shuster
Sikorski
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter (NY)
Smith (FL)
Smith (IA)
Smith (OR)
Smith (TX)
Snowe
Solarz
Spence
Spratt
Staggers
Stallings
Stark
Stenholm
Stokes
Studds
Sundquist
Swett
Swift
Synar
Tallon
Tanner
Tauzin
Taylor (MS)
Thomas (CA)
Thomas (GA)
Thornton
Torres
Torricelli
Towns
Traficant
Traxler
Unsoeld
Upton
Valentine
Vander Jagt
Vento
Visclosky
Volkmer
Walsh
Washington
Waxman
Weiss
Weldon
Wheat
Whitten
Williams
Wilson
Wise
Wolf
Wolpe
Wyden
Wylie
Yates
Yatron
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—48

Archer
Armey
Bunning
Burton
Camp
Coble
Crane
Cunningham
DeLay
Doolittle
Dornan (CA)
Ewing
Gekas
Gingrich
Hammerschmidt
Hancock
Hansen
Hastert
Henry
Herger
Holloway
Hunter
Hyde
Inhofe
James
Johnson (TX)
Lagomarsino
Lightfoot
Livingston
Lowery (CA)
Marlenee
McEwen
Michel
Miller (OH)
Packard
Paxon
Rohrabacher
Ros-Lehtinen
Santorum
Smith (NJ)
Solomon
Stearns
Stump
Taylor (NC)
Thomas (WY)
Vucanovich
Walker
Weber

NOT VOTING—11

Ballenger
Bevill
Callahan
Collins (IL)
Darden
Dellums
Hopkins
Lewis (GA)
Mrazek
Slaughter (VA)
Waters

Messrs. ROHRABACHER, CUNNINGHAM, EWING, JAMES, and SOLOMON changed their vote from "yea" to "nay."

So (two-thirds having voted in favor thereof) the rules were suspended, and the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. BALLENGER. Mr. Speaker, unfortunately, I missed rollcall votes No. 328, 329, and 330. Had I been present, I would have voted "yea" on and each vote.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF HOUSE RESOLUTION 291

Mr. PERKINS. Mr. Speaker, I ask unanimous consent that the name of the gentleman from North Carolina [Mr. MCMILLAN] be removed as a cosponsor of House Resolution 291. The name of the gentleman from North Carolina [Mr. MCMILLAN] was mistakenly added to the list. It was the gentleman from Maryland [Mr. MCMILLEN] who had signed on to the resolution.

The SPEAKER pro tempore (Mr. MURTHA). Is there objection to the request of the gentleman from Kentucky?

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF HOUSE JOINT RESOLUTION 21

Mr. ZIMMER. Mr. Speaker, I ask unanimous consent that my name be removed from the list of cosponsors of House Joint Resolution 21.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

YEAR OF THE GULF OF MEXICO

Mr. SAWYER. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the joint resolution (H.J. Res. 327) designating 1992 as the "Year of the Gulf of Mexico," and ask for its immediate consideration in the House.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

Mr. RIDGE. Mr. Speaker, reserving the right to object, I yield to our colleague, the gentleman from Texas [Mr. LAUGHLIN], the chief sponsor of this resolution.

Mr. LAUGHLIN. Mr. Speaker, will the gentleman yield?

Mr. RIDGE. Further reserving the right to object, I am happy to yield to the gentleman from Texas.

Mr. LAUGHLIN. Mr. Speaker, I am pleased that the House has an opportunity to vote on this legislation today. The gulf is a national treasure and I certainly hope that this designation will raise the awareness of all Americans of the need to preserve the gulf.

I see this as one part of a much larger effort to get the Nation to focus more on the Gulf of Mexico. The Sunbelt Caucus' Gulf of Mexico Task Force, of which my distinguished colleague from Alabama—SONNY CALLAHAN—and I are cochairman, has already done much toward this end. We initiated discussions with the Administrator of the EPA which resulted in the EPA agreeing to increase discretionary funding for its gulf program from $1.4 million in fiscal year 1991, to $6.3 million in fiscal year 1992.

But while the States and the Federal Government are starting to focus more on the Gulf of Mexico, it is very important that the public understands the importance of the gulf's resources and how they are being threatened.

Until people realize that activities all over the country have adverse environmental effects on the Gulf of Mexico, all of our efforts will be futile. This legislation is an attempt to cultivate the grassroots support to get the public involved in our efforts.

I grew up on the Gulf of Mexico and throughout my life have come to appreciate it for its many values. I am sure that most people living on the gulf share this appreciation, but the gulf's resources benefit people far beyond its borders.

The Gulf of Mexico produces 40 percent of the Nation's seafood. The gulf produces 90 percent of U.S. offshore oil and gas. In fact, revenues from Outer Continental Shelf oil and gas leases in the gulf rank second only to the Federal Income Tax as a revenue source for the U.S. Treasury. Gulf ports handle 45 percent of U.S. import-export shipping tonnage. And the gulf draws millions of tourists from all over the country to fish and enjoy its beaches.

Unfortunately, many people do not realize that the gulf has been environmentally impacted by activities occurring all over the country. Two-thirds of the continental United States drains into the Gulf of Mexico. And the environmental quality of the gulf is beginning to deteriorate. We are losing wetlands, estuaries, and fisheries at an alarming rate.

The Gulf of Mexico's estuaries, wetlands, and barrier islands provide critical habitat for large populations of finfish, shellfish, waterfowl, shorebirds, colonial nesting birds, and 75 percent of the migratory waterfowl traversing the United States.

But during the past few decades the Gulf of Mexico has begun to show signs of decreasing environmental quality which threaten the wildlife and commercial viability of gulf fisheries.

It is clearly in the best interest of all Americans to preserve and enhance the natural and economic resources of the Gulf of Mexico. I hope that by designating 1992 the Year of the Gulf of Mexico, all Americans will better understand the need to preserve the Gulf of Mexico and begin taking the necessary steps to ensure preservation of this national treasure.

In closing, I would like to thank the Sunbelt Caucus, my distinguished cochairman from Alabama, Mr. CALLAHAN, and all of my colleagues serving of the Gulf of Mexico Task Force for all of their hard work on behalf of this very important issue.

Mr. RIDGE. Mr. Speaker, continuing my reservation of objection, I yield to the gentleman from Ohio [Mr. SAWYER], the subcommittee chairman.

Mr. SAWYER. Mr. Speaker, I thank my friend, the gentleman from Pennsylvania, for this opportunity to turn and offer special thanks to our colleague, the gentleman from Texas, for bringing this resolution to the floor.

My father grew up on one of those coastal islands in the Gulf of Mexico close to Florida. His family settled in those islands in 1938, if you can imagine that.

Frankly, I have a proprietary sense about that part of our Nation. It is a very special place. It has changed markedly in the last 3 or 4 decades, as the gentleman suggests; but I particularly wanted to take this opportunity to thank the gentleman for bringing this particular resolution to our attention and to the attention of the Nation.

The Gulf of Mexico is a remarkable resource, one that benefits all of us. The gentleman has brought some facts to this floor of which I was unaware even after nearly 40 years of annual visits to that part of the world.

So with that, Mr. Speaker, I just want to say thank you and ask the gentleman and the rest of the gulf coast caucus to keep up the good work.

Mr. LAUGHLIN. Mr. Speaker, if the gentleman will yield further, I want to thank the gentleman from Ohio for those kind remarks and that observation.

I must confess, growing up 25 miles from the waters of the Gulf of Mexico, I did not realize it was second only to the Federal Income Tax in producing revenues for our government to use in its operations.

I was unaware of many of the other aspects of its contributions to the national welfare.

Unfortunately, too many of us have taken this for granted, and hopefully this resolution giving it recognition next year will help those of us who represents the area along the Gulf of Mexico to enhance its life.

Mr. SHAW. Mr. Speaker, today I rise in strong support of House Joint Resolution 327, a joint resolution that would designate 1992 as the Year of the Gulf of Mexico. I commend the two sponsors of this joint resolution, Mr. LAUGHLIN and Mr. CALLAHAN, for their hard work to preserve and protect the Gulf of Mexico. Their obvious dedication to the gulf is much evidenced by their ability to garner enough support for this joint resolution barely 1 month after its introduction. I would also like to thank my colleagues on the congressional Sunbelt caucus, and specifically the caucus' Gulf of Mexico Task Force, for its excellent work in bringing this joint resolution to fruition.

Mr. Speaker, the gulf is environmentally crucial to the Nation. Habitats and ecosystems along gulf shores include such diverse areas as barrier islands, mangrove forests, and river deltas. These habitats shelter and feed thousands of species of coastal and marine wildlife. The coastal wetlands of the northern gulf provide habitat for 4 to 7 million migratory waterfowl every winter. Mangrove forests along the coast of Florida are among the most productive ecosystems in the world, providing food and shelter to a variety of birds and other animals.

The gulf is also economically vital to the Nation. Nearly half of all U.S. import and export tonnage passes through gulf waters. Four of the country's 10 busiest ports are located there—New Orleans, Houston, Corpus Christi, and Tampa. The gulf also produces more than 72 percent of our offshore oil and 97 percent of the natural gas found offshore. In fact, revenues from offshore oil and gas leases in the gulf rank second only to the Federal income tax as a revenue source for the Federal Government.

The Gulf of Mexico has more than 1,600 miles of coastline and is one of our Nation's most valuable natural environmental and economic resources. It benefits our Nation far beyond its coasts. Unfortunately, in the past the gulf has not received the attention or the resources from the Federal Government it deserves. I am hopeful that the passage of this joint resolution will be yet another step in reversing that trend. Adoption of this legislation should also generally improve the public's awareness and appreciation of this national treasure we call the Gulf of Mexico.

Mr. Speaker, I urge my colleagues to vote "aye" on House Joint Resolution 327.

Mr. CALLAHAN. Mr. Speaker, I rise in strong support of House Joint Resolution 327, to designate 1992 as the Year of the Gulf of Mexico.

I was pleased to join with the gentleman from Texas [Mr. LAUGHLIN] in introducing this measure on September 17. As cochairmen of the Sunbelt Caucus Task Force on the Gulf of Mexico, he and I have had an opportunity to focus in some detail on the attributes of and problems affecting this great body of water.

The Gulf of Mexico is an extraordinary asset to this Nation. It yields more finfish, shrimp, and shellfish than the South and Mid-Atlantic, Chesapeake, and New England regions combined. It provides critical habitat for 75 percent of the migratory waterfowl traversing the United States. Oil and gas from the gulf account for 90 percent of U.S. offshore production. Gulf ports handle almost half of U.S. import/export tonnage. Two-thirds of the continental United States drain into the gulf.

The gulf is thriving in many ways, yet growing pressures threaten its ability to sustain fish and wildlife, recreation and tourism, and the overall economic and environmental well-being of the region. To begin to address these concerns, the Environmental Protection Agency, in cooperation with numerous Federal and State agencies and citizen groups, established the Gulf of Mexico Program. Our Gulf of Mexico Task Force was able to convince the EPA to increase funding for this program by 350 percent in 1992, and these resources will begin to show real benefits to the gulf, but public interest is also necessary.

Mr. Speaker, this resolution designating 1992 as the Year of the Gulf of Mexico is truly an important part of this general effort. I believe that many of the problems facing the gulf can be resolved by educating the public, and this type of commemoration will draw much needed public attention to the variety of issues involved. In the long run, our entire Nation which depends greatly on the gulf will benefit from this effort.

Mr. GOSS. Mr. Speaker, in light of the events of the past year, if the cover of a national magazine declared 1992 as the Year of the Gulf, one might expect to find a story about the Persian Gulf—and with good reason. But I would like to tell you a story about another gulf—one that is in our own backyard. I am talking about the Gulf of Mexico.

At first glance, the Gulf of Mexico may seem to be just another vast body of water that offers the backdrop for beautiful vacation spots. But take another look—the health of the Gulf of Mexico has a direct correlation with the health of our environment as well as the health of our economy. That is why it is critical that we spread the good word. I did not cosponsor House Joint Resolution 327 because cosponsoring commemoratives is against my office policy; however, I applaud and support the goal of House Joint Resolution 327—to further public awareness of the gulf.

If one were to travel its entire 1,600-mile-long coastline, one would discover that the treasures of the gulf include a variety of habitats and ecosystems, including barrier islands, mangrove forests, wetlands, river deltas, coral reefs, and sea grass beds, all of which provide shelter and food for thousands of species of coastal and marine wildlife. From an environmental perspective, the value of these waters is self-evident. But the gulf is also extremely important to U.S. industry. For example, tourism, fishing, import and export, and oil and gas represent just a few of the industries that have come to depend on the gulf.

The residents of my district, which borders entirely on the Gulf of Mexico, are no strangers to the gifts of the gulf. Many of them have taken it upon themselves to educate the public on the significance of preserving the Gulf of Mexico. I am especially proud of one organization, the Mote Marine Laboratory located in Sarasota, FL, directed by Kumar Mahadevan. Recognized as one of the most respected marine labs and education centers in the Nation, Mote has been chosen to start the gulf education campaign in January.

Protecting the Gulf of Mexico is a challenge not just for those of us who live in the region, but for the entire Nation. That is why this type of initiative is so important. I urge my colleagues to support House Joint Resolution 327.

Mr. RIDGE. Mr. Speaker, I thank both my colleagues, and I withdraw my reservation of objection.

The SPEAKER pro tempore (Mr. COX of Illinois). Is there objection to the request of the gentleman from Ohio?

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. RES. 327

Whereas the Gulf of Mexico, which is bordered by the United States on 3 sides, is a national treasure deserving of our time, attention, and best stewardship efforts;

Whereas, although the Gulf of Mexico is a body of water that is of prime economic importance to the United States and is a recreational retreat for millions of Americans, there are signs of serious long-term environmental damage appearing throughout the marine ecosystem of the Gulf of Mexico;

Whereas commercial fishing in the Gulf of Mexico accounts for more than 20 percent of the total commercial fish yield of the United States, and the Gulf of Mexico currently yields close to twice the amount of shrimp than all other United States fisheries combined;

Whereas the estuaries, wetlands, and barrier islands of the Gulf of Mexico provide critical habitat for large populations of finfish, shellfish, waterfowl, shorebirds, colonial nesting birds, and 75 percent of the migratory waterfowl traversing the United States;

Whereas the Gulf of Mexico is an economic cornerstone for the States that border it, in that 90 percent of domestic offshore production of oil and gas comes from the Gulf of Mexico and close to 50 percent of the United States shipping tonnage passes through Gulf of Mexico ports;

Whereas it is estimated that tourism-related dollars in States that border the Gulf of Mexico contribute an estimated $20,000,000,000 to the economy of the United States, drawing millions of sport fishermen and beach users annually;

Whereas during the past few decades the Gulf of Mexico has begun to show signs of deteriorating environmental quality, including excess nutrients, toxic substance and pesticide contamination, and the presence of human pathogens, which are contributing to the deteriorating water quality and closed fishing and shellfish areas in the Gulf of Mexico;

Whereas shoreline development, canal and channel dredging, and alterations of freshwater flow into the Gulf of Mexico estuaries are causing extensive losses of marshes, mangroves, and seagrass beds, which are critical and highly productive habitats to a wide variety of estuarine and marine organisms; and

Whereas it is in the best interest of the United States to preserve and enhance the natural and economic resources of the Gulf of Mexico by heightening awareness of the need for active participation in the protection of the Gulf of Mexico: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That—

(1) 1992 is designated as the "Year of the Gulf of Mexico";

(2) all Federal and State agencies which have responsibility for matters affecting the Gulf of Mexico should take a responsible role in the cooperative effort to increase the awareness of the public regarding the immeasurable value of this resource and the current conditions which threaten its aesthetic and economic value; and

(3) the President is authorized and requested to issue a proclamation recognizing such year and calling upon the people of the United States to observe such year with appropriate ceremonies and activities.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

PRIVILEGES OF THE HOUSE—RETURNING TO THE SENATE S. 1241, TO CONTROL AND REDUCE VIOLENT CRIME

Mr. RUSSO. Mr. Speaker, I rise to a question of the privileges of the House, and I offer a privileged resolution (H. Res. 251) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 251

Resolved, That the bill of the Senate (S. 1241) to control and reduce violent crime, in the opinion of this House, contravenes the 1st clause of the 7th section of the 1st article of the Constitution of the United States and is an infringement of the privileges of this House and that such bill be respectfully returned to the Senate with a message communicating this resolution.

The SPEAKER pro tempore. The gentleman from Illinois [Mr. RUSSO] is recognized for 1 hour.

Mr. RUSSO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this resolution simply returns to the Senate S. 1241, a bill which they passed on July 11, 1991, because it contravenes the constitutional requirement that revenue measures originate in the House of Representatives.

S. 1241 contains several amendments to the Internal Revenue Code. Section 812(f) provides that the police corps scholarships established under the bill would not be included in gross income for tax purposes. In addition, sections 1228, 1231, and 1232 each make amendments to the Tax Code with respect to violations of certain firearms provisions.

Finally, title VII of S. 1241 amends section 922 of title VIII of the U.S. Code, making it illegal to transfer, import, or possess assault weapons.

These changes in our tariff and tax laws constitute revenue measures in the constitutional sense, because they would have an immediate impact on revenues anticipated by U.S. Customs and the Internal Revenue Service. Therefore, I am asking that the House insist on its constitutional prerogatives.

There are numerous precedents for taking the action I am requesting. For example, on July 30, 1987, the House passed House Resolution 235, returning to the Senate S. 829, an appropriations bill which included provisions prohibiting the importation of gold ore, agricultural machinery, and other products from the Soviet Union. On June 16, 1988, the House passed House Resolution 474, returning to the Senate S. 1748, which would have prohibited the importation of all products from Iran.

The House, by adopting this resolution today, will preserve its prerogative to originate revenue matters. However, I want to make it clear to all Members that our action does not constitute a rejection of other provisions of the Senate bill on their merits. Our action today simply makes it clear to the Senate that the appropriate procedure for dealing with tariff and tax matters that affect revenues is for the House to act first and the Senate to add its amendments and seek a conference.

Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

WORLD POPULATION AWARENESS WEEK

Mr. SAWYER. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the Senate joint resolution (S.J. Res. 160) designating the week beginning October 20, 1991, as "World Population Awareness Week," and ask for its immediate consideration.

The Clerk read the title of the Senate joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

Mr. RIDGE. Reserving the right to object, Mr. Speaker, I do so simply to acknowledge the work of our colleague, the gentleman from Wisconsin [Mr. MOODY], who is the chief sponsor of this resolution.

Mr. Speaker, I yield to our friend, the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Mr. Speaker, I am please to rise today in support of House Joint Resolution 248, designating the week starting October 20, 1991, as "World Population Awareness Week" and I commend the gentleman from Wisconsin, [Mr. MOODY] for introducing this measure.

Today we are confronted with a world population exceeding 5 billion and growing at an unprecedented rate even as we speak. Unfortunately, the greatest explosion of population is occurring in the world's poorest nations. It is these countries that are least able to provide even the most basic of services for their citizens. Countries such as those in the Indian subcontinent, the Middle East, Africa, and Latin America.

During the past year the Congress increasingly focused its attention on the problems of global warming, rain forest deforestation, natural resource depletion, Third World debt, and the impact of population growth on the heath and the economy of the world and its people. If the United States intends to do something responsibly in addressing the pressing problems of today's planet, we must recognize the severe strain that rapid population growth imposes on the scarce resources of so many developing nations.

The demands of a growing population have contributed substantially to enormous environmental devastation and pose threats of even greater harm to many aspects of life. The developing world needs to be educated on maternal health programs and family planning in order to prevent disease, and at the same time to curtail the world's booming population.

As a supporter of this legislation designating the week of October 20, 1990, as "World Population Awareness Week" I am hopeful that we can underscore the need to develop better ways for easing the burdens of our burgeoning world's population for providing a better life for our developing nations.

Mr. MOODY. Mr. Speaker, I would like to thank the chairman of the Subcommittee on Census and Population, Mr. SAWYER, and his staff for their work in getting World Population Awareness Week, House Joint Resolution 261, to the floor. I would also like to thank the 220 cosponsors of this resolution.

I am happy to see the House join the Senate in passing this legislation which will designate this week as World Population Awareness Week. By recognizing this week we will help draw attention to and educate Americans about global population concerns. Numerous events are now taking place throughout the country to honor this week.

The number of people inhabiting our planet today is 5.4 billion, 95 million more than last year at this time. This is the largest population increase in the history of humankind. Though it took tens of thousands of years for our human numbers to reach one billion, at current growth rates the Earth's population should double to almost 11 billion in only 40 years.

Through my experiences working with Care and the Peace Corps, I have seen firsthand how many problems in the developing world are directly linked to our further exacerbated by rapid population growth. Poor health, hunger, environmental degredation, urban deterioration, economic instability, and political unrest can all be results of rapid population growth.

My hope for World Population Awareness Week is that it will not only be a time to call attention to the expanding planet, but it will also be a time to renew our commitment to improving the lives of the people who suffer from the effects of rapid population growth. About 50 percent of the 10 million infant deaths and 25 percent of the 500,000 maternal deaths that occur each year could be prevented if voluntary means of child spacing and maternal health programs were expanded to meet minimal needs in developing countries. Many families in developing nations want family planning but lack either the information or the means to obtain it. Increasing population assistance is inexpensive, it saves lives, it improves the quality of life, and it is essential for those countries struggling with social, economic, and environmental problems.

World Population Awareness Week provides us with an opportunity to think about the effects of rapid population growth and to focus on policies that would improve the lives of the many people who would like to control the size and spacing of their own families.

Mr. RIDGE. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 160

Whereas the population of the world today exceeds 5,000,000,000 and is growing at an unprecedented rate of approximately 90,000,000 per year;

Whereas virtually all of this growth is occurring in the poorest countries, those countries least able to provide even basic services for their current citizens;

Whereas the demands of growing populations have contributed substantially to enormous environmental devastation and pose threats of even greater harm to the world;

Whereas one-half of the 10,000,000 infant deaths and one-quarter of the 500,000 maternal deaths that occur each year in the developing world could be prevented if voluntary child spacing and maternal health programs could be substantially expanded;

Whereas research reveals that one-half of the women of reproductive age in the developing world want to limit the size of their families but lack the means or ability to gain access to family planning;

Whereas the global community has for more than 20 years recognized that it is a fundamental human right for people to voluntarily and responsibly determine the number and spacing of their children and the United States has been a leading advocate of this right;

Whereas the demands of growing populations force many countries to borrow heavily and sell off their natural resources to cover the interest on their debt;

Whereas selling off natural resources in such circumstances often causes irretrievable losses, such as the destruction of the tropical rain forests at a rate of 50,000 acres per day;

Whereas the reliance of a rapidly growing world population on burning fuels is a critical factor in the emission of carbon dioxide into the atmosphere, which many scientists believe has already catalyzed a warming of the Earth's climate;

Whereas pollution is damaging the ozone layer to such an extent that within 40 years of the amount of ultraviolet light reaching our planet is expected to increase by as much as 20 percent; and

Whereas in 1990, the President proclaimed "World Population Awareness Week" nationally, and 38 State Governors proclaimed "World Population Awareness Week" in their respective States, to call attention to the consequences of rapid population growth, and the Congress also passed a resolution to that effect: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week beginning October 20, 1991, is designated as "World Population Awareness Week". The President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such week with appropriate programs, ceremonies, and activities.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SAWYER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks, and include therein extraneous material, on the joint resolutions just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection

□ 1850

CONGRESSIONAL REFORM HELD HOSTAGE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York [Mr. SOLOMON] is recognized for 5 minutes.

Mr. SOLOMON. Mr. Speaker, shortly after the last round of Thomas confirmation hearings in the other body, a Wyoming rancher interviewed on CBS evening news said, and I quote, "if this is our democracy today, it needs a tremendous overhaul."

Mr. Speaker, those same sentiments are being echoed today across this land by Americans frustrated and angry over a whole host of failings of this Congress—from overdrafts on the House bank to overdrafts on the National Treasury.

All of this helps to explain why the national approval rating of Congress hovers around an abysmal 30 percent and why public sentiment is growing over term limit proposals for Members of Congress.

What are we doing, if anything, to clean our own house before it comes crashing down on our heads from gross neglect?

The answer is, precious little. The fact is that the Democratic leadership is holding congressional reform legislation hostage in the Rules Committee with little hope of its ever being released to this floor for a vote.

Whenever we ask when we might even consider any of the various bills calling for a thorough self-examination of this institution, we are told by the majority that "it ain't broke, so there's no need to fix it."

For some reason the majority leadership is afflicted with a dangerous blindness and denial, when it comes to recognizing the need for a comprehensive overhaul of the way we do business.

The attitude seems to be that if we just close the House Bank and make Members pay their restaurant bills, everything will be fine and the public will soon forget.

Mr. Speaker, I think it is important to point out that the call for congressional reform is not some partisan plot or conspiracy. There is recognition on both sides of the aisle that we must change our ways, if the legislative branch is to be restored and made workable.

There is no better evidence of this than a bipartisan resolution that has been introduced in both bodies calling for the creation of a joint committee on the organization of Congress. In the Senate, it has been introduced by Senators BOREN and DOMENICI; and in the House by Representatives HAMILTON and GRADISON.

The resolution enjoys cosponsorship from both sides of the aisle, and I am proud to count myself as one of the 36 original cosponsors. To quote just briefly from a joint letter sent to all Members by the two House sponsors, Representatives HAMILTON and GRADISON:

> This resolution is a timely response to the real and perceived problems of the Congress. It has been over 25 years since the House and Senate have joined to examine the question of congressional operations. Times have changed.

And the letter goes on, and I quote:

> The Congress, and the nature and complexity of the people's business, have changed. And many people are beginning to lose faith in the institution.

Mr. Speaker, why is this resolution, introduced last July 31, being held hostage in the Rules Committee? Why is the leadership turning its back on a legitimate, bipartisan, and urgent call for congressional reform now?

I realize that the majority has a great deal vested in maintaining the cozy status quo that enables every other Democrat to have their own little fiefdom and be called by the exalted title of chairman.

But surely the fact that even some senior Democrats now recognize the need to put this House back in order, should be sufficient cause for at least holding hearings on creating a special joint committee, or some alternative, to examine various congressional reform proposals that have been introduced.

At the beginning of this Congress, we on the Republican side put forward a detailed, 36-point package of congressional reform proposals entitled, "A Republican Reform Manifesto for a New House Revolution."

Predictably, that package was defeated in favor of the Democratic Caucus' House rules package that made only minor and technical changes in the rules adopted by the last Congress.

But our package of reforms has now been languishing in the Rules Committee for months. We are not insisting that it be reported or adopted in its entirety.

What we are asking is that it be given a fair hearing, either by the Rules Committee, or the Joint Committee on the Organization of Congress, proposed by Representatives HAMILTON and GRADISON.

The time has come to free the congressional reform proposals being held hostage by the majority leadership and let the House work its will. The American people expect much better of us than we are now giving them. This House is capable of much more. Let's give the House a chance to conduct a thorough house cleaning and give our constituents the representative body that they expect.

□ 1900

TIME TO AMEND OUR BIRTHRIGHT CITIZENSHIP LAWS

The SPEAKER pro tempore (Mr. COX of Illinois). Under a previous order of the House, the gentleman from California [Mr. GALLEGLY] is recognized for 5 minutes.

Mr. GALLEGLY. Mr. Speaker, under American law all persons born in and subject to the jurisdiction of the United States are considered to be both nationals and citizens of the United States at birth. This principle was recognized in this country prior to the adoption of the 14th amendment to the Constitution of the United States which embodies it.

Because times have changed, today I am introducing legislation to restrict citizenship merely by virtue of birth in the United States to persons born of mothers with legal resident status. I propose a constitutional amendment which would repeal the citizenship clauses of the 14th amendment, together with a bill to amend the Immigration and Nationality Act to bring our immigration laws in line with this proposed new rule of citizenship.

This change in our laws would bring the United States closer in line with the vast majority of nations which base citizenship on the line of descent doctrine, which depends on the nationality of the parents. As a consequence, our country will be better able to pursue more sensible and humane policies to deal with the flood of illegal immigration into this country and the serious problems this flood has caused which the framers of the 14th amendment could not have foreseen.

Mr. Speaker, for almost two centuries American citizenship has been governed by rules based upon the place of birth rather than the line of descent. The common law principle of jus soli is codified in section 1 of the 14th amendment which provides: "All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside." By contrast, citizenship in England, France, Germany, Japan, the Soviet Union, the countries of the rest of Europe and most of Asia, is established through the doctrine of jus sanguinis, or the place of the parents' citizenship. Even Canada and Australia, which follow the jus soli rule, mandate residence requirements.

Some constitutional scholars, including Peter Schuck and Roger Smith of Yale University, have suggested that birthright citizenship is an anomaly in a nation that is based on the will of the people and government by consent and propose a reinterpretation of the 14th amendment's citizenship clause. They argue that its guarantee of citizenship to those born "subject to the jurisdiction" of the United States should be read to embody the public law's conception of consensual membership, and therefore to refer only to children of those legally admitted to permanent residence in the American community—that is, citizens and legal resident aliens.

Whatever historic, political and social reasons led to the inclusion of birthright citizenship in the 14th amendment, the framers were clearly motivated by a desire to eradicate the legacy of the Dred Scott decision. In the mid-19th century, no one could have anticipated the rise of the modern welfare state or a massive increase in illegal immigration. At that time immigration to this country was virtually unregulated and unrestricted. Labor was in short supply, and farmers, laborers, tradesmen and mechanics were universally welcomed to an expanding nation. Americans celebrated an open door policy as a way to make this country a place of refuge for what George Washington called the "oppressed and persecuted of all Nations and Religions."

This liberal policy changed dramatically with the tide of immigration, leading over the years to various exclusion acts, national origin quotas and other legal restrictions, culminating in the more even-handed Immigration and Nationality Act of 1986. Concerns have shifted from encouragement of immigration to control of our borders.

America takes pride in the fact that it is and has always been a nation in which immigrants have found asylum and opportunity and, by virtue of their hard work and by means of their lawful efforts to obtain citizenship status, have come to enjoy the same rights, privileges and immunities as native-born citizens. In my native California, our way of life has been enhanced and deeply enriched by the settlement of Latinos, Asians and other persons of foreign origins within our borders. The enactment of major immigration reforms during the eighties and nineties attests to our continuing strong commitment to the melting-pot credo and our belief that newcomers legally entering our shores will benefit America's economy and its social and cultural heritage.

We must recognize, however, that the United States is also a nation of finite resources and opportunities which must be available to and shared by all its citizens. Today, in many parts of this country our cities and towns are being overrun with immigrants, both legal and undocumented, who pose major economic and law enforcement problems for local governments and place an added burden on their already strained budgets.

Despite improvements in the immigration law and stepped-up efforts to police the border and arrest undocumented aliens, the problem of illegal aliens is a serious matter throughout southern California and the border States, as well as in many other areas of this country. After several years of decline, largely as a consequence of the ban on hiring illegals and stiff sanctions on employers who flout the law, the number of arrests of illegal aliens is rising to the pre-1986 level of 1.8 million a year. There may be as many as 3 million aliens currently residing in southern California alone.

I need not recite the problems that this crisis of illegal immigration poses to Federal, State, and local governments, to communities and neighborhoods, and to families, small businesses, law enforcement, medical facilities, health providers, schools, social welfare agencies, transportation systems, and to other legal immigrants seeking jobs and assistance. Suffice it to say, U.S. taxpayers are shelling out billions of dollars annually in various direct benefits for illegal aliens nationwide—the Center for Immigration Studies estimated the cost in 1990 to be at least $5.4 billion—benefits which are then unavailable to poor and needy families of American citizens and legal aliens.

In Los Angeles County alone, officials estimate the net cost of providing health, education and welfare benefits to illegal aliens and their children rose by almost $70 million during the past 2 years to $276.2 million—a whopping 34-percent increase. County officials warn that the cost of the Aid to Families with Dependent Children [AFDC] Program could reach $1 billion by the end of the decade. This is not surprising in light of the fact that nearly two-thirds of all children born in county-operated hospitals during fiscal 1990–91 were the offspring of illegal immigrant parents.

Clearly, the present guarantee under our laws of automatic birthright citizenship to the children of illegal aliens is one more causal factor contributing to the crisis of illegal immigration. When this enticement is combined with the attraction of expanded entitlements conferred upon citizen children and their families by the welfare state, the total effect of birthright citizenship laws is significant and clearly harmful. It is time for Congress to act to remove such powerful incentives.

The question of the citizenship status of native-born children of illegal aliens was never really considered by the Framers of the 14th Amendment; today's situation simply did not exist at that time. Nor has this question been presented squarely to Federal court for final determination. In the single case in which the Supreme Court examined the issue of alien citizenship, *United States* v. *Wong Kim Ark,* 169 U.S. 649 (1898), the majority concluded that the citizenship clause did extend birthright citizenship to an American-born son of Chinese subjects, but significantly the parents were also permanent residents of California.

It is difficult to defend a practice that automatically extends birthright citizenship to the native-born offspring of illegal aliens. The parents of such children are, by definition, individuals whose presence within the jurisdiction of the United States is prohibited by law. If our society has refused explicitly to consent to their membership, it certainly cannot be said to have consented to that of their offspring merely because they happen to be born in this country at the same time that their parents are here in violation of the law. Regardless of the humanitarian appeal and the innocent status of these children of illegal aliens, the legitimate needs and demands of this country's citizens and legal resident aliens must take precedence.

There are a myriad of problems created by current law. For instance, illegal aliens with citizen children are less likely to be deported than if their offspring are regarded as aliens. Illegal alien parents are subject to deportation despite the legal status of their children. In fact, however, many parents succeed in having their deportation orders suspended on the grounds that leaving their children here while being forced to return to their native land or, in the alternative, departing as a family and depriving the children of their American birthright, poses an extreme hardship. In addition, illegal alien parents are often able to "bootstrap" their offspring's citizen status into legal residence for themselves. Once the child reaches majority he or she may file a petition for legal permanent resident status for the parents. Moreover, the parents can usually obtain welfare and other public benefits for their citizen children, if not directly for themselves. The county welfare agencies send the check to the parent for the child's benefit but have no assurance, and with limited personnel cannot ensure, that the funds are spent for the child's needs. In any case, the parents' responsibility of providing for their children is often transferred to the Government and the taxpayers—at the expense of the needs of the children of citizen and legal parents.

The changes which I am proposing would resolve this issue. The joint resolution I am introducing would rewrite the citizenship clause to ensure that the citizenship of a person born in the United States is restricted to and dependent upon the legal resident status of his or her mother. The companion bill would amend the Immigration and Nationality Act to provide for the same rule of citizenship. These changes are to apply prospectively, that is, to persons born after the date of ratification, in order to avoid confusion and uncertainty and litigation and so that those children born here of illegal alien parents may not be deprived of reasonable expectations in the form of rights and benefits accorded to them by virtue of their automatic citizenship under existing law.

In my opinion, this legislation will bring an element of reality and fairness to our modern immigration policies, bringing them in line with those of other nations. It will satisfy the concerns of the framers and modern critics of immigration law that American citizenship for all individuals born in the United States will be available to only those born to at least one parent—the mother—who is a legal resident of this country. Thus, it should relieve the growing anger and dissent among our citizens who disapprove of the growing numbers of newly arrived foreigners in their midst and resent the granting of benefits and services supported by their taxes to those immigrants who they suspect came to this country merely to have children and steal their jobs. By providing a degree of equity, this legislation could promote broader public acceptance of our generous immigration laws and to those who benefit from them.

Mr. Speaker, I urge my colleagues to act promptly and pass this legislation.

PAT WIEMERS—SAN LUIS OBISPO 1992 TEACHER OF THE YEAR

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. PANETTA] is recognized for 5 minutes.

Mr. PANETTA. Mr. Speaker, I rise today in honor of Mrs. Pat Wiemers who has been selected as the San Luis Obispo Teacher of the Year for 1992.

In 1962, Pat Wiemers graduated from University of California, Santa Barbara with a bachelor of arts in speech and hearing pathology. Although her initial intent was to work with trauma patients in a clinical setting, she soon realized that her true desire was to work with children. In 1968, she received a master of arts in education at California Polytechnic State University, and began an impressive and diverse career in education.

Pat Wiemers is extraordinary in that has not limited her talents to one specific area of teaching. She has worked with all ages and in all capacities. She has served as an itinerant speech-language pathologist, an administrator of special programs, and a special day class teacher of communicatively handicapped children. She has spent summers teaching in regular ed classrooms and teaching English to Japanese students. She has developed programs, methods, and materials in order to improve the educational structure from within. She has instructed and supervised young people entering the field of education, and has been a leader among fellow teachers and administration.

Although Pat Wiemers has expended her time and energy to a number of aspects in the teaching profession, she has never lost sight of the individual students. She has made a lasting impact on her students, believing in the development of each student's full potential. Involvement is what makes better students of us all, and it is undoubtedly apparent that Pat Wiemers has truly been involved.

Mr. Speaker, Pat Wiemers has dedicated her career to the enhancement of education and I ask my colleagues to join me now in congratulating her on receiving the San Luis Obispo County Teacher of the Year. It is evident that the residents of the 16th Congressional District of California have benefited from this remarkable woman's contributions, and for that I am grateful.

H.R. 3600, THE DEFICIT-NEUTRAL UNEMPLOYMENT COMPENSATION ACT OF 1991

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illionis [Mr. MICHEL] is recognized for 5 minutes.

Mr. MICHEL. Mr. Speaker, today I am introducing an updated version of the Deficit-Neutral Unemployment Compensation Act of 1991. This bill is substantially the same as H.R. 3400, which I introduced with Congressman SOLOMON on September 24 and S. 1791 as introduced by Senator DOLE on October 1.

The bill introduced today contains several technical changes including an updated effective date. Below is a detailed summary of H.R. 3600:

THE DEFICIT-NEUTRAL UNEMPLOYMENT COMPENSATION ACT OF 1991 SUMMARY

Benefits.—Temporary program with 2 tiers of benefits for qualified workers who exhaust their regular 26 weeks of benefits: 10 weeks for states with an insured unemployment rate (IUR), adjusted to include exhaustees, of 5% or more; 6 weeks for all other states.

Effective from November 3, 1991 to July 4, 1992.

Reaches back to qualify those who have exhausted benefits since March 1, 1991 in states whose adjusted IUR is at least 5%.

Ex-Servicemembers.—Limits USX benefits to servicemembers who are involuntarily separated or who have been extended beyond their regular separation dates. Benefits are made equivalent to civilian benefits: servicemembers would be eligible for 26 weeks of regular benefits after a 1-week wait. (Current law provides 13 weeks of benefits after a 4-week wait). Reservists serving in Desert Storm need only 90 days (rather than 180 days) of active duty to qualify.

Dislocated Workers.—Requires the Secretary of Labor to establish for eligible dislocated workers a program of readjustment allowances and a program (similar to Title III of JTPA) for job training, job search and relocation allowances. Funding is authorized at the level of net revenues generated by this bill.

Financing.—Auction frequencies of the electromagnetic spectrum for new communications use. Reallocate a number of frequencies of the electromagnetic and radio spectrum. Newly freed frequencies would be auctioned in order to recover costs from new users of the spectrum. (Five-year savings as estimated by OMB: $1.9 billion).

Guaranteed student loan reform and other Federal debt management and collection enhancement provisions:

Permanently extends IRS tax refund offset program.

Other reforms: requires credit checks on student borrowers over 21; provides the Secretary the authority to obtain information from other agencies concerning the most recent address of a student borrower; and requires the borrower to provide identifying information at the time of the loan application. (Five-year savings as estimated by OMB; $1.1 B.)

SEXUAL HARASSMENT IN THE WORKPLACE

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio [Ms. KAPTUR] is recognized for 60 minutes.

Ms. KAPTUR. Mr. Speaker, over the past month our Nation was riveted by the confirmation hearing held in the other body on the issue of sexual harassment in the workplace. Millions of men and women across the country watched and tried to figure out who was telling the truth. The hearings did an extremely poor job of educating us on what legally constitutes sexual harassment, what the remedies are, and what one is likely to face if he or she accuses a boss or coworker of sexual harassment.

The Judiciary hearings left many women wondering if they had ever been the victim of sexual harassment. It let men wondering if they had either directly or indirectly sexually harassed an individual in the workplace. A lot of soul-searching and confusion resulted from these hearings. This is too important an issue to be swept under the carpet in the maelstrom of a political hearing in Washington that got out of hand. From a legal standpoint, corporations, small businesses, trade unions, Members of Congress and millions of other working men and women have taken steps to develop firm personnel policies against sexual harassment. As a result, those who may have knowingly or unknowingly engaged in this type of offensive behavior in the past must think twice about it in the future.

This is not an issue that is meant to put men against women. This is not an issue that should serve as a vehicle for women and men to get revenge on their superviser if they do not receive important assignments or promotions. Sexual harassment is a serious issue facing our work force today and one that needs to be faced squarely by employers and employees alike. It retards American productivity. It can destroy lives. And, it is ugly behavior that cannot be tolerated.

It has been documented that only 5 to 10 percent of women in the country who are sexually harassed formally complain. In view of the fact that many of our citizens were confused by the hearings on the other body, I would like to take this opportunity to outline for employees and employers, both men and women, what constitutes sexual harassment and what can be done to stop it. Federal law—title VII of the Civil Rights Act of 1964—provides a clear standard of definition. Further, under the civil rights bill passed earlier this year—which President Bush vetoed once and threaten to veto again—and which we in Congress will pass again, there are included for the first time punitive damages to the victims of sexual harassment. Throughout litigation over the last 25 years, the courts have ruled that the most blatant form of sexual harassment is in the form of demanding sexual favors for keeping a job or landing a promotion. "You'll be fired if you don't" is perhaps the most terrifying phrase a woman could imagine coming from her superviser.

The law prescribes that the most subtle form of sexual harassment is unwelcome conduct which is so severe or pervasive that it alters the conditions of employment. It is important to remember that it can be the conduct of a coworker, supervisor or client. There aren't tangible or economic consequences associated with this behavior. Men and women often disagree about how one defines this "unwelcome conduct" as opposed to what is "normal" or "OK" or "harmless" behavior. To define this, courts apply the standard of "reasonable victim" which means that someone is powerless to alter the unwelcome behavior. Thus, earlier this year a Federal appeals court ruled that workplace sexual behavior will amount to unlawful harassment under Federal law if a reasonable woman or man faced with such circumstances would find the behavior offensive.

Severe or pervasive behavior must also be defined. An example of severe behavior would be when a coworker grabs a victim or a superviser fondles the victim in a vehicle from which she cannot escape. Pervasive behavior would involve a repetitive series of incidents such as verbal abuse—dirty jokes, lewd talk—of visual materials—offensive graffiti, pornographic calendars—or physical contact—rubbing or touching. On the other hand, a nonpervasive form of behavior would be an invitation to lunch.

The behavior must also be unwelcome. The courts have ruled that submission by a victim does not mean that conduct is welcome. Complaints by the victim at the time of the incident should show unwelcomeness or distaste contemporaneous comments to coworkers or friends also shares the victim's distaste for the unwelcome behavior. In other words, you must express your objections to the person and to witnesses or others with whom you work. It is also useful to keep a diary or tape recording.

If a person feels that she or he has been sexually harassed, there are several courses of action to take. First, complain or protest right away. If one is afraid to confront the harasser, complain to the designated supervisory person if the company has a sexual harassment policy or complain to your direct supervisor; the the supervisor is the harasser, then complain to another supervisor. If you are afraid to complain at all, keep a diary or tell a confidant who will then provide evidence in case the account is challenged.

An employer has no duty to remedy a hostile environment unless he or she knows about it. If the victim avoids the harasser or engages in denial, the company will have no duty to remedy the situation. Once the company has notice, however, by law it has a duty to investigate. The company must let the victim know the result of the investigation; it must guard the victim against retaliation, and it must eradicate the hostile environment. This can be done by expressing strong disapproval, reprimanding the harasser, putting him or her on probation, and warning them they'll be discharged if further misconduct occurs. An inadequate response by an employer could include leaving offensive graffiti up; telling the harasser to stop, but not issuing a reprimand; or worse transferring the victim. All employers should have an explicit policy, regularly communicated, and a complaint procedure.

Especially, women I have spoken with have told me that the hearings by the Judiciary Committee in the other body, and the indifferent manner in which Anita Hill was treated by the members of the Judiciary Committee, would make them think twice before they filed a complaint of sexual harassment. It is important to keep in mind that the hearings by the Judiciary Committee differed starkly from what proceedings in a court of law would resemble. First, and most importantly, the Judiciary Committee in the other body allowed nonexpert witnesses to speculate about the alleged victim's psyche and motives. The so-called judges or Senators sat in judgment to try to determine the psyche and motives of the victim and the harasser. In a court of law, only a jury would be allowed to determine a victim's or harasser's psyche or motive. Only expert witnesses would be permitted to speculate about the alleged victim's psyche and/or motivation. Corroborating witnesses without formal training in psychiatry or psychology would not be allowed to speculate on motives in a real court. If you are a victim you should not let the cruel nature of the other body's hearings, which was not a court, prevent you from filing a complaint if you believe you are being sexually harassed at work.

Now what should a victim do if they have exhausted all informal channels—such as confronting the alleged harasser head on, and reporting the behavior to supervisory personnel and the conflict has still not been resolved? You should then contact the Equal Employment Opportunity Commission, the Government agency with the mission of carrying out title VII of the Civil Rights Act of 1964. The Equal Employment Opportunity Commission has field offices in 50 cities throughout the United States. The offices are listed in local telephone directories under U.S. Government.

When filing a charge of sexual harassment with the Equal Employment Opportunity Commission, a victim should review the following guidelines. The EEOC guidelines clearly outline the various circumstances in which sexual harassment can occur. The guidelines include, but are not limited to, the following:

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical contact of a sexual nature constitute sexual harassment when submission to or rejection of this conduct explicitly or implicitly affects an individual's employment, unreasonably interferes with an individual's performance or creates an intimidating, hostile, or offensive work environment.

The victim as well as the harasser may be a woman or a man. The victim does not have to be of the opposite sex.

The harasser can be the victim's superviser, an agent of the employer, a supervisor in another area, a coworker or a nonemployee.

The victim does not have to be the person harassed but could be anyone affected by the offensive conduct.

Unlawful sexual harassment may occur without economic injury to the victim or without the victim being discharged.

The harasser's conduct must be unwelcome.

Once a claim is filed, an EEOC investigator obtains a position statement of the alleged victim and employer and their witnesses as to what happened. The Commission then determines whether there is reasonable cause to believe harassment took place based on standards set forth in EEOC Policy Guidance. Under title VII of the 1964 Civil Rights Act, the employer is prohibited from retaliating.

If a victim is not satisfied with the outcome of the EEOC investigation, the next course of action would be to file a lawsuit. Under current law, even if a victim proves the sexual harassment charges, the best the court can do in most cases is issue an injunction to order the employer to stop all such behavior. The victim currently is not provided by law with punitive nor compensatory damages in cases of sexual harassment. The civil rights bill currently before Congress—which President Bush has threatened to veto—if passed would allow a victim $150,000 in punitive damages. There are still no remedies for the psychological, physiological or financial burdens that sexual harassment can create. In cases where, for example, a woman has quit her job to escape continual sexual harassment, she may be awarded back-pay.

Sexual harassment is a charge that must be taken seriously. Hopefully the lessons of the past several weeks have educated Americans on how to prevent the ugly occurrence of sexual harassment in the workplace. Women—and in some cases men—should proceed cautiously before legal action is taken. Sexual harassment is a serious charge. All men and women in the workplace have a duty to confront the problem head on. As our work force has become more equal in terms of the balance between women and men, the rules of behavior are bound to change and change is never easy. In the long run, however, changes in this unproductive behavior will make our Nation stronger, more globally competitive and more just.

☐ 1920

CONCESSIONS FROM OTHER COUNTRIES NECESSARY FOR MEANINGFUL GATT AGREEMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Mississippi [Mr. ESPY] is recognized for 60 minutes.

Mr. ESPY. Mr. Speaker, tonight I would like to talk about farm policy, and, more specifically, the current situation with regard to the GATT rounds, or as more normally known, the Uruguay round of the General Agreement of Tariffs and Trade.

Mr. Speaker, the Uruguay round of the General Agreement of Tariffs and Trade or GATT, first began in 1986 and was scheduled to be concluded by the end of 1990. Contrary to popular belief in 1986, the GATT was not successfully completed at the end of last year, instead it was suspended in the wake of a walkout led by the United States. The problem—agriculture negotiations, 1 of 15 areas under negotiation during the Uruguay round.

The United States began the Uruguay round of talks in 1986 with a position on agriculture calling for a complete phase out of all domestic trade distorting subsidies in agriculture by the year 2000. As the round progressed, the United States revised its position to a 75-percent reduction in domestic farm supports and border protections on farm products after converting them to tariffs and tariff equivalents and a 90-percent reduction in export subsidy levels over a period of time.

The countries making up the Cairns Group also submitted a proposal calling for virtually the same thing as the U.S. proposal including a 75-percent reduction in domestic farm supports and border protections and a 90-percent reduction in export subsidy levels.

On the other hand, the European Community's agricultural proposal called for only a 30-percent reduction in farm supports. With the European Community, the United States, and the Cairns Group all unwilling to compromise their respective proposals, the talks broke down completely.

THE STALEMATE

When one looks at the changing domestic policy within the U.S. agricultural arena, it becomes very clear as to why the United States could not afford to budge from its proposal and why the European Community felt no real pressure to compromise its own.

In the 1990 Food, Agriculture, Conservation, and Trade Act of 1990, the United States, guided by its enormous deficit, decreased its agricultural budget by 25 percent, 13.6 billion dollars overall. Farm commodity program supports were reduced by 20 percent across the board. A 20-percent cut initiated unilaterally while in the midst of trying to convince the European Community that they must also decrease their programs or face the consequences. A unilateral 20-percent cut while in Geneva, the U.S. negotiators were warning the European Community that they would not support an agreement that would unilaterally disarm U.S. agricultural programs. Indeed, there was no threat of such an agreement because that very thing—unilateral disarmament—was already taking place back home.

The U.S. proposal continues to call for a flat percentage reduction in supports. This position will continue to place U.S. farmers at an unfair advantage because the reduction would be taken from an already reduced support level, while the European Community could reduce by the same percentage and maintain a higher support level.

With the European Community watching the changes taking place in U.S. domestic policy in the farm bill, they could afford to take a watch and wait perspective and rightfully so. The proverbial writing seemed to be on the wall—the United States would soon be in no position to demand reductions.

I would submit that the European Community was correct in its analysis. The United States has lost its agricultural negotiating power. The European Community does not have to negotiate a better agricultural trade position, the United States has given them one.

THE FUTURE OF THE URUGUAY ROUND

Here we are, October 1991, 10 months after the 1990 walkout and still there has been little to no movement by the European Community to compromise. U.S. officials have been searching for some small ray of hope, some small spark, that might light the flame of negotiations once again. They seem to be focusing on the European Community's attempt to revise some of its domestic policy otherwise known as the common agricultural policy [CAP]. However, the countries that make up the European Community have found it impossible so far to agree on any changes in its policies.

The Germans, who until now have been staunchly against any farm support reductions, recently announced a new position calling for the European Community to dismantle its farm support programs over a period of time. The German announcement has caused renewed hope for the other GATT nations, however, it will likely be countered by strong opposition from the rest of the European Community—namely the French.

In an attempt to dissolve the agricultural statement so that talks can continue in the other 14 areas, Director-General of GATT Arthur Dunkel is expected to submit a compromise paper around November 1. Rumors are that this proposal will call for tariffication. Tariffication is an idea that the U.S. negotiators have kicked around for some time. It would convert all non-tariff trade barriers to tariffs and then reduce them over time to zero. It is doubtful that this proposal will accomplish much because it would require that Japan give up its controversial rice import ban as well as requiring the United States to do away with section 22 import quotas on dairy and peanuts. Although United States negotiators would probably be willing to do away with section 22, the Japanese have remained strong in their position on rice imports. In addition, the European Community has not even discussed reducing—much less eliminating—market access barriers.

Director-General Dunkel has made it clear that his proposal will be of a "take it or leave it" nature. After its introduction, member countries will be given 60 days to determine whether or not the Uruguay round is to continue.

It is painfully clear that a successful end to this round is totally contingent upon an agreement in the agricultural sector. I would submit that as long as the United States is willing to compromise its agricultural trade position without receiving the same concessions from other countries, there will be no meaningful GATT agreement.

UNEMPLOYMENT IN AMERICA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Missouri [Mr. GEPHARDT] is recognized for 5 minutes.

☐ 1930

Mr. GEPHARDT. Mr. Speaker, I would like to speak tonight about the issue of unemployment compensation which is before the House at this time and will be considered over the next weeks.

We have had two proposals which have been presented in both Houses and now vetoed by the President. Both proposals were, I think, warranted.

We have a recession going on in the United States, and millions of American families have exhausted their unemployment benefits. In every recession since World War II, by the time a recession is 12 months old the Government has extended unemployment benefits beyond the initial 26-week period. This is the first recession that has lasted this long since World War II that we have not extended these benefits.

The President has taken the position that the right kind of bill has not been presented. He said that it has not been properly funded.

The problem with that argument is that these benefits are paid from a trust fund, a trust fund that was established many years ago, a trust fund that has paid into it taxes that are imposed on employers and indirectly on employees.

That trust fund now has in it about $9 or $10 billion of moneys put aside by the employers and the employees through the years.

It is correct that it will have a budgetary effect, but it is a very indirect effect. The money is there, and if the President would have signed the bill that was sent a few weeks ago or the bill before that, these benefits could be flowing tonight and people could be getting them tonight.

Now there is consideration of a new bill in the Congress. It is unclear whether or not the benefits will be paid for through a new tax or a new emergency provision will be enacted under the law. My belief is that whether or not an emergency is declared that these benefits should go forward.

People paid these taxes; employers paid these taxes. This is not charity. This is not welfare. We are not taking other people's tax moneys and giving it to these unemployed people. We are simply doing what we have always done.

My perception also is that this recession is not going away. I wish it would. There is no activity in auto showrooms. No activity in retail stores. Housing sales and housing starts are frozen. Nothing is happening. There is no evidence in any region or part of the country that the recession is about to end or will end in the foreseeable future.

In fact, all the evidence is that the recession simply continues.

Given that that is the state of facts in the country, I think it is even more imperative that we move unemployment benefits, extended benefits, and that the President sign the next bill that we pass. It will be stimulative, if these benefits begin to flow. People who are now unemployed, who are looking to go on the welfare rolls at a far less rate of money a month, can enjoy these benefits to continue to look for a job, to go to community college or vocational training, to get new skills so they can find a new job in order to pay the bills of their family, in order to do the things that their families need to do.

So this is extremely important to the people of our country. This is a set of benefits that need to be enacted soon.

There are other things that we need to do. Unemployment compensation is certainly not the only thing that needs to be done. We need tax relief. I believe we need tax relief now for American families.

We do not need tax relief for the wealthiest Americans. We need tax relief for ordinary American families. We need to give them confidence that they can go back to the auto showroom, back to the retail stores, back into the housing market and begin giving this economy a charge from the bottom, from underneath. We will never get this economy to function by simply giving tax relief to people at the top.

They already have enough money. They are not going to spend that money. They are simply going to do what they have always done, and that is carry on their investments as they normally would.

So we need unemployment compensation extended benefits, and we need middle income tax relief. And we need it now.

Mr. ESPY. Mr. Speaker, will the gentleman yield?

Mr. GEPHARDT. I yield to the gentleman from Mississippi.

Mr. ESPY. Mr. Speaker, I thank the majority leader for yielding to me.

I am here just to add a word in support of what the gentleman has been saying about the extension of the unemployment benefits. I would like to, if I can, briefly give a personal word about something I saw last night. Last night I was in Mississippi, and I had a trip to a place called Greenville, MS.

Mr. Leader, Greenville, MS, is my largest city in a district that is about 34,000 square miles large, very large. It is very rural and very poor.

My congressional district unfortunately continues to be the third poorest one throughout this Nation. This is my largest county. It is vibrant, but this particular community has been hard hit over the last year by the announcements of layoffs and the closings of some plants that, if I would name them, many would know them to be of great consequence when a plant like that would close in this particular community.

In fact, Mr. Leader, 2 weeks ago we were considering one of these employment compensation bills, as the bells rang to have us come over to vote. At that particular time one of the emissaries of that company was in my office telling me that they were about to close this particular plant in about 6 months' time. That means that in an aggregate these three plants, once closed, would have an impact in this particular community of about 1,000 employees being laid off.

They want some relief, I would submit to the gentleman from Missouri they do not want any relief next year or 6 months from now. They want it now. The fact that the administration would turn a scornful eye on this bill and veto it in this way seems to me not something we should submit to very lightly.

I would say to this administration that people out there are hurting, whether they are in the Northeast or whether they are in the South. We need some relief. The recession is real and these are real people hurting.

Mr. GEPHARDT. Mr. Speaker, I thank the gentleman for his statement.

I think that what he is seeing in his district in Mississippi is what all of us are seeing in our districts.

I was going door to door in my district over the weekend, and I had three individual workers come out on their porch and say to me that they were out of work. They could not understand why the President had vetoed this bill.

One of them said to me he had been working consecutively for over 30 years as an engineer. He was a white-collar worker, not a low-paid worker, a high-paid worker. He said it was the first time he had ever been out of work. He is looking diligently for a job, but cannot find one, almost at any pay, anywhere near what he had been working.

He wants to continue looking for a job, but he said, "Congressman, if I can't get unemployment extended benefits, I am not going to keep my house. I am not going to keep my car. I am not going to have the ability to even continue looking for a job. I will have to go to the welfare office, something that I never, ever believed or thought I would have to do."

That is what this issue is about. It is about breaking the dignity of millions of Americans who want to work, who are working, who still want the chance to work but need the insurance benefits that they and their employers paid for through the years.

I hope and pray that we will pass a third unemployment extension and that this time the President will do the right thing for these people who are counting on us and on him and will sign that bill and make it the law of the United States.

☐ 1940

Mr. Speaker, I yield to the gentleman from South Carolina [Mr. DERRICK].

Mr. DERRICK. Mr. Speaker, I thank the distinguished majority leader for yielding.

I was back in my home district just recently, in my hometown. Things are flat in most of South Carolina.

Mr. GEPHARDT. Mr. Speaker, I yield back the balance of my time.

ANNOUNCEMENT OF RULES COMMITTEE PLANS WITH RESPECT TO H.R. 6, FINANCIAL INSTITUTION SAFETY AND CONSUMER CHOICE ACT OF 1991

Mr. MOAKLEY. Mr. Speaker, I rise today to notify members of the Rules Committee's plans with respect to H.R. 6, the Financial Institutions Safety and Consumer Choice Act of 1991.

The Rules Committee plans to meet the week of October 28 to take testimony on the bill. It is anticipated that the House will proceed to the consideration of the bill later that week.

A request may be made for a structured rule, which would permit only those floor amendments designated in the rule to be offered. The "Dear Colleague" circulated earlier today contained a typographical error regarding the submission date. The letter should request that amendments to H.R. 6 be submitted to the committee by 5 p.m. on Friday, October 25.

In order to ensure Members' rights to offer amendments under the rule that may be requested, they should submit 55 copies of their amendment, together with a brief explanation of the amendment, to the committee office at H-312 of the Capitol.

We appreciate the cooperation of all Members in our effort to be fair and orderly in granting a rule.

Mr. DREIER of California. Mr. Speaker, will the gentleman yield?

Mr. MOAKLEY. I yield to my dear colleague, the gentleman from California.

Mr. DREIER of California. Mr. Speaker, I would just like to ask the distinguished chairman a question with regard to H.R. 6 and the request that all amendments be submitted to the Rules Committee by this Friday. The plan now is that all amendments that would be offered are to the base text of the Committee on Banking, Finance and Urban Affairs bill, which is H.R. 6, is that correct?

Mr. MOAKLEY. The gentleman is correct, as reported.

Mr. DREIER of California. I thank the gentleman.

PROVIDING FOR CONSIDERATION OF H.R. 2950, INTERMODAL SURFACE TRANSPORTATION INFRASTRUCTURE ACT OF 1991

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept. No. 102-265) on the resolution (H. Res. 252) providing for the consideration of the bill (H.R. 2950) to develop a national intermodal surface transportation system, to authorize funds for construction of highways, for highway safety programs, and for mass transit programs, and for other purposes, which was referred to the House Calendar and ordered to be printed.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. FIELDS (at the request of Mr. MICHEL), until 4 p.m. today, on account of weather-related problems.

Mr. BILIRAKIS (at the request of Mr. MICHEL), for today from 2:30 to 5:30 p.m., on account of personal reasons.

Mr. CALLAHAN (at the request of Mr. MICHEL), for today, on account of personal reasons.

Ms. WATERS (at the request of Mr. GEPHARDT), for today and the balance of the week, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. RIDGE) to revise and extend their remarks and include extraneous material:)

Mr. KYL, for 5 minutes each day, on October 22, 24, and 25.

Mr. SOLOMON, for 5 minutes, today.

Mr. CAMPBELL of California, for 5 minutes, on October 23.

Mr. GALLEGLY, for 5 minutes, today.

Mr. THOMAS of Wyoming, for 5 minutes, on October 24.

Mr. MICHEL, for 5 minutes, today.

Mr. BROOMFIELD, for 60 minutes each day, on October 29, 30, and 31.

Mr. ARMEY, for 60 minutes, on October 23.

Mr. DOOLITTLE, for 60 minutes, on October 23.

Mr. HUNTER, for 60 minutes, on October 23.

Mr. CUNNINGHAM, for 60 minutes, on October 23.

Mr. WALKER, for 60 minutes, on October 23.

Mr. WEBER, for 60 minutes, on October 23.

Mr. ROTH, for 60 minutes, on October 23.

Mr. KYL, for 60 minutes, on October 23.

(The following Members (at the request of Mr. LAUGHLIN) to revise and extend their remarks and include extraneous material:)

Mr. MORAN, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. PANETTA, for 5 minutes, today.

Mr. POSHARD, for 60 minutes, today.

Mr. BONIOR, for 60 minutes each day, on October 23, 25, 28, 29, and 30.

Mr. CONYERS, for 60 minutes each day, on October 23 and 24.

Mr. DURBIN, for 60 minutes each day, on October 23 and 24.

Mr. LEVIN of Michigan, for 60 minutes each day, on October 23 and 24.

Mr. DORGAN of North Dakota, for 60 minutes each day, on October 23 and 24.

Mr. LEWIS of Georgia, for 60 minutes, each day, on October 23 and 24.

Mr. DERRICK, for 60 minutes each day, on October 23 and 24.

Ms. KAPTUR, for 60 minutes each day, on October 23 and 24.

Mr. WHEAT, for 60 minutes each day, on October 23 and 24.

Mrs. UNSOELD, for 60 minutes each day, on October 23 and 24.

Mr. EVANS, for 60 minutes each day, on October 23 and 24.

Ms. DELAURO, for 60 minutes each day, on October 23 and 24.

Mr. RUSSO, for 60 minutes each day, on October 23 and 24.

Mr. DOWNEY, for 60 minutes each day, on October 23 and 24.

Mr. WISE, for 60 minutes each day, on October 23 and 24.

Mr. ANDREWS of Maine, for 60 minutes each day, on October 23 and 24.

Mr. GEPHARDT, for 60 minutes each day, on October 23 and 24.

Mr. GLICKMAN, for 60 minutes each day, on October 23 and 24.

Mr. FAZIO, for 60 minutes each day, on October 23 and 24.

Mr. GEJDENSON, for 60 minutes each day, on October 23 and 24.

Mr. MILLER of California, for 60 minutes each day, on October 23 and 24.

Mr. SAWYER, for 60 minutes each day, on October 23 and 24.

Mr. POSHARD, for 60 minutes each day, on October 23 and 24.

Mr. OBEY, for 60 minutes each day, on October 31, November 1, 4, 5, 6, 7, 8, 11, 12, 13, 14, 15, 18, 19, 20, 21, 22, 25, 26, 27, and 29.

(The following Member (at the request of Mr. ESPY) to revise and extend his remarks and include extraneous material:)

Mr. MORAN, for 60 minutes, on October 23.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. GEPHARDT, for 35 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. RIDGE) and to include extraneous matter:)

Mr. BILIRAKIS, in two instances.

Mr. MACHTLEY, in three instances.

Mr. BLILEY.

Mr. BEREUTER.

Mr. CAMP.

Mr. HANSEN.

Mr. GILMAN, in two instances.

Mr. MICHEL.

Mr. LAGOMARSINO.

Mr. BROOMFIELD.

Mr. FISH.

Mrs. BENTLEY, in two instances.

Ms. SNOWE.

Mr. RINALDO, in two instances.

Mr. FIELDS.

Mr. GINGRICH.

Mrs. MORELLA.

Mr. LIGHTFOOT.

Mr. BURTON of Indiana, in two instances.

(The following Members (at the request of Mr. LAUGHLIN) and to include extraneous matter:)

Mr. FORD of Michigan.
Mr. LEHMAN of Florida.
Mr. SCHUMER.
Mr. ROE in two instances.
Mr. MAZZOLI in two instances.
Mr. NEAL of Massachusetts.
Mr. MILLER of California.
Mr. CLEMENT.
Mr. MATSUI.
Mr. KOSTMAYER.
Mr. RANGEL.
Mr. DE LUGO.
Mr. DARDEN.
Mr. FUSTER.
Mr. MRAZEK.
Mr. HUCKABY.
Mr. KENNEDY.
Mr. SOLARZ.
Mr. TORRES.
Mr. ROSTENKOWSKI.
Mr. SLATTERY.
Mr. DORGAN of North Dakota.
Mr. CRAMER in three instances.
Mr. MARKEY.
Mr. AUCOIN.

ADJOURNMENT

Mr. DERRICK. I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 44 minutes p.m.) the House adjourned until tomorrow, Wednesday, October 23, 1991, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2236. A letter from the Director, Office of Management and Budget, transmitting OMB's Pay-As-You-Go Status Report as of October 11, 1991; to the Committee on Appropriations.

2237. A letter from the Assistant General Counsel, Department of Energy, transmitting a notice of meetings related to the International Energy Program; to the Committee on Energy and Commerce.

2238. A communication from the President of the United States, transmitting the report on adherence of the United States to arms control treaty obligations and on problems related to compliance by other nations with the provisions of arms control agreements to which the United States is a party, pursuant to 22 U.S.C. 2592; to the Committee on Foreign Affairs.

2239. A letter from the Deputy Associate Director for Collection and Disbursement, Department of the Interior; transmitting notice of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

2240. A letter from the President, National Safety Council, transmitting the Council's report and financial audit for the fiscal years ending June 30, 1991 and 1990, pursuant to 36 U.S.C. 1101(36), 1103; to the Committee on the Judiciary.

2241. A letter from the Assistant Administrator, Environmental Protection Agency, transmitting the Agency's report on ocean dumping during the years 1987-90; to the Committee on Merchant Marine and Fisheries.

2242. A letter from the Administrator, General Services Administration, transmitting informational copies of Report of Building Project Survey for Kansas City, Missouri, and a prospectus for the design of the White House Remote Delivery Site and U.S. Secret Service Vehicle Facility in Washington, DC, pursuant to 40 U.S.C. 606(a); to the Committee on Public Works and Transportation.

2243. U.S. Trade Representative, transmitting a draft of the "Review of United States-Mexico Environmental Issues"; to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. ROSTENKOWSKI: Committee on Ways and Means. H.R. 534. A bill to amend title 46, United States Code, to repeal the requirement that the Secretary of Transportation collect a fee or charge for recreational vessels; with amendments (Rept. 102-182, Part 2). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLER of California: Committee of Conference. Conference report on H.R. 972. (Rept. 102-261). Ordered to be printed.

Mr. ROSTENKOWSKI: Committee on Ways and Means. House Joint Resolution 281. Resolution approving the extension of nondiscriminatory treatment with respect to the products of the Mongolian People's Republic (Rept. 102-263). Referred to the Committee of the Whole House on the State of the Union.

Mr. ROSTENKOWSKI: Committee on Ways and Means. House Joint Resolution 282. Resolution approving the extension of nondiscriminatory treatment with respect to the products of the People's Republic of Bulgaria (Rept. 102-264). Referred to the Committee of the Whole House on the State of the Union.

Mr. WHEAT: Committee on Rules. House Resolution 252. Resolution providing for the consideration of H.R. 2950, a bill to develop a national intermodal surface transportation system, to authorize funds for construction of highways, for highway safety programs, and for mass transit programs, and for other purposes. (Rept. 102-264). Referred to the House Calendar.

REPORTED BILLS SEQUENTIALLY REFERRED

Under clause 5 of rule X, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

Mr. JONES of North Carolina: Committee on Merchant Marine and Fisheries. H.R. 2152. A bill to enhance the effectiveness of the United Nations international driftnet fishery conservation program; with an amendment. Referred to the Committee on Ways and Means for a period ending not later than November 15, 1991, for consideration of such provisions of the bill and amendment as fall within the jurisdiction of that committee pursuant to clause 1(v) of rule X (Rept. No. 102-262, Pt. 1). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. TORRES:

H.R. 3596. A bill to amend the Fair Credit Reporting Act to assure the completeness and accuracy of consumer information maintained by credit reporting agencies, to better inform consumers of their rights under the act, and to improve enforcement, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

By Mr. FRANK of Massachusetts (for himself, Mr. GLICKMAN, Ms. KAPTUR, Mr. GUARINI, and Mr. TRAFICANT):

H.R. 3597. A bill to strengthen the Foreign Agents Registration Act of 1938, as amended; to the Committee on the Judiciary.

By Mrs. BENTLEY:

H.R. 3598. A bill to amend title 49, United States Code, to provide for verification of weights, and for other purposes; jointly, to the Committees on Public Works and Transportation and Energy and Commerce.

By Mr. CAMP (for himself, Mr. WOLF, Mr. RAMSTAD, Mr. ALLARD, Mr. GILCHREST, Mr. RIGGS, Mr. ZIMMER, Mr. DOOLITTLE, Mr. BARRETT, and Mr. SANTORUM):

H.R. 3599. A bill to amend the Internal Revenue Code of 1986 with respect to the deductibility of certain expenses allocable to business use of a dwelling unit; to the Committee on Ways and Means.

By Mr. MICHEL (for himself and Mr. SOLOMON):

H.R. 3600. A bill to provide a temporary extended unemployment compensation program; jointly, to the Committee on Ways and Means, Education and Labor, and Energy and Commerce.

By Mr. CONYERS (for himself, Mrs. COLLINS of Illinois, Mr. WAXMAN, Mr. WEISS, Mr. NEAL of North Carolina, Mr. LANTOS, Mr. WISE, Mrs. BOXER, Mr. OWENS of New York, Mr. BUSTAMANTE, Mr. MARTINEZ, Mr. PAYNE of New Jersey, Mrs. MINK, Mr. THORNTON, Mr. PETERSON of Minnesota, Ms. DELAURO, Mr. COX of Illinois, Mr. ACKERMAN, Ms. COLLINS of Michigan, Mr. MFUME, Mr. NOWAK, Mr. STOKES, Mr. SANDERS, and Mr. FOGLIETTA):

H.R. 3601. A bill to amend title 31, United States Code, to assist certain local governments in meeting public needs by providing for Federal payments to those local governments, and for other purposes; to the Committee on Government Operations.

By Mr. DONNELLY (for himself, Mr. SUNDQUIST, Mr. DOWNEY, and Mr. MORAN):

H.R. 3602. A bill to amend the Internal Revenue Code of 1986 to alter the tests for determining whether an individual is an employee under the employee leasing rules; to the Committee on Ways and Means.

By Mr. DOWNEY (for himself, Mr. FORD of Tennessee, Mr. KENNELLY, Mr. ANDREWS of Texas, Mr. LEVIN of Michigan, Mr. MCDERMOTT, Mr. MOODY, and Mr. MATSUI):

H.R. 3603. A bill to promote family preservation and the prevention of foster care with emphasis on families where abuse of alcohol or drugs is present, and to improve the quality and delivery of child welfare, foster care, and adoption services; to the Committee on Ways and Means.

By Mr. EMERSON (for himself, Mr. CLAY, Mr. COLEMAN of Missouri, Mr.

GEPHARDT, Mr. SKELTON, Mr. VOLKMER, Mr. WHEAT, Mr. HANCOCK, and Ms. HORN):

H.R. 3604. A bill to direct acquisitions within the Eleven Point Wild and Scenic River, to establish the Greer Spring Special Management Area in Missouri, and for other purposes; jointly, to the Committee on Interior and Insular Affairs and Agriculture.

By Mr. GALLEGLY (for himself, Mr. ROHRABACHER, Mr. HYDE, Mr. DANNEMEYER, Mr. HERGER, and Mr. DOOLITTLE):

H.R. 3605. A bill to the Immigration and Nationality Act to limit citizenship at birth, merely by virtue of birth in the United States, to persons with legal resident mothers; to the Committee on the Judiciary.

By Mr. HOAGLAND:

H.R. 3606. A bill to establish a national technology education program, utilizing the resources of the Nation's 2-year associate-degree-granting colleges to expand the pool of individuals in technology fields, to increase the productivity of the Nation's industries, and to improve the competitiveness of the United States in international trade, and for other purposes; jointly, to the Committee on Education and Labor and Science, Space, and Technology.

By Mr. HUCKABY (for himself, Mr. BAKER, Mr. HAYES, of Louisiana, Mr. HOLLOWAY, Mr. JEFFERSON, Mr. LIVINGSTON, Mr. MCCRERY, Mr. RICHARDSON, Mr. CAMPBELL of Colorado, and Mr. FALEOMAVAEGA):

H.R. 3607. A bill to restore and clarify the Federal relationship with the Jena Band of Choctaws of Louisiana as a distinct federally recognized Indian tribe, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. HUNTER (for himself, Mr. ROHRABACHER):

H.R. 3608. A bill to suspend trade benefits and multilateral economic assistance to Hong Kong; jointly, to the Committees on Ways and Means and Banking, Finance and Urban Affairs.

By Mr. JOHNSON of South Dakota:

H.R. 3609. A bill to assist small towns in planning and financing environmental facilities and compliance activities; jointly, to the Committees on Energy and Commerce and Public Works and Transportation.

By Mr. KOSTMAYER:

H.R. 3610. A bill to require Senators and Members of the House of Representatives to pay for medical services provided by the Office of the Attending Physician, and for other purposes; to the Committee on House Administration.

By Mr. LAGOMARSINO (for himself and Mr. GALLEGLY):

H.R. 3611. A bill to authorize the sale of a Bureau of Reclamation loan to the United Water Conservation District in California, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. MARKEY (for himself and Mr. HOUGHTON):

H.R. 3612. A bill to provide for a Management Corps that would provide the expertise of United States businesses to the Republics of the Soviet Union and the Baltic States; to the Committee on Foreign Affairs.

By Mr. MARTINEZ (for himself, Mr. SIKORSKI, Mr. FORD of Michigan, Mr. GILMAN, Mr. CONYERS, Mr. HOYER, Mrs. SCHROEDER, Ms. OAKAR, Mr. STOKES, Mr. FISH, Mr. ACKERMAN, Mr. MILLER of California, Mr. KILDEE, Mrs. MORELLA, Mrs. MINK, Mr. DELLUMS, Mrs. COLLINS of Illinois, Mr. RICHARDSON, Mrs. BOXER, Mr. FRANK of Massachusetts, Mr. LEVINE of California, Mr. FAZIO, Mr. JONTZ, Mr. DYMALLY, Mr. HAYES of Illinois, Mr. SAWYER, Mr. PAYNE of New Jersey, Mr. OWENS of New York, Mr. SANDERS, Ms. NORTON, Mr. MORAN, Mr. VENTO, Mr. FUSTER, and Mr. DE LUGO):

H.R. 3613. A bill to amend title VII of the Civil Rights Act of 1964 and the Age Discrimination in Employment Act of 1967 to improve the effectiveness of administrative review of employment discrimination claims made by Federal employees; and for other purposes; jointly, to the Committees on Education and Labor and Post Office and Civil Service.

By Mr. BLILEY (for himself, Mr. DELLUMS, Mr. LOWERY of California, Mr. MICHEL, Mr. GINGRICH, Ms. NORTON, Mr. LEWIS of California, Mr. LEWIS of Georgia, Mr. HOYER, Mr. VANDER JAGT, Mr. DYMALLY, Mr. GALLO, Mr. HUNTER, Mr. LEVIN of Michigan, Mr. MCDERMOTT, Mr. MORAN, Mrs. MORELLA, Mr. STARK, Mr. WHEAT, and Mr. WOLF):

H.J. Res. 356. Joint resolution designating December 1991 as "Bicentennial of the District of Columbia Month"; to the Committee on Post Office and Civil Service.

By Mr. GALLEGLY for himself, Mr. ROHRABACHER, Mr. HYDE, Mr. DANNEMEYER, Mr. HERGER, and Mr. DOOLITTLE):

H.J. Res. 357. Joint resolution proposing an amendment to the Constitution of the United States to restrict the requirement of citizenship at birth by virtue of birth in the United States to persons with legal resident mothers; to the Committee on the Judiciary.

By Mr. JOHNSON of South Dakota (for himself, Mr. STARK, Mr. DORGAN of North Dakota, Mr. PASTOR, Mr. PAYNE of New Jersey, Mr. HARRIS, Mr. FALEOMAVAEGA, Mr. GUARINI, Mr. JEFFERSON, Mr. FUSTER, Mr. DEFAZIO, Mr. MILLER of California, and Mr. RHODES):

H.J. Res. 358. Joint resolution designating 1992 as the "Year of Reconciliation Between American Indians and Non-Indians"; to the Committee on Post Office and Civil Service.

By Mr. MFUME:

H.J. Res. 359. Joint resolution to designate 1991 as the "Year of Public Health"; to the Committee on Post Office and Civil Service.

By Mr. GALLEGLY (for himself, Mr. DORNAN of California, Mr. DANNEMEYER, Mr. DOOLITTLE, Mr. KYL, Mr. COX of California, and Mr. MILLER of Washington):

H. Con. Res. 224. Concurrent resolution to express the sense of the Congress that the President should recognize the independence of the Republic of Croatia and the Republic of Slovenia; to the Committee on Foreign Affairs.

By Mr. RUSSO:

H. Res. 251. Resolution returning to the Senate the bill S. 1241; considered and agreed to.

By Mr. HUCKABY (for himself and Mr. GRADISON):

H. Res. 253. Resolution to express the sense of the House of Representatives that any saving resulting from defense cuts in the fiscal year 1993 budget greater than called for in the Budget Enforcement Act of 1990 shall be entirely applied to Federal deficit reduction; jointly, to the Committees on Ways and Means and Government Operations.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

287. By the SPEAKER: Memorial of the Assembly of the State of California, relative to pest control; to the Committee on Agriculture.

288. Also, memorial of the Legislature of the State of California, relative to the California Army National Guard; to the Committee on Armed Services.

289. Also, memorial of the Assembly of the State of California, relative to the dual banking system; to the Committee on Banking, Finance and Urban Affairs.

290. Also, memorial of the Assembly of the State of California, relative to postsecondary education; to the Committee on Education and Labor.

291. Also, memorial of the Assembly of the State of California, relative to the reauthorization of the Rehabilitation Act of 1973; to the Committee on Education and Labor.

292. Also, memorial of the Assembly of the State of California, relative to nonprescription drug labeling; to the Committee on Energy and Commerce.

293. Also, memorial of the Assembly of the State of California, relative to family planning; to the Committee on Energy and Commerce.

294. Also, memorial of the Assembly of the State of California, relative to railroad safety; to the Committee on Energy and Commerce.

295. Also, memorial of the Legislature of the State of California, relative to inmate health care; to the Committee on Energy and Commerce.

296. Also, memorial of the Legislature of the State of California, relative to Medicaid; to the Committee on Energy and Commerce.

297. Also, memorial of the Legislature of the State of California, relative to Israeli prisoners of war; to the Committee on Foreign Affairs.

298. Also, memorial of the Legislature of the State of California, relative to; the Committee on Foreign Affairs.

299. Also, memorial of the Legislature of the State of California, relative to the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers; to the Committee on Merchant Marine and Fisheries.

300. Also, memorial of the Legislature of the State of California, relative to toll roads; to the Committee on Public Works and Transportation.

301. Also, memorial of the Legislature of the State of California, relative to airline safety; to the Committee on Public Works and Transportation.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 191: Mr. TRAFICANT, Mr. LIPINSKI, and Mr. SCHIFF.

H.R. 200: Mr. SLAUGHTER of Virginia.

H.R. 213: Mr. FISH.

H.R. 249: Mr. HENRY.

H.R. 304: Mr. GONZALEZ and Mr. HEFNER.

H.R. 534: Mr. BRYANT, Mr. MCCLOSKEY, Mr. MCCRERY, Mr. MCMILLAN of North Carolina, Mr. GUARINI, Mr. POSHARD, and Mr. LOWERY of California.

H.R. 552: Mr. MAVROULES.

H.R. 643: Mr. GINGRICH.

H.R. 827: Mr. YOUNG of Florida.

H.R. 978: Mr. LIPINSKI.

H.R. 1025: Mrs. MEYERS of Kansas and Mr. STEARNS.

H.R. 1064: Mr. OXLEY.

H.R. 1161: Mr. BOUCHER.

H.R. 1245: Mr. ROTH, Mr. STOKES, Mr. DANNEMEYER, Mr. VENTO, and Mr. COYNE.

H.R. 1259: Mr. YOUNG of Florida.

H.R. 1328: Mrs. UNSOELD.

H.R. 1346: Mr. ECKART.

H.R. 1422: Mr. MORAN and Mr. ACKERMAN.

H.R. 1473: Mr. DUNCAN and Mr. LEWIS of California.

H.R. 1475: Mr. BURTON of Indiana.

H.R. 1506: Mr. MORRISON.

H.R. 1557: Mr. COYNE, Mr. GILLMOR, and Mr. LEWIS of Florida.

H.R. 1618: Mr. GEREN of Texas, Mr. HAYES of Louisiana, Mr. MCMILLEN of Maryland, Mr. BOEHNER, Mr. JONTZ, Mr. HASTERT, Mr. TORRES, Mr. DICKS, Mr. FAZIO, Mr. MCDADE, Mr. BRYANT, Mr. KOSTMAYER, Mr. CRAMER, Mr. CAMPBELL of Colorado, Mr. ROHRABACHER, Mr. KANJORSKI, Mr. BILIRAKIS, Mr. BROWDER, Mr. GOSS, Mr. PACKARD, and Mrs. BOXER.

H.R. 1664: Mr. JOHNSTON of Florida, Mrs. UNSOELD, and Mrs. LOWEY of New York.

H.R. 1665: Ms. PELOSI, Mr. MILLER of Washington, Mr. LIPINSKI, Mr. PENNY, Mr. DYMALLY, Mr. TRAXLER, Mr. TOWNS, and Ms. NORTON.

H.R. 1753: Mr. ENGEL.

H.R. 1799: Mr. ERDREICH.

H.R. 1820: Mr. MORAN, Ms. SNOWE, Mr. PETERSON of Minnesota, and Mr. SAXTON.

H.R. 1916: Mr. RINALDO, Mr. LIPINSKI, and Mr. TORRICELLI.

H.R. 1930: Mr. GUARINI.

H.R. 2070: Mr. DICKS.

H.R. 2185: Mr. HAYES of Louisiana, Mr. CHANDLER, Mr. DORNAN of California, Mrs. VUCANOVICH, and Mr. DOOLITTLE.

H.R. 2208: Mr. HOBSON and Mr. PETERSON of Minnesota.

H.R. 2225: Mr. WEISS.

H.R. 2239: Mr. MACHTLEY.

H.R. 2248: Mr. RITTER, Mrs. MINK, and Mr. EARLY.

H.R. 2334: Mr. FORD of Tennessee, Mr. MARTIN, Mr. MURPHY, Mr. OBERSTAR, Mr. ORTON, Mr. FALEOMAVAEGA, Mr. CAMP, Mr. SAVAGE, Mr. ANDREWS of Maine, Mr. HAYES of Illinois, Mr. MINETA, Mr. MOLLOHAN, Mr. TRAFICANT, Mr. WEISS, Mrs. MORELLA, Mr. ENGEL, Mr. FEIGHAN, Mr. LEHMAN of Florida, Mr. WISE, Mr. MCGRATH, Ms. KAPTUR, and Mr. MILLER of Washington.

H.R. 2407: Mr. MILLER of Ohio, Mr. SMITH of Oregon, Mr. FRANKS of Connecticut, Mr. THOMAS of Wyoming, Mr. SISISKY, Mr. FOGLIETTA, Mr. ORTIZ, Mr. REGULA, Mr. SANTORUM, and Mr. SPENCE.

H.R. 2448: Mr. HOAGLAND.

H.R. 2540: Mr. DIXON and Mr. MCMILLEN of Maryland.

H.R. 2541: Mr. UPTON.

H.R. 2571: Mr. OWENS of New York, Mr. HAYES of Illinois, and Mr. DAVIS.

H.R. 2600: Mr. STALLINGS, Mr. FLAKE, and Mr. PENNY.

H.R. 2634: Mr. SOLOMON, Mr. OWENS of Utah, and Mr. BARNARD.

H.R. 2649: Mr. FALEOMAVAEGA and Mr. FISH.

H.R. 2708: Mr. HYDE, Mr. HUGHES, Mr. MCCANDLESS, and Mr. EMERSON.

H.R. 2709: Mr. KOPETSKI.

H.R. 2721: Mr. RICHARDSON.

H.R. 2755: Mr. FUSTER, Mr. FAZIO, and Mr. HAYES of Illinois.

H.R. 2763: Mr. DWYER of New Jersey, Mr. HOAGLAND, Mr. HAYES of Louisiana, and Mr. GILLMOR.

H.R. 2766: Mr. MONTGOMERY, Mr. FIELDS, and Mr. SMITH of Oregon.

H.R. 2782: Mr. BROWN.

H.R. 2819: Mr. ENGLISH, Mr. TALLON, Mr. LANCASTER, Mr. KOPETSKI, Mr. SANDERS, and Mr. PETERSON of Florida.

H.R. 2867: Mr. SMITH of Florida and Mr. SYNAR.

H.R. 2876: Mr. KOLBE.

H.R. 2880: Mr. MORAN, Mr. CAMPBELL of Colorado, Mr. JEFFERSON, Mr. PRICE, Mr. FISH, and Mr. BILBRAY.

H.R. 2890: Mr. MACHTLEY and Mr. CONDIT.

H.R. 2906: Mr. SLATTERY.

H.R. 2944: Mr. RIGGS.

H.R. 2946: Mr. BORSKI and Mr. ENGEL.

H.R. 2959: Mr. ESPY, Mr. CHAPMAN, Mr. EVANS, Mr. JEFFERSON, and Mr. COLEMAN of Missouri.

H.R. 3015: Mr. ACKERMAN, Mr. MRAZEK, Mr. WEBER, Mr. COSTELLO, and Mr. COLEMAN of Texas.

H.R. 3037: Mr. SENSENBRENNER.

H.R. 3055: Mr. COX of Illinois, Mrs. MINK, Mr. KLUG, Mr. BRUCE, Mr. CONDIT, and Mr. MINETA.

H.R. 3058: Mr. MATSUI, Mrs. COLLINS of Illinois, Mr. DEFAZIO, Ms. NORTON, Mr. MORAN, Mr. HORTON, Mr. VALENTINE, Mr. HAMMERSCHMIDT, Mr. KOLTER, Mr. MCEWEN, Mr. WALSH, and Mr. SCHEUER.

H.R. 3059: Mr. MATSUI, Mrs. COLLINS of Illinois, Mr. DEFAZIO, Ms. NORTON, Mr. MORAN, Mr. HORTON, Mr. VALENTINE, Mr. HAMMERSCHMIDT, Mr. KOLTER, Mr. MCEWEN, Mr. WALSH, and Mr. SCHEUER.

H.R. 3071: Mr. WOLPE.

H.R. 3092: Mr. LEWIS of California.

H.R. 3128: Mr. GILMOR, Mr. HENRY, Mr. INHOFE, Mrs. MEYERS of Kansas, Mr. PURSELL, and Mr. THOMAS of Wyoming.

H.R. 3136: Mr. KOLTER, Mr. STAGGERS, Mr. HORTON, Mr. DWYER of New Jersey, Mr. BRUCE, Mr. ENGEL, and Mr. FALEOMAVAEGA.

H.R. 3142: Mr. WEBER.

H.R. 3154: Mr. FISH.

H.R. 3164: Mr. MCEWEN, Mr. HEFNER, Mr. GONZALEZ, and Mr. FISH.

H.R. 3185: Mr. SCHEUER, Mr. RICHARDSON, Mr. JACOBS, and Mr. COX of Illinois.

H.R. 3193: Mr. LEACH, Mr. DANNEMEYER, and Mr. CRANE.

H.R. 3195: Mr. LIPINSKI.

H.R. 3202: Mr. LIPINSKI, Mr. SMITH of Florida, and Mr. KOLTER.

H.R. 3221: Mr. HAYES of Louisiana, Mr. STUMP, and Ms. MOLINARI.

H.R. 3231: Mr. FISH.

H.R. 3269: Mr. DURBIN, Mr. LEHMAN of Florida, Mr. ATKINS, Mr. MCDERMOTT, Mr. AUCOIN, Mr. LAFALCE, Mr. ANDREWS of Texas, Mr. JACOBS, Mr. FAWELL, and Mr. SCHEUER.

H.R. 3281: Mr. DEFAZIO.

H.R. 3312: Mr. FISH, Mr. HATCHER, Mr. HOAGLAND, Mr. MCCOLLUM, Mr. NEAL of North Carolina, Mr. SISISKY, and Mr. YOUNG of Florida.

H.R. 3326: Mr. RAMSTAD, Mr. OXLEY, Mr. IRELAND, Mr. SENSENBRENNER, Mr. GOSS, Mr. KYLE, Mr. EWING, Mr. HYDE, Mr. DORNAN of California, Mr. EMERSON, Mr. MCGRATH, Mr. KLUG, and Mr. ZELIFF.

H.R. 3349: Mr. LEWIS of California, Mr. HEFLEY, Mr. DORNAN of California, and Mr. TOWNS.

H.R. 3373: Mr. HENRY, Mr. SPENCE, Mrs. LOWEY of New York, Mrs. MORELLA, Mr. STALLINGS, and Mr. DARDEN.

H.R. 3422: Mr. LIPINSKI.

H.R. 3423: Mr. STARK, Mr. EVANS, and Mr. DELLUMS.

H.R. 3424: Mr. JONTZ, Mr. STARK, Mr. EVANS, and Mr. DELLUMS.

H.R. 3438: Mr. DOOLITTLE and Mr. WELDON.

H.R. 3439: Mr. DOOLITTLE and Mr. WELDON.

H.R. 3440: Mr. DOOLITTLE and Mr. WELDON.

H.R. 3441: Mr. DOOLITTLE and Mr. WELDON.

H.R. 3442: Mr. DOOLITTLE and Mr. WELDON.

H.R. 3451: Mr. SUNDQUIST and Mr. DORNAN of California.

H.R. 3452: Mr. GOSS and Mr. RIGGS.

H.R. 3463: Mr. BLILEY.

H.R. 3464: Mr. SAXTON, Mr. BACCHUS, and Mr. FISH.

H.R. 3473: Mr. TAYLOR of North Carolina, Ms. NORTON, Mr. DEFAZIO, and Mr. KOPETSKI.

H.R. 3502: Mr. STENHOLM.

H.R. 3504: Mr. MARLENEE and Mr. YOUNG of Alaska.

H.R. 3526: Mr. GEJDENSON, Mr. TORRES, Mr. LANTOS, Mr. YATES, and Mr. HOYER.

H.R. 3532: Mr. GOSS, Mr. SMITH of Texas, Mr. SHAYS, Mr. CAMP, Mr. LIVINGSTON, Mr. BUNNING, Mr. MILLER of Washington, Mr. PAXON, Mr. RAMSTAD, and Mr. BALLENGER.

H.R. 3537: Mr. DE LUGO and Mr. WELDON.

H.R. 3542: Mr. VENTO, Mr. KLECZKA, Mr. FRANK of Massachusetts, Mr. SCHUMER, Mr. SANDERS, and Mr. MFUME.

H.R. 3550: Mr. FROST, Mr. HALL of Texas, Mr. CLEMENT, Mr. FRANK of Massachusetts, and Mrs. PATTERSON.

H.R. 3553: Mr. JONTZ, Mr. TOWNS, Mr. KOLTER, and Mr. ROE.

H.R. 3578: Mr. SCHEUER.

H.R. 3588: Mr. COBLE, Mr. RIGGS, and Mr. SANTORUM.

H.R. 3595: Mr. COOPER, Mr. MANTON, Mr. HYDE, Ms. OAKAR, Mr. FRANK of Massachusetts, Mr. SAWYER, Mr. MCDERMOTT, and Mr. DUNCAN.

H.J. Res. 69: Mr. GALLO.

H.J. Res. 88: Mr. BEREUTER, Mr. CONDIT, and Mr. GEREN of Texas.

H.J. Res. 198: Mr. CRAMER, Mr. ECKART, Mr. STOKES, Mr. GORDON, Mr. CONYERS, Mr. STAGGERS, Mr. STALLINGS, Mr. DORGAN of North Dakota, Mr. VANDER JAGT, Mrs. MINK, and Mr. FRANK of Massachusetts.

H.J. Res. 242: Mr. KLECZKA, Mr. STUMP, Mr. RAY, Mr. HOBSON, Mr. PANETTA, Mr. MORAN, Mr. TORRICELLI, Mr. VANDER JAGT, Mr. BOEHLERT, Mr. WEISS, Mr. SOLARZ, Mr. VOLKMER, Mr. PURSELL, Mr. SAVAGE, Mr. GEJDENSON, and Mr. NAGLE.

H.J. Res. 261: Mr. ALEXANDER, Mr. ANDERSON, Mr. ANDREWS of New Jersey, Mr. BACCHUS, Mr. COBLE, Mr. DE LUGO, Mr. ECKART, Mr. JENKINS, Mr. SHARP, Mr. SMITH of Oregon, Mr. WYLIE, Mr. DOWNEY, Mr. BURTON of Indiana, Mr. LAROCCO, Mr. BOEHLERT, Mr. VOLKMER, Mr. FLAKE, and Mr. SANGMEISTER.

H.J. Res. 300: Mr. WYLIE, Mr. RICHARDSON, Mr. COUGHLIN, Mr. BARNARD, Mr. MORAN, Mr. KASICH, Mr. JOHNSTON of Florida, Mr. CALLAHAN, Mr. HUTTO, Mr. BOUCHER, Mr. BOEHLERT, Mr. STUDDS, Mr. LENT, Mr. FRANK of Massachusetts, Mrs. MEYERS of Kansas, Mr. HALL of Texas, Mr. HASTERT, Mr. MURPHY, Mr. SLATTERY, and Mr. SMITH of Iowa.

H.J. Res. 307: Ms. KAPTUR, Mrs. PATTERSON, Mr. MCDERMOTT, Mrs. MINK, Mr. MURPHY, Mr. RAVENEL, Mr. TRAFICANT, Mr. TRAXLER, Mr. WEBER, Mr. YATRON, Mr. TALLON, Mr. LEVIN of Michigan, Mr. ORTIZ, Mr. MONTGOMERY, Mr. ROYBAL, Mr. PARKER, Mr. MORAN, Mr. RAHALL, Mr. BREWSTER, Mr. HOCHBRUECKNER, Mr. WOLF, Mr. SERRANO, and Mr. FISH.

H.J. Res. 312: Mr. Gordon, Mr. Hastert, Mr. Bevill, Mr. Burton of Indiana, Mr. Dwyer of New Jersey, Mr. Henry, Mr. Alexander, Mr. Carr, Mr. Johnson of South Dakota, Mr. Rhodes, Mr. Ackerman, Mr. Tauzin, Mr. Pallone, Mrs. Boxer, Mr. Pickett, Mr. Neal of North Carolina, Mr. Fields, Mr. Espy, Mr. Bilbray, Mr. Ravenel, Mr. Packard, Mr. Hammerschmidt, Mr. Martin, Mr. Owens of New York, Mr. Herger, Mr. Fazio, Mr. Smith of New Jersey, and Mr. Lent.

H.J. Res. 316: Mr. Bilirakis, Mr. Lehman of Florida, Mr. Lowery of California, and Mr. Moody.

H.J. Res. 326: Mr. Kleczka, Mr. Dannemeyer, Mr. Henry, Mr. Vander Jagt, Mr. Young of Alaska, Mr. Young of Florida, Mr. Erdreich, and Mr. Wolf.

H.J. Res. 327: Mr. Owens of Utah, Mr. Skeen, Mr. Serrano, and Mr. Mazzoli.

H. Con. Res. 205: Mr. Bliley.

H. Con. Res. 208: Mr. Klug and Mr. Montgomery.

H. Con. Res. 211: Mr. Riggs, Mr. Russo, and Mr. Andrews of Maine.

H. Con. Res. 216: Mr. Yatron, Mr. Dellums, Mr. Cooper, Mr. Downey, Mr. Hefner, Mr. Ackerman, Mr. Owens of Utah, Mrs. Meyers of Kansas, Mrs. Morella, Mr. Ravenel, Mrs. Unsoeld, Mr. Towns, Mr. Kostmayer, Mr. Kleczka, Mr. Rhodes, Ms. Norton, Mr. Manton, Mr. Waxman, Mr. Mrazek, and Mr. Jones of Georgia.

H. Con. Res. 218: Mr. Boehner, Mr. Zeliff, Mr. Parker, Mr. Weldon, Mr. Dornan of California, and Mr. Fawell.

H. Res. 116: Ms. DeLauro.

H. Res. 167: Mr. Berman.

H. Res. 215: Mr. Jacobs and Mr. Fawell.

H. Res. 233: Mr. Parker, Mr. Valentine, Mr. Boehner, Mr. Hall of Texas, and Ms. Long.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 759: Mr. Broomfield.

H.R. 2824: Mr. Thomas of Georgia.

H.J. Res. 21: Mr. Zimmer.

H.J. Res. 291: Mr. McMillan of North Carolina.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

126. By the SPEAKER: Petition of the Conference of Democratic Mayors, Charleston, SC, relative to the HOME Housing Program; to the Committee on Banking, Finance and Urban Affairs.

127. Also, petition of the city council, Seattle, WA, relative to nuclear waste; jointly, to the Committees on Energy and Commerce and Interior and Insular Affairs.

EXTENSIONS OF REMARKS

SPEECHES FROM THE "OLD" RUSSIA

HON. JIM LEACH

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 22, 1991

Mr. LEACH. Mr. Speaker, at the suggestion of our former colleague, the Honorable Fred Schwengel, president of the United States Capitol Historical Society, I would like to submit for the RECORD a speech by Boris Bakhmeteff, Ambassador to the United States from the Republic of Russia, given before the U.S. House of Representatives in June of 1917. At a time of great democratic optimism, squelched so tragically a month later in Lenin's preemptory revolution, the Ambassador spoke of his country's "entering now the dawn of new life, joining the ranks of democracy, striving for the happiness and the freedom of the world." Let us hope that with the changes currently underway in Russia that three quarters of a century later these dreams will finally be fulfilled.

ADDRESS BY BORIS BAKHMETEFF, AMBASSADOR TO THE UNITED STATES FROM THE REPUBLIC OF RUSSIA, JUNE 23, 1917

Mr. Speaker and gentlemen of the House [*applause*]. I am deeply conscious how great an honor has been conferred on me and the members of my mission by this gracious reception. I understand how unusual it is for this House to accord to foreigners the privilege of the floor. I realize that if you were moved to make such an exception it was due to the great and most extraordinary historic events which have been and are now taking place in the world.

Great indeed is the honor and the privilege to speak here, in this House, exemplifying as it does the Constitution of the United States—that wonderful document which embodies so clearly and yet so tersely the principles of free government and democracy. [*Applause.*]

Gentlemen of the House, when addressing you on behalf of the Government and the people of new Russia, when conveying to you the greetings of the new-born Russian democracy, you will conceive how impressed I am by the historical significance of this moment; you will understand why my emotions do overwhelm me.

During the last few months Russia has really lived through events of world-wide importance. With a single impulse the nation has thrown down the old fetters of slavery. Free, she is entering now the dawn of new life, joining the ranks of democracy, striving for the happiness and the freedom of the world. [*Applause.*]

Does not one feel occasionally that the very greatness and significance of events are not fully appreciated, due to the facility and spontaneity with which the great change has been completed?

Does not one always realize and conceive what it really means to humanity that a nation of 180,000,000, a country boundless in expanse, has been suddenly set free from the worst of oppression, has been given the joy and happiness of a free, self-conscious existence? [*Applause.*]

With what emotions are we inspired who have come to you as messengers of these great events, as bearers of the new principles proclaimed by the Russian Revolution.

May I be permitted to reiterate the expression of the feelings that stir our hearts and, impressed as I am by the might and grandeur of the wonderful events, welcome and greet you on behalf of free Russia? [Applause.]

Here at the very cradle of representative government I feel it proper to recall the very moments of birth of constitutional life in Russia which presented itself some 12 years ago at the time of the first Russian Revolution.

It was then that the Duma came into being. From the very inception of this assembly the old authority endeavored to curtail the powers that had been conferred on it. Its sole existence was an uninterrupted struggle; but in spite thereof, notwithstanding the limitations and narrowness of election laws, the Duma was bound to play a most important part in the national life of Russia.

It was the very fact of the being of a representative body which proved to be so fruitful and powerful.

It was that mysterious force of representation, force which draws everything into the whirlpool of legislative power, force the existence of which your American framers of the Constitution so deeply recognized and understood. It was that force which led the Duma, however limited, to express the feelings of Russia and frame her hopes during the world's crisis, and made the Duma ultimately the center and the hope of national life.

It was the Duma who at the epoch when the old authority by vicious and inefficient management had disorganized the supplies of the country and brought the military operations to unprecedented reverse; it was the Duma who with energy and devotion called the people to organize national defense and appealed to the vital forces of the country to meet the German attack and save the nation from definite subjugation. Again, when it appeared that the short-sighted Government, who never took advantage of the patriotic enthusiasm and national sacrifice, was not only incapable of leading the war to a successful end but would inevitably bring Russia to military collapse and economic and social ruin, it was the Duma again who at that terrible hour proclaimed the nation in danger [applause]; it was at the feet of the Duma that the soldiers of the revolution deposed their banners and, giving all allegiance, brought the revolution to a successful issue. It was then that from the ruins of the old régime emerged a new order embodied in the provisional government, a youthful offspring of the old Duma procreated by the forces of the revolution. [Applause.]

Instead of the old forms, there are now being firmly established and deeply embedded in the minds of the nation principles that power is reposed and springs from and only from the people. [*Applause.*] To effectuate these principles and to enact appropriate fundamental laws—that is going to be the main function of the constitutional assembly which is to be convoked as promptly as possible.

This assembly, elected on a democratic basis, is to represent the will and constructive power of the nation. It will inaugurate the forms of future political existence as well as establish the fundamental basis of economic structure of future Russia. Eventually all main questions of national being will be brought before and will be decided by the constitutional assembly—constitution, civil and criminal law, administration, nationalities, religion, reorganization of finance, land problem, conditionment of labor, annihilation of all restrictive legislation, encouragement of intense and fruitful development of the country. These are the tasks of the assembly, the aspirations and hopes of the nation.

Gentlemen of the House, do not you really feel that the assembly is expected to bring into life once more the grand principle which your illustrious President so aptly expressed in the sublime words, "Government by consent of the governed"? [*Applause.*]

It is the provisional government that is governing Russia at present. It is the task of the provisional government to conduct Russia safely to the constitutional assembly.

Guided by democratic precepts, the provisional government meanwhile is reorganizing the country on the basis of freedom, equality, and self-government, is rebuilding its economic and financial structure.

The outstanding feature of the present government is its recognition as fundamental and all important of the principles of legality. It is manifestly understood in Russia that the law, having its origin in the people's will, is the substance of the very existence of State. [*Applause.*]

Reposing confidence in such rule, the Russian people are rendering to the new authorities their support. The people are realizing more and more that to the very sake of further freedom law must be maintained and manifestation of anarchy suppressed.

In this respect local life has exemplified wonderful exertion of spontaneous public spirit which has contributed to the most effective process of self-organization of the nation. On many occasions, following the removal of the old administration, a newly elected administration has naturally arisen, conscious of national interest and often developing in its spontaneity amazing examples of practical statesmanship.

It is these conditions which provide that the provisional government is gaining every day importance and power; is gaining capacity to check elements of disorder arising either from attempts of reaction of extremism. At the present time the provisional government has started to make most decisive measures in that respect, employing force when necessary, although always striving for a peaceful solution.

The last resolutions which have been framed by the Council of Workingmen, the Congress of Peasants, and other democratic organizations render the best proof of the general understanding of the necessity of creating strong power. The coalitionary

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

character of the new cabinet, which includes eminent socialist leaders and represents all the vital elements of the nation, therefore enjoying its full support, is most effective securing the unity and power of the central government, the lack of which was so keenly felt during the first two months after the revolution.

Realizing the grandeur and complexity of the present events and conscious of the danger which is threatening the very achievements of the revolution, the Russian people are gathering around the new government, united on a "national program." [*Applause.*]

It is this program of "national salvation" which has united the middle classes as well as the populists, the labor elements, and socialists. Deep political wisdom has been exhibited by subordinating various class interests and differences to national welfare. In this way this Government is supported by an immense majority of the nation, and, outside of reactionaries only, is being opposed by comparatively small groups of extremists and internationalists.

As to foreign policy, Russia's national program has been clearly set forth in the statement of the provisional government of March 27 and more explicitly in the declaration of the new government of May 18.

With all emphasis may I state that Russia rejects any idea of a separate peace? [*Applause.*] I am aware that rumors were circulated in this country that a separate peace seemed probable. I am happy to affirm that such rumors were wholly without foundation in fact. [*Applause.*]

What Russia is aiming for is the establishment of a firm and lasting peace between democratic nations. [*Applause.*] The triumph of German autocracy would render such peace impossible. [*Applause.*] It would be the source of the greatest misery, and, besides that, be a threatening menace to Russia's freedom.

The provisional government is laying all endeavor to reorganize and fortify the army for action in common with its allies. [*Applause.*]

Gentlemen of the House, I will close my address by saying Russia will not fail to be a worthy partner in the "league of honor." [*Applause.*]

A CONGRESSIONAL SALUTE TO DR. JAMES McBRIDE

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 22, 1991

Mr. ANDERSON. Mr. Speaker, I rise today to pay tribute to an outstanding individual who has dedicated his life to the betterment of our society's health, Dr. James McBride. Dr. McBride will be honored this Wednesday, October 23, 1991, by the St. Anthony's Foundation. This very special occasion affords me the opportunity to express my deep appreciation for his many years of service to the community.

Born in 1927, at St. May's Hospital, Dr. McBride continued the family's association with the dental profession by entering USC Dental School following graduation from USC and St. Anthony's High School. After completing dental school in 1954, James joined his father, Dr. Leo McBride, and uncle, Dr. Arthur McBride, in their practice. Over the years their hard work has garnered the much deserved respect from their community. This tradition lives on today with the graduation of Dr. McBride's daughter, Ann Marie McBride Dunning, from USC dental school.

By entering St. Anthony's High School, Dr. James McBride continued yet another family legacy that began with his uncle Herbert, who was in the first graduating class of 1923. While attending St. Anthony's, James displayed, in addition to his scholastic ability, his athletic talents as well, playing Bee basketball for 2 years and varsity baseball for 3 years.

After graduating from St. Anthony's, Dr. James McBride entered USC. A short time later, answering his country's call to duty, James interrupted his college education and served 2 years as a hospital corpsman for the U.S. Navy. Following his discharge from the Navy, Dr. McBride returned to USC completing his undergraduate degree. His love of sports was once again demonstrated as he lettered in USC varsity volleyball leading the team to the NCAA championship and acting as coxswain for 2 years on USC's first crew.

James McBride has practiced dentistry in Long Beach for 37 years. During this time, he has served on the Harbor District Dental Society's board of directors, the St. Anthony's High School board of directors, and the USC Dental School Century Club board of directors. He is also a trustee member on the St. Anthony's Foundation Board and was one of the first members of the prestigious Newman Club for Catholic businessmen. In addition, Dr. McBride and his wife, Monica Gosnell McBride, a board of directors member at St. Anthony and past president of the Mother's Club, devote endless hours to their community and St. Barnabas Church, where he has served as lector for the past 22 years.

While Dr. James McBride often shuns the limelight, his dedication to his church and his community is obvious. I take great pride in joining with James' wife, Monica, their 2 daughters, Ann Marie McBride Dunning and Carol McBride Merriman and all those attending this special occasion in expressing the gratitude he so richly deserves.

My wife, Lee, joins me in extending this congressional salute to Dr. James McBride whose contributions to oral health and dentistry have enhanced this community for 37 years.

UNITED NATIONS DAY IN KENTUCKY

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 22, 1991

Mr. MAZZOLI. Mr. Speaker, on Friday, October 25, 1991, the Commonwealth of Kentucky, my home State, will celebrate the 46th anniversary of the founding of the United Nations.

On that day, Kentuckians and Americans in 1,000 communities across the country will take time to reflect on the very auspicious goals of the United Nations: To secure an enduring peace; to safeguard the environment; and, to advance human rights. Furthermore, it will be an opportunity to announce to the world community that the United States of America remains firmly committed to the United Nations' work of solving world problems.

With a theme of "Uniting the World Against Drugs", this year's celebration will focus on a worldwide strategy for combating the drug scourge. And, because of the immensity of the problem of drug abuse throughout the world, the implementation of the strategy will be undertaken at all levels—local, State, national, and international.

Although much more needs to be done, I can speak with pride of the accomplishments made in Kentucky and of those made in my hometown of Louisville and Jefferson County in attacking the drug problem. In particular, the A.W.A.R.E. Coalition of Louisville and Jefferson County is sharing in the mission at the local level through a community-driven effort to combat drug abuse.

Mr. Speaker, I also take much pleasure in recognizing Dr. Lilialyce Akers, president of the Kentucky Division of the United Nations Association of the U.S.A. Under her leadership, the Kentucky Association chapter has vigorously supported the vital work of the United Nations.

As a member of the Kentucky Congressional Delegation, I salute all who will proudly participate in the 1991 United Nations Day in the Commonwealth of Kentucky.

TRIBUTE TO WENDY TOKUDA

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 22, 1991

Mr. MATSUI. Mr. Speaker, I rise today to salute the accomplishments of a truly outstanding American, Wendy Tokuda.

A native of Seattle, WA, Wendy Tokuda is now one of the most popular television anchors in the San Francisco Bay Area. She has made a rather phenomenal rise in the field of communication. After serving KPIX [CBS] as a science reporter with infrequent visibility she was promoted to anchor its weekend news telecasts. Most recently she was promoted to anchor their daily noon newscast, the only major TV station in San Francisco which has a scheduled daily noon news.

In addition to her professional achievements, Wendy Tokuda's involvement in the Japanese-American community has been quite notable. Ms. Tokuda's access to the media has enabled her to improve the public's sensitivity to the problems facing Japanese-Americans. She has worked extensively with the Japanese American Citizens League and other Japanese-American organizations on the role of the media and has encouraged others to consider communications for their career. She has long been involved in civic and community programs—hosting the TV coverage of the Nihon-machi Cherry Blossom Festival and acting as a judge in its Queen Contest.

Clearly, Ms. Tokuda has become a leader in the Asian-American community. She is an outstanding role model for young people who see the success she has achieved in a historically nontraditional field for Asian-Americans. Her daily presence on television has exposed tens of thousands of bay area residents to an Asian personality that is professional, likable, and sensitive to the problems and needs of their communities. Furthermore, she has made special efforts to combat racism and civil rights abuses throughout the television industry.

Mr. Speaker, Wendy Tokuda's accomplishments are truly worthy of praise. I ask my colleagues to join me in congratulating her achievements and wishing her many years of continued success.

RULE ON H.R. 3575, THE FEDERAL SUPPLEMENTAL COMPENSATION ACT OF 1991

HON. DAN ROSTENKOWSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 22, 1991

Mr. ROSTENKOWSKI. Mr. Speaker, pursuant to the rules of the Democratic caucus, I wish to serve notice to my colleagues that I have been instructed by the Committee on Ways and Means to seek less than an open rule for the consideration by the House of Representatives of H.R. 3575, the Federal Supplemental Compensation Act of 1991.

TRIBUTE TO ROBERT M. WALLACE

HON. RONALD K. MACHTLEY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 22, 1991

Mr. MACHTLEY. Mr. Speaker, I rise today to recognize Robert M. Wallace as Rhode Island's Principal of the Year.

Mr. Wallace has been honored for his outstanding leadership as principal of Cumberland Middle School in Rhode Island. He has successfully anticipated possible difficulties within his school and has worked to effectively resolve them. He has also created a climate of high morale which emanates throughout the school and the Cumberland community as a whole.

Robert Wallace is certainly worthy of this honor. It pleases me that his efforts have not gone unnoticed. He has shown us all the importance in striving to create an educational system in which our children can thrive rather than stagnate. I give my deepest congratulations to Mr. Wallace for his success today and my sincerest wishes to him for all of his future accomplishments.

MONTCLAIR HIGH SCHOOL WELCOMES EXCHANGE STUDENTS FROM BUNDESGYMNASIUM, GRAZ, AUSTRIA

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 22, 1991

Mr. ROE. Mr. Speaker, on Wednesday, October 16, a most exciting thing happened in my congressional district. The town of Montclair welcomed to New Jersey and the United States, a group of 21 students, their headmaster and vice principal, from Bundesgymnasium, Graz, Austria. This 3 week American tour is being sponsored by Overseas Neighbors, Montclair High School, and the Gymnasium in Graz.

In 1985, while on a regularly scheduled visit to Montclair, sponsored by the Overseas Neighbors, the principal of Bundesgymnasium in Graz, suggested to an American luncheon companion the possibility of enlarging the established policy of Overseas Neighbors visiting Graz every 10 years, as guests of the Burgermeister council, and Graz officials to visiting Montclair at the 5 year interval, and to include high school students.

Mr. Dietmar Dragaric, the principal was taken to Montclair High School to meet its German teacher, Mrs. Martina Mills who was deeply interested and enthusiastic about the exchange possibility. Due to the retirement of each principal involved, the idea lay dormant until this year when a new official at the Graz Gymnasium, Mr. Reinhold Treml, and Mrs. Mills revived the opportunity to visit each others school, community, and country. With the assistance and hard work of Mrs. Juliana Belcsak, then president of Overseas Neighbors, and many others, this program became a reality. The students also raised money for this project with the assistance of various civic groups by washing cars, selling plants, and sponsoring bake sales at numerous athletic and civic events.

At the outset let me commend to you the diligence, foresight, and hard work that has been extended by the American and Austrian participants in this valuable experience to travel, live with families on both sides of the ocean and exchange talents, views and knowledge about other societies and cultures.

At this point I would like to insert in our historic journal of Congress, a roster of the principal participants:

Visitors from Graz: Dr. Reinhold Treml, headmaster, Mrs. Elfriede Kollegger, vice principal; and students: Elmar Frank, Nils Hofer, Alexander Kohler, Katharina Kropfl, Stefan Krugler, Rene Kuhberger, Claudia Mild, Stefanie Rainer, Monika Riederer, Marko Scherlln, Paul Schurgl, Gerhard Stefan, Gerhard Stefan, Gerald Stepnicka, Martin Tomaselli, Thomas Trettnak, Klaus Weber, Katrin Weiss, Renate Weiss, Thomas Warner, Ute Volkar, and Martin Zechner.

Montclair hosts: Mrs. Martina Mills, German teacher; and students: Sharon Alonzo, Mariel Arredondo, Steven Cherep, Ben Dana, Gregory Donohue, Joshua Epstein, Matthew Givens, Scott Handelsman, Andrew Holloway, Timothy Kennedy, Gabriel Lazarus, Kenneth Meyer, Derik Mills, James Mone, Scott Moran, Amanda Parker, Jason Rodner, Niku Shroff, Elizabeth Skibo, Brett Straten, Eliza Straten, and Leila Van Metre.

After a welcoming dinner, prepared under the supervision of Mrs. Sheila Handelsman and the other host families, their agenda bustled with activity starting with a visit to New York City where they participated in tours of the United Nations, Liberty Park, New York City stock exchanges, Metropolitan Opera House, art museums, and other tourist attractions. They are also planning a visit to Washington, DC, where they will learn firsthand the workings of the U.S. Government.

Mr. Speaker, I know you will agree with me that this magnificent international exchange initiative is a people-to-people bridge which provides a learning experience about the world, develops a greater appreciation of the value of one's heritage, promotes greater understanding and strengthens the bond of friendship between Austria and the United States. The town of Montclair, our State, and our Nation welcome the opportunity to have guests from Austria experience the American way of life with its emphasis on family values, by living for a time with American families. I appreciate the opportunity to seek national recognition of the leadership endeavors of the people of Montclair, NJ, and Graz, Austria in this international exchange program and express deep appreciation to the families who have opened their homes to the students from Austria.

Mr. Speaker, I know you will join with me and our colleagues here in the Congress to say, Wir Heissen Zsie Alle Herzlich Willkommen.

IN SUPPORT OF THE POLICE CORPS AMENDMENT TO THE CRIME BILL

HON. WAYNE OWENS

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 22, 1991

Mr. OWENS of Utah. Mr. Speaker, I rise in support of an amendment to be offered later today to establish a police corps to help bring our streets under control.

Perhaps the biggest reason for our inability to curb crime in America is the lack of police power to prevent it. In just 30 years, violent crime in America has multiplied by nearly 10 times. It breeds on itself, creating an urban climate where the only response seems to be more violence. Most importantly, the rule of law, the protection of civilized society, has been withdrawn from millions of people, in city after city. Civic order, the basic securities we should be able to expect on the streets of our country, is directly related to the presence of peace officers, the police. But the police have been disappearing from the war zones of our inner cities.

A generation ago, there were three times as many police officers as there were violent crimes. But today, instead of having three police officers for every violent crime, we have three violent crimes for every police officer. The Nation as a whole, then, is devoting one-ninth the police power to violent crime it was a generation ago. And in some places, the ratio is even worse, reaching its nadir in East St. Louis, IL, where there are 27 violent felonies each year for every police officer. One of our first steps to take, I believe, to retake the streets from the criminals is to greatly increase the number of police officers on the streets where they are most needed.

One of the most imaginative proposals at the Federal level to accomplish this goal is before us today. The Police Corps could increase the number of police officers in just a few years by 40 percent. If this program can help remove fear from our streets, our Federal investment will be amply rewarded.

KENWOOD HIGH SCHOOL HONORS HALL OF FAME INDUCTEES

HON. HELEN DELICH BENTLEY

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 22, 1991

Mrs. BENTLEY. Mr. Speaker, my fellow colleagues, I rise today to recognize the six graduates inducted into the Kenwood High School Hall of Fame for outstanding civic contributions.

It is with great respect and admiration that I congratulate these individuals as they will be recognized by Kenwood High School on this momentous occasion. Just as Congress represents a cross section of American life, the graduates being recognized by Kenwood High School also provide a unique cross section of occupations and professions. Upon graduating from high school, most of us have yet to decide upon one single career. Statistics have shown that even after employment, most individuals change their job occupation numerous times.

Those being inducted into the hall of fame demonstrate within the microcosm of one school the varied opportunities this great Nation has to offer. Students throughout the country have a vast array of opportunities to choose from unlike any where else in the world. Future graduates should take note that their futures are indeed unlimited.

Regrettably, Federal Judge Stanley C. Blair will be inducted posthumously. However, I make mention of his career as it is truly distinguished and equally deserving of recognition. As a 1944 graduate, he served for 9 months in the maritime service in 1944–45 and in the U.S. Army from 1953 to 1956. He later graduated from the University of Maryland with a law degree and passed the Maryland Bar in 1953. He served with a law firm in Bel Air, MD, elected as a delegate to the general assembly in 1962, and later served as secretary of state. He was chief of staff to Vice President Agnew and a Republican candidate for Governor of Maryland in 1970. From 1971 to 1980, he served as a Federal district court judge of Maryland.

A 1947 graduate of Kenwood, Mr. Wayne G. Burgemeister, continued his education at the University of Maryland, at Western Maryland College where he received a master of education in education administration and also attended Johns Hopkins University and Towson State University. Mr. Burgemeister served his Nation in the Navy and presently is retired and working in the marine services trades with a captain's license for small passenger vessels. Throughout his career in education, he taught physical education, served as assistant principal at Kenwood, principal of Sparrows Point High School, director of pupil services, and assistant superintendent, northeast area.

A 1968 graduate of Kenwood, Edith Lucille Creef attended St. Joseph School of Nursing, Coppin State College, and New York University where she received an MBA. Edith's employment includes Francis Scott Key Medical Center and Care Consultants, Inc.

A 1951 graduate of Kenwood, Anthony G. Marchione currently serves as deputy superintendent of Baltimore County Public Schools, Central Office. He also has served Baltimore County public schools as associate superintendent, assistant superintendent, director, staff, and community relations and has worked in a number of schools in the county as principal, vice principal and other positions since 1955.

A 1977 graduate, Edward Michael Preston earned a B.S. degree in mass communications at Towson State University. He currently works as a sports reporter for the Baltimore Sun after working as a reporter for the Essex Times.

Scott Alan Sewell, a 1968 graduate of Kenwood, left the school to serve in a career of law enforcement. He attended Essex Community College where he obtained an A.A. degree in criminal justice and then took various specialized courses with the Maryland State Police and U.S. Justice Department. In 1969, he began working for the Maryland State Police and in 1990 was appointed as U.S. Marshall. A personal friend, I know Scott very well and respect his professionalism and dedication to his job.

The diversity and importance of the careers of the Kenwood graduates to be inducted into the Hall of Fame indeed are remarkable. The true heroes of today are individuals just like the ones mentioned above who each day give of themselves in their own capacity with their own unique talents and abilities. If any event should serve as a source of encouragement for future high school graduates, it should be the six inductees of the Kenwood High School Hall of Fame.

Mr. Speaker, I congratulate these fine individuals upon their recognition. May they have continued success and happiness in the years ahead.

JOHN S. ZIMMERMAN, UNION'S ALL AMERICAN MAYOR

HON. MATTHEW J. RINALDO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 22, 1991

Mr. RINALDO. Mr. Speaker, I rise today to pay tribute to the late John S. Zimmerman, the former mayor of my hometown of Union, NJ. He served his community with honor and distinction, both as a public official and as a leader who inspired the most generous and warm hearted instincts in the township. During his tenure as mayor, Union Township achieved the honor of being selected as an all-American city.

The contributions of John Zimmerman were reported in the Union Post, and I ask that they be reprinted in the RECORD as follows:

Mr. Zimmerman, who served as mayor in 1976, was the prime mover behind the formation of what has become known as the Boys and Girls Club of Union, and one of the organizers of Union Council, 4504, Knights of Columbus. At the time of his death, he was a vice president of the Union Center National Bank, in charge of new business development.

"The Township of Union has lost one of its most dedicated and productive citizens," said Mayor Anthony E. Russo, who was associated with Mr. Zimmerman for 34 years. "As a husband, father, citizen, civic leader and public servant, John Zimmerman exemplified the best our community has to offer. He was instrumental in making the post-war township all it has become, including being honored as an All-America city during the year he served as our mayor."

Rep. Matthew J. Rinaldo of Union, who also knew Mr. Zimmerman for more than 30 years, said the people of Union Township have lost "one of their most outstanding citizens, John Zimmerman has left an indelible mark on our community. I am proud to have numbered him among my good friends. He was a man of sterling character whom I liked, respected and trusted."

Mr. Zimmerman was also eulogized by John J. Davis, president and chief executive officer of The Union Center National Bank, where the former mayor worked for seven years. "In every sense of the word, John Zimmerman was an asset to everyone who knew him—to his family, to whom he was completely devoted, to the community he served so ably and honorably, and to the customers, directors, officers and employees of the bank, where he was regarded as a member of our family. The Township of Union has suffered a great loss."

Born in Manasquan, August 2, 1917, Mr. Zimmerman was a product of old Jersey City, where he was reared. His father died when he was 10 years old, leaving young John and his brother Raymond, then 6, to be raised by their mother, who was of Irish descent in a city then thorougly dominated by Irish Democrats. Mr. Zimmerman years later recalled receiving food and a scuttle of coal from the local Democratic ward leader.

He married the former Edith Whelan. The Zimmermans moved to Union in 1946. Mr. Zimmerman became active in the affairs of St. Michael's Church. It was Mr. Zimmerman's involvement in a parish-sponsored cub scout pack that led him and other like-minded fathers to see the need for a boys club.

Around the same time, Mr. Zimmerman and other members of St. Michael's Parish organized Union Council 4504, Knights of Columbus. Mr. Zimmerman served as the council's second grand knight.

Mr. Zimmerman devoted his energies during the '60s to building a better Boys club. Enlisting the support of the late Edward Weber, a Union Township resident affiliated with the Operating Engineers Union, Mr. Zimmerman succeeded in getting a new building constructed on a Jeanette Avenue tract of land obtained from the township. Later a swimming pool was added. Eventually, the Boys Club became the Boys and Girls Club and was incorporated in the municipal recreation program. A new wing of the club has been named for Mr. Zimmerman, who also was honored for his work on behalf of recreation by Union County, which named a Morris Avenue park in his honor.

In 1973, Mr. Zimmerman finally realized his ambition to serve on the Township Committee, when he was elected to a three-year term following the death of Mayor Biertuempfel. He was mayor in 1976, the year a delegation of township residents went to Williamsburg, Va., where they won All-America City laurels for their Community.

Mr. Zimmerman leaves his widow, Edith, two daughters, Mrs. Jane Freisleben and Mrs. Ellen Whritenor; a son, John E., and three grandchildren, David, Brian and Leigh Ellen Whritenor.

A CONGRESSIONAL SALUTE TO JACK SNOW—ALL AMERICAN

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 22, 1991

Mr. ANDERSON. Mr. Speaker, I rise today to pay tribute to an outstanding athlete and man whom I greatly admire, Mr. Jack Snow. Jack will be honored at St. Anthony's High School Foundation. This occasion affords me the opportunity to express my deepest appreciation for his many talents both on and off the playing field.

Jack, born January 25, 1943 in Rock Springs, WY, later making Long Beach his home, displayed great athletic prowess early in his life. While a student at Saint Anthony's High School, he gained local fame by being named "Rookie of the Year." He was an outstanding choice for All-Catholic and All-City honors and was named Long Beach's "Lineman of the Year." In addition to his athletic ability, Jack was also very involved in leadership and academics, serving as President of the Lettermen Club and Student Council. Following high school, Jack entered the University of Notre Dame where he received a bachelors degree in sociology and was named All-American in football. Bringing a stellar collegiate career to fruition, Jack Snow signed with the Los Angeles Rams in 1965 as a wide receiver. During the 11 years Jack spent in professional football, he garnered the admiration and respect of his colleagues both for his playing ability and his knowledge of the game. On the heels of his illustrious football career, Jack joined the staff of KFOX radio as play-by-play announcer for the California State University, Long Beach, football and basketball teams. In 1982, Jack returned to the L.A. Rams Organization to serve as a coach. One year later, he was tapped by CBS Sports to become their college football analyst and broadcaster for regional and national games.

Now celebrated as one of sports most articulate broadcasters, Jack Snow succeeds in bringing the enthusiasm he displayed on the field to his broadcasts. His career highlights include a 3-year relationship with MIZLOU TV Network as an analyst for the Freedom Bowl, several years at Prime TV as analyst for PAC–10 Football for UCLA, and host of the "Rams Report." In 1986 he joined Mutual Radio as analyst for NFL Football and announcer for NCAA Football. His association with this organization continues today. Starting in 1988, Jack rejoined Prime Ticket TV as the host for UCLA's "Sports Magazine." This led to additional posts as play-by-play announcer for Simmons Cable TV, as analyst for NBC Radio's Rose Bowl coverage, Long Beach City College Media Productions as announcer for the South Coast Basketball Conference, and as analyst for The Sportschannel's Big West Football and WCC Basketball. This year he will serve as a guest host on Gabe Kaplin's "Sports Nuts." This is not Jack's first brush with celebrities, he has costarred with Gregory Peck and Elizabeth Montgomery to name a few.

Even as full as Jack's life is with his broadcasting responsibilities, he continues to find time to contribute his energies to many charitable organizations earning him the Red Rose award and with his wife, Merry Carole, the Family Life award. They are truly an extraordinary couple.

My wife, Lee, joins me in extending our thanks to Jack Snow for his contributions to the sports world and to the community. We wish Jack, his wife Merry Carole, his children, Michelle, Jack, Jr., and Stephanie, all the best in the years to come.

LOUISVILLE AREA HIGH SCHOOLS DESIGNATED AS BLUE RIBBON SCHOOLS

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 22, 1991

Mr. MAZZOLI. Mr. Speaker, on September 25, 1991, duPont Manual High School and Trinity High School, both of which are located in the Third Congressional District, were designated by President Bush as Department of Education 1990–91 Blue Ribbon Schools.

Manual and Trinity were among 222 public and private middle and secondary schools nationwide to be recognized as Blue Ribbon Schools. This is a remarkable distinction for the two schools involved and a source of pride and satisfaction to everyone in Louisville and Jefferson County, KY.

In an age where American schools are criticized for not preparing today's young people for the challenges of the 21st century, the citizens of the Third Congressional District are pleased that Manual and Trinity are schools which are doing it right.

Manual's and Trinity's accomplishments could not have been possible without the cooperation of parents, students, faculty, administrators, and community. All of these groups had a hand in the success stories of Manual High and Trinity High, and all deserve credit and hearty applause.

Trinity High School was founded in 1953 by the Catholic Archdiocese of Louisville and last year graduated its 35th class. There are 1,050 students currently enrolled in Trinity, and, if recent patterns continue, 90 percent of these students will go on to college.

Statistics do not, of course, tell the entire story here. Trinity is successful because its curriculum is tailored to meet the individual strengths and needs of a broad range of students, including the educationally-gifted as well as those with learning disabilities. Recently, Trinity added an extra class period and extended the school day in order to have a better opportunity to give the student body, particularly its younger students, greater exposure to computers and science.

DuPont Manual High School, a school within the Jefferson County Public School System, was founded in 1892. In 1984, it was established as the first Jefferson County Magnet high school. Because it has excelled in its educational mission, today it draws students from all over Jefferson County. There are five magnet programs offered at Manual: math, science, and technology; performing arts; visual arts; communication and media arts; and the high school university program in which students take courses at the University of Louisville for college credit.

I salute duPont Manual High School and Trinity High School as Blue Ribbon Schools, and I wish these schools, their students, faculties, administrations, and parents much continued success and achievement.

TRIBUTE TO THE EIGHTH ANNUAL CONVENTION OF ASIAN-AMERICANS

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 22, 1991

Mr. MATSUI. Mr. Speaker, I rise today to extend my best wishes to the Eighth Annual Convention of Asian-Americans to be held October 25–27 at the Franklin Plaza in Philadelphia, PA. This promises to be an outstanding event and I wish to extend my best wishes on a productive and successful conference.

This conference, sponsored by the Asian-American Voters Coalition and the Asian-American Fund, will be an excellent opportunity for Asian-American leaders to discuss and plan strategies for maximizing their contributions to their communities and the entire United States. Business leaders, government officials, politicians, and other interested citizens will be in attendance and will hear speeches, attend seminars and meetings, and enjoy banquets and other social events.

The 1990's hold tremendous promise for Asian-Americans so it is appropriate that the theme of this year's conference is "Opportunities of the 90's." As we approach the 21st century, members of each Asian-Pacific community must use their knowledge and past experiences to help prepare a promising agenda for the future. Let us continue to be committed to meeting the needs and concerns of Asian-Americans across the Nation.

Mr. Speaker, I am sure that the Convention of Asian-Americans in Philadelphia will only strengthen the already strong commitment its participants have to improving the lives of all Americans. I ask my colleagues to join me in saluting their fine efforts.

TRIBUTE TO OLGA BENEFEITO

HON. RONALD K. MACHTLEY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 22, 1991

Mr. MACHTLEY. Mr. Speaker, I rise today to recognize Olga Benefeito, of North Providence, RI. Olga Benefeito recently committed an act of heroism that resulted in saving a man's life.

During a luncheon at Brook Village, in North Providence, RI, a man choked on a piece of meat. Olga Benefeito made her way through a room full of 50 people to administer the

Heimlich maneuver to the choking victim. A tragedy was narrowly averted due to Olga Benefeito's quick action.

What makes this event even more remarkable is the fact that Olga Benefeito overcame physical handicap of her own to come to the aid of this man. She has severe diabetes which has resulted in three amputations, the most recent of which resulted in the loss of half of her foot. She also suffers from congestive heart failure.

Olga Benefeito is well respected at Brook Village for her ability to overcome her handicaps while still being able to bring happiness to everyone with her smile and good disposition. It is with great pleasure that I salute Olga Benefeito on her act of heroism, and wish her happiness in all the years to come.

RONALD W. GIACONIA OF THE BOYS AND GIRLS CLUB OF PASSAIC PRESENTED NATIONAL SILVER KEYSTONE AWARD

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 22, 1991

Mr. ROE. Mr. Speaker, it is with the greatest pride that I rise today to pay special tribute to an extraordinary man from my Eighth Congressional District in New Jersey. A man who has given his time, his talent, and his heart to improving his community and making a positive difference in the lives of those around him. Ronald W. Giaconia is a man who exemplifies the term good citizen and has acted in the highest tradition of community involvement.

For his outstanding work over the last 24 years with the Boys and Girls Club of Passaic and for his many activities of public service, Ronald Giaconia will be presented with the National Silver Keystone Award, the highest award bestowed by the Boys and Girls Clubs of America. This extremely prestigious award will be presented as part of the Boys and Girls Club of Passaics' 85th anniversary celebration. A gala dinner-dance will be held to commemorate this important event on Friday, October 25, at the Excelsior in Saddle Brook, NJ.

Mr. Speaker, Ron has been a personal friend of mine for many years and I am especially proud to have this opportunity to share with my colleagues here in the House the many good works and fine examples of leadership which have been accomplished by this commendable gentleman.

Ron is the executive vice president of the Associated Insurance Brokers and president of Giaconia Life Associates in Clifton, NJ. A native of Passaic, Ron attended Passaic schools, graduating from Passaic High School in 1954. He matriculated at Rutgers University where he graduated with a bachelor's degree in economics in 1958.

Ron has been very successful in his professional career and has participated vigorously in many professional and business organizations. He is also currently a member of the board of overseers of Rutgers University and is chairman of the executive committee of the Scarlet "R" Foundation of Rutgers. Ron is a director of the Clifton-Passaic Regional Chamber of Commerce, having served as president in 1978–79 and was instrumental in the combining of the bicity organization. He is a member of the National Association of Underwriters and a director of the Professional Mass Marketing Administrators.

In addition, Ron has been active in the political process, serving as chairman of the Passaic City Democratic organization and vice chairman of the Passaic County Democratic organization. He has also been appointed chairman of the Passaic Redevelopment Agency. In 1982, he was appointed by the chief justice of the Supreme Court of New Jersey to the Passaic County Bar Association Fee Arbitration Committee, and he is currently a member of the American Arbitration Association. In May of this year, he was appointed to the Passaic Valley Sewerage Commission by Gov. James Florio.

A man of boundless energy, Ron has shown a high degree of interest in community affairs in spite of an active professional career. He served on the board of trustees of St. Mary's Hospital for 5 years and he has been a member of the Passaic Lions Club since 1967. He has served as president of the Passaic chapter of Unico National and has been a member since 1962.

Mr. Speaker, Ron's work with the Boys and Girls Club of Passaic has been of the highest distinction. Appointed to the board of directors in 1968, he served as president during the critical years of 1986–89 and was successful in revitalizing the club and forming an effective board of directors. Youth membership and the variety of programs were significantly increased during his tenure. His personal efforts and his enthusiasm to improve the operation of the club served as a model for fellow members of the board of directors. Ron remains as an active member of the board.

The National Silver Keystone Award will not be the first recognition that this distinguished citizen has received. Ron has received recognition from many community organizations. In 1984, he was cited as Man of the Year by the St. Bartolomeo Society, was named Outstanding Citizen by the Passaic chapter of Unico National in 1978 and was recognized in 1973 as the Passaic Jaycees Man of the Year.

Mr. Speaker, I am sure that Ron's lovely wife, Toni, a teacher at Passaic High School, and their two children, Kathleen and Ronald, Jr., are extraordinarily proud of this latest recognition which has been betowed upon him. Ron has utilized the vitality and vigor which has made him such a success in business to provide others with the opportunity to enrich their lives and follow his example.

Mr. Speaker, it takes a very special individual to devote not only time and knowledge but a true sense of caring and concern to the well-being and quality of life of others. Ron Giaconia continues to display these unique qualities which have meant so much to his community and to the many lives he has touched over the years. I know that I am not alone when I say that Ron Giaconia demonstrates what is best about America. I am proud to represent him here in Congress and I am even prouder to call him my friend.

EXTEND SMOKING BAN ON MILITARY FLIGHTS

HON. WAYNE OWENS

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 22, 1991

Mr. OWENS of Utah. Mr. Speaker, several weeks ago, I introduced a bill that would prohibit smoking on all military flights. I would like to submit for the record a letter I received from the American Heart Association, the American Lung Association, and the American Cancer Society endorsing this bill.

COALITION ON SMOKING OR HEALTH,
Washington, DC, October 15, 1991.

Hon. WAYNE OWENS,
U.S. House of Representatives, Washington, DC.

DEAR REPRESENTATIVE OWENS: On behalf of the American Cancer Society, the American Heart Association and the American Lung Association, united as the Coalition on Smoking OR Health, we wish to endorse H.R. 3269. This legislation extends to military airline flights the current law requiring virtually all domestic airline flights to be smoke-free.

According to the U.S. Surgeon General, environmental tobacco smoke (ETS) is harmful, even deadly, to nonsmokers. The separation of smokers and nonsmokers in the same airspace does not eliminate the risk of harm posed by ETS. For this reason, Congress decided to protect the flying public by eliminating this hazard on virtually all domestic flights, effective February 25, 1990. Congress did so, as well, because of national polls which consistently have shown that the vast majority of those who fly, including the majority of passengers who smoke, applaud the significant improvement of air quality enjoyed on smoke-free flights.

Our organizations believe that all of our citizens, including those who serve in the armed forces of the United States and fly on military aircraft, should be protected from involuntary exposure to environmental tobacco smoke. The Environmental Protection Agency's (EPA) Science Advisory Board has formally endorsed an EPA draft report, due to be released early next year, that classifies ETS as a "Group A" (known human) carcinogen, the category reserved for a select group of the most dangerous toxins. This finding echoes those of the Surgeon General, the National Academy of Sciences, the Centers for Disease Control, the World Health Organization and others.

We commend you for introducing this sensible measure.

Sincerely,

FRAN DUMELLE,
Chair, Coalition on Smoking OR Health, Deputy Managing Director, American Lung Association.

SCOTT D. BALLIN,
Legislative Counsel, and Vice President for Public Affairs, American Heart Association.

ALAN C. DAVIS,
Vice President for Public Issues, American Cancer Society.

RAYMOND G. PLUEMER RETIRES FROM 40 YEARS OF SERVICE TO PUBLIC EDUCATION

HON. HELEN DELICH BENTLEY

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 22, 1991

Mrs. BENTLEY. Mr. Speaker, my fellow colleagues, I rise today to recognize Mr. Raymond G. Pluemer upon his retirement from 40 years of devoted service to public education.

It is with great respect and admiration that I congratulate Mr. Pluemer on this momentous occasion. To invest four decades of one's to one particular occupation reflects a great deal of dedication and satisfaction with one's place in life.

Raymond Pluemer began his teaching career in 1951 as an industrial arts teacher at Kenwood High School. While at Kenwood, he became a department chairman but left the school in 1961 to serve as an assistant principal at Overlea High School. In 1963, he went to work at the Maryland State Department of Education in vocational education and in 1969 returned to Baltimore County to serve as principal of the county's only comprehensive vocational-technical high school.

Raymond Pluemer devoted 22 years of hard work and commitment to Eastern Vocational-Technical [EVT] High School. He literally has been with the school since its inception as he supervised the construction of the school, recruited staff and began selling the concept to future students.

Our Nation's educational system has received severe criticism throughout the years and in 1969 many individuals were not receptive to the new educational concept of a school such as EVT. Yet, thanks to his desire for excellence and hard work, the school truly has excelled. I know EVT very well and I am proud this fine school is located in my district. Likewise, Mr. Pluemer, the faculty and staff, and students of EVT should be very proud of their school. The school rightly has earned a reputation for quality and integrity.

In addition to his work at EVT, Ray also has held memberships in the Maryland State Teachers Association, Teachers Association of Baltimore County, the National Education Association, the Maryland Vocational Association, the American Vocational Association, the American Society of Curriculum, and the Iota Lambda Sigma Honor Society. Among the awards Ray has received is the Distinguished Service Award from Tota Lambda Sigma Honor Society (1962), Outstanding Service Award from the National Children and Youth Association (1967), a service award from the Baltimore County Counselors Association (1981), a meritorious service award from the Teachers Association of Baltimore County (1984), the Outstanding Administrator of the Year Award from the Maryland Vocational Association (1989), and he received an award as the first runner-up for the National Trade and Industry Award from the American Vocational Association (1990).

The list of professional achievements indeed is remarkable yet Ray involves himself in a number of other activities such as local improvement associations and serves as a coach for recreation sports. He is also a very active member of St. Michael's Lutheran Church, serving as a committee member, usher, and member of the church council.

Through providing a learning atmosphere, Raymond Pluemer has been able to shape and challenge young minds and in doing so, has shaped the future of our country. Not only has he ensured a better and brighter future for his students, but for our entire Nation.

Mr. Speaker, my fellow colleagues, I am proud to congratulate Raymond G. Pluemer upon his retirement from 40 years of devoted service to public education. His work at Eastern Vocational-Technical High School and the preceding years in public education is deserving of the utmost recognition. I extend my best wishes to Ray for many more years of continued success and happiness.

RABBI MEYER H. KORBMAN, 20TH ANNIVERSARY

HON. MATTHEW J. RINALDO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 22, 1991

Mr. RINALDO. Mr. Speaker, I rise today to pay tribute to Rabbi Meyer H. Korbman, who will be celebrating his 20th anniversary as the leader of Temple Israel of Union, NJ, on November 1, 1991.

Rabbi Korbman, an educator and scholar, has been a major influence on the lives of the Jewish community. Through his devotion to Jewish cultural, religious, and family values, the members of Temple Israel have developed a deeper understanding and appreciation of the Jewish experience from Biblical times to the present.

Indeed, Rabbi Korbman's commitment to education has been expressed in many ways beyond the walls of Temple Israel. His experience in the Newark public schools has given him a first-hand perspective of the needs of urban children and the many difficulties they face in today's large cities. Rabbi Korbman served as the former president of the Newark Reading Resource Association, a member of the American Association for Counseling and Development, and the American Federation of School Administrators.

In my hometown of Union, Rabbi Korbman is well known for his service on the Union Public Library Board of Trustees and the Senior Citizens Advisory Commission. During President Bush's visit to Union to present the township with an award as a model school district, Rabbi Korbman was presented with a certificate of recognition by the Union Board of Education for his educational leadership.

The list of his accomplishments is impressive, and they have been recognized by such organizations as the American Biographical Institute, which nominated him for Man of the Year in 1990; the Golden Circle Builder of Israel Award; the Certificate of Merit from the American Federation of School Administrators, and the award of the New Jersey College of Medicine and Dentistry for promoting health education. He is listed in "Who's Who in Religion," and in "Men of Achievement" published in Cambridge, England.

But it is among the members of his congregation that Rabbi Korbman has achieved the greatest distinction: A sense of appreciation, love, and respect for his dedication and devotion to their spiritual, intellectual, and moral welfare during the past 20 years.

Mr. Speaker, I join with members of Temple Israel in this special tribute to Rabbi Korbman, and his devoted wife, Mildred, and their children, Marc, Riva, and David on celebrating two decades of enlightenment of the mind and hearts of his congregation.

HERBERT HOOVER REMEMBERED

HON. JIM LEACH

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 22, 1991

Mr. LEACH. Mr. Speaker, as the world witnesses the wondrous events of this past year—the collapse of the Soviet Empire and the demise of communism—one of the principal issues raised is that of what response should be offered to the transitional inability of the people of the former Eastern bloc to feed themselves. In this context, I would like to submit for the RECORD a speech by Herbert Hoover III expressing understandable family, and indeed American, pride in the achievements of his namesake grandfather, the relevance of which would seem apparent.

The text of the speech follows:

REMARKS BY HERBERT HOOVER III, HOOVER GRAVESITE CEREMONY, AUGUST 11, 1991, WEST BRANCH, IA

As I look out upon this crowd today, I'm delighted to see more than a few of you who actually knew Herbert Hoover. You, like I, understand in a very personal way the depth of his spirit and his convictions. We have learned directly from his words, his actions, of his visions for America and the family of man. Perhaps, in a few words, I can pass on some of our feeling to those here that didn't know my grandfather—in particular, the youngsters that are here today—to the Boy Scouts and Girl Scouts and members of the Boys and Girls Clubs. Though they are far too young to have known Herbert Hoover, they are nonetheless here today to honor him.

Grandad's parents came to West Branch 140 years ago with a vision of better opportunities—but not just for themselves but for their children as well. That tiny two room cottage that his parents built at the bottom of this hill sheltered their ceaseless efforts to provide those opportunities. In that cottage, my grandad and his brother and sister were equipped with strength of body, integrity of character, training of mind, and inspiration of religion. My grandfather relished his own Iowa boyhood.

He spent part of his young summers fishing with worms in that creek below us with marginal success, I would guess. In the winters he went sledding on these hills beside us. Grandad's boyhood years here were probably among the happiest of his long life.

It was that joy of youth that he carried with him later in life as a buffer to the horror he first saw in Europe during World War I. The horror in the eyes of starving, shell-shocked children who were the youngest victims of the "war-to-end-all wars." It was these chilling firsthand encounters with the youngest casualties of war, greed, and hate that led Herbert Hoover to dream of a family of man living amid a world blessed with lasting peace instead of ceaseless conflict. His was a dream of a family of man willing and able to meet the basic needs of children. For he considered children—and I quote him here—"The wholesome part of the race, the sweetest, for they are fresher from the hands of God."

His response to the plight of these young victims of war took the form of massive famine relief campaigns, first in Europe, followed some eight years later in the Soviet Union, and then once again in Europe, this time after World War II. His efforts, spread over thirty years, kept hundred of millions of children fed during times of war, famine and pestilence.

My great grandparents here in West Branch knew what Grandad professed as President of the United States: that our nation, and our world, can only advance when its children enter upon the responsibilities of life better equipped in body, mind, and character than were their parents. Grandad knew that if, as a society, we fail in that, no amount of legislation, no amount of wealth, no amount of culture and scientific discovery will assure progress—or even permit Utah to maintain the status quo.

In 1930, out of his deep concern for America's children, he convened a White House Conference on Health and Protection of Children. From it emerged a children's charter that called for a national commitment to guaranteeing a better life for America's children. But, like a lasting peace, that goal, too, has proven to be an elusive one.

If he were alive today, how distressed he would be by how little progress we seem to have made on behalf of children during the past three generations. Today we live in a society where every night 100,000 children go to sleep without homes. Where every 10 seconds of every school day, a student drops out. Where every week over 300 children get measles that could have been prevented by adequate immunization. Where every 14 hours a child younger than five is murdered and every month at least 56,000 children are abused. And perhaps the most chilling statistic of all—as we enter the 21st century, we do so in a nation that ranks first economically, but 20th in infant mortality.

Many books have been written about my grandfather and about his long life of remarkable achievement. Some by authors who are here today. And, as you have just heard, Grandad's birthplace is now an Iowa Literary Landmark.

When asked by an eighth-grade class how the young people of America can help to keep peace in the world, Grandad offered these four specific suggestions:

(1) Work hard during school hours to get some indestructible things stored in your head:

(2) Play every chance you get—including fishing;

(3) Keep the rules of sport;

(4) And, don't begin to worry about international affairs until after you go to college, for there is nothing that you can do about them at this time in your life.

In response to a youngster who wrote of an ambition to become a doctor, Grandad seemed relieved: "I'm glad you want to be a doctor and not president," he wrote. "We do not have enough doctors, and there seems to be a sufficient number of candidates for president."

On the other hand, when "Kathy" asked about the chances of a woman becoming President of the United States, Grandad replied, "As a generalization, the men have not done too good a job of government in the world in the last forty-seven years, and the chances for the women are thereby increased."

And to Larry, who expressed an interest in politics as a profession, Grandad replied: "I suggest you reorient your mind from the term "Politics as a Profession" to "Public Service as a Profession," Politics per se is a transient business and does not lead to a profession. On the other hand, one of the greatest needs of our country is men and women and public service, and it is a profession of great honor."

And finally, to "Richard" who asked about the essentials for success, Grandad replied "Dear Richard: I believe the essentials for success are: (1) Religious faith and morals; (2) Education, including college; (3) Do not neglect being just a boy. It comes only once.

If Grandad were here today, I'm sure he would urge you—the young members of the audience—to strengthen your minds, your hearts, and your spirits for the challenges that await you as adults. He would urge you to think and to dream. He would urge you to learn and to laugh. And he would leave you, as I do now, with his vision for a world that understands that its first duty is to the health and well-being of its children.

SMALL TELECOMMUNICATIONS COMPANIES SUPPORT H.R. 1527

HON. JIM SLATTERY

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 22, 1991

Mr. SLATTERY. Mr. Speaker, during the 102d Congress, debate on the modification of final judgment [MFJ] has resulted in a Senate bill being passed and hearings at the subcommittee level in the Energy and Commerce Committee on H.R. 1527, legislation that Representative BILLY TAUZIN and I introduced in March. This bill, which currently has 118 cosponsors, would repeal the manufacturing restriction on the regional Bell companies contained in the MFJ.

To date, 140 small telecommunications companies, including many equipment manufacturers, have come out in strong support of H.R. 1527. I want to take this opportunity to include a list of these small companies in the RECORD:

AD-HOC COALITION OF SMALL TELECOMMUNICATIONS COMPANIES PUBLICLY ENDORSING H.R. 1527

Company	Location	Business engaged in by company
Protocol Engines, Inc	California	Software for facilitating high speed data transmission.
Eagle Telephonics, Inc	New York, Pennsylvania.	Telephones.
Voice Control Systems	Texas	Voice processing technology (including voice processing and voice recognition).
ICOM America	Washington	Miscellaneous.
Cobotyx	Connecticut, New York	Robot reception and voice mail equipment.
Advanced Electronic Applications, Inc.	Washington	Miscellaneous.
Nicollet Technologies, Inc.	Minnesota	ACD products.
PairGain Technologies, Inc.	California	Equipment to increase use and quality of transmissions on telephone copper wire.
International Mobile Machines Corp.	Pennsylvania	Digital radio transmission equipment.
Eldec Corp	Washington	Miscellaneous.
URIX Corp	Pennsylvania	Equipment necessary to provide "900" services.
Summa Four, Inc	New Hampshire	Call accounting and programmable network interface equipment for enhanced services.
Applied Voice Technology, Inc.	Washington	Voice and call processing equipment.
Centigram Communications Corp.	California	Voice messaging equipment.
Superior Teletec	California, Georgia	Telephone cable and test equipment.
Utlix	Washington	Miscellaneous.
TeleSciences, Inc	California, Illinois, New Jersey.	Manufacturer and distributor of various equipment, including Centrex SMDR systems, network management and analysis systems, pay telephone retrofit kits, and digital microwave and lightwave transmission systems.
Crest Industries, Inc	Washington	Miscellaneous.
Integrated Network Corp.	New Jersey	Multiplexing equipment, data switching equipment, and T1–Mux equipment.
Everett Sound Machine Works, Inc.	Washington	Miscellaneous.
Meteor Communications Corp.	Washington	Meteor burst communications technology.
Adtran	Alabama	Transmission equipment.
Biddle Instruments	Pennsylvania	Cable locating equipment and miscellaneous test equipment.
Racon, Inc	Washington	Microwave transmission equipment.
Solid State Systems Inc	Georgia, Mississippi	Automated call distribution equipment.
International TeleService Corp.	Pennsylvania, Virginia, Texas, Georgia, Kentucky.	Pay telephones.
Silicon General, Inc	California	Transmission equipment.
Cortelco	Mississippi, Tennessee	Telephones.
Frontier Communications Corp.	New York	Miscellaneous.
Teltrend	Illinois	Transmission equipment.
Multipoint Networks, Inc.	California	Digital radio transmission equipment.
Verilink Corp	California	Muliplexers, diagnostic monitoring systems.
Phone—TTY	New Jersey	Software necessary to provide telecommunications services for hearing impaired people.
American Pipe & Plastics.	New York, South Carolina.	PVC telephone conduit.
Avtec, Inc	South Carolina	Specialized PBX.
Communications Test Design.	Pennsylvania	Refurbishment and repair of various types of telecommunications equipment.
Able Telecommunications, Inc.	California	Digital loop carrier systems.
Applied Digital Access, Inc.	California	Test equipment.
Keptel, Inc	New Jersey	Power supplies, network interface systems, and test equipment.
Advance Concrete Products, Inc.	Michigan, Illinois	Miscellaneous.
Applied Innovations, Inc.	Ohio	Data communications equipment, data multiplexing equipment, protocol conversion units, and fiber optic mediation devices.
EMAR, Inc	Indiana	Housings for telephone switching equipment.
Trimm, Inc	Illinois	Jack panels and jack fields, DSX panels, patch cords, and terminal blocks.
XY Resources Inc	Oklahoma	Miscellaneous equipment for telephone central offices.
HealthTech	Illinois	Equipment allowing for monitoring health conditions of elderly and chronically ill people.

AD-HOC COALITION OF SMALL TELECOMMUNICATIONS COMPANIES PUBLICLY ENDORSING H.R. 1527—Continued

Company	Location	Business engaged in by company
LC Technologies, Inc	Virginia	Computer device enabling people with physical disabilities to communicate more easily than otherwise is possible.
Kurzweil Applied Intelligence, Inc.	Massachusetts	Speech recognition products.
Microwave Networks Inc	Texas	Microwave systems and components.
Indiana Electronic Manufacturers Assoc.	Indiana	Indiana trade association representing electronic manufacturers in Indiana.
X–10, Inc	New Jersey	Products for physically disabled people.
Trident Technologies Corp.	Connecticut	Technology to improve communications for the hearing impaired.
Telect	Washington	Miscellaneous.
Seiscor Technologies	Oklahoma	Miscellaneous.
Ambox, Inc	Texas	Miscellaneous.
Restor Industries, Inc	Florida	Miscellaneous.
Bejed, Inc	Oregon	Miscellaneous.
Accurate Electronics, Inc.	Oregon	Miscellaneous.
Oval Window Audio	Colorado	Audio assistive devices for hearing impaired people.
The Tigon Corp	Texas	Voice Messaging business.
AmPro Corp	Florida	Miscellaneous.
Data Con, Inc	Massachusetts	Interconnect sub-systems.
Lumisys	California	High definition scanners for converting x-rays into digital images.
Broadband Technologies, Inc.	North Carolina	Electronics for "fiber to the home" telephone systems.
The Triangle Tool Group, Inc.	South Carolina	Miscellaneous.
Vicorp Interactive Systems, Inc.	Massachusetts	Software for interactive telecommunications services.
BI, Inc	Colorado	RF identification management systems.
Elcotel, Inc	Florida	Intelligent products utilized in the public pay phone and hospitality industries.
L.M. Berry Co	Ohio	Yellow page directories.
LHS, Inc	Massachusetts	Multilingual speech recognition software.
Silent Call Corp	Michigan	Assistive communications devices for disabled people.
Computer Consoles, Inc	New York	Miscellaneous products.
Axes Technologies Inc	Texas	Miscellaneous.
Teradyne, Inc	Massachusetts, Illinois	Telephone line test equipment.
XEL Communications, Inc.	Colorado	Transmission equipment.
TeleSensory Corp	California	High tech products for visually impaired people.
Aptek Technologies, Inc	Florida	Miscellaneous.
Electronic Modules, Inc	Texas	Fax and vcice messaging equipment.
Network General Corp	California	Test equipment for local area networks.
Henricksen Data Systems, Inc.	Colorado	Automatic call distributors and other telecommunications switching equipment.
Brite Voice Systems, Inc.	Kansas	Interactive voice response systems.
Taesung Industries	Georgia	Telecommunications power supplies.
Melita International	Georgia	AC switching products.
Intelect, Inc	Texas	Miscellaneous.
Wander Guard, Inc	Nebraska	Healthcare communications equipment.
Quest Electronics	Wisconsin	Specialized communications products for hearing impaired people.
Young Design, Inc	Virginia	Modems.
Micro Precision Technologies.	Massachusetts	Electronic components.
Jon/Beau, Inc	Massachusetts	Specialized communications consoles.
Willow Peripherals	New York	Video interface devices for digital transmitters.
Information Transfer, Inc.	New York	Matrix switching equipment.
Int'l Telesystems Corp	Virginia	Predictive dialer.
H&L Instruments	California	Fiber optic equipment.
Inovonics, Inc	California	Audio transmission equipment.
VSI Telecommunications, Inc.	California	Line sharing devices for fax, etc.
California Amplifier, Inc	California	Electronic components for microwave transmission systems.
Pacific West Electronics	California	Miscellaneous.
Sequoia Electronics	California	Parts and serivce for miscellaneous equipment.
Remarque Manufacturer Corp.	New York	Miscellaneous.
Solonics, Inc	California	Telephone backboard systems.
Wicom	California	Miscellaneous.
American Standard Communications Corp.	Texas	Miscellaneous.
Perception Technology Corp.	Massachusetts	Voice processing equipment.
MAR Associates	California	Miscellaneous.
Chromatic Technologies, Inc.	Massachusetts	Fiber optic cable.
Artel Communications Corp.	Massachusetts	Products for optical fiber and coaxial cable networks.
Resource Systems, Inc	Georgia	Telecommunications equipment repair.
OK Champion Corp	Indiana	Underground cable placing equipment.
Easi File Corp	California	Miscellaneous.
Senecom Computer Co., Inc.	Missouri	Voice processing system.
Senior Industries, Inc	Illinois	Poleline hardware.
R L Enhancers, Inc	North Carolina	Row-end identifiers.
Klein Tools, Inc	Illinois	Connectors and terminals.
SCS Mobilcom, Inc	New York	Miscellaneous.
Oza Communications Corp.	California	Miscellaneous.
Larus Corp	California	Digital and analog transmission equipment.
AML, Inc	California	RF and microwave amplifiers, components and subsystems.
Innovative Data Technology.	California	Magnetic tape transports for telephone switching systems.
Telecommunications Techniques Corp.	Maryland	Telecommunications test equipment.
Telebit Corp	California	High speed modems.
Greenbriar Products, Inc. (Orbitron Div.).	Wisconsin	Satellite antennas.
Accu-Com, Inc	Wisconsin	Software and hardware.
Viking Electronics, Inc	Wisconsin	Telecommunications peripheral products.
Tennessee Telecom, Inc	Tennessee	Telecommunications equipment repair.
Sound Technologies Corp.	New Jersey	Miscellaneous.
DeYoung Mfg., Inc	Washington	Custom transformers and telecommunications test equipment.
Ensign-Bickford Optics	Connecticut	Opitcal fiber and cable and miscellaneous connectors and bus taps.
BekTel, Inc	Georgia	Public pay telephone equipment.
Noramco, Inc	North Carolina	High voltage communications cable isolation equipment for protection against ground potential rise.
American Microwave Corp.	Maryland	Pin diode attinuators and switches.
Wildlife Materials, Inc	Illinois	Radio tracking equipment.
Lingo, Inc	New Jersey	Lighting protection masts and antenna supporting plies.
Diversified Marketing and Bi-Directional Microwave.	Washington	Microwave telecommunications products.
Optical Dynamics, Inc	Washington	Fiber optic sensors, and high performance communications system design.
Lippincott Industries, Inc.	Washington	Telephone and related equipment.
Expeditor Systems, Inc	Georgia	Specialized communications paging systems.
Systematix Electronics	New Jersey	Radio frequency synthesizer.
Dianatek Corp	New Hampshire	Dial number recorders and related equipment.
Olympic Controls Corp	Illinois	Miscellaneous central office equipment.
Digital Systems Int'l Inc.	Washington	Predictive dialer.

A CONGRESSIONAL SALUTE TO DORIS TOPSY-ELVORD—A PIONEER OF DISTINCTION

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 22, 1991

Mr. ANDERSON. Mr. Speaker, I rise today to pay tribute to a remarkable woman whom I greatly respect, Mrs. Doris Topsy-Elvord. Mrs. Topsy-Elvord will be honored at St. Anthony's High School Foundation on Wednesday, October 23, 1991. This occasion gives me the opportunity to recognize her many years of work and service in the Long Beach community.

Doris was born June 17, 1931, in Vicksburg, MS and moved to Long Beach in 1942. After much persistence by her mother and intervention from the Chancery in Los Angeles, Doris enrolled in St. Anthony's Elementary School. These efforts were necessary because Doris Topsy-Elvord was the first African-American to cross the color barrier and attend St. Anthony's. She proved to be an exceptional student. She was chosen All-American "Saint" establishng herself as an exemplary athlete, demonstrating her skills in basketball, baseball, and volleyball. In 1949, she received the Helms Foundation Award as an outstanding basketball player. In addition to her sports activities, she served as vice president of the G.A.A. and was a member of the Spanish, Latin, and glee clubs.

Following graduation from St. Anthony's, Doris attended Immaculate Heart College from 1949 to 1951 and entered UCLA in 1952 where she majored in science before discovering her true calling was people. In 1953, Doris married Urlee Topsy and started to raise a family of three sons. During this time, Doris was employed by the State of California Youth Authority as a youth authority counselor. In 1961, and for the next 5 years, Doris worked in procurement for the Los Angeles County Sheriff's Department. Following this position, she served as recreation leader for the City of Long Beach Recreation Department. She returned to work with delinquent youths for the Los Angeles County Probation Department in 1969.

Fourteen years, three children, and a distinguished career later, Doris returned to college at California State University, Long Beach to complete her bachelor of arts degree in social welfare. After receiving her B.A., she continued with her studies, earning a masters degree in criminal justice administration, graduating magna cum laude. The magnitude of her work and dedication has shown itself in all of her endeavors.

Doris Topsy-Elvord is an outstanding civic leader. Most recently she has been reelected to serve another 4 years on the Long Beach Unified School District's Personnel Commission. She is a past president of the Long Beach Civil Service Commission, a member of the United Way Admissions Committee, and a board of directors member for Pacific Hospital. Doris has also held the office of president for the Los Angeles Chapter of Eta Phi Beta national sorority, served on the board of Catholic Charities, and as a member of Long Beach Area Citizens Involved, Mayor Kell's Advisory

Committee, and under mandate by His Holiness Pope John Paul II and referral by Bishop Carl Fisher, appointed by Cardinal Roger Mahony as commissioner of the First Justice and Peace Commission of the Archdiocese of Los Angeles.

These noteworthy contributions to her community have not gone unnoticed, Doris has received the Letter of Appreciation from Inglewood Municipal Court, the "Soror of the Year" Award from Eta Phi Beta sorority, the Sunrise Youth Foundation Award of Recognition, an award for outstanding service from the Boy Scouts of America, and the McCobb Boys Home and Optimist Boys Home Awards. She is also published in the Congressional Library of Congress. This is but the tip of the iceberg, for Doris' awards and letters of appreciation are far too numerous to mention.

Her professional affiliations include membership with the National Association of Civil Service Commissioners, National Council of Negro Women, NAACP, California Probation, Parole, and Corrections Association, Southern Counties Placement Committee, and the Southeast Symphony Association.

On this very special occasion, my wife, Lee, joins me in extending our heartfelt thanks and congratulations to Doris Topsy-Elvord and to her husband, Ralph Elvord. They are indeed, a very special couple. We wish Doris and her entire family all the best in the years to come.

TRIBUTE TO RICHARD CURTIS ON HIS RETIREMENT

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 22, 1991

Mr. LAGOMARSINO. Mr. Speaker, I want to take this opportunity to pay tribute to Mr. Richard Curtis, the vice president and general manager of the Raytheon Electromagnetics Systems Division in Santa Barbara, CA. On November 30, after a 32-year career with Raytheon, Dick Curtis will be retiring.

I have worked closely with Dick in his capacity as top executive of one of the largest employers in the 19th Congressional District. We've been through many challenges together, the most recent ensuring the steady production of the combat-proven and much-needed Air Force ALQ-184 radar jamming pod. Regardless of the nature of the difficulties we have faced, I have always been impressed with Dick's enthusiasm, knowledge, integrity, and ability to succeed. I know that Raytheon's management and employees, as well as the firm's extended family throughout the Santa Barbara community, recognize Dick Curtis as a leader who has helped bring them much success and prosperity.

Despite the incredible changes around the world, most notably in Eastern Europe and the Soviet Union, the recent gulf war reminds us that there are still many dangerous threats to American national security. To counter today's remaining threats and tomorrow's new ones, the United States and its allies will rely more on quality, rather than quantity. Operation Desert Storm proved the importance of maintaining a modern, high-technology defense program. Along these lines, Dick Curtis can be very proud for having helped make Raytheon a leader in researching, developing, and producing advanced, high-quality defensive systems that helped America achieve victory at minimal cost and will continue to help keep us strong and secure in the future.

I very much appreciate all of the support, advice, and friendship Dick Curtis has provided over the years. He has served Raytheon and the Santa Barbara community very well. While his shoes will be hard to fill, he has certainly earned this well-deserved retirement. I'm glad to hear that Dick will remain in Santa Barbara, allowing him to spend more time with his family and friends and embark on new, exciting adventures. I know that I join many others in wishing Dick Curtis the very best on his retirement.

Mr. Speaker, for the record, and so that my colleagues can better appreciate the accomplishments and services of Richard Curtis, I would like to include a recent article from the Santa Barbara News-Press about his career at Raytheon.

[From the Santa Barbara News-Press, Sept. 18, 1991]

RAYTHEON'S RICHARD CURTIS TO STEP DOWN IN NOVEMBER

(By Dawn Yoshitake)

Richard Curtis, the top executive of Raytheon Electromagnetics System Division in Goleta, says he will retire Nov. 30—ending a 32-year career that helped rocket the defense contractor's finances upward and push its workforce into the ranks of the country's largest employers.

"I always wanted to retire when I turned 60," said Curtis, who turns 60 next month. "Sixty is too old to do the traveling and the day-to-day fighting to remain competitive and keep this business going in this tight (defense) budget."

In recent years, a downturn in defense spending has tempered sales at Raytheon and other contractors nationwide and resulted in workforce cutbacks.

The Goleta company employees approximately 1,800 workers.

Despite the shift in the industry, Curtis said it is more his age than the changing times that prompted his decision to retire.

"When I'm at the airport (for a business trip) and they call my flight, my body freezes when I hear them call: 'Flight 32,'" he quipped.

Jack Gressingh—assistant general manager of operations at Raytheon's Goleta office—has been named to replace Curtis, who will remain in Santa Barbara and serve as a consultant to the company.

Curtis joined Raytheon Co. in 1959 as a systems engineer for the Missile Systems Division in Massachusetts, where he started his career on the Hawk missile program.

The Hawk laid the groundwork for the eventual development of Raytheon's Patriot missile, which was used in the Persian Gulf War to destroy Iraq's Scud missiles.

"In the early 1960's, I was sent to the White Sands missile range (in New Mexico) for a series of tests with the Hawk.

We wanted to see if it could intercept a ballistic missile. Nothing at the time could do anything like that," Curtis recalled.

Staring out on the horizon, Curtis watched the Hawk lock onto the missile with its radar and destroy the warhead in a puff of smoke.

"I'm surprised that 30 years later people are surprised at what we can do (with anti-ballistic missiles)," Curtis said. "The capacity was there before, but no one had appreciated it."

Curtis describes the Hawk system as a technical highlight in his career, and his contribution to expanding the work at the Santa Barbara facility as one of his financial accomplishments.

In 1969, he landed at Raytheon's Santa Barbara facility as a section manager. From there, he rose up the ranks to division general manager in 1985 and was later named a Raytheon Co. vice president in 1987.

During his years in Goleta, Curtis saw the company's annual sales escalate from $20 million to $300 million.

He has overseen research, development and bidding of one of the division's largest single-contracts—the SLQ-32 program. The SLQ-32 is a missile radar-jamming device used on Navy ships.

The contract turned the division into a $100 million annual operation.

The division has also grown because of other programs it has captured over the years. One of those programs is the ALQ-184—now the largest program at the electromagnetics division. The ALQ-184 is another radar-jamming device used by the Air Force.

Looking at the future of the defense industry, Curtis said he is not convinced the fall of the Berlin Wall and the breakup of the Soviet Union will bring a world peace that precludes weapons detection systems.

"I'm not so sure the world is a safer place to live than six months ago," he said.

LETTER FROM DONALD E. DeMARCO

HON. JOSEPH P. KENNEDY II

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 22, 1991

Mr. KENNEDY. Mr. Speaker, a great deal of attention has been focused recently on the problems with our health care system. Many proposals have been introduced to deal with aspects of this crisis including the 37 million Americans without health insurance, skyrocketing health care costs and the lack of affordable health insurance for many small businesses and individuals. Swift action on a reform measure which addresses these issues and provides access to health care for all Americans is imperative. But there is also an ongoing responsibility to ensure that health care services in this country are of the highest quality. I would like to share with you the text of a letter from Mr. Donald E. DeMarco of Nantucket, MA. It provides a cautionary tale of what can happen when the strictest standards of quality are not adhered to in the delivery of health care and patients and their families are not fully informed about treatment options and their possible outcomes. The text of Mr. DeMarco's letter follows:

With dramatic progress in medical technology also comes tragedy.

We buried my father in the summer of 1963 and still don't know why. My father, an otherwise healthy, hard-working man from Dolgeville (Upstate New York), walked into the doctor's office to correct a nagging pain in his left knee. To treat my father's knee, a surgeon performed not one but two operations along the spinal cord. My father never walked again—the result was paralysis from the chest down. After two agonizing years, he died.

My family was not informed of the potential for paralysis and death prior to my father's surgery, nor were we ever given an explanation of exactly what happened. We found out about the paralysis not from the doctors but from my father, who complained about a loss of feeling in his lower extremities. Shortly thereafter, his paralysis extended from the chest down. The doctor recommended rehabilitation. This left us completely bewildered. The loss of feeling was absolute—we could not understand what there was to rehabilitate.

Months later, at age 56, my father died. We met with the doctor again to try to discover what happened. To my horror, he did not know that my father had died, and asked when the six-hundred-dollar balance would be paid.

Every time I think about my father's death, I become angry and sad. Although we asked the doctor for the medical records, they were never released to us. To make matters even worse, my mother, with four school-age sons, never received the life insurance benefit from my father's employer. We were a trusting and naive family; we believed in the institutions that touched our lives, and never contemplated legal action.

In 1980 and 1982 my mother nearly died during operations performed by a general surgeon (Utica). We do not have the facts about these two surgeries; however, problems of hemmorrhage, transfusion, and post-operative infection emerged as partial explanations for her near-fatal condition during these operations.

A few years thereafter, the surgeon lost his license to practice medicine; the newspaper account about the loss of his medical license cited several improprieties similar to those my mother had to bear. I remember feeling a conspiracy of silence when, day after day, she was not getting better and no one on the medical staff would tell us why. It appeared that the entire establishment clammed up about what the surgeon was doing—seemingly keeping my mother at death's door. I ask now: how could all those doctors and nurses remain quiet in the face of what was happening? Finally, a young physician from the staff of a Utica hospital broke ranks and advised us to get an outside medical consultant to review the case. This we did, in 1982, at great expense ($1,800). The medical consultant questioned not only the surgeon's actions but the judgment of others as well. Again, we did not consider a malpractice suit. Years later, when asked why she had not sued, my mother responded, "I don't want to have money in that way."

That brings us to the fall of 1990. Three reputable doctors on the staff of yet another Utica hospital convinced my mother that she had to have a cardio-catheterization. Now she is bedridden, cannot talk, and is incontinent due to a stroke caused by that catheterization. The tragedy is that the procedure was not necessary.

I will never forget how my mother begged and pleaded for days to get out of the hospital prior to the procedure. She believed that she had not had a heart attack and that she would be okay. However, the self-assured team of three doctors kept telling her, her husband, and her four sons that she must have the catheterization diagnosis to determine a course of treatment, or she would face certain death. They were absolute in their convictions. Furthermore, they suggested that bypass surgery might follow immediately if the test results showed the expected degree of heart disease. The sense of urgency on the part of her doctors heightened my mother's fears and worries that she was probably going to die. Her last words turned out to be prophetic: as they wheeled her out of her room, she said, "I don't want to have this done!" She slipped into a coma during or immediately after the cardio-catheterization with this frightening thought in her mind, and the procedure was performed against her will. We, her family, relying on the advice of the medical team, signed the consent form!

Following the procedure and resulting coma, I remember the doctors' faces when they revealed that the arteries leading into her heart were clear. When I asked them how this could have happened when they were so convinced that all three arteries were blocked, their only response was, "We're astonished." The diagram sketched by one of the doctors prior to the procedure showing how all three arteries were blocked filled my mind. They were all wrong. This procedure may not have been necessary.

It gets much worse. The medical team maintained that the stroke did not occur as a result of the cardio-catheterization. My mother was wheeled from her room carrying the premonition that this was all wrong, that she was on her way to tragedy, but once in motion, the wheels of modern medicine could not be stopped. Two hours later they brought her back in a coma, never to be the same again. We thought she was in a deep sleep. Unbelievably, the team acted as if they did not know what happened. One of her doctors said there was no heart disease and that as soon as she woke up, she could go home. A short time later, he appeared again and said that she had had a stroke. We do not understand how the stroke had taken three hours, perhaps critical time for treatment to begin, to diagnose. We retained another medical consultant, at great expense ($1,600), to try and make sense of what had happened.

Given the partial facts available to us. The logical explanation seems to be that she was experiencing TIA's, transitory ischemia attacks—mini-strokes common in the elderly, which was not diagnosed. Instead, the medical team believed that our mother's symptoms were due to heart disease when now we surmise that it was a neurological problem.

Now, months following the onslaught of the coma, my mother's heart has proved strong enough to have conquered pneumonia and a bout of kidney failure. I look back at the absolute sureness of three doctors prior to the catheterization, dramatizing what they believed to be the blocked arteries, and I ask, "Why?"

We, as a family, have suffered terribly, from human error and medical science, in the name of progress. Sooner or later almost everyone will go through this. As we approach the millennium, mankind should question the value of high technology and the concept of progress itself. Recently, Christopher Lasch of the University of Rochester, in his new book *The True and Only Heaven*, asks why reasonable people do not question what is being done in the name of progress. Certainly, we are all grateful for the people who are alive today because of the advances in medical, military, or environmental sciences. Our complaint, rather, is with the miracle-worker aura created by physicians and modern medicine. It is not only the good doctors' human achievement and error that is at fault; hospitals also create the same awe-inspiring ability to save lives, leaving ordinary people no choice but to accept their dominance. Their Godlike qualities are still in place, in spite of fifty years of attempting to demythesize physicians. Their persona is enthroned in cathedral-like hospitals, where concrete, lights, and machines produce the illusion of magic. It is in this setting that the medical establishment has forgotten the noble innocent qualities of common people, otherwise we would all be treated more like the fragile human beings we are. How could they forget what it is like, the deep vulnerability the ordinary citizen feels for someone he or she loves whose life is threatened, whose fate is completely in the hands of a medical establishment? What fear, trepidation, hope, gratitude, and financial worries reverberate in the desperate relationship between us and them? When physicians make mistakes, I wonder if they really experience the consequences of them? Have they ever cared for a patient who has become incontinent or paralyzed, ever even changed a bedpan or wiped a drooling chin?

Moreover, the pervasive climate of litigation gyrates between the members of the medical profession and their legal brethren, where communication between these esteemed groups is better laid out and prepared than between them and us citizens, who pay the bills. This has brought physicians and lawyers closer together and thrust doctors and patients further apart. The system conspires to prejudice elderly people whose pain and suffering may be as great as that of the young but whose value has been diminished simply because they are old and may never have a say in court. Some lawyers who don't usually hesitate to take a malpractice case shy away from the elderly as juries award big monies only to the young. Is the elderly individual's pain and suffering not as great? Are not just a few years of life more precious precisely because they are so few?

Does anyone know that horror in the mind and heart of the elderly may be greater simply because they are not young? To understand this, you need only walk through the corridors where the elderly live and see their wonderful spirit reaching out to you to make human contact as you walk amongst them.

I don't know the answers, but I now know enough to ask: Are the doctors too busy? Should the prime motivation of medicine be profit? Should medicine really be market-driven, like any money-making business? Does medical progress demand too much expansion in the use of technical devices only to provide enormous databases about sickness? Does this cause the medical establishment to chase the ultimate technological cure at the expense of the patient before them when all that patient needs is the most powerful factor in all of medicine, a doctor who is not in a hurry? In other words, when something goes wrong, the doctors are not really telling you why the person you love is dead or maimed for fear of lawsuits. Self-defense and self-preservation are understandable, but in the long run the people who suffer most are not the doctors, lawyers, or insurance companies but us, the legally treated, medically treated citizens who walk around with broken medical stories in our heads and broken hearts, unable to absorb and articulate highly sophisticated partial facts, as if we did not need to know, do not have a right to know.

Now the medical establishment wants us to decide whether it will withhold a feeding tube so my mother will starve to death. Someone has got to start telling the truth.

Our family has been treated badly through several tragedies over a quarter of a century; now we are wiser, less accepting of half-truths—we are going to find out exactly what happened to our mother, for no other reason than that we love her.

Sincerely,

DONALD E. DEMARCO,
Nantucket Island.

NEWSPAPER PUBLISHER ALTON NEATHERLIN PLANS RETIREMENT

HON. JACK FIELDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 22, 1991

Mr. FIELDS. Mr. Speaker, I would like to take a moment to salute one of my constituents, Mr. Alton Neatherlin, who will retire at the end of the month as owner and publisher of the Highlands Star, a weekly newspaper which he cofounded in 1955.

For now, Alton says he plans to clean out his garage, do some fishing, enjoy his country home and spend more time with his wife, his children and his grandchildren—the kinds of things for which busy newspaper publishers never seem to have enough time. Like all of us, Alton says he is looking forward to the rest and relaxation that retirement offers; but many of us who know Alton doubt that someone of his energy will be able to rest and relax for long.

As a result Alton's his hard work and dedication, the men and women of Highlands, Texas, have been blessed for the past 36 years with a high-quality local newspaper that has provided them with the local news that binds their community together. I'm confident that that fine tradition, begun by Alton, will continue under the direction of David Herfort, the new owner and publisher of the Highlands Star.

Since it was first published on June 9, 1955, the Highlands Star has reported local news events, births and deaths, church and school news, outcomes of sporting events involving home town teams, and other happenings in and around Highlands—the kind of news on which local residents have come to depend. While the men and women of Highlands, Crosby and other areas of east Harris County may turn to Houston's two major metropolitan dailies for national and international news, they turn to the Highlands Star to learn more about what is happening in their own community—to read the news that affects them most directly.

The pages of the Highlands Star have chronicled the history of east Harris County for future generations. The newspaper has recorded the many changes that have occurred in east Harris County in the 1950's, 1960's, 1970's, 1980's and now the 1990's. The Highlands Star has served as any extraordinary useful historical record, and it will continue to do so.

I want to take this opportunity to commend Alton and Charlene for the work which they have so professionally and so successfully carried on since the founding of the Highlands Star. The men and women of Highlands, and of all east Harris County, owe them a tremendous debt of gratitude for the service they have provided to their community. As a member of the Texas Press Association and the South Texas Press Association, Alton has distinguished himself in a highly competitive business, and he and Charlene, who have operated the newspaper with Alton for many years, have won the friendship and respect of their neighbors and of their community.

Mr. Speaker, I know that you join with me in expressing our best wishes for the continued success, happiness and good health of Alton and Charlene Neatherlin, in whatever future endeavors they might choose to undertake.

Thank you, Mr. Speaker, and thank you also, Alton and Charlene Neatherlin and the staff of the Highlands Star.

"THE REAL AMERICA"

HON. JAMES V. HANSEN

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 22, 1991

Mr. HANSEN. Mr. Speaker, I want to bring to my colleagues' attention the poem of a fellow Utah resident. The Freedoms Foundation at Valley Forge chose this work to receive the George Washington Honor Medal. The patriotic themes embodied by the poem are deserving of our attention and admiration, and I'd like to share the inspiring words of the "The Real America" with my colleagues.

THE REAL AMERICA

(By Al Cooper)

Just what is America, this land we call our own?
What constitutes a nation a thing of flesh and bone?
Are we just some loose alliance of fifty separate states?
A union of convenience with a statute at our gates?
An accidental commonwealth produced by circumstance?
Or . . . is there more to COUNTRY, than seen at casual glance?
Is "purple mountains majesty" no more than pretty verse?
Bunker Hill and Valley Forge just legend trite and terse?
What undefined dimension lies hidden to our view,
When we dare to ask the question: WHAT'S AMERICA TO YOU?
Where will I find AMERICA, and what will it mean to me?
Where will that journey take me . . . what vistas will I see?
From an island called Nantucket, where the dawn's first moments glow,
Where Viking ships once anchored and where Nordic winds still blow,
And the creaming walks of pilgrim fleets once passed in misted view,
We contemplate the hopes and dreams of those determined few:
The "refuse of those teeming shores" those passengers and crew;
Those first who followed in their boats where winds of freedom blew;
Who signed their names to compacts, and submitted to decree;
Who dare to hope this bright new land would ever more be free.
From Boston's green verged common, where British muskets roared;
From the cobblestones of Lexington, and a bridge at Old Concord;
From a hundred towns and hamlets whose names are mostly lost,
Sound the fifes and drums of liberty and its sill unmeasured cost.
America is the haunted gloom of an Ellis Island hall,
Whose derelict aisles and empty rooms an era still recall.
Where anxious eyes so filled with hope first glimpsed this stored shore,
and opened up the freedom gates for tens of millions more.
America is the native land of the Sioux and the Cherokee;
Of those who knew it anciently . . . the Iroquois and the Cree,
The Pueblo and the Choctaw; the noble Navajo;
The Zuni and the Mandan and the southwest's Papago.
America is a place of tides and mean who have always loved ships.
America is a newborn child, and the smile on a mother's lips;
A horse-drawn plow and the broken sod of a peaceful prairie farm;
A bustling city of concrete and glass, and sidewalks that always stay warm.
The spirit that is America lies deep upon the land,
And the voices of our fathers can be heard on every hand.
From a round-topped hill near Gettysburg and from Shilo's shadowed hell,
From the corn fields of Antietam where a score of thousands fell;
From a place named Yellow Tavern, and a crossing called Bull Run;
From Chickamauga's clinging fog and Vicksburg's burning sun.
A bugler's taps still haunts the dusk where sleeping heroes lie,
And the smoke of dying campfires seems to smudge Virginia Sky.
A gaunt and care-stopped figure when eyes bewreathed in pain,
And a voice that pleads with history that THEY shan't have died in vain,
Still echoes down the halls of time and fills the listening hearts,
Of generations still unborn . . . and pride to them imparts.
America is Mt. Rushmore's face against a clear blue sky.
America is the sting of tears when the stars and stripes pass by.
It's AMERICA THE BEAUTIFUL, and OH SUSSANAH TOO.
It's MY COUNTRY TIS OF THEE, and THE OLD RED WHITE AND BLUE.
America is that nameless force which causes men to live
According to a set of laws and to a creed to give,
A quiet kind of loyalty that sets our land apart;
And touches us-her citizens-and reaches to the heart.
America, more than anything else, is the way we feel inside;
It's a spirit deep within us that cannot be denied.
America is a state of mind . . . the knowledge of who we are:
The centerpiece of liberty on this, our native Star!

("The Real America" was recipient of the George Washington Honor Medal from Freedoms foundation at Valley Forge for 1989.)

A CONGRESSIONAL SALUTE TO DR. RICHARD DONALD McBRIDE

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 22, 1991

Mr. ANDERSON. Mr. Speaker, I rise today to pay tribute to a man who has served his community with great distinction, Mr. Richard McBride. Dr. McBride, in recognition of his enormous contributions, will be honored by the Saint Anthony's High School Foundation on Wednesday, October 23, 1991. It is an honor to bring Richard Donald McBride to your attention.

Born June 14, 1953 at St. Mary's Hospital, Richard settled into the family tradition by attending Saint Matthew's Elementary School and Saint Anthony's High School, graduating in the class of 1953. During his high school years, Richard proved to be quite an athlete lettering in basketball and in his senior year coaching the girl's basketball team to a championship title.

While traditionally the McBride's had been USC graduates, Richard choose to attend Loyola Marymount after graduating from St. Anthony's. Once again Dr. McBride demonstrated great prowess as an athlete, lettering in basketball and golf. He also continued to coach the girl's basketball team while in his freshman year.

Shortly after his graduation from Loyola Marymount, the draft call summoned Richard into the United States Army. Following a 13-month tour of duty in Korea, serving as a chaplain's assistant, he made the All-8th Army Golf Team and spent 6 weeks in Japan playing against other military teams. Returning to the States, Richard married his wife, Barbara and entered Loyola University Dental School. After the birth of their first child, the McBrides relocated to Long Beach and Dr. Richard McBride joined his father and brother in their practice.

An increasing desire to serve as a Christian missionary altered the course of Dr. McBride's life forever. He and his wife, Barbara began to work, through the Catholic Social Service, with unwed mothers in a program known as Shepherding Home. Since 1969, when they became involved in this program, the McBrides' have opened their home and hearts to more than 80 young women. This devotion to family and church is an intrical part of their lives. In partnership with his wife, Dr. Richard McBride has held a 5-year membership on the National Board of Worldwide Marriage Encounter. The McBrides also served as primary coordinators for the formation of the International Council, which is represented by over 60 countries. They joined Father Guido Heybaut of Belgium as the international coordinating team. Together they have given talks in over 20 countries. They have been actively involved in the Eucharistic Congress in Philadelphia, in the Detroit "Call to Action" Conference, and the White House Conference on Families. His Holiness Pope John Paul II appointed Dr. and Mrs. McBride as auditors for the month-long World Synod of Bishops meeting in Rome and to the Pontifical Council for the Family. They are involved in marriage preparation programs, teaching a marriage course for seniors at Saint Anthony's High School. In 1983 they were appointed to the Marriage and Family Commission of the United States Catholic Conference and in 1984, appointed to the board of directors of the Southern California Right to Life League. In 1987, they were asked by Cardinal Roger Mahony to lead the task force for Pope John Paul's motorcade through Los Angeles.

Dr. McBride also donates his spare time by assisting his community in building homes for the needy. I take special pride in joining Dr. Richard McBride's wife, Barbara, his five children, Timothy, Patrick, Mary Jo, Michael, and Kathleen and all those attending the celebration, in expressing to him the gratitude and respect he so richly deserves.

Mr. Speaker, my wife, Lee joins me in extending this congressional salute to Dr. Richard Donald McBride for his dedication to his profession and the community.

LEARNING THE BASICS

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 22, 1991

Mr. RANGEL. Mr. Speaker, it gives me great pleasure to rise today and give tribute to a special school and to a man who has dedicated his life to teaching the fundamental lessons of life: Mr. Ned O'Gorman.

Mr. O'Gorman has been a resident of New York City all his life. As an educator, author, and former Roman Catholic brother, he recognized the need for a private community school that integrated a basic human touch into the learning process. Dismayed by the loss of many at-risk children within the public school system, he decided to start a pre-school on 129th Street called the Children's Storefront to serve the children of the Harlem community.

Over the years, the Storefront has evolved into a firm educational stepping stone for the children of Harlem. The philosophy of the Children's Storefront is to teach children in an atmosphere that is conducive to learning. The school serves hot meals twice a day and prides itself on their high attendance rate. If a youngster fails to come to school, a car is sent to the child's house to pick him up.

Mr. O'Gorman and a staff of 40 teach reading and writing while also stressing the importance of love and family. And indeed, the families have responded. The community eagerly participates in fund raising events and many of the parents volunteer their time as student-teachers. The community's involvement does not end there. Years ago, a group of parents successfully persuaded the city to close 129th Street to traffic while school was in session.

The original Storefront evolved slowly, setting up classes in 1966 in two small brownstones located between Madison and Park Avenues on 129th Street. Thanks to the generosity of private sponsors and the support of the community and city government the school is now completing a $1.3 million renovation across the street and is able to operate without tuition costs. The school plans to expand its enrollment to include ninth graders and establish a day care center for infants in the future.

Over the past 25 years the Children's Storefront school has graduated over 5,000 students, many of whom have finished high school and gone on to college. The school also employs several of its former students who have come back to the Storefront to teach. The accomplishments of these former students serves as a constant reminder of the value of education.

The extraordinary success of the Children's Storefront has not come easy, but Mr. O'Gorman shows us all that a dream can come true even against the greatest of odds. Mr. Speaker, I invite my colleagues to read the attached article in the New York Times concerning the Children's Storefront and to recognize a fine man who works hard at making his community a better place to live and learn.

A HARLEM SCHOOL WHERE LITERATURE, LIFE AND LOVE ARE TAUGHT

(By Douglas Martin)

Let not young souls be
smothered out before
They do quaint deeds and fully
flaunt their pride.

VACHEL LINDSAY

"It's a glorious day," Ned O'Gorman said, as he sat on the stoop and watched Harlem dance by.

There were children in the street, throwing balls, jumping rope, chasing the last gasps of summer. Mr. O'Gorman greeted everyone by name, while, in a commentary dusted with profundity and profanity, he painted an exceedingly dark picture of what this metropolis has become for its too often hopeless children.

"I don't think there's any way of describing the horror of New York City," said the poet who 25 years ago started a preschool, the Children's Storefront, on this frayed uptown block. Though the school long ago outgrew retail space and now goes through 8th grade, it is still—5,000 or so children later—doing pretty much the same thing.

In two brownstones on East 129th Street between Park and Madison Avenues, it teaches literature, Latin, life and love.

What Mr. O'Gorman persists in talking about, to anyone who will listen, is oppression. He talks about "tribes of the unschooled" roaming whole worlds within this careless city, ignorant youngsters on endless journeys to nowhere.

"Many of these children need to be told they are important, strong and powerful people," he said. "Society tells them quite the opposite."

This is a time of celebration at the Children's Storefront. A $1.3 million renovation and conversion of two brownstones across 129th Street is almost complete, the culmination of a dream.

Three years ago, the first eighth-grade class graduated. Next year, ninth grade will be offered. A day-care school for infants is planned. Enrollment will expand to 150 from 123, still far short of spaces needed to meet a huge and growing waiting list.

Amazingly, the Children's Storefront charges no tuition. And it accepts no public funds. Big donors, many preferring anonymity, pay the way. The school's annual operating budget is $1.5 million.

"Once you accept public money, you're enbroiled in the most ghastly bureaucratic muddles," Mr. O'Gorman declared.

At the storefront, the human touch is basic. It is particularly apparent in efforts to help the most troubled. One boy couldn't speak a word at age 3. But he had perfect pitch, and teachers used music to painstakingly teach him the rudiments of speech.

It all comes down to love. At a meeting to discuss disciplinary cases, teachers stressed tender care just as much. "When you see her doing well, please tell her what a wonderful person she has turned herself into," a teacher begged.

A special love is also obvious in the facts that cars are sent for children who fail to appear in the morning, that no doors are ever locked, that two hot meals are served daily, that the school supplies foreign-language tutors to help some of its first graduates now in demanding prep schools.

The involvement of families is telling. It was parents and grandparents who persuaded the city to close a block of 129th Street to traffic during school hours. They stage bake sales and raffles. They regularly drop by to help out, sip coffee, exchange wisdom, keep the faith.

"I put my arms around the children and give them a little consolation," said Mildred Winns, whose two grandchildren attend the school and who comes for endless hours to give of herself.

The worst thing that has happened was the killing last year of one of the few pupils who has ever been asked to leave the school. The boy, Robert Cole, 13 years old, was shot by the police while he was trying to rob a store. In his pocket were 35 vials of crack.

But the boy's older brother, a high school student, comes to the storefront every day to help the janitor. "This is like a second home to him," a mother said.

Mr. O'Gorman sat on the floor of an unfinished room in one of the new buildings. The room will be a retreat where children can listen to Bach, see flowers, enjoy some peace.

He defended his mission against those who think he aims too high in teaching subjects like Greek. "People don't believe you can teach black children at the same level of intensity as you teach the middle class," he said. "That's patently absurd."

Then, this hulking 62-year-old author of seven books of poetry, this onetime Roman Catholic brother, this educator who believes he is building an invaluable prototype, lumbered out to the sun-drenched street. He pointed out successive homes of the Children's Storefront, which had been burned out. New homes were always found nearby.

He greeted Antoinette Williams, one of his first students a quarter century ago and now a preschool teacher. Her charges include her 2-year-old son, Deshaun.

It did, indeed, seem a glorious day.

DEVELOPING A COMPETITIVE WORK FORCE; THE NATIONAL COMMUNITY COLLEGE TECHNOLOGY EDUCATION ACT

HON. PETER HOAGLAND

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 22, 1991

Mr. HOAGLAND. Mr. Speaker, today I am introducing the National Community College Technology Education Act to create a cost-shared program in community colleges to educate people in technology fields. An initiative to be administered by the National Science Foundation [NSF], it would draw on the unique resources of the Nation's community college network, the largest arm of higher education.

It is time for the National Science Foundation to lead this effort to upgrade technology education in this country. In the words of the National Science Board's Comittee on Undergraduate Science and Engineering Education, "The Foundation must use its leadership and high leverage programs to catalyze significant efforts in the States and local governments and in the academic insitutions where ultimate responsibility lies." A January 1989 report by the National Science Foundation entitled "Science and Engineering Education in Two-Year Colleges" concluded, "Programs in science, mathematics, and engineering must be developed that are more attractive and engaging for 2-year college students."

SUMMARY OF THE BILL

The bill authorizes $30 million in fiscal year 1992 and $40 million in fiscal years 1992 and 1993 for the National Science Foundation [NSF] to conduct national technology education programs under which accredited associate-degree-granting colleges, using matching non-Federal funds, would provide education in technology fields.

The bill includes several special emphases for NSF to consider in awarding grants: People in need of retraining or upgrading to retain their jobs; workers dislocated by plant closings and technological change; working people and parents who need flexible scheduling; young people just out of high school; high school dropouts; and disabled people with special needs.

COMPETITIVENESS REQURIES A STRONG SKILL BASE

As this Nation stuggles to meet the challenge of a global economy and competition abroad, we cannot do it without a strong technology knowledge and skill base. Many studies have dramatized the need for our country to train more scientists and engineers, but we will never meet the competititveness challenges posed by other countries with Ph.D. scientists and engineers alone. As the workplace becomes increasingly technological, many people will need technology knowledge and skills.

A competent work force is one of the most important factors for American economic growth and productivity in this century and it will determine the Nation's economic prospects in the next. Learning on the job accounted for more than half, 55 percent, of the productivity increases in the United States beteen 1929 and 1989, while machine capital contributed only 20 percent. The United States must have a backbone of technologically educated individuals. Our ability to compete in the world economic arena will rest strongly, if not more strongly, on the quality of all our technologically educated individuals as on the abilities of our engineers.

This bill attempts to respond to a 1991 report by the United States Department of Labor report which concluded:

> The qualities of high performance that today characterize our most competitive companies must become the standard for the vast majority of our companies, large and small, local and global * * * the competence of the workforce and on repsonsible employees comfortable with technology and complex systems, skilled as members of teams, and with a passion for continuous learning.

In the end, competitive advantage is not soley in the technology, but in the people who invent and use it. Encouraging appropriate science and technology education at all levels will ensure such a policy.

THE WORKPLACE OF THE FUTURE

We can hardly enter a workplace today without observing the presence of computers, from the auto repair shop to the bank. By the year 2000, 75 percent of all workers currently employed will need retraining because of changes in the nature of existing jobs or creation of new jobs which will require new and higher levels of skills.

The United States must develop a system for providing technology education and training to adults. The need for a system of lifetime training and retraining is large and growing. According to a 1989 U.S. Department of Labor report:

> Our labor force is deficient. Between 20 and 40 million adults today have literacy problems, making it difficult for them to be trained or retrained. Each year, additional workers with literacy deficiencies enter the workforce; one in 10 of our 17-year-olds is functionally illiterate. One-half of all 18-year-olds have failed to master basic language, mathematics, and analytic skills. Employers report difficulty both in hiring skilled workers and in finding entry-level applicants who can read and compute well enough to participate usefully in employer-provided training programs.

In addition to the need for technologically educated individuals, the future holds significant changes in demographic and economic trends that require a reshaping of our work force. There are an increasing number of reports emphasizing a national labor shortage, a mismatch between skills needed in the workplace and the actual skills of workers, an aging work force, a culturally diverse work force. All of these factors support strengthening technology education.

Some have said that today's technological transition is comparable to the industrial revolution. Pat Choate, in "Retooling the American Work Force," has observed:

> The speed and force of workers will become obsolete. * * * In this decade virtually all of the nation's workers, most of whom are now employed, will need to be retrained or have their skills sharpened.

Some projections: Data processing jobs will grow by 148 percent, programmer jobs will jump by 74 percent, computer analysts will increase by 108 percent. Next year, almost half of American workers will use electronic-technical equipment daily. We must be ready to meet these needs, to train and retrain workers who will seek and need these jobs.

WHY COMMUNITY COLLEGES

Community colleges are the ideal training grounds to meet the retraining needs we face. They can offer low-cost programs with flexible scheduling. This is particularly important to adults with jobs and families—almost 50 percent of community college students are of noncollege age. Community colleges can design programs with local industry—often on-the-job training—specifically designed to meet local industry's needs. They can attract faculty from industry, people who teach part time in a field related to their work.

The community college is an especially good training ground for displaced workers, people whose jobs are eliminated because of a plant shutdown, retooling, restructuring, or changes in the economy.

Our national science education policy must take advantage of one of our most powerful and natural weapons: community colleges. Study after study shows that a greater investment in our Nation's most valuable resource—human capital—is needed to ensure a vibrant and productive economy. Community colleges are the Nation's largest delivery system of training in technical education, outside of industry itself. It would be a national tragedy to overlook the great potential of our vast network of community colleges.

QUALITY IN AMERICA

HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 22, 1991

Mr. GINGRICH. Mr. Speaker, I hope all my colleagues were able to hear the statement Larry Kudlow, the senior managing director and chief economist for Bear, Stearns & Co., made at a hearing of the Task Force on Economic Growth and Job Creation in the Senate. I have attached the most important segment of his testimony that discusses specific proposals to accelerate economic growth for those who missed it.

If the economy is to revive and reach its full potential in the 1990s, recent fiscal policy decisions must be completely reversed. I believe this is possible, and I remain an optimist with respect to the current opportunity to take strong steps toward an across-the-board tax cut program which would encompass all income classes and business categories, and which would be financed by added revenue generation from accelerating economic growth as well as budgetary cost savings from a suitably lower U.S. defense budget profile. Some proposals from a working group in which I am participating:

Capital gains rate reduction, indexation and tax-free rollover provision.

To assist middle income taxpayers, a sizable increase in the earned income tax credit (EITC).

Increased personal exemptions and child care tax credits.

For businesses, an investment tax credit (ITC) which will effectively accelerate capital cost recovery and lower the corporate tax rate.

For commercial real estate, restoration of the active investor loss provision, which would permit full-time real estate professionals to deduct expenses against losses.

Expanded Bentsen-Roth IRAs.

Repeal the luxury tax.

Enterprise zones.

OPTIMISM AND LEADERSHIP

I do not pretend to have all the wisdom on a comprehensive tax cutting package. Undoubtedly there are other permutations and combinations or new ideas which will make good economic and political sense. But I believe that these proposals as well as others would constitute a solid pro-growth incentivizing reform package which importantly would provide across-the-board tax relief to all segments of the population.

This is a key point. For as much as I favor capital gains tax relief, which would help new business creation, would provide enhanced capital access for the have nots, especially those in poverty-stricken urban areas, and would raise real estate asset values and thus reduce the cost of the S&L and bank bailout programs, and would lower capital costs in line with our foreign competitors, I do not believe that capital gains reform by itself constitutes a serious tax policy.

A key ingredient yes. But by itself, as a single issue standing alone, it is not a tax reform program which would clearly stimulate economic recovery throughout the nation in a way that all citizens and taxpayers can clearly and readily understand. It strikes me that many of us have forgotten that the original Kemp-Roth concept more than 10 years ago clearly provided tax rate relief to all Americans. Because of the evenhandedness of the original proposal, the more people that found out about it favored it, and this is why its early legislative defeats continued to generate wider and broader support, eventually ending in victory.

Additionally, I do not believe that an attitude of excessive economic pessimism is necessarily the cleverest way of achieving much needed tax relief to spur economic growth. Nor do I believe that permanent tax reduction should be tied to some near term numerical point estimate of the economy. We ought not to be proposing Keynesian quick fixes. Instead, we should seek tax relief because it is good tax policy which would grow the economy and create capital and jobs over the longer term. Indeed, a pro-growth tax package such as this could well push real GNP growth to 4%-5% in 1992 and 1993. The Dow could reach 4,000.

Finally, I believe that optimism is an essential tool. Optimism is the very essence of leadership. We have a vision of enhanced individual creativity and inventiveness and opportunity and prosperity for all income levels, business segments and geographic locations. I firmly believe that the public at large has an innate sense of optimism that problems can be solved; but the electorate is waiting to line up and follow the right leadership and the right vision. So far, neither Republicans nor Democrats at the national level have fully opened their arms to embrace a growing anti-corruption, anti-tax and anti-government revolt which is clearly brewing at the local level. In this sense we have a unique opportunity to flesh out an optimistic vision of tax cutting and governmental reform.

THE DAILY AMERICAN MARKS ITS 75TH BIRTHDAY

HON. GLENN POSHARD

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 22, 1991

Mr. POSHARD. Mr. Speaker, throughout the years of a community's growth, its progress was noted and recorded by its professional scribes—newspaper editors and reporters.

West Frankfort, IL, is no exception.

What is history for residents of the southern Illinois community now, began as the news of the day in the Frankfort American, a weekly four-page newspaper owned by Benton publisher Arlie Martin, who started the local publication in 1903 at the request of West Frankfort residents. The paper was printed on surplus equipment from Martin's other publication, the Benton Standard.

But Martin soon found that publishing two papers was not an easy task and sold the West Frankfort publication. Its second owner, C.J. McDermott of Indiana, sold the paper to T.A. Sinks, who published the weekly for a few years before turning the ownership to B.W. Elkins and Frank K. Boyd. Boyd's interest was later bought by W.A. Kelly, who became the first editor of the Daily American.

Afer two unsuccessful attempts, the daily paper finally got a firm root among West Frankfort readers in 1916 and has not missed an issue since that time. It was published for a time with the Weekly Frankfort American which still had a circulation among farmers and other rural residents, until the weekly publication gave way completely to the daily.

Bye W. Elkins was born in Benton in 1876, the son of A.J. Elkins. After attending a common school, the publisher got his start in the newspaper business by becoming an apprentice on the Franklin County Chronicle in Benton before coming a journeyman in the Benton news organizations.

Elkins' partner, W.A. Kelly, was born in Du Quoin in 1864, the son of Thomas B. and Nancy (Fleming) Kelly, natives of Ohio who moved to Illinois during the last year of the Civil War. Kelly moved to West Frankfort in 1905 to become one of the organizers and incorporators of the West Frankfort Bank and Trust Co. He was also postmaster from 1908 to the 1930's.

Elkins and Kelly depended not only on local news in their daily publication but also on a St. Louis news service mailed to West Frankfort in the form of boiler plates to an International News Service phone system to a United Press International wire machine which transmits typed stories and carbon photographs throughout the morning hours.

Roger G. Kelly and Tim J. Elkins succeeded their fathers as the operating heads of the business. Nell Elkins Midkiff, daughter of B.W. Elkins, was woman's page editor until her retirement.

Tim Elkins had started as a carrier boy when he was 10 years old, and he later became mechanical superintendent. Roger G. Kelly, who joined the paper in the early 1920's, had for several years prior to his death in September 1966, been president of the corporation and editor of the newspaper. Mrs. Roger G. Kelly, who had headed the bookkeeping department, moved into the corporation after her husband died.

Several members of the editorial, business, and mechanical departments and staffs had long records of service with the newspaper. W. Henson Purcell, who joined the newspaper in 1916, served in several capacities through the years and succeeded Roger G. Kelly as editor. His column, "Mine Run," was a popular feature with the readers for many years. His most popular column, which received nationwide publicity, was the endearing "A Father's Farewell to His Soldier Son."

Glenn N. Purcell was circulation and advertising manager, joining the paper in 1927. Other longtime employees were D. Palmer, Raymond Medlin, Leo Lackey, and William D. Lewellen.

Only the local news staff has remained unchanged by time. A managing editor, sports editor, city reporter, and society editor are responsible for the daily output of local stories.

In 1967, the Daily American was purchased by a newspaper group which owned publications in Illinois, Indiana, New York, and Pennsylvania. The newspaper at that time was published by Larry Perrotto, and Bob Ellis acted as managing editor for several years.

Heading the two-family corporation at the time of the sale were Tim J. Elkins, president; Nell Elkins Midkiff, vice president; and Eunice B. Kelly, secretary-treasurer.

Headlines in the November 16, 1967, issue of the Daily American read: "Daily American sold to Pennsylvania publishers."

The story reads:

> The sale of The Daily American to a group of Pennsylvania publishers was consummated at 2 o'clock this afternoon.
>
> The new owners, who have purchased all stock in The Daily American Company, and headed by Henry A. Satterwhite, publisher of The Bradford Daily Era, Bradford, PA. Mr. Satterwhite has been elected president of the Daily American.
>
> George R. Sample, general manager of the Corry, PA, Evening Journal, was named vice president and arrived in West Frankfort today for the purpose of concluding the transaction.
>
> "We believe that West Frankfort's growth and progress can best be served by local residents," Mr. Sample said. "And that is the reason for delegating to Mr. Purcell and his staff the responsibility for directing the policies of The American."
>
> "As publishers, we are committed to uphold the traditions of daily journalism so ably established here by the previous owners, and we pledge a continuation of these high concepts," Sample continued, in declaring "we intend to give The Daily American's readers a newspaper of which they can be proud and one in which they can have the greatest confidence for reliability, integrity and leadership."

The new owners of the paper changed from the traditional Linotype printing in the fall of 1968, and the Daily American became one of the first publications in southern Illinois to be printed through an offset or coldtype method in which the pages are photographed onto thin metal sheets.

A fire at the Daily American in the summer of 1969 badly damaged the equipment. The editorial staff and production workers moved quickly to the Benton Evening News office so as not to lose a day of publication. Remodeling after the fire resulted in a complete conversation to offset printing with the addition of computerized typesetting machines and United Press International printing systems.

The presses at the Daily American were taken out of the Emma Street offices when, in 1989, the American Publishing Co. of Illinois opened its regional press plant at the Franklin County Industrial Park. Today, the West Frankfort paper, along with three other dailies and several weekly papers from throughout the region, is printed on larger, more modern presses at the plant.

As of this record, the Daily American is headed by publisher G. David Green. The business manager for the paper is Diann Walthes, the news director is Eric Brian, and the composition manager is Steve Triest. Located in the building housing the corporate offices of American Publishing Co., which owns and operates more than 200 publications throughout the United States, the Daily American is now the flagship newspaper of the company.

To mark its 75th birthday, the Daily American will hold an open house at its West Frankfort offices Saturday, October 26, 2–5 p.m. (CST) and will be putting out special commemorative editions throughout the week of October 21.

A CONGRESSIONAL SALUTE TO LORNA C. GREENHILL—CHAMPION OF LEGAL RIGHTS

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 22, 1991

Mr. ANDERSON. Mr. Speaker, I rise today to pay tribute to an outstanding woman whom I greatly admire, Ms. Lorna C. Greenhill. Ms. Greenhill will be honored this Wednesday evening, October 23, 1991, by the Saint Anthony's Foundation. This occasion gives me the opportunity to express my sincere appreciation for her years of dedicated service to our community.

Born on November 30, 1942, Lorna attended Saint Anthony's Elementary and High Schools, achieving acclaim for both her academic excellence and her involvement in extracurricular activities. She was a member of the Glee Club, a member of the California Scholarship Federation, and president of the Latin Club. This high level of commitment to education was inherited from her mother, Catherine Greenhill. Today, the Catherine Greenhill Memorial Scholarship provides students with the opportunity to continue their educational futures in a Catholic environment.

Graduating from St. Anthony's in 1960, Lorna was awarded Honors Entrance from Immaculate Heart College. Uncertain at that time as to what path her life should take, Lorna embarked upon a career as an executive secretary. This experience exposed her to a wide range of people and businesses and assisted Lorna in a decision which changed her life and touched many of ours. She returned to college, attending night school and received her associate of arts degree from Long Beach City College and the Phi Betta Kappa Delta Association of California Outstanding Scholastic Achievement Award. She then enrolled at California State University, Long Beach majoring in political science and public administration and graduating summa cum laude with the Phi Kappa Phi Honor Society Award. Lorna continued her education entering UCLA Law School and graduated with a Juris Doctor Degree in 1978. Lorna's diligence and industrious nature also led her to pursue and receive her real estate broker's license in 1984.

Lorna Greenhill is an outstanding attorney, vocal in her discussion of attorneys' responsibilities to their clients and to their clients' legal concerns. As a woman in the legal profession, she is considered a trailblazer, actively participating in the leadership of the Long Beach Bar Association. She was elected to the Long Beach Bar Association board of governors, followed by election as its treasurer-secretary, vice president, and most recently, president. In addition to this demanding post, Lorna is a member of the American, California State, and Los Angeles County Bar Associations, the Long Beach Barristers, and of the Family Law and Probate and Trust Sections of the Long Beach Bar Associations. She is a member of the Long Beach Chamber of Commerce, the Memorial Hospital Medical Center board of trustees, and the Immanuel Lutheran School Board of Education. She was the first president of the Women Lawyers of Long Beach and the founder of the Women Lawyers of Long Beach Family Law Study Group.

Lorna Greenhill has earned admiration and respect both as a legal advocate and as a wife and mother. She is identified as a symbol of success and hope. I take great pride in joining with Lorna's husband, Mark Benkendorf, their three children, Adam, Rodney, and Kimberly Benkendorf Vetter and all those attending this celebration to offer the gratitude she so richly deserves.

Mr. Speaker, my wife, Lee joins me in extending this congressional salute to Lorna C. Greenhill who continues to work, on behalf of the people, to protect the American dream for all.

THE ROGER MARIS LEGACY

HON. BYRON L. DORGAN

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 22, 1991

Mr. DORGAN of North Dakota. Mr. Speaker, with the World Series underway, I am reminded of an extraordinary baseball season 30 years ago. It was 1961 when Roger Maris chiseled out for himself a permanent place among the legendary heroes of sport.

Breaking the home run record of Babe Ruth, a record which had stood for 34 years, was an astonishing accomplishment, one which captured the Nation's attention that summer and kept it riveted into the fall. Now, three decades later, it's even clearer how uncommon a feat it was. No player has come anywhere close to challenging the 61 home runs Maris hit.

In North Dakota, we have a special fondness for Roger Maris. He grew up in Grand Forks and Fargo, ND, graduated from Fargo's Shanley High School, and began his professional baseball career with the Fargo-Moorhead Twins. He never abandoned those roots. To this day, his family continues to share his fame by participating in the Roger Maris Celebrity Benefit Golf Tournament each summer in Fargo.

Roger Maris was truly the complete ballplayer. In addition to that patented home run stroke, he ran the bases with speed, skill, and abandon. His ability as an outfielder was renown and his throwing arm feared. He won two American League most valuable player awards and helped win seven pennants for the St. Louis Cardinals and New York Yankees.

The Yankees that summer of 1961 may very well have been baseball's greatest team ever and it was Maris who led them to the World Series championship.

Despite that championship, however, it's still the 61 home runs that stick in the memory 30 years later. We appreciated it then for what it was—the conquering of baseball's most famous record, and we appreciate it the more now for we understand how glorious a performance Maris gave us. Against all odds, the 26-year-old established what seems an invincible record and may, in fact, be the most remarkable feat in sport. Roger Maris achieved greatness that dazzling autumn of 1961 and we recall it with awe and pleasure.

JUDGE AND MRS. ALPHONSO CHRISTIAN

HON. RON de LUGO

OF THE VIRGIN ISLANDS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 22, 1991

Mr. DE LUGO. Mr. Speaker, I rise to recognize the Honorable and Mrs. Alphonso A. Christian of St. Thomas who this month celebrated their Golden Wedding Anniversary. Few are so fortunate to enjoy so many years of happiness together. Their devotion to each other, to their family, and to their islands has earned this outstanding couple the greatest love and respect from their community.

Alphonso and Ruth took their marriage vows on October 12, 1941. On October 12, 1991, surrounded by children, grandchildren, family, and friends they renewed them. During the 50 years between, they built a family that has become one of the pillars of our community.

Alphonso, a native of St. Croix, came to St. Thomas after high school with $10 in his pocket, a lot of optimism, and a penchant for persistence. He worked his way from stenographer to reporter, and served as secretary of the Virgin Islands Legislature, and all the while studied law by correspondence from the University of Chicago. Admitted to the V.I. bar in 1949, he later served as legal advisor to the Municipal Council, an attorney in private practice, police commissioner, and territorial court judge.

Ruth, the former Ruth Brown of St. Thomas, was for many years the secretary in the office of the All Saints Episcopal Church, and has always been very active in church and community affairs.

The parents of outstanding children, Alphonso and Ruth sacrificed much to see they would have the strong family foundation they would need for the future. Today, Alphonso, Jr., is a Washington, DC, attorney. Barbara is a professor at the University of California at Berkley. Cora, a physician, returned to the Virgin Islands where she served for many years as assistant commissioner of health.

As the deep love Alphonso and Ruth share strengthens with each passing day, not only they, but everyone they touch is the richer.

Alphonso and Ruth have proven that faith, in God, in each other, in family, in friends, and community are the basic elements of a long, happy, productive, and healthy life. They are an example of the very best that our Virgin Islands can produce.

NATIONAL LAW ENFORCEMENT OFFICERS MEMORIAL DEDICATION

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 22, 1991

Mr. GILMAN. Mr. Speaker, I am pleased to rise today to lend my support and praise to a very worthy project, the National Law Enforcement Officers Memorial at Judiciary Square in Washington, DC.

This law officers memorial has been in the works for some time. On October 30, 1984, the authorization for the memorial was unanimously approved by the Congress. On October 15, 1991, after a very long, arduous process spanning a period of 7 years, the memorial, located in Washington's Judiciary Square, was dedicated by President Bush to the families of our Nation's fallen law enforcement officers.

As a long time supporter of this project since its outset, I wish to salute the more than 100 police officers from Clarkstown, Suffern, and town of Ramapo. West Rockland County, NY, who participated in several 300-mile fund raising runs which began in Rockland County, in the 22d district of New York, and finished in Washington, DC. They were cheered on along the way by police and supportive citizens in the States of New Jersey, Pennsylvania, Maryland, and Delaware. Their efforts helped raise $45,000 for the construction of this multimillion dollar memorial.

Not only was I privileged to march in the police parade in support of the memorial dedication on Monday, October 14, 1991, but I was pleased to have participated in the ground breaking and in the final dedication of this worthy memorial.

This National Law Enforcement Officers Memorial was erected in our Nation's Capital in honor of the 12,561 of our police officers who were killed in the line of duty. This includes not only those brave men and women who have been killed in the line of duty but also those who have died from natural causes while on duty. This memorial symbolizes the dedication of these brave men and women. As more names are verified they will be added to the monument. In 1987 alone, 155 police officers were killed, 21,273 were injured, and 63,842 were assaulted with a weapon. Of the more than 500,000 active law enforcement personnel in the United States, 1 officer is killed every 57 hours.

This law enforcement memorial is the least our Nation can do to show our appreciation for our police officers who have died in the line of duty. I invite all of my colleagues to express their full support of this monument in every way.

Mr. Speaker, so that my colleagues may share his thoughts, I request that the President's remarks of October 15 at the memorial's dedication ceremony be printed in full at this point in the RECORD:

REMARKS BY THE PRESIDENT IN DEDICATION OF THE NATIONAL LAW ENFORCEMENT OFFICERS MEMORIAL, WASHINGTON, DC

The PRESIDENT. Thank you all very much. Thank you, Senator D'Amato. Please be seated all of you. And Barbara and I are just delighted to be with you here today. Mr. Speaker, honored to have you here, sir. I understand that Senator Mitchell was here, had to leave. Senator Pell is with us. And, of course, your friend and mine, Al D'Amato, who's out there on the firing line day in and day out on behalf of our law enforcement officers. Al, thank you for that introduction, sir. [Applause.]

May I thank especially Craig Floyd. And I heard Barbara Dodge's moving remarks—in the back, Barbara and I just when we came here. I salute her. Of course, our Acting Attorney General Bill Barr; former Attorney General Ed Meese; the head of the FBI is with us; head of the Secret Service; and so many others that are committed to law enforcement.

I also was told that Jim and Sarah Brady are here. I don't know if that's true or not, but in any event, they're here in spirit if they're not here in purpose. Here they are over here as a matter of fact—Jim—[Applause.]

This nation has erected many monuments to generals and admirals, privates and seamen who defended our nation's freedom against tyranny and oppression. We gather here today to dedicate this memorial to uniformed heroes of another sort: those who enforce the law and keep us secure here at home.

For too long, America's lawmen and women have been the forgotten heroes—forgotten until there's trouble, until we're stranded on the road, or frantically dialing 911 at home.

Today we remember these heroes and heroines. "Now the real healing can start," says Vivian Eney. Vivian, as you know, past President of Concerns of Police Survivors. Here's her quote: "When the grave doesn't look new anymore, when the grass has grown over it, this will be the place to come, to see the names—to touch the names."

Visitors will come here. Some will be children, perhaps looking for a father or mother they never really knew. Who were these people, they will ask. They were policemen and policewomen, marshals and sheriffs, state troopers, special agents. They gave their lives in the line of duty. And they were young and old, ranging from 19 to 81. And they had names as diverse as America itself: Donald Kowalski, Patrick O'Malley, Freddie Lee Jackson, Tommy DeLaRosa, Jose Gonzelez, Donna Miller. And they had wives and husbands, mothers and fathers, and so many young children. Most of all they had love—love for their profession; love for their communities; love for their families; love that can still be felt in this special place right here today.

They devoted themselves to the timeless values that society shares. They valued the law. They valued peace—the peace of a civilized community that protects children at play, families at home, and storekeepers at work. They valued human life—so much that they were prepared to give their lives to protect it.

They gave much and asked little. They deserve our remembrance. Here in America's capital, for as long as these walls stand, they will be remembered, not for the way they died, but for how they lived.

They didn't ask for honors, though honor them we will. We honor them with these walls, with these trees and grass, quiet pool of water. But we can honor them in a more profound way, a more lasting way, by strengthening the laws that they swore to uphold.

Since 1989, on a rainy spring day I know many of you remember, I've tried to persuade Congress that our police need help. Too many times, in too many cases, too many criminals go free because the scales of justice are unfairly tipped against dedicated lawmen and women like you. With your help, that will change.

We need a crime bill that will stop the endless, frivolous habeas corpus appeals that waste time prosecutors could be spending on new cases. [Applause.] We need a crime bill that says to police: Look, if you act in good faith, evidence will not be suppressed in court based on needless technicalities. We need a crime bill with tough penalties, such as a 10-year minimum sentence to anyone using a semi-automatic weapon in a violent or drug-related crime—with no plea bargains, no parole. [Applause.] And Al D'Amato touched on it, but we need a crime bill that warns would-be killers out there: Be prepared to pay with your own life. [Applause.]

I asked Congress to pass these proposals more than two years ago. And we've gotten, very candidly, only a piecemeal response. This week, the House of Representatives is voting on a crime bill. But for that bill to be worth anything, it must contain the crucial elements that I've just cited—elements the House Judiciary Committee refused to include, unfortunately, in the bill itself. Congress is only a few blocks away. And they've heard from me, and they're going to keep on hearing from me. But, really, on this one, if you feel as strongly as I do—and I know you do—they need to hear from you.

There is a war going on out there—a war between criminals and a good society. We know that war will not end, as long as evil dwells in men's souls. But we can work to lock up those who are too violent to live in civilized society. And we can support the law enforcement officers who are on the front lines saving us every single day of our lives. [Applause.] And we can put new laws on the books to keep new names off of these walls.

President Coolidge long ago told us, "The nation which forgets its defenders will itself be forgotten." We will not forget. America will not forget. And we will not forget, obviously, those we honor, those who died. We will not forget those who protect and serve every single day of the year.

In the Oval Office, as you all know, a lot of important papers and documents cross that desk in that majestic office, no matter who's President, every single day. Most of them stay there just a day or two. But inside the drawer, one thing stays: a New York City patrolman's badge, Number 14072. I brought it along today. It belonged to Eddie Byrne, a rookie cop who was guarding a witness when he was gunned down on the orders of a drug dealer in jail. Eddie's father, Matt Byrne, asked me to keep that badge as a "reminder of all the brave police officers who put their lives on the line for us every single day." Well, I've kept it. And I have it with me here today, and I will always keep it—when I'm President and long after I leave this majestic office I'm so proud to hold.

When society asks someone to put on a badge and place it over his or her heart, we make a sacred covenant—a covenant that says: "We as a society stand behind those who enforce the law against those who break the law." And that's what Eddie Byrne's badge means to me.

This memorial gives meaning to that covenant, gives meaning to these lives, gives meaning to the law and what it stands for. No number of words or wreaths, no amount of music or memorializing, will do justice here today, but we have begun the remembrance and begun the healing.

And once again, thank you very much for allowing Barbara and me to share this moment with you. And may God bless the law enforcement officers of our great country. Thank you very, very much. [Applause.]

CONVENTION ON DISCRIMINATION AGAINST WOMEN

HON. OLYMPIA J. SNOWE

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 22, 1991

Ms. SNOWE. Mr. Speaker, in 1979, the United Nations adopted the Convention on the Elimination of All Forms of Discrimination Against Women which calls for equal access for women to education, economic opportunities, legal protection, representation in government, and health care worldwide.

While the United States was an active participant in the effort to establish the convention, 11 years later our country has still not ratified what is essentially an international bill of rights for women.

It is truly an embarrassment that the United States is lagging behind 109 other countries in adopting a convention that seeks to eliminate all forms of discrimination against women and advance women's status worldwide.

As the co-chair of the Congressional Caucus for Women's Issues, I have actively supported this important document. In 1990, I testified before the House Human Rights Subcommittee both on human rights abuses against women worldwide, and in support of ratification of the convention. Additionally, I am an original cosponsor of the resolution urging the President to submit the convention to the Senate for its advice and consent to ratification.

Last year, I was one of 13 Republican Members of Congress who wrote to President Bush urging him to support ratification of the convention. Additionally, the Congressional Caucus for Women's Issues sent a Dear Colleague letter to Members of Congress endorsing and encouraging cosponsorship of the resolution.

It's critical that the United States affirm its commitment to the promotion and protection of human rights by taking the necessary steps to ratify the Women's Human Rights Convention.

ALYCE FURMAN: FEDERAL WORKER OF THE MONTH

HON. STEPHEN J. SOLARZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 22, 1991

Mr. SOLARZ. Mr. Speaker, I wish to pay tribute to Ms. Alyce Furman, manager of the Avenue X Social Security Office located in my district in Brooklyn, as Federal Worker of the Month.

In this day and age, we too often hear of society's shortcomings and are relatively unaware of its success stories. For this reason, it brings me great pleasure to have the ability to stand here before my colleagues and honor this remarkable human being. Ms. Furman has proven herself to be a model for other Federal workers to follow—her extraordinary competence and skillful performance of even the most difficult tasks make her a credit to the entire Social Security system. Her broad knowledge of the system has made her invaluable in helping me resolve countless complicated problems for many, many of my constituents who were unable to find help elsewhere. She processes claims and responds to requests without hesitation. Alyce Furman is courteous to both constituent and cohort, and has gained the respect of all. She has become an indispensable assistant to my staff.

Ms. Furman's work is always complete and thorough, and her manner is most professional. Her gentle and considerate way of interacting with individuals, as well as her devotion to the highest standards of public service, are highly commendable. I am proud to proclaim Alyce Furman Federal Worker of the Month, and congratulate her on this honor.

POSTAL EMPLOYEES DESERVE PRAISE

HON. CHARLES E. BENNETT

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 22, 1991

Mr. BENNETT. Mr. Speaker, on Saturday, October 26, the National Association of Letter Carriers will be sponsoring a special food drive to help stock local food banks that assist the needy in my district, Jacksonville, FL. Letter carriers throughout the city, in conjunction with the U.S. Postal Service and the AFL–CIO, will collect nonperishable food that postal customers leave by their mailboxes. The carriers will then take the food to postal stations, where it will be picked up by the food banks.

Jacksonville will be one of 10 cities in the Nation involved in this pilot food drive, which is patterned after a successful drive in Phoenix, AZ, which earlier this year collected about 60 tons of food in 1 day. I think this is a great way to assist the needy and encourage all in my district to place nonperishable food next to their mailboxes on Saturday.

TRIBUTE TO ELDER NEAL C. WILSON

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 22, 1991

Mrs. MORELLA. Mr. Speaker, I wish to congratulate an extraordinary constituent, Elder Neal C. Wilson, who was world president of the General Conference of Seventh-day Adventists for the past 12 years. On October 28th, the Seventh-day Adventists will honor Elder Wilson for his more than 50 years of service to the church.

Elder Wilson demonstrates qualities that improve the world for all peoples. He has always shown compassion, love, and respect for all races and religions. His dedication and devotion are an inspiration to everyone with whom he comes in contact. He brought the church's message and services to humble homes as well as to palaces. His global vision has been responsible for his being instrumental in the development of the church and its preparatory schools, colleges, universities. He has helped millions of people around the world in times of famine, natural disasters, and wars.

Currently, Elder Wilson is actively involved in the church as chief consultant for the U.S.S.R. Division. Prior to becoming president of the general conference, he was vice president with leadership responsibilities for all church work in the United States and Canada. He has been president of the Columbia Union Conference based in Takoma Park, MD, religious liberty director of the Conference, and he also worked for 15 years for the church in the Middle East.

Elder Wilson's personal accomplishments are also extraordinary. He can converse in eight languages and has visited more than one-half the countries where Adventists have medical, educational, evangelical, or publishing work. He has climbed some of the highest peaks in the world, including Mount Kilimanjaro, and he belongs to a family in which three generations have been ministers in the church.

I offer my best wishes to Elder Wilson and his family, who reside in Burtonsville, MD. I thank him for his munificent spirit and selfless devotion to improving the lives of others. And I thank him for his friendship. I congratulate him, for he is a beacon of light for us all to follow.

VOICE OF THE GRAND OLE OPRY REMEMBERED

HON. BOB CLEMENT

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 22, 1991

Mr. CLEMENT. Mr. Speaker, I rise today to pay tribute to the "voice of the Grand Ole Opry," Mr. Grant Turner, who died early last Saturday morning in Nashville, only a few hours after announcing his Friday night Opry show. Funeral services for Mr. Turner will be held this afternoon in Franklin, TN.

During the past few years I was privileged to meet and get to know Grant Turner. But like millions of Americans throughout the years, I first came to know this man when I heard his voice resonate through the evening airwaves of WSM, announcing "Grand Ole Opry" broadcasts to listeners throughout the United States.

Mr. Speaker, for the RECORD, I offer an article by Mr. Tom Normand which appeared in the The Nashville Banner, outlining Grant Turner's career.

The "Dean of Opry Announcers," as he was known, was synonymous with the Opry and the friend of generations of country music stars. He will be missed and remembered.

I ask that my colleagues join me in paying tribute to a kind and loving man whose contributions to the country music industry will never be forgotten.

SERVICES TUESDAY FOR GRANT TURNER, CALLED 'DEAN OF OPRY ANNOUNCERS'

(By Tom Normand)

Services will be held Tuesday for Grant Turner, the veteran Grand Ole Opry announcer who became as much a celebrity as the entertainers he introduced.

Mr. Turner's unusual, mellifluous voice and warm personality were silenced forever to his millions of admirers Saturday when he died at the age of 79 of a heart aneurysm.

The kind and gentle man known as the Dean of Opry Announcers and the Voice of the Grand Ole Opry died only about six hours after working the Friday night segment of the famous radio show.

The funeral is scheduled for 2 p.m. Tuesday at Williamson Memorial Funeral Home in Franklin. Burial will be in Williamson Memorial Gardens in Franklin.

His family was to receive visitors from 2 to 5 p.m. and 7 to 9 p.m. today.

Mr. Turner's disarming, soothing voice charmed listeners across the nation for 47 years through WSM radio's Opry. He was also popular for hosting WSM's former early morning Martha White show and its Ernest Tubb Jamboree.

He was the second Opry announcer elected to the Country Music Hall of Fame, the first being the late Judge George D. Hay, who coined the name Grand Ole Opry and was Mr. Turner's mentor.

Mr. Turner proved an engaging raconteur on country music talk shows as he readily drew on priceless memories from his many years of rubbing elbows with the stars.

Grand Old Opry House Manager Jerry Strobel called him "a walking encyclopedia of country music knowledge and folklore" as he mournfully made a special announcement concerning Mr. Turner's death on the Opry Saturday night.

Roy Acuff, the King of Country Music, said once that Mr. Turner "has truthfully done more on the microphone for country music than any other deejay in our country."

ONE-ON-ONE STYLE

The venerable Opry announcer was asked once by a reporter to describe his announcing style.

"It's a one-on-one style," he said. "I always picture a few people listening at home. I picture a woman in a kitchen, her putting down her paring knife and turning up the radio to listen to the Martha White flour commercial."

Mr. Turner also said, "If there is any greatness in an announcer, it's a reflection of the stars you're introducing. I've traveled a lot with Opry shows around the world and I've never been too busy to talk to fans. I spend a lot of time with them."

"The way I look at it, when they come and shake my hand—and maybe tears well in their eyes—they're thinking about all those Opry nights at the Ryman (Auditorium), all those stars I've known. It overwhelms them. It's not so much me, but what I represent."

Of the many interesting characters Mr. Turner shared the stage with over the years, he remembered the late Uncle Dave Macon as the most colorful.

"He would sit down in his cane-bottom chair to perform," he said. "He had an act where he would put his banjo on the floor and dance around it hitting it with his hat and making music. He was one of a kind."

"All the great ones have been individuals. There are too many who look and sound alike."

EARLY RADIO INTEREST

Mr. Turner was a natural to go into broadcasting. He was interested in radio ever since childhood in his native Callahan County, Texas, in the early days of the medium.

"I remember when I was just a little kid when I'd be sitting in the car with my daddy and granddaddy," he said. "I imagined I had a head set on and could converse with somebody far away from the back seat of the car."

It wasn't long before he was bugging his father to drive him to visit every two-bit radio station along the West Texas backroads. Many were nothing more than backyard transmitters owned by churches and department stores.

At the age of 16, young Turner's broadcasting career began with a $7-a-week job as a disc jockey to a crude, homemade radio station named KFYO in Abilene, Texas.

His work there nearly caused him to fail high school, but he graduated and later received a journalism degree from Hardin Simmons College in Abilene.

Mr. Turner then bounced around various journalism jobs, from small weekly newspapers to the Dallas Morning News. He later spent a time as a salesman of display advertising, and he once was a cook at an all-night hamburger stand.

In Depression times, he did the only sensible thing, he recalled. He went back to radio.

After a few years of broadcasting at small Texas stations, Mr. Turner was hired in 1942 by a new station in Knoxville—WBIR.

WSM CALLS

In 1944, he was called by WSM to come audition. He got the job and began work there on June 6. Shortly afterward, Hay summoned him to the Opry.

"There was a bench on the side of the stage," Mr. turner recalled. "He said, 'I want you to watch and tell me what you think.' I had heard the Prince Albert segment of the Opry over the network back in Texas. It never occurred to me that I would ever be on the Opry."

Mr. Turner discovered later that Hay was grooming him for a spot as an Opry announcer.

A few months later, after Mr. Turner had established the early morning slot that was to become his WSM home for many years, he landed the Crazy Water Crystals segment of the Opry.

In his long broadcasting career, Mr. Turner worked with everyone from Jimmie Rodgers, Lyndon Johnson, Sgt. Alvin York, Roy Acuff, Kitty Wells to Clint Black.

Following Tennessee Ernie Ford, he was the second member of the Country Music Hall of Fame to die in less than a week.

Mr. Turner was a resident of Williamson County.

Survivors include his wife, Lorene Turner, a son, Thomas Richard McFerrin of Woodbury; a daughter, Jo "Nancy" Brown of Alcoa; a sister, Frances Craven of Abilene, Texas; and five grandchildren.

Memorial contributions may be made to the Grand Old Opry Trust Fund or Johnsons Chapel United Methodist Church in Williamson County.

MODIFICATION TO EMPLOYEE LEASING RULES OF INTERNAL REVENUE CODE

HON. BRIAN J. DONNELLY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 22, 1991

Mr. DONNELLY. Mr. Speaker, I am introducing legislation today to substantially modify the "employee leasing" provisions of Internal

Revenue Code. Although these provisions were added to the tax laws in 1982 as a means of ending serious abuses with respect to lower paid employees, the evolving nature of employment over the past decade has made those rules unworkable.

The employee leasing rules were added to the Internal Revenue Code as a means of assuring equal participation in retirement plans for lower paid employees. Prior to the enactment of the Tax Equity and Fiscal Responsibility Act of 1982 [TEFRA], employers such as law firms and physician offices were able to segregate lower paid employees into a separate retirement plan as a means of avoiding paying generous benefits to, for example, paralegals, clerks, nurses, and receptionists. The goal behind the employee leasing provisions of TEFRA was to ensure that these workers received benefits on a par with higher paid employees such as attorneys and physicians.

Unfortunately, a literal application of the rules as they now exist may impose an undue burden on employers. For example, a physician—such as a pathologist—who performs services under contract with a hospital may, under a literal reading of the statute and the regulations published under the statute, be forced to include nurses and laboratory technicians at the hospital under their retirement system. The employee leasing rules were never intended to achieve this result. If a nurse or a laboratory technician are employed by the hospital, it is the hospital that should have the obligation to provide retirement benefits.

My bill modifies the definition of "leased employee" in the Internal Revenue Code to address the legitimate concerns of employers, while not opening any new loopholes. I would also add, Mr. Speaker, that this is an enormously complex area of the tax laws, and I am aware of other issues that may need to be addressed in the employee leasing area. I introduce this legislation today as a means of beginning the debate, in the context of tax simplification legislation which the Committee on Ways and Means may consider this year. I urge my colleagues to support this bill.

TECHNICAL DESCRIPTION OF EMPLOYEE LEASING LEGISLATION INTRODUCED BY CONGRESSMAN DONNELLY

PRESENT LAW

For purposes of applying several employee benefit provisions under the Internal Revenue Code, leased employees performing services are treated as employees of the recipient of services. Contributions and benefits provided by the leasing organization are treated as provided by the recipient of services.

The employee benefit rules applicable include prohibitions against discrimination of employee benefit plans in favor of highly compensated employees, vesting standards, limitations on maximum contributions, limitations on the amount of compensation taken into account for purposes of calculating benefits, participation requirements, and others.

Definition of Leased Employee

Under present law, a leased employee is an individual performing services for the recipient if three additional tests are met. First, the services must be provided pursuant to an agreement between the recipient and the leasing organization. The agreement may be any mutual understanding between the parties, and need not be in writing. An agreement is deemed to exist if the leasing organization receives or is entitled to receive payment from the recipient. (Prop. Regs. 1.414(n)-1(b)(5)).

Second, the person performing services must have done so on a substantially full-time basis for a period of at least one year. The term "substantially full-time basis" means either at least 1500 hours of service for the recipient or at least 501 hours of service and hours equal to at least 75% of the median hours of service performed by employees of the recipient. (Prop. Regs. 1.404(n)-1(b)(10)(i)).

Finally, the services must be of a type historically performed by employees in the business of the recipient. Under this rule, service is "historically performed" if it was not unusual for those services to have been performed by employees in the business field of the recipient on September 3, 1982. (Prop. Regs. 1.414(n)-1(b)(12)(i)).

Time When Considered Employee

Under Treasury Department proposed regulations, an individual is generally considered a leased employee of the recipient until the later of (1) five years after, or (2) the total number of years that the person performed services for the recipient after, the leased employee worked less than 501 hours in a year. Thus, an individual who performs services for a recipient for less than 501 hours in a year could still be considered a leased employee for at least five years. (Prop. Regs. 1.414(n)-1(b)(13)(i)).

Safe Harbor Rules

If an individual is performing services for a recipient and is covered under a plan which meets requirements related to vesting, immediate participation and employer contributions, the leased employee rules do not apply.

EXPLANATION OF PROPOSAL

The bill modifies the definition of "leased employee". Under the bill, an individual is a leased employee if they provide services *substantially for the sole benefit of* the recipient and if three additional conditions are met.

First, the services must be provided under a contract between the recipient and the leasing organization. Thus, an individual performing services under an "agreement" that does not rise to the level of a contract would not be a leased employee. If the leasing organization is a hospital, services are only covered if payment is made, directly or indirectly, to the hospital under the contract between the leasing organization and the hospital.

Second, the individual must perform services for at least 1,000 hours during a plan year of the recipient. This rule replaces the "substantially full time" rule of present law. In addition, the service must be performed in a "plan year" of the recipient, not a 12-month period of service for the recipient.

Third, the "historically performed" test is replaced with a "control" test; service must be performed while under the control of the recipient. Under the bill, "control" exists at least in any case where the recipient has the power to employ or terminate the employment of the individual.

Treatment of DeMinimis Service

The bill provides that if an individual performs less than 501 hours of service for a recipient in a plan year of the recipient, the individual will not be considered a leased employee. This provision is intended to override Prop. Regs. 1.414(n)-1(b)(13)(i), discussed above.

Expansion of Safe Harbor

The bill grants to the Secretary of the Treasury authority to establish additional safe harbor plans if the plan (1) provides significant retirement benefits and (2) meets the requirements of sections 401(a), 403(b) of the Internal Revenue Code, or is a government plan.

Treatment of Treasury Department Regulations

The bill provides that regulations issued to carry out the employee leasing provisions of the Internal Revenue Code shall apply to any plan year beginning before the date the regulation is published in final form, unless taxpayers elect to apply the proposed regulations retroactively.

EFFECTIVE DATE

The provisions of the legislation are generally effective for taxable years beginning after December 31, 1991. The provision concerning retroactive regulations is effective for taxable years beginning after December 31, 1983.

POSTAL UNION OFFICIALS AND OPEN MINDS

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 22, 1991

Mr. BROOMFIELD. Mr. Speaker, the other day I came across an article about a resolution (H. Res. 194) I introduced which would create a commission to study the U.S. Postal Service.

It was written by Bob McLean, the legislative counsel of the National Association of Postal Supervisors. The article said much, perhaps much more than he realized, about the lobbying campaign that the postal unions are waging against this resolution.

Among his points: the 120 or so cosponsors of the resolution has "no business attaching their names to this resolution."

Why? Because, among other things, many of them were "beneficiaries of campaign contributions, not only from NAPS but from virtually every postal employee organization."

Now Mr. McLean may think he has Congress in his pocket. But no lobbyist's pocket is deep enough to contain the anger and frustration being directed at the management of the Postal Service, not only by Members of Congress but also by millions of Americans who are fed up with deteriorating postal service and rising postal costs.

Mr. McLean's organization is not only active in spreading money around, but misinformation as well. The article is titled, "The Privatizers Won't Quit." Yet Mr. McLean knows full well that the resolution contains no directive, stated or unstated, to privatize the Postal Service, that the commission would include representatives of postal unions and postal management, and that their only mandate would be to provide the American people with "better service at reasonable rates."

Mr. McLean may have made a slip of the editorial tongue when he suggested that the resolution's cosponsors were wrong to sign onto this legislation, even if their actions were "an accurate reflection of deep dissatisfaction with the current level of service the USPS is providing."

What's more, he later admits that the "the swiftness with which over 100 cosponsors were obtained tells you that we have an educational campaign ahead of us—and that the service provided postal customers today is unacceptable."

I may disagree with Mr. McLean on the power of campaign contributions, particularly when the message that accompanies them runs counter to what our constituents are telling us. But I do believe that Mr. McLean's admission that postal service is unacceptable shows that he has an open mind.

In fact, that's just the kind of thinking we will need on this bipartisan, blue ribbon commission: the willingness to look at the current state of the postal system with an open mind, and the determination to do what's best not only for the American postal worker, but for the American people, as well.

Mr. Speaker, I include Mr. McLean's article in the RECORD.

[From the Postal Supervisor, October 1991]

THE PRIVATIZERS WON'T QUIT

(By Bob McLean)

If you had any doubts about how serious some members of Congress are about privatizing the Postal Service, a recent resolution introduced in the House and the comments of the resolution's sponsor should put them to rest—permanently.

As the copy on the next page indicates, Representative William Broomfield (R-MI) has introduced a resolution which speaks about establishing a panel that by January 31, 1992 would recommend how the Postal Service should be "reorganized to provide better service at reasonable rates." There should be little doubt that the word reorganization is, in the case of this resolution, a synonym for the word privatization.

As disturbing as the resolution are the names of some of its cosponsors. Whether the result of exceptionally sloppy and inexcusably ignorant staff work or an accurate reflection of deep dissatisfaction with the current level of service the USPS is providing, there are a number of House members who have no business attaching their names to this resolution. H. Res. 194 is a slap in the face of the oversight work conducted by the House Committee on Post Office and Civil Service, yet three members of that committee are cosponsors of the Broomfield resolution. Other cosponsors include a number of members who, in the past, have been supporters of the institution and the beneficiaries of campaign contributions, not only from NAPS but from virtually every postal employee organization.

This fall the number one legislative priority at every branch meeting for NAPS and Auxiliary members should be writing those already cosponsors of this resolution and questioning their justification for supporting this blatant attempt to begin the privatization process. Other members should be told that NAPS and every postal management association and union oppose H. Res. 194.

The swiftness with which over 100 cosponsors were obtained tells you that we have an educational campaign ahead of us—and that the service provided postal customers today is unacceptable. Do not take this situation, or the level of service which prompted it, lightly.

THE UNRAVELING OF THE BUDGET

Was it unrealistic to expect a five-year budget agreement to last five years? Apparently so. While it may survive next year's election season, its life beyond that will be limited.

From the Democrat's perspective the benefits of the FY 1991–1995 budget seemed questionable only months after passage, when the recession became the country's biggest concern. But unlike previous years, when public works or other jobs bills would be introduced automatically to jump start a sluggish economy, the budget agreement prevented such measures from being introduced—unless, of course, Congress could find another program to cut that would cost the same amount as a new jobs bill. They couldn't, so no jobs bills were introduced and Congress seemed incapable of responding to the recession.

Republicans, specifically the Bush Administration, are about to become more involved in this developing budget problem. The deficit, as I mentioned last month, is growing much faster than was predicted at the time the five-year budget deal was struck. The Congressional Budget Office now predicts that the cap on the deficit, set at $4.415 trillion, could be reached by January 1993, two months after the next congressional elections. That should force passage of legislation to increase the debt ceiling, and serve as the excuse Democrats need to propose a new budget agreement.

As much as they might want to revamp the current budget agreement, Democrats will probably have to wait until after next November's election for fear of looking fiscally irresponsible. But with the deficit pushing rapidly toward the current debt ceiling they will have a legitimate reason for suggesting a new agreement.

The possibility of a new budget battle should make every postal employee nervous, because it will present Congress with yet another opportunity for abusing one of their favorite "cash cows," the Postal Service. Benefits such as health insurance and retiree cost of living allowances also could come under attack.

There could be another reason why the USPS could become a target in 1992. That will be the second in the current rate case, and whether the price of a First-Class stamp is twenty-nine or thirty cents, the USPS is going to make money—some say a lot of money. That won't go unnoticed on Capitol Hill, no matter what effect another hit on the USPS might have on future rate increases.

CITY OF NORTH MIAMI BEACH COUNCILMAN JULE LITTMAN: MAKING A DIFFERENCE

HON. WILLIAM LEHMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 22, 1991

Mr. LEHMAN of Florida. Mr. Speaker, food is one of the most basic necessities of human life, yet an astonishing percentage of our population suffers from hunger and malnutrition. City of North Miami Beach Councilman Jule Littman is doing something about it.

As the overseer of an innovative food distribution project, Councilman Littman has taken a significant role in the struggle for the eradication of hunger in our community. This unselfish leader has committed himself to local volunteerism without the expectation of political gain.

The North Miami Beach program is a fine example for other cities across the Nation.

Mr. Speaker, I would like to share with my colleagues an article from the "Neighbors" section of the Miami Herald which describes the city of North Miami Beach's food distribution project and the work of its dedicated volunteers in greater detail.

CITY'S HUNGER PROGRAM CREDITED

When members of Temple Beth Sholom in Miami Beach went looking for food to give to the hungry, they discovered they had to go to North Miami Beach to get it.

The temple couldn't afford to buy food to continue its weekly distributions, said Sol Lichter, chairman of the temple's committee on feeding the hungry. Then it discovered that North Miami Beach distributes food to agencies, churches and temples that run soup kitchens or provide meal packets.

"It made a world of difference," Lichter said. "We get good intentions from our city, but you need commitment and that's what North Miami Beach has."

Temple Beth Sholom was one of 40 groups that received truckloads of food from the city's distribution program Friday morning. Volunteers, mainly students from local high schools, loaded about 65 tons of food, which came from the U.S. Department of Agriculture's surpluses and donations from eight regional food brokers.

It was the city's largest onetime giveaway to date, said Councilman Jule Littman, who oversees the program.

But North Miami Beach's food distribution program wasn't always so organized. It began about 10 years ago, when a truckload of surplus cheese from the American Red Cross rumbled up to City Hall without warning.

City officials didn't really know what to do with it then. Now, if the same truck showed up, an assembly line of volunteers would sort, wrap, package and box the cheese, then ship it off to a refrigerated warehouse.

"In the last three years, it's gone crazy," Littman said. "It's exploded."

Besides giving food to agencies, which happens about every six weeks, the city also provides food once a month to local families in need.

The city gives food to about 650 families each month and expects to provide food for 1,000 families a month by Thanksgiving. Likewise, it expects to provide food for 100 churches and agencies by then, based on the number of people who have inquired, Littman said.

Beyond that, the city will have to refuse people, he said.

"We just can't handle more than 1,000 families or 100 agencies," he said. "It's getting worse, and it's going to get worse before it gets better."

Another thing that has grown has been the number of volunteers. Senior citizens help sort food when it arrives and discard any spoiled or damaged items, and students from North Miami Beach and Norland high schools load the trucks at the warehouse.

Samantha Alfred, 16, of Norland wiped sweat from her face Friday morning during a break from hauling boxes of canned pears. She said she didn't mind helping, despite the muggy morning.

"It's fun," she said. "Why wouldn't I come? You're helping people who need it."

PINELLAS' DOORWAYS PROGRAM

HON. MICHAEL BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 22, 1991

Mr. BILIRAKIS. Mr. Speaker, with the beginning of a new school year, our attention again turns to our children's educational needs. Today, the Pinellas County school system is kicking off a program called Doorways, the culmination of efforts to address the needs of disadvantaged students in Pinellas County, FL. Under the program, the school system will target disadvantaged students at a very young age—3 or 4-years old—and will provide these students with long-term support and a network of services until they graduate from high school. This initiative depends on a partnership of parents, the local school system, social service agencies, cultural organizations, health care providers, religious institutions and State government.

This program will provide the enrolled children with access to the health, nutrition, and social services which currently exist but are often not tapped into by the family. It will actively engage the parents, providing them with home visits and a series of workshops and seminars. Volunteers will be assigned to each child to act as his or her mentor, tutor, and advocate. In addition, a wide array of cultural, recreational, and enhanced learning opportunities will be provided for the children. Lastly, the program will provide the children with scholarships to college or vocational school, giving them hope for the future and motivation to stay in school.

Doorways is the first broad-based, public-private partnership to develop a comprehensive and long-term initiative of this magnitude in Florida. Thus, Doorways should be viewed as a model not only for the State of Florida, but for the Nation.

The Doorways program reflects the priorities laid out by President Bush and the Governors in the six national education goals. It strives to make children ready for school—goal one—by targeting children at 3 or 4 years of age. It discourages students from dropping out of high school—goal two—by providing them with an incentive to graduate—the knowledge that there is a scholarship to college or vocational school waiting for them if they can complete high school.

The program strives to make schools safe and free of drugs—goal six—by giving students opportunities to escape from their immediate neighborhood environments, which may be wracked by crime and drug abuse. This program is prevention oriented, and each child will be assigned to a volunteer mentor, who will serve as a role model and therefore help keep the child on the right track. By encouraging students to complete high school and attend college or vocational school, Doorways will also help more adults be literate and able to compete in the technologically advanced 20th century—goal five.

Mr. Speaker, today, I would like to congratulate Howard Hinesley, the superintendent of Pinellas County schools and the force behind this individual program. I also applaud the efforts of all the hardworking individuals behind the scenes and the generous contributions of many individuals. I am proud to say that people in my district in Florida are working so diligently and innovatively toward a better future for our students. By working on a local level, Doorways gives us hope for the future of education across the country.

TRIBUTE TO DR. RONALD N. LEVINSON

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 22, 1991

Mr. MILLER of California. Mr. Speaker, on November 2, 1991, the Graduate School of Professional Psychology of John F. Kennedy University will pay tribute to Dr. Ronald N. Levinson for his contributions to Contra Costa County, CA. It gives me great pleasure to join them by offering this special recognition.

Dr. Levinson has had a distinguished career in the field of clinical psychology, including a number of achievements both in private clinical practice and in sharing his knowledge with others.

As dean of the Graduate School of Professional Psychology at John F. Kennedy University for the past 18 years, Dr. Levinson has created a highly acclaimed program for the purpose of teaching and training therapists and other mental health practitioners. The graduate school has grown under Dr. Levinson's direction from a student body of 30 to more than 500 students on two campuses. Today more than 1,200 alumni from this program work in mental health and community service agencies.

Dr. Levinson began his career in community service with the Economic Youth Opportunity Agency of Los Angeles in the 1960's. He continued his service oriented work with the Peace Corps in the West Indies, the Lane County Community Action Agency in Eugene, OR, the Group Health Cooperative of Puget Sound in Seattle, and as the director of continuing care services for Contra Costa County Mental Health in California. In 1976, Dr. Levinson established the Community Council Center in Pleasant Hill, CA, which is now the largest low-fee mental health clinic in the San Francisco Bay Area.

Dr. Levinson is currently a consultant to the Phoenix Programs of Concord, Sunrise House of Concord, and Allied Fellowship in Oakland. he also serves on the advisory board of New Connections in Concord, CA. In addition, Dr. Levinson maintains a private practice and serves as clinical supervisor to master's degree and doctoral students from various Bay Area universities such as California State University, Hayward, St. Mary's College, the Wright Institute, and Saybrook Institute.

In recognition of his years of hard work and many accomplishments, Dr. Levinson has been the recipient of several awards, the most recent being the prestigious Koret Foundation Israel Prize.

Mr. Speaker, I am proud to join his family and colleagues in honoring the many achievements that dominate his career. Dr. Levinson has earned our deepest respect and admiration for his service to his community.

BICENTENNIAL OF THE DISTRICT OF COLUMBIA MONTH

HON. THOMAS J. BLILEY, JR.

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 22, 1991

Mr. BLILEY. Mr. Speaker, today I am introducing a joint resolution designating December 1991 as "Bicentennial of the District of Columbia Month."

This year marks the 200th anniversary of the establishment of the District of Columbia to serve as the Nation's Capital. Throughout 1791, several important events occurred, including the selection of the site by President George Washington and the surveyance of the District by Andrew Ellicott and Benjamin Banneker. Two particularly important historical events occurred in December 1791. On December 13, 1791, President Washington submitted L'Enfant's grand plan for the Capital City to Congress. And on December 19, 1791, the last remaining land needed to form the District was ceded by the State of Maryland for the purpose of establishing a national seat of government.

As our Nation's Capital, the District of Columbia has been a symbol of liberty to people of all nations. It is where the American people, through our representatives, are joined to shape a government dedicated to the ideals of individual freedom. The District is where our people come to demonstrate, literally as well as figuratively, our faith in self-government.

Our Nation's sorrows as well as our victories are recorded here. The struggles and sacrifices endured by our forefathers and by the countless others whose names are unrecorded, are honored here. War was waged in this very city. As our Nation mobilized for war and then returned from securing peace, much of America passed through here. It is where Presidents come to be inaugurated. It is where other Presidents, Prime Ministers, kings, queens, and diplomats have come to visit along with 20 million Americans each year. It is also where Presidents and Congressmen have been assassinated. History is not merely recorded here for future generations, history is made here.

We should be proud of, and we should be thankful for, those men and women who have transformed this city from its wilderness beginnings to a world renown cultural center. Once merely a swamp, Washington is now a multicultural, internationally acclaimed home to more than 600,000 residents.

It is fitting and appropriate that all Americans honor and celebrate the 200th anniversary of the Nation's Capital. By designating the month of December as "Bicentennial of the District of Columbia Month," we will recall with pride and thanksgiving the birth of a city which has symbolized the birth and strength of our Nation for 200 years.

I am pleased and proud that members of the leadership from both sides of the aisle including the distinguished Republican leader, the Republican whip, and the chairman of the Committee on the District of Columbia join me in introducing this bipartisan resolution today. It is my hope that through this resolution, the 102d Congress will honor the work begun by the First Congress and of all the people through the ages who have established the Nation's Capital.

RESTORATION OF FEDERAL RECOGNITION FOR THE JENA BAND OF CHOCTAWS OF LOUISIANA

HON. JERRY HUCKABY

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 22, 1991

Mr. HUCKABY. Mr. Speaker, today I am introducing legislation which would restore to the Jena Band of Choctaws of Louisiana their status as a federally recognized Indian tribe. I am pleased to have as cosponsors of this measure Members from the Louisiana House delegation, as well as Congressmen BEN NIGHTHORSE CAMPBELL, BILL RICHARDSON, and ENI FALEOMAVAEGA who each serve on the House Committee on Interior and Insular Affairs.

This legislation does not seek to create a new Indian tribe but, rather, to restore the status of an Indian tribe, the Jena Band, that has previously been recognized by the Bureau of Indian Affairs [BIA] on several occasions.

The Senate Select Committee on Indian Affairs has held hearings regarding restoration of Federal recognition for the Jena Band. In July, the Senate committee reported to the full Senate with a favorable recommendation on S. 45 which provides for Federal recognition of the Jena Band. The Senate report on S. 45 concluded:

> Although they were not statutorily terminated as other tribes which have been recently restored, the Jena have a history of being treated as an Indian entity by the Federal government.

In restoring Federal recognition to the Jena Band, this legislation will help the tribe address many serious problems including poverty, alcohol and substance abuse, poor health, inadequate education, and substandard housing.

The arguments supporting restoration of Federal recognition for the Jena Band are strong and compelling.

As early as 1902, each family of the Jena Band of Choctaws was identified as full-blooded Mississippi Choctaw entitled to land and services from the Federal Government. Every publicly available census since 1880 has identified Jena Band Choctaw members as full-blooded Choctaw Indians residing in Louisiana.

Through BIA actions during the 1930's, including the provision of services to the band, acknowledgment of the band's eligibility under the Indian Reorganzation Act, and offer of tribal lands to the band, the BIA established Federal recognition of the Jena Band of Choctaws of Louisiana as a separate and distinct Indian tribe.

During the 1930's, the BIA provided appropriated funds to a contract school for the Jena Band. That the Federal Government would provide benefits to the Jena Band clearly indicated Federal recognition of the tribe.

Written correspondence from the Assistant Commissioner of Indian Affairs in 1938 acknowledged the band's eligibility to trust land and services under the Indian Reorganization Act. In addition, the same correspondence offered to relocate the tribe to trust lands in Mississippi where, living on their own lands, the tribe would be eligible for Federal services and benefits. This BIA offer was acknowledgment of the Jena Band's status as an Indian band or tribe.

Unfortunately, Mr. Speaker, the BIA never followed through on any of the promises or commitments it made to the Jena Band. Since no members of the Jena Band were able to read or write English—Choctaw is their native language—they were unable to push the BIA to act.

Had the BIA fulfilled its written commitments to the Jena Band, today the tribe would be living on trust land and receiving a full range of services to which federally recognized Indian tribes are entitled.

This legislation would simply restore to the Jena Band the federally recognized status to which they are entitled.

The Jena Band of Choctaws of Louisiana has long existed as a separate and distinct Indian tribe and has been recognized by the State of Louisiana since 1974. The tribe has maintained a continuous line of leadership and now consists of approximately 152 members of which nearly 60 percent possess one-half or more Choctaw blood quantum.

While current denial of Federal recognition has hampered the tribe's ability to address fully its many serious problems, the Jena Band's leadership has worked tirelessly to improve its social and economic conditions. The Jena Band has received funding from the U.S. Department of Housing and Urban Development to purchase land and construct a tribal center. Since 1978, the Jena Band has received Indian Education funds from the U.S. Department of Education. The Administration for Native Americans has provided funding to the Jena Band for tribal staff, preparation of a 5-year economic plan, development of the tribal constitution, and other projects.

Restoration of Federal recognition of the Jena Band of Choctaw Indians of Louisiana is supported by all of the federally recognized tribes in Louisiana and by the Mississippi Band of Choctaw. In addition, the Governor of Louisiana, the Lieutenant Governor, and the attorney general all support reinstatement of the Jena Band's status as a federally recognized tribe. The Louisiana State Legislature has passed a resolution supporting the tribe's efforts.

Before I close, Mr. Speaker, I believe it is important to address the concerns of some Members who argue that Congress should not be in the business of recognizing new Indian tribes. While it is true that BIA has regulations and an administrative procedure governing initial Federal recognition of an Indian tribe, those regulations do not apply to a tribe, such as the Jena Band, which has been previously recognized.

The BIA does not maintain standards or procedures for determining whether an Indian tribe has been previously recognized. In the absence of such standards or procedures, the Congress has restored tribes enacting restoration legislation such as that which I am introducing today. It is therefore not only appropriate, but it is also necessary for the Congress to act to restore the Jena Band.

I encourage my colleagues to support this legislation. As the Senate Select Committee on Indian Affairs has already acted on similar legislation, I hope the House Committee on Interior and Insular Affairs will schedule hearings and move this legislation promptly.

CHRISTOPHER COLUMBUS ALSO LANDED IN PUERTO RICO

HON. JAIME B. FUSTER

OF PUERTO RICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 22, 1991

Mr. FUSTER. Mr. Speaker, I rise today not to oppose the thrust of H.R. 2927, which would establish the St. Croix Historical Park and Ecological Preserve in the Virgin Islands, but only to point out that some language in the bill asserts—erroneously, in my view—that St. Croix was the only known place under the United States flag that Christopher Columbus landed on his second trip. We in Puerto Rico have always been taught—correctly, in my view—that Columbus also landed on our island, although the exact spot is in some dispute.

Mr. Speaker, H.R. 2927, which is offered by my good friend, the gentleman from the Virgin Islands, Mr. DE LUGO, has admirable goals in general, and I support the establishment of a park in St. Croix. But I could not in good conscience sign on to the bill, and the reason is exclusively that of the reference to Christopher Columbus. I believe there is now strong and compelling evidence, from Columbus himself, to support my contention that Columbus did, in fact, land in Puerto Rico. Moreover, there is new scholarship which suggests that Columbus may not have landed in the Virgin Islands at all, although he was in the area. But it is not my intention to pursue that point.

I now understand that, recently in Spain, a letter from Columbus to the then King and Queen of Spain was found, and deposited in the official Archives—which describes Columbus' second trip to the New World. Up to this moment, the history of Columbus' second voyage was dependent upon what others had written, including the well-known Harvard historian, Professor Morrison. But even so, such histories never really verified that Columbus had actually set foot in St. Croix, only that his vessels had arrived off St. Croix. Indeed, there is debate as to whether his vessels arrived at St. Croix or St. Martin or Anguilla.

But the arrival of Columbus in Puerto Rico has never been debated—only exactly where that arrival was. Indeed, it is now clear, in Columbus' own hand, that he sailed along the north coast of Puerto Rico, not the south coast, as earlier historians have written, and that his landing was probably at what is now Aguada or Aguadilla on the north coast of Puerto Rico. There is now much new scholarship to support that.

Thus, Mr. Speaker, I only bring this matter to the attention of my colleagues to set the historical record straight. Otherwise, I have no quarrel with Mr. de LUGO's bill to establish such a park in St. Croix.

TRIBUTE TO YELLOW FREIGHT DRIVERS BASED IN MAYBROOK, NEW YORK

HON. HAMILTON FISH, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 22, 1991

Mr. FISH. Mr. Speaker, It is with great pride that I rise today to honor the hard-working men and women of Yellow Freight System's Maybrook Operation, which is located in my district. Recently, these drivers surpassed 5 million consecutive miles without a single accident!

Four hundred seventeen truck drivers, based in Maybrook, NY, accomplished this remarkable feat while driving in some of the most demanding conditions in the United States from the standpoints of heavy traffic, adverse weather, and road construction. Negotiating traffic in and around New York City, northern New Jersey, Greater Boston, Hartford, and other heavily traveled corridors of the Northeastern Seaboard, calls for a high degree of driver professionalism. This splendid example of truck driving competency is deserving of our recognition and praise.

Nationwide, Yellow Freight's approximately 6,500 road drivers operate 3,782 road tractors across the United States, in several Canadian provinces and into Mexico. Over-the-road mileage in 1990 was 633,957,100. According to the Department of Transportation, Yellow Freight's 1991 year-to-date accident frequency record is a low .41 accident per million miles traveled by the entire fleet, compared to a national accident frequency figure of 1.10 per million miles traveled.

It is my pleasure to bring this achievement to the attention of the House of Representatives and I wish to commend Yellow Freight System and its drivers for their ongoing commitment to highway safety.

H.R. 3596, THE CONSUMER CREDIT REPORTING REFORM ACT OF 1991

HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 22, 1991

Mr. TORRES. Mr. Speaker, today I am introducing legislation to amend the Fair Credit Reporting Act of 1970, a law that has been on the books for more than 20 years. It is a law that was enacted to ensure that our Nation's consumer reporting system functioned fairly, accurately, and without undue intrusion into the consumer's privacy. And for many years this law served our Nation well.

During this period, millions of consumers were provided necessary credit, while banks and merchants avoided unwarranted risks. But the Nation has changed dramatically over the past 20 years and so has the consumer reporting industry.

No longer are consumer reports filed in manilla envelopes and stored in metal file cabinets. In this age of lightening-fast computers, billions of bytes of detailed information about consumers are retrieved and stored with keystrokes in static-free, temperature-controlled vaults.

Under current law, the lives of consumers are an open book. Sensitive personal and financial data is bought and sold without regard to privacy; consumer reports are riddled with errors, resulting in denial of credit, insurance, and employment; and the system to correct errors is time-consuming and unresponsive to the consumer's needs.

Clearly, it is time to update and strengthen the Fair Credit Reporting Act of 1970. The bill I am introducing today will do just that.

The Consumer Credit Reporting Reform Act of 1991 is designed to improve the accuracy and privacy of the consumer reporting system by: increasing the consumer's access to consumer reports; speeding up and reforming the process for disputing inaccurate or incomplete information; and by increasing the responsibilities of credit reporting agencies, users and furnishers of information to assure accuracy and privacy of consumer reports. And for those who do not carry out their responsibilities, civil liability penalties will be imposed for such failure.

Mr. Speaker, the consumer reporting system is in drastic need of reform. I urge my colleagues to join me in making sure that this reform is achieved by supporting the Consumer Credit Reporting Reform Act of 1991.

THE LONG ISLAND COMMUNITY SPECIAL FOOD DRIVE

HON. GEORGE J. HOCHBRUECKNER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 22, 1991

Mr. HOCHBRUECKNER. Mr. Speaker, I stand before you today to commend the efforts of the national Association of Letter Carriers [NALC], the AFL–CIO, the U.S. Postal Service, the United Way of Long Island and the many letter carriers on Long Island who are volunteering their time for a 10 city food drive on October 26.

This year, the NALC is ambitiously sponsoring a single day food drive in 10 cities throughout the United States. I am proud to say that three towns in my district will be participating in this exciting project to collect food for the Long Island Cares food bank. This pilot project, which will set a precedent for a nationwide single day food drive, was patterned after a successful program in Phoenix, AZ. Earlier this year, the food drive in Phoenix collected 60 tons of nonperishable food in a single day. Other cities that will conduct food drives on October 26 are: Louisville, KY, San Antonio, TX, Columbus, OH, Dallas, TX, Jacksonville, FL, Peoria, TX, Harrisburg, PA, San Jose, CA, and Portland, OR.

Participating cities will ask patrons of this program to leave nonperishable foods next to their mail receptacle. The letter carriers of Local 6000 will voluntarily pick up the food on their route. I urge all of my constituents in Smithtown, Hauppauge, and Medford to participate in this program. I wish Nick D'Avanzo and Joe La Placa and all the letter carriers of Local 6000 the best of luck with their efforts to collect food for Long Island Cares. We should all take notice of the initiative of this group of organizations to help our neighbors who are unable to help themselves because of the economic pressures of today. I congratulate the National Association of Letter Carriers for their valiant efforts to help feed the hungry.

RETIREMENT TRIBUTE TO JOE WRIGHT

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 22, 1991

Mr. NEAL of Massachusetts. Mr. Speaker, I take this opportunity to offer a few words of tribute on behalf of one of the Pioneer Valley's most distinguished citizens, Mr. Joseph Wright. On the occasion of his retirement after 35 years of employment at Waldbaum's Foodmart, I think it is entirely fitting that I take a moment to acknowledge the many contributions that Joe has made to Holyoke and the surrounding communities.

Joe Wright is one of the most generous and caring men whom I have ever had the privilege of knowing. He is a classic example of a hardworking man who never forgot where he came from or how he got where he is today. It seems that Joe knows everyone, and everyone knows Joe. It is a point of pride that he never forgets a name, whether he met you last week or 20 years ago, and that says something about the kind of man Joe Wright really is. He cares, and he proves this every day with the attitude that he brings to his work, as well as with his active involvement in a remarkable array of civic and business organizations.

The list of organizations and individuals who have benefitted from Joe's involvement seems endless. Joe Wright always makes the extra effort to help out friends, neighbors, and even complete strangers. He helped to incorporate Holyoke Hospital and has been active in its development and expansion over the past 25 years. Never one to play favorites, he has been an energetic supporter of both the Western Massachusetts Girl Scout Council and of Holyoke Boy Scout Troop No. 670.

Although Joe has always been willing to lend a hand to anyone in need, some of his most important contributions have been made to the United Way organizations in the area. He has served several terms as both chairman and president of the United Way of Holyoke-Granby-South Hadley, as well as serving as a trustee and member of the Long Range Planning Committee of the Pioneer Valley United Way for the past 10 years.

In addition, Joe has always played a very active role in the conduct of government and local business in his hometown of Holyoke. He has filled a variety of positions in the Holyoke Chamber of Congress since the late 1950's, including the director and vice president. Joe also served as the chairman of the Holyoke Personnel Board, as well as commissioner and chairman of the board of public works in that city.

He has been a valuable asset to the Foodmart family since joining the company in 1956 and, although he has earned his rest, I know that they will greatly miss his cheerful and outgoing daily presence, as well as his professional expertise. Joe Wright has been an exemplary Foodmart employee, working his way up from assistant director of personnel to his present position of senior vice president, a title which he has held since 1972. He has served as a solid and dependable leader within the company, weathering tough times and always going the extra mile to find workable solutions to all kinds of situations for the past 35 years. His diligence and his commitment, expressed here and in all aspects of his life, are to be commended.

The people of Holyoke are fortunate to have an outstanding citizen like Joe Wright in their midst. He has touched thousands of lives through his unending generosity and his genuine concern for the well-being and happiness of those around him. He has given so much to us, and we are glad to be able to offer tribute to him as he begins a new chapter in his life. Joe and his lovely wife, Angela, are undoubtedly looking forward to the somewhat more relaxed pace of retirement. Knowing Joe, however, he probably has a few projects already lined up and waiting to be tackled with his trademark zeal. I know that you will join me in commending Joe Wright on his remarkable achievements and wishing him continued success and happiness in the future.

RAMONA YOUNG: CHAMPION FOR THE PEOPLE

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 22, 1991

Mr. PALLONE. Mr. Speaker, the Greater Red Bank, NJ, Chapter of the National Association for the Advancement of Colored People, at its recent 36th anniversary awards dinner, presented its annual president's award to Ms. Ramona J. Young, who was praised as a true "Champion of the People."

Mr. Speaker, Ramona Young is one of the rare members of the community who can always be counted on to take a stand, to speak up and speak out, to put in the time and do the work—to make a difference. Working both behind the scenes and in the public eye, Ms. Young has contributed to improving the lives of many in the community, particularly the young people to whom she has devoted so much effort as a staunch proponent of improved public education.

Ramona Young was born in Harlem, NY, and moved to Red Bank at an early age. Growing up in a family with many siblings, she was an admirer of the late Katharine Elkus White, the first woman mayor of the Borough of Red Bank, and she has maintained an interest in the political process ever since. In her first bid for elective office, the 1986 Red Bank Board of Education elections, she emerged as the top vote-getter in a crowded field of candidates, and she served with distinction.

Ms. Young has been a member of the Red Bank NAACP for more than 10 years, and has served on the executive and crisis intervention committees. In 1984, she played a major role in coordinating a reception on behalf of the Rev. Jesse Jackson, in his first Presidential campaign, which attracted an ethnically diverse group of Democrats and Republicans. More recently, she was appointed to a 3-year term on the zoning board of adjustment.

Ms. Young has worked in State government in New Jersey for the past 15 years, championing the needs of citizens caught up in bureaucratic redtape and fighting for the rights of the mentally ill. She has also been a member of the National Association of Negro Business and Professional Women's Clubs, Inc., Central Jersey Chapter; New Jersey Black Issues Convention; New Jersey Black Administrators Network; and the Red Bank Pop Warner Club.

The mother of a son now at college, Terence, Ramona Young draws strength from her deep religious faith, saying, "To God be the Glory—He is not through with me yet."

CONTINUED POLITICIZATION OF THE IRAN-CONTRA AFFAIR

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 22, 1991

Mr. BURTON of Indiana. Mr. Speaker, I would like to commend to the attention of my colleagues this excellent article by Raul Fernandez which appeared last week in the Washington Times. The article really puts into proper perspective the continuing revelations about the Iran-Contra affair and its continued politicization:

[From the Washington Times, Oct. 14, 1991]

NOT EAGER TO HEAR WHAT WAS HEARD?

Faced with the certainty of years of legal terrorism and thousands of dollars in legal bills defending himself against Prosecutor Lawrence Walsh, former Assistant Secretary of State Elliott Abrams plea bargained to two misdemeanor counts of withholding Iran-Contra-related information from Congress.

One must remember, however, that this was a Congress that was changing U.S. law on aid to the Contras faster than the seasons change in Washington; a Congress that was playing "Simon says" with thousands of young freedom fighters who were putting their lives on the line for a free and democratic Nicaragua.

As Mr. Walsh prepares to shut down his five-year investigation, a House task force has been named by the Democratic leadership to investigate the so-called "October Surprise," a supposed plot by which Reagan-Bush campaign aides managed to convince the Iranian leadership to delay the release of American hostages until about an hour after Ronald Reagan was sworn in as president. New allegations from former Carter administration National Security Council aide Gary Sick renewed the congressional interest.

But as the panel members for this "October Surprise" task force were being named, Sen. David Boren, Oklahoma Democrat, dismissed the testimony of another former intelligence official who, under oath, disclosed that Democratic members of the House were engaged in questionable dealings with the Sandinista junta ruling Nicaragua in the 1980s.

In recent testimony before the Senate Intelligence Committee, Alan Fiers, former head of the CIA's Central American Task Force (and another "two misdemeanor" catch for Mr. Walsh), testified that, in the process of monitoring Sandinista communications, the CIA had intercepted conversations between several members of Congress and the "comandantes" in Managua.

The communications in question were in the form of congressmen and their staff giving the Sandinista, PR tips and strategy suggestions on how to subvert President Reagan's foreign policy agenda in Central America. The former and present members of Congress whose judgment and actions need to be reviewed include former House Speaker Jim Wright of Texas, former Rep. Michael Barnes of Maryland and current House Whip David Bonior of Michigan.

There is clearly a double standard at play when allegations against Republican officials are taken seriously and immediately investigated, while equally serious actions by former and current Democratic congressmen are dismissed without a thought. While the president of the United States was going through the appropriate channel of publicly requesting appropriations from Congress for the Contras, ranking Democrats with access and knowledge of U.S. intelligence were giving back-room advice to the leaders of a communist country openly aggressive to the United States and its interests (democracy, free elections and peace) in the region. All the members involved were outspoken critics of the president's policy and all had the opportunity to oppose the president's policy on the floor of the House.

There is nothing wrong with opposing the administration's position on a foreign or domestic matter, but it's another issue entirely if those members used their access to classified information to advance the cause of the totalitarian government that was in power in Nicaragua at the time.

Congressional access to classified information is both a right and a privilege. Following Mr. Fiers' testimony, the use of that privilege is clearly in question, and the American public deserves to know if any laws were broken by lawmakers obsessed with handing Mr. Reagan a foreign policy defeat. Questions need to be asked: What did the Sandinista PR squad on Capitol Hill know? When did they know it? And which "comandante" did they tell it to?

Elliott Abrams and his former colleagues have answered their share of questions, and it's time for all Democrats implicated by Mr. Fiers to do the same. The principles and the law guiding the integrity and sensitive nature of classified information are too serious to be left uninvestigated.

TRIBUTE TO LOUIS McBRIDE ALABAMA'S SECONDARY SCHOOL PRINCIPAL OF THE YEAR

HON. BUD CRAMER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 22, 1991

Mr. CRAMER. Mr. Speaker, I rise to pay a most fitting tribute to Louis McBride of Scottsboro, AL, who is honored as Alabama's Secondary School Principal of the Year for 1991.

Mr. McBride has devoted 23 years of service to our youngsters in Alabama. As a teacher and a principal, he has challenged his students in the classroom and motivated them to achieve their full potential. This educational leader has also worked to reduce the dropout rate and keep students in school. He has helped teenage mothers attend school by providing them with day care services for their children. He has also implemented in school G.E.D. programs for students who are behind at least two grade levels.

Louis McBride knows the importance of an education. He has worked and continues to work to improve our schools and education in Alabama. The national number of high school dropouts is reaching almost 4 million students between 16 and 24 years old. We need more uplifting professionals like Mr. McBride if we are ever going to decrease these figures.

I commend Mr. McBride for his innovating efforts to teach children, to stimulate them, and to inspire them to become productive citizens and outstanding leaders. We need more Louis McBrides today to cultivate America's next generation.

JOINT RESOLUTION COMMEMORATING THE DISTRICT OF COLUMBIA'S 200TH ANNIVERSARY

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, October 22, 1991

Ms. NORTON. Mr. Speaker, today I join with my colleagues Congressman THOMAS J. BLILEY, Jr., ranking minority member of the House District Committee and the lead sponsor, Congressman RONALD DELLUMS, chair of the House District Committee and with other thoughtful colleagues in sponsoring a joint resolution commemorating the 200th anniversary of the District of Columbia and setting aside December 1991 as "District of Columbia Bicentennial Month."

I greatly appreciate Mr. BLILEY's generous initiative. This resolution is in keeping with the bipartisan spirit that has surrounded the District's legislation this session and that Mr. BLILEY has generously fostered.

This resolution and the bicentennial itself are not merely celebratory. The commemoration helps to enhance the reputation of the Nation's Capital and of hometown Washington, DC, at a time of both struggle and renewal for this city. As our colleagues thoughtfully and graciously recognize us, may they also sue this 200th year to increase our political independence and democratic parity with other districts.

TRIBUTE TO ARTHUR GOLDSTEIN

HON. ROBERT J. MRAZEK

OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Tuesday, October 22, 1991

Mr. MRAZEK. Mr. Speaker, I rise today to pay tribute to Arthur Goldstein of Huntington, NY. I have known Arthur for over 20 years and join the Townwide Fund of Huntington in honoring him on October 24, 1991. Arthur is a well known and well respected attorney, having practiced in our hometown since 1964. In addition, his unselfish commitment to our Huntington community has been and continues to be highly visible—witness his long-standing service to numerous organizations and charities over the years.

Mr. Speaker, as 1991 Man of the Year, Arthur Goldstein truly lives with a strong sense of community and neighborhood commitment. In addition to serving on the boards of various organizations, he has also donated his legal services to these charities. Arthur was a director of the Huntington YMCA at its inception, a member of the Huntington Chamber of Commerce, secretary of the Gurwin Jewish Geriatric Center and a trustee of the Heckscher Art Museum.

Mr. Speaker, it is with great pride that I join with Arthur's wife Judie, their wonderful children, his friend and partner, Peter Rubinton, and the citizens of Huntington to say thank you to a terrific citizen.

EULOGY FOR LAWRENCE SPEISER

HON. PATSY T. MINK

OF HAWAII
IN THE HOUSE OF REPRESENTATIVES
Tuesday, October 22, 1991

Mrs. MINK. Mr. Speaker, I rise today to recognize and celebrate the life of Laurence Speiser, who died August 30, 1991. Larry's entire life was a testament to the idea that individuals have rights and freedoms. Now I would like this body to pause and reflect on the services of a great American.

Dedicated to civil rights and civil liberties, Larry was one of the finest attorneys this country has ever seen. The bulk of his career was spent as the head of the Northern California American Civil Liberties Union and then the Washington, DC ACLU. He successfully brought a case that outlawed the poll tax in Virginia. In another landmark case he helped to abolish compulsory chapel attendance at U.S. Military Academies. Before the Supreme Court he argued successfully that a Maryland law requiring State officials to take a religious oath was unconstitutional. Larry challenged the State of California which required veterans to sign loyalty oaths before receiving special tax exemptions. In this case, Speiser versus Randall, he was successful before the U.S. Supreme Court. Justice William J. Brennan wrote for a 7 to 1 majority that by requiring veterans to take a loyalty oath, the State violated their right to due process.

Larry also represented witnesses called before the House Un-American Activities Committee. He always stood up for personal freedoms no matter how unpopular it might make him.

As a lobbyist, Larry made frequent appearances to promote his causes. He supported bail reform, civil rights legislation, and curbs on wiretapping by Government agencies. Constantly, Larry cast a wary eye at anyone who wanted to take away civil liberties for the ostensible purpose of helping national security.

Larry was elected to the board of governors of the Unified D.C. Bar, and he was a former chairman of the American Bar Association's committee on rights of the accused and the public. In every place he served—the ACLU, the Senate Subcommittee on Juvenile Justice, or private practice—he served with zest and distinction. Now he serves us no more, but his past victories will aid the cause of human freedom for generations to come. A part of 20th century history will be written about the battles Larry waged, and I believe history will portray him as a hero.

I would like to express my love and sympathies to those who loved Larry the most, his family. He is survived by Lane Speiser, his wife of 42 years; Zane Speiser, his brother; and Amy, Terry, and Matt Speiser, his children.

TRIBUTE TO CECIL HYDE

HON. DAVE CAMP

OF MICHIGAN
IN THE HOUSE OF REPRESENTATIVES
Tuesday, October 22, 1991

Mr. CAMP. Mr. Speaker, it is with great pleasure that I rise today to recognize a fine individual for his recent recognition by the Ogemaw County Veterans Alliance as the Veteran of the Year.

Mr. Cecil Hyde served our country during the Korean war and has continued to be a dedicated citizen ever since. in 1954 he became a member of the American Legion Post 103 in West Branch, MI.

He and his wife live in West Branch and are active in many civic organizations. Mr. Hyde has distinguished himself in many ways, especially in the Boy Scouts and Muscular Dystrophy associations.

The Veterans Alliance of Ogemaw County is an umbrella group that represents all veterans in Ogemaw County. The Veteran of the Year award is considered their highest honor.

Mr. Hyde is truly a fine citizen and an asset to the people of Ogemaw County. Mr. Speaker, I know that you will join me in commending this outstanding individual.

A FRANCO-GERMAN ARMY: A THREAT TO THE NORTH-ATLANTIC ALLIANCE?

HON. DOUG BEREUTER

OF NEBRASKA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, October 22, 1991

Mr. BEREUTER. Mr. Speaker, during the last week there has been much discussion and considerable concern among those individuals and organizations interested in West European security and the North Atlantic Alliance. It has been prompted by a Franco-German proposal to boost its infant joint military brigade in size to become a separate multidivision West European Army.

The following opinion article by Leslie H. Gelb printed in the October 20, 1991, edition of the New York Times is an excellent analysis of the motivation for this initiative. As Gelb indicates, some Europeans, especially the French and some German political leaders posit that "a uniting Western Europe must establish a stronger security identify." The rationale for that argument seems to be that reaching complete economic union through the European Community and attaining the now enunciated complementary goal of political union inherently includes an independent security policy among West European nations. Of course, the advocates presume this would require, as Gelb notes, that this new West European Army, perhaps theoretically as a part of the rejuvenated Western European Union since some European Community countries are neutral, would report to the European Community—not to NATO as its integral European pillar.

This Member would necessarily be a bit more discreet than Gelb in suggesting that this effort to disconnect a European defense pillar from NATO is a part of a continuing French strategy to reduce American influence in Europe. However, the Franco-German proposal is admittedly also consistent with Paris' grand plan for creating a federalized Europe through a strong multifaceted European Community and their alleged objective to replace American defense leadership in Europe without retreating from their position of nonparticipation in the NATO integrated military command.

One of the suspected major reasons for the French drive to deepen EC integration is their worry about a resurgent Germany, as suggested most recently by an article in the October 12–18, 1991, edition of the Economist, entitled, "The German Question." Destroying NATO by encouraging an isolationist or retreat-to-our-shores-and-problems attitude among Americans is surely short sightedness by the French in their effort to create a counterbalance to a stronger, more assertive Germany. Despite some occasional citizen protests and natural irritations with the impacts of all that military manpower and equipment on their soil, the Germans clearly want American troops to stay and be intimately involved in the security arrangements of Western Europe. The French should want it, too, for the good of Europe and the larger transatlantic relationships, but also to ease their old fear about German domination.

Yesterday this Member and other Members of the House serving in the American delegation to the Thirty-Seventh Annual Session of the North Atlantic Assembly, meeting in Madrid, Spain, heard the Secretary General of NATO, Mr. Manfred Worner, reiterate the conclusion of the NATO foreign ministers' Copenhagen meeting: "NATO is the alliance for the security and defense of its members in Europe and North America." He suggested to the Assembly that the complementary role of any European security and defense organization that might be created would be as follows:

> [1] To co-ordinate European views in preparation of Alliance consultation and decision-making;
>
> [2] To form the core of the European pillar inside NATO, avoiding marginalisation of any European member country of our Alliance; [and]
>
> [3] To act military in cases where NATO does not act, i.e., outside of area.

Indirectly, but in obvious fashion, Secretary General Worner addressed the Franco-German army proposal of this final paragraph in his formal, distributed remarks:

> It would not make practical sense, nor would it be in conformity with the Copenhagen Agreement, to create an additional independent European force for the defense of alliance territory, but it could and would make sense to foresee such a force for use by the Western European Union in cases where NATO does not or cannot act. In such cases I could even imagine that NATO could lend its material support or assign some of its European forces to be used under the responsibility of Western European Union. Since the German-French proposal leaves the question of the mission and area of employment of its proposed European force open, it needs further clarification. That was the general feeling at our NPG [Nuclear Planning Group] meeting in Taormina, Italy.

It may well be that Mr. Gelb is right in suggesting that President George Bush, and President Mitterrand and Chancellor Kohl too, do not take the proposal for a French-Germany army too seriously or at least want to avoid frontal assaults on the idea. However, it is clear to this Member, and it was obviously clear to the great majority of NATO-country parliamentarians gathered in Madrid, that such a proposal is not the European pillar within NATO that the United States and its allies have advocated since the time when it became obvious that the United States would reduce its presence and share of the defense burden in Western Europe.

Despite European fears or expectations to the contrary, neither the American Government nor Congress has either resisted the creation of a European pillar for NATO or attempted to dictate its characteristics. On the contrary, the United States has encouraged a European pillar for NATO of substantial but unspecified composition. However, if the North Atlantic Treaty Organization is to remain a viable vehicle for American involvement in this Atlantic alliance to provide for European security, the European pillar must at least be located within the NATO house. The last time this Member checked, the European Community has no plans to invite the United States or Canada to become members.

Mr. Speaker, the following article by Leslie H. Gelb is recommended by this Member to his colleagues in its entirety:

IN THE END, ONLY NATO CAN GUARD EUROPE'S DOOR

(By Leslie H. Gelb)

NEW YORK.—France and Germany presented their allies with an unexpected and intriguing proposition last week. Either it means something, nor nothing. Whichever, it will have far-reaching repercussions for the future of NATO, West European unity and America's voice in Europe.

The idea advanced by the French and Germans is to enlarge their existing joint military brigade as a step toward creating a separate West European army. They propose to house this force under an energized Western European Union, comprised of nine members of the 12-member European Community. Most importantly, the Western European Union would report to the EC and not to NATO, where American power holds sway.

If this diplomatic verbiage is real, it would boost efforts for a united Western Europe with a common foreign and defense policy—and would be the beginning of a premature end for NATO. If this is the usual European security blather, NATO and the United States will continue to lead in Europe—and full West European integration, including defense, will be put off further into the future.

Faceless institutions are boring. But NATO, like many, represents the most profound power. which is why President François Mitterrand of France, Chancellor Helmut Kohl of Germany and President Bush have told their diplomats to wink at the French-German initiative and avoid frontal assaults—for now.

Paris, as always, wants to reduce American influence in Europe. Bonn does not; but as Germans push for West European unity, it will have the effect desired by the French. In any event, both insist that their initiative is fully in keeping with agreed NATO declarations on developing a European security identity.

More, both say it is essential for West European integration. They argue that they cannot reach complete economic unity without political unity, and that political unity requires an independent European defense posture. Besides, both see an inevitable decreasing American presence in Europe with the passing of the Cold War and therefore less of a security role for NATO as well.

The United States has always supported the drive toward West European unity, but maintains that it can and must proceed without any diminution in NATO's role and authority. Washington says NATO policy calls for a West European military identity midway between NATO and the European Community, not one attached to Europe alone. Otherwise, U.S. power will be diminished in Europe far too soon, something no one wants—not West or East Europeans, not the Soviet republics, not anyone save Paris.

Bush administration officials believe France is isolated. They also expect the Germans, as is their pattern, to start backpedaling on the military proposal as soon as they see the reaction on the Continent. Meantime, the administration knows it can count on the British to slash away at the French-German proposal, so no need to haul out American guns. No one is more devoted to NATO and the United States than London, and no one less eager for full West European unity.

Stripping aside the diplomatic niceties, the issue comes down to this: The French and some Germans believe a uniting Western Europe must establish a stronger security identity, even at the expense of NATO and the United States. Washington believes it is essential to preserve a dominant role for NATO and America until Europe is truly prepared to step in, even with risks for West European unity.

Washington has the much stronger case, for reasons the French and others prefer to ignore. Europe is not ready for a diminished NATO. Despite its rhetoric, France will not abandon its independent military identity. Tellingly, Europeans could not get their act together to stop the fighting in Yugoslavia. Most importantly, everyone fears a power vacuum that can be filled only by Germany, however reluctant Germans may be.

And when all the dust settles in the East, the Soviet Union or Russia or several of the largest republics will still have significant military power. Even if all turn'out to be benign, Europe will not wish to rely on their goodwill.

For Soviet republics, for Germans and for all, NATO remains the only group on the horizon that can keep the door closed to renewed militarism and saber-rattling. Only with a strong NATO can Europeans and Americans have the quiet to concentrate on solving their other growing woes.

YOU'RE NEVER TOO OLD TO LEARN

HON. GEORGE (BUDDY) DARDEN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 22, 1991

Mr. DARDEN. Mr. Speaker, the saying "you're never too old to learn" has significant meaning today for two special people in Walker County, GA.

At graduation ceremonies at Walker Technical Institute this evening, Lois Sprayberry, 74, and Jeanette Pettigrew, 78, will be receiving Graduate Equivalency Diploma [G.E.D.] certificates from Walker Technical Institute.

Mrs. Sprayberry worked in the weaving department at Riegel Textile Corporation in Walker County from 1946 to 1979. After retirement, she spent much of her time at home gardening and caring for her husband. After his death, she made the decision to return to school to complete her education.

Mrs. Pettigrew reared seven children, all of whom excelled academically in high school. Several went on to complete their college studies. Mrs. Pettigrew said she always realized the importance of an education, and spent many hours in self-education. She plans to pursue her education further.

Mr. Speaker, education is a critical aspect at each level of our society—locally, nationally, and internationally. Without education, we simply cannot continue to prosper as a nation. Today I rise to commend Mrs. Sprayberry and Mrs. Pettigrew on their courage and commitment to furthering their education, and hope that their stories will encourage others to do the same.

AMERICA, A HAVEN OF OPPORTUNITY

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 22, 1991

Mr. BURTON of Indiana. Mr. Speaker, America is still a haven of opportunity for millions around the world, just as it always has been. I think that many of us have a tendency to take our freedom for granted, and we would do well to listen to our present-day immigrants who are so inspired by America's ideals, just as our own forebearers were.

Last week the Washington Post carried an interview with Roger Jantio, an American citizen who came here from Cameroon. Roger's story and his enthusiasm for American freedom are moving indeed.

[From the Washington Post, Oct. 14, 1991]

LIVING THE DREAM IN AMERICA: IMMIGRANTS FIND SUCCESS IN BUSINESS—AT A PRICE

(By Mohammed Hanif)

This is the stuff American dreams are made of.

Cameroon-born Roger Jantio, the managing director of Washington-based Sterling International Group Inc., has combined his background, his education and his professional experience to launch an American company that does business with Africa, the continent of his origin.

Jantio, 32, got his graduate degrees in finance and economics in France and his MBA from Harvard Business School. He worked as an international management consultant with New York-based J.E. Austin Associates Inc. and later as assistant vice president, at Meridien International Bank in New York.

His year-old company, which has five employees, aims to provide financial advisory services to African governments, international organizations and corporations working in Africa.

Sterling already has won some lucrative contracts from the U.S. Agency for International Development and a United Nations program to restructure financial systems in some African countries. Sterling is also involved in financing some existing as well as new ventures in Africa, including gold mining in Ghana.

"I'd worked as an international management consultant as well as an investment banker . . . and of course I come from Africa," Jantio said. "Our company draws on all these experiences."

Jantio found an unusual way to raise the $1.5 million that he needed to start the company.

"There are lots of Africans who don't keep their money in African banks because of political instability," he said. "in my previous jobs, I'd traveled extensively in Africa and I knew some of these people. I convinced them to invest in the company." He also persuaded some Americans and Europeans who had business interests in Africa to invest.

The way Jantio raised his capital means he gives up some control. "If I want to go for an acquisition I need the approval of 60 percent of the partners, but I'm free to run the day-to-day operations," he said.

When Jantio started his company, he had already decided that he was not going to apply for the U.S. Small Business Administration's 8(a) minority business program, which gives small minority-owned firms advantages in competing for federal contracts, "it doesn't help in the long run. Maybe it does help in the short run, but what if you are not ready to fight when your minority status finishes? I don't want that kind of protection," Jantio said.

"And nobody is going to come with a spoon and feed you a contract just because you are a minority business. American business is all about competition. You learn, you grow . . . I'm not the person I was 6 months ago."

And is this competition fair? Does it have to be fair?

Jantio was reluctant to discuss the relationship between his being an immigrant and his business. But finally he spoke.

"Yes, there are some stupid people who don't accept you when you have a different accent. But I was raised on the values of hard work and fairness. The only way of dealing with these stupid people is to prove them wrong by succeeding.

"I don't want to sound like Clarence Thomas, but if your accent is a hurdle in your way . . . do something about it, maybe change it," Jantio said.

"But when all is said and done, there is no better place for the immigrants. And I'm saying it after I have seen a lot of the world."

TRIBUTE TO THE STAFF OF THE HUNTSVILLE VETERANS' ADMINISTRATION OUTPATIENT CLINIC

HON. BUD CRAMER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 22, 1991

Mr. CRAMER. Mr. Speaker, I would like to recognize the staff of the Department of Veterans' Affairs Medical Clinic in Huntsville, AL, for their kindness, understanding, helpfulness, and eager support to all VA patients they serve.

These staff members are outstanding representatives of the Veterans' Administration health care. Each staffer has exhibited an unselfish devotion to the VA patients. The DVA in Huntsville carries an exceptionally heavy patient load, but these staffers always find the time to help patients with unusual or sudden problems. This staff works together as a dedicated, highly trained health care team and deserves to be recognized for its work.

The clinic in Huntsville is operated under the auspices of the Veterans' Administration Medical Center in Birmingham, AL, at the University of Alabama at Huntsville Medical School adjunct facility. The full-time staff members are as follows:

Joseph Musick, M.D., medical director.
Gordon Dorris, M.D., internal medicine.
Sandra Dodd, R.N., nurse coordinator.
Tina Worchester, registered nurse.
Dorothy Vizzier, registered nurse.
Judy Sommer, administrative officer.
Betty Carden, patient services coordinator.
Dawn Keenan, medical records clerk.
Jeff Marable, medical clerk.
Diane Friday, medical clerk.
Jackie Shelton, secretary.
Bonita Crabtree, supply clerk.

I appreciate the care and services these staffers provide to veterans throughout north Alabama.

OFFICER JAMES THOMAS (TINY) MARTIN

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 22, 1991

Mr. MICHEL. Mr. Speaker, working in the U.S. Capitol Building, we view its majestic pillars, its classic architecture, and are impressed with its history on a daily basis.

Perhaps less symbolic, but equally as important, are those individuals who through years of dedicated service, contribute to its history and provide the foundation that ensures the safety and care of this "People's House."

Retiring after 22 years, Officer James Thomas "Tiny" Martin is such an individual.

Officer Martin, a native of South Carolina, joined the U.S. Air Force in 1948. His tour in the Air Force included service in Japan and Hawaii, and a 19-year tenure as a firefighter. Upon his retirement in 1969, Officer Martin became a member of our Capitol Police Force, where he has served with great dedication. I remember his years of service, especially at the east front of the Capitol Building.

Mr. Speaker, I am sure that my colleagues join me in wishing Officer Martin well and congratulating him on his retirement. Our Capitol just won't be the same.

THE MINORAH HOME AND HOSPITAL

HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 22, 1991

Mr. SCHUMER. Mr. Speaker, I rise today in honor of the Menorah Home and Hospital for the Aged and Infirm in Brooklyn, NY.

Chartered in 1912, Menorah was founded to serve those aged who had no families and no resources. Today, of course, the quality care which Menorah offers attracts residents of all social and economic backgrounds, with and without families. Throughout the years, Menorah has continued to expand and diversify its services. With the help of private and public funding, Menorah has been able to open a psychiatric clinic, a speech and hearing clinic, an auditorium, and numerous recreational facilities.

Menorah stands as a shining example of how an institution can succeed in improving the quality of life for so many senior citizens over the years, and I want to commend them on their efforts.

This year, Menorah is celebrating 79 years of providing quality care to the elderly. The guests of honor will be the residents of Menorah, with special honors being given to those residents 100 years or older:

Lena Baker (102), Anna Blum (103), Violet Herschman (101), Nettie Solomonowitz (100), Lee Witzer (103), and Nellie Franculli (104).

I congratulate these and the rest of the residents at Menorah, and I wish everyone continued health and happiness.

THIRTY-SEVEN MILLION AMERICANS HAVE NO HEALTH INSURANCE

HON. PETER H. KOSTMAYER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 22, 1991

Mr. KOSTMAYER. Mr. Speaker, today over 37 million Americans have no health insurance. Throughout the country others are struggling to pay for the increasing cost of health coverage. Yet the U.S. Congress has taken little action to contain health care costs and provide coverage to those who desperately need it. Perhaps the reason for this inactivity is because we, in the House of Representatives, not only receive a generous health insurance package, we are availed the service of the attending physician free of charge.

When a Member of Congress gets sick, they do not have to sit in a waiting room, or deal with medical bills, or insurance forms. Instead they may simply showup at the office of the attending physician in the U.S. Capitol and receive free medical care, diagnostic tests, and prescription drugs. With this arrangement, Members need not deal with the cost of copayments and deductibles, nor the complexities of insurance forms. How can we be expected to reform a system which we do not even participate in?

For these reasons I have introduced legislation to prohibit this unnecessary privilege. Members should be allowed to continue to participate in the Federal Employees Health Benefits Plan like any other Federal employee. If a Member wishes to see the participating physician, then that Member should pay for it or have their insurance pay for it.

Only by eliminating this perk will Congress fully realize the true crisis in the care system, and begin to reform it.

IN HONOR OF WILLIAM A. HAZEL

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 22, 1991

Ms. NORTON. Mr. Speaker, on behalf of the residents of the District of Columbia, I wish to recognize the contributions of Mr. William A. Hazel. Although Mr. Hazel is not a resident of the District of Columbia, he has nonetheless contributed to our efforts in this Capitol City to touch the lives of many District families—especially our children.

For more than 8 years, Mr. Hazel has supported the Shaw Community Food project that annually distributes hundreds of Thanksgiving baskets and feeds scores of families on Thanksgiving Day. Mr. Hazel has been responsible for donating over 200 turkeys each year and more than $10,000 to the Shaw Community Center Youth Cultural Experiences project. His efforts have not only fed hundreds of families but have provided learning experiences as well for hundreds of youth through cultural enrichment trips to such historical sights as the Statue of Liberty in New York and the Liberty Bell in Philadelphia.

In addition to being chairman of the board of William A. Hazel, Inc., his own construction company, Mr. Hazel is owner and partner in the Cavalier Land Development Corp. Mr. Hazel's community service commitments include membership on several boards. Among them, Virginia Foundation for Independent Colleges, board of trustees; and the Woodberry Forest School, Orange, VA, board of trustees.

Mr. Hazel is a member of the board of directors of George Mason Bankshares and of the George Mason Bank, Fairfax, VA. Mr. Hazel's work on behalf of the Shaw Community Center projects reflects the caring spirit of many who reside outside the District of Columbia, yet share a genuine concern for the people of this city. We in the District of Columbia salute him as we also thank him.

THE MANAGEMENT CORPS

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 22, 1991

Mr. MARKEY. Mr. Speaker, I rise today to introduce legislation which would establish the Management Corps—a business peace corps for the Baltics and the Republics of the Soviet Union. My colleague Representative AMO HOUGHTON of New York joins me in introducing this practical, results-oriented program that has already been tested and proven effective in bringing American business skills and know-how to Soviet managers and entrepreneurs. Senator ROCKEFELLER today introduced a companion bill in the Senate.

Just this summer, this body voted overwhelmingly to condition any future aid to the Soviet Union on the introduction of genuine competition in the Soviet economy. For the past year, I have been working on a program to bring an understanding of competitive markets to business managers and entrepreneurs in the Baltic States and the Soviet Union. In June 1991, 18 American businessmen and women from the Boston-based Management Corps—including chief executive officers, mid-level managers, financial experts, and entrepreneurs—spent 2 weeks working in companies in Latvia.

The situation in the Soviet Union and the Baltic States calls for new, innovative approaches. One of the Soviet Union's top bankers, Viktor Gerashchenko, has stated, "I'm not in favor of huge borrowing. Substantial technical assistance to improve our ability to use our own resources will work more wonders than direct lending." Last week, President Gorbachev expressed his strong support for direct assistance in the form of a professional Peace Corps.

The Management Corps is designed to meet the need for business skills and knowledge by sending American business people, the real practitioners in our market economy, into Soviet businesses to work alongside Soviet managers and provide them with on-site advice and concrete problem-solving. Market-economy business practices are best learned inside one's own business, while dealing with real day-to-day problems. As any seasoned manager knows, the problems are back at the shop and it is there that they must be addressed and solved.

The results of the pilot program were very positive. In one case, an American business advisor took a Latvian factory's senior managers on their first-ever series of customer visits, where they discovered a major new business opportunity. Another advisor proposed the concept of employee signing bonus and referral bonus as incentives to attract talented new employees. A third advisor is now helping to market a Latvian company's software package in the West.

There are also benefits for Americans participating in the project. There is potential for American businesses to take advantage of the large, unmet consumer demand in the Soviet Republics. By spending time on the ground and making contacts, Americans will develop a better sense of both the potential and the pitfalls of the Soviet business environment—how to successfully do business there and how to avoid getting burnt.

While short-term aid of food and medicine may prove necessary to help the Soviets through the winter, we must begin to address the underlying structural problems that created these critical needs in the first place. By continuing and expanding the Management Corps project, Soviet managers will receive direct, relevant advice and exposure to Western business practices—a key step in moving the Baltics and the Soviet Republics to a free market economy and full membership in the community of nations.

H.R. 3612

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Management Corps Act of 1991".

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds that—

(1) The Republics of the Soviet Union and the Baltic States have requested business and technical assistance from the United States in order to make the transition from a centrally planned economy to a free market economy; and

(2) the long term security of the United States and of the peoples of the Republics of the Soviet Union and the Baltic States would benefit greatly from their transformation to a fully democratic nation based on the principles of government by the people, respect for individual rights, and free market economic opportunity; and

(3) assistance from the United States to the Republics of the Soviet Union and the Baltic States should promote rather than retard this transformation; and

(4) by providing assistance to those who are trying to achieve the transformation to a market economy, the United States will be supporting the sources of democratic stability.

(b) PURPOSE.—It is the purpose of this Act to establish an organization whose purpose is to provide assistance to business enterprises in the Republics of the Soviet Union and the Baltic States through United States citizens with expertise in the management of business enterprises who donate their time and services to business enterprises in those countries.

SEC. 3. ESTABLISHMENT OF THE MANAGEMENT CORPS.

(a) DESIGNATION.—The President shall designate a private nonprofit organization which has demonstrated expertise in providing business assistance to Soviet or Baltic enterprises as eligible to receive funds under this Act, upon determining that such organization has been established for the purposes specified in section 2(b). For purposes of this Act, the organization so designated shall be referred to as the "Management Corps."

(b) CONSULTATION WITH CONGRESS.—The President shall consult with the Congress before designating an organization under subsection (a).

(c) BOARD OF DIRECTORS.—The Management Corps shall be governed by a board of directors comprised of three individuals designated by the President and three individuals designated by Congress who have demonstrated expertise in business exchanges for private sector development.

(d) ELIGIBILITY FOR GRANTS.—Grants may be made to the Management Corps under this Act only if the Corps agrees to comply with the requirements of this Act.

(e) PRIVATE CHARACTER OF THE CORPS.—Nothing in this Act shall be construed to make the Management Corps an agency or establishment of the United States Government, or to make the officers, employees, or members of the Board of Directors of the Management Corps officers or employees of the United States for the purposes of Title 5, United States Code.

SEC. 4. USE OF FUNDS.

(a) GRANTS.—Funds appropriated to the President pursuant to section 7(a) shall be granted to the Management Corps by the Secretary of State through the Agency for International Development to enable the Management Corps to carry out the purposes specified in section 2(b) and for the administrative expenses of the Management Corps.

(b) ELIGIBLE PROGRAMS AND PROJECTS.—

(1) IN GENERAL.—The Management Corps shall provide for the donations of services by United States citizens with expertise in the management of business enterprises to business enterprises in the Republics of the Soviet Union and the Baltic States.

(2) ACTIVITIES OF THE CORPS.—The Management Corps may use funds granted under this Act for the following:

(A) To organize groups of United States citizens described in paragraph (1) to donate their time and expertise to business enterprises in those countries described in paragraph (1).

(B) To pay appropriate travel and other expenses incurred by individuals during their volunteer service to the Management Corps.

(C) To establish and maintain such offices as may be necessary to carry out the purposes of the Corps.

(3) VOLUNTARY NATURE TO THE CORPS.—Individuals who participate in the Management Corps by providing their services to foreign business enterprises shall receive no compensation from the Corps for such services.

SEC. 5. REQUIREMENTS OF THE MANAGEMENT CORPS.

(a) LIMITATION ON PAYMENTS TO CORPS PERSONNEL.—No part of the funds of the Management Corps shall inure to the benefit of any board member, officer, or employee of the Corps, except as salary or reasonable compensation for services.

(b) INDEPENDENT PRIVATE AUDITS.—The accounts of the Management Corps shall be audited annually in accordance with generally accepted auditing standards by independent certified public accountants or independent licensed public accountants certified or licensed by regulatory authority of a State or other political subdivision of the United States. The report of each such independent audit shall be included in the annual report required in section 6.

(c) GAO AUDITS.—The financial transactions undertaken pursuant to this Act by the Management Corps may be audited by the General Accounting Office in accordance with such principles and procedures and under such rules and regulations as may be prescribed by the Comptroller General of the United States, so long as the Management Corps is in receipt of United States Government grants.

SEC. 6. ANNUAL REPORT.

The Management Corps shall publish an annual report, which shall include a comprehensive and detailed description of the Corps' operations, activities, financial condition, and accomplishments under this Act for the preceding fiscal year. This report shall be published not later than January 31 each year, beginning in 1993. The annual report shall be submitted to the Speaker of the House of Representatives and the President of the Senate.

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION.—To carry out this Act, there are authorized to be appropriated to the President—

(1) $5,000,000 for fiscal year 1993; and

(2) $10,000,000 for fiscal year 1994; and

(3) $20,000,000 for fiscal year 1995.

(b) NONAPPLICABILITY OF OTHER LAWS.—The funds appropriated pursuant to section (a) may be made available to the Management Corps and used for the purposes of this Act notwithstanding any other provision of law.

TRIBUTE TO CECIL V. FAIN

HON. BUD CRAMER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 22, 1991

Mr. CRAMER. Mr. Speaker, today I rise to pay tribute to Cecil V. Fain in recognition of the many contributions he has made to the people of Madison County in Alabama. The Madison County Commission named September 7 "Cecil Fain Day" to express its appreciation for all Mr. Fain has done for the citizens of Madison County.

Mr. Fain came to Huntsville, AL, in 1915 and was an instructor and administrator in the public schools of Huntsville and Madison County for a half-century. Mr. Fain instilled in his students the values of good citizenship, community service, and respect for others. He was directly involved and personally instrumental in improving educational opportunities for the students of Madison County's mill villages.

Mr. Fain has taught by example as well as by words. Since his retirement from the school system, he has given tirelessly of his time, unique talents, and abilities to his community, his church, and numerous persons, both friends and strangers. He has served his community in the roles of educator, leader, athletic coach, counselor, and friend. His life has influenced the community as a whole and as individuals.

Mr. Fain was the first recipient of the "Honored Citizen Award" given by the Historic Huntsville Foundation for his significant contribution to the history of Huntsville and Madison County.

I join in congratulating Mr. Fain for his many accomplishments and for his dedication to helping improve the lives of so many.

IN MEMORY OF HENRY TAKETA

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 22, 1991

Mr. MATSUI. Mr. Speaker, the Japanese American community and the people of Sacramento, CA suffered a great loss on Sunday, October 20, 1991, when our beloved Henry Taketa passed away.

I have known Henry all of my life. He was a role model and inspiration for me as a child growing up in Sacramento and as an aspiring lawyer and public servant, and so his death is personally grievous.

But Henry was a pioneer among all Americans of Japanese ancestry. He was a prominent civil rights activist and attorney. His scholarly work on Japanese immigration to the United States remains the authoritative source for our community. After the internment of Japanese Americans during World War II, Henry helped reorganize the Sacramento Chapter of the Japanese American Citizens League and helped reintegrate internees to the Sacramento area.

Henry, who earned his law degree at Hastings College of Law, put his legal background to benevolent use during that period as well, advising Japanese Americans of their legal rights as they attempted to rebuild their lives.

Mr. Speaker, to all of those who he helped personally he will be remembered for his kindness and concern. To all of those like me who grew up respecting him as a distinguished member of the community, he will be remembered as a beloved father figure. And to the generations of Japanese Americans in the future who learn about their heritage, Henry will be seen as a leader, a pioneer, and advocate for justice. His passing leaves a great void in the community and in our hearts.

My most sincere sympathies go to Henry's wife of 51 years, Sally, sons Richard and David, his brother Tom, and sister Akiko May Shirai. Their loss is a loss for all of us.

TRIBUTE TO GLENN C. FERGUSON

HON. WILLIAM M. THOMAS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 22, 1991

Mr. THOMAS of California. Mr. Speaker, I want to honor Glenn C. Ferguson's achievements as a business and community leader. His career in California's oil and gas industry is an example of what a person can achieve with hard work and dedication.

After graduating from the University of Southern California, Glenn entered the oil and gas business by working for the Union Oil Co. He went on to form his own company, Ferguson and Bosworth, in 1945 and has worked to create successful oil and gas operations ever since. Today, he presides over a production company and is the managing general partner of Ferguson Energy's operations in five States and the Bahamas.

Glenn's activism on behalf of California's independent oil community reveals the depth of his commitment to the industry. Where many business people would have focused only on their own interests, Glenn sought to advance the industry's interests at the local, State and national level through his service on key positions with such groups as the Independent Petroleum Association of America, the California Independent Producers Association and the Bakersfield Petroleum Club.

At a time when so many people at the national level talk about competitiveness and economic growth, it is instructive to look at the example set by those such as Glenn Ferguson who have built successful businesses. The key to success, as Glenn's achievements show, is effort and commitment.

RESTORING RACIAL EQUALITY IN DEATH SENTENCING

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 22, 1991

Mr. ANDERSON. Mr. Speaker: Our criminal justice system is not color blind. Numerous studies, confirmed by the General Accounting Office [GAO], have illustrated a pattern of racial discrimination in the imposition of capital punishment. For example, in one judicial district in Georgia, the prosecutor has sought the death penalty in 29 cases since 1974. In 23 of these cases, the defendant was black. While I believe all criminals should be punished to the fullest extent of law, this punishment should be based on their crime, not their skin color. The Fairness in Death Sentencing Act, included in H.R. 3371, the House crime bill, ensures that victims of blatant discrimination will have full recourse to the law to overturn their sentences. This will restore equal justice to our criminal justice system.

The Fairness in Death Sentencing Act prevents racial bias in death sentencing without endorsing particular statistics as criteria for proving discrimination. The bill's only criteria is that the defendant's statistical evidence must compare similar cases and take into account aggravating factors in determining whether there is a pattern of racially discriminatory death sentencing. These aggravating factors include the brutality of the offenses involved, the prior records of the offenders, and other appropriate nonracial characteristics. The statistics are valid if, after taking these nonracial factors into account, race is left as the determining factor in sentencing. This requires the defendant to show that a defendant of a different race who committed a similar crime, without aggravating factors, received a lesser sentence, and that a racial imbalance existed. This will not abolish the death penalty, but reaffirm the principle that similar crimes should receive similar sentences.

If the statistics presented by the defendants are supported by the court, an inference is raised that the sentence was discriminatory. The prosecution then has the opportunity to rebut this inference. If aggravating, nonracial factors explain the discrepancy between cases, or if the particular case does not fit into a pattern—the crime being more egregious than those to which it is compared—then a statistical imbalance would be rendered meaningless. This will encourage prosecutors to develop nonracial standards for deciding when to seek a death sentence and how to apply those standards uniformly and consistently.

Critics of the Fairness in Death Sentencing Act claim that it will promote quotas for the death penalty. A simple reading of the bill, though, exposes the quota issue as a red herring designed to discredit this worthwhile provision. Congressman MCCOLLUM has offered the Equal Justice Act as a substitute to the act even though its provisions, embodied in current law, have not promoted equal justice. Furthermore, the McCollum amendment alters current law by prohibiting Congress, Federal courts, State courts, and State legislatures from considering racial disparities in death sentencing, no matter how egregious. This amendment, far from promoting fairness or equality, is merely a cynical attempt to strip the Fairness in Death Sentencing Act from the crime bill.

I am a supporter of the death penalty, and I would not support this act if it abolished its enforcement. This act will not undermine the death penalty, but will prohibit racial bias in death sentencing. My main concern with the Fairness in Death Sentencing Act is its retroactivity clause. This places an undue burden on prosecutors to justify their past actions, such as disqualifying a juror, without documentation. However, this concern is not sufficient to undermine my support for the fair application of the death penalty. No one here will dispute that racial bias exists in death sentencing, the difference is that only the Democratic party has adequately addressed the issue.

PROPOSED AMENDMENT TO THE FEDERAL RULES OF EVIDENCE IN CASES OF SEXUAL ASSAULT AND CHILD MOLESTATION

HON. SUSAN MOLINARI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 22, 1991

Ms. MOLINARI. Mr. Speaker, if I had been permitted by the rule on H.R. 3371 to introduce a proposed amendment to the Federal Rules of Evidence, we would be debating the merits of a very significant change to those rules today.

Proceeding on the premise that the Federal Rules of Evidence not only govern judicial proceedings in the Federal courts but also serve as a model that is frequently adopted by the States, I would be offering an amendment that would provide for the admissibility of evidence of similar offenses committed by defendants in cases of sexual assault and child molestation.

Today, trial courts throughout the country are guided by the fundamental principle that, with limited exceptions, evidence of crimes committed by a defendant, other than the crime with which he or she is specifically being charged in the proceeding, may not be introduced in court against a defendant. Not only are trial courts expected to follow this principle, but trial court judges who permit the introduction of evidence of other crimes under one of the recognized exceptions to this general principle are subject to reversal by the appellate courts.

Let me show you why it is so difficult for prosecutors to use evidence of other similar crimes against rapists and child molesters.

In New York, Joey Sanza had been convicted of murder and rape. The prosecution introduced evidence of three other rapes for which Sanza had been convicted in Florida, invoking the exception that provides for the introduction of such evidence when the identity of the perpetrator can be established through similarities in the crimes. In this case, the defendant had shown an interest in the victims' rings, and had taken them.

However, the appellate court concluded that evidence of other crimes is admissible under this exception only when there was a "remarkably unique pattern of behavior common to each of the uncharged crimes." Defendant Sanza's behavior with respect to the rings was not unique enough. Since he used a gun in the first three rapes and was polite to his Florida victims, whereas he allegedly beat and strangled the New York victim, without the use of a gun, the appellate court found nothing remarkable or unique about this behavior in conjunction with a rape or a murder and they reversed his conviction. This was the case of People versus Sanza, which was handed down in 1986.

Using the Sanza case as a precedent, the same appellate court reversed a rape conviction last year because the defendant's modus operandi was not sufficiently unique to make the evidence of the uncharged crime probative of the fact that he committed the one with which he was charged. In the case of People versus Sanchez, the defendant began taking photographs of his first victim. When she refused to permit him to photograph her in the nude, he forced her into a bathroom where he raped and sodomized her. Then he forced her to sign a consent form used by professional photographers.

The defendant approached his second victim on the street and told her he was a professional photographer. He accompanied her to her house and ordered her to disrobe in the bathroom, threatening to kill her. The victim thwarted the attempted rape by throwing rubbing alcohol in the defendant's face.

The defendant's conviction on the charges of rape and sodomy was reversed because the introduction of the evidence of the attempted rape was considered prejudicial by the appellate court.

It would be bad enough if this interpretation of the Rules of Evidence was prevalent only in New York. However, it occurs throughout the country, and decisions rendered in one State sometimes become precedents for decisions rendered in other States.

In the case of Hall versus State, In Oklahoma, in a trial of a defendant for the rape of a 12-year-old girl in his automobile, the State obtained the permission of the trial court to introduce evidence of two other rapes of young girls committed by the same defendant. All three victims were girls under the age of consent, each rape took place in an automobile, and all were committed in Tulsa County. However, since each rape was committed in a different fashion in different parts of the county and one of the girls was tall and sexually mature while another was small and only 7 years old, the appellate court found sufficient differences among the crimes to consider the introduction of evidence of the other two rapes to be prejudicial and reversed the defendant's conviction.

By contrast, here is an example of an Oklahoma appellate decision in which sufficient similarity among the crimes committed was established, and a conviction was affirmed. Four women were raped, and the introduction of evidence concerning the other three rapes in the trial of the defendant for the fourth rape was challenged in the Court of Criminal Appeals in the case of Driver versus State. The victims were all between the ages of 24 and 27; all lived close to one another; all were attacked in the late evening or early morning; each was threatened with harm if she resisted; each had her hair pulled while being attacked by the man who brandished a knife or pointed object; all were raped in their bedrooms while blindfolded; all were attacked by a man who either attempted or was successful in getting them to submit to rear-entry intercourse; each was raped by an attacker who wore gloves and requested a washcloth to cleanse himself after the rape; and all victims described their assailant as a soft-spoken slender black man, 5′ 6″ to 5′ 9″ in height, weighing between 130 and 160 pounds, with some facial hair.

Now I ask you, how often will prosecutors be fortunate enough to find that degree of similarity in sexual assault cases?

The same problem has been encountered in sustaining convictions for the sexual molestation of children.

In 1980, in the case of People versus McMillan, the Appellate Court of Illinois reversed the conviction of a man who was accused of taking indecent liberties with his 13-year-old daughter. While the court held that it was permissible to introduce evidence of the defendant's prior sexual acts with his 13-year-old daughter, the admission of evidence that he had also taken indecent liberties with his 15-year-old daughter, for which he was being tried separately, was determined to be prejudicial error. This case has been successfully cited as a precedent at the appellate court level in Illinois as well as other jurisdictions.

In 1988, the McMillan case was cited as precedent when the Appellate Court of Illinois reviewed a case in which the defendant had been found guilty of aggravated sexual assault in the course of having anal intercourse with his stepson. The court reversed the conviction because the State had introduced evidence alleging that the defendant also had intercourse with his daughter during a "family touching" session. This was the case of People versus Daniels.

To further illustrate the point that I was making earlier, the McMillan case was also cited as a precedent in the District of Columbia Court of Appeals in the case of Ali versus United States in 1987. In that case, the defendant had been convicted of carnal knowledge and sodomy with a child who was his girlfriend's daughter. In reversing his conviction, the court held that it was prejudicial error to allow the prosecutor to introduce evidence that the defendant allegedly unlawfully touched the victim's younger sister on several separate occasions.

Can you imagine the courage that it must have taken for these victims to come forth, tell their stories in court, and subject themselves to cross-examination? Can you imagine their reactions when they learned of the reversal of the defendants' convictions? Will they ever be willing to put their trust in the judicial system again?

Sexual assault and child molestation do not ordinarily occur in the presence of multiple credible witnesses. The Rules of Evidence need to be changed to improve the ability of prosecutors to obtain convictions against the perpetrators of such crimes. The amendment that I am proposing, which was part of the administration's crime bill, would have that effect. It would increase the confidence that the victims, and the victims' parents or guardians—in cases of child molestation, have in the criminal justice system.

Let's not delay these changes to the Rules of Evidence. The cases I have referred to earlier are just a few examples of the kinds of decisions that courts around the country find themselves compelled to render on a regular basis. With every day that passes, how many convictions remain beyond reach and how many guilty individuals see their convictions reversed? When a new trial does not follow the reversal, for whatever reason, the perpetrators of these crimes are often free to repeat their offenses with other unsuspecting victims.

The amendment which I would have been offering would still allow judges to rule on whether or not the evidence of similar offenses was relevant—before that evidence is introduced. It also would not eliminate the power of judges to exclude evidence of similar offenses when the prejudicial effect of that evidence on the defendant exceeds the probative value of that evidence.

All I am asking is that in cases of sexual assault and child molestation—and only in those two types of cases—the Rules of Evidence be changed to establish a presumption that evidence that a defendant committed similar offenses is admissible when it is relevant.

OFFICIAL BILINGUAL DOES NOT BELONG IN CRIME BILL

HON. BILL EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 22, 1991

Mr. EMERSON. Mr. Speaker, I rise to thank my colleagues who voted no on the en bloc amendment to the crime bill in the Committee of the Whole House.

The en bloc amendment included the Bustamante amendment, which I do not think belongs in a crime bill. It is the "promote Spanish to the exclusion of all other languages amendment" and it is wrong.

My distinguished colleague from Texas would argue that his amendment will only require Spanish to be used when it would be appropriate to use Spanish. He may be well-intentioned, but if that is his intention, he has not implemented it. The language of the amendment specifically requires all schools to develop Spanish-language materials in their applications for antidrug grants. Even if we use Mr. BUSTAMANTE'S suggested "when appropriate" standard, the amendment provides absolutely no guidance as to what appropriate means. When is it appropriate to mandate schools to develop Spanish language materials? When 50 percent of the students speak Spanish? Twenty percent? Ten students? One student? The amendment says nothing about this.

The fact of the matter is, this amendment is official bilingualism. It requires all schools to develop Spanish-language materials, regardless of whatever my colleague's intentions may be. It is divisive. It treats Spanish-speakers differently from the rest of the limited-English population, and it contributes to the Balkanization of our Nation along linguistic lines, leading us to the same quandary as that faced by our neighbor to the north, Canada.

Mr. Speaker, I strongly believe that we should do everything we can to send our anti-drug message to everyone we can reach. But official bilingualism is not the way to do it. A much better way to reach limited-English kids is to offer language assistance on an as-needed basis to all language minorities. And official bilingualism does not belong in a crime bill. In the very least, this topic is worthy of a full and open debate on its merits.

This particular, controversial amendment should not have been included in what was purported to be noncontroversial matter, with subjects that were appropriate to the en bloc process.

TRIBUTE TO PATRIARCH BARTHOLOMEW I

HON. MICHAEL BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 22, 1991

Mr. BILIRAKIS. Mr. Speaker, I rise today to welcome and pay tribute to the newly elected orthodox patriarch—Patriarch Bartholomew I. The new patriarch becomes the spiritual leader of 300 million Christians worldwide.

I feel confident that the 51-year-old patriarch will follow in the footsteps of the late Patriarch Demetrios and further help to bring about Christian unity. Working closely with the late patriarch to broaden contacts with the reemerging Eastern European churches, the Metropolitan Bartholomew was in charge of relations with all orthodox jurisdictions.

For my colleagues who are unfamiliar with the term "Metropolitan," it is an orthodox title that is roughly equivalent to the title "Bishop" in other Christian churches.

Mr. Speaker, the new patriarch will lead more Christian followers than any other Christian leader but the Pope. I am impressed by his deep spiritual and theological knowledge. As metropolitan of Chalcedon he presided over the most important committees of the Holy Synod. His linguistic skills are also highly impressive; he speaks Greek, English, French, German, Italian, Latin, and Turkish.

Patriarch-elect Bartholomew I was born on the Island of Imvros in 1940. He attended the Halki Theological School in Constantinople. He went on to continue his studies in Rome where he received his Ph.D in cannon law. He has also studied in both Switzerland and Germany.

In 1969, he was ordained a priest. He was elected metropolitan of Philadelphia—an ancient church seat—on Christmas Day in 1973. He served in this capacity until January 1990, when he was elected metropolitan of Chalcedon, a high honor for an orthodox bishop.

Mr. Speaker, I ask my colleagues to join me in congratulating Patriarch-elect Bartholomew I and in wishing him well as he assumes the duties of leading orthodox Christians in the United States and around the world.

SENATE—*Wednesday, October 23, 1991*

(Legislative day of Thursday, September 19, 1991)

The Senate met at 11 a.m., on the expiration of the recess, and was called to order by the Acting President pro tempore [Mr. ROBB].

PRAYER

The guest Chaplain, the Reverend Larry Titus of Christ Community Church, Camp Hill, PA, offered the following prayer:

Let us pray:

Heavenly Father, we enter into Your presence with thanksgiving for the many blessings that You have poured out on this Nation. With gratitude we praise You for directing the affairs of this country since our inception. With humble recognition of Your sovereignty, we now present our petitions before You on behalf of ourselves and the people that we serve.

The laws that we enact have their basis in Your law, and we govern under Your authority, therefore we ask for Your wisdom in our decisionmaking this day.

We pray for compassion that will help us rightly decide the course of law that will affect the people we serve. May these laws be equitable, just, and morally compatible with Your holy law. Since we cannot pass laws that are greater than our own personal character, let us find the courage to confess our shortcomings, openly admit our need for Your guidance, and depend on divine counsel to ensure our Nation's laws will be built upon Your unchanging principles.

We pray blessings upon our Nation that will surpass the material and find its fulfillment in the spiritual. We pray the transcendent values of moral character, honesty, and integrity will arise to destroy our internal enemies of greed, malice, and prejudice. And may the sustaining hand of the Almighty lean heavier on us now than ever before as we seek to follow Your will for our future.

We ask these petitions as humble servants of the God of the Universe. Amen.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. Under the standing order, the majority leader is recognized.

UNANIMOUS-CONSENT AGREEMENT—MOTION TO PROCEED TO THE CIVIL RIGHTS BILL

Mr. MITCHELL. Mr. President, I ask unanimous consent that the leader time and the time for morning business between 11 a.m. and noon today count against the time under the 30 hours of rule XXII proceedings with respect to the motion to proceed to the civil rights bill.

The ACTING PRESIDENT pro tempore. Is there objection? Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr MITCHELL. Mr. President, as I indicated last evening, we are attempting to proceed in parallel fashion with respect to two bills and three subjects. The bills are the Federal Facilities Compliance Act and the Civil Rights Act. The third subject, in addition to those, is the subject of the investigation into unauthorized disclosures. Both the civil rights bill and the investigation question are now the subject of separate negotiations, and it is my hope that we will be able to reach agreement on both during the day, and be able to proceed to complete action on the Federal facilities bill, the question of the investigation, and then start on the civil rights bill today.

Under the Senate rules, of course, if the full 30 hours postcloture is utilized, we would not be able to begin on the civil rights bill until approximately 9:10 p.m. this evening. I hope that is not the case. I am going to invite comment by the distinguished Republican leader on any of the subjects which I have raised. We have been discussing the subject of the inquiry on unauthorized disclosures.

As I said last night, there has been a very good-faith genuine effort which has substantially narrowed the differences. I think there are only one or two points remaining. I am hopeful we are going to reach agreement on that sometime today.

Mr. President, I invite comment by the distinguished Republican leader.

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

PRIVILEGE OF THE FLOOR

Mr. DOLE. Mr. President, I ask unanimous consent that Dennis Shea be given privilege of the floor during the Senate's consideration of S. 1745.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DOLE. Mr. President, with reference to the civil rights bill, S. 1745, it is my view that this is a good time for negotiations, to put a little pressure on now because we are about to proceed to the bill.

If we do not get some agreement by 9 o'clock tonight or 2 o'clock this afternoon, whatever it is, then we will be on the bill. It will be open to amendments. There will be a lot of amendments offered, as I understand it, unless there is agreement, and it can take a substantial amount of time without anybody's effort to extend the debate. There are all kinds of amendments I heard of that are very serious and very controversial, and could take a great deal of time.

So it seems to this Senator, and I think others, and I believe the majority leader, that we are probably proceeding properly, even though it may appear that nothing is being accomplished.

I know there were meetings last night with representatives of the White House, Senator DANFORTH, and others. My staff has been involved in some of those meetings. I have talked this morning with Senator DANFORTH, with Mr. Gray at the White House, Boyden Gray, the President's counsel. There may be a meeting later today with some of my colleagues on this side with the President with reference to the civil rights bill.

There are a lot of things happening. We are not just waiting for the clock to run. I think that point should be made.

Second, with reference to the investigation of so-called leaks, the majority leader is correct; we have been trying to negotiate some understanding. We had a meeting in my office this morning at 10 o'clock with about half a dozen Senators. I will be presenting to the majority leader a sort of a counter-counterproposal. Maybe if that is not satisfactory, we can have two or three on each side go into his office and work something out.

Mr. MITCHELL. Mr. President, I thank the Senator for his comments and share his hope that negotiations in both areas will bear some fruit. I think it is likely that the civil rights bill is going to take some time, in any event, because there are a number of issues that are relevant which are not the subject matter of the negotiations that are obviously going to be subject matter of amendments that will be contentious, and appropriately Senators will want to debate them and decide them here on the Senate floor. It is my hope that we can begin soon, and we will do so.

RESERVATION OF LEADER TIME

Mr. MITCHELL. Mr. President, I want to reserve the remainder of my leader time, reserve all of the leader time of the distinguished Republican leader, and then I will address the Senate in morning business.

The ACTING PRESIDENT pro tempore. Without objection, all leader time is reserved.

Mr. MITCHELL. Mr. President, I understand now there is a period for morning business.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. The Senator is correct. There will now be a period for the transaction of morning business, not to extend beyond the hour of 12 noon, with Senators not covered by the unanimous-consent order permitted to speak therein for not to exceed 5 minutes each.

Under the previous order, the Senator from Oklahoma is to be recognized for up to 15 minutes.

REGARDING DEMOCRATIC EDUCATION EFFORTS

Mr. MITCHELL. Mr. President, today the Labor and Human Resources Committee is honoring successful principals and teachers for the important work they do in our schools. I welcome them to the Capitol. I extend a special greeting to Maine's 1991 Teacher of the Year, Stephen Ellwood IV, and Maine's Principal of the Year, James Ugone. Mr. Ellwood teaches at St. Francis Elementary School and Mr. Ugone works at Caribou High School. It is interesting but maybe not coincidental, that both schools are in Aroostook County, in the northernmost part of Maine.

At today's committee hearing, these educators will suggest ways the Federal Government can help communities and States improve education. I look forward to their recommendations.

If there is one thing we need more of, it is practical suggestions from people who actually spend a considerable amount of time helping students learn and become productive citizens.

The people of Maine share with the rest of the Nation a respect for education. Whenever I speak at schools in my State, students often ask me how they can contribute to their country.

I always encourage them to take advantage of their educational opportunities and to find some way to make the State and this country a better place to live.

I believe positive role models and proper motivation can help address some of the problems students experience in school. But I also know that talk is not enough. The Federal Government must continue helping communities help themselves. We must begin shaping public policy to meet the varied needs of families and students from Maine to California and all regions of the country.

Part of my job is to listen. Parents tell me they want their children taught by talented, energized teachers. Entrepreneurs tell me they want to hire more young Americans who show up ready to work and able to communicate and compute. Administrators want a safe learning environment.

The Labor and Human Resources Committee has reported legislation (S. 2) I introduced in January that would provide assistance to schools as they continue reforming to keep up with changes in their communities, in this country, and throughout the world. We will soon consider S. 2 on the Senate floor.

I anticipate vigorous debate because our bill differs from the legislation the administration has proposed. Our bill would allow all public schools to compete for grants that would help schools improve themselves. The President's bill would assist less than one-half of a percent of all schools, draining public resources from some public schools. Our bill would concentrate on improving existing neighborhood public schools. Our ultimate goal is to produce high-achieving young adults ready to compete and succeed in the profession of their choice.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Oklahoma [Mr. BOREN] is recognized for up to 15 minutes.

THE NEED FOR COMPREHENSIVE REFORM OF CONGRESS

Mr. BOREN. Mr. President, Congress as an institution is in trouble. No one doubts it. In poll after poll the American people have described the Congress of the United States as wasteful, as inefficient, as compromised by the way that we finance our campaigns. And over the last several days the Members of Congress have realized, perhaps as never before, the serious problems which we face. These have been painful days for all of us, painful days for those who love this institution, who came here because we wanted to serve the public through membership in this institution, because we believe deeply that the Congress of the United States is at the heart of our Democratic system of representative government and that the Congress does not work as it should.

If the Congress does not function as it should, the democratic process itself is impaired. All across this country there are new cries for term limitations of Members of Congress. It is no wonder. It is a signal from the people of the United States at the level of frustration among citizens who feel that Congress no longer conducts the public business in a proper way, that the Congress no longer reflects their thinking about the certain issues that faces us, that that frustration level has now reached the point the public is ready to turn to any solution, even an extreme one, to try to change things.

Their message to us is loud and clear: If you do not set your own house in order, if you do not clean up the process, if you do not start conducting the peoples' business in a more efficient fashion, we are going to take action for you; we are going to force changes by changing the current membership of the body.

That I do not believe is a wise solution because if we are to limit terms of Members of Congress, we will simply turn over more and more power to the unelected Federal bureaucracy, which already has too much power, to make policy in this country, where the people themselves through their elected representatives should be heard.

We have had, in just the last few days, the problems with the House bank, the tragedy of a confirmation process that was compromised because of the irresponsibility of persons yet unknown, perhaps even Members of this body, perhaps even staff members of this body. All of us hope and pray that will not be the case when the investigation is completed—but a confirmation process compromised and marred by the unauthorized disclosure of confidential information which caused the American people to witness a human tragedy, two individuals, Judge Thomas and Professor Hill, torn apart on national television and radio and in the newspapers; a process that will make it more difficult to get people to come forward in the future with information which we need in the confirmation process but information people only want to offer on a confidential basis, with the assurance that their identities will remain anonymous: a confirmation process marred in a way that will make it more difficult for good, qualified people to be willing to serve in public offices of public trust in this country because they are going to hesitate to go through the confirmation process.

Having witnessed these recent problems and continuing to feel the frustrations that many of us have left for such a long time, it is no wonder that some of the most talented Members of this body and of the House of Representatives have simply said, "Enough. I am not going to serve anymore." The retirement announcements have come from the most talented Members of Congress who say that they are not certain that the personal sacrifices which they are making, the sacrifices in terms of family and friendship and other responsibilities and other involvement as citizens in the community, are really worth it because they are not convinced that they can make a difference by serving anymore as Members of Congress.

Mr. President, if anything good can come from the tragic events of recent weeks, which have demonstrated to the American people that Congress is not working as it should, perhaps it will be a final determination by the Senate and by the House of Representatives that we must take action now—not tomorrow, not next week, not next month, not next year, but now—to do something to put our own house in order. The time has come for us to act.

How long are we going to wait, Mr. President, before we wake up? How long are we going to wait to exercise our responsibilities as trustees for the American people to set this institution right? We are trustees. These Senate seats do not belong to any of us in this Chamber. They belong to the American people. We occupy them only temporarily at the instruction of the American people. We are the trustees for the people themselves.

If this institution is not working as it should, there is only one group of people in the near term that can set it right, and that is those of us who are currently occupying these seats and acting as trustees. It is our responsibility to get something done. I intend to come to this floor at least twice a week for every week that we fail to take action to do something about it, to keep a vigil, as some might describe it, on this floor, to continue to call the attention of my colleagues and the American people to our failure to act until we take action.

The danger signals are all around us for us to do it. See. It is not only popular discontent. It is not only the frustration of the American people in the term-limit movement. It is not only the retirement decisions of fellow Members of the Congress. It is not only the criticisms of scholars in academics who see something wrong with our system. All of us know it ourselves. We know there are many days that we come out here and we run from morning to night, from one meeting to another, from one session to another of a committee or a subcommittee, to photograph sessions, to meeting with our campaign committees because the cost of campaigns has climbed so high that the average Member of Congress now has to raise $15,000 every single week for 6 years to raise that $4 million which is the average amount of money spent by a successful candidate for reelection to the U.S. Senate—part-time policymakers and full-time fundraisers who are not able to conduct the people's business as we would like to conduct it because we have not changed the system.

Mr. President, the campaign financing system itself is rotten. Every one of us knows it. Every one of us knows it is compromising our ability to do our job. It is compromising the integrity of the institution. No wonder the people do not run when they look at the fact that under the current system, which requires millions of dollars to run for public office. Incumbents, people in Congress now, on the House side, get 16 times as much from PAC's as do challengers; $16 to an incumbent with Federal interest groups for every dollar that a challenger gets. In the Senate, it is 4 to 1.

When it comes to total spending, the ability of the incumbents to raise money, they are spending in the House $8 for every dollar that a challenger has to spend. In the Senate it is $3 for every dollar that a challenger has to spend.

We have passed the campaign reform bill, an appropriate one, but a vehicle to get a conference with the House to try to hammer out legislation in cooperation, in a bipartisan way with the President. The House has still not acted. How long is it going to take before the rest of Congress passes a bill, and how long will it be before we hammer out an agreement in a conference committee, one on a bipartisan basis which the President can sign?

It has already taken far too long. There has been too much of an erosion in the strength and integrity of this institution.

Mr. President, we must not wait any longer. We know the other signs of change that need to come, the other danger signs, warning signs.

Since, 1947, Mr. President, the number of employees in Congress, the bureaucracy of this institution has grown from 2,000 to 12,000. The Judiciary Committee itself has over 100 employees. Is it any wonder that it is going to be difficult to try to determine where leaks occur? Staff members have their own agendas. They come forward with more ideas, produce a greater flow of paper.

The average length of bills in the U.S. Congress since 1970 has gone from 4 pages to 20 pages, and the percentage of bills, all of these thousands of bills that are clogging the legislative agenda, and the process on our calendar that actually get enacted into law, has been cut in half since 1950. We are being absolutely inundated with the morass of proposals, longer, more detailed proposals produced by our own growing bureaucracy. Fewer and fewer of them are being passed into law and fewer and fewer of them are dealing with the major problems of this country.

We are so bogged down in the details because of our own inefficient process that we do not even see the big picture. We are not preparing this country for the major changes that need to be made in the next century. Something must be changed in our own time.

It is no wonder we feel we are running from morning to night and not really accomplishing anything significant. When you look at the number of committees, in 1947 there were 34 committees in the House and Senate combined with parallel jurisdictions. So you could do business with each other. Today there are 300 committees and subcommittees.

The average Member is serving on 12 committees and subcommittees all with overlapping jurisdictions with various jurisdictions between the House and the Senate. By the time we get into a conference committee, there is often a situation where there are so many different representatives of so many different committees in the room it is like the Versailles Conference. You need to hire the Hall of Mirrors to even have the meeting.

How long are we going to wait to do something about it? How long are we going to wait before we exercise our responsibilities as trustees? How long are we going to wait and watch the erosion of the democratic process in this country before we do something about it? We cannot act as either Democrats or Republicans. We have to act as Americans to do something about it and to do something about it now.

I joined with Senator PETE DOMENICI, Republican Senator from New Mexico, and with Representative LEE HAMILTON, Democratic Member from Indiana, and Representative WILLIS GRADISON, Republican Member from Ohio; two Democrats and two Republicans joined together in both Houses to offer a proposal that will begin the process of reform of this institution in a way in which it was done back in 1947 when the Monroney-La Follette committee was created to take a look at Congress, a bipartisan effort, both Houses of Congress working together. The cold war was just beginning and Congress realized as an institution it was not prepared for the change in world environment.

Mr. President, as the cold war comes to a close, as we face a new set of challenges, a new set of assets required to prepare this country for world leadership in the next century, it is time Congress takes another look at itself, to step back to look at this morass of details, this huge bureaucracy, to look at inefficient rules and procedures that cause us to waste 25 percent of our time every day in procedural rollcalls and motions that have no effect on the substantive work of this body. It is time for us to look again.

We propose a temporary committee be created with eight Members from the HOUSE and eight Members from the SENATE, an equal number of Democrats and Republicans, appointed by the four leaders of the two Houses with four advisory, nonvoting members, experts from the public and private sector, to be appointed by the four leaders. It would have a duration of only 1 year.

So we will not create another permanent committee in the process of looking at how to change ourselves, that it be authorized as was the Monroney-La Follette committee was, except voluntary staff members. We do not have to spend millions of dollars to have a study of the Congress. There are a lot of people in this country, people from the universities, people from the think tanks, other experts, people from private business who have broad experience and, in terms of efficient operation of enterprises, who can volunteer their time and want to serve their country, and who are happy to do it for nothing.

That is the kind of approach we propose in submitting Senate Concurrent Resolution 57, which is now pending in the Rules Committee. It is time to have the hearing. It is time to bring it to the floor. It time to get on with the work, for that committee to be constituted to begin its work and seek the advice of the American people as one people. Let us get our heads together all across this country. Let us restore vitality to this institution and to the House of Representatives, to the Congress of the United States, which is so badly needed and which is absolutely necessary.

We are going to do the work of the American people and do it in a way that it has the confidence of the American people. We are hurt by the charges. We understand that as an institution, the Members of Congress, right now, could not enjoy the trust of a large majority of the American people. To be blunt, until we take action to reform this process, we will not merit the trust of the American people.

Let us act now. Let us take action to regain the trust of the American people and to do the people's business as it should be done. Mr. President, let us not wait.

I will be coming to this floor again and again, week after week, until we take action, until we do our duty. I thank the Chair.

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

The Chair will remind any member of the gallery that no displays of support or opposition is permitted. The Sergeant at Arms will maintain order in the galleries.

The Chair recognizes the Senator from Iowa [Mr. GRASSLEY].

MIDDLE EAST PEACE CONFERENCE

Mr. GRASSLEY. Mr. President, in one week, a most historic event will take place. For the first time in the four decades of her existence, Israel will be able to sit down with her neighbors in an effort to end the state of war and make peace between Israel and each of these neighbors.

Of course, Secretary of State James Baker deserves a great deal of credit for bringing off this conference and reaching this point. He has had eight missions to the area and he has had these eight missions just in the time since the gulf war has ended. In these meetings he encouraged, enticed and even cajoled the parties to get them to say yes to his idea of a regional conference. He has succeeded, and for that I offer him my congratulations.

But also besides Secretary Baker's success and the environment he has been able to work in that has been conducive to that success, world events have also played a big part in getting us to the conference in Madrid that will be coming up. I think foremost of importance is that the cold war is over. The Middle East will no longer be a theater where the Soviet Union and the United States carry out competing strategic and policy objectives.

Of course, Israel's sworn enemies no longer have a patron there to the north in the Soviet Union. And, of course, maybe Hafez Assad in Syria will finally realize that his country cannot any longer achieve what he wanted to achieve of "strategic parity" with Israel. Maybe because the Soviet Union is not there helping anymore Assad is willing to talk about Syria's differences with Israel and not threaten war in the process. And also maybe the West Bank and Gaza Palestinians—and these are the tragic pawns in so much of the Middle East turmoil—will be able now to speak for themselves and not rely upon others in seeking political rights in this process of having outsiders speak for them.

There is much hope in what lies ahead, Mr. President. But we must remember that problems in the Middle East will not be solved overnight. This is a region with thousands of years of contentious history. It took Secretary Baker some 7 months to even get the parties together. We cannot expect peace then to be achieved in 7 days, or in even another 7 months, as much as we hope that happens. The parties are entering a process that is going to take time, patience, and most importantly understanding.

This peace process will be unprecedented in its complexity. After the opening session, Israel will face off with her neighbors in direct bilateral talks. These separate tracks will proceed simultaneously and will be fraught with many difficulties. It will be hard to measure progress in the sound bites that the news media like to use in measuring progress.

But we should not lose sight of the goal—and it is a real and genuine peace for the region. And I hope that there will be peace treaties, although the invitations to the conference did not state that this was such a goal.

And we must appreciate the anxiety with which the little country of Israel enters the process. Israel will sit down with nations and with people who have sworn to drive Israel into the sea, to wipe this tiny nation out of existence. Israel is still besieged, for just this week we have read where several soldiers died as a result of an attack in Lebanon. And earlier this year, Palestinians, led by the PLO, cheered Saddam Hussein, even as Israel was under Scud attacks. So let us understand and remember there is no place of the PLO in this peace process because it is a terrorist group which has killed many Americans, as well as Israelis, in its quest to overrun and eliminate Israel.

But the peace conference, and, in particular, the direct dialogs will be a historic moment, one that will be impossible to undo. Mr. President, I wish the parties every success and hope that we can look to what the prophet Isaiah had to say when he said "Nations shall not lift up sword against nation, neither shall they learn war anymore." This is my profound hope for the peoples of the Middle East.

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

Mr. GRASSLEY. Mr. President, if appropriate I would like to have additional time of 5 minutes on another subject; is that possible?

The ACTING PRESIDENT pro tempore. The Chair will remind the Senator there is another Senator waiting under morning business

Mr. GRASSLEY. I am sorry.

I will yield the floor.

Mr. SMITH. Thank you, Mr. President.

The ACTING PRESIDENT pro tempore. The chair recognizes the Senator from New Hampshire [Mr. SMITH].

CONCERNING THE STRATEGIC DEFENSE INITIATIVE

Mr. SMITH. Mr. President, in yesterday's Washington Post op-ed piece, entitled "SDI—We Don't Need It," Jeremy Stone and John Pike of the Federation of American Scientists illustrate just how out of touch the liberal arms control community is from reality and mainstream America on the issue of ballistic missile defense. As a member of the Armed Services Committee, I find their impassioned plea against SDI dangerous in its naivete and delusion.

Predictably, the article expounds the same erroneous partisan logic which SDI opponents have voiced for years. However, in a thinly veiled attempt to update their argument, the authors praise recent "major cutbacks" in Soviet nuclear forces and warn against the provocative deployment of a United States ABM system. Further, Mr. Stone and Mr. Pike completely discount the growing threat posed by Third World proliferation, and instead recommend relegating our national defense to the efficacy of arms control agreements such as the ABM Treaty, the Missile Technology Control Regime, and the Nuclear Nonproliferation Treaty.

Mr. President, with all do respect to the authors, I must say that this article reflects a fundamental ignorance concerning Soviet strategic modernization, Third World proliferation, and national security policymaking. Unfortunately, this type of disinformation, whether intentional or simply misguided, continues to curry favor with our liberal news media and enjoy wide distribution.

But let us set the record straight. Clearly, United States-Soviet relations are improving, and the recently announced joint nuclear reductions are encouraging. For the first time in 45 years, Soviet intentions appear to be turning away from militarism toward economic and political reform. One cannot help but feel a sense of relief and cautious optimism.

Yet, as Secretary Cheney and General Powell have repeatedly stated, we must tailor our military forces toward the capabilities of potential adversaries, not just perceived intentions. And although the independent republics of the former Soviet Union appear committed to reducing the quantity of nuclear weapons, they certainly are not compromising quality. In fact, the Soviets are actively modernizing and testing advanced variants of their missile inventory which combine enhanced accuracy and yield to compensate for numerical reductions. Now, mindful of these developments, and the fact that the Soviet Union already has deployed a robust ABM system around Moscow, can the authors actually be serious in asserting that a United States ABM deployment should be opposed on the basis that it would be provocative to use their language?

Moreover, while Mr. Stone and Mr. Pike are quick to downplay the significance of President Gorbachev's promise to consider American proposals on SDI, they disregard other recent statements by Soviet military officials which provide compelling proof of an evolving Soviet attitude toward missile defenses. For instance, just 2 weeks ago, Soviet Maj. Gen. Viktor Samoilov, a department chief for the Russian Republic's State Committee on Defense, stated:

> I think that this U.S. ABM project is realistic. This is a practical proposal. It's not just a political theoretical one.

Additionally, when asked to comment on the threat of third world proliferation, Samoilov said:

> This is a very serious source of threat * * * therefore, an integration of joint efforts toward an ABM agreement is both full or promise and full of interest to us.

These are bold, unambiguous statements which can lead to but one interpretation: The Soviets recognize the value of missile defenses and are prepared to negotiate. Furthermore, the Soviets recognize that in a rapidly evolving world security environment, mutual assured destruction cannot be relied upon to deter aggression. The knowledge that the United States could obliterate the nation of Iraq failed to deter Saddam Hussein. It will not prevent future incursions. Without defenses, all nations will be hostage to Third World missile threats, all nations.

Ironically, the article suggests that many Americans may be startled to learn that the initial single site ABM system advocated by the Senate would have the extreme east and west coasts vulnerable to missile attack. In all fairness, the authors are correct that Americans may be surprised, but for an entirely different reason. The real truth is that a majority of Americans believe that the United States already has a system deployed to defend against nuclear missile attack. In fact, a 1987 poll by Penn & Schoen Associates found that 74 percent of the public support deployment of an SDI system, and 64 percent believe that some type of strategic defense system is already in place.

Well Mr. President, the fact is, the United States has no system deployed to defend America against ballistic missiles. I repeat, we have no defense against strategic ballistic missiles. The only ABM system in our inventory is the Patriot missile, which is a point-defense weapon designed to protect very small areas against short range missiles in terminal phase. Thus, although America overwhelmingly supports, and actually believes we have deployed missile defenses, in reality we are completely vulnerable to missile threats.

Mr. President, the simple truth is that the anti-SDI arms control community is swimming hopelessly against the tide of mainstream America. In Desert Storm, America saw 28 of its sons and daughters killed by ballistic missile attack. This is not some hypothetical, exaggerated menace. It is a very real and serious threat. And it is growing. Indeed, I ask my colleagues, do you think the parents of those 28 brave men and women consider ballistic missiles to be a hypothetical, improbable threat? I think not. Frankly, I resent, and I believe the American people resent, the liberal arms control community's ongoing crusade to sustain the ABM Treaty at the expense of our national security and the lives of our citizens. It is not a bi-polar world; the Third World did not sign the ABM Treaty.

In adopting the Missile Defense Act of 1991, the Senate took the historic and long overdue step forward of endorsing missile defenses. Recent Soviet initiatives merely reinforce the vision and merit of the Senate proposal. And contrary to the irrational, misguided arguments of antidefense pundits such as Mr. Stone and Mr. Pike, now is the time to move forward to develop and deploy ballistic missile defenses.

I yield the floor.

The PRESIDING OFFICER (Mr. SIMON). The Senator's time has expired.

Mr. GRASSLEY addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. GRASSLEY. I thank the Chair.

(The remarks of Mr. GRASSLEY pertaining to the introduction of S. 1860 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The Republican leader is recognized.

THANKS TO SENATE TELEPHONE OPERATORS

Mr. DOLE. Mr. President, although it is a bit belated, I want to take a minute to thank the unsung heroes of the Thomas nomination—the Senate telephone operators.

As we know, during Columbus Day weekend, millions of Americans called their Senator to register their opinions on the Judiciary Committee hearings.

The Senate usually receives 375,000 calls on an average business day. There were 600,000 calls on the Friday the hearings began. There were 476,000 on Saturday and 331,000 on Sunday. Over 1 million calls on Columbus Day. And over 1 million calls on Tuesday, the day of the confirmation vote.

Because of the unprecedented volume of calls, some could not get through. The fact that so many did was due to the patience and skill of the switchboard operators.

On behalf of all of us in the body, I am pleased to extend our thanks and gratitude to the operators for their hard work and dedication to ensuring that the people's voice would be heard.

FOREIGN TOURISTS FLOCKING TO KANSAS: THEY COME TO SEE THE STORY OF AMERICA

Mr. DOLE. Mr. President, I want to bring to the Senate's attention a front-page article that appeared in Sunday's New York Times entitled "Tourists From Abroad Discover Mid-America."

Datedlined Dodge City, KS, the October 20 article tells the millions of New York Times readers worldwide something Kansans have known for a long time—that our State is a great place to visit, especially if you want to see frontier history up close and personal, and if you are eager to meet friendly folks wherever you go.

The good news is, foreign visitors are well aware of these great Kansas attractions, and are now flocking to the Sunflower State in record numbers. During the past 5 years, according to the Times, foreign tourism to Kansas has increased by a whopping—and welcome—213 percent.

And these tourists are quite clear about why they are coming to the heartland: They are coming to Kansas to see and hear the story of America—the opening of the frontier; the sights and sounds of the Old West; and the majestic sweep of waving wheat all the way to the horizon.

It is a powerful story, told by frontier towns named Dodge City and Fort Hays, Nicodemus, and Fort Larned; it is the home of the Pony Express, Boot Hill, and the Santa Fe Trail; and it is the land of natural treasures such as the Cheyenne Bottoms Wildlife Refuge and the Flint Hills.

It is a story that proudly includes President Dwight Eisenhower, aviation pioneer Amelia Earhart, and frontier legends Buffalo Bill Cody, Wyatt Earp, Wild Bill Hickcok, and Bat Masterson.

In short, what awaits visitors to Kansas is the real thing, not the frontier world of some artificial theme park, and certainly not the Hollywood Kansas of "The Wizard of Oz."

This past weekend, during a series of town meetings in Kansas, I hosted a distinguished visitor from abroad—Andrei Kolosovsky, the Deputy Foreign Minister of the newly independent Russian Republic. Like many other visitors to our State, Mr. Kolosovsky was on vacation, and we are proud he chose Kansas as one of his destinations.

We in Kansas are eager to tell our story, and the door is always open, not only to travelers from abroad but to folks from the 49 other States as well.

Mr. President, I ask unanimous consent that the aforementioned article from the New York Times be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, Oct. 20, 1991]

TOURISTS FROM ABROAD DISCOVER MID-AMERICA

(By Edwin McDowell)

DODGE CITY, KS.—Aided by a weak dollar and bargain-basement air fares, visitors from overseas are flocking to the United States in numbers that have set records five years in a row. But what has startled travel experts is that more and more overseas visitors are turning up in states like Kansas and Nebraska, Kentucky and Utah.

Having seen the theme parks and the major cities, these tourists—especially repeat visitors, who last year made up 76 percent of all overseas visitors—are traveling to Indian reservations, staying at dude ranches, hiking through remote national parks and finding their way to places far off the beaten track.

Places like Dodge City, a windswept old frontier outpost that achieved international fame as the setting of "Gunsmoke," the longest-running Western in television history, hold special appeal. With its reconstructions of 1870's buildings where gunslingers like Wyatt Earp and Bat Masterson (and the fictional Marshal Matt Dillon) roamed, Dodge City has attracted almost 20,000 foreign visitors this year.

The Old West flavor is one of the main reasons Kansas leads all other states in the rate of growth in overseas tourism—up 213 percent last year from 1985—as against a national average of 60 percent in the same period.

"Can there be anybody around the world who doesn't know of Dodge City from television and the movies?" asked Bernie Ashfield of Adelaide, Australia, who traveled here from New York on a cross-country tour bus.

Ian Hay of Timaru, New Zealand, a fellow passenger added: "It's a very historic spot. Dodge City is just about as well-known down there as New York."

These days, almost no tourist attraction seems too remote for overseas visitors. Some of the recent interest in Iowa, for instance, stems from its legalization of gambling on Mississippi river boats, starting last spring.

But in Dyersville, Iowa, where a baseball field was created for the Kevin Costner movie "Field of Dreams," Jackie Ellingson of the Chamber of Commerce said, "Lots of Japanese tourists have flocked here to see the 'Field of Dreams.'"

Thousands of foreigners—inspired by reruns of the 1960's television adventure series "Route 66," about two friends who traveled the highway in a corvette, have been turning up in cities and towns along what is left of the 2,448-mile highway that linked Chicago and Los Angeles.

"Japanese, Germans, Norwegians, Swedes, Italians—the list just goes on and on," said Angel Delgadillo, a barber for 41 years in Seligman, Ariz., which sits along a 160-mile uninterrupted stretch of the famed highway. "The number of tour buses that get off Interstate 40 to come to Seligman is awesome. They say they're looking for America."

Overseas visitors are even showing up at the Tulsa home of Michael Wallis, the author of "Route 66: The Mother Road" (St. Martin's Press, 1990), a nostalgic look at the highway, wanting to know more about the highway that has gripped their imagination.

"I don't know how they know where I live," Mr. Wallis said, "but almost every week foreigners show up at the door—British, Germans, Japanese and French. Ten days ago a young couple from London, both of them in banking, showed up on their way from Chicago to L.A."

Although states like California and New York are still far ahead in absolute numbers of overseas visitors, smaller states are using aggressive promotional campaigns to make big gains. "Until about three and a half years ago we didn't even think of our state as being a potential destination for foreign tourists," said David K. Reynolds, administrator of Iowa's Division of Tourism. "But we've had a 175 percent increase in foreign visitors from 1988 to 1990. And a few weeks ago we had seven tour operators from Brazil and Argentina."

BEHIND BIG PERCENTAGE

The main reason for such high percentage growth, of course, is that most of those states had few overseas visitors until recent years, and even now lag light-years behind the states with the most overseas visitors. Kansas, for example, had only 119,000 overseas visitors last year and Utah only 267,000, compared with California's 4.8 million and New York's 4.5 million.

But the numbers are certain to change significantly, experts say, as foreigners continue to seek new experiences and as most states—realizing the economic impact of foreign tourism—pour more money and effort into promoting themselves individually or through the many regional tourism association that have cropped up.

For much is at stake: 38.8 million foreigners, including almost 17.3 million Canadians and 6.8 million Mexicans, spent $52.8 billion in the United States last year, including fares on American airlines, according to preliminary figures of the United States Travel and Tourism Administration, a unit of the Commerce Department. Of the foreign visitors, 14.8 million came from overseas and accounted for the biggest percentage growth of foreign visitors to mid-America.

All of the foreign visitors spent $5.2 billion more in the United States than did the 43.6 million Americans who traveled overseas last year.

One city that has done particularly well is Cody, Wyo., which had almost 20,000 visitors this summer from Taiwan alone. Cody, a city of about 7,500, is a gateway to Yellowstone National Park, and it has dude ranches, a rodeo every night from June through August and has museums devoted to Buffalo Bill, the Plains Indians, Western art and Winchester firearms.

But more than that, it has reached overseas to sell its attractions. About five years ago a small delegation from Cody flew to Taipei, to meet with travel operators. "We convinced them there was lots to do here," said Judith Blair, the marketing director of two hotels in Cody. Altogether, she said, Taiwanese, Britishers, Germans and other foreign tourists account for about 400 of the 1,200 tour buses that stay at the Blair Hotels.

Other regions have gained, too, Stan Fisher, the president of Allied Tours in New York, said his company has handled about 150,000 tourists from Europe this year, 10 times that of a decade ago, and his most popular tours include trips to New England to see the fall foliage. "We have so many people wanting to go to New England this month," Mr. Fisher said, "that we don't have room for them."

Similarly, Jerry DiPietro, the president of Tourco Inc. in Hyannis, Mass., said that the tour most popular with his 5,000 European clients is 14-days in New England.

The most passionate overseas visitors, by most accounts, are those who are enamored of cowboys and Indians. "The Japanese and Germans who come here are absolutely, bowled over by the Wild West," said Todd Kirshenbaum, deputy director of the Nebraska Tourism Office. "Anything with rodeo, cowboys and ranches, they just go nuts over."

That opinion was seconded by Greg Gilstrap, the director of travel and tourism for Kansas. "There's strong interest in cowboys, Indians and the Old West," he said, "and Kansas is lucky enough to have a lot of the things that foreign visitors are looking for."

SKIING ATTRACTS JAPANESE

Last year, 3.1 million Japanese visited the United States, the most from any country overseas, with 2.2 million coming from Britain and 1.2 million from Germany. While most Japanese continue to travel in groups, many are now striking out on their own.

"We're doing a lot of ski business with Japanese tourists, and many want to stay with American families," said Nanette Groves Anderson of Western Leisure Inc., a tour operator in Salt Lake City.

Mitsuko Kennair of Hotard Coaches in New Orleans, said her Japanese clients are taking Mississippi cruises, visiting plantations, journeying to see alligators and even flying from Tokyo just to attend the jazz festival held each spring. "Almost all of them are repeat tourists, looking for different destinations," she said.

Jan Arai, co-owner of J.D. Cook tour company in Seattle, said many of her repeat Japanese clients are striking out on their own or with family members. "A lot are trying to test their mettle by renting R.V.'s," she said.

Arizona alone earned $56 million last year from Japanese tourists, many of whom came to visit the Grand Canyon, but others stayed at dude ranches or visited its many Indian reservations.

It will be a long time before most foreign visitors feel at home in the American heartland, according to John Sem, who heads the Tourism Center at the University of Minnesota. "There are language problems, and this culture tends to be insensitive about the needs of other cultures," he said. "And where do you exchange money in rural communities?"

But officials in both the private and public sector agree that tourism to the interior will continue experiencing record growth, now that the ice has been broken and now that cities and states are belatedly aware of its economic importance.

CHARTING A NEW COURSE TOWARD ECONOMIC GROWTH

Mr. LIEBERMAN. Mr. President, there has been a lot of discussion on Capitol Hill this week and from the White House about the recession and tax relief. I must say that, as a Senator from Connecticut where the recession is deep and has been long lasting, I truly welcome this discussion. It is long overdue. I am happy that the White House has begun to wake up to the fact of the credit crunch, which is stifling credit for business in much of America. I am also happy that many Members of Congress are talking about tax relief, middle-income tax relief.

A couple of weeks ago, I announced my own version of a working family tax relief program in Connecticut.

I am pleased to join today with Senator BENTSEN in cosponsoring the initiative that he announced over the weekend in an act of genuine leadership that breaks the logjam that existed and really offers some hope to the American people and the American economy for relief.

But I am concerned that, as we go forward, each in our own way, we do not cling to partisan blinders of the past. I am concerned that we Democrats, for instance, not embrace tax relief without also embracing tax incentives for business, which I think are essential for both short- and long-term economic growth. I am concerned that our friends in the Republican Party embrace tax incentives for business without tax relief for the middle class and without recognizing that Government can and must play a positive role in helping businesses grow, invest, save, research, develop, and export, all of which will create jobs for America.

Mr. President, this recession is just too serious. As we speak 8.5 million people have been put out of work by this recession. And the need for long-term economic growth is just too great to allow partisan debate to stand in the way of what people need to achieve prosperity once again in this country. Neither party can allow ideology to stand in the way of what will work to help businesses grow and help our economy expand.

So, Mr. President, I hope that my fellow Democrats will drop their opposition to some form of capital gains tax relief. I think we need a capital gains tax cut, at least on new stock issues, in order to stimulate investment in growing businesses, and that is investment that can save and create jobs. The rhetoric about tax cuts for the rich too often has stood in the way of doing what President Kennedy asked us to do in reminding us that a rising tide raises all boats. Mr. President, a capital gains tax cut is one of the ways to raise the tide of the American economy which will save and create jobs for American people.

I hope that my friends in the Republican party will recognize that the invisible hand that so many rely on sometimes also needs a helping hand from Government. Not with big new bureaucracies issuing orders to the private sector, or blindly pumping billions of dollars into new programs. No; Government must act in a new spirit of cooperation with the private sector to make it easier for entrepreneurs to get capital to their enterprises, to help manufacturers invest in new plants, and equipment, to encourage high-tech firms to create new products and bring them to market, and to promote trade to keep America competitive in the emerging global marketplace.

The bottom line is this: Tax relief for American families is fair and, in my opinion, essential to getting us out of the recession we are in today. But it must be accompanied by tax incentives for business, and Government-private sector cooperation to help businesses grow and create jobs. Giving taxpayers a break is important, but helping workers save their jobs is even more important. We cannot ignore either side in this equation. Middle-income tax relief will not mean much to middle-income people who have lost their jobs.

Mr. President, I have introduced my own version of a working family tax relief plan. It would increase the tax exemption for children of working families up until they are 10 years of age, and it would equalize the exemption across income lines. It would also eliminate what I think is one of the great inequities in the tax system today, and that is the tax penalty for single, working heads of households, who now bear an unfair tax burden simply because they are not married.

I also support Senator MOYNIHAN's cut in the social security tax rate, because I believe it will make that tax much less regressive, and will help put money in workers' hands so they can save and spend, which is just what our economy needs. That kind of tax cut also helps businesses save money, too, which they can use to invest in growth.

Tax relief for the middle class makes sense. Over the past decade or so it is the middle class that has suffered the most from tax increases, even while their purchasing power has remained stagnant or declined. Unless the broad middle-class working families of this country get some relief, they cannot spend and save, and our economy cannot grow its way out of this recession.

The real key to the long-term health of our economy lies in our ability to help businesses get back on their feet and growing again. The facts of economic life speak for themselves. The cost of capital in the United States is twice as high as in Japan, so it is no surprise that the Japanese are outstripping us 5 to 1 in their investments in new equities.

Venture capital investment in the United States, which is so critical to new job creation, is at the lowest point in a decade. The amount of money available for loans is shrinking, as every businessman, particularly small business people, in this country know. And spending on research and development has gone up at the slowest rate since 1976.

My ideas for economic growth are contained in several bills I have introduced, including the Economic Growth Act, which I first put in last year, and reintroduced last April. In it, and in other legislation I have sponsored, I propose:

A targeted cut in the capital gains tax, with an emphasis on new issues from companies of any size, and with benefits for investments that are held for longer periods of time;

Enactment of an investment tax credit;

Permanent extension of the research and development tax credit, with a new focus on the development side of the coin, to help bring new products to the market;

Creation of business IRA's, to be used for investments in new plant and equipment;

Reinstatement of a comprehensive IRA for individuals, to promote savings;

Creation of an expanded version of the Defense Advanced Research Products Agency to support the development of cutting-edge civilian technology and to help defense-related manufacturers diversify into commercial markets;

Enactment of trade initiatives, including increases in direct loans and tied aid through the U.S. Export Import Bank, establishment of a capital-projects bureau at the Agency for International Development, and more tenacious representation of the interests of U.S. exporters by the Federal Government in international negotiations;

Establishment of enterprise zones, to target tax incentives for businesses that locate and expand in economically depressed regions of our economy;

Passage of credit crunch relief legislation, designed to help increase the flow of capital to banks in order to make loans to small businesses more possible.

In addition to all these measures, we also need to pass a responsible energy bill that is aimed at reducing our dependence on oil, and increasing our development of renewable, alternative sources of energy, decreasing our vulnerability toward price fluctuations in the price of oil, and increasing the energy efficiency of our buildings, homes, and motor vehicles.

Finally, we need to pay much more attention to our system of education, and devise ways to help students prepare for real jobs in the real world. Toward that end, I support legislation that encourages businesses to get directly involved with schools in order to provide better vocational training, and enhanced science and mathematics education.

Taken together, I believe this combination of tax relief, tax incentives, and a new era of Government-private sector cooperation can help get our economy moving again, get businesses investing and inventing again, get people working again, and get families saving and spending again. I hope that all of us—Democrats and Republicans alike—will recognize the dire economic straits the people of this country are in, and will set aside partisanship to join in a nonpartisan effort to end this recession and put Americans back to work, and back on the road to long-term economic growth and prosperity.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WIRTH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Chair reminds the Senator from Colorado the time for morning business has expired.

Mr. WIRTH. Mr. President, I ask unanimous consent to speak for 10 minutes in morning business. And I ask unanimous consent the time that I may use be charged against the cloture motion.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE LATE SENATOR JOHN HEINZ

Mr. WIRTH. Mr. President, today is the birthday of our late friend and colleague Senator John Heinz. In the months since his tragic death—under the mountainous weight of feelings of loss—I have discovered anew an appreciation for his life and for his legacy.

Throughout his life, John Heinz was blessed with great fortune. Because of his life, this institution, his beloved State of Pennsylvania, the elderly, all Americans were blessed with great fortune.

John Heinz cared enormously, and he cared for others.

This man of great wealth and opportunity could easily have focused on caring for his own needs. He could have sought simply to devote his attentions to the private sector, to personal gain. But he cared about making the public sector work. He could have worked in Congress only to get reelected. But he cared about doing what was right for policy—not politics. He could have devoted his career to protecting only the interests of Pennsylvania. But he cared about the entire Nation. In these days of cynicism about the selfishness of political life and political institutions, let us remember one who devoted himself to caring for others.

Let me just enumerate two or three areas, if I might, Mr. President.

CARING FOR SENIOR CITIZENS

First, senior citizens had no better friend than John Heinz. He was ceaseless in his pursuit of the rights of seniors. After 10 years of work, he was successful in ensuring the long-term viability of the Social Security Trust Fund. The Heinz-Hollings amendment to the 1990 Budget Reconciliation Act removed the trust fund from the Gramm-Rudman-Hollings deficit reduction calculations.

Also, during that decade of work, John Heinz was instrumental in pushing for Medicare and Medicaid reforms to protect patients and programs alike. He expanded coverage to include payments for prescription drugs. He developed programs to allow seniors to receive treatment in their homes and to avoid unwelcome institutional assignments. He made permanent the hospice benefit under Social Security. He fought to protect seniors from dramatic increases in the deductible for inpatient hospital services under Social Security.

He cared about seniors rights in the area of employment—authoring the Age Discrimination and Employment Amendments of 1985. He fought to ensure that retirees received the retirement benefits they earned and deserved.

CARING FOR WORKERS AND TRADE

John Heinz also respected the rights of working men and women in his constant search for opportunities to improve our competitive position.

He helped craft every legislative effort on trade. He was instrumental in developing the Export Administration Act and every substantive redraft of that law.

He was one of the first and most persistent proponents of increased trade in Central and Eastern Europe. He authored and passed a bill to nurture the domestic subcontractor base by encouraging prime defense contractors to use domestic parts. He helped facilitate increased lending by the Eximbank to expand U.S. trade opportunities.

Throughout his career he was a champion of Americans with disabilities, fighting for work incentives and for the availability of benefits for disabled children.

He fought against dumping practices and tariffs that unfairly disadvantaged domestic workers and industry.

He authored a bill to strengthen the U.S. job training program for displaced veterans in the work force.

Earlier, this year, he was distraught over the prospect of military families being separated from their children and he worked to ensure that children were cared for and not needlessly separated from their parents.

CARING FOR THE ENVIRONMENT

Jack Heinz was a tremendous defender of the environment—in his home State and around the globe. Two and one-half years ago, John and I, along with the distinguished occupant of the Chair, led a congressional delegation to the rain forests of South America to see firsthand the damage wrought by deforestation in the tropics. He came back with a deep commitment to address this issue and he did.

We worked together to halt the dreadful plan to build a road from the Amazon to the Pacific Ocean—discovered in a session which we had with Senator GORE and others, in Acre, in western Brazil—a plan that could have devastated hundreds of square miles, if not more, of rain forest—destroying the Brazilian rain forests and spreading over the mountains into Peru. This enormous road was described by one member of the delegation as an enormous straw sucking out the innards of the Amazon Basin, destroying the great rain forests of Brazil. That project got stopped.

In Pennsylvania, he worked to clean up the Butler mine tunnel where huge quantities of used oil were dumped. In Paoli, he trudged through the local railyard—heavily polluted by PCB's—in a moonsuit.

One of his most important works was the development of Project 88, a public policy study examining ways to harness market forces in protection of the environment. We followed up that effort with a second report earlier this fall focusing on implementing the ideas fleshed out in 1988. Market-based environmental strategies are now part of the common lexicon of policymakers. We did not invent these ideas, but we were tremendously proud of our efforts to consolidate and make relevant and prevalent their power.

These efforts were absolutely vital for passage of the Clean Air Act—breaking the logjam on acid rain with a program of tradable credits for controling emissions.

Also in the energy arena, John Heinz was past chairman of the Alliance to Save Energy, the Nation's premier nonprofit energy efficiency organization, which I now chair. On the Banking Committee, we authored an amendment to include energy efficiency programs in the effort to make housing more affordable.

CARING FOR GOVERNMENT

More than anything else, John Heinz believed in the power and promise of good government. Where others were cynical, he was creative. Where others gave up, he persisted. He persisted in his fight to bolster trade, to protect the environment and to shield senior citizens. He simply believed that there was a proper role for government, and he demanded that it be efficient, effective, and compassionate.

On the Banking Committee, Senator Heinz and I worked to step up the Federal Government's efforts to investigate and prosecute fraud and other criminal activities that were and remain part of the S&L crisis. We wrote a comprehensive S&L reform package to give Federal investigators and prosecutors the tools they need to pursue these crimes.

He believed government should look after children, particularly children of the poor. He authored legislation to provide Medicaid benefits to poor children. He created a government endowment to produce educational children's television programming and wrote a bill to establish special nutrition projects at food banks. He wrote the Excellence in Education Act and fought to eliminate discrimination with regard to coverage for treatment of mental illness under Medicare. He believed government should protect the sick, so he wrote legislation to help victims of black lung and agent orange exposure.

A LEGACY OF CARING

I have highlighted only a small part of the extraordinary legacy of Senator John Heinz. It is a legacy of caring, for his State, for the elderly, for the environment, for workers, for the disabled, the poor, the disadvantaged.

He was a most respected colleague and friend. Most of all he was beloved by this Senate, by Pennsylvania, by the American people. Words are dreadfully inadequate to express the depth of care and comprehension he conveyed to his constituents, Congress and public policy. On his birthday, we remember how blessed and enriched we are by his life, how diminished we are by his death.

Mr. President, in order to do greater justice to his legacy than I am able, I ask unanimous consent to have printed in the RECORD a collection of articles written about and by John Heinz.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Feb. 19, 1991]

PARENTHOOD AND POLICY

JOHN HEINZ: ACCOMMODATIONS MUST BE MADE

What is to be made of the Pentagon's hard-heartedness toward the children of married couples and single parents within its own ranks?

The stories so far have focused mainly on women. Two reservists in my state, for example, both of whose husbands are already serving in the Persian Gulf, recently received call-up notices just hours before giving birth. They are patriotic women, but they are also, now, parents who want to care for their babies. But as a matter of policy, the military has judged these children's need for a parent to be secondary to its own need for the parents' services.

This is simply the most dramatic example of another emerging symbol of the Gulf war; mothers being torn from their young children. But this is not a "women's" or "mothers'" issue; it is a children's issue. We may countenance the parents' pain, because they volunteered for the military, with all that that implies. But their children did not volunteer, and it's their plight we must address.

If not, there is even worse symbolism ahead: American children being orphaned by an outmoded Pentagon personnel policy; an Uncle Sam already talking about how to rebuild Iraq, but whose heart turns to stone when confronted with the pain of American kids.

It is an avoidable trauma. The Pentagon already allows one parent to leave a war zone if the other has been killed in action. Against an opponent armed with biological and chemical weapons and the clear will to use them, however, waiting until one parent is dead may be too late.

That's why I have proposed that the Pentagon simply update its policy to recognize the new realities of the battlefield by allowing one parent or a single parent with sole custody of his or her child to seek reassignment somewhere other than in the war zone.

The Pentagon has objected to this suggestion on several counts: that volunteers accepted their obligations willingly; that my proposal treats parents as "second-class citizens"; and that it will seriously hamper Operation Desert Storm. Let's consider these arguments in reverse order:

Impact on Desert Storm: According to the latest figures supplied by the Pentagon, 65,982 single parents and 70,456 married couples—46,688 with children—now serve in the U.S. Armed Forces. Some 1,000 of those married couples may be in the Gulf, about half of * * * respond to my inquiry as to how many single parents with sole custody of their children are in the Gulf.

The best estimate is that my legislation would apply to fewer than 2,000 people, or less than one-half of one percent of our forces in the Gulf. Some of these may not opt out of the war zone; others may be kept in place if removing them would truly represent a hazard to their units. But the bottom line is that this represents at worst a minor personnel shuffle.

Impact on Career Military Personnel: The contention that my bill will create a "mommy and daddy track" for members of the career military is specious. The right to opt out of the war zone would be optional, not obligatory, like the prohibition on women serving in combat positions.

If the military is implying that it would derail someone's career for taking advantage of that right (one wonders if it would do the same to a soldier exercising the existing right to leave a war zone after the death of a spouse), then isn't it more civilized at least to offer parents the choice?

Most of the soldier-parents caught in this predicament are not careerists. In fact, most of the people who have contacted my office are just the opposite: they had opted to devote time to their children and were on their way out of the military when they were called up.

Implications of Volunteerism: As I have noted, it is not the parents we should help, but their children. But it is also questionable whether an 18-year-old tantalized by offers of tuition money has any inkling of what he or she is giving up in "volunteering" to leave children yet to be born behind.

Our righteous insistence that "a deal is a deal" is disturbingly reminiscent of the story of Rumpelstiltskin, the dwarf in German folklore who exacts a terrible price for helping a desperate young woman—her first-born child.

Rumpelstiltskin's fate (he tears himself apart) offers a singular warning to a military that must worry about how its behavior in this war will affect its ability to recruit for the next. If the Pentagon remains inflexible on this point, not just single parents and married couples, but all variety of individuals horrified by tales of "Gulf orphans" will shy away from military service.

RSVP—PLEASE!

(By U.S. Senator John Heinz)

(The following article was prepared and received from John Heinz, the Senior Senator from Pennsylvania and the Ranking Republican on the U.S. Senate Special Committee on Aging.)

Our society measures wealth in many ways, including salary, savings, stocks and bonds, houses, and automobiles. Senior citizens control another form of wealth: their life-earned experiences and knowledge. When applied through programs like the Retired Senior Volunteer Program (RSVP), their wealth is invested in society with bonus interest rates for all concerned.

RSVP has some impressive figures. Nationally, over 400,000 RSVP volunteers generate approximately 73 million volunteer hours on over 750 projects. In Pennsylvania alone, there are 30 projects, with some 16,200 volunteers giving 1.3 million volunteer hours per year. RSVP programs in such areas as youth counseling, literacy, in-home care, "latch key" children, consumer education, crime prevention, and housing rehabilitation are showing every day that senior volunteers can make a difference. These aren't projects created and managed by some far-off federal bureaucrat; these are projects designed, operated, and controlled on the local level, targeted directly to the needs of the community.

No other group in our country has as much to offer as senior volunteers. Raised in an age when community meant something special, when it was expected that people should try to make the world better—not just make a buck—they've been through the hard times, and know what it means to go without. They can empathize with those less well-off. They have years of practical experience at making things work, and are eager to share their valuable expertise.

Volunteerism is firmly rooted in the very origins of our democracy, and volunteerism has never been needed more than it is today. America is beset by a number of deep and troubling problems. Too many of our children grow up in families totally unlike the nuclear families most older Americans enjoyed. Many go to schools that fail to teach them adequately how to survive in this complicated world, much less get ahead. Drug abuse tears at the fabric of our society, both in terms of crime and wasted lives. Too many seniors with disabilities suffer because they have no families to care for them and cannot afford to obtain care by themselves.

Paradoxically, our nation has never needed to do more to protect and serve its citizens, yet government has never been less able to deliver. The sad truth is that our huge federal budget deficit crimps efforts to solve problems from a federal level, and state and local governments are also having a hard time providing help due to their own budget pressures. Those who look to the government to develop vast new social support programs have little certainty of the result. Into this breech between our nation's needs and our governments' ability to provide must step volunteers.

RSVP is an excellent example of a public-private cooperation that works for the good of society. From a modest federal grant, RSVP generates additional dollars from state and local governments, and from private corporations and non-profit agencies. Most importantly, it obtains the services of irreplaceable senior volunteers. Their time, talents, and efforts give back more than money could purchase. Senior volunteers demonstrate the same unselfishness that they showed in building much of what our children take for granted.

If you are not already an RSVP volunteer, I strongly urge you to become one. If you already are, I salute you and hope you'll encourage your friends to become RSVP volunteers as well.

OVERHAULING MEDICARE

(By U.S. Senator John Heinz)

Once heralded as the archangel of health-policy reform, Medicare today has fallen in both public perception and actual protections to a much less lofty status. Indeed, 25 years after Medicare's enactment, the problems this program was designed to correct have in many ways intensified.

Medicare, which covers more than 95 percent of people over age 65, does not effectively meet the health-care needs of older Americans. For example, coverage has not kept pace with rising expenditures, resulting in dramatic increases in out-of-pocket spending for our elderly population—exactly what Medicare was intended to eliminate. The average annual expenditure for Medicare beneficiaries in 1970 was $331; today, the average is more than $3,000. What was intended as a safety net has become a complicated and cumbersome program for both seniors and their families.

Major shortcomings of the Medicare program were exposed when Congress rolled back the rug on the Medicare Catastrophic Coverage Act (MCCA). That legislation prompted one of the most heated battles over health-insurance benefits for the elderly that Congress has seen since passage of the original Medicare legislation.

This article examines the implications of the MCCA experience for future health policy under Medicare, describes how I believe we should change the program to better meet the needs of beneficiaries, and notes how such changes might affect hospitals and other providers.

In passing the catastrophic coverage act, Congress sought to protect older Americans against financial ruin in the form of out-of-pocket expenses for extended acute medical care. President Reagan identified the goal of this legislation as the removal of "a financial specter facing our older Americans: the fear of an illness so expensive that it can result in having to make an intolerable choice between bankruptcy and death. . . ."

But President Reagan also identified the Achilles heel of the proposal: "This new program will be paid for by those who are covered by its services. . . . So, we must control the costs of the new benefits [respite care and prescription drugs], or we'll harm the very people we're trying to help."

As it turned out, the president was correct. So severely did the government's number gurus underestimate MCCA costs that reestimates became a weekly—even daily—occurrence in the months following enactment. The postpartum revisions of the needed financial outlays pitted senior against senior and the Congress against its collective constituents. A frequently heard objection from beneficiaries was that the benefits duplicated existing coverage and did little to address the real need—coverage for long-term nursing-home expenses. Further fueling the revolt was what must be viewed as flagrant campaigns of misinformation by some organizations and insurers whose goals were either to raise more money for themselves or to increase their "Medigap" sales.[1]

So with the spring thaws of 1989 came a literal flood of mail, each letter or petition urging Congress to undo what it had done the previous fall. In December 1989, just 18 months after its passage, Congress did repeal the single most significant addition to the Medicare program since its inception. Ironically, the retirees who favored repeal must now stand by and watch costs raise their Medigap policies—rise to a much higher amount than they would have paid under MCCA, and for substantially less coverage. Many among those who advocated the repeal of MCCA now realize they made the wrong decision, in large measure because they had neither the best nor the most accurate information.

The postscript to the Medicare catastrophic law leaves Congress with the difficult decision of how best to proceed in the wake of repeal. Among the critical questions with which we must grapple are: Is passage of another Medicare bill possible if it does not include some kind of assistance for nursing-home costs? What kind of benefit expansions should be pursued? Should incremental changes be pursued or should the Medicare program undertake comprehensive reform?

Overhaul vs. caution. The Medicare program today simply does not meet the changing health and social needs of our aging population, with more than 32 million persons age 65 and over. In fact, the program can never keep pace if it continues to focus strictly on acutecare benefits. Medicare must be designed to rehabilitate—not to be a program that only promotes prevention or wellness.

Today, seniors and children of elderly parents are confronted with health-care problems that require nontraditional solutions, including homemaker services, adult foster and day care, and respite-care services for caregivers. Although minor changes have occurred within the Medicare program, they have not gone far enough to address these special requirements.

A particularly striking example of the blind spots in current Medicare coverage pertains to Alzheimer's disease. It is the fourth leading cause of death for older Americans. One tenth of persons over age 65 may be afflicted with Alzheimer's, while 47 percent of persons over age 85 have the disease. Families caring for the Alzheimer's patient at home find no relief in Medicare. For example, by limiting home health benefits to individuals who are "homebound," Medicare severely limits the number of Alzheimer's patients who can qualify.

A further illustration of Medicare's shortfalls lies in the benefits that were repealed as part of MCCA. Specifically, MCCA included coverage for respite-care services to assist families with the daily burden of care for someone with a debilitating or chronic disease condition. Though the respite-care benefit was triggered only after the beneficiary first met a $1,740 deductible, it presented a "foot in the door" as a means of helping families continue to care for a spouse or parent without having to resort to institutionalization. Although small in terms of the number of people it would have actually helped, this change, in my opinion, represented one of the most progressive additions to Medicare law since hospice services.

When Congress repealed MCCA, we turned back the clock to a Medicare program severely limited in benefits that assist the aged to remain independent. For Congress now, the challenge is how to structure changes in Medicare necessary to address the evolving requirements of the beneficiary population, while balancing that objective with political and financial realities.

I believe we have reached the point where, although incremental change is certainly more realistic, it is no longer appropriate. It is time to address the fundamental problems contained in Medicare—with respect to both beneficiaries and providers. In this regard, I want to focus on beneficiary changes that I believe are necessary.

Four proposals. First and foremost, we need to add a long-term care component that includes both home- and community-based care as well as "real" nursing-home coverage for persons of all ages. While this represents a significant departure from Medicare's current design, this change is vitally necessary.

It is no secret that the states would be crippled financially if they had to pay the Medicaid tab for both acute and long-term care. I believe that Congress should more equitably balance the costs by giving states the predominant fiscal responsibility for acute-care services of persons under age 65 who, for whatever reason, are without health-insurance coverage. Sole fiscal responsibility for all long-term care for people of all ages would shift to the federal government. This division of fiscal responsibility for acute and long-term care should assist state governments by reducing their fiscal burdens. At the same time, this will eliminate the politicization of the cost of such services. Such a plan ensures a more rational system and one that is easier for all to understand.

Second, in order to reduce what is now an overly complex reimbursement system, Medicare Parts A and B would be collapsed into one comprehensive acute-care program. Too many beneficiaries do not understand the nuances and idiosyncrasies of the current program and, as a result, have become extremely frustrated with Medicare.

Third, in conjunction with folding Parts A and B into one program, I feel strongly that each beneficiary should know the maximum amount he or she might have to spend in total out-of-pocket costs for medical services each year. We need to establish some form of out-of-pocket limit based on income.

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[1] Hearings of the U.S. Senate Special Committee on Aging, Jan. 8, 1990, Harrisburg, Pa., chaired by Sen. John Heinz, R-Pa.

Fourth, states cannot afford to pay Medicare premiums for people who are eligible for both Medicare and Medicaid. We should recognize that individuals who are economically deprived and unable to afford medical care should have to make only minimal, if any, contributions to the cost of their care. States should be exempt from having to make payments to the Medicare program for such persons. This would free additional state funds for acute-care services for the uninsured, which should lead to increased and more rational reimbursement for providers.

In sum, we need to redefine the objective of the Medicare program. The basic principle must be that no beneficiary should ever be forced into any kind of institutional setting unless absolutely necessary.

The Medicare program has not changed to reflect the changing needs of older Americans and their children. That change in needs is driven by the changing structure of the American family. In 1965, for example, most families had an adult female who remained at home, a built-in caregiver for aging parents or spouse. Twenty-five years later, this is no longer the case; in most households, both spouses work. There is no longer a full-time, adult family member to take care of an aging parent at home. Because neither Medicare nor most private health insurance reimburses for services such as adult day care or respite care, many families are forced to place an aging parent into an institutional setting.

Such changes in family structure combined with the aging of the population underscore the urgent need for the Medicare program to accommodate the profound changes in our society. Respite care and adult day care, for starters, are both necessary to help families care for an aged parent or spouse. We must be cautious, however, that federal benefits supplement, not replace, care provided by families.

Rational reimbursement. Having said this, it is important to remember that these changes, or any major changes in Medicare, will have some impact on providers. We need, therefore, to ascertain whether a more rational and easier reimbursement system can be developed to coincide with the restructuring of Medicare benefits.

For too long, Congress has been dictating provider reimbursement based solely on budget policy rather than focusing on whether the system is flawed, and if so, how best to fix it. Congress has made attempts to change the system by encouraging alternative forms of health-care delivery, changing Medicare reimbursement and, most recently, by reforming physician payment. Nevertheless, these efforts still represent piecemeal solutions to a program in need of radical overhaul.

We must begin by recognizing that a Medicare overhaul is a political nightmare. First, the hundreds of provider groups, each of which has its own best fix, can never be satisfied. Congress and the various committees of jurisdiction must not only expend the time and energy necessary to craft reform, but risk the heat associated with any reform cuts and costs.

Instead of a reform, however, we experience the incessant tinkering of a Congress determined to use the Gramm-Rudman-Hollings budget process for policy reform. Typically, as part of a spending-reduction package to meet the GRH target, Congress may, for example, recommend delaying payments to providers by anywhere from one day to one week. While this budget gimmickry results in paper savings, it can, and often does, have an adverse impact on hospitals and physicians forced to adjust to delayed payment.

Bradford Hospital in Bradford, Pa., recently wrote that the current seven-day payment lag for that facility is a $100,000 cash loss. "With our current operating cash balance at $23,000," the hospital vice president wrote, "this type of adjustment would require us to incur short-term borrowing costs for working capital, particularly if the adjustment happened in a payroll week. There is no actual dollar savings for the government from such an adjustment. . . ."

This example is only one of many, but it typifies the problems created by Congress' efforts to reduce the deficit and underscores the need for complete overhaul.

The comprehensive reform of the Medicare program that I've outlined emphasizes a thoroughly restructured benefits package that recognizes changes in the structure of the American family. Such an overhaul is necessary in order to assist families, old and young, in caring for their parents or spouses in noninstitutional settings and to banish, so far as possible, the traumatic prospect of costly and unnecessary institutionalization. At the same time, such changes should eliminate some problems hospitals now face and stimulate continued evolution of hospital's roles.

[From the Federation of American Health Systems Review, November-December 1990]

HEALTH CARE FOR CHILDREN: OUR FUTURE—OUR DESTINY

(By Senator John Heinz)

The U.S. health care system has been heralded as state-of-the-art. We have the finest equipment, the most advanced medical procedures for saving and sustaining life, superb hospitals, highly trained physicians and other health care professionals. We spend on average about $2,500 per man, woman and child for health services annually—or more than 11 percent of our Gross National Product. The irony in these boasts is their hollow application when it comes to protecting our children.

Literally millions of children enter life with less than a fair chance at a dream—or grow up with the distinct risk of losing the dream to an accident or an illness. Forty thousand of these children each year never reach their first birthday. These are children whose mothers were likely to have received inadequate prenatal care. Twelve million are children for whom preventive care is unlikely, and necessary care is usually found in a hospital emergency room, not at a physician's office.

These are our children; many lack even minimum health insurance.

The fact is that with all this nation's wealth and medical expertise, we rank only 22nd among industrialized nations in infant mortality, and 29th in the percent of low birth weight babies.

Compared to normal birth weight infants, these low birth weight infants are 40 times more likely to die during their first month of life, are two to three times more likely to suffer from certain chronic conditions and face lifelong health and learning impairments. Our incident of low birth weight babies is, in large part, the cause of our high infant mortality rates.

As a nation that prides itself as leader of the free world, it is a national embarrassment that 20 other nations have a better track record in terms of the number of children who live beyond age five.

Furthermore, a recent national commission declared an "unprecedented adolescent health crisis," finding our adolescent children less healthy and less ready than their parents had been at their age to assume a productive role in society. Without adequate health care, both the education and future health status of our children are severely threatened—a double-edged threat to both our nation's productivity and to our society.

As bad as these figures are, the situation in certain urban areas is even worse. Babies born in Washington, D.C., or Detroit, Michigan, have mortality rates twice that of the already high national rates, for example. When race is factored into the statistics, the picture is bleaker yet. The gap between white and black mortality rates is wider than ever. Black children in many cities have a better chance of surviving their first year of life in some third world countries than in their own neighborhoods.

The truly shocking aspect of these facts is that there are easy solutions.

We need no new technological, treatment or diagnostic breakthroughs to improve our record. We can greatly reduce our infant mortality rate by reducing the incidence of low birth weight babies, through adequate prenatal care and identifying high risk mothers. We can lessen the incidence of childhood diseases by ensuring proper immunizations. We can prevent or cure many conditions through regular access to medical care.

These kinds of steps are easy, and they are undeniably cost-effective. For example, one dollar spent in prenatal care saves three dollars in costs in the first year of life alone.

Certainly, we cannot ignore the existing crisis on the doorstep of ignorance. We have had commission after commission analyze and make recommendations on our children's health, including the final recommendations by the Pepper Commission, of which I am a member. The solutions generally would reap a high cost savings for modest spending, but we have failed to develop them.

In defense of the Congress, some steps have been taken along the right road. Several times in the past years we have sought to improve Medicaid coverage for pregnant women and children by mandate or state options, culminating in last year's mandate that all pregnant women and children up to age six who are in families with incomes under 133 percent of the federal poverty level be eligible for Medicaid coverage. Some states have gone even further, electing to cover pregnant women and infants up to as high as 185 percent of the federal poverty level.

STATES NEED A BREAK

But since states pay about 50 percent of Medicaid costs, each new federal Medicaid mandate forces states to scramble for resources to pay the bill. We have pushed states as far as they can go fiscally, to the point where every dollar requirement for new eligibility expansions triggers deeper cuts elsewhere—from provider reimbursements, from other Medicaid populations or from other state programs. The states' share of the costs of the Medicaid program are consuming record percentages of their total budgets. We face the double bind of skyrocketing national debt and strangled State resources with a growing crisis of need.

Realistically, global reform of our health care system, including reform of our health insurance systems, will not occur soon. We cannot wait for the ultimate solution, however, to implement at least incremental improvements. The stakes are too high: We cannot continue to lose or handicap the next generation.

If we cannot accomplish the whole, we should start by at least protecting those most vulnerable of our children. Toward this goal, I introduced S. 2989, the Children's Health Access and Prevention ACT (CHAP). CHAP would broaden Medicaid eligibility as follows:

It would cover pregnant women and children up through age 18 in families with incomes between 100 and 200 percent of poverty.

It would cover children ages six through 18 in families under 100 percent of poverty not currently covered by Medicaid.

All of these expansions would be fully financed by the Federal Government, with no new costs to the states, through an increase in the federal cigarette tax.

This proposal contains an actual financial bonus for the states by having the Federal Government assume some costs that states are now paying—specifically, the full assumption of costs for the population between 100 and 200 percent of poverty. States could use these savings to avoid benefit or eligibility cutbacks, to pay for other recent federal Medicaid mandates (such as OBRA '87 nursing home requirements), or to improve payments to providers, particularly those who treat children.

The increase in the cigarette tax is particularly appropriate for a bill dealing with children's health. The General Accounting Office (GAO) recently estimated that 500,000 fewer teenagers would smoke with a 20-cent-per-pack increase in the cigarette tax. Moreover, maternal smoking has a definite adverse impact on the health of the child; it has been estimated that we could improve infant mortality by 10 percent if we could eliminate maternal smoking.

There are several other proposals being considered by the Senate this session. The three most significant are those offered by Senators Lloyd Bensten (D-Texas), Bill Bradley (D-New Jersey) and Jay Rockefeller (D-West Virginia).

Both Senator Bentsen's and Bradley's bills would mandate coverage of children up to age 19 who are in families with incomes under 100 percent of poverty. This mandate would be phased in over several years, increasing the eligible age a year at a time. Senator Bradley's bill would also mandate converge for pregnant women and infants up to 185 percent of poverty. Both bills also would allow states more options to broaden eligibility standards for children. Unfortunately, while a phase-in acknowledges the states' fiscal problems, it still ultimately adds to them. Even more importantly, a phase-in puts millions of our nation's poor children on hold.

PROTECT THE CHILDREN

Senator Rockefeller's approach recognizes the immediacy of the problem, and covers all children under the poverty level immediately. Moreover, it does so at full federal expense, at least for the first few years. Senator Rockefeller's approach differs from mine in where the money goes. Most of the dollars spent under this proposal go to paying providers more. Every dollar in my approach goes to protecting more children. CHAP covers children up to 200 percent of poverty, not just 100 percent, and would cover more than four million children in the first year alone. This is 2.5 million more children than the 1.6 million who could be covered under Senator Rockefeller's approach.

When the issue is covering more children versus increasing reimbursement, the choice is clear. Children without Medicaid coverage have very few options about what care they get and where. Children with Medicaid may not have access to as many medical providers as we would all like—but they have access that is simply not available to those without. This is why I believe our first goal should be to cover more children.

Providers have various laws and court decisions (such as the Boren Amendment) on their side to help them force states to pay them adequate rates. The children I seek to cover have none of these protections right now, nor do they have the medical profession's lobbying power behind them. Provider reimbursement is a complicated issue with many powerful forces pulling in different directions. It is not a problem we can easily address and solve or legislate away.

Nevertheless, it needs to be stressed that CHAP not only protects states from new costs but actually delivers tangible and significant monetary savings. The health problems facing our states are more complex than ever: Not only provider reimbursement problems, but AIDS, drugs, the homeless and the uninsured, and new federal requirements for care in nursing homes. Our states face a variety and growing list of problems daily. Each state, however, experiences them to a different degree. We should free up resources in the states to let them attack what they see as their most urgent needs, in the ways they think are best suited to their citizens. Increasing provider reimbursement in one state may be a top priority; in another it may not. What is a universal and major problem is coverage for children, and CHAP addresses that head on, on a national basis, with full federal funding.

Close readers of my legislation will note that CHAP contains a three-year sunset in its funding. My reasoning is that Congress should be forced to re-address this issue as part of, or even as a way to stimulate consideration of, a more comprehensive reform.

CHAP is not the perfect solution. In fact, my preference would be to completely reform Medicaid and not tinker once again with Medicaid eligibility. Such a comprehensive solution would answer the needs of all of the uninsured, particularly all of the poor and near poor. It would be a system that controls quality and costs better while guaranteeing access. It would coordinate health care, nutrition, education and income for children. But such is an ideal that will take time to achieve, and time is a luxury that children without health care can truly ill afford. The National Commission to Prevent Infant Mortality estimated in 1988 that, if current trends continue, by the year 2000 we will have lost more lives to infant mortality than we lost soldiers on the battlefield this century.

We are at war with our future, and it is a war we are losing. Pinching pennies on children today may help win current budget battles, but will cost us dearly later. We already pass along massive debts and obligations that our children, grandchildren and great-grandchildren will have to shoulder. We must not hamper their ability to do so. We must attack the problems now. Our failure to do so will jeopardize the health and lives of millions of our children who represent our future and our destiny.

[From the Pittsburgh Post-Gazette, Apr. 5, 1991]

THE SENATOR FROM PITTSBURGH

Asked to identify John Heinz, more than a few residents of Western Pennsylvania would reply: the senator from Pittsburgh.

No such office is mentioned in the U.S. Constitution, of course, but the title fits. Sen. Heinz, who died yesterday at the tragically young age of 52 in a plane crash, had an affinity with this part of the state that transcended his family ties to the H.J. Heinz Co. or the omnipresence of the Heinz name in the educational and cultural life of this city.

From a position of growing influence in the Senate, he assiduously looked out for the interests of this city and the region of which it is the unofficial capital. Often mentioned as a potential national candidate because of his youth, attractiveness and appeal across party lines, his strongest orientation was parochial, in the best sense of the word.

At a time of dislocation in manufacturing, he was an aggressive and attentive advocate for American steelmakers, whether the issue at hand was antidumping legislation or "transition rules" that cushioned the effect of tax reform on the industry.

The Post-Gazette didn't always agree with the senator on what he called "protection" for industry and what others called "protectionism." But there was no doubting his responsiveness to the interests of this region, and not only on trade and economic issues.

That concern for this region helps to explain Sen. Heinz's popularity even among Democrats in the western part of the state. So did his moderate voting record, which reflected a willingness to break from conservative Republican orthodoxy on social issues—though not to the extent of his colleague Arlen Specter.

As a national legislator, Sen. Heinz was ahead of his time in pressing for more federal protection for the ill elderly, a priority that put him at odds with traditional Republican ideas about the need to restrain the welfare state. An important figure in the 1983 congressional "rescue" of Social Security, he rejected—as recently as Wednesday, when he met with Post-Gazette editors—a proposal to reduce the Social Security payroll tax. He worried that it would threaten both the integrity of the Social Security system and public confidence in it.

Finally, John Heinz was a presence in Pittsburgh in ways that had nothing to do with his public office. It wasn't just that he was a member of a family that has played a pervasive, and positive, role in the local economy and culture. After the death of his father, H.J. Heinz II, in 1987, Sen. Heinz assumed the role of chairman of the Howard Heinz Endowment, one of three Heinz family foundations. Before his death the senator had indicated a desire to have the endowment involved in innovative projects of national significance.

John Heinz's future as a philanthropic leader, like his future in politics, was cut shockingly short yesterday. His death is doubly a loss for Pittsburgh.

[From the Lancaster (PA) Intelligencer Journal, Apr. 5, 1991]

SEN. JOHN HEINZ: 1938–1991

HEINZ BUILT HIS RECORD AS A DEFENDER OF THE ELDERLY, STEEL INDUSTRY

(By B. Drummond Ayres, Jr.)

WASHINGTON.—In 20 years on Capitol Hill, five of them in the House and 15 in the Senate representing Pennsylvania, John Heinz built a solid record as a persistent defender of the nation's growing elderly population and its declining steel industry.

A moderate-to-liberal Republican, one of the rarer political species in his party, he was never a major legislative figure in either the House or the Senate. Rather, he was known for his great personal wealth as heir to the Heinz food company fortune and as one of this country's richest politicians.

Still, the 52-year-old lawmaker left a legislative mark that was discernible and important, with most of the achievement occurring while he was serving in the Senate on two major committees, Finance and Banking, Housing and Urban Affairs.

The Senator was instrumental in pushing through legislation that put the Social Security system on sounder financial footing. He played a major role in strengthening laws regulating retirement policies, pension plans, health insurance and nursing homes. And he pushed successfully for trade laws that encourage American exports and protect American products, like steel, from foreign imports.

Heinz's concentration on trade and the elderly was particularly intense and paid off handsomely for him politically in his home state, which as one of the nation's aging industrial states has an unusually large elderly population and an unusually troubled steel industry.

In six elections, he won every time, beating most opponents by a ratio of roughly 2 to 1, cutting heavily into the Democratic vote on labor and social issues.

While Heinz was an effective legislator on the issues that he concentrated on, he was never a particularly popular legislator on Capitol Hill, never a man his colleagues clapped on the back with fondness or nudged with an elbow while enjoying a good laugh.

Many found him cool, even aloof and patrician, and some were put off by the stubborn persistence with which he pursued his legislative goals.

Seemingly aware that this perception of him, whether right or wrong, might be a drawback in a setting where collegiality and camaraderie are important tools of the trade, he tried in his early days in the Senate to soften the image a bit, even dropping his full name, Henry John Heinz III, and thereafter passing as John Heinz.

But most colleagues still refused to accept him as plain folks and, in any event, he could not escape the sobriquet with which he had lived all his life—"heir to the H.J. Heinz food company fortune."

As a Heinz scion, the senator did, in fact, die a very wealthy man, the largest individual shareholder in the Pittsburgh-based company, with control of almost 6 percent of its stock, valued at roughly $350 million.

Otherwise, his involvement in the company founded by his great-grandfather in 1869 was minimal, limited mainly to a brief stint in the later 1960s as a marketing specialist before entering politics.

Born Oct. 23, 1938, in Pittsburgh, John Heinz was the only child of Henry John Heinz II and Joan Diehl Heinz. His parents divorced when he was a child and he divided his early years between his mother's home in San Francisco and his father's house in Fox Chapel Borough, a Pittsburgh suburb where the senator maintained a home at the time of his death.

He attended Phillips Exeter Academy in New Hampshire and earned a B.A. at Yale and an MBA at Harvard. After that he joined the Air Force as an enlisted man before taking the marketing job in the Heinz office at Pittsburgh.

Heinz's interest in politics developed while he was working for the family company and came face to face with the effect elected officials have on a community, its people and their businesses. He became involved in local politics, then branched out to state politics, working in several campaigns.

In 1971 Rep. Robert J. Corbett, the Republican who represented Heinz's hometown in Congress, died. Heinz, then 33, decided to seek the seat in the special election that followed. He won his party's nomination easily, then went on to defeat the Democratic candidate, John E. Connelly, a businessman, with equal ease.

Over the next five years, Heinz twice sought re-election and twice won easily, relying on his record of support for the elderly and Pennsylvania's steel industry cut deeply into the Democratic vote.

In 1976, when Sen. Hugh Scott, a Republican, retired rather than seek another term on Capitol Hill, Heinz jumped to fill that political void.

Tall and athletic, with good looks to match, Heinz enjoyed a good game of tennis or a quick downhill run on skis when he was not politicking.

He is survived by his wife, the former Maria Teresa Thierstein Simoes-Ferreira, and three children, H. John IV, 24; Andre, 21, and Christopher, 18.

[From the Hazleton (PA) Standard Speaker, Apr. 9, 1991]

JOHN HEINZ III—A GREAT SENATOR

It's a rarity when almost everyone agrees that the name of an elected public official deserves to be mentioned in the same sentence as the word "great," but in the case of U.S. Senator John Heinz III of Pennsylvania, there is no hesitation in using the word.

The life of the Republican senator was claimed, along with six others, including two children, when the airplane he was on collided with a helicopter last Thursday in Merion.

Heinz, heir to the food empire fortune that bears the family name, was one of the nation's wealthiest politicians. He didn't have to spend a day of his life being concerned about the welfare of the nation or his constituents. He could have devoted most of his time to the international family business and spent much of his time in leisure time activities.

Instead, he paid attention to the cares of the ordinary citizen and did all he could to correct the problems of his constituents and society in general.

Virtually every one who met him was impressed by the fact that his lofty status in life, both in business and government, became secondary when he dealt with the public on a one-to-one or group basis. His warmth and concern were genuine.

Republicans and Democrats alike praised the 52-year-old senator because they respected his honesty, sincerity and his willingness to work hard for the betterment of America.

"The people of Pennsylvania have lost a great leader and the nation has lost a great senator," said President George Bush, who astutely summed up the life and achievements of Senator Heinz in one sentence.

The publishers and editors of this newspaper express their sincere condolences to Mrs. Heinz, their children, and the other members of the family.

[From the Stroudsburg (PA) Pocono Record, Apr. 15, 1991]

HEINZ GAVE PRIORITY TO CONSTITUENT SERVICE

(By R.B. Swift)

HARRISBURG.—The person elected to fill John Heinz's U.S. Senate seat this November faces one daunting legacy left by the late senator.

That is Heinz's practice of appearing at countless town meetings and constituent events across Pennsylvania during his 15 years in office.

Heinz's death has undoubtedly fostered a new-found awareness and appreciation of a part of politics that often gets overshadowed by attention paid to legislation and rollcall votes: that nebulous area called "constituent service."

In eulogies given last week in Harrisburg and Pittsburgh, lawmakers told how Heinz went beyond normal expectations to spend time with his constituents, especially the senior citizens and poor.

With his great personal wealth, his status as the state's most popular politician and the cushion of the six-year Senate term, Heinz could have easily gotten with a lighter travel schedule.

He died in the line of duty when his plane crashed enroute to a town meeting in the Philadelphia area, said U.S. Sen. John Danforth, R-Mo., an Episcopal minister who officiated at the funeral service.

"He didn't need the town meetings and the fundraisers, the days on the roads, the nights in motels, the cramped hours in little airplanes," added Danforth. "It was his gift to the people he wanted to serve."

We normally don't think of a politician's appearance at some community event as a gift. Most people probably just take it for granted.

When asked about their jobs, many lawmakers like to dwell on the time they spend handling requests for constituents for help. But this doesn't get the attention accorded to bill drafting or votes on important legislation.

That's because it's difficult to objectively measure how effective lawmakers are at delivering these services.

For example, is forwarding a driver's registration card from a constituent to the state Transportation Department a valuable service or just make-work?

We are likely to hear at length from lawmakers about constituent success stories, but what about those who don't get helped?

It should also be noted that excessive attention to an influential constituent can get politicians in trouble. Witness the recent ethics investigation of five U.S. Senators for intervening on behalf of savings and loan executive Charles Keating with federal regulators.

But however you look at it, John Heinz set a standard in delivering constituent services that will be difficult to match.

[From the Wilkes-Barre (PA) Sunday Independent, Apr. 7, 1991]

TRIBUTES TO HEINZ CONTINUE FROM VALLEY PEOPLE

(By Dave Kaszuba)

His former Luzerne County campaign chairman, Ted Warkomski, says that the late U.S. Sen. John Heinz was a remarkably compassionate man who would have been president some day.

Another of the senator's friends, Henry Bartos, recalls Heinz as man whose "down to earth" style made him unique among politicians.

Still another of the Heinz's associates, Marge Matisko, remembers the Pennsylvania senator as a "person who was as comfortable sitting down and talking with a welfare mother as he was sitting down and talking with the press."

Those were among the sentiments expressed Saturday by a number of local residents who worked closely with Heinz in the years prior to his tragic death in an airplane crash Thursday.

According to them, Heinz was "a multimillionaire who acted like an ordinary Joe." A man who, despite his wealth, had an uncanny ability to relate to the middle class and the impoverished.

And it was because of this, they say, that Heinz gained so much admiration and respect.

"He had a deep-rooted feeling about helping people," Warkomski says. "His work with senior citizens and also the destitute is a testiment to that. He was a very decent man."

Warkomski, a Nanticoke resident who served as the Luzerne County campaign chairman for Heinz during his last re-election bid, likes to recount a story about an incident that occurred on a 1988 campaign stop in Scranton.

As Warkomski tells it, Heinz was speaking to a crowd of supporters on a rainy Saturday morning when his aide, Skip Irvine, arranged for the senator to meet with an elderly woman in the audience. She was obviously poor, Warkomski says, and she had been having problems securing a disability pension for her son, a Vietnam veteran.

"I looked at John (Heinz) as he was speaking to her and I noticed that his eyes were watering up," Warkomski says. "Then mine began to water up, too. Two weeks later, the woman's problem was taken care of.

"It just goes to show you, John may have had all kinds of money, but he certainly had all the compassion in the world, too.

Bartos, who lives in Franklin Township and used to work with Heinz through the National Conservative Political Action Committee, agrees.

"He (Heinz) never really made you feel like he was a politician," Bartos says. "He was on the side of the ordinary guy, whether that guy had money or not.

"I remember one time in Washington D.C., it was raining like cats and dogs, and Heinz, who could have easily afforded a limousine, pulled up in a taxi. He didn't even have an umbrella. I said to him, 'What, did you leave the limo home? And he said, 'No, that's not my style.'"

His style, Matisko says, was best displayed by his genuine "concern for his fellow man."

"He was very constituent-oriented," says Matisko, a resident of Wilkes-Barre who was associated with Heinz through her position as regional director of ACTION, the federal domestic volunteer agency.

Eugene Brady, whose role as executive director of the Commission on Economic Opportunity in Wilkes-Barre brought him into contact with Heinz, said Saturday, "The senator was concerned about the little guy, not just the guy who professed to be important."

Perhaps Nanticoke's Joe O'Karma, former chairman of the Luzerne County Republican Party, sums up Heinz's appeal best when he says, "John (Heinz) was a very nice, very congenial man. You just couldn't beat 'em."

A funeral service will be held for the third-term U.S. senator Wednesday at the Heinz Memorial Chapel in Pittsburgh. Also, a memorial service is scheduled to be held Friday at the Washington National Cathedral in Washington, D.C.

[From the Harrisburg (PA) Sunday Patriot News, Apr. 7, 1991]

SENATOR SLASHED RED TAPE TO HELP REUNITE FAMILY

(By Mary Klaus)

On Nov. 1, 1985, U.S. Sen. John Heinz had his picture taken with a Camp Hill couple and their young son, who he helped free from one of Thailand's Cambodian refugee camps.

This weekend, Burton McIntire and his wife, Bopha Thach McIntire, gently removed that picture from their living room wall, where it has hung surrounded by family photos.

Their tears fell as they reminisced about Heinz, who was killed Thursday when his plane and a helicopter collided over suburban Philadelphia.

"I feel like we lost a member of our family," said Mrs. McIntire of the 300 block of Beverly Road. "He spent so much time helping us get both our boys. He always was interested in our family. Now, he's gone."

In 1985, Heinz helped reunite Mrs. McIntire with her son, Malou, after a five-year separation.

"In 1980, when the Vietnamese Communists came to Cambodia, Malou and I were working on a farm," Mrs. McIntire said, referring to a farm on which families toiled like peasants. "The Vietnamese and Cambodian soldiers began fighting. I ran one way, Malou ran the other way and we lost each other."

She spent a year looking for him, then came to the United States, later learning that Malou was trapped in an overcrowded refugee detention camp that lacked beds and outhouses. Her second son, Sam, was with her mother.

Mrs. McIntire and her husband tried to bring Malou to this country, but a bureaucratic maze kept them separated. So they enlisted Heinz's help.

The senator spent several months communicating with American Embassy officials in Bangkok, who said the Thailand government did not allow other governments to contact Cambodian refugees in border camps.

Heinz argued that since the boy had an American stepfather, he was an immigrant eligible for release, not a refugee.

"We were persistent with the U.S. Embassy, but that did no good," Heinz told The Patriot-News on Nov. 1, 1985. "They moved at a snail's pace. But the Thailand ambassador to the United States responded in record time to my requests. What a wonderful, happy ending this is!"

"He was so kind and gentle," said Malou, now a sixth-grade student at Hoover Elementary School in Camp Hill. "He was special to me. It's hard to believe that this happened."

The following week, Heinz wrote to the McIntires that "it was a rare pleasure" to meet Malou. In a letter the McIntires treasure, Heinz wrote that he and his staff "will long remember the day we finally cut through the red tape and barbed wire that separated you from Malou."

When Mrs. McIntire became a U.S. citizen in 1987, Heinz sent her a letter of congratulations.

And Heinz entered the McIntire family's life again last year by helping cut through red tape when Mrs. McIntire went to Cambodia to bring home her son, Sam.

"He was very friendly and approachable," McIntire said.

[From the Altoona (PA) Mirror, Apr. 5, 1991]

HEINZ FOUGHT FOR ISSUES IMPORTANT TO AREA RESIDENTS

(By Michael Race)

Despite his privileged background—or perhaps because of it—U.S. Sen. John Heinz seemed to be most concerned with the plight of the working class.

Among Heinz's biggest concerns were railroads, labor and senior citizens—all big issues in this area.

Heinz was particularly concerned with the fate of the nation's rail system, and was an advocate of preserving and rebuilding of railroad systems and companies.

He fought against a Reagan administration plan to cut government subsidies to Conrail and sell the railroad in the early 1980s. He said such a move would be a "great mistake," claiming it could "shut down the entire railroad system and precipitate a depression in the Northeast."

He introduced an amendment to curtail the piecemeal sale of the government-owned Conrail. It was defeated, but he vowed to continue the fight.

When Allegheny Corp. offered to buy Conrail, Heinz opposed the idea. He said it would be a mistake to sell Conrail to a private company and instead called for selling public stock in Conrail. The railroad eventually was sold through a public stock offering.

Heinz also was against selling Conrail to another railroad.

"With no single group in control of the company, the chances are slim it would be sold down the river in the middle of the night for a profit," Heinz said.

He also pushed for federal funding to rebuild deteriorating railroad lines and fought to restore the benefits of about 400,000 of the nation's railroad retirees.

When the Reagan administration proposed doing away with the U.S. Railroad Retirement Board in 1982, Heinz stepped in with a budget amendment to block the plan.

Heinz also kept in touch with the needs of senior citizens, and many of his town meetings in Altoona included visits to senior citizen housing projects.

The American Association of Retired Persons credits Heinz with helping to end mandatory retirement, ensure the solvency of the Social Security system, and expand Medicare benefits.

When Heinz was still a U.S. Representative, he spearheaded the successful battle to create the House Select Committee on Aging and served on the committee until moving to the senate in 1977.

Former Blair County Commissioner Colson Jones credited Heinz with bringing many grants for the county, particularly in the area of housing.

The housing issue was one reason Heinz visited Altoona this week. He urged county officials to apply for funding under a new federal housing program and promised he would do all he could to help the county land some of the federal money.

Heinz visited Blair County several times during his three terms as senator, usually to hold town meetings designed to give people a chance to voice their opinions directly to the senator.

He took advantage of the Senate's current recess to once again traverse the state and meet with constituents, stopping in Altoona just one day before the fatal crash.

"It's always been his policy to come to Blair County at least twice a year," county Commissioner William C. Stouffer said.

[From the Pittsburgh (PA) Press, Apr. 5, 1991]

SENATOR HEINZ, FOR THE PEOPLE

Set apart from the people by family riches but drawn to them by personal warmth, Sen. John Heinz died yesterday doing just what he saw as his life's work, serving his constituents.

Along with six other people, including two schoolchildren, Sen. Heinz was killed when his small plane collided with a helicopter and crashed near a school in Lower Merion, suburban Philadelphia. The Fox Chapel Republican had been en route to Philadelphia for meetings. He was 52.

An heir to the H.J. Heinz Co. fortune, Sen. Heinz was one of the wealthiest men in the Senate, with assets estimated by Forbes Magazine at $500 million.

But riches were not his interest. In his 15th year in the Senate (he had served five years in the House before that), he had compiled a record of compassion for people. That concern was demonstrated by his constant fight for people issues—human rights, the elderly, the environment and, most ardently of all, a national health care system.

One incident in September 1989 was indicative of his concern. Scheduled to speak to an elite group in Washington, D.C., he quickly abandoned those plans when he learned of the special need of a 2-day-old Philadelphia girl. Born with a severe lung infection, the girl needed the help of a special heart-lung bypass machine.

The only two such machines in Philadelphia were in use and the only portable unit was in San Antonio. Through Sen. Heinz's efforts the baby was on an Air Force plane the next morning, bound for Texas.

Sen. Heinz did not fit easily with the Reagan and Bush administrations. Because of his unwavering desire to serve Pennsylvanians, he was often "wrong" in the administration's eyes, voting in the conservative bent on less than half the issues that came before the Senate.

Despite the uncomfortable fit, there was a school of thought in Washington that someday Sen. Heinz would seek national office, perhaps the presidency. Of that, he said, "I've always believed that if somebody wants to be president of the United States, they ought to have a very good reason for believing they are the right person for the job."

The question of whether he was the right person for that job was rendered moot in that one tragic instant yesterday. But in nearly two decades of serving his constituents, he proved that they had not chosen the wrong man to represent them in Congress.

His death is a profound loss to the Senate, to Pennsylvania and to the nation.

[From the Phoenixville (PA) Evening Phoenix, Apr. 13, 1991]

HEINZ WAS CHAMPION OF MASS TRANSIT CAUSES

(By Robert J. Thompson)

WEST CHESTER.—Much will be written and uttered in the days and weeks ahead about the contributions made by Sen. John Heinz to the residents of Pennsylvania and the citizens of the United States during his most distinguished career of public services.

Born to wealth, with an option to follow a career in his family business, he chose a life of public service.

As someone who had few worries about living on the proceeds from a Social Security check in his later life, he spent countless hours of his Senate career championing the rights of senior citizens, chairing the task force that helped put the Social Security system back on sound financial footing and fighting proposed medicaid cuts.

Coming from a family who made its fortune in the food industry, he worked tirelessly to protect jobs of thousands of Pennsylvania steelworkers.

Cynics might say this was just good politics. Pennsylvania's population is aging. Seniors comprise a huge voting bloc in the commonwealth. There are also a large number of steelworkers—and steel companies who have active political action committees.

But the John Heinz I will remember was a champion of another constituency. This constituency is not as powerful as others. But it was heard—and heeded—by the senator. That constituency rode the buses, subways, trolleys and trains in the cities and suburbs and across the nation. They were the people who relied on public transportation.

John Heinz probably never had to take a bus to work or the subway to see a doctor. But he feverishly worked for those who did. He believed that a viable transportation system was crucial to recovery of our inner cities, vital to the economic health of this nation and essential to the protection of our environment. And he fought for those beliefs.

The last time I talked with John, it was three weeks ago, following a luncheon, when members of ACT, the Area Coalition for Transportation went to Washington to lobby against Administration cuts in federal transit subsidies.

That was a day after he pledged to the Legislative Conference of the American Public Transit Association that he would not only work to eliminate Administration-supported cuts in operating subsidies, and capital dollars, but to restore some of the transit subsidies to the level they were before cuts were made five years earlier.

His views about mass transit didn't increase his popularity rating with two of our nation's most popular chief executives. He fought Ronald Reagan's proposals for eight years. And he was in the midst of a fight with the Bush administration at the time of his death.

He was a champion. But he was not a fanatic. Last year, he and Sen. Arlen Specter saw the folly of House-passed legislation which would have cut off all federal transportation funding to Pennsylvania—highway and mass transit—if the General Assembly hadn't passed legislation providing a predictable funding source for mass transit. (Pennsylvania is the only state in the Union without one.) The two senators led a successful fight against that legislation.

Both men took a lot of flack for their stand. But both saw serious constitutional problems with the proposals. They also saw a battle between the federal government and the Pennsylvania General Assembly which might have set back nearly all of the state's already lagging highway and airport improvement programs even further.

As a member of the Transportation Steering Committee of the National Association of Counties, I testified before his Senate committee. I always had his undivided attention when I testified. When I inherited the chairmanship of SEPTA in an extremely charged atmosphere, John was one of the first to call to offer his help.

John Heinz lived and loved the life of public service. He died doing it—ironically in a transportation-related tragedy.

Pennsylvania's public transit riders had a friend in John Heinz. They will miss him, as will we all.

[From the Ellwood City (PA) Ledger, Apr. 9, 1991]

STATE WILL MISS SENATOR JOHN HEINZ

Done too soon—that in a nutshell defines the tragedy surrounding last week's premature death of Pennsylvania Sen. John Heinz.

Although we all pay lip service to the notion that nothing in life is guaranteed, the news that Sen. Heinz was killed in a fatal, mid-air plane-helicopter crash came as a shock to all of us last Thursday. "He was so young," we heard several people say. "How could this happen?"

Well, we all know the answer to that, of course. Tragedies are not reserved for any specific age group, nor do they only happen, as is evidenced by the death of John Heinz, to the unfortunate. Even those who seemingly have everything to live for are sometimes touched by misfortune.

Knowing and understanding that, though, has not changed the way people were affected by his unexpected passing last week. No matter what conversation we entered into over the weekend, invariably the subject of the John Heinz tragedy surfaced. And in an age where respect for politicians has slipped about a hundred notches, there was nothing but sincerity in the sadness expressed.

And that, beyond anything else, is a tribute to the man himself. An extremely wealthy individual, born into good fortune and bearing a name which in itself opened doors, Sen. Heinz decided to forge a path in politics and did so with a gusto few in Congress display. His motives were obvious: he certainly did not seek office for financial gain, not with a family whose name was synonymous with the business successes the Heinz company has enjoyed. No, he apparently had only one motive and that was to serve the people and his country.

We realize that whenever anyone dies prematurely, it is customary to say nice things about them. "Oh, he cared about his work," or "He put the people he represented before anything else." Yet, Sen. Heinz was someone special, we know he fought for the concerns of senior citizens and children across the state, we are aware of his devotion to Pennsylvania and have witnessed many times "the good fight" he fought on the commonwealth's behalf.

He was also a man who apparently cared very deeply about his family and about his private life, and somehow, we have always thought that the two go hand-in-hand. A caring public servant—one who places the concerns and the needs of his constituents before personal gain—is generally one who is also family-oriented.

Yes, Sen. Heinz possessed something that made the people who kept voting him back into office—on both sides of the political aisle—admire him very much. And today, with all the scandals that come out of Washington, with all the ethics commission probes and the misconducts and misdeeds, there is something to be said for having a Senator from this state who was admired by the people.

Will Pennsylvania miss John Heinz? Absolutely. There is no doubt the state benefited from his clout and his experience, his good manner and his caring demeanor. Some unfortunate twist of fate deemed his mission "done too soon." For that we are truly sorry, indeed.

[From the Honesdale (PA) Wayne Independent, Apr. 10, 1991]

SENATOR HEINZ TOUCHED THE LIVES OF MANY

Lawmakers, businessmen, and a diverse cross section of citizenry of Pennsylvania paused this morning to say a final farewell to Senator John Heinz, as he was laid to rest at the Homewood Cemetery, following services at the chapel named after the family.

Approximately 4,000 people reportedly visited the Heinz Memorial Chapel at the University of Pittsburgh Tuesday, in addition to an estimated 1,400 who passed through to pay their respects Monday.

Services for the 52-year-old Republican Senator, killed last Thursday when the small plane in which he was a passenger collided with a helicopter, were scheduled for 10:30 a.m.

Vice President Dan Quayle was among those expected to attend the services.

From steel workers to corporate executives, a vast cross section of the populace gathered to pay final tribute to the man who held the Senate seat since 1976.

Both the Pennsylvania House and Senate on Tuesday passed "resolutions of sorrow" in tribute to the long-time public official.

Senator Heinz was noted as an advocate of the working people, the elderly, and notably, of steelworkers, but he commanded the same respect among captains of industry, and the corporate hierarchy.

A memorial service has also been planned for 10 a.m. Friday at the National Cathedral in Washington, D.C.

Senator Heinz last visited this region on August 15, 1990, when he met with local business and media representatives at an informal gathering at Nemanie Lodge, overlooking Lake Wallenpaupack in Tafton.

During that discussion, the Senator spoke of local issues, including the fight to upgrade water quality control on the Delaware River; he spoke of state issues, including the poor condition of state roads and state health care, and his views on how to resolve those problems; and he spoke on issues of international importance, including the newly-developing U.S. involvement in the Persian Gulf.

Senator Heinz noted the rapid growth taking place in northeastern Pennsylvania, stating that Wayne, Pike and Monroe counties were "being watched optimistically in Washington." He encouraged those in attendance to maintain the beauty and prestige of this area, and offered his assistance to all his constituents in the region.

The range of people who supported the Senator was evident even at that meeting, as businessmen, bankers and local merchants gathered to hear the 15-year Senate veteran speak.

Today the state mourns the loss of Senator John Heinz.

Today, a cross-section of the population of the commonwealth will pause in their daily activities to pay a final tribute to the man who did so much for the citizens of Pennsylvania.

Today, Senator John Heinz was laid to rest.

[From the Scranton (PA) Sunday Sun, Apr. 7, 1991]

A MAN OF PURPOSE

The tragic accident which took the life of John Heinz ended a career of accomplishment and promise. Born into great wealth, Heinz chose not to spend his life in a perpetual pursuit of pleasure, but rather to use it to enhance the common good. He sought and gained public office, turning his attention to alleviating problems and improving possibilities. His commitment showed in his actions.

As a senator representing Pennsylvania, Heinz was no dilettante. He worked hard at the job. The man was a frequent visitor to this area, seeking to learn about our needs and aid our prospects. One hallmark of his local trips was his willingness to listen. Heinz did not come here to tell us what he knew but to discover what he didn't. His town meetings were a clear signal that the senator was open to ideas and responsive to complaints.

In the time he served, Heinz was productive. Especially distinguished was his work for the handicapped and the elderly. In the future now denied us, he would have achieved much more. His death is not only a loss to his family, but also one for the state and the nation.

Heinz was part of a vanishing tradition. In some families of wealth, the scions were raised with an obligation of public service. It was felt that the family had a duty to repay society for the benefits it had received. Names such as Rockefeller, Harriman, Scranton, Kennedy and Roosevelt are prominent in 20th Century history. All willingly played active roles in the commonwealth. Heinz followed proudly in that tradition and fulfilled his obligation handsomely. Unlike so many in the acquisitive decade through which we have just passed, he believed serving outranked spending.

The senator by his life answered the call that John Kennedy issued when he took office: "Ask what you can do for your country." What Heinz did was his very best. He will be missed.

[From the Greensburg (PA) Tribune-Review, Apr. 7, 1991]

SENATOR JOHN HEINZ WAS GUIDED BY HIS INTEGRITY

(By Richard M. Scalfe)

Some say John Heinz was a bit standoffish with his Senate colleagues—that he didn't go in much for the backslapping and cronyism that usually goes on in the nation's "most exclusive club"—and that he was, at times, aloof and stubborn in pursuing his legislative agenda.

If this, indeed, has been the case, then we say, good! That's the way it should be with any elected official, and most especially a member of the United States Senate, where so much of the nation's—and the world's—fate perpetually hangs in the balance.

As those who have visited Capitol Hill know, it's a heady place, with its own unique magnetism of history and power that can draw even the most well-intentioned individuals away from their professed goals of goodness. It takes a special kind of discipline for a person to resist this environment, where the temptation to trade independence for political and economic privilege can, at times, be overpowering—as the American people more and more are beginning to comprehend with growing distaste.

John Heinz had that kind of discipline. And the likes of him are not to be found in the murky congressional atmosphere that has produced, among other things, the Keating Five.

If he was guarded in Washington (that's the way we would put it), it was because he was guarding the interests of the people of Pennsylvania, which they elected him to do six times at approximately two-to-one margins. So much for the notion of his being naturally aloof and cool, for even the least bright among us knows you don't win elections that way.

His words were always in harmony with his deeds. And there were deeds aplenty—having to do with the nation's banking, housing and urban affairs, touching everything from trade and domestic transportation to Social Security and nursing homes. Whether one agreed or disagreed with his stands, one could never dispute the intellectual honesty and sincerity of his convictions in all that he did.

John Heinz already had become a statesman, a gradual, evolving kind of process that may not yet have been particularly realized in his own state. But his understanding of global affairs and his serious attention to whatever was the situation of the moment already had marked him as worthy of that title.

He practiced the meaning of family by carrying out the best traditions of the Heinz heritage—so uniquely American—in tangible, useful ways that have touched the lives of millions—as, for instance, in his concern for the care of the elderly.

We offer our sincerest sympathies to his courageous family, as do so very many others.

His hallmark, it seems to us, is that he always kept his word, and in so doing kept faith with his own—the people of Pennsylvania. And since in many ways the commonwealth is, itself, kind of a cross-section of so much of what has been, and still is, American, we can say that, in truth, Sen. John Heinz represented all peoples of our nation with equal sincerity, with equal grace and with equal commitment to serve them all—whomsoever.

[From the Lehighton (PA) Times News, Apr. 5, 1991]

SEN. HEINZ: STATE LOSES A FRIEND

How many of us, placed in the same position as Sen. John Heinz, would have traveled the same path?

Think about it. Here was a man who was handed wealth beyond description. He had movie-star looks, a charming personality and keen intelligence.

John Heinz could have opted for the good life, the jet-set whirlwind of fun and games, with no pressures and no responsibilities. Life could have been a lark.

But the 52-year-old Pittsburgh native, who died yesterday in a horrifying air crash over suburban Philadelphia which also killed six others, including two small schoolchildren, chose to serve other Pennsylvanians.

He traded the easy life for the pressures and frustrations of Capitol Hill.

Heinz spent large amounts of his personal fortune to be elected to first state, then national offices. And, for more than two decades, he dedicated his life to improving the quality of life for all Pennsylvanians.

It's somewhat ironic that Heinz, he of the eternal youthful look, will best be remembered as a champion of the elderly. Here his influence, and his efforts will be missed the most in Washington circles.

Whether it was fighting for more Social Security benefits, or guarding against Medicare cuts, and fighting against mandatory retirement ages, the Senator could always be counted on.

Labor will also keep a fond place in its heart for the grandson of Henry John Heinz of "57 Varieties" fame. He fought against foreign imports that threatened Pennsylvania industrial jobs, and he campaigned for better health and retirement benefits.

Sen. Heinz's death reminds us of our own human frailties. Neither power nor wealth can keep us from the inevitable once our time has come.

And, it is consistent with the senator's dedication and work ethic that he was killed on the job, traveling from one meeting with constituents in Williamsport to another similar session in Philadelphia.

Pennsylvanians who knew the popular senator, and those who followed his career and triumphs in Washington, are in shock today over the suddenness of his death. It is our loss that he was taken when there was still so much to be done.

Pennsylvania lost a good friend yesterday. And like all good friends, he will be missed very much.

(Written by a member of the staff)

[From the Washington Post, Apr. 5, 1991]

JOHN HEINZ

What made John Heinz of Pennsylvania stand out in the Senate was not his gift of wealth but the tenacity with which he used the advantages of financial independence and political power in behalf of those of narrower means. That makes his death in a plane crash yesterday in Pennsylvania all the more tragic. Heir to a family fortune and trained for the world of business—with a Yale degree and a Harvard MBA—he chose instead the profession of politics and became a powerful advocate. On issues affecting the elderly and children, John Heinz was especially good. His civil rights record earned him the label of progressive Republican in the tradition of Sens. Jacob Javits, Edward Brooke and Charles McC. Mathias.

Sen. Heinz kept a protective arm around American industrial interests, but that didn't stop him from speaking up in behalf of working people too. He walked an independent path on arms control and international affairs, matters that greatly interested him. He was guided not by ideological abstractions but rather by the simple motion that public service is a high calling and by the conviction that he could make a difference. He was back in his state during the Easter recess making the rounds of constituent meetings when he died.

John Heinz's brand of representation agreed with the voters, who made him at age 52 the state's senior elected official. Being a Republican in a state with heavy Democratic registration didn't keep him from being twice returned to the Senate or from being elected three times earlier to the House of Representatives. He also chaired the Republican Senatorial Campaign Committee, where his fund-raising talents were fully exploited. John Heinz meant much to Pennsylvania and the United States Senate.

[From the Philadelphia Inquirer, Apr. 5, 1991]

SENATOR HEINZ: CONGRESS AND PENNSYLVANIA LOSE A REAL WORKHORSE

With his family wealth, John Heinz could have gone just about anywhere and done anything with his life. But for the last 20 years, ever since he was 32, he chose to be a public servant. And over that time, he earned the respect of his colleagues in Congress. In the parlance of Capitol Hill, he became a workhorse, not a show horse.

Thus his death yesterday, in a mid-air collision that killed seven people, is a genuine loss for Pennsylvania and for the U.S. Senate. He had become a leader on issues ranging from low-income housing to long-term care for senior citizens—and was coming to Philadelphia in part for a meeting to discuss those issues with the Inquirer Editorial Board, as he did regularly. During last year's budget melodrama he was an energetic, articulate critic of the misuse of Social Security surpluses to camouflage the magnitude of the federal deficit. During the Persian Gulf war, the senator led the effort to change military policy so that the children of military personnel would be less likely to be orphaned by war. Under his plan, which unfortunately failed, single parents could choose to stay out of a war zone, and so could one parent of a couple when both are in the service.

There was a tendency in Philadelphia to think of Mr. Heinz, who was from Pittsburgh, as the senator from Western Pennsylvania, and this visibly annoyed the senator at times. He frequently noted that he worked hard on issues that affected all areas of the state, and he did as much as any lawmaker in Congress to get new federal aid to reverse the deterioration of Independence National Historical Park. Indeed, the well-being of the park had been an area of special concern to him throughout his Senate career. In addition, every time the Department of Defense tried to take a whack at the Philadelphia Naval Shipyard, he was in the thick of the yard's defense. And so on.

Mr. Heinz, who won his last two Senate races by landslides, was probably the most popular politician in the commonwealth, but as people reacted yesterday to the shock of his death, they didn't think of that. Instead, those who knew him well spoke of a man who, in recent years, had really come into his own. Time and again, the same words came up—hard-working, mature, genuine—spoken in sadness, with respect.

[From the New York Times, Apr. 5, 1991]

JOHN HEINZ, 52, HEIR TO A FORTUNE AND SENATOR FROM PENNSYLVANIA

(By B. Drummond Ayres, Jr.)

WASHINGTON, April 4.—In 20 years on Capitol Hill, 5 of them in the House and 15 in the Senate representing Pennsylvania, John Heinz built a solid record as a persistent defender of the nation's growing elderly population and its declining steel industry.

A moderate-to-liberal Republican, one of the rarer political species in his party, he was never a major legislative figure in either the House or the Senate. Rather, he was known for his great personal wealth as heir to the Heinz food company fortune and as one of this country's richest politicians. Still, the 52-year-old lawmaker left a legislative mark that was discernible and important, with most of the achievement occurring while he was serving in the Senate on two major committees, Finance and Banking, Housing and Urban Affairs.

The Senator was instrumental in pushing through legislation that put the Social Security system on sounder financial footing. He played a major role in strengthening laws regulating retirement policies, pension plans, health insurance and nursing homes. And he pushed successfully for trade laws that encourage American exports and protect American products, like steel from foreign imports.

POLITICAL STANDS PAY OFF

Mr. Heinz's concentration on trade and the elderly was particularly intense and paid off handsomely for him politically in his home state, which as one of the nation's aging industrial states has an unusually large elderly population and an unusually troubled steel industry. In six elections, he won every time, beating most opponents by a ratio of roughly 2 to 1, cutting heavily into the Democratic vote on labor and social issues.

While Mr. Heinz was an effective legislator on the issues that he concentrated on, he was never a particularly popular legislator on Capitol Hill, never a man his colleagues clapped on the back with fondness or nudged with an elbow while enjoying a good laugh. Many found him cool, even aloof and patrician, and some were put off by the stubborn persistence with which he pursued his legislative goals.

Seemingly aware that this perception of him, whether right or wrong, might be a drawback in a setting where collegiality and camaraderie are important tools of the trade, he tried in his early days in the Senate to soften the image a bit, even dropping his full name, Henry John Heinz 3d, and thereafter passing as John Heinz. But most colleagues still refused to accept him as plain folks and, in any event, he could not escape the sobriquet with which he had lived all his life—"heir to the H.J. Heinz food company fortune."

INHERITED GREAT WEALTH

As a Heinz scion, the Senator did, in fact, die a very wealthy man, the largest individual shareholder in the Pittsburgh-based company, with control of almost 6 percent of its stock, valued as roughly $350 million. Otherwise, his involvement in the company founded by his great-grandfather in 1869 was minimal, limited mainly to a brief stint in the late 1960's as a marketing specialist before entering politics.

Born Oct. 23, 1938, in Pittsburgh, John Heniz was the only child of Henry John Heinz 2d and Joan Diehl Heinz. His parents divorced when he was a child and he divided his early years between his mother's home in San Francisco and his father's house in Fox Chapel Borough, a Pittsburgh suburb where the Senator maintained a home at the time of his death.

He attended Phillips Exeter Academy in New Hampshire and earned a B.A. at Yale and an M.B.A. at Harvard. After that he joined the Air Force as an enlisted man before taking the marketing job in the Heinz office at Pittsburgh.

Mr. Heinz's interest in politics developed while he was working for the family company and came face to face with the effect elected officials have on a community, its people and their businesses. He became involved in local politics, then branched out to state politics working in several campaigns.

SUCCESSFUL RUN FOR HOUSE

In 1971 Representative Robert J. Corbett, the Republican who represented Mr. Heinz's hometown in Congress, died. Mr. Heinz, then 33 years old, decided to seek the seat in the special election that followed. He won his party's nomination easily, then went on to defeat the Democratic candidate, John E. Connelly, a businessman, with equal ease.

Over the next five years, Mr. Heinz twice sought re-election and twice won easily, relying on his record of support for the elderly and Pennsylvania's steel industry to cut deeply into the Democratic vote.

In 1976, when Senator Hugh Scott, a Republican, retired rather than seek another term on Capitol Hill, Mr. Heinz jumped to fill that political void. The contest that followed was Mr. Heniz's toughest.

First he had to fight for his party's nomination against Arlen Specter, a former Philadelphia district attorney, and George R. Packard, a former Philadelphia newspaper editor. He squeaked by.

Then, in the general election, he faced Representative William J. Green 3d, a Philadelphia Democrat. Pouring in almost $2.5 million of his own money, Mr. Heinz again squeaked by with 52 percent of the vote.

By 1982 he was back on safe political ground, winning re-election easily with almost 60 percent of the vote, and following up in 1988 with a re-election victory in which he got 66 percent of the vote.

Tall and athletic, with good looks to match, Mr. Heinz enjoyed a good game of tennis or a quick downhill run on skis when he was not politicking. He was also a serious collector of art, with a particular liking for Dutch and Flemish still-lifes.

He is survived by his wife, the former Maria Teresa Thierstein Simoes-Ferreira, and three children, H. John 4th, 24; André, 21, and Christopher, 18.

ESTABLISHMENT OF A PROCESS TO SETTLE ROUTE NUMBERING DISPUTES BETWEEN STATES

Mr. DIXON. Mr. President, I am pleased to announce that on October 13, 1991, the American Association of State Highway and Transportation Officials [AASHTO] established a process to settle route numbering disputes between States.

The new AASHTO policy simply states that when States are unable to reach an agreement about a highway that runs between the two States, any of the affected States may request the AASHTO Special Committee on Route Numbering to undertake a mediation effort between the affected States. If the mediation fails, the special committee would review the various numbering options and make a recommendation to the AASHTO Executive Committee, which would then make a final decision.

I have long said that AASHTO and the Department of Transportation should come up with a process to settle route numbering disputes between States. Before the recent AASHTO decision, if two States could not agree on the route numbering of a highway that ran between them, nothing could be done to resolve the dispute. It did not matter if the numbering was illogical, confusing, or unsafe. Ironically, billions of dollars have been spent on highways to make them more efficient and safe, yet we could not establish a process for resolving dead-end route numbering disputes.

Because no action was being taken to resolve the problem, I introduced an amendment on June 13, 1991, to establish a process for settling disputes. The Senate eventually decided not to support my legislation and I understand the Senate's position. Technical transportation matters are best left to transportation officials to resolve.

I am glad to hear that AASHTO has finally concluded that such a route numbering process is needed and established a process by which disputes can be heard, judged, and decided. Mr. President, logic does sometimes triumph.

TRIBUTE TO URIE BRONFENBRENNER

Mr. DIXON. Mr. President, I rise today to bring to the attention of my colleagues a heartwarming story that appeared in last Sunday's Chicago Sun-Times.

The article tells the tale of a great American; Urie Bronfenbrenner. Urie, as some of my colleagues might know, was instrumental in founding the national Head Start Program over 25 years ago. A quarter of a century later, Urie, at the age of 73, is still working hard for disadvantaged children.

As Mr. Bronfenbrenner points out in the article, study after study has shown that children who participate in Head Start are less likely to need special programs when they start school. Head Start gives the disadvantaged children of America an extra boost that allows them to compete academically with their peers. Without Head Start, these needy children would fall hopelessly behind their classmates and require more expensive special education programs to catch up.

Mr. President, I have been an advocate of Head Start since coming to the Senate in 1981 and have seen it flourish due to the hard work of great Americans such as Urie Bronfenbrenner. It is truly one of the most effective and successful of all Federal programs. Head Start works, and this Senator promises to maintain his vigilance that this valuable program remain properly funded.

Mr. President, I ask unanimous consent that this article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Chicago Sun-Times, Oct. 20, 1991]

FATHER OF HEAD START VISITS HIS "KIDS"

(By Leslie Baldacci)

"What are you building?" the man asked the child intently snapping together "Ringa-Majigs" building circles.

"I'm building a house," the boy answered, holding out his blue, red and yellow structure. It looked like a place the Jetsons might call home.

"You're making it really fancy," said the man. "It's sort of up in the air. Do you think it will fly away?"

The child considered the question. He regarded the hawk-nosed, bald-headed white man in the pinstripe suit.

"You the grandpoppa?" he asked, wondering who the man was.

"Yeah. I'm a grandpop," said the man. "My name's Mr. B."

They went on building and talking around the low table at St. Paul Head Start, 4644 S. Dearborn. Outside the sun cast shadows among the looming towers of the Robert Taylor Homes. Inside "Mr. B" watched and listened as children sang their ABCs, named their friends and washed up for lunch.

Mr. B is Urie Bronfenbrenner, the developmental psychologist whose tea party with a president's wife 25 years ago led to Head Start, the federal government's massive preschool program for poverty-level children.

Without Mr. B and his cronies, the children at St. Paul might not be in clean classrooms with starched curtains, surrounded by toys and books, receiving two meals a day and instruction from trained professionals—all free and aimed at helping them do better later in school, in their families, in their communities, in life.

Don't be misled. It's not all hearts and rainbows—merely an oasis for children ages 3, 4, and 5. An armed guard is at the door. Warnings are posted instructing what to do in case of gang gunfire.

But Head Start teachers such as Ora Patterson believe the lessons learned will go with the children wherever life takes them. Patterson saw it happen with her own daughter, Head Start class of '76, who is now working on a master's degree.

"Head Start works," says Patterson, a Head Start teacher since 1986. Thirty-six percent of staff are parents of current or former Head Start children.

Sitting in a circle on a colorful rug, Patterson goes through "recall" with her 4- and 5-year-olds.

"Where did you work today, Nathaniel?" she asked one child.

"In the kitchen," he says softly.

"What friends did you work with?" she asks.

"Him," Nathaniel says, pointing to another boy.

"What is his name? You need to call him by his name," Patterson tells him.

The group helps Nathaniel remember his buddy's name.

Doneshia tells in a breathy voice how she glued a puzzle together at the art table. Carla and Andrea had an adventure "in the rocking boat." On goes the tale-telling, around the circle of "friends," as it has in Head Start classrooms for a quarter-century.

In that time, Head Start has provided education and social services to more than 11 million poor children and their families. In 1990, it served 548,000 children, about a third of those eligible. The program's main problems today are that it can't reach all children who qualify and can't provide enough service for the ones it does reach.

"Kids are getting one year of service—that's not enough," said Vianna Peters, director of St. Paul Head Start.

In 1990, Congress authorized a series of funding increases to allow all eligible 3- and 4-year-olds and 30 percent of eligible 5-year-olds to participate by 1994. Head Start's 1991 appropriation of $1.95 billion could climb to $7.66 billion by fiscal 1994 under legislation that would make it available to all 2 million eligible kids.

In Chicago, Head Start is a $45 million program serving 13,000 children. The City Council last month transferred 43 Head Start programs from public schools to private non-profit agencies to erase a Board of Education deficit.

After visiting three Chicago Head Start programs last week, Bronfenbrenner said he is more convinced of its importance today than he was 25 years ago.

"I was one who said it wouldn't work. I learned something. If you have something you think might work, do it," said Bronfenbrenner, 74, Cornell University professor emeritus of human development and family studies and psychology.

In 1964, Bronfenbrenner argued in congressional hearings that the proposed anti-poverty bill be broadened to strike "at poverty where it hits first and most damagingly—in early childhood."

Not long after, he was invited to the White House for tea with Lady Bird Johnson to discuss child care programs he had studied in other countries.

"There was clearly a gleam in Mrs. Johnson's eye, and, as she told me on subsequent occasions, this was when her enthusiasm for something like Head Start was kindled," Bronfenbrenner said.

In January, 1965, a planning committee including Bronfenbrenner designed Head Start. That summer, it enrolled 500,000 children nationwide.

"I thought we'd be lucky to get 1,000 families," he said. "We had no idea it would become an American institution."

Social chances and their impact on families have been profound in Head Start's time. And while "the whole point of Head Start is to build a sense of community," Bronfenbrenner says, many Head Start parents aren't as available as they once were.

More mothers of young children are in the work force than ever.

Samuella Jackson's five children all went through Head Start, and she helped in the classroom, the kitchen, the office and at home.

"Head Start was a very important part of their lives," she said. "Once they got to the big school, they knew what to do. . . . Most of the Head Start parents become involved in some way. . . . When you're out here volunteering, you're helping kids learn their numbers, their ABCs, the difference between good and bad."

Today, Jackson is a literacy aide in a Head Start program for parents. She helps parents select children's library books and tapes.

Critics of Head Start say it doesn't last, that a few years into elementary school, children lose whatever advantage they gained.

"It is not an immunization against bad medicine afterward," acknowledged Bronfenbrenner. "Some don't make it. The reason they lose it is because there is nothing like [Head Start] later in school. It increases chances of being able to make it, however, at each successive step.

"Children who have Head Start are less likely to need special programs. If they are not in special programs, their chances of being promoted are greater at each grade."

He urges putting the Head Start model in place "for all children of every age and not just in poverty."

After his visit to St. Paul Head Start, Bronfenbrenner—father of six, grandfather of nine, guitar- and piano-playing husband of an artist—is sitting at an academic symposium with his navy blue socks crumpled around his ankles.

He told them about his visit the day before:

"The programs I saw would give you a lift for a long, long time. Seeing these lovely, healthy children, the warmth, the affection, the interesting things to do. I wanted to be a kid again. I couldn't help thinking, 'If the world outside were only like this.' But it's not. We know exactly what these boys will be doing 10 years from now. We have a challenge."

REMEMBERING TIM COOK, ADVOCATE FOR PERSONS WITH DISABILITIES

Mr. HARKIN. Mr. President, this week the disability community lost Tim Cook, one of its most effective advocates. Tim was a disability rights lawyer for over a decade. He graduated from the University of Pennsylvania Law School in 1978. At that time, he had already set his course as an advocate for persons with disability. During law school he served an externship with the Center for Law and Social Policy assisting in class action cases concerning exclusionary practices of health and social service agencies and worked for the Office for Civil Rights of the Department of Health, Education, and Welfare developing guidelines to enforce section 504 of the Rehabilitation Act and training equal opportunity specialists to investigate complaints of discrimination against persons with disabilities.

After law school, Tim was a Reginald Heber Smith community lawyer fellow in the law reform unit of the Legal Aid Society of New York City where he was responsible for class action suits involving discrimination in employment and education.

Tim served as a trial attorney with the Office of Special Litigation of the Civil Rights Division of the Department of Justice enforcing the Civil Rights of Institutionalized Persons Act of 1980 and section 504 of the Rehabilitation Act of 1973. Subsequently, Tim was director of the Western Law Center for the Handicapped in Los Angeles, a foundation-supported public interest law firm representing persons with disabilities in matters involving public benefits and civil rights and served as an attorney with the disabilities project of the Public Interest Law Center of Philadelphia where he represented disability rights organizations and their members in complex class action litigation.

Tim became director of the National Disability Action Center in Washington, DC, in 1988, and served in that capacity until his untimely death this week. The National Disability Action Center is a civil rights advocacy organization, representing persons with disabilities. Its goal is to secure meaningful and integrated community services for persons with disabilities in such areas as housing, education, and transportation.

Tim Cook was a hard-nosed, uncompromising advocate for the rights of persons with disabilities. He represented disability rights organizations and individuals with disabilities in several cases concerning recalcitrant systems and agencies that insisted on excluding persons with disabilities. He was committed to the inclusion of persons with disabilities in all aspects of American life and his unswerving dedication to this goal will be missed by everyone who believes that equal opportunities should be available for all Americans.

I will never forget the powerful statement Tim made before my Subcommittee on Disability Policy during our consideration of the Americans with Disabilities Act. In explaining to us how transportation is the linchpin for independence, he stated, "As Rosa Parks taught us, and as the Supreme Court ruled 35 years ago in Brown versus Board of Education, segregation "affects one's heart and mind in ways that may never be undone. Separate but equal is inherently unequal." What better opportunity for people without disabilities to learn about our disabilities than to ride the mainline transit system with us? Forcing those of us who are able to use life-equipped buses onto a separate transportation system stigmatizes us, demeans us, and subjects us to discrimination. The two steps up to the bus represent by far the greatest barrier to mainstreaming facing this country's citizens with disabilities."

My heartfelt condolences to Tim's family. My thoughts are with Tim's wife, Geraldine, and his son, Phillip. We will all miss Tim both personally and in the fight to integrate persons with disabilities into the mainstream of American life.

TERRY ANDERSON

Mr. MOYNIHAN. Mr. President, I rise to inform my colleagues that today marks the 2,412th day that Terry Anderson has been held captive in Lebanon.

In today's New York Times we have a bit more news about Jesse Turner. He is apparently well, despite his long ordeal. But has chosen to limit his public remarks to protect the hostages still held in Lebanon.

Mr. President, I ask unanimous consent that these articles detailing Mr. Turner's first day be printed in the RECORD at this time.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the New York Times, Oct. 23, 1991]

EX-BEIRUT CAPTIVE IS IN UNITED STATES CUSTODY

(By Chris Hedges)

DAMASCUS, SYRIA, October 22.—Jesse Turner, pale and slightly unsteady on his feet after nearly five years in captivity in Lebanon, was turned over to American officials in Damascus today.

"I am happy to be out, finally," he said in a soft voice. "I am looking forward to seeing my family and friends."

The 44-year-old Mr. Turner, who was held by a pro-Iranian group called Islamic Holy War for the Liberation of Palestine, was an assistant professor of computer science and mathematics at Beirut University College when he was kidnapped by men posing as Lebanese police officers on Jan. 24, 1987.

Mr. Turner appeared exhausted and pale. When he was leaving his brief news conference he stumbled and nearly fell before being assisted to a waiting car.

FEW PUBLIC COMMENTS

American officials who met with Mr. Turner described him as "lucid" and "chatty." But the released hostage made few public comments, they said, because of his fear that he might jeopardize the release of the remaining hostages.

There are now eight Westerners believed held hostage in Lebanon, including four Americans, two Germans, an Italian and a Briton.

When Mr. Turner was asked if he had knowledge of other hostages in Lebanon he looked toward the American Ambassador, Christopher Ross, for guidance, whispered a comment to the diplomat, and then declined to answer.

INFORMATION ON CAPTIVE

Mr. Turner was held at least part of the time with another American, Alann Steen. Asked whether he had any information to pass on from Mr. Steen, Mr. Turner said: "Not at this moment, no. I want to speak to his wife first."

Mr. Turner also refused to comment on whether he carried a statement or a message from his kidnappers.

Mr. Turner, who had a bushy moustache, neatly cropped hair and wore a doublebreasted beige jacket, was turned over to Syrian security forces in the early morning hours Tuesday in Lebanon. He was driven to the Syrian Foreign Ministry in Damascus, where he was greeted by Ambassador Ross and Nasser Qaddur, the Syrian Minister of State for Foreign Affairs, about 9 A.M.

Two hours later, he boarded a C–141 transport plane to an American military hospital in Wiesbaden, Germany. He will be joined there by his Lebanese wife, Badr, and a 4-year-old daughter, Joanne, who was born five months after his abduction. Mr. Turner will also undergo psychological and medical tests and be debriefed by State Department officials.

CONFUSION ON RELEASE

United Nations officials and Western diplomats are hopeful that further releases will soon follow as Iran, Lebanese groups and Israel continue to exchange information through the United Nations.

The United Nations announced the impending release of a Western hostage on Sunday, the first time the organization has forecast such an event.

The Lebanese group that held Mr. Turner said he would be released early Monday, but several hours elapsed before Mr. Turner was actually turned over to the Syrian authorities and brought to Damascus, creating some confusion among diplomats and Syrians who were following the event.

The delay may have been due to fighting along the transit route, Western diplomats said. Members of the Party of God, the largest Iranian-backed Shiite Muslim faction in Lebanon, battled a local Lebanese clan in the town of Baalbek in the Bekaa until close to midnight.

CLASHES CAUSE DELAY

Mr. Turner was apparently taken out of the town, which serves as the Party of God's headquarters and is where many of the remaining Westerners are believed to be held, only after Syrian troops moved in to impose a cease-fire, Western diplomats said.

Baalbek is the main town in the Bekaa, which is under Syrian military control. But Syrian troops are not allowed to enter the barracks and training centers belonging to the Party of God, which is believed to be the umbrella organization for all of the groups holding Western hostages. Its operations in Baalbek are supported by a force of several thousand Iranian Revolutionary Guards.

Mr. Qaddur said Syria would "continue to exert all its efforts" to get the remaining Western hostages out of Lebanon.

United Nations officials, seeming buoyed by the resumption of prisoner exchanges in Lebanon, say they expect to announce new releases soon.

Those officials said Mr. Turner's release was the outcome of an "intensive stage" of negotiations between Secretary General Javier Pérez de Cuéllar's special envoy, Giandomenico Picco, and a hostage negotiator identified as Abu Abdullah, described as the "special envoy of the organization that holds the hostages."

PACT ON FREEING CAPTIVES

The Israelis hold about 300 Arab prisoners, including Sheik Abdul-Karim Obeid, a Party of God leader who was kidnapped from his home in southern Lebanon by Israeli commandos on July 28, 1989.

Israel released 15 Arabs on Monday after receiving hard information about the fate of one of its missing servicemen, Pvt. Yossi Fink, who was confirmed dead.

Israel is demanding concrete information on four remaining missing servicemen.

The Lebanese kidnappers said the decision to free Mr. Turner constituted an "obligation and readiness to complete the comprehensive agreement being arranged to free all prisoners and the hostages."

Israel freed 51 Arabs and turned over the bodies of 9 guerrillas after Lebanese kidnappers freed a British hostage, John McCarthy, and an American, Edward Austin Tracy, in August and provided information on the fate of one of Israel's missing servicemen.

[From the New York Times, Oct. 23, 1991]

TURNER ARRIVES IN GERMANY

WIESBADEN, GERMANY, October 22.—An unsteady Jesse Turner was helped from a United States army helicopter by two crewmen this afternoon, but managed a broad smile at the sight of several hundred Americans at a United States military hospital here welcoming him with shouts and tiny American flags.

Mr. Turner smiled and waved repeatedly. When a reporter shouted a question about what he would do tonight, he smiled and shrugged his shoulders, then entered the hospital without making a statement.

A military spokesman, Comdr. John Woodhouse, said physicians who gave Mr. Turner a preliminary checkup aboard the C–141 military transport plane that brought him to the big American Rhine-Main air base near here from Damascus, Syria, said he "appears to be in generally good health."

The spokesman said he had no information about his psychological state.

The Wiesbaden hospital has become a kind of official reception center for Americans released from captivity in the Middle East, since the 52 American hostages held in Teheran arrived here in 1980 after 444 days of captivity. But by 1993, the sprawling medical center will be shut down under plans to cut the American military presence in Europe.

GROWTH PACKAGE

Mr. KASTEN. Mr. President, I rise today to make a few brief observations about the economy. During the 1980's, our progrowth policies of tax reduction and regulatory reform generated over 20 million new jobs, slashed the so-called misery index in half, and raised real incomes for all American families.

Over the past few years, however, the Federal Government has almost completely reversed the incentive-based policies that brought this prosperity. Taxes were raised. Federal spending growth accelerated. And the bureaucracy went on a new regulatory binge.

These antigrowth policies have pushed the economy into recession. This year, unemployment hit a high of 7 percent, the poverty rate increased for the first time since 1982, and household net worth declined for the first time in two generations.

Many economist believe that the recession is over. But without renewed incentives for saving, investing, and producing, and without a renewed commitment to entrepreneurial capitalism, I am concerned that the economy may not rebound as strongly as it has in the past.

We have an agenda to jump-start the economy and create jobs to restore confidence in the future. The President is now prepared to advance a growth package of incentives to revive the economy, including a capital gains tax cut to boost small businesses; enterprise zones to create jobs for the urban and rural poor, and expanded savings and homeownership incentives for young middle-income families.

A properly designed growth package will create millions of new jobs. In contrast, tax redistribution schemes proposed by some in the majority will not open a single new plant or small business in America, nor create a single job for American workers.

The fairest tax policy is one that expands the economic pie and creates jobs. The American people understand that growth is not a zero sum game. That's why I think we will see a rising tide of grassroots support for our growth initiatives.

Yesterday, the Task Force on Economic Growth and Job Creation held a panel discussion on the state of the U.S. economy and legislative initiatives to get our economy moving again.

We heard from several experts on economic growth including Senator PHIL GRAMM, Representative NEWT GINGRICH, HUD Secretary Jack Kemp, former OMB economist Larry Kudlow and former Treasury economist Gary Robbins. Their general message was that we must reincentivize our economy immediately, or face the prospect of an anemic recovery and lingering joblessness.

I highly recommend to the Senate the testimonies of Mr. Kudlow and Mr. Robbins. Their statements provide the intellectual and factual support on the need for a growth package. I ask unanimous consent that these statements be printed in the RECORD immediately following my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATEMENT BY LAWRENCE A. KUDLOW, SENIOR MANAGING DIRECTOR & CHIEF ECONOMIST, BEAR, STEARNS & CO., INC.

I am pleased to testify before the Republican Conference Task Force on Economic Growth and Job Creation.

After surveying the financial markets and the economy, it is my view that we are clearly entering into recovery, but there are a number of disturbing signs which suggest a relatively weak rate of recovery by historical standards. In addition, there are very few signs of significant new business formation and job creation, or of any animal spirits or entrepreneurial juices, all of which provided the backbone of the outstanding economic recovery performance of the 1980's.

Because of a spate of Federal, state and local tax and regulatory increases in recent years, the potential of the economy to grow in the 1990s has been significantly limited. Consequently, without a redirection of economic policy, the actual level of real output in the next five years seems likely to remain below the post World War II path associated with long-term 3% real economic growth.

The numbers here are startling. Both the Office of Management and Budget (OMB) and the Congressional Budget Office (CBO) are forecasting subpar recovery rates. Compared to the long rule 3% post war growth trendline, OMB's implied estimate is an output loss of $273 billion from the trendline in 1996 and a cumulative $1.6 trillion loss over the 1991–96 period, assuming their 2.6% real GNP growth forecast.

For CBO the numbers are even worse: a $366 billion loss in 1996 and a cumulative $1.8 trillion loss over the five year period using a 2.3% average growth path. No responsible economic policymaker should accept this subpar record. By my calculations, the loss of jobs implied by CBO's and OMB's growth projections XXX

Inflation has declined from 7% in 1990 Q4 to just 3% in the third quarter of 1991, and as a result short and long-term interest rates are approaching 20-year lows. These inflation and interest rate developments have been capitalized into higher asset values, thus providing businesses and families with a more solid resource base from which to make more aggressive spending and investment decisions. The rise of financial asset prices and the decline of inflation and interest rates are powerful recovery stimulants which have a greater extent been ignored by excessively pessimistic media reports and punditry analysts. Since 1990 Q4, real household net worth has increased by an estimated $600 billion to slightly above its pre-recession high. Never has the U.S. experienced major interest rate declines and stock market advances during recession which did not correctly signal future recovery.

Following on the tax-cutting effects of lower inflation, lower interest rates and higher financial asset values, recent statistical trends on the economy are showing a recovery pattern for consumer spending, business activity and housing. If we looked at the same variables during the last half of 1990, the trends were clearly downward. So there has been a statistical inflection point, and there is a recovery out there, although the magnitude of this recovery pattern is somewhat indecisive and lackluster in comparison with the recovery of the early 1980's. Here are some of the highlights:

DATA SCOREBOARD

Economic indicator	Percent change at annual rate from trough	Trough month
Industrial production	6.0 percent	March.
Purchasing managers' survey	17.3 basis points .	37.7 percent in January. 55 percent in September.
Durable goods orders	31.6 percent	March.
Durable goods shipments	22.5 percent	Do.
Real PCE	3.9 percent	January.
Housing starts	34.7 percent	Do.
Building permits	34.9 percent	Do.
Existing home sales	21.6 percent	Do.
New home sales	57.7 percent	Do.
Leading indicators index	8.4 percent	Do.
Median existing home prices:		
Nominal	12.8 percent	February.
Real	10.3 percent	Do.

HOLES IN THE STORY

The principle factor behind the relatively sluggish recovery performance so far is the failure to reignite new business formation, which is the backbone of the entrepreneurial economy and one of the best indicators of risk-taking animal spirits. Dun & Bradstreet new business incorporations peaked in the 1986–1988 period at around 66,000 per month, or 788,000 per year, moving up from around 41,000 per month or 488,000 per year in the early 1980s. Through June of 1991 this measure remains 12% below its prior peak and shows no rebound so far. Related to this, nonfarm proprietors' income—which measures the strength of self-employed business people—is also showing virtually no sign of recovery. In real terms this measure is growing at only 1.6% over the last four quarters, following a 1987 peak of 11% and a 1983 peak of 17%.

The continuing weakness of new business formation and proprietors' income holds the key to the weak payroll employment figures reported so far this year. Since its trough in April, nonfarm payrolls have increased by only 0.5% at an annual rate, and this anemic rise can be directly traced to the lack of new business creation. When the 1982–1990 expansion generated over 18 million new jobs, more than 90% of these new jobs were created by small businesses and new businesses. People forget that the largest American companies have been downsizing and restructuring for years; it was not this established corporate sector which created the job surge of the last decade.

Not only has overall employment growth stagnated, but minority employment appears to have come to a halt. Black unemployment, for example, which dropped from 21% in 1983 to 10.6% in May 1990, stands currently at 12.1% through September 1991. For Hispanics, the unemployment rate dropped from 15.7% in 1982 all the way to 6.8% in 1989, but during this recession has increased to 11.1%. From 1982 through 1987 Hispanic new business creation rose by 80.5%, and new businesses owned by blacks increased by 37.6%. While more recent data are not yet available, the disappointing unemployment rates in these minority areas suggest that minority entrepreneurship has sagged.

SUMMING UP THE ECONOMY

Taking all this into account, my outlook for the next six quarters suggests a 3% recovery rate for real GNP.

While this is certainly an improvement over the 0.6% average annual rate of GNP growth over the past ten quarters, stretching from 1988 Q4 to 1991 Q2, it nonetheless compares quite unfavorably with historical performance over the past eight post-war cycles, where real GNP growth averaged 5.7% during the first six recovery quarters. In other words, even a relatively optimistic view suggests that the US economy will post only about one-half the rate of a normal recovery cycle.

WHAT'S WRONG HERE? IT'S NOT THE FED

While administration spokesmen continually bash the Federal Reserve for easier money, the fact remains that monetary policy has been near perfect in recent years. By modernizing Fed policy in the direction of a domestic commodity price rule, including gold, to restore a predictable standard of value, Greenspan & Co. have managed to bring interest rates down to nearly 20-year lows without reigniting inflation or inflation expectations.

Since the spring of 1989 the federal funds rate has fallen by nearly 50%, from just under 10% to just over 5%. Longer-term rates such as the Treasury ten-year note has dropped from roughly 9½% to around 7½%. Fixed rate mortgage yields have fallen below 9%, while adjustable rate mortgages have recently dipped under 7%. This has all been made possible by a substantial decline of reported inflation, with the year-to-year change in the Consumer Price Index falling from 6.4% to 3.4%, and the Producer Price Index from 7% to 0.7%. Gold prices this year have been ranging steadily between $350 and $375, while the widely followed CRB futures index has ranged between 210 and 220. Meanwhile the exchange rate of the dollar has also been steadily fluctuating in a relatively narrow range.

Going forward, it is essential that the Fed continue to target inflation sensitive market prices in order to maintain long-term credibility and confidence in the Fed's goal to achieve price stability. In particular, I believe the movement of long-term interest rates—which are subject to the financial markets' expectations of longer run inflation—are even more important than short rates with respect to future economic growth. Long-term rates are crucial to business and individual investment decisions, debt burdens and balance sheets, and of course of important housing sector. Stable or lower long-term rates can be achieved only through stable long-run price expectations.

The best part of macroeconomic policy in recent years has been the steady conduct of monetary policy. By bringing down price expectations and interest rates, the Federal Reserve has in effect generated a powerful tax cut affect to promote economic growth. This is the single largest factor in my anticipation of at least mild economic recovery. However, should the Fed be forced into an easy money position, then long-term interest rates and inflation would soon rise, creating a tax increase effect which would abort the recovery and send us back into double dip recession. Hopefully the Fed will continue its adherence to market price-level targeting, which is the only way to effectively balance money supply and money demand.

As an important sidebar, a properly crafted tax-cut program will make the Fed's counter-inflation job easier. Supply-side tax cuts will increase the output of goods and services, thereby rendering the same growth of money supply less inflationary, since it will be chasing more goods.

WHAT'S WRONG HERE? FISCAL POLICY

A series of mistaken fiscal decisions in recent years has created an atmosphere which is anti-entrepreneurial, anti-risk taking and anti-growth. A whole series of misbegotten steps helped set the recessionary stage. In 1989 a Savings and Loan bill made the problem worse, devalued the franchises and sent a chilling re-regulatory signal. Then came the breakdown of the capital gains tax relief plan. Then in 1990 came a highly burdensome and expensive Clean Air Act, along with a spate of burdensome environmental regulations or regulatory threats including the spotted owl, toxic waste, nuclear waste, disabilities, and CAFE fuel standards.

Environmental regulation has increased at a significant pace, now comprising 38% the entire regulatory budget. The EPA budget has increased by 31% in the last three years and staffing has expanded by 23%, according to a recent study sponsored by Washington University. After sharp cutbacks during the Reagan administration, Federal Register pages have increased from 55,000 towards 70,000. All this has created tall barriers and substantially higher costs for all forms of commerce and investment.

Then came the disastrous November 1990 budget deal, ending a six-month period where senior officials in the White House and the Congress continuously discussed in public various tax raising schemes, all of which had a debilitating effect on consumer and business confidence, calling a halt to the vital animal spirits and entrepreneurial juices which are so essential to the workings of a vibrant free-enterprise economy. Taking its cue from the Federal debate, more than half the states and numerous cities around the country substantially increased taxes on income, sales and property.

If the economy is to revive and reach its full potential in the 1990s, recent fiscal policy decisions must be completely reversed. I believe this is possible, and I remain an optimist with respect to the current opportunity to take strong steps toward an across-the-board tax cut program which would encompass all income classes and business categories, and which would be financed by added revenue generation from accelerating economic growth as well as budgetary cost savings from a suitably lower U.S. defense budget profile. Some proposals from a working group in which I am participating:

Capital gains rate reduction, indexation and tax-free rollover provision.

To assist middle income taxpayers, a sizable increase in the earned income tax credit (EITC).

Increased personal exemptions and child care tax credits.

For businesses, an investment tax credit (ITC) which will effectively accelerate capital cost recovery and lower the corporate tax rate.

For commercial real estate, restoration of the active investor loss provision, which would permit full-time real estate professionals to deduct expenses against losses.

Expanded Bentsen-Roth IRAs.

Repeal of the luxury tax.

Enterprise zones.

OPTIMISM AND LEADERSHIP

I do not pretend to have all the wisdom on a comprehensive tax cutting package. Undoubtedly there are other permutations and combinations or new ideas which will make good economic and political sense. But I believe that these proposals as well as others would constitute a solid pro-growth incentivizing reform package which importantly would provide across-the-board tax relief to all segments of the population.

This is a key point. For as much as I favor capital gains tax relief, which would help new business creation, would provide enhanced capital access for the have nots, especially those in poverty-stricken urban areas, and would raise real estate asset values and thus reduce the cost of the S&L and bank bailout programs, and would lower capital costs in line with our foreign competitors, I do not believe that capital gains reform by itself constitutes a serious tax policy.

A key ingredient yes. But by itself, as a single issue standing alone, it is not a tax reform program which would clearly stimulate economic recovery throughout the nation in a way that all citizens and taxpayers can clearly and readily understand. It strikes me that many of us have forgotten that the original Kemp-Roth concept more than 10 years ago clearly provided tax rate relief to all Americans. Because of the evenhandedness of the original Kemp-Roth proposal, the more people that found out about it favored it, and this is why its early legislative defeats continue to generate wider and broader support, eventually ending in victory.

Additionally, I do not believe that an attitude of excessive economic pessimism is necessarily the cleverest way of achieving much needed tax relief to spur economic growth. Nor do I believe that permanent tax reduction should be tied to some near term numerical point estimate of the economy. We ought not to be proposing Keynesian quick fixes. Instead, we should seek tax relief because it is good tax policy which would grow the economy and create capital and jobs over the longer term. Indeed, a pro-growth tax package such as this could well push real GNP growth to 4%–5% in 1992 and 1993. The Dow could reach 4000.

Finally, I believe that optimism is an essential tool. Optimism is the very essence of leadership. We have a vision of enhanced individual creativity and inventiveness and opportunity and prosperity for all income levels, business segments and geographic locations. I firmly believe that the public at large has an innate sense of optimism that problems can be solved; but the electorate is waiting to line up and follow the right leadership and the right vision. So far, neither Republicans nor Democrats at the national level have fully opened their arms to embrace a growing anti-corruption, anti-tax and anti-government revolt which is clearly brewing at the local level. In this sense we have a unique opportunity to flesh out an optimistic vision of tax cutting and governmental reform.

HEADING OFF "MALAISE" WITH PRO-GROWTH TAX POLICIES

(By Gary Robbins, President, Fiscal Associates, Inc., and Senior Fellow, National Center for Policy Analysis)

Despite claims that the current recession has been mild and, according to some, already over, its impact on jobs and incomes has been very serious. By the end of June 1991:

The current recession had cost 1.5 million jobs relative to the prior peak employment level. Employment to date is 5.4 million below the economy's trend line.

Had the economy continued on trend those jobs would be producing another $254 billion in real GNP (expressed in 1982 dollars).

The economy has continued to deteriorate further since June. The cumulative loss in real GNP through the second quarter relative to its prior peak level now stands at $217 billion.

During the past six quarters the U.S. economy has lost 3 percent of real GNP due to the downturn. The average after tax income of U.S. families has fallen by exactly the same amount as it would have if federal taxes had increased by 15 percent. Moreover, specific individuals affected are those who can least afford the income loss—the newly unemployed, first time job seekers including new graduates, and the working poor who are generally the first to be laid off. Failure to act to restore growth has levied the cruelest kind of tax on the least fortunate in our society—those who have lost all their income, not just a portion of it.

I would like to address four points today. First, extending analysis done by Larry Hunter at the U.S. Chamber of Commerce, I will expand on the implications of continued slow growth.[1] I will then review the growth implications of "The Emergency Economic Growth Act" along with some variations that have been considered over the past year. Next, I will examine the effect of the proposal on the growing costs of financial bailouts. And last, I would like to offer some results from a forthcoming National Center for Policy Analysis paper on the impact of taxes on capital which directly bear on the question of how to stimulate growth in the near term.

THE RETURN OF MALAISE

Graph 1 illustrates how the slowdown has damaged the U.S. economy. Up until the first quarter of 1990, the economy had shown an extremely steady growth of about 3.3 percent over the prior five years. Since then there has been virtually no growth.

A number of factors have combined to slow the economy:

A substantial social security payroll tax rate increase combined with an unexpectedly large increase in covered earnings has raised the tax on working and raised the cost of hiring labor;

Increased regulations, most notably in the environmental area, have increased future costs of production;

State and local governments have increased tax rates to offset a drop in the rate of increase in their revenues;

Federal government spending and tax rates increased as a result of last year's budget summit; and

The attractiveness of home ownership and commercial real estate dropped dramatically as the real estate market absorbed the "hit" of a substantial, retroactive increase in capital gains tax rates.

The current downturn is a natural reaction of the U.S. economy to higher levels of production costs resulting from these government actions. Businesses have adjusted investment and hiring to reflect the lowered prospects for sales and profits. These responses by businesses have resulted in lower GNP, fewer jobs and less investment.

Without remedying the causes of the current downturn, the economy faces a permanent reduction in its rate of growth. There even seems to be a growing consensus that after it recovers the economy will be considerably less robust than it was during the mid- to late 1980s. With the return to higher levels of regulation, government spending and taxes, combined with a looser monetary policy, the economy is in serious danger of reverting to the slower growth "malaise" of the late 1970s.

GETTING THERE FROM HERE

To illustrate the implications of slower growth, consider the following economic scenarios. Starting from the second quarter of 1991:

If, instead of growing at the previous trend rate of growth—3.3 percent from 1985 through 1989—real GNP grew by 2.5 percent, we would lose nearly half a year's income over the next five years, or $2.3 trillion. By the end of 1996, real GNP would be $500 billion below the previous trend and the gap would be widening. (Graph 1 presents this scenario.)

[Graphs not reproducible in the Record.]

If the economy grows at 3.3 percent without the typical recovery spurt, the loss in real GNP would be $1.8 trillion over the next five years. By the end of 1996, real GNP would be $305 billion below the previous trend. (Graph 2 shows this scenario.)

Even if we return to the old trend rate of growth, we will lose more than one-third of a year's GNP and output will be permanently lower by 5 percent. This would have the same effect on aftertax family income as a 25 percent increase in federal taxes.

To attain the level of GNP projected by the old trend growth the economy would have to grow by an average of 5.4 percent over the next three years, as shown in Graph 3. Thus far, the current downturn is roughly half the GNP loss of the 1981–82 recession and equal in terms of job loss. Recovery periods generally experience very rapid rates of growth, as that for 1981–82 shown in Graph 4. This recovery, however, is expected to be much slower than others presumably because the recession is "mild." Among the real reasons for a lackluster recovery, however, is the fact that marginal tax rates are rising, unlike the early 1980s when they were falling.

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[1] Footnotes at end of article.

LOST JOBS

The most significant social concern during a downturn must be workers who are either displaced directly, discouraged from looking, or face a generally soft demand for their services. The slower economy results in lower take-home pay as well as fewer available jobs. There is literally no way to insulate the worker from a downturn in production. They are a significant part of variable costs which must be reduced during hard times. Recessions mean lost output and lost job opportunities. This is the directly visible social cost of a downturn.

To date, we have lost nearly 5.4 million jobs relative to the rate of job creation during the previous five years. By August, we were 1.9 million jobs below the prior peak employment level. The economy has lost forever nearly 5.2 million man-years of labor, and workers have lost the income they would have earned doing that work. The real outrage is not that unemployed workers have run out of benefits but that they have been deprived of job opportunities. Given a choice between unemployment benefits and the opportunity to earn significantly more through work, I believe the choice would be for the chance to work. Further, the lost labor income is many times the amount of unemployment benefits arising from a rise in the unemployment rate.

Similarly, a slower than normal GNP recovery will mean a slower than normal creation of jobs in the future. If real GNP grows at 2.5 percent, there will be 44 million man-years lost from 1990 through 1996. We are talking about a loss of 9 million jobs relative to our prior rate of job creation by the end of 1996.

GROWTH INCENTIVES

Senators Phil Gramm, Robert Kasten and Malcolm Wallop have introduced "The Emergency Economic Growth Act." The bill contains a number of work, saving and investment incentives including a reduction in the capital gains tax rate, inflation-indexing for capital gains, an IRA-Plus plan, home ownership incentives and a reduction in the penalty on work imposed by the social security earnings test.

We estimate that the proposed bill would have a positive impact on the economy.[2] Specifically, it would:

Increase GNP by $337.2 billion (expressed in nominal terms) over the next five years. By the year 2000, GNP would be over $1.4 trillion higher.

Increase employment by almost 500,000 over the next five years. By the year 2000, employment would be over 1.1 million higher.

Increase the stock of U.S. capital by over $1.2 trillion (expressed in nominal terms) over the next five years. By the year 2000, the capital stock would be almost $3 trillion higher.

Two other measures could be considered in addition to those contained in the proposed bill. They are:

Indexing tax depreciation for inflation and the time value of money as in the bill proposed by Senator Wallop and Congressman DeLay. This provision could provide the equivalent stimulus of an immediate $100 billion business tax cut—several times the stimulus of the proposed capital gains cuts—with no immediate revenue loss.

Further lowering the capital gains tax rate to 15 percent, as proposed last year by Senators Robert Kasten, Connie Mack and Richard Shelby, would raise even more revenue as people unlock their capital gains in the short term.

FINANCIAL BAILOUTS

Stimulating economic growth, particularly through a lower capital gains tax, would have an immediate beneficial effect on real estate values. This, in turn, would reduce the cost of the savings and loan bailout. We have estimated that the reduction in the capital gains tax rate proposed by President Bush last year would:[3]

Lower the S&L bailout cost by 4 percent ($5.8 billion assuming the cost is $150 billion).

Reduce potential RTC real estate value losses by $4 billion.

Adding inflation-indexing of capital gains as contained in "The Emergency Economic Growth Act" would:

Lower the S&L bailout cost by 14 percent ($20.8 billion assuming the cost is $150 billion).

Reduce potential RTC real estate value losses by $9.9 billion.

A reduction in the capital gains tax rate to 15 percent and indexation of capital gains for inflation would:

Lower the S&L bailout cost by 16 percent ($23.2 billion assuming the cost is $150 billion).

Reduce potential RTC real estate value losses by $11.9 billion.

These bailout cost estimates do not address the losses building in commercial banks which hold roughly the same level of real estate investments as savings and loans. Insurance companies hold about one-third the level of real estate investments as S&Ls.

Typically it is the real estate and financial sectors that are most influenced by attempts of the Federal Reserve to reduce interest rates. In the current circumstance, the capital gains tax increase has worked against this traditional monetary tool for boosting economic growth. In contrast with earlier periods, Fed expansion of money base has not been translated into an expansion in M2, its target. The Fed has been thwarted because, unlike the past, the risk of higher inflation and, therefore, higher capital gains taxes have offset potentially lower financing costs. The 1986 capital gains changes have directly reduced the ability of the Federal Reserve to affect economic growth.

THE BENEFITS OF CAPITAL

The wages of workers and the stock of capital are inescapably linked. The only way that the real wages, and thus the well-being, of workers can rise is if they have more capital with which to work. Furthermore, most of the benefits from capital accumulation flow to people in their role as wage earners, rather than to the owners of capital. As Graph 5 illustrates:

For every additional dollar of sales generated by an additional unit of capital, the private sector keeps 47.4 cents while governments take 43.6 cents. The remaining 9 cents goes toward replenishing the used capital.

The private sector's share goes primarily to labor which receives 43.7 cents of the additional dollar of sales. Owners of capital, on the other hand, receive only 3.7 cents.

In other words, workers get to keep $12 in aftertax wages for every $1 of additional aftertax income to owners of capital.

Similarly, federal, state and local governments receive $12 in additional tax revenues for every $1 of additional aftertax income to owners of capital.[4]

Reducing the tax rate on capital will be rapidly translated into an increase in the stock of capital sufficient to bring the temporarily higher rate of return on capital back down to its long-run level. The distribution of the increased GNP resulting from the higher level of capital will be in the proportions just outlined.

In today's political debate, it is common for some to assert or imply that taxes on income from capital only affect the well-being of the rich. For example, those who argue for a higher tax rate on capital gains frequently imply that the rest of us will be better off because the rich will bear a larger share of the burden of government. They unfortunately ignore the fact that less capital means lower wages for everyone, even those who own no capital.

Workers and governments stand to lose even more income in the near term if some growth measure is not adopted. An additional $2 trillion loss in GNP over the next five years would mean almost 40 million lost man-years of labor and $875 billion in lost compensation. Furthermore, the federal government stands to lose $520 billion in foregone revenues while state and local tax revenues will be $350 billion lower. In the face of these potential losses, it is hard to justify ignoring the need for enacting a pro-growth program.

FOOTNOTES

[1] Lawrence A. Hunter, "The Never-Ending Recession," The Wall Street Journal, September 19, 1991, p. A14.

[2] These estimates are based upon those done for a similar proposal put forth by Senator Phil Gramm and Congressman Newt Gingrich last August. See Gary and Aldona Robbins, "Responding to the Recession," Lewisville, TX: The Institute for Policy Innovation, IPI Issue Brief No. 112–1, July 31, 1991.

[3] See Gary and Aldona Robbins, "Adding to the S&L Solution: A Case for Lower Capital Gains Taxes," Washington, DC: U.S. Chamber of Commerce, September 1990 and "How Tax Policy Compounded the S&L Crisis," Lewisville, TX: The Institute for Policy Innovation, IPI Policy Report No. 109, February 1991.

[4] Gary Robbins and Aldona Robbins, "Capital, Taxes and Economic Growth," Dallas, TX: National Center for Policy Analysis, NCPA Policy Report No. 105, Forthcoming.

FRED SCHWENGEL DISCUSSES RECENT DEVELOPMENTS IN THE SOVIET AND THE PERIOD BEFORE THE BOLSHEVIK REVOLUTION

Mr. GRASSLEY. Mr. President, today, I want to take the opportunity to commend a great former Congressman from my State of Iowa, Fred Schwengel. Currently, Congressman Schwengel is the founder and president of the U.S. Capitol Historical Society. In this capacity, he has discussed with me the historical significance between recent developments in the Soviet Union and the short Russian republican period before the Bolshevik Revolution in 1917.

The parallel between these two monumental periods is clearly reflected in speeches made by Boris Bakhmeteff, the Ambassador to the United States from the Republic of Russia, in both the House and Senate in June of 1917. Bakhmeteff stated to the House:

> Russia has really lived through events of worldwide importance. Free, she is entering now the dawn of new life, joining the ranks of democracy, striving for happiness and the freedom of the world.

Later, Bakhmeteff told the Senate:

> At this moment all eyes are turned on Russia. * * * The fate of nations, the fate of the world is at stake, all dependent on the fate of Russia.

He went on to warn that

> [w]e should not forget that in this immense transformation various interests will seek to assert themselves, and until the work of settlement is completed a struggle among opposing currents is inevitable and exaggerations can not be avoided. Attempts on the part of disorganizing elements to take advantage of this moment of transition must be expected and met with calmness and confidence.

Mr. President, it was certainly a great tragedy for humanity that the struggle for democracy in Russia failed in 1917. Congressman Schwengel has written a letter to President Mikhail Gorbachev to acknowledge the historical similarities and to suggest a joint historical conference to discuss the current and past situations of both countries. Leading historians of both nations would meet to recognize the growing ties between the peoples of the United States and the U.S.S.R., and to draw lessons from historical events so that similar mistakes can be avoided.

Thanks to Congressman Schwengel, the similarities of the Soviet events of 1917 and 1991 have been underscored. Now the exchange of ideas will, hopefully, take place to help reflect on the past and to gain insight into the future.

Mr. President, I ask unanimous consent that copies of Ambassador Bakhmeteff's statements to the U.S. Congress in 1917, as well as Congressman Schwengel's recent letter to President Gorbachev, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. CAPITOL HISTORICAL SOCIETY,
Washington, DC, October 22, 1991.

Mr. MIKHAIL GORBACHEV,
The U.S.S.R., Moscow, Russia, The Kremlin.

DEAR PRESIDENT GORBACHEV: As President of the United States Capitol Historical Society, I write to offer our assistance in the exchange of historical scholarship between the peoples of our two great nations.

The purpose of the enclosed letter is to suggest three ways that the U.S. Capitol Historical Society, in cooperation with the appropriate bodies in the USSR, might assist the growing understanding between our two peoples. Let me summarize these three recommendations briefly:

1. We would like to call your attention to the speeches of Boris Bakhmeteff to our Congress in 1917. Copies of the speeches are attached.

2. I would welcome the opportunity to visit the USSR and to counsel with your historians. The U.S. Capitol Historical Society would be honored to welcome any of your historians who visit Washington, D.C.

3. We suggest a major scholarly conference involving the leading historians from our two nations be convened in the prestigious setting of Capitol Hill.

The letter enclosed provides greater information on these three suggestions. We hope that you will give these points serious consideration. We pledge to provide our good offices in a spirit of friendship and good will to further the cultural and educational exchanges between our two great nations.

Sincerely,

FRED SCHWENGEL,
President.

U.S. CAPITOL HISTORICAL SOCIETY,
Washington, DC, October 22, 1991.

Mr. MIKHAIL GORBACHEV,
The U.S.S.R., Moscow, Russia, The Kremlin.

DEAR PRESIDENT GORBACHEV: On behalf of the United States Capitol Historical Society, I greet you and offer you our congratulations. Your courageous leadership will have an enduring effect on posterity. In articulating and then applying the ideas of Glasnost and Perestroika, you may have presented the world with a truly breathtaking opportunity for achieving global peace, human freedom, and personal prosperity. Now the challenge is to consummate the victory, and in this endeavor, the history of our country combined with that of your own can be instructive and of enormous value. This is the purpose of my letter.

I am an historian and the founder and President of the United States Capitol Historical Society. The Society, a voluntary educational organization chartered by the United States Congress, has as its primary purpose making the history of the Capitol building and our Congress more available to our citizens and to the world. The Capitol, the home of Congress, is where the elected representatives of our nation legislate on behalf of the people. Many historical achievements have occurred within this Capitol building, and our mission is to bring them to the attention of the people. Undergirding our efforts is the dictum of a great American scholar and poet, Carl Sandburg, who said, "Whenever a people or an institution forgets its early hard beginnings, it is beginning to decay."

To fulfill our educational mission of promoting a more informed and historically aware citizenry, our Society began in 1978 to sponsor a major annual symposium devoted to the American Revolutionary and Constitutional eras, 1750–1800. Held each spring in the Senate Caucus Room of the Russell Senate Office Building on Capitol Hill, in Washington, D.C., these conferences feature leading historians of early American history from throughout the world and have won high praise from the intellectual and academic community both within the United States and abroad. The programs have been remarkable for the size and enthusiasm of the audience they have attracted and for the quality of the scholarship that has been produced. Over the past fourteen years, the United States Capitol Historical Society has hosted a cumulative audience of more than 5,000 people and provided a forum for the work of nearly 200 distinguished historians. Moreover, the eight volumes of conference proceedings now in print are hailed as an enduring achievement that has immeasurably enriched our knowledge of the American past. By bringing together the world's finest historians of early American history and making their research accessible to both academics and the general public, the United States Capitol Historical Society has insured that succeeding generations will have a rich body of literature to draw upon as they seek to understand the past, comprehend the present, and plan for the future. I am sending a set of these volumes for your library.

Consistent with our record of hosting major scholarly conferences, the United States Capitol Historical Society proposes that a symposium be convened to recognize the growing ties between the peoples of our two countries. I suggest that the meeting feature the leading historians of both nations and that they be specifically asked to address the most critical dimensions of their respective histories and national characters. Such a conference and the subsequent publication of its proceedings will foster an understanding of the varieties of historical experience that have shaped the USA and the USSR and will help to build a mutual appreciation of our distinctive cultural heritages. The exchange of ideas that can be made possible through this kind of forum can tremendously enhance the process of building a peaceful and productive future not only for the citizens of our two nations but also for all the inhabitants of the world.

In this spirit, I would welcome an opportunity to visit your country to counsel and exchange ideas with your historians and other leaders. The Society would be similarly honored to welcome any of your history scholars who may visit Washington. Both our historians and your scholars must be mindful of the historical parallels between our two great countries. I am aware that the only country in Europe that completely supported Abraham Lincoln during our Civil War was Russia. There are other historic instances when our two nations have experienced close cooperation, perhaps most significantly in working to defeat the threat presented by Adolph Hitler's Nazi Germany.

There is one important event in the history of the relationship between our two countries about which few people know, and I would like to call it to your attention. Among the 135 different officials and heads of state who have addressed the Congress of the United States, one especially stands out in the light of recent events. On June 23, 1917, Boris Bakmeteff, the ambassador to the United States from the Republic of Russia, the provisional government that had succeeded czarist rule, addressed the United States House of Representatives. His address is included in the Society's recent publication, Foreign Visitors to Congress: Speeches and History (edited by Mary Lee Kerr, 2 vols., 1989). Bakhmeteff's eloquent words, spoken to Congress almost four months before the Bolsheviks came to power, suggest why a conference of major Russian and American historians is especially timely and appropriate: "During the last few months Russia has really lived through events of world-wide importance. With a single impulse the nation has thrown down the old fetters of slavery. Free, she is entering now the dawn of new life, joining the ranks of democracy, striving for the happiness and the freedom of the world.

In 1941, President Roosevelt declared the Four Freedoms: freedom from want, from fear, of speech and the press, and of religion. I have added an important Fifth Freedom-the freedom of creation and the movement of men and goods, known as the American Free Enterprise System. With the passing of the cold war, your firm commitment to Glasnost and Perestroika, and the solidification of the reform movement throughout the USSR, both of our nations will be able to devote far greater resources to the pursuits of peace and domestic happiness. By virtue of the cooperation of our countries during the Persian Gulf crisis, the prospects for international collaboration have never been greater. The mutual reduction of tensions and atomic arms has made it possible for mankind to move out of the dark shadows of nuclear annihilation into the hopeful dawn of what President Bush has so eloquently called the "new world order." As the citizens of our two lands begin to reach out to each other, it is absolutely vital that they deepen their understandings of our respective histories.

I am aware that for some time there has been a growing exchange between the scholars of our two countries. In a recent period over 500 students from your country have visited and done research in the Library of Congress. Two of my colleagues, Professors E.B. Smith and Ronald Hoffman of the University of Maryland, have been invited to teach in your universities, and Professor Smith is currently in St. Petersburg on such an assignment. Because these exchanges of historical scholarship will inevitably yield positive results, the Society seeks to expand and build upon them through the conference I have suggested in this letter.

I have herewith mentioned only a few examples of common interest and shared visions in the histories of our two great nations. From the richness of our countries' pasts we have much to teach and to learn from each other. I evenision a time when representatives of both nations will be able, as a matter of course, to present their views to our respective national legislative bodies just as Boris Bakhmeteff spoke to our House of Representatives in 1917.

Most immediately, I look forward to hearing from you in response to my suggestion for a joint historical conference. We pledge to lend our influence and the prestige we have built over the years to make this conference become a reality.

Sincerely,

FRED SCHWENGEL,
President.

To President Gorbachev:

On behalf of the United States Capitol Historical Society, I greet you and offer you our congratulations. Your courageous leadership will have an enduring effect on posterity. In articulating and then applying the ideas of Glasnost and Perestroika, you may have presented the world with a truly breathtaking opportunity for achieving global peace, human freedom, and personal prosperity. Now the challenge is to consummate the victory, and in this endeavor, the history of our country combined with that of your own can be instructive and of enormous value. This is the purpose of my letter.

I am an historian and the founder and President of the United States Capitol Historical Society. The Society, a voluntary educational organization chartered by the United States Congress, has as its primary purpose making the history of the Capitol building and our Congress more available to our citizens and to the world. The Capitol, the home of Congress, is where the elected representatives of our nation legislate on behalf of the people. Many historical achievements have occurred within this Capitol building, and our mission is to bring them to the attention of the people. Undergirding our efforts is the dictum of a great American scholar and poet, Carl Sandburg, who said, "Whenever a people or an institution forgets its early hard beginnings, it is beginning to decay."

To fulfill our educational mission of promoting a more informed and historically aware citizenry, our Society began in 1978 to sponsor a major annual symposium devoted to the American Revolutionary and Constitutional eras, 1750–1800. Held each spring in the Senate Caucus Room of the Russell Senate Office Building on Capitol Hill, in Washington, D.C., these conferences feature leading historians of early American history from throughout the world and have won high praise from the intellectual and academic community both within the United States and abroad. The programs have been remarkable for the size and enthusiasm of the audience they have attracted and for the quality of the scholarship that has been produced. Over the past fourteen years, the United States Capitol Historical Society has hosted a cumulative audience of more than 5,000 people and provided a forum for the work of nearly 200 distinguished historians. Moreover, the eight volumes of conference proceedings now in print are hailed as an enduring achievement that has immeasurably enriched our knowledge of the American past. By bringing together the world's finest historians of early American history and making their research accessible to both academics and the general public, the United States Capitol Historical Society has insured that succeeding generations will have a rich body of literature to draw upon as they seek to understand the past, comprehend the present, and plan for the future. I am sending a set of these volumes for your library.

Consistent with our record of hosting major scholarly conferences, the United States Capitol Historical Society proposes that a symposium be convened to recognize the growing ties between the peoples of our two countries. I suggest that the meeting feature the leading historians of both nations and that they be specifically asked to address the most critical dimensions of their respective histories and national characters. Such a conference and the subsequent publication of its proceedings will foster an understanding of the varieties of historical experience that have shaped the USA and the USSR and will help to build a mutual appreciation of our distinctive cultural heritages. The exchange of ideas that can be made possible through his kind of forum can tremendously enhance the process of building a peaceful and productive future not only for the citizens of our two nations but also for all the inhabitants of the world.

In this spirit, I would welcome an opportunity to visit your country to counsel and exchange ideas with your historians and other leaders. The Society would be similarly honored to welcome any of your history scholars who may visit Washington. Both our historians and your scholars must be mindful of the historical parallels between our two great countries. I am aware that the only country in Europe that completely supported Abraham Lincoln during our Civil War was Russia. There are other historic instances when our two nations have experienced close cooperation, perhaps most significantly in working to defeat the threat presented by Adolph Hitler's Nazi Germany.

There is one important event in the history of the relationship between our two countries about which few people know, and I would like to call it to your attention. Among the 135 different officials and heads of state who have addressed the Congress of the United States, one especially stands out in the light of recent events. On June 23, 1917, Boris Bakhmeteff, the ambassador to the United States from the Republic of Russia, the provisional government that had succeeded czarist rule, addressed the United States House of Representatives. His address is included in the Society's recent publication, Foreign Visitors to Congress: Speeches and History (edited by Mary Lee Kerr, 2 vols., 1989). Bakhmeteff's eloquent words, spoken to Congress almost four months before the Bolsheviks came to power, suggest why a conference of major Russian and American historians is especially timely and appropriate: "During the last few months Russia has really lived through events of world-wide importance. With a single impulse the nation has thrown down the old fetters of slavery. Free, she is entering now the dawn of new life, joining the ranks of democracy, striving for the happiness and the freedom of the world."

In 1941, President Roosevelt declared the Four Freedoms: freedom from want, from fear, of speech and the press, and of religion. I have added an important Fifth Freedom—the freedom of creation and the movement of men and goods, known as the American Free Enterprise System. With the passing of the cold war, your firm commitment to Glasnost and Perestroika, and the solidification of the reform movement throughout the USSR, both of our nations will be able to devote far greater resources to the pursuits of peace and domestic happiness. By virtue of the cooperation of our countries during the Persian Gulf crisis, the prospects for international collaboration have never been greater. The mutual reduction of tensions and atomic arms has made it possible for mankind to move out of the dark shadows of nuclear annihilation into the hopeful dawn of what President Bush has so eloquently

called the "new world order." As the citizens of our two lands begin to reach out to each other, it is absolutely vital that they deepen their understandings of our respective histories.

I am aware that for some time there has been a growing exchange between the scholars of our two countries. In a recent period over 500 students from your country have visited and done research in the Library of Congress. Two of my colleagues, Professors E.B. Smith and Ronald Hoffman of the University of Maryland, have been invited to teach in your universities, and Professor Smith is currently in St. Petersburg on such an assignment. Because these exchanges of historical scholarship will inevitably yield positive results, the Society seeks to expand and build upon them through the conference I have suggested in this letter.

I have herewith mentioned only a few examples of common interest and shared visions in the histories of our two great nations. From the richness of our countries' pasts we have much to teach and to learn from each other. I envision a time when representatives of both nations will be able, as a matter of course, to present their views to our respective national legislative bodies just as Boris Bakhmeteff spoke to our House of Representatives in 1917.

Most immediately, I look forward to hearing from you in response to my suggestion for a joint historical conference. We pledge to lend our influence and the prestige we have built over the years to make this conference become a reality.

BORIS BAKHMETEFF, AMBASSADOR TO THE UNITED STATES FROM THE REPUBLIC OF RUSSIA

(Address before the U.S. House of Representatives, June 23, 1917)

Mr. Speaker and gentlemen of the House [*applause*]. I am deeply conscious how great an honor has been conferred on me and the members of my mission by this gracious reception. I understand how unusual it is for this House to accord to foreigners the privilege of the floor. I realize that if you were moved to make such an exception it was due to the great and most extraordinary historic events which have been and are not taking place in the world.

Great indeed is the honor and the privilege to speak here, in this House, exemplifying as it does the Constitution of the United States—that wonderful document which embodies so clearly and yet so tersely the principles of free government and democracy. [*Applause.*]

Gentlemen of the House, when addressing you on behalf of the Government and the people of new Russia, when conveying to you the greetings of the new-born Russian democracy, you will conceive how impressed I am by the historical significance of this moment; you will understand why my emotions do overwhelm me.

During the last few months Russia has really lived through events of world-wide importance. With a single impulse the nation has thrown down the old fetters of slavery. Free, she is entering now the dawn of new life, joining the ranks of democracy, striving for the happiness and the freedom of the world. [*Applause.*]

Does not one feel occasionally that the very greatness and significance of events are not fully appreciated, due to the facility and spontaneity with which the great change has been completed?

Does not one always realize and conceive what it really means to humanity that a nation of 180,000,000, a country boundless in expanse, has been suddenly set free from the worst of oppression, has been given the joy and happiness of a free, self-conscious existence? [*Applause.*]

With what emotions are we inspired who have come to you as messengers of these great events, as bearers of the new principles proclaimed by the Russian Revolution.

May I be permitted to reiterate the expression of the feelings that stir our hearts and, impressed as I am by the might and grandeur of the wonderful events, welcome and greet you on behalf of free Russia? [*Applause.*]

Here at the very cradle of representative government I feel it proper to recall the very moments of birth of constitutional life in Russia which presented itself some 12 years ago at the time of the first Russian Revolution.

It was then that the Duma came into being. From the very inception of this assembly the old authority endeavored to curtail the powers that had been coffered on it. Its sole existence was an uninterrupted struggle; but in spite thereof, notwithstanding the limitations and narrowness of election laws, the Duma was bound to play a most important part in the national life of Russia.

It was the every fact of the being of a representative body which proved to be so fruitful and powerful.

It was that mysterious force of representation, force which draws everything into the whirlpool of legislative power, force the existence of which your American framers of the Constitution so deeply recognized and understood. It was that force which led the Duma, however limited, to express the feelings of Russia and frame her hopes during the world's great crisis, and made the Duma ultimately the center and the hope of national life.

It was the Duma who at the epoch when the old authority by vicious and inefficient management had disorganized the supplies of the country and brought the military operations to unprecedented reverse; it was the Duma who with energy and devotion called the people to organize national defense and appealed to the vital forces of the country to meet the German attack and save the nation from definite subjugation. Again, when it appeared that the shortsighted Government, who never took advantage of the patriotic enthusiasm and national sacrifice, was not only incapable of leading the war to a successful end but would inevitably bring Russia to military collapse and economic and social ruin, it was the Duma again who at that terrible hour proclaimed the nation in danger [*applause*]; it was at the feet of the Duma that the soldiers of the revolution deposed their banners and, giving allegiance, brought the revolution to a successful issue. It was then that from the ruins of the old regime emerged a new order embodied in the provisional government, a youthful offspring of the old Duma procreated by the forces of the revolution. [*Applause.*]

Instead of the old forms, there are now being firmly established and deeply embedded in the minds of the nation principles that power is reposed and springs from and only from the people. [*Applause.*] To effectuate these principles and to enact appropriate fundamental laws—that is going to be the main function of the constitutional assembly which is to be convoked as promptly as possible.

This assembly, elected on a democratic basis, is to represent the will and constructive power of the nation. It will inaugurate the forms of future political existence as well as establish the fundamental basis of economic structure of future Russia. Eventually all main questions of national being will be brought before and will be decided by the constitutional assembly—constitution, civil and criminal law, administration, nationalities, religion, reorganization of finance, land problem, conditionment of labor, annihilation of all restrictive legislation, encouragement of intense and fruitful development of the country. These are the tasks of the assembly, the aspirations and hopes of the nation.

Gentlemen of the House, do not you really feel that the assembly is expected to bring into life once more the grand principle which your illustrious President so aptly expressed in the sublime words, "Government by consent of the governed"? [*Applause.*]

It is the provisional government that is governing Russia at present. It is the task of the provisional government to conduct Russia safely to the constitutional assembly.

Guided by democratic precepts, the provisional government meanwhile is reorganizing the country on the basis of freedom, equality, and self-government, is rebuilding its economic financial structure.

The outstanding feature of the present government is its recognition as fundamental and all important of the principles of legality. It is manifestly understood in Russia that the law, having its origin in the people's will, is the substance of the very existence of the state. [*Applause.*]

Reposing confidence in such rule, the Russian people are rendering to the new authorities their support. The people are realizing more and more that to the very sake of further freedom law must be maintained and manifestation of anarchy suppressed.

In this respect local life has exemplified wonderful exertion of spontaneous public spirit which has contributed to the most effective process of self-organization of the nation. On many occasions, following the removal of the old authorities, a newly elected administration has naturally arisen, conscious of national interest and often developing in its spontaneity amazing examples of practical statesmanship.

It is these conditions which provide that the provisional government is gaining every day importance and power; is gaining capacity to check elements of disorder arising either from attempts of reaction or extremism. At the present time the provisional government has started to make most decisive measures in that respect, employing force when necessary, although always striving for a peaceful solution.

The last resolutions which have been framed by the Council of Workingmen, the Congress of Peasants, and other democratic organizations render the best proof of the general understanding of the necessity of creating strong power. The coalitionary character of the new cabinet, which includes eminent socialist leaders and represents all the vital elements of the nation, therefore enjoying its full support, is most effectively securing the unity and power of the central government, the lack of which was so keenly felt during the first two months after the revolution.

Realizing the grandeur and complexity of the present events and conscious of the danger which is threatening the very achievements of the revolution, the Russian people are gathering around the new government, united on a "national program." [*Applause.*]

It is this program of "national salvation" which has united the middle classes as well as the populists, the labor elements, and socialists. Deep political wisdom has been exhibited by subordinating various class interests and differences of national welfare. In this way this Government is supported by an immense majority of the nation, and, outside of reactionaries only, is being opposed by comparatively small groups of extremists and internationalists.

As to foreign policy, Russia's national program has been clearly set forth in the statement of the provisional government of March 27 and more explicitly in the declaration of the new government of May 18.

With all emphasis may I state that Russia rejects any idea of a separate peace? [*Applause.*] I am aware that rumors were circulated in this country that a separate peace seemed probable. I am happy to affirm that such rumors were wholly without foundation in fact. [*Applause.*]

What Russia is aiming for is the establishment of a firm and lasting peace between democratic nations. [*Applause.*] The triumph of German autocracy would render such peace impossible. [*Applause.*] It would be the source of the greatest misery, and, besides that, be a threatening menace to Russia's freedom.

The provisional government is laying all endeavor to reorganize and fortify the army for action in common with its allies. [*Applause.*]

Gentlemen of the House, I will close my address by saying Russia will not fail to be a worthy partner in the "league of honor." [*Applause.*]

Boris Bakhmeteff, Ambassador to the United States From the Republic of Russia

(Address before the U.S. Senate, June 26, 1917)

Mr. President and gentlemen of the Senate, at the outset permit me to express to you sincere thanks and keen appreciation for the warm reception you have so graciously given to the members of the mission and to myself. Great is the honor you have bestowed by permitting me to address your distinguished body, abrogating thus a custom which has been upheld for more than a century, but still more gratifying is the expression of cordial sympathy and friendly feeling which have been so manifestly exhibited by your reception.

From the moment of our arrival in this country we have been deeply affected by the extraordinary greeting accorded us and by the constant expression of hearty welcome and sincere sympathy with which we have been hailed on all sides.

That bonds of friendship and sympathy united the people of the two nations we knew before we departed from Russia. They were amply manifested during the early days of the revolution. The act of prompt recognition of our new Government has been of incalculable value. For the brotherly encouragement which you gave us, and for the noble manner in which you so generously stretched forth a helping hand, we are here, in behalf of the new Russia, to express to you our deepest and most heartfelt gratitude. [*Applause.*]

We have come here as well to make clear the spirit and meaning of the great events taking place in our country. A thorough understanding is indispensable to enable our mission to accomplish the important task of establishing a close and effective cooperation between the two countries for common action and common cause. With the greatest of hope do I look forward to the results of such cooperation so vital to our mutual desire to form a league of honor among free nations on the smoking ruins of autocratic militarism.

At this moment all eyes are turned on Russia. Many hopes and many doubts are raised by the tide of events in the greatest of revolutions at an epoch in the world's greatest war. Justifiable is the attention, lawful the hopes, and naturally conceivable the anxiety. The fate of nations, the fate of the world is at stake, all dependent on the fate of Russia. Freedom and peace will be the blessings of the future if Russia happily emerges from the struggle a powerful democracy, sparkling with the gallantry of her army returning from fields won in common strife with her allies. [*Great applause.*]

An unprecedented epoch of spiritual depression, a new period of strenuous and anxious military depression would follow, should Russia fail to accomplish her task of political regeneration or should she collapse for economical reasons or the insufficiency of her arms. In all frankness and sincerity do I expose my cause, confident in your good will and paying tribute to the manifest feelings of sympathy, may I say affection?

I am not going to conceal the gravity of the situation that confronts the Russian Provisional Government. The revolution called for the reconstruction of the very foundations of our national life. It is not easy to comprehend what it means to reorganize all of Russia on democratic lines. Such work involves the whole of our social, economic, and political relations. The entire State structure is affected by the changes, involving village, district, county; in fact, every part from the smallest to the central State. The creation anew of a country of boundless expanse on distinctly new principles will, of course, take time, and impatience should not be shown in the consummation of so grand an event as Russia's entrance into the ranks of free nations.

We should not forget that in this immense transformation various interests will seek to assert themselves, and until the work of settlement is completed a struggle among opposing currents is inevitable and exaggerations can not be avoided. Attempts on the part of disorganizing elements to take advantage of this moment of transition must be expected and met with calmness and confidence. [*Applause.*]

In exposing to you a true picture of the situation I feel that it is my duty to present to you two considerations which make me feel that Russia has passed the stage of the world when the future appears vague and uncertain.

In the first place, it is the firm conviction of the necessity of equality, which is widely developing and firmly establishing itself throughout the country.

In the eyes of the Russian people this principle of equality is based on the fertile democratic doctrine that governments derive their just power from the consent of the governed [*prolonged applause*], and hence that a strong government must be created by the will of the people. [*Renewed applause.*]

Three days ago in the House of Representatives I stated that a strong majority of the Russian people had united around the coalition cabinet on a national program. I mentioned the confidence and powerful support which the Government is at present enjoying, and which from day to day gives it more strength and determination, not only to suppress acts of lawlessness on the part of disorganizing forces but also to carry out the constructive work of national reorganization.

Since then my latest advices give joyful confirmation of the establishment of a firm power, strong in its democratic precepts and activity, strong in the trust reposed in it by the people in its ability to enforce law and order. [*Prolonged applause.*]

In the second place, and no less important, is the growing conviction that the issues of the revolution and the future of Russia's freedom are closely connected with the fighting might of the country. It is such power, it is the force of arms, which alone can defend and make certain the achievements of the revolution against autocratic aggression. [*Applause.*]

There has been a period, closely following the revolution, of almost total suspension of all military activity, a period of what appeared to be disintegration of the army, a period which gave rise to serious doubts and to gloomy forebodings. At the same time there ensued unlimited freedom of speech and of the press, which afforded opportunities for expression of the most extreme and antinational views, from all of which resulted widespread rumors throughout the world that Russia would abandon the war and conclude a separate peace with the central powers.

With all emphasis and with the deepest conviction, may I reiterate that statement that such rumors were wholly without foundation in fact. [*Great applause.*] Russia rejects with indignation any idea of separate peace. [*Prolonged applause.*] What my country is striving for is the establishment of a firm and lasting peace between democratic nations. Russia is firmly convinced that a separate peace would mean the triumph of German autocracy, would render lasting peace impossible, create the greatest danger for democracy and liberty, and ever be a threatening menace to the new-born freedom of Russia. [*Applause.*]

These rumors were due to misapprehension of the significance and eventful processes of reorganization which the Army was to undergo as a result of the emancipation of the country. Like the Nation, the Army, an offspring of the people, had to be built on democratic lines. Such work takes time, and friction and partial disorganization must be overcome.

To adapt new principles to a body so huge, so very manifold and so self-dependent as is a modern army is no simple task. Patience is required to mold it in accordance with forms of democracy and personal liberty, preserving at the same time disciplines so essential for success on the field of battle.

One must also realize that the time has passed when the fares of nations can be decided by an irresponsible government or by a few individuals, and that the people must shed their blood for issues to them unknown. We live in a democratic epoch where people who sacrifice their lives should fully realize the reasons therefor and the principles for which they are fighting. [*Applause.*]

Just as the Russian people had to undergo a process of reorganization and political revolution so also did the Russian Army. It was necessary for it to live our illusions and deceptions, and to rally about a program of historical necessity and national truth.

The national program of the Government calls for effective organization and consolidation of the army's fighting power for offensive as well as defensive purposes. [*Applause.*] This has been the outcome of the crystallization of the will of the people. That is the program as to warfare which has rallied around the Government, Russia's democracy, giving its leaders vigor and strength.

Conscious of the enormous task, the Provisional Government is taking measures promptly to restore throughout the country conditions of life so deeply disorganized by the inefficiency of the previous rulers and to provide for whatever is necessary for military success.

In this respect exceptional and grave conditions provide for exceptional means. In close touch with the panpeasant congress the Government has taken control of stores of food supplies, and is providing for effective transportation and just distribution. Following the example of other countries at war, the Government has undertaken the regulation of the production of main products vital for the country and the army. The Government at the same time is making all endeavors to settle labor difficulties taking measures for the welfare of workmen consistent with active production necessitated by the national welfare.

As to the army, the process of crystallization of the national will is expressing itself in a growing sentiment of general and common appreciation of events and a thorough understanding of the situation.

Peaceful in its intentions, striving for a lasting peace based on democratic principles and established by democratic will, the Russia people and its army are rallying their force around the banners of freedom, strengthening their ranks to cheerful selfconsciousness; to die, but not to be slaves. [*Great applause.*]

Russia wants the world to be safe for democracy.

To make it safe means to have democracy rule the world. [*Prolonged applause.*]

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER [Mr. GORE]. If the Senator from Colorado will suspend for a moment, morning business is now closed.

THE CIVIL RIGHTS ACT OF 1991

MOTION TO PROCEED

The PRESIDING OFFICER. The Senate will now resume consideration of the unfinished business, the motion to proceed to S. 1745, on which there remains approximately 9 hours, under cloture.

The Senate resumed consideration of the motion.

Mr. WIRTH. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS

Mr. MITCHELL. Mr. President, Members of the Senate, several Senators have called inquiring about the schedule for the remainder of today.

We remain in the same situation which I described earlier this morning upon the convening of the Senate. Under the rules of the Senate, although an overwhelming majority of Senators voted to proceed to the Civil Rights Bill by a margin of 93 to 4, the opponents are able to utilize up to 30 hours following that vote before we can actually get to the bill.

They have indicated their unwillingness to permit us to proceed to the bill, and so we have been in a situation where the time has been running since yesterday afternoon. Under the rule, if all time is utilized, we will get to the bill at about 9:10 p.m. this evening.

Negotiations are continuing. It is in my mind a virtual certainty that the negotiations will not resolve all of the pending questions on the bill, and we are going to have to take the bill up at some point, and debate and vote on several important and controversial amendments.

I hope we can do that sooner. It was my hope that we could have gotten to the bill by noon today. But that is not possible under the rules. Therefore, we have been proceeding with the time counting against the 30 hours.

At the same time, concurrently, discussions are continuing on attempting to resolve the question of the method to deal with the investigation into unauthorized disclosure of information which when reached will permit us to resolve that issue and pass the Federal Facilities Compliance Act, with respect to which all matters have now been dealt with other than the question of unauthorized disclosure of information.

Accordingly, Mr. President, so as not to impose unnecessarily on staff and other Members, I am going to momentarily ask unanimous consent that the Senate stand in recess subject to the call of the Chair.

But Senators should be aware that we are going to start on the civil rights bill today even if it means using the full 30 hours and starting at 9:10 p.m. It just means what we will do between 9 and midnight what we could have otherwise been doing betweem 2 and 5 this afternoon.

I recognize negotiations are continuing. I hope they do continue, and I hope they produce success. As I said, there is no prospect that these negotiations are going to be limited to the need for active and possibly lengthy consideration of the bill.

So I hope that we can proceed. I will continue in my efforts to enable us to get to the bill as soon as possible. But in any event, we are going to start on this bill today, earlier if possible, but at 9:10 p.m. if necessary.

Accordingly, Mr. President, I ask unanimous consent that the Senate stand in recess subject to the call of the Chair, and that the time, while the Senate is in recess, count against the 30 hours under the provisions of rule XXII with respect to cloture on the motion to proceed to the civil rights bill.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Thereupon, the Senate, at 12:39 p.m., recessed subject to the call of the Chair; whereupon, the Senate, at 2:25 reassembled when called to order by the Presiding Officer [Ms. MIKULSKI].

Mr. COHEN. Madam President, I ask unanimous consent I be allowed to proceed as in morning business and that the time be charged against the remaining time under the cloture motion.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE CIVIL RIGHTS ACT OF 1991

Mr. COHEN. Madam President, the bill that we are considering has been labeled a "quota bill." And it has been given the White House hold stamp of disapproval.

It seems to me that it is back to the future in American politics today. Although the calendar may say 1991, the times are starting to remind me somewhat of George Orwell's "1984," where we are told love is hate, war is peace, ignorance is wisdom, and 2 plus 2 equals 5 or 6 or 7 or whatever our deepest fear demands.

Orwell warned us that the debasement of language will lead inevitably to the corrosion and corruption of values. And I believe that is exactly what we are seeing in the debate over civil rights today.

In the corridors and back rooms of Capitol Hill, civil rights legislation is whispered to be a politically defining issue, a so-called wedge issue that can be used to drive middle-class white voters further into the arms of the Republican Party, leaving blacks, feminists, labor unions, and vacuous liberals in the backwash of the Democratic Party.

Now it may be, as this cynical thesis might have it, that this wedge is a politically powerful and popular force that is going to repel the segments of our society into clearly defined magnetic fields.

This wedge may even be the key to political victory for the balance of this century and beyond—if you believe that winning means never having to say you're sorry.

But I believe the short-term political success is going to prove to be a long-term public policy disaster. Political success for a party and for our country ought to mean something more than he who dies holding the most votes. Just as wealth has to mean more than the number of dollars in one's bank account or the number of cars in one's garage.

When we speak of politics, we must speak of philosophy. And philosophy means the love or pursuit of wisdom and the understanding of human values.

And that is what is truly at stake here—not wedges, but values.

There are two—at least two—basic values that lie deep within the hearts and minds of the American people.

One is that every person should be given a fair chance to compete—in the classroom, on the athletic fields, and in the workplace. Every person under our Constitution should enjoy equal privileges and equal protection of the law.

The second major value—there should be no special privileges. No favoritism. No artificial or arbitrary rules that give something that has not been earned. No quotas, which are a rule of thumb and not a rule of reason.

In an ideal world, these values are not in conflict. They are complementary. They are in harmony.

But suppose the world is less than ideal. Suppose that all the people in this country are not treated equally and have not been treated equally over a long period of time. Suppose there are laws passed or practices established that discriminate against people because of their race or sex.

Suppose people are treated as slaves, pack mules, objects of hatred and violence, or simply as reproductive vessels.

Suppose people cannot buy a home or obtain a mortgage or get a job because of the color of their skin or break through that so-called glass ceiling at the workplace because of their gender.

Is there anything more un-American than to deny a human being the chance to be the best that he or she can be, as the Army says, on equal terms?

Is there anything more un-American than to isolate people in a ghetto, put up invisible barriers by denying them jobs, opportunity, and any hope of breaking out of their prison of poverty? And then sit back and watch in horror and outrage as their children go fatherless and their streets go white with drugs and then run red with the blood from mindless violence?

Is there anything more un-American than to rob people of their equal opportunity because of the pigment in their skin, the texture of their hair, the composition of their chromosomes—all the while we sit back and proudly proclaim that our policies have to be colorblind and gender neutral?

Is there anything more hypocritical than to say that racism or sexism is a thing of the past?

Madam President, in "Native Son," Richard Wright told a story of what it means to be black in this country. There are many memorable scenes in the book, but there is one that has stayed with me over the years. In it, two young boys, Bigger and Gus, look up at a pilot who is skywriting on a lazy summer day:

"Looks like a little bird," Bigger breathed with childlike wonder.

"Them white boys sure can fly," Gus said.

"Yeah," Bigger said wistfully. "They get a chance to do everything. I could fly a plane if I had a chance."

"If you wasn't black and if you had some money and if they'd let you go to that aviation school, you could fly a plane," Gus said.

And then there is Bigger contemplating a life filled with denial and rejection, and he responds:

> Every time I think about it, I feel like somebody's poking a red-hot iron down my throat * * * It's just like living in jail. Half the time I feel I'm on the outside of the world peeping in through a knothole in the fence. * * *

That scene was memorable for me not just because it depicts a scene of innocence and whimsey perhaps in a novel filled with horror, but because it said so much about the human spirit, about the significance of hope, about the utter destructiveness of knowing in advance that the hope can never be realized.

Now, "Native Son" is fiction and it was written 50 years ago. We've made great progress since then. Michael Jordan is now skywriting in Chicago, Michael Jackson walks on the Moon, TV watchers can start their day with Bryant Gumbel or Oprah Winfrey and end it with Bill Cosby or Arsenio Hall, and Clarence Thomas sits on the Supreme Court.

There has been progress. But for every Jordan, Jackson, Gumbel, Winfrey, Cosby, Hall, or Thomas, there are millions of people treated with contempt and disdain and discrimination every single day and moment of their lives.

For every Sandra Day O'Connor or Katherine Graham, there are millions of women who run smack into harassment or invisible walls that restrict the achievement of their potential.

Recently, I watched a segment of "Prime Time" on ABC. The producers of the show took two attractive, articulate male college graduates—one white, one black—and sent them out into the world followed by a hidden camera.

You can probably guess the results of that foray into the world's experiences. The young white man was treated almost systematically with courtesy and enthusiasm and accommodation, with financial incentives to make purchases.

How was the black man treated? In a store, he was regarded with great suspicion by a salesman and followed by a security guard. He went to one auto dealership—the same dealership that his counterpart had gone to earlier—where he was thoroughly ignored. At another dealership, he went in to ask about purchasing a car and was given a higher interest rate than his counterpart. He went to look for an apartment and was told that the last apartment had just been leased, even though, of course, we all know that it hadn't been leased.

The camera never blinked. Nor did any of the unwitting participants in the film. They either denied that they had engaged in acts of racism or discrimination, or they reacted with anger to the exposure of their behavior.

And still, there are those who want to make the term "civil rights" a pejorative phrase, and use it to achieve political success on the backs of those who have been victimized by society for hundreds of years.

Justice Holmes once wrote that the hell of the old world's literature involved people being taxed beyond their abilities. We can recall all of the various myths where the individuals had their fate written well in advance. It was all preordained, and they struggled against overwhelming odds and inevitably failed.

But Holmes said there was a different type of hell in today's literature and today's life. He said a far deeper abyss existed and that's when powers conscious of themselves are denied their chance. And that, it seems to me, is at the core of what we're debating today.

The hell of millions of Americans that they must endure every day of their lives, knowing that they have the intelligence and the ability, and they're being denied their chance.

Madam President, opponents of this legislation can jump up and say they agree. Intentional discrimination is a violation of every sense of decency, every principle that we hold dear. But they would then argue this legislation goes beyond intentional discrimination—and indeed it does. They would argue it dictates employment practices and standards and is going to force employers to hire unqualified people or undesirables in order to avoid a lawsuit. And so they put the quota label on the bill.

Madam President, what this legislation does is it talks about burden of proof—the allocation of burden of proof. Who should bear the burden of proving that an employer's hiring or promotional activities result in excluding women or minorities from entering that work force or progressing within it.

Congress passed laws, which the courts determined placed the burden on those who could show that their standards or practices were driven by business necessity rather than any racial or sexual bias or discriminatory practice. And from 1971 to 1989 there seemed to be no cry of quotas. No one said this jeopardized the entire American ethic because of quotas.

But then in 1989, the nonactivist Supreme Court discarded precedent and shifted the burden to those who chose and do choose to complain.

What we are doing in this legislation, we are saying to the court and to the country, "No. The burden belongs on those who claim, "the business makes me do it.""

Madam President, this legislation, so meticulously and laboriously crafted by my diligent and thoughtful colleague JACK DANFORTH, is important for what it does. But it is also important for the message that it sends. The pursuit of the American ideal or dream is as important today as it was on the day that our Constitution was drafted.

There are others who have spoken far more eloquently than I can ever possibly hope to do. There is one voice I recall reading, that of Robert G. Ingersoll, who was talking about the issue of racism in our society. He said:

> Liberty is not a social question. Civil equality is not social equality. We are equal only in rights. No two persons are of equal weight, or height. There are no two leaves in all the forests of the earth alike—no two blades of grass—no two grains of sand—no two hairs. Neither mental nor physical equality can be created by law, but law recognizes the fact that all men have been clothed with equal rights by nature, the Mother of us all.

And then he went on to say:

> The man who hates the black man because he is black has the same spirit as he who hates the poor man because he is poor. It is the spirit of caste. The proud useless despises the honest useful. The parasite idleness scorns the great oak of labor on which it feeds, and that lifts it to the light.
>
> I am the inferior of any man whose rights I trample under foot. Men are not superior by reason of the accident of race or color—

And let me here add the words "or sex."

Madam President, to oppose this legislation is to reaffirm the condemnation of those millions of Americans who conscious of their powers are being denied their chance.

I cited Justice Holmes a moment ago, and let me close with another of his observations.

He said that a catchword can hold analysis in fetters for 50 years and more. A label can attach similar chains to our minds. I would hope that my colleagues would reject the label, tear off the label, to study the contents and, more importantly, study what has been done to the lives of so many of our citizens.

And I hope that they will conclude that fairness demands that they support this legislation.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. COHEN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS SUBJECT TO THE CALL OF THE CHAIR

Mr. COHEN. Madam President, I ask unanimous consent that the Senate go into recess subject to the call of the Chair and the time be charged to each side under the previous understanding.

The PRESIDING OFFICER. Without objection, it is so ordered.

Thereupon, the Senate, at 2:40 p.m., recessed subject to the call of the Chair; whereupon, at 7:18 p.m., the Senate reassembled when called to order by the Presiding Officer [Mr. ADAMS].

Mr. SIMON. Mr. President, I ask unanimous consent to speak as in morning business and that the time be charged against the time running postcloture.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered. The Senator from Illinois is recognized.

INACCURATE ARTICLE ALLEGING SOURCE OF LEAK OF CONFIDENTIAL DOCUMENTS

Mr. SIMON. Mr. President, this morning's Washington Times contains a totally inaccurate article alleging that I was the source of the leak of confidential documents in the Clarence Thomas-Anita Hill matter. There is absolutely no truth to this. I simply do not operate that way, as I think my colleagues in the Senate know.

I have questioned my staff in detail on how the documents were handled, and I can say without hesitancy that no one on my staff was responsible for leaking the documents. I strongly support an investigation into who did leak the documents, and I will cooperate fully with the FBI, GAO, or any other Federal agency looking into the matter.

But for a newspaper to run such a story without a shred of evidence is more of a commentary on the newspaper's ethics than it is on the person charged.

LA SALLE ACADEMY, 1990-91 BLUE RIBBON SCHOOL

Mr. PELL. Mr. President, as chairman of the Senate Subcommittee on Education, Arts, and Humanities, it is an honor and a privilege to offer my congratulations to La Salle Academy on being named a 1990-91 Blue Ribbon School.

This is indeed a very significant award. Only those schools which meet the most rigorous standards of achievement and excellence are named Blue Ribbon Schools. In fact, less than one-half of 1 percent of all our Nation's schools receive the Blue Ribbon Schools Award. It is the highest honor bestowed by the Department of Education, created to recognize outstanding public and private elementary and secondary schools across the United States that are unusually effective in meeting national education goals.

Mr. President, while much is learned at the La Salle, certainly, much can be learned from them.

At La Salle, Brother Fredrick Mueller has fostered an environment where students are encouraged to realize their potential both inside and outside of the classroom. La Salle's rigorous academic program sends over 90 percent of its students on to higher education, an impressive record for all our schools to reach.

Moreover, there is a tradition of public service at La Salle seen not only through the actions of the current student body but the alumni of La Salle as well. More graduates of La Salle Academy serve in the Rhode Island State Legislature than of any other school in the State. Indeed, it is the alma mater of my distinguished colleague from Rhode Island in the House of Representatives, Congressman JACK REED.

The importance of a well-trained mind can never be overstated, no matter how often we speak of education, no matter how much we do to improve our schools.

I remind the students of La Salle Academy and my colleagues here in the Senate of the eloquent words of Joseph Addison.

> Education is a companion which no misfortune can depress, no crime can destroy, no enemy can alienate, no despotism can enslave, at home a friend, abroad an introduction, in solitude solace, and in society an ornament. It chastens vice and guides virtue.

La Salle Academy exemplifies the high standard of educational excellence upon which our Nation so critically depends. They have brought honor and distinction to their community and to our State.

I have said many, many times that our real wealth as a nation is measured by the sum total of the education and character of our people.

I congratulate all the people of the La Salle community for the shining contribution they have made to our national wealth. I urge them to continue to work hard to maintain the fine standard they have set, and once again express my heartfelt congratulations for a recognition well-earned.

RECESS SUBJECT TO THE CALL OF THE CHAIR

Mr. SIMON. Mr. President, I ask unanimous consent that we go into recess subject to the call of the Chair, but that the time continue to run on the cloture motion.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Thereupon, at 7:21 o'clock and 15 seconds p.m., the Senate recessed subject to the call of the Chair; whereupon, at 8:08 p.m. the Senate reassembled, when called to order by the Presiding Officer [Mr. BRYAN].

UNANIMOUS-CONSENT AGREEMENT—S. 596

Mr. MITCHELL. Mr. President, I ask unanimous consent that, at 2:30 p.m. tomorrow, the Senate resume consideration of S. 596, the Federal facilities bill; that Senator SEYMOUR be recognized to offer an amendment, which will not be subject to amendment, dealing with the unauthorized release of Senate documents; that the majority leader then be recognized to offer a resolution dealing with the same subject, to which no amendment or motion would be in order; that there be 1 hour for debate, equally divided between Senators MITCHELL and SEYMOUR, on both the amendment and the resolution; that when all time is used or yielded back, the Senate vote on the Mitchell resolution; that upon the disposition of the Mitchell resolution, the Senate vote on the Seymour amendment, to be followed by third reading of the bill; that the Senate then proceed to Calendar No. 131, H.R. 2194, the House companion bill; that all after the enacting clause be stricken and the text of S. 596, as amended, be substituted in lieu thereof; that the bill be read a third time; and that the preceding all occur without any intervening action or debate.

The PRESIDING OFFICER. Is there objection? The Chair hears none. Without objection, it is so ordered.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. MITCHELL. I ask unanimous consent that the Senate proceed to executive session to consider the following nominations:

Calendar 337. Edward G. Lanpher, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Zimbabwe, and

Calendar 338. Richard C. Houseworth, to be U.S. Alternative Executive Director of the Inter-American Development Bank.

I further ask unanimous consent that the nominees be confirmed, en bloc, that any statements appear in the RECORD as if read, that the motions to reconsider be laid upon the table, en bloc, that the President be immediately notified of the Senate's action, and that the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

DEPARTMENT OF STATE

Edward Gibson Lanpher, of the District of Columbia, a career member of the Senior Foreign Service, class of Minister—Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Zimbabwe.

INTER-AMERICAN DEVELOPMENT BANK

Richard C. Housewörth, of Arizona, to be U.S. Alternate Executive Director of the Inter-American Development Bank, vice Larry K. Mellinger.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. McCathran, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting a nomination which was referred to the Committee on the Judiciary.

(The nomination received today is printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 2:25 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the joint resolution (S.J. Res. 160) designating the week beginning October 20, 1991, as "World Population Awareness Week," without amendment.

The message also announced that the House has passed the bill (S. 1823) to amend the Veterans' Benefit and Services Act of 1988 to authorize the Department of Veterans Affairs to use for the operation and maintenance of the National Memorial Cemetery of Arizona funds appropriated during fiscal year 1992 for the National Cemetery System; with an amendment, in which it requests the concurrence of the Senate.

The message further announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 972) to make permanent the legislative reinstatement, following the decision of Duro against Reina (58 U.S.L.W. 4643, May 29, 1990), of the power of Indian tribes to exercise criminal jurisdiction over Indians.

The message also announced that the bill of the Senate (S. 1241) to control and reduce violent crime, in the opinion of the House, contravenes the first clause of the seventh section of the first article of the Constitution of the United States and is an infringement of the privileges of the House and that such bill is respectfully returned to the Senate.

The message further announced that the House has passed the following bill and joint resolution, in which it requests the concurrence of the Senate:

H.R. 2032. An act to amend the Act of May 15, 1965, authorizing the Secretary of the Interior to designate the Nez Perce National Historical Park in the State of Idaho, and for other purposes; and

H.J. Res. 327. Joint resolution designating 1992 as the "Year of the Gulf of Mexico."

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 197. Concurrent resolution providing that the President should urge the Secretary-General of the United Nations to develop plans for coordinating and expanding resources of the United Nations to respond effectively to disasters and humanitarian emergencies.

MEASURES REFERRED

The following bill and joint resolution were read the first and second times by unanimous consent, and referred as indicated:

H.R. 2032. An act to amend the Act of May 15, 1965, authorizing the Secretary of the Interior to designate the Nez Perce National Historical Park in the State of Idaho, and for other purposes; to the Committee on Energy and Natural Resources.

H.J. Res. 327. Joint resolution designating 1992 as the "Year of the Gulf of Mexico"; to the Committee on the Judiciary.

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 197. Concurrent resolution providing that the President should urge the Secretary-General of the United Nations to develop plans for coordinating and expanding resources of the United Nations to respond effectively to disasters and humanitarian emergencies; to the Committee on Foreign Relations.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-2054. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report on U.S. Costs in the Persian Gulf Conflict and Foreign Contributions to Offset Such Costs; to the Committee on Armed Services.

EC-2055. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report on direct spending or receipts legislation; to the Committee on the Budget.

EC-2056. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report on "Pay-As-You-Go Legislation Enacted as of October 11, 1991"; to the Committee on the Budget.

EC-2057. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report on the activities undertaken by the U.S. Coast Guard to reach certain international agreements and on the desirability of applying selected pollution prevention requirements to all vessels which call at United States ports; to the Committee on Commerce, Science and Transportation.

EC-2058. A communication from the Commandant of the U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, a notice in the delay of the submission of a report to Congress on Alternatives to Double Hulls in Tank Vessel Design; to the Committee on Commerce, Science and Transportation.

EC-2059. A communication from the Assistant General Counsel, Department of Energy, transmitting, pursuant to law, a report entitled "Department of Energy Voluntary Agreement and Plan of Action To Implement the International Energy Program"; to the Committee on Energy and Natural Resources.

EC-2060. A communication from the Acting Deputy Associate Director for Collection and Disbursement, Minerals Management Service, U.S. Department of the Interior, transmitting, pursuant to law, a report on certain offshore lease revenues; to the Committee on Energy and Natural Resources.

EC-2061. A communication from the Acting Deputy Director for Collection and Disbursement, Minerals Management Service, U.S. Department of the Interior, transmitting, pursuant to law, a report on certain offshore lease revenues; to the Committee on Energy and Natural Resources.

EC-2062. A communication from the Acting Deputy Associate Director for Collection and Disbursement, Minerals Management Service, U.S. Department of the Interior, transmitting, pursuant to law, a report on certain offshore lease revenues; to the Committee on Energy and Natural Resources.

EC-2063. A communication from the Acting Deputy Associate Director for Collection and Disbursement, Minerals Management Service, U.S. Department of the Interior, transmitting, pursuant to law, a report on certain offshore lease revenues; to the Committee on Energy and Natural Resources.

EC-2064. A communication from the Acting Deputy Associate Director for Collection and Disbursement, Minerals Management Service, U.S. Department of the Interior, transmitting, pursuant to law, a report on certain offshore lease revenues; to the Committee on Energy and Natural Resources.

EC-2065. A communication from the Acting Deputy Associate Director for Collection and Disbursement, Minerals Management Service, U.S. Department of the Interior, transmitting, pursuant to law, a report on certain offshore lease revenues, to the Committee on Energy and Natural Resources.

EC-2066. A communication from the Assistant Secretary, U.S. Department of the Interior, transmitting, a draft of proposed legislation to amend section 2 of the Act of July 31, 1947 (61 Stat. 681); to the Committee on Energy and Natural Resources.

EC-2067. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report entitled "The 1991 Status of the Nation's Highways and Bridges: Conditions and Performance"; to the Committee on Environment and Public Works.

EC-2068. A communication from the Secretary of Labor, transmitting, pursuant to law, a report entitled "Trade and Employment Effects of the Caribbean Basin Economic Recovery Act"; to the Committee on Finance.

EC-2069. A communication from the President of the United States, transmitting, pursuant to law, a report on the adherence of the United States to arms control treaty obligations and on problems related to compliance by other nations with the provisions of arms control agreements to which the United States is a party; to the Committee on Foreign Relations.

EC-2070. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, a report to Congress that the United States should explore the need for the establishment of an International Criminal Court; to the Committee on Foreign Relations.

EC-2071. A communication from the Director of the Office of Personnel Management, transmitting, pursuant to law, a report on drug and alcohol abuse prevention, treatment and rehabilitation programs and services for Federal civilian employees; to the Committee on Governmental Affairs.

EC-2072. A communication from the Administrator of the General Services Administration, transmitting, pursuant to law, a report summarizing and analyzing executive agencies' reports showing the amount of personal property furnished to non-Federal recipients; to the Committee on Governmental Affairs.

EC-2073. A communication from the Pennsylvania Avenue Development Corporation, transmitting, pursuant to law, a report on the status of audit and investigative activities during fiscal year 1991; to the Committee on Governmental Affairs.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. MACK:

S. 1859. A bill for the relief of Patricia A. McNamara; to the Committee on the Judiciary.

By Mr. GRASSLEY:

S. 1860. A bill to amend part A of title IV of the Social Security Act to remove barriers and disincentives in the program of aid to families with dependent children so as to enable recipients of such aid to move toward self-sufficiency through microenterprises; to the Committee on Finance.

By Mr. DASCHLE:

S. 1861. A bill to require the Secretary of the Treasury to perform a study of the structures, operations, practices and regulation of Japan's capital and securities markets, and their implications for the United States; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. GRAHAM:

S. 1862. A bill to amend the National Wildlife Refuge System Administration Act of 1966 to improve the management of the National Wildlife Refuge System, and for other purposes; to the Committee on Environment and Public Works.

By Mr. LEVIN (for himself, Mr. DODD, Mrs. KASSEBAUM, Mr. MITCHELL, Mr. JEFFORDS, Mr. HARKIN, Mr. MOYNIHAN, Mr. DASCHLE, Mr. CRANSTON, Mr. RIEGLE, Mr. KOHL, Mr. DECONCINI, Mr. FOWLER, Mr. PRYOR, and Mr. CONRAD):

S. 1863. A bill to provide for the establishment of a program that shall facilitate, on a voluntary request basis, the reunion of birth parents and adopted individuals, birth siblings, or birth grandparents of adopted individuals, through a centralized computer network, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. SPECTER:

S. 1864. A bill to authorize the Secretary of Health and Human Services to award a grant for the purpose of constructing a medical research facility at the Children's Hospital of Philadelphia, and for other purposes; to the Committee on Labor and Human Resources.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. GRASSLEY:

S. 1860. A bill to amend part A of title IV of the Social Security Act to remove barriers and disincentives in the program of aid to families with dependent children so as to enable recipients of such aid to move toward self-sufficiency through microenterprises; to the Committee on Finance.

REMOVAL OF BARRIERS TOWARD SELF-SUFFICIENCY FOR RECIPIENTS OF AID TO FAMILIES WITH DEPENDENT CHILDREN

Mr. GRASSLEY. Mr. President, several weeks ago, I had an opportunity to introduce S. 1395. The title of that act was the Act for Microenterprise Development. At that time, I believe it would provide low-income people the opportunity for financial independence through self-employment.

The term microenterprise is defined as any unincorporated trade or business enterprise which has five or fewer employees, of which one or more is the owner. The microenterprise program makes particular sense in rural areas of the United States where employment opportunities are limited and self-ownership is often the only alternative to unemployment.

The results from microenterprising in demonstration projects are astonishing. Success in terms of personal satisfaction, self-esteem, and community pride cannot be overstated. Success in terms of loan repayment is equally impressive with levels reaching 94 percent.

Not only is microenterprise beneficial to welfare dependent persons, it is equally important to State and Federal Governments. First, there is a reduction in welfare expenditures for persons whose successful business starts enable them to become financially independent. Second, tax revenue is generated from the additional economic activity generated through the business.

Mr. President, today I am introducing another microenterprise bill that addresses not only the concerns mentioned in S. 1395, but also other concerns raised by my constituents who work in these demonstration projects in my State. Congressman TONY HALL, chairman of the House Select Committee on Hunger, has introduced this bill in the House of Representatives and I am proud to join him today.

There are several important goals to this new legislation.

First, to increase the exclusion of the net worth of the microenterprise for purposes of AFDC eligibility. Currently, the exclusion limit is only $1,000. Mr. President, this means that the cost of a personal computer would put an AFDC mom over the limit. One of the women who spoke at the House hearings on this issue was an Iowa constituent who wants to start her own medical computer billing service. Unfortunately, if she buys a computer while on AFDC, she will lose eligibility for AFDC and the important medical assistance provided to her family because of her eligibility. Certainly it is clear that this $1,000 limit is too low. My bill raises this limit to $10,000.

The reason this is important is that it allows the new entrepreneur the ability to remain on public assistance and not draw income out of the newly formed enterprise. As most new businesses are not cash rich, their owners can seldom rely on the business for their livelihood until the business is more established. Also, any income generated from the business can be reinvested back into the business without penalty to subsistence payments.

A second goal is to ensure that AFDC caseworkers make it clear to AFDC recipients that beginning a microenterprise is an option for them. They can start their own business, with the assistance of leaders in the community, and provide a better future for their children.

Similar to the second goal, this bill also includes microenterprise in the jobs program. The goal of the jobs program is to provide greater incentive to welfare moms to get off of public assistance. This bill makes microenterprise a further opinion for this mom.

Mr. President, the original goal of welfare was to provide a stop-gap to those who temporarily have a crisis and need assistance. It was never meant to be a permanent means of support. Allowing these women the opportunity to make changes for their futures is what welfare assistance is all about.

Finally, Mr. President, this bill calls on the Secretary of Health and Human Services to conduct a study to identify the administrative and bureaucratic barriers that prevent AFDC recipients from developing microenterprises.

Our desire is to make independence from public assistance a reasonable goal for those with the desire, motivation, and discipline to take this challenge. I join my colleague in the House to make this challenge accessible to those who want it. I encourage my colleagues to consider this bill and join me in its passage.

I ask unanimous consent that the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TREATMENT OF MICROENTERPRISES UNDER PROGRAM OF AID TO FAMILIES WITH DEPENDENT CHILDREN.

(a) State Plan Requirements.—Section 402(a) of the Social Security Act (42 U.S.C. 602(a)) is amended—

(1) by striking "and" at the end of paragraph (45);

(2) by striking the period at the end of paragraph (46) and inserting "; and"; and

(3) by inserting after paragraph (46) the following:

"(47) provide that the State agency—

"(A)(i) must not include as a resource of the family of which a child referred to in paragraph (7)(A) is a member, for purposes of paragraph (7)(B), the first $10,000 of the net worth (assets reduced by liabilities with respect thereto) of all microenterprises (as defined in section 406(i)(1)) owned, in whole or in part, by the child or by a relative or other individual referred to in paragraph (7)(A); and

"(ii) must take into consideration as earned income of the family of which the child is a member, only the net profits (as defined in section 406(i)(2)) of such microenterprises; and

"(B) must ensure that caseworkers are able to properly advise recipients of aid under the State plan of the option of microenterprises as a legitimate route towards self-sufficiency, and that caseworkers encourage recipients of such aid who are interested in starting a microenterprise to participate in a program designed to assist them in such effort.".

(b) Definitions.—Section 406 of such Act (42 U.S.C. 606) is amended by adding at the end the following:

"(i)(1) The term 'microenterprise' means a commercial enterprise which has 5 or fewer employees, 1 or more of whom owns the enterprise.

"(2) The term 'net profits' means, with respect to a microenterprise, the gross receipts of the business, minus—

"(A) amounts paid as principal or interest on a loan to the microenterprise;

"(B) transportation expenses;

"(C) inventory costs;

"(D) amounts expended to purchase capital equipment;

"(E) cash retained by the microenterprise for future use by the business;

"(F) taxes paid by reason of the business;

"(G) if the business is covered under a policy of insurance against loss—

"(i) the premiums paid for such insurance; and

"(ii) the losses incurred by the business that are not reimbursed by the insurer solely by reason of the existence of a deductible with respect to the insurance policy;

"(H) the reasonable costs of obtaining 1 motor vehicle necessary for the conduct of the business; and

"(I) the other expenses of the business.".

(c) Inclusion of Microenterprise Training and Activities in the JOBS Program.—

(1) In general.—Section 482(d)(1) of such Act (42 U.S.C. 682(d)(1)) is amended adding at the end the following:

"(C) The services and activities referred to in subparagraph (A)—

"(i) in the case that at least 3 percent of the adult recipients of aid under the State plan approved under part A (as of the close of the immediately preceding fiscal year) elect to participate in microenterprise activities, shall include programs described in paragraph (4); or

"(ii) in the case that not more than 3 percent of the adult recipients of such aid elect to participate in microenterprise activities, may include programs described in paragraph (4).".

(2) Microenterprise programs.—Section 482(d) of such Act (42 U.S.C. 682(d)) is amended by adding at the end the following:

"(4) The programs described in this paragraph are programs of public and private organizations, agencies, and other entities (including nonprofit and for-profit entities) to enable such entities to facilitate economic development by—

"(A) providing technical assistance, advice, and business support services (including assistance, advice, and support relating to business planning, financing, marketing, and other microenterprise development activities) to owners of microenterprises and persons developing microenterprises; and

"(B) providing general support (such as peer support and self-esteem programs) to owners of microenterprises and persons developing microenterprises.".

(d) Adjustment of Performance Standards for Microenterprises To Take Account of Time Required for Their Establishment.—Section 487(a)(2) of such Act (42 U.S.C. 687(a)(2)) is amended by inserting "shall be adjusted with respect to microenterprises to reflect the time required to establish, and develop a stable income from, such an enterprise as part of a plan to move toward economic self-sufficiency," after "dependency,".

(e) Study To Identify Administrative Barriers to Development of Microenterprises Among Interested AFDC Recipients.—The Secretary of Health and Human Services shall conduct a study to identify the administrative and bureaucratic barriers that impede the development of microenterprises by recipients of aid to families with dependent children under the State plans approved under part A of title IV of the Social Security Act who desire to move toward self-sufficiency, and, not later than 1 year after the date of the enactment of this section, shall report the results of the study to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate.

SEC. 2. EFFECTIVE DATE.

The amendments made by section 1 shall apply to payments under part A of title IV of the Social Security Act for calendar quarters beginning on or after October 1, 1991.

By Mr. DASCHLE:

S. 1861. A bill to require the Secretary of the Treasury to perform a study of the structures, operations, practices, and regulation of Japan's capital and securities markets, and their implications for the United States; to the Committee on Banking, Housing, and Urban Affairs.

FOREIGN CAPITAL AND SECURITIES MARKETS STUDY ACT

• Mr. DASCHLE. Mr. President, I urge my colleagues to join me in supporting legislation to address a topic with significant consequences for the United States—the structure, operation, and practices of Japan's capital and securities markets.

The Foreign Capital and Securities Markets Study Act, which I introduce today, calls on the Secretary of the Treasury to conduct a year-long study of Japan's capital and securities markets and their implications for the United States. The study will focus on how the structure and operation of these markets provide Japanese manufacturers with competitive advantages against their American counterparts. The study also will examine how these markets, in the way they are structured and operated, pose a risk to American investments, international liquidity, and the stability of international financial markets. The study will touch on several topics that have been the subject of negotiation between the United States and Japan in the structural impediments initiative, such as corporate governance an cross-shareholding, but which have never been studied in the breadth or depth proposed in this legislation.

The time is right for such a study. We have watched with interest the reports of inside dealings, loss guarantee payments, market manipulation, and other irregularities emanating this summer from Japan. We have seen allegations that Nomura Securities, the world's preeminent securities house, consorted with and manipulated stock prices for Japanese gangsters. We have seen disclosures that Japanese securities houses paid more than $1 billion to cover the market losses of favored insiders, which include the world's most powerful industrial corporations.

The Japanese stock market scandals of 1991 are reason enough for this legislation. In today's global financial markets, a scandal of this proportion has international dimensions. We must know how the scandals will affect the United States economy as a whole, as well as American investors, including United States pension funds that have invested billions in the Japanese markets.

However, what may be more important for the long-term well-being of the United States economy is what the scandals reveal about the structure and operation of the Japanese capital and securities markets. This scandal gives us a glimpse into the heart of Japan Inc. They call our attention to the much broader and fundamental contributions of Japan's financial sector to that country's remarkable postwar economic success. In so doing, the Japanese financial scandal has profound consequences for the United States, reaching from Wall Street in Manhattan to Main Street in Aberdeen, SD.

The consequences are as subtle as they are profound; here are some examples of what I mean:

COST OF CAPITAL

The structure and operation of Japan's securities and capital markets have provided Japanese corporations with access to cheap capital, especially during the go-go 1980's. This advantage over their American competitors has allowed Japanese companies to pursue aggressive market and pricing strategies, modernize plant and equipment, conduct extensive research and development programs, acquire American companies, and make other investments to position themselves for global competition in the 1990's. Sony, for example, reportedly raised more than $6 billion in stock and equity-based bond issues between 1987 and 1990. Sony's reported cost of capital for these funds was estimated to be under 1 percent. In the same timeframe, Sony acquired CBS Records and Columbia Pictures for a combined total of $5.7 billion. Access to such low-cost funds, when American companies are paying 10 percent or more, can spell the difference between competitive success and failure.

BARRIERS TO TRADE

The structure and operation of Japan's securities markets also have facilitated barriers to United States exports to Japan. In the well-known keiretsu corporate structure, Japanese suppliers and their customers develop longstanding business relationships through reciprocal stable shareholding arrangements, interlocking directorates, and other mutually beneficial stock arrangements. One obligation of the arrangement is continued procurement from the supplier company, which in turn depends heavily upon and works intimately with the keiretsu customer. Such relationships, forged in Japanese securities markets, act to exclude American vendors seeking to penetrate the Japanese market.

ANOTHER FINANCIAL SCANDAL

Japanese banks, including some of the largest banks in the world, are confronting problems similar to those faced by American banks and savings and loans. Japan's real estate and securities markets, which have been marvels of long-term growth, are depressed significantly. This downturn poses a two-pronged threat to Japanese banks.

First, loan losses could soar along with surging loan defaults and bankruptcies, especially in the real estate sector. The Economist magazine projects that Japanese bankruptcies could reach into hundreds of billions of dollars over the next few years, with Japanese banks woefully unprepared. Loan loss reserves in Japanese banks are reported to amount to only 3 trillion yen on 448 trillion yen in outstanding loans.

Second, Japanese banks rely heavily upon securities in their portfolios to meet international capital standards. With the sharp downturn in the Japanese stock market, Japanese banks reportedly have encountered difficulty in meeting those capital standards, and have been forced to take remedial actions like curtailing international lending activity.

This scenario seems disturbingly similar to our banking and savings and loan debacle. But the implications of Japan's financial problems extend even further. Japanese banks and financial institutions play a critical role in providing international liquidity, including, most importantly for us, the financing of United States Government budget deficits. Serious dislocations in the Japanese financial sector could have global consequences.

In light of the magnitude of these and other questions concerning the implications for the United States of the structure and operation of Japan's securities and capital markets, this proposal is a fair, measured, even cautious response. If United States policy in this vitally important area is to rest on a solid foundation, we must have a comprehensive understanding of the Japaneses financial markets and how they affect all Americans.●

By Mr. GRAHAM:

S. 1862. A bill to amend the National Wildlife Refuge System Administration Act of 1966 to improve the management of the National Wildlife Refuge System, and for other purposes; to the Committee on Environment and Public Works.

NATIONAL WILDLIFE REFUGE SYSTEM MANAGEMENT AND POLICY ACT

● Mr. GRAHAM. Mr. President, this Sunday marks the 133d anniversary of the birthday of one of America's first true conservationists, President Theodore Roosevelt. He left us many environmental legacies, including our wonderful system of national wildlife refuges.

PRESERVING THE LEGACY OF PRESIDENT THEODORE ROOSEVELT

In 1903 President Roosevelt established the first national wildlife refuge on tiny Pelican Island in Florida's Indian River. He sought to protect brown pelicans, egrets, herons and other impressive wading birds from hunters seeking plumes for the feathered hats that were the height of fashion in those days.

Since then our country's wildlife refuge system has grown to more than 460 refuges covering 90 million-plus acres in 50 States, from the Florida Keys to the North Slope of Alaska. This loose network of refuges provides critical habitat to more than 700 species of birds, more than 1,000 mammals, reptiles and amphibians—and an even greater variety of fish and plants. Many of these species are listed as endangered or threatened.

Our wildlife refuges comprise one of the three largest public land systems managed by the Federal Government. More important, unlike Forest Service, Bureau of Land Management properties and other public lands, it is the only system managed primarily for the benefit of wildlife and its habitat.

OUR WILDLIFE REFUGE SYSTEM IS SUFFERING AND NEEDS HELP

However, other activities unrelated to wildlife protection are not categorically banned in most instances. Two laws passed in the 1960's allow recreational and other secondary uses so long as they are compatible with the refuge's primary purpose. As a result, at least one secondary use occurs on nearly every refuge, and more than 70 percent of our refuges have at least seven such uses. Unfortunately, many of these activities are severely harming the wildlife that the refuge system was designed to protect.

A 1989 study by the General Accounting Office—the investigation arm of Congress—found that activities considered by refuge managers to be harmful to wildlife resources were occurring on nearly 60 percent of our refuges, even though many of these uses had been found to be compatible. Power boating, mining, military air exercises, off-road vehicles and air boating were cited as the most frequent harmful uses.

Oil and gas drilling, timbering, grazing, farming, commercial fishing, hunting, trapping and even hiking in some cases were also found to harm wildlife, disturb habitat or breeding, or change normal animal behavior.

A followup study by the U.S. Fish and Wildlife Service, which manages the refuge system, confirmed the findings of the GAO. The Service found 63 percent of the refuges harbored one or more harmful activities.

THE MAJOR CAUSES BEHIND THE PROBLEM

The obvious question arose: If the law only allowed compatible activities, why must the majority of refuges endure harmful ones? The GAO found two primary causes.

First, the Fish & Wildlife Service often gave in to intense political and economic pressure.

The refuge managers became susceptible to pressure because the brief and generally worded laws passed in the 1960's governing refuges did not adequately define what the refuge purposes were or how to determine whether a proposed use was compatible with the purpose. Thus, they often ended up considering nonbiological factors in evaluating whether to allow these activities.

Furthermore, these decisions were often made without adequate public input or written records. The problem was compounded by the Service's failure to periodically reevaluate the uses allowed.

The second major cause involved the joint jurisdiction of the refuge held by other Federal agencies or other entities. In many instances, another agency shared subsurface mineral responsibilities or a navigable waterway or had the right of access to the land and airspace for military exercises. Thus, by law such harmful activities as mining, boating, or military overflights could not be prevented.

The resulting damage is evident and widespread. At one time, the Key West National Wildlife Refuge harbored the only known breeding colony of frigatebirds in the United States. The Great White Heron National Wildlife Refuge in the Florida Keys hosted numerous colonies of wading birds and waterbirds.

Within the past year, the frigate bird rookery has been abandoned, and the other nesting birds—including the great white heron—have shown signs of declining breeding success. A major cause is sharply increased back country activity by jetskiers, power boaters, water skiers, campers, fishermen, and others.

In its very title the GAO report calls on Congress to take "bold action." That is what is needed, and that is what I am here to propose today.

A PROPOSED PLAN OF ACTION

The bill I am introducing today is a comprehensive organic act for the refuge system designed to accomplish the following:

First, set forth explicit, environmentally sound purposes for the system as a whole.

Second, establish a formal process for determining what secondary uses are compatible and thus allowable.

This decision must be based on scientific factors only, made in writing, subject to public comment and appeal, and periodically reviewed.

Existing uses may continue for up to 5 years pending a review for compatibility.

Third, require the Fish and Wildlife Service to prepare a systemwide master plan as well as conservation plans for each refuge or group of related refuges.

Fourth, require Federal agencies with joint or secondary jurisdiction over a refuge to ensure that their actions do not harm refuge resources unless permitted by law or necessary for the national security.

Fifth, reaffirm the existing law that permits wildlife recreational activities, such as hunting, fishing, and hiking, where found compatible with refuge purposes.

TRADITIONAL RECREATION SUCH AS HUNTING IS NOT BANNED

On that last point let there be no mistake: traditional recreation currently allowed on many refuges—including hunting—is not automatically banned. That is the main reason why the more strident animal rights organizations are opposed to my proposal: it does not ban hunting. Rather such activities will continue to be allowed so long as the refuge manager finds they are compatible with the purposes of the refuge.

For example, if a refuge has been established to promote the migration of waterfowl, a refuge manager could find that hunting can continue in a controlled fashion so as not to deplete the stock or endanger continued reproduction and migration.

As a hunter myself, I seek to achieve a balance between traditional recreational activities and preservation of our wildlife.

ENDORSEMENTS

This legislation has the support of the Wilderness Society, the Defenders of Wildlife, the National Audubon Society, the Sierra Club, the National Wildlife Refuge Association, the Natural Resources Defense Council, and the Florida Audubon Society. It has also been endorsed in editorials by the Tampa Tribune and the Pensacola News Journal.

CONCLUSION

Threats to our environment are all around us and seem to be growing daily. Though protection and improvement of the National Wildlife Refuge System is but one part of the needed response, it is a critical component.

Our national refuge system—started nearly a century ago by conservationist and outdoorsman Theodore Roosevelt—is one of our great national treasures. In large part, it has been a great success story, protecting species coast to coast. But now our refuge system and its mission are threatened. We have a choice: to accept retreat or to salute the spirit of Roosevelt.

President Roosevelt challenged our sense of stewardship. He said:

> There are no words that can tell the hidden spirit of the wilderness, that can reveal its mystery, its melancholy and its charm. The nation behaves well if it treats the national resources as assets, which it must turn over to the next generation increased and not impaired in value.

That's exactly what we're trying to do today.

Mr. President, I ask unanimous consent that the full text of the bill and a September 21 editorial from the Tampa Tribune be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1862

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Wildlife Refuge System Management and Policy Act of 1991".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds and declares that—

(1) the National Wildlife Refuge System (hereafter in this section referred to as the "System") was established under the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd et seq.);

(2) the National Wildlife Refuge System Administration Act of 1966 consolidates the authorities related to lands, waters, and interests in such lands and waters administered by the Secretary of the Interior (hereafter in this section referred to as the "Secretary"), for the purpose of conservation of fish and wildlife;

(3) the System provides opportunities for individuals to participate in wildlife-oriented recreation, and to learn, understand, and appreciate the value of and need for conserving fish and wildlife, wild lands, and naturally productive ecological communities, types, and systems;

(4) the System is the only complex of Federal lands devoted primarily to preserving, restoring, and managing fish and wildlife and the habitats of fish and wildlife;

(5) National Wildlife Refuges provide habitat for many endangered and threatened species, and for species that may become endangered or threatened, as well for other fish, wildlife, and plants;

(6) the well-being and abundance of such fish, wildlife, and plants would be diminished without such protected habitat;

(7) activities are occurring on a significant number of National Wildlife Refuges that result in harm to the fish and wildlife resources the System was designed to conserve; and

(8) improvements are needed in the administration and management of the System to ensure that sound and effective conservation programs for the System are developed, implemented, and enforced.

(b) PURPOSES.—The purposes of this Act are as follows:

(1) To reaffirm the provisions of the Act commonly known as the Refuge Recreation Act (16 U.S.C. 460k et seq.) that authorizes the Secretary of the Interior (hereafter in this subsection referred to as the "Secretary") to permit compatible fish and wildlife-oriented public recreation, such as hunting, fishing, and wildlife observation on refuges.

(2) To improve the administration and management of the System.

(3) To establish purposes for the System.

(4) To improve the compatibility determination process for National Wildlife Refuges.

(5) To establish comprehensive planning for the System and individual wildlife refuges of the System.

(6) To provide for interagency coordination in maintaining refuge resources.

SEC. 3. DEFINITIONS.

Section 5 of the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. bee) is amended—

(1) by redesignating subsections (a) through (c) as subsections (g) through (i); and

(2) by inserting the following new subsections before subsection (h) (as so redesignated):

"(a) The term 'Secretary' means the Secretary of the Interior (except as the context implies otherwise).

"(b) The term 'Director' means the Director of the United States Fish and Wildlife Service.

"(c) The term 'System' means the National Wildlife Refuge System.

"(d) The term 'refuge' means a unit of the National Wildlife Refuge System, except that such term shall not include State-managed wildlife management areas (commonly known as 'coordination areas').

"(e) The terms 'fish', 'wildlife' and 'fish and wildlife' mean any native member of the animal kingdom in a wild, unconfined state, including the parts, products, or eggs of such animals.

"(f) The term 'plant' means any native member of the plant kingdom in a wild, unconfined state, including plant communities, seeds, roots, and other parts thereof.".

SEC. 4. PURPOSES AND ADMINISTRATION OF THE SYSTEM.

Subsection (a) of section 4 of the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd(a)) is amended—

(1) by redesignating paragraphs (2) and (3) as paragraphs (5) and (6); and

(2) by inserting after paragraph (1) the following new paragraphs:

"(2) The purposes of the System are as follows:

"(A) To provide a national network of lands and waters with respect to which, the size, variety, and location are designed to protect the wealth of fish, wildlife, and plants of this Nation and their habitats for present and future generations.

"(B) To provide healthy, naturally productive, and enduring food, water, and shelter to fish, wildlife, and plant communities and to ensure naturally diverse, healthy, and abundant populations of fish, wildlife, and plant species in perpetuity.

"(C) To serve in the fulfillment of international treaty obligations of the United States with respect to fish, wildlife, and plants, and their habitats.

"(3) If the Secretary finds that a conflict exists between any purpose set forth in the law or order that established a refuge and any purpose set forth in paragraph (2), the Secretary shall resolve the conflict in a manner that fulfills the purpose set forth in the law or order that established the refuge, and, to the extent possible, achieves all of the purposes set forth in paragraph (2).

"(4) In the administration of the System for the purposes described in paragraph (2), the Secretary, acting through the Director, shall—

"(A) ensure that the purposes of the System described in paragraph (2) of this subsection and the purposes of each refuge are carried out;

"(B) protect the System and the components of the System from threats to the ecological integrity of such System and components;

"(C) to the extent authorized by law, ensure adequate water quantity and water quality to fulfill the purposes of the System and of each refuge; and

"(D) plan, propose, and direct expansion of the System in a manner best designed to—

"(i) accomplish the purposes of the System and of each refuge in the System;

"(ii) protect and aid recovery of any species listed as endangered or threatened (and any species that is a candidate for such listing); and

"(iii) conserve other fish, wildlife, and plants, the habitats of such fish, wildlife, and plants, and other elements of natural diversity.".

SEC. 5. COMPATIBILITY STANDARDS AND PROCEDURES.

Paragraph (1) of section 4(d) of the National Wildlife Refuge System Administration Act of 1966, (16 U.S.C. 668dd(d)(1)), is amended by adding at the end of the paragraph the following new subparagraphs:

"(C) Except as provided in subparagraph (E) of this paragraph, the Secretary shall not initiate or permit a new use of a refuge or expand, renew, or extend an existing use unless the Secretary finds, in consultation with the Director, pursuant to subsection (e) of this section, that such use is compatible with the purposes of the System and of the refuge. The Secretary shall make no determination of such compatibility, nor initiate a proposed new use or permit a proposed, continued, or expanded use, unless the Secretary does the following:

"(i) States the time, location, manner, and purpose of such use.

"(ii) Evaluates the direct, indirect, and cumulative biological, ecological, and other effects that the Secretary determines to be appropriate of such use.

"(iii) Makes a determination, on the basis of the evaluation required under clause (ii) of this subparagraph, that such use will contribute to the fulfillment of the purposes of the System and the refuge or will not have a detrimental effect upon fulfillment of the purposes of the System or the refuge.

"(iv) Makes a determination that funds are available for the development, operation, and maintenance of such use.

"(D) Unless the Secretary, in consultation with the Director, determines that there is sufficient information available to make a reasoned judgment that a proposed, continued, or expanded use of a refuge is compatible with the purposes of the System and the refuge, the Secretary shall not permit the use.

"(E)(i) Except as provided in clause (ii), uses of refuge system lands in effect on the date of the enactment of the National Wildlife Refuge System Management and Policy Act of 1991 that, before such date, have been determined to be compatible under this section or the Act entitled 'An Act to assure continued fish and wildlife benefits from the national fish and wildlife conservation areas by authorizing their appropriate incidental or secondary use for public recreation to the extent that such use is compatible with the primary purposes of such areas, and for other purposes', commonly referred to as the 'Refuge Recreation Act' (16 U.S.C. 460k et seq.) may be continued pursuant to the terms and conditions of existing special use permits, and applicable law, for the period of time specified in the permit.

"(ii) Not later than 5 years after the date of the enactment of the National Wildlife Refuge System Management and Policy Act of 1991, any use described in clause (i) shall cease and permits for such uses be revoked unless the Secretary, in consultation with the Director of the United States Fish and Wildlife Service, makes a determination, pursuant to the procedures established under this section, that the use is compatible with the purposes of the System and the refuge.

"(F) The Secretary shall, acting through the Director, by regulation, establish and maintain a formal process for governing determinations of whether an existing or proposed new use in a refuge is compatible or incompatible with the purposes of the System and the refuge. The regulations shall provide for the expedited consideration of uses that the Secretary considers to have little or no adverse effects on the purposes of the System or a refuge, and shall—

"(i) designate the refuge officer initially responsible for compatibility and incompatibility determinations;

"(ii) describe the biological, ecological, and other criteria to be used in making such determinations;

"(iii) require that such determinations shall be made in writing and based on the best available scientific information;

"(iv) establish procedures that ensure an opportunity for public review and comment with respect to such determinations;

"(v) designate the officer who shall hear and rule on appeals from initial determinations; and

"(vi) provide for the reevaluation of a compatibility determination on a periodic basis or whenever the conditions under which the use is permitted change.

"(G) Except as provided in subparagraph (H), the head of each Federal agency that, with respect to a refuge, has an equivalent or secondary jurisdiction with the Department of the Interior, or that conducts activities within any refuge shall, in consultation with the Secretary, ensure that any actions authorized, funded, or carried out in whole or in part by such agency will not impair the resources of the refuge or be incompatible with the purposes of either the System or the refuge (unless such action is specifically authorized by law).

"(H) The President may find, on a case-by-case basis, that, with respect to a refuge, it is in the paramount interest of the United States to exempt the head of a Federal agency described in subparagraph (G) from the carrying out the requirements of subparagraph (G) of this paragraph.

SEC. 6. SYSTEM CONSERVATION PLANNING PROGRAM.

(a) IN GENERAL.—Section 4 of the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd), as amended by section 3 of this Act, is further amended—

(1) by redesignating subsections (e) through (i) as subsections (g) through (k); and

(2) by inserting the following new subsections:

"(e) SYSTEM PLAN.—(1) Not later than September 30, 1994, the Secretary shall prepare, and subsequently revise, not less frequently than every 10 years thereafter, a comprehensive plan for the System.

"(2) The plan described in paragraph (1) shall include—

"(A) relevant elements of recovery plans required under section 4(f), of the Endangered Species Act of 1973 (16 U.S.C.1533(f));

"(B) relevant summaries and compilations of refuge plans developed under this section and the relevant elements of migratory bird management plans;

"(C) a strategy and standards for maintaining healthy and abundant wildlife populations in the System and in each refuge ecotype or ecosystem (including the protection of zones for dispersal, migration, and other fish and wildlife movements, and the conservation of species designated as candidates for listing pursuant to section 4 of the Endangered Species Act (16 U.S.C. 1533));

"(D) strategies, developed cooperatively with agencies administering other Federal or State land systems, to enhance wildlife protection on national wildlife refuges and other land systems which collectively form a national network of wildlife habitats; and

"(E) a plan and program for the acquisition of lands and waters, including water rights, necessary to achieve the purposes of the System and each refuge.

"(f) REFUGE CONSERVATION PLANS.—(1) Except with respect to refuge lands in Alaska (which shall be governed by refuge planning provisions of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3101 et seq.)), the Secretary shall prepare, and revise at least every 15 years, a comprehensive conservation plan (hereinafter in this subsection referred to as a 'plan') for each refuge or ecologically related complex of refuges (hereafter in this subsection referred to as a 'planning unit') in the System. The Secretary shall revise any plan at any time thereafter, upon a determination that conditions that affect a planning unit have changed significantly.

"(2) In developing each plan under this subsection, the Secretary shall identify and describe—

"(A) the purposes of the refuge and the purposes of the System applicable to the refuge or the individual refuges of the planning unit;

"(B) fish, wildlife, and plant populations and habitats of the planning unit (including at the time of the development of the plan, current, historical, and potentially restorable populations and habitats) and the seasonal (and other) dependence of migratory fish and wildlife species on the habitats and resources of interrelated units of the System;

"(C) archaeological, cultural, ecological, geological, historical, paleontological, physiographic, and wilderness values of the planning unit;

"(D) areas within the planning unit that are suitable for use as administrative sites or visitor facilities or for visitor services;

"(E) significant problems, including water quantity and quality needs (within or without the boundaries of the refuge or complex) that may adversely affect the natural diversity, communities, health, or abundance of populations or habitats of fish, wildlife, and plants;

"(F) existing boundaries of each refuge in the planning unit in relation to ecosystem boundaries and wildlife dispersal and migration patterns; and

"(G) specific strategies, developed cooperatively with the heads of agencies administering other Federal and State lands, to enhance wildlife protection in the planning unit, and, to the extent practicable, on other Federal and State lands proximate to the planning unit.

"(3) Each plan under this subsection shall—

"(A) designate each area within the planning unit according to the archeological, cultural, ecological, geological, historical, paleontological, physiographic, and wilderness values of the area;

"(B) specify the uses within each such area that may be compatible with the purposes of the refuge and the System and the funds and personnel that may be required to administer such uses;

"(C) specify programs for achieving the purposes described in paragraph (2)(A) and for conserving, restoring, and maintaining the resources and values identified and described under subparagraphs (B) and (C) of paragraph (2);

"(D) specify the approaches to be taken to avoid or overcome the problems identified in paragraph (2)(E) and estimate resource commitments required to implement such approaches;

"(E) specify opportunities that may be provided within the planning unit for compatible fish and wildlife related recreation, ecological research, environmental education, and interpretation of refuge resources and values;

"(F) except with respect to Alaska refuges studied pursuant to section 1317 of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3205), review the suitability for designation as wilderness refuge lands not previously studied for designation as wilderness or designated as wilderness, and recommend to the President and Congress designation for such lands in accordance with the provisions of sections 3(c) and 3(d) of the Wilderness Act (16 U.S.C. 1132 (c) and (d), respectively), including islands and areas of 200 acres or more immediately adjacent to wilderness areas (as designated at the time of the review), lands recommended (before the time of such review) for inclusion in the Wilderness Preservation System, and proposed land acquisitions by the Department of the Interior that the Secretary determines will, over time, be of an area of 5,000 contiguous acres; and

"(G) identify the funds and personnel necessary to implement the strategies and administer the uses identified in this section.

"(4) In preparing each plan under this subsection, and any revision of the plan, the Secretary shall consult with such heads of Federal and State departments and agencies as the Secretary determines to be appropriate.

"(5) Prior to the adoption of a plan, the Secretary shall issue public notice of the draft proposed plan in the Federal Register, make copies of the plan available at each regional office of the United States Fish and Wildlife Service, and provide opportunity for public comment.

"(6)(A) Not later than 4 years after the date of the enactment of the National Wildlife Refuge System Management and Policy Act of 1991, the Secretary shall, pursuant to this subsection, prepare and submit to the appropriate committees of Congress, plans for not less than one-third of the refuges in existence on the date of the enactment of such Act.

"(B) Not later than 7 years after the date of the enactment of the National Wildlife Refuge System Management and Policy Act of 1991, the Secretary shall, pursuant to this subsection, prepare and submit to the appropriate committees of Congress, plans for not less than two-thirds of refuges in existence on the date of the enactment of such Act.

"(C) Not later than 10 years after the date of the enactment of the National Wildlife Refuge System Management and Policy Act of 1991, the Secretary shall, pursuant to this subsection, prepare and submit to the appropriate committees of Congress, plans for each refuge in existence on the date of the enactment of such Act.

"(D) With respect to any refuge established after the date of the enactment of the National Wildlife Refuge System Management and Policy Act of 1991, the Secretary shall prepare a plan for the refuge not later than 2 years after the date of the establishment of such refuge.".

SEC. 7. ADMINISTRATION.

The Secretary of the Interior shall manage the refuges in the National Wildlife Refuge System in a manner consistent with any refuge conservation plans developed under section 4 of the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd), as amended by this Act.

SEC. 8. REGULATIONS.

Except as otherwise required in this Act, the Secretary of the Interior, shall—

(1) not later than 1 year after the date of the enactment of this Act, propose regulations to carry out the provisions of this Act; and

(2) not later than 18 months after the date of the enactment of this Act, promulgate final regulations to carry out the provisions of this Act.

SEC. 9. CONFORMING AMENDMENT.

Section 4 of the National Wildlife Refuge System Administration Act of 1966, as amended by section 6 of this Act, is further amended by striking "Secretary of the Interior" each place it appears and inserting "Secretary".

SEC. 10. APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act.

SEC. 11. EMERGENCY POWER.

The Secretary of the Interior is authorized to suspend any activity conducted in any refuge in the National Wildlife Refuge System in the event of an emergency that constitutes an imminent danger to the health and safety of any wildlife population, refuge, or to public health and safety.

SEC. 12. STATUTORY CONSTRUCTION.

Except as specifically provided in this Act, nothing in this Act shall be construed so as to alter or otherwise affect the provisions of the Refuge Recreation Act of 1962 (16 U.S.C. 460k et seq.), the National Wildlife Refuge System Administration Act (16 U.S.C. 668dd et seq.), the Alaska National Interest Conservation Act of 1980 (16 U.S.C. 3101 et seq.), and other laws and orders establishing individual refuges in effect on the date of the enactment of this Act.

[From the Tampa Tribune, Sept. 21, 1991]

Graham's Measure To Protect Wildlife Refuges Rates Passage

In 1903, President Theodore Roosevelt designated a four-acre islet in Florida's Indian River as a federal refuge. His act did more than protect the island's nesting colony of brown pelicans from plume hunters.

The preservation of Pelican Island was the start of a great American endeavor; The National Wildlife Refuge System. Today there are 471 refuges, some 21 in Florida. But the original purpose of the refuges—to provide safe haven for wildlife—has been all but lost.

In refuges, jet fighters blast over eagle nests. Dirt bikes climb deer trails. Cattle and crops squeeze out native plants.

A 1989 General Accounting Office report found that nearly two-thirds of the nation's refuges were being damaged by activities ranging from mining to off-road vehicle races. A later report by the U.S. Fish and Wildlife Service, which supervises the refuges, confirmed the crisis.

Florida's Sen. Bob Graham offers a solution. He's introduced legislation that would give refuge managers authority to halt damaging activities. The measure would re-emphasize that the refuges' primary purpose is to shelter wildlife.

The measure would not keep people from using the refuges. Hunting, hiking, biking, and other pursuits would be permitted—as long as they did not unduly harm wildlife. The Fish and Wildlife Service would be required to conduct a "compatibility" study to determine if an action was appropriate.

The measure will not affect lands in Alaska, including the Arctic National Wildlife Refuge, where oil companies hope to drill. The Alaska lands were designated refuges under special legislation that excludes them from the regulations of other refuges. Graham's bill will apply only to refuges in the other 49 states, but that's where most of the abuse occurs.

It's also important to note that Graham's legislation is not related to a congressional effort to ban hunting in refuges. That misguided effort deserved defeat. After all, the federal duck stamp, which duck hunters are obligated to buy, helps fund the refuge system. Hunting and other outdoor pursuits should be allowed—indeed encouraged—whenever possible. But they must be properly managed.

Unfortunately, as things stand, the Fish and Wildlife Service does not have the tools to properly supervise the sanctuaries. In the Florida Keys, for instance, water scooters racing by mangrove islands terrify wading birds off their nests. Refuge managers can do nothing. Graham would give them the power to ban the scooters from sensitive areas.

The legislation also would give clarity and purpose to the National Wildlife Refuge System. Now, the system's mission is foggy, refuge decisions are usually dictated by special interests and politics. What is best for wildlife becomes secondary.

Under Graham's proposal, the Interior Secretary would be required to prepare a comprehensive plan for the refuge system and formulate a strategy for maintaining healthy wildlife populations. A plan for such refuge would have to be prepared through a process that would include public hearings and comment.

In addition, other federal agencies would be prohibited from harming the refuges. Some of the refuges' worst problems are caused by the federal government itself. The military, for instance, conducts test flights over some of the preserves. Graham's proposal would not necessarily prohibit such flights, but it would ensure that they took place in areas and at times of year where they did no harm.

Fishermen and hunters, understandably, worry that the proposal might be subverted into an outright ban on all recreational activities. Graham must make certain that does not happen. Taxpayers deserve reasonable use of the lands. But if the refuges are properly managed, wildlife will prosper and that's to the advantage of sportsmen.

Graham's legislation revives Teddy Roosevelt's vision of a network of wilderness where native American animals, not dirt bikes and water scooters, can run wild. It deserves adoption.•

By Mr. LEVIN (for himself, Mr. DODD, Mrs. KASSEBAUM, Mr. MITCHELL, Mr. JEFFORDS, Mr. HARKIN, Mr. MOYNIHAN, Mr. DASCHLE, Mr. CRANSTON, Mr. RIEGLE, Mr. KOHL, Mr. DECONCINI, Mr. FOWLER, Mr. PRYOR, and Mr. CONRAD):

S. 1863. A bill to provide for the establishment of a program that shall facilitate, on a voluntary request basis, the reunion of birth parents and adopted individuals, birth siblings, or birth grandparents of adopted individuals, through a centralized computer network, and for other purposes; to the Committee on Labor and Human Resources.

NATIONAL VOLUNTARY REUNION REGISTRY

• Mr. LEVIN. Mr. President, today I am joined by a number of my colleagues from both sides of the aisle in introducing a humane piece of legislation which creates a voluntary system to make it possible for birth relatives, separated by adoption, to be accessible to one another, should they both so desire. I am pleased to have the support of Senator DODD, Senator KASSEBAUM, Senator MITCHELL, Senator MOYNIHAN, Senator CRANSTON, Senator JEFFORDS, Senator DASCHLE, Senator HARKIN, Senator RIEGLE, Senator FOWLER, Senator KOHL, Senator DECONCINI, Senator PRYOR, and Senator CONRAD.

We are all deeply touched by the problems of adult adoptees, birthparents and separated siblings who, often for many years and at great expense, have been looking for each other. It is our hope, through this legislation, to help reduce the anguish and expense faced by birth relatives who are frustrated in attempts to find each other in situations where both want to find each other.

Mr. President, aside from the natural, human desire to know one's family roots and genetic heritage, there are other important reasons why many birth relatives seek to make contact with each other. Some are seeking a deeper sense of identity, some need vital information which may affect their own mental and physical health and some are facing momentous family decisions that require more knowledge about their heritage.

Our proposal authorizes the Secretary of the Department of Health and Human Services to create a National Voluntary Reunion Registry to facilitate voluntary, mutually requested reunions between adult adopted individuals, their birth parents, and birth siblings separated by adoption. The anticipated cost of the program is minimal—expected not to exceed 300,000 the first year—and future costs would be offset by reasonable fees paid by the applicant. The Senate has previously approved this legislation, however, the House failed to act due to the crunch of legislative business prior to adjournment of the 100th Congress.

Mr. President, this legislation is based on tested principles. It is similar to the reunion and matching registries that presently exist in 25 States.

The State-based systems are restricted, by nature, to the geographic boundaries of the State. Since we are a mobile society, that limitation reduces the utility of State-based systems. Adoptions are often started in one State but finalized in another. Additionally, the adoptee, birth parent, or sibling may be a resident of several different States during their lifetimes. States with registries report a low match success rate which is disproportionately low when compared to the number of individuals who have entered the registry. For example, in one State which has over 3,000 registrants, there have been 17 matches. That is one of the reasons many registry States have expressed support for the enactment of the National Voluntary Reunion Registry. For instance, Gov. Donald Schaefer of Maryland, wrote me:

> In light of the differing, and often conflicting requirements of the existing local registries and the number of states with no registry at all, we support the legislation you propose.

Mr. President, according to a report prepared by the American Law Division of the Congressional Research Service:

> It is estimated at the present time that there are five million adopted persons in the United States, of whom some 2 million are actively involved in a search for the identity of their birth parents. A lesser but still significant number of birth parents are also attempting to locate children they have given up for adoption. These figures may in fact be low, due in part to the increasing practice, widespread in some areas, of placing infants for adoption through unauthorized channels. Also, of the adoptees not seeking to learn something of their background, many have been placed with relatives or otherwise grow up with knowledge of the circumstances behind their adoptions; others are children, too young for any such effort; and still others while interested, are discouraged from trying by the realization that the present state of the law in many states makes any such effort difficult if not impossible."

Dr. Dick Brown, family therapist and coauthor of "Clinical Practice in Adoption," has had extensive clinical experience working with families who have adopted, adoptees of all ages, and birthparents who have relinquished children in adoption. In correspondence to me about the proposed National Voluntary Reunion Registry, he said:

> Your legislation will contribute in a substantial way to the positive emotional and social well-being of all those involved in the adoption experience—adoptees, birth parents, and the adoptive family. Adoptees understand and acknowledge universally that their "real parents" are their adoptive parents—that bond cannot be broken by having accurate information about one's birth parents and having the opportunity, as an adult, to have contact with them if that is desired.

Another nationally known expert, Reuben Pannor, had this to say:

> DEAR SENATOR LEVIN: I am in complete support of the Adoption Registry Bill you have introduced. It has overwhelming support of adoption professionals, adoptees, and birth parents, as well as adoptive parents, who realize that your bill is in the best interest of adoptees.
>
> I have been the director of a nationally recognized adoption agency in Los Angeles, California for 35 years. After years of experience with all the parties involved in adoption, I have no question but that a National Registry is necessary . . . and will prevent that pain and suffering that thousands of adoptees and birth parents are forced to endure in a search that is often fruitless.
>
> The mental health profession strongly supports the need for the Levin Bill. * * * The time is now to humanize adoption.
>
> Sincerely,
>
> REUBEN PANNOR.

I would also like to share the sentiments expressed by Linda Cannon Burges of Franklin, NH. A noted author of several books on adoption and the reunion experience and former director of two adoption agencies, in her letter to me in support of the National Voluntary Reunion Registry, she said:

> FRANKLIN, NH.

Senator CARL LEVIN,
Russell Building, Washington, DC.

I support a National Volunteer Reunion Registry in which birth kin may be aided in reuniting. I am particularly concerned about the separation that comes through adoption.

During my active career as director of two adoption agencies in the District of Columbia (The Barker Foundation and The Peirce-Warwick adoption Service) I was responsible for over 900 adoptions. In the 1950s and 1960s, it was a time when the shame of having a baby out of wedlock was great, when raising a bastard child was inconceivable. I witnessed the anquish and sacrifice of these mothers in releasing their infants for adoption. These same mothers now seek their grown children. They do not ask for the privacy we think they want. Over 90% of them welcome the reunion of their adult offspring lost through adoption. Adopted adults, separated siblings, birth fathers and grandparents are also seeking each other.

Through my research in adoption I have recorded in two books, "The Art of Adoption" (1976 WW Norton) and "Adoption in Transition" about to be published the plight of adopted persons growing up without knowledge of genetic origins. I am convinced that as human beings and United States citizens, they are being denied their civil rights. A reunion registry makes it possible for these adopted adults to gain the knowledge they need, the genetic facts they must pass on to their children.

It is evident that state reunion registries cannot function effectively in our distinctly mobile society. Only a national registry can reach all searching persons. A National Volunteer Reunion Registry makes sense and can act to humanize and reconstruct our broken family trees.

Respectfully submitted,
LINDA CANNON BURGESS.

Bruce M. Clagett of the New England Historic Genealogical Society writes:

The National Voluntary Reunion Registry properly addresses the very real plight of birth parents and adopted persons, who are often deprived of the ability to learn each other's identity—even when the desire to do so is mutual. While a number of states have provided for adoption registries, many others have not. Moreover, because of the great mobility of the American population and because of wide differences among state laws and procedures, there is an urgent need for action at the national level, which would vastly enhance the effectiveness of the important registry device. In addition, the existence of state registries is often not well known, and the provision in your bill for dissemination of information is a constructive step in that respect.

Mr. President, this proposal also enjoys the support of adoptive parents. A 1988 survey conducted by my staff revealed that more and more adoptive parents support efforts of adopted sons and daughters who seek to connect with their roots. The Organization, Roots and Reunions in L'Anse, MI, reported that 75 percent of all requests for reunion assistance came from adoptive parents. Not only are these adoptive parents seeking to meet the needs of their sons and daughters, "our adoptive parents want to set at ease the hearts of their childrens' birth mothers, but are unable to do so," says Mrs. J.A. Swanson, director of the organization. Similar sentiments were expressed in a letter which I received from Carol F. Gustavson, founder of an adoptive families organization based in Long Valley, NJ. Her letter reads as follows:

LONG VALLEY, NJ,
April 18, 1988.

DEAR SENATOR LEVIN: It is with utmost sincerity and urgency that I send you this letter in support of your bill to establish an unrestrictive National Voluntary Reunion Registry through the Department of Health and Human Services.

The organization of adoptive parents is a non-profit all volunteer organization of adoptive families who seek humane adoption reform. The organization networks with other reform groups on a national level and feel strongly that our sons and daughters deserve the dignity of their heritage. We acknowledge the birth-families of our children through the shared desire to support all efforts towards reconciliation between them and their original family, should they choose to meet . . . . We need to impress upon those making legal decisions for us the importance and value of our personal knowledge, having been directly involved in adoption. Birthparents and adoptive parents share a mutual love and concern for their children. We hear our sons and daughters speaking out. A well publicized unrestricted National Voluntary Reunion Registry through the Department of Health and Human Services can provide the opportunity for a healthier approach to the adoption experience. We appreciate your continued efforts, and intend to actively participate in the efforts to gain enactment of your proposal.

Sincerely,
CAROL F. GUSTAVSON,
Founder, Organization of Adoptive Families.

Mr. President, many who have sought and succeeded in locating each other have concluded that numerous troublesome events might have been avoided had their struggle been aided at an earlier time. And yet for some, too many, the culmination of the search of a birth relative comes too late. I would like to share just a few of the hundreds that have been brought to my attention from all over the country.

One case is that of Michael Reagan, son of former President Ronald Reagan. Had this legislation been signed into law earlier, Michael might have met his birth mother before her death. These sentiments were expressed in a March 28, 1988, letter to me from Michael Reagan. It reads as follows:

LOS ANGELES, CA,
March 28, 1988.

Hon. CARL LEVIN,
U.S. Senate,
Washington, DC.

DEAR SENATOR LEVIN: As you may know, I am an adoptee who has recently had the great privilege of meeting my birth brother and learning about the life-time of loving and caring by my deceased birth mother. You should also know that my adoptive father, Ronald Reagan, supported my desire for a reunion with my birth mother and helped me in my early efforts. When my father helped me, it was the greatest gift he ever gave me.

I believe wholeheartedly in your bill establishing a national registry for adoptees, birth parents and separated siblings. And I support your efforts to make this a reality. I would have used such a registry myself, and it has become apparent to me that my birth mother would have also.

I look forward to meeting you and actively assisting in your efforts to gain enactment of this compassionate legislation.

With all good wishes.

Sincerely,
MICHAEL E. REAGAN.

Mr. President, the other cases I would like to share with my colleagues are as follows:

[From the Richmond Times-Dispatch, Apr. 15, 1991]

DECADE-LONG SEARCH TURNS UP LARGE FAMILY

CHARLOTTESVILLE.—After a search that included breaking into a courthouse, poring over more than 250,000 feet of microfiche and calling strangers across the country to say, "I may be your brother," Skipp Schwartz finally met his father and 10 siblings.

Schwartz, 38, of Guilford, Conn., knew little about his natural family except that he and his brother Larry were adopted.

His natural parents decided in the early 1950s they needed to put Skipp and Larry up for adoption because his father, already struggling to support the family, was having trouble finding work.

They tried to get the boys back a few years later, but adoption confidentiality laws prevented them from finding their sons.

An old letter Schwartz found in 1980 sparked the search. The letter, written by Schwartz's grandmother, referred to his natural mother and "the girl," possibly a daughter. It carried a return address in Rutland, Vt.

Schwartz finally found four sisters and six brothers. He met his new family, including his natural father, for the first time last week at the home of his sister, Tricia Laurin Frazier, outside Barboursville.

Most of the family lives in the Charlottesville area. One brother, Michael, came from Greensboro, N.C. Another, Charlie, came from Port Charlotte, Fla.

"I had never thought I'd see them again," said Charles Laurin, father of the siblings.

Schwartz's mother, Helen, died in 1988. While in Virginia, he visited her grave in Waynesboro.

"She knows," Schwartz said. "There's something that tells me that she knows and that she's smiling right now."

Schwartz began his search in 1988 at the only hospital in Rutland, eight years after he found the letter. Finding nothing, he went to a nearby library and waded through thousands of newspaper birth notices on microfiche looking for clues—to no avail.

He then went to the city courthouse to look through files there, but was told he would have to petition the court, a process a judge said could take years.

Discouraged and dejected, Schwartz went to an Alcoholics Anonymous meeting, where members encouraged him to take control of his life. Schwartz decided to do it.

That night he broke into the Rutland courthouse, lit a cigarette and began his search. Within a matter of hours he found his adoption file and his identity: "Baby Laurin."

He said he returned to the hospital and danced through the halls after he found his parents' names and his birth certificate.

The family had left Rutland in 1953, so Schwartz began making random calls to

Laurins all over the East Coast. A week before Christmas 1990, after years of calls, he found a nephew in West Springfield, Mass.

"I need your father's telephone number," he said to the wary man who answered the phone. "I think he's my brother."

That brother was Rickie Palsa, 50, the oldest of the clan and the only sibling with a different father. It was then that Schwartz learned of his other brothers and sisters.

At the reunion, Schwartz's new family smiled, laughed and kidded each other.

"Guess what I got for Christmas," Ruthie Shifflett, one of the sisters, said. "Two brothers. Just what I need—I already got six I hate."

Schwartz works as a counselor by night and an Oldsmobile service representative by day. He has two boys by a previous marriage.

Schwartz was brought up Jewish, although his biological family is Catholic of Swedish descent.

GAITHERSBURG, MD,
September 24, 1991.

DEAR SENATOR LEVIN: My last letter to you on March 12th regarding the search for my daughter Joanne was to let you know I had, at last, located her whereabouts. I would like to close a chapter for you.

In early April, in spite of restrictive State laws, we were reunited in California the week before her 24th birthday. It was a tremendous experience and we've been in touch ever since, building on our new found relationship. But for every one like me who has some degree of sophistication to be able to circumvent the "system" with the aid of knowledgeable search assistance, there are thousands who are not so fortunate. These individuals—both adoptees and birth parents—find it difficult to come to grips with the proliferation of "registries" throughout the country and the new cottage industry of "professional searchers"—many of whom prey both emotionally and financially on those wanting to make contact with birth relatives.

A national registry, while it would not solve all problems, would be a start because it could provide a focal point. My search could have been accomplished much sooner with less aggravation had your proposed bill been in effect. My daughter had thought about trying to contact me but didn't know where to start or what steps to take.

The need for your proposal is dramatic!

Sincerely,

DAVID A. HODGSON, Ph.D.

GAITHERSBURG, MD,
September 28, 1988.

Senator CARL LEVIN,
U.S. Senate, Washington, DC.

DEAR SENATOR LEVIN: I was extremely interested to read the Washington Post article regarding your bill to establish a voluntary national clearinghouse for adopted children and their natural parents. I would like to tell you my story and express my feelings as to why I think this is so very much needed.

In 1967, I was sent on an assignment to Vietnam and let me just say I could not be contacted. Unbeknownst to me, my close friend at the time was pregnant with my child. I really think she did not tell me because of the nature of my assignment. When I "came out", I learned I had a daughter. By the time I arrived back, the mother had done the best thing she thought possible and had her adopted. I do not blame the mother for she did what she thought was best for the child at the time, given the circumstances. While I tried to fight it, it was too late and the situation was compounded because I was single at the time.

I have agonized for years. While I would never want to interrupt my child's life, the question keeps coming back to me: "What if she ever wanted to find out who her daddy was?"

The best I have been able to accomplish is that I was able to talk with a very sympathetic social worker in the California Department of Social Services who was able to tell me my daughter was adopted by a fine family and that her case record is empty since the adoption—a sign there have been no problems. The social worker was also kind enough to allow me to place a letter from me to the now young lady in the file so that should she ever want to contact me, she will know she will be welcomed with open arms. Because I am licensed with the California Board of Medical Quality Assurance, this agency will always know my address.

This approach was rather unique but, out of desperation, it has been all I have been able to do. You don't know how troubled I have been at times. How much easier it would have been to have a national mechanism that was widely publicized such as your bill proposes.

I heartly endorse your bill and if there is anything I can do to support you, please do not hesitate to have Ms. Parker contact me.

Respectfully,

D.A. HODGSON, Ph.D.

GAITHERSBURG, MD,
December 1982.

MY BELOVED DAUGHTER: I just wanted to let you know a few things about me should you ever wonder who I am and what you mean to me.

First of all, let me assure you that you were conceived and born of love. When you were born, I was in Vietnam and could not be reached because I was on a classified mission. Your mother made a decision which, under the circumstances, was probably best for you in the long run. I understand you are with a very loving family, and for this, I thank God.

When I returned, you were one month old and had been adopted. I tried desperately to stop the proceedings but lost the battle because I was single and lived in another state. Even your Grandmother in New Zealand wanted to raise you if she had the chance.

You are my first born—I have loved you all these years although I have not had the opportunity to lay my eyes upon you. I can't tell you how many times I have cried because I cannot know you.

Since you were born, I married and you have two beautiful brothers; John David and Michael. At the time of this writing, they are seven and eleven and unfortunately, they live in Seattle because their mother and I are divorced. She knows about you. As a matter of fact, while we were in Hawaii in 1970, we coincidentally met your mother. I introduced them to one another and we talked niceties. As we left, my wife said to me: "That is your daughter's mother—to which I proudly responded "yes."

Little one—let me get to the crux of the matter. I have tried for years to make some kind of contact with you. Recently, I received some assistance from the Department of Social Services. Current laws do not permit them to disclose your whereabouts—that is fair. They have been very helpful. This letter is being placed on file should you ever try to locate me.

Please remember—I have no wish to disrupt your life. I have every reason to believe your adoptive parents have given you a loving life. However, should you ever choose to seek me out—which means you get this letter—I can only assure you that you are my daughter and regardless of my personal situation at that time, my home is yours and you will be welcomed with open and loving arms.

If I move, you can always get my address from the Board of Medical Quality Assurance in Sacramento—my psychologist license is PN 003788.

Princess, it is somewhat strange. We hear all about how adopted children want to identify their mothers. I hope some day you may want to find your father. This is the reason for this letter.

Your loving father,

D.A. HODGSON, Ph.D.

TRIPLETS SEPARATED AT BIRTH REUNITED AFTER 57 YEARS

WICHITA, KS.—Nearly 40 years ago, John E. Jones discovered he strongly resembled a boy who worked in a nearby town. But it was many years before Jones found that the stranger was his brother—from a set of identical triplets.

The triplets, separated shortly after their birth in 1926, gathered for the first time Wednesday, a joyous meeting punctuated by jokes and wisecracks.

"I've seen enough," said James Hahn of Cape Girardeau, Mo. "I got off the plane and saw these two jokers and they looked so much like me, I could hardly stand it."

"I feel like I've been in an electric chair all afternoon," cracked Jones, of Santa Pablo, Calif., after meeting Hahn and John Clay Burch of Warren, Ark. "I just kept getting shocked."

Aside from the jokes and gentle ribbing, the reunion raised other emotions among the brothers.

"I've had so many feelings that are so varied and mixed," said Jones, the security director for the university of California at Berkeley. "I don't know where to start thinking about our relationship and where it's going to lead. It's going to take some time for us to be together, to sit down and really start feeling that closeness that I think is bound to follow from this meeting."

The triplets were born Feb. 2, 1926. Abandoned by her husband and struggling financially, the mother gave her three babies to a St. Louis orphanage shortly after their birth.

The mother kept her 5-year-old son, eventually remarried and had a daughter. She died in 1978 without seeing her triplets again.

None of the brothers was told by their adoptive parents they were triplets. All were raised by different families in different cities.

Once, Jones, who lived in Kennett, Mo., happened to walk into a drug store in Poplar Bluff, a Missouri town about 40 miles northwest of his home. The store's owner was struck by Jones' resemblance to a boy working for him.

Hahn, too, was surprised to find someone who looked just like him. The boys discovered they had the same birthday, but had no idea they were brothers. Thinking the resemblance was just a quirk, they never met again until Wednesday.

In 1971, Burch was reading some documents belonging to his father. He discovered at that time he was adopted, but didn't know until last year he was a triplet. The revelation came when he asked the Children's Home Society of Missouri for a birth certificate.

Burch found Hahn by using a phone number supplied by the orphanage. The brothers then found Jones by using clues provided by children's home officials who didn't have his address or phone number, but knew his adopted name and where he worked.

Two months ago they contacted each other by phone. After many long-distance calls, the brothers decided to meet in Wichita, the home of their older brother and half-sister.

"We just grabbed one another and put our arms around each other," Jones said.

[From the Daily News, June 15, 1986]

Lost Mom's Kidney Gift

Boston.—A 20-year-old woman given up for adoption at birth has received a life-saving kidney transplant from her natural mother, who was tracked down by the woman's adoptive parents.

Alicia Sferrino met her mother, Ruth Foisy, 37, last week for the first time. The transplant operation was performed Thursday, said Martin Bander, a spokesman at Massachusetts General Hospital. Both women were reported in good condition.

Sferrino's adoptive parents wanted to donate a kidney, but tests ruled them out, Bander said. Efforts were then made to locate her natural mother.

Darlene MacDonald, Foisy's cousin, said Sferrino's adoptive parents wrote Foisy in Florida asking if she would consider the transplant.

"Right away she decided she would do it," said MacDonald. "Ruth was very nervous about seeing her daughter. After all, it had been 20 years. But they hit it off immediately. Alicia is not shy at all. She's a very bubbly, happy person. She hit Ruth on the arm and said, Hi, how've you been?"

[From the Las Vegas Review-Journal, Nov. 27, 1987]

Long-Lost Siblings Reunite for Thanksgiving After 58 Years

Freemont, CA.—A Thanksgiving reunion that brought together five children who were put up for adoption 58 years ago was "at least an 11" on a scale of one to 10, according to one sibling, Ed Maddox.

But it was far from complete. Two brothers are dead, one sister is in a nursing home suffering from Alzheimer's disease and three others are still missing.

"It was nice to be able to bring each other up to date about what's happened in our lives," Maddox said Thursday. "We hope next time, there will be three more with us."

Maddox, 62, of Sunland near Los Angeles, was put up for adoption along with his 10 siblings by their poverty-stricken parents, Agnus and Harry Bunan, in 1929.

The Bunans and their children had camped all summer on the bank of a creek in what is now Freemont, about 40 miles southeast of San Francisco, on the eve of the Great Depression.

Alameda County authorities at first refused to take responsibility for the children of transients. Unable to feed the youngsters, the couple gave 10 of them to well-wishers attracted by newspaper accounts of their plight.

The county later reconsidered, took custody and offered all the children for adoption. No one knows for sure what became of the elder Bunans, although it is believed they moved to Arizona.

Born Edward Birdsel Bunan, Maddox was adopted by an Oakland streetcar motorman and his wife.

When he decided to look into his past, The Associated Press was contacted. Less than three weeks after a story on his search appeared, seven of his 10 siblings had been accounted for.

The siblings found included:

—Agnes Durand, 69, of Citrus Heights, Calif. She told Maddox their eldest sibling, Harry, died in 1972 at the age of 56.

—Lillian Stong, 67, now lives in a Castro Valley nursing home and suffers from Alzheimer's disease. Her sister, Marie Peterson, lives in Minneapolis. From them, Maddox learned another brother, Ernest Bunan, died of appendicitis in 1931 at the age of 12.

—Walter Berman, 65, of Hamilton, Ohio.

—Lloyd Lindberg, 63, of Springfield, Mass.

Still missing are Marion Fenton, who was last known to be living in Petaluma, Calif., and had her name changed from Viola; Leonard Loftus Bunan, last seen in 1942 when he was 15 and was adopted by a family named Wilson; and Harold Bunan, adopted when he was 10 months old and his name changed to James.

A reunion was held at Holy Spirit Parish church hall in Fremont with Maddox, Berman, Lindberg, Durand, Peterson and about 44 other relatives from across the United States.

And they found they have more in common besides similar noses, mouths, smiles and eyes.

"The whole group likes jigsaw puzzles, reading and gardening," said Maddox, standing in the hall, surrounded by leftovers, half empty paper plates and a family tree on the wall.

"It was a marvelous day," said Peterson, adding they were to visit their sister, Lillian, later in the day. "I didn't believe it would ever happen. It has and I'm so glad I was alive to be here."

About the three who are still missing, she said, "We hope they'll see this in the paper or television and get in touch with us."

Berman said he always thought he would see his family again. He said he was sure of it when a fellow Pentacostal minister told him he would someday minister side-by-side with a brother. Maddox is a Christian missionary.

"It was a wonderful time," he said. "We'll be keeping in touch."

Lindberg, sitting in a wheelchair, described the reunion as "breathtaking." He said that when he worked as a service manager for a clock company and traveled around the country, he would always look for the Bunan name.

[From the Pittsburgh (PA) Press, Aug. 21, 1985]

She Finally Met Mom, But They Only Had 5 Hours

(By Douglas Heuck)

Put up for adoption moments after being born out of wedlock, Judy Van Ryn wanted to see her real mother just once:

"God, just give me five minutes of her time," she says she prayed time and time again. "Is that too much to ask?"

The 39-year-old McCandless woman received her wish. But instead of five minutes, fate allowed Mrs. Van Ryn and her mother five hours together before her mother died on the operating table during open heart surgery.

On July 31, Mrs. Van Ryn received word from an Amarillo, Texas, hospital that her biological mother, Mary Bergman, would undergo open heart surgery early the next morning.

Mrs. Van Ryn immediately drove from her McCandless home to the airport and found the last seat on the last jet with connections to Amarillo that night.

In her Amarillo hotel room that evening, Mrs. Van Ryn slowly began to realize that the long search for her mother would end in a few hours. She couldn't sleep.

"My brain was going a mile a minute. I got dressed, then changed my clothes again, I guess it was a little silly, but after 39 years, I was worried about looking good for my mother."

Mrs. Van Ryn and her twin brother, Jimmy, were adopted and raised together.

In the last letter she sent to her daughter, June 30, 1985, Mrs. Bergman, living alone, reminisced: "I got to see you and Jimmy twice, once when you were born and once on the day you left the home. I worked in the kitchen before and after you were born, and I was coming up from the kitchen one day when I saw a couple with two babies, one in blue, and one in pink.

"I remember going upstairs and finding your beds empty. I cried and cried, thinking I'd never see you again."

Although the possibility of a reunion was often present in the letters, the last letter suggested an unusual urgency. "We have so much to talk about, and I know we must meet face to face. Lately I have the feeling that it must be soon, as you never know what the future holds."

The future held an 11th-hour reunion.

When Judy walked into the hospital room at 7 a.m., her mother laughed and said "You don't look like anybody I'm related to."

Above all, Mrs. Van Ryn remembers "her eyes, I'll never forget them, real dark brown. She stared and stared, never blinking as she looked at me—and nobody had ever stared at me the way she did.

"I just let her stare." Judy recalled with a laugh "but it was driving me wild. She must have been soaking up those 39 years."

Mary Bergman was weak, and after a few sentences, she would fall asleep. Her daughter just waited for her to wake up, and conversation resumed.

By chance, the operation was postponed from 9 a.m. until 1 p.m. And by the time they wheeled Mary out of the room shortly after noon, Judy said the two "felt like we'd known each other for all those years."

After the operation, Mrs. Van Ryn walked down the hospital corridor toward the doctor and two nurses, still in their surgical gowns and gloves. But although she is a nurse of anaesthesiology at Allegheny General Hospital, she said she never expected to hear what the doctor told her.

"I'm sorry, but your Mama didn't make it offpass."

Judy listened and then cried.

"Even though I had just met her, I cried; but I wasn't crying because she died. I cried from the joy of the reunion. It meant a heaviness had left my heart.

"But for my mother, the reunion was even something more. For all those years, she lived with tremendous guilt. For her, the reunion meant inner peace at last—she died a healed woman."

Houston, TX, *December 8, 1988.*

Senator Carl Levin,
Russell Office Building, Washington, DC.

Dear Senator Levin: My search for birth family began in 1962 when my oldest son was diagnosed with Rheumatoid arthritis and suffered a kidney condition (nephritis) from which he bled from the kidneys for three months. At the time I was pregnant with my third child and became alert to the importance of having genetic information. Doctor after doctor asked what our past family history was—"I don't know," I answered, "I'm adopted."

My search was unorganized. There were no support groups to help. I thought I was the only one who suffered these feelings of helplessness and lack of power over my own life—it seemed no one would help me or could help me.

In 1972 I was diagnosed as having cystic kidneys. My doctor suggested I write Canton Catholic Charities and try to get medical background. Catholic Charities said I needed a lawyer—I got a lawyer. They could not release anything to the lawyer, then they said my doctor would need to write—my doctor wrote. They were not too quick to produce any files to the doctor so I wrote again and pleaded that they send him the files out of Christian Charity. They finally sent what they had, which was not much.

Even if agencies do give out old files it is a given fact that birth families develop illnesses over the decades through the years. We need more than one generation of genetic information and we require updating. My third son has a ventricle heart prolapse condition, and my fourth son (also my first-born son) have chronic upper respiratory bronchial conditions.

In January of 1985, after 23 years of searching, I found my brother, now named Pat Simon, a broadcaster for the past 25 years, living in Lynchburg, VA. Three months later I found our maternal family. I managed to contact my grandfather's second wife who was still living, and also found some cousins living in the Washington area * * * one cousin is Mary Starrs Brown who does P.R. work for Wolf Trap. Other than these few all my maternal relatives are dead.

We missed meeting our mother by a year and half. George Washington University released our mother's ashes late in 1985. I met my brother in Washington for our mother's funeral. I was literally her pallbearer. I carried her ashes to her grave. My brother, who became a minister in 1984, gave the funeral service and afterward we both took a shovel and literally buried our mother, committing her body to the earth. The death certificates I have managed to acquire of the maternal side show that a definite upper respiratory weakness runs through that branch of the Broderick family. Even though two of my sons suffer upper respiratory problems we are fortunate that the boys never smoked—this would have worsened their condition. What are the chances of having four boys and not having one pick up on smoking? This is genetic information that should have been passed on to us.

Our little granddaughter who is now three years old was diagnosed with rheumatoid arthritis before she took her first step. The story continues into the third generation.

Sincerely,

KATE PIJANOWSKI.

[From the Stars and Stripes, Aug. 23, 1987]

SIBLING SEARCH ALMOST COMPLETE

SAN JOSE, CA—A missionary separated from his 10 siblings for 58 years by adoption has found a brother in Springfield, Mass., the sixth piece of the family puzzle to fall into place.

Ed Maddox, 62, of Sunland, Calif., telephoned the brother, Lloyd Lindberg, on Thursday after officials at KGO-TV in San Francisco told him Lindberg had called to say he had seen Maddox on television.

Lindberg had been watching Cable News Network with his son, David, when news of Maddox's search for his family came on the air, Maddox said. David asked his father, "Hey, isn't that someone in your family?"

Lindberg immediately phoned CNN, and network officials contacted KGO, according to Maddox, who was also reunited last week with two of his sisters.

"It's just getting more exciting all the time," said Maddox, who vowed to continue searching for the four siblings he has not yet found.

He said it felt "great" to talk with his brother, and the two spoke for half an hour. "It was just kind of family talk," he said.

Maddox, a retired schoolteacher who works as a volunteer for Youth With A Mission, a Hawaii-based Christian church group, said he lacks the money to visit Lindberg in Massachusetts but said: "Somehow, sometime, we're going to get together. I'm sure."

In 1929, when Maddox was 4 years old, his poverty-stricken parents placed all of the children up for adoption rather than see them go hungry, according to an article published in the Oakland Tribune at the time.

After his adoptive mother died in July, Maddox said he felt free finally to begin looking for his natural family and came upon the Tribune article with a photograph of himself and two siblings.

So far, his search has determined that two of his brothers are dead. Maddox has met with two of his sisters, in Sacramento, Calif., and Minneapolis, and plans to visit another sister this week in a Castro Valley, Calif., nursing home.

FOR MANY, SEARCH HITS A DEAD END

(By Linda Hilbun)

Gladys House vividly remembers the day she, her two sisters and her brother were taken from their mother.

"They came and woke us up about 5 in the morning and took us to the jail," Mrs. House said. "I was screaming and kicking and crying. They just came and got us out of bed."

That was in 1941. Her mother was widowed and the family's sole source of income was the grandfather's government paycheck.

Welfare officials in Macon County, Tenn., separated the children from their mother and claimed the children were being neglected.

Mrs. House, now 48, has spent the last 30 years looking for her brothers and sisters.

"I've gone through every channel that I know of," she said.

Mrs. House, who lived in the Raleigh-Bartlett area, was 6 years old when her family was broken up. Her brother, Edward D. Crook, was 13 days old, and her two sisters, Lamon Elizabeth and Lorene Cora Crook, were 4 and 5. An older half-brother, Willard Coley Clanahan, was not removed from the home.

Mrs. House was placed in a foster home in McKenzie, Tenn., but that family never adopted her.

When she was 18, Mrs. House acted on the assumption that her mother and half-brother still lived in Middle Tennessee, in Macon County. She was correct. Her mother, Beadie Coley Crook, had no idea where her children were until Mrs. House found her in December 1954.

For the next 14 years, until her mother's death, Mrs. House and her mother searched for the other children. They found out all were adopted through the Tennessee Children's Home in Nashville.

In a letter from the children's home, written April 22, 1952, Mrs. House was told that her two sisters were adopted together and the younger brother separately. Edward's name had been changed to Jerry Lee and all were said to be in good health.

Although the Tennessee Legislature passed a new law in April allowing adoptees to obtain nonidentifiable information about their families, Mrs. House cannot get that information. The refusal is based on the legal point that her foster family never adopted her; so she is not considered an adoptee.

"Because I wasn't adopted, I can't find out," she said. "I've been told that the only other thing I can do is get a court order for the information. But you have to know the court of jurisdiction to do that, and they're not allowed to give that information out. So I'm barred again."

"They've barred me forever from finding out."

DEAR SENATOR LEVIN: I am a birthmother who surrendered to adoption in 1960. I was pleased and encouraged when Michigan instituted a mutual consent registry in 1980, but was disappointed that no effort was made to notify adoptive parties of its existence. After six years of searching, and the expenditure of over $3,000, I finally located my daughter shortly before her 24th birthday. Because she no longer lived in Michigan, she was unaware of the mutual consent registry, so had not filed. However, she had made a preliminary contact with a Detroit search and support group in 1981, taking the first steps toward finding me. She did not feel comfortable about conducting an all-out search for me at that time, because she feared my rejection of her. Had she attended a support group meeting, she might have learned about the Michigan registry, where I had filed a consent waiver years ago. My daughter was one of two adopted children raised in an unfortunate home situation.

The mother's alcoholism led to her death at the age of 52, leaving the two girls motherless at ages 12 and 14. My daughter left home without finishing high school at age 17, and was totally on her own thereafter. One year later, I had begun to search for her, yet we were kept apart by the current adoption system. Because of that system, I also lost my first grandchild to abortion. I have learned that, at age 20, my daughter became pregnant out of wedlock. Being her own sole means of support, and having no family to back her up, she saw abortion as the only realistic alternative open to her. It breaks my heart to realize that at the time she was going through this excruciating decision-making process, I was searching frantically for her. If only I could have found her in time, I could have offered her the loving support she needed to bring her child to term and parent it. You will be interested to know that at the present time I am helping a number of adoptive parents in search of their children's birthparents.

Sincerely,

MICHIGAN BIRTHMOTHER.

[From the Clarksville (TN) Leaf Chronicle, Feb. 19, 1991]

RESERVIST ADOPTEE FINDS BIRTH MOM BEFORE LEAVING FOR DUTY IN DESERT

(By Connie Cass)

Reservist Christy Mathews knew she might be sent soon to the Persian Gulf, leaving little time to find the mother who gave her away 19 years ago and say "I understand."

A hectic search brought only a few clues; Christy's mother was 18 when she gave up her newborn baby, had dropped out of high school, was unmarried.

Christy had almost given up hope when she left her Russiaville, Ind., home for training at Fort Campbell Ky., on Feb. 7. Her deployment was only weeks away.

The next evening, she called home to talk to the parents who raised her, Jim and Jean Mathews. "We found her," Mrs. Mathews said.

At that moment, Karen Raef sat on the Mathews' living room sofa, trembling, just hours after learning her lost daughter was alive, well and headed to war. As the phone was passed to her, Ms. Raef worried what Christy would think about the mother who gave her up.

"You did what you had to do and I love you for it," Christy told her.

Both mother and daughter struggled to speak through their sobs.

"Each year I wondered what does she look like, what is she doing?" Ms. Raef said. "I never thought I would see you again."

Going to Saudi Arabia would be easier now, Christy said, because she felt "complete." Then she told two worried mothers what they wanted to hear most, "I'm coming home, mom, you know that."

Mrs. Mathews taped the conversation. She hopes to play it for grandchildren one day.

"I never felt threatened by her need to find her birth mother," Mrs. Mathews said. "She told me once, 'I have to find her before I go to Saudi Arabia, because I might not come back.' How can you say no to that?"

Mother and daughter met for the first time this weekend during the few hours Christy could slip away from her training with the Army Reserves' 199th Supply Company at nearby Fort Campbell. For more than a minute there were no words, only a tearful embrace.

Then Christy was surrounded by 15 relatives she had never met—grandparents, aunts, half-brothers and cousins who had traveled from Indiana and Illinois to meet her. Family photographs covered the bed and were passed around the crowded Clarksville motel room.

Over and over, Christy saw her own round, brown eyes, slightly thick nose and brown hair in her mother's family pictures.

She learned she and her mother both collected ceramic cats, preferred water over any other drink, and loved the color peach. Christy said she never doubted finding her mother would be a joyous occasion.

"Deep down I knew she wouldn't turn me away," she said. "There's a special bond between adopted children and their natural mother. Nobody could break that."

Since she was 6 years old, Christy had asked about her mom. After her 18th birthday, she began searching seriously.

Indiana law would not allow her to unseal her adoption records. All she could do was put her name on a registry and hope her birth mother did the same. If the information they provided matched, they would be contacted. But Ms. Raef didn't know she could file such a request.

"They tell the birth mother you don't have the right to look for them," she said. "They really made that strong—that once you signed that paper you have no rights."

Christy searched city records and pleaded with adoption officials. Then she took her case to the media, appearing in local TV newscasts and newspaper articles.

Mrs. Mathews sent 90 letters to newspapers and TV shows across the country, asking that her daughter's story be told. She hung posters in grocery stores and gas stations. Someone somewhere might have the answer.

Ms. Raef and her father, who lived 30 miles from Christy in Lafayette, Ind., never saw the news reports or posters.

An anonymous call on Feb. 6 gave Mrs. Mathews the idea that her daughter's mother was living in central Indiana. That inspired her to make a "last-ditch, desperate" call to someone who knew Christy's birth name. Dozens of such calls had failed in the past.

But this time the person on the other end of the line, who Mrs. Mathews won't identify, gave in. Christy's mother had named her Patricia Lynn Rehberg.

With the help of directory assistance operators, Mrs. Mathews tracked down Christy's grandfather.

He tearfully confirmed that his daughter, now living in Bradley, Ill, gave up a baby for adoption in 1971 in Kokomo, Ind.

"I always said one day the phone would ring and it would be her," James Rehberg said.

Mr. President, it is my hope that the Senate will again act with speed on this much-needed legislation. I ask unanimous consent that this legislation be printed in full following my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1863

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PURPOSE.

The purpose of this Act is to provide for the establishment of a program which shall facilitate on a voluntary mutual request basis, the reunion of birth parents and adopted persons, birth siblings or birth grandparents of adopted persons, through a centralized computer network.

SEC. 2. DUTIES OF THE SECRETARY.

(a) ESTABLISHMENT OF NATIONAL REGISTRY.—The Secretary of Health and Human Services (hereinafter referred to in this Act as the "Secretary") is authorized, in accordance with the provisions of this Act, to establish a National Voluntary Reunion Registry within the Department of Health and Human Services that shall be under the direction of a designee of the Secretary. The Secretary shall, in carrying out this Act, utilize, to the maximum extent practicable, existing computer capacity available to the Secretary, such as that utilized to carry out the duties of the Secretary under section 452 of the Social Security Act (42 U.S.C. 652).

(b) ANNUAL REPORT.—The Secretary shall submit to the appropriate committees of Congress an annual report of all activities carried out under this Act. Such reports shall include—

(1) the total amount of fees collected under this Act;

(2) the number of applications submitted by birth parents, adopted persons, birth siblings, or other birth grandparents under this Act; and

(3) the number of inquires under this Act ending in a successful match.

(c) DISSEMINATION OF INFORMATION.—The Secretary shall annually publicize the availability of The National Voluntary Reunion Registry, including, but not limited to, the notification to (1) appropriate public and private agencies; and (2) the dissemination of information to the general public.

SEC. 3. VOLUNTARY REUNION REGISTRY.

(a) CENTRALIZED CAPACITY.—The National Voluntary Reunion Registry established under this Act shall provide a centralized nationwide capacity, utilizing computer and data processing methods. Participation in the registry shall be voluntary by all parties involved.

(b) PROCEDURES.—

(1) MATCHING PROCESS.—The registry authorized under this Act shall provide that—

(A) a birth parent, or an adopted person over the age of 21 may initiate the matching process by submitting an application to the agency operating the system; and

(B) a birth sibling or birth grandparent of an adopted person may also initiate the matching process whenever—

(i) the birth parent of an adopted person is deceased or his or her whereabouts is unknown;

(ii) the birth parent of an adopted person has consented in writing to the initiation of the matching process; or

(iii) under such other circumstances as the Secretary may determine to be appropriate after taking into consideration the privacy rights and interest of all parties who may be affected.

(2) CONFIDENTIALITY.—The Secretary shall, to the maximum extent feasible, establish specific procedures to protect the confidentiality and privacy rights and interests of all parties participating in the program authorized by this Act.

(3) CONSENT.—Information pertaining to any individual that is maintained in connection with any activity carried out under this Act shall be confidential and not be disclosed for any purpose without the prior written informed consent of the individual with respect to whom such information applies or is maintained.

(4) FEES.—Reasonable fees, established by taking into consideration the costs of services provided for individuals under this Act and the income of such individuals, shall be collected for all services provided under this Act but may be waived if the Secretary determines appropriate.

(c) STATEWIDE COMPUTER SYSTEM.—The National Voluntary Reunion Registry may include the development and operation of a similar Statewide identification computer system in a State that chooses to participate in the voluntary reunion registry and agrees to—

(1) provide necessary coordination with the voluntary identification system provided for in subsection (a); and

(2) provide such participation as the Secretary may prescribe by the State.

(d) VIOLATIONS OF CONFIDENTIALITY PROVISIONS.—Any individual or entity found to have disclosed or used confidential information in violation of the provisions of this section shall be subject to a fine of $5,000 and imprisonment for a period not to exceed 1 year, and the provisions of section 3571 of title 18, United States Code, shall not apply to such violations.

SEC. 4. INFORMATION SERVICES.

The Secretary may, on application to the registry, provide a list of adoptee or birth parent support groups, community social service agencies, health professionals, and agencies providing family counseling and other information that the Secretary determines appropriate.

SEC. 5. REGULATIONS.

Not later than 90 days after the date of enactment of this Act, the Secretary shall issue interim regulations necessary to carry out the provisions of this Act. The Secretary shall issue final regulations not later than 180 days after the date of enactment of this Act.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this Act, $300,000 for fiscal year 1992, and such sums as may be necessary for each of the fiscal years 1993 and 1994.•

• Mrs. KASSEBAUM. Mr. President, I am pleased to join with Senator LEVIN and several other of my distinguished colleagues in introducing a bill to create a national voluntary reunion registry. This legislation has been crafted to facilitate the reunions of adoptees, birth parents, and siblings who are seeking to find one another, while preserving the confidentiality of those who expect their privacy to be protected.

Our bill would achieve this through the establishment of a national voluntary reunion registry within the Department of Health and Human Services. The registry would assist voluntary, mutually requested reunions between adult adoptees, birth parents, birth siblings, and birth grandparents. Although many States have established reunion registries, they are unable to provide the centralized network that is required if these linkages are to be made.

There are many reasons why birth kin may want to reunite—why adoptees search for their biological relatives; why birth parents seek their adopted children. All of us have been touched by the stories of siblings who find each other after many years of frustration and expense or of the adoptee who desperately searches for a birth parent who may be able to provide an organ needed for a lifesaving transplant. Each of these stories is usually accompanied by an account of the years of frustration and expense involved in the search. The national voluntary reunion registry can streamline the process of identifying and locating separated relatives who wish to be reunited.

For adoptees and their birth parents, adoption is a very emotional issue. Many may not wish to be reunited. There is nothing in this bill which would undermine the confidentiality of adoptee or birth parents who want and expect their privacy to be respected. Both parties must voluntarily and mutually enroll in the registry. The national voluntary reunion registry would simply match requests entered into the system, not search for one party at the request of another.

A centralized, national registry can serve as a key component to unlocking the doors for adoptee and birth parents who are seeking each other. I respectfully ask that my colleagues join with me in cosponsoring and passing this humane legislation.●

● Mr. KOHL. Mr. President, I am proud to cosponsor Senator LEVIN's legislation to create a national voluntary reunion registry to facilitate voluntary and mutually desired meetings between adult adoptees and their biological parents.

This proposal is designed to address the very real desire that many biological parents and adoptees have to know more about each other. But it does so in a reasonable way: it does not invade anyone's privacy or intrude on anyone's life. This registry is not going to make it possible for anyone to suddenly show up on someone else's door step. Nor is it going to require any records to be opened. The registry makes a match only if both the biological parents and the adoptee indicate a desire to meet or get information about each other.

Now Mr. President, Wisconsin has some experience with programs like this. Our Department of Health and Social Services operates an Adoption Search Program. Like Senator LEVIN's legislation, it works only if both the adult adoptee and the biological parents consent. Unlike Senator LEVIN's bill, however, it includes an "active search" component: if, for example, an adoptee requests information about his or her genetic and medical history and if the biological parents have not supplied that information to the system, an active search for the biological parents will be undertaken; if they are located and if they give their permission, the information will be supplied to the adoptee. The Adoption Search Program in Wisconsin receives over 1,500 inquiries a year. While the program has produced many successes, its ability to provide requested information is restricted by State boundaries and financial constraints. The type of national computer match program contained in the Levin legislation would help Wisconsin, and other States, in their efforts to fully serve the legitimate needs of biological parents and adoptees.

Mr. President, there is in all of us a desire to learn who and what we are; to find the pieces of our past and integrate them into our present so that we can have a more complete future. This search for our roots is an inherent characteristic of the human condition. It can not be constrained, it can not be curtailed, it ought not be made more complicated than it needs to be. In the absence of the sort of national registry proposed by Senator LEVIN, biological parents and adoptees engage in private searches. Those searches are not governed by any regulations—which means they often do not respect the privacy rights of others. The bill Senator LEVIN has drafted will go a long way toward reducing that problem—and a long way to making mutually desired reunions possible.

The Senate approved an earlier version of this legislation in the past, but the House did not act on it. This year I hope that we can move this bill through the Congress. It is a reasonable approach to a difficult problem. It deserves our support. And just as adoptees and biological parents want to complete their search, I am sure that Senator LEVIN and his staff want to complete what is now a 12-year quest to get this bill adopted. This, I believe and hope, is the Congress which will do that.●

By Mr. SPECTER:

S. 1864. A bill to authorize the Secretary of Health and Human Services to award a grant for the purpose of constructing a medical research facility at the Children's Hospital of Philadelphia; to the Committee on Labor and Human Resources.

THE CHILDREN'S HOSPITAL OF PHILADELPHIA MEDICAL RESEARCH FACILITY

Mr. SPECTER. Mr. President, today I am introducing legislation to authorize limited Federal participation in the construction of a new research building at the Children's Hospital of Philadelphia.

Established in 1855, the Children's Hospital of Philadelphia is one of this country's most distinguished clinical and research facilities—and the very first pediatric hospital in America. As a pediatric hospital, it specializes in treating infants and young people. As a research hospital, it specializes in understanding childhood illnesses and developing better ways to fight them. As a site of clinical care and research, it specializes in bringing the fruits of its research to its patients' bedsides in the quickest, safest, most effective manner possible.

A source of hope for children everywhere, Mr. President, the Children's Hospital of Philadelphia has an outstanding reputation as one of this Nation's leading pediatric research institutions. Over the years, work performed in the hospital's research laboratories has benefited children everywhere.

Despite the many advances of science, caring for children remains very much a medical specialty. Pediatric medicine is based on subspecialties, and for this reason, facilities devoted to the care of children are as important as ever. Children and adults experience different kinds of health problems. Adults typically suffer from chronic, degenerative diseases that appear late in life but develop over many years. Children, on the other hand, suffer from the more immediate effects of premature birth, congenital abnormalities, and viral and infectious diseases such as measles and chicken pox. Even the diseases common among both adults and children affect their victims differently.

Children also must be treated differently from adults. Medications that help adults are often too strong for children or are detrimetal to their growth and development. Diagnostic equipment is not always scaled to smaller patients. Often, children do not understand the nature of their illnesses and need special support if they are to participate in their own treatment.

The Children's Hospital of Philadelphia is committed to the medical care of children, whether their needs are basic or special. For many such children the hospital is the best hope to which they and their families turn for medical innovations and new therapies.

Time and time again, innovations in patient care first introduced at the Children's Hospital of Philadelphia have blazed a path and become the standards by which all others are measured in the field of pediatric care. Children's Hospital established the first pediatric day-surgery unit in the country. It established the first neonatal surgical intensive-care unit in the Nation under the leadership of Dr. C. Everett Koop, our former Surgeon General. The Children's Hospital of Philadelphia also established the very first pediatric bone marrow transplant program on the east coast; and as we all know, bone marrow transplantation offers an extraordinary shining hope for so many youngsters fighting blood-related ailments.

Mr. President, as much as these accomplishments stand on their own, the Children's Hospital of Philadelphia has also been recognized by others for its achievements. It ranks second nationally among pediatric hospitals for research funding, with most of these funds awarded through peer review, and it ranks eighth among hospitals of all kinds. In 1990 and again this year, the magazine U.S. News & World Report ranked the Children's Hospital of Philadelphia second among the top five pediatric hospitals in the United States.

The Children's Hospital of Philadelphia possesses all of the qualities necessary to continue and enlarge its role as a leader in linking basic medical research to improved pediatric care. Its past is marked by noteworthy, enduring achievements. Presently, the hospital enjoys significant growth in the research staff it has assembled and the support it has garnered from both its neighbors in Philadelphia and the international scientific community. Because the medical needs of children are special, the research facilities dedicated to addressing those needs must be special, too. At this time, the Children's Hospital of Philadelphia's greatest need is the space in which to turn today's research into tomorrow's care. As new researchers and new research projects have come to the hospital, attracted by the vitality of its environment, the quality of its staff, and the institution's rich history of accomplishments, research space has grown increasingly scarce. With this problem in mind, the hospital's leaders have developed a plan for a new research building, a 300,000-square-foot facility that will double the institution's current research space and be dedicated solely to research.

This new building has been designed not only to accommodate today's research needs, but also to anticipate tomorrow's needs as well. Its modular design will provide flexibility over time, with multiple laboratory modules that can be adjusted to the needs of their occupants at any given time. Such design reflects the new realities of scientific research. It is a visionary building, a fitting site for what I believe to be the truly visionary research that will take place within its walls.

Mr. President, it is important to mention a major research effort at Children's Hospital sponsored by the Human Genome Project. Earlier this year, the Children's Hospital of Philadelphia became one of just seven institutions in the entire Nation—and the only pediatric hospital, or hospital of any kind—to be selected to participate in the latest phase of this landmark project. The Human Genome Project, as you know, is a major national priority, and the Children's Hospital of Philadelphia has been chosen to study chromosome 22, known as the Philadelphia chromosome, which is associated with at least eight forms of pediatric cancer and three other often-fatal developmental disorders affecting children.

The Commonwealth of Pennsylvania has already pledged its financial support for this effort, and the hospital also plans a substantial sale of bonds. In addition, the Children's Hospital of Philadelphia will look to its charitable donors, a good many of whom either through their own personal experience or that of a relative or friend, are familiar with the hospital's level of care and commitment to the community.

The facility that we develop together will perform one additional but vital role: It will permit space originally designed for clinical care, but now used for research, to be returned to its intended use. This benefits the children of Philadelphia, to be sure, but in reality, it does much more, for over 65 percent of the patients treated at the Children's Hospital of Philadelphia come to this facility from outside the city of Philadelphia and over 20 percent come from outside the Commonwealth of Pennsylvania.

Mr. President, let me reiterate that the Children's Hospital of Philadelphia is one of the premier pediatric research institutions in the United States, one with a long, proud tradition as a pioneer in the development of new ways to address old and persistent medical problems. Through its proven ability to perform vital, ground-breaking research and to translate its findings into clinical innovations, it has proved, time and time again, its ability to make a difference in the quality of life for children everywhere. With the support of this body, it can do so for years to come. For these reasons, I respectfully request expeditious consideration of this bill by the Senate.

Mr. President, I ask unanimous consent that the full text of the bill be printed in the RECORD following my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1864

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS.

Congress finds that—

(1) because the health care needs of children are special, the research dedicated to addressing those needs must be special as well;

(2) founded in 1855 as the Nation's first pediatric hospital, The Children's Hospital of Philadelphia has committed itself to improving the health of children through innovative and specialized research aimed at preventing and curing pediatric diseases and conditions; and

(3) American children, and children worldwide, have benefited from research conducted at The Children's Hospital of Philadelphia, including research that has led to developments in the prevention, diagnosis and treatment for childhood disease such as—

(A) vaccines against rubella, mumps and influenza;

(B) a serum for whooping cough;

(C) a simple, inexpensive, and rapid test for detecting sickle cell disease;

(D) the Isolette, the first closed incubator for newborns, which is now used worldwide; and

(E) the cardiac balloon catheter technique used to enlarge defective heart openings and fix congenital defects.

SEC. 2. GRANT FOR PEDIATRIC RESEARCH FACILITY.

(a) IN GENERAL.—The Secretary of Health and Human Services (hereafter referred to in this section as the "Secretary") may award a grant to The Children's Hospital of Philadelphia, a nonprofit, tax-exempt medical institution located in Philadelphia, Pennsylvania, for the purpose of constructing a medical research facility at such Hospital.

(b) REQUIREMENTS OF MATCHING CONTRIBUTION.—

(1) IN GENERAL.—The Secretary may not award a grant under subsection (a) unless the applicant for such grant agrees, with respect to the costs of carrying out the purpose described in such subsection, to make available (directly or through donations from public or private entities) non-Federal contributions toward such costs in an amount that is not less than two-thirds of the amount of Federal funds provided under the grant.

(2) DETERMINATION OF AMOUNT OF NON-FEDERAL CONTRIBUTION.—For purposes of paragraph (1), in determining the amount of non-Federal contributions that have been made available pursuant to such paragraph, the Secretary may not include any amounts provided by the Federal Government.

(c) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to carry out this section, such sums as may be necessary for each of the fiscal years 1993 through 1995.

(2) LIMITATION.—Subject to the availability of appropriations, the total amount of the grant under subsection (a) shall not exceed $25,000,000.

ADDITIONAL COSPONSORS

S. 190

At the request of Mr. GRAHAM, the names of the Senator from South Dakota [Mr. PRESSLER] and the Senator from Alabama [Mr. HEFLIN] were added as cosponsors of S. 190, a bill to amend 3104 of title 38, United States Code, to permit veterans who have a service-connected disability and who are retired members of the Armed Forces to receive compensation, without reduction, concurrently with retired pay reduced on the basis of the degree of the disability rating of such veteran.

S. 310

At the request of Mr. PELL, the name of the Senator from North Dakota [Mr. BURDICK] was added as a cosponsor of S. 310, a bill to provide for full statutory wage adjustments for prevailing rate employees, and for other purposes.

S. 649

At the request of Mr. BREAUX, the name of the Senator from New Jersey [Mr. BRADLEY] was added as a cosponsor of S. 649, a bill to amend the Internal Revenue Code of 1986 to repeal the luxury tax on boats.

S. 700

At the request of Mr. DURENBERGER, the name of the Senator from Wisconsin [Mr. KASTEN] was added as a cosponsor of S. 700, a bill to amend the Internal Revenue Code of 1986 to impose an excise tax on insurance companies not meeting certain requirements with respect to health insurance provided to small employers.

S. 891

At the request of Mr. MACK, the name of the Senator from Louisiana [Mr. JOHNSTON] was added as a cosponsor of S. 891, a bill to amend the Internal Revenue Code of 1986 to provide a refundable credit for qualified cancer screening tests.

S. 1087

At the request of Mr. HARKIN, the name of the Senator from Hawaii [Mr. INOUYE] was added as a cosponsor of S. 1087, a bill to require the Secretary of the Treasury to mint coins in commemoration of the 100th anniversary of the Pledge of Allegiance to the Flag.

S. 1294

At the request of Mr. FOWLER, the names of the Senator from Tennessee [Mr. SASSER] and the Senator from Alaska [Mr. STEVENS] were added as cosponsors of S. 1294, a bill to protect individuals engaged in a lawful hunt within a national forest, to establish an administrative civil penalty for persons who intentionally obstruct, impede, or interfere with the conduct of a lawful hunt, and for other purposes.

S. 1357

At the request of Mr. BREAUX, the name of the Senator from Georgia [Mr. NUNN] was added as a cosponsor of S. 1357, a bill to amend the Internal Revenue Code of 1986 to permanently extend the treatment of certain qualified small issue bonds.

S. 1423

At the request of Mr. DODD, the name of the Senator from California [Mr. SEYMOUR] was added as a cosponsor of S. 1423, a bill to amend the Securities Exchange Act of 1934 with respect to limited partnership rollups.

S. 1451

At the request of Mr. BIDEN, the name of the Senator from California [Mr. SEYMOUR] was added as a cosponsor of S. 1451, a bill to provide for the minting of coins in commemoration of Benjamin Franklin and to enact a fire service bill of rights.

S. 1557

At the request of Mr. LAUTENBERG, the name of the Senator from California [Mr. SEYMOUR] was added as a cosponsor of S. 1557, a bill to improve the implementation and enforcement of the Federal cleanup program.

S. 1623

At the request of Mr. DECONCINI, the names of the Senator from South Dakota [Mr. DASCHLE] and the Senator from Hawaii [Mr. AKAKA] were added as cosponsors of S. 1623, a bill to amend title 17, United States Code, to implement a royalty payment system and a serial copy management system for digital audio recording, to prohibit certain copyright infringement actions, and for other purposes.

S. 1715

At the request of Mr. GRAMM, the name of the Senator from Alabama [Mr. HEFLIN] was added as a cosponsor of S. 1715, a bill to ensure the protection of the Gulf of Mexico by establishing in the Environmental Protection Agency a Gulf of Mexico Program Office.

S. 1729

At the request of Mr. KENNEDY, the name of the Senator from Ohio [Mr. METZENBAUM] was added as a cosponsor of S. 1729, a bill to amend the Public Health Service Act to require drug manufacturers to provide affordable prices for drugs purchased by certain entities funded under the Public Health Service Act, and for other purposes.

S. 1738

At the request of Mr. DASCHLE, the name of the Senator from North Dakota [Mr. CONRAD] was added as a cosponsor of S. 1738, a bill to prohibit imports into the United States of meat products from the European Community until certain unfair trade barriers are removed, and for other purposes.

S. 1741

At the request of Mr. ROBB, the names of the Senator from Massachusetts [Mr. KERRY], the Senator from California [Mr. CRANSTON], and the Senator from Rhode Island [Mr. PELL] were added as cosponsors of S. 1741, a bill to provide for approval of a license for telephone communications between the United States and Vietnam.

S. 1789

At the request of Mr. DURENBERGER, the name of the Senator from Washington [Mr. GORTON] was added as a cosponsor of S. 1789, a bill to provide emergency unemployment compensation, and for other purposes.

S. 1810

At the request of Mr. ROCKEFELLER, the names of the Senator from South Dakota [Mr. DASCHLE] and the Senator from Ohio [Mr. GLENN] were added as cosponsors of S. 1810, a bill to amend title XVIII of the Social Security Act to provide for corrections with respect to the implementation of reform of payments to physicians under the medicare program, and for other purposes.

At the request of Mr. DURENBERGER, the name of the Senator from Rhode Island [Mr. CHAFEE] was added as a cosponsor of S. 1810, supra.

S. 1821

At the request of Mr. PACKWOOD, the name of the Senator from Wisconsin [Mr. KASTEN] was added as a cosponsor of S. 1821, a bill to amend the Internal Revenue Code of 1986 to simplify the definition of dependent, to provide a uniform definition of child, and for other purposes.

S. 1851

At the request of Mr. ROCKEFELLER, the name of the Senator from New Jersey [Mr. BRADLEY] was added as a cosponsor of S. 1851, a bill to provide for a Management Corps that would provide the expertise of United States businesses to the Republics of the Soviet Union and the Baltic States.

SENATE JOINT RESOLUTION 64

At the request of Mr. GORE, the name of the Senator from Alaska [Mr. STEVENS] was added as a cosponsor of Senate Joint Resolution 64, a joint resolution to authorize the President to proclaim the last Friday of April as "National Arbor Day."

SENATE JOINT RESOLUTION 188

At the request of Mr. LAUTENBERG, the names of the Senator from Nebraska [Mr. EXON] and the Senator from Arkansas [Mr. BUMPERS] were added as cosponsors of Senate Joint Resolution 188, a joint resolution designating November 1991, as "National Red Ribbon Month."

SENATE JOINT RESOLUTION 194

At the request of Mr. GRAMM, the names of the Senator from Idaho [Mr. SYMMS] and the Senator from Hawaii [Mr. AKAKA] were added as cosponsors of Senate Joint Resolution 194, a joint resolution to designate 1992 as the "Year of the Gulf of Mexico."

SENATE JOINT RESOLUTION 200

At the request of Mr. THURMOND, the names of the Senator from Iowa [Mr. GRASSLEY], the Senator from South Carolina [Mr. HOLLINGS], the Senator from Montana [Mr. BURNS], and the Senator from Arkansas [Mr. BUMPERS] were added as cosponsors of Senate Joint Resolution 200, a joint resolution designating the week of October 27 to November 2, 1991 as "National Pornography Victims Awareness Week."

SENATE RESOLUTION 193

At the request of Mr. LEVIN, the name of the Senator from California

[Mr. CRANSTON] was added as a cosponsor of Senate Resolution 193, a resolution expressing support for a just peace in Yugoslavia.

SENATE RESOLUTION 201

At the request of Mr. DANFORTH, the names of the Senator from Arkansas [Mr. BUMPERS], the Senator from Maryland [Ms. MIKULSKI], and the Senator from North Dakota [Mr. CONRAD] were added as cosponsors of Senate Resolution 201, a resolution to express the sense of the Senate regarding enforcement of the oilseeds GATT panel ruling against the European Community.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEES ON VETERANS' AFFAIRS

Mr. MITCHELL. Mr. President, the Committee on Veterans' Affairs would like to request unanimous consent to hold a joint hearing with the House Veterans' Affairs Committee on the Report of the Commission on the Future Structure of Veterans Health Care. The hearing will be held on October 23, 1991, at 9 a.m. in Cannon 334.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON EMPLOYMENT AND PRODUCTIVITY

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Subcommittee on Employment and Productivity of the Committee on Labor and Human Resources be authorized to meet during the session of the Senate on Wednesday, October 23, 1991, at 2 p.m. for a hearing on "Women and the Workplace: The Glass Ceiling."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Governmental Affairs Committee be authorized to meet on Wednesday, October 23, 1991, at 9:30 a.m. for a hearing on the "The Glass Ceiling in Federal Agencies—Part II."

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON CONSUMER AND REGULATORY AFFAIRS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Subcommittee on Consumer and Regulatory Affairs of the Committee on Banking, Housing, and Urban Affairs be allowed to meet during the session of the Senate, Wednesday, October 23, 1991, at 10 a.m. to conduct a hearing on restructuring the RTC, including the administration's proposal.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet during the session of the Senate on Wednesday, October 23, 1991, at 10 a.m., for a hearing on America's best school teachers and principals.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON WATER AND POWER

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Subcommittee on Water and Power of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate, 2 p.m., October 23, 1991, to receive testimony on S. 1618, S. 724, S. 1370, S. 1806, S. 1812, and H.R. 429.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, October 23, at 3:30 p.m. to hold a hearing on the Iraq experience: Lessons for the future.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, October 23, at 2 p.m. to hold a hearing on the start treaty and the future of nuclear arms control.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON TERRORISM NARCOTICS AND INTERNATIONAL OPERATIONS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Subcommittee on Terrorism, Narcotics and International Operations of the Foreign Relations Committee be authorized to meet during the session of the Senate on Wednesday, October 23, at 10 a.m. to hold a hearing on the narcotics and foreign policy implications of the BCCI affair.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

IN HONOR OF NORMAN TANZMAN

• Mr. BRADLEY. Mr. President, Norman Tanzman, a longtime friend and a man I greatly admire, is being honored on October 27 by the Central New Jersey Jewish Home for the Aged. I would like to take this opportunity to share with you and my colleagues why this public recognition of Norman's many civic contributions is so richly deserved.

Norman was in the Coast Guard during World War II, and his community involvement dates back to 1954 when he served on the Woodbridge Township Planning Board. In 1960, he was elected to the New Jersey General Assembly, became assistant majority leader, and was elected to the State senate in 1967. While serving in these legislative capacities, he was twice named "Legislator of the Year."

Norman has set an impressive example for others by showing that charity and voluntarism can be very rewarding. Briefly, he has been chairman of the board of the Woodbridge Library, vice chairman of the board of trustees of Middlesex County College, a charter member of the Woodbridge Lions Club, and has also been on the board of the Jewish Federation, the Regional YMHA, and the Central New Jersey Jewish Home for the Aged. He has received the Distinguished Citizen Award from the Thomas A. Edison Council Boy Scouts of America as well as several awards from the B'nai B'rith. Remarkably, this is but a partial list of Norman's accomplishments. Wherever his interests lie, he gives of himself tirelessly. As an attorney specializing in real estate, he received the Community Service Award as Realtor of the Year. He was named Citizen of the Year by the Perth Amboy General Hospital and served on New Jersey's Citizens for Better Schools, the Raritan Bay Health Services Corp., and the First Fidelity Bancorporation.

As Norman Tanzman is honored by the Central New Jersey Jewish Home for the Aged, I take great pride in bringing his achievements to your attention. Along with his family and many, many friends, I applaud his lifelong commitment to helping his neighbors and to making his State and community a better place in which to live.•

JOHN MORTON, SR., OF BERLIN NAMED KIWANIS INTERNATIONAL PRESIDENT

• Mr. SMITH. Mr. President, I rise today to recognize a fellow Granite Stater and friend, John Morton, Sr., of Berlin, NH. John and his wife, Jackie, have devoted their lives in service to New Hampshire and they were recently named Kiwanis international president and first lady respectively.

The Mortons grew up, married raised their children, and built businesses in the small New England town of Berlin, NH. John serves as sheriff of Coos County, a post he has held since 1980, and he owns Morneau Moving Co., managed by his son, John Jr. Jackie is a partner in the moving company and also serves as deputy sheriff.

The distinguished honor of being named international president of the Kiwanis Club, comes to John Morton after years of business experience and community service in and around Berlin. He began his first business venture with a newspaper delivery job in first grade where he made deliveries to 175 homes daily. John, along with his brother, expanded deliveries at both local Catholic churches.

In high school, John became a member of Key Club, a service organization for students. John believes this decision is what led him to becoming a Kiwanian. During these years, John served as a class officer, played football and was an active Key Clubber. These early years of community service led him to continue his service to others throughout his life.

After working with his wife at a hotel resort in Florida, and working in a restaurant in Martha's Vineyard, John and Jackie brought their business expertise home to Berlin. They operated several businesses including a coin-operated laundry and a Montgomery Ward franchise, before opening the Morneau Moving Co. in 1976. John also held positions as a county treasurer and county chairman for the Republican Party. He is currently bank director for the City Bank of Berlin and chairman of the New Hampshire Police Standards and Training Council.

Invited by his friend Eli Isaacson, John joined the Kiwanis Club of Berlin and has since accumulated 29 years of perfect attendance. He served as president in 1965, two terms as lieutenant governor, 1968–70; governor, 1975–76; International board member, beginning in 1984; and now international president.

The Kiwanis Club, under John's devotion and leadership, is currently working on many admirable programs to encourage growth in the organization. They are also working on a major multiyear Major Emphasis Program [MEP], "Young Children: Priority One." John wants to emphasize the prevention of injury to children and support for pediatric trauma units in hospitals. The New England district is supporting this effort through the institute at the New England Medical Center in Boston, MA.

Again, I want to thank John and Jackie for their years of service to New Hampshire and now as international president of the Kiwanis Club. I wish them great success in this endeavor as they, along with their family, continue to live and work in the Granite State. It is people like John and Jackie Morton that make me proud to represent New Hampshire in the U.S. Senate.•

NOTICE OF DETERMINATION BY THE SELECT COMMITTEE ON ETHICS UNDER RULE 35, PARAGRAPH 4, PERMITTING ACCEPTANCE OF A GIFT OF EDUCATIONAL TRAVEL FROM A FOREIGN ORGANIZATION

• Mr. SANFORD. Mr. President, it is required by paragraph 4 of rule 35 that I place in the CONGRESSIONAL RECORD notices of Senate employees who participated in programs, the principal objective of which is educational, sponsored by a foreign government or a foreign educational or charitable organization involving travel to a foreign country paid for by that foreign government or organization.

The select committee has received a request for a determination under rule 35 for Mr. Stuart Feldman, a member of the staff of Senator ORRIN G. HATCH, to participate in a program in Japan, sponsored by the Japanese Ministry of Foreign Affairs, from October 19–30, 1991.

The committee has determined that participation by Mr. Feldman in the program in Japan, at the expense of the Japanese Ministry of Foreign Affairs, is in the interest of the Senate and the United States.•

VOLUNTEER OF THE YEAR, MABEL PITTARD

• Mr. GORE. Mr. President, I want to take this opportunity to recognize Mrs. Mabel Pittard, the 1991 recipient of the William J. "Bill" Davis Award for Volunteer of the Year. This honor was announced recently by the Arts and Humanities Council of Murfreesboro and Rutherford County, TN.

Mrs. Pittard was selected for this award because of her tireless work on behalf of the Rutherford County Historical Society [RCHS], an organization dedicated to the preservation of the historical heritage of my State for the benefit of future generations. She was a charter member of that group and has remained active throughout its existence, holding a variety of offices including president.

Several members of the RCHS have told me that no organization has a volunteer who has devoted more time and energy than Mrs. Pittard has given to it. She has served outstandingly as a source of local history to the media, to any interested individual, and to the community as a whole.

A historian in her own right, Mrs. Pittard authored "A History of Rutherford County" in 1983 and "A Pictorial History of Rutherford County" in 1990. This year, she has served as editor of the first two volumes of "Annals of Rutherford County."

On two occasions, she has received the Cannonsburgh Award, presented annually for outstanding contributions to RCHS.

Mr. President, like thousands of volunteers involved in various causes throughout America, Mrs. Pittard receives no monetary benefit for her work. Her only goal has been to keep Rutherford County's history alive and accessible to the general public.

Voluntarism is an essential element in the American character. It demonstrates the pride our citizens have in their community, the compassion they have for others, and the hopes they have for a better quality of life for all our people.

With this in mind, I also want to recognize others who were nominated for Volunteer of the Year and whose contributions to community life have made Murfreesboro and Rutherford County a better place to live and work: Jack Rogers of the Children's Discovery House; Linda Lichtenberger of the Middle Tennessee Symphony Society; Liz Johnson of Friends of Linebaugh Public Library; the Reverend Dwight Ogleton of the National Association for the Advancement of Colored People; Melinda Haines of Oaklands Historic House Museum; Westie Windham of the Great American Sing-Along; Dr. Madison Dill of the Tennessee Valley Winds; Elsie Stem of the Flower Growers Garden Club; and Richard Sims of the Murfreesboro Art League.•

COMMENDING FRANCES AND BERYL WEINSTEIN

• Mr. LIEBERMAN. Mr. President, it is with great pleasure that I bring to the attention of the Senate two very special individuals from my home State of Connecticut, Frances and Beryl Weinstein.

In September, the New England chapter of the American Friends of the Hebrew University honored the Weinsteins by naming them this year's recipients of the Torch of Learning Awards. The highly regarded Torch of Learning Award is presented annually to leading men and women who have demonstrated deep concern for education, their community, the Jewish people, and Israel.

Frances and Beryl have set an unusual standard for sustained leadership and commitment as they have played a major role in a wide variety of Jewish community activities as well as in the general community. Like his father, Beryl Weinstein has been involved in the local Jewish Community throughout the years, particularly the Waterbury Jewish Federation, where he served as president and campaign chairman. He has also served as president of Temple Israel. His regional and national affiliations include the Connecticut Jewish Community Relations Council, the United States Jewish Appeal, HIAS, and the Council for Jewish Federations.

While attending the College of Pharmacy of the University of Connecticut, Beryl founded the Doctor's Diagnostic Laboratory, Inc., one of the regions first private clinical laboratories. Although the business was sold in 1987, Beryl continues his affiliation as director of the laboratory and consultant.

Beryl has also demonstrated a strong commitment to a number of important educational causes. His involvement with the Jewish Educational Service of North America and the Mattatuck Community College, where he serves as chairman of the board of that college's foundation, exemplify Beryl's dedication to improving the quality of our Nation's educational system.

Frances Weinstein has also dedicated herself to a number of organizations seeking to strengthen the Jewish community as well as the general community of Waterbury. A lifetime member of Hadassah, Frances has served as the president of the Waterbury chapter and is presently Zionist affairs chairman of the Shoreline chapter in Connecticut. She has also served as president and campaign chairman of the Waterbury Jewish Federation as well as the president of the Temple Israel Sisterhood.

Frances' deep concern for the greater Waterbury community and helping it to meet its needs is evidenced by her work as president of the Child Guidance Clinic and by her involvement with the Council of Girl Scouts and the United Way of Central Naugatuck Valley. Frances has also worked tirelessly on behalf of the Women's Emergency Shelter of Waterbury and currently serves on the board of the Guilford Interfaith Housing Corp.

The residents of the greater Waterbury area have been touched by the efforts and presence of these great people. Mr. President, I hope that my colleagues will join me in paying tribute to the Weinsteins for their unselfish devotion to improving the lives of others.•

NOTICE OF DETERMINATION BY THE SELECT COMMITTEE ON ETHICS UNDER RULE 35, PARAGRAPH 4, PERMITTING ACCEPTANCE OF A GIFT OF EDUCATIONAL TRAVEL FROM A FOREIGN ORGANIZATION

• Mr. SANFORD. Mr. President, it is required by paragraph 4 of rule 35 that I place in the CONGRESSIONAL RECORD notices of Senate employees who participate in programs, the principal objective of which is educational, sponsored by a foreign government or a foreign educational or charitable organization involving travel to a foreign country paid for by that foreign government or organization.

The select committee has received a request for a determination under rule 35 for Steven Shimberg, a member of the staff of Senator CHAFEE, to participate in a program in Australia, sponsored by the Australian Government, in early January 1992.

The committee has determined that participation by Mr. Shimberg in the program in Australia, at the expense of the Australian Government, is in the interest of the Senate and the United States.•

NEW JERSEY BLUE RIBBON SCHOOLS—FAIR LAWN HIGH, EAST BRUNSWICK HIGH, SOUTH BRUNSWICK HIGH, AND RICHARD TEITELMAN SCHOOL

• Mr. LAUTENBERG. Mr. President, I rise today to congratulate four New Jersey schools which recently have been recognized by the U.S. Department of Education's 1990-91 Blue Ribbon Schools Program.

These schools are 4 of 222 public and private middle and secondary schools nationwide to receive this Federal distinction. The program evaluates schools on quality of leadership, curriculum, instruction, teaching environment, commitment to improvement, parent and community support, and evidence of success. There are over 36,000 middle and secondary schools in the country and I am proud to salute these four outstanding New Jersey schools and those individuals who have been instrumental in promoting superior education classes and programs.

Each of the four schools has its own special characteristics which make them each an exemplary educational institution. One of the four New Jersey schools honored, Richard Teitelman School, has been recognized as one of 19 junior high schools across the Nation to be a 1990-91 Blue Ribbon School. This school is located in Lower Township, in Cape May County. It stresses community involvement and service activities for faculty, students, and residents. Richard Teitelman School responds to change by taking new educational research into consideration, evaluating its possible effects upon the school, and then planning long-term goals. In addition to this process, the school offers various programs such as psychological counseling services, peer leadership groups and a Teacher-Mentor Program. These programs have helped the school improve its attendance record, increase student achievement levels, and decrease the need for disciplinary actions. Richard Teitelman is a school where everyone has the chance to learn and grow.

Blue Ribbon Fair Lawn High School was cited for its advanced use of technology, including a television hookup which allowed its students to participate in classes conducted at 16 other schools. It also has a renovated planetarium and a weather station and classes that include computer-assisted drafting and desktop publishing. Extracurricular programs are also provided by Fair Lawn High which promote increased involvement within the community such as an animal rights club.

South Brunswick High School was noted for its cooperative program with the University of Dentistry and Medicine of New Jersey to provide a variety of services to its students. At the age of 18, South Brunswick students with special needs have the option to be placed in the private sector. This program provides these young adults with experiences which enable them to complete their education.

East Brunswick High School is regarded by many as a renaissance school. It prides itself on creating a learning atmosphere where its students can explore many educational avenues. Its most popular elective taken is the Institute for Political and Legal Education. In this class, students debate many current issues. They take the role of Members of the U.S. Senate and House of Representatives, introducing and debating legislation. Other outstanding classes include geography and physics, where students use computers to analyze data and produce graphs. Their art program is one of the most comprehensive and highly regarded art programs in the State.

Mr. President, I am pleased to join in honoring and congratulating these schools for being recognized as four of the Nation's top notch educational institutions. Committed individuals are the key to these outstanding schools and I commend the faculty, students, parents, and the communities who have dedicated much of their time and effort into making East Brunswick High School, Fair Lawn High School, South Brunswick High School, and Richard Teitelman School shining examples for other schools to follow.•

COLUMBUS' STORY HAS A JEWISH CHAPTER

• Mr. WELLSTONE. Mr. President, the upcoming 500th anniversary of Christopher Columbus' voyage to the New World provides all of us with the opportunity to return to this chapter of world history.

Indian and Hispanic organizations have already begun to voice their view that Columbus' so-called discovery is not a cause for celebration.

I would like to call my colleagues' attention to an article by Rabbi Bernard Raskas of St. Paul, MN. Rabbi Raskas reminds us of the experience of Spanish Jews during this period. The Spanish leaders in 1492 brutally persecuted and banished Jews from Spain.

Rabbi Raskas' article, "Columbus' Story Has a Jewish Chapter," follows:

COLUMBUS' STORY HAS A JEWISH CHAPTER

(By Rabbi Bernard S. Raskas)

"In fourteen hundred and ninety-two, Columbus sailed the ocean blue" is a verse from our childhood. It prompts us to begin thinking about the Columbus quincentennial in 1992. The process of historical evaluation has already begun, and there is a fierce controversy building between those who see Columbus as a great hero and those who see him as a ruthless exploiter.

While much attention in the Western world will be focused on the 500th anniversary of the discovery (that's news to Native Americans) of America, Jews will be remembering the ferocious persecutions and banishment of their ancestors from Spain (Sepharad) in 1492. Columbus himself wrote that, as he set out on his journey he could see boatloads of Jews leaving, in peril of their lives.

The expulsion order, which culminated a series of oppressions that began in 1313, gave the Jews the choice of converting to Christianity or leaving within three months. Up to 150,000 left for the Ottoman Empire, France, Italy, Holland, North Africa and eventually North and South America.

Those who converted to Christianity to save themselves were called *conversos*. Those who were forcibly converted but maintained Judaism secretly were called *marranos*. It was the purpose of the Inquisition, under the cruel leadership of Torquemada, to ferret out the so-called Judaizers and exterminate them.

The recent novel, "Adventures in the Land of the Inquisition 1492," by Mexican poet and philosopher Homero Aridjis, graphically and painfully depicts the suffering, the torture, the burnings, the crucifixions of thousands of Jews.

Some historians hold that confiscated and plundered Jewish property and possessions financed the expeditions of Columbus. However, there is more to Jewish involvement than this. While Spain was under Moslem rule, Jewish culture was inspired to a level of creativity unparalleled except in the biblical and rabbinic periods. Jewish poets, grammarians, biblical commentators, mystics and philosophers produced works of enormous magnitude.

In Jewish history, this time is known as "The Golden Age." In this environment the greatest Jewish mind of the past millennium, Moses Maimonides, flourished.

In Christian Spain, the Jewish mind turned to astronomy and navigation. The journey of Columbus would have been inconceivable without the work of the Crescas, a family of Jewish cartographers, who created the famous "Mapamundi," the first world map, which was also used by Marco Polo. The astrolabe that Columbus used was perfected by Abraham Zacuto, whose scientific works were first written in Hebrew and then translated into Spanish. The instrument itself was the work of Tzvi Hertz and is noted for its Hebrew inscriptions.

Remarkably enough, in Toledo in the 12th century there was established a center of learning known as the School of Translators. There, Jewish, Christian and Moslem scholars worked together to translate classic Greek and Arabic philosophic and scientific texts into Latin. Such corporate labors helped lay the foundations for humanistic thought in the Renaissance.

It was in this spirit of reconciliation that King Juan Carlos of Spain recently pledged to rescind the expulsion order on March 31, 1992, the anniversary date of the royal edict. He will also visit the synagogue in Madrid at that time, as an act of friendship.

In addition, there will be significant programs of Jewish content at the World's Fair in Seville. Shepharad '92, an organization made up of descendants of the Jews of Spain, is planning important events all over the world. These include a special exhibit at the Smithsonian; a new chair in Jewish Sephardi Civilization at the University of Paris; restoration of the old Jewish quarters of Toledo, Verona and Seville; academic convocations and conferences on Spanish Jewry in France, Jerusalem, Fez, Cairo, Istanbul and South America, as well as many other vital projects.

These commemorations have a direct tie to the voyages of Columbus. When the New World was first sighted, the cry of "Tierra! (Land!)" came from a lookout on the Pinta whose name was Rodrigo de Triana, a marrano who secretly practiced Judaism. That day was Friday, Oct. 12, 1492. It happened to be a Jewish holiday on which Jews sing praises to God and carry the Torah (Pentateuch) scrolls.

Jews all over the world are looking at the celebration of the quincentennial of Columbus reaching America with mixed feelings of painful remembrance and positive reconciliation. American Jews will have a special sense of gratitude because in Columbus' New World they have found a home and a haven. They will celebrate Jewish contributions to the arts, the sciences, the economy, and the social welfare of this blessed land.•

URGE ACTION ON S. 775

• Mr. MACK. Mr. President, I rise today as a cosponsor of S. 775, the Veterans Compensation Improvement Act of 1991. This bill includes a cost-of-living adjustment [COLA], effective December 1, 1991, for the more than 2 million American veterans who receive service-connected disability compensation. It also includes a COLA for the 340,000 disability and indemnity [DIC] beneficiaries. This bill was placed on the Legislative Calendar on August 2, 1991, yet no further action has been taken.

Let us turn back the clock to the final day of the 101st Congress. We had been in a budget battle for weeks. Members were trying desperately to reach an agreement on a number of bills, including legislation to provide a COLA for service-connected disabled veterans and DIC beneficiaries. We reached an impasse on passage of the bill due to the controversy surrounding exposure to agent orange. It was my opinion that the Senate should vote on a clean COLA bill, and agree to consider agent orange as the first issue to come before the 102d Congress. However, much to my dismay, such an agreement could not be reached. Congress adjourned, and the veterans did not receive the COLA when they were entitled to receive it.

In the weeks to follow, my office received hundreds of letters, telephone calls, and telegrams from veterans throughout Florida. I cannot tell my colleagues how many times the word "betrayed" was used to describe the feelings of our Nation's veterans toward the Congress of the United States of America.

It is now October 23, 1991, and the clock is ticking. I asked officials of the Department of Veterans Affairs how long it takes to input the data once President Bush signs a COLA bill. I was told they are nearing the zero hour in order for veterans to receive their COLA in the January benefit checks. Even with today's technology, it will take from 6 to 10 weeks to input the data, print the checks, and get them in the mail. I don't need to remind my colleagues how busy the U.S. Postal Service is during the holiday season.

Mr. President, time is of the essence. If Congress is to meet its deadline and obligation to America's service-connected disabled veterans and DIC beneficiaries, we need to move now on this important legislation. S. 775 contains controversial provisions, specifically those dealing with radiation exposure. This issue may require lengthy floor debate, and I will have more to say about it at the appropriate time. The House of Representatives recently passed a clean COLA bill. Obviously, this means the additional benefits of the Senate bill will need to be worked out in conference. This will require more time. Regardless of the position of my colleagues on radiation exposure, let's roll up our sleeves and get to work.

Over the past few months I have received thousands of letters from Florida's 200,000 service-connected disabled veterans and DIC beneficiaries. "Please," they write, "don't do it to us again. Don't put us at the end of your legislative priorities. Show us you care. Provide us with our COLA." I find it shameful that American veterans are being forced to practically beg us for a modest cost-of-living adjustment.

Mr. President, the clock is ticking. Congress has many important legislative issues to consider before we adjourn. But, let us get our priorities in order. I strongly urge the leadership to bring S. 775 to the floor now so we don't end up in the same predicament as last year. We must not let our veterans down again.•

THE NEW COVENANT

• Mr. BREAUX. Mr. President, Gov. Bill Clinton delivered a stirring speech today at the Georgetown University that clearly points out some of the problems our country is facing and offers compelling new policy ideas.

I believe this speech is thought-provoking and commend it to all Members of the Senate for their review. I ask that this speech be printed in the RECORD.

The speech follows:

THE NEW COVENANT: RESPONSIBILITY AND REBUILDING THE AMERICAN COMMUNITY

(Speech by Gov. Bill Clinton)

Thank you all for being here today. You are living in revolutionary times. When I was here, America sought to contain Communism, not roll it back. Indeed, most respected academics held that once a country "went Communist," the loss of freedom was irreversible. Yet in the last three years, we've seen the Berlin Wall come down, Germany reunified, all of Eastern Europe abandon Communism, the Soviet coup fail and the Soviet Union itself disintegrate liberating the Baltics and other republics. The Soviet Foreign Minister is trying to help our Secretary of State make peace in the Middle East. And in the space of one year, Lech Walesa and Vaclav Havel both came to this city to thank America for supporting their work for freedom. Nelson Mandela walked out of a jail in South Africa he entered before I entered Georgetown in 1964. He now wants a Bill of Rights like ours for his country.

We should be celebrating. All around the world, the American Dream—political freedom, market economics, national independence—is ascendant. Everything your parents and grandparents stood for from World War II on has been rewarded.

Yet we're not celebrating. Why? Because our people fear that while the American Dream reigns supreme abroad, it is dying here at home. We're losing jobs and wasting opportunities. The very fiber of our nation is breaking down; families are coming apart, kids are dropping out of school, drugs and crime dominate our streets. And our leaders here in Washington are doing nothing to turn America around. Our political system rotates between being the butt of jokes and the object of scorn. Frustration produces calls for term limits from voters who think they can't vote incumbents out, resentment produces votes for David Duke—not just from racists, but from voters, so desperate for change, they'll support the most anti-establishment message, even from an ex-Klansman who was inspired by Adolf Hitler. We've got to rebuild our political life together before demagogues and racists and those who pander to the worst in us bring this country down.

People once looked to our President and Congress to bring us together, solve problems, and make progress. Now, in the face of massive challenges, our government stands discredited, our people disillusioned. There's a hole in our politics where a sense of common purpose used to be.

The Reagan-Bush years have exalted private gain over public obligations, special interests over the common good, wealth and fame over work and family. The 1980s ushered in a gilded age of greed, selfishness, irresponsibility, excess, and neglect.

S&L crooks stole billions of dollars in other people's money. Pentagon contractors and HUD consultants stole from the taxpayers. Many big corporate executives raised their own salaries when their companies were losing money or their workers were losing their jobs. Middle-class families worked longer hours for less money and spent more on health care, housing, education, and taxes. Poverty rose. Many inner-city streets were taken over by crime and drugs, welfare and despair. Family responsibility became an oxymoron for deadbeat fathers, who were more likely to make their car payments than pay their child support.

And government, which should have been setting an example, was even worse. Congress raised its pay and guarded its perks while most Americans were working harder for less money. Two Republican presidents elected on a promise of fiscal responsibility advanced budget policies that more than tripled the national debt. Congress went along with that, too. Taxes were lowered on the wealthiest people whose incomes rose, and raised on middle class people whose incomes fell.

And through it all, millions of decent, ordinary people who worked hard, played by the rules, and took responsibility for their own actions were falling behind, living a life of struggle without reward or security. For 12 years, the forgotten middle class watched their economic interests ignored and their values run into the ground. Nothing illustrates this more clearly, in the 1980s, than the fact that charitable giving by middle-class families went up as their incomes went down, while charitable giving by the wealthiest Americans went down as their incomes went up. Responsibility went unrewarded and so did hard work. It's no wonder so many kids growing up on the street think it makes more sense to join a gang and deal drugs than to stay in school and go to work. The fast buck was glorified from Wall street to Main Street to Mean Street.

To turn America around, we need a new approach founded on our most sacred principles as a nation, with a vision for the future. We need a New Covenant, a solemn agreement between the people and their government, to provide opportunity for everybody, inspire responsibility throughout our society, and restore a sense of community to this great nation. A New Covenant to take government back from the powerful interests and the bureaucracy, and give this country back to ordinary people.

More than two hundred years ago, the founders outlined our first social compact between government and the people, not just between lords and kings. More than a century ago, Abraham Lincoln gave his life to maintain the Union the compact created. Sixty years ago, Franklin Roosevelt renewed that promise with a New Deal that offered opportunity in return for hard work.

Today we need to forge a New Covenant that will repair the damaged bond between the people and their government and restore our basic values—the notion that our country has a responsibility to help people get ahead, that citizens have not only the right but a responsibility to rise as far and as high as their talents and determination can take them, and that we're all in this together. We must make good on the words of Thomas Jefferson, who said, "A debt of service is due from every man to his country proportional to the bounties which nature and fortune have measured to him."

Make no mistake—this New Covenant means change—change in our party, change in our national leadership, and change in our country. Far away from Washington, in your hometowns and mine, people have lost faith in the ability of government to change their lives for the better. Out there, you can hear the quiet, troubled voice of the forgotten middle class, lamenting that government no longer looks out for their interests or honors their values—like individual responsibility, hard work, family, community. They think their government takes more from them than it gives back, and looks the other way when special interests only take from this country and give nothing back. And they're right.

This New Covenant can't be between the politicians and the established interests. It can't be another backroom deal between the people in power and the people who keep them there. That's why the New Covenant for change must be ratified by the people in the 1992 election. And that's why I'm running for President.

Some may think it's old-fashioned, even naive, to talk about restoring the American Dream, through a covenant between the people and their government. But I believe with all my heart that a New Covenant is the only way we can hold this country together, and move boldly forward into the future.

Over 25 years ago, Professor Carroll Quigley taught in his Western Civilization class here at Georgetown that the defining idea of our culture in general and our country in particular is "future preference," the idea that the future can be better than the present, and that each of us has a personal, moral responsibility to make it so.

I hope they still teach that lesson here, and I hope you believe it, because I don't think we can save America without it.

In the week to come I will outline my plans to rebuild our economy, regain our competitive leadership in the world, restore the forgotten middle class, and reclaim the future for the next generation. I will put forth my views on how to promote our national security and foreign policy interests after the Cold War. And I will tell you what the President and the Congress owe the people in this New Covenant for change.

But there will never be a government program for every problem. Much of what holds us together and moves us ahead is the daily assumption of personal responsibility by millions of Americans from all walks of life. I can promise to do a hundred different things for you as President. But none of them will make any difference unless we all do more as citizens. And, today, I want to talk about the responsibilities we owe to ourselves, to one another, and to our nation.

It's been 30 years since a Democrat ran for President and asked something of all the American people. I intend to challenge you to do more and to do better.

We must go beyond the competing ideas of the old political establishment: beyond every man for himself on the one hand and the right to something for nothing on the other.

We need a New Covenant that will challenge all our citizens to be responsible. The New Covenant will say to our corporate leaders at the top of the ladder: We'll promote economic growth and the free market, but we're not going to help you diminish the middle class and weaken the economy. We'll support your efforts to increase profits and jobs through quality products and services, but we're going to hold you responsible to be good corporate citizens, too.

The New Covenant will say to people on welfare: We're going to provide the training and education and health care you need, but if you can work, you've got to go to work, because you can no longer stay on welfare forever.

The New Covenant will say to the hard-working middle class and those who aspire to it: We're going to guarantee you access to a college education, but if you get that help, you've got to give something back to your country.

And the New Covenant will challenge all of us in public service: We have a solemn responsibility to honor the values and promote the interests of the people who elected us, and if we don't, we don't belong in government anymore.

This New Covenant must begin here in Washington. I want to revolutionize government and fundamentally change its relationship to people. People don't want some top-down bureaucracy telling them what to do anymore. That's one reason they tore down the Berlin Wall and threw out the Communist regimes in Eastern Europe and Russia.

Now, the New Covenant will challenge our government to change its way of doing business, too. The American people need a government that works at a price they can afford. The Republicans have been in charge of the government for 12 years. They've brought the country to the brink of bankruptcy. Democrats who want the government to do more—and I'm one of them—have a heavy responsibility to show that we've going to spend the taxpayer's money wisely and with discipline.

I want to make government more efficient and more effective by eliminating unnecessary layers of bureaucracy and cutting administrative costs, and by giving people more choices in the services they get, and empowering them to make those choices. That's what we've tried to do in Arkansas—balancing our budget every year, improving services, and treating taxpayers like our customers and our bosses, giving them more choices in public schools, child care centers, and services for the elderly.

The New Covenant must challenge Congress to act responsibly. And here again, Democrats must lead the way. Because they want to use government to help people, Democrats have to put Congress in order:

Congress should live by the laws it applies to other workplaces. No more midnight pay raises. Congressional pay shouldn't go up while the pay of working Americans is going down. Let's clamp down on campaign spending and open the airwaves to encourage real political debate instead of paid political assassination. No more bounced checks. No more bad restaurant debts. No more fixed tickets. Service in Congress is privilege enough.

We can't go on like this. We have to honor, reward and reflect the work ethic, not the power grab. Responsibility is for everybody, and it begins here in the nation's capital.

The New Covenant will also challenge the private sector. The most irresponsible people in the 1980's were those in business who abused their position at the top of the totem pole. This is my message to the business community: As President, I'm going to do everything I can to make it easier for your company to compete in the world, with a better trained workforce, cooperation between labor and management, fair and strong trade policies, and incentives to invest in America's economic growth. But I want the jetsetters and the feather bedders of corporate America to know that if you sell your companies and your workers and your country down the river, you'll get called on the carpet. That's what the President's bully pulpit is for. It's simply not enough to obey the letter of the law and make as much money as you can. It's wrong for executives to raise their pay by four times the percentage their worker's pay goes up and three times the percentage their profits go up—and that's exactly what they did. It's wrong to drive a company into the ground and bail out with a golden parachute to a cushy life.

The average CEO at a major American corporation is paid about 100 times as much as the average worker—compare that to a ratio of 23 to 1 in Germany and only 17 to 1 in Japan. And our government today rewards that excess with a tax break for executive pay, no matter how high it is. That's wrong. If a company want to overpay its executives and underinvest in the future, it shouldn't get any special treatment from Uncle Sam. If a company wants to transfer jobs abroad and cut the security of working people, it shouldn't get special treatment from the Treasury. In the 1980s, we didn't do enough to help our companies to compete and win in a global economy. We did too much to transfer wealth away from hard-working middle-class people to the rich without good reason. That's got to stop. There should be no more deductibility for irresponsibility.

The New Covenant will also challenge the hard-working middle-class families of America. Their challenge centers around work and education. I know Americans worry about the quality of education in this country and want the best for their children. The Clinton Administration will set high national standards based on international competition for what everybody ought to know, and a national examination system to measure whether they're learning it. It's not enough to put money into schools. We need to challenge the schools to produce and we've got to insist on results.

The New Covenant will challenge all parents and children to believe all children can learn. And here is the biggest challenge of all: Too many American parents raise their kids to believe that how much they learn depends on the IQ that God gave them and how much money their family makes. Yet in the countries we are competing against for the future, children are raised to believe that how much they learn depends on how hard they work, and how much their parents encourage them to learn.

The New Covenant will challenge students of America to stay in school. Students who drop out of school or fail to learn as much as they can are not just letting down themselves and their families. They're failing their communities, because from that point on, chances are they're subtracting from society, not adding to it. In Arkansas, we've tried to enhance responsibility for students by saying that if they drop out for no good reason, they lose the privilege of a driver's license.

The New Covenant means new challenges for every young person. I want to establish a system of voluntary national service for all Americans. In a Clinton Administration, we'll put forth a domestic GI Bill that will say to the middle class as well as low-income people: We want you to go to college, we'll pay for it, it will be the best money we ever spent, but you've got to give something back to your country in return. As President, I'll set up a trust fund out of which any American can borrow money for a college education, so long as they pay it back either as a small percentage of their income over time or with a couple of years of national service as teachers, police officers, child care workers—doing work our country desperately needs.

And education doesn't stop in school. Adults have a responsibility to keep learning so they can stay ahead of the competition, too. All of us are going to have to work smarter in the years to come, and that will require new forms of cooperation in the workplace between management and workers, and a continuing effort to move toward high-performance work organizations.

There's a special challenge in the New Covenant for the young men and women who live in America's most troubled urban neighborhoods, the children like those I met in Chicago and Los Angeles who live in fear of being forced to join a gang or getting shot going to and from school.

Many of these young people believe this country has ignored them for too long, and they're right, many of them think America unfairly blames them for every wrong in our society—for drugs, crime, poverty, the breakup of the family and the breakdown of the schools—and they're right. They worry that because their face is of a different color, their only choice in life is jail or welfare or a dead-end job, that being a minority in an inner city is a guarantee of failure. But they're wrong—and when I'm President, I'm going to do my best to prove they're wrong.

I know these young people can overcome anything they set their mind to. I believe America needs their strength, their intelligence, and their humanity. And because I believe in them and what they can contribute to our society, they must not be let off the hook. All society can offer them is a chance to develop their God-given abilities. They have to do the rest. Anybody who tells them otherwise is lying—and they know it.

As President, I'll see that they get the same deal as everyone else: they've got to play by the rules, stay off drugs, stay in school and keep out of the streets. They've got to stop having children if they're not prepared to support them. Governments don't raise children. People do.

And for those young people who do get into trouble, we'll give them one chance to avoid prison, by setting up community boot camps for first-time non-violent offenders—where they can learn discipline, get drug treatment if necessary, continue their education, and do useful work for their community. A second chance to be a first-rate citizen.

The New Covenant must be pro-work. That means people who work shouldn't be poor. In a Clinton Administration, we'll do everything we can to break the cycle of dependency and help the poor climb out of poverty. First, we need to make work pay by expanding the Earned Income Tax Credit for the working poor, creating savings accounts that make it easier for poor people even on welfare to save, and supporting microenterprise grants for those who want to start a small business. At the same time, we need to assure all Americans that they'll have access to health care when they go to work.

The New Covenant can break the cycle of welfare. Welfare should be a second chance, not a way of life. In a Clinton Administration, we're going to put an end to welfare as we know it. I want to erase the stigma of welfare for good by restoring a simple, dignified principle: no one who can work can stay on welfare forever.

We'll still help people who can't help themselves, and those who need education and training and child care. But if people can work, they'll have to do so. We'll give them all the help they need for up to two years. But after that, if they're able to work, they'll have to take a job in the private sector, or start earning their way through community service. That way, we'll restore the covenant that welfare was first meant to be: to give temporary help to people who've fallen on hard times.

If the New Covenant is pro-work, it must also be pro-family. That means we must demand the toughest possible child support enforcement. We need an administration that will give state agencies that collect child support full law enforcement authority, and find new ways of catching deadbeats. In Arkansas, we passed a law this year that says if you owe more than a thousand dollars in child support we're going to report you to every credit agency in the state. People shouldn't be able to borrow money before they take care of their children.

Finally, the President has the greatest responsibility of all—to bring us together, not drive us apart. For 12 years, this President and his predecessor have divided us against each other—pitting rich against poor, black against white, women against men—creating a country where we no longer recognize that we're all in this together. They have profited by fostering an atmosphere of blame and denial instead of building an ethic of responsibility. They had a chance to bring out the best in us and instead they appealed to the worst in us.

I pledge to you that I'm not going to let the Republicans get away with this cynical scam anymore. A New Covenant means it's my responsibility and the responsibility of every American in this country to fight back against the politics of division and bring this country together.

After all, that is what's special about America. We want to be part of a nation that's coming together, not coming apart. We want to be part of a community where people look out for each other, not just for themselves. We want to be part of a nation that brings out the best in us, not the worst. And we believe that the only limit to what we can do is what our leaders are willing to ask of us and what we are willing to expect of ourselves.

Nearly sixty years ago, in a famous speech to the Commonwealth Club in the final months of this 1932 campaign, Franklin Roosevelt outlined a new compact that gave hope to a nation mired in the Great Depression. The role of government, he said was to promise every American the right to make a living. The people's role was to do their best to make the most of it. He said: "Faith in America demands that we recognize the new terms of the old social contract. In the strength of great hope we must all shoulder our common load."

That's what our hope is today: A New Covenant to shoulder our common load. When people assume responsibility and shoulder that common load, they acquire a dignity they never knew before. When people go to work, they rediscover a pride that was lost. When fathers pay their child support, they restore a connection they and their children need. When students work harder, they find out they all can learn and do as well as anyone else on Earth. When corporate managers put their workers and their long-term profits ahead of their own paychecks, their companies do well, and so do they. When the privilege of serving is enough of a perk for people in Congress, and the President finally assumes responsibility for America's problems, we'll begin to do what is right to move America forward.

And that is what this election is really all about—forging a New Covenant of change that will honor middle-class values, restore the public trust, create a new sense of community, and make America work again. Thank you.●

OUTSTANDING ACHIEVEMENT AWARD TO WESTCHESTER COUNTY BEE-LINE SYSTEM

● Mr. D'AMATO. Mr. President, I rise today to honor the Westchester County Department of Transportation's Bee-Line System which has been awarded the prestigious Public Transportation System Outstanding Achievement Award.

The award, presented by the American Public Transit Association [APTA], is given annually to the North American transit system that has demonstrated extraordinary achievement in efficiency and effectiveness in its category.

A major reorganization of the department's administrative structure in 1987 provided the impetus for a refocusing and an increased emphasis on management responsibility and accountability.

Highlights of the reorganization's success include: the development and adoption of a strategic plan; the development of improved management information systems; the enhanced role of the system as a mobility manager in the service area; improved customer-responsiveness and marketing efforts in developing system identity and information dissemination; improved effectiveness in the areas of maintenance and scheduling; improvements in the service planning process, which includes detailed studies of transportation needs in localized regions, and coordination of services with neighboring bus systems and regional commuter rail services.

The Bee-Line System provides local and express service for the entire county of Westchester. It also provides service to local commuter rail stations. This system is comprised of 60 routes, 250 bus shelters, and 3,000 bus stops. It transports 110,000 New Yorkers each day.

The Bee-Line System is a public/private partnership which includes six private operators. It has been praised for its operating excellence and innovation within the transit industry. The Bee-Line has had a fare recovery ratio above 50 percent for the last 10 years. In 1990, the ratio was 54 percent. Last year, the system's passenger growth of 3.3 percent was the largest passenger increase of any bus system in New York State.

I am extremely proud to honor the Westchester County Bee-Line System for its outstanding performance and achievement of excellence.●

THE SELECTION OF IRVING GOLDSTEIN TO BE THE U.S. CANDIDATE FOR DIRECTOR GENERAL OF THE INTERNATIONAL TELECOMMUNICATIONS SATELLITE ORGANIZATION

● Mr. BREAUX. Mr. President, recently the State Department announced the selection of Irving Goldstein, Chairman and Chief Executive Officer of Communications Satellite Corporation [Comsat] to be the U.S. candidate for the post of Director General of the International Telecommunications Satellite Organization [Intelsat]. This is an outstanding nomination to a very important position in the field of global communications.

Intelsat is a consortium that owns and operates the global commercial communications satellite system. It owes its genesis to the 87th Congress which, working with the administration of John F. Kennedy, passed the landmark Communications Satellite Act of 1962. That law created Comsat and laid the groundwork for the global system. When Intelsat launched its first satellite, Early Bird, in 1965 there were 11 member countries. Today, there are 121, including the Soviet Union, which joined the organization this past July. Intelsat currently operates 15 satellites in geosynchronous orbit, providing international telecommunications services to 180 countries. As the U.S. participant in the consortium, Comsat provides services for all communications coming through the Intelsat system which originate or terminate in this country.

There is little doubt that advancement in telecommunications technology has played a pivotal role in the march of democracy throughout the world over the past 30 years. The most recent telling examples have been in Eastern Europe and the Soviet Union. We have to wonder how successful the Soviet military coup might have been without instantaneous television coverage of the event being broadcast throughout the world. Clearly, the ability of news organizations to keep the world community informed contributed substantially to the demise of the coup. Without satellite communications this would not have been possible.

The Intelsat network has brought new opportunities to countries in every corner of the globe. The global accessibility of a high-quality telecommunications network, which was unthinkable before the advent of satellites, is commonplace today. This is a testament to the leadership played first by Comsat and then by Intelsat in bringing the world together through voice, data, and facsimile communications. But Intelsat cannot rest on its stellar achievements. There is more to be done and I believe there is no one better qualified to lead Intelsat as it meets the many challenges that lie ahead than Irving Goldstein.

Mr. Goldstein has a wealth of knowledge and experience in the area of space and telecommunications. He has enjoyed a long and successful career at Comsat, beginning his service there as a lawyer in 1966. He has held a number of responsible positions within Comsat and presently serves as chairman and CEO. He was one of those responsible for the creation of our international satellite network.

Mr. Goldstein has represented Comsat on the Board of Governors of Intelsat and served as Chairman during the 1980–81 term. He is a member of the Presidentially appointed National Security telecommunications Advisory Committee, the National Aeronautics and Space Administration Commercial Programs Advisory Committee, and the U.S. Department of Commerce National Oceanic and Atmospheric Management Advisory Committee. These positions have given him a deep and broad understanding of telecommunications, trade and technology issues. He is well known and highly respected in the international communications arena. These leadership qualities are vital to Intelsat as it enters a decade of changing markets, technological advancements and increased competition.

Mr. Goldstein is also active in the community serving as a member of the Mayor's Management Advisory Committee of the Federal City Council in Washington. He is also a director of the Challenger Center for Space Science and Education and has further demonstrated his commitment to education through his leadership with the highly commended Comsat/Jefferson Junior High School Alliance.

Mr. President, I am proud to support Irving Goldstein in his bid to become the next Director General of Intelsat. His breadth of experience, dedication to excellence and record of service make him uniquely qualified to serve in this post. I am confident he will be elected and I know he will serve with distinction.•

F/A-18E/F DEVELOPMENT

• Mr. D'AMATO. Mr. President, having not yet fully paid the bill for the disastrous development of the A-12, the C-17, and the T-45, the Navy, the Pentagon, and some in Congress, are now falling over themselves to front-load the new F/A-18E/F development program. Where I come from, it's "three strikes and you're out," but I played hardball, and I am told you cannot strike out in softball.

No matter that the aircraft proposed is an F/A-18 in name only—the fuselage, wing, tail, engines, and avionics will all be new. No matter that development is now pegged at roughly $5 billion with nowhere to go but up. No matter that the Navy cannot now afford to buy enough of the current generation of aircraft to fill the decks of the carriers we already have. All this has counted for nothing in the minds of those who are proposing this accelerated, almost desperate, ramp-up to meet a first flight deadline of the first quarter of 1995.

What is alarming about the F/A-18E/F is its suddenness. Last year's testimony by the Navy before the Defense Appropriations Subcommittee included not a word about the F/A-18E/F. Now, in the wake of a A-12 debacle, we are being asked to toss something approaching half a billion dollars at the very company responsible for the A-12 to develop a gap filler for the A-12. This would be laughable, if it were not for the fact that the joke is on the taxpayer.

And talk about a busy schedule, between now and the end of the fiscal year 1992, the F/A-18E/F program must jump the following hurdles:

First, system engineering studies to reduce risk and provide data for configuration definition;

Second, aircraft configuration definition based on the results of engineering studies;

Third, detailed specification generation;

Fourth, engine risk reduction effort or initiation of engine source competition;

Fifth, engine source selection—if competed;

Sixth, detailed specification review and approval;

Seventh, Milestone II decision;

Eighth, FSD contract award;

Ninth, contractor FSD aircraft design, analysis, and model testing;

Tenth, subsystem design and testing;

Eleventh, software preliminary design; and

Twelfth, long lead procurement.

No loitering around the water cooler for these guys.

Most amazing of all, however, is how close this plan came to being accepted. Had it not been for the Defense Appropriations Subcommittee, the F/A-18E/F would have sailed through and not even been a conference issue.

Mr. President, I ask that the language concerning the F/A-18E/F from the fiscal year 1992 Senate Defense appropriations report be inserted at this point.

The excerpt follows:

> F/A-18 squadrons.—The Navy's attempts in the past year to chart an affordable, militarily justified, and cost-effective course for the future of naval aviation have, in the Committee's opinion, not yielded the intended result. In the wake of the demise of the A-12 attack aircraft and F-14D remanufacturing programs, the Navy has proposed two new, major, and costly modernization efforts—the AX aircraft and the F/A-18E/F programs.
>
> The AX program, intended to develop a less costly successor to the A-12 and an ultimate replacement for the aging A-6E, all-weather, medium-attack fleet, is nevertheless expected to cost at least $14,000,000,000. The F/A-18E/F upgrade is projected to cost at least $4,000,000,000. It is intended to provide the Navy with a complement and successor to the Navy's primary air-to-air combat platform, the F-14, as well as to supplement the carrier's offensive ground attack capabilities.
>
> The Committee believes it is premature to assess the overall affordability of the AX aircraft, since the specific mix of combat capabilities and airframe performance parameters is largely undefined. For example, the concept exploration phase of the AX program will begin and extend through fiscal 1992, as competing industry design teams formulate their specific proposals to meet the Navy's broad set of tentative operational requirements.
>
> Indeed, the degree to which the AX can perform both air-to-air, as well as air-to-ground, missions, is an important consideration being defined during the next year. According to the Secretary of Defense, the AX is expected to possess a significant air-to-air and air-to-ground capability for both offensive and defensive purposes. In a decade of declining defense budgets and changing threats, the Committee thinks this is a prudent conclusion. The affordability and military utility of primarily single-missions aircraft under these conditions is very much in doubt.
>
> Thus, based on the Defense Secretary's statement, and the designs expected to be proposed by some of the industry teams, the Committee concludes that the AX actually has the potential to fulfill some of the air-to-air missions of the proposed F/A-18 aircraft.
>
> The Committee's fiscal year 1992 recommendation with respect to the F/A-18 program is heavily influenced by the potential for the multirole capability for the AX, and the need to review the results of the concept exploration phase of the program to establish the extent to which this potential will be fulfilled.
>
> While the F/A-18E/F variant is proposed to cure long-standing Navy dissatisfaction with the range and payload capabilities of current F-18's, a principal justification for the program is to provide growth room for further improvements beyond the F/A-18C/D and beyond the basic E/F. The core of the E/F program is to provide the fuselage weight, space, and power to permit further extensive and expensive upgrades to the E/F shortly after the basic E/F configuration is fielded.
>
> The costs of developing and procuring these additional capabilities are not included in the $4,000,000,000 cost so far projected for the F/A-18E/F. The true costs of the F/A-18E/F program are unknown and the ability of future defense budgets to support such upgrades is uncertain. Indeed, these costs are not included even in the later years of the Navy FYDP, which is underfunded just for planned upgrades to the F/A-18C/D's.
>
> The Committee is uncertain what advantage lies in spending $4,000,000,000 during the next 5 years just to field an aircraft we immediately will have to spend further untold millions or billions to improve. Based on the Defense Secretary's projection and the expected contractor designs, the extent to which the F/A-18 needs to be upgraded is very hypothetical. The more the AX is capable of air-to-air combat and supersonic speeds, the more simply producing additional F/A-18C/D's is an acceptable, affordable alternative to an open-ended, costly E/F program.
>
> Furthermore, the high cost and steep increase in F/A-18E/F funding profiles is driven by an arbitrary initial operational capability [IOC] date and large contract termination-liability requirements. The Navy has failed to justify both the IOC urgency and the termination liability financial requirements.
>
> The Committee notes the Navy has inflated the weight projection used to claim that the F/A-18 C/D will lose too much payload in the future—thus necessitating the E/F.
>
> Also, a major question exists with respect to the survivability improvements claimed for the E/F compared with the C/D. In the Committee's opinion, these claims should be subject to more independent review before they can be accepted with sufficient confidence to help justify a $4,000,000,000 program. Further elaboration on this issue is contained in the classified annex to the Committee's report.
>
> Finally, the Committee observes that in making claims about the affordability of the E/F, the Navy compares the costs of the aircraft with the more expensive F-14. The service does not consider any economies from forgoing the E/F altogether, procuring multimission AX in larger quantities, and purchasing more F/A-18 C/D's in the near term to address hypothetical inventory shortfalls. The Committee thinks these considerations should be assessed and notes the unit cost of an E/F will not be inexpensive, especially when further upgrades are considered.
>
> Taking into account all these considerations, the Committee believes it is prudent to moderate the proposed pace of the F/A-18E/F program to prevent premature commitment to a costly program which may not be necessary, and which may not deliver as advertised. This moderation also will reduce the financial burden on the Navy budget and permit further assessment of the AX and F/A-18 programs as better, more complete information becomes available. The Committee's course of action permits more time to resolve these issues and preserves Congress' options and the taxpayers' pocketbook without risking national security.
>
> For all these reasons, it is recommended that $319,077,000 be appropriated for all F/A-18 research and development efforts in fiscal year 1992. This amount includes $250,000,000 for the F/A-18E/F, a reduction of $133,000,000 from the budget request and $153,000,000 from the House allowance, but an amount still

> representing 2,908-percent growth (excluding inflation) from the program's fiscal year 1991 funding. This amount is more than sufficient to maintain program momentum in this difficult budget environment.
>
> The Committee makes this reduction without prejudice and believes that the $250,000,000 provided demonstrates full support for maintaining Congress' option to pursue a vigorous and robust F/A-18E/F Development Program in the future.
>
> To assist the Congress in evaluating the full benefits and costs of the F/A-18E/F program, additional information is needed. Therefore, the Committee directs the Office of the Secretary of Defense to submit the following information, no later than April 15, 1992:
>
> An updated cost estimate for the program, including a full listing of all the upgrades contemplated for the F/A-18E/F, the total cost, and costs between fiscal years 1992 and 1998 to develop, procure, and install each upgrade, the timetable for such acquisition and installation, and whether each upgrade project is fully funded in these years.
>
> An updated projection by the U.S. intelligence community validating in detail, by region, scenario, and potential adversary, the most likely and realistic air-to-air and surface-to-air threats the F/A-18E/F would face in the years 1998–2010, and the specific validated threat capabilities which each particular F/A-18E/F upgrade project is intended to counter.
>
> An independent assessment of the capabilities of each F/A-18E/F upgrade to counter each specific threat.
>
> A new cost and operational effectiveness analysis by an independent organization in no way connected with the Navy, assessing the cost and operational effectiveness of the E/F with the F/A-18C/D's configured as they are programmed to be by fiscal year 1996, and with the emerging designs for the AX.
>
> An independent assessment by the Air Force's civilian and military experts of the proposed survivability features of the E/F and their likely effectiveness against the expected threats and their resistance to countermeasures.
>
> For the purposes of conducting the independent survivability analysis, the Committee directs that the Air Force military and civilian experts, including those at Lincoln Laboratory, be provided access and clearances for all information they deem necessary.

Mr. D'AMATO. This is some of the most thoughtful language on naval aviation I have seen in a year that will hopefully represent the nadir of Navy aircraft development. Let me repeat the key paragraph: "The Committee makes this reduction without prejudice and believes that the $250,000,000 provided demonstrates full support for maintaining Congress' option to pursue a vigorous and robust F/A-18E/F development program in the future".

That is considerably more generous than I would have been, but it gets to the heart of the matter: Good government. Our job is not simply to rubber stamp every cockamamie scheme that is belched forth from the Navy's bilge. We are charged with oversight, with holding the services to account. This language does that.

I commend it to my colleagues, and look to both the Defense Authorization and Appropriations conferees to incorporate this reasoned approach into their final conference packages.•

A TRIBUTE TO RUSS BERRIE

• Mr. LAUTENBERG. Mr. President, I rise today to recognize, Russ Berrie, a New Jersey businessman and civic leader, for his contributions to our State and service to the community.

On December 5, 1991, Russ will be honored by the Anti-Defamation League of B'nai B'rith with its prestigious "Torch of Liberty Award" in Alpine, NJ. For his philanthropy and dedication to Jewish life, Russ Berrie is most deserving of this honor.

In 1963, Russ founded Russ Berrie and Co., Inc., a highly successful designer and distributor of stuffed animals, dolls, picture frames, candles, and other gift items. The company has grown to employ over 2,500 employees with offices in the United States, Canada, the Orient, and Great Britain. In 1986, Forbes magazine named it the 21st best run small company in the Nation and in 1987, Nikkei Press listed it as the 15th best company in the world.

Mr. President, by any measure, Russ Berrie has been an enormously successful businessman. More importantly, he has used his personal success as a tool to help ease the burdens of others. Russ has always believed his success in business carried with it an obligation to give back to the community. To this end, he has lent his support to a variety of groups and institutions which share his vision of creating opportunity and improving the quality of life for others.

As a graduate of New York University and the University of Florida, Russ has been committed to education and institutes of higher learning. He has joined the boards of numerous educational institutions including New York University, Elisabeth Morrow School of Englewood, NJ, Farleigh Dickinson University and the University of Florida where he established an Eminent Scholar Chair in Marketing in 1988.

Our children have been a focus of his philanthropic efforts and, to that end, Russ has made the holidays brighter for over a million handicapped and underprivileged children through his donations of toys and gifts to the AYUDA Toy Drive. Further, he has dedicated pediatric rooms at the Center for Child Health at Englewood Hospital in New Jersey and he contributes generously to Tomorrow's Children Fund of New Jersey, the Children's Museum of Manhattan, the March of Dimes, and the Association for Help.

His determination to make the lives of our children more fulfilling has extended overseas to Israel, where he has dedicated both a Youth Center in Natanya and an electronics projects laboratory to Boys Town Jerusalem.

Mr. President, the list of Russ Berrie's good works continues to include, among others, involvement in the United Way, the World Jewish Congress, the United Jewish Community of Bergen County, NJ, the Jewish Community Center on the Palisades, Hadassah Medical Relief Association, Development Corp. for Israel, and American Friends of the Shalom Hartman Institute.

For his effort, Russ has received numerous accolades over the years, including awards from various Native Americans for his contributions of toys to the needy children of many tribes. He was named "Man of the Year" by Catholic Community Services, received the "Gates of Jerusalem" award in 1987, the "Covenant of Peace Award" by the Synagogue Council of America and, in 1987, then-Mayor Dianne Feinstein named July 31, 1987, "Russell Berrie Day" in San Francisco.

All of these honors reflect Russ' commitment to others. On December 5, the ADL will bestow upon him the "Torch of Liberty Award" in recognition of his ongoing humanitarian efforts. For years, the ADL has worked diligently to reduce prejudice and promote harmony between groups and Russ Berrie's contributions to this end have been invaluable.

I've been proud to call Russ Berrie my friend for many years, Mr. President, and I applaud the ADL for its decision to recognize Russ for his good works. Having known him for a long time, I know it isn't awards and community recognition that drive Russ, but a deep-seated desire to be of service, to do what's right. Such qualities are too rare and individuals who possess them serve as an inspiration to us all.

Successful businessman, community leader, supporter of Israel, dedicated father of Brett, Richard, Leslie, Scott, Nicole and David Berrie, Russ Berrie has proven time and again his commitment to, not just business, but the business of making our country work for so many others. When the system falls short, as too often it does, Russ steps in to fill in the gaps.

I share my congratulations with Russ and am proud to bring them to the attention of my colleagues.•

COMMENDING TYLER GARVENS

• Mr. D'AMATO. Mr. President, I rise to day to pay tribute to Ms. Tyler Garvens who has been a member of my staff since February 2, 1988. Tyler is leaving my staff to take a position in the Legislative Affairs Office of the White House.

Tyler Garvens came to my office from the Government relations office of United Airlines. She started as a receptionist in our front office. Her friendly manner, knowledge, and gentle presence were the key ingredients to her success in constituent relations. She was well received and greatly loved by her coworkers.

Last year Tyler was promoted to Legislative Coordinator. At this post Tyler was responsible for organizing the entire legislative office. She was also responsible for commemorative legislation, congressional statements, and constituent correspondence; among other duties. Tyler carried out her duties masterfully and professionally and has been a tremendous assistance to me.

Tyler will be missed. I offer her great success and much good fortune in all of her future endeavors. Congratulations to Tyler Garvens on her promotion, considerable regrets on our loss, and best wishes for continued success in all her future endeavors.●

THE CALENDAR

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration en bloc of Calendar Nos. 276 and 277, that the bills be deemed read three times and passed en bloc, and the motion to reconsider the passage of these items be laid upon the table en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

MEMORIAL TO MARTIN LUTHER KING, JR. IN THE DISTRICT OF COLUMBIA

The bill (S. 239) to authorize the Alpha Phi Alpha Fraternity to establish a memorial to Martin Luther King, Jr., in the District of Columbia, was considered, ordered to be engrossed for a third reading, read the third time, and passed; as follows:

S. 239

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AUTHORITY TO ESTABLISH MEMORIAL.

(a) IN GENERAL.—

(1) ESTABLISHMENT.—Subject to subsection (b), the Alpha Phi Alpha Fraternity is authorized to establish a memorial to Martin Luther King, Jr., in the District of Columbia and its environs in accordance with the Act entitled "An Act to provide standards for placement of commemorative works on certain Federal lands in the District of Columbia and its environs, and for other purposes", approved November 14, 1986 (40 U.S.C. 1001, et seq.), to honor Martin Luther King, Jr.

(2) DEFINITION.—For purposes of paragraph (1), the term "the District of Columbia and its environs" has the same meaning give to such term by section 2(e) of such Act.

(b) EXPENSE TO THE UNITED STATES.—The United States shall not pay any expense of the establishment of the memorial under subsection (a).

CONVEYANCE OF CERTAIN LANDS IN GARY, IN

The bill (H.R. 470) to authorize the Secretary of Transportation to release the restrictions, requirements, and conditions imposed in connection with the conveyance of certain lands to the city of Gary, IN, was considered, ordered to be read a third time, read the third time, and passed.

Mr. MITCHELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. MITCHELL. Mr. President, for the information of Members of the Senate, there will be no further rollcall votes today. The Senate will proceed to the civil rights bill at 11 a.m. tomorrow. I will be obtaining that consent shortly. At 2:30, the Senate will temporarily set aside the civil rights bill and turn to the consideration of the Federal facilities bill for 1 hour of debate equally divided between Senator SEYMOUR and myself, following which there will be three votes: A vote on a resolution which I will offer, a vote on the Seymour amendment, and then a vote on final passage of the Federal facilities bill.

The Senate will then return to consideration of the civil rights bill thereafter.

ORDERS FOR TOMORROW

Mr. MITCHELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 10 a.m. on Thursday, October 24; that following the prayer, the Journal of proceedings be deemed approved to date; that the time for the two leaders be reserved for their use later in the day; that there be a period for morning business not to extend beyond 11:15 a.m., with Senators permitted to speak therein; that the following Senators be recognized to speak with the time limitation specified: Senator BOREN for up to 15 minutes; Senator ROTH for up to 30 minutes; Senator NICKLES for up to 15 minutes; Senator REID for up to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT—S. 1745

Mr. MITCHELL. Mr. President, I now ask unanimous consent that at 11:15 a.m. on Thursday, October 24, the Senate proceed to the consideration of S. 1745, the Civil Rights Act of 1991.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL TOMORROW AT 10 A.M.

Mr. MITCHELL. Mr. President, if there is no further business to come before the Senate today, I ask unanimous consent that the Senate stand in recess as under the previous order.

There being no objection, the Senate, at 8:14 p.m., recessed until Thursday, October 24, 1991, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate October 23, 1991:

DEPARTMENT OF JUSTICE

KEVIN V. SCHIEFFER, OF SOUTH DAKOTA, TO BE U.S. ATTORNEY FOR THE DISTRICT OF SOUTH DAKOTA FOR THE TERM OF 4 YEARS VICE PHILIP N. HOGEN, TERM EXPIRED.

CONFIRMATIONS

Executive nominations confirmed by the Senate October 23, 1991:

INTER-AMERICAN DEVELOPMENT BANK

RICHARD C. HOUSEWORTH, OF ARIZONA, TO BE U.S. ALTERNATE EXECUTIVE DIRECTOR OF THE INTER-AMERICAN DEVELOPMENT BANK.

DEPARTMENT OF STATE

EDWARD GIBSON LANPHER, OF THE DISTRICT OF COLUMBIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO ZIMBABWE.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

HOUSE OF REPRESENTATIVES—*Wednesday, October 23, 1991*

The House met at 10 a.m. and was called to order by the Speaker pro tempore [Mr. GEPHARDT].

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
October 22, 1991.

I hereby designate the Honorable RICHARD A. GEPHARDT to act as Speaker pro tempore on Wednesday, October 23, 1991.

THOMAS S. FOLEY,
Speaker of the House of Representatives.

PRAYER

Rabbi Paul David Kerbel, Nevey Shalom Congregation, Bowie, MD, offered the following prayer:

I consider it a great honor to offer the opening prayer in the House of Representatives. I would like to share with you a prayer that was written in 1927 by the late rabbi, Prof. Louis Ginzberg (1873–1953) of the Jewish Theological Seminary of America, considered to be one of the greatest authorities on the Talmud and Codes of Jewish Law in this century. This prayer was one of the first prayers for government and state to be found in a Jewish prayer book in America:

"A PRAYER FOR OUR COUNTRY

"Our God and God of our ancestors: We ask Your blessings for our country, for its Government, for its leaders and advisors, and for all who exercise just and rightful authority. Teach them insights of Your law, that they may administer all affairs of state fairly, that peace and security, happiness and prosperity, justice and freedom may forever abide in our midst.

"Creator of all flesh, bless all of the inhabitants of our country with Your spirit. May citizens of all races and creeds forge a common bond in true harmony to banish all hatred and bigotry and to safeguard the ideals and free institutions which are the pride and glory of our country.

"May we see the day when war and bloodshed cease; when a great peace will embrace the whole world.

"Then nation shall not threaten nation and humankind will not again know war.

"For all who live on this Earth shall realize that we have not come into being to hate or to destroy.

"We have come into being to praise, to labor and to love.

"May this land under Your providence be an influence for good throughout the world, uniting all people in peace and freedom and helping them to fulfill the vision of Your prophet: 'Let love and justice flow like a mighty stream, let peace fill the earth as the waters fill the sea. Nation shall not lift up sword against nation, neither shall they experience war any more. For all human beings, both great and small shall know the Lord. Amen."

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. The Chair will ask the gentleman from New Mexico [Mr. SCHIFF] if he would kindly come forward and lead the membership in the Pledge of Allegiance.

Mr. SCHIFF led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed without amendment a joint resolution of the House of the following title:

H.J. Res. 340. Joint resolution to designate October 19 through 27, 1991 as "National Red Ribbon Week for a Drug-Free America."

The message also announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 811. An act to require the Secretary of Transportation to lead and coordinate Federal efforts in the development of magnetic levitation transportation technology and foster implementation of magnetic levitation and other high-speed rail transportation systems, and for other purposes.

WELCOME TO RABBI PAUL D. KERBEL

(Mr. HOYER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOYER. Mr. Speaker, it is my honor and pleasure to welcome today Rabbi Paul D. Kerbel of Nevey Shalom Congregation in Bowie, MD, who delivered today's opening prayer.

Rabbi Kerbel is a well-known Jewish leader in my congressional district in Prince Georges County, and the entire Washington, DC, area. He is currently vice president of the Washington Board of Rabbis, representing more than 100 rabbis in the area, and will chair the annual convention of the Rabbinical Assembly in May 1992. He is the secretary of the Rabbinical Assembly of America, the professional organization of over 1,100 conservative rabbis in North America.

Rabbi Kerbel is the youngest member of the board of directors of the United Jewish Appeal Federation of Greater Washington and serves on the executive committee of the Jewish Campus Activities Board of Greater Washington.

Finally, Mr. Speaker, Rabbi Kerbel is cochairman of the Prince Georges Jewish Alliance and chairman of the Bowie Clergy Association.

He has been with Nevey Shalom Congregation for 7 years. He is a graduate of Columbia University and the Jewish Theological Seminary of America.

As you can see, Rabbi Kerbel is a leader in his religious community and in his local community. I am proud to have a religious leader such as Rabbi Kerbel from my district lead us in prayer today.

PRESS CONFERENCES ON UNEMPLOYED DO NOT PROVIDE JOBS

(Mr. WELDON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WELDON. Mr. Speaker, the Democratic shovel brigade is at it again, and it is beginning to stink around here.

Our Nation's unemployed have heard a lot of speechmaking these past few days and months about what the Democrats will do for them. Unfortunately, Mr. Speaker, the speeches continue while millions of Americans remain jobless.

Remember, not one unemployed worker gets one nickel from a Democratic leadership press conference. Not a single job is created by a Democratic congressional committee attack ad.

Mr. Speaker, the Democrats are more interested in helping their candidates in the fall of 1992 than in helping the unemployed in the fall of 1991.

Extending the unemployment benefits is a good political issue, so do not

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

send the President a bill he can sign. Let us play the veto game and hold up the benefits to score political points. This may be good politics, but it is criminally cruel to those out of work.

As a Republican who voted three times for the unemployment bill, I am outraged. As long as the rhetoric continues to flow from the Democratic shovel brigade, we have only one choice, Mr. Speaker: We had better roll up our pant legs. It is too late to save our shoes.

FORMATION OF CONGRESSIONAL COMMITTEE TO DRAFT CUOMO FOR PRESIDENT

(Mr. DOWNEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DOWNEY. Mr. Speaker, last year I had the great privilege and honor of traveling to Albany to nominate Mario Cuomo as the Democratic candidate for Governor of New York.

On that occasion, I talked about Governor Cuomo as the embodiment of the American dream. As the son of immigrants, he understands that America is not just a piece of real estate. As a public official, he recognizes that this dream embraces the guiding principles of fairness, decency, and justice.

Mario Cuomo has also boldly demonstrated during his tenure as Governor that the realization of the American dream is only possible with strong leadership, leadership with the courage to make difficult choices, leadership prepared to act decisively.

What I asked that crowd in Albany was: Where is this leader? Where is the public official ready to tackle the tough problems? Where is the individual who can make the American dream come true? The answer then and the answer now is: He is in New York; he is Mario Cuomo.

Mr. Speaker, I may not get the chance to nominate Governor Cuomo for President at a national convention. But I can urge him, with all my heart, to declare his candidacy for President. That is why today I am announcing the formation of a Draft Cuomo for President Committee here in the Congress. I am asking my colleagues who share my admiration and support for Governor Cuomo to join me in this effort. The Democratic Party and America needs Mario Cuomo, now more than ever.

DOMESTIC ISSUES HELD HOSTAGE FOR POLITICAL GAIN

(Mr. GRANDY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GRANDY. Mr. Speaker, what have we been doing for the last 8 months? Why did it take 200 days for the Democratic leadership to finally bring a crime bill to the floor for a vote, and when it got here, we had to offer an amendment on every single plank of criminal justice reform just to justify the name "crime bill"?

It seems to me that my colleagues on the other side of the aisle have had plenty to say about President Bush and his lack of domestic agenda, but in reality the leadership has held these issues hostage in the basement of committees and delayed action on them.

This week another Democratic dog-and-pony show on unemployment compensation, round 4: "We want to help you," they say, "but it is the President who does not care."

But again, it is the President who has offered a bill that does something that America wants, one providing unemployment compensation, but does not do what America does not want; that is, increase the deficit or raise taxes.

These checks could have been cashed. The money could be flowing. The needs of the unemployed could have been met, but our proposals to allow unemployment benefits and a growth package will be denied, and justice will be delayed.

The leadership is too scared to even allow these to be voted on the floor. Mr. Speaker, it is time to stop holding the domestic agenda hostage.

□ 1010

TIME TO DRAFT MARIO CUOMO FOR PRESIDENT

(Mr. SCHUMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHUMER. Mr. Speaker, why has the draft Mario Cuomo for President movement gathered a head of steam in recent days? The answer is obvious. For the first time, Democrats smell in the air the chance for victory in November and we want our best candidate, Mario Cuomo, to provide that challenge to President Bush.

Mr. Speaker, Governor Cuomo is the only Democratic candidate who can cut through the Republican smoke machine to show voters how George Bush has neglected the greatest challenge to America's future: our domestic agenda. We need Mario Cuomo, whose powerful words can show voters how Republicans have forsaken American jobs, American's health care, and our children's education; how they turned their back on the S&L scandal and BCCI, and how they cynically run against crime in the streets while the streets they have run for the last 12 years have only gotten meaner.

Mr. Speaker, beating George Bush will be no easy task. The President is a heavyweight when it comes to negative campaigning and the politics of diversion. The Democrats need a prizefighter in the ring. Mario Cuomo is that champion. I am asking my fellow Democrats to join me and my colleague from New York to urge Gov. Mario Cuomo to declare his candidacy for President of the United States.

CONGRESS NEEDS COURAGE, NOT THE PRESIDENT

(Mr. GUNDERSON asked and was given permission to revise and extend his remarks.)

Mr. GUNDERSON. Mr. Speaker, I am delighted to hear that my Democratic colleagues from New York like their Governor. I will be interested to hear if any Democratic colleagues outside of New York also like their New York government.

Second, however, I have to tell you that I am pleased as well that they recognize the difficulty of running against President George Bush.

My friend, the gentleman from New York [Mr. DOWNEY], said what we need in this country is leadership, with the courage to make difficult choices. I would point out that the President sent us a domestic agenda with a whole series of difficult choices. He sent us a highway bill without a gas tax increase. He sent us a crime bill with real penalties for criminals. He sent us an unemployment compensation bill that could be passed and he sent us a growth package, not only this year, but in 1989, 1990, and 1991, 3 years in a row, that has not been passed by this Democratic Congress.

In addition, there was education reform and there was campaign reform, et cetera.

We are now 231 days after the President in victory came to this Congress and talked to us about the success of Desert Storm. He asked us to pass a crime bill and a highway bill within 100 days. Now, 231 days later we still have not done that.

Mr. Speaker, this Congress needs courage, not the President.

THE ECONOMY IS A BUST BECAUSE DEMOCRATS ARE BUSTED

(Mr. DELAY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DELAY. Mr. Speaker, we just saw the majority leader outline the bankrupt economic philosophy of the Democrat Party.

Now, the majority leader is talking about capital gains as a cut for the rich, a tax cut for the rich. We know that the Democrats will not allow incentives to have capital start flowing in this country again, thereby creating jobs. We know that the best way to affect middle income and the poor is by creating jobs, creating jobs, not new programs and more spending. New programs and more spending is what we hear from the Democrats, and now all of a sudden they want to adopt a mini-Republican plan by talking about tax cuts, when all along they have been against it.

The majority leader, Mr. Speaker, was saying, "Oh, goodness gracious, the President has gone back on his promises." Yet it was the same majority leader who was on the floor praising the President for going back on his promises because they led us into the most destructive budget agreement that has ever hit this country, passing luxury taxes that cost us millions of jobs, raising taxes in the face of recession.

Mr. Speaker, the reason the economy is in a bust is because the Democrats are busted.

NATIONAL TEXTILE WEEK

(Mr. DERRICK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DERRICK. Mr. Speaker, October 20 through 27 is "National Textile Week."

We should stop and remember that the textile industry is a symptom of what is wrong with unemployment in this country. We have passed in this House over the last decade three textile bills, every one of which has been vetoed by Republican administrations. During that time, we have lost 40,000 textile jobs in South Carolina. We have lost hundreds of thousands of textile jobs throughout the United States; yet we are continually told by the administration that the value of the dollar was too high.

Well, the value of the dollar is as low as it has ever been today and we are still losing jobs in my district. Throughout South Carolina and throughout this Nation textile plants are closing day after day, week after week, month after month, and people are out of work.

Mr. Speaker, the textile people, together with other unemployed people in this country, must have the extension of their unemployment benefits.

ELECTION AS MEMBER OF COMMITTEE ON EDUCATION AND LABOR

Mr. MICHEL. Mr. Speaker, I offer a privileged resolution (H. Res. 254) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. Res. 254

Resolved, That Representative Cunningham of California be and is hereby elected to the Committee on Education and Labor.

The resolution was agreed to.

A motion to reconsider was laid on the table.

ALL TALK AND NO ACTION

(Mr. BALLENGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BALLENGER. Mr. Speaker, for 10 months now we have heard speech after speech from the Democrats about the lack of a domestic agenda from the White House.

Those who make the speeches are given cover by their leadership because the President's domestic initiatives are being held hostage in committee.

Some are even talking about delaying adjournment of this session of Congress so that they can continue to make speeches for C-SPAN viewers.

Politics is a very big part of what we do in Congress. But it is unfortunate when the real needs of Americans are held hostage to political brinkmanship.

We are 10 months into this session and only this week is the House voting on the crime control and highway bills.

Does it really take 10 months to hold hearings, draft legislation, and allow the committee process to work its will? I do not think so.

Now the Democrats have found another group of hostages for their political games—they are our Nation's unemployed.

The Democrats continue to play games by sending the President legislation they know will be vetoed. Who is hurt by this? The unemployed. The same group the Democrats claim they want to help.

Let us put an end to political posturing and get on with the Nation's business.

THE PRESIDENT CANNOT ESCAPE REALITY

(Mr. TORRICELLI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TORRICELLI. Mr. Speaker, I know that it must be painful for the President, it certainly cannot be easy. A promise was made to the American people. By his own words in accepting the nomination of his party for President, George Bush accepted a mission, to create in his term as President 30 million new jobs for our people. No matter what the words, no matter what the sincerity of the promise, there is no escaping the reality.

□ 1020

Factories are closing. Our people are in danger. Families are insecure. We need no excuses.

Mr. Speaker, George Bush wanted this responsibility; he wanted to administer the affairs of our country. Blaming other parties or other people is of no count. The reality is here, and now we need a new promise to turn his attention to the affairs of this country, to sign an unemployment extension bill, to bring back security for our families.

Mr. Speaker, it is time for George Bush to come home; it is time to give attention to America, it is time to keep his promise.

BREAST CANCER AWARENESS

(Mr. SCHULZE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHULZE. Mr. Speaker, today I rise in support of breast cancer awareness. While October is designated as "Breast Cancer Awareness Month," efforts to make women aware of the potential danger they face in breast cancer should continue every day of every month. The more women understand and learn about this dreadful disease, the better informed they will be to take precautions, to have mammogram screenings, and to perform self-examinations.

Cancer is the leading cause of death for women 35 to 50 years of age. However, early detection through annual or biannual mammogram screenings can increase the survival rates from breast cancer. Women who had tumors discovered in the early stages had an 82-percent survival rate for the first 5-year period.

It is especially difficult to lose a loved one to a potentially curable disease. I know what it is like. I lost my wife to breast cancer over a year ago.

Mr. Speaker, let us make breast cancer awareness a top priority, not just for the month of October, but throughout the years to come.

JOB GROWTH SLUGGISH, UNEMPLOYMENT FIGURES POINT UP WEAK ECONOMY

(Ms. DELAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DELAURO. Mr. Speaker, during the 1988 campaign, President Bush promised to create 30 million jobs during his Presidency. He is behind schedule. Job growth under President Bush is the slowest in half a century. There are now 300,000 fewer jobs than there were when George Bush took office. This administration is way behind the curve and is trying to play catchup.

The President has finally discovered the economy. What opened his eyes? Maybe the 9 million unemployed Americans. Or the number of businesses that declared bankruptcy this year. Or maybe the demands of middle income wage earners for some attention.

The President has been dragged—kicking and screaming—into acknowledging that we face an economic crisis. His solution, however, is the same tired idea of a capital gains tax cut for the wealthiest in the hope that, as the respected economist John Kenneth Galbraith said, "if they feed enough oats to the horse, some will pass through to feed the sparrows in the road." Well, Mr. Speaker, the sparrows have not eaten in over 10 years, and they are hungry.

Our economy is in the throes of recession; the middle class is crying out for help; but the President ignores their cries and instead offers help to the richest 1 percent of Americans.

Mr. Speaker, relief must be aimed at the middle class, the people who are feeling the sharpest bite from this recession. Working middle class families need real tax relief and they need it soon.

POLITICS ASIDE, SEND AN UNEMPLOYMENT COMPENSATION BILL TO THE PRESIDENT THAT HE CAN SIGN

(Mr. SCHIFF asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHIFF. Mr. Speaker, we again are hearing the charge that the President of the United States is not concerned about Americans, he is only interested in matters overseas.

Mr. Speaker, there are two problems with that charge: First, that the first part of it is not true; and, second, that the second part of it is not true.

The President has offered to sign a bill immediately that would provide extended unemployment benefits to the unemployed. The problem is the Congress refuses to send the President that bill, which the President would sign, preferring instead to argue the politics of the matter while absolutely no assistance gets to the long-term unemployed that the majority in Congress say they are really sympathetic to.

Second of all, this year, as many times in this century, men and women of the American Armed Forces have been called upon to fight a war. To fight a war where? Overseas, twice in Europe, in the Pacific, the Middle East, Vietnam, Korea, and elsewhere.

I believe that if the President of the United States can help bring about world peace and less of a chance for war, that that benefits Americans too.

WHERE IS PRESIDENT BUSH ON THE BUDGET DEFICIT?

(Mr. HOAGLAND asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOAGLAND. Mr. Speaker, the first $1,500 the average taxpayer pays the Federal Government this year is going to interest on the national debt; $1,500 per taxpayer that could otherwise be put into private savings so it, in turn could be used for new plants, equipment, and new jobs, to create more wealth for America; $1,500 per taxpayer to bankers in the United States, Japan, and Germany.

The budget the President sent us in January 1991 had a deficit of $281 billion. With savings and loan borrowings, estimates are that in fact the deficit this fiscal year will well exceed $300 billion.

These figures are staggering.

The Congressional Budget Office estimates that after the 5-year deficit reduction agreement expires, the deficit will once again exceed $300 billion by the year 2001.

These same estimates indicate national debt will then grow to $5.1 trillion, over 50 percent of our gross national product for the first time in history.

This, from over 10 years of Republicans running the executive branch.

This, from a President who said, in February 1990, during his campaign:

> We can afford to increase spending—and will cut the deficit by almost 40 percent in one year.
>
> Almost 40 percent in 1 year?

We need your personal leadership, Mr. President, on this critical domestic issue, because we have a long, long way to go.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. MCNULTY). The Chair will state that Members are reminded to address their remarks to the Chair.

REPEAL THE PRESIDENTIAL ELECTION CAMPAIGN FUND

(Mr. LIVINGSTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LIVINGSTON. Mr. Speaker, since 1974 the American people have conducted a decisive referendum on the taxpayer financing of Presidential campaigns. Every year since then they have been given the opportunity to check off one of their tax dollars for the Presidential election campaign fund.

Every year, in increasing numbers, they are rejecting this raid on the Treasury. Participation in the checkoff peaked at a lowly 28.7 percent in 1980, and has since declined to 19.8 percent in 1989, the last year for which we have numbers.

The declining rates have caused a projected shortfall in the fund early next year. In response, democrat campaign officials have attached a rider to the emergency supplemental appropriation bill—maybe that is apt—aimed at shoring up the fund with anticipated checkoff receipts. Mr. Speaker, what they want to do is to write rubbercheck on the overdrawn Presidential checkoff account.

Instead of using gimmicks to save the checkoff fund, Congress should represent the wishes of the American people and repeal the Presidential election campaign fund.

Mr. Speaker, my colleague, the gentleman from Arizona [Mr. KOLBE] and I will give you the opportunity to do exactly that in the next 2 days.

IS THERE A DIFFERENCE BETWEEN GEORGE BUSH AND THE DEMOCRATIC CANDIDATES?

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, before I support Mario Cuomo or any Democrat, I want to know their position on foreign aid, NATO handouts, ladies and gentlemen, and trade, because in my opinion there is not much difference between these Democratic candidates and George Bush.

It is common knowledge that we are borrowing money overseas to give away in foreign aid.

Mr. Speaker, foreign trading partners are ripping us off with illegal trade, and tell me the difference between the Democrats and the Republicans.

What is it going to take, one of our big 3 automakers having to go bankrupt?

Mr. Speaker, the litmus test between the Democrats and Republicans is not school prayer and abortion. Let us start to get down to the issues.

Before I support Mario or any Democrat, I want to make sure they are seeking a Democratic policy for my district, which has been ravaged.

CONGRESS: THE MOST UNPOPULAR IN TOWN

(Mr. GOSS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GOSS. Mr. Speaker, I stood among hundreds of people in my district this past weekend, but one quick look at the picket signs told me I was not the most popular one in the crowd.

Why? Because I am a Member of Congress, the same institution that recently handed the American people the largest single tax increase in history.

This past weekend I visited "Rallies for Taxpayer Action Day," a nationwide event focusing attention on just how tough things really have become for the American taxpayer. At one rally site in southwest Florida, attendance was up over 50 percent compared to last year. People believe things are getting worse. I cannot blame people for being fed up. Last year's record tax increase, and predictions for a $350 billion deficit this fiscal year, illustrate just how out of control Congress' tax-and-spend tendencies are thought to be in this country. I am sure many colleagues saw in their districts similar picket signs to the ones in Florida—"cut the pork," "cut the waste," and "throw the rascals out".

□ 1030

Mr. Speaker, our time is running out, and it should be if we continue to ignore the message of the taxpayers to stop the big spenders from their wasteful ways.

VACLAV HAVEL AWARDED THE RAOUL WALLENBERG HUMAN RIGHTS AWARD

(Mr. LANTOS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LANTOS. Mr. Speaker, a few minutes ago an historic ceremony took place in this House. The distinguished President of the Czech and Slovak Federal Republic, Vaclav Havel, was awarded the Raoul Wallenberg Human Rights Award. Two years ago it was the Dalai Lama, that ultimate champion of peace and reconciliation. Last year it was the young men and women of Tiananmen Square who put their lives on the line for the values we believe in.

Mr. Speaker, this year it was the distinguished President of Czechoslovakia. His best years were spent in prison under a Communist regime, and since he was elected President of his people, he led Czechoslovakia and much of Central Europe on the path toward democracy, freedom, and our values.

At a time when there is a resurgence of totalitarianism in Europe, at a time when the skin heads are running rampant in Germany and elsewhere, at a time when extreme nationalism is destroying Yugoslavia and killing innocent thousands, the voice of Vaclav Havel is the voice of the conscience of Europe, and on behalf of all my colleagues I salute him and welcome him to the Capitol.

THE DEFICIT IS OUR PROBLEM, NOT THE PRESIDENT'S

(Mr. BURTON of Indiana asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURTON of Indiana. Mr. Speaker, I have heard Democrats today come to this lectern and blame the President for the economic malaise of this country. The fact of the matter is they led the charge last year during that budget summit agreement to raise the people's taxes in this country by $189 billion over the next 6 years. That $189-billion tax increase has led to the economic problems we have today. If the people of this country do not have $189 billion to spend, they cannot buy products. If we do not produce products, we start laying people off. Hence unemployment goes up, and for each 1 percent of unemployment, it costs the people of this country $41 billion, and that is one of the reasons why we are going to have a $400 billion deficit this year, the largest in U.S. history, and yet they continue to blame the President for that.

Mr. Speaker, the fact of the matter is all spending bills, all tax bills, originate here. It is our problem and not the President's, but I would like to just say one thing, if the President happens to be paying attention. He needs to have Jack Kemp take some leadership role in the economic problems facing this country. Jack Kemp has his thumb on the pulse of this country, and he knows economics, and we need some leadership by some men like him.

WELCOME BACK, JESSE TURNER

(Mr. STALLINGS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STALLINGS. Mr. Speaker, I want to take a minute this morning to welcome Jesse Turner home. We welcome Jesse back with personal happiness for him and his family, with gratitude that his captivity is over, with anger that it took so long, and with hope that the rest of the hostages will be released without delay. I am sure that Jesse would admonish us to not let our happiness at his release lessen our concern for those still being held.

Jesse Turner is presently recovering in Germany, so I suppose, he isn't home yet in a technical sense. But all of us in Idaho—his friends and supporters, his mother, wife, and daughter—have been waiting for this day for a long time. So has Jesse Turner. And I hope he will understand if we don't let technicalities stand in the way of saying, "Welcome back."

FINANCING MEDICAID THROUGH PROVIDER TAXES

(Mr. HOBSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOBSON. Mr. Speaker, in testimony before Mr. WAXMAN'S Subcommittee on Health, I requested that the Health Care Financing Administration withdraw a new regulation that will eliminate Medicaid provider tax programs—a legitimate source of Medicaid revenue for more than 30 States. As Congress works toward long-term solutions in health care, we must not sell out current programs that provide care for the uninsured.

More than 33 million Americans—mostly the working poor and children—are without any form of health-care insurance. Considering the many health-care programs that do not work, we cannot afford to abolish programs that do work.

Ohio's provider-tax program works. Without this program, which I sponsored in the Ohio Senate, 200,000 more Ohioans will be added to the list of the uninsured. HCFA's regulations, which are confusing and unclear, will eliminate legitimate programs in an attempt to abolish programs that abuse the system.

That is why I encourage my colleagues to join me in demanding that HCFA withdraw these regulations, and work with Congress to establish clear guidelines for States to follow as they continue to support our Nation's uninsured children and working poor.

FREEDOM FOR JESSE "JON" TURNER

(Mr. LAROCCO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LAROCCO. Mr. Speaker, over this past weekend the Nation heard that another American hostage was about to be freed from captivity in Beirut, Lebanon. As we now know, that hostage was Jesse Jonathan Turner, a college professor from Boise, ID, who was kidnaped from the Beirut University College campus on January 24, 1987, and had been held prisoner ever since.

Last Friday, word came that Jon Turner's kidnapers were going to allow his wife and the 4-year-old daughter whom he had never seen to visit him. This was soon followed by rumors of his release. Again the hopes of all Americans were raised, as they had been so many times before. We waited and watched, hoped and prayed, and fortunately the rumors were true. Today Jon Turner is a free man and is at least reunited with his family.

While this news gives all of Idaho great cause to celebrate, our deepest admiration goes out to Jon Turner, his wife Badr, daughter Joanne, mother Estelle Ronneburg, and the entire Turner family. Their faith and courage over the last several years has been rewarded, and they will now be able to close the book on this difficult period of their lives.

We are all optimistic that the other Western hostages will soon be freed as well, and our thoughts and prayers are with them all. Jon Turner's freedom offers hope that deep-rooted Middle East disputes may be headed for peaceful resolution. Clearly lasting solutions must be reached on the bargaining table and not on the battlefield.

Mr. Speaker, Jon Turner's near 5-year struggle stands as a testament to the strength of the human character. He has heroically endured this crisis, and we anxiously await his return to Idaho.

WE SHOULD CUT TAXES AND RESTRAIN GOVERNMENT SPENDING

(Mr. DOOLITTLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DOOLITTLE. Mr. Speaker, today marks the 14th day until the first anniversary of the signing of the infamous 1990 budget agreement with its burdensome tax increases. I hear much discussion from the Democrats these days about raising taxes on the rich to benefit the poor. This reasoning is flawed. The failure of last year's budget agreement is just one recent example of this faulty thinking. The facts demonstrate that, if we want to make the rich pay more in taxes, we should cut their tax rates.

Mr. Speaker, a recent Heritage Foundation study[1] shows that, when top marginal income tax rates were cut from 70 percent to 28 percent, the percentage of the total income tax burden borne by the wealthiest 1 percent of Americans increased by nearly 10 percent.

Mr. Speaker, there is a lesson here: Cut taxes and the incentive to work, save, and invest increases, and taxable income increases significantly. I say we should roll up our sleeves, and start cutting some taxes and restrain Government spending.

THE 30TH ANNIVERSARY OF WAMU

(Mr. MORAN asked and was given permission to address the House for 1 minute.)

Mr. MORAN. Mr. Speaker, this morning, like every other morning, thousands of Washington-area commuters turned on WAMU, 88.5, to make their drive a little bit more bearable and their morning a little bit more livable. It was exactly 30 years ago that WAMU broke into the great wasteland that was FM radio with a new type of programming and a commitment to public service. From the first evening's program that featured a 15-minute show on Marconi and a roundtable discussion on Berlin with Mayor Wilie Brandt, to the Swedish-by-radio language classes of the seventies, to this morning's performance of Morning Edition, WAMU has sought to raise radio to new heights while challenging and always entertaining its listeners.

Today the Diane Rehm Show, the Derek McGinty Show, Good Dirt, and Fred Fiske Saturday have become staples of Washington life while WAMU's bluegrass, classical, and jazz programming provide a refreshing break from commercial radio fare.

Mr. Speaker, I say: "Thank you, WAMU, for a great 30 years and for your dedication to serving the Washington metropolitan area. I, and hundreds of thousands of your listeners, look forward to another 30 years of artistic entertainment and intellectual stimulation on 88.5."

WAMU—THE RADIO STATION WITH STYLE

(Mrs. MORELLA asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MORELLA. Mr. Speaker, a Washington institution is celebrating 30 years of community service today. Conceived on this day in 1961, WAMU 88.5 FM is an invaluable asset to the Greater Washington, DC, area.

Emanating from the American University, WAMU is a very distinctive radio station. What other radio station in the Washington area can offer listeners the ability to enhance their linguistic abilities with programming such as "Dutch by Radio," while also offering 50 hours of bluegrass music, and carrying National Public Radio's "Morning Edition" and "All Things Considered"? WAMU has a loyal listening audience of 350,000 weekly, making it one of the top 10 public radio stations in the country, and the top public radio station in Washington. It is committed to providing a variety of traditional American music, covering bluegrass and jazz. WAMU, whose emphasis also has been on news, has become a major source for up-to-date information for the Nation's Capital. WAMU has also provided intellectually challenging talk-show programs hosted by personalities such as Diane Rehm, Fred Fiske, and Derek McGinty.

At a time when communication is such a vital part of everyday survival, WAMU has proven itself to be invaluable. WAMU has demonstrated that service to the listener can successfully come above service to any other interest. I urge my colleagues to join me in tribute to the 30th anniversary of our radio station with style—WAMU.

□ 1040

THE SURFACE TRANSPORTATION ACT OF 1991 MAKES GOOD ECONOMIC SENSE

(Mr. MAZZOLI asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. MAZZOLI. Mr. Speaker, later today the House will take up the bill H.R. 2950, the Intermodal Surface Transportation Infrastructure Act of 1991, which I hope passes.

That bill calls for, and let me emphasize, no new taxes. I will say it again. It calls for no new taxes. It simply uses existing taxes to pay for important programs for America's economic survival.

There is $151 billion authorized for various highway and mass transit programs. This is a lot of money, Mr. Speaker, but it is conservatively estimated that it would take $500 billion, five times that amount of money, just to repair the bridges and highways already deteriorating in this country.

There are several matters of importance in the bill. It provides flexibility to States and local government in how they spend their money. It limits, and I think this is very important, the permitting of the very long highway behemoths, these double- and triple-bottom trucks that scare most of us to death when we are on the highways.

It also contains money for the Louisville waterfront development highway improvement project, which will make much more accessible our beautiful, historic river front in Louisville and Jefferson County.

Mr. Speaker, it is a good bill. I hope it passes.

CAMBODIA LOOKS AHEAD TOWARD PEACE

(Mr. KOLBE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KOLBE. Mr. Speaker, today marks a historic day for Cambodia, for Southeast Asia and, yes, for the United States and its relations with the nations of this region.

No country has suffered more than Cambodia in recent memory. It has been the victim of war, disruption, political chaos, horrific genocide, and a seemingly endless civil war. No country is more deserving of a secure and lasting peace than the gentle but troubled people of Cambodia.

Today represents a milestone on the long road to lasting peace and real democracy for Cambodia. Today, in Paris, the permanent five members of the U.N. Security Council, Indonesia, Australia, Japan, Thailand and the four Cambodian political factions, signed a comprehensive political settlement.

The agreement is a significant one for the United Nations. The United Nations will play the largest role in its history in peace keeping and governance of a nation. Until free elections can be held and a democratic government installed, the United Nations will share governing powers with a coalition of the four Cambodian factions.

But the real significance is for Cambodians, that they might at last enjoy the fruits of peace that have eluded them for so long. The real significance is for the Southeast Asian region, that they might begin the process of reconciliation with each other, and that we might being reconciliation with them. Resuming full diplomatic relations with Laos, establishing normal diplomatic relations with Cambodia and Vietnam, lifting the embargo on trade with all three countries, allowing for the participation of international financial institutions in the rebuilding of this region—these are goals now closer than ever.

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[1] "Tax Rates, Fairness and Economic Growth: Lessons from the 1980's," the Heritage Foundation, October 15, 1991

Mr. Speaker, I spent a year in Vietnam during the conflict that consumed that country, and ours. I traveled again this last August to Southeast Asia with the hope of seeing peace return to this region. Today's settlement is a giant step to bring hope and reality together.

AMERICA'S UNEMPLOYMENT PROBLEMS WORSEN

(Mr. APPLEGATE asked and was given permission to address the House for 1 minute.)

Mr. APPLEGATE. Mr. Speaker, it is bad enough that President Bush vetoed the unemployment compensation bill, but he wants to put more Americans out of work. He wants to send more jobs to China, to Mexico, to Russia, and I hear my Republican friends say that the cure for our economic ills is jobs. Well, of course, that makes common sense, but their boss, while he promised 30 million new jobs, has been losing 9,000 jobs a month. We now have 9 million Americans out of work, and 3 million who have run out of benefits.

I think President Bush had better take a look at the latest polls. He still may be approved by 57 percent of the American people, but that is down from 80 percent just a few months ago. In 6 months, if he does not begin paying attention to the ills of the people of this country, they are going to be ready to impeach him.

To my own colleagues here, they had better start listening to the people of this country and start giving them a little bit of a break, because come next year they are all going to be running, and they are going to be out to break you.

CIA MOVE TO WEST VIRGINIA SHOULD BE RECONSIDERED

(Mr. WOLF asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WOLF. Mr. Speaker, soon the body will have to vote on whether it favors moving a portion of the CIA to West Virginia. This will be, if it takes place, the most expensive relocation in the history of the country. The cost will be $1.2 billion or $1.3 billion.

One of the unfortunate things that I think is not very good for this body, it is rumored that the Senate Intelligence Committee has put the money for this project in what they call a classified annex. Basically, they are treating this as if it is a covert operation.

Mr. Speaker, this project, if it goes through, will not receive any awards for professionalism and integrity in procurement. Actions like this are the types of actions that bring disgrace upon this body. This should be dealt with openly and fairly, whereby the American people and all Members of this Congress can look and see what will be done.

I urge the Members on both sides, when this issue comes up, to send it back so the General Services Administration can look at it and do it in a fair, open, above-board way with procurement integrity.

Vote "no" the way it is now.

A PRESCRIPTION FOR ENDING THE RECESSION

(Mr. PANETTA asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. PANETTA. Mr. Speaker, it is no secret now that the Nation's economy is in deep trouble. Every day the reports confirm the obvious. Yesterday the auto industry reported losses that may make this the worst year in its history.

High unemployment continues. Each day there are thousands of new layoffs. And there was disturbing evidence last week that the recovery in industrial production and in housing may very well have ended.

The President's response has been ambivalent at best. On the one hand, he says, "Don't worry, things are getting better," and then vetoes an unemployment compensation bill on the basis that recovery has already taken place. On the other hand, last week the President indicated that the economy is in trouble, so now what is needed is an economic stimulus package with capital gains as the centerpiece, which would make the rich richer and the national debt bigger.

What is needed now is leadership, clear leadership from the President, not ambivalence. What is needed now is long-term solutions, investment, and deficit reduction, not magic portions that will lead to a bidding war over taxes.

Mr. Speaker, the American people deserve a better life for themselves and for their children. It will take more than a quick tax fix for the rich to get the job done.

□ 1050

PASS COLA FOR VETERANS

(Mr. MACHTLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MACHTLEY. Mr. Speaker, I rise today to remind Members that as we approach adjournment, we are still without a 1992 veterans COLA bill. We all remember the travesty that took place last year when Congress actually denied our veterans, those who were willing to make the ultimate sacrifice for our country, some of the very people who served honorably and won the war in Desert Storm, a fair and proper cost-of-living adjustment.

S. 775, which provides not only for a 1992 veterans COLA, but also increases benefits for veterans exposed to radiation during the 1950's nuclear testing, is languishing in the other body.

Mr. Speaker, I urge this body to prepare for immediate consideration of a COLA for veterans. We ought not to pick and choose which of our recipients of Federal checks are going to receive a cost-of-living adjustment.

Mr. Speaker, our veterans deserve a cost-of-living adjustment. They are going to buy groceries in today's marketplace. They ought to have a check which reflects the cost of living.

Mr. Speaker, I urge Members to vote for a COLA for our veterans.

A JUST, LASTING, AND SECURE PEACE IN THE MIDDLE EAST

(Mr. OWENS of Utah asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OWENS of Utah. Mr. Speaker, we appear to be on the verge of an historic opportunity, to end the state of war that exists between Israel and her neighbors. With the convening of the Middle East Peace Conference, next week in Madrid, the entire world will be praying for dialog and compromise and tolerance, between parties which have been at war for over four decades.

The U.S. Congress and the American people are irrevocably committed to safeguarding Israel's security. Secure and defensible borders for Israel have been—and will continue to be—a cornerstone of U.S. Middle East Policy. At the same time, we are committed to the legitimate rights of Palestinians, which then-Prime Minister Begin agreed to in the Camp David accords.

Accordingly, Mr. Speaker, today, along with my friend from New York, Mr. GILMAN and the gentleman from California, [Mr. LEVINE] I am introducing a resolution commending the participants in the peace conference, and at this critical juncture, restating in clear and unequivocal terms, Congress' determination to seeing this process reach a successful conclusion. We restate Congress' commitment to be totally supportive of these peace negotiations. The resolution again commends Secretary of State Baker, as we have before, for his diplomatic skill and mettle in bringing about the peace conference.

It is my deepest hope that this resolution, with the bipartisan support of my colleagues, will send an important message of Congress and America's commitment to the peace process. It is imperative that Arabs, Israelis and Palestinians know the full extent of Congress' interest in a just, lasting and secure peace.

PRESIDENT GROWING WEARY OF DRAGGING THE CONGRESS

(Mr. BAKER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BAKER. Mr. Speaker, after 10 months the House finally had the opportunity to vote on a crime package, and I understand within the next day or so we will have the opportunity to vote on a transportation plan. But it took us 10 months of legislative work to get to this point. Ten months.

In that length of time, one can build a very large house. I understand that it is possible that even a candidate for the U.S. Supreme Court could be confirmed in less than 10 months.

Why 10 months, Mr. Speaker? If one listens carefully on a quiet morning, one can hear the pounding of feet as the President's domestic initiatives are dragged up one corridor and down the next. We cannot get a vote on the President's domestic initiatives, his plan to help the Nation's unemployed, his plan to restructure the financial institutions in this country.

The President just asks one thing. Just like our constituents at home, they want us to do our work. Quit the petty political partisan bickering and finger pointing and simply do our job.

Yes, Mr. Speaker, the President is not dragging his feet, but he is growing very weary of dragging the Congress.

USE DEFENSE SAVINGS TO CUT RETIREMENT

(Mr. HUCKABY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HUCKABY. Mr. Speaker, as Congress races toward its Thanksgiving adjournment, the drum beat is growing louder and louder here in Washington for a tax cut, the thought being let us reduce defense spending and reduce taxes.

Mr. Speaker, let me share some numbers with you. In 1960, we spent $215 billion on defense in 1991 dollars. In 1970, we spent $280 billion in defense. In 1980, it was back down to $215 billion. Today, we are spending almost $300 billion on defense. So I think it is clear we can reduce defense expenditures.

Mr. Speaker, let me suggest something to Members. A more prudent thing to do with those savings would be to reduce the deficit, the deficit that is more than we will expend on defense next year.

STOP PLAYING POLITICS WITH THE UNEMPLOYED

(Mr. EWING asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EWING. Mr. Speaker, now that the President has vetoed the Democrats' budget-busting unemployment legislation I hope that the Democrats will now work with the minority to pass a bill which the President can sign. The sooner they do, the sooner the checks can be in the mail to the unemployed.

The Republican alternative legislation would provide 6 weeks of extended benefits in all States and 10 weeks in high-unemployment States. It would also provide much needed relief for pockets of high unemployment. This proposal is much more fair than the Democrats' bill, which would not have accounted for hard-hit areas. For example, workers in Danville, IL, would only get another 7 weeks of benefits under the Democrats' failed plan. However, that city faces a 13-percent unemployment rate, which is much higher than both the State and national average.

Most importantly, the alternative legislation is not a budget buster, does not increase taxes, and will not add more red ink to the massive Federal deficit. This additional coverage is desperately needed by workers all over America and the President is ready to sign it.

The time has come to stop playing politics with the unemployed. The time has come to pass a responsible unemployment benefits extension bill.

WITHDRAWAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1790

Mr. ERDREICH. Mr. Speaker, I ask unanimous consent to have my name deleted as cosponsor of H.R. 1790.

The SPEAKER pro tempore (Mr. MCNULTY). Is there objection to the request of the gentleman from Alabama?

There was no objection.

SUPPORT H.R. 1414 TO EASE RECESSION AND S&L WOES

(Mr. LEVINE of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEVINE of California. Mr. Speaker, I rise today in support of H.R. 1414, legislation that would help to ease the pain of our recession and S&L woes.

While America can not afford the kind of deregulation we saw during the 1980's, we must be careful not to handicap legitimate business practices that could help to strengthen our economy.

Amending the passive loss rules would provide an important incentive for real estate entrepreneurs to hold troubled rental real estate rather than give them back to our already overwhelmed financial institutions.

After a decade of financial mismanagement by the Reagan and Bush administrations, we are now reeling from the effects of a severely distressed S&L industry.

This bill would make it easier for America to clean up the S&L mess—without placing taxpayers at greater risk.

While these rules were a critical part of the 1986 Tax Reform Act, helping to curb the abuses of tax sheltered investments, it's time to update them to meet the demands of our sluggish economy.

I believe that passage of H.R. 1414 would ultimately lighten the burden on our constituents for bailing out the troubled S&L industry. I urge my colleagues to support this measure.

THIRD UNEMPLOYMENT BILL: MEANNESS TO THE THIRD POWER

(Mr. MCEWEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MCEWEN. Mr. Speaker, we are now experiencing meanness to the third power. What we are experiencing is the Democrats solely committed to breaking the agreement which they made with the President last fall, and which many of us said they would never keep.

It said this: Throughout this fiscal year, if you increase spending in one area, you must reduce it in another.

Now, with unemployment up because of the tax increases of the last 3 years, they want to help the unemployed, as we all do. Our effort is to help the unemployed by doing a very simple thing: out of a $1.5 trillion budget, take the $6 billion necessary to fund this bill.

Democrats, given an option of reducing spending, will pursue any other goal. First of all, they gave the President a bill in which he would have to break the budget agreement on his own and borrow the money. He refused to do that. All during August he refused to do it, so they came back in September and said we will write a bill that when he signs it, it immediately will break the budget agreement and fund the unemployment compensation extension with increased borrowing.

The President said I am not going to sign it. So he sent it back, and last week the Senate agreed to sustain his veto.

Now the Democrats are back again this week only this time they want to increase taxes. Now, get it straight. Anybody understands that when you are short of money, you reduce spending so that you will be able to make the expenditures elsewhere. Every person with a checkbook understands it.

The Democrats on this side are refusing to take that one option. They want to borrow it twice, they want to increase taxes once, but they refuse to cut spending to pay for it.

It is a very simple solution. If you simply will figure out that when the American people are willing to have it taken out of the vast Federal budget and abide by the agreement that you made with the President last fall, and which some said you would never keep, and you are proving it, but, nevertheless, just for entertainment purposes, why do you not agree to it. Fund the bill from current revenue, and then we can get this off of our desk and into the unemployed paychecks like we all wish would have been done long ago.

□ 1100

SETTING NEW PRIORITIES

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SCHROEDER. Mr. Speaker, I am delighted to be following the gentleman from Ohio into the well. I want to say, absolutely, read my lips, no new taxes. We want no new taxes, and I want to make sure that Members know that the Democrats do not.

But let us talk about that budget agreement. The world has changed radically, radically since that budget agreement was there.

Let me tell my colleagues, if the coup in the Soviet Union had been successful, the administration would be the first one trying to break that budget agreement and double defense and double all the other things that they wanted in there.

We do not want new taxes. We want new priorities from the administration. When we are spending over $300 billion for defense, when we are spending over, I cannot tell Members how much for the Central Intelligence Agency, and we do not even know who they are spying on, when we are spending megabucks and gigabucks on foreign aid, and we just had 1 million more American children fall into poverty, we are on the wrong track.

We have a disaster at home and the disaster is we cannot get the administration to focus on the homefront and set new priorities so we do not have to raise new taxes.

PROVIDING FOR CONSIDERATION OF H.R. 2950, INTERMODAL SURFACE TRANSPORTATION INFRASTRUCTURE ACT OF 1991

Mr. WHEAT. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 252 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 252

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2950) to develop a national intermodal surface transportation system, to authorize funds for construction of highways, for highway safety programs, and for mass transit programs, and for other purposes, and the first reading of the bill shall be dispensed with. All points of order against consideration of the bill are hereby waived. After general debate, which shall be confined to the bill and the amendments made in order by this resolution and which shall not exceed two and one-half hours, with two hours to be equally divided and controlled by the chairman and ranking minority member of the Committee on Public Works and Transportation, and with thirty minutes to be equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means, the bill shall be considered for amendment under the five-minute rule. In lieu of the amendment now printed in the bill, it shall be in order to consider an amendment in the nature of a substitute consisting of the text of the bill H.R. 3566, as modified by the amendment printed in part 1 of the report of the Committee on Rules accompanying this resolution, as an original bill for the purpose of amendment under the five-minute rule, said substitute, as modified, shall be considered as having been read, and all points of order against said substitute, as modified, are hereby waived. No amendment to said substitute, as modified, shall be in order except those printed in part 2 of the report of the Committee on Rules. Said amendments shall be considered in the order and manner specified in the report and shall be considered as having been read. Said amendments shall be debatable for the period specified in the report, equally divided and controlled by the proponent and a Member opposed thereto. Said amendments shall not be subject to amendment except as specified in the report of the Committee on Rules. Where the report of the Committee on Rules specifies consideration of amendments en bloc, then said amendments shall be so considered, and such amendments en bloc shall not be subject to a demand for a division of the question in the House or in the Committee of the Whole. It shall be in order at any time for the chairman of the Committee on Public Works and Transportation to offer amendments en bloc consisting of amendments, and modifications in the text of any amendment which are germane thereto, printed in part 2 of the report of the Committee on Rules. Such amendments en bloc, except for any modifications, shall be considered as having been read and shall be debatable for not to exceed twenty minutes, equally divided and controlled by the chairman and ranking minority member of the Committee on Public Works and Transportation. All points of order against the amendments en bloc are hereby waived. The original proponents of the amendments en bloc shall have permission to insert statements in the Congressional Record immediately before disposition of the amendments en bloc. Such amendments en bloc shall not be subject to amendment, or to a demand for a division of the question in the House or in the Committee of the Whole. All points of order against the amendments in the report of the Committee on Rules are hereby waived. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House, and any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the amendment in the nature of a substitute made in order as original text by this resolution. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. McNULTY). The gentleman from Missouri [Mr. WHEAT] is recognized for 1 hour.

POINT OF ORDER

Mr. DELAY. Mr. Speaker, I rise to a point of order.

The SPEAKER pro tempore. The gentleman will state his point of order.

Mr. DELAY. Mr. Speaker, I raise a point of order against this rule because several amendments were put in to admit No. 53 that were not published according to the rules of the Committee on Rules.

The SPEAKER pro tempore. Does the gentleman from Missouri [Mr. WHEAT] wish to be heard on the point of order?

Mr. WHEAT. Mr. Speaker, it is my understanding that there is, under the rules of the House, no point of order that lies against the amendment for including amendments that were not printed in the RECORD, as long as they are made in order by the rule.

The SPEAKER pro tempore. There is no requirement under House rules that the Committee on Rules have amendments preprinted, and the point of order is not well taken.

Mr. WALKER. Mr. Speaker, I wish to be heard on the point of order.

The SPEAKER pro tempore. The gentleman from Pennsylvania is recognized.

Mr. WALKER. Mr. Speaker, if I understand the explanation of the gentleman from Missouri, his point is that the point of order should not be sustained because there is no rule of the House which requires the Committee on Rules to obey its own rules. It was the Committee on Rules itself which suggested that there was a time limit on Members' submitting amendments.

I think that most Members in good conscience believed that that was a firm time limit. The Committee on Rules then evidently violated its own rule by accepting amendments after the time of the deadline.

If in fact the Chair is not going to uphold the gentleman from Texas in his point of order, then it seems to me that there is no enforcement mechanism for the Committee on Rules' announcements with regard to time limits, and it appears as though they are going to unfairly apply different standards to different Members in the accomplishment of their duties.

It seems to me that the gentleman from Texas has raised a legitimate point of order here. It was in fact a request of the Committee on Rules before the House. The chairman of the Committee on Rules made the announcement before the House of this deadline.

The deadline was then violated by the Committee on Rules, and amendments were included in this particular rule that were not within the deadline as announced by the Committee on Rules.

If that is permitted, then there is no enforcement mechanism for any kind of time deadlines that come forward. So I would suggest that the gentleman from Texas has raised a legitimate point of order because it has to do with the total privileges of the House, not simply with the internal rules of the Committee on Rules.

The SPEAKER pro tempore. The Committee on Rules has the power to make any amendments in order. There is no publication requirement under House rules which limit the authority of the Committee on Rules.

Mr. BURTON of Indiana. Mr. Speaker, I wish to be heard on the point of order.

The SPEAKER pro tempore. The gentleman from Indiana is recognized.

Mr. BURTON of Indiana. Mr. Speaker, I would just like on this point of order to have a little caveat. We were asked to give 70 copies of any proposed amendment that we were going to propose to this piece of legislation, and it had to be to the Committee on Rules within the timeframe set out by the Committee on Rules. So we had to work our staffs. I had seven amendments, and we had to produce 490 copies of those seven amendments for the Committee on Rules.

Now we are saying that the Committee on Rules does not have to abide by the rule that it made itself. It seems to me that that is grossly unfair, and I think that everybody in this House, everybody in this Congress and everybody in the country ought to be outraged.

The SPEAKER pro tempore. Does any other Member wish to be heard on the point of order?

Under the previous statement made by the Chair, the point of order is overruled.

The Chair recognizes the gentleman from Missouri.

Mr. WHEAT. Mr. Speaker, for the purposes of debate only, I yield the customary 30 minutes to the gentleman from Ohio [Mr. MCEWEN], pending which I yield myself such time as I may consume. During consideration of this resolution all time yielded will be for the purpose of debate only.

Mr. Speaker, House Resolution 252 is a modified open rule providing for the consideration of H.R. 2950, the Intermodal Surface Transportation Infrastructure Act of 1991. The rule provides for 2½ hours of general debate—2 hours to be equally divided and controlled by the chairman and ranking minority member of the Committee on Public Works and 30 minutes to be equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means.

The rule waives all points of order against consideration of the bill and makes in order an amendment in the nature of a substitute consisting of the text of H.R. 3566, as modified by the amendment in part 1 of the report accompanying the rule, to be considered as an original bill for the purpose of amendment. The rule also waives all points of order against the substitute as modified.

The resolution makes in order only those amendments printed in part 2 of the report accompanying the rule, the amendments are to be considered in the order and manner specified and for the time specified. All points of order against the amendment are waived.

Furthermore, the rule provides that the chairman of the Public Works Committee may offer en bloc amendments consisting of part 2 amendments and germane modifications. Such en bloc amendments will be debatable for 20 minutes, equally divided and controlled by the chairman and ranking minority member of the Committee on Public Works. The original proponents of the amendments may insert statements in the CONGRESSIONAL RECORD at the appropriate place.

None of the amendments will be subject to amendment nor will en bloc amendments be subject to a demand for a division of the question. In addition, all points of order against the amendments are waived.

Finally, the rule provides one motion to recommit with or without instructions.

Mr. Speaker, H.R. 2950 is one of the most important pieces of legislation to be considered by the Congress this session. The Public Works Committee has crafted a truly visionary plan for our Nation's surface transportation needs well into the next century.

In addition to authorizing funds for completion of the Interstate Highway System, the bill dramatically increases the flexibility of the States to effectively utilize Federal transportation funds with respect to urban, rural, safety, environmental and planning needs within their jurisdictions.

The measure spends down most of the highway trust fund over the 6-year authorization period, extends last year's additional 2½-cent gas tax through 1999, but does not include the additional nickel gas tax. As revised the bill would authorize a total of $151 billion over 6 years—$119 billion for highways and $32 billion for mass transit.

Mr. Speaker, passage of H.R. 2950 is vital to our economy and to each and every State in the Union. Quick action is essential to avoid any prolonged interruption of the highway program. House Resolution 252 is a fair rule which will aid the House in considering the surface transportation bill as expeditiously as possible. I urge my colleagues to support the rule and the bill.

☐ 1110

Mr. MCEWEN. Mr. Speaker, I yield myself 5 minutes. Mr. Speaker, I wish to thank the gentleman from Missouri for explaining what this rule does allow. I also rise to explain what this rule does not allow and in so doing, I trust, Mr. Speaker, that it will become clear why I believe this rule should and needs to be defeated.

Allow me to establish some of the background. There has been much ado in this town of late about the unfair process that was put on display during a particular confirmation hearing. The American people did not like that process. And I doubt that they would like this one either, if they were to observe what is going on here today.

Mr. Speaker, after the first draft of a transportation bill fell under the political weight of a nickel gas tax, the Public Works Committee under the adept and capable leadership of Chairman ROE and Mr. HAMMERSCHMIDT, the ranking member and Mr. MINETA and ranking member SCHUSTER they quickly and very ably came up with a second version that was trimmed down and stripped of new taxes, and that new bill was filed with the Rules Committee.

Mr. Speaker, on this point, and I will say more during the consideration of the legislation, it is a masterful performance of the responsible Members of this House in meeting what is indeed a task that we should face concerning our Nation's infrastructure.

Mr. Speaker, the Rules Committee then received 53 different proposed amendments on how to amend this new piece of legislation; 28 came from Democrat Members of the Congress and 25 from Republicans, roughly an even split, which is a point worth noting. Mr. Speaker, the minority party in this Chamber represents half of the people in America, so one might be excused for thinking that the amendment requests of the minority would be given fair consideration. But Mr. Speaker, of the 53 amendments almost evenly divided between both sides of the aisle, once they were boiled down to allow just 12 by the Rules Committee, only about one-quarter of the amendments were allowed at all, and of those 12 amendments allowed, two-thirds of them went to one side of the aisle and only four of the amendments went to this side of the aisle.

So while there was some duplication, the raw numbers of these amendments are making it abundantly clear that one side was given significantly more consideration. That is a process that is not fair, especially in a body that prides itself on open debate.

Mr. Speaker, the American voters who might be observing the debate probably do not understand how the deck could end up so stacked against one side as against the other. The answer is this: In the Rules Committee, the one that decides the conditions whereby bills come to the floor and decides who can offer amendments, the ratio is 9 to 4 one side against the other—Democrats 9 and Republicans 4.

First, we on the minority side wanted to bring this bill up, as we have done in the past for consideration of transportation legislation, by having an open rule. That is that anyone could offer amendments if they so choose.

But Mr. Speaker, the Rules Committee said no. Transportation is so sophisticated that the average Member of the House should not be able to play a part, and so we will deny them the right to offer amendments on the floor.

Going from that step, they then went to the next one, to pick and choose which amendments would be made in order. In other words, the Democrat majority has turned virtually a deaf ear to half of the country that is represented by Republicans. That I submit is a process that needs to be reformed. The process is not fair, and the majority just does not seem to get it.

Let me say a word or two about some of the amendments that were denied by the majority in the Rules Committee.

The gentleman from Texas [Mr. DELAY] submitted amendments to reduce funding for mass transit. The rule would not allow his amendments to be debated at all. That is especially unfortunate since the administration specifically identified the sharp increase in funding for urban mass transit as one of the reasons why the President's senior advisers would recommend a veto of the bill in its current condition.

In a similar vein, the gentleman from Indiana [Mr. BURTON] sought to offer seven different amendments aimed at lowering overall authorization levels for specific line items, yet none of those requests are going to be debated here today because he was denied that right.

Mr. Speaker, I could go on and on and fill the entire 30 minutes allotted on our side. But the point is this: We believe that the Congress of the United States, and the House of Representatives and the American people should be given an opportunity to have full and free debate. This bill denies that right. It does so unnecessarily.

A final point that I would make in this regard is that the gentleman from Texas [Mr. SARPALIUS] has an amendment which says that in the individual States if they want to adjust the speed limits in their States they should have that right. We should certainly consider such a request, and yet he has been denied the right under this rule to even consider such an amendment on the floor of the House.

Mr. Speaker, for that reason I rise in strong support of the bill and in commendation of the people who have worked to bring it here, but in opposition to the rule which unnecessarily prevents many people in this House from supporting what should be a totally bipartisan effort of the Committee on Public Works and Transportation.

Mr. Speaker, I include with my statement a statement of administration policy on this bill, as follows:

STATEMENT OF ADMINISTRATION POLICY

The Administration steadfastly supports improvements and reforms to the Federal-aid highway, transit, and highway safety programs. However, the Administration strongly opposes H.R. 3566 in its current form.

The President's senior advisors would recommend a veto of this legislation in its current form because of serious concerns including the following:

H.R. 3566 extends half of last year's gas tax increase for an additional four years. Last year's increase was intended to be temporary. Its extension would largely fund special interest projects and other programs that should be reduced or eliminated.

The authorization levels in the bill are excessive. The Administration proposed a 39 percent increase in highway funding over five years without extension of the 2½ cents tax. The highway and transit levels in the bill would be very difficult to accommodate in future-year appropriations bills, and, if they were met, funding for other important Federal programs would be imperiled.

The language in section 104 that requires CBO estimates to be used for purposes of pay-as-you-go scoring violates last year's budget agreement.

H.R. 3566 earmarks $1.2 billion for 27 projects on 20 priority corridors and $3.8 billion for over 460 other highway demonstration projects. These 460 projects could ultimately cost over $23 billion. Many of them are not the highest state priorities and would not survive the normal process of selection on their merits. Completing the 20 priority corridors identified in the bill to expressway standards could cost more than an additional $50 billion.

The bill not only reduces, but also allows temporary waivers of current State and local matching requirements for certain highway and transit programs.

These reductions and waivers would substantially reduce incentives for increased State and local investment in transportation infrastructure at a time when all levels of government and the private sector need to invest more. The Administration's proposal to raise State and local matching requirements for local and regional transportation needs permits greater use of Federal funds to meet national needs.

The bill does not adequately fund the National Highway System (NHS). It provides $37.7 billion over six years instead of the Administration's requested $43.5 billion over five years. This level is below the amount needed to ensure that the NHS can meet America's growing interstate commerce and international competitiveness needs.

The bill contains mandatory allocations of highway obligation authority to urban areas. These allocations deny States the necessary flexibility to target spending to their most pressing transportation needs.

The bill increases annual mass transit operating subsidies from $800 million in FY 1992 to almost $2.3 billion by FY 1997. An increasing share of Federal funds will be used to cover mass transit operating deficits rather than focusing Federal investment on infrastructure needs.

More than three quarters of the mass transit new start projects earmarked by the bill either fail to meet basic cost-effectiveness criteria or lack sufficient information for a meaningful evaluation. Furthermore, the total of the earmarks for new transit starts exceeds the $4.9 billion provided in the bill for this purpose.

The bill authorizes $13.7 billion in mass transit funding from the General Fund rather than from the Highway Trust Fund. All mass transit funding, as well as highway funding, can and should be derived from the Trust Fund.

The bill fails to eliminate State regulation of rates, routes, and services of interstate motor carriers, thereby retaining an unnecessary regulatory regime for the trucking industry that inhibits productivity.

The bill continues current overly prescriptive levels of Federal oversight of highway project development and construction. The Administration has proposed streamlined approval for certain projects to replace the current project-by-project reviews.

The earmarking of research and development activities curtails normal program development and undercuts the competitive process and opportunities for public/private partnerships.

The Administration will work with conferees on H.R. 3566 and S. 1204 to incorporate reforms set forth in the Administration's surface transportation reauthorization proposal (H.R. 1351).

SCORING FOR THE PURPOSE OF PAY-AS-YOU-GO AND ALLOCATION OF TRUST FUND REVENUES

As noted above, section 104 of H.R. 3566 contains a directed scorekeeping provision that violates the Omnibus Budget Reconciliation Act of 1990.

The bill would increase the allocation of revenues to the Highway Trust Fund to more than the level of net revenues collected by the Treasury. Although the allocation made by this provision is consistent with past practice, it is appropriate to consider revising the allocation to make it more consistent with the amount actually collected. If the past practice is not changed in connection with a simple tax extension, Congress should seriously consider changing the allocation method to reflect more accurately the actual revenue effects associated with any possible future increase in dedicated revenues for trust funds.

Mr. Speaker, I reserve the balance of my time.

Mr. WHEAT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the gentleman from Ohio for his lesson to the American public. And I know he is sincere in his beliefs and in his thoughts about the process, and I will try to add to that as succinctly as I may.

It is the responsibility of the Rules Committee to provide a rule that allows a majority of the House to work its will on major issues that address this Nation. And the gentleman is correct in pointing out that a number of amendments were disallowed by the Rules Committee because we recognized that this process would grind to a halt if every Member spoke on every issue, just as surely as it would be an unfair and inequitable system if we allowed no Member to speak on any amendment to major issues in the House of Representatives.

There are 12 amendments that are allowed to this bill; 8 are Democratic amendments, 4 are Republican amendments.

But I would go further and remind the gentleman that the Republicans do enjoy a right to recommit this bill, with or without instructions, so any and all amendments that are germane to this bill may be included in a motion to recommit.

Mr. Speaker, I yield 4 minutes to the gentlewoman from the District of Columbia [Ms. NORTON].

Ms. NORTON. Mr. Speaker, I rise to indicate that I will be supporting the rule for a 10 percent minority business program for minorities and 5 percent for women, and why I support it.

I testified before the Rules Committee for an equal 10 percent for minorities and 10 percent for women, and I oppose the present provision in the bill for 10 percent that forces women and minorities to compete for a small part of a pie initially meant for minorities alone.

This body in 1982 allowed for a program for minorities alone that would set aside a goal of 10 percent of transportation and highway money for minority business enterprises. No one came forward for women at that time and women were excluded. That needs to be corrected.

The preferred approach, in my judgment, is 10 percent for each. There can be no valid argument against an equal apportioning.

However, in its wisdom, the Rules Committee chose a 10–5 approach out of several amendments that were offered, and at least the 10–5 approach comports with existing experience, women having achieved 5 percent in actual experience, minorities having achieved 10 percent.

The most important part of this amendment recognizes that the 10 percent approach, which squeezed both groups into an apportionment for one group only, has caused what no Federal legislation can be allowed, it seems to me, to cause without remedy, and that is polarization between minorities and women all across this country.

I have spent my entire life fighting for the rights of women and the rights of minorities. I have considered myself a peacemaker when their rights have seemed in conflict. The way to undo this conflict now is to stop a war, a war created by a 10 percent set-aside, a goal that in fact forces two large groups into one space.

□ 1120

The fact is that it is unprofessional and not in keeping with affirmative action methodology to simply throw groups together without any rationale for attaching numbers to them.

The 10–5 split does no harm, Mr. Speaker. In fact, it gives women a designated place in this program for the first time. Leaving women and minorities in the same 10-percent grouping does considerable harm. It amounts to Federal legislation that promotes war between two groups.

I ask for your support for the 10–5 amendment.

Mr. McEWEN. Mr. Speaker, I yield such time as he may consume to the gentleman from New York [Mr. SOLOMON], the ranking member on the Committee on Rules.

Mr. SOLOMON. Mr. Speaker, on behalf of Republicans and Democrats, on that side of the aisle, I rise in opposition to the rule because of the amendments that were not allowed.

Mr. Speaker, I thank my colleague from Ohio for yielding me this time and I join with him in opposing this rule.

The gentleman from Ohio and I both served on the Public Works Committee before coming to the Rules Committee. And I do not remember ever bringing one of our bills to the floor with less than an open rule.

And yet, here we are with a rule that makes in order just 12 amendments out of some 53 that were filed with the Rules Committee.

And even though Republican amendments comprised about half of those filed, only one-third of the amendments under this rule are Republican amendments.

So this rule is truly unprecedented, unjustified, and unfair.

What is even more outrageous, in my opinion, is the Rules Committee's denial even of motions to strike parts of the existing bill. The gentleman from Indiana [Mr. BURTON] had seven amendments to strike various special projects, not one of which was made in order.

And the gentleman from Texas [Mr. DELAY] had four amendments to strike various mass transit provisons—not one of which was made in order.

Mr. Speaker, what is this House coming to when a committee's bill is treated as almost sacrosanct—beyond the reach of Members on this floor? Have we not somehow turned democracy on its head around here without even noticing?

And, as if it is not enough that the committee's bill is protected from most amendments, this rule goes one step further and makes in order a further en bloc amendment from the committee.

It contains amendments that were not properly filed with the Rules Committee and were never explained to us. From what we can make out, this en bloc amendment consists of more special projects and sweetheart deals.

Add to all this the fact that the rule waives all points of order against the bill, the committee amendment in the nature of a substitute, and every amendment made in order by the rule, and we have effectively thrown our rules and regular parliamentary procedure out the window.

I would, therefore, appeal to my colleagues to vote down this rule and restore your own rights in this house to fully debate and amend important legislation like this. It may not matter to you specifically in this instance, but you are only cutting your own throat in the future if you let this kind of unprecedented rule stand.

Mr. McEWEN. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania [Mr. SHUSTER], the ranking member on the Permanent Select Committee on Intelligence.

Mr. SHUSTER. Mr. Speaker, I thank the gentleman for yielding me this time.

I wish there would have been more amendments made in order. I had two amendments which I sent up to the Committee on Rules which are not in order.

But I support this rule, and I urge my colleagues to vigorously support this rule. It is the best we could get.

We have a crisis in America. We have run out of money for our highway system. States are without money, and construction projects are going to stop. Thousands of construction workers are going to be put out of work.

It is absolutely essential that we pass this rule and pass this bill and get to conference with the Senate and send the bill to the President and have it signed into law so we can keep America working and can continue to build our transportation system.

I urge my colleagues, in spite of the defects in this rule which I acknowledge, support this rule. It is good for America.

Mr. WHEAT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the gentleman for his support of the rule. We do believe it is a good rule to give consideration to a vitally important piece of legislation.

Mr. Speaker, I yield 2 minutes to the distinguished gentleman from California [Mr. ANDERSON].

Mr. ANDERSON. Mr. Speaker, I rise in strong support of the rule on H.R. 2950, the Intermodal Surface Transportation Infrastructure Act of 1991.

Our committee, along with the Rules Committee has provided a rule that allows Members to debate several issues, and offer several amendments. It is my view that this rule is fair, and consistent with the legislative process.

I ask my colleagues to keep in mind the complexity of the bill, and the amount of time that has been spent crafting it. The committee could not have supported a rule that would have opened this bill up for massive amendments and changes on the House floor. Such a rule would jeopardize the many years of work that has gone into this bill. When members are asked to vote on amendments to this bill, I ask you to keep this in mind.

I ask Members to join with me, and members of this committee in supporting this rule and in support of this bill.

Mr. McEWEN. Mr. Speaker, I yield 3 minutes to the gentleman from Florida [Mr. GOSS].

Mr. GOSS. Mr. Speaker, I rise in opposition to the rule. Many of us who represent donor States had high hopes of going into this year's reauthorization of our national transportation policy. After all, things could not have gotten much worse for donor States like Florida who have historically been shortchanged by the formula used to disburse Federal transportation monies.

Last year, for example, Florida received only 53 cents for every dollar contributed to the system, the lowest in the Nation, I understand.

In other words, Floridians gave to the tune of $1 million every 24 hours to pay for transportation projects in other States. Now, Florida does not mind paying its fair share, but we have been paying our fair share and much more for a great number of years.

There is an overwhelming need now to put money to work in our own borders. Extraordinary growth in the sunshine States and other growth States is straining our road and bridge systems dramatically.

We understand that the present formula is going to increase returns somewhat this year, but it is still far short of what is needed, and the numbers, I do think, speak for themselves in the new bill. We get 86 cents back on the dollar. This will translate into hundreds of millions in lost transportation dollars to Florida over the 6-year life of this bill.

Many of my respected colleagues from Florida support the bill because they think it is the best we are going to get, but I cannot help but think that locking our constituents into 6 more years of high-cost, low-service treatment is really acceptable.

It is really a mystery to me. Why do the donor States be thankful receiving 86 cents back on the dollar when our States are, in fact, growing the most? Indeed, if you do the simple math for Florida and other growth areas, we should be getting more than the dollar back to build the roads and bridge systems that we need.

We could do better, and I and many of my colleagues are left shaking our heads and explaining to our constituents why they will pay more to get less even though the committee miraculously found enough revenue to grant over $5 billion in demonstration projects earmarked for Members' districts. Is this Congress' October surprise for the citizens of Florida and other donor States? No. It is not; it is just business as usual except this is especially bad business that should not be enacted by this Congress.

The rule does not allow amendments necessary to repair the unfairness that is in this bill, and despite the good work of the committee and the hard efforts and the difficultness of this task, and I admire their efforts, and I respect their deliberations, we have not now got a method before us to correct the unfairness that does exist in this bill for donor States.

Therefore, I urge my colleagues to defeat the rule.

Mr. McEWEN. Mr. Speaker, I yield 5 minutes to the gentleman from Indiana [Mr. BURTON].

Mr. BURTON of Indiana. Mr. Speaker, well, we have all heard that statement, "The arrogance of power," and I think the Committee on Rules showed us what that means yesterday.

One of my predecessors here at the microphone said this was the best rule that we could possibly get, and that is kind of like, and I have been around here, what, 10 years now, I guess, and I have not been around here long enough to accept the fact that if you are mugged, you should accept that, because that is the best you are going to get. That is the way I feel. I feel like I was mugged by the Committee on Rules yesterday.

I hear that this is the best we are going to get. That does not follow. Maybe after I have been around here for 20 years, I will say, after I have staggered around this place that long, I will say that that is the best we can get, and I will not fight anymore, but until I have been here so long that I am exhausted, I am going to continue to fight this kind of a rule.

The fact of the matter is there are 455 pet projects in this bill. Now, not all of them could be considered pork-barrel projects, but much of it, much of it is.

To the credit of the committee on jurisdiction, they did cut about $2 billion out of special projects from about $7 billion, down to $5 billion, but there is still $5 billion in special projects.

I only picked out seven of them, seven of the most flagrant examples of wasteful spending and pork-barrel projects to bring to the attention of this body and to ask for a vote on, and the Committee on Rules would not allow me to bring that to the floor.

Let me just give you an example of some of the things I wanted the taxpayers of this country and my colleagues to pay attention to. There is $1.1 million in there for a bicycle path in Davis and Williamson Counties, TN. If they want a bicycle path in Tennessee, that is fine, but let them pay for it, not the people of California, New York, or Indiana. Let the people of Tennessee pay for it. There is a $1.4 million bicycle path for the Arlington-Cambridge-Boston, MA, bicycle path. Now, if they want one in Boston, let them pay for it. Why should the people in the other parts of the country pay $1.4 million for a bicycle path? And then in Chicago, IL, there is a historic street improvement, WPA historic street improvement, $4.4 million. When I talked to the Department of Transportation, they did not even know what this one was even about, and yet that is in the bill.

In Baltimore, MD, there is $5.9 million in there for garbage removal, associated with Project Vision. Since when did the Federal Government start being requested to pay for garbage removal for any city in this country?

□ 1130

That is a local issue, and yet they are asking for $5.9 million in Federal money and you guys put it n there for garbage removal and other things for the city of Baltimore, MD, $35 million for something called intermodal facilities.

There is $35 million for Chicago, IL, for various intermodal facilities, and nobody knows over at the DOT what that is about, and I would like to have an explanation about that.

The Chicago, IL, historic 28-mile boulevard, $9.1 million.

Philadelphia, PA, traffic flow projects in the vicinity of the Pennsylvania Convention Center, total cost $10.2 million.

And none of these have been approved or accepted by the DOT and yet they were stuck in this bill. That is a total of $68 million.

Now, granted this bill contains billions and billions of dollars of short- and long-term spending, and I only attack $68 million, but $68 million to a lot of Americans is a lot of money, and they are tired of their taxpayer dollars being wasted.

The deficit this year is going to be $400 billion. The national debt has gone from $1 trillion to $4 trillion in just 10 years and we are digging ourselves into one helluva hole for the future generations of this Nation, and yet we do not do anything about it but go on our merry way spending and spending.

We cannot even get a rule to fight this stuff on the floor, and I think it is a tragedy.

Mr. WHEAT. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Illinois [Mr. SAVAGE].

Mr. SAVAGE. Mr. Speaker, will the gentleman from Indiana join me in a colloquy.

The gentleman made reference to a project in Chicago and the gentleman just slips over this stuff. The gentleman said something about historic streets. Does the gentleman understand what that project is?

Mr. BURTON of Indiana. I cannot hear the gentleman, I cannot understand the gentleman.

Mr. SAVAGE. The gentleman talked about historic streets. Does the gentleman understand what that project in Chicago is?

Mr. BURTON of Indiana. That is what I want someone to explain to me.

Mr. SAVAGE. First of all, the gentleman indicated that he talked to someone in Illinois. Who did the gentleman talk to? The gentleman did not talk to the Secretary of the Department of Transportation of Illinois, because he suggested the project.

Mr. BURTON of Indiana. Tell me how much the project is going to cost may

I ask the gentleman from Illinois [Mr. SAVAGE].

Mr. SAVAGE. Do not ask me what it is. The gentleman has it right there.

Mr. BURTON of Indiana. Why does the gentleman not tell me how much it is going to cost, and I did talk with the DOT and the DOT said it was not authorized.

Mr. SAVAGE. The gentleman is avoiding what I am trying to ask. Now, just hold still and answer what I am asking.

The gentleman said two things. One is that the gentleman said he talked to someone in Illinois. The Secretary of the Department of Transportation in Illinois personally suggested that project to me.

Mr. BURTON of Indiana. Then let Illinois pay for it.

Mr. SAVAGE. To whom did the gentleman talk? The gentleman said he talked to someone.

Mr. BURTON of Indiana. I talked to the people in the DOT here in Washington.

Mr. SAVAGE. Does the gentleman know a name?

Mr. BURTON of Indiana. Of course, I have got the name.

Mr. SAVAGE. The gentleman said the project is for Illinois. How about the DOT in Illinois?

Mr. BURTON of Indiana. then let Illinois pay for it. I am not arguing with the project. It is just who is going to pay for it?

Mr. SAVAGE. Just a minute. Illinois is paying for that project to the same extent that every State is paying for projects, and the gentleman knows it.

Does the gentleman know what the project is? They are WPA streets. Back in the thirties my father worked on the WPA and he helped build those streets, but they did not build them properly. They do not have sewage or drainage and they were not properly constructed to last, so as a consequence you have streets without proper drainage or sewage and the top surface has eroded and because they are WPA streets, the city is not responsible to repair them nor is the State.

Now, if the Federal Government does not repair or clean up its own mess, which is what it is, to come up to the standards of a State, there is nothing wrong with that. That project is a necessary project. Without Federal assistance it will not be done. Those streets are some 50 years old. They are polluting good residential communities, and if the gentleman just took the time to ask the secretary of state of the department of transportation in Illinois, the gentleman would have gotten his answer.

Mr. Speaker, this is pure demagoguery.

Mr. BURTON of Indiana. Mr. Speaker, will the gentleman yield?

Mr. SAVAGE. The gentleman has time on his side. The gentleman has some time. Take the time, as the gentleman asked me to do.

Mr. BURTON of Indiana. Well, the gentleman raises the issues and asks me questions and will not yield. I do not understand that.

Mr. SAVAGE. I asked the gentleman to yield time and the gentleman told me I had time. The gentleman has time, too. Get some time on the gentleman's side and get the answer.

Mr. MCEWEN. Mr. Speaker, I can see our country is in good hands.

Mr. Speaker, I am pleased to yield 5 minutes to the gentleman from Texas [Mr. DELAY].

Mr. DELAY. Mr. Speaker, I rise to oppose the rule and probably to oppose the bill.

I just cannot imagine that we would bring a 500-page bill to the floor of this House and only allow 19 amendments. If you count the en bloc amendment, there were 53 amendments presented to the Rules Committee, 15 Democrat amendments and 4 Republican amendments. It is ridiculous to thwart the will of Members when debating a very comprehensive piece of legislation that is going to change transportation in this country for the next 6 years.

This bill represents a major shift from highways to mass transit, make no mistake about it. It is a $151 billion bill, $48 billion above what the President has requested. We had all these comments from the Democrats about fiscal responsibility, to pay for a bill that is going to shift highway funds to major mass transit projects. And for what?

We are talking about almost doubling the amount of money that we are going to put into mass transit alone, but there is more. Out of the Federal aid to highways program, there is roughly $77 billion and of that $77 billion, $49 billion of this total can be transferred by States into mass transit programs and is eligible to be spent on mass transit projects; so if you take the total that can be spent on mass transit in this bill, it is really about $81 billion, or a 367-percent increase over current authorization levels for mass transit, for mass transit that has failed in this country. Let me give you some examples:

Transit ridership from 1945 to 1989 has gone down from a high of 23½ billion passenger miles in 1945 to a meager 7½ billion passenger miles in 1989. Public use of mass transit has fallen by 2 billion passengers since 1960, despite a taxpayers investment of more than $100 billion during that same period of time.

Transit subsidies have not reduced road congestion. In fact, most new ridership has come from more flexible, less expensive buses and car and van pools, and because of the fact that ridership numbers have dropped it is obvious that transit subsidies have not reduced pollution problems, and contrary to popular belief public transit is not energy efficient. For example, because of the low number of passengers per bus today, energy consumption per passenger mile on public transit buses is greater than that of private automobiles and far exceeds that of car and van pools.

Reforms have come in mass transit systems in Europe that have saved money and improved transit. I am not against transit. What I am for is efficient transit, paid for by the communities that are served by these transit programs.

What we are doing in this bill, and Members ought to really look at this, besides raising taxes by extending the 2½-cent gas tax to 1991, make no mistake about it, you will be accused of raising taxes, to pay for a mass transit system that is not working because people's lifestyles and demographics are changing today.

It is well known by public transit officials that the core cities are no longer viable. People are moving out of the core cities. Most transportation, most trips today, are taken from suburb to suburb, not from suburb to central core. That is why these rail projects cannot stand up under scouting. These rail projects are failures.

Even right here in the blossom of all mass transit rail systems, the Washington, DC, rail system, it has not lived up to its cost expectations.

No rail system has been able to live up to its cost projection or its ridership projections. Even here in Washington, we opened a new line to Maryland, it is carrying a little over half of the riders that they projected it to carry.

What are we doing? We have a rule on the floor of the House that will not allow this House to debate the issue of moving from highways to mass transit in a significant way.

□ 1140

I ask that you defeat this rule, send this bill back, or at least allow us to debate the issue.

The material referred to is as follows:

[From the CATO Institute, Oct. 17, 1991]

Policy Analysis: False Dreams and Broken Promises: The Wasteful Federal Investment in Urban Mass Transit

(By Jean Love and Wendell Cox)

Over the past quarter century, U.S. taxpayers have pumped more than $100 billion in subsidies into the nation's urban mass transit systems. That massive taxpayer investment has paid for urban public transportation systems that fewer and fewer Americans are using. Incredibly, mass transit ridership is lower today—not only as a percentage of commuter trips taken but also in absolute numbers of riders—than it was in the early 1960s. Despite the low and declining use of bus and rail systems, federal grants for urban transit now appear to be as popular as ever: bills before both houses of Congress would provide increases of up to 20 percent in public aid for municipal bus and rail systems.

The considerable support within Congress for expanded transit aid is not surprising.

Since the federal government credited the Urban Mass Transportation Administration during Lyndon Johnson's administration, public transit has been a fertile field of dreams and promises. Tax-supported transit lobbyists[1] supply Congress and state houses with visions of magic carpets that whisk commuters around gleaming cities.

The alleged virtues of public transit are by now familiar. For weary motorists, public transit systems promise less automobile-generated traffic congestion; for environmentalists, less air pollution; for city planners, a first step toward urban revitalization; for the poor, inexpensive access to efficient transportation; for conservationists, less wasteful use of energy; and for the business community, a way to lure suburbanites back to central business districts.

Regrettably, more than two decades of experience with publicly supported bus and rail systems have exposed each of those dreams as a costly illusion. Public transit systems have failed to deliver any of the promised benefits.

Transit subsidies are not increasing ridership. Transit ridership is lower today than it was 30 years ago—before the billion-dollar subsidies began. People, including transit executives[2] and elected officials, tend to ride public transit only when they have no other reasonable choice.

Transit subsidies have not reduced road congestion. The shiny new multi-billion-dollar rail systems have not diverted meaningful numbers of drivers from their cars; most new patronage has been of less expensive, more flexible bus lines and energy-efficient car and van pools.[3]

Transit subsidies do not reduce air pollution. Because public transit has not increased ridership, transit has had no discernible impact on air quality in cities. Mass transit patronage is so low that even doubling it would have a negligible effect on air quality.

Public transit is not energy efficient. The average public transit vehicle in the United States operates with more than 80 percent of its seats empty.[4] Because of the low average number of passengers per bus, energy consumption per passenger mile for public transit buses now is greater than that for private automobiles and far exceeds that for car and van pools.[5]

Transit subsidies have not helped revitalize cities. Cities, such as Buffalo, with new multi-billion-dollar rail systems have not reduced flight from their central business districts. Even with ever-greater subsidies for public transit, the exodus of businesses and residents from downtown areas is accelerating.[6]

Urban transit does not benefit the poor. Ridership studies show that the poor are not heavy users of federally subsidized transit systems. Transit provides only 7 percent of trips made by low-income people.[7]

The cold, hard lesson of the last 25 years is that instead of promoting increased efficiency in bus and rail service, higher taxpayer subsidies have paid higher-than-inflationary transit costs. Subsidies have financed excessive compensation for transit employees, declines in transit productivity, and swollen bureaucracies—not increased services. If public transit costs had risen only at the same rate as private bus industry costs, service levels now could be more than double the 1989 level.[8]

Worst of all, taxpayer subsidies, particularly federal grants, have actually impeded the development of efficient and cost-effective urban transit programs in U.S. cities. The experience of other industrialized nations and some selected systems in the United States demonstrates that by tearing down the significant regulatory barriers, which prevent private, unsubsidized transit systems from developing, and by encouraging competitive contracting by private providers for subsidized systems, the mobility needs of urban residents can be met at lower cost and greater convenience to customers. Conversely, if Congress approves further large increases in transit subsidies, they will fuel further increases in transit costs. Those funding increases will ill-serve the interests of urban commuters, and they will certainly ill-serve the interests of American taxpayers.

THE DESTRUCTIVE FEDERAL ROLE IN URBAN MASS TRANSIT

Before 1960 most transit systems in the United States were privately owned and operated. That situation was reversed when Congress created the Urban Mass Transportation Administration (UMTA) in 1964.[9] Indeed, during the mid and late 1960s, public aid was used to help finance the conversion of transit from private to public monopoly. From an initial $435 million over three years,[10] UMTA's funding level grew over the next 20 years to $3 billion per year by 1989.

As a result of the poor performance and waste of many of the transit systems receiving federal support, the Reagan administration, under David Stockman and James C. Miller III at the Office of management and Budget, succeeded in cutting transit grants by roughly 25 percent in the mid and late 1980s. In 1985 former senator William Proxmire (D-Wis.) presented his celebrated Golden Fleece Award for wasteful use of tax money to UMTA. Proxmire said that UMTA had "played Santa Claus to the nation's cities," and that the results of the program were "a spectacular flop, the Edsel of federal programs. Taxpayers were taken for a ride." Ralph Stanley, at that time the administrator of UMTA, accepted the award in person stating, "I embrace Senator Proxmire's Golden Fleece Award and totally agree with his criticism."[11]

Despite the obvious problems of mass transit, higher levels of federal subsidies have been proposed. This year funding for mass transit may rise by as much as 20 percent to nearly $4 billion annually.[12]

THE MYTH AND REALITY OF PUBLIC TRANSIT SYSTEMS

The conventional wisdom in Washington is that the manifold social benefits of efficient public transit systems justify high taxpayer subsidies. A massive commitment of taxpayers' money to public transit is purportedly essential to solving a variety of national problems—including urban decay, traffic congestion, U.S. dependence on foreign oil, and the transportation problems of the poor. For those and other reasons, strong special interest groups support increasing subsidies to bus and rail systems.[13] Yet upon closer inspection, the evidence convincingly demonstrates that each supposed benefit of transit is more myth than reality.

Myth No. 1: Federal transit subsidies have improved transit service

Federal dollars for urban transit have not bought improvements in service levels for commuters; rather, they have generated rapid inflation of costs in the industry. Between 1970 and 1985 public transit operating costs per vehicle mile increased an incredible 393 percent or roughly twice the rate of general inflation during the same time period and roughly 2.5 times the operating cost increase for similar service in the private bus industry.[14] Public transit costs have increased at a faster rate than costs in any other sector of the economy—even health care. From 1970 to 1989 public transit costs per vehicle mile increased approximately 20 percent more than health care costs.[15]

The cost inflation in the public transit industry has corresponded almost precisely with mushrooming levels of federal assistance. Annual subsidies rose from less than $300 million in 1970 to more than $12 billion in 1989[16]—a 10-fold increase after adjusting for inflation. Those subsidies represented 14 percent of transit revenues in 1970 and nearly two-thirds of transit revenues in 1989. Public transit has consumed more than $100 billion in public aid in the last two decades. Although federal funding for public transit declined in the 1980s, state and local assistance has more than made up for the loss so that aid to public transit continues to grow faster than inflation.[17]

Regrettably, service has improved little in response to the increased federal commitment to local transit. For each new inflation-adjusted dollar of revenue, transit has produced less than 25 cents of new service—75 cents of each dollar has financed cost increases that exceed the rate of inflation. A 1986 study by UMTA found that of the $8 billion spent by the federal government on operating subsidies, $2 billion went for higher real wages, $1.5 billion went for lower employee productivity, and $1 billion went to reduce real fares. Only $1 billion went to extend or improve transit service.[18] As a result, today it costs an estimated $4.20 to generate a dollar's worth of new transit service.[19]

In sum, federal subsidies to urban transit have not purchased additional or improved levels of service. The funds have contributed to a largely inefficient and overcompensated industry that is failing consumers.

Myth No. 2: Increasing Federal subsidies will attract more transit riders

Gross public transit ridership has been consistently falling since World War II. In 1945 ridership was 23.5 billion passengers, whereas in 1989 it was 7.5 billion—or less than one-third the 1945 level and less than half the 1950 level. The drop in ridership occurred despite huge increases in the number of urban commuters between 1945 and 1989.

Since 1970 urban ridership has risen by roughly 5 percent, which could be taken as a sign that public transit is on the rebound. Unfortunately, even the small reported increase in ridership is probably vastly exaggerated as a result of the way trips on public transit are counted. Each segment of a public transit journey is counted separately, so a passenger transferring from one bus to another or from a bus to a rail car is counted as two passenger trips. Studies have shown that up to two-thirds of new rail ridership represents transfers from buses. Hence, many bus riders are double-counted because they must use both a bus and a rail line or two buses to make a trip that they previously made on a single bus.

Because the population has increased 25 percent and the labor force has increased 50 percent since 1970, the minuscule increase (if it exists at all) in ridership claimed by the transit industry translates into a shrinking market share captured by public transit. Transit's share of trips to and from work—transit's biggest market—declined by nearly 30 percent during the 1970s in large metropolitan areas. Total public transit rides per capita plunged an additional 15 percent from

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[1] Footnotes at end of article.

1980 to 1989 in metropolitan areas with populations of more than 1 million.[20] In 1980 public transits' urban market share[21] (6.4 percent of work trips) just exceeded the market share for walking to work; car and van pools, which do not receive any direct federal subsidies, provided nearly three times the number of trips to work that public transit did. Nationwide, only 2.2 percent of all personal trips were made by transit, and just over 5 percent of work trips were provided by transit.[22]

Even the development of expensive new rail systems did not reverse the trend in ridership loss; per capita transit ridership dropped in all urban areas that opened or expanded rail systems in the 1980s: Atlanta, Baltimore, Buffalo, Miami, Portland, Sacramento, San Diego, San Francisco, and Washington, D.C. Consider these examples:

Portland's light rail line, which opened in 1987, attracted only one-third of its riders from the automobile;[23] most other riders were diverted from buses.

Buffalo spent more than $600 million, most of which was federal money, to construct a rail line, but combined bus and rail ridership in 1989 was 20 percent below the bus-only ridership figure for 1980.[24]

Miami's Metrorail, which was built in the 1980s with massive federal assistance and carried a final price tag in excess of $1 billion, is ridden by only 1 percent of Dade County residents.[25]

Most cities that have constructed expensive new rail systems during the past 15 years have dramatically overestimated ridership. Ridership fell below projections in every one of the cities, and only one achieved even half the predicted ridership levels.

Myth No. 3: Public transit can meet the transportation needs of urban commuters in the 1990's

Transit use in the United States has been declining for at least the past five decades as a result of changing lifestyles and economic conditions, including low-density land use patterns inside and outside of cities, suburbanization, the increase in female employment outside the home, the 40-hour work week, the steadily growing affluence of workers, and most important, the emergence of the automobile. Some argue, however, that public transit will experience a revival in the 1990s as public investment in buses and rail systems rises.

The evidence suggests that many of the changing commuter travel patterns that began to emerge in the 1970s and 1980s will continue in the 1990s, thus accelerating the exodus from subways and buses to automobiles and other forms of non-fixed-route transportation services such as minivans. Even if increasing government transit dollars are able to purchase increases in the level of transit service, those programs will become increasingly incidental to America's travel patterns.

As has been well established, the dominant commuting pattern is no longer from the suburbs to downtown but from low-density suburb to low-density suburb. Today the number of suburb-to-suburb commuter trips is roughly double the number of commuter trips from suburb to center city.[26] Yet public transit's conventional forms—buses and trains—can be effective only in high-density corridors where a large number of riders begin or end their trips in a concentrated area such as a densely developed central business district. While many large downtown areas have grown, their relative importance in metropolitan areas has diminished—most commercial and office development has occurred in the suburbs. And the emerging suburban employment and retail centers do not have densities sufficient to justify expanded transit service—particularly rail service. The cost in subsidies, vehicles, and transit personnel to duplicate the radial networks that serve downtown areas would be prohibitive.

The unavoidable truth for the transit industry is that today's metropolitan area is tailor made for cars, not for fixed-route public transit. Conventional transit cannot serve suburban areas with speeds and total travel times comparable to those of private transportation. Further investments in modes of transportation to accommodate travel patterns that predominated more than 40 years ago will not meet commuters' needs in the 1990s.

Myth 4: Public transit can be successful in the United States because it is successful in other industrialized countries

Advocates of higher taxes for transit constantly point to the far higher levels of transit ridership in Western Europe, Canada, Australia, New Zealand, and Japan to suggest that substantial increases in U.S. transit ridership would occur if only there were much higher levels of public support for public transit.

But there are inconsistencies in that line of reasoning. First, public transit subsidies already are higher in the United States than they are in other developed nations. The extremely high operating costs of public transit in the United States suggest that, with the possible exception of the former communist countries, U.S. public subsidies per passenger may be the highest in the world. Subsidies account for approximately two-thirds of operating costs in the United States, substantially more than they do in nations where ridership is higher. In Europe and Canada subsidies are less than 50 percent, and in Japan subsidies are less than 15 percent.[27]

The higher ridership in other developed nations is not the result of more generous subsidies. The average resident of a Western European urban area takes nearly five times as many public transit trips annually as a U.S. urban resident, despite the fact that a lower level of service (vehicle miles) per rider is provided in Europe. There are at least two fundamental causes of Europeans' more intensive use of public transit—density and concentration of destinations. Western European urban areas have a far larger percentage of their commercial development and employment in their urban cores, and their population densities are much greater—more than three times those of their U.S. counterparts.

Even in an urban environment that favors use of bus and rail service, public transit's market share is stable or declining, and automobile usage is increasing in Western Europe, just as it is in the United States.[28] Europe did not create higher transit ridership by attracting passengers from the automobile, although many transit supporters insist that can happen in the United States. Indeed, in Europe today, as income levels rise, the automobile is diverting passengers from transit. Moreover, even though subsidies are generally lower than they are in the United States, concern about rising public transit costs has induced Western European governments to take various actions to limit the growth of subsidies even further, such as competitive contracting, reduced reliance on national government subsidies, and overall limitations on subsidies.[29]

Myth No. 5: Increased public investment in transit will increase U.S. productivity and competitiveness

Economists agree that there is a correlation between a nation's capital infrastructure and its productivity and competitiveness. But productivity is improved by a new capital project only when its benefits equal or exceed its costs and when the rate of return at least equals that of alternative investments. Infrastructure may be productive or unproductive—money expended to build a bridge to nowhere or an underutilized rail facility erodes productivity. On the whole, public investment in new transit infrastructure has diminished, not increased, the nation's total productivity.[30]

Transportation planners routinely overstate the projected economic rate of return on new public transit investments by systematically overestimating ridership and underestimating construction costs. For example, a U.S. Department of Transportation study of 10 urban rail projects showed that only one project came in under the estimated cost; construction costs for the remainder ranged from 33 to 106 percent over initial estimates.[31]

Proper tallying of the total public investment in cities' transit systems and calculation of the per passenger subsidy makes it clear that the costs of those projects far exceed any possible benefits to national productivity or competitiveness. Total costs of capital and operation range from $5.58 to $16.44 per rail passenger ride, yet most riders pay a base fare of roughly $1.00.

Many of the expensive transit projects funded in the 1980s turned out to be white elephants. Detroit, for example, built a three-mile downtown people mover (that operates in only one direction) largely with federal funding. Construction costs were 50 percent over budget and ridership 80 percent below projection.[32] To pay for the construction deficit, funding was siphoned from needed bus improvements in a city whose low-income population represents a substantial market for bus service expansion. Detroit proposed reduction of its police force as it increased its expenditures for the higher-than-anticipated operating deficit[33]—and Detroit has one of the nation's highest crime rates. Similarly, in Miami per passenger expenses are so great that it would have been cheaper for taxpayers to provide limousine service for public transit users than to build and operate an extravagantly expensive rail system. Such rail systems are anything but an efficient investment in America's infrastructure.

Undaunted by the evidence, cities throughout the country are now duplicating those expensive mistakes. Dallas, Minneapolis, Salt Lake City, and Tucson are all planning expensive rail systems that would be suitable only for the high-density cities of Europe. Those systems are not expected to cover their operating expenses let alone recapture the multi-billion-dollar federal, state, and local investment of taxpayers' money.

Unquestionably, the major explanation of the inability of the public transit industry to contain costs has been the inflated salaries and benefits of public transit workers. Public transit employees are paid as much as twice the amount received by the average non-supervisory worker in the United States and 65 percent more than the average U.S. worker. Although the education requirement for transit drivers is less than a high school diploma, they receive nearly 11 percent more in total compensation than do private-sector employees with four or more years of college education. The average compensation for all transit employees exceeds the average salary for U.S. employees with college degrees by more than 30 percent.[34] Public transit fringe benefits average 50 percent of employee pay—nearly double the fringe benefits of the average private-sector worker.[35] Hence, when fringe benefits are added to the equation, the average transit employee receives 70 percent more in compensation than the average U.S. employee.[36]

Worse yet, the pay premium enjoyed by transit workers appears to be widening. Philadelphia's fiscally troubled Southeastern Pennsylvania Transit Authority, for example, has developed in 1992 budget that includes a 5.5 percent wage increase (more than one-third more than the national average wage increase in 1991) for employees. Yet SEPTA is planning service cutbacks, demanding additional subsidies, and threatening to shut down the system if a new, dedicated tax is not provided for the deficit-plagued transit system.[37] San Francisco's Bay Area Rapid Transit system reports that unionized employees have rejected an offer of a 4 percent wage increase for each of the next three years. The BART offer would bring drivers' salaries to $48,000, janitors' to $36,000, and mechanics' to $53,000 per year; benefits, which add to the total compensation, would remain at 51 percent of wages and salaries, so that drivers would be compensated at more than $70,000, janitors at more than $50,000, and mechanics at $80,000 annually.[38]

Public transit has suffered declining labor productivity over the past two decades. Productivity as measured by hours of bus service produced per constant dollar fell an average of 43 percent from 1964 to 1985; the productivity decline for large transit agencies was 55 percent. About one-third of the cost increases over inflation in urban transit since 1970 can be attributed directly to the decline in productivity.[39]

Let us put the dismal record of transit worker productivity and performance into perspective. The unsubsidized private taxi industry employs about the same number of workers as transit but provides three times as many vehicle miles of service.[40] Yet transit is heavily subsidized by government and taxis receive virtually no public assistance.

One explanation for transit's steep productivity decline is that transit employees are working less. Average annual service hours worked by each public transit employee (for buses) fell from 1,228 in 1964 to 1,028 in 1985. The decrease in productivity was worse for the largest transit agencies—from 1,205 hours in 1964 to 929 hours per employee in 1985.[41] Meanwhile, public transit driver absenteeism, which is epidemic in the industry, averaged 34 days a year in Miami, 32 days in Los Angeles, and 27 days in Pittsburgh, exclusive of vacations and holidays.[42]

Another cause of the anemic productivity levels in the transit industry is a provision of the Urban Mass Transportation Act of 1964, section 13(c),[43] which is administered by the U.S. Department of Labor. That provision has secured for transit workers a degree of bargaining power that is not shared by employees or labor unions in other U.S. industries.[44] It sounds innocent enough, requiring that adequate labor arrangements be made to ensure that employees are not harmed as a result of federal funding. In practice, however, section 13(c) has been interpreted to require negotiation of generous labor agreements between transit agencies and their unions. Failure of a transit agency to make concessions to labor can result in loss of federal funding, thus giving transit labor unions de facto veto power over the coveted capital (and operating) grants.[45]

Section 13(c) has impeded efforts to improve productivity and efficiency in the transit industry. It requires up to six years' pay for an employee whose job is eliminated as a result of economies or efficiencies. Assuming the 1988 annual compensation level of $41,000 for the average public transit bus driver, legally mandated severance pay could be as much as $250,000 per worker, compared with mandated severance pay (unemployment insurance benefits) of less than $5,000 for typical American workers.

Section 13(c) also has so skewed collective bargaining in favor of transit unions that they have negotiated not only higher-than-market compensation in the industry but absurd work rules that extract pay for not working. For example, the use of part-time labor is severely restricted or prohibited outright, even though part-time labor is ideal for public transit, because a large percentage of public transit service is consumed during rush hour periods in the morning and evening. Under current operating practices, to cover both morning and evening rush hours, drivers are paid for time not worked during midday. Most public transit labor contracts also require the full-time employment of substitute drivers. Sometimes substitute drivers operate buses and are paid for driving; other times substitute drivers are paid to sit and wait. Substitute public transit drivers, who have skills that can be learned in a month or less, are paid whether or not they work; substitute public school teachers, who must have at least four years of college, are paid only when they work.

The net effect of those restrictive work rules is that public transit bus drivers work as few as 36 minutes of each hour for which they are paid on some services, and the average is less than 50 minutes of work for each hour's pay. Practices such as those would bankrupt a company in the competitive marketplace.

The combination of federal subsidies, excessive pay rates, routine cost overruns, and archaic work rules in the transit industry has prevented implementation of economical investment and operating procedures in public bus and rail service. That combination has been a major factor in transit's cost escalation. The annual excess of transit costs over inflation (from 1970) is now more than four times the total amount of federal operating subsidies. Pumping billions of additional federal tax dollars into such a system does not contribute to the development of America's infrastructure and ultimately makes the nation less, not more, competitive.

Myth No. 6: The Washington Metro Has been a stunning public transit success that can be duplicated in many other cities

The most comprehensive federally supported rail system in the nation is Washington, D.C.'s Metro. It is typically regarded as a transit showcase that can be duplicated in other cities.

Although the Washington Metro carries more riders than another new rail facility, it has fallen far short of reaching its ridership projections.[46] Part of the reason is that employment in the central business district has grown at a much lower rate than projected before the system was built, while suburban employment has grown at a greater rate. Not only did public transit ridership per capita decline in the 1980s in the Washington area, but planners projected that public transit's work trip market share would decline another 9 percent from 1986 to 2000—despite a planned $3 billion, or 70 percent, expansion of the rail system.[47] Even the most recently opened Metro stations are drawing far fewer passengers than predicted. Two new suburban Maryland stations, which cost approximately $300 million to construct and opened in 1990, are attracting only 7,300 passengers a week-slightly more than half the 13,100 expected.[48]

The taxpayers of the Washington area could not have afforded to build the $8 billion Metrorail system. It has been built primarily by funding from taxpayers across the country. Indeed, the taxpayers of the Washington area can barely afford to pay for operating the system as local and state budgets strain to keep up with rising costs.[49] And the American taxpayers cannot afford the tens of billions of dollars it would cost to replicate the Washington system in other cities.

Myth No. 7: Public transit conserves energy and improves air quality

With its continually declining work trip market share, public transit does not and cannot reduce energy consumption or air pollution. Some transit vehicles are overcrowded during peak hours in high-demand corridors. Yet, most of the time, there is excess capacity. The average public transit vehicle in the United States operates with more than 80 percent of its seats empty.[50] Because of the low average number of passengers per bus, the energy consumption per passenger mile of public transit buses is now greater than that of private automobiles, and it far exceeds that of car and van pools.[51] And unlike automobiles, public buses are becoming less, not more, energy efficient. In 1985 public transit used nearly 55 percent more transit vehicles to provide approximately the same number of rides provided in 1965. Over the same period of time the number of vehicle miles increased by 22 percent even though ridership remained static.[52]

Rail, also because of its low ridership, has not contributed to energy conservation. Rail systems require large amounts of energy for the construction of roadbeds, tunnels, and rolling stock. For example, one study estimated that San Francisco's BART system, which is highly patronized, will never save enough energy to recoup its initial energy investment.[53] That is apparently the case for most urban rail systems. A 1982 Congressional Budget Office study concluded that "under typical conditions rapid rail systems actually waste energy rather than save it."[54]

Boosters of rail and advocates of higher transit taxes contend that air quality will improve as transit subsidies increase. Portland's light rail line is often cited as an example of how transit has produced substantial improvements in air quality since 1972.[55] Other factors are responsible for the improvement in Portland's air quality. Since 1972 automobiles, which account for the overwhelming percentage of travel in Portland (and virtually all other U.S. metropolitan areas), have become 48 percent more energy efficient on average, and the average new car has become 100 percent more energy efficient.[56] Further, the average automobile produces less pollution per gallon of gasoline today than it did in 1972. In addition, the percentage of urban trips taken by public transit in Portland was lower in 1989 than in 1980.

Public buses have, on balance, had no favorable effect on air pollution in U.S. cities. Because of low average ridership, buses, on a per passenger basis, often contribute to air pollution because bus emissions are much greater than those of cars or taxis.

Even minute improvements in the fuel efficiency and emission standards of automobiles, which are expected in coming years, or an increase in the number of riders per car would have much more effect on the environment than would massive increases in expensive public transit service.[57] Increased energy efficiency and decreased air pollution could be more efficiently and effectively achieved by the use of high-occupancy-vehicle lanes, the automation of toll collection to speed traffic, and other such reforms.

Myth No. 8: Urban transit reduces traffic congestion

Automobile users are said to benefit from public transit because it reduces congestion on roads and highways. Indeed, that supposed external benefit to drivers is the justification for using 1 cent of the federal gasoline tax to pay for transit. (One proposal before the House of Representatives would increase the gas tax to fund transit. A portion of last year's federal gas tax is also to be appropriated for transit.) Yet the reduction in traffic congestion resulting from increased transit subsidies is trivial, even under a best-case scenario. For instance, if transit ridership were doubled and the ridership gain came entirely from drivers who left their cars to ride transit, the number of vehicle miles traveled by car would decline by less than 3 percent.[58]

Again Portland serves as an example. The number of automobile commuters who switched to light rail in Portland was less than 0.5 percent of daily commuters in the metropolitan area,[59] a percentage quickly nullified by the rate of growth in employment. New light rail riders account for less than two months' natural growth in total travel in the metropolitan area.[60]

Winning over even small numbers of riders from the roads and highways to transit has proven to be prohibitively expensive. It cost $9.22 to attract each new passenger ride to Portland's light rail line and $28.23 per passenger ride on the Atlanta system. Translated into cost per commuter per year, the expense of diverting each commuter from an automobile was $4,702 for the Portland line and $14,397 for the Atlanta system.[61]

Myth No. 9: Transit subsidies are essential to the mobility of the poor

Transit provides essential mobility to many of the poor, but transit accounted for less than 7 percent of trips made by low-income people in 1983.[62] The most pressing need of the inner-city poor is transportation from the city to suburban jobs for which they are qualified. Yet only 5 percent of the total "reverse commute" market is served by public transit. From 1970 to 1980 transit's reverse commute market share declined by 50 percent. [A federal program to encourage entrepreneurs to provide reverse commute services to the inner-city poor has encountered resistance and delay as a result of transit unions' using their power under section 13(c). Many proposals have been abandoned; new proposals have been discouraged; and the poor continue to go unserved.] The increasingly dispersed nature of inner-city-to-suburb trips renders conventional mass transit service (large buses) unsuitable for that market in terms of both travel time and financial feasibility.[63]

If public transit subsidies benefit anyone, they benefit affluent suburbanites, not the poor. A Los Angeles study determined that inner-city service, patronized largely by the poor, received less than 22 cents in total operating subsidy per passenger boarding, while express service, patronized largely by the affluent, received more than $1.18 per boarding.[64] A 1986 study showed that riders with incomes exceeding $50,000 per year received 50 percent more in federal operating subsidies per transit trip than did low-income users of transit.[65] The difference would have been greater if capital figures had been included.

Some rail systems bypass areas with low-income residents. The Washington Metro, for example, does not go to many high-density poor areas of the city, but it does service the affluent surrounding suburbs. Most Metrorail riders—some 73 percent—earn $25,000 or more; 19 percent earn $75,000 or more.[66]

IMPROVING TRANSIT THROUGH COMPETITION AND PRIVATIZATION

Clearly, inefficient, highly subsidized public transit systems cannot deliver the socioeconomic benefits that have been promised and hoped for. Federal subsidies have rewarded inefficiency and wasteful capital investment, while propping up transit monopolies that actually impede effective alternatives to public transit. The unique patterns of American urban and suburban development and our particular social problems do not lend themselves to old European solutions, which are being abandoned. To meet America's needs, the following reforms are needed.

Eliminate Federal subsidies

Federal transit subsidies have resulted in higher costs than they have covered. Subsidies have resulted primarily in a transfer of wealth from the taxpayers and the productive private sector to well-paid transit employees. At a minimum, in the interest of equity and efficiency, section 13(c) should be eliminated; transit workers should not continue to receive extraordinary compensation.

Federal subsidies increase the cost of transit. Federal capital grants have generated a mad scramble among cities to secure federal transit dollars to pay for new buses and rail service. Often as little as 5 to 10 percent of the investment is local money,[67] yet mayors and local transit authorities have demonstrated repeatedly that to attract "free" federal dollars, they will undertake massive capital investments, even when ridership does not justify construction or purchase. The federal contribution to capital assistance can be as high as 80 percent; nationally, the federal government funds 62 percent of total capital cost.[68] That federal contribution has had an undue influence on the escalation of transit costs.

Many countries have recognized the cost distortion that results from national subsidies and are reducing or eliminating them. Examples include Norway, New Zealand, the United Kingdom, and the Soviet Union.[69] Canada and Australia, with much higher per capita transit ridership, have neither federal operating nor federal capital subsidies. Costs are lower and investments are more effective when subsidies are eliminated altogether, or at least are drawn from a level of government closer to home.[70]

Eliminate barriers to unsubsidized private service

In most cities only the transit monopoly is permitted by law to provide public transit service. Where the private market can operate without subsidy, it should be allowed to do so. Turning to the private market does not require returning to private monopolies and franchise, which are only slightly better than public monopolies. It simply means allowing the free market to provide unsubsidized service where it can.

Private unsubsidized buses and vans currently are providing transit for people in New York and Miami.[71] A 1991 *Wall Street Journal* report found that private (sometimes outlawed) vans are increasing their market share rapidly.

Transit officials estimate that more than 2,500 private transit vans now patrol New York City. They seem to be everywhere in the boroughs of Brooklyn and Queens, bearing names like "Knight-Rider," "Island Boy" and "Leo the People's Friend." The phenomenon seems to be spreading to other cities with large Caribbean immigrant populations. In Miami, transit officials count 300 private vans, some even offering video tapes of Spanish-language soap operas to entertain riders.[72]

Vans and minibuses, which many people prefer to large buses and which have been shown to expand ridership in some areas,[73] could provide unsubsidized services in many high-density areas, freeing subsidies to expand service in other areas. Yet such service is outlawed in many cities, and the public transit agencies jealously guard their monopoly status. Express service is also provided by the private sector in some areas, but generally it too is prohibited.

Public transit spokesmen argue that private vehicles "skim the cream" from profitable routes and increase the deficits of transit agencies. But public transit costs are so high that few if any routes cover their capital and operating costs. In other words, there is no cream to skim. Moreover, the private sector pays taxes, not paid by the public sector, that can exceed the net revenue public transit can obtain from its best routes.

Opening the transit market to private vans and minibuses can provide an opportunity for the poor or near poor to become entrepreneurs as it has done in South Africa.[74] The cost of capital is relatively low. In time those private operators could expand to multiple vehicles, or the experience and profits earned could lead to other profitable ventures. Meanwhile, those entrepreneurs would be positive role models for the entire community, provide employment and a valuable service, and contribute to the tax base.

Adopt competitive contracting for subsidized transit

If political considerations mandate continued taxpayer subsidies, public transit service should at least be purchased through competitive contracting. Under that system the public authority awards service contracts to responsive and responsible operators who demonstrate an ability to provide the specified quality and quantity of service for the lowest price. The public authority retains policy control over the service, while the competitive market produces the service under public scrutiny.

Public transit services are being converted to competitive contracting in Sweden, Denmark, the United Kingdom, New Zealand, Norway, and Finland. Competitively contracted services in London carry as many passengers as the entire Philadelphia rail and bus transit system. Competitive contracting is used in the United States for most paratransit (dial-a-ride) service and almost 8 percent of the bus service. Metropolitan areas such as Dallas, Los Angeles, Denver, St. Louis, Cincinnati, San Diego, San Francisco, Seattle, Minneapolis, and Atlanta have achieved large cost savings through competitive contracting of bus service. The extraordinarily high costs of public transit in the United States have made possible average cost savings of 30 percent.[75] There is little reason, except vested public transit interests, not to competitively contract for subsidized transit service.

CONCLUSION

The realities of public transit fall woefully short of the myths. Transit is needed, but we can no longer afford to imagine that conventional public transit can address the complex problems of the changing American city. And we can no longer support a monopoly system of public mass transit, which has proven to be ineffective, inequitable, and unaffordable. Through incorporation of competition, America can have efficient transit systems in every city—that do improve the environment, lessen traffic congestion, reduce fuel consumption, and help the poor. And improved transit can be provided at much less cost to the American taxpayer.

NOTES

[1] Most larger public transit agencies pay for full-time lobbyists in Washington as well as in the state capital, and transit management also spends time lobbying. Most large transit agencies have fully developed public affairs departmetns. In addition, the American Public Transit Association, which is financially supported by most of the nation's transit agencies, is involved in lobbying activity. Federal law prohibits lobbying with federal moneys, so transit agencies use state and local moneys and fares to finance lobbyists.

[2] Like private-sector businesses, many public transit agencies provide free parking for their employees. And large transit agencies keep large fleets of cars for nonemergency and nonsupervisory use by staff. Transit boards and executives also use single-occupancy vehicles. According to the *New York Daily News* (June 2, 1991), New York City's Metropolitan Transportation Authority board members spent $200,000 in the past 12 months for chauffeured limousines to travel to and from the MTA Madison Avenue offices. The newspaper quoted the MTA first vice chairman, who generated $22,000 in overtime in the previous 16 months for his personal driver: "public transportation can be slower and more inconvenient than a car." It should be noted that New York City is the nation's most extensive transit system.

[3] Alan E. Pisarski, *Commuting in America: A National Report on Commuting Patterns and Trends* (Westport Conn.: Eno Foundation for Transportation, 1987).

[4] *National Urban Mass Transportation Statistics: Section 15 Annual Report* (Washington: U.S. Department of Transportation, Urban Mass Transportation Administration, 1987).

[5] Calculated from *National Urban Mass Transportation Statistics: Section 15 Annual Report* (Washington: U.S. Department of Transportation, Urban Mass Transportation Administration, 1986); and *National Transportation Statistics*, (Washington: U.S. Department of Transportation, Transportation Systems Center, 1988).

[6] For an analysis of America's changing cities, see Joel Garreau, *Edge City: Life on the New Frontier* (New York: Doubleday, 1991).

[7] Dieter Klinger and J. Richard Kuzmyak, *Personal Travel in the U.S.*, vol. 1, *1983–84: Nationwide Personal Transportation Study* (Washington: U.S. Department of Transportation, Federal Highway Administration, 1986).

[8] Data from *National Urban Mass Transportation Statistics: Section 15 Annual Report*, various years; and *Transit Operating and Financial Statistics* (Washington: American Public Transit Association, various years).

[9] Urban Mass Transportation Act of 1964, 49 U.S.C. 1601 et seq. A prior act, the Housing Act of 1961, authorized $75 million in aid to urban transit over three years.

[10] Paul N. Tramontozzi and Kenneth Chilton, "The Federal Free Ride: The Economics and Politics of U.S. Transit Policy," Center for the Study of American Business, Washington University, St. Louis, October 1987.

[11] Randall Fitzgerald, *When Government Goes Private* (New York: Universe Books, 1988), p. 153.

[12] "Transit Wins Big in House Bill," *Congressional Quarterly*, July 13, 1991, p. 1889.

[13] For a discussion of the various interest groups lining up in favor of increased federal transit aid, see Kirk Victor, "Transit Turnaround," *National Journal*, August 31, 1991, pp. 17–20.

[14] Calculated from Interstate Commerce Commission and American Bus Association data.

[15] Calculated from Consumer Price Index Medical Care Component.

[16] Data from *National Urban Mass Transportation Statistics: Section 15 Annual Report*, various years; and *Transit Operating and Financial Statistics*, various years.

[17] Data from *National Urban Mass Transportation Statistics: Section 15 Annual Report*, various years.

[18] Ralph L. Stanley, administrator, Urban Mass Transportation Administration, Statement before the Subcommittee on Appropriations, U.S. House of Representatives, April 9, 1986, pp. 3–4.

[19] Data from *National urban Mass Transportation Statistics: Section 15 Annual Report*, various years; and *Transit Operating and Financial Statistics*, various years.

[20] Based on data from all public transit systems located within the 39 metropolitan areas that reported both in 1980 and 1989 and all new systems reporting in 1989 (102 public transit systems included in analysis).

[21] Public transit figures are overstated—the figures include taxis, limousines, privately owned buses and vans, and other unsubsidized services.

[22] Klinger and Kuzmyak.

[23] *The Renaissance of Rail Transit in America* (New York: Regional Plan Association, 1991).

[24] Data from *National Urban Mass Transportation Statistics: Section 15 Annual Report*, various years.

[25] Stephen Moore, "Rx for Urban Mass Transit: A Dose of Competition," Heritage Foundation Backgrounder no. 542, October 1986.

[26] Pisarski.

[27] Analysis of data from *Jane's Urban Transport Systems*, ed. Chris Bushell (Coulsdon, Surrey, U.K.: Jane's Information Group, 1991). Sample included 139 foreign systems.

[28] European Conference of Ministers of Transport, *Promoting Regional Transport: Report of the Eighty-Second Round Table on Transport Economics* (Paris: ECMT, 1990).

[29] See Wendell Cox and Jean Love, "International Experience in Competitive Tendering," paper presented at Second International Conference on Privatization and Deregulation in Passenger Transport, Tampere, Finland, June 1991.

[30] Perhaps the most successful investment in new transit rail infrastructure has been in San Diego. Fares cover more than 90 percent of the costs of operation for the first line of the "San Diego Trolley." Constructed without federal funding, that line was completed for a fraction of the costs of comparable rail lines built with federal funding. That performance far surpasses that of any other new rail investment.

[31] *Urban Rail in America: Forecast versus Actual Ridership and Costs* (Cambridge, Mass.: U.S. Department of Transportation, Transportation Services Center, 1989).

[32] Ibid.

[33] "Police vs. the People Mover," *Detroit News*, April 15, 1988.

[34] The Chicago Transit Authority provides a stark example of the excessive compensation paid public transit workers. The executive director of the CTA, who is not the most highly paid transit administrator in the nation (the executive directors of the Southeastern Pennsylvania Transit Authority in Philadelphia and the Washington Metropolitan Area Transit Authority that serves the nation's capital are rapid roughly $50,000 more per year), receives more pay than elected officials such as the governor of Illinois, the mayor of Chicago, and U.S. senators and representatives or appointed officials such as the Chicago police superintendent and fire commissioner. The American Public Transit Association, *Transit Fact Book* (Washington: APTA, 1988); Kim Nauer, "Pay for City's Brass Matches Up with Peers," *Chicago Tribune*, October 15, 1990; Gary Washburn, "Gung-ho Chief Has CTA Jumping," *Chicago Tribune*, August 5, 1990; *Statistical Abstract of the United States* (Washington: U.S. Government Printing Office, 1990).

[35] Data from *National Urban Mass Transportation Statistics, Section 15 Annual Report* (Washington: U.S. Department of Transportation, Urban Mass Transportation Administration, 1988), and *Statistical Abstract of the United States* (Washington: Government Printing Office, 1990).

[36] Ibid.

[37] Kimberly J. McLarin, "SEPTA Approves Budget," *Philadelphia Inquirer*, June 27, 1991.

[38] Benny Evangelista, "BART Ad Incenses Unions," *Oakland Tribune*, July 18, 1991; and BART full-page ad: "Labor Negotiations Status Report No. 1," *Oakland Tribune*, July 18, 1991.

[39] Don Pickrell, *The Causes of Rising Transit Operating Deficits* (Washington: U.S. Department of Transportation, Urban Mass Transportation Administration, 1983).

[40] *The Status of the Nation's Local Mass Transportation: Performance and Conditions*, report to Congress (Washington: U.S. Department of Transportation, Urban Mass Transportation Administration, 1988).

[41] Calculated from data in Charles Lave, *Measuring the Decline in Transit Productivity in the U.S.* (Thredbo, NSW, Australia: International Conference on Competition and Ownership of Bus and Coach Services, 1989).

[41] The transit industry dismisses declining public transit labor productivity as a necessary consequence of increases in rush hour service. See, for example, Elliott D. Sclar, K. H. Schaeffer, and Robert Brandwein, *The Emperor's New Clothes: Transit Privatization and Public Policy* (Washington: Economic Policy Institute, 1989). Lave, however, found that rush hour service has not increased; it has declined by 15 percent in recent decades. Lave also reports that public transit operating speeds have increased by 13 percent over the same period. The drop in rush hour service and the increase in operating speeds, of themselves, would have a positive effect on labor productivity. Lave's findings suggest that public transit productivity may have declined even more than is suggested by the raw numbers.

[42] Subhash R. Mundle, "Impact of Work Rules on Transit Productivity and Costs," paper presented at the Urban Mass Transportation Administration's Fourth Annual Symposium: The Private Sector and Public Transit, March 1988.

[43] Urban Mass Transportation Act of 1964, as amended, 49 U.S.C. 1601 et seq. Amendments include an extension of section 13(c) labor protection to cover federal operational funding in addition to original provisions covering federal capital funding.

[44] Simon Rottenberg, "Protection of Employees in the Public Acquisition and Operation of Urban Mass Transit," in *Government Protection of Employees Involved in Mergers and Acquisitions*, ed. Herbert R. Northrup and Philip A. Miscimarra (Philadelphia: University of Pennsylvania, Wharton School, 1989) provides the most comprehensive examination of the effects of section 13(c).

[45] Federal legislation created and enforces section 13(c). However, many transit agencies have signed a local version of 13(c) that is more stringent than the federal law. The model 13(c) agreement, developed jointly by the transit unions and the American Public Transit Association in 1975, specifies that disputes be settled by binding arbitration—something not federally required. Although individual agencies were not required to adopt that contract or its provisions, many did to avoid lengthy contract negotiations.

[46] *Urban Rail in America: Forecast versus Actual Ridership and Costs.*

[47] Federal City Council, *Transit in the Nation's Capital: What Lies Ahead?* (Washington: U.S. Department of Transportation, Urban Mass Transportation Administration, Technology Sharing Program, 1986), p. 2.

[48] "2 New Md. Stations Draw Fewer Riders Than Metro Expected," *Washington Post*, September 16, 1991, p. C1.

[49] Metrobus and rail operating costs exceeded $509 million in 1989; states and localities paid 90 percent of the total subsidies of $240 million. The Washington system currently is cutting service for lack of "adequate" subsidies.

[50] *National Urban Mass Transportation Statistics: Section 15 Annual Report*, 1987.

[51] Calculated from *National Urban Mass Transportation Statistics: Section 15 Annual Report*, 1986; and *National Transportation Statistics*, 1988.

[52] Data from the *National Urban Mass Transportation Statistics: Section 15 Annual Report*, various years; and *Transit Operating and Financial Statistics*, various years.

[53] Data from *National Urban Mass Transportation Statistics: Section 15 Annual Report*, various years.

[54] Congressional Budget Office "Urban Transportation and Energy: The Potential Savings from Different Modes," 1982, p. 1.

[55] *The Renaissance of Rail Transit in America.*

[56] In 1972 the average automobile got 13.4 miles per gallon; by 1988 that figure had improved to 20.0 miles per gallon. The average new car achieved 14.4 miles per gallon in 1972 and 28.8 miles per gallon in 1988. Data from National Transportation Statistics Annual Report (Washington: U.S. Department of Transportation, Research and Special Programs Administration, Transportation Systems Center, 1990).

[57] Lave.

[58] Alan Altshuler, *The Urban Transportation System* (Cambridge, Mass.: MIT Press, 1979).

[59] Ibid.

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[71] E. S. Savas, Sigurd Grava, Jeffrey A. Parker, and Roy Sparrow, *The Private Sector in Public Transportation in New York City* (New York: City University of New York, Institute for Transportation Systems, 1991), prepared for the U.S. Department of Transportation, Urban Mass Transportation Administration; Daniel Machalaba, "Opportunistic Vans Are Running Circles around City Buses," *Wall Street Journal*, July 24, 1991; Dan Holly, "It's Metro vs Minis in the Battle of Buses," *Miami Herald*, May 4, 1991.

In Miami last year minibuses began to operate several transit routes for a lower fare when a change in the law created a loophole. The minibuses garnered 20,000 passengers a month according to the transit agency. The law has since been changed—as a result of pressure from the public transit agency—to prohibit the entry of new private companies and expansion of routes, but companies already operating were "grandfathered in." Metro, the public transit agency, recently has reduced its fares (incurring huge deficits) on one of its routes to drive the unsubsidized company from the market.

In New York private vans illegally divert nearly $30 million a year from the transit agency. Private vans operate their unsubsidized service for a lower fare than the transit agency.

[72] Machalaba.

[73] H. D. Blundred, "Barriers to Market Entry: Practical Experience of the UK Bus Market," paper presented at Second International Conference on Privatization and Deregulation in Passenger Transport, Tampere, Finland, June 1991.

[74] "Congress Bucks Privatization Trend."

[75] Roger F. Teal, "Transit Service Contracting: Experiences and Issues," paper presented at the Annual Meeting of the Transportation Research Board, Washington, January 1985, p. 3. See also Cox and Love, "International Experience"; *Private Sector Briefs: Private Sector Involvement in Public Transportation* (Washington: U.S. Department of Transportation, Urban Mass Transportation Administration, Office of Private Sector Initiatives, July 30, 1988 and 1990); Wendell Cox and Jean Love, *Designing Competitive Tendering Systems for the Public Good: A Review of the US Experience* (Thredbo, NSW, Australia: International Conference on Competition and Ownership of Bus and Coach Services, May 1989).

Mr. WHEAT. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Tennessee [Mr. CLEMENT].

Mr. CLEMENT. Mr. Speaker, I thank the gentleman for yielding, and I rise in support of the rule.

I also rise in support of the transportation bill.

Mr. Speaker, the leadership, every member of the Committee on Public Works and Transportation, has spent untold hours dedicating themselves to rebuilding America. That is what we are doing. We are talking about $151 billion over the next 6 years. I do not think any of us have to point out the deterioration of our roads, the conditions of our bridges in this country.

Mr. Speaker, I know the comment was made by the gentleman from Texas [Mr. DELAY] about mass transit. We have spent more money on foreign aid in the last decade than we have on mass transit. It is time in this country, it is time in this country, to rebuild America.

Mr. DELAY. Mr. Speaker, will the gentleman yield?

Mr. CLEMENT. I yield to the gentleman from Texas [Mr. DELAY].

Mr. DELAY. I thank the gentleman for yielding.

Mr. Speaker, I just submit to the gentleman that foreign aid has failed as well as mass transit has failed.

Mr. CLEMENT. But the fact is the gentleman made the comment concerning the transportation bill.

There really was not anything of real substance there. And I contend, after going over for many months, realizing that we have come down to the final hour now, that we cannot afford any more delays. We need to pass this legislation and pass it now. We have got a lot of opportunities for new economic growth and development in this transportation bill. That is what is wrong with America now. We are at the status quo, we are not moving forward.

Many people do not have jobs, do not have economic opportunity. We need to rebuild America, we need to rebuild America now, and the place to start is in the transportation bill.

We are already in the new fiscal year, and we still do not have a transportation bill. We realize it has to go to the conference committee. Let us do what is right for America; let us rebuild America and let us do it now.

Mr. MCEWEN. Mr. Speaker, I yield 2 minutes to the gentleman from Florida [Mr. STEARNS].

Mr. STEARNS. Mr. Speaker, I rise in opposition to the rule.

More and more, we see important measures brought before this Congress with little or no opportunity for fair amendment. This bill, H.R. 3566, authorizes over $151 billion in spending. That is more than $600 for every man, woman, and child in this country. Sometimes I believe this Congress forgets that real people work hard to pay these bills. My colleague from Texas [Mr. DELAY] clearly makes the argument that mass transit has not met expectations and in fact is failing.

I offered an amendment yesterday to delete a small amount of funding from this bill in the mass transit funding to allow for a repeal of the boat user fee tax. On July 18, 416 Members of this Congress—including 12 of the 13 members of the Rules Committee—voted to support repeal of this tax. Yet, Members of Congress now have been denied the right to make a straightforward choice between slightly lower spending on mass transit and repealing the boat tax.

This tax was called the Coast Guard user fee, but the money never was intended to go to the Coast Guard. It has produced only a small fraction of what Congress pretended it would when it passed the budget agreement last year. Everyone agrees in public that this tax should be repealed. Many Members of this Congress will tell their constituents they have voted for repeal, but when the opportunity came to do something concrete to remove this unfair tax, the Democratic leadership of the Committee on Rules would not even let it be considered. The Democratic majority would not allow Congress to repeal the boat user fee.

No wonder Americans feel that Congress no longer represents them, but only represents the special interests who can get in the closed doors of the powers that be.

We are in danger of becoming a Congress of taxation, authorization, and appropriation without representation. That's not why any of our constituents sent us here.

Mr. WHEAT. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Virginia [Mr. PAYNE].

Mr. PAYNE of Virginia. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I would like to recognize the superb leadership, foresight, and patience of the committee's chairman, the gentleman from New Jersey [Mr. ROE], the subcommittee chairman, the gentleman from California [Mr. MINETA], and the ranking minority members, the gentleman from Arkansas [Mr. HAMMERSCHMIDT], and the gentleman from Pennsylvania [Mr. SHUSTER].

The legislation before us today will provide the single largest investment in America that this Congress will consider.

For decades, as we have heard in committee hearings we have underinvested in our infrastructure in America.

This bill helps correct that. Public investment in roads, bridges, and transit systems means greater productivity for America, a more competitive America in the global economy, and more jobs for Americans.

This bill recognizes the great diversity of transportation needs that exist in our country.

It recognizes the differences between rural and urban needs, as well as the diverse geography and the different building conditions that exist in this country.

This bill accommodates this diversity by creating the mechanism to fund both a strong national highway system and a strong mass transit system.

And it goes much further by providing flexibility for State and local officials to decide how best to meet the transportation needs in their individual States and cities.

This bill also recognizes the need for equity and fairness in its formula for distributing money from the Federal highway trust fund.

The formula is fair and equitable. Moreover, each State is guaranteed a 90-percent minimum allocation of the money it puts into the highway trust fund.

This is an extremely important part of this bill for donor States such as mine, and I thank the committee leadership for working with those of us on the committee on these important provisions.

This bill is a very thoughtful, far-reaching blue print for investing in our transportation infrastructure.

I believe the impact of this legislation will be realized well into the next century.

It is a good bill for each of our States. It is a good bill for America.

I strongly urge my colleagues to support this important legislation.

Mr. MCEWEN. Mr. Speaker, I yield 2 minutes to the gentleman from Wisconsin [Mr. KLUG].

Mr. KLUG. I thank the gentleman for yielding.

Mr. Speaker, I am disappointed that the Committee on Rules did not approve my amendment last night, an amendment that involves a fundamental philosophical dispute and debate about what decisions are best left to State capitals.

Mr. Speaker, the Federal Government is now setting speed limits across the country, it has already set drinking ages. Once again it is going to get itself involved in requiring every motorcycle rider in this country to wear a helmet.

Back in 1966 we already passed a helmet law in the United States as part of the transportation bill, which threatens States with a loss of funds if they do not pass a rule requiring helmets to be worn in those States. Forty-seven States adopted such a rule. In 1975 we reversed course and 29 States, including my home State of Wisconsin, now no longer have helmet laws on the books.

The facts of the matter are that fatality rates are higher in States with helmet laws and accident rates are higher in States with helmet laws.

In fact, the real solution is an education program, which is what my amendment would have put in place in States across this country.

When California did that in 1989, they found fatalities dropped by 28 percent, and they found that their injuries dropped by 34 percent. Now if we are going to use the same twisted logic from here on out, we have another 50 percent of the head traumas in this country that we are going to have to require potential victims to wear helmets.

My 7-year-old will soon have to wear a helmet if he is riding a bike, skiiers will have to wear helmets; people who ride horses will have to wear helmets, and eventually even the lady on TV who falls and says, "I can't get up," will have to wear a helmet.

And in fact, next time I go to the Committee on Rules, it is very clear to me I will have to wear a helmet because every time I have an amendment brought up it seems mysteriously it results in a major crash.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. DURBIN). The rules of the House preclude signs of approbation and disapprobation from the Gallery.

Mr. WHEAT. Mr. Speaker, I have no further requests for time at this point, and I reserve the balance of my time.

Mr. MCEWEN. Mr. Speaker, the opposition to this rule continues to mount, and it is becoming so great that I yield 3 minutes to the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. I thank the gentleman for yeilding.

You know, Mr. Speaker, there has been a lot of criticism of Congress recently. This rule is a pretty good example of why Congress needs to be criticized.

One of the things that often does not get indicated in that criticism is that it is the Democrats who run this Congress. This rule is a pretty good example of why the Democrats have gone far afield of what is needed to run the Congress well.

☐ 1150

In this rule, Mr. Speaker, the gentleman from Missouri [Mr. CLAY] has told us that the Democrats on the Committee on Rules had to make some decisions about priorities. Well, let us understand what their priorities were. They decided it was important to consider the use of racial quotas in highway construction, but it was not important to consider wasteful spending in highway construction, and so, therefore, they made a racial quota amendment in order, but they decided not to make any amendments in order to strike out wasteful and irresponsible spending that is in the bill.

Mr. Speaker, that tells my colleagues something about the direction that they decided to go. That was their decision. The majority of the Democrats on the committee voted that way. Some Members got the privilege of violating the rules.

This Committee on Rules said early on, "One of the things you have to have is: Submit your amendments by 5 o'clock on a day." What the Committee on Rules then decided was some Members who obeyed the rules would not get their amendments, but Members who did not necessarily obey the rules would be able to have their amendments offered. This is fair? This is the party of fairness we keep hearing about? No way. This is absolutely a scandal, the way we behave behind closed doors, and that is exactly what happened when this rule was crafted.

Now, understand we will try to defeat the previous question, and the reason why we are going to try to defeat the previous question is to eliminate all the amendments that are in the rule that were submitted after the time deadline, and I do not know who they are, and I do not know what they are, but we think the previous question ought to be defeated so that we can at least change the rule and make it fair, and say that to those Members who submitted their amendments on time they should have had an equal chance with those who submitted their amendments not on time, and strike all the amendments that were submitted after the deadline.

I must say that the Committee on Rules gave me my amendment. I am one of the privileged few. I got my amendment. It was the only amendment that was granted that cuts any money. It cuts $11.5 million if it is adopted. I have my doubts it will be adopted, but understand that, if my amendment was adopted, that would be two-tenths of 1 percent of what we regard as pork and waste in the bill. We actually, actually have an amendment on the floor to cut two-tenths of 1 percent.

Now, if my colleagues look at the overall bill, it is less than one one-hundredth of 1 percent that the Members of the House are actually going to get to vote on as a spending cut. Now that tells my colleagues something about where the Democrats have gone in this Congress.

When we talk about spending on this House floor, and when we talk about taxing, they are interrelated. The reason why we need to raise taxes in this country is because people want to spend money. Here is an example of where the rules process is staked in favor of spending and where there was no effort at all given to the job of eliminating spending.

Mr. WHEAT. Mr. Speaker, I reserve the balance of my time.

Mr. MCEWEN. Mr. Speaker, I yield 3 minutes to the gentleman from Texas [Mr. ARMEY].

Mr. ARMEY. Mr. Speaker, I thank the gentleman from Ohio [Mr. MCEWEN] for yielding this time to me.

Mr. Speaker, I am, of course, opposed to this rule for the same reasons so often we end up being opposed to a rule. The fact of the matter is the Democrats give greater credence to requests that come before them and the Committee on Rules than to Republicans. This is a Democrat bill, and it has a Democrat tax increase in it, and this is what I would like to talk about for a moment.

Mr. Speaker, last year, when we had this ill-fated, fiscally flimflammed budget agreement, we had a 5-cent-a-gallon gas tax. That was supposed to be enough to carry us through the year 1995. Now in this bill, when Democrats all over the country are talking about the need for tax reductions that are fair and tax reductions that will spur the economy, we have this bill bringing forward an expansion of the gas tax for 4 more years. Four more years at 2½ cents a gallon.

Mr. Speaker, this is a regressive tax that falls four times as heavily on lower income earners as higher income earners. This is an economically repressive tax that results in the loss of jobs, the loss of employment, the loss of production and the loss of other tax revenue to the Government. This is an inflationary tax because we use energy in the production of everything in this country.

Now the Congressional Budget Office is very obliging, as usual, to the Democrats. They project that they will raise $14 billion in this tax despite the fact that the projections they had for the 5-year 5-cent tax have not been fulfilled because they do not take into account for the revenue lost offset from the unemployment that is created by the imposition of these repressive taxes. We are going to find that the revenue will not come in as it is projected, but the spending will go forward.

Now what is wrong with the spending? I happen to believe we need to spend on infrastructure where it is needed in the public's general interest. This bill again spends first on where it is needed in the parochial interests, in the special interests, in the local interests, what they call pork barrel spending. We cannot afford a regressive, repressive tax for 4 more yeas that harms the economy, harms the employment opportunities for the American people, hurts the low-income family four times as much as it hurts the high income families in order to build pork-barrel projects in favored congressional districts.

Mr. Speaker, this is a bad bill, it is bad legislation, it is bad tax policy, and should be shown as such for those people who want to go around the country talking about the need to cut taxes to get this economy out of the recession. This tax will push this economy, worsen the recession, and risk the creation of stagflation, the simultaneous creation of inflation with recession.

Mr. WHEAT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I was very pleased yesterday in testimony before the Committee on Rules when both the chairman and the ranking member of the committee testified as to the advisability of this rule, and we have the bipartisan support of both of those Members. In fact, we have the support of the chairman and the ranking minority member of the subcommittee that put this bill together also. I think they have done an excellent job putting together what we perceive as a bipartisan bill.

Mr. Speaker, I yield such time as he may consume to the distinguished chairman of the Committee on Public Works and Transportation, the gentleman from New Jersey [Mr. ROE].

Mr. ROE. Mr. Speaker, I thank the distinguished gentleman from Missouri [Mr. CLAY] for yielding to me.

Mr. Speaker, I had not planned on speaking on the rule, but I think it is very necessary to get it clear right at the very beginning. This is not, I repeat: this is not, a Democratic bill. This is a bipartisan bill.

In the vote in the full committee, of which there are 57 Members of this body, the vote was 53 in favor and 3 opposed.

Mr. Speaker, I think we have to stop the nonsense around here and start talking about facts. This is an all-American bill. It is probably the most important bill that we could bring forth today where domestic policy is involved in this country, the transportation facilities of this country, and, yes, jobs for this country, real jobs for this country.

There are no racial quotas in this bill, and it is about time that when Members got up on the floor that they speak the facts, as the facts are, and not manufacture things that are not true to dissuade people on issues that are not correct.

So, Mr. Speaker, I want to make it very, very clear that the leadership of this committee, 53 Members on a bipartisan basis, brought this bill to the floor, and that is the direction this whole bill has gone. It has been totally bipartisan, and it will continue to be bipartisan before this bill is voted on today.

Mr. Speaker, I thank the gentleman from Missouri [Mr. CLAY] for yielding me the time.

Mr. MCEWEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I deeply regret that the Committee on Public Works and Transportation bill that has been worked on so diligently by such capable Members of this House was bushwhacked by this rule. Last night efforts were made to make amendments, and they were strictly party line, and I think that, as we come to vote now on this rule, we make a clear distinction, and that is that on a party-line vote we were denied the right to have an open rule.

Now what does that mean? That means in the 1970's about 15 percent of the rules had some limitation on them. The rest of them were that, if one was elected to the Congress, and if it is going to be their highway, and their taxes, and their citizens that were paying for it, and their bridge, and all the rest, the speed limits, that they have a right to vote. That moved up to when I came here in the 1980's to about 25, or one rule in four which began to limit us. Now the Committee on Rules, almost pro forma, in the neighborhood of 60 percent, nearly two out of three, is saying, "We'll decide what's going to be decided on the floor of the House. We'll decide who's allowed to make the amendments. We'll decide who's allowed to say and do what." And, as a result, they are creating unnecessary conflict on the floor.

This bill, which as I said yesterday in the Committee on Rules, was completely amended and changed in less than 30 days, totally reworked, because of the diligence of the people on the Committee on Public Works and Transportation. The fairness of the chairman, the gentleman from New Jersey [Mr. ROE], the ranking member, the gentleman from Arkansas [Mr. HAMMERSCHMIDT], the chairman of the subcommittee, the gentleman from California [Mr. MINETA], the ranking member, the gentleman from Pennsylvania [Mr. SHUSTER]; they have done a marvelous job for a vital, vital concern for our Nation's infrastructure. We have abandoned it. We are far behind where we should be in our Nation's infrastructure.

Mr. Speaker, this bill needs to be passed, and there was no reason for us to be put in this position of having completely partisan vote in the Committee on Rules.

Now I stand here to ask the support of those who respect my opinion at all to say that this rule is unnecessary in this manner, and to oppose it and to leave the marker on the table as we leave here, that when good, quality legislation comes to the floor, regardless of whether or not one is on the committee, they should have a say as a Member of Congress, and these closed rules are unnecessary.

□ 1200

Mr. WHEAT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the gentleman from Ohio [Mr. MCEWEN] for his very sincere and passionate statements, both in regard to the rule and his support for the legislation. It is true, Mr. Speaker, that H.R. 2950 is one of the most important pieces of legislation that will be considered by this Congress. It is unfortunate that not every Member of Congress will be able to speak on this legislation, but I am sure the gentleman recognizes that the mere existence of a Rules Committee is a necessary evil to allow the House to move forward in an expeditious way to consider vital legislation of this type.

This legislation is vital to each and every State in our Union, and quick action is essential to avoid any prolonged interruption of the highway program.

H.R. 252 is a fair and equitable rule which will aid the House in considering the surface transportation bill as expeditiously as possible.

Mr. MINETA. Mr. Speaker, I rise in support of the recommended rule for H.R. 2950, the Intermodal Surface Transportation Infrastructure Act of 1991.

The committee has been very responsive to the many requests and amendments received from our House colleagues. This bill has been 2½ years in the making. The Subcommittee on Surface Transportation conducted an extensive series of hearings nationwide. We met with House colleagues, businesses—both big and small, industry representatives, State groups, local groups, unions, environmental groups—just about anyone and everyone who was interested, during the development of our proposal.

Additionally, during the committee markup process, we made every effort to work with

Members to accommodate their local and national policy concerns, amendments, and project changes.

This legislation is a genuine new transportation policy for America, and a tremendous investment in our future. It will build our roads and bridges and transit systems into a comprehensive network that will in turn build our economy, enhance safety, and improve our quality of life.

I believe that the rule is fair. It accommodates the controversial issues. And, it is important to note that several of these issues were brought before the committee for a vote and were defeated.

It is true that there were several amendments submitted that were not made in order. However, many of those amendments were antisafety amendments. There were also several inappropriate amendments offered to delete individual Member projects. The project requests were carefully scrutinized by the Public Works and Transportation Committee and overall project totals were painstakingly reviewed for equity.

Mr. Speaker, I urge my colleagues to support this rule.

Mr. WHEAT. Mr. Speaker, I urge my colleagues to support the rule and the bill, and I move the previous question on the resolution.

The SPEAKER pro tempore (Mr. DURBIN). The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. BURTON of Indiana. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 319, nays 104, not voting 10, as follows:

[Roll No. 331]

YEAS—319

Abercrombie
Ackerman
Alexander
Anderson
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Annunzio
Anthony
Applegate
Aspin
Atkins
AuCoin
Bacchus
Barnard
Bateman
Beilenson
Bennett
Bentley
Bereuter
Berman
Bevill
Bilbray
Boehlert
Bonior
Borski
Boucher
Boxer
Brewster
Brooks
Browder
Brown
Bruce
Bryant
Bustamante
Byron
Campbell (CO)
Cardin
Carper
Carr
Chapman
Clay
Clement
Clinger
Coleman (TX)
Collins (IL)
Collins (MI)
Condit
Conyers
Cooper
Costello
Coughlin
Cox (IL)
Coyne
Cramer
Darden
Davis
de la Garza
DeFazio
DeLauro
Dellums
Derrick
Dickinson
Dicks
Dingell
Dixon
Donnelly
Dooley
Dorgan (ND)
Downey
Durbin
Dwyer
Dymally
Early
Eckart
Edwards (CA)
Edwards (TX)
Emerson
Engel
English
Erdreich
Espy
Evans
Ewing
Fascell
Fazio
Feighan
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Frost
Gallo
Gaydos
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilman
Glickman
Gonzalez
Goodling
Gordon
Grandy
Green
Guarini
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Harris
Hastert
Hatcher
Hayes (IL)
Hayes (LA)
Hefner
Henry
Hertel
Hoagland
Hobson
Hochbrueckner
Horn
Horton
Houghton
Hoyer
Hubbard
Huckaby
Hughes
Hutto
Inhofe
Jenkins
Johnson (CT)
Johnson (SD)
Johnston
Jones (GA)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Kolter
Kopetski
Kostmayer
LaFalce
Lancaster
Lantos
LaRocco
Laughlin
Leach
Lehman (CA)
Lehman (FL)
Lent
Levin (MI)
Levine (CA)
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lipinski
Lloyd
Long
Lowery (CA)
Lowey (NY)
Luken
Manton
Markey
Matsui
Mavroules
Mazzoli
McCloskey
McCollum
McCurdy
McDade
McDermott
McGrath
McHugh
McMillen (MD)
McNulty
Mfume
Miller (CA)
Miller (WA)
Mineta
Moakley
Molinari
Mollohan
Montgomery
Moody
Moran
Morella
Mrazek
Murphy
Murtha
Myers
Nagle
Natcher
Neal (MA)
Nichols
Nowak
Nussle
Oakar
Oberstar
Obey
Olin
Olver
Ortiz
Orton
Owens (NY)
Owens (UT)
Oxley
Packard
Pallone
Panetta
Parker
Pastor
Patterson
Payne (NJ)
Payne (VA)
Pease
Pelosi
Penny
Perkins
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Poshard
Price
Pursell
Quillen
Rahall
Rangel
Ray
Reed
Regula
Richardson
Ridge
Riggs
Rinaldo
Ritter
Roe
Roemer
Rogers
Rostenkowski
Rowland
Roybal
Russo
Sabo
Sanders
Sangmeister
Santorum
Sarpalius
Savage
Sawyer
Schaefer
Scheuer
Schulze
Schumer
Serrano
Sharp
Shuster
Sikorski
Sisisky
Skaggs
Skelton
Slattery
Slaughter (NY)
Smith (FL)
Smith (IA)
Smith (NJ)
Solarz
Spratt
Staggers
Stallings
Stark
Stenholm
Stokes
Studds
Swett
Swift
Synar
Tallon
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (GA)
Thornton
Torres
Torricelli
Towns
Traficant
Traxler
Unsoeld
Upton
Valentine
Vander Jagt
Vento
Visclosky
Volkmer
Waxman
Weiss
Wheat
Whitten
Williams
Wilson
Wise
Wolpe
Wyden
Wylie
Yates
Yatron
Young (AK)
Young (FL)

NAYS—104

Allard
Archer
Armey
Baker
Ballenger
Barrett
Barton
Bilirakis
Bliley
Boehner
Broomfield
Bunning
Burton
Camp
Campbell (CA)
Chandler
Coble
Coleman (MO)
Combest
Cox (CA)
Crane
Cunningham
Dannemeyer
DeLay
Doolittle
Dornan (CA)
Dreier
Duncan
Edwards (OK)
Fawell
Fields
Franks (CT)
Gallegly
Gilchrest
Gillmor
Gingrich
Goss
Gradison
Gunderson
Hancock
Hansen
Hefley
Herger
Holloway
Hunter
Hyde
Ireland
Jacobs
James
Johnson (TX)
Kasich
Klug
Kolbe
Kyl
Lagomarsino
Lightfoot
Livingston
Machtley
Marlenee
Martin
McCandless
McCrery
McEwen
McMillan (NC)
Meyers
Miller (OH)
Mink
Moorhead
Morrison
Paxon
Porter
Ramstad
Ravenel
Rhodes
Roberts
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Saxton
Schiff
Schroeder
Sensenbrenner
Shays
Skeen
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stump
Sundquist
Thomas (CA)
Thomas (WY)
Vucanovich
Walker
Walsh
Weber
Weldon
Wolf
Zeliff
Zimmer

NOT VOTING—10

Callahan
Hopkins
Jefferson
Martinez
Michel
Neal (NC)
Shaw
Slaughter (VA)
Washington
Waters

☐ 1220

Mr. IRELAND changed his vote from "yea" to "nay."

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. McNULTY). The question is on the resolution.

The question is taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. WHEAT. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 323, nays 102, not voting 8, as follows:

[Roll No. 332]

YEAS—323

Abercrombie
Ackerman
Alexander
Anderson
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Annunzio
Anthony
Applegate
Aspin
Atkins
AuCoin
Bacchus
Barnard
Bateman
Beilenson
Bennett
Bentley
Bereuter
Berman
Bevill
Bilbray
Boehlert
Bonior
Borski
Boucher
Boxer
Brewster
Brooks
Browder
Brown
Bruce
Bryant
Bustamante
Byron
Callahan
Campbell (CO)
Cardin
Carper
Carr
Chapman
Clay
Clement
Clinger
Coleman (TX)
Collins (IL)
Collins (MI)
Condit
Conyers
Cooper
Costello
Coughlin
Cox (IL)
Coyne
Cramer
Darden
Davis
de la Garza
DeFazio
DeLauro
Dellums
Derrick
Dickinson
Dicks
Dingell
Dixon
Donnelly
Dooley
Dorgan (ND)
Durbin
Dwyer
Dymally
Early
Eckart
Edwards (CA)
Edwards (TX)
Emerson
Engel
English
Erdreich
Espy
Ewing
Fascell
Fazio
Feighan
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Frost
Gallo
Gaydos
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gillmor
Gilman
Glickman
Gonzalez
Goodling
Gordon
Grandy
Green
Guarini
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Harris
Hastert
Hatcher
Hayes (IL)
Hayes (LA)
Hefner
Henry
Hertel
Hoagland
Hobson
Hochbrueckner
Horn
Horton

Houghton
Hoyer
Hubbard
Huckaby
Hughes
Hutto
Hyde
Inhofe
Jefferson
Jenkins
Johnson (CT)
Johnson (SD)
Johnston
Jones (GA)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kleczka
Kolter
Kopetski
Kostmayer
LaFalce
Lancaster
Lantos
LaRocco
Laughlin
Leach
Lehman (CA)
Lehman (FL)
Lent
Levin (MI)
Levine (CA)
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lipinski
Lloyd
Long
Lowery (CA)
Lowey (NY)
Luken
Machtley
Manton
Markey
Matsui
Mavroules
Mazzoli
McCandless
McCloskey
McCrery
McCurdy
McDade
McDermott
McGrath
McHugh
McMillen (MD)
McNulty
Mfume
Miller (CA)
Mineta
Mink
Moakley
Molinari
Mollohan
Montgomery
Moody
Moran
Morella
Mrazek
Murphy
Murtha
Myers
Nagle
Natcher
Neal (MA)
Nichols
Nowak
Nussle
Oakar
Oberstar
Obey
Olin
Olver
Ortiz
Orton
Owens (NY)
Owens (UT)
Oxley
Packard
Pallone
Panetta
Parker
Pastor
Patterson
Payne (NJ)
Payne (VA)
Pease
Pelosi
Penny
Perkins
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Poshard
Price
Pursell
Quillen
Rahall
Rangel
Ray
Reed
Regula
Richardson
Ridge
Riggs
Rinaldo
Ritter
Roe
Roemer
Rogers
Rose
Rostenkowski
Roukema
Rowland
Roybal
Russo
Sabo
Sangmeister
Santorum
Sarpalius
Savage
Sawyer
Scheuer
Schulze
Schumer
Serrano
Sharp
Shaw
Shuster
Sikorski
Sisisky
Skaggs
Skelton
Slattery
Slaughter (NY)
Smith (FL)
Smith (IA)
Smith (NJ)
Solarz
Spratt
Staggers
Stallings
Stark
Stenholm
Stokes
Studds
Swett
Swift
Synar
Tallon
Tanner
Tauzin
Taylor (MS)
Thomas (CA)
Thomas (GA)
Thornton
Torricelli
Towns
Traficant
Traxler
Unsoeld
Upton
Valentine
Vander Jagt
Vento
Visclosky
Volkmer
Waxman
Weiss
Wheat
Whitten
Williams
Wilson
Wise
Wolpe
Wyden
Wylie
Yates
Yatron
Young (AK)

NAYS—102

Allard
Archer
Armey
Baker
Ballenger
Barrett
Barton
Bilirakis
Bliley
Boehner
Broomfield
Bunning
Burton
Camp
Campbell (CA)
Chandler
Coble
Coleman (MO)
Combest
Cox (CA)
Crane
Cunningham
Dannemeyer
DeLay
Doolittle
Dornan (CA)
Dreier
Duncan
Edwards (OK)
Evans
Fawell
Fields
Franks (CT)
Gallegly
Gilchrest
Gingrich
Goss
Gradison
Gunderson
Hancock
Hansen
Hefley
Herger
Holloway
Hunter
Ireland
Jacobs
James
Johnson (TX)
Klug
Kolbe
Kyl
Lagomarsino
Lightfoot
Livingston
Marlenee
Martin
Martinez
McCollum
McEwen
McMillan (NC)
Meyers
Miller (OH)
Miller (WA)
Moorhead
Morrison
Paxon
Porter
Ramstad
Ravenel
Rhodes
Roberts
Rohrabacher
Ros-Lehtinen
Roth
Sanders
Saxton
Schaefer
Schiff
Schroeder
Sensenbrenner
Shays
Skeen
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stump
Sundquist
Taylor (NC)
Thomas (WY)
Vucanovich
Walker
Walsh
Weber
Weldon
Wolf
Young (FL)
Zeliff
Zimmer

NOT VOTING—8

Downey
Hopkins
Michel
Neal (NC)
Slaughter (VA)
Torres
Washington
Waters

□ 1240

Mr. MARTINEZ changed his vote from "yea" to "nay."

Mrs. ROUKEMA changed her vote from "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. Without objection, a motion to reconsider is laid on the table.

Mr. BURTON of Indiana. Mr. Speaker, I object.

The SPEAKER pro tempore (Mr. MONTGOMERY). Objection is heard.

MOTION OFFERED BY MR. WHEAT

Mr. WHEAT. Mr. Speaker, I move to reconsider the vote by which the House has passed House Resolution 252.

MOTION OFFERED BY MR. MOAKLEY

Mr. MOAKLEY. Mr. Speaker, I move to lay the motion to reconsider on the table.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts [Mr. MOAKLEY].

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. BURTON of Indiana. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

Mr. SHUSTER. Mr. Speaker, a quorum is present, I believe.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 319, nays 89, not voting 25, as follows:

[Roll No. 333]

YEAS—319

Abercrombie
Ackerman
Alexander
Anderson
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Annunzio
Applegate
Aspin
Atkins
AuCoin
Bacchus
Barnard
Bateman
Beilenson
Bennett
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Boehlert
Bonior
Borski
Boucher
Boxer
Brewster
Brooks
Browder
Bruce
Bryant
Bustamante
Byron
Callahan
Campbell (CO)
Cardin
Carper
Carr
Clay
Clement
Clinger
Coleman (MO)
Coleman (TX)
Collins (IL)
Collins (MI)
Condit
Conyers
Cooper
Costello
Coughlin
Cox (IL)
Coyne
Cramer
Darden
de la Garza
DeFazio
DeLauro
Dellums
Derrick
Dickinson
Dicks
Dingell
Dixon
Donnelly
Dooley
Dorgan (ND)
Downey
Durbin
Dwyer
Dymally
Early
Edwards (CA)
Edwards (TX)
Emerson
Engel
English
Erdreich
Espy
Evans
Ewing
Fascell
Fazio
Feighan
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Frost
Gallo
Gaydos
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilman
Glickman
Gonzalez
Goodling
Grandy
Green
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Harris
Hastert
Hayes (IL)
Hayes (LA)
Hefner
Henry
Hoagland
Hobson
Hochbrueckner
Horn
Horton
Houghton
Hoyer
Hubbard
Huckaby
Hughes
Hutto
Hyde
Inhofe
Jacobs
Jefferson
Jenkins
Johnson (CT)
Johnson (SD)
Johnston
Jones (GA)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Kolter
Kopetski
Kostmayer
LaFalce
Lancaster
Lantos
LaRocco
Laughlin
Leach
Lehman (CA)
Lehman (FL)
Levin (MI)
Levine (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Lipinski
Lloyd
Long
Lowery (CA)
Lowey (NY)
Luken
Machtley
Manton
Markey
Matsui
Mavroules
Mazzoli
McCloskey
McCrery
McCurdy
McDade
McDermott
McGrath
McHugh
McMillen (MD)
McNulty
Mfume
Miller (CA)
Miller (WA)
Mineta
Mink
Moakley
Molinari
Mollohan
Montgomery
Moody
Moran
Morella
Morrison
Mrazek
Murphy
Murtha
Myers
Nagle
Natcher
Neal (MA)
Nichols
Nowak
Nussle
Oakar
Oberstar
Obey
Olin
Olver
Ortiz
Owens (NY)
Oxley
Pallone
Panetta
Parker
Pastor
Patterson
Payne (NJ)
Payne (VA)
Pease
Pelosi
Penny
Perkins
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Poshard
Price
Pursell
Quillen
Rahall
Rangel
Ravenel
Ray
Reed
Regula
Richardson
Ridge
Riggs
Rinaldo
Ritter
Roe
Roemer
Rogers
Rose
Rostenkowski
Roth
Roukema
Rowland
Roybal
Russo
Sabo
Sanders
Sangmeister
Santorum
Sarpalius
Savage
Sawyer
Scheuer
Schroeder
Schulze
Schumer
Serrano
Sharp
Shaw
Shuster
Sikorski
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter (NY)
Smith (FL)
Smith (IA)
Smith (NJ)
Solarz
Spratt
Staggers
Stark
Stenholm
Stokes
Studds
Sundquist
Swift
Synar
Tallon
Tanner
Taylor (MS)
Thomas (GA)
Thornton
Torres
Torricelli
Towns
Traficant
Unsoeld
Upton
Valentine
Vander Jagt
Vento
Visclosky
Volkmer
Waxman
Weiss
Wheat
Whitten
Williams
Wilson
Wise
Wolpe
Wyden
Wylie
Yates
Yatron
Young (AK)
Young (FL)

NAYS—89

Allard
Archer
Armey
Baker
Ballenger
Barrett
Barton
Bliley
Boehner
Broomfield
Bunning
Burton
Camp
Campbell (CA)
Chandler
Coble
Combest
Cox (CA)
Crane
Cunningham
Dannemeyer
DeLay
Dornan (CA)
Dreier

Duncan
Edwards (OK)
Fawell
Fields
Franks (CT)
Gallegly
Gilchrest
Gingrich
Goss
Gradison
Hancock
Hansen
Hefley
Holloway
Hunter
Ireland
James
Johnson (TX)
Kasich
Klug
Kolbe
Kyl
Lagomarsino
Lent
Lewis (CA)
Livingston
Marlenee
Martinez
McCandless
McCollum
McEwen
McMillan (NC)
Meyers
Miller (OH)
Moorhead
Paxon
Porter
Ramstad
Rhodes
Roberts
Rohrabacher
Ros-Lehtinen
Saxton
Schaefer
Schiff
Sensenbrenner
Shays
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stump
Taylor (NC)
Thomas (CA)
Thomas (WY)
Vucanovich
Walker
Walsh
Weber
Weldon
Wolf
Zeliff
Zimmer

NOT VOTING—25

Anthony
Brown
Chapman
Davis
Doolittle
Eckart
Gillmor
Gordon
Hatcher
Herger
Hertel
Hopkins
Martin
Michel
Neal (NC)
Orton
Owens (UT)
Packard
Slaughter (VA)
Stallings
Swett
Tauzin
Traxler
Washington
Waters

□ 1301

Mr. MARLENNE changed his vote from "yea" to "nay."

Mrs. BENTLEY and Mr. CONYERS changed their vote from "nay" to "yea."

So the motion to lay the motion to reconsider on the table was agreed to.

The result of the vote was announced as above recorded.

REPORT ON HOUSE JOINT RESOLUTION 360, FURTHER CONTINUING APPROPRIATIONS, 1992

Mr. WHITTEN, from the Committee on Appropriations, submitted a privileged report (Rept. No. 102-266) on the joint resolution (H.J. Res. 360) making further continuing appropriations for the fiscal year 1992, and for other purposes, which was referred to the Union Calendar and ordered to be printed.

PARLIAMENTARY INQUIRIES

Mr. WALKER. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore (Mr. MONTGOMERY). The gentleman will state it.

Mr. WALKER. Mr. Speaker, could the Chair tell us what was just filed?

The SPEAKER pro tempore. It was a report on the joint resolution continuing appropriations, that was just filed.

Mr. WALKER. Mr. Speaker, I have a further parliamentary inquiry: Is that the continuing resolution that has the foreign operations money in it?

The SPEAKER pro tempore. The Chair is not aware of the contents in the resolution. The gentleman could ask the chairman of the Committee on Appropriations.

Mr. WALKER. Mr. Speaker, under my parliamentary inquiry, I guess I would ask whether or not the Chair can inquire whether or not that is the content of the resolution that was just filed. I am just trying to determine what is going on.

The SPEAKER pro tempore. The Chair believes he has answered the gentleman's inquiry. It was referred to the Union Calendar, and the gentleman can follow it there.

Mr. WALKER. I thank the Chair.

MOTION TO ADJOURN

Mr. BURTON of Indiana. Mr. Speaker, I offer a privileged motion.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. BURTON of Indiana moves that the House do now adjourn.

The SPEAKER pro tempore. The motion to adjourn is a privileged motion.

The question is on the motion offered by the gentleman from Indiana [Mr. BURTON].

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. BURTON of Indiana. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were ayes 30, noes 385, not voting 18, as follows:

[Roll No. 334]

AYES—30

Allard
Burton
Campbell (CA)
Cox (CA)
Crane
Cunningham
Dannemeyer
DeLay
Doolittle
Dornan (CA)
Fawell
Franks (CT)
Gilchrest
Hancock
Herger
Holloway
Hunter
Hyde
Jacobs
Klug
Livingston
Marlenee
Rohrabacher
Ros-Lehtinen
Smith (TX)
Stearns
Stump
Thomas (WY)
Weber
Young (AK)

NOES—385

Abercrombie
Ackerman
Alexander
Anderson
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Annunzio
Anthony
Applegate
Archer
Armey
Aspin
Atkins
AuCoin
Bacchus
Baker
Ballenger
Barnard
Barrett
Barton
Bateman
Beilenson
Bennett
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bliley
Boehlert
Boehner
Borski
Boucher
Boxer
Brewster
Broomfield
Browder
Bruce
Bryant
Bunning
Bustamante
Byron
Callahan
Camp
Campbell (CO)
Cardin
Carper
Carr
Chandler
Clay
Clement
Clinger
Coble
Coleman (MO)
Coleman (TX)
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Cooper
Costello
Coughlin
Cox (IL)
Coyne
Cramer
Darden
de la Garza
DeFazio
DeLauro
Dellums
Derrick
Dickinson
Dicks
Dingell
Dixon
Donnelly
Dooley
Dorgan (ND)
Downey
Dreier
Duncan
Durbin
Dwyer
Dymally
Early
Edwards (CA)
Edwards (OK)
Edwards (TX)
Emerson
Engel
English
Espy
Evans
Ewing
Fascell
Fazio
Feighan
Fields
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Frost
Gallegly
Gallo
Gaydos
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilman
Gingrich
Glickman
Gonzalez
Goodling
Goss
Gradison
Grandy
Green
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Hansen
Harris
Hastert
Hayes (IL)
Hayes (LA)
Hefley
Hefner
Henry
Hertel
Hoagland
Hobson
Hochbrueckner
Horn
Horton
Houghton
Hoyer
Hubbard
Huckaby
Hughes
Hutto
Inhofe
Ireland
James
Jefferson
Jenkins
Johnson (CT)
Johnson (SD)
Johnson (TX)
Johnston
Jones (GA)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kleczka
Kolbe
Kolter
Kopetski
Kostmayer
Kyl
LaFalce
Lagomarsino
Lancaster
Lantos
LaRocco
Laughlin
Leach
Lehman (CA)
Lehman (FL)
Levin (MI)
Levine (CA)
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Lipinski
Lloyd
Long
Lowery (CA)
Lowey (NY)
Luken
Machtley
Manton
Markey
Martin
Martinez
Matsui
Mavroules
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDade
McDermott
McEwen
McGrath
McHugh
McMillan (NC)
McMillen (MD)
McNulty
Meyers
Mfume
Miller (CA)
Miller (OH)
Miller (WA)
Mineta
Mink
Moakley
Molinari
Mollohan
Montgomery
Moody
Moorhead
Moran
Morella
Morrison
Mrazek
Murphy
Murtha
Myers
Nagle
Natcher
Neal (MA)
Nichols
Nowak
Nussle
Oakar
Oberstar
Obey
Olin
Olver
Ortiz
Orton
Owens (NY)
Owens (UT)
Oxley
Packard
Pallone
Panetta
Parker
Pastor
Patterson
Paxon
Payne (NJ)
Payne (VA)
Pease
Pelosi
Penny
Perkins
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Porter
Poshard
Price
Pursell
Quillen
Rahall
Ramstad
Rangel
Ravenel
Ray
Reed
Regula
Rhodes
Richardson
Ridge
Riggs
Rinaldo
Ritter
Roberts
Roe
Roemer
Rogers
Rose
Rostenkowski
Roth
Roukema
Rowland
Roybal
Russo
Sabo
Sanders
Sangmeister
Santorum
Sarpalius
Savage
Sawyer
Saxton
Schaefer
Scheuer
Schiff
Schroeder
Schulze
Schumer
Sensenbrenner
Serrano
Sharp
Shaw
Shays
Shuster
Sikorski
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter (NY)
Smith (FL)
Smith (IA)
Smith (NJ)
Smith (OR)
Snowe
Solarz
Solomon
Spence
Spratt
Staggers
Stallings
Stark
Stenholm
Stokes
Studds
Sundquist
Swett
Swift
Synar
Tallon
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (GA)
Thornton
Torres
Torricelli
Towns
Traficant
Traxler
Unsoeld
Upton
Vander Jagt
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Waxman
Weiss
Weldon
Wheat
Whitten
Williams
Wilson
Wise
Wolf
Wolpe
Wyden
Wylie
Yates
Yatron
Young (FL)
Zeliff
Zimmer

NOT VOTING—18

Bonior
Brooks
Brown
Chapman
Davis
Eckart
Erdreich
Gillmor
Gordon
Hatcher
Hopkins
Lent
Michel
Neal (NC)
Slaughter (VA)
Valentine
Washington
Waters

□ 1323

So the motion was rejected.

The result of the vote was announced as above recorded.

INTERMODAL SURFACE TRANSPORTATION INFRASTRUCTURE ACT OF 1991

The SPEAKER pro tempore (Mr. MONTGOMERY). Pursuant to House Resolution 252 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 2950.

□ 1325

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2950) to develop a national intermodal surface transportation system, to authorize funds for construction of highways, for highway safety programs, and for mass transit programs, and for other purposes, with Mr. PRICE in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

The gentleman from New Jersey [Mr. ROE] will be recognized for 1 hour; the gentleman from Arkansas [Mr. HAMMERSCHMIDT] will be recognized for 1 hour; the gentleman from Illinois [Mr. ROSTENKOWSKI] will be recognized for 15 minutes; and the gentleman from Texas [Mr. ARCHER] will be recognized for 15 minutes.

The Chair recognizes the gentleman from New Jersey [Mr. ROE].

Mr. ROE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I want at the outset to thank the Members of the House who voted overwhelmingly not to adjourn and to go ahead with what we consider to be an all-American bill.

Mr. Chairman, the bill we are taking up today is a revolutionary redirection of our Nation's surface transportation policies, an economic blueprint for the future, with major implications for our ability to substantively improve our competitiveness in the world economy, for future environmental policy, and energy conservation strategy.

Our goal must be to develop a national intermodal transportation system that moves people and goods in an energy-efficient manner. This blueprint for the Nation's future economic direction must confront head on the enormous challenges of the global economy, our declining productivity growth, energy vulnerability, air pollution, and the need to rebuild the American infrastructure. America's leadership in the world economy, the expanding wealth of the country, the competitiveness of our industry, the very standard of living and the quality of life are at stake.

I wish to pay my compliments and highest regards to the committee's ranking Republican member, JOHN PAUL HAMMERSCHMIDT of Arkansas, for his outstanding work on the bill, as well as to NORMAN MINETA, the Surface Transportation Subcommittee Chair, and BUD SHUSTER, the ranking Republican member. This has been a total bipartisan team effort that has produced outstanding work over the past year with 2 years of hearings before that.

I wish to offer my appreciation to Chairman ROSTENKOWSKI, ranking Republican member ARCHER, and the members of the Ways and Means Committee for their outstanding and essential contribution to the formulation of this bill. I also want to take this opportunity to express my high regard to our distinguished colleague, CHARLIE BENNETT of Florida, and his colleagues, who so ably helped us resolve the equity concerns expressed by the donor States.

We have consulted with all the members, reviewed every letter and communication we have received and attempted with hundreds of hours of work to substantively address every one of the equity issues that has been raised. We have consulted directly with the Members of Congress, Governors, mayors, transportation commissioners, local and county representatives, literally everyone involved in transportation. Every concern that was called to our attention through these consultations has been thoroughly and totally evaluated. This bill received an overwhelming 52 to 3 bipartisan endorsement vote in the full committee last week.

Our Nation requires a new approach to surface transportation policy that reflects the realities of the 1990's and the future direction our country must go. The Public Works and Transportation Committee has recognized these new realities:

The economic realities in which America's preeminence in the global economy faces severe challenges. Half of our Nation's economic activity will involve foreign commerce within 15 years. The American economy as a separate entity no longer exists. Our industry's ability to compete has been hamstrung by inadequate and decaying infrastructure, and our productivity growth has lagged behind that of our foreign rivals;

The environmental reality that the Clean Air Act passed overwhelmingly by Congress last year demands significant changes in transportation policy to reduce air pollution in the many ozone and carbon monoxide nonattainment areas throughout the Nation; and

The energy reality that 63 percent of our oil resources are used for transportation and that the Nation will remain vulnerable to foreign oil imports unless oil consumption is reduced.

We have an opportunity to shape the economic future of our Nation, to develop a strong and dynamic economic foundation for American industry to increase its productivity growth for competition in the global economy. It is no coincidence that American productivity growth started a steep decline two decades ago when capital investment in the infrastructure of our Nation was significantly and continually reduced.

The Public Works and Transportation Committee has produced a bill, which we bring to you today, for the future of America based on four overriding principles:

First, intermodality: The optimum and most efficient use of our transportation resources and interconnections of all modes of transportation—highways, transit, airports, harbors and others—to improve productivity and to reduce air pollution and energy consumption;

Second, flexibility: State and local decisionmakers should have the option of how to invest transportation resources in their areas. It should not be up to the Federal Government to tell the State and local officials how to invest their transportation infrastructure funds;

Third, equity: Some States had legitimate complaints about their fair return from the highway and transit trust funds. We have to the maximum extent possible addressed these concerns in this legislation; and

Fourth, financial investment resources: We have provided a substantial investment policy in the transportation infrastructure that will pay immediate and long-term economic dividends which are absolutely essential if we are going to meet the enormous needs of our Nation for road and bridge construction and rehabilitation, expanded mass transit capacity, and implementation of new technologies.

In the past 20 years, we have seriously fallen behind our foreign rivals in capital investment, in productivity growth and in our ability to compete abroad. Germany, France, Italy, Great Britain, Canada, and even Taiwan have been investing more of their fiscal resources in their infrastructures and have shown greater productivity growth. Now, Japan has embarked on a 10-year, $3.2 trillion infrastructure investment program.

Can we expect to be a major economic force in this world when in the past decade we sent $46 billion abroad in foreign aid but invested only $34 billion for our own mass transit systems? Isn't it time we started investing in America?

We on the Public Works and Transportation Committee are asking you to consider what kind of America you want for the 1990's and the 21st century. We must not continue the course that has led to economic decline of the past two decades, the continued decline in real wages and the slide toward a service-oriented economy which will force us to be economically dependent on our foreign rivals.

The time has come for us to raise our horizons and look to a dynamic, competitive, strong manufacturing-based economy. We must choose bold and audacious new directions for our Nations future which we believe this intermodal transportation policy accomplishes.

This national transportation policy will be a major step forward and, yes, the centerpiece of our Nation's new domestic economic policy. The heart and foundation of our economy is how we efficiently move people and goods throughout our country.

As we complete the dream and vision of President Eisenhower, who established the interstate transportation program which united the Nation with the largest public works project and engineering achievement of all time, certainly we can have the courage and wisdom to forge an intermodal transportation system to compete in the global economy of the 21st century.

It is estimated that each $1 expended in transportation infrastructure investment returns fully $10 to the economy. Why should we be hesitant about investing in the future? That's good business and that's good government. The fact remains that infrastructure investment is the means, and, yes, the only means, to create the new wealth of the Nation that is essential to pay for our people's needs, such as education, health care, housing, and the other necessities of life.

Our bill would invest $151 billion in the transportation infrastructure of this Nation—$119 billion for highways, $32 billion for transit—during the next 6 years to create a national intermodal transportation system.

The key to our $151 billion national transportation plan is that we will be putting trust back in the trust fund by spending down the existing balance in the highway account of the highway trust fund. We will be investing the most we possibly can in the highway system of this Nation, given the existing taxes and surplus in the trust fund.

In addition, although we are virtually doubling the Nation's commitment to mass transit, it is outrageous that the budget resolution will not allow us to invest all the funds in the transit account. At the end of the 6-year bill, the balance in the transit account will still exceed $13 billion. These are financial resources that are essential and desperately needed throughout the Nation to begin to meet the requirements of the Clean Air Act, which was approved overwhelmingly by Congress.

The infrastructure needs of our Nation are well documented. The Nation loses more than $120 billion a year in wasted time and fuel because of the inadequate quality and inefficiency of our transportation systems. It is time for us not only to recapture that $120 billion but to rebuild the infrastructure to promote economic growth for the coming decades.

Our bill creates a new national highway system but also provides State and local officials with significantly increased authority to make funding decisions in their own areas, including the transfer of highway funds to mass transit projects. In our $79 billion core program, State and local officials would have the option to transfer up to two-thirds of the funds to transit to meet the requirements of air pollution reduction, energy conservation, and congestion relief.

At the same time, up to two-thirds of the funds could be transferred to the National Highway System if officials in the area determine that is where the Federal transportation dollars are needed. We provide urban area officials with unprecedented local authority to make decisions affecting the use of funds targeted to their areas.

Our bill meets the needs of every part of this country of 250 million people—rural, suburban, and urban. It promotes the development of a national intermodal transportation system to obtain the optimum yield of our transportation resources. It redirects our transportation policy in bold, new directions.

H.R. 2950 is an all-American bill that is fundamental for the economic, environmental, and energy future of our Nation. Our Nation is at an economic crossroads and this bill will be the centerpiece of domestic policy for years to come. This bill is essential to the quality of life of every American. I urge my colleagues to join the overwhelming, bipartisan majority of the Public Works and Transportation Committee and support this investment in the future of America.

Because of the time sensitivity of bringing this bill forward, sequential referrals were not permitted. Therefore, committee staff has been in contact with other committees having relevant subject matter jurisdiction over a number of provisions.

In particular, the committee amendment to H.R. 2950 reflects understandings reached in conferring with the Judiciary Committee with respect to section 409 dealing with the International Fuel Tax Agreement and the international registration plan. The Judiciary Committee has relevant subject matter jurisdiction over interstate taxation. The committee amendment reflects the changes that grew out of discussions with the committee.

I want to point out that the bill provides funding for a transit cooperative research program in section 317(a). It is our intention, as specified under an understanding between UMTA and the transit industry, that the Transit Development Corporation be designated as the independent governing board that determines what research and related activities are carried out. The bill language also reflects the committee's view that this independent governing board have the authority to provide its own staffing and that UMTA pay for such staff expenses. Finally, while the committee bill envisions that the Transportation Research Board, under the National Academy of Sciences, will conduct the research projects designated by the Transit Development Corporation, we fully intend that the Transit Development Corporation and the American Public Transit Association have the opportunity to disseminate the results of such research to the industry and that UMTA support such dissemination costs.

H.R. 2950 requires the urban planning process to cover existing urbanized areas, except for the preparation of long-range plans, which must cover urbanized areas as well as areas expected to become urbanized within the planning forecast period. This requirement will likely result in long-range plans, which may cover a period 10 to 20 years in the future, being prepared cooperatively by metropolitan planning organizations, known as MPO's, States, and affected units of general purpose local government for areas which are not yet urbanized but which are included in the plans since they are expected to become urbanized in the future.

In these cases, as the bill provides in all cases, the metropolitan planning process, including institutional responsibilities or arrangements which currently exist or are established, must proceed within the framework of agreement between MPO's, States, and affected units of general purpose local government, or as the bill further provides, in accordance with procedures established by applicable State or local law.

□ 1340

Mr. HAMMERSCHMIDT. Mr. Chairman, I yield myself 10 minutes.

Mr. Chairman, I rise in strong support of H.R. 2950, the Intermodal Surface Transportation Infrastructure Act of 1991. This is the most visionary, comprehensive surface transportation bill brought to the House floor since the legislation creating the Interstate System in 1956, and one of the most important bills we will consider in this Congress.

I want to thank Chairman BOB ROE, Surface Transportation Subcommittee chairman, NORM MINETA, and the subcommittee ranking member, BUD SHUSTER, for their hard work and aggressive pursuit of a sound highway and transit bill. They have put in many, many long hours considering how the major highway, transit, and safety programs should be shaped to be responsive to the realities of the 1990's and the century that lies beyond.

I also want to thank Chairman DAN ROSTENKOWSKI and ranking minority member BILL ARCHER, of the Ways and Means Committee, for their cooperation in working out a revenue title to support the transportation programs authorized by this bill.

For 2 years, the Public Works and Transportation Committee held extensive hearings all across the country to look at the Nation's surface transportation systems in preparation for this bill. In State after State, we found enormous transportation needs.

We have responded with a bill that will provide the resources to help meet those needs, a bill that will devote over $119 billion to highway programs over the next 6 years and $32 billion to transit.

Mr. Chairman, the core structure of the revised surface transportation reauthorization bill that we bring to you today is virtually unchanged from the one the committee reported in July. The bill's strengths remain intact. In my view, this bill represents the best course for the future of our Federal surface transportation programs.

Under H.R. 2950, highway funding will increase from $14.5 billion in fiscal year 1991 to $17 billion in fiscal year 1992. In each of fiscal years 1993 through 1997, the funding total will be $20.4 billion. This means that there will be a 50-percent increase in funding by fiscal year 1993.

That will also translate into a significant increase in jobs. By 1993, the Federal-aid highway program will be generating over 1.1 million jobs annually on a national scale, and more than 14,000 jobs annually in Arkansas alone. Of course, these are just construction and construction-related jobs and not the jobs associated with economic growth that can be expected. So, the numbers will actually be much higher over time.

The single most important programmatic element of this bill is the creation of a national highway system; a network of major roads throughout the country that deserve the greatest share of Federal support in order to move people and goods across our country in a safe and efficient manner.

The proposed National Highway System will include major transportation corridors that provide the highest level of service and carry the greatest portion of traffic. They will connect our major population centers, our ports, airports, and rail heads, meet our national defense needs, and enhance our international competitiveness.

We have achieved another great victory in the bill before us. This committee has been fighting for years to draw down the trust fund balances.

Under this bill, at the end of fiscal year 1997, the cash balance in the highway account of the trust fund will be about $2.5 billion, roughly the amount it needs to maintain in order to keep the program in the black. The bill will permit a drawdown of unobligated balances as well, permitting States to use funds authorized to them but which they have been prohibited from applying toward their transportation needs. In doing this, we have taken a giant step toward restoring America's trust in the trust fund.

Another of the benefits of the program restructuring achieved by this bill is the flexibility it will provide to State and local governments—flexibility that will allow them to use their Federal money in the way that best fits their particular needs.

This bill will ensure that both rural and urban needs are adequately addressed. It funds the rural mobility program with 13 percent of core highway program money and the urban mobility program, with 17 percent of core funds. Both highways and transit projects are eligible for funding under these programs.

This legislation also provides greater equity in the apportionment of funds by raising from 85 to 90 percent the return States receive relative to their contributions to the trust fund. The bill also includes more up-to-date distribution formulas for major programs to make sure States receive funds in accordance with their current needs and system use. Arkansas is one of the States that will benefit significantly from these changes.

We support UMTA's efforts now underway to work with the Transit Development Corporation, which would serve as an independent governing board to select research projects to be funded under the UMTA Act. We further understand that the Transit Development Corporation will work with the Transportation Research Board or some other entity the Corporation deems appropriate to assist in the research selection process. The resulting research information will be disseminated as appropriate by the Transit Development Corporation. No other legislative direction in this regard is intended or necessary.

This bill also contains important safety provisions. A freeze on longer combination vehicle operations under this legislation will prevent States from permitting these very large vehicles to run where they are not currently allowed. We also continue and strengthen the section 402 safety grant programs.

This bill is a strong response to our Nation's infrastructure dilemma. Its provisions will improve our national competitiveness, improve productivity, and help us achieve a better quality of life for all Americans.

I urge my colleagues to vote in support of this legislation.

Mr. Chairman, I reserve the balance of my time.

Mr. ROE. Mr. Chairman, I yield 7 minutes to the gentleman from California [Mr. MINETA], the distinguished chairman of the Subcommittee on Surface Transportation, who has done an extraordinarily effective job in helping to weld this bill together and bring it before the House today.

Mr. MINETA. Mr. Chairman, I rise today in strong support of H.R. 2950, the Intermodal Surface Transportation Infrastructure Act of 1991.

I would like to first commend the members of the Committee on Public Works and Transportation for their work in developing this landmark transportation bill. I believe that the committee-reported bill is superior and I am proud of the work done by our members and staff.

I would also like to commend the chairman of the full committee, our colleague from New Jersey, BOB ROE, and the ranking minority members of the full committee and subcommittee, JOHN PAUL HAMMERSCHMIDT, and BUD SHUSTER, for their leadership and dedication to achieving desperately needed improvement in our Nation's infrastructure.

I introduced H.R. 2950, the Intermodal Surface Transportation Infrastructure Act on July 18 of this year. However, we have spent more than 2 years developing this ground-breaking transportation legislation.

This legislation is a genuine new transportation policy for America, and a tremendous investment in our future. It will build our roads and bridges and transit systems into a comprehensive network that will in turn build our economy, enhance safety and improve our quality of life.

The flexibility and fair funding designed into this law is unprecedented, and of particular importance to States like my home of California which will grow enormously in the balance of this century.

Mr. Chairman, we are faced with a challenge to try and stop the decay in our national transportation network.

Every motorist and straphanger knows what I mean.

Half our bridges are in disrepair.

Traffic congestion has risen by 50 percent in the last 10 years.

More than a million miles of roads will have to be repaved by the end of the century.

Transit funding has not kept pace with inflation, which has meant that transit riders and transit systems have suffered.

America needs to do more than reverse the collapse of our annual transportation investment from 2.3 percent of our gross national product in the 1960's and 1970's to four-tenths of 1 percent in the 1980's.

Studies call for transportation investments of up to $3 trillion during the next 20 years. We can differ about the final cost, but to me there are no more universal truths than these;

First, the needs are there.

Second, how we spend the money we have its at least as important as how much money we spend.

In the 1990's, the challenges and responsibilities will be:

To maintain the Federal investment in the Federal-aid highway system;

To continue broad Federal support for mass transit; and,

To create transportation partnerships that include Federal, local, State governments, metropolitan planning organizations, and the private sector.

The only way our transportation network will truly improve in the years ahead is if we put our increasingly scarce Federal dollars where the needs are today, and where they must be in the future.

That foresight demands not a single strategy, but a series of policies that will be responsive to State, regional, and local needs well into the next century.

Our world is changing—rapidly.

If American businesses cannot get their products to market because our goods are tied up on inadequate roads, America loses.

If the American people cannot move around cities and regions because there's no alternative to solo commuting, valuable work time and quality family time is lost. Again, America loses.

Mr. Chairman, our legislation will begin to reverse these dangerous trends.

I would like to take this opportunity to highlight some of the provisions of the Intermodal Surface Transportation Act.

We will finish the interstates.

We will build more roads.

We will build more mass transit.

We will provide greater safety.

We will increase intermodality and bring together our highways and mass transit systems.

We will increase transferability by eliminating the penalties for converting highway money for mass transit use.

And we will increase flexibility by allowing States and cities and regions to determine more of their transportation priorities without being second-guessed by Washington.

Our legislation includes an authorization of a 6-year $119 billion program for highway construction and repairs;

In our legislation, we dedicate 49 percent of our core surface transportation program to designating, building and maintaining a National Highway System.

The NHS would be composed of no less than 130,000 and no more than 180,000 miles of Interstate, primary and strategic roads.

States would have 2 years to submit their proposals to the Department of Transportation before the system is finalized.

But as important as the system itself is the funding program we have devised to fuel it.

If a State Governor wants to earmark up to quarter of this money for an urban program or a rural program that falls outside of the NHS, the Federal Government will not stand in the way.

We also provide another 10-percent leeway if a State's interstate highways are maintained adequately.

In addition, we dedicate 19 percent of core spending for urban America.

Urban programs would be crafted and implemented by cities and metropolitan planning organizations.

Those cities and MPO's would no longer have to go hat in hand to the statehouse for Federal transportation dollars, as many cities must now do.

For rural America, we dedicate another 11 percent to States for rural-specific programs.

But beyond the National Highway System, the Urban Program, and the Rural Program our legislation provides a revolutionary degree of flexibility: 17 percent of total core spending.

Flexibility to enhance urban programs.

Flexibility to boost rural programs.

Flexibility that could go to the National Highway System, or for cleaner air programs, or for projects that bring highways and mass transit together.

Finally, we dedicate perhaps the most important 4 percent of all to increased safety.

We must improve our railroad crossings, bridge maintenance, and hazard elimination program for every American who entrusts themselves to our roads and bridges.

Our legislation builds our mass transit systems by including an authorization for a 6-year $32 billion program for mass transit construction and expansion;

Additionally, we make the urban Program, Rural Program and State-Flexible Program I just described fully eligible to build more transit systems.

Mass transit is neither an evil nor a legacy of poverty.

Mass transit is an innovation that the House bill will boost by more than doubling the President's proposed spending during the next 6 years, to $32 billion.

Also important, Federal policy will no longer effectively dictate what gets built in this country by manipulating matching formulas.

We will create instead a level playing field.

Many States and localities have made extraordinary commitments of their resources. My own State of California just doubled its gasoline tax.

What that means to me is that transportation decisions should be based on merit and local consensus rather than on whims of bureaucratic matching shares here in Washington.

That's why I am proposing a minimum 80-percent Federal share for all qualifying projects—regardless of whether those projects are road-based, bridge-based, or mass transit-based.

The exception would be our continuing 90 percent commitment to the interstates.

Our ultimate goal must be to improve and rebuild our transportation network to boost our international competitiveness and our domestic economy.

How we spend the Federal money we have is more important than how much money we spend.

And how we go about deciding to spend that money is no less important.

That is why a cornerstone of our legislation is the transportation planning process itself.

Our proposal will require metropolitan planning organizations to be established for urban areas with populations of 50,000 or more, with stronger requirements for regions with 200,000 or more people.

Anything less will fail to promote a working partnership between localities and State government, and between that partnership and the Federal Government.

Among other things, those MPO's would be charged with:

Managing traffic congestion;

Modernizing existing roads and bridges;

Seeking transit options;

Meeting Clean Air Act requirements; and

Determining the impact of transportation on the use, and potential abuse, of adjacent lands.

We have also tried to encourage research and development. The United States must regain its prominence as an international leader in this important area. Technologies like corrugated web beams, different consistencies of asphalts, and as well as any and all others should be studied for possible implementation.

And as with all of our programs, the Federal Government would not dictate requirements without providing the money to meet these new responsibilities.

Results must become the name of the game.

Results means management.

The days of waste and neglect must come to an end.

Under our legislation, States will be required to implement management systems to protect the Federal investment in pavement, bridges, congestion management, and our safety programs.

I believe you get what you pay for, and what you plan for.

That's why I say that we need a new transportation policy in this country, but legislation is only part of the picture.

We must be smarter in the future than we have been in the recent past.

We need common sense and innovation, and, most of all, fairness.

Our legislation is all of that.

Americans are frustrated with the gridlock that today jams our roads.

We don't need legislative gridlock here in Washington.

Taken as an entire package, our legislation will improve how all Americans get from here to there, as well as the air we breathe, our quality of life, and the future of our economy.

I hope and expect to work with the Senate, the administration and my colleagues in the House of Representatives to get the best transportation legislation possible enacted into law as soon as possible.

America needs nothing less.

Mr. Chairman, I urge my colleagues to support this legislation.

□ 1350

Mr. HAMMERSCHMIDT. Mr. Chairman, I yield 10 minutes to the gentleman from Pennsylvania [Mr. SHUSTER], the distinguished ranking member of the subcommittee, a member who is about as knowledgeable about title XXIII as anybody in the House.

Mr. SHUSTER. Mr. Chairman, today in this House we have an opportunity to make history, just as today in America people talk about the Interstate System and President Eisenhower and the Congress, and it in fact being President Eisenhower's greatest legacy to the future of our country, just as people talk of that today, by what we do here today, we have the opportunity to create a situation where about 40 years from now, people can look back and properly say that they created something worthwhile in their time for us.

Because, for the first time in 40 years, we are not simply coming to the fore with another highway bill that reauthorizes an existing program but, rather, we are coming to the floor with a historic new idea, the creation of a national highway system and, indeed, increased emphasis on a more flexible transit system for America. That is the idea that counts, and that is what this bill is all about.

I do not agree with everything that is in that bill, but I surely support it vigorously, because it is a balanced bipartisan compromise, and if it were not for the chairman, the gentleman from New Jersey [Mr. ROE], and the chairman, the gentleman from California [Mr. MINETA], and the gentleman from Arkansas [Mr. HAMMERSCHMIDT], we would not be able to be here today to bring before you this bipartisan product of literally thousands upon thousands of hours of work on the part of many people and, yes, not only the gentleman I have mentioned but our entire Committee on Public Works and Transportation.

This bill passed our committee 52 to 3, an overwhelming bipartisan endorsement.

What is at stake here today? Well, let me tell you a little story. There was a highway running through Pennsylvania, old Route 22, which was called a killer highway. Just in Blair County, a 35-mile stretch, an average of six people were killed every year on that highway. But in the past few years, we have been able to modernize it as a result of previous legislation from this Congress, and today, for the past 2 years, fatalities have dropped to only two per year, so four people's lives are saved every year in just this one county of America.

But that is not the whole story. In this same area, in just the past 2 years, 52 new businesses have sprung up along that new highway, investing $45 million in capital, creating 4,500 new jobs and, yes, by the way, people are able to travel more safely and more conveniently on this highway, and goods are able to be produced more productively.

□ 1400

But the importance of this little story is not that 35-mile stretch of road in Pennsylvania. The importance is that there is nothing unique about this story. No matter where you go across America, when you provide the investment to create modern transportation you save lives, you increase productivity, you create a better quality of life.

So we are here today to do just that for the years ahead, for the future of America. That is what this $151 billion is all about. It is important to emphasize that this $151 billion comes primarily out of the highway trust fund on a pay-as-you-go basis, not through deficit financing.

Now, I confess transportation is not nearly so politically sexy as some of the other issues we deal with around here, certainly supporting covert action halfway around the world or a space shuttle shot or high technology weapons energizes some around here much more; but there is very little we do around here which has a greater effect on the daily lives of every American citizen than the transportation legislation that we pass. Few things affect America's daily life and the daily quality of our life as transportation does.

Now, I know some of my colleagues and the media have had a lot of fun with the projects. We understand that, but I would urge you to look beyond the fun and the simplistic shots and look at the substance of what is happening here. If you look at these projects that are in this bill, you will see first that the total cost of the projects represents only 3.3 percent of the cost of the bill, so that means that the elected Representatives of the American people are going to say how 3.3 percent of this bill gets spent; 96.7 percent of the bill, how the money gets spent, is going to be determined by the faceless, nameless, bureaucrats around these United States, unelected by anybody.

So we think we should not in any fashion be timid in talking about the value of having elected Representatives have something to say about the tax money that is spent, the taxes which are raised as a result of the vote of the Members of this House.

Further and of extreme importance, this time on the committee we have been very careful to go back to the 50-State departments of transportation and the vast majority of the projects in this bill have the strong written support of the secretary of transportation from the State from which the project comes, and beyond that, these projects are only 80 percent funded, so 20 percent of the money has got to be put up by the State, and therefore the State has the final say as to whether the project is built or not.

Mr. Chairman, together today I believe we can take pride in what we are doing. We are acting as responsible stewards of the transportation public trust fund in America, and we are acting not only for our generation, but for future generations as well. When we are long gone, far into the next century, our children's children may well be able to look back and say that this is what our forefathers and our foremothers did for us.

We support the committee scenic byways provisions contained in H.R. 2950. We have not changed the overall structure of the Highway Beautification Act and all requirements for effective control under subsections 131 (c) and (d) in the current law which govern where signs may be constructed in conformance with the act would apply to the enforcement of section 122(c) including the construction and location standards in subsection 131(d).

We have also tried to allow a liberal definition of "scenic byways." However, the committee intends this provision to prevent the construction of signs on highway segments that pass through bona fide areas in which there is no commercial or industrial activity and which have particularly unique scenic attributes. This section cannot simply be used as a subterfuge to preclude signs which otherwise comply with the act but rather is intended to preserve pristine areas of unique beauty along controlled highways where commercial development has not occurred.

Mr. ROE. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from California [Mr. ANDERSON].

Mr. ANDERSON. Mr. Chairman, I thank the committee chairman for allowing me the opportunity to speak in support of such an outstanding piece of legislation, H.R. 2950, the Intermodal Surface Transportation Infrastructure Act of 1991.

Having gone through the process of drafting this bill, members of the Public Works Committee have endured years of work, hundreds of pages of testimony; and most recently, thousands of allocation formula numbers, compiled at wee hours of the morning by the Federal Highway Administration.

As Chairman ROE has alluded, and I will reiterate, our main goal in working to craft this legislation, was to make a substantial investment in America's future. Am I convinced that the $151 billion level of investment included in this 6-year bill will completely solve this country's infrastructure needs and guide us into the future? Was I satisfied with the originally proposed $151 billion, 5-year bill, including a 5-cent increase in the gas tax? Not absolutely. However, this committee had the courage and the wisdom to recognize the importance of increasing infrastructure investment, even if it meant a tax increase.

The fact is, according to the Department of Transportation figures, H.R. 2950 as now written, and as originally written with a 5-cent gas tax increase, falls well below the estimated funding level needed to maintain highways and bridges at 1989 levels. Unfortunately, we were prohibited from funding the programs at their needed levels.

However, in spite of this, this committee has developed the greatest piece of highway legislation since the 1956 Federal Aid Highway Act, the act that created our modern interstate system. From a California and donor State perspective, H.R. 2950 is far superior to current law. Those States that pay more into the highway trust fund than they get back, will now recapture 90 percent of the money that is paid in to the fund. For a State like California, the leading contributor to the highway trust fund, this is the most crucial provision in the bill.

Like President Eisenhower recognized in 1956, the Public Works Committee recognized over the past several years, and I trust the other Members of this body will recognize today, America's economic prosperity and high quality of life is directly dependent on the financing of our Nation's transportation infrastructure.

You have before you the opportunity to move this country forward in new and exciting directions. The hard part is over, this innovative bill has been developed and is now before you. I urge my colleagues to support this bill to make the much needed investment in America's future.

Mr. HAMMERSCHMIDT. Mr. Chairman, I yield such time as he may consume to the gentleman from North Dakota [Mr. DORGAN] for the purpose of engaging in a colloquy.

Mr. DORGAN of North Dakota. Mr. Chairman, I appreciate the gentleman's yielding this time to me.

Mr. Chairman, through the existing University Transportation Center Program, North Dakota State University is designated as a lead university with a special focus on rural and agricultural issues.

NDSU has conducted rural and agricultural transportation research for over 20 years and is a national leader in providing solutions to rural transportation problems.

I would like to clarify that the National Rural Transportation Study Center at the University of Arkansas established in this legislation is not intended to compete with activities at North Dakota State University, but to complement them.

Mr. HAMMERSCHMIDT. Mr. Chairman, if the gentleman will yield, the gentleman is correct. The University of Arkansas is authorized by this legislation to conduct research and activities relating to intermodal transportation systems in rural areas. We envision the two universities designing their transportation research, teaching, and extension programs to complement each other.

Mr. HAMMERSCHMIDT. Mr. Chairman, I yield 3 minutes to the gentleman from Pennsylvania [Mr. CLINGER].

Mr. CLINGER. Mr. Chairman, in all the media attention and some of the debate on the floor leading up to this moment, there has unfortunately been a lot of misinformation, and I would suggest far too much emphasis has been placed on whether or not there was going to be an increase in the gas tax, and, as we have heard, too much discussion of the demonstration projects which I think my colleague, the gentleman from Pennsylvania [Mr. SHUSTER] has certainly more than adequately addressed and indicated why these projects are important, but what has been overlooked are the really creative, innovative, and exciting developments that are included in this bill, things that are going to move this country forward in infrastructure development over the next 30 years.

This is indeed the most far-reaching bill that we have had in highway construction since authorizing the Interstate System 40 years ago.

I want, also, to point out that this bill is very, very close to the bill that was sent up here by President Bush, by Secretary Skinner, and by my good friend and constituent, Tom Larson, head of the Federal Highway Administration. It is very similar in that it contemplates a highway system that we have never had before.

I want to just concentrate on one element which I feel is very important, and that is the emphasis that is given in this bill to allowing private investment. It would, for the first time, remove a prohibition that exists in current law that prevents private sector involvement in infrastructure development. This is clearly an idea whose time has come. We are obviously in a situation where Federal, State and local governments, no longer have the resources to adequately meet all the demands that are being placed on them for infrastructure and highway development.

Presently you cannot have private sector involvement. This bill will allow private capital to get into infrastructure development specifically highways, and it will allow those projects that are funded by private sector investment to include also Federal financing up to 30 percent.

□ 1410

This is far different, ladies and gentlemen, than the Senate bill. The Senate bill obviously allows tolls, but it allows tolls that would be used by State and local governments as a cash cow. Nobody likes tolls, but tolls are clearly going to be a part of the way we develop infrastructure in the future. This will allow a private company to involve itself in infrastructure development, to receive an adequate return on its investment and also finance additional infrastructure development.

This really is an innovative, creative, and exciting idea that I think is going to enable us to accomplish a great deal more in turns of highway development and construction than we would otherwise be able to do using solely tax revenues.

So I am very pleased to rise in the strongest possible support of this overall bill because I do think it contains some exciting, innovative ideas, one of which is to permit municipalities to engage the private sector in infrastructure development.

Mr. ROE. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from West Virginia [Mr. RAHALL].

Mr. RAHALL. Mr. Chairman, I rise in order to engage in a colloquy with the gentleman from New Jersey, the distinguished chairman of the Committee on Public Works and Transportation, Mr. ROE.

Would the chairman agree that the Secretary should include on the National Highway System those routes—including but not necessarily limited to Routes 54, 97, 10, 16, and 83—which provide access between Beckley, WV, and the West Virginia-Virginia State line. These routes represent the corridor for a project known as the Coalfield Expressway.

Mr. ROE. If the gentleman would yield, I would say to the gentleman from West Virginia that it is certainly our intention that the routes he has described should be made part of the National Highway System.

Mr. RAHALL. It is generally accepted that the trans-America high-priority corridor listed in this legislation would cross Kentucky and enter southern West Virginia in the vicinity of Williamson. At this point, it could intersect with the I–73 corridor, also listed in the legislation.

At some point along the I–73 corridor, however, the trans-America would need to be routed northward to Beckley, where it could intersect with I–64.

Would the chairman agree that the most feasible routing of the trans-America to Beckley would be at a point on the I–73 corridor immediately north of Welch utilizing the proposed Coalfield Expressway?

Mr. ROE. Let me say to the gentleman from West Virginia that I would most certainly agree that the trans-America corridor would generally follow those routes into Beckley.

Mr. RAHALL. I thank the distinguished chairman of the Public Works and Transportation Committee.

Mr. Chairman, let me say we all know our Government's investment in public works, creating a truly intermodal transportation system, has fallen in recent years. Today's efforts represent only four-tenths of 1 percent of the gross national product. Our infrastructure is falling apart. This bill is not all things that every Member of this House would like to see, but it is indeed a true beginning in our effort to not only put more trust in the highway trust fund, as the gentleman from New Jersey [Mr. ROE], has already described, but also to provide jobs and new business opportunities, new economic opportunities for many parts of this Nation.

To those of my colleagues who earlier tried to offer amendments to delete certain infrastructure projects, I say I only wish one fraction of their effort would be put into being so economically conscious when it comes to foreign aid and foreign loan guarantees to other countries around the world as their efforts are here at home.

Mr. Chairman, I am pleased to rise in support of H.R. 2950, the 6-year reauthorization of Federal aid for highways, bridges, transit, safety, and transportation research programs.

That we are here today is timely and appropriate—timely because the current Federal-aid highway legislation expired on September 30, 1991, and appropriate because our national system of defense and interstate highways is nearly complete, and it is high time to begin to make new investments in the Nation's transportation infrastructure.

Mr. Chairman, in a report issued early this year from the Federal Highway Administration, it was pointed out that the overall annual cost to improve 1989 conditions and performance of the highways and bridges in this country is $74.9 billion. The need, then, clearly exists for the overall $151 billion in expenditures called for in H.R. 2950, which allows $119.1 billion for highways and bridges, and $32 billion for transit.

Through this legislation, Mr. Chairman, we not only provide ways in which to rebuild America's highways, byways, bridges, and transit services, but we also will generate 2 million direct and indirect jobs.

The bill requires a 20-percent match by the States, with 80 percent of highway and transit needs coming from the Federal Government, rather than the 75–25 and 60–40 Federal-State matching requirement recommended by the administration. Interstate construction and repair matching shares remain at 90–10.

The bill provides for a National Highway System [NHS], and a State flexible fund that can be spent for either highways or transit projects at the discretion of the Governor. There is a provision that NHS moneys, too, can be transferred for use in transit. On the other hand, the funds made available to the states for mass transit projects can also be transferred to highway use, at the discretion of the Governors.

While I must say that I object to the so-called transferability clauses in H.R. 2950, particularly the transfer of scarce transit funds for highway construction use, I am pleased to note that $32 billion will be spent on transit over the next 6 years, a great boost in transit funding. I objected to the transferability provisions from transit accounts to highway accounts because, in my view, it applies only to rural and small urban transit moneys—the two programs that, under the bill, get only 15 percent of the funds appropriated for transit, with 85 percent going to large urban areas—yet large urban transit funds are not subject to the transferability provision. I objected also to the use of $20 million off the top of section 18 rural transit funds for something called intercity bus services, before any State apportionments are made. This $20 million comes only out of the rural transit program, which receives only 5 percent of transit funds to begin with. I worked hard, and am proud that the committee adopted my recommendation to increase section 18 rural transit funds from its current 2.9 percent to 5 percent. But once we got the increase in the bill, others came along and began to dilute the intended increase by allowing 35 percent of section 18 rural funds to be used for highways, and on top of that to take $20 million off the top of every annual appropriation for use by something called intercity bus service. I am going to be watching closely to see just how much and to what extent that $20 million is spent putting intercity Greyhound- or Trailways-type bus services back into rural West Virginia where such bus service has been discontinued for a very long time.

H.R. 2950 creates two new programs—the urban mobility and the rural mobility programs, with local officials [MPO's] making decisions on how urban funds are used, and rural mobility funds spent at the discretion of the Governors. Again, any and all of these highway funds may be spent on transit if the State and local officials agree.

The bill contains $14.9 billion to rehabilitate and replace obsolete and deficient bridges, and for the first time allows 35 percent Federal funding of toll facilities, either highways, bridges, or tunnels.

The bill designates corridors of national significance in order to construct needed multi-State connectors, and provides $9.8 billion for transit new starts and rail modernization projects.

For section 3, section 9, section 9B and section 18, under the transit title—title III—and for other transit programs, the bill will spend $32 billion over 6 years. I only wish we could obtain permission to spend down the transit account in the highway trust fund, as we are being allowed to spend down the balance in the highway account. But permission to do so was not forthcoming.

Early this year I was pleased to introduce the Mobility Assistance Act, H.R. 1079, calling for increases in the apportionments for small urban and rural transit services, and I am even more pleased to note that those increases were agreed to and appear in H.R. 2950. For example, as alluded to above, the current apportionment of transit funds for small urbanized areas is 8.6 percent. Under this bill, as I had recommended, small urbans are funded at 10 percent. For rural transit, I had hoped to increase its apportionment from 2.9 to 7.5 percent, but H.R. 2950 contains an increase to only 5 percent. It is, however modest, reflective of the committee's recognition of the growing needs of transit dependent individuals and families residing in small urban and rural areas, particularly the poor, the disabled, the elderly, and those working in low-income jobs.

While my Mobility Assistance Act would have created a new, State initiative block grant for its discretionary use, the bill before us does not. H.R. 2950 does contain, however, its version of a block grant in the form of a new minimum apportionment program guaranteeing each State a return of at least one-third of 1 percent of its contributions to the mass transit account of the highway trust fund. Since States have never received a guaranteed minimum return on MTA contributions, this is a big plus. It will greatly serve West Virginia, which now contributes up to $10 million a year to the mass transit account in the trust fund, but receives only $765,000—less than $1 million—back each year.

The bill further freezes current law on allowing States to use longer combination vehicles [LCV's] on our Nation's highways and bridges. I support this provision, which disallows LCV use in all but those States already permitting their use—only about 20 States now allow LCV's. This is not only going to keep down the wear and tear on our highways and bridges, it will make automobile drivers feel a lot safer, too.

I have recently read with interest Pat Choate's "Magic Highway," and in it he says:

> The roads which connect the corners of our nation took decades to plan, to finance and to build. Their impact on the country's demographic distribution, its economic productivity, its national defense, and the lifestyles of its people has been both deep and profound.

In other words, to paraphrase Mr. Choate, every action we have taken since 1956, at the inception of the Interstate Highway System, we have altered the course of history—for the betterment of mankind.

Also, Mr. Chairman, again quoting from the "Magic Highway":

> It (the interstate highway system) represents the vision and sacrifice by a generation of Americans who overcame obstacles in finance and imagination—and fought off the natural urge to rob from the future for their own advantage—and build this vast network of highways that connect our country, lend efficiency to our economy, strengthen our nation's defense, and increase the safety of our travelers.

We all know that our country's highways and bridges are in such a state of disrepair that they are crumbling. We also know that despite the investment represented in the completion of the interstates, there are still communities so remote and so isolated from their neighboring States, that they are trapped in a time warp when compared with the relative mobility taken for granted in other parts of the country.

We all know that the Government's investment in public works—in creating a truly intermodal transportation system—has fallen in recent years, and today represents only four-tenths of 1 percent of GNP. Our infrastructure is falling apart. If we are to address our need to develop a highway system that will meet our economic development needs, as well as meet our energy needs, we must begin to reinvest in roads, bridges, and mass transit projects. To do so takes money—more, even, than the $151 billion contained in H.R. 2950.

While H.R. 2950 falls short of meeting our real needs on a truly national scale, it is indeed a bill which takes a giant step toward meeting our infrastructure needs for the next 6 years, and it sets the pace for years to come as we redirect our energies and rededicate ourselves to an intermodal transportation system.

I commend, and take this opportunity to give thanks and high praise to my chairman, Mr. ROE of New Jersey, whose leadership of the Committee on Public Works has brought a fine bill—a bill that assures equity to all Members of this House—to the floor for our consideration. My appreciation also extends to the able ranking Republican member of our committee, JOHN PAUL HAMMERSCHMIDT, and to the chairman of the Subcommittee on Surface Transportation, and my good friend, NORM MINETA, and to the subcommittee's ranking Republican member, BUD SHUSTER of Pennsylvania.

I am proud of the fact that the Committee on Public Works and Transportation was able to carefully craft a bill that is fair and equitable, above all else, to each and every Member of this House, and to do so without imposing a new gasoline tax. The leadership of our committee demanded, and finally got, access to moneys to which the highway users in our respective States are entitled—and so we will be able to spend 2½ cents of last year's gasoline tax which, until now, has been held hostage in the trust fund without any hope or expectation of spending it, while the other 2½ cents were diverted for deficit reduction purposes. Also, we are now enabled to spend down, for the first time, the balance or surplus in the highway trust fund over the next 6 years, leaving a cushion in the fund of $2.3 billion—enough to take care of any emergency that might arise. This is a tremendous achievement for the Public Works and Transportation Committee and indeed, for the whole House.

Today, each and every one of us can take on the mantle of responsibility of our generation to overcome all obstacles of imagination, finance, and self-interest in order to begin to build and rebuild our vast network of superhighways.

Today all Members of the House of Representatives can join in that monumental effort the Committee on Public Works has begun, and receive in return the reward of being able to pass on to future generations a better America. I recommend H.R. 2950 to my colleagues and hope that it passes.

Mr. HAMMERSCHMIDT. Mr. Chairman, I yield 3 minutes to the gentleman from California [Mr. PACKARD], a member of the committee.

Mr. PACKARD. Mr. Chairman, today on the floor of the House, we will be considering the Intermodal Surface Transportation Infrastructure Act of 1991. As my colleagues know, a great deal of work has gone into this bill. I appreciate the time the chairman and other members of the committee have spent on this bill. May I also mention my appreciation for the dedication and expertise the committee staff brought to this process.

The Intermodal Surface Transportation Infrastructure Act of 1991 was produced through a painstaking and arduous process. The legislation we have before us today is the result of careful and deliberate policy decisions. The importance and complexity of our transportation system requires this. We must remember that our primary objective is a safe, efficient infrastructure system. Reliable infrastructure is the key to this country's economic competitiveness in the last decade of the 20th century, and beyond. I believe that this bill will enable us to satisfy the future transportation needs of our Nation.

There are many important sections in the bill. We will finish the Interstate Highway System and move on to new and more advanced programs. We struck a balance between funding for transit and highways. The bill gives unprecedented flexibility to State and local governments in directing apportionments according to the individual needs of the area. The concerns of donor States with regard to fair allocation of funds have been addressed. We have set forth policies for highway safety and the cohesive construction of roads and other modes of transportation. Finally, we have funded this bill without the 5 cents gas tax increase.

The fact is, this bill incorporates state-of-the-art technology, allocates funds in a fair and flexible manner, and effectively reorients the direction of this country's transportation policy into the 21st century. Also incorporated into this bill are specific projects which individually have been singled out as pork. I find this criticism to be shortsighted.

The completion of the Interstate System of Highways was certainly not accomplished in one fell swoop. It was methodically pieced together, incorporating existing technology and current demands upon infrastructure, over a period of several decades. The funding of individual projects in this bill does not reflect Members' desires to bring home the bacon, as critics have charged. Bridges are in a sorry state of disrepair, our highways are jammed because the amount of people and therefore the demand upon highways and transit has increased. This legislation aims to fix these pressure points in our infrastructure. This is simply the logical extension of providing a reliable system of transportation to increase America's competitiveness in the global marketplace. Certainly, these individual projects benefit the specific areas where they are located; but they benefit the overall system of highways, bridges, and mass transit as well.

Three projects have been included in the legislation which are of great benefit to southern California. The construction of several segments of Route 76 in Oceanside will provide access from the easterly communities of Vista, Fallbrook, and Bonsall to I-5 and the coast. The Palomar Airport Road and I-5 interchange in Carlsbad will alleviate congestion and provide access to a major regional airport. In addition, the Los Angeles-San Diego Rail Corridor Agency [LOSSAN] will develop a high-frequency, reliable, cost-effective rail service between Los Angeles and San Diego. This will ease traffic congestion which is of vital importance to enhance the air quality in an area of nonattainment.

I fully support the inclusion in the bill of language allowing for the construction of certain toll roads in Orange County. These roads will be a major element in relieving traffic congestion in southern California. This language has the support of the Orange County Transportation Agency, and the Transportation Corridor Agency, and the Orange County Board of Supervisors.

I wish to thank the committee leadership for their attentiveness to the needs of my district and in my State. Good transportation infrastructure is essential for the continued competitiveness of our country. We must make the investment to insure that our industries can successfully compete in the global marketplace. I believe this bill provides the much-needed impetus for that continued economic growth.

I particularly want my State to know that this bill corrects virtually all the current inequities in the distribution of the highway funds. I urge my colleagues to vote for this bill.

Mr. Chairman, we need new direction for our transportation policy, and I believe the Intermodal Surface Transportation Infrastructure Act provides that new direction.

Mr. ROE. Mr. Chairman, I yield 4 minutes to the distinguished majority leader, the gentleman from Missouri [Mr. GEPHARDT].

Mr. GEPHARDT. Mr. Chairman, I want to begin by thanking the members of the Transportation and Public Works Committee on both sides of the aisle for doing a good job, taking a lot of guff, writing an excellent bill, and bringing it to the floor.

This was not easy, but they bring to us something this country cannot function without: A plan to restore and modernize the transportation system of this country so that we can have jobs and products for sale in America and abroad.

In the short term, this legislation will ensure that money keeps flowing to the public works projects already underway in the various States.

And as we keep this spending and consumption and investment flowing, we hope the confidence and economic activity so lagging today in this recession will be given a shot in the arm.

But this legislation must be understood and supported because of its long-term economic benefits.

We know from our history that America has enjoyed sustained economic growth only when we invested a substantial percentage of our national wealth in transportation and public works.

We know too that America has lagged, and our strength has become depleted, when we shifted our investments away from highways, bridges, tunnels, and ports, and moved them into tax cuts for the rich and completing our victory in the cold war.

The defense funds, in large part, were well spent. But this investment produced an unfair result. While we defended Europe, while we defended Japan, while we defended Korea, while we extended the umbrella of our defense to shield our allies from communism, our competitors built themselves up economically.

The committee tells us that Japan alone is spending $3.2 trillion over the next decade, an investment that we should be making but now cannot afford.

This bill says: Now it is our turn. Now it is time to take care of America. Now it is time to give our people, weary from their victory over communism, new roads, new transit systems, new opportunities to save energy, and the environment so that they can enjoy the benefits of capitalism.

During the debate, it may be difficult to distinguish the players without a scorecard. I must express some surprise at the comments made by some of our colleagues who oppose this bill.

They want to keep the trust fund money in Washington.

They want to give the people in the bureaucracy all the decisions on projects.

They call highways in their districts infrastructure, but they call projects in our hometowns pork.

They want to hang on to the gas tax money to make the deficit look smaller.

They want us to obey the President's deadlines for passing the bill.

I don't believe that is what the American people sent us here to do, but these are the arguments of the people who oppose the legislation.

The supporters of the bill take a very different approach.

We believe that Government investment in highways will create jobs, increase economic growth, and improve the lives of working Americans who need to commute by car and mass transit.

We believe that publicly elected officials have the right and the duty to respond to their community's transportation needs. We believe gasoline taxes paid by Americans should be returned to them in the form of transportation improvements.

And we believe that writing a better bill than the administration submitted justifies taking as much time as Congress needs to get the job done right.

And the Public Works Committee has gotten this job done right.

I wish I could hand out this bill to every citizen I have met who has registered a strong complaint about Government. This bill is the other side of the story.

Citizens want a decent return for their hard-earned tax dollars; this bill does that. Citizens want Government to change with the times; this bill does that.

Citizens want a program that balances the needs of transit versus highways, energy versus the environment, rural versus urban, safety versus efficiency, State's rights versus Federal responsibility; and this bill balances all of those interests about as well as they can be balanced.

I wish we were doing more. We should be doing more. But we are doing the best we can with what we have.

My thanks to Chairman ROE, Congressman HAMMERSCHMIDT, Chairman MINETA, and Congressman SHUSTER for their stewardship and patience, and I also want to thank each of the members of the committee for their hard work.

Their roads to heaven will be paved not just with good intentions but with a great result.

□ 1420

Mr. HAMMERSCHMIDT. Mr. Chairman, I yield 2 minutes to the gentleman from Wisconsin [Mr. PETRI], a distinguished member of the Committee on Public Works and Transportation.

Mr. PETRI. Mr. Chairman, the legislation before us today, H.R. 2950, represents a new era in our Federal transportation program. As we began the reauthorization process many months ago, a major goal of the donor States, those which have contributed much more in Federal gas taxes than they have received back, was to ensure that new and equitable allocation formulas for our highway programs be included in this reauthorization legislation.

Historically, my own State of Wisconsin has received back 74 cents in Federal highway funds for every dollar sent to Washington. There was some understanding that there would necessarily have to be an uneven distribution while the Interstate Highway System was being constructed. Now that we are reaching the completion of the Interstate, it is time to enact new distribution formulas that are fair to all States.

H.R. 2950 does just that, Mr. Chairman, I want to thank Chairman BOB ROE, ranking Republican JOHN PAUL HAMMERSCHMIDT, Surface Transportation Subcommittee Chairman NORM MINETA, and subcommittee ranking Republican BUD SHUSTER for their responsiveness to Members representing donor States and their understanding and sensitivity to our concerns while this bill was being drafted. Congressman L.F. PAYNE and Congressman TIM VALENTINE also deserve credit for their tireless efforts in this process.

In addition, to the equitable funding allocation formulas, H.R. 2950 contains several other worthy provisions, including a National Highway System and granting increased flexibility to States so that they can respond to their particular transportation needs and I urge its passage.

Mr. ROE. Mr. Chairman, I yield 2 minutes to the gentleman from New York [Mr. NOWAK], the distinguished chairman of our Subcommittee on Water Resources.

Mr. NOWAK. Mr. Chairman, I rise in strong support of H.R. 2950 and I request great broad support from this Congress.

Mr. Chairman, I rise to engage the chairman of the Committee on Public Works and Transportation in a colloquy concerning an important provision in the bill related to wetland mitigation banking.

Section 108 of the bill, project eligibility, applicable to both the National Highway System and urban mobility systems, makes the Federal highway trust fund available for participation in wetland mitigation banks and statewide programs to create, conserve, or enhance wetland habitat.

Mr. ROE. Mr. Chairman, will the gentleman yield?

Mr. NOWAK. I yield to the gentleman from New Jersey.

Mr. ROE. Mr. Chairman, the gentleman points out a provision which is very valuable both in our Surface Transportation Program and in our Wetlands Preservation and Enhancement Program.

The gentleman from New York is currently conducting extensive, in-depth hearings on reauthorization of the Clean Water Act and wetlands specifically. These hearings have provided significant information not only on the need for wetlands preservation, but also on the need to adequately compensate for unavoidable losses. The provision in section 108 is intended to make funding available for efforts to create, conserve, or enhance wetland habitat, including development of statewide mitigation plans—important efforts in improving our Nation's wetlands resources.

Mr. NOWAK. I would like the chairman's clarification of an issue of great importance. This provision specifically does not exempt any highway construction project from any applicable requirement of Federal law. Is that correct?

Mr. ROE. The gentleman is correct.

Mr. NOWAK. The requirements of section 404 of the Clean Water Act regulating the discharge of dredged or fill material into the waters of the United States remain unchanged?

Mr. ROE. The gentleman is correct. The provisions specifically deny any exemption. If the law requires that a proposed highway avoid any impact on a wetland, this provision does nothing to change that. In those instances where the law allows for compensatory mitigation for impacts on wetlands, this provision authorizes a source of funding for efforts to adequately compensate for impacts on wetlands, and, hopefully, to enhance and improve our wetlands base. This provision makes no substantive changes to wetlands law—whatever changes may be made to wetlands law will be made within the Clean Water Act reauthorization process.

Mr. NOWAK. Mr. Chairman, I thank the gentleman for this clarification, and look forward to working with him on wetlands issues in the Clean Water Act.

Mr. Chairman, I would like to take this opportunity to discuss with the gentleman from California [Mr. MINETA] a provision of the bill which has caused some concern.

Section 605 provides $2 million to the National Center for Earthquake Engineering Research [NCEER] to study the seismic vulnerability of the National Highway System's highways, tunnels, and bridges and develop cost-effective methods to retrofit these structures to reduce their vulnerability.

I want to stress that this research will be conducted on elements of the entire Federal-aid-system, not one specific region.

Finally, let me emphasize that NCEER will continue its policy of supporting planned, structured research programs on other campuses, including those in California.

Mr. Chairman, I would like to engage in a colloquy with the gentleman from California [Mr. MINETA].

Section 605 provides $2 million to the National Center for Earthquake Engineering Research to study the seismic vulnerability of national highway systems, tunnels, and bridges and develop cost-effective methods to retrofit these structures to reduce their vulnerability. This research will be conducted on elements of the entire Federal aid system, and then we will continue its policy of supporting planned structured research programs on other campuses, including those in California.

Is that correct?

Mr. MINETA. Mr. Chairman, if the gentleman will yield, the gentleman from New York [Mr. NOWAK] is correct. I thank the gentleman for the clarification.

Mr. NOWAK. Mr. Chairman, I also thank the gentleman from California.

Mr. Chairman, I rise today in strong support of H.R. 2950, the Intermodal Surface Transportation Assistance Act of 1991.

At the start, I would like to commend the bipartisan leadership of the Committee on Public Works and Transportation for their boldness in crafting this new master plan for meeting our Nation's transportation infrastructure needs.

Chairman ROE, Subcommittee Chairman MINETA, and the ranking minority members, Mr. HAMMERSCHMIDT and Mr. SHUSTER, also should be saluted for the doggedness and the determination they exerted in bringing this vital bill to the floor today.

Political and budgetary realities required the Public Works Committee to make compromises and scale down some funding levels in developing H.R. 2950.

But the committee did not compromise the principle that we need to dramatically, in a historic fashion, reshape the Federal Government's role in meeting our Nation's unmet infrastructure needs so we can be competitive in the new global economy.

H.R. 2950 lays the foundation for meaningful change.

Clearly the country needs the levels of spending established in H.R. 2950.

This summer, the Department of Transportation documented some of our infrastructure needs in a report to Congress, noting that "total investment has not kept pace with all system demands."

DOT pointed out that in 1989:

> About 265,000 miles of pavement (were) at or below accepted engineering standards, about 134,000 bridges were rated as structurally deficient, over 5,000 bridges were closed, congestion introduced over 8 billion hours of delay on the Interstate System, adding billions in cost to interstate commerce.

H.R. 2950 will begin the process of erasing those negative statistics.

It will accomplish this not only by increasing highway construction funding by 40 percent but also by spending down the surplus accumulated in the highway trust fund from $11.4 billion to $2.3 billion by 1997.

As Chairman ROE has put it: "We are restoring trust to the trust fund."

H.R. 2950 offers a balanced intermodal approach to our transportation system.

Its restructured Federal aid programs recognize the different needs of urban, suburban and rural areas plus the need for efficient bus and rail systems and safe bridges and highways.

Recognizing the differences of different regions, H.R. 2950 also attacks the rigidity of existing Federal aid programs by giving States long-needed flexibility.

Most importantly, in my opinion, the Committee on Public Works through H.R. 2950 recognizes the importance of our transportation network to job creation and economic development.

H.R. 2950 is not only a package of transportation projects designed to move people and products.

H.R. 2950 is most importantly a long overdue investment in the future of the United States.

I urge my colleagues to support that investment and vote for H.R. 2950.

Mr. HAMMERSCHMIDT. Mr. Chairman, I yield 2 minutes to the gentleman from Oklahoma [Mr. INHOFE].

Mr. SHUSTER. Mr. Chairman, will the gentleman yield?

Mr. INHOFE. Mr. Chairman, I yield such time as he may consume to the gentleman from Pennsylvania [Mr. SHUSTER].

Mr. SHUSTER. Mr. Chairman, we support UMTA's efforts now underway to work with the Transit Development Corporation, which would serve as an independent governing board to select research projects to be funded under the UMTA Act. We further understand that the Transit Development Corporation will work with the Transportation Research Board or some other entity the corporation deems appropriate to assist in the research selection process. The resulting research information will be disseminated as appropriate by the Transit Development Corporation. No other legislative direction in this regard is intended or necessary.

Mr. INHOFE. Mr. Chairman, I thank the gentleman from Pennsylvania [Mr. SHUSTER].

Mr. Chairman, I rise today in support of the Transportation reauthorization bill that is before us. But I do so for a different reason than most of my colleagues, particularly those over on this side of the aisle.

Mr. Chairman, I rise as a conservative Republican supporting this bill, and I will put my conservative credentials against any Member of this House of Representatives.

A few months ago I was one of seven individuals on the Committee on Public Works and Transportation who voted against this bill. At that time I felt that the 5-cent-a-gallon gas tax increase was something that was not in keeping with my philosophy and not in the best interests of the country in spite of the motivations, the very fine motivations, of the leadership of the committee. I also was not satisfied with the rate at which we were spending down the highway trust fund. A lot of people have forgotten the origin of this trust fund. It goes back to 1965 and 1966, the Great Society days, when they were looking for ways and for new smoke and mirrors to hide the enormous deficits. So, they decided to let these trust funds grow and not spend out of the trust funds, and consequently we ended up with billions and billions of dollars of unspent money in those trust funds to make the deficit look smaller.

Mr. Chairman, since I was elected in 1986, I have been trying to find some way to get a program in, not just this trust fund, but also the air, space, and aviation trust fund, to spend those moneys that are in there in surplus for the designed purpose. This bill not only does not provide a 5-cent-a-gallon gas tax increase, which was somewhat offensive to many of our conservatives, but also spends that down to $2.3 billion in the trust fund of the balance, and I think that is a major accomplishment for conservatives.

So, as a conservative, I rise in favor of this bill and urge my conservative colleagues to do the same.

□ 1430

Mr. ROE. Mr. Chairman, I yield 2 minutes and 30 seconds to the distinguished gentleman from Ohio [Mr. APPLEGATE], a member of our committee.

Mr. APPLEGATE. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, first of all, I just want to commend our great chairman, the gentleman from New Jersey [Mr. ROE], the subcommittee chairman, the gentleman from California [Mr. MINETA], and the gentleman from Arkansas [Mr. HAMMERSCHMIDT], as well as the gentleman from Pennsylvania [Mr. SHUSTER], for doing an outstanding job and bringing forth on this floor the best highway bill that has ever been presented to the House of Representatives.

President Bush said what he wanted was a Transportation bill with no increase in taxes. Well, let me say that he has got one, and this is it. Yet he is talking about vetoing it. For a President who has promised 30 million new jobs and is in the process of losing 9 million per month, he should embrace this, because this bill is going to create 2 million good blue collar construction jobs. And this is only a byproduct of the whole bill. Since the interstates have really been mostly completed, this bill will zero in on the secondary and primary roads which will be tying smaller communities to most of our infrastructures in major areas of the country, to help them bring themselves out of the economic gloom they are in.

With a growing population in this country of 1.5 million per year, America's infrastructure needs improvement. It is a shame, because the United States lags behind all the great industrial powers of the world in fixing its infrastructure. As has been stated before, Japan spends six times more on their infrastructure than we do. We are great in protecting other nations of the world with our military power, sending our bucks over there to help them improve their infrastructure and their economy, and yet failing to take care of our own infrastructure.

Let me say this bill is going to help the donor States. For those of us who live in States where we send more money to Washington than we are getting back, this is going to help to reduce that. To at least some degree, we are raising the amount of moneys that we are going to be getting back from the dollars we spend. Now our States are the ones that need help because we are the ones that took care of the rest of them throughout the Nation.

I hope it is not going to be all politics in the White House now with this, because Americans cannot afford any more politics on this basis. They need help with their local communities. I do not want to be like the guy who got up one morning and put his shoes on backwards, and who walked forward into the past.

We have to be through with that kind of politics. We have to be moving forward, because we are moving into the 21st century and we need the infrastructure, we need the highways, and we need the improvements to meet that new century.

Mr. HAMMERSCHMIDT. Mr. Chairman, I yield 3 minutes to the gentlewoman from Maryland [Mrs. BENTLEY].

Mrs. BENTLEY. Mr. Chairman, first, I want to commend my distinguished colleagues, Mr. ROE, chairman of the Public Works and Transportation Committee, Mr. HAMMERSCHMIDT, the ranking minority member of the full committee, along with Mr. MINETA, chairman of the Surface Transportation Subcommittee, and the subcommittee's ranking minority member, Mr. SHUSTER, for their outstanding work in developing this comprehensive legislation, which we are taking up today.

Without question, H.R. 2950 will serve as the blueprint for the rebuilding of this Nation's failing highway and transit systems. This bill will stimulate our economy, which despite rosy pronouncements to the contrary, remains in a serious state of decline.

Twenty-one States, along with hundreds of cities, small towns, and rural communities, are coping with a serious decline in revenue and budget deficits. They, along with major U.S. national and international companies, and businesses of all size, continue to experience major layoffs of their work force.

The America people continue to see their standard of living slide downward.

This bill will help to rejuvenate our economy.

From coast to coast, our transportation systems are deteriorating, annually costing Americans untold billions of dollars in lost productivity, notwithstanding the inconvenience and hardship the gridlocked systems impose on the public simply seeking to commute between home and the workplace, or getting goods from one location to another.

Mr. Chairman, it has been purported that demonstrations projects are pork-barrel projects, with little, if any, merit. Nothing could be further from the truth.

For example, each Maryland project included in this bill was done so with the advice and consent of the Maryland Department of Transportation which will be sharing in the cost. Each project is a legitimate project, and all contribute to the State's overall transportation needs.

Pork barrel? No. Those who paint all of these projects with a broad brush simply don't travel around this country and speak to Americans who suffer daily, trying to cope with a seriously deteriorating system.

Let those who allege pork barrel ask Baltimore County and Harford County residents if the $28 million earmarked in this bill for improvements to the Baltimore Beltway is pork barrel.

The answer will be a resounding "no." The 156,000 motorists, who daily travel the Baltimore Beltway, must add 30 to 45 minutes to each leg of their commute to and from work simply because the system is inadequate to accommodate their needs. Similar waste of time and energy is repeated throughout all communities and urban areas in our great country.

Let those who allege pork barrel ask my constituents if the $14 million in improvements to U.S. Route 1—a major north-south corridor experiencing rapid residential and commercial growth—is pork barrel. The answer will be a resounding "no."

Currently, 34,000 motorists travel this outdated section of roadway and it is projected that that number will escalate to 62,000 daily by the year 2000.

Reconstruction of U.S. Route 1, providing median barriers and other safety features are improvements which are long overdue.

Improvements to both the Baltimore Beltway and U.S. Route 1 will help reduce air pollution pumped into the atmosphere as vehicles sit idle, bumper to bumper, for long periods of time and, at the same time, reduce wasteful fuel consumption. Similar stories are reported nationally every day. Think of the wasted time and energy.

Let those who allege pork barrel ask my constituents if the $10 million for the reconstruction of six obsolete and marginally safe bridges is pork barrel. The answer will be a resounding "no."

Like too many of the bridges throughout the United States, each of these Maryland bridges has been repaired time and time again in a Band-Aid approach to extending their lives, which, in the end, costs more than replacement.

Mr. Chairman, no one in this body is more cognizant of the need to control Federal spending than I.

As a member of the Budget Committee, I fully understand the seriousness of our national budget problems, but, as a member of the Public Works and Transportation Committee, as a person very concerned about our Nation's competitiveness and industrial strength, and as a daily commuter between Capitol Hill and my home in Timonium, MD—58 miles away, I also fully understand the absolute need to make improvements to our highway and transit system.

That is why I carefully weighed and deliberated over each and every project for my congressional district and for the State of Maryland before I requested and supported their inclusion in this bill.

Special demonstration projects are essential to local, regional and national transportation requirements. Their identification and designation is merely a method to prioritize their completion—again, with the advice and consent of the local transportation and public works officials, who must share in their costs.

Mr. Chairman, I urge my colleagues to support this bill, which is so essential to America—to its productivity, to its economy, and to the safety of the American people.

Mr. ROE. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Pennsylvania [Mr. BORSKI] chairman of the Subcommittee on Investigations and Oversight.

Mr. BORSKI. Mr. Chairman, I rise in strong support of H.R. 2950, the Intermodal Surface Transportation Infrastructure Act of 1991.

I want to commend Chairmen BOB ROE and NORM MINETA, and the ranking Republicans JOHN HAMMERSCHMIDT and BUD SHUSTER, for their hard work and strong leadership in putting together this bill.

Dependable travel is something every American has a right to expect and through my work on the Public Works Committee I have made a commitment to see that our transportation system is the best it can be.

I am convinced passage of this legislation will help do just that.

H.R. 2950 represents a major commitment toward increased Federal spending for public transit. It provides $32 billion for public transit.

That virtually doubles Federal support for the transit programs currently in operation across the country.

This past spring the Public Works Investigations and Oversight Subcommittee, which I chair, held a hearing to look closely at the impact made by a decade of cutbacks in public transit.

Over the past 10 years, Federal investment in the Nation's public transit system has been cut by 50 percent.

Transit officials from all over the country told us very discouraging news about the impact those cuts have had on their systems.

It's meant higher fares, a drastic reduction in services, and a system that in many ways is on the brink of collapse.

In my own city of Philadelphia, the transit system has had a difficult time simply trying to make ends meet.

Commuters there have the dubious satisfaction of knowing they pay the highest base fare in the country for a ride on public transit.

We must reverse 10 long and difficult years of disastrous cuts in Federal transit spending. This legislation will do that.

A strong public transit system is essential to cutting the growing problems of traffic congestion and air pollution. It will also help us reduce our dependence on foreign oil.

A strong commitment to expand public transit also makes sense when you look at the latest census figures.

Over three-fourths of all Americans now live in metropolitan areas. That means a greater need to move large groups of people on a daily basis.

H.R. 2950 will meet that need.

It will almost double the size of the current transit program from $3.2 billion in fiscal year 1991 to $4.1 billion in fiscal 1992 and more than $5 billion per year after that. By 1997, Federal transit spending would reach $7.2 billion.

Philadelphia's transit system would receive more than $200 million in extra funding from this legislation. This is beside the additional funding which is available for transit under the bill's unprecedented flexibility and transferability provisions.

Initial reports from Philadelphia's transit experts say more Federal money, combined with State funding, would allow them to replace or overhaul 1,500 buses and 1,000 subway, regional rail, and trolley cars.

Almost 700 miles of tracks and 500 bridges could also be rehabilitated. In addition, SEPTA could upgrade signals, power and communications systems, and support facilities.

It goes without saying that our Nation is turning more to metropolitan areas for work and recreation and that means a growing need for transportation that will move people quicker, easier, and safer than ever before.

It also means that a financial commitment to public transportation is not only needed but is crucial to the lives of many Americans.

H.R. 2950 would also, for the first time, include a $76.7 billion flexible highway program in which up to two-thirds of the funds could be transferred to mass transit, at the discretion of State and local governments.

Imagine what this innovative flexible highway program will mean to cities who have turned to their State governments only to find out their hands were tied?

Under the flexible highway program, States will be able to transfer highway funds to mass transit.

This would serve a twofold purpose: Improving transit in general and improving it with an eye toward meeting new clean air guidelines.

Nonattainment areas, like Philadelphia, for example, would be able to use additional Federal money to meet new stringent pollution guidelines.

It's obvious that the American, fast-paced way of life forces us to travel more than ever before, making us more dependent on mass transit to move us to work and to play and home again.

We need to renew our commitment to mass transit agencies. We need to say that we will do all we can to make public transit efficient, effective, and at all costs, safe every hour of the day.

I believe the increased spending in this bill for public transit will help us meet our goal.

I am also pleased that the bill contains legislation which I introduced last spring along with my good friend and colleague, from New York, Congressman BOEHLERT, freezing the operation of longer combination vehicles on the Nation's Interstate Highway System.

Because of a legal loophole big enough to drive a triple trailer truck through, expansion of double and triple trailer trucks has become a major public safety concern.

Congress never intended to sanction a State-by-State expansion of double and triple trailer trucks. But that is exactly what has happened.

In 1956, Congress established the Interstate System and limited the size of trucks on those highways. It included a so-called grandfather clause to grant exceptions to a few States which were already permitting larger trucks.

But the situation changed dramatically in 1982 when Congress passed the Surface Transportation Act. That's when it gave States the authority to decide grandfather rights.

Today, 15 States permit triple trailer trucks and an additional 5 States allow doubles over 56 feet in length.

This bill freezes LCV lengths and weights as of June 1, 1991.

Proponents say LCV's are safe. And they may be in low-populated regions of the country where straight paths of highway stretches on for miles.

But what about in congested areas?

Shouldn't we listen to the people who drive these giant vehicles?

I agree with R.V. Durham, director of the freight division of the International Brotherhood of Teamsters, who told Congress that they have "very serious highway safety concerns about triple trailer trucks and turnpike doubles."

Mr. Durham testified that while "LCV's operate in the Western United States on routes where there is relatively light traffic, the same safety record would not be possible in other States that are more densely populated."

Three-quarters of the American people oppose more giant trucks on our highways because of safety concerns.

Many existing highway systems don't have adequate ramps and merge lanes to accommodate the over-sized vehicles.

And unless we freeze the expansion of double and triple trailer trucks, States which do not want them might be forced to accept them because of economic pressures.

Last, this bill significantly increases the Federal investment to upgrade the Nation's bridges.

Bridge safety is one of the most important transportation concerns facing this Nation.

During recent hearings before my oversight subcommittee, experts testified that 40 percent of the Nation's bridges are deficient.

The bill directly addresses this problem by increasing bridge funding to a total of $14.9 billion over the next 6 years.

Under the bill, funding to repair and replace obsolete bridges will grow steadily, from the current level of $2.1 billion in fiscal year 1992 to $2.9 billion in fiscal year 1997.

This is absolutely vital to ensure public safety and to increase efficient movement of goods and people.

Mr. Chairman, I hope that my colleagues agree that this bill is not only needed but vital to the continued growth of the surface transportation system in our country.

I urge you to vote for H.R. 2950 and keep America safely on the move.

Mr. HAMMERSCHMIDT. Mr. Chairman, I yield 1 minute and 40 seconds to the gentleman from Michigan [Mr. UPTON].

Mr. UPTON. Mr. Chairman, I, too, rise to commend the big four, the chairman of the committee, the gentleman from New Jersey [Mr. ROE], the gentleman from California [Mr. MINETA], and my good friends, the gentleman from Arkansas [Mr. HAMMERSCHMIDT] and the gentleman from Pennsylvania [Mr. SHUSTER]. For 5 years I have served on this committee, and I must say in every instance it has been very bipartisan and fair, and I have enjoyed my tenure tremendously.

Let me say that I rise in strong support of this bill. It is a good bill for Michigan. Many of us in our State delegation have frankly been embarrassed that our fair share of Federal funds over the last couple of decades has put our State on the wrong track. Our State has been a donor State. That means we have not gotten a fair share back on every dollar we sent to Washington. Under the old law, States received a minimum of 85 cents for every dollar they sent to Washington, and in fact I am told that under the administration's plan they submitted earlier this year that 85 cents was going to drop to 78 cents.

That is not fair, and I commend the chairman and the leadership of this committee for taking the proposal that was developed by a bipartisan group of us, including legislation I introduced just last winter to raise that to 90 cents. That is part of the bill now, and I offer my sincere thanks for it because it is fair.

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Mr. Chairman, a lot has been said about special projects here by a lot of different folks today. I must say that Michigan did fairly well with the special projects, but these were not done in the dark of night. Every single one was justified in writing by our Department of Transportation. None of them waived the 80-20 requirement. So if for any reason the State decides not to spend money on their particular project, the project is not funded and the Federal Government will not stick its neck out.

Mr. Chairman, as I looked a projects across our State, U.S. 31 in Berrien, Portage, Grand Rapids, these are cities that are growing and are using the systems that were designed 35 years ago.

Mr. Chairman, I would like to enter into a colloquy with the gentleman from Arkansas [Mr. HAMMERSCHMIDT] for purposes of clarifying section 203.

First I would like to commend the gentleman who has done an outstanding job in working with Chairman ROE to craft a comprehensive and forward-looking surface transportation bill.

Section 203 of the surface transportation bill prohibits a State from receiving a supplemental grant unless that State "makes unlawful the possession of any open alcoholic beverage container, or the consumption of any alcoholic beverage, in the passenger area of any motor vehicle * * *" Furthermore, section 203 goes on to define an open alcoholic beverage container as "* * * any can or bottle which contains any amount of alcoholic beverage * * *"

I support efforts to reduce drunk driving and I believe open container laws are beneficial in helping to meet this goal. I am concerned, however, that section 203 may unintentionally and unfairly harm my home State of Michigan along with the other States which have adopted policies to encourage people to recycle old beer cans and bottles and also have effective open container laws in place.

Consequently I would like to ask the gentleman from Arkansas if he agrees that it is not the intent of section 203 to apply to bottles and cans which are being transported to a collection center for recycling.

Mr. HAMMERSCHMIDT. The gentleman from Michigan is correct. The definition of an open alcoholic beverage container is intended to cover those containers from which alcohol may be consumed and not cans or bottles that are being returned to a collection facility for recycling.

Mr. UPTON. I thank the gentleman from Arkansas and I urge Members to support the bill.

Mr. ROE. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Florida [Mr. LEHMAN], the chairman of the Subcommittee on Transportation of the Committee on Appropriations.

Mr. LEHMAN of Florida. Mr. Chairman, I rise in support of H.R. 2950, the Intermodal Surface Transportation Infrastructure Act of 1991.

I want first of all to commend the gentleman from New Jersey, the chairman of the Public Works and Transportation Committee [Mr. ROE], and the gentleman from California, the chairman of the Surface Transportation Subcommittee [Mr. MINETA], and their ranking Republicans, the gentleman from Arkansas [Mr. HAMMERSCHMIDT] and the gentleman from Pennsylvania [Mr. SHUSTER], for their very hard work in developing this comprehensive legislation. This will be the foundation for our highway and transit programs for the rest of this decade and into the next century.

H.R. 2950 provides the funding to complete the Interstate System and, for the first time in 35 years, builds a new structure for our Nation's highway program.

The bill includes important initiatives in highway safety, particularly in encouraging States to require use of motorcycle helmets and safety belts.

I also strongly support the increases in authorizations for our mass transit program. I believe these increased funding levels are essential to improving urban mobility and air quality as well as to reducing our dependence on imported oil.

Mr. Chairman, this is a 6-year authorization bill. As chairman of the Transportation Appropriations Subcommittee, I look forward to working with the leadership of the Public Works Committee, through 1997, within the framework created by the bill, to preserve and enhance the Nation's vital transportation infrastructure.

Mr. Chairman, I believe every Member concerned about the country's future should support this bill.

Mr. HAMMERSCHMIDT. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from New York [Mr. BOEHLERT], a member of the Committee on Public Works and Transportation.

Mr. BOEHLERT. Mr. Chairman, It is with great pride that I take the floor to discuss the Intermodal Surface Transportation Infrastructure Act of 1991. This landmark legislation will usher in a new era of transportation history. An era whose defining characteristics will be energy efficiency, environmental sensibility, and intermodality. The legislation before us today is exactly what its title says; its an intermodal, surface transportation, infrastructure bill. It is not a highway bill. We are not seeking to pave America, but rather to get America moving.

The transportation policies contained within the pages of this document, reflect the challenges our Nation will face as we move toward the 21st century. Our Nation's transportation policy must address two of the most pressing issues of our time, energy conservation and air quality. This bill takes aggressive steps to meet these energy and environmental challenges, steps for which the leadership of the Public Works and Transportation Committee must be commended.

Today, half of America's energy needs are met through foreign sources, and if we continue our present course, that proportion will only grow. This dependence is a strategic and economic liability of which we are all painfully aware and cannot overlook.

Some 70 percent of present U.S. oil consumption is related to transportation, and we know that more efficient transportation policies can and will lead to substantial energy savings. Transportation options for the public must be enthusiastically encouraged so that there are acceptable alternatives to the single occupant vehicle. Forty persons on a bus making a daily commute of 10 miles round trip, instead of individually in an auto, will save 4,250 gallons of gasoline a year.

A decade long slide in public transit assistance will end with the enactment of this bill. A renewed focus on public transit may prove to be the single most important aspect of our Nation's transportation policy.

Policies that encourage commuters to use van and car pools, buses, trolleys, and trains and discourage driving alone to and from work will yield enormous benefits. Such actions cut emissions responsible for global warming and urban smog, break up traffic gridlock, and reduce the number of highway injuries and fatalities.

Mr. Chairman, the automobile and the highways on which it travels are as American as baseball, and will continue to play a pivotal role in transportation planning and function. The legislation which the Public Works and Transportation Committee has crafted acknowledges this reality in a meaningful way.

America's roads and bridges are at a level of disrepair that not only threatens the future of our economy but the lives of every American who ventures on to them; 60 percent of our Nation's highways and 40 percent of our Nation's bridges are either in disrepair or are structurally deficient. On April 5, 1987, a bridge—the bridge over Schoharie Creek—collapsed in my district leading to the tragic death of 10 motorists. This bridge was part of one of the most widely used transportation arteries in our country, the New York State Thruway.

The importance of the bridge repair provisions contained in the bill before us cannot be overstated. This is a life or death matter in congressional districts across this land. I implore my colleagues to resist any and all efforts to divert funds earmarked for the repair of America's bridges.

Efficient transportation and reliable infrastructure are the cornerstones of economic growth. We have only to look to our toughest competitors in the global market place for evidence of the nexus between economic viability and investment in transportation. Over the last decade the governments of both Germany and Japan have spent proportionally far more than the United States on improving the transportation and infrastructure of their nations. Last time I checked, their economies were doing better than ours.

Transportation policy stands as the single best tool for enhancing America's productivity, reducing America's dependence on foreign oil, and above all protecting the air we breathe. I commend the leadership of this committee for crafting a transportation bill with the flexibility and vision necessary to meet our nation's efficiency, energy, and environmental goals. I ask all my colleagues to join with me in endorsing this landmark legislation.

It is a repair our crumbling infrastructure bill; it is a global competitiveness bill; and environment sensitive bill; a jobs bill; an energy conservation bill. It accomplishes all of the above in a fiscally responsible way deserving of our support.

Mr. ROE. Mr. Chairman, I yield such time as he may consume to the gentleman from Illinois [Mr. LIPINSKI].

Mr. LIPINSKI. Mr. Chairman, today I rise with the distinguished chairmen of the Committee on Public Works and the Subcommittee on Surface Transportation to urge my colleagues in the House to join us in supporting H.R. 2950, the Intermodal Surface Transportation Infrastructure Act of 1991. This bill begins a new era of Federal involvement in the infrastructure of this Nation. It puts the word "trust" back into the highway trust fund. It uses almost every means available to interlink the various transportation systems into one powerful system of intermodality. It embarks on a new direction by addressing the fundamental question of how best to use our limited resources now that the Interstate Highway System is complete.

I could spend much more time discussing the positive aspects of H.R. 2950 and others following me certainly will do so. Instead, I want to remind any members who oppose this bill or the method of funding contained within this bill—and the committee leadership will certainly agree with me on this—that H.R. 2950 is by no means perfect. It is not the solution to all of this Nation's infrastructure problems. It certainly contains some provisions which may even hamper the efforts by individual States to make infrastructure repairs. Take the I–4R discretionary program for instance.

If this bill were perfect, then all programs I–4R included, would be funded at a high enough level that all the individual States could carry out their most vital projects.

In fact, H.R. 2950 reduces I–4R from $200 million annually to only $95 million in fiscal year 1992 and $114 million in each fiscal year thereafter. In the past, this program has proved its value as a provider of funding for high-cost, high-priority projects; however, H.R. 2950 reduces the I–4R program in such a drastic manner that in many States major projects will have to be put on hold. In this bill with $119 billion for highway programs, there is no doubt that some additional money will now be available to the States. Never-the-less, there will still not be enough funding for the repair and rehabilitation of some of the most critical sections of our aging interstate system.

In my opinion, the way the Federal highway and transit programs are structured, by their very nature, dictate which projects will be funded by the individual States' programs. In other words, when funding levels for some Federal programs are given priority at the expense of others, then States are forced to alter their priorities and long-range plans as well. We then find ourselves in a situation where the Federal program no longer serves the needs of the individual States but instead determines those States future priorities.

We all would agree it is critically important to maintain our interstate system. I think all would agree that we would agree that massive interstate rehabilitation in our metropolitan areas must occur within a short period of time. Our goal should be to minimize the disruption of traffic and help to preserve both the mobility of individuals and commerce. Well my friends, the I–4R program was designed to serve this purpose and now can no longer.

In Chicago, where I have the privilege of representing the Fifth Congressional District, the reconstruction of the 29-year-old Kennedy Expressway may not be completed for lack of Federal funds. I have with me a copy of an article from the Chicago Tribune explaining this situation. Mr. Chairman, I ask for unanimous consent to have this article inserted in the CONGRESSIONAL RECORD. Let me just say that the proposed improvements to the Kennedy will greatly enhance the mobility of over 650,000 workers in central Chicago, 1.4 million residents of the north and northwest suburbs, and millions of passengers at O'Hare, one of the largest airports in the world.

The Kennedy project will not be completed because I–4R has been reduced. Plain and simple. The bottom line is that Illinois will not receive enough Federal funds in its normal apportionment to carry out the necessary rehabilitation work.

The present I–4R provisions will force the Illinois Department of Transportation to gut its statewide I–4R programs in the next several years just to set aside funds for work on one project, the Kennedy.

I stated before that H.R. 2950 is not a perfect bill. It is however, a very good attempt to restructure this Nation's transportation programs. It takes into account the fact that alternative methods of transportation, especially mass transit, are important and deserve as equitable a share of Federal funds as do highways. H.R. 2950 is a pledge to continue the necessary investment in our national infrastructure. Our roads, highways, bridges, and mass transit systems form the infrastructure backbone of all communities, both large and small. I urge my colleagues to join me in supporting H.R. 2950.

[From the Chicago Tribune, Oct. 22, 1991]

BUDGET THREATENS WORK ON KENNEDY

(By Gary Washburn)

The long-awaited rehabilitation of the Kennedy Expressway could be postponed, or work stretched out over more than the three years already planned, under spending cuts proposed in the U.S. House, worried Illinois officials said Monday.

A measure that would dramatically shrink the pot of money available nationwide for interstate highway improvement projects was approved last week by the House Public Works and Transportation Committee, threatening Illinois' chances of getting the cash it needs to complete the Kennedy in a timely fashion, they said.

The so-called "discretionary" pot originally had been pegged at $200 million a year, but when House leaders several weeks ago dropped a proposal for a five-cent-a-gallon federal gasoline tax increase, it was scaled back to $95 million for fiscal 1992, and to $114 million annually through fiscal 1996.

IDOT has in hand about half of the money it needs to cover the Kennedy's $450 million cost, but "we were counting on the feds, through the discretionary process, for the other half," said Illinois Transportation Secretary Kirk Brown.

"We're told by both IDOT and the city that they need at least $70 million a year for the next several years to complete the Kennedy reconstruction, so clearly we have a problem," said Jerry McDermott, legislative director for U.S. Rep. Dan Rostenkowski (D-Ill.). "The question is whether anything can be done."

Brown said he remains hopeful the discretionary funds will be restored before a final measure becomes law.

The bill approved by the committee goes next to the full House for consideration. Then it will go to a conference committee where differences between it and a Senate version will be hammered out. The Senate bill contains no provision for any discretionary funds.

If, in the end, there is only about $100 million a year in discretionary money available for all 50 states, it is doubtful that Illinois will be able to secure more than half of it for three consecutive years, said one federal source who asked not to be identified.

Besides considering a delay in the Kennedy project or a lengthened construction timetable if adequate funding cannot be obtained, Brown said IDOT also will study the postponement of other state highway projects, funneling those dollars into the Kennedy.

But any of the approaches would be painful, officials said.

Stretching construction over more than three years would increase inconvenience for motorists and could produce higher costs. And delaying the Kennedy job, or any other project that might have to wait for the Kennedy's completion, also would push up expenses.

"As we delay projects, we find their costs tend to escalate * * * with inflation in the construction industry," said James Slifer, IDOT's Chicago area chief.

The Kennedy project calls for the reconstruction of all lanes between downtown and the highway's junction with the Edens Expressway. Reconfigurations at the south end would produce smoother traffic flows between the Kennedy and the Ohio-Ontario feeder, and revamping at the north end would improve connections between the Kennedy and the Edens.

Under the existing schedule, crews are to begin work early next year, completing the project in late 1994.

Preliminary Kennedy work has been under way for the last two years. In recent months, crews have upgraded the expressway's shoulders so they can carry cars and trucks when regular lanes are closed. And last summer's resurfacing of Lake Shore Drive was done to prepare that major arterial as a Kennedy alternate route.

The states historically have received money to maintain their portions of the interstate highway system based on a formula that takes into account total miles of highway and population. Discretionary grants have been doled out to help finance exceptionally big projects.

Discretionary funds played a major role a few years ago in the reconstruction of the Dan Ryan Expressway between 31st Street and the Eisenhower Expressway, a project that cost more than $200 million.

Planning for major expressway reconstruction projects is so complex that it must begin long before the amount of money that will be available is known, Slifer said.

For the Kennedy, "We're probably talking about seven or eight years ago," he said.

IDOT already is mapping plans for a reconstruction of the Stevenson Expressway, slated to begin after the Kennedy is completed.

"We're talking about a project that's at least five or six years away, and we've already been working on it for two years," Slifer said. "The facilities are complex, and to handle traffic, figuring out all the staging, trying to minimize delay to motorists, looking at alternate routes and at advance work * * * all takes a tremendous amount of time."

Mr. ROE. Mr. Chairman, I yield such time as he may consume to the gentleman from California [Mr. DYMALLY].

Mr. DYMALLY. Mr. Chairman, I rise in support of H.R. 2950, the Intermodal Surface Transportation Assistance Act of 1991. This is a much needed piece of legislation long overdue to fix our deteriorating transportation infrastructure. The Department of Transportation's latest report on the status of the Nation's highways and bridges, shows that the cost of major highway repairs as of the end of 1989 is at least $400 billion, and the cost of repairing bridge deficiencies is at least $91 billion.

I would like to commend the gentleman from New Jersey, Chairman ROE and Subcommittee Chairman MINETA together with the ranking Republican members of the committee and the subcommittee, Mr. HAMMERSCHMIDT, and Mr. SHUSTER for their diligent work and leadership in bringing this bill to the floor, and in the level of bipartisanship exhibited. As a supporter of the 5-cent gas tax, I truly commend these gentlemen for showing leadership irrespective of political pressure. My admiration for them has increased for their hard work in revising this authorization bill despite the threat of a Presidential veto.

This bill is an excellent legislative package that is supported by mayors and Governors, including the State of California. The bill provides, among other things:

Greater flexibility to States to use Federal funds for either highways or mass transit:

A new focus on urban congestion, air quality and intermodal efficiency;

Within this revised bill congressional earmarks were reduced to only 3.3 percent.

Mr. Speaker, as one Member whose congressional district is in dire need for one of those demonstration projects partially funded in this bill, I want to emphasize my firm support for the Chairman ROE and MINETA for their responsiveness on this issue. As duly elected Members of Congress it is our responsibility to know and advocate the needs of the districts we represent. Decisions on which projects should be funded should not be limited to unelected bureaucrats who are susceptible to all kinds of political special interest pressures but without the benefit of representing our citizens. I believe that all this undue criticism of the chairman's responsiveness to the Members is an unwarranted attack. Certainly, those orchestrating the criticism can not pretend to have a more objective or a less political project selection process on the State level.

Let me explain the need for the West Alameda Street Underpass/Meely Street Rail connector which is currently funded at $7.8 million in this bill. This project is sorely needed ever since light and freight rail passed through Compton. Ninety-nine percent of the city of Compton are minorities, 75 percent are low- or middle-income earners. Recently, the city and the chamber of commerce developed the downtown area including shopping malls and retail outlets to stimulate commerce. However, the tremendous amount of rail traffic which passes through every day interrupts the flow of automobile traffic and is causing commuters to avoid the developed part of town altogether. This underpass project will redirect the train traffic under the street level allowing a normal flow of traffic. More important, there is currently only one fire station in the eastern part of Compton, should more than one emergency situation take place, then the potential for the loss of life and property is great until this underpass is built.

Mr. Chairman, I am indebted to both chairmen and their ranking minority members for agreeing to the importance of this demonstration project, I urge my colleagues to vote for passage of this bill.

Mr. ROE. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Florida [Mr. BENNETT] who has been extremely cooperative in helping us craft the program we have before us.

Mr. BENNETT. Mr. Chairman, some months ago the media, particularly the press, editorialized about the fact that the donor States in this country were making tremendous contributions to the highway system which are perhaps outmoded from when this legislation was originally passed in 1956, perhaps the greatest thing that the Eisenhower administration accomplished. States like Florida, fast growing States, made a tremendous contribution to the fund in order to get the highways through the country in States that were not able to pay for those highways.

Mr. Chairman, three decades and more have gone by. It is now fair to make a readjustment in the formula so that the fast growing States would have better attention to their needs which are so great at this time in history.

Mr. Chairman, therefore I would like to have a colloquy with the chairman of the Committee on Public Works and Transportation, the gentleman from New Jersey [Mr. ROE], to get the assurance of the chairman that the committee will do everything it can possibly do within the conference to see to it that these formulas, which are now by this new legislation fair to the donor States, are perpetuated.

Mr. ROE. Mr. Chairman, will the gentleman yield?

Mr. BENNETT. I yield to the gentleman from New Jersey.

Mr. ROE. Mr. Chairman, I would suggest that the committee in great faith and fidelity has manifested their sincerity of purpose because they have included these matters in the existing legislation, and we intend to pursue that vigorously.

Mr. BENNETT. Mr. Chairman, reclaiming my time, I wish to thank the gentleman from New Jersey [Mr. ROE], as well as the gentleman from Arkansas [Mr. HAMMERSCHMIDT].

Mr. HAMMERSCHMIDT. Mr. Chairman, will the gentleman yield?

Mr. BENNETT. I yield to the gentleman from Arkansas.

Mr. HAMMERSCHMIDT. Mr. Chairman, I wish to give the same assurance that the gentleman from New Jersey [Mr. ROE] gave with regard to the conference.

Mr. MINETA. Mr. Chairman, will gentleman yield?

Mr. BENNETT. I yield to the gentleman from California.

Mr. MINETA. Mr. Chairman, I wish to commend the gentleman from Florida [Mr. BENNETT] for his effort in helping us fashion this bill, and concur with the statements of the gentleman from New Jersey [Mr. ROE] and the gentleman from Arkansas [Mr. HAMMERSCHMIDT].

Mr. BENNETT. Mr. Chairman, reclaiming my time, I have been in Congress for 40-some years, and have never been treated more fairly by a committee through the years in the discussions that we have had than I have in this particular instance. I want to thank all Members concerned sincerely for it.

In January 1956, I was in this Chamber when President Dwight D. Eisenhower said in his State of the Union Address that he was committed to "a great plan for a properly articulated system that solves the problems of speedy, safe transcontinental travel; intercity communications; access highways and farm-to-market movements and metropolitan congestion." That speech was followed 5 months later by the overwhelming passage of the Federal Aid Highway Act of 1956—legislation I voted for and which allowed for the construction of the Interstate System which is, today, 99 percent complete. This measure is said by many to be the most important legislation of the Eisenhower administration.

This Nation's Interstate System was completed by utilizing the great American spirit of cooperation. Each State contributed gas tax revenue to the highway trust fund and received from it according to need. States with large, growing populations like Florida, Texas, and California contributed more to the trust fund than they received in order to help construct the system in expansive States like Montana which did not have the population to generate enough revenue to complete their system without assistance. Although this meant that some States would become donor States, contributing more to the trust fund than was received, the process was viewed as vital in meeting national transportation goals. We have met that goal and States, like Florida, have contributed more than their fair share in getting us where we are today. However, with the Interstate System now virtually complete, it is time to change the way in which this country doles out its transportation funds. In fact, it is this very issue which has generated so much publicity and interest over the past several months. I, and the rest of the Florida congressional delegation were assailed in newspaper editorials for not doing enough to secure a fair return for our State from the Federal highway trust fund. In light of the criticism and the fact that Florida and other donor States do deserve a more fair and equitable return from the trust fund, I asked the Florida Department of Transportation for a bill that would solve the equity issue relative to transportation. In doing so, the Florida DOT provided me with a bill which was the outgrowth of over 2 years of work between many State departments of transportation and the American Association of State Highway and Transportation Officials.

On June 6, I introduced that legislation, the Federal Aid Surface Transportation Act of 1991, and quickly became the leader of a 135-member coalition focused on passing legislation which distributes funds fairly and equitably. You see, the majority of this body represents States that are no longer able to adequately meet their own needs and those of other States too. Last year, 29 States received less than a dollar from the trust fund for every dollar they contributed. In the case of Florida, we received 53 cents for every dollar contributed—while some other States received double what they contributed. A system that allows that to happen is unfair and in need of great change.

Helping me most significantly were Congressmen DAVID DREIER, JIM BACCHUS, and PETE PETERSON and my trusted legislative assistant Adam Hollingsworth. Also the 24 original cosponsors helped immensely—but particularly Congressman DREIER.

That brings us to the legislation before us—legislation which I had hoped would do two things; apportion all trust fund money through a formula which truly addresses a State's transportation needs and which does not spend money unnecessarily on special projects of uncertain merit. While the bill before us does not do all of that, it does go a long way in providing equity to States which have sacrificed for too long. I want to thank Chairman ROE, Chairman MINETA, ranking members HAMMERSCHMIDT and SHUSTER, and the entire Public Works and Transportation Committee for their hard work and intensive effort they have devoted to this legislation. They have all worked long and hard to evaluate my proposal and include major portions of it in the bill we are considering today. The incorporation of the formula I proposed into the committee bill will mean that the new dollars for transportation will go fairly to States where the needs are greatest—States that currently have hundreds of miles of new roads to be built, interstates to be repaired, and bridges to be replaced.

Our country faces mammoth infrastructure needs—it is time that we step up and face the challenges those needs present. This legislation is the vehicle to do that, but nothing short of that will suffice. I appreciate the chairman, and his colleagues on the conference, giving their strong support to the needs of donor States. The committee has achieved a level of equity that will move us forward, but no one representing a donor State is willing to move backward. We have all worked long and hard to get where we are and with the thoughtful leadership of Chairman ROE and his fine committee this country will enter the 21st century with the resources needed to meet new transportation challenges as ably as we met those faced in 1956.

Mr. HAMMERSCHMIDT. Mr. Chairman, I yield 2 minutes to the gentleman from Missouri [Mr. EMERSON], a very able member of the Committee on Public Works and Transportation.

Mr. EMERSON. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I rise in very strong support of the bill before the House. I want to take this opportunity, as others have before me, to commend the chairman and ranking member both of the committee and the subcommittee for the outstanding statesmanlike work and leadership that they have provided in committee throughout the entire process. It has been a very impressive exercise, and I think that the finest spirit that motivates Members of this House has been joined in this bill.

Mr. Chairman, this is a good bill. It is a strong capital investment bill. I get a little perturbed when I hear the national media and others, including some Republican Members, referring to this bill as a pork barrel bill or a boondoggle bill.

Mr. Chairman, this bill is a measure that authorizes a major capital investment in the infrastructure of this country. This is an investment in our future. This is a capital improvement measure.

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I want to take this opportunity to remind my Republican colleagues of the proud heritage that we have as a party in the infrastructure arena going back to our Whig antecedents.

Henry Clay, the leader of the Whigs, had the nickname, a former Speaker of this House, they called him Old Capital Improvements Harry, because he spent a good part of his career building post roads to the West. Abraham Lincoln spent much of his career in the Illinois Legislature worrying about the infrastructure of Illinois. Of course, he went on to be the father of the transcontinental railroad.

Theodore Roosevelt had his vision with the Panama Canal, and Dwight Eisenhower, the father of the Interstate Highway System, provided us with what I think is the finest example of his domestic achievements, with the Interstate Highway Act of 1957. I hope President Bush will join these illustrious Republican leaders and sign this bill into law and claim the mantle of being the President who set the infrastructure stage to move us into the new century.

This is a capital investments bill to be sure, but it is a lot more.

It is a jobs bill. A real jobs bill. Not some elusive bill with some illusory end result, but a bill which, when it becomes law, will result in surveyors surveying, gravel, asphalt, and concrete trucks hauling, carpenters building forms, and tens of thousands of workers doing all of those real jobs at real pay, building highways and bridges, developing our infrastructure to move our goods, commerce, and services, enhance economic development, move our people with greater ease and move them more safely.

This is an equitable bill. A fair bill. The funding formula will be fairer to every State in this country. The 35-year-old formulas currently applied are simply outdated.

This bill will utilize the highway trust fund in the manner it was envisioned to be utilized, earmarking taxes committed to the purposes for which they were and are intended, being spent on those purposes.

This bill will result in many Federal highways being upgraded to the status of national highways of significance. Basically, this improves them, many of them currently two-lane highways, upgrades them significantly—less than interstate but vastly improved over their current status.

And finally, I want to speak to the flexibility provisions that allow States broad authority to address their priorities in a way that they may, pursuant to appropriate procedures, maximize their benefits.

This is a good bill and deserves the support of the House.

Mr. ROE. Mr. Chairman, I yield such time as he may consume to the gentleman from Pennsylvania [Mr. GAYDOS].

Mr. GAYDOS. Mr. Chairman, I rise to give strong support to this excellent legislation. It is needed in my district and going to be welcomed by many, many citizens.

Mr. Chairman, I rise today to voice my strong support for H.R. 3566, the Intermodal Surface Transportation Act of 1991. Not only does this legislation address the surface transportation dilemma confronting our Nation, it also strives to provide for specific road projects in the many rural and urban areas throughout the United States.

Many of you are aware of the enormous amount of suffering the manufacturing areas incurred during the economic recession of the 1980's. Even as we debate this bill today, the number of unemployed in this country continues to rise with no help in sight. For example, the 20th Congressional District of Pennsylvania, which I proudly represent, endured considerable job loss, but still remains poised for economic recovery if it can only receive the proper incentive. The Intermodal Surface Transportation Act can provide that incentive and give many Pennsylvanians, and Americans, a brighter future to look forward to.

Strategic transportation investments linking workers with job opportunities in western Pennsylvania are critical to the recovery effort in the region, if not the entire Nation. Many of the demonstration projects contained in this bill focus on creating new roadways, expanding existing busways, and completing light rail rehabilitation projects in western Pennsylvania.

One project that is vital to both the Commonwealth of Pennsylvania and the State of West Virginia is the Monongahela Valley Expressway. This roadway is a 70-mile, four-lane, limited access highway extending from U.S. 68, near Morgantown, WV, to the Penn-Lincoln Highway near Pittsburgh. Once this project is completed, the Mon Valley Expressway will be the first direct link between Pittsburgh and Morgantown. Furthermore, the planned expressway will support much-needed economic revitalization efforts in the Mon Valley communities between Pittsburgh and Morgantown.

Older industrial sites, rich industrial heritage, and abundant natural resources offer great promise for new activity in the region. With the completion of the Mon Valley Expressway, the region can capitalize upon this potential by encouraging further development of natural resources such as coal and petroleum, which are extremely vital to the area's economy. In addition, it is anticipated that the expressway will result in greater tourism to the region and will encourage new industry to relocate there.

Tourism, natural resource development, new industry in the Monongahela Valley combined with Federal, local, and State financing for roadways and transportation will assist Monesson, Belle Vernon, Point Marion, McKeesport, Brownsville, Duquesne, and countless other communities between Morgantown and Pittsburgh. Given this valley's unique environmental structure, the Mon Valley Expressway will serve as a catalyst to encourage economic growth in an area that has barely survived the Reagan-Bush era in the White House.

Aside from the Mon Valley Expressway, there are a number of other projects that will enhance the growth of the many western Pennsylvania communities that have suffered economic downturns over the past number of years. The economic stimulus provided by the construction of the new Greater Pittsburgh International Airport, scheduled to open in 1992, offers significant opportunities but the existing transportation network in and around the airport limits them. Unless a significant investment is made to expand the transportation modes in the area, many potential workers will not be able to access the rising opportunities in the greater Pittsburgh metropolitan area and western Pennsylvania.

Many of my fellow colleagues may not know that Allegheny County is the proud home of the world's first truly exclusive busway—the South Busway—which opened in 1977 between downtown Pittsburgh and the county's South Hills communities. In 1983, the Martin Luther King, Jr. East Busway opened between downtown Pittsburgh and suburban Wilkinsburg.

The East Busway serves over 30,000 riders each day, and has generated significant private investment and economic development. The proposed extension of the Martin Luther King, Jr. East Busway into my district, along with the proposed construction of the Airport Busway, will provide an important, much needed transportation link to my constituents and provide quick and extremely efficient service each day to many current and potential public transportation users.

Allocating appropriations on projects such as this is not a waste of money, it is a surefire method to help America grow and prosper. Many Members will voice their opposition to the demonstration projects and label them as "pork-barrel spending projects" or some other colorful phrase, but I, for one, will not oppose this legislation. This bill is indeed a true investment in America. We are making a promise to ourselves, our children, and our grandchildren that we will strive to improve the transportation infrastructure in this country and create more efficient, smoother highways; more efficient, timely busway systems; and develop alternative modes of transportation that can be utilized years from now.

We, the Members of the House of Representatives, must take the lead on this issue and make sure private and public transportation will be better further on down the road.

In closing, I urge all of my colleagues to support the Intermodal Surface Transportation Act so they can stand up and tell their constituents that they made an investment in the future infrastructure of America.

Mr. ROE. Mr. Chairman, I yield 1 minute to the gentleman from Pennsylvania [Mr. KOLTER], the distinguished chairman of our Subcommittee on Economic Development.

Mr. KOLTER. Mr. Chairman, I thank the gentleman for yielding time to me.

I want to take this opportunity to thank our distinguished committee chairman, Mr. BOB ROE, and the chairman of the Subcommittee on Surface Transportation, Mr. NORMAN MINETA, along with ranking minority members, Mr. JOHN PAUL HAMMERSCHMIDT and Mr. BUD SHUSTER—aided by our very dedicated committee staffers—who have expended a great deal of time and energy in crafting a bill which will assure that the infrastructure needs of the American people will be met. These are needs which must be addressed to provide people in this great country of ours with a foundation for improving economic growth and stability and allowing them a level playing field on which to compete in the global marketplace.

In order to compete in this world, we must improve our infrastructure system in our country. We have failed to invest in maintaining our standards for so long that our roads and bridges are disintegrating and we cannot effectively compete economically with other countries.

Japan, a country smaller than California recently introduced a plan to invest $3.2 trillion in infrastructure over the next 10 years. We are proposing here today, with our Intermodal Surface Transportation Infrastructure Act, a request for less than one-tenth of that expenditure for the fourth largest Nation in the world. We must make these dollars available for advancements in infrastructure which will increase our efficiency and production.

Mr. Chairman, the people of my Fourth Congressional District in Pennsylvania have been watching their once booming industrial towns crumble. They, along with many others like them throughout our Nation, must have help with infrastructure priorities which will allow them the opportunities to be proud, productive citizens.

With the passage of H.R. 2950, we can begin to offset the loss of competitive advantage for these Americans by improving our infrastructure. We can put highway tax dollars to work to help rebuild our ailing economy. Our bill, which includes expenditures for all modes of transportation, provides the framework in which we can and will rebuild our Nation's economic stability.

Every segment of this Nation will benefit by this legislation. It will provide the necessary means for meeting infrastructure needs by spending down the highway trust fund and extending the existing gas tax so that the American taxpayers do not need to face still another increase in taxes. Let me emphasize here today that with this bill there will be no new taxes. The projects for Pennsylvania have been discussed with our secretary of transportation who has confirmed the need for these priorities for our State.

It is time for us to attend to our infrastructure needs in order to maintain an economic growth pattern which will allow us to remain the greatest Nation in all the world and permit our people to maintain the quality of life they so richly deserve. I ask my colleagues to join with me in support of H.R. 2950 and the future of our great Nation.

Mr. HAMMERSCHMIDT. Mr. Chairman, I yield such time as he may consume to the gentleman from California [Mr. LAGOMARSINO].

Mr. LAGOMARSINO. Mr. Chairman, I rise in support of the bill.

Mr. Chairman, I rise in support of the bill and join in commending the chairman of the committee, Mr. ROE, and Mr. HAMMERSCHMIDT, Mr. SHUSTER, Mr. MINETA, Mr. ANDERSON, and Mr. PACKARD.

Mr. Chairman, I understand the concern many of my colleagues have about the number of special projects in this bill, and I agree that the committee and the House should be careful to insure that projects funded in this measure are in fact deserving of special attention.

However, some would have the public believe that if a project is earmarked for funding by this bill, then it is, by necessity, unworthy of funding under our national transportation priorities.

Mr. Chairman, that is simply not the case. There are important regional transportation needs which can and should be addressed by this legislation. That's why we have a transportation bill. As elected representatives, our constituents sent us to Washington to represent and defend our district before this body.

This bill contains a provision which would provide much needed funding for the Port Hueneme Access Road in Ventura County, CA.

Port Hueneme is a rapidly expanding port serving southern and central California. The port is our window to the Pacific and the economically vital countries of Southeast Asia. Underscoring the growing importance of this port, is the recent decision by Sunkist growers to transfer its entire export activities from Long Beach to Port Hueneme. In addition, Hueneme is scheduled to receive its own port of entry designation in the very near future.

The port access road improvements would also serve the Naval Construction Battalion Center at Port Hueneme—which is the main Seabee base for the Pacific—along with the Naval Ship Weapon Systems Engineering Station, the Naval Air Station, Pacific Missile Test Center, and Air National Guard base at Point Mugu. Each of these bases played critical roles in Operation Desert Shield/Desert Storm and the port played an important role in the demobilization. All the traffic generated by the port and these related naval bases currently travels on local roads through three cities to reach the major transportation corridor in Ventura County, Highway 101.

This project was initially studied by the Southern California Association of Governments in 1986, and it enjoys the support of the port, the cities of Oxnard, Port Hueneme, and Ventura. The Ventura County Transportation Commission supports the conclusions of the report and agrees on the priorities for constructing and improving critical transportation corridors in the plan.

In addition, I have testified before the committee on two separate occasions on behalf of the Port Hueneme Access Road. It has important regional and national benefits.

Mr. Chairman, this project has been scrutinized by the regional Association of Governments, all of the affected cities, the county transportation commission and the Public Works Committee. It stands on its own merits, and I believe it deserves the support of the House.

Mr. HAMMERSCHMIDT. Mr. Chairman, I yield 2 minutes to the gentleman from Kansas [Mr. NICHOLS], a distinguished member of the committee.

Mr. NICHOLS. Mr. Chairman, last week I came before this body urging people to vote against a bill to build a national park in my district. This was a very difficult position to take, knowing the benefits such a park would reap. However, because I felt it was an unwise use of tax dollars, I urged this body to oppose it.

Now, I find myself back before this body having to defend a vitally necessary project from false claims that it is pork.

The highway bill includes $15.5 million for a project running from Riverton in the corner of my district to I-44 in Missouri. It is of vital importance to Kansas and to the rest of the Nation as a part of a route which has been included by the Federal Highway Administration as part of the National Highway System.

This is not a case of a State government standing by motionlessly, waiting for handouts from the Federal Government. In 1989, the State of Kansas passed a comprehensive highway program, which by the way included the largest single tax increase in the history of the State, so that projects such as the southeast Kansas corridor could become a reality.

That State highway program will provide $223 million for priority construction of the southeast Kansas corridor. However, because of a number of complications this one 5-mile stretch remains unfunded.

It will cost nearly $28 million to complete this final link. It is tremendously costly, because it poses a number of special problems. Wetlands, vegetative regions, streams and recreational areas, hazardous waste sites, mined lands, and historic and archaeological sites all complicate the completion of the southeast Kansas corridor. Because of these problems—64 percent of the people here, in one count are on welfare.

This is a project that will one day be part of our National Highway System carrying travelers from coast to coast. But first it must be built. This project is as logical as it is necessary.

The people of Kansas are proud—they don't want handouts and they prefer responsible government spending to pork. This $15.5 million is only just over one-half of the total cost of this project. It is not pork, it is a vital investment. Kansas needs this Congress' help in completing the southeast Kansas corridor. Help make it a reality.

Mr. Chairman, I include a letter from the Kansas Department of Transportation explaining the Riverton to I-44 project.

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The Riverton to I-44 project which you have recommended as a demonstration project, is a portion of a larger project within the State of Kansas. The Riverton to I-44 project would extend by five miles a series of projects which form an approximate 150 mile corridor which the State of Kansas has established as a high priority. With the addition of this demonstration project, a high standard two-lane facility will be provided between Wichita, Kansas, and Joplin, Missouri, two regional commercial and shopping areas.

The State of Kansas passed a comprehensive Highway Program in 1989. That program provides approximately $223 million for the construction of the Southeast Kansas Corridor. It will fund the construction of the corridor to Riverton, Kansas, leaving approximately a five mile, costly section still to be completed. The Kansas Department of Transportation has committed to funding the design necessary to make the Riverton to I-44 section a reality, but at this time the Department does not have funds available to carry out the construction of the project.

The project falls on a route which the State of Kansas has asked to have designated a part of the National Highway System (NHS). The route has been included to date by the Federal Highway Administration in the illustrative map which they have prepared and distributed to the state.

As the last five miles necessary to complete this important corridor, the Riverton to I-44 project would make a very useful and logical project to be funded as a demonstration project.

MIKE JOHNSTON,
Secretary of Transportation.

Mr. ROE. Mr. Chairman, I yield 1 minute to the gentleman from North Carolina [Mr. VALENTINE], a distinguished member of our committee.

Mr. VALENTINE. Mr. Chairman, I do not think I will consume the full minute. I do want to say to the chairman of the committee, the gentleman from New Jersey [Mr. ROE], the gentleman from California [Mr. MINETA], the gentleman from Pennsylvania [Mr. SHUSTER], the gentleman from Arkansas [Mr. HAMMERSCHMIDT], and the gentleman from Virginia [Mr. PAYNE] that we are all indebted to them for the hours and days of hard work that went into this. We have been down a long road together.

Mr. Chairman, I rise in support of this legislation, which would mark the beginning of a sorely needed effort to rebuild, modernize, and expand our Nation's surface transportation infrastructure.

We have heard much in recent months about the need to improve American competitiveness and revitalize American industry. But that effort cannot succeed unless we also provide a transportation system that can serve a 21st-century economy.

We can invest heavily in new plant and equipment, but modern manufacturing facilities will be wasted if raw materials and finished products cannot be moved quickly and efficiently.

We can provide a better climate for international trade, but our trade deficit will not be eliminated if we cannot transport our products from plant to airport or seaport.

We can develop new living areas and working environments, but our quality of life will not improve if traffic congestion and gridlock make our daily commute unbearable.

In short, Mr. Chairman, a modern transportation system is absolutely critical if we are to reach our national goals. We cannot solve our other problems without addressing our transportation needs.

The legislation we are considering today is not perfect. Like most of my colleagues, I could improve it from the perspective of the district and State I represent.

This bill, however, is fair. States that have traditionally sent more transportation dollars to Washington than they receive back, the so-called donor States, are treated more equitably than ever before. North Carolina falls into this category, and transportation officials in my State have confirmed that the funding formula would provide North Carolinians a fairer return on their transportation dollars.

This bill is also improved over both the current program and the original bill that was reported by the Public Works and Transportation Committee in early August. The proposed increase in the Federal gasoline tax has been dropped, and the new, fairer funding formula has been expanded to apply to more of the total program.

Mr. Chairman, with the gas tax increase eliminated, one of the objections to this bill heard most frequently relates to the demonstration projects that are specified individually in the bill. I understand the philosophical concerns about this practice, but it seems to me that this issue has been magnified far beyond its actual importance to this bill.

First, the total amount of special projects in this legislation is only about 3.5 percent of the total authorization. In my view, this is an extremely modest percentage of the program to be directed by the Congress.

Second, despite the claims of critics to the contrary, most of the projects are not unwanted or low priorities for the States. In my own case, I coordinated closely with State transportation officials and then requested projects that were already part of the State's long-range transportation plan.

Third, the States are required to put up 20 percent of the cost of these projects. If States are truly opposed to individual projects, State officials can refuse to match the Federal dollars. No State is forced to construct projects against its will.

The demonstration projects have been dismissed by some, including administration officials, as mere pork for the States and districts of House Members. I disagree. It seems to me that the large number of requests for individual projects reflects the sorry state of our transportation infrastructure. Virtually every district has serious transportation needs that are not being met—and this bill provides a way to meet them.

Mr. Chairman, this legislation includes important provisions and initiatives that will benefit the entire Nation. The new surface transportation program will improve safety, provide much greater flexibility for the States to use transportation funds to meet their individual needs, and support the growth and development of public transit systems.

In addition, this bill creates a stronger research and development program in the Department of Transportation. This is a critical provision. We need a vigorous research and development program if we are to develop and put into operation a transportation system that can meet our needs in the coming decades.

Mr. Chairman, our past transportation policies and programs will not meet our future needs. A timid approach can only produce a system that continues to lag far behind our requirements.

Americans who lived between 1800 and 1850 witnessed a transportation revolution that forever changed our Nation and the world. An explosion of road and canal building and the development of steamboats and railroads allowed Americans to settle the vast lands of the West and fueled a sustained burst of economic growth and development that eventually made the United States the dominant economic power in the world.

It is no exaggeration to say that we need another transportation revolution if our national economy is to keep pace with the technological revolution sweeping the world. Without a transportation program for the 21st century, we will lose an opportunity to fulfill our economic potential.

Mr. Chairman, this bill marks the first step on the road to creating the transportation system that will be absolutely essential if we are to compete in the world market. I urge my colleagues to support it.

Mr. HAMMERSCHMIDT. Mr. Chairman, I yield 1 minute to the gentleman from Indiana [Mr. BURTON].

Mr. BURTON of Indiana. Mr. Chairman, I thank the gentleman for his generosity. There is going to be, I think, two of us that are going to take issue with any part of the bill. We each get 1 minute of 2½ hours. So I thank the gentleman for his generosity.

I just want to say that there is $5 billion in special projects in this bill, $5 billion. The administration has 13 reasons why they may veto this bill, and I will find some time later on in the debate to discuss these issues.

The fact of the matter is, we do have to do something about the infrastructure in this country, the bridges, the highways, and everything else. But we have to set priorities on spending. And this bill did not set all of the priorities that are necessary.

We have $400 billion deficit staring us in the face, the largest in U.S. history in this year alone. The national debt is $4 trillion, and yet we still allow many, many, many pork-barrel projects to be added to a very important highway bill. That is my problem. Not that we do not need to do something about the infrastructure of this country, but we still have pork in here. And we need to get the pork out in order to control the deficit.

Mr. ROE. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Ohio [Mr. TRAFICANT].

Mr. TRAFICANT. Mr. Chairman, this is an unusual day. Congress is debating a bill that will return some of this massive tax levied on the American people back to the American people. This is unusual because we usually on this floor are debating who is going to get money everywhere all over the world.

I want to thank the committee for finally recognizing that my 100-percent funding for highway safety improvements is a good initiative and for having included them now in the en bloc amendments, which will include guard rails, concrete median barriers, bridge impact attenuators, breakaway utility poles, markings on the roads.

This bill will help to go to cut down on the carnage on highways, and it is a safety incentive that was placed in with the help of the former chairman, the gentleman from New Jersey, Mr. Howard. And I am very glad to see that our new chairman, who has done a great job, has agreed with that philosophy as well.

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I also want to extend my congratulations to the chairmen on the minority side, who have done a good job.

One other thing before I close: I am glad to see the committee has expanded the buy-American section and put in my language dealing with "Made in America" labels and has a provision for fraudulent inscriptions on imports coming in that are being listed as "Made in America." That is a good legislative initiative.

Finally, let me say one last thing: My district needs bridges, and anybody who calls an improvement in my district to bridges that actually threaten lives pork barrel, in my opinion, is so misdirected they could throw their policies at the ground and miss.

Mr. HAMMERSCHMIDT. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Pennsylvania [Mr. SCHULZE].

Mr. SCHULZE. Mr. Chairman. I rise in strong support of the Intermodal Surface Transportation Act. This measure is vitally needed across America, and its financing is the most responsible and economical method available.

I commend my Public Works Committee colleagues on a job well done.

This year's highway bill is a vital step in rebuilding America's infrastructure. America's roads and bridges are crumbling as our investment in them has dwindled.

This bill will reverse the decline in our highway transportation system. In particular, my State of Pennsylvania's share of funds will increase substantially. This is vital because surveys show that some of the worst highways in America cross our Commonwealth. Citizens in southeastern Pennsylvania will finally be relieved from gridlock in Exton, in West Chester and throughout my district.

The funding of this measure, an extension of the 2½-cent gas tax through 1999, is fair, clear cut, and in the long term is beneficial to our Nation.

This vital transportation measure is good for America. It is also good for the environment. There is more money for mass transit, and it will reduce fossil fuels consumption.

It is good for competitiveness. Our transportation infrastructure needs vital improvement and repair. This bill will enhance our ability to move goods, services, and labor faster and more efficiently.

Mr. Chairman, the Intermodal Surface Transportation Act deserves our strong support. I urge my colleagues to move this compromise forward. Our roads and mass transit systems are in desperate shape and are awaiting responsible action.

Mr. ROE. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Oregon [Mr. DEFAZIO], a distinguished member of the committee.

Mr. DEFAZIO. Mr. Chairman, this bill is exactly what we need to get Americans back to work and get our economy moving again.

This legislation will generate tens of thousands of jobs that President Bush, with unfortunate distaste for domestic policy, cannot.

Economists say that a program of spending $10 billion per year for 10 years will bring a cumulative productivity increase of $920 billion. Our Nation will get $4 in growth in the GNP for every $1 invested in infrastructure.

Anyone who owns a business understands the importance of investment. Businesses that do not continually invest in updated equipment or new plant space usually fall behind. America is falling behind.

The cold war is over. We won. It is time to bring the peace dividend home. It is time to turn inward and invest in the future of America. We must ready ourselves and our children to compete in the cutthroat world economy of the 21st century.

The President should set aside his fantasies of more trickle-down tax cuts for the rich. He should stop his threatened veto of this essential bill, work with us to immediately enact and implement this crucial transportation and infrastructure bill.

This is a real growth package.

Mr. ROE. Mr. Chairman, I yield such time as he may consume to the gentleman from California [Mr. DIXON].

Mr. DIXON. Mr. Chairman, this is a bill that is very important to the citizens of Los Angeles. Mr. Chairman, I rise in support of the surface transportation authorization bill, H.R. 2950.

The bill provides critically needed investments in our Nation's transportation system and provides solutions to many problems that have plagued our transportation system for years.

Much-needed money will be authorized to States to rebuild and maintain our transportation system, and to cities like Los Angeles, to construct mass transit projects.

Mr. Chairman, there are numerous provisions in this bill that are important and that I support, but none are more important to me than the funds provided for mass transit, specifically, the Los Angeles Metro Rail Project.

California has one of the fastest growing populations in the country. It is anticipated that by the end of this decade, more than 13 million people will have relocated to the State with the majority of those relocating in and around the Los Angeles area.

Clearly, there is no doubt that this growth will bring increased burdens and pressures on public infrastructure and government services.

In response to this projected growth and to comply with provisions of the Clean Air Act, Los Angeles has embarked upon one of the Nation's largest public works projects—building an integrated 150-mile rail transit system. This legislation will enable the city to construct the third segment of the system.

This represents a major investment in improving the economic vitality and mobility from downtown Los Angeles to Long Beach, the San Fernando Valley area and west Los Angeles.

Just last November, Los Angeles County voters approved its second one-half cent sales tax, so that we generate over $850 million annually for transportation purposes and construction of our rail system. It is important to note that more than three-fourths of the funds for the development of the metro rail system are from non-Federal sources.

Every dollar authorized for the construction of the third segment of the metro system will be matched by at least a dollar from non-Federal sources. This is the highest local match of any new start project in the country.

It is also one of the reasons, along with ridership, that the Urban Mass Transportation Administration cited the Los Angeles metro rail system as among the country's best proposed new systems.

The metro rail project also fulfills Congress' commitment to clean air and energy and fuel efficiency standards. Residents of Los Angeles will be able to rely less on their automobiles and more on the public transit system.

When the metro rail system is completed by the end of the decade, it is projected that over 350,000 passengers daily will ride the metro red line alone. This system will provide the hub or backbone to an entire system of light, heavy, and commuter rail providing connections to the blue and green lines, the east-west San Fernando Valley line, the Pasadena light rail line and Metrolink commuter rail service.

Mr. Chairman, as a member of the House Appropriations Committee, I recognize the challenge and difficulty with which the Public Works and Transportation Committee were faced in allocating spending priorities which are consistent with the budget resolution and the deficit reduction agreement.

I commend Chairman ROE, subcommittee chairman MINETA, and the ranking members, Mr. HAMMERSCHMIDT and Mr. SHUSTER and members of the committee, for their diligent and unwavering efforts to bring this bill to the floor.

Mr. Chairman, we are proud of the progress which is being made in Los Angeles to build the type of transportation infrastructure which will lead us to cleaner air, less congestion, and a better quality of life. I commend the Public Works and Transportation Committee, not just for its support of Los Angeles, but for its vision and leadership in supporting transportation improvements nationwide.

I strongly urge my colleagues to support this bill.

Mr. HAMMERSCHMIDT. Mr. Chairman, I yield 1 minute to the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. Mr. Chairman, there are some real problems in this bill that go way beyond just the question of the spending.

I bring one to question, and I have no idea where this is, but in Passaic County and Bergen County in New Jersey, there is a provision in this bill that says, and I quote from the bill itself:

> In so doing in carrying out these projects, the Governor is authorized to waive any and all Federal requirements, the waiver of which the Governor determines to be in the public interest.

Now, understand, what that means is, and I have done some checking on this, that means that the Governor on his own could wave the OSHA requirements, could waive the civil rights requirements, could waive the child-labor requirements, could waive the environmental requirements, could waive the Federal contracting requirements, and there are no protections whatsoever under that language.

The bottom line is that this is an environmentally sensitive area where all of the environmental problems could be wiped out if the Governor decided that he wanted to hand this project to a group of his cronies and violate all Federal contracting procedures under this language. He can do it. And this is absolutely unconscionable to put language in a bill which basically gives the Governor of the State the chance to override virtually all Federal law.

Mr. ROE. Mr. Chairman, the chairman of the Committee on Public Works and Transportation yields himself such time as he may consume of what is left.

I resent any other Members of this body coming and telling me about my district. The difference is the gentleman from Pennsylvania was not elected from that district. I was. And the day that you can come to my district and tell what is important to our district, and I will not yield to the gentleman. That is No. 1.

No. 2, this amendment does not waive any Federal laws whatsoever. That is inaccurate, incorrect. I do not yield to the gentleman. As you have been so kind to everybody else around here, I am not yielding to you. You have had your time. I am sorry, that is the gentleman's fault.

So, therefore, where we are coming from, this is a project that has been going on for 14 years, and the gentleman knows it, First, it was designated in the 1987 law, and the gentleman knows it, second.

And, third, the whole program was devised under the 1987 law to be able to revive the resources for a State to move a project that has been waiting 14 years in an urban center.

Mr. SHUSTER. Mr. Chairman, will the gentleman yield?

Mr. ROE. I am happy to yield to the gentleman from Pennsylvania.

Mr. SHUSTER. Mr. Chairman, I will tell my good friend from Pennsylvania it is just not accurate, in my judgment, that the Governor would be able to waive the various laws that he refers to, because this clearly says that the Governor must act in the public interest, and if he waived any one of those laws, he would be hauled into court so fast, faster than you can blink an eye, the first point.

The second point I would make, Mr. Chairman, is that there have been several examples which go much further than this provision. This provision does not eliminate anything. It delegates.

We have, in fact, in previous law actually eliminated provisions, for example, the Highway 3 in Hawaii which was statutorily exempted from certain Federal standards. In fact, just recently, the Federal appellate court upheld that exemption. So that goes much farther than what my good friend from California is trying to do here today, simply delegate to the Governor in order to expedite a project that should have been built many, many years ago.

Mr. ROE. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Virginia [Mr. PAYNE].

Mr. PAYNE of Virginia. Mr. Chairman, I rise in strong support of H.R. 2950.

Mr. Chairman, I would like to enter into a colloquy on rail link. May I ask the gentleman from New Jersey, the distinguished chairman of the committee, a question regarding this bill?

Mr. ROE. Mr. Chairman, will the gentleman yield?

Mr. PAYNE of Virginia. I am happy to yield to the gentleman from New Jersey.

Mr. ROE. Mr. Chairman, I would be delighted to answer a question for the gentleman from Virginia.

Mr. PAYNE of Virginia. I thank the distinguished chairman.

Section 322(tt) of H.R. 2950 authorizes expenditures of up to $6 million for preliminary engineering and planning studies for a rail link between the west Falls Church metro station and Washington Dulles Airport. This funding will aid the Commonwealth of Virginia in the planning process it has initiated to make rail in the Tysons/Dulles corridor a reality at the earliest practical moment.

Mr. Chairman, I wish to clarify whether it is the committee's intention in section 322(tt) of H.R. 2950 to encourage the rapid development of a rail link to Dulles Airport, and whether the committee intends to consider Federal participation in the construction of such a rail link upon completion of the study authorized in this bill?

Mr. ROE. I thank the gentleman from Virginia for his question. Yes, it is the intention of the committee to encourage the development of rail access to Dulles Airport. The committee will consider Federal support for the construction of a rail link to Dulles after a comprehensive plan for such a facility is presented to the committee.

Mr. HAMMERSCHMIDT. Mr. Chairman, I yield such time as he may consume to the gentleman from Ohio [Mr. MCEWEN].

Mr. MCEWEN. Mr. Chairman, I will insert in the RECORD a statement in support of the legislation.

Mr. HAMMERSCHMIDT. Mr. Chairman, I yield 1 minute to the gentleman from Iowa [Mr. LIGHTFOOT].

Mr. LIGHTFOOT. Mr. Chairman, I rise in support of H.R. 2950, the Intermodal Surface Transportation Infrastructure Act of 1991. I want to commend the chairman of the Public Works Committee, Mr. ROE, the ranking member, Mr. HAMMERSCHMIDT, the chairman of the Surface Transportation Subcommittee, Mr. MINETA, and the gentleman from Pennsylvania [Mr. SHUSTER] for a job well done. As a former member of the Public Works Committee, I know how important this bill is to our country.

In a 500-page bill, you can't please everyone. I certainly have reservations about a few provisions in the bill, but by and large, this is a good bill. It has vision, new direction and represents a good faith effort to rebuild our Nation's crumbling infrastructure.

Let me go directly to some concerns that have been raised by this House.

The first concerns the Public Works Committee's help with local transportation projects. I deeply appreciate the committee's help. The request that I made to the committee did not arise out of some congressional whim but by requests for help by my State, county, and local governments.

Let me give my colleagues some idea of the so-called dangerous pork barreling going on in this bill. One project will remove a blind curve which squeezes a two-lane road between a creek and concrete railroad abutment. This road is the main access road in the only direction which geography allows this town to expand. It would take the local municipality years to raise the funds to do it themselves. Yet this safety problem would be allowed to linger.

A second project will allow a number of communities trying to attract new industry direct access to the interstate system. The current link takes considerable commercial and truck traffic out of its way on a road that is of narrow width and shoulders, steep slopes and a 50 mph speed limit. The unique geography of the area makes this project more expensive than the State could handle right away.

I also commend the managers for designating the "Avenue of the Saints" as one of the 16 corridors of national significance. This project is the No. 1 transportation project in the State of Iowa and several Midwestern States. I support construction of the avenue and I thank the committee for recognizing its national contribution.

I cannot speak with authority for every project in this bill, but I can assure my colleagues the Public Works Committee took a long hard look at my requests, the need, the amounts, and the State and local support. I am confident the committee handled every request in a similar manner.

Our constituents don't send us here just to vote on national issues. They also expect us to cut through the red tape. I believe this bill helps us cut through and help people.

The second issue I would like to address is the extension of the 2.5-cent gas tax, due to expire in 1995, to 1999.

While I am glad the committee eliminated a new, 5-cent gas tax from the bill, I realize even this bill, with a 6-year, $151 billion price tag, will, by the Department of Transportation's own admission, leave us further behind where we are today.

I believe it is naive to think in 1995 we will allow the 2½-cent tax to expire. I would far rather see this money put to good use, rather than allowed to go toward whatever fiscal emergency will arise in 1995.

It is my understanding that some Members and public interest groups favor the other body's version of the highway bill because they think the 2½-cents will not be needed.

The fact is the Senate bill cannot pay for everything it promises without also extending the existing 2½-cent tax. This is not a fact I made up; it comes straight from the Federal Highway Administration.

I think our bill is an honest assessment of our Nation's infrastructure needs. I would rather know up front the real costs than buy the other body's pig in a poke.

However, there is one aspect of the Senate bill that I hope the House conferees will give serious consideration. The Senate bill includes provisions to give State governments the authority to waive Federal commercial drivers license requirements for certain agribusinesses.

Now when it comes to mass transit I will defer to Mr. ROE and Mr. MINETA; they live with the problem every day. But I come from a rural district and a commercial drivers license for people making farm deliveries is ridiculous. The work is largely seasonal, often performed by retirees and college students and there is not one bit of evidence to support the conclusion that there is a safety crisis in delivering seed to farms.

A Department of Transportation official called my staff on Monday and suggested that a person who wants to deliver feed should get a commercial drivers license just like they had to get a realtors license for their sideline job; what a fundamental failure to understand the problems of rural America. The DOT is forcing agribusiness to hire a fleet of full-time drivers, and guess who gets to pick up the added cost—the consumer.

Over 110 of my colleagues in the House have cosponsored legislation similar to this provision in the other body's bill. I urge House conferees to give this provision serious consideration.

Mr. Chairman, I am concerned about the balances in our Nation's transportation trust funds. The leadership of the Public Works Committee assures me this bill spend the funds on our most pressing needs and reduces the trust fund balances to a manageable level.

I urge my colleagues to support the bill.

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Mr. HAMMERSCHMIDT. Mr. Chairman, I yield 30 seconds to the gentleman from California [Mr. PACKARD] for purposes of a colloquy.

Mr. PACKARD. Mr. Chairman, my colloquy is with the committee chairman, the gentleman from New Jersey [Mr. ROE].

Mr. Chairman, H.R. 3566 makes certain revisions to sections 134 and 135 of title XXIII regarding metropolitan and statewide transportation plans and programs. I note that H.R. 3566 refers to conformity of transportation projects with the applicable State implementation plan developed in the Clean Air Act. My understanding is that the language in H.R. 3566 does not impose any new or different requirements on transportation projects with regard to air quality conformity than exists in the Clean Air Act.

Mr. ROE. Mr. Chairman, if the gentleman will yield, the gentleman is correct, H.R. 3566 does not impose any new or different air quality conformity requirements on transportation projects than what is provided for under the Clean Air Act, and in particular does not change or alter in any way the so-called transition period provisions of the Clean Air Act.

Mr. HAMMERSCHMIDT. Mr. Chairman, I yield such time as he may consume to the gentleman from New Jersey [Mr. GALLO].

Mr. GALLO. Mr. Chairman, I rise in support of the Intermodal Surface Transportation Infrastructure Act, H.R. 2950.

Today marks an important day for the future of transportation policy in America and I am pleased to offer my support for the committee's bill.

This bill authorizes many programs and initiatives that will provide the flexibility to meet changes that have been occurring within our society. As a nation we have set a number of important priorities in order to cleanup the air, to relieve traffic congestion, to promote mass transit, and to develop basic ways of providing for a healthier environment.

Last year, Congress passed the Clean Air Act which put in place new air quality standards that States must begin to meet by 1995. This will not be easy unless the Federal Government provides some type of guidance. It is my belief that H.R. 2950 will do just that.

Specifically, the House surface transportation bill includes $32 billion for mass transit construction and expansion programs—which is $11 billion more than the other body's bill. This increased funding will not only relieve traffic congestion that has become so prevalent in the Northeast corridor, it will promote cleaner air by offering alternative modes of transportation.

Mr. Chairman, this bill contains a number of demonstration projects designed to alleviate traffic problems. In my State of New Jersey we must concentrate on mass-transit programs, but we must also find ways to relieve traffic bottlenecks. These projects will provide such relief and allow traffic to move easier.

In addition to providing increased mass-transit funding, this bill also stimulates our economy by creating jobs. At a time when our economy is in need of a jump start, it is reassuring to support legislation that will help us to revitalize our Nation.

I urge my colleagues to vote in favor of H.R. 2950.

Mr. HAMMERSCHMIDT. Mr. Chairman, I yield 1 minute to the gentleman from Illinois [Mr. FAWELL].

Mr. FAWELL. Mr. Chairman, I thank the gentleman for yielding time to me. I rise in strong opposition to this measure. While I obviously recognize the importance of reauthorizing our Nation's surface transportation programs, I cannot support this version of reauthorization because it contains 455 highway demonstration projects, totaling $5 billion. These projects are given contractual authority for the next 6 years, creating what amounts to a pork entitlement program. These projects will not have to go before the Appropriations Committee for the next 6 years; rather they will automatically get the money approved today every year.

Secretary of Transportation, Samuel Skinner, has recommended a veto of the bill because of these demonstration projects. While many of the projects may provide needed infrastructure improvements, funding them in this way distorts the equitable distribution of highway funds to the States through formula apportionment projects. It also inhibits States' authority to prioritize their transportation needs. An article in a July issue of Congressional Quarterly stated that:

> As much as state and federal officials want a highway bill, they are continually frustrated by demonstration projects, which allow lawmakers to push a project to the head of priority lists and distort the formulas Congress uses to fairly distribute highway funding.

In addition to the $5 billion pork entitlement program, the bill, in section 169, also provides $706 million in budget authority for highway demonstration projects. These projects will have to go through the appropriations process every year because they have budget, rather than contractual, authority. Many Members will undoubtedly be surprised at my opposition to this section. While I am delighted that it appears my longstanding argument about enforcing House rules which require projects to be authorized before they receive appropriations is, in this case, being followed, I am still aghast at where the money is coming from to fund these projects.

Of the $706 million authorized in section 169, approximately $500 million will come from the general fund of the Treasury. Just last week we passed the Transportation appropriations bill, which funded 105 such demonstration projects, totaling $516 million—all of which came from the general fund. While I certainly was concerned that these projects, by definition, were distorting the fair distribution of funds to the States and were not authorized, my primary argument had been that we ought not to spend money from the general fund for demonstration projects when we have a $3.5 trillion national debt. We ought not to be doing that.

Now, 1 week later, we are about to add insult to injury by authorizing another $500 million to be taken from the general fund for highway demonstration projects. In 2 weeks time we will have arranged it so that $1 billion may be taken from the general fund to finance demonstration projects.

I am opposed to all demonstration projects because, as noted above, they distort the equitable distribution of highway funds to the States and usurp States' authority to determine their transportation priorities. But, if we're going to have demonstration projects, at the very least, they should be funded by the highway trust fund, rather than adding to the deficit by spending money from the general fund. From 1970 to 1991, we spent $838.9 million from the general fund for highway demonstration projects. If this measure passes, we will have paved the way for the expenditure of an additional $1 billion. In 2 weeks we will have exceeded the amount spent from the general fund over the last 21 years by $161.1 million. This is an unbelievable rate of increase which is completely untenable when the deficit is going to be 348 billion this fiscal year and the amount of new debt added will be in excess of one-half trillion dollars.

Many people argue that infrastructure improvements are needed if this country is going to maintain its global competitiveness. I agree. But, not with a $5-billion pork entitlement program. And I submit to my colleagues that priority infrastructure improvements can be undertaken without spending money from the general fund and adding to the deficit, which most definitely undermines our competitive position. The other body was able to pass such a proposal without demonstration projects. All we're doing here is giving the other body the incentive to add billions of demos when the bill goes to the conference committee—demos financed by extending the gas tax or from money taken from the general fund. I believe we have a responsibility to the American taxpayer to pass a measure free of these demonstration projects.

Mr. Chairman, this bill demonstrates one thing. It answers the question of why so many intelligent men and women who make up this Congress can produce untoward results. The answer is the fervor to "bring home the bacon for my district" and forget what is best for the Nation and for the beleaguered taxpayer.

Mr. HAMMERSCHMIDT. Mr. Chairman, I yield 1 minute to the gentlewoman from Nevada [Mrs. VUCANOVICH].

Mrs. VUCANOVICH. Mr. Chairman, I would like to engage the distinguished chairman of the House Committee on Public Works and Transportation in a brief colloquy.

Subsection C of section 143 of the act requires the Secretary of Transportation to conduct a 2-year study on asphalt containing recycled rubber. It is my understanding that, notwithstanding subsection C of section 143, the committee's intent is that a State or any local government, including counties or cities, can immediately—upon enactment of this act—use asphalt containing rubber, with Federal assistance.

Mr. ROE. Mr. Chairman, if the gentlewoman will yield, the gentlewoman is correct. It is the committee's intent that nothing contained in subsection C of section 143 shall prevent a State, municipality, or county from immediately using asphalt containing rubber, with Federal assistance beginning on the date of enactment of this act.

Mrs. VUCANOVICH. I thank the committee chairman for his clarification of this language.

Mr. Chairman, I rise in support of H.R. 3566 and to commend Chairmen ROE and MINETA and ranking members HAMMERSCHMIDT and SHUSTER for including language which permanently extends the authority of about 15 States, of which my State of Nevada is one, to set 65 mile-per-hour speed limits on certain four-lane, rural, noninterstate highways. As you know, authority to raise speed limits on these highways expired on September 30, with the rest of the Federal Highway Program.

The fiscal year 1992 Transportation appropriations bill, which is awaiting the President's signature, would extend this authority through fiscal year 1992. I commend the members of the Public Works Committee for taking this a step further and making the extension permanent.

Recently I joined with our minority leader, BOB MICHEL, in introducing H.R. 3474 which would authorize these Federal highway programs. I am pleased that this committee has taken similar action.

In addition, Mr. Chairman, there are many good projects included in this bill for the State of Nevada. In the case of my State these are important projects which need to be built and which have been approved by the Nevada Department of Transportation in consultation with the Nevada delegation. I appreciate the help of the committee in including these projects.

Mr. Chairman, I urge support of H.R. 3566.

Mr. HAMMERSCHMIDT. Mr. Chairman, I yield such time as he may consume to the gentleman from Ohio [Mr. WYLIE].

Mr. WYLIE. Mr. Chairman, I urge an aye vote on H.R. 2950.

Among other worthwhile projects, it would authorize $12.1 million to widen I–270's outerbelt between Dublin and Westerville in Franklin County, OH. I strongly support this provision of the bill because this stretch of highway is one of the most heavily traveled in the State of Ohio. Many use this highway as an access route to Port Columbus International Airport. And not a day goes by that there is not an extensive delay—often 6 or 7 miles—due to the heavy volume of traffic or accidents. During rush hour, the road is literally a parking lot.

When this section of I–270 was built in 1967, it was designed to accommodate 65,000 cars a day. Today there is a tremendous amount of traffic funneled onto I–270 as an east-west connector because of the explosive growth in northern Franklin and adjacent counties. This area is the fastest growing section of metropolitan Columbus, and I might point out that Columbus is the fastest growth area in the entire State of Ohio and is located in one of only 50 growth counties in America. The Mid-Ohio Regional Planning Commission advises me that 115,000 cars now use the road between Dublin and Westerville each day, and by the year 2010 it is estimated there will be nearly 170,000 cars traveling this highway daily—nearly three times what it was originally designed to accommodate.

Funding for this project is necessary to help improve the quality of life for central Ohioans and bring them badly needed relief from the nightmarish congestion that they must contend with every day. I feel that overall the committee has done a good job and I will vote aye.

Mr. HAMMERSCHMIDT. Mr. Chairman, I yield 3 minutes to the gentlewoman from New York [Ms. MOLINARI].

Ms. MOLINARI. Mr. Chairman, I would like to show you the front page of the New York Daily News and I want to tell you that the only thing wrong with this May 3 front page of the New York Daily News is the use of the words "may be." Bridges may be dangerous to your health. The fact is New York City bridges are dangerous to your health.

The American people know the facts about our transportation infrastructure, and I hope my colleagues from around this country are listening. The American people know better than all of us in this Chamber today that we can no longer afford to sacrifice our Nation's productivity, which is directly tied to the condition of our transportation network. The commuters, travelers, and truckers that traverse the roads and the rails of this country every day pay a heavy price for our past neglect. In New York alone, it is estimated that traffic jams result in the loss of 350,000 work hours each day. You might be able to convince yourself, Mr. Chairman and my colleagues, that this is a fairy tale, but I assure you the American people will applaud our work if we commit to the measures necessary to bring our infrastructure into the 20th century.

I do not think we can say time and time again clearly to the American people, not a penny is coming from the general fund. All the money to repair our infrastructure is coming from the trust fund.

What I find most disturbing is that our effort to direct Federal funds to the most needy projects throughout the country is being attacked by some in our administration as "the alltime record on pork." I did not know that addressing America's most pressing transportation problems was considered pork barrel politics. In fact, ensuring that needed transit and highway projects will be awarded Federal funding I believe is good politics and good for America.

I invite my colleagues who oppose these projects to New York City where they can see where some of this pork is going to be roasted. We could visit the Manhattan Bridge and you could tell the 360,000 people who cross, that bridge every day that the money directed at returning the bridge to a safe state is pork. Maybe at that time we can discuss the flawed Federal funding formulas that have pushed all of New York City's bridges to this point, and why the administration-sponsored bill failed to address any one of them.

If you are afraid of crossing one of our East River Bridges, and I would not blame you, perhaps we could take you for a ride on the Staten Island Ferry, with 40,000 of my constituents who commute to work every day. While admiring the early morning halo of smog from cars over downtown Manhattan, you could tell these commuters that this country does not need H.R. 3566.

No, we do not need subway upgrades. We do not need new buses. Forget about mass transit. Forget about the Clean Air Act. Forget about operating assistance. Drive to work, America.

Mr. Chairman, there are a lot of services America cannot afford, but America cannot afford any more excuses. The Intermodal Transportation Act of 1991 is a bill that deals properly and efficiently with our pressing transportation needs. The next 5 years hold the key to the ability of this country to compete in the next century. Let us take the initiative now and give the American people an industry the transportation facilities they need to compete at home or abroad.

For the future of transportation, clean air, productivity, and for the sake of headlines that never again have to scare 8 million people in the city of New York, I urge my colleagues to join and vote with this new bill.

Mr. ROE. Mr. Chairman, I yield such time as he may consume to the distinguished gentleman from Minnesota [Mr. OBERSTAR], our subcommittee chairman.

Mr. OBERSTAR. Mr. Chairman, I rise in support of H.R. 2950, the Intermodel Surface Transportation Infrastructure Act of 1991.

Mr. ROE. Mr. Chairman, I yield such time as he may consume to the gentleman from Kentucky [Mr. MAZZOLI].

Mr. MAZZOLI. Mr. Chairman, I rise in support of the bill.

Mr. ROE. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Georgia [Mr. JONES}, a member of the Committee on Public Works and Transportation.

Mr. JONES of Georgia. Mr. Chairman, I rise in unequivocal support of this bill. It is comprehensive. It is visionary. It is a bipartisan commitment to America's future. It establishes a national highway system which is an investment in middle America. It rebuilds America's infrastructure, guaranteeing American commerce the ability to compete in the 21st century. It gives local and State officials the flexibility they want to address their transportation needs. It promotes safety, addresses environmental concerns. It boosts local economies and it creates jobs, hundreds of thousands of badly needed jobs.

There are those here playing the same old demagogic game about pork barrel, but Americans are smart enough to know that spending their gas tax money the way they want it spent on local projects that directly benefit their communities is not pork. It is roads. It is bridges and it is jobs. So I do not know where the pork is. It is certainly not in Georgia's badly needed projects, but I know where the bull is, because I have been hearing it from some of the opponents of this bill.

This bill puts America first and there is no good reason for any Member not to be able to support this landmark legislation, and I urge its support.

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Mr. HAMMERSCHMIDT. Mr. Chairman, I yield such time as he may consume to the gentleman from Alabama [Mr. CALLAHAN].

Mr. CALLAHAN. Mr. Chairman, I thank the gentleman for yielding time, and I rise in favor of the bill.

Mr. Chairman, I rise in support of H.R. 2950, the Intermodal Surface Transportation Infrastructure Act of 1991. This is a bill for America that merits our favorable consideration.

While this highway bill is not perfect and can't totally satisfy every Member, it is a good bill that is necessary to keep our highway construction programs moving forward. In many areas, our highways and bridges are deteriorating. Growing populations have rapidly made a large portion of our infrastructure almost obsolete. Modernization and improvements to the system will improve the economy through job opportunities, facilitate the efficient movement of commodities, and provide safer streets for American travelers.

H.R. 2950 provides a fair distribution of the funds paid by highway users, gives needed flexibility to the States, and makes significant changes to our transportation policy that will take us into the 21st century. It addresses specific projects, such as the tunnel interchange in Mobile, AL, to improve highway traffic safety and meet other highway needs particular to different areas.

I urge my colleagues to vote in favor of this bill. An "aye" vote is a vote of confidence in the future of our country.

Mr. HAMMERSCHMIDT. Mr. Chairman, I yield 1 minute to the distinguished gentlewoman from Maryland [Mrs. MORELLA].

Mrs. MORELLA. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, the surface transportation bill contains important provisions to slow down truck violations and to improve safety on interstate highways. On May 15, 1991, I sponsored the Motor Carrier Safety Assistance Program Reauthorization Act of 1991 to reauthorize and expand MCSAP, and I am pleased that this reauthorization has been included in the Surface Transportation Act.

MCSAP has saved lives and reduced crashes since its establishment in 1982. The major changes in the law permit traffic enforcement to be an eligible expense under the Motor Carrier Safety Assistance Program, when this enforcement is coupled with roadside safety inspections.

There is substantial evidence that combining MCSAP inspections and increased traffic enforcement works. A pilot program in Maryland, Virginia, Alabama, Nevada, and Washington allowed police officers in these States to target truck inspections on those commercial drivers that violated the rules of the road. This pilot program was successful in all five States.

Mr. Chairman, I urge my colleagues to join me in supporting truck safety on U.S. highways by voting for the surface transportation bill. MCSAP works. This legislation makes it a more comprehensive and a more effectively focused program.

MCSAP is one provision of the Intermodal Surface Transportation Infrastructure Act of 1991. In addition to MCSAP, this $151 billion bill reauthorizes surface transportation programs for 6 years. It will give assistance to States to rebuild and maintain roads and bridges. I am pleased that two federally owned projects, which are essential to an effective transportation system in the Washington metropolitan area, will receive funding. The Woodrow Wilson Bridge will receive an authorization of $50 million for preconstruction activities, which include environmental analyses, design and engineering, and right-of-way acquisition. The Baltimore-Washington Parkway will receive $93 million for improvements to the roadway and interchanges.

The strong transit emphasis will benefit States with large urban centers, among them, the State of Maryland. The Maryland Commuter Rail Service [MARC] has doubled its ridership in the past 5 years, and it will receive $160 million for additional equipment, more frequent service, additional routes, as well as improvements to commuter stations and parking facilities.

There is a critical connection between transportation policies and the protection of the environment. In Maryland and the entire Chesapeake Bay watershed, the provisions of this bill will impact the restoration and the preservation of the bay. We, Americans, have a love affair with the car, but the growing concern about traffic congestion and air and water pollution is slowly moving us to consider greater use of mass transit and restructuring of our land-use patterns.

Mr. Chairman, the surface transportation bill points us in a new direction by significantly increasing mass transit funding over current levels and by giving States flexibility to use funds for highways or transit. I support this bill, and I urge my colleagues to vote for adoption.

Mr. ROE. Mr. Chairman, I yield such time as she may consume to the gentlewoman from Missouri [Ms. HORN].

Ms. HORN. Mr. Chairman, I thank the gentleman for yielding time to me and I rise in strong support of H.R. 2950. I would like to engage in a brief colloquy with the distinguished chairman of the committee, the gentleman from New Jersey [Mr. ROE].

Mr. Chairman, during committee consideration of the bill we discussed how important it is to have a regionwide transportation plan that includes efficient mass transit system as well as the maintenance and improvement of our highways. In order to accomplish this, the bill before us provides increased authority to local metropolitan planning organizations in funding projects.

This is very important in my district—specifically, St. Charles County, which is the fastest growing county in Missouri. The bill before us grants greater decisionmaking authority to local planners in funding local projects. I would like to ask your clarification of how you see this working on the local level.

There are plans in my district for a new bridge which will extend from St. Louis County over the Missouri River and hook up with Missouri Route 94 in St. Charles County. The project is part of the Missouri Highway and Transportation Department's illustrative list for the National Highway System. It is included in the region's metropolitan planning organization [MPO] transportation improvement plan [TIP]. The local MPO is strongly in favor of the project. However, the second leg of the project—Route 94—is in the State's 10-year unfunded needs study.

Mr. Chairman, I have a question that needs clarification. Is it your understanding that the Route 94 project, as described, would be consistent with the committee's goals for urban mobility or the National Highway System?

Mr. ROE. Mr. Chairman, will the gentlewoman yield?

Ms. HORN. I yield to the gentleman from New Jersey.

Mr. ROE. I thank the gentlewoman for yielding.

Mr. Chairman, yes, it is my understanding that this project is consistent with the overall goals of the bill, and that this is the type of project which should receive priority consideration for funds by the applicable MPO and State highway agency.

Ms. HORN. Mr. Chairman, I thank the gentleman for his clarification.

Mr. HAMMERSCHMIDT. Mr. Chairman, I yield 1 minute to the gentleman from Pennsylvania. [Mr. RIDGE].

Mr. RIDGE. I thank the gentleman for yielding.

Mr. Chairman, I rise today in support of this much needed highway bill. In my State of Pennsylvania, where the truckdrivers say we have the worst roads in the Nation, where 40 percent of our bridges fail to meet Federal safety standards and where mile upon mile of roadway lies in a state of disrepair, the task of rebuilding our infrastructure begins not a day too soon and certainly begins with the Inter-Modal Surface Transportation Act.

Let me also state right out from that a project in my district is funded by this bill. Some of my colleagues said, "Well, Tom, there you go, supporting a particular piece of legislation," and referring to it as pork. It is the completion of an intermodal system that has been on the books for 20 years. It is a vital economic link, it is a competitive link. My guess is, through all the good work done by the leadership on both sides of the aisle, the projects which are referred to as pork in this particular piece of legislation, many of them are involved in completing necessary, vital transportation links that are good investments in America's future.

So I commend the committee for its leadership. I think they have come under fire, but they certainly owe no one any apologies. I very much appreciate their stand in this matter.

Mr. HAMMERSCHMIDT. Mr. Chairman, I yield such time as he may consume to the gentleman from Alabama [Mr. HARRIS].

Mr. HARRIS. Mr. Chairman, I rise in strong support of H.R. 2950.

Mr. Chairman, I rise today in strong support of the 1991 surface transportation proposal. Good transportation links are crucial for economic development. We have spent millions on our inland waterways, and have some of the finest in the Nation. We have good rail lines.

Where we fail, and this is especially true in some parts of our State, is with our highway system. At a time when we should be tying together all forms of transportation—air, water, rail, and highway, we still have in our State a situation where it is nearly impossible to travel from east to west or north to south on a modern highway.

Some officials want to talk about traffic counts and economic surveys, but I feel this is a chicken and egg situation. We need these roads and bridges in order to have economic growth. By their logic, you would never build a bridge because no cars cross the river at that point.

I would like to take the time to express particular interest in the funding for two very important projects in my area. There has been $7.6 million allocated for the construction of a third bridge over the Black Warrior River in Tuscaloosa County, AL.

The two existing river crossings have become major bottlenecks. The traffic from Federal Highways 82, 43, and I–359, combined with local traffic, is more than these bridges were designed for. One bridge is nearing its design capacity and the other already exceeds it. Traffic projections done by both the State Highway Department and the local governing bodies show future growth far beyond what the existing structures can handle.

In addition to solving local traffic problems, a third bridge is vital to the economic growth of west Alabama. These Federal highways link Atlanta and Birmingham to Mississippi and west Alabama to central and south Alabama. Commercial traffic relies heavily on these routes to transport goods and services across the Southeast.

Without the relief that a third bridge will offer, greater and greater burdens will be imposed on interstate commerce. The committee acknowledged this necessity by providing the funds for a third bridge in H.R. 2950.

In addition to this major project, the upgrading of the U.S. Route 80 corridor to a four-lane status from Meridian, MS, to Savannah, GA, will assist in boosting economic growth in my district, as well as other areas along its route. This route was to have been included in the original Interstate System in the 1950's, but was never built.

Our State Highway Department will receive enough money under this bill to complete the four-lane link from Montgomery to Meridian, thus tying together Interstates 20 and 59, and Interstates 65 and 85. This alone will be a tremendous boost to an economically depressed area.

I want to thank both Chairman ROE and Chairman MINETA and their staffs. I would also like to thank fellow Alabamian Congressman BUD CRAMER, for his help on this project.

I urge my colleagues to give their support to this bill.

Mr. HAMMERSCHMIDT. Mr. Chairman, I yield such time as he may consume to the gentleman from South Carolina [Mr. TALLON].

Mr. TALLON. I thank the gentleman for yielding.

I congratulate the gentleman from New Jersey, Chairman ROE, and the members of the full committee for an excellent piece of legislation that I wholly support.

Mr. Chairman, I rise in support of H.R. 2950, the Intermodal Surface Transportation Act of 1991.

Authorization of a new highway bill is of vital importance to South Carolina, our tourism industry, and other economic growth. This new highway bill is vital to every rural and urban area in my State.

Our South Carolina highway programs are in jeopardy until a new authorization bill is adopted to ensure the availability of adequate funding for our many programs.

The support of my colleagues here in the House of Representatives is an important step to getting this bill to conference so that the appointed conferees can work out the marked differences between the provisions in the House and Senate versions of this legislation. We must move now if we are to allow the continuation of our highway programs and get other needed programs started.

We are all paying taxes to build and maintain our roads and bridges. This highway bill has been carefully and thoughtfully crafted to ensure that donor States receive their fair share of funds. Both maintenance and growth are sustained with this highway bill. And, mass transportation receives needed emphasis in this day and age of crowded highways and polluted skies.

We must support legislation that will aid this Nation's infrastructure and sustain the growth that the United States has experienced over the pass five decades. This highway bill will help us to lead the world well into the 21st century. I urge my colleagues to support this legislation.

Mr. ROE. Mr. Chairman, I yield 1 minute to the gentleman from Wisconsin [Mr. OBEY].

Mr. OBEY. I thank the gentleman for yielding.

Mr. Chairman, for the past 40 years Wisconsin has been known as a donor State. We have gotten back 78 cents from Washington for every dollar we sent to Washington.

Mr. Chairman, I want to congratulate the committee, especially the gentleman from New Jersey, Chairman ROE, and the gentleman from California, Chairman MINETA, for recognizing that a lot of us simply would not vote for that kind of legislation if that continued.

This bill, for the first time, gives my State back at least as much money as we send to Washington, and as far as we are concerned, it is about time.

I simply would also like to say that I hope the White House drops its threat to veto this bill. America needs the jobs that this bill provides.

After 40 years of defending the West from the threat of Soviet aggression, it is apparent that that threat no longer exists in nearly the degree that it used to. It is time to come home and invest some money in America, which this bill does. This is the beginning of that process.

Mr. Chairman, I congratulate the committee. This is going to be crucial to a number of highways in my district, especially highways 29, 51, and 53, and I appreciate the committee's support.

Mr. HAMMERSCHMIDT. Mr. Chairman, I yield 1 minute to the gentleman from Texas [Mr. DELAY].

Mr. DELAY. I thank the gentleman for yielding.

Mr. Chairman, 1 minute is not anywhere near enough time to discuss my opposition to this bill. Besides the gas tax, I concentrated on the mass transit portion of this bill because I am not one of those who believe that demonstration projects are pork. There may be some pork in those demonstration projects, but the highway portion of this bill, I do not have a whole lot of quarrel with. But what I do have a quarrel with is the incredible change in policy that we are seeing in this bill, moving away from building highways toward mass transit. We are almost doubling the amount of money for mass transit and $13 billion of that money comes from general revenues, Members, comes from general revenues for a system that has been proven to be a failure.

Now, it has been said here we have got to build mass transit to take care of the Clean Air Act. Well, I called UMTA, and there has been no study done on specific projects. But there have been studies done on rail projects helping to clean up the air. There is no proof that rail projects or mass transit projects clean the air.

So look at the real facts before you commit yourselves to an incredible change in policy.

Mr. ROE. Mr. Chairman, I yield such time as he may consume to the gentleman from New York [Mr. MRAZEK].

Mr. MRAZEK. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I want to congratulate the gentleman from New Jersey [Mr. ROE] for bringing this important surface transportation reauthorization to the House floor.

As Members are aware, I have been an advocate of magnetic levitation technology for several years. In 1990, I first introduced legislation that would provide a competitive framework for American companies and research institutions to receive Federal grants for research and development of Maglev.

Two decades ago, the United States led the world in research and development of this promising new mode of transportation that moves along guideways at speeds of up to 300 miles per hour. Unfortunately, we abandoned our efforts in the mid-1970's and left it for the Japanese and Germans to build the first full-scale Maglev prototypes.

Mr. Chairman, the gentleman is aware that Senator MOYNIHAN has placed a $750 million competitive design program for Maglev in the Senate Surface Transportation bill. I support this proposal and have introduced a companion measure in the House. While I understand the financial constraints under which you have had to operate to bring this bill to the floor, it is my hope that the authorization of a competitive design program will be included in the final conference agreement with the Senate.

Mr. ROE. Mr. Chairman, if the gentleman will yield, it is regrettable that Maglev is another example of how the United States has not fully developed an industry for which we have a technological advantage.

I am aware that there are many Members of the House who support this technology and I do agree that it has the potential to make us more competitive in the world market. When the House meets the Senate in Conference, Maglev will have our attention in every respect.

Mr. MRAZEK. Mr. Chairman, I appreciate the committee chairman's interest in this matter.

Mr. HAMMERSCHMIDT. Mr. Chairman, I yield such time as she may consume to the gentlewoman from Ohio [Ms. OAKAR].

Ms. OAKAR. Mr. Chairman, I thank the gentleman from Arkansas for yielding time to me.

Mr. Chairman, I would like to engage the committee chairman, the gentleman from New Jersey [Mr. ROE], in a colloquy.

Mr. Chairman, H.R. 2950 truly represents a landmark intermodal blueprint which will serve America's transportation needs into the 21st century. I am especially pleased, Mr. Chairman, that H.R. 2950 goes a long way toward correcting the long-standing inequities that donor States—such as my own State of Ohio—have had to face with archaic formulas and penalties. Is this the understanding of the Chairman?

Mr. ROE. Mr. Chairman, if the gentlewoman will yield, she is correct.

Ms. OAKAR. Mr. Chairman, it is my understanding that H.R. 2950 also partially corrects the penalty whereby donor States were forced to have some of their moneys subtracted from their minimum allocation funding. Since 1987, when this penalty was made law, donor States have had trouble fixing bridges which were desperately in need of repair because of disproportionately small amounts of Federal transportation investment. Based on the growing concerns of donor States in areas related to this issue, is it the Chairman's understanding that this issue will be further discussed in conference?

Mr. ROE. Again, the gentlewoman from Ohio is correct. It is expected that this issue will be further addressed in conference.

Ms. OAKAR. With your concurrence on that point, Mr. Chairman, it is my honor to submit on behalf of the State of Ohio and commend to the committee's attention the following set of bridges for priority consideration by the Secretary of Transportation for the discretionary bridge funding, and I thank you.

Mr. ROE. The committee is pleased to accept the list offered by Ohio, and commends it to the Secretary for consideration in distribution of discretionary bridge funds.

The list that has been referred to is as follows:

Ohio bridges for consideration by the Secretary of Transportation

Bridges	*Project cost (million)*
West Third Lift Bridge over the Cuyahoga River	20
Columbus Road Lift Bridge over the Cuyahoga River	20
Cuyahoga Viaduct Track Bridge	12.5
Ft. Steuben Bridge	60
Bridges over Meander Reservoir	11.1
Western Hills Viaduct	15
Maumee—Perrysburg	15
Ironton—Russell Bridge	60
Spring Sandusky Interchange (Scioto River)	21
U.S. Grant Bridge	60
I-670 from Neil Avenue to Neilston Bridges	17
SR 315 Bridge over Scioto River	13.5
I-670 Mainline and Ramp Bridges (section A-1)	12
I-670 Mainline Bridges (section b-20)	11.5
Bridges on ramps connecting I-670 and SR 315	10
Pomeroy—Mason Bridge	60
Ashtabula Viaduct	30
Conneaut Viaduct	30

Ms. OAKAR. Further, if I may Mr. Chairman, a study is now underway by the Ohio Department of Transportation to determine appropriate safety and congestion mitigation improvements to the I-90 innerbelt in Cleveland. If the study is competent and fits within the Federal guidelines and framework for congestion mitigation contained in H.R. 2950, is it the committee's view that the actions recommended by this study or similar studies are typically eligible for Federal funding within the provisions of the bill before us?

Mr. ROE. My colleague, the gentlewoman from Ohio, is correct.

□ 1530

Mr. HAMMERSCHMIDT. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Florida [Mr. SHAW], a former member of the Committee on Public Works and Transportation.

Mr. SHAW. Mr. Chairman, I would like to at this point just take this brief moment to compliment the gentleman from Arkansas [Mr. HAMMERSCHMIDT], the gentleman from Pennsylvania [Mr. SHUSTER], as well as the gentleman from California [Mr. MINETA] and the gentleman from New Jersey [Mr. ROE] for doing a wonderful job in crafting a bill. Together with the staff and the members of the Committee on Public Works and Transportation they are certainly taking forward the tradition of this committee, the very fine tradition, of working in a bipartisan manner to solve the transportation needs of this country without reference to, or concern, as to particular turfs, and I think that is a hard thing to do. I know from my own experience on the committee, as well as working with the committee over the last couple of years, the tremendous amount of patience and work that the committee has done in hearing all the Members and going around the country to take care of the needs of the country. I also want to thank the gentleman from Florida [Mr. PETERSON] who has done a yeoman's job in representing the needs of the State of Florida on this committee.

Mr. Chairman, I rise today in support of H.R. 3566, which is commonly known as the highway bill. As all of my colleagues are aware, planning our Nation's transportation future for the next 6 years is not an easy task; getting a majority of Members of Congress to agree on such legislation is sometimes even more difficult. However, the House Public Works and Transportation Committee, under the leadership of Chairman ROBERT ROE, Chairman NORM MINETA, ranking minority member JOHN PAUL HAMMERSCHMIDT, and ranking minority member BUD SHUSTER, have put together a bill that is both innovative and foresighted. I commend them for their hard work and determination in bringing this comprehensive legislation to the House floor. I would also like to give my deep appreciation to the only member from Florida on the House Public Works and Transportation Committee, Mr. PETE PETERSON. Although only in his first term, Congressman PETERSON performed like a seasoned veteran in defending Florida's transportation interests.

There are many fine provisions in this legislation; however, I would like to bring to my colleagues' attention a project contained in this bill that is of tremendous importance to the people of Broward County, FL. The project I refer to is the proposed 17th Street Causeway Tunnel replacement project in Fort Lauderdale, FL. I have fought since 1986 to bring this project to fruition, and I have introduced authorizing legislation every Congress since the 100th Congress for this project. I am gratified the House Public Works and Transportation Committee has seen fit to include this worthy project as part of its surface transportation reauthorization bill.

Presently, there is a drawbridge that spans the Intracoastal Waterway [ICWW]; however, this bridge is old, requires costly repairs and experiences frequent openings each day. In 1986, this bridge opened an average of 43 times a day, and today it opens as often as every 15 minutes. This has resulted in frequent long lines of vehicular traffic averaging well over a half mile in length in both the eastbound and westbound directions, as well as an alarmingly high accident rate in this area. The accident ratio of 1.87 accidents per million vehicles using the facility was above the statewide average of 1.28 for similar facilities. The 17th Street Bridge is the most heavily traveled bridge in Broward County, and the traffic is only getting worse.

Such conditions also have a severe impact on response times to locations east of the ICWW for Broward County Emergency Medical Services [EMS], whose ambulance and emergency vehicles use the crossing an average of 12 times a day. A free flow facility, such as a tunnel, would greatly improve response times and medical care to the oceanside community.

In addition to vehicular traffic, water vessel traffic has also been inconvenienced by the bridge openings. Water vessels are required to wait a minimum of 15 minutes between bridge openings, causing long lines along the ICWW and creating navigational problems for Port Everglades and its associated shipping traffic. Since the drawbridge is the busiest entry and exit point for the Intracoastal Waterway in Fort Lauderdale, both water and vehicular traffic will continue to suffer.

Added burdens have been created by the expansion of Port Everglades as well as the opening of a new convention center last month. Situated on 33 acres at the northern end of Port Everglades, the convention center is bordered by the Intracoastal Waterway, the 17th Street Bridge, and Eisenhower Boulevard.

Added cost of maintaining the status quo of the existing bridge in terms of total delay and accident costs is $29 million—1987 dollars—over a 50-year period. In addition, the bridge will soon be functionally obsolete—can not carry the traffic demands—due to a projected 2.5 percent annual increase in bridge openings and a 1.5 percent projected annual increase in traffic volume.

During 1990, the present 17th Street Bridge experienced 51 breakdowns. This figure rated the 17th Street Bridge the worst in breakdowns among the other 13 drawbridges which span the ICCW in Broward County. These 51 breakdowns caused the bridge to close for 42 hours, ranking it third worst among all bridges in the county. Furthermore, the 17th Street Bridge received a 52.5 inspection rating during March 1990—barely above the Department of Transportation's 50 point minimum standard.

Of course, when the bridge is open, or inoperative, both of which are frequent occurrences, vehicles are left waiting in traffic, wasting fuel and spewing noxious exhaust fumes. The tempers of stalled drivers can often grow hot. The following is an excerpt of a Miami Herald article dated November 18, 1990, documenting the frustration of one motorist:

> In May, when the 17th Street Bridge broke down, bridge tender, Ron Hickman, left his control shack to direct traffic. A furious driver got out of his vehicle, threw Hickman against the truck and pummeled him with punches.

Clearly, a sizable amount of money and anguish will be saved by replacing the bridge with a free flow alternative. A tunnel under the ICWW is the most efficient and viable alternative. A new drawbridge would still exclude many high mast vessels from the ICWW. A fixed bridge is an undesirable option because it would have to be at least 75 feet high, which would require the massive approach roads and ramps. Additionally, a 75 ft. bridge would be so high it would destroy the surrounding property values, but conversely it would not be high enough to prevent exclusion of many high-mast vessels from entering the ICWW from Port Everglades.

This project has broad local support, which I consider crucial to the eventual success of the project. The city of Fort Lauderdale, Broward County, and the State of Florida have each committed to provide funds for this project. Additionally, Congress provided $5.25 million in fiscal year 1992 for this project. Last year, Congress also appropriated $3.69 million for this project as part of the fiscal year 1991 Transportation appropriations bill. The State of Florida also appropriated $1 million last fiscal year.

Mr. Speaker, this project is very important to me and to my constituents. As the demographics clearly show, south Florida is growing by leaps and bounds. The 17th Street Bridge was built in 1956, when Fort Lauderdale and the surrounding area was a sleepy beach community. In the 35 years that has passed, this area has changed greatly. Fort Lauderdale is now a sprawling, bustling metropolis, with new transportation challenges that demand to be met. The authorization of this project, coupled with the $16.1 million provided for it in H.R. 3566, will greatly help to relieve Broward County's increasing traffic congestion problems.

Mr. ROE. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Mississippi [Mr. PARKER], who is a member of our Committee on Public Works and Transportation.

Mr. PARKER. Mr. Chairman, I have watched throughout the year as we have taken one issue after another that is important to the people of our districts and of this country and transformed it into just another tool for partisan political bickering. I do not intend to stand here and see this legislation reduced to the same fate. It is too important to the people of my district, of my State, and of this Nation.

For years my home State, Mississippi, has been shortchanged. Under current highway funding programs we have been one of the 21 states that have paid more into the highway trust fund than we have taken out in new highway projects. Under this bill we will continue to come up short although our situation will be much improved. Historically we got back 75 cents of every dollar paid in Federal gasoline excise taxes. We will, under this bill, get back 90 cents. In the spirit of compromise I can accept that.

I will take everything that I can get for my constituents and I will be back for more. The projects in my district which this bill provide for are not pork. They are our fair share.

Not a single project in the bill located in the Fourth Congressional District of Mississippi was invented by me. Every single one of them have been on the drawing board for years, were planned for by our State highway department, were prioritized by our elected State highway commissioners. This bill allows us to get them off the drawing board and on the ground.

We are tired of lagging behind. We intend to be a part of a national transportation system. A national transportation system has to be made up of individual parts. We in Mississippi have to build our parts before we can fit them together with the rest of the country. We have agricultural products, we have timber, we have manufactured goods that we can bring to the marketplace. We need roads and bridges, river ports and airports in order to do that. What some of you call pork, we call investment. The national transportation issue has centered around a call to rebuild our Nation's infrastructure. We demand the opportunity to build an infrastructure, for the first time.

The President has sent us a bill. It seems he wants his bill and nothing else. Well Mississippi and many other rural areas cannot afford the President's bill. The President would give us a new 150,000-mile National Highway System—if your State can come up with 40 percent of the cost for its portion. Many times we have had to delay already approved projects because we cannot come up with the current 25-percent State match.

My State cannot live with a lot more of nothing.

The committee's bill will let us go forward with this National Highway System, but at a price we can afford. I urge you to support these efforts and to vote for H.R. 2950 as it was introduced by the committee. Let's act in the best interests of our Nation on this issue—and at least for a few moments forget about political expediency.

Mr. HAMMERSCHMIDT. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Alabama [Mr. DICKINSON].

Mr. DICKINSON. Mr. Chairman, I thank the gentleman from Arkansas [Mr. HAMMERSCHMIDT] for yielding me this brief time, and I wanted to take this opportunity to thank the members of the Committee on Public Works and Transportation for the job they have done.

Mr. Chairman, each of the States, and many other organizations, have been working diligently for at least 4 years in trying to come to some agreement on language to be included in a new surface transportation bill for fiscal year 1992 and beyond.

Congressmen HAMMERSCHMIDT, SHUSTER, ROE, and MINETA have been working diligently on this matter for quite some time in an effort to provide this new legislation, and to keep highway construction programs moving forward. The State of Alabama truly appreciates their efforts, and the Alabama Highway Department endorses their legislation.

The original bill has undergone major changes, including: Elimination of the nickel gas tax; a 30-percent across-the-board cut on demonstration projects and; extension of the authorization period by a year.

Although no legislation will be satisfactory in all respects, it is time to go forward with this measure so that State programs can continue in an orderly fashion.

Mr. HAMMERSCHMIDT. I yield such time as he may consume to the gentleman from Indiana [Mr. JONTZ].

Mr. JONTZ. Mr. Chairman, I rise to enter into a colloquy with the chairman to draw attention to a new provision in the Bridge Program. As I understand it, the bill would allow States the flexibility to implement their own design and construction standards for Bridge Program projects not on the Federal-aid system.

Under present law, all bridge projects receiving Federal funds must meet a single set of design and construction standards; standards which in many instances require the construction of bridges which far exceed the local need. This situation puts many local jurisdictions in the untenable position of choosing to build bridges solely with local revenue at great expense to their taxpayers or choosing to tap into Bridge Program funds to reduce the local expense but ending up with a project costing considerably more than necessary. The provision in the bill before us would eliminate that dilemma. States would be able to devise their own standards for off-system bridges and local jurisdictions would be able to build bridges which meet local requirements at significant cost savings. Is this the chairman's understanding of the provision?

Mr. ROE. Mr. Chairman, will the gentleman yield?

Mr. JONTZ. I yield to the gentleman from New Jersey.

Mr. ROE. Mr. Chairman, the gentleman from Indiana is correct. This provision in the Bridge Program would allow States to apply their own standards for safety, design, and construction to bridges which are not on the Federal-aid system. It is our belief that this provision will give States and local jurisdictions greater flexibility under the Bridge Program and provide a more efficient use for off-system bridge funds.

I want to commend the gentleman from Indiana for his leadership in bringing this issue to the attention of the committee.

Mr. HAMMERSCHMIDT. I yield such time as he may consume to the gentleman from New Jersey [Mr. TORRICELLI].

Mr. TORRICELLI. Mr. Chairman, I thank the gentleman from Arkansas [Mr. HAMMERSCHMIDT] for yielding.

Mr. Chairman, it is my understanding that the legislation provides States with new authority to construct and expand toll facilities, but maintains the prohibition on tolls in those portions of the system that are currently free. As the Chairman well knows, a 4½-mile section of I-95 was recently sold to the New Jersey Turnpike Authority. Is it the Chairman's judgment that this area will still be considered a free segment of the interstate system despite the change in ownership, and, therefore, tolls will be prohibited?

Mr. ROE. Mr. Chairman, will the gentleman yield?

Mr. TORRICELLI. I yield to the gentleman from New Jersey.

Mr. ROE. It most certainly is. If the turnpike authority attempted to place tolls on that segment of road, then it would be required to repay the Federal Government and sacrifice all future Federal highway 3R or 4R money. It is my understanding that both the Governor and the commissioner of transportation have committed to maintain I-95 as free.

Mr. TORRICELLI. Mr. Chairman, separately, in another section of the legislation, the Secretary of Transportation is called upon to initiate a rulemaking process for the minimum training requirements for the operators of longer combination vehicles.

It is my understanding that this provision of the bill will require drivers of longer combination vehicles to receive specific training in the handling of these vehicles before they are permitted to drive them. Is that correct, Mr. Chairman?

Mr. ROE. That is correct. Only fully qualified drivers will be permitted to operate longer combination vehicles.

Mr. TORRICELLI. Further, Mr. Chairman, in a third section of the legislation, it is my understanding that a project such as the special area management plan of the Hackensack Meadowlands Development Commission would be an eligible activity for National Highway System or urban and rural mobility funds under section 108 of the bill. Is my understanding correct?

Mr. ROE. The understanding of the gentleman from New Jersey is correct. The special area management plan would involve mitigation and enhancement activities for significant wetlands that contribute substantially to the meadowlands ecosystem. There would be an initial treatment of 400 acres of wetland in the Kearny Marsh and elsewhere in the Meadowlands. That project would be eligible under section 108 of the H.R. 2950, if the project is consistent with applicable Federal laws pertaining to wetlands.

Mr. Chairman, I thank the gentleman from New Jersey [Mr. ROE] for his consideration.

Mr. ROE. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Texas [Mr. LAUGHLIN].

Mr. LAUGHLIN. Mr. Chairman, many years have passed since President Eisenhower brought us the interstate bill. America has changed, and our transportation needs have changed, and I urge my colleagues to strongly support this intermodal bill for 1991.

Mr. Chairman, our committee has worked very hard in a bipartisan manner, and it has taken input from all across America, and to the gentleman from Indiana who talks about pork, I would address the issue of pork.

Mr. Chairman, there is no pork in this bill for Texas. This project in this bill came from a highway commission composed of two Republicans and one Democrat. Every project in the intermodal bill that we have pending was put on paper long before I became a member of this committee 2½ years ago.

Mr. Chairman, we need these highways. There is nothing that anyone can find that will say that better highways are pork. There is nothing which says that safer bridges are pork. And the next time a school bus goes over a bridge in America, I want the gentleman from Indiana to come show me that is pork.

Mr. HAMMERSCHMIDT. Mr. Chairman, I yield 2 minutes to the distinguished minority leader, the gentleman from Illinois [Mr. MICHEL].

Mr. MICHEL. Mr. Chairman, I thank the distinguished gentleman from Arkansas [Mr. HAMMERSCHMIDT] for yielding this time to me.

Mr. Chairman, I certainly consider this a jobs bill for the country. We all may have our differences with certain portions of it. I know that the committee has worked hard trying to rationalize all the arguments pro and con in every section of the country, but it is a very fundamental bill to be enacted for improving the infrastructure of our country.

□ 1540

Mr. Chairman, while we have been rather tardy in getting it enacted since the legislation expired on September 30, I would hope that we could expeditiously get this matter through the House and in conference with the other body, so that before we adjourn this Congress we will have a highway construction bill signed by the President, because it is very important for the economic well-being of the country. I would urge my colleagues to use all speed in getting this adopted by both Houses of Congress so that we can go to conference.

Mr. Chairman, finally we have a highway bill before us on the House floor, some 3 weeks after the program itself has officially expired.

I support the bill, because I think it generally does a good job in restructuring the highway program to reflect current needs.

I only wish we had taken the legislation up several months ago, and enacted it prior to the expiration date of September 30.

The administration submitted a proposal back in February to reform and restructure the Highway Program.

This was an important component of the President's domestic agenda, and rightly so, because it has the dual purpose of upgrading the Nation's infrastructure and providing jobs.

That's right—jobs. The Highway Program provides, all told, work for about a million Americans. The President considered it so important that he placed it on his 100-day agenda, calling for final action by Congress within 100 days, or by June 14.

And here we are, some 131 days beyond that deadline before the bill even reaches the House floor.

What has the majority been doing with the highway bill all that time—paving it?

I only hope that when we do pass this bill today we move it in an expeditious manner through the House-Senate conference.

Already some 10 States have run out of highway funds, costing upwards of 160,000 jobs. By the end of November, another 10 States will have exhausted their highway funds, including my own State of Illinois. That represents the loss of another 245,000 jobs, including some 37,000 in Illinois.

There is, in other words, a very real cost to the country, both real and potential, for our inaction on this significant jobs-producing legislation.

That is why it is doubly important that we have an expeditious conference.

And that is also why I have to express some nervousness over comments coming out of the Senate, particularly from the Democratic chairman of the Transportation Subcommittee.

Three weeks ago he said on the Senate floor: "There is nothing in the Constitution that requires there to be a Federal highway program." And also: "No bill may be preferable to a bad bill."

I find it interesting that a distinguished member of the majority should be arguing against legislation because the Constitution does not require it.

Is this a harbinger of a move toward strict constructionism by the majority?

Let us hope so.

But such comments as those I've quoted may lead some to believe that if the other body does not get its way in conference, there could be stonewalling and possibly no bill at all.

I assume that such a scenario is not acceptable to the Democratic leadership in either body. The leadership thus has the burden of ensuring that we get an effective highway bill out of conference without any delay, and I hope there is a commitment to do so. Jobs in this country depend on it.

One additional point of particular concern in this bill is the so-called directed scorekeeping provision.

Congressman GRADISON will offer an amendment to strike this provision which I will support.

The issue of directed scorekeeping has been an ongoing battle with the majority trying to unilaterally change last year's budget agreement.

It could become an unnecessary roadblock to quick passage of this important job creation legislation.

Mr. ROE. Mr. Chairman, I yield such time as she may consume to the gentlewoman from the District of Columbia [Ms. NORTON].

Ms. NORTON. Mr. Chairman, I rise in strong support of the bill, and I wish to extend my compliments to both the chairman of the committee and the ranking minority member.

Mr. Chairman, I rise in support of this historic, landmark bill which sets new national transportation energy policy. Chairman ROE and Subcommittee Chairman MINETA have led the committee to an expanded and sophisticated vision of transportation policy as a vital element in the American struggle for competitiveness in the global marketplace. I have watched in wonder the indefatigable energy of Mr. ROE and Mr. MINETA as they led the Committee with great intelligence and splendid wit to an excellent bill, overcoming too few resources and too much complexity. Their leadership was matched in originality, vitality, and bipartisanship by the ranking minority member, Mr. HAMMERSCHMIDT, and the ranking minority member of the subcommittee, Mr. SHUSTER. I am especially grateful that their work and that of the committee will benefit the people of the District of Columbia, and therefore the 20 million tourists who visit the Capital annually.

Mr. Chairman, later this afternoon I will offer an amendment to remedy polarization caused by packing minorities and women into a 10-percent procurement goal originally meant for minorities alone.

A misguided floor amendment wrote women-owned businesses into the DBE Program in 1987, without allotting them their proper, separate allocation. The result has been nationwide conflict between these two disadvantaged groups—as both struggled over the same small 10 percent of the much larger procurement pie. Significantly, there has been a sharp decline in contract awards to minority firms, while awards to women-owned firms have increased substantially. My amendment would allow 10 percent for minorities and 5 percent for women, figures arrived at by the actual rates of their participation.

When Federal legislation has the effect of encouraging the intergroup conflict we now see around this country, Congress must take corrective steps before more damage is done. I urge my colleagues to support this entire, carefully thought out bill, but to substitute the 10–5 allocation that gives each group its own share.

Mr. ROE. Mr. Chairman, I thank the gentlewoman from the District of Columbia [Ms. NORTON].

Mr. Chairman, I yield such time as he may consume to the gentleman from Maryland [Mr. MFUME].

Mr. MFUME. Mr. Chairman, I rise in strong support of this transportation bill.

Mr. ROE. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Illinois [Mr. POSHARD].

Mr. POSHARD. Mr. Chairman, I rise in strong support of this bill. I have listened today repeatedly to charges of pork barrel spending from Members of this House. There are demonstration transportation projects in this bill. There are highways and bridges and rural transit projects that give those of us in some of the poorest areas of this Nation a chance to build our roads, to influence industry to settle where they cannot now settle because of the lack of appropriate infrastructure, and to provide jobs for some of our poorest people.

Mr. Chairman, I do not want to demagogue this issue, and I know we should not compare apples and oranges around here, but some of the same people who cry "pork" here never use such language when it comes to foreign aid or excessive military spending. Somehow, it is only when it affects the poorest, most highly unemployed Americans that we use such language.

This is a good bill. It is a solid bill. It is a bill that keeps American dollars in America, building this country. It seems to me this is the kind of bill we should all be supporting.

Mr. Chairman, I rise in strong support of H.R. 2950 and commend my colleagues on the Public Works and Transportation Committee for their efforts in bringing this bill to the floor today.

I particularly want to thank Chairman MINETA, with whom I serve on the Surface Transportation Subcommittee, and Chairman ROE, who has done a particularly good job at solving so many of the difficult issues we faced.

I rise in support of this bill because I believe it's high time we invested in our domestic security. We cannot hope to compete in a global market if we don't have the roads, bridges, and transportation system to move our goods and services. It is clearly in our best interest to make sure we have the public facilities necessary to keep our economy vibrant. I am pleased to say this bill does an outstanding job of meeting those needs.

In a time of recession, this bill will provide thousands of jobs in the construction sector, while improving the opportunities for many communities, including those in southern Illinois, to become more economically viable. New roads to industrial parks, expanded arteries that connect our towns and cities, and general improvements in the condition of our transportation systems will help greatly in our continued efforts to improve the standard of living in this country.

I am extremely proud, as a new member of this committee, to stand with my colleagues and urge support of this most important piece of legislation. I urge us to continue to recognize the need for basic infrastructure that literally keeps our economy moving. I can't think of any piece of legislation more important to both the short- and long-term future of our Nation, and thank my colleagues for their support.

Mr. ROE. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Texas [Mr. GEREN].

Mr. GEREN of Texas. Mr. Chairman, I rise in support of H.R. 2950, the Intermodal Surface Transportation Infrastructure Act of 1991, and urge my colleagues to support this important initiative.

I want to commend the bipartisan leadership of the Public Works and Transportation Committee for its outstanding work in crafting a bill that addresses the infrastructure challenges facing our Nation. The task was not easy. The committee was able to craft a bill that will make sweeping changes, that will serve as a centerpiece for transportation policy in the 1990's and into the 21st century.

Transportation investment has been the orphan child over the last decade as the budget crunch in Washington has become more and more severe. After a decade of deferring capital spending during the financial crisis of the 1980's, America's infrastructure bills are coming due.

Our country prospered because our forefathers had the vision to invest in our future. It is time we do the same. Mr. Chairman, H.R. 2950 does just that.

Mr. HAMMERSCHMIDT. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Ohio [Mr. HOBSON], a member of the committee.

Mr. HOBSON. Mr. Chairman, I rise today in strong support of H.R. 2950, the Intermodal Surface Transportation Infrastructure Act of 1991. As a member of Public Works and Transportation, I want to thank my chairman, Mr. ROE, my ranking minority member of the committee, Mr. HAMMERSCHMIDT, my subcommittee chairman, Mr. MINETA, and my subcommittee ranking minority member, Mr. SHUSTER for their outstanding leadership during the committee's drafting of this most important legislation.

Mr. Chairman, passage of H.R. 2950 is critically important to Ohio. This legislation achieves the No. 1 Federal legislative priority for my State which is an equitable, long-term reauthorization of Federal-aid surface transportation programs.

H.R. 2950 will provide more than $4 billion to Ohio over 6 years, and my Governor, George Voinovich, and my Ohio Department of Transportation director, Jerry Wray, also strongly support this legislation because of the positive provisions included in the bill such as: Program restructuring for increased flexibility; workable Federal-State matching requirements; emphasis on multimodal transportation for cleaner air and fuel conservation; and better coordination of State and local planning efforts.

I have personally received numerous letters from local elected officials in my district who support the flexibility provisions included in this legislation. The local officials under this bill have a greater role in the decisionmaking process for their area infrastructure needs.

H.R. 2950 corrects many historical inequities for Ohio. Over the past 35 years, Ohio had received only 78 cents on its Federal highway dollar, and only about 80 cents over the past 5 years. H.R. 2950 will prevent Ohio from being cheated on its allocated apportionments.

In a letter that I received today from my Governor he states: "H.R. 2950 makes sense for Ohio. It is a blueprint for economic development which I hope you will support." Mr. Chairman, I urge my colleagues to vote in favor of this legislation to improve the Nation's infrastructure.

Mr. ROE. Mr. Chairman, I yield such time as she may consume to the gentlewoman from Ohio [Ms. KAPTUR].

Ms. KAPTUR. Mr. Chairman, I thank the committee chairman for bringing us the fairest highway jobs bill that Ohioans have ever had, and I rise in strong support of this transportation measure.

Mr. Chairman, I rise in strong support of the Surface Transportation Infrastructure Act which will make much needed improvements in our Nation's roads, bridges, mass transit, airport, and railroads over the next 6 years, including upgrades to key facilities in northwest Ohio. This measure will create thousands of needed jobs for our community and across the Nation as we upgrade and make improvements to our transportation system. Under the bill, Ohio alone will receive $4.1 billion over the 6-year period for a variety of transportation projects.

The Surface Transportation Act does not raise taxes. It proposes to increase funding for highway construction by more than 40 percent from $11.4 billion in fiscal year 1992 to $2.3 billion in fiscal year 1997. That's what the fund was for in the first place.

Included in the bill is a $1 million authorization to conduct an environment study for the eventual replacement of the I-280 Craig Memorial Bridge which is one of only two remaining lift bridges on the entire U.S. Interstate System. The Craig Memorial Bridge was opened in 1957 when it replaced an old bridge and for traffic between Detroit and the Ohio Turnpike. Since its construction preceded the Interstate System and the construction of the St. Lawrence Seaway, a lift bridge—now obsolete—was decided at that time to be more economical than a high level bridge.

The bridge, which links northwest Ohio to points northeast and southwest, is no longer sufficient to handle the large volume of traffic that passes over it each day. The costs associated with the opening of a lift span bridge on a major limited access facility along with the age of the bridge have clearly rendered it unsuitable for current conditions because of the inadequate traffic-carrying capacity of the bridge and the increased maintenance required for a structure of this type.

In addition, the Surface Transportation Act includes a $240,000 authorization for the planning and improvement of six major railroad corridors in northwest Ohio. Toledo is the third largest rail hub in the United States and has one of the highest traffic density rail segments in the country. Because of the amount of rail traffic in our area, a comprehensive plan must be developed to prevent traffic delays and accidents and improve efficiency in rail movements.

Also included in the bill is a $10 million authorization per year over the 6-year period to upgrade 18 highway corridors nationwide including 2 that will benefit Ohio's Ninth District. The Surface Transportation Act authorizes $320,000 to conduct a feasibility and economic study to widen Route 24 from Ft. Wayne, IN to Toledo, OH. U.S. 24 joins two high-growth metropolitan areas—Toledo, OH and Fort Wayne, IN—in a Fort to port corridor. The improvement of U.S. 24 would greatly enhance safety, improve access along the entire route, and promote economic development with the retention jobs and expansion of job opportunities in northwest Ohio and northeast Indiana.

In addition, the bill has designated the I-73/74 corridor from Charleston, SC through Portsmouth, OH, to Cincinnati, OH, and Detroit, MI as a priority project.

I rise to express my pleasure over a provision of the bill that increases from 85 percent to 90 percent the guaranteed return to States of apportioned Federal-aid highway funds under the minimum allocation program. In the past, Ohio has been one of those States that has paid more into the highway trust fund than it has gotten back in Federal highway dollars. The 1991 Surface Transportation Act will ensure that the State of Ohio will receive more money back from Washington than its citizens pay out in their Federal taxes.

Mr. ROE. I yield such time as he may consume to the gentleman from Illinois [Mr. COSTELLO].

Mr. COSTELLO. Mr. Chairman, I rise in strong support of this legislation.

Mr. Chairman, first, let me commend the leadership of the Public Works and Transportation Committee for their work on this complicated and important legislation. Chairman ROE, Chairman MINETA, Mr. HAMMERSCHMIDT, and Mr. SHUSTER have all worked together in a bipartisan manner in order to bring this legislation to the floor today.

This bill is a good bill—it begins to address the infrastructure problems in this country.

The United States now ranks 55th in the world as to the percentage of our GNP that we spend on our infrastructure.

While this bill calls for spending $150 billion—over 6 years, that $150 billion is less than we will spend on military and other aid to foreign countries.

While we will spend $150 billion—the Japanese will proceed with a $3 trillion infrastructure program.

We hear a lot of talk about creating jobs—here in Congress and from President Bush.

This bill will begin to repair our infrastructure—pumping $150 billion into our economy—while at the same time creating thousands of temporary and permanent jobs around the country.

In my district in southern and southwestern Illinois, and in the St. Louis region, some 23 percent of the people working in St. Louis live in Illinois. Those people rely on about a half-dozen bridges to cross the Mississippi River to get to and from work every day.

One bridge is now closed; two more will be forced to close in the near future because of unsafe conditions.

My friends—my constituents—are tired of being told we can find money to: First, bail out the S&L's; second, increase foreign aid; and third, forgive billions owed to the United States from foreign countries, but cannot find money to protect lives in the United States by improving our roads and bridges.

Now is the time to begin to rebuild America.

I urge my colleagues to support this important legislation—by supporting this legislation—we can take a major step forward in saving lives, creating jobs, and investing in America's future.

As part of this bill, I requested that the following language be included in the bill:

> The Secretary shall conduct a study of the manner in which alternative fuels are treated for purposes of determining a State's relative revenue contributions to the Highway Trust Fund under sections 104(b)(3) and 157(a) of title 23, United States Code.

Not later than 2 years after the effective date of this title, the Secretary shall transmit to Congress a report on the results of the study conducted under this subsection, together with any recommendations to the Secretary.

Mr. Chairman, I want to make it clear that this study is ordered to see how those States which do use alternative fuels can gain greater benefit in funds returned by the Federal Government. As the Members know, ethanol and other alternative fuels are taxed at a lower rate than regular gasoline, and States whose residents use ethanol and other alternative fuels do not receive the full benefit of fuel used in those States.

It is certainly not the intent—and I want to emphasize this point—it is not the intent of this committee to have the Secretary use this study to advocate that ethanol and other alternative fuels should be taxed at the same rate as gasoline.

Mr. ROE. Mr. Chairman, I yield 1 minute to the distinguished gentleman from New Hampshire [Mr. SWETT].

Mr. SWETT. Mr. Chairman, I would like to thank the chairman of the committee, the gentleman from New Jersey [Mr. ROE], and the gentleman from California [Mr. MINETA], as well as the ranking minority members, the gentleman from Arkansas [Mr. HAMMER-

SCHMIDT] and the gentleman from Pennsylvania [Mr. SHUSTER] for the privilege of supporting this important legislation.

As an architect, contractor, and developer, I realize the overall benefits this bill brings to all communities across this great country. Every dollar invested in our infrastructure will generate economic reviving activity up to 20 times that investment. Today's revenue from this activity paid by workers previously unemployed will reduce our unemployment expenses and welfare expenses and add to the Nation's coffers as well. No dollars will be lost; new dollars will be generated.

New Hampshire needs this legislation. Vital bridge-repair projects make up the list of the needs of the Second District in this bill. A new access road to a new state-of-the-art airport in the First District will revive economic activity. The only pork barrels in new Hampshire are the empty pork barrels that currently are keeping our dilapidated bridges afloat. Let us replace them with real improvements.

Mr. HAMMERSCHMIDT. Mr. Chairman, I yield such time as he may consume to the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Mr. Chairman, I thank the gentleman for yielding this time to me, and I am pleased to rise in strong support of the measure which benefits my own district as well as the State of New York generally.

Mr. Chairman, I rise today in support of H.R. 2950 the Intermodal Transportation Infrastructure Act and I would like to commend the distinguished chairman of the Public Works and Transportation Committee, the gentleman from New Jersey [Mr. ROE] and the ranking minority member, the gentleman from Arizona [Mr. HAMMERSCHMIDT], and the gentleman from California [Mr. MINETA] and the gentleman from Pennsylvania [Mr. SHUSTER] for their tireless work on this measure in their subcommittee.

Mr. Chairman, our transportation system is falling apart and this Congress is obligated to do something about it. Our cities are bursting and their infrastructure is not keeping apace of growing needs. Our suburbs are booming and our mass transit system hasn't adjusted to reach far enough or carry enough passengers to accommodate our commuters. Our country's Interstate Highway System is decaying at the same time that our industries are trucking greater amounts. Our bridges are collapsing, literally collapsing around us.

The Congress cannot ignore the urgent need for a comprehensive, well-planned, transportation policy that addresses the current shortfalls as well as the future needs of our Nation's infrastructure.

In this era of budget deficits and pressing need for fiscal restraint, I believe this bill—with it's demonstration projects—represents a practical, moderate plan to revamp our desperate intermodal system.

In my own district, which lies in the outskirts of New York City, there are thousands of people who commute every day from one side of the Hudson River to the other, and there is only one bridge crossing into the area. This bridge, the Tappan Zee, carries 110,000 vehicles per day.

We truly need another river crossing, however instead of the costly endeavor to build another bridge, H.R. 2950 makes moneys available for an innovative, money-saving project, a movable barrier which converts the center lane on this eight-lane bridge to run in either direction, depending on rush hour traffic. We can, therefore, have five lanes running in the rush hour direction—effectively adding an extra two-lane bridge crossing.

This measure also attempts to correct the gaps in our intermodal transportation system. For example, in Newburgh, NY, Interstate 84 and Interstate 87 intersect. However, to actually transfer from one highway to the other, a traveler must drive over 1 mile on local, country roads. Furthermore, this interstate highway interchange coincides with the access to Stewart Airport. That means every traveler attempting to change highways or to reach the airport must drive over 1 mile on a country road. H.R. 2590 attempts to remedy this situation by erecting a direct interchange between I-87, I-84 and Stewart Airport.

Mr. Chairman, I would also like to note that this transportation bill is a responsive answer to our growing population, energy, and environmental problems. H.R. 2950 would provide funding for many high-occupancy vehicles—car pooling—and mass transit programs. These types of programs would not only cut volume on our crowded, gridlocked highways and streets, but they would also cut down on the pollutants emitted by cars and reduce our Naton's overall energy consumption.

Mr. Chairman, H.R. 2950 is a well-planned program to rehabilitate and expand our Nation's intermodal system. I cannot stress enough the inextricable link between a vibrant economy and efficient transportation infrastructure. This Nation simply cannot thrive economically with our existing system.

Accordingly, I urge all my colleagues to support this measure.

Mr. HAMMERSCHMIDT. Mr. Chairman, I yield 1 minute to the gentleman from Washington (Mr. CHANDLER).

Mr. CHANDLER. Mr. Chairman, I rise in support of today's highway authorization bill because—unlike the earlier version—it gets the job done without putting the burden of a whopping tax increase on the backs of working, middle-class Americans.

In my own district, this legislation provides much-needed relief to the thousands of people who encounter bumper-to-bumper traffic during their daily rush hour trips across Lake Washington.

We're making a commitment to the future by going forward with important transportation improvements like the I-90 bridge project, the new I-405 interchange in Bellevue, the Seattle-Tacoma transit project, and the Puget Sound transit project. I thank the committee for their inclusion in today's bill.

Mr. Chairman, my goal throughout this process has been to ensure that Washingtonians receive their fair share of vital transportation funding.

This bill meets the test. We're not getting everything we wanted, but we are getting a fair shake. I will be voting yes today.

□ 1550

Mr. ROE. Mr. Chairman, I yield such time as he may consume to the gentleman from Texas [Mr. DE LA GARZA].

Mr. DE LA GARZA. Mr. Chairman, I rise to engage the distinguished chairman in a colloquy.

Mr. Chairman, section 140 of H.R. 2950 authorizes high-priority corridor projects on the National Highway System. One of the corridors identified in this section is located in a corridor partly in my district along U.S. Route 59. Another corridor located in the State of Texas that deserves consideration as a high-priority corridor is U.S. Route 281 from San Antonio to Brownsville, TX.

Is it your understanding that the U.S. 281 corridor from San Antonio to Brownsville, TX, is a corridor that is worthy of further consideration as a high-priority corridor project.

Mr. ROE. Mr. Chairman, if the gentleman will yield, I want to thank the gentleman for bringing the U.S. 281 corridor project to the attention of the committee.

The gentleman is correct. The U.S. 281 corridor project meets many of the requirements used to identify high-priority corridors. Therefore, I believe that the State of Texas should consider the U.S. 281 corridor project for priority consideration for funding improvements along this highway.

Mr. HAMMERSCHMIDT. Mr. Chairman, I would like to inquire how much time we have remaining?

The CHAIRMAN. The gentleman from Arkansas [Mr. HAMMERSCHMIDT] has 3 minutes remaining, and the gentleman from New Jersey [Mr. ROE] has 1½ minutes remaining.

Mr. ROE. Mr. Chairman, I yield 45 seconds to the distinguished gentleman from Alabama [Mr. CRAMER], a member of the committee.

Mr. CRAMER. Mr. Chairman, I rise too in strong support of this very important piece of legislation. Having been elected to Congress recently, I am a new member of this committee. I was pleased to be assigned to this subcommittee so that I could work on an economic corridor for my district that is very important to the economic development of my district.

Mr. Chairman, I am pleased that this committee saw fit to specifically name projects in this bill. I worked very thoroughly with my State highway officials to see that the information was given to this committee so that this corridor in north Alabama could be designated a high priority corridor.

I rise in strong support of the Intermodal Surface Transportation Infrastructure Act of

1991 for several reasons. At the outset, let me note that the House Public Works and Transportation Committee passed the bill by a vote of 53–3. I want to express my appreciation and admiration for Chairman ROE, Mr. HAMMERSCHMIDT, Chairman MINETA, Mr. SHUSTER, and our fine committee staff. This is very significant legislation.

First, the bill satisfies a need that has to be addressed if we, as a nation, are to remain competitive. It develops a national intermodal transportation system that moves people and goods in an energy-efficient manner.

Second, the development of such a system will enhance industry productivity and play a vital role in creating wealth.

Third, the bill provides sufficient funding. Donor States receive more equitable funding through the incorporation of the fast proposal. Also, there is an increase from 85 to 90 percent of the guaranteed minimum allocation for each State relative to its share of highway trust fund contributions. The bill provides $119 billion for highway construction and repair, and $32 billion for mass transit projects.

Fourth, recognizing the financial hurdles many of our States are facing, the bill provides for an 80-percent Federal matching share for all projects except interstate construction and interstate 3R programs which remain at 90 percent. This means that State and local partners will have an incentive to invest in infrastructure based on need and not based on the level of Federal financing.

Additionally, the bill provides State and local officials with greater flexibility in determining how to use Federal funding. For example, the State flexible program is established to provide each State with flexibility in the use of highway funds. These funds may be used for any highway or mass transit purpose.

Fifth, the bill also contains a provision which holds States harmless from the disruption of contract-letting authority caused by the delay in passing the reauthorization bill.

Mr. Chairman, another aspect of the bill I would like to address is the policy decision to identify, in the bill, projects that are needed for infrastructure development and are supported by Federal, State, local, and regional government officials. This approach, in my district for example, has been overwhelmingly well-received.

North Alabama, even though it has seen great growth in recent years, has not received needed infrastructure investment. During the drafting of H.R. 2950 north Alabama officials at every level canvassed the region to identify projects that would enhance infrastructure and economic development.

The level of cooperation that transpired during this process exemplified the level of achievement government can reach when there is a cooperative spirit to identify and address needs that can benefit an entire region and not become enslaved to a county-by-county approach. North Alabama is known for pragmatically addressing such important issues.

For many parts of the country, including the Fifth District of Alabama, the most important section of the bill is the creation of a 155,000 mile National Highway System that will provide an interconnected system of routes which will serve major population centers, ports, airports, and other intermodal transportation facilities. The new National Highway System will meet national defense requirements and serve interstate and interregional travel.

The National Highway System is essential for interstate and regional commerce and travel. Improved corridors and highway links are needed to provide the greatest possible productivity and economic growth benefits. Infrastructure investments, such as the creation and development of the National Highway System is needed to maintain and strengthen existing conditions and performance.

The identification of highway corridors of national significance and the inclusion of those corridors on the National Highway System fills in a gap for many parts of the country not now adequately served by the Interstate System.

North Alabama is currently inadequately served by the Interstate System and has not seen the enhanced growth major population centers connected by interstates have experienced. Yet, in spite of this fact, or because of this fact, north Alabama has called upon its resources. We have grown and thrived through years of hard work and determination. Plans for north Alabama are aggressive and progressive.

On April 22, 1991, the Honorable Steve Hettinger, the mayor of Huntsville, testified in support of an east-west corridor of prosperity in Fort Smith, AR, during a surface transportation field hearing. Also testifying in support of the corridor was Mr. Perry Hand, the director of the Alabama Highway Department. Mr. Hand said the State is ready to provide the necessary State funding for the project.

The designation of an east-west high-priority corridor from Memphis, TN, through Huntsville, AL, to Atlanta, GA, and Chattanooga, TN is the most efficient and effective way of integrating our region and improving efficiency and safety of commerce and travel and further promote economic development.

The east-west corridor is supported by the Congressmen who represent the congressional districts, by the elected local and State officials of the identified States, by companies located in the region and the thousands who rely on safe roads to travel for pleasure, and to and from work.

The identification of the east-west corridor will not only assist in economic development, it will also lead to the development of a safer and more efficient route system.

Atlanta, the 12th largest metropolitan area in the United States, and Memphis, are unique in that they are not directly connected by a major east/west highway. This is the case even though under the current statutory scheme the planning criteria is to connect cities of 50,000 or more. The Tennessee Valley is an east/west oriented transportation region between these two great cities due to the Tennessee River and Norfolk's Southern Railway's main line from Memphis to Chattanooga, both of which parallel the river most of that distance.

Over 50 percent of north Mississippi, 40 percent of north Alabama, and 30 percent of north Georgia are not served by an east/west major corridor. The metropolitan statistical areas that would be directly served by this corridor route account for a population of almost 5 million.

Along the corridor route are several Fortune 500 companies. Of strategic defense significance is the fact the route also serves Redstone Arsenal and NASA's Marshall Space Flight Center at Huntsville and the Advanced Solid Rocket Motor Facility at Yellow Creek near Iuka, MS.

This is truly a multi-State, inter-regional intermodal transportation project that can provide benefits not only to the States directly served by the corridor but to the entire Nation.

This is not unwise spending. This is a wise and appropriate investment in the future growth and productivity of a vital region of the United States. The propriety of this project is not in question.

For those of us who did not directly benefit from the greatest infrastructure development act this century, this is our last opportunity to prepare for the challenges of the next century.

Increased productivity, creation of jobs, enhanced safety, and better access to places are all directly related to a properly designed transportation policy that realistically addresses the needs of commerce and travel.

Mr. Chairman, H.R. 3566, moves us in the right direction. It is an energy-efficient, environmentally-conscious proposal that I hope is overwhelmingly adopted by this body.

Mr. HAMMERSCHMIDT. Mr. Chairman, I yield 1 minute to the gentleman from Michigan [Mr. HENRY].

Mr. HENRY. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I want to express my personal appreciation for the consideration that the chairman and the ranking member give to concerns in my own district. I do want to address this, because over and over again, here inside the beltway, the term "pork" gets thrown back and forth.

What struck me is that today in my office I received a letter from the U.S. Chamber of Commerce expressing concerns about the bill. Well, in going through my file on behalf of a project in my district that has been adopted by the State legislature with letters of support from the Governor and letters of support from the State highway administrator, lo and behold, what do I find? A letter under the umbrella of the past national chairman of the U.S. Chamber of Commerce supporting the effort, and likewise a letter on behalf of the second largest chamber in the State of Michigan supporting this effort.

Mr. Chairman, I point that out because it indicates that many of us back home understand what our States and communities need, and that each of these projects has indeed been screened to meet the criteria of public law.

Mr. Chairman, for that I simply want to say thank you to our chairman, the gentleman from New Jersey [Mr. ROE], and thank you to the ranking member, the gentleman from Arkansas [Mr. HAMMERSCHMIDT].

Mr. HAMMERSCHMIDT. Mr. Chairman, I yield such time as he may consume to the distinguished gentleman from Pennsylvania [Mr. SHUSTER], the ranking member of the subcommittee.

Mr. SHUSTER. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, during the course of the debate this afternoon, two speakers made two points that I think are very important that we focus on.

First of all, our Republican leader took the well and said that this was a jobs bill, the kind of a bill necessary to put America back to work. I hope particularly Members on our side of the aisle heard our distinguished leader when he made that impassioned plea.

Second, my good friend, the gentleman from Illinois [Mr. FAWELL], during the course of his remarks expressed his great concern about the projects in this bill, because there is already a very substantial general fund deficit.

Mr. Chairman, I would say to my good friend, the gentleman from Illinois [Mr. FAWELL], that he is certainly accurate that there is a very substantial general fund deficit. However, not one penny spent on these projects comes from the general fund. All of the money on these projects comes from the highway trust fund, a pay-as-you-go program, a program which is deficit-proof.

Therefore, all Members can feel very comfortable in supporting this bill for many reasons, one of which is this bill, the projects in particular, do not spend one penny out of the general fund. So I believe we can embrace this bill on both sides of the aisle, because it is good for America. In fact, Robert Auschauer, the distinguished conservative economist, has said in America today there is a third crisis. He has talked about the deficit we have with regard to the budget, he has talked about the deficit we have had with regard to our trade, and he has said there is a third deficit, and that is the infrastructure deficit. Unless we come to grips with spending money to build America, we are not going to be able to improve productivity in our country in the future, in the near future or the long future.

Mr. Chairman, for all those reasons I urge Members on both sides of the aisle to join with our Republican leadership and support this bill.

Mr. ROE. Mr. Chairman, I yield 30 seconds to the distinguished gentleman from Florida [Mr. PETERSON], a member of this committee.

Mr. PETERSON of Florida. Mr. Chairman, as the only member of the Florida delegation on the Public Works and Transportation Committee, I rise in strong support of this bill. It is an excellent, fair blueprint for developing and maintaining this Nation's surface transportation infrastructure.

This bill invests $151 billion in transportation over the next 6 years. It finally spends highway trust fund moneys directly for transportation projects. A major accomplishment.

Florida, and all donor States, are treated fairly in this bill. All committee members from donor States worked closely with the committee leadership to create a fair allocation formula resulting in a 90-percent guaranteed return allocation. I commend Chairman ROE, Mr. MINETA, Mr. HAMMERSCHMIDT, and Mr. SHUSTER for their work in our defense. Donor States under this bill receive a higher rate of return on their contributions to the highway trust fund than ever before.

Florida will be well served by this bill—we'll have funding to adequately address our infrastructure needs and our Department of Transportation has the flexibility to invest in those projects most important to our State.

This is a good bill. It is a transportation bill, a clean air bill, a jobs bill, an education bill, a research and development bill, and an energy and conservation bill.

It is a bill that is good for America.

Mr. ROE. Mr. Chairman, I yield 10 seconds to the distinguished gentleman from Arkansas [Mr. ALEXANDER].

Mr. ALEXANDER. Mr. Chairman, I rise in support of this bill. We are not through building America. The job of building Arkansas is not complete. This bill helps the builders of a better nation continue that task.

Mr. Chairman, I rise in strong support of this legislation which helps address the serious transportation problems this Nation faces.

We are not through with building America. The job of building Arkansas is not complete. This bill permits the builders of a better nation to continue this task.

For years, we have neglected our roads, bridges, and other infrastructure. That neglect has left us in a less advantageous position when compared to those against whom we compete in the world market—particularly Japan and Germany.

I would also observe that it is high time we begin to increase our investments here at home—and spend less overseas.

By not focusing on our domestic needs now, we only shove this problem onto the shoulders of our children and grandchildren.

In my district, funds from this bill will begin the long overdue process of replacing a bridge over the White River at DeValls Bluff.

It is a bridge which is in a dangerous state of disrepair.

The bill provides funds for the repair of other bridges.

Money is also included to continue construction of a four-lane, controlled access highway in Jonesboro—a project designed to make travel in that area safer. Three more overpasses are needed to complete the project.

And, Highway 412—which runs through Paragould and Walnut Ridge, Hardy, Cherokee Village, Imboden, and Salem in my district—has been designed in this legislation as a high-priority corridor on the National Highway System.

Upgrading this highway will meet the great need for improvements in east-to-west travel across the northern part of Arkansas which is badly needed for transportation and to give easier access for tourists seeking the beauty and bountiful recreation opportunities offered by the Ozarks. I remember as a child going to Hardy by train because the highways were so poor. In fact, the paved surface of U.S. 63 to Hardy ended at Hoxie. This bill will open up the Ozarks.

Mr. Chairman, this bill is not just about highways and bridges. It is also about economic development.

For example, the money which goes to Arkansas for the projects I mentioned could help the State free money to meet such needs as improving the highway serving a slackwater harbor now under construction south of Helena.

That harbor has the potential to create 30,000 jobs during the next decade or so.

The legislation will also provide $10 billion over the next 6 years to maintain and upgrade roads in our rural areas—which are used daily by thousands of my constituents.

Designation of these highways will be left to State and local officials, subject to the approval of the Transportation Department.

About 13 percent of the funds in the bill will be designated to improve rural roads—which is giving these areas the recognition they justly deserve.

This measure also authorizes $13.1 billion over 6 years to provide States with discretionary funding for any highway use or mass transit project capital project provided for under this bill.

For Arkansas, this comes at the right time. During its last session, the Arkansas Legislature passed the most ambitious highway program in the State's history.

In that plan, the State will, during tne next 12 to 14 years, upgrade 6,000 miles of highway and 600 bridges.

But, in order to meet these lofty goals, the State must depend on its traditional partnership with the Federal Government. Federal dollars are needed to do the job.

This bill will help Washington meet its responsibilities to Arkansas and other States.

Mr. Chairman, this bill is about more than concrete and steel. It is about creating new jobs and making my State and America more competitive.

Mr. ROE. Mr. Chairman, I ask unanimous consent that we have an additional 5 minutes for those Members who have waited here all day for the opportunity to speak.

Mr. WALKER. Mr. Chairman, I reserve the right to object.

The CHAIRMAN. The Chair would state that the rule adopted by the House sets the time. All time allocations for general debate must remain as originally designated. The Committee of the Whole cannot change that.

Mr. ROE. Mr. Chairman, I yield such time as he may consume to the gentleman from Pennsylvania [Mr. RITTER].

Mr. RITTER. Mr. Chairman, I rise in support of the bill.

Our Nation's motorists suffered 8 billion hours of delay on our highways in 1989, costing the economy $120 billion. It's obvious that we must begin to recapture that $120 billion for a more productive economy.

The Intermodal Surface Transportation Act is a bold initiative that will help us build a better America. Infrastructure investment is the means to improve productivity and improve the quality of life of all Americans.

Americans want their gas tax dollars put to work in America—and they want to see results.

We've heard a lot about priorities, lately. Well, the two top-priority highway projects in my region are Route 33 and Route 222.

I didn't choose these projects. They are a result of years of consensus building over road priorities in the Lehigh Valley. These are not dreamed up. They are what the folks back home have selected.

The Route 33 project consists of constructing a 3.5-mile extension that will connect Route 22 in Bethlehem to Interstate 78. This connection will complete the final leg of a 4-lane limited access highway north—to the Poconos—and south—to Philadelphia—linking Interstates 78 and 80, two major east-west interstates in Pennsylvania.

Basically, this north-south interconnection makes the east-west Route 22, I-78 and I-80 far more valuable to all of eastern Pennsylvania.

The economic benefits will be significant and far reaching. An economic impact study funded by non-Federal sources has shown that this project could lead to more than 20,000 new jobs by the year 2010, based on projected increases in the demand for industrial land such as that located along the Route 33 corridor.

This area of Pennsylvania has a vibrant and growing economy; however, without improved infrastructure, it will not sustain the present rate of growth. By linking the growing corridors of Route 22 and Interstate 78, the Route 33 extension will prevent Lehigh and Northampton Counties from being strangled by their own growth. I might add that if the project is not built, the study estimates a loss of more than 20,000 jobs, and an economic loss of nearly $300 million per year, including more than $10 million in local tax revenues that would not be realized.

The Pennsylvania Department of Transportation—PennDOT—and the Federal Highway Administration consider the completion of Route 33 a priority. The project is in the first 4 years of PennDOT's 12-year plan and the FHWA has agreed to budget money for the completion of Route 33 in its interstate cost estimate.

This road also affects many New Jersey citizens who work in the Lehigh Valley, as well as my constituents who work in New Jersey.

Another project in need of funding is Route 222, which follows the alignment of the Old Kings Highway—a road constructed in the 1750's and was designed for horse-drawn vehicles. By 1880, most of the existing intersections along U.S. 222 had been established. Up until the 1950's, the area was predominantly rural, so the roadway was sufficient to carry the limited automobile traffic.

In the last 40 years, the population of the townships along Route 222 has more than quadrupled. The population of Lower Macungie has increased 184 percent in the last 20 years, while the population of Upper Macungie has doubled in this time.

In addition to the residential growth, Upper Macungie Township has evolved into a regional industrial center containing 5 of the 10 major industrial employers within Lehigh County.

Route 222 is choking from massive traffic congestion. This is a project that the Lehigh Valley desperately needs.

The Intermodal Surface Transportation Act is an investment in America's future. We need to keep America strong by investing in America's infrastructure.

Mr. ROE. Mr. Chairman, I yield 30 seconds to the distinguished gentleman from Oregon [Mr. AUCOIN].

Mr. AUCOIN. Mr. Chairman, from the point of view of Oregon, this bill and the President's veto might be called the Tale of Two Visits, one by the Committee on Public Works of the House of Representatives, and one by the President of the United States. Both visits were to Portland, OR.

Mr. Chairman, when this committee visited my city, they heard how light rail plans in our city will create 17,000 jobs and how it will save Portland from traffic jams and smog and congestion.

In contrast, when the President visited Portland, OR, he came to a $1,000-a-plate breakfast. He did not talk to many real Oregonians about what our needs are, and he certainly did not ride light rail.

Now we are told that the President is threatening to veto this bill that will provide for Portland and many other cities the extension of light rail and make it a reality.

Mr. Chairman, today I urge Members to vote for a strong national transportation program. We can put transit in our national agenda, whether limousine lovers like John Sununu like it or not. Vote for this bill.

I want to thank the Public Work Committee for including a specific authorization of $515 million in section 3 transit funds for Portland's West Side light rail project. This provision demonstrates why H.R. 2950 can achieve national goals by supporting local action.

Portland MAX light rail system is a resounding success with a 96-percent public approval rating. MAX serves the eastern part of the region, where it carries a half a million riders per month; costs 30 percent less per passenger to operate than buses; and has influenced more than $1 billion in development along its route.

The West Side project will extend MAX from downtown into the western suburbs. Our citizens have made West Side their highest transportation priority because they want to keep Portland livable and prosperous in the face of rapid population growth, increased congestion, and potential air pollution problems. The people know that West Side will strengthen our economy, improve the quality of life, create 17,000 job-years of employment, protect the environment, save energy, reduce congestion, and encourage healthy patterns of development. That is why, in a year when Oregonians passed a property tax rollback, voters in the Portland metro region overwhelmingly passed a bond measure to raise local funds for West Side.

H.R 2950 authorizes Federal support for West Side because the Public Works Committee understands that national goals for a strong economy, clean air, energy conservation, and an efficient transportation system depend on effective, visionary local projects such as West Side.

I applaud the Public Works Committee for its foresight and recognition that transit is a vital part of the total transportation picture—in Portland and in metropolitan areas throughout the country.

With the help offered by this bill, and the continued involvement of a very supportive citizenry, Portland will continue to lead in planning for growth rather than reacting to growth. This bill is a commitment to a good Federal-State-local partnership that will carry out on a local level the policies needed to meet our Nation's goals.

West Side is one of many projects in this bill that will help our Nation clean up polluted air, reduce our dependence on imported oil, eliminate congestion, and provide needed jobs for thousands of Americans. These are national goals, but they cannot be achieved without careful coordination among all levels of government. One of the strengths of H.R. 2950 is that it recognizes the importance of greater intergovernmental cooperation to ensure that our national transportation system forms an integrated whole that contributes to the achievement of all these goals.

The Portland metro region population will grow by half a million in the next 20 years, adding more people than live in the city of Portland today. Traffic will increase by 46 percent, and the time that commuters spend in traffic jams will skyrocket by 490 percent.

Because Portland is tucked between the Coast Mountains and the Cascade Range, it has the potential to become an air pollution coffin where air is trapped over the metro region. MAX can help keep our air fit to breathe.

Mr. ROE. Mr. Chairman, I yield such time as he may consume to the gentleman from Virginia [Mr. BATEMAN].

Mr. BATEMAN. Mr. Chairman, I am pleased to rise today in favor of the Intermodal Surface Transportation Act of 1991. The Public Works Committee began hearings on this bill in early 1990 and has been working ever since to create a bill that completes the Interstate System, meet the many conflicting goals of Members and the American public, and prepares us for the next century.

I think they have done that.

Mr. ROE, Mr. MINETA, Mr. SHUSTER, and Mr. HAMMERSCHMIDT have all done yeomen's work in bringing this bill to the floor, and they should all be commended. I also want to thank L.F. PAYNE. Though he is only in his second term on the committee, he has done an excellent job of seeing that Virginia and other donor States were treated fairly under this new bill.

This bill narrows the differences between donor and so-called donee States, though not as much as some would have liked. This bill increases transit funding, though not as much as some would have liked. This bill includes Federal funding for specific projects that individual Members consider of vital importance, though not as much as some would like. That this bill does not do all the things that everyone would like it to do—but still provides some assistance to everyone—is proof that the bill is a success. The committee had to choose between more requests than it had the funds to grant and I believe it has made those choices in a wise and fair manner.

Of particular concern to some, are the special projects included in this bill. I cannot speak to all those projects, but I can speak to the one in my district which I believe is typical. This project—the much needed addition of two lanes to a bridge that is part of the National Highway System—is included in the Commonwealth of Virginia's 6-year highway plan which means the State highway board has approved it, and this project will not go forward without further State action. I would note that it is no small feat to gain inclusion in the 6-year plan. This is not a frivolous project which undermines the Commonwealth's authority. It is a State-approved project which needs special financial assistance to be completed. I am sure that this is representative of many of the special projects in the bill which are important not just to the Members who requested them, but to the constituents who are faced with unmet highway needs.

Again, this bill will go a long way toward establishing and maintaining the transportation infrastructure we will need to continue to be competitive into the 21st century, and I urge you all to support it.

Mr. ROE. Mr. Chairman, I yield such time as he may consume to the gentleman from Michigan [Mr. HENRY].

Mr. HENRY. Mr. Chairman, I rise in support of the legislation before us—particularly the research and development initiatives authorized under title VI.

This R&D title will not only help improve our Nation's infrastructure technologies, it can aid our domestic transportation manufacturing industries compete in the world marketplace. The Surface Transportation Act will authorize billions of dollars in spending. Our communities will be improving their rail systems and bus fleets. They will be repairing roadways and bridges. But, it is deplorable to think that our communities might have to continue to turn to Europe and Asia to purchase mass transit equipment and automobiles. We need look no further than our own doorstep for some glaring examples.

I am safe in stating that many of us in this room rode to work today in an Italian subway car. Perhaps some people here today are looking forward to soon leaving their German or Japanese cars at home, and commuting on the Virginia Rail Express. But, they'll be riding on a Japanese train assembled in Brazil.

Earlier this year, I introduced legislation that would expand the Department of Transportation's R&D authority to include basic automotive science. My proposal also called for DOT to establish a program that would coordinate the auto-related research being done outside of DOT, and to target basic technologies that might be utilized by our Nation's vehicle manufacturers. Title VI of H.R. 2950 incorporates some of this language.

Until now, DOT initiatives have focused solely on safety-related research and development. This new authorization will allow them to expand their research into next generation vehicle research. This should include areas such as advanced materials, advanced driver information systems, automated control systems, and advanced manufacturing technologies.

Mr. Chairman, I don't think anyone doubts that the automobile will continue to be a primary mode of transportation. Yet today we face serious doubt as to whether or not America will be the leader in producing these vehicles. I hope this Congress will continue to do more to ease these doubts, and I appreciate Chairman ROE's inclusion of language that will direct Federal R&D efforts toward vehicle technologies.

Mr. ROE. Mr. Chairman, I yield such time as he may consume to the gentleman from Virginia [Mr. MORAN].

Mr. MORAN. Mr. Chairman, today, I am pleased to rise in support of H.R. 2950, the Intermodal Surface Transportation Infrastructure Act of 1991. This bill is good for our country, good for the Commonwealth of Virginia, and good for northern Virginia.

The entire Nation benefits from this year's transportation bill—it creates real jobs for Americans hit by this lingering recession, it addresses a crumbling infrastructure, and it establishes the foundation for 21st century America. Unlike past highway bills, the funding of this bill is equitable and fair. Donor States like Virginia are no longer asked to bear the overwhelming burden of paying for our Nation's transportation system at the sacrifice of their own crumbling, inadequate transportation system.

This bill is good for Virginia in that its return on payments to the highway trust fund has been increased to 87.9 percent from a previous rate of 78.9 percent.

This bill is good for northern Virginia because we all know here in Congress that some of the worst traffic on the entire east coast can be found right here in the Virginia suburbs of Washington, DC, and this legislation will help these problems.

Included in this legislation is money for three significant projects in northern Virginia.

The Woodrow Wilson Bridge is in desperate need for rehabilitation. This bill will provide northern Virginia relief from the worst bottleneck on the Interstate System. Since the bridge's opening in 1961, traffic has grown dramatically. Today, over 165,000 vehicles travel over the Woodrow Wilson Bridge each day. By the 21st century, this vehicle load is expected to increase to over 200,000 vehicles per day. Without major overhaul the congestion at the Woodrow Wilson Bridge and on the Capitol Beltway will only grow worse, leaving both commuters and interstate commerce caught bumper to bumper in snarled traffic.

Interstate 395, the Shirley Highway, is a source of some of the worst commuter gridlock in our region. This legislation will offer relief to this corridor by extending the HOV lanes south to Occoquan, VA. Not only will this extension of the HOV lanes take traffic off the main highway, it will also alleviate the logjam caused by the HOV lanes merging into the Shirley Highway at the Springfield interchange.

Anyone who has been caught in traffic where I–95, I–395, and I–495 converge around rush hour knows that the title Springfield mixing bowl is appropriate for this commuting nightmare.

The Springfield mixing bowl is the one of the most dangerous interchanges in our region. Improvements to this area would alleviate the congestion on the beltway and Shirley Highway while laying the groundwork for future upgrades.

Mr. Chairman, I am encouraged by this legislation and appreciative of the leadership shown by Chairman ROE, subcommittee Chairman MINETA, and the members of the committee for introducing to our Nation bold initiatives that will go a long way in solving our infrastructure needs.

I strongly urge all Members to support this bill.

Mr. ROE. Mr. Chairman, I yield such time as he may consume to the gentleman from Pennsylvania [Mr. FOGLIETTA].

Mr. FOGLIETTA. Mr. Chairman, I rise today in support of the Surface Transportation Infrastructure Act.

It is a fair bill. It is a good bill. Chairman ROE and the members of the committee have done a good job in preparing us to travel into the 21st century.

Representing people of the city of Philadelphia, and as chairman of the congressional urban caucus, I was most concerned about aid to mass transit. Because of this legislation, mass transit will see the highest level of funding in nearly a decade. Also for the first time, individual States will have the flexibility to spend some of their highway funds on mass transit, if needed.

We must bear in mind that, as elected officials, we know the needs of our States, cities, and districts. And therefore it is totally appropriate that some of those needs are reflected here today.

Again, I compliment Chairman ROE and Chairman MINETA on a fine bill. I ask my colleagues to support this highway bill.

Mr. ROE. Mr. Chairman, I yield such time as he may consume to the gentleman from Illinois [Mr. COX].

Mr. COX of Illinois. Mr. Chairman, I rise today to express my support for the projects earmarked in H.R. 2950. These projects, which are barely 3 percent of the bill, play a significant role in providing this country with sound transportation infrastructure to carry us into the 21st century.

As elected Representatives, it is our responsibility to contribute to the addressing of the needs of the people of our districts. We are not always best served to allow bureaucrats at the local level to be the sole decisionmakers, or to allow for the selection of projects to be done at the State level where local politics often come into play. I commend the committee for having the foresight to put forth a bill that addresses the needs of all America, providing Federal guidance on over 400 specified projects, working to assist in creating a sound infrastructure for the future.

One such project is for an environmental impact study to expand U.S. Highway 20 to four lanes. This 47-mile stretch of highway winds through a section of northwest Illinois which is very hazardous to drive. From 1985 to 1990, 1,380 accidents occurred on this 47-mile segment, resulting in 16 deaths. The Illinois Department of Transportation provided these figures and has expressed the desire to begin work on the project, if funds are available. H.R. 2950 would make those funds available. This is a practical example of how the demonstration projects play a very useful and needed role in the development of our transportation network. In addition, this project will serve all of central Iowa, southwest Wisconsin, and all of northern Illinois.

I encourage members to support H.R. 2950, and express my total support of the demonstration projects in this bill.

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Mr. ROE. Mr. Chairman, I yield such time as he may consume to the gentleman from Kansas [Mr. SLATTERY].

Mr. SLATTERY. Mr. Chairman, I rise in support of this legislation.

Mr. ROE. Mr. Chairman, I yield 10 seconds to the gentleman from New Mexico [Mr. RICHARDSON].

Mr. RICHARDSON. Mr. Chairman, there are 3 reasons why we should support this bill:

It helps repair highways and bridges, which are falling apart; it creates jobs during this recessionary time; and it makes an investment in rebuilding America, not another foreign aid giveaway.

Mr. Chairman, I rise today to express my strong support for H.R. 2950 and to commend my distinguished colleagues on the Public Works and Transportation Committee for their hard work and dedication in bringing before us a comprehensive bill that provides much needed funding for our Nation's deteriorating infrastructure.

For the past 3½ decades, our Nation's transportation policy has focused on the completion of the Interstate Highway System. With this system nearly complete, it is now time to look toward the transportation needs of the future. A recent study released by the Department of Transportation outlines the deteriorating status of our current transportation systems, the critical need for improvement to address future demands and the overwhelming cost to bring our current infrastructure up to appropriate safety standards. H.R. 2950 meets these challenges with bold new initiatives, such as the proposed National Highway System, to confront future transportation needs, to provide resources for the improvement of our declining highways, roads and bridges and that take into consideration the individual needs of each State.

Mr. Chairman, we are a nation still reeling from the impact of a war and a recession. Local economies have suffered financial decline and instability and millions of Americans are out of work. H.R. 2950 provides critically needed resources to improve and expand our infrastructure, to promote economic development and growth and generate badly needed jobs for millions of Americans. This important legislation not only benefits our national economy but local economies as well. Another significant aspect of this legislation is that it provides States with the flexibility to transfer funds into highway and transit programs where high growth or structural deterioration create greater demands.

I am also delighted that the committee has included increased funding for our Nation's Indian reservation roads. This will have a monumental impact on over 20,000 miles of dilapidated Indian roads across the Nation. Most of these miles are located in isolated areas where there is little economic opportunity and high unemployment. 7,000 of these miles are in New Mexico. Few of these roads are paved and most are dirt. In order to improve the local economies of America's first Americans, it is essential that adequate road systems be constructed and maintained. For these reasons, I am grateful that funding has been provided for the continued construction of a road on the Jicarilla Indian Reservation in New Mexico where unemployment is as high as 30 percent. I am also pleased that funding has been provided to improve the hazardous road conditions between Raton and Clayton in New Mexico.

Mr. Chairman, H.R. 2950 provides funding to expand our transportation systems so they may accommodate future demands, to stabilize our infrastructure so that we all may travel on safe roads, highways and airways. I am proud to express my strong support for this historical legislation and I urge my colleagues to do the same.

The CHAIRMAN. We now move to that segment of the debate reserved for Members of the Committee on Ways and Means.

The gentleman from Illinois [Mr. ROSTENKOWSKI] will be recognized for 15 minutes, and the gentleman from Texas [Mr. ARCHER] will be recognized for 15 minutes.

The Chair recognizes the gentleman from Illinois [Mr. ROSTENKOWSKI].

Mr. ROSTENKOWSKI. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in strong support of H.R. 2950, the Intermodal Surface Transportation Assistance Act of 1991, including the Ways and Means financing title.

There is one simple reason why I urge passage of H.R. 2950: This bill is good for our country. It allows for much needed construction and repair of our Nation's roads and bridges, thus strengthening the transportation network that connects all Americans. It allows sufficient flexibility for State and local officials to decide the best use of much of the funding in order to meet the most urgent needs of their own locales. It funds infrastructure programs adequately over the next 6 years, but exhibits fiscal responsibility by spending only as fast as the funding allows.

I have made no secret of my support for an increase in the gas tax. I was in favor of the 5-cents-per-gallon increase in the earlier version of this legislation, and I worked hard to have that increase approved in the ways and means committee. I would prefer to see us enact a gas tax increase for infrastructure this year but, it seems, that is not to be.

Extending taxes already dedicated to the highway program is a responsible alternative that will ensure that the necessary funding is available for the improvements in our transportation system provided by H.R. 2950.

The Ways and Means Committee's Financing title, title VII of the bill, would extend the expiration date of current highway fuels taxes and allow for continued transfers into, and authority to spend out of, the highway trust fund. Title VII would also continue transfers from the highway fund to the aquatic resources trust fund and provide an antisequester safeguard mechanism to reduce 1992 obligations from the bill in the event that the official scoring of H.R. 2950 would otherwise create a pay-as-you-go sequester.

Currently, all highway trust fund taxes, as well as the taxes on motorboat and small engine fuels, are scheduled to expire on September 30, 1995. The financing title would extend these taxes through September 30, 1999, to fully fund the Public Works Committee's new 6-year authorization. The full amount of gross revenues from these existing trust fund taxes would continue to be deposited into the fund.

The 2½ cents deficit reduction tax on motor fuels, enacted last year, is also scheduled to expire on September 30, 1995. The deficit reduction tax is not extended in the Ways and Means Committee title.

The Ways and Means Committee also felt it necessary to include in title VII a provision, identical to the one in the Public Works Committee's titles, to safeguard entitlement programs against the possibility of a pay-as-you-go sequester. Since the highway bill will be enacted after the Transportation Appropriation bill, an increase in mandatory spending that would trigger a sequester could result without this safeguard.

The Ways and Means Committee feels strongly that in order to protect entitlement programs, like Medicare, from sequester, This failsafe provision must be included to prevent any unfunded increase in mandatory spending. This safeguard provision will provide an important protection for many entitlement programs, upon which millions of Americans depend.

Mr. Chairman, I urge that H.R. 2950, including the Ways and Means Committee financing title, be enacted because it is a good, responsible bill that will provide needed improvements in America's transportation system. My colleagues, I strongly urge your support for H.R. 2950 including its fiscally responsible financing provisions.

Mr. Chairman, I reserve the balance of my time.

Mr. ARCHER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, my colleagues are well aware by now that the Ways and Means financing title differs substantially from the version approved last July. And probably for many, the new financing package will be remembered for what it does not contain. The so-called nickel for America has been appropriately eliminated. The deficit reduction portion of last year's gas tax increase is permitted to expire after 1995 so that afterwards all highway-related excise taxes will once again be dedicated to the trust fund. These absences are welcomed improvements.

Nonetheless, the funeral for the nickel should not detract from the fact that the Ways and Means title proposes a 2½-cent gas tax increase through fiscal year 1999. Worse, it provides financing for a surface transportation bill which is still in the need of major repairs.

It was only last August that the House rejected bringing to the floor a $153.5 billion highway and mass transit bill. Today, we are considering a reworked bill that spends nearly as much, but over 6 years rather than 5 years as originally proposed. By spreading out the costs into later years the public works bill will require still another 2-cent gas increase beyond what's in this bill even before the concrete sets on this program.

For those who are working under the impression that this bill is a leaner cut, take another look. This bill did not go on a diet. The bill merely postpones the weigh-in for 1 year.

Furthermore, Members should be aware that the bill hauls some hazardous cargo. Based upon the DOT analysis, the number of so-called demonstration projects were not reduced. They were increased from 455 projects to 489.

This preoccupation with special projects leaves only pocket change for the roads which carry the most transportation. Consequently, I question whether H.R. 2950, despite its excessive spending levels, will reduce the cost all Americans pay to move goods on our Nation's highways.

Let me also caution Members who think this legislation focuses primarily on highways, roads, and bridges. A closer examination will reveal that the bill allows 59 percent of the total spending of these highway taxes to be directed toward mass transit subsidies and projects.

The administration opposes the new substitute proposed by the Public Works Committee and the financing package approved by the Ways and Means Committee. And, in my opinion, Transportation Secretary Skinner is standing on firm ground.

The spending levels are so generous that the Public Works bill resorts to directed scorekeeping. Simply stated, directed scorekeeping requires this package to use CBO cost estimates to overcome budget objections which may be heard in this Chamber.

This was done with full knowledge that the 1990 Budget Enforcement Act empowers the Office of Management and Budget to make the final determination of whether legislation complies with the terms of the budget accord.

Finally, only 1 year ago, Congress agreed that the 5-cent gasoline tax would be temporary. It is incredible to me that now, the House is being asked to extend half the tax increase 4 years before its scheduled expiration.

Excessive spending and tax increases are not critical components of a viable and effective surface transportation policy. The administration's 5-year plan is illustrative of this claim. It provides for a 39-percent increase in highway programs and includes a 25-percent expansion in transit capital investments. Yet, these increases are accomplished without any increase in gasoline taxes. Those taxes are allowed to fall to 9 cents per gallon under that plan.

Unfortunately, House Members will not have an opportunity to vote on the administration's bill. We are also precluded from removing the gas tax increase proposed in the Ways and Means financing title. Therefore, my only alternative is to oppose the legislation before us today. The substitute may be an improvement over its earlier version. But it is still built upon regressive tax increases. Moreover, it paves a one-way road for yet higher taxes into the next century.

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Mr. Chairman, I reserve the balance of my time.

Mr. ROSTENKOWSKI. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would like to engage the distinguished chairman of the Committee on Public Works, the gentleman from New Jersey [Mr. ROE] in a colloquy.

Mr. ROE. Mr. Chairman, if the gentleman will yield, I would be happy to join the distinguished chairman of the Ways and Means Committee in a colloquy.

Mr. ROSTENKOWSKI. I thank the gentleman. Mr. Chairman, it is my understanding that under the 1990 Budget Enforcement Act, if increases in mandatory spending are not fully offset, year by year, with increases in revenues or decreases in other mandatory spending programs, then a sequester—across-the-board cuts in mandatory spending programs, like Medicare—is ultimately required.

It is also my understanding that under the 1990 act, the administration's Office of Management and Budget controls the official estimates for purposes of determining whether a sequester must occur. Is that also the gentleman's understanding?

Mr. ROE. The gentleman is correct. It is my understanding that under the 1990 budget agreement OMB is the final determiner of sequestration.

Mr. ROSTENKOWSKI. With respect to H.R. 2950, I understand that there are discrepancies between the Congressional Budget Office's estimate of the budget effects and that of the Office of Management and Budget. Is that correct?

Mr. ROE. The gentleman is correct. The difference lies with the estimates of obligations associated with the minimum allocation program.

Mr. ROSTENKOWSKI. Specifically, I understand that the OMB has indicated that it would score H.R. 2950, as brought to the floor of the House of Representatives today, with increases in mandatory spending, were it not for the antisequester provisions contained in the bill. As I understand the bill before us today, it contains neither increased revenues nor reduced mandatory spending in other programs. Therefore, H.R. 2950, as estimated by OMB, would constitute a direct threat of a pay-as-you-go sequester in each of 4 fiscal years, but for the antisequester safeguards. Am I right, on this point, Mr. Chairman?

Mr. ROE. The gentleman is correct. Although the OMB estimate is not yet final and official, it is my understanding that OMB expects to score increases in mandatory spending, but for the failsafe provisions. The gentleman is also correct that the bill contains no offsets.

Mr. ROSTENKOWSKI. However, under present law, it is the OMB estimates that would eventually trigger a sequester, after the bill is enacted. Therefore, at the time of enactment, the bill must satisfy OMB's scoring if we wish to avoid a sequester of entitlement programs, correct?

Mr. ROE. Again, under the budget agreement, my understanding is that the gentleman is correct.

Mr. ROSTENKOWSKI. I am sure you join me in both my desire and full commitment to avoid across-the-board sequester cuts in other entitlement programs.

Mr. ROE. I am deeply committed in the transportation bill to avoiding sequester cuts in mandatory spending programs, and the Public Works Committee has worked hard to avoid such cuts.

Mr. ROSTENKOWSKI. I commend and appreciate your committee's efforts. Nevertheless, the threat of a sequester remains, according to OMB.

Consequently, Mr. Chairman, do you anticipate that H.R. 2950, as finally enacted, will cause a sequester of entitlement programs?

Mr. ROE. I join the chairman of the Committee on Ways and Means in full commitment to avoiding across-the-board cuts in mandatory entitlements. To that end, I will work with the gentleman to ensure that the conference agreement of the surface transportation authorization bill will not result in a sequester of entitlement programs.

Mr. ROSTENKOWSKI. I am grateful for that and will rely on your assurances in this regard. Thank you, Mr. Chairman, for joining me in this colloquy on this very important subject.

Mr. ROE. Mr. Chairman, I thank the gentleman.

Mr. ARCHER. Mr. Chairman, I yield 2 minutes to the gentleman from Illinois [Mr. CRANE], a respected member of the Committee on Ways and Means.

Mr. CRANE. Mr. Chairman, I thank my distinguished minority leader for yielding time to me. I think his remarks were eloquent, concise and to the point on the issue.

Mr. Chairman, I rise in opposition to the bill we have under consideration today, H.R. 2950, the Surface Transportation Infrastructure Act of 1991. Although I have concerns with the bill as a whole, let me first address the financing portion of the bill which the Ways and Means Committee was charged to consider.

Many of my colleagues here today will argue, and I certainly agree, that the financing mechanism in today's legislation is improved over the July version. Indeed, in July, the Ways and Means Committee narrowly approved a 5-cent-per-gallon tax increase, an increase referred to in patriotic terms as a "nickel for America." That proposal has wisely been eliminated from the bill and to that extent today's bill is an improvement. However, in its place we now have what could be referred to as a "half-a-nickel for America." The Ways and Means Committee approved an extension of half of last year's gas tax increase for 4 years beyond the intended life of that tax. In the bill before us today it is my view, as well as the view of the distinguished ranking Member on the Ways and Means Committee who just spoke, that the new financing provision in this bill is still flawed. The bottom line is that we do not need to be increasing the gas tax beyond the rate written into present law. Indeed, if we really want to give a half-a-nickel to America we should just let the American taxpayers keep it themselves.

I should not have to recite for the benefit of this body the fact that an excise tax is an extremely regressive form of taxation. Indeed, nearly 78 percent of Americans earning less than $10,000 per year commute to work in cars. For all the talk about tax fairness around here, you would think that the Members of this body would want to think twice before they raise the gas tax on working Americans in order to enjoy the political benefit of placing demonstration projects in their respective districts. How can the American public take seriously any Member of this body who votes for this bill with its irresponsible spending levels and its extension of the gas tax and then has the gall to talk about tax fairness? Who can fault the American public when they conclude that there is apparently no end to the hypocrisy of politicians.

Finally, I would like to make sure that Members realize that this bill is not exactly the slimmed down version that many of its proponents would have you believe. In fact, this bill reminds me of the sad reality of many of the latest diets you see advertised on TV. You may lose a few pounds in the beginning—but in the end you gain it all back and then some. This bill simply stretches out the life of these projects. This reworked bill spends nearly as much as the last bill, but over 6 years instead of 5. Indeed, when the Ways and Means Committee last considered the bill we discovered that in fact upon analysis the Department of Transportation concluded that the number of so-called demonstration projects, was not reduced—no, in fact, the number of projects was actually increased from 455 to 489. Moreover, no member of this body can seriously doubt that in order to finish many of the projects started under this bill, we will be asked to go to the well one more time to pay for these projects through increased taxes down the road.

This bill can be pared down and a testament to that fact is the administration's proposal which increases highway funding 39 percent over 5 years and permits gasoline excise taxes to fall to 9 cents a gallon after fiscal year 1995—as last year's infamous budget agreement intended for them to do.

Mr. Chairman, we can do much better than this bill and I therefore urge my colleagues to oppose H.R. 2950.

Mr. ROSTENKOWSKI. Mr. Chairman, I yield 1 minute to the gentleman from Florida [Mr. GIBBONS].

Mr. GIBBONS. Mr. Chairman, I would like to engage in a colloquy with the gentleman from New Jersey [Mr. ROE].

Mr. Chairman, I was very pleased to learn that the legislation before us continues to set aside discretionary funds for 4R projects on the Interstate System, as a drawdown from National Highway System funds. As the gentleman and I have discussed in the past, I-4 in Hillsborough County, FL, is in dire need of additional funding to widen the route and make safety improvements to it. Is it the understanding of the chairman that I-4 is precisely the type of project that ought to receive funding by the Secretary from the discretionary I-4R program and so should be given priority consideration?

Mr. ROE. Mr. Chairman, if the gentleman will yield, the gentleman from Florida is correct. I-4 in Hillsborough County is precisely the type of project which should be funded under this program, assuming that the State of Florida meets the statutory requirements defined by this legislation.

Mr. GIBBONS. Mr. Chairman, I thank the gentleman for articulating his intent, and most especially for his outstanding and persistent efforts in helping to craft this legislation.

Mr. ROSTENKOWSKI. Mr. Chairman, I yield 1 minute to the gentleman from Indiana [Mr. MCCLOSKEY].

Mr. MCCLOSKEY. Mr. Chairman, unanticipated, but very much appreciated, I really appreciate the chairman yielding time to me. I want to commend Chairman ROE and also Chairman MINETA for their leadership in shaping this program.

Mr. Chairman, I rise in strong support of H.R. 2950. This bill is vital to the improvement and expansion of our National Highway System, and any hopes for national economic recovery. Nowhere is this more true than southwestern Indiana where an entire region is deprived of significant north-south access.

You don't have to be the proverbial rocket scientist to see there is a major hole in the regional transportation grid in Indiana. Evansville, the third largest city in Indiana with a metropolitan population of 279,000, is artificially isolated from Indianapolis, the State capital. Much of southwestern Indiana is underdeveloped economically because of this and other road problems.

I strongly commend Chairman ROE and Chairman MINETA for their leadership in recommending an extension of I-69 from Indianapolis to Evansville as a high-priority corridor. The prestigious Hudson Institute, has concluded:

> It should be clear from even the most cursory study of maps of the existing system that the Marion-Vanderburgh link is the most obvious gap in terms of creating a highway network that contributes to the full economic and social integration of the state.

The administration of Gov. Evan Bayh has already programmed some $235 million for construction of the northern leg of this highway. The road ultimately could be part of an interstate quality corridor extending from Detroit to Houston.

I also would like to thank and commend Congressman LEE HAMILTON for his strong leadership in advocating this project. Another key leader has been Congressman PETE VISCLOSKY, recently a member of the Public Works and Transportation Committee and now beginning a long and distinguished career on the Appropriations Committee.

Vote yes on H.R. 2950.

Mr. ARCHER. Mr. Chairman, I yield 3 minutes to the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I would like to come back to a topic that I began to discuss a little while ago and could not get much of an answer on.

On page 206 and 207 of the bill there is a project which is allocated to Passaic and Bergen Counties in New Jersey. As a part of that provision there is language in the bill, and I want to quote the language. It says:

> In so doing, the Governor is authorized to waive any and all Federal requirements, the waiver of which the Governor determines to be in the public interest.

My colleague from Pennsylvania a little while ago told the House that there was a public interest exception. Yes. Only that which is determined by the Governor.

Let me tell Members what this provision means. If the Governor has some friend who contributed $50,000 to his gubernatorial campaign, he can in fact under this provision waive all of the Federal contracting requirements and give the project to that individual, because any and all Federal requirements are waived.

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The reality of what is going on here is that is a very environmentally sensitive area. There is an environmental impact statement due in the spring of 1992. Until then, this project cannot move. The waiver, if the waiver is adopted here, will allow the project to begin buying property without waiting for that statement, and the interesting thing is the bill does not say whether or not to waive the requirement to wait for the impact statement before moving. It simply says, "We waive everything."

So what can happen here is not only can the impact statement be waived, but also the requirements that might come under such an impact statement can be waved. It can also waive the whole entire impact statement itself.

Now, this is precisely the opposite of everything we have attempted to do over the years in terms of assuring that Federal law is met, and so in this particular case what we are doing is exempting us from provisions, exempting one project from provisions, that would otherwise be mandates of Federal law including things like civil rights activities.

Now, it is interesting that when H.R. 2950, the original version of this bill, came forward, the only thing that was waived was United States Code title 23 which are the highway sections of the bill. The blanket waiver did not exist in the original version of the bill, and all of a sudden in this version of the bill we get this blanket waiver that covers virtually everything including civil rights laws, OSHA law, you name it, it is covered under this blanket waiver.

The question is: Why? Well, the only answer to that question has to be that there are all kinds of problems here that we have to have a total waiver of Federal law for. I think it is something that we ought to be very careful of, and I find it disappointing that it found its way into the bill.

I also found another provision of a similar nature on up in the section that deals with Molly Ann's Brook in New Jersey, and here what we are going to do is waive the State from having to pay anything for it, because any non-Federal share of the cost of the flood-control project is now going to be transferred over to the highway fund, and if the Secretary does not have enough money there, he has got to figure out where to get the money to pay for it.

This is outrageous, and we ought not be doing it.

Mr. ROSTENKOWSKI. Mr. Chairman, I yield 2 minutes to the gentleman from Texas [Mr. PICKLE].

Mr. PICKLE. Mr. Chairman, I think this House was concerned and embarrassed in August when we did not pass our highway bill because of differences in the committee, particularly in the parliamentary sense. Those differences have now been settled by the leadership of the two committees, and we ought to move forward on this bill.

There are not but two concerns about it. One, some people would say there is pork in this bill. That is a matter of judgment.

In my own district, I have a project or two that are listed, and it is not pork. It is for highway safety with respect to the interstate, IH-35, the main artery from Mexico to San Antonio, to Austin and Dallas. It is a safety question.

We must have this kind of study. The same is true for replacing a 50-year-old bridge that goes over a dam. These are not pork. These are vitally important improvements for our infrastructure.

The main thing I wanted to comment, though, is the colloquy I wanted to engage the gentleman from New Jersey [Mr. ROE] in.

In this regard, when the gentleman's committee came before Ways and Means, the question was one of budget and would we possibly enter into a sequestration. It was clearly stated by the gentleman's committee to our committee that in the event if later we found that there would not be sufficient funding that your committee, even though you shaved 20 percent of these projects now, your committee would then either cancel projects or would come back to the House and ask for any kind of correction.

That is your intent? Am I stating your situation correctly?

Mr. ROE. Mr. Chairman, will the gentleman yield?

Mr. PICKLE. I am happy to yield to the gentleman from New Jersey.

Mr. ROE. The gentleman is stating it absolutely correctly.

Mr. PICKLE. Well then, Mr. Chairman, it seems to me like these projects are needed. There is a clear intent between the two committees that these projects must be funded, stay within the budget, and we must go forward then and pass this bill.

Mr. Chairman, I rise today in support of the Surface Transportation Infrastructure Act. This legislation makes much needed progress on increasing the fairness of the allocation of Federal highways moneys based upon each State's contributions to the highway trust fund, enhancing the role of State and local authorities in the transportation planning process, and providing increased flexibility to States in spending these funds.

Some Members have attacked this legislation as a pork barrel bill. I want to talk about those charges, particularly as they relate to my State, Texas. It has been argued that many of these projects are not needed, and in fact, not even wanted by State and local planning authorities. Let me quote from a letter from the Texas Department of Transportation stating: "All of the remaining Texas transportation projects are included in the Texas Transportation Commission's statewide plan." My State is for this bill.

There are projects in this bill which will help my district, and I am not bashful about pointing them out. There is funding for: First, a study on the effect on traffic patterns of the closing of Bergstrom Air Force Base; second, engineering and right-of-way acquisition of an alternate route for the heavily congested IH–35; and third, construction for a new bridge in place of a dangerous two-lane 50-year-old road which presently runs across a dam, and places a dangerous strain on the dam.

Some Members will say that these are fine projects, but the city of State should pay for them. Let me make two points about that. First, the people already pay for them through the highway trust fund. People pay gasoline taxes for well-maintained roads and this bill pays for itself out of the trust fund without additional taxes. Second, I remind Members how much our economy depends on a sound transportation infrastructure. In my State, IH–35 is a major conduit of goods from Mexico into this country—San Antonio-Austin-Dallas-Fort Worth—and that role will grow with a North American Free Trade Agreement. Our economy and our transportation system are interstate in nature. The Federal Government has a vital role in maintaining and improving that system.

Some Members complain that we don't do enough for economic growth. This bill does just that—by improving our economic productivity and by providing jobs, up to a million per year, in the midst of a recession. I urge passage of the bill.

Mr. ARCHER. Mr. Chairman, I yield 2½ minutes to the gentleman from Indiana [Mr. BURTON].

Mr. BURTON of Indiana. Mr. Chairman, let me just say that after listening to all of this debate today, even I am almost convinced there is no pork in this bill, but that is almost, not entirely.

Because I know better. The fact of the matter is the administration proposed a 39-percent increase over the next 5 years for highway construction. That is 8 percent a year, well above the rate for inflation, but there is more that needs to be done. We need to do a lot for the infrastructure of this country.

There are 460, count them, 460 special projects in this bill, and those special projects initially are going to cost $3.8 billion, but long term in the out years they are going to cost $23 billion more, and the 20 priority corridors are going to cost $1.2 billion initially, and long term they are going to cost $50 billion. So this is just the tip of the iceberg.

The administration opposes it for that reason. They also oppose it because the 2½-cent gas tax was supposed to end in 1995, but you are going to extend it to 1999. That is a 2½-cent gas tax increase on the backs of the American people for the next 4 years after 1995. There is another reason why we should not have it.

In addition to that, this bill authorizes $13.7 billion, not out of the highway trust fund, but $13.7 billion in mass transit funding from the general fund. Now, people have said today all along that this only came out of the highway trust fund; it will not have any impact on the deficit. If this is not going to have an impact on the deficit, what is—$13.7 billion out of the general fund?

We have got a $400 billion deficit staring us in the face this year. We have a $4 trillion national debt; 10 years ago it was only $1 trillion. It took us 200 years to get there, folks. Now, we are at $4 trillion, and 10 years later, yet these pork-barrel projects, they keep saying, are absolutely essential.

We need to take care of the infrastructure of this country. But this back-patting we have been doing all day long, congratulating each other on how great this bill is, is for the birds. The fact-of-the-matter is we do need to take care of the infrastructure, but we need to prioritize spending.

There is a lot of pork in this bill, and the American people and the future generations of this country are going to pay through the nose, because we are wasting the taxpayers' dollars.

Mr. ROSTENKOWSKI. Mr. Chairman, I yield 2 minutes to the gentleman from Kansas [Mr. SLATTERY].

Mr. SLATTERY. Mr. Chairman, I rise in support of the Surface Transportation Infrastructure Act.

By investing in our Nation's infrastructure, we create desperately needed jobs today and economic opportunity tomorrow.

This bill is good for America. It will create hundreds of thousands of real jobs that will put thousands of American families back on their feet. It will increase highway construction funding by 40 percent. It will guarantee each State at least 90 percent return of the money their citizens invest. It creates new, more equitable funding formulas. It gives States more flexibility to use transportation funds to meet their specific needs.

Those needs, after all, are much different in rural and urban areas.

This bill fully complies with the requirements of the Clean Air Act. This bill will help us build a better America for our children and grandchildren. It is an investment in America, and an investment that pays immediate dividends in the form of new jobs, and one that will pay long-term dividends to the future generations of America.

The citizens of this country want to see their tax dollars put to work at home. They want to see tangible evidence of their investment.

This bill, by providing dollars to build much needed new highways and repair crumbling roads and bridges, will provide that evidence.

Mr. Chairman, we keep America strong by investing in its infrastructure, its educational system, and its people.

I urge my colleagues to seize this opportunity to invest in America and its workers by supporting this legislation.

Mr. ARCHER. Mr. Chairman, I yield 1 minute to the gentleman from Wyoming [Mr. THOMAS].

Mr. THOMAS of Wyoming. Mr. Chairman, today we are finally considering the transportation reauthorization bill, which if we do it right, a number of already existing jobs will continue and it will help to create some more.

The system of roadways is very important to the State of Wyoming. The population in my State is thinly spread along great distances. Transportation services are very limited in comparison to many other States. Commercial airline service is very limited and Amtrak just recently returned to the State, but only to service the southern portion.

This is how important the roads are: 61 percent of Wyoming communities are served only by highway transportation; 95 percent of Wyoming's freight moves into the State on the highway; 50 percent of Wyoming's outbound freight—in tons—also moves on the highway; and 100 percent of products—equipment, diesel fuel, and explosives—used in the coal and trona mines are brought by highways. Wyoming's role as the Nation's No. 1 coal producer is beneficial to much of the Nation.

As you can see, unlike the other areas in America, our problem is not congestion, but getting people to where they want to go and products from their sources to the industries that can use them. Wyoming consumers and businesses, like other rural, Western States, need efficient modes of transportation. So H.R. 2950—the Intermodal Surface Transportation Infrastructure Act of 1991 is a very important piece of legislation.

My opposition to this bill stems from five basic concerns.

I am bothered by the fuel tax extension, the fat—or pork—the funding formula, the lack of flexibility in the bill, as well as the future we are developing for our transportation programs.

First, extending the temporary fuel tax, which I voted against the first time, concerns me because of what it is being used for.

The original bill to come out of the Public Works and Transportation Committee contained a so-called Nickel for America. We all know what happened to that gamble. The bill before us now will extend the 2½-cent fuel tax until 1999. Many argue this extension is needed to raise funds. Unfortunately, the fuel tax extension funds nothing but the fat of this bill, the 472 demonstration pork barrel projects the committee saw fit to include. Of the roughly $4 billion this bill gives to demonstration projects, one-quarter of this money goes to four States.

Second, I am concern by the funding formula and its treatment of rural States.

The new funding formula developed by the committee is a bad deal for rural States. I realize that congestion is a problem in urban areas, and we need to address that issue; however, this new formula that gives double credit for urban lane miles and urban vehicle miles traveled discriminates against rural States. In Wyoming, we have 900 miles of interstate highways, with just over 400,000 people to support those roads. We face some unique problems that folks from urban areas have trouble comprehending, but our roads need to be maintained just as much as the urban highways do. The House bill does not recognize the validity of rural roads.

Third, I am concerned about the lack of flexibility in the bill in comparision to the other bodies' proposal.

As I have said, rural areas face some unique transportation problems. The same can obviously be said for urban areas. I was hopeful that the bill to come out of the House would address these differences by giving more flexibility to the States. Unfortunately, this is not the case—consider the inflexibility of the demonstration projects. The House proposal fails to recognize that individual States are best suited to determine their transportation needs.

Fourth, the direction into the future that this bill steers the Nation.

I am troubled by what this bill says about the future of our transportation system. We are telling the States that Washington, DC, knows what is best for them, we are taking away flexibility, and we are perpetuating pork barrel politics.

In conclusion, Mr. Chairman, it is time to set some serious national priorities. I think the current structure of raising revenue and the dollars on hand is sufficient. We certainly do not need new taxes, especially when they are going to fund projects without priority in the national highway system. I have the strong notion we should be concerned with the care and maintenance of our highway transportation system, now that it is almost complete. We need a highway bill, but we need a fair and equitable bill. That is the responsibility of this House. Once again, I am afraid we have skirted that responsibility.

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Mr. ROSTENKOWSKI. Mr. Chairman, I yield 1 minute to the gentleman from Washington [Mr. McDERMOTT].

Mr. McDERMOTT. Mr. Chairman, I rise to engage the chairman in a colloquy. The $5 million authorized in this bill for the Puget Sound core rapid transit project is crucial for planning a mass transit system in Seattle. Puget Sound residents will vote next year on a comprehensive response to what is now the fourth worst congestion problem in the Nation.

I would like to ask about the committee's intent toward adjusting the funding needs for the Puget Sound core transit project over the life of the bill, as transit needs for the Puget Sound become more fully defined.

Mr. ROE. Mr. Chairman, if the gentleman will yield, let me assure my colleague that it is my intent and that of the committee's to work with the Puget Sound region to secure the necessary Federal support to address the region's traffic congestion and clean air problems. As the gentleman knows, we on the committee want to keep projects on schedule by addressing their financial needs in a timely manner. I look forward to working with you in this effort.

Mr. ARCHER. Mr. Chairman, I yield the balance of our time to the gentleman from Texas [Mr. DELAY].

Mr. DELAY. Mr. Chairman, I have been listening to all this debate and I have heard very few if any Members extolling the virtues of this bill because of all the money going to mass transit. Most Members have come down here talking about what a great highway bill this is, of all the highway projects that are in this bill.

You Members that want all this highway money ought to be incensed that mass transit is doubled, almost doubled, and then another $77 billion is made available which could increase mass transit money by 367 percent, yet highway money is only increased by 27 percent. You are taking money out of your highways that you and I want and moving the whole policy of transportation in this Nation away from highways into mass transit. That should incense you. Money for mass transit is doubled. The only increase for highways is 27 percent.

Mr. Chairman, I believe we had better think long and hard about that, especially understanding the fact that you are raising taxes, make no mistake about it.

Mr. JOHNSON of South Dakota. Mr. Chairman, I rise in support of the pending Surface Transportation Infrastructure Act because I believe that it is absolutely imperative that the House concludes its debate on this highway bill and allows the serious work of the conference committee to begin. While this bill does contain some very positive provisions, it is very clear that the Senate version of the highway bill is on the whole, far preferable for my home State of South Dakota.

The option before us today, however, is not between the House bill and the Senate bill, but rather, whether debate on highway funding should go forward or whether it should languish in committee for additional weeks. We are already 3 weeks into this fiscal year, and further delay of highway funding legislation is not acceptable. Further delay could jeopardize a construction season in our northern States, and it is essential that we move along this imperfect, but necessary legislation today.

I recognize that the House, because it is apportioned strictly on the basis of population, will always be urban-oriented, and that the Senate, where small States have the same number of votes as large States will always be more rural-oriented. Nonetheless, I am disappointed that the House bill's funding formula would result in South Dakota receiving approximately $146 million less than it would under the Senate formula. I appreciate that my State would receive back far more than it pays into the Federal highway trust fund regardless of which formula passes. Nonetheless, States with a great number of miles of roads but few people require a favorable funding formula if we are to preserve a truly national system of transportation.

I will be supporting a conference committee which preserves authorization for the Heartland Expressway, and the Missouri River bridges, but which also provides a more favorable highway funding formula and rural States such as South Dakota.

Mr. NUSSLE. Mr. Chairman, I rise today in support of H.R. 3566, the Intermodal Surface Transportation Act of 1991. I am also pleased to see the House of Representatives taking swift action on this compromise bill in order to get a highway reauthorization bill signed into law by the President. This highway bill is important for our Nation and the State of Iowa in particular.

First, H.R. 3566 contains several projects that are very important to Iowa and are of national significance as well. The Avenue of the Saints, U.S. 63, and U.S. 20 all stand to gain when this bill is signed into law. I am a strong supporter of all three projects and I am pleased to see their advancement.

Second, this compromise bill does not contain the highly controversial 5-cent increase in the Federal gasoline tax as did the previous version of the House highway bill. In fact, it was this gas tax increase which delayed consideration of any highway legislation until after the current authorization had expired. H.R. 3566 confirmed what I knew all along—that we could significantly increase our investment in the Nation's infrastructure without a new tax increase.

Finally, it is critical that the House begin negotiations with the Senate on the highway bill so State departments of transportation can begin much needed highway projects as soon as possible.

Mr. HOUGHTON. Mr. Chairman, this is an exciting opportunity for the Congress and the Nation. Since 1956, we have concentrated on building the Interstate Highway System. The system is nearly done. So it's time to fill in the gaps, remaining, improve access to areas left out of the Interstate System.

One such area is in my district. The project is referred to as the Chautauqua County rural access project. What it should be called is Chautauqua County life savings and economic development project. The section of the road targeted for funding in the bill is a 19-mile stretch of two-lane highway on the Southern Tier Expressway. It is one of two undone sections of the 250-mile expressway, and by far the most dangerous.

Some statistics—since 1985, there have been 13 fatalities and 137 injuries on this section of the road. Contrast this with one fatality on a similar 19-mile, four-lane stretch on the same highway. Even the Chautauqua County sheriff said to me recently that he personally had been involved in two near misses. Both involved the other driver's misperception of the road as an expressway. Ironically, one near miss occurred as the sheriff returned from investigating a fatal accident.

Next, economic development—Chautauqua County is the eighth largest nonmetropolitan country in the United States. And not incidentially, it is the largest metropolitan center unserved by a four-lane highway. Now this has been a project long promised. I won't bore you with the embarrassing details. Cummins Engine, for example, was told, when the company first investigated the site for their plant in 1975, that Route 17 would be soon converted to a four-lane highway. They still wait. That's a broken promise, bad enough in itself, but the sad counterpart is that in a district which has lost people in every county during the last 2 years, other companies have decided not to locate in Chautauqua County because of poor highway accessibility.

In sum, Mr. Chairman, this bill has my strong support. It helps the Nation and the 34th District of New York. I am pleased to back its passage.

Mrs. ROUKEMA. Mr. Chairman, I rise today in support of H.R. 2950, the Intermodal Surface Transportation Act of 1991. I would first congratulate the excellent efforts of the Public Works and Transportation Committee, and single out especially the leadership of Chairman ROE, ranking minority member HAMMERSCHMIDT, Surface Transportation Subcommittee Chairman MINETA, and Surface Transportation ranking minority member CLINGER for bringing before the House a comprehensive transportation strategy which will lead this Nation into the 21st century.

While we have all come to know H.R. 2950 as the highway bill, it is indeed much more than mere moneys to build or repair roads. As presented to the House, H.R. 2950 is a blueprint for action in building, maintaining, and coordinating all activity of the infrastructure—

highways, mass transit, railways, bridges, and safety programs. As the Nation faces the challenges of an aging infrastructure, an increasingly competitive global economy, and our commitment to the environment demonstrated in the Clean Air Act, H.R. 2950 serves well America's collective goals and needs.

Among the most ambitious elements of this bill's agenda, H.R. 2950 renews and expands our commitment to maintaining our Nation's highways, as we near completion of the Interstate System, targeting $119 billion to thousands of miles of highways, byways, tunnels, and bridges. Truly, my colleagues, we can afford no less at this critical juncture. It is a tragic state of affairs when the Federal Highway Administration must tell us that 40 percent of all interstate pavement is rated fair or poor in condition. It is time to act.

This is one of the many reasons I rise to support H.R. 2950. I am pleased to see that under this legislation, more than 155,000 miles of roadway will be properly designated as national highway, and receive the increased funding such vital, principal corridors merit. Likewise, both urban and rural arteries are recognized for the critical role they play in moving people, goods, and services.

The highways and bridges of New Jersey will see a long overdue infusion of moneys to increase safety, efficiency, and capacity. More than $200 million are allocated to address these needs—completing construction of highways across northern New Jersey counties, increasing access to these roads, and ensuring that the bridges and interchanges of the region will be made safe and efficient. I am pleased to see, at long last, that $5 million will be spent on improvement of the interchange of Routes 4 and 17 in Paramus, NJ, a treacherous interchange in the heart of one of my district's busiest commercial centers. This project is but one of the outstanding efforts for infrastructure improvement contained within H.R. 2950.

Equally important, this bill recognizes the growing role of transit in America's transportation policy, and authorizes an unprecedented $32 billion to mass transit capital, development, and operation. I am particularly proud to see $890 million of these funds channeled to the urban core project of my own region, northern New Jersey. The linkage of Bergen, Passaic, Hudson, Morris, and Essex Counties to New York's Penn Station, Newark Airport, and the Northeast corridor line trains will bring residents of the most densely populated region of the most densely populated State in the Nation faster, cleaner, and more efficient commutes. At the same time, we will add thousands of riders to New Jersey's mass transit network, and bring jobs and developments to a lagging economy.

Finally, and perhaps most important, H.R. 2950 allows historic flexibility to States in tailoring Federal moneys from Washington to specific needs and concerns back home. The portability of funding across primary highway, urban mobility, rural mobility, and transit projects recognizes the need for hands-on, local guidance of money and needs. The Intermodal Surface Transportation Infrastructure Act also acts to move transportation spending forward into the future, with grants, projects, and incentives to explore new technologies, materials, research, and development. From smart cars to more durable pavement, H.R. 2950 reaffirms America's commitment to restoring the preeminence of a state-of-the-art infrastructure.

I am aware that concerns have been raised regarding the funding of H.R. 2950, and the 4-year extension of half of the Federal gasoline tax increase contained in last year's budget reconciliation.

However, I think any reasonable assessment proves that the extension of the gas tax contained in H.R. 2950 is one of the few accurately termed user fees to be considered this year by Congress. It is vital to point out that the $13.5 billion generated by this extension will not be funneled to other programs, nor will they be used to mask the deficit. In the truest sense of the word, these user fees will do the work they are supposed to, and go directly back into funding the maintenance and construction of Amrica's highways.

I am also greatly pleased to see the committee taking action to put the trust back in the highway trust fund, and spend down the reserves which have remained behind paper walls on our balance sheets. For the record, H.R. 2950 spends down the highway trust fund to $2.3 billion in fiscal year 1997, leaving only enough to cover the outyear obligations the Federal Government has previously entered into. In a climate where pay as you go are the magic words, the highway bill and its funding mechanisms live up to that promise.

In closing, I would again recognize the committee for their good works, and urge each of my colleagues to support this effort to put America's infrastructure back on track. As we move on to a new era of infrastructure development, we owe no less to all American citizens.

Mr. FAZIO. Mr. Chairman, as many people throughout the country are stranded by commuter gridlock, as our Nation's highways, bridges, and roads crumble, and as our economy continues to be sluggish, Congress is today poised to take a bold step to address these problems. I want to commend the Public Works and Transportation Committee, and particularly Chairman ROE, Chairman MINETA, and the ranking members, Representatives HAMMERSCHMIDT and SHUSTER, for the outstanding job they and their staffs have done in crafting this well-balanced and forward-looking bill.

Mr. Chairman, our country cannot have a strong economy without a safe, efficient, and modern system of highways and mass transit systems. It will require a large investment over the next several years to ensure that such a system is in place.

The Intermodal Surface Transportation Infrastructure Act of 1991, H.R. 2950, provides an innovative new strategy for investing in America and improving the Nation's transportation systems. It makes a strong commitment to a National Highway System and increases funding for mass transit and congestion relief initiatives.

Perhaps more importantly, the bill gives greater control and flexibility to local planning agencies over how transportation dollars are spent. Under this bill, local officials—not Washington-based bureaucrats—will be empowered to determine which projects will be funded to address local transportation requirements.

There has been a lot of consternation directed toward the committee's inclusion of demonstration projects in this bill—that somehow these projects do not warrant a Federal contribution to help pay for the projects—that somehow they are not priority projects. I would remind my colleagues that all of our constituents pay the gas taxes that go to pay for these projects. In fact, my constituents, as residents of a donor State, have paid more in gas taxes over the years than they have received in the form of transportation dollars spent in our area.

I would also venture to say that most, if not all, of the demonstration projects have been identified by State and local officials as priority projects for the area. I don't think Members of Congress sit around thinking up imaginary projects just to spend some money. Constituents contact us to say, "Look, Congressman, here is a problem that needs to be fixed. What can you do to help." Moreover, many of these projects are in the particular State's long-range transportation improvement plan, while many others serve critical public health and safety needs.

I will just give one example of a project in my district that proves that these projects are not pork.

Dixon, CA is bisected by the Southern Pacific Railroad, which crosses two major streets, including a Federal aid primary highway, running through the city. Rail traffic regularly cuts off key emergency services for half of the city's population. In addition, approximately 1,200 school children, ranging from grades K through 12, cross the tracks daily to attend school. Since 1987, three fatalities have occurred at these crossings.

Compounding these problems is the fact that the State is establishing a commuter rail service from Auburn to San Jose along the Southern Pacific rail lines, through Dixon. This means even more train traffic going through Dixon, thereby increasing the public health and safety risks posed by the crossings.

Fortunately, the Public Works and Transportation Committee recognized the importance of alleviating these safety risks for my constituents. The bill provides $2.1 million to begin the effort to either construct overpasses at these crossings or reroute rail lines around the city. This action will not only eliminate the safety risk posed by the crossings, it will also increase the efficient operation of the commuter rail service as well as the operation of cargo trains carrying interstate shipments.

I challenge anyone to tell me that this project is not a priority for the people of Dixon, who have paid their fair share of gas taxes and are now simply asking for a return on their contributions. I guess that by voicing his opposition to this public safety project, President Bush is again demonstrating his unique way of making for a kinder and gentler nation.

On another issue, Mr. Chairman, every economist agrees that investment in public infrastructure results in direct and tangible improvements in our Nation's economic productivity. Some estimates suggest that the $151 billion we plan to invest in our economy by enacting H.R. 2950 will create as much as one million jobs each year through 1996. This job growth rate is in stark contrast to the reduction of 300,000 jobs our country has experienced since President Bush took the oath of office.

President Bush has recently stated over and over again that he wants an economic growth package to reinvigorate the economy and create new jobs. Today, we have an opportunity to do just that. What's more, we can do this with no new taxes. Yet, despite the fact that we will create several million jobs by passing the transportation bill, the president has indicated that he will veto this legislation.

Where's the logic? On the one hand, the President wants to create jobs and improve economic productivity. But, at the same time, he says that he will veto this Transportation bill which will achieve both objectives.

Mr. Chairman, this highway bill is something that has tangible results. Americans all over the country will see firsthand the improvements in their local roads, in mass transit systems, in the air they breathe, and in their overall quality of life.

H.R. 2950 is one of the most vigorous economic growth initiatives that Congress has considered in recent years. This measure will help prepare the way for making the capital improvements our country needs to be more competitive, productive and efficient in international markets. We cannot afford to wait any longer to make an investment in our own country. I strongly urge my colleagues to join me in supporting this important legislation.

Mr. MANTON. Mr. Chairman, I rise in strong support of H.R. 2950, the Intermodal Surface Transportation Infrastructure Act of 1991. I want to take this opportunity to commend the chairman of the House Public Works and Transportation Committee, Mr. ROE, and the chairman of the Surface Transportation Subcommittee, Mr. MINETA, for their able leadership, hard work, and dedication in crafting this most important piece of legislation.

Mr. Chairman, our once great infrastructure is falling apart. During the 1940's, 1950's, and 1960's, American workers built an infrastructure that was truly the envy of the world. But over the past several years, we have turned our backs on that investment. As a result, a staggering number of roads and bridges in the United States have become unsafe and unusable, causing countless highway deaths and costing billions of dollars in decreased productivity.

We must not allow this neglect to continue. We must put Americans back to work rebuilding a safe, reliable, and efficient surface transportation infrastructure. That is exactly what H.R. 2950 is designed to do.

Mr. Chairman, this major reauthorization of our Nation's Federal transportation programs is one of the most important measures we will consider this year. The bill provides the funds necessary to rebuild our Nation's failing transportation infrastructure and gives the States the flexibility they need to address particular local and regional concerns.

This legislation will also create job opportunities for thousands of unemployed Americans and provide a much needed boost for our Nation's sagging economy.

Mr. Chairman, opponents of H.R. 2950 contend it is loaded with unnecessary special interest projects. That is simply not true. H.R. 2950 provides funding for only the most worthy projects designed to address pressing and critical needs in many urban and rural areas across the country. In particular, the bill will provide funding for the repair of several bridges in New York that are literally falling apart.

The only special interests being served by this legislation is the safety of those who travel on our Nation's highways and the ability of our domestic industries to compete effectively in a global economy.

Mr. Chairman, this is a bill that will benefit all Americans. The Public Works Committee has crafted an excellent bill and I encourage my colleagues to vote for its passage.

Mr. LEACH. Mr. Chairman, I rise to bring perspective and amplify legislative history in reference to section 106(d) of this bill, H.R. 3566, the Intermodal Surface Transportation Infrastructure Act of 1991, which mandates a study of highway designations where States are in disagreement.

While seemingly innocuous, the study could precipitate interstate economic conflict of substantial proportions, as has already broken out in the Quad Cities area, the Iowa side of which I represent.

By background, the Quad Cities metropolitan area is composed of a dozen or so communities in two States divided by the Mississippi River. The Mississippi has historically been a far larger psychological than geographic barrier to the work and social lives of the people of eastern Iowa and western Illinois. Over the past decade the communities have come increasingly together to emphasize what they share in common and what they can effectively do in concert. The controversy sparked in the Congress—the notion that national politics should intrude on AASHTO's 60-year-old policy of requiring the agreement of all affected States before any change in route numbering takes place—has unleashed a sense of betrayal on the Iowa side of the river and counterreaction on the Illinois that bodes poorly for future cooperation between the communities.

At issue are the limits of congressional responsibility. The last thing that the public should want is for individual Senators and Representatives to put pork into namemanship by micromanaging route designations.

There is an old cliche, "If it ain't broke, don't fix it." The fact that the current methodology employed in a decentralized way by highway professionals has served our highway system well for 60 years is evidence that the way in which route renumbering questions have been resolved in the past ain't broke. The fix being contemplated will open Congress to enormous political pressures whenever questions of this sort arise. A decision made one day will be vulnerable to countervailing forces the next, with the only assurance being that decisionmakers will end up lining our highways with economic potholes.

Accordingly, it is my recommendation that, at a maximum, any new procedures be applied to new, not old, highway arrangements. Otherwise Congress will be in the business of inducing private sector investment in one place and then devaluing the investments once made by changing the rules. Such capriciousness is highway robbery; asset devaluation without citizen representation.

These sorts of issues should be professionally, not politically, resolved, using consistent criteria upon which the public on a long term basis can depend. The old way is the better way.

Mr. FORD of Michigan. Mr. Chairman, I rise today in strong support of the highway bill as reported by the Committee on Public Works and Transportation.

The Intermodal Surface Transportation Infrastructure Act of 1991 contains a number of important demonstration projects, projects that will improve the quality of life for millions of people and the infrastructure of our country. This bill includes $40 million for the construction of an access road to Detroit Metropolitan Airport in Wayne County, MI.

Detroit Metropolitan Airport, which is located in my district, is the 20th busiest airport in the world, and is of great economic importance to the State of Michigan. It is a vital center of employment and commerce for my State and, increasingly, for the entire Great Lakes region. Every year, traffic congestion and traveler delays at Detroit Metro squanders millions of dollars in lost time, wages, and business. In 1986 alone, delay at the airport was estimated to have totaled 81,700 hours, at a cost of over $125 million.

The expansion and construction of midfield terminal facilities at the airport is currently under way, with an eye toward reducing these delays and improving the flow of people and cargo. The decision to build midfield facilities was reached after an exhaustive study which included the participation of local and State officials, the Federal Aviation Administration, the airline industry, and the Air Transport Association.

The Detroit Metro access road will enter the airport's southern boundary, run beneath ground under two airport runways and emerge at the new midfield terminal facilities. In the future, the utilization of midfield terminals is an approach that is likely to be considered by dozens of existing airports throughout the country which are faced with space and capacity constraints. This project demonstrates a proven way to provide access to midfield terminals and airport facilities, and will provide a useful example to any airport considering such an expansion program.

This project also contains many of the intermodal characteristics that the Public Works Committee points to as contributing to an efficient and sophisticated national transportation system. Construction of this road will provide new access to Detroit Metro via a second freeway, Interstate 275, and provide a much-needed link between Interstate 275 and Interstate 94 by connecting to an existing access road on the north end of the airport. The south access road project would further relieve heavy congestion on Interstate Highway 94, one of Michigan's busiest traffic corridors, which has been known to carry nearly 95,000 vehicles on any given day. It will improve the traffic of people and merchandise, make the transition between ground and air transportation easier and more efficient, significantly speed entry and departure, and bring thousands of jobs to the region.

in addition to providing a more efficient transportation system, the construction of the south access road will significantly improve safety at Detroit Metropolitan Airport. In 1987, when an airliner crashed at the northern edge of Detroit Metro, access to the airport was all but shout down. By linking up with an existing road, the proposed south access road will provide another vital means of access and exit.

Those that would attack this bill, or the projects in it, simply don't have the facts. The percentage of funds in this bill earmarked to specific congressional demonstration projects is barely over 3 percent. The remainder of the money in this bill may still be distributed by the Governors and individual State legislatures. Furthermore, every project in this bill requires State matching share money. Approximately 75 percent of the costs of the $1 billion in overall improvements being conducted at Detroit Metropolitan Airport are being financed by private and State resources. Furthermore, Wayne County officials are committed to securing $25 million from non-Federal sources for the construction of the south access road. Considered as a whole, the Federal share of the project is quite limited.

I have had the privilege of representing the 15th Congressional District of Michigan for over a quarter of a century. I am confident that I know as well as any State official or unelected bureaucrat whether a project will be beneficial to my district. I firmly believe that this project and the provisions of this bill will be a significant benefit to the people I represent, and to our country. I know that the success of this project is equally important to my colleague and neighbor from the 16th District of Michigan, Congressman JOHN DINGELL.

I urge my colleagues to support the legislation as it was reported by the Committee on Public Works and Transportation.

Mr. KLECZKA. Mr. Speaker, today I rise in strong support of the Intermodal Surface Transportation bill. It provides a stable 6-year authorization for the highway and mass transit programs vital to our economic infrastructure.

Public Works Chairman BOB ROE and Subcommittee Chairman NORM MINETA have dedicated their efforts toward addressing our decaying roads and bridges, linking different modes of transportation to increase efficiency and competitiveness, and distributing Federal funds in a fair and flexible manner.

Most important to my constituents in Wisconsin, the authorization provides an equitable return for our gas tax dollars with no gas tax increase. After decades as a donor State, Wisconsin taxpayers will finally receive a fair return on their investment. It is long overdue.

The highways and mass transit authorization is not only about roads and transit, it is a timely, important component of economic policy. It provides public investment to improve transportation of goods and services, as well as workers' commuting needs. Millions of jobs will be created, as workers will be needed to help rebuild the infrastructure.

And for those who criticize the specific projects authorized in the bill—an amount representing only 3.3 percent of the authorization—I would simply ask, "who best knows the specific needs of congressional districts than those elected to represent them?"

I urge my colleagues to support the surface transportation bill today so we can rebuild America and compete in the global marketplace. Vote for H.R. 3566.

Mr. JONES of North Carolina, Mr. Chairman, the legislation will assist States to replace ferries that provide service between highways on the National Highway System. This much needed assistance will permit States to upgrade this neglected portion of the transportation network.

My State of North Carolina is highly dependent on ferry operations. There are numerous islands and areas that rely exclusively on ferries. Ferries provide the only transportation links for these communities. In addition, on the Outer Banks of North Carolina, an area subject to great damage from hurricanes and tropical storms, ferry operations are essential for evacuations and in providing emergency relief.

A large part of the Cape Hatteras National Seashore can be reached only by State operated ferries that are not currently on principal arterial routes which will make up the interim system prior to the establishment of the National Highway System. In addition, State-operated ferries provided transportation for workers travelling to Federal defense facilities such as the Cherry Point Marine Corps Air Station and the Sunny Point Army Terminal; these ferries are also not on the interim system.

I urge the House conferees to assure that these important links be included in the ferry construction program even though they are not currently principal arterial routes or included in the National Highway System. I ask that the Secretary of Transportation be directed to give priority to important ferry operations such as these allocating funds among the States.

Mr. VALENTINE. Mr. Chairman, I rise in support of title VI, the research title of H.R. 2950, which strengthens our research and development activities for surface transportation systems. This research and development will help to ensure that future generations may continue to have the advantages that we have had in this great and prosperous Nation.

We have deliberated over programs such as supercolliders and space stations and going to Mars, while we can't even get to work without a series of hassles or delays. I ask you to consider this question. In his or her lifetime, will the average American born this day be more apt to travel to the Moon or to a number of cities in the United States?

While air transportation has developed over the years using advanced technologies, it certainly doesn't serve individuals going to work or to a shopping mall. Surface transportation, on the other hand, has not incorporated the level of technical sophistication that is possible today.

New cars are better than those built in the 1940's, but the car-highway system has changed little over the past 50 years. Other means of surface transportation, like rapid transit electric systems, which were available in many cities in the 1940's, have virtually disappeared from the American scene.

Compared to other industrial nations, we do not have much in the way of modern passenger rail service. We do not have much in the way of modern intra-urban light rail systems. Perhaps more importantly, we may no longer have the industrial infrastructure to build such systems.

We no longer have engineers, technicians, and mechanics who have the years of experience essential to building competitive systems. Even the Washington Metro, which is a premier system, purchases rail cars from Italy.

If we are behind nations like France, Germany, and Japan today, where will we be tomorrow?

We have the technology to guide a cruise missile through the main entrance of a government building in Baghdad, but we have not applied such technologies to automated highway systems in a major way.

A 1980 study by a Department of Transportation Task Force reached the following conclusions:

First, DOT R&D expenditures decreased by 38 percent in constant dollars between 1972 and 1980.

Second, while DOT was committing only 1.9 percent of its budget to R&D, the Department of the Interior was spending 8.1 percent on R&D and NASA was spending 79.1 percent of its budget on R&D.

Third, DOT suffered a serious attrition in scientific manpower and personnel resources.

In May 1988, the ENO Foundation for Transportation, the world's only independent, self-supporting institution devoted entirely to improving the efficient conveyance of people and goods, published a report which noted that the Department of Transportation was created with a mission to stimulate technological advances in transportation. The report stated that DOT's R&D capabilities reached a peak during the early 1970's but was greatly reduced by the end of the decade.

Is there any wonder why we now must turn to other nations for our transportation systems?

To enjoy the safety and other advantages possible with new technologies, like intelligent vehicle highway systems, we must be much more aggressive in implementing and pursuing research and development programs than we have ever been.

I quote from a report from the Office of Technology Assessment: "Long range planning and R&D that look ahead to future problems simply do not exist at DOT and this is a serious deficiency." Section 601 of H.R. 2950 is an attempt to remove this deficiency.

Section 601 calls for the Secretary of Transportation to develop an integrated national plan for surface transportation. This plan must include a 10-year projection of the long-term research and development needed to provide for the next generation surface transportation systems.

Section 601 requires that the Secretary of Transportation strengthen and expand surface transportation infrastructure research and development. Finally, section 654 of H.R. 2950 requires the Secretary of Transportation to develop a completely automated highway and vehicle system which can become a prototype from which future fully automated intelligent vehicle-highway systems can be developed.

Efficient and effective surface transportation systems are necessary for both our independence and for our comfort.

In order to manufacture products that will move our surface transportation system to the forefront of modern technology, we must first develop these products. To develop these products, we must have a strong R&D program at the Department of Transportation.

Title VI of H.R. 3566 is the first step in such a program. I urge my colleagues to support this important legislation.

Mr. CAMPBELL of Colorado. Mr. Chairman, I rise today to express my serious concerns about a proposal included in H.R. 2950, the Surface Transportation Infrastructure Act that would alter the minimum allocation guarantees in the Federal highway funding program. I sincerely appreciate the dedication with which the chairman, Congressman ROE, and his colleagues on the committee have demonstrated in crafting this proposal. I also believe that this bill contains many bold provisions that will take great leaps toward improving our transportation infrastructure.

I find it unfortunate that this otherwise superb package includes language to alter the minimum allocation. Currently, States are guaranteed to receive a minimum of 85 percent of the contributions they make to the Federal highway program back in the form of Federal highway grants. As you know, many less populated States receive back more than they contribute to the system while larger, highly populated States receive close to the 85 percent minimum. This ensures that rural States, predominately located in the West, are able to adequately maintain the highways within their boundaries. This guaranty has allowed our rural highways to maintain an excellent record of reliability and safety and has contributed to an unprecedented rise in economic productivity.

The proposal attached to H.R. 2950 would disrupt this system. This proposal would increase the minimum allocation to 95 percent, a funding reduction that would severely damage Federal assistance for construction and maintenance of our Nation's highway systems. The Colorado Department of Highways has estimated that this proposal would cost my State nearly $24 million in fiscal year 1991.

Mr. Chairman, I want to make it clear that my concerns over this legislative package go beyond just the minimum allocation language. I have also found that the funding formulas included in H.R. 2950 would severely impair the State of Colorado's ability to maintain and improve the highways. While the legislation before us includes a significant increase in spending for our Nation's highways, the State of Colorado stands a good chance of actually seeing a decline in the amount of Federal money available to it for transportation spending.

Mr. Chairman, the efficiency of our Nation's industries is integrally tied to the State of our rural highways. The transportation of our manufactured goods and our refined natural resources and the future of American industry depends on the maintenance and development of our rural highways. I urge my colleagues to carefully consider the provisions included in this bill and vote for the protection of our country's future.

UTE MOUNTAIN UTE TRIBE,
FARM & RANCH ENTERPRISE,
Towaoc, CO, October 21, 1991.

To: Dan McAuliffe, Paul Taylor, Christine Mulick.

From: Mike Preston.

Deepest thanks to Ben, Dan, and Chris for the $2.5 million appropriation for Dolores Project development. The good mark on the House side saved the day. The $2.5 million will allow us to keep the organization in tact, continue with the demonstration farm and move ahead with limited construction.

The work that Paul has done to get $3.4 million into the House transportation bill for the Aneth Road is a really important opportunity. I realize that it's a tough shot, but here's what it could do:

1. $3.4 million would allow us to grade drain and gravel the entire road out to the project area, including a bi-pass of the Main entrance to Towaoc which is becoming increasingly dangerous with all the added construction traffic, a new convenience store, and the on-set of gambling scheduled for December.

2. $3.4 million in FY 1992 would provide critical access for canal, lateral and on-farm construction, while solving serious safety problems in Towaoc and out in the project area.

3. Building the Aneth Road in FY 1992 would make much more effective use of the administrative and construction management capability provided for in the $2.5 million interior appropriation.

The Aneth Road project is ready to go:

1. Designs, surveys, environmental and archaeological clearances are completely done.

2. The skids are greased in the Federal Highway Bureaucracy. Jerry Cloud [(303) 969-6737] of the FWHA Regional office in Denver has toured the Project with BIA Roads Engineer Ed Little and is in close communication with Colorado Highway Director Ray Chamberlain.

3. The fairness issue of including Indian Tribes if there are to be "demonstration projects" has been raised on the House side.

Mr. FALEOMAVAEGA. Mr. Chairman, I rise today to join my distinguished colleagues in support of H.R. 2950, the Intermodal Surface Transportation Assistance Act of 1991.

At the outset, I wish to commend my distinguished colleagues, Mr. ROBERT ROE, chairman of the Committee on Public Works and Transportation, and Mr. NORMAN MINETA, chairman of the Subcommittee on Surface Transportation, for their leadership and hard work in getting this new version of the highway bill, which will not only compliment the wishes of the other body but also restructures the Federal Highway Program to address post-Interstate Highway System needs and to give States more flexibility in funding transportation projects.

Mr. Chairman, I concur with Congressman MINETA of California that this legislation builds America's roads, bridges, and transit systems into a comprehensive network that will build our economy, enhance safety, and improve our quality of life.

This bill provides an unprecedented level of flexibility for States to use funding for any highway or mass transit projects which they consider a priority. In fact 97 percent of the bill may be distributed by Governors and legislatures of the States while only 3 percent is earmarked for projects which we, as duly elected Members of Congress, know and believe are projects which the districts we represent are in critical need for immediate addressment.

In my district, Mr. Chairman, this bill will specifically improve a critically needed road system for the Manu'a Islands, which is often overlooked—a road system that is generally rutted and routinely washes out in heavy rains and during severe storms. The roads in this island group have deteriorated to such an extent that they are in need of reconstruction. The only other methods of surface, intra-island transportation available for these islands are foot, canoe, or small boat.

Mr. Chairman, contrary to some concerns that this bill contains project-specific earmarks which are not priorities in some States, I want to remind my colleagues that the States will always have the opportunity to reject any of these projects when the legislators vote on State matching share moneys, as required for all projects in this bill.

In conclusion, I want to briefly address the issue of the project selection process. I am appalled that some of my distinguished colleagues have suggested that the process in which we, in Congress select projects in our districts are more political and less objective. I want to state for the record that it is a known fact that the process in the States are no more objective and no less political than the process in Congress.

I applaud the House Committee on Public Works and Transportation for coming up with this bill, which I believe will address America's present and future transportation needs. I urge my colleagues to vote in support of this legislation.

Mr. SIKORSKI. Mr. Chairman, as one of many Members of the House who went before the Public Works Committee for assistance with a local transportation project, I rise in support of H.R. 3566 and object to unfair characterizations.

This landmark legislation contains $9 million to help fund a planned crosstown Highway 610 for the northern Twin Cities metropolitan area. When completed, Highway 610 will upgrade existing roads and provide a critical 11-mile east-west link between two interstates. The need for this highway was identified over 20 years ago by the local metropolitan planning organization. During the 20-year wait for funding, the area has grown rapidly. Existing roads in the corridor are congested and polluted, with double the traffic volume that was projected for 1990 just 6 years ago. Little wonder the roads are sometimes known as Minnesota's moving parking lot.

In spite of recent growth pressures, local governments have shown tremendous foresight in acquiring land for the project. Their hard work was largely responsible for establishing an innovative State program which provides highway right-of-way at one-tenth of previous acquisition costs. As a result of their efforts, all of the 610 right-of-way subject to imminent development has been acquired.

Support for the project has come from all sides and all levels—from the Governor of Minnesota, the Minnesota Commissioner of Transportation, 26 regional State legislators, more than a half-dozen area chambers of commerce, numerous county boards, and countless local lawmakers from the 19 area communities who represent more than 800,000 Minnesotans.

There is a legitimate need, strong support, and an appropriate Federal responsibility for projects like Highway 610 in this bill. This isn't pork-barrel, it's good government, responsive to the legitimate and important highway needs of the governed.

Mr. BERMAN. Mr. Chairman, I rise today to add my support for H.R. 2950, and to acknowledge the outstanding work by the leadership of the Public Works and Transportation Committee in bringing this bold, innovative legislation to the House.

The committee has done an outstanding job in underlining the importance of American research and development in the area of transportation.

They point out that while competitors like Japan and Germany increased their transportation research and development budgets, our Federal spending in this area fell by some 40 percent in the last decade alone. It is appalling that American workers fail to benefit from manufacturing the transportation technology we pioneer but fail to bring to market.

This bill accelerates investment in the technology we need to solve our transportation problems rather than buying back perfected versions of U.S. technologies from abroad. I commend the committee's leadership for their responsible decisions here.

I am also proud to have sponsored a portion of the research title, title VI, which furthers these goals by creating a grant program to enable the research and development necessary to manufacture cleaner vehicles and transportation systems in the United States.

As I see it, manufacturing cleaner vehicles and transportation systems is an opportunity for this country to capitalize on its technological strengths and meet several goals—including cleaning up the air, reducing our dependence on foreign oil, and reemploying those aerospace and auto workers now idled by defense downsizing and competition from abroad.

My provision in part C would award at least three grants directly to research and development consortia ready to turn their expertise to the development of cleaner transportation.

Their aim would be to pool resources to bring our technology to the American consumer. Federal funds would play the role of seed money—to stimulate private investment.

I also strongly support the provisions in this bill which authorize funding for segment 3 of the Metro Red Line. The Red Line will be the spine of an integrated 300-mile transit system linking light, heavy, and commuter rail in Los Angeles.

Thanks to Federal support, my constituents in the San Fernando Valley will be able to reach Hollywood and downtown Los Angeles while avoiding L.A. gridlock and decreasing the amount of emissions spewed into our air each day.

I also want to commend the committee for authorizing $449 million for the application of intelligent vehicle highway systems to congested corridors nationwide.

Southern California is a leader in using these technologies to improve freeway efficiency, and I hope to work with the committee leadership and the Federal Highway Administration to ensure that we apply some of these innovative approaches to relieve the congestion which brings the Ventura Freeway to a standstill several times each day in the San Fernando Valley.

The investments we make or fail to make in our transportation infrastructure directly impacts the amount of toxins in our air, the amount of oil we have to import, and the number of jobs for Americans.

The taxpayers in my State have been willing to pay for improvements because this kind of spending brings results. In the past 16 months, the voters of Los Angeles County have approved three statewide and one county measure to provide rail bonds, a gas tax increase, and a doubling of our ½-cent county sales tax for transportation improvements and development of our Metro system.

I applaud the Public Works Committee for bringing us programs which will keep Americans mobile into the next century. State and local officials will have the flexibility and consistent funding matches they need to decide which types of spending their region needs most.

Mr. Chairman, H.R. 2950 provides a framework for our States and cities to rebuild our transportation infrastructure and to build new systems which will provide mobility, cleaner, air, and less congestion for future generations.

I strongly urge my colleagues to support this measure.

Mr. KYL. Mr. Chairman, I rise in opposition to the highway bill, particularly the extension of the 2.5-cents-per-gallon increase in the gas tax through 1999, and the numerous demonstration projects that are included.

My objection to the demonstration projects is really threefold. First, they are simply too costly. Second, the gas tax increase wouldn't be necessary were it not for the demonstration projects. And third, in many cases, these are projects that should really be funded by State and local governments, not the Federal Government.

According to the Department of Transportation, if the demonstration projects were costed out to completion, the total would be in excess of $22 billion, not the $5 billion identified in the bill which is really just to get the work on these projects underway.

Those projects will, therefore, consume all of the revenue that is expected to be derived from the extension of the gas tax increase—an estimated $14.1 billion between 1996 and 1999—and still fall about $8 billion short. If the pork were eliminated, the tax increase wouldn't be needed.

Now I am not suggesting that all of the projects in the bill are unnecessary. Some can't be undertaken without Federal support. For example, the Federal Government has a trust obligation to Indian tribes and, therefore, a responsibility to help develop Indian roads. The Federal Government doesn't have that same obligation with respect to some urban projects where it is really the State or local jurisdiction that should assume the cost.

And, there are a number of good things in this bill—a formula that treats donor states more fairly, and a National Highway System which gives State and local officials greater flexibility in establishing priorities to name just two.

But, the good in the bill is being jeopardized by the bad. The tax increase and the demonstration projects in particular are likely to draw a veto by the White House and delay further the enactment of a much-needed highway bill.

Passage of this bill has already been delayed too long. Let's take care of the problems now before a veto causes further delay.

Mr. RAMSTAD. Mr. Chairman, I rise in support of H.R. 2950, the Intermodal Surface Transportation Infrastructure Act of 1991.

I am pleased that the committee included funding for two vitally important transportation projects in Minnesota.

The first is the Bloomington Ferry Bridge, which ranks as Minnesota's highest priority river crossing. The Bloomington Ferry Bridge spans the Minnesota River and links Eden Prairie, Bloomington, and Shakopee; three of Minnesota's fastest growing cities which are located in one of the State's fastest growing areas.

Designed almost 100 years ago, the bridge was originally intended to support relatively sparsely populated areas. But as the suburbs have grown, the role of the bridge has grown into one of the most vital links between 14,500 daily suburban and outstate commuters and the Twin Cities.

Unfortunately, while the traffic stream has grown dramatically, the condition of the bridge has dramatically declined. In 1977, the bridge was severely damaged by a barge. A temporary bridge was then put in it's place.

However, that temporary bridge has proven terribly unreliable and inadequate. Almost every spring, the bridge floods out and commuters attempting to cross the bridge are forced to travel miles to two other already clogged arteries into the city. Unlike highways, there are no side roads or streets when bridges are involved. When the bridge is forced to close, there is simply no easy alternative for commuters.

The need for replacing this bridge is clear and obvious. The suburban communities have been forced to suffer year after year, as their communities increase in population and the bridge continues to deteriorate.

Second, I'm also pleased that the committee included funding for the new Highway 212, a high priority item to the residents of Eden Prairie, Chanhassen, and Chaska. This new four-lane limited access expressway is needed to connect rural Minnesota and the metropolitan area to relieve the existing heavy traffic burden in these suburbs. Currently southwestern Minnesota is the only region of the State not connected to the Twin Cities by a four-lane road. A new Highway 212 would ease traffic congestion, and improve safety and access.

In addition, because agriculture is the primary industry in Minnesota, it is vital and necessary to have good highways to get agricultural products and produce to principal markets, which are located in the Twin Cities and the eastern part of Minnesota. For these reasons, Highway 212 is designated as a heavy-truck artery in the Minnesota highway construction program and is essential to ensure a safe and efficient transportation system.

Again, I want to thank the chairman and ranking member of the Public Works and Transportation Committee for their leadership on this legislation and for recognizing the importance of these two projects.

Mr. GILCHREST. Mr. Chairman, I rise to discuss the Surface Transportation Infrastructure Act, H.R. 2950. It presents a historic shift in national transportation policy and sweeping changes in the way we build and pay for the Nation's roads, bridges and buses, and rail systems.

I support most of the major provisions of the bill and endorse its new and innovative framework. Much good and effective work has been put into this legislation by all of those concerned.

Maryland, along with the entire Northeastern corridor, is changing rapidly. Supplying transportation facilities and services to meet the changes in a timely manner requires substantial financial, as well as human resources. Maryland's population has increased by nearly 500,000 people in the last 20 years to 4.7 million residents. During that same period, the number of employed rose from 2.1 to 2.6 million, a 24-percent increase.

H.R. 2950 offers Maryland substantial benefits to meet these changes. The nationwide funding levels are significantly higher than in previous years and the strong transit provisions meet the State's growing need to move people more efficiently. The bill authorizes $2.5 billion for highway and transit funding over the next 6 years. It provides $160 million for improvements to the Maryland Rail Commuter System including a possible extension to Waldorf and $50 million for the I–95 Woodrow Wilson Bridge for preconstruction activities.

I opposed the earlier version of this bill because it contained a 5-cent increase in the gas tax. I will reluctantly oppose this bill for the same basic reason—it is not fiscally responsible.

I base my decision on these three reasons: The bill extends last year's gas tax increase, intended to be temporary, for an additional 4 years largely to fund special interest projects and other programs that should be reduced or eliminated. States should not be forced to come up with matching funds for projects low on their priority lists.

Second, funds are diverted for earmarked highway and transit projects that will be constructed without regard to whether they are the wisest investments. These 472 special highway demonstration projects will cost as much as $23 billion, funding projects that would probably not survive the normal process of selection on their merits.

Last, the authorization levels in the bill are excessive. While I am fully aware that the Nation's overall transportation infrastructure has been deteriorating, the highway and transit levels in the bill would be difficult to accommodate in the future-year appropriations bills. We can not do it all. Other important Federal programs require the same level of priority.

My opposition here relates to funding levels and funding diversions, not the revolutionary reordering of transportation policy which I support. The new blueprint set out in this bill makes good sense. It will strengthen the Nation's prosperity and its ability to compete in the global economy. But we need a fiscally responsible bill.

Ms. PELOSI. Mr. Chairman, I rise today in support of H.R. 2950, the Intermodal Surface Transportation Infrastructure Act of 1991. I commend Chairmen MINETA and ROE for their efforts in putting together this fiscally responsible multiyear authorization for our Nation's transportation system.

The bill authorizes $151 billion over the next 6 years for Federal highway, transit and transportation infrastructure projects. The bill doubles the Federal commitment to mass transit and gives States some added flexibility to decide how best to spend Federal transportation funds. While I believe that deteriorating air quality justifies even a greater expenditure on transit alternatives to the automobile, this bill goes farther in support of transit than any previous authorization.

Mr. Chairman, this bill is important for several reasons. It will enable us to modernize our transportation infrastructure which is critical to our ability to remain competitive in the global marketplace. It will give States more latitude to make transportation investment decisions based upon their particular needs. For California, this will mean flexibility to invest in mass transit and other transportation alternatives to reduce our reliance on the automobile and clean up our air.

The San Francisco Bay area has embarked on an ambitious program of mass transit development in order to ease highway congestion and improve air quality. This program is essential for relieving pressure on California's existing transportation infrastructure caused by rapid increases in population. I am pleased that the committee has authorized in this bill a multiyear funding contract for the completion of the Bay Area Rapid Transit [BART] to San Francisco Airport and for transit improvements in Santa Clara County. These projects are central to the bay area's integrated transportation plan which has been so carefully crafted by local and county governments.

For too long, we have been faced with the deterioration of our Nation's bridges and tunnels and confronted with their vulnerability to earthquakes. This bill renews our commitment to bridge replacement and repair and allows for seismic retrofits to enhance bridge safety during earthquakes. The bill also establishes a seismic research program to develop effective measures for improving the strength of bridges, tunnels, and highways to withstand earthquakes. In addition, the bill authorizes $7 million for preliminary work on the seismic upgrading of San Francisco's historic Golden Gate Bridge.

Mr. Chairman, last weekend the people of San Francisco commemorated the second anniversary of the devastating Loma Prieta earthquake. The quake was a tragic reminder of the importance of ensuring the seismic safety of our roads and bridges. On behalf of my constituents, I would like to thank the committee for authorizing seismic upgrades and retrofitting in this bill.

San Francisco Bay is a habitat for a wide array of waterfowl. Central to maintaining San Francisco Bay's waterfowl population is the preservation of wetland environments. The committee has included in this bill a provision that would enable Federal funding authorized under the new mobility programs to be used for the establishment of wetland mitigation banks. The concept of encouraging wetlands creation and mitigation is an important one. It is my hope that the committee will be able to refine this provision in conference in order to ensure that the integrity of local ecosystems is protected and that mitigation plans are not endangered by developer bankruptcies.

Mr. Chairman, H.R. 2950 is a comprehensive effort to bring America's transportation infrastructure into line with the needs of the 21st century. I applaud the committee for its work in crafting this important legislation and urge my colleagues to vote for it.

Mr. COLEMAN of Missouri. Mr. Chairman, as a member representing a donor State—Missouri—I rise today in support of H.R. 3566, the Intermodal Surface Transportation Act of 1991. This is vital legislation for the future of this country—for the economic development of communities in rural America, for the improvement of farm-to-market roads; for new jobs created by expanding businesses.

The bill contains important provisions to residents of Missouri. The apportionment formulas, which determine how much each State receives, are based on user items such as fuel usage, road miles, and vehicle miles of travel. This provides a fair national distribution of funds and provides donor States with a higher rate of return on their contributions to the highway trust funds. It is time to return Missouri transportation dollars to Missouri.

In addition, the bill retains a 90-percent minimum allocation, assuring States a return of 90 percent of their contributions to the trust fund, and spends down the highway trust fund. In the case of the State of Missouri we will eventually get back 100 percent of our contribution—a significant increase over current law. The legislation also establishes a 155,000-mile National Highway System, identifying major strategic roads nationwide—both rural and urban—which promote economic development by linking towns with airports, major cities, and other public transportation facilities.

I believe this bill takes many important steps regarding the ability of this country to compete worldwide, and I hope my colleagues will support H.R. 3566.

Mr. COOPER. Mr. Chairman, I strongly support the provision in the Intermodal Surface Transportation Act of 1991 which encourages all the States to pass mandatory automobile seatbelt and motorcycle helmet laws.

Right now only 18 States require helmet and seatbelt use. If all States passed those laws we could save thousands of lives each year and prevent tens of thousands of disabling injuries—injuries which are costing this Nation's taxpayers billions of dollars in medical costs.

Unfortunately, some opponents of these laws—especially opponents of helmet laws—have distorted the facts surrounding the issue. I would like to help set the record straight.

GAO REPORT

The General Accounting Office, in a study released in July 1991, and which I've recently distributed to all Members' offices, concluded that "motorcycle helmet laws save lives and reduce costs to society." According to the GAO, in States with helmet laws, nearly all riders wear helmets, compared with only 50 percent in States with minors-only or no helmet laws.

And those helmets save lives. The GAO says the best estimates are that there would have been 350 to 700 fewer motorcycle deaths last year if all motorcyclists had worn helmets. And besides the lives saved, there would have been countless injuries prevented. The long-term costs for head injuries easily exceed $100,000—with 60 to 80 percent of the costs paid by the public.

HELMETS WORK

Opponents of helmet laws try to show that helmets don't work. They often use as an example the relatively low fatality rates in some

States without helmet laws compared with some States which do have laws.

But that comparison isn't valid. For one thing, it doesn't take into account the different motorcycle riding seasons in different States. For example, North Dakota, which doesn't require all riders to wear helmets, has very few fatalities. But then again, very few people ride motorcycles during the North Dakota winter.

The correct comparison is to look at what has happened in individual States both before and after they enacted helmet laws.

On that the facts are clear: States which enacted helmet laws have experienced a drop in fatalities of 20 to 40 percent. And States which have repealed laws have seen fatalities shoot up. There is no question that helmets save lives.

EDUCATION IS ONLY PART OF THE PICTURE

Opponents of helmet laws also claim that motorcycle rider education—not laws—will reduce fatalities.

Education certainly is important. And the committee bill recognizes that fact by including $62 million in incentive grants to States with helmet and seatbelt laws. Those grants can be used by the States for safety education and training.

But even with the best rider education there will still be accidents. In fact, more than half of the accidents involving a motorcycle and another vehicle are the other vehicle's fault. Education won't save the life of a motorcyclist when a car makes a left turn in front of him. A helmet just might.

MINORS-ONLY LAWS DON'T WORK

Some opponents of helmet laws would like to have them apply only to minors. But according to the National Highway Traffic Safety Administration, "Simply put, partial laws don't work."

One of the reasons such laws are ineffective is that they are virtually impossible to enforce. In States with minors-only laws, only 50 percent of riders wear helmets—about the same as in States with no law at all. And since 90 percent of motorcycle fatalities are riders above the age of 18, "minors only" laws are almost completely ineffective in saving lives.

WIDESPREAD SUPPORT

Mr. Chairman, it's regrettable that a small minority are willing to distort the facts on this issue. Fortunately, most people know better. According to a recent Roper poll, 90 percent of Americans support or strongly support mandatory helmet laws.

The helmet-seatbelt provision enjoys the support of almost every major medical and insurance group in the Nation, and is supported by the National Association of Governors Highway Safety Representatives, which praised it for its treatment of State's rights.

I applaud the Committee on Public Works and Transportation for relying on the facts and including these important, life-saving provisions in the surface transportation bill.

Mr. WEISS. Mr. Chairman, I rise in strong support of H.R. 3566, the Surface Transportation Infrastructure Act. Let me begin by commending the distinguished chairman of the Committee on Public Works and Transportation, Mr. ROE, and the indefatigable chairman of the Subcommittee on Surface Transportation, Mr. MINETA, for their able leadership and perseverance in presenting us a transportation bill which takes America into the 21st century.

Mr. Chairman, our Nation's roads and bridges suffer from steadying decay and benign neglect. This deterioration was highlighted by the Transportation Department's latest report on the status of the Nation's highways and bridges, which notes that the cost of merely repairing existing deficiencies nears $500 billion. Unfortunately, to a large extent, Federal disregard is responsible for creating this state of emergency. Indeed, the gap between Federal highway and transit investment has been widening increasingly from a ratio of 2 to 1 in 1981 to 4.5 to 1 in 1991. Specifically, mass transit, which is of particular importance to the residents of New York City, has been cut by nearly 50 percent in real terms since 1981 as a result of Reagan and Bush administration policies.

H.R. 3566 offers a comprehensive and thoughtful remedy to reverse the Federal retrenchment of the past 10 years. H.R. 3566 provides a total of $151 billion for surface transportation over the next 6 years—$119 billion for highways and $32 billion for mass transit.

The measure replaces several existing Federal-aid highway programs with five new programs to address postinterstate needs, the centerpiece of which is a new 155,000-mile National Highway System. Other new programs include an Urban Mobility Program, a Rural Mobility Program, a State Flexible Program, and a combined Highway Safety Improvement Program.

Under the measure, States would have unprecedented flexibility to use Federal-aid highway funding for either highway or mass transit projects. The measure also increases from 75 to 80 percent the level of Federal cost-sharing for Federal-aid highway programs, and it retains the 90 percent Federal cost-sharing for projects to complete the Interstate System. The bill significantly increases mass transit funding over current levels, authorizing a total of $32.3 billion over 6 years for mass transit programs and increases from 75 to 80 percent the Federal share of capital grants for the construction or expansion of transit systems.

In addition, the bill authorizes $15.7 billion over 6 years for the existing bridge replacement and rehabilitation program. Under the program, funds are allocated to States for replacing and repairing bridges. The measure also modifies the existing metropolitan transportation planning process to focus planning on integrated, intermodal transportation strategies, and to strengthen the metropolitan planning organizations. To help States plan and design scenic byway programs, H.R. 3566 authorizes $10 million in fiscal year 1992 and $11 million per year thereafter for these important programs.

Most importantly, this measure satisfies our country's many transportation demands without proposing any new taxes and without touching general revenues. The bill derives its funding by extending for 4 years the 2.5 cents of the Federal gas tax enacted last year, which is deposited into the highway trust fund. This is by no means too much to ask to fulfill the needs of 250 million Americans living in congested urban areas, growing suburbs, and vast rural regions. I urge my colleagues to write a much-needed prescription for our country's infrastructure by supporting the Surface Transportation Infrastructure Act.

Mr. FRANKS of Connecticut. Mr. Chairman, I rise today in opposition to the Intermodal Surface Transportation Reauthorization Act.

There is no doubt that keeping our roads and bridges safe and operating is in our best national interest. A solid infrastructure is critical to our economic viability and future.

But, Mr. Chairman, this bill veers through the guardrail of fiscal responsibility. It takes a detour paved with more taxes on the very people it seeks to help—the American taxpayer.

This bill would extend last year's 2½ cent increase in the motor fuels excise tax for an additional 4 years. Extending the gas tax will not benefit this Nation.

It will merely add to the tax burdens on working men and women who rely on their cars to commute, and further penalize commercial carriers who are already on the margin. The gas tax will only deter growth to our economy.

Who will this tax hurt the most? Will it hurt those who cross the street in stretch limousines? No. It will hurt those workers on limited incomes, who are cutting every corner to make ends meet.

Most troubling is where some of this tax money will be targeted. Mr. Chairman, I would not be one to begrudge a public expenditure when there is a demonstrated need. There are hundreds of roads and bridges hanging by a rusting bolt or shot full of potholes in this country.

But this gas tax will partially subsidize special projects around our Nation. They are special projects because they require a special type of justification. Thirty percent of the $5 billion subsidizing these projects will go to four States. These projects are not essential to the surface transportation needs of this country. They are pork, and the American taxpayer has to foot the bill.

I would hope that we can come up with meaningful legislation to address highway reauthorization that is within our budget and which does not sideswipe the American taxpayer. Until that time I am in opposition to H.R. 2950.

Mr. STOKES. Mr. Chairman, I rise today in support of H.R. 2950, the Intermodal Surface Transportation Infrastructure Act of 1991. This bill will make sweeping changes in our Nation's transportation policy as we look toward the 21st century. I commend my colleague, Chairman ROE, for his tireless efforts in bringing to the floor a bill which recognizes the dual needs for greater equity and greater flexibility in transportation funding.

H.R. 2950 authorizes $151 billion for the next 6 years to improve the Nation's surface transportation infrastructure. The bill modernizes the formulas used to distribute highway trust fund moneys, and contains substantial increases in funding for both highway and mass transit programs, to help meet the growing need for infrastructure improvement.

Mr. Chairman, our Nation has failed to make the needed investment over the last two decades in our basic public facilities, such as roads, bridges, airports, rail and mass transit systems, municipal water systems, and sewage treatment facilities. The evidence of our neglect is all around us, and seriously threatens not only our health and safety, but our economic competitiveness. Currently, 39 percent of the Nation's bridges are rated deficient. More than 60 percent of the miles of paved highways in the United States need some form of surface rehabilitation or repair. Congestion is a pervasive problem in our cities. Almost 70 percent of daily peak-hour travel on the urban Interstate System in 1989 occurred under congested conditions. By the year 2005, traffic delays caused by inadequate roads will cost the Nation $50 billion a year in lost wages and wasted gasoline.

H.R. 2950 takes steps to correct this failure to properly invest in our Nation's infrastructure. This bill would authorize $32 billion for mass transit repairs and construction, and would increase highway construction spending by over 40 percent. In addition, State and local officials would be granted unprecedented flexibility to transfer funds between programs to meet particular local needs and priorities.

H.R. 2950 also addresses a serious problem that has plagued my own State of Ohio, as well as a number of other States for many years. That problem is the lack of equity in allocation of highway funds. Ohio, and 18 other States, are so-called donor States, which is to say that Ohio receives less money from the Federal Government for highway programs than the State contributes in tax revenues.

Under the previous Surface Transportation Act authorization, donor States were guaranteed a minimum allocation of at least 85 cents on every dollar contributed to the Federal highway trust fund. H.R. 2950 recognizes the need for greater equity in highway funding by increasing this percentage to 90 cents on the dollar for every dollar contributed by donor States.

Mr. Chairman, H.R. 2950 takes a giant step toward meeting the daunting infrastructure needs of our Nation, maintaining the economic competitiveness of American business, and creating thousands of good jobs. I urge all my colleagues to support H.R. 2950.

Mr. OWENS of Utah. Mr. Chairman, I am aware of the urgent need to move comprehensive, long-term transportation legislation. The repair and modernization of our deteriorating transportation infrastructure cannot be put on hold indefinitely. America's roads need rebuilding, our bridges need repair and our urban areas need expanded mass transit options to alleviate the crushing problems of congestion and unhealthy air. Renewed investment in these areas is without doubt of critical importance to the Nation's economic health and to our future.

However, I am compelled to weigh the urgency of immediate action against the need to pass legislation which meets our Nation's transportation needs as broadly and responsibly as possible. I am frustrated and disappointed by the bill which is before us today. It is, in my view, fundamentally flawed. The bill would distribute highway trust fund moneys to States largely on the basis of fuel consumption and vehicle miles traveled. This represents a painful step back from previous national policy, which has long been predicated on the realization that the Nation's best interests lie in ensuring strong transportation links which serve all of our communities in every State, including the less populous.

The potential impact on Utah illustrates the problem. Utah has historically experienced a favorable rate of return with respect to Federal highway funding, which makes absolute sense given that so much of our State is rural or consists of public lands. It is an incontrovertible reality that people who travel within and through the State and across the United States must cross these vast open areas. The roads which serve these areas have to be maintained if we are to respond to the economic and social necessity of moving people and goods throughout the country. But, with a smaller population base relative to the great distances which our roads must span, Utah, and all who travel through our State, would be at a very serious disadvantage under the proposed formula. If this bill becomes law, Utah will be reduced more than 50 percent of current payments, donor to about 82 cents for every tax dollar we contribute to the Federal Government's highway trust fund. I simply cannot support legislation which would have such a devastating effect.

I have heard it said, erroneously, that with the virtual completion of our Interstate System there is no longer sufficient need or justification for distributing funds so as to give Utah or other largely rural States a helping hand. But building the system is only the beginning—maintaining it afterwards in its entirety is equally vital. Adoption of the proposed formula would be comparable to leaving some riders behind, perhaps to drown, while switching horses in midstream. I simply cannot condone such national shortsightedness.

Less populous States such as Utah unfortunately lack the sheer numbers to protect themselves in the House of Representatives. In the event that this measure passes the House, we must direct our hopes to the Senate, and especially western Senators, to guard our vital interests. It is increasingly up to the Senate to do the job of protecting the less populous States.

Our Nation's highways provide indispensable economic and social links between our rural and urban citizens. It would be unconscionable and ultimately a loss to us all if, as we move our transportation infrastructure into the 21st century, we were to leave any part of America behind.

Mr. MILLER of California. Mr. Chairman, I would like to address some points in the current Intermodal Surface Transportation Infrastructure Act of 1991 that have created some confusion in my district.

The Intermodal Surface Transportation Infrastructure Act of 1991 includes in section 120 a change of law regarding the allowability of funding for projects involving tolls. The bill includes a provision for a new toll facilities program in which the State is permitted to use its Federal funds for the construction or expansion of toll highways, bridges, or tunnels. If the State so approves, up to 35 percent of the total cost of the project may be funded by Federal moneys, whether the project is publicly or privately owned.

Using Federal moneys already committed to the State to facilitate the creation of roads is an idea to be encouraged. Utilizing additional funding sources can help circumvent the constraints that the budget shortage places on our highway and road systems. At a time in which transportation demands ranging from urban congestion relief to seismic-related repairs are so great and the budget resources so small, an incentive which encourages private developers to construct roads, or which eliminates the final financial obstacle necessary to get a project over the finish line, is welcome. This new provision allows that incentive if the State so chooses.

It should be clearly noted that the local agencies and governments play the deciding role in whether or not these Federal funds are used for a toll road that affects the local community and affects the State only indirectly.

In my district of Contra Costa County, CA, the proposed Mid-State Toll Road has caused a considerable amount of concern. In our rapidly expanding area, issues of land-use and development are ones of greater importance and undergo tremendous scrutiny. There is great concern among many people that the possible construction of this toll road could open up one of the last rural areas is our county for development. In addition, proposals by some developers, as well as by local officials, that part of the necessary additional funding be paid for by local impact taxes has fueled an already heated debate. And lastly, many environmental questions are being raised such as whether or not the road might affect wetlands.

I am elaborating on these concerns to highlight the fact that each individual toll project that becomes a beneficiary of State designated Federal funds is a battle that is eventually fought on local fields. It is because this is true that the language in H.R. 2950 is so important.

It is important to clarify that section 111 says that while the State may allocate Federal funds to a toll project, no project is eligible for Federal funding if it is not part of a regional transportation plan, or, as it is called in H.R. 2950, a transportation improvement program [TIP]. This regional TIP is one developed by the designated metropolitan planning organization [MPO] under section 134. When considering its State TIP, the State, therefore, may not circumvent the regional transportation authority and planning process. In summary, a project included in the STIP but not in the RTIP is ineligible for Federal funding.

The onus is therefore placed on the MPO to determine the acceptability and desirability of the road. If the regional transportation authority decides that the toll road proposal before them is not acceptable for any number of possible reasons, it will not be part of their regional transportation plan. Under no circumstances will any Federal funds be released for the project as a result. The State is free to consult and attempt to compromise with the MPO, but not to have the final word.

As we meet here today, the Bay Area Metropolitan Transportation Commission is preparing a series of public forums where representative groups will testify as to the desirability of the Mid-State Toll Road. MTC will hear from environmental groups, developers proposing the road, and local officials. Under this bill it should be understood, only if MTC includes the road in the RTIP will the project then be eligible for up to 35 percent of Federal funds.

I am hopeful that this constraint on the use of Federal funds for toll roads will clear up some of the concern and confusion centered around this particular road and prevent problems from arising around future toll roads in other States. Prior to this bill Federal moneys were used in the construction of a toll facilities program only if they were applied for as an exception. The process was then a long and complicated one, resulting in only a handful of projects ever receiving Federal funding. As we now make all toll projects in all States intentionally eligible for funding, we have a responsibility to ensure that the facility has undergone the proper scrutiny and cleared the planning approval procedure. In this case, inclusion in the regional transportation improvement plan alone is that procedure.

Mr. Chairman, I also want to extend my thanks to the chairman of the Subcommittee on Surface Transportation, Mr. MINETA, and the chairman of the Public Works and Transportation Committee, Mr. ROE, for including $2.1 million in this bill to help support the Richmond Parkway Interchange on Interstate 80 in Contra Costa County, CA.

The Richmond Parkway Interchange is a critical feature of the Richmond Parkway that will provide a critical connection between I–80 and the San Rafael bridge. This project is being financed by local and private money, and will have a dramatic effect on reducing congestion at street traffic and in stimulating economic development in this high unemployment area of my district. The total cost of the project is nearly $24 million, and so it is evident that only a very small portion of the overall funding is being requested from the Federal Government.

I–80 is the most congested freeway in the Bay Area. The daily delays on this road cost us hundreds of millions of dollars a year in lost productivity, as well as contribute to air pollution and gasoline consumption. Construction of the Richmond Parkway Interchange will relieve a great deal of heavy truck traffic and will complement the Knox Freeway connection to the bridge from the south.

I hope my colleagues will join me in supporting funding for this important local project.

Mr. SCHEUER. Mr. Chairman, I rise in strong support of the Surface Transportation Infrastructure Act, in large measure because it will make a greater amount of resources available for mass transit.

Transit options present the best opportunity for handling our growing transport needs in a cost-effective and environmentally sound manner.

Under this legislation, two-thirds of flexible highway program funds may be transferred to mass transit at the discretion of State and local officials. In addition, States can transfer up to 35 percent of their National Highway System funds to mass transit.

Mr. Chairman, the bill is downright more fair to mass transit options in comparison to the Bush administration's original proposal. Under that plan, transit funding would have been greatly reduced, forcing fare increases in cities like New York.

What we have here, Mr. Chairman, is legislation that gives us an opportunity to get back to the business of building and maintaining our transit systems and roads, rather than neglect them, as the past two administrations would have us do.

Mr. ORTON. Mr. Chairman, I would like to thank the chairman and other members of the committee for their hard work in putting together a badly needed transportation bill. I also worked hard during the developmental stages of this bill to include a special demonstration project for Utah County in my home district, the Third District of Utah.

Unfortunately, the recommended apportionments of this bill benefit the more populated States of this country at the expense of the more rural States like my home state of Utah. The combined effect of increased motor fuel taxes over recent years and diminished Federal assistance creates a situation that cannot be tolerated. Due to this inequity, and in spite of the special project for Utah County, the Governor of the State of Utah has requested that this bill be voted down. Because of the potential for doing more harm than good for my home district, I must agree with the wishes of the Governor and respectfully vote no on this bill.

Mr. HOAGLAND. Mr. Chairman, as the House of Representatives today debates H.R. 2950, the Intermodal Surface Transportation Infrastructure Act, I want to explain why I will vote "aye."

The bill before us revamps the Nation's highway funding program, emphasizing the national interconnectedness of all transportation modes. Most important, the bill represents a serious commitment to rebuild, upgrade and repair an aging highway system, creating 2 million jobs.

The bill has many pluses. The threatened hike in the gas tax by 5 cents—on top of last year's increase of 5 cents—has been eliminated. Instead, the bill spends down the highway trust fund from an estimated $11.4 billion to $2.3 billion over 5 years in order to use the money for what it was intended—to strengthen this Nation's transportation infrastructure. The bill also creates a 155,000-mile National Highway System, made up of the current Interstate System and other primary highways, which will receive almost half of the $119 billion in highway funds. There is increased funding of $15.7 billion over 6 years to replace and rehabilitate bridges, hundreds of which are in desperate need of repair or are considered unsafe.

The Public Works Committee has included $6.1 million for widening Omaha's West Dodge Road, the major east-west thoroughfare through our city. This project, requested by Omaha public works officials and labeled a "priority project," will relieve congestion and streamline the movement of goods, services and people though our city, a major Midwest commercial center. This project has been the subject of three studies by highway officials who concluded that the only viable solution for relieving congestion is to reconstruct the entire corridor with six through lanes.

The Department of Transportation estimates that this project will create 337 jobs in Omaha.

Those are the pluses.

What are the negatives?

My major reservation about this bill is the funding formula, especially in comparison with the Senate bill. Even though Nebraska will receive more money under this bill than under current law—$153 million per year versus $110 million now—the funding formula used to determine how much each State will receive, gives greater weight to mass transit and urban congestion relief rather than what is called vehicle miles traveled [VMT]. For Midwestern, largely rural States like Nebraska, with long expanses of highway requiring people to drive long distances, this formula is not advantageous. Increasing the minimum allocation to so-called donor States—those States that pay more money into the trust fund than they get back—from 85 percent to 90 percent hurts States like Nebraska which is not a donor State and, therefore, does not benefit. In sum, Nebraska receives a smaller percentage total highway funds under the formula in the House bill than it would receive if the Senate formula were used.

The Senate bill is far preferable because it gives greater recognition to the traveling realities of Nebraska and other Midwestern States. States like Nebraska function as bridges providing connecting links between distant metropolitan areas such as the Great Lakes and Pacific Northwest or the Northeast and California.

I will not, however, have an opportunity to vote on the Senate bill. I will vote for this bill today to advance it to the joint House-Senate conference and will urge House conferees to move toward the Senate approach. The generous funding formula of the Senate bill is especially justified as national policy for Nebraska, which has become a major route for interstate commerce across the country.

In short, this bill is a mixed blessing. For my constituents, it offers help to improve West Dodge Street. For many Americans, it offers jobs. For all of us, it upgrades a deteriorating national transportation system. I hope that in conference the House Members of the conference will support a funding formula that treats Nebraska more fairly.

Mr. HAYES of Louisiana. Mr. Chairman, I join with my colleague from Tennessee, Mr. DUNCAN, in commending the leadership of the Committee on Public Works and Transportation for including a Private Sector Involvement Program in H.R. 2950.

When wondering how the Federal Government got to the point to where it is running an annual deficit of more than tens of billions of dollars and a national debt of a trillion dollars, as well as how numerous States have found themselves in arrears, one need only look at the proliferation of activities in government agencies which duplicate and compete with capabilities in the private sector. Each year, government spends billions on goods and services that can be contracted out to qualified and capable firms, particularly small business.

Over the years, government agencies have, with inpunity, built in-house capabilities that duplicate the private sector. Congress has failed in its oversight responsibilities and permitted this buildup to occur. Now, Mr. Chairman, it is time for Congress to just say "no." No matter how well intended these capabilities were when created or how popular they are now, we must put a stop to this pervasive practice.

To understand just how extensive the trend of government duplication has become, one need look at something as simple and common as surveying and mapping. You can go into any parish in Louisiana, or any county in the Nation and you will find a private professional surveyor's firm within a 5-minute walk of the courthouse. Yet, the Federal Government spends over $1 billion each year on surveying and mapping activities and contracts out less than 5 percent of that work. Meanwhile, there are more than 6,000 surveying firms and 250 mapping firms ready, willing, and able to do this work. In the highway program in 1989, for example, $457 million in Federal funds were spent by the States for engineering, surveying, and mapping services, but just 41 percent, or $188 million, was contracted. It just doesn't make sense for government agencies to have a capability that is available from the private sector.

I am convinced that the engineering, surveying and mapping firms of the United States can save tax dollars and help us reduce government deficits by working under a contract with Federal and State highway agencies. I believe the engineering, surveying and mapping firms in Louisiana and other States can do as good a job, if not better, of designing, surveying and mapping our highways as the Government. The Private Sector Involvement Program included in this bill at the urging of Mr. DUNCAN and myself finally addresses this issue. It creates more contracting opportunities in the engineering and design field, including surveying and mapping. The Secretary of Transportation will evaluate the efforts of each State and award bonus grants to those which have implemented the most effective programs for contracting any category of engineering and design services described in section 112(b)(2) of title XXIII, United States Code.

This provision is fair to both those States that need to better utilize the private sector, and those, like my State of Louisiana, which are already significantly contracting their engineering-related activities. For example, between 1979 and 1989, Louisiana contracted to the private sector an average of 96.9 percent of its Federal highway funds for preliminary engineering. We in Louisiana are very proud of the exemplary role our State has played in contracting out for these services to the private sector, and I am also very pleased that the State is working to increase this percentage. By maintaining this exemplary performance, and making efforts to increase the percentage, Louisiana could be eligible for a Private Sector Involvement Program grant.

Many State highway departments have purchased and maintain airplanes and aerial cameras for mapping-related aerial photography, global positioning system [GPS] satellite surveying receivers, aerial photo processing laboratories, steroplotter mapping computers, and other expensive equipment that is already part of the capital investment made by private firms. Moreover, these agencies compete with the private sector for the skilled and trained personnel needed to operate this sophisticated technology. This is an unnecessary duplicate of the private sector and I would urge every State highway department to look to the private firms for such services in lieu of a continued inhouse buildup. Very simply, relying on the private sector for these mapping services leaves more money in the budget for actual road construction.

In the 1990 Federal budget, it was noted that contracting to the private sector "is an important management tool to raise productivity, cuts costs and improve the quality of Government services—the advantages of which we are—efficiency, quality and innovation in the delivery of goods and services * * * specific areas where the Government could place greater reliance on private sector providers include * * * map-making activities." the Hayes-Duncan provision is a major step toward implementing this initiative.

I appreciate our committee leadership's willingness to consider this provision and to include this important and innovative approach to economy in government in this bill.

Mr. ROYBAL. Mr. Chairman, I wish to express my support for H.R. 2950, the Intermodal Surface Transportation Assistance Act. This legislation provides flexibility for State and local officials to transfer highway funds to mass transit in areas such as Los Angeles, where highway spending is clearly not the answer to congestion and gridlock. I want to give my support to the provisions of this bill which authorize the construction of the third segment of the Los Angeles Metrorail Red Line project, and in particular, the east side extension. This extension to east Los Angeles will provide a much needed means of transportation to neighborhoods that have been vastly underserved in the past. As a representative of a district that is very dependent on public mass transit systems, I feel that this legislation strongly addresses the specific transportation needs of all segments of the diverse communities that make up the Los Angeles area. In addition to the transportation benefits derived by our citizens, this legislation will play a vital role in relieving the problems of air quality and congestion that plague our area. I am proud to lend my support to an initiative that is of such critical importance to both my constituents and residents of Los Angeles.

Mr. MFUME. Mr. Chairman, I rise in support of the Intermodal Surface Transportation Act. The surface transportation bill is a bill that America needs to enhance our ailing infrastructure and create and maintain many jobs within our respective districts and States.

Mr. Chairman, I have heard people say that their is a lot of pork in this legislation. Specifically, the gentleman from Indiana has suggested that a demonstration project in my district is pork without looking at the merit of the program or the significance of this legislation.

The project in my district is specifically designed to spur urban revitalization, commercial development and increase residential home ownership. My friend from Indiana stated that the project for Baltimore is for garbage removal which is a local issue. Nowhere in this legislation does it state that Project Vision for Baltimore is for the removal of garbage and I deplore the gentleman from Indiana for minimizing the intent and importance of this project and the overall surface transportation bill.

Mr. Chairman, I echo the eloquent remarks of Chairman ROBERT ROE, that many lies and misconceptions have been told about this bill. This bill has provisions which work for all people in America and should not be mislabeled as pork.

Mr. Chairman, I encourage my colleagues to support this legislation and hope that we can conclude the proceedings on this bill this evening and pass a much needed transportation bill for the citizens of this great Nation.

Mr. FAZIO. Mr. Chairman, as many people throughout the country are stranded by commuter gridlock, as our Nation's highways, bridges, and roads crumble, and as our economy continues to be sluggish, Congress is today poised to take a bold step to address these problems. I want to commend the Public Works and Transportation Committee, and particularly Chairman ROE, Chairman MINETA, and the ranking members, Representatives HAMMERSCHMIDT and SHUSTER, for the outstanding job they and their staffs have done in crafting this well-balanced and forward-looking bill.

Mr. Chairman, our country cannot have a strong economy without a safe, efficient and modern system of highways and mass transit systems. It will require a large investment over the next several years to ensure that such a system is in place.

Every economist agrees that investment in public infrastructure results in direct and tangible improvements in our Nation's economic productivity. Some estimates suggest that the $151 billion we plan to invest in our economy by enacting H.R. 2950 will create as much as 1 million jobs each year through 1996. This job growth rate is in stark contrast to the reduction of 300,000 jobs our country has experienced since President Bush took the oath of office.

President Bush has recently stated over and over again that he wants an economic growth package to reinvigorate the economy and create new jobs. Today, we have an opportunity to do just that. What is more, we can do this with no new taxes. Yet, despite the fact that we will create several million jobs by passing the transportation bill, the President has indicated that he will veto this legislation.

Where is the logic? On the one hand, the President wants to create jobs and improve economic productivity. But, at the same time, he says that he will veto this transportation bill which will achieve both objectives.

Mr. Chairman, this highway bill is something that has tangible results. Americans all over the country will see firsthand the improvements in their local roads, in mass transit systems, in the air they breathe, and in their overall quality of life.

H.R. 2950 is one of the most vigorous economic growth initiatives that Congress has considered in recent years. This measure will help prepare the way for making the capital improvements our country needs to be more competitive, productive and efficient in international markets. I strongly urge my colleagues to join me in supporting this important legislation.

My Republican colleagues have been taking to the floor to register their outrage with what they call pork in the surface transportation bill.

The fact is that these projects are about jobs, not waste. Congress has funded 273 highway demonstration projects over the last 10 years, covering virtually the entire country. Those projects alone may have created as many as 140,000 jobs across America.

For the benefit of my colleagues, I want to insert into the RECORD a State-by-State breakdown of the number of jobs created by each project funded by Congress over the last decade, and by each project in this year's bill.

The projects and project costs provided in the following pages were provided by the Department of Transportation.

The facts are clear: those who cry pork risk sacrificing needed jobs for their States.

Demonstration jobs created by projects funded by Congress, 1981–91

ALABAMA	
Project cost:	
1989	$20,323,000
1987	16,753,795
1987	11,966,997
Total for State	$49,043,792
Estimated number of jobs created in State	2,452
ARIZONA	
1991	$4,684,000
1991	10,625,000
1989	3,500,000
Total for State	$18,809,000
Estimated number of jobs created in State	940
ARKANSAS	
1991	$637,500
1991	2,125,000
1991	8,500,000
1987	6,781,298
1987	35,900,989
1987	1,595,600
1987	9,812,936
Total for State	$65,353,323
Estimated number of jobs created in State	3,268
CALIFORNIA	
1991	$200,000
1991	1,275,000
1989	3,960,000
1988	1,900,000
1987	2,450,000
1987	23,136,192
1987	23,136,192
1987	5,983,498
1987	10,371,397
1987	6,382,398
1987	2,473,180
1987	59,037,181
1987	8,376,899
1987	19,147,194
1987	718,019
1987	14,998,635
1987	3,191,199
1987	4,786,797
1987	2,393,399
1987	6,382,398
1986	22,461,000
1982	58,000,000
1982	9,000,000
Total for State	$289,760,578
Estimated number of jobs created in State	14,488
CONNECTICUT	
1987	$3,071,529
1984	500,000
Total for State	$3,571,529
Estimated number of jobs created in State	179
DISTRICT OF COLUMBIA	
1987	$750,000
1987	6,382,398
1981	40,000,000
1981	20,000,000
Total for State	$67,132,398
Estimated number of jobs created in State	3,357
FLORIDA	
1991	$3,692,000
1991	5,950,000
1991	1,700,000
1989	2,600,000
1988	17,288,000
1987	8,217,338
1987	11,169,197
1987	10,929,856
1982	23,000,000
1983	30,200,000
Total for State	$114,746,391
Estimated number of jobs created in State	5,737
GEORGIA	
1991	$1,675,000
1987	53,053,683
1987	19,944,994
1983	5,000,000
Total for State	$79,673,677
Estimated number of jobs created in State	3,984
OHIO	
1987	$18,349,394
1982	8,500,000
Total for State	$26,849,394
Estimated number of jobs created in State	1,342
ILLINOIS	
1991	$430,000
1991	1,500,000
1991	3,000,000
1990	1,595,310
1987	2,393,399
1987	9,574,597
1987	9,638,221
1987	1,561,771
1987	1,755,160
1987	27,125,192
1982	98,925,000
Total for State	$157,497,650
Estimated number of jobs created in State	7,875
INDIANA	
1991	$170,000
1991	1,190,000
1991	2,125,000
1989	5,928,000
1987	4,491,613
1987	31,911,990
1982	19,000,000
Total for State	$64,816,603
Estimated number of jobs created in State	3,241
IOWA	
1991	$5,100,000
1991	3,400,000
1991	8,500,000
1991	1,488,000
1991	2,550,000
1991	106,000
1990	2,792,000
1989	11,558,000
1987	7,180,197
1987	31,911,990
1987	2,154,069
Total for State	$76,740,256
Estimated number of jobs created in State	3,837
KANSAS	
1991	$9,265,000
1991	3,693,000
1990	399,000
1990	3,200,000
1987	7,180,197
1987	20,742,794
Total for State	$44,479,991
Estimated number of jobs created in State	2,224
KENTUCKY	
1989	$11,933,000
1988	14,801,000
1987	7,180,197
1987	11,169,197
1987	11,966,997
1982	52,000,000
Total for State	$109,050,391
Estimated number of jobs created in State	5,453
LOUISIANA	
1987	$2,500,000
1987	4,786,797
1987	8,616,237
1987	598,350
1987	4,707,018
1987	4,148,559
1987	1,994,499
1987	1,994,499
1982	5,000,000
Total for State	$34,345,959
Estimated number of jobs created in State	1,717
MAINE	
1987	$23,933,992
Total for State	$23,933,992
Estimated number of jobs created in State	1,197
MARYLAND	
1987	$446,768
1987	2,473,180
1987	2,058,323
1987	6,877,034
1987	4,308,118
1987	6,829,166
1987	3,175,243
1987	2,074,281
1981	20,000,000
Total for State	$48,242,113
Estimated number of jobs created in State	2,412
MASSACHUSETTS	
1991	$3,360,000
1991	255,000
1987	2,792,299
1987	3,191,199
1987	797,800

1987	11,650,000
Total for State	$22,046,298
Estimated number of jobs created in State	1,102
MICHIGAN	
1991	$5,374,000
1991	2,125,000
1991	850,000
1991	2,975,000
1989	14,059,000
1989	14,557,000
1988	475,000
1987	28,559,000
1987	1,755,160
1987	31,911,990
1985	12,000,000
Total for State	$114,641,150
Estimated number of jobs created in State	5,732
MINNESOTA	
1991	$106,000
1991	1,700,000
1987	3,988,999
1987	2,074,281
1987	3,614,032
1987	1,196,699
1987	797,800
1987	25,848,712
Total for State	$39,326,523
Estimated number of jobs created in State	1,966
MISSISSIPPI	
1991	$637,500
1991	1,700,000
1991	255,000
1990	2,692,086
1987	61,890,000
1987	16,418,719
1983	33,000,000
Total for State	$116,593,305
Estimated number of jobs created in State	5,830
MISSOURI	
1987	$35,900,989
1987	8,775,797
1987	11,966,997
1987	10,371,397
Total for State	$67,015,180
Estimated number of jobs created in State	3,351
MONTANA	
1991	$4,462,000
Total for State	$4,462,000
Estimated number of jobs created in State	223
NEBRASKA	
1987	$2,154,059
Total for State	$2,154,059
Estimated number of jobs created in State	108
NEVADA	
1991	$2,550,000
1990	2,193,000
1987	9,334,257
1987	7,180,197
1987	4,786,798
Total for State	$26,044,252
Estimated number of jobs created in State	1,302
NEW HAMPSHIRE	
1991	$1,700,000
1988	7,933,000
Total for State	$9,633,000
Estimated number of jobs created in State	482
NEW JERSEY	
1991	$1,488,000
1988	49,950,000
1987	39,889,987
1987	15,955,995
1987	1,595,600
Total for State	$108,879,582
Estimated number of jobs created in State	5,444
NEW MEXICO	
1990	$1,495,603
1987	5,600,000
1987	31,911,990
1984	54,403,000
Total for State	$93,410,593
Estimated number of jobs created in State	4,671
NEW YORK	
1991	$425,000
1991	1,700,000
1991	4,250,000
1990	36,940,000
1989	2,600,000
1987	37,755,000
1987	9,972,496
1987	7,778,547
1987	6,382,398
1987	6,382,398
1987	1,595,600
1987	4,786,798
1987	6,382,398
1984	500,000
Total for State	$127,450,635
Estimated number of jobs created in State	6,373
NORTH CAROLINA	
1987	$14,360,396
Total for State	$14,360,396
Estimated number of jobs created in State	718
NORTH DAKOTA	
1987	$1,436,040
1987	957,360
1987	2,393,399
1987	2,951,859
1987	2,233,839
1987	4,707,018
1987	638,240
1987	797,800
1987	638,240
1987	1,276,480
1987	628,240
1987	1,276,480
1987	478,680
1987	6,462,178
1982	4,500,000
1985	1,750,000
Total for State	$33,135,853
Estimated number of jobs created in State	1,657
OHIO	
1991	$2,550,000
1991	1,700,000
1987	6,382,398
1987	15,956,000
Total for State	$26,588,398
Estimated number of jobs created in State	1,329
OKLAHOMA	
1991	$1,275,000
1991	2,550,000
1989	2,887,000
1986	3,237,000
Total for State	$9,949,000
Estimated number of jobs created in State	497
OREGON	
1987	$1,994,499
Total for State	$1,994,499
Estimated number of jobs created in State	100
PENNSYLVANIA	
1991	$1,275,000
1991	1,700,000
1991	1,360,000
1991	3,400,000
1991	17,000,000
1991	5,100,000
1990	13,699,000
1989	13,136,000
1988	5,468,000
1987	8,775,797
1987	4,387,899
1987	71,801,977
1987	4,786,798
1987	4,387,899
1987	10,690,517
1987	574,416
1987	7,977,997
1987	7,180,198
1987	3,988,999
1982	$77,000,000
Total for State	$263,690,497
Estimated number of jobs created in State	13,185
RHODE ISLAND	
1987	$3,191,199
1987	3,031,639
Total for State	$6,222,838
Estimated number of jobs created in State	311
SOUTH CAROLINA	
1991	$337,000
1987	31,911,990
Total for State	$32,248,990
Estimated number of jobs created in State	1,612
SOUTH DAKOTA	
1987	$2,393,399

1987	7,419,539
1987	6,015,410
Total for State	$15,838,348
Estimated number of jobs created in State	791

TENNESSEE

1991	$730,000
1991	4,250,000
1989	2,000,000
1987	3,988,999
1987	15,955,995
Total for State	26,924,994
Estimated number of jobs created in State	1,346

TEXAS

1991	$1,445,000
1989	3,000,000
1987	4,786,798
1987	2,393,399
1987	31,911,990
1986	4,000,000
Total for State	$47,537,187
Estimated number of jobs created in State	2,377

UTAH

1991	$2,550,000
1991	4,250,000
Total for State	$6,800,000
Estimated number of jobs created in State	340

VERMONT

1991	$170,000
Total for State	$170,000
Estimated number of jobs created in State	9

VIRGINIA

1989	$12,354,000
1987	750,000
1987	3,191,199
1987	11,966,997
1981	20,000,000
Total for State	$48,262,196
Estimated number of jobs created in State	2,413

WASHINGTON

1991	$3,400,000
1991	2,550,000
1988	2,470,000
Total for State	$8,420,000
Estimated number of jobs created in State	421

WEST VIRGINIA

1991	$10,000,000
1991	42,500,000
1991	510,000
1990	43,245,000
1989	99,172,000
1987	14,041,275
1987	1,595,600
Total for State	$211,063,875
Estimated number of jobs created in State	10,553

WISCONSIN

1991	$10,200,000
Total for State	$10,200,000
Estimated number of jobs created in State	510

NOTE.—Job creation formula provided by the House Public Works Committee. Projects and project costs provided by the Department of Transportation.

Demonstration jobs created by projects funded by Congress, 1992

ALABAMA

Project cost:	
1992	$100,100,000
Estimated number of jobs created in State	5,005

ARIZONA

1992	$14,400,000
Estimated number of jobs created in State	720

ARKANSAS

1992	$330,400,000
Estimated number of jobs created in State	16,520

CALIFORNIA

1992	$98,300,000
Estimated number of jobs created in State	4,915

COLORADO

1992	$3,400,000
Estimated number of jobs created in State	170

CONNECTICUT

1992	$20,200,000
Estimated number of jobs created in State	1,010

DISTRICT OF COLUMBIA

1992	$25,700,000
Estimated number of jobs created in State	1,285

FLORIDA

1992	$96,870,000
Estimated number of jobs created in State	4,844

GEORGIA

1992	$81,000,000
Estimated number of jobs created in State	4,050

IDAHO

1992	$18,200,000
Estimated number of jobs created in State	910

ILLINOIS

1992	$284,840,000
Estimated number of jobs created in State	14,242

INDIANA

1992	$107,920,000
Estimated number of jobs created in State	5,396

IOWA

1992	$186,900,000
Estimated number of jobs created in State	9,345

KANSAS

1992	$34,200,000
Estimated number of jobs created in State	1,710

KENTUCKY

1992	$81,600,000
Estimated number of jobs created in State	4,080

LOUISIANA

1992	$82,760,000
Estimated number of jobs created in State	4,138

MAINE

1992	$39,600,000
Estimated number of jobs created in State	1,980

MARYLAND

1992	$113,200,000
Estimated number of jobs created in State	5,660

MASSACHUSETTS

1992	$7,000,000
Estimated number of jobs created in State	350

MICHIGAN

1992	$144,460,000
Estimated number of jobs created in State	7,223

MINNESOTA

1992	$59,000,000
Estimated number of jobs created in State	2,950

MISSISSIPPI

1992	$32,290,000
Estimated number of jobs created in State	1,615

MISSOURI

1992	$134,500,000
Estimated number of jobs created in State	6,725

NEBRASKA

1992	$6,740,000
Estimated number of jobs created in State	337

NEVADA

1992	$38,400,000
Estimated number of jobs created in State	1,920

NEW HAMPSHIRE

1992	$14,000,000
Estimated number of jobs created in State	700

NEW JERSEY

1992	$213,440,000
Estimated number of jobs created in State	10,672

NEW YORK

1992	$304,380,000
Estimated number of jobs created in State	15,219

NORTH CAROLINA

1992	$138,400,000
Estimated number of jobs created in State	6,920

NORTH DAKOTA

1992	$11,800,000
Estimated number of jobs created in State	590

OHIO

1992	$132,240,000

Estimated number of jobs created in State	6,612
OKLAHOMA	
1992	$34,480,000
Estimated number of jobs created in State	1,724
OREGON	
1992	$54,400,000
Estimated number of jobs created in State	2,720
PENNSYLVANIA	
1992	$715,710,000
Estimated number of jobs created in State	35,786
RHODE ISLAND	
1992	$4,000,000
Estimated number of jobs created in State	200
SOUTH CAROLINA	
1992	$28,000,000
Estimated number of jobs created in State	1,400
SOUTH DAKOTA	
1992	$44,900,000
Estimated number of jobs created in State	2,245
TENNESSEE	
1992	$43,000,000
Estimated number of jobs created in State	2,150
TEXAS	
1992	$275,800,000
Estimated number of jobs created in State	13,790
UTAH	
1992	$12,800,000
Estimated number of jobs created in State	640
VIRGINIA	
1992	$87,000,000
Estimated number of jobs created in State	4,350
WASHINGTON	
1992	$105,600,000
Estimated number of jobs created in State	5,280
WEST VIRGINIA	
1992	$179,200,000
Estimated number of jobs created in State	8,960
WISCONSIN	
1992	$1,800,000
Estimated number of jobs created in State	90

NOTE.—JOB CREATION FORMULA PROVIDED BY THE HOUSE PUBLIC WORKS COMMITTEE. PROJECTS AND PROJECT COSTS PROVIDED BY THE DEPARTMENT OF TRANSPORTATION.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the amendment in the nature of a substitute consisting of the text of the bill, H.R. 3566, as modified by the amendment printed in part 1 of the House Report 102-265, is considered as an original bill for the purpose of amendment and is considered as read.

The text of the amendment in the nature of a substitute, as modified, is as follows:

H.R. 3566

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Intermodal Surface Transportation Infrastructure Act of 1991".

SEC. 2. NATIONAL TRANSPORTATION POLICY; FINDINGS; AND PURPOSES.

(a) NATIONAL TRANSPORTATION POLICY.—It is a goal of the United States to develop a national intermodal transportation system that moves people and goods in an energy efficient manner. The Nation's future economic direction is dependent on its ability to confront directly the enormous challenges of the global economy, declining productivity growth, energy vulnerability, air pollution, and the need to rebuild the Nation's infrastructure.

United States leadership in the world economy, the expanding wealth of the Nation, the competitiveness of the Nation's industry, the standard of living, and the quality of life are at stake.

A national intermodal transportation system is a coordinated, flexible network of diverse but complementary forms of transportation which moves people and goods in the most energy-efficient manner. By reducing transportation costs, these intermodal systems will enhance United States industry's ability to compete in the global marketplace.

All forms of transportation, including the transportation systems of the future, will be full partners in the effort to reduce energy consumption and air pollution while promoting economic development.

An intermodal transportation system consists of transportation hubs which connect different forms of appropriate transportation and provides users with the most energy-efficient means of transportation and with access to commercial centers, business locations, population centers, and the Nation's vast rural areas, as well as providing links to other forms of transportation and to intercity connections.

Intermodality and flexibility are paramount issues in the process of developing an integrated system that will obtain the optimum yield of United States resources.

The fundamental question is how the United States surface transportation infrastructure can be reshaped to provide the economic underpinnings for the Nation to compete in the 21st century global economy. The United States can no longer rely on the sheer size of its economy to dominate international economic rivals and must recognize fully that its economy is no longer a separate entity but is part of the global marketplace. The Nation's future economic prosperity depends on its ability to compete in an international marketplace that is teeming with competitors but where fully ¼ of the Nation's economic activity takes place.

The United States must make a national commitment to rebuild its infrastructure through development of a national intermodal transportation system. The United States must provide the foundation for its industries to improve productivity and their ability to compete in the global economy with a system that will move people and goods faster in an energy-efficient manner.

(b) FINDINGS.—The Congress finds that—

(1) investment in the transportation infrastructure of the United States will pay immediate and long-term dividends in jobs and economic productivity and provide the foundation for the Nation's continued leadership in the global economic competition of the 21st century;

(2) infrastructure investment differs significantly from other forms of government spending because it creates new wealth for the Nation;

(3) with 63 percent of the Nation's oil resources devoted to transportation, a transportation policy is an energy policy which can help reduce dependence on foreign oil sources;

(4) air pollution has become a critical focal point and foundation of United States transportation policy which must be redirected to comply with new strict requirements;

(5) the wealth and economic strength of the United States is in the Nation's infrastructure which provides the foundation for all aspects of life;

(6) failure to invest in the transportation infrastructure has placed the United States in danger of becoming a service-oriented economy, rather than having a strong and independent manufacturing-based economy;

(7) foreign competitors in the global economy have surpassed the Nation's productivity growth through massive infrastructure investments and many have committed to multi-trillion dollar infrastructure investments in the future;

(8) the creation of a national intermodal transportation system is central to the surface transportation issues of the coming decades and will create the new wealth of the Nation to provide the funds for the Nation to meet the challenges of the 21st century;

(9) construction of the Interstate Highway System, created in 1956, transforming the Nation, linking region to region, opening previously inaccessible regions for economic development, and supporting a 20th century revolution in personal mobility and freight movement, is nearly completed;

(10) the centerpiece of the national surface transportation system must be a National Highway System, consisting of those principal arterial roads which are essential for interstate and regional commerce and travel, national defense, intermodal transfer facilities, and international commerce and border crossings;

(11) improved highway links are needed in both urban and rural areas to provide the greatest possible productivity and economic growth benefits but the Nation's present level of investment is woefully inadequate to maintain the existing conditions and performance;

(12) the Nation's mass transit systems, which provide energy-efficient and environmentally sensitive transportation service in congested urban areas and in rural areas and which are vital for low-income, elderly, and disabled populations, have been allowed to deteriorate to an unacceptable degree;

(13) highways, mass transit, and other transportation systems have been allowed to develop into separate, competing systems without a unified, intermodal approach to surface transportation problems;

(14) a strong and vital national highway system, combined with maximum flexibility for State and local decisionmaking and an intermodal transportation network, is an absolute necessity for a national transportation policy to compete in the global economy;

(15) transportation planning, taking account of commerce and land-use patterns, must be improved at all levels and local officials must have a significant role in transportation decisions affecting their areas;

(16) failure to develop an intermodal transportation system for the 1990s and the 21st century will result in continuing the two decade trend of decline in United States competitiveness in the global economy and the accompanying decline in the Nation's standard of living; and

(17) the safety of the traveling public is of paramount national importance.

SEC. 3. STATEMENT OF PURPOSE.

The purposes of this Act are—

(1) to provide the resources, processes, and new policy directions to develop a national intermodal transportation system that will move people and goods in an energy efficient and environmentally sensitive manner, including a process to resolve conflicts between Federal transportation policies, programs, and projects and Federal environmental policies and programs;

(2) to provide the foundation for United States industry to improve productivity and the ability to compete in the global economy of the 1990s and the 21st century by obtaining the optimum yield from the Nation's transportation resources;

(3) to meet the challenges of the global economy of the 21st century, declining economic productivity growth, energy vulnerability, air pollution, and the need to rebuild the Nation's transportation infrastructure;

(4) to include all forms of transportation in a unified, connected manner that uses the most efficient form of transportation at all times;

(5) to provide improved access to ports and airports, the Nation's link to world commerce;

(6) to develop new ways of moving people and goods so the Nation can compete in the global marketplace, meet clean air requirements and reduce reliance on foreign oil;

(7) to provide an improved transportation system for all segments of the population, including elderly, disabled, and other transit-dependent groups; and

(8) to improve the quality of life in the United States through economic benefits from higher productivity growth, reduced air pollution, and reduced traffic congestion.

SEC. 4. SECRETARY DEFINED.

As used in this Act, the term "Secretary" means the Secretary of Transportation.

SEC. 5. LIMITATION ON STATUTORY CONSTRUCTION.

Nothing in this Act shall be construed to apply to railroads or vessel or magnetic levitation transportation.

TITLE I—FEDERAL-AID HIGHWAYS

SEC. 101. COMPLETION OF INTERSTATE SYSTEM.

(a) Declaration.—Congress declares that the authorizations of appropriations and apportionments for construction of the Dwight D. Eisenhower National System of Interstate and Defense Highways made by this section (including the amendments made by this section) are the final authorizations of appropriations and apportionments for completion of construction of such System.

(b) Approval of Interstate Cost Estimate for Fiscal Year 1993.—The Secretary shall apportion for all States (other than Massachusetts) for fiscal year 1993 the sums authorized to be appropriated for such year by section 108(b) of the Federal-Aid Highway Act of 1956 for expenditure on the Dwight D. Eisenhower National System of Interstate and Defense Highways, using the apportionment factors contained in revised table 5 of the Committee Print Numbered 102-24 of the Committee on Public Works and Transportation of the House of Representatives.

(c) Extension of Apportionment.—Section 104(b)(5)(A) of title 23, United States Code, is amended by striking "1960 through 1990" each place it appears and inserting "1960 through 1997".

(d) Extension of Administrative Adjustment of ICE.—Section 104(b)(5)(A) of such title is amended by striking the next to the last sentence and inserting the following new sentence: "On October 1, of each of fiscal years 1992, 1993, 1994, 1995, and 1996, the Secretary shall make the apportionment required by this subparagraph for all States (other than Massachusetts) using the Federal share of the last estimate submitted to Congress, adjusted to reflect (i) all previous credits, apportionments of interstate construction funds and lapses of previous apportionments of interstate construction funds, (ii) previous withdrawals of interstate segments, (iii) previous allocations of interstate discretionary funds, and (iv) transfers of interstate construction funds.".

(e) Allocation of Funds to Massachusetts.—Section 104(b)(5)(A) of title 23, United States Code, is amended by inserting before the last sentence the following new sentence: "Notwithstanding any other provision of this subparagraph or any cost estimate approved or adjusted pursuant to this subparagraph, the amounts to be apportioned to the State of Massachusetts pursuant to this subparagraph for fiscal years 1993, 1994, 1995, 1996, and 1997 shall be as follows: $450,000,000 for fiscal year 1993, $800,000,000 for fiscal year 1994, $800,000,000 for fiscal year 1995, $500,000,000 for fiscal year 1996, and $200,000,000 for fiscal year 1997.".

(f) Authorization of Appropriations.—The first sentence of subsection (b) of section 108 of the Federal-Aid Highway Act of 1956 is amended by striking "and the additional sum of $1,400,000,000 for the fiscal year ending September 30, 1993." and inserting the following: "the additional sum of $1,800,000,000 for the fiscal year ending September 30, 1993, the additional sum of $1,800,000,000 for the fiscal year ending September 30, 1994, the additional sum of $1,800,000,000 for the fiscal year ending September 30, 1995, the additional sum of $1,800,000,000 for the fiscal year ending September 30, 1996, and the additional sum of $900,000,000 for the fiscal year ending September 30, 1997.".

(g) Declaration of Policy.—The second paragraph of section 101(b) of such title is amended—

(1) by striking "thirty-seven years' " and inserting "forty-one years' "; and

(2) by striking "1993" and inserting "1997".

(h) Termination of Minimum Apportionment.—Section 102(c) of the Surface Transportation and Uniform Relocation Assistance Act of 1987 (23 U.S.C. 104 note) is amended by inserting after "1987," the following: "and ending before October 1, 1991,".

SEC. 102. OBLIGATION CEILING.

(a) General Limitation.—Notwithstanding any other provision of law (other than subsection (f) of this section), the total of all obligations for Federal-aid highways and highway safety construction programs shall not exceed—

(1) $16,800,000,000 for fiscal year 1992;

(2) $17, 800,000,000 for fiscal year 1993;

(3) $17,900,000,000 for fiscal year 1994;

(4) $18,000,000,000 for fiscal year 1995;

(5) $18,400,000,000 for fiscal year 1996; and

(6) $18,500,000,000 for fiscal year 1997.

(b) Exceptions.—The limitations under subsection (a) shall not apply to obligations—

(1) under section 125 of title 23, United States Code;

(2) under section 157 of such title;

(3) under section 147 of the Surface Transportation Assistance Act of 1978;

(4) under section 9 of the Federal-Aid Highway Act of 1981;

(5) under sections 131(b) and 131(j) of the Surface Transportation Assistance Act of 1982;

(6) under section 404 of the Surface Transportation Assistance Act of 1982; and

(7) under sections 128(h), 134(c), 140, 149, 157, 160, and 505 of this Act.

Such limitations shall also not apply to obligations of funds made available by subsections (b) and (c) of section 149 of the Surface Transportation and Uniform Relocation Assistance Act of 1987.

(c) Distribution of Obligation Authority.—

(1) General rule.—For each of fiscal years 1992, 1993, 1994, 1995, 1996, and 1997, the Secretary shall distribute the limitation imposed by subsection (a) by allocation in the ratio which sums authorized to be appropriated for Federal-aid highways and highway safety construction which are apportioned or allocated to each State for such fiscal year bears to the total of the sums authorized to be appropriated for Federal-aid highways and highway safety construction which are apportioned or allocated to all the States for such fiscal year.

(2) Special rule for Massachusetts.—For purposes of this section, funds apportioned to the State of Massachusetts pursuant to the next to the last sentence of section 104(b)(5)(A) of title 23, United States Code, shall be treated as if such funds were allocated to such State under such title. If, before October 1 of each of fiscal years 1992, 1993, 1994, 1995, 1996, and 1997, the State of Massachusetts indicates it will not obligate a portion of the amount which would be distributed to such State under the preceding sentence, the Secretary shall distribute such portion to the other States under paragraph (1).

(3) Special rule for urbanized areas of 200,000 population or more.—Each urbanized area of 200,000 population or more within the boundaries of a State shall be allocated an amount of obligation authority distributed to a State under paragraph (1) for a fiscal year which is determined by multiplying—

(A) the amount of funds apportioned under section 104(b)(6) of title 23, United States Code, to the State in such fiscal year which are made available for expenditure in such area under section 150 of such title, by

(B) the ratio of the amount of obligation authority distributed to the State under paragraph (1) for such fiscal year to the total of the sums apportioned to the State for Federal-aid highways and highway safety construction (excluding sums not subject to the obligation limitation imposed by subsection (a)) in such fiscal year.

Obligation authority allocated to an urbanized area under this paragraph may, at the request of the Governor and upon approval of the appropriate local officials of the area and the Secretary, be transferred to the allocation of another such area in the State or, in the case in which another such area does not need such obligation authority, to the State for use in any urban area in the State.

(d) Limitation on Obligation Authority.—During the period October 1 through December 31 of each of fiscal years 1992, 1993, 1994, 1995, 1996, and 1997, no State shall obligate more than 35 percent of the amount distributed to such State under subsection (c) for such fiscal year, and the total of all State obligations during such period shall not exceed 25 percent of the total amount distributed to all States under such subsection for such fiscal year.

(e) Redistribution of Unused Obligation Authority.—Notwithstanding subsections (c) and (d), the Secretary shall—

(1) provide all States with authority sufficient to prevent lapses of sums authorized to be appropriated for Federal-aid highways and highway safety construction which have been apportioned or allocated to a State, except in those instances in which a State indicates its intention to lapse sums apportioned under section 104(b)(5)(A) of title 23, United States Code;

(2) after August 1 of each of fiscal years 1992, 1993, 1994, 1995, 1996, and 1997, revise a distribution of the funds made available under subsection (c) for such fiscal year if a State will not obligate the amount distributed during such fiscal year and redistribute sufficient amounts to those States able to obligate amounts in addition to those previously distributed during such fiscal year giving priority to those States having large unobligated balances of funds apportioned under section 104 of title 23, United States Code; and

(3) not distribute amounts authorized for administrative expenses, Federal lands highways programs, and amounts made available under section 149(d) of the Surface Transportation and Uniform Relocation Assistance Act of 1987.

(f) Additional Obligation Authority.—

(1) In general.—Subject to paragraph (2), a State which after August 1 and on or before September 30 of fiscal year 1993, 1994, 1995, 1996, or 1997 obligates the amount distributed to such State in such fiscal year under subsections (c) and (e) may obligate for Federal-aid highways and highway safety construction on or before September 30 of such fiscal year an additional amount not to exceed 5 percent of the aggregate amount of funds apportioned or allocated to such State—

(A) under sections 104, 130, and 144 of title 23, United States Code, and

(B) for highway assistance projects under section 103(e)(4) of such title,

which are not obligated on the date such State completes obligation of the amount so distributed.

(2) Limitation on additional obligation authority.—During the period August 2 through September 30 of each of fiscal years 1993, 1994, 1995, 1996, and 1997, the aggregate amount which may be obligated by all States pursuant to paragraph (1) shall not exceed 2.5 percent of the aggregate amount of funds apportioned or allocated to all States—

(A) under sections 104, 130, and 144 of title 23, United States Code, and

(B) for highway assistance projects under section 103(e)(4) of such title,

which would not be obligated in such fiscal year if the total amount of obligational authority provided by subsection (a) for such fiscal year were utilized.

(3) Limitation on applicability.—Paragraph (1) shall not apply to any State which on or after August 1 of fiscal year 1993, 1994, 1995, 1996, or 1997, as the case may be, has the amount distributed to such State under subsection (c) for such fiscal year reduced under subsection (e)(2).

(g) Obligation Ceiling for Highway Safety Programs.—Notwithstanding any other provision of law, the total of all obligations for highway safety programs carried out by the Federal Highway Administration under section 402 of title 23, United States Code, shall not exceed $10,000,000 for fiscal year 1992 and $34,000,000 for each of fiscal years 1993, 1994, 1995, 1996, and 1997.

(h) Conforming Amendment.—Section 157(b) of title 23, United States Code, is amended by striking the period at the end of the last sentence and inserting "and section 102(c) of the Intermodal Surface Transportation Infrastructure Act of 1991.".

SEC. 103. AUTHORIZATION OF APPROPRIATIONS.

(a) From the Highway Trust Fund.—For the purpose of carrying out the provisions of title 23, United States Code, the following sums are authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account):

(1) State flexible program.—For the State flexible program $1,774,000,000 for fiscal year 1992, $2,137,000,000 for fiscal year 1993, $2,121,000,000 for fiscal year 1994, $2,144,000,000 for fiscal year 1995, $2,375,000,000 for fiscal year 1996, and $2,521,000,000 for fiscal year 1997.

(2) National highway system.—For the National Highway System $5,113,000,000 for fiscal year 1992, $6,159,000,000 for fiscal year 1993, $6,115,000,000 for fiscal year 1994, $6,180,000,000 for fiscal year 1995, $6,847,000,000 for fiscal year 1996, and $7,265,000,000 for fiscal year 1997.

(3) Urban mobility system.—For the urban mobility system $1,774,000,000 for fiscal year 1992, $2,137,000,000 for fiscal year 1993, $2,121,000,000 for fiscal year 1994, $2,144,000,000 for fiscal year 1995, $2,375,000,000 for fiscal year 1996, and $2,521,000,000 for fiscal year 1997.

(4) Rural mobility system.—For the rural mobility system $1,356,000,000 for fiscal year 1992, $1,634,000,000 for fiscal year 1993, $1,622,000,000 for fiscal year 1994, $1,640,000,000 for fiscal year 1995, $1,817,000,000 for fiscal year 1996, and $1,928,000,000 for fiscal year 1997.

(5) Combined highway safety improvement program.—For the combined highway safety improvement program $417,000,000 for fiscal year 1992, $503,000,000 for fiscal year 1993, $499,000,000 for fiscal year 1994, $505,000,000 for fiscal year 1995, $559,000,000 for fiscal year 1996, and $593,000,000 for fiscal year 1997.

(6) Bridge program.—For the bridge program $2,107,000,000 for fiscal year 1992, $2,596,000,000 for fiscal year 1993, $2,588,000,000 for fiscal year 1994, $2,630,000,000 for fiscal year 1995, $2,800,000,000 for fiscal year 1996, and $2,956,000,000 for fiscal year 1997.

(7) Indian reservation roads.—For Indian reservation roads $148,000,000 for fiscal year 1992 and $176,000,000 for each of fiscal years 1993, 1994, 1995, 1996, and 1997.

(8) Forest highways.—For forest highways $38,000,000 for fiscal year 1992 and $46,000,000 for each of fiscal years 1993, 1994, 1995, 1996, and 1997.

(9) Public lands highways.—For public lands highways $28,000,000 for fiscal year 1992 and $33,000,000 for each of fiscal years 1993, 1994, 1995, 1996, and 1997.

(10) Parkways and park highways.—For parkways and park highways $42,000,000 for fiscal year 1992 and $50,000,000 for each of fiscal years 1993, 1994, 1995, 1996, and 1997.

(11) FHWA highway safety programs.—For carrying out section 402 by the Federal Highway Administration $28,000,000 for fiscal year 1992 and $34,000,000 for each of fiscal years 1993, 1994, 1995, 1996, and 1997.

(12) FHWA highway safety research and development.—For carrying out section 403 by the Federal Highway Administration $7,000,000 for fiscal year 1992 and $8,000,000 for each of fiscal years 1993, 1994, 1995, 1996, and 1997.

(b) Disadvantaged Business Enterprises.—

(1) General rule.—Except to the extent that the Secretary determines otherwise, not less than 10 percent of the amounts authorized to be appropriated under titles I, III, V, and VI of this Act shall be expended with small business concerns owned and controlled by socially and economically disadvantaged individuals.

(2) Definitions.—For purposes of this subsection, the following definitions apply:

(A) Small business concern.—The term "small business concern" has the meaning such term has under section 3 of the Small Business Act (15 U.S.C. 632); except that such term shall not include any concern or group of concerns controlled by the same socially and economically disadvantaged individual or individuals which has average annual gross receipts over the preceding 3 fiscal years in excess of $15,370,000, as adjusted by the Secretary for inflation.

(B) Socially and economically disadvantaged individuals.—The term "socially and economically disadvantaged individuals" has the meaning such term has under section 8(d) of the Small Business Act (15 U.S.C. 637(d)) and relevant subcontracting regulations promulgated pursuant thereto; except that women shall be presumed to be socially and economically disadvantaged individuals for purposes of this subsection.

(3) Annual listing of disadvantaged business enterprises.—Each State shall annually survey and compile a list of the small business concerns referred to in paragraph (1) and the location of such concerns in the State and notify the Secretary, in writing, of the percentage of such concerns which are controlled by women, by socially and economically disadvantaged individuals (other than women), and by individuals who are women and are also otherwise socially and economically disadvantaged individuals.

(4) Uniform certification.—The Secretary shall establish minimum uniform criteria for State governments to use in certifying whether a concern qualifies for purposes of this subsection. Such minimum uniform criteria shall include but not be limited to onsite visits, personal interviews, licenses, analysis of stock ownership, listing of equipment, analysis of bonding capacity, listing of work completed, resume of principal owners, financial capacity, and type of work preferred.

(5) Study.—

(A) In general.—The Comptroller General shall conduct a study of the disadvantaged business enterprise program of the Federal Highway Administration (hereinafter in this paragraph referred to as the "program").

(B) Contents.—The study under this paragraph shall include the following:

(i) Graduation.—A determination of—

(I) the percentage of disadvantaged business enterprises which have enrolled in the program and graduated after a period of 3 years;

(II) the number of disadvantaged business enterprises which have enrolled in the program and not graduated after a period of 3 years;

(III) whether or not the graduation date of any of the disadvantaged business enterprises described in subclause (II) should have been accelerated;

(IV) since the program has no graduation time requirements, how many years would appear reasonable for disadvantaged business enterprises to participate in the program;

(V) the length of time the average small nondisadvantaged business enterprise takes to be successful in the highway construction field as compared to the average disadvantaged business enterprise; and

(VI) to what degree are disadvantaged business enterprises awarded contracts once they are no longer participating in the disadvantaged business program.

(ii) OUT-OF-STATE CONTRACTING.—A determination of which State transportation programs meet the requirement of the program for 10 percent participation by disadvantaged business enterprises by contracting with contractors located in another State and a determination to what degree prime contractors use out-of-State disadvantaged business enterprises even when disadvantaged business enterprises exist within the State to meet the 10 percent participation goal and reasons why this occurs.

(iii) PROGRAM ADJUSTMENTS.—A determination of whether or not adjustments in the program could be made with respect to Federal and State participation in training programs and with respect to meeting capital needs and bonding requirements.

(iv) SUCCESS RATE.—Recommendations concerning whether or not adjustments described in clause (iii) would continue to encourage minority participation in the program and improve the success rate of the disadvantaged business enterprises.

(v) PERFORMANCE AND FINANCIAL CAPABILITIES.—Recommendations for additions and revisions to criteria used to determine the performance and financial capabilities of disadvantaged business enterprises enrolled in the program.

(vi) ENFORCEMENT MECHANISMS.—A determination of whether the current enforcement mechanisms are sufficient to ensure compliance with the disadvantaged business enterprise participation requirements.

(vii) ADDITIONAL COSTS.—A determination of additional costs incurred by the Federal Highway Administration in meeting the requirement of the program for 10 percent participation by disadvantaged business enterprises as well as a determination of benefits of the program.

(viii) EFFECT ON INDUSTRY.—A determination of how the program is being implemented by the construction industry and the effects of the program on all segments of the industry.

(ix) CERTIFICATION.—An analysis of the certification process for Federal-aid highway and transit programs, including a determination as to whether the process should be uniform and permit State-to-State reciprocity and how certification criteria and procedures are being implemented by the States.

(x) GOALS.—A determination of how the Federal goal is being implemented by the States, including the waiver process, and the impact of the goal on those individuals presumed to be socially and economically disadvantaged.

(C) REPORT.—Not later than 12 months after the date of the enactment of this Act, the Comptroller General shall transmit to the Committee on Environment and Public Works of the Senate and the Committee on Public Works and Transportation of the House of Representatives a report on the results of the study conducted under this paragraph.

(c) REDUCTION IN AUTHORIZATIONS FOR BUDGET COMPLIANCE.—If the total amount authorized by this Act out of the Highway Trust Fund (other than the Mass Transit Account) exceeds $17,042,000,000 for fiscal year 1992, or exceeds $98,642,000,000 for fiscal years 1992 through 1996, then each amount so authorized shall be reduced proportionately so that the total equals $17,042,000,000 for fiscal year 1992, or equals $98,642,000,000 for fiscal years 1992 through 1996, as the case may be.

(d) FREEWAY SERVICE PATROLS.—

(1) GENERAL RULE.—Except to the extent that the Secretary shall find that it is not feasible, any funds expended in a fiscal year directly or indirectly for freeway service patrols from amounts made available to a State under titles I and III of this Act shall be expended with privately owned or privately operated business concerns. The preceding sentence shall not apply to any publicly owned or operated freeway service patrol that was in operation before the date of the enactment of this Act.

(2) DEFINITION.—For purposes of this subsection, the term "freeway service patrol" means automotive road service vehicles and automotive towing vehicles operated in a continuous, dedicated service as part of an incident management program.

SEC. 104. BUDGET COMPLIANCE.

(a) IN GENERAL.—If obligations provided for programs pursuant to this Act for fiscal year 1992 will cause—

(1) the total outlays in any of the fiscal years 1992 through 1995 which result from this Act, to exceed

(2) the total outlays for such programs in any such fiscal year which result from appropriation Acts for fiscal year 1992 and are attributable to obligations for fiscal year 1992,

then the Secretary of Transportation shall reduce proportionately the obligations provided for each program pursuant to this Act for fiscal year 1992 to the extent required to avoid such excess outlays.

(b) COORDINATION WITH OTHER PROVISIONS.—The provisions of this section shall apply, notwithstanding any provision of this Act to the contrary.

(c) COST ESTIMATE.—The applicable cost estimate of this Act for all purposes of sections 252 and 253 of the Balanced Budget and Emergency Deficit Control Act of 1985 shall be as follows:

[By fiscal year, in millions of dollars]

	1992	1993	1994	1995
Change in outlays	(1)	(1)	(1)	(1)
Change in receipts	(1)	(1)	(1)	(1)

[1] This estimate is relative to current law. If the 1992 Department of Transportation Appropriations Act is enacted before H.R. 2950, this bill could affect direct spending. However, it would not increase outlays above the level in the appropriations act.

SEC. 105. DEFINITIONS.

(a) HIGHWAY SAFETY IMPROVEMENT PROJECT.—The undesignated paragraph of section 101(a) of title 23, United States Code, relating to highway safety improvement project is amended by inserting after "marking," the following: "installs priority control systems for emergency vehicles at signalized intersections,".

(b) URBANIZED AREA.—Such section is amended by striking the undesignated paragraph relating to urbanized area and inserting the following new undesignated paragraph:

"The term 'urbanized area' means an area with a population of 50,000 or more designated by the Bureau of the Census, within boundaries to be fixed by responsible State and local officials in cooperation with each other, subject to approval by the Secretary. Boundaries shall, as a minimum, encompass the entire urbanized area within a State as designated by the Bureau of the Census.".

(c) NATIONAL HIGHWAY SYSTEM.—Such section is further amended by striking the undesignated paragraph relating to the Federal-aid primary system and inserting the following new undesignated paragraph:

"The term 'National Highway System' means the Federal-aid highway system described in subsection (b) of section 103 of this title.".

(d) RURAL MOBILITY SYSTEM.—Such section is amended by striking the undesignated paragraph relating to the Federal-aid secondary system and inserting the following new undesignated paragraph:

"The term 'rural mobility system' means the Federal-aid highway system described in subsection (c) of section 103 of this title.".

(e) URBAN MOBILITY SYSTEM.—Such section is further amended by striking the undesignated paragraph relating to the Federal-aid urban system and inserting the following new undesignated paragraph:

"The term 'urban mobility system' means the Federal-aid highway system described in subsection (d) of section 103 of this title.".

(f) INTERSTATE SYSTEM.—The undesignated paragraph of such section relating to the Interstate System is amended by inserting "Dwight D. Eisenhower" before "National".

(g) OPERATIONAL IMPROVEMENT.—Such section is further amended by inserting after the undesignated paragraph relating to Interstate System the following new undesignated paragraph:

"The term 'operational improvement' means a capital improvement for installation of traffic surveillance and control equipment, computerized signal systems, motorist information systems, integrated traffic control systems, incident management programs, and demand management systems and such other capital improvements to public roads as the Secretary may designate, by regulation; except that such term does not include resurfacing, restoring, or rehabilitating improvements, construction of additional lanes, interchanges, and grade separations, and construction of a new facility on a new location.".

(h) STARTUP COSTS FOR TRAFFIC MANAGEMENT AND CONTROL.—Such section is further amended by inserting after the undesignated paragraph relating to Interstate System the following new undesignated paragraph:

"The term 'startup costs for traffic management and control' means initial costs (including labor costs, administration costs, cost of utilities, and rent) for integrated traffic control systems, incident management programs, and traffic control centers.".

SEC. 106. FEDERAL-AID SYSTEMS.

(a) ESTABLISHMENT.—Section 103 of title 23, United States Code, is amended by striking subsections (a), (b), (c), and (d) and inserting the following new subsections:

"(a) IN GENERAL.—For purposes of this title, the 4 Federal-aid systems are the Interstate System, the National Highway System, the urban mobility system, and the rural mobility system.

"(b) NATIONAL HIGHWAY SYSTEM.—

"(1) PURPOSE.—The purpose of the National Highway System is to provide an interconnected system of principal arterial routes which will serve major population centers, international border crossings, ports, airports, public transportation facilities, and other intermodal transportation facilities; meet national defense requirements; and serve interstate and interregional travel.

"(2) COMPONENTS.—The National Highway System shall consist of the following:

"(A) Highways designated as part of the Interstate System under subsection (e) and section 139 of this title.

"(B) Other urban and rural principal arterials and highways which provide motor vehicle access between such an arterial and a major port, airport, public transportation facility, or other intermodal transportation facility. The States, in cooperation with local officials, shall propose to the Secretary arterials and highways for designation to the National Highway System under this paragraph. In urbanized areas, the local officials shall act through the metropolitan planning organizations designated for such areas under section 134 of this title. The routes on the National Highway System, as shown on the map submitted by the Secretary to the Committee on Public Works and Transportation of the House of Representatives in 1991, illustrating the National Highway System, shall serve as the basis for the States in proposing arterials and highways for designation to such system. The Secretary may modify or revise such proposals and submit such modified or revised proposals to Congress for approval in accordance with paragraph (3).

"(C) A strategic highway network which is a network of highways which are important to the United States strategic defense policy and which provide defense access, continuity, and emergency capabilities for the movement of personnel, materiels, and equipment in both peace time and war time. Such highways may include highways on and off the Interstate System and shall be designated by the Secretary in consultation with appropriate Federal agencies and the States and subject to approval by Congress in accordance with paragraph (3).

"(D) Major strategic highway network connectors which are highways that provide motor vehicle access between major military installations and highways which are part of the strategic highway network. Such highways shall be designated by the Secretary in consultation with appropriate Federal agencies and the States and subject to approval by Congress in accordance with paragraph (3).

"(3) Approval of designations.—

"(A) Proposed designations.—Not later than September 30, 1993, the Secretary shall submit for approval to the Committee on Environment and Public Works of the Senate and the Committee on Public Works and Transportation of the House of Representatives a proposed National Highway System with a list and description of highways proposed to be designated to the National Highway System under this subsection and a map showing such proposed designations. In preparing the proposed system, the Secretary shall consult appropriate local officials and shall use the functional reclassification of roads and streets carried out under subsection (c) of section 106 of the Intermodal Surface Transportation Infrastructure Act of 1991.

"(B) Approval of congress required.—After September 30, 1994, no funds made available for carrying out this title may be apportioned or allocated under this title unless a law has been approved designating the National Highway System.

"(C) Maximum mileage.—For purposes of proposing highways for designation to the National Highway System, the mileage of highways on the National Highway System shall not exceed 155,000 miles; except that the Secretary may increase or decrease such maximum mileage but not to exceed 15 percent.

"(D) Equitable allocations of highway mileage.—In proposing highways for designation to the National Highway System, the Secretary shall provide for equitable allocation of highway mileage among the States.

"(4) Interim system.—For fiscal years 1992, 1993, and 1994, highways classified as principal arterials as of June 1, 1991, shall be treated as being on the National Highway System for purposes of this title.

"(c) Rural Mobility System.—The rural mobility system shall consist of major collector routes and arterials which are located in rural areas and are not on the National Highway System. Such routes and arterials shall be designated by each State through its State highway department, appropriate local officials, and Indian tribal governments in cooperation with each other, subject to the approval of the Secretary as provided in subsection (f).

"(d) Urban Mobility System.—The urban mobility system shall consist of collector routes and arterials which are located in urban areas and are not on the National Highway System, including access roads to ports, airports, public transportation facilities, and other intermodal transportation facilities. Such routes and arterials shall be designated by appropriate local officials, with the concurrence of the State highway department, and subject to the approval of the Secretary as provided in subsection (f) and, in the case of urbanized areas, shall also be in accordance with the planning process required pursuant to the provisions of section 134 of this title.".

(b) Approval.—Subsection (f) of such section is amended—

(1) by striking "the Federal-aid primary system, the Federal-aid secondary system, the Federal-aid urban system," and inserting "rural mobility system, the urban mobility system,"; and

(2) by inserting "(other than the National Highway System)" after "No Federal-aid system".

(c) Functional Reclassification of Highways.—

(1) State action.—Each State shall functionally reclassify the roads and streets in such State in accordance with such guidelines and time schedule as the Secretary may establish in order to carry out the objectives of this section, including the amendments made by this section.

(2) Approval and submission to congress.—Not later than September 30, 1992, the Secretary shall approve the functional reclassification of roads and streets made by the States pursuant to this subsection and shall submit a report to Congress containing such reclassification.

(3) State defined.—In this subsection, the term "State" has the meaning such term has under section 101 of title 23, United States Code.

(d) National Highway System Route Redesignation Study.—

(1) In general.—The Secretary shall conduct a study on route redesignations of the National Highway System. The study shall examine those redesignations where the affected States have not been in agreement. The study shall consider the historic basis for current designations and must address the safety, economic, social, and demographic impacts which a redesignation would have on surrounding localities.

(2) Report.—Not later than September 30, 1993, the Secretary shall transmit to Congress a report on the results of the study conducted under this section, together with such recommendations as the Secretary considers appropriate.

(e) Conforming Amendment.—Section 113(a) of title 23, United States Code, is amended by striking ", the primary and secondary, as well as their extension in urban areas, and the Interstate System,".

SEC. 107. FLEXIBLE PROGRAM.

(a) In General.—Chapter 1 of title 23, United States Code, is amended by inserting after section 132 the following new section:

"§ 133. State flexible program

"(a) Establishment.—The Secretary shall establish a flexible program under which a State may expend funds apportioned to it under section 104(b)(3) for carrying out any project or activity for which Federal funds may be obligated under this title.

"(b) Applicability of Other Provisions of Title 23.—All applicable provisions of this title (including Federal share) which apply with respect to a project or activity carried out under this title shall apply to such a project or activity when carried out by a State with funds apportioned to it under the flexible program.

"(c) Nonattainment Area Requirement.—If a State includes a nonattainment area for transportation-related pollutants under the Clean Air Act, the State shall expend a percentage of the funds apportioned to it under section 104(b)(3) for carrying out in such nonattainment areas any project or activity for which Federal funds may be obligated under this title. The percentage required to be expended in such nonattainment areas shall equal the percentage of the population of the State residing in such nonattainment areas but not to exceed 50 percent.

"(d) Project Approval.—Any project or activity which a State intends to carry out with funds apportioned to it under the flexible program shall be subject to approval by the Secretary in accordance with the program of projects approval process of section 105.

"(e) Maintenance of Effort.—No Federal funds expended by a State from funds apportioned to it under the flexible program shall be counted as expenditures for a State for purposes of any maintenance of effort requirement of this title.".

(b) Conforming Amendment.—The analysis for chapter 1 of such title is amended by inserting after the item relating to section 132 the following:

"133. State flexible program.".

SEC. 108. PROJECT ELIGIBILITY.

(a) National Highway System.—Section 103 of title 23, United States Code, is amended by adding at the end the following new subsection:

"(i) Eligible Projects for NHS.—Subject to approval by the Secretary in accordance with the program of projects approval process of section 105, funds apportioned to a State under section 104(b)(1) for the National Highway System may be obligated for any of the following:

"(1) Construction, reconstruction, resurfacing, restoration, and rehabilitation of segments of such system.

"(2) Operational improvements for segments of such system.

"(3) Construction of, and operational improvements for, a Federal-aid highway not on the National Highway System if such highway is adjacent to a fully access controlled highway designated to the National Highway System, if the construction or improvements will improve the level of service on the fully access controlled highway and improve regional travel, and if the construction or improvements are more cost-effective than an improvement to the fully access controlled highway that has benefits comparable to the benefits which will be achieved by the construction of, or improvements to, the highway not on the National Highway System.

"(4) Highway safety improvements for segments of the National Highway System.

"(5) Transportation planning in accordance with sections 134 and 135.

"(6) Highway research and planning in accordance with section 307.

"(7) Highway-related technology transfer activities.

"(8) Startup costs for traffic management and control if such costs are limited to the time period necessary to achieve operable status but not to exceed 2 years following the date of project approval, if such funds are not used to replace existing funds, and if the State highway department agrees to continue operating the improvement or to be responsible for its operation at the end of such period.

"(9) Fringe and corridor parking facilities in accordance with section 137.

"(10) Carpool and vanpool projects in accordance with section 146.

"(11) Bicycle transportation in accordance with section 217.

"(12) Development and establishment of management systems under section 303.

"(13) Participation in wetland mitigation banks and statewide programs to create, conserve, or enhance wetland habitat (including development of statewide mitigation plans and State or regional wetland conservation and enhancement banks), including any such banks and programs authorized pursuant to the Water Resources Development Act of 1990 or other Federal law. Contributions toward these efforts may occur in advance of specific project activity to build up credit for future projects that may impact wetlands. Participation in such wetlands conservation projects shall not serve to exempt any highway construction project from any applicable requirement of Federal law.".

(b) ELIGIBLE PROJECTS FOR FEDERAL-AID MOBILITY SYSTEMS.—Such section is further amended by adding at the end the following new subsection:

"(j) ELIGIBLE PROJECTS FOR MOBILITY SYSTEMS.—Subject to approval by the Secretary in accordance with the program of projects approval process of section 105, funds apportioned to a State under section 104(b)(2) for the rural mobility system or section 104(b)(6) for the urban mobility system may be obligated for any of the following:

"(1) Construction, reconstruction, resurfacing, restoration, and rehabilitation of segments of such system.

"(2) Operational improvements for segments of such system.

"(3) Highway safety improvements for segments of such system.

"(4) Public transportation in accordance with section 142, including capital public transportation projects and capital projects to improve access and coordination between intercity and rural bus service under such section.

"(5) Transportation planning in accordance with sections 134 and 135.

"(6) Highway research and planning in accordance with section 307.

"(7) Highway-related and public transportation-related technology transfer activities.

"(8) Startup costs for traffic management and control if such costs are limited to the time period necessary to achieve operable status but not to exceed 2 years following the date of project approval, if such funds are not used to replace existing funds, and if the State highway department agrees to continue operating the improvement or to be responsible for its operation at the end of such period.

"(9) Fringe and corridor parking facilities in accordance with section 137.

"(10) Carpool and vanpool projects in accordance with section 146.

"(11) Bicycle transportation and pedestrian walkways in accordance with section 217.

"(12) Development and establishment of management systems under section 303.

"(13) Landscaping, scenic enhancement, and planting of wild flowers in accordance with section 319.

"(14) Participation in wetland mitigation banks and statewide programs to create, conserve, or enhance wetland habitat (including development of statewide mitigation plans and State or regional wetland conservation and enhancement banks), including any such banks and programs authorized pursuant to the Water Resources Development Act of 1990 or other Federal law. Contributions toward these efforts may occur in advance of specific project activity to build up credit for future projects that may impact wetlands. Participation in such wetlands conservation projects shall not serve to exempt any highway construction project from any applicable requirement of Federal law.".

(c) CONFORMING AMENDMENT.—Section 109(c) of such title is amended by striking "Federal-aid secondary" and inserting "rural mobility".

SEC. 109. SUBSTITUTE PROGRAM.

(a) HIGHWAY PROJECTS.—

(1) AUTHORIZATION OF APPROPRIATIONS.—Section 103(e)(4)(G) of title 23, United States Code, is amended—

(A) by striking "and" the next to the last place it appears; and

(B) by inserting before the period at the end the following: ", and $240,000,000 per fiscal year for each of fiscal years 1992, 1993, 1994, and 1995".

(2) DISTRIBUTION.—Section 103(e)(4)(H) is amended—

(A) by adding at the end of clause (i) the following new sentence: "For each of fiscal years 1992, 1993, 1994, and 1995, all funds made available by subparagraph (G) shall be apportioned in accordance with cost estimates adjusted by the Secretary.";

(B) in clause (iii), by striking "1988, 1989, 1990, AND 1991 APPORTIONMENTS" and inserting "1988–1995 APPORTIONMENTS"; and

(C) by striking "and 1991." and inserting "1991, 1992, 1993, 1994, and 1995.".

(b) TRANSIT PROJECTS.—Section 103(e)(4)(J) is amended—

(1) in clause (i) by inserting after "1983," the following: "and ending before October 1, 1991";

(2) by adding at the end of clause (i) the following new sentence: "100 percent of funds appropriated for each of fiscal years 1992 and 1993 shall be apportioned in accordance with cost estimates adjusted by the Secretary.";

(3) in clause (iii) by striking "1988, 1989, 1990, AND 1991 APPORTIONMENTS" and inserting "1988–1993 APPORTIONMENTS"; and

(4) by striking "and 1991." and inserting "1991, 1992, and 1993.".

(c) PERIOD OF AVAILABILITY.—Section 103(e)(4)(E)(i) of such title is amended by adding at the end the following new sentence: "In the case of funds authorized to be appropriated for substitute transit projects under this paragraph for fiscal year 1993 and for substitute highway projects under this paragraph for fiscal year 1995, such funds shall remain available until expended.".

SEC. 110. APPORTIONMENTS.

(a) IN GENERAL.—Section 104(b) of title 23, United States Code, is amended by striking paragraph (1) and all that follows before paragraph (4) and inserting the following:

"(1) NATIONAL HIGHWAY SYSTEM.—For the national highway system as follows:

"One-third in the ratio which diesel fuel consumption in the State bears to diesel fuel consumption in all the States.

"Two-ninths in the ratio which vehicle miles of travel in urban areas in the State bears to vehicle miles of travel in urban areas in all the States.

"Two-ninths in the ratio which lane miles on public roads in urban areas in the State bears to lane miles on public roads in urban areas in all the States.

"One-ninth in the ratio which vehicle miles of travel in rural areas in the State bears to vehicle miles of travel in rural areas in all the States.

"One-ninth in the ratio which lane miles on public roads in rural areas in the State bears to lane miles on public roads in rural areas in all the States.

No State shall receive less than ½ of 1 percent of each year's apportionment. For purposes of this paragraph, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands shall be considered together as one State.

"(2) RURAL MOBILITY SYSTEM.—For the rural mobility system as follows:

"One-half in the ratio which the population in rural areas in the State bears to the population in rural areas in all the States.

"One-half in the ratio which lane miles on public roads in rural areas in the State bears to lane miles on public roads in rural areas in all the States.

No State (other than the District of Columbia) shall receive less than ½ of 1 percent of each year's apportionment.

"(3) STATE FLEXIBLE PROGRAM.—For the State flexible program in the ratio which the estimated tax payments attributable to highway users in the State paid into the Highway Trust Fund (other than the Mass Transit Account) bear to the estimated tax payments attributable to highway users in all the States paid into the Highway Trust Fund (other than the Mass Transit Account). No State shall receive less than ½ of 1 percent of each year's apportionment.".

(b) URBAN MOBILITY SYSTEM.—Section 104(b)(6) of such title is amended to read as follows:

"(6) URBAN MOBILITY SYSTEM.—For the urban mobility system in the ratio which the population in urban areas, or parts thereof, in each State bears to the total population in such urban areas, or parts thereof, in all the States as shown by the latest available Federal census. No State shall receive less than ½ of 1 percent of each year's apportionment.".

(c) TRANSFERABILITY.—Section 104 of such title is amended by striking subsections (c) and (d) and inserting the following new subsections:

"(c) TRANSFERABILITY OF NHS APPORTIONMENTS.—Subject to subsection (d), the Governor of a State may transfer—

"(1) not to exceed 25 percent of the State's apportionment under subsection (b)(1); and

"(2) not to exceed an additional 10 percent of such apportionment if the Governor determines that the Interstate System within the boundaries of the State is being adequately maintained;

to the apportionment of the State under subsection (b)(2) or (b)(6), or both.

"(d) SPECIAL TRANSFERABILITY RULES FOR STATES WITH NONATTAINMENT AREAS.—In any case in which 90 percent or more of the area of a State is located in a nonattainment area for carbon monoxide or ozone under the Clean Air Act, the Governor of the State may transfer up to 100 percent of the State's apportionment under subsection (b)(1) to the apportionment of the State under subsection (b)(2) or (b)(6), or both. In the case of any State which has an area classified as an extreme nonattainment area for ozone under the Clean Air Act, the Governor of the State may transfer (in addition to amounts which may be transferred under subsection (c)) up to 35 percent of the State's apportionment under subsection (b)(1) to the apportionment of the State under subsection (b)(2) or subsection (b)(6), or both.''.

(d) Set-Aside for Metropolitan Planning.—Section 104(f)(1) of such title is amended—

(1) by striking ''one-half per centum'' and inserting ''1 percent''; and

(2) by striking ''one-half of 1 per centum'' and inserting ''1 percent''.

(e) Conforming Amendment.—Section 104(g) of such title is amended by striking '', 144, and 152'' and inserting ''and 144''.

(f) Hold Harmless.—

(1) General rule.—If the aggregate amount apportioned to any State in fiscal year 1992 under sections 103(e)(4)(H)(iii), 104(b)(1), 104(b)(2), 104(b)(3), 104(b)(5)(A), 104(b)(6), 104(f), 130, and 144 of title 23, United States Code, is less than the aggregate amount apportioned to such State in fiscal year 1991 under sections 103(e)(4)(H)(iii), 104(b)(1), 104(b)(2), 104(b)(5)(A), 104(b)(5)(B), 104(b)(6), 104(f), 130, 144, and 152 of such title, the Secretary shall allocate to such State in each of fiscal years 1992 through 1997 the amount determined under paragraph (2).

(2) Allocation amount.—The amount to be allocated to a State eligible under paragraph (1) for each of fiscal years 1992 through 1997 shall equal the amount determined by subtracting—

(A) the aggregate amount apportioned to such State in such fiscal year under sections 103(e)(4)(H)(iii), 104(b)(1), 104(b)(2), 104(b)(3), 104(b)(5)(A), 104(b)(6), 104(f), 130, and 144 of title 23, United States Code, from

(B) the aggregate amount apportioned to such State in fiscal year 1991 under sections 103(e)(4)(H)(iii), 104(b)(1), 104(b)(2), 104(b)(5)(A), 104(b)(5)(B), 104(b)(6), 104(f), 130, 144, and 152 of such title.

(3) Use of funds.—The Secretary shall make the allocations under this subsection on October 1 of each of fiscal years 1992 through 1997, or as soon as possible thereafter. The amounts allocated shall be subject to the provisions of title 23, United States Code, and may be obligated for any project or activity for which a State may obligate funds under chapter 1 of such title. Amounts allocated under this subsection shall be available for obligation when allocated for the fiscal year authorized plus the 3 succeeding fiscal years.

(4) Funding.—There shall be available to the Secretary for carrying out this subsection, out of the Highway Trust Fund (other than the Mass Transit Account) such sums as may be necessary for each of fiscal years 1992 through 1997.

(5) Applicability of title 23.—All provisions of chapter 1 of title 23, United States Code, that are applicable to the National Highway System, other than provisions relating to apportionment formula and period of availability, shall apply to funds made available to carry out this subsection, except as determined by the Secretary to be inconsistent with this section.

(g) Alternative Fuels Treatment.—

(1) Study.—The Secretary shall conduct a study of the manner in which alternative fuels are treated for purposes of determining a State's relative revenue contributions to the Highway Trust Fund under sections 104(b)(3) and 157(a) of title 23, United States Code.

(2) Report.—Not later than 2 years after the effective date of this title, the Secretary shall transmit to Congress a report on the results of the study conducted under this subsection, together with any recommendations to the Secretary.

SEC. 111. PROGRAM AND PROJECT APPROVAL.

(a) In General.—Section 105 of title 23, United States Code, is amended to read as follows:

''§ 105. Programs

''(a) Program of Projects.—As soon as practicable after the apportionments for the Federal-aid systems have been made for any fiscal year, a State desiring to avail itself of the benefits of this chapter shall submit to the Secretary for his approval a program or programs of proposed projects for the utilization of the funds apportioned. The Secretary shall act upon programs submitted to him as soon as practicable after the same have been submitted. The Secretary may approve a program in whole or in part, but he shall not approve any project in a proposed program which is not eligible for assistance under this title.

''(b) Transportation Planning and Project Selection Requirements.—

''(1) Inclusion in tip.—After September 30, 1992, the Secretary may not approve any project within the boundaries of a State under this chapter unless the project is included in a transportation improvement program developed under section 134 or 135.

''(2) Urbanized areas.—

''(A) Metropolitan planning.—The Secretary may not approve any program of projects in an urbanized area unless the Secretary finds that such projects are based on the planning process under section 134 of this title.

''(B) State consideration of local views.— The Secretary may not approve under this chapter a project in an urbanized area (other than a project to be carried out with funds apportioned for the urban mobility system under section 104(b)(6)) unless the State has consulted with the responsible public officials of such area and has considered the views of such officials with respect to the corridor, the location, and the design of the project.

''(3) Congestion management.—The Secretary may not approve a highway project (other than a project for construction of high occupancy vehicle lanes) in an urbanized area of more than 200,000 population which will significantly increase the motor vehicle carrying capacity of a highway facility unless the project is consistent with any congestion management system for such area.

''(4) Pedestrian walkways and bicycle transportation facilities.—

''(A) General rule.—The Secretary may not approve under this chapter a highway project for new construction or reconstruction within the boundaries of a State along which a pedestrian walkway or bicycle transportation facility is required to be included under the State's transportation improvement plan developed under section 135 unless such pedestrian walkway or bicycle transportation facility is part of such highway project.

''(B) Exception.—The Secretary does not have to approve a project for construction of a pedestrian walkway or bicycle transportation facility under subparagraph (A)—

''(i) if the Secretary determines that such construction is not feasible or that use of the walkway or facility would pose a safety risk to pedestrians or bicyclists, as the case may be; or

''(ii) the Secretary determines that there will be no substantial transportation or recreation benefit resulting from the project.

''(c) NHS in Nonurbanized Areas.—In approving programs for projects on the National Highway System not located in an urbanized area the Secretary shall require that such projects be selected by the State in consultation with appropriate local officials.

''(d) Rural Mobility System.—In approving programs for projects on the rural mobility system, the Secretary shall require that such projects be selected by the State highway department, the appropriate local officials, and Indian tribal governments in cooperation with each other; except that, in the case of a State where all public roads and highways are under the control and supervision of the State highway department, such selection shall be made after consultation with appropriate local officials and Indian tribal governments.

''(e) National Highway System Preference.—In approving programs for projects on the National Highway System, the Secretary shall give preference to such projects as will expedite the completion of an adequate and connected system of highways interstate in character.

''(f) Urban Mobility System Selection Process.—In approving programs for projects on the urban mobility system in an urbanized area, the Secretary shall require that such projects be selected by the metropolitan planning organization designated for such area under section 134 of this title in consultation with the State.

''(g) National Defense Priority.—In approving programs for projects under this chapter, the Secretary may give priority of approval to, and expedite the construction of, projects that are recommended as important to the national defense by the Secretary of Defense or other official authorized by the President to make such recommendation.

''(h) Safety Priority.—In approving programs for projects on the Federal-aid systems under this chapter, the Secretary shall give priority to those projects which incorporate improved standards and features with safety benefits.

''(i) Intermodal Consideration.—In preparing programs to submit in accordance with subsection (a) of this section, the State shall give consideration to projects providing direct and convenient public access to public airports, public ports for water transportation, new town communities, and new town-intown communities. In approving such programs the Secretary shall give consideration to such projects.

''(j) National Energy Consideration.—In preparing programs to submit in accordance with subsection (a) of this section, the State may give priority to projects for the reconstruction, resurfacing, restoration, or rehabilitation of highways which are incurring a substantial use as a result of transportation activities to meet national energy requirements and which will continue to incur such use. In approving such programs the Secretary may give priority to such projects.''.

(b) Conforming Amendment.—Section 150 of such title is amended by striking ''(d)'' each place it appears and inserting ''(f)''.

SEC. 112. PRECONSTRUCTION ACTIVITIES.

(a) Limitation on Estimates for Construction Engineering.—Section 106(c) of title 23, United States Code is amended to read as follows:

''(c) Limitation on Estimates for Construction Engineering.—Items included in all such estimates for construction engineering for a State for a fiscal year shall not exceed, in the aggregate, 15 percent of the total estimated costs of all projects financed within the boundaries of the State with Federal-aid highway funds in such fiscal year, after excluding from such total estimate costs, the estimated costs of rights-of-way, preliminary engineering, and construction engineering.".

(b) Conforming Amendments.—Section 121(d) of such title is amended—

(1) by striking "120" and inserting "106(c), 120,"; and

(2) by striking the last sentence.

(c) Preservation of Transportation Corridors.—

(1) Report.—The Secretary, in consultation with the states, shall report to Congress within 2 years after the effective date of this title, a national list of the rights-of-way identified by the metropolitan planning organizations and the States (under sections 134 and 135 of title 23, United States Code), including the total mileage involved, an estimate of the total costs, and a strategy for preventing further loss of rights-of-way including the desirability of creating a transportation right-of-way land bank to preserve vital corridors.

(2) State purchases.—States, metropolitan planning organizations, or units of local government, using National Highway System, urban mobility system, or rural mobility system funds, may purchase threatened right-of-way for which purchase is needed, with the concurrence of the Secretary. In approving such purchases, the Secretary shall give priority to those rights-of-way most imminently threatened with being lost to transportation purposes.

(3) Limitations.—The non-Federal purchasers under paragraph (2) must agree to preserve the acquired property for transportation corridors. The property acquired may not be converted to other purposes, which would prevent the future use of the right-of-way for transportation.

SEC. 113. LETTING OF CONTRACTS.

(a) Contracting for Engineering and Design Services.—Section 112(b)(2) of title 23, United States Code, is amended by adding at the end the following new subparagraphs:

"(C) Performance and audits.—Any contract or subcontract awarded in accordance with subparagraph (A), whether funded in whole or in part with Federal-aid highway funds, shall be performed and audited in compliance with cost principles contained in the Federal acquisition regulations of part 31 of title 48 of the Code of Federal Regulations.

"(D) Indirect cost rates.—In lieu of performing its own audits, a recipient of funds under a contract or subcontract awarded in accordance with subparagraph (A) shall accept indirect cost rates established in accordance with the Federal acquisition regulations for 1-year applicable accounting periods by a cognizant government agency or independent certified public accountant if such rates are not currently under dispute. Once a firm's indirect cost rates are accepted, the recipient of such funds shall apply such rates for the purposes of contract estimation, negotiation, administration, reporting, and contract payment and shall not be limited by administrative or de facto ceilings in accordance with section 15.901(c) of such title 48. A recipient of such funds requesting or using the cost and rate data described in this subparagraph shall notify any affected firm before such request or use. Such data shall be confidential and shall not be accessible or provided, in whole or in part, to any other firm or to any government agency which is not part of the group of agencies sharing cost data under this subparagraph, except by written permission of the audited firm. If prohibited by law, such cost and rate data shall not be disclosed under any circumstances.".

(b) Clarifying Amendment.—Section 112(e)(1) of such title is amended by inserting "(including a contract entered into under section 117)" before "a contract clause".

(c) Conforming Amendment.—Section 112(f) of such title is amended by striking "Federal-aid secondary" and inserting "rural mobility".

SEC. 114. CONVICT PRODUCED MATERIALS.

Section 114(b)(2) of title 23, United States Code, is amended by inserting "after July 1, 1991," after "Materials produced".

SEC. 115. PERIOD OF AVAILABILITY.

(a) In General.—Section 118(a) of title 23, United States Code, is amended by striking "to each Federal-aid system or part thereof".

(b) Noninterstate Funds.—Section 118(b)(1) of such title is amended—

(1) by striking "to each Federal-aid system";

(2) by inserting "to" after "other than" the first place it appears; and

(3) by striking "for the appropriate Federal-aid system or part thereof (other than the Interstate System)".

(c) Interstate Construction Funds.—Section 118(b)(2) of such title is amended—

(1) in subparagraph (A)(ii)—

(A) by striking "THEREAFTER" and inserting "BETWEEN OCTOBER 1, 1989, AND OCTOBER 1, 1991"; and

(B) by inserting "and before October 1, 1991," after "1989,";

(2) by adding at the end of subparagraph (A) the following new clauses:

"(iii) Apportionments between October 1, 1991, and October 1, 1995.—Except as otherwise provided in this subsection, sums apportioned on or after October 1, 1991, and before October 1, 1995, for the Interstate System in any State shall remain available for expenditure in the State until the end of the fiscal year in which they are apportioned.

"(iv) Apportionments thereafter.—Sums apportioned on October 1, 1995, for the Interstate System in any State shall remain available for expenditure in the State until expended.";

(3) in subparagraph (B) by inserting "or subparagraph (A)(iii)" after "subparagraph (A)(i)"; and

(4) in subparagraph (B) by inserting "(other than within the boundaries of the State of Massachusetts)" before "on the Interstate System".

(d) Set Aside for Discretionary Projects.—Section 118(c) of such title is amended—

(1) by striking "1983" and inserting "1992";

(2) by striking "$300,000,000" and inserting "$100,000,000"; and

(3) by striking paragraph (2) and inserting the following new paragraph:

"(2) Set aside for 4R projects.—

"(A) In general.—Before any apportionment is made under section 104(b)(1) of this title, the Secretary shall set aside $95,000,000 for fiscal year 1992 and $114,000,000 for each fiscal year beginning after September 30, 1992, for obligation by the Secretary for projects for resurfacing, restoring, rehabilitating, and reconstructing any route or portion thereof on the Interstate System (other than any highway designated as a part of the Interstate System under section 139 and any toll road on the Interstate System not subject to an agreement under section 119(e) of this title, as in effect on the day before the effective date of title I of the Intermodal Surface Transportation Infrastructure Act of 1991). Such funds shall be made available by the Secretary to any State applying for such funds, if the Secretary determines that—

"(i) the State has obligated or demonstrates that it will obligate in the fiscal year all of its apportionments under section 104(b)(1) other than an amount which, by itself, is insufficient to pay the Federal share of the cost of a project for resurfacing, restoring, rehabilitating, and reconstructing the Interstate System which has been submitted by the State to the Secretary for approval; and

"(ii) the applicant is willing and able to (I) obligate the funds within 1 year of the date the funds are made available, (II) apply them to a ready-to-commence project, and (III) in the case of construction work, begin work within 90 days of obligation.

"(B) Priority consideration for certain projects.—In selecting projects to fund under subparagraph (A), the Secretary shall give priority consideration to any project the cost of which exceeds $10,000,000 on any high volume route in an urban area or a high truck-volume route in a rural area.

"(C) Period of availability of discretionary funds.—Sums made available pursuant to this paragraph shall remain available until expended.".

(e) Conforming Amendment.—Section 118(b) of such title is amended by striking paragraph (3).

SEC. 116. INTERSTATE SYSTEM RESURFACING.

Section 119 of title 23, United States Code, is amended—

(1) by striking subsections (a), (c), (e), and (f);

(2) by redesignating subsections (b) and (d) as subsections (a) and (b), respectively;

(3) in subsection (a), as so redesignated, by inserting before "Not later than" the following: "Maintenance Program.—";

(4) in subsection (b), as so redesignated, by striking "or 104(b)(5)(B)"; and

(5) by adding at the end the following:

"(c) Minimum Expenditure for Interstate Maintenance.—Of the amount apportioned to a State under section 104(b)(1) for any fiscal year beginning after September 30, 1991, such State shall obligate for interstate resurfacing, restoring, and rehabilitating not less than an amount equal to 70 percent of such State's apportionment under section 104(b)(5)(B) in fiscal year 1991.".

SEC. 117. FEDERAL SHARE.

(a) In General.—Section 120 of title 23, United States Code, is amended by striking subsections (a), (b), (c), and (d) and inserting the following new subsections:

"(a) Interstate System Projects.—Except as otherwise provided in this chapter, the Federal share payable on account of any project on the Interstate System (including project to add high occupancy vehicle lanes but excluding a project to add any other lanes) shall be 90 percent of the total cost thereof, plus a percentage of the remaining 10 percent of such cost in any State containing unappropriated and unreserved public lands and nontaxable Indian lands, individual and tribal, exceeding 5 percent of the total area of all lands therein, equal to the percentage that the area of such lands in such State is of its total area; except that such Federal share payable on any project in any State shall not exceed 95 percent of the total cost of such project.

"(b) Other Federal-aid Highway Projects.—Except as otherwise provided in this chapter, the Federal share payable on account of any project or activity carried out under this chapter (other than a project subject to subsection (a)) and any project or activity financed under section 307(c) of this title shall be—

"(1) 80 percent of the cost thereof, except that in the case of any State containing nontaxable Indian lands, individual and tribal, and public domain lands (both reserved and unreserved) exclusive of national forests and national parks and monuments, exceeding 5 percent of the total area of all lands therein, the Federal share shall be increased by a percentage of the remaining cost equal to the percentage that the area of all such lands in such State, is of its total area; or

"(2) 80 percent of the cost thereof, except that in the case of any State containing nontaxable Indian lands, individual and tribal, public domain lands (both reserved and unreserved), national forests, and national parks and monuments, the Federal share shall be increased by a percentage of the remaining cost equal to the percentage that the area of all such lands in such State is of its total area;

except that the Federal share payable on any project in a State shall not exceed 95 percent of the total cost of any such project. In any case where a State elects to have the Federal share provided in paragraph (2) of this subsection, the State must enter into an agreement with the Secretary covering a period of not less than 1 year, requiring such State to use solely for highway construction purposes (other than paying its share of projects approved under this title) during the period covered by such agreement the difference between the State's share as provided in paragraph (2) and what its share would be if it elected to pay the share provided in paragraph (1) for all projects subject to such agreement.".

(b) Conforming Amendments.—Section 120 of such title is further amended by (1) striking subsections (j), (k), (l), and (m), (2) by redesignating subsections (e), (f), (g), (h), (i), and (n) as subsections (c), (d), (e), (f), (g), and (h), respectively, and (3) in subsection (d) as so redesignated by striking "and (c)" and inserting "and (b)"..

(c) Limitation on Statutory Construction.—The amendment made by subsection (a) shall not be construed to affect the Federal share established by the Supplemental Appropriations Act, 1983 (97 Stat. 329) for construction of any highway on the Interstate System.

SEC. 118. EMERGENCY RELIEF.

(a) Extension of Time Period.—Section 120(d) of title 23, United States Code, as redesignated by section 117(b) of this Act, is amended by striking "90 days" and inserting "180 days".

(b) Dollar Limitation for Territories.—Section 125(b)(2) of such title is amended by striking "$5,000,000" and inserting "$20,000,000".

(c) Applicability.—The amendments made by subsections (a) and (b) shall only apply to natural disasters and catastrophic failures occurring after the date of the enactment of this Act.

(d) Advances.—

(1) In general.—Notwithstanding section 125 of title 23, United States Code, the Secretary shall advance the State of Washington emergency relief funds under such section for the replacement of a bridge on the Interstate System damaged by storms in November 1990.

(2) Federal share.—The Federal share provisions of section 120 of title 23, United States Code, shall apply to replacement of the bridge pursuant to this section.

(3) Repayment.—The State of Washington shall repay advances under this section to the extent that a final court judgment declares the damage to the bridge referred to in paragraph (1) was a result of human error. If the State does not make such repayment by the first day of the second fiscal year beginning after the date of such judgment, the Secretary shall deduct from funds to be apportioned to the State under section 104(b)(1) of title 23, United States Code, 50 percent of the amount needed for such repayment in such fiscal year and 50 percent of such amount in the succeeding fiscal year. Any amount deducted under this paragraph shall be credited to the emergency relief fund under section 125 of such title.

SEC. 119. GROSS VEHICLE WEIGHT RESTRICTION.

(a) Continuation of Certain Longer Combination Vehicles.—

(1) In general.—Section 127 of title 23, United States Code, is amended by adding at the end the following new subsection:

"(d) Longer Combination Vehicles.—

"(1) Prohibition.—Except as otherwise provided in this subsection, a State may not allow a longer combination vehicle to be operated on the Interstate System within its boundaries without having its apportionment of funds withheld under subsection (a).

"(2) Continuation of LCVs lawfully operated on June 1, 1991.—A State may continue to allow to be operated on the Interstate System within its boundaries longer combination vehicles with a longer combination vehicle configuration and maximum gross vehicle weight—

"(A)(i)(I) if the State determined, on or before June 1, 1991, that longer combination vehicles with such configuration and weight could lawfully be operated on such System pursuant to a State statute or regulation in effect on June 1, 1991; and

"(II) if longer combination vehicles with such configuration and weight were in lawful operation on a regular or periodic basis (including seasonal operation or operation pursuant to a permit issued by the State) on such System on or before June 1, 1991; or

"(ii) if longer combination vehicles with such configuration and weight were in lawful operation on a regular or periodic basis on such System on or before June 1, 1991, pursuant to section 335 of the Department of Transportation and Related Agencies Appropriations Act, 1991 (104 Stat. 2186); and

"(B) if all operations of longer combination vehicles with such configuration and weight on the Interstate System continue to be subject, at a minimum, to all State statutes, regulations, limitations, and conditions (including routing-specific and configuration-specific designations and all other restrictions) in effect on June 1, 1991; except that, subject to the guidelines established by the Secretary under paragraph (6), the State may make minor adjustments to routing-specific designations and vehicle operation restrictions in effect on June 1, 1991, for safety purposes and for road construction purposes.

"(3) Wyoming.—In addition to vehicles which the State of Wyoming may continue to allow to be operated under paragraph (2), such State may allow longer combination vehicles with longer combination vehicle configurations not in actual operation on June 1, 1991, to be operated on the Interstate System within its boundaries by enactment of a State law on or before November 3, 1992—

"(A) if the gross vehicle weight of the longer combination vehicle with such configuration does not exceed 117,000 pounds;

"(B) if the longer combination vehicle with such configuration complies with the single axle, tandem axle, and bridge formula limits set forth in subsection (a); and

"(C) if such State notifies the Secretary of the enactment of such law before the 30th day following the date of such enactment.

The Secretary shall publish a notice of the enactment of such law in the Federal Register.

"(4) Additional State restrictions.—Nothing in this subsection shall prevent any State from further restricting in any manner or prohibiting the operation of longer combination vehicles otherwise authorized under this subsection, except that such restrictions or prohibitions shall be consistent with the requirements of sections 411, 412, and 416 of the Surface Transportation Assistance Act of 1982 (49 U.S.C. App. 2311, 2312, and 2316). Any State which further restricts or prohibits the operations of longer combination vehicles or makes minor adjustments pursuant to the exception set forth in paragraph (2)(B) shall notify the Secretary of the restriction, prohibition, or adjustment before the 30th day following the date of the action resulting in the restriction, prohibition, or adjustment, and the Secretary shall publish a notice of the restriction, prohibition, or adjustment in the Federal Register.

"(5) Publication of State laws.—

"(A) State lists.—Not later than 90 days after the effective date of this subsection, each State shall file, in writing, with the Secretary a complete list of those State statutes, regulations, limitations, and conditions (including routing-specific and configuration-specific designations and all other restrictions) governing only the operation of longer combination vehicles. If the State does not file such list by such 90th day, the Secretary shall complete and file such list for the State not later than the 120th day following such effective date.

"(B) Certification.—Not later than 90 days after the effective date of this subsection, each State interested in continuing to allow longer combination vehicles to be operated under paragraph (2) shall submit to the Secretary a written certification that the requirements of paragraph (2)(A)(i) or (2)(A)(ii), as the case may be, were complied with.

"(C) Publication.—Not later than 150 days after the effective date of this subsection, the Secretary shall publish in the Federal Register the lists filed under subparagraph (A).

"(D) Review of certification.—After publication under subparagraph (C), the Secretary shall review State certifications made under subparagraph (B) and may commence, on the Secretary's own initiative or pursuant to a challenge by any person, a proceeding to determine whether or not a certification made under subparagraph (B) made with regard to paragraph (2)(A)(i) or (2)(A)(ii) is inaccurate. In such proceeding, the State shall have the burden of proof to show that the certification is accurate. If the Secretary determines that the State certification is inaccurate, the Secretary shall amend the publication under subparagraph (C) to reflect the determination of the Secretary.

"(E) Limitation.—No statute or regulation shall be included on the lists published by the Secretary under this paragraph merely on the grounds that it authorized, or could have authorized, by permit or otherwise, the operation of longer combination vehicles, not in actual operation on a regular or periodic basis on or before June 1, 1991.

"(F) FINALITY.—Except as modified pursuant to paragraphs (2)(B), (3), and (4) and subparagraph (D) of this paragraph, the lists published under this paragraph shall become final on the 30th day following the date of their publication in the Federal Register and, thereafter, longer combination vehicles may not be operated on the Interstate System except as provided in the laws and regulations on the lists and as modified pursuant to such paragraphs.

"(6) REGULATIONS REGARDING CERTAIN MINOR ADJUSTMENTS.—Not later than 180 days after the effective date of this subsection, the Secretary shall issue regulations establishing guidelines for States to follow in making minor adjustments under paragraph (2)(B).

"(7) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this subsection shall be construed to allow the operation on any segment of the Interstate System of any commercial motor vehicle prohibited under section 411(j) of the Surface Transportation Assistance Act of 1982 (49 U.S.C. App. 2311(j)).

"(8) CONTINUATION OF APPLICABILITY OF SUBSECTION (A).—If a State allows a longer combination vehicle to be operated on the Interstate System within its boundaries in violation of this subsection, the State shall have its apportionment of funds withheld under subsection (a).

"(9) LONGER COMBINATION VEHICLE DEFINED.—For purposes of this subsection, the term 'longer combination vehicle' means any combination of a truck tractor and 2 or more trailers or semitrailers which operate on the Interstate System at a gross vehicle weight greater than 80,000 pounds.".

(2) STATE CERTIFICATION.—Section 141(b) of such title is amended by adding at the end the following new sentence: "Each State shall also certify that it is enforcing and complying with the provisions of section 127(d) of this title and section 411(j) of the Surface Transportation Assistance Act of 1982 (49 U.S.C. App. 2311(j)).".

(3) CONFORMING AMENDMENT.—The fourth sentence of section 127(a) of such title is amended by striking "This" and inserting "Subject to subsection (d) of this section, this".

(b) INTERSTATE ROUTE 68.—Section 127 of such title is amended by adding at the end the following new subsection:

"(e) OPERATION OF CERTAIN SPECIALIZED HAULING VEHICLES ON INTERSTATE ROUTE 68.—The single axle, tandem axle, and bridge formula limits set forth in subsection (a) shall not apply to the operation on Interstate Route 68 in Garrett and Allegany Counties, Maryland, of any specialized vehicle equipped with a steering axle and a tridemaxle and used for hauling coal, logs, and pulpwood if such vehicle is of a type of vehicle as was operating in such counties on United States Route 40 or 48 for such purpose in calendar year 1991.".

(c) CONFORMING AMENDMENT.—Section 127(a) of such title is amended by striking "funds authorized to be appropriated for any fiscal year under provisions of the Federal-Aid Highway Act of 1956 shall be apportioned" and inserting "funds shall be apportioned in any fiscal year under section 104(b)(1) of this title".

(d) TRANSPORTERS OF WATER WELL DRILLING RIGS.—

(1) STUDY.—The Secretary shall conduct a study of State and Federal regulations pertaining to transporters of water well drilling rigs on public highways for the purpose of identifying requirements which place a burden on such transporters without enhancing safety or preservation of public highways.

(2) REPORT.—Not later than 2 years after the effective date of this title, the Secretary shall transmit to Congress a report on the results of the study conducted under paragraph (1), together with any legislative and administrative recommendations of the Secretary.

(e) USE OF INTERSTATE SYSTEM BY FIREFIGHTING VEHICLES.—

(1) TEMPORARY EXEMPTION.—The second sentence of section 127 of title 23, United States Code, relating to axle weight limitations and the bridge formula for vehicles using the National System of Interstate and Defense Highways, shall not apply, in the 2-year period beginning on the effective date of this title, to any vehicle which is used for the purpose of protecting persons and property from fires and other disasters that threaten public safety and which is being delivered to or operated by a firefighting agency. The Secretary may extend such 2-year period for an additional year.

(2) STUDY.—The Secretary shall conduct a study (A) of State laws regulating the use on the National System of Interstate and Defense Highways of vehicles described in paragraph (1), and (B) of the issuance of permits by States which exempt such vehicles from the requirements of the second sentence of section 127 of title 23, United States Code. The purposes of such study are to determine whether or not such State laws and section 127 need to be modified and whether or not a permanent exemption should be made for such vehicles from the requirements of such laws and section 127 or whether or not the bridge formula set forth in such sentence should be modified as it applies to such vehicles.

(3) REPORT.—Not later than 18 months after the effective date of this title, the Secretary shall submit to Congress a report on the results of the study conducted under paragraph (2), together with recommendations.

SEC. 120. TOLL ROADS, BRIDGES, AND TUNNELS.

(a) NEW PROGRAM.—Section 129(a) of title 23, United States Code, is amended to read as follows:

"(a) BASIC PROGRAM.—

"(1) AUTHORIZATION FOR FEDERAL PARTICIPATION.—Notwithstanding section 301 of this title and subject to the provisions of this section, the Secretary shall permit Federal participation in—

"(A) initial construction of a toll highway, bridge, or tunnel (other than a highway, bridge, or tunnel on the Interstate System) or approach thereto;

"(B) reconstructing, resurfacing, restoring, and rehabilitating a toll highway, bridge, or tunnel (including a toll highway, bridge, or tunnel subject to an agreement entered into under this section or section 119(e) as in effect on the day before the effective date of title I of the Intermodal Surface Transportation Infrastructure Act of 1991) or approach thereto;

"(C) reconstruction or replacement of a toll-free bridge or tunnel and conversion of the bridge or tunnel to a toll facility;

"(D) reconstruction of a toll-free Federal-aid highway (other than a highway on the Interstate System) and conversion of the highway to a toll facility if such reconstruction will result in the addition of 2 or more lanes to the highway and if, after such reconstruction and conversion, the highway will be fully access controlled; and

"(E) preliminary studies to determine the feasibility of a toll facility for which Federal participation is authorized under subparagraph (A), (B), (C), or (D);

on the same basis and in the same manner as in the construction of free highways under this chapter.

"(2) OWNERSHIP.—Each highway, bridge, tunnel, or approach thereto constructed under this subsection must—

"(A) be publicly owned, or

"(B) be privately owned if the public authority having jurisdiction over the highway, bridge, tunnel, or approach has entered into a contract with a private person to design, finance, construct, and operate the facility and the public authority will be responsible for complying with all applicable requirements of this title with respect to the facility.

"(3) LIMITATIONS ON USE OF REVENUES.—Before the Secretary may permit Federal participation under this subsection in construction of a highway, bridge, or tunnel located in a State, the public authority (including the State highway department) having jurisdiction over the highway, bridge, or tunnel must enter into an agreement with the Secretary which provides that, until repayment of all non-Federal debt incurred with respect to such construction (including debt service), all toll revenues received from operation of the toll facility will be used only on the toll facility and only for repayment of such debt, for reasonable return on investment of any private person financing the project, and for the costs necessary for the proper operation, maintenance, and debt service of the toll facility, including reconstruction, resurfacing, restoration, and rehabilitation. Thereafter the toll revenues may, in addition, be used for any purpose for which Federal funds may be obligated by a State under this title.

"(4) SPECIAL RULE FOR FUNDING.—In the case of a toll highway, bridge, or tunnel under the jurisdiction of a public authority of a State (other than the State highway department), upon request of the State highway department and subject to such terms and conditions as such department and public authority may agree, the Secretary shall reimburse such public authority for the Federal share of the costs of construction of the project carried out on the toll facility under this subsection in the same manner and to the same extent as such department would be reimbursed if such project was being carried out by such department. The reimbursement of funds under this paragraph shall be from sums apportioned to the State under this chapter and available for obligations on projects on the Federal-aid system in such State on which the project is being carried out.

"(5) LIMITATION ON FEDERAL SHARE.—The Federal share payable for construction of a highway, bridge, tunnel, or approach thereto or conversion of a highway, bridge, or tunnel to a toll facility under this subsection shall be such percentage as the State determines but not to exceed 35 percent.

"(6) MODIFICATIONS.—If a public authority (including a State highway department) having jurisdiction over a toll highway, bridge, or tunnel subject to an agreement under this section or section 119(e) as in effect on the day before the effective date of title I of the Intermodal Surface Transportation Infrastructure Act of 1991 requests modification of such agreement, the Secretary shall modify such agreement to allow the continuation of tolls in accordance with paragraph (3) without repayment of Federal funds.

"(7) INITIAL CONSTRUCTION DEFINED.—For purposes of this subsection, the term 'initial construction' means the construction of a highway, bridge, or tunnel at any time before it is open to traffic and does not include any improvement to a highway, bridge, or tunnel after it is open to traffic.".

(b) ELIMINATION OF PUBLIC OPERATION REQUIREMENT FOR TOLL FERRIES.—Section 129 of such title is amended—

(1) by striking subsections (b), (c), (d), (e), (h), (i), and (k);

(2) by redesignating subsections (f), (g), and (j) as subsections (b), (c), and (d), respectively;

(3) in subsection (c) as so redesignated by inserting "and ferry terminal facilities" after "boats";

(4) in subsection (c) as so redesignated by striking paragraph (3) and inserting the following:

"(3) Such ferry boat or ferry terminal facility shall be publicly owned."; and

(5) in subsection (c)(4) as so redesignated—

(A) by inserting "or other public entity" after "State"; and

(B) by inserting before the period at the end the following: ", debt service, negotiated management fees, and, in the case of a privately operated toll ferry, for a reasonable rate of return".

(c) CONTINUATION OF EXISTING AGREEMENTS.—Unless modified under section 129(a)(6) of such title, as amended by subsection (a) of this section, agreements entered into under section 119(e) or 129 of such title before the effective date of this title and in effect on the day before such effective date shall continue in effect on and after such effective date in accordance with the provisions of such agreement and such section 119(e) or 129.

(d) VOIDING OF CERTAIN AGREEMENTS FOR FORT MCHENRY TUNNEL.—Upon the request of the public authority having jurisdiction over the Fort McHenry Tunnel, Maryland, and upon such authority entering into a new agreement regarding such tunnel with the Secretary, the Secretary shall void any agreement entered into with such authority with respect to the tunnel before the effective date of this subsection under section 120(c)(1) of the Surface Transportation and Uniform Relocation Assistance Act of 1987 (101 Stat. 159). The new agreement referred to in the preceding sentence shall permit the continuation of tolls without repayment of Federal funds and shall provide that all toll revenues received from operation of the tunnel will be used—

(1) first for repayment of the non-Federal cost of construction of the tunnel (including debt service);

(2) second for the costs necessary for the proper operation and maintenance of the tunnel, including resurfacing, restoration, and rehabilitation; and

(3) to the extent that toll revenues exceed the amount necessary for paragraphs (1) and (2), such excess may be used for any purpose for which a State may obligate funds under title 23, United States Code.

(e) VOIDING OF CERTAIN AGREEMENTS FOR I-78 DELAWARE RIVER BRIDGE.—Upon the joint request of the State of Pennsylvania, the State of New Jersey, and the Delaware River Joint Toll Bridge Commission, and upon such parties entering into a new agreement with the Secretary regarding the bridge on Interstate Route 78 which crosses the Delaware River in the vicinity of Easton, Pennsylvania, and Phillipsburg, New Jersey, the Secretary shall void any agreement entered into with such parties with respect to the bridge before the effective date of this subsection under section 129(a), 129(d), or 129(e) of title 23, United States Code. The new agreement referred to in the preceding sentence shall permit the continuation of tolls without repayment of Federal funds and shall provide that all toll revenues received from operation of the bridge will be used—

(1) first for repayment of the non-Federal cost of construction of the bridge (including debt service);

(2) second for the costs necessary for the proper operation and maintenance of the bridge, including resurfacing, restoration, and rehabilitation; and

(3) to the extent that toll revenues exceed the amount necessary for paragraphs (1) and (2), such excess may be used with respect to any other bridge under the jurisdiction of the Delaware River Joint Toll Bridge Commission.

(f) BRIDGE CONNECTING PENNSYLVANIA TURNPIKE SYSTEM AND NEW JERSEY TURNPIKE.—Section 3 of the Act of October 26, 1951 (65 Stat. 653) is amended by striking ": *Provided*," and all that follows before the period.

SEC. 121. COMBINED HIGHWAY SAFETY IMPROVEMENT PROGRAM.

(a) IN GENERAL.—Section 130 of title 23, United States Code, is amended to read as follows:

"§ 130. Combined highway safety improvement program

"(a) SURVEY.—Each State shall—

"(1) conduct and systematically maintain an engineering survey of all highways—

"(A) to identify hazardous locations, sections, and elements, including roadside obstacles and unmarked or poorly marked highways, which may constitute a danger to motorists and pedestrians; and

"(B) to identify those railroad crossings which may require separation, relocation, protective devices, or pedestrian stoplights;

"(2) assign priorities for the correction of such locations, sections, and elements; and

"(3) establish and implement a schedule of projects for improvements so identified.

At a minimum, such a schedule shall provide signs for all railway-highway crossings.

"(b) PROJECTS.—The Secretary may approve as projects under this section any highway safety improvement project and any project for the elimination of hazards of railway-highway crossings.

"(c) LIMITATION TO NON-INTERSTATE HIGHWAYS.—Funds authorized to carry out this section shall be available for expenditure on any public road (other than a highway on the Interstate System).

"(d) FEDERAL SHARE.—The Federal share payable on account of any project under this section shall be 80 percent of the cost thereof.

"(e) SPECIAL RULES FOR RAILWAY-HIGHWAY CROSSINGS.—

"(1) CLASSIFICATION OF PROJECTS.—The Secretary may classify the various types of projects involved in the elimination of hazards of railway-highway crossings and may set for each such classification a percentage of the costs of construction which shall be deemed to represent the net benefit to the railroad or railroads for the purpose of determining the railroad's share of the cost of construction. The percentage so determined shall in no case exceed 10 percent. The Secretary shall determine the appropriate classification of each project.

"(2) LIABILITY.—

"(A) TO UNITED STATES.—Any railroad involved in a project for the elimination of hazards of railway-highway crossings paid for in whole or in part from sums made available for expenditure under this title shall be liable to the United States for the net benefit to the railroad determined under the classification of such project made pursuant to paragraph (1) of this subsection.

"(B) DISCHARGE.—The liability to the United States may be discharged by direct payment to the State highway department of the State in which the project is located, in which case such payment shall be credited to the cost of the project. Such payment may consist in whole or in part of materials and labor furnished by the railroad in connection with the construction of such project.

"(C) ENFORCEMENT.—If any railroad fails to discharge its liability under this paragraph within a 6-month period after completion of the project, it shall be liable to the United States for its share of the cost, and the Secretary shall request the Attorney General to institute proceedings against the railroad for the recovery of the amount for which it is liable under this paragraph. The Attorney General is authorized to bring such proceedings on behalf of the United States, in the appropriate district court of the United States, and the United States shall be entitled in such proceedings to recover such sums as it is considered and adjudged by the court that such railroad is liable for. Any amounts recovered by the United States under this subsection shall be credited to miscellaneous receipts.

"(f) APPORTIONMENT.—Subject to subsection (i), 12.5 percent of the funds authorized to be appropriated to carry out this section shall be apportioned to the States in the same manner as sums were apportioned under section 104(b)(2) of this title in fiscal year 1991, 12.5 percent of such funds shall be apportioned to the States in the same manner as sums were apportioned under section 104(b)(6) of this title in fiscal year 1991, 25 percent of such funds shall be apportioned to the States in the ratio that total railway-highway crossings in each State bears to the total of such crossings in all States, and 50 percent of such funds shall be apportioned to the States in the same manner as sums were apportioned under section 402(c) of this title.

"(g) FUNDS FOR PROTECTIVE DEVICES.—At least ¼ of the funds authorized for and expended under this section shall be available for the installation of protective devices and pedestrian stoplights at railway-highway crossings.

"(h) OBLIGATION OF FUNDS.—

"(1) IN GENERAL.—Funds authorized to be appropriated to carry out this section shall be available for obligation in the same manner and to the same extent as if such funds were apportioned under section 104(b)(1), except that the Secretary is authorized to waive provisions the Secretary deems inconsistent with the purposes of this section.

"(2) LIMITATION.—From funds apportioned to a State under this section in a fiscal year, the Secretary shall make available to the State an amount for elimination of hazards of rail-highway crossings and an amount for highway safety improvement projects which is not less than the amount of funds apportioned to the State in fiscal year 1991 under this section and section 152, respectively.

"(i) SET-ASIDES.—

"(1) OPERATION LIFE SAVER PROGRAM.—Before making an apportionment of funds under subsection (f) for a fiscal year, the Secretary shall set-aside $300,000 of the funds authorized to be appropriated to carry out this section for such fiscal year to carry out a public information and education program to help prevent and reduce motor vehicle accidents, injuries, and fatalities and to improve driver performance at railway-highway crossings.

"(2) RAILWAY-HIGHWAY CROSSING HAZARD ELIMINATION IN HIGH SPEED RAIL CORRIDORS.—

Before making an apportionment of funds under subsection (f) for a fiscal year, the Secretary shall set aside $10,000,000 of the funds authorized to be appropriated to carry out this section for such fiscal year for elimination of hazards of railway-highway crossings in not to exceed 5 railway corridors selected by the Secretary in accordance with such criteria as the Secretary may establish by regulation. Such a corridor (A) must include rail lines where railroad speeds of 90 miles per hour are occurring or are expected to occur in the future and where substantial rail passenger service is provided, and (B) may not exceed 460 miles in length.

"(j) Use of Funds by Local Governments.—Funds authorized to be appropriated to carry out this section may be used to provide a local government with funds to be used on a matching basis when State funds are available which may only be spent when the local government produces matching funds for the improvement of railway-highway crossings.

"(k) Evaluation Process for Highway Safety Projects.—Each State shall establish an evaluation process approved by the Secretary, to analyze and assess results achieved by highway safety improvement projects carried out in accordance with procedures and criteria established by this section. Such evaluation process shall develop cost-benefit data for various types of corrections and treatments which shall be used in setting priorities for highway safety improvement projects.

"(l) Annual Reports.—

"(1) To congress.—

"(A) In general.—Not later than December 30 of each year, each State shall report to the Secretary on the progress being made to implement the objectives of this section and the effectiveness of the programs being carried out under this section.

"(B) Contents.—Each State report shall contain an assessment of the cost of the various treatments employed under this section, the safety benefits derived from, and the previous and subsequent accident experience at improved locations.

"(2) To committees.—

"(A) In general.—Not later than April 1 of each year, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Public Works and Transportation of the House of Representatives a report on the progress being made by the States in implementing projects under this section (including projects for pavement marking).

"(B) Contents.—The report under this paragraph shall include, but not be limited to, the number of projects undertaken, their distribution by cost range, road system, means and methods used, and the previous and subsequent accident experience at improved locations. In addition, the Secretary's report shall analyze and evaluate each State program, identify any State found not to be in compliance with the schedule of improvements required by subsection (a) and include recommendations for future implementation of programs under this section.

"(m) Revision of Manual.—Not later than 90 days after the date of the enactment of this subsection, the Secretary shall revise the Manual of Uniform Traffic Control Devices and such other regulations and agreements of the Federal Highway Administration as may be necessary to authorize States and local governments, at their discretion, to install stop or yield signs at any rail-highway grade crossing without automatic traffic control devices with 2 or more trains operating across the rail-highway grade crossing per day.

"(n) State Defined.—For the purposes of this section, the term 'State' as used with respect to highway safety improvement projects has the meaning such term has under section 401 of this title.".

(b) Conforming Amendments.—

(1) Analysis.—The analysis for chapter 1 of such title is amended by striking the item relating to section 130 and inserting the following:

"130. Combined highway safety improvement program.".

(2) Repeal of hazard elimination program.—Section 152 of title 23, United States Code, and the item relating to such section in the analysis for chapter 1 of such title are repealed.

(c) Roadside Barriers and Safety Appurtenances.—

(1) Initiation of rulemaking proceeding.—Not later than 30 days after the date of the enactment of this Act, the Secretary shall initiate a rulemaking proceeding to revise the guidelines and establish standards for installation of roadside barriers and other safety appurtenances, including longitudinal barriers, end terminals, and crash cushions. Such rulemaking shall reflect state-of-the-art designs, testing, and evaluation criteria contained in the National Cooperative Highway Research Program Report 230, relating to approval standards which provide an enhanced level of crashworthy performance to accommodate vans, minivans, pickup trucks, and 4-wheel drive vehicles.

(2) Final rule.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall complete the rulemaking proceeding initiated under paragraph (1) and issue a final rule regarding the implementation of revised guidelines and standards for acceptable roadside barriers and other safety appurtenances, including longitudinal barriers, end terminals, and crash cushions. Such revised guidelines and standards shall accommodate vans, mini-vans, pickup trucks, and 4-wheel drive vehicles and shall be applicable to the refurbishment and replacement of existing roadside barriers and safety appurtenances as well as to the installation of new roadside barriers and safety appurtenances.

(d) Vehicle Proximity Alert System.—The Secretary shall coordinate the field testing of the vehicle proximity alert system and comparable systems to determine their feasibility for use by priority vehicles as an effective railroad-highway grade crossing safety device. In the event the vehicle proximity alert or a comparable system proves to be technologically and economically feasible, the Secretary shall develop and implement appropriate programs under section 130 of title 23, United States Code, to provide for installation of such devices where appropriate.

SEC. 122. CONTROL OF OUTDOOR ADVERTISING.

(a) Funding.—Section 131(m) of title 23, United States Code, is amended by adding at the end the following new sentence: "Subject to approval by the Secretary in accordance with the program of projects approval process of section 105, a State may use any funds apportioned to it under section 104 of this title for removal of any sign, display, or device lawfully erected which does not conform to this section.".

(b) Removal of Illegal Signs.—Section 131 of such title is amended by adding at the end the following new subsection:

"(r) Removal of Illegal Signs.—

"(1) By owners.—Any sign, display, or device along the Interstate System or the Federal-aid primary system which was not lawfully erected, shall be removed by the owner of such sign, display, or device not later than the 90th day following the effective date of this subsection.

"(2) By states.—If any owner does not remove a sign, display, or device in accordance with paragraph (1), the State within the borders of which the sign, display, or device is located shall remove the sign, display, or device. The owner of the removed sign, display, or device shall be liable to the State for the costs of such removal. Effective control under this section includes compliance with the first sentence of this paragraph.".

(c) Scenic Byway Prohibition.—Such section is further amended by adding at the end the following new subsections:

"(s) Scenic Byway Prohibition.—If a State has a scenic byway program, the State may not allow the erection along any highway on the Interstate System or Federal-aid primary system which before, on, or after the effective date of this subsection, is designated as a scenic byway under such program of any sign, display, or device which is not in conformance with subsection (c) of this section. Control of any sign, display, or device on such a highway shall be in accordance with this section.

"(t) Primary System Defined.—For purposes of this section, the terms 'primary system' and 'Federal-aid primary system' mean the Federal-aid primary system in existence on June 1, 1991, and any highway which is not on such system but which is on the National Highway System.".

(d) State Compliance Laws.—The amendments made by this section shall not affect the status or validity of any existing compliance law or regulation adopted by a State pursuant to section 131 of title 23, United States Code.

SEC. 123. METROPOLITAN PLANNING.

(a) In General.—Section 134 of title 23, United States Code, is amended to read as follows:

"§ 134. Metropolitan planning

"(a) General Requirements.—It is in the national interest to encourage and promote the development of transportation systems embracing various modes of transportation in a manner that will serve urbanized areas of the States efficiently and effectively. To accomplish this objective, metropolitan planning organizations, in cooperation with the State, shall develop transportation plans and programs for urbanized areas of the State. Such plans and programs shall provide for the development of transportation facilities (including pedestrian walkways and bicycle transportation facilities) which will function as an intermodal transportation system for the State and such urbanized areas, giving emphasis to those facilities which serve important national and regional transportation functions (such as moving goods within the urbanized area and to distant markets, enhancing productivity and economic competitiveness, enabling persons to move quickly to and from their homes, jobs, and other destinations, providing access to international border crossings, and connecting roadways within the urbanized area with roadways outside the urbanized area). The process for developing such plans and programs shall provide for consideration of all modes of transportation (including pedestrian walkways and bicycle transportation) and shall be continuing, cooperative, and comprehensive to the degree appropriate, based on the complexity of the transportation problems.

"(b) METROPOLITAN PLANNING ORGANIZATION.—

"(1) DESIGNATION.—Affected units of general purpose local government and the Governor of a State shall designate or redesignate, by agreement or in accordance with procedures established by applicable State or local law, a metropolitan planning organization for each urbanized area of the State to carry out the transportation planning process required by this section.

"(2) CONTINUATION OF EXISTING MPOS.—For purposes of this subsection, a metropolitan planning organization in existence on September 30, 1991, shall be treated as being designated under this subsection.

"(c) COVERAGE.—The transportation planning process required by this section for an urbanized area shall cover, at a minimum, the existing urbanized area and the area expected to become an urbanized area within the planning forecast period and may encompass the entire metropolitan statistical area or the consolidated metropolitan statistical area (as defined by the Bureau of the Census), as the case may be, or an area designated as nonattainment for transportation-related pollutants under the Clean Air Act.

"(d) FACTORS TO BE CONSIDERED.—In developing transportation plans and programs under this section, each State and metropolitan planning organization shall consider, at a minimum, the following:

"(1) Transportation system management and investment strategies designed to make the most efficient use of existing transportation facilities.

"(2) Applicable Federal, State, and local energy conservation program, goals, and objectives.

"(3) The overall social, economic, and environmental effects of transportation decisions.

"(4) Applicable requirements of the Clean Air Act.

"(5) Methods to reduce traffic congestion and to prevent traffic congestion from developing in areas where it does not yet occur, including methods which reduce motor vehicle travel, particularly single-occupant motor vehicle travel.

"(6) Methods to expand and enhance transit services and to increase the use of such services.

"(7) The effect of transportation decisions on land use and land development, including the need for consistency between transportation decisionmaking and the provisions of all applicable short-range and long-range land use and development plans.

"(8) The transportation needs identified through use of the management systems required by section 303 of this title.

"(9) Where appropriate, the use of innovative mechanisms for financing projects, including value capture pricing, tolls, and congestion pricing.

"(10) Preservation of rights-of-way for construction of future transportation projects, including identification of unused rights-of-way which may be needed for future transportation corridors and identification of those corridors for which action is most needed to prevent destruction or loss.

"(11) Long-range needs of the transportation systems in the urbanized area.

"(12) Methods to enhance the efficient movement of commercial motor vehicles.

"(13) With respect to bridges and tunnels, life-cycle costs in the design and engineering of the bridge or tunnel.

"(e) SPECIAL RULES FOR URBANIZED AREAS OF MORE THAN 200,000.—In addition to complying with the requirements of subsection (a), a metropolitan planning organization for an urbanized area of more than 200,000 population must develop transportation plans and programs in cooperation with the State and affected transit operators. Such planning process shall include identification of methods to reduce congestion appropriate for the size of the area and the complexity of transportation problems in the area, including transportation-related air quality problems. In nonattainment urbanized areas of more than 200,000 population for transportation-related pollutants under the Clean Air Act, such methods shall be coordinated with the development of the State implementation plan required by the Clean Air Act.

"(f) LONG-RANGE PLAN.—The metropolitan planning organization designated for an urbanized area, in cooperation with the State, shall develop a long-range transportation plan for the area for which such organization is designated under subsection (c). In developing the plan, the metropolitan planning organization shall provide citizens, affected public agencies, representatives of transportation agency employees, other affected employee representatives, private providers of transportation, and other interested parties with a reasonable opportunity to comment on the proposed plan. In addition, the metropolitan planning organization shall develop a long-range comprehensive plan for bicycle transportation and pedestrian walkways for such area which shall be incorporated into the long-range transportation plan for such area.

"(g) TRANSPORTATION IMPROVEMENT PROGRAM.—

"(1) DEVELOPMENT.—The metropolitan planning organization designated for an urbanized area, in cooperation with the State, shall develop a transportation improvement program for the area for which such organization is designated under subsection (c). In developing the program, the metropolitan planning organization shall provide citizens, affected public agencies, representatives of transportation agency employees, other affected employee representatives, private providers of transportation, and other interested parties with a reasonable opportunity to comment on the proposed program.

"(2) INCLUDED PROJECTS.—A transportation improvement program for an urbanized area developed under this subsection shall include projects within the area which are proposed for funding under this title and the Urban Mass Transportation Act of 1964, which are consistent with the long-range plan developed under subsection (f) for the area, and which conform with any applicable State implementation plan developed pursuant to the Clean Air Act. The program shall include a project, or an identified phase of a project, only if full funding can reasonably be anticipated to be available for the project within the time period contemplated for completion of the project.

"(3) BIENNIAL REVIEW AND APPROVAL.—A transportation improvement program for an urbanized area developed under this subsection shall be reviewed and approved no less frequently than biennially by the metropolitan planning organization for the area.

"(4) MODIFICATIONS.—A transportation improvement program for an urbanized area developed under this subsection may be modified at any time by the metropolitan planning organization for the area in cooperation with the State if such modification is consistent with the long-range transportation plan developed under subsection (f).".

(b) ADVISORY COMMITTEE REVIEW.—

(1) ESTABLISHMENT OF ADVISORY COMMITTEE.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall establish in the Department of Transportation an advisory committee to review—

(A) the planning process being utilized by metropolitan planning organizations under section 134 of title 23, United States Code;

(B) the composition and organization of such metropolitan planning organizations;

(C) the impact on such metropolitan planning organizations of changing demographics and increased responsibilities of such metropolitan planning organizations under such title and under the Clean Air Act; and

(D) the relationship between the planning processes being carried out under such section and section 135 of such title.

(2) COMPOSITION.—The advisory committee established under this subsection shall have such membership as the Secretary may establish; except that representatives of the following organizations shall, at a minimum, be members of the advisory committee:

(A) The National Association of Counties.

(B) The National League of Cities.

(C) The National Association of Regional Councils.

(D) The National Governors Association.

(E) The United States Conference of Mayors.

(F) The American Association of State Highway and Transportation Officials.

(3) REPORT.—Not later than 3 years after the date of the enactment of this Act, the advisory committee established under this section shall submit to the Secretary and Congress a report on the results of the review conducted under this subsection, together with such recommendations as the advisory committee may have with respect to the matters listed in paragraph (1).

SEC. 124. STATEWIDE PLANNING.

(a) IN GENERAL.—Section 135 of title 23, United States Code, is amended to read as follows:

"§ 135. Statewide planning

"(a) GENERAL REQUIREMENTS.—It is in the national interest to encourage and promote the development of transportation systems embracing various modes of transportation in a manner that will serve all areas of the State efficiently and effectively. Subject to section 134 of this title, the State shall develop transportation plans and programs for all areas of the State. Such plans and programs shall provide for development of transportation facilities (including pedestrian walkways and bicycle transportation facilities) which will function as an intermodal State transportation system, giving emphasis to those facilities which serve important national and regional transportation functions (such as moving goods within the State and to distant markets, enhancing productivity and economic competitiveness, enabling persons to move quickly to and from their homes, jobs, and other destinations, providing access to international border crossings, and connecting roadways within the State with roadways outside the State). The process for developing such plans and programs shall provide for consideration of all modes of transportation (including bicycle transportation and other forms of nonmotorized transportation) and shall be continuing, cooperative, and comprehensive to the degree appropriate, based on the complexity of the transportation problems.

"(b) COORDINATION WITH METROPOLITAN PLANNING; STATE IMPLEMENTATION PLAN.—In carrying out planning under this section, a State shall coordinate such planning with the transportation planning activities carried out under section 134 of this title for urbanized areas of the State and shall develop the transportation portion of the State implementation plan required by the Clean Air Act.

"(c) FACTORS TO BE CONSIDERED.—In developing transportation plans and programs under this section, each State shall consider, at a minimum, the following:

"(1) Transportation system management and investment strategies designed to make the most efficient use of existing transportation facilities.

"(2) Applicable Federal, State, and local energy conservation program, goals, and objectives.

"(3) The overall social, economic, and environmental effects of transportation decisions.

"(4) Applicable requirements of the Clean Air Act.

"(5) Methods to reduce traffic congestion and to prevent traffic congestion from developing in areas where it does not yet occur, including methods which reduce motor vehicle travel, particularly single-occupant motor vehicle travel.

"(6) Methods to expand and enhance transit services and to increase the use of such services.

"(7) The effect of transportation decisions on land use and land development, including the need for consistency between transportation decisionmaking and the provisions of all applicable short-range and long-range land use and development plans.

"(8) The transportation needs identified through use of the management systems required by section 303 of this title.

"(9) Where appropriate, the use of innovative mechanisms for financing projects, including value capture pricing, tolls, and congestion pricing.

"(10) Preservation of rights-of-way for construction of future transportation projects, including identification of unused rights-of-way which may be needed for future transportation corridors, and identification of those corridors for which action is most needed to prevent destruction or loss.

"(11) Long-range needs of the State transportation system.

"(12) Recreational travel and tourism.

"(13) Methods to enhance the efficient movement of commercial motor vehicles.

"(14) With respect to bridges and tunnels, life-cycle costs in the design and engineering of the bridge or tunnel.

"(d) ADDITIONAL REQUIREMENTS.—Each State in carrying out planning under this section shall—

"(1) incorporate, coordinate, and reconcile transportation plans and programs developed for urbanized areas of the State under section 134 with the State transportation plans and programs developed under this section;

"(2) provide for comprehensive transportation planning for areas of the State which are not urbanized areas;

"(3) consult with Indian tribal governments having jurisdiction over lands within the boundaries of the State;

"(4) establish and implement a bridge management system, pavement management system, safety management system, transit management system, and congestion management system in accordance with section 303 of this title; and

"(5) establish and implement a traffic monitoring system in accordance with section 303 of this title.

"(e) LONG-RANGE PLAN.—The State shall develop a long-range transportation plan for all areas of the State. With respect to urbanized areas of the State, the plan shall be developed in cooperation with metropolitan planning organizations designated for urbanized areas in the State under section 134. With respect to areas of the State under the jurisdiction of an Indian tribal government, the plan shall be developed in cooperation with such government and the Secretary of the Interior. In developing the plan, the State shall provide citizens, affected public agencies, representatives of transportation agency employees, other affected employee representatives, private providers of transportation, and other interested parties with a reasonable opportunity to comment on the proposed plan. In addition, the State shall develop a long-range comprehensive plan for bicycle transportation and pedestrian walkways for all areas of the State which shall be incorporated into the long-range transportation plan.

"(f) TRANSPORTATION IMPROVEMENT PROGRAM.—

"(1) DEVELOPMENT.—The State shall develop a transportation improvement program for all areas of the State. With respect to urbanized areas of the State, the program shall be developed in cooperation with metropolitan planning organizations designated for urbanized areas in the State under section 134. In developing the program, the State shall provide citizens, affected public agencies, representatives of transportation agency employees, other affected employee representatives, private providers of transportation, and other interested parties with a reasonable opportunity to comment on the proposed program.

"(2) INCLUDED PROJECTS.—A transportation improvement program for a State developed under this subsection shall include projects within the boundaries of the State which are proposed for funding under this title and the Urban Mass Transportation Act of 1964, which are consistent with the long-range plan developed under subsection (e) for the State, and which conform with any applicable State implementation plan developed pursuant to the Clean Air Act. The program shall include a project, or an identified phase of a project, only if full funding can reasonably be anticipated to be available for such project within the time period contemplated for completion of the project.

"(3) BIENNIAL REVIEW AND APPROVAL.—A transportation improvement program developed under this subsection shall be reviewed and approved no less frequently than biennially by the State.

"(4) MODIFICATIONS.—A transportation improvement program developed under this subsection may be modified at any time by the State in cooperation with affected metropolitan planning organizations if such modification is consistent with the long-range transportation plan developed under subsection (e).".

(b) CONFORMING AMENDMENT.—The analysis for chapter 1 of such title is amended by striking the items relating to sections 134 and 135 and inserting the following:

"134. Metropolitan planning.
"135. Statewide planning.".

SEC. 125. FRINGE AND CORRIDOR PARKING FACILITIES.

(a) PUBLICLY OWNED PARKING FACILITIES.—Section 137(a) of title 23, United States Code, is amended by striking "the Federal-aid urban system" and inserting "any Federal-aid system for payment with sums apportioned under section 104(b) (other than section 104(b)(5)(A))".

(b) CONFORMING AMENDMENT.—Section 137 of such title is amended by striking subsection (f).

SEC. 126. INDIAN NONDISCRIMINATION.

(a) ELIGIBILITY FOR TRAINING PROGRAMS.—Subsections (b) and (c) of section 140 of title 23, United States Code, are each amended by inserting "Indian tribal government," after "institution,".

(b) INDIAN EMPLOYMENT PREFERENCE.—Section 140(d) of such title is amended by inserting after the first sentence the following new sentence: "States may implement a preference for employment of Indians on projects carried out under this title near Indian reservations.".

SEC. 127. PUBLIC TRANSPORTATION.

(a) IMPROVED ACCESS BETWEEN INTERCITY AND RURAL BUS SERVICE.—Section 142(a)(2) of title 23, United States Code, is amended—

(1) by striking ", beginning with the fiscal year ending June 30, 1975,";

(2) by striking "Federal-aid urban system," and inserting "rural mobility system or urban mobility system";

(3) by striking "104(b)(6)" the first place it appears and all that follows through the period at the end and inserting "104(b)(2) or 104(b)(6), respectively, for carrying out any capital transit project eligible for assistance under the Urban Mass Transportation Act of 1964, capital improvement to provide access and coordination between intercity and rural bus service, and construction of facilities to provide connections between highway transportation and other modes of transportation.".

(b) ACCOMMODATION OF OTHER MODES.—Section 142(c) of such title is amended to read as follows:

"(c) ACCOMMODATION OF OTHER MODES OF TRANSPORTATION.—The Secretary may approve as a project on any Federal-aid system for payment from sums apportioned under section 104(b) (other than section 104(b)(5)(A)) modifications to existing highway facilities on such system necessary to accommodate other modes of transportation if such modifications will not adversely affect automotive safety or future highway improvements.".

(c) METROPOLITAN PLANNING.—Section 142(d) of such title is amended to read as follows:

"(d) METROPOLITAN PLANNING.—Any project carried out under this section in an urbanized area shall be subject to the metropolitan planning requirements of section 134.".

(d) USE OF RIGHT-OF-WAYS.—Section 142(g) of such title is amended—

(1) by inserting "or air space" after "sufficient land";

(2) by striking "the Administrator may authorize a State to" and inserting "a State may";

(3) by inserting ", air space," after "such lands"; and

(4) by inserting "or private person" after "transit authority".

(e) CONFORMING AMENDMENTS TO SECTION 142.—Section 142 of such title is amended—

(1) in subsection (e)(2) by striking "Federal-aid urban" and inserting "urban mobility";

(2) by striking subsections (f) and (k);

(3) by redesignating subsections (g), (h), (i), and (j) as subsections (f), (g), (h), and (i), respectively;

(4) in subsection (g), as so redesignated, by striking "or subsection (c) of this section"; and

(5) in each of subsections (h) and (i), as so redesignated, by striking "and subsection (c)".

(f) CONFORMING AMENDMENT TO SECTION 156.—Section 156 of such title is amended by striking "States shall" and inserting "Subject to section 142(f), States shall".

SEC. 128. BRIDGE REPLACEMENT AND REHABILITATION.

(a) INVENTORY OF INDIAN RESERVATION AND PARK BRIDGES.—Section 144(c) of title 23, United States Code, is amended by adding at the end the following new paragraph:

"(3) INVENTORY OF INDIAN RESERVATION AND PARK BRIDGES.—As part of the activities carried out under paragraph (1), the Secretary, in consultation with the Secretary of the Interior, shall (A) inventory all those highway bridges on Indian reservation roads and park roads which are bridges over waterways, other topographical barriers, other highways, and railroads, (B) classify them according to serviceability, safety, and essentiality for public use, (C) based on the classification, assign each a priority for replacement or rehabilitation, and (D) determine the cost of replacing each such bridge with a comparable facility or of rehabilitating such bridge.".

(b) BRIDGE STRUCTURE PAINTING AND ACETATE APPLICATION.—Section 144(d) of such title is amended—

(1) by inserting after the first sentence the following new sentence: "Whenever any State makes application to the Secretary for assistance in painting, or applying calcium magnesium acetate to, the structure of a highway bridge, the Secretary may approve Federal participation in the painting of, or application of such acetate to, such structure."; and

(2) by inserting after "projects" the first place it appears in the last sentence the following: "(other than projects for bridge structure painting or application of such acetate)".

(c) FEDERAL SHARE.—Section 144(f) of such title is amended by striking "highway bridge replaced or rehabilitated" and inserting "project".

(d) DISCRETIONARY BRIDGE PROGRAM.—Section 144(g)(1) of such title is amended to read as follows:

"(1) DISCRETIONARY BRIDGE PROGRAM.—Of the amounts authorized for each of fiscal years 1992, 1993, 1994, 1995, 1996, and 1997 by section 103 of the Intermodal Surface Transportation Infrastructure Act of 1991, all but $153,000,000 per fiscal year ($129,000,000 in the case of fiscal year 1992) shall be apportioned as provided in subsection (e) of this section. $142,000,000 per fiscal year ($119,000,000 in the case of fiscal year 1992) of the amount authorized for each of such fiscal years shall be available for obligation on the date of each such apportionment in the same manner and to the same extent as the sums apportioned on such date, except that the obligation of such $142,000,000 (or $119,000,000 in the case of fiscal year 1992) shall be at the discretion of the Secretary, and $11,000,000 per fiscal year ($10,000,000 in the case of fiscal year 1992) of the amount authorized for each of such fiscal years shall be available in accordance with section 141(e) of the Intermodal Surface Transportation Infrastructure Act of 1991, relating to highway timber bridges.".

(e) OFF-SYSTEM BRIDGES.—

(1) ALLOCATION OF FUNDS.—Section 144(g)(3) of such title is amended—

(A) by striking "and 1991" and inserting "1991, 1992, 1993, 1994, 1995, 1996, and 1997"; and

(B) by striking "or rehabilitate" and inserting ", rehabilitate, paint, or apply calcium magnesium acetate to".

(2) APPLICABILITY OF STATE STANDARDS FOR PROJECTS.—Section 144 of such title is amended by redesignating subsection (p) as subsection (q) and by inserting after subsection (o) the following new subsection:

"(p) APPLICABILITY OF STATE STANDARDS FOR PROJECTS.—A project not on a Federal-aid system under this section shall be designed, constructed, operated, and maintained in accordance with State laws, regulations, directives, safety standards, design standards, and construction standards.".

(f) SET-ASIDE FOR INDIAN RESERVATION BRIDGES.—Section 144(g) of this title is amended by adding at the end the following new paragraph:

"(4) INDIAN RESERVATION BRIDGES.—Not less than 1 percent of the amount apportioned to each State which has an Indian reservation within its boundaries for each fiscal year shall be expended for projects to replace, rehabilitate, paint, or apply calcium magnesium acetate to highway bridges located on Indian reservation roads. Upon determining a State bridge apportionment and before transferring funds to the States, the Secretary shall transfer the Indian reservation bridge allocation under this paragraph to the Secretary of the Interior for expenditure pursuant to this paragraph. The Secretary, after consultation with State and Indian tribal government officials and with the concurrence of the Secretary of the Interior, may, with respect to such State, reduce the requirement for expenditure for bridges under this paragraph when the Secretary determines that there are inadequate needs to justify such expenditure. The non-Federal share payable on account of such a project may be provided from funds made available for Indian reservation roads under chapter 2 of this title.".

(g) PROTECTION OF PREVIOUS APPORTIONMENTS.—The amendment made by subsection (d) shall not affect sums apportioned or allocated before September 30, 1991.

(h) HIGH COST BRIDGE PROJECTS.—

(1) PURPOSE.—The purpose of this subsection is to provide funds to accelerate construction of high cost bridge projects.

(2) AUTHORIZATION OF PROJECTS.—The Secretary is authorized to carry out the high cost of bridge projects described in this paragraph. Subject to paragraph (3), there is authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) for fiscal years 1992 through 1997 to carry out each such project the amount listed for each such project:

City/State	High Cost Bridges	Amount in millions
Delaware, Oklahoma	Construction of a replacement bridge on U.S. Rt. 59 over Grand Lake in Delaware, Oklahoma	11.5
Eugene, Oregon	Construction of the Ferry Street Bridge	28.0
Beaver County, Pennsylvania	Construction of Aliquippa Ambridge Bridge of Beaver County, Pennsylvania	21.0
Arkansas	For an expanded study of environmental impact and geo technical information for Arkansas-Mississippi Great River Bridge	0.8
Gloucester Point, Virginia	Construct 2 additional lanes on existing bridge over the York River	14.0
San Francisco, California	For preliminary work associated with the seismic upgrading of the Golden Gate Bridge in San Francisco, California	7.0
Cape May & Atlantic Counties, New Jersey	Replace critically important bridge between Ocean City and Longport, New Jersey	20.0
Ohio	Conduct environmental and feasibility studies for the construction of a bridge or tunnel across the Maumee River in the vicinity of an existing left span bridge	1.0
Maine	Donald B. Carter Memorial Bridge	25.2
Bloomington, Minnesota	Bloomington Terry Bridge replacement, Bloomington, Minnesota	7.0
Charleston, South Carolina	Highway 17 Bridge replacement projects: Cooper River, Charleston, South Carolina	16.8
Ft. Lauderdale, Florida	17th Street Causeway Tunnel/Bridge replacement, Ft. Lauderdale, Florida	16.1
Maryland	Woodrow Wilson Bridge rehabilitation	35.0
New York	Macomb Dam Bridge, Manhattan Bridge Rehabilitation Project, Queensboro Bridge—Rehabilitation of Main Span, Williamsburg Bridge Rehabilitation Project, Brooklyn Bridge Rehabilitation	87.5
Miami, Florida	Complete construction of Dodge Island Bridge	4.0

(3) ALLOCATION PERCENTAGES.—8 percent of the amount allocated by paragraph (2) for each project authorized by paragraph (2) shall be available for obligation in fiscal year 1992. 18.4 percent of such amount shall be available for obligation in each of fiscal years 1993, 1994, 1995, 1996, and 1997.

(4) FEDERAL SHARE.—The Federal share payable on account of any project under this subsection shall be 80 percent of the cost thereof.

(5) DELEGATION TO STATES.—Subject to the provisions of title 23, United States Code, the Secretary shall delegate responsibility for construction of a project or projects under this subsection to the State in which such project or projects are located upon request of such State.

(6) ADVANCE CONSTRUCTION.—When a State which has been delegated responsibility for construction of a project under this subsection—

(A) has obligated all funds allocated under this subsection for construction of such project; and

(B) proceeds to construct such project without the aid of Federal funds in accordance with all procedures and all requirements applicable to such project, except insofar as such procedures and requirements limit the State to the construction of projects with the aid of Federal funds previously allocated to it;

the Secretary, upon the approval of the application of a State, shall pay to the State the Federal share of the cost of construction of the project when additional funds are allocated for such project under this subsection.

(7) APPLICABILITY OF TITLE 23.—Funds authorized by this subsection shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code, except that the Federal share of the cost of any project under this subsection shall be determined in accordance with this subsection and such funds shall remain available until expended. Funds authorized by this subsection shall not be subject to any obligation limitation.

(i) CONTINUATION OF EXISTING APPORTIONMENT CRITERIA.—The criteria for apportionment of funds used by the Department of Transportation under section 144 of title 23, United States Code, and in effect on September 30, 1991, shall remain in effect until September 30, 1997, or until changed by law, whichever occurs first.

SEC. 129. CARPOOL AND VANPOOL PROJECTS.

Section 146(a) of title 23, United States Code, is amended by striking "sections

104(b)(1), 104(b)(2), and 104(b)(6)" and inserting "section 104(b) (other than section 104(b)(5)(A))".

SEC. 130. NATIONAL MAXIMUM SPEED LIMIT COMPLIANCE PROGRAM.

(a) Permanent Extension of 65 MPH Speed Limit Demonstration Program.—Section 154(a) of title 23, United States Code, is amended by striking "Clause (3)" and inserting "Clause (4)" and by striking "or (3)" and inserting the following: "(3) a maximum speed limit in excess of 65 miles per hour on any highway within its jurisdiction located outside an urbanized area of 50,000 population or more (A) which is constructed to interstate standards in accordance with section 109(b) of this title and connected to a highway on the Interstate System, (B) which is a divided 4-lane fully controlled access highway designed or constructed to connect to a highway on the Interstate System posted at 65 miles per hour and constructed to design and construction standards as determined by the Secretary which provide a facility adequate for a speed limit of 65 miles per hour, or (C) which is constructed to the geometric and construction standards adequate for current and probable future traffic demands and for the needs of the locality and is designated by the Secretary as part of the Interstate System in accordance with section 139(c) of this title, or (4)".

(b) Collection of Data.—Section 154(e) of such title is amended—

(1) by striking "fifty-five miles per hour on public highways with speed limits posted at fifty-five miles per hour" and inserting "the speed limit on maximum speed limit highways"; and

(2) by adding at the end the following: "The Secretary shall issue regulations which ensure (1) that the monitoring programs conducted by the States to collect data for purposes of this subsection are uniform, (2) that devices and equipment under such programs are placed at locations on maximum speed limit highways on a scientifically random basis which takes into account the relative risk, as determined by the Secretary, of motor vehicle accidents occurring considering the classes of such highways and the speeds at which vehicles are traveling on such classes of highways, and (3) that the data submitted under this subsection will be in such form as the Secretary determines is necessary to carry out subsection (f).".

(c) Enforcement.—Section 154 of such title is amended by striking subsection (f) and all that follows and inserting the following new subsections:

"(f) Enforcement.—

"(1) Transfers of apportionment.—If the percentage of vehicles traveling in a fiscal year in a State—

"(A) on 55 mph interstate highways at speeds in excess of the posted speed limit plus 5 miles per hour exceeds 50 percent,

"(B) on 55 mph interstate highways at speeds in excess of the posted speed limit plus 10 miles per hour exceeds 30 percent,

"(C) on 65 mph highways at speeds in excess of the posted speed limit plus 5 miles per hour exceeds 35 percent,

"(D) on 65 mph highways at speeds in excess of the posted speed limit plus 10 miles per hour exceeds 20 percent,

"(E) on 55 mph noninterstate highways at speeds in excess of the posted speed limit plus 5 miles per hour exceeds 30 percent, or

"(F) on 55 mph noninterstate highways at speeds in excess of the posted speed limit plus 10 miles per hour exceeds 15 percent,

the Secretary shall transfer not less than 1 percent and not more than 5 percent of the funds apportioned to the State for the succeeding fiscal year under each of subsections (b)(1), (b)(2), and (b)(6) of section 104 of this title to the apportionment of the State under section 402 of this title; except that, in any case in which an apportionment of a State is transferred pursuant to this paragraph in 2 or more consecutive fiscal years, the minimum percentage to be transferred shall be 2 percent and the maximum percentage to be transferred shall be 10 percent.

"(2) Factors to be considered with respect to enforcement.—In determining the percentage of funds of a State to be transferred under this subsection, the Secretary shall consider the number of categories listed in subparagraphs (A) through (F) of paragraph (1) with respect to which the State is out of compliance.

"(3) Limitation on use of funds.—

"(A) General rule.—A State must obligate at least 50 percent of its funds transferred pursuant to paragraph (1) for a fiscal year for speed limit enforcement and public information and education.

"(B) Waiver.—Upon request of a State, the Secretary may waive the requirement of subparagraph (A) for any fiscal year quarter if in the preceding fiscal year quarter the State was in compliance with all of the categories listed in subparagraphs (A) through (F) of paragraph (1).

"(g) Administration Through NHTSA.—

"(1) Transfer of functions.—The Secretary shall carry out this section and section 141(a) of this title through the National Highway Traffic Safety Administration, in cooperation with the Federal Highway Administration.

"(2) Transfer of personnel.—In order to carry out objectives of this subsection, the Secretary shall transfer any employees of the Federal Highway Administration who, on the date of the enactment of the Intermodal Surface Transportation Infrastructure Act of 1991, are carrying out any duties with respect to this section or section 141(a) of this title or both to the National Highway Traffic Safety Administration.

"(h) Definitions.—For purposes of this section the following definitions apply:

"(1) Maximum speed limit highway.—The term 'maximum speed limit highway' means any public highway with a speed limit which is posted on or after January 1, 1991, at 55 miles per hour or more in accordance with this section or section 329 of the Department of Transportation and Related Agency Appropriations Act, 1988 (101 Stat. 1329-383); except that such term does not include any highway on which the posted speed limit has been reduced to less than 55 miles per hour after such date based on legitimate traffic safety requirements as determined by the Secretary.

"(2) 65 mph highway.—The term '65 mph highway' means a maximum speed limit highway on which the speed limit is posted at more than 55 miles per hour in accordance with subsection (a) of this section or section 329 of the Department of Transportation and Related Agency Appropriations Act, 1988 (101 Stat. 1329-383).

"(3) 55 mph interstate highway.—The term '55 mph interstate highway' means a maximum speed limit highway which is on the Interstate System but which is not a 65 mile per hour highway.

"(4) 55 mph noninterstate highway.—The term '55 mph noninterstate highway' means a maximum speed limit highway which is not on the Interstate System and which is not a 65 mile per hour highway.".

(d) Enforcement Moratorium.—No State shall be subject under section 141 or 154 of title 23, United States Code, to withholding of apportionments for failure to comply in fiscal years 1990 and 1991 with section 154 of such title, as in effect on the day before the effective date of this title, or section 141(a) of such title.

SEC. 131. MINIMUM ALLOCATION.

(a) General Rule.—Section 157(a) of title 23, United States Code, is amended—

(1) in paragraph (3) by striking "THEREAFTER" and inserting "FISCAL YEARS 1989–1991";

(2) in paragraph (3) by striking "and each fiscal year thereafter," and inserting ", 1990, and 1991"; and

(3) by adding at the end the following new paragraph:

"(4) Thereafter.—

"(A) Basic.—In fiscal year 1992 and each fiscal year thereafter on October 1, or as soon as possible thereafter, the Secretary shall allocate among the States amounts sufficient to ensure that a State's percentage of the total apportionments in each such fiscal year and allocations for the prior fiscal year for Federal-aid highway programs (except allocations for forest highways, Indian reservation roads, and parkways and park roads in accordance with section 202 of this title, highway related safety grants authorized by section 402 of this title, nonconstruction safety grants authorized by sections 402, 406, and 408 of this title, Bureau of Motor Carrier Safety Grants authorized by section 404 of the Surface Transportation Assistance Act of 1982, projects under section 149 of the Surface Transportation and Uniform Relocation Assistance Act of 1987, and projects under sections 128(h), 134(c), 140, 149, 157, and 505 of the Intermodal Surface Transportation Infrastructure Act of 1991) shall not be less than 90 percent of the percentage of estimated tax payments attributable to highway users in the State paid into the Highway Trust Fund, other than the Mass Transit Account, in the latest fiscal year for which data are available.

"(B) Supplemental.—In each of fiscal years 1992, 1993, 1994, 1995, 1996, and 1997, on October 1, or as soon as possible thereafter, the Secretary shall allocate among the States in such fiscal year amounts sufficient to ensure that a State's percentage of the total allocation in such fiscal year under sections 128(h), 134(c), 140, 149, 157, and 505 of the Intermodal Surface Transportation Infrastructure Act of 1991 shall not be less than 90 percent of the percentage of estimated tax payments attributable to highway users in that State paid into the Highway Trust Fund, other than the Mass Transit Account, in the latest fiscal year for which data is available. For purposes of the preceding sentence, the total allocations under such sections shall be treated as being $381,000,000 for fiscal year 1992 and $874,000,000 for each of fiscal years 1993, 1994, 1995, 1996, and 1997.".

(b) Conforming Amendment.—Section 157(b) of such title is amended—

(1) by striking "primary, secondary" and inserting "National Highway, rural mobility"; and

(2) by inserting after "urban" the following: "mobility".

SEC. 132. BICYCLE TRANSPORTATION AND PEDESTRIAN WALKWAYS.

Section 217 of title 23, United States Code, is amended to read as follows:

"§ 217. Bicycle transportation and pedestrian walkways

"(a) Use of Mobility System and Flexible Program Funds.—Subject to approval by the Secretary in accordance with the program of projects approval process of section

105, a State may obligate funds apportioned to it under sections 104(b)(2), 104(b)(3), and 104(b)(6) of this title for construction of pedestrian walkways and bicycle transportation facilities and for carrying out nonconstruction projects related to safe bicycle use.

"(b) USE OF NATIONAL HIGHWAY SYSTEM FUNDS.—Subject to approval by the Secretary in accordance with the program of projects approval process of section 105, a State may obligate funds apportioned to it under section 104(b)(1) of this title for construction of bicycle transportation facilities on land adjacent to any highway on the National Highway System (other than the Interstate System).

"(c) USE OF FEDERAL LANDS HIGHWAY FUNDS.—Funds authorized for forest highways, forest development roads and trails, public lands development roads and trails, park roads, parkways, Indian reservation roads, and public lands highways shall be available, at the discretion of the department charged with the administration of such funds, for the construction of pedestrian walkways and bicycle transportation facilities in conjunction with such trails, roads, highways, and parkways.

"(d) STATE BICYCLE AND PEDESTRIAN COORDINATORS.—Each State receiving an apportionment under sections 104(b)(2), 104(b)(3), and 104(b)(6) of this title shall use such amount of the apportionment as may be necessary to fund in the State department of transportation a position of bicycle and pedestrian coordinator for promoting and facilitating the increased use of nonmotorized modes of transportation, including developing facilities for the use of pedestrians and bicyclists and public education, promotional, and safety programs for using such facilities.

"(e) BRIDGES.—In any case where a highway bridge deck being replaced or rehabilitated with Federal financial participation is located on a highway, other than a highway access to which is fully controlled, on which bicycles are permitted to operate at each end of such bridge, and the Secretary determines that the safe accommodation of bicycles can be provided at reasonable cost as part of such replacement or rehabilitation, then such bridge shall be so replaced or rehabilitated as to provide such safe accommodations.

"(f) FEDERAL SHARE.—For all purposes of this title, construction of a pedestrian walkway and a bicycle transportation facility shall be deemed to be a highway project and the Federal share payable on account of such construction shall be 80 percent.

"(g) PLANNING.—Pedestrian walkways and bicycle transportation facilities to be constructed under this section shall be located and designed pursuant to an overall plan to be developed by each metropolitan planning organization and State and incorporated into their comprehensive annual long-range plans in accordance with sections 134 and 135 of this title, respectively. Such plans shall provide due consideration for safety and contiguous routes.

"(h) USE OF MOTORIZED VEHICLES.—No motorized vehicles shall be permitted on trails and pedestrian walkways under this section, except for—

"(1) maintenance purposes;

"(2) when snow conditions and State or local regulations permit, snowmobiles;

"(3) when State and local regulations permit, motorized wheelchairs; and

"(4) such other circumstances as the Secretary deems appropriate.

"(i) TRANSPORTATION PURPOSE.—No bicycle project may be carried out under this section unless the Secretary has determined that such bicycle project will be principally for transportation, rather than recreation, purposes.

"(j) BICYCLE TRANSPORTATION FACILITY DEFINED.—For purposes of this section, a 'bicycle transportation facility' means new or improved lanes, paths, or shoulders for use by bicyclists, traffic control devices, shelters, and parking facilities for bicycles.".

SEC. 133. INDIAN RESERVATION ROADS.

(a) PLANNING.—Section 204 of title 23, United States Code, is amended by adding at the end the following new subsection:

"(i) INDIAN RESERVATION ROADS PLANNING.—Two percent of funds made available for Indian reservation roads for each fiscal year shall be allocated to those Indian tribal governments applying for transportation planning pursuant to the provisions of the Indian Self Determination and Education Assistance Act. The Indian tribal government, in cooperation with the Secretary of the Interior, and, as may be appropriate, with a State, local government, or metropolitan planning organization, shall develop a transportation improvement program, that includes all Indian reservation road projects proposed for funding. Projects shall be selected by the Indian tribal government from the transportation improvement program and shall be subject to the approval of the Secretary of the Interior and the Secretary.".

(b) DIFFERENCES BETWEEN INDIAN RESERVATION ROADS AND RURAL MOBILITY HIGHWAYS.—

(1) STUDY.—The Secretary shall conduct a study on differences between the use of funds out of the Highway Trust Fund on Indian reservation roads and on rural mobility highways and between the designation of roads as Indian reservation roads and rural mobility highways for the purpose of identifying inequities.

(2) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall transmit to Congress a report on the results of the study conducted under this subsection, together with any legislative and administrative recommendations of the Secretary for correcting inequities identified under such study.

SEC. 134. MANAGEMENT SYSTEMS.

(a) IN GENERAL.—Chapter 3 of title 23, United States Code, is amended by inserting after section 302 the following new section:

"§ 303. Management systems

"(a) REGULATIONS.—Not later than 1 year after the date of the enactment of this section, the Secretary shall issue regulations for State development, establishment, and implementation of a system for managing each of the following:

"(1) Highway pavement of the Federal-aid system.

"(2) Bridges on and off the Federal-aid system.

"(3) Highway safety.

"(4) Traffic congestion.

"(5) Public transportation facilities and equipment.

"(6) Intermodal transportation facilities and systems.

Such regulations may include a compliance schedule for development, establishment, and implementation of each such system and minimum standards for each such system.

"(b) TRAFFIC MONITORING.—Not later than 1 year after the date of the enactment of this section, the Secretary shall issue guidelines and requirements for the State development, establishment, and implementation of a traffic monitoring system for highways and public transportation facilities and equipment.

"(c) STATE REQUIREMENTS.—The Secretary may withhold 10 percent of the funds apportioned under this title and under the Urban Mass Transportation Act of 1964 for any fiscal year beginning after September 30, 1995, to any State and any recipient of assistance under such Act in the State, and may not approve a grant to a recipient in the State under such Act in such fiscal year, unless, in the preceding fiscal year, the State was implementing each of the management systems described in subsection (a) and, before January 1 of the preceding fiscal year, the State certified, in writing, to the Secretary, that the State was implementing each of such management systems in the preceding fiscal year.

"(d) PROCEDURAL REQUIREMENTS.—In developing and implementing a management system under this section, each State shall cooperate with metropolitan planning organizations for urbanized areas of the State and affected agencies receiving assistance under the Urban Mass Transportation Act of 1964 and shall consider the results of the management systems in making project selection decisions under this title and under such Act.

"(e) INTERMODAL REQUIREMENTS.—The management system required under this section for intermodal transportation facilities and systems shall provide for improvement and integration of all of a State's transportation systems and shall include methods of achieving the optimum yield from such systems, methods for increasing productivity in the State, methods for increasing use of advanced technologies, and methods to encourage the use of innovative marketing techniques, such as just-in-time deliveries.

"(f) ANNUAL REPORT.—Not later than January 1 of each calendar year beginning after December 31, 1992, the Secretary shall transmit to Congress a report on the progress being made by the Secretary and the States in carrying out this section.

"(g) FUNDING.—Subject to approval by the Secretary in accordance with the program of projects approval process of section 105, a State may obligate funds apportioned after September 30, 1991, under subsections (b)(1), (b)(2), (b)(3), and (b)(6) of section 104 of this title for developing and establishing management systems required by this section and funds apportioned under section 144 of this title for developing and establishing the bridge management system required by this section.

"(h) REVIEW OF REGULATIONS.—Not later than 10 days after the date of issuance of any regulation under this section, the Secretary shall transmit a copy of such regulation to Congress for review.".

(b) CONFORMING AMENDMENT.—The analysis for chapter 3 of such title is amended by inserting after the item relating to section 302 the following new item:

"303. Management systems.".

(c) CONGESTION RELIEF PROJECTS.—

(1) PURPOSE.—The purpose of this subsection is to improve methods of congestion relief.

(2) AUTHORIZATION OF PROJECTS.—The Secretary is authorized to carry out the congestion relief projects described in this paragraph. Subject to paragraph (3), there is authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) for fiscal years 1992 through 1997 to carry out each such project the amount listed for each such project:

City/State	Congestion Relief	Amount in millions
Long Beach, California	Construction of HOV Lanes on I–710	8.8
Philadelphia, Pennsylvania	Project to Construct Bridge-Pratt Terminal as part of an I–95 reconstruction mitigation project	24.2
Davidson-Williamson County, Tennessee	Study and construction of the Davidson-Williamson Bike Path	1.1
East St. Louis, Illinois to St. Louis, Missouri	To conduct a study to determine the feasibility of a bridge between East St. Louis, Illinois and St. Louis, Missouri	1.6
St. Louis, Missouri	Relocation of Lindbergh Boulevard and Interstate 70 at St. Louis Lambert Airport	17.5
District of Columbia	Primary Intermodal System, Washington, D.C.	8.0
Buffalo, New York	Construction of Peace Bridge truck inspection facility	8.4
Nashua, New Hampshire	Nashua River Bridge, Nashua, New Hampshire—Construction of second bridge	1.4
Las Vegas, Nevada	Reconstruct and upgrade I–15/U.S. 95 (Spaghetti Bowl)	3.5
San Diego, California	Construct 1 block of Cut and Cover Tunnel on Rt. 15 in downtown San Diego, California	5.9
Los Angeles, California	To extend I–110 North from its current terminus at I–10 into downtown Los Angeles via Central City West Area in Los Angeles, California	11.9
North Dakota	Design and construct 7.5 mile bypass around Lincoln State Park	1.3
Babylon, New York	Construct turning lanes, sign upgrades, traffic signal interconnections and road repair and resurfacing	2.5
Dixon, California	To improve 3 grade crossings in Dixon, California	2.1
Fairfield, California	To construct 2 park & ride facilities, an information center and transfer hub for I–80 express and local bus service	9.1
St. Louis, Missouri	Feasibility study for interchange improvements for I–255 at Rt. 231, St. Louis, Missouri	0.1
Murfreesbro, Tennessee	Conduct a feasibility study of constructing a bicycle system as an alternative form of commuter transportation, air pollution reduction, and enhance recreation	0.4
Long Island, New York	To make improvements on the Van Wyck Expressway to improve traffic flow, Long Island, New York	4.2
Fox River Valley, Illinois	Study, plan and construct up to 8 bridges across the Fox River	9.8
Prince George's County, Maryland	To rehabilitate the Baltimore-Washington Parkway in Prince George's County, Maryland	19.3
Toledo, Ohio	Conduct study of possible safety and traffic delay improvement benefits in 6 corridors	0.24
Boston, Massachusetts	To plan and construct a bicycle and pedestrian path connecting Arlington, Cambridge and Boston, Massachusetts	1.4
Tucson, Arizona	To make interchange improvements at Oracle and Orange Grove Roads in Tucson, Arizona	4.6
Victorville, California	Construct interchange 1 mile north of Palmdale Road on I–15	3.2
Palm Beach, Florida	Acquire right-of-way and construct and widen to 4 lanes 19 mile segment of U.S. 27	6.5
Pennsylvania	Improve River Street, Towanda Borough and North Towanda Township to form highway bypass	8.8
Maine	Topsham-Brunswick Bypass	10.1
Rankin County, Mississippi	East-Metro Center Access Road	5.4
Kansas	West Leavenworth Trafficway Project, Leavenworth, Kansas	0.6
Broward County, Florida	Hallandale Bridge Project, Broward County, Florida	10.1
Idaho	North Chubbuck Interchange and connectors in Bannock County, Idaho	11.9
Michigan	I–175/M57 Interchange improvement in the vicinity of Vienna Township, Michigan	10.5
Prince William County, Virginia	I–95 HOV lane extension	16.0
St. Thomas, Virgin Islands	Construction of Raphune Hill Bypass, St. Thomas, Virgin Islands	21.8
Merrillville, Indiana	Construction of four lane road and overpass	2.1
Milwaukee and Waukesha Counties, Wisconsin	I–794 Bicyile Transportation Project in Milwaukee and Waukesha Counties, Wisconsin	1.8
Richmond, California	I–80 Richmond Parkway Interchange	2.1
New York, New York	Construction of Williamsburg to Holland Tunnel Bypass	4.2
Louisville, Kentucky	Waterfront Development Roadway Improvements	5.6
Sunnyvale, California	HOV lane improvements on Lawrence Expressway	11.9

(3) ALLOCATION PERCENTAGES.—8 percent of the amount allocated by paragraph (2) for each project authorized by paragraph (2) shall be available for obligation in fiscal year 1992. 18.4 percent of such amount shall be available for obligation in each of fiscal years 1993, 1994, 1995, 1996, and 1997.

(4) FEDERAL SHARE.—The Federal share payable on account of any project under this subsection shall be 80 percent of the cost thereof.

(5) DELEGATION TO STATES.—Subject to the provisions of title 23, United States Code, the Secretary shall delegate responsibility for construction of a project or projects under this subsection to the State in which such project or projects are located upon request of such State.

(6) ADVANCE CONSTRUCTION.—When a State which has been delegated responsibility for construction of a project under this subsection—

(A) has obligated all funds allocated under this subsection for construction of such project; and

(B) proceeds to construct such project without the aid of Federal funds in accordance with all procedures and all requirements applicable to such project, except insofar as such procedures and requirements limit the State to the construction of projects with the aid of Federal funds previously allocated to it;

the Secretary, upon the approval of the application of a State, shall pay to the State the Federal share of the cost of construction of the project when additional funds are allocated for such project under this subsection.

(7) APPLICABILITY OF TITLE 23.—Funds authorized by this subsection shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code, except that the Federal share of the cost of any project under this subsection shall be determined in accordance with this subsection and such funds shall remain available until expended. Funds authorized by this subsection shall not be subject to any obligation limitation.

SEC. 135-136. LIMITATION ON DISCOVERY OF CERTAIN REPORTS AND SURVEYS.

(a) IN GENERAL.—Section 409 of title 23, United States Code, is amended—

(1) by striking the section heading and inserting the following:

"§ 409. Discovery and admission as evidence of certain reports and surveys"; and

(2) by striking "admitted into evidence in Federal or State court" and inserting "subject to discovery or admitted into evidence in a Federal or State court proceeding".

(b) CONFORMING AMENDMENT.—The analysis for chapter 4 of such title is amended by striking the item relating to section 409 and inserting the following:

"409. Discovery and admission as evidence of certain reports and surveys.".

SEC. 137. BUY AMERICA.

Section 165(a) of the Surface Transportation Assistance Act of 1982 (23 U.S.C. 101 note) is amended by inserting ", iron," after "steel".

SEC. 138. RELOCATION ASSISTANCE REGULATIONS RELATING TO THE RURAL ELECTRIFICATION ADMINISTRATION.

(a) INCLUSION OF IRON.—Section 213(c) of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4633(c)) is amended by adding at the end the following new sentence: "The regulations and procedures issued pursuant to this section shall apply to the Rural Electrification Administration only with respect to relocation assistance under this title and title I and only with respect to relocation assistance under title III whenever a program or project to be undertaken by such Administration will result in the displacement of any person.".

(b) WAIVERS; INTENTIONAL VIOLATIONS.—Section 165 of such Act is amended by adding at the end the following new subsections:

"(e) REPORT ON WAIVERS.—By January 1, 1995, the Secretary shall submit to Congress a report on the purchases from foreign entities waived under subsection (b) in fiscal years 1992 and 1993, indicating the dollar value of items for which waivers were granted under subsection (b).

"(f) INTENTIONAL VIOLATIONS.—If it has been determined by a court or Federal agency that any person intentionally—

"(1) affixed a label bearing a 'Made in America' inscription, or any inscription with the same meaning, to any product used in projects to which this section applies, sold in or shipped to the United States that was not made in the United States; or

"(2) represented that any product used in projects to which this section applies, sold in or shipped to the United States that was not produced in the United States, was produced in the United States;

that person shall be ineligible to receive any contract or subcontract made with funds authorized under the Intermodal Surface Transportation Infrastructure Act of 1991 pursuant to the debarment, suspension, and ineligibility procedures in subpart 9.4 of chapter 1 of title 48, Code of Federal Regulations.

"(g) LIMITATION ON APPLICABILITY OF WAIVERS TO PRODUCTS PRODUCED IN CERTAIN FOREIGN COUNTRIES.—If the Secretary, in consultation with the United States Trade Representative, determines that—

"(1) a foreign country is a party to an agreement with the United States and pursuant to that agreement the head of an agency of the United States has waived the requirements of this section, and

"(2) the foreign country has violated the terms of the agreement by discriminating against products covered by this section that are produced in the United States and are covered by the agreement,

the provisions of subsection (b) shall not apply to products produced in that foreign country.".

SEC. 139. TEMPORARY MATCHING FUND WAIVER.

(a) WAIVER OF MATCHING SHARE.—Notwithstanding any other provision of law, the Federal share of any qualifying project approved by the Secretary under title 23, United States Code, and of any qualifying project for which the United States becomes obligated to pay under title 23, United States Code, during the period beginning on October 1, 1991, and ending September 30, 1993, shall be the percentage of the construction cost as the State requests, up to and including 100 percent.

(b) REPAYMENT.—The total amount of increases in the Federal share made pursuant to (a) for any State shall be repaid to the United States by the State on or before March 30, 1994. Payments shall be deposited in the Highway Trust Fund and repaid amounts shall be credited to the appropriate apportionment accounts of the State.

(c) DEDUCTION FROM APPORTIONMENTS.—If a State has not made the repayment as required by (b), the Secretary shall deduct from funds apportioned to the State under title 23, United States Code, in each of the fiscal years 1995 and 1996, a pro rata share of each category of apportioned funds. The amount which shall be deducted in each fiscal year shall be equal to 50 percent of the amount needed for repayment. Any amount deducted under this subsection shall be reapportioned for fiscal years 1995 and 1996 in accordance with title 23, United States Code, to those States which have not received a higher Federal share under this section and to those States which have made the repayment required by subsection (b).

(d) QUALIFYING PROJECT DEFINED.—For purposes of this section, the term "qualifying project" means a project approved by the Secretary after the effective date of this title, or a project for which the United States becomes obligated to pay after such effective date, and for which the Governor of the State submitting the project has certified, in accordance with regulations established by the Secretary, that sufficient funds are not available to pay the cost of the non-Federal share of the project.

SEC. 140. HIGH PRIORITY CORRIDORS ON NATIONAL HIGHWAY SYSTEM.

(a) FINDINGS.—The Congress finds that—

(1) the construction of the Interstate Highway System connected the major population centers of the Nation and greatly enhanced economic growth in the United States;

(2) many regions of the Nation are not now adequately served by the Interstate System or comparable highways and require further highway development in order to serve the travel and economic development needs of the region; and

(3) the development of transportation corridors is the most efficient and effective way of integrating regions and improving efficiency and safety of commerce and travel and further promoting economic development.

(b) PURPOSE.—It is the purpose of this section to identify highway corridors of national significance; to include those corridors on the National Highway System; to require the Secretary, in cooperation with the States, to prepare long-range plans and feasibility studies for these corridors; to require the States to give priority to funding the construction of these corridors; and to provide increased funding for segments of these corridors that have been identified for construction.

(c) IDENTIFICATION OF HIGH PRIORITY CORRIDORS ON NATIONAL HIGHWAY SYSTEM.—The following are high priority corridors on the National Highway System:

(1) North-South Corridor from Kansas City, Missouri, to Shreveport, Louisiana.

(2) Avenue of the Saints Corridor from St. Louis, Missouri, to St. Paul, Minnesota.

(3) East-West Transamerica Corridor.

(4) Hoosier Heartland Industrial Corridor from Lafayette, Indiana, to Toledo, Ohio.

(5) I–73/74 North-South Corridor from Charleston, South Carolina, through Portsmouth, Ohio, to Cincinnati, Ohio, and Detroit, Michigan.

(6) United States Route 80 Corridor from Meridian, Mississippi, to Savannah, Georgia.

(7) East-West Corridor from Memphis, Tennessee, through Huntsville, Alabama, to Atlanta, Georgia, and Chattanooga, Tennessee.

(8) Highway 412 East-West Corridor from Tulsa, Oklahoma, through Arkansas along United States Route 62/63/65 to Nashville, Tennessee.

(9) United States Route 220 Corridor from Business 220 in Bedford, Pennsylvania, to the vicinity of Corning, New York.

(10) Appalachian Regional Corridor X.

(11) Appalachian Regional Corridor V.

(12) United States Route 25E Corridor from Corbin, Kentucky, to Morristown, Tennessee, via Cumberland Gap, to include that portion of Route 58 in Virginia which lies within the Cumberland Gap Historical Park.

(13) Raleigh-Norfolk Corridor, Raleigh, North Carolina, to Norfolk, Virginia.

(14) Heartland Expressway from Denver, Colorado, through Scottsbluff, Nebraska, to Rapid City, South Dakota.

(15) Urban Highway Corridor along M–59 in Michigan.

(16) Economic Lifeline Corridor along I–15 and I–40 in California, Arizona, and Nevada.

(17) Route 29 Corridor from Greensboro, North Carolina, to the District of Columbia.

(18) Corridor from Indianapolis, Indiana, to Memphis, Tennessee, via Evansville, Indiana.

(19) United States Route 395 Corridor from the United States-Canadian border to Reno, Nevada.

(20) United States Route 59 Corridor from Laredo, Texas, through Houston, Texas, to the vicinity of Texarkana, Texas.

(d) INCLUSION ON NHS.—The Secretary shall include all corridors identified in subsection (c) on the proposed National Highway System submitted to Congress under section 103(b)(3) of title 23, United States Code.

(e) PROVISIONS APPLICABLE TO CORRIDORS.—

(1) LONG-RANGE PLAN.—The Secretary, in cooperation with the affected State or States, shall prepare a long-range plan for the upgrading of each corridor to the appropriate standard for highways on the National Highway System. Each such plan shall include a plan for developing the corridor and a plan for financing the development.

(2) FEASIBILITY STUDIES.—The Secretary, in cooperation with the affected State or States, shall prepare feasibility and design studies, as necessary, for those corridors for which such studies have not been prepared. The feasibility study with respect to the corridor described in subsection (c)(2), relating to Avenue of the Saints, shall include an element of the feasibility of an adjunct to the Avenue of the Saints serving the southern St. Louis metropolitan area and connecting with I–55 in the vicinity of Route A in Jefferson County, Missouri.

(3) CERTIFICATION ACCEPTANCE.—The Secretary may discharge any of his responsibilities under title 23, United States Code, relative to projects on a corridor identified under subsection (c), upon the request of a State, by accepting a certification by the State in accordance with section 117 of such title.

(4) ACCELERATION OF PROJECTS.—To the maximum extent feasible, the Secretary shall use procedures for acceleration of projects in carrying out projects on corridors identified in subsection (c).

(f) HIGH PRIORITY SEGMENTS.—Highway segments of the corridors referred to in subsection (c) which are described in this subsection are high priority segments eligible for assistance under this section. Subject to subsection (g)(2), there is authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) for fiscal years 1992 through 1997 to carry out a project on each such segment the amount listed for each such segment:

City/State	High Priority Corridors	Amount in millions
Pennsylvania	For upgrading U.S. 220 High Priority Corridor between State College and I–80	9.2
Alabama, Georgia, Mississippi, Tennessee	Upgrading of the East-West Corridor along Rt. 72	30.0
Missouri	Improvement of North-South Corridor along Highway 71, Southwestern, MO	4.2
Arkansas	For construction of highway 412 from Siloam Springs to Springdale, Arkansas as part of Highway 412 East-West Corridor	24.4
Arkansas	For construction of Highway 412 from Springdale to Harrison, Arkansas as part of the Highway 412 East-West Corridor	56.0
Pennsylvania	To improve U.S. 220 to a 4-Lane limited access highway from Bald Eagle northward to the intersection of U.S. 220 and U.S. 322	103.6
S. Dakota/Nebraska	Conduct a feasibility study of expressway from Rapid City, S. Dakota to Scotts Bluff, Nebraska	0.64
Alabama	Construction of Appalachian Highway Corridor X from Corridor V near Fulton, Mississippi to U.S. 31 at Birmingham, Alabama as part of Appalachian Highway X Corridor Project	70.0
Alabama	For construction of a portion of Appalachian Development Corridor V from Mississippi State Line near Red Bay, Alabama to the Tennessee State Line north of Bridgeport, Alabama	30.0
West Virginia	Construction of Shawnee Project from 3-Corner Junction to I–77 as part of I–73/74 Corridor project	10.0
West Virginia	Widening U.S. Rt. 52 from Huntington to Williamson, W. Virginia as part of the I–73/74 Corridor project	100.0
West Virginia	Replacement of U.S. Rt. 52 from Williamson W. Virginia to I–77 as part of the I–73/74 Corridor project	30.0
North Carolina/Virginia	For Upgrading I–64 and Route 17 and constructing a new highway from Rocky Mount to Elizabeth City, North Carolina as part of the Raleigh-Norfolk High Priority Corridor Improvements	21.0
Arkansas	Construction of Highway 71 between Fayetteville and Alma, Arkansas as part of the North-South High Priority Corridor	100.0
Arkansas/Texas	For construction of Highway 71 from Alma, Arkansas to Louisiana border	80.0
Michigan	To widen a 60 mile portion of highway M–59 from MacComb County to I–96 in Howell County, Michigan	35.0
South Dakota, Colorado, Nebraska	To improve the Heartland Expressway from Rapid City, South Dakota to Scotts Bluff, Nebraska	35.0
Indiana	To construct a 4-Lane highway from Lafayette to Ft. Wayne, Indiana, following existing Indiana 25 and U.S. 24	11.2
Ohio/Indiana	Conduct feasibility and economic study to widen Rt. 24 from Ft. Wayne, Indiana to Toledo, Ohio as part of the Lafayette to Toledo Corridor	0.32

City/State	High Priority Corridors	Amount in millions
California, Nevada, Arizona	For improvements on I–15 and I–40 in California, Nevada and Arizona ($10,500,000 of which shall be expended on the Nevada portion of the corridor, including the I–15/I–95 interchange)	70.0
Louisiana	To improve the North-South Corridor from Louisiana border to Shreveport, Louisiana	35.0
Missouri, Iowa, Minnesota, Illinois, Wisconsin	For improvements for Avenue of the Saints from St. Paul, Minnesota to St. Louis, Missouri	140.0
Various States	I–66 Transamerica Highway Feasibility study	1.1
Kentucky, Tennessee, Virginia	To improve Cumberland Gap Tunnel and for various associated improvements as part of U.S. 25E Corridor	56.0
Indiana, Kentucky, Tennessee	To improve the Bloomington, Indiana, to Newberry, Indiana, segment of the Indianapolis, Indiana, to Memphis, Tennessee, high priority corridor	28.0
Washington	For improvements on the Washington State portion of the U.S. 395 corridor from the U.S.-Canadian border to Reno, Nevada	64.4
Virginia	Construction of a bypass of Danville, Virginia, on Route 29 Corridor	20.0

(g) REQUIREMENTS FOR HIGH PRIORITY SEGMENTS.—

(1) DETAILED PLANS.—Each State in which a priority segment identified under subsection (f) is located shall prepare a detailed plan for completion of construction of such segment and for financing such construction.

(2) ALLOCATION PERCENTAGES.—8 percent of the amount allocated by subsection (f) for each high priority segment authorized by subsection (f) shall be available for obligation in fiscal year 1992. 18.4 percent of such amount shall be available for obligation in each of fiscal years 1993, 1994, 1995, 1996, and 1997.

(3) FEDERAL SHARE.—The Federal share payable on account of any project under subsection (f) shall be 80 percent of the cost thereof.

(4) DELEGATION TO STATES.—Subject to the provisions of title 23, United States Code, the Secretary shall delegate responsibility for construction of a project or projects under subsection (f) to the State in which such project or projects are located upon request of such State.

(5) ADVANCE CONSTRUCTION.—When a State which has been delegated responsibility for construction of a project under this subsection—

(A) has obligated all funds allocated under this subsection for construction of such project; and

(B) proceeds to construct such project without the aid of Federal funds in accordance with all procedures and all requirements applicable to such project, except insofar as such procedures and requirements limit the State to the construction of projects with the aid of Federal funds previously allocated to it;

the Secretary, upon the approval of the application of a State, shall pay to the State the Federal share of the cost of construction of the project when additional funds are allocated for such project under this subsection.

(6) APPLICABILITY OF TITLE 23.—Funds authorized by this subsection shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code, except that the Federal share of the cost of any project under subsection (f) shall be determined in accordance with this subsection and such funds shall remain available until expended. Funds authorized by this subsection shall not be subject to any obligation limitation.

(7) STATE PRIORITY FOR HIGH PRIORITY SEGMENTS.—Section 105 of title 23, United States Code, as amended by this Act, is further amended by adding at the end the following new subsection:

"(k) PRIORITY FOR HIGH PRIORITY SEGMENTS OF CORRIDORS OF NATIONAL SIGNIFICANCE.—In selecting projects for inclusion in a program of projects under this section, the State shall give priority to high priority segments of corridors identified under section 140(f) of the Intermodal Surface Transportation Infrastructure Act of 1991. In approving programs of projects under this section, the Secretary shall give priority of approval to, and expedite construction of, projects to complete construction of such segments.".

(h) AUTHORIZATION FOR FEASIBILITY STUDIES.—There is authorized to be appropriated to the Secretary out of the Highway Trust Fund (other than the Mass Transit Account) $8,000,000 per fiscal year for each of the fiscal years 1992 through 1997 to carry out feasibility and design studies under subsection (e)(2).

(i) REVOLVING LOAN FUND.—

(1) ESTABLISHMENT.—The Secretary shall establish a Priority Corridor Revolving Loan Fund.

(2) ADVANCES.—The Secretary shall make available as repayable advances amounts from the Revolving Loan Fund to States for planning and construction of corridors listed in subsection (c). In making such amounts available, the Secretary shall give priority to segments identified in subsection (f).

(3) REPAYMENT OF ADVANCES.—The amount of an advance to a State in a fiscal year under paragraph (2) may not exceed the amount of a State's estimated apportionments for the National Highway System for the 2 succeeding fiscal years. Advances shall be repaid (A) by reducing the State's National Highway System apportionment in each of the succeeding 3 fiscal years by ⅓ of the amount of the advance, or (B) by direct repayment. Repayments shall be credited to the Priority Corridor Revolving Loan Fund.

(4) AUTHORIZATION.—There is authorized to be appropriated to the Secretary, out of the Highway Trust Fund (other than the Mass Transit Account), $40,000,000 per fiscal year for each of fiscal years 1993 through 1997 to carry out this subsection.

SEC. 141. HIGHWAY TIMBER BRIDGE RESEARCH AND DEMONSTRATION PROGRAM.

(a) RESEARCH GRANTS.—The Secretary may make grants to other Federal agencies, universities, private businesses, nonprofit organizations, and any research or engineering entity to carry out research on 1 or more of the following:

(1) Development of new, economical highway timber bridge systems.

(2) Development of engineering design criteria for structural wood products for use in highway bridges in order to improve methods for characterizing lumber design properties.

(3) Preservative systems for use in highway timber bridges which demonstrate new alternatives and current treatment processes and procedures and which are environmentally sound with respect to application, use, and disposal of treated wood.

(4) Alternative transportation system timber structures which demonstrate the development of applications for railing, sign, and lighting supports, sound barriers, culverts, and retaining walls in highway applications.

(5) Rehabilitation measures which demonstrate effective, safe, and reliable methods for rehabilitating existing highway timber structures.

(b) TECHNOLOGY AND INFORMATION TRANSFER.—The Secretary shall take such action as may be necessary to ensure that the information and technology resulting from research conducted under subsection (a) is made available to State and local transportation departments and other interested persons.

(c) CONSTRUCTION GRANTS.—

(1) AUTHORITY.—The Secretary shall make grants to States for construction of highway timber bridges on the rural mobility system.

(2) APPLICATIONS.—A State interested in receiving a grant under this subsection must submit an application therefor to the Secretary. Such application shall be in such form and contain such information as the Secretary may require by regulation.

(3) APPROVAL CRITERIA.—The Secretary shall select and approve applications for grants under this subsection based on the following criteria:

(A) Bridge designs which have both initial and long-term structural and environmental integrity.

(B) Bridge designs which utilize timber species native to the State or region.

(C) Innovative bridge designs which have the possibility of increasing knowledge, cost effectiveness, and future use of such designs.

(D) Environmental practices for preservative treated timber, and construction techniques which comply with all environmental regulations, will be utilized.

(d) FEDERAL SHARE.—The Federal share of the costs of research and construction projects carried out under this section shall be 80 percent.

(e) FUNDING.—From the funds reserved from apportionment under section 144(g)(1) of title 23, United States Code, for each of fiscal years 1992, 1993, 1994, 1995, 1996, and 1997—

(1) $1,000,000 shall be available to the Secretary for carrying out subsections (a) and (b); and

(2) $10,000,000 ($9,000,000 in the case of fiscal year 1992) shall be available to the Secretary for carrying out subsection (c).

Such sums shall remain available until expended.

(f) STATE DEFINED.—For purposes of this section, the term "State" has the meaning such term has under section 101 of title 23, United States Code.

SEC. 142. CONSTRUCTION OF FERRY BOATS AND FERRY TERMINAL FACILITIES.

(a) IN GENERAL.—The Secretary shall carry out a program for construction of ferry boats and ferry terminal facilities in accordance with section 129(c) of title 23, United States Code.

(b) FEDERAL SHARE.—The Federal share payable for construction of ferry boats and ferry terminal facilities under this section shall be 80 percent of the cost thereof.

(c) FUNDING.—There shall be available, out of the Highway Trust Fund (other than the Mass Transit Account), to the Secretary for obligation at the discretion of the Secretary $36,000,000 for fiscal year 1992 and $43,000,000 per fiscal year for each of fiscal years 1993, 1994, 1995, 1996, and 1997 in carrying out this section. Such sums shall remain available until expended.

(d) APPLICABILITY OF TITLE 23.—All provisions of chapter 1 of title 23, United States Code, that are applicable to the National Highway System, other than provisions relating to apportionment formula and Federal share, shall apply to funds made available to carry out this section, except as determined by the Secretary to be inconsistent with this section.

SEC. 143. USE OF RECYCLED PAVING MATERIAL.

(a) ASPHALT CONTAINING RECYCLED RUBBER DEMONSTRATION PROGRAM.—Notwithstanding any regulation of the Department of Transportation, the Secretary may not disapprove, in the 5-year period beginning on the date of the enactment of this Act, a highway project under chapter 1 of title 23, United States Code, on the ground that the project includes the use of asphalt containing recycled rubber. Under this subsection, a patented application process for recycled rubber shall be eligible for approval under the same conditions that an unpatented process is eligible for approval.

(b) DOT GUIDANCE TO STATES.—The Secretary shall gather information and recommendations concerning the use of asphalt containing recycled rubber in highway projects from those States that have extensively researched and experimented with the use of such asphalt and implemented such projects and shall make available such information and recommendations on the use of such asphalt to those States which indicate an interest in the use of such asphalt.

(c) STUDY.—

(1) IN GENERAL.—The Secretary shall conduct a study to evaluate the economic savings, technical performance qualities, and environmental benefits of using recycled materials in highway projects, including asphalt containing reclaimed used whole tire rubber, asphalt containing over 80 percent reclaimed asphalt, asphalt containing reclaimed asphalt together with used whole tire rubber, asphalt containing recycled glass, asphalt containing recycled plastic, and highway devices and appurtenances containing recycled materials. In conducting the study, the Secretary shall examine utilization of these technologies by States and shall examine the current practices of all States relating to the reuse and disposal of materials used in federally-assisted highway projects.

(2) REPORT.—Not later than 18 months after the date of the enactment of this Act, the Secretary shall transmit to Congress a report on the results of the study conducted under this subsection, including a detailed analysis of (A) the economic savings and technical performance qualities of using recycled materials described in paragraph (1) in federally-assisted highway projects, and (B) the environmental benefits of using such recycled materials in such highway projects in terms of improving air emissions, saving natural resources, and avoidance of disposal of the materials in landfills and by other methods.

(3) IMPLEMENTATION OF FINDINGS.—The Secretary should encourage the use of recycled materials described in paragraph (1) in federally-assisted highway projects in any case in which such recycled materials are available for the project if the use of such recycled materials, in comparison to conventional materials, has been demonstrated to supply equal or superior performance qualities and environmental benefits at equal or lesser cost over the economic life of the project.

SEC. 144. HIGHWAY USE TAX EVASION PROJECTS.

(a) IN GENERAL.—The Secretary shall use funds made available by subsection (g) to carry out highway use tax evasion projects in accordance with this section. Such funds may be allocated to the Internal Revenue Service and the States at the discretion of the Secretary.

(b) LIMITATION ON USE OF FUNDS.—Funds made available to carry out this section shall be used only to expand efforts to enhance motor fuel tax enforcement, fund additional Internal Revenue Service staff but only to carry out functions described in this subsection, supplement motor fuel tax examinations and criminal investigations, develop automated data processing tools to monitor motor fuel production and sales, evaluate and implement registration and reporting requirements for motor fuel taxpayers, reimburse State expenses that supplement existing fuel tax compliance efforts, and analyze and implement programs to reduce tax evasion associated with other highway use taxes.

(c) USE OF DYE AND MARKERS.—

(1) STUDY.—The Secretary, in consultation with the Internal Revenue Service, shall conduct a study to determine the feasibility and the desirability of using dye and markers to aid in motor fuel tax enforcement activities and other purposes.

(2) REPORT.—Not later than 1 year after the effective date of this section, the Secretary shall transmit to Congress a report on the results of the study conducted under this subsection.

(d) ADVISORY COMMITTEE.—

(1) ESTABLISHMENT.—The Secretary shall establish an advisory committee to prepare a plan to carry out and coordinate highway use tax evasion projects under this section, monitor the results of such projects, provide progress reports to the Secretary on such projects, and make recommendations to the Secretary for the distribution of funds under this section, including recommendations for distribution among States on a fair and equitable basis.

(2) MEMBERSHIP.—The advisory committee under this subsection shall be composed of members appointed by the Secretary not later than 180 days after the date of the enactment of this Act. Such members shall include representatives of the Federal Highway Administration, the Internal Revenue Service, and States.

(3) TERMINATION.—The advisory committee under this subsection shall terminate on September 30, 1997.

(e) MAINTENANCE OF EFFORT.—The Secretary may not make a grant to a State under this section in a fiscal year unless the State certifies that aggregate expenditure of funds of the State, exclusive of Federal funds, for motor fuel tax enforcement activities will be maintained at a level which does not fall below the average level of such expenditure for its last 2 fiscal years.

(f) REPORTS.—On September 30 and March 31 of each year, the Secretary shall transmit to the Committee on Environment and Public Works of the Senate and the Committee on Public Works and Transportation of the House of Representatives a report on motor fuel tax enforcement activities under this section and the expenditure of funds made available to carry out this section, including expenses for the hiring of additional staff by any Federal agency.

(g) FUNDING.—There shall be available to the Secretary for carrying out this section, out of the Highway Trust Fund (other than the Mass Transit Account), $7,000,000 for fiscal year 1992 and $8,000,000 per fiscal year for each of fiscal years 1993, 1994, 1995, 1996, and 1997. Such sums shall be available for obligation in the same manner and to the same extent as if such sums were apportioned under chapter 1 of title 23, United States Code, except that the Federal share for projects carried out under this section shall be 100 percent and the sums shall remain available until expended.

(h) STATE DEFINED.—For purposes of this section, the term "State" means the 50 States and the District of Columbia.

SEC. 145. SUBSTITUTE PROJECT.

(a) APPROVAL OF PROJECT.—Notwithstanding any other provision of law, upon the request of the Governor of the State of Wisconsin, submitted after consultation with appropriate local government officials, the Secretary may approve substitute highway, bus transit, and light rail transit projects, in lieu of construction of the I-94 East-West Transitway project in Milwaukee and Waukesha Counties, as identified in the 1991 Interstate Cost Estimate.

(b) ELIGIBILITY FOR FEDERAL ASSISTANCE.—Upon approval of any substitute highway or transit project or projects under subsection (a), the costs of construction of the eligible transitway project for which such project or projects are substituted shall not be eligible for funds authorized under section 108(b) of the Federal-Aid Highway Act of 1956 and a sum equal to the Federal share of such costs, as included in the latest interstate cost estimate submitted to Congress, shall be available to the Secretary to incur obligations under section 103(e)(4) of title 23, United States Code, for the Federal share of the costs of such substitute project or projects.

(c) LIMITATION ON ELIGIBILITY.—If, by October 1, 1993, or two years after the date of enactment of this Act, whichever is later, the Governor of the State of Wisconsin has not submitted a request for a substitute project or projects in lieu of the I-94 East-West Transitway, the Secretary shall not approve such substitution. If, by October 1, 1995, or four years after the date of enactment of this Act, whichever is later, such substitute project or projects are not under construction, or under contract for construction, no funds shall be appropriated under the authority of section 103(e)(4) of title 23, United States Code, for such project or projects. For the purposes of this subsection, the term "construction" has the same meaning as given to it in section 101, title 23, United States Code, and shall include activities such as preliminary engineering and right-of-way acquisition.

(d) ADMINISTRATIVE PROVISIONS.—

(1) STATUS OF SUBSTITUTE PROJECT OR PROJECTS.—Any substitute project approved under subsection (a) shall be deemed to be a substitute project for the purposes of section 103(e)(4) of title 23, United States Code (other than subparagraphs (C) and (O)).

(2) REDUCTION OF UNOBLIGATED INTERSTATE APPORTIONMENT.—Unobligated apportionments for the Interstate System in the State of Wisconsin shall, on the date of approval of any substitute project or projects under subsection (a), be applied toward the Federal share of the costs of such substitute project or projects.

(3) ADMINISTRATION THROUGH FHWA.—The Secretary shall administer this section through the Federal Highway Administration.

(4) FISCAL YEARS 1993 AND 1994 APPORTIONMENTS.—For the purpose of apportioning funds for fiscal years 1993 and 1994 under section 104(b)(5)(A), the Secretary shall consider Wisconsin as having no remaining eligible costs. For the purpose of apportioning funds under section 104(b)(5)(A) of title 23, United States Code, for fiscal year 1995 and subsequent fiscal years, Wisconsin's actual remaining eligible costs shall be used.

(e) TRANSFER OF APPORTIONMENTS.—Wisconsin may transfer Interstate construction apportionments to its National Highway System in amounts equal to or less than the costs for additional work on sections of the Interstate System that have been built with Interstate construction funds and that are open to traffic as shown in the 1991 Interstate Cost Estimate.

SEC. 146. RENTAL RATES.

Within 1 year after the date of the enactment of this Act, the Comptroller General shall complete a study on equipment rental rates for use in reimbursing contractors for extra work on Federal-aid projects. Such study shall include an analysis of the reasonableness of currently accepted equipment rental costs, adequacy of adjustments for regional or climactic differences, adequacy of consideration of mobilization costs, loss of time and productivity attendant to short-term usage of equipment, and approvals of rental rate costs by the Federal Highway Administration.

SEC. 147. SCENIC BYWAYS PROGRAM.

(a) SCENIC BYWAYS ADVISORY COMMITTEE.—

(1) ESTABLISHMENT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall establish in the Department of Transportation an advisory committee to assist the Secretary with respect to establishment of a national scenic byways program under title 23, United States Code.

(2) MEMBERSHIP.—The advisory committee established under this section shall be composed of 17 members as follows:

(A) The Administrator of the Federal Highway Administration or the designee of the Administrator who shall serve as chairman of the advisory committee.

(B) The Chief of the Forest Service of the Department of Agriculture or the designee of the Chief.

(C) The Director of the National Park Service of the Department of the Interior or the designee of the Director.

(D) The Director of the Bureau of Land Management of the Department of the Interior or the designee of the Director.

(E) The Under Secretary for Travel and Tourism of the Department of Commerce or the designee of the Under Secretary.

(F) The Assistant Secretary for Indian Affairs of the Department of the Interior or the designee of the Assistant Secretary.

(G) 1 individual appointed by the Secretary who is specially qualified to represent the interests of conservationists on the advisory committee.

(H) 1 individual appointed by the Secretary of Transportation who is specially qualified to represent the interests of recreational users of scenic byways on the advisory committee.

(I) 1 individual appointed by the Secretary who is specially qualified to represent the interests of the tourism industry on the advisory committee.

(J) 1 individual appointed by the Secretary who is specially qualified to represent the interests of historic preservationists on the advisory committee.

(K) 1 individual appointed by the Secretary who is specially qualified to represent the interests of highway users on the advisory committee.

(L) 1 individual appointed by the Secretary to represent State highway and transportation officials.

(M) 1 individual appointed by the Secretary to represent local highway and transportation officials.

(N) 1 individual appointed by the Secretary who is specially qualified to serve on the advisory committee as a planner.

(O) 1 individual appointed by the Secretary who is specially qualified to represent the motoring public.

(P) 1 individual appointed by the Secretary who is specially qualified to represent groups interested in scenic preservation.

(Q) 1 individual appointed by the Secretary who represents the outdoor advertising industry.

Individuals appointed as members of the advisory committee under subparagraphs (G) through (P) may be State and local government officials. Members shall serve without compensation other than for reasonable expenses incident to functions of the advisory committee.

(3) FUNCTIONS.—The advisory committee established under this subsection shall develop and make to the Secretary recommendations regarding minimum criteria for use by State and Federal agencies in designating highways as scenic byways and as all-American roads for purposes of a national scenic byways program to be established under title 23, United States Code. Such recommendations shall include recommendations on the following:

(A) Consideration of the scenic beauty and historic significance of highways proposed for designation as scenic byways and all-American roads and the areas surrounding such highways.

(B) Operation and management standards for highways designated as scenic byways and all-American roads, including strategies for maintaining or improving the qualities for which a highway is designated as a scenic byway or all-American road, for protecting and enhancing the landscape and view corridors surrounding such a highway, and for minimizing traffic congestion on such a highway.

(C)(i) Standards for scenic byway-related signs, including those which identify highways as scenic byways and all-American roads.

(ii) The advisability of uniform signs identifying highways as components of the scenic byway system.

(D) Standards for maintaining highway safety on the scenic byway system.

(E) Design review procedures for location of highway facilities, landscaping, and travelers' facilities on the scenic byway system.

(F) Procedures for reviewing and terminating the designation of a highway designated as a scenic byway.

(G) Such other matters as the advisory committee may deem appropriate.

(H) Such other matters for which the Secretary may request recommendations.

(4) REPORT.—Not later than 18 months after the date of the enactment of this Act, the advisory committee established under this section shall submit to the Secretary and Congress a report containing the recommendations described in paragraph (3).

(b) TECHNICAL AND FINANCIAL ASSISTANCE.—The Secretary shall provide technical assistance to the States (as such term is defined under section 101 of title 23, United States Code) and shall make grants to the States for the planning, design, and development of State scenic byway programs.

(c) FEDERAL SHARE.—The Federal share payable for the costs of planning, design, and development of State scenic byway programs under this section shall be 80 percent.

(d) FUNDING.—There shall be available to the Secretary for carrying out this section (other than subsection (f)), out of the Highway Trust Fund (other than the Mass Transit Account), $10,000,000 for fiscal year 1992 and $11,000,000 per fiscal year for each of fiscal years 1993, 1994, 1995, 1996, and 1997. Such sums shall remain available until expended.

(e) CONTRACT AUTHORITY.—Notwithstanding any other provision of law, approval by the Secretary of a grant under this section shall be deemed a contractual obligation of the United States for payment of the Federal share of the cost of activities for which the grant is being made.

(f) INTERIM SCENIC BYWAYS PROGRAM.—

(1) GRANT PROGRAM.—During fiscal years 1992, 1993, and 1994, the Secretary may make grants to any State which has a scenic highway program for carrying out eligible projects on highways which the State has designated as scenic byways.

(2) PRIORITY PROJECTS.—In making grants under paragraph (1), the Secretary shall give priority to—

(A) those eligible projects which are included in a corridor management plan for maintaining scenic, historic, recreational, cultural, and archeological characteristics of the corridor while providing for accommodation of increased tourism and development of related amenities;

(B) those eligible projects for which a strong local commitment is demonstrated for implementing the management plans and protecting the characteristics for which the highway is likely to be designated as a scenic byway;

(C) those eligible projects which are included in programs which can serve as models for other States to follow when establishing and designing scenic byways on an intrastate or interstate basis; and

(D) those eligible projects in multi-State corridors where the States submit joint applications.

(3) ELIGIBLE PROJECTS.—The following are projects which are eligible for Federal assistance under this subsection:

(A) Planning, design, and development of State scenic byway programs.

(B) Making safety improvements to a highway designated as scenic byway under this subsection to the extent such improvements are necessary to accommodate increased traffic, and changes in the types of vehicles using the highway, due to such designation.

(C) Construction along the highway of facilities for the use of pedestrians and bicyclists, rest areas, turnouts, highway shoulder improvements, passing lanes, overlooks, and interpretive facilities.

(D) Improvements to the highway which will enhance access to an area for the purpose of recreation, including water-related recreation.

(E) Protecting historical and cultural resources in areas adjacent to the highway.

(F) Developing and providing tourist information to the public, including interpretive information about the scenic byway.

(4) FEDERAL SHARE.—The Federal share payable for the costs of carrying out projects and developing programs under this subsection with funds made available pursuant to this subsection shall be 80 percent.

(5) FUNDING.—There shall be available to the Secretary for carrying out this subsection, out of the Highway Trust Fund (other than the Mass Transit Account), $10,000,000 for fiscal year 1992, $10,000,000 for fiscal year 1993, and $10,000,000 for fiscal year 1994. Such sums shall remain available until expended.

(g) LIMITATION.—The Secretary shall not make a grant under this section for any project which would not protect the scenic, historic, recreational, cultural, natural, and archeological integrity of the highway and adjacent area, nor for removal of any outdoor advertising sign, display, or device.

SEC. 148. UNIFORM TRAFFIC CONTROL DEVICES.

(a) HIGHWAY PROJECT.—The Secretary shall carry out a highway project in the State of

Arkansas to demonstrate the benefits of providing training to county and town traffic officials in the need for and application of uniform traffic control devices and to demonstrate the safety benefits of providing for adequate and safe warning and regulatory signs.

(b) Authorization of Appropriations from Highway Trust Funds.—There is authorized to be appropriated out of the Highway Trust Fund, other than the Mass Transit Account, for fiscal year 1992 to carry out this section—

(1) $200,000 for providing training; and

(2) $1,000,000 for providing warning and regulatory signs to counties, towns and cities.

Amounts provided under paragraph (2) shall be divided equally between counties with a total county population of 20,000 or less and counties with a total county population of more than 20,000. Such amounts shall be distributed fairly and equitably among counties, cities, and towns within those counties.

(c) Applicability of Title 23.—Funds authorized by this section shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code, except that the Federal share of the cost of the project under this section shall be 80 percent and such funds shall remain available until expended. Funds made available under this section shall not be subject to any obligation limitation.

(d) Report.—Not later than 2 years after the date of the enactment of this Act, the Secretary shall transmit a report to Congress on the effectiveness of the project carried out under this section.

SEC. 149. RURAL AND URBAN ACCESS PROJECTS.

(a) Rural Access Projects.—

(1) Purpose.—The purpose of this subsection is to provide funds for projects that ensure better rural access and that promote economic development in rural areas.

(2) Authorization of Projects.—The Secretary is authorized to carry out rural access projects described in this paragraph. Subject to paragraph (3), there is authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) for fiscal years 1992 through 1997 to carry out each such project the amount listed for each such project:

City/State	Rural Access	Amount in millions
Cadiz, Ohio	Improvements of Short Creek Highway from Cadiz, Ohio to Rayland, Ohio	2.8
Boger City, North Carolina	Construction of 4-lane divided highway along Highway 321 to Boger City, NC to NC 127 South	16.8
Utica, New York	Improvement of the Utica North/South Arterial	9.9
Oneida, New York	Upgrade a highway to 4 lanes in Oneida County, New York	8.0
Southern, Oklahoma	Widening of U.S. 70	0.24
Southern, Oklahoma	Construction of a bridge and approaches at Pennington Creek, OK	1.2
Johnsonburg, Pennsylvania	Relocation of a 2-lane highway from Center Street to PA Rt. 255 along US 219, Johnsonburg Bypass	14.0
Pennsylvania	Construction of truck driving lanes and safety improvements on U.S. 219 between I–80 and the NY State Line	26.0
East St. Louis, Illinois	Feasibility study for 4-lane Access Road to Jefferson Memorial Park	0.24
Illinois	To conduct an Environmental Impact Study & Design Study on a 58-mile stretch of U.S. 67 corridor from Alton, IL to Jacksonville, IL	3.0
Venice, Illinois	For rehabilitation of McKinley Bridge near Venice, IL	7.0
Decatur, Alabama	Project for replacement of Keller Memorial Bridge, Decatur, AL	15.0
Lenoir City, Tennessee	Feasibility Study on Fort Loudon Dam Bridge on U.S. Highway 231 in Lenoir City, TN	0.5
Blount City, Tennessee	Improvement of U.S. Highway #411 in Monroe and Blount Counties, TN	18.5
Missouri	For improvements of Highway 60 in New Madrid, Stoddard, Carter and Butler Counties, MO	25.6
Southern, Missouri	Improvement of Rt. 65 through Greene, Christian and Tanney Counties, MO	16.7
Lake Charles, Louisiana	Construction of roads and bridge to provide access to Rose Bluff Industrial Area, Lake Charles, LA	4.9
Louisiana	For improvement and extension of Ambassador Caffery Parkway in Louisiana	17.6
Ohio	Construction of U.S. Rt. 68 Bypass in Clark, Champaign and Logan Counties	18.7
Aliquippa, Pennsylvania	For various 3-R Projects in Aliquippa, PA	9.0
Texas	Improvement of Highway 87 in Victoria and Dewitt Counties, TX, "using reclaimed asphalt pavement incorporating crumb rubber to the maximum extent feasible."	16.7
Riverton, Kansas	Construction of a new highway from Riverton, KS to Interstate 44 in Missouri	15.5
North Minnesota	Construction and reconstruction of Forest Highway 11 connecting Aurora-Hoyt Lakes and Silver Bay, MN	11.2
Richfield, Minnesota	77th Street Reconstruction Project, Richfield, MN	11.6
Mississippi	Impovements on Highway 84 in Franklin and Lincoln Counties, MS	11.2
Mississippi	Upgrading of U.S. Highway 98 from County line of Pike and Walthalm Counties, MS to Lamar County, MS	0.4
Mississippi	Upgrading Highway 61 from Natchez, MS to Louisiana State line	0.35
Mississippi	Upgrading Highway 84 from Brookhaven, MS to U.S. 49 in Collins, MS	2.5
Chattahouchee, Florida	Construction of Mosquito Creek Bridge	2.8
Florida	To upgrade State Rt. 71 from State Rt. 10 to State Rt. 8	3.4
Florida	To upgrade Florida State Rt. 267 from State Rt. 8 to State Rt. 10	5.6
Illinois	Tollway feasibility study (East St. Louis to Carbondale, IL)	0.32
Mt. Vernon, Illinois	Extension of 34th Street from IL Rt. 15 to County Road 10	0.96
Illinois	Reconstruction of Feather Trail Road from Ullin Road Interchange to Rt. 37, Pulaski County, IL	1.32
Illinois	Resurfacing IL Rt. 1 from Cave-In-Rock to north of Omaha	2.16
Williamson County, Illinois	Upgrading IL Rt. 13 in Williamson County, IL	9.2
Saline County, Illinois	For improvements to Rt. 13 from Williamson-Saline County line to Harrisburg, IL	4.68
Winchester, New Hampshire	Replacement of Winchester Bridge, Winchester, NH	0.8
Hanover, New Hampshire	Ledyard Bridge reconstruction	7.8
Asheville, North Carolina	U.S. 19–23 improvement project, Asheville, NC	13.1
Niles, Ohio	Belmont Street Bridge Replacement, Niles, OH	1.4
Struthers, Ohio	Bridge Street Bridge replacement, Struthers, OH	1.4
Niles, Ohio	South Main Street Bridge replacement, Niles, OH	2.9
St. Joseph County, Michigan	U.S. 131, St. Joseph County	0.5
Berrien County, Michigan	U.S. 31 relocation, Berrien County, Michigan	20.6
Holland, Michigan	U.S. 31 upgrade, Holland, Ottawa County	1.5
North Carolina	I–85 Interchange improvement at State Route 1103 Granville County, NC	2.0
Manchester, New Hampshire	Manchester Airport Road improvements	1.0
New Hampshire	Wetlands mitigation package for New Hampshire Rt. 101/51	3.0
Arkansas	To improve U.S. 65 from Harrison, Arkansas to Missouri Line	38.0
Arkansas	To improve Phoenix Avenue in the vicinity of the Ft. Smith Airport, Ft. Smith, Arkansas	6.7
Arkansas	To study bypass alternatives for U.S. 71 in the vicinity of Bella Vista, Arkansas	3.0
Bedford Springs, Pennsylvania	To construct an access road along Old U.S. 220 to the Springs Project and to construct other facilities to facilitate movement of traffic within the site and construction of a parking facility to be associated therewith	20.0
DeValls Bluff, Arkansas	Construction of a replacement bridge across the White River	.3
Jonesboro, Arkansas	Complete construction of 3 interchanges on the Highway 63 Bypass at Jonesboro	6.7
Brevard County, Florida	Design and engineer improvements for State Rd. 3 between State Rd. 520 and State Rd. 528	0.16
Louisiana	For construction of a new road from an area in the vicinity of I–55 to Alexandria, Louisiana	2.0
Beaumont, Texas	Widen Highway FM–364 from a 2-Lane to a 4-Lane road	13.9
Farmington Hills, Michigan	To widen 12-mile road corridor in the vicinity of Farmington Hills, Michigan	2.9
Laredo, Texas	Expand capacity of 2-lane highway, construct interchanges and connector highway	7.0
Montewma, Colorado	Upgrade farm to market road serving Ute Indian Reservation	3.4
Lubbock, Texas	Initiate feasibility and route studies and preliminary engineering and design for highway to connect Lubbock with Interstate 20	3.4
Rosenberg, Texas	To purchase right-of-way for Highway 36 Bypass West of Rosenberg, Texas	2.5
Angleton, Texas	For various activities associated with relocation of Highway 288 in vicinity of Angleton, Texas	2.7
Mentor, Ohio	For construction of an interchange on State Rt. 615 at I–90 in Mentor, Ohio	5.6
W. Central, Illinois	For widening of U.S. 34 between Burlington, Iowa and Monmouth, Illinois	2.2
Illinois	To make improvements including construction of a bridge on U.S. 67 in NW Illinois	2.8
Monongahela Valley, Pennsylvania	For construction of southernmost extention of the Monongahela Expressway	13.3
Dauphin County, Pennsylvania	Design, acquire right-of-way and reconstruct 5.1 miles of 4-Lane divided highway from Dauphin Borough to Speeceville, Pennsylvania	8.4
Rutherford County, Tennessee	Replace existing bridge over the west fork of the Stone's River including a 5 foot elevated walkway	0.8
Wayne County, New York	To improve Rt. 104 from Furnace Road to Pound Road in the Wayne County Area of New York	7.6
Chatauqua County, New York	Construct 2 additional expressway lanes from Chatauqua Lake Bridge to Pennsylvania Border	11.8
North Carolina	To reimburse the State of North Carolina for construction and repair of the Bonner Bridge, North Carolina	3.5
North Carolina	Construct interstate link between I–95 and I–40 in vicinity of Wilson and Goldsboro, North Carolina	10.5
Bossier City, Louisiana	To study grade separations along 10 miles of KC Railroad along U.S. 71	0.16
Pennsylvania	Widen 14 mile segment of U.S. 15 from 2 to 4 lanes	19.0
Overland Park, Kansas	I–435 Interchange Project	4.8
Fairmont, West Virginia	Riverside Expressway improvements	6.2
Washington	State Rt. 14 Improvement Projects, Columbia River Gorge, Washington	10.2
Pennsylvania	Pennsylvania Industrial Park access, Washington County, Pennsylvania	4.4
Pennsylvania	Chadville Improvement Project, Southern Fayette County, Pennsylvania	1.7

City/State	Rural Access	Amount in millions
Pennsylvania	U.S. Rt. 219 Meyersdale Bypass	48.0
Pennsylvania	U.S. Rt. 22 Improvements: Monroeville to Ebansburg	30.3
Pennsylvania	Laurel Valley Expressway, Blairsville, Pennsylvania	5.0
Brownsville, Texas	Brownsville Railroad Relocation Project	8.4
South Carolina	Southern Connector Highway, Greenville County, South Carolina	4.2
Ohio	Rt. 18 Bypass Study, Medina, Ohio	0.4
Ohio	U.S. Rt. 250 Bypass Study, Norwalk, Ohio	0.4
Mankato, Minnesota	Mankato South Rt. Improvements, Mankato, Minnesota	4.5
Kentucky	U.S. 119 Upgrading, Pike County, Kentucky	9.0
Michigan	U.S. Rt. 127 Upgrading, Jackson County, Michigan	0.8
Eden Prairie & Cologne, Minnesota	U.S. Trunk Highway 212 improvement project, Eden Prairie/Cologne, Minnesota	8.7
Ohio	Rt. 30 extension: East Canton/Minerva, Ohio	6.2
New Mexico	Raton-Clayton Rd., Clayton, New Mexico	11.0
New Mexico	Jicarilla Apache State Road, New Mexico	1.8
Arizona	Turquoise Trail Highway, Navajo County, Arizona	7.0
Pennsylvania	U.S. Rt. 222 Relocation, Lehigh County, Pennsylvania	1.1
Pennsylvania	Pennsylvania Rt. 33 Extension, Northhampton County, Pennsylvania	11.8
Kentucky	Highway 92 Relocation Study, South Central Kentucky	0.1
Kentucky	U.S. 27 Improvements, Jessamine County, Kentucky	10.9
North Carolina	U–2519/X–2 Highways, Cumberland, North Carolina	20.0
Missouri	Adams Dairy Parkway Project, Blue Springs, Missouri	1.8
Lawrence, Kansas	Lawrence Circumferential Roadway, Douglas County, Kansas	3.9
Kansas	Oakland Expressway, Eastern Shawnee, Kansas	7.0
Missouri	Highway 63 improvements, Columbia, Missouri/Iowa border	7.0
West Virginia	Highway Improvements: Mason County/Kanawha, West Virginia	23.0
Pennsylvania	Warren Street Extension/U.S. 222 Reconstruction, Berks County, Pennsylvania	7.8
Illinois	For construction of the Alton Bypass from the vicinity of Alton and Godfrey, Illinois	5.2
Iowa	Construct Mason City Bypass, Gerro Gordo County, Iowa	17.5
Prince Edward County, Virginia	A highway improvement project one mile south of Farmville in Prince Edward County, Virginia, to increase from two lanes to four lanes approximately two miles of Route 460. Such project shall connect the existing four lanes of Route 460 approaching the segment from the east and the west. The Secretary of the Army, acting through the Chief of Engineers, is directed, upon request of officials representing Prince Edward County, Virginia, to allow the immediate filling of the Sandy River Reservoir in accordance with the terms and conditions of the permit issued by the Department of the Army relating to the reservoir, except that no contingency in such permit pertaining to water demand or use shall become effective or shall be enforced prior to seven years from date of completion of such highway project	5.2
Port Lavaca to Cuero, Texas	Construct upgraded, improved four-lane divided highway	35.0
Fort Worth to Springtown, Texas	Upgrade existing highway to four-lane divided highway	70.0
Howell and Texas Counties, Missouri	Improve Highway 63	4.2
Louisa, Louisiana	Louisa Bridge replacement, Louisa, Louisiana	11.2
Travis County, Texas	Highway 620 bridge improvement	14.0
Latrobe, Pennsylvania	Ligoner Street Reconstruction	0.8
Carroltown/DuBois, Pennsylvania	U.S. 219 Improvements	4.0
Robinson Township, Pennsylvania	Design Work in Town Center	3.0
West Virginia	Chelyan Bridge Replacement	10.0

(3) ALLOCATION PERCENTAGES.—8 percent of the amount allocated by paragraph (2) for each project authorized by paragraph (2) shall be available for obligation in fiscal year 1992. 18.4 percent of such amount shall be available for obligation in each of fiscal years 1993, 1994, 1995, 1996, and 1997.

(4) FEDERAL SHARE.—The Federal share payable on account of any project under this subsection shall be 80 percent of the cost thereof.

(5) DELEGATION TO STATES.—Subject to the provisions of title 23, United States Code, the Secretary shall delegate responsibility for construction of a project or projects under this subsection to the State in which such project or projects are located upon request of such State.

(6) ADVANCE CONSTRUCTION.—When a State which has been delegated responsibility for construction of a project under this subsection—

(A) has obligated all funds allocated under this subsection for construction of such project; and

(B) proceeds to construct such project without the aid of Federal funds in accordance with all procedures and all requirements applicable to such project, except insofar as such procedures and requirements limit the State to the construction of projects with the aid of Federal funds previously allocated to it;

the Secretary, upon the approval of the application of a State, shall pay to the State the Federal share of the cost of construction of the project when additional funds are allocated for such project under this subsection.

(7) APPLICABILITY OF TITLE 23.—Funds authorized by this subsection shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code, except that the Federal share of the cost of any project under this subsection shall be determined in accordance with this subsection and such funds shall remain available until expended. Funds authorized by this subsection shall not be subject to any obligation limitation.

(b) URBAN ACCESS AND URBAN MOBILITY PROJECTS.—

(1) PURPOSE.—The purpose of this subsection is to provide funds for projects that enhance urban access and urban mobility.

(2) AUTHORIZATION OF PROJECTS.—The Secretary is authorized to carry out urban access and urban mobility projects described in this paragraph. Subject to paragraph (3), there is authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) for fiscal years 1992 through 1997 to carry out each such project the amount listed for each such project:

City/State	Urban Access & Mobility	Amount in millions
Santa Ana, California	Bristol Street Project	4.8
Illinois/Missouri	Metro East/St. Louis, Missouri Bridge Feasibility Study	1.1
Beaver/Butler Counties, Pennsylvania	Construction of Crow's Run Expressway from I–79 to PA Rt. 60, Beaver/Butler Counties, PA	2.5
Atlanta, Georgia	Improvement of Martin Luther King Drive	0.8
Chicago, Illinois	Handicapped Accessibility Projects on various Chicago Streets	2.8
Chicago, Illinois	Feasibility study for a road between existing Lake Shore Drive and Indiana Road	0.16
San Jose, California	Improvement of Interchange at Highway 85/Highway 17	35.0
Gilroy, California	For safety improvements on Highway 152 in vicinity of Gilroy, CA	7.0
New York, New York	Improvements on Miller Highway in New York City, NY	14.7
District of Columbia	Construction of missing segments of Eastern and Southern Avenues (Boundary Street Safety Initiative)	8.0
Buffalo, New York	Scajaquada Expressway Classification study	0.24
Buffalo, New York	NY State Thruway relocation study, Buffalo (Niagara), NY	0.24
Joliet, Illinois	For rehabilitation of Houbolt Road from Jefferson Street to Joliet Jr. College and construction and interchange at Houbolt Road and I–80	1.0
Chicago, Illinois	WPA street improvements bounded on the north by 103rd, the east by Stoney Island, the west by Ashland, and the south by the city limits	4.4
Burnham, Illinois	To improve Dolton Avenue between Torrence Avenue and Indiana State Line, Burnham, IL	2.2
Calumet Park, Illinois	Ashland Avenue Bridge replacement	2.5
Harvey, Illinois	Illinois 1 Interchange improvement from U.S. 6 to I–80	2.9
Markham, Illinois	Sibley Boulevard traffic flow improvement from Dixie Highway	4.1
Chicago, Illinois	Illinois 1 intersection improvement, Harvey, IL (intersection at 155th Street)	1.6
Youngstown, Ohio	Center Street Bridge replacement, Youngstown, OH, including Poland Avenue—Shirley Road connector and ramps at I–680	14.4
Lake Porter and LaPort Counties, Indiana and Illinois	Study linkage roads to connect Lake Shore Drive and surrounding facilities	1.2
Indiana	Acquisition of West Lake Corridor Right-of-Way between Munster, IN and Hammond , IN	1.0
Portage, Indiana	Widen Willow Creek Road to 4 lanes	1.8
Hobart, Lake Station And New Chicago, Indiana	Various improvements to Ridge Road to relieve congestion	5.1
Passaic County, New Jersey	To complete construction of Rt. 21 in Passaic County, New Jersey	115.0
Northeastern, New Jersey	To raise 14 bridges over Molly Ann's Brook Northeastern, New Jersey	9.5
Chambersburg, Pennsylvania	To improve the Wayne Avenue—I–81 Interchange and to widen Wayne Avenue to 5 lanes from I–81 to Coldbrook Avenue in the vicinity of Chambersburg, Pennsylvania	1.84
Newark, New Jersey	To construct ramps to provide access to I–78	6.7
Newark, New Jersey	To construct a parking facility as part of a multi-modal transportation facility in the vicinity of United Hospitals Medical Center, Newark, New Jersey	4.0
Lawrence, Massachusetts	Study, design, and construct new road service; Road and ramps and widen I–495	5.6
Baltimore, Mayland	To improve various roads as part of project "Project Vision" in Baltimore, Maryland	5.9
Bellevue, Washington	Conduct Phase I design study for I–405 interchange at Northeast 8th Street	5.9
Springfield, Illinois	To extend 11th Street from Stevenson Drive to Toronto Road in the vicinity of Springfield, Illinois	9.8
Middlesex, New Jersey	Route 1 widening in Middlesex County, New Jersey from Raritan River to Rahway River	7.0

City/State	Urban Access & Mobility	Amount in millions
Perth Amboy & Wodbridge Township, New Jersey	Study whether additional river crossings may be necessary based on condition of 3 existing crossings	1.0
Compton, California	For a grade separation project at W. Alameda Street and the Mealy St. Corridor	7.8
Parsippany, New Jersey Troy Hills	Construct interchange and ramp improvements for east and west bound traffic on I–280	1.94
Queens, New York	To rehabilitate 39th Street Bridge over rail tracks at the Sunnside Rail Yard in Queens, New York	12.3
Omaha, Nebraska	For improvmeents to US Highway 6 (W. Dodge Road) from 86th Street to 118th including the intersection with I–680 in Omaha, Nebraska	6.1
Suffolk County/Long Island, New York	Construct various roadway improvements on 7.1 miles of New York Rt. 112, including, resurfacing, widening, adding turning and parking lanes and improving traffic signals	4.0
San Diego, California	To conduct environmental study on feasibility of constructing 4-Lane highway from State Rt. 805 to International border near Otay Mesa	1.2
Sarasota, Florida	To construct a bridge interchange at US 301 and University Parkway in the vicinity of Sarasota, Florida	2.8
Hartford, Connecticut	To reconstruct Murphy Road in the vicinity of Hartford, Connecticut	1.0
Hartford, Connecticut	To rehabilitate Connecticut Rt. 99 South of Hartford, Connecticut	4.6
Hartford, Connecticut	For improved access to the Connecticut River as in I–91 Mitigation Project, Hartford, Connecticut	2.7
Chattanooga, Tennessee	Construct an urban diamond interchange to improve capacity and a connector road	3.7
Commerce, California	To relocate a portion of Atlantic Blvd. in the vicinity of Telegraph Rd. as part of a grade separation project	5.6
Scranton, Pennsylvania	Realign 3,000 feet of N. Scranton Expressway to connect with Mulberry Street	7.2
Long Island, New York	Southern State Parkway Improvement	5.4
New York	Exit 26 Ridge Project Schenectady, New York	6.7
Capital Beltway, Springfield, Virginia	Upgrade interchanges on I–495, including Virginia Mixing Bowl Improvements	8.9
Utah	Expansion of State Rd. 5600 West	3.9
Chicago, Illinois	Right-of-way preservation projects (Eisenhower & Stevenson Connector)	8.4
Chicago, Illinois	Museum of Science & Industry: Various intermodal facilities, Chicago, Illinois	35.0
Chicago, Illinois	Chicago Skyway Bridge, Chicago, Illinois	16.8
Chicago, Illinois	Cermak Road Bridge reconstruction, Chicago, Illinois	11.8
Chicago, Illinois	Roosevelt Rd. and Bridge Improvements, Chicago, Illinois	14.0
Chicago, Illinois	State Street Mall Improvements, Chicago, Illinois	16.8
Chicago, Illinois	Cicero Avenue Improvements, vicinity of Chicago, Illinois	1.3
Chicago, Illinois	183rd Street Reconstruction, Chicago, Illinois	1.8
Chicago, Illinois	111th Street Reconstruction, Chicago, Illinois	2.9
Chicago, Illinois	111th Street Upgrade: Cicero Avenue to Pulaski Road, Chicago, Illinois	3.0
Chicago, Illinois	111th Street Widening: Central Avenue to Cicero Avenue, Chicago, Illinois	5.5
Muncie, Indiana	State Rd. 67 Widening	11.8
Columbus, Indiana	Columbus Entranceway project, Columbus, Indiana	3.9
New Jersey	Rt. 17/4 Interchange Project, Paramus, New Jersey	5.0
New Jersey	Hackensack Avenue/Kinderkamack Road Bridges over Rt. 4, Hackensack, New Jersey	5.0
Los Angeles	Grade separation projects (3), Los Angeles County, California	8.4
New York	Preservation of Rail Corridor (North Shore Rail Line), Staten Island	12.6
Maryland	Improvement of U.S. Route 1 in Baltimore County, Maryland	14.0
Camden, New Jersey	Renovation of South Jersey Port Corporation's Beckett Street Terminal	8.0
Washington, D.C.	Design and construction of noise barriers along Southeast/Southwest Freeway and Anacostia Freeway in D.C.	5.5
Anaheim, California	Construction of public HOV facilities to provide public access to I–5 in the vicinity of the Anaheim Regional Transportation Intermodal Complex	17.5
Atlanta, Georgia	Construction of I–20 interchange at Lithonia Industrial Boulevard	13.2
Buffalo, New York	The Southtowns Connector Buffalo, New York	10.1
Western New York	Improvements on Route 219 between Springville, New York, and Ellicottville, New York, with funding for this project to have the same high priority as projects identified in section 140 of this Act	11.2
Tucson, Arizona	Veterans Memorial Interchange/Palo Verde Overpass Bridge Replacement	2.8
Providence, Rhode Island	Memorial Boulevard Pedestrian/Traffic Improvements	4.0
Renton, Washington	Houser Way Relocation Expansion	3.5

(3) ALLOCATION PERCENTAGES.—8 percent of the amount allocated by paragraph (2) for each project authorized by paragraph (2) shall be available for obligation in fiscal year 1992. 18.4 percent of such amount shall be available for obligation in each of fiscal years 1993, 1994, 1995, 1996, and 1997.

(4) FEDERAL SHARE.—The Federal share payable on account of any project under this subsection shall be 80 percent of the cost thereof.

(5) DELEGATION TO STATES.—Subject to the provisions of title 23, United States Code, the Secretary shall delegate responsibility for construction of a project or projects under this subsection to the State in which such project or projects are located upon request of such State.

(6) ADVANCE CONSTRUCTION.—When a State which has been delegated responsibility for construction of a project under this subsection—

(A) has obligated all funds allocated under this subsection for construction of such project; and

(B) proceeds to construct such project without the aid of Federal funds in accordance with all procedures and all requirements applicable to such project, except insofar as such procedures and requirements limit the State to the construction of projects with the aid of Federal funds previously allocated to it;

the Secretary, upon the approval of the application of a State, shall pay to the State the Federal share of the cost of construction of the project when additional funds are allocated for such project under this subsection.

(7) APPLICABILITY OF TITLE 23.—Funds authorized by this subsection shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code, except that the Federal share of the cost of any project under this subsection shall be determined in accordance with this subsection and such funds shall remain available until expended. Funds authorized by this subsection shall not be subject to any obligation limitation.

SEC. 150. MOLLY ANN'S BROOK, NEW JERSEY.

The Secretary shall carry out a project to make modifications to bridges necessary for the Secretary of the Army to carry out a project for flood control, Molly Ann's Brook, New Jersey, authorized by section 401 of the Water Resources Development Act of 1986 (100 Stat. 4119). Any Federal expenditures under this section and section 149 for such project shall be treated as part of the non-Federal share of the cost of such flood control project.

SEC. 151. PASSAIC AND BERGEN COUNTIES, NEW JERSEY.

The highway project authorized by section 149(a)(1) of the Surface Transportation and Uniform Relocation Assistance Act of 1987 (101 Stat. 181), shall include improvements to New Jersey State Route 21, the Crooks Avenue interchange between United States Route 46 and New Jersey State Route 20, and the United States Route 46 bridge over the Passaic River between Clifton and Elmwood Park, New Jersey. Notwithstanding any other provision of law, the Governor of the State of New Jersey shall carry out with respect to the construction of such highway project all of the responsibilities of the Secretary under title 23, United States Code, and all other provisions of law. In so doing, the Governor is authorized to waive any and all Federal requirements, the waiver of which the Governor determines to be in the public interest.

SEC. 152. REGULATORY INTERPRETATIONS.

(a) COATING OF STEEL.—Section 635.410 of title 23 of the Code of Federal Regulations and any similar regulation, ruling, or decision of the Department of Transportation shall be applied as if to include coating.

(b) FUNDING OF FUSEES AND FLARES.—Section 393.95 of title 49 of the Code of Federal Regulations shall be applied so that fusees and flares are given equal priority with regard to use as reflecting signs.

SEC. 153. HANDICAPPED PARKING SYSTEM.

(a) STUDY.—The Secretary shall conduct a study of the progress being made by the States in adopting and implementing the uniform system for handicapped parking established in regulations issued by the Secretary pursuant to Public Law 100-641 (102 Stat. 3335).

(b) REPORT.—Not later than 2 years after the date of the enactment of this Act, the Secretary shall transmit a report to the Committee on Environment and Public Works of the Senate and the Committee on Public Works of the House of Representatives on the results of the study conducted under this section.

SEC. 154. ROADSIDE BARRIER TECHNOLOGY.

(a) REQUIREMENT FOR INNOVATIVE BARRIERS.—Not less than 5 percent of the mileage of new or replacement permanent median barriers included in awarded contracts along Federal-aid highways within the boundaries of a State in each calendar year shall be innovative safety barriers.

(b) CERTIFICATION.—Each State shall annually certify to the Secretary its compliance with the requirements of this section.

(c) DEFINITION OF INNOVATIVE SAFETY BARRIER.—For purposes of this section, the term "innovative safety barrier" means a median barrier, other than a guardrail, classified by the Federal Highway Administration as "experimental" or that was classified as "operational" after January 1, 1985.

SEC. 155. DESIGN STANDARDS.

(a) SURVEY.—The Secretary shall conduct a survey to identify current State standards relating to geometric design, traffic control devices, roadside safety, safety appurtenance design, uniform traffic control devices, and sign legibility and directional clarity for all Federal-aid highways. The purpose of the survey is to determine the necessity of upgrading such standards in order to enhance highway safety. In conducting the survey, the Secretary shall take into consideration posted speed limits as they relate to the design of the highway.

(b) REPORT.—Not later than 2 years after the date of the enactment of this Act, the Secretary shall transmit to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on the results of the survey conducted under this section, and on the crashworthiness of traffic lights, traffic signs, guardrails, impact attenuators, concrete barrier treatments, and breakaway utility poles for bridges and roadways currently used by States, together with any recommendations of the Secretary relating to the purpose of the survey.

SEC. 156. EFFECTIVE DATE; APPLICABILITY; CERTAIN UNOBLIGATED BALANCES.

(a) GENERAL RULE.—This title, including the amendments made by this title, shall take effect on the date of the enactment of this Act.

(b) APPLICABILITY.—The amendments made by this title (other than section 160) shall apply to funds authorized to be appropriated or made available after September 30, 1991, and, except as otherwise provided in subsection (c), shall not apply to funds appropriated or made available on or before September 30, 1991.

(c) UNOBLIGATED BALANCES.—

(1) IN GENERAL.—Unobligated balances of funds apportioned to a State under sections 104(b)(1), 104(b)(2), 104(b)(5)(B), and 104(b)(6) of title 23, United States Code, before October 1, 1991, shall be available for obligation in that State under the law, regulations, policies and procedures relating to the obligation and expenditure of those funds in effect on September 30, 1991.

(2) TRANSFERABILITY.—

(A) PRIMARY SYSTEM.—A State may transfer unobligated balances of funds apportioned to the State for the Federal-aid primary system before October 1, 1991, to the apportionment to such State for 1 or more of the following: the National Highway System, the rural mobility system, the urban mobility system.

(B) SECONDARY SYSTEM.—A State may transfer unobligated balances of funds apportioned to the State for the Federal-aid secondary system before October 1, 1991, to the apportionment to such State for the rural mobility system.

(C) INTERSTATE 4R.—A State may transfer unobligated balances of funds apportioned to the State for resurfacing, restoring, rehabilitating, and reconstructing the Interstate System before October 1, 1991, to the apportionment to such State for the National Highway System.

(D) URBAN SYSTEM.—A State may transfer unobligated balances of funds apportioned to the State for the Federal-aid urban system before October 1, 1991, to the apportionment to such State for the urban mobility system. Any of such unobligated balances which were attributable to an urbanized area must be expended for projects in such urbanized area.

(E) DATE.—A State may only make a transfer under this paragraph on October 1 of a fiscal year or, in the case of fiscal year 1992, on the 30th day following the date of the enactment of this Act.

(F) APPLICABILITY OF CERTAIN LAWS, REGULATIONS, POLICIES, AND PROCEDURES.—Funds transferred under this paragraph shall be subject to the laws, regulations, policies, and procedures relating to the apportionment to which they are transferred.

SEC. 157. INNOVATIVE PROJECTS.

(a) IN GENERAL.—The purpose of this section is to provide assistance for highway projects demonstrating innovative techniques of highway construction and finance. Each State in which 1 of the projects authorized by subsection (b) is located shall select and use, in carrying out such project, innovative techniques in highway construction or finance. Such techniques may include state-of-the-art technology for pavement, safety, or other aspects of highway construction; innovative financing techniques; or accelerated procedures for construction.

(b) AUTHORIZATION OF PROJECTS.—The Secretary is authorized to carry out the innovative projects described in this subsection. Subject to subsection (c), there is authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) for fiscal years 1992 through 1997 to carry out each such project the amount listed for each such project:

City/State	Innovative Projects	Amount in millions
Cadiz, Ohio	Construction of 4-lane Limited Access Highway from Cadiz, OH to Interstate 70 Interchange at St. Clairesville, OH along US Rt. 250	17.4
Maryland	Construction of Durham Road Bridge #75 in Harford County, MD	0.5
Maryland	Construction of a replacement bridge at Furnace Road Bridge #74, Harford County, MD	0.6
Maryland	Construction of a replacement bridge at South Hampton Road Bridge #47, Harford County, MD	1.1
Maryland	Construction of a replacement bridge at Wheel Road Bridge #9, Harford County, MD	1.0
Maryland	Construction of a replacement bridge at Watervale Bridge #63, Harford, MD	1.3
Baltimore County, Maryland	Replacement Papermill Road Bridge #123 in Cockeysville Area of Baltimore, MD	6.3
Southern, Oklahoma	Testing of effectiveness of recyclable materials on a resurfacing project on US 70 in Southern, OK	2.4
Tulsa, Oklahoma	Upgrade US 75 to Expressway standards, Tulsa, OK	16.5
Atlanta, Georgia	For various transportation improvements in connection with the 1996 Olympics, including the city of Atlanta advanced traffic management system (IVHS)	58.0
Chicago, Illinois	Computerized infrastructure management systems, Chicago, IL	5.1
Oceanside, California	Construction of A, B, and C segments of State Route 76	17.0
Carlsbad, California	Improvements to the interchange at Palomar Airport Road and Interstate 5	4.0
Danville, Virginia	To replace bridges on Main and Worsham Streets in Danville, VA	11.8
Mokena, Illinois	For construction of Wolf Road to an area between LaPort Road and U.S. Rt. 30 in Mokena, IL	1.6
Frankfort, Illinois	Village of Frankfort Roadway improvement projects	1.5
Plainfield, Illinois	Replacement of E J & E Viaduct over IL Rt. 59 and Dupage River Tributary	1.0
Romeoville, Illinois	Replacement of 135th Street Bridge, Romeoville, IL	7.0
Water Street, Pennsylvania	Construction of a 2 lane bypass around the Borough of Water Street on U.S. 22 of Pennsylvania	8.0
Holidaysburg, Pennsylvania	To relocate U.S. 22 around the Borough of Holidaysburg, Pennsylvania	52.0
Lewistown, Pennsylvania	For safety improvements on the Narrows to eliminate potential problems brought on by rock slides	1.6
Pennsylvania	To relocate U.S. Rt. 22 North of Lewistown, Pennsylvania	40.8
Reedsville, Pennsylvania	For construction of a 4 lane highway between Reedsville and Seven Mountains, Pennsylvania	35.1
Pennsylvania	To relocate section of railroad tracks between Hagerstown, Maryland and Schippensburg, Pennsylvania to eliminate 23 at-grade crossings and to make connection to an existing railroad line	14.4
Roaring Spring, Pennsylvania	To upgrade to 3 lanes by adding a center turning lane a section of Pennsylvania 36 from New US 220 to the intersection at Roaring Spring, Pennsylvania	8.8
Altoona, Pennsylvania	To widen and extend Chestnut Avenue from Altoona to Juniata, Pennsylvania	7.12
Bedford County, Pennsylvania	To widen Rt. 30 from the Narrows in Bedford to Mt. Dallas, Pennsylvania	33.6
Brevard County, Florida	Design, acquire right-of-way and construct a widened bridge on State Road 3 over the Barge Canal	8.1
Blacksburg, Virginia Montgomery County	Construction of 6 mile 4 lane highway to demonstrate intelligent/vehicle highway systems	7.0
Mobile, Alabama	For reconstruction of the West Tunnel Plaza Interchange on I–10 from Virginia Street to Mobile River Tunnel, Mobile, Alabama	8.0
Pennsylvania	To widen US Rt. 202 from King of Prussia to Montgomeryville, Pennsylvania	10.5
Galina, Illinois	To conduct environmental, preliminary engineering and design studies to widen a 47 mile stretch of US 20 to 4 lanes	2.3
Areneck County, Michigan	To improve a 12-mile stretch of US 23 between Rt. 13 and Rt. 65, Michigan	5.5
Brooks, Jim Wells, and Live Oak Counties, Texas	To improve, upgrade and widen U.S. 281 to the Mexican Border	35.0
Alabama	To construct a 4-Lane access controlled highway to bypass Montgomery, Alabama and connect I–65 and I–85	14.0
North Dakota	To design computerized system to inventory and manage off system bridge repairs or replacement statewide; begin repair activities	10.5
Los Angeles, California	For preliminary work on a project to enhance the capacity of I–5 in Los Angeles and Orange County from the downtown area to the State Rt. 91 interchange in Buena Park	7.9
Mendon, Illinois	To construct 14.8 miles of Highway 336 from Illinois Rt. 61 near Mendon, Illinois to West Point Road	5.9
Bryden, Washington	Construct 3 miles of new and improved highways connecting Clarkston, Washington with Lewiston, Idaho	4.6
Missouri	To widen I–55 between Rt. M and Rt. 67 in Jefferson County, Missouri	6.0
Jefferson County, Missouri	To upgrade 7.9 miles of Missouri Highway 21 in Jefferson County, Missouri	6.0
St. Louis, Missouri	To construct a 4-Lane outer beltway connecting I–55 and I–44 in St. Louis and Jefferson County, Missouri	9.0
Hillsborough, Florida	Widen and enhance safety and drainage features of I–4 from Tampa to the Hillsborough County Line	29.0
Wichita, Kansas	To construct a 6 lane access controlled highway and interchange at Oliver Street	7.8
Brigham City, Utah	To construct an interchange on I–15 at Forest St. in Brigham City, Utah	4.3
Utah	For the upgrading of US 89 in Davis and Weber Counties, Utah	3.5
Grand Rapids, Michigan	For construction of a bypass around Grand Rapids, Michigan connecting I–96 and I–196	8.1

City/State	Innovative Projects	Amount in millions
Suffolk County/ Long Island, New York	Avoid erecting costly areas through selective black topping through high noise road segments	2.3
Suffolk County, New York	Evaluate suitability of composting and recycling for use on federal-aid highway medians and perimeters	0.4
Springfield, South Dakota	Plan, engineer and construct a bridge across the Missouri River to connect South Dakota Rt. 37 to Nebraska Highway 12	5.6
Vermillion, South Dakota	Engineer and construct bridge across the Missouri River in the vicinity of Vermillion, South Dakota	4.3
Pennsylvania	Design, engineer and construct 2 exits off Interstate 81 at Wilkes-Barre and Mountaintop, Pennsylvania	11.7
Genesse, Michigan	Widen and improve pavement in Mundy Township, from Baldwin Rd. to Cook Rd.	0.16
Flint, Michigan	Engineer, design and construct improved and widened 5-Lane road	0.5
Flint, Michigan	Engineer, design and construct 1.02 miles of 5-Lane roadway	0.9
Flint, Michigan	Right-of-way acquisition, relocation and construction of Bristol Road	3.7
Salem, Oregon	To construct the Salem Bypass around Salem, Oregon	7.1
Montgomeryville, Pennsylvania	To improve U.S. 202 from Montgomeryville to Doylestown, Pennsylvania	7.6
Amherst/Erie County, New York	Widen 2 miles of Rt. 263 from 2 lanes to 4 lanes and rehabilitate a 4 mile stretch of Rt. 78	9.0
Idaho	To improve the Bryden County Rd. from Washington State Line to Lewiston, Idaho	6.3
Mojave, California	Widen and reconstruct bridge to CALTRANS height standards	2.1
Freemont, Iowa	For construction of Iowa highway #2 from Sidney, Iowa to I–29 in Freemont County, Iowa	10.3
Council Bluffs, Iowa	For a variety of improvements to the Valley View Corridor in Council Bluffs, Iowa	1.2
Indiana	Construct extension of Interstate 69 to link Evansville and Indianapolis, Indiana	4.5
Aberdeen, Ohio	U.S. 62 Ohio River Bridge	18.3
Jacksonville, Illinois	U.S. 67 Jacksonville Bypass	11.1
Snohomish, Washington	Snohomish County, Washington HOV Lanes	7.7
Portland/S. Portland, Maine	Portland-S. Portland Bridge	4.3
Iowa	Highway 63 Improvements, Waterloo to New Hampton, Iowa	17.9
Brook Park, Ohio	Aerospace Technology Clark Access Rd., Brookpark, Ohio	16.8
California	Rt. 156 Hollister Bypass, San Benito, California	0.9
Monterey, California	Rt. 101, Prunedale, California	3.5
New Jersey	Rt. 21 Viaduct, Newark, New Jersey, City of Newark's Project	15.7
New Jersey	Rt. 21 widening, Newark, New Jersey, City of Newark's Project	14.6
North Carolina	U.S. 64 widening in Chatham and Wake Counties, North Carolina	6.2
Tennessee	I–81/Industrial Park South Interchange, Sullivan County, Tennessee	6.8
Tennessee	Foothills Parkway: Pittman Center to Cosby, Tennessee	13.2
Ohio	Kelly Avenue extension, Akron, Ohio	11.2
Exton, Pennsylvania	Exton Bypass, Exton, Pennsylvania	25.8
Alabama	Black Warrier River Bridge, Tuscaloosa County, Alabama	7.6
Maple Grove, Minnesota	Highway 610 crosstown project, Maple Grove, Minnesota	9.0
California	I–880/Alvarado-Niles Road Interchange, Union City, California	11.2
Merrysville, Washington	Interstate 5 Interchange improvement: 88th Street, Merrysville, Washington	2.2
Myrtle Beach, South Carolina	Carolina Bays Parkway, Myrtle Beach, South Carolina	7.0
Mississippi	U.S. 90 improvements including 6 lane bridge and approaches, Pascagoula, Mississippi	5.1
Bakersfield, California	Rt. 58 Improvements, Bakersfield, California	5.6
Sante Fe Springs, California	Norwalk Blvd. grade separation, Santa Fe Springs, California	5.6
Hoquiam, Washington	Gray's Harbor Industrial Corridor Bridge, Hoquiam, Washington	5.6
Traverse City, Michigan	Traverse City Bypass, Traverse City, Michigan	4.5
Nevada	Lamoille Highway widening, Elko County, Nevada	2.8
Reno, Nevada	U.S. 395 Extension, Reno, Nevada	2.1
Carson City, Nevada	Carson City Bypass, Carson City, Nevada	9.0
Columbus, Ohio	I–270 North outerbelt widening, Franklin County, Ohio	12.1
St. Thomas, Virgin Islands	Feasibility study of constructing a second road to the west end of the island	2.0
Illinois	DeQuoin Highway Bridge	3.12
Illinois	Tamarack Street Extension	0.6
Indiana	East Chicago Marina Access Road	10.1
District of Columbia	Hybrid Fuel Cell	4.2
Ohio	Rehabilitation of Bridge on U.S. 224 near State Route 616	1.0
Arkansas	North Belt Freeway Project, Thornton, Arkansas	10.5
Ft. Worth, Texas	I–35 Basswood Interchange, Ft. Worth, Texas	5.6
Illinois	Illinois 17 road replacement, .2 miles west of Splear Road to Illinois 1: 5.3 miles	2.1
Leroy, Illinois	U.S. 150 road replacement, North of Hemlock Street to South of Gilmore Street in Leroy: 1.6 miles	1.2
Ford County, Illinois	U.S. 24 replacement, 1.1 miles east of Forrest to Ford County Line: 8.0 miles	2.1
Illinois	U.S. 24 road replacement: Crescent City to Illinois 1 in Watseka: 6.3 miles	2.9
Emington, Illinois	Emington Spur road replacement Illinois 47 to Emington: 2.9 miles Emington, Illinois	0.65
Illinois	New Lenox Road Improvement	3.0
Illinois	Shorewood Roadway Improvements	1.5
Illinois	Bridge painting of various moveable bridges to prevent rusting, Chicago, Illinois	3.3
Huntington County, Pennsylvania	Jacobs Timber Bridge over Greater Trough Creek	0.35
Chicago, Illinois	Landscaping, resurfacing, repair and replacement of curbs and gutters, bridge cleaning and repair of lights and redesigning and installation of new signs historic 28 mile Boulevard, Chicago, Illinois	9.1
Cadillac, Michigan	Improvements to highway U.S. 131, north of Cadillac	4.2
Durham County, North Carolina	Accelerated construction of a four-lane divided freeway on Route 147	45.3
Corpus Christi to Angleton, Texas	Construct new multi-lane freeway	35.0
Fort Worth, Texas	Construction of an overpass and frontage road at the Fort Worth Hillwood/I–35 interchange	5.6
West Sacramento, California	Construction of Industrial Boulevard Bridge over Sacramento River Barge Canal in West Sacramento, California	9.8
Baltimore County, Maryland	I–695 Improvements in Baltimore County, Maryland	28.2
Hampton Roads, Virginia	I–64 Crossing of Hampton Roads	7.0
Calumet City, Illinois	Reconstruction of 156th Street and 156th Place from Burkham Avenue to State line	1.5
Frankfort Township, Illinois	Improvements of streets in Frankfort Township	1.2
Matteson, Illinois	I–57 Bridge Improvements	4.2
Illinois	Road Improvement, U.S. 150/Ill. 1 from Belguim to South of Westville	4.5
Illinois	Road Improvement, U.S. 45 from Savoy to Tolono	6.6
Alabama	Patton Island Bridge Project	5.5

(c) ALLOCATION PERCENTAGES.—8 percent of the amount allocated by subsection (b) for each project authorized by subsection (b) shall be available for obligation in fiscal year 1992. 18.4 percent of such amount shall be available for obligation in each of fiscal years 1993, 1994, 1995, 1996, and 1997.

(d) FEDERAL SHARE.—The Federal share payable on account of any project under this section shall be 80 percent of the cost thereof.

(e) DELEGATION TO STATES.—Subject to the provisions of title 23, United States Code, the Secretary shall delegate responsibility for construction of a project or projects under this section to the State in which such project or projects are located upon request of such State.

(f) ADVANCE CONSTRUCTION.—When a State which has been delegated responsibility for construction of a project under this section—

(1) has obligated all funds allocated under this section for construction of such project; and

(2) proceeds to construct such project without the aid of Federal funds in accordance with all procedures and all requirements applicable to such project, except insofar as such procedures and requirements limit the State to the construction of projects with the aid of Federal funds previously allocated to it;

the Secretary, upon the approval of the application of a State, shall pay to the State the Federal share of the cost of construction of the project when additional funds are allocated for such project under this section.

(g) REPORTS.—Not later than 1 year after completion of a project under this section, the State in which such project is located shall submit to the Secretary a report on the innovative techniques used in carrying out such project and on the results obtained through the use of such techniques.

(h) APPLICABILITY OF TITLE 23.—Funds authorized by this section shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code, except that the Federal share of the cost of any project under this section shall be determined in accordance with this section and such funds shall remain available until expended. Funds authorized by this section shall not be subject to any obligation limitation.

SEC. 158. ORANGE COUNTY TOLL PILOT PROJECTS.

(a) EXEMPTION OF CERTAIN LANDS.—For the purposes of any approval by the Secretary of proposed highway improvements authorized by section 129(j)(3) of title 23, United States Code, in Orange County, California, pursuant to section 303 of title 49, United States Code, and section 138 of title 23, United States Code, those sections (collectively known as "section 4(f)") shall not be applicable to public park, recreation area, wildlife and waterfowl refuge (collectively referred to hereinafter in this section as "parkland")—

(1) that are acquired by a public entity after a governmental agency's approval of a State or Federal environmental document established the location of a highway adjacent to the parklands; or

(2) where the planning or acquisition documents for the parklands specifically referred to or reserved the specific location of the highway.

(b) APPLICABILITY.—Without limiting its prospective application, this section shall apply to any approval of the proposed highway improvements by the Secretary prior to the effective date of this section only if—

(1) the approximately 360 acres comprising the proposed Upper Peters Canyon Regional Park in Orange County, California, is conveyed to a public agency for use as public park and recreation land or a wildlife or waterfowl refuge, or both, within 90 days of such effective date;

(2) the approximately 100 acres of lands described as the Dedication Area in that certain Option Agreement dated April 16, 1991, by and between the city of Laguna Beach and the owner thereof is conveyed to a public agency for use as public park and recreation land for a wildlife or waterfowl refuge, or both, within 90 days of such effective date.

(c) PURPOSE.—This section is adopted in recognition of unique circumstances in Orange County, California, including a comprehensive land use planning process; the joint planning of thousands of acres of parklands with the locations of the proposed highway improvement; the provision of rights-of-way for high occupancy vehicle lanes and fixed rail transit in the 3 transportation corridors; the use of toll financing, which will discourage excessive automobile travel; and the inclusion of a county-wide growth management element and substantial local transit funding commitment in the county's voter-approved supplemental sales tax for transportation.

(d) LIMITATIONS ON STATUTORY CONSTRUCTION.—In no event shall this section be construed to apply to any other highway projects other than the proposed San Joaquin Hills, Foothill, and Eastern Transportation Corridor highways in Orange County, California. Nothing in this section is intended to waive any provision of law (including the National Environmental Policy Act, the Endangered Species Act, and the National Historic Preservation Act) other than the specific exemptions to section 303 of title 49 and section 138 of title 23, United States Code. Nothing in this section shall be construed to give affect or to approve regulations issued pursuant to section 4(f) and published in the Federal Register on April 1, 1991 (56 Federal Register 62).

SEC. 159. FEASIBILITY OF INTERNATIONAL BORDER HIGHWAY INFRASTRUCTURE DISCRETIONARY PROGRAM.

(a) STUDY.—The Secretary shall conduct a study of the advisability and feasibility of establishing an international border highway infrastructure discretionary program. The purpose of such a program would be to enable States and Federal agencies to construct, replace, and rehabilitate highway infrastructure facilities at international borders when such States, agencies, and the Secretary find that an international bridge or a reasonable segment of a major highway providing access to such a bridge (1) is important; (2) is unsafe because of structural deficiencies, physical deterioration, or functional obsolescence; (3) poses a safety hazard to highway users; (4) by its construction, replacement, or rehabilitation, would minimize disruptions, delays, and costs to users; or (5) by its construction, replacement, or rehabilitation, would provide more efficient routes for international trade and commerce.

(b) REPORT.—Not later than September 30, 1993, the Secretary shall transmit to Congress a report on the results of the study conducted under this section, together with any recommendations to the Secretary.

SEC. 160. PRIOR DEMONSTRATION PROJECTS.

(a) TAMPA, FLORIDA.—The unobligated balance of funds provided under section 149 of the Surface Transportation and Uniform Relocation Assistance Act of 1987 for carrying out subsection (a)(81) of such section shall be available to the Secretary for carrying out a highway project to widen, modernize, and make safety improvements to interstate route I-4 in Hillsborough County, Florida, from its intersection with I-275 in Tampa, Florida, to the Hillsborough-Polk County line.

(b) SANTA FE, NEW MEXICO.—The unobligated balance of funds provided under section 149 of the Surface Transportation and Uniform Relocation Assistance Act of 1987 for carrying out subsection (a)(107) of such section shall be available to the Secretary for carrying out a highway project to construct a bypass for Santa Fe, New Mexico.

(c) LARKSPUR TO KORBEL, CALIFORNIA.—The unobligated balance of funds provided under section 149 of the Surface Transportation and Uniform Relocation Assistance Act of 1987 for carrying out subsection (a)(41)(B) of such section shall be available to the Secretary for carrying out a highway project to construct a transportation corridor along a right-of-way which is parallel to Route 101 in California and connects Larkspur, California, and Korbel, California.

SEC. 161. WILLIAM H. HARSHA BRIDGE.

The United States Route 68 bridge across the Ohio River between Aberdeen, Ohio, and Maysville, Kentucky, shall be known and designated as the "William H. Harsha Bridge".

SEC. 162. COMMEMORATION OF DWIGHT D. EISENHOWER NATIONAL SYSTEM OF INTERSTATE AND DEFENSE HIGHWAYS.

(a) STUDY.—The Secretary shall conduct a study to determine an appropriate symbol or emblem to be placed on highway signs referring to the Interstate System to commemorate the vision of President Dwight D. Eisenhower in creating the Dwight D. Eisenhower National System of Interstate and Defense Highways.

(b) REPORT.—Not later than 1 year after the effective date of this title, the Secretary shall report to Congress on the results of the study under this section.

SEC. 163. USE OF HIGH OCCUPANCY VEHICLE LANES BY MOTORBIKES.

Section 163 of the Surface Transportation Assistance Act of 1982 (23 U.S.C. 146 note) is amended—

(1) by inserting before "and acceptance" the following: ", after notice in the Federal Register and an opportunity for public comment,"; and

(2) by adding at the end the following: "Any certification made before the effective date of title 1 of the Intermodal Surface Transportation Infrastructure Act of 1991 shall not be recognized by the Secretary until the Secretary publishes notice of such certification in the Federal Register and provides an opportunity for public comment on such certification.".

SEC. 164. USE OF TOURIST ORIENTED DIRECTIONAL SIGNS.

(a) IN GENERAL.—The Secretary shall encourage the States to provide for equitable participation in the use of tourist oriented directional signs or "logo" signs along the Interstate System and the Federal-aid primary system (as defined under section 131(t) of title 23, United States Code).

(b) STUDY.—Not later than 1 year after the effective date of this title, the Secretary shall conduct a study and report to Congress on the participation in the use of signs referred to in subsection (a) and the practices of the States with respect to the use of such signs.

SEC. 165. PENSACOLA, FLORIDA.

(a) STUDY.—The Secretary shall conduct a study of the feasibility of constructing, in accordance with standards applicable to Interstate System highways, a 4-lane highway connecting Interstate Route 65 and Interstate Route 10 in the vicinity of Pensacola, Florida.

(b) REPORT.—Not later than 2 years after the date of the enactment of this Act, the Secretary shall transmit to Congress a report on the results of the study conducted under this section, together with recommendations for the location of a corridor in which to construct the highway described in subsection (a).

SEC. 166. INCLUSION OF CALHOUN COUNTY, MISSISSIPPI, IN APPALACHIA.

Section 403 of the Appalachian Regional Development Act of 1965 (40 U.S.C. App. 403) is amended in the fifth undesignated paragraph of such section by inserting "Calhoun," after "Benton,".

SEC. 167. HIGHER FEDERAL SHARE.

If any highway project authorized to be carried out under section 128(h), 134(c), 140, 149, 157, or 505 of this Act is a project which would be eligible for assistance under section 204 of title 23, United States Code, or is a project on a federally owned bridge, the Federal share payable on account of such project shall be 100 percent for purposes of this Act.

SEC. 168. WORK ZONE SAFETY.

(a) PROGRAM DEVELOPMENT.—The Secretary shall develop a proposed work zone safety program which will improve work zone safety at highway construction sites by enhancing the quality and effectiveness of traffic control devices, safety appurtenances, traffic control plans, and bidding practices for traffic control devices and services.

(b) REPORT.—Not later than 2 years after the effective date of this title, the Secretary shall transmit to Congress the proposed program developed under subsection (a) and recommendations for implementation of such program.

SEC. 169. MISCELLANEOUS HIGHWAY PROJECT AUTHORIZATIONS.

(a) BALTIMORE-WASHINGTON PARKWAY.—There is authorized to be appropriated $74,000,000 for renovation and reconstruction of the Baltimore-Washington Parkway in Prince Georges County, Maryland. The Federal share of the cost of such project shall be 100 percent.

(b) EXIT 26 BRIDGE.—There is authorized to be appropriated $22,400,000 for construction of the Exit 26 Bridge in Schenectady County, New York. The Federal share of the cost of such project shall be 80 percent.

(c) CUMBERLAND GAP TUNNEL.—There are authorized to be appropriated such sums as may be necessary to complete construction of the Cumberland Gap Tunnel, Kentucky, including associated approaches and other necessary road work. The Federal share of the cost of such project shall be 100 percent.

(d) RIVERSIDE EXPRESSWAY.—There is authorized to be appropriated $53,400,000 for construction of the Riverside Expressway, including bridges crossing the Monongahela River and Buffalo Creek, in the vicinity of Fairmont, West Virginia. The Federal share of the cost of such project shall be 80 percent.

(e) BUSWAY.—There is authorized to be appropriated $39,500,000 for design and construction of an exclusive busway linking Pittsburgh and Pittsburgh Airport. The Federal share of such project shall be 80 percent.

(f) EXTON BYPASS.—There is authorized to be appropriated $11,004,000 for construction of the Exton Bypass, in Exton, Pennsylvania. The Federal share of such project shall be 80 percent.

(g) PENNSYLVANIA ROUTE 33 EXTENSION.—There is authorized to be appropriated $5,000,000 for extension of Route 33 in Northampton County, Pennsylvania. The Federal share of such project shall be 80 percent.

(h) U.S. ROUTE 202.—There is authorized to be appropriated $4,500,000 for construction of U.S. Route 202. The Federal share of such project shall be 80 percent.

(i) WOODROW WILSON BRIDGE.—There is authorized to be appropriated $15,000,000 for rehabilitation of the Woodrow Wilson Bridge. The Federal share of such project shall be 100 percent.

(j) U.S. ROUTE 222 RELOCATION.—There is authorized to be appropriated $450,000 for engineering studies to relocate U.S. Route 222 in Lehigh County. The Federal share of such project shall be 80 percent.

(k) WARREN OUTERBELT IMPROVEMENT, WARREN, OHIO.—There is authorized to be appropriated $1,000,000 for design and construction of Warren Outerbelt improvements, Warren, Ohio. The Federal share of such project shall be 80 percent.

(l) OHIO STATE ROUTE 46 IMPROVEMENTS.—There is authorized to be appropriated $2,000,000 for design and construction of Ohio State Route 46 improvements. The Federal share of such project shall be 80 percent.

(m) OHIO STATE ROUTE 5 IMPROVEMENTS.—There is authorized to be appropriated $1,000,000 for design and construction of Ohio State Route 5 improvements. The Federal share of such project shall be 80 percent.

(n) U.S. ROUTE 62 IMPROVEMENTS, OHIO.—There is authorized to be appropriated $1,000,000 for design and construction of U.S. Route 62 improvements, Ohio. The Federal share of such project shall be 80 percent.

(o) OHIO STATE ROUTE 534 IMPROVEMENTS.—There is authorized to be appropriated $1,000,000 for design and construction of Ohio State Route 534 improvements. The Federal share of such project shall be 80 percent.

(p) OHIO STATE ROUTE 45 IMPROVEMENTS.—There is authorized to be appropriated $1,000,000 for design and construction of Ohio State Route 45 improvements. The Federal share of such project shall be 80 percent.

(q) ROUTE 120, LOCKHAVEN, PENNSYLVANIA.—There is authorized to be appropriated $4,000,000 for the widening of Route 120 and the removal of unstable rockfill area, Lockhaven, Pennsylvania. The Federal share of such project shall be 80 percent.

(r) TRUSS BRIDGE, TIOGA RIVER, LAWRENCEVILLE, PENNSYLVANIA.—There is authorized to be appropriated $3,200,000 to replace the existing Truss Bridge across the Tioga River, in Lawrenceville, Pennsylvania. The Federal share of such project shall be 80 percent.

(s) U.S. ROUTE 6, BRADFORD COUNTY, PENNSYLVANIA.—There is authorized to be appropriated $3,000,000 for the widening of U.S. Route 6 (Wysox Narrows Road), in Bradford County, Pennsylvania. The Federal share of such project shall be 80 percent.

(t) SEBRING/MANSFIELD BYPASS PENNSYLVANIA.—There is authorized to be appropriated $4,800,000 for design and construction of the Sebring/Mansfield Bypass on U.S. 15, Pennsylvania. The Federal share of such project shall be 80 percent.

(u) I-5 IMPROVEMENTS.—The States of Oregon and Washington should give priority consideration to improvements on the I-5 Corridor. The Secretary shall give priority consideration to funding I-5 improvements from section 118(c)(2) of title 23, United States Code, as amended by this Act.

(v) ROUTE 219.—The Secretary shall designate Route 219 from the Maryland line to Buffalo, New York, as part of the National Highway System.

(w) COALFIELDS EXPRESSWAY.—There is authorized to be appropriated such sums as may be necessary for design and construction of the project known as "Coalfields Expressway" from Beckley, West Virginia, to the West Virginia-Virginia State line, generally following the corridor defined by, but not necessarily limited to, Routes 54, 97, 10, 16, and 93. The Federal share of such project shall be 80 percent.

(x) UNITED STATES ROUTE 119.—There is authorized to be appropriated $70,000,000 for upgrading United States Route 119 to 4 lanes beginning west of Huddy, Kentucky. The Federal share of such project shall be 80 percent.

(y) CHAMBERSBURG, PENNSYLVANIA.—Not later than 30 days after the date of the enactment of this Act, in Chambersburg, Pennsylvania, at both the intersection of Lincoln Way and Sixth Street and the intersection of Lincoln Way and Coldbrook Avenue, the Pennsylvania Department of Transportation shall include an exclusive pedestrian phase in the existing lighting sequence between the hours of 8:00 and 8:30 A.M. and between the hours of 2:45 and 3:45 P.M. on weekdays.

SEC. 170. RAILROAD RELOCATION AND DEMONSTRATION PROGRAM.

Section 163(p) of the Federal-Aid Highway Act of 1973 (23 U.S.C. 130 note) is amended by striking "and 1991," and inserting "1991, 1992, 1993, and 1994,".

SEC. 171. VALUE ENGINEERING REVIEW.

(a) IN GENERAL.—Chapter 1 of title 23, United States Code, is amended by inserting after section 152 the following new section:

"§ 153. Value engineering review

"(a) GENERAL RULE.—Within 1 year after the effective date of this section, the Secretary shall issue regulations for establishment of value engineering review programs by the States. Such regulations shall apply to highway projects for new construction or major reconstruction, as defined by the Secretary. Beginning in fiscal year 1994, the Secretary shall not approve a highway project covered under this section unless the State has in effect a value engineering review program which complies with the requirements of this section.

"(b) REPORT.—By January 1, 1995, and every 2 years thereafter, the Secretary shall submit to Congress a report on implementation of value engineering programs under this section, including an evaluation of how effectively such programs are being implemented and recommendations on methods to improve implementation of such programs.

"(c) VALUE ENGINEERING REVIEW DEFINED.—For purposes of this section, the term 'value engineering review' means a specialized technique that considers and analyzes all facets of the highway contract under review for the purposes of reducing costs, to the maximum extent feasible, and improving the overall quality of the project.".

(b) CONFORMING AMENDMENT.—The analysis for chapter 1 of such title is amended by inserting after the item relating to section 152 the following new item:

"153. Value engineering review.".

SEC. 172. J. CLIFFORD NAUGLE BYPASS.

The highway bypass being constructed around the Borough of Ligonier in Westmoreland County, Pennsylvania, shall be known and designated as the "J. Clifford Naugle Bypass".

SEC. 173. INTERIM ADVANCE CONSTRUCTION PROGRAM.

(a) GENERAL RULE.—Upon approval of an application of a State, the Secretary is authorized to pay in accordance with section 115 of title 23, United States Code, to the State the Federal share of the cost of a project which was commenced after September 30, 1991, and before the date of the enactment of this Act, notwithstanding that the plans and specifications for the project were not approved in accordance with subsection (a)(2) or (b)(1)(A) of such section before the project was commenced and notwithstanding the limitation set forth in subsection (a)(3) of such section.

(b) LIMITATION.—An application may not be approved under this subsection with respect to a project under section 103(e)(4), 104(b)(1), 104(b)(2), 104(b)(5)(A), 104(b)(5)(B), 104(b)(6), 130, 144, 152, or section 307 of title 23, United States Code, if the Federal share of the cost of such project when added to the Federal share of the costs of projects under such section for which applications have been approved under this section exceeds the amount apportioned to the State under such section for fiscal year 1991.

(c) APPORTIONMENT ACCOUNTS.—Payments made pursuant to applications approved under this section for a project under section 103(e)(4), 104(b)(1), 104(b)(2), 104(b)(5)(A), 104(b)(5)(B), 104(b)(6), 130, 144, 152, or section 307 of title 23, United States Code, shall be made from the apportionments made on or after the date of the enactment of this Act to the State under such section; except that payments for a project which but for this clause would be made under section 104(b)(5)(B) of title 23, United States Code, shall be made from the apportionment of such State under section 104(b)(1) of such title and payments for a project which but for this clause would be made under section 152 of such title shall be made from the apportionment of such State under section 130 of such title.

SEC. 174. PRESIDENTIAL HIGHWAY, FULTON COUNTY, GEORGIA.

(a) GENERAL RULE.—Notwithstanding any other provision of law, the Secretary shall approve the construction of the Department of Transportation project MEACU-9152(2) in Fulton County, Georgia, as described in the legal settlement agreed to for the project by the Georgia Department of Transportation, the city of Atlanta, and CAUTION, Inc. Execution of the settlement agreement by those parties and approval of the settlement agreement by the DeKalb County, Georgia Superior Court shall be deemed to constitute full compliance with all Federal laws applicable to carrying out the project.

(b) LIMITATIONS ON FEDERAL FUNDING.—With the exception of Federal funds expended for construction of the project described in subsection (a) and with the exception of Federal funds appropriated or authorized for the acquisition, creation, or development of parks or battlefield sites, no further Federal funds, including funds from the Highway Trust Fund and funds appropriated for the Federal-aid highway systems, shall be authorized, appropriated, or expended for expanding the capacity of the project described in subsection (a) or for new construction of a Federal-aid highway in any portion of rights-of-way previously acquired for Department of Transportation project MEACU-9152(2) which is not used for construction of such project as described in subsection (a) and in any portion of the rights-of-way previously acquired for Georgia project I-485-1(46) in Fulton County, Georgia; Georgia project U-061-1(14) in Fulton and DeKalb Counties, Georgia; and Georgia project F-056-1(12) in Fulton County, Georgia.

(c) LIMITATION ON EFFECT.—In the event that the settlement agreement referred to in subsection (a) is not executed by the parties or approved by the DeKalb County, Georgia Superior Court in Case No. 88-6429-3, this section shall have no force or effect.

SEC. 175. INFRASTRUCTURE AWARENESS PROGRAM.

(a) IN GENERAL.—For the purpose of creating an awareness by the public and State and local governments of the state of the Nation's infrastructure and to encourage and stimulate efforts by the public and such governments to undertake studies and projects to improve the infrastructure, the Secretary is authorized to fund the production of a documentary in cooperation with a not-for-profit national public television station.

(b) FUNDING.—There is authorized to be appropriated to the Secretary to carry out this section $2,000,000, for fiscal years beginning after September 30, 1991, out of the Highway Trust Fund (other than the Mass Transit Account), which shall be available until expended. All of the provisions of chapter 1 of title 23, United States Code, shall apply to the funds provided under this section. This section shall not be subject to any obligation limitation.

SEC. 176. UNITED STATES-CANADA BRIDGES.

The Secretary shall collect and analyze data, in cooperation with the Niagara Falls Bridge Commission on the volume of traffic crossing the Rainbow, Whirlpool Rapids, and Lewiston-Queenston International bridges. This effort shall assure that data is quality controlled for accuracy and is disseminated to the Niagara Falls Bridge Commission and other interested parties.

SEC. 177. USE OF COMPOST.

It is the sense of Congress that State and local governments should encourage the environmentally safe use of compost, soil amendment, soil conditioner, and composite and fertilizer products derived from treated municipal sewage sludge along the rights-of-way of Federal-aid highways. Uses should include, but not be limited to, highway planting projects, recultivation, and erosion control programs.

SEC. 178. STUDY ON STATE COMPLIANCE WITH REQUIREMENTS FOR REVOCATION AND SUSPENSION OF DRIVERS' LICENSES.

(a) STUDY.—The Secretary shall conduct a study of State efforts to comply with the provisions of section 333 of the Department of Transportation and Related Agencies Appropriation Act, 1991 (104 Stat. 2184), relating to revocation and suspension of drivers' licenses.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall transmit to Congress a report on the results of the study conducted under this section.

SEC. 179. PRIVATE SECTOR INVOLVEMENT PROGRAM.

(a) ESTABLISHMENT.—The Secretary shall establish a private sector involvement program to encourage States to contract with private firms for engineering and design services in carrying out Federal-aid highway projects.

(b) GRANTS TO STATES.—

(1) IN GENERAL.—In conducting the program under this section, the Secretary shall make grants in each of fiscal years 1992, 1993, 1994, 1995, 1996, and 1997 to not less than 3 States which the Secretary determines have implemented in the fiscal year preceding the fiscal year of the grant the most effective programs for increasing the percentage of funds expended for contracting with private firms (including small business concerns and small business concerns owned and controlled by socially and economically disadvantaged individuals) for engineering and design services in carrying out Federal-aid highway projects.

(2) USE OF GRANTS.—A grant received by a State under this subsection may be used by the State only for awarding contracts for engineering and design services to carry out projects and activities for which Federal funds may be obligated under title 23, United States Code.

(3) FUNDING.—The Secretary shall use amounts set aside under section 118(c)(2) of title 23, United States Code, for making grants under this subsection. The aggregate amount of grants made under this subsection shall not exceed $5,000,000 in any fiscal year.

(c) REPORT BY FHWA.—Not later than 120 days after the date of the enactment of this Act, the Administrator of the Federal Highway Administration shall submit to the Secretary a report on the amount of funds expended by each State in fiscal years 1980 through 1990 on contracts with private sector engineering and design firms in carrying out Federal-aid highway projects. The Secretary shall use information in the report to evaluate State engineering and design programs for the purpose of awarding grants under subsection (b).

(d) REPORT TO CONGRESS.—Not later than 2 years after the date of the enactment of this Act, the Secretary shall transmit to Congress a report on implementation of the program established under this section.

(e) ENGINEERING AND DESIGN SERVICES DEFINED.—The term "engineering and design services" means any category of service described in section 112(b) of title 23, United States Code.

(f) REGULATIONS.—Not later than 180 days after the date of the enactment of this Act, the Secretary issue regulations to carry out this section.

SEC. 180. NEW HAMPSHIRE FEDERAL-AID PAYBACK.

(a) EFFECT OF REPAYMENT.—The amount of all Federal-aid highway funds paid on account of those completed sections of the Nashua-Hudson Circumferential in the State of New Hampshire referred to in subsection (c) of this section shall, prior to the collection of any tolls thereon, be repaid to the Treasurer of the United States before October 1, 1991. The amount so repaid shall be deposited to the credit of the appropriation for "Federal-Aid Highway (Trust Fund)". Such repayment shall be credited to the unprogrammed balance of funds apportioned to the State of New Hampshire in accordance with section 104(b)(1) of title 23, United States Code. The amount so credited shall be in addition to all other funds then apportioned to such State and shall remain available until expended.

(b) USE OF REPAID FUNDS.—Upon repayment of Federal-aid highway funds and the cancellation and withdrawal from the Federal-Aid highway program of the projects on the section in subsection (c) as provided in subsection (a) of this section, such section of this route shall become and be free of any and all restrictions contained in title 23, United States Code, as amended or supplemented, or in any regulation thereunder, with respect to the imposition and collection of tolls or other charges thereon or for the use thereof.

(c) PROJECT DESCRIPTION.—The provisions of this section shall apply to the section of the completed Nashua-Hudson Circumferential between the Daniel Webster Highway in the city of Nashua and New Hampshire Route 3A in the town of Hudson.

TITLE II—HIGHWAY SAFETY

SEC. 201. HIGHWAY SAFETY PROGRAMS.

(a) IN GENERAL.—Section 402 of title 23, United States Code, is amended to read as follows:

"§ 402. Highway safety programs

"(a) REQUIREMENT.—

"(1) IN GENERAL.—Each State shall have a highway safety program designed to reduce traffic accidents and deaths, injuries, and property damage resulting therefrom approved by the Secretary in accordance with this section.

"(2) REQUIRED PROGRAMS.—The Secretary may approve a State highway safety program under this section only if it includes the following programs:

"(A) DRUNK DRIVING PROGRAM.—A program to reduce injuries and deaths resulting from persons driving motor vehicles while under the influence of alcohol or a controlled substance.

"(B) SPEEDING PROGRAM.—A program to reduce injuries and death resulting from motor vehicles being driven at speeds in excess of posted speed limits.

"(C) OCCUPANT PROTECTION PROGRAM.—A program to encourage the proper use of occupant protection devices (including the use of safety belts and child restraint systems) by occupants of motor vehicles and to increase public awareness of the benefits of motor vehicles which are equipped with air bags.

"(D) EMERGENCY MEDICAL SERVICES PROGRAM.—A program to provide an emergency care response system for quickly identifying motor vehicle accident locations, sustaining lives of persons injured in motor vehicle accidents through first aid at the scene of such accident and in transit, and coordinating the transportation and communications necessary to deliver medical care to such persons in the shortest practicable time without creating additional hazards.

"(E) MOTORCYCLE SAFETY PROGRAM.—A program for reducing injuries and deaths resulting from accidents involving motor vehicles and motorcycles, for encouraging the use of motorcycle helmets by persons riding on motorcycles, and for ensuring that all motorcycles and persons riding on motorcycles are meeting safe operation and injury protection criteria established by the Secretary.

"(F) UNIFORM DATA COLLECTION AND REPORTING PROGRAM.—A program for collecting and reporting to the Secretary data on traffic-related deaths and injuries. The purposes of the program are to ensure national uniform data on such deaths and injuries and to allow the Secretary to determine the causes of such deaths and injuries for use in developing programs to reduce such deaths and injuries and making recommendations to Congress concerning legislation necessary to implement such programs. The program shall include information obtained by the Secretary under section 408 of the Surface Transportation Assistance Act of 1982 and provide for annual reports to the Secretary on the efforts being made by the States in reducing deaths and injuries occurring at highway construction sites and the effectiveness and results of such efforts. The Secretary shall establish minimum reporting criteria for the program. Such criteria shall include, but not be limited to, criteria on deaths and injuries resulting from police pursuits, school bus accidents, and speeding, on traffic-related deaths and injuries at highway construction sites and on the configuration of commercial motor vehicles involved in motor vehicle accidents.

"(G) ACCIDENT LOCATION PROGRAM.—A program to provide surveillance of traffic for detection and correction of high or potentially high traffic accident locations and for establishing priorities for highway improvements, selective enforcement, and other operational practices to reduce or eliminate traffic hazards.

"(H) HIGHWAY DESIGN, CONSTRUCTION, AND MAINTENANCE PROGRAM.—A program to maintain existing highways in a safe condition, to modernize existing highways to meet safety standards established by the Secretary (including standards for lighting, markings, and surface treatment), to ensure that new highways meet such standards, and to protect operators of motor vehicles and construction workers from accidents occurring at highway construction sites.

"(I) TRAFFIC ENGINEERING SERVICES PROGRAM.—A program to ensure the application of modern traffic engineering principles and uniform traffic control standards for the purpose of reducing the likelihood and severity of traffic accidents.

"(3) OPTIONAL PROGRAMS.—The Secretary may approve a State highway safety program under this section only if it includes 3 or more of the following programs:

"(A) BICYCLE SAFETY PROGRAMS.—A program for reducing injuries and deaths resulting from traffic-related accidents involving bicycles.

"(B) PEDESTRIAN SAFETY PROGRAMS.—A program for reducing injuries and deaths resulting from traffic-related accidents involving pedestrians and for including consideration of pedestrian safety in community and highway transportation planning.

"(C) SCHOOL BUS SAFETY PROGRAM.—A program for reducing injuries and deaths resulting from accidents involving school buses.

"(D) TRAFFIC RECORD SYSTEM PROGRAM.—A program for establishing, using, and improving the quality of a comprehensive computerized safety recordkeeping system designed to correlate data regarding traffic accidents, drivers, motor vehicles, and roadways, including a statewide trauma data system.

"(E) POLICE TRAFFIC SERVICES PROGRAM.—A program to improve law enforcement services in motor vehicle accident prevention, traffic supervision, and post-accident procedures.

"(F) ADDITIONAL.—Such other programs as the Secretary may establish by regulation.

"(4) ADMINISTRATIVE REQUIREMENTS.—The Secretary may not approve a State highway safety program under this section which does not—

"(A) provide that the Governor of the State shall be responsible for the administration of the program through a State highway safety agency which shall have adequate powers and be suitably equipped and organized to carry out, to the satisfaction of the Secretary, such program;

"(B) authorize political subdivisions of the State to carry out local highway safety programs within their jurisdictions as a part of the State highway safety program if such local highway safety programs are approved by the Governor and are in accordance with the minimum standards established by the Secretary under this section;

"(C) except as provided in paragraph (5), provide that at least 40 percent of all Federal funds apportioned under this section to the State for any fiscal year will be expended by the political subdivisions of the State, including Indian tribal governments, in carrying out local highway safety programs authorized in accordance with subparagraph (B); and

"(D) provide adequate and reasonable access for the safe and convenient movement of individuals with disabilities, including those in wheelchairs, across curbs constructed or replaced on or after July 1, 1976, at all pedestrian crosswalks throughout the State.

"(5) WAIVER.—The Secretary may waive the requirement of paragraph (4)(C), in whole or in part, for a fiscal year for any State whenever the Secretary determines that there is an insufficient number of local highway safety programs to justify the expenditure in the State of such percentage of Federal funds during the fiscal year.

"(6) REGULATIONS.—

"(A) IN GENERAL.—The Secretary shall issue regulations establishing minimum standards for State highway safety programs to be approved under this section. Such regulations shall establish minimum standards for each program described in paragraphs (2) and (3) of this subsection.

"(B) MANDATORY COMPONENTS.—The regulations issued under this paragraph shall require, at a minimum, that the programs described in paragraphs (2)(A), (2)(B), (2)(C), and (2)(E) each include the following components: public information, education, and law enforcement.

"(C) AUTOMATIC SPEED DETECTION DEVICES.—Regulations issued under this paragraph may require a State highway safety program to encourage the use of technologically advanced traffic enforcement devices (including the use of automatic speed detection devices such as photoradar) by law enforcement officers.

"(7) APPLICABILITY TO FEDERALLY ADMINISTERED AREAS.—The requirements of this section and the regulations issued to carry out this section which are applicable to State highway safety programs shall, to the extent determined appropriate by the Secretary, be applicable to federally administered areas where a Federal department or agency controls the highways or supervises traffic operations.

"(b) USE OF FUNDS.—

"(1) FOR HIGHWAY SAFETY PROGRAMS.—Funds authorized to be appropriated to carry out this section shall be used to aid the States to conduct the highway safety programs approved in accordance with subsection (a), including development and implementation of manpower training programs and of demonstration programs that the Secretary determines will contribute directly to the reduction of accidents and deaths and injuries resulting therefrom.

"(2) ADMINISTRATIVE EXPENSES.—Funds authorized to be appropriated to carry out this section shall be subject to a deduction not to exceed 5 percent for the necessary costs of administering the provisions of this section, and the remainder shall be apportioned among the several States.

"(3) PROHIBITIONS ON FUNDING OF HIGHWAY CONSTRUCTION PROJECTS.—Nothing in this section authorizes the appropriation or expenditure of funds for (A) highway construction, maintenance, or design (other than design of safety features of highways), or (B) any purpose for which funds are authorized by section 403 of this title.

"(c) APPORTIONMENT OF FUNDS.—

"(1) FORMULA.—After the deduction under subsection (b)(2), the remainder of the funds authorized to be appropriated to carry out this section shall be apportioned 75 percent in the ratio which the population of each State bears to the total population of all the States, as shown by the latest available Federal census, and 25 percent in the ratio which the public road mileage in each State bears to the total public road mileage in all States.

"(2) DETERMINATION OF PUBLIC ROAD MILEAGE.—For purposes of this subsection, a 'public road' means any road under the jurisdiction of and maintained by a public authority and open to public travel. Public road mileage as used in this subsection shall be determined as of the end of the calendar year preceding the year in which the funds are apportioned and shall be certified to by the Governor of the State and subject to approval by the Secretary.

"(3) MINIMUM PERCENTAGE.—The annual apportionment under this paragraph to each State shall not be less than ½ of 1 percent of the total apportionment; except that the apportionments to the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands shall not be less than ¼ of 1 percent of the total apportionment.

"(4) APPROVED HIGHWAY SAFETY PROGRAM REQUIREMENT.—The Secretary shall not apportion any funds under this subsection to any State which is not implementing a highway safety program approved by the Secretary in accordance with this section.

"(5) REDUCTION OF APPORTIONMENT.—Funds apportioned under this section to any State, that does not have a highway safety program approved by the Secretary or that is not implementing an approved program, shall be reduced by amounts equal to not less than 50 percent of the amounts that would otherwise be apportioned to the State under this section, until such time as the Secretary approves such program or determines that the State is implementing an approved program, as appropriate. The Secretary shall consider the gravity of the State's failure to have or implement an approved program in determining the amount of the reduction.

"(6) APPORTIONMENT OF WITHHELD FUNDS.—The Secretary shall promptly apportion to the State the funds withheld from its apportionment if the Secretary approves the State's highway safety program or determines that the State has begun implementing an approved program, as appropriate, prior to the end of the fiscal year for which the funds were withheld. If the Secretary determines that the State did not correct its failure within such period, the Secretary shall reapportion the withheld funds to the other States in accordance with the formula specified in this subsection not later than 30 days after such determination.

"(d) APPLICABILITY OF CHAPTER 1.—

"(1) IN GENERAL.—Except as otherwise provided in this subsection, all provisions of chapter 1 of this title that are applicable to National Highway System funds, other than provisions relating to the apportionment formula and provisions limiting the expenditure of such funds to the Federal-aid systems, shall apply to the highway safety funds authorized to be appropriated to carry out this section.

"(2) INCONSISTENT PROVISIONS.—If the Secretary determines that a provision of chapter 1 of this title is inconsistent with this section, such provision shall not apply to funds authorized to be appropriated to carry out this section.

"(3) CREDIT FOR STATE AND LOCAL EXPENDITURES.—The aggregate of all expenditures made during any fiscal year by a State and its political subdivisions (exclusive of Federal funds) for carrying out the State highway safety program (other than planning and administration) shall be available for the purpose of crediting such State during such fiscal year for the non-Federal share of the cost of any project under this section (other than one for planning or administration) without regard to whether such expenditures were actually made in connection with such project.

"(4) INCREASED FEDERAL SHARE FOR CERTAIN INDIAN TRIBE PROGRAMS.—In the case of a local highway safety program carried out by an Indian tribe, if the Secretary is satisfied that an Indian tribe does not have sufficient funds available to meet the non-Federal share of the cost of such program, the Secretary may increase the Federal share of the cost thereof payable under this title to the extent necessary.

"(5) TREATMENT OF TERM 'STATE HIGHWAY DEPARTMENT'.—In applying provisions of chapter 1 in carrying out this section, the term 'State highway department' as used in such provisions shall mean the Governor of a State.

"(e) APPLICATION TO INDIAN RESERVATIONS.—For the purpose of the application of this section on Indian reservations, 'State' and 'Governor of a State' includes the Secretary of the Interior and 'political subdivision of a State' includes an Indian tribe. Notwithstanding the provisions of subsection (a)(4)(C), 95 percent of the funds apportioned to the Secretary of the Interior under this section shall be expended by Indian tribes to carry out highway safety programs within their jurisdictions.

"(f) PROTECTION OF TRAFFIC RECORD SYSTEM DATA.—Notwithstanding any other provision of law, if a report, list, schedule, or survey is prepared by or for a State or political subdivision thereof under subsections (a)(3)(D) and (a)(2)(F), such report, list, schedule, or survey shall not be admitted as evidence or used in any suit or action for damages arising out of any matter mentioned in such report, list, schedule, or survey.

"(g) ANNUAL REPORT.—Not later than April 1 of each calendar year beginning after December 31, 1993, the Secretary shall transmit to Congress a report on the implementation of this section in the fiscal year preceding the date of such report. Such report shall include the recommendations of the Secretary under the uniform data collection and reporting program described in subsection (a)(2)(F) of this section for legislation necessary to implement programs developed by the Secretary to reduce traffic-related deaths and injuries.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect October 1, 1992.

SEC. 202. HIGHWAY SAFETY RESEARCH AND DEVELOPMENT.

(a) GENERAL AUTHORITY; DRUGS, AND DRIVER BEHAVIOR.—Section 403 of title 23, United States Code, is amended by striking subsections (a) and (b) and inserting the following new subsections:

"(a) AUTHORITY OF THE SECRETARY.—

"(1) IN GENERAL.—The Secretary is authorized to use funds appropriated to carry out this section to engage in research on all phases of highway safety and traffic conditions.

"(2) ADDITIONAL AUTHORITY.—In addition, the Secretary may use the funds appropriated to carry out this section, either independently or in cooperation with other Federal departments or agencies, for—

"(A) training or education of highway safety personnel,

"(B) research fellowships in highway safety,

"(C) development of improved accident investigation procedures,

"(D) emergency service plans,

"(E) demonstration projects, and

"(F) related research and development activities which the Secretary deems will promote the purposes of this section.

"(3) SAFETY DEFINED.—As used in this section, the term 'safety' includes highway safety and highway safety-related research and development, including research and development relating to highway and driver characteristics, crash investigations, communications, emergency medical care, and transportation of the injured.

"(b) DRUGS AND DRIVER BEHAVIOR.—In addition to the research authorized by subsection (a), the Secretary, in consultation with other Government and private agencies as may be necessary, is authorized to carry out safety research on the following:

"(1) The relationship between the consumption and use of drugs and their effect upon highway safety and drivers of motor vehicles.

"(2) Driver behavior research, including the characteristics of driver performance, the relationships of mental and physical abilities or disabilities to the driving task, and the relationship of frequency of driver crash involvement to highway safety.".

(b) COLLABORATIVE RESEARCH AND DEVELOPMENT.—Section 403 of such title is amended by striking subsection (f) and inserting the following new subsection:

"(f) COLLABORATIVE RESEARCH AND DEVELOPMENT.—

"(1) IN GENERAL.—For the purpose of encouraging innovative solutions to highway safety problems, stimulating voluntary improvements in highway safety, and stimulating the marketing of new highway safety-related technology by private industry, the Secretary is authorized to undertake, on a cost-shared basis, collaborative research and development with non-Federal entities, including State and local governments, colleges, and universities and corporations, partnerships, sole proprietorships, and trade associations that are incorporated or established under the laws of any State or the United States. This collaborative research may include crash data collection and analysis; driver and pedestrian behavior; and demonstrations of technology.

"(2) COOPERATIVE AGREEMENTS.—In carrying out this subsection, the Secretary may enter into cooperative research and development agreements, as defined in section 12 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a); except that in entering into such agreements, the Secretary may agree to provide not more than 50 percent of the cost of any research or development project selected by the Secretary under this subsection.

"(3) PROJECT SELECTION.—In selecting projects to be conducted under this subsection, the Secretary shall establish a procedure to consider the views of experts and the public concerning the project areas.

"(4) APPLICABILITY OF STEVENSON-WYDLER TECHNOLOGY INNOVATION ACT.—The research, development, or utilization of any technology pursuant to an agreement under the provisions of this subsection, including the terms under which technology may be licensed and the resulting royalties may be distributed, shall be subject to the provisions of the Stevenson-Wydler Technology Innovation Act of 1980.".

(c) CONFORMING AMENDMENT.—Section 403(c) of such title is amended by striking "subsection (b)" and inserting "subsections (a) and (b)".

SEC. 203. ALCOHOL-IMPAIRED DRIVING COUNTERMEASURES.

(a) IN GENERAL.—Section 410 of title 23, United States Code, is amended to read as follows:

"§410. Alcohol-impaired driving countermeasures

"(a) GENERAL AUTHORITY.—Subject to the provisions of this section, the Secretary shall make grants to those States which adopt and implement effective programs to reduce traffic safety problems resulting from persons driving while under the influence of alcohol or a controlled substance. Such grants may only be used by recipient States to implement and enforce such programs.

"(b) MAINTENANCE OF EFFORT.—No grant may be made to a State under this section in any fiscal year unless such State enters into such agreements with the Secretary as the Secretary may require to ensure that such State will maintain its aggregate expenditures from all other sources for alcohol traffic safety programs at or above the average level of such expenditures in its 2 fiscal years preceding the date of the enactment of the Intermodal Surface Transportation Infrastructure Act of 1991.

"(c) BASIC GRANT ELIGIBILITY.—A State is eligible for a basic grant under this section in a fiscal year if such State provides—

"(1) for the prompt suspension, for a period not less than 90 days in the case of a first offender and not less than 1 year in the case of any repeat offender, of the driver's license of any individual who a law enforcement officer has probable cause under State law to believe has committed an alcohol-related traffic offense, and (A) to whom is administered one or more chemical tests to determine whether the individual was intoxicated while operating the motor vehicle and who is determined, as a result of such tests, to be intoxicated, or (B) who refuses to submit to such a test as proposed by the officer;

"(2) that the suspension referred to under paragraph (1) take effect not later than 30 days after the date on which the individual was administered the chemical test or tests or refused to submit to such a test;

"(3) for a mandatory sentence, which shall not be subject to suspension or probation, of (A) imprisonment for not less than 48 consecutive hours, or (B) not less than 100 hours of community service, of any person convicted of driving while intoxicated more than once in any 5-year period;

"(4)(A) that, for fiscal years 1992 and 1993, any person with a blood alcohol concentration of 0.10 percent or greater when driving a motor vehicle shall be deemed to be driving while intoxicated; and

"(B) that, for fiscal years 1994 and thereafter, any person with a blood alcohol concentration of 0.08 percent or greater when driving a motor vehicle shall be deemed to be driving while intoxicated;

"(5) for a statewide program for stopping motor vehicles on a nondiscriminatory, lawful basis for the purpose of determining whether or not the operators of such motor vehicles are driving while under the influence of alcohol; and

"(6) for a self-sustaining drunk driving prevention program under which a significant portion of the fines or surcharges collected from individuals apprehended and fined for operating a motor vehicle while under the influence of alcohol are returned, or an equivalent amount of non-Federal funds are provided, to those communities which have comprehensive programs for the prevention of such operations of motor vehicles.

"(d) AMOUNT OF BASIC GRANTS.—The amount of a basic grant to be made in a fiscal year under this section to a State eligible to receive such grant shall be 80 percent of the amount of funds apportioned to such State in such fiscal year under this section.

"(e) SUPPLEMENTAL GRANTS.—

"(1) BLOOD ALCOHOL CONCENTRATION FOR PERSONS UNDER AGE 21.—A State shall be eligible to receive a supplemental grant in a fiscal year of 5 percent of the amount apportioned to the State in the fiscal year under this section if the State is eligible for a basic grant in the fiscal year and provides that any person under age 21 with a blood alcohol concentration of 0.02 percent or greater when driving a motor vehicle shall be deemed to be driving while intoxicated.

"(2) OPEN CONTAINER LAWS.—A State shall be eligible to receive a supplemental grant in a fiscal year of 5 percent of the amount apportioned to the State in the fiscal year under this section if the State is eligible for a basic grant in the fiscal year and makes unlawful the possession of any open alcoholic beverage container, or the consumption of any alcoholic beverage, in the passenger area of any motor vehicle located on a public highway or the right-of-way of a public highway, except—

"(A) as allowed in the passenger area, by persons (other than the driver), of any motor vehicle designed to transport more than 10 passengers (including the driver) while being used to provide charter transportation of passengers; or

"(B) as otherwise specifically allowed by such State, with the approval of the Secretary, but in no event may the driver of such motor vehicle be allowed to possess or consume an alcoholic beverage in the passenger area.

"(3) SUSPENSION OF REGISTRATION OR RETURN OF LICENSE PLATES.—A State shall be eligible to receive a supplemental grant in a fiscal year of 5 percent of the amount apportioned to the State in the fiscal year under this section if the State is eligible for a basic grant in the fiscal year and provides that for the suspension of the registration of, and the return to such State of the license plates for, or for impoundment of not less than 30 days of any motor vehicle owned by an individual who—

"(A) has been convicted on more than 1 occasion of an alcohol-related traffic offense within any 5-year period after the date of the enactment of the Intermodel Surface Transportation Infrastructure Act of 1991; or

"(B) has been convicted of driving while his or her driver's license is suspended or revoked by reason of a conviction for such an offense.

A State may provide limited exceptions to such suspension of registration, return of license plates, or impoundment on an individual basis, to avoid undue hardship to any individual, including any family member of the convicted individual, and any co-owner of the motor vehicle, who is completely dependent on the motor vehicle for the necessities of life. Such exceptions may not result in unrestricted reinstatement of the registration, unrestricted return of the license plates of the motor vehicle, or unrestricted return of the motor vehicle.

"(4) PROGRAM FOR PREVENTION OF OPERATORS UNDER AGE 21 FROM OBTAINING ALCOHOLIC BEVERAGES.—A State shall be eligible to receive a supplemental grant in a fiscal year of 5 percent of the amount apportioned to the State in the fiscal year under this section if the State is eligible for a basic grant in the fiscal year and provides for an effective system for preventing operators of motor vehicles under age 21 from obtaining alcoholic beverages, which may include the issuance of drivers' licenses to individuals under age 21 that are easily distinguishable in appearance from drivers' licenses issued to individuals age 21 years of age or older.

"(f) ADMINISTRATIVE EXPENSES.—Funds authorized to be appropriated to carry out this section shall be subject to a deduction not to exceed 5 percent for the necessary costs of administering the provisions of this section, and the remainder shall be apportioned among the several States.

"(g) APPORTIONMENT OF FUNDS.—

"(1) FORMULA.—After the deduction under subsection (f), the remainder of the funds authorized to be appropriated to carry out this section shall be apportioned 75 percent in the ratio which the population of each State bears to the total population of all the States, as shown by the latest available Federal census, and 25 percent in the ratio which the public road mileage in each State bears to the total public road mileage in all States.

"(2) DETERMINATION OF PUBLIC ROAD MILEAGE.—For purposes of this subsection, a 'public road' means any road under the jurisdiction of and maintained by a public authority and open to public travel. Public road mileage as used in this subsection shall be determined as of the end of the calendar year preceding the year in which the funds are apportioned and shall be certified to by the Governor of the State and subject to approval by the Secretary.

"(3) MINIMUM PERCENTAGE.—The annual apportionment under this paragraph to each State shall not be less than ½ of 1 percent of the total apportionment; except that the apportionments to the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands shall not be less than one-quarter of 1 percent of the total apportionment.

"(4) REAPPORTIONMENT OF NONELIGIBLE STATE FUNDS.—If a State is not eligible for a basic grant or for a supplemental grant under this section in a fiscal year, the amount of funds apportioned to the State in the fiscal year to make such grant shall be reapportioned to the other States eligible to receive such a grant in the fiscal year in accordance with the formula specified in this subsection. The reapportionment shall be made on the first day of the succeeding fiscal year.

"(h) APPLICABILITY OF CHAPTER 1.—

"(1) IN GENERAL.—Except as otherwise provided in this subsection, all provisions of chapter 1 of this title that are applicable to National Highway System funds, other than provisions relating to the apportionment formula and provisions limiting the expenditure of such funds to the Federal-aid systems, shall apply to the funds authorized to be appropriated to carry out this section.

"(2) INCONSISTENT PROVISIONS.—If the Secretary determines that a provision of chapter 1 of this title is inconsistent with this section, such provision shall not apply to funds authorized to be appropriated to carry out this section.

"(3) CREDIT FOR STATE AND LOCAL EXPENDITURES.—The aggregate of all expenditures made during any fiscal year by a State and its political subdivisions (exclusive of Federal funds) for carrying out the State highway safety program (other than planning and administration) shall be available for the purpose of crediting such State during such fiscal year for the non-Federal share of the cost of any project under this section (other than one for planning or administration) without regard to whether such expenditures were actually made in connection with such project.

"(4) INCREASED FEDERAL SHARE FOR CERTAIN INDIAN TRIBE PROGRAMS.—In the case of a local highway safety program carried out by an Indian tribe, if the Secretary is satisfied that an Indian tribe does not have sufficient funds available to meet the non-Federal share of the cost of such program, the Secretary may increase the Federal share of the cost thereof payable under this title to the extent necessary.

"(5) TREATMENT OF TERM 'STATE HIGHWAY DEPARTMENT'.—In applying provisions of chapter 1 in carrying out this section, the term 'State highway department' as used in such provisions shall mean the Governor of a State and, in the case of an Indian tribe program, the Secretary of the Interior.

"(i) DEFINITIONS.—In this section, the following definitions apply:

"(1) ALCOHOLIC BEVERAGE.—The term 'alcoholic beverage' has the meaning such term has under section 158(c) of this title.

"(2) MOTOR VEHICLE.—The term 'motor vehicle' has the meaning such term has under section 154(b) of this title.

"(3) OPEN ALCOHOLIC BEVERAGE CONTAINER.—The term 'open alcoholic beverage container' means any bottle, can, or other receptacle—

"(A) which contains any amount of an alcoholic beverage; and

"(B)(i) which is open or has a broken seal, or

"(ii) the contents of which are partially removed.

"(j) FUNDING FOR FISCAL YEARS 1993-1997.—From sums made available to carry out section 402 of this title, the Secretary shall make available $17,000,000 for each of fiscal years 1993 through 1997 to carry out this section.".

(b) STATES ELIGIBLE FOR GRANTS UNDER SECTION 410 BEFORE DATE OF ENACTMENT.—A State which, before the date of the enactment of this Act, was eligible to receive a grant under section 410 of title 23, United States Code, as in effect on the day before such date of enactment, may elect to receive in a fiscal year grants under such section 410, as so in effect, in lieu of receiving in such fiscal year grants under such section 410, as amended by this Act.

(c) CONFORMING AMENDMENT.—The analysis for chapter 4 of such title is amended by striking the item relating to section 410 and inserting:

"410. Alcohol-impaired driving countermeasures.".

SEC. 204. GRANTS TO STATES WHICH ADOPT NATIONAL SAFETY BELT AND MOTORCYCLE HELMET USE REQUIREMENTS.

(a) ESTABLISHMENT OF GRANT PROGRAM.—Chapter 4 of title 23, United States Code, is amended by adding at the end the following new section:

"§ 411. State adoption of national safety belt and motorcycle helmet use requirements incentive grants

"(a) AUTHORITY TO MAKE GRANTS.—The Secretary may make grants to a State in a fiscal year in accordance with this section if the State has in effect in such fiscal year—

"(1) a law which makes unlawful throughout the State the operation of a motorcycle by an individual who is not wearing a motorcycle helmet; and

"(2) a law which makes unlawful throughout the State the operation of a passenger vehicle whenever an individual in a front seat of the vehicle (other than a child who is secured in a child restraint system) does not have a safety belt properly fastened about the individual's body.

"(b) USE OF GRANTS.—A grant made to a State under this section shall be used to adopt and implement a traffic safety program to carry out the following purposes:

"(1) EDUCATION.—To educate the public about motorcycle and passenger vehicle safety and motorcycle helmet, safety belt, and child restraint system use and to involve public health education agencies and other related agencies in these efforts.

"(2) TRAINING.—To train law enforcement officers in the enforcement of State laws described in subsection (a).

"(3) MONITORING.—To monitor the rate of compliance with State laws described in subsection (a).

"(4) ENFORCEMENT.—To enforce State laws described in subsection (a).

"(c) MAINTENANCE OF EFFORT.—A grant may not be made to a State under this section in any fiscal year unless the State enters into such agreements with the Secretary as the Secretary may require to ensure that the State will maintain its aggregate expenditures from all other sources for any traffic safety program described in subsection (b) at or above the average level of such expenditures in the State's 2 fiscal years preceding the date of the enactment of this section.

"(d) FEDERAL SHARE.—A State may not receive a grant under this section in more than 3 fiscal years. The Federal share payable for a grant under this section shall not exceed—

"(1) in the first fiscal year the State receives a grant, 75 percent of the cost of implementing in such fiscal year a traffic safety program described in subsection (b);

"(2) in the second fiscal year the State receives a grant, 50 percent of the cost of implementing in such fiscal year such traffic safety program; and

"(3) in the third fiscal year the State receives a grant, 25 percent of the cost of implementing in such fiscal year such traffic safety program.

"(e) MAXIMUM AGGREGATE AMOUNT OF GRANTS.—The aggregate amount of grants made to a State under this section shall not exceed 90 percent of the amount apportioned to such State for fiscal year 1990 under section 402.

"(f) ELIGIBILITY FOR GRANTS.—

"(1) GENERAL RULE.—A State is eligible in a fiscal year for a grant under this section only if the State enters into such agreements with the Secretary as the Secretary may require to ensure that the State implements in such fiscal year a traffic safety program described in subsection (b).

"(2) SECOND-YEAR GRANTS.—A State is eligible for a grant under this section in a fiscal year succeeding the first fiscal year in which a State receives a grant under this section only if the State in the preceding fiscal year—

"(A) had in effect at all times a State law described in subsection (a)(1) and achieved a rate of compliance with such law of not less than 75 percent; and

"(B) had in effect at all times a State law described in subsection (a)(2) and achieved a rate of compliance with such law of not less than 50 percent.

"(3) THIRD-YEAR GRANTS.—A State is eligible for a grant under this section in a fiscal year succeeding the second fiscal year in which a State receives a grant under this section only if the State in the preceding fiscal year—

"(A) had in effect at all times a State law described in subsection (a)(1) and achieved a rate of compliance with such law of not less than 85 percent; and

"(B) had in effect at all times a State law described in subsection (a)(2) and achieved a rate of compliance with such law of not less than 70 percent.

"(g) MEASUREMENTS OF RATES OF COMPLIANCE.—For the purposes of subsections (f)(2) and (f)(3), a State shall measure compliance with State laws described in subsection (a) using methods which conform to guidelines issued by the Secretary ensuring that such measurements are accurate and representative.

"(h) PENALTY.—

"(1) FISCAL YEAR 1995.—If, at any time in fiscal year 1994, a State does not have in effect a law described in subsection (a)(1) and a law described in subsection (a)(2), the Secretary shall transfer 1½ percent of the funds apportioned to the State for fiscal year 1995 under each of subsections (b)(1), (b)(2), and (b)(6) of section 104 of this title to the apportionment of the State under section 402 of this title.

"(2) THEREAFTER.—If, at any time in a fiscal year beginning after September 30, 1994, a State does not have in effect a law described in subsection (a)(1) and a law described in subsection (a)(2), the Secretary shall transfer 3 percent of the funds apportioned to the State for the succeeding fiscal year under each of subsections (b)(1), (b)(2), and (b)(6) of section 104 of this title to the apportionment of the State under section 402 of this title.

"(i) DEFINITIONS.—For the purposes of this section, the following definitions apply:

"(1) CHILD RESTRAINT SYSTEM.—The term 'child restraint system' means a device which is designed for use in a passenger vehicle to restrain, seat, or position a child who weighs 40 pounds or less and is under the age of 4.

"(2) MOTORCYCLE.—The term 'motorcycle' means a motor vehicle which is designed to travel on not more than 3 wheels in contact with the surface.

"(3) MOTOR VEHICLE.—The term 'motor vehicle' has the meaning such term has under section 154 of this title.

"(4) PASSENGER VEHICLE.—The term 'passenger vehicle' means a motor vehicle which is designed for transporting 10 individuals or less, including the driver, except that such term does not include a vehicle which is constructed on a truck chassis, a motorcycle, a trailer, or any motor vehicle which is not required on the date of the enactment of this section under a Federal motor vehicle safety standard to be equipped with a belt system.

"(5) SAFETY BELT.—The term 'safety belt' means—

"(A) with respect to open-body passenger vehicles, including convertibles, an occupant restrain system consisting of a lap belt or a lap belt and a detachable shoulder belt; and

"(B) with respect to other passenger vehicles, an occupant restrain system consisting of integrated lap shoulder belts.

"(j) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) to carry out this section $18,000,000 for fiscal year 1992. From sums made available to carry out section 402 of this title, the Secretary shall make available $22,000,000 for each of fiscal years 1993 and 1994 to carry out this section.

"(k) APPLICABILITY OF CHAPTER 1 PROVISIONS.—All provisions of chapter 1 of this title that are applicable to National Highway System funds, other than provisions relating to the apportionment formula and provisions limiting the expenditures of such funds to Federal-aid systems, shall apply to funds authorized to be appropriated to carry out this section, except as determined by the Secretary to be inconsistent with this section and except that sums authorized by this section shall remain available until expended.".

(b) CONFORMING AMENDMENT.—The analysis for chapter 4 of such title is amended by adding at the end the following new item:

"411. State adoption of national safety belt and motorcycle helmet use requirements incentive grants.".

SEC. 205. AUTHORIZATION OF APPROPRIATIONS.

For purposes of carrying out the provisions of title 23, United States Code, the following sums are authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account):

(1) NHTSA HIGHWAY SAFETY PROGRAMS.—For carrying out section 402 of title 23, United States Code, by the National Highway Traffic Safety Administration $121,000,000 for fiscal year 1992; $190,000,000 for each of fiscal years 1993, 1994, and 1995; and $168,000,000 for each of fiscal years 1996 and 1997.

(2) NHTSA HIGHWAY SAFETY RESEARCH AND DEVELOPMENT.—For carrying out section 403 by the National Highway Traffic Safety Administration $25,000,000 for fiscal year 1992 and $30,000,000 per fiscal year for each of fiscal years 1993, 1994, 1995, 1996, and 1997.

(3) ALCOHOL TRAFFIC SAFETY INCENTIVE GRANT PROGRAM.—For carrying out section 410 of such title $14,000,000 for fiscal year 1992.

SEC. 206. DRUG RECOGNITION EXPERT TRAINING PROGRAM.

(a) ESTABLISHMENT.—The Secretary, acting through the National Highway Traffic Safety Administration, shall establish a regional program for implementation of drug recognition programs and for training law enforcement officers to recognize and identify individuals who are operating a motor vehicle while under the influence of alcohol or one or more controlled substances or other drugs.

(b) REPORT TO CONGRESS.—The Secretary shall establish a citizens advisory committee that shall report to Congress annually on the progress of the implementation of subsection (a). Members of the committee shall include 1 member of Mothers Against Drunk Driving and 1 member of a narcotics control organization.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) to carry out this section $5,000,000 for fiscal year 1992. From sums made available to carry out section 402 of title 23, United States Code, the Secretary shall make available $6,000,000 for each of fiscal years 1993 through 1997 to carry out this section.

(d) DEFINITIONS.—For purposes of this section, the term "controlled substance" means any controlled substance, as defined under section 102(6) of the Controlled Substances Act (21 U.S.C. 802(6)), whose use the Secretary has determined poses a risk to transportation safety.

SEC. 207. NATIONAL DRIVER REGISTER ACT AUTHORIZATIONS.

Section 211(b) of the National Driver Register Act of 1982 (23 U.S.C. 401 note) is amended—

(1) by striking "and" the second place it appears; and

(2) by inserting before the period at the end the following: ", and not to exceed $4,000,000 for fiscal year 1992. From sums made available to carry out section 402 of title 23, United States Code, the Secretary shall make available $4,000,000 for each of fiscal years 1993 and 1994 to carry out this section.".

SEC. 208. EFFECTIVE DATE; APPLICABILITY.

Except as otherwise provided, this title, including the amendments made by this title, shall take effect on the date of the enactment of this Act, shall apply to funds authorized to be appropriated or made available after September 30, 1991, and shall not apply to funds appropriated or made available on or before such date of enactment.

SEC. 209. LIMITATION.

Nothing in this Act affects safety authorities or other matters under the National Traffic and Motor Vehicle Safety Act of 1966 or the Motor Vehicle Information and Cost Savings Act.

SEC. 210. OBLIGATION CEILING FOR FISCAL YEAR 1992.

Sums authorized for fiscal year 1992 by sections 205(3) and 206(c) of this Act, section 411(j) of title 23, United States Code, and section 211(b) of the National Driver Register Act of 1982 shall be subject to the obligation limitation established by section 102 of this Act for fiscal year 1992.

TITLE III—FEDERAL TRANSIT ACT OF 1991

SEC. 301. SHORT TITLE.

This title may be cited as the "Federal Transit Act of 1991".

SEC. 302. AMENDMENTS TO URBAN MASS TRANSPORTATION ACT.

Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Urban Mass Transportation Act of 1964 (49 U.S.C. App. 1601-1621).

SEC. 303. FEDERAL TRANSIT ADMINISTRATION.

(a) REDESIGNATION OF UMTA.—The Urban Mass Transportation Administration of the Department of Transportation shall be known and designated as the "Federal Transit Administration".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the Urban Mass Transit Administration shall be deemed to be a reference to the "Federal Transit Administration".

(c) AMENDMENTS TO TITLE 49.—

(1) AMENDMENT TO TEXT.—Section 107(a) of title 49, United States Code, is amended by striking "Urban Mass Transportation Administration" and inserting "Federal Transit Administration".

(2) AMENDMENT TO SECTION HEADING.—The heading for section 107 of such title is amended to read as follows:

"§ 107. Federal Transit Administration.".

(3) AMENDMENT TO CHAPTER ANALYSIS.—The analysis for chapter 1 of such title is amended by striking the item relating to section 107 and inserting the following:

"107. Federal Transit Administration.".

SEC. 304. MAJOR CAPITAL INVESTMENT PROGRAM.

(a) LETTERS OF INTENT.—Section 3(a) is amended by striking paragraphs (4) and (6) and by redesignating paragraph (5) as paragraph (4).

(b) SPECIAL RULES FOR RAIL MODERNIZATION, GUIDEWAY MODERNIZATION, NEW STARTS, AND BUS FACILITIES.—Section 3 is amended by striking subsection (h) and inserting the following new subsection:

"(h) SPECIAL RULES FOR RAIL MODERNIZATION, GUIDEWAY MODERNIZATION, NEW STARTS, AND BUS FACILITIES.—

"(1) RAIL AND GUIDEWAY MODERNIZATION APPORTIONMENTS.—The Secretary shall apportion the sums made available for rail and guideway modernization under this section for each of fiscal years 1992, 1993, 1994, 1995, 1996, and 1997 as follows:

"(A) The first $455,000,000 made available shall be apportioned for expenditure in the following urbanized areas according to the following percentages:

"(i) Baltimore, 0.6642 percent.

"(ii) Boston, 8.7504 percent.

"(iii) Chicago/Northwestern Indiana, 15.8994 percent.

"(iv) Cleveland, 2.9415 percent.

"(v) New Orleans, 0.7722 percent.

"(vi) New York, 30.2257 percent.

"(vii) New Jersey, 10.9793 percent.

"(viii) Philadelphia/Southern New Jersey, 12.7503 percent.

"(ix) Pittsburgh, 6.1419 percent.

"(x) San Francisco, 7.3633 percent.

"(xi) Southwestern Connecticut, 3.5118 percent.

"(B) The next $70,000,000 made available shall be apportioned for expenditure on any fixed guideway modernization project eligible for assistance under this section—

"(i) 50 percent in the urbanized areas listed in subparagraph (A) according to the percentages listed in such subparagraph; and

"(ii) 50 percent in other urbanized areas eligible for assistance under section 9(b)(2) of this Act according to the apportionment formula contained in such section.

"(C) Any remaining amounts made available shall be apportioned for expenditure on any fixed guideway modernization project eligible for assistance under this section for all urbanized areas eligible for assistance under section 9(b)(2) of this Act according to the apportionment formula contained in such section.

"(D) Notwithstanding any other provision of law, rail modernization funds allocated to the New Jersey Transit Corporation under this paragraph may be spent in any urbanized area in which the New Jersey Transit Corporation operates rail service regardless of the urbanized area which generates the funding.

"(2) NEW STARTS.—

"(A) SET-ASIDE FOR CERTAIN DISCRETIONARY PROJECTS.—The Secretary shall set aside $10,000,000 of the amounts made available for construction of new fixed guideway systems and extensions to fixed guideway systems by subsection (k)(1)(B) for each fiscal year beginning after September 30, 1991, for obligation at the discretion of the Secretary only for systems planning, alternative analysis, and preliminary engineering for such systems.

"(B) SPECIFIC AUTHORIZATIONS REQUIRED.—Except as provided in subparagraph (A), funds made available for construction of new fixed guideway systems and extensions of fixed guideway systems by subsection (k)(1)(B) for any fiscal year beginning after September 30, 1991, shall be obligated for projects for construction and extension of such systems which are specifically authorized by the Federal Transit Act of 1991 or by a law approved after the date of the enactment of this subparagraph. Such obligations shall be made in accordance with such Act or law. Whenever such a project is so specifically authorized, the Secretary shall enter into, in accordance with such Act or law, a grant agreement which establishes the terms and conditions for the construction of the project and which includes the schedule for commitment of Federal funds for the project.

"(3) GRANTS FOR INCREASED SECURITY IN TRANSIT SYSTEMS.—

"(A) SET ASIDE OF BUS FACILITY FUNDS.—The Secretary shall set aside $10,000,000 of the amounts made available for replacement, rehabilitation, and purchase of buses and related equipment and the construction of bus-related facilities by subsection (k)(1)(C) for each fiscal year beginning after September 30, 1991, for obligation at the discretion of the Secretary for making grants to States and local public bodies and agencies for the prevention of crime, and to increase security, in existing and future transit systems. Such grants may be made for 1 or more of the following purposes:

"(i) Increasing lighting within or adjacent to transit systems, including bus stops, subway stations, parking lots, and garages.

"(ii) Increasing camera surveillance of areas within and adjacent to transit systems, including bus stops, subway stations, parking lots, and garages.

"(iii) Providing emergency phone lines to contact law enforcement or security personnel in areas within or adjacent to transit systems, including bus stops, subway stations, parking lots, and garages.

"(iv) Any other project intended to increase the security and safety of existing or planned transit systems.

"(B) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this paragraph shall be construed to prohibit the financing of projects under this paragraph where law enforcement responsibilities are vested in a local public body other than the grant applicant.".

(c) CRITERIA FOR NEW STARTS.—Section 3(i) is amended—

(1) by striking "the Secretary determines that";

(2) by striking paragraph (2) and inserting the following new paragraph:

"(2) has undergone a cost-effectiveness analysis;";

(3) by striking the period at the end of paragraph (3) and inserting "; and";

(4) by inserting after paragraph (3) the following new paragraph:

"(4) is included, after September 30, 1992, in a transportation improvement program developed under section 134 or 135 of title 23, United States Code."; and

(5) by striking the second sentence.

(d) REPORT ON NEW STARTS FACTORS.—Section 3(j) is amended to read as follows:

"(j) REPORT ON NEW STARTS FACTORS.—

"(1) IN GENERAL.—Not later than January 31 of calendar year 1993 and of each calendar year thereafter, the Secretary shall prepare and transmit to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate a report—

"(A) on the factors which the Secretary considers appropriate for such committees to utilize in the process of authorizing projects for construction of new fixed guideway systems and extensions to fixed guideway systems; and

"(B) on the application of such factors to those of projects which are specifically authorized by the Federal Transit Act of 1991 or by a law approved after the date of the enactment of this Act or for which the Secretary has allocated funds under subsection (h)(2)(A) or subsection (k)(1)(D).

"(2) MINIMUM FACTORS.—Each report under paragraph (1) shall include at a minimum recommendations of the Secretary with regard to the following factors:

"(A) Cost-effectiveness factors, including cost per rider data adjusted for inflation and for differences in regional wage rates.

"(B) Projected time savings for commuters.

"(C) Status of the project relative to the State implementation plan required by the Clean Air Act.

"(D) The Secretary's and the local authority's analysis of transportation options in the corridor.

"(E) Identification of stable and reliable funding sources for the project.

"(F) The Secretary's and the local authority's review of the results of the alternatives analysis, including an assessment of the energy conservation potential of each alternative.

"(G) Projected ridership for the segment of the system on which the project is to be carried out.

"(H) Cost of project construction in constant dollars and dollars adjusted for inflation.".

(e) Funding of Projects.—Section 3(k)(1) is amended—

(1) by striking "1987, 1988, 1989, 1990, and 1991" and inserting "1992, 1993, 1994, 1995, 1996, and 1997";

(2) by inserting before the semicolon at the end of subparagraph (A) "in accordance with subsection (h)(1)"; and

(3) by striking subparagraph (D) and inserting the following new subparagraph:

"(D) 10 percent shall be available for making minimum apportionments to the States under subsection (m), and any amounts of such 10 percent remaining after such minimum apportionment shall be available for the purposes described in subparagraphs (A) through (C) as determined by the Secretary.".

(f) Minimum Apportionment.—Section 3 is further amended by adding at the end the following new subsection:

"(m) Minimum Apportionment.—

"(1) General rule.—Except as provided in paragraphs (2) and (3), no State (other than the Commonwealth of the Northern Mariana Islands, Guam, American Samoa, and the Virgin Islands) shall receive for any fiscal year beginning after September 30, 1991, less than ⅓ of 1 percent of the total amount of funds made available from the Mass Transit Account of the Highway Trust Fund for such fiscal year for carrying out this Act. In determining a State's minimum apportionment each year under this subsection, the Secretary shall establish the amount attributable to each State on the basis of ⅓ of 1 percent of the total amount of funds made available from the Mass Transit Account of the Highway Trust Fund each year and shall reduce such amount by an amount equal to the total amount of funds apportioned or allocated to such State from the Mass Transit Account of the Highway Trust Fund in the previous fiscal year (excluding any amounts provided under this subsection).

"(2) Exception for lack of available funds.—If the funds made available for carrying out this subsection by subsection (k)(1)(D) are not sufficient to provide each State with ⅓ of 1 percent for a fiscal year as provided in paragraph (1), the amount each State would otherwise receive under this subsection shall be reduced proportionately.

"(3) Treatment of certain territories.—For purposes of this subsection, the Commonwealth of the Northern Mariana Islands, Guam, American Samoa, and the Virgin Islands shall be treated as 1 State. Funds made available to such territories under this subsection shall be divided equally among them.

"(4) Use of funds.—Funds made available to a State under this subsection shall be available to the Governor for carrying out in the State any capital project eligible for assistance under this Act and for carrying out any project or activity for which Federal funds may be obligated by a State under title 23, United States Code.

"(5) Special rules for title 23 projects.—

"(A) Applicability of other provisions of title 23.—All applicable provisions of title 23, United States Code, which apply with respect to a project or activity carried out under such title shall apply to such a project or activity when carried out by a State with funds made available to it under this subsection; except that the Federal share of the cost of such project or activity shall be 80 percent or, in any case in which a lower Federal share is provided for such a project or activity under such title, such lower Federal share.

"(B) Project approval.—Any project or activity which a State intends to carry out under title 23, United States Code, with funds made available to it under this subsection shall be subject to approval by the Secretary in accordance with the program of projects approval process of section 105 of such title.

"(C) Maintenance of effort.—No Federal funds expended by a State under title 23, United States Code, from funds made available to it under this subsection shall be counted as expenditures for a State for purposes of any maintenance of effort requirement of such title.".

(g) Federal Share.—Section 4(a) is amended—

(1) by striking "75 per centum" and inserting "80 percent"; and

(2) by inserting before the period at the end of the second sentence the following: ", unless the recipient of the grant requests a lower Federal grant percentage as a part of a larger undertaking".

(h) Local Share for Certain Planned Extensions of Fixed Guideway Systems.—Section 4(a) is amended by adding at the end the following new sentence: "The remainder of the net project cost of a planned extension to a fixed guideway system may include the cost of rolling stock previously purchased if the applicant demonstrates to the satisfaction of the Secretary that—

"(1) such purchase was made solely with non-Federal funds; and

"(2) such purchase was made for use on the extension.".

SEC. 305. PLANNING.

Section 8 is amended—

(1) by striking subsections (a) and (b);

(2) by redesignating subsections (c), (d), and (e) as subsections (a), (b), and (c), respectively; and

(3) by inserting before the period at the end of subsection (a), as redesignated by paragraph (2), the following: "carried out under sections 134 and 135 of title 23, United States Code".

SEC. 306. BLOCK GRANT PROGRAM.

(a) Percentage of Funds Available for Urbanized Areas With Less Than 200,000.—Section 9(a)(1) is amended by striking "8.64 per centum" and inserting "10 percent".

(b) Percentage of Funds Available for Urbanized Areas With 200,000 or More.—Section 9(a)(2) is amended by striking "88.43 per centum" and inserting "85 percent".

(c) Extension of Safety Authority to Block Grant Program.—Section 9(e)(1) is amended by striking "and 19" and inserting "19, and 22".

(d) Associated Capital Maintenance Item.—The last sentence of section 9(j)(1) is amended—

(1) by striking "tubes, and materials" and inserting "and tubes";

(2) by striking "and materials are" and inserting ", tires, and tubes are"; and

(3) by inserting "and other materials and supplies (except for fuels and lubricants)" before the period at the end.

(e) Inflation Adjustment for Operating Assistance.—Section 9(k)(2)(B) is amended—

(1) by striking "1988," and inserting "1991,"; and

(2) by striking "of less than 200,000 population" the first place it appears.

(f) Transferability.—Section 9(n) is amended by adding at the end the following new paragraph:

"(3) Highway projects.—The Governor of a State may transfer—

"(A) not to exceed 25 percent of the State's apportionment under subsection (d), and

"(B) not to exceed an additional 10 percent of such apportionment if the Governor determines that the transit services for which such funds would be available but for such transfer are being adequately maintained,

to any apportionment of such State under title 23, United States Code.".

(g) Grandfather of Certain Urbanized Areas.—Any area designated as an urbanized area under the 1980 census which is not so designated under the 1990 census shall be treated as an urbanized area for purposes of section 12(c)(11) of the Urban Mass Transportation Act of 1964 in fiscal years 1992 and 1993.

SEC. 307. REPEAL OF EXPIRED PROVISION.

Section 9A, relating to Mass Transit Account distribution for fiscal year 1983, is repealed.

SEC. 308. CONTRACTING FOR ENGINEERING AND DESIGN SERVICES.

Section 12(b) is amended by adding at the end the following new paragraph:

"(5) Special rules for engineering and design contracts.—

"(A) Performance and audits.—Any contract or subcontract awarded in accordance with paragraph (4), whether funded in whole or in part with Federal transit funds, shall be performed and audited in compliance with cost principles contained in the Federal acquisition regulations of part 31 of title 48 of the Code of Federal Regulations.

"(B) Indirect cost rates.—In lieu of performing its own audits, a recipient of funds under a contract or subcontract awarded in accordance with paragraph (4) shall accept indirect cost rates established in accordance with the Federal acquisition regulations for 1-year applicable accounting periods by a cognizant government agency or independent certified public accountant if such rates are not currently under dispute. Once a firm's indirect cost rates are accepted, the recipient of such funds shall apply such rates for the purposes of contract estimation, negotiation, administration, reporting, and contract payment and shall not be limited by administrative or de facto ceilings in accordance with section 15.901(c) of such title 48. A recipient of such funds requesting or using the cost and rate data described in this subparagraph shall notify any affected firm before such request or use. Such data shall be confidential and shall not be accessible or provided, in whole or in part, to any other firm or to any government agency which is not part of the group of agencies sharing cost data under this subparagraph, except by written permission of the audited firm. If prohibited by law, such cost and rate data shall not be disclosed under any circumstances.".

SEC. 309. TRANSIT DEFINITION.

Section 12(c)(7) is amended—

(1) by striking "term" and inserting "terms"; and

(2) by inserting "and 'transit'" before "means".

SEC. 310. PREAWARD AND POSTDELIVERY AUDITS.

Section 12(j) is amended—

(1) by inserting ", not later than January 31, 1992," after "the Secretary";

(2) by inserting after "for the purchase of" the following: "rail rolling stock and for the purchase of 15 or more"; and

(3) by inserting "or purchaser" after "manufacturer".

SEC. 311. TRANSFER OF FACILITIES AND EQUIPMENT.

Section 12 is amended by adding at the end the following new subsection:

"(k) Transfer of Capital Asset.—

"(1) Authorization.—If a recipient of assistance under this Act determines that facilities and equipment and other assets (including land) acquired, in whole or part, with such assistance are no longer needed for the purposes for which they were acquired, the Secretary may authorize the transfer of such assets to any public body to be used for any public purpose with no further obligation to the Federal Government.

"(2) Determinations.—The Secretary may authorize a transfer under paragraph (1) for any public purpose other than mass transportation only if the Secretary first determines—

"(A) that the asset being transferred will remain in public use for not less than 5 years after the date of the transfer;

"(B) that there are no purposes eligible for assistance under this Act for which the asset should be used;

"(C) the overall benefit of allowing the transfer outweighs the Federal Government interest in liquidation and return of the Federal financial interest in the asset, after consideration of fair market value and other factors; and

"(D) that, in any case in which the asset is a facility or land, there is no interest in acquiring the asset for Federal use.

The determination under subparagraph (D) shall be made through an appropriate screening or survey process.

"(3) Documentation.—Determinations required by paragraph (2) shall be made, in writing, and shall include the rationale for such determinations.

"(4) Relation to other provisions.—The provisions of this section shall be in addition to and not in lieu of any other provision of law governing use and disposition of facilities and equipment under an assistance agreement.".

SEC. 312. SPECIAL PROCUREMENT.

Section 12 is further amended by adding at the end the following:

"(l) Special Procurement Initiatives.—

"(1) Turnkey system procurements.—

"(A) In general.—In order to advance new technologies and lower the cost of constructing new transit systems, the Secretary may allow the solicitation for a turnkey system project to be funded under this Act to be conditionally awarded before Federal requirements have been met on the project so long as the award is made without prejudice to the implementation of those Federal requirements. Federal financial assistance under this Act may be made available for such a project when the recipient has complied with relevant Federal requirements.

"(B) Initial demonstration phase.—In order to develop regulations applying generally to turnkey system projects, the Secretary is authorized to approve not to exceed 4 projects for an initial demonstration phase. The results of such demonstration projects shall be taken into consideration in the development of the regulations implementing this subsection.

"(C) Turnkey system project defined.—As used in this subsection, the term 'turnkey system project' means a project under which a recipient contracts with a consortium of firms, individual firms, or a vendor to build a transit system that meets specific performance criteria and which is operated by the vendor for a period of time.

"(2) Multiyear rolling stock procurements.—

"(A) In general.—A recipient procuring rolling stock with Federal financial assistance under this Act may enter into a multiyear agreement for the purchase of such rolling stock and replacement parts pursuant to which the recipient may exercise an option to purchase additional rolling stock or replacement parts for a period not to exceed 5 years from the date of the original contract.

"(B) Consortia.—The Secretary shall permit 2 or more recipients to form a consortium (or otherwise act on a cooperative basis) for purposes of procuring rolling stock in accordance with this paragraph and other Federal procurement requirements.".

SEC. 313. MASS TRANSIT SERVICES FOR ELDERLY AND DISABLED INDIVIDUALS.

(a) Grants and Loans for Certain Operating Expenses.—Section 16(b) is amended—

(1) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(2) by inserting "(1)" after "(b)";

(3) by striking "and" at the end of subparagraph (A) as so redesignated;

(4) in subparagraph (B) as so redesignated by striking "paragraph (1)" each place it appears and inserting "subparagraph (A)"; and

(5) by striking "this paragraph." and all that follows through the period at the end of such section and inserting the following: "; and

"(C) to private nonprofit corporations and associations to be used by such corporations and associations for the specific purpose of paying operating expenses related to new and existing transportation services meeting the special needs of elderly and handicapped persons.

"(2) Recipients of grants or loans under paragraph (1) shall consult with any local transit authority which is coordinating, in accordance with the Americans With Disabilities Act of 1990, transportation services provided in accordance with this section with other local transportation services designed to meet the special needs of elderly and handicapped persons, including those assisted under this Act, the Older Americans Act of 1965, and the Rehabilitation Act of 1973, for the purpose of preventing duplication of such services.".

(b) Meal Delivery Service to Homebound Persons.—Section 16 is amended by striking subsection (e) and inserting the following:

"(e) Meal Delivery Service to Homebound Persons.—Transit service providers receiving assistance under this section or section 18(a) may coordinate and assist in providing meal delivery service for homebound persons on a regular basis if the meal delivery services do not conflict with the provision of transit services or result in a reduction of service to transit passengers.".

SEC. 314. RURAL PROGRAM.

(a) Transferability of Funds.—Section 18 is amended by adding at the end the following new subsection:

"(i) Transferability.—The Governor of a State may transfer—

"(1) not to exceed 25 percent of the State's apportionment under subsection (a), and

"(2) not to exceed an additional 10 percent of such apportionment if the Governor determines that the mass transit services for which such funds would be available but for such transfer are being adequately maintained,

to any apportionment of such State under title 23, United States Code.".

(b) Acquisition of Materials and Supplies as Construction.—Section 18(e) is amended by inserting before the period at the end of the last sentence "and the term 'construction' includes acquisition of materials and supplies".

SEC. 315. INTERCITY BUS TRANSPORTATION.

Section 18 is further amended by adding at the end the following new subsection:

"(j) Intercity Bus Transportation.—Before apportioning any amounts under subsection (a) for a fiscal year beginning after September 30, 1991, the Secretary shall set aside $20,000,000 to carry out a program for the development and support of intercity bus transportation. In carrying out such program, the Secretary is authorized to make grants to States for activities which further the purposes of the program, including planning and marketing for intercity bus transportation, capital grants for intercity bus shelters, joint-use stops and depots, operating grants through purchase-of-service agreements, user-side subsidies and demonstration projects, and coordination of rural connections between small transit operations and intercity bus carriers.".

SEC. 316. AUTHORIZATION OF APPROPRIATIONS.

Section 21 is amended to read as follows:

"SEC. 21. AUTHORIZATIONS.

"(a) Sections 9 and 18.—

"(1) From the general fund.—There is authorized to be appropriated to carry out sections 9 and 18 of this Act not to exceed $2,130,000,000 for fiscal year 1992, $2,125,000,000 for fiscal year 1993, $2,025,000,000 for fiscal year 1994, $2,125,000,000 for fiscal year 1995, $2,225,000,000 for fiscal year 1996, and $2,305,000,000 for fiscal year 1997. Such funds shall remain available until expended.

"(2) From the mass transit account.—There shall be available from the Mass Transit Account of the Highway Trust Fund to carry out sections 9 and 18 of this Act $555,000,000 for each of fiscal years 1993 through 1996 and $1,555,000,000 for fiscal year 1997. For fiscal years 1993 through 1997 only, such funds shall be available only for the purpose of construction projects (including capital maintenance items). Such funds shall remain available until expended.

"(b) Section 3.—There shall be available from the Mass Transit Account of the Highway Trust Fund to carry out section 3 of this Act $1,350,000,000 for fiscal year 1992, $1,680,000,000 for fiscal year 1993, $1,580,000,000 for fiscal year 1994, $1,680,000,000 for fiscal year 1995, $1,780,000,000 for fiscal year 1996, and $2,485,000,000 for fiscal year 1997. Such funds shall remain available until expended.

"(c) Sections 3 and 9B.—In addition to the amounts set forth in subsection (b), to carry out sections 3 and 9B of this Act, there shall be available from the Mass Transit Account of the Highway Trust Fund $360,000,000 for fiscal year 1992, $600,000,000 for fiscal year 1993, $800,000,000 for fiscal year 1994, $600,000,000 for fiscal year 1995, $400,000,000 for fiscal year 1996, and $550,000,000 for fiscal year 1997. Such funds shall remain available until expended.

"(d) Treatment of Certain Section 3 and Section 9B Funds.—Of the amounts made available by subsection (c), 50 percent shall be available for capital grants under section

3, and 50 percent shall be available for grants under section 9B. If an obligation ceiling in effect for any fiscal year is less than the sum of the new budget authority authorized by subsections (b) and (c), the ceiling shall first be applied to the budget authority provided by subsection (c).

"(e) INTERSTATE TRANSFER.—For substitute mass transportation projects under section 103(e)(4) of title 23, United States Code, there is authorized to be appropriated $160,000,000 for each of fiscal years 1992 and 1993.

"(f) RURAL PROGRAM.—For each of fiscal years 1992 through 1996, 5 percent of the aggregate funds made available for sections 9 and 18 and section 9B under subsections (a) and (c) of this section shall be available to carry out section 18. All amounts made available for section 18 shall be from funds appropriated under subsection (a)(1).

"(g) SECTIONS 4(i) AND 16(b).—

"(1) FROM GENERAL FUND.—There is authorized to be appropriated to carry out section 16(b) of this Act not to exceed $20,000,000 for fiscal year 1992, $25,000,000 for each of fiscal years 1993 through 1996, and $35,000,000 for fiscal year 1997. Such sums shall remain available until expended.

"(2) FROM MTA.—There shall be available from the Mass Transit Account of the Highway Trust Fund to carry out sections 4(i) and 16(b) of this Act $25,000,000 for fiscal year 1992, $35,000,000 for each of fiscal years 1993 through 1996, and $45,000,000 for fiscal year 1997. Such sums shall remain available until expended.

"(h) SECTIONS 6, 8, 11(a), 18(h), 20, AND 27.—There shall be available from the Mass Transit Account of the Highway Trust Fund to carry out sections 6, 8, 11(a), 18(h), 20, and 27 of this Act and transit-related planning under sections 134 and 135 of title 23, United States Code, $67,000,000 for fiscal year 1992, $123,000,000 for each of fiscal years 1993 through 1996, and $158,000,000 for fiscal year 1997, of which 10 percent shall be available only for section 18(h) and of which $12,000,000 for fiscal year 1992 shall be available only for part C of title VI of the Intermodal Surface Transportation Infrastructure Act of 1991. Such sums shall remain available until expended.

"(i) SECTION 12(a).—There is authorized to be appropriated to carry out section 12(a) of this Act not to exceed $50,000,000 for each of fiscal years 1992 through 1996 and $60,000,000 for fiscal year 1997. Such sums shall remain available until expended.

"(j) SECTION 11(b).—

"(1) FROM MTA.—There shall be available from the Mass Transit Account of the Highway Trust Fund to carry out section 11(b) $7,000,000 for each of fiscal years 1992 through 1997.

"(2) FROM HTF.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) to carry out section 11(b) $5,000,000 for fiscal year 1992 and $6,000,000 for each of fiscal years 1993 through 1997. Sums made available by this paragraph shall be subject to the obligation limitation imposed by section 102 of the Intermodal Surface Transportation Infrastructure Act of 1991.

"(k) CONTRACT AUTHORITY.—Notwithstanding any other provision of law, approval by the Secretary of a grant with funds made available under subsections (a)(2), (b), (c), (g)(2), (h), and (j) of this section shall be deemed a contractual obligation of the United States for payment of the Federal share of the cost of the project.".

SEC. 317. PLANNING AND RESEARCH.

(a) IN GENERAL.—The Act is amended by adding at the end the following new section:

"SEC. 26. PLANNING AND RESEARCH PROGRAM.

"(a) NATIONAL PROGRAM.—

"(1) RESEARCH AND TRAINING AGREEMENT.—Of the funds made available under section 21(h), ⅓ shall be available to the Secretary for making grants, or entering into contracts, for carrying out the purposes of sections 6, 8, 10, 11(a), 18(h), or 20 of this Act or section 307(e) of title 23, United States Code, as the Secretary deems appropriate.

"(2) COMPLIANCE WITH ADA.—Of the amounts available under paragraph (1), the Secretary shall make available not less than $2,000,000 annually to provide transit-related technical assistance, demonstration programs, research, public education, and other activities that the Secretary deems appropriate to help transit providers achieve compliance with the Americans With Disabilities Act of 1990. To the extent practicable, the Secretary shall carry out this paragraph through contract with a national nonprofit organization serving persons with disabilities with demonstrated capacity to carry out these activities.

"(3) ENTREPRENEURIAL TRANSPORTATION SERVICES PROGRAM.—

"(A) ESTABLISHMENT.—Of the amounts available under paragraph (1), the Secretary shall make available $3,000,000 annually to establish an entrepreneurial transportation services program to provide grants and loans to assist in the development of private transportation services to meet new transportation needs and complement public transportation services funded under this Act.

"(B) ELIGIBILITY.—Public bodies and nonprofit entities shall be eligible to receive assistance under this paragraph to assist private entrepreneurs in the provision of transportation services. Any grant or loan made under this paragraph shall be available to such entrepreneurs for a period of not more than 2 years. A recipient is authorized to retain funds returned to it in connection with such a grant or loan and such funds shall continue to be used for the purposes of subparagraph (A).

"(C) USE OF GRANTS AND LOANS.—Grants and loans made under this paragraph may be used to fund capital, planning, and operating costs, as determined by the Secretary.

"(4) INERTIAL NAVIGATION TECHNOLOGY TRANSFER.—

"(A) DEMONSTRATION PROJECT.—Of the amounts available under paragraph (1) for fiscal years 1992, 1993, and 1994, the Secretary shall make available $1,000,000 for fiscal year 1992, $2,000,000 for fiscal year 1993, and $2,000,000 for fiscal year 1994 to support an inertial navigation system demonstration project for the purpose of determining the safety, economic, and environmental benefits of deploying inertial navigation tracking and control systems in urban and rural environments.

"(B) PUBLIC-PRIVATE SECTOR PARTICIPANTS.—The project described in subparagraph (A) shall be conducted by the Transit Safety Research Alliance, a nonprofit public-private sector consortium based in Pittsburgh, Pennsylvania.

"(5) SPECIAL DEMONSTRATION INITIATIVES.—Of the amounts available under paragraph (1), an amount not to exceed 25 percent shall be available to the Secretary for special demonstration initiatives subject to such terms, conditions, requirements, and provisions as the Secretary deems appropriate; except that the provisions of section 3(e)(4) shall apply to operational grants funded under this section.

"(6) TECHNOLOGY DEVELOPMENT.—

"(A) IN GENERAL.—The Secretary is authorized to undertake a program of transit technology development in coordination with affected entities.

"(B) INDUSTRY TECHNICAL PANEL.—The Secretary shall establish an industry technical panel consisting of representatives of transportation suppliers and operators and others involved in technology development. A majority of the panel members shall represent the supply industry. The panel shall assist the Secretary in the identification of priority technology development areas for public transportation and in establishing guidelines for project development, project cost sharing, and project execution for public transportation.

"(C) COST-SHARING GUIDELINES.—The Secretary shall develop guidelines for cost sharing in technology development projects funded under this section. Such guidelines shall be flexible in nature and reflect the extent of technical risk, market risk, anticipated supplier benefits, and pay back periods.

"(7) SUPPLEMENTATION OF COOPERATIVE RESEARCH PROGRAM.—The Secretary may use funds made available pursuant to paragraph (1) to supplement funds available under subsection (b)(1).

"(8) FEDERAL SHARE.—Where there would be a clear and direct financial benefit to an entity under a grant or contract funded under this subsection (other than paragraph (2) or subsection (b)(1), the Secretary shall establish a Federal share consistent with that benefit.

"(b) STATE AND LOCAL PROGRAM.—Of the funds made available under section 21(h), ⅔ shall be available for State and local programs as follows:

"(1) TRANSIT COOPERATIVE RESEARCH PROGRAM.—16½ percent of that amount shall be available for a transit cooperative research program to be administered as follows:

"(A) GOVERNING BOARD.—The Secretary shall establish an independent governing board for such program to recommend transit research, development, and technology transfer activities as the Secretary deems appropriate.

"(B) GRANTS TO NAS.—The Secretary may make grants to, and enter into cooperative agreements with, the National Academy of Sciences to carry out such transit research activities as the Secretary determines are appropriate.

"(2) STATE AND LOCAL PLANNING, RESEARCH, AND TRAINING.—The remaining 83½ percent of that amount shall be apportioned to the States for making grants, and entering into contracts, to carry out sections 6, 8, 10, 11, 18(h), and 20 of the Act and transit-related planning under sections 134 and 135 of title 23, United States Code, as follows:

"(A) APPORTIONMENT FORMULA.—Amounts shall be apportioned to the States in the ratio which the population in urbanized areas of each State bears to the total population in urbanized areas of all the States, as shown by the latest available decennial census; except that no State shall receive less than ½ of 1 percent of the amount apportioned under this subparagraph.

"(B) ALLOCATION WITHIN A STATE.—

"(i) STATE PROGRAMS.—Of the funds apportioned to each State under subparagraph (A), 25 percent shall be available for State programs to carry out the objectives of this subsection. A State may authorize a portion of its funds made available under this clause to be used to supplement funds available under paragraph (1) or clause (ii) of this subparagraph, as the State deems appropriate. Of the funds allocated pursuant to this clause, at least 33⅓ percent shall be used for purposes of section 18(h).

"(ii) MPOs.—Of the funds apportioned to each State under subparagraph (A), 75 percent shall be, by a formula developed by each State in cooperation with local elected officials acting through the metropolitan planning organizations representing urbanized areas of the State and approved by the Secretary which considers population in urbanized areas and provides an appropriate distribution for urbanized areas to carry out the cooperative processes described in section 8 of this Act and sections 134 and 135 of title 23, United States Code, made available by the State to those of such metropolitan planning organizations which are designated the State as being responsible together with the State for carrying out the objectives of this section.

"(3) FEDERAL SHARE PAYABLE.—The Federal share payable for a project under paragraph (2) shall be 80 percent—

"(A) except in any case in which the Secretary determines that it is in the Federal interest not to require a State or local match; and

"(B) except for funds used for the purposes of section 18(h), in which case the Federal share payable shall be 100 percent.

"(c) HOLD HARMLESS.—The amounts made available under this section shall be adjusted as follows:

"(1) AMOUNT TO STATES.—The amount made available under subsection (a) shall be reduced and the amount made available under subsection (b)(2) shall be increased so that the aggregate amount provided to the States for allocation to metropolitan planning organizations under subsection (b)(2)(B)(ii) is no less than the aggregate amount provided to metropolitan planning organizations by administrative formula under section 8 of this Act in fiscal year 1991.

"(2) MPO ALLOCATIONS.—The amount apportioned to each State by formula under subsection (b) shall be adjusted so that the aggregate amount apportioned to each State to be made available to metropolitan planning organizations under subsection (b)(2)(B)(ii) is no less than the aggregate amount provided to metropolitan planning organizations in the State by administrative formula under section 8 of this Act in fiscal year 1991.

"(3) STATE PROGRAMS.—Of the funds allocated to a State under subsection (b), a larger amount than provided for under subsection (b)(2)(B)(i) may be available for State programs to the extent that the amount otherwise available to the State for State programs is less than the amount made available to the State by administrative formula under section 8 of this Act in fiscal year 1991 and under section 18(h) of this Act in fiscal year 1991; except that the aggregate amount made available by the State to metropolitan planning organizations under subsection (b)(2)(B)(ii) shall in no event be less than the aggregate amount made available to metropolitan planning organizations in that State by administrative formula under section 8 of this Act in fiscal year 1991.".

(b) SUSPENDED LIGHT RAIL SYSTEM TECHNOLOGY PILOT PROJECT.—

(1) FULL FUNDING GRANT AGREEMENT.—Not later than 60 days after the fulfillment of the requirements under paragraph (5), the Secretary shall negotiate and enter into a full funding grant agreement under section 3 of the Urban Mass Transportation Act of 1964 with a public entity selected under paragraph (4) for construction of a suspended light rail system technology pilot project.

(2) PROJECT PURPOSE.—The purpose of the project under this subsection shall be to assess the state of new technology for a suspended light rail system and to determine the feasibility and costs and benefits of using such a system for transporting passengers.

(3) PROJECT DESCRIPTION.—The project under this subsection shall—

(A) utilize new rail technology with individual vehicles on a prefabricated, elevated steel guideway;

(B) be stability seeking with a center of gravity for the detachable passenger vehicles located below the point of wheel-rail contact; and

(C) utilize vehicles which are driven by overhead bogies with high efficiency, low maintenance electric motors for each wheel, operating in a slightly sloped plane from vertical for both the wheels and the running rails, to further increase stability, acceleration, and braking performance.

(4) COMPETITION.—

(A) IN GENERAL.—Notwithstanding any other provision of law, the Secretary shall conduct a national competition to select a public entity with which to enter into a full funding grant agreement under paragraph (1) for construction of the project under this subsection.

(B) PUBLICATION OF NOTICE.—Not later than 30 days after the date of the enactment of this Act, the Secretary shall publish in the Federal Register notice of the competition to be conducted under this paragraph, together with procedures for public entities to participate in the competition.

(C) SELECTION OF FINALISTS.—Not later than 120 days after the date of the enactment of this Act, the Secretary shall select 3 public entities to be finalists in the competition under this paragraph.

(D) AWARD OF GRANTS.—The Secretary shall award grants to each of the finalists selected under subparagraph (C). Such grants shall be used by the finalists to participate in the final phase of the competition under this paragraph in accordance with procedures to be established by the Secretary. The amount of such grants shall not exceed 80 percent of the costs of such participation. No finalists may receive more than ⅓ of the amount made available under paragraph (9)(C).

(E) SELECTION OF WINNER.—Not later than 210 days after the date of the enactment of this Act, the Secretary shall select from among the finalists selected under subparagraph (C) the public entity with which to enter into a full funding grant agreement under paragraph (1).

(F) CONSIDERATIONS.—In conducting the competition and selecting public entities under this paragraph, the Secretary shall consider the following:

(i) The public entity's demonstrated understanding and knowledge of the project under this section.

(ii) The public entity's technical, managerial, and financial capacity to undertake construction, management, and operation of the project.

(iii) Maximization of potential contributions to the cost of the project by State, local, and private sector entities, including the donation of in-kind services and materials.

(5) EXPEDITED PROCEDURES.—Not later than 270 days after the date of selection of a public entity under paragraph (4), the Secretary shall approve and publish in the Federal Register a notice announcing either (A) a finding of no significant impact, or (B) a draft environmental impact statement for the project under this subsection. The alternative analysis for the project shall be limited to determining whether or not to actually construct such project. If a draft environmental impact statement is published, the Secretary shall, not later than 180 days after the date of such publication, approve and publish in the Federal Register a notice of completion of a final environmental impact statement.

(6) NOTICE TO PROCEED WITH CONSTRUCTION.—Not later than 30 days following the execution of the full funding grant agreement under paragraph (1), the Secretary shall issue a notice to proceed with construction.

(7) OPTION NOT TO CONSTRUCT.—Not later than the 30th day following the completion of preliminary engineering and design for the project, the public entity selected under paragraph (1) will make a determination on whether or not to proceed to actual construction of the project. If such public entity makes a determination not to proceed to such actual construction—

(A) the Secretary shall not enter into the grant agreement under paragraph (1);

(B) any remaining sums received shall be returned to the Secretary and credited to the Mass Transit Account of the Highway Trust Fund; and

(C) the Secretary shall use the amount so credited and all other amounts to be provided under this section to award to entities selected under paragraph (4)(E) grants under section 3 of the Urban Mass Transportation Act of 1964 for construction of the project described in paragraph (1).

Any grants under subparagraph (C) shall be awarded after completion of a competitive process for selection of a grant recipient. Such process shall be completed not later than the 180th day following the date of the determination under this subsection.

(8) OPERATING COST DEFICITS.—The full funding grant agreement under paragraph (1) shall provide that—

(A) the system vendor for the project under this section shall fund 100 percent of any deficit incurred in operating the project in the first two years of revenue operations of the project; and

(B) the system vendor for the project under this section shall fund 50 percent of any deficit incurred in operating the project in the third year of revenue operations of the project.

(9) FUNDING.—

(A) PRECONSTRUCTION.—If the systems planning, alternatives analysis, preliminary engineering, and design and environmental impact statement are required by law for the project under this subsection, the Secretary shall pay by grant the Federal share of such costs (as determined under section 3 of the Urban Mass Transportation Act of 1964) from amounts provided under such section as follows: not less than $4,000,000 for fiscal year 1993. Such funds shall remain available until expended.

(B) CONSTRUCTION.—The grant agreement under paragraph (1) shall provide that the Federal share of the construction costs of the project under this section shall be paid by the Secretary from amounts provided under section 3 of the Urban Mass Transportation Act of 1964 as follows: not less than $30,000,000 for fiscal year 1994. Such funds shall remain available until expended.

(C) GRANTS.—Grants under paragraph (4) shall be paid by the Secretary from amounts provided under section 3 of the Urban Mass Transportation Act of 1964 as follows: not less than $1,000,000 for fiscal year 1992. Any amounts not expended for such grants shall be available for the Federal share of costs described in subparagraphs (A) and (B).

(D) OPERATION.—Notwithstanding any other provision of law, the grant agreement under paragraph (1) shall provide with respect to the third year of revenue operations of the project under this subsection that the Federal share of operating costs of the project shall be paid by the Secretary from amounts provided under section 26 of the Urban Mass Transportation Act of 1964 in a sum equal to 50 percent of any deficit incurred in operating the project in such year of revenue operations or $300,000, whichever is less.

(10) FEDERAL SHARE.—The Federal share of the cost of construction of the project under this subsection shall be 80 percent of the net cost of the project.

(11) REPORT.—Not later than January 30, 1993, and annually thereafter, the Secretary shall transmit to Congress a report on the progress and results of the project under this subsection.

SEC. 318. NEEDS SURVEY.

The Act is further amended by adding at the end the following new section:

"SEC. 27. NEEDS SURVEY AND TRANSFERABILITY STUDY.

"(a) NEEDS STUDY.—In January 1993 and in January of every second year thereafter, the Secretary shall report to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Public Works and Transportation of the House of Representatives an estimate of the future transit needs of the Nation, including transit needs in rural areas (particularly access to health care facilities). Such report shall include an assessment of needs related to rail modernization, guideway modernization, replacement, rehabilitation, and purchase of buses and related equipment, construction of bus related facilities, and construction of new fixed guideway systems and extensions to fixed guideway systems.

"(b) TRANSFERABILITY STUDY.—

"(1) IN GENERAL.—In January 1993 and in January of every second year thereafter, the Secretary shall transmit to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Public Works and Transportation of the House of Representatives a report on implementation of the transferability provisions of sections 3(m), 9(n)(3), and 18(i) of this Act.

"(2) CONTENTS.—The report shall identify, by State, the amount of transit funds transferred for nontransit purposes under such sections during the previous fiscal year and shall include an assessment of the impact of such transfers on the transit needs of individuals and communities within the State. Specifically, the report shall assess the impact of such transfers (A) on the State's ability to meet the transit needs of elderly individuals, individuals with disabilities, and individuals residing in rural areas, (B) on efforts to meet the objectives of the Americans With Disabilities Act of 1990 and the Clean Air Act, and (C) on the State's efforts to extend public transit services to unserved rural areas. The report shall also include an examination of the relative levels of Federal transit assistance and services in urban and rural areas in fiscal year 1991 and the extent to which such assistance and service has increased or decreased in subsequent fiscal years as a result of transit resources made available under this Act and the Intermodal Surface Transportation Infrastructure Act of 1991.".

SEC. 319. NEW JERSEY URBAN CORE PROJECT.

(a) CONTRACTUAL COMMITMENTS.—

(1) FULL FUNDING GRANT AGREEMENT.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall negotiate and enter into a full funding grant agreement under section 3 of the Urban Mass Transportation Act of 1964 for those elements of the New Jersey Urban Core Project which can be fully funded in fiscal years 1992 through 1997. Such grant agreement shall not preclude the allocation of Federal funds for those elements of the project not covered under such grant agreement.

(2) PAYMENT.—The grant agreement under paragraph (1) shall provide that the Federal share of the cost of the New Jersey Urban Core Project shall be paid by the Secretary from amounts provided under section 3 of the Urban Mass Transportation Act of 1964 as follows:

(A) Not less than $95,900,000 for fiscal year 1992.

(B) Not less than $71,700,000 for fiscal year 1993.

(C) Not less than $64,800,000 for fiscal year 1994.

(D) Not less than $146,000,000 for fiscal year 1995.

(E) Not less than a total of $256,000,000 for fiscal years 1996 and 1997.

Nothing in this section shall be construed as precluding other Federal funds from being committed to the project.

(b) NON-FEDERAL SHARE.—For the purpose of calculating non-Federal contributions to the net cost of the New Jersey Urban Core Project, the Secretary shall include all non-Federal contributions made on or after January 1, 1987, for construction of any element of the project. Non-Federal funds committed to one element of the project may be used to meet the non-Federal share requirement for any other element of the project.

(c) EXEMPTION FROM CERTAIN REQUIREMENTS.—The requirements contained in section 3(i) of the Urban Mass Transportation Act of 1964 (relating to criteria for new starts) shall not apply with respect to the New Jersey Urban Core Project; except that an alternative analysis and draft environmental impact statement shall be completed with respect to the Hudson River Waterfront element of the project and the Secretary shall approve the recommended locally preferred alternative for such element. No element of the project shall be subject to the major capital investment policy of the Urban Mass Transportation Administration.

(d) ELEMENTS OF URBAN CORE PROJECT.—For the purposes of this section, the New Jersey Urban Core Project consists of the following elements: Secaucus Transfer, Kearny Connection, Waterfront Connection, Northeast Corridor Signal System, Hudson River Waterfront Transportation System, Newark-Newark International Airport-Elizabeth Transit Link, a rail connection between Penn Station Newark and Broad Street Station, Newark, New York Penn Station Concourse, and the equipment needed to operate revenue service associated with improvements made by the project. The project includes elements advanced with 100 percent non-Federal funds.

SEC. 320. MULTIYEAR FUNDING FOR SAN FRANCISCO BAY AREA RAIL EXTENSION PROGRAM.

(a) DRAFT ENVIRONMENTAL IMPACT STATEMENT.—

(1) COMPLETION DEADLINE.—Not later than 60 days after the date of the enactment of this Act and in accordance with the National Environmental Policy Act of 1969, the Secretary shall complete a draft environmental impact statement for an extension of the San Francisco Bay Area Rapid Transit District (hereinafter in this section referred to as "BART") to the San Francisco International Airport.

(2) NOTICE OF AVAILABILITY AND REPORTING.—The Secretary shall publish a notice of availability of the draft environmental impact statement for public review. If the Secretary has not published such notice on or before the 60th day following the date of the enactment of this Act, the Secretary shall report to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate on the status of the completion of such draft environmental impact statement. The Secretary shall continue to report to such committees every 30 days on the status of the completion of the draft environmental impact statement, including any proposed revisions to the statement or to the work plan, until a notice of availability of such document is published in the Federal Register.

(b) PRELIMINARY ENGINEERING GRANT.—

(1) TO BART.—Not later than 30 days after the date of submittal of a locally preferred alternatives report and notwithstanding any other provision of law, the Secretary shall make a grant to BART to conduct preliminary engineering and to complete an environmental impact statement on the locally preferred alternative for the extension of BART to the San Francisco International Airport. The amount of such grant shall be 75 percent of preliminary engineering costs, unless the matching percentage is increased by a modification to Metropolitan Transportation Commission Resolution No. 1876 in a manner that would allow such Federal share to be increased to 80 percent.

(2) TO SANTA CLARA COUNTY.—Not later than 90 days after the date of the enactment of this Act and notwithstanding any other provision of the law, the Secretary shall make a grant to the Santa Clara County Transit District (hereinafter in this section referred to as "SCCTD") to conduct preliminary engineering and to complete an environmental impact statement on the locally preferred alternative for the Tasman Corridor Project. The amount of such grant shall be $12,750,000; except that the Federal share for all project costs may not exceed 50 percent, unless the matching percentage is increased by a modification to Metropolitan Transportation Commission Resolution No. 1876 in a manner that would allow such Federal share to be increased to 80 percent. Local funds expended on the Tasman Corridor Project after the locally preferred alternative was approved by the Metropolitan Transportation Commission on July 31, 1991, shall be considered eligible project costs under the Urban Mass Transportation Act of 1964.

(c) CONTRACTUAL COMMITMENTS.—

(1) APPROVAL OF CONSTRUCTION.—Notwithstanding any other provision of law, the Secretary shall approve the construction of the locally preferred alternative for the BART San Francisco International Airport Extension (Phase 1a to Colma and Phase 1b to San Francisco Airport) and the Tasman Corridor Project according to the following schedule:

(A) Not later than 90 days after the date of the enactment of this Act, the Secretary shall approve such construction for BART Phase 1a to Colma.

(B) Not later than 90 days after the date of the completion of preliminary engineering, the Secretary shall approve such construction for BART Phase 1b to San Francisco International Airport.

(C) Not later than 90 days after the date of the completion by SCCTD of preliminary engineering, the Secretary shall approve such construction for the Tasman Corridor Project.

(2) EXECUTION OF CONTRACT.—Upon approving construction under paragraph (1), the Secretary shall execute a multiyear grant agreement with BART to permit the expenditure of funds for the construction of the BART San Francisco International Airport Extension (Phase 1a and Phase 1b) and with SCCTD for the construction of the Tasman Corridor Project.

(d) FEDERAL SHARE.—

(1) BART EXTENSION.—The grant agreement under subsection (c)(2) shall provide that the Federal share of the project cost for the locally preferred alternative for the BART San Francisco International Airport Extension (Phase 1a and Phase 1b) shall be 75 percent, unless the matching percentage is increased by a modification to Metropolitan Transportation Commission Resolution No. 1876 in a manner that would allow such Federal share to be increased to 80 percent.

(2) TASMAN CORRIDOR PROJECT.—The grant agreement under subsection (c)(2) shall provide that the Federal share of the project cost for the locally preferred alternative for the Tasman Corridor Project, including costs for preliminary engineering, shall be 50 percent, unless that matching percentage is increased by a modification to Metropolitan Transportation Commission Resolution No. 1876 in a manner that would allow such Federal share to be increased to 80 percent.

(e) PAYMENT.—The grant agreement under subsection (c)(2) shall provide that the Federal share of the cost of the projects shall be paid by the Secretary from amounts provided under section 3 of the Urban Mass Transportation Act of 1954 for construction of new fixed guideway systems and extensions to fixed guideway systems, as follows:

(1) Not less than $28,500,000 for fiscal year 1990.

(2) Not less than $40,000,000 for fiscal year 1991.

(3) Not less than $100,000,000 for each of fiscal years 1992 through 1995.

(4) Not less than $100,000,000 for fiscal years 1996 and 1997.

Apportionment of payments between BART and SCCTD shall be consistent with the Metropolitan Transportation Commission Resolution No. 1876.

(f) ADVANCE CONSTRUCTION.—The grant agreements under subsection (c)(2) shall provide that the Secretary shall reimburse BART and SCCTD from any amounts provided under section 3 of the Urban Mass Transportation Act of 1964 for fiscal years 1992 through 1997 for the Federal share of the net project costs incurred by BART and SCCTD under subsections (c)(1) and (c)(2), including the amount of any interest earned and payable on bonds as provided in section 3(l)(2) of the Urban Mass Transportation Act of 1964, as follows:

(1) Not later than September 30, 1994, the Secretary shall reimburse BART and SCCTD a total of $368,500,000 (plus such interest), less amounts provided under subsection (e) for fiscal years 1992 through 1994.

(2) Not later than September 30, 1997, the Secretary shall reimburse BART and SCCTD a total of $568,500,000 (plus such interest), less amounts provided under subsection (e) for fiscal years 1992 through 1997.

(g) FULL FUNDING GRANT AGREEMENTS.—

(1) SCHEDULE.—Notwithstanding any other provision of law, the Secretary shall negotiate and execute full funding grant agreements that are consistent with Metropolitan Transportation Commission Resolution No. 1876 with BART for Phase 1a to Colma and Phase 1b to the San Francisco International Airport, and with SCCTD for the Tasman Corridor Project according to the following schedule:

(A) Not later than 90 days after the date of completion by SCCTD of preliminary engineering, the Secretary shall execute such agreement for the Tasman Corridor Project.

(B) Upon completion by BART of 85 percent of final design, the Secretary shall execute such agreement for Phase 1a to Colma.

(C) Upon completion by BART of 85 percent of final design, the Secretary shall execute such agreement for Phase 1b to the San Francisco International Airport.

(2) ADDITIONAL AMOUNTS.—In addition to the $568,500,000 provided under this section, the Secretary shall, subject to annual appropriations, issue full funding grant agreements to complete the projects utilizing the full amount of the unobligated balance in the Mass Transit Account of the Highway Trust Fund.

(h) ALTERNATIVES ANALYSIS.—The Secretary shall permit the Santa Clara County Transit District, in cooperation with the Metropolitan Transportation Commission, to conduct an Alternatives Analysis to examine transit alternatives including a possible BART extension from southern Alameda County through downtown San Jose to Santa Clara, California.

SEC. 321. MULTIYEAR CONTRACT FOR METRO RAIL PROJECT.

(a) SUPPLEMENTAL EIS.—Not later than April 1, 1992, and in accordance with the National Environmental Policy Act of 1969, the Secretary shall complete preparation of a final supplemental environmental impact statement for Minimum Operable Segment-3 (other than the East Side Extension) and publish a notice of the completion of such statement in the Federal Register. Such statement shall reflect any alignment changes in the Los Angeles Metro Rail Project and any determination of an amended locally preferred alternative for the project. In preparing such statement, the Secretary shall rely, to the maximum extent feasible, upon existing environmental studies and analyses conducted with respect to the project, including the Draft Supplemental Environmental Impact Statement (dated November 1987) and the Final Supplemental Environmental Impact Statement (dated July 1989).

(b) AMENDMENT TO CONTRACT TO INCLUDE CONSTRUCTION OF MOS-3.—

(1) NEGOTIATION.—Not later than April 1, 1992, the Secretary shall begin negotiations with the Commission on an amendment to the full funding contract under section 3 of the Urban Mass Transportation Act of 1964 (dated April 1990) for construction of Minimum Operable Segment-2 of the Los Angeles Metro Rail Project in order to include construction of Minimum Operable Segment-3 (including the commitment described in paragraph (4) to provide Federal funding for the East Side Extension) in such contract.

(2) EXECUTION.—Not later than October 15, 1992, the Secretary shall—

(A) complete negotiations and execute the amended contract under paragraph (1); and

(B) issue a record of decision approving the construction of Minimum Operable Segment-3 (other than the East Side Extension).

(3) PAYMENT OF FEDERAL SHARE.—

(A) FEDERAL SHARE.—The amended contract under paragraph (1) shall provide that the Federal share of the cost of construction of Minimum Operable Segment-3 for fiscal years 1993 through 1997 shall be $695,000,000.

(B) PAYMENT.—The amended contract under paragraph (1) shall provide that the Federal share of the cost of construction of Minimum Operable Segment-3 shall be paid by the Secretary from amounts available under section 3 of the Urban Mass Transportation Act of 1964 in accordance with a schedule for annual payments set forth in such contract.

(4) EAST SIDE EXTENSION.—The amended contract under paragraph (1) shall include a commitment to provide Federal funding for the East Side Extension, subject to completion of alternatives analysis and satisfaction of Federal environmental requirements.

(5) ADVANCE CONSTRUCTION.—

(A) IN GENERAL.—The amended contract under paragraph (1) shall provide that the Commission may construct any portion of Minimum Operable Segment-3 in accordance with section 3(l) of the Urban Mass Transportation Act of 1964.

(B) AMOUNT.—The Commission may use advance construction authority in an amount not to exceed the sum of $535,000,000 plus the difference (if any) between the Federal share specified in paragraph (3) for fiscal years 1993 through 1997 and the amount of Federal funds actually provided in those fiscal years.

(C) CONVERSION TO GRANTS.—In the event the Commission uses advance construction authority under this paragraph, the Secretary shall convert that authority into a grant and shall reimburse the Commission, from funds available under section 3 of the Urban Mass Transportation Act of 1964, for the Federal share of the amounts expended. Such conversion and reimbursement shall be made by the Secretary in fiscal years 1998, 1999, and 2000 and shall be equal to the Federal share of the amounts expended by the Commission pursuant to this paragraph (plus any eligible bond interest under section 3(l)(2) of the Urban Mass Transportation Act of 1964).

(c) FURTHER AMENDMENT TO CONTRACT.—Not later than October 15, 1996, the Secretary shall negotiate and enter into a further amendment to the contract described in subsection (b)(1) in order to provide Federal funding for Minimum Operable Segment-3 for fiscal years 1998 through 2000. The amended contract shall include provisions for the use and reimbursement of advance construction in the manner set forth in subsection (b)(5).

(d) CONTINUING PRELIMINARY ENGINEERING.—Before the date on which an amended contract is executed under subsection (b), the Secretary shall, upon receipt of an application from the Commission, make a grant to the Commission from amounts available under section 3 of the Urban Mass Transportation Act of 1964 for continuing preliminary engineering and environmental analysis work for Minimum Operable Segment-3.

(e) ADDITION OF EAST SIDE EXTENSION.—

(1) ALTERNATIVES ANALYSIS AND ENVIRONMENTAL REVIEW.—The Secretary shall cooperate with the Commission in alternatives analysis and environmental review, including preparation of a draft environmental impact statement, for the East Side Extension. Upon receipt of an application from the Commission, the Secretary shall make a grant to the Commission, from amounts available under section 3 of the Urban Mass Transportation Act of 1964, for preliminary engineering, design, and related expenses for the East Side Extension, in an amount equal to 50 percent of the cost of such activities. Such funds shall be provided from the amounts made available by the Secretary under subsection (b)(3).

(2) Supplemental EIS.—Not later than December 1, 1993, and in accordance with the National Environmental Policy Act of 1969, the Secretary shall complete preparation of a final supplemental environmental impact statement for the East Side Extension and shall publish a notice of completion of such statement in the Federal Register.

(3) Amendment to contract to include east side extension.—

(A) Negotiation.—Immediately upon the completion of alternatives analysis and preliminary engineering for the East Side Extension, the Secretary shall begin negotiations with the Commission on a further amendment to the contract referred to in subsection (b)(1) in order to include construction of the East Side Extension.

(B) Execution.—Not later than June 1, 1994, the Secretary shall—

(i) complete negotiations and execute the amended contract under subparagraph (A); and

(ii) issue a record of decision approving the construction of the East Side Extension.

(C) Contents.—The amended contract under subparagraph (A) shall be consistent with the commitment made under subsection (b)(4) and shall include appropriate changes to the existing scope of work to include the East Side.

(f) Applicability of Federal Requirements.—The amended contracts under this section shall provide that any activity under Minimum Operable Segment-3 that is financed entirely with non-Federal funds shall not be subject to any Federal statute, regulation, or program guidance, unless the Federal statute or regulation in question, by its terms, otherwise applies to and covers such activity.

(g) Criteria for New Starts.—Minimum Operable Segment-3 shall be deemed to be a project described in and covered by section 303(b) of the Surface Transportation and Uniform Relocation Assistance Act of 1987.

(h) Notification of Noncompliance.—If the Secretary is unable to comply with a deadline established by this section, the Secretary shall notify the Committee on Public Works and Transportation and the Committee on Appropriations of the House of Representatives and the Committee on Banking, Finance, and Urban Affairs of the Senate of the reasons for the noncompliance and shall provide such Committees a firm schedule for taking the action required.

(i) Definitions.—For the purposes of this section, the following definitions apply:

(1) Commission.—The term "Commission" means the Los Angeles County Transportation Commission (or any successor thereto).

(2) East side extension.—The term "East Side Extension" means that portion of Minimum Operable Segment-3 described in paragraph (3)(C).

(3) Minimum operable segment-3.—The term "Minimum Operable Segment-3" means that portion of the Los Angeles Metro Rail Project which consists of 7 stations and approximately 11.6 miles of heavy rail subway on the following lines:

(A) One line running west and northwest from the Hollywood/Vine station to the North Hollywood station, with 2 intermediate stations.

(B) One line running west from the Wilshire/Western station to the Pico/San Vicente station, with one intermediate station.

(C) One line consisting of an initial line of approximately 3 miles in length, with at least 2 stations, beginning at Union Station and running generally east.

SEC. 322. MISCELLANEOUS MULTIYEAR CONTRACTS.

(a) Hawthorne, New Jersey-Warwick, New York, Service.—No later than 120 days after the date of the enactment of this Act, the Secretary shall negotiate and sign a multiyear grant agreement with the New Jersey Transit Corporation which includes not less than $35,710,000 in fiscal year 1992 and not less than $11,156,000 in fiscal year 1993 from funds made available under section 3(k)(1)(A) of the Urban Mass Transportation Act of 1964 to carry out the construction of a project to provide commuter rail service from Hawthorne, New Jersey, to Warwick, New York (including a connection with the New Jersey Transit Main Line in Hawthorne, New Jersey, and improvements to the New Jersey Transit Main Line station in Paterson, New Jersey). Such agreement shall provide that amounts provided under the agreement may be used for purchasing equipment and for rehabilitating and constructing stations, parking facilities, and other facilities necessary for the restoration of such commuter rail service.

(b) Westside Light Rail Project.—No later than April 30, 1992, the Secretary shall negotiate and sign a multiyear grant agreement with the Tri-County Metropolitan Transportation District of Oregon which includes $515,000,000 from funds made available under section 3(k)(1)(B) of the Urban Mass Transportation Act of 1964 at the Federal share contained in House Report 101-584 to carry out the construction of the locally preferred alternative for the Westside Light Rail Project, including system related costs, set forth in Public Law 101-516 and as defined in House Report 101-584. Such agreement shall also provide for the completion of alternatives analysis, the final Environmental Impact Analysis, and preliminary engineering for the Hillsboro extension to the Westside Project as set forth in Public Law 101-516.

(c) North Bay Ferry Service.—No later than April 30, 1992, the Secretary shall negotiate and sign a multiyear grant agreement with the City of Vallejo, California, which includes $8,000,000 in fiscal year 1992 and $9,000,000 in fiscal year 1993 from funds made available under section 3(k)(1)(B) of the Urban Mass Transportation Act of 1964 to carry out capital improvements under the North Bay Ferry Service Demonstration Program.

(d) Staten Island-Midtown Manhattan Ferry Service.—No later than April 30, 1992, the Secretary shall negotiate and sign a multiyear grant agreement with the New York City Department of Transportation in New York, New York, which includes $1,000,000 in fiscal year 1992 and $11,000,000 in fiscal year 1993 from funds made available under section 3(k)(1)(B) of the Urban Mass Transportation Act of 1964 to carry out capital improvements under the Staten Island-Midtown Ferry Service Demonstration Program.

(e) Queens Local/Express Connection.—No later than April 30, 1992, the Secretary shall negotiate and sign a multiyear grant agreement with the Metropolitan Transportation Authority which includes $306,000,000 from funds made available under section 3(k)(1)(B) of the Urban Mass Transportation Act of 1964 to carry out the construction of the locally preferred alternative for the Queens Local/Express Connection project.

(f) Metro Link Light Rail Extensions.—No later than April 30, 1992, the Secretary shall negotiate and sign a multiyear grant agreement with the East-West Gateway Coordinating Council which includes (1) $16,000,000 from funds made available under section 3(k)(1)(B) of the Urban Mass Transportation Act of 1964 to complete preliminary engineering and final design for the St. Clair extension to the Metro Link light rail system, (2) $450,000 to complete alternatives analysis for the Cross-County extension to the Metro Link System, and (3) $450,000 to complete alternatives analysis for the St. Charles extension to the Metro Link System.

(g) Central Area Circulator Project.—No later than April 30, 1992, the Secretary shall negotiate and sign a multiyear grant agreement with the City of Chicago, Illinois, which includes $260,000,000 from funds made available under section 3(k)(1)(B) of the Urban Mass Transportation Act of 1964 to carry out the construction of the locally preferred alternative for the Central Area Circulator Project.

(h) Salt Lake City Light Rail Project.—No later than August 30, 1992, the Secretary shall negotiate and sign a multiyear grant agreement with the Utah Transit Authority, which includes $131,000,000 from funds made available under section 3(k)(1)(B) of the Urban Mass Transportation Act of 1964 to carry out the construction of the initial segment of the locally preferred alternative for the Salt Lake City Light Rail Project, including feeder bus and other system related costs.

(i) Lakewood-Freehold-Matawan or Jamesburg Rail Project.—No later than April 30, 1992, the Secretary shall negotiate and sign a multiyear grant agreement with the New Jersey Transit Corporation, which includes, from funds made available to the Northeastern New Jersey urbanized area under section 3(h) of the Urban Mass Transportation Act of 1964, $1,800,000 in fiscal year 1992 and $3,000,000 in each of fiscal years 1993 and 1994 to provide for the completion of alternatives analysis, preliminary engineering, and environmental impact statement for the Lakewood-Freehold-Matawan or Jamesburg Rail Project.

(j) Northeast Philadelphia Commuter Rail Study.—No later than April 30, 1992, the Secretary shall negotiate and sign a multiyear grant agreement with the Southeastern Pennsylvania Transportation Authority, which includes $400,000 from funds made available to the Philadelphia urbanized area under section 3(h) of the Urban Mass Transportation Act of 1964 to provide for a study of the feasibility of instituting commuter rail service as an alternative to automobile travel to Center City Philadelphia on I-95.

(k) Atlanta Commuter Rail Study.—No later than April 30, 1992, the Secretary shall negotiate and sign a multiyear grant agreement with the Atlanta Regional Commission which includes, from funds made available to the Atlanta urbanized area under section 3(h) of the Urban Mass Transportation Act of 1964, $100,000 to study the feasibility of instituting commuter rail service in the Greensboro corridor.

(l) Pittsburgh Light Rail Rehabilitation Project.—No later than 90 days after the date of the enactment of this Act, the Secretary shall negotiate and sign a multiyear grant agreement with the Port Authority of Allegheny County which includes $5,000,000 from funds made available to the Pittsburgh urbanized area under section 3(h) of the Urban Mass Transportation Act of 1964, to complete preliminary engineering for Stage II LRT rehabilitation in Allegheny County, Pennsylvania.

(m) Los Angeles-San Diego (LOSSAN) Rail Corridor Improvement Project.—No later than April 30, 1992, the Secretary shall negotiate and sign a multiyear grant agreement with the Los Angeles-San Diego Rail Corridor Agency which includes $20,000,000 from funds made available under section 3(k)(1)(A) of the Urban Mass Transportation Act of 1964 to provide for capital improvements to the rail corridor between Los Angeles and San Diego, California.

(n) GILROY COMMUTER RAIL PROJECT.—No later than April 30, 1992, the Secretary shall negotiate and sign a multiyear grant agreement with the responsible operating entity for the San Francisco Peninsula Commute Service which includes, from funds made available under section 3(k)(1)(A) of the Urban Mass Transportation Act of 1964, $13,000,000 for capital improvements and trackage rights related to the extension of commuter rail service in Gilroy, California. The Secretary shall allocate to the Santa Clara County Transit District in fiscal year 1992, from funds made available under such section 3(k)(1)(A), $8,000,000 for the purpose of a one-time purchase of perpetual trackage rights between the existing terminus in San Jose and Gilroy, California, to run passenger rail service.

(o) DALLAS LIGHT RAIL PROJECT.—No later than April 30, 1992, the Secretary shall negotiate and sign a multiyear grant agreement with Dallas Area Rapid Transit which includes $160,000,000 from funds made available under section 3(k)(1)(B) of the Urban Mass Transportation Act of 1964 to carry out the construction of the locally preferred alternative for the initial 6.4 miles and 10 stations of the South Oak Cliff light rail line.

(p) SOUTH BOSTON PIERS TRANSITWAY/LIGHT RAIL PROJECT.—No later than June 1, 1992, the Secretary shall negotiate and sign a multiyear grant agreement with the Massachusetts Bay Transportation Authority which includes $278,000,000 from funds made available under section 3(k)(1)(B) of the Urban Mass Transportation Act of 1964 to carry out the construction of the locally preferred alternative for the South Boston Piers Transitway/Light Rail Project. Not later than December 31, 1991, the Secretary shall allocate from such $278,000,000 such sums as may be necessary to carry out preliminary engineering and design for such preferred alternative.

(q) ATLANTA NORTH LINE EXTENSION.—No later than April 30, 1992, the Secretary shall negotiate and sign a multiyear grant agreement with the Metropolitan Atlanta Rapid Transit Authority which includes $329,000,000 from funds made available under section 3(k)(1)(B) of the Urban Mass Transportation Act of 1964 to carry out the construction of the locally preferred alternative for a 3.1 mile extension of the North Line of the heavy rail rapid transit system in Atlanta, Georgia.

(r) HOUSTON PRIORITY CORRIDOR FIXED GUIDEWAY PROJECT.—Provided that a locally preferred alternative for the Priority Corridor fixed guideway project has been selected by March 1, 1992, no later than April 30, 1992, the Secretary shall negotiate and sign a multiyear grant agreement with the Metropolitan Transit Authority of Harris County which includes $500,000,000 from funds made available under section 3(k)(1)(B) of the Urban Mass Transportation Act of 1964 to carry out the construction of such locally preferred alternative.

(s) JACKSONVILLE AUTOMATED SKYWAY EXPRESS EXTENSION.—No later than April 30, 1992, the Secretary shall negotiate and sign a multiyear grant agreement with the Jacksonville Transportation Authority which includes $71.2 million from funds made available under section 3(k)(1)(B) of the Urban Mass Transportation Act of 1964 to carry out the construction of the locally preferred alternative for a 1.8 mile extension to the Automated Skyway Express starter line.

(t) HONOLULU RAPID TRANSIT PROJECT.—No later than April 30, 1992, the Secretary shall negotiate and sign a multiyear grant agreement with the City and County of Honolulu which includes $618,000,000 from funds made available under section 3(k)(1)(B) of the Urban Mass Transportation Act of 1964 to carry out the construction of the locally preferred alternative of a 17.3 mile fixed guideway system.

(u) BALTIMORE CENTRAL LRT EXTENSIONS.—No later than April 30, 1992, the Secretary shall negotiate and sign a multiyear grant agreement with the Mass Transit Administration of the Maryland Department of Transportation which includes $60,000,000 from funds made available under section 3(k)(1)(B) of the Urban Mass Transportation Act of 1964 to carry out the construction of the locally preferred alternatives for the Hunt Valley, Baltimore-Washington International Airport, and Penn Station extensions to the 22.5 light rail transit line in Baltimore.

(v) SACRAMENTO LIGHT RAIL PROJECT.—No later than April 30, 1992, the Secretary shall negotiate and sign a multiyear grant agreement with the Sacramento Regional Transit District which includes, from funds made available under section 3(k)(1)(B) of the Urban Mass Transportation Act of 1964, $26,000,000 to provide for the completion of alternatives analysis, preliminary engineering, and final design on proposed extensions to the light rail system in Sacramento, California.

(w) KANSAS CITY LIGHT RAIL PROJECT.—No later than April 30, 1992, the Secretary shall negotiate and sign a multiyear grant agreement with the Kansas City Area Transportation Authority which includes, from funds made available under section 3(k)(1)(B) of the Urban Mass Transportation Act of 1964, $1,500,000 in fiscal year 1992, and $4,400,000 in fiscal year 1993 to provide for the completion of alternatives analysis and preliminary engineering for Phase I of the Kansas City Light Rail Project.

(x) ORLANDO STREETCAR (OSCAR) DOWNTOWN TROLLEY PROJECT.—No later than April 30, 1992, the Secretary shall negotiate and sign a multiyear grant agreement with the City of Orlando, Florida, which includes, from funds made available under section 3(k)(1)(B) of the Urban Mass Transportation Act of 1964, $5,000,000 to provide for the completion of alternatives analysis and preliminary engineering for the Orlando Streetcar (OSCAR) Downtown Trolley Project.

(y) PHILADELPHIA CROSS-COUNTY METRO RAIL PROJECT.—No later than April 30, 1992, the Secretary shall negotiate and sign a multiyear grant agreement with the Southeastern Pennsylvania Transportation Authority which includes, from funds made available under section 3(k)(1)(B) of the Urban Mass Transportation Act of 1964, $2,400,000 to provide for the completion of alternatives analysis and preliminary engineering for the Philadelphia Cross-County Metro Rail Project.

(z) DETROIT LIGHT RAIL PROJECT.—No later than April 30, 1992, the Secretary shall negotiate and sign a multiyear grant agreement with the city of Detroit, Michigan, which includes, from funds made available under section 3(k)(1)(B) of the Urban Mass Transportation Act of 1964, $20,000,000 to provide for the completion of alternatives analysis and preliminary engineering for the Detroit Light Rail Project.

(aa) CLEVELAND BLUE LINE LIGHT RAIL EXTENSION.—No later than April 30, 1992, the Secretary shall negotiate and sign a multiyear grant agreement with the Greater Cleveland Regional Transit Authority which includes, from funds made available under section 3(k)(1)(B) of the Urban Mass Transportation Act of 1964, $1,200,000 to provide for the completion of alternatives analysis and preliminary engineering for an extension of the Blue Line to Highland Hills, Ohio.

(bb) CHARLOTTE LIGHT RAIL STUDY.—No later than April 30, 1992, the Secretary shall negotiate and sign a multiyear grant agreement with the City of Charlotte, North Carolina which includes, from funds made available under section 3(k)(1)(B) of the Urban Mass Transportation Act of 1964, $125,000 in 1992 and $375,000 in fiscal year 1993 to provide for the completion of systems planning and alternatives analysis for a priority light rail corridor in the Charlotte metropolitan area.

(cc) LONG BEACH METRO LINK FIXED RAIL PROJECT.—No later than April 30, 1992, the Secretary shall negotiate and sign a multiyear grant agreement with the Los Angeles County Transportation Commission which includes $4,000,000 from funds made available under section 3(k)(1)(B) of the Urban Mass Transportation Act of 1964, to provide for the completion of alternatives analysis and preliminary engineering for the Metro Link Project in Long Beach, California.

(dd) BUCKHEAD PEOPLE MOVER CONCEPTUAL ENGINEERING STUDY.—No later than April 30, 1992, the Secretary shall negotiate and sign a multiyear grant agreement with the Atlanta Regional Commission which includes, from funds made available under section 3(k)(1)(B) of the Urban Mass Transportation Act of 1964, $200,000 in fiscal year 1992, to provide for the completion of a conceptual engineering study for a people mover system in Atlanta, Georgia.

(ee) CLEVELAND DUAL HUB RAIL PROJECT.—No later than April 30, 1992, the Secretary shall negotiate and sign a multiyear grant agreement with the Greater Cleveland Regional Transit Authority which includes, from funds made available under section 3(k)(1)(B) of the Urban Mass Transportation Act of 1964, $2,000,000 in fiscal year 1992, $2,000,000 in fiscal year 1993, and $1,000,000 in fiscal year 1994, to provide for the completion of alternatives analysis on the Cleveland Dual Hub Rail Project.

(ff) SAN DIEGO MID COAST LIGHT RAIL PROJECT.—No later than April 30, 1992, the Secretary shall negotiate and sign a multiyear grant agreement with the San Diego Metropolitan Transit Development Board which includes, from funds made available under section 3(k)(1)(B) of the Urban Mass Transportation Act of 1964, $2,000,000 in fiscal year 1992, $5,000,000 in fiscal year 1993, and $20,000,000 in fiscal year 1994, to provide for the completion of alternatives analysis and the final environmental impact statement, and to purchase right-of-way, for the San Diego Mid Coast Light Rail Project.

(gg) CHATTANOOGA DOWNTOWN TROLLEY PROJECT.—No later than April 30, 1992, the Secretary shall negotiate and sign a multiyear grant agreement with the Chattanooga Area Regional Transportation Authority which includes, from funds made available under section 3(k)(1)(B) of the Urban Mass Transportation Act of 1964, $1,000,000 in fiscal year 1992 and $1,000,000 in fiscal year 1993 to provide for the completion of alternatives analysis on a proposed trolley circulator in downtown Chattanooga, Tennessee.

(hh) NORTHEAST OHIO COMMUTER RAIL FEASIBILITY STUDY.—No later than April 30, 1992, the Secretary shall negotiate and sign a multiyear grant agreement with the Northeast Ohio Areawide Coordinating Agency which includes, from funds made available under section 3(h) of the Urban Mass Transportation Act of 1964, $800,000 in fiscal year 1992 and $800,000 in fiscal year 1993 to study the feasibility of providing commuter rail service connecting urban and suburban areas in northeast Ohio.

(ii) RAILTRAN COMMUTER RAIL PROJECT.—No later than April 30, 1992, the Secretary shall negotiate and sign a multiyear grant agreement with the Cities of Dallas and Fort Worth, Texas, which includes, from funds made available under section 3(h) of the Urban Mass Transportation Act of 1964, $2,480,000, in fiscal year 1992, and $3,200,000 in fiscal year 1993 to provide for preliminary engineering and construction of improvements to the Dallas/Fort Worth RAILTRAN System.

(jj) BUS AND BUS RELATED EQUIPMENT PURCHASES IN ALTOONA, PENNSYLVANIA.—No later than April 30, 1992, the Secretary shall enter into a grant agreement with Altoona Metro Transit for $2,000,000 for fiscal year 1992 from funds made available under section 3(k)(1)(C) of the Urban Mass Transportation Act of 1964 to provide for the purchase of 10 buses, a fuel storage tank, a bus washer and 2 service vehicles.

(kk) BUS AND BUS RELATED EQUIPMENT PURCHASES IN JOHNSTOWN, PENNSYLVANIA.—No later than April 30, 1992, the Secretary shall enter into a grant agreement with the Cambria County Transit Authority for $1,600,000 for fiscal year 1992 from funds made available under section 3(k)(1)(C) of the Urban Mass Transportation Act of 1964 to provide for the purchase of 6 midsize buses; spare engines, transmissions, wheels, tires; wheelchair lifts for urban buses; 20 2-way radios; 29 electronic fareboxes and related equipment; computer hardware and software; and shop tools, equipment and parts for the Cambria County Transit System; and a new 400 HP electric motor and related components; cable replacement; hillside erosion control; park-and-ride facilities; and a handicapped pedestrian crosswalk for the Johnstown Inclined Plane.

(ll) BUS PURCHASE FOR EUREKA SPRINGS, ARKANSAS.—No later than April 30, 1992, the Secretary shall enter into a grant agreement with Eureka Springs Transit for $63,600 for fiscal year 1992 from funds made available under section 3(k)(1)(C) of the Urban Mass Transportation Act of 1964 to provide for the purchase of an electrically powered bus which is accessible to and usable by individuals with disabilities.

(mm) TUCSON DIAL-A-RIDE PROJECT.—No later than April 30, 1992, the Secretary shall negotiate and sign a grant agreement with the City of Tucson, Arizona which includes, from funds made available under section 3(k)(1)(C) of the Urban Mass Transportation Act of 1964, $8,000,000 in fiscal year 1992 to make capital improvements related to the Tucson dial-a-ride project.

(nn) LONG BEACH BUS FACILITY PROJECT.—No later than April 30, 1992, the Secretary shall negotiate and sign a grant agreement with the Long Beach Transportation Company to include, from funds made available under section 3(k)(1)(C) of the Urban Mass Transportation Act of 1964, $13,875,000 in fiscal year 1992, to provide for the construction of a bus maintenance facility in the service area of such company.

(oo) PARK-AND-RIDE LOT.—No later than April 30, 1992, the Secretary shall negotiate and sign a grant agreement with the Southeastern Pennsylvania Transportation Authority which includes, from funds made available under section 3(k)(1)(C) of the Urban Mass Transportation Act of 1964, $4,000,000 in fiscal year 1992 to construct a park-and-ride lot in suburban Philadelphia, Pennsylvania.

(pp) NASHVILLE INTERMODAL TERMINAL.—No later than April 30, 1992, the Secretary shall negotiate and sign a grant agreement with the City of Nashville, Tennessee which includes, from funds made available under section 3(k)(1)(C) of the Urban Mass Transportation Act of 1964, $3,700,000 in fiscal year 1992 to provide for the construction of an intermodal passenger terminal in Nashville, Tennessee.

(qq) METRO NORTH COMMUTER RAIL FEASIBILITY STUDY.—No later than April 30, 1992, the Secretary shall negotiate and sign a grant agreement with the State of Connecticut, which includes, from funds made available to that State under section 3(k)(1)(A) of the Urban Mass Transportation Act of 1964, $100,000 in fiscal year 1992 to study the feasibility of providing commuter rail service in West Haven, Connecticut.

(rr) MAIN STREET TRANSIT MALL.—No later than April 30, 1992, the Secretary shall negotiate and sign a grant agreement with the City of Akron, Ohio, which includes, from funds made available to that State under section 3(k)(1)(C) of the Urban Mass Transportation Act of 1964, $1,450,000 in fiscal year 1992 to provide for preliminary engineering and construction of an extension to the Main Street Transit Mall.

(ss) PEOPLE MOBILIZER.—No later than April 30, 1992, the Secretary shall negotiate and sign a grant agreement with PACE which includes, from funds made available to the suburban Chicago urbanized area under section 9, $3,000,000 in fiscal year 1992 to make capital purchases necessary for implementing the people mobilizer project in such area.

(tt) DULLES CORRIDOR RAIL PROJECT.—No later than April 30, 1992, the Secretary shall negotiate and sign a multiyear grant agreement with the State of Virginia, or its assignee, which includes, from funds made available under section 3(k)(1)(B) of the Urban Mass Transportation Act of 1964, $6,000,000 to provide for the completion of alternatives analysis and preliminary engineering for a rail corridor from the West Falls Church Washington Metropolitan Area Transit Authority rail station to Dulles International Airport.

(uu) PECK BRIDGE REPLACEMENT PROJECT.—No later than April 30, 1992, the Secretary shall negotiate and sign a multiyear grant agreement with the State of Connecticut, which includes, from funds made available to such State under sections 3(h) and 9 of the Urban Mass Transportation Act of 1964, $30,000,000 to provide for the replacement of a Metro North commuter rail bridge.

(vv) PUGET SOUND CORE RAPID TRANSIT PROJECT.—Not later than April 30, 1992, the Secretary shall negotiate and sign a multiyear grant agreement with the municipality of metropolitan Seattle, Washington, which includes, from funds made available under section 3(k)(1)(B) of the Urban Mass Transportation Act of 1964, $5,000,000 for the Puget Sound Core Rapid Transit Project.

(ww) SEATTLE-TACOMA COMMUTER RAIL.—Not later than April 30, 1992, the Secretary shall negotiate and sign a multiyear grant agreement with the municipality of metropolitan Seattle, Washington, which includes, from funds made available under section 3(k)(1)(B) of the Urban Mass Transportation Act of 1964, $5,000,000 for the Seattle-Tacoma Commuter Rail Project.

(xx) ALTOONA PEDESTRIAN CROSSOVER.—Not later than April 30, 1992, the Secretary shall negotiate and sign a multiyear grant agreement with the city of Altoona, Pennsylvania, which includes, from funds made available under section 3(k)(1)(B) of the Urban Mass Transportation Act of 1964, $3,200,000 for construction of the 14th Street Pedestrian Crossover in Altoona, Pennsylvania.

(yy) COLUMBIA RAIL CORRIDOR REVITALIZATION PROJECT.—Not later than April 30, 1992, the Secretary shall negotiate and sign a multiyear grant agreement with the city of Columbia, South Carolina, which includes, from funds made available under section 3(k)(1)(A) of the Urban Mass Transportation Act of 1964, $4,000,000 for the Columbia Rail Corridor Revitalization Project.

(zz) BAY AREA RAPID TRANSIT DISTRICT PARKING.—Not later than April 30, 1992, the Secretary shall negotiate and enter into a multiyear grant agreement with the San Francisco Bay Area Rapid Transit District which includes, from funds made available under section 3(k)(1)(A) of the Urban Mass Transportation Act of 1964, $12,600,000 for construction of a parking structure for the planned East Dublin/Pleasontan BART station.

(aaa) MULTI-MODAL TRANSIT PARKWAY.—Not later than April 30, 1992, the Secretary shall negotiate and enter into a multiyear grant agreement with the State of California which includes, from funds made available under section 3(k)(1)(B) of the Urban Mass Transportation Act of 1964, $15,000,000 for construction of a multi-modal transit parkway in western Los Angeles, California.

(bbb) CANAL STREET CORRIDOR LIGHT RAIL, NEW ORLEANS, LOUISIANA.—No later than April 30, 1992, the Secretary shall negotiate and sign a grant agreement with the city of New Orleans, Louisiana, which includes, from funds made available under section 3(k)(1)(B) of the Urban Mass Transportation Act of 1964, $4,800,000 to provide for the completion of alternatives analysis, preliminary engineering, and an environmental impact statement for the Canal Street Corridor Light Rail System in New Orleans, Louisiana.

(ccc) LARGO, MARYLAND.—No later than April 30, 1992, the Secretary shall negotiate and sign a multiyear grant agreement with the State of Maryland, or its assignee, which includes, from funds made available under section 3(k)(1)(B) of the Urban Mass Transportation Act of 1964, $5,000,000 to provide for alternatives analysis, the preparation of an environmental impact statement, and preliminary engineering for a proposed rail transit project to be located in the corridor between the Addison Road Washington, Metropolitan Area Transit Authority rail station and Largo, Maryland.

(ddd) CENTRE AREA TRANSPORTATION AUTHORITY REIMBURSEMENT.—Notwithstanding any other provision of law, the Secretary shall reimburse the Centre Area Transportation Authority in State College, Pennsylvania, from funds made available under section 3(k)(1)(C) of the Urban Mass Transportation Act of 1964, $1,000,000 in fiscal year 1992 for costs incurred by the Centre Area Transportation Authority between August 1989 and October 1991 in connection with the construction of an administrative maintenance and bus storage facility.

(eee) MARC IMPROVEMENTS.—Not later than April, 30, 1992, the Secretary shall negotiate and enter into a multiyear agreement with MARC which includes, from funds made available under section 3(k)(1)(A) of the Urban Mass Transportation Act of 1964, $160,000,000 to provide for improvements to the MARC commuter rail system, including a service extension from Point of Rocks to the city of Frederick; planning and engineering for Southern Maryland extension from Waldorf to Union Station, Washington; purchase of rolling stock; and station expansions and improvements on existing lines.

(fff) KEY WEST, FLORIDA.—Not later than April 30, 1992, the Secretary shall negotiate and enter into a grant agreement with the city of Key West, Florida, which includes, from funds made available under section 3(k)(1)(C) of the Urban Mass Transportation Act of 1964, $239,666 in fiscal year 1992 for the cost of purchasing 3 buses.

SEC. 323. PETROLEUM VIOLATION ESCROW ACCOUNT FUNDS.

Notwithstanding any other provision of law, the Federal Transit Administration shall allow petroleum violation escrow account funds spent by the New Jersey Transit Corporation on transit improvements to be applied as credit towards the non-Federal match for any transit project funded under the Urban Mass Transportation Act of 1964. The New Jersey Transit Corporation shall demonstrate that the use of such a credit does not result in the reduction in non-Federal funding for transit projects within the fiscal year in which the credit is applied.

SEC. 324. 1993 WORLD UNIVERSITY GAMES.

Notwithstanding any other provision of law, before apportionment under section 9 of the Urban Mass Transportation Act of 1964 of funds provided under section 21(a)(1) of such Act for fiscal year 1992, $4,000,000 of such funds shall be made available to the State of New York or to any public body to which the State further delegates authority, as the designated recipient for the purposes of this section, to carry out projects by contracts with private or public service providers to meet the transportation needs associated with the staging of the 1993 World University Games in the State of New York. Such funds shall be available for any purpose eligible under section 9 of such Act without limitation. The matching requirement for operating assistance under section 9(k)(1) of such Act shall not apply to funds made available under this section.

SEC. 325. OPERATING ASSISTANCE LIMITATION FOR STATEN ISLAND FERRY.

The limitation of operating assistance which, but for this section, would apply to the Staten Island Ferry for fiscal year 1992 under section 9(k)(2)(A) of the Urban Mass Transportation Act of 1964 shall be increased by $2,700,000.

SEC. 326. FORGIVENESS OF CERTAIN OUTSTANDING OBLIGATIONS.

Notwithstanding the fifth sentence of section 4(a), the outstanding balance on grant agreement number NC-05-0021 made to the Fayetteville Transit Authority, North Carolina is forgiven.

SEC. 327. EXTENSION OF LOAN REPAYMENT PERIOD.

Notwithstanding any other provision of law (including any regulation), the outstanding balances on the loan agreements do have to be repaid before October 1, 2001:

(1) Loan agreement number PA-03-9002 made to the Southeastern Pennsylvania Transit Authority.

(2) Loan agreement number PA-03-9003 made to the Southeastern Pennsylvania Transit Authority.

SEC. 328. ELIGIBILITY DETERMINATIONS FOR DISABILITY.

(a) STUDY.—The Secretary shall conduct a study of procedures for determining disability for the purpose of obtaining off peak reduced fares under section 5(m) of the Urban Mass Transportation Act of 1964. The study should review different requirements, degree of uniformity, and degree of reciprocity between transit systems.

(b) REPORT.—Not later than 2 years after the date of the enactment of this Act, the Secretary shall report to Congress on the results of the study conducted under this section.

SEC. 329. ELDERLY AND HANDICAPPED TRANSPORTATION SERVICES.

Before apportioning in fiscal year 1992 any amounts under sections 9 and 18 from the Mass Transit Account, the Secretary shall make available $1,000,000 in such fiscal year to the State of Pennsylvania for the purposes of capital expenses to assist in the provision of elderly and handicapped transportation services.

SEC. 330. UNOBLIGATED M ACCOUNT BALANCES.

Notwithstanding any other provision of law, any obligated M account balances remaining available for expenditure as of August 1, 1991, under "Urban Discretionary Grants" and "Interstate Transfer Grants-Transit" of the Urban Mass Transportation Administration program shall be exempt from the application of the provisions of section 1405(b)(4) and (b)(6) of Public Law 101-510 and section 1552 of title 31, United States Code, and shall be available until expended.

SEC. 331. EFFECTIVE DATE; APPLICABILITY.

This title, including the amendments made by this title, shall take effect on the date of the enactment of this Act, shall apply to funds authorized to be appropriated or made available after September 30, 1991, and shall not apply to funds appropriated or made available on or before September 30, 1991.

SEC. 332. REDUCTION IN AUTHORIZATIONS FOR BUDGET COMPLIANCE.

If the total amount authorized by this Act (including amendments made by this Act) out of the Mass Transit Account of the Highway Trust Fund exceeds $1,800,000,000 for fiscal year 1992, or exceeds $13,800,000,000 for fiscal years 1992 through 1996, then each amount so authorized shall be reduced proportionately so that the total equals $1,800,000,000 for fiscal year 1992, or equals $13,800,000,000 for fiscal years 1992 through 1996, as the case may be.

SEC. 333. MILWAUKEE ALTERNATIVES ANALYSIS APPROVAL.

No later than January 15, 1992, the Secretary shall enter into an agreement with the Wisconsin Department of Transportation giving approval to undertake an alternatives analysis for the East-West Central Milwaukee Corridor. The alternatives analysis shall be funded entirely from non-Federal sources.

TITLE IV—MOTOR CARRIER ACT OF 1991

SEC. 401. SHORT TITLE.

This title may be cited as the "Motor Carrier Act of 1991".

SEC. 402. MOTOR CARRIER SAFETY GRANT PROGRAM AMENDMENTS.

(a) CONTENTS OF STATE PLANS.—Section 402(b)(1) of the Surface Transportation Assistance Act of 1982 (49 U.S.C. App. 2302(b)(1)) is amended—

(1) by striking "and" at the end of subparagraph (F);

(2) by striking the period of subparagraph (G) and inserting a semicolon; and

(3) by adding at the end the following new subparagraphs:

"(H) ensures that activities described in paragraphs (1), (2), and (3) of subsection (e) if funded with grants under this section will not diminish the effectiveness of development and implementation of commercial motor vehicle safety programs described in subsection (a);

"(I) ensures that fines imposed and collected by the State for violations of commercial motor vehicle safety regulations will be reasonable and appropriate; and

"(J) ensures that such State agency will coordinate the plan prepared under this section with the State highway safety plan under section 402 of title 23, United States Code.".

(b) MAINTENANCE OF EFFORT.—Section 402(d) of such Act is amended by inserting "and for enforcement of commercial motor vehicle size and weight limitations, for drug interdiction, and for enforcement of State traffic safety laws and regulations described in subsection (d)" after "programs".

(c) USE OF GRANT FUNDS FOR ENFORCEMENT OF CERTAIN OTHER LAWS.—Section 402 of such Act is amended by adding at the end the following new subsection:

"(e) USE OF GRANT FUNDS FOR ENFORCEMENT OF CERTAIN OTHER LAWS.—A State may use funds received under a grant under this section—

"(1) for enforcement of commercial motor vehicle size and weight limitations at locations other than fixed weight facilities, at specific geographical locations (such as steep grades or mountainous terrains) where the weight of a commercial motor vehicle can significantly effect the safe operation of such vehicle, or at seaports where intermodal shipping containers enter and exit the United States;

"(2) for detecting the unlawful presence of a controlled substance (as defined under section 102 of the Controlled Substances Act (21 U.S.C. 802)) in a commercial motor vehicle or on the person of any occupant (including the operator) of such a vehicle; and

"(3) for enforcement of State traffic laws and regulations designed to promote safe operation of commercial motor vehicles;

if such activities are carried out in conjunction with an inspection of the commercial motor vehicle for enforcement of Federal or State commercial motor vehicle safety regulations.".

(d) AUTHORIZATION OF APPROPRIATIONS.—Section 404 of such Act (49 U.S.C. App. 2304) is amended—

(1) in subsection (a)(2) by striking "and" before "$60,000,000" and inserting a comma; and

(2) by striking the period at the end of subsection (a)(2) and inserting "$65,000,000 for fiscal year 1992, $79,000,000 for fiscal year 1993, $131,000,000 for fiscal year 1994, $87,000,000 for fiscal year 1995, $90,000,000 for fiscal year 1996, and $93,000,000 for fiscal year 1997.".

(e) PERIOD OF GRANTS.—Section 404(c) of such Act is amended by striking "shall be for periods not to exceed one year" and inserting "to a State shall be available for expenditure by such State for a period of 3 years".

(f) PERIOD OF AVAILABILITY.—Section 404(e) of such Act is amended by striking "for the fiscal year" and all that follows through the period at the end and inserting "until expended.".

(g) ALLOCATION OF FUNDS.—Section 404(f) of such Act is amended—

(1) by inserting "(1)" before "On";

(2) by striking "one-half of"; and

(3) by adding at the end the following new paragraph:

"(2) On October 1 of each fiscal year, or as soon thereafter as is practicable, the Secretary, after making the deduction under paragraph (1), shall allocate, among the States whose applications for grants have been approved, the funds authorized to be appropriated for such fiscal year pursuant to criteria established by the Secretary.".

(h) Inspector Training; Commercial Motor Vehicle Information.—Section 404 of such Act is further amended by adding at the end of such section the following new subsection:

"(g) Inspector Training; Commercial Motor Vehicle Information System.—

"(1) Training of hazmat inspectors.—The Secretary shall obligate from funds made available by subsection (a)(2) for each fiscal year beginning after September 30, 1991, not less than $5,000,000 to make grants to States for training inspectors for enforcement of regulations which are issued by the Secretary and pertain to transportation by commercial motor vehicle of hazardous materials.

"(2) Commercial motor vehicle information system review.—The Secretary may obligate from funds made available by subsection (a)(2) for each of fiscal years 1992, 1993, 1994, 1995, 1996, and 1997 not to exceed $2,000,000 to carry out section 407 of this title, relating to the commercial motor vehicle information system.

"(3) Truck and bus accident data grant program.—The Secretary may obligate from funds made available by subsection (a)(2) for each of fiscal years 1993, 1994, 1995, 1996, and 1997 not to exceed $3,000,000 to carry out section 408 of this title, relating to the truck and bus accident data grant program.

"(4) Research, development, demonstration, and training manuals.—The Secretary shall obligate from funds made available by subsection (a)(2) for each fiscal year beginning after September 30, 1991, not less than $500,000 and not more than $2,000,000 for research, development, demonstrations, and training manuals under section 409 of this title.".

(i) Motor Carrier Safety Functions.—There is authorized to be appropriated for the motor carrier safety functions of the Federal Highway Administration $49,317,000 for fiscal year 1992.

(j) Reports.—

(1) In general.—Not later than 2 years after the effective date of this title, the Secretary shall transmit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Public Works and Transportation of the House of Representatives reports on each of the following:

(A) The effectiveness of the efforts of the private sector to ensure adequate training of entry-level drivers of commercial motor vehicles, including recommendations of the Secretary on the feasibility, desirability, and cost-effectiveness of establishing mandatory Federal training requirements for such entry-level drivers.

(B) The effectiveness of the motor carrier inspection decal issued by the Commercial Vehicle Safety Alliance, methods to increase the use of the decal, and an analysis of whether the Federal Highway Administration should require the acceptance of the decal by States participating in the motor carrier safety assistance program under section 402 of the Surface Transportation Assistance Act of 1982.

(C) The effectiveness and acceptance of the uniform financial penalty recommendations of the Commercial Vehicle Safety Alliance and the need for and practicality and feasibility of the Secretary issuing regulations requiring uniformity (within certain ranges) in the issuance of financial penalties resulting from violations found during inspections carried out with funds provided under such program.

(2) Funding.—The Secretary may expend in each of fiscal years 1992 and 1993 to carry out this subsection not to exceed $150,000 of funds made available to carry out section 402 of the Surface Transportation Assistance Act of 1982 for each of such fiscal years.

SEC. 403. COMMERCIAL MOTOR VEHICLE INFORMATION SYSTEM.

Part A of title IV of the Surface Transportation Assistance Act of 1982 (49 U.S.C. App. 2301-2305) is amended by adding at the end the following new section:

"SEC. 407. COMMERCIAL VEHICLE INFORMATION SYSTEM PROGRAM.

"(a) Information System.—

"(1) Registration systems review.—Not later than 1 year after the effective date of this section, the Secretary, in cooperation with the States, shall conduct a review of State motor vehicle registration systems pertaining to license tags for commercial motor vehicles in order to determine whether or not such systems could be utilized in carrying out this section.

"(2) Establishment.—The Secretary, in cooperation with the States, may establish, as part of the motor carrier safety information network system of the Department of Transportation and similar State systems, an information system which will serve as a clearinghouse and depository of information pertaining to State registration and licensing of commercial motor vehicles and the safety fitness of the registrants of such vehicles.

"(3) Operation.—Operation of the information system established under paragraph (2) shall be paid for by a system of user fees. The Secretary may authorize the operation of the information system by contract, through an agreement with a State or States, or by designating, after consultation with the States, a third party which represents the interests of the States.

"(4) Data collection and reporting standards.—The Secretary shall establish standards to ensure uniform data collection and reporting by all States necessary to carry out this section and to ensure the availability and reliability of the information to the States and the Secretary from the information system established under paragraph (2).

"(5) Type of information.—As part of the information system established under paragraph (2), the Secretary shall include information on the safety fitness of the registrant of the commercial motor vehicle and such other information as the Secretary considers appropriate, including data on vehicle inspections and out-of-service orders.

"(b) Demonstration Project.—The Secretary shall make grants to States to carry out a project to demonstrate methods of establishing an information system which will link the motor carrier safety information network system of the Department of Transportation and similar State systems with the motor vehicle registration and licensing systems of the States. The purposes of the project shall be—

"(1) to allow a State when issuing license plates for a commercial motor vehicle to determine through use of the information system the safety fitness of the person seeking to register the vehicle; and

"(2) to determine the types of sanctions which may be imposed on the registrant, or the types of conditions or limitations which may be imposed on the operations of the registrant, to ensure the safety fitness of the registrant.

"(c) Regulations.—The Secretary shall issue such regulations as may be necessary to carry out this section.

"(d) Funding.—Funds necessary to carry out this section may be made available by the Secretary as provided in section 404(g)(2) of this title.

"(e) Commercial Motor Vehicle Defined.—For purposes of this section, the term 'commercial motor vehicle' means any self-propelled or towed vehicle used on highways in intrastate or interstate commerce to transport passengers or property—

"(1) if such vehicle has a gross vehicle weight rating of 10,001 or more pounds;

"(2) if such vehicle is designed to transport more than 15 passengers, including the driver; or

"(3) if such vehicle is used in the transportation of materials found by the Secretary to be hazardous for the purposes of the Hazardous Materials Transportation Act (49 U.S.C. App. 1801 et seq.) and are transported in a quantity requiring placarding under regulations issued by the Secretary under such Act.".

SEC. 404. TRUCK AND BUS ACCIDENT DATA GRANT PROGRAM.

Part A of title IV of the Surface Transportation Assistance Act of 1982 (49 U.S.C. App. 2301-2305) is further amended by adding at the end the following new section:

"SEC. 408. TRUCK AND BUS ACCIDENT DATA GRANT PROGRAM.

"(a) General Authority.—The Secretary shall make grants to States which agree to adopt or have adopted the recommendations of the National Governors' Association with respect to police accident reports for truck and bus accidents.

"(b) Grant Purposes.—Grants may only be made under this section for assisting States in the implementation of the recommendations referred to in subsection (a), including—

"(1) assisting States in designing appropriate forms;

"(2) drafting instruction manuals;

"(3) training appropriate State and local officers; and

"(4) such other activities as the Secretary determines are appropriate to carry out the objectives of this section.

"(c) Coordination.—The Secretary shall coordinate grants made under this section with the highway safety programs being carried out under section 402 of title 23, United States Code, and may require that the data from the reports described in subsection (a) be included in the reports made to the Secretary under the uniform data collection and reporting program carried out under such section.

"(d) Funding.—Funds necessary to carry out this section may be made available by the Secretary as provided in section 404(g)(3) of this title.".

SEC. 405. RESEARCH, DEVELOPMENT, DEMONSTRATIONS, AND TRAINING MANUALS.

Part A of title IV of the Surface Transportation Assistance Act of 1982 (49 U.S.C. App. 2301-2305) is amended further by adding at the end the following new section:

"SEC. 409. RESEARCH, DEVELOPMENT, DEMONSTRATIONS, AND TRAINING MANUALS.

"(a) Grants.—The Secretary shall make grants—

"(1) to States and to other persons for research, development, and demonstrations of technologies, methodologies, analyses, and information systems which are designed to promote commercial motor vehicle safety and will be beneficial to all jurisdictions of the United States; and

"(2) to States to assist in educating the motoring public on its shared responsibility with operators of commercial motor vehicles for highway safety.

"(b) Awarding of Grants.—Grants made under this section shall be announced publicly and awarded on a competitive basis whenever practicable.

"(c) Training Manuals.—The Secretary may pay for the development, printing, and publication of manuals or other materials used in training roadside inspectors of commercial motor vehicles.

"(d) Public Education Set-Aside.—Not less than $250,000 of the funds made available to carry out this section in any fiscal year shall be made available by the Secretary for making grants described in subsection (a)(2).".

SEC. 406. STATE REGISTRATION.

(a) In General.—Section 11506 of title 49, United States Code, is amended to read as follows:

"§11506. Registration of motor carriers by a State

"(a) General Rule.—Effective January 1, 1994, no State may require a motor carrier holding a certificate or permit issued under this subtitle—

"(1) to file and maintain such certificate or permit;

"(2) to register motor vehicles operated under such certificate or permit;

"(3) to display or carry on any vehicle a decal, stamp, cab card, or other means of identification evidencing the lawfulness of any transportation or service provided under such certificate or permit; or

"(4) to pay a fee with respect to any activity described in paragraphs (1), (2), or (3) of this subsection.

"(b) Limitations on Statutory Construction.—Nothing in this section shall be construed as limiting the authority of a State to require a motor carrier holding a certificate or permit issued under this subtitle from filing and maintaining proof of insurance or qualification as a self-insurer.".

(b) Reimbursements for Lost Revenues in FY 1992.—

(1) In general.—Subject to amounts made available under paragraph (4), the Secretary shall pay each eligible State in fiscal year 1994 an amount equal to the amount of revenues which such State derived in fiscal year 1991 from fees described in section 11506(a)(4) of title 49, United States Code, as amended by subsection (a) of this section.

(2) Eligible state.—A State is eligible for payments under this subsection if the State in fiscal year 1991 imposed and collected fees referred to in paragraph (1).

(3) Application.—Each State interested in receiving payments under this subsection shall submit to the Secretary applications for such payments containing such information as the Secretary may require. Such an application must contain, at a minimum, the amount of fees referred to in paragraph (1) collected by the State in fiscal year 1991.

(4) Funding.—From sums made available under section 404 of the Surface Transportation Assistance Act of 1982 for fiscal year 1994, the Secretary shall provide $48,000,000 to carry out this subsection. Such funds shall remain available until expended.

SEC. 407. VEHICLE LENGTH LIMITATION.

(a) Cargo Carrying Unit Limitation.—Section 411 of the Surface Transportation Assistance Act of 1982 (49 U.S.C. App. 2311(j)) is further amended by adding at the end the following new subsection:

"(j) Cargo Carrying Unit Limitation.—

"(1) Prohibition.—Except as provided in paragraph (2), no State shall allow by statute, regulation, permit, or any other means the operation on any segment of the National System of Interstate and Defense Highways and those classes of qualifying Federal-aid primary system highways as designated by the Secretary pursuant to subsection (e) of any commercial motor vehicle combination with 2 or more cargo carrying units (not including the truck tractor), whose cargo carrying units as measured from the front of the first cargo carrying unit to the rear of the last carrying unit are of a total length greater than were authorized by State statute or regulation and were being lawfully operated on such system and classes of highways on or before June 1, 1991.

"(2) Continuation of certain vehicles lawfully operated on june 1, 1991.—A State may continue to allow to be operated within its boundaries on the National System of Interstate and Defense Highways and those classes of qualifying Federal-aid primary system highways as designated by the Secretary under subsection (e) a commercial motor vehicle combination with 2 or more cargo carrying units (not including the truck tractor)—

"(A) if the State determined, on or before June 1, 1991, that such a commercial motor vehicle combination could lawfully be operated on such system and classes of highways pursuant to a State statute or regulation in effect on June 1, 1991;

"(B) if such a commercial motor vehicle combination was in lawful operation on a regular or periodic basis (including seasonal operation or operation pursuant to a permit issued by the State) on such system and classes of highways on or before June 1, 1991; and

"(C) if all operations of such a commercial motor vehicle combination on such system and classes of highways continue to be subject, at a minimum, to all State statutes, regulations, limitations, and conditions (including routing-specific and configuration-specific designations and all other restrictions) in effect on June 1, 1991; except that, subject to the guidelines established by the Secretary under paragraph (6), the State may make minor adjustments to routing-specific designations and vehicle operation restrictions in effect on June 1, 1991, for safety purposes and for road construction purposes.

"(3) Wyoming.—In addition to vehicles which the State of Wyoming may continue to allow to be operated under paragraph (2), such State may allow commercial motor vehicle combinations with 2 or more cargo carrying units (not including the truck tractor) not in actual operation on June 1, 1991, to be operated within its boundaries on the Interstate System and those classes of qualifying Federal-aid primary system highways as designated by the Secretary under subsection (e) by enactment of a State law on or before November 3, 1992—

"(A) if the gross vehicle weight of the vehicle in such a combination does not exceed 117,000 pounds;

"(B) if the vehicle in such a combination complies with the single axle, tandem axle, and bridge formula limits set forth in section 127(a) of title 23, United States Code; and

"(C) if such State notifies the Secretary of the enactment of such law before the 30th day following the date of such enactment. The Secretary shall publish a notice of the enactment of such law in the Federal Register.

"(4) Additional state restrictions.—Nothing in this subsection shall prevent any State from further restricting in any manner or prohibiting the operation of commercial motor vehicle combinations otherwise authorized under this subsection, except that such restrictions or prohibitions shall be consistent with the requirements of subsections (a) and (b) and sections 412 and 416 of this Act. Any State which further restricts or prohibits the operations of commercial motor vehicle combinations or makes minor adjustments pursuant to the exception set forth in paragraph (2)(C) shall notify the Secretary of the restriction, prohibition, or adjustment before the 30th day following the date of the action resulting in the restriction, prohibition, or adjustment, and the Secretary shall publish a notice of the restriction, prohibition, or adjustment in the Federal Register.

"(5) Publication of state laws.—

"(A) State lists.—Not later than 90 days after the effective date of this subsection, each State shall file, in writing, with the Secretary a complete list of those State statutes, regulations, limitations, and conditions (including routing-specific and configuration-specific designations and all other restrictions) governing only the operation of commercial motor vehicle combinations with 2 or more cargo carrying units (not including the truck tractor). If the State does not file such list by the 90th day, the Secretary shall complete and file such list for the State not later than the 120th day following such effective date.

"(B) Certification.—Not later than 90 days after the effective date of this subsection, each State interested in continuing to allow commercial motor vehicle combinations with 2 or more cargo carrying units (not including the truck tractor) to be operated under paragraph (2) shall submit to the Secretary a written certification that the requirements of paragraphs (2)(A) and (2)(B) were complied with.

"(C) Publication.—Not later than 150 days after the effective date of this subsection, the Secretary shall publish in the Federal Register the lists filed under subparagraph (A).

"(D) Review of certification.—After publication under subparagraph (C), the Secretary shall review State certifications made under subparagraph (B) and may commence, on the Secretary's own initiative or pursuant to a challenge by any person, a proceeding to determine whether or not a certification made under subparagraph (B) made with regard to paragraph (2)(A) or (2)(B) is inaccurate. In such proceeding, the State shall have the burden of proof to show that the certification is accurate. If the Secretary determines that the State certification is inaccurate, the Secretary shall amend the publication under subparagraph (C) to reflect the determination of the Secretary.

"(E) Limitation.—No statute or regulation shall be included on the lists published by the Secretary under this paragraph merely on the grounds that it authorized, or could have authorized, by permit or otherwise, the operation of commercial motor vehicle combinations, not in actual operation on a regular or periodic basis on or before June 1, 1991.

"(F) Finality.—Except as modified pursuant to paragraphs (2)(C), (3), and (4) and subparagraph (D) of this paragraph, the lists published under this paragraph shall become final on the 30th day following the date of their publication in the Federal Register and, thereafter, commercial motor vehicle combinations with 2 or more cargo carrying units (not including the truck tractor) may not be operated on the National System of Interstate and Defense Highways and those classes of qualifying Federal-aid primary system highways as designated by the Secretary pursuant to subsection (e) of this section, except as provided in the laws and regulations on the lists and as modified pursuant to such paragraphs.

"(6) Regulations Regarding Certain Minor Adjustments.—Not later than 180 days after the effective date of this subsection, the Secretary shall issue regulations establishing guidelines for States to follow in making minor adjustments under paragraph (2)(C).

"(7) Limitations on Statutory Construction.—Nothing in this subsection shall be construed—

"(A) to allow the operation on any segment of the National System of Interstate and Defense Highways of any commercial motor vehicle prohibited under section 127(d) of title 23, United States Code; and

"(B) to affect in any way the operation of commercial motor vehicles having only one cargo carrying unit.

"(8) Cargo Carrying Unit Defined.—For purposes of this subsection, the term 'cargo carrying unit' means any portion of a commercial motor vehicle combination used for the carrying of cargo which is other than the noncargo carrying power unit, including a trailer, semitrailer, or cargo carrying section of a single unit truck.".

(b) Applicability to Buses.—

(1) General Rule.—Section 411(a) of such Act is amended by inserting "of less than 45 feet on the length of any bus," after "vehicle length limitation".

(2) Access to Points of Loading and Unloading.—Section 412(a)(2) of such Act (49 U.S.C. App. 2312(a)(2)) is amended by inserting ", motor carrier of passengers," after "household goods carriers".

(c) Conforming Amendment.—Section 411(e)(1) of such Act is amended by striking "those Primary System highways" and inserting "those highways of the Federal-aid primary system in existence on June 1, 1991,".

SEC. 408. LONGER COMBINATION VEHICLE REGULATIONS, STUDIES, AND TESTING.

(a) Training Requirements.—

(1) Initiation of Rulemaking Proceeding.—Not later than 60 days after the effective date of this title, the Secretary shall initiate a rulemaking proceeding to establish minimum training requirements for operators of longer combination vehicles.

(2) Final Rule.—Not later than 2 years after the effective date of this title, the Secretary shall issue a final regulation establishing minimum training requirements for operators of longer combination vehicles.

(b) Safety Characteristics.—

(1) Study.—The Comptroller General shall conduct a study of the safety of longer combination vehicles for the purpose of comparing the safety characteristics and performance, including engineering and design safety characteristics, of such vehicles to other truck-trailer combination vehicles and for the purpose of reviewing the history and effectiveness of State safety enforcement pertaining to such vehicles for those States in which such vehicles are permitted to operate, including—

(A) the current procedures and controls used by such States to ensure the safety of operation of such vehicles;

(B) whether such States actively monitor the safety of such operations;

(C) what enforcement action has been taken in such States to ensure the safety of such operations; and

(D) whether or not any special inspections and equipment maintenance is required for operation of such vehicles.

(2) Report.—Not later than 2 years after the effective date of this title, the Comptroller General shall transmit a report on the results of the study conducted under paragraph (1) to the Committee on Environment and Public Works and the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Public Works and Transportation of the House of Representatives.

(c) Driver Fatigue.—

(1) Study.—The Secretary shall conduct a study for the purpose of comparing the effects of driving longer combination vehicles and driving other truck-trailer combination vehicles on drivers, including driver fatigue, and for the purpose of determining whether or not any modifications are necessary to the hours of service and other regulations of the Department of Transportation as they apply to operators of longer combination vehicles.

(2) Report.—Not later than 2 years after the effective date of this title, the Secretary shall transmit a report on the results of the study conducted under paragraph (1) to the Committee on Environment and Public Works and the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Public Works and Transportation of the House of Representatives.

(d) Operations of LCVs.—

(1) Tests.—The Secretary shall conduct tests with respect to the operations of longer combination vehicles for the purpose of determining whether or not any modifications are necessary to the Federal commercial motor vehicle safety regulations of the Department of Transportation as they apply to longer combination vehicles.

(2) Report.—Not later than 3 years after the effective date of this title, the Secretary shall transmit a report on the results of the tests conducted under paragraph (1) to the Committee on Environment and Public Works and the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Public Works and Transportation of the House of Representatives.

(e) Funding.—There shall be available to the Secretary for carrying out this section, out of the Highway Trust Fund (other than the Mass Transit Account), $1,000,000 per fiscal year for each of fiscal years 1992, 1993, and 1994. Such sums shall remain available until expended.

(f) Longer Combination Vehicle Defined.—For purposes of this section, the term "longer combination vehicle" means any combination of a truck tractor and 2 or more trailers or semitrailers which operate on the National System of Interstate and Defense Highways with a gross vehicle weight greater than 80,000 pounds.

SEC. 409. PARTICIPATION IN INTERNATIONAL REGISTRATION PLAN AND INTERNATIONAL FUEL TAX AGREEMENT.

(a) Working Group.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall establish a working group comprised of State and local government officials, including representatives of the National Governors' Association, the American Association of Motor Vehicle Administrators, the National Conference of State Legislatures, the Federation of Tax Administrators, and the Board of Directors for the International Fuel Tax Agreement, for the purpose of—

(1) establishing procedures for resolving disputes among States participating in the International Registration Plan and among States participating in the International Fuel Tax Agreement, including designation of the Department of Transportation or any other person for resolving such disputes; and

(2) providing technical assistance to States participating or seeking to participate in the Plan or in the Agreement.

(b) Consultation Requirement.—The working group established under this section shall consult with members of the motor carrier industry in carrying out subsection (a).

(c) Reports.—Not later than 24 months after the date of the enactment of this Act, the working group established under this section shall transmit a report to the Secretary, to the Committee on Commerce, Science, and Transportation of the Senate, to the Committee on Public Works and Transportation of the House of Representatives, to those States participating in the International Registration Plan, and to those States participating in the International Fuel Tax Agreement. The report shall contain a detailed statement of the findings and conclusions of the working group, together with its joint recommendations concerning the matters referred to in subsection (a). After transmission of such report, the working group may periodically review and modify the findings and conclusions and the joint recommendations as appropriate and transmit a report containing such modifications to the Secretary and such committees.

(d) Applicability of Advisory Committee Act.—The working group established under this section shall not be subject to the Federal Advisory Committee Act.

(e) Grants.—

(1) In General.—The Secretary may make grants to States and appropriate persons for the purpose of facilitating participation in the International Registration Plan and participation in the International Fuel Tax Agreement, including providing technical assistance, personnel training, travel costs, and technology and equipment associated with such participation.

(2) Contract Authority.—Notwithstanding any other provision of law, approval by the Secretary of a grant with funds made available under this section shall be deemed a contractual obligation of the United States for payment of the Federal share of the grant.

(f) Vehicle Registration.—After September 30, 1996, no State (other than a State which is participating in the International Registration Plan) shall establish, maintain, or enforce any commercial motor vehicle registration law, regulation, or agreement which limits the operation of any commercial motor vehicle within its borders which is not registered under the laws of the State if the vehicle is registered under the laws of any other State participating in the International Registration Plan.

(g) Fuel Use Tax.—

(1) Reporting Requirements.—After September 30, 1996, no State shall establish, maintain, or enforce any law or regulation which has fuel use tax reporting requirements (including tax reporting forms) which are not in conformity with the International Fuel Tax Agreement.

(2) Payment.—After September 30, 1996, no State shall establish, maintain, or enforce

any law or regulation which provides for the payment of a fuel use tax unless such law or regulation is in conformity with the International Fuel Tax Agreement with respect to collection of such a tax by a single base State and proportional sharing of such taxes charged among the States where a commercial motor vehicle is operated.

(h) ENFORCEMENT.—On the request of the Secretary, the Attorney General of the United States is authorized and directed to institute any civil action for injunctive relief as may be appropriate to assure compliance with the provisions of subsections (f) and (g). Such action may be instituted in any district court of the United States in any State where such relief is required to assure compliance with the terms of such subsections. In any action under this subsection, the court shall, upon a proper showing, issue a temporary restraining order or preliminary or permanent injunction. In any such action, the court may also issue a mandatory injunction commanding any State or person to comply with any applicable provision of such subsections, or any rule issued to carry out such subsections.

(i) LIMITATIONS ON STATUTORY CONSTRUCTION.—Nothing in subsections (f) and (g) shall be construed as limiting the amount of money a State may charge for registration of a commercial motor vehicle or the amount of any fuel use tax a State may impose.

(j) FUNDING.—There is authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) for fiscal year 1992 $1,000,000 for funding the activities of the working group under this section and $5,000,000 for making grants under subsection (e). Amounts authorized by the preceding sentence shall be subject to the obligation limitation established by section 102 of this Act for fiscal year 1992. From sums made available under section 404 of the Surface Transportation Assistance Act of 1982, the Secretary shall provide for each of fiscal years 1993 through 1997 $1,000,000 for funding the activities of the working group under this section and $5,000,000 for making grants under subsection (e). Such sums shall remain available until expended.

(k) DEFINITIONS.—In this section, the following definitions apply:

(1) COMMERCIAL MOTOR VEHICLE.—The term "commercial motor vehicle"—

(A) as used with respect to the International Registration Plan, has the meaning the term "apportionable vehicle" has under such plan; and

(B) as used with respect to the International Fuel Tax Agreement, has the meaning the term "qualified motor vehicle" has under such agreement.

(2) FUEL USE TAX.—The term "fuel use tax" means a tax imposed on or measured by the consumption of fuel in a motor vehicle.

(3) INTERNATIONAL FUEL TAX AGREEMENT.—The term "International Fuel Tax Agreement" means the interstate agreement for the collection and distribution of fuel use taxes paid by motor carriers, developed under the auspices of the National Governors' Association.

(4) INTERNATIONAL REGISTRATION PLAN.—The term "International Registration Plan" means the interstate agreement for the apportionment of vehicle registration fees paid by motor carriers, developed by the American Association of Motor Vehicle Administrators.

(5) STATE.—The term "State"means the 48 contiguous States and the District of Columbia.

SEC. 410. COMMON CARRIERS PROVIDING TRANSPORTATION FOR CHARITABLE PURPOSES.

Section 10723(b) of title 49, United States Code, is amended—

(1) in paragraph (2) by inserting "(other than a motor carrier of passengers)" after "carrier"; and

(2) by adding at the end the following new paragraph:

"(3) In the case of a motor carrier of passengers, that carrier may also establish a rate and related rule equal to the rate charged for the transportation of 1 individual when that rate is for the transportation of—

"(A) a totally blind individual and an accompanying guide or a dog trained to guide the individual;

"(B) a disabled individual and accompanying attendant, or animal trained to assist the individual, or both, when required because of disability; or

"(C) a hearing-impaired individual and a dog trained to assist the individual.".

SEC. 411. EFFECTIVE DATE; APPLICABILITY.

This title, including the amendments made by this title, shall take effect on the date of the enactment of this Act, shall apply to funds authorized to be appropriated or made available after September 30, 1991, and shall not apply to funds appropriated or made available on or before September 30, 1991.

TITLE V—INTERMODAL TRANSPORTATION

SEC. 501. NATIONAL GOAL TO PROMOTE INTERMODAL TRANSPORTATION.

Section 302 of title 49, United States Code (relating to policy standards for transportation), is amended by adding at the end the following new subsection:

"(d) INTERMODAL TRANSPORTATION.—It is the policy of the United States Government to encourage and promote development of a national intermodal transportation system in the United States to move people and goods in an energy-efficient manner, provide the foundation for improved productivity growth, strengthen the Nation's ability to compete in the global economy, and obtain the optimum yield from the Nation's transportation resources.".

SEC. 502. DUTIES OF SECRETARY; OFFICE OF INTERMODALISM.

(a) DUTIES OF SECRETARY.—Section 301 of title 49, United States Code (relating to duties of the Secretary), is amended by redesignating paragraphs (3) through (7), and any references thereto, as paragraphs (4) through (8), respectively, and by inserting after paragraph (2) the following new paragraph:

"(3) coordinate Federal policy on intermodal transportation and initiate policies to promote efficient intermodal transportation in the United States;".

(b) OFFICE OF INTERMODALISM.—

(1) ESTABLISHMENT.—The Secretary shall establish within the Department of Transportation an Office of Intermodalism.

(2) DIRECTOR.—The Office shall be headed by a Director who shall be appointed by the Secretary not later than 6 months after the date of the enactment of this Act.

(3) FUNCTION.—The Director shall be responsible for carrying out the responsibilities of the Secretary described in section 301(3) of title 49, United States Code.

(4) INTERMODAL TRANSPORTATION DATA BASE.—The Director shall develop and maintain an intermodal transportation data base. The Director shall coordinate the collection of data for the data base with the States and metropolitan planning organizations. The data base shall include—

(A) information on the volume of goods and number of people carried in intermodal transportation by relevant classification;

(B) information on patterns of movement of goods and people carried in intermodal transportation by relevant classification in terms of origin and destination; and

(C) information on public and private investment in intermodal transportation facilities and services.

The Director shall make information from the data base available to private individuals and public agencies.

(5) RESEARCH.—The Director shall be responsible for coordinating Federal research on intermodal transportation and for carrying out additional research needs identified by the Director.

(6) TECHNICAL ASSISTANCE.—The Director shall provide technical assistance to States and to metropolitan planning organizations in urban areas having a population of 1,000,000 or more in collecting data relating to intermodal transportation in order to facilitate the collection of such data by such States and metropolitan planning organizations.

SEC. 503. MODEL INTERMODAL TRANSPORTATION PLANS.

(a) GRANTS.—The Secretary shall make grants to not more than 6 States for the purpose of developing model State intermodal transportation plans. Such model plans shall include systems for collecting data relating to intermodal transportation.

(b) DISTRIBUTION.—The Secretary shall award grants to States under this section which represent a variety of geographic regions and transportation needs, patterns, and modes.

(c) TRANSMITTAL OF PLANS.—As a condition to receiving a grant under this section, the Secretary shall require that a State provide assurances that the State will transmit to the Secretary a State intermodal transportation plan not later than 18 months after the date of receipt of such grant.

(d) AGGREGATE AMOUNT.—The Secretary shall reserve from amounts made available under section 504 $3,000,000 for the purpose of making grants under this section. The aggregate amount which a State may receive in grants under this section shall not exceed $500,000.

SEC. 504. SURFACE TRANSPORTATION ADMINISTRATION.

(a) STUDY.—Not later than 60 days after the date of enactment of this Act, the Secretary shall enter into an agreement with the National Academy of Public Administration to continue a study of options for organizing the Department of Transportation to increase the effectiveness of program delivery, reduce costs, and improve intermodal coordination among surface transportation-related agencies.

(b) REPORT.—The Secretary shall report to Congress on the findings of the study and recommend appropriate organizational changes no later than January 1, 1993. No organizational changes shall be implemented until such changes are approved by law.

SEC. 505. PRIORITY INTERMODAL PROJECTS.

(a) PURPOSE.—The purpose of this section is to provide for the construction of innovative intermodal transportation projects.

(b) AUTHORIZATION OF PRIORITY PROJECTS.—The Secretary is authorized to carry out the priority intermodal transportation projects described in this subsection. Subject to subsection (c), there is authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) for fiscal years 1992 through 1997 to carry out each such project the amount listed for each such project:

City/Style	Intermodal Projects	Amount in millions
Long Beach, California	Interchange at Terminal Island Freeway and Ocean Boulevard	14.0
Wilmington/Los Angeles, California	Widening of Anaheim Street Viaduct	14.0
Wilmington/Los Angeles, California	Grade Separation Project of Pacific Coast Highway near Alameda Suite	14.0
Compton City/Los Angeles County, California	Widening of Alameda Street and grade separation between Rt. 91 and Del Amo Boulevard	14.0
Pennsylvania	Upgrading U.S. Highway 30 from Ohio Border to Pittsburgh International Airport	2.6
Philadelphia, Pennsylvania	Reconstruction of the Old Delaware Avenue Service Road	2.8
Ardmore, Oklahoma	Study of upgraded State Route 53 off U.S. 35 leading to improved Ardmore Airport	3.0
Detroit, Michigan	To relocate Van Dyke Street and construct a road depression under the runway at McNichols Road at the Detroit City Airport ($1,000,000 of the Federal funds shall be for the relocation of Van Dyke Street)	5.1
E. Haven/Wallingford, Connecticut	Improvement of highway and transit projects in East Haven/Wallingford, Connecticut	11.9
St. Louis, Missouri	Rehabilitation of Eads Bridge, St. Louis, Missouri	10.5
Atlanta, Georgia	Study of 5-Points Intermodal Terminal-Atlanta, Georgia	2.8
Buffalo, New York	Construction of Buffalo River/Gateway Tunnel Project	38.5
Northern California	For the acquisition of right-of-way for future transportation corridor development in the Highway 101 Corridor in Northern California	17.9
Portland, Oregon	To widen 2.7 miles of U.S. 26 from the Zoo interchange to the Sylvan Interchange to accommodate highway lanes and light rail alignment	16.8
Los Angeles, California	For construction of a multi-modal transit parkway that includes both highway and transit improvements on Santa Monica Blvd. from the San Diego Freeway to Hollywood Freeway, Los Angeles, California	10.5
Jacksonville, Florida	Construct new I–295 Interchange and arterial access road to link Jacksonville's seaport, airport terminals and the interstate	8.4
Las Vegas, Nevada	Conduct environmental studies and preliminary engineering for the portion of the project linking McCaran International Airport with I–15 and I–95	4.5
Ontario, California	To complete construction of access roads to Ontario International Airport, Ontario, California	5.6
Allegheny County, Pennsylvania	For an expansion of the existing Martin Luther King, Jr. Busway in the vicinity of Allegheny County, Pennsylvania to serve the Greater Pittsburgh International Airport and adjoining communities	21.7
Pierce County, Washington	Conduct feasibility study and analyze expanding Tacoma Narrows Bridge and other transportation alternatives between State Rd. 16 and I–5	0.7
San Jose, California	Upgrade Rt. 87 from 4 to 6 lanes including 2 HOV Lanes, a new freeway interchange and local circulation system for San Jose International Airport	17.5
American Samoa	Rehabilitate 8 miles of Tau Road from Falessao to Fatuita American Samoa	1.3
Manu'a Island, American Samoa	Rehabilitate and otherwise improve 8 miles of roadway from Ofu to Olosfaga and Slie	1.4
Spokane, Washington	Conduct feasibility study of future transportation needs of Southeastern, Washington	0.8
Detroit, Michigan	To provide for construction of an access road to Detroit Metropolitan Airport including access on the southern end of the airport in order to provide a link to I–275	40.0
Pittsburgh, Pennsylvania	For design and construction of an exclusive busway linking Pittsburgh and the Pittsburgh Airport	9.8
St. Louis, Missouri	To construct a multi-modal transportation facility in St. Louis, Missouri	7.0
Orange & Rockland, New York	To construct park and ride facilities and establish innovative traffic management system measures to promote efficient transportation usage	5.6
Philadelphia, Pennsylvania	To improve mobility for a variety of traffic flow projects in the vicinity of the Pennsylvania Convention Center, Philadelphia, Pennsylvania	10.2
Oxnard, California	To extend Rice Rd., widen Hueneme Rd. and construct Rt. 1/Rice Rd. interchange in order to improve access to Port Hueneme, Oxnard, California	10.5
Los Angeles, California	To improve ground access from Sepulveda Blvd. to Los Angeles, California	10.5
Mt. Vernon, New York	To construct an intermodal facility at the Mt. Vernon Rail Station, Mt. Vernon, New York	8.4
Orange County, New York	I–87/I–84 Stuart Airport Interchange Project	18.6
Mississippi	I–20 Interchange at Pirate	4.0
Jackson, Mississippi	Jackson Airport Connectors	3.7
Palmdale, California	Avenue P8 Improvements	4.2
Lafayette, Indiana	Lafayette Railroad Relocation Project	24.3
Provo, Utah	South Access Rd. to Provo Municipal Airport	1.1
Pennsylvania	Eastside Connector Project/Port of Erie Access, Erie County, Pennsylvania	5.3
Minneapolis, Minnesota	Intermodal Urban connection project, Minneapolis, Minnesota	7.0
Kansas City, Missouri	Bruce Watkins Roadway Improvements	1.7
Missouri	Smith Riverfront Expressway, Jackson/Kansas City, Missouri	15.0
Portland, Oregon	Columbia Slough Intermodal Expansion Bridge, Portland, Oregon	2.5
Ft. Worth, Texas	Ft. Worth Intermodal Center	14.0
Gary, Indiana	Extension of U.S. Highway 12/20 to Lake Michigan	2.6
Carson/Los Angeles Counties, California	Grade Separation Project at Sepulveda Boulevard and Alameda Street	11.2
Williamson, Travis, Caldwell, and Guadalupe, Texas	Feasibility studies (including the effect of closing Bergstrom AFB on traffic corridor), Route studies, preliminary engineering, and right-of-way acquisition for Alternate Route to relieve I–H35 traffic congestion	7.0
Augusta, Georgia	Railroad relocation demonstration project, overpass at 15th Street and Greene Street	7.0
Louisiana	Saint Bernard Intermodal Facility Engineering, Design, and Construction	12.0
Illinois	Interstate 255 Interchange	4.0
Long Beach, California	Long Beach Airport Access	10.0

(c) ALLOCATION PERCENTAGES.—8 percent of the amount allocated by subsection (b) for each project authorized by subsection (b) shall be available for obligation in fiscal year 1992. 18.4 percent of such amount shall be available for obligation in each of fiscal years 1993, 1994, 1995, 1996, and 1997.

(d) FEDERAL SHARE.—The Federal share payable on account of any project under this section shall be 80 percent of the cost thereof.

(e) DELEGATION TO STATES.—Subject to the provisions of title 23, United States Code, the Secretary shall delegate responsibility for construction of a project or projects under this section to the State in which such project or projects are located upon request of such State.

(f) ADVANCE CONSTRUCTION.—When a State which has been delegated responsibility for construction of a project under this section—

(1) has obligated all funds allocated under this section for construction of such project; and

(2) proceeds to construct such project without the aid of Federal funds in accordance with all procedures and all requirements applicable to such project, except insofar as such procedures and requirements limit the State to the construction of projects with the aid of Federal funds previously allocated to it;

the Secretary, upon the approval of the application of a State, shall pay to the State the Federal share of the cost of construction of the project when additional funds are allocated for such project under this section.

(g) APPLICABILITY OF TITLE 23.—Funds authorized by this section shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code, except that the Federal share of the cost of any project under this section shall be determined in accordance with this section and such funds shall remain available until expended. Funds authorized by this section shall not be subject to any obligation limitation.

(h) HIGHWAY AND MASS TRANSIT PROJECTS.—Each project authorized by this section or by any other section of this Act is a highway or an urban mass transportation project.

TITLE VI—RESEARCH

PART A—PROGRAMS, STUDIES, AND ACTIVITIES

SEC. 601. RESEARCH AND TECHNOLOGY PROGRAM.

(a) IN GENERAL.—Section 307(a) of title 23, United States Code, is amended to read as follows:

"(a) RESEARCH AND TECHNOLOGY PROGRAM.—

"(1) AUTHORITY OF THE SECRETARY.—The Secretary may engage in research, development, and technology transfer activities on motor carrier transportation and all phases of highway planning and development including construction, operation, modernization, development, design, maintenance, safety, financing, and traffic conditions, including the effect of State laws and is authorized to test, develop, or assist in the testing and developing of any material, invention, patented article, or process. The

Secretary may carry out the authority granted by this section, either independently, or in cooperation with any other branch of the Government or by making grants to, and entering into contracts and cooperative agreements with the National Academy of Sciences, the American Association of State Highway and Transportation Officials, or any State agency, authority, association, institution, corporation (profit or nonprofit), organization, or person. The Secretary is also authorized, acting independently or in cooperation with other Federal departments, agencies, or instrumentalities, to make grants for research fellowships for any purpose for which research is authorized by this section.

"(2) COLLABORATIVE RESEARCH AND DEVELOPMENT.—For purposes of encouraging innovative solutions to highway problems and stimulating the marketing of new technology by private industry, the Secretary is authorized to undertake on a cost-shared basis, collaborative research and development with non-Federal entities, including State and local governments, foreign governments, colleges and universities, corporations, institutions, partnerships, sole proprietorships, and trade associations which are incorporated or established under the laws of any State. In carrying out this section, the Secretary may enter into a cooperative research and development agreement, as defined in section 12 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a). The average Federal share in these agreements shall not exceed 50 percent; except that, if there is substantial public interest or benefit, the Secretary may approve a higher Federal level of participation. Cooperative research and development agreements shall recognize all directly related costs to the non-Federal partners, including personnel, travel, and hardware development. The research, development, or utilization of any technology pursuant to an agreement under this paragraph, including the terms under which technology may be licensed and the resulting royalties may be distributed, shall be subject to provisions of such Act.

"(3) FUNDS.—The funds required to carry out the provisions of this subsection and subsections (b), (d), and (e) shall be taken out of the administrative funds authorized by section 104(a) and funds as may be deposited in a special account with the Secretary of the Treasury for those purposes by any cooperating organization or person. Not less than 15 percent of these funds shall be used for long-term research projects. The term 'long-term research project', as used in this paragraph, means a research project which is unlikely to be completed within 10 years. The provisions of section 3709 of the Revised Statutes (41 U.S.C. 5) shall not be applicable to contracts or agreements made under the authority of this section.".

(b) SURFACE TRANSPORTATION RESEARCH AND DEVELOPMENT PLAN.—

(1) FINDINGS.—The Congress finds that—

(A) despite an annual expenditure in excess of $10,000,000,000 on surface transportation and its infrastructure, the Federal Government has not developed a clear vision of—

(i) how the surface transportation systems of the 21st century will differ from the present;

(ii) how they will interface with each other and with other forms of transportation;

(iii) how such systems will adjust to changing American population patterns and lifestyles; and

(iv) the role of federally funded research and development in ensuring that appropriate transportation systems are developed and implemented;

(B) the population of the United States is projected to increase by over 30,000,000 people within the next 20 years, mostly in existing major metropolitan areas, which will result in increased traffic congestion within and between urban areas, more accidents, loss of productive time, and increased cost of transportation unless new technologies are developed to improve public transportation within cities, and to move people and goods between cities;

(C) 18,000,000 crashes, 4,000,000 injuries, and 45,000 fatalities each year on the Nation's highways are intolerable, and substantial research is required in order to develop safer technologies in their most useful and economic forms;

(D) current research and development funding for surface transportation is insufficient to provide the United States with the technologies essential to providing its own advanced transportation systems in the future, and as a result the United States is becoming increasingly dependent on foreign surface transportation technologies and equipment to meet its expanding surface transportation needs;

(E) a more active, focused surface transportation research and development program involving cooperation among the Federal Government, United States based industry, and United States universities should be organized on a priority basis;

(F) intelligent vehicle highway systems represent the best near-term technology for improving surface transportation for public benefit by providing equipment which can improve traffic flow and provide for enhanced safety;

(G) research and development programs related to surface transportation are fragmented and dispersed throughout government, and need to be strengthened and incorporated in an integrated framework within which a consensus on the goals of a national surface transportation research and development program must be developed;

(H) the inability of government agencies to cooperate effectively, the difficulty of obtaining public support for new systems and rights-of-way, and the high cost of capital financing discourage private firms from investing in the development of new transportation equipment and systems; therefore the Federal Government should sponsor and coordinate research and development of new technologies to provide safer, more convenient, and affordable transportation systems for use in the future; and

(I) an effective high technology applied research and development program should be implemented quickly by strengthening the Department of Transportation research and development staff and by contracting with private industry for specific development projects.

(2) PLAN.—The Secretary shall develop an integrated national plan (hereafter in this part referred to as the "Plan") for surface transportation research and development, including details of the programs described in this part, with provisions for appropriate funding levels and a schedule with milestones, preliminary cost estimates, appropriate work scopes, personnel requirements, and estimated costs and goals for the next 3 years for each area of research and development. The Plan shall also include a 10-year projection of long-term research and development. Recommendations for the appropriate source or mechanism for surface transportation research and development funding, taking into account the recommendations of the Research and Development Coordinating Council of the Department of Transportation shall also be included. The initial Plan shall be submitted to the Congress by January 15, 1992. The Plan shall be reviewed and updated, with comments and recommendations submitted to the Congress, annually. The Plan shall focus on those surface transportation systems needed for future urban, suburban, and rural areas in the next decade. A primary component of the Plan shall be cooperation with industry in carrying out this part and to strengthen the manufacturing capabilities of United States firms in order to produce products for surface transportation systems. In any case where a different technology or alternative program can accomplish the same or better results than those described in this part, the Secretary may make recommendations for the alternative, and shall promptly report such recommendations to the Congress.

(3) CONFORMANCE WITH PLAN.—All surface transportation research and development within the Department of Transportation shall be included in the Plan and shall be evaluated in accordance with the Plan.

(4) OBJECTIVES OF PLAN.—The Plan shall provide for the development of a range of technologies, within the shortest time possible, needed to produce convenient, safe, affordable, modes of surface transportation to be available for public use beginning in the mid 1990's, and for maintaining a long-term advanced research and development program to provide for next generation surface transportation systems.

(5) COORDINATION.—In developing the Plan and in carrying out this part, the Secretary shall consult with and, where appropriate, use the expertise of other Federal agencies and their laboratories.

(c) SHORT HAUL PASSENGER TRANSPORTATION SYSTEMS.—The Secretary shall conduct necessary systems research in order to develop a concept for a lightweight, rubber-tired multiple-unit system powered by deep discharge batteries in conjunction with recharging stations beneath paved roadways at strategic locations. The Secretary shall create a potential systems concept and, as part of the Plan, shall make recommendations to the Congress by July 1, 1992.

(d) SUPPORTING INFRASTRUCTURE.—The Secretary shall strengthen and expand surface transportation infrastructure research and development. The expanded program shall include the following elements:

(1) Methods and materials for improving the durability, thereby extending the life of bridge structures, including new and innovative technologies to reduce corrosion.

(2) Expansion of the Department of Transportation's inspection and mobile nondestructive examination capabilities, including consideration of the use of high energy field radiography for more thorough and more frequent inspections of bridge structures as well as added support to State highway departments.

(3) The development of a concept for robotic highway and road repair machinery consisting of a highly mobile unit with the capability for removing bituminous paving and concrete and replacing the damaged material using nonlabor intensive technologies and which would result in a durable, smooth, and level surface.

(4) The Secretary shall conduct a research and development program on new materials which are compatible with technologies developed under paragraph (3) and will set rap-

idly, support heavy wheel loadings, and retain structural integrity through repeated loading cycles over a minimum of 10 years of high volume use.

(5) The Secretary shall determine whether to initiate a construction equipment research and development program directed toward the reduction of costs associated with the construction of highway and mass transit systems. The results of the inquiry shall be submitted to the Congress by July 1, 1992.

(6) The Secretary shall undertake or supervise surface transportation infrastructure research to develop—

(A) nondestructive evaluation equipment for use with existing structures and for the "next generation" structures that utilize advanced materials;

(B) information technologies, including—

(i) appropriate computer programs to collect and analyze data on the status of the existing infrastructure facilities for enhancing management, for growth, and for capacity; and

(ii) dynamic simulation models of surface transportation systems for predicting capacity, safety, and infrastructure durability problems, for evaluating planned research projects, and for testing the strengths and weaknesses of proposed revisions in surface transportation operations programs; and

(C) new and innovative technologies to enhance and facilitate field construction and rehabilitation techniques for minimizing disruption during repair and maintenance of existing structures.

(e) STRATEGIC HIGHWAY RESEARCH PROGRAM.—

(1) IMPLEMENTATION OF RESULTS.—Section 307(b) of such title is amended—

(A) by inserting "MANDATORY CONTENTS OF RESEARCH PROGRAM.—" after "(b)";

(B) by inserting "(1) INCLUSION OF CERTAIN STUDIES.—" before "The Secretary"; and

(C) by adding at the end the following new paragraph:

"(2) IMPLEMENTATION OF SHRP RESULTS.—The highway research program under subsection (a) shall include a program to implement results of the strategic highway research program carried out under subsection (d) (including results relating to automatic intrusion alarms for street and highway construction work zones) and to continue the long-term pavement performance tests being carried out under such program. Of amounts deducted under section 104(a) for each of fiscal years 1992, 1993, 1994, 1995, 1996, and 1997, the Secretary shall expend not less than $12,000,000 in fiscal year 1992, $16,000,000 in fiscal year 1993, and $20,000,000 per fiscal year for fiscal years 1994, 1995, 1996, and 1997 to carry out this paragraph.".

(2) CONFORMING AMENDMENT.—Subsection (b) of section 307 of such title is further amended by indenting paragraph (1) of such subsection, as designated by paragraph (1)(B) of this subsection, and aligning such paragraph (1) with paragraph (2) of such subsection, as added by paragraph (1)(C) of this subsection.

(f) STATE AUTHORITY TO PROGRAM FUNDS.—Section 307(c) is amended to read as follows:

"(c) STATE PLANNING AND RESEARCH.—

"(1) GENERAL RULE.—One and ½ percent of the sums apportioned for each fiscal year beginning with fiscal year 1992 to any State under sections 104 and 144 of this title and for highway projects under section 103(e)(4) shall be available for expenditure by the State highway department in consultation with the Secretary only for engineering and economic surveys and investigations; for the planning of future highway programs and local public transportation systems and for planning for the financing thereof, including statewide planning under section 135 of this title; for development and implementation of management systems under section 303 of this title; for studies of the economy, safety, and convenience of highway usage and the desirable regulation and equitable taxation thereof; and for research, development, and technology transfer activities necessary in connection with the planning, design, construction, and maintenance of highway, public transportation, and intermodal systems and for study, research, and training on engineering standards and construction materials, including evaluation and accreditation of inspection and testing, and the regulation and taxation of their use. Not less than 25 percent of the sums made available to a State in a fiscal year under this paragraph shall be expended by the State for research, development, and technology transfer activities described in this paragraph relating to highway, public transportation, and intermodal systems.

"(2) STATE MATCH.—Sums made available under paragraph (1) shall be matched by the State in accordance with section 120 of this title unless the Secretary determines that the interests of the Federal-aid highway program would be best served without such matching.

"(3) ADMINISTRATION OF SUMS.—Sums made available under paragraph (1) shall be combined and administered by the Secretary as a single fund which shall be available for obligation for the same period as funds apportioned under section 104(b)(1) of this title.".

(g) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 602. NATIONAL HIGHWAY INSTITUTE.

Section 321 of title 23, United States Code, is amended to read as follows:

"§ 321. National Highway Institute

"(a) ESTABLISHMENT AND AUTHORITY TO CONDUCT TRAINING.—The Secretary shall establish and operate in the Federal Highway Administration a National Highway Institute (hereinafter in this section referred to as the 'Institute'). The Institute shall develop and administer, in cooperation with the State transportation or highway departments, and any national or international entity, training programs of instruction for Federal Highway Administration, State and local transportation and highway department employees, State and local police, public safety and motor vehicle employees, and United States citizens and foreign nationals engaged or to be engaged in highway work of interest to the United States. Programs may include courses in modern developments, techniques, management, and procedures relating to highway planning, environmental factors, acquisition of rights-of-way, relocation assistance, engineering, safety, construction, maintenance, contract administration, motor carrier activities, and inspection. The Secretary shall administer through the Institute the authority vested in the Secretary by this title or by any other provision of law for the development and conduct of education and training programs relating to highways.

"(b) SET-ASIDE.—Not to exceed ¼ of 1 percent of funds apportioned under section 104(b)(1) to a State shall be available for expenditure by the State highway department for payment of not to exceed 80 percent of the cost of tuition and direct educational expenses (but not travel, subsistence, or salaries) in connection with the education and training of State and local highway department employees as provided in this section.

"(c) FEDERAL RESPONSIBILITY.—Education and training of Federal, State and local highway employees authorized by this section shall be provided—

"(1) by the Secretary at no cost to the States and local governments for those subject areas which are a Federal program responsibility; or

"(2) in any case where education and training are to be paid for under (b) by the State, subject to the approval of the Secretary, through grants and contracts with public and private agencies, institutions, individuals, and the Institute; except that private agencies and individuals shall pay the full cost of any education and training received by them.

"(d) TRAINING FELLOWSHIPS; COOPERATION; COLLECTION OF FEES.—The Institute is authorized, subject to approval of the Secretary, to engage in all phases of contract authority for training purposes authorized by this section, including the granting of training fellowships. The Institute is also authorized to carry out its authority independently or in cooperation with any other branch of the Government, State agency, authority, association, institution, corporation (profit or nonprofit), any other national or international entity, or any other person. The Institute is authorized to establish and collect fees from any entity and place them in a special account for the purpose of this section.

"(e) FUNDS.—The funds required to carry out this section may be from the sums deducted for administration purposes under section 104(a). The provisions of section 3709 of the Revised Statutes (41 U.S.C. 5) shall not be applicable to contracts or agreements made under the authority of this section. The sums provided pursuant to this subsection may be combined or held separate from the fees or memberships collected and be administered by the Secretary as a fund which shall be available until expended.".

SEC. 603. EDUCATION AND TRAINING PROGRAM.

Chapter 3 of title 23, United States Code, is amended by adding at the end the following new section:

"§ 325. Education and training program

"(a) AUTHORITY.—The Secretary is authorized to carry out a transportation assistance program that will provide highway and transportation agencies, in urbanized areas of 50,000 to 1,000,000 population and in rural areas, access to modern highway technology.

"(b) GRANTS AND CONTRACTS.—The Secretary may make grants and enter into direct contracts for education and training, technical assistance, and related support services that will—

"(1) assist rural local transportation agencies to develop and expand their expertise in road and transportation areas, improve roads and bridges, enhance programs for the movement of passengers and freight, and deal effectively with specific road related problems by preparing and providing training packages, manuals, guidelines, and technical resource materials;

"(2) identify, package, and deliver usable highway technology to local jurisdictions to assist urban transportation agencies in developing and expanding their ability to deal effectively with road related problems; and

"(3) establish, in cooperation with State transportation or highway departments and universities, local technical assistance program centers to deliver technology and technology assistance to—

"(A) local rural transportation agencies, and

"(B) urban transportation agencies in States with 2 or more urbanized areas of 50,000 to 1,000,000 population.

The Secretary shall provide technical and financial support for the centers.

"(c) RURAL PRIORITY LOCAL ROAD AND BRIDGE SYSTEM.—Local technical assistance program centers established pursuant to subsection (b)(3) may provide technical assistance to local rural transportation agencies for the purpose of identifying, in consultation with appropriate Federal, State, and local government officials, a rural priority local road and bridge system.".

SEC. 604. INTERNATIONAL TRANSPORTATION OUTREACH PROGRAM.

(a) IN GENERAL.—Chapter 3 of title 23, United States Code, is further amended by adding at the end the following new section:

"§ 326. International transportation outreach program

"(a) ACTIVITIES.—The Secretary, in cooperation with appropriate United States Government agencies, shall engage in activities to inform the domestic highway, transit, and intermodal transportation communities of technological innovations developed outside the United States that could significantly improve transportation in the United States, to promote United States transportation expertise internationally, and to increase transfers of United States transportation technology to foreign countries. Such activities may include—

"(1) develop, monitor, assess, and domestically disseminate information about foreign transportation innovations that could significantly improve transportation in the United States;

"(2) research, development, demonstration, training, and other forms of technology transfer and exchange;

"(3) inform other countries about the technical quality of American transportation goods and services through participation in trade shows, seminars, expositions, and other such activities;

"(4) offer, subject to recovery of Federal costs, those Department of Transportation technical services which cannot be readily obtained from the United States private sector to be incorporated into the proposals of United States firms undertaking foreign transportation projects; and

"(5) conduct studies to assess the need for or feasibility of transportation improvements in countries that are not members of the Organization for Economic Cooperation and Development as of the date of the enactment of this section and in Greece and Turkey.

"(b) COOPERATION.—The Secretary may carry out the authority granted by this section, in cooperation with appropriate United States Government agencies and any State or local agency, authority, association, institution, corporation (profit or nonprofit), foreign government, multinational institution, or any other organization or person.

"(c) FUNDS.—The funds available to carry out the provisions of this section shall include funds deposited in a special account with the Secretary of the Treasury for such purposes by any cooperating organization or person. The funds shall be available for promotional materials, travel, reception, and representation expenses necessary to carry out the activities authorized by this section. Reimbursements for services provided under this section shall be credited to the appropriation concerned.".

(b) CONFORMING AMENDMENT.—The analysis for chapter 3 of such title is amended by adding at the end thereof the following new items:

"325. Education and training program.

"326. International transportation outreach program.".

SEC. 605. APPLIED RESEARCH AND TECHNOLOGY PROGRAM; SEISMIC RESEARCH PROGRAM.

(a) IN GENERAL.—Section 307 of title 23, United States Code, is amended by redesignating subsections (e) and (f) as subsections (g) and (h), respectively, and by inserting after subsection (d) the following new subsections:

"(e) APPLIED RESEARCH AND TECHNOLOGY PROGRAM.—

"(1) ESTABLISHMENT.—The Secretary shall establish and implement in accordance with this subsection an applied research and technology program for the purpose of accelerating testing, evaluation, and implementation of technologies which are designed to improve the durability, efficiency, environmental impact, productivity, and safety of highway, transit, and intermodal transportation systems.

"(2) GUIDELINES.—Not later than 18 months after the date of the enactment of this subsection, the Secretary shall issue guidelines to carry out this subsection. Such guidelines shall include:

"(A) TECHNOLOGIES.—Guidelines on the selection of both foreign and domestic technologies to be tested.

"(B) TEST LOCATIONS.—Guidelines on the selection of locations at which tests will be conducted. Such guidelines shall ensure that testing is conducted in a range of climatic, traffic, geographic, and environmental conditions, as appropriate for the technology being tested.

"(C) DATA.—Guidelines for the scientific collection, evaluation, and dissemination of appropriate test data.

"(3) TECHNOLOGIES.—Technologies which may be tested under this subsection include, but are not limited to—

"(A) accelerated construction materials and procedures;

"(B) environmentally beneficial materials and procedures;

"(C) materials and techniques which provide enhanced serviceability and longevity under adverse climactic, environmental, and load effects;

"(D) technologies which increase the efficiency and productivity of vehicular travel; and

"(E) technologies and techniques which enhance the safety and accessibility of vehicular transportation systems.

"(4) HEATED BRIDGE TECHNOLOGIES.—

"(A) PROJECTS.—As part of the program under this subsection, the Secretary shall carry out projects to assess the state of technology with respect to heating the decks of bridges and the feasibility of, and costs and benefits associated with, heating the decks of bridges. Such projects shall be carried out by installing heating equipment on the decks of bridges which are being replaced or rehabilitated under section 144 of this title.

"(B) MINIMUM NUMBER OF BRIDGES.—The number of bridges for which heating equipment is installed under this subsection in a fiscal year shall not be less than 10 bridges.

"(5) ELASTOMER MODIFIED ASPHALT.—As part of the program under this subsection, the Secretary shall carry out a project in the State of New Jersey to demonstrate the environmental and safety benefits of elastomer modified asphalt.

"(6) HIGH PERFORMANCE BLENDED HYDRAULIC CEMENT.—As part of the program under this subsection, the Secretary shall carry out a project in the State of Missouri to demonstrate the durability and construction efficiency of high performance blended hydraulic cement.

"(7) THIN BONDED OVERLAY AND SURFACE LAMINATION OF PAVEMENT.—As part of the program under this subsection, the Secretary shall carry out projects to assess the state of technology with respect to thin bonded overlay (including inorganic bonding systems) and surface lamination of pavement, and to assess the feasibility of, and costs and benefits associated with, the repair, rehabilitation, and upgrading of highways and bridges with overlay. Such projects shall be carried out so as to minimize overlay thickness, minimize initial laydown costs, minimize time out of service, and maximize lifecycle durability.

"(8) ALL WEATHER PAVEMENT MARKINGS.—As part of the program under this subsection, the Secretary shall carry out a program to demonstrate the safety and durability of all weather pavement markings.

"(9) TESTING OF HIGHWAY TECHNOLOGIES.—Projects carried out under this subsection to test technologies related to highways shall be carried out on highways on the Federal-aid system.

"(10) TECHNICAL ASSISTANCE.—The Secretary shall provide technical assistance to States and localities in carrying out projects under this subsection.

"(11) ANNUAL REPORT.—Not later than 1 year after the date of the enactment of this subsection, and annually thereafter, the Secretary shall transmit to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on the progress and research findings of the program carried out under this subsection.

"(12) FEDERAL SHARE.—The Federal share of the cost of a project carried out under this subsection shall not exceed 80 percent.

"(13) FUNDING.—The Secretary shall expend from administrative and research funds deducted under section 104(a) of this title and funds made available under section 26(a)(1) of the Urban Mass Transportation Act of 1964 "$35,000,000 for fiscal year 1992 and $41,000,000 per fiscal year for each of fiscal years 1993, 1994, 1995, 1996, and 1997 to carry out this subsection. Of such amounts, in each of fiscal years 1992, 1993, 1994, 1995, 1996, and 1997, the Secretary shall expend not less than $4,000,000 per fiscal year to carry out projects related to heated bridge technologies under paragraph (4), not less than $2,500,000 per fiscal year to carry out projects related to thin bonded overlay and surface lamination of pavements under paragraph (7), and not less than $2,000,000 per fiscal year to carry out projects related to all weather pavement markings under paragraph (8). Amounts made available under this subsection shall remain available until expended and shall not be subject to any obligation limitation.

"(f) SEISMIC RESEARCH PROGRAM.—

"(1) ESTABLISHMENT.—The Secretary shall establish a program to study the vulnerability of highways, tunnels, and bridges on the Federal-aid system to earthquakes and develop and implement cost-effective methods of retrofitting such highways, tunnels, and bridges to reduce such vulnerability.

"(2) COOPERATION.—The Secretary shall conduct the program under this section in cooperation with the National Center for Earthquake Engineering Research at the University of Buffalo.

"(3) FUNDING.—Of amounts deducted under section 104(a) for each of fiscal years 1992, 1993, 1994, 1995, 1996, and 1997 the Secretary shall expend not more than $2,000,000 in each of such fiscal years to carry out this subsection.

"(4) REPORT.—Not later than 2 years after the date of the enactment of this section, the Secretary shall transmit to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on the progress and research findings of the program carried out under this section.".

(b) HIGHWAY AND BRIDGE CONDITIONS AND PERFORMANCE REPORT.—Section 307(h) of title 23, United States Code, as redesignated by subsection (a), is amended by adding at the end the following new sentence: "The biennial reports required under this subsection shall provide the means, including all necessary information, to relate and compare the conditions and service measures used in different years when such measures are changed.".

SEC. 606. UNIVERSITY TRANSPORTATION CENTERS.

(a) ADDITIONAL RESPONSIBILITY.—Section 11(b)(2) of the Urban Mass Transportation Act of 1964 (49 U.S.C. App. 1607c(b)(2)) is amended by inserting "transportation safety and" after "training concerning".

(b) ESTABLISHMENT OF NEW CENTERS; PROGRAM COORDINATION.—Section 11(b) of such Act (49 U.S.C. App. 1607c(b)) is amended by striking paragraphs (7) and (8), by redesignating paragraphs (9) and (10) as paragraphs (11) and (12), respectively, and by inserting after paragraph (6) the following new paragraphs:

"(7) NATIONAL CENTER.—To accelerate the involvement and participation of minority individuals and women in transportation-related professions, particularly in the science, technology, and engineering disciplines, the Secretary shall make grants under this section to Morgan State University to establish a national center for transportation management, research, and development. Such center shall give special attention to the design, development, and implementation of research, training, and technology transfer activities to increase the number of highly skilled minority individuals and women entering the transportation workforce.

"(8) CENTER FOR TRANSPORTATION AND INDUSTRIAL PRODUCTIVITY.—

"(A) IN GENERAL.—The Secretary shall make grants under this section to the New Jersey Institute of Technology to establish and operate a center for transportation and industrial productivity. Such center shall conduct research and development activities which focus on methods to increase surface transportation capacity, reduce congestion, and reduce costs for transportation system users and providers through the use of transportation management systems.

"(B) JAMES AND MARLENE HOWARD TRANSPORTATION INFORMATION CENTER.—

"(i) GRANT.—The Secretary shall make a grant to Monmouth College, West Long Branch, New Jersey, for modification and reconstruction of Building Number 500 at Monmouth College.

"(ii) ASSURANCES.—Before making a grant under clause (i), the Secretary shall receive assurances from Monmouth College that—

"(I) the building referred to in clause (i) will be known and designated as the 'James and Marlene Howard Transportation Information Center'; and

"(II) transportation-related instruction and research in the fields of computer science, electronic engineering, mathematics, and software engineering conducted at the building referred to in clause (i) will be coordinated with the Center for Transportation and Industrial Productivity at the New Jersey Institute of Technology.

"(iii) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) $2,242,000 in fiscal year 1992 for making the grant under clause (i).

"(iv) APPLICABILITY OF TITLE 23.—Funds authorized by clause (iii) shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code; except that the Federal share of the cost of activities conducted with the grant under clause (i) shall be 80 percent and such funds shall remain available until expended. Funds authorized by clause (iii) shall not be subject to any obligation limitation.

"(9) NATIONAL RURAL TRANSPORTATION STUDY CENTER.—The Secretary shall make grants under this section to the University of Arkansas to establish a national rural transportation center. Such center shall conduct research, training, and technology transfer activities in the development, management, and operation of intermodal transportation systems in rural areas.

"(10) PROGRAM COORDINATION.—

"(A) IN GENERAL.—The Secretary shall provide for the coordination of research, education, training, and technology transfer activities carried out by grant recipients under this subsection, the dissemination of the results of such research, and the establishment and operation of a clearinghouse between such centers and the transportation industry. The Secretary shall review and evaluate programs carried out by such grant recipients at least annually.

"(B) FUNDING.—Not to exceed 1 percent of the funds made available from Federal sources to carry out this subsection may be used by the Secretary to carry out this paragraph.

"(11) OBLIGATION CEILING.—Amounts authorized out of the Highway Trust Fund (other than the Mass Transit Account) to carry out this subsection shall be subject to obligation limitations established by section 102 of the Intermodal Surface Transportation Infrastructure Act of 1991.".

SEC. 607. UNIVERSITY RESEARCH INSTITUTES.

Section 11 of the Urban Mass Transportation Act of 1964 (49 U.S.C. App. 1607c) is amended by adding at the end the following new subsection:

"(c) UNIVERSITY RESEARCH INSTITUTES.—

"(1) INSTITUTE FOR NATIONAL SURFACE TRANSPORTATION POLICY STUDIES.—The Secretary shall make grants under this section to San Jose State University to establish and operate an institute for national surface transportation policy studies. Such institute shall—

"(A) include both male and female students of diverse socioeconomic and ethnic backgrounds who are seeking careers in the development and operations of surface transportation programs; and

"(B) conduct research and development activities to analyze ways of improving aspects of the development and operation of the Nation's surface transportation programs.

"(2) INFRASTRUCTURE TECHNOLOGY INSTITUTE.—The Secretary shall make grants under this section to Northwestern University to establish and operate an institute for the study of techniques to evaluate and monitor infrastructure conditions, improve information systems for infrastructure construction and management, and study advanced materials and automated processes for construction and rehabilitation of public works facilities.

"(3) URBAN TRANSIT INSTITUTE.—The Secretary shall make grants under this section to the University of South Florida and a consortium of Florida A and M, Florida State University, and Florida International University to establish and operate an interdisciplinary institute for the study and dissemination of techniques to address the diverse transportation problems of urban areas experiencing significant and rapid growth.

"(4) INSTITUTE FOR INTELLIGENT VEHICLE-HIGHWAY CONCEPTS.—The Secretary shall make grants under this section to the University of Minnesota, Center for Transportation Studies, to establish and operate a national institute for intelligent vehicle-highway concepts. Such institute shall conduct research and recommend development activities which focus on methods to increase roadway capacity, enhance safety, and reduce negative environmental effects of transportation facilities through the use of intelligent vehicle-highway systems technologies.

"(5) FUNDING.—There is authorized to be appropriated out of the Highway Trust Fund, other than the Mass Transit Account, for each of fiscal years 1992, 1993, 1994, 1995, 1996, and 1997 $250,000 per fiscal year to carry out paragraph (1), $3,000,000 per fiscal year to carry out paragraph (2), $1,000,000 per fiscal year to carry out paragraph (3), and $1,000,000 per fiscal year to carry out paragraph (4).".

SEC. 608. NATIONAL COUNCIL ON SURFACE TRANSPORTATION RESEARCH.

(a) ESTABLISHMENT.—There is established a National Council on Surface Transportation Research.

(b) FUNCTION.—The Council shall make a complete investigation and study of current surface transportation research and technology developments in the United States and internationally. The Council shall identify gaps and duplication in current surface transportation research efforts, determine research and development areas which may increase efficiency, productivity, safety, and durability in the Nation's surface transportation systems, and develop a national surface transportation research and development plan for immediate implementation.

(c) SPECIFIC MATTERS TO BE ADDRESSED.—The Council shall—

(1) survey current surface transportation public and private research efforts in the United States and internationally;

(2) examine factors which lead to fragmentation of surface transportation research efforts and determine how increased coordination in such efforts may be achieved;

(3) compare the role of the Federal Government with the role of foreign governments in promoting transportation research and evaluate the appropriateness of United States policy on government-sponsored research;

(4) identify barriers to innovation in surface transportation systems;

(5) examine the range of funding arrangements available for surface transportation research and development and the level of resources currently available for such purposes; and

(6) identify surface transportation research areas and opportunities, including opportunities for international cooperation, offering potential benefit to the Nation's surface transportation system, assess their relative priority, and develop a plan for national surface transportation research and development which includes short- and long-range objectives.

(d) MEMBERSHIP.—

(1) APPOINTMENT.—The Council shall be composed of 7 members as follows:

(A) Three members appointed by the President.

(B) One member appointed by the Speaker of the House of Representatives.

(C) One member appointed by the minority leader of the House of Representatives.

(D) One member appointed by the majority leader of the Senate.

(E) One member appointed by the minority leader of the Senate.

(2) QUALIFICATIONS.—

(A) IN GENERAL.—Members appointed pursuant to paragraph (1) shall be appointed from among individuals involved in surface transportation research, including representatives of Federal, State, and local governments, other public agencies, colleges and universities, public, private, and nonprofit research organizations, and organizations representing transportation providers, shippers, labor, and the financial community.

(B) INTERNATIONAL ADVISOR.—One of the members appointed by the President pursuant to paragraph (1)(A) shall serve as an international research advisor for the Council.

(3) TERMS.—Members shall be appointed for the life of the Council.

(4) VACANCIES.—A vacancy in the Council shall be filled in the manner in which the original appointment was made.

(5) TRAVEL EXPENSES.—Members shall serve without pay but shall receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

(6) CHAIRMAN.—The Chairman of the Council shall be elected by the members.

(e) STAFF.—The Council may appoint and fix the pay of such personnel as it considers appropriate.

(f) STAFF OF FEDERAL AGENCIES.—Upon request of the Council, the head of any department or agency of the United States may detail, on a reimbursable basis, any of the personnel of that department or agency to the Council to assist it in carrying out its duties under this section.

(g) ADMINISTRATIVE SUPPORT SERVICES.—Upon the request of the Council, the Administrator of General Services shall provide to the Council, on a reimbursable basis, the administrative support services necessary for the Council to carry out its responsibilities under this section.

(h) OBTAINING OFFICIAL DATA.—The Council may secure directly from any department or agency of the United States information necessary for it to carry out its duties under this section. Upon request of the Council, the head of that department or agency shall furnish that information to the Council.

(i) REPORT.—Not later than September 30, 1993, the Council shall transmit to Congress a final report on the results of the investigation and study conducted under this section. The report shall include recommendations of the Council, including a proposed national surface transportation research agenda for immediate implementation.

(j) TERMINATION.—The Council shall terminate on the 180th day following the date of transmittal of the report under subsection (i). All records and papers of the Council shall thereupon be delivered to the Administrator of General Services for deposit in the National Archives.

SEC. 609. RESEARCH ADVISORY COMMITTEE.

(a) ESTABLISHMENT.—Not later than 180 days after the transmittal of the report to Congress under section 608, the Secretary shall establish an independent surface transportation research advisory committee.

(b) PURPOSES.—The advisory committee shall provide ongoing advice and recommendations to the Secretary regarding needs, objectives, plans, approaches, content, and accomplishments with respect to short-term and long-term surface transportation research and development. The advisory committee shall also assist in ensuring that such research and development is coordinated with similar research and development being conducted outside of the Department of Transportation.

(c) MEMBERSHIP.—The advisory committee shall be composed of not less than 20 and not more than 30 members appointed by the Secretary from among persons who are not employees of the Department of Transportation and who are specially qualified to serve on the committee by virtue of their education, training, or experience. A majority of the members of the advisory committee shall be individuals with experience in conducting surface transportation research and development. The Secretary in appointing the members of the advisory committee shall ensure that universities, corporations, associations, consumers, and other Federal and State Government agencies are represented on an equitable basis.

(d) CHAIRMAN.—The Chairman of the advisory committee shall be designated by the Secretary.

(e) PAY AND EXPENSES.—Members of the advisory committee shall serve without pay, except that the Secretary may allow any member, while engaged in the business of the advisory committee or a subordinate committee, travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

(f) SUBORDINATE COMMITTEES.—The Secretary shall establish a subordinate committee to the advisory committee to provide advice on advanced highway vehicle technology research and development, and may establish other subordinate committees to provide advice on specific areas of surface transportation research and development. Such subordinate committees shall be subject to subsections (e), (g), and (i) of this section.

(g) ASSISTANCE OF SECRETARY.—Upon request of the advisory committee, the Secretary shall provide such information, administrative services, support staff, and supplies as the Secretary determines are necessary for the advisory committee to carry out its functions.

(h) REPORTS.—The advisory committee shall, within one year after the date of establishment of the advisory committee, and annually thereafter, submit to the Congress a report summarizing its activities under this section.

(i) TERMINATION.—Section 14 of the Federal Advisory Committee Act shall not apply to the advisory committee established under this section.

SEC. 610. DOT DATA NEEDS.

(a) STUDY.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall enter into an agreement with the National Academy of Sciences to conduct a study on the adequacy of data collection procedures and capabilities of the Department of Transportation.

(b) CONTENTS.—The study under this section shall include an evaluation of the Department of Transportation's data collection resources, needs, and requirements and an assessment and evaluation of the systems, capabilities, and procedures established by the Department to meet such needs and requirements, including the following:

(1) Data collection procedures and capabilities.

(2) Data analysis procedures and capabilities.

(3) Ability of data bases to integrate with one another.

(4) Computer hardware and software capabilities.

(5) Management information systems, including the ability of management information systems to integrate with one another.

(6) Personnel of the Department.

(7) Budgetary needs and resources of the Department for data collection, including an assessment of the adequacy of the budgetary resources provided to the Department and budgetary resources used by the Department for data collection needs and purposes.

(c) REPORT.—Not later than 18 months after the date of the agreement under subsection (a), the National Academy of Sciences shall transmit to the Secretary, the Committee on Environment and Public Works of the Senate, and the Committee on Public Works and Transportation of the House of Representatives a report on the results of the study under this section, including recommendations for improving the Department of Transportation's data collection systems, capabilities, procedures, and analytical hardware and software and for improving the Department's management information systems.

SEC. 611. STATE LEVEL OF EFFORT.

(a) STUDY.—Not later than 6 months after the date of the enactment of this Act, the Secretary shall begin a comprehensive study of the most appropriate and accurate methods of calculating State level of effort in funding surface transportation programs.

(b) CONTENTS.—The study under this section shall include collection of data relating to State and local revenues collected and spent on surface transportation programs. Such revenues include income from fuel taxes, toll revenues (including bridge and ferry tolls), sales taxes, general fund appropriations, property taxes, bonds, administrative fees, taxes on commercial vehicles, and other appropriate State and local revenue sources.

(c) REPORT.—Not later than 12 months after the date of enactment of this Act, the Secretary shall transmit to the Committee on Environment and Public Works of the Senate and the Committee on Public Works and Transportation of the House of Representatives a report on the results of the study under this section, including recommendations on the most appropriate measure of State level of effort in funding surface transportation programs and comprehensive data, by State, on revenue sources and amounts collected by States and local governments and devoted to surface transportation programs.

SEC. 612. EVALUATION OF STATE PROCUREMENT PRACTICES.

(a) STUDY.—The Secretary shall conduct a study to evaluate whether or not current procurement practices of State departments and agencies, including statistical acceptance procedures, are adequate to ensure that highway and transit systems are designed, constructed, and maintained so as to achieve a high quality for such systems at the lowest overall cost.

(b) REPORT.—Not later than 2 years after the date of the enactment of this Act, the Secretary shall transmit to the Committee on Public Works and Transportation of the

House of Representatives and the Committee on Environment and Public Works of the Senate a report on the results of the study conducted under this section, together with an assessment of the need for establishing a national policy on transportation quality assurance and recommendations for appropriate legislative and administrative actions.

SEC. 613. HIGHWAY CONSTRUCTION WORK ZONES.

(a) STUDY.—The Secretary shall conduct a study of occupational injury and fatality statistics for street and highway construction workers.

(b) REPORT.—Not later than 2 years after the date of the enactment of this Act, the Secretary shall transmit to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on the results of the study conducted under this section, together with appropriate recommendations for revisions to the Department of Transportation's manual for uniform traffic control devices.

SEC. 614. BUS TESTING.

(a) DEFINITION OF NEW BUS MODEL.—Section 12(h) of the Urban Mass Transportation Act of 1964 (49 U.S.C. 1608(h)) is amended by inserting "(including any model using alternative fuels)" after "means a bus model".

(b) DUTIES OF BUS TESTING FACILITY.—Section 317(b)(1) of the Surface Transportation and Uniform Relocation Assistance Act of 1987 (49 U.S.C. App. 1608 note) is amended—

(1) by inserting "(including braking performance)" after "performance"; and

(2) by inserting "emissions," after "fuel economy,".

(c) FUNDING.—The first sentence of section 317(b)(5) of the Surface Transportation and Uniform Relocation Assistance Act of 1987 is amended by inserting before the period at the end the following: ", for expansion of such facility $1,500,000 for fiscal year 1992, and for establishment of a revolving fund under paragraph (6) $2,500,000 for fiscal year 1992".

(d) REVOLVING LOAN FUND.—Section 317(b) of the Surface Transportation and Uniform Relocation Assistance Act of 1987 is amended by adding at the end the following new paragraph:

"(6) REVOLVING LOAN FUND.—The Secretary shall establish a bus testing revolving loan fund with amounts authorized for such purpose under paragraph (5). The Secretary shall make available as repayable advances amounts from the fund to the person described in paragraph (3) for operating and maintaining the facility.".

SEC. 615. NATIONAL TRANSIT INSTITUTE.

The Urban Mass Transportation Act of 1964 (49 U.S.C. App. 1601-1621) is further amended by adding at the end the following new section:

"SEC. 28. NATIONAL TRANSIT INSTITUTE.

"(a) ESTABLISHMENT.—The Secretary shall make grants to Rutgers University to establish a national transit institute. The institute shall develop and administer, in cooperation with the Federal Transit Administration, State transportation departments, and public transit agencies, training programs of instruction for Federal, State, and local transportation employees engaged or to be engaged in Federal-aid transit work. Such programs may include courses in recent developments, techniques, and procedures relating to transit planning, management, environmental factors, acquisition and joint use of rights-of-way, engineering, procurement strategies for transit systems, turnkey approaches to implementing transit systems, new technologies, emission reduction technologies, means of making transit accessible to individuals with disabilities, construction, maintenance, contract administration, and inspection. The Secretary shall delegate to the institute the authority vested in the Secretary for the development and conduct of educational and training programs relating to transit.

"(b) FUNDING.—Not to exceed one-half of 1 percent of all funds made available for a fiscal year beginning after September 30, 1991, to a State or public transit agency in the State for carrying out sections 3 and 9 of the Urban Mass Transportation Act of 1964 shall be available for expenditure by the State and public transit agencies in the State, subject to approval by the Secretary, for payment of not to exceed 80 percent of the cost of tuition and direct educational expenses in connection with the education and training of State and local transportation department employees as provided in this section.

"(c) PROVISION OF TRAINING.—Education and training of Federal, State, and local transportation employees authorized by this section shall be provided—

"(1) by the Secretary at no cost to the States and local governments for those subject areas which are a Federal program responsibility; or

"(2) in any case where such education and training are to be paid for under subsection (b) of this section, by the State, subject to the approval of the Secretary, through grants and contracts with public and private agencies, other institutions, individuals, and the institute.

"(d) FUNDING.—The Secretary shall make available from amounts provided under section 21(h) $3,000,000 per fiscal year for each of fiscal years 1992, 1993, 1994, 1995, 1996, and 1997 for carrying out this section.".

SEC. 616. RESEARCH AND DEVELOPMENT AUTHORITY OF SECRETARY OF TRANSPORTATION.

Section 301(6) of title 49, United States Code, as redesignated by section 502(a) of this Act, is amended by inserting ", and including basic highway vehicle science" after "to aircraft noise".

SEC. 617. PURPOSES OF DEPARTMENT OF TRANSPORTATION.

Section 101(b)(4) of title 49, United States Code, is amended by inserting ", through research and development or otherwise" after "advances in transportation".

SEC. 618. ADVANCED AUTOMOTIVE CONFERENCE AND AWARD.

The Stevenson-Wydler Technology Innovation Act of 1980 is amended by inserting after section 17 the following new sections, and by redesignating subsequent sections and all references thereto accordingly:

"SEC. 18. CONFERENCE ON ADVANCED AUTOMOTIVE TECHNOLOGIES.

"Not later than 180 days after the date of the enactment of this section, the Secretary, through the Under Secretary of Commerce for Technology, in consultation with other appropriate officials, shall convene a conference of domestic motor vehicle manufacturers, parts suppliers, Federal laboratories, and motor vehicle users to explore ways in which cooperatively they can improve the competitiveness of the United States motor vehicle industry by developing new technologies which will enhance the safety and energy savings, and lessen the environmental impact, of domestic motor vehicles, and the results of such conference shall be published and then submitted to the President and to the Committees on Science, Space, and Technology and Public Works and Transportation of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

"SEC. 19. ADVANCED MOTOR VEHICLE RESEARCH AWARD.

"(a) ESTABLISHMENT.—There is established a National Award for the Advancement of Motor Vehicle Research. The award shall consist of a medal, and a cash prize if funding is available for the prize under subsection (c). The medal shall be of such design and materials and bear inscriptions as is determined by the Secretary of Transportation.

"(b) MAKING AND PRESENTING AWARD.—The Secretary of Transportation shall periodically make and present the award to domestic motor vehicle manufacturers, suppliers, or Federal laboratory personnel who, in the opinion of the Secretary of Transportation, have substantially improved the domestic motor vehicle in safety, energy savings, or environmental impact. No person may receive the award more than once every 5 years.

"(c) FUNDING FOR AWARD.—The Secretary of Transportation may seek and accept gifts of money from private sources for the purpose of making cash prize awards under this section. Such money may be used only for that purpose, and only such money may be used for that purpose.".

SEC. 619. NONAPPLICABILITY TO RAIL.

This title and the amendments made by this title do not apply to transportation by rail.

PART B—INTELLIGENT VEHICLE-HIGHWAY SYSTEMS ACT

SEC. 651. SHORT TITLE.

This part may be cited as the "Intelligent Vehicle-Highway Systems Act of 1991".

SEC. 652. ESTABLISHMENT AND SCOPE OF PROGRAM.

(a) ESTABLISHMENT.—Subject to the provisions of this part, the Secretary shall conduct a program to research, develop, and operationally test intelligent vehicle-highway systems and promote implementation of such systems as a component of the Nation's surface transportation systems.

(b) GOALS.—The goals of the program to be carried out under this part shall include, but not be limited to—

(1) the widespread implementation of intelligent vehicle-highway systems to enhance the capacity, efficiency, and safety of the Federal-aid highway system and to serve as an alternative to additional physical capacity of the Federal-aid highway system;

(2) the enhancement, through more efficient use of the Federal-aid highway system, of the efforts of the several States to attain air quality goals established pursuant to the Clean Air Act;

(3) the enhancement of safe and efficient operation of the Nation's highway systems;

(4) the development and promotion of intelligent vehicle-highway systems and an intelligent vehicle-highway systems industry in the United States;

(5) the reduction of societal, economic, and environmental costs associated with traffic congestion; and

(6) the enhancement of United States industrial and economic competitiveness and productivity by improving the free flow of people and commerce and by establishing a significant United States presence in an emerging field of technology.

SEC. 653. GENERAL AUTHORITIES AND REQUIREMENTS.

(a) CONSULTATION WITH OTHER FEDERAL AGENCIES.—In carrying out the program under this part, the Secretary shall consult with the Secretary of Commerce, the Administrator of the Environmental Protection Agency, the Director of the National Science Foundation, and the heads of other interested Federal departments and agencies.

(b) Standards.—The Secretary shall develop and implement standards and protocols to promote the widespread use and evaluation of intelligent vehicle-highway systems technology as a component of the Nation's surface transportation systems. To the extent practicable, such standards and protocols shall promote compatibility among intelligent vehicle-highway systems technologies implemented throughout the States. In carrying out this subsection, the Secretary may use the services of such existing standards-setting organizations as the Secretary determines appropriate.

(c) Evaluation Guidelines.—The Secretary shall establish guidelines and requirements for the evaluation of field and related operational tests carried out pursuant to section 655. Any survey, questionnaire, or interview which the Secretary considers necessary to carry out the evaluation of such tests shall not be subject to the requirements of the Paperwork Reduction Act (44 U.S.C. 3501 et seq.).

(d) Information Clearinghouse.—

(1) Establishment.—The Secretary shall establish and maintain a repository for technical and safety data collected as a result of federally sponsored projects carried out pursuant to this part and shall make, upon request, such information (except for proprietary information and data) readily available to all users of the repository at an appropriate cost.

(2) Delegation of authority.—The Secretary may delegate the responsibility of the Secretary under this subsection, with continuing oversight by the Secretary, to an appropriate entity not within the Department of Transportation. If the Secretary delegates such responsibility, the entity to which such responsibility is delegated shall be eligible for Federal assistance under this part.

(e) Advisory Committees.—The Secretary may utilize one or more advisory committees in carrying out this part. Any advisory committee so utilized shall be subject to the Federal Advisory Committee Act. Funding provided for any such committee shall be available from moneys appropriated for advisory committees as specified in relevant appropriations Acts and from funds allocated for research, development, and implementation activities in connection with the intelligent vehicle-highway systems program under this part.

SEC. 654. STRATEGIC PLAN, IMPLEMENTATION, AND REPORT TO CONGRESS.

(a) Strategic Plan.—

(1) Development and implementation.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall develop, submit to Congress, and commence implementation of a plan for the intelligent vehicle-highway systems program.

(2) Scope.—The plan shall—

(A) specify the goals and objectives of the intelligent vehicle-highway program and how specific projects relate to the goals and objectives, including consideration of the 5, 10, and 20-year timeframes for the goals and objectives;

(B) detail the status of and challenges and nontechnical constraints facing the program;

(C) establish a course of action necessary to achieve the program's goals and objectives;

(D) provide for the development of standards and protocols by the Department of Transportation to promote and ensure compatibility in the implementation of intelligent vehicle-highway systems technologies; and

(E) provide for the accelerated use of advanced technology to enhance traffic safety and reduce traffic congestion.

(b) Intelligent Vehicle Highway Systems.—The Secretary shall develop a completely automated highway and vehicle system which can become a prototype from which future fully automated intelligent vehicle-highway systems can be developed. Such development shall include research in human factors to ensure the success of the man-machine relationship. The goal of this program is to have the first fully automated roadway in operation by the end of 1997. This system shall accommodate installation of equipment in new and existing motor vehicles.

(c) Implementation Reports.—

(1) In general.—Not later than 2 years after the date of the enactment of this Act, and annually thereafter, the Secretary shall submit to Congress a report on the implementation of the plan developed under subsection (a).

(2) Scope of implementation reports.—In preparing reports under this subsection, the Secretary shall—

(A) analyze the possible and actual accomplishments of intelligent vehicle-highway systems projects in achieving congestion, safety, environmental, and energy conservation goals and objectives of the program;

(B) specify cost-sharing arrangements made, including the scope and nature of Federal investment, in any research, development, or implementation project under the program;

(C) assess nontechnical problems and constraints identified as a result of each such implementation project; and

(D) include any recommendations of the Secretary for legislation or modification to the plan developed under subsection (a).

(d) Nontechnical Constraints.—

(1) Report to congress.—In cooperation with the Attorney General and the Secretary of Commerce, the Secretary shall prepare and submit, within 2 years after the date of the enactment of this Act, a report to Congress addressing the nontechnical constraints and barriers to implementation of the intelligent vehicle-highway systems program.

(2) Scope of report.—The report shall—

(A) address antitrust, privacy, educational and staffing needs, patent, liability, standards, and other constraints, barriers, or concerns relating to the intelligent vehicle-highway systems program;

(B) recommend legislative and administrative actions necessary to further the program; and

(C) address ways to further promote industry and State and local government involvement in the program.

(3) Update of report.—Not later than 5 years after the date of the enactment of this Act, the Secretary shall prepare and submit to Congress an update of the report under this subsection.

SEC. 655. TECHNICAL, PLANNING, AND OPERATIONAL TESTING PROJECT ASSISTANCE.

(a) Technical Assistance and Information.—The Secretary may provide planning and technical assistance and information to State and local governments seeking to use and evaluate intelligent vehicle-highway systems technologies. In doing so, the Secretary shall assist State and local officials in developing plans for areawide traffic management control centers, necessary laws pertaining to establishment and implementation of such systems, and plans for infrastructure for such systems and in conducting other activities necessary for the intelligent vehicle-highway systems program.

(b) Planning Grants.—The Secretary may make grants to State and local governments for feasibility and planning studies for development and implementation of intelligent vehicle-highway systems. Such grants shall be made at such time, in such amounts, and subject to such conditions as the Secretary may determine.

(c) Eligibility of Certain Traffic Management Entities.—Any interagency traffic and incident management entity, including independent public authorities or agencies, contracted by a State department of transportation for implementation of a traffic management system for a designated corridor is eligible to receive Federal assistance under this part through the State department of transportation.

(d) Operational Testing Projects.—The Secretary may make grants to State and local governments for operational tests relating to intelligent vehicle-highway systems. In deciding which projects to fund under this subsection, the Secretary shall—

(1) give the highest priority to those projects that—

(A) will contribute to the goals and objectives specified in plan developed under section 654; and

(B) will minimize the relative percentage of Federal contributions (excluding funds apportioned under section 104 of title 23, United States Code) to total project costs;

(2) seek to fund operational tests that advance the current state of knowledge and, where appropriate, build on successes achieved in previously funded work involving such systems; and

(3) require that operational tests utilizing Federal funds under this part have a written evaluation of the intelligent vehicle-highway systems technologies investigated and of the results of the investigation which is consistent with the guidelines developed pursuant to section 653(c).

(e) Authority To Use Funds.—Each State and eligible local entity is authorized to use funds provided under this part for implementation purposes in connection with the intelligent vehicle-highway systems program.

SEC. 656. APPLICATIONS OF TECHNOLOGY.

(a) IVHS Corridors Program.—The Secretary shall designate transportation corridors in which application of intelligent vehicle-highway systems will have particular benefit and, through financial and technical assistance under this part, shall assist in the development and implementation of such systems.

(b) Priorities.—In providing funding for corridors under this section, the Secretary shall allocate not less than 50 percent of the funds made available to carry out this section to eligible State or local entities for application of intelligent vehicle-highway systems in not less than 3 but not more than 10 corridors with the following characteristics:

(1) Traffic density (as a measurement of vehicle miles traveled per highway mile) at least 1.5 times the national average for such class of highway.

(2) Severe or extreme nonattainment for ozone under the Clean Air Act, as determined by the Administrator of the Environmental Protection Agency.

(3) A variety of types of transportation facilities, such as highways, bridges, tunnels, and toll and nontoll facilities.

(4) Inability to significantly expand capacity of existing surface transportation facilities.

(5) A significant mix of passenger, transit, and commercial motor carrier traffic.

(6) Complexity of traffic patterns.

(7) Potential contribution to the implementation of the Secretary's plan developed under section 654.

(c) Other Corridors and Areas.—After the allocation pursuant to subsection (b), the balance of funds made available to carry out this section shall be allocated to eligible State and local entities for application of intelligent vehicle-highway systems in corridors and areas where the application of such systems and associated technologies will demonstrate benefits related to any of the following:

(1) Improved operational efficiency.

(2) Reduced regulatory burden.

(3) Improved commercial productivity.

(4) Improved safety.

(5) Enhanced motorist and traveler performance.

Such corridors and areas may be in both urban and rural areas and may be interstate and intercity corridors. Urban corridors shall have a significant number of the characteristics set forth in subsection (b).

SEC. 657. COMMERCIAL MOTOR VEHICLE SAFETY TECHNOLOGY.

(a) Study.—The Secretary shall conduct a study to evaluate technology which is designed for installation on a commercial motor vehicle to provide the individual operating the vehicle with a warning if a turn, lane change, or other intended movement of the vehicle by the operator will place the vehicle in the path of an adjacent object or vehicle.

(b) Report.—Not later than 2 years after the date of the enactment of this Act, the Secretary shall transmit to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate a report containing findings and recommendations concerning the study conducted under this section.

SEC. 658. FUNDING.

(a) IVHS Corridors Program.—There is authorized to be appropriated to the Secretary for carrying out section 656, out of the Highway Trust Fund (other than the Mass Transit Account), $71,000,000 for fiscal year 1992 and $86,000,000 per fiscal year for each of fiscal years 1993 through 1997. In addition to amounts made available by subsection (b), any amounts authorized by this subsection and not allocated by the Secretary for carrying out section 656 for fiscal years 1992 and 1993 may be used by the Secretary for carrying out other activities authorized under this part.

(b) Other IVHS Activities.—There is authorized to be appropriated to the Secretary for carrying out this part (other than section 656), out of the Highway Trust Fund (other than the Mass Transit Account), $24,000,000 for fiscal year 1992 and $28,000,000 per fiscal year for each of fiscal years 1993 through 1997.

(c) Reservation of Funds.—Of the funds made available pursuant to subsection (a), not less than 5 percent shall only be available for innovative, high-risk operational or analytical tests that do not attract substantial non-Federal commitments but are determined by the Secretary as having significant potential to help accomplish long-term goals established by the plan developed pursuant to section 654.

(d) Federal Share Payable.—The Federal share payable on account of activities carried out under this part shall not exceed 80 percent of the cost of such activities. The Secretary may waive application of the preceding sentence for projects undertaken pursuant to subsection (c) of this section.

(e) Applicability of Title 23.—Funds authorized by this section shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code; except that the Federal share of the cost of any activity under this section shall be determined in accordance with this section and such funds shall remain available until expended. Such funds shall be subject to the obligation limitation imposed by section 102 of this Act.

SEC. 659. DEFINITIONS.

For the purposes of this part, the following definitions apply:

(1) IVHS.—The term "intelligent vehicle-highway systems" means the development or application of electronics, communications, or information processing (including advanced traffic management systems, commercial vehicle operations, advanced traveler information systems, commercial and advanced vehicle control systems, advanced public transportation systems, satellite vehicle tracking systems, and advanced vehicle communications systems) used singly or in combination to improve the efficiency and safety of surface transportation systems.

(2) Corridor.—The term "corridor" means any major transportation route which includes parallel limited access highways, major arterials, or transit lines; and, with regard to traffic incident management, such term may include more distant transportation routes that can serve as viable options to each other in the event of traffic incidents.

(3) State.—The term "State" has the meaning such term has under section 101 of title 23, United States Code.

PART C—ADVANCED TRANSPORTATION SYSTEMS AND ELECTRIC VEHICLES

SEC. 671. ADVANCED TRANSPORTATION SYSTEM AND ELECTRIC VEHICLE RESEARCH AND DEVELOPMENT CONSORTIA.

(a) General Authority.—

(1) Proposal.—Not later than 3 months after the date of the enactment of this Act, an eligible consortium may submit to the Secretary a proposal for receiving grants made available under this section for electric vehicle and advanced transportation research and development.

(2) Contents of Proposal.—A proposal submitted under paragraph (1) shall include—

(A) a description of the eligible consortium making the proposal;

(B) a description of the type of additional members targeted for inclusion in the consortium;

(C) a description of the eligible consortium's ability to contribute significantly to the development of vehicles, transportation systems, or related subsystems and equipment, that are competitive in the commercial market and its ability to enable serial production processes;

(D) a description of the eligible consortium's financing scheme and business plan, including any projected contributions of State and local governments and other parties;

(E) assurances, by letter of credit or other acceptable means, that the eligible consortium is able to meet the requirement contained in subsection (b)(6); and

(F) any other information the Secretary requires in order to make selections under this section.

(3) Grant Authority.—Except as provided in paragraph (4), not later than 6 months after the date of the enactment of this Act, the Secretary shall award grants to not less than 3 eligible consortia. No one eligible consortium may receive more than one third of the funds made available for grants under this section.

(4) Extension.—If fewer than 3 complete applications from eligible consortia have been received in time to permit the awarding of grants under paragraph (3), the Secretary may extend the deadlines for the submission of applications and the awarding of grants.

(b) Eligibility Criteria.—To be qualified to receive assistance under this section, an eligible consortium shall—

(1) be organized for the purpose of designing and developing electric vehicles and advanced transportation systems, or related systems or equipment, or for the purpose of enabling serial production processes;

(2) facilitate the participation in the consortium of small- and medium-sized businesses in conjunction with large established manufacturers, as appropriate;

(3) to the extent practicable, include participation in the consortium of defense and aerospace suppliers and manufacturers;

(4) to the extent practicable, include participation in the consortium of entities located in areas designated as nonattainment areas under the Clean Air Act;

(5) be designed to use State and Federal funding to attract private capital in the form of grants or investments to further the purposes stated in paragraph (1); and

(6) ensure that at least 50 percent of the costs of the consortium, subject to the requirements of subsection (a)(3), be provided by non-Federal sources.

(c) Services.—Services to be performed by an eligible consortium using amounts from grants made available under this part shall include—

(1) obtaining funding for the acquisition of plant sites, conversion of plant facilities, and acquisition of equipment for the development or manufacture of advanced transportation systems or electric vehicles, or other related systems or equipment, especially for environmentally benign and cost-effective manufacturing processes;

(2) obtaining low-cost, long-term loans or investments for the purposes described in paragraph (1);

(3) recruiting and training individuals for electric vehicle- and transit-related technical design, manufacture, conversion, and maintenance;

(4) conducting marketing surveys for services provided by the consortium;

(5) creating electronic access to an inventory of industry suppliers and serving as a clearinghouse for such information;

(6) consulting with respect to applicable or proposed Federal motor vehicle safety standards;

(7) creating access to computer architecture needed to simulate crash testing and to design internal subsystems and related infrastructure for electric vehicles and advanced transportation systems to meet applicable standards; and

(8) creating access to computer protocols that are compatible with larger manufacturers' systems to enable small- and medium-sized suppliers to compete for contracts for advanced transportation systems and electric vehicles and other related systems and equipment.

SEC. 672. DEFINITIONS.

For purposes of this part, the following definitions apply:

(1) ADVANCED TRANSPORTATION SYSTEM.—The term "advanced transportation system" means a system of mass transportation, such as an electric trolley bus or alternative fuels bus, which employs advanced technology in order to function cleanly and efficiently;

(2) ELECTRIC VEHICLE.—The term "electric vehicle" means a passenger vehicle, such as a van, primarily powered by an electric motor that draws current from rechargeable storage batteries, fuel cells, or other sources of electrical current, and that may include a nonelectrical source of supplemental power; and

(3) ELIGIBLE CONSORTIUM.—The term "eligible consortium" means a consortium of—

(A) businesses incorporated in the United States;

(B) public or private educational or research organizations located in the United States;

(C) entities of State or local governments in the United States; or

(D) Federal laboratories.

SEC. 673. FUNDING.

Funding to carry out this part shall be as provided by section 21(h) of the Urban Mass Transportation Act of 1964.

TITLE VII—EXTENSION OF HIGHWAY-RELATED TAXES AND TRUST FUND.

SEC. 701. SHORT TITLE; AMENDMENT OF 1986 CODE.

(a) SHORT TITLE.—This title may be cited as the "Surface Transportation Revenue Act of 1991".

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

SEC. 702. EXTENSION OF HIGHWAY-RELATED TAXES AND TRUST FUND.

(A) EXTENSION OF TAXES.—The following provisions are each amended by striking "1995" each place it appears and inserting "1999":

(1) Section 4051(c) (relating to tax on heavy trucks and trailers sold at retail).

(2) Section 4071(d) (relating to tax on tires and tread rubber).

(3) Section 4081(d)(1) (relating to Highway Trust Fund financing rate on gasoline).

(4) Section 4091(b)(6)(A) (relating to Highway Trust Fund financing rate on diesel fuel).

(5) Sections 4481(c), 4482(c)(4), and 4482(d) (relating to highway use tax).

(b) EXTENSION OF EXEMPTIONS.—The following provisions are each amended by striking "1995" each place it appears and inserting "1999":

(1) Section 4041(f)(3) (relating to exemptions for farm use).

(2) Section 4041(g) (relating to other exemptions).

(3) Section 4221(a) (relating to certain tax-free sales).

(4) Section 4483(g) (relating to termination of exemptions for highway use tax).

(5) Section 6420(h) (relating to gasoline used on farms).

(6) Section 6421(i) (relating to gasoline used for certain nonhighway purposes, etc.).

(7) Section 6427(g)(5) (relating to advance repayment of increased diesel fuel tax).

(8) Section 6427(o) (relating to fuels not used for taxable purposes).

(c) OTHER PROVISIONS.—

(1) FLOOR STOCKS REFUNDS.—Section 6412(a)(1) (relating to floor stocks refunds) is amended—

(A) by striking "1995" each place it appears and inserting "1999", and

(B) by striking "1996" each place it appears and inserting "2000".

(2) INSTALLMENT PAYMENTS OF HIGHWAY USE TAX.—Section 6156(e)(2) (relating to installment payments of highway use tax on use of highway motor vehicles) is amended by striking "1995" and inserting "1999".

(d) EXTENSION OF DEPOSITS INTO, AND CERTAIN TRANSFERS FROM, TRUST FUND.—

(1) IN GENERAL.—Subsection (b), and paragraphs (2) and (3) of subsection (c), of section 9503 (relating to the Highway Trust Fund) are each amended—

(A) by striking "1995" each place it appears and inserting "1999", and

(B) by striking "1996" each place it appears and inserting "2000".

(2) MOTORBOAT AND SMALL-ENGINE FUEL TAX TRANSFERS.—

(A) IN GENERAL.—Paragraphs (4)(A)(i) and (5)(A) of section 9503(c) are each amended by striking "1995" and inserting "1997".

(B) CONFORMING AMENDMENTS TO LAND AND WATER CONSERVATION FUND.—Section 201(b) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-11) is amended—

(i) by striking "1995" and inserting "1997", and

(ii) by striking "1996" each place it appears and inserting "1998".

(C) EXTENSION OF EXPENDITURES FROM BOAT SAFETY ACCOUNT.—Subsection (c) of section 9504 is amended by striking "1994" and inserting "1998".

(e) EXTENSION AND EXPANSION OF EXPENDITURES FROM TRUST FUND.—

(1) EXPENDITURES.—Subsections (c)(1) and (e)(3) of section 9503 are each amended by striking "1993" and inserting "1997".

(2) PURPOSES.—Paragraph (1) of section 9503(c) is amended by striking subparagraph (D) and inserting the following:

"(D) authorized to be paid out of the Highway Trust Fund under the Intermodal Surface Transportation Infrastructure Act of 1991.

In determining the authorizations under the Acts referred to in the preceding subparagraphs, such Acts shall be applied as in effect on the date of the enactment of the Intermodal Surface Transportation Infrastructure Act of 1991."

(f) EXPANSION OF MASS TRANSIT ACCOUNT EXPENDITURE PURPOSES.—Paragraph (3) of section 9503(e) is amended—

(1) by inserting "or capital-related" after "capital" the first place it appears,

(2) by striking "section 21(a)(2)" and inserting "subsection (a)(2), (b), (c), (g)(2), (h), or (j)(1) of section 21", and

(3) by inserting before the period "or in accordance with the Intermodal Surface Transportation Infrastructure Act of 1991 (as such Acts are in effect on the date of the enactment of the Intermodal Surface Transportation Infrastructure Act of 1991)".

(g) USE OF REVENUES FOR ENFORCEMENT OF HIGHWAY TRUST FUND TAXES.—The Secretary of Transportation shall not impose any condition on the use of funds transferred under section 144 of this Act to the Internal Revenue Service. The Secretary of the Treasury shall, at least 60 days before the beginning of each fiscal year (after fiscal year 1992) for which such funds are to be transferred, submit a report to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate detailing the increased enforcement activities to be financed with such funds with respect to taxes referred to in section 9503(b)(1) of the Internal Revenue Code of 1986.

(h) TAX EVASION REPORT.—The Secretary of Transportation shall also submit each report prepared pursuant to section 144(f) of this Act to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate not later than the applicable date specified therein.

SEC. 703. BUDGET COMPLIANCE.

(a) IN GENERAL.—If obligations provided for programs pursuant to this act for fiscal year 1992 will cause—

(1) the total outlays in any of the fiscal years 1992 through 1995 which result from this Act, to exceed

(2) the total outlays for such programs in any such fiscal year which result from appropriation Acts for fiscal year 1992 and are attributable to obligations for fiscal year 1992, then the Secretary of Transportation shall reduce proportionately the obligations provided for each program pursuant to this Act for fiscal year 1992 to the extent required to avoid such excess outlays.

(b) COORDINATION WITH OTHER PROVISIONS.—The provisions of this section shall apply, notwithstanding any provision of this Act to the contrary.

The CHAIRMAN. No amendment to said substitute, as modified, is in order except those amendments printed in part 2 of House Report 102–265. Said amendments shall be considered in the order and manner specified in said report and shall be considered as read. Debate time specified for each amendment shall be equally divided and controlled by the proponent of the amendment and a Member opposed thereto. Said amendments shall not be subject to amendment, except as specified in House Report 102–265.

Where House Report 102–265 specifies consideration of amendments en bloc, said amendments shall be so considered and shall not be subject to a demand for a division of the question.

It is in order at any time for the chairman of the Committee on Public Works and Transportation to offer amendments en bloc consisting of amendments, and modifications in the text of any amendments which are germane thereto, printed in part 2 of House Report 102–265. Said amendments en bloc except modifications shall be considered as read and shall be debatable for 20 minutes, equally divided and controlled by the chairman and ranking minority member of the Committee on Public Works and Transportation. The original proponents of the amendments en bloc shall have permission to insert statements in the CONGRESSIONAL RECORD immediately before disposition of the amendments en bloc. Said amendments en bloc shall not be subject to amendment or to a demand for a division of the question.

The Chair will announce the number of the amendment made in order by House Resolution 252 in order to give notice to the Committee of the Whole as to the order of recognition.

PREFERENTIAL MOTION OFFERED BY MR. WALKER

Mr. WALKER. Mr. Chairman, I offer a preferential motion.

The CHAIRMAN. The Clerk will report the preferential motion.

The Clerk read as follows:

Mr. WALKER of Pennsylvania moves that the committee do now rise and report the bill back to the House with the recommendation that the enacting clause be stricken out.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. WALKER] is recognized for 5 minutes.

Mr. WALKER. Mr. Chairman, I use this procedural way of getting time because under the process of the rule, the fact is that the opposition to this bill was very limited in the amount of time that we were able to get. I think that is a shame, because there really are some important questions to be raised about the content of the bill.

I think that it is entirely appropriate to suggest that the enacting clause be stricken out when we do, in fact, find true problems in the content of the bill itself.

Many of my colleagues have come to the floor today explaining why their particular special project in this bill is a wonderful thing. I have no doubt that many of them are.

The question is that there are 460 of them. The chances are that we are not going to discuss even half of them, let alone probably not even a quarter of them, and there are some in there that bear some questions.

But more importantly, there is language in the bill that I have raised earlier today. I would like to explore what some of this language means. The gentleman from New Jersey took some umbrage with respect to my bringing these up, but I would like to know what the language means.

For example, in section 150 of the bill where it says:

Any Federal expenditures under this section and section 149 for such project shall be treated as part of the non-Federal share of the cost of such flood control project.

Does that mean that for purpose of this section of the bill that the State's share is now going to be replaced by Federal money alone and that that is going to be taken out of the highway trust fund in order to do the completion of this flood control project?

I would appreciate an answer on it. Does anybody from the committee know what the effect of that language is? Nobody can explain to me what that language means?

Mr. BURTON of Indiana. Mr. Chairman, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from Indiana.

Mr. BURTON of Indiana. Mr. Chairman, I was sitting in the back there. Does that mean that the 20-percent match that is required by the State is waived in the chairman's district?

Mr. WALKER. That is what it appears to me. I am not certain, because I have had a couple lawyers tell me that it is very confusing language, but it would appear as though in this one project that the State's share is being waived. That, I think, is a concern when we find it buried down in the language of the bill.

Mr. BURTON of Indiana. Mr. Chairman, will the gentleman yield further?

Mr. WALKER. I yield to the gentleman from Indiana.

Mr. BURTON of Indiana. Mr. Chairman, there are 460 special projects in this bill. Do any of the other Members who have these special projects get the benefit of this 20-percent waiving of the match?

Mr. WALKER. I do not know. I have to tell the gentleman, I do not know, because I have not been able to go through all of them, but these were two provisions that were found in here that are questionable.

Well, if I cannot get an answer to that one, and it appears as though no one has any answer to it, maybe somebody can answer for me and tell me what the language means that says with regard to section 151 of the bill:

Notwithstanding any other provision of law, the Governor of the State of New Jersey shall carry out with respect to the construction of the highway project authorized by section 149(a)(1) of the Surface Transportation and Uniform Relocation Assistance Act of 1987 (101 Stat. 181) all of the responsibilities of the Secretary under title 23, United States Code, and all other provisions of law.

In so doing, the Governor is authorized to waive any and all Federal requirements, the waiver of which the Governor determines to be in the public interest.

Now, can anybody explain whether or not there are any limits on that particular provision? Does the Governor, in fact, have the right to waive civil rights law? Does the Governor have the right to waive child labor laws? Does the Governor have the right to waive OSHA laws? Does the Governor have the right to waive environmental laws? Does the Governor have the right to cancel an environmental impact statement? Does the Governor have the right to ignore the environmental impact statement? Does the Governor have the right to waive Federal contracting law? Can anybody tell me?

There is no one who can tell me what that provision means?

Well, I will tell you, it is a little disturbing, because that kind of language is totally contrary to all kinds of Federal practice. You cannot designate essentially a special project and then suggest that Federal law of no kind applies to it, and yet no one on the committee can explain to me what the language really means?

I am willing to accept an interpretation that this language is fairly narrow in scope, but the fact is that there is no explanation that it is narrow in scope, then one has to assume that it is very broad in scope and that is what the language seems to say. I will tell you, I find that very disturbing.

Let me suggest that there is one other thing coming up in a few minutes.

☐ 1640

There was one amendment made in order, only one that actually cut spending in the bill. Only one amendment cut spending. That was my amendment that takes out $11.5 million for the Office of Intermodalism.

Now, I realize that most of you do not have any idea of what intermodalism means.

Intermodality does not appear in any dictionary I know of. At least I was not able to find it.

So we are creating this Office of Intermodalism, and, as nearly as I can tell, intermodalism is something that is not discussed in polite company and as nearly as I can tell, maybe it is something that is only discussed before the Senate Judiciary Committee.

But the fact is, the fact is that this is a very serious problem because it is $11.5 million in spending.

Mr. ROE. Mr. Chairman, I believe this gentleman from New Jersey is entitled to the other 5 minutes, am I not correct?

The CHAIRMAN. The gentleman from New Jersey will be recognized for 5 minutes.

The Chair recognizes the gentleman from New Jersey [Mr. ROE].

Mr. ROE. Mr. Chairman, you know, it is near Halloween, and I thought to myself when we were working last night, most of last night, getting ready for this morning, because I am so proud of the Committee on Public Works and Transportation, because on both sides there is bipartisanship; you know, it is a funny thing, we work together and we work in truth and we work in fact, we listen to everybody, we are cordial, we are decent, we do not play this political game that is played here.

Where does anybody have the right—and I will not yield—where does anybody have the right to get up on this floor and suggest that the Governor of the State of New Jersey, because this language, which they do not understand and will not listen to and really do not care about—I am from New Jersey, and I am chairman of the committee—what they are trying to do is to belittle so and run people down in some surreptitious way. I do not know what you gain by that. I do not know what you have achieved.

You could not hurt me if you hit me with a baseball bat because you people are princes of darkness, princes of darkness is what you are.

We are trying to elevate the country. This bill is an American bill. It is for the people of this country.

They dare to say to you that the 2½ cents that they are paying now is going to collapse this country—when the OPEC nations got together 3 months ago, they agreed they were going to raise the price of oil from $19.50 a barrel to $23 a barrel, and who is going to pay for it? Each and every American citizen was going to pay for it. It was going to cost us 35 cents more per gallon of gasoline.

You know what they were going to do with that 35 cents that we were going to pay, which translates into billions of dollars? They were going to rebuild Kuwait.

Now, I say to you, princes of darkness, that all day we have been listening, listening, listening how bad Members are, how bad the bipartisan Committee on Public Works is. Fifty-three Members against three voted unanimously, not once, not twice, but three times. This bill has been scrubbed. This bill has been discussed with every Member.

Ah, but the princes of darkness would tell you that this is not an all-American bill. Is it not about time in this country that 2½ cents or a nickel or a dollar was spent for the people of the United States? That is the issue.

We are fed up and tired of running down and belittling people who come to this floor and quote things they do not know, say things that are not true, do not even do their homework, and have the temerity to suggest in the sovereign State of New Jersey, because of the language they do not know, that maybe the Governor of the State of New Jersey would award a contract to some other person who has contributed to his or her campaign.

I say to you shame on you, shame on you; you ought to really be ashamed of yourselves to lower the debate to that level. And I thank the gentleman.

Mr. Chairman, I yield to the distinguished gentleman from Pennsylvania [Mr. SHUSTER].

Mr. SHUSTER. I thank the chairman for yielding.

I say to my friend, I thought I had answered my good friend from Pennsylvania in the general debate when I said it is my understanding, reading the amendment, that the Governor of New Jersey must act in the public interest and, therefore, if he were to somehow destroy the environmental laws or the civil rights laws, he would be hauled into court in a lawsuit faster than you could say "Jack Robinson."

Mr. ROE. Or princes of darkness.

The CHAIRMAN. The question is on the preferential motion offered by the gentleman from Pennsylvania [Mr. WALKER].

The preferential motion was rejected.

AMENDMENTS EN BLOC, AS MODIFIED, OFFERED BY MR. ROE

Mr. ROE. Mr. Chairman, pursuant to the rule, I offer en bloc amendments Nos. 4, 5, 7, 9, 10, and 11.

The CHAIRMAN. The Clerk will designate the amendments en bloc and report the modifications.

Mr. ROE. Mr. Chairman, I ask unanimous consent that the modifications be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

The texts of the amendments en bloc, as modified, are as follows:

Amendments offered by Mr. Roe: Page 66, line 17, before "shall" insert "(other than Massachusetts)".

Page 66, line 19, after the period insert the following: "Sums apportioned during such period for the Interstate System in the State of Massachusetts shall remain available until expended.".

Page 72, line 13, strike the closing quotation marks and the final period.

Page 72, after line 13, insert the following:

"(c) INCREASED FEDERAL SHARE FOR CERTAIN SAFETY PROJECTS.—The Federal share payable on account of any project for traffic control signalization, pavement marking, commuter carpooling and vanpooling, or installation of traffic signs, traffic lights, guardrails, impact attenuators, concrete barrier entreatments, or breakaway utility poles may amount to 100 percent of the cost of construction of such projects; except that not more than 10 percent of all sums apportioned for all the Federal-aid systems for any fiscal year in accordance with section 104 of this title shall be used under this subsection."

Page 72, lines 17 and 18, strike "(c), (d), (e), (f), (g), and (h)," and insert "(d), (e), (f), (g), (h), and (i),".

Page 72, line 22, strike "subsection (a)" and insert "this section".

Page 72, line 23, after "affect" insert "(1)".

Page 72, line 25, before the period insert the following: ", and (2) the Federal share established by section 120(k) of such title, as in effect on the day before the date of the enactment of this Act, with respect to United States Highway 71 in Arkansas from the I-40 intersection to the Missouri-Arkansas State line".

Page 84, after line 20, insert the following:

(f) MONTANA-CANADA TRADE.—The Secretary shall not withhold funds from the State of Montana on the basis of actions taken by the State of Montana pursuant to a draft memorandum of understanding with the Province of Alberta, Canada, regarding truck transportation between Canada and Shelby, Montana; except that such actions do not include actions not permitted by the State of Montana on or before June 1, 1991.

Page 107, line 22, after "economic," insert "energy,".

Page 109, line 5, strike "and tunnels," and insert ", tunnels, and pavements,".

Page 109, line 7, strike "or tunnel" and insert ", tunnel, or pavement".

Page 115, line 15, after "economic," insert "energy,".

Page 116, line 23, strike "and tunnels," and insert ", tunnels, and pavements,".

Page 116, line 25, strike "or tunnel" and insert ", tunnel, or pavement".

In the table on page 150, insert at the end the following:

Ohio	Construction of a bicycle/pedestrian facility from Greene County, Ohio, to Dayton, Ohio.	3.5

Page 153, line 11, insert "(a) INCLUSION OF IRON.—" before "Section 165(a)".

Page 153, line 17, strike "(a) INCLUSION OF IRON.—".

Move subsection (b) beginning on line 3 of page 154 and ending on line 21 of page 155 to page 153, after line 13.

Page 161, line 3, strike "The" and all that follows through "of" on line 5 and insert the following: "A feasibility study shall be conducted under this subsection with respect to the corridor described in subsection (c)(2), relating to Avenue of the Saints, to determine".

In the table on page 163, in the item relating to California, Nevada, Arizona, strike "/I-95" and insert "/U.S. 95".

In the table on page 163 in the item relating to Missouri, Iowa, Minnesota, Illinois, Wisconsin, strike "Illinois, Wisconsin".

Page 167, after line 2, insert the following:

(8) SPECIAL RULE.—Amounts allocated by subsection (f) to the State of California for improvements on I-15 and I-40 shall not be subject to any State or local law relating to apportionment of funds available for the construction or improvement of highways.

Page 189, after line 23, insert the following:

(h) TREATMENT OF SCENIC HIGHWAYS IN OREGON.—For purposes of this section, a highway designated as a scenic highway in the State of Oregon shall be treated as a scenic byway.

In the table on page 191, strike "2.8" and insert "3.0".

In the table on page 193, strike the item relating to Texas.

In the table on page 194, strike "13.9" and insert "12.3".

In the table on page 194, strike "7.0" and insert "8.8".

In the table on page 195, strike "2.5" and insert "0.9".

In the table on page 195, strike "2.7" and insert "0.9".

In the table on page 196, strike "8.4" and insert "7.9".

In the table on page 196, strike "1.1" and insert "1.5".

In the table on page 196, strike "11.8" and insert "11.4".

In the table on page 197, strike "35.0" and insert "51.9".

In the table on page 197, strike "Fort Worth to Springtown, Texas" and insert "Parker County, Texas (SH199)" and strike "70.0" and insert "39.6".

In the table on page 197, strike "14.0" and insert "13.5".

In the table on page 212, strike "Clairesville" and insert "Clairsville" and strike "17.4" and insert "20.0".

In the table on page 214, strike "35.0" and insert "32.6".

In the table on page 216, strike "11.1" and insert "15.8".

In the table on page 216, strike "Aerospace Technology Clark Access Rd., Brookpark, Ohio" and insert "Aerospace Technology Park Access Rd., Brook Park, Ohio".

In the table on page 216, strike "3.5" and insert "5.0".

In the table on page 217, strike "Maple Grove" each place it appears and insert "Brooklyn Park".

In the table on page 217, strike "5.6" the last place it appears and insert "21.0".

In the table on page 218, strike "35.0" and insert "49.3".

In the table on page 218, strike "5.6" and insert "15.0".

In the table on page 218, insert at the end the following:

Borough of Paulsboro, New Jersey.	Construction of a new bridge to improve safety.	1.4

Page 229, line 24, strike "$5,000,000" and insert "$5,400,000".

Page 230, strike lines 10 through 13 and redesignate subsequent subsections of section 169 of the bill accordingly.

Page 232, line 14, insert "in Oregon and Washington" after "improvements".

Page 232, line 16, after the period insert the following: "The Secretary shall give the highest priority to those Oregon projects identified in the State's transportation improvement plan.".

Page 242, line 15, strike "1991" and insert "1992".

Page 243, after line 13, insert the following new sections:

"SEC. 181. METRIC SYSTEM SIGNING.

"Section 144 of the Federal-aid Highway Act of 1978 (92 Stat. 2713; 23 U.S.C. 109 note) is repealed.

"SEC. 182. CLEVELAND HARBOR, OHIO.

"(a) Deauthorization of Portion of Project for Harbor Modification.—That portion described in subsection (b) of the project for harbor modification, Cleveland Harbor, Ohio, authorized by section 202(a) of the Water Resources Development Act of 1986 (100 Stat. 4095), is not authorized after the date of the enactment of this Act.

"(b) Area Subject to Deauthorization.—The portion of the project for harbor modification, Cleveland Harbor, Ohio, described in this subsection is that portion situated in the City of Cleveland, Cuyahoga County, and State of Ohio, T7N, R13W and being more fully described as follows:

"Beginning at an iron pin monument at the intersection of the centerline of East 9th Street (99 feet wide) with the centerline of relocated Erieside Avenue N.E. (70 ft. wide).

"Thence South 50°06′52″ West on the centerline of relocated Erieside Avenue N.E. a distance of 112.89 feet to a point.

"Thence southwesterly continuing on the centerline of relocated Erieside Avenue N.E. along the arc of a curve to the left, with a radius of 300.00 feet and whose chord bears South 42°36′52″ West 140.07 feet, an arc distance of 141.37 feet to a point.

"Thence North 60°53′08″ West a distance of 35.00 feet to a point on the northwesterly right-of-way line of relocated Erieside Avenue N.E.

"Thence South 29°06′52″ West on the northwesterly right-of-way line of relocated Erieside Avenue N.E. a distance of 44.36 feet to a point.

"Thence North 33°53′08″ West a distance of 158.35 feet to a point.

"Thence South 56°06′52″ West a distance of 76.00 feet to a point.

"Thence North 78°53′08″ West a distance of 18.39 feet to a point.

"Thence North 33°53′08″ West a distance of 33.50 feet to a point, said point being the true place of beginning of the parcel herein described.

"Thence South 56°06′52″ West a distance of 84.85 feet to a point.

"Thence North 33°53′08″ West a distance of 137.28 feet to a point.

"Thence North 11°06′52″ East a distance of 225.00 feet to a point.

"Thence South 78°53′08″ East a distance of 160.00 feet to a point.

"Thence South 11°06′52″ West a distance of 46.16 feet to a point.

"Thence South 56°06′52″ West a distance of 28.28 feet to a point.

"Thence South 11°06′52″ West a distance of 89.70 feet to a point.

"Thence South 33°53′08″ East a distance of 28.28 feet to a point.

"Thence South 11°06′52″ West a distance of 83.29 feet to a point.

"Thence South 56°06′52″ West a distance of 4.14 feet to a true place of beginning containing 42,646 square feet more or less.

"(c) Reimbursement Not Required.—The Ohio Department of Natural Resources shall not be required to reimburse the Federal Government any portion of the credit received by the non-Federal project sponsor as provided for in Public Law 100-202 (101 Stat. 1329-108).

"SEC. 183. SIGNING OF UNITED STATES HIGHWAY 71.

"The Arkansas State Highway and Transportation Department shall erect the signs along United States Highway 71 from the I-40 intersection to the Missouri-Arkansas State line which are required to be erected by the Arkansas State law designated as Act 6 of 1989.

"SEC. 184. DISPOSITION OF PAVEMENT MATERIALS.

"Not later than 60 days after the date of the enactment of this Act, the Secretary shall initiate a rulemaking proceeding to establish minimum requirements for the economic reuse and environmentally sound disposition of pavement materials removed during construction, reconstruction, or repaving in any federally-assisted highway project.".

Page 290, line 9, strike the closing quotation marks and the final period.

Page 290, after line 9, insert the following:

"(4) Grants for Bus Testing.—The Secretary shall set aside $1,500,000 in fiscal year 1992, $2,000,000 in each of fiscal years 1993 through 1996, and $3,000,000 in fiscal year 1997 of the amounts made available for replacement, rehabilitation, and purchase of buses and related equipment and the construction of bus related facilities by subsection (k)(1)(C) for such fiscal year for obligation by the Secretary for making grants to the bus testing facility established under section 317 of the Surface Transportation and Uniform Relocation Assistance Act of 1987 (49 U.S.C. App. 1608) for the cost of testing small- and medium-duty buses, vans, and paratransit vehicles and for the lost value of such buses, vans, and vehicles.".

Page 356, line 4, strike "Gilroy" and insert "San Jose-Gilroy-Hollister".

Page 356, line 12, strike "in Gilroy," and insert "from San Jose, through Gilroy, to Hollister,".

Page 357, line 9, before "locally" insert "South Station to World Trade Center segment of the".

Page 357, line 11, strike "December 31, 1991," and insert "February 28, 1992,".

Page 357, line 14, after "for" insert "the entirety of".

Page 357, line 14, after the period insert the following: Section 330 of the Department of Transportation and Related Agencies Appropriations Act, 1992 is amended by striking "—", by striking "(a)", by striking "; and" at the end of paragraph (a) and all that follows through the period at the end of such section and inserting a period, and by running in the remaining matter of paragraph (a) following "Administration".

Page 383, after line 20, insert the following: "The reports shall also include an assessment of the availability and adequacy of commercial motor vehicle driver training schools and programs.".

Page 400, line 21, after the period insert the following: "This training shall include certification of an operator's proficiency by an instructor who has met the requirements established by the Secretary.".

Page 404, line 19, strike "establishing" and insert "proposing".

Page 405, line 13, after "Transportation" insert "and the Committee on the Judiciary".

Page 407, line 6, strike "1996" and insert "1998".

Page 407, line 11, strike "1996" and insert "1998".

Page 407, after line 19, insert the following:

(3) Limitation.—For purposes of paragraphs (1) and (2), in the event of an amendment to the International Fuel Tax Agreement, conformity by a State that is not participating in such Agreement when such amendment is made may not be required with respect to such amendment until a reasonable time period for such conformity has elapsed, but in no case earlier than—

(A) the expiration of the 365-day period beginning on the first day that the corresponding compliance with such amendment is required of States that are participating in such Agreement; or

(B) the expiration of the 365-day period beginning on the day the relevant office of the State receives written notice of such amendment from the Secretary.

Page 407, strike line 20 and all that follows through line 9 on page 408 and insert the following:

(h) Enforcement.—

(1) Action.—On the request of the Secretary, the Attorney General may commence, in a court of competent jurisdiction, a civil action for such injunctive relief as may be appropriate to ensure compliance with subsections (f) and (g).

(2) Venue.—Such action may be commenced only in the State in which relief is required to ensure such compliance.

(3) Relief.—Subject to section 1341 of title 28, United States Code, such court, upon a proper showing—

(A) shall issue a temporary restraining order or a preliminary or permanent injunction; and

(B) may require in such injunction that the State or any person comply with such subsections.

In the table on page 416, after "transit projects in East Haven/Wallingford, Connecticut" insert "($8.8 million for East Haven Route 80, $2.4 million for Wallingford I-91, and $0.7 million for Wallingford Oakdale)".

In the table on page 416, in the item relating to Northern California, strike "For the acquisition" and all that follows through "California" and insert "Purchase right-of-way and develop a transportation corridor in existing rail right-of-way from Larkspur to Korbel, and Novato to Lombard".

In the table on page 417, in the item relating to Las Vegas, Nevada, strike "and I-95".

In the table on page 418, strike "14.0" and insert "15.8".

In the table on page 418, strike "7.0" the last place it appears and insert "6.2".

Page 427, line 25, strike "1992" and insert "1993".

Page 464, line 18, after "bridge" insert ", tunnel,".

Page 468, line 10, strike "and".

Page 468, line 11, after "agencies," insert "and national and international entities,".

Page 468, line 12, after "employees" insert ", United States citizens, and foreign nationals".

Page 472, after line 9, insert the following:

SEC. 619. UNDERGROUND PIPELINES.

(a) Study.—The Secretary shall conduct a study to evaluate the feasibility, costs, and benefits of constructing and operating pneumatic capsule pipelines for underground movement of commodities other than hazardous liquids and gas.

(b) Report.—Not later than 2 years after the date of the enactment of this Act, the Secretary shall transmit to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the study conducted under this section.

Page 472, line 10, strike "619" and insert "620".

Page 480, line 19, after "grants to" insert "non-Federal entities, including".

Page 480, line 19, after "governments" insert ", universities, and other persons,".

Page 485, line 20, after the period insert the following: "The Secretary shall seek maximum private participation in the funding of such activities.".

MODIFICATION TO THE AMENDMENT OFFERED BY MR. WAXMAN OF CALIFORNIA

The amendment as modified is as follows:

Page 115, line 4, strike "develop the" and all that follows down through line 6 and insert "carry out its responsibilities for the transportation portion of the State implementation plan to the extent required by the Clean Air Act.".

Amendment offered by Mr. BEREUTER: Page 243, after line 13, insert the following:

SEC. 181. STUDY ON IMPACT OF CLIMATIC CONDITIONS.

(a) STUDY.—The Secretary shall conduct a study of the effects of climatic conditions on the costs of highway construction and maintenance. The study shall take into account such climatic conditions as freezing, thawing, and precipitation and the impact of climatic conditions on increased highway design costs and decreased highway service life in the various regions of the United States.

(b) REPORT.—Not later than September 30, 1993, the Secretary shall transmit to Congress a report on the results of the study conducted under this section, together with such recommendations as the Secretary considers appropriate. The report shall include a description of the implications of the differing costs on the allocation of highway funds to the States.

MODIFICATION TO THE AMENDMENT OFFERED BY MR. HOCHBRUECKNER OF NEW YORK

The amendment as modified is as follows:

Page 243, after line 13, insert the following new section:

SEC. 181. METHODS TO REDUCE TRAFFIC CONGESTION DURING CONSTRUCTION.

(a) SENSE OF CONGRESS.—It is the sense of Congress that many highway projects are carried out in a way which unnecessarily disrupts traffic flow during construction and that methods need to be adopted to eliminate or reduce these disruptions.

(b) STUDY.—The Secretary shall conduct a study on methods of enhancing traffic flow and minimizing traffic congestion during construction of Federal-aid highway projects and on costs associated with implementing such methods.

(c) CONSIDERATIONS.—In conducting the study under this section, the Secretary shall consider—

(1) the feasibility of carrying out construction of Federal-aid highway projects during off-peak periods and limiting closure of highway lanes of Federal-aid highways to portions of highways for which construction is in progress and for which safety concerns require closure; and

(2) the need for establishment and operation by each State of a toll-free telephone number to receive complaints and provide information regarding the status of construction on Federal-aid highways in the State.

(d) REPORT.—Not later than September 30, 1992, the Secretary shall transmit to Congress a report on the results of the study conducted under this section, together with such recommendations as the Secretary considers appropriate.

Amendment offered by Mr. SCHUMER: Page 376, after line 26, insert the following new section:

SEC. 334. MODIFIED BUS SERVICE TO ACCOMMODATE THE NEEDS OF STUDENTS.

Nothing in the Urban Mass Transportation Act of 1964, including the regulations issued to carry out such Act, shall be construed to prohibit the use of buses acquired or operated with Federal assistance under such Act to provide modified bus service in New York City, New York, to accommodate the needs of students if such buses are operating within the regular route but making limited, express stops during periods of heavy use and such buses carry normal designations and clear markings that such buses are open to the general public.

AMENDMENT OFFERED BY MR. COUGHLIN OF PENNSYLVANIA

At the end of title III of the bill, add the following new section:

SEC. 334. STATE RESPONSIBILITY FOR FIXED GUIDEWAY SYSTEM SAFETY.

The Urban Mass Transportation Act of 1964 (49 U.S.C. App. 1601–1621) is further amended by adding at the end the following new section:

"SEC. 29. STATE RESPONSIBILITY FOR FIXED GUIDEWAY SYSTEM SAFETY.

"(a) WITHHOLDING OF FUNDS FOR NONCOMPLIANCE.—

"(1) FIRST 2 YEARS.—The Secretary shall withhold 5 percent of the amount required to be apportioned for use in any State or urbanized area in such State under section 9 of this Act on the first day of each fiscal year which begins after the second calendar year following the date of the enactment of this section if the State does not meet the requirements of subsection (b) on such day.

"(2) THEREAFTER; ADDITIONAL WITHHOLDING.—The Secretary shall withhold 10 percent (including any amounts withheld under paragraph (1)) of the amount required to be apportioned for use in any State or urbanized area in such State under section 9 of this Act on the first day of each fiscal year which begins after the fourth calendar year following the date of the enactment of this section if the State does not meet the requirements of subsection (b) on the first day of such fiscal year.

"(b) STATE REQUIREMENTS.—A State meets the requirements of this section if—

"(1) the State establishes and is implementing a safety program plan for each fixed guideway mass transportation system in the State which establishes, at a minimum, safety requirements, lines of authority, levels of responsibility and accountability, and methods of documentation for such system; and

"(2) the State designates an agency of the State with responsibility to—

"(A) require, review and approve, and monitor implementation of such plans; and

"(B) investigate hazardous conditions and accidents on such systems and require corrective actions to correct or eliminate such conditions.

"(c) PERIOD OF AVAILABILITY; EFFECT OF COMPLIANCE AND NONCOMPLIANCE.—

"(1) PERIOD OF AVAILABILITY OF WITHHELD FUNDS.—

"(A) FUNDS WITHHELD ON OR BEFORE SEPTEMBER 30, 1996.—Any funds withheld under subsection (a) from apportionment for use in any State on or before September 30, 1996, shall remain available for apportionment for use in such State until the end of the second fiscal year following the fiscal year for which such funds are authorized to be appropriated.

"(B) FUNDS WITHHELD AFTER SEPTEMBER 30, 1996.—No funds withheld under this section from apportionment to any State after September 30, 1996, shall be available for apportionment for use in the State.

"(2) APPORTIONMENT OF WITHHELD FUNDS AFTER COMPLIANCE.—If, before the last day of the period for which funds withheld under subsection (a) from apportionment are to remain available for apportionment for use in a State under paragraph (1)(A), the State meets the requirements of subsection (b), the Secretary shall, on the first day on which the State meets the requirements of subsection (b), apportion to the State the funds withheld under subsection (a) that remain available for apportionment for use in the State.

"(3) PERIOD OF AVAILABILITY OF SUBSEQUENTLY APPORTIONED FUNDS.—Any funds apportioned pursuant to paragraph (2) shall remain available for expenditure until the end of the third fiscal year succeeding the fiscal year in which such funds are apportioned pursuant to paragraph (2). Sums not obligated at the end of such period shall be apportioned for use in other States under section 9 of this Act.

"(4) EFFECT OF NONCOMPLIANCE.—If, at the end of the period for which funds withheld under subsection (a) from apportionment are available for apportionment for use in a State under paragraph (1), the State does not meet the requirements of subsection (b), such funds shall be apportioned for use in other States under section 9 of this Act.

"(d) LIMITATION OF APPLICABILITY.—This section only applies to States that have rail fixed guideway mass transportation systems which are not subject to regulation by the Federal Railroad Administration.".

The CHAIRMAN. Pursuant to the rule, the gentleman from New Jersey [Mr. ROE] will be recognized for 10 minutes and the gentleman from Arkansas [Mr. HAMMERSCHMIDT] will be recognized for 10 minutes.

The Chair recognizes the gentleman from New Jersey [Mr. ROE].

Mr. ROE. Mr. Chairman, these amendments are noncontroversial.

The first is a committee amendment that contains a series of technical and conforming amendments and various provisions members have requested of the committee. These include, in part, the following provisions:

To continue the increased Federal share for certain safety projects and priority primary routes;

To include energy as one the factors of the overall effects on transportation decisions;

To repeal the prohibition for the placement of metric signs along Federal-aid highways;

To require the Secretary to initiate a rulemaking for the disposition of pavement materials;

To authorize funding for costs associated with testing small- and medium-duty buses, vans, and paratransit vehicles;

To include an assessment of commercial motor vehicle driver training schools and programs;

To provide for uniformity of forms and procedures for the payment of fuel use taxes by commercial motor carriers by 1998; and

To evalute the constructing and operating pneumatic capsule pipelines for underground movement of certain commodities.

In addition, the amendment proposed by the gentleman from Nebraska [Mr. BEREUTER] requires the Secretary of Transportation to conduct a study of the effects of climatic conditions on the costs of highway construction and maintenance. At a minimum, the study will investigate the effects of freezing and thawing on pavement conditions and will provide the Federal Highway Administration with valuable and much needed information regarding the design of our highways.

The amendment proposed by Mr. SCHUMER ensures that schools in New York City will be permitted to continue to provide express bus service to school children along regularly scheduled transit routes.

The amendment simply ensures that a practice which currently benefits all passengers—adults and children—is allowed to continue in the face of ambiguous Federal regulations. The amendment has no impact on transit funding and is limited in scope to New York City.

The amendment proposed by the gentleman from California [Mr. WAXMAN] as modified strikes the language in section 135(b) on statewide planning that could be interpreted to give the State complete authority to develop the transportation portion of the State implementation plan required by the Clean Air Act. Our intent was not to preclude the participation of representatives of local governments, State air quality planning agencies, metropolitan planning agencies, and State transportation planning agencies in the development of this important plan. Nor was it the committee's intent to conflict with section 174 of the Clean Air Act which mandates the preparation of the State implementation plan by an organization which includes representatives of these organizations.

The amendment proposed by the gentleman from New York [Mr. HOCHBRUECKNER] as modified, would provide for sense of the Congress language that the performance of highway construction work should be enhanced to minimize congestion at highway work zone areas. It would also call for the secretary to study cost-effective means of such enhancement and the installation of a telephone hoteline.

The amendment proposed by the gentleman from Pennsylvania [Mr. COUGHLIN] requires States to establish rail transit safety programs establishing minimum safety requirements and to certify and monitor their enforcement. This amendment came to our attention late in the process. On its face, it appears to be a good idea and we will take a more indepth look in conference.

Mr. Chairman, I am not aware of any controversy regarding these matters and I urge adoption of the en bloc amendment.

□ 1650

Mr. Chairman, I reserve the balance of my time.

PARLIAMENTARY INQUIRIES

Mr. WALKER. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his inquiry.

Mr. WALKER. Mr. Chairman, under the provision of the rule, do the opponents of this amendment get time?

The CHAIRMAN. Under the rule, the chairman, the gentleman from New Jersey [Mr. ROE], receives 10 minutes of time, and the ranking minority member receives 10 minutes of time on this en bloc amendment.

Mr. WALKER. So, if the ranking minority member is in favor of the amendment, the fact is that the opponents of the amendment receive no time allocated under the rule.

Is that correct?

The CHAIRMAN. The Chair would state that the fact is that time is allocated at the discretion of the chairman, the gentleman from New Jersey [Mr. ROE], and the ranking minority member.

Mr. WALKER. But there is no time allocated under the rule to the opposition; is that correct?

The CHAIRMAN. The gentleman from Pennsylvania is correct.

Mr. HAMMERSCHMIDT. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his inquiry.

Mr. HAMMERSCHMIDT. Mr. Chairman, this is relative to the inquiry from the gentleman from Pennsylvania. I think subsequent amendments will be offered and the opposition will be allowed the time. Is that correct?

The CHAIRMAN. The gentleman is correct on the following amendments, the individual amendments.

Mr. WALKER. Mr. Chairman, I have a further parliamentary inquiry.

The CHAIRMAN. The gentleman will state his inquiry.

Mr. WALKER. Mr. Chairman, is there any indication as to why there is a difference on this amendment and the opponents are not being given an opportunity to ask questions about this amendment?

The CHAIRMAN. The Chair cannot speculate about that.

POINT OF ORDER

Mr. ABERCROMBIE. Mr. Chairman, I have a point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. ABERCROMBIE. Mr. Chairman, we should make this man obey the rules of the House. That is not a parliamentary inquiry.

The CHAIRMAN. The Chair so responded. The committee will now resume regular order.

The gentleman from Arkansas [Mr. HAMMERSCHMIDT] is recognized.

Mr. HAMMERSCHMIDT. Mr. Chairman, I rise in support of this en bloc amendment. It contains a package of technical committee amendments and amendments offered by the gentleman from New York [Mr. SCHUMER], the gentleman from Nebraska [Mr. BEREUTER], the gentleman from California [Mr. WAXMAN], the gentleman from New York [Mr. HOCHBRUECKNER], and the gentleman from Pennsylvania [Mr. COUGHLIN].

Mr. Chairman, Mr. SCHUMER's amendment would permit buses funded with UMTA funds to provide modified express service to transport school children along a regular fixed route. Mr. BEREUTER's amendment would require a study of climate-related stresses on highways. Mr. WAXMAN's amendment makes a clarifying change in H.R. 2950 to ensure that nothing in this bill conflicts with requirements of the Clean Air Act. Mr. HOCHBRUECKNER's amendment would require an examination of ways to improve traffic flow during construction. Mr. COUGHLIN's amendment requires States to set up rail transit safety programs, set minimum safety standard requirements for these systems and enforce those requirements.

While the committee has not resolved all its difficulties with each of these amendments, we will accept these amendments with the intention of working with amendment sponsors during the Conference process to resolve the remaining concerns.

Mr. Chairman, I urge my colleagues to support this amendment.

Mr. ROE. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Illinois [Mr. EVANS].

Mr. EVANS. Mr. Chairman, I rise to express my concerns in this en bloc amendment because it includes a provision that identifies Avenue of the Saints as traveling through Missouri, Iowa, and Minnesota. Several routes have been proposed for this highway, including one that utilizes U.S. 67, Highway 67, and goes through my State, Illinois.

This transportation bill specifically designates 20 high priority corridors in the National Highway System of which the Avenue of the Saints is one. This bill gives the Secretary of Transportation the authority to prepare a long-range plan and feasibility study for these corridors. It is, therefore, completely inconsistent with the intent of this legislation to single out one segment in Illinois to be removed from feasibility studies for this overall plan.

So, Mr. Chairman, I believe that it would be a mistake to include this provision in the transportation bill.

Mr. DURBIN. Mr. Chairman, will the gentleman yield?

Mr. EVANS. I yield to the gentleman from Illinois.

Mr. DURBIN. Mr. Chairman, I thank the gentleman from Illinois [Mr. EVANS] for yielding to me.

Mr. Chairman, it is the nature of our debate on the floor of the House that, when an en bloc amendment is offered, it is usually noncontroversial, and most of us have accepted that at face value. I might tell my colleagues that the amendment which the gentleman from Illinois [Mr. EVANS] makes reference to is very controversial. It is controversial within our State of Illinois.

Mr. Chairman, this is an attempt by one of the Members of this body to direct that a decision be made which benefits his State to the detriment of others. We believe that the decision should be made on the basis of the best service to the greatest number of people and that the State of Illinois should be considered, along with other States, for the Avenue of the Saints.

I want to stand behind the statement made by my colleague, the gentleman from Illinois [Mr. EVANS]. I would sincerely hope that the committee will not let this issue stop at this moment, but will consider it again at a later date.

Mr. ROE. Mr. Chairman, I yield such time as he may consume to the gentleman from California [Mr. MINETA].

Mr. MINETA. Mr. Chairman, I rise in support of the gentleman from New Jersey [Mr. ROE] in this effort to get the committee amendment en bloc adopted at this point.

Mr. HAMMERSCHMIDT. Mr. Chairman, I yield 2 minutes to the gentleman from Nebraska [Mr. BEREUTER], the sponsor of one of the amendments.

Mr. BEREUTER. Mr. Chairman, this Member rises in specific support of one particular section in this en bloc amendment to H.R. 2950.

Mr. Chairman, this Member would also like to take this time to thank the chairman of the Public Works and Transportation Committee, the distinguished gentleman from New Jersey [Mr. ROE] and the ranking minority member on the committee, the distinguished gentleman from Arkansas [Mr. HAMMERSCHMIDT] for offering the provision within the en bloc amendment that this Member had proposed.

Mr. Chairman, it is obvious that certain climatic conditions have an adverse impact on our Nation's highways. The Federal Highway Administration and the American Association of State Highway and Transportation Officials have recognized the need for special pavement design for highways which experience hard freezes and spring thaws in various regions of the country.

Such climatic conditions result in increased construction and maintenance costs and decreased service life of the highways. Proper design of highways in certain regions require considerably stronger pavements that may have a shorter service life than in other regions. In some regions, climatic conditions have required an increase in the thickness of asphaltic concrete by up to 30 percent from the best climatic conditions to the worst.

Although climatic conditions clearly and greatly affect the construction and maintenance costs of highways, this matter has not been adequately studied to accurately measure the climatic import. Contained herein is a straightforward effort to examine this situation and determine the need for any possible improvements. It calls for the Secretary of Transportation to study the effects of climatic conditions on the costs of highway construction and maintenance. Following the study, the Secretary would provide Congress with a report of the study results as well as appropriate recommendations.

As the United States moves forward with improvements in the various surface transportation programs, it is essential that the best available data is utilized. This amendment is an important step toward recognizing the problems associated with different climatic conditions and developing solutions.

This Member urges his colleagues to support the en bloc amendment and expresses sincere appreciation to the committee for including in H.R. 2950 an authorization for the Niobrara, NE to Springfield, SD, bridge and the Newcastle, NE to Vermilion, SD, bridge which this Member has sought to meet pressing transportation needs between our two States.

Mr. HAMMERSCHMIDT. Mr. Chairman, I yield such time as he may consume to the gentleman from Pennsylvania [Mr. SHUSTER].

Mr. SHUSTER. Mr. Chairman, I would like to clarify a portion of the committee amendment. In the committee amendment, we have included a provision based on existing law that increases the Federal share for certain safety projects. Traffic control signalization projects are among those for which a higher share is available. Our intent is that traffic control signalization includes priority control systems for emergency vehicles at signalized intersections.

Mr. VOLKMER. Mr. Chairman, as the country prepares itself for the 21st century, a national highway system including viable feeder routes and important thoroughfares and corridors is necessary to enable Americans to compete globally and on an equal playing field. This country's economic welfare depends on it.

Not only is it important for farmers and manufacturers in northeast Missouri to transport their goods to distributors, marketplaces, et cetera in neighboring towns and States, now these producers must think about world markets, foreign buyers and the Nation's increasing and important emphasis on exporting.

Consequently, the new Intermodal Surface Transportation Infrastructure Act of 1991 is one of the most significant pieces of legislation in this session.

The House Public Works Committee understands the importance of this legislation which will meet the transportation needs of all segments of this country. It has been a struggle and considerable hard work has gone into it, but this legislation will provide the transportation infrastructure required by a 21st-century society.

One of the most prominent sections in this legislation is the designation of corridors of national significance or highways deemed by the committee as the "most efficient and effective way of integrating regions and improving efficiency and safety of commerce and travel and further promoting economic development." I am proud that the committee recognized the Avenue of the Saints which will connect the cities of St. Louis, MO, and St. Paul, MN.

For the past several years, I have worked hard on this project. When the project was first proposed, I immediately concluded it was a valid proposal and I began working for it. I realized how important a total highway system that runs north and south through our area would be. I worked with the chairman of the Public Works Committee, Members from the Iowa and Minnesota delegations and other Members of Congress to bring this project to its completion. I also enjoyed the support from a vibrant grassroots effort made up of several groups along the Highway 61 corridor in my district.

After a thorough study and review of proposed route A—Illinois and Wisconsin—and route B—Missouri, Iowa, and Minnesota—for the Avenue of the Saints, Secretary of Transportation Samuel Skinner determined that route B was the most efficient and cost-effective route for Avenue of the Saints.

However, last-minute efforts were made by members of the State delegations included in route A to have language included in the bill with Missouri, Iowa, and Minnesota for Illinois and Wisconsin.

I am very pleased to work with Congressmen DAVID NAGLE and FRED GRANDY of Iowa to convince the Public Works Committee that route B—Missouri, Iowa, and Minnesota—was the most viable route and that route A—Illinois and Wisconsin—should not be considered.

As a result, Chairman ROE has included in en bloc an amendment to exclude Illinois and Wisconsin from consideration as the corridor for Avenue of the Saints and that route B clearly establishes itself as the most efficient and cost-effective route for Avenue of the Saints.

I am in strong support of this amendment and I urge my colleagues to vote for it.

Mr. HOCHBRUECKNER. Mr. Chairman, I rise today to strongly support the en bloc amendment offered by Chairman ROE to the surface transportation bill. I am pleased that Chairman ROE and the Public Works and Transportation Committee have included in the amendment a sense-of-the-Congress provision highlighting the fact that the problem of traffic congestion associated with the maintenance of our Nation's Federal-aid highways needs to be addressed. It also incorporates a measure requiring the Secretary of Transportation to conduct a study on methods to enhance traffic flow and minimize traffic congestion due to road construction and to report back to Congress on its findings.

With the completion of our National System of Interstate and Defense Highways, we will finally begin to redirect spending to rehabilitate the over 60 percent of our Nation's highways which now require some form of surface rehabilitation.

While the reconstruction and maintenance of our Nation's roads improves the efficiency of our highway system, an increasing amount of highway projects also means increased congestion and frustrating delays for motorists, resulting in a waste of energy and increased air pollution. Each year the Federal Government funds billions of dollars in projects throughout the country, implemented by the States, affecting each of our districts. Currently, we do not have a policy in place to help control the amount of congestion associated with the maintenance of our Nation's Federal-aid highways.

Mr. Speaker, Chairman ROE'S en bloc amendment adequately addresses my concerns about the need for our Nation to more fully address the problem of increased traffic congestion during periods of construction on our Nation's highways. I strongly urge my colleagues to support Chairman ROE'S amendment.

Mr. HAMMERSCHMIDT. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

Mr. ROE. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

The CHAIRMAN. The question is on the amendments en bloc as modified, offered by the gentleman from New Jersey [Mr. ROE].

The amendments en bloc, as modified, were agreed to.

PREFERENTIAL MOTION OFFERED BY MR. BURTON OF INDIANA

Mr. BURTON of Indiana. Mr. Chairman, I offer a preferential motion.

The Clerk read as follows:

Mr. BURTON of Indiana moves that the Committee do now rise and report the bill back to the House with the recommendation that the enacting clause be stricken out.

The CHAIRMAN. The gentleman from Indiana [Mr. BURTON] is recognized for 5 minutes in support of his preferential motion.

Mr. BURTON of Indiana. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would like to engage the gentleman from Pennsylvania [Mr. WALKER] in a brief colloquy because I think this is extremely important, especially where fairness in this body is concerned.

On page 206 of the bill on line 12 it says that any Federal expenditures under this section and section 149 for such projects shall be treated as part of the non-Federal share of the cost of such flood control project.

Now, as I understand it, this involves 14 bridges, and there is supposed to be on these special projects 80 percent paid by the Federal Government and 20 percent paid for by the State, and the way this reads, and I want to make sure we understand it, this gives the Federal Government the ability to waive that 20 percent that all the other special projects are going to have to pay around the country.

Mr. WALKER. Mr. Chairman, will the gentleman yield?

Mr. BURTON of Indiana. I yield to the gentleman from Pennsylvania.

Mr. WALKER. Mr. Chairman, I hope that the gentleman from Indiana [Mr. BURTON] is not afraid of talking to the Prince of Darkness here on the floor. The dark cloud may enshroud him here in this discussion. But let us examine the reality of it because we did not get much of an answer a few minutes ago when we had a discussion about it.

The fact is that under this provision there is $9.5 million authorized for the projects over the next 6 years of the bill. The estimates of the cost is $17.8 million. The question that nobody has been able to answer for us here on the floor today is is the $9.5 million the 20 percent non-Federal share which this bill is going to pay and whether the Army Corps of Engineers is going to pay the other 80 percent. The chances are that that is the case.

□ 1700

The money then for payment of the State's share would come out of the highway trust fund. The Secretary is obligated to come up with any additional money that might not be there, and the total project would be paid for by the Federal Government with no matching share.

Mr. BURTON of Indiana. Mr. Chairman, let me ask the gentleman one further question.

Of the 460 or 459 other projects in the country, is there any language that the gentleman has been able to find in the bill that would exempt the other projects from that 20 percent match?

Mr. WALKER. Mr. Chairman, I must say to the gentleman that I have not been through the whole bill, but I would say that no, I am not aware of that. We find some places where obligational authority was forgiven and where grant money was forgiven. There are some things like that, but there is nothing precise where a State was treated in a special way to be relieved of its entire matching authority, as is the case under this particular provision.

Mr. BURTON of Indiana. Mr. Chairman, I thank the gentleman.

What I would like to do with the remainder of my time, Mr. Chairman, is to run through very quickly the reasons that the administration has for opposing this legislation and threatening a veto of it.

This bill extends the gas tax for 4 years, and that is in effect a tax increase on the backs of the American people. It is going to be a 2.5-cent-a-gallon gas tax increase from 1995 through 1999.

The administration authorized and proposed a 39-percent increase in highway funding over the 5 years without extension of the 2½-cent gas tax. The fact of the matter is, this body and this committee wants that gas tax levied.

The language in section 104 that requires CBO estimates to be used for purposes of pay-as-you-go scoring violates last year's budget summit agreement, so this legislation does violate the summit agreement that was agreed to last year. There are 27 projects that are going to cost $1.2 billion, but of those 27 projects, 20 of them are going to cost $23 billion in the out-years, and that is not in this bill.

Of the other 460 projects that are going to cost $3.8 billion—that is, special projects; some people call a lot of these pork barrel projects—they are going to cost $50 billion in the outyears, thus adding to and exacerbating the deficit problem of this Nation. The bill not only reduces but also allows temporary waivers of current State and local matching requirements, one of which we just talked about a few minutes ago.

The bill does not adequately fund the National Highway System. It provides $37.7 billion over 6 years instead of the administration's request for $43.5 billion, so they are setting priorities different than what the Department of Transportation feels is absolutely necessary.

The bill contains mandatory allocations of highway obligation authority to urban areas. These allocations deny States the necessary flexibility to target spending to their most pressing transportation needs. The Federal Government is going to tell them how to take care of the problems in their States.

The bill increases annual mass transit operating subsidies from $800 million, and—get this—to $2.3 billion over the next 5 years, and it goes up after that.

More than three-quarters of mass transit new start projects earmarked by the bill either fail to meet the basic cost effectiveness criteria, or lack sufficient information for a meaningful evaluation.

Furthermore, the total of the earmarks for new transit starts exceeds $4.9 billion provided in the bill for this purpose, and there is $13.7 billion coming out of the general fund.

The CHAIRMAN. The time of the gentleman from Indiana [Mr. BURTON] has expired.

Does the gentleman from New Jersey [Mr. ROE] wish to be recognized in opposition to the preferential motion?

Mr. ROE. No, Mr. Chairman. I just want to thank the Chair and the Members for indulging us, and indulging our colleagues.

Mr. WALKER. Mr. Chairman, I rise in opposition to the preferential motion.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. WALKER] is recognized for 5 minutes.

Mr. ROE. Mr. Chairman, I thought it was 5 minutes for and 5 minutes against.

The CHAIRMAN. Any Member may be recognized in opposition to the preferential motion for 5 minutes.

Mr. WALKER. Mr. Chairman, I rise in opposition to the preferential motion at this time, because I do hope that at some point we can get to my amendment that actually would have the potential of saving us a little bit of money. Now, understand, it is just a little bit of money. It is less than one one-hundredths of 1 percent of all of the money that is in the bill. Nevertheless, it is an important subject area, because what this bill does in one section is, it creates an Office of Intermodalism.

Now, again, I say to the Members, most of you probably do not know what that word means. If you come up here to our dictionary you will find that it is not in there, and that will probably lead you to an understanding that this is probably something that you may not care to understand what it means.

As nearly as I can tell, the reason why we ended up with this office in the bill is because there were some groups who came before the committee and testified in favor of intermodalism. It was interesting when they testified. Most of them testified against private automobiles. They do not like the idea that people have private automobiles to get out and go wherever they want whenever they want. So they decided that what we need is some office in the Transportation Department that will in fact try to get people out of their private automobiles and take other forms of transportation.

So the committee has complied with this by forming an Office of Intermodalism. The Office of Intermodalism is an anticar office that will be formulated under the bill. Now, it is interesting to have such an office created. The automobile industry contributes one of every seven jobs in the country. If ever there is a job-killing action, it would be to create an office aimed at trying to destroy an industry that provides one-seventh of the total employment in the country. But that is what this bill does.

Now, it is interesting to note that particular office, for administrative costs, costs $11.5 million a year. We are going to spend $11.5 million a year in the Department of Transportation trying to kill off private automobiles in the country. That does not seem to me to be a very rational thing to do.

My amendment would strike the Office of Intermodalism from the bill, and thereby giving the Secretary the obligation to carry forth the intermodal activities. After all, intermodal activities are supposed to be those things that cause transportation to be treated as a network. That is the reason why the Department of Transportation was formed in the first place. That is what it was supposed to do. Now we have to create a brand new $11.5 million bureaucracy to do what the Department of Transportation is supposed to be doing all the way along.

All I am suggesting in my amendment is that we should not create any new bureaucracy. If you want to spend the money on all these special projects in your district, if you think they are all worthwhile, fine. But we ought not to be about the job of trying to form new bureaucracies to do heaven knows what. But from the indication of the groups that supported this concept, the "heaven knows what" is, they are trying to destroy the private automobile sector of our economy.

Now, one other thing I ought to mention is, my amendment in no way touches anybody's intermodal projects. I knew that that would probably set off all kinds of concerns, if we tried in this amendment to knock out projects that were put in the bill for intermodal activities.

I know a lot of you have a lot of intermodalism going on in your districts and you want to continue that. So, therefore, I do not want to do anything about those projects. You keep intermodaling all you want in your districts. It is just that the Secretary will take care of that, rather than this new director of the Office of Intermodalism.

So I do not want to touch anyone's project. All that I suggest is that this brand new $11.5 million bureaucracy is probably unnecessary. If we want to intermodal all over the country and we want to have a hearing in the Judiciary Committee on intermodaling all over the country, that is fine with me, but let us not create new bureaucracies to do all that intermodality. Let us at least have a little bit of sense about this whole process and not come up with brandnew bureaucracies.

That is all my amendment will do. It will be offered later in the process. Since I was only allocated 15 minutes on the whole amendment, and I assume I would only get 7½ minutes of that, I thought at least an initial explanation of intermodalism might be beneficial to the Members. So when Members get to the question of whether or not there ought to be a brand new Office of Intermodalism, I would hope that the Members would vote no on that. It will save $11.5 million. It is a pittance of what is in this bill, but it is an important pittance, because at least we will tell the American people that there is $11.5 million of their money that we do not have to spend on intermodaling all over the country.

With that, Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time has expired.

The question is on the preferential motion offered by the gentleman from Indiana [Mr. BURTON].

The preferential motion was rejected.

□ 1710

The CHAIRMAN. It is now in order to consider amendment No. 1 printed in part 2 of House Report 102-265.

AMENDMENTS EN BLOC OFFERED BY MS. NORTON

Ms. NORTON. Mr. Chairman, I offer amendments en bloc.

The Clerk read as follows:

The text of the amendments en bloc is as follows:

Amendments en bloc offered by Ms. NORTON: Page 22, strike lines 11 through 16 and insert the following:

The Secretary determines otherwise—

(A) not less than 10 percent of the amounts authorized to be appropriated under titles I, III, and VI of this Act shall be expended with small business concerns owned and controlled by socially and economically disadvantaged individuals, and

(B) not less than 5 percent of the amounts authorized to be appropriated under such titles shall be expended with small business concerns owned and controlled by women.

Page 23, line 11, strike the semicolon and all that follows through the period on line 14 and insert a period.

The CHAIRMAN. Under the rule, the gentlewoman from the District of Columbia [Ms. NORTON] will be recognized for 10 minutes, and a Member in opposition will be recognized for 10 minutes.

The Chair recognizes the gentlewoman from the District of Columbia [Ms. NORTON].

Ms. NORTON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, my decoupling amendment seeks to correct a mistake made when the Congress simply incorporated women into the existing 10-percent minority procurement goal for disadvantaged businesses in the 1987 transportation bill. The resulting polarization between women and minorities has been fierce. When Federal legislation is the direct cause of intergroup conflict, the Congress has an obligation to eliminate that polarization.

In 1982, the Congress set a goal of 10 percent of Federal highway and transit funds to be spent with minority businesses, omitting women. At that same time, the data showed that women experienced the same pattern of almost total exclusion. Because the concerns and needs of women were not brought forward, women were not included in the original program. This omission has had three unintended consequences. It has shortchanged women. It has been unfair to minorities. And it pitted one group against the other. Let me explain.

In 1987, while the House was considering a reauthorization measure, a floor amendment that had never been presented in committee was adopted without debate on the floor. It made women eligible to participate in the DBE Program, but squeezed them into the same 10-percent goal that in 1982 had been carved out by this body for minorities alone. This was unprecedented and unprofessional in affirmative action methodology. Just how damaging the consequences would be was unforeseen at the time. In State after State, reports indicate internecine conflicts among minorities and women—both disadvantaged groups. Their energies should more properly be focused on competing with those who have long enjoyed a monopoly over the majority of these construction contracts. These monopoly contractors have been the beneficiaries of congressional action that has thrown minorities and women into the same small share.

My amendment will allow minorities and women to compete separately for a fair and realistic portion of the total dollars we spend on highway and transit projects, providing a goal of 10 percent for minority businesses, and 5 percent for women businesses. Nationwide, minority firms have demonstrated a capacity to achieve beyond this goal. Women-owned firms have achieved 5 percent. Both goals, therefore, reflect actual experience.

I preferred a 10-percent goal for each group and argued for it in the Rules Committee. I believe that if the two groups had been before the Congress in 1982, both would have been separately and equally designated, as they are in other affirmative action programs. I support the amendment reported out because it allows both groups to participate according to their actual experience and therefore, shortchanges neither, and because it rids us of polarization neither the country nor the DBE Program can afford.

The opposition usually raises two canards—higher fraud and lower standards. The occasional fraud earlier found in some State programs is no longer a significant problem because it was exposed and cleaned out.

The argument that standards will be compromised to meet the goal is resoundingly refuted by the data. Since the program's inception, State DBE procurement figures have always fluctuated from year to year according to the availability of qualified firms. This experience shows that States adjust to the prevailing realities of the DBE marketplace. They do not go forward in a rigid manner bound and determined to meet unattainable numbers but pursue flexible goals.

I urge support of the amendment.

Mr. HAMMERSCHMIDT. Mr. Chairman, I rise in opposition to this amendment.

The CHAIRMAN. The Chair recognizes the gentleman from Arkansas [Mr. HAMMERSCHMIDT] for 10 minutes.

Mr. HAMMERSCHMIDT. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, I rise in strong opposition to this amendment.

Five years ago, I stood on this very floor where I am standing now and proposed an amendment to add women-owned businesses as a socially and economically disadvantaged group for purposes of the Federal-aid highway and transit programs. Since then, minority-owned businesses and women-owned businesses have both been eligible under the 10-percent set-aside goal.

I did that because in the highly competitive, capital intensive construction industry, both minorities and women are equally disadvantaged. The Black Caucus and its chairman at the time did not object to the amendment. The amendment passed unanimously and became the law of the land. It has worked well and should not be changed.

Today, I stand here again and defend the good policy decision made in 1986. Unfortunately, some of my colleagues, whom I greatly respect, believe that minority-owned businesses deserve to have a separate goal of 10 percent reserved for them, and women-owned business only deserve half that goal, or 5 percent. The amendment not only caps WBE's at 5 percent, it removes the presumption that women-owned businesses are socially and economically disadvantaged with regard to the Federal surface transportation programs.

In both subcommittee and full committee markups on H.R. 2950, this same amendment was offered and soundly defeated with bipartisan opposition. The reason for its defeat is clear; the amendment is wrong, unfair, unreasonable, and should not be enacted into law.

Let us take a look at the facts. First, the amendment would result in a majority of States being unable to reach the overall 15-percent goal. Prior to the inclusion of WBE's in the program, 21 States could not reach the 10-percent goal. Since 1987, 7 States have voluntarily set higher DBE goals, 42 States have achieved a percentage in excess of the established 10-percent minimum, and only 4 States have had difficulty attaining their goals. The DBE national average is currently 14.3 percent.

Despite these impressive figures, 37 States are currently not able to achieve a 15-percent goal that would be required as a result of this amendment. The amendment will penalize States which do not have the available DBE capacity.

Second, it is unfair to set two separate and unequal goals for two equally disadvantaged groups. Of the 14.3 percent achieved nationally in 1990, minority-owned businesses achieved 9.3 percent and women-owned businesses achieved 5 percent. Twenty-eight States surpassed a 5-percent goal requirement for WBE's that would be set up as a result of this amendment. In the first 6 months of 1991, women-owned businesses were achieving 5.2 percent, and 36 States surpassed the proposed 5-percent requirement.

Third, a dual goal program will result in States having burdensome, divided DBE goals on construction contracts between minority- and women-owned businesses. In other words, the available work percentage for minority-owned businesses will have to match the available, qualified MBE's for that specific work. The same situation will have to occur with the WBE goal. It is very unlikely that a typical contract would be able to be divided very easily on this basis. The sheer population of women and minorities varies nationwide and varies significantly from State to State. A single goal system is far superior, because set-aside requirements can be fulfilled from drawing from a larger total pool of qualified MBE's and WBE's.

Fourth, the amendment will result in capacity problems. Under H.R. 2950, highway construction funding will be increased by 40 percent. As a result of this increase, DBE's will be capturing significantly more dollar volume. To raise the overall goal at a time when funding is expanding will cause serious capacity problems, which will cause more States to have to apply for waivers.

A final fact is that there is not one piece of Federal legislation that contains a set-aside goal in excess of 10 percent. Not one.

I strongly urge my colleagues to oppose this amendment.

Mr. Chairman, I would like to elaborate on what these facts say to us. First, though a majority of States are achieving percentages beyond 10 percent, a majority of them cannot achieve a goal of 15 percent.

Second, since WBE's are already exceeding 5 percent, it is unfair to limit their opportunities to a 5-percent, goal when they can currently compete for a full 10 percent.

Third, a dual goal program puts added burdens and extra costs on construction contracts.

Fourth, increased funding levels will increase the dollar volume for DBE firms. If the goal is increased, it is questionable whether sufficient capacity exists to fulfill the goal.

And finally, no piece of Federal legislation contains a goal beyond 10 percent. Mr. Chairman, the facts point us in only one direction; the current program should not be changed.

I strongly urge my colleagues to oppose this amendment.

Ms. NORTON. Mr. Chairman, I yield 3 minutes to the gentleman from California [Mr. MINETA].

Mr. MINETA. Mr. Chairman, I rise in support of the amendment offered by the gentlewoman from the District of Columbia.

I believe that this amendment is both an appropriate change to the current Disadvantaged Business Enterprise [DBE] Program and an adequate compromise to the issue of decoupling women and minorities in the DBE Program.

This amendment would create two separate goals: a 10-percent goal for minority-owned businesses and 5-percent goal for women-owned businesses.

The overall percentage involvement by disadvantaged businesses has remained constant since 1984. However, the 1987 inclusion of women-owned businesses in the DBE Program has had a significant impact of the participation of minority-owned businesses.

The total minority business percentage per year has declined from 12.7 percent in fiscal year 1985 to 9.3 percent in fiscal year 1990. At the same time, the participation of women-owned enterprises increased from 2.7 to 5 percent.

According to the Federal Highway Administration, between 1987 and 1990, the DBE Program has seen a 75-percent increase in reported women-owned business participation. However, there has been a dramatic decrease of 32 percent by minority-owned businesses.

This amendment will return the program to the pre-1987 status for minority-owned businesses and set a goal for women-owned businesses that correlates with the national average for women's enterprises.

Perhaps most important, these percentages are not quotas or ceilings—they are goals. There is nothing stopping any group from surpassing this goal. In fact, I'd like to see both women and minority-owned businesses exceed all past goals.

There is data, however, that illustrates minority business participation has decreased consistently under the post-1987 DBE goal system. For example, in 1985, minority businesses were achieving 12.7 participation and womens' enterprises were achieving 2.7 percent participation. In 1990, the minority participation dropped to 9.3, while women enterprises increased to 5 percent.

Our goal today should be to return this program to its original state. I urge my colleagues to support this amendment.

Mr. HAMMERSCHMIDT. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Tennessee [Mr. CLEMENT], a member of the committee.

□1720

Mr. CLEMENT. Mr. Chairman, I rise in opposition to the amendment offered by my friend, the gentlewoman from the District of Columbia.

During the markup at the Committee on Public Works and Transportation, I offered an amendment which was adopted directing the General Accounting Office to study the effectiveness of the disadvantaged business enterprise program. Until the study is completed, which will be no more than 12 months after the date of this bill's enactment, I believe it is premature to include the gentlewoman's amendment in the bill.

Issues to be studied concern the graduation rate of DBE firms, whether the graduation date should be accelerated, what the average length of time small nondisadvantaged firms take in successfully competing for highway construction projects and how that average compares to DBE firms.

The bill also directs the GAO to evaluate the certification process and whether the process should be uniform and permit reciprocity between States.

The study also includes several issues which I understand the gentlewoman herself asked our chairman be included at the full committee markup. These issues include out-of-State contracting, program adjustments, revising the performance, and financial capabilities used to evaluate DBE's, and whether there should be revisions to the enforcement provisions.

I would hope that the gentlewoman's contribution to the report language would indicate her interest in learning the study's result before altering the program in the way her amendment does.

I oppose the amendment. Let the General Accounting Office undertake the study provided for in the bill. Then we can make such corrections as necessary to improve the DBE Program.

I do think we should look at it very seriously, whether women are cannibalizing the minority program, but we do not have enough facts or information yet. That is why the Committee on Public Works and Transportation in the markup placed this study in the record. I recommend to oppose this amendment.

The CHAIRMAN. The Chair notes the gentleman from Arkansas [Mr. HAMMERSCHMIDT] has 6 minutes remaining. He does have the right to close debate.

The gentlewoman from the District of Columbia [Ms. NORTON] has 4 minutes remaining.

Mr. HAMMERSCHMIDT. Mr. Chairman, I yield 2 minutes to the gentleman from Kansas [Mrs. MEYERS].

Mrs. MEYERS of Kansas. Mr. Chairman, I rise in strong opposition to the amendment offered by the gentlewoman from the District of Columbia. Her amendment would replace the current set aside of 10 percent for women and minorities as two separate and unequal goals: 10 percent for minorities and 5 percent for women. Quite simply, this amendment is unfair and it is unnecessary.

Delegate NORTON's amendment sends a message loud and clear that providing contracting opportunities for women is only half as important as providing such opportunities for minorities. The fact is that women face many of the same barriers as minorities in establishing their businesses and obtaining contracts.

This amendment is unnecessary for several reasons. H.R. 3566 requires the Comptroller General to conduct a study of the Disadvantaged Business Enterprise Program. This bill requires the study to address very specific items, and it defies common sense to make this drastic change to the current program before this study has been completed.

There is a lot of misinformation floating around about this issue, and I would like to take just a minute to provide Members with the facts.

Advocates of this unequal split claim that minority participation in the program has been severely eroded. The fact is that in 1990, minority businesses received 9.3 percent of the contracts under the Federal Aid Highway Program. Women received 5 percent of the contracts last year due to the fact that some States are exceeding the 10 percent, resulting in an overall goal of 14.3.

Now, those States with large numbers of minority-and/or women-owned businesses are voluntarily increasing their goals, but of the mandate, minorities get 9.3 percent of the contracts.

Second, some Members believe that a new set aside of 15 percent is in step with current program participation and will be easily achieved by the States. Far from meeting a 15-percent goal before women were added to the DBE, 21 States were unable to meet even the 10 percent.

Mr. Chairman, this same amendment was defeated twice in the Committee on Public Works and Transportation. It is not endorsed by the Women's Caucus. It is not endorsed by the Women's Contractors.

I urge my colleagues to follow the committee's lead and to oppose this amendment.

Ms. NORTON. Mr. Chairman, I yield 2 minutes to the gentleman from Illinois [Mr. SAVAGE].

Mr. SAVAGE. Mr. Chairman, just to dispel this nonsense about figures are pending, the figures are out. The Department of Transportation has the figures. The figures are very simple.

The original bill was adopted in 1978 to improve the participation of minority-owned businesses, and it started, as we can see here, down at only 3 percent. And then the bill worked.

It went from 3 percent to 4.3 in 1981, 5.3 in 1982, 9.8 in 1983, 13.2 in 1984. The bill was working, and its purpose was being served.

And what happened? In 1986 and 1987, an amendment passed on this floor that never saw the light of day in committee, never discussed in committee, never debated on this floor. Was not even a recorded vote.

What it did was to collapse what was then a 3.2-percent goal for women businesses, meaning effectively white women businesses, of course, minority women businesses are included in the original set aside.

The 3.2 percent that Elizabeth Dole, then Secretary of Transportation, set aside for women was collapsed into the 10 percent set aside for minorities.

As a consequence, we got a combined goal of only 10 percent of what was 13.2. It was a one-third reduction, and we can look at the chart and that is exactly what we see happening.

The combined has steadily gone down, every year until last year.

While the women's participation as a percentage of the whole has increased, the whole has decreased.

What will happen if we adopt this amendment? We will take it back to a combined total of 15 percent, which is closer to where it once was at 13.2, rather than where it is now at 10 percent.

The reason it needs to be more than 10 percent is because this particular affirmative action includes more than disadvantaged businesses and minorities. It includes women-owned businesses as well.

Mr. HAMMERSCHMIDT. Mr. Chairman, I yield 1 minute to the gentlewoman from Maryland (Mrs. BENTLEY).

Mrs. BENTLEY. Mr. Chairman, I rise in strong opposition to the amendment offered by my distinguished committee colleague, the gentlewoman from the District of Columbia [Ms. NORTON].

Any effort to create separate and unequal goals within the Disadvantage Business Enterprise Program is unfair and unreasonable. It sets the tone that, somehow, women are a lower class of citizens and deserve a less than favorable treatment by the Federal Government.

A separate, lower set aside goal for women is discrimination, and no one should support discrimination in any form.

The DBE program works. Minority-owned and women-owned have benefited, and this body should not tinker with a program that has been advantageous to all socially and economically disadvantaged groups employed in the highway construction industry.

This amendment is a step backward for women and I vigorously urge my colleagues to reject this discriminatory measure.

Mr. HAMMERSCHMIDT. Mr. Chairman, I yield 1 minute to the gentlewoman from Nevada [Mrs. VUCANOVICH].

Mrs. VUCANOVICH. Mr. Chairman, I rise in opposition to the amendment offered by the gentlewoman from the District of Columbia.

Under current law, which the bill continues, States must award 10 percent of their Federal highway moneys to disadvantaged business enterprises owned by minorities and women. This policy has been very successful in my State of Nevada.

In fact, in fiscal year 1990, 29.2 percent of the Federal highway construction moneys have been awarded to women owned businesses, 7.6 percent to minority owned businesses.

I am concerned that the gentlelady's sweeping mandate of 10 percent to minorities and 5 percent to women will, in the long run, reduce the number of contracts awarded to women owned companies in my State of Nevada and across the country.

I urge defeat of this amendment.

□1730

Ms. NORTON. Mr. Chairman, I yield 1 minute to the distinguished chairman of our committee, the gentleman from New Jersey [Mr. ROE].

Mr. ROE. Mr. Chairman, I thank the very distinguished gentlewoman, a member of our committee, for yielding time to me.

I regret that this issue has taken on such contention, and in my support over the years I have strongly supported the situation that we find ourselves in, and I did support the amendment in subcommittee, and I did support the amendment in full committee, and I do support the amendment today.

I think that a better understanding is beginning to emerge. I think that as I recall back in our deliberations in committee we do need more information, we do need a better understanding of this issue. On balance, however, I strongly support the gentlewoman's amendment that she has offered here today.

Ms. NORTON. Mr. Chairman, I yield 30 seconds to the gentleman from Michigan [Mr. CONYERS].

Mr. CONYERS. Mr. Chairman, I want to commend the gentlewoman from the District of Columbia on resolving a problem that has been a very difficult one for those of us seeking fairness for many years within disadvantaged business enterprises.

Mr. CHAIRMAN. I rise in support of the Norton amendment.

Under current law, States must award a minimum of 10 percent of their Federal highway funds to disadvantaged business enterprises, or DBE's. When this program was conceived in 1982, only racial minorities fell into this classification.

However, in 1987 this definition was amended to include nonminority women—forcing these groups into fierce competition with each other for the same 10 percent goal. The impact of this modification has resulted in a dramatic reduction in the participation of minority businesses in the program as prime contractors avoid their utilization.

It is important to remember, Mr. Chairman, that this 10 percent goal is just that—a goal—for the awarding of Federal highway dollars to these businesses. Currently, those goals are easily exceeded: DBE's are currently awarded 15 percent of all Federal highway contract moneys and have been increasing their share every year. Minorities currently obtain about 9.5 percent while women are awarded about 5.5 percent. This program has been an unqualified success—except for the unfortunate competition that has resulted between women and minority contractors.

The Norton amendment simply seeks to codify the current performance trend of 10 percent for minority firms and 5 percent for women.

What the Norton amendment will do, Mr. Chairman is:

Eliminate the competition between these worthy entrepreneurs by setting separate goals for both;

It will automatically preclude prime contractors from utilizing one DBE group over the other;

It will allow both minority and women contractors to fully develop in the highway construction industry without having to eliminate the other from competition, as is presently the case;

It will increase the minimum award to DBE's from 10 percent to 15 percent—guaranteeing opportunities for these groups.

What the Norton amendment will not do is:

Take hard-fought opportunities away from women contractors.

It will not impose undue burden upon prime contractors, since most nonhighway State and local government disadvantaged business utilization programs already require separate goals for minorities and women, and since the current DBE participation is already 15 percent and growing.

The idea of establishing separate goals is nothing new. Currently, in the Business Opportunity Development Reform Act of 1988, Public Law 100-656, the President is required to establish two Governmentwide goals: One for small business concerns, the other for small disadvantaged businesses. Congress recognized that the only way to accurately monitor progress of small businesses and small disadvantaged businesses was to separate those goals. The Norton amendment builds on that policy by establishing a separate goal for women.

The Norton amendment is good public policy, Mr. Chairman. It establishes a rational way to measure the participation of both women- and minority-owned businesses in the multibillion dollar business of constructing our transportation infrastructure. I urge my colleagues to join in supporting it.

Ms. NORTON. Mr. Chairman, I yield 30 seconds to the gentleman from Maryland [Mr. MFUME].

Mr. MFUME. Mr. Chairman, I rise in support of the gentlewoman's amendment.

Let me just say this about the people most affected, the women and minorities of this country. They want the best in America, in their neighborhoods, in their communities, and an opportunity just like the rest of us. They too pay taxes every day. They travel the roadways and the highways and the byways affected by this bill. They pay taxes every day. Some work at menial jobs, even for minimum pay, but they pay taxes every day. And they have supported, ladies and gentleman, foreign aid. But they want some domestic aid because they pay taxes every day.

As someone said, let us wait for another study, we have had studies on the studies, proposals on the proposals, and another plan B for the plan A that failed. It is always wait until tomorrow, and the next tomorrow, or the next election or the next generation.

These are American citizens who desire an opportunity. This is a ceiling that we can break.

People who argue that it is going to stifle their opportunities need only to look at the current record in this country and they will see they have had no real, meaningful opportunity to participate.

We have played by the rules, but the rules have been changed. I ask Members to pass this amendment and create real and meaningful opportunity for the women and the minorities of this Nation who do not deserve anything less.

Mr. HAMMERSCHMIDT. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania [Mr. SCHUSTER] to close debate for the opposition.

Mr. SHUSTER. Mr. Chairman, the subcommittee defeated this amendment very handily. The full committee defeated this amendment very handily, and for very good reasons.

This amendment should be defeated because it is a quota bill. Members can call it goals, but the State highway departments tell us that they administer it as a quota system because they are so fearful of the lawsuits which will be brought against them if they do not.

The second reason this should be defeated is because even if we maintain the 10 percent, because of the spending increase in this bill there will be a very substantial increase in the dollars available for this program, from $1.4 billion to $1.9 billion a year, a 35-percent increase in dollars even without increasing some 10 percent.

Another reason why this should be defeated is because of the allegations of fraud and abuse. Many people have heard these stories, but more important than the stories are the facts. Let me quote:

> A federally funded study of highway set-aside programs in nine States estimated that roughly 20 percent of minority contractors engaged in fraudulent activities.

That is the reason we passed the GAO study. That is why we should have a study before we go increasing this from 10 percent to 15 percent.

Finally, many women oppose this increase. I had a Member on this floor tell me today, who is going to vote against this, "You don't help women by placing a cap on them which is below where they already have achieved."

So let us have the GAO study. Let us proceed carefully before we initiate a 50-percent increase from 10 percent to 15 percent, which means that we will be increasing not a 35-percent increase, but well over a 50-percent increase. Let us proceed with a study before we increase this from 10 percent to 15 percent.

Mr. OWENS of New York. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, as we debate surface transportation legislation, I rise to support the principle of separating the minority set-asides from the set-asides reserved for women. Mr. Chairman, today I offer the same argument that I presented in an article published in the September, 1989 issue of the Congressional Black Caucus magazine Point of View. This is a statement addressing the philosophical and historical background which justifies the use of set-asides by the U.S. Government. We maintain that set-sides for women and other groups are needed. But it is important to make a distinction with respect to the rationale for other set-asides and the rationale governing set-asides for descendants of African slaves. Mr. Chairman, I offer the following statement:

A PHILOSOPHICAL FOUNDATION FOR SET-ASIDES

(By Major R. Owens)

Attacks continue to come from those who seek to wipe out the concept of set-asides by classifying all minorities or disadvantaged set-asides as "vested interest" legislation. Despite the earlier Supreme Court decisions supporting set-asides at the federal level, this form of attack has continued unabated at State and Municipal levels.

Now, the Supreme Court, in a regressive and reactionary decision, has delivered a temporary but devastating blow to State and Local set-aside programs.

Attack by dilution or overload is the primary problem at the federal level. Federal legislative language evolved from "minorities" to "disadvantaged minorities" to the broader term "disadvantaged." With the addition of white women as another component of the "disadvantaged," we have now arrived at a point where the majority of Americans are theoretically able to apply for the status of "disadvantaged."

The original intent of bringing governmental relief to damaged classes of persons has yielded to a process of determining who is disadvantaged on an individual case-by-case basis.

In other words, the burden of proving a disadvantaged condition has become an individual responsibility with society refusing to acknowledge that whole groups have been damaged to the degree where each individual within the group is *automatically* disadvantaged.

The time has come for the Congressional Black Caucus, the originators of the concept of setasides, to clarify the intent of the original concept. "Reparations" for African-Americans as a class was the original intent. The language of the Supreme Court opinion which upheld the original set-aside in the Public Works Act also reinforces the argument that favorable treatment of a class is justified as a means to correct "past injustices."

Individuals can never be victims of "historic injustices"; only long suffering groups can qualify. The "past" must not be interpreted in a petty and narrow fashion which limits the time period to the life of one person or even several generations. The "past" must be defined as the time span which began with slavery.

Individuals are the victims of "current conditions" such as low incomes which may be used as a determining factor in qualifying as a "disadvantaged" person. While it may be proper for a society to provide relief to such individuals, we must recognize that this is favorable treatment for a different reason.

Although there are now a number of categories or classes that are under the umbrella of "disadvantaged" and all deserve special treatment, *all of the disadvantaged are not equally damaged* and thus do not deserve to be treated equally.

At one extreme of the scale of damage are African-Americans and American Indians or Native Americans. So great has the official and governmental damage to these groups been that they deserve, as groups, special treatment as a matter of *reparations* for long-term, widespread, debilitating damage.

The definition of their "past injustices" must begin with the founding of the nation.

At the other end of the spectrum are physically or mentally disabled individuals who are "disadvantaged" through no fault of the government, but who are in a position to be victimized by the larger society if no official effort is made to assist them. As a matter of general societal compassion and high governmental morality, these individuals are placed under the umbrella of the "disadvantaged."

To better illuminate these arguments, a chart accompanies this article which indicates the major disadvantaging conditions and the degree and extent of disadvantage among eight major groups: African-Americans, Native Americans, Hispanic Americans, Other Ethnic Minorities, Women, Individuals with Temporary or Permanent Disabling Conditions, Political Refugees, and the Temporarily Disadvantaged.

The analysis of the extent and degree of disadvantage should take into account the following:

The *duration* of the disadvantage, which ranges from as little as a few years, or even a few months, to as long as three centuries.

Enslavement, which, because it involves a total denial and destruction of all human rights and dignity, is completely different in intensity and degree from all other disadvantaging conditions.

De jure exploitation and mistreatment: use of the power of government and laws to sanction and encourage the exploitation and violation of its victims' rights produces a massive greater degree of injury than governmental neglect or unsanctioned de facto mistreatment.

The cumulative and compounding effect when a number of highly injurious disadvantaging conditions are present, so that they reinforce each other, and when this continues for many generations.

In structuring federal policies and programs to compensate the disadvantaged, recognition should be given to all of the disadvantaging conditions cited above. However, it is also necessary to give substantial additional weight to the particularly injurious results of human slavery and of government-sanctioned (de jure) exploitation and discrimination, especially when they continued for centuries.

It is especially and critically necessary to give great weight to the *cumulative* effect that results from a massive and overpowering use of all the resources and voices of society to exploit and violate its victims.

When all of the leaders and spokespersons of religion, education, business, the arts and the intellectual community add their voices and their support to the neighbors, storekeepers, employers and others who are encountered in day-to-day living—and when the violence committed (or condoned) by all of these is aggravated and augmented by the sanction and support of the government and the laws—there is an overwhelming power. The whole is much greater than the sum of the parts.

This massive accumulation had a compounding effect on the slaves and later victims of discrimination who felt totally surrounded and could find help and support only in their own group, with its tragically limited material resources. When all elements of a society joined together to degrade and humiliate an entire people, and when this continued unceasingly and without respite for many generations, the majority of the victims inevitably lost all hope, and began to believe, as society told them, that they were inferior.

It is not requesting too much when we assert that a great nation should be willing to "set-aside" as much as 25% of its resources to provide special opportunities to all groups under the umbrella of the "disadvantaged." It would be a gross injustice to lump or crowd all of these groups, together, treat them equally, and then make no additional resources available to them. The following distribution formula is recommended:

1. 10% for descendants of African-American slaves and Native Americans.
2. 5% for Hispanics and Other Ethnic Minorities.
3. 5% for Women.
4. 5% for Individuals with Temporary or Permanent Disabling Conditions Not Caused By The Government.

Another vitally necessary adjustment to provide a new collective "mind-set" on the question of set-asides and to return to the original intent of the law is embodied in the following language for a legislative amendment:

All descendants of African slaves and all descendants of Native Americans shall be deemed to be automatically disadvantaged. No means test or other conditions shall be imposed on these two classes of disadvantaged persons.

An amendment of this nature would return to the focus of the original legislation. Special treatment to compensate for past injustices committed against an entire group must be implemented in a manner which does not raise the question of whether or not each individual is currently entitled to such treatment. The "reparations" rationale for the group must take precedence over the "compassion" rationale for the single individual.

And furthermore, by limiting the first and largest category of set-aside programs to African-Americans and Native Americans, we pinpoint two groups for which the proof of "past injustices" is readily available. Part of the evidence of official mistreatment is in the Constitution of the United States with its "three-fifths of a man" designation. Generous amounts of evidence of "past injustices" may be found in the recorded history and laws of most of the States and Localities.

Until the late 1960's, laws denied African-Americans the right to a license to work as a plumber, an electrician, plasterer, etc., were still on the books of most of the Southern states. Even today, de facto rules, regulations, traditions, apprenticeship requirements, etc., still deny African-Americans access to these vital trades. Experience as workers and craftspersons is the natural stepping-stone to subcontracting and contracting.

The Supreme Court Richmond decision will force us to dig up the evidence, expose stinking skeletons and open many rancid wounds. There is an abundant supply of evidence to prove arguments for, not less, but more set-asides for the long-suffering African-Americans.

The Eskimos, Aleuts, Pacific Islanders and others are not the descendants of American slaves and we should not dilute our efforts by attempting to bring them under the special umbrella reserved only for African-Americans and Native Americans. The position which contended that we could gain more support by being more inclusive has proven to be a self-defeating approach. With the customary African-American compassion and generosity we welcomed white women into federal set-aside legislation and were victimized by this gesture as contracts and subcontracts were given to them as a way to avoid giving them to African-Americans for whom they were intended by law. Certainly we should continue to fight for and with, other categories of disadvantaged persons. But the Supreme Court ruling now makes it impossible to keep everybody under one umbrella. Each group must make its own case separately and offer its own historic evidence.

In some ways, Sandra Day O'Connor's mean-spirited distortion of the Fourteenth Amendment, and her order to "prove" that past injustices did occur may clear the air. Too much cluttering under the set-aside concept was smothering the originators. Now we may return to the original thrust of set-asides as one part of a much-deserved program to massive reparations for the descendants of slaves.

Mr. LEWIS of Georgia. Mr. Chairman, I rise in strong support of the amendment. It is fair. It is right. It is just.

Mr. HAYES of Illinois. Mr. Chairman, I rise in support of this amendment.

Mrs. SCHROEDER. Mr. Chairman, we will soon be expected to vote on a measure that will replace the Department of Transportation's 10 percent combined procurement goal for minority business enterprises [MBE] and women business enterprises [WBE] with separate procurement goals of 5 percent of women and 10 percent for minorities. This amendment will negatively affect women-owned businesses.

Women business owners are one of the most significant economic resources in America today—and the most underutilized. Gains women have made in the business community are doubly impressive because subtle and not-so-subtle discrimination remain pervasive problems for women running their own businesses.

For example, women are virtually excluded from government procurement activities. In 1979, a Presidential report identified lack of access to procurement contracts as one of the major barriers facing women-owned businesses. Still, more than a decade later, less than 1 percent of Federal prime contracts were awarded to women-owned firms.

The Department of Transportation [DOT] is the only agency that has any kind of a procurement goal for women. The result since the inclusion of women in 1979: A 100-percent increase in women's participation in the highway industry, and a 46-percent increase of minority women's participation in the industry.

Under the current combined goal women are receiving 5.2 percent of DOT contracts, minority firms are receiving 9.4 percent. Clearly, setting a 5-percent goal for women-owned businesses is a setback.

Obviously, this is a controversial issue. However, the combined goal was established to aid groups disadvantaged by biases in the system. Clearly, both minorities and women are subject to those biases. Therefore, we need a solution that is fair to both minority-owned and women-owned businesses. Separate goals of 10 percent and 5 percent are not.

Mrs. LLOYD. Mr. Chairman, I rise in opposition to the Norton amendment to H.R. 2950. I am sympathetic to encouraging greater numbers of minority- and women-owned business receiving highway contracts. However, in recognition that Tennessee is currently having difficulty meeting the mandated 10 percent DBE set aside, I feel that increasing the DBE goal to 15 percent would only exacerbate the problem. Nothing in the current law prohibits States from raising the DBE goals on their own. But raising the DBE goal nationwide without respect for the labor pool within individual States will force States to hire out of State DBE applicants. I feel that State flexibility in setting DBE goals reflective of their situation, should not be taken away.

Mr. TOWNS. Mr. Chairman, today, I speak to urge my colleagues to adopt the amendment introduced by my colleague, the delegate from the District of Columbia, which would establish separate contracting goals for minority-owned and women-owned businesses. These dual goals for minority- and women-owned business are essential to maintain the worthwhile participation of minorities in this sector.

In 1982, this Government made a decision to assist the development of minority businesses in the Federal Highway Program. After years of intentional exclusion, this was the right decision. In 1987, the act was amended to make nonminority women eligible to participate as disadvantaged business enterprises. Again, after years of exclusion, this was the right decision. However, even though this second and substantial group was added, the percentage of contract moneys which States had to make available to the disadvantaged business enterprise program was not increased.

The result of this decision was to keep the substantial group of women from participating against established white firms and to pit two disadvantaged groups against each other and force them to fight for a minuscule portion of a large pie. The intangible and indelible effect has been a significant increase in the animosity between these two traditionally disadvantaged groups.

I cannot believe that the devastating impact which these collapsed categories would have on the minority business community was foreseen in 1987. It seems to me that the laudable, noble, and necessary objective of encouraging and fostering the economic development of groups which are underrepresented in this industry and in the governmental contracting process in general would not have been purposely frustrated in this manner. I would like to believe that this body is not that Machiavellian and uncaring about the economic development of two groups which together comprise about 70 percent of the population of this country.

By amending this act to establish dual categories this body will take advantage of an opportunity which few people ever have—to set right a horrible and harmful mistake. As leaders, we have a duty to be fair and keep in perspective what this country is and what we hope it to be. I believe it to be a place where all people are given a real and meaningful opportunity to pursue their hopes and dreams—unfettered by exclusion based on bigotry. However, this vision of a peaceful America where people are valued solely on the content of their character will only come to pass if we first pursue justice for those who have been excluded and denied based on race and gender.

I urge you to vote for the language which establishes two categories for two groups who deserve an opportunity for inclusion in this system.

Mrs. COLLINS of Illinois. Mr. Chairman, I rise in strong support of the amendment offered by my colleague from the District of Columbia. Over the years, minority and women business enterprises have made great strides in achieving an equal footing with nonminority businesses when competing for contracts backed by Federal dollars. However, under current law, both of these worthy groups are pitted against each other in their quest for a mere 10 percent of contracts set aside for all disadvantaged business enterprises. In fact, under current law, the participation of minority-owned firms has steadily declined over recent years. Certainly this was not the intention of this important set-aside program when it was originated in 1982.

With over $150 billion in funds set to be allocated for transportation projects, it is essential that we create safeguards to assure that minorities and women receive their fair share of Federal contracts. In an effort to promote the growth and development of these small businesses, this important amendment will create two distinct categories of disadvantaged business enterprises; One for minority-owned businesses which would receive 10 percent of the contracts in the Federal Highway Program, and one for women-owned firms who would be guaranteed 5 percent of the contracts.

Mr. Chairman, the original Disadvantaged Business Program was never meant to include women businesses, and because of that, both women and minorities are being shortchanged by having to fight against each for the same limited number of contracts.

In my own district, I have had personal experience with the problem of only a single disadvantaged business category. In the upgrading of the Dan Ryan Expressway, one of Chicago's most vital highways, nearly all of the DBE contracts went to women-owned businesses over minority-owned businesses. Ms. NORTON's important amendment would have prevented this inequitable distribution of these contracts.

I urge my colleagues to support this amendment.

Mr. PACKARD. Mr. Chairman, the language in the bill is consistent with current law. A total of 10 percent set-asides with 3.2 percent of that being reserved for women.

Any expansion of this provision would only decrease economic competition. Contracts and business agreements should be awarded to the most qualified bidder regardless of racial, ethnic, or gender criteria.

We should not be discouraging businessmen from bidding for contracts with requirements that do not pertain to the job needed to be done. Instead we should be encouraging all businesses to seek Government contracts, in order to ensure that all the available options are considered before contracts are awarded.

With limited resources available to meet our transportation needs, our primary objective must be to use these dollars in the most cost-effective way. We must be able to bid contracts in a cost-benefit manner.

The restrictions which would be created by this amendment would unduly interfere with our ability to produce the best transportation system.

The CHAIRMAN. The question is on the amendment en bloc offered by the gentlewoman from the District of Columbia [Ms. NORTON].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. SAVAGE. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 133, noes 295, not voting 5, as follows:

[Roll No. 335]

AYES—133

Abercrombie
Ackerman
Alexander
Anderson
Andrews (ME)
Andrews (NJ)
Annunzio
AuCoin
Bacchus
Beilenson
Bennett
Berman
Bevill
Bonior
Borski
Boxer
Bustamante
Campbell (CO)
Cardin
Clay
Coleman (TX)
Collins (IL)
Collins (MI)
Conyers
Costello
Cox (IL)
Coyne
de la Garza
DeFazio
Dellums
Dixon
Downey
Dwyer
Dymally
Eckart
Edwards (CA)
Engel
Espy
Evans
Fascell
Fazio
Feighan
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Frost
Gephardt
Gibbons
Gonzalez
Hall (OH)
Hayes (IL)
Hochbrueckner
Hoyer
Jacobs
Jefferson
Jones (GA)
Jontz
Kennedy
Kennelly
Kildee
Kopetski
Lantos
Lehman (FL)
Levin (MI)
Levine (CA)
Lewis (GA)
Lowey (NY)
Manton
Markey
Martinez
Matsui
McDermott
McMillen (MD)
McNulty
Mfume
Miller (CA)
Mineta
Mink
Moakley
Moran
Mrazek
Nagle
Natcher
Nowak
Oberstar
Olver
Ortiz
Owens (NY)
Owens (UT)
Pallone
Panetta
Pastor
Payne (NJ)
Pelosi
Perkins
Pickle
Rahall
Rangel
Richardson
Roe
Ros-Lehtinen
Roth
Sabo
Sanders
Savage
Sawyer
Scheuer
Schumer
Serrano
Sikorski
Smith (FL)
Solarz
Staggers
Stark
Stokes
Studds
Swift
Torres
Torricelli
Towns
Traficant
Unsoeld
Vento
Visclosky
Washington
Weiss
Wheat
Whitten
Wolpe
Wyden
Yates

NOES—295

Allard
Andrews (TX)
Anthony
Applegate
Archer
Armey
Aspin
Atkins
Baker
Ballenger
Barnard
Barrett
Barton
Bateman
Bentley
Bereuter
Bilbray
Bilirakis
Bliley
Boehlert
Boehner
Boucher
Brewster
Brooks
Broomfield
Browder
Brown
Bruce
Bryant
Bunning
Burton
Byron
Callahan
Camp
Campbell (CA)
Carper
Carr
Chandler
Chapman
Clement
Clinger
Coble
Coleman (MO)
Combest
Condit
Cooper
Coughlin
Cox (CA)
Cramer
Crane
Cunningham
Dannemeyer
Darden
Davis
DeLauro
DeLay
Derrick
Dickinson
Dicks
Dingell
Donnelly
Dooley
Doolittle
Dorgan (ND)
Dornan (CA)
Dreier
Duncan
Durbin
Early
Edwards (OK)
Edwards (TX)
Emerson
English
Erdreich
Ewing
Fawell
Fields
Fish
Franks (CT)
Gallegly
Gallo
Gaydos
Gejdenson
Gekas
Geren
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Goodling
Gordon
Goss
Gradison
Grandy
Green
Guarini
Gunderson
Hall (TX)
Hamilton
Hammerschmidt
Hancock
Hansen
Harris
Hastert
Hatcher
Hayes (LA)
Hefley
Hefner
Henry
Herger
Hertel
Hoagland
Hobson
Holloway
Horn
Horton
Houghton
Hubbard
Huckaby
Hughes
Hunter
Hutto
Hyde
Inhofe
Ireland
James
Jenkins
Johnson (CT)
Johnson (SD)
Johnson (TX)
Johnston
Jones (NC)
Kanjorski
Kaptur
Kasich
Kleczka
Klug
Kolbe
Kolter
Kostmayer
Kyl
LaFalce
Lagomarsino
Lancaster
LaRocco
Laughlin
Leach
Lehman (CA)
Lent
Lewis (CA)
Lewis (FL)
Lightfoot
Lipinski
Livingston
Lloyd
Long
Lowery (CA)
Luken
Machtley
Marlenee
Martin
Mavroules
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDade
McEwen
McGrath
McHugh
McMillan (NC)
Meyers
Michel
Miller (OH)
Miller (WA)
Molinari
Mollohan
Montgomery
Moody
Moorhead
Morella
Morrison
Murphy
Murtha
Myers
Neal (MA)
Nichols
Nussle
Oakar
Obey
Olin
Orton
Oxley
Packard
Parker
Patterson
Paxon
Payne (VA)
Pease
Penny
Peterson (FL)
Peterson (MN)
Petri
Pickett
Porter
Poshard
Price
Pursell
Quillen
Ramstad
Ravenel
Ray
Reed
Regula
Rhodes
Ridge
Riggs
Rinaldo
Ritter
Roberts
Roemer
Rogers
Rohrabacher
Rose
Rostenkowski
Roukema
Rowland
Roybal
Russo
Sangmeister
Santorum
Sarpalius
Saxton
Schaefer
Schiff
Schroeder
Schulze
Sensenbrenner
Sharp
Shaw
Shays
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter (NY)
Smith (IA)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Spratt
Stallings
Stearns
Stenholm
Stump
Sundquist
Swett
Synar
Tallon
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (GA)
Thomas (WY)
Thornton
Traxler
Upton
Valentine
Vander Jagt
Volkmer
Vucanovich
Walker
Walsh
Waxman
Weber
Williams
Wilson
Wise
Wolf

Wylie
Yatron
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—5

Hopkins
Neal (NC)
Slaughter (VA)
Waters
Weldon

☐ 1757

Messrs. WILLIAMS, NEAL of Massachusetts, CRAMER and HEFNER changed their vote from "aye" to "no."

Mr. ROTH changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. It is now in order to consider Amendment No. 2 printed in part 2 of House Report 102-265.

☐ 1800

AMENDMENT OFFERED BY MR. SAVAGE

Mr. SAVAGE. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. Savage:

On page 23, after line 14, insert the following new paragraph:

(3) Additional Assistance for Members of Especially Disadvantaged Groups.—

(A) General rule.—In order to be eligible to receive funds authorized to be appropriated under titles I and III of this Act for fiscal years beginning after September 30, 1992, a State or other governmental entity must provide small business concerns in the State, owned and controlled by members of any especially disadvantaged group in the State, with such assistance as may be necessary to substantially improve that especially disadvantaged group's proportion of contracting in the State under title 23, United States Code, and the Urban Mass Transportation Act of 1964 towards attaining for that group opportunity for such contracting equal to others in the State who are not especially disadvantaged. In compliance with this paragraph, priority should be given such business concerns from which the especially disadvantaged group specially benefits through employment and other expenditures.

(B) Especially disadvantaged group defined.—For the purposes of this paragraph, the term "especially disadvantaged group" means any group of United States citizens historically disadvantaged economically and socially, that is identifiable by race, sex, or national origin; and, in the preceeding five calendar years—

(i) had an unemployment rate at least 50 percent higher than such rate for the State;

(ii) had a medium family income rate at least 20 percent lower than such rate for the State;

(iii) had a proportion of contracting (in value) in the State under title 23, United States Code, and the Urban Mass Transportation Act of 1964, which is less than 50 percent of that group's proportion of the State's total population; and

(iv) constituted more than five percent of the State's total population.

Page 23, line 15, strike "(3)" and insert "(4)".

Page 24, line 1, strike "(4)" and insert "(5)".

Page 24, line 11, strike "(5)" and insert "(6)".

The CHAIRMAN. Under the rule, the gentleman from Illinois [Mr. Savage] will be recognized for 10 minutes, and a Member opposed will be recognized for 10 minutes.

Mr. SAVAGE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I come before you with an amendment that cannot be much milder nor attractive. It does not even ask for boots. It only asks for the straps.

Mr. Chairman, this amendment is to be known as the straps-for-the-boots amendment. It does not ask for any money. There is already in the bill a program to provide the necessary assistance. This amendment does not ask for any money. It simply asks that the program, the money already in the budget for that purpose, be so targeted so that we can get the biggest bang for our buck.

Now, this straps-for-the-boots amendment simply says, since we do not have enough money to provide adequate technical assistance and financial assistance and management assistance and bonding assistance, as provided in the bill, it says at least target what remains. It asks that the assistance be targeted based upon some very commonly used and well-known figures.

Mr. Chairman, it says that you should emphasize, you should focus on those groups that are most severely disadvantaged.

For instance, if you were talking about South Dakota or North Dakota, you may be talking about native Americans rather than African-Americans or Hispanic-Americans.

If you are talking about the State of Michigan, you may be talking about African-Americans as the most disadvantaged. But then if you were in the State of New Mexico, you may be talking about Hispanic-Americans as the most disadvantaged.

This amendment simply says use the programs where they are most needed, targeted to the groups that suffer the most.

How do you determine which groups suffer the most? Very simple: It says any group will be considered especially disadvantaged, requiring special assistance or targeting, if that group has had an unemployment rate at least 50 percent higher than such rate for that State for the past 5 calendar years.

It says, further, that if for the past 5 calendar years that group would be considered especially disadvantaged, if it has a median family income rate at least 20 percent below that for the State. In other words, it says if the person obviously has no straps on the boots, give the straps to the strapless one. That is all it simply asks.

So it says that the States would give priority to such groups that meet these criteria. We are not talking about tiny groups. The group would have to constitute more than 5 percent of the State's total population or the impact of assistance to it would not be of any great consequence.

It also indicates that it must be a group that was receiving a proportion of that State's surface transportation procurement dollars, less than half of that group's numerical proportion in the total population. In other words, it is an amendment to simply target the little we have provided so that the voters will get a better bang for the buck.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. Under the rule, a Member will be recognized in opposition for 10 minutes.

Mr. HAMMERSCHMDIT. Mr. Chairman, I rise in opposition to this amendment.

The CHAIRMAN. The Chair will recognize the gentleman from Arkansas [Mr. Hammerschmidt] for 10 minutes.

The Chair recognizes the gentleman from Arkansas [Mr. Hammerschmidt].

Mr. HAMMERSCHMIDT. Mr. Chairman, I yield 2 minutes to the distinguished chairman of the Subcommittee on Surface Transportation, the gentleman from California [Mr. Mineta].

Mr. MINETA. Mr. Chairman, I reluctantly rise in opposition to the amendment offered by the gentleman from Illinois.

This amendment will add a totally new category of eligibility to the disadvantaged business enterprise program.

Additionally, the amendment requires a State or other governmental entity to provide assistance "as may be necessary" to aid in the improvement of participation in contracting opportunities by any especially disadvantaged business.

I have concerns about the ambiguity of the amendment. The language is vague and does not define the requirements imposed upon governmental entities in their efforts to provide assistance.

It is also important to note that the participants eligible under the Savage proposal already qualify to participate in the current DBE Program as economically disadvantaged individuals.

Mr. Chairman, the intent of the gentleman's amendment is language one. However, I am concerned that creating a new subcategory for unique participation will hurt the small economically disadvantaged businesses participating in the current program. Therefore, I must oppose the gentleman's amendment.

Mr. HAMMERSCHMIDT. Mr. Chairman, I yield such time as he may consume to the chairman of the full committee, the distinguished gentleman from New Jersey [Mr. Roe].

Mr. ROE. I thank the gentleman for yielding.

Mr. Chairman, again this could be a contentious area of debate. I really do not think it should be.

□ 1810

Mr. Chairman, what we are really doing here today in this very tortuous journey while laboring hard in the vineyard is to create intermodal, up-to-date, 20th century transportation legislation. It seems to me that this particular matter that the distinguished gentleman from Illinois [Mr. SAVAGE] has raised was brought up in committee, and we did discuss it in committee, but it was deferred because the substance of what was attempted to be achieved did not really enter into what transportation should be all about. I think a transportation bill ought to be transportation. I think that when we get issues that have arisen such as this, that they do not really fit here in my opinion.

But I want to make a point very clear to all the Members of the House. There was an occasion when the gentleman from Illinois [Mr. SAVAGE] and I did not agree on everything, but I want him to know that possibly today, in his effort and with his energies, in spite of all of that, I know of no one in this House that I have more personal regard for than Mr. SAVAGE. We do not agree on every occasion, but that does not mean that I do not mean that I do not support him when he needs support and when he has got an issue that is up front.

There is one thing I like about the gentleman from Illinois [Mr. SAVAGE], and I want to share it with my colleagues. He believes in something. He has something he genuinely believes in. Now that does not necessarily make him right or wrong.

On this issue his heart is in the right direction in my opinion, but the substance of the issue that he has presented is not. We have listened in committee, we are sympathetic, and I think that the gentleman from California [Mr. MINETA] has presented his view, and, as chairman of this committee, the Committee on Public Works and Transportation, I want him to know that I will continue to work with him personally to help resolve a number of these longstanding matters, and I think he knows that.

Mr. Chairman, I genuinely believe that this amendment does not belong on this bill, as it was discussed in committee, and I would hope and ask the gentleman from Illinois [Mr. SAVAGE] to do something for me, if he would consider it. It is to debate the issue, have the thoughts out here today, but let us work on it. Let us perfect it. Let us get a chance to get into it. Then we can maybe bring something together here.

Mr. Chairman, I would have to be opposed to this amendment because it is not germane to our transportation legislation that is before us.

Mr. HAMMERSCHMIDT. Mr. Chairman, I yield 3 minutes to the gentleman from Pennsylvania [Mr. SHUSTER].

Mr. SHUSTER. Mr. Chairman, I must reluctantly oppose the amendment of my friend, the gentleman from Illinois [Mr. SAVAGE], because it is so vague and also not really germane to this transportation bill.

This legislation requires a State to promote unlimited assistance to any business concerns owned and operated by, quote, especially disadvantaged groups in the State. Now how much is that? Is that $1 billion a year? Is it $5 billion? Is it $10 billion? Is it $50 billion? It is undefined.

Mr. Chairman, this is a lawyer's bonanza. This will be in the courts by the lawyers in order to define this, and indeed it is so vague that we really do not know what it means.

Further, this is the creation of another program without any structure, and, while there is a definition of an especially disadvantaged group in this bill, there is no qualifying criteria, and there is nothing that would limit, for example, a billion-dollar corporation, owned and run by an especially disadvantaged group, from being eligible for assistance under this program.

So, while helping the less fortunate is a laudable goal, this amendment gives us a mandatory program with little or no structure and is an open-ended, bottomless pit for spending.

Therefore, Mr. Chairman, we should oppose the amendment.

Mr. SAVAGE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, of course that is as far from the truth as one can get. This amendment does not propose any kinds of extra costs. The language regarding the program is already contained in the bill, as is the funding authorization. This amendment changes nothing such as that. What it does is to merely target the meager resources we have for assisting the disadvantaged to participate more fully on the Surface Transportation Act.

Mr. Chairman, I say to my colleagues, "You must look at ourselves. Every time we get on this floor to ask for any relief, one thing we get is more jail terms, longer terms, more severe terms, easier terms. I tell you, when you look around you, and you see that young black male, one out of four, is already involved in the criminal justice system, when you see that the college enrollment of young black males is already on the way down, when you look and see that the prison population here is greater than in South Africa, and you keep talking about never any assistance? You talk about drug abuse and crime. The alternative to drug abuse and crime, my colleagues, is some hope. Give us some straps. You put us all in jail."

Mr. Chairman, this will not turn around the plague that is upon this country. Just the other day we found that in acquiring mortgages, if a black has a higher income that the white, he still has a more difficult time. The high school dropout rate is up. Will my colleagues not be satisfied until genocide wipes us all out?

We are not asking for a dime, not asking to change any programs, simply to target a program so that the meager resources we have will be focused on those who have the greatest need.

But I say to my colleagues that the mood of this body is such that I do not think it would get anything but more prison time for the disadvantaged, and I think I am probably wasting my time to even pursue this matter. I think that our ears are closed and our eyes are blind, but one day we will see, and I hope that day that we will see it before there is such a conflagration in our country that this could have saved our entire history.

But I say to my colleagues that no people can just continue to take more, and more and more and more. There must be some redress to our grievances, some relief. In this instance a request will not even be heard that asks for more money and requiring more language.

Mr. MFUME. Mr. Chairman, will the gentleman yield?

Mr. SAVAGE. I yield 30 seconds to the gentleman from Maryland [Mr. MFUME], my colleague.

Mr. MFUME. Mr. Chairman, I want to thank the gentleman from Illinois [Mr. SAVAGE] for yielding and say to the gentleman, as the gentleman from New Jersey [Mr. ROE] said, that I understand his intentions in this. I am glad he has used this forum and this opportunity to try to convey it to the House. The proper redress of grievances is something that cannot go unanswered without any attention to it, and what the gentleman proposes is that we look deeper and with real meaning at the problems that affect all of our people.

□ 1820

So I want to pledge to him and the chairman of the committee, as I have pledged to him on this issue beyond this particular bill, and I would hope that the Members of the minority side would make that pledge, too.

Mr. SAVAGE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I watched the television, as I am sure other Members did, of the recent confirmation proceedings for the Supreme Court Justice, and I say that we are not really seeing black America when we see these blacks on that program.

I have a district that is 30 percent suburban. It is not an inner-city district. The majority are black. I don't know where these people came from. I have never seen any blacks like that. They are cloning these blacks somewhere. That is not what is African-American.

You need to take a look at what you are doing to more than 10 percent of our society, and you have been doing it for the past 15 or 20 years. The median income of a black family is less now, compared to white families, than it was 30 years ago.

Mr. HAMMERSCHMIDT. Mr. Chairman, I rise in opposition to this amendment by my friend GUS SAVAGE—one of our subcommittee chairmen and I understand his intention here—but the Disadvantaged Business Enterprise Program has worked successfully over the past decade to provide a boost to minority- and women-owned businesses in the Federal-aid surface transportation programs. The law requires a-10 percent set aside requirement, and yet the national average for fiscal year 1990 was 14.3 percent.

This impressive figure was achieved because 7 States have voluntarily set higher DBE goals and 42 States have achieved a percentage in excess of the established 10 percent minimum. These facts show that most States are going beyond their minimum requirements in order to ensure that the DBE Program works to its fullest potential.

My colleague's amendment would require States and other governmental entities that receive funding under the highway or transit titles of this bill to provide small business concerns, owned or operated by members of especially disadvantaged groups within the State, with such assistance as may be necessary to substantially improve that groups proportion of contracting. The amendment then defines the term "especially disadvantaged group" using certain criteria the group met in the last 5 years.

It is unclear what additional type of assistance is envisioned to be provided under the terms of this amendment. States are already required under the FHWA regulations to provide supportive service programs for DBE's in their States.

The purpose of these programs is to provide services and activities which are designed to increase the total number of DBE's active in the highway program and contribute to the growth and eventual self-sufficiency of individual DBE's, so that those businesses may achieve proficiency to compete, on an equal basis, for contracts and subcontracts. In addition, assistance is also available from other Federal sources such as the Small Business Administration, and the Department of Commerce's Minority Business Development Agency.

In my view, we should not hold up highway and transit funds for provision of services to advance DBE's which are already abundantly available. I urge my colleagues to oppose the amendment.

Mr. SAVAGE. Mr. Chairman, I ask unanimous consent that I be permitted to withdraw this amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The CHAIRMAN. The amendment is withdrawn.

It is now in order to consider amendment No. 3 printed in House Report 102-265.

AMENDMENT OFFERED BY MR. GRADISON

Mr. GRADISON. Mr. Chairman, I offer an amendment which has been made in order under the rule.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. GRADISON: Strike Section 104(c) of the bill.

The CHAIRMAN. Under the rule, the gentleman from Ohio [Mr. GRADISON] will be recognized for 7½ minutes, and a Member opposed to the amendment will be recognized for 7½ minutes.

The Chair recognizes the gentleman from Ohio [Mr. GRADISON].

Mr. GRADISON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am offering an amendment to strike the directed scoring provision from this bill. This is not the first time I have had to offer such an amendment. I certainly hope, but do not expect, that it will be the last.

This marks the third time we have attempted to strike a directed scoring provision on the floor of the House. The fundamental issue has not changed. The 1990 budget agreement and the Budget Enforcement Act that implements it, provides that OMB is to determine the cost of legislation affected by the pay-as-you-go rules. The House Democratic leadership dislikes that arrangement, apparently distrusts the executive branch, and wants the Congressional Budget Office to determine PAYGO costs. The Democratic leadership adopted a rule requiring all PAYGO bills considered in the House to contain language saying, in effect, that the CBO cost estimate must be used by the President. The President has informed the House that he would, as a matter of principle, veto any bill that reached his desk still containing the directed scoring language.

Against the background of that veto threat, the sponsors of the Surface Transportation Act and the leadership have inserted directed scoring into this bill as section 104(c). My amendment would strike this section.

Keeping the directed scoring provision in the bill needlessly invites a veto. If you care about getting a good transportation bill enacted as expeditiously as possible, you should support my amendment.

The directed scoring provision is unnecessary. A so-called roll-back provision directs the Secretary of Transportation to reduce obligational authority in fiscal year 1992 so that no direct spending occurs. OMB agrees that this provision means the PAYGO cost is zero—absolutely no PAYGO cost at all. Why, then, would the House want to insist on directed scoring when OMB says that this bill has no PAYGO impact?

CBO, in contrast, says the bill's PAYGO impact is to save $9 million in fiscal year 1992. Keeping in mind that the bill provides $151 billion in new spending authority, it seems to be a bit of a tempest in a teapot to dispute whether the PAYGO impact is zero, as OMB says, or saves $9 million, as CBO says. Both agree that the PAYGO impact is negligible.

Anyone who reads the newspapers must be aware that unemployment compensation, capital gains, and other economic packages are being seriously considered at both ends of Pennsylvania Avenue. Will the Democratic leadership insist on directed scoring on those measures as well—even if it means standing in the way of achieving mutually desired legislative aims?

Mr. Chairman, the directed scoring language in section 104(c) hinders the smooth passage of the transportation bill. It needlessly complicates the already enormous task of reaching House-Senate agreement on a bill the President will sign. And it reopens decisions that were made in the context of the budget agreement. I urge my colleagues to support my amendment to strike this language from the bill.

I am submitting for the RECORD the President's letter of January 3, 1991, stating that he would veto any bill containing directed scoring language, as follows:

STATEMENT ON THE HOUSE OF REPRESENTATIVES ACTION ON THE FEDERAL BUDGET AGREEMENT, JANUARY 3, 1991

I am deeply disappointed by and disturbed about the vote taken in the House of Representatives this afternoon which is designed to undo the pay-as-you-go enforcement mechanism just legislated in the recently enacted budget agreement. The vote occurred along strictly partisan lines. While the Democrats in the House tried to dress up their action, the inescapable point is that their purpose is to break the agreement that was negotiated and passed into law.

Changing the House rules with a purely party-line vote is neither fair nor right. That they have sought to break the budget agreement in what is virtually their first act of the 102d Congress puts in serious doubt whatever they might say or promise the American people on other significant issues in the upcoming session.

The provision the House Democrats would undo today is a key to enforcing the controls on Federal spending contained in the agreement, and uncontrolled spending simply creates excuses for their raising taxes.

This matter is so fundamental to public confidence in the budget agreement and in the Government itself that I must state again, unequivocally, that I will veto *any* bill that contains the language specified in the rule passed by the House Democrats this afternoon.

The CHAIRMAN. The gentleman from New Jersey [Mr. ROE] is recognized for 7½ minutes in opposition.

Mr. ROE. Mr. Chairman, I rise in opposition to the amendment, and I yield 3 minutes to the distinguished gentleman from Minnesota [Mr. OBERSTAR], who is chairman of our Subcommittee on Aviation and is also a member of the Budget Committee.

Mr. OBERSTAR. Mr. Chairman, I appreciate the opportunity to address this issue from the perspective of the Budget Committee. It has been said that directed scorekeeping is a budget gimmick, and that it subverts the budget summit agreement. That is really not what is at issue here. The Office of Management and Budget really has not prepared sound, factual information in doing their estimate on the cost of this bill. The economic assumptions that OMB used in coming to the numbers that they have presented in defense of their position are not accurate, they are questionable. At worst, their numbers are indefensible from the standpoint of the analysis that the Budget Committee staff has done of this issue. That is not just the position of the Budget Committee analysts, or the position of the Committee on Public Works and Transportation. The Congressional Budget Office has come to the same conclusion in doing their cost estimate on this bill.

In addition, the Federal Highway Administration, with years of expertise—and they are the experts in doing estimates of costs associated with surface transportation construction—they, too, dispute the OMB numbers.

For those who are concerned about the budget agreement as a matter of principle, we really ought to be ensuring that the Congress gets accurate information on the cost of this legislation and not proceed on the basis of what is at best questionable economic assumptions.

Mr. GRADISON. Mr. Chairman, will the gentleman yield for a brief question?

Mr. OBERSTAR. I yield to the gentleman from Ohio.

Mr. GRADISON. OMB scores this as zero. Does the gentleman disagree with that?

Mr. OBERSTAR. What I am concerned about is what the gentleman proposes to do on the basis of using OMB as his authority. I thought the gentleman's analysts had come to a different conclusion.

Mr. GRADISON. Mr. Chairman, if the gentleman will yield further, it was my understanding that the gentleman was saying the OMB figures were unreliable. This is why I was asking the gentleman whether he disagreed with their estimate as zero.

Mr. OBERSTAR. Mr. Chairman, I am disagreeing with whatever OMB has given to the gentleman to motivate his position when the budget analysts have come to us and said that is not an issue, that is not the case, and it is not necessary to have the gentleman's amendment.

Mr. ROE. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Pennsylvania [Mr. SHUSTER].

Mr. SHUSTER. Mr. Chairman, this is a fight between OMB downtown and the Congressional Budget Office. Now, we must remember that OMB downtown is that same wonderful organization that gave us a $100 billion mistake, as I recall, on their estimates of revenue with regard to the budget estimate. The CBO estimates are based on actual obligational experience, and if indeed they are wrong, this bill has in it a fail-safe provision, a provision which requires a proportional reduction in all program spending if the outlays should in fact exceed that provided for in the appropriations bill.

□ 1830

So we should support our Congressional Budget Office, a bipartisan office. We should not rely on OMB's figures, because certainly in the past they have been very, very unreliable, and we should support the committee position.

Mr. GRADISON. Mr. Chairman, I yield 2 minutes to the gentleman from Ohio [Mr. KASICH], a distinguished member of the Committee on the Budget.

Mr. KASICH. Mr. Chairman, I am disappointed to see that my friend from North Dakota [Mr. DORGAN] had to leave the floor, because I led the effort, along with the gentleman from Kansas [Mr. SLATTERY] to kill the Lawrence Welk home because we labeled it as wasteful spending.

Mr. Chairman, I rise to support the Gradison amendment because it again is a rejection of the budget deal we agreed to follow when we are not. I understand the efforts that the gentleman from New Jersey [Mr. ROE] has put into this, that as his proposal gets attacked, it is almost like attacking a child in a way. But I have to rise and say that not only do I think that this ought to be fixed, but that the efforts that the demonstration projects, and I wish to say to the gentleman from New Jersey [Mr. ROE] that I see we have reduced the amount of demonstration projects by 29 percent, but that New Jersey, California, Pennsylvania, and Arkansas are going to get 34 percent of the demonstration projects. It is $4.9 billion in demonstration projects that I feel should not be included in this bill.

Mr. Chairman, the American people are sick and tired of this place. They are sick and tired of perks, they are tired of demonstration projects, they are tired of pork, and we have got to clean it up.

Mr. Chairman, I intend to support the gentleman from Ohio [Mr. GRADISON]. I intend to support every effort that is made to get us on-line with where I believe the American people are.

To take 34 percent of this money and give it to four States in demonstration projects is only one point. There ought not to be these demonstration projects in this bill. But I guess one could argue if you are going to have them, spread them among 50 States. Do not take all the money for four states in the country.

Mr. Chairman, Ohio is always getting the shaft. We got the shaft on the clean air bill and we are getting the shaft on the highway bill. But do you know who else is getting the shaft? Not just Ohioans, but the other people that are getting the shaft in this bill are the American taxpayers, who are sick and tired of pork.

Mr. ROE. Mr. Chairman, I yield 1½ minutes to the distinguished gentleman from Pennsylvania [Mr. CLINGER].

Mr. CLINGER. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I would say to Members on this side of the aisle that this is demonstrably different than the argument we usually have whether CBO should be used or OMB. I think in this case clearly the proper way to go is to use the CBO figures, because the figures which are being used by OMB are demonstrably wrong.

Mr. Chairman, this arises because we are arguing over what are the minimum allocation figures. This arises because, frankly, we have an actual number of what was spent last year, $1.1 billion. That is the figure that is used by CBO.

On the other hand, OMB figures set it at $671 million. That has no relationship to either the past year, last year, or any previous year.

The risk we run in using OMB figures is we could have sequestration. Not because our outlays are too high, but because the assumptions which OMB has used are totally haywire, totally wrong, and do not have any relation to what we are trying to do.

Mr. Chairman, I would urge defeat of the Gradison amendment.

Mr. OBERSTAR. Mr. Chairman, could the gentleman yield?

Mr. CLINGER. I yield to the gentleman from Minnesota.

Mr. OBERSTAR. Mr. Chairman, very briefly in furtherance to the gentleman from Pennsylvania [Mr. CLINGER], on OMB scoring, the problem is that OMB scores something one way this year and another way another year. What we have seen from CBO is a consistent pattern of scoring over time. That is why I do not think we ought to make the change the way the Gradison amendment would make it.

Mr. GRADISON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let me close in this way: The discussion as I have been listening to it overlooks two rather important points. One is that there is a Budget Enforcement Act which was enacted by Congress about a year ago which governs this issue. It has not been repealed.

The second thing is that there is a rollback provision in this bill which automatically assures that there will not be a sequester.

Mr. Chairman, there is a fantasy world involved in this debate in this sense: This House has gone to conference a number of times this year with directed scorekeeping as required by the democratically approved rules of the House. I acknowledge that. In every instance, the conference has dropped that provision and we have gotten absolutely nothing back from the Senate in exchange.

Mr. Chairman, why have those provisions been dropped and why will they be dropped again this time? It is simply because we want to get a bill signed. That is the principal thrust of my argument.

Here we are, and it is nobody's fault, but we are a few months later than we would like to be in getting this bill into law. By including an unnecessary provision, which I am convinced will not be in the final bill, we run the risk of slowing down final approval of this bill even longer.

Mr. Chairman, that is the argument. I do not intend to call for a recorded vote on this issue. I will be happy to abide by the decision of the House in a voice vote. But I think this is an issue worth the House's consideration, and I appreciate the chance to debate it with the able chairman of the Committee on Public Works and Transportation.

Mr. ROE. Mr. Chairman, I thank the distinguished gentleman from Ohio [Mr. GRADISON].

Mr. Chairman, I yield such time as he may consume to the gentleman from California [Mr. MINETA], the chairman of the Subcommittee on Surface Transportation.

Mr. MINETA. Mr. Chairman, I rise in strong opposition to this amendment.

The Office of Management and Budget has used numbers that are simply incorrect. At best, their economic assumptions are questionable. Once again, OMB proves they can be as tricky as a banker with a Swiss bank account.

The official position of the Congressional Budget Office, taken from their cost estimate of the bill agrees with this assessment. It is also important to note that the Federal Highway Administration, with years of expertise in the highway program, disputes the OMB numbers.

Mr. Chairman, this is not even a transportation-related argument. It is an attempt to undo the Democratic leadership authored House rule which states that this institution will have the scoring for budget items by the Congressional Budget Office, not by the Office of Management and Budget.

Mr. Chairman, perhaps more importantly, this bill will not trigger sequestration because it does contain a failsafe provision mandating reductions in the bill, if necessary.

Mr. Chairman, I would say to the gentleman from Ohio [Mr. KASICH], who says that Ohio is being shafted by this bill, that is blatantly untrue. if there is anything that happens under this bill, Ohio as a past donor State, as many other States that are donor States, that formula has been corrected, and Ohio does very well under this bill.

Mr. Chairman, I urge Members to defeat this amendment. Let us not fall for this OMB-directed efforts to relinquish control and scorekeeping on budget issues to the executive branch.

Mr. HAMMERSCHMIDT. Mr. Chairman, I rise in opposition to this amendment, striking the cost estimate provision of H.R. 2950. The issue, simply put, is whether we should use CBO or OMB scorekeeping for purposes of comparing H.R. 2950 with the DOT appropriations bill. Section 104(c) directs CBO scorekeeping and, in this bill, I believe that this is the correct approach.

Directed scorekeeping was made necessary in this bill because our analysis of the numbers showed that OMB's estimates for obligations in the appropriations are clearly wrong. They do not appear to be based on any realistic assessment of the highway program. The CBO's estimates, on the other hand, appear to us to be valid and based on a careful analysis of the highway program.

The particular problem relates to the estimate of obligations from the minimum allocation program. In estimating the amount of obligations that will flow from this program in the 1992 appropriations bill, current law must be assumed.

Even though minimum allocation obligations were $1.1 billion in fiscal year 1991, and have been consistently near that level in recent years, OMB assumes only $671 million for fiscal year 1992. This estimate is clearly wrong. We have not been able to determine any rational basis for this figure.

The CBO estimate for minimum allocation in the 1992 DOT appropriations bill is $1.1 billion. This is the same as the 1991 figure. There is no question that it is based on the experience of the existing program. The only conclusion that can reasonably be reached is that the CBO estimate is accurate and that the OMB figure is not even close to being accurate.

I would urge my colleagues—particularly on this side of the aisle—to look at the facts of this case and support the committee provision on CBO scorekeeping. Please oppose the Gradison amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio [Mr. GRADISON].

The amendment was rejected.

The CHAIRMAN. It is now in order to consider amendment No. 6 printed in part 2 of House Report 102-265.

AMENDMENT OFFERED BY MR. BEILENSON

Mr. BEILENSON. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. BEILENSON: Insert at the end of title I a new section as follows:

SEC. . GUARANTY AND WARRANTY CLAUSES.

(a) IN GENERAL.—Section 114 of title 23, United States Code, is amended by adding at the end the following new subsection:

"(c) GUARANTY AND WARRANTY CLAUSES.—The Secretary may, by regulation, permit a state highway department, in accordance with standards developed by the Secretary in such regulations, to include a clause in a contract for engineering and design services or for the construction of any Federal-aid highway project requiring the designer, contractor, state highway department and Department of Transportation to warrant the services, materials and work performed. The warranty or guaranty clause shall be reasonably related to the services, materials, and work performed, and shall not be construed to require the construction contractor to perform maintenance."

(b) REGULATIONS.—Not later than 90 days after the date of enactment of this Act, the Secretary shall initiate a rulemaking proceeding for developing standards under section 114(c) of title 23, United States Code.

The CHAIRMAN. Under the rule, the gentleman from California [Mr. BEILENSON] will be recognized for 7½ minutes, and a Member opposed to the amendment will be recognized for 7½ minutes.

The Chair recognizes the gentleman from California [Mr. BEILENSON].

□ 1840

Mr. BEILENSON. Mr. Chairman, my amendment would make a long overdue improvement in our highway construction program by permitting States to include contractor guarantees in their Federal aid highway contracts. This amendment is similar to a measure proposed by the President in his surface transportation bill, and it is strongly supported by the administration.

Recent press accounts about the outstanding quality and durability of European roads, and the innovative technologies being used to construct them, have confirmed what many of us have suspected for some time: As other countries are aggressively taking advantage of new, technologically advanced materials offering greater durability and smoother, quieter road surfaces, nearly one-half of our own primary highways are in various stages of deterioration, creating intolerable and unnecessary traffic delays and costing the taxpayers billions of dollars more than they should to repair and maintain.

One of the most important reasons for this, transportation experts agree, is that while European countries award highway contracts based on a combination of cost, quality and, most importantly, a bidder's guarantee of a project's workmanship and materials, transportation officials in the United States consider cost alone. This low-bid system, far from spurring improvements in road quality, instead ensures that the cheapest contractor, using the lowest quality materials and the least expensive labor, is awarded the contract.

Because Federal highway dollars are, by law, reserved for construction, rather than maintenance, the Federal Highway Administration [FHWA] currently prohibits States from requiring any warranties from contractors when awarding Federal-aid contracts. But the effect of this policy is a Federal transportation system which literally prevents States from building quality performance standards into their construction contracts.

It is not at all surprising, then, that the private sector in this country has invested very little in the development and use of new technologies to improve pavement durability, focusing their efforts instead on ways to reduce costs, and have thus fallen far behind their counterparts in Europe in this area.

What is also not surprising is that while total Government expenditures for roads have doubled over the past decade, fully half of all roads in America are in only fair to poor condition.

In a recent report on the quality of our public works infrastructure, the Office of Technology Assessment found:

> Constructing quality facilities and maintaining them may provide the highest return on infrastructure investment. If construction quality is poor and repairs are needed constantly . . . the costs of providing alternate service or of traffic diversion and delays can equal the capital cost, doubling the total expense of a given project.

The purpose of this amendment is to correct these failings, and in the process save the taxpayers tens of billions of dollars. As the Federal Highway Administrator has argued, contractor guarantees will:

Increase the quality of highway construction;

Decrease the cost of maintenance;

Reward contractors who are currently performing quality work and encourage other firms to raise their level of quality above the minimum standard;

Allow States more flexibility in order to obtain a better quality of construction; and

Create a win-win situation for both the contracting industry and the American motorist and taxpayer.

This logic has been applied to European highway construction programs with such overwhelming success that American highway officials have begun competing for the opportunity to copy their techniques. European roads, constructed with a sounder subbase, thicker pavements, and advanced polymer additives, last twice as long as American roads. Their roads are also quieter, and resistant to ruts, cracks, and potholes. They even handle heavier loads than are permitted on our roads.

The disparity between the quality of roads in Europe and those in the United States is no accident—European contractors invest much more than American contractors in research and development because they compete with each other on the basis of quality, not cost alone. And if a road fails in the first 3 to 5 years it is constructed, the contractor is required to replace it. It's that simple. Nothing assures quality better than a contractor guarantee.

Recognizing the senselessness of the Federal prohibition on contractor guarantees, the Federal Highway Administrator recently proposed to eliminate it—his proposal was included in the administration's surface transportation proposal. My amendment would add this very sensible proposal to the House transportation bill.

Contractor guarantees would build accountability into the Federal-aid highway construction programs. They would force bidders to work more closely with transportation agencies to assess performance needs and seek out ways to enhance quality.

According to OTA, "as it stands now, critical infrastructure * * * are breaking down or wearing out faster than we can repair or replace them. The toll on national productivity is already substantial, and * * * the situation is likely to get worse." This amendment will do much to reverse this decline.

It is time to reform current Federal policy and grant States the ability to set performance standards for highway projects which will spur innovation, emphasize long-term quality over initial cost, and reward, rather than penalize, superior workmanship.

As we embark on a 6-year $150 billion program to enhance and expand the Nation's surface transportation infrastructure, we owe it to the taxpayers to do everything we can to adopt reforms that will save use money, help make the road construction industry more competitive, stimulate investment, and make our transportation infrastructure more durable and efficient. If we don't we are just wasting their money.

Mr. DREIER of California. Mr. Chairman, will the gentleman yield?

Mr. BEILENSON. I yield to the gentleman from California.

Mr. DREIER of California. Mr. Chairman, I thank the gentleman for yielding to me.

The gentleman from California has described it very well. Yesterday in the Committee on Rules, there was a very interesting debate about this question with members of the Committee on Public Works and Transportation and my friend from Los Angeles, the gentleman from California [Mr. BEILENSON].

I think that the question of accountability, which is something that we are all regularly trying to address here in this House, especially in recent weeks, is very apropos.

If one looks at the issue as it relates to roads in Europe, of which my friend from California is very familiar, as he described yesterday in the Committee on Rules, I think that trying to apply this concept of accountability here in the United States would be a very great benefit, not only for the motoring public but also for the taxpayer, when we look at these contractors who might have in the past abused it.

I congratulate the gentleman for this amendment.

Mr. GLICKMAN. Mr. Chairman, will the gentleman yield?

Mr. BEILENSON. I yield to the gentleman from Kansas.

Mr. GLICKMAN. Mr. Chairman, I strongly support this amendment. We are spending $20 billion a year on highways, and the States are not even allowed to require their contractors to put up basically a performance assurance in the form of a warranty. It does not make sense.

My State highway department said this is probably, other than the amount of money in the bill, the most significant bit of common sense that we have put in this bill that they have seen in a long time.

I think my colleague from California has done America a great justice here.

Mr. HAMMERSCHMIDT. Mr. Chairman, will the gentleman yield?

Mr. BEILENSON. I yield to the gentleman from Arkansas.

Mr. HAMMERSCHMIDT. Mr. Chairman, I rise in support of Congressman BEILENSON's amendment.

The Public Works and Transportation Committee has worked closely with our distinguished colleague from California on this amendment, and we are all in agreement to support it.

The amendment would require the Department of Transportation to initiate a rulemaking proceeding to develop standards under which State highway departments would be permitted to include warranty and guaranty clauses in contracts for construction of Federal-aid highway projects. The warranty and guaranty clause would extend to all contractors involved in the project, including those providing engineering and design services.

The Department would also explore ways in which the State highway departments and the Federal Department of Transportation would warranty its inspections and approvals on highway projects. Should the Secretary determine after embarking into the rulemaking process that it is not appropriate to permit these clauses in construction contracts, the Secretary would have the discretion to choose not to issue a final rule, and the warranty clauses would not be permitted.

I believe this amendment is important because it will give the Secretary of Transportation clear authority to permit States to include warranty and guaranty clauses in construction contracts if deemed appropriate.

I urge my colleagues to support this amendment.

Mr. BEREUTER. Mr. Chairman, will the gentleman yield?

Mr. BEILENSON. I yield to the gentleman from Nebraska.

Mr. BEREUTER. Mr. Chairman, I thank the gentleman for yielding to me. It is an outstanding amendment. The highway department in my State also endorses it.

I think it is an excellent idea, and I urge my colleagues to support it.

Mr. BEILENSON. Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. Does the gentleman from California [Mr. MINETA] wish to be heard in opposition to the amendment?

Mr. MINETA. Mr. Chairman, I wish to speak in opposition to this amendment.

The CHAIRMAN. The Chair recognizes the gentleman from California [Mr. MINETA].

Mr. MINETA. Mr. Chairman, I take this position reluctantly because I believe generally speaking the gentleman from California is really on the right course. My own background is one of general insurance brokerage, where we have also in our firm handled contracting bonds for contractors.

This whole issue of trying to get performance out of contractors and out of the jobs that are let is a very important one. I think that basically what we have done in this bill is to try and do something that the gentleman from California is offering here. In the past we have tried to control what gets done in terms of quality by input, how many dollars are spent, what is the width of the lane, what is the depth of the pavement. We have tried to do it by input.

What we are trying to do in this bill is to control quality by output, by dealing with performance. So there are things like bridge maintenance programs, pavement management systems, safety programs, congestion management plans.

What we are trying to do is deal with this issue through performance and related items. I think what the gentleman has done is to go one step further, but I think in going that one step further, I believe, and I am not really that sure, but I believe he has raised some concerns from a surety perspective.

□ 1850

So because of the concerns about the surety industry, I want to take a look at this. What I want to do is have some hearings on this issue.

So, to the extent I believe we are putting the cart before the horse at this point on this issue. I would like to have some hearings, and so I reluctantly oppose the gentleman's amendment.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California [Mr. BEILENSON].

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. BEILENSON. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 400, noes 26, not voting 7, as follows:

[Roll No. 336]

AYES—400

Abercrombie
Ackerman
Alexander
Allard
Anderson
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Annunzio
Anthony
Applegate
Archer
Armey
Aspin
Atkins
AuCoin
Bacchus
Ballenger
Barnard
Barrett
Barton
Bateman
Beilenson
Bennett
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bliley
Boehlert
Boehner
Bonior
Borski
Boucher
Boxer
Brooks
Broomfield
Browder
Brown
Bruce
Bryant
Burton
Bustamante
Byron
Callahan
Camp
Campbell (CA)
Campbell (CO)
Cardin
Carper
Carr
Chandler
Chapman
Clay
Clement
Clinger
Coble
Coleman (MO)
Coleman (TX)
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Cooper
Costello
Coughlin
Cox (CA)
Cox (IL)
Coyne
Cramer
Crane
Cunningham
Dannemeyer
Darden
Davis
de la Garza
DeFazio
DeLauro
Dellums
Derrick
Dickinson
Dicks
Dingell
Dixon
Donnelly
Dooley
Doolittle
Dorgan (ND)
Dornan (CA)
Downey
Dreier
Duncan
Durbin
Dwyer
Dymally
Early
Eckart
Edwards (CA)
Edwards (OK)
Edwards (TX)
Emerson
Engel
English
Erdreich
Espy
Evans
Ewing
Fascell
Fawell
Fazio
Feighan
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Franks (CT)
Frost
Gallegly
Gallo
Gaydos
Gejdenson
Gekas
Gephardt
Gibbons
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goodling
Gordon
Goss
Gradison
Green
Guarini
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Hancock
Hansen
Harris
Hastert
Hatcher
Hayes (IL)
Hefley
Hefner
Henry
Herger
Hertel
Hoagland
Hobson
Hochbrueckner
Holloway
Horn
Horton
Houghton
Hoyer
Hubbard
Huckaby
Hughes
Hutto
Hyde
Inhofe
Ireland
Jacobs
James
Jefferson
Jenkins
Johnson (CT)
Johnson (SD)
Johnston
Jones (GA)
Jontz
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kleczka
Klug
Kolbe
Kolter
Kopetski
Kostmayer
Kyl
LaFalce
Lagomarsino
Lantos
LaRocco
Laughlin
Leach
Lehman (CA)
Lehman (FL)
Lent
Levin (MI)
Levine (CA)
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Lipinski
Livingston
Lloyd
Long
Lowery (CA)
Lowey (NY)
Luken
Machtley
Manton
Markey
Marlenee
Martin
Martinez
Matsui
Mavroules
Mazzoli
McCandless
McCloskey
McCollum
McCurdy
McDade
McDermott
McEwen
McGrath
McHugh
McMillan (NC)
McMillen (MD)
McNulty
Meyers
Mfume
Michel
Miller (CA)
Miller (OH)
Miller (WA)
Mink
Moakley
Molinari
Mollohan
Montgomery
Moody
Moorhead
Moran
Morella
Morrison
Mrazek
Murphy
Murtha
Myers
Nagle
Natcher
Neal (MA)
Nichols
Nowak
Oakar
Oberstar
Obey
Olin
Olver
Ortiz
Orton
Owens (NY)
Owens (UT)
Pallone
Panetta
Parker
Pastor
Patterson
Paxon
Payne (NJ)
Pease
Pelosi
Penny
Perkins
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Porter
Poshard
Price
Pursell
Rahall
Ramstad
Rangel
Ravenel
Reed
Regula
Rhodes
Richardson
Ridge
Riggs
Rinaldo
Ritter
Roberts
Roe
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Rostenkowski
Roth
Roukema
Rowland
Roybal
Russo
Sabo
Sanders
Sangmeister
Santorum
Sarpalius
Savage
Sawyer
Saxton
Scheuer
Schiff
Schroeder
Schulze
Schumer
Sensenbrenner
Serrano
Sharp
Shaw
Shays
Shuster
Sikorski
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter (NY)
Smith (FL)
Smith (IA)
Smith (NJ)
Smith (TX)
Snowe
Solarz
Solomon
Spence
Spratt
Staggers
Stallings
Stark
Stearns
Stenholm
Stokes
Studds
Stump
Sundquist
Swett
Swift
Synar
Tallon
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (GA)
Thomas (WY)
Torres
Torricelli
Towns
Traficant
Traxler
Unsoeld
Upton
Valentine
Vander Jagt
Vento
Visclosky
Volkmer
Walker
Walsh
Washington
Waxman
Weber
Weiss
Wheat
Whitten
Williams
Wilson
Wise
Wolf
Wolpe
Wyden
Wylie
Yates
Yatron
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—26

Baker
Bentley
Brewster
Bunning
DeLay
Fields
Geren
Gilchrest
Grandy
Gunderson
Hayes (LA)
Hunter
Johnson (TX)
Lancaster
McCrery
Mineta
Nussle
Oxley
Packard
Payne (VA)
Quillen
Ray
Schaefer
Smith (OR)
Thornton
Vucanovich

NOT VOTING—7

Frank (MA)
Hopkins
Jones (NC)
Neal (NC)
Slaughter (VA)
Waters
Weldon

□ 1913

Messrs. CAMP, DINGELL, and THOMAS of California changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

PREFERENTIAL MOTION OFFERED BY MR. BURTON OF INDIANA

Mr. BURTON of Indiana. Mr. Chairman, I offer a privileged motion.

The CHAIRMAN. The Clerk will report the motion.

The Clerk read as follows:

Mr. BURTON of Indiana moves that the Committee do now rise and report the bill back to the House with the recommendation that the enacting clause be stricken out.

The CHAIRMAN. The gentleman from Indiana [Mr. BURTON] is recognized for 5 minutes.

Mr. BURTON of Indiana. Mr. Chairman, I would like to recap for my colleagues a little bit of what has happened today because I think it is extremely important that everything be put into proper perspective.

First of all, when this day began there were 460 special projects, many of which would be considered pork barrel projects. As a result of these 460 pork barrel projects, or many of which were pork barrel projects, I had my staff go through this litany of projects to find out the most onerous ones so I could present them to this body in the form of an amendment, or amendments, to try to cut this pork out of the budgetary process.

The total of the seven amendments I was going to propose was $67.1 million, but the Rules Committee would not allow that.

I want to tell you just a little bit about some of those amendments I was going to propose, because the committee has said these amendments were not pork barrel projects, but were very worthy projects. One of them was a bicycle path costing $1.1 million in Tennessee. That does not sound to me like something of utmost importance.

There is $1.4 million for another bicycle path in Massachusetts.

These are just a couple examples of the pork that is in this bill. I do not have the time to go into the litany of other projects that are really pork barrel projects, but that concerns me.

We are wasting taxpayers' dollars around here and we are not doing anything about it. The deficit this year is going to be $400 billion plus. The national debt is $4 trillion plus and it is going up and we continue on the same path of spending money day in and day out, without any consideration about what the taxpayers are going through.

We are going to increase the gas tax from 1996 through 1999 at 2½ cents a gallon. Make no mistake about it, it is a gas tax increase.

I was just told that we were going to have a recommittal motion to try to stop that 2½ cent gas tax increase from 1996 to 1999, but the committee, I understand, has been able to change one of the proponents of the bill who earlier spoke for the bill to say that they will oppose it so that they can have a recommittal motion which will block our attempt to stop the 2½-cents-a-gallon tax increase.

Now, I do not think that is fair play. The gentleman spoke earlier today in favor of the bill and now you have got him to change his vote so you can block our attempt to stop the gas increase tax for the American people. That does not seem like fair gamesmanship to me.

You know, if former Senator Proxmire was still around this place, he would be giving out a lot of Golden Fleece Awards today.

You know, they say this money is coming out of the highway trust fund, but do not be misled. The highway trust fund is part of the unified budget, and if you did not have the unified budget, if we took the highway trust fund out, the deficit would be $600 or $700 billion this year, not $400 billion; so every dollar we spend out of the trust fund is adding to the problem, especially if it is a pork barrel project. We have a lot of worthy things that the highway bill needs to address, but the pork that is in this bill should not be a part of it.

Finally, Mr. Chairman, I would like to say this violates the budget agreement that the Democrat Party signed onto last year. It violates the budget agreement, but to heck with that, business as usual, go right on with the pork.

So in closing, Mr. Chairman, just let me say that I, like all my colleagues, am concerned about the infrastructure of this country and about the future of this country as far as competitiveness is concerned. We need good highways. We need good bridges, but we do not need the pork. We have got to cut it out, and the taxpayers and the people of this country know what we are doing. Make no mistake about it. That is why this body is held in such low esteem, because they know we are spending ourselves into the drink.

The deficit, one more time, is going to be over $400 billion this year. The national debt has gone up 400 percent in 10 years from $1 trillion to $4 trillion. The interest on the national debt is about 18 cents out of every tax dollar.

☐ 1920

Think about the legacy we are leaving to our children. Every bill, every spending bill that comes before this body should be scrutinized. It should be cleansed of wasteful pork-barrel projects. We should not go on with business-as-usual.

Mr. ROE. Mr. Chairman, I rise in opposition to the motion.

The CHAIRMAN. The gentleman from New Jersey [Mr. ROE] will be recognized for 5 minutes.

The Chair recognizes the gentleman from New Jersey [Mr. ROE].

Mr. ROE. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the preferential motion offered by the gentleman from Indiana [Mr. BURTON].

The question was taken, and the Chairman announced that the noes appeared to have it.

Mr. BURTON of Indiana. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count. One hundred eleven Members are present, a quorum.

The CHAIRMAN. The pending business is the demand of the gentleman from Indiana [Mr. BURTON] for a recorded vote.

A recorded vote was refused.

So the motion was rejected.

The CHAIRMAN. It is now in order to consider amendment No. 8 printed in part 2 of the House Report 102-265.

AMENDMENT OFFERED BY MR. HOAGLAND

Mr. HOAGLAND. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. HOAGLAND: Page 243, after line 13, add the following new section:

SEC. 181. HIGHWAY TREE PLANTING PROGRAM.

Section 319 of title 23, United States Code, is amended by adding at the end the following new subsection:

"(c) TREE PLANTING PROGRAM.—

"(1) GRANTS.—The Secretary may make grants to States—

"(A) for developing a plan for tree planting along Federal-aid highways; and

"(B) for developing and implementing a program for the planting of trees in public rights-of-way along Federal-aid highways where safety, topography, soil, and other natural conditions provide that trees may be grown satisfactorily and with minimal maintenance.

"(2) MINIMUM CONTENTS OF A PLAN.—A plan developed under paragraph (1)(A) must include, at a minimum, identification of species, design standards and specifications for tree plantings for States which do not have such standards and specifications, and development of a tree maintenance policy.

"(3) MAXIMUM AMOUNT.—The maximum aggregate amount of grants to a State in a fiscal year under this subsection may not exceed $500,000.

"(4) FEDERAL SHARE.—The Federal share of the costs for which a grant is made under this subsection may not exceed 80 percent.

"(5) COOPERATIVE AGREEMENTS.—The Secretary shall take such action as may be necessary to encourage the State highway departments to enter into cooperative agreements with State foresters in implementing the requirements of this subsection. The Secretary may enter into a cooperative agreement with the Chief of the Forest Service of the Department of Agriculture for technical and other assistance in implementing this subsection.

"(6) ACCEPTANCE OF DONATED TREES.—Nothing in this subsection shall be construed to prohibit the acceptance of donated trees.

"(7) CONTRACT AUTHORITY.—Notwithstanding any other provision of law, approval by the Secretary of a grant with funds made available under this subsection shall be deemed a contractual obligation of the United States for payment of the Federal share of the grant.

"(8) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) to carry out this subsection $10,000,000 per fiscal year for each fiscal year 1992, 1993, 1994, 1995, and 1996. Such funds shall remain available until expended.".

The CHAIRMAN. Under the rule, the gentleman from Nebraska [Mr. HOAGLAND] will be recognized for 5 minutes, and a Member opposed will be recognized for 5 minutes.

The Chair recognizes the gentleman from Nebraska [Mr. HOAGLAND].

Mr. HOAGLAND. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, today the gentleman from Kansas [Mr. GLICKMAN] and I are offering an amendment to encourage the States to plant more trees along highways. Now, this is a modest amendment, it is a modest but specific program for States to choose to plant more trees and it specifies the trees would be planted "where safety, topography, soil and other natural conditions provide that trees may be grown satisfactorily and with minimal maintenance."

Mr. Chairman, it would require an 80–20 cost share and limit grants to any one State to $500,000. The total amount of the authorization is $10 million.

Let me emphasize that this amendment was developed with the help of State and national highway officials.

Mr. Chairman, earlier this evening we worked out an agreement with respect to this amendment with the chairman of the committee and the chairman of the subcommittee and with staff.

Mr. Chairman, I ask unanimous consent to modify the amendment that was previously made in order by the rule to reflect that agreement.

The CHAIRMAN. The Clerk will report the modification to the amendment.

The Clerk read as follows:

Modification offered by Mr. HOAGLAND: On page 2, line 8 of the proposed amendment strike "80 percent" and insert "60 percent". On page 3 of the proposed amendment, line 3, strike "$10,000,000" and insert "$5,000,000."

The CHAIRMAN. Is there objection to the modification offered by the gentleman from Nebraska [Mr. HOAGLAND]?

Mr. BURTON of Indiana. Mr. Chairman, reserving the right to object, I would like for there to be a further explanation of what this does, and I yield to the gentleman for that purpose.

Mr. HOAGLAND. Mr. Chairman, I would be happy to describe the amendment. The modification strikes the authorization total from $10 million to $5 million, No. 1. No. 2, it strikes the match from 80–20 to 60–40. So the States are required to put up 40 percent of the funds. In every other respect it is the same.

Mr. BURTON of Indiana. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

The CHAIRMAN. The amendment is modified

The text of the amendment, as modified, is as follows:

Amendment as modified offered by Mr. HOAGLAND: Page 243, after line 13, add the following new section:

SEC. 181. HIGHWAY TREE PLANTING PROGRAM.

Section 319 of title 23, United States Code, is amended by adding at the end the following new subsection:

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"(2) MINIMUM CONTENTS OF A PLAN.—A plan developed under paragraph (1)(A) must include, at a minimum, identification of species, design standards and specifications for tree plantings for States which do not have such standards and specifications, and development of a tree maintenance policy.

"(3) MAXIMUM AMOUNT.—The maximum aggregate amount of grants to a State in a fiscal year under this subsection may not exceed $500,000.

"(4) FEDERAL SHARE.—The Federal share of the costs for which a grant is made under this subsection may not exceed 60 percent.

"(5) COOPERATIVE AGREEMENTS.—The Secretary shall take such action as may be necessary to encourage State highway departments to enter into cooperative agreements with State foresters in implementing the requirements of this subsection. the Secretary may enter into a cooperative agreement with the Chief of the Forest Service of the Department of Agriculture for technical and other assistance in implementing this subsection.

"(6) ACCEPTANCE OF DONATED TREES.—Nothing in this subsection shall be construed to prohibit the acceptance of donated trees.

"(7) CONTRACT AUTHORITY.—Notwithstanding any other provision of law, approval by the Secretary of a grant with funds made available under this subsection shall be deemed a contractual obligation of the United States for payment of the Federal share of the grant.

"(8) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) to carry out this subsection $5,000,000 per fiscal year for each fiscal year 1992, 1993, 1994, 1995, and 1996. Such funds shall remain available until expended.".

Mr. HOAGLAND. Mr. Chairman, let me continue just briefly. In America today, excluding Alaska, only 5 percent of our primary forest remains intact. Now, trees along highways have many practical advantages. They help us fight pollution, both in the air and in the water by preventing runoff, washouts, flooding and erosion.

A tree-lined highway, as we all know, also cuts heat radiation from the pavement. When planted appropriately, trees can act as wind and snow breaks and prevent soil erosion.

Today, Congressman DAN GLICKMAN and I are offering an amendment to encourage States to plant more trees along highways. Our amendment is very similar to a bill we introduced, H.R. 2717, the highway tree planting initiative. Let me say from the outset that this amendment does not require State highway departments to rush out and plant trees in every available spot of every highway. It would create a specific program for States that choose to plant more trees and it specifies that trees would be planted "where safety, topography, soil and other natural conditions provide that trees may be grown satisfactorily and with minimal maintenance." It would require 80 percent to 20 percent cost sharing and limit grants to any one State to $500,000.

Currently, there is no specific direction in the law which encourages or requires States to plant trees along highways. States are allowed to use Federal highway funds for purposes of constructing highways, which, includes building the actual roadway and landscaping the corridor along the highway. Trees are not given a priority. They should be, for many reasons. This amendment would establish a program that encourages increased State tree planting along federally assisted roadways.

TREES ARE BENEFICIAL

In the United States, excluding Alaska, only 5 percent of our primary forest remains intact. In my State of Nebraska, land with tree cover accounts for only 1.5 percent of the total area. Some may ask, "Why plant more trees?" There are several reasons.

Trees along highways have practical advantages. Trees help us fight pollution, both in the air, as filters for air particles, and in the water, by preventing runoff, washouts and flooding. A tree-lined highway will also cut heat radiation from the pavement. When planted appropriately, trees can act as wind and snow breaks and prevent soil erosion.

One of the most important benefits to be gained from the planting of trees is to help reduce the effects of global warming. We have all read and heard the disturbing reports on the greenhouse effect in recent years and how carbon dioxide gas buildup in the atmosphere is partly responsible for this global environmental problem. Trees play an integral role in the global warming trend and carbon dioxide buildup by acting as a carbon sink. According to the American Forestry Association, an acre of trees uses about 2.6 tons of carbon dioxide per year. Deforestation has had a devastating effect on our global climate, second only to the burning of fossil fuels as a human source of atmospheric carbon dioxide. According to the Environmental Protection Agency's own analysis, if only 10 percent of the suitable land within highway corridors were planted, new carbon dioxide emissions from powerplants would be significantly offset because trees use carbon dioxide in the photosynthetic process.

Trees have esthetic advantages. Federal regulations require highways to blend in with the natural environment and provide pleasure and satisfaction in their use. What better way to improve the pleasure of driving than to drive down tree-lined highways?

STATES ARE RECEPTIVE

The concept of planting trees along highways is not a new one. Prior to 1980, Federal funds were specifically earmarked for tree planting on roadsides. Since then, we have not had a consistent nationwide policy for planting trees along highways, but many States have recognized the need for more trees. In Nebraska, for instance, State agencies have developed the living snow fence along portions of Nebraska highways. Consisting of four rows of shrubs and conifers placed safely from the roadside, these natural fences provide low-cost, low-maintenance snow and wind breaks that help reduce hazardous snow from roadways during severe weather conditions.

CONSISTENT WITH HIGHWAY POLICY

It is important to understand that our amendment is consistent with highway construction planning. Most people think of highways as just the pavement their cars roll along. In reality, the total highway environment consists, not just of the roadway, but of roadside development as well. This development includes rest areas, scenic overlooks, travel information centers, landscape projects and preservation of valuable adjacent scenic lands. Obviously, trees can and do play an integral part in the total highway environment. Many highway corridors have room to plant trees in a manner that is consistent with highway program policy. Trees can be planted in such a way that they are safely clear of the roadside yet still enhance the natural environment. A strip of land on each side of the roadway which must be kept clear of immovable objects for the safety of motorists is known to highway experts as the clear zone. Our amendment stresses that the States shall identify suitable areas for tree planting—areas not in the clear zone so that they do not interfere with highway traffic or safety.

A MODEST PROGRAM

This amendment establishes a modest program in relation to the total highway budget. It would set aside $10 million each year from the highway trust fund, which at the beginning of the 1991 fiscal year had a balance of $9.6 billion in the highway account. This is a small price to pay when considering the environment and esthetic benefits that trees provide. The amendment sets up a grant program to allocate the funds, under which States would have to apply and contribute 20 percent of the total project cost. With a matching requirement, States have an incentive to use funds wisely.

In order to further save Federal tax dollars, our amendment specifically encourages States to accept donated trees for their landscaping projects and encourages State highway departments to enter into cooperative agreements with State foresters. Many State forestry agencies grow their own seedlings in large numbers that keep the cost per tree very low. Since our amendment specifies that only low maintenance trees be planted in suitable rights-of-way, the costs associated with the upkeep of these trees would be small. For example, trees would be planted in areas far enough from the roadside so that pruning of dead limbs would not be needed.

COMPLIMENTS BUSH'S PROGRAM

This amendment will enhance and complement President Bush's 10-year plan to plant, improve and maintain 1 billion trees a year. This program, called America the Beautiful, was initiated as a result of the American peoples' concern for the future of the Earth's environment, and the deterioration of our once abundant natural resources.

I urge my colleagues to support what we think is a good and necessary amendment. It puts into law an economical, safe and environmentally sound method of improving America's highway environment through the planting of trees. This amendment, will, for the first time, establish a clear policy of planting trees in highway corridors and address what should have been done long ago.

Our amendment is supported by the following organizations: American Forestry Association, American Farmland Trust, American Planning Association, American Society of Landscape Architects, Environmental Defense Fund, Izaak Walton League, National Association of State Foresters, National Audubon Society, Renew America, Scenic America, and Wildlife Management Institute.

Mr. COLEMAN of Texas. Mr. Speaker, I am pleased to be able to support H.R. 2950, the Surface Transportation Infrastructure Act, and want to commend the House Public Works and Transportation Committee for its diligence in crafting this legislation. This is one of the most important pieces of legislation the Congress will consider this session, and I appreciate the committee reworking the initiative after several Members, including myself, expressed our reservations with respect to a proposal increasing the gasoline tax by 5 cents and the funding formulas which penalized big donor States like Texas.

The revised bill will make extensive changes in existing policy without raising new taxes and includes an economic growth program which will put many Americans back to work. This is exactly what we need in these recessionary times—an investment in the United States which will benefit all Americans.

H.R. 2950 increases Federal investment in our Nation's transportation infrastructure without increasing the Federal tax on motor fuels. The plan rebuilds deteriorated highways and bridges and improves rural and urban transportation systems. It provides for completion of the Interstate Highway System and creates a National Highway System. It makes an investment in mass transit, and allows States much-needed flexibility in setting transportation priorities.

The bill is a long-term, 6-year bill which encourages more systematic transportation planning. Texas will receive more than $7 billion in Federal highway funds, an average of almost $1.2 billion each year. A revised funding formula ensures that large donor States like Texas receive a greater rate of return on their Federal highway tax dollar. The legislation provides for a minimum allocation program of 90 percent and expands the base for its calculation to cover the distribution of Federal highway funds. This means that Texas' real return on its Federal highway user fee dollar will increase from its historical 80 cents to an estimated 87 cents.

The bill is also beneficial to States through a reduced and simplified Federal Highway Program structure. It gives the States greater flexibility in deciding how to spend program funds, and it simplifies the program structure by reducing the number of core highway programs.

I also support the bill's provisions relating to transit operations. Mass transit issues are important to my constituents in El Paso. Not only does it assist in moving people to places of employment and shopping, but it also helps to address air pollution problems in the region. The city of El Paso informs me that it has one of the highest percentages of local financing in the United States from fare box revenues which evidences the community's willingness to shoulder its share of funding responsibility for urban transportation.

Finally, I am encouraged about the bill's provisions related to studying the infrastructure needs of the United States-Mexico border. With the North American free trade negotiations underway, this is an important component of addressing the transportation needs of the region and ensuring that those areas which will be impacted by increased commerce from Mexico are prepared to do so.

I hope my colleagues will join me in supporting this landmark piece of legislation.

Mrs. COLLINS of Illinois. Mr. Chairman, I rise in strong support of H.R. 2950, the Intermodal Surface Transportation Infrastructure Act of 1991.

The continued neglect and deterioration of our Nation's highways and bridges has been a major impediment to American commercial growth over recent decades. Without a modern transportation infrastructure to efficiently move goods from producer to consumer, the growth of American business will be stunted in this ever globally competitive economy.

This legislation authorizes the spending of $151 billion over the next 6 years for highways and mass transit programs. With out tax dollars increasingly being spent to pay interest on debt to foreign bankers, I am pleased to see that these tax dollars are heading straight back to the American people in the form of tangible projects that will affect the well-being of every American citizen. These programs will directly benefit the millions upon millions of Americans who own a car, commute to work every morning via public transportation, or make their livelihood based on the movement of goods to market.

One of the major provisions of this legislation which is of particular interest to my district, Mr. Speaker, is the increased funding for urban mass transit programs. H.R. 2950 authorizes over $32 billion over the next 6 years for public transportation initiatives. Specifically in my district, Chicago Transit Authority [CTA] provides vital rail and bus links for my constituents to the Chicago Loop and other areas of the city. In recent years, however, rising costs and difficult economic times have forced cutbacks in services and schedules. This legislation will provide valuable infusion of funds to CTA and other mass transit systems around the country to hopefully prevent such drastic cutbacks in the future.

The development of mass transit programs across the country is vital to our Nation's environmental well-being and drive toward energy self-sufficiency. By getting more cars off the road and increasing the availability of public transportation to all citizens, we can help clean our air and cut our dependence on imported oil. Furthermore, we can help increase productivity by decreasing the number of manhours spent in traffic jams and increasing the time in the workplace. These dollars are truly an investment in our future well-being and I commend the Committee of Public Works and Transportation for their foresight in this matter.

This legislation also provides $119 billion for highway construction, modernization, and safety programs. For anyone who has driven along our Nation's interstates and secondary roads, it should be glaringly evident that our roads are in a terrible state of decay and disrepair. H.R. 2950 gives States unprecedented latitude in deciding how their Federal allotments will be spent. Not only will this funding greatly help alleviate the traffic problems of Chicagoland and the State of Illinois, but those of cities and towns nationwide.

I am also very pleased that the bill includes a provision which I sponsored to require value-engineering reviews of highway construction and reconstruction projects. Value engineering is a scientific, creative, team-conducted process which aims to reduce total life-cycle costs and improve the quality of the project at the same time.

It has been very effective over the years in saving from 3 percent to 5 percent of contract values, and it has received high acclaim in over a dozen GAO reports and the Grace Commission report. In one example in 1988, a VE review of a bridge repair project in Cleveland saved $7 million from a $36 million budget—27 percent savings—and shortened the shutdown of the bridge from 36 months to 20—44 percent reduction. If it continues its performance at a minimal 3-percent savings, we can expect it to save billions of taxpayer dollars by being applied to the $119 billion highway portion of this bill.

Finally, while this legislation does not include the "Nickel for America" increase in the Federal gasoline tax, it does eliminate a 2.5 cent gas tax designed for deficit reduction implemented during the 1990 omnibus budget reconciliation agreement. What this means, Mr. Speaker, is that all of the money collected from fuel taxes will now be going directly back into the transportation infrastructure and not to pay interest on the national debt.

Mr. Speaker, this legislation is the embodiment of the American spirit. The freedom of mobility that Americans so greatly cherish is assured of being preserved by enactment of this sweeping measure. Furthermore, H.R. 2950 will create hundreds of thousands of new jobs and increase the productivity of American businesses across the board. For Chicagoland, and the Nation, this is one investment which truly is a no-lose proposition. I urge my colleagues to support this bill.

Mr. MAZZOLI. Mr. Chairman, I rise in strong support of H.R. 2950, the Intermodal Surface Transportation Infrastructure Act of 1991, which I hope passes.

This bill calls for, and let me emphasize, no new taxes. I will say it again. It calls for no new taxes. It simply uses existing taxes to pay for important programs for America's economic survival.

There is $151 billion authorized for various highway and mass transit programs. This is a lot of money, Mr. Speaker, but it is conservatively estimated that it would take $500 billion, five times that amount of money, just to repair the bridges and highways already deteriorating in this country.

There are several matters of importance in this bill. It provides flexibility to States and local government in how they spend their money. It limits, and I think this is very important, the permitting of the very long highway behemoths, these double and triple bottom trucks that scare most of us to death when we are on the highways.

It also contains money for the Louisville waterfront development highway improvement project, which will make much more accessible our beautiful historic riverfront in Louisville and Jefferson County. For the RECORD, I am providing the text of a letter I have received from city of Louisville Mayor Jerry E. Abramson, outlining the importance of this project.

Mr. Speaker, it is a good bill. I hope it passes.

The letter follows:

CITY OF LOUISVILLE,
OFFICE OF THE MAYOR,
Louisville, KY, October 23, 1991.
Hon. ROMANO L. MAZZOLI,
U.S. Congress, Rayburn Building, Washington, DC.

DEAR RON: Thank you for the support you and your colleagues have given to the Congressional projects outlined in H.R. 2950, the Intermodal Surface Transportation Assistance Act of 1991. We feel strongly about the regional benefits that accrue from federal involvement in such a project. In Louisville, the $5.6 million earmarked for waterfront roadway improvements will not only enhance waterfront development but, more importantly, will allow improvements to be implemented earlier which will spark public excitement and create a level of interest that causes private contributions for other public improvements.

As you know, over the past year our community developed a master plan that describes how we intend to clean up the waterfront and return it to public use. Much of the new design is predicated on adequate automobile circulation in this area. The road work made possible by this bill is truly the cornerstone of Louisville's riverfront revitalization efforts.

Thank you for understanding the importance of this project and working to ensure that a major portion of the transportation needs in the waterfront are satisfied.

Sincerely,

JERRY E. ABRAMSON,
Mayor.

Mr. CUNNINGHAM. Mr. Chairman, I rise in support of H.R. 2950, the Intermodal Surface Transportation Infrastructure Act of 1991. I want to commend Chairman ROE, Congressman HAMMERSCHMIDT, Congressman MINETA, and Congressman SHUSTER for their efforts. Clearly, the committee had a difficult task when it set about to draft this legislation. As with any Member, there are sections I would just as soon not have included, but on balance, this is a good bill.

I'd like to discuss a key provision for the 44th District of California, namely, the I–15/40th Street project in San Diego. It is not often that we see an urban neighborhood welcoming a freeway, but that is precisely what has happened in the City Heights neighborhood of San Diego. Years ago, most of Interstate 15 was completed, from the Canadian border to San Diego. However, a short stretch running along 40th Street in San Diego has never been completed. Consequently, freeway traffic spills onto city streets.

The residents of the City Heights neighborhood have an ambitious plan to rid their neighborhood of freeway traffic and enhance its desirability. By building several blocks of cover over the completed freeway, City Heights will regain its peace and quiet and the community will gain several new blocks of open space.

The design for completion of the freeway calls for the depression of the road. The State of California and the city of San Diego have each committed to fund one block of cut-and-cover tunnel over the freeway. This bill now includes funding toward a third block of cover.

Mr. Chairman, this project has the strong support of Congressman HUNTER, Congressman LOWERY, Congressman PACKARD and myself. I particularly want to thank my colleagues from San Diego for their assistance with this project.

Mr. Chairman, in addition to the I–15/40th Street project, H.R. 2950 will make a major difference in the San Diego area. In particular, I salute the committee's decision to provide substantial funding for the mid-coast extension of the San Diego trolley system. The San Diego trolley is a tremendous success story and has served as a model for new light rail systems across the country.

This funding for the San Diego trolley will complement the existing south, east, and bayside lines with a northern extension that will link residential neighborhoods, commercial areas, tourist attractions, and major universities with downtown San Diego.

There are other projects around San Diego County which receive needed attention in the bill. I am particularly pleased that the committee has reached a compromise which provides these needed funds without increasing taxes.

Mr. Chairman, I urge my colleague's support for H.R. 2950. The Public Works Committee has made a solid contribution to addressing the tremendous infrastructure needs of the Nation.

Mr. MCMILLEN of Maryland. Mr. Chairman, I am opposed to H.R. 2950, the Surface Transportation Infrastructure Act, because this legislation contains a new Federal gas tax and because it does little to benefit the State of Maryland.

In the Omnibus Budget Reconciliation Act of 1990, the Congress increased the Federal gas tax by 5 cents per gallon. Half of this increase went straight toward deficit reduction, with the other 2.5 cents designated for highway programs. This legislation would extend the 2.5 cents designated for highway programs for an additional 4 years from 1995 to 1999. However, any way you disguise it, this is still a new tax. Without this legislation, the increase which was enacted last year would expire. I understand that the Federal Government needs more money to build roads, but a gas tax is the most regressive means of obtaining this funding. In addition, I am concerned that the revenues from this regressive tax will not be used for traditional highway programs, rather the money will go toward boondoggle "demonstration" projects. In times of budgetary constraint, there is simply no room for pork projects.

I have other problems with this legislation as well. Maryland does not fare well under this bill. While this legislation provides for significant funding increases over current levels, almost one-third more, Maryland does not share fairly in this increase. Total funding levels under this bill are $151 billion. Considering this significant increase, it is inconceivable to me why Maryland should see a decrease in its highway funding. Some States are receiving as much as a 140-percent increase. No State should have to suffer a decrease in funding, at very least, all States should maintain the status quo. Under this legislation, Maryland receives a smaller percentage share of nationwide funding than in the past or than under the Senate version of the same bill. The final reason I am opposing this bill is because I cannot support a bill which will force Maryland into becoming a "donor" State. Within 6 years, the duration of this legislation, Maryland will receive less back in Federal gas tax dollars than it sends to the U.S. Treasury. This is hardly an incentive to support an increase in the Federal gas tax.

Admittedly, there are programs in this bill which are good for Maryland. But, as an overall package, I cannot support it. I respect and appreciate the work of Chairman ROE. But this legislation creates a huge new Federal pie—created by a tax increase—of which Maryland gets only a sliver. Maryland deserves a better shake than this, and all of the Maryland delegation should be working to make sure that Maryland gets its fair share, instead of supporting a tax increase that only gives Maryland a few dollars more than it gets today. Thank you.

Mr. HAYES of Illinois. Mr. Chairman, I rise in support of H.R. 2950, the Intermodal Surface Transportation Infrastructure Act of 1991 and the amendment offered by my colleague from the District of Columbia, Congresswoman NORTON. The Norton disadvantage business enterprise decoupling amendment addresses the issue of dual goals, where minority contracting is referenced in the Federal Highway Program. I believe that separate goals in minority contracting is the best approach for fairness and growth for all Americans.

The purpose of minority disadvantaged business enterprises is to give those American contractors that were historically excluded from Federal highway contracts a fair opportunity to participate in the contracting process and develop in the highway construction industry. The coupling of minority and nonminority DBE's within the same 10-percent goal has caused some minority contractors to suffocate due to the competition for this small pot of funds. Quite simply, the opportunity to participate for many minority contractors has declined significantly.

Mr. Chairman, this amendment would require States to award 10 percent of Federal highway contract dollars to minority contractors and 5 percent to nonminority women contractors. Further, this decoupling amendment is not burdensome to prime contractors. As I understand, Mr. Chairman, no undue burden would be imposed upon prime contractors since most nonhighway State and local government disadvantaged business utilization programs already require separate goals for minorities and—nonminority—women. Those State and local programs that provide separate goals for minorities and—nonminority—women in effect, Mr. Chairman, cause friction between minority contractors and—nonminority—women contractors.

Finally, Mr. Chairman, the dual goals intentions of this amendment will automatically preclude prime contractors from utilizing one DBE group at the expense of the other. Divisiveness and friction is not in accordance with the intent of DBE programs. The intent of DBE is to allow both minority contractors and—nonminority—women contractors to fully develop in the highway construction industry without having to eliminate the other from competition.

I urge all of my colleagues to support this amendment and allow all contractors to participate fairly in the productive capacity of this Nation.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. Does any Member seek recognition in opposition to the amendment, as modified?

Mr. HAMMERSCHMIDT. Mr. Chairman, I rise in opposition to the amendment, as modified.

The CHAIRMAN. The gentleman from Arkansas [Mr. HAMMERSCHMIDT] will be recognized for 5 minutes.

The Chair recognizes the gentleman from Arkansas [Mr. HAMMERSCHMIDT].

Mr. HAMMERSCHMIDT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in opposition to this amendment which would provide $25 million in grants to States for the planting of trees along Federal-aid highways.

My chief concern is that we have already cut back the funding in this bill for very important highway and bridge programs, as well as for member projects. We have strained these programs to the limit, but this amendment would require us to make further cuts in order to find $25 million to fund tree planting programs.

I am sure this is a very well intended amendment that could be supported under other conditions. However, I believe we need to retain this funding in the core highway programs. I urge my colleagues to oppose this amendment.

Mr. Chairman, I yield to the gentleman from Pennsylvania [Mr. SHUSTER].

Mr. SHUSTER. I thank the gentleman for yielding.

Mr. Chairman, based on the offerors' willingness to reduce and modify the amendment, I am willing to support the amendment in committee here, with the condition that I understand my good friend agrees with my understanding that it is the committee's intent that in allowing this amendment, that any tree purchased or donated under section 181 shall not be planted in any manner such as to obstruct the view of a highway business, including identification signs and public or private directional signs.

Mr. Chairman, would the offeror of the amendment, as modified, agree with that?

Mr. HOAGLAND. Mr. Chairman, if the gentleman would yield, I do agree, yes.

Mr. HAMMERSCHMIDT. Mr. Chairman, I urge my colleagues to oppose this amendment.

Mr. HOAGLAND. Mr. Chairman, I yield 1 minute to the gentleman from Iowa [Mr. LEACH].

Mr. LEACH. I thank the gentleman for yielding.

Mr. Chairman, I simply would like to congratulate the gentleman on the amendment, and I would like to paraphrase Daniel Webster and Everett Dirksen and simply say that, "This is but a small issue, but there are those of us who love the initiative. A tree here and a tree there, pretty soon add up to a clean environment."

Mr. HOAGLAND. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. MINETA].

Mr. MINETA. I thank the gentleman for yielding this time to me.

Mr. Chairman, I have had an opportunity to look at the amendment and to work with the gentleman from Nebraska as well as the gentleman from Kansas, who are interested in this issue, and fully support the modification and inclusion of their amendment in our bill.

Mr. HOAGLAND. Mr. Chairman, I yield such time as he may consume to the gentleman from Michigan.

Mr. BONIOR. Mr. Chairman, I rise in support of this amendment. It is a minuscule amount of money to beautify our highways, it fits in with President Bush's beautification program to plant trees.

Mr. Chairman, I urge support of this amendment, as modified.

Mr. HOAGLAND. Finally, Mr. Chairman, I yield the balance of my time to the gentleman from Kansas [Mr. GLICKMAN].

Mr. GLICKMAN. Mr. Chairman, I join my colleague from Nebraska. Trees offer not only esthetic advantages but environmental advantages, including filtering air and preventing runoff.

I rise in support of the Hoagland amendment. Our amendment will be very similar to H.R. 2717, the Highway Tree Planting Initiative of 1991, of which I am an original cosponsor. Our amendment is consistent with highway construction planning. Most people think of highways as just the pavement their cars roll along. In reality, the total highway environment consists, not just of the roadway, but of roadside development as well. This development includes rest areas, scenic overlooks, travel information centers, landscape projects, and preservation of valuable adjacent scenic lands.

Under our amendment, States would be encouraged to plant trees where they are appropriate in terms of safety, soil, and topography. Many highway corridors have room to plant trees in a manner that is consistent with highway program policy. Trees can be planted in such a way that they are safely clear of the roadside yet still enhance the natural environment. A strip of land on each side of the roadway which must be kept clear of immovable objects for the safety of motorists is known to highway experts as the clear zone. Our amendment stresses that the States identify suitable areas for tree planting, areas not in clear zone so that they do not interfere with highway traffic or safety.

Why do we need more trees along highways? Obviously, trees offer certain esthetic advantages. But they also play an important environmental role by filtering air and preventing runoff. In addition, trees can act as wind and snow breaks, which is very important in States like mine.

Currently, there is no specific direction in the law which encourages or requires States to plant trees. The States have discretion in how they use the Federal highway funds for building the actual roadway and landscaping the corridors. Unfortunately, trees are not given a priority. They should be, for many reasons. Our amendment would create a grant program to encourage States to plant trees along federally assisted roadways.

We believe that this amendment would provide important practical, environmental and esthetic enhancements along the Nation's highways.

The CHAIRMAN. The question is on the amendment, as modified, offered by the gentleman from Nebraska [Mr. HOAGLAND].

The amendment, as modified, was agreed to.

PREFERENTIAL MOTION OFFERED BY MR. KYL

Mr. KYL. Mr. Chairman, I offer a preferential motion.

The CHAIRMAN. The Clerk will report the preferential motion.

The clerk reads as follows:

Mr. KYL moves that the Committee do now rise and report the bill back to the House with the recommendation that the enacting clause be stricken out.

The CHAIRMAN. This is a preferential motion. The gentleman from Arizona [Mr. KYL] will be recognized for 5 minutes in support of the motion.

The Chair recognizes the gentleman from Arizona [Mr. KYL].

Mr. KYL. Mr. Chairman, the reason for this unique procedure is that we need a little bit more time to debate the next amendment which is going to be presented. Only 7 minutes would be allowed for each side to debate a very important amendment that the gentleman from Pennsylvania [Mr. WALKER] is going to offer.

Therefore, I have sought this time in order to get into the debate a little bit.

I hope my colleagues will support the Walker amendment. It is a good amendment, for four separate reasons.

□ 1930

Mr. Chairman, the purpose of this amendment is to eliminate the office of intermodalism from the bill, an office which is required to be supported with $11½ million.

Mr. Chairman, this is an important amendment. It may only be $11½ million that is being saved, but I think there are a couple of important principles here as well. Of course, $11½ million being saved is not peanuts, but I think there are some other reasons.

The idea of the office of intermodalism, as I understand it, is to try to figure out ways to get people out of their cars so that they will move around by means other than the automobile. As has been pointed out here earlier, one-seventh of the jobs in this country are either already or indirectly related to the automobile industry. So, if my colleagues want a job-killing provision of a bill, I think this office of intermodalism is exactly that. We are going to kill jobs in America in the automotive industry unless we delete this office of intermodalism from this bill because the purpose of the office is to get people out of their automobiles.

Now how are they going to get people out of their cars? Is it going to be by mandate? Are they going to force people to take some other kind of transportation or get where they are going by some other means? Will it be by incentives?

What we are asking here is: How is this Office going to get people out of their cars to use other modalities to get where they want to go? If it is going to be by incentives, we are talking about more money, or disincentives, taking away money, or mandates, further regulations into our lives. It is really unclear what they are going to do to get people out of their car.

If the idea here is to increase mass transit, this bill already does that. It more than doubles the amount of money for mass transit, whereas highway spending goes up less than 25 percent, and, as a matter of fact, if one looks just to the operating expenses of mass transit, the operating subsidies are going from $800 million in fiscal year 1992 to $2.3 billion in fiscal year 1997. That is a pretty big increase, not for infrastructure development, but simply operation and maintenance.

So, Mr. Chairman, I think we are providing a pretty good support for one kind of transportation other than the automobile right here in what is called the highway bill, which in fact, of course, is not just a highway bill, but a bill that supports mass transit as well.

I think the bottom line, Mr. Chairman, is that we can save money by supporting the amendment of the gentleman from Pennsylvania [Mr. WALKER]. We can prevent further regulation of people's lives by folks who, I guess, have well-meaning ideas about reducing transportation, but frankly could put literally thousands and thousands of people out of work in this country and where we are already supporting mass transit to a significant extent even under this bill.

So, it does not seem to me that this is a good idea. It wastes money, it is going to further intrude into our lives, and it is going to put people out of work, and for that reason I would hope that my colleagues would think long and carefully about something which puts people out of work and would support the Walker amendment to delete the office of intermodalism.

Mr. Chairman, I reserve the balance of my time.

Mr. ROE. Mr. Chairman, I rise in opposition to the preferential motion offered by the gentleman from Arizona [Mr. KYL], and I reserve the balance of my time.

Has the gentleman from Arizona [Mr. KYL] used all his time?

The CHAIRMAN. The gentleman from Arizona [Mr. KYL] has 1 minute remaining, and he must first use all his time.

Mr. KYL. Mr. Chairman, does the gentleman from New Jersey [Mr. ROE] have the final word?

The CHAIRMAN. He does.

Mr. KYL. Mr. Chairman, I yield the balance of my time to the author of the amendment, the gentleman from Pennsylvania [Mr. WALKER], to allow him to briefly explain further, and I would ask the author if he knows of any taxpayer groups, concerned groups, that are interested in this bill.

Mr. WALKER. Mr. Chairman, I would say to the gentleman from Arizona [Mr. KYL] that it is my understanding that Citizens Against Government Waste will in fact rate this vote as a key vote on their index simply because it is one of the only money-saving amendments that Members would have a chance to vote on in the bill.

I would also say to the body that, if in fact they do not believe what the gentleman is saying about the car implication of this, I would remind them of some of the people who are in the fact supporting the intermodalism concept who have made some statements; Ralph Nader, for example.

Mr. Chairman, he says:

> Today's intellectuals and reformers have little respect for the automobile—or for automobile culture. The car's very convenience seems an indulgence, a waste of resources and money. The Soviet Union's greatest contribution to world peace was the fact that it did not put a car in every Soviet citizen's garage.

According to Ralph Nader, a supporter of this kind of a concept.

Mr. Chairman, I would suggest to my colleagues that this very definitely is an attempt to attack the private automobiles and the economy that goes with them.

Mr. ROE. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the preferential motion offered by the gentleman from Arizona [Mr. KYL].

The preferential motion was rejected.

The CHAIRMAN. It is now in order to consider amendment No. 12 printed in House Report 102–265.

AMENDMENT OFFERED BY MR. WALKER

Mr. WALKER. Mr. Chairman, I offer amendment No. 12 made in order under the rule.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. WALKER: Strike Sections 501 through 504 and redesignate accordingly.

The CHAIRMAN. Under the rule, the gentleman from Pennsylvania [Mr. WALKER] will be recognized for 7½ minutes, and a Member opposed will be recognized for 7½ minutes.

The Chair recognizes the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. Mr. Chairman, I guess that, if one understands what intermodalism is, that perhaps they ought to vote for what the committee has put in the bill. If they do not know what intermodalism is and, like me, they cannot find it in any dictionary, I suggest this is not something where we ought to create an $11½ million office that is going to promote something that the Department of Transportation should be doing anyway.

Whatever the validity of intermodalism as a concept, it is now clear that an entire new bureaucracy is needed to promote it. In fact, the suspicion is that such an office would have its principal mission attempt to get Americans to forgo transportation in favor of other options. That mission would be antithetical to efforts to build the U.S. Automobile industry, and it would not assure Americans of their continued freedom that individual cars afford them.

If my colleagues do not think that this is a problem, they heard my Ralph Nader quote here a minute ago, that he thinks that the Soviet Union was wonderful because citizens never got cars. Well, how about another group, one of the groups that came out in favor of intermodalism as an early concept? This group was known as the Campaign for New Transportation Priorities. Let me quote from them.

> A new vision to carry the country into the 21st century is essential. The Campaign for New Transportation Priorities believes that a significant portion of the problems associated with transportation stems from the unnecessary single-occupant car use and the overreliance in general on the automobile for personal travel.

In other words, Mr. Chairman, these are people who have decided that cars are not good for us, that people ought to get out of their cars, and now they want to put in an office in the Department of Transportation which is aimed at accomplishing that.

I say again to my colleagues that one out of every seven jobs in this country is related to the automotive industry. An office that is designed to kill even a small portion of that industry is not something that we ought to be endorsing.

Now some people have said, "Well, WALKER, what you're trying to do is get at the projects in the bill." My amendment does not touch any project in the bill. The only thing the amendment says is that we ought not form a new bureaucracy. All of my colleagues who have paraded to the well today and were suggesting that their projects are good, fine. But they ought to vote against new bureaucracy.

Mr. ROE. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from New Jersey [Mr. ROE] is recognized for 7½ minutes.

Mr. ROE. Mr. Chairman, I appreciate being allowed this time, and I want to share with my good friend, the gentleman from Pennsylvania [Mr. WALKER], whom, although we are strong adversaries from time to time, by the same token I heard him on the floor the other day, and he said that "intermodal" was not in the dictionary. By God, we went and looked into some of our dictionaries, one of the dictionaries that they pass out in the House of Representatives. There was a couple that did not have it in it, and we double checked, and I brought this for the gentleman, and I am going to autograph it for him because in here it talks about intermodalism, and this came from the Library of Congress, and it says:

> **in-ter-mod-al** (in'ter mod'l), *adj. Transp.* pertaining to or suitable for transportation involving more than one form of carrier, as truck and rail, or truck, ship, and rail.

So, I will not offer this as an exhibit, but I will save this for the gentleman from Pennsylvania [Mr. WALKER] and autograph it for him before he leaves tonight.

Intermodalism is simply a very basic situation, and let me tell my colleagues something. What did we find? We found in going through our hearings for 2½ years that there are 16 different committees around here that have some kind of jurisdiction over transportation.

□ 1940

Even in the Committee on Public Works and Transportation and even in the administration, we passed an aviation bill that does not relate to aviation. We passed a harbor bill; it does not relate, it is a harbor bill. We passed an inland water bill; it is an inland water bill, so it does not relate. We passed a highway bill, and it does not relate. Our transportation systems do not come together.

There is nothing magical or cynical or anything hiding here at all. I ask the Members to get this and to listen to me for a minute. The assumption that we are going to lose automobiles is preposterous. It has absolutely nothing to do whatever with what we are talking about. We are not trying to get people out of their cars. It has nothing to do with this section of the bill.

If there is anybody from Tennessee around here that talks about Fed Ex, the Fed Ex Co. was developed in this country, and it is a $2 billion corporation because they combined air transportation with trucks. CSX is a multinational corporation, and it is an intermodal corporation because they combine four different types of intermodal transportation. They are simply locking the transportation together. It is as simple as that.

Mr. Chairman, I only have a couple of minutes, but I want to yield time to the gentleman from Pennsylvania [Mr. SHUSTER]. I want to say something else. The committee passed a bill in 1984. It set up a committee that was appointed by the President. It had an advisory board of Malcolm Baldrige, Elizabeth Hanford Dole, and a half a dozen other leaders in the Nation. The Office of Technology Assessment has reviewed the whole thing in their recent report that came back and said that a host of governmental associations have regulatory and fiscal authority over separate elements of regional transportation, that no effective mechanisms for intermodals should be done.

We have another report that came out from the National Council on Public Resources. It is not a mystery. There is not any mystery at all. All we are trying to do is connect the transportation systems of the country. It has nothing to do with mass transit.

Mr. SHUSTER. Mr. Chairman, will the gentleman yield?

Mr. ROE. I yield to the gentleman from Pennsylvania.

Mr. SHUSTER. Mr. Chairman, I do support the gentleman from New Jersey. I am astonished that my good friend, the gentleman from Pennsylvania, says the purpose of this is to get people out of their automobiles. It has nothing to do with that. The purpose of intermodalism is to get people to transfer efficiently among different modes.

I am hurt that my good friend from Pennsylvania would use guilt by association to associate me with Ralph Nader. Think about that. I am hurt, my friend. I am hurt. I am hurt.

We hear $11 million in this bill. There is no $11 million in this bill. The Department can fund this out of their existing funds. There is only $3 million to set up models to promote intermodalism; for example, a terminal which will provide transfer between cars, trucks, airplanes, boats, ships, buses. That is what intermodalism is about, a way to let all the modes work together most efficiently.

Mr. ROE. Mr. Chairman, I yield 1 minute to the gentlewoman from New York [Mrs. LOWEY].

Mrs. LOWEY of New York. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Pennsylvania [Mr. WALKER]. This amendment would strike provisions in the bill to establish as a national goal the promotion of an intermodal transportation system and eliminate other provisions aimed at achieving that important goal.

Strengthening this Nation's intermodal transportation network is important to achieving a number of this Nation's most vital objectives, including improved energy efficiency and pollution reduction. Economic growth is also heavily dependent upon the functioning of our transportation system and our ability to move freight and passengers from railroads to marine terminals, mass transit to airports, and commuter rail to buses and railroads. Those interconnections are vital to the efficient operation of our transportation system.

The Department of Transportation has recognized the importance of creating a strong intermodal system, but the structure of the agency impairs its ability to progress toward that goal. The department is organized according to separate modes of transportation, and there is no established mechanism to ensure that Federal transportation policy and actions are coordinated to facilitate intermodal connections. We have heard it argued today that establishing an office of intermodalism would create another useless layer of bureaucracy. To the contrary, an active office of intermodalism would finally provide the Department with the organizational tools it needs to make intermodal choices and connections.

The chairman of the committee, Mr. ROE, and the committee as a whole should be congratulated for taking leadership on this issue. The reauthorization of Federal surface transportation programs should be viewed as a vital opportunity to promote innovative ideas that can help meet this Nation's transportation, economic, and environmental needs. The Public Works Committee has recognized that fact. I urge my colleagues to support their good work by defeating the Walker amendment and then approving the committee's bill.

Mr. ROE. Mr. Chairman, I yield 1 minute to the gentleman from Arkansas [Mr. HAMMERSCHMIDT].

Mr. HAMMERSCHMIDT. Mr. Chairman, I rise in opposition to this amendment offered by my esteemed colleague the gentleman from Pennsylvania [Mr. WALKER] that would eliminate sections of this bill which, in the long run, may be the most visionary of all.

If our Nation is to compete successfully in the international marketplace, we must have a transportation system that is efficiently integrated. We can no longer afford to operate highways, airports, waterways, and transit systems in isolation of each other. Leaders of other nations around the world have taken steps to integrate their systems. We are far behind now, and we need to take aggressive action if we are going to catch up.

In hearings before the public works and transportation committee last year, when asked who was responsible for pursuing intermodal policies, Secretary Skinner said—"it's me." In other words, the Department of Transportation operates as a collection of different modal administrations with no one looking after the day-to-day decisions needed to achieve an efficient unified transportation system.

Freight transportation has achieved a remarkable degree of sophistication. Shippers are looking for the right combination of service, speed, price, and reliability to carry their products—factors that often call for shipment by more than one mode. Products are picked up by trucks, loaded onto trains at the rail head, picked up again by trucks, and taken to the port to be transported half way around the world by ship. Indeed, if "intermodal" was not defined in the dictionary, it is defined in the marketplace. It's time to face reality and make transportation decisions by looking at the whole picture.

I urge my colleagues to think about transportation issues that constituents have written to us about—heavy truck traffic on the highways, underutilization of railroads and energy efficiency. All of these issues need to be addressed in a unified, not fragmented, manner. Title V of this bill would create an office of intermodalism within the Department of Transportation, with a clear mission to promote an effective, efficient national transportation system. I ask my colleagues to join me in opposing this amendment.

Mr. ROE. Mr. Chairman, I yield my one remaining minute to the gentleman from California [Mr. MINETA].

Mr. MINETA. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Pennsylvania [Mr. WALKER] to strike title V of the legislation.

This title deals with the development of an intermodal transportation network and is vital if we are to meet the enormous challenges of a new century.

Mr. Chairman, our world is changing. If American businesses can't get their products to market because our goods are tied up on inadequate roads, America loses.

If the American people can't move around cities and regions because there's no alternative to solo commuting, valuable work time and quality family time is lost. Again, America loses.

It is time for America to be innovative. Title V lays the groundwork for a national infrastructure system which is tied together by a variety of transportation modes.

Mr. Chairman, title V is an essential facet of our legislation. The development of an intermodal transportation system will not only help us better move people and goods, but it will improve the quality of our air, the quality of our lives, and the health of our economy.

I urge my colleagues to oppose the amendment.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. WALKER] has 5½ minutes remaining.

Mr. WALKER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am pleased to note that the gentleman has found a dictionary that has "intermodalism." Was that the Playboy dictionary? It seems that I had someone ask me a few minutes ago whether or not one needed parental permission to do intermodiality. I am not certain. This is a real problem in the House of Representatives.

I would say to the gentleman from Pennsylvania that he cannot find the $11.5 million in the bill because they did not put it in. But that is what the Department of Transportation—I have a communication here from them—estimates the cost of the office is. I have all the particulars, including the $5 million for the database and a number of other things.

This is a $11.5 million expense that is not needed in the bill.

Mr. JOHNSON of Texas. Mr. Chairman, will the gentleman yield?

Mr. WALKER. I will be happy to yield to the gentleman from Texas.

Mr. JOHNSON of Texas. Mr. Chairman, I am glad we figured out what that word really means, because I could not figure it out myself. You have been talking about intermodaling, and I wonder if we know what that means. I have heard that the railroads are generally laid so that they lead somewhere, and airports are built so they are just in the right spot. I have to ask, does the gentleman know of any national epidemic of railroads leading to nowhere, or airports being built in the wrong place?

Mr. WALKER. I have to say that the Committee on Public Works and Transportation believes that that is a problem, because what this is supposed to do is to bring all these things together. They must foresee this major problem, that we have a lot of stuff that is not coming together out there, so, therefore, we need to create a new office in the Department of Transportation in order to take care of it.

It does not make much sense to me why we have to spend $11.5 million on it. That is beyond my imagination.

Mr. JOHNSON of Texas. Mr. Chairman, I suggest that an $11 million layer bureaucracy added to an already bloated Federal Government is something Americans do not want, do not need, and do not deserve.

I understand also that one of the long-term objectives—and I think the gentleman was quite right in pointing this out—is to do away with the private automobile.

Economist Brock Yates said that the ownership of cars is discouraged in totalitarian societies, that a mobile population is a population essentially out of control of a centralized government.

Are we headed toward that? Would the gentleman think that we would pay attention to what is happening around the world of totalitarian governments today? Would the gentleman agree that this is just another attempt by our Government to control what its citizens can do?

Mr. WALKER. Mr. Chairman, all I can say to the gentleman is that the groups that testified most heavily for intermodalism at the committee—and I have a copy of the hearings here—all of these groups were anticar. One has to assume that night does follow day, that in fact all these groups that were testifying in favor of intermodalism do intend to have an office that comes out of this which is determined to get private citizens out of their cars.

So I have to say that I think there is a very, very strong suspicion of that based upon the testimony that came to the committee and which I have copies of that I have reviewed.

Mr. JOHNSON of Texas. Mr. Chairman, I have heard them say that. It is part of the idea to get rid of the car so we can improve the environment. Has that not been the statement?

Mr. WALKER. It is environmental, but I would also tell the gentleman that one of the things that was indicated by these groups was that they just thought it was a bad idea for people to be able to get in their cars and go down to the local convenience store, that we were better off to have them walk to do that. They would prefer to have them walk rather than use their cars.

I would say to the gentleman that I believe the automobile has contributed a great deal to our society, that it does in fact produce jobs, and that this is an attempt to form a bureaucracy which is antijob in nature.

□ 1950

Mr. PACKARD. Mr. Chairman, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from California.

Mr. PACKARD. Mr. Chairman, I come from the West, and, of course, we are in love with the car, just as the gentleman from Pennsylvania [Mr. WALKER] is. We have no argument with the car.

But surely the gentleman from Pennsylvania [Mr. WALKER] is not interpreting any effort we make to get people out of cars, even walking or on bicycles or into buses and trains. The gentleman is not interpreting that as an effort to kill the automobile?

Mr. WALKER. Mr. Chairman, reclaiming my time, all I am saying to the gentleman is we do not have to form a new bureaucracy to do that. We do not have to spend $11.5 million of taxpayer money to do that.

The Department of Transportation was put together to coordinate transportation policy. That was its whole goal when it was put together about 20 years ago.

What we are now doing is superimposing a brand new bureaucracy on top of that in the Department of Transportation to supposedly do what the overall department was going to do.

Mr. Chairman, I simply suggest that is not needed, it is not necessary, it is a waste of taxpayers' money to go down that route.

Mr. SHUSTER. Mr. Chairman, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from Pennsylvania.

Mr. SHUSTER. Mr. Chairman, I wonder if my good friend knows that I served as chairman of the National Transportation Policy Commission, a commission created and appointed by Ronald Reagan, and our commission found and urged that there should be substantially increased support for intermodalism?

Mr. WALKER. Mr. Chairman, reclaiming my time, I thank the gentleman. The gentleman has put in this bill over 1 billion dollars' worth of intermodalism projects over the next 5 years. So the gentleman did his part, boy; he helped Ronald Reagan in that regard.

Mr. Chairman, the question is whether or not you need this.

Mr. SHUSTER. Mr. Chairman, that is not so.

Mr. WALKER. Mr. Chairman, it is so. There is 1 billion dollars' worth of projects over the next 5 years that is in the bill. My amendment does not touch those. All I suggest is that there is a bureaucracy here we do not need. Why do we have to have the bureaucracy? We have had dozens of Members come to the floor telling us how good their individual project was. I think that is fine. But why do we need to create new bureaucracies? There is no need for the new bureaucracy here. All I am doing is striking out the money for something and striking out the language that creates a new bureaucracy.

Mr. Chairman, I would ask for a vote yes on the amendment, and thank Members for their generosity.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from Pennsylvania [Mr. WALKER].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. WALKER. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 69, noes 348, not voting 16, as follows:

[Roll No. 337]

AYES—69

Archer
Armey
Ballenger
Barton
Bilirakis
Bliley
Broomfield
Bunning
Burton
Camp
Coble
Condit
Cox (CA)
Crane
Dannemeyer
Davis
DeLay
Doolittle
Dornan (CA)
Dreier
Duncan
Edwards (OK)
Fawell
Fields
Franks (CT)
Gilchrest
Goss
Gunderson
Hancock
Hefley
Herger
Holloway
Hunter
Hyde
Ireland
James
Johnson (TX)
Kasich
Kyl
Lewis (FL)
Marlenee
McCandless
McEwen
Meyers
Michel
Miller (OH)
Nussle
Oxley
Paxon
Porter
Ramstad
Ravenel
Roberts
Rohrabacher
Ros-Lehtinen
Roth
Sensenbrenner
Smith (TX)
Snowe
Solomon
Stearns
Stenholm
Stump
Taylor (NC)
Walker
Walsh
Young (FL)
Zeliff
Zimmer

NOES—348

Abercrombie
Ackerman
Alexander
Allard
Anderson
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Annunzio
Anthony
Applegate
Atkins
AuCoin
Bacchus
Baker
Barnard
Barrett
Bateman
Beilenson
Bennett
Bentley
Bereuter
Berman
Bevill
Bilbray
Boehlert
Boehner
Bonior
Borski
Boucher
Boxer
Brooks
Browder
Brown
Bruce
Bryant
Bustamante
Byron
Callahan
Campbell (CA)
Campbell (CO)
Cardin
Carper
Carr
Chandler
Chapman
Clay
Clement
Clinger
Coleman (MO)
Coleman (TX)
Collins (IL)
Collins (MI)
Combest
Conyers
Cooper
Costello
Coughlin
Cox (IL)
Coyne
Cramer
Cunningham
Darden
de la Garza
DeLauro
Dellums
Derrick
Dicks
Dingell
Dixon
Donnelly
Dooley
Dorgan (ND)
Downey
Durbin
Dwyer
Dymally
Early
Eckart
Edwards (CA)
Edwards (TX)
Emerson
Engel
English
Erdreich
Espy
Evans
Ewing
Fascell
Fazio
Feighan
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Frost
Gallegly
Gallo
Gaydos
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gillmor
Gilman
Glickman
Gonzalez
Gordon
Gradison
Grandy
Green
Guarini
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Hansen
Harris
Hastert
Hatcher
Hayes (IL)
Hayes (LA)
Hefner
Henry
Hertel
Hoagland
Hobson
Hochbrueckner
Horn
Horton
Houghton
Hoyer
Hubbard
Huckaby
Hughes
Hutto
Inhofe
Jacobs
Jefferson
Jenkins
Johnson (CT)
Johnson (SD)
Johnston
Jones (GA)
Jontz
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Klug
Kolbe
Kolter
Kopetski
Kostmayer
LaFalce
Lagomarsino
Lancaster
Lantos
LaRocco
Laughlin
Leach
Lehman (CA)
Lent
Levin (MI)
Levine (CA)
Lewis (CA)
Lewis (GA)
Lightfoot
Lipinski
Livingston
Lloyd
Long
Lowery (CA)
Lowey (NY)
Luken
Machtley
Manton
Markey
Martin
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McCollum
McCrery
McCurdy
McDade
McDermott
McGrath
McHugh
McMillan (NC)
McMillen (MD)
McNulty
Mfume
Miller (CA)
Miller (WA)
Mineta
Mink
Moakley
Molinari
Mollohan
Montgomery
Moody
Moorhead
Moran
Morella
Morrison
Mrazek
Murphy
Murtha
Myers
Nagle
Natcher
Neal (MA)
Nichols
Nowak
Oakar
Oberstar
Obey
Olin
Olver
Ortiz
Orton
Owens (NY)
Owens (UT)
Packard
Pallone
Panetta
Parker
Pastor
Patterson
Payne (NJ)
Payne (VA)
Pease
Pelosi
Penny
Perkins
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Poshard
Price
Pursell
Quillen
Rahall
Rangel
Ray
Reed
Regula
Rhodes
Richardson
Ridge
Riggs
Rinaldo
Ritter
Roe
Roemer
Rogers
Rose
Rostenkowski

Roukema
Rowland
Roybal
Russo
Sabo
Sanders
Sangmeister
Santorum
Sarpalius
Savage
Sawyer
Saxton
Schaefer
Scheuer
Schiff
Schroeder
Schulze
Schumer
Serrano
Sharp
Shaw
Shays
Shuster
Sikorski
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter (NY)
Smith (FL)
Smith (IA)
Smith (NJ)
Smith (OR)
Solarz
Spence
Staggers
Stallings
Stokes
Studds
Sundquist
Swett
Swift
Synar
Tallon
Tanner
Tauzin
Taylor (MS)
Thomas (CA)
Thomas (GA)
Thomas (WY)
Thornton
Torres
Torricelli
Towns
Traficant
Traxler
Unsoeld
Upton
Valentine
Vander Jagt
Vento
Visclosky
Volkmer
Vucanovich
Washington
Waxman
Weber
Weiss
Wheat
Whitten
Williams
Wilson
Wise
Wolf
Wolpe
Wyden
Wylie
Yates
Yatron
Young (AK)

NOT VOTING—16

Aspin
Brewster
DeFazio
Dickinson
Frank (MA)
Gingrich
Goodling
Hopkins
Jones (NC)
Lehman (FL)
Neal (NC)
Slaughter (VA)
Spratt
Stark
Waters
Weldon

□ 2010

Mr. DOOLEY changed his vote from "aye" to "no."

Messrs. PORTER, CONDIT, EDWARDS of Oklahoma, and HYDE changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. This completes action on all amendments in the Committee of the Whole.

The question is on the amendment in the nature of a substitute, as modified, as amended.

The amendment in the nature of a substitute, as modified, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore [Mr. GEPHARDT] having assumed the chair, Mr. PRICE, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2950) to develop a national intermodal surface transportation system, to authorize funds for construction of highways, for highway safety programs, and for mass transit programs, and for other purposes, pursuant to House Resolution 252, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. SHUSTER

Mr. SHUSTER. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. SHUSTER. I am opposed to the bill in its present form, Mr. Speaker.

PARLIAMENTARY INQUIRY

Mr. WALKER. Parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. WALKER. Mr. Speaker, under the rules of the House, does not the Member who offers the motion to recommit have to be opposed to the bill?

The SPEAKER pro tempore. The gentleman from Pennsylvania has qualified as being opposed to the bill.

Mr. WALKER. But the gentleman has, in fact, spoken regularly for the bill throughout the day, and in the House has been one of the most vociferous proponents of the bill. Does not that make a difference in the situation?

The SPEAKER pro tempore. Under the precedents, the Chair cannot judge the qualifications by the state of the debate during the day.

Mr. WALKER. I thank the Chair.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. SHUSTER moves to recommit the bill, H.R. 2950, the Intermodal Surface Transportation Infrastructure Act of 1991, to the Committee on Public Works and Transportation with instructions to report back the same forthwith with the following amendment:

At the end of title I insert the following new section:

SEC. 181. FEDERAL SHARE ON SPECIAL PROJECTS.

Notwithstanding any other provision of this Act, the Federal share payable on account of any project authorized to be carried out under section 128(h), 134(c), 140, 149, 157, or 505 (other than a project for a Federal lands highway or a federally owned bridge) shall be 80 percent.

The SPEAKER pro tempore. The gentleman from Pennsylvania [Mr. SHUSTER] is recognized for 5 minutes in support of the motion to recommit.

Mr. SHUSTER. Mr. Speaker, I must confess that I am disappointed that it appears my good friend from Pennsylvania was questioning my motives. But let me very clearly explain my position, because it involves my good friend from Pennsylvania.

During the course of debate today my good friend from Pennsylvania [Mr. WALKER] came to me and he showed me a provision in the bill which appears to provide 100 percent funding for a special project. I told the gentleman at that time that that was not my understanding, that my understanding was that in this bill we require an 80–20-percent match, and I informed the gentleman that I was unaware of any projects in this bill that were indeed funded at 100 percent.

But he showed me the page, page 201, on which the 100 percent projects appear. I was not aware of this, I say to my good friend, and therefore, I have offered this motion to recommit, with instructions, to change the legislation so that no projects are funded at anything but 80–20, so there is, indeed, a match, and we eliminate that 100 percent with, of course, the exception of projects on Federal lands and Federal bridges.

So this is something that the gentleman brought to light, and of course, he also brought it to light in the debate on the floor today. In fact, he was very vociferous on this point, 100 percent funding, and he is the gentleman who brought it to light.

I concur with the gentleman. It is wrong. I did not know it was in the bill, and this is a motion to fix it.

So I would urge my colleagues to support the motion.

Mr. ROE. Mr. Speaker, will the gentleman yield?

Mr. SHUSTER. I yield to my good friend from New Jersey.

Mr. ROE. Mr. Speaker, although I still do not feel that the interpretation of the section of the bill is correct, just so there would be no mistake, which was the intent of the committee, I strongly support the gentleman's recommital with instructions and would urge the Members of the House to vote for the recommittal with instructions.

Mr. SHUSTER. I thank the gentleman.

Mr. SHUSTER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. Does any Member seek time in opposition to the motion to recommit?

If not, without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The motion to recommit was agreed to.

Mr. ROE. Mr. Speaker, pursuant to the instructions of the House, I report the bill back to the House with an amendment which is at the desk.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. ROE: At the end of title I insert the following new section:

SEC. 181. FEDERAL SHARE ON SPECIAL PROJECTS.

Notwithstanding any other provision of this Act, the Federal share payable on account of any project authorized to be carried out under section 128(h), 134(c), 140, 149, 157, or 505 (other than a project for a Federal lands highway or a federally owned bridge) shall be 80 percent.

☐ 2020

The SPEAKER pro tempore (Mr. GEPHARDT). The question is on the amendment offered by the gentleman from New Jersey [Mr. ROE].

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the agreement and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. HAMMERSCHMIDT. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 343, noes 83, not voting 7, as follows:

[Roll No. 338]

AYES—343

Abercrombie
Ackerman
Alexander
Anderson
Annunzio
Anthony
Applegate
Aspin
Atkins
AuCoin
Bacchus
Barnard
Barrett
Bateman
Beilenson
Bennett
Bentley
Bereuter
Berman
Bevill
Bilbray
Bliley
Boehlert
Bonior
Borski
Boucher
Boxer
Brewster
Brooks
Broomfield
Browder
Brown
Bruce
Bryant
Bustamante
Byron
Callahan
Cardin
Carper
Chandler
Chapman
Clay
Clement
Clinger
Coleman (MO)
Coleman (TX)
Collins (IL)
Collins (MI)
Combest
Conyers
Cooper
Costello
Coughlin
Cox (IL)
Coyne
Cramer
Cunningham
Darden
Davis
de la Garza
DeFazio
DeLauro
Dellums
Derrick
Dicks
Dingell
Dixon
Donnelly
Dooley
Dorgan (ND)
Dornan (CA)
Downey
Duncan
Durbin
Dwyer
Dymally
Eckart
Edwards (CA)
Edwards (OK)
Edwards (TX)
Emerson
Engel
English
Erdreich
Espy
Evans
Ewing
Fascell
Fazio
Feighan
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Frost
Gallegly
Gallo
Gaydos
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goodling
Gordon
Grandy
Green
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Harris
Hastert
Hatcher
Hayes (IL)
Hayes (LA)
Hefner
Henry
Hoagland
Hobson
Hochbrueckner
Horn
Horton
Houghton
Hoyer
Hubbard
Hughes
Hutto
Hyde
Inhofe
Jacobs
Jefferson
Jenkins
Johnson (CT)
Johnson (SD)
Johnston
Jones (GA)
Jontz
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Klug
Kolbe
Kolter
Kopetski
Kostmayer
LaFalce
Lagomarsino
Lancaster
Lantos
LaRocco
Laughlin
Leach
Lehman (CA)
Lehman (FL)
Lent
Levin (MI)
Levine (CA)
Lewis (CA)
Lewis (GA)
Lightfoot
Lipinski
Lloyd
Lowery (CA)
Lowey (NY)
Manton
Markey
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McCollum
McCrery
McCurdy
McDade
McDermott
McEwen
McGrath
McHugh
McMillan (NC)
McNulty
Meyers
Mfume
Michel
Miller (CA)
Miller (OH)
Miller (WA)
Mineta
Mink
Moakley
Molinari
Mollohan
Montgomery
Moody
Moran
Morella
Morrison
Mrazek
Murphy
Murtha
Myers
Nagle
Natcher
Neal (MA)
Nichols
Nowak
Nussle
Oakar
Oberstar
Obey
Olin
Olver
Ortiz
Owens (NY)
Oxley
Packard
Panetta
Parker
Pastor
Patterson
Payne (NJ)
Payne (VA)
Pease
Pelosi
Perkins
Peterson (FL)
Petri
Pickett
Pickle
Poshard
Price
Pursell
Quillen
Rahall
Ramstad
Rangel
Ravenel
Ray
Reed
Regula
Richardson
Ridge
Riggs
Rinaldo
Ritter
Roe
Rogers
Rohrabacher
Rose
Rostenkowski
Roth
Roukema
Rowland
Roybal
Russo
Sabo
Sanders
Sangmeister
Santorum
Sarpalius
Savage
Sawyer
Saxton
Scheuer
Schiff
Schulze
Schumer
Sensenbrenner
Serrano
Sharp
Shaw
Shuster
Sikorski
Sisisky
Skeen
Skelton
Slattery
Slaughter (NY)
Smith (FL)
Smith (IA)
Smith (NJ)
Smith (OR)
Solarz
Spence
Spratt
Staggers
Stallings
Stark
Stenholm
Stokes
Studds
Sundquist
Swett
Swift
Synar
Tallon
Tanner
Tauzin
Taylor (MS)
Thomas (CA)
Thomas (GA)
Thornton
Torres
Torricelli
Towns
Traficant
Traxler
Unsoeld
Upton
Valentine
Vander Jagt
Vento
Visclosky
Volkmer
Vucanovich
Walsh
Washington
Weber
Weiss
Wheat
Whitten
Wilson
Wise
Wolf
Wolpe
Wyden
Wylie
Yates
Yatron
Young (AK)

NOES—83

Allard
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Archer
Armey
Baker
Ballenger
Barton
Bilirakis
Boehner
Bunning
Burton
Camp
Campbell (CA)
Campbell (CO)
Carr
Coble
Condit
Cox (CA)
Crane
Dannemeyer
DeLay
Doolittle
Dreier
Early
Fawell
Fields
Franks (CT)
Gilchrest
Goss
Gradison
Hancock
Hansen
Hefley
Herger
Hertel
Holloway
Huckaby
Hunter
Ireland
James
Johnson (TX)
Kasich
Kyl
Lewis (FL)
Livingston
Long
Luken
Machtley
Marlenee
Martin
McCandless
McMillen (MD)
Moorhead
Orton
Owens (UT)
Pallone
Paxon
Penny
Peterson (MN)
Porter
Rhodes
Roberts
Roemer
Ros-Lehtinen
Schaefer
Schroeder
Shays
Skaggs
Smith (TX)
Snowe
Solomon
Stearns
Stump
Taylor (NC)
Thomas (WY)
Walker
Waxman
Williams
Young (FL)
Zeliff
Zimmer

NOT VOTING—7

Dickinson
Hopkins
Jones (NC)
Neal (NC)
Slaughter (VA)
Waters
Weldon

☐ 2039

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

AUTHORIZING THE CLERK TO MAKE NECESSARY TECHNICAL AND CONFORMING CHANGES IN ENGROSSMENT OF H.R. 2950

Mr. ROE. Mr. Speaker, I ask unanimous consent that the clerk be authorized to make necessary technical and conforming changes in the engrossment of H.R. 2950 to reflect the action of the House.

The SPEAKER pro tempore. (Mr. GEPHARDT). Is there objection to the request of the gentleman from New Jersey?

There was no objection.

GENERAL LEAVE

Mr. ROE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill, H.R. 2950, just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

MAKING IN ORDER ON THURSDAY, OCTOBER 24, 1991, OR ANY DAY THEREAFTER CONSIDERATION OF H.J. RES. 360, MAKING FURTHER CONTINUING APPROPRIATIONS FOR FISCAL YEAR 1992

Mr. WHITTEN. Mr. Speaker, I ask unanimous consent that it shall be in order on Thursday, October 24, 1991, or any day thereafter, to consider in the House, any rules of the House to the contrary notwithstanding the joint resolution (H.J. Res. 360) making further continuing appropriations for fiscal year 1992, and that debate be limited to 1 hour, the time to be equally divided and controlled by myself and the gentleman from Pennsylvania [Mr. MCDADE], and that the previous question shall be considered as ordered on the resolution to final passage without intervening motion, except one motion to recommit.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

Mr. WALKER. Mr. Speaker, reserving the right to object, and I reserve the right to object in order to ascertain what it is which is in the bill that we are going to try to bring up by unanimous consent.

Mr. WHITTEN. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I would be glad to yield to the gentleman from Mississippi [Mr. WHITTEN].

Mr. WHITTEN. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, the one thing in this resolution that was subject to discussion in the committee and was changed somewhat has to do with foreign aid, and the provision that is in the resolution provides as follows:

This resolution continues all programs that are not yet signed into law, at the lower of the House passed rate, the Senate passed rate, or the current rate, and under the terms and conditions of fiscal year 1991. This is exactly the same funding formula that is in current law and which expires on October 29. This resolution continues this approach until November 14 for all bills except foreign aid, which is continued until March 31, 1992, as requested by the President.

Mr. WALKER. If I understand the gentleman correctly, most of the money that is in this bill is foreign aid money, is that correct?

Mr. WHITTEN. It continues at the present level until March 31, which, as I understand, is at the request of the administration.

Mr. WALKER. I understand it is continuing at the present level. But, you know, we have had an awful lot of commentary on the floor here in recent days and weeks about the fact that we are spending too much money overseas. We have had the President of the United States criticized constantly for the fact that he is spending too much time with overseas kinds of things and we are spending too much money overseas.

We had people out here on the floor earlier today suggesting to us that we do not spend as much money for infrastructure as we spend for overseas.

Now what I understand is that we are about to bring a bill up which would even spend more money overseas, is that correct?

Mr. WHITTEN. Well, may I say, when the leadership of both parties are in agreement on it, about all we can do is bring it up as they request.

Mr. WALKER. Further reserving the right to object, the leadership from both parties have evidently agreed, but evidently Members are not being listened to on the floor with regard to these foreign aid accounts. It is clear to me that an awful lot of Members have decided that this is spending that ought to go to other places, and I am wondering why we are asking the House, then, to consider these kinds of measures when there is evidently much dissension on your side as to whether or not we ought to be spending any money in this area.

Mr. OBEY. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I will be happy to yield to the gentleman from Wisconsin after the gentleman from Mississippi.

Mr. WHITTEN. Mr. Speaker, I must say, in my experience we have folks that hear that just will not heed.

Mr. OBEY. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I would be happy to yield to the gentleman from Wisconsin.

Mr. OBEY. I thank the gentleman for yielding.

Mr. Speaker, I would simply say that there is somewhat more money in this bill for foreign aid than those of us on this side of the aisle wanted, because the administration wanted to defer any effort to reduce aid to Salvador, for instance.

So, to try to accommodate the administration, we agreed to defer that issue.

Mr. WALKER. Retrieving my time, and I will then be happy to yield back to the gentleman, you know, I am always amazed when you can use your majority on your side in order to pound away at Republicans and the administration, you are perfectly willing to do it. But then, when you come up with a bill like this, it is never your fault, you simply are accommodating the administration and making certain this money gets sent overseas.

Somehow this gentleman has a little hard time understanding why this is not also a ball which is in your court. Why do you not use your majority to kill the money, if in fact all the demagoguery we have heard on the floor in the last few days has any validity to it?

Mr. OBEY. If the gentleman would yield further, I do not intend to engage in demagoguery. I will leave that to somebody else. All I can say is that the foreign aid section of this resolution is here because the administration wanted the Congress' cooperation in not providing $10 billion in loan guarantees to another country and, to prevent that from happening, we used this device so that the American taxpayer would not incur a secondary obligation to guarantee a $10 billion loan guarantee.

Mr. WALKER. I see; we have to spend $12 billion in foreign aid to assure that we do not give away $10 billion in loan guarantees, is that what I understand the gentleman to be telling me?

Mr. OBEY. If the gentleman would yield once more—and I will not bother to get into this any more because I do not think the gentleman is looking for answers, he is trying to prevent the facts from getting in the way of his making a point—I would simply say that our committee has cut your administration's foreign aid request by one-third since I have been chairman. I doubt you can show that kind of reduction in any other account in the bill.

Mr. WALKER. I would say to the gentleman I think that is fine except that we still hear Members from your side of the aisle consistently telling us that we are spending vastly too much money in this area. Yet we come to the House of Representatives and ask unanimous consent to bring the bill to the floor that continues to spend money in that way. I would simply say to the gentleman that in an attempt to accommodate the business of the House, we are willing to be reasonable too. I wish that reason would prevail a little bit on your side when it comes to things like rules and other concerns that both the administration and the minority have.

I do not see that happening. I see a constant barrage of just outright demagoguery. I was not including the gentleman in that. I am including the people who have been doing 1-minutes in that regard over the last several days.

I hope the Members on both sides of the aisle will do as they have been saying over the last few weeks and will vote against this continuing resolution.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore (Mr. KANJORSKI). Is there objection to the request of the gentleman from Mississippi?

There was no objection.

□ 2050

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 3543, DIRE EMERGENCY SUPPLEMENTALS, DOMESTIC DISASTER ASSISTANCE AND INCREMENTAL COSTS OF OPERATION DESERT SHIELD/DESERT STORM

Mr. BONIOR, from the Committee on Rules, submitted a privileged report (Rept. No. 102–268) on the resolution (H. Res. 256) providing for the consideration of the bill (H.R. 3543) making dire emergency supplemental appropriations and transfers for relief from the effects of natural disasters, for other urgent needs, and for incremental costs of Operation Desert Shield/Desert Storm for the fiscal year ending September 30, 1992, and for other purposes, which was referred to the House Calendar and ordered to be printed.

THE PROMISE IS OPPORTUNITY FOR ALL, NOT CAPITAL GAINS FOR SOME

(Mr. GEPHARDT asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. GEPHARDT. Mr. Speaker, from "no new taxes" to creating 30 million jobs, George Bush has broken many of the economic promises he made as a candidate.

But what concerns me today is not the promises he's broken, it's the one he's trying to keep: his capital gains tax cut for the rich.

This plan will not end the recession, but it will drive up the deficit. And, it will drive an even larger wedge between the incomes of the wealthy and the middle class.

I am releasing today a Joint Tax Committee analysis of the so-called Gramm-Gingrich proposal, and its results are alarming. Individuals earning more than $100,000 per year would get 80 percent of the benefits through tax cuts as large as $12,500 each. This kind of Republican policy has given us the slowest growth and job creating record in the post-war era.

Democrats want to generate economic growth by rewarding middle class Americans for their work and by restoring their purchasing power with a tax cut. The promise is opportunity for all, not capital gains for some.

DISTRIBUTIONAL EFFECT OF THE ADMINISTRATION'S CAPITAL GAINS PROPOSAL

[1991 income levels]

Income category[1]	Number of returns with tax change (thousands)	Percent of total returns[2]	Average tax change[3]	Aggregate tax change (millions)	Percent distribution of aggregate tax change
Less than $10,000	118	0.5	−$105	−$12	0.1
$10,000 to $20,000	325	1.4	−100	−33	.3
$20,000 to $30,000	738	4.0	−155	−114	.9
$30,000 to $40,000	961	7.0	−208	−200	1.6
$40,00 to $50,000	1,034	10.2	−256	−265	2.1
$50,000 to $75,000	1,965	14.3	−385	−756	5.9
$75,000 to $100,000	981	20.9	−854	−837	6.6
$100,00 to $200,000	1,184	38.0	−1,670	−1,977	15.5
$200,000 and over	684	57.5	−12,526	−8,567	67.1
Total	7,991	7.1	−1,597	−12,761	100.0

[1] The income concept used to place tax returns into categories is adjusted gross income (AGI) plus: (1) tax-exempt interest; (2) employer contributions for health plans and life insurance; (3) inside buildup on life insurance; (4) workers' compensation; (5) nontaxable social security benefits; (6) deductible contributions to individual retirement arrangements; (7) the minimum tax preferences; and (8) net losses, in excess of minimum tax preferences, from passive business activities.

[2] Total returns include filing and nonfiling units. Filing units include all taxable and nontaxable returns. Nonfiling units include individuals with income that is exempt from Federal income taxation (e.g., transfer payments, interest from tax-exempt bonds, etc.). However, individuals who are dependents of other taxpayers are excluded.

[3] The tax reduction reported here assumes no change in taxpayer behavior. Thus, this measure understates the tax benefit received by certain taxpayers.

Note.—Details may not add to totals due to rounding.

H.R. 3130.—ESTIMATED REVENUE EFFECTS OF CERTAIN PROVISIONS OF THE ECONOMIC GROWTH ACT OF 1991, FISCAL YEARS 1992–96

[In billions of dollars]

Provision	Effective	1992	1993	1994	1995	1996	1992–96
Title I. Investment and job creation incentives:							
1. Reduction in capital gains tax for individuals[1]	Jan. 1, 1992	1.0	−3.0	−3.4	−3.0	−3.1	−11.5
2. Inflation adjustment for investments	do	.5	−.3	−.9	−1.5	−2.6	−4.8
3. Enterprise zones	do	(2)	(2)	(2)	(2)	(2)	(2)
4. Research and experimentation credit made permanent	do	−.5	−1.0	−1.3	−1.6	−1.8	−6.2
Title II. Savings incentives: 1. Establishment of individual retirement plus accounts	do	(3)	3.7	2.0	1.7	−.1	7.3
Title III. Homeownership incentives:							
1. Credit for purchase of principal residence by first-time homebuyers	July 31, 1991	−1.1	−.9	−.9	−.9	−1.0	−4.8
2. Penalty-free IRA plus withdrawal for home purchase, higher education, and health costs	Jan. 1, 1992	(4)	(4)	(4)	(4)	(4)	(4)
Title IV. Work incentives:							
1. Increase in Social Security earnings test	do	(5)	(5)	(5)	(5)	(5)	(5)
2. Increase in amount of personal exemptions due to economic growth dividend	Jan. 1, 1993	(6)	(6)	(6)	(6)	(6)	(6)
Grand total		−.1	−1.5	−4.5	−5.3	−8.6	−20.0

[1] These estimates are with respect to the indexed gain (item 1.2.).

[2] Uncertainty about the size, location, and economic characteristics of enterprise zones to be designated makes the proposal difficult to estimate at this time.

[3] Gain of less than $50,000,000.

[4] Included in the estimate of title II.

[5] Outlay estimate to be provided by the Congressional Budget Office (CBO).

[6] Based on the CBO forecast, the provision would not become effective due to real economic growth of less than 3 percent per year.

Note.—Details may not add to totals due to rounding.

TODAY IS THE FIRST DAY OF A NEW CAMBODIA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York [Mr. SOLARZ] is recognized for 5 minutes.

Mr. SOLARZ. Mr. Speaker, before I begin my remarks, I want to commend the majority membership and the distinguished gentleman from Michigan [Mr. BONIOR] for requesting the all-night special order on the unemployment crisis. I want to add my voice to those of my colleagues speaking after me to condemn the President's cruel and callous veto of the unemployment bill and to support the leadership's effort to enact this critical legislation.

Frankly, Mr. Speaker, the American people deserve better than being constantly written off by the stroke of the President's veto pen.

Mr. Speaker, let me now turn my attention to the primary purpose of this special order this evening. Sixteen and a half years ago new rulers came to power in Cambodia. They proclaimed Year Zero, the purported new beginning of the history of the Khmer people. Those rulers were the insidious and infamous Khmer Rouge. Yet for the Cambodian people 1975 began a descent into genocidal death and destruction and the surrender of their national independence.

Today, October 23, 1991, is truly the first day of a new Cambodia. With the signing earlier today in Paris of an international agreement, the Cambodian people now have an opportunity to rebuild a civilized democratic society and to restore their national independence. Their long national nightmare is now at last coming to an end.

This was, Mr. Speaker, an extraordinary achievement. As the great Chinese philosopher, John F. Kennedy, once said, "Victory has a thousand fathers, while defeat is an orphan," and there are indeed many who can claim to be the fathers of this agreement. Perhaps foremost among them was Garrett Evans, the foreign minister of Australia, who first put forward publicly the proposal to create a United Nations supervised interim administration in Cambodia which constituted the essential framework around which this settlement was hammered out. Also among them should surely be included our own Assistant Secretary of State for the Far East, Mr. Richard Solomon, who was the point man for the American effort among the five permanent members of the Security Council that helped to make this plan a reality.

Mr. Speaker, this agreement which was signed in Paris today provides for a termination of all Chinese support to the Khmer Rouge. It calls for the end of sanctuaries for the Khmer Rouge previously provided by Thailand. It will facilitate the introduction of a substantial U.N. peacekeeping force and supervisory administrative entity. It will also require the withdrawal of all Vietnamese forces from Cambodia, and there will be provided an opportunity for an internationally supervised free and fair election in which the people of Cambodia will have the opportunity to determine their own destiny.

This agreement is not perfect, but it is the only game in town, and it represents the last best hope for a peaceful and prosperous future for the people of Cambodia. But in order for this agreement to work, a truly substantial U.N. presence will be required, and that is going to cost a substantial amount of money. It could come to somewhere between $1 and $2 billion, and the United States, together with the other members in the international community, will ultimately be called upon to contribute its fair share to the implementation of this settlement.

We should all be aware that the alternative to this agreement, if it should collapse, if it should fall apart, if it should not be enforceable, is the prospect of continuing conflict in Cambodia and perhaps the eventual return to power of Pol Pot and his murderous millions. The last time the Khmer Rouge came to power, in the spring of 1975, the world at least had the excuse of not knowing in advance that he was about to transform Cambodia into the equivalent of an Asian Auschwitz and that up to two million Cambodians would lose their lives. Now we are on notice. We no longer have any excuses. We know exactly what will happen if Pol Pot and the Khmer Rouge return to power in Phnom Penh.

So, Mr. Speaker, I simply want to say to my colleagues this evening that at some point in the next few months, when we are presented, as we undoubtedly will be, by a request from the administration for additional assistance to make it possible to implement this historic agreement, I hope they will respond in a positive fashion. It would be politically unthinkable and morally unacceptable for us to permit another genocide in Cambodia.

SIGN THE DISCHARGE PETITION ON H.R. 242 PROVIDING CONSIDERATION OF THE REPUBLICAN UNEMPLOYMENT COMPENSATION BILL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York [Mr. SOLOMON] is recognized for 5 minutes.

Mr. SOLOMON. Mr. Speaker, I wish that all of the Republicans, and Democrats alike, would listen to the proposal that I am offering today.

Mr. Speaker, today I have filed a discharge petition on House Resolution 242, which is a special rule for the consideration of the Republican unemployment compensation bill.

Listen carefully now.

Specifically the rule makes in order a Democrat bill: H.R. 1367, the Unemployment Insurance Reform Act of 1991, which was introduced by the gentleman from New York [Mr. DOWNEY], a Democrat, back on March 11 of this year.

Following 2 hours of general debate, this rule that I am attempting to bring to this floor makes in order a substitute, which is S. 1791, which is Senator DOLE and the gentleman from Illinois [Mr. MICHEL] deficit-neutral Unemployment Compensation Act of 1991. It would, my colleagues, be considered under a completely open rule process that any Member, Democrat or Republican, could work its will, as it should be, on the floor of this House. Work its will.

The Republican alternative employment bill has been pending in one form or another since last August. August, September, October; 90 days, while people are going without unemployment checks. Unlike the Democrat alternative, it meets the pay-as-you-go requirement of the budget agreement which they all voted for, and, more importantly, my colleagues, it has the support of the President of the United States.

What does it mean? He has promised to sign this bill, and therefore, the checks would start to roll tomorrow. Their people and mine who have exhausted their benefits would be getting checks tomorrow.

Members, the time has come to stop holding America's unemployed workers hostage to some political game. Whether it is theirs or ours, it does not make any difference, and we should get a bill enacted into law that will provide immediate relief to those people that we care about.

Mr. Speaker, I urge all of my colleagues to sign this discharge petition. It is right back here. Sign it to bring this self-financing and signable bill to the floor now.

□ 2100

Mr. Speaker, let us stop playing politics. Let us do the right thing. Come up here and sign this discharge petition. That bill will be on the floor tomorrow. One way or another we will send that bill to the President, as it should be.

PROVIDING ADEQUATE UNEMPLOYMENT BENEFITS FOR THE AMERICAN WORKER

The SPEAKER pro tempore. (Mr. DURBIN). Under a previous order of the House, the gentleman from New York [Mr. FLAKE] is recognized for 5 minutes.

Mr. FLAKE. Mr. Speaker, this administration continues to report that the economy is on an upswing and therefore, additional unemployment benefits are unnecessary. However, I refuse to tell the American people that when their benefits expire they will live on promises and optimistic forecasts. These people need tangible, dependable, emergency assistance. Maybe we should declare our own nation a state of emergency in order to provide the average American with the financial assistance he or she so desperately needs.

Unemployment benefits exist for those who have worked and will hopefully return to work when the economy is revised. Unemployment insurance is insurance, just like car or health insurance. These workers have paid into the insurance trust fund and now they must collect their benefits because of unfortunate, national economic distress. Unfortunately, the recession is lasting longer than this administration had predicated and the private sector is continuing to downsize causing people to be unemployed longer than had been anticipated.

Under the current administration, the average monthly growth in employment has sunk to an unprecedented—level, which means that fewer jobs have been created under this administration than all the other administrations combined in the last half century. Rather than growing, the average monthly growth in employment has dropped to a −9,419. This figure represents a net loss from the previous administration of 185,000 jobs. Much to my dismay, there are currently 300,000 fewer jobs now than existed during the previous administration.

As the White House is encouraged by recent economic fluctuations, history shows that unemployment declines only after the recovery from a recession is well underway; so long-term unemployment will persist for months to come. Further, many economists do not even believe that America is on a stable road to economic recovery at this time. Therefore, our workers need to be protected today and tomorrow. At this point, the unemployment situation of this nation is uncertain.

I find it unconscionable that this administration continually turns it back on the American worker. To deny the unemployed worker an extension of his/her unemployment benefits while the unemployment rate continues to increase and the economy continues to suffer is a slap in the face to the American worker. As we witness the decay of our major urban areas, the downward spiral of our financial services industry, budget deficits and trade deficits so huge that they are impossible for the average American to fathom, and a soaring increase in violent crimes, now is the time to enact legislation that will help put America back on the road to recovery.

The American family is suffering. Far too many Americans are unemployed and/or underemployed, in need of adequate health care and opportunities that would enable them to improve their overall quality of life. This administration is now 10 million jobs behind the promised administration schedule for job creation. I would urge a Congress that can pay for an S&L Bailout off budget, fund a war in the Middle East, and provide an additional

$80 billion to the Resolution Trust Corporation to find the courage and compassion to enact legislation that would protect the American family.

THE APPLICATION OF THE FREEDOM OF INFORMATION ACT TO THE HOUSE OF REPRESENTATIVES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania [Mr. SANTORUM] is recognized for 5 minutes.

Mr. SANTORUM. Mr. Speaker, before I start to address the subject for which I had requested the 5 minutes, I would like to applaud the minority leader and the minority side for coming to the well tonight to engage in a special order about not just extending unemployment benefits, which this side of the aisle was for, but for doing something about job creation.

I do not think it is enough to just extend the hardship of living on unemployment checks, but creating jobs to give these people a better chance at a better paycheck and creating the pride and dignity of returning to the work force, that is what the people in America want, and that is what we will be talking about tonight.

The principal reason I came here today was to talk about a bill that I sponsored to make the House of Representatives subject to the Freedom of Information Act. Almost a year ago I was sent by the voters of Allegheny County to serve in the Congress. Part of this service, in my mind, is fighting against Government waste, mismanagement, and the hypocrisy that takes place in Washington, DC.

It is extremely important to me that the taxpayers receive the most efficient, trustworthy, and most accountable service from the Federal Government; that the public gets a Congress that all of us can be pround of. Last Saturday I was in Scott Township in my district, and I got questioned time and again about the U.S. Congress. In talking to the people in that town meeting, I received the impression that the people in America, and certainly the people in Scott Township—and I believe they would all agree that they are pretty much mainstream America—they believe that the U.S. Congress is like a garden club. They believe we all sort of sit around and enjoy the privileges and sip tea and do nice and fun things, and that we all work together. They believe that the institution is run together like the garden club; everybody knows everybody's business, and that everyone takes care to be sure all the checks are paid on time and that there are no debts, and that that is the situation within the institution now, that everyone sort of works together to make the institution run.

Well, the fact of the matter is, that is not how the Congress as an instituion is run. It is more like the Harlem Globetrotters or World Wrestling, where the one side has it all stacked in their favor. They run the body. They make the decisions, and, frankly, everybody else is shut out of the process. We cannot find out any information or how this place runs, who makes the decisions, and where the funds go. They do not even audit themselves and make it public.

Frankly, Mr. Speaker, I am sick and tired of going out and defending an institution for the way it is run when I have absolutely nothing, no say in that process. In fact, most of the Members on either side of the aisle have no say in how this process as an institution is run.

□ 2110

That is the way it is. So as a result, I come here today and say not only should I as a Member of Congress who is in this body know how this institution functions, but every American, as the people's body, has a right to know what happens in this institution, everything that happens in this institution.

So I have offered, along with several Members, a bill to make the Congress subject to the Freedom of Information Act, so any member of the public can come and see how this place runs and where the perks go, who gets the extra benefits and who gets the extra this and that. That is how it should be, open to the public.

Mr. Speaker, while we are at it, why do we not expand this debate and talk about how Congress also exempts itself from a myriad of other laws, such as the Civil Rights Act of 1964, the Civil Rights Restoration Act of 1988, the AIDS Discrimination Act of 1967, the Occupational Safety and Health Act of 1966, and the Equal Employment Opportunity Act, the EEOC, 1972?

It is shameful that the Congress, who stands up here and says that for all Americans we have to hold ourselves to these righteous standards and we have to be better as a society, but we do not have to be better as a Congress.

Mr. Speaker, it is time to change the double standard.

WITHDRAWAL OF NAME OF MEMBER AS COSPONSOR OF HOUSE JOINT RESOLUTION 280

Mr. BROWN. Mr. Speaker, I ask unanimous consent to remove the name of the gentleman from North Carolina [Mr. MCMILLAN] as a cosponsor of House Joint Resolution 280.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

HIRE A VETERAN WEEK RESOLUTION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. BROWN] is recognized for 5 minutes.

Mr. BROWN. Mr. Speaker, I rise today in an effort to help create employment opportunities for America's veterans. As we know here in Congress, the Federal Government funds many program to assist veterans in finding jobs and to encourage private employers to hire veterans.

Unfortunately, many employers and veterans do not know of these programs. Sometimes, all a good idea needs is a little publicity. That's why a constituent of mine, Mr. Bill Baker, who is a veteran, persuaded me to introduce a resolution to authorize national "Hire a Veteran Week." You or your staff may even have spoken with Bill Baker, since he's taken a week of vacation time and flown here from California to make phone calls to gather support for this resolution. The other body has just passed Hire a Veteran Week, and 10 more cosponsors are needed to bring the measure to the floor in the House..

During Hire a Veteran Week, political leaders would be encouraged to remind employers and veterans of the many programs that exist to promote the hiring of veterans. Many Members will themselves be making speeches this Veteran's Day. I would urge every Member to include in his or her speech references to the many job related skills and abilities that America's veterans have and to the programs that exist to facilitate the hiring of veterans. And, if you are able, I would encourage you to add to the national publicity for veterans employment by cosponsoring Hire a Veteran Week. You can see me or call my office to do so. Thank you very much Mr. Speaker.

A NONBIASED APPROACH TOWARD WETLANDS DELINEATION

Mr. BROWN. Mr. Speaker, last week I introduced legislation that should help provide a clear, consistent science-based wetlands definition—a wetlands definition removed from political prejudices. The legislation would require the National Academy of Sciences to conduct an independent review of the science and methodology of determining what constitutes a wetland.

We have heard the stories of overzealous regulators who are locking up land, depriving people of their private property rights, and halting legitimate development. I share the concerns that have been raised with regard to the confusion that has surrounded this issue. While I empathize with these concerns, I am deeply troubled by the fact that we continue to lose thousands of acres of wetlands each year. I am troubled by the proposition that we may be traveling down a path that ultimately leads to the destruction of a precious natural resource.

Using the administration's August 14, 1991, Wetlands Delineation Manual, field tests reveal that in a number of States more than half of the existing wetlands will lose their protection. Wetlands experts agreed there was a need to amend the 1989 wetlands manual in order to provide clarity and consistency. But these same experts now agree that the newly proposed manual is more a product of politics than a consensus among scientists.

Before we make a decision based on emotion rather than reality, let's step back and look at the facts. It is time to put science back into the wetlands equation.

THE NATIONAL LAND-REMOTE SENSING POLICY ACT OF 1991

Mr. BROWN. Mr. Speaker, today I am introducing a major piece of legislation that would amend the Land Remote-Sensing Commercialization Act of 1984 to secure U.S. leadership in land remote-sensing by providing data continuity for the Landsat Program.

The Landsat Remote-Sensing Satellite Program collects images of the Earth from space which are used for such purposes as oil and gas exploration, environmental management, map-making, urban planning, and national security purposes. Landsat has been one of the great triumphs of our space program, providing data of tremendous value for the betterment of society.

However, although the United States pioneered the technology for land remote-sensing from space, its leadership in this technology has eroded substantially in recent years.

For more than a decade, in fact, Landsat has been surrounded by a cloud of uncertainty that has harmed market growth and stigmatized the program. Part of these uncertainties resulted from the past administration's premature effort to commercialize the program, which simply wasn't ready to be transferred to the private sector as soon as possible, as was the goal in the early 1980's. Additional uncertainties stemmed from the failure to implement the Land Remote-Sensing Commercialization Act, which envisioned a gradual commercialization effort involving Federal support for at least two spacecraft beyond Landsat 5. What we experienced instead was an annual struggle to get any Landsat funding out of the previous administration for the completion of but a single satellite.

Combined, these two factors—premature commercialization and poor implementation of the Landsat Act—have been nearly disastrous for the program.

In fact, the only reason why the Nation has retained a position in civil land remote-sensing at all over the past 4 years is because Landsats 4 and 5 have outlived their expected design lives by such a considerable margin. Landsat 4—launched in June 1982—was built with a design life of only 3 years. The multispectral scanner aboard Landsat 5—launched in early 1984—also had only a 3-year design life, while its Thematic Mapper [TM] sensor had a design life of only 1 year. The Nation is thus extremely fortunate that these two spacecraft remain operational today, 9, and 7 years, respectively, after they were launched.

It is important to note here that had Landsats 4 and 5 ceased operations in accordance with their design lives, the United States would have experienced a 5-year data gap before the launch of Landsat 6. This would have meant that all remote-sensing users—domestic, commercial, foreign, and military—between 1987 and 1992—and specifically, the U.S. military during operation Desert Shield—would have relied upon the French SPOT system as their sole source of current multispectral remote-sensing imagery. Such a lengthy data gap as this almost surely would have resulted in the complete forfeiture of the U.S. position in remote-sensing to other nations.

Mr. Speaker, the Landsat Program has been in a state of policy crisis for more than a decade, in spite of its contained technical success. That crisis reached a peak in early 1989, when a minor shortfall in funding for the continued operation of Landsats 4 and 5 almost resulted in the premature termination of those spacecraft.

As so often is the case, crisis gives rise to opportunities. So it was with Landsat. The newly formed National Space Council, led by the Vice President, took on Landsat as its first major issue and made a name for itself by helping secure the necessary funding for continued operations of Landsats 4 and 5. The Space Council also recommended that the President approve a policy statement committing the United States to the continuity of Landsat-type data, which he did, as announced by the White House on June 1, 1989.

However, well over 2 years have passed since that announcement, and no decisions have been made on implementation of a Landsat-type capability beyond Landsat 6. The opportunity to put this program back on a steady track has not been seized.

Throughout the past 2 years, I have received assurances from the administration that the decisionmaking process for Landsat 7 is on a fast track. In response to my letters of concern about the program, I was told in 1989 that Landsat 7 funding would be provided in time to be included in the fiscal year 1991 budget. It didn't happen. I was then told in 1990 that a decision would be made in time for the fiscal year 1992 budget. It wasn't.

I am now told, and have been repeatedly all year, that a decision will be made in time for the fiscal year 1993 budget. And although I want to believe that the administration will honor its commitment this time around, I have decided not to wait any longer. The United States has been squandering its position in remote sensing and is jeopardizing a program of tremendous value for global change research, national security purposes, and a broad array of other applications.

My purpose in introducing the National Land Remote-Sensing Policy Act of 1991 is to help move the Nation toward a new consensus on the Landsat Program. This legislation is the result of several months of activity by the Committee on Science, Space, and Technology, with the goal of developing a compromise solution to a policy problem which involves many different competing interests. In the course of this process, our committee has sought out the views of more than 3 dozen experts on remote sensing issues, both within the Government and the private sector. I fully anticipate hearing additional perspectives now that the bill is being introduced. That is my intention, to get a full airing of this issue with the goal of final legislation which we can bring to the floor.

The legislation that we have come up with attempts to tackle all of the major outstanding issues associated with the Landsat Program. Specifically, management and funding, spacecraft options, and data policy. Let me quickly walk through each of these three areas as they are covered by the legislation.

First, management and funding. Essentially all observers agree that the Landsat Program is in desperate need of a new institutional home within the U.S. Government. The program's current residence, within the National Oceanic and Atmospheric Administration [NOAA] of the Department of Commerce, simply has not worked. Because NOAA's budget has been extremely tight in recent years as a result of cost overruns in the GOES-NEXT and other NOAA Satellite Programs, it has been very difficult to carve out of NOAA's budget the funds necessary to complete Landsat 6. This problem was particularly acute during those fiscal years when the Reagan Administration requested no additional Landsat funding. More importantly, however, may be the fact that NOAA simply has not been a major user of land remote-sensing data.

In the search to find a new home for Landsat, some have pointed to the Department of Defense [DOD]. However, it seems clear that giving the program to DOD would compromise the broad utility of Landsat for the Nation as a whole. It should be fully assumed that if DOD is asked to pay for the follow-on land remote-sensing spacecraft, then that spacecraft would be optimized for specialized military missions. This could result in a program that yields data which is no longer compatible with public access.

Operating Landsat out of the Department of Defense also would greatly alter international perceptions of the program, which was specifically initiated as a demonstration of the Nation's commitment to the peaceful uses of space. Moreover, DOD control of Landsat could permanently preclude the eventual commercialization of the system, since it could drive up costs for the system and greatly complicate the effort to service commercial users.

While DOD control of Landsat should be avoided, the Nation clearly cannot afford paying for two new broad-area coverage, multispectral imagery systems: one classified, and one unclassified. As such, every effort should be made to consolidate military and civilian requirements, funding, and management responsibilities into a single program. My legislation would accomplish this goal by creating a Joint Program Office [JPO] involving NASA and the Department of Defense, to be housed at NASA and managed by a civilian program manager. The two parties to the JPO would have equal funding and management responsibilities, which would be spelled out in a negotiated memorandum of agreement between the two.

Second: spacecraft options. The fundamental considerations here are data continuity, technological enhancements, and cost. All, of course, are tightly linked.

The most important of these three variables is data continuity. Data users of all kinds—current and potential, civilian and military, commercial and foreign—need to know that the system will be there 3, 5, and 10 years from now. In the absence of knowing whether Landsat will be an enduring system, the U.S. Remote-Sensing Program may never reach its full potential.

Data continuity has fundamental importance for the U.S. Global Change Research Program, for national security purposes, and for the broad range of operational users who need this data to carry out their missions. For global change, the existing 19-year continuous Landsat archive represents a baseline data set of fundamental importance. The National Academy of Sciences, the Committee on Earth and Environmental Sciences, and global change scientists throughout the country have expressed concerns about the potential of a data gap—if not an outright termination—in the Landsat Program.

Similarly, military users are alarmed about the prospects of a data gap. During a hearing before my committee earlier this year, we were told that "DOD users for multispectral data are highly concerned over the prospect is a data gap." Specifically, we were told that "if a data gap continued beyond 12 months, DOD users would experience significantly downgraded multispectral imagery to support" a variety of military missions.

With data continuity thus firmly established as the primary goal, the question, then, is now to accomplish it. Specifically, what should Landsat 7 look like? On this topic, there is no shortage of proposals on how to build a more advanced spacecraft than the current Landsat design, but there is a shortage of money. Many of these proposals would double, if not triple, the cost of the follow-on system. There is also a shortage of time.

Landsat 6, scheduled for a mid-1992 launch, has a 5-year design life. Under normal contracting procedures, Landsat 7 could take anywhere from 5½ years to as long as 8 years to procure. As a result, late 1997 might be the earliest that Landsat 7 could be made available for launch. While one might hope that Landsat 6 has a longer operational life than 5 years, that should not be the basis for our program plans since the spacecraft also could experience technical problems or a catastrophic launch failure. This could result in a data gap of 5 years or longer.

Over the past several years, many proposals have been made on paper to implement a generational change in spacecraft and sensor design for the Nation's land remote-sensing system. Specifically, DARPA and the Department of Energy have proposed so-called smallsats as a means of demonstrating technological advances that could revolutionize the Nation's Land Remote-Sensing Program. Such proposals appear to hold promise, yet have not been proven and thus would represent a substantial risk if pursued as the sole means of providing data continuity. The Nation's experience with the GOES–NEXT fiasco demonstrated that some risks are not worth taking, especially within an operational program. This said, however, I do believe that a technology demonstration of advanced remote sensing technologies should be aggressively pursued as a means of helping define the follow-on to Landsat 7.

Taken together, the fragile nature of our existing remote sensing system, the length of time it will take to procure a follow-on to Landsat 6, the importance of precluding a data gap, and the value of pursuing advanced remote sensing technologies have led us to propose a two-part implementation plan.

First, the U.S. Government should exercise all available options to expedite the procurement of Landsat 7. Specifically, our legislation directs the Administrator of NASA to begin immediate negotiations for the procurement of Landsat 7 with EOSAT—the commercial entity awarded a contract for Landsat 6. The bill sets out a special 120-day expedited procurement process to reduce the risk of a data gap. It directs that Landsat 7 should be essentially a clone of Landsat 6. However, it encourages the Administrator to consider adding an advanced sensor—such as a 5-meter stereo sensor—if the additional development would not significantly jeopardize data continuity. If no final agreements are entered into during this special 120-day procurement process, then the procurement would be opened for competitive bidding.

Second, the bill establishes a new 5-year technology demonstration program to promote the development and demonstration of advanced land remote-sensing components, sensors, and system designs. The bill directs the President to designate which agency would be responsible for carrying out this program. The Landsat Joint Program Office would have a coordinating role in this technology demonstration, yet would not necessarily have any direct funding responsibility. The goal of the technology demonstration is to achieve a launch within 5 years of a system which would help the Nation determine whether Landsat 7 should be funded and managed by the U.S. Government, by the private sector, or by an international consortium.

If a technology demonstration program such as this is not pursued, then the United States may find itself in the late-1990's in precisely the same position in which it finds itself today—in need of a follow-on spacecraft to provide data continuity, yet uncertain about the risks of implementing a major technological change in the program.

Finally, let me address the issue of data policy. In many ways, this issue is the most important.

As background, let me review the current situation. Under the Land Remote-Sensing Commercialization Act of 1984, a single private sector entity, EOSAT, was awarded exclusive marketing rights for the sale of Landsat data. The theory behind that legislation was that the revenues generated from Landsat would grow at a sufficient pace that they would result in a self-sustaining commercial enterprise which no longer needed Federal support. In practice, however, it hasn't happened. Whether it was the policy experiment's design or its execution, or a combination of the two, that failed isn't all that important in this context. What is important is the fact that full commercialization of the Landsat Program, which would entail complete private funding of the space segment, cannot be achieved within the foreseeable future, and thus should not serve as the near-term goal of national policy on land remote sensing.

Market studies conducted in 1988 for the Department of Commerce concluded that even under the most optimistic market growth scenarios, the space segment of a U.S. Land Remote-Sensing System could not be commercialized during the present century. This view is now broadly shared within the remote-sensing industry. Although certain segments of the remote-sensing market are experiencing considerable growth, total revenues remain dwarfed by the cost of procuring, launching, and operating the spacecraft. As such, it is simply unrealistic for the Government to assume that the revenue from data sales will enable the private sector to takeover the full funding responsibilities of this program anytime soon.

The objective of the commercialization effort was to capture within the price of Landsat data some of the expenses associated with the program. Up until now, the only expenses that have been covered have been those associated with EOSAT's marketing and profit-taking needs, and to cover cost overruns in the Landsat 6 contract. With the launch of Landsat 6 next summer, however, EOSAT will also be responsible for paying the cost of satellite operations. This is an important step, yet remains a long distance from the goal of having the revenue stream from Landsat data sales cover all expenses associated with the program.

From another perspective, however, the cost-recovery goal reflected in current data prices has had costs of its own. Specifically, it has impeded the use of Landsat data by scientists and other public sector users.

Over the past 15 years, the number of Landsat scenes purchased annually by the academic research community has dropped precipitously, from a high of 34,000 in 1976 to a low of 450 in 1990. This phenomenon was partly due to declining Federal support for Remote-Sensing Applications Programs that utilized a large volume of Landsat data. Primarily, however, it has been the result of price increases that began in the late 1970's and continued with commercialization.

At the current rate of $4,000 for a single Thematic Mapper scene, Landsat data are beyond the reach of all but the most well-funded remote-sensing researchers. For global change research, which often involves change detection studies over very large areas of land, the use of Landsat data at current market rates is cost-prohibitive. As a result, researchers are relying upon less expensive and less appropriate data, such as gathered by the AVHRR instrument aboard a NOAA weather satellite. Although one cannot quantify the loss to society stemming from this situation, it is clear that a considerable amount of potentially valuable research involving patterns of change on the planet is not being done because the data is too expensive under the current pricing structure.

This is a particular concern given the enormous importance of Landsat to global change research. A 1990 study by the Committee on Earth and Environmental Sciences concluded that Landsat data are mission essential to five of the seven science priorities of the U.S. Global Change Research Program. As Bob Correll, who headed the CEES report on Landsat, told the Science, Space, and Technology Committee earlier this year:

No EOS sensors will return data similar in characteristics to Landsat, i.e., high spatial resolution, broad spectral bands, and wide area coverage. The existing Landsat data provide a unique baseline of data to document land conditions and changes over the last 20 years. These data will not be available from any other source. In addition, Landsat data will be needed to develop, test, and validate EOS data processing algorithms prior to and after the launch of EOS. Thus, the Global Change Research Program will rely on data from both Landsat and EOS.

With such considerations in mind, some have argued that global change researchers should receive Landsat data at the marginal cost of reproduction and transmission, which would be consistent with EOS data policy. This, however, raises a fundamental question about the value of Landsat data to the U.S. taxpayers as a whole. Specifically, why should a global change researcher be any more deserving of privileged access to Landsat data than a Department of Defense analyst generating improved military maps, a Department of Interior official seeking to improve the management of Federal lands, or an Environmental Protection Agency scientist assessing coastal wetlands?

Although I do believe that global change researchers are doing God's work; so, too, are these other public sector data users. As such, our legislation directs that data generated from civil remote-sensing satellites funded by the U.S. Government should be made available to all nonprofit users—defined as Federal, State, and local governments agencies, domestic universities, and to other domestic nonprofit institutions—at the marginal cost of acquisition, reproduction, and transmission.

It is our general view that if the U.S. Government has determined that it is in the public interest to fund and launch a remote-sensing satellite system, then the goal of U.S. policy for those systems should be to maximize the public's return on that investment. This means that for nonprofit applications, data should be provided at the lowest possible cost. Any other policy amounts to rationing the data, with the greatest impact falling upon those users who do not make a profit from the data.

To implement this new policy, the legislation directs the Administration of NASA to enter into negotiations with EOSAT for modified terms and conditions for the pricing, acquisition, and access of data from Landsats 1 through 6. Specifically, the legislation directs NASA to seek agreement with EOSAT that Landsat data shall be provided at the marginal cost of acquisition, reproduction, and transmission for nonprofit users, on the condition that such data not be used for commercial purposes.

NASA is also instructed to seek agreement with EOSAT that data will be acquired to meet the needs of the U.S. Global Change Research program. The problem here is that EOSAT currently collects images only in response to specific customer orders. As a result, the annual acquisition of data from the system has been declining by 20 percent or more per year or the past 3 years. Because of this situation, and since global change researchers are not currently placing orders, data of high-priority global ecosystems may not be in the archives 5 or 10 years from now when needed.

Third, NASA is instructed to seek agreement with EOSAT that it will make every effort to assist in getting data for U.S. nonprofit entities from foreign ground stations at the marginal cost of reproduction and transmission. A great deal of Landsat data of importance to global change researchers is contained within the 2 million scenes held by foreign ground stations. EOSAT is the contracting party with those ground stations, and thus can assist in getting better terms for access to that data.

Finally, NASA is instructed to seek agreement with EOSAT that copyright restrictions be waived for nonprofit applications. In so doing, this would enable DOD, NASA, Interior, and other Federal agencies and domestic nonprofit users to share data without having to place multiple orders for specific scenes of interest. It makes no sense for users in the Army, Air Force, and intelligence agencies, for example, to have to purchase a scene multiple times.

The legislation specifies that this set of negotiations between NASA and EOSAT on the procurement of Landsat 7. Also, as with those negotiations, a 120-day period is established for the discussions. If no agreement is reached in this time frame, then NASA is directed to report back to Congress on options for achieving these policy goals.

Finally, in terms of the rights for Landsat 7 data, negotiation of these rights may be put on the table during the negotiations with EOSAT for the procurement of Landsat 7. However, if no agreement is reached on Landsat 7 data within these negotiations, then the Joint Program Office is directed to conduct a long-term study of options for creating a competitive system for the commercial marketing and distribution of this data.

The one aspect about data policy that we are sure about is that the Government should be excluded of a role in the commercial marketing of such data. The Government once had this role, and demonstrated its ineptness at it. Beyond that, however, there are many possible approaches to ensuring that the private sector perform the duty of aggressive market development and responsive data distribution. It may take several years of additional experience after the launch of Landsat 6 to know whether the existing formula, or some entirely different approach, is the best mechanism. For this reason, the report on options for Landsat 7 data distribution would not be due until 1995, which would still be at least a year before the anticipated launch of Landsat 7.

The legislation also provides for an enforcement procedure to ensure that data received by nonprofit entities is not used for commercial purposes. This enforcement role is assigned to the Department of Commerce.

The legislation, as my colleagues will see, takes the form of amendments to the Land Remote-Sensing Commercialization Act of 1984. As such, it preserves many of the provisions contained in that statute. The provisions on archiving of data and of the licensing of private sector remote-sensing systems have been left intact. The nondiscriminatory access provision also is retained, except for the single major exception that domestic nonprofit users shall receive data from Government-operated land remote-sensing systems at the marginal cost of acquisition, reproduction, and transmission. In other cases, data is to be provided on nondiscriminatory terms. I believe that the nondiscriminatory access policy has served the Nation well in the past, and will continue to provide leverage against the use of foreign systems solely for internal intelligence-gathering.

Mr. Speaker, I am introducing this legislation today as a means of moving the process along toward a national decision on the future of the Landsat Program. I do not believe that this is necessarily the best or only way to deal with the issues. For that reason, the Committee on Science, Space, and Technology will solicit comments on the bill both in writing and in oral testimony. Within 3 weeks, I intend to hold a hearing at which the administration will be asked to provide a plan for meeting its commitment to data continuity after Landsat 6.

My fundamental purpose is to help forge a national consensus on how to secure the Nation's position in land remote-sensing. I recognize at the outset that this is a complex issue which involves many competing interests and perspectives. Nonetheless, these competing views cannot be the basis for inaction. Decisions must be made on this program, and the time to make those decisions is now upon us.

Mr. Speaker, a section-by-section analysis of the bill follows.

SECTION-BY-SECTION ANALYSIS OF THE NATIONAL LAND REMOTE SENSING POLICY ACT OF 1991

Sec. 1. Short Title.

Sec. 2. Findings.

Sec. 3. Amendments to Title I of 1984 Landsat Act.

Amends definitions in 1984 Landsat Act.

Sec. 4. Amendments to title II of the 1984 Landsat Act.

Substantially amends sections 201–204 of the 1984 Landsat Act.

Amended sec. 201 establishes a NASA-DOD Joint Program Office (JPO), which would have overall responsibility for the management of the Landsat system; requires the JPO to conduct annual assessment and provide opportunity for public comment on program.

Amended sec. 202 sets out a special 120-day expedited process to enter into contracts for the procurement of Landsat 7 and rights to market and distribute Landsat 7 data, and provides an alternative procurement process in the event agreements are not reached within the 120 days.

Sec. 202(a) and (b) direct NASA to begin immediate negotiations with EOSAT (the commercial entity awarded a contract for Landsat 6 under the 1984 Act) to procure Landsat 7. Landsat 7 must be based essentially on the design of Landsat 6 and provide data continuity; however, NASA may also consider adding an advanced sensor (such as a 5-meter stereo sensor) if the additional development would not significantly jeopardize data continuity.

Sec. 202(c) permits NASA to negotiate with EOSAT on rights to the data of Landsat 7 and sets out certain restrictions, including requirements that unenhanced data be made available to domestic nonprofit users for noncommercial purposes at marginal cost, and that commercial marketing be the responsibility of the private sector.

Sec. 202(d) provides that, if no agreement for the procurement of Landsat 7 can be made within 120 days, NASA must begin a competitive procurement process; rights to Landsat 7 data can not be negotiated at the same time.

Sec. 202(e) provides that, if no agreement on marketing rights to Landsat 7 data has been made within 120 days, the JPO would conduct a long-term study of options for creating a competitive system for marketing of unenhanced data from Landsat 7, report to Congress, and solicit proposals from domestic private sector firms for data marketing and distribution.

Amended sec. 203 directs NASA to enter into contract modification negotiations with EOSAT to ensure that data to Landsat 6 and earlier Landsats are made available to domestic nonprofit users for noncommercial purposes at marginal cost. If NASA is unable to conclude an agreement within 120 days, NASA is directed to report back to Congress on options for meeting the data policy goals set out in the section.

Amended sec. 204 transfer the existing Landsat 6 responsibilities of the Secretary of Commerce to the JPO on the launch of Landsat 6 or as otherwise agreed.

Sec. 5. Repeals title III of 1984 Landsat Act.

Sec. 6. Amendments to Title IV of 1984 Landsat Act.

Makes primarily technical and conforming amendments to authority of Secretary of Commerce to license private space remote-sensing systems

Sec. 7. Amendments to Title V of the 1984 Landsat Act.

Repeals the specific authority of agencies other than NASA to conduct research and development on space remote-sensing.

Adds a new sec. 402, which requires that any government-supported space remote-sensing system other than Landsat to provide data to nonprofit users for noncommercial purposes at marginal cost. Different pricing structures would be permitted under international agreements and cooperative industry-government research programs.

Adds a new sec. 403, which establishes a new 5-year interagency technology demonstration program to promote the development and demonstration of advanced land remote-sensing components, sensors, and system designs. The program would be designed to be responsive to the broad civilian, military, commercial and foreign interests in land remote-sensing.

Sec. 8. Options for Successor to Landsat System

Adds a new Title V to the 1984 Landsat Act, and directs the JPO to report to Congress two years after the technology demonstration program begins on broad-based options for a successor land-remote sensing system to Landsat 7, expressing a preference for private system operation.

Sec. 9. Amendments to Title VI of the 1984 Landsat Act

Amends sec. 601 to provide that, except as required by national security or international obligations, unenhanced data generated by the Landsat system or by any private remote sensing licensed under the Act shall be made available to all users without preference to one customer or class of customers over another. As exceptions to this general rule, however, the bill requires Landsat data to be made available to domestic nonprofit users for noncommercial purposes at marginal cost, and permits private systems to make data available on more favorable terms and conditions than commercial users.

Adds new sec. 608, directing the Secretary of Commerce to develop enforcement procedures to prevent nonprofit entities from using data for commercial purposes.

TIME TO TAKE CARE OF OUR OWN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. ANNUNZIO] is recognized for 5 minutes.

Mr. ANNUNZIO. Mr. Speaker, America's 8.4 million unemployed workers deserve to know why President Bush won't agree to extend 20 weeks of unemployment benefits to families across this great Nation who are desperately in need of help.

Winter is coming on fast and Christmas is barely 2 months off. What will Mr. Bush say to these proud but jobless Americans who must turn to welfare to support their families because he failed to act on this issue? We saw no such reluctance on his part when the Kurdish refugees in Iraq were in need.

As a constituent of mine from Norridge, IL, recently wrote: "It's time President Bush dropped his opposition to the modest proposals put forward by this Congress. These efforts were designed to help people who have exhausted their unemployment insurance, but have not yet found work because of the recession." My constituent put the issue into sharp perspective by asking the President, "How about taking care of our own?"

Mr. Speaker, if the President would listen to Americans as closely as he listens to the Prime Minister of Japan or the President of Turkey, he'd see the folly of vetoing bills to extend benefits to our Nation's unemployed.

CRISIS IN YUGOSLAVIA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. PANETTA] is recognized for 5 minutes.

Mr. PANETTA. Mr. Speaker, I would like to take a moment today to make an urgent appeal to President Bush to exert greater leadership with respect to the crisis in Yugoslavia. It is especially critical that the United States lend its good offices and support to the International Red Cross, European Community relief convoys, the United Nations, and other relief agencies as they attempt to minister to the wounded and supply humanitarian aid to the inhabitants of villages, towns, and cities subject to the incessant shelling of the past few months. I urge the President strongly to offer every available means of assistance to these agencies immediately.

Croatia and Serbia, Croats and Serbs, are locked in a senseless, baseless battle for land and security. A seemingly innumerable series of cease-fires have failed to prevent both small and large factions on both sides from continuing their irrational and deadly attacks on civilians and militia alike. Vukovar is no longer a living city; it is a bunker. Dubrovnik, one of the most beautiful and historic cities in Europe, is under siege and the threat of bombardment. Many other Croatian and Serbian towns and cities fear the firestorm. More than 1,000 children, women, and men have been killed in Yugoslavia since June.

That there is no rhyme nor reason to this madness is not in dispute. That the crisis is dangerously close to the threshold of civil war is unquestionable. Of the import of this conflict for other potential ethnic disputes in Eastern Europe and central Asia there is no doubt. Why, then, is the Bush administration reluctant to bring to bear the enormous international resources, prestige, and sway of the United States in this explosive conflict verging on civil war?

We have got to exhibit stronger support for the European Community's mediation process, for the rights of Croatia and Bosnia-Hercegovina to secure borders and for the rights of Serbs living in Croatia. We ought to ask the United Nations Security Council to approve economic sanctions against any republic of Yugoslavia refusing to abide by cease-fires and to approve a peacekeeping force to enforce cease-fires. We should support Canada's demand for an emergency U.N. session to address the issue.

I am a cosponsor of House Resolution 237, authored by my friend from Ohio, Representative FEIGHAN, which among other things urges the President to support the formation of a peacekeeping force by the Conference on Security and Cooperation in Europe [CSCE] to assist the enforcement of a cease-fire and to support that deployment as a contribution to a comprehensive peace agreement. I am also a cosponsor of House Resolution 121, sponsored by our distinguished colleagues Representatives KANJORSKI and KLECZKA. House Resolution 121 calls on the United Nations to dispatch a United Nations contingent to Yugoslavia to monitor and enforce a cease-fire and assess multilateral economic sanctions against any party disrupting a cease-fire or refusing to take part in peace talks.

Mr. Speaker, I am disappointed in the President and the Secretary of State. I do not need to indulge in a history lesson, but their inaction leads me to believe that they do not realize the significance of this moment, this place, this crisis. We are on the brink of a new era. President Bush tells us that it will be a new world order.

Let the administration act accordingly. Let the Department of State contribute American expertise and resources to the resolution of this nascent war. Let not this conflict become the ominous harbinger of wildfire internecine battles and a new world disorder.

DIFFERENCES BETWEEN REPUBLICAN AND DEMOCRAT PROPOSALS TO HELP UNEMPLOYED

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina [Mr. TAYLOR] is recognized for 5 minutes.

Mr. TAYLOR of North Carolina. Mr. Speaker, we have heard a great deal about unemployment over the last several weeks from Members to the left side of the aisle. Helping unemployment is a worthwhile goal, and one that I can clearly support. But let us view how the two parties have gone about it.

First of all, Members to the left came with a bill that would increase the unemployment tax on the average working person to pay for an unemployment extension benefit, and that was killed. That amendment was killed on the floor.

The Republicans came with a bill to cut certain expenditures and to sell certain Government assets to cover the cost, but that was killed.

The Democrats then came with a bill that charged it sort of up in the air. Nearly $6 billion would be charged to the deficit. Some future generation would have to pay for it. It would break the budget agreement of less than 1 year ago. That was the second method. That was vetoed by the President and sustained.

Last week I offered this body a bill that would provide 20 weeks of extension of unemployment benefits without raising taxes or without charging it to the deficit. It would call for cutting the budget of Congress by 30 percent and by reducing foreign aid by 30 percent. It would allow the President to select where those reductions would come from.

Mr. Speaker, I noted that the Committee on Ways and Means recently voted out a 13-week extension that would require, again, a tax on the working men and women of this country.

Mr. Speaker, how can we justify taxing working people in this country for a 13-week extension of unemployment benefits when we have a bill that could be brought forward that would give 20 weeks of unemployment benefit coverage by cutting Congress' budget by 30 percent and cutting foreign aid by 30 percent?

□ 2120

Let us look at the Congress's budget. We have a budget of almost $3 billion, $3 billion. We have increased that budget nearly a billion dollars since 1989. By cutting it 30 percent, or almost $1 billion, we bring ourselves back to where we were in 1989.

It is a chance for us to show some leadership. We have been beaten on rightfully in the press for the restaurant shenanigans, or bank-check kiting shenanigans, for other failures of this body.

Here is an opportunity for us to say to the working men and women of this country, we are willing to sacrifice.

A little over a year ago, we raised the salaries of Congress 37 percent, and we did it at a time when we put an enormous tax increase on the people of this country, $137 billion, a gasoline tax of 58 percent on the people of this country at a time when we said things are tough, we have got to raise taxes. We have got to cut Medicare and Medicaid. We have got to cut a number of areas. "And oh, by the way, we are raising our salaries 38 percent."

The public is not stupid. It saw that. It saw that this body has to have leadership and set examples. And we set one, a very poor one.

Mr. Speaker, we have an opportunity to show some leadership and come back and look at the bloated budget of the U.S. Congress that has grown 50 percent since 1989, 4 times the rate of inflation, and to cut that. That and a 30 percent reduction in foreign aid will allow us to increase unemployment benefits by 20 weeks without taxing the working men and women, as the gentleman to the left want to do and in fact have passed to do through their committee and without charging it to the deficit.

The choice is clear. It is time for us to make it.

UNEMPLOYMENT BENEFITS

The SPEAKER pro tempore (Mr. DURBIN). Under a previous order of the House, the gentleman from New York [Mr. OWENS] is recognized for 60 minutes.

Mr. OWENS of New York. Mr. Speaker, I want to congratulate the gentleman from Michigan [Mr. BONIOR], the majority whip, for organizing this special order tonight on unemployment and all related matters. I think it is very important that the American people participate with us in this dialog on what is probably the most important function of our Government.

To promote the general welfare is the most important function of our Government. Our specific Constitution requires that all decisionmakers in Government participate in this process of promoting the general welfare. But in very general terms any society, anyplace where there is a social contract among men, the most important activity is to provide an opportunity for people to earn a living, to earn income, the opportunity to work, the opportunity to earn income is at the heart of the social contract.

A society which fails to provide this opportunity is really uncivilized. It is really barbaric. Only barbarians will treat unemployment casually and treat unemployment lightly and consider unemployment as a matter of statistics, numbers, not people.

It is the duty of every civilized society to try to create an economy where all who want to work can find work. We are not talking about spoon-feeding people and guaranteeing them a job and carrying them to a job by the hand and guaranteeing that whether they work efficiently and effectively or not, they will always have a job. We are not talking about those kinds of extremes.

We are talking about an economy which guarantees that there will be an opportunity to work for those that want to work. If that economy is not dynamic, then there will be problems. There will be dislocations. There will be times when people cannot find employment.

Therefore, we have devices like public works programs created and unemployment insurance created to deal with the situations which arise where people cannot find work temporarily.

The safety nets for workers in a dynamic economy are very important. Unemployment insurance is one of those safety nets. So it is very important we have this dialog, and we are going to spend a long time tonight talking about it.

I hope that the American people do not grow tired of trying to understand what is going on here. We have to sort out the kinds of juvenile indignation we have heard before about expenditures for Congress that ought to be cut. Some Members earlier were talking about $11 million being spent for the Department of Transportation. The same Members advocate billions of dollars being spent on space exploration. The same Members never raise their voice when we spend hundreds of billions of dollars in the bailout of the savings and loan associations, money that has been stolen by crooked bankers and their associates.

We put it back. In many cases we are replacing money guaranteeing the deposits of people who by law are not covered, up to $100,000 every American's deposit is covered in the bank. But there are people who have deposits far beyond that we are covering, yet we never hear those voices scream loudly about saving pennies talk about saving real money, billions.

Overseas bases now are still costing us more than $100 billion. If we are going to start cutting the budget, and we are going to have a dialog about where to save money in order to put money in the promotion of the general welfare, it ought to be to put money into providing activities which provide jobs. We need to build bridges. We need to build schools. We need to build highways.

There are a number of ways we can provide jobs at the same time providing benefits that everybody needs, and we can get the money from money that is being wasted.

We are pouring $55 billion into the economy of Europe in order to defend Europe, defend Europe at a time when Europe is quite prosperous and can defend itself. We poured another $45 billion more into Asia, mostly Japan, at a time when Japan can certainly defend itself. There are ridiculous things going on in the Capital, all the time, and yet the people who scream loudest about having money can only look at pennies. They can only search out ridiculous kinds of expenditures while ignoring the billion dollar waste that is going on every day.

About 2,200 workers are being laid off each day because our economy is not a vital, dynamic economy at this point. Eight point four million Americans are unemployed right now because our economy is not utilizing the money that is being wasted in order to provide jobs. Over 2 million Americans have already exhausted their unemployment benefits during the first 7 months of this year, and this administration wants to treat those people as statistics and be casual about the fact that we have the money already in the Treasury, specifically designated for this purpose. The unemployment insurance has been paid for itself. The money is there.

And they refuse to allow us to use it to pay along the benefits.

Mr. BONIOR. Mr. Speaker, will the gentleman yield?

Mr. OWENS of New York. I yield to the gentleman from Michigan.

Mr. BONIOR. Mr. Chairman, this will be a long night.

Tonight the Democratic Party is doing something pretty unusual.

We're enacting what we call a vigil on the issue of unemployment benefits.

At other times, a vigil has meant standing watch to make sure an important issue doesn't get overlooked.

That's exactly what we're doing.

Dozens of us will speak through the night on the issue of unemployment and what it means to our districts.

We're taking this unusual step because we hope somehow—at a time when most people are asleep—to wake up the administration about the crisis that they have until now managed to ignore.

We don't expect people to watch us until its time for breakfast. In fact, I hope they get some sleep.

But we know that at whatever time of night we're talking, thousands of Americans will be listening.

I hope some of them are in the White House.

□ 2130

Mr. OWENS of New York. I would like to thank the gentleman from Michigan, the majority whip, and commend him for organizing this very important special order on unemployment.

I yield to the gentleman from Michigan [Mr. CONYERS].

Mr. CONYERS. Mr. Speaker, this is an important evening for the House of Representatives and I think that the work of the majority whip [Mr. BONIOR] and my colleague from New York [Mr. OWENS] who serves with such distinction on the Education and Labor Committee, as well as the Committee on Government Operations should be paid homage, and the many Members in the Congress who will continue on this discussion tonight that examines the failure of the Bush administration to deal with this crisis of unemployment.

We gather tonight to protest and call the Nation's attention to the cruel hoax by the administration of what it calls its economic policy. The administration has failed the American people in its attempts to manage an economy in the grips of a recession and remedy the collapse in employment opportunities that we have been witnessing since the summer of 1990.

The President, I submit, is out of touch with the pain of the American people who live with the scourge of unemployment that now spreads unchecked across our Nation. Under the Presidency of the President of this country, the American economy has grown by less than 1 percent, the worst economic record since World War II. Presently, the economy is only seven-tenths of 1 percent larger than when George Herbert Walker Bush took office, and as a result 8½ million Americans are out of work. Real wages of the American worker have dropped 9 percent below their 1979 level, and since the President took office, there is $350 per person less to go around in our economy.

The number of Americans filing for bankruptcy this year will reach over 1 million. The percentage of Americans who are at least a month behind in their mortgage payments rose from 5.2 to 8 percent in the second quarter. If the disparity between the rate of economic growth in Japan and the United States during this administration is to be allowed to continue, the Japanese economy would surpass ours in size before the end of the decade.

Unlike the economic troubles faced by most previous administrations, the Bush economic stagnation comes at a time of considerable prosperity among most industrial nations. There is no truth to the administration's contention that their growth strategies have fallen victim to a worldwide economic downturn beyond the administration's control.

One of the President's first commitments was the creation of 30 million new jobs over two terms. Remember? If current trends continue, this President will finish his first term in office having created fewer jobs than any President in the last 50 years. There are now 300,000 fewer jobs in America than when the President took office. The President is now 10 million jobs behind his promised schedule for job creation, following a veto of critical unemployment benefit legislation and threatened veto of today's job-creating highway bill.

For the last 31 months, jobs in this country have been disappearing at the rate of 9,400 per month. One President before him, Jimmy Carter, the Republican's favorite whipping boy, created 209,000 jobs per month, the fastest rate of job creation, 2.68 percent growth annually. And so some 8½ million Americans are without work. Current total employment is now below the level that it was when this President took office. The situation is far worse for more than 1.2 million people, long-term unemployed Americans who have been out of work for 27 weeks or more. Virtually all have exhausted their normal benefits and are unable to obtain additional unemployment benefits.

Long-term unemployment typically continues to increase for at least 6 months after the beginning of a recovery. Our labor statistics show that, and still the Secretary of Labor, Lynn Martin, testified recently that the administration believes, "The extended benefits program is operating effectively."

The administration has not proposed a single measure to alleviate the economic pain of this recession, not surprising considering that the budget submitted in February did not even acknowledge that the country had been in a recession for 7 months by then, since July 1990. Evidence presented so far shows that the economy is bumping along at the bottom of a recession, and there is growing fear of double-dip recession, another turndown before real recovery takes hold.

Even if the President miraculously produced a recovery today, Americans would not feel the difference for months.

The House Budget Committee predicted that income growth, housing construction, auto sales and business profits will be lackluster well into 1992. They expect the unemployment rate will remain 6 percent until the end of 1992, and the Congressional Budget Office does not expect it to fall back to the pre-recession level of 5.5 percent until 1996.

The American people are tired of the President's unkept promises and tired of his pathetic economic policies.

I will submit for the RECORD, a Washington Post poll released today which shows that a majority of Americans disapprove of the way that the President is handling the economy and feel that we need someone in the White House who can set the Nation in a new direction.

Seventy percent said they agree with the statement that the President spends too much time on foreign problems, and not enough on problems in this country.

Nineteen percent named unemployment as the biggest problem facing the country.

Nearly half of those polled said that the President cares more about serving upper-income people. Only 8 percent said that he is interested in the needs of middle-income and poor Americans.

So President Bush and the Republicans just cannot get it right.

Mr. OWENS of New York. Will the gentleman yield back to me?

Mr. CONYERS. I yield to the gentleman from New York.

Mr. OWENS of New York. Mr. Speaker, there are a lot of Americans who are under the assumption that years ago we took care of the problem of structural unemployment by passing a bill called the Humphrey-Hawkins bill which required that the Government must take certain steps at certain times when the unemployment reached a certain level. Why is it that the Humphrey-Hawkins unemployment bill does not save us in this situation?

Mr. CONYERS. I am glad the gentleman remembers that legislation, because we submitted that during the 1980's. The former occupant of the White House, Mr. Reagan, probably did not even know that that was a law that was on the books. The Full Employment and Balanced Growth Act, a product of the former chairman of the Education and Labor Committee, Gus Hawkins, and the former distinguished Senator, Hubert Humphrey. They put that bill together to reduce unemployment by 1 percent each year.

□ 2140

At that time, we were outraged that we had an unemployment rate of a little bit over 4 percent, and we were determined to do something about it, but that legislation was never enacted.

Mr. OWENS of New York. That legislation was enacted.

Mr. CONYERS. It was enacted.

Mr. OWENS of New York. It has a caveat in it which says that the President has to determine. It is up to the President to determine when it is utilized.

Mr. CONYERS. The President. The legislation read that the President would come forward at the beginning of every year and describe by what means he would reduce unemployment by 1 percent each year, but that, of course, never happened, and we are now in the throes of unemployment that is far more serious involving far more people, and yet we have none of these initiatives.

I repeat again that this administration cannot get it right, and in the midst of this economic devastation, they continue to beat the drum for capital gains and breaks for the rich. They continue to have their party to which 98 percent of the Americans are not invited, and that this supply-side love fest which has made the United States the world's largest debtor Nation, which has brought us to a trade deficit in excess of $100 billion, and which has tripled our national debt and has devasted our cities and crushed our infrastructure; they cannot get it right. They do not understand that supply-side, laissez-faire, trickle-down economic policies have hurt America, have shattered the dreams of millions of Americans. They do not understand that the American people are tired with bail-outs of foreign nations while we veto from the White House desperately needed unemployment insurance legislation. They do not understand the pain of the poor and the jobless who need leadership and just cannot seem to get it from the White House.

I have seen that pain in my hometown of Detroit. The unemployment situation in the State of Michigan is one of the worst in the Nation.

Over 10 percent of the labor force in the First District of Michigan is out of work, and the condition of the entire city is even worse. Over 13 percent of the work force is out of a job.

Mr. BONIOR. Mr. Speaker, will the gentleman yield?

Mr. OWENS of New York. I am happy to yield to the gentleman from Michigan, the distinguished whip, who is himself from the State of Michigan.

Mr. BONIOR. For just a chance to talk a little bit about our State and what people are going through.

We regretfully are used to these cyclical ups and downs in our economy, but I want to tell my friends and colleagues that the people of Michigan who depend so heavily on the auto industry are really in tough, tough times. This recession that we are going through right now, and believe me, it is a recession, and as John Kenneth Galbraith said the other day, we are not talking about a bumpy recovery bordering on a second round of recession; he indicated quite clearly, I think, and quite eloquently, that we are talking about a recession bordering on moving into a more serious situation. He used the word "recession."

We have that in Michigan. We have a situation that is getting as bad if it is not as bad already as it was in 1982 when I had at one point in my district 25 percent of my people out of work. Today I have about half that; today I have about 12 percent of my people out of work.

The automobile industry lost $1.6 billion this last quarter. People are exhausting their benefits every day by the thousands in our State, and so I want to tell the gentlemen that are here, and I commend my friend in the well, the gentleman from Michigan [Mr. CONYERS], for raising this issue, because the plight of our people back home is, indeed, very, very serious, and they need some help from this administration, and they get angry. They get upset when they hear the Secretary of the Treasury say about this recession that it is no big deal. That is what he said; he called it no big deal, this recession. The President said this recession ended in May.

These people have no idea, no concept of what is happening out in the country. The gentleman's comments were with respect to what is going on, the President's travels overseas, and he has lost touch with the economy here at home, I think, has really hit home. It is time he and his administration started to take care of our own right here at home.

I thank my colleague for yielding.

Mr. CONYERS. I am pleased to hear from my colleague, the gentleman from Michigan [Mr. BONIOR], our distinguished whip.

I would like to close with just another observation or two about our State which has experienced monumental drops in retail sales, steel production, and, of course, in the auto industry itself.

Just this past Friday in Michigan, we learned that another large corporation is closing its headquarters in our State, and while this looks ominous on paper, it is nothing compared to the real-life experiences of people laid off who have been forced to live in fear and poverty.

In my Detroit office, we receive hundreds of phone calls from families who want to know what has happened to their benefits, who want to know where they should turn for help. These people should be able to turn to the Congress for help and support regardless of how many times the President vetoes our legislation.

We must continue the fight for unemployment-benefits legislation and protecting the working people of this country, the people victimized by the recession and unemployment and the children who bear witness every day to the pain and humiliation being forced upon their unemployed parents.

In the statehouse in Michigan, we have had the same line followed as that in the administration in Washington, funds slashed, legislation blocked for the neediest.

Michigan's Governor Engler has cut $500 million from social services during the toughest recession in recent memory, and of the $500 million, $200 million came directly from cutting the general assistance, expelling 90,000 poverty-stricken people from the program, and no safety net there.

What is even more unconscionable is the rationale of the Governor of our State for the cut. He believes that it will encourage people to become more self-sufficient. Will ending payments to senior citizens for oxygen encourage them to be more self-sufficient? Will ending payments for medical supplies encourage the sick to fend for themselves? No. If this administration expects the people of Detroit to believe that it is serious about climbing out of the pit of the recession, then they had better put their money where their mouth is.

And I am tired, my voting constituents are tired, the American people are tired of living on the edge of joblessness, homelessness, and poverty. They are tired of hearing the President say one thing and do the opposite, and it is in that sense, of all of those folks who called in and have written in, some of which I will submit their letters for the RECORD, that I am very proud to participate in this important special order for this evening.

Mr. SPEAKER. We gather tonight to protest, and call the Nation's attention to, the cruel hoax by the administration that it calls its economic policy. The administration has failed the American people in its attempts to manage an economy in the grips of a recession and remedy the collapse in employment opportunities we have been witnesses to since the summer of 1990. The President is out of touch with the pain of the American people, who live with the scourge of unemployment that spreads unchecked across our Nation.

FAILURE OF BUSH ECONOMIC POLICIES

Under Bush's Presidency, the American economy has grown by less than 1 percent—the worst economic record since World War II. Presently the economy is only 0.7 percent larger than when President Bush took office.

As a result:

Eight and one-half million Americans are out of work.

Real wages of the average American worker have dropped 9 percent below their level in 1979. Since Bush took office, there is $350 per person less to go around.

The number of Americans filing for bankruptcy this year alone will reach 1 million.

The percentage of Americans who are at least a month behind in their mortgage payments rose to 5.28 percent in the second quarter.

If the disparity between the rate of economic growth in Japan and the United States during the Bush administration were to continue, the Japanese economy would surpass ours in size before the end of the decade.

Jimmy Carter, the Republicans' favorite whipping boy, created 209,000 jobs per month—the fastest rate of jobs creation—2.68 percent growth annually.

Some 8.5 million Americans are unemployed. Current total employment is now below the level it was when Bush took office.

The situation is far worse for the more than 1.2 million long-term unemployed Americans who have been out of work for 27 weeks or more: virtually all have exhausted their normal benefits and are unable to obtain additional unemployment benefits.

Long-term unemployment typically continues to increase for at least 6 months after the beginning of a recovery. Still, Labor Secretary Lynn Martin testified recently that "the Administration believes the extended benefits program is operating effectively."

The administration has not proposed a single measure to alleviate the economic pain of the recession—not suprising considering his budget submitted in February did not even acknowledge that the country had been in a recession for 7 months by then, since July 1990.

Evidence presented so far shows that the economy is bumping along at the bottom of a recession, and there is growing fear of a double dip recession—another downturn before a real recovery takes hold.

Even if the President miraculously produced a recovery today, Americans would not feel the difference for months. The House Budget Committee predicted that income growth, housing construction, auto sales and business profits will be lackluster well into 1992. They expect the unemployment rate to remain over 6 percent until the end of 1992, and the Congressional Budget Office does not expect it to fall back to the prerecession level of 5.5 percent until 1996.

The American people are tired of Bush's unkept promises, and tired of his pathetic economic policies. I submit for the RECORD a Washington Post poll released today, which shows that a majority of Americans disapprove of the way Bush is handling the economy, and feel we need a President who can set the Nation in a new direction—70 percent said they agreed with the statement that Bush spends too much time on foreign problems and not enough on problems in this country; 19 percent named unemployment as the biggest problem facing the country, up from only 7 percent in March; and nearly half those polled said Bush cares more about serving upper-income people; only 8 percent said Bush is interested in the needs of middle-income and poor Americans.

George Bush and the Republicans just cannot get it right. In the midst of this economic devastation, they continue to beat the drum for capital gains and breaks for the rich. They continue to have their party, to which 98 percent of Americans are not invited. The Republican supply-side lovefest has made us the world's largest debtor nation; it has brought us a trade deficit in excess of $100 billion; and it has tripled our national debt. It has devastated our cities and crushed our infrastructure.

Unlike the economic troubles faced by most previous administrations, the Bush economic stagnation comes at a time of considerable prosperity among most industrial nations. There is no truth to the administration contention that their growth strategies have fallen victim to a worldwide economic downturn beyond Bush's control.

One of the President's first commitments was the creation of 30 million new jobs over two terms. If current trends continue, Bush will finish his first term in office having created fewer jobs than any President in the last 50 years. There are now 300,000 fewer jobs in America than when Bush took office.

Bush is now 10 million jobs behind his promised schedule for job creation—following a veto of critical unemployment benefits legislation and a threatened veto of today's job-creating highway bill.

For the last 31 months, jobs in this country have been disappearing at a rate of 9,400 per month.

George Bush just does not understand that his supply-side, laissez-faire, trickle-down economic policies have hurt America and shattered the dreams of millions of Americans. He does not understand that the American people are fed up with his bailouts of foreign nations while he vetoes desperately needed unemployment insurance legislation. He does not understand the pain of the ranks of the poor and the jobless, who need leadership and just can not seem to get it from him.

I have seen that pain in my home State of Michigan and my hometown of Detroit.

The unemployment situation in Michigan is one of the worst in the Nation, Mr. Speaker. Over 10 percent of the labor force in my First District in Michigan is out of work. That works out to being over 21,500 people in just one congressional district. And the condition of the entire city of Detroit is even worse—over 13 percent of the work force is out of a job.

In the last several months, my State has experienced monumental drops in retail sales, steel production, and of course the automotive industry. Just this past Friday, we learned that another large corporation is closing its headquarters in Michigan. While this looks ominous on paper, it is nothing compared to the real life experiences of those people laid off who have been forced to live in fear and poverty. My office in Detroit has received hundreds of phone calls from families who want to know what has happened to their benefits—who want to know where they should turn for help. Mr. Speaker, those people should be able to turn to this Congress for help and support, regardless of how many times President Bush vetoes our legislation. We must continue the fight for unemployment benefits legislation and protect the working people of this country, the people victimized by the recession and unemployment, and the children who bear witness every day to the pain and humiliation being forced upon their unemployed parents.

Republican statehouses have followed the Bush line of slashed funds and blocked legislation for the neediest. Michigan's Republic Governor Engler has cut $500 million from social services during the toughest recession in recent memory. And of that $500 million, $200 million came directly from cutting general assistance and expelling 90,000 poverty- stricken people from the program. What is even more unconscionable is the Governor's rationale for the cut—he believes that it will "encourage people to become more selfsufficient." Will ending payments to senior citizens for oxygen encourage them to be more self-sufficient? Will ending payments for medical supplies encourage the sick to fend for themselves?

If the Bush administration expects the people of Detroit to believe that it is serious about climbing out of the pit of recession, then the administration had better put its money where its mouth is. I am tired, my voting constituents are tired, and the American people living on the edge of homelessness, joblessness and poverty are tired of hearing this President say one thing and do the opposite.

We are tired of hearing the President say he is concerned about the unemployed, and then see him refuse to release unemployment benefits. We are tired of hearing George Bush say that he is concerned about the working poor who have been forced to live without health insurance, and then see that he does not offer any real solutions.

George Bush refers to the Democratic proposals as one more giveaway, one more big budget entitlement, as if he is hurling an insult at me and every other Democrat in this body. I am not insulted—the working people of this country are entitled to receive benefits, they are the ones who have been putting aside money from their paychecks for a rainy day. And I submit that this recession is more than just a rainy day, this is a downpour of biblical proportions.

Many people have criticized the Bush administration for spending too much time on foreign policy than it does on domestic affairs. So I will put this Detroit recession, and Detroit unemployment into terms that the administration and the American voters can understand: The Federal budget gives more money to Manila than it does to Detroit. The point is not that we should not assist other countries, the point is that the administration can no longer insult the intelligence of the American people by saying that there is not enough money to take care of our own citizens. The voters will not swallow that bitter pill anymore.

My constituents, Mr. Speaker, have been made to swallow too many bitter pills by the President and the Republicans. The big three auto makers, General Motors Corp., Ford Motor Co., and Chrysler Corp. are one of my district's biggest employers, and part of the backbone of industrial America. The auto makers in Detroit have suffered tremendous economic blows this year, forcing thousands of Americans from their jobs, and jeopardizing many more—the result of the President's failed economic policies.

The combined losses for the big three this year is estimated to be $5.4 billion.

General Motors announced yesterday third quarter losses of $1.1 billion. This brings its total losses for the last five quarters to $5.8 billion.

Ford announced yesterday third quarter losses of $574 million, down nearly $700 million from the third quarter last year. It brings Ford's total losses for 1991 to $1.8 billion.

Chrysler, through the first 6 months of 1991, lost $810 million. That is down $1 billion from the first 6 months last year.

Chrysler and Ford reported that together, they have been forced to lay off more than 7,000 workers already this year. Ford will stop production at two plants, causing 4,500 current employees to lose their jobs.

Ford temporarily shut down 16 different assembly plants for a total of 149 weeks this year, affecting thousands of workers. These plants are not only located in Michigan, but in Ohio, Kentucky, Virginia, Minnesota, and in Atlanta, St. Louis, Chicago, and Kansas City.

And this failure of the President's economic policies has a human face, Mr. Speaker. United Community Services [USC], an umbrella organization in Detroit that provides services to the neediest in my city, had some horror stories of the President's economic failure for my district office:

A single mother was laid off from a GM plant. Unemployment benefits exhausted in the process of losing her home; 1987 a father and husband laid off from Detroit GM Hamtramck plant, by 1988 could no longer keep up with mortgage payments—used up unemployment benefits. Wife's income as a school teacher not enough to provide for family; USC notices one suicide per plant closing or lay off, a utility company has told USC they have turned off utilities to 15,000 homes from January to June of 1991. They anticipate another 10,000 shut offs due to the general assistance cuts; and workers at USC are under stress because of the increasing case load.

Mr. Speaker, I submit for the RECORD some of the most poignant letters and reports from my district on the unemployment crisis in Michigan. These submissions make it clear that the President, like his predecessor, is working diligently to hide his obvious indifference to the plight of the unemployed American worker through political rhetoric. It is an established fact that in terms of duration and the number of jobs lost, the current downturn ranks as the third most severe of the nine post-war recessions.

It is evident that the Republican-proposed unemployment benefits bill, S. 1791, or the Dole bill, does very little to change anything. It does not even come close to addressing the plight of the unemployed in States hardest hit by the recession. States like: Michigan, West Virginia, Mississippi, Massachusetts, Florida, California, Pennsylvania, and New Mexico.

The discrepancies become more apparent in S. 1791 when comparing it to the Democratic proposal:

REACH-BACK BENEFITS

The Republican proposal appropriates aid for workers who lost their jobs the earliest and need assistance the most from only 6 States. Only 14 percent of those who have exhausted their unemployment compensation would receive help under the Republican bill. This mean exhaustees in 44 States will receive nothing. On the other hand, under the Democratic bill, 89 percent of workers who fall in this critical area qualify for reach-back benefits.

HARDEST-HIT STATES

The Republican proposal appropriates a mere 6 weeks of benefits for workers in States hardest hit by the recession. States like Michigan, California, Florida, Mississippi, and West Virginia with unemployment rates as high as 7, 8, 9, or nearly 10 percent. The Democratic bill appropriates 13 or 20 weeks of benefits to these states.

VETERANS

The Republican proposal not only offers veterans less unemployment coverage than the Democratic bill, but less unemployment coverage than current law. Only those who are released for the good of the service, or who leave the service after extending their term at the request of the service will receive unemployment benefits. Thus, those who chose voluntary separation from the service will not receive any benefits at all. In addition, the Republican bill now eliminates coverage for military persons currently eligible. This includes individuals returning from Desert Storm and Desert Shield, and others who leave the service after serving out their tours of duty with honorable discharge. These cuts under the Republican bill constitute a cut of $535 million—or 65 percent—in unemployment benefits for veterans over the next 5 years.

In contrast, the Democratic bill treats veterans as equal to their fellow unemployed American workers. Service personnel receive benefits if they have completed their first term of service honorable, or, if they are honorably discharged before their first term is completed. In addition, veterans will be given the same number of weeks of benefits that the private sector employees receive.

FINANCING

Once again, the Republican proposal has failed. It is based on a fragile proposal which will only complicate and delay appropriation of money to workers who need it now, not a week, not a month, not a year from now.

The Republican bill has two funding sources: First, collecting defaulted student loans through current law; and second, selling the electromagnetic—communications—spectrum. The problem is, not 1 penny will come into the Treasury until after 1994. Under current law, if a person receives a student loan and then defaults on that loan, the money can be collected by the IRS in withholding from any tax refund to which that person may be entitled. That's in the law now, and is scheduled to be implemented until 1994. The Republican bill simply extends that law for 3 years in the future. In other words, not a single penny will not come into the Treasury until 1994.

The Republican bill would also force part of the eligible spectrum to be sold in 1992—this would amount to a quick fire sale that would result in loss of billions of dollars to the U.S. Treasury. If this sale were rational and planned, several billion dollars more could be raised.

Once again, in contrast, the Democratic bill would utilize the trust fund for the exact purpose it was designed for. The trust fund was established for the sole purpose of paying extended benefits during times of economic distress. Democrats believe that it is not fair that the unemployment trust fund surplus is allowed to continue to grow, while millions of Americans are exhausting their unemployment benefits.

The unemployment trust fund contains a surplus of nearly $8 billion. This surplus came from business contributions to be used during such periods of economic distress. Together with interest earned on trust fund contributions, the Government will take in 10 times the money that is paid out. This trust fund surplus contains more than enough funds to pay for the Democratic bill. In fact, even with enactment of the Democratic bill, the Congressional Budget Office has estimated that a sizable surplus will remain in the trust fund.

Mr. Speaker, I am including for the RECORD, as I mentioned, some letters, newspaper articles, and Resolution No. 10.

To: U.S. Representative, Hon. JOHN CONYERS, Jr.

From: Ms. Willie Mae Thompson, Detroit, MI.

Dear Congressman Conyers: Sir, I am writing this letter to address my concerns on the unemployed people in our state of Michigan. I am not going to quote numbers, because I am sure you already know the statistic of the unemployed.

I am one of the many unemployed people in Michigan; I myself do not want to be among the unemployed. I am a 48 year old, black single (female) whose benefits has run out. I am unable to get help from Social Services. We the unemployed have no income, no insurance, and our future looks very dim.

Congressman, I like others have been looking for work, employers want younger workers to do the work. Sir, there are no jobs. The many displaced unemployed workers need help to keep our dignity and self-esteem; please help us!

Thank you Congressman for your time and endurance in reading my letter.

Detroit, MI, May 2, 1991.

Congressman JOHN CONYERS,
House Office Building, Washington, DC.

REPRESENTATIVE JOHN CONYERS: This is a letter concerning the problem of plant workers losing their jobs. The Big Three auto makers just lost 2 billion dollars and if they don't bounce back that will mean more jobs lost. The article in the Detroit Free Press about the loss says they will improve. If they don't bounce back can you do something about the jobs that will be lost. Can you propose a bill that will give them job security or a work program.

Sincerely,

JASON ATKINS.

[From the Washington Post, October 23, 1991]

ECONOMIC WORRIES ERODING SUPPORT FOR REELECTION OF BUSH, POLL FINDS

(By David S. Broder and Richard Morin)

A sharp loss of confidence in the nation's economy is eroding support for President Bush's reelection, according to the latest Washington Post-ABC News Poll.

In the survey, 47 percent of those polled said they were inclined to vote for Bush, while 37 percent said they would prefer the unknown Democratic nominee. That is the first time Bush's "reelect number" has dropped below 50 percent in the Post-ABC poll, and represents a steep decline from the 68 to 20 percent lead Bush enjoyed over an unknown Democrat last March, at the end of the Persian Gulf War.

According to the poll, a slight majority—51 percent—agreed with the statement: "After four years of George Bush we need a president who can set the nation in a new direction." But 44 percent agreed that "we need to keep the country moving in the direction George Bush has been taking us."

The poll of 1,536 randomly selected Americans was completed Monday night.

Bush's increased vulnerability is clearly linked to concerns about the sluggish recovery and the growing fears of a "double-dip recession," a second economic downturn after a brief and weak period of growth. Those same worries have prompted the president in recent days to press his advisers to come up with an economic stimulus proposal.

In the poll, only 37 percent said they approved of Bush's handling of the economy—down 5 points in the last month—and 70 percent said they agreed with the statement that Bush "spends too much time on foreign problems and not enough on problems in this country." That figure has increased slightly since September, when 66 percent agreed.

That poses a potential problem for Bush, who is scheduled to begin several weeks of almost unbroken overseas travel at the end of this month.

Overall, the percentage of Americans who say the economy is getting worse and not better has increased from 41 percent last month to 56 percent in the latest Post-ABC survey. And unemployment has replaced drugs and crime as the nation's biggest worry. According to the poll, 19 percent named unemployment as the biggest problem facing the country, up from just 7 percent in March.

Overall, 42 percent of those questioned named unemployment, the federal budget deficit or some other economic problem as the nation's biggest concern, up from 26 percent just last month.

Nearly half of those interviewed in the latest poll—48 percent—said they believed that most Americans are worse off now than they were four years ago and 41 percent said they are no better off. Just 7 percent said they believed that most Americans are better off now than they were before Bush took office.

The news in the latest survey was not all bad for Bush. His overall job approval rating stands at 65 percent, down slightly from last month's 69 percent. The president continues to get high marks from the public for his handling of foreign affairs. According to the survey, 69 percent said they approved of the job Bush is doing on international relations.

But concerns about the economy are clearly undercutting support for Bush among voters. Only one-third of those who said the economy was getting worse also said they would vote to reelect the president. Among those who felt the economy was staying the same (34 percent) or improving (9 percent), Bush was favored by more than 3 to 1.

The perception that someone other than Bush should set a new course for the country in part reflects a sense that he favors the wealthy and is insensitive to the needs of the unemployed.

According to the survey, nearly half—48 percent—said Bush cares more about serving upper-income people, up from 35 percent in a Post-ABC survey in February 1990.

In the latest poll, only 8 percent said Bush is more interested in the needs of middle-income and poor Americans. Forty-one percent said Bush cares equally about serving all people, down from 51 percent in February 1990.

The poll also found that by 58 to 40 percent, those interviewed said they supported the bill Bush vetoed that would have given jobless workers as many as 20 weeks of unemployment benefits beyond the current 26-week maximum.

Last week, a Senate attempt to override the veto fell two votes short. The Senate Democrats voted unanimously for the measure and Democratic leaders in Congress have vowed to make Bush's veto a campaign issue next year. Yesterday, the House Ways and Means Committee approved another unemployment bill, this one providing up to 13 weeks of additional benefits paid for by increasing the federal unemployment tax on employers by $5.3 billion over the next five years.

WASHINGTON POST–ABC NEWS POLL

Q. Do you approve of the way George Bush is handling his job as president?

[In percent]

	Approve	Disapprove
Oct. 21	65	31
Sept. 15	69	26
Aug. 27	67	26

[In percent]

	Approve	Disapprove
June 2	76	21
April 9	80	18
March 4	90	9

Q. Do you approve or disapprove of the way Bush is handling the nation's economy?

[In percent]

	Oct. 21	Sept. 15	July 28	June 2	March 4	Jan. 27
Approve	37	42	36	46	49	45
Disapprove	60	53	60	50	47	49
Don't know	3	5	4	4	4	6

Q. Which of the following statements best describes your views of how Bush is handling his job as president:

[In percent]

	Oct. 21	Sept. 15
A. He spends too much time on foreign problems and not enough on problems in this country	70	66
B. He spends too much time on problems in this county and not enough on foreign problems, OR	3	2
C. He spends about the right amount of time on both foreign problems and problems in this country	24	30
D. Neither/don't know	3	2

Q. If the 1992 election were being held today, would you be inclined to vote for George Bush or for the Democratic nominee for president?

[In percent]

	Oct. 21	June 2	May 5	March 4
George Bush	47	54	58	68
Democratic nominee	37	29	32	20
Neither	4	4	4	4
Don't know	12	13	6	8

Q. Which of these two statements comes closest to your own views:

	Oct. 21
A. After four years of George Bush we need a president who can set the nation in a new direction.	51
B. We need to keep the country moving in the direction George Bush has been taking us.	44
C. Other/don't know	5

Figures are based on telephone interviews with 1,536 randomly selected adults conducted Oct. 17-21. Margin of sampling error for the overall results is plus or minus 3 percentage points. Sampling error is only one of many potential sources of error in this or any public opinion poll. Interviewing was conducted by Chilton Research of Radnor, Pa.

RESOLUTION 10

Whereas, the true unemployment rate in Michigan is in excess of 8.3 percent, and over 100,000 Michigan workers have exhausted unemployment benefits, and

Whereas, Congress with total disregard for the American worker, passed legislation to allow for the negotiation of a Free Trade Agreement with Mexico which will force more of our Michigan workers into the unemployment lines, and

Whereas, past Presidents and political leaders have unselfishly helped every foreign country and its citizens in times of need, and

Whereas, Congress has passed legislation to extend unemployment benefits to those individuals who have exhausted benefits, and

Whereas, there is an $8 billion reserve presently existing in the Unemployment Trust Fund which is used solely to make the Federal deficit look smaller: Now, therefore be it

Resolved, That this 34th annual Convention of the Michigan State Building and Construction Trades Council go on record as asking President Bush to show the same compassion to the citizens of this country as he has done for so many other countries around the world who are in need of financial help by declaring an emergency and releasing the necessary funds so that states can initiate extended benefit payments for workers whose unemployment insurance has run out, and: Be it further

Resolved, That this resolution be sent to our elected Federal leaders with a list attached of all delegates to this convention and the organizations they represent, and: Be it further

Resolved, That this resolution serve as notice to our elected officials that the welfare of the citizens of our country must be of primary concern to our elected political leaders, and: Be it finally

Resolved, That the delegates of the Michigan State Building and Construction Trades Council assembled at the 1991 annual convention support House Resolution 101 and Senate Resolution 78 which will remove the Free Trade Agreement from the "Fast Track" process.

Respectfully submitted,

OFFICERS AND EXECUTIVE BOARD,
Michigan State Building and Construction Trades Council.

Mr. OWENS of New York. Mr. Speaker, I thank the gentleman. The gentleman is from the State of Michigan, and Michigan, like New York and a number of other Northeastern States, Midwestern States, did not have the benefit of one of the fastest-growing industries in the country, and that is the savings and loan bailout. The Resolution Trust Corporation is hiring people faster than any other organ of government or certainly even private enterprise.

The States that allowed money to be stolen from the banks, and the States that had the largest number of banks to fail, where the crooks made the most money, those are the States benefiting now from the hiring of the Resolution Trust Corporation. It is a major industry putting back the money that has been stolen from banks, and States like Texas benefit from it greatly, because that is a State where 75 percent of the S&L's failed.

States like Michigan do not benefit; States like New York and a number of others do not benefit, because they did not allow the money to be stolen.

I mention this because the money that ought to be rebuilding our economy, the money that we should be using to build schools and highways, and the money that would put people back to work and create the dynamic economy is going down the drain to replace money that has been stolen out of the savings and loan associations and, of course, a lot of it has been stolen out of banks, too.

We will have the President coming to this Congress soon to ask for money to bail our the commercial banks as well as the savings and loan associations.

We never hear about this from the other side of the aisle. These are billions of dollars that do not buy anything. They just put money back in the pockets of the wrong people.

I think it is important to note that the same Nation that cannot bring itself to take care of a major problem involving 8.4 million human beings with respect to basic survival matters like provision of unemployment insurance, will come to the floor again and again and ask for billions to put in the pockets of people who already have absconded with the funds at the expense of the American people.

I thank the gentleman from Michigan.

Mr. Speaker, I yield to the gentleman from Wisconsin [Mr. OBEY].

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Mr. OBEY. Mr. Speaker, I thank the gentleman for yielding to me.

Mr. Speaker, what I would like to do is take a couple moments to try to personalize this issue. I guess I will start by explaining why it is I got into public service in the first place. Like a lot of people in my generation, we were very much inspired by the 1960 campaign of Jack Kennedy, which was an appeal to idealism and which was also a clarion call to the country to get the economy of the country moving again. Because of that idealism, an awful lot of us went into public service because that government really was an avenue by which we could improve the lives of average people, regular working people.

The problem is that since the 1980's the Government has simply walked away in all too many instances from its commitment to make better the lives of regular working people in this country. That is visible in its budget actions. That is visible in its tax actions and it is certainly visible in terms of what has happened with unemployment.

If I could just point out on this chart beside me, this chart demonstrates the difference in the treatment of persons who were unemployed under the Ford administration, the Carter administration, the Reagan administration, and the Bush administration. If you go back to 1974–75 in the Ford administration, you will see that almost 90 percent of those who exhausted unemployment benefits represented by this green line, were recipients of extended benefits during the peak months of recession.

If you take a look at what happened under the Carter administration, you will see that on average, again represented by this red line, about 60 percent of those who exhausted unemployment benefits were eligible for extended unemployment benefits.

In the Reagan administration, Ronald Reagan four times signed legislation providing extended benefits for people, even though the percentage of people who were covered with extended benefits dropped to about 50 percent.

Then you get to the kinder and gentler Bush administration and what you see is that in comparison to the large numbers of persons who have exhausted their unemployment compensation, you see that a very tiny percentage, only about 5 percent, ranging down to 1 percent as of last August were actually provided with extended benefits.

What that demonstrates is that what is happening today is virtually unprecedented. Since the Great Depression, there has been a bipartisan commitment in this country to provide assistance to people who are out of work, through no fault of their own, for long periods of time. We are not talking about welfare moochers, the traditional stereotype of welfare moochers. What we are talking about is people who have worked for a living, who have tried to make this country better and make a better living for their families and this demonstrates how much help they have gotten in terms of combating long-term unemployment.

The fact is that for many people unemployment is a statistic. It is a happening that shows up in somebody's economic report, but I think that we have to look to our own lives to understand the pain and the disruption in people's lives that is occurring out there in the economy.

So I am going to talk about some personal problems which my own family had while I was growing up. As I said a couple times before on this floor, I will never forget the week I went away to college because that is the week my dad lost his job. I remember going to Madison to enroll in college, not having any idea what kind of help I would be able to get from my family because my dad after working 14 years in the same company was laid off, and it became a permanent layoff for him. That experience not only taught me something about unemployment, it taught me that a young person's access to education ought to be determined not by how many dollars his old man has in his bank account, but how much determination he has in his heart and how much willingness he has to try to make something of himself.

If you want another example of how a family's security can be shattered almost overnight, again I remember my father going to the hospital for an appendix operation and coming out of the hospital with his arms paralyzed, totally unable to use his arms. That was in the days before you sued people, and we had no idea whether we had an economic future or not. He was lucky. He gradually got back the use of his arms and he was finally able to go back to work, but an awful lot of people in this country, are not as lucky. For an awful lot of them an accident of health, an accident of employment can leave a family shattered long term in terms of their economic prospects.

It just seems to me if you look across the board, what we have seen during the 1980's is that families like that have been walked away from by this administration and by this Government. Whether you look at deregulation or whether you look at the budget or whether you look at the refusal to provide unemployment assistance to people, you see that during the 1980's the Reagan and now the Bush administrations have led us away from equity and the compassion we used to have for one another.

If you take a look at who is being helped by the administration today and who is not being helped, you find some very disturbing numbers. Right now, for instance, the numbers of people unemployed without unemployment compensation is the largest it has been in the last 40 years. There will be 12 percent of all American families over the next year who will have one member or more of their family experiencing unemployment for some time.

If you take a look at what has happened to people in other areas, if you take a look at income, for instance, you see that while we cannot get the administration to help people who are stuck in the unemployment track, at the same time we see the wealthiest 1 percent of people in this society who have had their incomes doubled from about $300,000 on the day Ronald Reagan walked into the White House, to almost $600,000 today. Yet the worker in exactly the middle of the income stream, the wage earner, has seen the purchasing power of his wages drop about $2,000 since 1980 and, for the last year in which records have been compiled so far, you see it drop by another $428.

The administration will brag about the fact that the gap between women's incomes and men's incomes is being closed in this country. It is slightly, but the reason is that men's incomes have come down, not because women's incomes have come up.

If you take a look at poverty, you see similar numbers. The number of Americans living in poverty grew by 2 million people over the same period of time.

A lot of people say, well, that is largely a problem of racial minorities. Baloney. The fact is that two-thirds of the people in poverty in this country today are white. So if anybody thinks that they do not have to worry about the problem because of the color of their skin, I suggest they ought to take a look at the numbers and they will recognize otherwise.

□ 2200

Now we are at a crossroads. Last week this very administration that has chosen to virtually do nothing to get this economy moving again, the administration itself was forced to release numbers which show that this economy is in a virtual stall. We have to find some ways to get the economy moving again.

The administration, in its comments on network television last week, indicated they were falling back on the old saw of a capital gains tax.

Well, again, who gets the benefits of the President's capital gains package? If you take a look at the package that he tried to get the Congress to adopt last October, you see that folks making less than $20,000 a year get so little from the capital gains tax break it barely shows up on the graph. People between $20,000 and $40,000 get about 10 percent of the benefit out of the President's capital gains package. But if you make more than $100,000 a year, guess what? You get about 80 percent of the benefit from the President's capital gains package. That, I guess, is the administration's idea of equity.

I do not think we should be surprised by that, however, because as long ago as 1981, what the Reagan/Bush plan for equity in this country was all about was really demonstrated by a famous quote from David Stockman, the Reagan director of the Office of Management and Budget. In explaining the Kemp/Roth tax cut that was passed in 1981 under Reagan and which started us on the road toward triple-digit deficits and very wealthy bonanzas for the wealthy at the expense of the middle class, here is what David Stockman said. He said "Kemp/Roth was always the Trojan horse to bring down the top rate. It is kind of hard to sell trickle down, so the supply-side formula was the only way to get a tax policy that was really trickle-down. Supply side is trickle down."

It just seems to me that it is time not only to have action on the unemployment compensation front, it also seems to me that it is time to have action on the tax cut front.

I think that we ought to start, certainly, by having a middle-class tax cut, such as that laid out in the Downey/Miller/Obey bill, also known as the Downey/Gore bill if you include Members from the other body.

If we do not begin to deal with both of these problems, both the problems of the long-term unemployed and the problem that the middle-class families in this country simply are not able to earn enough to get from paycheck to paycheck, we are going to continue to have an economy that is in a virtual stall.

Now, I would like to make just one other point. There are those who say, "Well, if you just provide some nice growth initiatives, capital gains and all the rest, if you just listen to the Republican administration, we know how to get growth. Let me point out that, going all the way back to Harry Truman, no Congress has ever changed any President's budget by more than 2 percent. So the fact is we have been, effectively operating under Republican policies for the last 12 years or 10 years. And what have we gotten? Compare the economic growth in the United States from the first quarter of 1989 through the first quarter of 1991; seven-tenths of 1 percent growth over that period for the United States. Holland, almost 6 percent; Italy, 4.5 percent; Japan, almost 12 percent; Germany, 8 percent; France, 4.6 percent.

It seems to me that while the Bush administration may be leaders of the world in terms of foreign policy, in terms of demonstrating how to make the economy grow they could learn something.

If you take a look at the growth record of the Bush administration in comparison to previous administrations, the Bush administration at this point in terms of overall economic growth during the over 2 years that he has been President, they have had actual growth of less than 1 percent; 3 percent if you count their predicted growth for the rest of this year. President Reagan gave us almost 6 percent real growth in the first 3 years; Carter gave us 11.7 percent growth; Jerry Ford gave us 5.1 percent; Nixon gave us 5.3 percent; Lyndon Johnson, 17 percent growth; Kennedy gave us 14 percent growth; Eisenhower gave us almost 6 percent growth over the same period.

So I think, again, that the administration has demonstrated that it does not really know much about how to get the country moving again. But it certainly does know how to get the pocketbooks expanding for some people, because if you take a look at this incredible series being run by the Philadelphia Inquirer, you will see, if you want to compare what has happened to people in different income levels, you will see that the total dollar value of the increase in salaries of people earning $20,000 to $50,000 over the last decade has gone up by about 44 percent. But the total dollar value of the salaries of people earning $200,000 to $1 million has gone up by 697 percent and the total dollar value of the salaries of people earning more than $1 million in that same period has gone up by 2,184 percent.

That demonstrates who is getting it and who is not in this society. That is why we are doing what we are doing here tonight, trying to draw attention to the fact that not only do we have gross inequities in this country in terms of taxation, in terms of income, but we also have gross inequities in terms of whose problems are being paid attention to by this administration.

As I said earlier, there is no one that more exemplifies the callousness of this Administration than those who are stuck in long-term unemployment.

Mr. Speaker, FDR said long ago,

> Better the occasional mistake of a Government that cares than the inaction of a Government frozen in the ice of its own indifference.

To me that is what we have: We have a Government frozen in the ice of its own indifference because the people who travel in social circles of the people running the Government, do not experience the pain that is being experienced by the average American.

I said on the floor last week, and I will say again, if you want to know what is happening to the average American, you do not have to sit in the White House reading the economic reports of the Council of Economic Advisers. You do not have to listen to the OMB reports. You do not have to look at the Commerce Department statistics.

Just go out in the average neighborhood and knock on a few doors.

Mr. Speaker, I did that last week in two communities in my district, Superior and Ashland. It is very interesting what you learn.

I talked to three different people who had "the pleasure," in their words, of experiencing significant long-term unemployment. I talked to another woman who spends her days, day in and day out, a young women whose job is to care for a very elderly person suffering from Alzheimer's. She spends the entire day in that home, trying to keep this woman from injuring herself, trying to provide some human companionship.

What did she ask me for? She did not ask me for a tax cut, she did not ask for a Government handout. What she asked is that we pay some attention to the people like the woman that she was caring for, who had been either ignored by society as a whole or who have lost their family and have nobody to care for them.

I went a few doors away and ran into a person in quite different circumstances, a person who had retired from an income of well over $90,000 a year. And what was he talking to me about? He talked to me about how he wanted a capital gains tax cut.

Well, I have been impressed through my life by the fact that usually it is people with the least who expect the least, who ask the least from their Government. But they have a right to get more than table scraps, and that is what this administration, in my view, has been providing.

They have been providing table scraps for the middle class, table scraps for the poor, while they have been supporting the tax policies that have given the very wealthiest people in this society, the wealthiest 1 percent, tax cuts that average $80,000 per person.

Now, that is simply bad economics, it is bad social policy, it is bad morals, and it seems to me that it is about time it stops. It ought to stop right now with the determination to do something to help with the long-term unemployed and then to move on to a new middle-class tax cut that indicates that this city understands the pain, does understand the concern and does understand the squeeze that most of the American families have experienced for the last decade.

□ 2210

Mr. DELAY. Mr. Speaker, would the gentleman yield just to defend his charts?

Mr. OBEY. Surely.

Mr. OWENS of New York. Mr. Speaker, I think I control the time.

Mr. DELAY. Mr. Speaker, I am asking the gentleman from New York to yield.

Mr. OWENS of New York. I would yield only if there is an understanding there will be a reciprocity that, when they control the floor, they will be yielding for questions.

Mr. DELAY. Absolutely.

Mr. OWENS of New York. I yield to the gentleman from Texas [Mr. DELAY] to ask a question.

Mr. DELAY. Well, if the distinguished chairman of the Foreign Ops Subcommittee on Appropriations Committee would pull a couple of those charts back up, frankly I did not understand his first chart, and I wanted to ask him about the chart that compared the administrations.

Mr. OWENS of New York. I am afraid we do not have that much time. We have got other speakers that have to go.

Mr. DELAY. We have got all night.

Mr. OWENS of New York. Well, we do not have all night right now. We have other speakers that have to go; I am sorry. Come back later——

Mr. DELAY. Well, would the gentleman from New York yield just to let Members know what is going to go on here? Are they going to bring information out here and then not defend it? Is that the way this is going to work all night?

Mr. OWENS of New York. Mr. Speaker, no, I control the time for the next 15 minutes. There are several speakers that have to speak, and the gentleman from Texas [Mr. DELAY] will have plenty of time tonight if he wants to stay here.

Mr. DELAY. Would the gentleman yield further?

If the gentleman from Wisconsin [Mr. OBEY] would stick around for our time, we would like to check his charts.

Mr. OBEY. If the gentleman from Texas [Mr. DELAY] wants to talk to me about the charts, I will certainly be available.

Mr. OWENS of New York. Mr. Speaker, I yield to the gentleman from California [Mr. FAZIO].

Mr. FAZIO. Mr. Speaker, I thank my friend, the gentleman from New York [Mr. OWENS] for yielding me this time, and I am very pleased to be engaging in this all-night vigil with a couple of my colleagues, and I particularly want to thank the gentleman from Michigan [Mr. BONIOR], the majority whip, for organizing this effort.

Mr. Speaker, I think we are all here tonight to address the American people for two reasons. First, there are 9 million jobless Americans who need a little help to make it through this long and difficult recession; perhaps, as we look ahead for the next couple of months, this winter of American discontent. And, second, we have a President who just does not seem to understand what those Americans are going through.

At a time when 2,000 workers a day are being laid off by U.S. businesses all across this country, when almost 9 million people are out of work, and with an economy that has 300,000 more jobless today than it did when Mr. Bush took office, the President has chosen to veto two measures to provide real relief to the worst victims of this recession. We are here tonight to suggest that it takes a lot of guts for a President who has worked this Nation into such an economic difficulty to give the back of his hand to jobless Americans. We are here tonight for the same reason that we are going to pass another extended benefits bill next week, because we will not give up the fight to help the long-term unemployed, people who are simply seeking a return on the insurance that they paid over many years of their employment.

Mr. Speaker, we have been criticized for the delay in getting these benefits to unemployed workers because this debate is not about politics, but it has become political for the simple reason that the Democrats are for this measure and the Republicans and the President are against it. Democrats are here because we are listening to the people back home when they tell us what it feels like not to have a job and what it feels like when one cannot find one, what it feels like not to have a job, but to have car payments, not to have a job, but to have kids who need diapers, who need clothes and who need food, not to have a job, but to have a mortgage to pay month after month after month. We are listening to our constituents when they tell us that they have never been out of work before this Republican recession, when they tell us what it feels like to send résumés to every firm in town without even a nibble, when they tell us no matter how many doors they knock on, nobody is hiring workers, only letting them go.

Mr. Speaker, Democrats have been trying to help these people for a long time because we know that only 38 percent of the unemployed are today receiving any benefits, and that is simply a record low for recent American history.

Last July, the Democrats in Congress passed an extension of the unemployment benefits and sent it to the President. The President signed the bill saying he was concerned about the problem of the unemployed, but then blocked the benefits from going into effect. So, we sent him a second bill, and on the morning that Clarence Thomas took the stand to face the charges of Anita Hill the President vetoed that second bill in the media equivalent of the dead of the night.

Well, if the President prefers to deal with this issue in the darkness, we are here all night to talk about what families are facing across this country day after day after day.

In my congressional district alone, more than 25,000 people were unemployed in July, and things have gotten much worse since. That is 25,000-plus proud, but fearful, families who need a hand to keep a roof over head. I have heard from a lot of those people in townhall meetings and on the streets of my district. I have heard from their neighbors, families, and friends. They have written me letters and called my office. They want to know when George Bush is going to show that he cares about them.

Mr. Speaker, I would like to share a few of those letters and some of the phone calls I have received as well. Here is one from one of my constituents. He says:

> I have been a productive member of society all my life (40 years). I am now unemployed. I have been unemployed for almost half a year. My unemployment insurance benefits are due to run out on the 24th of August. I don't want to be unemployed and I don't want to go on welfare. Somebody has to try to get through to President Bush that there is a real recession going on out here and that it isn't over yet by a long shot.

Another letter from Benicia, CA:

> A husband and wife both are unemployed. She is a paralegal who has been unemployed since June 15. Her husband is an MIS Operations Manager whose income had been $60,000/year. He was laid off on July 3, 1991. They have both been looking for work diligently. She says she has sent résumés to every law firm in Benicia. She is taking as much temp work as she can find. He has been enrolled in a program through the state Employment Development Department. He has taken a two month assignment at $15/hour.

Mr. Speaker, this is a man who earns $60,000 a year.

> Their living standards are not out of the ordinary. They don't have any car payments, and their house payment is $1,100/month. She feels their ability to find a job is restricted by the number of people that are looking—not their efforts in their job search.
>
> Her family cannot help. Her father made his living as a self-employed CPA. He had a stroke and her parents used their savings for his recovery.
>
> They cannot sell their home—no one is buying.

Mr. Speaker, they want to know how can the President not know what is going on.

I received a phone call from a gentleman from Vacaville, CA. He just says simply:

> It's about time we did something for the people of this country and stop sending all our money overseas. I support extended benefits to the unemployed in this country.

Another gentleman from the same community is irate that his unemployment insurance benefits ran out, and he asked that Congressman FAZIO urge President Bush to release the emergency funds.

These people are not asking for a handout, Mr. Speaker. They are simply asking for access to the insurance that they already paid for. But the only thing the President is offering these Americans and every American struggling to make it through this recession is a renewed call for the discredited policies of the past, a capital gains tax cut.

Today the majority leader and the Joint Committee on Taxation issued a disturbing analysis of the GOP so-called growth package. It showed that more than 80 percent of the benefits would go to people making more than a hundred thousand a year, the same people who have been seeing their incomes double over the last decade while the wages of the middle class stagnated, the same people whose tax burden fell by more than 10 percent while the tax burden of all but the poorest Americans remained essentially unchanged, the same people who have good jobs and are not facing the struggle of the unemployment line.

Mr. Speaker, I think it is time to stop worrying about the wealthy and to start worrying about the middle class and the unemployed. We have had enough black-tie economics, Mr. President. It is not fair, and it is not working. The Nation needs an economic vision which addresses the needs of blue collar and white collar Americans. For a start, I would support, if I were the President, the long-term unemployed when the third benefit bill passed by Congress' hands on its way to my desk sometime in the next couple of weeks, and I want to yield now briefly to my friend from California.

□ 2220

Mr. OWENS of New York. I want to yield now briefly to my good friend, the gentlewoman from California [Mrs. BOXER].

Mrs. BOXER. Mr. Speaker, I want to say that I hope the President is listening tonight. Every time we have talked about this before we hear "this is politics, this is politics." Maybe the way we handle this issue is political, but I have news for my colleagues on the Republican side of the aisle. This is not about politics, it is about people. It is about people who are hurting. It is real and it is painful.

In California there is about a 7.7-percent unemployment rate, up from 7.3 percent. There are about 190,000 children who go to sleep homeless. It is painful. There is about a 9.3-percent unemployment rate in Los Angeles County. One out of seven jobless workers lives in California. Benefits have been exhausted by a quarter of a million workers in California.

Our children are hurting, child abuse is up, and neglect is surging; 647,000 children under the age of 12 were hungry in California in 1989. What can we do? Tell this President to find within his heart the kinder and the gentler, and to sign this package as a start.

President Bush goes to Russia and he tells Mr. Yeltsin he is going to help him move his economy from a defense-based economy to a civilian-based economy. What about America? Let us get started, Mr. President. It has been too long and it has been too tough.

Mr. OWENS of New York. In my last minute, Mr. Speaker, I would like to say that it is possible—and I hope the American people understand—that we do not have a basket-case economy. The money to revitalize our economy and put all Americans to work is here. It is available; $100 billion is still flowing out to overseas bases that we do not need any more. More than $28 billion is still being spent on the CIA and intelligence-gathering apparati that we do not need any more. Billions more are being proposed for the bailout of the savings and loan associations, and billions will be proposed for the bailout of the commercial banks.

The money is here. We can spend the money to put our unemployed back to work. We can build schools, we can build bridges, and we can do all the things that are necessary to revitalize our economy. The will is necessary. The President must be made to care more about those who are unemployed. We owe it. It is a first duty of government to promote the general welfare.

ORDER OF BUSINESS

The SPEAKER pro tempore (Mr. OWENS of Utah). Under a previous order of the House, the gentleman from Indiana [Mr. BURTON] is recognized for 60 minutes.

Mr. GINGRICH. Mr. Speaker, I ask unanimous consent to go ahead with my special order. We had an agreement.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia.

Mr. BONIOR. Mr. Speaker, reserving the right to object, I am not going to object. I just want to raise the issue with my colleague which I discussed with my friend from Georgia and others on the other side, that we would alternate the time. Hopefully we can get into a dialog between both of us on these issues.

I understand that there are many Members who were here originally who wanted to speak, and that may not have occurred in the first hour, but hopefully we can engage in a dialog. I will not object. I look forward to equal debate on this issue as the evening goes on.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

PROBLEMS OF UNEMPLOYMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia [Mr. GINGRICH] is recognized for 60 minutes.

Mr. GINGRICH. Mr. Speaker, I thank my friend from Michigan. I want to say it is my intention, once we have 15 or 20 minutes on our side, from that point on to yield. I think it is much better for the country and much better, frankly, for us as an institution, to have a genuine dialog. That is something we do not do as often as we should on the floor, and I think it would be a helpful thing.

Let me just say, listening to the last hour, that I was struck with the level of chutzpah that our Democratic friends were displaying. I think chutzpah at three levels.

First of all, we on the Republican side, being in the minority and not being able to schedule legislation, often have special orders to try to bring attention to get bills to the floor. It is a little remarkable to have the Democratic majority, which can always schedule legislation whenever it wants to, having special orders when it will not bring certain bills to the floor. I think that is just an interesting example of the difference.

Second, I think to have the Democrats kill the President's growth proposals for 3 years in a row, and then to blame the President for the lack of growth, is an extraordinary thing. I think the country ought to understand that the President asked for an economic growth package in January 1989, it actually passed the House and was killed in the Senate; asked for an economic growth package in January 1990; asked for an economic growth package in October 1990; asked for an economic growth package in January 1991.

Senator PHIL GRAMM has introduced the Gramm-Gingrich growth package to create jobs in July 1991. We asked the Rules Committee to bring it up in August, we asked the Rules Committee to bring it up in October. I moved it as an amendment on the House floor, and heard the following extraordinary statement. This was during a vote on the Democrat's unemployment bill.

I offered an amendment which would be added to the unemployment bill, the Gramm-Gingrich economic growth package to create jobs, and the Speaker made the following ruling, and I quote:

> The amendment proposed in the motion offered by the gentleman from Georgia contains provisions to provide incentives for work, savings, and investment in order to stimulate economic growth, for job creation, and opportunity. Therefore, it is clearly not germane to an unemployment bill.

Now, I think that is an extraordinary example of the logic of the House as run by the Democrats, that if you are trying to create 1,100,000 new jobs, that that somehow does not relate to unemployment because you are not just sending out a Government check.

But there is a third level of chutzpah which I thought was extraordinary. That was to have one of the political leaders of the Democratic Party who has been running commercials attacking us on unemployment stand up tonight to explain that it really was not political to be talking about unemployment, although, in fact, the Democrats will not bring up the unemployment legislation we have asked for.

I might note that Congressman JERRY SOLOMON, the ranking Republican on the Rules Committee, announced today that he has filed a discharge petition on House Resolution 242 to provide for consideration of the Republican unemployment compensation bill. Because the Democratic leadership will not bring our unemployment bill to the floor, a bill which the President will sign which would send 10 weeks of checks to unemployed workers, we are now filing a discharge petition because it is the only way to bring it to the floor, with the Democrats controlling the legislative process in the House the way they do.

This bill, authored by Senator DOLE and Congressman MICHEL, does in fact meet the budget requirement, is in fact paid for over a 5-year period, and would be signed by the President because it meets the pay-as-you-go requirements of the budget agreement. Therefore, we could at any time within, I believe, 48 hours, have checks going out to the unemployed if the Democrats were prepared to allow the bill to come to the floor and to be passed.

But let me go one stage deeper. I believe there is something fundamentally different between the two parties, and that this debate in that sense is very, very important. I believe that anybody who analyzes this debate and the last few debates on unemployment will see two primary differences between the Democratic majority and the Republicans, and some Democrats in the House, and an enormous difference between virtually all the Democratic candidates for President and the President of the United States.

The first is the goal we focus on. On our side, as Republicans, we are focused on economic growth and job creation, because we believe the most powerful, the most profound step toward fairness is to help people to get jobs. We believe jobs are fairness. We believe that economic growth is fairness, and we believe that if you are going to have a free enterprise society and you are going to have a society that is an open democracy, as ours is, that the most important social policy you can have is to create jobs. Then once you have your initial, basic job, to create better jobs, and then to maximize take-home pay to give people a chance to have a decent living, to raise their family, to create a community, and to belong to their neighborhood.

☐ 2230

I would suggest that if you listen to the rhetoric of our friends in the Democratic Party, their focus is on unemployment. They understand the pain, they do not necessarily understand the health; they understand that people are ill, they do not necessarily understand the medicine. Which gets me to my second point, which is that I think there is a fundamental misunderstanding about how jobs are created on the part of the vast majority of the Democrats.

I brought some books tonight. "Minority Party," by Peter Brown; "Why Americans Hate Politics," by E.J. Dionne, Jr.; "The Other Path," by Hernando DeSoto; "The Growth Experiment," by Lawrence B. Lindsey; "The Way the World Works," by Jude Wanniski; and "New York Unbound," by Peter D. Salins.

I brought these books because they are a sample of recent literature which consistently says the following: If you want a free enterprise society, you encourage people to work, you encourage people to save, you encourage people to invest, and then you get a dynamic and a free enterprise society of entrepreneurs going out and founding companies and creating jobs and creating take-home pay and creating wealth, and then everybody is better off.

If, for example, the United States had grown at the rate of Japan since 1965, if you start with the creation of the Great Society under Lyndon Johnson and you took the Japanese growth rate from 1965 to the present, and you compared that to the American growth rate, if we had simply focused on job creation and economic growth, every poor person in America would be dramatically richer today. The budget, if current spending was about at its present level, the budget would be balanced and have a substantial surplus. The United States would be about twice as wealthy as it is today. We would have more than enough resources for health care, we would have more than enough resources for education, we would have more than enough resources, and, in the process, the poor would have gotten richer.

As John F. Kennedy said, a rising tide lifts all boats, and that tends to be true everywhere, except in areas that have been so thoroughly undermined by the welfare state that they suffer from a pathology. But virtually everywhere in America, if people have any chance at all, if the economy rises, people will rise with it.

Now, I would just suggest that the No. 1 goal of the United States in that sense ought to be economic growth and jobs. The No. 1 test in this Congress every day ought to be are we killing jobs or are we creating jobs?

I find it astonishing that faced with an opportunity now for over 2 months to bring to the floor an economic growth package, and I just want to say very briefly, I had a number of steps. They created 75 enterprise zones in urban and rural areas, in the most poor areas, in the areas with the fewest jobs. It allowed senior citizens to earn $8,000 additional without being penalized by Social Security every year. Eight thousand additional dollars for senior citizens.

It has a $1,000 tax credit for couples under $43,000, to enable them to buy their first home by giving them a tax credit against the down payment on their first home, a step, by the way, which the home builders have estimated would create 220,000 additional home sales a year.

It had an IRA-plus for everybody. An IRA, and Individual Retirement Account, that you could use for health, education, housing, or retirement.

It allowed parents and grandparents to take their IRA out and loan it to their children and grandchildren to buy a home, a step that strengthens the family, a step that strengthens the right of young people to work hard and save and buy their first home.

It created an economic growth dividend that said that every time we had more than 3 percent real growth in the economy, all of the additional money would go back to the taxpayer in the form of a higher personal deduction. And it included capital gains, both indexed, which means that in the future when you invest and you save, you are not going to be taxed for inflation, which is paper costs, and it provided for a modest capital gains cut. Not nearly as much as most of us would like, but enough that economists estimated it would almost immediately create 500,000 new jobs in the first year, and 1,000,000 new jobs by the end of the decade.

Now, we have two things that are nutty about the Congress. The Joint Tax Committee, currently headed by a Jimmy Carter Treasury official, a man who remember, who worked in an administration that created 13 percent inflation, 22 percent interest rates, and set the base for the worst recession since the Great Depression, we have a Jimmy Carter type economic expert working on the Joint Tax Committee. And when they look at a bill, they do not believe human beings change their behavior if you change the Tax Code, and they do not measure the effect on the Resolution Trust Corporation.

The fact is, if you increase the number of homes sold in America, if you increase the value of buying property, the largest seller of property in America today, tragically, is the U.S. Government.

If we increase the amount being paid for property held by the U.S. Government, we would decrease the costs to the taxpayers of the savings and loan bailout.

We had one estimate we just got in today that the economic growth package that Senator GRAMM and I have introduced would save between $6 and $12 billion just from its impact on the Resolution Trust Corporation.

So I would suggest to you that when you have a Joint Tax Committee that does not measure human behavior at all, that was clearly wrong about the job costs of the luxury tax, and that is clearly unwilling to measure whether or not we have any impact on the positive side for the Treasury of the Resolution Trust Corporation, that in fact the Joint Tax Committee is essentially destructive of positive, rational, intellectual, debate in this House, and, frankly, we would be better off if it did not exist rather than to have it in its current form.

Mr. DORGAN of North Dakota. Mr. Speaker, will the gentleman yield?

Mr. GINGRICH. I would be glad to yield to the gentleman from North Dakota.

Mr. DORGAN of North Dakota. Mr. Speaker, I would like to ask the gentleman a question and make a brief comment.

The gentleman from Georgia [Mr. GINGRICH] indicated that the head of the Joint Tax Committee is someone that comes out of the Carter administration, and therefore refuses to recognize that there are changing patterns of behavior if you make changes in law.

The Joint Tax Committee was headed by someone who worked in the Reagan administration prior to that. Does the gentleman know whether the Joint Tax Committee under that leadership provided exactly the same kind of revenue estimates?

Mr. GINGRICH. Mr. Speaker, yes. I can tell the gentleman because of my efforts in the Budget Committee and the budget negotiations last year, the Joint Tax Committee is resolutely committed to a medieval level of ignorance in terms of how human beings behave.

Mr. DORGAN of North Dakota. My question was whether that was attributable, as the gentleman suggested to us, because somebody who worked for the Carter administration headed the Joint Tax Committee. It seemed to me the answer of the gentleman was the Joint Tax Committee did the same kind of estimating when someone headed it who previously worked for the Reagan administration.

Mr. GINGRICH. Mr. Speaker, I would simply say to my friend that if I had any modest hope at all that under any circumstance the Joint Tax Committee could be reformed, that hope has now been wiped out by the appointment of somebody whose background is in the most dismal economic period that we have had since World War II under Jimmy Carter.

Mr. DORGAN of North Dakota. Mr. Speaker, I appreciate the gentleman yielding. I just wanted to make the point that when the gentleman stood up and talked about the Carter administration and the Joint Tax Committee, let us frame that to suggest that the Joint Tax Committee, when headed by someone who came out of the Reagan administration, did estimates exactly the way they now do estimates. So the criticism of the gentleman is not about somebody who has a philosophy that worked for the Carter administration, it is about how the Joint Tax Committee does estimates, and the gentleman just colored it with a bit of history about the Carter administration.

Mr. GINGRICH. If I might say to my friend, I do not suggest any evidence of any experience base coming out of the Carter administration which would give anyone any hope that the Joint Tax Committee is in fact going to improve.

Mr. DORGAN of North Dakota. Mr. Speaker, it was not lost on me what the gentleman suggested. That is why I raised the point.

I would like to make this observation: You know, I listened to the gentleman speak, and the gentleman strings these words together kind of like a streamer. And when the gentleman is finished stringing them together, I think, "That sounds good. Let me sign up for that."

And then I look under the hood and I see the engine that drives all of these words. The engine is a basic Republican belief that somehow the country will be better off if you simply make the rich a little richer; that somehow if you provide a full capital gains tax treatment, the way we did it in the old days, buy a share of stock, hold it 6 months and 1 day, and pay a much lower tax rate than the person who works and works hard for 8 or 10 hours a day pays. And somehow, if you provide that kind of stimulus to the rich, and provide a significant tax break to the upper income people in this country, that the rest will magically be better off.

The difference is a lot of us on this side of the aisle believe that the economic engine in this country is with the rest. That if you give the middle class in this country something to work with, if you give them some jobs, some opportunity, a private sector that is healthy, we think that is the sort of thing that runs the American economic engine.

We do not believe, especially after the past decade in which the rich got much richer, the middle class got squeezed, and the poor got poorer, and in fact the rich end up paying a lower effective tax rate, we do not believe the solution to reviving the American economy is to give an average $25,000 a year tax cut to those whose incomes are over $200,000 a year.

The subject tonight is about the need for extended unemployment benefits for families who have lost their job in a recession and cannot find another.

We are told that the reason for all of that is because the American economy is in the tank. The solution, give the rich some more tax breaks.

Well, we ought to discuss and we ought to debate what the solution is, but at least tonight the question is how can we extend a helping hand to those families that need it.

I might observe, as I have to the gentleman from Georgia [Mr. GINGRICH] previously, that, you know, the President goes all over the world extending the hand of friendship, and it always has a little money in it.

It says, Kurds, here we are, we want to help; Turkey, we want to help; Shiites, we want to help; Bangladesh, we want to help; Egypt, we want to help; Bolivia, we want to help. But when it comes to a family in which the breadwinner has lost his or her income, and they have exhausted their extended unemployment benefits and need some help, somehow it has all gone fishing. Nobody is around. Nobody is home, and we say we cannot afford it.

□ 2240

The money has already been collected not only to afford it but to require it.

Mr. GINGRICH. Mr. Speaker, let me reclaim my time. I appreciate the gentleman's candor. I think he illustrates exactly why this country right now is economically sick.

In the first place, to a level we have not seen, I think very often in modern politics, the facts which I believe the gentleman's party actually believes simply are not factual. It is just not true. Let me give just a couple of examples.

One of the books I have here is "The Growth Experiment," by Lawrence Lindsay, who is the President's nominee to be in the Federal Reserve. He is a professor at Harvard who is pretty widely accepted as a serious economist.

At page 46, here is what he said about the capital gains tax:

> The 1978 Staggers Amendment reduced by nearly half the top effective rate of the capital gains tax, the tax on the increase in the value of an investment such as stock shares paid only after the investor chooses to cash in his or her investment. After this reduction the government actually took in more capital gains than before, 45 percent more in 1979 than 1978. New confirmation that high tax rates had been shrinking the tax base penalizing supply and punishing the economy.

The point is very simple and very central. We are prepared tonight to agree, if the gentleman can get his leadership to do it, that we will bring up the Michel-Dole bill tomorrow. We will pass 10 weeks of extended unemployment tomorrow. If we can get it through the Senate, we could have it signed by tomorrow night.

I moved to raise that bill in this House 1 hour and 30 minutes after the Senate sustained the veto of the gentleman's bill. I came to the floor and said:

> You have failed. The Democratic left does not have a constitutional majority to override the President, which is two-thirds plus one. You have failed. You cannot impose your will. Now if you truly care about the unemployed, we can get them 10 weeks of checks this week.

The fact is, the gentleman's side vetoed it. In fact, ironically, it was the chairman of the gentleman's Congressional Campaign Committee, who has been running the commercials, who got up and objected, which I thought was sort of the ultimate reason why Americans get mad at Capitol Hill. They can run the commercials but they would not bring the bill to the floor.

We can have, if the gentleman wants to test his sincerity, we can have this week 10 weeks of unemployment going down to the White House. We can have the checks sent out next Monday. And in addition to that, we can then bring to the floor the rest of the gentleman's bill. Let us divide the gentleman's bill into two parts, the part that the President will sign and the part that he will not.

Let us get money to the 2½ million American families that we are prepared to send money to this week, if we really care about those families, and then if we want to, bring to the floor the gentleman's bill. Make another run at the President, try to override him. Run the television commercial.

Let me get to my second point. Second, I frankly do not care what the tax rate is on the wealthy as long as they pay more revenue into the Government than they used to. When John F. Kennedy came into the White House, he asked the Internal Revenue Service—we had a 90-percent top rate—and he said to the Internal Revenue Service, how many rich people are paying 90 percent? And the answer was zero, not one.

Now, every left-wing politician in America got up and said, we have a 90-percent top rate on the rich and the rich laughed all the way to their Hollywood movie star fundraiser for the Democrats. They hired lawyers and they hired accountants, and they did not pay a single dime at the 90-percent rate. And they were happy, and they applauded cheerfully while various left-wing liberals got up and said, "We are going to sock it to the rich."

And we had movie star after movie star applauding like crazy because they had already been assured by their agents, "Don't worry about it. There will be plenty of loopholes for you."

What I care about, and this is my challenge to you all, the two simple challenges tonight. We have a motto which we are trying to teach the Russians and the Hungarians and the Czechs. It is called free enterprise.

It says basically, if one loves jobs, one has to love job creators. One has to encourage entrepreneurs. One has to create small businesses. One cannot love jobs and crush job creators without creating a recession.

So my first challenge to you all is, and I think this is the core of our difference, let us debate how we go about creating jobs in a free enterprise, non-Socialist society.

Second, the gentleman wants to talk about compassion. He wants to talk about poor families. I am prepared every day this week, name the time. I am prepared to stay over the weekend. We will pass 10 weeks of checks, get it signed and have the checks going out by Monday for 2½ to 3 million families.

That is not everything the gentleman wants, but he can come back with part B and try to pass it over the President's veto. But for him to stand there tonight and tell us, "Oh, we are concerned about these poor families, we are so concerned we are going to buy three more TV commercials, but we are not willing to bring to the floor the bill which the President will sign which will send checks to 3 million families."

Mr. LEVIN of Michigan. Mr. Speaker, will the gentleman yield?

Mr. GINGRICH. I yield to the gentleman from Michigan.

Mr. LEVIN of Michigan. Mr. Speaker, maybe we can have a discussion without some labels. How many Republicans voted for the bill that the majority Democrats voted for?

Mr. GINGRICH. My memory is about 40, I believe.

Mr. LEVIN of Michigan. Mr. Speaker, I think it was over 50. Are they part of the Democratic left?

I think maybe I will come and read them name by name, the 50 Republicans, and tell me whether they are part of the Democratic left.

Mr. GINGRICH. All of those were prepared to vote for the Michel bill.

Mr. LEVIN of Michigan. I'm not asking what they were prepared to vote for. They voted for our bill.

Mr. GINGRICH. Let me reclaim my time. First of all, my comments about the Democratic left related to the fact that it is their leadership which is running commercials, none of those 50 Members ran commercials. It is their leadership, their leadership which uses the rules of the House to strangle our bill, which does not allow our bill to come to the floor and will not allow it to pass.

Mr. LEVIN of Michigan. If the gentleman will continue to yield, I am going to now fetch the RECORD. I think I can do something tonight, and I am going to read the names of every single Republican who voted for that bill. And I want somebody there among the grouping to tell me which of those Republicans are part of the Democratic left.

Mr. GINGRICH. I will ask the gentleman if any of those 50 had anything to do with writing either the rule or the bill. And the answer is no. They voted for the only thing the gentleman would allow.

Mr. BARTON of Texas. Mr. Speaker, would the gentleman yield?

Mr. GINGRICH. I yield to the gentleman from Texas.

Mr. BARTON of Texas. Mr. Speaker, I think the gentleman from Michigan asked a good question, but I think it is a little bit disingenuous because part of the answer is that no Republican had an opportunity to vote for any other bill. If we are never given an opportunity to vote for any bill except what the majority in the Democratic Party in the House wants to vote for, sometimes we have to vote for the least offensive provision.

I do not see, if I were a part of the majority that had 260 votes and the minority had 160-some-odd votes, what is so wrong with making it in order every now and then to let an alternative be debated and voted on. That has not been done on this.

I think if we would make that in order that 160-some-odd Republicans, however many of us there are, would vote for that. And if that did not get 40 or 50 Democrats, sure, 40 or 60 Republicans might vote for the next best or next worst alternative, however one wants to posture it.

Mr. LEVIN of Michigan. If the gentleman will continue to yield, we are bringing out the names. Good try, but the distinguished minority whip has talked about the proponents of the bill being part of the Democratic left.

Mr. GINGRICH. The people who brought it to the floor, the people who wrote it.

Mr. LEVIN of Michigan. The gentleman said that those who were trying to override the President's veto.

Mr GINGRICH. None of these people voted to override the President's veto.

Mr. LEVIN of Michigan. My guess is a good number of them will, and they will have a chance. They will have a chance.

For the gentleman to label his fellow Republicans and sister Republicans part of the Democrat left shows the poverty of his rhetoric, unless he wants to throw them into the Democratic left.

By the way, a lot of whatever the Democratic left is, Democratic center and Democratic right voted for this bill.

Let me just ask this question: Why don't you just let us vote on another bill and not tie it to these other issues?

Mr. GINGRICH. Mr. Speaker, I will answer it very plainly. Why don't you just let us bring a bill to the floor to rival your bill? What is it you are so afraid of that you cannot allow it to be made in order? What is it that so terrifies your leadership that they cannot allow for a fair debate and fair vote?

□ 2250

Mr. LEVIN of Michigan. Nothing.

Mr. GINGRICH. Then why do you not do it? Why do they not do it?

Mr. LEVIN of Michigan. Can I read you the names?

Mr. GINGRICH. Right now I am asking you: Why do you believe, as a member of your party, why do you believe your leadership is afraid to make in order a bill that the President will sign, and we send out checks to 2½ million people?

Mr. LEVIN of Michigan. Was there a motion to recommit on any of these bills?

Mr. GINGRICH. No. They do not allow it. In fact, I just read earlier, the gentleman may not have been on the floor, but I read the Speaker's ruling, ruling out of order my effort to amend a bill. It was ruled out of order. We were not allowed to bring the Dole-Michel bill to the floor.

Mr. LEVIN of Michigan. Because yours did not relate to unemployment. It had the so-called growth package.

Mr. GINGRICH. It related to jobs. How can jobs not relate to unemployment?

Mr. LEVIN of Michigan. It does. But do not hold the people of this country who are unemployed hostage to your notions.

Mr. GINGRICH. Now, wait, I want to understand how Michigan managed to get into economic trouble. Please, explain to me, how can jobs not be central to unemployment?

Mr. LEVIN of Michigan. They are, but they got in trouble because of the policies of this administration.

Mr. GINGRICH. But you will not pass the policies of this administration. I read the list earlier. The President asked for economic growth in January 1989, in January 1990, and in the summer of 1990, in October 1990, in January 1991. We actually passed, with the help of 64 of your colleagues, we actually passed an economic growth package in 1989, and it was killed by the Democrats in the Senate.

Mr. LEVIN of Michigan. If the gentleman will yield, you know very well you have been pleading with your own White House to come forth with a so-called economic growth package. We are ready to talk to you about economic growth. I have some ideas.

Mr. GINGRICH. You will not let it on the floor.

Mr. LEVIN of Michigan. We will have a package up here, it looks like now, but do not hold them hostage. Do not hold the unemployed hostage.

Mr. GINGRICH. We did not.

Mr. LEVIN of Michigan. Yes, you did.

Mr. GINGRICH. We offered; no; that is not true.

Mr. LEVIN of Michigan. The President, when he vetoes the unemployment bill——

Mr. GINGRICH. That is not true.

Mr. LEVIN of Michigan [continuing]. He holds them hostage.

Mr. GINGRICH. Wait a second.

Mr. LEVIN of Michigan. To your notions of an economic growth greater.

Mr. GINGRICH. Wait a minute; I say to my friend that this is a very important point. It is exactly why we ought to have a dialog like this. I really appreciate the spirit of this kind of exchange.

Let me just say to my friend, first of all, we offered the economic growth package, the Gramm-Gingrich bill, as an amendment to your unemployment bill, and I said at the time I would urge the President to sign your bill.

Mr. BONIOR. Does the President support your package?

Mr. GINGRICH. The President supported the package, yes, sir.

Mr. BONIOR. He supports the Gramm-Gingrich package?

Mr. GINGRICH. Yes. And the White House indicated that they will sign it in the context, and let me answer the question. It is a very fair question, and the While House said unequivocally in a policy luncheon in the Senate that in the context of your unemployment bill, they would support the package in its current form, and it would lead them to sign the bill. It was offered on the floor of the Senate. It got 39 votes the first time. Several Democrats said that for procedural reasons they would not support it then, but they do intend to support it in the future.

Mr. BONIOR. Mr. Fitzwater did not say that.

Mr. GINGRICH. Several Senators said it in the Senate.

Mr. BONIOR. But the White House did not say that.

Mr. GINGRICH. I can quote Darman, and Darman said in the policy luncheon that the White House supports the Gramm-Gingrich package in the context of the unemployment debate.

Mr. BONIOR. But Mr. Fitzwater speaks for the President. Darman does not speak for the President.

Mr. GINGRICH. Darman is the Director of the Budget.

Mr. BONIOR. I know he is, but when he speaks to the press and answers a specific question on the Gramm-Gingrich proposal, they did not support it.

Mr. WALKER. If the gentleman will yield to me, the President told me directly to my face that we would sign the Gramm-Gingrich package; under those circumstances, the President told me directly that.

Mr. BONIOR. Why does he not tell the American people that?

Mr. GINGRICH. Wait. Let me say that the chief of staff, and I will come back to you in a second, the chief of staff, Governor Sununu, has also said, and I believe it was on the Brinkley show 2 weeks ago, that they support the Gramm-Gingrich package. They are committed in this general direction. Let me make this step further, and this is a very important procedural point, because clearly you and many of your colleagues misunderstood our position.

Mr. LEVIN of Michigan. No, we understood.

Mr. GINGRICH. We took two positions. One was that we wanted to add, not substitute, but add the Economic Growth Act, because, frankly, in a conversation in the Committee on Rules, I was convinced it was a more appropriate thing to add it rather than to substitute it, and so we were prepared to send your bill down with an economic growth attached, but there is a second point: The offer to sign 10 weeks of extended unemployment into law, the Dole-Michel bill, is a freestanding offer. This does not tie the unemployment for 2½ million people to anything. It says simply that the bill has to meet the budget agreement, and it has to be paid for, so on that front, it is not at all accurate to charge the administration or the Republicans with any effort to minimize getting checks to 2½ to 3 million people.

Let me complete with the gentleman from Michigan.

Mr. LEVIN of Michigan. Look, this has been a very useful discussion. You have now reiterated that you are willing to go along with the Democratic majority bill, and by the way, now I have the list of 55 Republicans, and at some point I am going to read it and find out which Members beginning with Bentley and ending with Zimmer, so it does not go quite A to Z, it is B to Z, are part of the leftwing clique, but before we get to that, so you are saying that, yes, you would go for the Democratic package on unemployment compensation extension if it is tied to something else.

Mr. GINGRICH. If, in fact, it is tied to creating 1,100,000 new jobs and selling 220,000 additional homes a year so that when unemployment runs out again, which it will, people have jobs to go to. That struck me, by the way, as a very balanced position to say that we will not only extend unemployment but we will create 1,100,000 new jobs.

Mr. LEVIN of Michigan. I think we need a growth package, and we are willing to meet you head-on in terms of what is the best economic growth package, but what you have acknowledged here today, tonight, for everybody to hear, is that you are holding hostage——

Mr. GINGRICH. I did not say that.

Mr. LEVIN of Michigan. Let me just finish. Approval of an unemployment comp bill to your notion of an economic growth package.

Mr. GINGRICH. No. let me just explain.

Mr. LEVIN of Michigan. This is just what you said. you said you will go along with our unemployment comp package if we will go along with your economic growth package.

Mr. GINGRICH. Let me suggest to you that I offered you two ways of helping unemployed Americans, two ways. I offered to accept your dramatically more expensive bill which is not paid for in return for sound economic policies which would create jobs. That is one option. Or, I said, if you find it too hard to vote for free enterprise, and you find it too hard to vote for entrepreneurship and you do not want to create new jobs, then let us go over here and let us accept the Dole-Michel package, and we are then prepared tomorrow morning to schedule first thing passing a Dole-Michel unemployment bill that will send 10 weeks of checks to 2½ million people, and during that, or to 3 million people, and during that 10 weeks, you can then run commercials and fight over the rest of your bill, but at least during that period, you would have 2½ to 3 million families getting Government checks.

The gentleman from North Dakota has been very patient, and I yield to him.

Mr. DORGAN of North Dakota. This has been most interesting. I think I understood the point that has been made between you and the gentleman from Michigan.

But as nimble as you are, I say to the gentleman from Georgia [Mr. GINGRICH], you at least owe us and the American people the sight of you pulling yourself up and dusting off your suit when you stumble over a couple of facts. You do not do that for us.

Let me just give a couple of examples. The gentleman has just told us, and we have known for a long while, the centerpiece of your economic growth package is capital gains. You want a capital gains cut. That is what drives America.

Mr. GINGRICH. The gentleman characterized it as the centerpiece. I also listed about seven other very important items.

Mr. DORGAN of North Dakota. You and I both know that is the engine, and you say that, you know, in fact, you said it when you and I were on the floor previously about a month ago, you say that if we do a capital gains tax cut, it does not cost money. The Federal Government ends up getting more money.

I told the gentleman the last time that we were on the floor that there is a Treasury Department study in 1985 by the Reagan Treasury Department, not Millard Fillmore, not Jimmy Carter, but Ronald Reagan's Treasury Department analyzed the 1978 capital gains tax cut and said it was a loser, a loser.

Now, the second point, you say——

Mr. GINGRICH. Just for 1 second, I just want to stipulate for the record, as they say in lawyer talk, and I am not a lawyer, but I watch TV shows, that, in fact, a later Treasury study repudiated and withdrew that study. We are getting the documents now.

Mr. DORGAN of North Dakota. No; no.

Mr. GINGRICH. I put this in the RECORD the last time we discussed this.

Mr. DORGAN of North Dakota. No. You put it in the RECORD the last time, and the last time you did this, I remarked how convenient it was to have a Treasury Department that is that compliant. What the Treasury Department did for you later was put out a bulletin, not a study, a bulletin in which someone down there had a premonition or a dream of sorts that said, you know, that big study we did in 1985, in fact, they have done two studies, one was 1985 and the 1978 capital gains tax cut and said it was a loser, and another study on the 1981 capital gains tax cut that said that was a loser. Both were Republican studies. Now, somebody had a premonition that they were going to need a bulletin, so they put out a little thin bulletin that allowed somebody else to stand up later and say that this new Treasury Department says that the capital gains tax cut was a winner.

I would like to find a Treasury Department like that to work for us, but, of course, it is not available at the moment.

Mr. BARTON of Texas. It is called winning a Presidential election.

Mr. DORGAN of North Dakota. Let me just make one other point, I say to the gentleman from Georgia [Mr. GINGRICH], you are describing, and have been all evening and have been in the past, the Dole alternative as if it were comparable to the bill we are talking about here that the Democrats are attempting to get passed to extend the helping hand to those families that have lost their jobs, and I think you know that they are not comparable.

In fact, the evidence that we have suggests that they are radically different in the number of families they would affect. They are radically different in the States that would be triggered. In fact, some of the highest unemployment States would not get benefits under that bill. And so what we are talking about here are apples and oranges.

We have proposed, and will continue to propose, that at a time when this country can seem to give everything to everybody all around the world and we are interested in a new world order, that it is time for us to pay just a little bit of attention to those poor folks here at home that have hit a recession, lost their jobs and are about out of hope.

□ 2300

The only hope some of those families might get is that enough of us care to stand up and say there is money in the trust fund. The tax has been paid. It has been collected. It is there, and we want to use it to extend help to these folks who need it.

Mr. GINGRICH. I have to ask my good friend something. I voted against the budget deal. I thought it was, frankly, not a very good deal, and I thought it did not make any sense. I thought the Democrats would raise taxes and start cheating immediately and I said so at the time.

Is it not true that the budget agreement in effect the Democrat leadership set aside the trust fund money as it currently is counted and said we will not try to use precisely the argument you are now using.

Is it not a fact that your bill explicitly violates the budget agreement which all of you promised to keep in return for raising taxes.

Is it not a fact that by any reasonable standard even you admit the way you wrote the bill that your unemployment bill breaks the budget deal and spends money which you had promised would not be spent without the President's approval?

Mr. DORGAN of North Dakota. Mr. Speaker, will the gentleman yield?

Mr. GINGRICH. I yield to the gentleman from North Dakota.

Mr. DORGAN of North Dakota. It is interesting, Mr. Speaker, because this continues a pattern, and certainly consistency is a virtue of the gentleman.

The pattern is that everything that is right the Republicans must claim and get credit for. Everything that is wrong somehow becomes a Democratic logo.

Mr. GINGRICH. There are a number of Republicans who are with you on the budget deal.

Mr. DORGAN of North Dakota. Well, I did not vote for the budget deal last year, either, because I thought it was goofy; but the gentleman is suggesting that the budget deal last year, the summit, was a Democratic summit.

Does the gentleman think the White House was not at the summit?

Mr. GINGRICH. No, no. I told the White House—listen, I agree with the gentleman. I told the White House at the time and I said on the floor of the House in public at the time that what will happen is that we will get the tax increases the Democrats want and they will then promptly start breaking the deal.

All I am saying is that you—not the gentleman personally, but the Democratic Party, the leadership of the Democrats in Congress, promised at the time that they would not spend the money.

Now, I am just handed a note, I guess this is from Today's Congress Daily, the National Journalists Congress Daily:

> SASSER calls for scrapping Budget Agreement.

Then it goes on to quote the Democrat Senate budget chairman.

My only point is this. If you guys want to repeal the tax increases from last year, I am willing to repeal the budget.

Mr. DORGAN of North Dakota. Let me just make this final point, I say to the gentleman from Georgia [Mr. GINGRICH], because it is important. The gentleman is suggesting that we know what we are doing is violative of the budget agreement.

Mr. GINGRICH. Yes.

Mr. DORGAN of North Dakota. The gentleman understands and I understand and most of the people involved in this debate understand that when you declare an emergency, you do not violate the budget agreement.

The gentleman was willing and others were willing to declare it for Turkey, but apparently not for people in this country who need help.

We said this is an emergency. A recession in this country is as much an emergency for people out of work as getting money to Turkey, and the gentleman is suggesting that the President says they are not equivalent. We want to give money to Turkey, but the hell with the folks in this country.

Mr. GINGRICH. Mr. Speaker, let me yield to my friend, the gentleman from Texas in a second, and we will keep going on.

Let me say, we said two things here. We said, first of all, we believe helping the unemployed is serious enough that we are actually willing to pay for it.

Now, we realize actually paying for it is not a Democratic Party tradition, but we were willing to actually find the money to pay for helping the unemployed.

Mr. DORGAN of North Dakota. But the point is that it is not as serious as the need to get money to Turkey; is that not correct?

Mr. GINGRICH. It is serious enough for us to go out and actually find the money.

Mr. DORGAN of North Dakota. Not as serious as it was to get the money to Turkey.

Mr. GINGRICH. In the second place, look, I am prepared——

Mr. DORGAN of North Dakota. I think we need to change our name to Turkey in this country.

Mr. GINGRICH. I am making you a second terrific offer tonight. I have offered first to bring up and pass tomorrow morning 10 weeks of help for the unemployed, now, immediately.

I will make you a second offer. I will agree that we can go ahead, in fact, I would support your budget deal. I will support your unemployment bill if we can include one paragraph in that unemployment bill which repeals the tax increases which were passed last year on the promise, the promise that the Democrats would actually stick on the spending side.

Now, if you are prepared to repeal the taxes, I am very prepared to say let us drop the budget deal and we will go on to something new.

But what you want is to have it both ways. You want to keep the American people's money—and by the way, I did not regard a 5- or 10-cent-a-gallon gas tax increase as a tax on the rich. I do not think raising the gasoline tax, which your party tried to do again this summer, is taxing the rich. I think that is taxing working Americans.

But if you are willing to reduce and eliminate the tax increases from last year, I am willing to talk to you about this particular bill. We could get something worked out this evening.

Mr. LEVIN of Michigan. Did the gentleman from Georgia [Mr. GINGRICH] vote to leave the budget agreement?

Mr. GINGRICH. I would have to go back and look. I do not think I have, not the budget deal. I do not believe I voted to waive the budget agreement.

Mr. LEVIN of Michigan. In any case——

Mr. GINGRICH. I want to distinguish now between rules and the Budget Act, which is a technical thing referring to the 1974 Budget Act, and the budget deal last year. I have actually tried to control spending.

Mr. HUNTER. Mr. Speaker, will the gentleman yield?

Mr. GINGRICH. I yield to the gentleman from California.

Mr. HUNTER. Mr. Speaker, I thank the gentleman for yielding to me.

I want to get back to the debate that preceded the time of the gentleman from Georgia [Mr. GINGRICH] on the floor and particularly those people who got up and read letters from unemployed people in their districts, talking about their problems and their plight, in the hope they would be receiving unemployment checks shortly, but also their hope that they would have jobs. I think that shows the distinction between the Democrat approach here and the Republican approach and what the gentleman from Georgia [Mr. GINGRICH] has talked about.

We want to give people checks. We have a Dole-Michel bill that will do that if the Democrats will swallow their pride and live up to the agreement and follow the pay-as-you-go; but the other thing we want to give them along with their checks is hope and to have a job you have to have an employer.

Now, the counterpart to those people who want to be employed and want to have jobs and hope that along with getting a check in the future they will have new employment opportunities, are employers. There have got to be people out there in America who will be motivated and we think they will be motivated by a capital gains cut to create jobs, to take risks, to expand their factories, to buy more capital equipment to put the people on the payroll.

Now, I talked to one of those people today. He is a guy who was a captain in the Army about 5 years ago. He joined a little medical company. There were 7 employees. He now has 1,200 employees. He is employing 400 people in San Diego. Those people have paychecks.

I ask him today, "What do you think, Republicans and Democrats aside"—he is a guy who does not describe himself as a fierce partisan—"what should we do? What could we do that would motivate you to expand?"

He said, "Capital gains cuts." He said, "If we have a capital gains bill, I think it is going to be good for the job situation in the country."

I guess I would ask my friends on the Democrat side of the aisle, why is it that you cling to this mentality that somehow if you burn down the factory it is going to help the workers, because you do away with "those rich people", those bad people, those people at the top end of the economic scale who somehow always seem to make it to your fundraisers and very seldom over to the Republican fundraisers, the same people who give the Jane Fonda barbecues $1 million take in one night.

So I would like to ask a Democrat to stand up and respond to this reluctance and this reticence to really embrace any growth package that includes capital gains.

I say that for this reason. We all see the same polls and the polls tell us flatly that if the economy is good, Democrat prospects for the next year are terrible. The only hope for your candidates in the Presidential election is no hope. A bad unemployment picture is good for the Democrat Party, and it makes it very difficult for me to feel that you really are working in good faith for a growth package, that you really want to see a package out there that is going to raise George Bush's approval rating to 70 percent in February when your candidates are starting to gear up.

Now, you could lay all those suspicions to rest by embracing a growth package. Why do you not do it?

Mr. LEVIN of Michigan. Mr. Speaker, will the gentleman yield?

Mr. GINGRICH. I yield to the gentleman from Michigan.

Mr. LEVIN of Michigan. Mr. Speaker, there is disagreement whether a capital gains cut as proposed by the President would generate economic growth. The Treasury study under the Reagan administration said it would not. Go and read it. The Treasury study under the Reagan administration said that it would not promote economic growth.

Mr. HUNTER. Is the gentleman saying no capital gains cut until the end of the world would promote economic growth, or until 1995?

Mr. LEVIN of Michigan. That was the Treasury study. We are willing to come here and talk about an economic growth package. Do not use economic growth to prevent the unemployed who are looking for work from receiving the benefits they worked for. Why do you mix the two?

Mr. HUNTER. The reason I mix the two, and I will be happy to ask the gentleman to yield to me to answer that question, the reason I mix the two is simply this. Every letter that was read today of people who want to get a check because they have been unemployed for awhile and they are feeling the pinch and they need that money, every letter included also a statement to the effect that they want to have a job in the future.

I say to my friend, to have a job requires an employer. When I ask employers what it would take to get them, like the gentleman who I talked to today, Ray Larkin, who is the CEO of Milcor in Chula Vista, CA, when I asked him what it would take to get the country moving, to get him and other CEO's to expand, to take risks, to create those jobs that will help those people who write letters saying they want not just a check, they do not want just a check from Democrats, they want a hope. That is the reason more of them have been voting Republican lately.

So the answer to the gentleman is, there are two things they are asking for. They are asking for a check, yes; but they are also asking for an opportunity in the future to have a job. The people that I talked to, and I think the people the gentleman talks to also in the business community who are asked what would have the most salutary effect on the economy and what would create the most jobs for those people whose letters you have read, their answer is a capital gains cut.

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Mr. GINGRICH. Let me yield, Mr. Speaker, to the gentleman from North Carolina.

Mr. BALLENGER. I thank the gentleman for yielding.

If I may, I do not know whether I am the only nonlawyer in discussing this whole thing here. But I would like to know how many people in this room have ever actually created a job before. I actually started a business as an entrepreneur, hocked my house, borrowed the money, bought the equipment. We have 200 people working for us.

Now, if we have 435 people in this Congress producing 200 jobs, that is 87,000 jobs. I do not want to put lawyers down, but how many of them have ever had to make a profit, how many of them have ever met a payroll? That is what runs this place. I am not knocking all lawyers. There have to be some good ones somewhere.

Mr. GINGRICH. I yield to the gentleman from South Carolina.

Mr. DERRICK. I thank the gentleman for yielding.

Mr. Speaker, I am a lawyer, I started a business when I was 21 years old that is now a $1 million business and employs a lot of people. I think all of the gentlemen on that side of the aisle are wrong. You want to know why we do not want your growth package? It is because we tried them and they do not work. Over the 1980's, we became the largest debtor Nation in the world.

Today we have the largest debt we have ever had in history.

After listening to your growth policy for 10 years, that is.

Mr. BALLENGER. That is not because of what happened here. This Congress right here spent more money than we had as income, which almost anybody in the United States would agree was wrong.

Now, unemployment insurance is important, but job creation is more important. If you really want to do something about jobs, a couple of us here have been pushing something called investment tax credit. If you had a business, you would know today that if you wanted to create jobs tomorrow, investment tax credit is it. I have a lot business people right now who would like to do that.

Mr. DERRICK. I did it, I did it under a Democratic administration.

Mr. BALLENGER. Did they have the investment tax credit? What I am saying is that it creates the opportunity. Business people are there right now worried about what this economy is going to do and what this stupid Congress is going to do to destroy the economy, what little bit of economy we have left. If you put an investment tax credit in there right now, there are business people who would like to invest. They are not going to gamble on the economy the way it is, but they would be willing to invest the money to create some new jobs tomorrow. I think I have a friend here who would agree with that.

Mr. GINGRICH. I yield to the gentleman from New Hampshire.

Mr. ZELIFF. I thank the gentleman for yielding.

Mr. Speaker, I could not agree more. Like our friend across the way, I have three small businesses, and we employ 53 people. I can remember the days when the investment tax credit—I have to believe that if you have an incentive to invest in the future, and that is what is wrong right now: we have no incentive to invest in the future; we may have lower interest rates, but it is not going to provide any incentive.

I am not finished, please just let me finish because whatever you did, you did not do right, I say to the gentleman from South Carolina.

Mr. DERRICK. But what you did did not work, it did not work.

The SPEAKER pro tempore (Mr. TORRES). The Chair would insist on the regular order.

Mr. ZELIFF. If I may just finish, the key thing is, if you invest in the future and you have the right plan, you will hire more people and people who are employed pay taxes. As you have the right plan and you employ more people, you have to be a little bit more successful than you were before. You will pay more in taxes. Ultimately, it becomes a pump primer.

I have to agree with my friend that investment tax credit is the quickest way to create jobs that we can possibly think of. The last thing I would like to say, after 55 town meetings, people are disgusted with us in Congress here. It is about time that we not only pass an extension of unemployment on a temporary basis, properly funded, but get on with the progrowth agenda; it is about time we do the responsible thing to get this country moving, to create jobs. It is about time we stopped running our mouth off on both sides of the aisle. I think the Republicans now have the right idea, and you guys ought to listen to it.

Mr. GINGRICH. I yield to the gentleman from North Carolina.

Mr. BALLENGER. I have one more shot at it. Ever since I came to this beautiful place, all we have talked about what it is we need to make American business more competitive. We have to compete with the Japanese, we have to compete with the Koreans. And yet, every day, this body right here restricts business in every way they can think of. They have more costs, they make us more inefficient. There is no way that we can continue to be competitive in the world market with Congress acting the way that it does.

Mr. GINGRICH. I yield to the gentleman from California.

Mr. HUNTER. Mr. Speaker, may I ask what is the capital gains rate in Japan? Japan was offered up as a model of economic growth a few speakers ago on the Democratic side.

Mr. BALLENGER. That is one of the sweetest little deals you ever heard of. Compared to ours, it is nothing, zero to 5 percent.

Mr. GINGRICH. One or five percent, depending on whether it is net or gross.

Mr. BALLENGER. The truth of the matter is this entrepreneur we have been talking about is going to take the money that would be provided by the investment tax credit and put it into his business. Obviously, he is not going to do it if there is not some way somewhere along the line that he can get back some of that money that is necessary. And the capital gains is one thing that stands in his way from investing in a new business. He cannot take—I have a whole bunch of money tied up on brick, mortar, and machinery. There is no way I can invest in anything else, because of our capital gains tax the way it is. This is the dumbest organization I have ever seen as far as the economy is concerned. We have a bunch of lawyers writing laws for an economy they know nothing about. They have never worked, they have never hired, never fired. That is one of the most disgusting things I think we ought to tell the Amercian people. Being completely unbiased, I turn back.

Mr. GINGRICH. I yield to the gentleman from New Hampshire.

Mr. ZELIFF. Mr. Speaker, I would like to just add one other thing. You know, we worry so much about people doing well, making sure we tax the rich. How about the luxury tax credit, the luxury tax that we put in? What we have done with that is we have actually destroyed the boat industry, we have destroyed the luxury car market. Why can we not be smart enough to come back to figure out what makes this country tick? Again, the investment tax credit, incentives to create progrowth, that is the bottom line. I do not know why we go after the wrong end of the spectrum. Why can we not realize what makes this economy grow is growth?

Mr. GINGRICH. I yield to the gentleman from South Carolina.

Mr. DERRICK. You know, the luxury automobile business is not down the drain today and the luxury boat industry is not down the drain today because of the luxury tax; it is because of the Republican-created recession that no one can afford it.

Mr. DELAY. Come on.

Mr. DERRICK. I had a call from one of the automobile manufacturers who started giving me that line. I said, "What about the recession?" After we discussed it a while, he finally admitted that most of the reason they were not selling cars was because of the recession.

Mr. GINGRICH. Let me just say to my friend from South Carolina: There is no greater outrage on this floor than Members of the Democratic majority who have consistently refused to bring to the floor the President's proposals, who then turn and blame the President for a recession which occurred, in large part, because they refused to pass what he has been asking for for 3 years now.

Now, it would be one thing if you had the decency to pass the President's proposals. Then you could sit back and say that, "We cooperated but you failed."

Mr. DERRICK. We passed those proposals back in the 1980's. What did we get for it? We got—

Mr. DELAY. Twenty-one million jobs.

Mr. DERRICK. What did we get for it? The largest deficit in the history of our Nation. What did we get? The average working man in this country is making less today than he was in 1981.

Mr. GINGRICH. Let me answer the question.

Mr. DELAY. Wrong, wrong.

Mr. WALKER. Wrong.

The SPEAKER pro tempore. Regular order. The gentleman from Georgia has the time.

Mr. GINGRICH. Reclaiming my time—we will have plenty of time.

Mr. DERRICK. We have tried all that, we have tried all that.

Mr. GINGRICH. Let me reclaim my time.

The SPEAKER pro tempore. The gentleman from Georgia [Mr. GINGRICH] at this time controls the time. I would ask my colleagues to stick to the regular order.

Mr. GINGRICH. Reclaiming my time.

Mr. DERRICK. We tried all that.

Mr. Speaker, I will give him some of my time. I beg the Chair's indulgence.

Mr. GINGRICH. I can appreciate how, if you are a member of the Committee on Rules for the Democrats and you have been consistently strangling efforts to bring the President's program to the floor, that one would get excited and try to use words—is it not an old lawyer's rule that if you do not have the facts and you do not have the case, the best you can do is find something to yell about?

All I am suggesting to you is—all I am suggesting is, in the first place, in the 1980's, we created 21 million jobs. I suggest that most of the people who wanted an unemployment check would like a job even more.

Second, that we do have a technique for creating jobs. If you want to pass the President's program, then it makes perfect sense to blame the President. But I think for the Democrats to try—let me just finish.

Mr. DERRICK. Just one moment.

Mr. GINGRICH. No. You have not passed.

Mr. DERRICK. Would the gentleman yield for just a moment?

Mr. GINGRICH. Just a second. The Democrats have not passed any of President Bush's requests for economic growth packages. They did pass, with the help of the Republicans and the Democratic coalition, they did pass in the early 1980's a series of tax cuts that did lead to a 7-year period of growth, which is, I believe, the longest peacetime period of economic expansion in our national history. It did create 21 million new jobs.

The Government's revenue virtually doubled, and Congress managed to spend at a rate faster than the doubling of the revenue.

But I would argue that, in the Bush administration, there is an extraordinary level of chutzpah on the part of Democrats in jumping up and saying that the President—that this is the President's recession. If you are not going to pass his economic growth package, you can hardly say it is his recession.

Mr. DERRICK. Does the gentleman blame it on Jimmy Carter? Who does he blame it on?

Mr. GINGRICH. The current recession?

Mr. DERRICK. No, no. I am talking about this recession. You blamed Jimmy Carter for everything else.

Mr. GINGRICH. No, as the Wall Street Journal has said, I blame this recession directly on the Senate majority leader, Mr. MITCHELL's rejection of the capital gains tax.

Mr. DERRICK. We blame it on Herbert Hoover.

Mr. GINGRICH. Let me yield to my friend, the gentleman from Kansas.

Mr. NICHOLS. I thank the gentleman for yielding.

Mr. Speaker, we were talking about the luxury tax, and since we were, let me quote from a recent letter I got from the National Federation of Independent Businesses. They represent 500,000 members. I take it they are authoritative. They say that they support the repeal of all luxury taxes imposed by the Revenue Reconciliation Act of 1990. These taxes were expected to generate significant revenue for the Federal Government. Yet it is very likely that Treasury will end up losing millions of dollars on these taxes because of the cost of collecting the tax. The loss of jobs and the loss of income tax revenue far outweigh the amount of revenue collected by the tax.

Mr. Speaker, they also point out that luxury taxes have not taxed wealthy consumers. Instead they have cost working Americans their jobs. We are talking about employment, we are talking about jobs today. They say approximately 16,000 jobs are expected to be lost in the marine industry. That is only one industry, and over 7,000 employees have been laid off by automobile dealers in the first two quarters of the year. Their conclusion: the luxury tax should be repealed.

So, Mr. Speaker, there would be one significant step we could take toward getting America back to work again.

Mr. GINGRICH. Mr. Speaker, I am about to run out of time, and let me just close with a book that I would recommend to all of my friends on the left. It is by Hernando DeSoto who is a Peruvian. It is called, "The Other Path—The Invisible Revolution in the Third World." It has an introduction by Mario Vargas Josa, the poet laureate of Peru. It is a fascinating study of economic growth in Peru and what kills it, and Mario Vargas Josa in the foreword says the following, and I quote:

> It is essential that the state remember that before it can redistribute the nation's wealth, the nation must produce wealth, and that in order to produce wealth it is necessary that the state's actions not obstruct the actions of its citizens who, after all, know better than anybody else what they want and what they have to do. The state must restore to its citizens the right to take on productive tasks, a right that has been usurping and obstructing. The state must limit itself to functioning in those necessary areas in which private industry cannot function. This does not mean that the state will wither away and die.

He goes on to talk about what has happened in Peru, and let me just suggest to my colleagues that the core of that quote applies to America.

I want to close by making two points I began this hour with. First, we on the Republican side are prepared tomorrow morning to vote for the Dole-Michel unemployment bill which will be signed by the President. If my colleagues could help get their Democratic friends in the Senate to agree, we could have it to the White House tomorrow night, we could have checks going out next Monday to 2½ to 3 million families, and during the 10 weeks that the bill is paid for, which sends those checks out, we can argue over whatever addition they would like to do. But those 2½ to 3 million families would be getting a check. They would not be trapped by politicians.

Second, we believe it is even more important in the long run for America's health to get out of the recession, to create jobs, to encourage job creators to encourage investment, and we would urge our colleagues to make in order to bring to the floor an economic growth package that would truly create jobs to give the Members a chance to stand up and be counted and to agree that we did not go home this fall until we passed, and the President signed into law, an economic package to help the recession.

Now those two principles, unemployment and jobs, are bound together. To talk only of unemployment is to further re-create the welfare state and to mire our citizens down in the kind of permanent unemployment that scars inner cities and scars West Virginia and cripples so many families. We have got to talk about jobs as well as unemployment, and on our side we stand prepared tonight to make an agreement—I think I can speak for the gentleman from Illinois [Mr. MICHEL]—that we would bring up the Dole-Michel bill tomorrow, if the Democratic leadership will let us.

PROBLEMS OF THE UNEMPLOYED IN AMERICA

The SPEAKER pro tempore (Mr. TORRES). Under a previous order of the House, the gentleman from Wisconsin [Mr. OBEY] is recognized for 60 minutes.

Mr. OBEY. Mr. Speaker, I do not intend to take the entire 60 minutes, but I stuck around because a couple of my friends on the Republican side of the aisle have some questions about the charts that I used earlier.

Before I get into that, I would like to yield to the gentleman from South Carolina [Mr. DERRICK].

Mr. DERRICK. Mr. Speaker, let me just take this opportunity to say that I have listened to this debate, listened to the Members on the other side of the aisle for the last hour or so talk about growth packages. Well, they know the reason we are not interested in their so-called growth packages is because we have seen what they can do to this great country of ours. We voted one of their great growth packages back in 1981; Gramm-Latta I think it was, and then of course we voted for the 1986 tax bill. Well, what that has given us, if they are going to blame the 1981-82 recession on Jimmy Carter, let us be fair about it and blame the 1991 recession on Ronald Reagan. As my colleagues know, they cannot go on forever blaming Jimmy Carter for everything, and that is exactly what they did during——

Mr. DELAY. Mr. Speaker, will the gentleman yield?

Mr. DERRICK. Mr. Speaker, I will not yield any time right now.

Mr. DELAY. Of course not.

Mr. OBEY. He does not have the time.

Mr. DERRICK. What the 10 years of the Republican administration has done, when in 1980, the last year that Jimmy Carter was in office, the deficit in this country was about $60 billion. It got up by the mid-1980's under a Republican administration to over $200 billion, and it is up under their present Republican administration for over $300 billion.

What it did: in 1980 we had a debt of about $1 trillion. It took us 200 years to get there. Under the Republican policies of the 1980's our debt tripled. In other words, in 10 years under Republican policies it tripled what it had taken us 200 years——

Mr. DELAY. Mr. Speaker, would the gentleman yield?

Mr. DERRICK. May I continue, please?

And in 1980 we were the greatest creditor nation.

Mr. DELAY. Mr. Speaker, would the gentleman yield? The gentleman interrupted——

Mr. DERRICK. We were the biggest creditor nation in the world—Mr. Speaker, I sat by patiently a few minutes ago and listened to all their—in 1980 we were the greatest——

Mr. DELAY. Mr. Speaker——

Mr. OBEY. Mr. Speaker, I would ask for regular order, please.

The SPEAKER pro tempore. The gentleman from Wisconsin [Mr. OBEY] controls the time. The gentleman will yield the time accordingly.

Mr. DERRICK. Mr. Speaker, in 1980 we were the greatest creditor nation in the world. In 1991 we are the greatest debtor nation in the world. And, if my colleagues will go back, and they talk about all these jobs that were created during the 1980's, to a large degree those jobs were two members of the family that started working. More spouses, particularly women, went to work during the 1980's in the history of our country, and that is where a lot of those jobs were, because today the average working man in this country is making about $1.20 an hour in real purchasing power less than they were making at the beginning of the Republican administration in 1980.

So, the gentleman asks us why we are not enthusiastic about their so-called growth plans. That is why.

Mr. DELAY. Mr. Speaker, would the gentleman yield now?

Mr. OBEY. Mr. Speaker, what I would prefer to do is——

Mr. DELAY. Are we going to have a dialog here?

Mr. OBEY. Well, would the gentleman let me finish? I was going to say that what I prefer to do is get into the discussion which the gentleman wanted to have concerning the charts that I had here. I stuck around an extra hour so that I could accommodate the gentleman who seemed to misunderstand my charts.

Mr. DELAY. Would the gentleman yield then?

Mr. OBEY. So, that is what I would like to do now, if the gentleman from Texas [Mr. DELAY] would like to raise the questions he had about them.

Mr. DELAY. Would the gentleman yield?

Mr. OBEY. Mr. Speaker, I would yield for the purpose that the gentleman asked me to yield for before, which is to discuss these charts. Then, if he wants to get back to anything that was said, I would be happy to do it. But first, since he asked me to stick around for an hour, I am trying to accommodate him. If he does not want to ask the questions, he does not have to ask them, but this is the chance to challenge these charts. Be my guest.

□ 2330

Mr. DELAY. I appreciate the Chairman sticking around for an hour. I also appreciate that we had, I thought, a system set up when our minority whip had the time, but now the rules have changed since you have the time. You get to set the rules——

Mr. OBEY. I have just yielded to you, have I not?

Mr. DELAY. Not for the purpose I wanted to be yielded to.

Mr. OBEY. We will get to that. You raised the first question an hour ago. You can debate him after I am gone. Right now, if you want to debate me, please go ahead.

Mr. DELAY. I understand. The Democrats have one set of rules and we have another.

Mr. OBEY. Will the gentleman please get to it or yield to someone else. Get to it or yield to somebody else.

What is your objection to these charts? These charts show that you have laid down on the job and have not done one blessed thing to help the persons who need help on long-term unemployment.

Now, lay out for me what your objection is to the charts.

Mr. DELAY. Well, first off, let me point out to the gentleman, and I do appreciate him yielding, that you claim——

Mr. OBEY. It was hard for me to tell that.

Mr. DELAY. I am sorry. Did I interrupt the gentleman?

Mr. OBEY. Go ahead. Go ahead.

Mr. DELAY. This is not the chart that I wanted to discuss. I wanted to discuss the chart that you have which I think is called economic growth during the first 3 years of the Bush administration.

Mr. OBEY. That one, all right. Go ahead.

Mr. DELAY. First, there seems to be some sort of selective numbers here. You show that the Johnson administration had a growth of 17 percent, the Carter administration had a growth of 11.7 percent, and you very selectively take the first 3 years of each administration——

Mr. OBEY. No, no.

Mr. DELAY. The chart says 3 years.

Mr. OBEY. Well, the gentleman used this very selectively. Let me show what this chart does show.

President Bush has been in office roughly 2 years, right? And we are in the third year. I cannot project any longer than 3 years, because he has not been President for longer than 3 years.

What we did here was to show, if you take not only—if you give the President the benefit of the doubt, so you take the growth that he has actually experienced or the economy has experienced so far in his Presidency, and then if you add to that the administration's own projections for growth for the next year—and we do not know what they are going to be for the following year, so we cannot talk about 4 years.

Mr. DELAY. The gentleman is answering a question I have not asked.

Mr. OBEY. The gentleman said we are using selective years.

Mr. DELAY. You did not let me finish my question, but go ahead and answer the question I did not ask.

Mr. OBEY. You said we are being selective. We are not being selective. Every President, including George Bush, serves 2 years. Bush is in the middle of his third year. This compares what the economic growth has been in the first 3 years of every administration going back to Eisenhower.

Now, what is your question?

Mr. DELAY. Will the gentleman yield? Can I finish my question? Then maybe you can answer it.

Mr. OBEY. Go ahead.

Mr. DELAY. Or you could answer my statement. I said that you are selectively taking 3 years and applying easy numbers, because you take the Carter years——

Mr. OBEY. Would you answer me a question?

Mr. DELAY. Since the gentleman is not going to let me talk, the gentleman may have the time. I will receive the time later and analyze his chart on my time.

Mr. OBEY. Well, the gentleman keeps suggesting that we have selectively picked years. The fact is that we are comparing George Bush's 3 years with the first 3 years of every other President going back to Eisenhower.

Mr. DELAY. Will the gentleman yield?

Mr. WALKER. Let me ask the gentleman about the other chart he has there.

Mr. OBEY. I wish you would.

Mr. WALKER. The numbers on the side there are different numbers. The numbers that you use on your chart in some cases show either 50,000 or 500,000—it is hard to read them well from there. Then on the Bush recession all of a sudden it drops down to 35,000.

Mr. OBEY. What does that matter? We are talking about percentages, not numbers here.

Mr. WALKER. But that means that you are using different basis figures for each chart.

Mr. OBEY. No.

Mr. WALKER. The numbers on the side are different. They are not the same numbers.

Mr. OBEY. Let me explain to the gentleman what these charts demonstrate. These charts are trying to show what the comparative treatment has been under the four administrations which have experienced recession, and what they are trying to compare is the number of persons who received extended unemployment benefits as a percentage of all of the persons at that same period of time who had experienced an exhaustion of their unemployment benefits.

What I said is that this demonstrates under Gerry Ford that 87 percent of the people who had exhausted their benefits received extended benefits over that period.

Mr. WALKER. The numbers you use on the side for your chart are different numbers.

Mr. OBEY. If the gentleman will let me finish, then I will take the gentleman's question.

What this shows is that under the Carter recession, that dropped to 60 percent of those covered. It shows that under Reagan, that because the President recognized that what was done to the country with Gramm-Latta in 1981 was wrong in terms of what it did to people on unemployment or unemployed people——

Mr. WALKER. The gentleman is editorializing.

Mr. OBEY. The President signed four extensions. He signed four exceptions to that Gramm-Latta limitation, which enabled 50 percent of those who exhausted there unemployment benefits to become eligible for extended benefits.

What this chart shows is that less than 5 percent of those who had exhausted their benefits here, in green, had been provided extended benefits.

So the gentleman can object to the size of the chart. This chart is blown up, and I think that is the gentleman's problem. This chart is blown up to equal the size of these, because under the Bush administration, those who have received extended benefits would be so tiny on the chart if we did not blow it up that you could not even see them. So we did it as a favor to the White House.

Mr. WALKER. If the gentleman will yield, I know the gentleman is looking to do the White House a great favor on this. This is the reason he made up the charts in the first place.

But the point is that if your numbers are different, then your charts make absolutely no sense, and they are, in fact, a disservice to the discussion, because you have, in fact, at that point compared apples and oranges and you do not have realistic figures.

So all I am saying to the gentleman is, I believe my point is correct. Your numbers on the side are different. They are different in each of your four charts. Your charts simply show what you want to show, and do not necessarily related to anything that can be regarded as facts.

Mr. OBEY. The gentleman is trying to suggest that these charts address a different point.

Mr. ROHRABACHER. Would the gentleman yield for questions?

Mr. OBEY. Not until I respond to the blather that I have just heard.

The gentleman is suggesting that somehow these charts are supposed to be talking about the numbers of unemployed. They have nothing whatsoever to do with numbers of unemployed. The point these charts make is very simple, simple enough for every Member of this House to understand. The charts demonstrate that under Gerry Ford, 87 percent of the persons who exhausted their unemployment benefits were provided extended benefits; that under Jimmy Carter, 60 percent; that under Reagan it dropped to 50 percent; and under Bush it dropped to 5 percent.

The question here is not the numbers. It is proportionality. What we are talking about is the percentage of persons who have exhausted their unemployment benefits, who are eligible under the existing law which the White House is defending for extended benefits.

Mr. ROHRABACHER. Would the gentleman yield for a question?

Mr. OBEY. The fact is, if you want to take a look at the numbers rather than the percentage, take a look at the numbers. In September, do you know how many Americans got extended benefits? Do you have any idea how many Americans got them in September?

Mr. ROHRABACHER. Would the gentleman yield for a question?

Mr. OBEY. I am asking the gentleman a question.

Does the gentleman know what the number is?

Mr. WALKER. The gentleman has the statistics in front of him. I assume he knows. I do not have any papers in front of me.

Mr. LEVIN of Michigan. Would the gentleman from Wisconsin yield?

Mr. OBEY. Surely.

Mr. LEVIN of Michigan. I know you are uncomfortable with these figures, and you are going to try to shake them. But people have exhausted their benefits by the hundreds of thousands, and this administration has done nothing. It did come forth with a dual proposal after the Democrats proposed something. Here the distinguished gentleman from Wisconsin—it is the Michigan experience. Under the present system, when it was 7, 8, 9 percent unemployment, no extended benefits. Zilch. Tens of thousands of people in Michigan were exhausting their benefits.

□ 2340

On the chart of the gentleman from Wisconsin [Mr. OBEY], that little pink area is the Bush administration. Then Michigan reaches 10 percent unemployment. Ten percent. Then we click onto the extended benefit system. Ten percent. Then Michigan drops below 10 to 9½ percent, and the State clicks out of the extended benefit program.

Mr. Speaker, that is an utter disgrace. That is why the chart says what it does. You can make all kinds of arguments and talk about this and talk about that, but the fact is that for the first time we have no benefit program for those who have exhausted their benefits who want to work, who cannot find work. And you are sitting around here talking about everything except the people who were laid off and have exhausted their benefits.

Mr. ROHRABACHER. Mr. Speaker, will the gentleman yield for a question about his charts?

Mr. LEVIN of Michigan. Answer the question about the State of Michigan.

The SPEAKER pro tempore (Mr. TORRES). The gentleman from Wisconsin controls the time.

Mr. ROHRABACHER. Mr. Speaker, will the gentleman yield?

Mr. OBEY. I will be happy to yield to the gentleman from California.

Mr. ROHRABACHER. Go back to the chart you just covered up. I take it from what you just said, these charts have nothing to do, as you say, with unemployment?

Mr. OBEY. The point I am trying to make and the point which you are trying to obfuscate——

Mr. ROHRABACHER. No, I am not trying to obfuscate. I am asking you a question. You said these charts have nothing to do with unemployment. I do not think they have anything to do with unemployment. I agree with the statement you made.

I would just like to say, do those charts have anything to do with the unemployment rate in the Carter administration? Do they suggest that the unemployment rate in the Carter administration was lower or higher than in the Reagan administration?

Mr. OBEY. I will repeat for the benefit of the gentleman, and I know he does not want to understand what I am saying, but nonetheless I am going to hope that eventually he does. The fact is that what these charts simply demonstrate is a very simple point, which is that under Presidents, going all the way back to FDR, we had a bipartisan consensus that when we had very large numbers of persons who had exhausted their unemployment benefits, that we would provide for extended benefits, because that indicated the country was in much more economic trouble than originally had been estimated, and it demonstrated that that bipartisan commitment was kept right on through Ronald Reagan, despite the fact that in 1981——

Mr. ROHRABACHER. Do not your charts——

Mr. OBEY. I have told you what the charts are for. If you want to have a chart on some other subject, go make your own chart. I am using a chart that makes my point. If you want to make your point, go to your own chart. This is the chart that I want to get to, however.

Mr. ROHRABACHER. The gentleman is conceding the charts have nothing to do with unemployment? The chart does not reflect that the unemployment rate under the Carter administration was so much higher than under the Reagan administration.

Mr. OBEY. Mr. Speaker, I will take back my time.

The SPEAKER pro tempore. Regular order. The gentleman from Wisconsin [Mr. OBEY] controls the time.

Mr. OBEY. Mr. Speaker, what I want to do is get to the points made by the gentleman from Georgia [Mr. GINGRICH] earlier, because what really counts is not just what we are going to do on unemployment, but what we are going to do on all kinds of economic policy across the board.

To do that, I want to get back to the point made by the gentleman from South Carolina. We have been told by the gentleman from Georgia and a number of others that, you know, it is terrible, the Republicans have had the White House for over 10 years, and they had the Senate for 6 of those years. They ran the Government, they hired the people, they fired them. They put out the statistics. They won 98 percent of every budget battle since George Bush has been elected President.

They beat the living bejabbers out of us in 1981 on both the budget bill and the tax bill. Somehow now they want to say, but, gee whiz, we didn't do it. Somebody else did it.

Well, I want to go back over the record. One of the advantages of serving here longer than 12 years is that you do have an institutional memory. I remember when I got run over by a freight train, because I offered one of the two principal alternatives to the administration's budget bill and the administration's tax bill in 1981, and I know what the votes were.

On May 7, 1981, the key economic decision for this decade was made on the Gramm-Latta budget. It passed 253 to 176. Republicans voted for it 190 to zip. Democrats opposed it 176 to 63.

Seven weeks later, they passed their tax package. What did it do? First of all, it was passed by Republicans 190 to 1. Democrats voted against it 194 to 48. It passed 238 to 195.

Upon passage of that bill, the Secretary of Treasury, Donald Regan, went on national television and said, "Our program is now in place."

What happened under that program? We went from a deficit of $69 billion to a deficit of well over $200 billion.

Mr. DELAY. Mr. Speaker, will the gentleman yield?

Mr. OBEY. Not until I finish my point.

Mr. DELAY. I figured as much.

Mr. OBEY. I know it hurts to hear history repeated to you instead of figures, but I am going to repeat it to you tonight.

We did not quite know how the Republicans could think that you could double military spending, cut the guts out of the Tax Code for high-income people, and produce the Republican promises, which were added productivity, added savings, and a balanced budget within 4 years.

Then we found out, because David Stockman in his famous Atlanta Monthly magazine told us what happened. Here is what he said.

He said: "I have been explaining for 6 months to those west wing guys that the numbers just didn't add." He explained in the Atlantic Monthly article that he got his deficit projections down to $31 billion "by hook or by crook, mostly by the latter." That is his statement, not mine.

Mr. DELAY. Mr. Speaker, will the gentleman yield?

Mr. OBEY. Not until I am finished. Mr. Speaker, I ask that you keep order until I am finished.

The SPEAKER pro tempore. The Chair would ask Members on the floor to maintain regular order. The gentleman from Wisconsin [Mr. OBEY] controls the time.

Mr. OBEY. I know it hurts. I know it hurts.

Then Mr. Stockman went on to say this: He said:

> We didn't think it all the way through. We didn't add up the numbers. We should have designed those pieces to be more compatible, but they were moving on independent tracks. It didn't quite match. But, you see, we got away with it because of the novelty of it all.

Then he went on to explain that the Kemp-Roth tax package was really a Trojan horse to bring down the top rate. He said:

> It is kind of hard to sell trickle-down, so the supply-side formula was the only way to get a tax policy that was really trickle-down. Supply-side is trickle-down theory.

That is what he said.

It seems to me that what is at issue here now is not only what we are going to do on unemployment, but what we are going to do on taxes and what we are going to do to reinvest in the portion of the budget that was savaged by the Republican decisions in 1981, and that is what is going to determine whether we turn this around. Because if you want to talk about jobs, let us take a look at what the average monthly growth in unemployment was, not under selective administrations, but under all of them.

If you take a look at all of them, even Dwight Eisenhower, with the prolonged stagflation from 1958 to 1960, produced an average of 43,000 job growth per month on average. Bush has produced an anemic 9,419. Carter produced 208,000 monthly job growth on average. Reagan produced 174,000.

So those are the numbers. Gentlemen, you can make all the arguments you want to try to hide them, but the fact is, they are there. We went through them. We see the results, and that is why we are here tonight asking for a change.

☐ 2350

Mr. DOWNEY. Mr. Speaker, would the gentleman yield?

Mr. OBEY. I yield to the gentleman from New York.

Mr. DOWNEY. Mr. Speaker, first of all, I want to commend the gentleman for his fine presentation about history. I came over here between the Atlanta Braves game and the Minnesota Twins game. The Braves won, happily.

When the minority whip said that GEORGE MITCHELL was responsible for this recession, I felt compelled to try and set the record straight on the economic past.

If I can just indulge my colleagues for a moment, I would like to talk about the extended jobless benefits and past recessions chart which the gentleman has graphically depicted which shows the problem that has occurred since 1976, which is that there are, of the universe of people who are unemployed, fewer people receiving unemployment benefits.

As a result of the changes in the Gramm-Latta budget in 1981, we changed the mechanism by which extended benefits were triggered. We had to have a higher rate of insured unemployment before people would trigger extended benefits.

So what we see in the Ford recession, in the Carter recession was a much lower threshold for the extension of benefits to apply to those people who have received benefits. And what has happened since 1981 is the threshold has gotten so high, a 5-percent insured unemployment rate, that in many States that do not have a high percentage of people receiving the first 26 weeks of benefits, they will never really trigger extended benefits.

The absurdity of that situation is that today, mired in 16 months into a recession, only Rhode Island has an extended benefits program working. So all the gentleman's chart suggests, and I do not think that it is a political chart because what it does is say that in the days of two prior Republican administrations, there was a mechanism for paying extended benefits, and that program has failed. It is incumbent upon us, whether we extend benefits temporarily or not, to fix what is clearly a broken program. I do not see this chart so much in the eyes of politics but in the eyes of a program that was designed to do something that has failed.

Whether we are Democrats or Republicans, we should appreciate that that needs to be changed.

Mr. OBEY. The point is simply that out of the last four Presidents who have experienced recessions on their watch, three of the four, two Republican, one Democrat, met their responsibilities to the unemployed. And one, the present occupant of the White House, has not, and that is why we are here tonight.

Mr. KOSTMAYER. Mr. Speaker, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from Pennsylvania.

Mr. KOSTMAYER. Mr. Speaker, I appreciate the gentleman yielding to me.

I must say, I do not understand what the problem is of the gentleman from Pennsylvania [Mr. WALKER] with the chart. It seems clear to me that the number of people who are getting extended benefits is minimal under the current administration, quite different than it had been under other administrations. I think it is very clear.

I think really what we are talking about is what has been happening in the country for the last several years. My friends on the other side have talked about the creation of 28 million jobs. I think it is very obvious to them and to all of us in the country that the great majority of these jobs are primarily women who have had to go to work.

An example in my own district, I spoke to a woman not very long ago who I met at a grocery store who told me her husband had been working in a steel mill making about $14 an hour. He lost his job. He is now making $7 an hour and she has had to go to work making about $5 an hour.

Together they are making less than he made. That is really happening all over the country, and it has been happening for sometime. So while we have created new jobs, these are in great measure jobs held primarily by spouses, largely by women who have had to go to work because the fact of the matter is that in this country in the last 10 years, the standard of living has been going down.

There is no argument about that.

Mr. DOOLITTLE. Mr. Speaker, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from California.

Mr. DOOLITTLE. Mr. Speaker, has the gentleman considered the reason that we have moved from predominantly a one-income-earner household to a two-income-earner household? I would suggest the reason that has happened is, I think it is one of the most dramatic social transformations probably in the history of this country, and that is the burden of governmental taxation on the average family has been increasing dramatically. And it has been his party that has been increasing that over the years. People are being crushed by the taxes they have to pay.

Mr. KOSTMAYER. If the gentleman will continue to yield, that is not true.

It is true that upper income taxes have been down. It is also true that within the last 10 years payroll taxes have gone up in this country $340 billion. Social Security taxes have gone up all over the country.

In my State of Pennsylvania property taxes have gone up. Those are taxes which weigh on working people and middle-class families as opposed to the income tax reduction for upper income people.

The fact of the matter is that over the last 10 years the taxes on the upper 5 percent have gone down by 65 billion and taxes on the middle 30 percent have gone up by 20 billion. That is a fact.

I do not think the gentleman would disagree that people are working harder than they ever have before in this country and they are earning less.

Would the gentleman disagree? People have had to have their spouses, primarily women, go to work. People are having a tougher time buying a house.

In affluent areas such as I represent, in suburban Philadelphia, it is increasingly difficult for young people to buy a home in those communities in which they were raised. The Reagan administration said that if you earn more than $30,000 a year, you cannot borrow money for college.

The result of what the Bush administration wants to do really means that if you make more than $10,000 a year, you cannot borrow money to go to college.

So whether we are talking about taxes, whether we are talking about housing, whether we are talking about college tuition, life in this country over the past 10 years has grown increasing difficult and painful for middle class Americans.

If the gentleman does not believe me, ask the American people. Read The Washington Post this morning and the poll they have taken. A growing number, now a majority of people in this country believe strongly that this country is headed in the wrong direction, and they are right.

The country is headed in the wrong direction. It is harder to send kids to college. It is harder to buy a home. Two people have to work, not one. Taxes are higher than ever. It is increasingly difficult.

And the gentleman and his friends have been running the country for the last 10 years.

Mr. OBEY. Reclaiming my time, I want to correct the statement that was just made by the gentleman.

The gentleman indicated that it was the Democratic Party that had effected the change that he described on taxes. The fact is it was my amendment that was defeated by the gentleman's party in 1981 on the tax bill, which would have provided larger cuts for the middle class than the Reagan package that passed and much tinier tax cuts for the wealthy than the Reagan package which passed. And that amendment was defeated resoundingly.

There were five Republicans who voted for my amendment that would have provided larger tax cuts for the middle class than the Reagan bill and much smaller tax cuts for high income people.

With all due respect to the gentleman's memory, I was here when it happened. I know what it felt like to lose. We got clobbered.

Our middle-class tax bill got clobbered, and the gentleman's "Reward the rich" tax bill got passed.

Mr. DOOLITTLE. If the gentleman would continue to yield, thank goodness he did lose. As a result of that, we had the largest peacetime expansion in history. All people benefited. The blacks benefited, had a tremendous increase. The women benefited. Everybody benefited as a result of that Reagan reform. And this House of Representatives, if my memory serves me correctly, was controlled by the gentleman's party, not mine, when those reforms were enacted.

Mr. OBEY. Again, reclaiming my time, the gentleman's facts are wrong. The fact is that since 1980, the wealthiest 1 percent had seen their income double from $300,000 to $600,000 a year. And the average middle-class American precisely at the mean, half Americans making more, half Americans making less, he has lost the $2,000 on the purchasing power of his income since that time, and since George Bush has taken over as President, he has lost another $428.

Mr. LEWIS of Georgia. Mr. Speaker, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from Georgia.

Mr. LEWIS of Georgia. Mr. Speaker, I want to thank the majority whip, Mr. BONIOR, for organizing this series of special orders on unemployment.

There are many people who are saying that it is morning in America, but for those who are receiving pink slips, for those who are being laid off, for those who are unemployed, it is evening or maybe midnight.

This administration is out of step, out of tune—this administration is not compassionate; and it is uncaring for those who have been left out and left behind.

To many of us, it is strange that we can spend billions of dollars to liberate people around the world. Yet, we cannot find a few dollars to extend unemployment benefits for those who have exhausted all of their benefits. All is not well in America.

Something is wrong when more than 2,500 workers are being laid off or fired every single day. We must say to this administration that the recession is not over.

There is pain, there is suffering. Those who have lost their jobs are losing their homes, they cannot pay their automobile notes, they cannot provide day care for their children—they really are living on the edge.

In the State of Georgia alone, more than 100,000 Georgians have exhausted all of their unemployment benefits this year.

It is not being fair, it is not being responsible when we can fly off to the Middle East, to the Soviet Union, or other parts of the World to bring about peace and tranquility, when at home, our own people are suffering and living in pain.

It is strange to me that we can bail out other countries, but we cannot bail out the unemployed. We cannot help them with their pain, their misery, and their suffering.

The President needs to sign the new emergency unemployment bill, which we will be sending to him in a few days so that we can get this economy moving once again.

A recent poll in the Atlanta Journal-Constitution showed that people in my district have been hit hard by the recession.

Twelve percent of adults questioned in the poll said they had lost their jobs because of the recession.

Forty-five percent of those polled said they knew people who'd been laid off.

Forty-three percent said that if they needed $3,000 in cash within a few days, they would have to borrow it.

Another 33 percent say their financial position is worse than a year ago.

And 17 percent said they have no plans to buy a car or major appliance in the next 6 months.

Yesterday, I got a call from a CPA in my district. He has been out of work for more than 6 months. He has exhausted all of his benefits. He has no prospects for a new job. He is scared, very scared.

While walking in downtown Atlanta last weekend, a young businessman came up to me and said:

> Mr. LEWIS, when you get back to Washington, please tell your colleagues in the Congress that the recession is not over.

Mr. Speaker, I would like to tell you about another Atlantan who represents the hard times brought on by unemployment. Lindy Barnwell is 45 years old. She is the mother of two children: Stewart who is 15, and Taylor who is 9 years old. She was a loyal employee for Eastern Airlines. She worked hard for 23 years. It was the only job she ever had.

Until she lost her job when the airline folded in January, she and her husband had a four star credit rating, and were solid taxpayers. She and her husband, who is also unemployed, are now struggling to put food on the table. They have no health or medical insurance for themselves or their children. The funds that they had saved for their children's education ran out earlier this month. On November 5, if they cannot come up with the money, the bank will foreclose on their home.

She told one of my staff today that she is willing to do "any type of work that is honorable." She said she is "working very hard at simply getting hired." Her husband is having similar problems. They are both too qualified for minimum wage jobs. Even if she could get a minimum wage job, she said: "One person can hardly live on minimum wage—much less four!"

She echoed the sentiments of other people with whom my office has been in contact. She told a staffer in my office that:

> Responsible leadership does not ignore such problems * * * the U.S. government not to extend a hand to people who are willing to work is disgraceful if we consider ourselves a helping nation.

Margaret Zimlich's benefits are also fully exhausted. She is a single parent, the mother of two daughters and a son. She is 43 years old and lives in Atlanta. Like Lindy Barnwell, she has devoted her working life to Eastern Airlines. She worked incessantly for 23 years, sometimes working a second job at Rich's department store selling cosmetics. During her tenure for the airline she took three pay cuts but she persevered. She is a hard worker, Mr. Speaker.

Her situation highlights new and different hardships not found in my other examples of people in need. Ms. Zimlich has been forced to dip into her IRA's. The problem here, Mr. Speaker, is that she receives a penalty for the early withdrawal of her money. At the end of the year she will be even further in debt and have even less money to get out of it. She won't have the money to pay her taxes. For her, the shadows of destitution are lengthening just as the days grow shorter and the weather grows colder.

Most alarming of all her problems is that her 16-year-old daughter, Rebecca, is having to work 20 hours a week to help support the family. This is 20 hours that she doesn't spend studying, preparing for her future, the country's future. her brother Aaron and her sister Jessica, too young to work, pitch in with odd jobs and babysitting. Working is normally regarded as character building and good for discipline, but when it infringes upon the education of our young people, it becomes destructive as any weapon, as debilitating as any plague.

Here are articles that have appeared in just the past 2 weeks in my local newspaper: "Jobless Report from Two Who Really Know." Another article was "Unemployed Secretary is Cynical About the System." And another article "Different Workers, Same Humiliation" discussing the fact that once high-powered professionals are joining support groups for the unemployed. And still another article: This one refers to the "soap opera of desperation" and discusses the plight of an out-of-work flight attendant whose family has fallen months behind on their mortgage payments.

I could go on and on, Mr. Speaker. The calls I have received, the reports in just my local newspapers, the letters I have gotten. They all say the same thing: "The recession is not over. I can't get a job. Please help me!"

We must help them. We have an obligation, a mandate, to help them.

The recession is not over. In the State of Georgia in the 8 months between January and August of this year, more than 80,000 people exhausted all of their unemployment benefits. During the month of July alone, 13,000 exhausted their benefits.

Mr. Speaker, this administration needs to come home—come home and pay attention to the hurt and the pain of the American people. Instead of putting the needs of foreign nations ahead of the needs of the United States, they should begin to deal with the pain and agony of our own people.

Mr. Speaker, the American people are crying out and demanding leadership. Jobless Americans—hundreds of thousands of them—need help—not next year, not next month, not next week, but now.

□ 2400

Mr. KOSTMAYER. Mr. Speaker, would the gentleman yield to me for just 1 minute?

Mr. OBEY. Surely, I yield to the gentleman from Pennsylvania.

Mr. KOSTMAYER. Mr. Speaker, I just want to read very briefly a letter to the President from Mr. Robert L. Dickie of Chalfont, PA.

> DEAR GEORGE: Please find enclosed a blank map of the continental UNITED STATES. The state names have been left blank and your job is to fill in each state's name. If you find that you can't recall all the states, you may find a map of the UNITED STATES and fill in those state names which you can't remember. If you need further help, you may call me and I will answer any questions you may have. For extra credit, you may fill in the percentage by state of the total national unemployment figures. Of course, you must take into consideration those who have exhausted their benefits, as those citizens are no longer considered unemployed and will not be part of the national figures.

Mr. Speaker, this is a map which Mr. Robert L. Dickie of Chalfont, PA, has sent to President Bush, with the blank States.

I think the point here is that the President seems fascinated, understandably, with foreign policy. These are important issues which require his attention. He is about, I understand, to leave in the coming days for another trip around the world visiting a variety of countries on important business.

I think it is time that the President paid attention to these problems which we face here at home. I think there is a growing perception in the country and in the Congress, including Members of his own party, that he needs to do that.

I hope that he will follow my constituent's advice and come home and begin to pay attention to the problems we face here in the United States.

Mr. RIGGS. Mr. Speaker, will the gentleman yield?

Mr. OBEY. I yield briefly to the gentleman from California.

Mr. RIGGS. Mr. Speaker, if I could have the attention of the gentleman from Pennsylvania for just a moment, I was intrigued by his comments earlier. The gentleman talked about the unemployed worker, I believe in the coal industry, is that correct?

Mr. KOSTMAYER. The steel industry. It is a concern that I think we share in common. I represent a district that has for years been traditionally relying, at least in the northern part of my district, on the so-called resource industries. Those industries are in decline for a variety of reasons, I say to the gentleman from Pennsylvania, not the least of which is the general state of the economy.

I just wanted to get the gentleman's thoughts on where do we go. Assuming that at some point in time we appropriate funds for extended unemployment insurance benefits, is the gentleman saying, and this really goes also to the gentleman now in the Speaker's chair based on his comments just a moment ago, but is the gentleman saying that is enough for those unemployed workers in those traditional resource industries, or what further should we do?

I think that is what we have been saying over here, that appropriating benefits for the long-term unemployed or under-employed is not enough, that there is a lot more that we have to do. It is on the economic growth side of the equation to create jobs, and before the gentleman departs into the night, I thought we ought to get the gentleman's ideas on this.

Mr. KOSTMAYER. Mr. Speaker, if the gentleman will yield further, I do not think there is any question, many of us on this side would agree the country needs a good growth package. In the meantime, we need to provide extended benefits for those who are unemployed.

The point of the first chart which the gentleman from Wisconsin had with him a moment ago is that in this administration, those folks in the country who have run out of unemployment benefits have not had them extended. That is a break with an historic tradition in this country. That is why the pink portion of the fourth chart is so small.

That really is the point we are trying to make.

Sure, I think unemployment benefits are a temporary solution to help people get through a period of time. They are not the answer to the country's economic problems.

Mr. RIGGS. Well, what is then, if I might ask the gentleman.

Mr. KOSTMAYER. I think we do need a growth package. I think that is important. What I do not think we need is a growth package which cuts the taxes of the very wealthy while raising the taxes of everybody else, making housing, tuition, and all the rest more expensive.

Finally, and I would stop with this, I am sure the gentleman would agree, and I wonder if the gentleman would disagree with me, that things have gotten worse economically for the middle-class in America over the last 10 years in this country? That is all I am saying. If the gentleman does not agree with me, ask the average person on the street.

Mr. RIGGS. Mr. Speaker, I thank the gentleman.

Mr. OBEY. Mr. Speaker, I am going to have to take my time back, I would say to the gentleman from Pennsylvania, because I promised three other people I would yield to them.

Mr. KOSTMAYER. Mr. Speaker, I appreciate the time the gentleman has given me.

Mr. OBEY. Mr. Speaker, I yield to the gentleman from Illinois [Mr. HAYES].

□ 0010

Mr. HAYES of Illinois. Mr. Speaker, I want to thank the gentleman from Wisconsin for having arranged to take this time. It is already 10 minutes after midnight and there are others, I know, who want to speak and make their positions known on what I consider to be the No. 1 issue facing this great Nation of ours today.

The charts that the gentleman from Wisconsin [Mr. OBEY] put up there certainly have demonstrated the severity of the problem and also, as the gentleman indicates, what we have gone through under four Presidents, I think, to try to find a solution or some help for the people who are unemployed.

I am concerned also about the human issue involved in this whole question of unemployment. You have heard me say this before on the floor of this House, that I have experienced drawing unemployment compensation, having been laid off from the stockyards during the period way back in the early forties right after President Roosevelt had put into effect the kind of thing that we talk about now, the privilege of people being able to draw some money while they are laid off.

Mr. Speaker, that number of human beings is growing in this country. The figures that we receive are not accurate, because many people who have exhausted their unemployment compensation are not even counted anymore.

I would like for us to be able to, as Members of this Congress, considering the insensitivity of the President in vetoing that bill that would have, not solved the problem, but it would certainly have been some stop gap help for people who are unemployed and who have exhausted their unemployment compensation.

I was saddened when the other body was two votes short of overriding that veto. But feeling that way does not help to solve the problem.

Now what I want to see us do in this Congress of which I am a part—and I hope the party of which I am a part comes up with a solution that will help the people and not just give them hope and then do nothing about it. This is actually what happened within the past few weeks.

Mr. Speaker, I am from Chicago. I will tell you right now, and I say this and then I will wind up, that there are thousands and thousands of people who need help. Now, many of them are young people, some are resorting to crime in order to try to find a solution to the problem. Yet at the same time, one of the roughest things for them to understand—and I do not even try to explain it anymore—is how can we justify sending money overseas or forgiving debts to people in other countries at the same time that we are going to worsen our budgetary position if we have this kind of situation we are asking for now with respect to the extension of unemployment compensation?

Mr. Speaker, I want to say, in closing, I say to the gentleman from Wisconsin [Mr. OBEY] please let us try to talk to the leadership, make this a nonpartisan issue. Let us do something to help people who are out there, some of them starving, some sleeping in vacant buildings, in cars and everything right in the city of Chicago, one of the largest cities of the United States.

I would like to say also that kids are going to school hungry. This is the kind of thing that I think we ought to understand and do something about, not make it a partisan issue. Let us stand up and fight for people who need our help. That is what democracy is all about, to me.

Mr. OBEY. I thank the gentleman and yield to the gentleman from California [Mr. TORRES].

Mr. TORRES. Mr. Speaker, I thank the gentleman for yielding to me.

Mr. Speaker, I rise to add my voice to those of my colleagues, as we seek tonight to break the terrible silence which has surrounded the issue of unemployment.

I say "terrible silence", Mr. Speaker because this Bush administration has refused to face the American people with the truth about the reality of unemployment, today, in this country. The statistics are hard, and cold: As of September 8.4 million Americans, officially, are unemployed.

Of these, almost 1.2 million, officially, are from my home State of California. Now, the Bush administration's response to this situation is to ask for a tax cut for wealthy investors.

This is the famous Bush trickle-down remedy for unemployment. I maintain that if this had been an honest, workable solution to unemployment it would have worked 10 years ago when George Bush used to call it voodoo economics. It did not work then, it will not work now, and George Bush knows it.

In my home State of California, thanks in large part to our President, the safety net for unemployed Americans, is unfortunately more hole than net and people fall through it. We in this Congress have tried to fix this net, George Bush responded with the veto. Well, as you can see, from our actions this evening the Democrats in Congress of the United States has not chosen to ignore the needs of unemployed Americans. This evening we are here to speak the truth.

Now, one of the truth's about this country that George Bush won't admit is that one of the fastest growing groups of Americans is made up of those who have exhausted their unemployment benefits before finding work.

Let we speak about my State: California's long-term unemployed jumped 50 percent since last year. As of July, 36,684 Californians had exhausted their unemployment benefits.

In Los Angeles County, the number whose joblessness has outlived their benefits has increased steadily each month, from 8,950 in January to a July high of 11,993.

Now, Mr. Speaker, as are my colleagues, I am an elected representative of the people of my district.

I am here on their behalf, to voice their pain, to address their needs.

All of the statistics in the world won't have the power to convey better the truth of our unemployment crisis than to read to you an actual letter sent to me by one of my constituents.

This letter was written to me at the time that Congress had voted to extend benefits for those whose unemployment had run out. We sent this legislation to George Bush, who was enjoying his leasure at that well-known hardship zone, Kennebunkport. While gazing out over his playground, the Atlantic Ocean, George Bush exercised his version of leadership. George Bush's action sent a clear message to my constitutent, and to others who are in his situation.

The man who wrote these words, expressed in truthful terms, what George Bush will not, and this clear, powerful statement will tell you why our unemployed Americans need our help, and why they need it now.

My constituent wrote:

> My heart was filled with immense sadness upon reading in the Los Angeles Times newspaper that President Bush intends to play politics with the lives of the unemployed by giving his OK to the bill extending unemployment benefits up to 20 weeks but refusing to sign an emergency declaration which would release the funds. This amounts to nothing but veto in the absolute truth.
>
> When I last wrote you, I had lost my job from where I was employed for 14½ years. I was terminated April 12, 1991, and now 4 months and 4 days later, I'm still unemployed.
>
> I have now contacted 77 companies for employment. I'm getting to the point now that I feel that it is futile for me to keep looking. I've spent the last 25 years as a machinist in the aerospace industry so I know that I'm qualified but for some reason or reasons, I've been overlooked and turned down on each and every job opening that I've applied. Maybe I have two things going against me, my age and my race. Come April 2, 1992, I know that I can apply for Social Security benefits for at that time I will be 62 years of age, but what do I do from the time my unemployment benefits run out, October 19, 1991, to my birthday? Let's be realistic and I've already told Mr. President this. As a black American male approaching the age of 62, I stand a better chance of hitting the California lottery where the odds are 1 in 23 million than ever getting employed again in the aerospace industry. I and many more millions of unemployed workers do hope that Congress will be able to initiate some type of legislation to help us all.

George Bush had the opportunity to respond to my consitituent's plight, and respond he did. His answer to the desperate need for extended unemployment benefits, was the veto.

Mr. Speaker and colleagues, as of 4 days ago my constituent's unemployment benefits ran out. Through no fault of his own, a man of proven skills, and long years of work service has now fallen through George Bush's safety net.

If George Bush had not played his politics with the lives of the unemployed, my constituent would now be receiving extended benefits. Instead he is living a nightmare. This is not my vision of kinder, gentler, America.

Let us keep the faith with the American worker who wrote this letter, and with all of the other workers, men, and women, who have labored to bring success and profit to the businesses of this country. Let us send a clear, simple message to George Bush: let us quit playing politics with the lives of unemployed Americans. Let us pass legislation which will respond to the true needs being expressed by all of our unemployed Americans.

I want to thank the gentleman for giving this time to relate this important message from one of my constituents.

Mr. OBEY. Mr. Speaker, I will yield to the gentleman from California after I have yielded to the gentleman from California [Mr. PANETTA] to whom I have promised some time.

Mr. Speaker, I yield to the gentleman from California [Mr. PANETTA].

Mr. PANETTA. Mr. Speaker, I thank the gentleman for yielding to me. I want to commend the gentleman for the statement that he made and also commend the leadership for providing this time, because it is important we draw attention to the situation in our economy and the situation that affects human beings in our society.

The reason we are all here is because the economy is in trouble, it is in serious trouble. All you have to do is look at the facts from last week to confirm the reality that our economy is in trouble.

□ 0020

Housing starts fell in September and are below the level of September 1990. We thought housing starts were beginning to move up; they have dropped back.

Industrial production was flat in August and rose a scant less than 1 percent in September. Again housing starts we thought were on the way up. They have fallen back.

Auto sales dropped to a near recession low in early October, and the report yesterday indicates that the automobile industry is in for its worst year ever in the history of the automobile industry.

The foreign trade deficit rose in August as exports weakened more than imports. Again we had a problem of increasing foreign trade deficits combined with these other problems.

The so-called Fed's beige book, which contains reports from all 12 of the regional Federal Reserve Banks says that the economy continued to be sluggish in September and early October with little increase in retail sales, manufacturing or construction, and, on top of this, inflation news from September was also bad, suggesting again that the Federal Reserve will postpone any further easing of monetary policy, and that raises the specter of a continuing sluggish economy bumping along with no direction whatsoever.

Now, Mr. Speaker, in the face of this the administration has been, to put it nicely, ambivalent. One one hand it says everything is O.K. There is a recovery that is taking place. Whether one listens to Dick Darman, or to Mike Boskin, or to the President, the general feeling is: "Hold up. Things are getting better." On the other hand, they are saying we need an economic stimulus package. What is it?

Mr. Speaker, it seems to me the President has a responsibility as the leader of this country to say to the American people, "We've got an economy that's in trouble, and it needs to be addressed," and the first thing that needs to be addressed is the human side that is being impacted by this weak economy.

Mr. Speaker, the job market is likely to stay weak for months ahead. That is the reality. Every day brings new layoff announcements, which means that there are more people in unemployment lines, and this will bring greater distress to American families and American workers.

The number are clear. In September 8,442,000 persons were out of work and looking for jobs. Another 1,075,000 wanted jobs, but did not search because they believed that no jobs were available. And another 6,374,000 who wanted to work full time could only find part-time work. That means that nearly 16,000,000 people are either jobless or underemployed, the highest number we have seen since February of 1984.

Things are not rosy for people who have jobs either. The average hourly earnings just kept up with inflation over the last year, and, if we look at the earnings, the weekly earnings, of a family, what we are seeing is that they are earning less than what they earned in the past.

The American dream, the American dream, the dream that my parents had when they came to this country, the dream that I think all of our parents had, is that they wanted their children to have a better life. The reality is we are seeing an America in which that dream is not being realized. What we must do is get the economy back on its feet and moving forward.

And what are the steps? One of the steps clearly is to rescue the long-term unemployed. We have got to provide the help, the safety net, to those families. Second, we need to restore purchasing power to the middle income working families in this country, and that has to be done. Third, we need to keep interest rates lower as we try to develop, hopefully renew, growth and investment. And we also need to set this country on a long-term path to higher savings and investment. We need to maintain fiscal discipline in that process so we do not increase the huge deficit that is already dragging our economy down.

In short, I think all of us need to act responsibly, both sides of the aisle, the President and the Congress, in paying for the needed aid that we must provide the unemployed and for the tax relief we must provide middle-income working families. It is time to put an end to the feel-good, trickle-down economics of the Reagan—Bush administrations. It is time to put our children, our families and American workers first so that we can begin to rebuilt the future.

The SPEAKER pro tempore. (Mr. LEWIS of Georgia). The time of the gentleman from Wisconsin [Mr. OBEY] has expired.

Mr. CUNNINGHAM. Mr. Speaker, I would like to mention for the record that I tried three times to have the gentleman yield. Do not expect a single minute in my hour, not one.

ORDER OF BUSINESS

Mr. WALKER. Mr. Speaker, I ask unanimous consent that I be permitted to proceed with my 1-hour special order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

IN RESPONSE TO THE DOOM AND GLOOM DEMOCRATS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania [Mr. WALKER] is recognized for 60 minutes.

Mr. DELAY. Mr. Speaker, will the gentleman yield?

Mr. WALKER. Sure. I would be glad to yield to the gentleman from Texas.

Mr. DELAY. Mr. Speaker, I appreciate the gentleman from Pennsylvania [Mr. WALKER] yielding, and, for those who may have tuned in now that the World Series game is over, and especially for my colleagues——

Mr. WALKER. Should we announce the score?

Mr. DELAY. Atlanta won.

Mr. WALKER. Three to two. Atlanta won. The series is tied at two-two.

Mr. DELAY. Mr. Speaker, when this all-night special order started, we had a little problem in yielding back and forth. The distinguished majority whip, the gentleman from Michigan [Mr. BONIOR], and I consulted with each other and felt like that dialog was very important for the American people to understand what is going on. Therefore, we agreed to yield to each other and have a free-flowing discussion. We did that in the second hour. In the third hour that has sort of broken down.

What we have now decided is, and I apologize to my colleagues on that side of the aisle, but what we have agreed on is we are going to take this full hour for us, and we are not going to yield, and then we will get back to the free-flowing dialog, if both sides care to do so.

Mr. WALKER. Mr. Speaker, I thank the gentleman, and, as my colleagues know, I hope maybe we can do a little better than that because I would like to have a dialog, but, dog-gone it, I have really been disturbed that the only 2 hours controlled by the Democrats so far this evening have turned into mostly monologues, and where they have their plan, and, dog-gone it if they are going to let any Republicans get in the way, particularly Republicans that start challenging some of their basic assumptions that do not hold up under argument, and we have seen a lot of that so far this evening. What we have seen thus far this evening is the doom and gloom Democrats at full voice on the House floor. Of course they are very comfortable with what is on the charts that they have been showing here this evening because it literally shows us how many jobs the Democratic Congress has killed during the last several years.

Mr. Speaker, the Democrats have become in the Congress the job-killing party. They consistently refuse to bring to the floor economic growth packages, and they consistently bring to the floor things designed to kill jobs. A perfect example was something that we took up today, and every Democrat but two voted against an amendment that I offered that is designed to create an office that will kill off the automobile industry, and they do not want to believe that. They say that that is not the case. The fact is that every loony left group that has testified in favor of the office of intermodalism was in fact saying flatly that they want to get rid of automobiles, and so the bottom line of that is at some point that is going to affect the automobile industry, and we are going to kill off those jobs. Yet what we saw was Democrats line up almost to a man and woman and suggest that that is O.K. with them, those jobs are not needed, despite the fact that the automobile industry contributes one in every seven jobs in the economy today.

As my colleagues know, it is almost as though we ought to revive some of the old sayings which I remember when they used to march through the Capital here. I have been around Washington a little while, too, and we had people marching through the Capital saying, "Hey, hey, hey, L.B.J., how many kids have you killed today?" What we have arrived at now is a position where literally the cry would be, "Hey, hey, hey, Democrats, killing jobs and getting fat," because that is precisely where the Congress has ended up. This is a place where jobs are not important anymore. What they really like to show us is what they are doing to help the people who they have victimized, and so what we get is a series of charts and a series of concepts aimed at helping those who have become the victims of their programs. They have victimized millions of Americans by throwing them out of work.

I have a little bit of economic history, too. I, like the gentleman from Wisconsin, was here during the period of the early 1980's when some of this took place, and I think my interpretation of that economic history might be a little bit different from his, and certainly my conclusions that I draw from it based upon charts that have real numbers on them would be entirely different about the results of that.

□ 0030

So let me talk a little bit about the economic history as I see it happening, and what really happened during the 1980's. The fact is that in the early 1980's the Reagan administration came into office at a time when the President of the United States had declared the country in a state of malaise. We were told that we had double-digit inflation, and we were not going to be able to get rid of it for a generation or more. We were told that the high interest rates were something that we were simply going to have to live with. We were told that the rising tide of unemployment was the result of problems that simply could not be managed.

Now, these problems could not be managed by a Democratic Congress, a Congress controlled in both the Senate and the House by Democrats and a Democratic President. Their policies at that point had brought us to a time when we had 21 percent interest rates, when we had double-digit inflation, and when the unemployment rate was rising toward double-digit levels.

In fact, Jimmy Carter in 1976 ran against President Ford on something called the misery index. It was a combined formula showing unemployment rates and inflation rates. Jimmy Carter ran against Gerry Ford saying that his misery index was far too high. By the end of the 4 years of the Carter administration they had doubled the misery index, so people were worse off during that period of time. And we had the Reagan administration come into power promising to turn that situation around.

What happened was that we did in fact pass the Gramm-Latta budget, we did in fact pass the Kemp-Roth tax cuts, and what was the result of that? We created 21 million jobs in a period over the next few years; 21 million jobs, and not hamburger-flipping jobs, as many of my colleagues said as we were doing that.

During the period of economic growth, consistently we had Democrats coming to the House floor suggesting that we were out there creating jobs, but they were bad jobs. They were hamburger-flipping jobs. The fact is that the jobs we created during the 1980's averaged in salary $28,000. Those are pretty good jobs. The charts begin to show that, because what we see, if you take a look at the reality of what happened in the 1980's—or is that during the late 1970's, during the Carter administration—the income levels of the average family in America were in fact dropping for the lowest income people, the poorest of the poor. They in fact were much, much worse off. Their income levels were dropping, and other people within our society were going up only marginally, the best one being the fourth quintile which rose 1.2 percent. That is the people who are in kind of the upper middle class. They went up 1.2 percent during the whole period of time.

During the 1980's under the policies that we developed in the early 1980's, what you had was virtually every economic group going up. Now, yes, indeed, the Democrats are absolutely correct that some of the people in the very wealthiest categories went up more than the people in the bottom categories. One of the reasons why they did was, we were producing more of them.

In fact, one of the charts shown by the gentleman from Wisconsin out of the Philadelphia Inquirer makes that point. It makes the point that, indeed, the wealthy got greater incomes. One of the reasons was, there were more of them. I thought that that was a part of the American dream.

The doom and gloom Democrats do not want to tell you that, but the American dream is that we have more people getting wealthy, and we have more people better off. That is what we are supposed to be all about in this country, and yet they see that as a minus. They come to the floor tonight and say that that is a terrible thing to have happening. It is a terrible thing to have people getting wealthier. It is a terrible thing to have people making more money. It is a terrible thing that everybody during the 1980's ended up somewhat better off.

I will tell you that I think that that is a success story, and one we ought to be trumpeting. Let us look at a chart that is a little bit different now but gives the same kind of perspective.

If you take the median family income—the gentleman from Wisconsin mentioned median family income here a few minutes ago and claimed that we were in disastrous shape in terms of median family income—let us look at what was really happening.

During the period of 1979 or 1977 through 1981, the period of time during which the Carter administration was running things, what you have is, you have the median income rising to $32,821 in 1979. There was a period of time when it did in fact get up that high. Then as a result of the policies kicking in, the median income immediately dropped back, and by the time of the recession we had the median income clear back to $30,394.

The American families were taking a real kick. They took a kick of more than $2,000, almost $2,500, in a period of a couple of years. Now, that is a disaster for the American working families.

What began to happen as a result of us building economic growth into the picture was, the American family median income started up, and it started up beginning in 1983 and moved up to the point that by 1989 median family income in this country stood at $34,213. That was a growth of $3,800 during the period of the 1980's.

Now, when the doom and gloom Democrats tell you that something went wrong during the 1980's, and that somehow American families were worse off, how are they worse off if what they were getting was their median income raised by almost $4,000? That is the reality.

The charts we were shown earlier tonight are charts which even the gentleman from Wisconsin admitted were made up to make his point. Well, maybe these were made up to make my point, too. I just found them back here in the back room, so I did not make them up tonight. These are charts that were developed for some other presentation at some other time, but they make a pretty good point here this evening, and are certainly a point far different from anything that you heard from doom and gloom Democrats.

Well, that is the reality of what began to happen in the early 1980's. Now, how did we manage to kill off some of the growth that took place? Well, in 1983 we had driven the Social Security System into bankruptcy. Literally, the Democrats had managed to spend away all of the money in the Social Security trust fund for retirement purposes, so what we had to do was come back with a major correction of the Social Security System to ensure its integrity. It was out of money.

One of the things done on a bipartisan basis at that point was to raise Social Security taxes, a very regressive tax. Now, we all agreed to it. I voted for it. I think nearly every Member of the House voted for it, because it was something that had to be done to preserve the integrity of something which is very important to retired Americans.

But the fact is that we began to eat away at all of the improved income that American working families were getting at that point, because we increased Social Security taxes and began to drag down the tax cuts that Americans had gotten even earlier in the decade.

Now, we compounded that in 1986, because in 1986 we came forth with a tax reform bill that was supposed to eliminate loopholes and get at the rich. I mean, this was another one of these things where the Democrats convinced America that fairness demanded we get at the rich.

So, how do we get at the rich? Well, we killed off the real estate industry. The way we did it was, we eliminated passive loss, we eliminated capital gains, we eliminated a whole series of things which literally killed the real estate industry and sunk it into the doldrums.

So all of a sudden the economy begins to struggle. You have higher taxes on people as a result of Social Security taxes, and you have killed off the real estate industry and it begins to struggle.

Even by 1988 we were beginning to see that take place, and the economy, instead of growing at the rate that it had been growing during the mid-1980's, went down substantially, and by 1990 what we had was an economy that was barely moving. It was struggling along. It was still growing, but it was hardly getting there.

So what did we deliver to that economy that was struggling along? Well, we delivered a massive tax increase. We said, "What the economy needs right now is a good dose of new taxes. Let us just tax the people some more, and let us tax the rich. Let us impose a luxury tax on the rich. That will really help the economy. And let us do a few other things. Let us stick a nickle gasoline tax on. That will help the economy."

We said, "Let us do all of these things and kill off the economy," and guess what? Even just announcing the fact we were going to raise taxes in June of 1990 caused investors to begin to make some new decisions.

□ 0040

Virtually every economist now agrees that the recession began in July 1990. Why did it begin in July? Why did it happen in July? Nothing, except that at the end of June we had the White House lawn populated by Democrats and the President going out and announcing they were going to raise taxes. Immediately people with money to invest decided they were going to figure out ways to begin to shelter that money. They were going to figure out ways to divert that money out of productive activity to something that was nonproductive but was safe.

Immediately, if you look at the financial markets, what you find is money is diverted out of any kind of growth-related activities. Guess what? An anemic economy plunged into a recession. An anemic economy was plunged into recession because Democrats insisted as a part of a budget deal that we had to have taxes.

Now, I know, I have heard the people on the House floor over the period of the last few months tell us this is the President's budget deal. He crafted this budget deal. This is all his.

Bull. The President said that he wanted to have a budget deal, yes. The only people insisting on higher taxes were the Democrats. The Democratic leadership said, "Before we will even sit down and discuss details with you, you have to agree to raise taxes. You have to give away the family jewels. You promised no new taxes in your campaign in 1988. We are going to call you on it. We are going to force you to eat crow. That is our cost for sitting down and even discussing a budget deal with you. You have got to raise taxes as part of the deal."

So every dime of taxes that is in that bill is there because Democrats insisted that the taxes be there. Every dime of it is there because Democrats said, "Look, we cannot afford to have this economy continue to grow. It is not good politics to have a growing economy in the future. If we can kill some jobs through taxes, that is a good way for us to gain some political advantage."

Folks, this is what we are seeing being played out in 1991 and leading into 1992. We are seeing the whole process played out. They killed the economy and jobs with taxes in 1990, and now we see the scenario being played out where they come to the floor and moan about the fact we are the victims of what they did.

I would prefer not to have the victims. I would prefer not to have raised the taxes in the first place. I would prefer not to have had the kind of problem that we created in 1986, with the changes in the Tax Code that killed off the real estate industry.

I think it is time to get back to the real growth economics, the real supply-side economics we put in place in the 1980's, which caused a period of growth and created 21 million jobs at an average salary of $28,000.

I would like to see us get back to a growth pattern where the American median income went from $30,394 to $34,213. I think that would be good for us.

Do we get anything from the Democrats that indicate that they are willing to bring that kind of legislation to the floor? No. In fact, every effort we have made to bring that kind of legislation to the floor has been thwarted by Democrats, including the Speaker of the House who ruled it out of order, including the head of the Democratic Congressional Committee, who was out running ads about joblessness, but will not bring a jobs bill to the House floor. And he is the one who objected to the request of the gentleman from Georgia [Mr. GINGRICH] here the other day that we take up the unemployment bill.

Now, all I am suggesting is that the history is a good deal different when you look at it from the perspective of real figures rather than figures that are trumped up to make a point.

I would tell you that the recession we are in, and I still believe we are in a recession, but the recession we are in was totally unnecessary. The recession we are in was not brought about by a weak economy, but by stupid policy. We showed policy stupidity in this town in last year's budget deal. The budget deal was largely crafted so the Democrats could get their pound of flesh, namely, tax increases.

So we literally have put in place what the Democrats wanted, and that is a recessionary economy that they hope will help drive their political fortunes in 1992.

I think that the American people are wise enough to know that something has gone seriously wrong in this body. The folks from the Democratic side of the aisle have run this Congress for the last 42 years. Every day of the last 42 years they have been in charge of this House of Representatives.

What I find when I go out and talk to people is that they are concerned about unemployment, they are concerned about the economy. There is no doubt about it. But they are just as concerned about the fact that this House of Representatives seems incapable of responding to those concerns. This House of Representatives seems to care more about what it wants for itself rather than what the American people need. This House of Representatives seems to care more about bouncing checks in the bank or doing what is necessary to get free meals at the House restaurant, or doing anything that we can to preserve our political careers, rather than doing the things which are necessary to change America.

The American people think that it is time for a little bit of change here. That instead of playing politics with these issues, that maybe we ought to really deal with the issues. What they see is a Democratic Party that not only produces charts with questionable figures, not only produces gloom and doom as their principal way of defining America, but, in addition, then runs television ads, politically directed television ads, as their way of trying to create a dialog in America.

That is not what the American people think is real. The American people would prefer to have an unemployment bill that actually delivers unemployment benefits, not TV commercials. They would like to have something happen that really ends up producing checks to unemployed workers, not simply checks to TV stations to run TV ads.

Yet the Democrats seem more concerned about political advantage, let us see what we can do now to get the President. We have got him on taxes. We forced him into a position untenable on the tax issue. Let us see whether or not now we can use the victims of our deal to our advantage as well.

I think it is a terrible day in America when Congress has as its first goal to create the victims in the first place, and, as its second goal, to use those victims as much as possible.

I would hope that after tonight, that at least the dialog that we have on the House floor will give us a sense of perspective about what is really happening in Congress. The Democrats love to get up and speak all night talking on the House floor about the people that they have themselves victimized, but they really do not want to do anything about really helping the victims with programs that might actually give them a job.

The main thing that we have got to stop is killing jobs in the Congress. We ought to start creating jobs in the Congress. That is where the difference between the two parties is. The Republicans are the creators of jobs, and the Democrats are the killers of jobs.

Hey, hey, Democrats, killing jobs and getting fat.

I will be happy to yield to the gentleman from North Carolina [Mr. TAYLOR].

Mr. TAYLOR of North Carolina. I appreciate the gentleman yielding, and I appreciate the excellent job he has done in showing why we are where we are today in this area of unemployment.

There was some confusion earlier about the luxury tax and the fact that it had nothing to do with the unemployment that we find ourselves with today. I would like to tell you, I have three motor plants for boats in my district. One is closed. The other two have cut their employment by 50 percent.

I have talked with the management and the salespeople in those plants, and they tell me specifically when the luxury tax came in, their dealers started calling them and saying this thing is a disaster. Our folks are dropping their orders automatically. The people are buying their boats out of the country, or keeping older boats. This is a disaster.

Those dealers knew what the cause was, and it has created enormous unemployment in my district. We have probably lost more revenue, the cost of the disaster in my district alone, more than we made out of that whole tax deal for all the luxuries.

Mr. WALKER. The gentleman makes an excellent point about another proposal that specifically killed jobs. Here is something that was imposed by the Democrats with the idea we are going to tax millionaires. No one is going to hurt but the rich people. Boy oh boy, we are going to grab money from the rich.

What it turns out is when they grabbed the money from the rich, the people that got thrown out of work were the blue collar people, because the rich did not pay it. The rich just decided, "We are not going to pay the bill, and so we are not going to buy the boat. We are not going to buy the fur, we are not going to buy the jewelry, we are not going to buy the car." What happened? Dealerships shut.

I have a similar experience. The Trojan Boat Co. is in my district. Some Democrats said earlier that the only reason why Trojan Boat and others were in trouble is because of the recession.

I will say that in 1988 Trojan Boat, at the time we were peaking out on the economy, Trojan Boat had 450 jobs. They tell me in other recessionary periods that 450 jobs would be expected to go down to about 290 jobs.

Indeed, when the recession hit, it hurt makers of big boats. So they expected that kind of collapse.

Do you know where they are today? They are at 42 jobs. They have gone from 450 jobs to 42 jobs, with at least 200 of those jobs directly as a result of the luxury tax.

Those are jobs that this Congress killed with last year's budget deal. That is exactly the point, and I thank the gentleman from North Carolina.

Mr. TAYLOR of North Carolina. The gentleman is exactly right. I would like to make one other point. The gentleman on the left earlier stated that they recognized that the country was in a recession as early as July. That is the specific statement made by the gentleman on the left.

□ 0050

How cynical is that party, recognizing we are in a recession in July of 1990 and then pushing for the largest tax increase in this Nation's history, $137 billion on working Americans?

We are not talking about the rich here. We put a 58 percent tax increase on gasoline, which falls on the average working person, not the rich. And to compound that, this year that party, through its Speaker, its majority leader and the full House want to increase that tax another 35 percent on working men and women.

And then to say they only want to soak the rich. Every time they say they want to soak the rich, the middle class, the poor take it in the neck.

Mr. WALKER. Does the gentleman know of any economist who suggests that one of the ways you deal with a recession is by raising taxes?

Mr. TAYLOR of North Carolina. Never heard of it.

Mr. WALKER. Even some of the people out on the loony left will tell us that it is not a very good idea to raise taxes in the middle of a recession, that that is probably pretty poor economics.

Yet that is exactly what we did last year, exactly what they want to do again this year. In fact, if we had let the highway bill come out here in its original form, that was one of the main vehicles that they were going to use to raise taxes.

It just does not make any sense, and yet it is being done. And I think it is being done purposely.

I would like to think I am wrong, but I have to tell my colleagues, I see so many examples of it that I believe it is purposeful. I think they know exactly what they are doing, and I think they understand that if they can simply drive the economy down far enough that their political fortunes are much better off.

That is a terrible indictment of the Congress, a terrible indictment of the Democrats who run the Congress, but I am afraid it is very close to what the reality is in terms of the policies that we have been pursuing.

Mr. CUNNINGHAM. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from California.

Mr. CUNNINGHAM. Mr. Speaker, the fact is that since I did not get any time from the liberal left a few minutes ago after 3 attempts, I would like to reply to some of their comments. I thought it was quite interesting that a gentleman read a constituent letter in which aerospace had been cut, and he had lost his job.

I sit on the committee, the Committee on Armed Services, that is infiltrated with the liberal left. It is dominated by the liberal left, and everything that they want to do is cut defense. They cut it by 25 percent, and the liberals would still cut it. And that is in the name of a defense benefit to other programs.

It does not take an economist to figure it out.

Mr. WALKER. In other words, when the gentleman was talking a little while ago about the poor person that lost their job in the aerospace industry, that may have something to do with the fact that Democrats were spending their time here trying to kill defense budgets?

Mr. CUNNINGHAM. Trying to kill defense budgets.

Mr. WALKER. There may be a translation here between Democrats trying to cut back on defense budgets and the fact that there are people out there in defense-related industry that are losing jobs.

Mr. CUNNINGHAM. That is correct.

Mr. WALKER. So that is another example where with their policies they have killed jobs.

Mr. CUNNINGHAM. Hundreds of thousands of jobs, as a matter of fact.

Let us take a look at what the outcome is. We have someone in the aerospace industry that has a job. They are receiving pay. They are feeding their family. They are paying into this budget or tax system that we have. They are getting medical benefits.

Let us RIF them, let us fire them. Let us cut defense and put the money into social welfare programs.

What we have just done is RIF that person. That person is now drawing unemployment. He does not have medical benefits anymore. So we have exacerbated the problem that we are trying to fix.

Sure, we want the person to have a job in this country without cutting back defense 25 percent, and there are those that want to cut it.

I heard Jerry Brown the other day say 50 to 75 percent. That would be disastrous for this country.

We saw the liberal left on the other side trying to save their bases, but yet they still want to cut defense.

Mr. WALKER. They want to cut defense, but a lot of them were running around trying to save their bases.

Mr. CUNNINGHAM. To save their bases.

Mr. WALKER. Does that not suggest what I suggested a few minutes ago, that they are more concerned about their own political survival than they are about what is good for the country? It certainly seems to me that that is a good example of exactly what has gone wrong here and what the American people have become so tired of in this Congress.

Mr. CUNNINGHAM. My colleague that had the time before did not listen when they were talking about Jimmy Carter. I sat in the Pentagon and watched Jimmy Carter nearly destroy this country. He could not have done more harm than if he had been wearing a red star on his hat.

He cut defense. He cut programs. It was Ronald Reagan, and I heard it mentioned, they doubled the defense budget. That is because Jimmy Carter cut it.

In 1980, I flew an airplane in a squadron which the average age was over 20 years. We had people killed because we did not have the parts. We did not have the planes and the upgrade equipment that we needed because the liberal left wanted to cut defense. It makes me sick.

The same Members that turned their backs and, yes, sir, the same Members that turned their backs, the 168 that voted against the men and women in Desert Storm, turned their backs on them, just like they did on me in Vietnam, is what we are fighting here.

The same Members that want to cut defense, and want to cut jobs. And then they cry that there is no money for unemployment.

If we created the jobs and allowed the jobs to succeed, we would not have the unemployment.

If we take a look at the deficit, there is more money spent on the interest on the deficit than all the special programs we have put together.

Mr. WALKER. In this year's budget, as the result of last year's budget, which the Democrats forced upon the President of the United States, we have ended up with a budget that spends more paying interest on the National Debt than on all the social programs combined, all the domestic discretionary programs. That includes education, housing, transportation.

Mr. CUNNINGHAM. Health care.

Mr. WALKER. Health care, other than Medicare, but all the things that are combined, research and development. We spend more just paying interest on the debt that we spend on all of those programs combined, and yet consistently what we see on the House floor are Democrats who enforce policies aimed at more spending and driving up the debt and driving up the cost of everything, thereby also killing jobs.

The fact is that when we are simply using money to pay interest on the debt, it is not going to productive activity, either government activity or activity in the private sector. That means less jobs.

So it is another way, their spending practices here that drive up debt are another way that they are killing jobs.

Mr. CUNNINGHAM. Let us take a look at the outcome of their bill. They claim there is money in this big pot. The money does not exist. It is a myth. It does not exist to pay for their bill. It would either increase this deficit in which we have no money because all the money for our programs that we want is being spent on interest. It will increase that deficit by $6 billion.

Mr. WALKER. The Members here earlier tonight who told us that there is money in the Trust Fund to pay for the benefits——

Mr. CUNNINGHAM. It is already spent.

Mr. WALKER. The money is not there. They have spent it away.

Mr. CUNNINGHAM. That is right.

Mr. WALKER. What did they spend it on? Do we have any idea? A little of everything I suppose.

Mr. CUNNINGHAM. Pork barrel.

Mr. WALKER. In other words, the money that was committed to him in trust, in a trust fund for unemployment benefits, they spent away on other things and there is no money in that? They are telling people all across the country that there is money here and we can simply get at that money.

Mr. DOOLITTLE. If the gentleman will yield, I thought we said this was a trust fund. A trust implies a fiduciary relationship to conserve the corpus of the trust for the purpose of meeting the needs of the beneficiary.

Are we saying that that money is not even there?

Mr. CUNNINGHAM. That is correct. There is not 1 penny left in that trust fund to pay for this bill that they want to do. The reason the President vetoed it is because we either have to increase the deficit by $6 million or raise taxes. And the Democrats would love the President to raise taxes again. That is what they insisted on in the last budget to pay for their spending.

Then they came back and criticized him.

□ 0100

Mr. WALKER. Well, in fact, do they not have an unemployment bill coming out of the Ways and Means Committee right now that raises taxes again?

Mr. CUNNINGHAM. This is true.

Mr. WALKER. And with knowing that tax increases in the economy, tax increases imposed upon basically small employers will kill more jobs, they are willing to kill jobs in order to get these benefits rather than do what the President wants to do, and that is sell off some military radio spectrums and get more activity in the private sector?

Mr. DELAY. Will the gentleman yield?

Mr. WALKER. I yield to the gentleman from Texas.

Mr. DELAY. I am glad we got on this subject because we are putting it in perspective, because earlier tonight it seemed that we wanted to avoid why we are in the recession, and we wanted to avoid the reality, and the real numbers as to what the 1980's had proven. And it is really interesting that the American people know what the 1980's were. They can try to make it different, but the people that lived through the 1980's and benefited from the 1980's, and had jobs, got jobs from the jobs created in the 1980's understand what the 1980's were all about.

But to put it in perspective, they talk about the package that the President vetoed, that it was going to help 3 million people that had exhausted their benefits. Let me read to the gentleman, if you will allow me, from the Unemployment Insurance Reform Act Report, the committee report that accompanied the bill. In that report, written by the majority, because they wrote the bill, it says, "Currently only about 5 percent of the nearly 1.2 million workers who have been unemployed longer than 26 weeks receive EB," which is extended benefits. "The new FSC program," which is this new extended benefit program they tried to stuff down the throats of the American taxpayer, "probably would raise the proportion of those collecting extended benefits by about tenfold, to over 600,000 workers."

So their bill does not extend benefits to the 3 million that they are talking about. Their bill extended extra benefits to only 600,000 workers. And now the bill that they are bringing to the floor, that they are raising taxes to pay for, will probably extend benefits to even fewer numbers of workers.

Mr. WALKER. Do you mean they were wrong by about fivefold?

Mr. DELAY. The gentleman's arithmetic is pretty good. I think they were wrong about fivefold.

Mr. WALKER. It sounds as though their numbers they have been using to defend their position are about as good as the numbers on the charts they have been using.

Mr. DELAY. It is amazing to me how they cook up these numbers and take great liberty that not even the most liberal economist would take in cooking numbers and shifting numbers.

I mean, in one of the charts they claim, they labeled 1991 to 1993 the Reagan recession when President Reagan was inaugurated in 1981 and was not here. But I think the first program enacted was the Gramm-Latta bill.

Mr. WALKER. Precisely. And they backloaded it. Remember? One of the interesting things about the tax cut was that they backloaded it so that it really did not fully get into effect until about 1984.

Mr. DELAY. Exactly.

The whole point is that what they labeled the Reagan recession is indeed the Carter recession along with what they labeled, and it is the first I have seen Democrats label that there was a Carter, admitted that there was a Carter recession. And I do not have my glasses on, but I think they claim it is like 1979 to 1980. Let me see if I can see that chart here. Yes, I think it is 1979 to 1980 is the Carter recession, and the next year another recession, 1981 to 1983 when, indeed, what it was a double-dip Carter recession.

And then they talk about the Carter years creating all of this growth. They count the first year of the Carter administration, which to be fair the Carter administration had nothing to do with in the first year of their administration, because it takes a while to gear up and get your policies going and those kinds of things. That growth came from the Ford administration. So they are very selective when they start talking about incomes and stuff, and they always talk about a timeframe of I think it is 1977, which is the Carter years, to 1989, which is a weird figure, 11 years, 12 years. So they are constantly cooking numbers.

Mr. WALKER. If I can come back to the gentleman, is it not true that on the one chart that they had there that they did not seem to want to discuss with us, that by using the first 3 years of each administration what they do is ignore the fourth year of the Carter administration when the whole economy was a disaster?

Mr. DELAY. Exactly.

Mr. WALKER. And where the whole thing plunged into the depths, and so if they actually put the fourth year into the Carter administration it would cause major problems for them. The same thing with the Johnson administration. They use the Johnson administration, the first 3 years. By the end of the Johnson administration the economy was in terrible shape.

Mr. DELAY. If the gentleman will further yield, they did not even count the second 4 years of the Reagan administration when growth was 14 percent.

Mr. WALKER. The gentleman is correct. They just completely left that off the chart, the whole second term of the Reagan administration when all of that growth was taking place, and we ought not ever talk about that because, my goodness, that might actually show figures that would ruin your whole point about how bad the country was in the 1980's. When my colleague from Pennsylvania suggested we go out and talk to the people in the country about how things are, when you talk to people about how things were in the 1980's, they certainly agree with the Democrats, things were terrible in the 1980's, and they agree right now that things are pretty bad, and everybody I talk to when I go door to door, or when I see people in the streets, or when I go to the local McDonald's and sit down and talk to people, sure, they think things are terrible right now. And they also know something, they know that something went drastically wrong last year when we passed that stupid budget deal, because up until then everything had been going pretty good, and the economy had been at least puttering along pretty well. And most of them were employed. And then all of a sudden something happened. Most people are smart enough to look back and see something, to look back and say you guys in Washington passed that dumb budget deal in the face of reregulating America and increasing spending at phenomenal rates. Then you get a recession, and it is just basic economics.

Mr. WALKER. And when you tax an anemic economy you get a recession, and that is exactly what happened.

And who insisted on the taxes? I do not know anybody on the Republican side, including the President of the United States, who was insisting on taxes. The President swallowed taxes, but the only people insisting on taxes were the Democratic leadership of this House, the same Democrats who have controlled this house for 42 years. There has not been one interruption in their control. This is the Democrat Congress. This is not a Republican Congress. We have nothing to say here. The only time we get a chance to say anything at any length is in these kinds of special orders at 12 o'clock at night.

Mr. DELAY. One o'clock.

Mr. WALKER. One o'clock, I am sorry.

Mr. CUNNINGHAM. Will the gentleman yield?

Mr. WALKER. I am glad to yield to the gentleman from California.

Mr. CUNNINGHAM. That is precisely why you see four freshman Congressmen here. In the 9 months we have been here we get rolled over every single day.

What the American public saw in the Thomas hearings is an example of what this Congress, this minority party goes through on a daily basis. And my colleague fights our battles daily, and I commend him for that. The President goes through the Thomas hearings every single day, because they make the rules, the Rules Committee. If we want to improve Congress, the first thing I would do is eliminate the Rules Committee.

Mr. WALKER. And you mean actually have open rules in the House where we actually debated real issues that were germane to the bills? Wow, would that be radical.

Mr. CUNNINGHAM. People ask us all of the time as freshmen, "Well, how do you like your first month?" You can make a lot of small victories, you can help a lot of people, and I want my fellow Members on the other side of the aisle to understand how it feels on this side. Every single day we roll over when you want. We had a person's words taken last week, and the majority leader said, "Oh, wait a minute, we didn't think the individual's words were going to be taken." That is like a coach in a ballgame that is kicked out of the ballgame. You cannot speak for the rest of the day. But the majority leader stood up and said, "Well, we think she didn't realize her words were going to be taken." She was told three times, and then he said, "Well, we do not think it is pertinent and let us have a vote," because you have the majority and you just rolled right over the top of us.

In the Thomas hearings they saw that Thomas was going to be nominated, and they did any sneaky thing they could, including releasing an FBI report to change that. The President faces that every single day. We as freshmen see it.

I talked to my friend on the other side of the aisle here about the civil rights bill, a bill that was directed at the President so bad that the opposition knew that the President would veto it, not to help people. Let us take a look and lay off politics and stop laying off Americans.

We would like to come up with a civil rights bill. We would like to come out with an unemployment bill that is not aimed at 1992.

Our leader, NEWT GINGRICH, told us tomorrow, next week we will provide checks for unemployment in the next weeks, and in the meantime the opposition can argue. We will get those checks out. But they do not want to hear it.

□ 0110

What they want is rhetoric for 1992, and that is what they stand on. That is why they set this session tonight. That is what is discouraging about being a freshman Member of Congress on this side of the aisle.

Mr. WALKER. Mr. Speaker, I yield to the gentleman from California [Mr. DOOLITTLE].

Mr. DOOLITTLE. Mr. Speaker, I would concur with the remarks made here. Something is seriously wrong with this Congress. I think everybody knows it. We are charged with acting in the long-term interests of the people of the United States, and we have abrogated—I should say the Democrat leadership—I am not going to take responsibility for it. We are the minority party here. We believe in jobs, we believe in economic prosperity, we believe in helping the average American, all Americans, whatever income level or race or creed, to get ahead.

We are constantly being thwarted by empty rhetoric, by little shows that go on around here all the time with pretty graphs and fine flourishes of rhetoric and nothing of substance.

The American people are fed-up with this nonsense. We must do something now to act in the long-term interests of the American people.

You know, I believe Government has two primary responsibilities; one is to recognize that the family is the basic unit of civilization and our policies ought to be strongly biased in favor of the family.

Mr. WALKER. Do you think the family wants a job, or do they want jobless benefits?

Mr. DOOLITTLE. That gets to my second point. The second point is that a job is the best form of welfare ever devised because it meets not only the material needs but the spiritual needs of the person; it builds self-esteem, allows people to get ahead.

Our national policy ought to be heavily biased in favor of job creation and economic growth. Our policies today are not oriented either toward the family or toward jobs.

Governmental taxation is killing the family. If the gentleman from Pennsylvania [Mr. KOSTMAYER], were still here, I would engage him in further debate. The statistics on the American family are shocking. And the Democrat irresponsibility and their uncontrollable, insatiable appetite for more and more spending is destroying the family. Let me illustrate how.

In 1948 the average family of four with a median income paid 2 percent of its total income to the Federal Government in all forms of taxes combined, 2 percent. That same family of four with a median income today pays 24 percent of its total income to the Federal Government in all forms of taxes collected.

Mr. WALKER. In 40 years it has gone up 12 times?

Mr. DOOLITTLE. Yes. Do we wonder why mothers are forced out of the home into the workplace? That charge has been laid on to us. They dismissed the 21 million jobs created under Ronald Reagan's enormous upsurge in economic activity, dismissed it by saying, "Oh, well, those are second jobs." Let me tell you second jobs do count.

Mr. WALKER. They are necessary with families struggling under the kind of economic burden we have imposed upon them.

Mr. DOOLITTLE. Yes. The Democrat-imposed spending which has ruined the economy, has forced people out of the home in order to have two incomes. Do you know what? Those two incomes do not have any more purchasing power than the one income did in the early 1970's. I am sad to admit that, but I believe that to be true.

Is that our fault? Is that Ronald Reagan's fault? Is that another failure of the trickle-down theories that he had? No. That is the Democrats' fault who have been ruining this country year in and year out by their disastrous policies.

This burden on the average family has gone up 12-fold. When you add in State and local taxes, the average family of four with a median income is paying one-third of its total income to the Government in taxes. Now, this Congress spends billions of dollars on different, what are perceived to be different, problems. We talk about the problem, we hear a lot about the poor educational performance of kids in school. The implication is that we are not spending enough money. That we must not have enough Federal spending programs in order to deal with this. This despite the fact that billions have been spent and there is very little to show for it.

We have the problems of teenage pregnancy. We are told, "Well, there is not enough sex education. We have to teach kids how they become pregnant."

Well, the more money we spend on this the more teenage pregnancies we get.

We have the problem of child abuse, the problem of spousal abuse, of homelessness, drug abuse, and criminal activity. Let me submit that all of these, in my judgment, are not isolated problems, as the liberal Democrats choose to view them and choose to concoct new programs supposedly to fix these problems. There are symptoms, they are terrible symptoms of the deterioration of the American family. We have heard a lot of debate about unemployment benefits. I am very concerned about the unemployed. The Democrats solution is to add another, I think, $6.5 billion just to throw that on to the national debt. It is going to be $350 billion in this budget year alone. Why do we not do something that benefits all Americans?

President Kennedy said the rising tide lifts all boats. He was a good liberal Democrat back in the 1960's.

Mr. WALKER. And what we know from this chart is that he was exactly right because in the 1980's, when we created the rising tide, virtually every income group increased its income from the lowest to the highest.

Mr. DOOLITTLE. That is exactly right. Trickle-down, Reaganomics, or whatever derisive term the Democrats want to use, let me tell you I would love to get back for the American people the benefits that we had as a result of the Reagan tax cut that we enjoyed for the first half of the 1980's.

When we talk about these social problems, we are going to spend billions more, and it will be to no account. Why do we not do something that does not cost us any money but that will benefit every American from the poorest to the richest? Let us control the insatiable growth in Federal spending.

You know, I have heard a lot about that. I am going to let the gentleman from Pennsylvania [Mr. WALKER] conclude, and I will address the insatiable Federal spending in the next hour when it becomes my opportunity.

But I will just observe that I think all of those terrible symptoms that I expressed need to be redressed. Why do we have it? Why is it unsafe? Why is this the murder capital of the United States, Washington, DC? Why are people concerned to ride the subways in New York City? Why do we have to put up with this?

If the Congress changed its policies so that we alleviated these problems, not through more crazy spending programs but through taking the pressure off the American family so that we could reduce that tax burden, so that we could strengthen the families to the fundamental values that should be transmitted to children so that the children could be educated by their parents, with schools assisting the parents in the education of their children; we would begin to get ahead in this country.

Mr. WALKER. Let me interrupt the gentleman to tell him that one of the ways in which we might get there is the suggestion of the gentleman from California, his colleague, made a couple of minutes ago, and that is if we could get outside the kind of rules process that governs us and allows us to debate some of those very issues. You know, we have a lot of bills come to the House floor that speak to those issues where we are not allowed to debate the issue.

When I first came to the Congress, speaking of history, when I came to the Congress in the late 1970's, most bills that came to the floor came under open rules. You could literally write amendments on the House floor and debate them.

Many times we had wide-ranging debates that covered all these topics. For instance, when the unemployment bill came up, you could actually add amendments to it. You could actually decide what the right policy was. You were not strangled by the Committee on Rules that told you that certain things are not in order, that only limited amendments were allowed. The highway bill that we had today, this is the first highway bill we have ever had before us that came out under a closed rule. Always before, we had the opportunity to debate the bill.

What did we have on this? We had people strangled, we could not even go after the major spending in the bill.

We have limited the ability of this House to address the serious issues that the gentleman raises, and we have done so because the Democrats are so unsure of their status in the country that they know they cannot allow open rules on the House floor. They know that some of the things would be brought to the House floor, would be voted on and their philosophy would be beaten. So they cannot afford to do that. So therefore they jam down our throats unemployment bills, for instance, which everybody knows are going to fail. If we actually had a chance to really debate that and really amend it, the chances are we might actually come up with a bill that the President would sign, but we never get to that.

Mr. Speaker, I yield to the gentleman from California.

□ 0120

Mr. CUNNINGHAM. Mr. Speaker, I think why the freshmen are here is that it is out of a sense of frustration. We watch the other side of the aisle debate and only target for 1992 without trying to help people. We can sign a bill tomorrow to have checks on the table for the unemployed if they will just come and talk to the gentleman from Georgia [Mr. GINGRICH]. That will happen. It is a promise. We can have checks for the unemployed in which they want to help and which we want to help.

Stop the rhetoric. Let us help people because we have not been able to do that as freshmen. We get rolled over, and since it is an election year, everything that is targeted is for 1992. My colleagues sense in the people, and the people I am sure that are watching, sense frustration and anger. That is because we are not helping people. When they say, "Throw the rascals out," they are exactly right because we are ineffective. We are not doing our job, and then we go and raise our pay.

Mr. Speaker, people are frustrated with Congress, and the reason is because of exactly what is going on tonight. What I would much rather do than sit up here and belittle each other is to sit down and solve some of these problems. Let us get the checks out. Let us sit down, and negotiate and make it happen, and that is why the frustration.

Mr. WALKER. Mr. Speaker, I think the gentleman from California [Mr. CUNNINGHAM] is right. What we need is policy rather than politics. What we need is to create jobs rather than kill jobs, and it sure would be nice to have Congress working in those kinds of areas rather than trying to figure out what the next game of one-upmanship is to try to get the President of the United States.

Mr. Speaker, I would be happy to yield to the gentleman from California [Mr. RIGGS].

Mr. RIGGS. Mr. Speaker, I just wanted to add maybe a footnote to this segment before we yield back to our colleagues on the other side of the aisle.

A recent study was done by the Joint Economic Committee, and I think it points up very clearly why raising taxes to pay for extended unemployment insurance benefits is frankly a zero-sum proposition because that study clearly showed that for every $1 in taxes that the Federal Government takes in, it costs the Federal Government $5. For every $1, it costs the Federal Government $5 in unemployment compensation and lost income taxes.

So, we can have all the charts we want.

I am sure we are going to hear in the next hour how there are proposals ready to come to the floor, and unfortunately their proposal will involve raising taxes, an insidious payroll tax increase, and the reality is that will ultimately cost us dearly in terms of even greater unemployment insurance compensation, as well as lost income taxes.

So, Mr. Speaker, I just want to thank the gentleman from Pennsylvania [Mr. WALKER] for allowing me to interject that.

Mr. WALKER. Mr. Speaker, the first alternative was to say to the President, as my colleagues know, accept this bill and raise the deficit. Now their solution is: Accept this bill and raise taxes, and in so doing of course they are asking the President to do like they asked him to do in the budget agreement last year, plunge the Nation further and further into a recession, kill more and more jobs, and, as a result, create more and more disasters. That probably serves their political game very well. If next summer they could point to the fact that the economy is in ruins, that would probably serve the politics very well.

Mr. Speaker, I think the American people would prefer to think that Congress thinks a little bit better than that and would like to see the economy back on track by next summer, and then let the political chips fall where they may, but do not make the American people the political pawns, the victims of bad policy in Washington.

We killed the economy with last year's budget deal. We plunged it into an unnecessary recession. Now the victims of that budget deal are being further victimized by a Congress that either cannot act or will not act responsibly.

I think that that is something which needs to be understood by all Americans as they view the proceedings here tonight and as they view the proceedings that roll out from tonight into the next several weeks.

ORDER OF BUSINESS

Mr. DERRICK. Madam Speaker, I ask unanimous consent to control the next hour of time.

The SPEAKER pro tempore (Ms. KAPTUR). Is there objection to the request of the gentleman from South Carolina?

There was no objection.

THE PROBLEMS OF THE UNEMPLOYED IN AMERICA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from South Carolina [Mr. DERRICK] is recognized for 60 minutes.

Mr. DERRICK. Madam Speaker, this summer we hoped to undo what the Republican administration has done for the last decade. We hoped to once again rescue this country from administrations who are not concerned for the middle income, lower middle income, probably the upper middle income people of this country. What they are primarily concerned with is the very rich.

Now let me say that we have heard a lot about economic growth policies. I must say that I think it takes a reasonable amount of brass for anyone on the other side of the aisle to stand up and suggest that we Democrats adopt any of their growth policies. As my colleagues know, they do have a record, and their record is a public record, and what that record says is that in 1979–80 the annual deficit of this country was approximately $69 billion, and in 1990 the total debt of the Federal Government was approximately $1 trillion, a trillion dollar debt that, I may add, had been accumulated over 200 years of this country's history. In 1980 we were also the greatest creditor nation in the world.

As we moved into the 1980's with a Republican administration and a Republican Senate, I do not know what the percentage was; I have heard 98 percent, and I do not know whether that is correct; but they got most of what they wanted passed. They sure got the big blockbuster passed in 1981, the Gramm-Latta tax bill.

By 1985 the annual defict of this country was something over $200 billion. What is that? Four times what it was, almost four times what it was in 1980. Sure, we had prosperity, but I want to suggest to my colleagues, if they would like to give me a billion dollars a year and tell me I only have to pay the interest on it, I can have a grand old time until the interest amounts to a billion dollars, and then I have problems.

Madam Speaker, that is why this country has problems today, because that interest now is over a billion dollars. We saw the Republican administration piddle away the equity that our forebears had built up over a 200-year period. We saw our country become the greatest debtor nation in the world.

Now one does not have to listen to a Democrat saying this. David Stockman in his book, and in his magazine articles and in his utterings said it was all a sham, said they knew it was a sham. But it was a way to keep administrations in business, in office, to get them there and to keep them there.

□ 0130

So your own great guru, economic guru of the 1980's, tells you that it was a sham, and basically agrees with what I have told you here tonight. I am concerned about the folk out there that do not have jobs. I am concerned. I have never been without a job in my life, but I can imagine that it is a terrifying experience to have a family to support, obligations to meet, and not be able to find a job.

Thank goodness we have unemployment compensation, and that helps some, but there is one thing that I can imagine that is even worse than not having a job and having obligations and a family to support, and that is not to have a job and to have my unemployment compensation run out. Can you imagine the desperation that families throughout this country, estimated to be 3.5 million this year, must feel, the desperation that goes down into their very gut that they cannot find a job and that their unemployment compensation is cut out? I will tell you that I cannot imagine that there are many worse feelings than that.

We Democrats, with some Republicans, have passed three bills through this body and through the Senate to help these people out, to extend to them a helping hand so that they can at least exist until they can find a job.

Now, you know, we all want to create more jobs, but if you are out there drowning and you are going down for the third time, it really does not help much for someone to come by and say, "Well, we will come back for you later," because most of these people will not be there later if we do not help them now.

The business about breaking the budget agreement, that is a lot of foolishness. The money is there in the trust fund to pay for these benefits. It has been paid in. It is $8.5 billion, and it is there for this very purpose. It was paid in so it would be there when it was needed, and it is needed today in this country for the millions whose unemployment benefits are running out.

So I ask those across the aisle, and maybe a few on our side that did not vote for it, to vote for an unemployment bill. And I ask the President of the United States, who I do not accuse of being an inhumane person—I know that he feels for these people—but, Mr. President, let us sign a bill and let us take care of these people.

I yield to the gentlelady from California [Ms. PELOSI] for 10 minutes.

Ms. PELOSI. I thank the gentleman for yielding.

Madam Speaker, I wish to thank the majority whip, Mr. BONIOR, for organizing this special order this evening, or now I guess it is this morning, 1:35 in the morning in Washington, DC. It is appropriate that we hold this allnight vigil to let jobless Americans know that their pain is not going unheeded by this body, even though the President, by his actions and his vetoes, has chosen to ignore them.

I guess the reaction of the public to the President's policy is beginning to hit home. We see in a local metropolitan journal today that the President is below 50 percent in his job rating because of the economy, and it is no wonder we see the members of his party squirm when this issue of the economy is brought to this floor.

Madam Speaker, in my State of California, 240,000 have lost their jobs during the current recession, and 153,000 people in California are out of work. In the Nation as a whole, 8.5 million Americans are looking for work. As winter approaches and their unemployment benefits run out, they face an emergency situation. Our colleague from South Carolina [Mr. DERRICK] very poignantly explained what it must feel like to them. How will they pay their heating bills? How will they feed their children? How will they pay their rent or their mortgages?

With a stroke of the pen the President wrote off these jobless Americans, and what does the President tell these people facing hunger and the danger of losing their homes? He says not to worry, that there is no emergency, and that economic prosperity is just around the corner; just be patient.

In reality, Madam Speaker, in vetoing the unemployment benefits for jobless Americans, the President has abandoned them.

Until the President has figured out a way to jump-start our ailing economy, the least he can do is agree with Congress that the jobless Americans deserve extended unemployment benefits. Extending unemployment benefits is certainly not unprecedented. Previous speakers in charts have referred to how in a bipartisan way Presidents of both parties—President Ford, President Reagan, and President Carter—in their administration have extended jobless benefits in past recessions, regardless of party.

It is only in the Presidency of President Bush and in his recession that we see the abandoning of that policy that has worked so well in past recessions.

Jobless benefits were extended during the economic downturn in 1957, 1960, and 1970. During the 1980's temporary benefit extensions were approved four times. But this year, the President says no.

One of the people that the President has said no to is one of my constituents, a young professional. I would like to read from a letter that I have received from her. She says:

> My husband, an industrial designer, was laid off in late May and will run out of unemployment benefits at the end of the year. He has interviewed with every design firm in the Bay Area and registered with headhunters working nationwide. He's received a lot of encouragement from employers who have seen his portfolio but no one is in a position to hire. There have been no ads in the paper and no feedback from the headhunters. We're obviously in for a long haul.
>
> I work full time and earn 49 percent of my husband's former salary. Without the unemployment benefits (which are just enough to pay our rent) we would have to give up our apartment and move in with friends. Six months is not enough time to find a job in a specialized field like industrial design, especially when industry is just holding its own and not investing in new products or environments.
>
> We need and deserve more support from the United States government. . . .
>
> We have a medical insurance bill of over $450 per month due to the "benefits" inherent in the COBRA system. Because of a "preexisting health problem", I have to stay with our present health insurance company until such time as my husband finds another job with benefits. The health insurance which was relatively inexpensive for us when most of the premium was paid by his company is now exorbitant but we are locked into possibly for the next 18 months.

I read this letter, Madam Speaker, because we are not talking about an unskilled laborer, we ae not talking about an entry-level person. We are talking about people—this has hit across the spectrum. This drives fear into all Americans. This is not just a the lowest level, affecting unskilled workers who are marginal and who are quick to lose their jobs during a time of a bad economy.

□ 0140

These are trained, educated people. Not that it is any less painful for somebody who is poor or somebody who is more in the middle income. But what I am saying is nobody is safe from this. As educated and skilled and as professionally prepared as people are, across the board we are seeing them facing this uncertainty.

It is not only the people who are unemployed, it is those who fear unemployment that are concerned about what happens to them if they should lose their job. A poor economy and an increase in joblessness, inadequate unemployment compensation, uneven health insurance, joblessness does not even tell the whole story, because we have many people, as I mentioned, who are underemployed and are working at substandard wages, wages much lower than their skills would warrant.

Earlier our colleagues were talking about competitiveness. When I say earlier, I mean much earlier this evening.

But we must not forget that crucial to competitiveness and to productivity is respect for the work force. Our international competitors do not ignore the worth of the work force. This is part of their success.

So whether it is wages and benefits when they are working, or unemployment compensation in the face of a downturn in the economy, or health benefits in either circumstances, we had a bill earlier this year, the Fairness Workplace—what was it, the bill that addressed permanent replacement of people on strike, again striking to the morale——

Mr. DERRICK. Striker replacement.

Ms. PELOSI. Striker replacement, hitting the morale of the American worker. This is part of that. We earlier this year had a debate on the fast track, and we kept emphasizing in the debate on both sides of the issue how important it was to have certain assurances for American workers, that if they lose their jobs, there are some safety nets for them.

That is why it is so important for us to extend these unemployment benefits, so the American workers know that we stand with them as opposed to with the wealthy. We stand with them in this time that is fragile for them, and that the Presidential vetoes do not produce jobs nor feed children nor heat a home nor pay the rent. The President's veto of unemployment benefits is an act of cruelty to the American people. As he does this, he leaves now for several weeks of uninterrupted travel abroad.

I therefore again thank my colleagues for calling the Nation's attention to this issue.

Mr. DELAY. Mr. Speaker, will the gentleman yield?

Mr. DERRICK. I yield to the gentleman for about 30 seconds.

Mr. DELAY. The gentleman gave a history of the 1980's. I just wanted to add to that history that which he left out. I wanted to discuss what the gentleman's opening remarks were in relation to the history that he gave about the 1980's.

He failed to mention, assuming that Reagan got all of his policies in the early 1980's, which he did not, that he did not even get the spending cuts he wanted. Because the gentleman failed to mention in his history that revenues increased an average of 7 to 8 percent over the last 10 years, yet spending increased 9 percent over the last 10 years.

Indeed, over the last 10 years Congress spent $515.8 billion more than the President requested. It was not a lack of revenues, it was spending.

Mr. DERRICK. Mr. Speaker, I will take back the balance of my time. We are all aware that President Reagan signed more tax increases than any other President in modern history.

Mr. Speaker, I yield to the gentleman from South Carolina [Mr. SPRATT].

Mr. SPRATT. Mr. Speaker, just last August President Bush said, "What I think is the economy is recovering. It is moving forward." That was just last month.

I do not know where in America the President has been traveling to reach that conclusion, but it sure was not my congressional district. Unemployment in my district, the Fifth District of South Carolina, is 7.8 percent. That is the highest in the State of South Carolina.

Last August when the President was speaking so optimistically about the economy, there were 21,600 people in my congressional district who were out of work. They could not find a job.

Of course, real unemployment is even higher, because this number, 21,600, only includes the people who are still actively seeking a job, who have not given up the search.

Also, 7.8 percent is the average unemployment in my district. There are counties in my district, some rural, some urban, where unemployment is even higher.

In the county adjacent to where I live, unemployment there has been 15 percent. Today it is 13.3 percent. In the second largest county in my district, unemployment has been over 11 percent. It is a mixture of cyclical unemployment due to this recession and structural unemployment due to the closure of businesses, textile firms, and other firms where jobs simply have not been restored.

Statewide in the State of South Carolina unemployment is just over 6 percent. One hundred and three thousand workers in South Carolina are out of a job. In our State we believe we still have a work ethic. These people do work. They want to work, and if they had any possible opportunity to work, they would still be working.

A year ago unemployment in South Carolina was 4.4 percent. So in 1 year, the last 12 months, unemployment has risen by over 1.5 percentage points, 27,000 people in the State of South Carolina.

Our economy has not improved, not in this Nation, not in our State. It has gotten worse. I do not know what the President has been reading to substantiate the remark that he made last August, but every magazine I pick up, every news story I read, has something like this article that was in the last edition of Time: "The slump that won't go away: America's rundown economy."

According to the Bureau of Labor Statistics, between January and March of 1991, which are the last figures available, there were 33 businesses in my State, and that is a small State, that suffered massive layoffs. Not just furloughs, not just cutbacks, but 6,400 people were laid off in these massive layoffs.

As I said, there are many causes for unemployment in South Carolina. Some are cyclical, some are structural. One of the major causes in our State is structural, layoffs and shutdowns due to the straits the textile industry and the apparel industry has found itself in, which is largely due to imports.

In our State the textile industry is and has been for years the largest manufacturing employer. It has suffered blow after blow in the 1980's and on into the 1990's. Even when our economy was doing well, the textile industry was suffering from import competition.

Between 1980 and 1990 the import of textile apparel rose from 28 percent of the domestic market to 60 percent of the domestic market. Back in 1980 we had a textile apparel trade deficit of $4.7 billion. By 1989 that had grown to $26.5 billion. It had grown fivefold in a period of 8 to 9 years. Today it accounts for more than one-fourth of our total trade deficit.

What is the reason here for these trade deficits? One major reason is that the Reagan and Bush administrations both have simply refused to try to stem the tide of textile imports. They have refused to negotiate tighter quotas with exporting countries, and have been lax in enforcing the quotas we have.

Congress on three occasions passed textile trade bills to stiffen their resolve. On each occasion either President Reagan or President Bush has vetoed the legislation we passed here by large margins.

What are the results of this laissez-faire trade policy? They can be measured in textile jobs. They are measured today. Since 1981, there have been 337 textile apparel plants in South Carolina alone closed. We are a State of 3.4 million people. We have had 337 plants in the last 9 years shut their doors. We have had 70,000 jobs lost due to plant closures.

In 1990 alone, 48 plants closed down. Ten thousand South Carolina textile workers lost their jobs. So far this year, 13 more plants have closed down, leading to the layoff of another 7,800 workers.

If this were not enough to harm the textile apparel industry, the Bush administration has been pushing a proposal in the GATT Uruguay Round in Geneva to eliminate the so-called multifiber arrangement, the only legal limits that allow us to restrain to some extent textile imports.

If this proposal is ever accepted, if it ever gets made into law, this country will have virtually no control over textiles from China, Taiwan, Bangladesh, and Korea, or any other exporting nation, and we could lose another 1.4 million textile jobs.

These are good jobs. The people who hold them are hardworking people. There is no feather bedding in a textile mill. These are proud people, and they are not asking for a handout. All they are asking for is the right to earn their way in our society.

President Bush came to our State back in 1984 on the presidential campaign. He was confronted by reporters with these statistics. When asked what his administration was going to do about them, he shrugged his shoulders and said, "C'est la vie. That is life."

□ 0150

Madam Speaker, I disagree with these trade policies. I believe in managed trade for textiles and apparel, but I will admit that managed trade versus free trade is open to debate. At the very least, however, I think it behooves those who are in favor of free trade to recognize that people will get hurt by free trade, that they will be victims. Workers will lose their jobs. They will lose their jobs to industries where the prevailing standards of worker occupational health and safety are much more lax in the United States, where wages are a fraction of our wages. And knowing that, it is at least incumbent on those who advocate free trade who are going to be the victims of it.

That is where I have a real problem with this administration, particularly in a recession like this, because of the Reagan and Bush administration belief that the market will optimize the outcome. Instead of offering a helping hand, they would leave it to the invisible hand.

Madam Speaker, in the last 1930's, after the invisible hand took us into a deep depression, this country decided we wanted a New Deal for American workers. Among the things we established to remake our economy and our society was unemployment insurance.

Americans came to believe in this as part of the social safety net, part of the social insurance program that made America what it is and made our economy what it is.

In the 1950's, we added to it by providing extended unemployment benefits each time the economy went into a deep downturn. In the 1970's, President Nixon signed into law the Permanent Extended Benefits Program, which would be triggered automatically when the State economy or the National economy reached certain levels of unemployment.

We all know from this debate and from previous debates on the legislation that it would have extended benefits for this recession, Gramm-Latta back in 1981 tightened that trigger, so tight that it hardly works to help people who clearly deserve the help, even though this is the third most severe of nine postwar recessions. The trigger has affected only one State.

All we have sought in trying to extend unemployment benefits to those whose benefits have been exhausted and have run out is to give them a little help so that they can keep looking for a job, so that they can go to JPA or go to one of the unemployment training programs, continue to support their families while they seek some sort of additional and new employment.

I spoke earlier of a county in my district, Chester County, where unemployment has been 15 percent in the last year. I would like to close by reading a letter from a constituent written not to me but to President Bush, from a man in Chester County.

He is a man who spent 41 years working on the railroad. He is retired now. He is not unemployed. He has a railroad retirement check and some savings that he lives on.

Here is what he wrote President Bush, whom he said he voted for in 1980, 1984, and 1988.

> There are hundreds of people in our community who are out of work through no fault of their own, many from plant closings, store closings, firms going bankrupt. You say that by extending unemployment benefits, it would open "bust the budget." Where are the $8 billion in this fund? You people that were fortunate enough to have been born into a wealthy family and have never experienced the trauma of having next-door neighbors who are close to becoming street people have no idea of what being destitute is all about.

There is a man who voted for President Bush 3 times. I quote him because he is graphic and compelling, but I also quote him because here is a man who is secure. He had a job. He has got retirement. He is like millions of other Americans who have a job, they are not so selfish as to not be able to see beyond their own self-security. They are not so selfish as to not want to understand and appreciate that they are their brother's keeper. They want to help their neighbors who do not have a job.

These people understand the economy of this country viscerally better than the President's Economic Advisers. They know what America is about because they made America. Their savings were America's capital formation.

Their blood won America's wars. Their work is America's productivity.

The President can ignore our debate tonight. He probably will. But he ought to stick around. He ought to stay home. He ought to travel the country and listen to people like these because they are the majority, a large majority. And they want to help the 8.4 million people, jobless in America today. They want to help them bear the burden of this recession.

Mr. ESPY. Madam Speaker, will the gentleman yield?

Mr. DERRICK. I yield to the gentleman from Mississippi.

Mr. ESPY. Madam Speaker, I am proud to follow the other gentleman from South Carolina. I guess we could say this is the southern segue, about 2 a.m. in the morning.

Let me begin by just saying that I am impressed with what the gentleman from South Carolina just said because really, as we stand here this morning, we have to try to put this in perspective. It is serious problem.

It is appropriate that we take this time to discuss this special issue of unemployment. We have about 2 million more Americans out of work than this time last year. We have cities all across this country going bankrupt, and if this economy has a cold, I would say from a Southern perspective that it is probably appropriate to say that if the Nation has a cold, the South has pneumonia. Particularly the Deep South, the State that I represent is in deep trouble.

I would like to talk about the illnesses and try to talk about the local impact of this recession and the plight of my constituents in my district.

If I can take off just on one thing that the gentleman from South Carolina just said, he talked about being our brother's keeper. This is really what it all about. When we die, and hopefully we go to the entrance of the pearly gates and we stand before St. Peter and the roll will be called and the history will be reviewed of our life, he is not going to ask us what percentage we won our last elections by. He is probably not going to ask the aggregate account about PAC funds. He is probably not going to ask how many frequent flyer miles we have.

I would think that he is going to ask questions in another sense. I think that he is going to ask what did we do while we were on Earth to make the lives of our fellow men and women a little bit better. He is going to ask, when we saw some homeless, did we try to house them. He is going to ask, when we saw some sick, did we try to care for them. And he is going to ask, when we saw some unemployed, did we try to find jobs. And while we were all about doing that, did we take care of their immediate needs. And that is what this debate is all about, taking care of the immediate needs of the unemployed men and women in America who, through no fault of their own, found themselves in the unemployed lines.

We just witnessed the end of another game of the World Series, and I am not showing any bias but I am for the Southern team. The same for this popular American sport goes, strike 3, and you are out. I am hoping and praying that that will not be true in the real game of life for one particular county that I am here to address tonight.

This is the county, one of my 22 counties in my district. In fact, it is the largest county I have.

In the last few months, not one, not two, but three industries have shut their doors in this particular county. One closure put 70 people out of work. The second put 200 of work, and a third will put 250 out of work. That is merely one community in Mississippi getting far too many strikes. That is more than 500 families now struggling with unemployment.

This last one really impacted me because of the time the second bell was ringing, calling the Members of Congress onto the floor to vote for this last unemployment benefit bill, which of course our President vetoed, I was being visited by an agent of that very company. I guess this was a massive strike. All the Representatives and politicians, everyone interested in creating jobs in our district, all were being visited at the same time about 15 minutes before they were telling the people at home that they were about to lose their jobs.

□ 0200

And at the same time we were asked to come over to vote on an unemployment benefit extension bill we were being told that this major American company, a multinational company in my district was about to close. And I asked the gentleman, I said why are you leaving, is it a problem with the labor force, do the skills need to be upgraded, do you have some transportation problems, and he answered all of these question in the negative. And he just blamed it basically on the recession.

So during our last vote on unemployment, as I said, there was no doubt as I walked over from that sad meeting, there was no doubt in my mind how I would vote on that unemployment extension benefit vote.

The first unemployment benefit extension bill was vetoed, and the second one was vetoed, and none of our communities need this third one to be vetoed. Many of our unemployed who just do not have a chance to get a job during the recession would be sleeping better tonight if we could make it into law, an extension of the unemployment benefits.

In the last 4 months Mississippi has either ranked first, second, third, or fourth in unemployment. In August, another 2,083 Mississippians found that their unemployment benefits had been exhausted. We have a county in the southern part of my district where the current rate is a whopping 24 percent.

So there can be no doubt, Madam Speaker, that the recession is throwing strikes at communities all across our country. We have more than 8.4 million Americans out of work. All across the country, merely in the last 6 months, 1.8 million Americans have exhausted their unemployment benefits, and the most optimistic estimates indicate that at least 1.3 million of these Americans are still out of work and without benefits. And in the South, Madam Speaker, I will just tell you people call a spade a spade. There is little pretense in the South. If they like you you know it, and if they do not like you you probably know that too.

So the contradictions are apparent on their face, and they see contradictions in what we do in this body. Early in this year we sent $20 million to Bangladesh because of their typhoon. Well they asked us what about the American families struggling during the third largest recession for our country since World War II? We hear talk about supplemental food aid to the Soviet Union to forestall the empty stomachs in the advent of this long, cold winter. Well when are we going to consider an emergency to take care of our needs and the needs of our people as well?

We send $725,000 to the Philippines for volcano destruction. What about our 8 million unemployed?

So it boggles my mind when I think that we can get a consensus to do these things for others overseas but not to help the people in our own communities.

So we have to be very honest with ourselves. We have a recession that is stinging communities all across our country, and we have a responsibility to reach out and help.

This is the first recession since World War II that we have not extended unemployment benefits. We have been in this recession for more than a year. At what time will we 'fess up and call it an emergency?

During the recessions of the 1950's and the 1960's temporary programs were signed into law. In 1970 President Nixon signed legislation creating a permanent extended benefit program. Even President Reagan agreed four times to permit extended benefits.

By not extending the unemployment benefits we are telling working Americans that we know that there are hard times, that we know that it is a recession, it is hard to find work, we empathize, we sympathize, but basically that is just about it.

The critics for extending unemployment benefits like to point to the projected cost of $6.4 billion. They like to say that we do not have the money. Well we do have the money in the Federal unemployment trust fund. It is not a slush fund. It is no secret fund. It was specifically created to cover our unemployment during this time of emergency.

So let me finish with a letter that I received recently from a constituent in my district. Through this letter you can hear his pain and you can hear his suffering. He told me, Mr. Speaker, that "I am behind in my rent going on 3 months, behind on my phone bill, behind on my light bill. I have tried everybody and can't get any help. My wife only makes $140 a week. We are Christians," he says, "and we pay our tithes, plus we buy our groceries. By the time we do all of this, if we are lucky we might have $40 to live on. I do not know if there is any help or not, but you are my last hope." He need at least $2,000 to come up for air. "Please reply as soon as possible," he says. "Like I said, you are my last hope. Would you please try to help me."

This is not somebody who wants help next month or next week, Mr. Speaker. He needs help now, and that is simply all that we are trying to do.

We have done a good job in this country targeting our missiles, and now it is far past time that we do just as good a job targeting help to our unemployed.

President Bush ordered our bombers to stand down. Now we are just asking him to stand up for our unemployed Americans.

Mr. DERRICK. I thank the gentleman very much.

Mr. Speaker, I yield to the gentlewoman from Ohio [Ms. KAPTUR].

Ms. KAPTUR. Mr. Speaker, I thank the gentleman for yielding and am pleased to participate in this all night vigil on behalf of the unemployed of the United States.

Let me say, I knew America was in trouble when President Bush's Secretary of Labor announced to unemployed workers in America that "the answer to unemployment was jobs." Now, I really don't think there's even one unemployed worker in America that doesn't understand that. It used to be the job of the Secretary of Labor to recommend to the President how to create the jobs to help move America's workers back onto the payrolls and off the unemployment rolls. But from this President and from his Labor Department we get silly and immature nostrums. We also get Presidential vetoes of bills to at least provide America's unemployed with unemployment compensation—which, I might add, these workers earned and their companies paid for into a trust fund—this is no giveaway program. We're talking about treating people as the law intended. And the law intends that unemployed workers shall be compensated.

Now you might ask, why would a President do this? Well the President says because he doesn't think unemployment is a budget emergency. So he vetoes the bill Congress passed 2 months ago that would have provided our workers with 10 weeks of extended unemployment benefits. Then when Congress, in dismay I might add, decided to pass another bill with only 7 weeks of extended benefits to accommodate the President, what did we get? Another veto. Why? The President says its not an emergency. But, of course, then the President says that aid to Egypt is an emergency. So, he asked Congress, over the objections of this Members, for $7 billion in loan forgiveness to Egypt. I ask the President, why is $7 billion to Egypt an emergency, but $5 billion to America not an emergency. Now, you say, well maybe Egypt was an exception. But no, then the President came back and asked Congress for emergency help for Turkey. And then he asked for emergency help for the savings and loan bailout. And then he asked for emergency help for the Kurds. I ask myself, do President Bush and I live in the same country? Well, I decided we don't in fact live in the same country. I think the President is out of touch. But I can understand why. In about a month he is scheduled to start another month of whirlwind foreign travel. It's hard to keep your mind on America when you're meeting with all these foreign dignitaries. Today, we had a President of a foreign nation who visited Congress. And I watched him driven up in a huge limousine. In fact, there were at least six gigantic, black, stretch limousines, a police escort in front of the limousines and more police escorts in back, and police motorcycles and sirens. Well, all in all, you really can't feel the ebb and flow of life on the streets of America when you're locked up in one of those air-conditioned, soundproof, mirrored window limousines. So, I can understand how a President loses touch.

□ 0210

So tonight, I would like to read a letter from a citizen of the United States. She can't afford to come to Washington. She probably will never visit the White House. And George Bush will never read her letter.

There is not time this evening to read it entirely into the RECORD, and so I will enter it, but she basically says apparently——

Mr. CUNNINGHAM. Mr. Speaker, will the gentlewoman yield?

Ms. KAPTUR. My time is very short. I cannot yield right now. I apologize.

PARLIAMENTARY INQUIRY

Mr. CUNNINGHAM. Mr. Speaker, I have a parliamentary inquiry.

Ms. KAPTUR. It is not a problem on Pennsylvania Avenue or in Kennebunkport, but it is, in fact, a legitimate crisis in northwest Ohio.

Mr. CUNNINGHAM. Parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore (Mr. WHEAT). The gentleman from South Carolina [Mr. DERRICK] controls the time.

Does the gentleman from South Carolina yield for that parliamentary inquiry?

Mr. CUNNINGHAM. I have a parliamentary inquiry. If the gentlewoman fails to yield, there is a House rule that you may not read on the House floor, and I would insist on it unless I am privileged to have a yield.

Mr. DERRICK. You can do what you want to.

The SPEAKER pro tempore. The gentleman from South Carolina controls the time.

Does the gentleman from South Carolina yield for the purpose of a parliamentary inquiry?

Mr. DERRICK. I yield for the purpose of a parliamentary inquiry, that is all.

Mr. CUNNINGHAM. That is all I asked.

Ms. KAPTUR. Dear Mr. President, I would like to request that, before you issue another rosy statement regarding the state of the American economy, you spend a morning the way I did today—standing in line at the local unemployment office. Be sure you give yourself plenty of time, however. Those lines are long.

I am 39 years old, have an I.Q. of 132, a college degree, and have worked steadily since I was 19 years old. In all that time, I had never really had a problem finding a job. Afterall, I learn quickly, am a hard and dedicated worker, and have some pretty well-developed people skills. Things have changed for me, however, as they have changed for far too many Americans.

After 10 years with the same employer, through no fault of my own, my job was eliminated on March 31 of this year. Since then I have put a great deal of effort into trying to find a new job. By July, I had given up the idea of a challenging position with some sort of future. Even with my sights set lower than I would like, I have been unsuccessful to date. I have been told more than once by potential employers that they generally receive approximately 300 resumes or applications for each job I have pursued.

I have 1 week of unemployment benefits left. After that, I presume I will no longer be a part of the unemployment statistics since I understand these are normally pulled from the number of people receiving unemployment compensation. Those whose benefits have expired are not considered—afterall if they're not collecting, they obviously are employed, right? Wrong, Mr. President.

I'm glad you feel things are going well enough that there is no need for unemployment benefits to be extended. Apparently, unemployment is not a problem on Pennsylvania Avenue or in Kennebunkport. It is, however, a legitimate crisis in northwest Ohio. How unfortunate your political blinders prevent you from acknowledging the situation and providing some relief.

Now, one thing we're certain of. Since George Bush became President there are 300,000 less jobs in America. Between July 1990 and August 1991, total civilian employment in the United States dropped by 1.5 million jobs. In terms of duration and the number of jobs lost, the current downturn, as of August, ranks as the third most severe of the nine-post war recessions. But because of the Gramm-Latta unemployment trigger—a Republican program the qualifying hurdle is so extreme that most States were excluded from the extended unemployment benefit program. As a result, there is no precedent for the current situation. And Federal legislation is critical to help the families who have fallen through the safety net owed to them by this Nation.

Now some earlier in the evening asked why President Bush has vetoed two of our bills to extend benefits. Why has it taken him so long to pay attention to this issue. Hobart Rowen, a Washington Post reporter, stated it well this month when he wrote:

> Earlier this year, George Bush could have sought a coalition with the Democrats to propose a number of stimulants, including a middle-income tax break with a safety net package, invoking the "emergency" provision of the budget deficit agreement. It would have been first-rate politics and economics. But Bush's timid group of advisers told him to hold off. When Democrats initiated legislation extending unemployment benefits, stubbornly, Bush refused to go along, and his economic advisers hammered away at the need for lower interest rates. They had no other policy * * *

So now tonight, we hear some members of the President's party try to cover their tracks. After all, recent polls indicate unemployment is now the No. 1 concern of Americans, with the overall economy right behind. But it won't wash anymore. The bill this Congress passed months ago, would have provided 10 weeks of extended benefits to my State of Ohio. But the President vetoed that original bill. And he vetoed a second bill we passed that tried to accommodate the President but would have provided only 7 weeks of benefits to my State. Now we're at it again, trying to craft a third bill on which we get the President's signature. The bill described by the Republican Members on the floor this evening that they were supporting—the Dole bill—would only provide 6 weeks of extended benefits and the number of eligible people who have exhausted all benefits would be lower. How can any sensible Member who has any compassion and decency be involved in this process of whittling down of our own people? I'd like to read from another citizen from my district:

> OCTOBER 6, 1991.
>
> Congresswoman MARCY KAPTUR,
> *Ninth District, Toledo, OH.*
>
> DEAR MS. KAPTUR: I see that the Senate approved 65–35, a bill (which I understand Bush vetoed) to extend unemployment by 20 weeks.
>
> I do not hold with Bush's contention that it is contrary to last year's budget. The funds should be taken care of by the 8 billion that has been set aside by the trust fund for that purpose.
>
> Bush has funds to help the Soviet's, was that figured in last years budget? I'm tired of his using funds that are designated for unemployment, social security, medicare etc. to off-set the deficit.
>
> The increase to 20 weeks additional unemployment is close to my heart. I have a daughter approaching her 50th birthday, she has been unemployed since Feb. 91. She has exhausted her savings. Her children, teenagers, are living with their father in another State.
>
> Today, I called her and she told me she may have to apply for welfare—she can no longer keep her health Insurance paid. That she hopes they will at least give her Medical help—she has several medical problems requiring medication. *She,* "*is ashamed to apply*" she said, but her savings are exhausted.
>
> I am ashamed of myself. *I didn't, I couldn't* force myself to tell her (according to what I've read and heard that single people in Ohio are not helped).
>
> My heart is breaking—after medicare is paid I have $484.00 Soc. Sec.—I pay $82.89 for Secondary Ins. a month. My husband gets $502.00 per. month. He has been disabled for a long time. We have never been on welfare. I can't bear to think she has to apply. I can only help so much—not enough.
>
> I do not believe everyone eligible for the 20 weeks, would collect 20 weeks. If the recession is so near to ending Bush should be able to see that these people would be back to work. The cost would not be $6.4 billion, if the recession is soon ending.
>
> These people who have worked all their lives are more than willing to be counted as taxpayers and not unemployed.

President Bush has vetoed two unemployment bills since August. He refused to declare an emergency, effectively killing the bill sent to him in August. Several weeks ago he outright vetoed another unemployment bill. The Senate failed to override his veto by two votes.

In addition, President Bush has also threatened to veto emergency drought relief to farmers. Although 81 counties in Ohio have been declared disaster areas by the President's own Secretary of Agriculture, he still does not realize the economic devastation caused this summer in America's heartland.

The President is willing to support emergency help to foreign countries—to Egypt, to Turkey, and to the Kurds. The American people deserve his attention first, especially when they're hurting.

In the next several weeks, the Congress will send President Bush yet another bill to help millions of unemployed men and women in this country.

Recent polls indicate that unemployment is now the No. 1 concern of Americans, with the overall economy right behind.

In Ohio's Ninth District recent unemployment statistics put the percentage of those without jobs at 7.3 percent in Lucas County; 7.3 percent in Fulton County; and 6.2 percent in Wood County. Earlier this summer, the unemployment rate in Toledo stood at 11.3 percent—the highest in the State. Those numbers, of course, do not include those individuals who have exhausted all benefits and in many cases must seek public assistance. Our general relief rolls have tripled since 1980 as people fall off of unemployment benefits in an economy that is dead in the water and not growing fast enough to raise our standard of living.

In the meantime unemployment benefits beyond 26 weeks—extended benefits—are available in just one State—Rhode Island. Since January, more than 2 million unemployed workers have exhausted their benefits, with very few receiving extended benefits under the existing system. A record 350,000 jobless Americans ran out of benefits in July, and only 5 percent of those were eligible for extended benefits.

Historically, the Federal Government has consistently extended the weeks of unemployment insurance available to job losers during periods of high unemployment. Since the 1950's, the Federal Government has moved to provide extended benefits each time the economy took a major downturn. Temporary programs were signed into law during the 1957 and 1960 recessions. In 1970, President Nixon signed legislation creating a permanent extended benefits program. That program was automatically activated at either a State or national level depending on unemployment rates.

The Gramm-Latta II budget cuts of 1981 targeted the unemployment benefit program for several major cutbacks. Among these was an upward revision in the so-called trigger, or level of unemployment.

There is currently $8 billion in the unemployment trust fund. The legislation President Bush vetoed would have cost much less than that. Our new bill will cost only $5.2 billion. Why won't the President release the money that rightfully belongs to the American workers? Why? Why? Why? All I can conclude: He is just out of touch.

In closing this evening, let me say to those Americans who are listening—measure us by our deeds not only our words. For those unemployed families and individuals who desperately need help, know that this evening in our Nation's Capitol, during this all night vigil, we are sentries at the gate for you. We may not always be successful, for the opposition we face is indeed powerful. And some of it is callous. But in your letters, in your faces, in yours hearts, we are one with you. And in the end, our victory will be yours. For this body of the people was meant to be exactly that—your refuge in a storm, the most democratic institution of government on the face of the Earth. And as our Constitution intended "a legislative branch that would secure the blessings of liberty to ourselves and our posterity."

Mr. DERRICK. Mr. Speaker, I thank the gentlewoman.

Mr. Speaker, I wish to read a letter that one of my constituents addressed to President Bush. It is dated October 8, 1991:

NORTH AUGUSTA, SC,
October 8, 1991.

President GEORGE BUSH,
The White House, Washington, DC.

DEAR MR. BUSH: As I write this letter, the U.S. Congress has sent you a bill which would provide much needed assistance by extending benefits to millions of unemployed Americans. Based on your reaction to these and other issues facing our nation, I'd like to ask you a few questions.

Why do you say you'll veto the bill to extend unemployment benefits by calling it a "budget-buster"? You seem to have no problem justifying spending millions of dollars to send abroad or to buy another sophisticated weapon.

Why do you continually try to blame the Democrats in Congress for the budget deficit? You know as well as I, that you and Mr. Reagan caused our annual deficits and our national debt to skyrocket. Not one time in yours or Mr. Reagan's administrations have you sent a balanced budget proposal to the Congress. As a taxpayer, I am appalled at the fact that we have to borrow 832 million every day of the year just to pay the interest on our national debt. We will pay $304 billion this fiscal year just to pay the interest of which we gain absolutely nothing.

I suggest that, rather than trying to be the President of the so-called "NEW WORLD ORDER", you try being President of the United States and start showing some leadership in solving problems here at home.

I realize you were born into wealth and probably cannot relate to what I'm talking about. I doubt if you understand what it means to try to feed a family while earning minimum wages or what it means to postpone needed health care because there's not enough money for health treatment and food. But, you were elected to be my President and I am simply asking you to start leading and work with the Congress to solve the enormous problems here in America.

I am also sending copies of this letter to various members of Congress in an effort to encourage them to keep on working for Americans. I am a 56 year old, male who has always had to work for a living and my prayer is that I'll live to see another President who has compassion for Americans. Presidents like Franklin Roosevelt, Harry Truman, John Kennedy, Lyndon Johnson, and Jimmy Carter.

Sincerely,

THIRD DISTRICT CONSTITUENT.

Mr. Speaker, this comes from a gentleman in my district, and I think he says it very well.

What our folks out there cannot understand, nor do I frankly understand as the previous speaker mentioned, why we can forgive billions and billions and billions of dollars in debt to Egypt, to other countries, but yet we cannot spend money that is already there that has been set aside for that purpose for the extension of unemployment benefits for Americans. These are not bums out there, people that do not want to work. These are real Americans, the kind of people who have made this country the greatest Nation the world has every known.

These are people that fought in the trenches in the South Pacific and in Europe in the 1940's. These are men and women, as taxpayers, who brought about the greatest experiment that a country has ever brought about on the face of this Earth. They not only, in the 1940's, agreed to rebuild their allies, but they rebuilt their enemies, those who, before, would have destroyed them. No nation on the face of the Earth has ever done this, and these are the people who did it, these people and their children.

These are the people who have worked for years and years and years paying their taxes, fighting our wars, sending their sons and daughters to fight our wars. These are the people that have joined together in laughter and joyousness at our successes, and have cried and put an extra shoulder to the push when we did not do quite as well.

□ 0220

These are Americans in our large cities, these are Americans in our rural communities, like I represent in South Carolina, and, when I go home, I see communities that a decade ago were prosperous, thriving communities, active, hopeful for the future, and today I see little hope, much unemployment, unsureness about the future of this country. These are the people that we would deny, that the President would deny, that the Members of this body would deny, a mere extension, a mere extension of their unemployment benefits until they can get a job. And I repeat: These are not bums, these are not lazy people, these are not people who do not want a job. These are people who are actively seeking employment and would much rather work than not work.

Mr. Speaker, we cannot as a Nation with a heart and a soul deny these people the pittance of our national wealth, giving to them a mere extension of their unemployment benefits.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. WHEAT). The Chair would take this opportunity to remind all Members that remarks in debate should be addressed to the Chair and not to any potential viewing audience outside the Chamber, whether that audience would be television viewers or the President of the United States.

ORDER OF BUSINESS

Mr. CUNNINGHAM. Mr. Speaker, I ask unanimous consent to proceed with my special order for tonight.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

LET'S STOP THE POLITICS AND HELP THE PEOPLE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. CUNNINGHAM] is recognized for 60 minutes.

Mr. CUNNINGHAM. Mr. Speaker, my colleague, the gentleman from South Carolina [Mr. DERRICK], a good friend, stated that the President raised taxes more than any other President in history. Well, if that is true, then why do we have such a deficit?

The reason and the answer is that the Democrats continue to spend day after day after day. We fight the battle here to cut that spending.

Mr. Speaker, the Democrats agreed to cut spending by $2 for each dollar increase, and when the American public asks, "Well, what is it busting the budget," and then they say the President vowed not to raise taxes and then he did, well, the deal, or the budget, for every dollar collected, the other side of the aisle agreed to cut $2 of spending. So, the President agreed, and all it was going to be was a tax savings for the American public, get us back on a road to recovery and balance the budget. But instead we continued to spend and spend and spend.

My colleagues, the gentleman from South Carolina [Mr. DERRICK] also stated that there was money in the account, in the trust account. Well, let us take a look at what we are saying, and that is trying to deceive the American public.

Let me suggest to my colleagues the following, Mr. Speaker. "If you got a shoe box with $8 billion in it under your bed, and you need some money, so you pull out that shoe box, and the amount of money that you take out of that shoe box you put in an IOU there. Now you can only spend this money for unemployment benefits. So, you put an IOU labeled 'unemployment benefits' in that shoe box until eventually all that $8 billion is gone, and the only thing in there is IOUs." Now how does that work? Under the present trust fund all taxes and moneys go into the general fund. That is why we are saying it is so important to keep America working, because then they are paying into this general fund, and in a year where we do not have a deficit, which we have not had for a long time, the interest or the excess money and the unemployment goes into the unemployment trust fund. And that is a fact.

I say to my colleagues, "All the years back you look and see the amount that should be in there is $8 billion. But because we're in a deficit, the government borrows from that and puts in that shoe box an IOU. There is no money there in that trust fund, and the Democrats are deceiving the American people by stating that there is."

Mr. Speaker, it is a fact, and it is not true, and I can provide an unbiased, bipartisan report from CRS that shows exactly that fact, and I would like to submit it for the RECORD. The money does not exist, and I think that is important. Democrats fail to understand the simple mathematics and choose to deceive the American people instead of owning up to the responsibilities.

The Republican whip, the gentleman from Georgia [Mr. GINGRICH], has stated it over and over again this evening. When we read the sorrowful letters from the other Members, I have empathy for those individuals, and the gentleman from Georgia [Mr. GINGRICH] stated that, as of tomorrow, next week, we will send checks for 10 weeks to those same individuals that wrote those letters. But will the other side of the aisle agree to do that? No, they will not. They would rather sit up here and lambaste the President for which he has no control.

Mr. Speaker, let us quit bashing, the attempted politics, and help people. All the other side of the aisle has to do, and I would ask the constituents, the unemployed, to write their Congressman and say, "Please accept it. I can get a check next week if you will just get away from the politics and looking for 1992."

Let us take a look at what that does. We talked about this big budget and a deficit, and national deficit. This bill extends that deficit by $6 billion—actually $6.5 billion. We spend more money on interest, on the national deficit interest, than all of the social programs put together—all of them. And, if we continue, we are going to turn into a pumpkin. So, what do we have to do? We have to reduce that deficit. This bill raises that deficit by either $6 billion, or we have to raise taxes by $6 billion.

Now I do not think the President is going to move his lips and raise taxes again $6 billion because it is precisely what we were talking about, not busting the budget. The attempt is to get back to a budget neutral, and we cannot do that with the increased spending, and again there is no money in that account.

Mr. Speaker, I yield to the gentleman from California [Mr. HUNTER].

Mr. HUNTER. Mr. Speaker, I thank the gentlemen from California [Mr. CUNNINGHAM], my colleague, for yielding, and I want to go back to something that he said because I think it is highly relevant to this debate. He said, "Let's forget about politics." I do not think the Democrat Party and the Members of this body who appeared this evening want to forget about politics, and the politics that they are concerned about are those that they have been instructed about by their own pollsters who tell them that the only way their presidential candidates will have a chance of winning in 1992 is if the economy goes bad and people are thrown out of work.

Now we have an interesting situation in America today in which the Republican Party needs to succeed, needs to win, needs to create jobs in order for their party to have political success, in order for our candidates, in order for our President, to be successful at the polls.

□ 0230

Now, the Democratic pollsters have told the leadership of the Democratic Party in the House of Representatives and the other body that they have to fail with respect to the economy before their people who are contemplating a run for the Presidency will even have a ghost of a chance of beating President Bush in 1992. I have come to the conclusion that it is appropriate for the American people to be highly suspicious of Democratic claims that they want the economy to do well.

I guess I would ask my friend from San Diego, who is a guy who has worked to bring jobs to our State—and incidentally, it is interesting that Democrats have stood up here and said that taxes have no effect on businessmens' decisions. We have watched businesses leaving San Diego and leaving California in droves because of the relatively high taxes that we have in comparison to other States in the country, including Texas and Alabama and Florida and places where taxes are very low. It is interesting when we ask businesses why they go, that they very often tell us that high taxes are a major reason for their departure, yet we have Democrats who stand up here and imply that somehow they have never learned this age-old lesson that the whole world has learned now, and that is that the heavy hand of government, manifest in heavy taxes, does not push businesses away and does not restrain businesses from creating jobs, expanding their facilities, and doing all the things that are important to bring out full employment in this country.

Now, I guess I would ask my friend who has been working hard to keep businesses in San Diego and California, do you think taxes matter? Have taxes had an effect on our economy?

Mr. CUNNINGHAM. We put together a task force in San Diego, thanks to my colleague from California, and there were several areas all the way from environmental concerns to taxes. In some of the States they were offering, first of all, that a business could have its paperwork done, including environmental impacts done, within 14 days, and to start that business within 90 days.

In the State of California, for example, it takes 2 years in the high tax rates. For example, not only tax rates, but Roehrer Industries had its rent raised 900 percent. So it is a combination of taxes, laws that we impose, environmental constraints, and across-the-board things that cut jobs.

I agree that taxes were the number one concern out of this commission of over 200 businessmen in the city of San Diego.

Mr. HUNTER. It is interesting to me, if my colleague will continue to yield——

Mr. CUNNINGHAM. I will be happy to yield. I will yield.

Mr. HUNTER. That somehow the Democratic mentality of "Let's burn down the factory or terminate the factory" and somehow that is going to help the worker, continues to pervade their policies with respect to the Nation.

The idea that somehow there really is not an employer out there, there are just employees—when I heard these letters earlier this evening that were written by Americans who need to have a check, and which they can have in a couple of days if Democrats can swallow their pride and simply work with——

Mr. CUNNINGHAM. I think you brought up a very good point. If they really care about the people who wrote those letters, if they really care, they will come to the table and tomorrow we will sign checks for 10 weeks for those individuals, and then argue out our differences on the bill. But in the meantime, those unemployed can receive their benefits.

If those Members really have any heart that read those letters and care for those people, they will provide the means for them to get those dollars. The Republican Party, NEWT GINGRICH, and the President are willing to come to the table and do that.

But the overriding point is that under that bill, it is either $6 billion to the deficit or $6 billion increase in taxes, and I have already shown you that there is no money in the trust fund, and anyone that tells you that is dead wrong, and I am willing to prove it.

I continue to yield to my friend from California.

Mr. HUNTER. I thank the gentleman for yielding. I think we know to go to the other side of the job picture, and that is the fact that to create a high quality of life and to create a situation in which jobs are readily available for our people, you have to have employers, somebody who is going to go out there and take a chance, borrow money, take a risk, and create those jobs.

I had a gentleman in today that—since letters are being read by people who need jobs—I had a gentleman in today from San Diego who wants to create jobs, a gentleman from California who was a Captain in the Marines and who created a company with just a few people. He took over as an executive and ultimately became the chief executive officer of a company that now employs 4,000 people in San Diego. Those are 4,000 families that have paychecks every week because somebody was willing to go out and take a risk.

I asked him, "What can we do to create more jobs in San Diego?" And he said, "The one thing we need is a tax cut. I would like to have a tax cut in capital gains. That will create jobs. I would also like to have a tax cut for the middle class. That will have a salutary effect on the job situation also."

So the Democrats are good at giving half the picture, and they like to talk about the desperation of people who write them and say that they need to have a check. We agree that they need to have a check, and if they will cooperate at all and swallow their pride at all and work with this President, they will have checks going out within a matter of hours to the people that need checks.

But the Democrats, I think, like the dependence of people who are desperate. I think that their pollsters are people who see their only political success being an economic failure. I think they do not like the idea of having an economy that is booming in the early months of 1992, because that means they go down in the polls and, you know, I get the same feeling that I get when Jack Kemp was so hopeful with regard to his idea of home ownership for people who live in government housing and who have subsidized housing. When he brought that idea out to the floor and said, "These people"—he cited a number of them here in Washington with whom he had become good friends—he said, "We have a program here that will give these people a chance to own their own homes, to buy this home from the Government." I have never seen such looks of frustration and outrage as I saw on the faces of Democrats who realized they were about to lose a constituency. These people who were dependent on them and dependent on the Government for their Government-owned housing were about to have a chance to buy their own housing, and they flocked to the floor to fight this bill that would give people a right to own their own homes.

I see a little bit of that same flavor tonight. We have a lot of Members who stand up and they want to read the letters from people who say that they need that check, and we all agree that they need the check. But I do not think they really want to see jobs boom in the next 4 or 5 months, because then their pollsters are going to come in and say, "Listen, your guy is going to lose 2 to 1 no matter who he is. He is going to lose 2 to 1 to George Bush, and some of you may lose your job in the election."

Now, you can tell me—and maybe this is a country of hope, and I think it really has to be the country of hope for us to say, "Yes, we are optimistic and we know a number of Members on the other side of the aisle do not mind losing their jobs because voters may in fact give the Republican Party a real landslide in the fall of 1992. But they do not care about that. They want to see the country do well."

Now, you can ask me to believe that proposition. I find it very difficult to do that. I think one reason for the rejection of the Bush growth package is because the political leaders of the Democratic Party do not want to see a recovering economy, they want to see an economy which they can drag down to the floor on a daily basis, just like they used to drag down to the floor and talk about people who need subsidized housing. But they never want to be able to talk about those people being able to buy those houses and have the American dream.

Mr. DELAY. Would the gentleman yield on that?

I just think the gentleman is making such an important point here about what is happening in this Chamber. It is even happening tonight, and it happened all day today. The gentleman from Pennsylvania [Mr. WALKER] alluded to it in his remarks, and it is happening as we speak.

What is happening is an all-night special order, called actually by the Democrats. They were going to come down here and parade and beat up on the President, and read their letters, not expecting any sort of debate.

☐ 0240

We felt it was a good idea, and we decided to come down here and join them in a real debate about what happened to this economy, who is responsible, and who has the ideas that could be brought forward to create jobs for the people that are unemployed.

Yet what we have found is they do not want to debate. Like this morning, they did not want to debate the highway bill, so they passed a rule that did not allow any substantive amendments, completely shut off our side of the aisle from debating a 500-page, $150 billion bill, and we could not even debate it because we were not allowed to amend it.

Then they come here and want to carry on a dialogue. We were participating in a dialogue. The gentleman from Georgia, our distinguished minority whip, opened it up, and we had a good dialogue going.

Then they found that whoops, they are being challenged on their numbers that are cooked up, their charts that are drawn up comparing apples and oranges, that they are challenged on leaving out certain numbers, conveniently, and they stopped. They stopped yielding. They do not want to debate.

They wanted to get up here for an hour and continue their prepared remarks, reading their letters from poor people that do not have their jobs and are wondering where their next meal is coming from. Yet they do not want to investigate in a deep way what is happening in this country and who is responsible for what is happening in this country.

All they want to talk about is the new spending program that is a result of their economic policies that have brought us to where we are today. The reason why all these people are losing their jobs, there is too much spending in this country, there are too many taxes in this country, there are too many regulations in this country, and too much government in this country, that is forcing people to shut down their businesses and lay people off because they can no longer afford the government that the majority of this House and the majority of the Senate is giving them.

The President of the United States does not write a bill. He does not pass a bill on this floor. He cannot amend a bill on this floor. He cannot send a bill to the Senate from this floor. He cannot participate and vote in a conference committee.

What we are seeing is the result of a divided government. Frankly, I think it is really unfortunate that the Democrats do not want to come down to this floor and debate us on what is happening because they are scared of what is the truth, and they are trying to hide behind the truth. They do not want to confront us on that. Where are the Democrats.

Mr. CUNNINGHAM. I think the gentleman brought out a very important point in the fact we increased spending. My good friend and freshman colleague, the gentleman from California [Mr. DOOLITTLE], brought out earlier, and I am going to plagiarize his ideas and his thoughts, that a family of four in the 1940s paid 2 percent of their pay into income tax. Today that same family of four pays over 28 percent.

Why? Why do they have to pay? Why is it now where both parents are having to work, when it used to be when a family, the man or the woman, a single parent, could provide for that family? Because we increased the size of government. We increased the cost of government, and we have to increase taxes to pay for it.

What does that do? That destroys the family life. When we take a look at why and how jobs have been cut, just on this floor we debated base closures. Some of my liberal colleagues from the other side of the aisle want to cut defense. I heard a presidential candidate for their side saying he would cut defense by 75 percent.

Let us look at what that does. If you have a person who is working—and one of the letters was from a man in the aerospace industry—and that individual lost his job. While he had that job in the aerospace industry he was receiving a paycheck. While he received that paycheck he paid into this "general fund" that now we have a deficit in. He was also receiving health benefits. We have health care plans that we want to substitute for all people and have a health care plan that covers everybody.

But when he is fired, what happened? He loses his paycheck. He is no longer paying into that general fund. Instead, he is now drawing unemployment, or welfare, and he loses those benefits. So that exacerbates all the problems in our health care system for the people that we want to service, and causes less funds available for that.

In industry, across the board, we saw in Philadelphia a shipyard, thousands of people laid off. So when we cut defense in this country, without giving time to go over into the civilian industry, and you have to have a market before you can convert to civilian industry, then you cut this country's economy, and you cut literally thousands of jobs.

People say, well, we fired some sailors, we fired some defense contractors. But whether you sell pizza, whether you sell real estate, whether you are a worker like was read in these letters, you are affected when you cut defense in this country, plus you attack the sovereignty and defense readiness of this country.

Some colleagues will stand up here in demogoguery and tell you we spend too much money overseas. The majority of the Democrat Party voted for foreign aid. I am going to make a point that every time I hear a Democrat stand up and try to convince their constituents that we spend too much money overseas, I am going to bring up the point and point out each one of those individuals that have voted for foreign aid. That is a key factor.

They say well, the President is going on a trip.

Let us take a look at the President. If you will not bring and even pay the money to the people that are unemployed, the Democrats will not come over here, and I still invite them to do that, and send those checks out tomorrow, what good is the President here, if they will not help bring up a domestic agenda? All they want to do is lambast him.

Let us take a look at what he has done. In Desert Storm, Saddam Hussein took over a country. That country was an oil producer in which now Iraq and Kuwait, he controlled a large portion of the world's, not just the United States', but the world's energy source.

His next bid was to take over Qatar, which is another oil-producing nation, and then to move into Saudi Arabia, and then to move into Jordan, and then even attack Israel.

Can you imagine? Many people in this room are old enough to remember the gas lines in the 1980's. I do. I can remember people in this country freezing because they could not afford oil, in this country, the United States of America.

Can you imagine what that would do to gas prices, were Saddam Hussein to hold this country hostage? Transportation and the cost of goods?

When we talk about poor people not being able to afford goods or consumer goods, and one individual only had $40, that $40 would not buy a loaf of bread if Saddam Hussein had controlled our oil, or if we had a nuclear threat.

Remember, Israel destroyed a nuclear threat of Saddam Hussein in 1981. That was also accomplished in Desert Storm.

So when you talk about domestic programs, look what just Desert Storm did. Look what the Reagan-Bush administration did in bringing down the Soviet wall.

I can assure you if Jimmy Carter had carried through, that Soviet wall would have never come down, or if our liberal Democrats had. We even have Members of this body that are being investigated for consorting with Sandinistas. And you tell me that the wall would have come down under Jimmy Carter? And even a Speaker of this House?

No. So let us look at the domestic solutions of the President. With the wall coming down, I would hope that we can look beyond our nose. In 50 years I would hope that this country is looking more toward trade. There is going to be 400 million people in Eastern Europe and in the Soviet Union that want to live with the standards just like the United States. If we can start with free trade and create jobs, and when I say free trade, I mean fair trade, because this country has been skinned alive by our policies from trading with other countries, and we have to learn from that experience as well.

□ 0250

Mr. BOEHNER. Mr. Speaker, I thank the gentleman from San Diego for yielding.

Earlier we were talking about taxes and taxes on the American family.

You were referring to the amount of taxes on the median income families of America and Federal taxes, 2 percent of 1950, today we are talking about 24 percent. But if you look at that same family of 4 in 1950 and you look at their total tax load, you will see that they paid an average of 4 percent of their median income in taxes, State, local, and Federal.

Today that average family of 4, median income family in America is paying 34 percent of their income in the way of taxes at State, local, and Federal levels, 34 percent.

When we talk about taxes, though, I think we are beginning to look at an issue that has come before us that has become so serious that something has to be done.

For the moment, think about the local political jurisdiction that we live in. Anywhere, it is broke. Think about the local school district that you live in. It is broke. The county that you live in is broke. Every State in America is broke. And the Federal Government is more than broke.

While all these levels of government are broke, they are taking 45 percent of our Nation's income in direct taxes. That does not include the cost of regulation and the products that we buy, which would move that number up about 55 percent of our Nation's income.

While they are already taking this vast amount of money in the way of income from Americans, they are all looking for ways to increase and enhance their revenue, their ability to gain more in taxes because there is more that they want to do.

I think that we are on a collision course, because I am still looking for that line of taxpayers with their hands up saying, "Raise my taxes. I am not paying enough."

The fact of the matter is Americans are right up to here with paying taxes. So we have a government at all levels looking for more revenue. We have the taxpayer on this side, trying to keep money in his pocket to provide for his family to keep our economy moving, and this collision course that we are on has begun some skirmishes.

In Ohio where I come from, we had a $2 billion budget shortfall but through work the General Assembly worked that out. But if we look at the problems they had in Connecticut, the problems they had in California, we saw these battles become even more significant.

The fact is we need a direction for government, a government that for once has to recognize that we cannot be everything to everybody. At all levels of government we are going to have to make decisions about what is the appropriate role of each of these levels of government, what can we afford to do and what is it that we must do as our role at these different levels of government.

If we think about the current economic decline that we are in, the current recession that we are having, I think that we have to go back and think about why do we have the problem that we have today. I often think about the late 1970's, when I had about as much interest in politics as any man walking up and down the street in the middle of Idaho.

I was reading about a problem in the savings and loan industry, a problem that could be cleaned up for $8 or $9 billion. What happened in the early 1980's? We did not try to clean it up in the U.S. Congress.

We decided to change the rules. Let us deregulate part of the savings and loan industry and let them grow out of the problem. So they began to grow.

The problem is not getting any better. The problem is getting much worse. They knew in the early to mid-1980's that there were severe problems in the savings and loan industry that could in fact be cleaned up. The cost now was $25 billion. But, no, we did not do that.

In 1986, Ronald Reagan and the administration asked this Congress to do something about solving the savings and loan problem before it got any worse. But, no, we drug our feet again.

Now we are looking at a savings and loan problem that is going to cost this country $500 billion, $500 billion to protect those people who had deposits in those savings and loans throughout the country.

Then what did we do? In 1986, we had tax reform. We took away all of the incentives to invest in commercial property, in low income housing, other types of income producing assets. We took away those incentives.

So what happens? All of a sudden even those companies in America, those capital forming companies in America that have significant investments in real estate, and who would those be, savings and loans, banks, insurance companies, we take away all those incentives, the market drops. All of a sudden we are making the problem in the savings and loan industry worse.

We are creating a problem in the banking industry, and now we are starting to see significant signs that we have problems in the insurance industry. And why?

Because Congress changed the rules midstream. We cannot afford to do that.

So what happens? Now that we have a recession rather than trying to look seriously at changing the reasons for the fact that we have a slow economy, trying to admit that we made some mistakes back in 1986 and maybe we ought to change direction a little bit, no, we do not want to do that. What we want to do is extend unemployment benefits for those people whose benefits have run out.

The fact of the matter is, I have 11 brothers and sisters, all middle-income and -lower Americans that are working hard to provide for their families. Two of them are unemployed. They are not in the unemployment line because they would not take the benefits. They are out looking for a job.

If in fact we want to help Americans and we want to get this economy moving, the last thing we want to do is extend unemployment benefits. What we want to do is to provide impetus to this economy to create jobs, because the best thing we can do for middle America is to give them a job, is to help set policies that will create an environment where people will invest, where people will be comfortable investing, where there is a fair return on their investment, not changing the rules midstream.

That is what we can do in this Congress tomorrow, if we want to, if we truly in fact want to help middle-income Americans.

Mr. DOOLITTLE. Mr. Speaker, will the gentleman yield?

Mr. CUNNINGHAM. I yield to the gentleman from California.

Mr. DOOLITTLE. Mr. Speaker, we have heard talk of the terribly negative impact on the family of these economic policies that basically have been dictated by the Democratic majority in the Congress. I am very concerned about the impact on the family.

There is a statistic out that says that today parents spent 40 percent less time with their children than they did in 1965. Coincidentally, that statistic corresponds with a transition in America from predominantly a one-income-earner household to a two-income-earner household.

Because as my colleague from Ohio pointed out, the average family today pays over one-third of its total income to all levels of government in taxes. We are taxing them out of the home, away from their children. And what is the harvest that we reap?

The harvest is broken homes. We know for years that studies have shown that one of the leading causes of divorce is financial pressure, financial pressure on families is at an all-time high today, being applied by Uncle Sam, and the other levels of government which have their hand out demanding incessantly money from our families.

We are destroying the American family.

Mr. DELAY. Mr. Speaker, if the gentleman will continue to yield, I think it is really important, the gentleman from Ohio also mentioned it earlier, the gentleman from California thought rightly points out the huge amount of taxes that each family pays. I think it is more important or as important to also point out the cost of government along and added to the taxes that each family pays, because those families do not realize the cost of the goods that they buy and the services that they buy are increased by the regulations that all levels of government put on those cost of goods, thereby lowering their standard of living. Or another way of putting it, raising their cost of living.

So if we add all the costs of government, taxes, regulations, the increased cost due to regulation, we are talking about over 50 percent of the family's income is going to pay for the cost of government.

□ 0300

That is very significant, the point the gentleman is trying to make.

Mr. DOOLITTLE. I appreciate the gentleman from Texas making that point, because that is absolutely true. Government, by its nature, is inherently inefficient. That is why our founders said and tried to give a system where as little as possible would be done by the Government. They knew that this was dangerous. George Washington said once, government is not reason, it is not eloquence, it is force, and like fire it is a dangerous servant and a fearful master. And this force today is sapping the lifeblood of Americans, destroying their families.

And what is the response of liberal government, dominated by Democrats, and what has it been for decades in this country? More of the same. If the same failed programs are not working, increase them by 11 percent or 12 percent and we will cure the patient, and the patient gets sicker and sicker. The more the medicine is administered, the worse it gets. And, of course, as we increase the spending, this slows down the growth of our economy. It accelerates the rate of inflation. It raises the cost of our money that we want to borrow, because we are competing with our own Government in the money markets. And it, generally speaking, lowers the quality of life, reduces the standard of living.

I am very dismayed to see what is happening to our families. I join with my colleagues across the aisle. They decry the present situation. I decry the present situation. This is inexcusable.

Malcolm Forbes, Jr. wrote a little article in something called Imprimis, a very interesting article and it is called the New World Order of Freedom. He says this present recession we are in is one of the most unnecessary economic downturns of the postwar era. This basically has been created by government, and he lists several reasons why. For one thing, the Federal Reserve decides to keep the interest rate too high for too long. This is one of the inherent problems of having this much governmental power concentrated someplace over the economy. It is frequently misused. It was one of the leading causes of the Great Depression. It was back with us here, keeping the rates too high for too long.

We also had a reign of terror by regulators responding to the banking scandal and the junk bond scandal, and they so tightened down on the regulations that lending institutions were either unwilling or unable to make loans to creditworthy customers.

We also had the Treasury periodically, he pointed out, embarked on a binge to drive down the value of the dollar, and of course, the value of the dollar dropped until they backed off. And then compounding those three errors was the grossest error of all, which was, and I mean even John Maynard Keynes, whom our liberal Democrat friends have idolized for decades, even he said you never raise taxes in a recession, and yet that is exactly what happened. We hiked the taxes, and we did it under the phony guise of trying to do something about the deficit.

How many times have we hiked the taxes in order to ostensibly do something about the deficit when its real purpose was, in my estimation, to postpone $100 million or $1 billion in tax cuts that would have been mandated by Gramm-Rudman. And so we have to have some rhetoric and a plan to delay what for liberals is the unthinkable, the idea that we should have spending cuts. If I said tax, I meant spending cuts called for by Gramm-Rudman, and so we have this phony budget deal, the 1-year anniversary of which is now 13 days away.

Mr. DELAY. Will the gentleman yield on that point?

Mr. CUNNINGHAM. I am happy to yield to the gentleman from Texas.

Mr. DELAY. Mr. Speaker, I think the gentleman is really getting to the crux of the matter, that the budget agreement was passed in the face of a recession, a recession that had already started when we passed the budget agreement of last year. And I understand the gentleman was not here when we did that. But, I say we. We did not do it. It is very interesting, they did it, and it is very interesting to note that every Democrat Member that has come to the floor tonight to speak, to bash the President and blame him for the recession, voted for the budget agreement that raised taxes in the face of a recession, every Member except one. That is the gentleman from North Dakota [Mr. DORGAN], and he voted for the first one. When we defeated the first budget agreement, he voted for that one. But he voted against the second one. But every Member that has spoken on the floor in this all night special order from the Democrat side of the aisle voted for the budget agreement that raised taxes in the face of a recession, that put the very people out of work that they are trying to pass the unemployment compensation bill for.

Mr. HUNTER. Mr. Speaker, will the gentleman yield?

Mr. CUNNINGHAM. I am happy to yield to the gentleman from California.

Mr. HUNTER. I thank my good friend, the gentleman from San Diego, for yielding, and I appreciate the remarks of my other friend, Mr. DOOLITTLE, who has made some very cogent commentary on this issue.

One thing I think we have to continue to remind our friends on the Democrat side of the aisle is this: they are not giving any money to the American people who are unemployed. They are not taking any paychecks out of their pockets. They are taking tax money from the American people and redistributing it back to the American people. And it irritates me to hear these statements of compassion for unemployed people which they would meet by sending the people's tax money back to them.

There are no Members on the Democrat side of the aisle tonight who have offered to give any money from their own paychecks to the American people. Let us make that very clear. What we are saying on the Republican side of the aisle is simply this: we know, there is no longer even a facade, the Democrats have been told you have to have a continued recession or you are not going to have a chance in 1992, kiss the White House goodbye and any chances whatsoever of winning the election. We know that the Democrats have to have the recession extended, and that is why when I lay a few bets around here I am betting they are not going to come forth with any package, they are not going to agree to any growth package, not because they think it will not work, but because they know it will work. The last thing they want to have is a booming economy with Americans going back to work.

They have exactly the same attitude that they had with respect to the homeless. When Jack Kemp said yes, let us let the homeless have some homes, let us let them purchase some of these homes from the Government which are being given to them, where they are being kept as a constituency of the Democrat Party, people that are dependent, let us let them have their own homes, well you saw nothing but long faces on the other side of the aisle. The idea of letting people have the American dream was horrible from a Democrat perspective because they lost those people as political constituents. And they do not want to lose these unemployed people as political constituents. The last thing they want to see is these people who are writing them letters saying I do need my unemployment check either first, getting that check, because the Democrats have worked with the Dole-Michel bill to see to it that those checks go out, and the whip said they would go out within 48 hours, they do not want to see that. And the second thing that the Democrats do not want to see is those people getting jobs, because those people then are not going to the polls and vote Democratic. They are going to vote Republican in increasing numbers.

We have to maintain prosperity, my colleagues. The Republican Party has to maintain prosperity. The Democrats need recession, and that is why my bet is we are not going to see them sign up on any growth package, and they want to see this debate on unemployment benefits extended as long as possible, and they will not work with the President for a signable bill. That is my nonoptimistic assessment.

Mr. CUNNINGHAM. If the gentleman will give me just 1 minute of my time, I have talked to many of my freshmen counterparts on the Democrat side, and they want as much change as the freshmen present here tonight and I think the Republican leadership. I think that the American people are upset and they are mad because this Congress does not do its job. When we target, just like the gentleman from California stated, when they target 1992 in a Presidential election instead of helping people, that is wrong.

□ 0310

I have some colleagues on the other side, many colleagues on the Democratic side, that want to see that change also, but it is the liberal leadership that will not let that happen that is looking toward 1992, and I would plead with my freshmen colleagues on the other side to come forward and accept a bid to give checks to those people.

I would hope that my colleagues read 10,000 of those letters, 10,000 of them, because if they have any compassion whatsoever in their hearts, they will come forward and provide those checks, and the Republican Party will meet them halfway. That is all we ask is to meet us halfway.

And with that, I yield to my friend.

Mr. DELAY. I thank the gentleman for yielding.

He makes an excellent point following the other gentleman from California pointing out how this is nothing more than politics.

Many of the Democrats that have come down to the floor tonight have talked about the President declaring an emergency for the Turks and an emergency for this foreign group and that foreign group, and he will not declare an emergency for the unemployed in this country.

Now, it is, I grant you, an emergency if you have lost your job. It is an emergency to that person that lost a job, and my heart goes out to them, and hopefully, as the gentleman points out, we can pass a bill that the President will sign.

But what they do not point out is that unemployment today is 6.8 percent, 6.8 percent. Now, we have extended benefits before on unemployment compensation three times in the recent past since 1970.

The first time unemployment was 6 percent, and I remember, we were almost in revolution because unemployment was 6 percent, and we took away the extended benefits when unemployment reached 4.9 percent.

Now, the real emergency came in 1974 during the Carter years. We have had Members come down here for the first time since I have been in Congress lauding the Carter years, which boggles my mind, but in the Carter years when unemployment reached 7.2 percent, 4 percentage points above what it is now, we extended benefits for almost 3 years. When unemployment went down to 6.8, which it is right now, we took away the extended benefits. Then, as a result of the Carter years, the recession in 1981, we implemented extended benefits again in a real emergency when unemployment was 10 percent, 10.1 percent, in September of 1982, and took it off, and it took this Congress to do that, took it off when unemployment reached 7.3.

Now, what they are claiming is that there is this huge emergency out there, 6.8 percent, and we have to extend these benefits. Well, the President is willing to extend the benefits in the Dole-Michel bill; they extend the benefits for 10 weeks, and they pay for it through rather ingenious ways.

Mr. BONIOR. Is the gentleman suggesting there is not a big emergency out there?

Mr. DELAY. No. I am saying——

Mr. CUNNINGHAM. Parliamentary inquiry.

Mr. BONIOR. Or that it was such that——

Mr. CUNNINGHAM. Point of order; regular order, Mr. Speaker.

Mr. BONIOR. Would the gentleman yield? Is this gentleman suggesting that there is not a real emergency out there?

Mr. WOLPE. Will the gentleman yield?

Mr. CUNNINGHAM. No, I will not, and I will tell you exactly why I will not yield.

Because I asked three times when the Democrats had the time, and they absolutely refused, Mr. Speaker, and I refuse to give up the time that I was denied to debate. Now, if in the next hour you wish to restore that debate, the future hour, I would be more than happy to give it.

Mr. BONIOR. Well, I am just disappointed that the gentleman will not answer a question of whether this is a big deal or not.

The SPEAKER pro tempore (Mr. WHEAT). The gentleman from California has the time.

Mr. DELAY. I think the gentleman from California is very right in not yielding, because all of a sudden we have awakened the Democrats, and now they want to debate. But I will answer the distinguished majority whip.

I think that there is an emergency when you lose your job, and there is an emergency. The President has recognized, but it is nowhere near the emergencies of the past, and the President has recognized that there are some that have lost their benefits, and he is willing to go 10 weeks, but he pays for it through ingenious ways and does not bust the budget agreement or raise taxes to pay for it.

Raising taxes puts more people out of work. They did not learn the lesson of last year of raising taxes in a recession and put hundreds of thousands of people out of work. They are going to come back and, because of this emergency, want to raise taxes again to put more people out of work. What happens then?

Do they go to an even more extensive unemployment compensation package that extends benefits even more and then raise more taxes, put more people out of work? It is a never ending cycle. That is what we have been talking about all night tonight, the bankrupt economic policies of the Democratic Party which have put people out of work.

They now want to come back and put expensive programs and do not want a bill signed, because if they did, they would work with the President and pass a bill that he will sign, but they do not want that. They want to keep passing these bills so that the President has to veto them so that they can continue their commercials and their ads to try to make political points.

Mr. CUNNINGHAM. I yield to the gentleman from California.

Mr. HUNTER. I thank my friend for yielding.

Let me make a point to my friend, the distinguished majority whip.

As a member of the Republican leadership, I watched this debate. I watched it initially commence with statements by the distinguished whip from the majority side, answered by statements from our whip, the gentleman from Georgia [Mr. GINGRICH]. The gentleman from Georgia gave a large amount of his time to the other side to respond, yielded very liberally, I might add.

When the next Speaker took his turn, who was the gentleman from Wisconsin [Mr. OBEY], the gentleman from Wisconsin refused to yield and was, in my opinion, less than polite to the Members of our side who wanted to engage in debate.

Now, I can appreciate the gentleman, the majority whip, not wanting to exchange and have a debate which we on the Republican side thought we were going to have, but I sat here for about 45 minutes until I simply left in disgust, because the gentleman from Wisconsin [Mr. OBEY] cut off every Republican attempt to engage in any debate, any statement that went over three words and was, in my opinion, less than polite to the Republican side of the aisle.

Mr. CUNNINGHAM. Reclaiming a little bit of my time——

Mr. BONIOR. I would respond to that, but the gentleman will not yield to me.

Mr. CUNNINGHAM. The gentleman from South Carolina [Mr. DERRICK] did the same thing. I requested three different times to each of the gentlemen to speak.

Mr. BONIOR. I would be delighted to respond to my colleague, if he would yield, and of course I will take the next hour, and I will share it with those who wish on both sides of the aisle.

Mr. CUNNINGHAM. In that case, I yield to the gentleman.

Mr. BONIOR. Let us be very clear about what happened over the last couple of hours. We had a large number of Members here, more than the Republicans had; we had about 40 people, and that is not to suggest that you have not participated, because you have had a large number as well, who were backed up here who wanted to talk. The problem became obvious that we had to have people use their time during the hour that the gentleman from Wisconsin [Mr. OBEY] controlled, and the hour that the gentleman from South Carolina [Mr. DERRICK] controlled.

I told the gentleman from Texas [Mr. DELAY] that once a debate proceeded beyond those two gentlemen into my time and time after that, we would reengage in the debate process that we did have and that you correctly pointed out that the minority whips liberally yielded to us.

So I anticipate that will occur after I make a statement and yield to my friend, the gentleman from Michigan [Mr. WOLPE], and then we would hope in the next half hour we would be delighted to engage you in debate after that.

Mr. CUNNINGHAM. I thank the distinguished majority whip.

I was disappointed myself though. There were several occasions in which we could have spent at least as little as 20 seconds to answer a question, and we were denied that right. We will continue yielding as necessary.

I think that one of the important factors that comes up and that I would like to point out, and we look again at some of the things that cause a loss of jobs and that cause this country ill, and I would still beg, and I would get down on my knees if the Members from the opposite party would service the people that are unemployed by accepting this side's humble plea to provide those funds but without raising taxes, without increasing the deficit, and we would be happy to do that.

I take a look at some of the things in San Diego that we have an immediate problem with, and I would ask help in the future for those things.

□ 0320

The reason I bring this out, and we are talking about jobs, we have 10,000 illegal aliens per day coming across the border in San Diego. Seventy percent of all babies born in Los Angeles hospitals are to illegal aliens, and when we talk about jobs for the American people, we need help. We are being invaded. We need to shut it down, and I have still been unable to receive any help from the majority side.

I heard that we need cops on the beat. Well, I want to tell you, Mr. Speaker, the cops in San Diego, the law enforcement agencies, are on the beat and they are working hard. We have only 800 border patrolmen to stop that flow.

I would ask the other side, because I have talked, as I mentioned, to some of my freshman Democrats, they want to see a change and they want to see this political rhetoric stopped and they want to help people, all the way from civil rights bills to unemployment bills. Instead of lambasting the President, if you really care about those people you read the letters from, if you really do care to help the unemployed, negotiate with this side and you will have it in 48 hours. If you do not, I think it shows the American people where your true values lie.

Mr. Speaker, I yield back the balance of my time.

THE PAIN OF THE UNEMPLOYED

The SPEAKER pro tempore (Mr. WHEAT). Under a previous order of the House, the gentleman from Michigan [Mr. BONIOR] is recognized for 60 minutes.

Mr. BONIOR. Mr. Speaker, let me say at the outset that I wish at this point to make clear to my colleagues that after a statement that I will make, I will yield to my friend, the gentleman from Michigan, and my friend, the gentleman from Indiana, and to whomever else on my side. We hope to conduct a debate with ourselves for 30 minutes and then we will open up to any of our colleagues on the Republican side who wish to engage us in debate.

Mr. Speaker, we can cite statistics until the cows come home, but nothing I think brings home the pain of unemployment more than a family from my district, Warren, MI, who recently called my office. The father is a skilled tradesman, worked 20 years, but he has been unemployed since March. He has looked all over. One day he sat down with the yellow pages and made 300 phone calls and did not get one interview. This family has three children. The 12-year-old has allergies that turned into asthma. By now they cannot afford to take him to the doctor. They finally talked the doctor into taking a postdated check for $72 to take care of this young man's problem. There is no telling when there will be money in the bank to cover it.

Is this an usual story, Mr. Speaker? Well, by no means. We have an economic disaster in Michigan. I have 12 percent of my people out of work. They cannot pay their mortgages. They cannot pay doctor bills, like the one I just described. They are having a difficult time even putting food on the table because of the policies of the Governor of the State with regard to people who are in desperate need, whether it is housing, food, or energy assistance.

Unemployment was at 8.3 percent in July. In August it jumped to 9.1 percent in Michigan. Now it is 10 percent and it is even higher in places where the auto industry is predominant.

I have got 25,000 people out of work.

Let me tell you about my district northeast of Detroit, a suburban county made up of people who came from Detroit, whether to Warren or to Roseville or St. Clair Shores. In 1940, Macomb County had 107,000 people. Now it has 717,000 people. It is bigger than seven States of the Union. They are hard-working people. They are people not used to the idea that they might not be able to find work or find a job, people like a man from St. Clair Shores who wrote me last week and said:

> I am the father of four girls, two of whom are in college. A third is a junior in high school. I have been laid off for 21 weeks. So far the only jobs I could find pay $5 and $6 an hour. One person cannot live on this, let alone a family, especially with the taxes we have to pay. There won't be many payroll taxes taken out, but we still have FICA to pay, sales tax to pay, utility bills, and my house taxes are going through the roof. I am lucky. I just landed a temporary job that hopefully will last until Christmas. By that time I hope President Bush's economy will have turned around or that you will have pushed through a bill that will have extended the unemployment benefits until it does turn around.
>
> President Bush should also be told that charity begins at home. Instead of sending money to other countries, he should be taking care of his own in this country. America is bleeding. We need help now.

Mr. Speaker, I have got lots of letters like that.

Mr. Speaker, that is why I am here today. That is why my colleagues, the gentleman from Indiana [Mr. VISCLOSKY], my colleague, the gentleman from Missouri [Mr. WHEAT], my friend, the gentleman from Michigan [Mr. WOLPE], and the gentlewoman from the State of Washington [Mrs. UNSOELD] is here. We are here because we have got a serious situation on our hands. We have got people who need help.

Listen to what a conservative writer, Mr. Fred Barnes, writes about President Bush. He is a conservative writer:

> Bush bristles at the notion that he is a foreign policy President who ignores domestic problems, but the idea has stuck for good reason because of his itinerary. Check his itinerary this year.

Barnes went on:

> He went to Mexico. He swung through France, Britain, Greece and Turkey. He was at the Moscow Summit. He visited Czechoslovakia, Germany, France, on a one-day foray. Canada, Martinque and Bermuda on another, and he is not finished. In November he will travel to Japan, Korea, Singapore and Australia. He will also drop by meetings in Italy and the Netherlands and if a Mideast Conference begins this fall, as it will be, Geneva is the likely location.

Mr. Barnes is wrong on that. Mr. Barnes is often wrong.

> He will be in Madrid. He wouldn't miss it, and we wouldn't want him to miss it.

But the point is that the President has been all over the world. He needs to focus his attention here at home. With the entire cold war international system disappearing before our eyes, it is no surprise that our attention is riveted to the dramas that are unfolding in other parts of the world, but those I think who gaze across the Atlantic imagining ways to play a role in these momentous, and they are momentous events, have only really to turn around to see another dramatic story, the story of courageous hard-working people who also need help, and I am talking about Americans in each of our districts, Americans who have been squeezed, squeezed by a deep, and this is a deep and prolonged recession, squeezed by tough competition from Germany and France and the countries of the Pacific rim, squeezed by a system that has raised taxes for the poor and middle class, but given a $25,000 a year cut to the richest 1 percent, squeezed by a health care system that cannot afford to take care of that 12-year-old boy of that father who is out of work, a health care system that is inexpensive for those who have insurance and devastating for 37 million Americans who do not have a dime of insurance and cannot afford it.

But this administration has not noticed that Westinghouse lays off 4,000 workers because of a $1.5 billion third-quarter loss, and President Bush says, "As you can see, the economy is recovering."

In my State, 437,000 people are unemployed, 437,000 people, and Budget Director Darman says the recession ended in May.

DuPont lays off 5,300 workers. Boeing lays off 2,500 workers. American Express, 1,700 workers, and the Secretary of the Treasury, Mr. Darman, says that this recession is no big deal.

Well, it is a hell of a big deal to a lot of people in those numbers. They are real. They are suffering. They have pain. They have the dignity of work that has been taken from them and they need help.

We sent a bill to the President to help millions of Americans, many jobless for the first time in their lives to get back on their feet, and the President calls it garbage and vetoes it, garbage. The President declares an emergency to help the Kurds. He has declared an emergency to help the Turks. He has declared an emergency to help the people of Bangladesh. Why will he not focus in on these people, 437,000 in my State, 25,000 in my district?

☐ 0330

Why won't he help Americans take care of our own? Why turn his back? Why apply this crazy double standard: Help for those overseas, neglect for those at home?

Well, I am here to tell you, and my colleagues who have been here tonight and will be here in the morning are here to tell you, that we are not done yet. If the President wants to sit down and negotiate a bill, we are obviously willing to do it, but we are not going to sign away our responsibilities as Congressmen and Congresswomen and let him write every piece of legislation he wants down. That is not why we are here.

We have come a long way. He vetoed the last bill we sent him. He neglected the first bill we sent him. Now we are back to a third bill. We have come down on the benefits. We have even taken some of the options to pay for it that he has in his own bill, the Dole bill. We expect the President to make the next move. We expect the President to come forward and suggest ways of dealing with this unemployment compensation issue.

That is why we are here tonight. We want to call attention to the issue. We want to talk to the American people and we want to tell them how we are going to come back to the President with another bill, and we will do it again and again and again until he gets it right.

It seems to me that the message ought to be sinking in. All one needs to do is to look at the polls to understand this issue is mortally wounding the President. He does not need to have this wound in him. He is down in the polls. This is the No. 1 issue people mention when they are asked, "What is on your mind? What do you think the Congress and the President ought to addressing?" Twenty percent of the people say "unemployment." An additional 17 percent say "the economy."

Mr. Speaker, let me close with yet another letter from one of my constituents in Mount Clemens, my home town in my district. Listen to what he said about his family. He said:

> We are educated people. I have an electrical engineering degree. To serve my country I did a tour in Vietnam. Now I need help. With a wife and three children, we are living with shattered dreams and in fright from day to day. My savings are gone and we may soon have to put the home we worked 18 years for on the market.

The American dream, to have a home, a family, and then, bam, and it is gone. And it is happening in every community in this country. People are scared to death. They are losing their homes, Mr. President.

He asked me at the end of this letter, "Is there any hope in sight?" Well, I would like to say to my constituent that there is hope on the way. Here is a man who wants nothing more than the dignity of work, a chance to work to provide for his family. For years he supported his family, worked hard, paid his mortgage. He has put food on the table. He did not complain. He served the country when he was called. Now he needs help.

We have a trust fund with $8 billion from his pay, deferred pay from his employer that the employer had put in there for this purpose. We have a terrible economic situation on our hands with millions of people out of work, and we cannot get the President, we cannot get my colleagues—not all of them, I should say to my friends who are listening across the country and who may be listening in their offices—there are many who voted on this side of the aisle on our unemployment compensation bill. We got 300 votes in this Chamber. Fifty-five Republicans joined us on the bill that we sent, that the President turned his back on and vetoed.

So I say to you, my friends and colleagues, that our job tonight is to mark a third attempt to get the President to do what is right. We are giving him another chance next week and I hope he takes it, and I hope he understands the real necessity of moving this economy forward. We did a couple of things already last night. We passed a major bill, a transportation bill, with huge margins, 340-some votes, I believe, way over the necessary numbers to override.

The President has threatened to veto that bill. That will put 2 million people to work over a 6-year period. We did that, and we are going to get that bill out of conference and on his desk soon.

We have passed an unemployment compensation bill twice. We are going to pass it a third time, and hopefully he will join in and reason with us, and get something that can help people.

Then we are going to come back with a growth package for middle-income people, providing tax cuts for the middle income in our society, so we can have a little bubble-up instead of this old trickledown that does not seem to trickle anywhere except in the pockets of the wealthy of this country.

I hope the President understands that we are serious. We want to get our country moving again.

Mr. HUNTER. Will my good friend yield?

Mr. BONIOR. I will yield for a second, and then I want to yield to my good friend [Mr. WOLPE], the gentleman from Michigan.

Mr. HUNTER. Madam Speaker, my friend, the distinguished majority whip, talked about working with the President and the President working with Congress. The President obviously will sign the Dole-Michel bill that pays for 10 weeks of benefits, and we have an assurance that that will be signed by the President within a few hours after its passage here.

If the gentleman is sincere, could he give us an assurance on the part of the Democratic leadership that it will pass the President's bill, the Dole-Michel bill, the one he says he will sign, so they can get those checks?

Mr. BONIOR. The Dole-Michel bill is not going to meet the needs of the country. The Dole-Michel bill does not even take into consideration the needs of veterans who voluntarily removed themselves from the service and are thrown back in an economy that cannot take care of itself. The people who went over and fought for us, came back, and came back into this economy, they get short shrifted under that bill. Everybody else receives 26 weeks of unextended benefits. We try to bring veterans up on our bill to the same level that the rest of the society has.

The Dole-Michel bill does not do that. Dole-Michel leaves out and does not reach back and take into consideration the almost 800,000 people that our bill does.

Now, we are not suggesting that we have to go 100 percent in the direction that we are after in those two areas and in others, but the Dole-Michel bill is woefully inadequate at this point, and it is certainly not something we are going to buy.

Mr. WOLPE. Would the gentleman yield just on that part?

Mr. BONIOR. Yes, I will yield.

Mr. WOLPE. I thank the gentleman for yielding.

One of the things I found most troubling in the debate that has occurred up to this point has been the suggestion from the other side of the aisle that somehow the issue would be totally resolved simply by acceptance of the bill that the President has indicated he would be prepared to sign into law, suggesting that all that is at stake here is a little political squabble.

You know, one of the things that is really absolutely remarkable is that my own State of Michigan, the State of the gentleman in the well right now, happens to be the State with the second highest unemployment rate in the United States. West Virginia is the only other State that has an unemployment rate higher than our own.

And do you know that under the bill the President would sign there is not a single worker in our State that would be eligible for additional benefits? That is the kind of assistance that the President proposed to extend.

Mr. BONIOR. Not one?

Mr. WOLPE. Not one. So then you ask, "Gee, whiz, why don't we just roll over and accept the President's wishes on that kind of issue?" Well, that is unconscionable.

Mr. WISE. Would the gentleman yield for 30 seconds?

Mr. BONIOR. I yield to my friend from West Virginia.

Mr. WISE. Just for 30 seconds, since West Virginia was mentioned.

Under the President's bill, it is interesting to note that as far as reachback benefits, those who have exhausted their benefits and would be seeking additional benefits under the Democratic bill, which the last bill would have provided 20 weeks for, the President's bill does not provide one time, zero, none.

For those who would go forward, those who will exhaust their benefits in the future and who would be eligible for extended benefits, the President's bill provides up to six weeks. The Democrats' bill provides 20 weeks. No money for those who have exhausted benefits and would seek additional benefits, absolutely none under the President's bill.

Mr. BONIOR. We have come down on our third bill from 20 to 13 weeks. We are not exactly being obstreperous.

Mr. DELAY. Would the gentleman yield?

Mr. BONIOR. Yes, I will yield to the gentleman.

Mr. DELAY. What the gentleman from California and our Whip had suggested is that if you really wanted to do something, we could have done it a long time ago, and done it with the Dole-Michel bill, and then fought out all this other stuff that you were talking about that we have disagreements over. That is what we are talking about. We are not even talking about the President's bill in lieu of your bill.

We are saying that if you were really interested in having the checks flow as quickly as possible, you would have taken one that the President would have signed right away, and then fought out the rest of it.

Mr. BONIOR. The President did sign the first one right away. Then he refused to release the funds.

Mr. HUNTER. He failed to sign the emergency clause because he would not say this country is in a state of emergency.

Mr. BONIOR. You do not think it is? You do not think 437,000 people in my State alone is not an emergency?

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Mr. HUNTER. I would say at a time when we are trying to assure financial markets, at a time we are trying to make the economy go, the idea that the President is going to go out and call the American economy a state of emergency may not be a good idea. No, I think, let me just say I agree with my friend from Texas that there is plenty of room and plenty of time, and there has been plenty of time for the Democrat leadership to work with the President. Because the main problem that the President has had with the bill has not been the coverage that the gentleman talks about, it is the pay-as-you-go.

Mr. BONIOR. I do not know that the President has made one entree to the Democratic leadership that I am aware of. He may have and I may not be aware of it, but I am not aware of any, to try to deal with this problem in a realistic way.

The answer that the President has had has been this is garbage. The answer that the Secretary of Treasury has had is that the recession is no big deal. The answer Dick Darman has had is that these extended benefits perpetuate people to stay on unemployment.

It hardly signals they are interested in dealing with the issue.

Mr. HUNTER. The President's representative appear as Mr. MICHEL on our side and Mr. DOLE in the other body. Those gentlemen are always available to work on this with the distinguished majority whip, and they will be available in a couple of hours to continue to work on it. Would the gentleman be interested in working with them?

Mr. BONIOR. We are delighted to work with anybody interested. I want to get benefits to my people.

Madam Speaker, I yield to my friend, the gentleman from West Virginia [Mr. WISE].

Mr. WISE. Madam Speaker, I want to respond to the gentleman from Texas who said—I have been hearing this refrain all night as I have been listening to this discussion of "the checks will flow, the checks will flow."

Madam Speaker, that is the point: the checks will not flow under Dole-Michel. They will flow for 6 weeks to those in the future who exhaust those benefits. To those on July 17 triggered off, and a number of States triggered off on that date, of which West Virginia is one, no checks will flow. Dole-Michel does not help.

Mr. BONIOR. I yield to the gentleman from Michigan [Mr. WOLPE].

Mr. WOLPE. Madam Speaker, I thank the gentleman for yielding.

There is a journalist in my district in the city of Lansing by the name of John Schneider, who wrote a piece for the Lansing State Journal very recently. I would like to read a small portion of that article of his.

> William Trice, Jr., died Saturday of intestinal cancer at the age of 23.
>
> On Sunday morning, his widowed mother, Chevey Trice, went around to local churches with a tin cup in an effort to collect enough money to bury her son. She came up short.
>
> On Sunday afternoon she left this message on my office answering machine: "I'm calling to find out if there's any way you could

> run something in the paper to help me bury my son. He died yesterday. I don't have any insurance. The undertakers can't do anything to help me because social services isn't paying anything now. Anything you could do to help me would be appreciated."
>
> Chevy Trice is broke. Her son is dead after an excruciating illness. Now she has to beg for the money it will take to put him in the ground.
>
> And we call ourselves a civilized society.
>
> A so-called "glitch" in the state budget has left $43 million in emergency funds up in the air, including money for indigent funerals.

Mr. Schneider goes on:

> They call it fiscal responsibility. They call it politics. They call it a "glitch" in the process.
>
> By any name, it is a mother having to beg for money to bury her son.

Madam Speaker, I read that article because I do not know of any more poignant way to try to convey the human face that lies behind this deep, deep recession that we face in my State of Michigan, and that is faced in States all across this country of ours.

I happen to have the congressional district in Michigan that has the lowest unemployment rate. There is no other district that has a lower unemployment rate: 7.2 percent. However, the unemployment rate in my congressional district is still higher than the national average.

In district after district all across my State there are unemployment rates of 8, 9, 10 percent, and higher. Ours is a State in crisis. Human misery is everywhere. People are frustrated. They are angry. They frankly cannot understand how a President can see fit to declare an emergency in order to trigger funding to meet human needs around the world, from Bangladesh to Turkey to the Kurdish population, and somehow cannot find it within his grasp to identify an emergency right here in our own country.

Mr. BONIOR. How much money has the President declared, I might ask my colleague, in emergency funds for around the world, and how much has declared at home here?

Mr. WOLPE. As of this date, there has been some $1 billion declared in emergencies, for emergencies around the world, and there has been $36 million committed to domestic emergencies.

Mr. CUNNINGHAM. Would the gentleman yield for 10 seconds?

Mr. BONIOR. I will yield.

Mr. CUNNINGHAM. I would ask the distinguished majority whip, did the gentleman vote for the foreign aid bill?

Mr. BONIOR. Which one?

Mr. CUNNINGHAM. Any of them.

Mr. BONIOR. Some I have, some I haven't.

Mr. CUNNINGHAM. Daily we hear that we spend too much money overseas, and the majority from the Democrat Party have voted for the foreign aid bills. Yet they say we spend too much overseas.

Mr. BONIOR. The Republicans have, too. Let us be clear about that. Republicans vote for the foreign aid bills as well as Democrats do. I voted for some and I voted against some.

Mr. CUNNINGHAM. I have no contest for that. I voted for the foreign aid bills. I do not stand up and lambast that we are spending too much overseas in demagoguery.

Mr. WOLPE. The point we are attempting to make here is that it is a double standard. It seems much easier for the President to declare an emergency elsewhere to allow the expenditure of funds that would otherwise be curtailed under the budget agreement. But when it comes to dealing with the situation right here at home, he finds himself unable to declare that same emergency. That is the problem we are trying to address.

It is important to understand that in our State of Michigan not only do we have these extraordinarily high rates of unemployment, we also have a tremendous number of people who have been unemployed for a long period of time. There are over 750,000 individuals in our State that have already exhausted their unemployment compensation benefits. There are in the neighborhood of 134,000 people that are likely to exhaust their benefits in the next 10 months.

Clearly, the situation we face is truly of critical proportions. We have a State in which the whole economy is falling apart. We have an auto industry that just this past week reported losses of some $5 billion. We have State government layoffs occurring by the thousands.

Just a couple of weeks ago our Governor announced that there were some 82,000 people being dropped from general assistance rolls. I could go on and on and on.

The consequences of this recession are evident when you travel in my congressional district and throughout my State.

What is happening in Michigan is not an isolated phenomena. It has been fascinating this evening to listen to the debate and discussion on the floor. Sometimes we in Michigan think, my gosh, it cannot be as bad elsewhere. To hear my colleagues from the South and colleagues from all around this country describing what is happening to people within their communities, within their local districts, it is clear that we have a national economic recession that is costing this country enormously in terms of economic productivity and in terms of human sadness.

We are a country of increasingly sharp inequalities. It is absolutely remarkable that we can have a situation now where the top 1 percent, the wealthiest Americans, have as much income as the bottom 40 percent combined. What an incredible comment on the kind of economic concentration that has occurred.

Over the past decade, just the increase in the income of the top 1 percent exceeds the increase in the income of the bottom 90 percent of the American population. So not only are there many, many people in our country that are suffering as they have not suffered probably since the years of the Great Depression, but they are doing so in the context of seeing a very few in our society benefit enormously by the economic policies of this past decade.

We have a standard of living that is eroding. Americans today are finding it increasingly hard simply to make ends meet. It takes two incomes simply to hold a family together. That is why issues like health care, issues like day care, issues of tax relief for the middle class, are issues that have become so much more central to our national political debate.

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There is probably no element of the population that we profess to care more about and yet are more victimized by what has been happening to our economy in the last decade than our children. What an extraordinary commentary it is to find that there are over 13 million American children today that live below the poverty line. One in every five American children lives in poverty, and if recent trends continue, one in four will be living in poverty by the year 2000. To make matters worse, between 9 million and 12 million of our children in this country, and more than 14 million women of child-bearing age, have no health insurance.

Approximately 7 million of our kids today do not even receive routine child care or medical care. In 1986, 37 percent of the children between 1 and 5 that were in families below the poverty line had not seen a physician within the past year.

Immunization rates for preschool children against diphtheria and tetanus and similar illnesses averaged 41 percent higher in many Western European countries than in the United States.

In 1990, more than 25,000 cases of measles were reported in the United States, almost 17 times the all-time low number reported in 1983 and almost half of these cases were reported among preschool children.

Something is wrong when we have a society that has the kind of wealth that is evident, if we just look at the upper income portion of our population, and yet we cannot meet the basic human needs of the children of our society who, I think, represent our future. There is something sadly wrong with our priorities and something terribly wrong with our direction.

We wonder, in the midst of all that kind of evidence of human misery, of neglect, why it is that people are frustrated, why they feel alienated, why we have rising ethnic and racial tension in our society.

It is so clear that there is simply not the sense of hope that has been characteristic of the American experience over so many earlier generations.

We are in the process right now of producing the first generation of Americans that will not be able to keep up with that of their parents in terms of their living standards and in terms of their own sense of opportunity in the years ahead. My hope is that if we can begin to broaden the public debate and if people begin to zero in on precisely how truly serious our economic decline has been, then maybe we can mobilize the kind of national effort that will finally get the President's attention.

This debate over unemployment compensation benefits is a critical debate in and of itself because there are so many people out there that are desperately, urgently in need. If we can respond to those people, we can begin to regenerate that sense of the possibility of change, the sense that there can be a better future, that the Government will finally do something meaningful to meet their problems and their needs.

I hope that we do not stop there. There are so many other things we can do and must be doing in the weeks and months ahead. I hope the President will be with us rather than resist us at each of these steps.

It is time to reduce the economic squeeze on the middle class. We can do that by the kind of child-care tax credits and tax relief legislation that have been offered by the gentleman from New York [Mr. DOWNEY] in the House and Mr. GORE in the Senate. We can move that legislation this year. I hope we will.

We can begin to rebuild America. We began that process, I think, today with passage of the Public Works transportation infrastructure legislation. We can begin to really create new jobs, decent, well-paying jobs for American workers throughout this land of ours by doing all those things that have been so neglected in the past decade: rebuilding our roads, bridges, and highways; attending to our educational system; beginning by making the public investments that are critical to our economic future.

We have a huge homeless population today. People say, "Why are there so many homeless out there?"

Well, when we cut the kind of Federal support that has been out there to assist senior citizens and low-income citizens by over 70 percent in the past decade, of course we are not going to have enough housing available for people who simply do not have the purchasing power to acquire that housing. There are tremendous needs out there, and we can begin to meet those needs if we can begin to change our priorities.

It is a big debate. I do not understand why there should even be a debate about whether or not we should go back and take a second look at the budget agreement we entered into a year ago. A lot has happened in this past year.

The President himself has finally acknowledged that it is time to roll back the armaments, to begin to reduce our nuclear arsenals. Yet even as we speak, we have a defense budget in the neighborhood of $300 billion, over 60 percent of which is targeted at the defense of Europe. Is it not about time we reevaluate where we are with all of the tremendous changes that have occurred in the course of this year?

It is time to take that second look, to begin to retarget and redirect those resources, both to reduce the deficit and to meet these high priority domestic needs that have been so neglected for so many years.

I think that if we can begin to develop that sense of commitment to the redirection of our national goals and priorities, we can regenerate within this society of ours a new sense of faith and confidence on the part of the American citizens that this Government of theirs is really working for them. I think that is the challenge to all of us in this body.

I think that is the challenge that is really before our President as we speak this evening. I hope that President Bush will heed the urgency of the cries that are going up, not only from my State of Michigan but from across this country of ours. The need is urgent. It is real. It is time that he respond.

Mr. BONIOR. I thank my colleague for his eloquent statement and his concern and his thoughtfulness about the future direction of the country.

I yield to my friend from Missouri [Mr. WHEAT].

Mr. WHEAT. Mr. Speaker, I thank the gentleman for yielding to me.

I appreciate the fact that Members on the other side of the aisle also want to participate in this debate. I have, in fact, listened intently to what the Members on the other side of the aisle have had to say this evening on this very important question.

I came this evening to tell the story of one constituent of mine, but I think it is important before I tell her story that I clear up some misperceptions that I think have been created in the minds of some who may be listening to this debate, because as I listened, I got the feeling from some of the statements that were made that we were talking about a different kind of unemployed person than unfortunately those I have had the opportunity to become familiar with.

The kind of people that I heard being talked about from the other side of the aisle were the people who could be given an incentive to go out and get a job by denying them unemployment benefits. I understand that there are all kinds of economic theories. I understand that the gentlemen on the other side are sincere in their beliefs and sincere in their entreaties to those on this side of the aisle. But I think it is important to recognize that when we are talking about unemployed people as counted for unemployment benefits, we are only talking about people who are seeking jobs.

I would say I do not know how it is done in other States except that it is done the same way in every State of the Union, that you have to certify that you have an ongoing search for a job on a weekly basis in order to be eligible for unemployment benefits.

In fact, when people become so discouraged after a long search for a job and they have been unable to get one that they stop looking for a job, they are then no longer eligible for unemployment benefits and not counted in these unemployment statistics we are talking about.

In my own community in Kansas City almost every job that is advertised at a new plant opening, for every one job advertised, there will be hundreds of people who are applying for that job.

But I think it is also fair, as I pointed out, that we do not want to have a misconception or a misperception about the people who are unemployed, that we not have a misperception about the leaders of this country, and I have listened to some of the debate about the President's travels. I for one think it is appropriate that the President travel around the world. I recognize that we in this Nation have responsibilities around the world and the President as the leader of our Nation has responsibilities around the world also. As a Member of Congress I have had the opportunity to do a little traveling, some with the distinguished chairman of the Africa Subcommittee, Mr. WOLPE. I have traveled with him to South Africa, and I have traveled with the chairman of the Select Committee on Hunger to places like Peru, and Haiti, Somalia, the Soviet Union, Sudan, and Ethiopia. I have had the opportunity to see the miserable and the wretched of the Earth. And we have started to judge some of these nations and the conditions in these countries by how they treat those in their society with the least potential to take care of themselves, the children in those countries.

Recently, I had the opportunity to go to a country where the statistics and where the children were in a miserable condition in that country where one-fifth of all the children lived in poverty, one-fourth of all the children went to bed hungry every night, one-third of all of those children received inadequate if any health care, and one-half of all of the new homeless people in that country were children. Where was this wretched country? In Africa, in Asia, in South America? I think ev-

everyone understands that the answer is no. This country described by a previous chairman of the Select Committee on Hunger, Mickey Leland, as a beautiful country suffering through a nightmare is in fact our very own beloved United States of America. And this is a country that, as a result of our depressed economic conditions, and the fact that people have lost jobs through no fault of their own, is no longer able to care for its children in an appropriate way.

It is with this backdrop that I give you the story of Bonita Smith, a constituent in my district, one of those people who is currently unemployed, one of the people I want to defend because she has been actively, like many other people in Kansas City, looking for a job for many months.

I first came to know Mrs. Smith last year when she contacted me to request assistance with a tax liability problem she had. She had inadvertently believed that she did not have to pay taxes on a deferred savings plan of approximately $4,000. She was laid off from her job at the phone company where she had worked for some 19 years. Last week she called me and told me that she was distraught and upset because her tax liability, which was originally about $1,400, was now $2,000 and growing. The reason it was growing is that she had been paying $50 out of her unemployment benefits to attempt to cover this tax liability. The $50 was not enough to cover the principal and the interest and the penalties, and she was afraid she was going to lose her home because the IRS had placed a lien on her home. She told me she could no longer afford to make the payments because her unemployment benefits had run out, and she did not have any other source of income. She also said that without any income she did not know how she was going to be able to buy food, pay her utilities, pay for her mortgage, pay Uncle Sam, or pay the IRS. In tears she told me that she had been working for over 30 years, and that she had always paid her fair share of taxes, that she had even contributed time and money to help the needy and had not expected to become one of them.

In preparation for her retirement years she had set up a savings plan to supplement her retirement pension and Social Security. Unfortunately, she did not plan to lose her job after 19 years, and she did not plan for it to take her months, if not years, because of a depressed economy, to be able to find a new job. She did not plan to spend her entire severance pay of $13,000 and her entire savings to keep a roof over her head and food in her mouth, because no one would give an individual in their fifties a job.

I understand the rules of the House do not allow Members of Congress to talk directly to the President. But I think the President would want to hear from Mrs. Smith. She wanted the President to know that he should be ashamed of himself for vetoing the unemployment bill. Her unemployment benefit was her only source of income, and the only thing that kept her from being hungry and homeless. And it is the only source of income for hundreds of thousands of others in my area. She asked me: "Doesn't he understand that people are suffering in America?" I explained to her that we did have responsibilities overseas. She answered that she felt sorry for the people around the world and that she felt sorry for the hungry people in the Soviet Union, but she reminded me and she wanted me to remind him that the American people put us in office, not the Soviets, and it is time that the President made the American people a priority.

Mrs. Smith lost her home. I would like to be able to tell you that this is an isolated story. But unfortunately, it is not. These people have lost their jobs. They have lost their jobs and their livelihoods through no fault of their own. No matter who you blame, the Government, the President, the Congress, it is through no fault of the working people of this country that they cannot find jobs.

It is time to respond to that situation, to make sure not only that we have a growing economy, but until the time that the economy is capable of taking care of all of the displaced people in our economy, that unemployment benefits continue so that people can continue with their lives.

Mr. BONIOR. I thank my colleague for his eloquent statement. As I said earlier, statistics do not really I believe tell the pain that is out there. I think my colleague from Missouri, as my colleague from Michigan, has vividly and poignantly demonstrated the real agony and pain out there.

Before I yield to my friend from Indiana [Mr. VISCLOSKY] I want to yield to the gentleman from Texas [Mr. DELAY] and then I will yield after my friend from Indiana to the gentleman from the State of Washington.

Mr. DELAY. Mr. Speaker, I appreciate the gentleman yielding. I will be very brief because this is a very compelling and a very sad story that the gentleman from Missouri tells. And the gentleman from Missouri is one of the better Members of this House. He is a very caring man and a very thoughtful man.

But what we are talking about here is setting priorities. The lady that he described has every right to have those feelings about the President. But I wonder how she would have felt if she was told that we could have paid for those benefits that the gentleman from Missouri wants by taking it from other programs. To give an example, I have a whole list of them here, but would the woman he described be interested to know that those who are doing research in animal waste are doing quite well, and we could have taken that program. There are a lot of programs that we could have either reduced or eliminated to pay for the benefits that the gentleman wants for this lady, and everyone wants.

The problem here is that the President is demanding that we pay for the program rather than just carte blanche say no, we are not going to set priorities.

Mr. BONIOR. Mr. Speaker, I yield to my friend from Missouri to answer.

Mr. WHEAT. I understand that the gentleman has asked the question in all sincerity, and we could talk about a number of budgets where the funds could come from to pay for unemployment benefits. I for one would disagree strongly with the idea that we should sell off the airwaves at fire sale prices to fund unemployment benefits when in fact funds are available in the trust fund to pay for those benefits in our society.

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But I think what is most compelling would be to point out to the gentleman that the bill that the President is demanding be passed would not have helped Mrs. Smith or any of my constituents at all, because under the very complicated formula that is included in that bill, despite the fact that this has been one of the most severe recessions we have ever faced, my constituents would not be eligible for the extended benefits in that bill.

Mr. BONIOR. I thank my colleague for pointing that out, as is the case in Michigan as well and West Virginia.

I yield to my friend, the gentleman from Indiana [Mr. VISCLOSKY].

Mr. VISCLOSKY. Madam Speaker, I appreciate the gentleman yielding.

In this case, I am happy to point out that Indiana is not a national leader. We are not No. 1. We are not No. 2 in terms of unemployment claims in the United States.

Indiana's annual rate at this point in time is 5.7 percent, although in terms of congressional districts, the First District in Indiana, which I represent, is the highest within the State, 6.6.

What I would like to talk about before I get into the question of the unemployed are those who no longer live in northwest Indiana who are working for less money than they earned just several years ago.

In the previous hour, several of the speakers talked about the whole concept of hope, and I would have to agree with that. I think the question of hope, the idea of progress is fundamental in terms of the United States of America, that that next generation is going to be better than the last.

When I grew up in the Glen Park neighborhood of Gary, it was my impression that that was the American dream. People immigrated to the United States of America so that they could get a job at that point in either an oil refinery or a steel mill or the ancillary industries around them so that they, for the first time, could make sure that their children graduated from high school, their children could go to college and improve their conditions so that their grandchildren could have a better life.

I went to school with a gentleman by the name of Nick Zuckatansky, a fellow Slovak. I went to high school with Nick. At the end of high school when we graduated in 1967, we decided to take different career paths. I went on to college in Gary, IN, and Nick went to 4th and Broadway to get a job with USX Corp., a job from time to time from which he was laid off, but which he retained for nearly 16 years.

By the end of the 1980's under Ronald Reagan and George Bush, his economic circumstances became untenable. Nick Zuckatansky does not show up in the unemployment rate in northwest Indiana, because he had to move. He is now living in the State of Arizona making significantly less in terms of his hourly wage rate, and certainly enjoying fewer benefits.

I do believe it is the American tradition to move to improve yourself. It is not the American tradition to move because you are forced to, because no one cares about your economic plight.

During a pancake breakfast at a Lions function during the spring of this year, I bumped into a gentleman whom I did not recognize who indicated that we had met at some time before, several years before, at a plant called Combustion Engineering in East Chicago. Subsequently that plant closed, and I asked him what he is doing. He is now working in the State of Illinois. He had to move to get a job. I asked him, "Relatively speaking, what are you making now compared to what you were making 3 years ago?" He is making half of what he made before at an industrial position, and his wife, who is a legal secretary in the city of Chicago, is making more than he is.

The fact is, in terms of studies for Lake and Porter Counties in Indiana, the personal income for nonfarm workers has collapsed. From 1980 to 1988, that percentage dropped by 22 percent in Lake County. It dropped 19 percent in Porter County.

Certainly we see, in terms of national statistics, that same type of collapse.

So I think that what we are talking about here is not just those raw percentages of people who are not working in Gary, IN, or East Chicago, but people who have had to leave their families, who have had to leave their churches, who have had to leave their neighborhoods, their groups, social organizations to get a job somewhere else, and in some instances, at half of what the rate was before.

In terms of what the unemployment situation looks like today, I think it is grievous. The month that George Bush took office as President of the United States, 3,038,000 Americans were unemployed. In the month of September, 4,801,000 individuals lost their jobs.

Now, as I indicated on the floor of this Chamber 2 weeks ago, that represents one American worker losing their job for every minute George Bush has been President of the United States, and to now not act in a decisive fashion, forgetting for the moment all of those who have seen their income collapse, but those who have no source of income, I think is unconscionable.

The previous speaker, the gentleman from Michigan [Mr. WOLPE], talked about that next generation, and I return to the concept of hope. I think that is why we are all, Republicans and Democrats in this Chamber and in the Government, is to make sure that that next generation has a better life.

When I was growing up during the 1960's, the theory was "Do not trust anyone over 30." Personally, being the type of individual I am, I figured time was on my side. I did not necessarily subscribe to it. I think the saying has a lot of truth today, and in terms of young families aged between 25 and 34, if you look at their income decline, if you look at the slowdown of their earnings, if you look at their lower wage rates, we see a continual decline in terms of the types of employment, if employment is even available.

I do think that we have reached a moment in our Nation's history where we have got to deal with those people who find themselves in a desperate situation. The unemployment rate in my district, while not high by some States' standards such as the gentleman's State of Michigan, is, nevertheless, at a 5-year high in Indiana, and I do think it is time for the President of the United States to act.

Mr. HUNTER. Will the gentleman yield?

Mr. BONIOR. I want to get the gentlewoman from Washington on, because she has been here all night. She has not said anything yet. I only have 5 minutes left.

Mr. CUNNINGHAM. You told us you would yield time, 30 minutes.

Mr. BONIOR. Pardon me?

Mr. CUNNINGHAM. You told me in the beginning when you were yielding time that you would yield 30 minutes.

Mr. BONIOR. The gentleman from California has been talking on this floor all night. He is standing up now, and he is suggesting that my friend, the gentlewoman from Washington, has no right to speak. I do not appreciate that. I do not appreciate your attitude. I do not appreciate the idea that you would come to the floor and impugn the integrity of the gentlewoman from Washington.

Mr. CUNNINGHAM. I am impugning your integrity.

Mr. BONIOR. I do not yield to the gentleman; I do not yield; I do not yield to the gentleman, wherever you are from. I yield to the gentlewoman from Washington.

Mrs. UNSOELD. Thank you.

The SPEAKER pro tempore. The gentleman from Michigan controls the time.

Mr. CUNNINGHAM. Vote for the Sandinistas.

Mr. BONIOR. That is the type of argument, Mr. Speaker, that is the type of thing these people have resorted to. Now they are back to foreign policy. They cannot deal with the heartache at home. The gentleman from California cannot deal with the fact that his administration, his party, has put so many people out of work.

The gentlewoman from Washington.

Mr. HUNTER. Will the gentleman yield?

Mr. BONIOR. I will not yield.

Mrs. UNSOELD. There has been comment made tonight that we on this side of the aisle would be able to have the unemployed receive benefits immediately if we would simply go along with the proposal that is coming from the other side of the aisle, that somehow the Democratic proposal which would provide an extension of benefits, and this time is our third attempt to get a bill that would be signed into law, 7 weeks and 13 weeks, that somehow that is a budget buster, but that the Republican version for 10 weeks is going to provide checks tomorrow.

How could there be such a difference, with a maximum of 3 weeks, that one would be a budget buster and one would be a panacea for this problem that the United States faces?

In the President's veto message that was issued earlier this month, he complained that the Democratic bill, unlike existing law or what DOLE was proposing, used the State's total unemployment as a standard, as the trigger for determining whether that State would be able to make use of extended unemployment compensation. The administration wants to use as a trigger, as a standard, only those unemployed who came from insured jobs.

About half would not be covered under that kind of a standard, and, hence, the trigger would not take place.

It is no wonder that the Republicans say that their bill would be preferable. They are going to define out of existence States that have workers who have dropped off the edge of the cliff because they no longer have the ability to receive unemployment compensation. They have not been able to stay in a program long enough to be able to get retraining. They have no options, and very cynically the Republicans would say, "We will give benefits within 24 hours if you will go along with our proposal," but they will not allow a trigger that would go into effect to really provide the assistance we need right now.

☐ 0420

I regret, I say to the majority whip, that I have to yield back the time. I am going to stick around because this issue is too important. I have workers in my area who are going through such pain and I want to tell some of those stories before this night is over.

Mr. BONIOR. Mr. Speaker, I yield to the gentleman from Texas [Mr. DELAY].

Mr. DELAY. Mr. Speaker, I thank the gentleman for yielding to me. I appreciate that the hour is about 4:20 a.m. We are all tired. We have had a long day. Maybe we can just take a deep breath and try to come to some understanding.

I just want to ask the gentleman, because he is in the leadership and a very distinguished Member of the House this question. Why do the Democrats not write an unemployment compensation bill that is paid for, that sets priorities, that looks at other programs, and decides that maybe we could forgo a particular program in order to pay for this, in order to adhere to a budget agreement that the gentleman voted for?

Mr. BONIOR. Well, I would answer my colleague, the gentleman from Texas, by saying as I have on half a dozen occasions on this House floor, we believe this program has already been paid for by the employer through compensation from the employee. We have $8.2 billion in this fund that can and should be spent for those who need it. We tried that. We tried it twice. The President said no.

But I might add, we had 365 Members of Congress, Republicans and Democrats, who agreed with that position the last time around.

So we came back and we decided we would try something different. We decreased the benefits. We provided a mechanism to finance this. We also took even from the President's own bill a partial finance mechanism that deals with students defaults.

Now the President, and obviously Members of your own party, are suggesting that this is not good enough. I do not know where we have to go to get this resolved, but we will keep trying until the American people understand that we are serious about taking care of these people who are suffering, as my colleagues have demonstrated in their remarks this evening.

Mr. RAHALL. Mr. Speaker, I need not say anything after I've said that West Virginia's unemployment rate at the present time is just short of being in double digits. Currently, West Virginia's rate is 9.8 percent. That's an average statewide unemployment rate. But, Mr. Speaker, the unemployment rate in many towns and cities located in my district are in double digits—some that in the past relied solely upon the coal industry for their economic well-being are nearing 50 percent in unemployment statistics.

Twice we have sent the President bills that would have extended unemployment benefits for those who have exhausted the first 26 weeks without having found a new job. Our bills would have extended those benefits for up to an additional 20 weeks, depending on which States have the highest rates of unemployment—and West Virginia would have qualified for the extra 20 weeks—and twice he has vetoed the legislation.

It makes me wonder, really, just what is going on around here.

Do we have a Democratic majority in both the House and the Senate, or not? Our people—all hard-working Americans who are suddenly unemployed through no fault of their own—but because businesses are downsizing, or undergoing reductions in force for reorganization purposes, or going bankrupt—and these people have worked for decades in the same job, during which time their employers and they have contributed to what is called the unemployment insurance trust fund. That fund now boasts a surplus of $8 billion—and still we are told that the Congress can't override a veto because we provided no way—no new tax—with which to pay for the new extended benefits. We are told that to send the President a bill with no means of paying its costs is bursting last year's budget agreement on pay-as-you-go requirements. I don't care. I voted against last year's so-called budget agreement that was built on new taxes.

What is that unemployment insurance trust fund for? Why do we need a new tax if we have a trust fund bursting with surplus funds, intended for this very purpose?

Is this trust fund, like the highway trust fund, being held hostage in order to mask the real size of the deficit—making it look smaller than it is? Oh. I see. Sort of the same way we used the Social Security Trust Fund until it was taken off budget, right?

Do you want to know what I think? I think Americans are entitled to get back what they've paid into the trust fund for just such emergencies as this—a prolonged recession. This recession has cost millions of people their jobs, and it continues to keep jobs from becoming available, which in turn keeps able and willing workers from getting jobs, which in turn caused them to use up their unemployment benefits. These people—and you've heard this all before—have home mortgages, children in school, young adult children in college, car payments coming due, food that needs to be bought, and heating and medical bills to be met—and their benefits have run out and they have no place to go—except to their elected representatives. That's us. And we have tried and tried—twice going on three times now—to extend those benefits so homes are saved, and cars are not repossessed, and college tuitions can be paid, and food and clothing can be bought, and people don't die from lack of medical care.

The esteemed chairman of the House Ways and Means Committee has a new extended benefits plan, which does raise taxes in order to fund the bill, at lesser costs, but with the top extension of benefits amounting to only 13 instead of 20 weeks. Will the President find this one acceptable? Or will he veto it, too? Will either body be able to override the veto. I think if the House has a chance to vote it will be able to override a veto this time around, just as it would have overridden the veto of the last bill, had it had a chance to vote.

Mr. Speaker, there is a lot of talk going around that the recession is over. Well, it isn't. And even if it were, it is common knowledge—common sense to everyone but the White House—to acknowledge what is true, and that is the fact that even when a recession ends the unemployment rate does not suddenly drop. Business and industry are still hesitant to start hiring again—and indeed a recent survey of business and industry showed that they have no intention of taking on new hires in the immediate future.

And what about areas of the country where it isn't bad enough that business and industry have a freeze on new hires for the foreseeable future—but where plant closings continue to be the order of the day?

Where is that happening? In West Virginia, in my Fourth District.

Once again, the Maidenform plants located in Princeton in Mercer County, and in Huntington in Cabell County, WV, are closing down those two plants, tossing another 220 workers into the pool of the unemployed. In Mercer County that means 145 people out of work; in Cabell County, 75 persons are out of work by the end of this year. Merry Christmas and Happy New Year!

Where will Maidenform relocate? We are not sure. The union representatives seem to think they are headed for Mexico—or offshore to one of their other plants already working out of Jamaica, the Dominican Republic, or Costa Rica. Or how about Florida, a right-to-work State. Always, when plants close in our States and districts, the owners seem to be headed anywhere where people will work for practically nothing, or as in right-to-work States, at nonunion wages.

This is part and parcel of what I feared the most when Congress agreed to the Mexico Free Trade Agreement and put it on a fast track. Every time one of us got up on the floor of this House and warned that jobs would disappear—others got up and said they wouldn't. They have, and they are, and they will continue to move offshore and south of the border, putting more and more Americans out of work, who will probably exhaust their unemployment benefits before business and industry begin to rehire, because this recession isn't over yet, whether the President has the common sense to understand that or not.

If that is what this body agreed to—and it did—to allow those jobs to move south—to move off American soil onto foreign soil—then the least this body can do is to enact legislation allowing those who are unemployed as a result to draw unemployment benefits beyond the normal 26 week period, should they find themselves still unemployed at the end of that time period.

Mr. Speaker, there are 11,019 workers in West Virginia who have exhausted their unemployment benefits; they've received not one dime since March of this year. There are 7,442 who have exhausted their benefits, but are still actively looking for work. Between October of this year and June of next year—an estimated 13,752 West Virginians will exhaust their benefits and be eligible for extended benefits—if we can get a bill through.

That is a snapshot of West Virginia's unemployed.

We are told that the average American worker can expect to face the loss of a job at least once or twice during a lifetime of working. Because of that, the Federal Government has always offered extended weeks of unemployment insurance to those who have lost jobs during periods of high unemployment. Since the 1950's the Government has moved to provide these extended benefits, each and every time a major economic downturn has occurred.

It was during Reagan's first 100 days that a so-called upward revision in the so-called trigger or level of unemployment was enacted, which States were required to meet before extended benefits could be made available. The economic conditions required to trigger extended benefits under the Reagan law, which we are currently dealing with, are so extreme that most States are excluded from receiving them. Even so, during Reagan's administration we were able to get permission from the White House to extend benefits on a temporary basis on four separate occasions.

There is no precedent for the current situation. None at all. Yet between July of last year, and August of this year, total civilian employment in the United States dropped by 1.5 million jobs. This downturn ranks as the third most severe of the nine postwar recessions. Yet it still does not trigger automatic extended benefits under the Reagan trigger, and Bush refuses to ease that trigger.

We have 8.5 million Americans out of work and out of benefits. Add the 1 million who are believed to have stopped looking for jobs that aren't there, and that total is 9.5 million Americans out of work and out of luck. It is estimated that an additional 2.8 million will join the 9.5 million out of work Americans over the course of the next 10 months. That will bring the total to 12.3 million Americans out of work.

Just let me reiterate here, Mr. Speaker, that West Virginia is one of the four States—including Michigan, Mississippi, and Massachusetts—with the highest unemployment rates in the Nation. Running a close second to those four States just mentioned, are California, Pennsylvania, and New Mexico, with the second highest rates of unemployed workers.

I know that many of us are asking President Bush to come back to America, and begging him to stop focusing on foreign affairs in order to help us get our own house in order. But let me tell you something I don't want Bush to come back if he is going to wear his rose-colored glasses through which he sees only rosy scenarios. We know well enough that when he is looking through those glasses, he sees the recession at an end and no need for extended unemployment benefits, or any other domestic aid.

Take off your rose-colored glasses, Mr. President, and join us in a walk down Main Street, America, and tell us what you see, and what you intend to do about it.

Mr. ANDERSON. Mr. Speaker, the Democratic Party has traditionally been the party of the working-class and middle-class Americans. Never has this fact been so apparent as during the debate on extending unemployment benefits. In late July, Democrats moved to extend unemployment benefits to help workers displaced through no fault of their own by this unyielding recession. Unfortunately, these efforts were rebuffed by an administration that wrongly viewed extending benefits as an impediment to an economic recovery, a decision that has defied the prescriptions of economists. They assured Congress that recovery was right around the corner. Here we are, nearly 3 months later, and the recession is still with us. American workers are still suffering, and unemployment is still an emergency in this country.

Democrat proposals during the summer tried to provide relief to those workers to help them get back on their feet again before the problem got out of control. These efforts ran into the brick wall of the Bush administration and its veto power. In July, Office of Management and Budget [OMB] Director Richard Darman stated that the administration would veto extended unemployment insurance benefits because the situation "would not in our judgment be an emergency * * * benefits have the perverse effect of becoming an incentive to be unemployed." Congress, realizing that the unemployment rate was growing without incentives, passed the first jobless benefit bill.

However, the escalating unemployment rate was not deemed an emergency by President Bush, who vetoed the measure. Despite the President's veto, Democrats drafted another proposal, S. 1722, to help out-of-work Americans. This legislation provided a minimum of 7 weeks of extended benefits for all workers whose benefits have expired, and a maximum of 20 if the State's total unemployment rate was above 8 percent. S. 1722 would have provided extended benefits to about 80 percent of all individuals who exhausted their benefits within the last 6 months, as well as to all individuals who are expected to exhaust their benefits in the next 10 months. California, whose unemployment rate was 7.9 percent in September, would have been eligible for 13 weeks of extended benefits.

These efforts were again thwarted by the administration. On the positive side, some progress was made. Although the administration still did not consider unemployment to be a domestic emergency, at least they recognized that there was a problem. In response, a Republican alternative was offered by Senator DOLE. Members of Congress urged this bill to be passed because the President would support its passage. Unfortunately, this was a case of too little too late. This bill would provide 6 weeks for benefits if a State's adjusted insured unemployment rate exceeded 5 percent, and 10 weeks if it exceeded 6 percent. This measure would have excluded more than 80 percent of individuals who have exhausted benefits during the last 6 months. Under the Democratic bill, the unemployed would have received, on average, about $655, or 57 percent, more in total benefits than under the Dole proposal.

Mr. Speaker, the President has requested emergency funding to help the Kurds, Turkey, the Sudan, Angola, Bangladesh, and Ethiopia. He has denied such funds to the unemployed of America. Maybe this is why 70 percent of the American people think that the President spends too much time on foreign problems and not enough on the problems of this country. Only 37 percent approve of his handling of the economy. It is time to get this administration to concentrate its vision on the problems in our country.

Unemployment statistics continue to illustrate the seriousness of this situation. Between July 1990 and August 1991, the U.S. economy lost 1.5 million jobs. During the last 6 months, more than 1.8 million Americans have exhausted their unemployment benefits. While these numbers are sobering, they do not tell the frustration and the pain felt by the individuals who have been affected by this impasse. People such as Donald Lebel from Long Beach, who has been out of work for a year due to the recession. His benefits ran out 6 months ago, and he and many others in my district want to know what we are going to do about it? I say to Donald and to the rest of the people in my district that the Democratic Party will continue its effort to pass an unemployment bill that will provide real help during your time of need. We will be where we have always been, on your side.

Mr. STOKES. I want to thank the distinguished majority whip, Mr. BONIOR, for organizing this special order to emphasize the plight of the unemployed in America, and the imperative need to provide these honest, hardworking people with extended unemployment benefits while they continue to search for work. I also want to thank my colleague, the gentlelady form Ohio [Ms. KAPTUR], for talking this time to participate in the special order, and allow other members of the Ohio delegation to share their thoughts on this issue.

Mr. Speaker, I deem it an utter travesty that we are still here discussing the need for extended unemployment benefits after Congress has already enacted two bills to provide these benefits to America's unemployed. It is unconscionable that the President has not recognized the urgent need for extending unemployment benefits, and continues to cling to the theory that the recession is over, and that extended benefits are unnecessary. I think that the President's position on this issue is, to use his own words, "pure garbage."

I raised the issue of an extension of unemployment benefits with the administration during appropriations hearings, and was told that the administration anticipated a mild recession, with relatively few people exhausting their unemployment benefits. The numbers have proved otherwise. There are over 8.5 million Americans out of work, and 3.5 million unemployed workers are expected to exhaust their benefits this year. Only 38 percent of those out of work get unemployment benefits—a historic low.

Mr. Speaker, I firmly believe that legislation to provide extended unemployment benefits is absolutely necessary in light of the current recession. Permit me to cite unemployment statistics from my hometown of Cleveland, OH. According to a recent report of the Bureau of Labor Statistics, in 1990, Cleveland had the highest unemployment rate for blacks among large U.S. cities for the second year in a row. The overall unemployment rate in Cleveland in 1990 was second in the Nation, trailing only Detroit among large cities. These rankings do not tell the whole story; the actual numbers are startling.

In 1990, the black unemployment rate in Cleveland was 20.7 percent. In other words, more than one in five of Cleveland's blacks was unemployed. The overall unemployment rate was 13.8 percent, meaning that more than one in eight of all Clevelanders was unemployed last year.

More importantly, these numbers do not tell the real story, because unemployment figures are not valid estimates of the true unemployment rate. Official Government unemployment estimates do not count workers who have exhausted their benefits or given up searching for jobs that simply are not available. These statistics also count part-time workers as part of the labor force, which completely ignores the fact that these individuals are underemployed.

In addition, the unemployment rate does not even begin to touch upon the most painful aspect of the current recession that was brought about by 10 years of Reagan-Bush economic policies which reaped massive budget deficits, the savings and loan debacle, and tripled the public debt. The most painful legacy of the Reagan-Bush era is the sickening statistics on the growing poverty rate in America.

In Cuyahoga County, OH, nearly one-fifth of the population live in poverty. Within the city of Cleveland, over 40 percent of the population is poor. Since 1980, the county's poverty rate has increased by 41.8 percent. An even more disturbing trend reflected in these factors is that during the last 5 years, a large majority of the county's poverty growth has been in the suburbs, not in the city of Cleveland.

Mr. Speaker, extending unemployment benefits beyond 26 weeks is absolutely necessary. I can hardly imagine a situation which could be more damaging to the self-esteem and mental health of an individual than to become unemployed. Consider how much more painful it must be to still not be able to find work after searching for work for more than 6 months.

The administration tells us that the recovery has begun. Where is the recovery in Cleveland, Mr. Speaker? Our unemployed workers cannot use promises of a recovery to pay their rent, or to purchase food and clothing. Our unemployed workers cannot use statistical decimal points from Labor Department reports to buy supplies for children preparing to start school this fall.

Opposition to extending unemployment benefits on the basis of an illusory promised recovery is a slap in the face of millions of citizens. If the President can find an emergency in Kuwait, or in Kurdistan, what about Cleveland? Let's not hear talk about the budget or the deficit from the administration whose budgets and economic policies over the last 11 years produced the deficit and the recession that produced the unemployment situation that extension of benefits is designed to address.

I urge President Bush to show compassion to the millions of Americans who face the tragedy of being unemployed every day. Show the working men and women that you care about them and their plight by signing legislation to provide extended benefits to help them when they are in their time of most desperate need. President Bush, sign legislation to extend unemployment benefits because it is the compassionate and humane thing to do, because it is reasonable and absolutely necessary for millions of American workers.

Mr. PEASE. Mr. Speaker, each time the House has considered legislation to extend unemployment benefits I have supported it, although reluctantly. I was not reluctant to provide benefits to these workers—it clearly is the right thing to do. Rather, I was reluctant to support the previous bills because they did not meet the pay-as-you-go requirements that were established in last year's budget agreement. I feel that complying with the budget agreement—as it is written today—is crucial if we have any chance of reducing the Federal deficit which continues to skyrocket. Because the bill before the House today meets the pay-as-you-go requirements established last year, I wholeheartedly support it.

This bill clearly and straightforwardly addresses the concerns raised by the President when he scuttled the previous two bills that this Congress has passed. The benefits are completely funded over the next 5 years so that it will not add to this Nation's horrendous deficit.

The measures adopted to finance the bill are reasonable. One of the provisions—permanently extending the IRS' tax refund offset program—is the same as was proposed in the Republican extended benefit bill. The other two measures—extending the temporary portion of the Federal unemployment tax for an additional year and temporarily increasing the tax base by $700—are natural provisions for funding an extension of unemployment benefits.

The funding provisions of the bill were designed so that they would not exacerbate the difficulties employers are facing in today's economy. The changes to the Federal unemployment tax paid by employers will not begin to take effect until 1993, when it is widely expected that the economy will be in better shape. By delaying this tax increase until 1993 we allow employers to recover from the recession.

In addition to being fiscally responsible, the bill makes two changes to the unemployment compensation system that Congress has previously supported. First, it allows the States to provide unemployment benefits to nonprofessional school employees between academic years or terms. This provision has passed the House three separate times, only to be stricken by the Senate.

The other provision provides unemployment benefits to ex-service members on the same basis as we provide benefits to civilian employees. Currently, ex-service members must wait 4 weeks before they can begin collecting unemployment benefits. Civilian employees begin receiving benefits after only 1 week. Ex-service members also only receive 13 weeks of benefits, instead of the 26 weeks that are provided to civilian employees. This bill puts ex-service members on an even basis with civilian employees.

In summary, this bill does all the right things. It provides desperately needed benefits to unemployed workers, and it does so in a fiscally responsible way. It also corrects two aspects of the current unemployment compensation system that should be corrected. Now we need to do the right thing and pass this bill.

Mr. MINETA. Mr. Speaker, a single night cannot solve the increasing problem of unemployment in America.

But perhaps, Mr. Speaker, a single night—a vigil by Members of Congress from all across this Nation—will send a message to the White House that will be heard, and that will be heeded.

That message, Mr. Speaker, is that the American people are hurting.

We are suffering from the bruising effects of domestic economic policies that have failed, that are insensitive, and that are the product of ideologues at 1600 Pennsylvania Avenue.

I would like to congratulate our majority whip, my fine friend and colleague, DAVID BONIOR of Michigan, for his leadership in confronting this legacy left to our Nation by the Reagan and now the Bush administrations.

And I would also like to thank the distinguished majority whip for this opportunity to get the message to the White House that Americans are suffering from the recession that the White House would have us believe is over.

More than eight million Americans are unemployed in America tonight.

Their unemployment benefits are expiring rapidly.

In many cases, those benefits have expired already.

Is the recession over when 8 million Americans cannot find jobs and less than 40 percent of these parents and professionals continue to receive unemployment benefits?

No, Mr. Speaker. I don't think so. And those 8 million Americans know so.

People are giving up, dropping out of the statistics.

Others are taking part-time jobs or minimum-wage jobs that cannot meet their financial needs.

Even in more prosperous regions like my own home—Silicon Valley, CA—the cost of living is so high that when people are suddenly out of work and unable to find jobs, they find it immediately difficult to put food on the table and keep a roof over their heads.

Oftentimes, Mr. Speaker, their only option is the supplement provided by amendment insurance benefits.

And with the recession dragging on and those benefits running out, the only thing on the increase is desperation—not hope.

Every day, my office receives calls from constituents who spend hours filling out applications for employment, yet find opportunities scarce.

This Member of Congress needs no lectures from the White House.

Don't try to convince me that people aren't suffering, or that they'd use extended benefits as an incentive not to work.

Americans want to work, Mr. Speaker.

Americans want to pay their own way.

But housing costs money. Real money.

So does food and electricity and clothing and transportation and medical care.

How can anyone seriously believe that unemployment benefits are anything more than a temporary safety net?

How can anyone seriously believe that unemployed breadwinners want to watch their families doing without, that they want to watch everything that they've ever worked for go down the drain?

How many Americans have become resigned to living out of their cars or in shelters?

Tell me, Mr. Speaker, is that now the American dream?

I certainly hope not.

This Congress passed a modest provision to help people survive while Democrats try to redirect our national priorities and undo the damage of the last 10 years of the Reagan-Bush White House.

The first time we sent our bill up to the White House, the President signed it into law—but he then refused to implement it.

And then, more recently, he just said no, and the Senate failed to override his veto.

I cannot understand how the President of the United States can look out of the oval office window and fail to see millions of unemployed Americans who need to be helped during the recession which he and the ideologues at the White House have created through failed economic policies.

Americans are willing to help people all over the world, and I hope that will always be the case.

But we must also help our own, and we must do it now.

When faced with pictures and videotapes of the damage and destruction wrought by the firestorm that recently swept through the Oakland-Berkeley Hills area in California, the President reacted, as he should, in an immediate and humanitarian manner.

How then can he continue to ignore the cries for help of those people who, through no fault of their own, find themselves unemployed and in need of help?

These are Americans who do not readily ask for assistance.

These are Americans who want jobs, who want to work, who are asking only for a short-term assist during this particularly trying time.

It seems to me, Mr. Speaker, that our friends and neighbors are due that much from Washington, at the very least.

Mr. HUGHES. Mr. Speaker, I rise to echo my colleagues' most serious concern for the economy and especially for those Americans who have been hardest hit by the current recesssion—the unemployed.

Americans across the country share this concern. Today's Washington Post reports that 42 percent of Americans named unemployment and the country's economic problems as their biggest concern, and nearly half of those interviewed believed that Americans are worse off now than they were 4 years ago. According to the poll, 60 percent of those surveyed disapprove of the way the President is handling the economy.

Many working Americans who sympathized with the unemployed a few months ago are today finding themselves out of the work force. And, unfortunately, there is no guarantee that more jobs won't be lost tomorrow, next week, or even next month.

And what is the administration's response? They keep repeating the same old rhetoric—there is no emergency, recovery is right around the corner, and what we need is a cut in the capital gains tax to stimulate the economy.

Well the economy has not improved since we first debated an unemployment benefit extension in August, and in fact it has gotten worse. Even greater numbers of unemployed Americans have exhausted their unemployment benefits, and they are growing weary by these day as they struggle to make ends meet, hold on to their homes, and feed their families.

I would like to share with you the excerpts of a letter I have received from one of my constituents in southern New Jersey.

Mrs. Janet Kauffmann from Bridgeton, New Jersey, writes:

> "My husband was laid off December 17, 1990, because of restructuring within the department. He was told he had been a good worker—he worked for this company for 15 years—but he made the most money in his department and the easiest way to cut costs was to let him go.
>
> They gave him 6 weeks severance pay, and health insurance for 3 weeks. Then he signed up for unemployment. My husband was a maintenance supervisor and now he can't find a job pumping gas. You see he is 50 years old.
>
> He received 6½ weeks of extended unemployment, now that has run out. He is still looking for work daily, applying to places as far away as Philadelphia which is 1 hour and 15 minutes from our home.
>
> My husband has a child from a previous relationship. He is expected to continue to pay $65 per week in child support even though his unemployment has run out he has absolutely no income.
>
> I have a 12-year-old daughter that lives with me on a shared-custody basis. I make $17,000 a year as a secretary. I am the sole support of our family right now, trying to make ends meet, feed the family, and pay all the bills.
>
> We have gone through more than half of our savings, just to keep up with the monthly bills. Now with Christmas on the way, and with a 9-year-old and a 12-year-old, how merry will it be?
>
> I see recession in my future. I do not see an economic upturn. Do you think you and your family could live on $17,000 per year? If not, please help the unemployed, while they continue to look for work, for their self esteem, and a decent standard of living. Please vote to extend the unemployment benefits."

Mr. Speaker, we owe it to American families, like the Kauffmann's, to provide what little relief we can during these difficult economic times. I strongly urge the President to reconsider his position on the extension of unemployment benefits.

A thousand points of light will be a little help or consolation to the families of unemployed workers this holiday season because too many Americans have had their lights extinguished by the recession.

We can, however, make this holiday season a little brighter for American families. Let's give these families some hope by passing an unemployment benefit extension.

Mr. GAYDOS. Mr. Speaker, it is a real shame that we are here again to discuss unemployment compensation extension legislation. Hopefully, this time, with a little cooperation from the President and the Senate, we can enact legislation to extend unemployment benefits to those Americans who have exhausted their compensation.

Yesterday, the House Committee on Ways and Means marked up the bill, H.R. 3575, the third unemployment compensation extension plan this session. I am sure I do not have to remind my fellow Members and the American public what happened to the previous two unemployment measures we sent down to 1600 Pennsylvania Avenue for approval. To put it mildly, the needs and cries of the American people were flatly ignored.

In an effort to make the White House and the Senate a bit more receptive to the idea of extended benefits, the provisions in this legislation permit up to 13, rather than 20 weeks of additional assistance for people who have exhausted their benefits.

Fortunately, there are many of us who will continue pushing for extended unemployment benefits; we will not stop our fight to bring relief to the constituents in our congressional districts who have exhausted their benefits, and those who are about to. Unfortunately, Mr. Speaker, we have a President who does not see or understand the unemployment problems facing our Nation. He feels that we just want to give handouts to people who are too lazy to work or look for a job.

Well, I can assure the President that we are not giving handouts to anybody, we are making an effort to give the people back some of their hard-earned tax dollars to keep them on their feet while they continue their search for some type of employment.

Currently in the United States, there are approximately 8.5 million Americans who are out of work. Another 423,000 have just filed their initial unemployment insurance claims. Back home in my district, we have lost thousands of jobs over the past few years and we have lost them because of unfair foreign competition that has deindustrialized the United States.

During the so-called largest economic expansion of our time, the Reagan revolution, southwestern Pennsylvania continued to lose thousands of manufacturing jobs to overseas competitors who manipulate our market for their own selfish interests. Can anybody tell me why we are letting so many foreign goods into this country when it is obviously destroying our manufacturing infrastructure and job market? We are not even treated fairly in the international marketplace. As a resultant, there are lost jobs in McKeesport; lost jobs in Pittsburgh; lost jobs in Pennsylvania; and yes, lost jobs in America.

As I have stated on this floor countless times before, my own district has undergone a transition that has forced the jobs of some 40,000 steelworkers to be reduced to barely 5,000 workers involved with the creation of steel, iron, and coke. Now, even as we speak, some of those remaining 5,000 workers are worried about where their next paycheck will come from.

Of the 67 counties in Pennsylvania, Allegheny County has the second highest number of unemployed people in the State. In Allegheny County alone, there are 34,300 people who are out of work; and another 7,515 have exhausted their unemployment benefits.

Westmoreland County is also hard hit. Although Westmoreland County is less populated than Allegheny County, there are 10,600 people who are jobless and 2,753 of them have exhausted their unemployment benefits.

If you put these figures together, these two southwestern Pennsylvania counties account for a total of 44,900 people who are out of work and another 10,268 who have exhausted their unemployment benefits between the months of March and August 1991. Do these figures portray an economic recovery in the United States? If there has been one it sure seems to have either ignored or bypassed southwestern Pennsylvania.

Since 1988, the present administration has been touting an economic policy which has the lowest growth rate in modern history—less than 1 percent in over a 3-year period. Even President Ford, who was in office less than 3 years had a better growth rate than this administration. I personally cannot recall a time when economic growth has been so stagnant. The situation we are confronted with tells me we have a President who is more concerned with his image overseas than he is with the welfare of the American people. Mr. Speaker, it is obvious that he lacks the wherewithal to produce an effective domestic policy.

Many will say that new jobs have been created in some other sector of the economy and I will agree with them; but those workers who are fortunate enough to step into one, do it knowing they are going to earn considerably less, they know they will be denied adequate health care and possibly even a feasible retirement plan. They take the job because they have to provide for themselves and their families.

As we are discussing a method to extend unemployment benefits, I must wonder why the American worker has been put on the backburner and misled into believing that this Nation is on the road to economic recovery. The American worker has helped us industrialize this Nation; they have helped us win wars; and they have helped us become one of the strongest economic countries in the world.

Mr. Speaker, we must make the President understand and admit that there is a problem out there and steps need to be taken to help relieve those people who have lost their benefits and who are suffering because of the recession that is plaguing our country. I believe it is high time we start repaying American workers for what they have done for America and the least we can do is grant them an additional 13 weeks of unemployment benefits.

The administration and this body have been eager to assist nations overseas who have been struck by emergencies, let us now give the American people the same consideration. Mr. Speaker, when this legislation is considered on the floor of the House, it will be our job to send a message to the White House so our President recognizes the unemployment emergency existing in his own backyard.

Mr. DIXON. Mr. Speaker, I rise today to join my colleagues in this special order discussing the sad state of our economy and the despair of many Americans. For America's working families and those who have lost their jobs are suffering during these recessionary times. Don't let anyone tell you any different.

Since last July, Congress has been working to provide emergency unemployment insurance compensation to thousands of Americans who are unemployed. We have already passed two emergency unemployment bills, but to no avail. S. 1722, our most recent bill, would have provided up to 20 weeks of vital relief for Americans who have lost their jobs by no fault of their own. Unfortunately, our kinder and gentler President vetoed this bill. He did not want to admit to the American people how much trouble our economy was in.

Well, today's headlines and the latest polls show that Americans are suffering. They know that business losses are growing and that there has been a loss in the number of available jobs and a steady increase in the number of unemployed and underemployed Americans. The polls show that unemployment has replaced crime and drugs as the Nation's biggest problem.

President Bush maintains that the Nation's economy is on the upswing and the recession is over. Recently, the Labor Department announced that the unemployment rate for the month of September fell to 6.7 percent. The administration portrays this as an indication that the job situation is improving. This is an illusion. The number of discouraged workers—those who have given up looking because they cannot find work—rose in September alone, by 106,000 to 1.1 million. Furthermore, aggregate unemployment figures obscure the severity of the situation in particular States. For example, in Michigan, unemployment is at 9.7 percent; in Massachusetts, it is 9.2 percent; in California, it is 7.7 percent.

A constituent of mine in Los Angeles who asked that I support the Emergency Unemployment Insurance Act wrote:

> I agree with all Senators who stated that the Congress must take care of Americans in our present recession, without the President's obvious apathy toward the American people. The President allows emergency aid for Desert Storm and Kurdish aid, why not the similar interest toward citizens of our country?

That's a good question. Congress has been addressing the needs of those at home as well as those abroad. We have consistently supported measures that provide support for the working people of America. Measures such as the Family and Medical Leave Act, Higher Education Act, affordable housing, child care and Head Start for our Nation's children have demonstrated our commitment to working families.

We now have a compromise unemployment bill coming through the pipeline. With its own funding mechanism, this measure would provide up to 13 weeks of extended unemployment benefits for an estimated 3 million victims of the current recession. Hopefully, the President will not deny the American people any longer.

People out of work need help with their mortgage payments and other essential household expenses, including food. The new bill will ease the minds of unemployed people by helping them out for a few more weeks.

THE UNEMPLOYMENT PROBLEM

The SPEAKER pro tempore (Mr. EVANS). Under a previous order of the House, the gentleman from California [Mr. DOOLITTLE] is recognized for 60 minutes.

Mr. DELAY. Mr. Speaker, will the gentleman yield?

Mr. DOOLITTLE. I yield to the gentleman from Texas.

Mr. DELAY. Mr. Speaker, I misspoke earlier. I said that every Member from that side of the aisle who has spoken in this all-night special order voted for the budget agreement and I excepted the gentleman from North Dakota who voted against it, but I did say that he voted for the first budget agreement that was defeated, and I misspoke.

The gentleman from North Dakota [Mr. DORGAN] did not vote for either of the budget agreements, and I might add that the gentlewoman from Washington also voted against both budget agreements. Therefore, I do not hold them responsible for all the jobs that were lost because of the budget agreements.

Mr. DOOLITTLE. Mr. Speaker, I thank the gentleman.

Mr. Speaker, I yield to the gentleman from California [Mr. HUNTER].

Mr. HUNTER. Mr. Speaker, I thank the gentleman for yielding to me.

Let me direct my remarks to the majority whip who has just spoken.

Once again, I have watched on the House floor and I would like to get the attention of the majority whip, from the beginning of this special order.

First, I watched our people yielding in a give and take that I thought was beneficial to the debate. That abruptly ceased with the gentleman from Wisconsin [Mr. OBEY] taking his hour and refusing to yield, being less than courteous to our Members.

I watched the gentleman from California [Mr. CUNNINGHAM] a few minutes ago stand up for about 25 minutes waiting to get one question in. When he objected to the whip not yielding to him, the whip abruptly turned on him and lost his temper.

I guess I have come to the conclusion that if this is the same comity with which we are working, you believe you are working in a reasonable way with the administration on putting together an unemployment insurance bill for the people of this country, I can understand why there has not been an agreement between the administration and the Democrat leadership of this House.

Now, the majority whip also said, "Why are you bringing foreign policy into this?"

The gentleman from San Diego, CA, Mr. CUNNINGHAM, brought it in for the simple reason that it had already been injected in the debate by the gentleman from Michigan [Mr. WOLPE], who is the chairman of a major subcommittee with respect to Africa and funding, sending American foreign aid dollars to Africa.

The gentleman from Michigan [Mr. WOLPE] was implying that the President of the United States, in fact saying the President of the United States, spends a great deal of time and money helping other people around the world.

The gentleman from California [Mr. CUNNINGHAM] was responding to that particular point with respect to foreign policy.

So let me just say to my friend, looking at this from an objective viewpoint as a guy who likes give and take debate and who has engaged in it with the gentleman from Michigan on several other occasions when we have had special orders, it looks to me like the time that we have had tonight has been done under the basis of what is the Democrat time is Democrat time, and what is Republican time is negotiable.

I would like to ask the gentleman to yield to the whip for a response. I think the whip owes the gentleman from California [Mr. CUNNINGHAM] an apology.

Mr. DOOLITTLE. Mr. Speaker, I yield to the gentleman from Michigan [Mr. BONIOR].

Mr. BONIOR. Well, on the contrary, Mr. Speaker, quite the contrary.

Let me just say that before I spoke I laid out for my colleagues on this side of the aisle what we were going to do. I was going to make a statement. I was going to yield to my colleagues who had not spoken who had been here all night.

The gentleman from California [Mr. CUNNINGHAM], the gentleman from California (Mr. HUNTER] and others have been speaking on this floor. We have had people all night who have not had a chance to respond. I yielded a half a dozen times during my time in the well, so it is not fair to suggest that I did not yield. I would have yielded longer, except I have people here who have been here all night who need to make a statement.

Now, with respect to the foreign policy issue, the gentleman from California [Mr. CUNNINGHAM] stood up and called me a Sandinista. I did not ask that his words be taken down. The gentleman knows and I know and everybody else knows what that means. He was basically calling me a Communist on the floor of the House. I did not ask that his words be taken down, because I thought that would be going too far.

Mr. HUNTER. Mr. Speaker, will the gentleman yield to me?

Mr. DOOLITTLE. Yes, I yield to the gentleman from California.

Mr. HUNTER. Mr. Speaker, without addressing the gentleman's discussion with the gentleman from California [Mr. CUNNINGHAM], let me simply go to the first point that the gentleman made. The first point that he made was that Democrats have waited for a long time to speak and he wanted to make sure they had a chance to speak.

My suggestion to him would be simply this, that in that case he could have explained that in an even-handed manner.

Mr. BONIOR. I did twice.

Mr. HUNTER. Well, let me just say this gentleman thought that the way the gentleman from California [Mr. CUNNINGHAM] described it, we were going to have a back and forth discussion. That was my understanding.

But second, we have had Republicans waiting.

Now, when the gentleman from Georgia [Mr. GINGRICH] was yielding and other people on his side of the aisle, we had eight Republicans waiting here for their time. Some of them left because they never got a chance.

Mr. BONIOR. So did our people leave.

Mr. HUNTER. The point is that both sides had people inconvienced because of the fact that we had a back and forth discussion. That was not unreasonable from our point of view, and I do not think it should have been unreasonable from the majority side.

Mr. BONIOR. But common courtesy, obviously, we have seen people sitting here for hours. Let them make a statement before I yield.

Mr. HUNTER. Let me just say to the gentleman, the gentleman lost his temper.

Mr. BONIOR. I did lost my temper. I lost my temper on what I lost my temper on.

Mr. HUNTER. Now, we have sat here on this side of the aisle and heard some pretty strong language from the gentleman from Wisconsin [Mr. OBEY] without anybody getting up and returning it in kind.

I think as the gentleman from Texas said, it is a later hour. We have had a long debate over a very important issue. I simply think that the gentleman has not been temperate in his treatments and I do not think that the majority side has been fair in their treatment in this special order.

Now, I have mentally allotted this time that we have had on back and forth discussions, and I would simply say that it looks to me it has been about two to one on our side. Our people have been yielding about twice as much time as the other side has.

Mr. BONIOR. Well, there are more of us than there are of you.

Mr. HUNTER. Well, I think that is true, and I think that attitude has pervaded these special orders.

Mr. BONIOR. Well, it is a reality in terms of people speaking. I mean, the gentleman will admit that.

□ 0430

Mr. HUNTER. No, I am saying with respect to the speakers who have stood up.

Mr. BONIOR. Is the gentleman denying the fact that we have more Members than yours and that our people want to speak here?

Mr. HUNTER. No. Taking that as a given, I am saying for every Democrat, in my estimation, who has stood up and taken his time, he has yielded about half as much as the average Republican who has stood up and taken his time to speak on the House floor. So in my estimation these has been unequal treatment. There has not been comity on the floor of the House tonight, and that has been the result of some unreasonable refusing to yield on your side.

I do not think we need to beat this thing to death. But when we have our discussion in the future, I think the gentleman on the other side respects and appreciates a good back-and-forth debate as much as we do and we would be happy to give more time to the gentlelady from Washington who wants to talk about her unemployment situation in Washington.

We would also like to talk about the spotted owl because I think they have—my visit to Washington indicated to me that they also had a part to play in this situation.

But I thank the gentleman for listening to me, and I hope that we can have a little more comity in the future.

Mr. DOOLITTLE. Mr. Speaker, I yield to the gentleman from California [Mr. CUNNINGHAM].

Mr. CUNNINGHAM. I thank the gentleman for yielding.

Mr. Speaker, first of all, Mr. Majority Whip, I sat here for a full hour and requested time to speak and I was denied. I sat a second hour, requested three times and was denied, regardless of the number of people, to make a point.

When I had my time, the gentleman asked if he could speak, and I was still upset at not having any opportunity to speak, and out of courtesy to the majority whip I stated I would be happy to, even in lieu that we were not given time. At that time he stated that we would be given time in the debate, back and forth.

I would like to make clear also for the record that I did not call the gentleman a Sandinista, I said "support your Sandinistas." The gentleman talks about foreign aid, you talk about who we support in foreign aid, and that is exactly what I was talking about.

I apologize for losing my temper.

But at the same time, I was denied time for 3 hours in a row, I say to the majority whip, and that is not right.

Mr. DOOLITTLE. Mr. Speaker, I yield to the gentleman from California [Mr. RIGGS].

Mr. RIGGS. I thank the gentleman for yielding.

This is really for the purpose of addressing the majority whip because I too was waiting with a great deal of anticipation for the second half-hour of his hour during which he promised the opportunity for some debate or at least a colloquy. I harken back to the majority whip's comments when this legislation first came before the Committee on Rules because I watched that televised proceeding in its entirety and I can well recall, as I am sure the majority whip does, that when the minority whip came before the Committee on Rules and offered his economic growth package either as an en block amendment or as a substitute amendment, the majority whip showed some interest in that legislation. In fact, I think the majority whip made some comments to the effect that there were some things in that package that the majority whip would like to see actually become legislation at some point in time.

So I had intended, and that is why I prevailed on my colleague to yield to me now, I had intended to ask the majority whip if he could identify for us what in that package he found attractive, since there have been allusions on his side of the aisle this evening about moving the economy forward, getting that economic engine going again. I cannot quite see how, as important as it may be, how unemployment compensation benefits or the extension thereof would help to start that economic engine again.

Furthermore, the majority whip referred to apparently some recent public opinion surveys where this whole issue, as he described it, the unemployment compensation issue is very much on the minds of Americans. But by his own statistical breakdown, I think he referred to a 20-percent figure of the Americans listing unemployment concerns as the No. 1 issue on their minds and 17 percent, almost an identical number, concerned about the general condition of the economy and our economic future in the short term in this country.

So I thank my colleague for yielding, for this opportunity to pose that question to the majority whip. Again, he showed some interest, some receptivity to the minority whip's comments before the Committee on Rules. I would like to know what in that package he found attractive, what we can do to get the economic engine going again and, frankly, when we might be able to look to some sort of initiative on that side of the aisle so that we can focus on these very important economic growth and job-creation measures as well.

Mr. DOOLITTLE. Mr. Speaker, I yield to the gentleman from Michigan.

Mr. BONIOR. I thank the gentleman for yielding.

Mr. Speaker, the minority whip, when he came before the Committee on Rules, laid out his package which included five or six different programs of growth, some of which I think were very helpful and positive, and I will just give an example here.

He talked about enterprise zones. I am an advocate of enterprise zones. I am an advocate, quite frankly, of capital gains targeted to enterprise zones. I have seen them work in cities. I would suggest that that is not a bad component to have, from my own standpoint—I do not speak for my party; this is my own personal view—in a growth package at some point.

Now, whether that is possible, given the complexity of putting together a package this fall, I do not know. I think the heart of our package or any package that we do this fall in the middle-class tax cuts, I think ought to be the heart and soul of the engine that makes it go.

But enterprise zones and other issues that the gentleman from Georgia raised that were attractive, and I am sure would be attractive to others in our party.

First, Senator BENTSEN is interested, obviously, and attracted to the IRA proposal.

So that is my answer to that.

Mr. RIGGS. I appreciate the majority whip's observations and simply would point out that much of what we have heard tonight on the other side of the aisle I think is really based on genuine human concern and compassion for our fellow Americans.

But I have to believe that that still falls short of addressing the needs of Americans, without a real emphasis on economic growth, job-creation measures. So, hopefully, we will be able to take the majority whip at his word and see again some sort of initiative coming forth on that side of the aisle.

Again, I thank my colleague for yielding.

Mr. DOOLITTLE. I thank the gentleman.

Mr. Speaker, I believe that the concerns, everyone's concerns, particularly those of the majority party, in discussing the needs of those who are unemployed, are very legitimate. I am very concerned about the grave state of the economy, and I have so communicated that concern to the President. I am urging that we get a growth-oriented package. But I think that we need to focus on a version of history here that I do not really think is fair or is accurate, which has been given. I would like to go back to the 1980's, the Reagan economic policies which have been derided here again. We have heard trickledown did not work, when in fact statistics are quite to the contrary.

After the Reagan tax cut took effect, which was a three-stage tax cut that was phased in, I think it was over a period of 2½ years, the median family income hit a record level. The inflation adjusted gross national product rose by 32 percent during those years; 20 million new jobs were created. The proportion of the U.S. population holding jobs reached a new record of 63.1 percent.

Inflation adjusted income for all segments of the population rose.

For black Americans it jumped by 16.5 percent, whereas previously it had actually declined by over 10 percent.

Inflation adjusted median income for women climbed by more than 28 percent, whereas previously it had dropped by nearly 3 percent.

Inflation adjusted income of the bottom 20 percent of families rose by almost 12 percent; previous to that time it had dropped by over 12 percent.

These are significant gains, dramatic gains.

Mr. Speaker, I would submit that if we want to get out of the doldrums that we have fallen into, we have a pattern and we can follow that pattern.

I know we are speaking at 20 minutes before 5 a.m., to a nearly empty Chamber, but those Americans who may watch this later on in a rebroadcast or someone who has gotten up early perhaps and sees it now, I hope you realize that this is our opportunity to explain some of the most pressing issues of the day.

☐ 0440

Mr. ROHRABACHER. Mr. Speaker, will the gentleman yield?

Mr. DOOLITTLE. I yield to the gentleman from California.

Mr. ROHRABACHER. Mr. Speaker, when I left this Chamber about 4 hours ago I vowed that I would come back and participate further in the debate. When I left we were looking at charts that I did not have a chance to question the gentleman who was making the presentation on because he decided that instead of answers, we were going to have filibusters.

I would just like to say that before I left, the charts I saw, and this ground has probably been covered, but I would like to just note as I go into my remarks, I saw charts being presented to the American people that looked like beautiful charts but, interestingly enough, the charts had absolutely nothing to do with unemployment, which was supposedly what was the motivating factor on the other side of the aisle.

In fact, the individual portraying these charts admitted that they had nothing to do with unemployment. In fact, when you looked at the charts, they also had nothing to do with job creation. We saw the charts, and they also had nothing to do with job creation. We saw the charts, and they also had nothing to do with inflation and other ideas and concepts that deal directly with the wealth and prosperity of our people.

What we saw, and I think it is down there at this point, at this time, what we saw was a chart that dealt with how many people were covered by unemployment insurance. Let us note that that chart made Jimmy Carter look very good. Usually when the Democrats had both control of the Presidency and both Houses of Congress, any chart dealing with unemployment benefits looked good because you have so many more people on unemployment benefits.

It is often said that Democrats like the poor so much, they make a lot more of them.

One of the charts I saw was a chart which, by the way, presents such an inaccurate image of reality it is almost humorous, and it was so skewed that it was presenting just the first 3 years of various administrations and portraying to the public exactly how much growth was experienced during those administrations.

Under that scenario, of course, you have Jimmy Carter, and I think it had 11 percent growth under the Carter administration.

You cannot fool the American people with phony baloney like that. They know what happened under the Carter administration. Nobody wants to go back to the Carter administration.

But you can have all charts you want. Ronald Reagan was not reelected in 1984 because the people were so dissatisfied with him, and all of a sudden the good days of the Carter administration turned into a disaster, but they were blinded by some commercial on TV. The reason Ronald Reagan was reelected by such a great degree and that President Bush was elected thereafter was because the American people felt they were better off.

Indeed, no lines on a piece of paper are going to convince them otherwise. In fact, most of the charts that we have seen coming from the other side of the aisle over the last 3 years have a funny component to them. It is almost every time you take a look at a chart that says look how bad the Reagan years were, if you look real close at the figures of what they are actually analyzing, they have added in the Carter years to the Reagan years. In fact, usually their charts leave out the last couple of years of the Reagan years, which were also growth years.

The American people are not going to be fooled by people trying to tell us that things were so great under Jimmy Carter. I have something in my pocket when we were speaking of charts that I thought was interesting. I just sort of while I was watching the gentleman on the floor present his charts and talking about how bad the Reagan administration was and how bad the 1980's were, I remember him talking about how he was there in 1981 when the Reagan policies were first put in place. I thought it was very interesting that this is a newspaper clipping that I just happened to find in my pocket.

This was taken out of the paper about a month ago. It was taken out of the Washington Times. I have another clipping from the Washington Post which says the same thing. It says "U.S. poverty rate up. Median income falls."

The Washington Times has a chart, and it has this headline: "The first rise in poverty since 1983."

Now, one of the most important aspects of these headlines is the fact that it is suggesting that for the first time since 1983 there has been an increase in poverty. If you listen to the other side of the aisle you would think that the Reagan administration had brought great increases in poverty upon our people.

That has not happened at all. In fact, we have the first increase in poverty since 1983, which suggests it was going in the opposite direction for all of these years.

Now, why is that? Well, I think it has something to do with the policies. What is also interesting about the policies when you take a look at the numbers and the years you are talking about what policies affected what administrations, I worked in the Reagan administration. I knew what policies we were putting in place and when they were put in place. I also could say that it takes a little time for those policies to actually impact upon the economy.

Usually what happens in a President's third term is when his economic policies actually begin impacting on an economy. So usually if you really want to analyze how policies are impacting on an economy, you do not chart the first 2 years of an administration.

Yes, if you took a chart of Jimmy Carter's first two years, you would think perhaps the growth rate and the job rate and some of the other factors were pretty good, because his policies had not had a chance to come on-line yet and to affect the economy.

Anybody who stands in front of this body and tries to tell the American people that you are going to judge Jimmy Carter by the first 2 years of his administration, and leave out the figures for the last year, is—well, I do not think the American people will buy that. Let me just put it that way.

The fact is that you look at an administration, you look at their policies, and you take about 2 years for those policies to really have maximum impact. You sort of judge the administration from the third year.

If you judge Jimmy Carter by that, and you analyze the Carter administration at a time when this body was controlled by the Democratic Party, the Senate was controlled by the Democratic Party, the executive branch was controlled by the Democratic Party, it became an unmitigated disaster for the United States of America.

If we had charts to show what was happening when they had control of this body and the Senate and the executive branch, the charts would go like this. Unemployment would start going like this. Inflation would start going like this. Interest rates would start going like this. The poverty rate would start going like this.

In fact, when Ronald Reagan's policies began to have effect, which we start in about 1983, it would start going in exactly the opposite direction.

The American people know that. You cannot fool the American people with a bunch of squiggles on a piece of paper. The American people I hope by now understand that poor President Bush has been put into a corner time and time again by liberal, big spending Democrats who have forced him to accept more spending than he would have liked. In fact, what we are experiencing now, the lament that comes from the other side of the hall, is lamenting policies that they forced upon the administration. They actually put the President in a box and said you have to reverse your position on taxes.

Well, I stood at this very spot a year before these maladies had come on and said if we increase taxes at a time when you have a faltering economy, we are going to have massive increases in unemployment. You will have undercut economic growth, and you will have a high deficit and higher unemployment and higher taxes, the worst of all worlds.

Do people really believe that President Bush wanted to break his word, wanted to go back and gleefully went back on his word in terms of no new taxes?

He was forced into that position by liberal Democrats who were absolutely joyful when they managed to get him to a position where he felt he had to give in to the Democratic pressures to raise taxes.

Well, that joy on the other side of the aisle has led to misery for the American people. All of the things that we have heard tonight about the lamenting may be honest concern. The people on the other side of the aisle may have honest concern for the well-being of certain individuals, and we hear case after case after case after case where this individual is going through a hardship.

Do not point your fingers at me. Do not point your fingers at the administration, when you are saying why this individual is going through hardship. Those individuals who supposedly, the other side of the aisle is so caring and concerned about, are being put through the wringer by the fact that we were forced to raise taxes at a time when our economy was weak. It was predictable. I know I predicted it. I know everybody who is standing here today predicted it. So do not come back and say, "It is the administration's fault."

All revenue bills start in this body. Anybody who complains about the tax structure of this country favoring the rich better look and see who controls this body. Revenue bills begin in the House of Representatives. In fact, when we hear people complaining about Ronald Reagan's terrible policies, let us also remember that if the Democrats wanted to stop it, they controlled this body every single year of the Reagan administration.

Let me add, when I was in the Reagan administration, yet, I remember that on some of those tax bills, there were some things that we thought were unfair. I remember that the liberal Democrats themselves had put on major special interest proposals within our own tax legislation, and we were concerned about that.

In fact, I remember listening to Democrats attack the administration for being so much in favor of the special interests and such. We looked back during the Reagan years, we found out that in all of the machinations that were going on when the tax bill was going through that it was actually the liberal Democrats that put on the most odious special interest legislation or provisions of the tax bill.

We had a very simple idea, and that was across-the-board tax rate reductions so that every American would benefit equally.

Do not tell us, the people who do not control this body, that the loopholes in the tax system are coming from the Republican Party. Those loopholes are not being put in by the Republican Party. We have no control of that. Anything that goes through this body is controlled by the people on that side of the aisle. It is as simple as that.

Unless they would go along with it, those provisions would not be in the Tax Code. Thank God, early in the Reagan administration, and we were able to attract enough support from that side support from that side of the aisle to at least have this overall reduction by 25 percent in the tax rate, which brought about a greater prosperity and greater job creation and a longer period of extension than this country had ever known in its history. If Ronald Reagan, instead, would have not been elected and those policies that were being followed under the Carter administration, which we were suffering under by them, it was not the first 2 years of the Carter administration. It was the last 2 years, when his policies had impact. If those policies had remained in place, the deficit which we also hear lamented from the other side of the aisle, the deficit, they say. "Look, under Ronald Reagan the deficits are going like this."

What would have happened to that deficit had we had the same increase in unemployment, the same increase in inflation? The same increase in interest rates that were going on because of the Carter years? That deficit would not have been going like this, as it did under the Reagan administration. It would have been going like this. It would have been totally out of control early on.

What has happened now? What we are experiencing right now is the fact that in 1986 the liberal Democrats retook the U.S. Senate and step by step by step have been reinstituting regulation and overtaxation; namely, the same policies that got us into the mess in the late 1970s.

And as liberal Democratic policies are being put in place by a Congress that is controlled in both bodies by liberal Democrats we are facing hardship. We are facing decline. We are facing the potential of higher inflation.

As we have heard over and over and over again this evening, we are facing a situation where individual Americans are going through great hardship. Their families are being wrenched. Yes, alcoholism, drug use, all of the things, child abuse, all of the terrible social problems that flow from hard times and unemployment are coming out in our society. But those things are coming out not independent of the policies that were put in place but because of the policies that have been put in place, not by the President of the United States but by the liberal Democrats that control both Houses of Congress, by the liberal Democrats who forced the President of the United States and gleefully forced the President of the United States into a massive tax increase at a time when our economy was on the edge.

And it pushed our economy right over the edge. No one can tell me that they are sympathetic for individual Americans while they go about systematically destroying the economy of the United States of America, because it is that economy that permits our people to live in prosperity and decency. And those hardship cases that we hear about bear a direct relationship to the high taxes and big spending that took place in the 1970's and brought us misery and have been taking place now.

When we hear people lamenting about the unemployed, what is fascinating, it is as if by magic, by lamenting and showing we are so concerned that all of a sudden our policies will have a good impact on the unemployed. That is not the case at all. Simply because one is concerned does not mean one is right headed, does not mean one's ideas are correct.

In fact, since I have been here not only the tax policies have been wrong. What I have seen from the other side of the aisle is the most efficient and effective job-destroying machine in the history of mankind. It has been seated on the other side of the aisle with a smiling face and good intentions.

Good intentions do not feed anybody. Good intentions do not bring down the deficit. Good intentions do not help people out of their misery.

When we have legislation and our major legislation projects are aimed at supposedly helping people but in the end destroy job creating business, we are not doing anybody a favor. If we have got a civil rights bill that is a quota bill and does nothing but provide work for lawyers but destroys the capability of businessmen to do their jobs because of excessive litigation, what we have done is help lawyers and hurt the average American.

We keep hearing about competitiveness and we keep hearing about job creation, but we see things like mandated leave. Mandated leave? It might be very well-intended. What is the project of mandated leave?

What we are going to have is fewer jobs created, and mandated leave may be well-intended, but in the end it may be the straw that breaks the camel's back and puts certain businesses out of business, perhaps it is the quota system or the quota civil rights bill that will put them out of work.

If that does not, perhaps striker replacement will do the job. There is a bill that guarantees that America is going to have more strikes and that labor relations within our companies are going to be more costly.

Is this what we should be doing during the weak economy, basically provide more incentives for strikes and conflict between labor and management?

That is something for people who really are concerned and care about the unemployed and the downtrodden. That it creates ill will between management and labor by changing the rules of the game to encourage strikes. Then we have got something else. After all, being compassionate, why do we just not let business bear the total expense of a national health care system? Does that not sound great? We are giving the people health care, and we do not even have to raise taxes. We will just put it on the small businessman.

Boy, it really sounds like we care about people that way.

☐ 0500

The only trouble is you end up with people who now have jobs ending up without jobs. So they not only do not have health care, they do not have jobs anymore.

Now all of these are very well intended, and perhaps all of the rest of the spending programs that go through this Hall, this Hall that is controlled by liberal Democrats, perhaps all of it is very well intended. I mean I know that some people have hearts that bleed from everything from the snail darter to little birds, the spotted owl and birds' nests. I know they care about people because they say it over and over again. That does not mean their policies are going to result in a healthy economy. That does not mean that their policies are going to end up with jobs and a decent living for individuals.

After forcing businesses, both small and large, to pay for all of their ill-conceived and anticompetitive measures, I have no doubt that if the Democrats succeed in these things that I have talked about, which is their agenda, which they have to some degree, that businesses, yes, businesses will be forced to lay off people, and more people will be added to the unemployment rolls.

And there is another thing, another thing that I am certain of, that if that happens, and as we see our economy is sputtering, the Democrats will blame the President, yes, blame the President. You can have as many anticompetitive measures, you can raise taxes and kick the economy right off the edge of the cliff, but then you blame the President, as if the President—of course, you blame the President for any inequities that are in the tax system. Holy cow, who makes the laws around here anyway.

I know, and I think the American people are beginning to become aware of this. It is happening over and over and over again.

When you take a look at the minimum wage increase that we had, and you know I will have to say on the minimum wage, again, obviously, who does not want people to earn more money? Who does not want to have people at the lowest income levels earning more money? What we have done with the minimum wage, and every economist of any prestige has indicated over and over again that what the increase in the minimum wage was going to do was it was going to hurt the very poorest Americans. It was going to hurt the very people who were struggling the most, they would be hurt by an increase in the minimum wage. And, by the way, more unemployment was predicted when we increased the minimum wage from $3.80 to $4.25, but that did not make any difference. Just the fact that it was going to increase unemployment did not deter any of those good-hearted people on the other side of the aisle who voted for that.

When we increased the gas taxes, when we had a 60-day plant closing notification, what happened? Or when we had an increase in the so-called luxury tax? I do not have to go over that and over that again. We keep going over it. I think the American people are getting the idea. We raised the taxes in order to pay for the programs, programs aimed at helping people who are out of work and poor Americans. Sure, we raised the luxury tax, and what did it do? It put more people out of work, so we have more people that we need to help, and the fact is that the luxury tax did not raise any money at all. It resulted in a net decrease in money coming into the Government, and it resulted in major increases in unemployment because businesses that were once healthy are no longer healthy, and they are laying off people. And I would imagine tonight some of the hard-luck stories that we have heard, and I do not say hard-luck stories with a hardened heart, they are hard-luck stories because these people are suffering, but the fact is those hard-luck stories perhaps can be traced right back to the increase in the luxury tax which put out of work some people who have been perhaps working in the boat industry. The luxury tax has totally destroyed the boat industry.

Now our economy is sputtering and staggering around like a drunken sailor, and Democrats who control this body and control both bodies of Congress have been running around like pranksters trying to trip a disoriented economy by increasing spending and by raising taxes. And I will tell you, at a time when this body began, let us not forget that the people who are telling us they are concerned about these individual cases that we have heard about, these are the same people that were so concerned that they managed to give themselves the largest pay increase in the history of this country. You cannot have it both ways. You cannot put $50,000 more a year in your own pocket, and then sit there and lament and lament how hard it is for the unemployed. You just cannot do it.

I am not saying that a lot of Republicans did not vote for that pay raise. A lot of Republicans did vote for that pay raise, sure they did. But I will tell you one thing. I do not know of anybody in the majority, I do not know of anybody who did not vote for it, and I will tell you this much, that it would never have happened had the Democratic leadership not been pushing for that pay raise. If they would not have pushed for it, if the word would have gone out that I am sorry, we have a situation where some Americans are going through some rough times and it is not a good itme, it is not a good time to increase our own pay by $50,000, I can tell you there would have been no pay raise whatsoever. Do not let anybody kid you that anything can get through this Hall if the Democrat leadership decides they do not want it to go through this Hall. So do not tell me that just because a few Republicans voted for that pay raise that in any way this party deserves the responsibility. A lot of us in this party fought against it and spoke against it, and I remember delivering petitions up on the steps. And there were a few people from the other party as well, stalwarts.

And what do the unemployed want, they do not want to hear people saying, "We care." They do not want to hear people say, "Oh, we are crying every night for you and we know how hard it is." They do not want that. They want a job. They want an economy that will help them improve their condition.

Yes, it is nice to hear somebody say words that let you know that they have got a good heart, and I know there are some people around Washington who spend all of their time trying to prove that they have got a good heart, and a lot of people think that they do not have a very good head on their shoulders because they run around with policies that are actually going in exactly the opposite direction in terms of the well-being for average working people.

What African-Americans want is they do not want a quota, they want a fair chance, and you can have all of the quota civil rights bills that you want, but if our economy is going downhill, black Americans and all other Americans are going to suffer, and they are not going to have any jobs, and there are not going to be any businesses or lawyers to file lawsuits against, because those people are not going to have the jobs in the first place because they will not exist. I think what working men and women in this country want are jobs, and what the people who create jobs want is to get the Government off their back so that they can move forward and produce the products and the services that they sell to the public.

We are in an internationally competitive situation, yet we see our businesses loaded down, burdened with more and more regulations, more and more well-intentioned legislation, and we are providing a well-intentioned path to economic hell for our own businessmen, and thus our own working population.

The fact is we live in an internationally competitive market, and every time we do something to burden our own businessmen unnecessarily what we are doing, even if it is well-intentioned, what we are doing is putting people out of business, and what we are doing is putting people to work on the Pacific rim in other countries.

Democrats have shown us since they took over the Senate in 1986 that they were willing to force the President of the United States into higher taxes and into reaccepting the Carter policies that led to disaster in the United States of America. I happen to believe that the Government which governs best governs least. And I happen to believe that Thomas Jefferson and some of these things have truths that ring true to us and not only create freedom but create prosperity.

Ronald Reagan, a man who I worked for, when his policies were finally put in place, as time went on, the type of headlines we had were dramatic decreases in unemployment. If we could have a chart showing, and I do not know if we have it on the board there, but if we could have a chart showing how many people were unemployed during the Reagan years we would find it was like this at the beginning when the Carter policies were in place, when the policies that were put in place when the Democrats controlled both Houses of Congress the unemployment rate you would see being like this, and the number of unemployed Americans like this, that is what the chart would look like, and that is the kind of policies we should have now. But the Republicans do not control both Houses of Congress.

Instead, what we have is an increasing, an increasing Federal budget and a decreasing family budget.

□ 0510

And we are talking about what is going on with the typical American family. It does not happen independently of the fact that our Government is sucking up all the investment capital for new jobs and sucking up more and more of the family's income in taxes.

The projected outlays for 1991 are a staggering $1.35 trillion. Now, that is an increase from 1988 of $286.8 billion in just 3 years. Today's budget gobbles up 25 percent of the Nation's GNP, and the liberal Democrats who control both the House and the Senate continued their program of trying to buy off voters or trying to save people with very good-hearted but wrong-headed policies. What is going to happen if we keep up this spending spree that we are on, and regulating spree? By 2020 the Federal budget will take 41 percent of the gross national product.

You cannot have a private-sector economy thriving, you cannot have private people, you cannot have private citizens prosper if the Government is sucking up all the resources of the society, while in the Eastern bloc we see these people jumping over walls trying to get here, struggling to create free-enterprise socieities, the liberal, big-spending Democrats who control both Houses of Congress are hell-bent to take us to the very system that they are trying to escape, which is more and more Government, even though it is very well-intended Government. It is more and more Government control.

I happen to believe that, free of Government mandates, directions, its instructions, commands, and obligations, the American people will see to it that our economy will grow and prosper if they have the resources in their hands to invest; they will invest in new businesses, and businesses that provide goods and services that the people want.

Our job is to reduce that Government burden that weighs down the producers, the producers who produce both jobs and wealth for our society.

Let us give Americans the freedom to get back to work. Let us not give them a handout. Let us not stand here and keep debating what we are going to give to the people.

Because we cannot give anything to the American people that we do not take away from them with our other hand. Let us talk about freeing them from the burden of Government, freeing them from nonsensical policies that put them out of work. Let us talk about freeing them from these social ills that come with unemployment by creating an economy that will give them jobs.

The American people believe in free enterprise. The American people know that free enterprise has worked for them in the past. The Republicans in Congress are offering alternatives that are progrowth, projob, profree enterprise, and proprogress.

We care more about people and jobs than we do snail darters, than we do about creating charts that look nice but do not tell the truth to the people about their own condition, and those charts that we saw earlier are not going to fool anybody when we talk about tax increases during a recession, which is what was foisted upon the American people and forced upon the President last year. They know that that is what is causing this problem that we are going through today.

We have lots of proposals on this side that will help that cannot even get to the floor. We have heard a lot about capital gains tonight. OK, people realize it, the liberal Democrats are not going to permit a reduction in the capital gains tax, because that will deny liberal, big-spending Democrats the right or the ability to pit one group of Americans who are less fortunate against another class of Americans who are more fortunate. It is called class-warfare politics or ward-style politics.

But we can, if they will not do that, at least they could repeal the earnings limitation on elderly Americans. There is a proposal for you that would help a lot of these people who are going through hard times now and suffering because they are older Americans. They can barely get by, but yet we, and I say we, the people who control this body, refuse to permit us to repeal a tax which actually taxes older Americans at a level, at a higher level, than what Donald Trump is taxed. The highest tax rate in this country is not on the rich; the highest tax rates in this country are on elderly Americans who want to work, elderly Americans who need to work, and if this body and the people who control this body wanted to relieve that burden on elderly Americans, they could do it tomorrow, but they will not do that in the same way they will not relieve the burden of those people who are unemployed by permitting our unemployment benefits bill to come to the floor.

You know, for example, we are talking about creating a free trade association between Mexico and Canada. These are initiatives of the President. I do not know how much support that is going to have on the other side of the aisle. I am going to wait and see exactly how much support it has from the Democratic leadership.

We could pass the balanced budget, and it would have some disagreement on my side of the aisle, too, I might add, but we could pass the balanced-budget amendment, and there is nothing that would give more confidence to people who are trying to create businesses in this country or people who want to invest, or people who have the long-term interests of our country and our people at heart than if we passed the balanced-budget amendment or gave the President of the United States line-item authority over the budget. There would be no confidence-building measure that would work faster than that in terms of turning around the dismal attitude we find among investors and businessmen today.

If we want to help the less fortunate among us, why can we not pass urban enterprise zones? You know, Ronald Reagan talked about it and pushed for it for years. I wrote speeches for Ronald Reagan about urban enterprise zones 10 years ago. And do you know why we did not have urban enterprise zones? Because the liberal Democrats who controlled this body all of those years refused to let that legislation even onto the floor.

If you are concerned about the least fortunate among us, let us help working elderly Americans who are barely making it. Let us set up urban enterprise zones and give the least fortunate among us a chance. That is the way you help people. You do not put them on the dole. You do not make them more dependent on Government programs. You free them from the Government burden and you perhaps give added incentives so the free-enterprise system will focus on their special needs.

Passing these Republican initiatives will help spur and create new jobs. It will spur growth and create jobs. It will bring about progress, but more importantly, what it will do is it will help the individual Americans who are going through such great hardship now, people who are having trouble with their families, people who have nowhere to turn. They do not know what is happening. They know that during the 1980's they were working, because the unemployment rate went down dramatically during that time, but now, try as hard as they can, they cannot find a job and, that is right, I am concerned about that.

But the way we turn that around is to create more jobs and to make sure that any American who wants to work has a job and can find a job. That is not going to happen with the policies we see coming from the other side of the aisle.

Mr. DOOLITTLE. I yield to the gentleman from Ohio.

Mr. BOEHNER. I thank the gentleman from California and congratulate our good friend from southern California for his excellent remarks this morning.

He talked about the regulations that this Congress and Congresses before have imposed on the private sector. There are some economists that have pointed out and suggested that this may be the first true regulatory recession that this country has ever faced.

The Government has so strangled the private sector that it cannot operate. If you look at what is going on with the banks and savings and loans, the problems they are having with the regulators, the problems we are having with credit, if you are looking for the problems that we have among our businessmen and our small businesses in America, they are being strangled by regulation.

You even talked about some of the new regulations, the Civil Rights Act, striker replacement, parental leave, OSHA reform, but, you know, what the most amazing part of all that is, is that all of these regulations that we put on the private sector we, in Congress, exempt ourselves from those laws, "Well, it would not work; it is really not constitutional; well, you know, really, it would not work in a congressional office, because this is not like the real world."

Well, they are right, this is not like the real world. But what it is, it is hypocrisy. That is the point I am going to make, it is hypocrisy that we will not live under the same laws in this institution that the American people will, because the majority party in this institution that has run this institution for over 40 years will not allow it to happen, because they have gotten themselves up on a pedestal.

☐ 0520

So why do I bring up hypocrisy? Well, that is really why we are all here tonight. Never a word was said in this Chamber before July 15 about helping those people who ran out of unemployment benefits. It was never brought up. All of a sudden in the last two weeks of July we have got this big issue. We have this major problem in America about helping those who have lost their unemployment benefits.

A bill was passed here before we recessed in August. The intent was not to help unemployed workers. It was to create a political issue that the Democrats could carry for the month of August when we were not going to be here so they would have some way to bash the President and the White House press operation.

So we come back. They are finished with their month full of bashing.

The next issue is, well, we are going to send another bill down there and the President has to sign this bill or veto it.

What is this all about? They know full well the President is not going to sign this bill. The whole issue again is to send a bill down there, not to help unemployed workers, but to create a political issue.

Now we are going to go through it again next week, another political issue, a charade that is being played on the backs of the least well off people in America, those people without a job whose unemployment benefits have run out.

A lot of us are here tonight to talk about a growth package. Let us not deal with the symptoms. Let us begin to deal with the real problem that we are having in this country. Let us create some jobs. Let us admit that we made some mistakes in the last year in some of the policies that we passed in this House; but no, we are not going to deal with that because that will not fit the political agenda of the Democratic Party for 1992. It is hypocrisy. The time for hypocrisy, I think, is over.

It is time for the people in this House on both sides of the aisle to sit down and begin to work out policies that are truly going to help every American in this country.

Mr. DOOLITTLE. Mr. Speaker, my time is about gone, but I will have the opportunity I am sure to jump in here further.

I would just conclude that the Reagan economic package as we had taking us out of terribly high inflation, extremely high interest rates, and very high unemployment, the conditions we faced when Ronald Reagan took office in 1981, that formula which produced 20 million jobs, gave us a record high level for median-family income, did something remarkable, brought inflation under control at the same time that we had a tax cut, and raised basically everybody's standard of living. That formula is what we are going to look to, I believe, for success today. As we do that and as we talk about capital gains, I think we are going to make some progress, and unless and until we do that, I do not see us doing anything but limping along here and millions of Americans are going to be needless, hapless victims of this.

FURTHER ANALYSIS OF THE UNEMPLOYMENT PROBLEM

The SPEAKER pro tempore (Mr. EVANS). Under a previous order of the House, the gentleman from West Virginia [Mr. WISE] is recognized for 60 minutes.

Mr. WISE. Mr. Speaker, I would like to say to my colleagues on both sides of the aisle, I would like to explain my situation before we start. Our situation on this side of the aisle is that we have an estimated 10 or 11 people who will be rolling in during this hour. Many are already here and many have been waiting for a long time. I want to try to encourage debate as much as possible, but I would also ask that we permit these people to make their remarks. I am going to make mine fairly short and thus save more time for those who will be coming.

Just opening up this section on unemployment, Mr. Speaker, I think it is important to note what unemployment compensation is and what it is not. It is not any kind of welfare. It is not a handout. It is not something, I have heard the words bleeding heart tossed around here. Unemployment compensation is something that working people who are temporarily out of work need in order to sustain themselves so that they can work again. These are extended benefits that because the recession is gripping our country in many areas of our country, it is not possible to find new work within 6 months, the 26 weeks that is the normal unemployment compensation program, that then extended benefits are necessary for those persons so that they can keep body and soul together.

It is interesting that when a bank has a problem or a savings and loan, when business has a problem, a large corporation, it is called a liquidity problem and you help them out. You give them time to carry their loans or whatever.

When an unemployed person has a problem, though, it is 26 weeks apparently, according to this administration, and then shut it down.

I think it is interesting to note that we build, and I think it is important to be focusing on the infrastructure of many nations, and we ought to include ourselves in that, but at that same time the infrastructure of our families is often neglected. Unemployment compensation helps those people who have been paying taxes for years, working Americans paying taxes. It helps them to be able to pay taxes again.

But it seems to me that if this Congress is going to be asked shortly by the administration to come up with probably $30 billion for additional savings and loan deposits, perhaps as much as $80 billion, I have heard $30 billion for banks and so on, that this Congress and the President ought to be willing to recognize that the people of this country, the working person who is unemployed, has been a depositor and is entitled to the same respect.

One personal anecdote. I was coming out of a Burger King at home the other day about 3 weeks ago. A fellow in a pickup truck drove up and stopped. He saw me and recognized me and came up and said—gave me his name, I will call him Roy—and said, "Will the President sign this new unemployment bill?"

And then he told me his story. He had been laid off in the previous March with 300 others from a manufacturing plant. There were no jobs in the area. He was doing all he could. He was out that day looking for work and he was saying, "I've got trouble making, of course, the truck payment, the home payment and also the tuition payment for my daughter to be at the State university."

So a family trying to keep it together and trying to make sure that they get higher education for their children, and do what some of the folks on both sides of the aisle have been talking about tonight, invest in themselves.

There has been a lot of talk about graphs. As one who is chairman of the Democratic Study Group, I guess we put out more graphs and many of them have been used tonight. I just would like to note that I think we probably do not need graphs. The working person does not need graphs because the facts speak for themselves, that in the almost 3 years of the Bush administration there has been the lowest growth of any postwar President, seven-tenths of 1 percent.

Someone raised the question, "Why do you point to 3 years?"

Well, we are trying to compare it to previous Presidents. For instances, Ronald Reagan had almost 6 percent growth; Jimmy Carter, 11.7 percent, Gerald Ford, 5.1.

At the optimum, and this is using the administration's own figures, at the optimum the growth at the conclusion of the Bush administration after 4 years will be 3 percent.

There is a budget deficit. There is a job deficit, too, 300,000 jobs lost, less jobs from the time that President Bush came into office until today. Working people know that.

As somebody has pointed out on the other side of the aisle, both sides can wave graphs. They know the situation.

At this point, as I say, I have a large number of Members on our side of the aisle. I would like to ask them if they could keep their remarks initially to somewhere between 3 and 5 minutes so we can get everybody in.

Mr. Speaker, I yield to the gentlewoman from Washington [Mrs. UNSOELD].

Mrs. UNSOELD. Mr. Speaker, I thank the gentleman for yielding to me.

I have been reminded tonight by a Republican campaign manual that was discovered by the press in my State a few years back. There were a couple recommendations in it, that the truth did not matter, it was what you could get the public to believe that mattered, and that if you said something over and over again, the public would come to believe it.

We are here tonight because we believe that the American public deserves to know the truth.

I have a couple cases in my State that I would particularly like to talk about, but I want to place their situations into a context of what has been happening to the hard-working Americans and families in this country, because they are having a really hard time right now, in addition to unemployment.

Look what has happened in the last decade. For the top 1 percent of this country, income measured in today's dollars, their income rose from an average of $203,000 per household in 1977 to over $450,000 in 1988, more than double.

□ 0530

The lowest 60 percent, that is, the majority of this country, the lowest 60 percent enjoyed less than a 1 percent income growth in the last decade. For the poorest one-fifth of households, the average cash income after taxes actually dropped 10 percent and 9 out of 10 Americans, Madam Speaker, are paying more taxes today while the top 1 percent, with average incomes over $549,000, now enjoy an average tax cut of over $82,000 per year. That is what has been happening in the last decade. It is not fair, but it is a very Republican policy.

It is the direct result of more than a decade of Reaganomics that also brought us a tripling of the national debt, and it began the closing down of support for middle America in our social institutions.

Adjusted for inflation in 1989, we were spending the same for education, training, unemployment and social services as in 1975. What we need in this country is jobs, we need to put people on welfare back to work and make jobs for the hardworking Americans who want to support their families. The President says the recession is over.

Madam Speaker, how many people in this country do you think agree with that statement? Every day I hear about new layoffs, jobs disappearing, unemployment compensation running out, and the unemployment figures would be a whole lot higher but folks have dropped off the charts because they have been out of work so long.

I received a letter from a women. She and her husband came to testify at a hearing we had in the district. She wrote me this last week that,

> As a family of five, we have gone through more crises in the last year than most people do in a lifetime. In October 1990, my husband lost his job as a logger. That was blow No. 1. Then in January 1991 we had to file for bankruptcy. That was blow No. 2. The same month I was hospitalized for viral meningitis. We paid our medical premium in order to have the hospitalization covered. That was blow No. 3, which meant that we could not make a mortgage payment for this month, blow No. 4.
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> When we went down to apply for food stamps, $50 was all we were allowed because we were told medical insurance is not necessary under Federal regulations. Well, in March my husband began college, blow No. 6. He was not eligible for any program dollars, so we had to completely change our life style, too. I had to go to work full-time, making one-third of what my husband made working in the woods. Our feelings are that they say to retrain, but they do not offer any support system. They say to compromise, but so far we are the only ones giving. Our children sacrificed their time spent with their mom and my husband had to go through all the red tape to apply for a Pell Grant.

I also have somebody who wrote me who has been working with the unemployed in the State. He says that,

> Initially, most individuals were in disbelief that their company would actually lay them off. Next came anger once they realized that they really were laid off. And then came acceptance and working toward finding another career. The time involved in between each of these feelings varied with each individual.

He talked about one case where a man in his early 50's came to see him. He was a logger, had worked for the same company for approximately 25 years. He got the basic information from the man and then started inquiring about what direction he wanted to go in finding a new job. The man, in his 50's broke down in tears. When this assistant inquired as to what the problem was, the unemployed person informed him that he could not read or write and would probably not be able to find a new job. He thought his life had come to an end because of this turn of events. He blamed himself for the fact that his company closed down and that he was thrown out of work.

Madam Speaker, what we need to do at this time is to invest in jobs. We need a massive investment in this country to build the infrastructure. The program that we adopted yesterday on the House floor is a start in that direction to provide real jobs for the people of this country. I heard mention tonight about poor President Bush, who was forced to adopt taxes because of the Congress. This is the most vetoing President who has ever been. The Democrats had to back down last October on the budget resolution, and the President got what he wanted, which included taxes. It included a separation between savings in the military to be able to apply toward rebuilding this country.

The President gets exactly what he wants through his veto power. Madam Speaker, we do not have the two-thirds' vote to be able to turn the program around so that we can provide an extension of the unemployment compensation, so that we can provide jobs for the hardworking people of this country, so that we can provide health care for those who do not have it, because we do not have a two-thirds' vote.

Madam Speaker, the people of this country need to know that.

Mr. WISE. Madam Speaker, I yield to the gentleman from Texas [Mr. DELAY].

Mr. DELAY. I thank the gentleman for yielding.

Madam Speaker, I just wanted to ask the gentlewoman from Washington, she is not suggesting that George Bush wanted those increased taxes in the budget agreement last year, that he advocated the increased taxes in the budget agreement last year?

Mrs. UNSOELD. The President, I believe, had a ceremony in the Rose Garden or someplace like that, expressing great delight with that package; yes, I am suggesting that that was his proposal.

Mr. WISE. Madam Speaker, I yield to the gentlewoman from Connecticut [Mrs. KENNELLY]

Mrs. KENNELLY. I thank the gentleman for yielding.

Madam Speaker, I would like to begin my remarks this morning by just pointing out that I had asked the gentleman from California to yield, and I understand the time is very tight on both sides, and he could not.

Mr. ROHRBACHER. If the gentleman would yield, I apologize for that.

Mrs. KENNELLY. I thank the gentleman.

Madam Speaker, I wanted to make the point for the RECORD because the gentleman did say that all revenue bills begin in this Chamber, in the House, which is usually, except under certain circumstances, correct. They then go to the other Chamber and then become law when they are signed by the President of the United States. I just wanted to point out that it was always remarkable to me, as a member of the Committee on Ways and Means, that the Treasury would come over, whether it be Mr. Regan or Mr. Baker, and he would express the desires and needs of President Reagan during the Reagan years, those "It's morning in America" years.

They were done professionally and done to the point and legislation would go forward because legislation is necessary to run the country.

Then, in spite of all the rhetoric, in spite of all the anti-tax stances, I think most of us are anti-tax, none of us enjoys paying our taxes; but in spite of all the rhetoric for all those years, it was always remarkable to me that President Reagan would very quietly sign those tax bills year after year after year. That was the only point I wanted to mention.

Madam Speaker, I am a member of the Committee on Ways and Means. We deal in facts. We not only deal in facts; for some years now we have been under the restriction of pay-as-you-go. That is kind of a new idea since this summit.

We have been doing that for a number of years. The bill gets out of committee, you pay for it. So that is what we are attempting to do with the unemployment compensation benefit and the extended benefits that we are addressing tonight.

I would like to just get us back to the point: I watched as this debate began earlier in the evening. I think we tried to have some comity, but then we lost it.

I heard a great many things talked about, which is what we do here, we talk back and forth, we debate.

□ 0540

Madam Speaker, I heard people talk about growth packages, I heard people talk about capital gains. Just a few minutes ago I heard the gentleman from California talk about enterprise zones. I have been an advocate, a pusher, of enterprise zones as long as I have been in this Congress, but I heard a lot of things being talked about.

However, Madam Speaker, I believe what the gentleman from Michigan [Mr. BONIOR], our majority whip, when he took out this time to have this situation taken up, what he wanted to talk about was unemployment compensation. What we had hoped we would discuss is unemployment compensation and extended benefits.

Now let me just read to my colleagues what we were going to talk about.

> The Social Security Act of 1935 (Public Law 74-271) created the Federal-State unemployment compensation (UC) system. It has two main objectives: (1) to provide temporary and partial wage replacement to involuntarily unemployed workers who were recently employed; and (2) to help stabilize the economy during rcessions.

Madam Speaker, these are the two reasons we have unemployment compensation.

> The U.S. Department of Labor oversees the system, but each State administers its own program. Because Federal law defines the District of Columbia, Puerto Rico, and the Virgin Islands as "States" for the purposes of unemployment compensation, there are 53 State programs.
>
> The Federal Unemployment Tax Act of 1939 (Public Law 76-379) and titles III, IX, and XII of the Social Security Act form the framework of the system. The Federal Unemployment Tax Act (FUTA).

That is capital F, capital U, capital T, capital A. That is what it stands for, the Federal Unemployment Tax Act.

> FUTA currently imposes a 6.2 percent gross tax rate on the first $7,000 paid annually on covered employers to each employee. Employers in States with programs approved by the Federal Government and with no delinquent Federal loans may credit 5.4 percentage points against the 6.2 percent tax rate.

And the description of the program goes on.

In 1976 Congress passed a temporary surtax of 0.2 percent of taxable wages to be added to the permanent FUTA tax. This was Public Law 94-556. Thus, the current tax rate has two components.

I could continue to read from this book that makes up programs to help run this country, but what I am trying to make is a point. It is we are talking about unemployment compensation, and we are talking about extended benefits.

Now to those people, when they think about unemployment compensation, they never quite get to the point of extended benefits because they do not think they are going to be unemployed. But they probably do think about the FUTA tax, and, when they look at the FUTA tax and the little piece of paper that comes with their pay check, they say, "Oh, my heavens. What I could do with that money if that did not have to go toward unemployment compensation." But every once in a while something happens to surprise someone, or shock someone, or they cannot quite believe it, and for hundreds and thousands of people in this country what happens is they are unemployed, and, because they are unemployed, they need unemployment compensation, and they think, "For heaven's sake. I hope that's going to take care of it, and, before my unemployment compensation runs out, I'm going to have a job again." However, as my colleagues know, when we have a recession it is a little hard to get a job. So their unemployment compensation runs out, and they say, "I hope I have extended benefits in my State."

Well, the way the program is at this point, it is rather difficult to get those extended benefits, but, if we get to the point where our unemployment does run out, a situation that is bad enough, maybe they do qualify for extended benefits.

What I am saying here is every one of us hopes that we never have to collect unemployment compensation, that we never have to worry about extended benefits. The fact of the matter is hundreds of thousands of American citizens are in the position where they have run out of their unemployment, and they need extended benefits, and that is what the whole question is.

I do not care what charts my colleagues are looking at; I do not care what situation they are thinking about. If someone is unemployed, they have responsibilities. They have responsibilities to their family, they have responsibilities to pay a mortgage, they have responsibilities to pay the car payment, they have responsibilities to just keep going, and that time has come in their life when they might never have had to look to their Government, never had to look to our Government, for anything. They were independent, they worked, they took care of themselves, they took care of their family. They did not need anything. But they were a good citizen. They were willing to pay their taxes and do their fair share, and they knew that FUTA was coming out of their pay check, and though they did not appreciate it, it was part of what is and how we run this country. But then they lost their job, and they, who never had to ask their Government for anything, certainly expected that that money would be there to give them a hand to carry out their responsibilities.

Yet somehow we have reached the point, a time in this country, where we are arguing, debating, having vigils like we have had tonight back and forth, up and down, saying, "Will we have extended benefits, or won't we?" We tried it once one way, and I have to admit it was disingenuous the way it was done. The President had two choices. One choice let him sign the bill, and nothing happened. That was the first thing that happened. The second time the legislation was passed. We say, "All right, Mr. President. Declare an emergency so these extended benefits can happened. People that are unemployed need them so badly." That did not work either, and so we are back the third time.

Madam Speaker, we are back where I have been before. We are back to pay-as-you-go, and this time we can say all we want. We can debate for hour after hour. This time everything is in place. The legislation was passed yesterday out of the Committee on Ways and Means. It is paid for. Next week it comes to the floor of the House, and I would only say that anybody who has debated tonight, or anybody who is going to debate next week, this is an up or down calling.

I say to my colleagues, "You either believe in extended jobless benefits, or you don't. You either believe American citizens lost their jobs, having paid in from their own pay checks to a trust fund, that they expected would be there when they needed it. You either are for that or you are against it."

Madam Speaker, I am embarrassed that we had to try to do this three times, but that is the way it is, and where we are right now is an up or down vote next week on whether we believe in extended benefits for people who are unemployed.

Oh, I have got my story. I came over with my story, and I have got a perfect right to tell my story, and Madam Speaker, I am going to read just a portion of a letter from one of my constituents, an out-of-work legal assistant. This letter was sent to me, a copy, because the original was sent to the President.

> DEAR MR. PRESIDENT: For many months I have been extremely displeased with your domestic programs (or, perhaps I should say, your lack of some).
>
> I happen to be one of the unemployed. I am 54 years old, divorced, not in the best of health and worried sick that I will soon end up on the street. I am exhausting my savings and am "bone weary" from disappointing job interviews where I find I am one of 50 or 60 who are vying for the same position. I do temporary assignments when they are available. My unemployment compensation is about to run out and when I heard on the evening news last night that you have no intention of signing an extension for unemployment benefits, I just knew it was high time to sit down and send this letter to you.
>
> Mr. Bush, I live in one of your "home" states. Up until a year and a half ago I had a good job with a firm in Hartford. Since that time I have had to rely on temporary assignments, unemployment compensation and my savings.
>
> If you have no plan to extend the unemployment insurance benefit, then what in the heck do you think people (such as myself) are supposed to do?

Madam Speaker, the letter goes on, and I think the people on the other side of the aisle have their letters, and we all certainly have had our letters. But, as my colleagues know, a letter can say a certain amount, but look in the eyes of somebody who is out on unemployment compensation, and their benefits are about to run out, and they are not sure that they are going to be eligible for extended benefits, let alone will those extended benefits be there.

That happened to me this summer when I was walking into the Stop and Shop. There was a table set up, and there was some gentleman selling tickets for a veterans fund raiser. We have all done this, volunteered to do this type of thing, and four gentleman were sitting together, and one of them said, "BARBARA, you're not the Congressman in this district. Another woman is my congresswoman. But you're here, and I 've got you here, and I want to ask you something. What are you going to do with me?".

Now here is a gentleman, does not look different than anybody else, sitting with his friends. One could tell that he did not want to say anything about himself being unemployed, but he had a Congresswoman, and he was going to tell her what he thought.

He said, "I've never asked for anything. I've never needed anything. But I've lost my job, my benefits are about to run out, and I need extended benefits. I would hope, if you do one thing, you vote for extended benefits. I hope, if you are down there getting that large pay check and you get, that you could do one thing for me, and that's vote for extended benefits."

□ 0550

I looked him in the eye and he looked me in the eye and neither of us were very happy. I could not just say to him, of course, this is going to happen. I realized this thing had become so contentious that nobody knew exactly where they were or what they were doing.

So I say to my colleagues, to end my remarks, next week let us be able to look all our constituents in the eye and say that we finally can get something straight, that we can vote up or down on extended benefits, that we believe in unemployment compensation because it was there and is a trust fund and the people paid for it, and that we know who we are and what we are about and that this country, if you work for a living and try to take care of your family and try to make your payments and you lose your job, there will be somebody there to help you. That was what you did when you worked to pay for extended benefits.

I just ask my colleagues, let us get together, Republicans and Democrats, conservatives and liberals, and vote yes next week.

Mr. WISE. Mr. Speaker, I thank the gentlewoman for her remarks.

At this time I yield to the gentleman from Illinois [Mr. EVANS], who is about to speak. The gentleman just pointed something out. I was saying we are going to have to limit our remarks, we have so many people here.

He said how good that is, that at a quarter of 6 in the morning there are that many that have been waiting for a long time to speak. That is how intensely we feel about this unemployment issue.

Mr. EVANS. Mr. Speaker, I think some of the most compelling testimony that I heard regarding the unemployment compensation legislation that we have been promoting here on the Democratic side was given by Charles Chappel, a very highly decorated combat veteran of Vietnam who spoke before the Joint Economic Committee.

I have an excerpt from his testimony that I will read from. He said,

> I received many medals in Vietnam. I do not expect to get any medals for surviving this recession. But I do expect my Government, that I put my life on the line for, to fulfill its responsibilities to the citizens of this country. We need jobs. In the past the Government has created job programs to help people through recessions. If the Government will not provide jobs, then we need a way to survive in the meantime. We need more weeks of unemployment benefits now.
>
> It also needs to be pointed out that the bill that Bush killed would have provided the same 26 weeks of unemployment to people coming out of the military as the rest of the working population. Currently, there is only 13 weeks of unemployment benefits available to those people in the Armed Forces who are unable to find a job.
>
> This Nation moves the world. But it is people like ourselves who move the Nation. And there are millions of us who are doing nothing but moving backwards, not forward. It is time to turn things around.

We have heard a lot about the Republican plan on unemployment, yet this Republican plan proposes to cut unemployment benefits for veterans in a way that is unfair and wrong. The Republican plan not only offers veterans less unemployment coverage than the Democratic bill, but less unemployment coverage than the current law.

It gives unemployment benefits only to those released for the good of the service or those who leave the service after extending their term at the request of the service.

This means that those who chose voluntarily to separate from the service at the completion of their incurred obligation will not receive unemployment under the Republican bill. And to add insult to injury, the Republicans change the law to eliminate coverage of military men and women who are currently eligible. This includes veterans returning from Desert Storm and Desert Shield and other service personnel who leave the service after serving out their tours of duty with honorable discharge.

Those cuts amount to a cut of $535 million or 65 percent in unemployment benefits for veterans over the next 5 years.

In contrast, the Democratic bill that we are supporting retains the basic eligibility rules established in 1982, whereby service personnel receive benefits if they have completed their first term of service honorably or they have been honorably discharged before their first term is completed, such as early release for such reasons as for the convenience of the Government or medical disqualification for hardhip. We also restore equity for veterans by giving them the same weeks of benefits that the private sector employees receive.

This is not the only group of people who are not reached by the Republican plan, because a good many people have previously exhausted their benefits and will receive absolutely no help from the Republican plan.

The Republican bill helps jobless workers in only six States. In Illinois, no workers now jobless and out of benefits would get any help. The bill reported out of the Committee on Ways and Means, however, this week recognizes that there are over 90,000 jobless workers in Illinois who have run out of benefits. And this bill provides them with extended benefits.

I am very pleased to join with the gentleman's special order, and I thank the gentleman for yielding to me.

Mr. WISE. I thank the gentleman. I know he has been involved and how active he has been on this issue.

I now yield to the gentleman from New York [Mr. SERRANO], who has also been very eloquent on this issue many times before.

Mr. SERRANO. I thank the gentleman for the opportunity, Madam Speaker. I always find myself in a dilemma whenever we discuss something this important on the floor. That is, to see to what extent I should stay strictly on the subject at hand and not bring in information or a conversation that speaks about other related issues.

However, today as I do on so many other occasions, I come to the conclusion that I cannot just discuss just what is at hand because representing the poorest district in the Nation indicates that I have knowledge that some of my colleagues on the other side may not have. And that is what we are seeing here today, this opposition to helping people who are in need, is something that is not new where I come from.

We have been hovering around 20-percent unemployment for the last 10 to 12 years. That is a fact. The Labor Department in this country finds it difficult at times to determine how many people in my community are looking for a job and how many have in fact dropped out of looking for a job because they have just given up.

The good news is that I have that information. The bad news is that there is very little being done to correct that information.

When you add, then, all of those issues together, you find that an area like the South Bronx suffers from related issues, issues which then speak to the fact that people would like to see a better tomorrow. Where there are people who are employed in my district, I probably have a very large number, if not the largest number of underemployed people.

I probably supply more dishwashers to the economy than anywhere else in the country. I supply more domestic workers to the economy than anywhere else in the country. And what are we saying here? That on top of the misery of living in that part of the world and having to deal with that kind of a situation within the greatest and richest country on Earth, you are now, if you do find a job and find yourselves unemployed, going to be told by the same government that for years has told you, your cousin and your brother that there was nothing for you to do in this society, that now you will not even get some extended benefits to cover you in the hope that someday you will be able to be one of the few in my area that may find a job.

Then you have to deal on a daily basis with all the other problems that affect the society. How many of my colleagues have really ever seen a crack-addicted baby? A baby shaking at birth because that baby is addicted to crack? It looks in a horrible way like taking a spider and turning it upside down and, as the legs begin to shake, that is what the baby's limbs do.

I realize that there are Members, especially on the other side, who would say, "Wait a minute, don't come blaming this on this particular issue. There are people here who in the final analysis have created those situations for themselves."

Well, granted. And in the final analysis, a crack-smoking pregnant woman did that to herself. But in the initial analysis, there is a society that created situations and allowed situations to take place, not for all, I do not make excuses for all, but certainly for most.

Tuberculosis, a word that is now part of our history, not in the South Bronx. It is part of our present. Tuberculosis, outbreaks of tuberculosis, not related only to the AIDS epidemic but tuberculosis with babies, with new arrivals, with people who are poor. In my district, you go to the local hospital, Lincoln Hospital, and you begin to leave for the hospital around this time, not only are they not watching me in my district because I am probably the only part of New York City that does not have cable TV yet, but they are leaving for the hospital now, to begin at 7:30 to line up. And if they are lucky by 4:30 or 5 o'clock that afternoon they would have seen a doctor.

□ 0600

Again, a related subject? Absolutely so, all related to a government basically and an administration that for the last 10 years or so has said hey, if you are in that condition it is because you have brought it onto yourself, and if you do not get some of this trickle-down that we keep sending you, then it is your problem, not mine. We have the will, but we do not have the wallet.

I know there was a discussion when I came in around 4 o'clock that we should not bring foreign affairs in, but I do remember a few months ago when we had the will and therefore we had the wallet for Kuwait against Iraq. I wonder if the same wallet is not available for my people in the South Bronx for some extended unemployment benefits.

I really think that the tragedy of this country is that people who were never affected before are now beginning to see what it is like to live in other parts of the country. And I could sarcastically say, "Well, welcome to the club. It looks like you may not get extended unemployment benefits," because the same administration that has been saying no to my community in general is going to say no now to you on this specific issue. But I am not that sarcastic and I am not that cruel. I want people to get their extended benefits.

But do you know something, you take two babies in this society, take two women giving birth. One woman gives birth in my district, and they both will go through the same beautiful, maybe painful but joyfully painful situation. And I was part of that recently, about 2½ years ago when my son was born, and I was in the delivery room, and it was the greatest thing that ever happened, my fifth child, and yet it was wholly a new experience to see it happen, and that baby was born in the South Bronx. In Spanish we have a phrase which I will translate which is dar a luz, which means brings a child to light. When a baby sees light in the South Bronx, it is destined to run into all kinds of misery.

What people with unemployment insurance who are lacking benefits are now beginning to see is some of that misery. They are beginning to come to the conclusion that the administration would rather play around with 30-second spots than to say to them you are hurting and we are going to help you.

So I stand here today joining my colleagues, not saying I am not going to care about those people who are unemployed because I have bigger problems. What I am saying is those of us who have an opportunity to get a job in the South Bronx are now going to be told that since they are going to be hurt by the economy even more than they were before they cannot get unemployment insurance. And second, I am standing here to remind us that we are using the word "extension." This is an extended part of the misery, of the indifference of a government that says you can make it on your own; I am not going to give you a hand. But if you move out of the country and you fall under a Communist regime, then obviously I am going to give you a hand.

That is why it has to change. That is what has to change. That is why it is 6:03 in the morning. I am here to say do not allow what has happened to my district, that indifference, to prevail throughout the rest of the country.

Mr. WISE. I thank the gentleman very much for his very powerful statement. I now turn to someone who has been very, very active on this issue speaking in many ways, the gentleman from Rhode Island, Mr. REED.

Mr. REED. Mr. Speaker, I thank the gentleman for yielding to discuss this critically important issue.

Many of my colleagues have been before me all evening talking about these statistics. They are stark and brutal. In my home State the unemployment rate is 9.1 percent. It is probably higher than that, but the way we calculate unemployment in America is that we do not count those people who have given up hope and are simply not even looking for work.

My State was one of the first States to qualify for extended unemployment benefits. Ironically, those benefits terminated last week. We have approximately 40,000 people in Rhode Island who are unemployed, and unless we do something they will be unemployed without hope, without means of support, without means to sustain themselves in a crushing economic downturn.

Those are the statistics, but the human face of this dilemma is much more compelling. And like many of my colleagues, I have received letters from Rhode Island. I received a letter from a woman in Narragansett.

She writes:

> NARRAGANSETT, RI.
>
> Today I was informed by the Department of Employment Security that my extended benefits would cease at the end of September. Since I have only collected this money for 2 weeks, I was shocked.
>
> I worked for one of the credit unions that was closed last January, and was unable to find employment until 3 weeks ago. The position I have consists of only 19 hours a week, and the Department of Employment Security made up the difference. In 2 weeks I will not receive that difference.
>
> I certainly hope that you are accepting the deception that less people are unemployed the fact is, in Rhode Island, and most of the Northeast, more people than ever are unemployed, but because their benefits have been exhausted, they are no longer part of the statistics in the unemployment role—leading one to assume fewer people are unemployed. This is simply not true.
>
> How am I to survive as a recently divorced woman, age 55, working 19 hours a week, earning $6.00 per hour?
>
> ANN DURANTE.

I think the people of America have a much keener sense of the reality that they face than does the President who continually refuses to recognize the dire circumstances that people face.

Here is another letter from a Rhode Islander:

> LINCOLN, RI.
>
> What is being done to extend unemployment benefits? It took me 6 months to qualify for unemployment after being laid off from a job I had only had for 5 months. What I am collecting is minimal to say the least. I now understand there will be no extension. How am I supposed to live?
>
> What is being done to give recognition to people like me who I am told fall through the cracks. I am a 49-year-old widow who earned a 4-year college degree in 3 years and owes the Government almost $13,000 in student loans.
>
> I graduated from college in December 1989. I completed five internships while in college and did all the networking I was told would ensure a position when I graduated. It didn't.
>
> I searched for help while I kept applying for work. I went to welfare. They said I don't qualify. I have called just about every agency in this State to no avail. Displaced homemakers said I am one of the people who fall through the cracks. Several agencies said I am one of the people that fall through the cracks.
>
> I do not live in a crack. I need help, not charity but help. I have been working hard to better my life.
>
> I need assistance and there seems to be none for me, why?
>
> CAROLYN BROOKS.

Why, Mr. President? I cannot answer that. We have sent you bills. We have given you the authority to declare an emergency. We have asked you, we have pleaded with you, and you have turned your back on people like this.

I could go on and on with the record of human misery, of suffering, a record that belies what many people struggled for in building this country, a country where people have opportunity, a country where people can make themselves better through hard work, through education. That economy, that country is disappearing. People are appalled. They disbelieve. They cannot understand why the President is so insensitive to this issue and I cannot either.

They also cannot understand why he does not sense that this is a problem not of some invisible group of people that show up periodically as transient employment. These are our neighbors, these are people who I grew up with, who I went to school with, who until recently were working as I am working.

This country was built by generations of people willing to sacrifice, contribute, to build. They left us a legacy which we are not fulfilling, and that is at least at a minimum providing opportunity to our citizens in times of distress. We must respond to this. We must provide unemployment extension benefits, and we must do it promptly.

I thank the gentleman for yielding.

Mr. WISE. Mr. Speaker, I thank the gentleman from a State that also has high unemployment, the State of Rhode Island. I know very well of what the gentleman is speaking and he states it well.

Mr. Speaker, I yield to the gentlewoman from Connecticut [Ms. DELAURO], also a very active Member on this issue.

Ms. DELAURO. Mr. Speaker, I thank the gentleman very much for yielding.

This morning, Mr. Speaker, my Democratic colleagues and I remain awake to show our support for the millions of middle class Americans who are struggling really to try to make it through this devastating recession, but who have callously been ignored by their President.

☐ 0610

My Democratic colleagues and I care about those millions of Americans who will go sleepless tonight because they have lost their jobs, or they do not know how they will be able to make it through tomorrow or the rest of the week or how they are going to pay their bills at the end of this month. These Americans who only wish that they could find a job, keep their homes heated, put food on the table, and pay for health care for their families have been consistently neglected by an administration that cares more about a capital gains tax for the rich than for the tragic plight of working Americans.

We are here this morning because we are deeply concerned about the present and the future direction of this country. We are facing an emergency.

Democrats have been trying to do something about it, but the President has yet to act. In my home State of Connecticut, we know the havoc that this recession is wreaking on middle-class families perhaps more than any other State.

An article in yesterday's Hartford Courant quotes an economist of the Federal Reserve Bank of Boston as saying that in New England the economic downturn has not yet hit bottom. Two years of recession in the Northeast, and we still have not hit the bottom.

How much more can people take? Since the mid-1980's, our region has lost a quarter of its manufacturing jobs, and the manufacturing sector is the single most important indicator of economic health and the possibilities for recovery.

These recent statistics prove that our economy is sick and that there is no cure in sight.

In New England, we have been suffering from the recession for over 2 years, longer than any other region of the country, and the middle class is being hit the hardest. This is a middle-class recession.

If the President does not want to listen to Federal Reserve economists, then that is his prerogative, but it is his job to listen to the people of this country.

I did not need to read these statistics in yesterday's paper to understand the depth of the recession. Since my first day in office, I have heard from my constituents who have been telling me of their fears, of their pain, and of their sleepless nights.

I recently received a letter from a constituent, and I will read briefly from the letter:

> Never did I think I would ever go on welfare. My husband and myself have worked for our money since we were 18.
>
> Now we had no hope, except that he would get unemployment compensation. In the meantime, months of rent bills, loans, education bills were piling up. We lived day to day.
>
> I myself tried submitting resumes everywhere and I decided to apply a temporary agency, and I was employed by mid April. I was fortunate, my husband was not so fortunate. Meanwhile, our daughter only knew that her daddy lost his job. Before you know

it, children feel pressure, they know something is wrong. What do you tell a child? What about future education or employment?

By then my husband was submitting resumes to so many companies, there just are not enough jobs. He is still submitting resumes but no luck. It's a shame he worked 13 years and can't receive more benefits, an extension on his unemployment.

We are still struggling week to week now. My job is a temporary assignment and they say any time this assignment is over. Our medical benefits ran out in February of this year and my daughter's medical alone has cost us $300 so far.

Now another winter. What is in store for us now? What I can't believe is that President Bush will send "foreign aid" to other countries when we have people starving here, and homeless people here too?

Mr. Speaker, I spend every weekend at home listening to my constituents, and what they tell me is no different than what I have been hearing for months. People are scared about the future, that old American dream no longer seems within reach of average working families, and they want some answers.

The White House listens to the cries of the Kurds and the cries of the Bangladeshis. Why cannot the White House acknowledge the anguish of American people? It is time for the President to wake up to the reality of what is going on in this country.

The reality is unmet car payments, looming mortgage notes, unreachable tuition payments, and crushing health care premiums, and most of all, the reality is that millions of people are unable to sleep tonight, unable to sleep, Mr. Speaker, and this one night we spend together is a symbol of our solidarity and to let people in this country know that we have not forgotten them.

Mr. WISE. I thank the gentlewoman. The next person I would like to yield to is the gentleman from Florida [Mr. BACCHUS].

Mr. BACCHUS. Mr. Speaker, I thank the gentleman from West Virginia. I thank him for his leadership.

Mr. Speaker, I have been listening to this debate through much of the night, and now into the morning. An hour or so ago I listened to my friend and colleague, the gentleman from California [Mr. ROHRABACHER]. I listened to him frequently.

He and I serve together on the Committee on Science, Space and Technology. He and I work together to try to get America back on the cutting edge and competing edge in high technology, and that is certainly one thing we need to do as a country.

I agree with much of what he said this morning about the need to invest in the future, the productivity, the capital formation, and I am one Democrat who supports a balanced-budget amendment to the Constitution so that we can make the difficult choices and move beyond this pointless and self-defeating budget agreement.

As a former trade negotiator for this country, I believe we need a new and vigorous and effective and strong trade policy. I certainly believe strongly that we need some tax reform, and especially tax relief for the middle class. I am one Democrat who is willing to consider and support restructuring of capital gains as part of that tax reform package.

I believe we need a Marshall Plan for America. We have rebuilt Japan, and we rebuilt Europe. Now we need to rebuild the United States of America.

But in the meantime, in the meantime, Mr. Speaker, look at the reality we face in this country, and look at the reality we face in my district, the 11th District of Florida in central Florida, in a place that includes Disney World and the Kennedy Space Center and the high technology corridor and much of what is good and progressive and prosperous about America. Look at what is happening in central Florida.

In Orange County, there are 5,579 of my constituents who have exhausted their unemployment benefits. In Brevard County, there are 3,363 who have exhausted their benefits. In Indian River County, there are 1,165 who have exhausted their unemployment benefits. In Osceola County there are 762 who have exhausted those benefits. That is 10,869 of my constituents who have exhausted their benefits among about 33,000 who are unemployed.

This is in the midst of central Florida, in the midst of a place that is still among the most prosperous places in this country. Our unemployment is the highest it has been in a decade.

Statewide in Florida we now have 126,000 people who have exhausted their unemployment benefits.

Now, these are not people who are not looking for work. These are not people who are looking for a handout. These are people who want very much to work and who have been a part of making America work in recent years. They are engineers, they are bankers, they are people who have been in our service economy, they are people who have been in our manufacturing economy making boats and cars. I am concerned about them.

I am concerned about their families. I want to do everything that I can to help them by changing our economic policies and restructuring our taxes and investing in the future.

But in the meantime they need to pay the grocery bill. They need to make the auto payment. They need to make the house payment. And I want to help them do that.

They are entitled to have a government that is on their side, and also I am concerned especially about the businesses in central Florida and what the impact of not extending unemployment benefits will be for the business community.

What if the default rate goes up on credit cards? What will that do to an already precarious banking situation in central Florida and elsewhere? what if people cannot make their car payments? The auto industry is already in the doldrums. What if these people cannot position themselves so that they can take advantage of those new high technology jobs that happen to come along? Where will they be then? And what will we be able to do to make the transition we have to make in our economy?

Our residential housing industry in central Florida is in the dregs. What if these people cannot make their house payments?

☐ 0620

What is the ripple effect on the business community?

Finally, Madam Speaker, if all this is true in central Florida, if all this is true in the haven of Disney World and for hope and for sunshine, then what are things like in West Virginia and the south Bronx?

I represent my district and I work as hard for my district as I can. I believe fervently that unemployment compensation needs to be extended to the people in my district, but as a Member of the House of Representatives I think of the Nation as well, and I believe I must speak up for the Nation as well as for my district.

If we are suffering in central Florida, as we are in a place that is still more prosperous than many other places throughout America, then how many more are suffering around the country?

I believe we need to do a lot to improve our economy. We need to do much in this Congress to restore the faith and confidence of the people in the Congress; but I believe the best thing we can do, Mr. Speaker, is to begin to be responsive to the real needs of the people, and among the real needs of the people I represent is the need to extend unemployment compensation benefits.

Mr. WISE. Madam Speaker, I thank the gentleman for his very moving remarks. The gentleman from Florida has stated very well the problem that many of us are having across the country.

Mr. BACCHUS. Madam Speaker, I thank the gentleman.

Mr. WISE. Madam Speaker, I yield to the gentleman from New Hampshire [Mr. SWETT].

Mr. SWETT. Madam Speaker, I thank my distinguished colleague for the opportunity to speak this morning about the unemployment situation here in this country.

Madam Speaker, there are 55,000 reasons why I rise to speak about the important issue of unemployment. As I am limited in time, I will focus my attention only on three reasons: Peter Pollet, William Koski, and Gordon Liptak.

They are just three ordinary people, who've worked hard all their lives, paid their taxes and expected very little, in return from their government. Now, they are unemployed. Their pain and agony must become our concern.

Madam Speaker, during the 1980's New Hampshire was the land of opportunity. The Granite State was the fastest growing State east of the Mississippi River. The unemployment rate was low, wages were high, land speculation was rampant. New Hampshire was in a drunken stupor—drunk on borrowed money and driven by the desire to make a quick buck. Well, Madam Speaker, the drinking binge is over and we are feeling the hangover.

Unfortunately, this hangover not only hurts our heads—but also our hearts and souls. It is hurting those who speculated and those who saved. Those on Wall Street and on Main Street. Everyone is hurting.

Personal income has declined in New Hampshire more than any another State.

There are at least 55,000 people unemployed.

More jobless workers have exhausted their unemployment insurance in the first 8 months of this year than the last 2 years combined.

Eighteen hundred manufacturing jobs left New Hampshire since 1988—that is 16 percent of that work force.

Welfare cases have increased by 44 percent over the past year.

Bankruptcies are the highest in the country. The top five banks have closed taking with them nearly 500 jobs.

Madam Speaker, my focus is on jobs. Producing jobs, keeping jobs, and improving the economic climate. We must remember—the best social program is a good job.

Peter Pollet, Bill Koski, and Gordon Liptak represent to me a human tragedy. They are hard-working Americans, proud and independent. They are not looking for a handout—they are looking for a job. I would like to tell you a little bit about each of them so you and all America can understand their plight.

Pete Pollet is an unemployed purchasing agent from Concord, NH. Two years ago, he was earning a good living and looking forward to his retirement years. He worked hard all his life. He was happy and secure. Today, he is scared. His unemployment insurance has been exhausted. He has borrowed money from friends and family and drained his savings. He has been told by the local welfare office that he is ineligible for any form of assistance until he cashes in his $2,000 IRA. Pete may be broke, but he is not broken. Pete helped start an unemployment network group, that offers moral and technical support to the unemployed without spending a nickel of taxpayers' money.

For the first time in 40 years, William Koski, from Keene, NH, is unemployed. He lost his job as a service manager at a local car dealership. His unemployment benefits will run out soon. In New Hampshire, the maximum unemployment insurance benefit is $179 per week. Regardless of previous income the largest amount issued per recipient is less than $5,000 yearly. I spoke to Bill last week and he expressed his frustration with the President's veto of the unemployment insurance extension bill. He asked me how we can send money all over the world—and then cannot take care of our people at home, particularly after paying into the system for 40 years. Where does he fall on the list of national priorities? He told me that he thought about calling the White House to express his concerns, but decided against it because he thought no one would care.

Madam Speaker, I do not know Gordon Liptak and I might not have the opportunity to meet him. He is from Plymouth, NH, and worked in sales prior to becoming unemployed. He was a member of Pete Pollet's unemployment network. I say "was" because he is leaving New Hampshire. Today, he is in Wichita, KS to interview for a job at the Boeing factory. I would like to share with you a letter he sent the group prior to leaving. "My wife and I love New Hampshire," he wrote, "But we can no longer make a living here and keep a home with the opportunities very low for the next several years, an increase in property taxes, and a failing bank system which has become quite harsh on its customers. We must immigrate to a more fertile land as our parents did."

Madam Speaker, Pete Pollet, Bill Koski, and Gordon Liptak need and deserve our help.

We need fairness and responsibility in government. That's why I am proud of my vote on the extension of unemployment insurance benefits.

I have focused my attention on two areas, both of which produce jobs for New Hampshire.

First, I am working hard to make sure that New Hampshire gets its fair share of Federal funds. As a member of the Public Works and Transportation Committee, I have fought for the inclusion of $10 million in New Hampshire highway projects for the 2d congressional district of New Hampshire. The highway bill will include three major infrastructure projects including the replacement of the Ledyard Bridge in Hanover and the Winchester Bridge and the Second Nashua River Crossing. These highway projects will mean an influx of money to New Hampshire's economy, jobs for our citizens and improved highways for our State.

The second area I have tried to address, as it relates to jobs, is economic growth. As a Member of Congress, I have taken advantage of every opportunity to promote New Hampshire. I have aggressively sought to build relationships between New Hampshire business people and their counterparts both nationally and internationally. We must recognize that a rising tide lifts all ships. A strong economy makes for a strong society.

This summer, I was pleased to host the delegation meeting between the United States Congress and the European Parliament. This was a unique opportunity for our business community to expand their contacts. This meeting has resulted in at least one signed contracts. This meeting has resulted in at least one signed contract and several others pending. These relationships will mean jobs for New Hampshire.

During the Persian Gulf war, I had the opportunity to help Test Systems, Inc., a small company in Hudson, NH, that was trying to get the Pentagon to listen to their proposal to combat the problems of "friendly fire."

The Pentagon had hundred of firms working on this and seemed uninterested in listening. I was able to call attention to this issue and give Test Systems, Inc. a chance to compete. Consequently, Test Systems, Inc. won the contract with the Department of Defense and went on to save lives in the Persian Gulf and to create jobs in New Hampshire.

Madam Speaker, when are we going to respond to the needs of the average American citizens? When will we take responsibility for the problems our folks are having?

It is not too much to ask foreign countries, who have benefited for the last 40 years to start paying for their security provided by the United States. It is not too much to ask that foreign debt be repaid just as our banks expect us to repay our loans. It is not too much to expect us to ask this government to provide a temporary measure of relief for those in financial need. I am aware of the questions: "Where does it come from?" and "Who will pay for it?"

But, my reply is: Who paid for the forgiveness of the $7 billion loan to Egypt? Why can we not close bases overseas and keep our security forces at home? Who paid for the $100 billion bill for the Persian Gulf war?

Let us be realistic and fair when we look at these issues. The budget agreement has been broken time and time again by the administration and the Congress alike. Let us not play politics with innocent people's lives. Let us help them in this time of need and then go to work solving the budget problem immediately afterwards, and put a stop, once and for all, to these partisan attacks by both parties because of their mutual irresponsibility.

Mr. WISE. Madam Speaker, our time has expired. I appreciate the remarks the gentleman has made about what is going on in New Hampshire. I know how hard the gentleman has been fighting.

ORDER OF BUSINESS

Mr. DELAY. Madam Speaker, I ask unanimous consent to proceed for 60 minutes.

The SPEAKER pro tempore (Ms. DELAURO). Is there objection to the request of the gentleman from Texas?

There was no objection.

UNEMPLOYMENT COMPENSATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. DELAY] is recognized for 60 minutes.

Mr. DELAY. Madam Speaker, I yield to the gentleman from California [Mr. RIGGS] who in a very short period of time, less than a year, has already distinguished himself in this House.

Mr. RIGGS. Madam Speaker, I want to thank the gentleman for his kind comments, and I also thank him for his leadership that I have heard on this side of the aisle. It has been a long evening and hopefully we all have learned a little something from it.

The thought that keeps coming to my mind as I have listened to the debate, with numerous speakers on both sides of the aisle, into these wee hours and now the dawning of a new day is that they still do not get it.

What we heard tonight is a procession of speakers on the other side of the aisle talking about, frankly, let us be honest, austerity, and what we have heard on our side of the aisle is a procession of speakers talking repeatedly about growth. I do not think the contrast could be more stark, particularly in terms of the future of the very Americans that we are both concerned about.

First of all, we are still debating this issue over what do we do or how do we fund extended unemployment insurance benefits.

I think it is important and noteworthy to go back over some basic facts, that we have just concluded a Federal fiscal year with a record budget deficit, annual budget deficit in our country's history, with a figure somewhere in excess of $350 billion. Spending is now 25 percent of the gross national product and increasing all the time, particularly with the debt service on the national debt compounded.

□ 0630

Taxes are peaking back up to where they were before the Reagan tax cuts. We have heard about the very deleterious effects on the economy as a result of that bleak fiscal situation.

We have also talked a little bit tonight about taxes. I find it ironic, and I sometimes wonder how much more evidence our colleagues on the other side of the aisle need before they become convinced that additional taxes is just not the answer.

There is a lot of published research in this area. The U.S. Chamber of Commerce study of the period between 1940 through 1988, which concluded that every time taxes are increased by $1—I am sure this has been mentioned on this floor before—but spending increases by $1.72.

More recently, a very interesting article pertaining to the luxury tax, which my good friend, the gentleman from California [Mr. ROHRABACHER] stressed in his very, very articulate remarks. I mentioned this earlier this evening, but I want to mention it again.

According to a recent study by the Congress's Joint Economic Committee, that is, our committee, a bipartisan committee, as they all are in the House, according to the study produced by that Joint Economic Committee, the luxury tax, and here we are talking about not just a tax on boats or yachts in excess of $100,000 but also the luxury tax on private airplanes and cars, is estimated to cost 9,000 jobs in America. What is the further down side to that? Of course, according to this study, that is costing us, our Government, $5 in unemployment compensation—were we go again, unemployment insurance benefits—and the lost income taxes for every $1 that that luxury tax has netted.

Mr. DELAY. Madam Speaker, could the gentleman repeat that again?

Mr. RIGGS. I will read right from the USA Today article. I want to stress that again.

> According to a study by Congress's Joint Economic Committee, the luxury tax will cost more than 9,000 jobs. On top of that, it is costing the Government nearly $5 for every $1 in taxes it gains because of unemployment compensation and lost income taxes.

So we heard a lot of talk tonight. They stopped just short, on the other side of the aisle, of endorsing a tax increase, but I want to remind my colleagues on the other side of the aisle that someone in this body who has a thing or two to say about tax increases, the illustrious chairman of the Committee on Ways and Means, was also quoted recently in USA Today, and this is a direct quote attributed to Chairman ROSTENKOWSKI: "The worst thing you can do is raise taxes in a recession."

That is a pretty basic economic argument, but it is one that I think has to be stressed and repeatedly stressed to our colleagues on the other side of the aisle, because there is, frankly, an alternative. Many people who preceded me tonight have talked about those alternatives. They really go back to our fundamental agenda on economic growth and job creation. The gentleman has an outstanding piece of legislation that unfortunately we are not able to see fast-tracking on, or as much consideration as we would like to see on this side, I am proud to say I am a cosponsor of that. There are others, other proposals as well. The majority whip's. The whole emphasis over here is on empowerment and economic growth versus more welfare, more food stamps, more AFDC, more public housing, because we really do think that it would make a fundamental difference in the future of this country. We think it makes a lot of sense to link effort and reward, which is a compelling argument for empowerment and welfare reform.

We say on our side of the aisle, and there are others in our party who have been saying this, Secretary Kemp; you say, "Soak the rich," we say "Create the circumstances where you can get rich."

That is, again, a very fundamental difference between our parties. We want to see an economic growth package. We heard the majority whip, when I pressed him on this point earlier today before the gentleman from Connecticut [Mr. GEJDENSON] arrived, I pressed him on this point because he did make some committal comments when the unemployment insurance bill went to the Committee on Rules for the first time. I pressed him on that point as to what he had in mind in terms of an economic growth package. We heard something about enterprise zones or enterprise zones where a capital gains taxation rate would be in effect. As far as I am concerned, it does not go nearly far enough, but at least, apparently now, there is some willingness, perhaps as a result of today or this evening's or this morning's disclosure, to consider an economic growth package.

I say let us lower the capital gains taxation rate.

You know, we keep hearing over and over and over again that that is a tax for the rich. I do not get that kind of feedback when I go home and get out in my district and talk to average Americans, small business owners.

What I get is they believe from their perspective, and these are people who are engaged in economic activity day in and day out, that they believe it would be a direct stimulus or an incentive for them, a direct stimulus to promote investment in savings and, therefore, reinvestment and job creation in the economy.

But I harken back to the President's State of the Union Address. I can remember he was right here in this body and he laid out on the table for our consideration the possibility of doing some sort of study as to whether or not truly reducing the rate of capital gains taxation on long-term assets would generate revenues or, for that matter, cause a loss of revenues to the Federal Treasury. That idea, tucked away in the State of the Union Address, was dismissed as dead on arrival by our colleagues on the Democratic side of the aisle.

So we are, I think, looking for some sort of sign, some sort of recognition, maybe I ought to say, from our colleagues on the other side of the aisle, that it is at least equally important, if not more important, to talk about economic growth and job creation within the context of this debate on unemployment insurance benefits.

Maybe we can flesh out the economic growth agenda, talking about IRA's for first-time homebuyers again, a concept that the gentleman from Texas [Mr. DELAY] has embraced in his bill; greenlining neighborhoods, eliminating capital gains taxes altogether in those areas. We attempted to take a small step in that direction by the bank reform bill by greenlining neighborhoods, that is to say, reducing bank premiums for financial institutions that will lend in those urban neighborhoods.

But I think there is a small recognition there on the part of the 50-some-odd members of the Committee on Banking, Finance and Urban Affairs, that there is good credibility or good validity for pursuing this idea further.

I noticed the other day in the paper that Secretary Kemp, when he was out our way in San Francisco, speaking to the Commonwealth Club, embraced what he described as a radical idea. He said, "Why don't we eliminate all income and payroll taxes," I think he said up to 190 percent of the poverty level for the poorest Americans in our society, a wonderful idea, as far as I am concerned. Again, it goes to the heart of the agenda we would like to promote on this side of the aisle. Again, that is enpowerment, empowerment which leads to self-sufficiency; empowerment which leads to the creation of productive, meaningful jobs for those Americans who are unemployed or underemployed in the private sector.

Those are fundamental ideas to Republicanism, ideas that I think we can be very proud of embracing on our side of the aisle.

So, again, I thank the gentleman for his leadership in organizing our response to the special order, and I will continue to stand alongside him and support him. I do not know if the gentleman would like to pick his time up again here or what, but I will stick around until a little bit later.

Mr. DELAY. I appreciate the remarks of the gentleman. The gentleman has been here all night long, along with several of us, defending the honor of this side of the aisle and defending it very well. And I really appreciate the time that the gentleman has spent.

His constituents should know, Madam Speaker, that this gentleman puts his money where his mouth is. He spends many, many hours at it.

We have been in this special order since a little after 9 yesterday evening, and it is now 20 minutes until 7 in the morning on Thursday, discussing the economy of this country and what is wrong with it, who is responsible for it and what we can do with it.

We have before us the distinguished economics professor from Texas, who is also the ranking member on the Joint Economic Committee and a very astute man as to what is happening and why with our economy and what we ought to be doing about it.

Madam Speaker, I yield to the gentleman from Texas.

Mr. ARMEY. I thank the gentleman for yielding.

Madam Speaker, I have always been fascinated by the debates in the U.S. Congress and in the Government generally with respect to what to do about the vagaries of the business cycle.

☐ 0640

I remember, for example, during the 1960's, when we were involved in the war in Vietnam, and at the same time the Johnson administration wanted to engage in what he called the War on Poverty massive increases in Government spending for both military reasons and for domestic spending programs. It was at that time, as a matter of fact, that we made a fundamental restructuring of the Federal Government's budget and began the process of entitlement growth to the point where entitlements that amounted to about 16 percent of the Federal budget in 1963 have grown to the point today where the entitlements are about 52 percent of the budget.

Now an entitlement program is a program where by some enabling legislation we define certain characteristics, if they are displayed by an American citizen, automatically entitles them to a Government subsidy or a Government check. Once these programs are put in place, then the expenditure of funds for those programs will grow by the number of people who exhibit those characteristics for which the Government spending is designated unless there is some redefinition of the program. And of course, as entitlements have grown from the 1960's, the deficit has grown, the budget has grown, and it has become increasingly more imperative that the Government take increased dollars from the American taxpayers.

Now I remember in that great debate about the simultaneous launching of a war on poverty and the escalation of the war in Vietnam under President Johnson, when he was cautioned by his economic advisers that we had to either have increased spending on one side or the other side, or match the increased spending with increased taxes. He said, "No, we can do both, and we can do it without increasing the taxes." That set off a phenomenon in the history of business cycles, not only domestically or internationally, but something nobody had ever seen before, something we called stagflation, the simultaneous occurrence of inflation and recession, and of course this had a tremendous impact on the American people, particularly the older people who were living on retired incomes as their incomes were eroded by that inflation that went on throughout the 1970's.

Most of us remember the 1970's. I remember the 1970's vividly, and these were not good times for the American people. In fact, the American people became so discouraged about the inability of the Federal Government to do anything that even Jimmy Carter proclaimed we were in the days of malaise, and frankly he was just totally frustrated.

Now Ronald Reagan came along at a time when the economics profession was stumped by stagflation, when the Carter administration was absolutely devastated by stagflation, when Nixon had been frustrated, Ford had been frustrated, Johnson had been bewildered by this phenomenon. Reagan came along, and he clearly saw early in his first term that the first thing that had to be done was to break the back of inflation. And my colleagues will recall he did that with extremely tight money policies early in the 1980's, which did cause a recession early in the 1980's, and then of course, once that inflation was broken and we stabilized prices, we then had the economic miracle of the 1980's.

Madam Speaker, in terms of writing the history of one decade after another, the Democrats in Congress continually tried to write, rewrite the history of the 1980's. It appears as though they cannot stand prosperity, and I suppose it is no wonder. They do not do well under good times. But the fact of the matter is the 1980's, especially in comparison with the 1970's, was an extra extraordinary prosperous period of time, and in fact, if we have honest reporting of the statistical record of these two periods, it is clear that the only period of time in the recent history of this country when in fact the rich got richer, albeit by not very much, and in fact the poor got poorer, was in the last 4 years of the 1970's, when in fact Jimmy Carter was the Democrat President with a Democrat Congress, and Democrat policies reigned in this country. Now that is in fact a fact that is distorted by Democrat controlled Government reporting agencies, particularly the Congressional Budget Office, an agency that is infamous for its inaccuracy and its ideologically driven analysis, as if it somehow was a failure of the 1980's. But the 1980's were not a failure.

Now we come along after the longest peacetime growth period in the history of this country with stable prices. The economy was headed in the last years of the 1980's for a recession. This is seen, incidentally, very clearly, the coming of the recession. The softening of the economy was seen very clearly by two particular men in this Congress, one a Democrat, one a Republican, the gentleman from Texas [Mr. ARCHER], the ranking Republican on the Committee on Ways and Means, and the gentleman from Georgia [Mr. JENKINS], a Democrat member of the Committee on Ways and Means, that put together in 1989 the Archer-Jenkins proposal for the reduction of the capital gains tax. This was opposed by the chairman of the committee. It was opposed by the Democrat leadership in both the House and the Senate. But it was such a clearly understood alternative to the impending recession that in fact the entire Committee on Ways and Means, over the objections of their committee chairman, passed the Archer-Jenkins capital gains reduction proposal in 1989. It was brought to the floor of the House, passed the House of Representatives by a 100-percent margin because we saw the recession coming and wanted to head it off. And then, of course, it was killed in the Senate by Senate Majority Leader MITCHELL.

Why? Why would we kill a proposal that everybody would understand would avert a recession? Because of an ideological perspective that is frankly goofy, that somehow or another it is immoral in this country to be successful and to have that success rewarded with higher incomes, that it must be necessary to punish the rich, nor to pass any law that can be perceived as a concession to the rich.

Now let me talk about capital gains taxation for a moment. When we go to work at our jobs and take our incomes in the form of wages and salaries, we have that income taxed. One of the things incidentally that I find obnoxious about the manner in which any income is taxed, and my colleagues' income is taxed, and incidentally my income tax when I was a college professor, not in the Government, is that I have been personally required all my working life, which began when I was 14 years old, to take some portion of my income and put it into the most ill-conceived, badly managed retirement program in the history of Western civilization called the Social Security system. I did not particularly like putting my money in a program mismanaged by the Federal Government as opposed to the other places I might have put my savings for my retirement where I could have managed them myself, but the law left me no choice. My Social Security tax is also included in my gross taxable income, and I pay income tax on that money. So, the Government is in fact literally taxing my income and taxing the taxes on that income with the FICA tax, that aberration in the tax code that ought to be attended to.

Now let us say, after I get done paying all my taxes, doing what I can for my children, my family, paying the ordinary expenses of mortgage, car payments, groceries and everything, I managed to save something.

□ 0650

Now, if in fact you are going to save and you are going to do so productively for yourself and your family in the future, you are going to put those savings someplace where they will, one, be safe; and, two, have a chance to grow. And you might do that in this great country of free enterprise by buying equity in American business enterprises. This is called a capital purchase. In doing that, buying that equity, you make money available for the great corporations of this country with which to invest in the machines and equipment where their labor force will be employed.

I was standing on the floor of a factory in my district talking to a skilled machinist one day. He was showing me a new machine, a million-dollar machine, with which he worked in that factory making landing gear for aircraft. He pointed out to me that he could not, nor could his entire family, with an entire generation of life savings, have acquired enough equity capital to have purchased this machine and have it put in place. So it was bought by a lot of folks.

So let us say that you hold that capital interest that you hold in the form of, perhaps, a stock, or perhaps in the form of an IRA account, or in the form of a retirement account, and as it accrues in value over the years, the increase in that value is mitigated against by the inflation in prices, so that you have in fact a nominal value increase that will be greater than the real value increase, because, of course, as prices go up the purchasing power of your dollar goes down.

You may get, for the dollar you put in this year, a dollar and a half 5 years from now, but if the dollar and a half 5 years from now only has 90 percent of the purchasing power of the dollar you put in, you only really then received $1.35 worth of income, or 35 cents worth of increase, rather than 50 cents worth of increase, because of the inflation mitigation.

Now, in our Tax Code we do not allow that person who has the discipline to save, to invest, to make capital formation possible, to index that capital gain for inflation so that they pay taxes on the real increase in the value. They are asked to pay taxes on the entire increase, which is in effect, again, taxing that same money over again. If you put your money in a savings account, you are taxed again.

What happens is that American people begin to realize, as Richard Kramer, a high school pal of mine, told me in 1958 "There is no sense in saving your money." I always call this the Kramer effect. That is because if you save your money, you are going to have inflation that is going to reduce its purchasing power 5 years from now, and even if you have anything left after the inflation has eroded the value of that money, the Government is going to tax it away. So his point was, "I will spend it now instead of later."

Now, if in fact we all spend it now instead of later, then we have nothing to supply the process of investment for which the machines can be purchased. Now, reverse that process. Let us say that we, No. 1, allow people who are disciplined and who have the right to index the increase in the value of their savings for inflation, so that in fact they are reporting to the Government their real gain, not an illusionary gain, and pay taxes at a lower rate on that real gain. Now, all of a sudden people have a greater incentive to save. "There is something in it for me."

I will guarantee you that I am no different than any other citizen in this country. I am not going to make a sacrifice of something I have now for something in the future unless I clearly see there is something in it for me that compensates for the sacrifice, and if in fact the potential gain that I can find is taken away from me, either by inflation or by government taxes, I am not going to make the sacrifice.

So if in fact we then urge that by a capital gains reduction people will in fact save more, investment will go forward, jobs will be created, and that is what history has proven.

Now, then, why would somebody want to kill the Archer-Jenkins proposal and create this recession, as the Senate majority leader, MITCHELL, a Democrat from Maine, did? Because, rather than understanding the way the economy works and the way people work within the economy, he was hidebound by an ideological proposition that somehow or another it is just that the rich be punished, and the mistaken conception that it is only the rich that enjoy capital gains income.

The fact of the matter—and let me close on this point—is if you are an American citizen today and if you have worked hard all your life, and if you have put any part of your earnings into a retirement program that you yourself control, rather than one controlled for you by the Government, that retirement program has its gain, its growth, its promise for your retirement security in the fact that it is held in the U.S. corporate securities in an equity holding with respect to the great firms of this country.

If you impose a capital gains tax, you are reducing the value of those retirement programs for all those hardworking Americans across this country, and they are the first, worst losers of these capital gains taxes. Not only do they lose the value of their retirement program, but they lose, all too often, their ability to hold and maintain a job.

I want to thank the gentleman for yielding to me.

Mr. DELAY. I am just constantly amazed at the gentleman from Texas' total grasp of what drives this engine we call the economy that brings the lifestyle and the standard of living that we have all come to enjoy in this country.

You know, I have been standing and participating in this special order all night, and I have been listening to all of the presentations, especially the presentations brought by the other side of the aisle. They called their all-night special order to illustrate the need and the emergency for having extended benefits for unemployment compensation. I commend them for their diligence and activism in that regard, but I think I would like to recap what I learned during the evening.

First off, according to the Democrats on that side of the aisle, there is a whole different history from the history that I remember living through in the 1980's. There is an incredible distortion. All night long we have heard how bad the 1980's were, how bad Reaganomics was, how the people suffered, how incomes went down, and how the country was in terrible shape.

I do not remember those 1980's. I remember the 1980's of a completely different nature, and I think the people in this country who lived through those 1980's understand it too. All incomes went up, some more than others, but all incomes went up. It is just fact.

We created, over a long period of time, if you take 8 years, 17 million new jobs; 10 years, 21 million new jobs, the longest—you have heard it before—the longest peacetime growth in the history of this country; growth, real growth in our economy.

But then I heard all the negatives of the 1980's blamed on Ronald Reagan. They gave him no credit for the good things that happened. In fact, they claimed there were no good things, and then they blamed the debt and the deficit on Reagan.

□ 0700

They were very careful, very careful to leave out some very important facts, that because of the Reagan policies that he was able to put in place, and he was not able to put all policies in place when he first took office, over the period of the 8 years that Ronald Reagan served, yes, the debt went up and the deficit went up under his administration. But I am quick to point out something that the Democrats failed to point out. That is that revenues almost doubled in that 10-year period, especially if we count 1989 and 1990. Revenues doubled. They went up an average of 7 percent to 8 percent a year every year in the 1980's. The only problem was that spending went up an average of 9 percent.

They also pointed out, I think erroneously, that Congress never spent over the President's request, that we always adhered to the President's budgets. I serve on the Appropriations Committee and I know all of this works. We always pass out bills that are usually below the request of the President, usually leaving out massive programs that we put back in supplementals later on.

Mr. ARMEY. Madam Speaker, will the gentleman yield?

Mr. DELAY. I am glad to yield to the gentleman from Texas.

Mr. ARMEY. Madam Speaker, let me first of all say that this point about the President's budget is a sore spot with me. I remember the passage of the Budget Reform and Impoundment Control Act of 1974. That act inspires me to Armey's axiom, which is any time the Democrats pass legislation with the word "reform" in the title, one must ask what is being taken away from the American people. And the Budget Reform Act of 1974 was designed to cut the President out of the budget process.

The fact of the matter is in early January, in every calendar year, the President must submit a budget for the ensuing fiscal year. And every President since I have been in Congress has met his deadline of January 3. The budget has been submitted to Congress. It has been a very thick document, perhaps 1,000 pages in great detail, spelling out the programs and recommendations of the President. And understand, the President makes a budget recommendation to Congress, and the Presidents have met that deadline and made their recommendations in great detail. Congress then, in the Budget Committee that I serve on, has set that set of recommendations aside by the President, given it nothing but ridicule, particularly focusing year after year on the economic assumptions of the President and belittling those assumptions. And then, in their efforts to meet a legal mandate to have a budget by April 15, they have never met the deadline to have their budget proposed, they have brought it out in October after the fiscal year has begun for which the budget is supposed to govern, and come to the floor of this Congress with a budget proposal from the Budget Committee that is generally less than this in its detail and has accepted all of the assumptions of the President that they belittled all year long.

Mr. DELAY. And I might add to the gentleman, waived that budget every time it got in the way of increasing their spending.

I might also point out that over the last 10 years this Congress has spent $515.8 million more than the President has requested.

Mr. ARMEY. If the gentleman will yield, the fact is if the Democrats who control Congress want the President to be responsible for the budget process, then they should pass a new Budget Reform Act that says the President will sign the budget that Congress creates or veto it, and that the Congress will then abide by the budget that is then a legally binding document. But let the American people understand that the budget, whatever form it takes—a thorough, complete job by the President, or a piece of flimflam by the Congress—is nothing but a political document. Once it is passed and Congress has done all of their political posturing, they simply go about their business, spending the people's money as foolishly as they like in total disregard even to their own budget.

Mr. DELAY. And usually presented to the President, those spending bills, in a take-all-or-nothing mode.

Mr. ARMEY. Absolutely.

Mr. DELAY. He has to either sign it or shut down the Government, which in some cases creates great controversy in this country.

Mr. CUNNINGHAM. Mr. Speaker, will the gentleman yield?

Mr. DELAY. Does the gentleman wish to talk on this topic?

Mr. CUNNINGHAM. Yes, I do.

Mr. DELAY. We are talking about the deficit and the debt blamed on Ronald Reagan during the 1990's. That has been going on this whole night.

Mr. CUNNINGHAM. I thank the gentleman for yielding. I think it is important to note that the money we spend just on interest on the deficit is more than we spend for all of the social programs together. Let me repeat that. The money spent on interest is more than all of the social programs put together.

Why is that important? The gentlewoman from the other side of the aisle on the Ways and Means Committee said that the unemployment bill that the Democrats put out was paid for. And how was it paid for? It was paid for out of a trust fund. That money does not exist. I would like to submit the CRS nonpartisan report that shows how that money does not exist.

If you have a shoebox and you have $8 billion in it, and you need some money, you put in an IOU in there because that money can only be spent for unemployment, and pretty soon you take more money out, and put in another IOU until you have a lot of IOU's in there worth $8 billion that say unemployment. How that works in the real world is you have taxes which feed the general fund, and in a nondeficit year, yes, that money, that excess money would go into that trust fund. But in a deficit year that money is drawn in and another IOU is placed in there. That money does not exist, and the President promised he would veto a bill that would increase the deficit by $6 billion or if he had to raise taxes.

Now the Democrats would love the President to have to raise taxes so that they can lambast him again. But he is not going to do that.

And I would say to my colleagues under NEWT GINGRICH'S plan, the Dole-

Michel amendment, it may not cover all of the people but at least we will get checks out. No checks will be put out if the Democrats want to proceed with their plan.

Let us sit down and get the Dole-Michel money out, the checks out to those folks it covers, and then I would ask my colleagues to sit down and we will discuss and argue out the rest and get the rest of the checks out that we need, and it will not cost the American public an increase in the deficit or an increase in taxes.

Mr. GEJDENSON. Mr. Speaker, will the gentleman yield?

Mr. DELAY. I yield to the gentleman from Connecticut.

Mr. GEJDENSON. Mr. Speaker, I only would just say we ought to get this deficit issue straight. Ronald Reagan never ended up with a budget that he did not want, because he could have vetoed it. No budget that becomes law went into effect with an override. When he became President the deficit was $900 billion from George Washington to the first day of Ronald Reagan's term, and now we are at $3.2 trillion, and most of that was under Ronald Reagan's watch and George Bush's watch.

Mr. CUNNINGHAM. If the gentleman would yield back, would you say that President Bush wanted the tax increase? The budget deal was that for every dollar raised in increase that we would cut spending $2, and what we are doing here is busting that agreement.

Mr. GEJDENSON. What I recall of the budget summit, and I was not a summiteer, was that the place the President drew the line in the sand was when someone proposed taxing people with $1 million a year in income. He was happy to tax boaters, he was happy to tax other people in lots of ways as long as it did not tax the richest 1 percent in the country.

Mr. DELAY. Just let me say the President was not happy to tax anybody. The Democrats would not come to the table unless the President put taxes on the table.

Now I do not guarantee, but I would be willing to bet, that if you asked the President today did he make a good deal, I think he would admit that it was a pretty bad deal. Anyway, the Republicans on this side thought it was a bad deal. We defeated the vote on the first budget agreement and tried very desperately to stop the second one.

Mr. ROHRABACHER. Mr. Speaker, will the gentleman yield?

Mr. DELAY. I yield to the gentleman from California.

Mr. ROHRABACHER. The only people I know in this town who are happy about increasing the taxes are liberal Democrats who believe that bigger government leads to a better life for the people. Now they honestly believe that.

President Bush does not believe that. President Bush was boxed in. He knew he was going to have to go back on a campaign pledge, but the Democrats gleefully boxed him in.

□ 0710

And now we hear this debate about really heart-wrenching stories. This is what we have heard all night from all across the country from people who are unemployed. Believe me, I feel just as bad when I hear these stories as anyone.

The question is, who made these people unemployed. Who is putting these people through the wringer? Who put these people through the wringer, who made them unemployed are the people who were taxing our economy out of existence, the people who are taxing private-sector jobs away and putting American citizens who could live in prosperity and happiness and should live in an economy where they can have a choice of jobs, they are putting them right out of work, and they are sucking all the money here.

Mr. GEJDENSON. It is as if you ignore history. Out of the last 24 years, there have been Republican Presidents for the last 20 years. President Bush has the lowest growth rate of any President since Eisenhower.

Mr. ROHRABACHER. But Presidents are not the ones who pass the laws. This idea that Ronald Reagan created a higher deficit, my gosh, if the same policies would have remained in place as when Ronald Reagan became President which then gave us, by the way, those policies gave us high inflation, high interest rates, much higher unemployment, if those policies would have stayed in place, the budget deficit would have been twice or three times as big.

The fact is it is not the President who passes the laws. President Reagan's policies were enacted to a certain degree, and to the degree that they were——

Mr. GEJDENSON. He claimed victory when they happened.

Mr. ROHRABACHER. To the degree that they were, we had less of a deficit and lower unemployment.

Mr. DELAY. Let me reclaim my time, because I am running out of time, and there are a couple of points I really want to make. I appreciate the discussion, and I think it is very, very useful.

But I just want to get back to why we are here tonight. And the reason we are here tonight is that the Democrats are blaming President Bush for not passing an extension of benefits to the unemployment compensation. All we are saying is pay for it, just pay for it.

I asked the majority leader earlier this morning, "Why do you not write a bill that you pay for?" And he says, "Well, we have a trust fund. We have already addressed that." There is no trust fund, so we are just asking you to pay for it by prioritizing spending in this country.

For instance, President Bush on this side of the aisle all night long has been blasted because he declared emergencies in order to bust the budget agreement to take care of people in foreign countries.

From the report on the Democrats' own unemployment, their own unemployment compensation extension bill, it says that, "But what is an emergency? The majority is arguing that the President and Congress has declared a host of emergencies already." Reference is then made to all manner of disasters all over the world. In fact, however, Congress and the administration have used the emergency clause of the Budget Act to exempt a total of only $1 billion from Budget Act provisions.

This money has been used for three purposes. Now, let us get this straight. What are the three purposes that President Bush is being bashed about? One is $236 million for disaster assistance to the Kurds and others affected by Desert Storm. No, we all understand, and I do not want to debate Desert Storm again. But all of a sudden that side of the aisle that voted against Desert Storm were all for it when it was going on, and then when that terrible disaster happened to the Kurds, that the Kurds would have lost their lives, lost their lives, not their jobs, the American people and this Congress decided to declare an emergency of $236 million.

The second one that the President is being criticized for is the most important one, and they will not tell you what that is, but I will. This is incredible. The President is being criticized for declaring an emergency overseas for what, $59 million to protect and evacuate Americans from the Persian Gulf region.

The third one is for, what, $850 million for Israel and Turkey to help them defray the costs incurred in supporting the U.S. in Iraq, and that was a major, major battle, if you will remember. Israel came in and wanted another $600 million on top of the $3 billion that they already received.

Now, all we are saying is that it is a disaster. It may be an emergency. We can debate that. But why do you not set priorities?

For instance, have unemployment compensation extension of benefits and pay for it by Congress' foreign travel. Give up your foreign travel, no more flights across the borders of the United States which will help pay for those people that we have heard from on all of these letters that were read all night long. Let us stop foreign travel by Members of Congress.

I do not know how much money that is, but I am willing to bet you that that is a big pot of money that can go to extended benefits for the unemployed. If you are so concerned about the unemployed, give up your foreign travel.

How about a whole list of things that we have suggested, an incredible list? Just pick a few out of here, like, oh, how about $500,000; eliminate $500,000, or save it, and send it to unemployment compensation by stopping research on animal waste. Research on animal waste? $500,000. How about $60,000 for surveying the nursery industry, or $450,000 for collecting the data necessary to produce the report, to produce the report on cotton gins? What about, let us just put a moratorium on Agriculture Research Service buildings and facilities that amount to $50 million?

I guarantee you you could find the $5 billion to $6 billion in this whole list of things like that in this. We are just asking you to set a few priorities and pay for this program. You do not want to pay for it.

Mr. ROHRABACHER. If the gentleman will yield further, for one moment, every one of those items that he is talking about, how did those get into the budget? They got into the budget because the people who control this body, the liberal big-spending Democrats who control this body were servicing special-interest groups at the taxpayers' expense. And what we have had is tremendous irresponsibility by sucking money out of the private sector, out of job-creating private-sector companies and transferring it to garbage special-interest programs like we have just heard, and they are so numerous, no wonder people are unemployed.

Mr. DELAY. I want to make my points, and I will get back to the gentleman.

I will give the gentleman just one more. Yesterday we debated the intermodal bill, and some called it the highway bill, but the intermodal bill because a lot of it goes to mass transit. We doubled the money, almost doubled the money, for mass transit. We took $13 billion out of general revenue and put it into mass transit, general revenue. We could have cut that in half and paid for this unemployment compensation bill.

Let me just go on and finish it, because I wanted to yield to the gentleman for his point.

Now, what we heard, this side of the aisle is talking about job creation, jobs, give these unemployed people the opportunity to get jobs.

This side of the aisle's answer to the economy is, first, the Gore-Downey bill, which is their growth answer, because I do not count any other growth packages that have come in the last 2 weeks of polls showing that it is popular to be progrowth all of a sudden, and a lot of Democrats have gotten religion, and they started copying some of our progrowth packages and manipulated them a little bit to please some political constituencies.

The Gore-Downey bill, there is nothing in the Gore-Downey bill that is progrowth. The Gore-Downey bill is a reflection of Democratic philosophy. It is a redistribution of wealth. It is taking from one group of Americans and giving it to another group of Americans, and nothing changes as far as creating jobs. That is one.

Their second answer is the highway bill. We are going to put everybody back to work by building highways and rail systems.

Now, I have got a little report here that was done, a summary, done by CBO, the Democrat group, the CBO. This report shows that in these highway bills, jobs, new jobs, are not created immediately. In fact, nearly 4 years, and I am quoting from the report, nearly 4 years after the trough of the recession and 2 years after the passage of the initial MPW, which is a highway bill, authorizing legislation, do effects happen to create new jobs. The jobs are not even going to be here when they want them. They are going to be 4 years down the road.

We did not change anything. Only 30 percent of construction spending goes to labor; 70 percent goes to material. So that $150 billion bill, only 30 percent goes to labor, and then we restrict that to Davis-Bacon so that only unions get this highway money.

□ 0720

That is not going to help the autoworker in Michigan or the poor person getting a job in the South Bronx or in these other places that we have heard the hard luck stories from. That is their growth package.

The Gore-Downey bill which is redistribution of wealth, the highway bill that only affects one industry and one type of worker, and then we go into extension of unemployment benefits to take care of the problems that were created by the budget agreement, that by the way every Member who has spoken here tonight voted for the budget agreement, except two, the gentleman from North Dakota [Mr. DORGAN] and the gentlewoman from Washington [Mrs. UNSOELD].

I exempted the freshmen because they did not have the opportunity, although I bet a bunch of them would have voted for it.

That budget agreement has cost more jobs than you can imagine. They are responsible for passing it, and now they turn around and want an extension of unemployment benefits that they will not prioritize and pay for.

Our view is not more new taxes, cut spending and have real growth packages, and I have got one real quickly.

A real growth package creates jobs by lowering the cost of labor, lowering the cost of capital, and lowering the cost of savings.

My bill that I have offered, and I have offered it back in February before the polls hit, my bill lowers the cost of labor because it cuts payroll taxes. You know, a lot of Americans pay higher payroll taxes today than they pay income taxes. It cuts the cost of labor.

We cut the cost of capital, and we had a discussion about cutting capital gains to 15 percent.

We move capital by moving depreciation, which is nothing more than a government scam. When somebody buys something, you have to expense it over a period of time so that the government does not lose revenue.

We phase that out into expensing so people start buying machinery and start turning production and start creating jobs because people are building that machinery to fill those factories, and than lower savings by new IRA's, a real IRA where people can invest up to $6,000 a couple and take it out tax free when they want to take it out, or take it out in the middle for buying your first home or educating your children or catastrophic illness. That is real growth.

What we are witnessing here tonight and the whole reason for the nightlong special order is a frustration of divided government.

Madam Speaker, the only thing I can ask the American people is do not give us any more divided government. Either give us a Democrat President or a Republican Congress.

Mr. MAZZOLI. Madam Speaker, will my friend yield for a second?

Mr. DELAY. I am glad to yield to the gentleman from Kentucky.

Mr. MAZZOLI. Madam Speaker, before I get into my point, I want to thank the gentleman for the hospitality of this past weekend when I happened to be in the gentleman's district. I enjoyed being with the gentleman very much.

I would just like to make, with respect to my friend, the gentleman from California [Mr. ROHRABACHER] the fact that just a second ago he was castigating big spending, leftwinging Democrats in these bills, that they spend wildly and everything; but I recall vividly last night barely a few hours ago the gentleman came over to pay tribute to the gentleman from New Jersey [Mr. ROE] who was managing this bill that we had on the floor, the highway bill, which has received a lot of disapprobation during this special order, and he came over and said, "You made a good effort and I am going to vote for your bill."

So I mean, this is some evidence of the fact that these bills that are crafted by left leaning wild spending Democrats are not all that bad.

Mr. ROHRABACHER. Madam Speaker, if the gentleman will yield so I can answer that, the fact was that I voted for that bill after we put our enormous energy and giving major speeches on the floor trying to pressure the Democrats out of raising the gas tax an extra nickel which would have hurt average Americans, after a great deal of strain on our part and pressure on our part to take some of the pork out of the bill, and I thought that the chairman had made a good faith effort to try to meet us halfway, but it was a 49-to-51 decision; but the gentleman is right, but we only did it because of pressure from this side of the aisle.

THE NEED FOR UNEMPLOYMENT COMPENSATION

The SPEAKER pro tempore. (Ms. DELAURO). Under a previous order of the House, the gentleman from Connecticut [Mr. GEJDENSON] is recognized for 60 minutes.

Mr. GEJDENSON. Madam Speaker, I yield to the distinguished majority leader, the gentleman from Missouri [Mr. GEPHARDT].

Mr. GEPHARDT. Madam Speaker, I thank the gentleman for yielding to me.

Madam Speaker, the city of Washington, the Capital of the United States, and the one city in this vast country that belongs to every American, is very beautiful and very quiet at 6 o'clock in the morning, eastern time, as this special order begins. The Capitol building, usually teeming with tourists during the business day, is eerily quiet; isolated.

In many respects, this stillness has a symbolic quality above and beyond the beauty of the morning. It is representative of the feelings of isolation that people feel toward their government.

The electorate, I know, deeply distrusts this Government.

In virtually every poll published in the last years, the American public is downbeat about the direction of the country. They believe it is the servant of special interests, and the rich. The broad middle class doesn't believe government represents them.

Twenty years of stagnant incomes has contributed to this mistrust. A generation of governmental failure—Vietnam, Watergate, the oil embargo, the hostages, the HUD and S&L scandals, et cetera.—cemented these feelings.

Government is no longer viewed as fair and is no longer seen as capable of solving problems.

As my friend, Scott Miller, has written:

> Government is the window at the end of the long aggravating line that says "closed," the instructions that don't make sense in English, the check that gets lost in the mail, the mutual scratching of backs over crystal glasses of Chardonnay, the grant to investigate the sex lives of Rhesus Monkeys.

Politics is no longer seen seeking solutions but is seen instead as the search for power and a competition for the spot atop a greasy pole.

A deeply concerned and committed group of people have done something extraordinary beginning last evening and into this morning.

Knowing of this isolation, and mistrust, they stayed at work all night to talk about our country, our economy, and the recession. Some will say, talk isn't action. But that is wrong.

For starters, we are discussing the history of why, after a recession that has harmed us for more than a year, the unemployed people of this country have not received extended unemployment benefits.

That history needs to be understood, and it needs to be repeated, over and over again. President Bush—the man who promised a kinder, gentler administration—failed to be either kind or gentle to more than 3 million Americans who lost their jobs for an extended period.

And we will discuss that history again.

But at a more basic level, this discussion is necessary because a vital democracy requires an ongoing dialog between the people and those they elect to serve them.

In a democracy, talk is action because the freedom to discuss these issues is what makes America the special place it is, and the better place we want it to be.

Congressman DAVID BONIOR, a Representative from Michigan, and the House majority whip, is responsible for this dialog. And he deserves special recognition for the role he is playing.

More important, he has been the legislative strategist helping the Democratic leadership in the House pass the unemployment compensation legislation.

And I want to thank him for bringing this discussion to the American people all night, all morning, for the last 3 months, and for all his hard work until we get this job done.

ECONOMIC BACKDROP

The Republicans don't want to talk about the 8.5 million Americans who are out of work. The Republicans don't want to discuss the lowest record of economic growth for any President since the end of World War II—a record established by President Bush.

They don't want to acknowledge that working Americans are paying more in taxes, getting fewer Government services, and experiencing stagnant or dropping incomes.

Our economic growth is lower than that of Japan, France, Germany, Holland and Italy. Countries whose laws provide their workers better skills, longer vacations, and family leave, also have higher levels of economic growth and larger manufacturing wages than the United States.

Our competitors have discovered what we have forgotten: When you keep a contract of cooperation and conscience with your working families, they will make your society more productive. That is why Europe and Asia are growing, and America is standing still.

America has always looked to the middle class, our working families, as the strength of our system—politically, socially and culturally.

Democrats believe that now is the time to invest in our workers because prosperity in the homes of middle-income families is now understood to be the foundation of national prosperity and national economic strength.

The American economy for more than 40 years was the envy of the world. It was the engine of growth and social justice. It produced goods and services and food in abundant quantities.

Our economy funded a humane public agenda that raised the incomes and aspirations of a growing middle class and improved the lives of the underclass. We had problems from time to time, but we grew and we produced jobs and we created opportunity.

For the last 10 years, Democrats have warned of a day of reckoning. We warned that excessive tax cuts for the rich, wasteful military spending, and neglect of the middle class would someday combine to dampen our abundance and diminish our prospects.

We warned that high deficits, reduced investment in public works, huge trade imbalances, and a stagnant standard of living for middle class people would hurt us not just individually but nationally.

We may have been heard, but we were ignored. We lived a paper prosperity and existed on fool's gold. And now, I believe, the day of reckoning is here.

Since last summer, America has been in recession. Layoffs and business failures have cascaded through this economy. Auto showrooms are empty. Hotels cannot give their rooms away.

Consumer confidence is virtually nonexistent. Profits are declining. People who served in Desert Storm are being discharged and they have nowhere to bring their skills. The workers who welded and shaped our defenses have lost their jobs, and they linger idle.

The problems of our economy are deep, they are structural, and they will take years to fix. But there are some problems, like helping the unemployed, that can be solved today, now, immediately. And I am not talking about welfare or short-term fixes.

When America has gone into recession, we have typically enacted long-term benefits to help the unemployed, and others. In a recession, this country makes a promise not simply to the jobless but to all of us.

By providing unemployment benefits to workers, we replace their wages and enable them to eat and take care of their children, and we fight recession by maintaining, even for a limited time, their purchasing power.

That is a promise we kept during the last Republican recession, and that is a promise we have wanted to keep during this Republican recession.

Unemployment insurance is not a welfare program. Every unemployed worker entitled to insurance checks has already paid a premium to the government while he or she was employed.

When you are in a recession, it often takes more than 26 weeks for the average worker to find a new job. That is why we pay long-term benefits.

While President Bush wants to keep this money in Washington, we believe the money in the trust fund belongs to the unemployed people who paid for these benefits.

He wants to kill the checks, we want to mail the money to the people to whom it is owed.

We should be paying those benefits now, and we would be—but for massive resistance on the part of the President, his administration, and his allies in Congress.

HISTORY OF UNEMPLOYMENT BATTLES THIS YEAR

In the beginning, when the recession was upon us, they were simply insensitive. Treasury Secretary Brady said the recession was "no big deal." It was administration's policy to say: the recession doesn't exist, and it will be short. Or, the recession doesn't exist, but we're coming out of it.

Their reaction was cruel, political; an act of denial. And they would not work with us to put together an unemployment compensation bill.

Finally, we decided to pass legislation over the administration's objections. The Labor Secretary called our effort a deterrent to economic growth. Budget Director Darman said jobless benefits encourage people to become unemployed. Then they stopped arguing and began deceiving the American people.

For months, the administration has been handing out foreign aid benefits to countries across the globe by using a loophole in the budget law.

The budget law generally prohibits new spending, but permits the President to declare emergencies and spend our money unilaterally.

And so the President saw suffering among the Kurds in Iraq. He declared their plight an emergency. And aid paid for by the generosity of the American people fed and housed and protected the Kurdish people.

The President saw suffering in Bangladesh, and he sent them aid to stanch it. The President saw the economic problems of Egypt, and he forgave their debts to us.

Time and again, the President saw suffering overseas, and he used the loophole in our budget law to spend American tax dollars to help foreigners. And these were worthy causes all.

This President is farsighted, no question about it. Not in the philosophical sense, but farsighted the way optometrists mean it. The President can see suffering overseas but not when it is happening right before his eyes.

Madam Speaker, $55 billion in help for disasters from Bangladesh to Kurdistan—aid to Egypt, Poland, Israel, and Turkey. But what about the jobless here at home?

Most of us in Congress thought the disasters here at home commanded our attention.

We thought jobless Americans in Cairo, IL were as important as starving people in Cairo, Egypt.

We thought the loophole in the budget law should be used to treat the economic emergency at home by permitting the expenditure of funds for unemployment benefits.

So we sent the President a law that enabled him to sign legislation and declare an emergency and help the jobless. And here is where the deceit came in.

The President signed the bill to show his concern. But then he failed to declare the emergency, because he was more concerned about the deficit than jobless Americans who couldn't feed their kids.

That wasn't concern, it was cynicism; it was heartlessness; it was irresponsibility. The kind of irresponsibility that leapt through the President's comment at a $1,000-a-plate fundraiser when he called our bill garbage.

So, the President killed our unemployment benefits bill last August. When we reconvened after Labor Day, Congress enacted another unemployment benefits extension measure.

We adopted a bill that didn't enable the President to show his concern. Our proposal simply said: This is an emergency. Our people need additional weeks of extended benefits. And we urged him to sign the legislation.

The proposal we sent to the President attempted to meet this need though not extravagantly. In my home district, for example, the average benefits for unemployed workers is around $143 a week.

These are not poor people, these are working people, and they deserve our help through a rough time, because they built this country. And this program is their insurance program—bought and paid for.

In September, I walked some neighborhoods in St. Louis without mailing notices ahead of time. Spontaneously, on every block, people poured out of their homes, and I ended up having an ad hoc town meeting on the street.

Among the participants were laid-off workers, middle-class people, angry and perplexed by the actions of a President to block these benefits. All I could do was tell them we'd fight as hard as we could to get him to change his mind.

We sent him the bill during the unfortunate events which gripped our country just a few weeks ago. As my colleagues will recall, the President received the measure during the second set of hearings which involved his Supreme Court nominee.

We hoped the President would sign the bill. But he did not.

With the public's attention properly turned to the Senate, the President quietly vetoed the unemployment benefits bill.

I don't think it's an exaggeration to say, he told the unemployed to drop dead.

This week, the House Ways and Means Committee reported out our third attempt to win benefits for the long-term jobless among us.

Next week, the legislation will be on the House floor. We will pass it. The Senate, I am sure, will do the same.

We speak to the American people in these extraordinary circumstances because we want them to rise with us and to urge the President to recognize their suffering. We urge the President to recognize the pain caused by this recession.

We want him to sign the unemployment compensation bill and to go about the great work that must also be done to rebuild this Nation economically.

Tonight, as my colleagues know, the administration again threatened to veto our unemployment bill. This is our reply: I know the President is more concerned about his foreign travel than unemployed Americans, but we feel differently.

We want to help the jobless feed their families, and a veto override might remind the President of his responsibilities here at home.

ECONOMIC POLICIES FOR THE FUTURE

Madam Speaker, before yielding to some of my colleagues, let me close with these thoughts.

America's role as the peacekeeper in the last half of the 20th century will be much heralded and studied by historians. But this much is clear: Our unstinting acts of protection for freedom were also acts of sacrifice.

As we rebuilt our weaponry, our competitors rebuilt themselves economically. We did not. And now we are in a recession.

The great casualties of the 1980's will be remembered as communism, whose passing we do not lament, and the American standard of living, which we must revive.

As we seek to define our future, we must ask the President this question: Where do working Americans fit in your new world order? While he extends his hand outward to help those in need overseas, he slams it down on working families here at home.

He stops us from cutting their taxes, and insists we raise taxes on the middle class. He stops us from helping them find health care.

He stops us from helping them send their kids to college and get the loans to do it. And, with one stroke of the pen, the President's hand will stop us from providing them unemployment benefits when the Republican recession cost them their jobs.

Fewer people are working today than on the January day in 1989 when President Bush took office. On that day, he promised to use his power to help people.

Today, he can use the power he has to help the American people weather the recession he and his economic policies helped create.

Tomorrow, we can turn our attention to the pro-growth policies we must adopt to catch our allies in the international economic competition.

So now is the time to act, and to take actions that will make a real difference in the lives of the American people.

Not the deceit of a capital gains tax reduction; that will only widen the gap between the richest in this society and the rapidly shrinking and deeply despairing middle class.

Not the absurdity of cutting more people from the Guaranteed Student Loan Program so that fewer middle class kids go to college. Because the fact is, we need to cut middle class taxes and expand the number of their children who go on to higher education. And Democrats expect to bring legislation that does those things to the floor this fall and next year.

Even if the President declines to act, we will act. Because we will stand with America's working families and work to rebuild this Nation economically.

CONCLUSION

I came to Congress in 1976 because I believed that a wise government can attend to the needs of the people we are sent here to serve. I believe that even more passionately today. I believe that action is what the people are demanding, and I understand that inaction is what frustrates them about Washington and the political system which seems frozen in the ice of its own indifference.

We cannot recapture their trust with one action; dedicated action is required overtime. But I say to the American people: hear our voices even now, at 6 o'clock in the morning, as the Sun rises over your Capitol. We are here to serve you, and we will try to do better in the days and weeks ahead.

□ 0740

Mr. GEJDENSON. I would like to commend the majority leader, the gentleman from Missouri [Mr. GEPHARDT] for his well-focused remarks. The only thing that I would like to add to it is that the picture is actually worse than even the majority leader portrayed it. In the case of some of our closest allies the United States has for some 50 years subsidized their defense. In the case of countries like Germany, France, and England, American military personnel and American taxpayers have been providing subsidies to their government. About $140 billion goes to Western Europe and Japan some 50 years after the end of World War II.

So, I wanted to find out what kind of benefits they had in Germany for the unemployed, particularly for people who are unemployed in their midfifties and later, where oftentimes it is hardest, even in a growing economy, to get a new job.

□ 0750

In Germany they have 130 weeks of unemployment for some of these people. Now, why can they afford not only 130 weeks of unemployment, parental leave, and national health care? Because American taxpayers are transferring $140 billion from this country to theirs so that they can pay for health care and education and unemployment compensation which we apparently, according to the President, cannot afford. We hope the President would lead the administration to negotiate with our NATO allies to stop this. Let them pay for it. Their per capita income is higher than ours, their economies are growing faster than ours, and frankly, we need to bring those dollars home to revive our economy.

Let me spend one moment on what unemployment compensation does for our economy, not the people that are unemployed. The difference is clear. If you want the President's proposal, you are talking about helping less than 400 people in a congressional district, as compared to over 3,000 people in the proposal the majority leader outlined, per congressional district. I do not know what the President and his administration think is going to happen to the over 2,000 people that he pays no attention to, but for us in this Congress, I think it is our responsibility to make sure that they are well taken care of.

But it is the same thing that happens in a housing crisis. If everybody is selling their house in the neighborhood, the value of your house is going to go down. If we are dumping real estate on the market, everybody's real estate starts to fall.

It is the same thing with the unemployed. As the unemployed lose their purchasing power, as they are no longer able to take care of the needs of their families, everybody in that community is impacted. People lose their jobs because these former workers no longer are able to buy the necessities for their own families, and as they lose their homes, other people's homes lose value in the same community.

This is not simply a program that helps those who have a right to expect it after having worked for decades paying taxes, providing for the assistance to pay for NATO and for our support for the Japanese, and now we say we cannot afford to help these people. Hopefully this will also be a lesson to America in general.

There is a feeling often that Congress gets gridlocked. Congress is not gridlocked. We passed this bill twice by two-thirds in the House, by just two votes short of two-thirds in the other body. It is not the Congress that is gridlocked on reviving the American economy, it is the administration.

Running this government by veto and threat of veto is what has brought us to this point, with deficits that annually are larger than the entire 4 years of the Carter administration.

You know, it is interesting. The administration and its predecessor run for office based on the fact that the President leads the country and sets the direction and the tone of the country, and then when they get there, it is everybody's fault but theirs. We are going to have to take the challenge here. We have the votes in this body to pass this extension by over two-thirds, and I hope we can work with the Members of the other body to make sure that Americans are not left behind.

At this time I would like to yield to Mr. DYMALLY.

Mr. DYMALLY. I thank the gentleman for yielding.

Let me express my deepest disappointment that my colleagues on the other side indulge in partisan rhetoric rather than facing up to the problems which we are now experiencing with the unemployed all over this country. Rather than addressing unemployment, or rather than addressing the issue before us, they are defending President Reagan, who is in retirement, receiving large honoraria from Japan. That is a very irrelevant response to a very critical issue here today.

Madam Speaker, I rise to speak on behalf of the jobless men and women of our Nation. Those who have labored long and hard to make sure that our Nation is an economic world leader, but instead discovered that more and more of them are without jobs. America, despite its military prowess, is no longer an economic superpower but rather is struggling to survive strong competition from Japan and Europe. We are in the middle of one of the worst recessions, in fact the third worst recession since World War I.

By July of this year, the national unemployment rate was 6.8 percent, this means that more than 8.5 million Americans are jobless, and actively looking for work. Unfortunately, this is not the whole story, because this figure, depressing as it may seem, does not include the 1 million workers who had given up their search for jobs that do not exist, and have dropped out of the work force. Unemployment affects all regions of the United States. The highest unemployment rates are in West Virginia, Massachusetts, and Michigan; other States suffering higher rates than the national average include, Florida, Pennsylvania, New Mexico, and my home State of California which ranks ninth in the Nation. My district suffers from an average 7.6 percent unemployment rate this year. Yet the trend is more disturbing. Since March there has been an increase in unemployment reaching levels of up to 8.5 percent. Again these figures are misleading because they fail to show the number of people who have given up on looking for work.

During the past 6 months, more than 2 million people have exhausted their unemployment benefits. At best 1.3 million of those are still jobless, and without benefits. Historically, the Federal Government has shouldered its responsibility by providing an extended unemployment benefit program to help workers during an economic downturn. During the Reagan administration's budget cuts, the level of unemployment required before extended benefits could be made available was so extreme that most States were excluded from the extended benefit program even when the Nation plunged into its deepest recession of the postwar era in 1982.

Currently, only a few States offer extended benefits, and less than 5 percent of the 334,000 people who exhausted their regular benefits reside in any of those States.

Congress has tried twice this year to fulfill its responsibility to the American people by passing—in July—legislation extending jobless benefits for up to 20 additional weeks in States hit hardest by the current recession. It was not implemented because the President refused to declare an emergency. Congress then passed a second bill, S. 1722, which contains within it the declaration of emergency. Again the President refused to allow this bill to become law. Only this time he vetoed it. S. 1722 would have provided extended benefits to 80 percent of all those who exhausted their benefits in the last 6 months, provided that they continued to look for work. And to all those who expected to exhaust regular benefits during the next 10 months. Under S. 1722 the number of weeks of extended benefits depend on the severity of unemployment in the State. While all those exhausting their benefits in the future would receive a minimum of 7 weeks, those in States with a 7- to 8-percent unemployment rate would receive 13 weeks of benefits. A State like California with an unemployment rate exceeding 8 percent would be eligible for 20 weeks.

We have no alternative but to pass another extended unemployment benefits bill until all jobless Americans are helped. We have to ask the American people to support us in making their voices heard, because no one can be certain who will be on the unemployment rolls next.

Madam Speaker, I say all this with seriousness because any one, who was in a period of his life jobless, knows what this means for him, or her and for a family. Yet, I do realize that what we are trying to do here is a short term solution; it is similar to a cold medicine—where the symptoms are relieved but the disease is not affected. We have to examine our society, after more than a decade of Republican rule and try to devise a policy which will save our Nation from this recession. If we look around, it is not difficult to see that the problem of homelessness has not improved but rather increased. The cost of affordable housing is still beyond the means of many young people. The quality of life for the middle class has declined. In fact the middle class shrank, at the same time that the rich got richer.

We have to take a hard look at our policies, increase our investment in education, job training, and job creation. We have to ensure that our system of taxation is more equitable for the middle and working classes of our society. And we must support our industrial sector as we convert from a war to a peace economy, retrain our workers, and help them find new jobs. We have to deal with the problem of job migration by irresponsible corporations, who regardless of their increased profits, dismantle their U.S. factories and relocate to where the rate of exploitation of workers is greater. It is troublesome when one talks to average Americans or reads some of these horror stories such as the one cited in the October 20, 1991, Philadelphia Inquirer. A metal stamp worker, Mollie James, worked for 33 years to earn a $7.91 hourly wage, only to see her job terminated as new management transferred jobs to Mexico where the hourly rate is $1.50. All that Mollie James got for her 33 years of service was $3,171.66 in severance pay, or a little under $100 for each year she had worked.

Mr. Speaker we have a responsibility to the Mollie James of this Nation, not to allow this to happen again. We must protect their jobs, and failing that at least provide them with adequate unemployment benefits.

Mr. GEJDENSON. Mr. Speaker, I yield to the gentleman from New Jersey [Mr. ANDREWS].

Mr. ANDREWS of New Jersey. I thank the gentleman for yielding.

Mr. Speaker, it has been a long and impassioned night of concern and commitment about this issue, and the sun is rising over Washington, DC. But for many Americans, it is still night. Mr. Speaker, there are Americans who are getting up this morning and about to send their children off to school in tattered clothes because they cannot afford new ones, without enough money in their pockets to pay for a decent school lunch, and for them it is still night.

There are Americans who will sit in courtrooms this morning across this country in foreclosure proceedings as they lose their homes and their businesses, and for them it is still night. There are Americans who will leave their homes this morning and go stand again in the unemployment line, if they have not already exhausted their benefits, and for them it is still night.

It has been a long night of a long recession, and the minimum that we can do is that we extend a helping hand to those in the middle of that night with some brightness and some hope in the form of an extension of unemployment benefits. It is the minimum standard of decency that we extend some help to those people.

What we ought to be doing and what I hope this body will do in the future, is to talk about getting them back to work. Where do we find the money to get them back to work? Take it from the foreign defense subsidies, as Mr. GEJDENSON just said; take it away from the bailout of the savings and loan institutions; make the RTC act more like a business; take it away from some of the wasteful programs that get funded year after year after year here in Washington, and to make people who have fathered children start to take some responsibility for the children they have fathered.

Take it from there. End the long night for people who have suffered and begin some ray of hope, some rising sun in their lives. I hope we will begin by passing this bill next week, having the President sign it, and moving on to economic growth.

Mr. GEJDENSON. I yield to the gentleman from Oklahoma [Mr. SYNAR].

Mr. SYNAR. Mr. Speaker, the long-term unemployed are bearing the brunt of the continuing downturn in the economy. The longer these persons are unable to find enployment, the more critical the impact is on them and on their families. The families in Oklahoma, unfortunately, are not exempt from the effects of this continuing recession.

Unemployment is a reality, and a long-term reality. Many of my constituents are unable to find jobs after being laid off. This means that many cannot pay basic expenses and thus face the loss of homes they worked so hard to purchase.

The high school graduates and college graduates cannot find employment and if they are so lucky it usually means a job in low paying service jobs. These jobs are often without any long-term benefits, health insurance, and pay minimum wage or only slightly above minimum wage. These jobs destroy any dreams of owning homes or supporting a family. Many of these kids end up living with their parents for longer and longer.

It is inconceivable to me that President Bush has vetoed two different unemployment benefits bills on the basis that they would bust the budget. The unemployment trust fund was designed specifically to address the need for unemployment benefits in time of crisis.

The refusal to use the unemployment trust fund for its intended purpose means that businesses alone are paying a special tax used only to reduce the deficit. They are contributing more than their fair share of deficit reduction. At the same time, emergency funds are allocated to pay for overseas emergencies.

Under Presidents Eisenhower, Nixon, Carter, and Bush, extended benefits were provided. President Bush has failed in his obligation to the American people to provide for them in time of greatest need only because of his fear of being proved wrong about the state of the American economy.

The time is long overdue for President Bush to spend time in his own country talking to people that have been actively looking for jobs for over 26 weeks. He needs to get out off his lecture circuit and his rounds of foreign meetings and see what is happening in America. Maybe then will he understand the need to stop playing politics with the disadvantaged in this country.

□ 0800

Mr. GEJDENSON. Mr. Speaker, I yield to the gentleman from Kentucky [Mr. MAZZOLI].

Mr. MAZZOLI. Mr. Speaker, I want to thank my friend from Connecticut for yielding this time. I want to salute the leadership for having scheduled this special order which has gone on through the evening, because it does focus attention in a very poignant way on just exactly what we mean when we talk about unemployment.

I can give you the statistics for Kentucky, my home State: 7.7 percent unemployment translates into 140,000 people. That is up 50 percent in 1 year.

In the Third District which I am privileged to represent, which is constituted in Louisville and Jefferson County, KY, 7.2 percent are unemployed. That translates into 21,000 people. That is up 35 percent.

Now, those are the raw numbers. That is important, and that is certainly a detail which we have to seize upon. But much more important than the numbers are exactly what those numbers mean. Those numbers mean men and women and people who have been workers steadily for many, many years. It means people who have been contributors for many years. Those are the people that stand behind each and every one of these numbers.

So what this special order has done and what the majority leader's statement a moment ago did very vividly is to paint the real human dimension of this thing we call unemployment. Therefore, having voted for the unemployment bills that passed this summer, the unemployment bill that passed this month, I intend to vote for the unemployment bill which will be on this floor next week.

I would only ask the President to look behind the numbers and see the faces of the Kentuckians, the Oklahomans, the Missourians, the New Yorkers, and all the people who stand behind those numbers. I hope the President, looking at the human dimension of unemployment, will sign this bill into law.

Mr. GEJDENSON. Mr. Speaker, I yield to the gentleman from Virginia [Mr. PAYNE].

Mr. PAYNE of Virginia. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, last week, the Encore Shoe Corp. in Chase City, VA, announced that it will be closing its doors at the end of January; 207 employees will lose their jobs.

This is the 10th business or industry that has closed its doors in a 3 county area since last November. Encore's Earl Kanz had this to say to the Chase City and Clarksville news people following the announcement:

> This was an extremely difficult decision to make, and not a pleasant one.
>
> The economy and the availability of lower-priced imports played an extremely important part in the decisionmaking process.
>
> We're being driven by the retail climate and the very fact [that] there is a decrease in the prices people can pay for merchandise.

Like so many of the accounts we have heard over and over since last night, this announcement has a tragic, human dimension to it; 207 more people—many with families—will lose their jobs.

Darlene Clark, after learning she would lose her job at Encore, had this to say: "I want another job, but I don't know where to look."

How many more Darlene Clarks are there in the Fifth Congressional District who want another job, but don't know where to look?

How many more Darlene Clarks are there across Virginia? Across America?

Mr. Speaker, in my Southside Virginia District, I am concerned that few of those laid off from the Encore shoe plant have any hope of finding another job any time soon—full-time or part-time.

Listen to the unemployment figures from my rural congressional district.

According to the latest figures available to me this morning, unemployment now stands at 18.5. percent in Lunenburg County, 12.4 percent in Prince Edward County, 8.6 percent in Franklin County, 8.3 percent in Charlotte County, and 8.1 percent in Halifax County.

In Matinsville, it is 9.8 percent. Danville, the largest city in the Fifth Congressional District, has an unemployment rate of 12.5 percent. These statistics represent families, friends, and neighbors who, through no fault of their own, are out of work.

Thousands of these workers have now exhausted their unemployment benefits. Thousands of these workers are increasingly unable to make mortgage and car payments, or pay the rent, or afford the weekly grocery bill.

Congress has approved legislation that would allow every State to provide emergency unemployment compensation benefits to unemployed workers who have exhausted their unemployment benefits.

We proposed to pay for those benefits by drawing from the extended benefits account of the unemployment trust fund.

The balance, paid by employees, in that fund now totals approximately $8 billion.

The Department of Labor estimated that after financing the full $6.4 billion of the emergency unemployment compensation benefits, the trust fund would still have a balance of nearly $2 billion at the end of the fiscal year that ends September 30, 1992.

I would like to read a letter I received recently from Betty Coffey, a constituent who lives in Altavista, VA.

> DEAR CONGRESSMAN PAYNE: I was disappointed last night when I heard the veto of the unemployment bill was not overridden.
>
> My husband was laid off from work at the Lynchburg Foundry March 15, 1991, because they did not have enough orders. My husband is 59½ years old.
>
> On September 12, 1991, he went to work for BGF in Altavista. On Monday October 14, he was told Friday the 18th would be his last day. He was also told he was a good worker and it was not anything he had done. Business has slowed down.
>
> We feel the millions of unemployed out there should be helped until the recession is over.
>
> Sincerely,
>
> *Betty Coffey.*
>
> P.S. Fred's unemployment ran out in September.

I believe that our Government must provide a safety net for its citizens when a weak economy means that millions of Americans have no immediate prospects for employment, especially when dedicated trust funds are sitting idle and unspent in Washington for just these types of circumstances.

Mr. Speaker, I believe it is our duty to the citizens of this county to quickly extend our unemployment benefits to our workers until our economy gets back on its feet. I hope the President will focus on the importance of helping our unemployed citizens and join with us in doing our duty providing extended unemployment benefits.

Mr. Speaker, I request that a copy of two articles from the October 14, 1991, edition of the News-Progress of Clarksville and Chase City be entered into the RECORD.

Mr. Speaker, for the RECORD I submit the newspaper articles concerning the Encore plant closing.

ENCORE CLOSING DOORS

(By Cathy Cochelin)

CHASE CITY.—More than 200 area residents will lose their jobs by the end of January when Encore Shoe Corp. closes its 3-years-old Chase City plant, officials with the New England-based company announced last week.

"This was an extremely difficult decision to make and not a pleasant one," company official Earl Katz said Thursday by telephone from his Rochester, N.H., office.

"The economy and the availaility of lower-priced imports played an extremely important part in the decision-making process. We're being driven by the retail climate and the very fact there is a decrease in the prices people will pay for merchandise."

News of the closing was delivered to Chase City on Tuesday by Encore's vice president of manufacturing, who spent the day in meetings with plant manager Eugene Allgood and employees, Katz said.

Layoffs of the Dodd Street facility's 207 employees are expected to begin Friday and continue until the plant closes on Jan. 31, he said.

"We've talked about mothballing the plant until spring to see if conditions improve such that we could resume operations, but all of that is just up in the air right now," Katz said.

The company, which manufactures men's and women's casual and dress shoes under the "Zodiac" label, closed another plant in New England last winter, and when the Chase City plant is gone, only a manufacturing facility in Rochester, N.H., and an imports warehouse in Maine, will remain as Encore Shoe Corp.

When the Encore plant first opened in Chase City, the company did not import footwear, but Katz said that in the last two years the firm has had to join the import business.

"It's extremely difficult to compete with countries such as China that pay employees $1.50 an hour," he said.

The Chase City plant opened in April 1988 under a five-year $165,000 lease-purchase agreement with the Town of Chase City for the building and a contract with former occupant Craddock-Terry Shoe Co. for the equipment.

Craddock-Terry closed its operations in Chase City after declaring bankruptcy in 1987, and the town later purchased the 46,000-square-foot facility with industrial development funds and entered into the agreement with Encore.

The company added an additional 6,000 square feet of space to the facility in 1989.

Chase City Town Manager Rickey Reese was out of town when news of the closing was first made public last week, but he said Thursday that he talked with Katz by telephone as soon as he was told of the shutdown.

"Of course, we're very sorry that people will be out of work, but hopefully, the retail climate of the shoe industry will change and either Encore can reopen here or another shoe manufacturer will come into the facility," Reese said.

He said Encore officials said they might be in a position to help the town secure another shoe manufacturer for the building should Encore be unable to return.

Meanwhile, Katz said his company would continue to make monthly payments to the town according to the lease-purchase agreement. Those payments fall between $3,000 and $4,000 per month, depending on the current interest rate, Reese said.

"They have assured me that they will continue with their obligation to the town," Reese said, "And again, hopefully, the economy will take an upturn and they will be able to come back to Chase City."

News of the shutdown came as a shock to many plant employees Tuesday, according to plant manager Eugene Allgood of Victoria.

"We had no idea this was coming," Allgood said. "Things had been a little bit slack in the last few weeks, but just before that, we were working steady and even had overtime. Domestic shoes are just not selling."

He said some of his workers had already found new jobs and he expected others to leave as the days go by.

Katz said his company is taking steps through the Virginia Employment Commission to place eligible employees in retraining programs.

"We have had pleasant relationships with the people in Chase City," he said. "Our employees have done an excellent job for us and this closing is in no way a reflection on their workmanship."

ANNOUNCEMENT ROCKS COMMUNITY, NOT WORKERS

CHASE CITY.—News of the impending closing of Encore Shoe Corp.'s local plant spread quickly through Chase City late last week as employees and their families, merchants, business leaders and town officials contemplated the loss of an annual payroll estimated in excess of $2 million.

Although officials at Encore's home office in Rochester, N.H., refused to release total annual payroll statistics for the local plant because of fluctuations as the number of employees and the hours they work, the loss of weekly paychecks for the 207 people to be affected by the closing is sure to be felt in Chase City and the surrounding area.

To be hardest hit by the closing, which is scheduled for completion on Jan. 31, are employees of the plant, many of whom have worked at Encore since it opened here more than three years ago.

"I hated to hear about the closing," said Shirley Barnette of Chase City, a 34-year-old single mother of two. "But I knew that there was nothing I could do about it. I shouldn't have hung in here until they decided to close."

Employed in the plant's shoe sole pairing department for more than a year, Barnette said she intends to look for another job, although she hasn't decided on a new occupation.

Darlene Clark, a 22-year-old Chase City resident who has been in the plant's cutting department for three years, said she might use the closing as an opportunity to return to school.

"I'm not sure what I'll do because there are no more jobs out there," Clark said. "All the jobs are taken. I want to find another job, but I just don't know where to look."

In recent months, she said her hours at Encore had dwindled to about 13 per week.

Joyce Daniel, 33, of Chase City, the mother of four, said she was not shocked to learn of the closing because rumors to that effect had been traveling among employees for months.

As far as benefits, Encore Shoe Corp. offered its employees in the Chase City plant a health insurance plan that is financed equally by the employee and the company. Encore officials said Friday that they did not know how many employees were enrolled in the plan.

Outside the walls of Encore, members of the Chase City business community received news of the closing with concern.

"Any business that closes down in Chase City is not good news," said Allen Murray of Central Fidelity Bank. "It affects the individuals personally and jeopardizes the stability of the community. Everyone is affected."

Murray said townspeople must join together in securing a replacement industry if Encore is unable to return.

"I've been very distressed and concerned over this announcement," said Chase City Council member Ruth Scott. "I'm just sure it's going to be felt all over town, by the merchants, in the restaurants. It's a great loss to the town and I just don't know where these people are going to find work."

Representatives of the Virginia Employment Commission in South Hill met with plant management Thursday and said they would return to the plant next week.

"We presented several options to the plant manager and supervisors and now it is up to them to decide what to do," said VEC supervisor Midge Shipley.

She said her office could begin registering employees for job services before the plant actually closes, as well as provide in-house seminars on topics such as stress and budget management.

Approximately 10 businesses and industries in Mecklenburg, Brunswick and Lunenburg countries have closed since last November, Shipley said.

Mr. GEJDENSON. Mr. Speaker, I yield to the gentleman from Michigan [Mr. KILDEE].

Mr. KILDEE. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, my mother is 91 years old. Every Sunday morning after Mass I have breakfast with her and get great wisdom from her.

Recently she said, "You know, DALE, things are getting like they were back in the 1930's."

I said, "What do you mean, Mother?"

She said, "Well, the unemployment we have here, Flint has been terribly stricken by unemployment, automobile city." She said, "The way we are treating their unions at Castle's, they just busted the union there." She said, "They don't like sharing this country with us."

My mother is a very wise woman. "They don't like sharing this country with us."

You know, my mother is a matriarch of a family that has always worked. She went to work when she was 16 years of age in the factory in Muskegon, MI. She is worried about her children, mostly her grandchildren and her great-grandchildren, who are not able to get jobs. She has seen this country in good times and in bad times, but she has concluded they don't want to share this country with us.

Mr. Speaker, that is great wisdom. I have seen this change, and she has seen this change in her 91 years. We have got to turn this country around and make sure that everyone in this country has what is right. Unemployment compensation is a matter of simple justice.

Here is a woman who since she was 16 years old went to work, and all she is asking for is help for those people who are willing to work, people that have shown they want to work.

Mr. Speaker, my mother is right. Please tell President Bush to share this country with us.

Mr. GEJDENSON. Mr. Speaker, I yield to the gentleman from Kansas [Mr. GLICKMAN].

Mr. GLICKMAN. Mr. Speaker, DALE KILDEE's mother and my father must have either gone to the same school or been of the same generation, because my father has etched on his mind the image he has conveyed about the Great Depression—hopelessness, frustration, the seeds of economic and political chaos.

Out of that depression grew a government that provided confidence for people, an administration that said we care about folks that are hurting, and out of that came the safety net of the New Deal.

Kansas, where I am from, is not a high-unemployment State. Our numbers are less than 4.5 percent. Yet in my own district there are nearly 15,000 people unemployed, many of whom have fallen through that safety net and are no longer eligible for unemployment benefits.

In my whole State there are 60,000 people unemployed. Those numbers do not reflect the sorry state of American agriculture, which has suffered so dramatically and whose numbers do not compute into the national unemployment figures.

□ 0810

But as I said before, etched in my mind is the Great Depression, the life that my father and mother shared during that time period, and the fact of what government can do, which is several things. One is to help people through the tough times. That is what President Bush seems to have forgotten about.

Millions of Americans are having extraordinarily difficult personal times in their lives, and the extension of these unemployment benefits will allow the people to make it through the tough times, make it through with some dignity.

But beyond that, our Government can provide people with the confidence and the job-building capability in order to ensure that jobs will be there in the future. The years during the Bush administration have been the worst economic growth in the last 40 or 50 years. Our job is to turn that around. Our job is to give people confidence that this country can work and provide opportunities for the folks who are working and for their children and grandchildren.

The first step is to pass an extension of unemployment compensation which will take the sting away from our bad economy. Our next steps are to build the confidence, to build jobs so that folks 10 and 15 years from now will not have to face this problem again.

I thank the gentleman for yielding.

Mr. GEJDENSON. Mr. Speaker, I would just say more supply-side economics is throwing these people who have lost their unemployment benefits a lifeline after they have gone under. Even if you believe that we could go through this supply side ruse one more time, and there are not a lot of people trotting out Professor Laffer as their economic guru these days, by the time the recovery will come these people will have lost their homes, their cars, and their kids will have been pulled out of school.

Mr. Speaker, I yield to the gentleman from Florida [Mr. SMITH].

Mr. SMITH of Florida. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, this is a fascinating exercise because you can use a lot of rhetoric, you can use a lot of descriptive language, you can use a lot of everything with the command that you have of the English language, but you cannot obscure the facts. No matter what you say from this well or from the committee table or the President says from the White House, you cannot obscure the facts.

The facts in Florida are that in my 16th Congressional District for the last data available, 27,625 people were unemployed. That is 8.4 percent of the work force.

You cannot dispute the fact that in the period January to March of this year alone 22,000-plus workers were laid off, and of those, 3,000 had already exhausted their benefits.

You cannot dispute the fact that there are every day more and more downsizing, bankruptcies, closings of plants and businesses, day by day putting more and more Americans out on the street.

The President can continue to have his advisers come forward and be disingenuous enough to tell Americans that the recession is over. They know better. We know better. When you go home and you go to the unemployment office you see more and more new claims being established by people who for some reason do not have any idea the recession is over. They just got fired for no fault of their own.

Florida Power & Light has just announced a downsizing, 1,500 people. Allied Signal just had a downsizing, 6,000 people. Delta bought Pan Am, a number of thousand will be laid off. Eastern went out of business, 6,000 more in my area laid off.

These are facts, and the President of the United States can sit in that White House all he wants and wag his finger and say, "I feel terrible, but I am going to play golf. Tell me when this is over." And by the way, you, Mr. Boskin, and you, Mr. Darman, and you, Mr. Sununu, and you, Mr. Fitzwater, the ultimate in twisting the realities, go out and tell them the recession is over. They will believe you. We created a few jobs.

The difference is the number of jobs that are being lost has far exceeded the number of jobs that are being created.

These are Americans. These are our constituents. These are our friends and neighbors. These are people that make up the backbone of this country, and they are being neglected by the man in 1600 Pennsylvania Avenue.

America must wake up. This is going to continue. It is going to get worse until the President of the United States decides to join with the rest of us who have twice voted to extend these unemployment benefits to friends and neighbors who deserve them, people who fought in Vietnam, people who fought in the Second World War and people who fought in Desert Storm.

You cannot mouth platitudes anymore. You do not get bread from being concerned, you get bread from working.

The President has a job. Now is the time to give the rest of Americans who do not have any more benefits a chance to live like decent human beings until they can find that job so that they can support and feed and clothe and house their families, their kids, the future of our country.

I thank the gentleman for yielding.

Mr. GEJDENSON. I thank the gentleman.

Mr. Speaker, I yield to the gentlewoman from Indiana [Ms. LONG].

Ms. LONG. Mr. Speaker, I am pleased to join the dozens of Members who have—throughout last evening and this morning—spent hours discussing a real problem facing real Americans. As we know, the problem is unemployment in our Nation. As we also know, this is a problem that the Congress has addressed by passing legislation to extend unemployment benefits. And as we also—unfortunately know—the President did not agree that these measures to assist unemployed Americans and their families were worthy of his support.

One of the reasons that the administration opposed the measures was that they believed that the recession was over and that the need for extended unemployment benefits had passed.

This is simply not true. As economists will testify, the unemployment rate is one of the last economic indicators to show improvement when you come out of a recession. With the growth rates coming out of this recession projected at about 2 to 2.5 percent of GNP, uncharacteristically low by historical standards, we can expect the number of long-term unemployed workers to continue to rise, even after we are officially out of a recession. Clearly, the administration argument that we don't need to extend unemployment benefits because the recession has ended is a red herring.

Mr. Speaker, I want to call attention to the fact that while September's unemployment rate stands at 6.7 percent—about 8.5 million people—only 14,000 individuals currently qualify for extended benefits. This year, less than 40 percent of the unemployed workers receive unemployment benefits. In addition, this country now has over 4 million uncompensated unemployed workers. In contrast, in 1975, the unemployment rate was 8.5 percent. However, over 900,000 workers qualified for extended benefits and 75.5 percent of the unemployed received benefits. Even though the unemployment rate was higher in 1975 than it is in 1991, we have twice as many workers not receiving benefits than was the case in 1975.

In addition, there has been constant growth in the extended benefit trust fund balance since 1986. This year, the balance in the trust fund is over $8 billion. It doesn't take a genius to figure out why this fund has been growing by leaps and bounds—those who need extended benefits cannot qualify for them. What good is an extended benefit program if it does not serve those who need it the most?

When individuals are faced with these critical situations, and they see Government failing to address their problems, they get angry. I get angry too. The unemployment insurance system in this Nation was designed to assist unemployed Americans. Americans paid into the unemployment insurance trust fund. Employers paid into the unemployment trust fund. Money is in—and has been in—the unemployment trust fund. It is there ready, and waiting to be used for its intended purpose.

Mr. Speaker, nobody likes to be unemployed and throughout last evening and this morning, we have heard stories of good, decent, hard-working Americans who face—for the first time in their life—almost unbearable economic hardships. Though their hardship was brought about by an economic recession, the fact that this country has a broken unemployment compensation system only adds to their plight and frustration.

The hard-working constituents in my district, unfortunately, are intimately aware of this country's failures with regard to unemployment compensation. It fact, we had one frustrated individual from my district who called and described his plight. His unemployment benefits expired, he could not find a job, and he was frustrated. When he visited my office, he had just been evicted from his apartment. The only option available to this individual was to seek shelter at the local rescue mission.

Families in my district are also suffering due to the failures with the unemployment compensation system. I recently had a call from a family with six children. Like many families, both parents had to work in order to feed and clothe their children. Several months ago the father lost his job and exhausted his unemployment benefits. Even after constant searching, he still cannot find work. This family does not ask the Government to provide them with a handout, they simply would like an opportunity to support themselves.

The Congress sent the President legislation to address this issue. The measures did waive the requirements of last year's budget agreement in order to assist unemployed Americans. The measures would not have—I repeat they would not have required the President to raise taxes. We do not need to raise taxes to pay for extended benefits. As I stated a few moments ago—there is a surplus in the trust fund.

Mr. Speaker, when my constituents see the President willing to declare it an emergency for foreign policy considerations, but not willing to address the pressing needs of the unemployed in this country, they feel like they have been let down. I agree with them.

The fact of the matter is that the loss of unemployment benefits is a significant and growing problem which is squeezing already pinched middle-income Americans. I am hopeful that the Congress and the President will join together in a bipartisan effort to address this urgent issue. I hope that work begins today.

Mr. GEJDENSON. Mr. Speaker, I yield to the gentlewoman from Missouri [Ms. HORN].

Ms. HORN. Mr. Speaker, I would like to just use this brief amount of time to give a couple of names and perhaps faces to some of the statistics we have been hearing.

Mary Reedy in my district was laid off from her job as a program analyst with McDonnell Douglas a year ago. She estimates she sent out more than 700 résumés and had a couple of hundred job interviews. For that she got two temporary jobs and lots of disappointment.

☐ 0820

Mary says she has fought depression while laid off, sometimes having to force herself to get up and face the day. Laid-off workers often feel shock, denial, depression, rejection, and loss of identity. These are people who are used to working, who want to work.

When a person is laid off, it affects the whole family. Stress is high. Finances are tight, and the roles of family members change.

The St. Louis area has lost 11,500 manufacturing jobs, 4,800 construction jobs, and 4,400 wholesale and retail jobs in the last year alone.

In August, 91,000 people were unemployed in the St. Louis area and looking for work; 47,500 of them had been laid off.

To put another name and face to these statistics, Mike Pullum wants to work, too. It has been a year since this 32-year-old electrical engineer lost his job at McDonnell Douglas in the first wave of this company's 11,000 layoffs. After 12 months of filling out applications, mailing résumés, and sweating through interviews, Mike is still looking for work. He said it is a joke to turn on the news or read in the paper that the economy is easing up.

Mr. Speaker, I am pleased to add my voice to all of these that have spoken so eloquently throughout the night about the need of our American people.

Mr. Bush, wake up and listen.

Mr. GEJDENSON. I yield to the gentleman from New York [Mr. SCHUMER].

Mr. SCHUMER. First, I want to say that this has been the House at its best, and I think that we ought to be doing things like this, real debate, much more often and bring the issues to the American people.

I just want to say, and I want to ask the President to look into the faces of the people who have come up to me in the last month: a woman who has worked at a firm for 30 years, day in and day out. The firm closed. Her unemployment benefits are gone. This is a woman who wants to work, who still has a family and a house and a mortgage to pay. Look into her face and then tell her "no." How about a young family man who came up to my office the other week, just had twins, been with the same company doing a mechanical job for 8 years, for no reason, nothing due to him, the company says, "No more."

The President ought to look into his face. You ought to look into his face and still vote "no."

These are people who want to work. These are the backbone of America. They are hurting, and for the first time that I can remember, this country is saying "no" to those types of people.

Well, my colleagues, the day we say "no" is the day we stop being the greatest country in the world. We must move this legislation.

Mr. GEJDENSON. Mr. Speaker, I yield to the gentleman from New York [Mr. DOWNEY].

Mr. DOWNEY. I had the opportunity this Monday to go to the Patchogue unemployment office in Brooklyn, NY, to talk to those that have just started filing for claims, and a lot of those folks who are in the process of exhausting their unemployment benefits. If you speak to them, you realize that to make an argument, as some of our colleagues have made, that the growth package will provide them jobs and really provide them hope is an absurdity.

These people face in the next week or two the reduction of benefits. They have to tell their families how they are going to pay their rent. They simply cannot do it.

The other point that I find fascinating is that somehow the Democrats are to blame for offering a bill that is more generous and more complete and that if we would only accept what the President offered us, which would mean that 900,000 people would not get benefits, everything would be OK.

This is also preposterous nonsense. The Republican Party, the President of the United States, did not show up with a plan until this was on the floor. The Vice President of the United States still runs around talking as though there is no recession.

We need to wake up. We need to pass this bill and get on with the business of helping people who want help temporarily before they get back to work. That is what this bill is about, and it is desperately needed, not rhetoric about who will grow and when, but benefits now for people who need it.

Mr. GEJDENSON. I would like to just commend the gentleman for his work on middle-class tax relief as well as on this issue.

Mr. Speaker, I yield to the gentleman from California [Mr. MILLER].

Mr. MILLER of California. Mr. Speaker, I commend our majority whip, the gentleman from Michigan [Mr. BONIOR], for organizing this debate on unemployment and just to join those voices of my colleagues and say that we owe the people of this country nothing less than the passage of this bill, and the President owes the people of this country his signature.

We are talking about individuals and families who have gone to work every day, who work hard, and for the most part through no fault of their own, their job had disappeared out from underneath them. The economic underpinnings of their families, of their security, of their future, of their hopes and dreams have now disappeared. They have paid into the unemployment fund. The employers have paid into the unemployment fund. It is time now to give this money back to these individuals so they will not lose their homes, so they will not lose the college education for their children, so they will be able to pay their bills until they can get another job. That is what they are doing. They are looking for work.

Our obligation is to help them in that effort. That is what a kind country, that is what a compassionate country, and that is what a very smart country would do.

It cannot be the answer to the recession is to create more poor people. They need unemployment benefits, and they need them now.

I thank the gentleman.

Mr. GEJDENSON. I yield to the gentlewoman from Colorado [Mrs. SCHROEDER].

Mrs. SCHROEDER. I thank the gentleman for yielding.

I really want to follow on what the gentleman from California was saying and the gentleman from Connecticut. This is about families. This is about tearing at the very fabric of families.

Imagine what unemployment does to how a family survives. It is also that they paid into this insurance, and it kind of feels like the average insurance policy most Americans know, that when you need it you cannot get it out. Why? Because the administration wants to use it to offset the deficit. Let us be perfectly clear on that.

Well, they did not cause the deficit. The administration did. Meanwhile, the money they paid in for their insurance is being held hostage, and they cannot make their payments. That is outrageous.

Yes, the other side's plan is cheaper. Of course; because it leaves almost a million people out of it. A million families.

Why in the world would we do this? I really salute the gentleman from Michigan [Mr. BONIOR] and all the Members who stood here and talked about the very, very difficult problem.

This is not a kinder, gentler America if we do not take action. This is outrageous. So, for America's families, for the future, for heaven's sake, let us do this, and let us do it and get the President to sign it.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. DYMALLY). The Chair wishes to remind all Members that remarks made should be addressed to the Chair.

WHAT ARE THE AMERICAN PEOPLE LOOKING FOR FROM THE CONGRESS?

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin [Mr. ROTH] is recognized for 60 minutes.

Mr. DELAY. Mr. Speaker, will the gentleman yield?

Mr. ROTH. I am happy to yield to the gentleman from Texas.

Mr. DELAY. Very quickly before the gentleman starts his remarks, I appreciate the gentleman, and I do not want to disrupt his train of thought.

I just am sorry to see that the gentlewoman has left the floor, the gentlewoman from Indiana has left the floor, because I wanted to get some time to compliment the gentlewoman, because I have been keeping a tab on everyone who has spoken on this issue tonight.

Every person who has spoken on this issue tonight with the exception of the gentleman from North Dakota [Mr. DORGAN], the gentlewoman from Washington [Mrs. UNSOELD], and the gentlewoman from Indiana [Ms. LONG] has voted for the budget agreement that caused the loss of so many jobs that brings us to this point today, and the gentlewoman from Indiana had every right, more right than any other speaker on that side of the aisle, to speak about the plight of the unemployed, because she had no hand in the deepening and lengthening of this recession.

Mr. ROTH. I was happy to yield to my friend from Texas.

Mr. Speaker, it has been asked: what are the American people looking for from the Congress?

Let me say that they are looking for four things: courage, judgment, integrity, and dedication. Quite frankly, we have had an all-night session. I have not seen that much integrity, because many times people on the other side of the aisle would not yield. It was a political tirade against the man down in the White House.

But after this marathon of words, I would like to quote the favorite author of the gentleman from Connecticut [Mr. GEJDENSON], my friend from Connecticut, Goethe, who said, "We have had enough talk; now, let us see the deeds." And I think that is what the American people are saying. We have had enough talk. Now, let us see the deeds.

You know, you can talk to 10 different economists, and you get 10 different answers, but they all sing out of the same hymn book when you ask them what is the biggest cause of our problems in the economy today. They say the huge deficits.

Now, who is causing the huge deficits? For 38 years, 38 consecutive years this House, the House of Representatives, has been ruled by the Democratic Party. Every single chairman, every single Speaker, every single subcommittee chairman all have been Democrat. Today we have 267 Democrats and 168 Republicans. That is all, just 168. But we have 267 Democrats. They can do anything.

My good friend from Colorado who is still on the floor, and I was hoping I could talk to some others, but she is the only one left, so I have to, I guess, address my remarks to her, said, "These deficits caused by this administration."

Well, my dear friend from Colorado, the President of the United States cannot buy this pen without the approval of this House.

Mrs. SCHROEDER. Mr. Speaker, will the gentleman yield?

Mr. ROTH. I would be happy to, and you have 267 Members. I am happy to yield.

□ 1230

Mrs. SCHROEDER. Mr. Speaker, I think the gentleman would also agree that the President of the United States is the Chief Fiscal Officer and we cannot do anything until he sends a budget up here. That is step one. He has always started with a higher deficit than we have ever ended up with, so let us put it in that context.

Mr. ROTH. Well, Mr. Speaker, I am glad to respond to that, and I am glad I yielded time to my friend, the gentlewoman from Colorado.

When Ronald Reagan was in the White House, I was in the Oval Office with him one time and I said, "Mr. President, these deficits, we have got to address these deficits."

The President said, "You are absolutely right. We need a balanced budget in this country."

But he looked at me and he said, "But what have you done with every budget I have sent to Capitol Hill? You have thrown it in the wastepaper basket."

And do you know, it is true. We did not adopt in the entire 8 years of Reagan's Presidency, we did not adopt his budget once, not once.

Our friends on the other side of the aisle have 267 Members. We have 168. It takes 217 Members to do anything in this Congress, except change the Constitution, and they have got 267 votes. You have got 40 more votes than you need to pass anything through this body, and yet you are in all night long bashing the President.

I have somewhat of a solution. Why do we not forget about Democrat and Republican and look at what is best for the Nation for a change? If we really want to help the people who are out there working, let us put aside these partisan differences. Let us ask ourselves what is in the best interests of the country? What is in the best interests of the working people? What is in the best interests of the long-range good of this country? What is the best interests of my kid and your kids. That is what we should be asking.

You know, I asked the Democrat leader, the gentleman from Missouri [Mr. GEPHARDT] to yield to me because I wanted to ask him something. He said that the President is only interested in foreign affairs. He does not care about domestic affairs at all.

Well, we know that is not the case, but today we have a bill on the calendar, the Democrat foreign aid bill, $25 billion to send overseas, $25 billion that the Democrats are asking the American people to borrow and then ship overseas.

Now, wait a minute. What kind of a foreign policy is that? How is that helping working people?

You know, we have boat manufacturers back in my home State of Wisconsin. We had a lot of jobs there building boats, but after the majority in this House passed the so-called boat tax, what happened? These jobs are now in the Caribbean. They are all overseas. They are not here in America anymore.

Mr. Speaker, it is time to stop posturing. That is why when people say, "What do the American people want out of Congress?" They want people with courage, judgment, dedication, and yes, integrity.

What does integrity mean? It means that we say what we feel here in our hearts. That is what it means. It means more than just posturing. That is why I think it is so important for us to take a look at these issues and say, "Yes, let's move forward. Let's do what is in the best interests of the country. Let's do something about the real estate tax."

In 1986 this Congress passed a change in the real estate law, and what happened? Commercial real estate and housing in this country dried up.

Since the end of the Second World War, we have had eight serious recessions and in each recession the locomotive that brought us out of that recession was the construction industry.

So if we, Democrats and Republicans, want to do something for working people in this country, want to do something for this country, then let us take a look at that law. We can repeal that law today or change that law to give incentives again to building.

We talk about capital gains. Some people say capital gains, well, they are not for capital gains because they say it is not going to help the poor.

Well, capital gains not only will help the rich and the middle class, it will help the poor, too.

Why? Because it is going to stimulate the economy. The first year, you are going to get $5 billion additional tax funds into the National Treasury if we pass capital gains. Anyone who sells their house is going to have some capital gains consequences, so when people say that capital gains only helps the rich, that is nonsense. That is political demagoguery, and that is the type of thing that I think the American people are upset about and the American people want us to overcome that.

We have got problems in savings and loans. We have problems in banking. Where is the banking bill? Why do we not pass a decent banking bill?

I do not care what two powerful chairmen do. Out of 435 Members, we have two powerful committee chairmen who are tying up the banking bill. It is going to cost the American people billions of dollars.

If we were truly men of judgment and integrity and dedication, we would say, "Gentlemen, I don't care what kind of fights you have behind closed doors, we are bringing the banking bill to the floor. We have got to address this banking issue, and we have got to do it now."

We have got what they call the Resolution Trust Corporation. It is now the largest corporation in the United States, set up by this Congress to dispose of assets taken over by the failed savings and loans.

Yes, let us have pay-as-you-go. Some of my friends on the other side of the aisle say that is true, let us have pay-as-you-go. Let us do it, but let us come to the floor and tell the American people how we are going to do it. Are we going to borrow money? Are we going to tax? Are we going to cut spending? And where are we going to tax and where are we going to cut spending? That is what we mean by judgment, integrity, and dedication.

We have legislation coming to the floor, as we have mentioned before, dealing with the boat tax. That has caused a big problem for us back home. There are many people who are very much concerned about this legislation.

Why is this legislation tied up? Why is it not on the floor? We could be voting on this bill now.

We have all kinds of people who have said, well, we are not concerned about the poor, the working people. I do not know of any party that is more concerned about working people than the Republican Party. After all, I did not see any Republicans over here voting for a 5-cent-a-gallon gasoline tax or even proposed it. Who is that going to hit the hardest? Mr. Rockefeller? Of course not. It is going to hit the people I represent who are driving to work every morning.

So that is what I mean by courage, judgment, integrity, and dedication.

Mr. Speaker, I know there are other people who want some time. Let me just say a few words here that I jotted down of a speech not given by me, of course, but given by someone from the other side of the aisle. I hear this so often, people up here wringing their hands. What do the American people want of their Congressmen?

Well, let me tell you what I think they want from their Congressmen. Here is what one man from the other side of the aisle years ago said:

> When at some future date the high court of history sits in judgment on each of us recording whether in our own brief span of service we fulfilled our responsibility to our country, our success or failure will be measured by four questions, and they are these:
>
> One. Were we truly men and women of courage, with the courage to stand up to one's enemies and the courage to stand up when necessary to one's associates.

And how often do we have to stand up, how often do we have the courage to stand up to our associates, to our good friends, like the gentleman from Minnesota [Mr. OBERSTAR] who is such a great Congressman. Do I always have the courage to stand up to him when I think that he is wrong?

> The courage to resist public pressure as well as private greed.

The second question is:

> Were we truly men and women of judgment with perceptive judgment of the future as well as of the past, of our own mistakes as well as the mistakes of others, with enough wisdom to know what we did not know and enough candor to admit it.

We have had an all-night session. I am sorry to say that I do not think we have had a lot of candor. We have had a lot of bashing of each other, but not a lot of candor.

> Three. Were we truly men and women of integrity, men and women who never ran out on the principles in which we believed, never ran out on the people who believed in us, men and women who neither financial gain nor political ambition could ever divert from the fulfillment of their sacred trust.

We have a sacred trust here.

> Four. Were we truly men and women of dedication with an honor mortgaged to no single individual or group.

How often do we have to vote here because some interest group pressures us, or some interest group tells us we have to do this or that.

> Honor mortgaged to no single individual or group and compromised by no private obliga-

tion or aim, but devoted solely to the public good and the national interest.

Courage, judgment, dedication, and integrity, that is what we have to get back to again.

So with that, Mr. Speaker, I yield to my friend, the gentleman from California [Mr. DOOLITTLE], who has been waiting patiently.

Mr. DOOLITTLE. Mr. Speaker, beginning at 9 o'clock last night we have been as Republicans slammed regularly by the Democrats for not supporting their bankrupt and bankrupting unemployment benefits extension bill.

Mr. Speaker, I think we need to get right to the essence of this issue. This is just typical of the approach of the other side.

□ 0840

They wanted to deal with symptoms and not with the problem. I think we must deal with symptoms and with the problem. We have indicated we are ready at a moment's notice to pass a bill that extends the benefits for 10 weeks and we pay for the bill.

What happens if we pass this bill that our Democratic colleagues say is so necessary? They say, "let us do it." Well, that costs an extra $6 billion. They have identified no source. So the source will be the same one we always use, the good old American taxpayer; throw that little bit of extra burden on him, make people work a little longer, a little harder, and make the standard just a little bit lower than it is today, and then we will have some new rhetoric when the 20 weeks runs out and when the economy is still stalled, because that is the problem.

We do not have an economy that is growing. It is burdened down by excessive taxation and by spending that will not quit.

The gentleman from Wisconsin is absolutely right, there is a lack of integrity in their approach, the approach of that side. Let us get right to what the problem is. It is excessive spending on the part of the Government.

You know, in the decade of the 1980's, every year we had inflation at an average rate of 4 percent. Every year we had an increase in revenues to the Federal Treasury of 7 percent. Every year, on the average, we had an increase in Federal expenditures of 11 percent; 4 percent annual inflation, 7 percent annual increases to the Treasury, 11 percent in annual spending increases.

Our total national debt is over $2.7 trillion. And, you know, it is funny, we always hear from the Democrats how we are going to do something about the deficit. That always means, by the way, that we postpone something more immediate, which was to happen, like the Gramm-Rudman cuts which would have kicked in 100 billion dollars worth of cuts.

In exchange for that we get a tax hike with the promise that things will get better when we deal with the deficit. And yet it is just fascinating that that never works out. Every time we have the tax increase, it is followed by a higher deficit.

Guess what; this year it is no different. Our deficit this year is $300 billion. That makes the deficits running during the Reagan years look smaller.

Next year's smaller deficit in the fiscal year in which we are presently, it is estimated to be $350 billion or higher.

Now, our Democratic friends, along with a lot of rhetoric, a lot of crying out there, pretending to—I guess in some cases it is not pretending, but I have to be a little cynical about it based on what the realities are—conveying their sense of sympathy with those who are unemployed, and yet it is their economic policies that are keeping our people unemployed.

There is no excuse for the greatest, the strongest and the richest country in the world having this kind of an economy. The key to getting this economy growing again is, as the gentleman from Wisconsin alluded to, a cut in the capital gains tax.

We have heard a lot of demagoguery going on for months now about how this is terrible, we are cutting taxes for the rich. Well, you know what? A great Democratic President once said a rising tide lifts all boats.

Now, another way of saying that is that the poor get richer when the rich get richer.

You have to recognize that concept in order for us to advance economically in this country.

Let me tell you something about capital gains. I think this is interesting.

You get the feeling that these are multimillionaires declaring their capital gains, that the average person is not able to avail himself or herself of this.

Well, 70 percent of the taxpayers who report capital gains have other income less than $50,000. Let me say that again: 70 percent of Americans who declare capital gains have other income of less than $50,000. That amounts to 10 million Americans—$50,000—that does not sound like millionaires, Mr. Speaker. That sounds like people who, for a variety of reasons, are seeking to get out of their old investment and get into another one.

Let us take an example or two. A middle-class family has a piece of real estate in which they have invested for their son or daughter to be able to pay for the college expenses. That piece of real estate is sold. Well, because we tax capital gains at a higher rate, and by the way, we have the highest capital gains tax rate of the major industrial nations in the world. This is incredible.

So that poor family that has been having this investment for college, about a third of that investment is going to be made up of inflation. Right? Which even though we consider it low, 4 percent a year, low by comparison with what it was during the Carter years, even so, 4 percent begins to add up. So a third of the value of that property is inflation because we do not have lower capital gains tax rates and this family gets taxed on what is inflation.

It is not real income to them. But they are going to pay the full freight for it because we as a Congress, because the Democrats will not let us be reasonable and lower this rate.

That is hurting the middle-class working families. Look at the widow who has a ranch, her husband had a ranch and she wants to sell off some of the land in order to make ends meet. Well, same problem, going to pay full taxes on all of that despite the fact that a lot of it is due to inflation.

It is a gross injustice and it needs to be changed.

Here is a interesting item, by the way: Malcolm Forbes, Jr., in an issue of something called Imprimis, gave a dissertation on what we need to do in order to get on the road to prosperity, in order to help people. That is what we are talking about, helping people by putting the economy in order.

He compared what has gone on in Japan with what goes on here in this country. He looked at Japan in the middle 1960's Their version of the Dow-Jones average at that point was just slightly above 1,000 and ours was just right at 1,000 during that same time period.

Earlier this year there was a big flurry when all of a sudden we touched briefly the 3,000 mark on our Dow-Jones average. And now the Japanese just crossed 22,000 on their Dow-Jones average.

So we went from 1,000 to 3,000. They went from 1,000 to 22,000 despite a severe stock market crash last year.

What is the difference? Well, the difference is, during the time when our capital gains tax averaged between 28 and 35 percent, theirs averaged between 0 and 5 percent. That is the difference. The Japanese are also being cited for this, that, and the other thing relative to the impressive performance of their economy. Funny, is it not, that they treat capital gains differently than we do?

It is no mistake that they have the gains that they are having. We treat caiptal gains very punitively. We discourage people from making new investments, from turning over those dollars, creating new jobs.

We talk about jobs. Let me tell you, coming from California I am very worried about jobs. We have over 20 percent of the defense expenditures being made in this country. We all know what is slated to happen to defense expenditures.

We all know that we are having a reduction by 500,000 people in the next year, out of the Armed Forces. California is in a severe recession. What are we going to do when all these people come out onto the streets, either coming out of the military without jobs or coming out of the defense industry and they will not have a job? So what are we going to do then? Are the Democrats going to offer us a $12 billion opportunity to address their needs with no more real long-term solutions, just more demagoguery and posturing before the media?

Why do we not do something now that actually creates jobs? Let us help the people that need the help. I am for that.

If you do not have a job, you have a crisis, I will stipulate to that. The President, and we as Republicans, have offered to support that. We would get checks out tomorrow if the Congress would meet today and pass this bill, as the various speakers have indicated.

Then we deal with the immediate problem, but, more importantly, in my opinion, by making this reduction in the capital gains tax, we begin to deal with the long-range problem.

□ 0850

Let us do something that creates economic growth and job creation because, Mr. Speaker, we think we have a problem now. Wait until we start turning people out. We have got to create jobs for them in the private sector. If we sit back and do nothing, like the Democrats have typically done, a lot of hot air and no meaninglful action, we are all going to be much worse off as a country.

I would like just to observe another great Democrat, one I claim as a Republican. He was head of the Democrat Republican Party, Thomas Jefferson. I think the Democrats have an annual dinner every March or April to honor him. He said in his inaugural address:

> "What more is necessary to make us a happy and prosperous people?"

Here is the answer he gave:

> "A wise and frugal government which shall restrain men from injuring one another, which shall leave them otherwise free to regulate their own pursuits of industry and improvement, and shall not take from the mouth of labor the bread which it has earned."

Labor is every person who works for a living today, and, as we have heard in earlier testimony on the House floor, the average family today is paying over one-third of its income in taxes to all levels of government. This is a travesty. Our tax policy is driving our people out of their homes in order to work to pay their tax bill. The family is breaking down. As a result of the breakdown of the family, we are seeing enormous social problems emerge, and the typical liberal response is to throw more money at each one of the individual symptoms coming from this breakdown of the family. But they do not see it as that. They see them as individual problems.

Mr. Speaker, the Democrats say, "We're going to have to do something over here to help the homeless, and something over here to help with drug abuse, and something over here to help with teenage delinquency, and something over here to help the poor educational performance of the kids in school."

Mr. Speaker, all of these problems are really symptoms of one problem, the breaking down of the family, and we have got to do something about it, and that something consists of getting the economy growing again, cutting the capital gains tax and restraining spending. If we would restrain spending for 5 years, increases to no more than the rate of inflation, our budget would come into balance. That is the way to balance the budget, and, once we balance the budget, then we will relieve the pressure on the financial markets, the lending rate can drop, and we can have ever-increasing opportunities for people, economically speaking.

Mr. ROTH. Mr. Speaker, I thank the gentleman from California [Mr. DOOLITTLE] for his excellent contribution and for his dedication here on the floor.

I yield to my friend, the other gentleman from California [Mr. RIGGS].

Mr. RIGGS. Mr. Speaker, I thank the gentleman from Wisconsin [Mr. ROTH] very much, and I just want to add a punctuation point to the comment of my good friend and colleague, the gentleman from California [Mr. DOOLITTLE], and that was in the wee hours of the morning, for those of us who did dawn patrol duty here in the House today, I was able to engage the majority whip in a bit of colloquy in terms of those elements of the economic growth package he might find acceptable, and he made a very revealing comment, I thought, because he talked about and endorsed enterprise zones, and within the context of that conversation allowed as to how perhaps we ought to have a reduced rate of taxation on capital gains in those enterprise zones. So, I am hoping that my colleagues can help me because perhaps I am missing something here, and the majority leader stalked off into the night, so I did not get a chance to ask him a followup question with regard to this. But I am puzzled.

Mr. Speaker, I fail to see how capital gains tax reduction in so-called urban enterprise zones can be effective and yet not be effective in other areas of the country, in other parts of the economy, and I do not know if my colleague was following that particular colleague, but I just wanted to add a punctuation point to that.

Mr. ROTH. Mr. Speaker, I am sure the majority leader is going to be answering the gentleman's question for him. The majority leader is also going to, I am sure, answer the questions today when the bill comes up.

See, here in the House we have 267 Democrats. We have 168 Republicans. There are 99 more of them than there are of us.

We talked a little bit ago about 38 consecutive years of the Democrats running this House. Thirty-eight consecutive years. Every spending bill, every tax bill, must originate in this House.

I heard on the radio last night driving in that the spending bill that Senator BENTSEN is talking about, he says:

> Yes, but it's got to start in the House. According to the Constitution all these tax bills have to start in the House of course.

Thirty-eight consecutive years every Speaker, every chairman, every subcommittee chairman, has been a Democrat, and we are going to have to change this country, and the way to change it is by changing this House.

Now my friend from California talked indirectly about integrity, and he asked a question of the majority leader, and I would have another question to ask of the majority leader who spoke here this morning. He said that the President is only interested in foreign affairs. He said he does not care about the people domestically. And he said this: He said it is time to take care of our own people and our own problems first for a change.

Mr. Speaker, I endorse that. I believe that. But we have to remember integrity. When the majority leader was on the floor, I wanted him to yield to me because, when he was talking about foreign policy today, I mean that takes real chutzpah. Today the Democrats have on the floor, on the calendar, a bill to send $25 billion overseas that we are going to borrow and saddle on our kids, and then to say the President does not care about the American taxpayer, he only cares about foreign policy. At the same time on the same day they have on the calendar to borrow $25 billion and shovel it overseas. Now that takes chutzpah.

In addition there is in this bill, on this foreign aid bill, $2 million to teach the American people—yes, there is $2 million, I say to the gentleman from Wisconsin [Mr. SENSENBRENNER]—to teach the American people why they should love foreign aid. We are talking taxpayer dollars for trying to brainwash our own people, and we wonder why people are upset with Congress. Is that courage? Is that judgment? Is that integrity? Is that dedication?

Now the majority leader is going to answer the gentleman's question, I am sure, and I am sure he will answer ours, too.

As my colleagues know, there is such a thing as posturing, and then there is such a thing as integrity, and, when I hear some of these comments during the night, there is a word for that. It is rich in our American agricultural tradition, but I cannot use it here on the floor.

Mr. Speaker, I would be happy to yield to the gentleman from California [Mr. RIGGS].

Mr. RIGGS. Mr. Speaker, I thank the gentleman. I just wanted to point out that my earlier comments were referring to a colloquy between myself and the majority whip, so, if I said the majority leader, I apologize, but I did, as the gentleman correctly pointed out, attempt to get the majority leader to yield to me to no avail.

I might also add that of course the majority leader was the person of a passing parade of prime time players on the other side of the aisle who trooped in here in the early morning.

Mr. ROTH. Mr. Speaker, I want to point out to the majority leader, because I believe he was one of the advocates of the luxury tax, that our Joint Economic Committee has now estimated that that luxury tax, talking about real Americans and putting a face, if my colleagues will, on the unemployment picture could cost us 9,000 jobs, and the committee furthermore says that it is costing the Federal Government nearly $5 for every $1 in taxes it gains through this luxury tax because of unemployment compensation and lost income taxes, and I simply wanted to have the opportunity to pose that point to the majority leader and see if he would acknowledge me.

Mr. Speaker, I am going to yield to the gentleman from California [Mr. DOOLITTLE].

Mr. DOOLITTLE. Mr. Speaker, I would just like to quote Malcolm Forbes who, I think we would acknowledge, is somewhat of a financial expert. This is out of Imprimus again.

> One of the biggest canards ever foisted upon the American public is that capital gains cuts exploit the poor and shield the rich. The truth is they benefit everyone. By the same reasoning high capital gains tax has hurt everyone, regardless of their tax bracket.

Mr. Speaker, if we had done what the Japanese had done, then perhaps our Dow Jones would be at 22,000 today instead of someplace under 3,000.

Mr. ROTH. Mr. Speaker, I thank the gentleman from California [Mr. DOOLITTLE] for his contribution again. We know that is true, and the other side knows it is true, too.

Mr. Speaker, I yield to the gentleman from Minnesota [Mr. OBERSTAR].

Mr. OBERSTAR. Mr. Speaker, a moment ago the gentleman from Wisconsin made reference to the foreign aid appropriations bill or authorization bill; I am not sure which one he was referring to, as a bill fostered by the Democratic side of this Chamber. I think in fairness and accuracy it is legislation the administration, the Bush administration, supports.

Mr. ROTH. I am glad the gentleman brought that up. The Bush administration does not support the bill. The Bush administration does not ask for the bill. But they have got it on the calendar, and I will be happy to yield again, but this is a very important point to make:

President Bush did not come down and put this bill on the calendar. The Democratic leadership did.

□ 0900

I would be happy to yield again, but first I believe this is a very important point to make. President Bush did not come down and put this bill on the calendar, the Democratic leadership did.

Mr. OBERSTAR. Mr. Speaker, I thank the gentleman.

The administration does support foreign aid legislation, maybe not every jot and tittle of the bill, but the administration does strongly support foreign aid.

Mr. ROTH. Mr. Speaker, let me respond to my friend from Minnesota by saying that the Democratic leadership put this foreign aid bill—this is a Democratic leadership's foreign aid policy which they put on the calendar for the date. The President did not ask it to be put on. In fact, the President opposed the bill.

Mr. OBERSTAR. The administration does support foreign aid programs.

Mr. ROTH. It does not support this bill, but it is on the calendar for today, and the Democratic leadership put it up, and your leader had the chutzpah to come to the floor and to say that all the President cares about is foreign aid. You people put the $25 billion bill on the calendar for today. That is what strikes me. That is why I say he has real chutzpah.

I am going to yield to the gentleman from California.

Mr. OBERSTAR. What is your basis to support that? The gentleman has made a statement which is not supported.

Mr. ROTH. At this time I will yield to my friend from California.

Mr. OBERSTAR. The gentleman has not responded.

The SPEAKER pro tempore (Mr. DYMALLY). The gentleman from Wisconsin controls the time.

Mr. ROTH. Mr. Speaker, I yield to the gentleman from California.

Mr. CUNNINGHAM. Mr. Speaker, I do not believe the important thing is foreign aid, because there are Members on both sides to support foreign aid. I do believe demagoguery exists when those same people claim we do not have enough domestic spending and then go ahead and support a $25 billion foreign aid bill.

The majority leader kind of skated out, and I also wanted to ask him several questions. As a matter of fact, he rejected or turned down an appeal to yield so that we could ask those questions.

I guess the majority leader grew up in a different State than I did. I grew upon the State of Missouri, his State, in a little town of 2,013 folks, some of the finest people in the world. They call it the "Show Me State."

But the majority leader used the term "deceit." The American people saw real Democratic deceit in the Clarence Thomas hearings, and it was criminal deceit. I hope that criminal process is completed.

In the "Show Me State" they say, "Show me." The majority leader and other Members have said that the bill has been paid for with an $8 billion trust fund. I have here a document from the Congressional Research Service, by the Library of Congress, that states irrefutably that that money does not exist.

The quota bill—the civil rights bill was not a quota bill, but it was a quota bill. The money exists, but the money does not exist, and it is proven right here in this research. How does that work? The general fund is supported with taxes, and then in a normal, nondeficit year, which we have not had for a long time, those benefits are transferred into the trust fund. In a deficit year the government borrows against that trust fund. Those are designated unemployment dollars, so you put a piece of paper in there that is an unemployment dollar.

Pretty soon you take up the $8 billion in notes. The money does not exist, and it is an important factor.

Mr. ROTH. I thank my good friend from California for making those points. As always, he is very scholarly and his research is always right on the mark.

I yield to my good friend from Wisconsin [Mr. SENSENBRENNER].

Mr. SENSENBRENNER. Mr. Speaker, I had not planned to participate in the special order, but I thank my colleague from Wisconsin [Mr. ROTH] for arguing it, because I believe that it is important to set the record straight after the night of hot air that the Democratic majority has emanated from this Chamber.

I am convinced after listening to many of the speakers on the Democratic side of the aisle that the way to obtain a majority of 38 years in the U.S. House of Representatives is to run away from your own record. Because practically every one of those speakers ran away from the record of the Democratic Congress over the last 38 years.

Unless the Constitution was changed last night while the American public was asleep, Congress still has the power of the purse. No President since George Washington has spend a dime that was not appropriated by the Congress of the United States. By the Constitution, all tax bills must originate in the House of Representatives. By tradition, all appropriations bills must originate in the House of Representatives. The House of Representatives has been controlled by the Democratic Party since January of 1955.

Speaker after speaker on the Democratic side of the asile has tried to blame President Bush and President Reagan for the huge Federal budget deficits that have been run up during the last 11½ years, and yet Congress has the power of the purse. The 1974 Budget Act, which was passed before all of us who speaking on the Republican side were elected to Congress, requires the President of the United States to spend every dime that is appropriated by the Congress. A failure to do so is an impeachable offense in the eyes of the Democratic majority.

It was the Democratic majority that passed that 1974 Budget Act, because they objected to then-President Nixon impounding funds when he thought that Congress had overfinanced programs. So now the President's hands are tied. When he thinks Congress had appropriated too much money, all that he can do is to send a bill to the Appropriations Committee either rescinding or deferring previously enacted appropriations.

What happens in the Appropriations Committee, controlled by senior Democrats who have been here for a long, long time? That rescission bill ends up getting pigeonholed, or they shift money from things that were overfunded into other unnecessary spending programs.

After listening to many of the Democrats speak last night, you would think that it was a Republican President and his budget proposals that ended up running up the deficit and causing the economic problems that the American people are suffering with today. I would remind you, Mr. Speaker, that the only budget Ronald Reagan got passed was his first budget, and every other budget after that first budget that President Reagan sent to Congress was pronounced dead on arrival by the Democratic chairman of the Budget Committee, and none of George Bush's budgets has been enacted. They have been duly interred by the funeral parlor in the Democrat-controlled Budget Committee, and the Congress has passed its own high-deficit budgets and has tied the hands of the President of the United States through high appropriation bills and the requirement of the 1974 Budget Act that the President and the executive branch spend every dime that has been appropriated by Congress, and not one penny less.

Now, despite the overspending by the Congress that has not been controlled by the President's party, there have been significant increases in tax revenues. Despite the two large tax-rate cuts spearheaded by President Ronald Reagan, the amount of money collected by the Internal Revenue Service in the last decade doubled, and one would have thought that the doubling of tax revenues would have been enough to give the Federal employees a raise to take care of the pressing needs of the American people and to reduce the Federal budget deficit.

But what did the Congress do? It spent the money that was collected from those tax increases and then some, and as a result, the deficits went up, the national debt went up, and now the second largest line item in the Federal budget is the payment of interest on the debt, where the American public and others have decided to finance the deficits by buying Federal Government obligations that are issued in the billions of dollars, rather than the millions of dollars of just a few years ago.

□ 0910

It was not Republican Presidents that spent the tax revenue increases. It was the Democratic Congress that did that. I think the American public realizes that Congress has the power of the purse, and the fiscal problems are caused by the Congress. They also know which party has controlled this House for the last 38 years and which party has controlled the U.S. Senate for the last 6. It has not been the party of the Republican Presidents, it has been the opposition party that have frankly passed fiscal policies that have been designed to hamstring the Republican President and to use the Republican President as a convenient scapegoat for my friends on the Democratic side of the aisle who have managed to get theirselves a majority for the last 38 years by running against their own record.

One of the things that absolutely flabbergasted me just a few moments ago was the gentlewoman from Colorado [Mrs. SCHROEDER] coming and saying that George Bush was keeping away from employees the unemployment compensation taxes that they had paid in.

The gentlewoman from Colorado [Mrs. SCHROEDER] ought to know better. The unemployment compensation tax is not levied on employees, it is levied on employers. That fund is created by taxes that have been levied exclusively on those who provide jobs for the American people.

Maybe the gentlewoman from Colorado [Mrs. SCHROEDER] is letting the cat out of the bag and there will be another tax increase, this time imposing an unemployment compensation tax on those people who have been able to maintain their jobs. I hope that is not the case, because the last thing this country needs is another new tax.

I think one final point is necessary. Later on today the House of Representatives will vote on an Interior appropriations bill that is 8 percent above the amount of money that the President requested to finance the Department of the Interior and related agencies. This includes money for things like the National Endowment for the Arts, which has been very, very strongly criticized on how it wastes the taxpayers' money in financing artists that create pornography.

You will see most of the Republicans in the House of Representatives vote against the 8-percent increase in the NEA funding because those kinds of increases are what cause the big deficits that throw people out of work.

It is by our votes that we should be judged, not by our talk. I challenge Members on the Democratic side of the aisle, Mr. Speaker, to vote down this overspending Interior appropriations bill, because that is the best thing that we can do for the unemployed today, and that is, stop the spending and stop the deficits.

Mr. Speaker, I thank the gentleman from Wisconsin [Mr. ROTH] for yielding.

Mr. ROTH. Mr. Speaker, I thank my friend, the gentleman from Wisconsin [Mr. SENSENBRENNER] for his excellent contribution. As always, his remarks are very well on target. I will say this, he is very conservative with the taxpayers' money, and he is very liberal with his own. That is the type of person I like to be associated with, too.

Mr. Speaker, for 30 hours a Member has been waiting here on the floor. I cut him somewhat short a little while ago, and I want to apologize to him. Any man that waits here 30 hours to make his statement has a right to make a statement. So I am glad to call on him for a second time to finish his statement.

Mr. CUNNINGHAM. Mr. Speaker, I thank the gentleman. I will be brief.

Mr. Speaker, we established that the trust fund does not exist, so how do we pay for it? The interest rate that we spend on the deficit is more than all the social programs put together. Then why will the President veto this?

If it is true that the interest on the deficit is more than all the social programs, and we increase the deficit by $6 billion, we are going to turn into a pumpkin. Either that, or we increase it by $6.5 billion and increase the taxes.

The Democrats would love to have the President have to raise taxes, especially during a recession.

Twenty-five percent is what the liberals want to cut defense. Yes, defense should be cut in some areas, but not with a meat ax, because you have cut millions and millions of jobs directly and indirectly.

I remember the base closures and the Democrats from Philadelphia out crying because jobs were lost and people were laid off. I remember the luxury tax with 9,000 and tens of thousands on the spotted owl, the knatcatcher, the smelt, and salmon.

Mr. Speaker, I would ask all the Democrats that brought letters up, if you really care, if you really have compassion for those members, for those individuals and those citizens that are without jobs, help support the Michel-Dole-bill. In 48 hours checks will go out. For those that it does not cover, we will sit there and talk and discuss how we are going to pay for it. The rest of the people will receive their checks.

We can do it if you really care. I do not think you do. I think the intentions of the majority leader and the Democratic Party are to discredit the President. I would hope that the former is the case.

Mr. ROTH. Mr. Speaker, again I thank the gentleman from California [Mr. CUNNINGHAM] for his excellent remarks. I know he has done a lot of research. We appreciate his scholarly approach.

I would now like to yield the remaining time to my friend from Texas [Mr. DELAY], who on our side of the aisle, of course, spearheaded this over 12-hour debate. We are very proud of him. He is a real dynamo, and it is good to have him in the Congress. He speaks for the American taxpayer, and we wish we had more TOM DELAYS.

Mr. DELAY. Mr. Chairman, I thank the gentleman for coming to the floor and taking the last hour of the 12-hour overnight debate. I have to admit to the gentleman that this dynamo has very little pop left in him.

It has been a long and I think a very fruitful debate, and I have to commend the Democrats for starting this all night special order. They intended to come to this floor, and they did, bashing President Bush because he does not, in their words, have compassion for those that are unemployed.

Yet every Member except three and some freshmen that came to the floor on the Democrat side during the night voted for the budget agreement that raised taxes, that increased spending, that put people out of jobs, because that budget agreement deepened and lengthened the recession.

Then they had the nerve to come to the floor and say that the President of the United States has no compassion for the unemployed. What the President of the United States has is compassion not only for the unemployed, but for the taxpayers of this Nation. All he asked the Democrats to do is pay for their bill.

The first two bills that they brought to this floor and passed very quickly, and, I might add, with rules that were closed, it did not allow us to make amendments, which has been the normal course of business in this House, those two bills that came to this floor did not pay for the extended benefits.

I asked the good and distinguished majority whip why they did not pay for the bills. His response was, well, we have the trust fund.

We have already established all night long that the trust fund has no money in it, that it has nothing but I.O.U.'s. It is like every other trust fund around this building. When the Government needs money, they put an I.O.U. in the trust fund and take the money out and use it for all these programs.

So they did not pay for the bill. The President said, "I am not going to declare an emergency when you cannot set priorities to pay for this bill."

Then he was criticized, all night long, for having declared emergencies for the Turks, for Turkey. I notice that nobody on this floor wanted to criticize the President for declaring emergency money to go to Israel, a very heavy constituency of the Democrats in this Nation. I notice they did not enumerate those emergencies.

I just want to point out again for the benefit of the House that there were three emergencies that the President declared so that we could bust the budget agreement. One was $236 million for disaster assistance to Kurds and others that were affected by Desert Storm. We know that story. We would have had Kurds, women and children, massacred in the hills of Iraq and in Turkey if we had not come to their aid because we caused the problem.

Now I think we will probably get a lot of that money back because the United Nations participation is paying for this.

The Democrats certainly did not point out to the American people that one of the emergencies that the President called for was $59 million to protect and evacuate Americans from the Persian Gulf region.

I do not blame the President for that. We made plenty of suggestions of how to prioritize the spending around here to pay for this unemployment benefit, and one of the ways we suggested was that this House give up all its foreign travel. That would be a good start. There were many other similar type of wasteful spending around this House that we suggested, including in the so-called highway bill yesterday. We doubled the money for mass transit. Part of that money, $13 billion, came right out of general revenue.

☐ 0920

Cut that in half and you pay for the unemployment checks. There are plenty of ways do it. The Democrats do not want to prioritize spending. They just want to spend more. That is the whole point of this special order.

I just want to close by commending my side, the Members of my side of the aisle, especially the gentleman from California Mr. CUNNINGHAM, Mr. DOOLITTLE, and Mr. RIGGS for spending the entire 12 hours of this overnight special order here defending the President and their point of view, an economic philosophy that creates jobs, that rebuilds America, that we have suggested from the very beginning, before the polls came out, growth programs that create jobs, not more spending, more health programs and things of that sort.

I commend them and all the other Members that participated in this special order, and I hope that more of these will be held because I think it is very helpful for the American people to delineate between the two parties of the House, the one party that has 257 Members in the majority and the other party that has only 168 Members, a minority, and controls no committees of this House.

Mr. ROTH. Mr. Speaker, I was delighted to yield the time to my good friend, the gentleman from Texas [Mr. DELAY], who again is the mastermind in this all-night session, all the people who contributed and who were here.

I also want to thank the reporters and the staff that had to be here all night to work here and also who are going to have to be working here all day today. We appreciate their special attention and their special help.

SOME PERSONAL VIEWPOINTS ON UNEMPLOYMENT

The SPEAKER pro tempore (Mr. SKAGGS). Under a previous order of the House, the gentleman from Oklahoma [Mr. SYNAR] is recognized for 60 minutes.

Mr. SYNAR. Mr. Speaker, as we begin the 13th hour of this debate, I think it is only appropriate that we kind of try to summarize what we have heard over this last 12 hours. I think the American public has had probably as good a view of the different philosophies which are trying to run this country as they have ever had probably in any 12-hour period.

I think during the night they got to see some of the best debate, both Democrats and Republicans can offer with respect to what their philosophies are. I think they got to see a little bit of the sensitivities or insensitivities that both parties have with respect to the problems that face average working families in America.

As we begin this final stage of the debate, I want to call on some Members throughout this country which really has some personal observations about how this unemployment situation is affecting them and the people that they represent.

At this time I would like to yield to the gentleman from Maine [Mr. ANDREWS].

Mr. ANDREWS of Maine. Mr. Speaker, one of the puzzles, the great puzzles to me throughout this entire debate over the last few months has been not so much the philosophical differences on how we address the economics problems facing this country but, indeed, it is the actual question of whether this Nation is facing an economic crisis.

We heard from the administration that the recession ended in May. We heard from others in the administration that the recession, the unemployment facing this country is no big deal.

I have a problem with anyone who can suggest that this recession and this devastating unemployment is not big deal.

I will give the President of the United States credit. He has the good sense to leave Washington from time to time and come to the great State of Maine, my district, to relax and put everything in perspective. When he did that last summer, I wrote to the President.

I welcomed him to the State of Maine and I said:

> While you are in the State of Maine, perhaps you will not be able to understand the great devastation that unemployment and economic recession is having in our State from your vantage point on Walker's Point in Kennebunkport. Perhaps you should travel to places like the West End of Portland, or perhaps you should go to Augusta, perhaps you should go to Sanford and Bitterford and look into the eyes of those people like I have who are facing the front lines of this economic devastation, 24,000 people in the State of Maine having lost their jobs since March.

Earlier, in fact about an hour ago we heard from the other side a question. Where is the money going to come from to pay for this extension of unemployment benefits for those thousands and thousands of people who are suffering as we speak? And the answer that they gave was, well, there is no place where it is going to come from.

I beg to differ. This is my final point, Mr. Speaker. That money is going to come from what we call a trust fund, a fund that was established with tax dollars and put away in the event that the economy should turn so bad, so devastating and create such hardship that we would need to extend unemployment benefits to those people who are on the front lines of that suffering all across this country.

It is called a trust fund. We asked the people of this country to have trust in this Government, to make those funds available to them if and when they need it.

Mr. Speaker, those people need it and, as a matter of trust, as a matter of integrity, as a matter of fairness, it is time for us to not use that trust fund continually to mask the deficit. It is time to use that trust fund for what it was for.

Every penny of the proposal that we have laid before this Congress can be paid for by that trust fund. I think it is critical that this Congress reestablish trust with the American people, that we live up to our word and that we provide relief to those people on the front lines of this devastation by tapping this trust fund for this extension of unemployment benefits.

Mr. SYNAR. Mr. Speaker, being affected by this unemployment really knows no barriers. Someone who has really been very active in the area of trying to make sure that her constituents are sensitive to the fact that we are trying to deal with it is the Congresswoman from the District of Columbia.

I yield to the gentlewoman from the District of Columbia [Ms. NORTON].

Ms. NORTON. Mr. Speaker, I was here earlier in the wee hours of the morning and so pleased to find that there were so many people standing in line for this special order that I had to come back.

As I spent my youth sitting in, it is not too much to stand up and stand in for the unemployed this morning. We are talking about a recession that began in July 1990, and we are talking about the highest number of uneligibles for unemployment insurance in our history.

Forty percent of those who have exhausted their unemployment insurance live in 13 States and the District of Columbia. I am, therefore, particularly concerned.

We have two industries, real estate and banking, that we believe will not go up for a very long time, even if the rest of the country goes up.

Mr. Speaker, I am here to say a word about those who have no unemployment insurance, those who have had no employment. They are the voiceless, the forgotten during this period of great recession. It is completely unnecessary.

Mr. Speaker, we are in a period of baby bust. If our economy had been managed even mildly correctly, we would not have a nationwide recession that keeps kicking in instead of going out.

The decline in the standard of living since 1973 has occurred even through the 1980's. The frenzy during which we were assured that we were in an everlasting boom, the fact is we are paying for the frenzy of the 1980's. And we are needlessly paying because there is an excess of supply over demand for labor, if this were an economy that were doing mildly well.

Mr. Speaker, we have a President who has managed foreign policy. He has now shown he can manage the economy and he certainly has not shown that he can manage a recession.

Mr. SYNAR. Mr. Speaker, one of probably the hardest hit areas is the area of northern Minnesota. The person who represents that area has probably spent the better part of his career making sure that the people of Minnesota understand that government can and will respond when problems of unemployment and job shifting does occur.

I yield to the gentleman from Minnesota [Mr. OBERSTAR].

□ 0930

Mr. OBERSTAR. I thank the gentleman for yielding.

Earlier this morning, our colleagues across that aisle, one after another, referred to 38 years of Democratic leadership in the House of Representatives and pointed to that leadership as the source of and cause of the economic woes of the country. I would like to focus on just the last 10 years, 10 years in which the Republicans have controlled the White House, 6 years of which Republicans controlled the U.S. Senate, and 4 years of which they had working control of the House of Representatives, the combination of votes from this side of the aisle and their votes on the other side.

Statistics do not tell the story. They are people without blood and spirit. We have 10,000, and maybe as many as 14,000, people in northeastern Minnesota out of work.

I want to relate a human story. the front page of the Hibbing Daily Tribune in October 1980 bore this story: "Bobby Skorich Has a Job." It went on to tell that Bobby Skorich had been employed at the St. Louis County Courthouse in Hibbing as a janitor under the CETA Program, the Comprehensive Employment and Training Act. There was much rejoicing that Bobby Skorich had a job, because he had been longtime unemployed. In fact, this was his first real working, paying job.

A year later, an inside-the-front-page story ran, "Bobby Skorich Now Unemployed." What had changed in 1 year? It was that Ronald Reagan had become President.

His budget and Reconciliation Act of 1981 had been enacted, signed into law. Mr. Meese, his counselor, said, "We have got 98 percent of what we wanted," and part of what they got was wiping out the funding for the CETA Program. Bobby Skorich was unemployed again, and would never have a job. Bobby Skorich was mentally retarded, physically handicapped, and would never again be employed. One human story, one Government program that worked, one program that helped people find jobs.

The Economic Development Administration program to create jobs to help communities help themselves was slashed two-thirds, not the fat, two-thirds. The Appalachian Regional Development Commission was slashed more than 70 percent. Those are programs that worked, that put millions of people into productive jobs across this country.

We have not been able to recoup. The Bobby Skoriches of this world do not have jobs, because there are not ways to find employment for them.

EDA and ARC and other programs that the Democrats initiated that had bipartisan support, I might say, in this body and in the other body over the years cannot be revived because we have a White House that will not sign bills into law because we have a President who says no, who says let the economy work, and now it is not working, and now we are looking for some support from the President because we cannot govern by two-thirds.

For the Democrats to assert their programs and their ideas and to push them into law, we need two-thirds in both bodies. The Constitution never intended that we operate on two-thirds but on a majority rule, and on a majority basis, the people of this country are losing.

I thank the gentleman.

Mr. SYNAR. I yield to the gentleman from Ohio.

Mr. ECKART. Mr. Speaker, I thank my colleague for yielding.

Mr. Speaker, today more than 8 million Americans, and almost 400,000 workers from my State of Ohio, are out of work. These people are not deadbeats—they have worked all their lives. But now they spend each day looking for jobs which aren't there.

I have received scores of letters from people who have been laid off, have run out of unemployment benefits and now fact dire circumstances. Listen to a letter from one of my constituents, Mrs. Pat Parker of Mentor, OH:

> I am a 56-year-old woman who has worked all her life. I was laid off from my job after 20 years with the same company. I have long since run out of (unemployment) benefits. We are now hitting rock bottom and facing the reality of losing our house. We purchased our house on our combined salaries. Now we can't find any employment.

Mr. Speaker, when a member of my staff told Mrs. Parker yesterday that the President had vetoed the extension of unemployment benefits, she said, "I can't believe it."

But Mr. Speaker, not only did the President veto the bill, he earlier characterized it as garbage. I can not imagine our President characterizing a bill which would help hard working, intelligent and concerned Americans like Mrs. Parker in such a fashion. And yet he has done so.

It is a sad day when a President of the United States can voice such utter disregard, and in fact near contempt, for sincere and hard-working citizens. Our Nation deserves much better than that.

Mr. SYNAR. Mr. Speaker, I yield to the gentlewoman from Illinois [Mrs. COLLINS].

Mrs. COLLINS of Illinois. Mr. Speaker, I've heard rumors that the Chicago Cubs are thinking of signing up a new left-handed slugger for next year's season. His name is George Bush and he's batting 1,000 in the veto department against pitching from the Congress, and the overwhelming majority of hard-working, tax-paying Americans.

Twice this year the Congress has sent the President legislation which would have extended unemployment benefits to those Americans whose benefits have been exhausted, and twice the President has said no. He said, quite elegantly in fact, that he will not sign such garbage because it will violate the budget agreement. However, he neglected to mention that he did it for Bangledeshis, the Kurds and others. People are hurting in this country too, Mr. Speaker, and they don't have the resources to fly to northern Iraq to get relief.

Once again the Congress is working on and is likely to send the President a bill to extend unemployment benefits. They say the third time's the charm, but I don't think Mr. Bush believes in superstition. I don't think he really knows the suffering taking place right here in America. While much of the rest of the world grows and prospers, our citizens are going hungry and our factories are chaining their gates closed.

Just because the President believes that the recession is over, doesn't mean that all of a sudden the millions of unemployed, underemployed, and discouraged workers are suddenly back at work. The great economic recovery of 1991 has yet to reach inner city Chicago, Mr. Speaker. It hasn't reached the rest of America either. The lines of unemployed Chicagoans continue to stretch out the doors of the local benefit offices with no relief in sight.

The Bush administration was swept into office on the promise of 30 million new jobs over the 8 years the President expected to be in office, a pretty tall order indeed. Well just like the no-new-taxes pledge, this promise too fell by the wayside. In fact, since the time George Bush took office, there are now 300,000 fewer jobs in this country. That's not just a tragedy, but an indictment of the failed economic policies of the Reagan/Bush era and the lack of commitment our President, George Bush, has to assuring the welfare of our American work force.

Let's look at the President's past record with regard to the American worker, and look at what he's promised to veto in the future. It's not a pretty sight, Mr. Speaker. He twice vetoed unemployment extension benefits for those whose benefits have expired. He vetoed minimum wage legislation. He vetoed plant closing notification legislation. Furthermore, he has threatened to veto the Civil Rights Act and members of his administration have been actively engaged in sabotaging productive talks between the business and civil rights communities. And he has threatened to veto H.R. 5, the Workplace Fairness Act as well as H.R. 2, the Family and Medical Leave Act.

I wish the President would go out to the inner cities and small towns to see the faces of those Americans, and more importantly the faces of their children, who have lost their unemployment benefits. Unfortunately, we don't have many attractive photo opportunities in parts of my district like Lawndale, Garfield Park and Justin; Cabrini-Green and other housing developments communities comfortable confines of the beltway. What we do have, Mr. Speaker, are a lot of people who are down on their luck and having difficulty buying into the President's economic plan.

Let's forget about the budget agreement, and economic indicators, and housing starts, and statistics for a moment. What this issue boils down to is a matter of simple compassion for those working men and women who have put their faith, and their tax dollars, into the unemployment system in the hope that it would be there for them in their time of need. We cannot simply pass over these Americans in the name of preserving the budget agreement. While the need to keep last year's budget accord intact is important, is it more important than keeping food on the tables of America's downtrodden families.

Christmas is coming soon, Mr. Speaker, and there are going to be a lot of families with nothing under the tree this year. I hope the President will reconsider his previous stand on the unemployment extension and give all workers a gift they so desperately need, and deserve.

Mr. SYNAR. Well Mr. Speaker, we come to the end of this great debate, 12-plus hours have gone by, and the gentleman who started this whole thing rolling yesterday is going to conclude for our side. He is a gentleman that has nobly and also energetically represented the fine people of Michigan, and he is the one who, I think, really expresses the type of sincerity and sensitivity that the Democrats are so proud to march behind.

Mr. Speaker, I yield to the gentleman from Michigan [Mr. BONIOR] for the final speech.

Mr. BONIOR. Mr. Speaker, I thank my colleague for his very kind and generous remarks. I want to thank all of my colleagues on my side of the aisle and my friends on the other side of the aisle who participated in this.

There were over 60 Democrats who talked about the issue of the unemployed in this economy throughout the night for 13 hours.

I also want to thank the staff. I know it is difficult. It is not an easy task to be here, especially those who are recording our words. They are limited in number, and they have to work very hard, and I want to express my appreciation to them.

Over the last few hours, the American people have been waking up, and they have been going to work, and many of us are just winding up, winding up a very important debate.

As I said, we have been here all night carrying out the vigil we planned on the issue of unemployment benefits.

We hope the President is waking up, too, not just to another day of reading foreign communiques or planning his next foreign tour. We hope that he hears the alarm bells that are going off all over America. We hope he realizes the anguish, the mental, physical anguish of people who, through no fault of their own, called in by the boss one day, were given a pink slip—told they are out of a job—people who have worked hard all of their lives, working people. These are get-up-early, punch-in, volunteer-for-overtime-work-at-a-second-job type of people.

The President has said that the unemployment bill was garbage. The Secretary of the Treasury thinks this recession is no big deal.

Well, look at the headlines, Mr. Speaker, because the headlines just today say: "Economic Ills;" "Economy Weaker" in another major daily; "Economy Absolutely Stalled" in a national newspaper. How can this administration delay with phony alternatives? How can it delay with irrelevant arguments? How can it use a veto depriving the American public of a bill that, by a margin of 2 to 1, the American people want, and by a margin of 365 Members of this body, and the other body, we decided we wanted not too very long ago?

Mr. Speaker, through the night we sent a message to the White House. We say, "Come home, Mr. President. Forget about the gimmicks, forget the deceptive alternatives, too little, too late, and two-timing the unemployed."

Forget these tax cuts for the rich. Come home, Mr. President. You helped the Turks, you helped the people of Bangladesh, you helped the Kurds. Now, help some Americans. Help us take care of our own here at home. Help working people get back to work again. Mr. President, you should have acted in July, you should have acted in September, and now you have yet another chance to do the right thing for your people. Use it; use it, Mr. President, to give hard-working Americans another chance.

I thank my colleagues.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. ANDREWS of Maine). The Chair wishes, first of all, to remind all Members that remarks in debate should be addressed to the Chair and not be directed to others such as the President of the United States.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. TAYLOR of North Carolina, for 5 minutes today.

(The following Members (at the request of Mr. SANTORUM) to revise and extend their remarks and include extraneous material:)

Mr. SOLOMON, for 5 minutes, today.

Mr. DREIER of California, for 60 minutes each day, on October 23, 24, 25, 28, 29, 30, 31, and November 1, 4, 5, 6, 7, 8, 12, 13, 14, and 15.

Mrs. BENTLEY, for 60 minutes each day, on November 19, 20, and 21.

Mr. SANTORUM, for 5 minutes, today.

Mr. MCEWEN, for 60 minutes, today.

(The following Members (at the request of Mr. HARRIS) to revise and extend their remarks and include extraneous material:)

Mr. SOLARZ, for 5 minutes, today.

Mr. FLAKE, for 5 minutes, today.

Mr. PEASE, for 5 minutes, today.

Mr. BROWN, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. PANETTA, for 5 minutes, today.

Mr. KILDEE, for 60 minutes, today.

Mr. FROST, for 60 minutes, today.

Mr. TOWNS, for 60 minutes, today.

Mr. OBERSTAR, for 60 minutes, today.

Mr. OWENS of Utah, for 60 minutes, today.

Mr. GEREN of Texas, for 60 minutes, today.

Ms. NORTON, for 60 minutes, today.

Mr. ESPY, for 60 minutes, today.

Mrs. PATTERSON, for 60 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. ROTH, for 60 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. VOLKMER to revise and extend preceding en bloc amendments in the Committee of the Whole today on H.R. 2950.

(The following Members (at the request of Mr. SANTORUM) and to include extraneous material:)

Mr. BURTON of Indiana.

Ms. ROS-LEHTINEN.

Mr. CUNNINGHAM.

Mr. MCCOLLUM.

Mr. PURSELL.

Mr. LEACH in two instances.

Mr. COX.

Mr. HOBSON.

Mr. MACHTLEY in two instances.

Mr. BLAZ.

Mr. GALLO.

Mr. BARTON of Texas.

Mrs. BENTLEY in two instances.

Mr. PACKARD.

Mr. HYDE.

Mr. DORNAN of California.

Mr. PORTER.

Mr. GUNDERSON.

Mr. CRANE.

(The following Members (at the request of Mr. HARRIS) and to include extraneous matter:)

Mr. FASCELL in five instances.

Mr. MRAZEK.

Mr. DYMALLY.

Mr. MATSUI.

Mr. LEHMAN of Florida.

Mr. HOCHBRUECKNER.

Mr. CAMPBELL of Colorado.

Ms. PELOSI.

Mr. SLATTERY.

Mr. HAMILTON.

Mr. STARK.

Mr. ACKERMAN.

Mr. SANDERS.

Mr. TALLON.

Mr. PANETTA.

Mr. TOWNS.

Mr. SWETT.

Mr. TRAFICANT in three instances.

Mr. HERTEL.

Mr. SMITH of Florida.

Mr. OLVER.

Mr. HAMILTON.

Mr. DARDEN.

Mr. MCMILLEN of Maryland.

Mr. KOLTER.

BILLS PRESENTED TO THE PRESIDENT

Mr. ROSE, from the Committee on House Administration, reported that that committee did on this day present to the President, for his approval, bills of the House of the following titles:

H.R. 2622. An act making appropriations for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1992, and for other purposes; and

H.R. 1720. An act to amend the Saint Elizabeths Hospital and District of Columbia Mental Health Services Act to permit the Secretary of Health and Human Services to enter into an agreement with the Mayor of the District of Columbia with respect to capital improvements necessary for the delivery of mental health services in the District, and for other purposes.

ADJOURNMENT

Mr. SYNAR. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 40 minutes a.m., October 24, 1991), the House adjourned until Thursday, October 24, 1991, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2244. A letter from the Mayor, District of Columbia, transmitting a copy of the 1991 edition of INDICES: A Statistical Index to District of Columbia Services; to the Committee on the District of Columbia.

2245. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a memorandum of justification regarding assistance to the Economic Community of West African States; to the committee on Foreign Affairs.

2246. A letter from the Administrator, General Services Administration, transmitting a draft of proposed legislation entitled, "Federal Employee Mileage Reimbursement Act of 1991"; to the Committee on Government Operations.

2247. A letter from the Comptroller of the Department of Defense, transmitting notification of transfers of authorizations within the Department of Defense, pursuant to Public Law 101-165, section 9011 (103 Stat. 1131); jointly, to the Committees on Armed Services and Appropriations.

2248. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's report concerning the probable impacts of extension of the American Canal on rates of groundwater declines and resultant surface subsidence in the El Paso-Juarez area, pursuant to Public Law 101–438, section 4 (104 Stat. 1003); jointly, to the Committees on Interior and Insular Affairs and Foreign Affairs.

REPORTS OF COMMITTEE ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. WHITTEN: Committee on Appropriations. House Joint Resolution 360. Joint resolution making further continuing appropriations for the fiscal year 1992, and for other purposes (Rept. 102–266). Referred to the Committee of the While House on the State of the Union.

Mr. FASCELL: Committee on Foreign Affairs. H.R. 3489. A bill to reauthorize the Export Administration Act of 1979, and for other purposes; with an amendment (Rept. 102–267). Referred to the Committee of the Whole House on the State of the Union.

Ms. SLAUGHTER of New York: Committee on Rules. House Resolution 256. Resolution providing for the consideration of H.R. 3543, a bill making dire emergency supplemental appropriations and transfers for relief from the effects of natural disasters, for other urgent needs, and for incremental costs of "Operation Desert Shield/Desert Storm" for the fiscal year ending September 30, 1992, and for the purposes (Rept. 102–268). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BROWN:

H.R. 3614. A bill amending the Land Remote-Sensing Commercialization Act of 1984 to secure U.S. leadership in land remote-sensing by providing data continuity for the Landsat Program and by establishing a new national land remote-sensing policy, and for other purposes; to the Committee on Science, Space, and Technology.

By Mr. COYNE:

H.R. 3615. A bill to provide that the 10-percent additional tax on early distributions from qualified retirement plans shall not apply to distributions from certain plans; to the Committee on Ways and Means.

By Mr. CRANE:

H.R. 3616. A bill to repeal the statutory authority for the Corporation for Public Broadcasting; to the Committee on Energy and Commerce.

By Mr. GALLO:

H.R. 3617. A bill to amend the Internal Revenue Code of 1986 to provide a permanent extension of the credit for increasing research activities and of the allocation rules for research and experimental expenditures; to the Committee on Ways and Means.

By Mr. GILCHREST:

H.R. 3618. A bill to provide a program of Federal supplemental compensation, and for other purposes; jointly, to the Committees on Ways and Means and Education and Labor.

By Mr. McCOLLUM:

H.R. 3619. A bill to amend title 11 of the United States Code to establish a priority for the payment of claims for retiree health benefits in liquidation cases under chapter 7 and 11; to the Committee on the Judiciary.

By Mr. OBERSTAR:

H.R. 3620. A bill to amend the Federal Aviation Act of 1958 to enhance competition at, and the provision of essential air service with respect to high-density airports, and for other purposes; to the Committee on Public Works and Transportation.

By Mr. WYLIE:

H.R. 3621. A bill to require the Board of Governors of the Federal Reserve System to conduct annual on-site examinations of all primary dealers in government debt instruments, to prohibit federally insured depository institutions from engaging in certain transactions with registered government securities dealers which do not meet capital requirements established for registered brokers and dealers, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

By Mr. WHITTEN:

H.J. Res. 360. Joint resolution making further continuing appropriations for the fiscal year 1992, and for other purposes.

By Mr. HOYER:

H.J. Res. 361. Joint resolution designating November 22, 1991, as "National Ice Hockey Day"; to the Committee on Post Office and Civil Service.

By Mr. STEARNS:

H.J. Res. 362. Joint resolution designating October 30, 1991, as "National Stay in School Awareness Day"; to the Committee on Post Office and Civil Service.

By Mr. GOSS:

H. Con. Res. 225. Concurrent resolution expressing the sense of Congress that the laws that apply to the private sector and the other branches of the Federal Government should apply to Congress; to the Committee on House Administration.

By Mr. OWENS of Utah (for himself and Mr. GEPHARDT):

H. Con. Res. 226. Concurrent resolution to commend the participants in the Middle East Peace Conference to be held in Madrid on October 30, 1991; to the Committee on Foreign Affairs.

By Mr. STARK (for himself, Mrs. BOXER, Mr. McCLOSKEY, Mr. TRAFICANT, Mr. ACKERMAN, Mr. SCHUMER, Mr. NEAL of North Carolina, Mrs. SCHROEDER, Mr. BACCHUS, Mr. BROWN, Mr. ROE, Mr. ROYBAL, Mr. DELLUMS, Mr. TOWNS, Mr. KOLTER, Mr. RAVENEL, Mr. SANDERS, Mr. YATES, Mr. SWIFT, Mr. GORDON, Mr. JONTZ, Mr. ANNUNZIO, Mr. MAVROULES, Mr. STUDDS, Mr. FAWELL, Mr. DURBIN, Mr. CARPER, Mr. BILBRAY, Mr. WELDON, Mr. SMITH of Florida, Mr. STOKES, Ms. PELOSI, Mr. CONYERS, Mr. SKAGGS, Mrs. MORELLA, Mr. KOSTMAYER, and Mr. EVANS):

H. Con. Res. 227. Concurrent resolution expressing the sense of the Congress that the President should encourage the contracting parties to the General Agreement on Tariffs and Trade to support national and international efforts to protect the world environment, and that the President should oppose certain actions under such agreement which discourages protection of the environment and wildlife by the United States; to the Committee on Ways and Means.

By Mr. MICHEL:

H. Res. 254. Resolution electing Representative Cunningham of California to the Committee on Education and Labor; considered and agreed to.

By Mr. MICHEL (for himself, Mr. HYDE, Mr. LEACH, Ms. SNOWE, Mr. BEREUTER, Mr. GOSS, and Mr. BROOMFIELD):

H. Res. 255. Resolution creating a task force of Members of the Foreign Affairs Committee to investigate certain allegations concerning the holding of Americans as hostages in Iran in 1980; to the Committee on Rules.

By Ms. SLAUGHTER of New York:

H. Res. 256. Resolution providing for the consideration of the bill (H.R. 3543) making dire emergency supplemental appropriations and transfers for relief from the effects of natural disasters, for other urgent needs, and for incremental costs of "Operation Desert Shield/Desert Storm" for the fiscal year ending September 30, 1992, and for other purposes; House Calendar No. 65. House Report No. 102–268.

By Mr. BEREUTER (for himself, Mr. THOMAS of California, Mr. ANTHONY, Mr. BARRETT, Mr. DORGAN of North Dakota, Mr. GRANDY, Mr. GLICKMAN, Mr. COLEMAN of Missouri, Mr. JOHNSON of South Dakota, Mr. ROBERTS, Mr. VOLKMER, Mr. NUSSLE, Ms. LONG, Mr. EMERSON, Mr. LEACH, and Mr. MARLENEE):

H. Res. 257. Resolution to express the sense of the House of Representatives regarding enforcement of the oilseeds GATT panel ruling against the European Community; to the Committee on Ways and Mean.

By Mr. HAMILTON (for himself, Mr. GEPHARDT, Mr. FASCELL, and Mr. DERRICK):

H. Res. 258. Resolution creating a task force of Members of the Foreign Affairs Committee to investigate certain allegations concerning the holding of Americans as hostages by Iran in 1980; to the Committee on Rules.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 11: Ms. DeLAURO.

H.R. 251: Mr. LEWIS of Georgia.

H.R. 330: Mr. ATKINS.

H.R. 467: Mr. COMBEST, Mr. HOLLOWAY, and Mr. de LUGO.

H.R. 501: Mr. ROE, Mr. ROYBAL, Mrs. BOXER, Mrs. JOHNSON of Connecticut, and Mr. BILBRAY.

H.R. 561: Mr. MINETA.

H.R. 580: Mr. STEARNS.

H.R. 688: Mr. OWENS of Utah.

H.R. 722: Ms. KAPTUR.

H.R. 723: Ms. KAPTUR.

H.R. 812: Mr. FAZIO, Mr. ESPY, Mr. MINETA, Mr. VENTO, Mr. FOGLIETTA, Ms. PELOSI, Mr. BROWN, Mr. STALLINGS, Mr. LEWIS of Florida, Mr. BERMAN, Mr. ROWLAND, Mr. BOUCHER, Mr. SWIFT, Mr. DWYER of New Jersey, Mr. GALLO, and Mr. ENGEL.

H.R. 917: Mr. OLVER, Mr. GILCHREST, Mr. CLEMENT, Mr. STALLINGS, Mr. HERGER, Mr. RUSSO, and Mr. PAYNE of New Jersey.

H.R. 1049: Mr. PACKARD, Mr. LOWERY of California, Mr. HUNTER, and Mr. BLILEY.

H.R. 1147: Mr. OWENS of Utah and Mr. SHAYS.

H.R. 1200: Mr. BREWSTER, Mr. BROWN, Mr. CLAY, Ms. COLLINS of Michigan, Mrs. COLLINS of Illinois, Mr. DICKS, Mr. FRANKS of Connecticut, Mr. GOSS, Mr. HAYES of Illinois, Mr. HEFNER, Mr. HORTON, Mrs. LLOYD, Mr. McNULTY, Mr. MFUME, Mr. OWENS of New York, Mr. PAYNE of New Jersey, Mr. SKAGGS, Mr. STOKES, Mr. WASHINGTON, Ms. WATERS, Mr. WHEAT, Mr. WISE, and Mr. YATES.

H.R. 1288: Mr. WILLIAMS.

H.R. 1300: Mr. FOGLIETTA.

H.R. 1330: Mr. EWING and Mr. GOODLING.

H.R. 1414: Mr. CARDIN.

H.R. 1417: Mr. PACKARD.

H.R. 1418: Mr. FISH.

H.R. 1515: Mr. MFUME, Mrs. BOXER, Mr. FISH, Mr. WILLIAMS, Mr. CAMP, Ms. ROS-LEHTINEN, and Mr. WALSH.

H.R. 1516: Mr. SMITH of Iowa, Mr. GUNDERSON, Mr. SKELTON, and Mr. OXLEY.

H.R. 1522: Mr. MRAZEK.

H.R. 1527: Mr. SAXTON and Mr. BATEMAN.

H.R. 1601: Mr. BILBRAY.

H.R. 2012: Mr. EWING, Mr. SMITH of New Jersey, Mr. GLICKMAN, and Mr. FRANKS of Connecticut.

H.R. 2115: Mr. RICHARDSON.

H.R. 2142: Mr. TOWNS, Mrs. LLOYD, Mr. HORTON, Mr. HOCHBRUECKNER, Mr. DELLUMS, Ms. NORTON, Mr. MARTINEZ, Mr. BROWN, Mr. JONTZ, Mr. ROE, Mr. JEFFERSON, and Mr. FISH.

H.R. 2149: Mr. WOLF.

H.R. 2215: Mrs. COLLINS of Michigan, Mrs. COLLINS of Illinois, Mr. FRANKS of Connecticut, Mr. MAZZOLI, Mr. RAHALL, Mr. ROSE, Mr. SOLARZ, Mr. STOKES, and Mr. TRAXLER.

H.R. 2258: Mr. DIXON, Mr. MORAN, Mr. SABO, and Mr. TRAXLER.

H.R. 2309: Mr. FISH.

H.R. 2374: Mr. EVANS and Mr. WAXMAN.

H.R. 2390: Ms. KAPTUR.

H.R. 2645: Mr. WASHINGTON.

H.R. 2695: Mr. TRAXLER, Mr. KOPETSKI, Mr. VOLKMER, Mr. RAVENEL, Mr. LUKEN, Mr. YATRON, Mr. DREIER of California, Mr. FEIGHAN, Mr. ROHRABACHER, Mr. JAMES, Mr. HEFLEY, Mr. ZELIFF, Mr. MONTGOMERY, Mr. TAYLOR of North Carolina, Mr. KLUG, Mr. TALLON, Mr. MACHTLEY, Mr. LAROCCO, Mrs. MORELLA, and Mr. SCHAEFER.

H.R. 2768: Mr. COX of California.

H.R. 2779: Mrs. SCHROEDER and Mr. ECKART.

H.R. 2781: Mrs. SCHROEDER.

H.R. 2806: Mr. MORRISON and Mr. ABERCROMBIE.

H.R. 2838: Mr. MFUME, Mr. EDWARDS of California, Mr. HUGHES, Mr. DOOLEY. Mr. JOHNSON of South Dakota, and Mr. FEIGHAN.

H.R. 2872: Mr. FISH and Mr. APPLEGATE.

H.R. 2906: Mr. DERRICK.

H.R. 2915: Mr. RAVENEL and Mr. BARRETT.

H.R. 3049: Mr. SCHAEFER.

H.R. 3070: Mr. RANGEL, Mr. NAGLE, Mr. ZIMMER, Mr. GIBBSONS, Mr. WISE, Mr. FISH, Mr. SAXTON, Mr. TOWNS, Mr. SOLARZ, Mr. JONES of Georgia, Mr. ENGEL, Ms. KAPTUR, Mr. PAYNE of Virginia, Mrs. BENTLEY, Mr. DUNCAN, Mr. DAVIS, Mr. MORRISON, Mr. EMERSON, Mr. GEREN of Texas, Mr. HUTTO, Mr. LIPINSKI, Mrs. LOWEY of New York, Mr. MAZZOLI, Mr. ROEMER, Mr. SCHAEFER, Mr. HUNTER, Mr. SHUSTER, Mr. MARLENEE, Mr. SISISKY, Mr. DOOLITTLE, Mr. OBEY, Mr. FIELDS, and Mr. COX of California.

H.R. 3147 Mrs. MORELLA.

H.R. 3164: Mr. BEREUTER, Mr. CALLAHAN, and Mr. SISISKY.

H.R. 3198: Mr. BEVILL, Mr. GEREN of Texas, Mr. TOWNS, Mr. SOLOMON, Mr. TAYLOR of North Carolina, Mrs. LLOYD, Mr. PERKINS, Mr. BATEMAN, Mr. BUNNING, Mr. COBLE, Mr. MANTON, Mr. HEFNER, Mr. SLAUGHTER of Virginia, Mr. DARDEN, Mr. GALLO, Mr. DORNAN of California, Mr. HANCOCK, Mr. KOLTER, Mr. ROGERS, Mr. RANGEL, Mr. DONNELLY, Mr. SUNDQUIST, Mr. LANCASTER, and Mr. SAXTON.

H.R. 3217: Mr. LUKEN, Mr. DANNEMEYER, Mr. KLUG, Mr. LENT, and Mr. BOEHNER.

H.R. 3226: Mr. LIVINGSTON, Mr. BILIRAKIS, and Mr. BOEHNER.

H.R. 3250: Mr. BONIOR, Mrs. BOXER, and Mr. FISH.

H.R. 3253: Mr. CAMPBELL of Colorado, Mr. HAYES of Illinois, Mr. MORAN, and Mr. VENTO.

H.R. 3334: Mr. PETERSON of Florida, Ms. NORTON, and Mr. FISH.

H.R. 3425: Mr. FROST, Mr. LIPINSKI, and Ms. KAPTUR.

H.R. 3439: Mr. TAUZIN.

H.R. 3441: Mr. TAUZIN.

H.R. 3442: Mr. TAUZIN.

H.R. 3462: Mr. HOCHBRUECKNER, Mr. BROOMFIELD, Mr. SOLARZ, Mr. EVANS, Ms. SLAUGHTER of New York, Mr. HAYES of Illinois, and Mr. FISH.

H.R. 3489: Mr. HAMILTON, Mr. YATRON, Mr. SOLARZ, Mr. WOLPE, Mr. LANTOS, Mr. BERMAN, Mr. WEISS, Mr. ACKERMAN, Mr. OWENS of Utah, Mr. FOGLIETTA, Mr. MCCLOSKEY, and Mr. LEACH.

H.R. 3502: Mr. SKEEN.

H.R. 3514: Mr. SHAYS.

H.R. 3516: Mr. HUTTO.

H.R. 3528: Mr. FROST, Mr. MARTINEZ, Ms. KAPTUR, Mr. WILLIAMS, and Mr. PERKINS.

H.R. 3550: Mr. BUSTAMANTE, Mr. RAHALL, and Mr. WASHINGTON.

H.R. 3555: Mr. LEACH, Ms. SNOWE, Mr. BACCHUS, Mr. SHARP, and Mr. CAMP.

H.R. 3569: Mr. KOLBE.

H.R. 3595: Mr. STOKES, Ms. HORN, Mr. MAZZOLI, Mr. HATCHER, Mr. FAWELL, Mrs. LLOYD, Mr. DWYER of New Jersey, Mr. GORDON, Mr. GUARINI, Mr. ROE, Mr. ENGLISH, Mr. BREWSTER, Mr. QUILLEN, Mr. MCEWEN, Mr. HOBSON, Mr. MCCURDY, Mr. ECKART, Mr. MCCLOSKEY, Mr. YATES, and Mr. KOLTER.

H.J. Res. 21: Mr. LUKEN.

H.J. Res. 175: Mr. FLAKE, Mr. SARPALIUS, Mr. JOHNSON of South Dakota, Mr. INHOFE, Mr. ACKERMAN, and Mr. PETERSON of Minnesota.

H.J. Res. 212: Mr. PAYNE of New Jersey, Mr. PANETTA, Mr. DE LA GARZA, Mr. BROWDER, Mr. LEVIN of Michigan, Ms. PELOSI, Mr. EARLY, Mr. SOLARZ, Mr. MARTIN, Mrs. BOXER, Mr. PRICE, Mr. VENTO, Mr. MORAN, Mr. FISH, Mr. MANTON, Mr. MCGRATH, Mr. MILLER of Ohio, Mrs. MINK, Mr. MURPHY, Mr. RAMSTAD, Mr. RITTER, Mr. ROTH, Mr. RAVENEL, and Mr. STOKES.

H.J. Res. 242: Mr. MARTINEZ, Mr. MANTON, Mr. DWYER of New Jersey, Mr. UPTON, Mr. ARCHER, and Mrs. BYRON.

H.J. Res. 261: Mr. STAGGERS.

H.J. Res. 321: Mrs. BOXER, Mr. BROWDER, Mr. DARDEN, Mr. HOCHBRUECKNER, Mr. KOPETSKI, Mr. LANCASTER, Mr. LEVINE of California, Mr. MOODY, Mr. TOWNS, Mr. TRAFICANT, Mr. TANNER, Mr. SANGMEISTER, Mr. SPENCE, Mr. STAGGERS, Mr. SCHUMER, Mr. VALENTINE, Mrs. UNSOELD, Ms. WATERS, Mr. WILSON, Mr. WYLIE, Mr. YATES, Mr. HAMMERSCHMIDT, and Mr. ROE.

H.J. Res. 326: Mr. MCEWEN, Mr. DREIER of California, Mr. CALLAHAN, Mr. HANSEN, Ms. NORTON, Mr. BERMAN, Mrs. BYRON, Mr. CONYERS, Mr. DEFAZIO, Ms. DELAURO, Mr. DELLUMS, Mr. DICKS, Mr. GORDON, Mr. HAMILTON, Mr. LOWERY of California, Mr. MAZZOLI, Mrs. MORELLA, Ms. MOLINARI, Mr. MURPHY, Mr. OWENS of Utah, Mr. POSHARD, Mr. PRICE, Mr. QUILLEN, and Ms. SLAUGHTER of New York.

H.J. Res. 356: Mr. ESPY, Mr. GORDON, Mr. ANNUNZIO, Mrs. MINK, Mr. MCMILLEN of Maryland, Mr. ROYBAL, Mr. DE LUGO, Mr. PASTOR, Mr. ABERCROMBIE, Ms. WATERS, Mr. DIXON, Mr. TOWNS, Mr. ROE, Mr. SANDERS, Mr. MFUME, Mr. OWENS of New York, Mr. APPLEGATE, Mr. COYNE, Mr. DARDEN, Mr. GUARINI, and Mrs. COLLINS of Illinois.

H. Con. Res. 56: Mr. KOPETSKI.

H. Con. Res. 81: Mr. FISH.

H. Con. Res. 202: Mr. APPLEGATE.

H. Res. 161: Mr. FROST, Mr. KOSTMAYER, and Mr. MANTON.

H. Res. 204: Mr. MARTIN, Mr. FISH, Mr. MCNULTY, Mr. SCHIFF, Mr. SPENCE, Mr. WALSH, and Mr. HOBSON.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.J. Res. 280: Mr. MCMILLAN of North Carolina.

EXTENSIONS OF REMARKS

DOBROSLAV PARAGA: PARAGON OF VIRTUE IN THE NEW CROATIA?

HON. HELEN DELICH BENTLEY

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 23, 1991

Mrs. BENTLEY. Mr. Speaker, on October 16, during my special order on "Dobroslav Paraga" the following articles were omitted. For the benefit of my colleagues, I wish to submit them now:

[From the Chicago Tribune, Oct. 7, 1991]

CROATIAN EXTREMIST SPOILING FOR WIDER WAR

(By Ray Moseley)

ZAGREB, YUGOSLAVIA.—There is more than one war being fought in Croatia. In addition to the official one, Dobroslav Paraga and his armed followers are waging their own private struggle.

Paraga, 30, who heads the extremist Croatian Party of Rights, says he has 2,000 fighters at the war front and another 10,000 armed and ready to go. They include party members, ethnic Croatians who have come from the United States and other countries to join the struggle, and some mercenaries.

Paraga's goal is no less than the creation of a "Greater Croatia," restoring the republic to borders it had until early in this century.

To achieve that, he would have to conquer sizable areas of Serbia up to the outskirts of Belgrade, and parts of Bosnia-Herzegovina and Montenegro. In short, he would have to plunge all of Yugoslavia into war.

Western diplomats and the Croatian government view his activities with distaste. Diplomats said his army, which he calls the Croatian Defense Forces, sabotaged a ceasefire more than a week ago by capturing an army barracks at Bjelovar. That prompted the army to renew its offensive against Croatia.

The Defense Forces sometimes fight alongside the Croatian National Guard, Paraga said. But diplomats said they also pursue objectives contrary to government policy.

Paraga says President Franjo Tudjman is guilty of "high treason" for having agreed to cease-fires. He says there can be no truce until all of Croatia is liberated.

Despite such statements, the government tolerates his activities. It would appear to have little choice, because any attempt to bring the Defense Forces under government control probably would touch off a war among Croatians.

Paraga is a former journalist and human-rights campaigner who was jailed under the former Communist regime. He operates from a downtown office building that bristles with military activity.

Men armed with ancient-looking machine guns guard the entrance. A woman rushes in and pleads for troops to be sent to her village to save it from the army. A young man hastily picks up two grenades, drops one on a stone floor, then retrieves it and dashes out the door with her.

Two weeks ago Ante Paradzik, the Party of Rights' vice president and commander of the Defense Forces, was fatally shot by Croatian police when, according to police, his car ignored a roadblock.

Paraga said it was a government assassination. "Our vice president had accused people in the government of embezzling state funds that were supposed to be used for buying weapons," he said. "We were informed by two unofficial sources that an assassination was planned, but we didn't know who it would be or when."

Paraga says his forces include a former U.S. Army colonel, a man of Croatian origin who retired a month ago from a U.S. base in Italy. He refused to give his name. Outside his office, reporters encountered a man in uniform who said he was from Houston, but did not identify himself.

The bespectacled, bookish-looking party leader said ethnic Croatians from the U.S. to Australia help finance his army and have equipped it with sophisticated weaponry. The arms, he said, include U.S. Stinger and Soviet Strela anti-aircraft missiles as well as East German-made Armbrust anti-tank rockets.

Paraga said his forces also have tanks captured from the army. "We are better armed than the Croatian regular forces," he said.

The Party of Rights claims is history of 130 years. But critics say the original party of that name, which favored Croatian independence from the Austro-Hungarian Empire, was a liberal party and Paraga has simply appropriated its name. The party was banned in 1929. Paraga founded his party in 1990.

He said there are party branches in several U.S. cities, including Chicago, and in Canada and Australia. In Croatia itself, he said, the party has more than 100,000 members.

Critics say the party is descended from the fascist Ustashi movement that governed Croatia as a Nazi puppet state in World War II. The party's last prewar secretary, Ante Pavelic, founded the Ustashi and served as Croatian president during the war.

Paraga denies that the Ustashi were fascists or ever under the control of Nazi Germany. He does admit that the Ustashi espoused racial policies and sent many Jews to their deaths, but says his party does not share such racial views, nor does it consider itself as a successor movement.

"We are a democratic party, and dictatorships are unacceptable for us," he said.

Paraga claimed that, in the present war, Croatian forces were on the verge of forcing the surrender of blockaded army bases when Tudjman recently accepted a ceasefire.

Paraga said "many of our people will have to die" before Croatia is liberated.

[From Reuters, Oct. 10, 1991]

CROATIAN NATIONALIST ONCE FOUGHT COMMUNISTS—NOW SERBS

(By Andrej Gustincic)

ZAGREB, YUGOSLAVIA.—Dobroslav Paraga was once a mild-mannered dissident who endured imprisonment in formerly communist-ruled Yugoslavia. Now he leads Croatian ultra-nationalists branded as neo-fascist by Serbs.

While communists were in power in the 1980s, he became an international cause celebre as one of the few Yugoslav dissidents unconcerned with nationalism and dedicated to human rights regardless of nation or faith.

Now he heads the ultra-nationalist Croatian Party of Rights (HSP) and its paramilitary wing, the Croatian Defense Force (HOS).

"I haven't changed," he told Reuters in an interview in his office in a huge baroque building in central Zagreb.

"I am still a pacifist. I care about the rights of individuals, the rights of my people."

He was speaking as HOS fighters, armed to the teeth and wearing camouflage gear, bustled through the building's cavernous halls and wide marble stairwells.

The soldiers, mostly unemployed youths or from families of blue-collar workers, carry submachineguns and search visitors before allowing them into Paraga's office.

Even fellow Croats and those who once championed Paraga's cause now consider him either a lunatic or a potential threat to Croatian President Franjo Tudjman.

Croatian police shot dead Paraga's number two, Ante Pradzic, last month.

Paraga says the HOS has 10,000 men, all volunteers, who joined the force because they felt Tudjman and his ruling Croatian Democratic Union (HDZ) were incapable of protecting Croats.

More than 1,000 people have been killed in Croatia since it declared independence in June and Paraga's men have been in the forefront of some of the bloodiest fighting.

"The authorities were afraid of me when I was a dissident and they are even more afraid of me now," said the tall, moon-faced Paraga, who was jailed for four years under communism.

He was imprisoned in 1980 for alleged links with hostile emigre groups and for petitioning for the release of political prisoners in Yugoslavia.

His accounts of the murder of political prisoners and systematic brutality towards them in Yugoslavia caused shock at home and abroad.

Serbs, who oppose Croatia's independence moves and make up a sizeable minority in the republic, have branded Paraga a neo-fascist.

He dismisses the charges of extremism and neo-fascism.

"In some ways we are the most powerful party in Croatia," he said. "Many fighters in the Croatian armed forces are our boys, the members of this party."

His party wants an independent state of Croatia whose borders would include the neighboring republic of Bosnia-Herzegovina.

Its borders coincide with those of a Nazi puppet state during World War II run by fanatical Croatian fascists called "ustashe," who killed hundreds of thousands of Serbs, Jews and gypsies.

"We recognize the validity of the wartime Croatian state but reject its regime," he said. "We are not ustashe. We do not have ustashe ideology and we don't sing ustashe songs."

But HOS uniforms bear the ustashe motto "Za Dom Spremni" ("Ready to Serve the Homeland") and some of the soldiers wear badges saying "ustashe renaissance."

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Paraga is dedicated to stopping the expansionism of Croatia's arch-rival, Serbia, and says that Serbs have enslaved non-Serbs in Yugoslavia.

"The message is clear: the Serbian advance must be stopped forever," he said.

[From Toronto Globe and Mail, Sept. 25, 1991]

Canadian Defends Support for Private Croatian Army—Donations Used for Clothes and Food, Not Weapons

(By Paul Koring)

ZAGREB, YUGOSLAVIA.—More than $2-million raised in Canada has been funnelled to the Croatian Party of Rights, which runs its own, private, elite army and has been widely associated with extreme Croatian nationalism.

The party is at odds with the Croatian government and President Franjo Tudjman, whom it accuses of failing to adequately defend Croatia. It rejects the fragile ceasefire currently in place in Croatia and demands that the war continue until Serbia is reduced to its pre-First World War border.

The Party of Rights also accuses Mr. Tudjman's government of assassinating its vice-president, Ante Paradzik, three days ago. A prominent Croatian-Canadian businessman, Ivan Orsanic, was in the car, but was uninjured when a Croatian national militiaman fired more than a dozen bullets into Mr. Paradzik at a roadside checkpoint.

Mr. Orsanic had delivered $2-million to the party, according to its president, Dobroslav Paraga, along with a shipment of humanitarian assistance.

Mr. Orsanic claims the president was mistaken. "It was $2-million worth of clothes and food," he said.

However, he also said, "I wish I did, I wish I could [deliver money along with humanitarian aid]. You can't defend yourself with food and clothes."

He said the money was raised in the Canadian-Croatian community, which he said numbers 250,000. A spokesman for the Croatian Committee for Human Rights in Mississauga, Ont., put the community at 150,000.

Mr. Orsanic denies any knowledge of arms purchases. "I don't know how they do it," he said, but Mr. Paraga said funds from abroad are used "for buying instruments of defence for Croatia."

Although the Party of Rights rejects allegations that it is a reincarnation of the Nazi-backed Croatian nationalist movement known as Ustasha, at least some of its red-bereted members—festooned with grenades and wielding sub-machine guns outside the party's headquarters—freely, and with apparent pride, claim to be Ustasha.

They also wear, and the party has as its emblem, a version of the red-and-white checkerboard crest used by the Ustasha, which killed thousands of Jews and Serbs during the Second World War.

"The white field first [in the upper-left-hand corner of the crest] signifies independence and the red field first [as is used by the government of the breakaway republic] signifies loss of independence," Mr. Paraga said yesterday in an interview.

"We are against the persecution of Jews or any people," he said. However, he acknowledged that a former general secretary of his party had founded the fascist Ustasha in Italy.

"We are not the same movement, not the same party," he said. But he also added, "Who are Ustasha? If someone who defends Croatia is Ustasha, then we are Ustasha." The word, he said, simply means "to rise up against."

Mr. Paraga, 30, has an international reputation as an outspoken dissident and was jailed several times by the Communist regime. He is regarded as the first person to document human-rights abuses by the Communist government in Belgrade, and was cited in a 1989 U.S. congressional resolution condemning human-rights abuses in Yugoslavia. Twice he was named a prisoner of conscience by Amnesty International.

Mr. Paraga's party appears to be gaining support as Croatia struggles to avoid further loss of territory in a bitter civil war against Serbian irregulars backed by Yugoslav federal forces. Both parliamentarians and members of the Croatian government's militia were arriving yesterday at the party's heavily fortified headquarters to sign up.

Mr. Paraga also said his party's uncompromising stance and fierce Croatian nationalism were winning adherents both inside Croatia and without. He said it had received arms from Albania and Bulgaria and support from expatriate communities in Australia, Europe and the United States. "We have over 100 branches, [including ones in] Toronto, Thunder Bay, Windsor, Vancouver and Edmonton," he said.

One of Mr. Paraga's chief advisers is Milan Vokovic, another Canadian who lived in Toronto from the age of six, studied at the conservatory of music in Toronto and the University of Toronto.

He accused Mr. Tudjman of "an act of treason" for neglecting to sufficiently arm the republic. He also said the party's private army—a force he says exceeds 10,000—was "continuing to conduct offensive operations, against Serbian and Yugoslav federal army positions in defiance of the ceasefire agreed to by Mr. Tudjman and Yugoslavia's defence minister, Veljko Kadijevic, on Sunday.

Yesterday, the military commander of Croatia's embattled eastern region of Slavonia, Branko Glavas, called on Mr. Paraga—although why he was not reporting to the Croatian defence ministry was not clear.

The party regards Mr. Tudjman as a "traitor" for agreeing to the ceasefire. The party's policy, according to Mr. Paraga, is that Serbia must be reduced to the remnant state that it was before 1914.

"Croatia must occupy its ethnic and historical areas," Mr. Paraga said, an expanse of land that would include not just the current boundaries of the republic but also large swaths of Serbia and Bosnia-Herzegovina.

"Tudjman must go now, he is not a good leader of the Croatian people," Mr. Paraga said.

The real strength of the Party of Rights may become apparent today at the funeral of Mr. Paradzik. Mr. Paraga said he expected the government, which has tried to ban party demonstrations, to try to disrupt the funeral.

The party has clearly become a thorn in the government's side. Last weekend, defense minister Gojko Susak, another Croatian Canadian, said the private army run by the Party of Rights would be brought under control and that it had fewer than 1,000 fighters under its command.

A few hours later, the party's vice-president was gunned down at a Croatian checkpoint on his return to Zagreb from a political rally.

"I was talking to Mr. Paradzik [at the time]," Mr. Orsanic, the Canadian businessman, said. "This guy backed up five steps and started to shoot . . . Chicago-style. It couldn't be an accident. This party has more enemies than friends because it is the only party fighting for the independence of Croatia."

The party's president blames Mr. Tudjman for the killing. He claims that Mr. Tudjman's government includes high officials and cabinet members who were former members of the Communist secret police who persecuted him when he was a dissident. "President Tudjman is responsible [for the killing] because he invited them into the cabinet," Mr. Paraga said. "I know I am on the list for killing, too."

The government appears unable to force the Party of Rights to follow its official line, both regarding military operations and the agreement to a ceasefire. But Mr. Paraga makes no excuses for maintaining a private army whose loyalty oath is not to the government but to the party's aims.

"Only my party [has an army] because the others do not have enough courage," he said. He says an increasing number of Croatians are fed up with the government and are turning to his party.

Of the red berets with their whitefirst shoulder crests, Mr. Paraga said they were "not illegal," but added: "Primarily, they are loyal to my party."

[From the Washington Post, Oct. 10, 1991]

Croats Field Militant Militia—Nationalist Party Fighters Invoke Images of Fascist Past

(By Blaine Harden)

ZAGREB, YUGOSLAVIA.—Besides bayonets, gleaming black hand grenades and late-model submachine guns, militiamen of the ultra-nationalist Croation Party of Rights outfit themselves with Roman Catholic rosary beads.

On the wooden stocks of their automatic weapons, some fighters in the militia have carved the U symbol of Croatia's notorious Ustashi government that, on 1941–45, collaborated with Adolf Hitler and forcibly converted Eastern Orthodox Serbs to Catholicism. Hundreds of thousands of Serbs not converted were expelled from the fascist state or murdered in death camps.

Television here has been preparing Croats for an all-out war against an enemy that it depicts as evil incarnate. In addition to message about how to treat war wounds at home, Croatian television broadcasts video montages of resolute-looking Croatian militiamen, sinister-looking Serbian generals and bomb-damaged Croation churches. These slickly produced videos are scored to classical music, including Beethoven's Ninth Symphony.

As the war intensified, the initials of the wartime Ustashi regime were scrawled on more and more buildings across Zagreb.

At a posh hotel wedding reception here on Saturday night, at about the time Croatia's president was ordering a mobilization of all Croats to fight "the Serbo-Communist hordes," two young men stood at a large table and raised their stiff right arms in the "Sieg Heil" salute of Nazi Germany.

A member of the wedding party later explained the salutes, which were popular here during World War II, as a byproduct of the pressures placed on Croats by the advancing Serbs.

"You have to realize how people feel. For some, the Ustashi were fighting for a free Croatia," said the woman, who did not want to be identified by name. The Catholic Church in Croatia has neither endorsed nor dissociated itself from the militia.

Against echoes of the fascist past, the independently armed and independently commanded militia of the Party of Rights has been able to set up a Beirut-style military headquarters in the heart of old-town Zagreb.

The new office in a baroque 18th-century townhouse is equipped with sandbags and hundreds of boxes of ammunition. A six-foot-high soviet-made antiaircraft missile was shown off to visiting reporters. Militiamen with grenades and rosaries guard the front door.

With no authorization from the elected government, the militia has gone into action here in Zagreb, where it helps other Croatian forces blockade barracks of the Serb-dominated Yugoslav federal army. The militia has participated in fighting across the republic, particularly in the besieged eastern cities of Vukovar and Vinkovci.

"We are the front line of defense. Together with the Croatian National Guard and the police, we make this war," said a Party of Rights militiaman, who would give his name only as Zelko.

The elected Croatian government has been at pains to dissociate itself from the genocidal excesses of the Ustashi era and has shown itself to be uncomfortable with the Party of Rights. The government is concerned that the party's highly visible militia will give the republic of Serbia, as well as states outside Yugoslavia, an excuse to brand the leadership here as "fascist."

Croatia's defense minister has said any militia that is not part of his normal chain of command must be disbanded. Last month, as leaders of the Party of Rights addressed several thousand supporters at an evening rally in central Zagreb, the governments switched off all the lights in the main square.

The level of government discomfort with the Party of Rights, however, took an exponential leap last month with the shooting death of the party's chief military commander.

Ante Paradzik, 48, a lawyer, was vice president of the party and had frequently accused Croatia's elected leaders of corruption, incompetence and cowardice.

On the night of Sept. 21, a Croatian policeman shot Paradzik 13 times in the chest, stomach and back at a police roadblock on the outskirts of Zagreb.

The death was branded an assassination by the party's president, Dobroslav Paraga. He was scheduled to have been in the car in which his vice president was killed, and he charged that Paradzik was killed on order of the security apparatus of Croatian President Franjo Tudjman.

The Party of Rights, which claims to have 10,000 men in arms, had convened a press conference just 12 hours before the shooting. During the meeting, party leaders—including Paradzik—described Tudjman as a "traitor" for his reluctance to start an all-out war against the federal army.

Croatian authorities have denied any political motivation, saying Paradzik was killed by police after the car in which he was a passenger failed to stop at two consecutive roadblocks.

A surviving passenger in the car, however, said that a Croatian policeman started shooting after their car had come to a full stop at a roadblock.

"The particular guy who stopped us, instead of asking for our identity papers, he backed up five steps and started shooting. He shot 40 or 50 times. It was a mafia-like shooting, like in Chicago," said Ivica Orsanic, 52, a Croatian-born Canadian citizen from Toronto, who is a fund-raiser for the Party of Rights.

No shots were fired from our car," said Orsanic, although he did say the driver's submachine gun was in the vehicle. The driver of the car also was shot and severely injured. "As the shooting started, our driver said, 'Don't shoot, don't shoot, we are one of yours.'"

Paradzik, a passionate anti-Communist, was frequently imprisoned during the Communist era in Croatia. That era ended last year with the election of Tudjman. But Paradzik viewed Tudjman, a former general in the staunchly Communist Yugoslav army, as a Communist disguising himself as a Croatian patriot.

Tudjman's government, Paradzik said in a September interview with the Zagreb weekly Globus, is "formed entirely of former and current Bolsheviks."

Besides Tudjman, the head of Croatia's military crisis command center, Josip Manolic, was a colonel in counterintelligence for the Communist federal government.

In the convoluted politics of Yugoslavia, assassinations have played a pivotal role. That of Archduke Franz Ferdinand in Sarajevo in 1914 sparked World War I. Fourteen years later, in Belgrade, a popular Croat nationalist named Stjepan Radic was murdered on the floor of the legislature when he called members of the Serb-dominated cabinet "swine."

President Tudjman, who has a doctorate in Yugoslav history, has referred to that assassination in explaining his need for a large corps of bodyguards.

An eerily similar killing to that of Paradzik on Sept. 21 took place in Belgrade on Aug. 4.

There, the number-two man in a paramilitary group that is independent of the Serbian leadership was gunned down near his home. The top leader of that group immediately accused the hard-line Socialist (formerly Communist) government of President Slobodan Milosevic of complicity. The government denied it.

Charges that Croatia is a fascist state are common across Serbia. Many members of the 600,000-strong Serbian minority in this republic say they believe that an independent Croatia will repeat the anti-Serbian crimes of the Ustashi.

The federal minister of defense, Gen. Veljko Kadijeciv, who is a Serb, has publicly characterized the Tudjman government as "fascistic." The symbols, rhetoric and territorial ambitions of the Party of Rights provide ample reason for Serbian concern.

CENTRO MATER, CARING FOR MANY LITTLE HAVANA CHILDREN

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 23, 1991

Ms. ROS-LEHTINEN. Mr. Speaker, the Centro Mater Child Care Center provides much needed day care for children growing up in the Little Havana community in Miami. The center serves 460 children from ages 6 weeks to 14 years. The Miami Herald recently brought attention to the center's service to the community in an article by staff writer, Ms. Marilyn Garateix. That article follows:

The children of Centro Mater Child Care Center call Bertha Gonzalez, *abuela*, grandmother.

"I love being here with them," said Gonzalez, 67. For two years, she has volunteered four hours every weekday at Centro Mater, taking care of kids in the infant program.

Little Havana's largest nonprofit day-care center at 418 SW Fourth Ave. has operated as a family for 23 years, said Miriam Roman, Centro Mater director. "We establish very personal relationships," Roman said. "We try to maintain the family."

WAITING LIST AT 1,000

That's why you will find four or more children from the same family attending Centro Mater, which tries to keep brothers and sisters together. Centro Mater serves 460 children, ages 6 weeks to 14 years, and has a waiting list of almost 1,000.

Two weeks ago, President Bush praised Centro Mater for its work and named the center as one of his "daily points of light."

Six days a week, the president names a point of light—people working to solve social problems. Other Dade honorees have included Camillus House, Charles Drew Elementary School and Dade's Youth Crime Watch program.

Roman flew to Washington, D.C., to pick up the award. "It was a complete surprise," she said.

HIALEAH CENTER CONSIDERED

Centro Mater's board of directors has talked about opening another day-care center in Hialeah, but nothing has been decided, Roman said, except that the center will never abandon East Little Havana.

"We have always wanted to stay here," Roman said. "We are in the heart of the most needy area of Little Havana."

Centro Mater is the first stop for many of Little Havana's immigrant families. There are more than 20 nationalities represented at the school. The majority are Cubans and Nicaraguans, but there also are Haitians and Jamaicans, Roman said.

PAY WHAT YOU CAN

Fees are based on income and need. The average fee is $15 a week per child, but 35 percent of the parents have income so low that they don't pay anything to leave their child at the Center, Roman said. A staff of 50, including volunteers, runs the infant, preschool and after-school program. The center is open from 7:30 a.m. to 7:30 p.m.

"It's their home away from home," said Digna Estrada, whose two sons are in Centro Mater's after-school program.

HOW CENTRO MATER CAME TO BE

The day-care center was established in 1968 by Sister Margarita Miranda, a Cuban exile nun teaching at a Catholic university in St. Louis. She visited Little Havana and saw the need for child care among the Cuban exiles.

"She was a dynamic woman," said Carmelina Viadero, a board member.

With no funding, Miranda convinced the county to lend her three classrooms for an after-school program at the Ada Merritt Elementary School at Southwest Eighth Avenue and Fourth Street.

Miranda also recruited some of her former students who lived in Miami and had attended *Sagrado Corazon*, (Sacred Heart), a private school in Havana where Miranda taught.

"She started picking up kids from the streets and went knocking door to door looking for kids," Roman said.

A few months later, Centro Mater moved to a one-bedroom home on land that is now part of Jose Marti Park, 351 SW Fourth St. Two portable classrooms were added. The lunch room has picnic tables on a roofed patio behind the house. There were 150 kids enrolled.

NOW RUN BY CHURCH

Miranda was reassigned by the church in 1974 and now does charity work in Peru. A year later, Catholic Community Services and the Archdiocese of Miami adopted Centro Mater. Roman became director in 1976.

In 1980, Centro Mater bought a two-story apartment building across the street at 418 SW Fourth Ave. and renovated it. Apartment five is now a computer room, apartment three, the office.

The lunch room is still picnic tables on a patio. "It's been like a puzzle," Viadero said, with one piece added at a time.

Centro is run by an 11-member board of directors. It gets money from several sources including the city of Miami, United Way, Head Start, the state and federal government, parent fees and private donations.

WORRIES ABOUT FUNDING

"Centro Mater has been blessed," Roman said. "It has gotten help from a lot of places." It hasn't always been easy, she admits. "There have been many nights that I've said 'There's no funding, we're going to have to close the programs' and it hurts because there are so many kids who need it."

Centro Mater has learned to make do repeatedly.

The Centro's playground: Jose Marti Park. Several classrooms are used for preschool in the morning and after-school in the afternoon. Books are handled gingerly to make them last 5 or 10 years and longer.

"Always we have managed to grow," Roman said. But the Centro could use more of everything. More books, more room, more toys, more food for the babies, she said.

But when one door closes, another always opens, Roman said.

HELP FROM UNEXPECTED SOURCES

"One winter a couple of years ago a woman showed up with $1,000 and said she wanted to buy toys," Roman said. "We asked her instead if we could buy sweaters for the children. She said yes. And that year everybody had a sweater."

Irma Beltran, a single parent, is grateful for Centro Mater. It has allowed her to study to become a nursing assistant, she said. Beltran's four children, ages 3 to 14, go to the day-care center. "They've been raised there primarily," she said. "And they're not on the streets all the time."

Beltran's eldest son, now 14, started going to Centro Mater when he was 7. "I couldn't have done it without them," she said. "It's opened up paths for me."

'SPECIAL ATTACHMENTS'

Achille "Butch" Staiano has coached athletics for the after-school program at Centro Mater for 18 years.

"A lot of the things are very rewarding," said Staiano, who also coaches at Columbus High School. "At Columbus, I'm just another teacher. Here, I have something to offer the kids. Here, I feel special attachments."

Ofelia Medina, 23, was one of Staiano's students. She attended Centro Mater for 9 years. Now her son Giovanni, 4, goes to Centro Mater.

"I like the way they treat people here. The attention they give him is the attention they gave me," Medina said. "I wouldn't have my son anywhere else."

Mr. Speaker, I commend the efforts of the Centro Mater to meet the child care needs of many in the south Florida community. It is encouraging to see the leadership of Centro Mater director, Ms. Miriam Roman, as she extends the benefit of these services to all nationalities including: Cubans, Nicaraguans, Haitians, Jamaicans, and others. Also to be recognized are the board of directors, staff, and volunteers for their contribution to the good work of the Centro Mater Child Care Center.

ACCEPTING A SEAT ON THE HOUSE EDUCATION AND LABOR COMMITTEE

HON. RANDY "DUKE" CUNNINGHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 23, 1991

Mr. CUNNINGHAM. Mr. Speaker, I'm honored to accept a seat on the House Education and Labor Committee.

For me, this new duty is a heavy responsibility.

America's young people are our future. And the extent to which we invest our time, our ideas, and our resources in the education of our children will determine the course of our great Republic.

I welcome the opportunity and privilege to work with Chairman FORD, and especially with Ranking Member GOODLING, with whom I have cooperated on the Republican Research Committee Task Force on Education.

And I also look forward to working with President Bush, his Secretary of Education Lamar Alexander, and Secretary of Labor Lynn Martin.

To my colleagues who made this possible, particularly our distinguished minority leader ROBERT MICHEL and the members of the Committee on Committees, I thank you.

I hear the committee has a bill to mark up, so let us get to work.

TRIBUTE TO RUTH OWADES

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 23, 1991

Ms. PELOSI. Mr. Speaker, I rise today to bring to the attention of my colleagues, Ms. Ruth M. Owades. On Thursday, October 24, Ms. Owades will receive the "Women Who Make A Difference Award" from the International Women's Forum. This prestigious award is being given for her San Francisco-based, creative mail order business, Calyx and Corolla, as well as for her ongoing commitment to linking community service to business.

In her effort to combine a successful business with community service, she has consistently hired individuals who face difficulty finding employment. For example, she presently hires women from a home for unwed mothers in their trimester of pregnancy to handwrite the gift cards which accompany the Calyx and Corolla deliveries.

Ruth Owades has created two tremendously successful and pioneering mail order operations. In January of 1979, Ms. Owades started her first business, Gardener's Eden, a catalog of upscale gardening accessories which she sold to Williams-Sonoma. The process of starting up Gardener's Eden is now a case study at her alma mater, Harvard Business School. More recently, she developed Calyx and Corolla, a distinctive, one-of-a-kind catalog offering fresh-cut flowers and plants all year round. Harvard Business School is giving thought to turning this second highly successful business startup into another case study.

But more than Ms. Owades' creative ideas and success in business is her everpresent caring for others. In addition to providing jobs for unwed mothers, Calyx and Corolla contracts out most of its packaging of nonfloral wares to the Jewish Family Services Program which provides important services for non-English speaking immigrants.

Ms. Owades has received numerous awards for her entrepreneurship and community service. Cleveland Mayor Michael White has designated October 9, 1991, "Ruth Owades Day." She was also honored as the "91st Woman of Achievement" by the Women's City Club of Cleveland for her leadership in the mail order business and for being a role model for other women. In addition, Ms. Owades has been named "Cataloger of the Year" by the Target Marketing magazine which will be presented to her at the United Nations in January of 1992.

I salute Ruth Owades for her tremendous creativity in the business world, and for her special dedication to helping people in difficult situations help themselves. Calyx and Corolla is a model of the partnership that can exist between a business and the community it helps support. San Francisco is fortunate to have the benefit of such a business.

TRIBUTE TO ST. MARK'S CHURCH

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 23, 1991

Mr. TRAFICANT. Mr. Speaker, I rise on this momentous occasion to pay tribute to St. Mark's Church in my 17th District in Ohio as it celebrates its mortgage burning on October 26 and 27.

This church pledged to educate its young people and to promote understanding of the Catholic faith in 1971. The progress St. Mark's has made in this endeavor is commendable.

This month marks the celebration of St. Mark's mortgage burning. Indeed, St. Mark's has traveled a long, but loving journey since the early days when Rev. Mark Campbell addressed the congregation. Today, St. Mark's, under the leadership of the learned Pastor Daniel Rohan, continues on its mission to serve its congregation with love and guidance.

Mr. Speaker, it is with great pleasure that I rise on this occasion to congratulate St. Mark's on its mortgage burning.

HONORING LEWIS H. GOLDSTEIN

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 23, 1991

Mr. ENGEL. Mr. Speaker, it gives me great pleasure to pay tribute to Lewis H. Goldstein, my good friend and a dedicated community leader. This week in the Bronx, the United Jewish Appeal will be honoring Lewis in celebrating of his many years of service. It is an honor that has been well earned.

Over the years, Lewis has been very active in Jewish causes, community projects and educational improvement. His list of accomplishments is long and impressive.

An educator since 1967, Lewis currently works with special education children and their families in the Bronx. His affiliations include membership on the board of trustees of the Community Center of Israel and a founding member of the Association of Jewish Professionals. He also serves as a member of the New York Democratic State Committee.

All of Lewis' activities have a common thread running through them; he is continually involved in projects that promote education and fight discrimination. He is a tireless champion for the people who often get lost in the process.

It is in this spirit of community that the United Jewish Appeal is honoring Lewis Goldstein. I join them in personally thanking Lew for his many years of friendship and dedication.

A SALUTE TO ANDREA BUSHER, THE MIAMI TEACHER OF THE YEAR

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 23, 1991

Mr. FASCELL. Mr. Speaker, earlier today, I attended the Burger King Honors Excellence in Education luncheon and joined in honoring the 1991 teachers and principles of the year. I am proud to salute my constituent, Ms. Andrea Busher, the Miami area's 1991 "Teacher of the Year." On a daily basis, Ms. Busher and her colleagues in the education profession are building a better and more secure future for our Nation. So their recognition is timely and well deserved, but they also need help—that is, smaller classroom size, and community understanding and participation.

This morning, the Senate Labor and Human Resources Committee conducted a hearing on the challenges facing U.S. schools. The solution to improving our education system must involve teachers, administrators, parents, and teachers into the decisionmaking process. I would like to share with our colleagues the testimony of one of America's outstanding teachers, Ms. Busher:

STATEMENT OF MS. ANDREA BUSHER

As a teacher it is my deepest hope that by the year 2000 we will be able to eradicate the social injustice that so clearly besieges our communities and their schools. The conditions that many of our youngsters are forced to endure is something that I am unable to accept; nor can I tolerate it from a nation that is as powerful as ours. It is clear to me, as I hope it is to others in the education profession, that academic excellence will continue to be realized by only a small percentage of this nation's population unless we are able to find solutions to the emotional, physical, and social unrests that affect large numbers of children in society today.

We live in a generation where divorce has become the norm, as opposed to the exception. Children are often left to take care of themselves after returning from school, as single parents work or are involved in outside activities. Many children are often found homeless, abused, or coming from dysfunctional surroundings. In very many instances there is little communication amongst family; guidance and involvement from parents is often a rarity.

How, then, is it possible to educate a generation of children who will be ready by the year 2000 to compete in this global economy of ours? It is clear that our schools and its leaders can no longer take the position that our only responsibility lies with the pursuit of encouraging academic success amongst its students.

As we approach the year 2000, schools must begin working collaboratively with outside agencies and businesses to find ways in which to better serve the emotional, physical, and psychological needs of our nation's youngsters. We must begin to provide early and rigorous home/school intervention programs where parent training practices are implemented as a means of providing care for all "at-risk" youngsters.

When a child's self concept is intact, it is possible for him or her to engage in higher order thinking skills necessary to the attainment of academic success. Healthy children are those who come from healthy environments. These are youngsters who most often grow up prospering while finding academic, economic, and personal achievement in their lifetime. Our children are not villains as many in today's society are portrayed. They are simply children who are looking for a way to belong. They should not feel compelled to experiment with drugs as a way of finding solace and acceptance. They should not have to turn to gangs for fulfilling family rituals and feelings of connectedness that are not present within their own home. They should not be forced to turn to violence as a means of finding their identity. It must become the schools' responsibility and part of this nation's commitment to help our children find themselves. In doing so, we might be able to break the cycle of mediocrity, apathy and disparity that is evident in many of our communities throughout this country today. The economic support that must be given to our state legislatures, in order to properly fund these community intervention and mentorship programs, will, no doubt, be costly. Even more costly will be the continuation of the antisocial behavior that exists among our youth and a nation doomed to accepting an education system that has failed them.

SALVADOR DIAZ-VERSON, JR.: TURNING HIS "CASTLES IN THE AIR" INTO REALITY

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 23, 1991

Ms. ROS-LEHTINEN. Mr. Speaker, I am pleased to recognize, who recently was featured in the Columbus (Ga.) Ledger-Enquirer after his resignation as president of one of America's fastest growing insurance companies, the American Family Corp., to begin his own global financial and investment firm. The article, "Diaz-Verson Is Following His Dreams" by Delane Chappell tells his story:

Salvador Diaz-Verson Jr. is following his dreams, turning his "castles in the air" into reality, much the way the late John Amos, his mentor and brother-in-law, did when he founded American Family Corp. in 1955.

"I've had those dreams up there—as John used to say, 'those castles in the air.' Now, I've got to put something together and go with it," he said.

That's one of the reasons Cuban-born Diaz-Verson gives for resigning his posts Aug. 16 as American Family Corp. president and first executive vice president of American Family Life Assurance Co.

Now his "castle" is to develop a global financial and investment firm of his own.

The resignation ended a 17-year career with Columbus-based American Family, a career that spanned a period of the company's most rapid growth, when invested assets rose from $45 million to $6.5 billion and the company became the first American insurance company granted a license to operate in the Japanese market since World War II.

Not a bad track record for a man who fled from the Fidel Castro regime in Cuba with his family in 1959, an eight-year-old with only the clothes on his back.

Despite his success at American Family, Diaz-Verson said it was time to move on, a decision he thinks John Amos would have approved. "John always told me, 'When you stop having fun, then it's time to leave,'" Diaz-Verson said. "I think he'd say, 'When you stop having fun, Sal, then go do something else.'"

The fun had ended for Diaz-Verson.

"My true loves are investments and politics. I was getting further and further away from investments and more and more involved in the administrative and political sides of the business," he said. "I don't think it was my decision. I think it just evolved. A problem comes in and you just handle it.

"Somebody said 'life is not a matter of chance, but choice.' I had a choice. I couldn't just sit here and wait forever. There are two things I really love and I couldn't do them while I still had the office (because of conflicts of interests.)"

Diaz-Verson said rumors that a rift between him and American Family Chief Executive Officer Dan Amos contributed to his leaving are not true. "Dan and I have a very close relationship. We've had what I think was a good relationship all along—and we still do."

Dan Amos, nephew of John Amos and son of American Family Chairman Paul Amos, is godfather to Diaz-Verson's 4-year-old daughter, Elizabeth.

"I told Danny, 'There are very few people I really trust in this world. I'd like for you to be her godfather.'"

Dan Amos, who said the company will miss Diaz-Verson, describes the relationship as good. "If we weren't getting along, I don't think he'd still be across the hall. If it's a hostile environment, you don't stick around."

Diaz-Verson will remain on the board of directors of American Family Corp. and AFLAC, and has signed an agreement to be a consultant for American Family for three years.

American Family also offered him an office at the company as long as he needed it, Diaz-Verson said.

Both Diaz-Verson and Dan Amos say they are aware of a community perception that there has been rivalry and friction between them. Both deny it.

"Danny and I have always gotten along," Diaz-Verson said. "We both have our own fortes. We've got different styles of management. That's what's made it interesting through the years."

John Amos never wanted a wedge placed between the two men, Diaz-Verson said. "John always said 'Sal, you and Danny stay together and make sure nobody gets in between you. You can't allow anybody to do that.' That's a promise we made to each other and we've never let anybody come between us," Diaz-Verson said.

Another reason he wants to leave is that the company is not the same without John Amos, Diaz-Verson said. "It's really been a change without John. He kept the fun in it. You never knew what he was going to do or what kind of trick he was going to play on you. And you could sit down and talk to him about anything.

"I've grown up with him. I traveled with him. John took me on every business trip. Most of the politicians I know, I met through John. He'd tell them, 'If you can't find me, call Sal.' I really miss that," Diaz-Verson said.

While Amos may have considered Diaz-Verson his right-hand man, it was Dan Amos who was handpicked by John Amos before his death to run the company after he was gone. Diaz-Verson said he was not upset when he was not chosen. "We had discussed it. We had talked about the fact that you can't run the company as a committee. Even though Dan and I were both together at the same level, sooner or later somebody had to be the one that made the final decisions.

"John said I would be the financial person and I would be the chief financial officer of all non-insurance operations. I felt very comfortable with that in that I liked the financial side and I enjoyed the non-insurance side," he said.

Family responsibilities also helped him make the decision to leave American Family. "I've been here almost 18 years. I've gotten up every morning at 5:30 to be here before the London market opened. I've never gotten my kids off to school or taken them to school. I haven't been home on Father's Day for the last three years because I've been in Japan on business," he said.

The hardest part of his decision to leave American Family was deciding when to do it, he said.

"I think it's better to leave when you're on top—and we are. We've got one of the best portfolios in the industry and I've built it. It's the cleanest portfolio of any insurance company in the United States. The company is doing well. It was a good time."

As Diaz-Verson's reputation as a financial whiz has grown, other companies have tried to steal him away from American Family, but he wouldn't leave. "If I had to work for anyone, I'd stay with American Family," he said, without hesitation.

But, the dream of his own investment firm prevailed, he said.

Already his attorneys are incorporating his new business, Diaz-Verson Capital Investments (DVC), and he's closing a deal for 3,000-square-feet of office space in Brookstone Centre in Columbus that is expected to open in two to three weeks.

The business will make international investments for individuals and institutions and will probably launch one or two investment funds of its own, he said.

After he gets DVC in gear, Diaz-Verson hopes to form an investment network with some associates in New York and Washington, D.C. He'll also continue as financial adviser to the John Amos estate.

Diaz-Verson admits that he's a little nervous about starting up a new company. But he said he's experienced in international investing. He's done it for the company.

"I think I'm good. I think I can do well in the investment field. It's something you've really got to have a feel for and I think I've been able to do it well. I'm very sure of myself and what I can do," he said.

"I think there will be tremendous growth in the next 10 years in the emerging markets, especially in . . . Spain, Portugal and Italy, and in the Americas. With my Hispanic roots I think I could do very well in the Americas," he said.

Diaz-Verson said he is looking for a reemergence of the Americas as the world refocuses in 1992, and he's planning to be there to welcome them back, maybe with the development of an Americas Fund, he said.

So, fired by enthusiasm and the realization that he's recognized professionally as something of a financial genius, Diaz-Verson sets off at age 39 to put substance in his "castle in the air."

I am happy to pay tribute to Mr. Diaz-Verson by reprinting this article. Mr. Diaz-Verson's story is typical of the many successful immigrants who have helped make America what it is today.

TRIBUTE TO THE 75TH ANNIVERSARY OF HOLY NAME CHURCH

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 23, 1991

Mr. TRAFICANT. Mr. Speaker, I rise on this auspicious occasion to pay tribute to Holy Name Church of my 17th District in Ohio as it celebrates its 75th anniversary serving the spiritual and educational needs of its congregation.

In 1916, ground was broken for the construction of this great church and school. After 2 years of prayer and service in the basement of the church, the first mass was dedicated by Bishop John Farrelly. Since then, the Holy Name establishment has become a monument of dedication to its over 800 families.

The upcoming celebration features Bishop Benedict C. Franzetta who will offer Mass, as well as rememberances to its founders and current staff. These men include Msgr. Stephen Begalla, Father Michael Ronik, and Father Sebastian Fialko.

Recently, Holy Name has returned to traditional practices including Forty Hours Devotion in October and sermons in Slovak. Such changes have increased its membership, says Father Ronik. Yet, the truth about Holy Name pervades the whole parish. It has made, in these 75 years, a momentous contribution to the Youngstown area as both religious guide and educational institution.

HONORING LAURA VALDES

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 23, 1991

Mr. ENGEL. Mr. Speaker, this week in my district, the Co-op City Branch of the NAACP is honoring Laura Valdes, a committed leader within the association and in the community. I wish to add my voice to this tribute.

As a lawyer, Laura has used her extensive talents to help improve the community in which she lives and works. Her activities include serving as past president of both the Co-op City and Williamsbridge Branch of the NAACP, sitting on the local community planning and school boards, and participating in the work of the Bronx Bar Association and several other organizations.

It is people like Laura Valdes, who never lose sight of the needs and aspirations of their neighbors, who make our communities strong and resilient. In this spirit, I join the NAACP Co-op City Branch in thanking Laura for her tireless efforts.

VFW JOSE MARTI POST CELEBRATES 20TH ANNIVERSARY

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 23, 1991

Mr. FASCELL. Mr. Speaker, several weeks ago the VFW Jose Marti Post of Miami, FL, observed and celebrated its 20th anniversary. The post is composed primarily of Cuban refugees who volunteered to serve in the United States armed services.

More than 500 people attended the anniversary dinner and Capt. W.C. McCamy, Commander of the Guantanamo Naval Base in Cuba, was a special guest.

The main speaker of the evening was the Post's original founder, Dr. Manolo Reyes—formerly a leading Cuban broadcaster, both in Cuba and, subsequently, in south Florida, and now an administrator at Mercy Hospital in Miami. I commend to our colleagues Dr. Reyes' moving remarks.

REMARKS BY DR. MANOLO REYES

It is indeed a great privilege for me to address this gathering honoring the members of V.F.W. Jose Marti Post. This post is very close to my heart since I started to work on it's Foundation in mid 1970, 21 years ago. With a dream in my lips, I approached Joseph and Ann Grenesse who were already working in a VFW Post. With their support and help we began to make approaches and on May 16, 1971—20 years ago—this post was officially chartered.

I never dreamt that the Jose Marti V.F.W. Post was going to grow the way it has. You have to realize that even though we have been in this country for three decades, we represent an early immigration starting in the sixties. At the time when we came, we believed we were going to be here only for 6 months, a year at the most, because a communist regime not going to be able to survive 90 miles away from the United States.

When we came at the beginning of the sixties, the U.S. had to face for the first time in U.S. history that it would be a nation of first asylum. In previous years, the U.S. had the Hungarian exodus, but the Hungarians went to a second country where they were screened by U.S. authorities and then came to America.

In the case of the Cubans, more than 200,000 of them came in waves up until mid 1962, and they were considered parolees. One way or the other, Cubans of all ages came at that time, and when the Vietnam war began they were recruited by the U.S. On record, we have more than 10,000 Cuban youngsters that went to the jungles of Vietnam to defend freedom and democracy against communism.

Some of those Cuban youngsters are here today. Would you please stand up and be recognized?

They follow the Cuban tradition of joining forces with the United States when our friend of the north had an international crisis.

There were Cuban volunteers in the U.S. Armed Forces in World War I, World War II, Korean War, Vietnam War and in the Middle East War. All of these started when American rough riders and Cuban freedom fighters under the direction of General Calixto Garcia, joined ranks to fight for the Cuban freedom in San Juan Hill, Oriente Province.

But in those initial wars and struggles we never had a VFW Post integrated by Cubans who went abroad to fight under the flag of the stars and stripes.

And now, we hope and pray that the next event of the VFW Post Jose Marti will be in a free Cuba. And you, Captain W.C. McCamy, as Commander of U.S. Guantanamo Naval Base, have a very special invitation for that occasion.

I've said many times that the best speeches are the shortest ones. To that effect, I am going to finish my speech making reference to the person who's name is carried by this post.

The V.F.W. Post carries the name of one of the most illustrious Cubans ever born: Jose Marti. Marti was not only recognized as a leader by the Cubans, but by all the nations he visited in his pilgrimage. And, I say pilgrimage because Jose Marti lived in exile more years than in his native country, Cuba. Just as we have done, Marti lived many years in the United States and his places of operation were New York, Tampa and Key West, Florida.

He was born in 1853 while his country was in slavery. He lived during slavery and died, in 1895 while Cuba was still in slavery. But, when his blood was spilled in the battle of Dos Rios in Oriente Province, he planted the seed of freedom in Cuba forever.

It has been said by scholars and intellectuals that history repeats itself.

In the last century, Cuba had two wars of Independence to be free from Spain. The first one lasted 10 years from 1868 to 1878, and the second from 1895 to 1898. In both wars Cuba had Cuban exiles representing the freedom fighter patriots who were in the island struggling for freedom.

On February 24, 1895, the second Cuban war of Independence was started in Oriente Province with the cry of Baire. Several weeks later, the great Cuban leaders, General A. Maceo, General Maximo Gomez and Jose Marti met in a farm called "La Mejorana" near Playitas where they landed. All of this was happening in Oriente Province. In La Mejorana they formed the Cuban Government of the Republic of Cuba in arms.

If history repeats itself, I hope and pray that very soon the Cuban leaders in exile will land in Cuba, in Oriente Province, to join our Cuban brothers and sisters and establish a Cuban Government of the Republic of Cuba in arms at the Guantanamo Naval Base.

GUAM: EQUAL IN WAR BUT NOT IN PEACE

HON. BEN GARRIDO BLAZ

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 23, 1991

Mr. BLAZ. Mr. Speaker, on October 6, 1991, the New York Times ran an editorial entitled, "Free the Government's Plantation," in which it called for the granting of statehood to the District of Columbia. Its reasoning struck a sympathetic chord, for many of the grievances of the people of the District are shared by my constituents in the territory of Guam. These similarities led me to respond to the Times editorial, and the Times published it on October 19 under the headline: "Guam, Equal in War but Not in Peace." I am submitting this response, as it appeared in the Times, for inclusion in the CONGRESSIONAL RECORD for the information of my colleagues.

TO THE EDITOR: I applaud "Free the Government's Plantation" (editorial, Oct. 6), which called for statehood for the District of Columbia. In essence, your paper seems to argue that simple justice requires that the legitimate desires of the people of the District for self-determination be met. I agree wholeheartedly.

I had just finished writing a message for the veterans' organizations in my Congressional District (Guam) in which I referred to two young Guamanians who had lost their lives fighting for America during Operation Desert Storm. I mentioned further that Guam's tradition of service to the United States has seen it—in both the Korean Conflict and the Vietnam War—suffer more casualties on a per capita basis than any other American community.

Our casualties of war go far beyond those who have died in uniform. As the only American civilian population held by the enemy during World War II, the atrocities and daily humiliations of that time are burned forever into our psyches. Yet the loyalty and love my people feel for the United States remains unabated.

I can attest to this because first as a 13-year-old forced laborer during World War II and later serving in both the Korean Conflict and the Vietnam War during the course of a thirty year Marine career, I have seen the testimony of their faith in the United States written with their blood.

Yet the people of Guam—Americans all—remain second-class citizens. Like the people of the District of Columbia, they are denied the fundamental rights afforded their counterparts elsewhere. At least, the 23rd Amendment gave the people of the District the right to vote for President. We on Guam were not given that right.

Ironically, American expatriates enjoy more rights than their fellow citizens living in the District and in the Territories. Through the absentee ballot, they remain fully enfranchised while, with the exception of the Presidential vote, the people of the District share with their counterparts in the Territories the dubious status of being absentees in their native land.

The inequities of Guam's current status are perhaps best highlighted by this simple fact. An American citizen living on Guam is disenfranchised from voting in Federal elections. In that regard, he has no more rights than a Green Card holder. Should he, however, fly to California or Hawaii and establish residency, he miraculously gains all the rights of citizenship. He can be enfranchised by an airline ticket. And he can be disenfranchised by a ticket as well, should he return to his birthplace.

Currently, Guam is seeking to forge a closer union with the United States through the adoption of commonwealth status. When it does so, it will mark the first time in the almost one hundred years that Guam has been an American territory that the people will have determined for themselves what their relationship with the federal government should be.

Even when Guam achieves commonwealth status, the Federal Government will not give us the same constitutional rights enjoyed by our brothers and sisters in the States. We will still not have the Presidential vote; our delegate will still lack a vote on the House floor. Sadly, an old saying on Guam remains as true now as ever: We are equal in war, but not in peace.

BEN BLAZ,
Member of Congress, Guam.

RECOGNITION OF JOSEPH ABBONDONDELLO

HON. GEORGE J. HOCHBRUECKNER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 23, 1991

Mr. HOCHBRUECKNER. Mr. Speaker, I rise today to pay tribute to an outstanding citizen who has been a member of the American Legion for 16 years and is a Vietnam veteran. Junior Post Commander Joseph (Jay) Abbondondello has not only served his country when needed, he continues year after year to serve his community, State, and Nation.

Mr. Abbondondello served as the Suffolk County commander for the legion year 1990/91. He is also a member of the Veterans Advisory Group that was very instrumental in helping to plan and erect the Long Island State Veterans Nursing Home, a 350-bed facility located in Stony Brook, Long Island.

A strong supporter of Suffolk County programs, Mr. Abbondondello has chaired the oratorical program for 6 years. As chairman, he has dedicated numerous hours to improve and educate American Legion members and school officials to participate in this program.

Mr. Speaker, it is my great pleasure to rise today to recognize, along with American Legion Post No. 694, Joseph Abbondondello for his many years of dedication and service to the American Legion.

SALUTE TO HALLIE CRAWFORD STILLWELL

HON. ALBERT G. BUSTAMANTE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 23, 1991

Mr. BUSTAMANTE. Mr. Speaker, I rise today to salute Hallie Crawford Stillwell, a remarkable and distinguished woman whose contributions have given us Texans great pride. On October 20, 1991 Hallie will celebrate her 94th birthday and the opening of Hallies Hall of Fame store, which will exhibit many of the great successes of Hallies wonderful life. This pioneering Texas ranchwoman is the incarnation of all the properties that make Texas and this country great. What endears a woman like Hallie to us is her amazing ability to overcome adversity and turn it into something positive. Hallie Crawford married Roy Stillwell on July 29, 1918, when she was 20 years old. Together they ran a cattle ranch and when Roy died in 1948, Hallies true character shined when she refused to give up on herself or her family. She took any job she could, from journalism jobs to serving as justice of the peace. Hallie was determined to succeed. And success has certainly found her. Hallie has built a wonderful life for her and her family and has carved out a niche for herself in the ranching industry that has been traditionally dominated by men. Mr. Speaker, today I take great pride in commemorating the 94th birthday of Hallie Stillwell, a woman whose life enriches the State of Texas and the United States.

TRIBUTE TO PAUL ASENTE

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 23, 1991

Mr. TRAFICANT. Mr. Speaker, I rise today to pay tribute to Mr. Paul Asente of my 17th District in Ohio as he retires after 20 years service in the cable industry.

Mr. Asente served with Warner Cable for over 17 years in various positions. From 1971–76, he managed the New Hampshire Office System. On November 1, Mr. Asente leaves the top spot in Warner Cable's Youngstown office, which serves over 22,000 cable viewers.

Mr. Asente's dedication and expertise in the industry has not gone unnoticed. He received the "1990 Prize for Excellence in the Community" awarded by Warner. Not long after, Mr. Asente was awarded the Customer Service Award from the National Cable Television Association in 1991.

Aside from such grand achievements, this man has served Youngstown faithfully for a number of years. He volunteered his services to the city's school district as a tutor in the Literacy Program. In addition, Mr. Asente offered his services to the Muscular Dystrophy Association, the Youngstown Catholic Diocese, the Adopt-a-School Program and the Better Business Bureau.

Such dedication does not end, however. Currently, Mr. Asente serves on the board of directors of the Youngstown Kiwanis Club.

Mr. Speaker, I rise to congratulate and thank Mr. Paul Asente for his commitment and service to Youngstown. Furthermore, I wish him well as he retires on November 1, 1991.

HONORING THE WESTCHESTER-PUTNAM AFFIRMATIVE ACTION PROGRAM

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 23, 1991

Mr. ENGEL. Mr. Speaker, I rise today to pay tribute to the Westchester-Putnam Affirmative Action Program on the occasion of its 19th anniversary.

More than ever before, it is important to take note of the accomplishments of organizations that promote equal opportunity and fairness in the workplace. These principles are under attack from people who fail to understand the value of a diverse society. They choose to deny the successes of affirmative action in a last-ditch effort to maintain the status quo.

But the status quo in America is changing, as the members of the Westchester-Putnam Affirmative Action Program are well aware. We must continue to work toward the day when there is equal access to opportunity and a true realization of the talents our Nation possesses. I congratulate all the officers and members of the Westchester-Putnam program for 19 years of dedication, and I pledge my commitment to furthering the principles of fairness and equal opportunity.

A TRIBUTE TO MAURICE ROSEN

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 23, 1991

Mr. FASCELL. Mr. Speaker, I rise to pay tribute to a leader in my community, Maurice Rosen. As chair of the Miami chapter of the American Civil Liberties Union, he was dedicated to the protection of individual rights and liberties guaranteed by the Constitution. His work in behalf of others, usually less fortunate then he, improved both his community and the Nation.

He had many triumphs, but perhaps Mr. Rosen's most notable victory came with the release of Freddie Pitts and Wilbert Lee. Pitts and Lee served 12 years and 48 days on death row in Florida for a murder they did not commit. Rosen worked tirelessly for their release, which came some 6 years after another man admitted to the crime. In this historic and symbolic case, Rosen clearly illustrated that one person can reverse an unjust conviction that could have led to the execution of two innocent men.

In addition, he fought the city of Miami over its treatment of the homeless, the Dade County School Board so that three girls infected with the AIDS virus could go to school, and for the rights of Cuban artists to show their work in Miami. The causes he championed were not always popular with the majority of the community, but the rights he was defending were intended for all, including those outside the majority.

His work enriched Dade County and his untimely passing leaves an enormous void in our community. I wish to commend to our colleague's attention Maurice Rosen's obituary which appeared in the Miami Herald.

Jeanne-Marie and I extend our sympathy to his wife and his two sons.

[From the Miami Herald, Oct. 9, 1991]

MAURICE ROSEN, CHAIR OF MIAMI ACLU CHAPTER

(By Lydia Martin)

Maurice Rosen, a Miami lawyer who dedicated his life to ensuring others got a fair shake, died Tuesday after suffering a heart attack aboard a jetliner taxiing at Miami International Airport for a flight to Tallahassee. He was 56.

Freddie Pitts, a man he helped free from Florida's death row in 1975, said he will always be grateful to Rosen.

"He was a very good attorney. Once he became involved, he didn't let his case go until the conclusion. But not only was he a good lawyer, he was a very good person," said Pitts, a truck driver.

Pitts and Wilbert Lee, now a counselor for inmates at Dade County Jail, spent 12 years and 48 days in prison for the murders of two gas station attendants in Port St. Joe—six of those years after another man, a white man, confessed to being the killer.

"He probably is the lawyer most responsible for the impetus that lead to the freeing of Pitts and Lee," said Irwin J. Block, who served as co-counsel with Mr. Rosen and Phillip Hubbart, now a judge for the Third District Court of Appeals.

Mr. Rosen, chair of the Miami chapter of the American Civil Liberties Union, represented dozens of other defendants through the ACLU where fairness and justice were at issue.

Three years ago he sued the city of Miami for mistreating the homeless. It led to a relief effort for people living under the I-395 overpass.

There are talks of a settlement, said co-counsel Benjamin Waxman.

"The city was arresting and harassing the homeless," Waxman said. "Now it has changed its entire attitude and posture regarding the homeless. Maurice was the first to be optimistic that the city was coming around."

Mr. Rosen, a Miami native who attended undergraduate school and law school at the University of Florida, joined the Miami ACLU when it was founded 35 years ago.

He served as co-counsel in the Cuban Museum of Arts and Culture case to protect the rights of Cuban artists to show their work in Miami.

He defended the rights of three girls infected with the AIDS virus to attend Dade schools.

Colleagues say Mr. Rosen was a tireless fighter, giving up riches for fairness. The work he did for the ACLU was all pro bona.

Said Gene Miller, who reported on the Pitts-Lee case for The Miami Herald:

"It is a bit odd that Maurice Rosen, the personification of the 'nice guy,' died the day after Leo Durocher. For Rosen finished first, not last, in one race we too often ignore. The human one, the plight of the unfortunate. Rosen made a difference, an important difference."

Mr. Rosen's wife, Virginia, is a Dade public schools executive and former state legislator.

In addition to his wife of 32 years, Mr. Rosen is survived by sons, Alex and Lee; mother, Miriam; sister, Jacqueline Rosen; and aunt, Martha Russcol.

Services are scheduled for 3:30 p.m. Thursday at Riverside-Gordon Memorial Chapel, 1717 SW 37th Ave.

ENVIRONMENTAL PROTECTIONS THREATENED BY GATT

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 23, 1991

Mr. STARK. Mr. Speaker, I rise today to introduce a resolution to express the sense of Congress that the President should encourage the GATT members to protect the world environment and should resist actions under GATT which discourage the protection of the environment and wildlife by the United States.

In August, a GATT panel determined that the Marine Mammal Protection Act of 1990 which was passed to protect the unnecessary killing of dolphins is an illegal restriction on free trade. The Marine Mammal Protection Act requires that U.S. fishermen buy new equipment and take certain precautions to avoid the incidental taking of dolphin. Recognizing that the United States fishing industry would be at a disadvantage relative to foreign competitors if tuna caught by foreign competitors using cheaper methods could be imported, Congress imposed an import ban on tuna from countries such as Mexico that did not enact similar protections for dolphins.

Mexico objected to the import ban and the GATT panel ruled that our law to protect dolphins—which we apply at home and on imports—creates an impermissible trade barrier. The recommendation has not yet been approved by the 108 nation GATT. If approved, the United States would be required to rescind the mammal protection act or become an international trade outlaw. There has to be another option.

We are part of an international economy sharing international resources. As our Nation and others work to protect our natural resources, we must be allowed to enact provisions which can be fairly applied to all parties.

The issue is much broader than the case at hand. We now have many environmental treaties. We now have many environmental treaties and conventions which protect tropical forests, migratory and endangered species, ocean ecosystems, the ozone layer as well as control of toxic wastes and chemicals. We must be allowed to challenge our trading partners to deal with these issues as we impose environmental discipline here at home.

The text of my resolution is as follows:

H. CON. RES. —

Whereas the global environment and world wildlife is threatened by massive changes caused by world industrialization and energy use;

Whereas it is essential for future generations and for economic growth that all the nations do more to protect the environment; and

Whereas the United States and other nations will continue to try to restrict the importation of goods and services that they believe are produced in a manner harmful to the global environment and world wildlife: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that the President should—

(1) encourage the Contracting Parties to the General Agreement on Tariffs and Trade to support the global environment and world wildlife by discouraging trade in goods and services produced in a manner harmful to the global environment and world wildlife; and

(2) oppose any action under the General Agreement on Tariffs and Trade which impinges on the ability of the United States to protect the global environment and world wildlife through the nondiscriminatory applications of trade laws.

INTRODUCTION OF LEGISLATION THAT PROVIDES PROTECTION FOR RETIREE HEALTH BENEFITS IN BANKRUPTCY LIQUIDATION CASES

HON. BILL McCOLLUM

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 23, 1991

Mr. McCOLLUM. Mr. Speaker, today I am pleased to introduce legislation that provides protection for retiree health benefits in bankruptcy liquidation cases. Although the imperative to help Eastern Airlines retirees is the original impetus for this legislative effort, I recognize that retirees of a number of companies will face severe hardships in the years ahead if our law fails to take proper account of the special equities of many individuals and families confronting health benefit terminations.

Three years ago Congress, in the aftermath of the LTV bankruptcy filing, established a mechanism for safeguarding retiree health and life insurance benefits in reorganization cases. The Retiree Benefits Bankruptcy Protection Act of 1988 accorded recognition to retiree needs in a context where discussion focused on viable companies on the road to successful reorganization. Public Law 100–334, however, did not contemplate the importance of Bankruptcy Code changes specifically designed for liquidating bankruptcies.

The consequences of losing health benefits can be disastrous for retirees, spouses, and dependents regardless of whether a company ultimately reorganizes successfully or faces liquidation. Medical care expenses can prove devastating for people lacking adequate insurance coverage. A single illness, as we all know, can wipe out a lifetime of saving. Those who lose their health insurance often cannot obtain replacement coverage because of preexisting medical conditions. The expectations of retirees—who have earned health benefit coverage—must be effectuated if at all possible even in situations where businesses are forced to liquidate in bankruptcy.

My bill will amend chapter 7—the liquidation chapter—of the Bankruptcy Code to establish a new priority for retiree health benefits—limited to an aggregate amount of $10,000 multiplied by the relevant number of former employees. The flexible formulation in this bill is designed to give a bankruptcy judge wide latitude to approve insurance plans that allocate health benefits among recipients—including spouses and children—perhaps taking into account the special needs of retirees who are not yet eligible for Medicare. Equal payments to former employees for health benefits probably is inappropriate; medical needs vary greatly, and retirees may or may not have family members entitled to protection.

This legislation establishes a new priority for the payment of retiree benefits in chapter 11—the reorganization chapter—cases involving plans that provide for liquidation. The objective of adequately protecting retirees in liquidation cases requires addressing liquidating chapter 11 cases as well as chapter 7 cases.

The protection this bill extends to retirees in liquidating chapter 1 cases does not disrupt the balance Bankruptcy Code section 1114 strikes between retiree needs and the exigencies of successful reorganization. The legislation establishes a new priority for retiree health benefit claims where reorganization does not succeed—without limiting any priority treatment of such claims in successful or unsuccessful reorganizations under other provisions of law, including section 1114. Any retiree benefits in the Eastern Airlines bankruptcy case, for example, that may be entitled to administrative expense treatment under current law will continue to be entitled to administrative expense treatment if this bill is enacted.

The experience of Eastern Airlines—and broader concerns for the health care of retirees and their families—justify an initiative that goes beyond Public Law 100–334. I urge my colleagues in both bodies to join me in seeking passage of this legislation during the current session.

RECOGNITION OF THE POLISH SUBCOMMITTEE OF RHODE ISLAND HERITAGE COMMISSION

HON. RONALD K. MACHTLEY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 23, 1991

Mr. MACHTLEY. Mr. Speaker, I rise today to recognize the Polish Subcommittee of the Rhode Island Heritage Commission.

President Bush has proclaimed October as Polish Heritage Month. The Polish Subcommittee of the Rhode Island Heritage Commission was established to commemorate the history and culture and to preserve the traditions of Poland and Polish-Americans. In addition they study the economic, social, political, and religious aspects of Polonia and foster brotherhood and understanding among their citizens. The Polish Subcommittee of the Rhode Island Heritage Commission is celebrating Polish Heritage Month by sponsoring the first annual Polish-American heritage awards reception on October 25, 1991.

The Committee has chosen 10 citizens from the State of Rhode Island who have promoted Polish heritage in some way. One recipient in particular is Theodore Chmura, of Cumberland, RI, who passed away this summer. He will be receiving a posthumous award for his long-running Polish radio program that helped to promote the culture of Polonia.

Other recipients of the Polish-American Heritage Award will be given Genevieve Augun, of Pawtucket, Cheryl Babiec, of Pawtucket, Jean-Janina Babiec, of Pawtucket, Raymond Babiec, of West Warwick, Anne-Anya Blaszkow, of North Smithfield, Constance Lamansky, of Woonsocket, Wanda Moskwa, of Pawtucket, Dr. Dorothy Pieniadz, of Providence, and Frances C. Sobczyk, of Central Falls. In addition awards will also be given to two fifth graders who submitted essays on the topic, "Why I am Proud to be Polish." The winners will be Agata Kozminski, of Woonsocket, and Diane Azepecki, of Pawtucket.

It is with great pleasure that I extend my sincere congratulations to all the award winners, chairpersons of the event Walter and Edwina Piekarski, and to all the people involved in the first annual Polish-American heritage awards reception. I am pleased to join with the Polish Subcommittee of the Rhode Island Heritage Commission, and the whole Polish community in celebrating Polish Heritage Month.

PALL—BLEEDING ITS OPPONENTS DRY

HON. ROBERT J. MRAZEK

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 23, 1991

Mr. MRAZEK. Mr. Speaker, this week, U.S. News & World Report published an article on five U.S. businesses that are outworking and outsmarting their foreign competition. I am proud to point out that one of these firms, the Pall Corp., is located within my own congressional district.

It has always been my sense that the future of our economy lies in not closing our doors to competition but rather beating our trade adversaries in the world arena. The Pall Corp. is a shining example of just how that can be done.

I would ask that this article be inserted in the RECORD.

PALL—BLEEDING ITS OPPONENTS DRY

Pall Corp. has vanquished two Japanese rivals in a fierce battle over next-generation filters that drain blood of potentially harmful white cells known as leukocytes. The $657 million Long Island-based firm has traditionally commanded about 50 percent of the marketplace in overall blood filters, but when it recently confronted Asahi, a $5 billion chemical conglomerate, and Terumo, an $850 million medical products company, it was faced with one of the stiffest competitive challenges in its history.

Pall turned back the Japanese attack on its market position with superior technology. In the early 1980s, the company had created a filter that removed roughly 90 percent of all leukocytes. Not satisfied, the firm's researchers improved this product and released a filter that was even more effective than its predecessor. Terumo and Asahi, who were selling older-generation filters that represented only a tiny fraction of their product lines, hungered for a slice of the new market. But Pall's focus on filters allowed it to build a better product and beat its ambitious competitors to market. Says Asahi Senior Vice President Takeyuki Miyamura, "Pall is very tough."

Pall's engineering expertise has enabled revenues to easily filter down to its bottom line. By applying its technological know-how to products ranging from airplane-fuel engines to bottled beer, the company has been able to record 20 consecutive years of sales growth at an annual average rate of 18 percent. Earnings have been even more impressive, expanding by an annual average of 32.5 percent over the past two decades. Although it is headquartered in the United States, Pall is well on its way to becoming a truly global company. In fiscal 1991, for example, sales growth in Europe and Asia rocketed along at 18 percent and 31 percent respectively; in the United States, the figure was just 8 percent.

Pall's ability to expand and dominate in both the United States and Europe has been aided by duplicate manufacturing facilities on both sides of the Atlantic. This has allowed the company to save roughly 10 percent on shipping and duty costs on European orders and has helped safeguard the firm against protectionist fever on the Continent. Pall recently completed an accelerated, five-year capital expenditure program, with most of the outlay being poured into six British plants.

Because Pall has successfully spread its corporate tentacles around the world, analysts believe that the filter company is extremely well positioned for the future. By 1994, they say, Pall could easily be a $1 billion enterprise with healthy profits, the lifeblood of any corporate body, surging through its veins.

OPEN LETTER TO THE CONGRESS

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 23, 1991

Mr. BURTON of Indiana. Mr. Speaker, I recently received an interesting letter from one of my dear friends who has expressed concern about what's going on here in the Congress of the United States.

Frank Cox is a very successful businessman as well as a sound thinker, and I believe his thoughts express the views of many who do not take the time to contact their Congressmen to express their views.

Because Mr. Cox' letter was so thoughtful and well written, I thought my colleagues might find it beneficial to read it as well. Therefore, I am submitting it to the CONGRESSIONAL RECORD for all Members perusal.

FRANK M. COX,
Roseville, CA, October 14, 1991.

OPEN LETTER TO THE CONGRESS OF THE UNITED STATES OF AMERICA: Recent events have highlighted how bankrupt, unethical, immoral, and ineffective the institution, of which you are a member, really is. I refer to the economy, the banking and restaurant scandals, and the Clarence Thomas confirmation hearings (lynching). I am sick to death of hearing your performance excused by the phrase, "that's politics". Politics is about power, special interests, and votes. Politics gets you elected to a position where you are sworn to protect and defend the best interests of all of the people, not just those that elected you.

Congress is incapable of solving the problems this country faces for two reasons. First, its members cannot even agree on what the problems really are. Consequently, rather than appear incompetent our money is thrown at the symptoms to demonstrate how sensitive, compassionate and responsive congressmen and senators are. More often than not, this makes the problem worse. It is like a doctor telling someone that is in pain because they have a broken leg to take a pain killer and go for a walk.

Secondly, Congress operates on the principle of "the squeaky wheel getting the grease". There can be no question that was in the hearts and minds of our founding fathers when they established the framework for our form of government. They were fleeing tyranny. The words in our Constitution we so hotly debate were meant to protect the majority (those governed) from the minority (those governing). Those who have been denied their rights under the Constitution have suffered because of politics not as the result of a structural weakness in our Constitution. The granting or withholding of privilege, rights, or powers based on age, sex, race, politics, economic status, sexual preference, etc, etc., is tyranny. The prostitution of members of this body to special interests and minority groups whose interests are contrary to the Constitution or the majority of the electorate, is tyranny.

You are presiding over and legislating our economic, moral, and spiritual decline. Blaming a lack of leadership from the executive branch does not relieve you of the responsibility your authority entails. The solutions to our problems do not lie in fostering class envy or social polarization. Increasingly repressive, punitive, and economically crippling taxation is fiscally irresponsible. Redistributing wealth from those who earn it to those who do not is indefensible. Freedom is not advanced by institutionalizing economic dependency. These common characteristics of legislation may build a constituency, but they will not build and sustain a great nation.

Hopefully the politically motivated attempts to destroy Judge Thomas will so outrage, polarize and mobilize the silent majority in this country that you will no longer be able to rely on voter apathy to perpetuate your tenure.

Sincerely,

FRANK M. COX.

TRIBUTE TO ERNIE HARWELL

HON. CARL D. PURSELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 23, 1991

Mr. PURSELL. Mr. Speaker, a good friend of mine broadcasted his final game October 6, 1991. For 30 years, this very special person has been welcomed into millions of Michigan homes and he filled those homes with the excitement of American baseball at its best.

When Ernie Harwell walked through the doors of Tiger Stadium in 1960, it was evident that he was to become not only a Michigan baseball legend, but an American baseball legend. His unique style of baseball broadcasting has earned him the designation of one of the greatest in baseball's 70 year history. I will submit for the record an article from the New York Times which summarizes well this icon.

As an avid Detroit Tigers fan, I always looked forward to listening to Ernie's energetic play-by-play. I have had the good fortune to meet and get to know Ernie. On many occassions we would discuss the pros and cons of new players, and the prospects of this year's Tigers. I am very lucky to have such a friend.

Through the many managers and players, the roads traveled and the changes in the game itself, there has been one constant in baseball, and that is Ernie Harwell. As we recognize his special role in the great American sport, we know we will miss him, but we know even more that he will always be with us.

SOUND OF THE TIGERS WILL LOSE PERFECT PITCH

(By Bruce Shlain)

After 32 years as the voice of the Detroit Tigers, Ernie Harwell will broadcast his final regular-season game for the team today in Baltimore. The historian Curt Smith, who wrote "Voices of the Game," rates him as "one of the three or four greatest announcers in the 70-year history of baseball broadcasting."

Most fans who identify Harwell with the Tigers don't realize he did play-by-play for the Brooklyn Dodgers in 1948, sharing the "catbird seat" with Red Barber, nor that he presided over one of baseball's—and New York's—most historic moments 40 years ago this week. As the New York Giants' announcer, Harwell broadcast Bobby Thomson's epic playoff-winning homer on Oct. 3, 1951 on the first coast-to-coast live television production. "Today nobody knows I was on the air that day," he said. "They made no tape of the game."

But Harwell's mastery in the booth is not as much about historic moments as it is about continuity.

Somehow he brings the proper pitch and phrasing to a whole season, with a rhythm and pacing that only a select few have ever commanded. In many ways a Harwell broadcast is profoundly musical, as befits a man who has published 55 songs with composers such as Johnny Mercer. The poet and baseball author Donald Hall confesses to warming himself in the winter by playing Harwell tapes: "It's not to re-enter a game but to hear the wonderful cadence in his voice, lulling and even hypnotic, but always compelling."

Many an announcer has aspired to sounding as if talking to a friend in his living room, but Harwell effortlessly establishes the same rapport on the air as he does in person. As the crime writer laureate Elmore Leonard put it: "He goes out of his way to make contact with people, to touch people. He's not the least bit aloof or taken with himself or his position."

Two generations of Tiger fans have grown up listening to Harwell while mowing the lawn, on picnics, at the beach, in their cars, or from their night stands. Any longtime announcer begins to fit like an old shoe, but Harwell has been accepted like a member of the family, everybody's Uncle Ernie.

Indeed, Harwell has become such a habit in Michigan and the Midwest that many associate him with the changing of the seasons, the signal that soon the weather will be warmer and the days longer. Each year, on the first broadcast from spring training, the devoutly religious Harwell has recited from the biblical Song of Solomon:

For the winter is past,
The rain is over and gone;
The flowers appear on the earth;
The time of the song of the birds has come,
And the voice of the turtle is heard in our land.

Some of his signature lines bear repeating. When a batter takes strike three, "He stood there like the house on the side of the road." When a neat double play is executed, it's "two for the price of one." His soft Georgia accent has inspired imitation from many a loyal listener who trumpets an impending rally with, "Here come the Tig-ahs * * *"

If you ever heard Harwell during a rain delay, you would know that nobody can spin better tales about the quirks and oddities of the game's personalities. Maybe it's a gift that evolved from the Southern upbringing he shares with Mel Allen and Red Barber, a culture where families and neighbors would sit on porches at twilight and regale each other with stories.

He has collected favorite anecdotes in his autobiography, "Tuned to Baseball," and in the recent "Diamond Gems," detailing some of his memorable meetings with baseball's remarkable men, from Ty Cobb up to today's stars. But during a broadcast he won't interweave stories through an at-bat, which Vin Scully has made into his specialty.

"I only give myself 10 or 15 seconds for a story because I don't want to slop over into the next pitch," Harwell said. "People tune in to hear a ball game, not the announcer. For the same reason, I don't like the emphasis today on statistics, because it doesn't allow the listener to breathe. I prefer not to clutter up the air with anything but the basic state."

For Harwell, the game's truly the thing, and this credo, more than mere lip service, is what allows him to describe a ball game with such remarkable clarity. He knows that his audience checks in and out during a game, so he always sets and resets the scene.

"I think what Ernie does literally better than anyone," said Jon Miller, the Orioles and ESPN announcer, "is to repeatedly give you the score, the inning, the base runners, the count, how many outs. To me, that's his genius."

Harwell heard his first baseball broadcast on a crystal set when he was 8 years old—the 1926 World Series when Grover Cleveland Alexander struck out Tony Lazzeri. "You had to hold a piece of wire—they called it a 'cat whisker'—in a small pool of mercury and you had to hold it just right for the station to come in," he recalled. "I sat there for two hours, not moving a muscle, listening to every pitch."

TREASURES COMIC MOMENTS

After a stint with the Orioles, he settled into the Tiger job in 1960. Further evidence to an undertone of energetic good humor that has always distinguished his style, Harwell treasures the comic moments just as fondly as the dramatic game-winning hits. There was the time, for instance, that Norm Cash brought a table leg to the plate in a failed attempt to distract Nolan Ryan from throwing a no-hitter in 1973.

Harwell was never a "homer." There's no artificial hype of a game or play, no show-biz theatricality. But how much more of a hometown announcer can you be than to say it's a beautiful day, there are seats available, and you should come on out to the park?

Now 73, Harwell doesn't think that he has lost a step. "If you tuned me in during the 50's," he said, "It would sound pretty much the same."

He admits that his Tiger finale will be a somewhat melancholy occasion. Harwell still doesn't know how the decision to dismiss him germinated in the Tiger organization. "My main reaction has been one of puzzlement," he said. "I've had so much support from people, and that's been very gratifying. I can't allow myself to be bitter. We all have to move along."

In moving around the American League cities this season, Harwell has discouraged making his travels into any kind of farewell tour, since he won't decide until the season ends if he'll retire or continue working somewhere else. "I don't want to be one of those guys who says goodbye and then comes back next month," he said with perfect clarity and, perhaps, a trace of humor. "That's kind of embarrassing."

BLUE RIBBON SCHOOL AWARD FOR BISHOP O'DOWD HIGH SCHOOL IN OAKLAND

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 23, 1991

Mr. STARK. Mr. Speaker, I wish to congratulate Bishop O'Dowd High School in Oakland, CA, for receiving the Blue Ribbon School Award. This award is given out annually by the Department of Education to elementary and secondary schools across the country which have achieved a level of excellence in education.

These exemplary schools are judged by a panel of experts on a number of criteria, including strong leadership, shared purpose, a climate conducive to effective teaching and teacher growth and recognition, a shared conviction that all students can learn, evidence of impressive academic performance and responsible behavior on the part of students, a high degree of involvement by parents and the broader community in school affairs, and a can-do approach to problem solving.

Since its inception, 40 years ago, Bishop O'Dowd has long been recognized for its outstanding achievement as an educational institution. A Catholic, coeducational high school administered by the Basilian Fathers for the Diocese of Oakland, Bishop O'Dowd has achieved impressive results in the area of college-preparatory education. Ninety-five percent of O'Dowd graduates go on to College and three times the number of O'Dowd graduates complete bachelor's degree programs as do so nationally. The school also has an impressive Advanced Placement Program which allows students to earn college credit while still in high school. O'Dowd also offers students the opportunity to participate in a wide range of sports and activities.

Besides striving for academic excellence, O'Dowd also focuses in its mission to develop the moral character of its students and to help them make a difference in their communities. The school has a variety of academic and extracurricular programs to help accomplish this goal. Each student at O'Dowd is treated as a unique individual with particular needs and interests.

By achieving impressive academic standards and creating a strong sense of community within its student body, Bishop O'Dowd is as deserving as any school in the country of a Blue Ribbon School Award.

AMERICANS SHOULD THANK GOD FOR THE DISINTEGRATION OF COMMUNISM IN WHAT WAS THE SOVIET UNION

HON. C. CHRISTOPHER COX

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 23, 1991

Mr. COX of California. Mr. Speaker, every American should thank God for the disintegration of communism in what was the Soviet Union and the great expansion of democracy in recent years.

Ms. Paula Dobriansky, Associate Director for Programs for the U.S. Information Agency, recently offered some provocative insights into the times in which we live. Excerpts were reprinted in the Washington Post on October 16. I submit those excerpts for the consideration of my colleagues and the readers of the CONGRESSIONAL RECORD.

[From the Washington Post, Oct. 16, 1991]

FOR THE RECORD

(From an address last week in Washington by Paula Dobriansky, associate director for programs for the United States Information Agency:)

In addition to the most recent stunning geopolitical transformations, such as the promising prospects for nuclear and conventional arms reduction . . . the prospect of an end to the regional conflicts of the 1980s—in El Salvador, Angola, Afghanistan and even Cambodia—and the diminution of the threat of war in central Europe, we are confronted by . . . unparalleled prospects for the expansion of democracy on every continent.

Indeed, the universality of democracy . . . is demonstrated by the fact that democratic appeal transcends geographic, racial and cultural boundaries. In that respect, our Founding Fathers were right: All men are created with certain inalienable rights. To be sure, democracy has ebbed and flowed in the past. Respected political scientists, such as Samuel Huntington, have observed that following the collapse of the Napoleonic Empire in 1815 and in the aftermath of World War I, a number of countries seemed to embark on a path of democracy—yet, most of these democratic gains proved fragile. Recently, in some countries, like China, democratic revolutions have been stymied, and in other states, like Haiti, we seem to be witnessing a pendulum swinging between a positive move toward democracy and a return to the brutal past. I believe firmly, however, that the current round of democratic revolutions is unique—the advent of modern means of communications combined with an innate human aspiration for democracy means that all tyrants are living on borrowed time. These trends are reinforced by the fact that we and our allies have made the pursuit of democracy a key part of our foreign policy.

SHILOH PRESBYTERIAN CELEBRATES ITS 126TH ANNIVERSARY

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 23, 1991

Mr. DUNCAN. Mr. Speaker, last week the Shiloh Presbyterian Church of Knoxville, TN celebrated its 126th anniversary. Let me tell you just a bit of this church's history so you can understand what a remarkable occasion this is.

The members of Shiloh have long been active participants in the Knoxville community. A charter member of Shiloh, James Mason, was the city's first black taxpayer in 1866.

Shiloh's second pastor, the Rev. Job Child Lawrence, was a leader in the movement calling for appointments for blacks. On January 26, 1888, he was elected by the Knoxville Board of Education to fill a vacancy on that body.

The reason I want to pay tribute to this fine church is that I do not think our churches get the recognition they deserve. A church teaches its members some of the most important lessons we can ever learn such as compassion, honesty, integrity, morality, generosity, and tolerance.

Shiloh has been reinforcing these high standards for 126 years. That is a remarkable contribution to our society, and I am grateful that the members of the Shiloh Presbyterian Church are a part of the Knoxville community.

The following is from an article about Shiloh that appeared in the Knoxville Journal:

WHITE CHURCH BALCONIES TO SHILOH PRESBYTERIAN

(By Robert Booker)

Shiloh Presbyterian Church, at 904 Biddle St., is celebrating its 126th anniversary this year. Founded in 1865, its congregation was composed of some of the most influential black people in Tennessee. Some of its pastors were quintessential leaders in fostering race relations, participating in government, and building racial pride.

In its existence, the church has survived a fire, relocation because of street widening, and uprooting by urban renewal. In its infancy, it met on a lawn and a back porch. It met in homes, a school, and even the old Gem Theatre, until it erected a building.

During the period of slavery, both free blacks and slaves were allowed to sit in the balcony of white churches on Sunday. Many were never comfortable and wanted their own churches. In May 1865, the General Assembly of the Presbyterian Church USA held a meeting to consider the desires of those who wanted to organize a church in Knoxville.

At the time, there were 12 blacks who regularly attended services at Second Presbyterian Church, and one who attended First Presbyterian Church. On Sept. 4, 1865, a meeting was held at Second Presbyterian, and Shiloh was organized.

The Rev. George Washington LeVere became its first pastor on Feb. 9, 1866. Born in Brooklyn, and educated in schools there, he had served as a chaplain in the 20th Regiment of the U.S. Colored Infantry. He had read theology under a Dr. Starrs, and served as a pastor and teacher in a day school under the auspices of the General Assembly for Freedmen.

It was during LeVere's ministry that a lot was purchased by Shiloh and a frame building was erected on it at the corner of Henley Street and Clinch Avenue at a cost of $3,300. By 1875 the congregation had outgrown that building, and a new one was erected, with the corner laid on Aug. 28, 1875.

LeVere was one of the most active men in the state. In 1870, he was a charter member of the Meridian Lodge No. 4 of the Free and Acepted Masons where he served as grand master. He served as the supervisor of the Shieldstown School on Linden Avenue. He helped form the Colored Mechanics of Knoxville, and served as an officer. He was pastor of the church from 1856 to 1884, and died in 1886.

An outstanding charter member of the church was James Mason. Born a slave in Knox County, he bought his freedom by doing odd jobs, and was saving money to buy his wife's freedom. In the meantime, slavery was abolished, so he bought a house with his savings and became the city's first black taxpayer in 1866.

In 1879, Mason established the first school for black deaf students in his home. He and his family trained them until the state acquired property for them on Dandridge Avenue in 1883. He became a city policeman in 1884 and served on the force for 18 years.

Shiloh's second pastor was the Rev. Job Child Lawrence, who came in 1884. He was a native of Tennessee who attended Maryville College and graduated from Howard University in 1879. He spent much of his early career establishing churches along the foothills of the Great Smoky Mountains and the Appalachian range.

In Knoxville, Lawrence became a political activist and was in the forefront of demanding political appointments for blacks. On Jan. 26, 1888, he was elected by the Knoxville Board of Education to fill a vacancy on that body. The vote was 5-3.

Because of the cries that Lawrence's election would eventually lead to the integration of schools, he was never allowed to take his seat. The state Supreme Court, on Oct. 19, 1889, ruled his election invalid because of a technicality.

With the widening of Henley Street, Shiloh built a new church at the corner of Church and Lithgoe in 1930. This edifice cost $40,000. Because of an urban renewal project, the church moved to its present location on Biddle Street.

Through the years its dynamic pastors and solid members have played a great role in the development of Knoxville.

Robert Booker is executive director of Knoxville's Beck Cultural Center and a regular Knoxville Journal columnist.

RESULTS OF THE 1990 CENSUS

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 23, 1991

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington report for Wednesday, October 23, 1991 into the CONGRESSIONAL RECORD:

RESULTS OF THE 1990 CENSUS

The Census Bureau has started releasing information from the 1990 census, and, while still preliminary, this information offers important insights into the changes that are taking place in this country. The census provides data on housing, employment, income, education and other matters used widely by the public and private sectors, and helps determine how Federal resources will be allocated. It will also help guide policy decisions in the years ahead.

Population Trends: The census shows that the national population has grown by 9.8 percent over the last 10 years to 250 million. The South and the West account for most of that growth. Southern States grew by 13.4 percent and Western States by 22.3 percent. In contrast the Midwest grew by only 1.4 percent. Political power and Federal resources will follow these population trends from the Midwest and Northeast to the South and West.

Indiana has grown at a much slower rate than the rest of the country. The state's population has grown by 1 percent to 5,544,159. The 9th Congressional District gained 24,734 new inhabitants since 1980, a 3.6 percent increase. Because Indiana's population did not keep pace with the rest of the country, it stands to receive relatively less Federal funding than faster growing States. Indiana will still have ten Members in the U.S. House of Representatives.

Suburbanization: The census also shows that Americans continue to move from rural and urban areas to suburbs. After a renaissance in the 1970's, rural America was hard hit by the recession of the early 1980's. Rural areas are growing only half as fast as the country as a whole. Agriculture has continued to decline as a source of jobs, and many manufacturing plants that had moved to rural areas to find cheap labor in the 1960's and 1970's, moved offshore in the 1980's. Rural population has now slipped from 26 percent in 1980, to 23 percent in 1990.

Perhaps most striking, though, is the exodus from U.S. cities to suburbs. Over 48 percent of Americans now live in suburbs, while the urban population has declined to 30 percent. Urban areas bordering on the 9th District reflect this trend. Over the last ten years Cincinnati suffered a 5.5 percent population loss and Louisville shrank by 9.9 percent. The counties in Indiana outside these urban areas have grown, however. Hoosier counties near Cincinnati grew by 11.4 percent, while those close to Louisville grew by 2.7 percent. Brown and Monroe counties, which lie outside of Indianapolis, have grown by 13.8 percent and 10.3 percent, respectively.

As the population of rural and urban areas across the country continues to shrink, so will their political clout and their access to Federal funding. These trends will place strains on rural areas as they struggle to provide improved roads, schools and health care. Cities may have less resources in fighting drug abuse, crime, poverty, homelessness, and failing infrastructure. Suburbs are the new power base of American politics, but face challenges of their own, including inadequate public services and roads.

Diversity: The census indicates that the country is becoming more diverse. Roughly 1 in 4 Americans is now Hispanic or non-white. Blacks are 12 percent of the population, Hispanics 9 percent, Asian-Americans 3 percent, and Native Americans 1 percent. Immigration, mostly of Asians and Hispanics, accounted for more than a third of the overall population growth in the 1980's. Most immigrants settled in coastal cities, while States in the interior of the country, including Indiana, remain largely dominated by whites of European origin.

Ethnic and racial diversity is having a profound impact on our country. Immigrants and minorities will play a critical role in meeting future labor needs, but, in an economy that places a premium on skills and education, these Americans may be at a disadvantage in seeking higher-paying jobs. School systems, especially in New York and California, are educating more students whose first language is not English. States and communities are working to absorb immigrant groups into their economies and address their social and cultural needs. Immigrants are also seeking more representation in political institutions, and legislatures are struggling to build consensus for a more diverse population.

Families: The census shows that the American family is under stress. The size of the family contracted from 3.33 persons in 1960 to 2.63 persons in 1990. Divorce is partially responsible for this trend, and the number of children living in single-parent homes continues to grow. Some households, however, have grown in recent years as more unmarried young adults are staying home and more aging baby boomers are now having children.

Families face increasing financial burdens, such as higher health care and housing costs. These costs are driving both spouses into the workplace. These problems are particularly acute for single-parent families, as divorce tends to lower living standards for mothers and children. The census also shows that, over the last ten years, the rich got richer, the poor got poorer, and the middle class shrank in size at twice the rate as in the 1970's.

Families are increasingly looking to government to help make ends meet. The federal government has responded by providing tax benefits to defray child care costs and expanding benefits for low-income Americans with children. Congress is considering tax relief and other proposals targeted to American families.

Aging Population: The census shows that America is aging. 12.6 percent of the population is now 65 years or older. In Indiana's 9th District the median age has risen over the last decade from 29.4 years in 1980 to 33.4 years, and will rise higher if young people continue to move away in search of jobs. The median age for the state is now 32.8 years.

The aging of America will create new financial burdens, especially when the baby boomers reach retirement age. Future workers will have to pay more for entitlement programs for the elderly. There are now 3.4 workers for every Social Security recipient. By 2030 there will be fewer than two. A smaller workforce may resent paying more payroll taxes for relatively better-off retirees.

Conclusion: The census tells us who we are as a people, and how we are changing as a country. It also affords us an opportunity to look into the future and prepare for it.

BOONE PICKENS ON JAPANESE KEIRETSU CARTEL SYSTEM

HON. LAWRENCE J. SMITH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 23, 1991

Mr. SMITH of Florida. Mr. Speaker, in an excellent opinion piece on October 21, noted American businessman T. Boone Pickens again warned the United States about the Japanese keiretsu system.

I recommend Mr. Pickens' article to anybody who is concerned about our trade policy.

[From the Washington Times, Oct. 21, 1991]

POPULAR MYTHS OF CORPORATE JAPAN

(By T. Boone Pickens)

OK, Toyota. OK, Koito, I give. After more than two years as the largest shareholder in Koito Manufacturing, it became clear to me that you will never grant my request for representation on Koito's board.

Yes, I was fed up with Toyota's stonewalling and moved on to other things. But I have moved on with a sense of accomplishment for exposing once and for all the link between Japan's closed corporate system and the "success" of Japan's economy.

As an oil man, I've drilled my share of dry holes, but I've always prided myself in knowing when to plug them. I decided to sell Boone Co.'s 26 percent stake in Koito back to its former owner. I did not realize a profit, but there is an eminently valuable moral to my story. One that if not heeded by all Americans, promises to profoundly alter the very foundation of our economic system.

I will continue to fight the battle on other fronts. But the fight for a two-way economic street with Japan will ultimately have to be waged and won by our policy-makers. That will only happen when we accept the fact that Japan's economic success is the result of a rigged system. Then we must negotiate with the Japanese accordingly.

What I have learned as the largest shareholder of Koito is that most of the popular wisdom about the source of Japan Inc.'s incredible success over the past few decades is pure myth. Japan Inc. is not smarter, more agile and more efficient than America—it is simply based on business principles that America spurned almost a century ago when we outlawed trusts, monopolies and cartels. We never said those principles did not work—the question was, work for whom and at a cost to whom?

Sure, I know why the Japanese prize their system of corporate cartels. Cartels are more efficient and give executives more control over everything from suppliers to the market. On the downside, though, cartels ultimately limit consumer choices and increase prices. Simply put, they are a beautiful way to get rich while squeezing out competitors and exploiting consumers. Unfortunately, since the competitors have to be squeezed out first, the consumers are the last to know, and by then it is too late. Anyone who reads the business section even once a week should know that is exactly what the Japanese are doing in America.

In Japan, these cartels even have a special name. They call them "keiretsus." Keiretsus are intricately interlocking webs of shareownership and corporate board memberships that give a handful of Japanese corporations at the top of the pyramids virtual feudal control over vast networks of suppliers and workers.

It's clear Japan Inc. is not just transplanting factories in America but also its keiretsu system. It's just a matter of time before American consumers feel the keiretsu wrath just as the Japanese have.

In a report due to be released in May, the Mid-America Project identifies 61 companies in Toyota's American keiretsu and 60 companies in Nissan's American keiretsu. Data on more than 1,200 other Japanese companies operating in Mid-America continues to be collected and analyzed by researchers and evidence of other keiretsu activity is apparent.

The success of keiretsu is its ability to lock Americans out of Japanese markets while eliminating competitors in the United States. According to Commerce Undersecretary for International Trade Michael Farren, Japan has exported more than $11 billion in auto parts to the United States during the past two years, while allowing only $640 million worth of American parts into Japan. This figure alone accounts for 11 percent of our total trade deficit with Japan.

I'll remain an outspoken critic of Japan's keiretsu system. I've submitted testimony in the U.S. Federal Trade Commission investigation of whether Japan is violating our antitrust laws by exporting its keiretsu system to the United States.

I've urged Congress to continue pursuing Internal Revenue Service reports that Japan is dodging up to $34 billion in U.S. taxes each year by underreporting the earnings of keiretsu-member companies. Congress is also considering trade reciprocity legislation to close U.S. markets until Japan allows us access to its markets.

Boone Co. encouraged U.S. Structural Impediment Initiative negotiators to focus on keiretsu, resulting in Japan's pledge to make keiretsu "more transparent" by requiring disclosure of keiretsu ties. Now U.S. negotiators must make them honor their pledge.

We helped start the Mid-America Project that, with the support of unions representing 35,000 workers in a six-state region, is helping communities better understand the economic impact of keiretsu on Main Street.

We also led the call for Japan's government to pressure corporate Japan to increase the dividends paid to small shareholders and encouraged other shareholder rights.

Based on my experiences in Japan, American policy-makers first will have to acknowledge that the Japanese government may be powerless in the face of keiretsu. All government officials we approached said Toyota is a power unto itself.

The United States should resolve that our antitrust laws are not only essential to our free enterprise system, but that they will be enforced wherever American commerce is at work. That means stopping cartels from selling products in our markets and halting the keiretsu invasion of our economy.

From a trade negotiating standpoint, we should sit down with the Japanese, show them a copy of the free trade agreement with Canada, and tell them we have six months to negotiate something similar or we start erecting trade barriers to match theirs. Investment reciprocity restrictions would be the first place to start. They can't invest here until we can do the same there. That should get their attention. Renaming Japan as an unfair trader under Super 301 is another place we can start.

But most importantly, the moral to my story is that we should stop blaming ourselves, see Japan's keiretsu for the unfair cartels that they are, and then threaten their very existence before it's too late.

HARLAN E. MOYER RETIRES AS PRESIDENT AND CHIEF EXECUTIVE OFFICER OF CH2M HILL, LTD.

HON. MIKE KOPETSKI

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 23, 1991

Mr. KOPETSKI. Mr. Speaker, I call to your attention and that of my colleagues the retirement of a giant in the Consulting Engineering Profession, Harlan E. Moyer of CH2M HILL, Ltd., who is being honored at a company dinner on October 30, 1991. In July of 1991 Moyer retired as president and chief executive officer of CH2M HILL, Ltd., the parent and holding company for the CH2M HILL family of companies. The largest of those subsidiaries is CH2M HILL, Inc., which has its roots in Corvallis, OR, in my district. Begun in 1946 by four Oregon partners with a vision, Holly Cornell, Jim Howland, Burke Hayes and the late Fred Merryfield, it is now the country's leading environmental engineering firm.

During his tenure, Moyer helped to establish CH2M HILL, Ltd., and the subsidiary companies that extend a range of environmental and other services to Federal, State, municipal and private sector clients. CH2M HILL, Inc., the original environmental consulting engineering company, remains the largest and primary business in the family of corporations. Industrial Design Corp., Inc. [IDC] was established to provide development services such as clean room design to private industry. Operations Management International, Inc. [OMI] was formed to provide water and wastewater facility management services to public and private clients. Now contracted to manage treatment facilities in more than 40 communities in the United States and abroad, OMI has established an exemplary record for improving treatment plant performance and adherence to local and U.S. EPA pollutant discharge limits.

Under Moyer's direction in the past year, CH2M HILL, Ltd. has expanded its operations by forming a subsidiary company to conduct environmental engineering and consulting work overseas. The new subsidiary, CH2M HILL International [CHIL], has opened offices in Denver, London, Taipei, Alexandria, and Cairo, and is teaming with Gutteridge, Haskins and Davey, Pty., Ltd., of Sydney to jointly perform environmental projects in Australia.

In addition to serving as president and CEO of CH2M HILL, Ltd., Moyer held similar positions in CH2M HILL, Inc. He retired from those responsibilities for the engineering subsidiary in 1990 and was succeeded by Lyle G. Hassebroek. As President of CH2M HILL, Inc., Mr. Moyer guided the consulting engineering firm over 13 years into an enviable position of professional leadership in the environmental engineering community. During his tenure CH2M HILL, Inc., grew from a regional engineering firm of 1,300 employees to a nationwide one of more than 4,500 individuals that provide planning, design, operations and program management services concentrated in environmental protection and resource conservation. From a base of 21 offices, mostly located in the western United States, CH2M HILL has expanded to 60 offices across the continent and overseas during Moyer's presidency. CH2M HILL is involved in more than 4,000 active projects across North America. One of those is the $1.7 billion Milwaukee Metropolitan Sewage District project.

Under Moyer's leadership CH2M HILL has broken new technical ground in the areas of water and wastewater treatment, hazardous and toxic waste management, water resource management and environmental planning. Over the past decade, CH2M HILL's work in these areas has earned more than 70 awards for engineering and environmental excellence. These honors have included national recognition from the American Consulting Engineers Council, the U.S. Environmental Protection Agency, and Canada's top engineering honor—the Schreyer Award. In addition to these honors Moyer earned a Presidential citation for contributions to solving the Nation's pollution problems.

During the 1980's, Moyer guided CH2M HILL's entry into the field of hazardous and toxic waste management. In 1980 CH2M HILL was selected to assist the U.S. EPA in identifying hazardous waste sites, and in 1982 the firm's role was expanded to manage the REM/FIT portion of the Superfund Program in 29 Western States and U.S. territories. In 1984 CH2M HILL was selected to manage Superfund's REM–IV Program, and in 1988 the EPA chose CH2M HILL to manage Alternative Remedial Contracting projects throughout the Nation. More recently, CH2M HILL has also been assisting the hazardous waste cleanup efforts of DOD, DOE, other Federal Departments and Agencies, State and local governments, and the private sector.

Moyer's personal contributions to the field of environmental engineering have included two landmark achievements in design for advanced wastewater treatment and clean water protection—the South Tahoe Public Utility District Water Reclamation Project in Lake Tahoe, CA; and the Regional Water Reclamation Plan for the Upper Occoquan Sewage Authority in northern Virginia. In each case, Moyer managed the engineering and design of tertiary wastewater treatment facilities that represented technical breakthroughs for their era.

Harlan Moyer will continue on special assignment to CH2M HILL.

IN HONOR OF GLENN AND PAT OLEA'S 50TH WEDDING ANNIVERSARY

HON. LEON E. PANETTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 23, 1991

Mr. PANETTA. Mr. Speaker, I rise today to pay tribute to Glenn and Pat Olea on their 50th wedding anniversary, which they will celebrate on November 2, 1991. Glenn and Pat have been an inspiration and source of encouragement to those who know them because of their understanding and dedication to each other and the community.

Glenn Olea joined the Philippine Scouts in 1936 at Fort William McKinley, Philippines. Glenn and Pat were married in 1941. One month later they were faced with war as the Japanese invaded the Philippines. Glenn Olea fought at Bataan to prevent a Japanese takeover of Manila, while Pat Olea was evacuated with other families to the north side of the island. In June, 1945, upon liberation of the Philippines, Glenn was assigned to Japan with the 24th Infantry Division, and was joined in 1948 by Pat and their 3-year-old daughter, Judy. Soon after, Glenn received orders that would send him and his family to the United States, where they would be stationed at Fort Carson, CO. Glenn was wounded in the Korean war and upon returning from Korea to the United States, Glenn and his family were stationed at Fort Ord, CA. After 30 years of dedicated service, Glenn retired from active military duty.

Throughout this military career, Glenn Olea received a number of commendations for his service and bravery. His decorations include the Silver Star, the Bronze Star, the Purple Heart, the Combat Infantry Badge, the Good Conduct Medal, the Philippine Presidential Unit Citation, and the Korean Presidential Unit Citation.

Since 1957, Glenn and Pat have been extensively involved with the City of Seaside, and their commitment to that community has been an inspiration. They were instrumental in the formation of the Fil-American Community Club in 1957 and, while serving as president, Glenn chaired the Seaside "Project Mercy", a community project that raised enough funds to purchase an ambulance for the city of Seaside Fire Department. Pat chaired a committee that organized the entry of a beautifully decorated car for the Fourth of July celebration in Seaside which won first place in the competition. She has been active in providing for the needy in the community, especially during the holidays. At Thanksgiving time, Pat demonstrates the true meaning of giving thanks by sharing her time and energy with the people of the community, and she has been effective in organizing the wives of the members of the Fil-American Club to become involved in this worthy cause.

Glenn Olea was appointed to Parks and Recreation Commission and later served 4 years on the Planning Commission. He realized his ability to help the city of Seaside, and made the decision to run for the Seaside City Council. Glenn was elected to the city council for 3 consecutive terms, and served as the mayor of Seaside. Running for election and serving on the city council would have been more difficult without the unwavering support of his wife. Pat worked on his campaigns, often going door to door in the community, and remained a pillar of strength throughout. Pat Olea is still active as a member of the board of both the Philippine Scouts and the Fil-American Club and spends her time as a volunteer worker for the church.

The Olea' union has always been one of mutual respect for the abilities each brought to the marriage. Their life together is characterized by determination, hard work, and achievement. Mr. Speaker, I ask my colleagues to join me now in congratulating Glenn and Pat Olea on their 50th anniversary. Glenn and Pat are not only outstanding citizens, but also good friends. It is a great honor that I am given the chance to recognize the Olea's for their commitment to each other, as well as the community.

ALL SAINTS' EPISCOPAL CHURCH CELEBRATES 100TH ANNIVERSARY

HON. HELEN DELICH BENTLEY

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 23, 1991

Mrs. BENTLEY. Mr. Speaker, I rise today to congratulate All Saints' Episcopal Church, Reisterstown Parish, upon the celebration of the 100th anniversary of the dedication of its church building.

The Reisterstown parish was organized formally in 1891 and worshipped in borrowed facilities until 1884 when its first chapel was constructed on the All Saints' cemetery grounds. However, the chapel had become overcrowded when the congregation quickly grew and by the fall of 1889, the vestry began soliciting donations toward its enlargement.

When Mr. William Keyser offered to build a church in memory of his mother, the vestry welcomed his offer. Subsequently, the church was built and consecrated on October 29, 1981. Present for the evening was Bishop Paret and a host of clergy and laypeople. Later in 1893, a bell tower was completed. In the years to follow, thanks to the generosity of Mr. Keyser, two additional lots were bought and a beautiful stone entrance gate was constructed.

At the turn of the century, the congregation took on the job of building the rectory and parish house. Many years later, when the old parish house proved too small, an effort began to build a new parish hall. Due to the great generosity of Mr. William D. Groff and others, the funds became available to build a new, much larger hall known as Groff Hall.

However, the parish buildings have not existed for the sole benefit of the congregation but for the community as well. In addition, the focus of All Saints' Episcopal Church has not been upon its buildings but upon its diligent faith and worship. All Saints' Episcopal Church has sought to serve the community and its parishioners through serving God.

I have had the personal pleasure of being acquainted with the church as I have held town meetings at the church hall which give me the opportunity to meet with my constituents and discuss their needs and concerns. Such town meetings, or as they are also known, community outreaches, are very important to me as they always are productive and beneficial. Whenever I ask to hold such a meeting, the church always has been accommodating and eager to assist. For this, I am very grateful and appreciative.

As the proud author of House Joint Resolution 325, "Religious Freedom Week," I take a special pride in the religious freedoms we enjoy in this country. Likewise, I consider the role of the church in our community to be of utmost importance. We would indeed be a lesser Nation without the church.

Mr. Speaker, my fellow colleagues, I ask that you join me in congratulating All Saints' Episcopal Church in Reisterstown, MD upon its 100th anniversary of the church's dedication. It is with great respect and admiration that I commend the parishioners on this momentous occasion. Through their faith, charity, and reverence for God, they have not only made this a better community in which to live, but a better Nation as well.

INTRODUCTION OF AIRLINE COMPETITION ENHANCEMENT ACT OF 1991

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 23, 1991

Mr. OBERSTAR. Mr. Speaker, today I am introducing a revised Airline Competition Enhancement Act of 1991. This legislation addresses the decline in competition in the airline industry which threatens the low fares and consumer benefits of airline deregulation. I introduced legislation on this subject earlier this year, and the bill was extensively discussed in hearings held by the Aviation Subcommittee of the Committee on Public Works and Transportation. On the basis of these hearings, I have developed a new bill which will be marked up by the Subcommittee on Aviation in the near future.

The decline in airline competition began in the 1980's when the Reagan administration's Department of Transportation approved all the major air carrier mergers which were presented to it. In addition, the Department refused, and has continued to refuse, to deal with structural barriers to new entry and competition. These policies caused a great disparity in market power between stronger and weaker carriers, and left the weaker carriers unable to withstand the poor economic conditions of 1990–91, which included an economic recession, increases in fuel prices during the gulf war, and a decline in international travel caused by the war and terrorism. In the past year, one major carrier, Eastern, has ceased operations, and four others, Pan American, Continental, Midway, and America West are in Chapter 11 bankruptcy. With industry losses totalling $4 billion in 1990, and estimated at $1.5 billion for 1991, the survival of all but three or four major airlines is in question. If the industry is reduced to only a few airlines it is doubtful that these airlines would compete sufficiently to continue the low fares and other benefits of deregulation.

The hearings of the Aviation Subcommittee on competition legislation indicated that it would be premature and probably ineffective to give up on deregulation and try to re-regulate service and fares. However, there is a role for legislation at this time. Legislation can facilitate new entry and competition by ensuring that the limited facilities and rights which are essential for airline operations are allocated in a manner which will maximize competition.

My original bill proposed changes in Government policies on the allocation of international routes and major blocs of slots and gates, and changes in the regulations governing the operation of computer reservations systems. The administration and the largest airlines strongly opposed this legislation. In the interests of going forward promptly, I have developed a revised bill, which focuses on the most pressing problems facing the industry. However, I do not intend to abandon the other issues dealt with in my original bill and I will continue to pursue separate legislation on these issues.

COMPUTER RESERVATIONS SYSTEMS

The main provision in the new bill deals with problems created by the domination of the computer reservations systems [CRS's] used by travel agents by two of the largest airlines, American and United.

CRS's are an essential facility for airlines. The Department of Transportation has found that in a recent year, 95 percent of all U.S. travel agencies used CRS's and these systems were used to book 92 percent of the agents' domestic sales and 77 percent of their international sales. (Unless otherwise indicated, the source of statements attributed to DOT is the notice of proposed rule making on computer reservations systems issued on March 26, 1991). On the basis of this and other data, the Department concluded:

> The [travel] agencies' importance, and their reliance on CRSs, mean that for almost

all airlines their ability to sell their services through CRSs has become essential for the successful marketing of their air transportation.

Moreover, the high profit margins received on marginal passengers means that an airline's ability to operate profitably often depends on its ability to add a few more passengers on each of its flights. As a result, each domestic airline must have its services displayed and saleable through each system in order to reach the agencies using that system (the only exception is Southwest, but its ability to survive without full CRS participation seems to stem from several special factors not characteristic of other airlines).

Investigations by the Departments of Justice and Transportation have concluded that American and United have monopoly powers in the CRS industry, and that they are using these powers to inhibit competition in the airline industry. American and United control more than 60 percent of the national CRS market and these airlines control even higher percentages of a number of regional markets. The Department of Justice has evaluated monopoly power in the CRS industry and its effects on airline competition and concluded that:

> [Each CRS] has market power over airlines, which are dependent on the CRSs for the distribution of their tickets. The CRS vendors are able to use their market power to charge airlines supracompetitive booking fees. These booking fees, in turn, are passed on to consumers in higher air fares. The CRS vendors also use their market power to bias their systems in favor of their own airlines' flights. Both practices may impede entry and expansion by competing airlines in air transportation markets. In addition, the CRS vendors may be engaging in contracting practices that impede entry and expansion by competing CRS vendors into CRS markets where the contracting vendor is dominant. Since effective entry into airline markets dominated by a CRS vendor may be dependent upon simultaneous entry or expansion in CRS markets, these contracting practices also may impede entry and expansion in airline markets.
>
> Many airline markets have a small number of actual competitors; the threat of entry and expansion by competing carriers can be critical in ensuring the competitive functioning of those markets. Thus, the ability of CRS vendors to deter entry and expansion by competing airlines may result in higher fares or poorer quality service in those markets.

I will not discuss anticompetitive CRS practices in greater detail:

High booking fees. As has been indicated, airlines have little choice but to participate in American's and United's CRS's and to pay the fees charged for bookings made on the CRS. American and United have used this market power to charge their competitors booking fees well in excess of the cost of providing service. DOT's 1988 CRS study concluded that the booking fee for American's CRS was 2.3 times the average cost of providing the service and on United's CRS the booking fee was 1.9 times the estimated average cost. DOT found that these fees produced returns on invested CRS capital of 50 percent for United and 75 to 90 percent for American—without even considering so-called incremental revenues, discussed below. These high booking fees drain the financial resources of American and United's competitors, and produce substantial additional revenues for American and United to use in airline competition.

Incremental revenues. The 1988 DOT study showed that ownership of CRS's were giving American and United additional airline revenues of $100 to $200 million a year. The Department concluded that a primary source of the added revenues was "architectural bias." As stated in the NPRM:

> The Vendors' incremental revenues result in large part from their design of their systems, that is, from architectural bias. Architectural bias refers to system features that make it easier and more reliable for an agent to obtain information and make a booking on the vendor than on any participating carrier. Because vendors have chosen not to make bookings on their competitors as easy and reliable as bookings on themselves, they obtain large amounts of additional airline bookings from their subscribers.

A major reason that it is easier for a travel agent to make bookings on the carrier owning the CRS system is that the owner or "host" of a CRS uses the same CRS computer for its internal reservations systems as is used for the CRS system. For other carriers, the CRS system and the internal system of the carrier are separate. This means that bookings on the host can be made more quickly and reliably because to book on the host airline there is not need for communication between computers. As DOT explained:

> Because of [the] need for communications between computers, a CRS's information on a participating carrier's service may be outdated when a subscriber sees it on the display, while the information the vendor's display will never be outdated. Similarly, bookings made on participating carriers will be less reliable than those made on the vendor because of communications delays.

American and United have claimed that their CRS's now include "direct access" functions which permit agents to interact directly with other airlines' internal system. DOT has considered the availability of these systems and concluded that "direct access" does not produce functional equality between booking on the host and booking on other carriers.

> While direct access has improved the timeliness and reliability of CRS information, it has not entirely solved the problems of unreliable bookings . . . Many routine functions performed by subscribers are easier or quicker to carry out when bookings are made on its flights. For example, obtaining quick confirmation on the original booking, changing complex itineraries, changing the name of the passenger associated with the passenger name record, and issuing boarding passes are all slightly easier, quicker, or more reliable when the agent is working with bookings on the host's flights.

In short, the greater ease of obtaining information and making bookings on the host airline encourages agents to book on that airline. The added bookings on the host airline divert hundreds of millions of dollars to the host airline and make it very difficult for non-host airlines to compete effectively. As DOT explained:

> The incremental revenues obtained by the vendors make it difficult for a carrier to compete with a vendor on an airline route when the vendor has a large share of the CRS market at one or both endpoints, since the vendor will gain significantly more traffic at the agencies using its system and thus will be able to operate more efficiently on the route than any non-vendor carrier. Similarly the non-vendor must pay supracompetitive booking fees that will increase its costs and thus its fares. Since airlines normally operate on a low profit margin, these fees (and the revenue diversions) can spell the difference between profit and loss on many airline routes.

Anticompetitive provisions in CRS contracts. An additional problem inhibiting competition has been clauses in the contracts between CRS owners and travel agents which make it difficult for the agent to change CRS systems. American and United have imposed restrictive provisions in their contracts with travel agents, including 5-year terms high liquidated damages if an agent terminates a contract, and provisions requiring minimum use of the CRS. These contractual provisions make it extremely difficult for competing CRS systems to displace American and United, no matter how high the quality of the competitor's CRS system.

After years of delay in dealing with CRS problems, the Department of Transportation recently issued a notice of proposed rulemaking on CRS. Although the notice of proposed rulemaking contains some strong findings on the competitive difficulties created by concentration in the CRS industry, DOT's proposals to deal with the problem fall short of what is needed. In addition, it is not clear how long it will take the Department to issue a final rule, and whether ths rule will include all of the proposals in the NPRM. For this reason, the Competition Enhancement Act includes provisions to deal with three major CRS issues: architectural bias, contracts with travel agents, and high booking fees.

On architectural bias, the bill establishes two important requirements. First, effective 365 days after enactment, a CRS may not include capabilities which are more functional, timely, complete, accurate or efficient with respect to one airline participant than with respect to any other participant. This requirement of functional parity or equality will reduce architectural bias. However, we do not believe that these requirements will be enough. As concluded by the Department of Justice in its comments on the DOT NPRM:

> It is unlikely, however, that functional parity rules will eliminate all architectural bias. CRSs will continue to interact with participating carriers via communications links that are unnecessary for the host carrier. Moreover, as CRS technology evolves, vendors are likely to develop new functions that become sufficiently important to travel agents to result in passengers being diverted to the host carrier, thereby increasing architectural bias. DOT would therefore be required to monitor CRS services in order to keep its functional parity rules up to date. The inherent differences in the way CRSs function with respect to host and participating airlines and the rapid changes in CRS technology may make evasion of functional parity rules difficult to detect and prevent. To the extent functional parity rules do not succeed in eliminating architectural bias, substantial potential benefits to competition will be foregone.

For this reason, the introduced bill adopts the recommendations of the Department of Justice and requires, 3 years after enactment, that CRS systems be converted to "no-host" systems, that is that no airline may use a CRS system as its internal reservations system. This requirement, combined with equal functionality, should eliminate architectural bias.

The "no-host" requirement will impose one-time costs upon American and United estimated at $50–$230 million. Howver, the costs of converting to no-host are a fraction of the incremental revenues which American and United have earned from architectural bias. Moreover, as pointed out by the Justice Department, the nc-host approach will save carriers the costs associated with the continuing regulatory disputes which would be likely to arise if we relied solely on a functional equality rule. In addition, the costs and disruption of "no-host" are much less than those which would be associated with requirements that airlines divest themselves of CRS divisions, an approach which has been suggested in other legislative proposals.

The purpose of the no-host and functional equality requirements provisions is to ensure that travel agents and their customers will be able to select and book the flight and fare which best meets the customer's need; not the one which is receiving the most advantageous display or is easiest for the travel agent to book. The original CRS rules adopted by the Civil Aeronautics Board in 1984 prohibited CRSs from discriminating among airlines in the way schedules were displayed on CRS screens. This rule has basically been effective in regard to CRS displays. But CRS vendors quickly discovered they could replace the effects of the outlawed display bias in other ways, such as making their flights easier to book or re-book, as has been described above. The purpose of the provisions in my bill is to prevent these newer forms of bias in the same way the CAB dealt with display bias 7 years ago: we would be prohibiting discrimination in functionality, just as the CAB earlier prohibited discrimination in display. If the consumer's interest is to be properly served, competition among airlines must be on the basis of airline fares and service, not on the basis of bias and hidden advantages build into a computer reservations systems of which few customers are aware.

We want to achieve, as fully as we can, a level CRS playing field on which airlines will compete fairly and vigorously as airlines. No airline which believes in its ability to provide competitive airline service and fares should object to these provisions.

On the issue of the high booking fees charged to airlines participating in a CRS, the revised bill permits any airline which objects to an increase in a participant fee to demand that such fee be reviewed by an arbitrator. Procedures for arbitration are established. Other participants affected by the disputed fee are entitled to participate in the arbitration. Under the bill, the arbitrator shall render a decision as to whether the disputed participant fee exceeds that which would be fair and reasonable in light of the revenues and costs attributable to the computer reservation system. In reaching this determination the arbitrator shall consider all revenues of the vendor including air transportation revenues attributable to computer reservation system.

To deal with contractual provisions which restrict the ability of competing CRS vendors to gain access to a travel agent, the reported bill limits contracts between CRS owners and agents to 2 years, limits liquidated damages for terminating a CRS contract to amounts actually owed to the CRS owner, the damages incurred from removing the CRS equipment and the unamortized costs of initially installing the equipment. The bill also makes specific a requirement already in DOT's CRS regulations, that a contract may not directly or indirectly require minimum use of a CRS. These prohibitions should facilitate the ability of other CRS's to compete with American and United.

SLOTS

A second major issue dealt with my revised bill is slots at high density airports. There are four airports—LaGuardia, Kennedy, National, and O'Hare—at which the Federal Government imposes hourly limitations on the rights of airlines to take off and land. Slots at the four high density airports were given free of charge to the airlines using the slots in 1986 and since that time, the airlines have been free to sell their slots. There have been frequent complaints from new entrants and smaller airlines that the large incumbent carriers have been unwilling to sell them slots at reasonable prices.

I have always been disturbed by the original decision of the Reagan administration to adopt a so-called market solution giving incumbent airlines a windfall of operating rights worth millions of dollars when incumbents had received these rights free from the public. However, the "buy-sell" system has now been in effect for several years and some airlines have paid substantial sums to obtain slots. An outright termination of the right of airlines to sell slots would be unfair to these carriers.

Accordingly, instead of a complete ban, my revised bill includes a relatively modest provision allowing new entrant and small incumbent airlines—which includes airlines operating fewer than 12 slots at an airport—to provide large aircraft service with slots which are now reserved for commuter airline service.

This provision will furnish some added opportunities for new entrant airlines to obtain slots from commuter airlines. I am not convinced that in the long run this will free up sufficient slots to facilitate the level of competition we need, but I think it is worth trying this modest approach before going to more sweeping measures.

Several features of this approach should be clearly understood. First, it will not result in any increase in total slots at an airport. It will only permit a small number of commuter slots to be used for large aircraft service. Second, under this approach no slots will be taken away from any airlines. A new entrant will be able to obtain a commuter slot only by buying it from a commuter airline or obtaining it under other procedures for allocating slots developed by the Department of Transportation, such as the awarding of unused slots. Finally, any commuter slot eligible for large aircraft use under the bill will not be permanently converted into a large aircraft slot. A commuter slot can be used for large aircraft service only by an airline operating fewer than 12 large aircraft slots at the airport. If the slot is sold to an airline operating more than 12 large aircraft slots, the slot can be used only as a commuter slot.

ESSENTIAL AIR SERVICE

Finally, my revised bill includes the basic provisions of H.R. 2268, legislation designed to ensure adequate air service between small communities and high density, slot limited airports. The bill is explained in detail in my remarks in the CONGRESSIONAL RECORD of May 9, 1991 [E1711]. It will ensure that adequate slots are available for service to small communities which are entitled to service under Section 419 of the Federal Aviation Act. As I explained in my earlier statement, the legislation is necessary to overcome policies of the Department of Transportation which has refused to exercise its authority under existing law to provide slots needed for essential air service, particularly in the case of certain communities that lost their service during fiscal year 1990. Only a limited number of additional slots should be required for this provision, and the provision should be administered so that there will not be a significant impact on any community now receiving service to a slot-controlled airport.

Mr. Speaker, the legislation I am introducing today can play a significant role in the development of airline competition. I look forward to having this legislation considered by the Committee on Public Works and Transportation and then by the whole House.

TRIBUTE TO AURORA GONZALEZ

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 23, 1991

Ms. KAPTUR. Mr. Speaker, Toledoans lost a very respected and dedicated member of our community with the tragic death of Aurora L. Gonzalez earlier this month. Aurora gave so much to all the citizens of our area; her efforts on behalf of northwest Ohio's Mexican-American community will be especially missed.

Aurora Gonzalez was a long-time resident of Toledo. In 1928, Aurora and her family, which grew to include 16 brothers and sisters, arrived in Toledo as one of the first Mexican-American families to move to the area. Aurora graduated from Toledo's Central Catholic High School, attended the University of Toledo and worked for 31 years as an executive secretary at Libbey-Owens-Ford until her retirement in 1979.

Perhaps Aurora's most enduring accomplishments were her contributions to Toledo's Hispanic Community. In the mid-1970's, Aurora formed La Voz del Barrio, a community organization designed to encourage cultural understanding and promote voter registration and economic development. In 1979, Aurora was instrumental in establishing Centro Unico, a recreation center in south Toledo that is still enjoyed by Toledoans of all ages. As a result of all her efforts, Aurora Gonzalez was the first Hispanic inducted into the Ohio Women's Hall of Fame in 1985.

I know I speak for all of those who knew Aurora Gonzalez in expressing my most heartfelt sympathy to her brothers, Anthony and Frank and Peter Gonzalez; sisters Maria Sue

Compos, Ursuline Sister Maria Jose, Mrs. Ruth Garcia, Mrs. Salud Cortez, and Mrs. Remedios Patlan; and many nieces and nephews.

Mr. Speaker, Aurora Gonzalez was a valued friend, a source of inspiration and guidance for all who knew her. We all, and I for one, will deeply miss her.

TRIBUTE TO DR. HENRY S. WILLIAMS OF THE CHARLES R. DREW UNIVERSITY OF MEDICINE AND SCIENCE COLLEGE OF ALLIED HEALTH

HON. MERVYN M. DYMALLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 23, 1991

Mr. DYMALLY. Mr. Speaker, I rise to pay tribute to Dr. Henry S. Williams for his outstanding contribution to the Charles R. Drew University of Medicine and Science.

From December 1989 through September of 1991, Dr. Williams served as interim president of the university. Prior to assuming that position, Dr. Williams held several other posts including the distinction of being the first chairman of the board from 1966 to 1973.

Mr. Speaker, Dr. Williams has not only been an outstanding physician for 35 years, he has also been a positive influence in our community.

We are truly fortunate to have Dr. Harry S. Williams as a member of the Los Angeles community, students and staff of the Charles R. Drew University of Medicine and Science are equally blessed to have Dr. Williams as a teacher and guide.

STATEMENT IN SUPPORT OF THE SKELTON AMENDMENT THE OMNIBUS CRIME CONTROL ACT OF 1991

HON. JOE BARTON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 23, 1991

Mr. BARTON of Texas. Mr. Speaker, I want to bring to my colleagues attention the Skelton amendment which was included in the Omnibus Crime Control Act of 1991 which was passed by this body yesterday. I strongly support the measure in this amendment which authorizes the establishment of rural drug enforcement task forces. I was unavoidably detained while this amendment was being considered and was unable to rise in support.

My congressional district offices work very closely with rural drug task forces through my staff antidrug program coordinator and the successes in the rural areas in Texas have been phenomenal. There are six such task forces in my district. The original intent of the rural antidrug task force strategy to combat illegal drugs was to supplement the small, untrained, and ill equipped sheriff's forces with proficient, well equipped, mainly undercover forces to combat the distribution, sale and manufacture of illegal drugs. Clandestine drug labs were locating in the rural areas because no one bothered them and they could supply the metropolitan areas without detection.

Through the work of the task forces in Texas, almost 1 billion dollars' worth of illegal drugs have been seized since January of 1988 with drug-related assets seized of over $15 million. The arrests of drug traffickers number over 10,000 and clandestine drug labs seized number over 300.

I am pleased to be able to support the gentleman from Missouri's amendment that will both enhance the rural drug task forces in my district and will encourage and support similar programs in other rural areas of the United States. I am confident that they will experience the same successes that the people in my district have enjoyed.

The continued efforts of metropolitan leaders to gain control of the task force funding puts the rural antidrug programs in jeopardy. We must do all we can to prevent this. Mr. Speaker, this measure goes a long way toward the accomplishment of this task.

THE SOCIETY OF AMERICAN MAGICIANS

HON. JOHN W. OLVER

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 23, 1991

Mr. OLVER. Mr. Speaker, the Society of American Magicians Assembly No. 17 have asked me to recognize October 25–31 as National Magic Week. The following explanation of the founding of National Magic Week is provided by the National Chapter of the Society of American Magicians:

Before there was a National Magic Week there was a National Magic Day. It all started with a "Houdini Day" in the summer of 1927, less than 1 year from his death. A trophy in honor of Houdini was presented by Mrs. Harry Houdini, to the winner of the underwater contest at the Miramar Pool in New York City.

There were many other "Houdini Days" following, but it was not until 1938 that Les Shotly, a member of the Society of American Magicians, in Chicago sought official sanction for "Houdini Day."

A friend of Houdini's requested and obtained permission from Mrs. Houdini to proclaim October 31 as National Magic Day in honor of Harry Houdini. The plan was formulated at that time to have free performances for shut-ins and handicapped people.

Harry Houdini served as the president of the Society of American Magicians for 9 years until his death on October 31, 1926.

Many newspapers carried the story about National Magic Day and various magical societies kept the idea alive. The first radio broadcast about National Magic Day occurred over radio station KQW on July 20, 1938. Mrs. Harry Houdini participated in that broadcast.

It was not long when National Magic Day became National Magic Week. The Society of American Magicians adopted the idea as a way of promoting the art of magic and at the same time performing shows at orphanages, hospitals and nursing homes for those who would have difficulty getting to a theatre to see a live performance. The members of the Society of American Magicians that participate in those shows find it a rewarding and worthwhile activity.

Each year Governors, mayors and other governing bodies throughout the country are requested to issue proclamations declaring the last week in October National Magic Week and encouraging magicians throughout the country to participate in the activities. Many people enjoy magic shows during this week that otherwise would not be able to do so.

For many years the Society of American Magicians has been encouraging the U.S. Postal Service to issue a stamp honoring the memory of Houdini. He is a person with an international reputation and his name is almost synonymous with magic. Magic displays can be found at libraries, stores and malls throughout the country during National Magic Week. When Magic Week is over each local assembly of the Society of Magicians is encouraged to compile their Magic Week activities in a book and submit them to the National Convention of the Society of American Magicians where they are judged and awards are given at the national convention held each year, usually the following July.

National Magic Week is the magical fraternity's way of sharing with others a great art form that is deeply loved by those that participate in it.

Mr. Speaker, at this time I would like you and my distinguished colleagues to join me in recognizing October 25 through 31 as National Magic Week. I would also like to recognize the efforts of the Society of American Magicians Assembly No. 17 in their efforts to have October 25–31 declared National Magic Week.

TRIBUTE TO REPRESENTATIVE CHARLES THOMAS

HON. GEORGE (BUDDY) DARDEN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 23, 1991

Mr. DARDEN. Mr. Speaker, I rise today to commend a Georgia legislator, Representative Charles Thomas of Temple, for his efforts on behalf of his hometown high school.

One of the controversies going on in education, both locally and nationally, is whether or not bigger schools are better schools. While the jury is still out on this issue, Representative Thomas is leading his own district as well as the Georgia General Assembly to a better understanding of the pros and cons of consolidation.

As featured in the Atlanta Journal/Constitution, the following article describes the Carroll County situation and Representative Thomas' role.

[From the Atlanta Journal/Atlanta Constitution, Oct. 14, 1991]

STATE MAY STOP THINKING BIG ON SCHOOLS—CONSOLIDATION RULE SEEN AS COSTLY GOOF

(By Betsy White)

In the past five years, Georgia has spent hundreds of millions of dollars consolidating schools, believing that bigger was better.

Now some state officials are concluding that bigger is simply bigger.

And, pressed by a Carroll County legislator whose son attends the same small high school he did, policymakers are cautiously weighing whether to embrace small schools again.

"It seems like nationally, the trend seems to be going in that direction," said Rep. Charles Thomas (D-Temple). "It just doesn't seem like we should be spending state money to build big schools in communities that don't want them."

To the theorists who argue that small schools cheat students out of a well-rounded education, he offers a simple rebuttal: His son Chris is taking Spanish, advanced math and two science courses this year at Temple High School—which is so small the graduating class typically numbers about 60.

In addition to a substantial range of college-prep and vocational courses, the school has some human characteristics that are missing at many bigger schools:

An award-winning marching band in which one-third of the student body participates.

A principal who knows every student by name.

A teacher who can credibly claim to have helped ensure that every black Temple High graduate in the past six years has gone to college.

When the blue-ribbon Education Review Commission drafted Georgia's Quality Basic Education school reform law, they included generous incentives to propel districts to close small schools like Temple High and build big new ones.

But Mr. Thomas isn't the only one criticizing that decision. The commission's lead researcher, Larry Gess, now says: "The main reasons we did it are no longer valid."

A GOOD INCENTIVE: MONEY

Mr. Gess' position marks a major turnaround from the commission's pro-consolidation stance.

Convinced that bigger schools were the only way to provide Georgia pupils with a well-rounded education at an affordable price, the group made it clear to local school boards that creating large schools was more important than high test scores, low dropout rates or innovative instruction.

The panel didn't explicitly say so, but it didn't have to. It offered school districts that agreed to build bigger schools something that good test scores or great teaching couldn't bring them: money.

And it worked. Scores of school systems, closed small schools, expanded existing ones and constructed even larger ones. School boards across the state signed on, from Fulton County to Burke County to Coffee County.

Between 1986 and 1991, the state paid more than $280 million for the effort, which featured guidelines that all but screamed, "Think big."

Elementary schools were to have at least 450 pupils, so teachers could teach high-, medium-or low-ability children, not all three, and to generate enough demand for full-time music, art and physical education teachers.

Middle schools were to have 640 pupils so teachers in each grade could work in interdisciplinary teams.

High schools were to have 970 students so there would be enough demand for full-fledged vocational, general and college-prep course offerings.

THE DOWNSIDE TO UPSIZING

But the pro-consolidation rules were barely in place before the tide began to turn against big, factorylike schools. Researchers began to report that the broad offerings and efficiencies of scale that were supposed to distinguish large schools didn't offer the clear payoffs that planners had anticipated.

Instead, research began to point to some clear costs: anonymity, apathy, withering parental involvement and a predilection for consigning students to rigid tracks.

Small schools, experts began to say, are the ones where greater innovation and excellence are possible. Educators in many parts of the country began to opt for small schools or to create more intimate "schools within a school" to achieve the same effect.

But Georgia proceeded with its bigger-is-better plan.

Now that the funding-incentive program is largely completed, however, a legislative study committee is poised to rewrite the plan. Not only is the panel weighing whether to discontinue the hard-to-refuse incentives to build bigger schools, it may turn the law on its head entirely and set maximum enrollment levels.

CARROLL PUTS ON THE BRAKES

The frank re-examination of state incentives for school consolidation was prompted mainly by the battle rending Carroll County and Mr. Thomas's efforts to keep the community schools intact.

With five high schools—all but one of them smaller than the state's recommended minimum—Carroll is, from a planner's point of view, perhaps the most obvious remaining candidate for school consolidation.

The local school board voted 4-2 in November 1989 to do just that. Temple and Villa Rica high schools would be merged into a new East Carroll High School. Bowden and Mount Zion high schools would become West Carroll Middle-High School. Elementary schools also would be consolidated, and altogether the state would pitch in more than $20 million.

The plan was rolling full steam ahead, and that struck Mr. Thomas as ironic because Carroll Countians seemed staunchly against it.

Less than two years ago, Carroll voters rejected a school bond referendum to consolidate schools. The measure did not pass in a single Carroll precinct.

Yet the state was prepared to pay millions to proceed with the plan in Carroll County.

But Mr. Thomas quietly inserted a provision into the funding law that blocked Carroll from getting the money. The law is being challenged as having an illegal retroactive effect, but for now it has kept Carroll from getting the consolidation funds.

Meanwhile, Mr. Thomas also got a study committee established and has begun collecting—and preaching about—the latest research debunking the glories of large, comprehensive high schools.

His fellow legislators seem to be taking him seriously.

Says Carroll Superintendent Tony Cook, "I think people are beginning to feel that there is a genuine educational value to a community school that may not be accounted for in the formulas of QBE."

HONORING DORTHEA LOMBARDO

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 23, 1991

Mr. ENGEL. Mr. Speaker, it is my privilege to pay tribute to Dorthea Lombardo upon her retirement from the teaching profession after 48 years of dedicated service.

For nearly five decades, the halls of Evander Childs High School have been graced by the presence of Dorthea Lombardo. As a former student, I can personally attest to her love of knowledge and commitment to her pupils, and there are thousands of other former students who could join me in those sentiments.

To her colleagues, Dorthea has also been a supportive friend and trusted adviser. As the head of the science department at Evander Childs, she helped formulate programs that equally challenge the educators and the students. As a coordinator of the alumni association, she has maintained the sense of community that is unique to Evander Childs.

As both a former student and a representative of the people of the Bronx, I extend thanks and best wishes to Dorthea Lombardo on this special occasion.

TRIBUTE TO FLUSHING HOSPITAL MEDICAL CENTER

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 23, 1991

Mr. ACKERMAN. Mr. Speaker, I rise today to recognize Flushing Hospital Medical Center in Queens County, NY, on the occasion of its second century ball, to be held on Saturday, October 26, 1991.

Great changes are taking place today in medicine and in the health care delivery system. Flushing Hospital Medical Center continues to meet the challenge of adapting to these changes by implementing new programs, strengthening its commitment to the community and responding to the dynamic demands of innovation and technology.

What began with 1 bed and a single staff nurse back in 1884 is currently a 461-bed integrated health care complex. The medical center is a voluntary not-for-profit institution governed by a 23-member board of trustees, each of whom functions without compensation as a public service.

Annually, the center serves 150,000 patients through its various services, which include a Maternal Fetal Medicine Program as well as high-risk obstetrics and neonatal care facilities, an extensive health maintenance service for the elderly, endoscopy suite, community medicine, infant apnea program, peripheral vascular lab, cardiac lab, dental clinic, and complete range of out-patient services. The medical center continues to reach out to the community, expanding and upgrading its services.

October 26 truly is an important occasion for Flushing Hospital Medical Center.se I have had the pleasure of being acquainted with the medical center for a number of years and sincerely appreciate the work of all those involved. An important and established part of the community, Flushing Hospital Medical Center is a place of solace for a great many people in the community.

Mr. Speaker, my fellow colleagues, I wish to commend the physicians and staff of the medical center for their years of hard work and generosity. I ask all my colleagues to join me now in wishing the medical center, its president and chief executive officer, Michael Kaminsky, and all those involved the best of luck on the occasion of their second century ball.

THE UNEMPLOYMENT SITUATION IN AMERICA IS WORSE THAN STATISTICS INDICATE

HON. DENNIS M. HERTEL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 23, 1991

Mr. HERTEL. Mr. Speaker, the unemployment situation in America is worse than statistics indicate. Charles Osgood of CBS News Radio summed up the status of the American worker this morning on the "Osgood File." The following is copyrighted by CBS, Inc., all rights reserved:

> There are certain things you don't want to see made: cheese, sausage, and Government indexes to name a few. But if you don't know what goes into an index, you can't possibly understand what it means. A lot of people think that the official jobless rate—the unemployment statistics—measure how many people in this country are out of work. No, that's not it at all. Things are not as bad as the figures suggest. They're worse.
>
> The official Government statistics are not political in the sense that they're controlled by politicians. They are true and objective as far as they go, but they don't go anywhere near as far as most people think they do. If you just look at the monthly unemployment figures put out by the labor department, you'd see that they haven't changed much in a while. So you might think that while the employment picture isn't getting a whole lot better, it hasn't gotten a whole lot worse either, but that is not necessarily true. Associated Press analyst John Cuniff says the reality is that things are much worse than the official jobless rate, which stands at 6.7 percent; 8,400,000 people are officially out of work. But that doesn't take into account the 1,100,000 people out of work who have given up, stopped looking for jobs. They don't count in the statistics. Neither do the people who've taken part time jobs because they can't find full time work. There are 6,400,000 of them. Last month alone, 500,000 workers entered the part time worker category. That number won't show up in the unemployment figures.
>
> Also not included are the special structural problems of blue collar workers being permanently laid off, of white collar jobs being eliminated, of teenage unemployment, which is now 18 percent, and especially Black teenage unemployment which is now 38 percent. All these are hidden from view, Cuniff says, by an overconcentration on the jobless rate, which doesn't mean what people think it means. But out there in the real world, people who are out of work look at thin want ad sections and wonder where the jobs went. Retailers look at their sales figures and wonder where the customers went. Customers are holding on to their money—if they have any money—because they're worried about their jobs—if they have jobs.
>
> The point is that the official unemployment rate doesn't count everybody. But even the people who aren't counted, count.

HOFFMAN-LAROCHE TO PROVIDE VITAMIN A TO UNICEF CHILDREN

HON. ROBIN TALLON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 23, 1991

Mr. TALLON. Mr. Speaker, Third World childhood malnourishment is a tragedy for us all. No one knows this better than the large pharmaceutical company Hoffman-LaRoche which has just announced a venture in providing vitamin A to children served worldwide by UNICEF.

Heeding the call of the World Health Organization and the United Nations Children's Fund, Roche is supplying enough dosage sufficient to provide vitamin A through immunization to 115 million children in 37 countries for a period of 3 years.

It is estimated that this donation could prevent at least 5,000 deaths per day worldwide.

I applaud Roche for their concern for the global community. This effort is not just an example of corporate charity, it is an example of how effective the business community can be in addressing childhood hunger and malnourishment.

I encourage other businesses to follow their lead.

TRIBUTE TO YOUNG MEN'S CHRISTIAN ASSOCIATION OF GREATER SACRAMENTO

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 23, 1991

Mr. MATSUI. Mr. Speaker, I rise today to pay tribute to the Young Men's Christian Association of Greater Sacramento on the occasion of their 125th anniversary. On October 25, 1991, elected officials, community leaders, and friends will gather to recognize and celebrate 125 years of dedicated service to the Sacramento community.

In 1866, a small group of Civil War veterans and Protestant pastors formed the Young Men's Christian Association. From a modest structure with a small gymnasium at fifth and J Street that was built in 1899, the YMCA of Greater Sacramento has grown into a modern facility at 21st and W Streets. The YMCA seeks to serve all persons enabling them to achieve their highest potential through the development of spirit, mind, and body.

A listing of some of the many fine services provided by the YMCA will make clear the valuable contribution this outstanding organization makes to the community. They include aquatic and physical fitness programs for all ages including aerobics and weight training, fitness testing for improved health, youth sports leagues, day camps, resident camps and caravan camps, child care for infants up through sixth graders, youth in government, teen conferences on topics of current interest to further develop leadership skills, and father-child programs to enhance the relationship between fathers and their children. Financial assistance is offered for all of its programs to ensure their diversity.

I ask my colleagues to join me in paying tribute to the YMCA of Greater Sacramento, board president, Jack Walker, and his board and staff, on the occasion of their 125th anniversary of service to the Sacramento community.

H.R. 3566: JUST WHAT OHIO NEEDS

HON. DAVID L. HOBSON

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 23, 1991

Mr. HOBSON. Mr. Speaker, for the information of my fellow colleagues, I would like to enter into the RECORD a letter which I received from Ohio Gov. George V. Voinovich regarding H.R. 3566:

> Passage of the Intermodal Surface Transportation Infrastructure Act of 1991 is critically important to Ohio. This legislation achieves the No. 1 Federal legislative priority of the Voinovich-DeWine administration, and a goal which I know each of you have long worked toward as well: an equitable, long-term reauthorization of Federal-aid surface transportation programs.
>
> In addition to providing more than $4 billion to Ohio over 6 years, the Ohio Department of Transportation cites these positive provisions of the bill:
>
> Program restructuring for increased flexibility;
>
> Workable Federal-State matching requirements;
>
> Emphasis on multimodal transportation for cleaner air and fuel conservation; and
>
> Better coordination of state and local planning efforts.
>
> I am certain there is no governor who has enjoyed better delegation cooperation in the effort to win a more equitable distribution of highway funding than I. Our Delegation's unity on this critical matter has helped make today's opportunity possible. Also, the bill would not be in its present form without Ohio's three Public Works Members—Doug Applegate, Dave Hobson, and Jim Traficant—who worked directly with Chairman Roe to end the unfair burden on Ohio taxpayers and state transportation planners.
>
> H.R. 3566, the product of sustained, effective Ohio Delegation involvement, makes sense for Ohio. It is a blueprint for economic development which I hope you will support.

RAPHAEL SANCHEZ

HON. WILLIAM LEHMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 23, 1991

Mr. LEHMAN of Florida. Mr. Speaker, affordable housing and innovative tenant programs have been a priority of the Hialeah Housing Authority since 1983, when Raphael Sanchez was appointed the executive director of the agency.

Since then, Raphael Sanchez has made the Hialeah Housing Authority a vital part of our community and local government. In addition to starting community development programs such as affordable children's day care for public housing tenants, Executive Director Sanchez's extensive experience in administrative management has helped him to revitalize the agency. He has increased the public housing stock by 30 percent and the number of certificates and vouchers by 42 percent. The Hialeah Housing Authority, under Sanchez's steadfast direction, has received the Recognized Performer Award 3 years in a row.

In addition to these accomplishments, Mr. Sanchez has been responsible for creating avenues of expansion for present projects. These projects include an affordable housing program which plans to make available 500 additional housing units to low-income families. Sanchez also expanded the children's day care center to include care for the elderly as well as provide care for more children. These projects are currently underway.

Mr. Speaker, not only has Raphael Sanchez devoted his professional career to public service, but he has spent his personal life serving our community as well. Mr. Sanchez is a past president of the Flamingo Kiwanis of Hialeah, vice president of the American Heart Association, vice president of the community development sector of the FAHRO, as well as a member in the National Association of Housing and Redevelopment Officials and Public Housing Authorities Director's Association. Mr. Sanchez is also a past president of the Hialeah Community Baseball Association.

Raphael Sanchez was also the first Cuban-American to be elected as an at-large board member of the Florida Association of Housing and Redevelopment Officials [FAHRO].

Strong, committed leaders are the pride of our community. Hialeah is fortunate to have Raphael Sanchez as one of them.

JOE TALBOT—A TRUE MASTER

HON. BOB CLEMENT

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 23, 1991

Mr. CLEMENT. Mr. Speaker, I rise today to pay tribute to an icon in the country music industry, someone who commands respect in the business, political and civic community throughout middle Tennessee, a friend and a good man—Mr. Joe Talbot.

Tonight the Nashville Entertainment Association [NEA] will honor this music industry veteran, whose contributions go well beyond the field of country music, as the recipient of their 1991 Master Award. This coveted honor is given to the individual or group who has made a significant contribution to the "Nashville Sound."

A true jack-of-all trades, Joe Talbot was born and raised in Nashville, TN. Joe graduated from Vanderbilt University School of Law in 1952 and successfully practiced law for many years. For most, this accomplishment alone would be the highlight of a successful career. For Joe Talbot it is a lone chapter in a lifetime full of achievement.

During and after the time Joe attended Vanderbilt, he played steel guitar. And Mr. Speaker, I mean he played the steel guitar. Joe recorded with the legendary Hank Snow on RCA Records from 1950 through 1954, appearing on the Grand Old Opry with Snow from 1951–52.

Audiophiles and country music historians note that Joe Talbot was one of the best steel guitar players of his era. Not only did he play country music, he lived country music. His years on the road traveling the country music circuit, and his understanding of the sacrifices required of a working musician and every aspiring country star, contributed to his ability to become a leader in this country music industry years later.

Throughout his 40 years in the country music business, Joe Talbot has been involved in every aspect of the industry. He managed a music store in downtown Nashville—the Hank Snow Music Center, worked as a traveling guitar salesman and sold time for a country radio station before becoming a successful music publisher.

Joe Talbot's initial involvement in the publishing business was from 1965–67, when he was a partner in the publishing company Harbot Music, a business which he owns today.

From 1967–71 Joe was manager of the SESAC performing rights organization's Nashville office.

Today Joe owns several successful music-related businesses including United Record Pressing, Inc., Peer-Talbot Music Group and Nashville Record Productions. He is also the owner of a commercial office building on Nashville's music row and other commercial real estate. He has also recently, for the first time, become involved in artist management.

Joe Talbot is a past chairman of the board, past president and one of a few people to be accorded the honor of being named a lifetime member of the Country Music Association.

Joe is a trustee and past chairman of the board of the Country Music Foundation. He is a member of the board of directors of Third National Bank in Nashville. He has served on the boards of the National Academy of Recording Arts and Sciences, the Gospel Music Association and the Nashville Better Business Bureau.

These memberships and positions indicate a lifetime of achievement. But the greatest testimonial to Joe Talbot is the respect and esteem he commands among his peers, friends and throughout our community. If asked to describe this individual in one sentence, anyone who knows him would simply say, "Joe is a great man—one of the best people I know."

Joe Talbot's word is truly his bond—it is as good as gold. Through the years some of the most respected people in the music industry have sought his advice and counsel. They value what he has to say. He is a quiet, easygoing man who relies on a lifetime of experience and observation. Joe Talbot is one of those rare individuals whose advice rings with wisdom, wit, insight and common sense.

William Shakespeare once said, "Some men are born great, some achieve greatness and some have greatness thrust upon them." Joe Talbot personifies all three.

Mr. Speaker, today I ask my colleagues to join me in paying tribute to Mr. Joe Talbot. I regret that I will be unable to participate in the ceremonies honoring Joe tonight in Nashville, but I am honored to share these words of tribute with my colleagues today. Most of all, I am honored to call this great man my friend.

INTRODUCTION OF LEGISLATION TO AID THE SUCCESS OF RESEARCH AND DEVELOPMENT IN OUR COUNTRY

HON. DEAN A. GALLO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 23, 1991

Mr. GALLO. Mr. Speaker, today I am introducing a bill to make permanent both the research and experimentation tax credit and the research and experimentation allocation rules.

Our colleagues, Representative JENKINS and Representative ANTHONY, have previously introduced bills that would, individually, accomplish what my bill seeks to accomplish.

However, because I believe that these two provisions of the Tax Code are so important to the success of research and development in our country, I have combined both provisions into one bill. It is important that the research and development community in the United States understand that the House supports the permanent extension of both of these important incentives.

The need for this legislation is clear. For our country to compete in the international marketplace we must encourage investment in research and development. This investment adds to American competitiveness and productivity, enabling us to reach our full economic potential.

In a global marketplace, companies in the United States must have an equal opportunity to compete with companies overseas. Reinvesting money in their businesses will result in improvements to established technology. That will lead to economic growth and jobs creation.

Since the research and experimentation tax credit was first enacted in 1984, Congress has been renewing it on a short-term basis. Piecemeal renewals are shortsighted. By making this credit permanent, my bill encourages long-term thinking. That is the only way companies can effectively plan for the future.

The extension of the allocation rules is important to keeping future domestic R&D expenditures here in the United States. If we do not extend the allocation rules, the unintended effect will be that companies will be encouraged to perform research and development overseas, where they receive more favorable tax treatment. Our Tax Code should not encourage the flight of research and development dollars.

Mr. Speaker, we need to enact these permanent extensions before the year is out, so that those doing research and development can be certain of the environment in which they will be planning and working.

I urge my colleagues to cosponsor this legislation and send a clear message that Congress supports the expansion of American competitiveness through research and development. The passage of my bill will allow American business to move forward with confidence into the future, keeping us on the cutting edge of new technologies and global competitiveness.

CROSSROADS OF CIVILIZATION

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 23, 1991

Mr. HYDE. Mr. Speaker, I would like to call to my colleagues, attention a significant event that took place this Sunday on the other side of the world—the democratic election of a government in the Republic of Turkey.

Now, it would appear there should be nothing special about such an election, but with governments all over Europe and Asia struggling with fashioning representative systems, it should be noticed that Turkey already has one—and has had it for decades.

And, astounding as it seems, the voter turnout was 90 percent. More than 26 million of the 29 million eligible voters went to the polls. We ought to study how they did that.

It was my pleasure and privilege to visit Turkey this summer. I met with Government leaders and business leaders and learned much about the culture and history of Turkey, which is truly a crossroads of civilization.

I can tell you that democracy and free enterprise are in evidence in that nation.

Here are some important facts about Sunday's election:

First, the election chose 450 members to the Grand National Assembly.

Second, there are 18 political parties in the country and its constitution places no restrictions on them other than that their platforms may not conflict with the state's national sovereignty and territorial integrity, human rights, or the principles of democracy and secularism.

Third, women have had the right to vote since 1927. Democracy is not an easy system to constrict. Turkey is making it work. Other countries who are trying to devise such a system would do well to observe Turkey.

CELEBRATING THE ANNIVERSARY OF NOTRE DAME SCHOOLS

HON. BILL SARPALIUS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 23, 1991

Mr. SARPALIUS. Mr. Speaker, on October 26, a quality group of schools in Wichita Falls, TX, will celebrate an important anniversary. Notre Dame schools will honor the 25th anniversary of the dedication of their middle and high school building.

Catholic schools in the Wichita Falls area have a long and distinguished history. The first one was the Academy of Mary Immaculate, founded by the Sisters of Saint Mary. In 1964, the Brothers of the Holy Cross began a secondary education program for young men. In 1966, the Sisters of Saint Mary and the Brothers of the Holy Cross jointly opened Notre Dame High School, with Sister Genevieve Kirkpatrick, S.S.M.N., and Brother Harold Young, C.S.C., as principals. Brother Richard Daly, C.S.C., the second principal of the boys' division, is now director of the Texas Catholic Conference in Austin, TX.

Today, Notre Dame is a diocesan school of the Diocese of Fort Worth with Ronald M. Staley as principal. It is composed of an elementary school, middle school, and a high school. Notre Dame has maintained the strong traditions of Catholics in the North Texas area, and it has a reputation for high academic standards and achievement for the youth of its region. I am proud to salute Notre Dame schools on the 25th anniversary of the dedication of their middle and high school buildings.

TRIBUTE TO ROLLIN KAPP

HON. C. THOMAS McMILLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 23, 1991

Mr. McMILLEN of Maryland. Mr. Speaker, I rise today to congratulate and recognize an outstanding citation in my district, Mr. Rollin Kapp, who has been named Citizen of the Year by the Greater Odenton Improvement Association.

Mr. Kapp has been a resident of Odenton for 30 years, having moved here in 1961 after retiring from the Army with the rank of major. After moving to Odenton, Mr. Kapp immediately involved himself with volunteer work by joining the newly revived Odenton Improvement Association.

As an active member of the Association, Mr. Kapp has been instrumental in helping the community adapt to its changing needs. One of his first projects was the formation of Odenton's clean-up campaign in the early 1960's. Area residents formed cleanup crews to keep the community clean. Recently, Mr. Kapp has been involved in Anne Arundel County's rezoning effort, serving on the association's Comprehensive Rezoning Task Force.

For the past 20 years, Mr. Kapp has been actively involved with programs at Arundel High School. Since 1975, Mr. Kapp has been involved with the high school wrestling team, acting as a coach and as an adviser to the students. Mr. Kapp also has been a member of the Arundel High School Citizens Advisory Committee for 20 years, which advises the board of education.

Thank you, Rollin, from myself and the citizens of Odenton for all you have done on behalf of our community. We are all grateful to you for your exemplary service and your involvement with the community, which is a glowing example of all of the wonderful things that can be accomplished through active citizen involvement.

TRIBUTE TO THE JUNIOR WOMEN'S CLUB OF SALEM, NH

HON. DICK SWETT

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 23, 1991

Mr. SWETT. Mr. Speaker, the National Greater Federation of Women's Clubs [GFWC] has designated October as Junior Women's Club month. A few weeks ago, the GFWC New Hampshire Junior Women's Clubs were the recipients of the 1991 Governor's Award for Outstanding Volunteer Organization.

In light of this award, it is most fitting that special recognition be given to the oldest active Junior Women's Club in my home State. Chartered on January 1, 1935, and admitted to the GFWC on January 1, 1936, the Salam Junior Women's Club has had a proud history of community service for over 55 years.

This dedicated service includes sponsorship of the Special Olympics, Big Brothers/Sisters, Dollars for Scholars, and many other programs. Their care, concern, and efforts on behalf of children, the elderly, and people in need exemplify the true meaning of voluntarism.

Mr. Speaker, I ask my colleagues to join with me in congratulating this worthy organization. The GFWC Salem Junior Women's Club's contributions to the quality of life in Salem, NH, is truly dedicated community spirit in action.

CITY RESCUE MISSION 80TH ANNIVERSARY, NOVEMBER 2, 1991

HON. JOE KOLTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 23, 1991

Mr. KOLTER. Mr. Speaker, I rise today to pay special tribute to the New Castle City Rescue Mission which has served the hungry, homeless, and needy people in the New Castle, PA, area for the past 80 years. Started in November 1911, under the direction of Rev. E.J. Berquist, followed by Rev. Benny Watkins, A.W. Gibson, D.R. Wert, Cyril Smith, and the present Executive Director F. Dickson Marshall, this institution has performed services to this community which deserve special recognition here today.

For the past 42 years, Rev. F. Dickson Marshall has successfully directed this mission which reaches out and assists others less fortunate than ourselves in nine areas of ministry. Services are provided through their men's department, family welfare services, a crisis pregnancy center, family shelter, youth program, camping facilities, radio broadcasts, industrial center, and an elderly folks Bible study. Each segment of this mission serves a very necessary and vital role in the lives of the people who seek help through this very worthy service.

Men and women in all walks of life participate through contributions of time, energy, and finances to assure that this invaluable contribution to the humanitarian efforts throughout the Lawrence County area are provided for those who seek help through this organization.

I ask my colleagues to join me today in applauding this organization and its very dedicated leader who spends countless hours assuring the success and continued growth of a community service which literally saves lives of those for whom their services are rendered. May this most beneficial service be continued and may Reverend Marshall, his staff, the volunteers, and all supporters of this ministry be blessed on this their 80th anniversary and each and every day hereafter.

H.R. 2950—REAUTHORIZATION OF SURFACE TRANSPORTATION

HON. STEVE GUNDERSON

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 23, 1991

Mr. GUNDERSON. Mr. Speaker, Gen. Dwight D. Eisenhower after World War II recognized the necessity for developing a National Highway System for defense purposes. The wartime road system was inadequate for transporting military equipment and personnel to the Nation's east and west coasts for departure to the European and Pacific war fronts.

To remedy this deficiency, President Eisenhower initiated the National System of Interstate and Defense Highways in 1956. The Nation was to benefit from a unified network of roadways and Wisconsin became one of the first States to complete construction of its portion of the Interstate System.

September 30, 1991, marked the official completion of the Interstate System. During the construction of the Interstate System, drivers of Wisconsin and 19 other States have contributed excess funds to the unified highway trust fund for purposes of completing this National System. In fact, Wisconsin has contributed more than $1 billion to assist other States in bringing this National Highway System to fruition.

In this landmark legislation, the challenge shifts from building a transportation system to maintaining and modernizing the facilities in order to support economic growth and meet the competitive demands of the international marketplace.

An equitable distribution of highway trust fund dollars enables Wisconsin for the first time in 35 years to receive a fair rate of return in dollars it sends to the Federal Government. This is a dramatic increase over the average $0.74 return for every dollar contributed to the fund that the State has traditionally received. Every aspect of our State's economy will benefit from the more equitable return of Federal funds, creating hundreds of real jobs, and meeting new requirements of the Clean Air Act and the Americans With Disabilities Act.

Another important change in the legislation is it will spend down the highway trust fund. The money in the fund belongs to the States. It was established with gas tax revenue for the purpose of building an Interstate System for which the States are responsible. The States build and maintain the roads. Returning these dollars to the States over the next 6 years will restore integrity to the highway trust fund.

In the largely rural Third Congressional District of Wisconsin, the recent recession has had it economic impact. Dropping the 5-cents tax increase at this time was appropriate. Those people hit hardest by it would have been rural residents, who account for greater lane miles traveled and whose per capita expenditure on motor fuel is higher than in urban areas.

There are many other constructive provisions in H.R. 3566 for which I want to commend the House Public Works and Transportation Committee. Especially important is that this bill provides greater flexibility in programming dollars at the State level. The State can determine its priorities and use Federal dollars to meet its unique needs.

The establishment of a National Highway System, a Scenic Byways Program, provisions which will increase productivity for the trucking industry, and emphasis given to research and technology which will enhance all modes of transportation will strengthen this Nation's future mobility needs as it enters the 21st century.

GOVERNMENT HAS NO BUSINESS IN BROADCASTING

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 23, 1991

Mr. CRANE. Mr. Speaker, today I am introducing a bill to abolish Federal funding for the Corporation for Public Broadcasting [CPB]. CPB, no doubt, is an organization that many Americans have never heard of, yet the Corporation does exist at a cost to the American taxpayers of over $229 million last year alone.

Created in 1934, and receiving 90 percent of its operating income from the U.S. Government, CPB's official purpose is to foster the growth and development of public broadcasting. CPB does this through noncommercial television and radio programming as well as providing monetary assistance to the Public Broadcasting Service [PBS] and National Public Radio [NPR].

While I believe the goals of CPB to be exemplary, I feel strongly that with our country's debt approaching $4 trillion, the Federal Government needs to abandon its policy of funding extraneous programs without consideration of the country's financial capabilities. In addition, many of these programs, like the CPB, can flourish alone in the private sector without the hand or wallet of Uncle Sam.

No one can dispute that PNS and NPR offer many educational and cultural enriching programs. Indeed, my bill would do nothing to change this nor does it herald the death of public broadcasting. On the contrary, the vast majority of public radio and television stations are already operated by private sources such as universities and nonprofit community associations. Federal funding of public broadcasting amounts to only slightly more than one-seventh of the total industry income. Private support for public broadcasting is robust and growing. Abolishing Federal funding of the CPB would do little to threaten its future.

Although I offer this legislation as a small step toward controlling our runaway deficit, current controversy surrounding CPB and its affiliate, PBS, could alone warrant action. A recent documentary titled "Tongues Untied," funded by PBS, CPB, and the National Endowment for the Arts, spurred hundreds of indecency complaints to the Federal Communications Commission as a result of the show's graphic sexual depictions and language. "Tongues Untied" was so offensive that 206 of the 341 PBS stations refused to broadcast it.

In addition to this obscene abuse of taxpayer money, CPB and PBS have received much criticism on the grounds that their programming is politically motivated. Last year, for instance, PBS and CPB refused to show "The Greenhouse Conspiracy," a documentary that discounts the global warming theory, even though many stations wanted to air the program. It is an outrage that American taxpayers should be forced to fund a public organization that misrepresents important issues or feels inclined to promote their own ideas and values over those of whom they were created to serve.

Public broadcasting is already thriving with minimal assistance from the Federal Government. With our country teetering on economic collapse, it is essential to abolish those costly and nonessential programs that are better suited for the private sector. I urge my colleagues to take a step in reducing the deficit by supporting the abolishment of Government in public broadcasting.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, October 24, 1991, may be found in the Daily Digest of today's RECORD.

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by A. Endicott, Jr., of Texas, to be General Counsel, Syl Chavez Long, of New Mexico, to be Assistant Secretary for Congressional Affairs, and Jo Ann K. Webb, of Virginia, to be Assistant Secretary for Policy and Planning, all of the Department of Veterans Affairs.

SR-418

9:45 a.m.

Banking, Housing, and Urban Affairs

To hold hearings on the nominations of David F. Bradford, of New Jersey, and Paul Wonnacott, of Maryland, each to be a Member of the Council of Economic Advisers, and Susan Meredith Phillips, of Iowa, to be a Member of the

Board of Governors of the Federal Reserve System.
SD–538

10:00 a.m.
Finance
International Trade Subcommittee
To hold hearings to examine how trade policy may affect the environment, focusing on S. 984, to impose countervailing duties under U.S. trade law on products from countries who fail to impose and enforce effective pollution controls and environmental safeguards.
SD–215

Foreign Relations
Terrorism, Narcotics and International Operations Subcommittee
To continue hearings to examine allegations of drug trafficking and money laundering activities in the United States by the Bank of Credit and Commerce International (BCCI), focusing on narcotics and foreign policy implications.
SH–216

OCTOBER 29

9:30 a.m.
Labor and Human Resources
To hold hearings on S. 1622, to revise the Occupational Safety and Health Act of 1970 to improve the provisions of such Act with respect to the health and safety of employees.
SD–430

9:45 a.m.
Select on Indian Affairs
Business meeting, to mark up S. 754, to provide that a portion of the income derived from trust or restricted land held by an individual Indian shall not be considered as a resource or income in determining eligibility for assistance under any Federal or federally assisted program; to be followed by a joint hearing with the House Committee on the Interior on H.R. 1476, to provide for the divestiture of certain properties of the San Carlos Indian Irrigation Project in the State of Arizona.
SR–485

10:00 a.m.
Commerce, Science, and Transportation
Merchant Marine Subcommittee
To hold oversight hearings on Federal shipbuilding chartering practices.
SR–253

Judiciary
Patents, Copyrights and Trademarks Subcommittee
To hold hearings on S. 1623, to revise title 17, United States Code, to implement a royalty payment system and a serial copy management system for digital audio recording, and to prohibit certain copyright infringement actions.
SD–226

2:00 p.m.
Conferees on H.R. 2707, making appropriations for fiscal year 1992 for the Departments of Labor, Health and Human Services, and Education, and related agencies.
H–140, Capitol

2:30 p.m.
Agriculture, Nutrition, and Forestry
Agricultural Research and General Legislation Subcommittee
To hold hearings on reducing foreign material limits in official soybean standards.
SR–332

Commerce, Science, and Transportation
To hold hearings on the nomination of Mary L. Azcuenaga, of the District of Columbia, to be a Federal Trade Commissioner.
SR–253

3:00 p.m.
Commerce, Science, and Transportation
Consumer Subcommittee
To hold hearings to examine developments in automotive fuel economy technology.
SR–253

3:30 p.m.
Foreign Relations
To hold hearings on the nominations of Curtis W. Kamman, of the District of Columbia, to be Ambassador to the Republic of Chile, Michael G. Kozak, of Virginia, to be Ambassador to the Republic of El Salvador, Robert S. Pastorino, of California, to be Ambassador to the Dominican Republic, and George F. Jones, of Texas, to be Ambassador to the Republic of the Cooperative Republic of Guyana.
SD–419

OCTOBER 30

10:00 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings on agricultural and food assistance for the Soviet Union.
SR–332

Environment and Public Works
To hold hearings on the nominations of E. Gail de Planque, of New Jersey, to be a Member of the Nuclear Regulatory Commission, and Herbert Holmes Tate, of New Jersey, to be an Assistant Administrator of the Environmental Protection Agency for Enforcement and Compliance Monitoring.
SD–406

Foreign Relations
East Asian and Pacific Affairs Subcommittee
To hold hearings to examine U.S. security policy in east Asia.
SD–419

2:00 p.m.
Foreign Relations
European Affairs Subcommittee
To resume hearings on consolidating free-market democracy in the former Soviet Union.
SD–419

OCTOBER 31

10:00 a.m.
Judiciary
Business meeting, to consider pending calendar business.
SD–226

2:30 p.m.
Foreign Relations
East Asian and Pacific Affairs Subcommittee
To continue hearings to examine U.S. security policy in east Asia.
SD–419

POSTPONEMENTS

OCTOBER 24

3:00 p.m.
Foreign Relations
To hold a closed briefing on the Administration's plan for military assistance to Jordan.
SD–415

SENATE—*Thursday, October 24, 1991*

(Legislative day of Thursday, September 19, 1991)

The Senate met at 10 a.m., on the expiration of the recess, and was called to order by the Acting President pro tempore [Mr. ROBB].

PRAYER

The ACTING PRESIDENT pro tempore. We will begin with a word of prayer from the Chaplain.

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

Preserve me, O God: for in thee do I put my trust.—Psalm 16:1.

Gracious God, this word from the Psalms, which appears on the Prayer Room stained glass window depicting George Washington kneeling in prayer, is a vivid reminder of the most basic need in our Nation at this time. The original sin in the garden was not drugs or crime or sex. It was man's self-alienation from God. The temptation was simply, "Be your own god." This was the root sin—man becoming his own god, making his own rules, determining his own destiny. From this rejection all other evil in human history derives. Self-alienation from God begets alienation between husband and wife, parent and child, management and labor, rich and poor, black and white. Self-alienation from God fragments society.

As George Washington put his trust in Thee—as Thomas Jefferson had faith in a Creator God from whom all human rights derive—so we as a people need to return to our roots. You promised, Lord, "If my people, which are called by my name, shall humble themselves, and pray, and seek my face, and turn from their wicked ways; then will I hear from heaven, and will forgive their sin, and will heal their land."—II Chronicles 7:14.

In the name of Him who loved us and gave Himself for us. Amen.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. Under the standing order, the majority leader is recognized.

SCHEDULE

Mr. MITCHELL. Mr. President and Members of the Senate, the period for morning business today will extend until 11:15 a.m., during which time several Senators are to be recognized to address the Senate for specified times.

At 11:15 this morning, the Senate will proceed to the consideration of S. 1745, the Civil Rights Act. That measure will be considered until 2:30 p.m. today, when, by a previous consent agreement, the Senate will return to S. 596, the Federal Facilities Act.

Under the agreement governing S. 596, only two items remain for consideration prior to a vote on final passage of that act. Those matters are to be considered under a 1-hour time limitation. Then the Senate will conduct three back-to-back rollcall votes, beginning at 3:30 p.m. today, thereby completing action on the Federal facilities bill.

Once that bill is disposed of, the Senate will then resume consideration of the civil rights bill. Rollcall votes are expected to occur relative to amendments offered to that bill throughout the day, into the evening, and perhaps late into the evening today.

Mr. President, I yield the floor.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. There will now be a period for the transaction of morning business not to extend beyond the hour of 11:15 a.m., with Senators permitted to speak therein.

The Chair recognizes the Senator from Montana [Mr. BAUCUS].

STRATOSPHERIC OZONE DEPLETION

Mr. BAUCUS. Mr. President, the sky may not be falling but there is getting to be a lot less of it than there once was.

For the second time in 6 months we have received disturbing news about the Earth's ozone layer from the international experts who are studying it.

In April we were told that between 4 to 5 percent of the wintertime ozone layer over North America, Europe, and the midlatitudes in both the northern and southern hemispheres had been destroyed in the last decade.

The Environmental Protection Agency reported that as a result, some 12 million Americans would develop skin cancer, and more than 200,000 of them would die, over the next 50 years.

At a press conference at the United Nations on Tuesday, these experts released new data showing a depletion of the ozone layer over the United States during the summertime months. I have with me the executive summary as well as press clips from the New York Times and the Washington Post on their announcement, which I ask unanimous consent to include in the RECORD at the conclusion of my remarks.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BAUCUS. What is new and significant about their finding? For the first time, scientists have found that in the summertime over all of our country, the ozone layer decreases by 2 to 3 percent. We have substantially increased the risk of skin cancer and crop damage from ultraviolet radiation at precisely the time when school children are playing outdoors and crops begin to grow.

And we have only ourselves to blame. We have through our actions, changed the composition of our atmosphere. Because we have continued to vent ozone depleting chemicals into our air, despite the warnings of scientists, we have fundamentally changed our way of life for years to come. We and our children and our children's children will be forced to reevaluate our practices of going outside during the summertime months when our exposure to ultraviolet radiation is at a maximum.

The new results, in the words of EPA Administrator Reilly, are "more serious than we would have believed."

Mr. President, that has always been our response—when the Antarctic ozone "hole" was discovered, when it increased in magnitude, when ozone depletion expanded to the midlatitudes in the wintertime months and now that we are finding a summertime depletion as well—it is always more serious than we would have believed.

Now it is time for us to get serious. It is time to completely do away with these dangerous chemicals.

The Montreal protocol as amended by the London amendments of 1990 requires a complete phaseout of CFC's by the year 2000. Even though we now know that this is not fast enough, I would like to point out that the United States still has not ratified the London amendments. When I testified before the Foreign Relations Committee in July on the ratification of the London amendments, I urged my colleagues to move with haste. The need for expediency has grown stronger. As a show of good faith, the United States must quickly ratify the London amendments.

But we must go further. Ozone depleting chemicals must be phased out on an accelerated timeframe.

The mechanism to do so already exists. The Clean Air Act requires the

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

EPA Administrator to accelerate the phaseout of ozone depleting chemicals more rapidly than the year 2000 deadline, if scientific information suggests it is necessary to protect human health and the environment.

Thus far, the Administrator has refused to act on his authority, saying that the United States would not take unilateral action.

Mr. President, that is a nonargument. Let me remind my colleagues that all of the industrialized countries, with the exception of the United States and Japan, have committed to an earlier phaseout of ozone depleting chemicals. Germany and the Nordic countries have accelerated their phaseout date to 1995; the European Community, Canada, Australia, and New Zealand are committed to 1997.

For ourselves, our children, and our children's children, the United States must take action too.

Mr. President, I yield the floor.

Exhibit 1

[From the Washington Post, Oct. 23, 1991]

First Summer Thinning Found in U.S. Ozone Layer—Skin Cancer Risk Increases, Experts Say

(By Michael Weisskopf)

Scientists reported yesterday the first summertime thinning of the protective ozone layer over the United States, raising the risk of skin cancer as heavier doses of ultraviolet radiation leak to the ground during the time of year when people are most exposed.

E.I. du Pont de Nemours, the world's largest producer of chlorofluorocarbons (CFCs), the most damaging of the man-made chemicals to ozone, responded to the new data by pledging to halt production of the chemicals by 1997—three years ahead of schedule—and to speed the phaseout of substitutes that are less destructive than CFCs but still capable of fraying the ozone layer.

"The data included in this recent assessment underscore the urgency for a more rapid and aggressive response," Du Pont vice president Joseph Glas said in a statement to the media.

Along with a report in April that wintertime ozone has thinned twice as fast as previously projected, yesterday's data is expected also to fuel diplomatic efforts to accelerate the timetable of an international treaty calling for the phaseout CFCs at least by the turn of the century.

"The problem is more serious than we believed," said Environmental Protection Agency Administrator William K. Reilly. "The world community needs to reconsider the course that it's on, as to whether it's fast enough and whether substitutes can be brought on more quickly."

A vaporous veil lying 15 miles above the surface, ozone shields life on Earth from the damaging effects of ultraviolet rays. Yesterday's findings of significant depletion between May and September when people wear less clothing and spend more time outdoors deepens concerns about skin cancer, experts said.

EPA officials said they factored in possible summertime erosion of ozone in last April's projection of a near-doubling of skin cancer cases and deaths over the next 40 years. According to the American Cancer Society, there are now more than 600,000 cases of skin cancer a year in the United States and nearly 9,000 deaths.

According to Edward De Fabo, a photobiologist at George Washington University Medical Center, the increased doses of solar rays during the growing season could endanger certain crops and jeopardize planktonic organisms at the base of the oceanic food chain.

Yesterday's report was based on what is considered the most comprehensive data gathered since monitoring of the ozone layer began in 1985.

Readings were taken by National Aeronautics and Space Administration satellites and ground-based spectrometers, and the data were analyzed by a panel of international scientists that was convened by the United Nations Environment Program and the World Meterological Organization.

The data confirmed earlier findings of winter ozone depletion as high as 5.6 percent in the Northern Hemisphere, including the United States and Western Europe.

But for the first time, the instruments recorded summertime depletion of 2.9 percent to 3.3 percent at latitudes reaching roughly from Florida in the south to central Canada in the north.

According to Jack Kaye, manager of NASA's atmospheric chemistry modeling and analysis program, scientists are uncertain whether the summertime findings result from refinement in analytical tools or from increased atmospheric levels of chlorine, which comes from the breakdown of CFCs and destroys ozone molecules.

He said some scientists believe the destructive chemical reactions may be catalyzed not only by polar ice clouds interacting with the chemicals in the winter but also by sulfate particles all year long. Sulfates, put into the air by volcanoes and burning fossil fuels, may remove some of the nitrogen compounds that suppress the activity of chlorine, he said.

In another important finding, scientists discovered that ozone loss in the lower stratosphere has a cooling effect on global temperatures, apparently countering the warming effect created by CFCs.

[From the New York Times, Oct. 23, 1991]

Summertime Harm to Shield of Ozone Detected Over United States—New Peril, Scientists Say

(By William K. Stevens)

United Nations, Oct. 22.—For the first time, scientists have found the earth's protective ozone shield to be weakened over the United States and other temperate-zone countries in summer, when the sun's harmful ultraviolet rays are the strongest and pose the greatest danger to people and crops.

Since this summertime depletion of the ozone shield was not known until now, predicted increases in skin cancers and crop damage are too low, an international panel of scientists convened by the United Nations said here today.

Furthermore, they said, the rate of ozone depletion has accelerated and will continue at the higher rate in the 1990's, requiring a more rapid phasing out of chlorofluorocarbons, halons and other manmade chemicals that destroy ozone high in the atmosphere.

STRICTER CONTROLS TO BE SOUGHT

United Nations officials said they would seek to reopen international discussions next year in an effort to speed up abandonment of the ozone-eating chemicals for the second time since controls on them were first adopted in 1987. As of now, developed countries have agreed to phase them out by the year 2000 and developing countries by 2010.

Until recently, scientists believed on the basis of measurements from satellites that ozone depletion was taking place only over the poles, and in the middle latitudes in winter. The depletion is worse nearer the poles, and worst of all over the Antarctic, with its ozone "hole."

"We now see a significant decrease of ozone both in the Northern and Southern Hemispheres not only in winter, but in spring and summer, the time when people sunbathe, putting them at risk for skin cancer, and the time we grow crops," said Dr. Robert Watson, a National Aeronautics and Space Administration scientist who is co-chairman of an 80-member group of scientists from 80 countries who have been assessing ozone trends. He said the situation was "extremely serious."

Chlorofluorocarbons and other ozone-destroying chemicals are used in a wide variety of industrial and consumer applications, including refrigeration and air conditioning, and halons are used in fire extinguishers.

The chemicals take years to waft up to the upper atmosphere. There, they touch off chemical reactions that lead to the destruction of the ozone, which screens out harmful frequencies of ultraviolet radiation. Unscreened, the rays can cause cancer and cataracts, harm some crops and other plants and, scientists fear, disrupt the feeding patterns of marine life.

Dr. Mostafa K. Tolba, executive director of the United Nations Environment Program, called the findings "very disturbing" and said there was "definitely a need for a quick response" and for a reopening of international talks on the subject. They spoke at a news conference here today.

Besides destroying ozone, chlorofluorocarbons, or CFC's, are among several gases that trap heat in the atmosphere. In another new finding, the scientists reported that the ozone depletion may have a cooling effect, offsetting part of the global warming trend that some scientists fear may already have begun. If this finding is confirmed, restoring atmospheric ozone levels could increase global warming.

The finding could undercut the Bush Administration's position on global warming. The Administration has sought to avoid making possibly costly cuts in carbon dioxide emissions by insisting that actions it is taking to reduce CFC's are sufficient for the next decade or more. Dr. Tolba, under whose leadership the ozone and the climate talks are taking place, said that these findings showed clearly that "the main emphasis should be on carbon dioxide."

ADMINISTRATION DEFENDS POLICY

But William K. Reilly, the administrator of the Environmental Protection Agency, said today that unexpected findings vindicated the Administration's policy of emphasizing research rather than immediate action on global warming. "What had been thought was a major greenhouse gas turns out in fact to be having a cooling effect," he said.

The United States, along with other industrialized countries, has agreed to phase out CFC's by the end of this decade, and Mr. Reilly said the country was ahead of schedule. And today, the Du Pont Company, the world's largest manufacturer of CFC's and halons, announced that in response to the new scientific report it was accelerating its phaseout of the chemicals by three to five years. In 1988 the company pledged to eliminate them by 2000.

In April, the Environmental Protection Agency reported that over the previous decade, ozone declined by 4.5 to 5 percent over the United States and other Northern Hemisphere countries in the winter and early spring. Agency analysts calculated that as a result, some 12 million Americans would develop skin cancer, and more than 200,000 of them would die, over the next 50 years.

The United Nations analysis, which includes more recent data and independent information from satellites and ground-based instruments, shows that from May through August, high-atmosphere ozone in the Northern Hemisphere temperate zones decreased by about 3 percent in the 1980's. This is about triple the rate of the 1970's. Similarly, the analysis showed a decrease of about 5 percent in the Southern Hemisphere summer, from December through March.

Because CFC's are still rising slowly to the ozone layer and will be for some years, Dr. Watson said, "we believe there will be an additional 3 percent ozone loss between now and the end of the century" in the northern latitudes, which include Europe and North America, and in the Southern Hemisphere's temperate zones. Only in the tropics was no significant increase detected.

The scientists did not calculate how many additional cancer deaths might result from the summer ozone depletion. But Dr. Watson said that with the form of skin cancer called melanoma, which is often fatal, there would be about a 1 percent increase in cases for every 1 percent of ozone depletion. For other skin cancers, which are less often fatal, each 1 percent of ozone depletion brings a 3 percent increase in cases, he said.

EXECUTIVE SUMMARY ON THE SCIENTIFIC ASSESSMENT OF STRATOSPHERIC OZONE OCTOBER 22, 1991

RECENT MAJOR SCIENTIFIC FINDINGS

Over the past few years, there have been highly significant advances in the understanding of the impact of human activities on the Earth's stratospheric ozone layer and the influence of changes in chemical composition on the radiative balance of the climate system. Specifically, since the last international scientific review (1989), there have been five major advances:

Global Ozone Decreases: Ground-based and satellite observations continue to show decreases of total column ozone in winter in the northern hemisphere. For the first time, there is evidence of significant decreases in spring and summer in both the northern and southern hemispheres at middle and high latitudes, as well as in the southern winter. No trends in ozone have been observed in the tropics. These downward trends were larger during the 1980s than in the 1970s. The observed ozone decreases have occurred predominantly in the lower stratosphere.

Polar Ozone: Strong Antarctic ozone holes have continued to occur and, in four of the past five years, have been deep and extensive in area. This contrasts to the situation in the mid-1980s, where the depth and area of the ozone hole exhibited a quasi-biennial modulation. Large increases in surface ultraviolet radiation have been observed in Antarctica during periods of low ozone. While no extensive ozone losses have occurred in the Arctic comparable to those observed in the Antarctic, localized Arctic ozone losses have been observed in winter concurrent with observations of elevated levels or reactive chlorine.

Ozone and Industrial Halocarbons: Recent laboratory research and re-interpretation of field measurements have strengthened the evidence that the Antarctic ozone hole is primarily due to chlorine- and bromine-containing chemicals. In addition, the weight of evidence suggests that the observed middle- and high-latitude ozone losses are largely due to chlorine and bromine. Therefore, as the atmospheric abundances of chlorine and bromine increase in the future, significant additional losses of ozone are expected at middle latitudes and in the Arctic.

Ozone and Climate Relations: For the first time, the observed global lower-stratospheric ozone depletions have been used to calculate the changes in the radiative balance of the atmosphere. The results indicate that, over the last decade, the observed ozone depletions would have tended to cool the lower stratosphere at middle and high latitudes. Temperature data suggest that some cooling indeed has taken place there. The observed lower-stratospheric ozone changes and calculated temperature changes would have caused a decrease in the radiative forcing of the surface-troposphere system in the middle- to high-latitudes that is larger in magnitude than that predicted for the CFC increases over the last decade. In addition, the ozone depletion may indeed have offset a significant fraction of the radiative forcing due to increases of all greenhouse gases over the past decade.

Ozone Depletion and Global Warning Potentials (ODPs and GWPs): A new semi-empirical, observation-based method of calculating ODPs has better quantified the role of polar processes in this index. In addition, the direct GWPs for tropospheric, well-mixed, radiatively active species have been recalculated. However, because of the incomplete understanding of tropospheric chemical processes, the indirect GWP of methane has not, at present, been quantified reliably. Furthermore, the concept of a GWP may prove inapplicable for the very short-lived, inhomogeneously mixed gases, such as the nitrogen oxides. Hence, many of the indirect GWPs reported in 1990 by the Intergovernmental Panel on Climate Change (IPCC) are likely to be incorrect.

SUPPORTING EVIDENCE AND RELATED ISSUES

Global ozone

Independent observations from the ground-based Dobson and M-83/124 instruments and the TOMS satellite instrument all show, for the first time, that there are significant decreases in total-column ozone, after accounting for known natural variability, in winter and now in spring and summer in both the northern and southern hemispheres at middle and high latitudes, but not in the tropics. The following table illustrates some of these points.

TOTAL OZONE TRENDS

[Percent per decade with 95 percent confidence limits]

Season	TOMS: 1979–91		
	45°S	Equator	45°N
December to March	−5.2±1.5	+0.3±4.5	−5.6±3.5
May to August	−6.2±3.0	+0.1±5.2	−2.9±2.1
September to November	−4.4±3.2	+0.3±5.0	−1.7±1.9

Season	Ground-based: 26°N–64°N	
	1979–91	1970–91
December to March	−4.7±0.9	−2.7±0.7
May to August	−3.3±1.2	−1.3±0.4
September to November	−1.2±1.6	−1.2±0.6

There is strong *combined* observational evidence from balloonsondes, ground-based Umkehr, and the SAGE satellite instruments that, over the past decade, annual-average ozone has decreased in the middle- and high-latitude stratosphere below 25 km (about 10% near 20 km).

Ozone losses in the upper stratosphere have been observed by ground-based Umkehr and SAGE satellite instruments. Changes in the shape of the vertical distribution of ozone near 40 km are qualitatively consistent with theoretical predictions, but are smaller in magnitude.

Measurements indicate that ozone levels in the troposphere up to 10 km above the few existing balloonsonde stations at northern middle latitudes have increased by about 10% per decade over the past two decades. However, the data base for ozone trends in the upper troposphere, where it is an effective greenhouse gas, are sparse and inadequate for quantifying its contribution to the global radiative balance. It should be noted that the response of ozone in the upper troposphere is particularly sensitive to oxides of nitrogen injected by aircraft.

The temperature record indicates that a small cooling (about 0.3°C per decade, globally averaged) has occurred in the lower stratosphere over the last two decades, which is in the sense of that expected from the observed ozone change.

Increases continue in the atmospheric abundances of source gases that affect ozone and the radiative balance. Although methane has continued to increase in the atmosphere, the rate of increase has slowed, for reasons that are not understood. Methyl bromide is the major contributor to stratospheric bromide (15 pptv). The sources of methyl bromide are not well characterized; however, significant anthropogenic emissions have been suggested.

Recent laboratory studies have identified key heterogeneous reactions and have allowed a more quantitative assessment of the role of global stratospheric sulfate aerosols in leading to enhanced abundances of reactive chlorine species.

Limited observations suggest that the abundance of chlorine monoxide (ClO) in the lower stratosphere at northern middle latitudes is greater than that predicted by models containing only currently known gas-phase chemistry, and the observed seasonal and latitudinal dependences are inconsistent with those predicted. Some new studies that incorporate currently known heterogeneous processes provide an improved simulation for some observed gases, such as ClO and nitric acid.

Present models containing only gas-phase processes cannot simulate the observed seasonal ozone depletions at middle and high latitudes. However, models incorporating currently known heterogeneous processes on sulfate aerosols predict substantially greater ozone depletion (e.g., a factor of 2-3 at middle latitudes) from chlorine and bromine compounds compared to models containing only gas-phase processes. Indeed, the heterogeneous models simulate most of the observed trend of column ozone in middle latitudes in summer, but only about half of that in winter.

There is not a full accounting of the observed downward trends in global ozone. Plausible mechanisms include (i) local heterogeneous chemistry on stratospheric sulfate aerosols (as evidenced by, for example, elevated levels of ClO and the presence of sulfate aerosols at the altitudes of the observed ozone depletion) and (ii) the transport of both ozone-depleted and chemically perturbed polar air to middle latitudes (as evidenced by high levels of reactive chlorine and low levels of reactive nitrogen, which is a characteristic of chemically perturbed polar air). Although other possible mechanisms cannot be ruled out, those involving chlorine and bromine appear to be largely responsible for the ozone loss and are the only ones for which direct evidence exists.

Since the middle latitude ozone losses are apparently due in large part to chlorine and bromine, greater ozone losses are expected as long as the atmospheric levels of these compounds continue to increase. With the increases in the levels of chlorine and bromine that are estimated for the year 2000, the additional ozone losses during the 1990s are expected to be comparable to those already observed for the 1980s.

There are numerous ways in which further increases in stratospheric halogen abundances can be reduced. The table below illustrates the effects of reducing the emissions of several types of halocarbons. Four aspects are shown: (i) the change in peak chlorine loading, (ii) the times at which chlorine abundances have decreased back to 2 ppbv (the abundance in the late 1970s, which is when the Antarctic ozone hole started and when the accelerated trends in total-column ozone losses in the northern hemisphere began); (iii) the times at which chlorine abundances have decreased back to 3 ppbv (the abundance in the mid-late 1980s); and (iv) a measure of the cumulative ozone loss for the time period that the chlorine levels are above 3 ppbv. All of the values in the table are relative to the reference scenario (AA).

SCENARIOS FOR REDUCING CHLORINE EMISSIONS

Scenario	Peak Cl (ppbv)	Year at 3 ppbv	Year at 2 ppbv	Integral (Cl> 3 ppbv)
AA	4.1	2027	2060	[1] 22.7
AA3	−.18	−10	−7	−7.6
D	−.03	0	0	−1.3
D3	−.10	0	0	−2.9
E	.00	−7	−3	[2] −2.0
E3	[2] −.03	−10	−3	[2] −4.4
F20	+.01	0	0	+.8
F40	+.02	+1	0	+1.5
G20	+.01	+5	+2	+4.2
AA3+D3	−.21	−11	−7	−10.4

[1] Ppbv=yr.

[2] These values should be reduced by a factor of about 2–3 when evaluating ozone loss rather than chlorine loading.

Definitions of scenarios: AA: Montreal Protocol (10 yr lag of 10% of CFC_5 plus CCl_4; no lag for CH_3CCl_3 and Halons). HCFC–22 increases at 3% per year from 1991 to 2020, ramps to 0 by 2040. No substitution of CFC_5 with HCFCs.

Non-substitution scenarios: AA3: 3 year acceleration of CFC_5 and CCl_4 schedules. D: 3 year acceleration of CH_3CCl_3 schedule. D3: CH_3CCl_3 on the accelerated CFC phase-out schedule. E: HCFC–22 ramp to zero between 2000 and 2020. E3: HCFC–22 on the accelerated CFC phase-out schedule.

Substitution scenarios: HCFC substitutions begin in 1995, no growth to 2000, 3% per year to 2020, ramp to zero by 2030. HCFC–A has a 2 year lifetime, one chlorine, and an ODP of 0.013. HCFC–B has a 20 year lifetime, one chlorine, and an ODP of 0.13. F20: 20% initial substitution, HCFC–A. F40: 40% initial substitution, HCFC–A. G20: 20% initial substitution, HCFC–B.

Stratospheric bromine is 30–120 times more efficient than stratospheric chlorine in destroying ozone on a per atom basis. Therefore, 1 pptv of stratospheric bromine is equivalent to 0.03–0.12 ppbv of stratospheric chlorine.

Polar ozone

The Antarctic ozone hole in 1991 was as deep and as extensive in area as those of 1987, 1989, and 1990. The low value of total-column ozone measured by TOMS in early October in 1991 was 110 Dobson units, which is a decrease of about 60% compared to the ozone levels prior to the late 1970s. The previously noted quasi-biennial modulation of the severity of the ozone hole did not occur during the past three years. This apparent lack of variability in recent years may imply that halogen chemistry is becoming dominant over dynamically induced fluctuations on Antarctic ozone depletion.

Recent laboratory studies of heterogeneous processes, reevaluated field measurements, and modeling studies have strengthened the confidence that the cause of the Antarctic ozone hole is primarily chlorine and bromine emissions.

High concentrations of ClO have been observed in winter in the Arctic stratosphere between 16–20 km. These observations have been incorporated into diagnostic models that have calculated localized ozone depletions of about 10% at these altitudes over a period of about a month, which are consistent with concurrent ozone measurements.

Ozone/climate relations

The ozone losses observed in the lower stratosphere over the last decade are predicted to have increased the visible and ultraviolet incoming solar radiation reaching the surface/troposphere system and decreased the downward infrared radiation reaching the surface/troposphere system. For models that allow for the temperature of the stratosphere to adjust to the loss of ozone, the net effect is a decrease in radiative forcing. For middle and high latitudes throughout the year, the magnitude of this decrease may be larger than the predicted increases in the radiative forcing due to the increased abundances of CFCs over the last decade. Indeed, this ozone-induced decreases in radiative forcing could be offsetting a significant fraction of the increased forcing attributed to the increases in the abundances of all greenhouse gases over the same period. Changes in the global annual-average radiative forcing due to the observed ozone depletion are predicted to be comparable in magnitude, but opposite in sign, to those attributed to the CFCs over the last decade.

Current tropospheric models exhibit large differences in their predictions of changes in ozone, the hydroxyl radical, and other chemically active gases due to emissions of methane, nonmethane hydrocarbons, carbon monoxide, and nitrogen oxides. This arises from uncertainties in the knowledge of background chemical composition and an inadequate understanding of chemical reactions and dynamical processes. Hence, these deficiencies limit the accuracy of predicted changes in the abundance and distribution of tropospheric ozone, which is a greenhouse gas, and in the lifetimes of a number of other greenhouse gases, including the HCFCs and HFCs, which depend upon the abundance of the hydroxyl radical.

Ozone depletion and global warming potentials (ODPs and GWPs)

Steady-state and time-dependent ODPs have been recalculated with improved models that have incorporated more-accurate reaction rate coefficients and absorption cross sections and known heterogeneous processes on sulfate aerosols. The numerical values are generally similar to those in previous assessments.

A new semi-empirical, observation-based method of calculating ODPs has been developed. The resulting values are generally larger (up to a factor of two as compared to some model-based estimates) for species with long stratospheric lifetimes (e.g., HCFC–22 and HCFC–142b) and slightly smaller for species with short stratospheric lifetimes (e.g., carbon tetrachloride and methyl chloroform). Since this approach utilizes more atmospheric observations and less model calculations in characterizing polar ozone losses, it is considered to be better than standard model ODPs, at least in the polar regions.

The direct GWPs (with five different time horizons: 20, 50, 100, 200, and 500 years) for tropospheric, well-mixed, radiatively active species have been recalculated using updated lifetimes for methane, nitrous oxide, and the halocarbons and following the same methodology of IPCC (1990). With the exception of methane, new GWP results indicate only modest changes from the IPCC values, but uncertainties still exist in these calculations due to limitations in knowledge of the carbon cycle.

Because of incomplete understanding of tropospheric chemical processes, the indirect GWP of methane has not been quantified reliably at the time of this report, although improvements and quantifications of uncertainties in the near future are highly likely. The signs of the net changes in radiative forcing from known indirect effects have been established for some of the trace gases: methane, carbon monoxide, and nonmethane hydrocarbons, which are all positive. The sign of the changes in radiative forcing due to the nitrogen oxides cannot currently be established. Furthermore, the basic concept of a GWP may indeed prove to be inappropriate for the very short-lived, inhomogeneously mixed gases, such as the nitrogen oxides and the nonmethane hydrocarbons. Hence, the IPCC (1990) indirect GWPs are not only uncertain, but many are also likely to be incorrect (e.g., for the nitrogen oxides).

Related issues

Ultraviolet radiation: Significant increases in ultraviolet radiation have been observed over Antarctica in conjunction with periods of intense ozone depletion. Under clear-sky conditions, these increases are consistent with theoretical predications. Furthermore, a Erythemal Radiative Amplification Factor of 1.25 ± 0.20 has been deduced from simultaneous measurements of column ozone and surface ultraviolet radiation at a clean air site, which is in agreement with a model-calculated value of 1.1. Therefore, for the first time, the response of ground-level ultraviolet radiation to changes in column ozone has been observed and quantified.

Supersonic aircraft: A previous, independent assessment of the impact of a projected fleet of supersonic aircraft on stratospheric ozone has reported the prediction that the ozone loss increases with the amount of nitrogen oxides emitted. These models used gas-phase chemistry and assessed ozone loss for the case of 500 aircraft flying at Mach 2.4 between 17–20 km with an annual fuel use of 7×10^{10} kg/yr. The annual-average loss of column ozone at middle latitudes in the northern hemisphere is predicted to be 2–6%. For a comparable fleet operated at Mach 3.2 between 21–24 km, the comparable column ozone losses are 7–12%. However, recent evidence has shown that reactions on sulfate aerosols can change the partitioning of nitrogen oxides. Two model studies incorporating this heterogeneous chemistry have recently reexamined the Mach 2.4 case and found substantially less ozone change (−0.5% to +0.5%). These implications are being examined as part of a separate assessment.

Shuttles and rockets: The increase in the abundance of stratospheric chlorine from one projection of U.S. annual launches of nine Space Shuttles and six Titan rockets is calculated to be less than 0.25% of the annual stratospheric chlorine source from halocarbons in the present day atmosphere (with maximum increases of 0.01 ppbv in the middle and upper stratosphere in the northern middle and high latitudes). The TOMS ozone record shows no detectable changes in column ozone immediately following each of several launches of the Space Shuttle.

Volcanoes, ozone loss, and climate perturbations: Major volcanic eruptions, such as Mt. Pinatubo, substantially increase the stratospheric abundance of sulfate aerosols for a few years. Since laboratory and field data show that heterogeneous processes can lead to increased levels of reactive chlorine in the stratosphere, such injections have the potential to increase ozone losses temporarily. Furthermore, the increased levels of stratospheric sulfate aerosols are predicted to warm the lower stratosphere by about 4°C (which has been observed) and cool the Earth's surface by a much smaller amount.

Tropospheric sulfate aerosols and climate: Fossil fuel emissions over the past century have increased the tropospheric sulfate aerosol concentration. Their contribution to the direct radiative forcing of the clear-sky northern hemisphere is opposite to that due to the greenhouse gases and is estimated to be a substantial fraction of the trace gas forcing.

IMPLICATIONS FOR POLICY FORMULATIONS

The findings and conclusions of the research of the past few years have several major implications as input to policy decisions regarding human-influenced substances that lead to stratospheric ozone depletions and to changes in the radiative forcing of the climate system:

Continued global ozone losses: Even if the control measures of the amended Montreal Protocol (London, 1990) were to be implemented by all nations, the current abundance of stratospheric chlorine (3.3-3.5 ppbv) is estimated to increase during the next several years, reaching a peak of about 4.1 ppbv around the turn of the century. With these increases, the additional middle-latitude ozone losses during the 1990s are expected to be comparable to those observed during the 1980s, and there is the possibility of incurring wide-spread losses in the Arctic. Reducing these expected and possible ozone losses requires further limitations on the emissions of chlorine- and bromine-containing compounds.

Approaches to lowering global risks: Lowering the peak and hastening the subsequent decline of chlorine and bromine levels can be accomplished in a variety of ways, including an accelerated phase-out of controlled substances and limitations on currently uncontrolled halocarbons. *Chlorine.* A significant reduction in peak chlorine loading (a few tenths of a ppbv) can be achieved with accelerated phase-out schedules of CFCs, carbon tetrachloride, and methyl chloroform. Even stringent controls on HCFC-22 would not significantly reduce peak chlorine loading (at most 0.03 ppbv, especially when ODP weighted), but do hasten the decline of chlorine. *Bromine.* A 3-year acceleration of the phase-out schedule for the Halons would reduce peak bromine loading by about 1 pptv. If the anthropogenic sources of methyl bromide are significant and their emissions can be reduced, then *each* 10% reduction in methyl bromide would rapidly result in a decrease in stratospheric bromine of 1.5 pptv, which is equivalent to a reduction in stratospheric chlorine of 0.045 to 0.18 ppbv. This gain is comparable to that of a three-year acceleration of the scheduled phase-out of the CFCs.

Elimination of the Antarctic ozone hole: The phase-out schedule of the amended Montreal Protocol, if fully complied by all nations *and* if there are no *continued* uses of HCFCs, affords the opportunity to return to stratospheric chlorine abundances of 2 ppbv sometime between the middle and the end of the next century. This is the level at which the Antarctic ozone hole appeared in the late 1970s and hence is about the level that is thought to be necessary (other conditions assumed constant, including bromine loading) to eliminate the ozone hole. Such levels could never have been reached under the provisions of the original Protocol (Montreal, 1987).

Uncertain greenhouse role of CFCs: The weight of evidence suggests that a large part of the observed lower stratospheric decrease in ozone is the result of CFC emissions. Furthermore, the radiative impact of this ozone decrease may have largely offset the predicted direct radiative perturbations, at middle to high latitudes, due to the CFCs increases over the last decade. Hence, even the sign of the overall radiative effect of CFC increases on the climate system over the last decade is uncertain.

Utility of GWPs: The direct GWPs are a useful indicator of the relative radiative effects of long-lived, well-mixed, radiatively active truce species. However, GWPs may be inapplicable for comparing the direct radiative effects of a long-lived, well-mixed gas to the indirect effects of a short-lived gas (for example, carbon dioxide to the nitrogen oxides). For the latter need, the application of new tools, such as three-dimensional, fully coupled chemistry-climate models may be required.

Mr. BAUCUS. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The absence of a quorum has been suggested. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COST UNDERWRITING FOR RESEARCH EXPANSION NIH

Mr. REID. Mr. President, it is the "in thing" today, it is vogue to run down Government, to talk about what is bad in Government. This morning, I want to spend a few minutes talking about something regarding which the American public should be proud, the Congress should be proud, and the executive branch of Government should be happy: the National Institutes of Health.

I invite everyone's attention to these great centers of learning, these great centers of healing that we have here in the Washington, DC, area.

Last spring, I visited the National Institutes of Health, and had a tour through these facilities. These institutes carry out research, medically directed. They do different types of work. The medical discoveries made at NIH are seemingly miraculous. The work that they have done in diabetes research, juvenile diabetes research, the work they have done with all different forms of cancer, the work they have started now in diseases directed toward women, the work that they have done dealing with paralysis, is really miraculous. In many of these areas about which I have spoken, they are on the verge of accomplishing things even more miraculous.

But the one thing that all the institutes have in common is that they are short of researchers. They do not have enough people to do the work that needs to be done. There are a lot of reasons for this, but one is that they cannot pay the private sector salaries. The institutes frequently have difficulty filing these positions, because they cannot match pay in the private sector.

Mr. President, I have here a letter that was directed to me. It is from the Director of the Office of Education of the National Institutes of Health, Michael Fordis, M.D.

After I left the National Institutes of Health and completed my tour, I met with the staff there, and I said that the problem we have to address at these great centers of learning is how to get the best and the brightest from our medical schools, from our research institutes, our institutes that teach people medical research. We have to get them to the National Institutes of Health.

The National Institutes of Health is, without any question, the leading institution in medical research in the world. No one would debate that. It would not matter what country you are in, or what part of our country you are in. It is the leader of medical research in the world, the National Institutes of Health. And because that is the case, we want to get the best people there to continue the great work that has been done there.

Well, we discussed what could be done. Here is a letter that I recently received from Dr. Fordis. I am not going to read the whole letter, but I will read parts of it, Mr. President.

> Indeed, your impression that the NIH has faced serious shortages is quite correct. Just last year, nearly one out of four entry-level positions for young physicians was vacant.
>
> * * *
>
> Because of the lack of physicians seeking research training—

For example—

> the endocrinology and metabolism training program, which has been responsible for significant discoveries has produced many of the preeminent academic endocrinologists in ths country, is facing serious difficulties in maintaining its high quality clinical research program. The number of clinical research training positions has been reduced nearly in half. Other productive clinical research programs similarly affected include medical oncology, pediatric oncology, and pulmonary medicine, among others.

They have had to cut the number of people doing research in half, because they do not have the scientists to do that work.

The doctor continued:

> Young physicians, interested in academic medicine, often must undergo significant hardships to pursue careers in biomedical research. Moreover, we are closely approaching the time when a desire and determination may not be enough to enable talented young people to enter academic careers. For example, I recently met two married medical students interested in careers in biomedical research. Each of these students has a Ph.D. from Harvard. They left Boston to attend medical school in Ohio in order to minimize their educational debt.

Here are two brilliant young people who have Ph.D.'s, and they also wanted medical degrees. They could not live in the Northeast; it was too expensive. And they went someplace else to get the medical degrees.

> They left Boston to attend medical school in Ohio in order to minimize their educational debt. That notwithstanding, their current debt is $90,000 to $100,000 apiece.
>
> Such debt is not uncommon today when the average debt is over $40,000 and approaching $50,000.
>
> Thus, the couple I mentioned above may not find it economically possible to pursue the extended research training required for a career in bomedical research, particularly when academic salaries may not be comparable to those of physicians in private practice. Repayment schedules may require young physicians to pay literally thousands of dollars per month during their preparation at the NIH for careers in biomedical research. Trainees facing arduous repayment schedules can no longer make decisions regarding their careers solely on the basis of wanting to serve humanity in areas of scientific promise. Many young physicians feel compelled to complete clinical training as expeditiously as possible and must look to meeting their financial obligations.

He goes on to state some of the other problems that exist.

What we did, as a body, Mr. President, is recognize that in the field of AIDS research, we were having a tremendous problem. We could not get scientists to come and study at NIH even though there was money for them to do the research, because they simply could not afford to stay there and pay off the huge debts they had acquired while going to medical school and receiving their training.

So Congress and the President developed a program. To allow scientists who would come and study and do AIDS research, a program was developed to attract research to the areas of AIDS. It is called the AIDS Loan Repayment Program and it speaks for itself. If people are willing to devote the best years of their life to medical research, we would develop for them a program to help repay their debt.

Mr. President, we have to broaden this program. To attract the critically needed researchers that we need, NIH needs to develop a program that is comparable to what we are doing with AIDS research and we would repay a predetermined amount of scientists' education loans.

So I want to extend this excellent program that we have in AIDS research to other areas that are in need of researchers.

It is hard to believe an institution as prestigious as the National Institutes of Health would have difficulty recruiting researchers but, as indicated in this letter that I have read, last year 25 percent of the positions at the entry level simply went unfilled. That is wrong.

Medical research is the one area, I repeat, in which there is no question but the United States leads the world. We have to continue to do whatever is necessary to make sure that we maintain our preeminent field in the area of medical research.

The shortages of researchers at NIH extend across so many areas that expanding the AIDS Loan Repayment Program is not going to be enough. We need to recruit more men and women to do work on AIDS. We are accomplishing that by the AIDS Loan Repayment Program, but we need to broaden this.

As the National Institutes of Health is reauthorized this Congress, I urge my colleagues to support the legislation about which I have spoken and in particular by ensuring that the Institutes remain capable of attracking the best research personnel available.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Chair recognizes the Senator from Delaware [Mr. ROTH].

Under the previous order the Senator is recognized to speak up to 30 minutes.

Mr. ROTH. I thank the Chair.

(The remarks of Mr. ROTH pertaining to the introduction of S. 1865 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The ACTING PRESIDENT pro tempore. The Chair recognizes the Senator from Rhode Island [Mr. CHAFEE].

THE MASS SHOOTING IN TEXAS

Mr. CHAFEE. Mr. President, I was sickened, as were all Americans, by the ghastly killings that took place on Wednesday of last week in Killeen, TX. It was lunchtime. A man drove a pickup truck into the glass window of a popular, crowded cafeteria. He got out of the cab of the truck and immediately began shooting the patrons at random as they moved or ran to get out of the restaurant. Twenty-two people were killed before the police arrived and the murderer was killed, apparently by his own hand.

What do we say about this latest act of carnage? Luby's Cafeteria, a popular eating and gathering place, was particularly full on that Wednesday, since many employees were taking their employers out for lunch to celebrate Boss' Day. A pleasant, ordinary weekday lunchtime scene in an ordinary workweek, grotesquely and horribly interrupted by a man with tons of ammo shooting as fast as he could pull the trigger, according to witnesses. In the aftermath: dazed and shocked blood-soaked survivors, and a room covered in shattered glass, blood, and slumped bodies.

This scene is so unutterably horrifying, so grotesque, that it has an almost surreal quality to it.

Mr. President, there is something wrong in our country when a local cafeteria becomes a battleground. I am not sure the word "battleground" is correct. A battle indicates there is combat, one side resisting another. This was a slaughterhouse.

There was something wrong in 1989 when a California schoolyard became a firing target. An Oklahoma post office, a Kentucky printing plant, a California fast food restaurant, a Texas university campus—all have been the sites for grisley mass shootings. It is not acceptable to have someone shot anywhere. But there is something terribly, terribly wrong when people are slaughtered in broad daylight in nonviolent, nonconfrontational, peacetime situations while they are quietly going about their daily lives.

I would just like to read, if I might, Mr. President, a list of some of the worst shootings that have taken place over the past decades.

July 18, 1984: 21 people are murdered in San Ysidro, CA, shot by an out-of-work security guard. August 1, 1966: 16 people are killed at the University of Texas in Austin, by a man who climbed to the top of a tower and picked people off, like a sniper. August 20, 1986: 14 people are shot to death at a post office in Edmond, OK, by a postal worker. January 17, 1989: a drifter armed with an AK-47 opens fire on a California schoolyard—5 children between ages 6 and 9 are killed, and more than 30 wounded. February 19, 1983: 13 people are fatally shot in a robbery in a gambling club in Seattle. September 5, 1949: 13 people are shot and killed in 12 minutes in Camden, NJ. September 14, 1989: seven people are killed in a Kentucky printing plant by a former employee wielding an AK-47.

It is clear we have a big problem in this country, and it is guns. We have too many guns, and they are too readily available. I am not talking about hunting rifles. I am talking about quasi-military semiautomatic weapons that are designed for military combat or for law enforcement officers.

The first weapon used in Luby's Cafeteria last week was a 9 millimeter Glock 17 pistol. It is a lightweight, durable, highly accurate weapon that will accommodate 17, 19, or even a 32-round magazine; 32 rounds you can squeeze off before reloading. It is available over the counter. It is a best seller in this country. It is used by agents of the Secret Service; FBI, Customs Service, and thousands of other Federal, State, and local law enforcement agencies. And it is favorite with the drug dealers, not surprisingly.

From where did this weapon come? Was this designed as a hunting weapon, or even for target shooting? No. This weapon was manufactured and developed in 1982 at the request of the Austrian Army. It was built for military purposes, to wound or cause death to an enemy.

The second weapon used was another 9-millimeter semiautomatic, a Ruger P89, a 15-round magazine.

Now, dozens of such military-style semiautomatic weapons exist. In 1989, after studying 50 different kinds of weapons, the Bureau of Alcohol, Tobacco, and Firearms, familiarly known as the BATF, advised our President that only seven of these weapons were being used for hunting and sporting purposes.

The agency staff studied carefully the components of these guns that pointed to military use; large-capacity ammunition magazines, and so forth. And based on these recommendations, the President banned the importation of 43 types of assault weapons, and the President deserves credit for having done this.

However, there are plenty of loopholes in the import ban. The import ban, for example, does not get at domestic versions of the same guns, and criminals can easily get domestic versions. In fact, it is easier to get a weapon, frequently, than it is to get a marriage license. It is easier to get a weapon than it is to get a library card. And these are the same guns whose bullets can pierce concrete.

Now, let us face the facts. In this country, there are effectively no Federal gun control laws. Yes, we have a procedure in which a prospective gun purchaser must sign a form certifying that he is not a felon. Imagine that. How many felons are going to say: Yes; I am a felon. And a purchaser must also certify that he is not a minor, and certify that he is not a drug addict. I wonder how many people are going to admit: Yes, I am a drug addict. Or admit that they are mentally incompetent. There is no verification; there is no checkup. And that means half-truths and outright lies go undiscovered. Today, the only effective gun control laws are at the State level, and even these are weakened because of the uneven patchwork of State gun laws and the underground gun pipelines that transport guns from States with weak gun laws to those with stronger laws.

So criminals do not need to buy guns in the black market, according to the BATF. Criminals often have bought their weapons over the counter. They just go into a store and buy one.

Something ought to be done. The Senate twice has approved crime legislation that banned certain semiautomatic assault weapons and for the first time has approved legislation providing for a national waiting period before the purchase of a firearm.

Unfortunately, just last week, despite what happened in Killeen, the House voted down an assault weapons ban. That is very unfortunate.

No one is saying gun controls are the sole cure for crime, but certainly having gun controls would be a tremendous assistance. And it makes no sense to craft crime-fighting measures that do not include stricter gun control.

Once again, this country has heard what one witness in Texas called that terrible stillness of death. Fourteen women and eight men died last week in that shooting and countless others are suffering from shock. This is a senseless loss of life.

Our country can and must do better. Stricter controls on guns are simply no sacrifice compared to the grief caused by death. I urge Congress to come to its senses and approve passage of such controls.

Soon the House and Senate will go to conference on the crime bill, where the differences between the two measures are to be reconciled. The Senate bill bans some, but regrettably not all, semiautomatic assault weapons. The House version, as I mentioned before, contains no such ban. I fervently hope that the Senate conferees press for the Senate version, and that out of this legislation we do get the bans that are included in the Senate version, as well as the Federal waiting period.

Mr. President, I would like to conclude by reading the moving comments by Representative CHET EDWARDS, whose district includes Killeen, TX, where the shootings took place:

> I am an example of someone who doesn't believe in massive gun control. But I do believe that somewhere we've got to draw the line. We don't allow grenade launchers in people's garages. We don't allow bazookas in their living rooms. And we shouldn't allow drug kingpins to have these kinds of assault weapons that are killing innocent victims.
>
> We can't solve crime with this measure [gun control legislation]. We can't stop every mass murderer. But I honestly believe that we can save someone's life down the line by trying to come up with common-sense, reasonable regulations on military-type assault weapons.
>
> Well, in the past I had listened to the statistics, that there are gun-control states that have high crime rates. But when you have 22 people die in your own backyard, neighbors of friends of yours, you look at it differently. It's no longer an issue of statistics and crime rates and charts and esoteric legal arguments. It's an issue of life and death. And that's why I changed my position on it [gun control]. And I think many other Americans will do the same when they see what I've seen in the carnage on our streets.
>
> [T]he battle may have been lost today to ban assault weapons. I hope the war will be won tomorrow. As members of Congress hear from folks back home who are outraged by what happened in Texas, in California and in other mass murders across this country, I think the tide is going to turn, and this war will be won. I certainly hope so.

Mr. President, I join in that fervent hope. I thank the Chair.

The PRESIDING OFFICER (Mr. AKAKA). The Senator from Wisconsin is recognized.

THE VP'S COMPETITIVENESS COUNCIL

Mr. KASTEN. Mr. President, in the past few months we have been talking long and hard about how to jump-start the economy and to spur economic growth. I think it is becoming increasingly clear we have to reestablish some of the incentives, to reincentivize, if you will, the economy with progrowth tax cuts and other kinds of measures.

However, one of the biggest roadblocks to a healthy and competitive economy is excessive and burdensome Government regulation. In a recent speech to small business owners, President Bush said that the Government's regulatory machine cost the economy at least $185 billion. I understand that new estimates being formulated have increased that figure to $300 billion to $400 billion annually.

In an effort to reduce this burden, President Bush established the Council on Competitiveness, appointing Vice President QUAYLE as its Chair. The President gave the Council a simple mandate, to review Government regulations that would impose more costs on business—particularly small business—than they would generate benefit to the rest of society.

A good measure of Vice President QUAYLE's success are the potshots now being taken at the Council by some in Congress and the liberal special interest groups. These groups seek to drive a wedge between the President and the regulators—they are trying to reduce the President's ability to intervene against costly and unreasonable regulations. They complain that the Council is a secret type of government that interferes with the real experts in the agencies. Such criticism is taking place right now in a hearing before the Senate Governmental Affairs Committee.

From taking on our severely flawed civil justice system to encouraging parental choice in America's schools, the Vice President's Council is working to make our economy competitive—so that it can create more jobs for our workers.

The Competitive Council has done outstanding work in pointing out the terrible burden that this Nation's unfair product liability laws pose for America's competitiveness. In fact, President Bush directed that the very first issue to be addressed by the Council be product liability reform.

We now have 36 cosponsors of S. 640, the Product Liability Fairness Act, which would reform some of the rules that apply in product liability lawsuits.

Through its deregulatory efforts, the Council is working to try and ease the suffocating effect that the Federal red tape burden imposes on small business owners. The Vice President has played a critical role in reviving OMB's Office of Information and Regulatory Affairs—referred to as OIRA—which was created under then-President Jimmy Carter to review Government regulation.

This role has been particularly important, since Congress has left the top slot at OIRA vacant for almost 2 years and refused to reauthorize the agency.

Thanks in large part to the efforts of Vice President QUAYLE, the administration recently announced its support of the Paperwork Reduction Act of 1991, introduced by Senator NUNN, myself, and Senator BUMPERS. Our bill would not only reauthorize OIRA but strengthen its ability to block costly Federal regulations that threaten our competitiveness.

The American people owe a debt of gratitude to the Vice President's efforts to keep America No. 1 in the global marketplace, to keep America competitive, and to get rid of costly and unnecessary Government regulation.

Mr. BOREN addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

EXTENSION OF MORNING BUSINESS

Mr. BOREN. Mr. President, I observe that the time allocated for morning business is almost expired, and I know my colleague from Idaho also wishes to speak as if in morning business. I am also told that the managers of the bill which is pending are not yet on the floor. Therefore, I ask unanimous consent that the time for morning business be extended for 15 additional minutes until 11:30.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BOREN. Mr. President, I thank the Chair.

THE NEED FOR COMPREHENSIVE REFORM OF CONGRESS

Mr. BOREN. Mr. President, I rise this morning to continue a series of remarks that I began yesterday. Yesterday, I noted my intention to continue to come to the floor, keeping a vigil on the floor, two or three times a week, every single week, until Congress takes action to reform itself. I continue with that commitment today. I will continue next week. I will continue every week for so long as it takes to draw the attention of the American people and my colleagues to the need to reform Congress as an institution. All across the country, there is more and more dissatisfaction with the performance of this body.

As I said yesterday, we are the trustees of this institution. These seats in the U.S. Senate, in this Chamber, do not belong to us. They belong to the people. When Congress fails to function, our democratic system is imperiled because Congress, as an institution, is at the heart and soul of the representative democratic process itself.

We all know the truth. Congress is in trouble. Congress is not working as it should. The American people have seen it time after time. People are beginning to change their minds about what should be done, looking for extreme solutions. They are frustrated.

I notice the column recently by George Will, the columnist who has indicated that he is always against term limitation, I am sure feeling as I do that term limitations will only increase the power of the bureaucracy to run the Government. But in a recent column he starts out by saying: "I have changed my mind." He now favors term limitations. He said:

> Increasingly, Congress creates problems its members then rush forth to "solve." Congress creates programs, which entail bureaucracies; then members act as ombudsmen, intervening on behalf of grateful constituents.
>
> Today's "permanent government" justifies its permanency by its complexity.

He goes on and on to tell the reasons why he finally has come to the extreme solution of term limitations in order to try to do something about the process. More and more that is going to happen in this country.

If we do not act to reform Congress from the inside, extreme solutions are going to be imposed on the outside even if in the short run those solutions are not in the best interests of the country.

So we have a responsibility to do something. The people have lost confidence in this institution. They look at bounced checks in the House bank; they look at the problems we have had with the confirmation process, to the tragic impact on the lives of people like Judge Thomas and Professor Hill, because of a lack of responsibility in the process itself, perhaps by those in this institution or those associated with this institution, the staff positions.

They look at the failure of Congress to deal with the big issues confronting this country. They look at our failure to prepare this country for the next century because we are so bogged down in a morass of details brought about by the complexities of our own bureaucracy, which itself has grown out of control, and the people have said: We have lost confidence in you.

I have to say in all sincerity I do not think the people are wrong to have lost confidence. It is not just those outside this institution who are worried and concerned about the Congress. It is those inside this institution as well.

I noted the column by Congressman DON PEASE, of Ohio, member of the Ways and Means Committee, an eight-term Member of the House of Representatives, a distinguished Member of that body, who, along with Congressman ECKART, another very talented Member of the Congress, announced they are quitting. I read with distress his reasons. He talked about the family sacrifices that are made, the sacrifices of friendship, the sacrifices of the pleasure of daily life which others enjoy in order to try to serve in this institution, and he said, "It would all be worth it for me to make those sacrifices, to my family, my friends and others, if I really felt I were making a difference on the things that really count for this country." But he said, "Sadly, I decided I am not sure that working through Congress as an institution as it is now constituted I can make the kind of difference that would justify those personal and family sacrifices by myself and by those that I love."

He talks about several things. He said: "Federal deficits have to be demoralizing to any thoughtful, responsible Congressman. Rationalize as we might, the truth is that we are in charge while our Nation's future is being mortgaged and its economic strength sapped."

He speaks later of the failure to have campaign finance reform enacted. He said: "The driving fact is that 30-second TV spots are enormously powerful and effective. They are also enormously expensive. Candidates will always strive to raise the money one way or another.

"Aside from their cost, 30-second TV spots pose another dilemma."

"They trivialize and distort the issues." Unfortunately, they appear to work. He says, having listed several areas of frustration with the way Congress is not working:

> Rather, my list suggests to me a series of matters for which a "no way out" sign may have to be posted. As they make their biennial decisions to run or not to run for reelection, Members will have to decide whether to live with the frustrations or to exit the institution.

I only say that I am sad to hear talented Members of Congress give up on the institution. My answer would be: let us not exit the institution. Let us reform the institution. Let us revitalize the institution. Let us do something about these problems that confront us. Let us stop the runaway spending on campaigns, where incumbents are able to outraise challengers eight to one, where the average Member of the U.S. Senate has to raise $15,000 every week to raise the average amount of money it takes to run for reelection, becoming full-time fundraisers and part-time legislators.

Let us do something about it. Let us look at the huge bureaucracy we have created right here in the Congress, going from 2,000 employees to 12,000 employees over just the last 3 decades.

Looking at the number of committees, we have gone from 34 committees in 1947 in the Congress to 301 committees and subcommittees this year, with the average Member of the U.S. Congress now serving on almost 12 committees and subcommittees.

It is no wonder that Members run from morning into night wondering how in the world they are going to get their work done, and at the end of the day they realize that they have really been trivialized in their pursuits, distracted from the big issues, running from one subcommittee meeting to another, trying to deal with more proposals generated by more and more staff that bog us down and make it impossible for us to function.

Last year, for example, there were 6,973 bills introduced in the Congress. On an average, they were four times longer than bills were when they were introduced in 1970. More micromanagement of the Government. More delving into the bureaucracy. More details and more staff to analyze them. And a smaller percentage of the bills introduced were enacted last year than before.

Only 3 percent of the bills produced—225 out of 6,973—were enacted into law. More and more bills are introduced, clogging the process by a growing staff, bogging down the process, diverting our attention from the big questions, keeping us from dealing with the problems of the country, like reducing the budget deficit, doing something to help those in distress in the middle-income families who get nothing but the bill from Government and none of the benefits; dealing with how to repair the educational system in this country, so we can compete in the world marketplace; dealing with programs to encourage saving and investment to get the cost of capital there, so we can compete in the world marketplace and have jobs in the next generation.

No, Mr. President, Congress, as an institution, is badly in need of repair. We cannot look to anyone else to do the job. We are here now. We occupy these seats. We are the trustees for this great institution, which has contributed so much to the well-being of America over the last two centuries of our country's existence. We must not sit here and allow it to fail.

Four of us have proposed—Congressman HAMILTON and Congressman GRADISON, Senator DOMENICI, and myself, two Democrats and two Republicans—another major effort like in 1947 when the Monroney-La Follette Committee took a look at sweeping changes and reforms in Congress, in the institution itself. Many people on both sides of the aisle have joined in this proposal.

It is time now to move on that proposal; it is time to set up this temporary working group. By the way, it would be staffed with volunteers, nonpaid people, as the original committee was, people across the country who want to contribute time to help reform Congress. Let us give them a chance to do it. We do not need another huge, expensive bureaucratic committee to do the job. Let us set up a small, lean, working group staffed by volunteers, ordered to report back by a time certain with major reforms for the Congress, and let us get the job done; let us get on with it.

As I said, Mr. President, there is no time to waste. There is a cancer eating away at this institution, and we must treat it now before it does damage that can never be repaired to the heart and soul of the democratic process, and to that relationship of trust that must be there between the people and their elected representatives.

I will come to the floor again and again, week after week, until we begin to move forward in a positive way, until we create this group to work on the overhauling of Congress, until we live up to the trust and confidence of the American people. They have said to us: we have had enough.

It is time for us to listen to the people. It is time for us to do something to reform Congress as an institution in a meaningful way.

I thank the Chair.

Mr. SYMMS addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. SYMMS. Mr. President, I listened with great interest to my dear friend from Oklahoma, and I hearken back to 1990 right prior to the adjournment of Congress, when I said this time the American people have had enough. They are going to throw the Congress out. They are going to go out and hire a new Congressman. I think maybe I was off by 2 years.

There is a solution to the problem of the Congress that borrows $1 billion a day and refuses to recognize sound tax policies and continues to pass regulations that impose a regulatory recession on the economy of the United States. There is a solution to it for those people around America. That is, hire a new Congressman. You do that by voting. Vote these people out of office that continue to do this.

I listened also to my colleague from Delaware, as he spoke here on the floor, and I found myself in great agreement with what he said about tax policy.

We must seriously look at proposals like those of the Senator from Delaware, what he just introduced, to get this economy moving again.

It is an amazing thing, Mr. President, to see what happened on the way to the recession. Only a few short months ago, the idea of reducing taxes to get our economy moving again, not to mention relieving middle America of a ridiculously heavy burden of taxation, was brushed over as irrelevant. Cutting taxes to cut short recession was taboo in this place. Cutting taxes to undo the damage from last year's disastrous tax increase was construed as irresponsible, that it would unravel the budget agreement which had taken on almost a holy tone. The budget agreement is like the Holy Grail that we are worshiping to but it is on the backs of the savers, the investors, and at the same time, we burden them with excess production regulations that make it impossible for Americans to compete.

Now we are having the results of the crops that we sowed in the last 4 years here in the Congress. The results of that crop is that we have unemployment, massive layoffs, and a stagnant economy. And then Congress, all of a sudden, last week's defenders of this Holy Grail Budget Act, received religion. Now they have a new religion. Today, those who stood in the way of economic growth by opposing capital gains cuts or cutting the Social Security tax are falling all over themselves to come up with a tax cut they can call their own.

This is music to this Senator's ears, to have his colleagues finally recognize what some of us have been saying all along. To all my colleagues, to the White House gnomes, to the pundits who have come to understand that the road to prosperity is not paved with higher taxes, and more Government regulators and more Government spending, it is better late than never. Welcome aboard.

For those of us who have been preaching the gospel of lower tax, we welcome you. Do not expect us to assume that just because you reversed your course, you now understand where we ought to be heading. Our economy needs help, and it needs it now, Mr. President. We need to get things moving again by reducing the tax and regulatory burden that finally overwhelmed the greatest job machine known to man—the American economy.

What is the best way to do this? What kinds of tax proposals will get things moving again?

From some of the reports that I have been hearing and picking up, we have the same muddled thinking that led us in last year's disastrous tax package and is now working up and patching together some kind of makeshift tax package this year.

Before I go any further I want to say on the floor what I said to the chairman of the Finance Committee outside yesterday. I want to thank Senator BENTSEN, the chairman of the Finance Committee, for his courage and leadership in offering his tax cut proposal. While I may not necessarily agree with some of the details of the proposal, or the way that it is being framed, the way the argument is being framed, I do agree that the Nation owes him a debt of gratitude because his proposal has kick-started this process of looking for a job-oriented tax cut proposal in the first place.

So I thank the chairman of the Finance Committee, Senator BENTSEN.

Whatever tax proposals begin to take shape, it is imperative that they be focused, that there be an underlying philosophy that is credible and defensible, and that they address the weaknesses in the economy; that they not become vehicles for every two-bit amendment that can be pasted on. The situation is very serious, and that is how we should deal with it.

We need to be clear in our minds what will and what will not get the economy moving. There is one that should not be forgotten, Mr. President. Tax cuts which do not improve economic incentives will not get the economy moving.

It is so important so let me say it again: Tax cuts that do not improve economic incentives will not get the economy moving. Only by improving incentives will we get people back to work. Only by improving incentives will we encourage investment. Only by improving incentives will we encourage productivity.

For example, offering a tax credit for children or raising personal exemptions are fine ideas in and of themselves, and this Senator will certainly vote for them. They will give the middle-class, middle-income people a badly needed break, but they will not help the economy. They will over time put more money in people's pockets but that will not necessarily get the economy moving again. For anyone to think that increasing the personal exemption will get the economy moving, I say look at history. In case anybody has forgotten the name, that kind of thinking used to be called Keynesian economics. It is pump-priming aggregate demand. It will not work any better today than it has in the past 30 years.

It is incredible to think that so many have forgotten that the greatest job machine ever known was created through a bipartisan effort in Congress that recognized that lower tax rates increase investment, increase jobs, and increase growth.

Have we already forgotten the enormous benefits from the 1981 tax bill? Even though it took 3 years, Mr. President, to phase in the cuts in rates, the reduction in income tax rates had a profound effect of getting our economy out of the Carter-Volcker recession. The empirical evidence is there to show that. The only reason we had a deficit is we could not get this same Congress, with cooperation from the White House, to squeeze off the spending machine. We only got half the program. We got the encouragement, the incentives, the best climate, but we did not get the faucet shut off here to spray America with checks written by the Federal Government to increase the deficit. So now we are borrowing $1 billion a day.

Have we so forgotten the grand national consensus that led to lower tax rates as the cornerstone of the 1986 tax reform? While there was much in that bill that damaged the economy, the tax rate cut was fundamental to keeping the job machine running.

I think we should give the taxpayers a break. They should get to keep more of their own money.

We should act, and act now, before the end of this session of Congress, to get the economy moving again. I think it would be a travesty for this Congress to recess for Christmas, to go home to our constituents, without having done anything to help the unemployed find jobs. I frankly do not want to have to try to tell someone who has been laid off because of the recession that Congress failed to act.

If you want to get the economy moving again and you want to give the taxpayers a break, then we should take a page from recent history and cut the tax rates. Cut the tax rates for the poor. Cut the tax rates for the middle income. Cut the tax rates for the upper income. And I think we should move toward a new tax rate schedule. I think we should drop the current schedule and adopt a 10 percent, 20 percent, 30 percent schedule: Ten percent for the working poor, 20 percent for the middle income, and 30 percent of the upper income.

That, Mr. President, would get the economy moving. Maybe we cannot get it all at once. Maybe we would have to phase in the cuts over 2 or even 3 years. But if we can find a way to pay for enormous tax credits or increases in the personal exemption, we can find a way to reduce the tax rates.

If we cut the tax rate, we will lower the disincentive to work. Will pump-priming do that? The answer to that is "no."

If we cut the tax rate, we will improve the incentive to invest in new businesses, new plants, new equipment, and new enterprise. Will pump-priming do that? No.

We should lower the capital-gains rate of taxation. I know that capital gains has been buried in political garbage so deep that it is hard to talk about it. But we must talk about it, Mr. President.

If we must be bogged down in revenue estimate problems, let us see if we cannot make Senator BREAUX' proposal work. He challenges those of us who believe in lower capital-gains taxes who say that it would raise revenue to put our Tax Code where our money is. He suggests if there is not a net increase in revenues in the outyears that there be an income tax surcharge on the wealthy. He makes the challenge, and I think we should look into a way to make that work, to accept that challenge and put it into effect and demonstrate that reducing the rates on the capital-gains rate of taxation will generate economic growth and prosperity and be very helpful to the American people.

Another idea that ought to be looked at is Senator ROTH'S incremental investment tax credit. We need to help our businesses invest. They need to be competitive. If we can get our investment up, we can get our people back to work. This is particularly important since last year's Clean Air Act has hammered some of our capital-intensive industries. The only way they can survive is by investing and the only way they can invest is if we lower their cost of capital.

There is an old saying, Mr. President, that the only way to get a mule's attention sometimes is to hit him squarely between the eyes with a 2 by 4. I am afraid that seems to apply equally to mules and elephants these days. This recession has certainly been a 2-by-4 pounding on the well-being of Americans.

So all the donkeys and elephants, we hit them all over the head with a 2 by 4, I say to the American taxpayer, tell them they want common sense with respect to economic growth activities. Maybe we are starting to wake up.

I am greatly encouraged to see my colleagues now recognizing that what they did last year in October 1990 was an unmitigated disaster to this economy. Let us get the economy moving again. Let us reduce the tax rates. Let us put incentives back into investment. Let us get a bipartisan economic recovery package and put Americans back to work again.

Mr. President, I yield the floor and I thank you for your indulgence.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

EXTENSION OF MORNING BUSINESS

Mr. KENNEDY. Mr. President, at the request of the Senator from Mississippi, I ask unanimous consent that morning business be extended for 5 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE LEAK INVESTIGATION

Mr. LOTT. Thank you, Mr. President, and I thank the distinguished Senator from Massachusetts for giving me this 5 minutes to talk on an issue that will be limited in time later on today.

For the past 3 days, I believe, while there have been negotiations going on with regard to the civil rights bill there have also been negotiations going on with regard to how a proper targeted investigation could be made into the alleged leak of documents concerning the Thomas matter and the affidavit of Professor Anita Hill. Those negotiations have gone back and forth between the respective party leaders here in the Senate and with a lot of communication from other interested Senators, including Senator SEYMOUR of California.

What has been happening during these 3 days? You would think that this is something that could be resolved relatively quickly. The Senator from California, Senator SEYMOUR, made an early proposal to have an FBI investigation while the trail is hot targeted on this specific alleged leak of an FBI report, and that it be done within a limited period of time, get back to the Senate and see what the results might be.

Frankly, I doubt that you will be able to prove definitely one way or the other what happened, but I think the Senate has an obligation to pursue it and try to find out how this happened and maybe come up with ways to try to prevent it in the future.

So that is what has been at stake here, trying to find out how to get it done, get it done quickly, and properly.

I thought the respective leaders would come out on the floor and say we agree that the FBI investigate this, report back to the leaders, who will report to the Senate if any further action is necessary.

But somewhere along the line things got a lot more complicated. It has been suggested on both sides of the aisle that we have a special independent counsel do this work. That is mistake No. 1. Why do we not just give special counsel Walsh an additional $3 million and let him just take up this investigation with all the other investigations he has been involved in?

But aside from the sarcasm, just think about it: A special counsel will have been selected by mutual agreement between the two leaders, or they will have to hire staff, establish offices and connect telephones and it would be at least a month—that is very optimistic—before a special counsel could even begin to be organized to do the investigation, when in fact the investigation should be over in a month. So the independent counsel idea, up front, in my opinion, is the wrong way to go. It just takes too long to get organized.

The next part of this negotiation that was really curious to me was that the effort by the distinguished majority leader was to include a whole number of issues. He says, "Oh, we get mad when there are some leaks, but not mad when there are other leaks." The fact of the matter is this is the one that is on the conscience of the American people now; it is on the screen; people are worried about it.

We could find out if this was done or not and you would be done with it. But, instead, the proposal has been to spread it out, diffuse it, obfuscate it, have the dogs chasing a whole lot of foxes, when, in fact, what you get is nothing.

So it is proposed that it look not only into the Thomas matter but into the so-called Charles Keating matter before the Senate Ethics Committee, that it look into problems before the Subcommittee on Antitrust, Monopolies and Business Rights, that it look into the Timothy Ryan matter of the Resolution Trust Corporation, all kinds of provisions to be included here, including allowing the special counsel to make recommendations for disciplinary action. Special counsel should not and could not do that when it involves the legislative body, in my opinion.

Now, it has been narrowed some in scope. It will not be applicable only to the Thomas matter and to the so-called Charles Keating matter. But I think the Members need to know that the Ethics Committee, in view of alleged accusations of leaks on both sides—Democrat and Republican—voted unanimously, in a bipartisan manner, to have a GAO investigation of the so-called Ethics Committee leaks. I think 7 months have been involved, thousands of dollars. Retired FBI agents have investigated it. They have completed their work. They have briefed the Ethics Committee and they have no conclusion. They could not find any proof of where it started; a lot of suggestions, but no concrete proof.

So now after 7 months and thousands of dollars, great, let us bring in special counsel and continue to pursue this matter, which is a very cold trail. I am sorry to say that the Ethics Committee has been working on the so-called Charles Keating matter for 2 years almost. And now we are going to go back and try to reconstruct or resurrect how a leak may have occurred?

The point, Mr. President, is we have a matter here that was a great embarrassment to the institution. It violated the rights of Anita Hill. It impugned the integrity of Justice Thomas. The American people saw it—live and in color. They did not like it. They would like for it to be investigated, to determine, if you can, what happened, and end it.

This process that has been agreed to will now only be debated for 1 hour. We will have the Seymour amendment and we will have the Mitchell resolution. We will have a total of 1 hour debate, equally divided, on the two. We will vote. The special counsel, independent counsel, will be off plunging around for weeks, months. I mean, we will go for a minimum of 120 days. So we are talking about months for this investigation. What will happen is it will be untargeted, it will be inconclusive, it will be too late.

Mr. President, this is not the way to do this. I urge the Senate later today to vote for the Seymour amendment. Let us do this job, get it over with, get it behind us, see if we can find out who did this, how it happened, and stop it in the future.

I thank you again, Mr. President, for this time.

TRIBUTE TO TENNESSEE ERNIE FORD

Mr. SASSER. Mr. President, I would like to take a few moments today to note the passing of one of Tennessee's greatest and most beloved sons—indeed a great American—who died last Thursday. Ernest Jennings Ford, better known the world over as Tennessee Ernie Ford, achieved great fame and won great honors as a performer and a patriot, but he never forgot his friends or his roots in Bristol, TN.

Mr. President, I could list for hours the many accomplishments of Ernie Ford. As a singer and recording artist, he recorded more than 80 albums during this career and sold more than 60 million albums of both country and gospel music. His biggest hit, "Sixteen tons," has sold more than 20 million copies since its release in 1955.

As a popular television personality, he hosted "The Ford Show," which ran from 1956–61 and featured such stars as Ronald Reagan, John Wayne, and Gary Cooper. He also had a daytime musical variety show from 1962–65 and made a number of guest appearances on other television shows and specials. One of his more memorable cameos was as "Cousin Ernie" on "I Love Lucy."

True to his American heritage and that of the Volunteer State whose name he so proudly bore, Ernie Ford enlisted in the Army Air Corps during World War II as a bomber pilot, and later became a flight instructor. In 1974, he headlined a tour of the Soviet Union as part of the cultural exchange between the United States and the Soviets. He received the Medal of Freedom in 1984 for his distinguished service to the Nation, and more recently, in October 1990, he was inducted into the Country Music Hall of Fame, the highest honor which can be bestowed on a country music entertainer. In late September of this year, he dined at the White House as then guest of President and Mrs. Bush.

But, Mr. President, Ernie Ford never forgot his roots in Tennessee, despite his international success. The fact that he took his name from the great State where he was raised is but a small indication of his dedication to Tennessee. He also used his national success to help launch and promote the careers of other performers from Tennessee, including Minnie Pearl and the Everly Brothers.

More important, Ernie Ford always remembered his friends and family in Bristol. Residents of the area will attest to the genuine interest he showed in the community and to his heartwarming modesty and humble attitude that made him a regular country boy. He returned to Bristol often, and he made his last public appearance at the dedication of the newly renovated Paramount Center for the Arts last April.

I believe Ernie Ford summed up his dedication to Bristol best when he said: "This is my hometown. This is where I grew up, where I was born and raised * * * I'll always be a Tennessean. I don't think you ever forget where you first came from."

Mr. President, I join my fellow Tennesseans and all Americans in mourning the loss of Ernest Jennings Ford and in expressing our gratitude to him for enriching our lives with his song and his humor and for his lifetime of service to Bristol, TN, and the United States of America. Our condolences are extended to his wife, Beverly, his sons, Brion and Buck, his grandchildren, other family members, and his many, many fans and friends around the world. Truly, we all feel the loss of a friend at this time.

Mr. President, I ask unanimous consent to submit an editorial from the Bristol Herald Courier/Virginia-Tennessean, which reflects the mutual love and admiration between Ernie Ford and his hometown of Bristol.

There being no objection, the editorial was ordered to be printed in the RECORD as follows:

[From the Bristol Herald Courier/Virginia-Tennessean, Oct. 18, 1991]

BUT THE VOICE HASN'T BEEN STILLED

Early on, there was nothing to suggest that Ernest Jennings Ford would become Bristol's most famous native son. Such things are rarely, if ever, foreseen.

He played trombone in the Tennessee High School Band, he became a radio announcer in 1937—at $10 a week. Later, he worked at radio stations in San Bernadino, Calif., Knoxville, Tenn., Atlanta and, back to California, in Pasadena.

There was one thing: He studied voice at the Cincinnati Conservatory of Music. It was a key period in a life which, beginning in the late 1940s, was to become part and parcel of the music and entertainment industry—not only in the U.S. but worldwide.

After serving in the Army Air Corps as a bomber pilot and, later, a bombardier instructor during World War II, he returned to the States and, in 1949, was signed by Capitol Records, an association that lasted for 28 years and more than 80 albums.

Now "Tennessee Ernie Ford," he appeared on CBS and ABC radio networks from 1950-1954. Then, in 1955, he introduced the unforgettable song, "Sixteen Tons," and the march to the top shifted into high gear.

His primetime TV variety show lasted from 1956 to 1961; it was followed by a daytime show from 1962 to 1965. Both were "must watch" programs for millions upon millions of Americans—who learned quickly that the "ol' Peapicker" was a native of Bristol.

While his mix of popular and country songs triggered album sales reaching into the millions, it was his gospel music that anchored him in the hearts of his fans. (He recorded one album—"Tennessee Ernie and Cousins"—at a Bristol church.) At last report, more than 24 million of his gospel albums had been sold; they are still being sold today.

He was not a "prophet without honor" in his hometown, among his friends and former neighbors. In the 1950s, he was honored by the Twin City during a "Tennessee Ernie Ford Day," complete with a parade, a concert and a competition among local vocal groups (in a packed Stone Castle) for the right to appear on his TV show.

More recently—just last spring—he returned to Bristol, for the last time as it turned out, to take part in the grand reopening of the refurbished Paramount Theater and, a week later, to receive an honorary degree from "Virginia Intermont College.

Tennessee Ernie Ford died Thursday at the age of 72.

The man is with us no longer, but the voice remains in the songs he sang, the stories he told, the joy of his laughter. It is all there, on records and tapes, to be enjoyed at the push of a button, the whirl of a turn-table.

He was Bristol's own, and the city, the nation and the world are poorer without him.

TRIBUTE TO HER MAJESTY QUEEN SIRIKIT ON THE OCCASION OF HER ROYAL VISIT TO THE UNITED STATES

Mr. JOHNSTON. Mr. President, on behalf of all my colleagues, I am deeply honored to extend a warm and heartfelt welcome to Her Majesty Queen Sirikit on the occasion of her royal visit to the United States and to our Nation's Capitol.

Queen Sirikit has traveled to our country to receive the Humanitarian award of the Friends of the Capital Children's Museum, the first such award ever bestowed upon an international dignitary. One need only consider a few examples of her interests and her accomplishments to understand how richly deserved this award is.

As an active participant in Save the Children, Queen Sirikit has helped many of those who are the most vulnerable among us, children in countries throughout the world. She has also taken a personal and prominent role in programs to ease the plight of millions of refugees encamped along the Thai border.

Among her most notable achievements was the creation in 1976 of the Foundation for the Promotion of Supplementary Occupations and Related Techniques. Support has been highly successful in helping impoverished rural families and the disabled and handicapped citizens of her country to develop their talents as artists and craftsmen, providing a source of supplemental income, and an enterprise that helps promote the traditional culture of the Thai people.

During a visit to Thailand last year, members of the Senate wives delegation, including my wife, Mary, had an opportunity to observe the Support Program firsthand through a tour of the foundations' center at Mae Tum in the Serm Ngam District of Lampang Province. Members of the delegation were graciously received by Her Majesty at Chitralada Palace in Bangkok and toured the foundation's training center on the Palace grounds, where 500 students are enrolled in courses aimed at developing their artistic and creative skills.

The delegation had the highest praise for the Support Program, not only as a source of additional income for those who participate in it, but as a source of tremendous pride for all the people of Thailand. Needless to say, the members of the delegation were also left with a profound sense of admiration for the woman who has made this program possible.

Through her tireless dedication to improving the quality of life for her fellow citizens and preserving the special heritage and rich culture of that nation, Queen Sirikit has earned a very special place in the hearts of her people.

She has earned, as well, the enduring respect of people throughout the world; people who share the fundamental values of human decency, kindness, and compassion that are so clearly reflected in her work. Her courageous, lifelong commitment to those values serves as an inspiration for us all.

IN HONOR OF THE CENTENNIAL CELEBRATION OF COPIAH BANK

Mr. COCHRAN. Mr. President, I would like to take this time to recognize the Copiah Bank, located in Copiah County, MS, which will celebrate its 100th anniversary on Saturday, October 26, 1991. Originally named the Bank of Hazlehurst, the bank has had a rich history of serving its community since it was organized in 1891 by Mr. J.A. Covington, who interested others to invest in the venture.

The history of Copiah Bank, N.A. and the history of Copiah County are inseparable. It is, in the truest sense of the term, a "community" bank. Copiah Bank, has played a significant role in elevating the general quality of life through a long-standing commitment to Copiah County and its towns and communities. In education, cultural events, churches, local associations, clubs and civic groups, Copiah Bank and its employees have demonstrated their support for and involvement in their community.

In recognition of the many contributions made by Copiah Bank, I offer my congratulations and best wishes to its employees and to its president, Mr. E.E. "Buddy" Prestridge.

TERRY ANDERSON

Mr. MOYNIHAN. Mr. President, I rise to inform my colleagues that today marks the 2,413th day that Terry Anderson has been held captive in Lebanon.

On Sunday, Terry Anderson will celebrate his 44th birthday. Peggy Say—his sister and devoted advocate—has expressed a wish to observe his birthday discreetly. I ask unanimous consent that an Associated Press article reporting her intentions be printed in the RECORD at this time.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

QUIET CHURCH SITE OF TERRY ANDERSON BIRTHDAY OBSERVANCE

CADIZ, KY.—The sister of journalist Terry Anderson, the longest held American hostage in the Middle East, will observe her brother's 44th birthday with a quiet service in her hometown church Sunday.

Peggy Say said Wednesday that Anderson's seventh birthday in captivity should be observed with little fanfare in view of Monday's release of a U.S. hostage and pending peace talks in the area.

"Given the sensitivity of this over the last couple of months, I felt a low profile was appropriate," Say said.

"We did not want to travel during this time. One thing hostages' families do is keep in touch almost hour by hour when this sort of thing occurs," she said, referring to this week's release of American Jesse Turner. "It's important for us because I don't think anyone else can understand this kind of personal hell."

The Rev. Harold Skaggs said he will devote Sunday's morning service at Cadiz Baptist Church to the ordeal of Anderson and the other Westerners taken hostage in Beirut by Shiite Moslem factions.

Anderson, the chief Middle East correspondent for The Associated Press, was kidnapped on March 16, 1985, on a street in Beirut.

Say and her husband, David, are members of the church, where a yellow candle has been lit during each worship service for the last three years as a reminder of the hostages.

"It has become an emotional issue with us," Skaggs said. "Peggy and David are active members of our congregation and we have identified ourselves more with the hostage crisis."

Say, who has met with international leaders and traveled overseas in her crusade to free her brother, said other small observances are planned Sunday.

No Greater Love, a support group for hostage families, plans to release tape-recorded statements from celebrities including former President Jimmy Carter and talk show host Phil Donahue calling for the hostages' release, a spokeswoman for the organization said.

In Lorain, OH, where Anderson was born, friends are planning a public birthday party outside city hall.

In a videotaped statement released by his captors on Oct. 6, Anderson appeared healthy and in good spirits. He said in the statement that good news was imminent for families of the Western hostages.

SOVIET BUTCHERY UNMASKED

Mr. MOYNIHAN. Mr. President, as winter approaches, the news from the Soviet Union continues to be bad. Feeding that vast population will be a daunting task indeed. A young scholar, Gabriel Schoenfeld, has written most perceptively in the December "CSIS Report on the U.S.S.R. and Eastern Europe" concerning problems of food production and public health in the Soviet Union. I believe we can all benefit from Mr. Schoenfeld's words and I ask unanimous consent that his article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SOVIET BUTCHERY UNMASKED

(By Gabriel Schoenfeld)

First the good news from the Soviet republic of Kazakhstan. Medical authorities in the city of Aralsk have lifted the quarantine they imposed after an outbreak of plague. Investigators successfully traced the disease to infected camel meat sold at the city's central market.

Now for the bad news from the rest of the USSR. In a country already suffering from dramatic food and medicine shortages, diseased livestock are causing a major agricultural and public health crisis. "We are dealing with a phenomenon which is assuming the ungovernable nature of a natural disaster," reported Izvestia economic affairs commentator I. Abakumov in November. The newspaper estimates the cost to the economy from infectious livestock diseases in the billions of rubles.

In Aralsk, situated on the desiccated Aral Sea, the authorities are continuing to take prophylactic measures. The local Anti-Plague Scientific Research Institute is mobilizing to track down rodents. "Expeditionary parties of medics" are spraying pesticides into the burrows of large sand rats in an effort to destroy the fleas that carry plague, reports the news agency Tass. Private hunting of foxes, rabbits, and rodents has been banned; "mass inoculations" of human beings are also under way. Even a computer will be enlisted to study the outbreak. But the successful campaign for high-quality camel steak is just one small advance in combating a problem now emerging into public view.

In the United States, ever since Upton Sinclair wrote The Jungle, the food-processing industry has been carefully scrutinized by the press. In November, articles in the Wall Street Journal and the Atlantic Monthly focused on the health risks posed by defects in our poultry inspection system and the widespread marketing of disease-tainted chicken. Until very recently the Soviet press has been unwilling or unable to write about the USSR's much more severe problems in this area. The information that the media have thus far provided makes it difficult to judge whether this is a new problem or a longstanding one made worse by the overall deterioration of the Soviet economy. Either way, Izvestia admits that when it comes to the purity of the food supply, "press censorship has always kept such secrets from the population." Even if glasnost now reaches the Soviet food-processing industry, the sources and scale of its problems mean they will not be easy to address.

In Donetsk oblast in the Ukraine, the region's chief state physician reported in November that only four out of 432 farms are considered "healthy." He describes a "very alarming coincidence" of illness among diseased farm animals and human beings. The physician is worried by statistics indicating that people have been afflicted with lymph and blood disorders in virtually the same localities where there are sick livestock. In these areas, he says the "level of morbidity is growing menacingly, as evidenced by statistics for 30 of the oblast's cities and rayons over the past 10 years."

Kazakhstan is the third largest meat producer of the Soviet republics and currently 300,000 of the Kazakh cattle herd are reported by Moscow television to be ill with tuberculosis, brucellosis, and other diseases that are communicable to human beings. As a result the local milk is "dangerous to people's health," said a recent broadcast, and the food produced by dairy farms in some locations is also "unsafe." Izvestia describes the agriculture crisis that has arisen as an "extraordinary situation" that should be regarded as an "ecological catastrophe." The illness among livestock is attributed to housing cattle in dilapidated sheds that have deteriorated after years without maintenance and chronic underfeeding due to shortages of fodder. Third quarter economic statistics for 1990 indicate that "the situation with the provision of fodder is bad" in six republics, including Russia.

In theory the Soviet planning system contains safeguards designed to protect the public from unhealthy produce. Centrally imposed agricultural regulations dictate that milk from diseased cows be specially pasteurized. Sick animals must be slaughtered in a "sanitary abbatoir." If this is not available, the animals must be placed on a general conveyor after the slaughter of healthy animals is completed.

In practice, however, such measures are routinely ignored. Izvestia has explained how the slaughterhouses really work: "Let us not be naive, in reality, in our meat combines and dairies, livestock products everywhere move in a single flow, and all these well-meaning instructions have no effect on this flow." How can you discard all the substandard carcasses, one local official wonders, "and at the same time fulfill or even overfulfill the stepped-up plans and socialist pledges issued from above?" But the answer is all too clear. With the Soviet economy now gripped by scarcity and long queues, the pressure to bring bad produce to market is greater than ever.

FOXES IN THE COOP

Although the introduction of market mechanisms into Soviet agriculture in a 500-days type of reform might improve the quality and supply of meat and dairy products, no Western countries trust the market alone to assure a safe food supply. Government-operated inspection agencies in all advanced countries are charged with regulating health and safety standards.

Because market mechanisms and incentives are not in place and the central planning system has run amok, the Soviet Union today enjoys neither the discipline of the market nor the safety mechanisms offered by government regulation. The results of these trends, says Izvestia about declining food safety, is that "state control has been practically lost, anything can happen and be concealed: There is no one to sound the alarm."

The inadequacies of Soviet statistical data make it difficult to obtain a view of Soviet problems that would allow comparison with the experience of other countries. It remains possible that the alarming tone of the new Soviet reports is not justified by the scale of the problem and is just another manifestation of the atmosphere of crisis and panic that has enveloped Soviet society. On the other hand, major deficiencies in the structure of the Soviet inspection system seem to virtually ensure that bad meat and milk are brought to market and sold to unwitting consumers.

Veterinary inspectors fall under the supervision of government-run collective and state farms, entities that are under intense pressure to fulfill their sales quotas. The same arrangements are in place in meat-processing plants and dairies where the veterinary inspectors are "materially dependent on management." With the foxes inspecting the chicken coop, the results are all too predictable. A food-poisoning case this past summer in the Central Asian republic of Kirghizia is typical. The veterinary services there, Izvestia reported in August, are facing criticism for the "umpteenth time" for their "irresponsible attitude to their official duties." The inspectors' most recent oversight led to an outbreak of "external-type anthrax" after infected meat was sold to a sausage shop. Only when consumers fell ill were measures taken to contain the disease. The authorities have announced that the "sausage shop has been destroyed."

PROSPECTS

Because all the trends in Soviet agriculture are unfavorable for resolution of this public health problem, such episodes will continue to recur. Mikhail Gorbachev has been virgorously procrastinating with reform of his country's failed farming and food sector; five years of perestroika have added five years to the age of the country's antiquated food-processing infrastructure. All of the changes he has introduced have been piecemeal. Some large farms have been partially broken up into small ones; but whatever productivity benefits are derived from this, it has made proper inspection of produce all the more difficult to carry out. If diehard opponents of reform successfully blame decentralization and the market for outbreaks of mass food poisoning and disease, the prospects for an overhaul of the USSR's agricultural sector will be bleaker than before.

The Soviet Union, naturally, hopes that the West can rescue it from its current slide. In November the U.S. Department of Commerce sent over a delegation of government officials and businessmen to take a comprehensive look at Soviet food industry facilities and needs; already an Alaska firm, Indian Valley Meats, is engaged in one of the few profitable U.S.-Soviet joint ventures. Operating out of the far-eastern Magadan oblast, the company is helping a collective farm upgrade the processing of reindeer meat. Hard currency profits come from selling pulverized antlers to South Korea for use as an aphrodisiac.

Given the scale of its problems, there are undoubtedly other opportunities apart from antler aphrodisiacs for Western companies to make money in the Soviet meat market. After its success with reindeer, the Soviet Union will be looking for other Western partners. Perhaps MacDonalds will find it profitable to help them flatten out the humps in their camel burger processing.

NATIONAL BREAST CANCER AWARENESS MONTH

Mr. KERRY. Mr. President, I rise today to express my concern about breast cancer, one of this Nation's most serious diseases. Cancer is the second leading cause of death among women, and breast cancer affects one out of every nine American women. The incidence of this disease has risen by a third over the past 10 years. A new case of breast cancer is diagnosed every 3 minutes, and another death occurs from this disease every 12 minutes. That adds up to 175,000 new cases this year and 44,500 deaths.

This month is National Breast Cancer Awareness Month. I commend the many groups like the Breast Cancer Coalition that have played a critical role in educating legislators on the need for improved breast cancer research and screening. All across America, concerned citizens, many of whom are stricken with this disease, have written their Senators and Representatives to request increased attention to this national problem. I have received almost 2,000 letters regarding breast cancer from distressed citizens of Massachusetts. The personal tragedies related in these letters are truly devastating. Mothers, wives, daughters—countless women who have died prematurely and suffered intensely due to a disease we can conquer.

We must move effectively and immediately to counter this threat. We must discover the reason why this disease is so prevalent among today's women, and why the mortality rate from it is the same as it was over 50 years ago, in the 1930's.

Until the discovery of a cure, early detection of breast cancer will play a critical role in the survival of affected women. It is estimated that early intervention may prevent up to one-third of all breast cancer deaths. Regular mammographies are an absolutely crucial component of any plan to prevent breast cancer deaths. Because two-thirds of those with breast cancer are over 50, older women, especially, must have access to reliable and affordable screening.

In an effort to take positive steps, I have supported several bills in the 102d Congress that deal with breast cancer. Earlier this year I voted for an amendment offered by Senator TOM HARKIN which would have transferred approximately $3 billion from the Department of Defense to several domestic programs. Included in this proposal was $50 million for breast cancer screening. Unfortunately, this transfer conflicted with last year's budget agreement and was ruled out of order.

Currently, I am a cosponsor of the Cancer Screening Incentive Act of 1991—S. 891. This bill, offered by Senator CONNIE MACK, provides refundable tax credits for qualified cancer screening tests, including mammographies. I also am a cosponsor of the Family Planning Amendments Act of 1991 (S. 1197), offered by the senior Senator from my State, Senator KENNEDY. This bill mandates that all programs receiving assistance from the Government for family planning also provide education regarding breast cancer and self-examinations.

Possibly most significantly, I am a cosponsor of Senator BARBARA MIKULSKI's Women's Health Equity Act of 1991 (S. 514). I support the overall goal of this legislation—to provide equity in the delivery of health care services to women, including expanded research of women's diseases, improved access to health care for all women, and development of disease prevention efforts. This bill provides an additional $25 million to the National Cancer Institute for breast cancer research. Additionally, it requires doctors to give written information regarding all of their options to their patients diagnosed with breast cancer. The bill also provides for the certification and licensing of providers of mammograms, and amends the Medicare Act to cover regular screenings for all women over 35 years of age.

Mr. President, I believe this deadly disease can be stopped and I am strongly committed to taking further steps toward the prevention and elimination of breast cancer. I ask my fellow Senators to support these efforts. I know that by working together we will beat this disease.

AMERICA NEEDS AM STEREO STANDARD

Mr. PRESSLER. Mr. President, I would like to bring to the attention of our colleagues a new publication by the Information Management and Technology Division of the General Accounting Office [GAO]. The report is entitled "U.S. Communications Policy: Issues for the 1990's," it is the transcript of panel discussions by national experts on a number of telecommunications issues.

One panel addressed the future management of the spectrum. In this discussion, members of the communications industry and Government officials described their policy recommendations to ensure efficient allocation and use of the spectrum. The panelists' recommendations ranged from spectrum assignment through auctioning to the need for a national standard on Digital Audio Broadcasting.

In this discussion, a number of panelists used the Federal Communications Commission inaction on AM stereo standards as the No. 1 example of failed Federal Government communications policy. As our colleagues know, in 1981 the FCC declined to choose a standard AM stereo system, thus allowing the marketplace to decide the matter. Unfortunately, this has not happened.

The inability of the marketplace to decide between competing systems has left consumers, equipment producers, and broadcasters in limbo. In fact, one panelist who is a former FCC Commissioner, called the FCC's indecision on AM stereo a "catastrophe" and stated further that "the marketplace is still thrashing about between two standards."

I have introduced legislation that would correct this inequity. This legislation, S. 1101, would direct the FCC to conduct a rulemaking and establish a national AM stereo standard.

Mr. President, we need to act now to avoid falling further behind in the development of AM stereo. I ask unanimous consent that the text of the GAO panel discussion on spectrum management appear in the RECORD.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

[From the General Accounting Office, Information Management and Technology Division, September 1991]

U.S. COMMUNICATIONS POLICY: ISSUES FOR THE 1990'S—PANELISTS' REMARKS

SPECTRUM MANAGEMENT

Ms. DENNIS. This morning we had a nice segue to the issue that we're going to be discussing this afternoon when Henry Geller started out with his wish list of a number of policies that he would like to see changed or implemented. Among them were flexibility and the usage of spectrum and auctions as a different means of allocating spectrum.

First, we should ask if anything is broken. What is wrong with the current method of allocating spectrum? Clearly with the burgeoning of personal communications and the need for spectrum; the need of industry for mobile telephony; and the need for small business users, for example, to be able to use mobile phones in their cars to enhance productivity and increase productivity in this country, the specter of spectrum wars is increasing.

I'd like to start with Dick. I know that there has been a spectrum study, the results of which have not yet been released by NTIA. It was started last year. Why did the Commerce Department think it important to look at spectrum issues?

Mr. PARLOW. Well, Patricia, I think we can look at the subject of spectrum and the use of radio communications and agree that new technologies provide the potential for many new service offerings to our governmental agencies, the private sector, and to the general public at large. Spectrum and the management of the radio spectrum is an extremely important subject that has received a lot of recent attention nationally and internationally.

If you look back over the years, you'll see that spectrum management hasn't received a real hard look in over 20 years. Our view regarding the need to review the process complements the actions of a lot of U.S. industry—and I think it's something that we see happening in government more often—the concept of total quality management, where we can look at processes and the products and the customers, recognizing that there is always room for improvement.

Our view was that a need to look at it existed, a need to look at the processes and a need to look for areas of improvement. We also recognized the fact that it's a subject that is extremely important to our federal agencies and our industry and to our competitive picture around the world.

It was our view that it was timely, and there were a number of key areas that had to be looked at. We felt that it was important to take a look at our regulatory process and the relationships that are there. We felt that it was extremely important to take another look at the way spectrum is blocked out by various services. Anyone familiar with the process can recognize, just by looking at the allocations table, that it's a real hodgepodge of services and of footnotes, and this tends to be somewhat restrictive in terms of opportunities for innovation and flexibility. It's important to look at ways of incorporating more flexibility in the process so that our entrepreneurs and industry can move on and do a much better job.

One other area that we felt was important to look at is the concept of spectrum value and the introduction of economic considerations in the disbursement of spectrum. This morning, Henry Geller made some comments with regard to this subject, and clearly it's an area that needs to be addressed.

Ms. DENNIS. You mean a different way of allocating spectrum?

Mr. PARLOW. Of disbursing spectrum other than by just the processes as we see them today, a process that takes into account the economic dimensions, the value of spectrum, and competitive bidding. That's a subject that I'm sure has received, and will continue to elicit, a broad variety of views.

Ms. DENNIS. Dick, I have one final factual matter. I've read a lot of conflicting analyses of how much spectrum is allocated for government use, how much is allocated for commercial use, and how much is shared. What is NTIA's view of the actual fact?

Mr. PARLOW. Well, the Dingell bill said that the government controls 40 percent of the spectrum below 5 gigahertz. If you look at all the allocations and the footnotes and things like that, I think you will find that in that block of spectrum——

Ms. DENNIS. What do you mean by "footnotes?"

Mr. PARLOW. Footnote allocations. In addition to the allocation table, there is a footnote that says a particular block of spectrum or group of frequencies can be used by any number of users, government and nongovernment, for the various purposes.

So getting to the bottom line, roughly about 15 percent of the spectrum is used exclusively by government users and around 30 percent is used exclusively by nongovernment users. The rest is primarily shared. So most of the spectrum is shared in one form or another. But there is a certain amount of imprecision in coming up with those numbers. I think that the key is how you take and meet the national needs and the mutual interests of both the government and the nongovernment users in the national interest. I think that's what the spectrum manager's goal ought to be.

Ms. DENNIS. Have you reached any preliminary conclusions? In other words, is the process broken, and do you need to fix it?

Mr. PARLOW. I think that there are a number of things that can be fixed. Right at the present time, we're just in the process of doing the final editing and putting points together. I think that it will be out on the street very soon.

Ms. DENNIS. Anything you can share with us now?

Mr. PARLOW. I think there will be a definite recommendation to apply competitive bidding for new spectrum that's made available. I think there is also a need to incorporate significant additional flexibility into the allocation process. I think that is extremely important because the services are becoming much more blurred. If you consider mobile satellite, there is maritime, and aeronautical, and land mobile. All services look similar; they're all being provided from similar platforms. Why not just call them all the same thing? I think that this would provide additional flexibility. These are just two very short little examples.

Ms. DENNIS. Doctor Stanley, when I first came to the Commission in June of 1986, there was a docket ongoing at that time, the 800/900 megahertz docket. It was quite contentious. I was told that I was going to break a tie, although it was one-one-one-one vote and not a two-two as some thought. It ended up being a three-two vote and we ended up allocating 10 megahertz to cellular carriers, 6 to public safety, and 10 to private radio; 4 were held in reserve.

I remember that in going through that process, there had to be a better way because I did not know where truth was. I had engineers who I thought were scientific—apologies here to engineers. But there were conflicting analyses by different engineers. It was very difficult, if not impossible, to assess the conflicting needs. How could you balance a need of a fire department to have spectrum in Los Angeles against the need of the cellular industry in that same city? It was very, very tough.

Has the Commission, because of the difficulty of making spectrum decisions and allocations, had the same approach, or is it looking at something different from the historical allocation process along the lines of NTIA? Are you going to listen to NTIA? What are you guys doing at the Commission?

Mr. STANLEY. That's a very good question. I would say that the Commission is largely following the same process that was there when you came and was there when you left.

Ms. DENNIS. A political one, then? You just get beat-up by all sides and throw your hands up and hope that you guess right?

Mr. STANLEY. I would prefer to describe it largely as one of an administrative decision. [Laughter.]

Mr. PARLOW. You're the salami in the sandwich. Remember that. [Laughter.]

Ms. DENNIS. Salami in the what?

Mr. PARLOW. Salami in the sandwich. You're always pressured from all sides. [Laughter.]

Mr. STANLEY. Spectrum allocation is an administrative decision. For example, it was our job to bring forth the technical aspects of the administrative decision. There are significant policy and economic aspects. Not unlike other processes that are clearly judicial decisions, the current process depends on the political astuteness of Commissioners, such as yourself, as to how the commodity spectrum should be used.

I think that anyone that has done the job for more than 2 weeks would say that surely there must be a better way. We have struggled over the years to try to get more technical and economic information upon which to make the spectrum decisions a little clearer in one direction or another, but, I would say, that's still largely one of administrative detail.

Many of us inside the Commission look to a more economic distribution of the spectrum resource as something a little closer to being fair—to a decision that many people could probably live with. Spectrum economics is the longer-term way out of this; the FCC certainly has not been shy about pointing this out to a variety of Congresses and to the administration over the past decade.

Ms. DENNIS. I know that there have been some interim steps suggested, for example, flexible use the spectrum. Do you want to describe that and then tell us why the broadcasters objected to it?

Mr. STANLEY. Shall I describe it?

Ms. DENNIS. Yes, Tom, go ahead and describe it.

Mr. STANLEY. Let me just pick the example that I would consider semisuccessful. There is a very large hunk of prime real estate in 800/900 megahertz that you referred to. We have 50 megahertz allocated to two cellular carriers in each community. Currently those numbers largely are—

Ms. DENNIS. And we'll get back to that set-aside later.

Mr. STANLEY. This is largely, I would say, a vestige of policies from the 1970s and the early 1980s as to how much spectrum that industry needed. It's pretty clear—and it became clearer in the mid-1980s decisions that you assisted with—that in some areas, if the pace of growth was to continue, even that spectrum was going to be used up. So the Commission asked, Why should the cellular industry have to come back to the Commission and ask for more spectrum or to be able to come up with a new technology?

So the Commission said in this particular band, the spectrum resource is largely the cellular industry's to develop in terms of technical standards and operational principles. So the use of alternative technologies, alternative operations that would lead to a more complete use of the band, was virtually exclusively in the hands of the cellular providers themselves. In effect, this will be the means for getting from the first generation of cellular technology that we're using now to the second generation.

If you look at it this way, you'll see that the first generation took us 11 or 12 years to implement. The second generation is simply a matter of sending a postcard to a deputy division chief in the common carrier bureau. So we really feel that there is no regulatory barrier now because of this flexibility. We're very happy about that.

Ms. DENNIS. Why did you oppose it then, Barry?

Mr. UMANSKY. Because of our concerns over the flexible use of spectrum, based upon some of the most fundamental principles that have governed NAB's (National Association of Broadcasters) position on most spectrum issues.

Ms. DENNIS. You mean that we got it and we want to keep it?

Mr. UMANSKY. Basically, we want to have a nice, clean signal. We depend on the spectrum as our only mode of getting a program from point A to point B. We were quite concerned that the concepts of flexible use of spectrum and effective interference and many other principles that were being discussed during the 1970s and 1980s would not work to the best interests of our signal quality.

Right now we would like to see a continuation of the notion of block allocation of spectrum so that we can use that spectrum with certainty. The notion of progress and advancement in technology is not foreign to us. In fact, I'm hopeful that later on today, we'll be talking about a whole variety of ways that we would like to have that certainty of allocation in order to enjoy technological advance. We're on the cusp of HDTV.

Digital audio broadcasting is within our grasp provided that there are the right choices made by this government in terms of spectrum allocation and taking best advantage of that mass of stations now distributed equitably among states and communities. There are 11,000 radio stations and 1,500 television stations. We think that this group of broadcasters, providing a free service—as George Vradenburg discussed earlier today—should not be ignored as we move into the future. There is no reason why we couldn't use new technologies to enhance that service for the public free of charge, something that no one else at this table plans to do.

Ms. DENNIS. Leonard, your former Chairman of the Board, Bob Galvin, gave a fascinating speech a few years back. He talked about that big hunk of UHF spectrum that broadcasters currently have allocated. Would you like to share with us his vision and respond to Barry here, if you can?

Mr. KOLSKY. First, let me say what Bob Galvin didn't say, because that misconception aroused the furor in the broadcast community. Bob was not giving a view of 1988, 1989, or 1990; rather he was projecting over a 40-year period. He carefully pointed out that if one went back in time and tried to project what the world telecommunications would have looked like in 1987 when he made the speech, it would have been dramatically different than one could have foretold.

It was his belief that over a 40-year period, it would be improbable, unlikely, and undesirable for the radio frequency spectrum to be the carrier of what we'll call entertainment communications. He felt, and feels, that that is ultimately going to be carried by cable and that those channels, that spectrum, will ultimately be freed up for more 21st century kinds of developments.

I think that on a logical basis, he is correct. I agree with what you said earlier—and this doesn't apply just to NAB—all the "haves" want to keep on having and they don't want "have nots" in. I don't expect NAB to embrace this concept today, but ultimately we're going to have to make spectrum allocation a part of a national policy and not just the purview of private interest. I think Bob Galvin was pointing in that direction.

Ms. DENNIS. There is an underlying assumption in the Dingell bill—it's not so underlying—that there is a spectrum shortage and that there indeed will be spectrum wars. Morgan, do you believe that?

Mr. O'BRIEN. Yes, I think there is a spectrum shortage as long as there are businesses who would make the investment to provide a service if there were spectrum to do it. We know from the PCN (personal communications network) proceeding at the Commission that there are probably dozens of such businesses, all of which, if they knew where to put it, would be putting some kind of a new personal communications network in place. But at the moment, there is no such place. You would have to say that there is an example of a shortage of spectrum.

Now, there may be spectrum that has been misallocated and that is being underutilized. In that sense, if you want to step back, you might say that there is sufficient spectrum but that there is just a faulty allocation and assignment process.

Ms. DENNIS. Can you give us an example of that?

Mr. O'BRIEN. If you look at all of the uses of spectrum in the private radio area, where I have most of my experience, you'll see that you have a great deal of spectrum that is allocated into fairly discrete blocks for particular users. Those users are not distributed evenly throughout the country, but the block allocation concept assumes that they are. It's a simplifying assumption, which in a lot of cases is wrong. For us to have maximum utilization of the spectrum, we're going to have to find a device for moving away from the rigidity of the block allocations.

Ms. DENNIS. Dale, do you have any thoughts on how to move away from the rigidity of the block allocations? Everybody on the panel can just jump in as well.

Mr. HATFIELD. I think that we've already touched on this matter, to a certain extent. First, existing users who have large chunks of spectrum should be given the option and the flexibility of using their spectrum in the way that will put it to its highest-value use.

Ms. DENNIS. As long as it doesn't interfere with anyone else.

Mr. HATFIELD. Right, just like we do with real estate and so forth. The government has a very definite role in protecting property rights, and it would do the same thing here—

Mr. SHOOSHAN. Can I interrupt for just I second?

Mr. HATFIELD. The government should allow the licensee to decide how to use it and give them the ability to transfer it to others.

Mr. SHOOSHAN. Dale makes a very good point. What if the recipient of that largess doesn't want it, as in the case of the NAB? It said, "Thank you, but we don't want that flexibility."

Ms. DENNIS. Does the government then force it down their throats?

Mr. HATFIELD. I guess I ultimately believe enough in the marketplace that I would give the individual broadcasters the right to use spectrum in the way they chose. If for some reason they don't choose it then they are not profit maximizers; I think we have other problems in the economy. Our system is based upon profit maximization, and if people were given the flexibility, they would use it. So, yes, I would give them the flexibility.

Mr. UMANSKY. You're talking about the "haves" and the "have nots." For example, I think that if you remove video from the spectrum and rely on fiber and cable television, it would be a tremendous loss. In terms of the issue of using the same portion of the spectrum for different purposes, that takes away a very critical element of certainty for receiver manufacturers, for the public, for broadcasters, and for everyone else.

It's really unrealistic to think that you can use in Des Moines a frequency for over-the-air television and use it for something else in Mississppii. I think that these are interesting theories, but they don't really wash in the real world.

Ms. DENNIS. Why is it upsetting?

Mr. UMANSKY. Why is it upsetting?

Ms. DENNIS. I didn't quite hear the word that you used, but you said that there is a problem with using the spectrum differently in Des Moines than you would in another city. Why is that?

Mr. UMANSKY. The notion is that consumers should be able to invest in a receiver and use it nationwide. Manufacturers want to have certainty of knowing where that spectrum is going to be and having technical standards that are clear and distinct. That's another thing that we're trying to push with the FCC now. While you have the non-decision in AM stereo, the FCC moved back to the right decision with TV stereo. We hope for the same for HDTV. We hope that for digital audio broadcasting there will be a single selection of a standard so that we can move ahead and have that kind of certainty for investment Block allocation has taken a bum rap thus far in our decision. It has been that kind of certainty that has led to the kind of investment that has resulted in tremendous technological advances in this country.

Mr. SHOOSHAN. Maybe Leonard can comment on this. It seems to me to be an assumption in what Barry just said that we couldn't, with all of our microprocessor capability and fancy electronics that we have available today, build equipment that would work unless we had a block allocation approach.

Mr. UMANSKY. At what additional cost, though?

Mr. SHOOSHAN. That's the question I want to ask Leonard.

Ms. DENNIS. Is it cost prohibitive?

Mr. SHOOSHAN. Right, is it cost prohibitive?

Mr. KOLSKY. I can't really answer whether we could apply techniques that are going to be used in the land mobile field to broadcast, but there is no doubt that we're moving to a point at which transmitting and receiving—

Mr. SHOOSHAN. I want to make sure that you understand my question. Maybe I asked in inartfully. The suggestion was that one reason that you couldn't use UHF spectrum in one part of the country for television and in another part of the country for mobile radio was that it would impose certain costs on the building of transmitters and receivers that would swamp the value of having that mixed use.

I'm just asking you, from your perspective, from a technical point of view, Couldn't we build radios that worked in that environment?

Mr. KOLSKY. I think I was answering your question. I'll answer it in two ways.

Mr. SHOOSHAN. Okay.

Mr. KOLSKY. First, as I started to say, we're going to have transmitters and receivers that are essentially frequency insensitive because channels are irrelevant to the typical user, whether he be a broadcast listener or a land mobile transmitter. All he wants to do is talk and be received. So we can do that.

What I don't know is whether that same set of technical principles can be applied to broadcast spectrum commingled with land mobile.

Now for the second question. What we have today, at least in the land mobile field, is an urban congestion problem. We don't have a national congestion problem. If you go to Wyoming or Iowa, you can find broadcast channels available and you can find land mobile channels available. Now we're getting to the point that if we're going to implement a—let's call it technical flexibility, for example, digital—the issue is: Should we impose that technology on the entire nation even though there are large geographic areas that don't need it, in order to achieve economies of scale, or do we just put those improvements in where they are needed?

If you're talking about cellular, you might argue that as a national system you would have to put in a common technology for an across-the-nation compatibility. In the private land mobile field, we don't think that's necessary. And we expect that there will be a surgical scalpel kind of approach, not a meat-ax approach, to bringing these telecommunications improvements in. I don't see why you couldn't apply the same principle to all services.

Ms. DENNIS. Morgan, speaking about being much more surgically oriented, do you want to tell us a little bit about what Fleet Call is trying to do?

Mr. O'BRIEN. Well, we're a company that very much believes that the FCC says about improving the efficiency of spectrum voluntarily. It just makes a lot of sense.

We acquired a number of frequencies in the most congested markets in the United States that were available for SMRS (specialized mobile radio), and we have consolidated them and aggregated them. We now are seeking permission to move the technology to the next generation and digitize and whatever. So although there is no Commission requirement that we do that, that we make the investment to do it, our desire to serve the market that we see out there is driving us to do it.

So if the Commission creates an environment—and I really think it has—an environment in which entrepreneurs are given incentives without the need for regulatory intervention to move to the next generation of technology, as the Commission has done with cellular, which Tom talked about before, it makes perfect sense. It's just a much better way of doing it. If we give the entrepreneurs the incentive, they will make the investment to bring new technology in increase the capacity of the spectrum.

Ms. DENNIS. When you talk about increasing the capacity, isn't the cellular industry itself having difficulty picking a standard to go digital? Tom, do you want to address that?

Mr. STANLEY. Sure. Having difficulty, yes, but it's not an easy problem to begin with.

Ms. DENNIS. But won't that enhance the capacity of the spectrum?

Mr. STANLEY. That is correct. The same system that is currently being fielded was designed over a decade or so ago, and the industry is rightfully proud of going through a very rigorous process of looking at next-generation alternative technologies for feature-related improvements, for spectrum efficiency improvements, and so on.

Standards-setting is not an easy decision process. In a sense, I'm kind of happy that the industry is doing it, and I'm not having to understand the issues and then try to package them up and convince a Commissioner that it should be CDMA (code division multiple access) or TDMA (time division multiple access). I think the best people making those close to the problem, namely, the operators and the manufacturers.

Ms. DENNIS. But you heard earlier today that there are some who believe that government should intervene more, that standard-setting is an area where there should be more government intervention and not less. In fact, Barry just mentioned the catastrophe of the early 1980s when the Commission did not choose a standard for AM stereo but indeed left it to the marketplace, and the marketplace is still thrashing about between two standards. What do you think?

Mr. STANLEY. The point is a good one, and maybe the cellular is a great contrast. But generation one of cellular was completely defined, detailed, and developed and then put under the FCC's rules. It's the most regulated thing you can imagine. The second generation is virtually without the same kind of technical detail. We have some relatively minimal interference requirements. Not interference to yourself, but interference-to-your-neighbor-type rules.

HDTV is another very good example, although the FCC has yet to package up the alternatives. I don't want to call the process regulatory or deregulatory, but my guess is that the decision will involve fairly clearly defined options as to what the service is, where it should go, and what some of its major features are.

So I would hate to characterize the Commission in any one of its decisions as very regulatory or deregulatory. It looks as though it's a shifting partnership. In some areas, the Commission is very clear about wanting certain details nailed down. In others, it's not necessary for the FCC to specify every little jot and tittle of the regulations.

Personal communications, as several people have mentioned, actually has both regulatory and deregulatory extremes. Many people look to the radio part of PCS as not necessarily having to be regulated, since it's all very low-power communications—microcell—and very close to the personal side. But by the same token, they leap in and say that, therefore, you also need a particular worldwide uniform numbering system.

So some degree of detailed structure or guidelines in communications regulations seems to be necessary. We kind of look at each system and service as the decision comes up. We don't look for things not to do.

Mr. SHOOSHAN. It seems to me that there is a fundamental trade-off that's sort of lurking beneath the surface in a lot of comments here. I want to see if I can being that out.

To some extent, it appears that it's the trade-off between getting more spectrum and using the spectrum that one has more efficiently and that in effect we have perhaps a skewed environment today, meaning it's relatively costless to an industry to go to the government and ask for more spectrum. In fact, once you go through the regulatory process, we give it away for free, in effect.

On the other hand, it's very costly to change the technical standards to use the spectrum more efficiently. It imposes costs on the service provider and on the consumer who has that equipment out there. So the tendency under the current environment is always to go the government and ask for more spectrum rather than creating incentives to use the spectrum that industry has more efficiently.

Is that a legitimate concern? If so, how can we change the signals so that government can make a more informed decision along those lines?

Mr. PARLOW. It seems to me that basically there is no more spectrum. That avenue seems to be foreclosed right now.

Ms. DENNIS. At least in the short term. I mean, if the Dingell bill gets passed—

Mr. PARLOW. But even there, Patricia, it's going to have to be taken from somebody on the government side and handed over to somebody on the other side. The days of the FCC—and the 800/900 megahertz—were taken away from UHF television use. Everything is going to be in the nature of refarming. There will be no easy decisions.

Mr. SHOOSHAN. How are we going to make those decisions, then? Is it going to simply be a political call by the FCC?

Mr. UMANSKY. It can be a technical call. If you look at the future that we talked about from the broadcast side, you'll see that the HDTV systems that we begin testing this spring by and large are much more spectrum efficient than the NTSC (National Television Standards Committee) system, as it is used right now for over-the-air television. Digital audio broadcasting, the Eureka 147 system, which is being given the most scrutiny by the industry right now, is four times more efficient than FM radio.

So I think the broadcasters that we represent are not the spectrum gluttons that they are sometimes characterized to be. We look toward a future, after a transition period, of much more efficient use of the spectrum. I think that the Dingell bill and the Inouye bill are good ideas. We've been supporting them publicly.

Mr. PARLOW. I also think that if you look at the spectrum that's out there today, you'll see that there's nothing that's going to be coming free. I think Morgan brought that out. If there are going to be changes in how the spectrum is being used, there will have to be changes, transitions, and people will have to be moved, whoever they may be. Morgan mentioned earlier quite specifically that his organization, Fleet Call, saw an opportunity. The opportunity was to be innovative and try to make that spectrum that he has available more efficient and more effective in bringing in new technologies.

I think you're seeing that same thing happening in the cellular side. I was out to the

CTIA (Cellular Telecommunications Industry Association) convention and talked to a number of people out there. When I see what things are being done in terms of looking at all the different modulation schemes, sectorized antennas, and lots of other things, I can see a tremendous amount of capacity. That capacity is now being generated because of the demand that is being created out there in those very highly congested areas. As Leonard said, the problems are in the city areas and not out in the boondocks someplace.

Mr. O'BRIEN. If the cellular industry thought that it could get new, clean spectrum for nothing, obviously it would take that because that's the cheapest solution. But it's clear that there isn't any more free spectrum.

Mr. SHOOSHAN. Let me ask a question. Let's assume that the Dingell and Inouye bills pass and we have 200 megahertz of spectrum at some point that can be utilized. How should we make the decisions about what it's utilized for? And once those decisions are made, who gets to utilize it? The administration, in its latest proposal, has talked about a spectrum auction of some kind, I believe, for about 30 megahertz of that spectrum. There at least is a suggestion that has been put on the table.

Let's assume that we do find more spectrum for commercial application. How should it be allocated? How should it be assigned? What are the mechanisms that we ought to use? Dale, do you want to address that?

Mr. HATFIELD. First, let me go back to your earlier point and take that one on directly.

Mr. SHOOSHAN. Okay.

Mr. HATFIELD. When you say that there is a choice here between trying to get more spectrum or trying to use existing spectrum more efficiently, I think that's the right issue. What do we rely upon to do that? We rely upon price signals. You have to have the right price signals, and having them then guides the behavior in the marketplace.

We have the same thing here. The obvious solution is to try to go to some sort of market mechanism, particularly an auction sort of scheme or something like that, so that people make rational choices concerning whether to use more spectrum, use wire, or use another technology. So to me it goes right back to the pricing.

Ms. DENNIS. How is public safety going to bid?

Mr. HATFIELD. Well, we don't give public safety free gasoline; we don't give public safety free ambulances; and I'm not so sure why we necessarily, as a matter of public principle, have to give it free spectrum. Having been here in Washington a few years ago, however—[Laughter.]

Mr. HATFIELD.—I realize that may not be politically possible.

Mr. SHOOSHAN. Did you ever get visited by the Los Angeles County Sheriff's Department?

Mr. HATFIELD. You bet I did. And I understand that. So if that's true, the same way we allocate land by setting it aside for public parks and for other public uses, if we need to do that here, that's fine.

Mr. O'BRIEN. I would argue that that's what the FCC does well. It can do that.

Mr. HATFIELD. If you don't do it, though, you're going to count on the fact that public safety will put in multiple channels when it could get by with one because it will get the spectrum free. You should realize that if you give it to public safety free, you're going to encourage some inefficiency on its part. But maybe that's what we have to do to move toward a more market-oriented solution. Maybe we just have to zone it that way to begin with.

Ms. DENNIS. Leonard, do you want to say something?

Mr. KOLSKY. Yes. This issue is always sort of amusing to me. In the first place, Patricia, I thought that you, as FCC Commissioner, did a fine job, given perhaps inadequate information.

Ms. DENNIS You also got 10 megahertz, Leonard. [Laughter.]

Mr. KOLSKY. Then I have an office that has been driven to try to improve that spectrum because there isn't any more.

But let me get back to the auction point. In the first place, every time auctions are mentioned, people say that we can't take on broadcasting.

Ms. DENNIS. Why do you think that is, Leonard?

Mr. KOLSKY. Because we can't take on broadcasting. [Laughter.]

Ms. DENNIS. Come on.

Mr. KOLSKY. I see that Dale is now going to exempt public safety. Pretty soon, you'll have three or four cats who are fighting over a scrap. That scrap, therefore, is going to have a disproportionately high value. What we have been advocating is that if you want to auction spectrum, let's auction all spectrum. Now let's create a real valid balance between supply and demand. Then if the market value of spectrum is whatever it is, that's fine. But I think that if you take a sliver of spectrum and take services such as cellular private land mobile, and some others and argue over it, what's going to happen is inevitable. If you go to an auction, there isn't much doubt about who is going to win that battle, is there?

When you start to exempt public safety, I think, there are two problems. First, you have to make a decision about how much you're going to save for public safety. Then let's assume that the auction is a success. Does anybody really think that next year, people won't say that public safety can get by with a little less because that would put more in the auction pot?

I think you make those judgments all the time. If you want to—

Mr. SHOOSHAN. Leonard, don't you think, though, with all due respect, that the problem is that if we do this in one area—such as this new spectrum for PCS—it might work and that will undermine all the myths about how we can't use a market?

Mr. O'BRIEN. Are you suggesting that it would be new spectrum today and old spectrum tomorrow?

Mr. SHOOSHAN. I'm saying that—

Mr. O'BRIEN. What need do we have for auctions once the only available spectrum has been made available?

Mr. SHOOSHAN. Proceed on my premise, Morgan. We're talking about new spectrum that is going to be made available after the passage of the Dingell bill.

Mr. O'BRIEN. Right.

Mr. SHOOSHAN. Let's assume that happens. As a matter of public policy, how would you assign that spectrum, and then how would you award the use of and the licenses for it once it's been allocated?

Mr. O'BRIEN. I'm somebody that has been through dozens of private auctions for spectrum, so I think anybody who argues that we don't have spectrum auctions now just has never been in one. I would much rather see that money go to the government than to every Tom, Dick, and Harry.

So I'm in favor of it. I'm just trying to raise the question of whether you're looking at auctions as a redistribution of existing spectrum mechanism.

Mr. SHOOSHAN. I'm looking at auctions as a way of getting some market signals to come back to decisionmakers so that Tom Stanley's job can perhaps be done more efficiently. Tom, do you want to comment on that?

Mr. STANLEY. Yes, let me repond. I would say that the most direct response to your question really is that we have two major paths. First, we have the existing administrative process, sort of a battle of hyperboles, in terms of who needs more and who needs what. That's something the Commission can sort out.

Ms. DENNIS. That's a kind description.

Mr. STANLEY. Yes, I was trying to be polite. [Laughter.]

Mr. STANLEY. The alternate path, I think, is a political one. It is a political process, and it will take a political process to change it. You're hearing a lot of this here—and, I guess, we've heard it in different forums—that if a particular community—say manufacturers; operators; or, heaven forbid, the communication bar—has no real reason to change a particular process, it doesn't get changed. In a sense, who has the incentive? Where do you hear that there has to be a better way? You hear that largely from the Federal Communications Commission, which has to implement a change. It knows how imperfect a process it is.

Ms. DENNIS. One of the things that we would like to do is to encourage more audience participation. I understand that there are some people out here with burning questions. Now they have become silent. Is there anyone who would like to ask a question now?

Mr. SHOOSHAN. Who is on fire to ask a question?

Mr. WEBRE. My name is Philip Webre with the Congressional Budget Office.

I was interested in talking to the people who would be arguing against the NAB position. When you talk about putting in essentially smart land mobile radioes that can tell your frequency, you're talking about a situation where you have at most a few hundred thousand of those units.

There are, I think, about 200 million NTSC receivers out there. The question of changing them over to different parts of the spectrum strikes me as not a technically or economically small issue. So I would be interested in hearing more about what you're going to do if, in fact—and I suspect that Mr. Hatfield is right and that he can auction off his spectrum—they start doing it and pretty soon all the 200 million television sets out there are useless.

Mr. SHOOSHAN. What's the question?

Mr. WEBRE. I'm interested in playing out the economic scenario. If that is the inevitable road, as I think you are forecasting, that you're going to go into, as a political animal, I would say that there are going to be a lot of forces that will go in there to stop it, even the small auction that there is, because of the inevitable train of events that might follow.

Mr. HATFIELD. I think you have an underlying hypothesis there that I don't think I'm quite willing to accept. For example, the way that HDTV will be done to put a signal into currently unoccupied channels in a way that will not cause interference to existing sets. So I would argue that if one can put an HDTV signal into an unused channel, one could also put a digital audio broadcast signal in that same channel and not obsolete existing television receivers as well.

So I'm not sure that the issue is quite as either/or as you're saying. Obviously, we do have a huge investment in existing receivers out there, and you can't allow people to run high-powered land mobile radio systems on channel 12. I don't think that that's what is being proposed, though.

Mr. PARLOW. Dale, you've also brought up a very good point, that we're going more and more toward a digital world and a digital bit stream is a stream of information that can, in fact, be controlled. So there are many, many things that can be done with that. I think we have to be innovative in our thought process of trying to take advantage of that.

It may turn out over the long run—depending on what direction HDTV takes—you're going to have a totally new system out there and NTSC may just, at some point, cease to exist.

Mr. UMANSKY. I think you're both right. The question you had about land mobile's interference with existing television is absolutely a problem. It would be a huge problem. There is $66 billion worth of equipment in the hands of consumers, and they don't want to see these receivers not work.

The future of over-the-air broadcasting—there has been mention of HDTV and digital audio broadcasting—will, by and large, concern the movement to new spectrum. For digital broadcasting, there will be a transitional period. We want to have new spectrum to occupy, then eventually perhaps give up the existing FM spectrum.

AM can't really be used for much other than broadcasting and might be retained primarily for long-distance coverage. For HDTV, there are several scenarios being painted right now, but again, I think you're talking about how after a period of years, you won't have these kinds of conflicts.

Mr. O'BRIEN. It is true, however, that we share spectrum with the broadcasters right now, after the last 20 years. It can be done.

Ms. DENNIS. I'd like to ask a question—and you all just join in. The big, sexy issue right now is personal communications services. Chairman Markey asked at lunch why it suddenly became PCS after being PCN beforehand. I don't know whether that's important enough to answer right now, but on PCS, where do you think the spectrum is going to come from? Doctor Stanley?

Mr. STANLEY. That question should be directed to other countries; the answer is roughly in the 2-gigahertz arena. The Commission's inquiry into the process asked rhetorically, Why not 800/900, or why not this 2-gigahertz band? We may have mentioned others. But I think that in a sense, it is relatively wide open. We cannot look the other way, however, when a large fraction of the world seems to want PCN at approximately twice the current frequency.

Ms. DENNIS. Does everybody seem to agree with that statement?

Mr. PARLOW. Well, I think the technology is driving you into that block between one and three and it's a matter of where you select. I think that there are a lot of factors that come into play, one of which Tom brought out. Where is the rest of the world going? We're no longer an island. If we're going to talk about some kind of seamless communications infrastructure over the long run, if we want to have any type of mobility and roaming, if mobile is going to be the wave of the future—which I think it is—you have to recognize where the rest of the world is going. Either you influence it to go in the direction you want, find some middle ground, or go in the direction it wants. So it's a big trade-off. Where is it going to be? That's a good question.

Mr. KOBB. I hope that we get back to that point, but I have a question about an earlier matter.

I am Benn Kobb with Federal Communications Tech News.

I'm interested in how the advocates of spectrum auctioning propose to deal with the role of nonlicensed radio services, which promise to play an even greater role in PCS of the future. A number of the parties in the PCS inquiry are advocating nonlicensed services as ways to meet at least a portion of the need, possibly a lot of the need, for PCS. The FCC also has a proposal for a new part 16, which would take some of the successes in part 15 and fine-tune it a bit to make it more attractive and less risky for manufacturers. Who is going to advocate for an adequate allocation to nonlicensed services when there are no particular parties who would come in to contribute money to the federal government?

Mr. HATFIELD. I would just make a quick comment. I think that a nonlicensed service, by definition, doesn't convey a property right. If it doesn't convey a property right, it's kind of hard to auction it. I would look at that as more of a common area in which everybody has rights. Everybody can go into the Boston Commons. I think that that's more what you're talking about. I see those as being two very, very incompatible things. I don't see how you can auction something that you can't get any kind of exclusivity for.

Mr. SHOOSHAN. Let me ask a question just to try to get another set of policy issues out on the table here. One of the, I'd say, controversial aspects of the cellular decision, depending on how you approach it, was the set-aside of spectrum for the wireline carrier. To the extent that we are talking about policy decisions, Dale, I wonder if I might ask you to lead off on this quetion. What do you think, as a matter of public policy, about establishing set-asides for particular industries in the allocation of new spectrum?

Ms. DENNIS. For PCS?

Mr. SHOOSHAN. In any context.

Mr. HATFIELD. Let me go back. Since I was associated somewhat with the original set-aside, I think that part of the problem is that we delayed cellular so long that it seemed like that was one way to move things faster. I think that there was a special situation that led to that decision.

I think what concerns me more is the fact that the telephone company has been able to acquire the other side, in many instances, which I think has discouraged the potential for cellular to compete with the ordinary local loop. That's a long way of getting to the current situation with personal communications. I hold out some hope that it can be competitive with the local loop. Therefore, you can more comfortably get rid of the line of business restrictions and some of the things that are tied into that monopoly.

So I would hope that PCS could lead to some of that competition. That then leads you to the question, if we allow the Bell companies, for example, local exchange carriers, to have that spectrum, will they then be able to discourage additional competitors? I think that comes back to a whole bunch of things that we talked about this morning, like open network architecture and things like that to make sure that they can't leverage, if you will, their existing wire-line monopoly and dominate this new wireless technology as well. So we need some good protection there.

I probably stopped short of saying that we ought to have an outright ban, but we ought to be darn sure that there is protection so that they don't destroy what could be a potentially new competitive—

Ms. DENNIS. Do you really think it's going to be a quick decision, Dale?

Mr. HATFIELD. A quick decision?

Ms. DENNIS. Yes, of where that spectrum's going to come from? You used that as the underlying reason why there was a wire-line set-aside to get the service up and running in cellular.

Mr. HATFIELD. Yes, that was the original intent.

Ms. DENNIS. And you don't think that this is going to be a lengthy, drawn-out proceeding either?

Mr. HATFIELD. I think it will be.

Ms. DENNIS. And you don't think that—

Mr. HATFIELD. I think it could help, though. I think there is some chance here. I think that if we allow marketplace forces to work, where existing private microwave workers can be reimbursed for moving, we can facilitate movement into this 2-gigahertz band. Of course, that's the solution that I personally would favor, letting the marketplace work here. If it's a higher value to have PCS than private microwave, why should the federal government stand in the way of privately beneficial transactions? Let people make the transactions.

Mr. SHOOSHAN. There was a suggestion implicit in your comment about cellular that I just wanted to explore briefly. Do you see the problem in the development of cellular to be the fact that telephone companies have somehow leveraged their switched closed transmission network, so to speak, to the detriment of the development of cellular? You suggested that the telephone companies would somehow stifle the development of PCN. Have they stifled—

Mr. HATFIELD. That's clearly the history. the cellular industry fought desperately trying to get Type II interconnection. They've still had problems. Even Peter Huber, author of the "Huber Report," was rather critical of the line of business restrictions. He identified the difficulties that cellular had—and I was involved in some of that—in trying to get efficient forms of interconnection. As a matter of fact—

Mr. SHOOSHAN. There has also been a suggestion made that once the regulators said that the telephone company must give the same type of interconnection to the nonwireline provider as it did to the wireline provider, that problem was resolved, wasn't it?

Mr. HATFIELD. No, I don't think so. I think that if you talk to the non-TELCO providers today, you'll see that they still have concerns about interconnection and equality in the sense that saying that I will give you the same thing that I give myself is not adequate because I may want to do something different from what you do. In fact, I may want to compete with you. Therefore, it's not clear to me that the incentive is just to say that equal is enough. I think that you may have to go beyond that. I'm not going to facilitate your competing with my business if I can help it. So I don't think this is quite enough to ensure that we can get to a competitive local loop situation here.

Mr. SHOOSHAN. I'd like to make one last point before we leave set-asides. It seems to me—this is going back to Barry—that NAB is fast moving to, if it isn't there already, a policy of spectrum set-asides for the broadcasting industry. The solution seems to be evolving from the HDTV deliberations of the Commission that we have a set-aside, in effect, of spectrum for each incumbent television station so that each can begin to simulcast in HDTV. Similarly, the digital audio radio entry strategy seems to be to give additional radio spectrum to each incumbent broadcaster so that each can adapt to digital audio technology. How is that set-aside defensible?

Mr. UMANSKY. Well, again, it seems to make an awful lot of sense if you try to expedite the introduction of a new technology. We saw the seeds laid in cellular, which of course is not a mass media issue. The FCC, in the AM radio area, as a matter of fact, has decided that the expanded band should be set aside for applicants operating on the existing band to achieve a public policy of reducing the interference on the existing band. With HDTV and DAB (digital audio broadcast) as well, the notion is that you have an in-place setup of locally responsive video and audio outlets providing what the Congress asked for, locally responsive service distributed equitably.

Why not allow these broadcasters to be the ones to get higher technology, to be able to improve their service to the public, and to obtain the spectrum necessary to do that? It makes an awful lot of sense to us, and that's something that we're trying to push at the FCC, both in HDTV and with digital audio broadcasting.

Ms. DENNIS. Although I remember people coming to the Commission saying that what that policy essentially did was shut out the likelihood of increasing the number of minorities in broadcasting and women, that's a policy decision that the Commission has to wrestle with.

Now I'm going to give each of you 1 minute to tell us what policy you think should either be changed or implemented on spectrum today.

Dale?

Mr. HATFIELD. Pass the Dingell bill.

Ms. DENNIS. All right. That's less than 1 minute.

Leonard?

Mr. KOLSKY. Can I use his 30 seconds? [Laughter.]

Mr. KOLSKY. I think that the present system has been maligned. I think it needs the increased flexibility that the Commission is now turning to. I don't shy away from auctions, I would just like somebody to tell me how they're going to work. Basically, what we need is the ability of the government to "fess up" to changing times, changing allocation needs, and be willing to correct it.

Ms. DENNIS. Morgan?

Mr. O'BRIEN. I also think that the existing system is pretty good. I think with more spectrum—and, I think, more spectrum is probably inevitable, politically—and a more flexible approach with the Commission in keeping an eye on how successful the marketplace has been in driving new technologies, really less is more in this area as far as regulation is concerned.

Ms. DENNIS. So you wouldn't change any policy currently or put a new one in?

Mr. O'BRIEN. I think that the Commission should stay the course. The more certainty there is out there, I think, the better it is for industry.

Ms. DENNIS. Do you think there is certainty with the current process?

Mr. O'BRIEN. There is some measure of certainty. [Laughter.]

Ms. DENNIS. Dick?

Mr. PARLOW. I think that there is a definite need in the United States to have a more forward-thinking spectrum management process. I think there is an absolute need to have what I would call strategic planning, sort of looking ahead to provide the baseline from which the United States can become more competitive in the world community.

I think, with regard to the distribution of the spectrum—that Leonard hit one of the points on the head. We need to consider the value of spectrum in auctions. I think there has to be flexibility in the allocation process. I think that it would tend to make the process more responsive to our needs, both nationally and internationally.

Ms. DENNIS. When you say flexibility, do you mean to allow flexibility by the user or—

Mr. PARLOW. By the user in terms of the allocation process because, I think, the process has been very difficult to work with. I think that we have to provide more flexibility if we're going to get the best bang for the buck out of the spectrum.

I also believe that if you look at how we use the spectrum, you'll see that there's certainly a need to have a more open and responsive process. Certainly NTIA is going to be going in that direction.

I think that there is a need for better information in terms of how we use the spectrum in terms of better data bases, because if we're talking about how it's being used, we have to have a better understanding of how it should be used and what the opportunities are. We have to have a better understanding of how it's being used.

Ms. DENNIS. How are you going to get the Department of Defense to tell you more openly what it's doing with its spectrum?

Mr. PARLOW. We're heading in that direction. I think that there are some things that can be brought out into the open and others that cannot.

Ms. DENNIS. When do you think you'll get there?

Mr. PARLOW. It will take time.

Ms. DENNIS. My lifetime? [Laughter.]

Mr. PARLOW. No, I hope not, unless next week you're going to get hit by a car.

Ms. DENNIS. Doctor Stanley, what would you do? If you were a Commissioner, what would you do?

Mr. STANLEY. I think that if there were a magic pill to take to make it better, it would be variations of what Dale has mentioned—certainly the Dingell bill suitably modified to take into account some economic mechanisms so that the public exploits the new resource. I think that either auctions or fees are alternative techniques.

But even doing this is still only a couple hundred megahertz. This is a hell of a way to run a railroad. Still, to force spectrum either out of the broadcasters or the federal government is a very awkward way to modernize and keep up with the rest of the world.

So it's just a pill that the Dingell bill is representing. It will make it better, and I certainly hope it passes, but it's really not the solution for the long-term natural development of the resource.

Ms. DENNIS. Do you have any solution for the long term?

Mr. STANLEY. Probably a better joint process between the FCC and NTIA. I think that, as Dick mentioned, some openness is certainly a step in the right direction. That alone would help very much, that it, to make information that certainly is available to the FCC available to the public. It would certainly make for better-informed decisions.

Ms. DENNIS. Okay.

Barry?

Mr. UMANSKY. Although we support the Dingell bill, I think that it's important that we not take away any of the spectrum used to make those Patriot missiles work, first off. [Laughter.]

Mr. UMANSKY. But as far as the mass media is concerned, we think that the government should take best advantage of the existing setup of over-the-air broadcast stations and make it national policy to allow this equitable distribution of over-the-air, free, universally available facilities to become upgraded with higher technology. We easily can do that, in my view. There is enough spectrum for this to be accomplished and for other techniques and technologies to be accommodated as well.

In the video area, we do not want to see the creation of a system of "haves" and "have nots." We do not want to see video removed from people who can't otherwise afford it or from those who are not being served by fiber, by cable. We want to see continued universality.

And one matter that we really haven't talked about as much today as we probably should have is that we would like to see much more effective technical standardization by the federal government and especially the imposition of realistic and really stringent interference standards. Interservice interference standards and intraservice interference standards have been woefully lacking in the past.

CAFE STANDARDS

Mr. JOHNSTON. Mr. President, last week, the Office of Technology Assessment [OTA] released a study that is certain to influence the upcoming debate in Congress over new CAFE standards. The study is entitled "Improving Automobile Fuel Economy—New Standards, New Approaches." I requested this study back in 1989. The study covers many issues related to CAFE standards including fuel economy potential, the design of new standards, and safety. The study is a balanced objective and insightful analysis of a very controversial issue.

In the study, OTA made projections of what CAFE levels are feasible under several scenarios. The "product plan" scenario assumed no new regulations but rising oil prices. OTA's "maximum technology" scenario projected the absolute maximum level that technology could achieve regardless of cost and regardless of early retirement of existing models. The "regulatory pressure" scenario represented a middle ground: It sought major improvements in fuel economy while maintaining the current size and performance of automobiles, and allowing for the normal model redesign schedule. Under the regulatory pressure scenario, OTA projected that CAFE levels could reach 30 mpg in 1995, 35.5 mpg in 2001, and 37.1 mpg in 2005.

The criteria and CAFE numbers in OTA's regulatory pressure scenario are very similar to those in Amendment 752, the CAFE proposal I offered along with Senators CONRAD and AKAKA as an amendment to the National Energy Security Act of 1991, S. 1220. The CAFE levels required by this amendment are 30.2 mpg in 1996, 34 mpg in 2001, and 37 mpg in 2006.

I am not surprised that our numbers are very close to those in OTA's regulatory pressure scenario. We listened to, and learned from, OTA when they testified before the Senate Energy and Natural Resources Committee. Our CAFE proposal reflects that fact.

The American Automobile Association, representing more than 32 million members, has endorsed Amendment 752 as a responsible middle ground between the rulemaking called for in S. 1220 and the extreme and unrealistic CAFE goals in S. 279, the only competing CAFE proposal before the Senate. I would like to submit a letter for the record that AAA sent to me stating its position.

CAFE standards are a critical component of a national energy policy. New CAFE standards should stretch Detroit to the technological limit of fuel economy, consistent with the preservation of American jobs, maintaining American market share, and the profitable survival of the automobile companies.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

AMERICAN AUTOMOBILE ASSOCIATION, GOVERNMENT AFFAIRS,
Washington, DC,

Hon. BENNETT J. JOHNSTON,
U.S. Senate, HSOB, Washington, DC.

DEAR SENATOR JOHNSTON: The American Automobile Association, serving more than 32 million members, is pleased to support your amendment to raise the Corporate Average Fuel Economy (CAFE) standards beyond those offered in S. 1220, the National Energy Security Act of 1991, as reported by the Senate Energy & Natural Resources Committee.

Your amendment, setting new CAFE standards of 30.2 miles per gallon in 1996, 34.0 mpg in 2001, and 37.0 in 2006, represents a responsible middle ground between the Senate Energy & Natural Resources Committee's proposal and an amendment expected to be offered by Senator Richard Bryan to raise CAFE to 40 mpg by 2001.

AAA supports your amendment for the following reasons:

The OTA has determined that given enough lead time fuel economy increases can be achieved by the nation's auto manufacturers without a major shift toward smaller cars and without jeopardizing safety;

If fulfills expectations of the American public. A recent nationwide poll conducted for AAA shows overwhelming public support for a major increase in CAFE;

It could save more than 1 million barrels of oil per day when fully phased in after 2010 without a major change in personal lifestyles; and

There are offsetting CAFE credits in S. 1220 for those vehicle makers that produce alternative-fuel vehicles.

Thus, in view of continuing uncertainties in fuel price and supply as a consequence of political instability in various parts of the world, AAA believes the responsible course of action is for the Senate to enact the Johnston CAFE amendment.

Enclosed is a copy of AAA's letter to every Senator.

Sincerely,

JOHN ARCHER,
Managing Director.

Mr. LOTT. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. DECONCINI). Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. LEAHY. Mr. President, I ask unanimous consent that I be allowed to speak as though in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADVICE AND CONSENT

Mr. LEAHY. Mr. President, we have had a number of things said on the floor of the Senate about advice-and-consent procedures in the past few days. The President of the United States has just spoken on this issue. Prior to the President's speech, which was fairly well heralded by the White House, and during discussions with others, I have been thinking on the subject myself. And I have a few words I would like to say.

I am not suggesting that there should not be debate on this issue, but I think if we are going to have the debate in the context of the Thomas nomination, we cannot approach it simply as political scientists would in some kind of a vacuum. I think we have to put the debate in the context of what happened.

Ten days ago, the administration's troops led a seek-and-destroy mission against Anita Hill. Now the President is talking about the need to change the advice-and-consent process. But if the administration wants to tamper with advice and consent, it really will have to tamper with the Constitution. However eager the White House may be to score additional political points, somebody at the other end of Pennsylvania Avenue better take out a history book. Advice and consent is not some kind of a plot of the Democrats in the Senate. It is the teaching of the Founding Fathers, and advice and consent has served this country very, very well for 200 years in both Democratic and Republican administrations and in both Democratic and Republican Senates.

Mr. President, if you asked me, I think the only thing that really needs reform is the administration's cynical approach to the Supreme Court.

When the President makes the political decision to tip the balance of the Court and pack it with people having a rightwing ideology, then the Senate has the right to do the people's business and reject those nominees.

If the White House sees the Supreme Court as a tool for political advantage rather than as the guardian of our fundamental rights, if it views the Court as a plank in the Republican platform rather than as the forum of last resort of all Americans—Democrat, Republican, Independent, all Americans—if it tries to turn the Senate advice-and-consent power into a rubber stamp, if it commits itself to creating a partisan, monolithic Court rather than a Court that reflects the wise balance of all the American people, then it cheapens, devalues and diminishes a uniquely American institution which should stand as a pillar of our democracy.

We talk as though this process is something that just came about in the last few days. The process we are talking about is advice and consent. It has been a mainstay of our country and our Constitution and our democracy for 200 years. It is not something that was invented just for Clarence Thomas. It is not something that was just invented for the next nominee.

Those who want to change the process of advice and consent should first read the Constitution and should first read a history book because, listening to some at both ends of Pennsylvania Avenue, I do not think they have read either the Constitution or any book on history. Let us not decide because of a political poll of a weekend or of a day that suddenly we change our Constitution.

On July 1, the President nominated Clarence Thomas to fill Thurgood Marshall's seat on the Court, and he told the Nation he chose Judge Thomas because the judge was "The best person for the job." Not even Judge Thomas' most ardent supporters could really say that with a straight face. The political calculation was transparent. Here was a nominee with bona fide rightwing credentials whose race would make him difficult to oppose.

I would suggest that the next time the President is called upon to nominate a Justice for the High Court, let him make a choice for the ages, not for the political moment. Let him select a Justice in the honored tradition of Harlan, Frankfurter, Black, or Brennan. Let him take the "advice" in advice and consent seriously. If the President were willing to consult not just a narrow, rightwing constituency, but the relevant leadership in both parties, then the acrimony and bloodletting we saw this month would not be repeated.

Nobody suspects, as our forefathers of this country once suggested, that the Senate would make the choice. The President has the time-honored and constitutional duty to make the choice. I do not envy him in that duty. But we also have a constitutional responsibility of advice and consent and we can reject that choice. That is not something new. That is not something of the past month. That has been the case for 200 years of constitutional history in our country.

Because if you do not take advice and consent seriously and do not think of the history of this Nation, then you have what we saw last month.

THE SEPTEMBER HEARINGS

On September 10, Clarence Thomas came before the Judiciary Committee packaged, coached, and scripted. The idea was to avoid candid debate at all costs, to dodge the questions people in this country care about, to hunker down and get through by revealing as little as possible.

And the handlers hovered nearby. They were the ones calling the shots. You would almost think they were the ones to be confirmed. Who can ever forget that famous "time-out" photo that we saw in the Washington Post? The spin doctors did their work at every break in the action. The whole business took on the air of a New Hampshire primary rather than a lifetime appointment—a lifetime appointment—of lasting consequence for all Americans. Meanwhile, with rare exceptions, the Republicans on the Judiciary Committee gave the nominee a complete pass, spending committee time on pointless speeches rather than asking real questions designed to evoke real answers. In fact, it was apparent that the speeches were there to avoid any possibility of questions and answers.

THE INQUISITION OF PROFESSOR HILL

When Anita Hill testified, Judge Thomas' handlers and strategists went to war. His supporters in the White House and the Senate made no pretense of conducting an evenhanded inquiry into the truth of Anita Hill's allegations. Instead, they launched a full-scale assault to discredit and destroy her for the "crime" of speaking out.

Judge Thomas' supporters changed their mud-slinging lines every 15 minutes. They accused Professor Hill of being a spurned woman out for vengeance; a bitter woman passed over for promotion; a tool of special interests, whose story was fabricated for her at the 11th hour. But her corroborating witnesses—four of the most credible witnesses we saw in this whole sordid mess—demolished the claim of last-minute fabrication, and Professor Hill's own poise and confidence fatally undermined the charge that she was lying.

Undaunted, Judge Thomas' supporters simply switched their smears and innuendo: They said she was crazy; she fantasized the whole thing; she was self-deluded; she belonged in an asylum. They branded her with the "P" words—perjurer, pervert, and proclivities. We learned that "stuff" on Professor Hill was falling out of Republican pockets.

This was high-technology character assassination directed by the White House and aimed at Anita Hill. And none of these irresponsible claims or very dark or evil code words was backed up by a shred of evidence.

As painful as the attacks on Professor Hill were, the White House stooped to an even uglier—but sadly familiar—game. As it has done before, from Willie Horton to the civil rights bill, the administration exploited the inflammatory issue of race for political ends, charging that Judge Thomas was being lynched. But this was no lynching—this was an investigation of charges by an African-American woman against an African-American man. Race played no role in the Senate's decision to investigate, and it was unworthy for those who supported Judge Thomas to claim that it did. It was even more unworthy for Judge Thomas to endorse such claims.

I am not here to refight the Thomas nomination battle. I do not question that Senators of good will and conscience voted on both sides of this issue. Many, many Senators came to the conclusion that they did, either to vote for or against him, based on the record and based on the substance of the record.

What I am concerned about is those who wanted to go way beyond advice and consent, who wanted to turn it into a political charade, and who wanted to smear Anita Hill and others in the process.

I am afraid that those who sought a short-term political gain were willing to ignore the Constitution and ignore history and ignore their responsibility to this body, to the U.S. Senate, to the one place that should be the conscience of the Nation. And I am afraid that those who wanted to ignore all that will also undermine the extraordinarily important advice-and-consent procedure that this country has cherished and held and utilized for 200 years to the benefit of our democracy, to the benefit of our country, to the benefit of all people, not those who happen to fit a political ideology of the moment. Because the advice-and-consent process is fundamentally sound. It was fundamentally sound a year ago. It is fundamentally sound today.

And it is just as enormously important today as it was when the Constitution was written. It brings together our three branches of Government. It demonstrates the wisdom of our separated powers in which each branch of Government checks the power of the other. It makes sure that no branch of Government—the legislative branch, the executive branch, or the judiciary—could somehow gain preeminence in our country.

It is the reason that the United States of America is the democracy that the rest of the world looks to for guidance. It is the reason that our country became the most powerful Nation on Earth, with power that no one in history ever believed possible—the power to destroy the whole world in a matter of hours, the power to dominate the world if we wanted.

Throughout all of that, we have never succumbed to the obvious power of one person or one group taking over as a dictatorship in this country. And why? Because with the wisdom of our Founding Fathers, we put together a Constitution with a separation of powers.

Now, when you see people in Eastern Europe throw off the shackles of communism and dictatorship, where is the first place they come? The first place they come is to the United States of America. And they say to us: How did you do it; how did you have so much power and not have a dictatorship; how did you have so much power and not try to take over the rest of the world; how did you have so much power and protect the freedoms of every single person no matter what their status is, no matter whether they are poor or rich or a minority, no matter what part of the country they live in?

We protect the power of every single individual, the rights of every single individual. How did we do it? How did we do it when so many other countries ignored the rights of each individual? We did it because we have a separation of powers.

For 200 years we have protected that separation of powers. Presidents of both parties have. Congresses of all parties have. Judges have. Throughout all of that time, from the founding of this country, the War of 1812, the Civil War, the World Wars, through Presidential assassinations, through resignations, through changes of political leadership, throughout all of that the men and women of the U.S. Senate have been willing to stand up and say: We are not going to take a political poll moment to find what we do. We in the Senate have a responsibility, a unique responsibility—unique, really, to any democracy in the world—in the advice and consent process, because we act as a counterbalance.

We are supposed to speak for all Americans. It is an enormous responsibility. We shirk our responsibility—and I would argue shirk our oath of office—we shirk our responsibility to the Constitution of the United States when we allow passing and momentary political passion or momentary political polls to cause us to step back from our responsibilities under advice and consent.

We are Americans; we are U.S. Senators; we have a responsibility to all the country. No member owns his or her seat in this body. There are only 100 of us for the country. Let us remember what that responsibility is. Do not pick up a poll in the morning and say: Ah, now I know how to vote; now I know what is in my heart and soul.

No. Pick up the Constitution every morning. Pick up the Constitution and know we are here to protect it and we have a responsibility to it. Because every one of us will be gone someday from this body. Every 6 years we are up for reelection. Someday we will go, by choice—either of ourselves or of the enlightened electorate. But we will go.

But the Constitution will remain. Each one of us ought to ask ourselves when that day comes that we do leave, can we go back home to our own States and say: I may not have been the best there ever was, but I know one thing. I tried to protect the Constitution. I tried to protect the Constitution so the next Senator who comes in, the 100 who will be there after me, will also know that I stood up to protect the Constitution, and they will do the same.

That is the responsibility we have to the people who, 200 years ago, founded this country. That is the only way we can justify ourselves to the other human beings on this planet, and justify the enormous power and wealth and blessings that the United States of America has. The only way we can justify it is to say we will uphold these pillars of democracy on which our country is founded and that we will uphold the responsibilities we have. We will tell the Almighty that: You really have blessed us and given us benefits nobody else has. But we will share that responsibly.

The Framers knew that the Supreme Court was central to the protection of individuals against the excesses of the majority. They understood that, to protect the independence of the Court, neither the executive nor the legislature—nor the Senate— should have the power to cast the Court in its own image. They therefore made the Senate an equal partner in appointments to the Supreme Court.

If the White House were willing to seek the Senate's advice rather than simply demanding its consent; if nominees would come before the Senate prepared to engage in an honest and forthright discussion of the Constitution and the Bill of Rights; if Senators would ask genuine questions instead of indulging in political speeches—and would treat all witnesses with basic fairness and common decency—the advice and consent process would work fine. Before trying to "fix something that isn't broke," let this body and the White House, working together as the Constitution contemplated, make the system work right.

I have had many times in the Senate when I have disagreed with the President. I have had many times when I have agreed with the President. I feel, as the President of this country, he deserves a great deal of respect, and he deserves a great deal of discretion. In so many things, we give him that. In so many things, Republicans and Democrats alike in this body have joined with President Bush for the good of the country.

But let us not assume that because we follow our constitutional duty—not our constitutional right, our constitutional duty—of advice and consent, somehow this is disloyal to America, disloyal to the President, disloyal to this body. It is what every one of us has sworn to do. Each one of us, when we take our oath of office when we begin our term, we stand in this Chamber, we raise our hand and we swear before Almighty God we will uphold the Constitution of this land.

Upholding it does not mean just reading it. Upholding it means defending it with every fiber of our body. Because if we do not, we do not deserve to be here—none of us do.

We have no greater duty than to preserve our democracy. And that means to preserve the checks and balances of our democracy. And it means, also, to preserve the institution not just of the Senate, not just of the Presidency, but—across the street—of the U.S. Supreme Court; and to be able to say, as Senators, we have done everything possible to have a Court that is there for every man, woman, and child in this country, no matter where they fall on the political spectrum. No matter who they are, rich, poor, connected or not. In America every American can say: If my rights are trampled, I will go to the Supreme Court, if necessary. And it is a Court not already predisposed against me. It is a Court that welcomes me.

So, when we talk about changing the process, let us remember that means changing the Constitution. It is a Constitution that has served us all very well for 200 years. If we have a sense of history and a love of the Constitution, we will be very, very careful when we start walking down that road to change.

Instead, every Senator, every one of us, should ask himself or herself what have we done and what are we doing to uphold the Constitution—not to uphold politics; not to uphold a political poll; not to uphold the political fortunes of one side or the other. But first and foremost, what are we doing every day to uphold the Constitution?

Mr. President, I yield the floor.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. LIEBERMAN). Without objection, it is so ordered.

CIVIL RIGHTS ACT OF 1991

Mr. MITCHELL. Mr. President, I have just come from a meeting with the distinguished Republican leader, Senator DANFORTH, and Senator KENNEDY, regarding the pending civil rights bill.

Senator DOLE and I were informed that negotiations are continuing in an effort to reach agreement on some of the more important and controversial aspects of that bill. As a result of the information provided at the meeting, I have concluded, following consultation with Senator DOLE, that it would be best to permit a brief period of time this afternoon for such discussions to continue.

Under the previous order, at 2:30 p.m., the Senate will turn to the Federal Facilities Compliance Act and measures with respect thereto. That will continue until 3:30 p.m., at which time there will be three rollcall votes.

So as to permit those discussions to continue unimpeded, and not to require the presence of the bill's managers on the floor between now and approximately 4:30 p.m., I ask unanimous consent that the time between now and 2:30 p.m. be for purposes of debate only on the civil rights bill.

The PRESIDING OFFICER. Is there objection?

The Republican leader.

Mr. DOLE. Mr. President, reserving the right to object, and I shall not object, the majority leader has accurately stated the situation. There are discussions going on, and there is some optimism. There has been optimism before, so I will not want to say it will happen. At least, there is an effort being made with representatives of the President and others, who are in discussion as we speak, trying to resolve some of the differences. I hope they can be resolved, but I think in a couple hours we may know.

So I thank the majority leader.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, I thank my colleagues, and I anticipate that those involved will be advising us sometimes in the next several hours as to what the status of the discussion is that time. I expect to be in a position to make some announcement on how we intend to proceed, either prior to or just following the three votes that are now scheduled to commence at 3:30 p.m.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

HEALTH CARE

Mr. MITCHELL. Mr. President, in this period during which the civil rights matter is before us for debate only, I want to take the opportunity to discuss a subject, with which I have been deeply involved and about which I have been very much concerned for a long period of time, to encourage my colleagues and others in policymaking positions to consider, and that is the need for comprehensive reform of our health care system.

Prior to becoming majority leader, I served as chairman of the Senate Health Subcommittee, during which time I conducted a series of hearings regarding the status of the health care system in our society. It was my conclusion then—and this was in a period of 1987 and 1988—that major reform was needed in the American health care system, and my conviction in that regard has been strengthened by what I have learned since then.

I believe, Mr. President, and Members of the Senate, that, at its best, the American health care system delivers the highest quality of health care in the world. The problem is that the system does not operate at its best for all Americans. Right now, there are an estimated 37 million Americans who do not have health care insurance, and that number is rising by an estimated 1 million people a year.

Contrary to what is a widespread belief in our country, most of those people are white and most of them are working or the dependents of persons who are working. So a very large and growing proportion of Americans do not have ready access to health care, because, with the tremendous and continuing increase in health care costs, lack of health care insurance effectively means lack of access to good health care.

This is a most unfortunate result. I believe that in our democracy it ought to be a fundamental right of every citizen to have access to good and affordable health care—a fundamental right of citizenship in a democracy; not a privilege, not something to be limited to a few, not something to be rationed in accordance with wealth or any other measure of status, but rather something that every single American citizen—man, woman, and child—should have as a basic right.

What do we do about it? Well, first, I believe we must recognize that the problem in the American health care system is not that we need to spend more money. In fact, the problem is just the opposite. We need to spend less money. We are already spending too much money on health care.

The most recent estimate I have seen is that in this year Americans will spend an estimated $670 billion on health care—$670 billion. More than 12 percent of our gross national product. Both figures, the absolute dollars and the percentage of gross national product, by far the highest in the world. No other country spends, either in absolute dollars or in percentage of their gross national product, anything near the amount that is spent in this society.

For that, as I said, we get the best care when the system operates at its best and when care is available and accessible and affordable to Americans.

Therefore, Mr. President, it is my conclusion that our system needs comprehensive reform. This is a problem that affects every American family. The American family which is so well off that it need not fear the devastating financial consequences of an unexpected major illness or injury is very, very rare indeed. Every family either confronts the problem immediately now or is filled with anxiety about what might happen if the problem strikes at them.

Earlier this year I was in Fargo, ND, where I visited a superb institution, a regional children's hospital, one of the finest medical facilities I have been in, and I have been in many, many of them. There I met and talked with the dedicated staff of health care professionals who asked me to tour the facility and to talk with some of the patients and their families.

I met a teenage boy and his parents. His parents operated a small farm near Fargo. As we all know, farming is a seasonal and unpredictable business, and income is neither assured nor regular.

In the previous winter, this young couple, faced with a period in which their income was down, having to cut expenses to the bone, decided to temporarily discontinue their health insurance policy. They expected to resume paying the premiums on the health insurance policy in the spring when they expected income to resume from their farming operations.

Tragically, just a short time before they were going to resume paying the premiums and reinstate their health insurance policy their teenage son was involved in a serious automobile accident. As a consequence the young boy is now seriously injured and possibly permanently paralyzed, and the family faces already-incurred medical bills in the tens of thousands of dollars that far exceed any possibility of the family ever being able to meet these payments.

I also met in the hospital a young, 2½-year-old girl and her young parents. This young girl had been born with a serious infirmity and had never spent a single moment of her life outside of the hospital. The entire 2½ years of her life had been spent inside that hospital incurring medical expense at a rate in excess of $1,500 a day. Her parents also were a young couple who operated a farm in the area. And they now confront bills already in the hundreds of thousands of dollars and which may go far beyond that. Again, completely beyond their income, completely beyond any prospect of their paying all or even a major portion of this bill.

A few weeks after that in my office I met and talked with a young man in his midtwenties who works in a factory, a paper mill in Maine. He told me his story.

He and his wife had a child. The child was born with a serious infirmity, and very extensive and very expensive medical procedures were employed to try to save the child's life. After a period of several months the child died. The mother and father got the bill. It was $350,000. A young man about 25-years-old, who works in a factory. He told me he was lucky because he has a good job with health benefits which will pay $200,000 of that bill. He being more fortunate than most in our society.

Yet even with that fortune he and his wife are confronted with a bill of $150,000. They have worked out an arrangement with the health care providers that they will pay some portion of their income for the rest of their lives. They will never be able to repay the entire bill with interest. But they feel that their infant child was given the best care; they have a moral obligation to try to repay it and they are going to do the best they can. But for the rest of their lives, already burdened by the loss of their child, they will now be burdened by a bill that they can never pay.

If these were isolated cases, if there were only these three, or three other such cases in the country, we in the Senate could all fee enormous sympathy with the parents and the children involved but not feel for national policy on the basis of just a few isolated instances. But every Member of the Senate knows these are not isolated instances. These are tragically typical; these are, tragically, a few of the many examples of which we have all heard—people we have all met, people we have all talked to in our town meetings, in our meetings with our constituents, even in some cases within our own families and friends.

This is not an isolated problem. That is not a problem that affects only a few Americans. This is not a problem that affects Americans only in one region of the country. This is not a problem that affects Americans of only one race. This is not a problem that affects Americans in urban or rural areas. This is a problem that affects Americans everywhere and virtually every American family.

The situation simply cries out for leadership, and for effort, and for meaningful and substantive reform of the current system.

Earlier this year I joined with some Senators in introducing comprehensive legislation. It is much too complicated and lengthy to describe in full detail here. I do intend to make a series of statements on the Senate floor on the subject because I think the matter has not received the attention of the Senate, which I believe it deserves. But the legislation has two principal objectives which are, on their face, conflicting—but both of which require action.

On the one hand the legislation provides universal health care insurance.

Every American should be insured against the costs of health care—every American.

Mr. WELLSTONE assumed the Chair.

Mr. MITCHELL. Mr. President, there should not be any exceptions. There should not be anyone who confronts the possibility of not being able to deal with something—either injury, illness, accident, some other physical ailment—to a member of their family because they do not have health insurance. There is not anybody who ought to be denied the good care that every citizen ought to have, and the essential first step in that must be health insurance.

And so the first and fundamental premise of our bill is to provide universal health insurance for all Americans. That is absolutely essential, in my judgment. It is the minimum first step, the threshold, which any legislation must provide to be described as meaningful.

The other problem which is major is, How do we control costs? At first glance, one might say if you increase coverage, if you provide more persons with ready access to care, you inevitably drive up costs and, in fact, if you do have any cost-containment provisions, that is exactly what will happen. We clearly are going to exceed $700 billion next year. We are moving to 13 percent of our gross national product in health care costs.

So if we simply say we are going to expand health insurance, we are going to give everybody access to care and do nothing else, then we guarantee that costs will rise even faster than they have been rising which, in the past several years, has been more than three times the rate of inflation, generally.

So our measure takes as the second, or really a first and coequal principle, that we must take dramatic action to control costs at the national level. We must bring down the amount of money that our society is spending on health care and we need not sacrifice quality. We need not sacrifice comprehensiveness. We can do so at less cost.

The legislation which we have introduced will, according to one estimate, reduce overall costs by an estimated $80 billion in the first 5 years in which the bill is in operation—$80 billion. That is not enough. And we are now receiving comments on our bill—a lot of criticism and a lot of it constructive criticism, suggestions which we are taking seriously and considering as we hope this legislation moves through the legislative process in an effort to come up with what we think will be the best approach.

The legislation seeks to control costs in a variety of ways. I will just touch briefly on a couple of them.

I want to yield momentarily to my friend from Arkansas who has been a leader in this effort and who has been involved in health care and costs, particularly in the area of prescription drugs, which he may want to address. But the principal area in which we believe reform is necessary in terms of controlling costs is, first, to create authority for States to impose dramatic cost-control requirements.

Our legislation calls for administration of the program at the State level because the health care problems of rural Maine are not the same as the heath care problems of inner-city Los Angeles, and the problems of Arkansas are not the same as New York. The best place to do this is at the State level, and our legislation will authorize the States, will create authority for States to undertake a wide range of cost control measures, including some which have been tried at the State level and including others that have not yet been included at the State level.

For example, we proposed to permit States to create legal entities within those States—for want of a better term, in the legislation it is called a State consortium—to negotiate with providers, to control the amount by which health care costs increase each year.

We also would require comprehensive reform of the small insurance company share of the health care market. One of the problems we have in our society now is that we have thousands of different mechanisms by which payment is made—many different companies operating, each with its own claims department, each with its own claims process, each with its own claims form. When you add on to that the forms under Medicare and Medicaid, our health care community is being drowned in a deluge of paperwork.

There is not any reason why we could not have and should not have within each State one form—one form—and one payment mechanism so as to eliminate all of the duplication, eliminate all of the additional paperwork, and eliminate the administrative cost of a large number of small companies, each with its own claims and other administering staff duplicating that of others. We believe this is absolutely essential to controlling costs. When we are talking about $670 billion a year, a 2 percent saving is a modest estimate of what can be saved by the elimination of duplication in this regard.

So I am very deeply committed to trying to get this reform completed in a way that will enable us to bring costs under control.

As I said, Mr. President, there are a number of other measures in our bill that seek to attain cost containment. I think it is essential both in terms of the substantive approach we are taking, that is, I do not think we can expand coverage and not try to contain cost, but for the political purposes of trying to get a bill passed in the first place, the reality is we could not pass a bill in the Senate and do not think a bill could pass in the House if it had one or the other of these components without both. The conflicting economic interests, the diverse social interests, and a lot of others are such that we are going to have to have, in my judgment, both full insurance coverage and meaningful and very effective cost containment in order to be in a position to get legislation enacted.

Mr. President, as I said, this is a subject which has deeply concerned me for many years with respect for which I have been very deeply involved. I introduced legislation a short time ago. We will be holding hearing around the country in the near future to find out more about the problem and to add to public knowledge and, I hope, interest in the subject. I intend to make a series of statements in the Senate on this subject because of the importance which I attach to it in terms of our agenda.

The agenda of the Senate ought to be the agenda of the American family. The problem now in our country is that many Americans perceive that we are not addressing the issues which are immediate concern to them and their families, and that we are addressing issues that are peripheral to or even unrelated to their daily lives and their daily needs.

If we are to regain the confidence and trust of the American people, if we are to truly merit the title of representatives in a representative democracy, then it seems to me we must begin by addressing those concerns that are central to their lives.

I have traveled all over this country and I have traveled all over my State, and I know everywhere I go the subject of health care is foremost in the minds of our citizens. People bring it up all the time, specific examples. Most Senators, I know, hold town meetings. I know based on my own experience, I would guess that there is hardly a Senator who has not been confronted at a town meeting by some person or family getting up and saying, "Senator, this is what happened to me and my family and my child. Here is the bill I have received. It is ten times what I make in a year, 50 times what I have in my savings. Impossible for me to pay. What are you going to do about it?"

I believe it is time we did something about it, and I hope, through this series of statements which I have begun today and which I hope to make on a regular basis in the coming months, that I can somehow at least bring to the attention of the Senate, focus our attention, the need for action on health care legislation and bring about action in this Congress.

It is my intention, which I have stated publicly, and I repeat here today, that we in the Senate will vote on health care legislation in this Congress. It is not going to happen in this year. It has not progressed to the point through the legislative process that will permit us to act in this first session of this Congress. But I fully expect that we will reach that point next year. I am determined that we will do so.

There are many different views sincerely held and many strong differences of opinion. But as I said when we introduced our bill, we did not offer it as the perfect solution. We did not offer it as the only solution. We did not offer it as necessarily the best solution. We offered it as a serious, thoughtful effort, the product of nearly 2 years of work, to try to bring about a focus on the debate on this subject as a first step toward getting legislative action.

To those who disagree with any aspect of our bill, we invite their constructive comments. We invite their alternative suggestions. We invite their criticism.

But it is not enough to simply say our approach is wrong and offer nothing else. That is not leadership, and we are elected to be leaders in our society. To those who do not like this approach, to those who think this approach fails in one or another way, I invite and encourage their participation. I especially invite and ask them to offer their constructive alternatives. Out of that debate I think we can get a good product and a good result.

Mr. President, I want to yield now to the Senator from Arkansas and commend him for his action and involvement in this area. I know he has a particular interest in the area of prescription drugs that he may wish to address.

Mr. PRYOR addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mr. PRYOR. Mr. President, I thank the majority leader for yielding to me. I applaud the majority leader for his statement on health care and some of the aspects that his legislation is going to address.

Mr. President, it has been my privilege the last several years to have as my seat mate on the Senate Finance Committee the very able and, I must say, very committed Senator from Maine, Senator MITCHELL. On many occasions I have seen him take this issue of health care and attempt, in his very commanding way, to at least focus the attention of this country and his colleagues on this issue, and to also attempt to get the attention and the support and the cooperation of this administration in dealing with one of the most critical issues of our times.

One of those issues, Mr. President, one of those great concerns that I see in the overall arena of health care to which we must address ourselves, is one that I have addressed on this floor on many occasions, also in the Senate Special Committee on Aging on several occasions, and recently before the Senate Education and Labor Committee and, of course, on several occasions in the Senate Finance Committee. That issue, Mr. President, is the issue of prescription drugs.

We have had a great deal of discussion in our country in recent years about hospital costs and a way to contain the costs of hospitalization. We have gone to the American Medical Association. We have gone to the doctors and have said you have to contribute to cost containment, and if you are not going to do it voluntarily, we are going to do it by statute; we are going to set the prices that you can charge.

So we have seen hospitals and we have seen doctors attempt through voluntary and statutory activities to limit in some way the tremendous cost increases that we have in medical care today.

Mr. President, there is one aspect of the health care delivery system that has not been cooperative, that in no way has attempted to come forward and say we are going to do our part; we are going to help control costs of prescription drugs in America.

To the contrary, Mr. President, the Pharmaceutical Manufacturers Association and their members that manufacture the prescription drugs we use today for our basic life support, those particular companies today, most of them—not all but most—are gouging the American public at an unprecedented rate.

All we have to do, Mr. President, is look back 10 years to see a general inflation rate of 58 percent. That has been over the last decade. But prescription drug costs, Mr. President, have not risen at 58 percent. They have risen at 152 percent—a 152-percent increase in the cost of prescription drugs in 10 years.

What we see is that in 1980, just 11 short years ago, a bottle of capsules that cost $20, today is, on the average, $58 a bottle. What we see also is a response by the pharmaceutical manufacturers. They come to the Congress year after year and they say, well, we must be able to generate huge profits so that we can plow these profits back into research and development of new drugs.

What the pharmaceutical manufacturers do not tell us, Mr. President—and the distinguished majority leader knows this—is that for all those dollars which they plow into research to find the cure for cancer, Alzheimer's, Parkinson's, and the dreaded diseases of our time, they are getting a tax writeoff. This is a tax writeoff for the pharmaceutical manufacturers.

What they are also not telling us, Mr. President, is that once a drug is sent to the market, they have a 17-year period of patent protection; they are protected from any other manufacturer coming in to compete against them.

We see also, Mr. President, that once they secure a patent from the U.S. Patent Office, that same manufacturer, 9 times out of 10, will move to Puerto Rico their plant, their operations, their manufacturing facilities, and they will manufacture these drugs there to become eligible for billions of dollars in tax credits from the section 936 program of the Internal Revenue Service Code. Mr. President, we are seeing today that pharmaceutical manufacturers are getting a $70,000 tax credit for each employer—whose salaries average approximately $26,000 a year—they hire in Puerto Rico. The manufacturers put them to work so that the industry can have a free ride in Puerto Rico in manufacturing these drugs.

Mr. President, I could go on and talk about what the drug manufacturers are doing to the American public, but I can best summarize it in one human experience. I received a letter just last week from a constituent. This constituent lives on a Social Security check of $936 a month. But this individual who sent me what his income is also sent me all of the bills for a month's period for prescription drugs—over $500 a month out of his $900 a month income on Social Security is being used to pay the costs of the prescription drugs this individual needs just to stay alive.

I think we must address the issue of the fast escalating costs of prescription drugs.

Mr. President, I am very hopeful I can join with the majority leader in his legislation. I hope we will be joined by this administration and the President of the United States to address not only those larger concerns expressed by the majority leader but also the issue of prescription drug costs in our country.

Mr. President, I think the time has expired.

FEDERAL FACILITIES COMPLIANCE ACT

The PRESIDING OFFICER. Under the previous order, the hour of 2:30 p.m. having arrived, the Senate will now resume consideration of S. 596, which the clerk will report.

The bill clerk read as follows:

A bill (S. 596) to provide that Federal facilities meet Federal and State environmental laws and requirements and to clarify that such facilities must comply with such environmental laws and requirements.

The Senate resumed consideration of the bill.

The PRESIDING OFFICER. Under the previous order, the Senator from California [Mr. SEYMOUR], is recognized to offer an amendment.

AMENDMENT NO. 1271

(Purpose: To determine the source of the unauthorized release of confidential information compiled by the FBI with respect to Prof. Anita Hill and Judge Clarence Thomas)

Mr. SEYMOUR. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from California [Mr. SEYMOUR], for himself, Mr. DOMENICI, Mr. MURKOWSKI, Mr. GRAMM, Mr. COATS, Mr. THURMOND, Mr. SIMPSON, Mr. BROWN, Mr. BOND, Mr. BURNS, Mr. CRAIG, Mr. GRASSLEY, Mr. HATCH, Mr. KASTEN, Mr. MACK, Mr. MCCONNELL, Mr. NICKLES, Mr. JEFFORDS, Mr. SMITH, Mr. SYMMS, Mr. HATFIELD, AND Mr. LUGAR proposes an amendment numbered 1271.

The Federal Bureau of Investigation is hereby requested and authorized to obtain such subpoenas as are necessary to secure the attendance of such witnesses and the production of such correspondence, books, papers, documents, and other sources of information, to take such sworn testimony and to make such expenditures out of any funds appropriated and not otherwise obligated to make an investigation into the matter of releasing of any confidential or secretive information transmitted to the Senate committee on the Judiciary regarding Professor Anita Hill of the University of Oklahoma or Judge Clarence Thomas and to report to the Congress the results of this investigation not later than 30 days after the date of enactment of this Act.

RESOLUTION RELATIVE TO THE APPOINTMENT OF SPECIAL COUNSEL—SENATE RESOLUTION 202

The PRESIDING OFFICER. Under the previous order, the Senate majority leader is recognized.

Mr. MITCHELL. Mr. President, I send a resolution to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 202) to appoint a special independent counsel to investigate, utilizing the Federal Bureau of Investigation, the General Accounting Office, and any other Government department or agency as may be appropriate, recent unauthorized disclosures of nonpublic confidential information.

The Senate proceeded to consider the resolution.

The PRESIDING OFFICER. Under the previous order, there is 1 hour of debate to be divided equally between the majority leader and the Senator from California.

Mr. SEYMOUR. Mr. President, have the yeas and nays been ordered on my amendment?

The PRESIDING OFFICER. They have not been so ordered.

Mr. SEYMOUR. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. SEYMOUR. Thank you, Mr. President. I yield myself 3 minutes.

Mr. MITCHELL. Mr. President, will the Senator yield for me to get the yeas and nays on my resolution?

Mr. President, I ask for the yeas and nays on my resolution.

Mr. President. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. SEYMOUR. Mr. President, I yield myself 3 minutes of my time.

Mr. President, 8 days ago, when I offered my amendment calling for an FBI investigation of the Senate Judiciary Committee leaks, I did so with three goals in mind: First, to seek the most thorough, straightforward, independent, and credible investigation possible. Second, to urge, push, and press, if necessary, this body to initiate an immediate investigation of these unconscionable acts. Third, to begin the process of restoring the public's faith in this institution.

The President, I am pleased and proud that we have apparently achieved two of those three goals. Namely, goal No. 2, that we are about to initiate an investigation, and, to the degree this investigation is successful, we will have begun to achieve goal No. 3; that is, to restore the public's faith and trust in this institution.

However, Mr. President, I am concerned with goal No. 1; that is, to seek the most thorough, straightforward, independent, and credible investigation possible. The alternative to my amendment, put forth by the majority leader, in my humble opinion, is cumbersome, expansive, expensive, and elongated.

I raise the question, Mr. President, why do we need 8 pages of legalese to do what my amendment does in one paragraph, that was just briefly read? Why do we need to hire legal counsel, and in addition, call upon any number of Federal agencies, consultants, and outside organizations, when in fact the FBI alone can do the job? Why should we and the American people wait 4 months-plus, when the FBI can do the job in just 30 days? Why do we need to expand and diffuse the focus of this investigation if we really want to get to the truth of the leaks concerning Professor Hill and Judge Thomas?

Mr. President, we need to take the most immediate and direct route to restoring the integrity and credibility of this historic and august body.

The PRESIDING OFFICER. The Senator's 3 minutes have expired.

Mr. SEYMOUR. I believe my amendment best achieves that goal.

I yield to Senator DOMENICI 2 minutes.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. DOMENICI. Mr. President, I want to first congratulate the distinguished Senator from California, and thank him in behalf of many, many Americans for bringing this matter to a head so quickly.

I am not sure we would be here today, and I am sure by day's end, I am not sure we would be passing a proposition that will be new law, that will get to the bottom of the breach of confidential information in the immediate past, when we were considering Anita Hill almost begging somebody not to use her name and to keep everything confidential. And all of that now is behind us.

But we owe it to ourselves and to our people to find out who did that. Who was it that took confidential information and said it does not really matter; we are going to let it out; we are going to breach that trust, and let the chips fall where they may?

As I said Thursday evening, after we had determined all of this, it was our responsibility to get to the bottom of this. I asked the leadership that night to make sure we got there and got there quickly. I commend everybody who has moved this expeditiously. But I think the Senator from California deserves the accolades most. Also, I think he has the right attitude and right approach. We do not have to make this issue complicated; we do not have to make it take a long time, and we need not spend a lot of money.

He suggests we give the FBI the authority they need to interrogate witnesses, to swear them in, to use subpoena power, if necessary, and to report back to the majority leader and the minority leader in 30 days. We do not prejudge the case. We do not prejudge what was leaked, who leaked it. But we say: Find out how that information, which was confidential, got into the public domain.

Mr. President, I thank the Senator from California for yielding time. I hope his amendment is agreed to.

The PRESIDING OFFICER. Who yields time?

Mr. SEYMOUR. Mr. President, I yield 2 minutes to Senator BOND.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. BOND. Mr. President, I thank my distinguished colleague from California. I, too, commend him for bringing this very important matter before us.

Mr. President, the spectacle of the Senate these past few weeks has done nothing to convince the American public that we can be trusted with the simplest of tasks—much less the complex problems that face this Nation.

Thus, I believe we must act quickly to get our house in order—and that's what an FBI investigation would do.

Clearly we must reform the confirmation process, so that the public trusts our final judgment, so that nominees have a fair opportunity to present their views, and so that opponents can make their case—without reputations smeared or characters destroyed.

In discussions with people in my State, it is clear that fairness was the key ingredient they looked for throughout. Were we fair to Judge Thomas? Were we fair to Professor Hill? Was the leak fair to either? This is where confidentiality comes in.

Mr. President, Congress often faces difficult choices when accusations about nominees come in. To avid opponents, all accusations are immediately accepted as true, to avid proponents, none are true. Thus it is left to the middle, and to a fair process, to sort the legitimate from the outlandish. This is where confidentiality and presumption of innocence come in—in short, respect for accusor and accused alike.

However, we must also differentiate between confidential and anonymous. Anonymous charges cannot be given credence because to do so is extraordinarily unfair to the accused—as they have no way of defending themselves, thus Professor Hill's early requests for anonymity meant the process of checking into her allegations could not proceed. However, confidentiality—which implies full and fair hearing of facts, but not in public—is certainly a legitimate approach to take.

Unfortunately, this was not what happened.

Mr. President, the amendment proposed by Senators SEYMOUR, GRAMM, myself, and others addresses only one aspect of this tragedy. It does not pretend to answer the question of credibility, although it may shed some light on motive. But what it will do is threefold:

First, restore the public's faith that acts indeed have consequences—and that the Senate is willing to see to it that illegal acts are punished accordingly;

Second, reinstate the belief amongst the 95 percent of Senators and staff who abide by the rules, and who believe in them, that we are not in some perverse way at a disadvantage because we play by the rules; and

Third, ensure that some justice is done in this case.

Mr. President, I do not believe the Senate can be expected to handle this case by itself, on its own, under its rules. It is the Senate itself which on its own, under its rules got us where we are today. That is why we must have an independent inquiry—but not an open-ended one as some have suggested. What we do not need is to create some giant inquiry probing every alleged leak, Because if we get into that, then we must also decide how far back do we go.

Just to the Keating hearings, as some would prefer? Well, what about Tim Ryan? What about John Tower?

Mr. President, clearly those leaks should be probed. But not as part of this inquiry. The American people are outraged about what has just occurred, and I believe we owe it to them to do something right in this whole sorry story.

We want an answer to the question—"Who leaked Prof. Anita Hill's confidential statement to unauthorized persons?" We do not want to initiate a wild goose chase through the past 5 years of leaks.

And unfortunately, until we get an answer to this question I am afraid we will deserve all the abuse and scorn the public heaps our way.

Mr. President, Clarence Thomas is now an Associate Justice of the Supreme Court, battered and bruised though he is. Prof. Anita Hill is a tenured law professor at the University of Oklahoma, battered and bruised though she is.

But those responsible for the leak, whoever they are, remain unscathed, probably unworried, caring little for the damage they have wrought. I find that offensive, and I want some answers.

Mr. President, the American people have proven themselves time and time again to be fairminded, thus their disgust and disillusionment with the spectacle they have seen. I believe it is time we take our responsibilities seriously and authorize the FBI to get to the bottom of the leak.

Mr. SEYMOUR addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

Mr. SEYMOUR. I yield the floor to the majority leader, reserving the remainder of my time.

The PRESIDING OFFICER. If no one yields time, time will be deducted equally from both sides.

Mr. SEYMOUR. Thank you.

Mr. President, I yield 2 minutes to the Senator from Indiana, Senator COATS.

The PRESIDING OFFICER. The Senator from Indiana is recognized.

Mr. COATS. Mr. President, I take this opportunity to thank my colleague from California for is perseverance in pursuing what I think is a very important aspect of this entire Clarence Thomas nomination and confirmation process that the Senate has been undergoing for the past several months.

My colleague from California has insisted—and I have insisted along with him and have been happy to join in his efforts—upon an outside investigation of the facts concerning the leaks that occurred and the confidential information that was passed outside of the committee and outside of the Senate in what we suspect is a clear violation of the Senate rules, and may be a violation of the law.

What we are asking for under the Seymour amendment is nothing more than a factual determination of just what took place. And then, armed with that information, the Senate can decide what procedures and what steps it needs to take to pursue the question of whether or not Senate rules or the law was violated.

Senator SEYMOUR has had to exercise extraordinary perseverance in getting this body to comply with what I think is a very simple request. The Senate needs to have those facts. The Senate has demonstrated a shaky ability, at best, to gather those facts. So I support the Senator's efforts to have an outside FBI investigation. I trust that my colleagues will do the same.

Mr. SEYMOUR. Mr. President, I yield 3 minutes to the distinguished Senator from New Hampshire, [Mr. RUDMAN].

Mr. RUDMAN. Mr. President, I believe that this is a sound idea and that we ought to proceed on it. I want to say that I think it would be very difficult to reach the conclusion that we would like to reach, and that is to find out who in fact was responsible for this leak. This is probably the only opportunity I will have to speak. I do favor the proposal of the Senator from California because I think it is narrow and specific, and it has a good method of investigation.

But since I am on my feet, and since I will not have an opportunity to speak again, I am just wondering if the distinguished majority leader, my good friend from Maine, would yield for one question about his proposal.

Mr. MITCHELL. I am on the Senator's time, and I will yield for as many questions as he wants.

Mr. RUDMAN. The Senator is on my time, and I have 2 minutes left.

I notice that this resolution, as proposed by the majority leader—which, if I can count, probably will be adopted—not only includes what happened in the matter of Clarence Thomas' hearings but in the Keating matter as well. And in light of what the committee did at the direction of Senator HEFLIN and myself, I am curious why we are doing that.

I will simply say why. The GAO went after 70 witnesses, and every one cooperated and gave a statement. The only witnesses that were not talked to were two reporters from a newspaper who, in my view, there was no sense in talking to, because they would not reveal their sources anyway, and it would cause another confrontation between the Senate and the press. Each of the 70 witnesses signed a statement saying: "I have read this voluntary statement consisting of this and" so many other "pages, and it is true and correct. I have not been coerced, nor have any promises been made to me regarding this statement."

Under the Federal False Statement to Congress Act, it would be a misdemeanor to in fact lie; and every Senator, every lawyer, every respondent, every staff member was subjected to very intense questioning, this Senator amongst them. My question is: We have already spent a ton of money doing this. Why should we spend any more, because we are going to get the same answer? That is my question.

Mr. MITCHELL. Mr. President, the Seymour amendment provides to the Federal Bureau of Investigation the power to compel testimony and documents under oath. The GAO did not possess that authority when it conducted that investigation. The Senator has said that some people were not called because it would have led to an unnecessary confrontation. The obvious reason they were not called is that they would not have been compelled to give testimony.

I believe that an investigation conducted without subpoena power, without the power to compel testimony and documents, is one category of investigation. There is another category that does have subpoena power and the power to compel testimony and documents, and I do not think the two can be equated. If the power of subpoena and the power to compel testimony and documents is not important, then why is it included in the Seymour amendment? I do not think you can equate an investigation conducted without such power and the results of that with an investigation that has such power.

The PRESIDING OFFICER. The time yielded to the Senator has expired.

Mr. SEYMOUR. I yield 30 more seconds.

Mr. RUDMAN. Let me respond. I agree with every word he said. I just want to make one observation. There could have been subpoena duces tecum issued from the Ethics Committee. We made that clear to the GAO. We said, "Go do your investigation. If you need subpoenas, we will give them to you."

So I must say to my friend that, although he is technically correct, they did not possess the power, had any witness refused to testify, we would have issued a subpoena for that witness. None were necessary. I just say that we are going to spend another several hundred thousand dollars, and I prefer that we do not; but if that is what the Senate wants, I expect that is what we will have. I thank the Chair.

The PRESIDING OFFICER. The Senator from California has 15 minutes. The Senator from Maine has 20 minutes.

Mr. MITCHELL. Before the Senator from New Hampshire leaves, might I simply respond to his last comment briefly. This is on my time.

I say that, under this resolution, the GAO will be utilized, and all of the information which they have previously received will be utilized, so it will not be duplicated. There will be no duplication.

Mr. RUDMAN. I appreciate that. If that is true, and the FBI looks at the GAO report the way we did, they will find it high quality. It was done by the Office of Special Investigations and, hopefully, we can save some funds. I just do not want to waste any funds. That is my point.

Mr. BIDEN. Mr. President, the majority leader's resolution is broadly worded with respect to the investigation of leaks concerning the Thomas nomination, and I would like to clarify this language.

It is my understanding that the resolution authorizes an investigation of all unauthorized disclosures—violative of Senate rules or Federal law—relating to the Senate's consideration of the Thomas nomination. This would include matters beyond the disclosure of Professor Hill's charges, as I understand it.

For example, the disclosure of the committee's confidential document request to Judge Thomas; any unauthorized release of confidential committee staff interviews; and any unauthorized publication of confidential investigative reports would all be within the scope of the investigation.

That is my understanding of the majority leader's intention with respect to this resolution, and I applaud it.

Is that correct?

Mr. MITCHELL. Yes, the Senator is correct.

Mr. SEYMOUR. Mr. President, I yield 2½ minutes to Senator McCONNELL.

Mr. McCONNELL. Mr. President, millions of Americans viewed the last weekend of hearings on the nomination of Clarence Thomas, and the events leading up to them, with a profound sense of disgust. These sentiments have been echoed by many Senators.

Mr. President, the American people are angry. They are angry at the whole sorry spectacle of Clarence Thomas, Anita Hill, and dozens of witnesses being paraded before the Nation to discuss allegations that would not have been public but for a zealous staffer or Senator who was determined to stop Clarence Thomas' nomination—at any cost. And what a cost it was.

The Senate paid the price. Public confidence in us was already precarious, after the leak we may have hit a new low.

Clarence Thomas paid the price. His character was dragged through the mud. He was impugned beyond anything he could have imagined three months ago when the President nominated him, or three weeks ago—before the leak.

Anita Hill paid the price. Personally and professionally, she may never recover the credibility she had—before the leak.

A lot of people paid the price. Clarence Thomas' family and friends. Anita Hill's family and friends.

The entire Nation paid the price. Hours upon hours of televised hearings which would resolve nothing conclusively. The whole country was a jury and they were unanimous in one verdict—the whole thing was disgraceful.

Aside from the bad impression, the repercussions from this latest episode where confidential documents were leaked may have serious negative effects on future nominations and investigations.

Whoever leaked the confidential FBI documents established a dangerous precedent in which anonymous character assassination can be an effective means of short-circuiting the nomination process.

They sent a message to those whom the FBI seeks to interview in conducting background checks that any assurance of confidentiality is tenuous, at best. From now on, people know that they speak to FBI or Senate investigators at their own risk.

FBI agents cannot, with certainty, guarantee that someone's comments will not be leaked at some point by a Senator, staffer, or other official.

Mr. President, how can we expect people to provide the FBI with sensitive information knowing that they may turn up on the front page of every newspaper in the country, National Public Radio, or the evening news? We cannot.

This effort to sabotage the nomination of Clarence Thomas damaged the integrity and esteem of the U.S. Senate. It seriously undercuts the credibility of the FBI.

We must not let this gross breach of ethics, Senate rules, and the public trust, go unpunished.

Senator SEYMOUR has put forth very straightforward legislation: let the FBI determine who leaked the confidential information concerning the allegations made by Anita Hill. Make the FBI report their findings to the Congress within 30 days.

It is very simple, Mr. President. It is what we should do. It is what the American people want us to do.

Mr. President, we must also take action to prevent such leaks in the future.

Of the two principal laws governing the disclosure of classified documents, Congress has exempted itself from one, the Privacy Act, and so watered down the unauthorized disclosure law that it is nearly useless.

The legislative and the executive branch have been guilty of leaking classified documents in shortsighted efforts to further, or destroy, various nominees or causes. We should address this subversion of due process.

Last week, I introduced a bill to hold outlaw any unauthorized or unlawful disclosure by Senators, Senate officers, or employees of an FBI background investigation report—to any unauthorized party. To do so would result in criminal penalties, including a prison term and a fine. The same penalties would apply to anyone who knowingly solicits or receives such information.

It would also make the Privacy Act applicable to the Senate with regard to FBI background investigations relating to Presidential nominations for Federal office.

Many of my colleagues on both sides of the aisle expressed their fury at the leak which impugned the character of Clarence Thomas and forever changed the life of Anita Hill. There is bipartisan belief that selective leaking of classified documents throughout the Government has gotten out of hand.

Mr. President, let us work together to restore integrity to our system of confidential and classified information. In the process, we may restore some of the esteem of the U.S. Senate.

Mr. President, the American people are grateful to the Senator from California for offering the one amendment that will respond to their concerns about the Clarence Thomas debacle.

Mr. President, the American people are interested in seeing the U.S. Senate get to the bottom of the issue of concern to them, which is the unauthorized leak of information damaging to Justice Clarence Thomas. There is only one amendment before us today that can, with certainty, in my view, guarantee that we at least make an expeditious effort to get to the bottom of that particular problem. That is the amendment offered by the Senator from California.

There is a broader issue, of course, and that is the propensity of the Congress to exempt itself from a variety of different onerous acts that we pass which apply to the rest of America. The President of the United States made a speech about that issue today. There will be amendments on that subject offered on the civil rights bill when we get there, including one of mine, which will apply to the current Privacy Act provisions, and to situations such as that which occurred during the Clarence Thomas confirmation proceedings.

As the American people are now learning, if anyone else had leaked the FBI reports or affidavits or whatever may have been leaked during the Thomas nomination, if any other Federal employee other than a Member of Congress or congressional staff had leaked that in a document, it would have been a crime; but we exempted ourselves.

We exempted ourselves. We are going to address that later.

With regard to specific abuse that occurred over the last few weeks, the Senator from California is right on the mark. I thank him for the contribution that he has made to this debate and his tenacity in pursuing this amendment even though there were some here who hoped it would not be offered. The Senator from California with his tenacity has made certain that that happens. I thank him on behalf of the people of my State, and I thank the people all over America, for leading the way to the solution of this problem.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. SEYMOUR. Mr. President, I yield the floor to the majority leader, reserving the remainder of my time.

The PRESIDING OFFICER. If no Senator yields time, time will be counted equally.

Mr. SEYMOUR. Mr. President, I yield 1 minute to the distinguished Senator from Wyoming, Senator WALLOP.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. WALLOP. Mr. President, I thank the Senator from California and express admiration for what he is trying to do and disgust of the procedure taking place in front of us.

It is clear that the majority party wants to have the last half-hour in front of the press without confrontation and other things. The majority leader has that right and there is nothing wrong with it. It is clear they are not interested in debate. I figure now as is always the case there is always a way in politics to avoid accountability.

The Seymour amendment goes directly toward a goal, one that is clear and one that the public wishes answered. The majority leader's amendment spends the time, spreads the blame, and divides the attention of America. If you pass enough time the public will have forgotten. And we use the argument that has been advanced so often in this case, that because others may have abused the process it is a license for us to abuse it as well. I suggest this is not the way the Senate ought to conduct itself.

I yield the floor.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. SEYMOUR. Mr. President, I yield 2 minutes to the Senator from Mississippi [Mr. LOTT].

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

Mr. LOTT. Thank you, Mr. President. I thank the distinguished Senator from California for yielding the time. I commend him for the work he has done on this subject, for presenting it in the form that he did, and for being tenacious in keeping the Senate's attention on trying to find a proper solution for the investigation into the alleged leaks with regard to the Judge Clarence Thomas and Anita Hill matter.

I point out to you that the Seymour amendment is very simple, direct, limited, and targeted. It says let us see what we can find out, let us investigate it, let us do it in a limited period of time, and let us do it with an organization that is in place and can do the job. Let the FBI do the investigation and do it now. That is what Senator SEYMOUR proposes.

The alternative resolution is a document that runs on for 7-plus pages. And on its face I think there is a problem because you talk about an independent special temporary counsel, and the counsel will have to be agreed to by the two leaders. From past experience on the Ethics Committee, I know it is not easy finding a counsel, that will take time, and finding one that everybody agrees will be fair and independent. He would have to get together assistants, I presume, staff, someplace to work from, telephones. I think an FBI investigation could be completed before the special counsel could get going.

The issue is going to be defused by the fact that it is going back and will once again rehash the so-called Keating matter, which has already been investigated because of a bipartisan unanimous vote on the Ethics Committee. They did the work and I think spent many months and a lot of dollars on it. They got to the end of it. And that is all that happened with it.

I urge the adoption of the simple, direct, and immediate amendment of Senator SEYMOUR.

I thank the Chair.

The PRESIDING OFFICER. The Senator's time has expired.

Who yields time?

Mr. SEYMOUR. Mr. President, I yield 4 minutes to the Senator from South Carolina, [Mr. THURMOND].

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. THURMOND. Mr. President, I strongly support the amendment by the distinguished Senator from California. I am a cosponsor of this important amendment.

When information is disclosed that is confidential or which is part of an FBI investigation, substantial damage is done to the dignity of this institution and the nominees it considers. Virtually every nominee before this body has an FBI investigative report which is available to Senate Members and a limited number of staff. An FBI report contains a vast amount of information—much of which is nothing more than baseless allegations. Clearly, it is not fair to a nominee to have baseless allegations with no merit whatsoever released to the public. When such information is released, it could ruin the integrity of a nominee and certainly undermines respect for the U.S. Senate.

Mr. President, the Senate has a rule that provides sanctions for disclosure of confidential information. The sanction is a harsh one—expulsion of the offending Member and termination of an offending staffer. This body understands the seriousness of violating this rule.

During the Justice Thomas nomination process, allegations were raised that confidential information was leaked to the press or the public. If true, I find such action despicable. Without question, nominees before the Senate face intense scrutiny. It is our responsibility to ensure that those nominated to high office are men and women of the highest character. I have found, throughout my almost 37 years in the Senate, that the vast majority of nominees we consider are in fact outstanding individuals. It is an important task of review we are called upon to undertake by virtue of our role in the confirmation process. However, when confidential information is released, the foundations of fairness that must be inherent in this process simply cease to exist.

Mr. President, the amendment by the distinguished Senator from California provides for an FBI investigation to determine if there was a leak during the Thomas nomination process. This investigation will enable us to determine who, if anyone, is responsible for the disclosure of confidential information. I believe the FBI with its highly skilled agents is the best entity to undertake this important investigation.

Mr. President, those who are nominated for positions which require Senate confirmation must be treated fairly. It is now time to ensure that the process will be fair. It is my strong belief that an FBI investigation will identify any individual who disclosed confidential information during the Thomas nomination process. By undertaking this investigation, it will also ensure fairness in the future. If perpetrators can leak information with impunity, then there is every reason to believe they will continue to do so in the future. This amendment sends a strong message—if you disclose confidential information, you will be investigated and, if discovered, face tough sanctions.

Mr. President, it is important that we get to the bottom of any leaks of confidential information that occurred during the Thomas nomination. Those responsible should face severe sanctions.

Mr. President, I strongly endorse the Seymour amendment and urge its adoption by the Senate.

I ask unanimous consent to have printed in the RECORD an editorial from the Charleston Post and Courier of October 24, 1991.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

STOP SQUABBLING AND GET TO WORK

Democratic and Republican members of the Senate Judiciary Committee never tired of expressing their fury over the leak of allegations that Supreme Court Justice Clarence Thomas sexually harassed law professor Anita F. Hill 10 years ago. But apparently their outrage wasn't strong enough to spur swift action.

The Associated Press reports that even though Senate leaders are narrowing their partisan differences, they are still squabbling over how to investigate the source of the leak. Senate Majority Leader George Mitchell, D-Maine, presented his latest proposal privately to Minority Leader Bob Dole, R-Kan., on Tuesday night after a day of swapping proposals back and forth.

The Democrats don't want to confine the investigation to who released Miss Hill's charges to the press. In a transparent effort to take some of the heat off their party, they want to include other leaks, including a report issued by North Carolina Republican Sen. Jesse Helms on the Keating Five savings-and-loan scandal. According to the AP, most of the report is thought to be the confidential work of the special counsel who investigated the charges for the Ethics Committee, of which Sen. Helms is a member. The situations aren't comparable. If Sen. Helms stepped beyond the bounds, his colleagues know who to hold accountable. To date, all the members of the Judiciary Committee have denied any knowledge of who released Ms. Hill's confidential testimony.

If the leadership fails to agree on how to go about investigating the Judiciary Committee leak, the Senate should simply turn the matter over to the FBI, as proposed by Sen. John Seymour, R-Calif. Our question is why that wasn't the first order of business.

Additionally, Senate leaders must decide who would be in charge of the investigation. One possibility, Wyoming Republican Sen. Alan Simpson told the AP, is to hire a special outside counsel. That's not a bad idea, considering the bitter partisan nature of the extraordinary Judiciary Committee hearings in which Miss Hill's charges were aired.

The senators are mistaken if they think the American people will stand for business as usual on this fiasco. The longer the leadership tries to play political games with the Hill investigation, the lower the public's estimation of the Senate sinks.

Mr. THURMOND. I yield the floor.

Mr. SEYMOUR. Mr. President, I yield 3 minutes to the distinguished Senator from Texas, [Mr. GRAMM]

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mr. GRAMM. Mr. President, I thank our dear colleague from California for yielding, and I thank him for his leadership on this important issue.

I think you can look at these two amendments and they tell you the whole story. On one hand we have a simple amendment that says there is a problem. The American people demand action. We want the FBI to come in now and do an investigation. We want them to put people under oath. We want them to get to the bottom of it. We want them to report back to the Senate so we can decide what to do. And we want them to do it in 30 days.

If you are serious about finding out who leaked this information, who violated the confidence of the people who trusted the Senate, then you want to be for the Seymour amendment. On the other hand, the alternative is this long laborious amendment that comingles this issue with other issues and that delays making a final finding and a report.

Mr. President, the issue is very simple: Do we want to get to the bottom of this question now? Do we want to focus on a problem that every American knows about, that about which virtually every American is outraged? Do we want to do it now while it is still timely, while it is still on the public mind? Or do we want to cloud the issue, delay the results, and put it off until some time in the future when the public has lost interest and when the public has lost confidence?

So, the issue is very simple: If you want to do it now, if you want to commit the resources to complete it within 30 days, if you want to focus just on the Thomas nomination and the violation of public confidence there, then there is only one vote to cast and that is the vote for the Seymour proposal.

So I urge my colleagues to vote for the Seymour amendment so that we can get an answer for ourselves, and for the American people, now.

I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from California has 3 minutes and 50 seconds remaining.

Mr. SEYMOUR. Mr. President, I yield 1 minute and 50 seconds to Senator THAD COCHRAN.

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

Mr. COCHRAN. Mr. President, I thank the Senator for yielding.

It is interesting to see the debate unfolding today with all of the discussion being on the Seymour alternative to the Democratic leader's resolution. All the time is being used in support of the Seymour amendment. I support it, too.

But, I would like to say at least one word in opposition to the majority leader's resolution. I think if you look at what he is proposing today, it is an authorization for an open-ended, very expensive, long, drawn-out investigation into not just the leak from the Judiciary Committee investigation but leaks from the Keating investigation as well. This is obviously to detract attention from what is before the Senate now, and that is what happened in the Judiciary Committee.

It is my hope that we would consider another alternative to the Mitchell proposal. Let us get a big tub of water somewhere and put the judiciary staff members in it. Those who do not sink are probably not telling the truth; those who sink are telling the truth.

I think, Mr. President, that one witch hunt in the Senate at a time is enough. We have one already that has been authorized by the Foreign Relations Committee. Almost $600,000 has been allocated for that investigation. Fifteen staff members are going to be utilized to try to determine whether or not, in the Presidential election of 1980, something was used to distract attention from the real issue before the voters.

It is my hope that we will narrow the focus of this investigation. Let us have a 30-day investigation by the FBI. If we can find out who leaked it, OK. If we cannot, forget about it, and move on to something else.

Mr. GRASSLEY. Mr. President, I rise in support of the amendment of the Senator of the State of California. The whole Nation knows the need for this amendment. The Judiciary Committee knew of the allegations that Professor Hill had made against Judge Thomas. These claims were taken seriously by having the Federal Bureau of Investigation launch an inquiry to determine their validity. The FBI fulfilled its duty and issued a confidential report.

Most members of the Judiciary Committee were made aware of this report before the committee voted on the Thomas nomination. Chairman BIDEN personally notified committee Democrats of the charges and made the FBI report available to each one.

Any committee member could have delayed the vote for 1 week as a matter of right. No member did so, despite the subsequent arguments of some members that they believed Professor Hill's charges. However, delay would have only slowed the nomination. Confidential hearings would have only delayed the nomination as well. Most opponents of Judge Thomas simply recognized that despite their valiant efforts, the nomination would be approved.

But somebody would not take no for an answer. Someone on the inside knew that there was one last chance to derail the Thomas nomination. Further investigation was unnecessary, the truth of the allegation immaterial. What was important was that the allegation existed.

If only it could be made known to the public, Judge Thomas still could be railroaded. So despite committee assurances to Professor Hill that her confidentiality would be respected, despite the opportunity to delay the vote or to ask for hearings in executive session. One or more persons on the inside went straight to the media. Or that person or persons divulged the confidential information to one of the special interest groups intent on defeating Judge Thomas. The group, in turn, released the charge to the media.

The media then went straight to Professor Hill, reading her words back to her for comment and ending her ability to keep her life private. Of course, it also caused damage to Judge Thomas that, despite his confirmation, will always remain, both to his psyche and to his reputation.

Mr. President, this action was a crime. Literally. The result of this crime was harm to two individuals, harm to our political process, and harm to the reputation of this body.

Who will ever again cooperate with an FBI investigation because of promised confidentiality, promises that are worthless? Who will ever believe that Congress will take its legal obligations seriously?

No one will, Mr. President, unless the FBI launches another investigation into who leaked the confidential FBI report. We certainly cannot think that an internal investigation will be sufficient.

An outside group must be given the ability to follow all leads to determine the source of the leaks and to show the American people that we mean business about our Members adhering to the law. The investigation must be swift and sure, and the amendment of my distinguished colleague from California provides for that. The perpetrator must be brought to justice, and I agree with Senator BYRD that expulsion is a possibility.

This measure should be supported not merely because it will lead to punishment of wrongdoing.

It will also deter future unscrupulous individuals from acting contrary to rules. Rules that are not enforced are worthless. Hopefully, we will soon be able to resolve a sad chapter in the history of this institution, one which has brought disgrace and public outrage to this body and has harmed forever the lives of two particular individuals, for whom rules provided no protection against someone who would stop at nothing in pursuing his political agenda. I urge my colleagues to support this amendment.

Mr. NUNN. Mr. President, I rise today in support of the Federal facilities compliance bill, S. 596, as amended. I would like to thank Senator MITCHELL, the original sponsor of the bill, and his staff, for their efforts over the past 2 years. They have worked closely with the Armed Services Committee to address, in amendments, several unique issues which are important to the Department of Defense and to the Department of Energy. The issues covered by these amendments involve military munitions, U.S. naval vessels, sewage treatment plants owned and operated by the Defense Department, and mixed waste at the Department of Energy and other Federal facilities.

This is an important piece of legislation, which we all hope will improve the Federal Government's compliance with solid and hazardous waste laws.

I would like to address very briefly what this bill does and does not do. There has been some confusion about the exact nature of this bill. This bill does not require Federal facilities to comply with environmental laws. Federal facilities, including military installations and the Department of Energy facilities, are already subject to and must comply with all of the many environmental laws, including the Resource Conservation and Recovery Act, which this bill amends. The purpose of this bill is to waive the sovereign immunity of the Federal Government and to permit the States to assess administrative fines and penalties against the Federal facilities if they fail to comply with the State and Federal solid and hazardous waste laws. This bill gives the States authority to assess fines, without going to court, if the Federal facility is not in compliance with these laws.

This bill is very important to the States. With the authority to assess administrative fines and penalties provided by this bill, the State regulatory authorities believe that their ability to enforce the solid and hazardous waste laws against the Federal facilities will be enhanced.

The goal of the authors of this bill is to achieve a greater degree of environmental compliance at Federal facilities. I share this goal and hope that this bill will bring the State and Federal regulators closer together to achieve this goal. This bill also has a downside potential to create an unproductive situation and undermine the Federal budget process. The ultimate success of this bill will turn on the manner in which this new enforcement authority is used. I hope that the States will use the authority judiciously so as to achieve the shared goal of making the Federal facilities a good environmental neighbor.

I would like to point out that in fiscal year 1992 the Department of Defense and the Department of Energy will devote in excess of $6 million toward environmental activities necessary to comply with the various environmental laws. This figure is increasing dramatically. At the Department of Energy, the defense environmental restoration and waste management budget in fiscal year 1992 represents approximately one third of the Department's defense activities.

This bill can bring a greater degree of sensitivity to environmental requirements at Federal facilities. Good faith enforcement of the environmental laws by the States is necessary, however, to ensure that the environmental programs at the Department of Defense and the Department of Energy continue to have sufficient resources to carry out their many obligations.

The goal of the States in enforcing environmental laws and the goal of the Federal facilities in complying with environmental laws, is the protection of the public health and safety. I hope these goals continue to be held by all involved parties. Defense environmental dollars are finite and should be put to their intended purpose—making the defense establishment a better environmental neighbor.

Mr. President, I would again like to thank Senator MITCHELL for his efforts and his persistence over the past 2 years. I also want to thank the Managers of the bill, Senator BURDICK, Senator BAUCUS and Senator CHAFEE, as well as the members of the Committee on Environment and Public Works, Armed Services, and Energy for their contributions to this bill. I urge my colleagues to support this bill and I urge the conferees to support the Senate position in their conference with the House.

The PRESIDING OFFICER (Mr. DIXON). The Senator's time has expired.

The Chair wishes to inform that side, that they have 1 minute 35 seconds; the majority leader has 27 minutes. The minority leader has 10 minutes of his own time. He can use it any way he cares to.

The Senator from California is recognized.

Who yields time?

Mr. SEYMOUR. Mr. President, I yield to the distinguished majority leader, reserving my last minute and 35 seconds.

The PRESIDING OFFICER. Who yields time?

Anybody care for recognition?

The Senator from California.

Mr. SEYMOUR. Mr. President, what occurred in the Senate Judiciary Committee in the leaks was a national disgrace and created a cloud over this body. There is a stench about it. The question is how are we going to get to the bottom of it and restore the credibility and faith and trust of the American people?

What happened to Professor Hill and Judge Thomas should not be permitted to happen again. They were placed on a hot griddle, like two pieces of bacon to be fried. This is a serious charge. These charges could lead, upon on FBI investigation, to the firing of some Senate staffer who is guilty of this leak. If it happens to be a Member of this body they could be expelled.

So I suggest, Mr. President, that what it demands is a thorough, straightforward, independent, credible and immediate investigation. That is embodied in my amendment, and I hope that my colleagues would join in support of it.

I yield back the remainder of my time, Mr. President.

The PRESIDING OFFICER. The Senator's time has expired.

The Chair recognizes the distinguished majority leader.

Mr. MITCHELL. Mr. President, Members of the Senate, to selectively condemn leaks is to selectively encourage leaks. And that is precisely what we have heard from our colleagues this afternoon. Our Republican colleagues want to condemn one leak and one leak only. When other leaks occurred, they were silent. When leaks cascaded into the press that had as their objective the assassination of the characters and the destruction of the careers of some of our colleagues, not a word of protest was spoken. When Senators condemn only those leaks which injure their friends or their cause, they encourage leaks which injure others not their friends and not their cause.

The staff in the Senate act as they believe the Senators want them to act. And the staff members of these Senators here now have a clear message: If your leak is about someone that we do not care about, we are going to look the other way. That is the crux of the problem which has plagued the Senate. There is only one answer and one answer only.

I have had a policy in my office since I have been in the Senate that any member of my staff who leaks anything will be immediately fired. No ifs, ands, or buts. No questions asked. No appeal possible. No mitigating circumstances. Every member of my staff understands that is the policy. And, as a result, there has never been a leak from my office and there has never even been an allegation or a suspicion of a leak from my office. Because my staff knows that if they leak anything, even if it advances a cause I favor, they are gone.

We have heard now the opposite point of view: Only one leak matters. The other leaks do not matter. Let us not look at those. Let us not punish anyone there.

I submit to my colleagues that is the wrong message to be sending to the Senate. Every leak is wrong. Every leak is bad. Every leak should be condemned. Every leak should be deplored. Every leak should be investigated and persons punished. And that is what I have sought to do from the beginning.

The Seymour amendment has had nothing to do with this investigation. I announced this investigation before this amendment was drafted, stated, or proposed.

In March 1990, the President nominated Timothy Ryan to be Chairman of the Resolution Trust Corporation.

On March 30, it was reported in the media that there had been leaks from his FBI investigation about the occasional use of drugs long before that.

On April 4, Senator DANFORTH stood on the Senate floor and condemned that leak and demanded an investigation.

On October 16, 1991, just last week, Senator DANFORTH said the same thing, in very strong and passionate terms, demanding an investigation.

Well, I attempted to include in this investigation the Ryan leak but was prevented from doing so by opposition from the Republicans. Why should Republicans be so adamantly opposed to the investigation of a leak, when Republican Senators are demanding investigation of the leaks, especially with the President today calling for investigation of leaks?

A possible answer may lie in a report published last year. On April 6, 1990, a report appeared in a newsletter entitled "Congressional Insight" published weekly by Congressional Quarterly.

Mr. President, I ask unanimous consent that an appropriate portion of that report be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

> When Jack Danforth called for an inquiry into leaks on Tim Ryan—he probably didn't know they had come from fellow supporters of the President's nominee to head beleaguered Office of Thrift Supervision.
>
> Allies leaked Ryan's admission that he used marijuana and cocaine—to inoculate him against attack on that issue, insiders say.
>
> Someone told reporters March 30 that Ryan's FBI file included his own admission that he had used illegal drugs when he was in law school.
>
> That's a "serious violation" of Senate rules, which say a senator or aide who leaks secret info should be expelled or fired, Danforth said.
>
> Danforth (R-Mo.) suggested that the Ethics Committee investigate.
>
> Ryan was set to reveal drug use himself, so backers did it first, said Tom Korologos, lobbyist who helped White House. Apparently, the idea was to get news stories out of the way several days before Senate was to vote.
>
> Although stories referred to FBI report, information was available from other sources. Ryan was telling senators directly he had used drugs.
>
> When Senate OK'd nomination April 4, drug use was a non-issue.
>
> Ryan's admission gave senators a chance to signal that past drug use won't disqualify one from gov't service. A generation sighs in relief.

Mr. MITCHELL. The report states, Mr. President, that the leak of that FBI report was by White House handlers of the nominee to get news stories out of the way several days before the Senate was to vote.

I do not know if this report is true or not. I do not know Mr. Ryan. I never heard of Mr. Ryan before President Bush nominated him to be Chairman of the RTC. I have no idea who leaked the information about his prior drug use or why. But I believe the Ryan leak should be investigated, especially since the President spoke today on the subject of leaks. It would be a massive injustice—a massive injustice—for the Senate to be blamed for a leak that was carried out by the White House handlers of a nominee to gain a tactical and political advantage, if in fact that occurred. And I emphasize I do not know if that occurred.

I do not know what happened in that case or any of these other cases. But why are Republicans opposed to investigating that leak? Why are some leaks bad but not other leaks bad? Could this report possibly be true? Could the White House have engaged in some cynicism and manipulation? I do not know. But we should find out. We will not with this investigation.

Mr. President, during our discussion on this subject the matter of other possible leaks arose—maybe involving Republicans, maybe involving Democrats. I made clear then, I want to make clear now, I condemn all leaks, I deplore all leaks, and I believe we should investigate all of the leaks. I am for putting them all into this investigation. Let us do something to get something done to stop this, not seek political advantage by selecting one leak and ignoring others because it appears to create a political advantage of the moment.

I hope the President will call for an investigation of the Ryan matter in light of these published reports because I think it is wrong and improper not to.

Now, Mr. President, let me turn my attention to the competing measures before us. I served as a State prosecutor, as a U.S. attorney, and as a Federal judge, and I can say to everybody in this room that the Seymour amendment, with a 30-day deadline, is guaranteed to produce no result. This is an open invitation and an advertisement to everybody involved in this issue: If you can make yourself scarce for a couple of weeks, nothing is going to happen. An unrealistic, arbitrary deadline is an open invitation to everyone involved in the process not to answer the phone, not to answer the mail, not to accept subpoenas. If you can just do it for a few weeks the whole thing is over. It is the bane of any investigation to have arbitrary, unrealistic deadlines against which the investigators must compete and toward which those who are involved must search.

This amendment would not accomplish anything, and everybody here knows that. This has nothing to do with an investigation, nothing whatsoever to do with an investigation. This is an effort to further politicize and publicize an event to gain a temporary political advantage.

The competing resolution is the product of negotiation between myself and the Republican leader and others involved. It does not include everything I would like. We reached agreement on everything but the scope of the subject matter. We could not agree on the subject matter.

It was, as we have heard clear here today, the Republican position that only the Thomas leak should be investigated, nothing else. I wanted more. I especially wanted the Ryan. But we could not get an agreement and so I reluctantly yielded on that point to permit us to get the agreement and to dispose of this matter so we can get this underway.

The time is a compromise. The Republican leader wanted 60 days, I wanted 180. We split the difference.

Much of the other language in terms of what the special prosecutor would report is the product of the compromise. We could not reach agreement on scope or subject matter, and that is what remains as the difference between us.

I believe it is a responsible, reasonable effort to deal with this problem in a responsible and fair way.

For those who say oh, you cannot go beyond 30 days, I say to you you are trying to guarantee that no result will be attained. You are handcuffing the FBI. You are inviting all of those involved simply to not participate. And all they have to do is not be around for a couple of weeks and the whole thing is over with. That is no way to investigate.

How many people here are former prosecutors? How many Members here ever imposed upon themselves deadlines of 30 days in a major investigation? Any law enforcement officer will tell you that is putting handcuffs on the investigators.

Obviously, you want to do it as fast as you can. You want to do it as promptly and thoroughly as you can, but not to create unrealistic, arbitrary deadlines which are for political purposes only and have the effect of producing no result.

The President this morning called for special counsel. I hope my colleagues, if they are influenced by the President's wishes on the subject, will take that into account.

I believe, Mr. President, that we have a most unfortunate situation. This institution has been injured; all of the Members of this institution have been injured. I made the judgment that this institution would suffer more from a prolonged, rancorous debate and discussion of this. As a result, I compromised on this resolution far more than I wished to, in an effort to reach agreement to dispose of the matter once and for all, to permit the Senator from California to come forward, offer his amendment and have a vote.

I say let us get it behind us, let us adopt a meaningful, fair, responsible approach that is intended to achieve actual results and which does not say only one leak matters and others do not, which does not, by selecting those to condemn, thereby condone others.

Leaks are as old as this institution. I recently, to refresh my recollection, read a lengthy article about the problems encountered during the Watergate hearings before the Ervin committee. An entire literature described the problems they had then with leaks. And I suppose, like many other unsavory aspects of human nature, they are going to be with us forever.

But it seems to me we can say this occasion has given us the opportunity to say in a meaningful, strong, affirmative way: This conduct is not condoned; this conduct is deplored; this conduct will not be tolerated, and not just in some cases, not just in one case, but in every case. And I suggest to my colleagues, more than any resolution, more than any investigation, if they will simply adopt and enforce the policy which I have had in effect in my office, leaks will either stop or very much slow down in this institution. You just make clear to every member of your staff they are not to leak anything, period. Not just when it helps, not just when it hurts. But in every case. No ifs, no ands, no buts, no exceptions; no leaks. And you make it clear to them that if anybody leaks anything they are fired on the spot instantly—no appeal, no mitigaing circumstances, no questions asked. That will stop leaks around here more then 100 resolutions and more than 50 amendments.

It has worked for me and I say it will work for everyone.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. The majority leader has 12 minutes 30 seconds. The other side's time has been exhausted.

What is the pleasure of the majority leader?

Mr. COCHRAN. Mr. President, will the distinguished leader yield for a question?

Mr. MITCHELL. Certainly.

Mr. COCHRAN. With respect to the suggestions to Senators on how to stop leaks in their offices, I wonder if the Senator would support an amendment to the Civil Rights Act that gave every employer that right.

Mr. MITCHELL. That gave what?

Mr. COCHRAN. Every employer in the United States, not just Senators, that right.

Mr. MITCHELL. The right to what?

Mr. COCHRAN. Fire employees.

Mr. MITCHELL. For leaks?

Mr. COCHRAN. That is right.

Mr. MITCHELL. I certainly will consider that. If the Senator will write the amendment up and submit it to me, I will be pleased to consider it, as I do all suggestions.

Mr. COCHRAN. I thank the distinguished leader.

Mr. MITCHELL. Mr. President, I am waiting to see whether or not the distinguished Republican leader wishes to use any of his time.

The PRESIDING OFFICER. May I advise the majority leader, the Republican leader does have his full 10 minutes. The majority leader has 9 minutes.

Mr. MITCHELL. Do I understand I have 9 minutes of my leader time plus 12 minutes?

The PRESIDING OFFICER. That is correct, the majority leader has 11 minutes and 22 seconds of his time on this issue plus 9 minutes on his leadership time.

Mr. DOLE. Mr. President, I understand leaders' time has been reserved; is that right?

The PRESIDING OFFICER. The Republican leader is correct. He has 10 minutes under leader time.

Mr. DOLE. I yield 2 minutes to the Senator from Wisconsin [Mr. KASTEN].

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. KASTEN. Mr. President, I rise in support and as an original cosponsor of this amendment calling for an expedited inquiry by the Federal Bureau of Investigation into the leak of confidential information during the Thomas confirmation proceedings.

Many of us have taken the floor, or spoken to the media, in the last few days decrying the intentional leak of confidential information gathered by the FBI and presented to the Senate Judiciary Committee. Not only are our colleagues disgusted by this method of operating, but the American people demand to know how this happened.

There was every attempt by the chairman and ranking member of the Judiciary Committee to handle the allegations of Professor Hill in a confidential manner. Confidentiality had been requested and was called for under the committee's rules and the committee's past practices.

However, at the very end of the confirmation process, after 100 days of committee and FBI inquiry into the background of the nominee, these allegations became known to committee members. Every member of the committee could have exercised their right to request that the executive session considering Judge Thomas be delayed for a week. Executive or other sessions could have proceeded, could have taken place at that time, but these allegations were not seen to merit further committee consideration.

So, then what happened? A disgruntled member or staffperson bypassed the procedures that are in place to protect the interests of all who are involved in this process, and surreptitiously leaked confidential information to the press.

In so doing, the reputations of Judge Thomas, Professor Hill, and the U.S. Senate were smeared before the American people.

This kind of conduct cannot be tolerated. Whatever punishment is appropriate under the law and our rules should be meted out to punish the conduct in this case and to deter such actions in the future.

We have to send the strongest possible message to those who would violate the law, our rules, and common decency, and leak information such as this. This body should not and must not tolerate such behavior.

I urge my colleagues to vote for this measure that would direct the best investigative professionals in the world to get to the bottom of this disgraceful lead, and then report back to Congress.

Mr. President, we have all been talking a big game as to the travesty that America witnessed during the Thomas confirmation. I submit that this investigation will allow us to act on the perpetrators in this case and will act as a deterrent against similar conduct in the future.

This is one time that the American people will be watching to see if our actions speak as loudly as our words. I urge the adoption of the amendment offered by Senator SEYMOUR.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. DOLE. I yield 2 minutes to the distinguished Senator from Florida, Senator MACK.

The PRESIDING OFFICER. The distinguished Senator from Florida is recognized for 2 minutes.

Mr. MACK. Thank you, Mr. President. Let me make several points. The first is that I think it is about time we as Senators regained control of this body. There is a feeling in this Nation that we do not have control and that staff are acting in perhaps improper ways. This concerns many people and the credibility of this institution is in question. I think we should investigate and I think we ought to move fast.

With all due respect to the majority leader, I believe finding some alternative way to deal with the confidential leak is, in fact, a smoke screen, and the people of this country are going to see it for exactly that. There is a very specific issue here, and that is the question of who leaked what documents during Justice Thomas' nomination proceedings—not investigations which should have taken place a year, or 5 years or 10 years ago. Mr. President, what we need to do as a body is focus on what happened in this institution just a few weeks ago. This is why we are trying to narrowly direct our attention to this particular incident.

Second, if we do not act, and seek to determine the truth, what we are really saying to the American public is that everybody is off the hook. Further, lack of action on our part encourages individuals to leak confidential materials again and this institution's credibility is hurt even more.

There are charges that are being alleged against specific staff members. Their names have been in the paper. There are charges being made about specific Senators. We must narrowly confine this investigation, and seek to come to a conclusion very quickly. Mr. President, I am in strong support of the position of the Senator from California and I thank him for bringing this critical matter to the Senate floor.

I thank the Chair.

The PRESIDING OFFICER. The Republican leader has 6 minutes.

Mr. DOLE. I yield 1 minute to the Senator from Maine.

The PRESIDING OFFICER. The Senator is recognized for 2 minutes.

Mr. COHEN. Mr. President, I simply would like to pose a question to my colleague from Maine. I sat and listened to much of his argument, and I was impressed with the fact that indeed 30 days appears to me to be a timeframe which is not long enough.

I was wondering whether the majority leader would object if I or someone else were to propose that we amend the pending amendment to extend it, say, to 90 days to conduct the investigation? That certainly would be sort of half way between the majority leader's timeframe and the 30 days proposed. I think that would be a much fairer timeframe in which to conduct this initial operation.

I am inquiring of my colleague as to whether he would be amenable to allow the Senator from California to amend his own amendment and to extend it to a 90-day timeframe.

Mr. MITCHELL. Mr. President, that, of course, directly contradicts the Senator from California on that point. If he is prepared to acknowledge that he was in error and reverse his position, I will have no position to that amendment.

I did not realize I had such powers of persuasion to get the Senator from California to reverse his position on his amendment. Maybe if I use the rest of the time, I will get him to withdraw the amendment.

Mr. COHEN. If the Senator will yield, he has not persuaded him, but has persuaded me.

Mr. MITCHELL. Mr. President, indeed not just the Senator from California, but just about everyone who spoke in behalf of his amendment. The reasoning of his amendment is that it was quick. If all Senators were prepared to withdraw their argument and acknowledge they were in error, who would I be to stand in the way? I would say, sure, my amendment has prevailed. I certainly would not object to that. Make it 120 days.

Mr. COHEN. I assume the majority leader would support the amendment of the Senator.

Mr. MITCHELL. No; I would not support the amendment for the other reasons I have stated.

The PRESIDING OFFICER. The Chair reluctantly interrupts. The Republican leader still has 4 minutes.

Mr. DOLE. Two, two, and one will be five.

The PRESIDING OFFICER. I thought the Republican leader said 2. I apologize. I let it go 3. I was so interested in the discussion.

Mr. DOLE. I yield 3 minutes to the Senator from California.

The PRESIDING OFFICER. That will leave 1 minute remaining. The Senator from California.

Mr. SEYMOUR. Thank you, Mr. President, and thanks to the distinguished Republican leader.

Senator MITCHELL made much about 30 days and that it cannot be done. But yet I find that the FBI did, in fact, perform to a T in less than 30 days when it came to investigating the allegations of sexual harassment by Professor Hill. Maybe you would suggest that they did not do a good job. From everybody I talked to, it seems to me it was pretty thorough.

Let me also say, Mr. President, that as to the point the distinguished majority leader has raised relative to only one leak. Nobody is opposed to investigating—I am not opposed to investigating—all the leaks you want.

But where were you in investigating the leaks at the time they occurred? Why all of a sudden do you bring them forth? If you would like to bring them separately, at a different time, I will be the first to support that.

It just seems to me—and I am not an attorney so I cannot speak as a distinguished barrister as is the Senator from Maine, but it just seems altogether logical to me that the more investigations we undertake at the same time, the less likelihood there is we will get to the bottom of the one in which we are really interested.

Let me also say that the longer you go in this investigation, the longer you take, the more likelihood people are going to forget, maybe conveniently forget. Maybe they will leave town permanently. Therefore, it seems to me, in the interest of getting to the bottom of this as quickly as possible, we need a very short time period, and if, in fact, in order to get the Senator's support, it would mean stretching the time from 30 to 60 days, I would be happy to do that.

Now, what the distinguished majority leader asked for here is to expand the focus of this and to investigate the Keating leaks. The Keating matter has been dragging on for 2 years. I am not sure we are ever going to get to the bottom of it. The fact that the President today called for an independent counsel, that would be fine for me if that is where it would stop. But you see in his resolution of eight pages the majority leader does not stop at independent counsel. The resolution calls upon every available agency that the independent counsel might think of for investigating. It calls for outside consultants. It calls for a temporary office to be set up in the Senate. It calls for a meeting of the payroll for whatever staffs or mail costs or telephone costs that might be incurred. So although it does try—and I certainly applaud his efforts—to, in fact, initiate an investigation, this approach makes it most cumbersome.

And so, Mr. President, I thank again the distinguished minority leader for granting me some of his time. It seems to me that if you want to get through all of the smoke and mirrors, if you want to really get to the bottom line, then, in fact, you would support the amendment I have offered.

The PRESIDING OFFICER. The Senator yields the floor. The Republican leader is recognized.

Mr. DOLE. May I proceed for 3 minutes.

Mr. MITCHELL addressed the Chair.

Mr. MITCHELL. I just want to say I have adequate time on my side and, if the Senator from California wants additional time to complete his thoughts, I will yield him a couple minutes of my time.

The PRESIDING OFFICER. May I advise that there is 6 minutes, 59 seconds remaining in possession of the majority leader.

Mr. MITCHELL. Plus my leader time; is that correct?

The PRESIDING OFFICER. Plus the majority leader's time, which is 15 minutes.

Mr. MITCHELL. Mr. President, if he does not want time, that is fine. I just wanted to make sure the Senator from California was not cut off. I have time I will not use and I will yield it.

Mr. SEYMOUR. I appreciate the Senator's offer. I thank the Senator.

Mr. MITCHELL. Mr. President, I yield 2 minutes of my time to the Senator from California if he wants to use it.

Mr. DOLE. Does the Senator want more time?

Mr. SEYMOUR. No. I am sorry; he misunderstood. I thank him for his generosity and kindness, but I had closed.

Mr. MITCHELL. Fine. I thank the Senator.

The PRESIDING OFFICER. The Republican leader is recognized for 3 minutes.

Mr. DOLE. Mr. President, I think this matter has been properly focused. As I recall discussions for most of the day yesterday, at least part of the day yesterday, were on scope and, to some extent, time and what agencies would be used. I think we probably could have gone either way. My view was that the public is interested in the leak in the Thomas matter. They are not so interested in what happened to the Keating Five. They figure Senators are involved and they can take care of themselves.

Now they have forgotten about the Ryan case and they have forgotten about the Blue Bonnet Savings and Loan and the Southwest Savings and Loan, CenTrust, and a lot of other places where there have been leaks.

I thought, in an effort to focus on what I believe the American public was concerned about, we ought to just take the Thomas case. And I even suggested maybe we do the Thomas case first, if there are going to be two or more, and report on that first. We could not reach agreement on that.

But I do believe that the Seymour resolution is properly focused. If the American people had any concern about Congress and about the Senate of the United States or the Judiciary Committee, whatever, it is because they question our credibility and they question whether or not we would ever get to the bottom of anything.

The point I make again, in support of the resolution of the distinguished Senator from California, is that it is straightforward. A lot can happen in 30 days. We had the coup in 3 days in the Soviet Union, so we might even be able to investigate something in 3 days. Maybe in 30 days we could surely finish it off. So I am not certain we need to expand it.

But having said that, let us be realistic. I think the distinguished majority leader has properly stated the case. He is the majority leader. I am the minority leader. The last time I counted they had 57 votes and we had 43—43 Members, I hope 43 votes and maybe more—for the Seymour resolution.

And so we will vote first on the majority leader's proposal for independent counsel, which was suggested earlier, I might add, by the distinguish Senator from Colorado, Senator BROWN, at least in that concept. But in either case there is going to be an investigation. The two leaders have to agree on counsel, and I believe that can be done. It is my hope whatever happens, today, within a week or 10 days we have an investigation that is started. And we are going to take the responsibility for it. I am not certain we welcome that, but we are the leaders on each side and we have to take the responsibility for it.

I just conclude by commending my friend from California for his efforts. I am not certain who got there first, but he was tenacious. He pushed and pushed and pushed, and I believe that part of the reason we are resolving it today is because of the efforts of the distinguished Senator from California. I thank him for that.

I yield back any time I may have.

The PRESIDING OFFICER. The Republican leader yields the floor. The distinguished majority leader is recognized.

Mr. MITCHELL. Mr. President, I will not detain the Senate for long further. I merely wish to comment on some of the points that have been raised in these latter moments.

I, of course, have the greatest respect and friendship with the distinguished Republican leader. We do work together on a daily basis, but we do often disagree, and on this I respectfully disagree. The Seymour amendment is superfluous, unnecessary, has no effect upon an investigation, and is obviously simply a further effort to politicize and publicize this matter.

I called for an investigation immediately, have insisted that there be an investigation, and the only thing that has been deterring it has been the unwillingness of Republicans to agree to any investigation other than the Thomas leak. That has been the only delaying factor, an unwillingness to look at other leaks. Why? Obviously, because they might involve Republicans, because the injured parties were Democrats. What are they afraid of? Why are you so afraid of an investigation? Why are you so unwilling to have an investigation of leaks?

The answer is obvious. They see a short-term political gain in this one leak. And so it is very clear that the issue here is not leaks. The issue here is short-term political gain. Because, if my colleagues shared the concern about leaks, they would be concerned about more than one leak. But they are not.

I repeat what I said at the outset. To selectively condemn leaks is to selectively encourage them. This debate has sent out across this institution and across this country a very clear message, that if a leak helps the cause or hurts someone on the other side, it will not be condemned, it will not be deplored, and it cannot be investigated. That is the message.

My message is directly the opposite. The message I have stated over and over again, and I repeat again here today, every leak is a bad leak. Every leak is to be condemned. Every leak is to be deplored. The end does not justify the means. And a leak which harms the opponent is just as wrong as a leak which harms a friend. A leak which injures a cause I oppose is just as wrong as a leak which injures a cause I favor.

I commend to every one of my colleagues the policy which I have in effect since I have been in the Senate: Any member of my staff who leaks anything improperly is immediately discharged, no ifs, no ands, no buts, no appeals, no mitigating circumstances. If our colleagues would adopt and enforce that policy, then we will see fewer, perhaps no more, because there has never been a leak from my office, and there has never been a suggestion or a hint or a question of a leak from my office.

So, my colleagues, we have here a choice between a resolution for an independent counsel, which the distinguished Republican leader properly pointed out was first suggested by the Republican Senators, and endorsed this morning by the President of the United States, which calls for an investigation of more than just one leak so we do not send out the message of selective condemnation of leaks, and does it in a responsible way and in a responsible timeframe.

The alternative is an amendment to the bill that is guaranteed to produce no result and which has as its only and obvious and transparent purpose a further politicization and publicity on this matter here. In my view, the choice is clear.

I urge my colleagues to support the resolution and oppose the Seymour amendment.

Mr. President, do I have any time remaining?

The PRESIDING OFFICER. The majority leader has 1 minute 36 seconds.

Mr. METZENBAUM. Mr. President, there is no one in this Senate who wants to resolve this question more than this Senator. The truth is my best ally.

From the moment one Senator told the New York Times that HOWARD METZENBAUM was the only one who could have leaked this, I have consistently appeared on the list of suspects in the case.

Never mind that the Senator who made the accusation had no evidence. Never mind that the Senator came to the floor to apologize. Never mind that I was one of the first Members of the Senate to call for an investigation. Never mind that I have taken to the floor more than once to refute it. The big lie strategy worked—and the charge has been repeated over and over again.

So even at the risk of protesting too much, I take the floor again to refute that Senator's allegations, and those that have been repeated since this story broke.

As every Senator knows, but the public may not, the FBI file is a closely held document. A Senator must ask to see it. It is brought to the Senator's office by a top aide to the chairman who sits there with you while you read it. No one but Senators may read the FBI file and when the Senator is finished reading, the committee staffer takes it away.

I want to add a few more facts to the mix here. Over the weekend, I finally read the Newsday article of October 6. The source for this story was an individual who had seen the FBI report. In the radio report on NPR, information is attributed to "sources who've seen the FBI report."

I did not see the FBI report until the day after the story broke. I repeat, I did not see the FBI report until the day after the story broke.

With respect to Professor Hill's written statement to the committee, which apparently was leaked as well, I did read that. It was delivered to my office shortly before the vote on Judge Thomas, and was retrieved by a committee staff person after that vote. After I read it, I taped the envelope shut, and handed it back to my personal secretary. It was never reopened. It was never copied. This statement was available to Republicans and Democrats on the committee, it was available to officials in the White House—it was available to officials at the Justice Department.

Mr. President, I only offer this information because I feel it necessary to counter the anonymous finger pointing from the right.

Mr. President, I do not know who leaked this confidential information to the press.

I do know that I did not, and that there is not a shred of evidence to support the suggestions that I did. Those who are suggesting that I did are engaging in the very conduct they say they abhor.

Mr. President, I was one of the first members to call for an investigation into this matter. I am eager to support and to cooperate with this investigation. Let us put an end to the baseless finger pointing and suspect-of-the-week syndrome and get on with the investigation.

Mr. MITCHELL. Mr. President, we have been awaiting holding up the vote to accommodate one Senator. I understand that schedule is now acceptable. So I yield.

Mr. STEVENS. Mr. President, will the Senator yield for just one question?

Mr. MITCHELL. Certainly.

Mr. STEVENS. Mr. President, I want the Senator to know I intend to support his resolution. But I also support the amendment of the Senator from California. One is a resolution and the other would become a matter of law. I do think they could both deserve support. Would the Senator disagree with that?

Mr. MITCHELL. I am for my resolution, and am opposed to the Seymour amendment.

Mr. President, I yield the remainder of my time. I believe we are now ready to vote.

The PRESIDING OFFICER. The majority leader yields back the remainder of his time.

The question is on agreeing to Senate Resolution 202. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Iowa [Mr. HARKIN] and the Senator from Nebraska [Mr. KERREY] are necessarily absent.

The PRESIDING OFFICER. (Mr. KOHL). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 86, nays 12, as follows:

[Rollcall Vote No. 228 Leg.]

YEAS—86

Adams
Akaka
Baucus
Bentsen
Biden
Bingaman
Bond
Boren
Bradley
Breaux
Brown
Bryan
Bumpers
Burdick
Byrd
Chafee
Coats
Cohen
Conrad
Cranston
D'Amato
Danforth
Daschle
DeConcini
Dixon
Dodd
Dole
Domenici
Durenberger
Exon
Ford
Fowler
Garn
Glenn
Gore
Graham
Grassley
Hatch
Hatfield
Heflin
Helms
Hollings
Inouye
Jeffords
Johnston
Kasten
Kennedy
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Lugar
McCain
McConnell
Metzenbaum
Mikulski
Mitchell
Moynihan
Murkowski
Nickles
Nunn
Packwood
Pell
Pressler
Pryor
Reid
Riegle
Robb
Rockefeller
Roth
Rudman
Sanford
Sarbanes
Sasser
Shelby
Simon
Simpson
Specter
Stevens
Thurmond
Warner
Wellstone
Wirth
Wofford

NAYS—12

Burns
Cochran
Craig
Gorton
Gramm
Kassebaum
Lott
Mack
Seymour
Smith
Symms
Wallop

NOT VOTING—2

Harkin
Kerrey

So, the resolution (S. Res. 202) was agreed to, as follows:

Resolved,

SECTION 1. CONDUCT OF THE INVESTIGATION.

The Federal Bureau of Investigation, the General Accounting Office, and any other Government department or agency as may be appropriate, shall be utilized in carrying out the investigation required by this resolution and the special independent counsel established by this resolution may, with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, use on a reimbursable, or on reimbursable, basis the services of personnel of any such department or agency.

SEC. 2. OFFICE OF TEMPORARY SPECIAL INDEPENDENT COUNSEL.

There is established, as a temporary office of the Senate, an Office of Temporary Special Independent Counsel, which shall be directed by a special independent counsel (referred to as the "special independent counsel"), with administrative support from the Secretary of the Senate, to conduct an investigation of any unauthorized disclosures of non-public confidential information from Senate documents in connection with following investigations:

(1) the consideration of the nomination of Clarence Thomas to be an Associate Justice

of the Supreme Court by the Committee on the Judiciary; and

(2) the investigation of matters related to Charles Keating by the Select Committee on Ethics.

SEC. 3. APPOINTMENT OF THE SPECIAL INDEPENDENT COUNSEL AND EMPLOYMENT OF STAFF.

(a) The President pro tempore of the Senate, upon the joint recommendation of the Majority Leader and the Minority Leader, shall appoint and fix the compensation at an annual or daily rate of pay, or shall contract for services in the same manner and under the same conditions as a standing committee of the Senate may procure such services under section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i)), of a special independent counsel to direct the office established in the preceding paragraph. The President pro tempore of the Senate, upon the joint recommendation of the Majority Leader and the Minority Leader, may terminate the special independent counsel at any time.

(b) The Secretary of the Senate shall, upon the recommadation of the special independent counsel and with the joint approval of the Majority Leader and the Minority Leader, appoint and fix the compensation of such additional staff, including staff appointed at daily rates of pay, as are necessary to carry out the purposes of this resolution.

(c) Any employee appointed under this resolution may be paid at a rate not to exceed the maximum annual rate of pay for an employee of a standing committee of the Senate.

SEC. 4. EXPENSES OF INVESTIGATION.

(a) The expenses of the investigation of the special independent counsel shall be paid out of the Contingent Fund of the Senate from the appropriation account Miscellaneous Items upon vouchers approved by the Secretary of the Senate, except that vouchers shall not be required for—

(1) the disbursement of salaries of employees who are paid at an annual rate;

(2) payment of expenses for telecommunications services provided by the Telecommunications Department, Sergeant at Arms, United States Senate;

(3) the payment of expenses for stationery supplies purchased through the Keeper of the Stationery, United States Senate;

(4) the payment of expenses for postage to the Postmaster, United States Senate; and

(5) the payment of metered charged on copying equipment provided by the Sergeant at Arms, United Senate Senate.

(b) In carrying out the provisions of this resolution, the special independent counsel may procure the temporary or intermittent services of individual consultants, or organizations thereof, in the same manner and under the same conditions as a standing committee of the Senate may procure such services under section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i)).

(c) The Secretary of the Senate is authorized to advance such sums as may be necessary to defray the expenses incurred in carrying out the provisions of this resolution.

SEC. 5. COOPERATION OF THE SENATE.

All committees, Senators, officers, and employees of the Senate shall cooperate with the special independent counsel in conducting the investigation required by this resolution.

SEC. 6. DEPOSITIONS AND SUBPOENAS.

(a) The special independent counsel shall have the power to conduct depositions, at any time or place, of witnesses under oath, including oaths administered by individuals authorized by local law to administer oaths, for the purpose of taking testimony upon examination by any counsel designated by the special independent counsel, and receiving correspondence, books, papers, documents, and other records.

(b) At the request of the special independent counsel, the President pro tempore of the Senate shall have the power to authorize subpoenas, which shall be issued by the Secretary of the Senate, on behalf of the Senate for the attendance of witnesses at depositions under section 6(a) and for the production of correspondence, books, papers, documents, and other records.

(c) The chairman and ranking member of Committee on Rules and Administration, acting jointly, shall adopt rules for the conduct of depositions and other matters related to the investigation required by this resolution, which shall be published in the Congressional Record. The rules may be amended by the same process.

(d) If a witness refuses, on the basis of relevance, privilege, or other objection, to testify in response to a question or to produce records in connection with the investigation required by this resolution, the chairman and ranking member of the Committee on Rules and Administration, acting jointly, shall rule upon such objection, or they may refer such objection to the full Committee on Rules and Administration for a ruling.

(e) The Committee on Rules and Administration may make to the Senate any recommendations by report or resolution, including recommendations for criminal or civil enforcement, which the Committee may consider appropriate with respect to—

(1) the failure or refusal of any person to appear at a deposition or to produce records in obedience to a subpoena or order; or

(2) the failure or refusal of any person to answer questions during his or her appearance as a witness at a deposition,

in connection with the investigation required by this resolution.

SEC. 7. REPORT OF THE SPECIAL INDEPENDENT COUNSEL.

The special independent counsel shall report the counsel's findings regarding all matters relevant to the investigation by transmitting the report to the Majority Leader and the Minority Leader. The Leaders shall make the report available to all Senators. The Majority Leader and the Minority Leader or their designees shall make—

(1) a determination on referral to the appropriate law enforcement authority of any possible violation of Federal law;

(2) a determination on referring to the appropriate committee any disciplinary action that should be taken against any Senator, official, employee, or person engaged by contract or otherwise to perform services for the Senate, who may have violated any rule of the Senate or of any Senate committee;

(3) a determination on referring to the appropriate executive branch any questions involving the conduct of any official or employee of the executive branch responsible for the unauthorized disclosure; and

(4) recommendations for any changes in Federal law or in Senate rules that should be made to prevent similar unauthorized disclosures in the future.

SEC. 8. EFFECTIVE DATE.

The special independent counsel shall submit the report required by this resolution not later than 120 days after the appointment of the counsel.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. MITCHELL. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. FORD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1271

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from California. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Iowa [Mr. HARKIN], and the Senator from Nebraska [Mr. KERREY] are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 43, nays 55, as follows:

[Rollcall Vote No. 229 Leg.]

YEAS—43

Bond
Brown
Burns
Chafee
Coats
Cochran
Cohen
Craig
D'Amato
Danforth
Dole
Domenici
Durenberger
Garn
Gorton
Gramm
Grassley
Hatch
Hatfield
Helms
Jeffords
Kassebaum
Kasten
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Packwood
Pressler
Roth
Rudman
Seymour
Simpson
Smith
Specter
Stevens
Symms
Thurmond
Wallop
Warner

NAYS—55

Adams
Akaka
Baucus
Bentsen
Biden
Bingaman
Boren
Bradley
Breaux
Bryan
Bumpers
Burdick
Byrd
Conrad
Cranston
Daschle
DeConcini
Dixon
Dodd
Exon
Ford
Fowler
Glenn
Gore
Graham
Heflin
Hollings
Inouye
Johnston
Kennedy
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Metzenbaum
Mikulski
Mitchell
Moynihan
Nunn
Pell
Pryor
Reid
Riegle
Robb
Rockefeller
Sanford
Sarbanes
Sasser
Shelby
Simon
Wellstone
Wirth
Wofford

NOT VOTING—2

Harkin
Kerrey

So, the amendment (No. 1271) was rejected.

The PRESIDING OFFICER. The majority leader.

Mr. MITCHELL. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. SARBANES. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DURENBERGER. Mr. President, the environmental problem at Federal facilities is a large problem. Federal agencies operate more than 2,300 facilities that treat, store, or dispose of hazardous waste or have done so in the past. There are thousands of hazardous waste disposal units at these facilities, hundreds of which will require corrective action to protect human health and the environment.

It will cost billions of dollars to bring the ongoing operations at these facilities into compliance with the Federal environmental laws. It will cost tens of billions and take many years to correct the past abuses.

There are sites in every single one of our States. So, every Senator has experienced the frustration that is the essence of the cleanup process. In Minnesota, the principal Federal facility is the Twin Cities Army Ammunition Plant, called TCAAP, located in New Brighton. The industrial solvent TCE, a waste from a manufacturing process, was disposed in a lagoon at TCAAP for several years in the 1950's and 1960's. The plume from the lagoon eventually contaminated 25 square miles of the principal aquifer supplying drinking water to the Twin Cities.

The problem was discovered in the late 1970's. Eight families living near the plant lost their drinking water wells. The city of New Brighton lost its municipal wellfield. The problem had just been discovered about the time I was elected to the Senate. It took 10 years for me to get the Army to admit its responsibility for the release and to sign an agreement to clean it up. The attorney general of Minnesota, Hubert Humphrey III, deserves great credit for that agreement. It was the first of its kind in the Nation.

But it is just an agreement to take action. Complete cleanup of the site will take more time. There is no hope of restoring the aquifer to its former purity. The city of New Brighton has been compensated. But the litigation with the eight families goes on. The Army has yet to offer a settlement in that case, and apparently, these families will have to take on the Army and the Justice Department in a trial to recover the loss which they have suffered.

That Mr. President, is the reality of the Federal facilities problem for just one of the 50 States. When the issue before us today is looked at from that perspective, my instinct is to give EPA and the States every tool available to force action at these sites. A big fine laid on the Army in 1980 or 1981 might have saved years of frustration for the people of Minnesota in the New Brighton case.

I do see evidence that the attitude at the Department of Defense is changing. DOD is now looking to make rapid progress in resolving these problems. Staff of the Department have been straightforward and helpful in resolving the many issues that have been raised by this legislation.

The administration has been blamed for foot-dragging here on the floor of the Senate today, but it is not the entire administration. I sense that most of the departments and agencies are now eager to get on with the job of cleanup. The one holdout is the Department of Energy. They have historically been the worst polluter and it is clear that they will be the last to change their attitude about public health and safety.

Mr. President, I would like to comment in detail on one of the amendments which is being added to this bill this afternoon. An amendment has been offered to this bill which will affect the regulatory status of sewage treatment plants at Federal facilities.

Under the Solid Waste Disposal Act, materials that are mixed with domestic sewage are not considered to be solid wastes. This means that hazardous wastes that are discharged by an industrial facility to a city sewer are not subject to the subtitle C hazardous waste regulation of RCRA. When these wastes are mixed with sewage, they lose their status as waste under RCRA.

This provision, which is found in the definition of solid waste in the RCRA statute, is called the domestic sewage exclusion. The theory is that wastes discharged to a sewer will be regulated under the Clean Water Act pretreatment program and that regulation under RCRA is therefore not required.

The domestic sewage exclusion has not been available to sewage treatment plants operated by Federal agencies. There are many such plants. They are located on military facilities all across the country. They receive domestic sewage from the offices and living quarters on the base. And they may also receive industrial wastes from manufacturing facilities and machine shops that may be located on the base.

Although these federally owned sewage treatment plants mix industrial waste and domestic sewage, they have not been eligible for the domestic sewage exclusion from hazardous waste regulation because EPA regulations limit the exclusion to sewage treatment plants owned by local governments. In the jargon of environmental law, these locally owned plants are called publicly owned treatment works or POTW's. Federal facilities are not POTW's. And although a sewage plant owned by the Federal Government may operate in every respect just like a POTW, it has not been eligible for the domestic sewage exclusion.

The purpose of the amendment is to create an exclusion like the domestic sewage exclusion for federally owned treatment works. The amendment does not modify the definition of solid waste under RCRA, nor does it modify the EPA regulations. Rather, a new section is added which provides that federally owned treatment works shall not be considered to be handling a hazardous waste, even though they are, in fact, handling a hazardous waste, if certain other conditions are met. These conditions include permit and pretreatment requirements.

I emphasize again that the domestic sewage exclusion, which is an exclusion from the definition of solid waste, is not involved in this amendment. The amendment, rather, addresses the status of a sewage treatment plant owned by the Federal Government that is receiving a hazardous waste.

This is an important distinction because it is only the receiving facility—the so-called FOTW, the federally owned treatment works—that is affected by this amendment. The industrial facility generating the waste and the status of the waste itself prior to entering a qualifying FOTW are not affected by the amendment. In fact, subsection (c) of the new RCRA section added by the amendment explicitly provides that no waiver from any RCRA subtitle C requirement is in any way granted to the industrial unit that generates the hazardous waste.

In that respect this amendment is unlike the domestic sewage exclusion. Because the domestic sewage exclusion affects the definition of waste, the material discharged to a POTW by an industrial facility is not a hazardous waste when it mixes with domestic sewage and RCRA does not apply to the waste or to the industrial facility. The amendment, with respect to federally owned treatment works, operates on a different principle, affecting the status of the receiving facility only.

The point is made absolutely clear in subsection (c) of the proposed section 6006 which requires the industrial facility generating the waste and pretreating it to meet all RCRA requirements. These requirements would include manifesting, treatment, storage, permit, and disposal requirements. The industrial facility generating the waste remains a hazardous waste generator and must manage the waste under all of the RCRA requirements that currently apply to such a facility and to hazardous waste. It is only the sewage treatment unit, that receives a waste stream containing mostly domestic sewage, that is affected by the amendment.

I want to touch on one final issue, Mr. President. To me it is clear that Congress intended in RCRA that Federal facilities be treated in all respects in just the same way as private parties. Nothing in the legislative history of section 6001 of RCRA suggests that any distinction, with respect to fines and penalties, was made. The language is not crystal clear, as it is in the Clean Air and Safe Drinking Water Acts, but there is no suggestion in any part of the history of these statutes that the intention was any different. S. 596 simply clarifies that intent.

Mr. METZENBAUM. Mr. President, I strongly support this legislation.

If we are serious about protecting our environment then we cannot have a double standard which punishes private companies and individuals who break environmental laws but allows the Federal Government to escape fines and penalties when it pollutes.

The threat of strong enforcement actions, including the assessment of fines and penalties, encourages the private sector to negotiate timely cleanups and to think twice before they pollute again.

This is a very important club. And it is exactly what the States need when dealing with Federal agency violations of environmental laws like the Resource Conservation and Recovery Act which covers the cradle to grave handling of hazardous waste.

The National Association of Attorneys General supports this bill. They know they need this club to get the Department of Defense, the Department of Energy, and all the other federally run operations in their States to take compliance with hazardous waste law seriously.

Mr. Chairman, I know how cavalier the Federal agencies have been about environmental compliance.

There is a history of careless—even reckless—operation of DOE facilities in my State of Ohio.

We have three DOE nuclear facilities in Ohio—the Feed Materials Production Center near Fernald, the mound facility in Miamisburg and the Portsmouth uranium enrichment complex in Piketon.

They have all been the source of environmental problems.

Just look at the Fernald Plant. This uranium refinery facility, designed to produce uranium metal for defense production needs, has a 40-year history of pollution. There have been findings of ground water contamination on and off site. There have been releases of hazardous waste from drum storage areas and other problems.

DOE is just now beginning to address these pollution problems at Fernald. This is long overdue. And it is the direct result of the continuous prodding, pushing, and threatening by the State of Ohio, U.S. EPA, and other interested parties. Even so, I am still not certain that DOE is doing enough there or that it will not renege on its public pledge to thoroughly clean up the site.

Indeed, Fernald is at the very center of this entire debate on States imposing and collecting penalties for Federal violations of the Resource Conservation and Recovery Act.

In 1986, the Ohio attorney general took legal action against DOE for RCRA violations at Fernald. In 1988, the Ohio district court held that RCRA does waive sovereign immunity for penalties sought by a State administrative agency.

This decision, for the most part, was upheld by the Sixth Circuit Courts of Appeals.

DOE did not accept this decision and brought it to the Supreme Court. The Court will decide the matter later this year.

Mr. Chairman, I believe Congress ought to step in and tell DOE once and for all that it is not above Federal law. It cannot be allowed to ignore the harmful pollution problems it helped create.

The Mitchell bill simply reaffirms Congress' original intent that States can impose and collect fines and penalties from Federal agencies and Departments for violations committed under State and Federal hazardous waste law.

Mr. Chairman, the threat of punishment is a great motivator. Federal facilities in my State and across the Nation that are hotbeds of pollution will be greatly helped by this legislation.

Federal facilities that violate hazardous waste laws cannot and must not be above the law. They need to know that they will feel the sting of fines and penalties if they break the law just like any private party.

I urge adoption of this bill.

Mr. WARNER. Mr. President, I rise today in support of S. 596, as amended. This legislation should address the perceived inequities between Federal facilities and other facilities relative to compliance with environmental requirements.

I thank Senator MITCHELL, Senator CHAFEE, and other Members and staff of the Environment and Public Works Committee for their good faith negotiations, which have now resulted in needed amendments to the bill. These amendments address the major concerns of the administration with this bill.

Without these amendments, the Defense and Energy Departments would have been subjected to unfair results under this bill. These agencies have unique characteristics that require unique language. The amendments do ensure these agencies will be required to comply with the law while ensuring that enforcement of these laws is fair and realistic.

Getting to this point has taken about 2 years, including long hours of debate over issues and impacts. Hopefully, this investment will result in a better environment.

I thank the managers of the bill, the majority leader, and all that have contributed to this achievement.

I urge the conferees to support the Senate positions in the conference with the House.

Mr. WALLOP. Mr. President, today the Senate will very likely pass this bill and thereby endorse the concept of levying fines against an agency of the Federal Government for noncompliance with the Solid Waste Disposal Act. As I emphasized during the debate to proceed to S. 596, the thought of one Federal agency collecting fines and penalties from another Federal agency or of a State filling its coffers with Federal tax dollars disguised as fines against a Federal agency raises the question whether the proponents of this bill are really interested in environmental cleanup. In my view, the bill, will have the opposite effect. It will delay the entire process.

How can we claim to be serious about addressing environmental problems at Federal installations if we are willing, indeed eager it would appear, to divert funds for that purpose to EPA or the States for their unfettered, undirected use? Can it really be desirable to abrogate our responsibility to ensure that the agencies we authorize conduct their business lawfully?

What has happened to a country that prides itself on technological expertise and a certain modicum of practicality? What has happened to our resolve to deal with problems by committing our ingenuity to that end and managing to cope until we arrive at a solution? Through this bill, we are saying we cannot cope, and until we can, we will fine ourselves. How can a brilliant country choose this as a solution? If we have reduced ourselves to this kind of illogic, it is no wonder we are unable to compete with the Japanese and Germans in the marketplace. We waste our efforts and our resources—scientific and technological—on this silly kind of faddism that permits collection of fines from an agency thereby reducing the funds available to abate the very problem for which the fines were collected.

It seems to me that this bill is nothing more than a shirking of our duty to formulate a realistic schedule to bring these facilities into compliance with our environmental laws. Surely we have not become so impotent that we must throw this problem into the courts, a choice I find patently idiotic. It is beyond any degree of common sense to suggest that this course will force the environmental cleanup to proceed more rapidly or employ a more economic use of funds and resources.

As if that were not enough, the bill endorses a scheme that will result in the imposition of fines for storage of mixed waste even though there are no regulations governing mixed waste, and in many cases, no technology or capacity to treat such waste. If it is illegal to store it but there are no methods of disposing of it, what is one to do with it? The answer in this bill is, of course, levy fines against the agency possessing it. Even though an amendment that I co-sponsored would delay such ridiculous consequences, the fines and penalties even in these impossible situations would be permitted under the legislation after 1997, an arbitrary date bearing no relation whatever to projected technology or capacity development.

The fact that this seems to be a popular bill with many supporters makes it no less absurd. This will not be the first time that this body has endorsed inefficiency as the standard by which other actions are taken or accepted the bizarre as the normal. I challenge the Members of the Senate to use their judgment and not their passion for a moment. I challenge them to slip out from under the bonds of green ratings that bring money for campaigns and other kinds of things and look rationally at this problem.

In this era of budget deficits, I do not understand how a country could do this to itself. I really do not understand how we can rationalize prodding agencies to litigate and fine each other; how we can encourage States to seek fines from the Federal coffers; how we can appropriate funds for one purpose and then put them into some other pocket and all the while complain about deficits.

This bill will be opening the Federal Treasury to perhaps billions of dollars in fines that will do nothing to promote the end of environmental cleanup. There are enormous budget considerations to this bill, the likes of which cannot be forecast, not by OMB, not by CBO, and not by diviners looking into crystal balls. How can we sit here uniformly, Republicans and Democrats alike, exhorting each other about the budget deficit and then toss into the hat something that could cost the Treasury billions for purposes over which we have no control?

It is these considerations that have shaped my decision on this bill. I cannot support passage of this legislation.

Mr. SIMPSON. Mr. President, the language on the mixed waste amendment—mixed waste contains both hazardous and radioactive waste—was worked out on the Senate floor last Thursday afternoon and evening.

It represents a compromise between divergent opinions about how to accomplish a goal we all seek—the safe, cost effective and expedient cleanup of Federal facilities.

This compromise will relieve DOE from paying fines and penalties under RCRA for mixed waste storage which is in violation with RCRA's storage prohibition. The reason is simple: There is inadequate treatment capacity.

The principal amendment would authorize, until December 31, 1993, the storage of mixed waste at Federal facilities when treatment technologies do not exist or sufficient treatment capacity is not available for mixed waste.

We have learned that disposal capacity is not yet available. Also, for a number or mixed waste streams, treatment technology is not even known at this time.

Taking these severe limitations into account, my colleagues agreed that after December 31, 1993, EPA may grant a continued exemption or a variance under RCRA for a particular type of mixed waste on a case-by-case basis.

A variance may be granted: First, if sufficient treatment capacity is not available due to circumstances beyond the control of the applicant; or second if technologies do not exist and cannot reasonably be developed due to circumstances beyond the control of the applicant. However, in one case will a variance be granted beyond July 1, 1997.

As my friends and colleagues Senator WALLOP and Senator DOMENICI raised a question on the floor last Thursday, "What happens then? Does one Federal agency start assessing fines and penalties against another Federal agency?" Why would we allow such fines and penalties when treatment technology does not exist?

I know the rationale for doing so—to force the Department of Energy to expeditiously clean up Federal facilities when faced with a deadline and the threat of fines.

If treatment technology and disposal capacity exists and can be deployed to meet the deadline, I have no objection to this. My concern is over the case where treatment and disposal technology will not be available by 1997. We may be dealing with this issue again then!

DOE has identified over 25 discreet waste streams for which no treatment technology has been identified or developed. Examples are: Radioactive and lead-contaminated debris; high-level radioactive waste, safety and control rods from nuclear reactors; and tritiated process equipment contaminated with mercury. Development of such treatment technology may take 10 years or more.

DOE has also identified approximately 250 discreet waste streams for which treatment capacity is inadequate. Examples are: Radioactive trichloromethane; rags and wipes contaminated with hazardous solvents and transuranic waste; and organic laboratory waste.

The amendment would also require EPA to issue, within 90 days of enactment, a list of mixed wastes for which treatment technologies do not exist or sufficient treatment capacity is not yet available.

This is a fine idea. We should know which mixed waste streams may be cleaned up for disposal, in other words, those which are not on EPA's list.

A very important part of the compromise language is section 5(4). This amendment would require EPA to amend standards for treating mixed waste in order to minimize risks to human health and the environment by December 31, 1992.

All Federal facilities should know what regulations will be in place as they progress with clean up of mixed waste. This language seems reasonable and, I trust my colleagues would agree, should certainly remain a part of the bill through the Conference Committee.

Senator DOMENICI'S amendment, which is section 11 of the bill, would require the chief financial officer of each affected agency to submit to Congress annual reports on the agency's activities regarding development of treatment technology and capacity for mixed waste, the expected cost of doing so, including a detailed description of the compliance activities to be accomplished during the period covered by the budget submission.

We should also know the cleanup cost. Senator DOMENICI'S language, section 11 of the bill, is directed to this budgetary concern. At a time when the Federal budget is stretched to the limit, we should judiciously allocate our funds. I strongly support the language in section 11 and will work to see it preserved through the Conference Committee.

During the negotiations, Senator MITCHELL'S proposed amendment contained language which did not appear on the final version. I was in favor of that draft language because it extended the on-site storage and the possibility of waivers, or variances, to all generators of mixed waste. Commercial generators should be treated the same as the Federal Government. After all, that was the premise of this bill—that Federal facilities should be treated the same as commercial sites under RCRA. For the sake of equity, I would have preferred that the provisions of this amendment be extended to commercial generators of mixed waste. Perhaps the conferees will also address this issue during the Conference Committee.

Finally I would like to thank my fine colleagues, Senator WALLOP and DOMENICI, for their help and guidance in fashioning what I have already described as a fair compromise. I also sincerely thank Senator MITCHELL for giving serious attention to those issues which we felt needed to be addressed. Although I am still concerned with the wisdom of requiring an absolute deadline of July 1, 1997 I do appreciate the Senator's attention to my concerns.

Mr. BROWN. Mr. President, I and my colleague from Colorado rise to engage in a colloquy with the distinguished managers of S. 596. Specifically, we seek clarification regarding the relationship between section 105, which deals with the storage of mixed waste, and section 106, which preserves existing agreements or consent orders.

Until December 31, 1993, section 105 makes available an exemption from the requirements of section 3004(j)(1) of the Solid Waste Disposal Act for mixed waste for which disposal technologies do not exist or sufficient treatment capacity is not yet available. Under section 105, further variances beyond December 31, 1993, may be available on a case-by-case basis. It is my understanding that section 105 only addresses the requirements of RCRA section 3004(j)(1) and does not exempt mixed waste from any other requirements of Federal, State, or local law. Is my understanding correct?

Mr. CHAFEE. That is correct.

Mr. BAUCUS. Yes, section 105 only affects the requirements of RCRA section 3004(j)(1) and does not exempt mixed waste from any other requirements of Federal, State, or local law.

Mr. WIRTH. Section 106 states that the Federal Facility Compliance Act does not alter any existing agreement or consent order to which the Federal Government is a party regarding mixed waste. It is my understanding, therefore, that, if the Federal Government is a party to an agreement or consent order concerning mixed waste on the date of enactment, the provisions of that agreement or consent order would continue to govern and would not be affected by the Federal Facility Compliance Act. Is that correct?

Mr. CHAFEE. That is correct.

Mr. WIRTH. It is also my understanding that, if the Federal Government is the subject of a State order or permit that does not fall within the scope of an "existing agreement or consent order" as described in section 106, all provisions of that order except those related to section 3004(j)(1) of the Solid Waste Disposal Act would continue to govern and would not be affected by the Federal Facility Compliance Act. Is that also correct?

Mr. BAUCUS. That is correct.

Mr. BROWN. Therefore, the existing unilateral order of July 1991 and existing RCRA permits to which the Federal Government is subject at Rocky Flats, which deal with the management of mixed waste residues but do not address section 3004(j)(1), would not be affected by the Federal Facility Compliance Act. Is that correct?

Mr. BAUCUS. Yes, that is correct.

I want to note the involvement of the senior Senator from Colorado in development of the mixed-waste amendment. He provided important guidance regarding preservation of existing orders with Federal agencies, such as those at Rocky Flats. I appreciate his interest in this matter.

Mr. WIRTH. I want to thank the chairman for his willingness to work with me and other interested parties to assure that all existing agreements and orders are not affected by the mixed-waste amendment contained in section 105. Section 106 makes it clear that section 105 does not affect such agreements.

Mr. DOMENICI. Mr. President, once again I compliment the distinguished majority leader. He has been interested in this bill for a long time. I thank the managers of the bill for accepting a rather significant amendment that a number of us put together—the chairman of the Energy Committee and ranking member, myself, and others—that made the bill more possible and more logical and more doable. We do not want to proceed with a Federal cleanup where one department of the Government fines another department of the Government unless, indeed, what is being sought to be done cannot be done. And we found a very serious problem of mixed waste that clearly could not have been in a position of total cleanup by the dates in the bill. So an extended period of time was granted for an annual report stating accomplishments, expenditures, and technology are now required.

Frankly, I think that makes it much more feasible, much more logical, and clearly we will be moving with very large amounts of money, taxpayers' money, to do cleanup on Federal facilities, whether it be an Air Force base, an old nuclear facility, a place within some national laboratory, or the NIH where they have done research with radioactive items. All of those have to be cleaned up. But obviously we want them cleaned up on a schedule that is doable and achievable with current technology. Amendments accepted to that bill will permit it to happen in that manner.

I am hopeful when they go to conference they will not throw that part of the bill away because I am quite confident many of us will ask the President to look very seriously at it if that is the case.

I am not speaking for anyone other than myself, but it would concern me greatly.

The PRESIDING OFFICER. Under the previous order, S. 596 is considered read a third time. The Senate will now proceed to the consideration of H.R. 2194. All after enacting clause is stricken, the text of S. 596, as amended, is substituted in lieu thereof, and the bill is considered read a third time.

The question now occurs on H.R. 2194, as amended.

Mr. MITCHELL. Mr. President, I ask for the yeas and nays on H.R. 2194, as amended.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The bill, having been considered read the third time, the question is, Shall the bill pass? On this question, the yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

Mr. FORD. I announce that the Senator from Iowa [Mr. HARKIN] and the Senator from Nebraska [Mr. KERREY] are necessarily absent.

Mr. SIMPSON. I announce that the Senator from Oregon [Mr. PACKWOOD] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 94, nays 3, as follows:

[Rollcall Vote No. 230 Leg.]

YEAS—94

Adams
Akaka
Baucus
Bentsen
Biden
Bingaman
Bond
Boren
Bradley
Breaux
Brown
Bryan
Bumpers
Burdick
Burns
Byrd
Chafee
Coats
Cochran
Cohen
Conrad
Craig
Cranston
D'Amato
Danforth
Daschle
DeConcini
Dixon
Dodd
Dole
Domenici
Durenberger
Exon
Ford
Fowler
Glenn
Gore
Gorton
Graham
Gramm
Grassley
Hatch
Hatfield
Heflin
Hollings
Inouye
Jeffords
Johnston
Kassebaum
Kasten
Kennedy
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Metzenbaum
Mikulski
Mitchell
Moynihan
Murkowski
Nickles
Nunn
Pell
Pressler
Pryor
Reid
Riegle
Robb
Rockefeller
Roth
Rudman
Sanford
Sarbanes
Sasser
Seymour
Shelby
Simon
Simpson
Smith
Specter
Stevens
Symms
Thurmond
Warner
Wellstone
Wirth
Wofford

NAYS—3

Garn
Helms
Wallop

NOT VOTING—3

Harkin
Kerrey
Packwood

So, the bill (H.R. 2194) as amended, was passed.

Mr. BAUCUS. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. MITCHELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BAUCUS. Mr. President, I move that the Senate insist on its amendment, request a conference with the House, and that the Chair be authorized to appoint conferees.

The motion was agreed to; and the Presiding Officer (Mr. KOHL) appointed Mr. BURDICK, Mr. BAUCUS, Mr. MOYNIHAN, Mr. MITCHELL, Mr. LAUTENBERG, Mr. CHAFEE, Mr. SIMPSON, Mr. DURENBERGER, and Mr. WARNER conferees on the part of the Senate.

Mr. BAUCUS. Mr. President, I now ask unanimous consent that S. 596 be indefinitely postponed.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAUCUS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

FURTHER CONTINUING APPROPRIATIONS FOR FISCAL YEAR 1992

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of House Joint Resolution 360, the continuing appropriations resolution; that the joint resolution be read a third time and passed and that the motion to reconsider be laid upon the table. I am advised it is cleared by the distinguished Republican leader.

The PRESIDING OFFICER. Without objection, it is so ordered.

The joint resolution (H.J. Res. 360) was deemed read the third time and passed.

Mr. LEAHY. Mr. President, I am pleased that the Senate has now passed the continuing resolution extending foreign operations programs through March 30. I appreciate the action of the other body in basing this CFR on the standard formula of House-passed bill or fiscal 1991 act, whichever is lower. Foreign operations programs will also be governed by the same terms and conditions as contained in the fiscal 1991 act.

The Foreign Operations Subcommittee intends to move promptly next February to begin moving a Senate version of H.R. 2621, the House-passed version of the fiscal 1992 foreign operations appropriation. It is my intention to seek Senate action on that bill well before March 30 if at all possible.

Mr. President, I would also note that it is my understanding that, consistent with operations under the first continuing resolution for this fiscal year, programs such as the Administration of Justice Program that would otherwise have expired at the end of fiscal year 1991, can continue to operate during the period of this continuing resolution. Similarly, it is my understanding that funds made available under this continuing resolution for the International Finance Corporation and African Development fund could be obligated during that period.

Finally, Mr. President, I ask unanimous consent that a letter to me from Acting Secretary of State Lawrence S. Eagleburger regarding military assistance to El Salvador be included in the RECORD at the conclusion of my remarks. This letter states the intention of the Administration to abide in good faith by the provisions of the so-called Dodd-Leahy amendment to the fiscal 1991 Foreign Operations Appropriation Act respecting military assistance to El Salvador. Specifically, the administration undertakes to obligate no more than $3.5 million a month to El Salvador in military assistance during the period of the continuing resolution unless there are extraordinary circumstances, such as an FMLN offensive. If the Administration decides that it must exceed this rate, it has given Congress a commitment to prior consultation.

These administration assurances will maintain the status quo in military aid to El Salvador during the period of the continuing resolution, and will ensure that at least half, and actually considerably more than half, the $85 million expected to be appropriated for fiscal 1992 will remain obligated when the Senate takes up next year's foreign operations bill next February. This preserves the Senate's right to seek new conditions on military aid to El Salvador if that is the will of this body.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF STATE,
Washington, DC, October 23, 1991.

Hon. PATRICK J. LEAHY,
Chairman, Subcommittee on Foreign Operations, Committee on Appropriations.

DEAR MR. CHAIRMAN: The Administration believes that the negotiations to end the war in El Salvador are at a critical point and are heading towards a successful conclusion. The cooperation of Congress over the last six months has helped create the conditions in which the peace process has advanced.

Continued cooperation is essential in the remaining crucial weeks to ensure that the parties resolve the last remaining issues and negotiate a U.N. supervised cease-fire. Should the Congress continue the current legislation governing military assistance to El Salvador in the next continuing resolution, the Administration would be bound to abide by both the spirit and the letter of those restrictions.

Specifically, the Administration would obligate FY 92 military assistance consistent with a withholding of 50% of that assistance, which would amount to a rate of $3.5 million per month. That money would be spent only as necessary to sustain current levels of support. The Administration would continue to press vigorously on the issue of human rights in general, and prosecutions in the Jesuit case in particular.

With regard to the provisions in the FY 91 legislation which allow the Administration to determine that the FMLN has violated certain conditions and thereby release the 50% of military aid withheld, the Administration would only make such a determination should there be a radical change in the military situation in El Salvador after the date of enactment, which we do not expect or foresee, and only after prior consultation with the Congress.

The Administration hopes and expects that a cease-fire will be negotiated and in place during the life of this continuing resolution. Once a cease-fire is in place, the Administration would consult with Congress about how military assistance could contribute to demobilization of combatants on both sides, national reconciliation, and national reconstruction to ensure a lasting and stable peace in El Salvador.

Sincerely,
LAWRENCE S. EAGLEBURGER,
Acting Secretary.

VOTES ON SENATE INVESTIGATIONS

Mr. DOLE. Mr. President, I just wanted to comment briefly on the votes on the investigative amendments, the resolution by the majority leader, which I would point out had the support of 31 Republican Senators, and the amendment of the distinguished Senator from California, Senator SEYMOUR, which had the support of zero Democrats.

I think the record should reflect that had we adopted the Seymour amendment, we would have completed the investigation of the Thomas matter within 30 days, and now I would not hazard a guess when that may happen.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. MITCHELL. Mr. President, I have received reports from Senator DANFORTH, Senator KENNEDY, Senator DOLE, and others participating in the discussions on the civil rights bill, and at their request I am persuaded that with respect to the subject matter that they are discussing, it makes sense to permit them to continue those discussions in the hopes of reaching agreement rather than attempting to resolve them at this moment on the Senate floor. And so with respect to that aspect of the measure, those discussions will continue and there will not be an effort to resolve them on the Senate floor.

However, there are other very important and very controversial aspects of the bill which are not the subject of those discussions which I hope we can address during today's session. And so Senators should be aware that there may well be further amendments and votes this evening on this bill.

We have now been attempting to get to and on this bill for several days, and it is imperative that we make progress as the remainder of the work before the Senate continues to require our attention.

So there can be no misunderstanding by Senators, it is still my hope there will be important and substantive matters with respect to the bill addressed this evening with a possibility of votes this evening and tomorrow to make such progress as we can.

At this moment, I understand we are not prepared to go forward because Senators involved are not immediately present and are discussing other matters. But I merely wanted to make that statement to apprise Senators of the current status of the bill and the prospects for this evening and tomorrow. Obviously, as every Senator knows, from past, mostly sad experience, no one can predict with certainty what will occur, but that possibility, that is, the possibility of further votes this evening and tomorrow, is very conceivable.

Mr. President, I thank my colleagues, and I yield the floor.

Mr. DOMENICI. Parliamentary inquiry, Mr. President. What is the pending business before the Senate?

The PRESIDING OFFICER. The bill S. 1745 will be the pending business when the clerk reports.

Mr. DOMENICI. Mr. President, I ask unanimous consent that I be permitted to proceed for 5 minutes as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MITCHELL addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. MITCHELL. Will the Senator yield for a moment?

Mr. DOMENICI. I will be pleased to yield.

MORNING BUSINESS

Mr. MITCHELL. Mr. President, to accommodate the interests of those concerned, I ask unanimous consent that there now be a period for morning business not to extend beyond the hour of 5:30 p.m., with Senators permitted to address the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

CLASS ACTION LAWSUITS

Mr. DOMENICI. Mr. President, I ask unanimous consent to have printed in the RECORD from the Wall Street Journal of Thursday, October 24, a column called "The Mouthpieces": "Class-Action Lawyers Brawl Big Fees in Milli Vanilli Fraud."

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, Oct. 24, 1991]

THE MOUTHPIECES: CLASS-ACTION LAWYERS BRAWL OVER BIG FEES IN MILLI VANILLI FRAUD—THEY LINE UP TEEN "VICTIMS" OF THE LIP-SYNCHING DUO; JUDGE NOTES "STRONG ODOR"—ROB AND FAB OR FAB AND TIDE?

(By Amy Stevens)

When Milli Vanilli was exposed as a lip-synching fraud, it was bad news for the pop-singing duo from Germany. But for America's class-action lawyers, it was a major business opportunity.

They found clients in their own law offices and contacted their friends with teenage children. Their clients included 16-year-old Jay Freedman, who exclaimed "Gee!" after his father suggested the lawsuit, and Jessica Pinks, a high-school cheerleader who didn't know she was a plaintiff until she read it in the newspaper. "You couldn't imagine the ridicule I got at school," she says.

Before long, at least 26 suits were filed, all seeking court approval to become class actions, in at least seven states. They sought damages from Arista Records, the Bertelsmann AG unit that distributed Milli Vanilli's "Girl You Know It's True" album. Mr. Freedman, Miss Pinks and thousands of other young fans will get, at best, a few dollars each from all the suits. It's doubtful that any of the plaintiffs spent more than $30 or so on Milli Vanilli merchandise—and virtually all of them had stopped listening to their record long before the lip-synching was revealed.

But the lawyers involved stand to make hundreds of thousands of dollars. And that has led to an ugly confrontation among them, prompting one judge to declare that he senses a "strong odor" from the conduct of some of the attorneys. "The whole legal pretense is that these cases arose from spontaneous consumer grievances," says Walter K. Olson, a senior fellow at the Manhattan Institute who has written a book on the proliferation of lawsuits. But in fact, he says, "the lawyers are doing what they accuse the record company of doing: Getting people to lip-synch for them."

William C. MacLeod, a former director of the Federal Trade Commission's Bureau of Consumer Protection, agrees "It's hard to imagine there's a crying consumer need for redress of injuries here," he says. "While all the Milli Vanillis are crowding the court dockets, cases involving very serious injuries or people driven near bankruptcy are sitting and waiting."

RICO VIOLATIONS?

Milli Vanilli was the stage name for two young performers, Robert "Rob" Pilatus and Fabrice "Fab" Morvan, who had come out of nowhere, released their hit album and won the 1990 Grammy Award for best new artist. Last year, when they were revealed to be lip-synching front men for a clever record producer, the revelation was greeted more with derision than outrage. The men were stripped of their Grammy. U.S. record sales weren't affected because the album had long since been off the charts anyway.

But the lawsuits flew, most alleging violations of a variety of state consumer statutes and contract laws and some charging that Rob and Fab were part of an enterprise that violated the federal Racketeer Influenced and Corrupt Organizations (RICO) Act.

The country's top class-action lawyers and law firms got involved, such as William S. Lerach of Milberg, Weiss, Specthrie, Bershad & Lerach of San Diego. Mr. Lerach's firm filed a Milli Vanilli suit in state court in San Diego, listing as co-counsel the nation's other leading class-action law firm, Greenfield & Chimicles of Hanover, Pa. That firm also filed a virtually identical suit in federal court in Los Angeles, later adding Mr. Lerach's firm and others. Both Milberg Weiss and Greenfield & Chimicles are probably best known for filing shareholder suits against companies involved in leveraged buy-outs and other deals.

David Stalder of Oakland, Calif, who's now 15, remembers being "pretty angry" when he heard about the lip-synching, since his mother had given him a Milli Vanilli cassette a year earlier. That night at dinner, his mother and her attorney boyfriend "suggested a lawsuit," David says in an interview. The following evening, two other lawyers family friends came over and drafted court papers that were filed in state court papers that were filed in state court in Alameda County, Calif., by three Bay Area-based law firms.

Albert Meyerhoff, the attorney boyfriend, says: "I remember telling David he had legal rights and could exercise them."

In the San Diego state court case, which has since been transferred to Los Angeles, all three of the original named plaintiffs have ties to the Lerach firm: Danielle Jeffrey is the 10-year-old daughter of a lawyer at the firm, Linda J. Starr is a former word-processing supervisor there, and Carla J. Freudenburg is a former law school classmate of another attorney there. The Starr and Freudenburg names also appear on the federal case, along with Leo Senay Jr., now the husband of one of the law firm's copy clerks, and Lisa Kelton, a former law school classmate of a Greenfield & Chimicles attorney.

Meanwhile, in Philadelphia, attorneys at another class-action law firm, Cohen, Shapiro, Polisher, Shiekman and Cohen, called two friends with teen-agers and asked them during the conversations if they had bought any Milli Vanilli recordings, " I said my son had the tape. Just one thing led to another where we ought to do something about it, see what we can do," Dennis Freedman, of Erdenheim, Pa., told Arista lawyers in a deposition. They asked whether Mr. Freedman talked to his son about the possibility of bringing the suit after his conversation with the lawyer.

"Yes," Mr. Freedman said.

"What did your son say?" Arista's attorneys asked.

"'Really? Gee!'" Mr. Freedman answered, adding that his son was "in agreement" when told that Milli Vanilli might be sued.

In most states, the rules governing attorneys bar direct solicitation of clients for particular suits unless the person solicited is a relative or an existing client. These rules apply to class actions as well as to individual suits, although once the class action is approved, additional potential plaintiffs must be notified of the existence of the class.

A lawyer at Cohen Shapiro says there was nothing wrong because the case came up innocently in the course of informal conversations among friends; in one case, the lawyers says, the youth, after being told about the case, asked if he could get involved.

Of the 49 named plaintiffs in the Milli Vanilli cases, at least 41 appear to have had pe-existing relationships to lawyers, most of whom worked at firms specializing in class-action cases. And many of the plaintiffs say they agreed to file suit at the suggestion of a lawyer.

The case of Miss Pinks, a 16-year-old from Port Clinton, Ohio, is one example. At a Christmas party in 1989, Miss Pinks won a gift certificate that she redeemed for a "Girl You Know It's True" cassette. Miss Pinks wasn't a big Milli Vanilli fan and the tape wasn't her favorite. "I didn't keep up with them," she says.

So how did her name wind up on a lawsuit? "It wasn't my idea at all," Miss Pinks says. She was out of town when a lawyer friend got in touch with her father and the two men agreed to file papers. Returning few days later, Miss Pinks says she was shocked to see here name in the Port Clinton News-Herald. "It was awful." Miss Pinks says, "I'd walk into a classroom and they'd have the cassette playing, and they'd laugh at me."

Her lawyer, John A. Peitrykowski of Toledo, says the attorney-client privilege prevents him from discussing the origins of the lawsuit.

DENIAL OF RECRUITMENT

Mr. Lerach of Milberg Weiss says that in the days after the Milli Vanilli fuss arose, "the phone rang off the hook with people wanting to sue." He denies that his firm stirred up litigation or recruited anyone. When asked why the original named plaintiffs in the case brought by his firm had some pre-existing association with it, he replies: "We could add another hundred names easily. But for what purpose? So that Arista could take their depositions? Because they paid $12 for a bogus CD? Please, excuse me!"

All of the Milli Vanilli cases were brought as class actions on a contingency-fee basis, which means that the named plaintiffs pay nothing up front to their lawyers, who then petition the court for their fees. If a judge approves a class action, all buyers of Milli Vanilli records and merchandise would be entitled to be included as plaintiffs. In recent years, judges in consumer fraud class-action cases have allowed attorneys to recover as much as a third of an award.

There's one big problem for law firms involved in nationwide class-action cases. Say one suit is filed in California state court and another in Ohio. If the judge in Ohio certifies that case as a class-action first, then defendants can argue that the Ohio judgment binds everyone. Such a ruling would preclude recovery in the California case—and could mean the California lawyers make no money.

That's why plaintiffs' lawyers often cooperate with each other in class actions against large companies. When the decision is finally made, all of the lawyers may get a piece of the pie.

But four Chicago law firms involved in the Milli Vanilli case upset the usual arrangement. They negotiated separately with Arista for a proposed nationwide settlement, drafting terms that would provide partial rebates to consumers—and nothing to other attorneys.

Under the agreement, Milli Vanilli fans would be eligible for rebates of $3 for each compact disk, $2 for each cassette and $1 for each single. Concert-goers and buyers of Milli Vanilli merchandise could ask Arista to donate 5% of the purchase price to one of three charities in their names.

Arista estimates that if everyone participates, the settlement could cost it $20 million. That's about 10% of what some plaintiffs' attorneys estimate the group generated in total revenue. The four plaintiffs' attorneys would split $675,000.

THE "CYNIC" JUDGE

In July, Cook County Circuit Court Judge Thomas J. O'Brien held a hearing on the tentative settlement. Lawyers who would be shut out of fees if the agreement was approved showed up to protest. Nineteen attorneys jammed into the Chicago courtroom—so many that they couldn't all stand in front of the bench. Judge O'Brien asked some to sit in the gallery.

The lawyers who weren't party to the settlement asked that the deal be set aside in part because it didn't offer full refunds. Judge O'Brien, however, sensed other motives. "I'm a cynic with some justification," he said at the hearing, during which he declined to let the Lerach group and the other challengers intervene. "And in my opinion, what's involved here, undisguised or disguised, is a strong order of concern to control the case and insure attorneys' fees."

The excluded attorneys are angry. "The level of compensation [for the record buyers] is just inadequate to address the problem," says mark Rifkin, an attorney at Greenfield & Chimicles. "Some clients that I represent have said that they're embarrassed now to play the music. It was not a victimless prank."

Mr. Lerach vows he'll "fight forever" against the proposed settlement. He argues that Arista should be made to disgorge all Milli Vanilli proceeds, "even if they can't be distributed" to his clients. (If, as Mr. Lerach figures, Milli Vanilli made as much as $200 million, the lawyers' share could be many millions.)

That's the only way to deter future wrongdoers, he says. "At this point, I'm not motivated at all by fees, not at all." Mr. Lerach says. "I'm motivated by the fact that I think consumers have been run roughshod over. To have it turn out that this wildly successful group was just a sham, just impostors, and have nothing done about it countenances deceit and the worst kind of business ethics."

SEVEN MILLION SOLD

Mr. Lerach accuses Arista of "Cherry-picking" to "find the weakest, hungriest, plaintiffs' lawyers, and present them with an opportunity to make a huge legal fee in return for entering into a nationwide settlement."

But Larry D. Drury, a Chicago lawyer who participated in the settlement talks, says, "If they were the ones with the exact same settlement approved, they'd be telling you how great it was. I don't think it's any great secret that they'd like to get compensated. But you don't get compensated if you don't win."

The Lerach group plans to object to the settlement in January, when it's scheduled to go back before Judge O'Brien for final approval.

Arista says the proposed settlement is fair. "When you consider that seven million copes of the album were sold in the U.S. you have to wonder how upset people really were," says Trish Heimers, a spokeswoman for Bertelsmann Music Group, Arista's New York-based parent, adding that the record company received "fewer than 100" letters of complaint.

Moreover, the record company says, Milli Vanilli fans got what they paid for, and, in most cases, didn't really care about the identity of the singers when they made the purchases. "These people didn't know Rob and Fab from Fab and Tide," says Irving Scher, a New York attorney for Arista.

Some of the plaintiffs, however, say they were genuinely upset when they heard about the lip-synching. "I felt they deceived me and my children, and others all over the world," says Carol Gaines, a cashier at a Wal-Mart store in Baton Rouge, La. "I didn't appreciate being lied to. We paid our money and thought they were performing." Mrs. Gaines says she was so angry that, a few days later, she picked a lawyer's number out of the phone book—she reached Syed A. Salat of Baton Rouge—to ask what she could do.

The record company's Miss Heimers won't say how much all the litigation has cost the firm, but estimates that 25 lawyers have spent 10,000 hours on the cases so far, an expenditure that legal experts say could already be close to $2 million.

SUIT OVER BEER

Marc Galanter, a professor at the University of Wisconsin at Madison School of Law, calls cases such as the Milli Vanilli suit "indicative of the degradation of the very good idea that was the class action." Some consumer class actions help combat fraud and effectively reimburse people who suffered genuine harm. But Prof. Galanter and others cite different kinds of cases, such as a suit filed—and later dismissed—in federal court last year by purchasers of Coors beer who claimed they were damaged because Adolf Coors & Co. had touted "Rocky Mountain spring water," when, they allege, the company was really using "ordinary water."

Mr. Lerach defends the merits of his Milli Vanilli cases by citing statutes that provide for punitive damages against companies that intentionally mislabel products, especially one of the most consumer-friendly laws, California's Consumers Legal Remedies Act. "The California legislature gave people the right to get their money back," says Mr. Lerach. "I didn't make that law."

But the man who did write the law, while serving as chief counsel to the state assembly's Judiciary Committee in 1971, has a different view. "I will say categorically that we didn't have this kind of case in mind," says James S. Reed. "We had in mind a lot more egregious kind of advertising, such as real misrepresentation of the quality and value of a product."

Adds Mr. Reed: "My kids played Milli Vanilli a few times. They think this whole thing's a joke."

Rob Pilatus and Fab Morvan themselves, meantime, have abandoned the Milli Vanilli name and are working in London on their next album, for which they plan to do their own singing. "These law suits hurt us very much. It took us a long time to get back up on our own feet," says Mr. Pilatus. Through a spokesman.

Mr. DOMENICI. Mr. President, it would be hilarious, if it was not so sad, that we have in this case attorneys, lawyers, who used to be held in high esteem, who used to be kind of part of the court system. They were supposed to behave as if they worked for the judge in their jurisdiction. Here we have them out, in my opinion, from what I read here, soliciting people who bought Milli Vanili so they could fill out an affidavit so they could bring class action suits so they could get into court, see who could stay in court and then sue for everyone that bought these records and make money. Make money for whom? For themselves, the attorneys.

Frankly, I cannot tell the attorneys of this country what they are doing to average people. And average people thought of them as distinguished members of the legal community in America. Average Americans are beginning to think of lawyers as hoods, as people who are out to make money and nothing else, who will take any kind of case if they can squeeze some money out of somebody, even if it was not due. That is the case here.

You understand, Mr. President, that Milli Vanilli was found to be a fraud. Many records and casettes were purchased. The story reveals that most people had even stopped listening to them by the time the fraud was determined. Most people did not care whatever they heard. They might have been defrauded, but it did not bother them.

I am not saying the fraud is correct, but why should a team of lawyers in six or seven jurisdictions about America, here, there, and elsewhere, go out and solicit people to sign the affidavits or give the statement—and the statement, the operative statement is obvious here when it says "The whole legal premise is that these cases arose"—imagine, Mr. President—"from spontaneous consumer grievances—consumer grievances" that spontaneously rose up and flooded the attorneys' offices with complaints. That is how they filed them. Not so.

I only hope that the lawyers, that the judges in these cases—if what is being reported is right, I only hope that they will handle these lawyers as if they were indeed responsible in the highest principles to the court that they filed the suit in. I hope that it is as said, that they will set an example for them. I am very pleased that the article notes that a judge is kind of concerned about this. I think that judge should be commended.

Frankly, I can tell you that the civil rights bill which is pending, which we have had innumerable meetings on—I, as one Senator, have been to maybe 20 or 30 myself. I think I finally understand the basic premises of what is going on in that new legislation and where I agree and where I do not. But an underlying premise of concern is we want to protect people's civil rights; but do we really want lawyers out there hounding people and then filing suits for them and asking for the moon when business people are going to have to pay the awards? There is a lot of concern about that.

How about small business America? How about medium-sized business? Are not they out there worried? They are not worried about violating anyone's civil rights. They are worried about a law that is hard to understand and a lawyer who will go after them for—if an amendment is agreed to here, for the sky is the limit—$23 million, $24 million.

Well, it seems to me it all stems from the very same thing we have here today in the cases I alluded to in the column I referred to. We have so many lawyers that they, frankly, are suing each other. The only new tort that is around is lawyers suing lawyers in malpractice, Mr. President. That kind of case is growing. Lawyers suing brother lawyer, which we have not seen for 10 years, for not handling a case right.

In fact, we wondered about malpractice insurance for doctors; malpractice insurance for lawyers is going through the roof. Lawyers are in some cases wondering where they are going to buy it. Frankly, I have great empathy for the good lawyers who cannot afford the insurance and are worried about it. But I tell you, nobody is going to do anything about it—I can guarantee the lawyers, so long as the lawyers are not doing something about themselves, their conduct, their propensity to invite lawsuits, and sue everyone as if it is kind of a very sophisticated game.

Mr. President, I thought I would share those two thoughts, the one that has to do with this one, the Milli Vanilli series of class action suits, and in my own way relate it with some concerns around about a new bill on civil rights that I want to see passed.

I think almost everyone here wants to see it passed, but there is some concern: How will the lawyers prey upon people and upon the businesses when these new rights are created? We understand some are already looking at the language and setting things in motion so they will know how to get the cases going and how to convince people that they have lawsuits. I hope it is not true. I hope lawyers, those who are good, decent lawyers, working at it, do not take this as an affront. But we heard from some people about what is going on in some seminars and some sessions where people are trying to work out how they are going to win these cases before we have the law passed.

With that, Mr. President, I am hopeful we will get a civil rights bill. I do not know if I can draft an amendment in time, but I think I am going to set about to draw an amendment to that civil rights bill that will make it illegal for lawyers to solicit civil rights cases; and that if they are found to solicit, that they will suffer a rather significant penalty. By solicit I would also mean advertise. But I would mean solicit also.

I do not know what others think about it, but I think it is a good idea. I am not quite sure I can get it written in the next 24 hours, but I will try.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. LAUTENBERG). Without objection, it is so ordered.

WISHING PRESIDENT BUSH WELL AS HE DEPARTS FOR THE MADRID TALKS

Mr. DOLE. Mr. President, there is a resolution at the desk, cosponsored by myself and the distinguished majority leader, Senator MITCHELL. I ask for its immediate consideration.

The PRESIDING OFFICER. The resolution will be stated by title.

The legislative clerk read as follows:

A resolution (S. Res. 203) to wish President Bush well as he departs for the Madrid talks:

Whereas the Middle East peace talks will convene in Madrid, Spain, on October 30, 1991, under the sponsorship of the United States and the Soviet Union;

Whereas all the major parties in the Middle East will be represented at the talks;

Whereas such talks represent the best opportunity since Camp David to make real progress toward a comprehensive Middle East peace;

Whereas President Bush will lead the United States delegation to the talks; and

Whereas President Bush will also use the occasion of his visit to Madrid for bilateral discussions with Soviet President Gorbachev: Now, therefore, be it

Resolved, That the Senate of the United States—

(a) Commends President Bush and Secretary of State Baker for their outstanding leadership in organizing the Middle East peace talks.

(b) Wishes President Bush well as he departs for Madrid, both in the Middle East peace talks and in his discussions with President Gorbachev.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

BUSH DEPARTS FOR MADRID

Mr. DOLE. Mr. President, I am pleased to join the distinguished majority leader in offering this resolution. I asked to have it read, because it speaks for itself.

President Bush will depart shortly—I think it is on Monday—on one of the most important journeys of his presidency. For the first time in many years, there is a real prospect for real progress toward a comprehensive middle east peace.

President Bush's presence in Madrid reflects the fact that there are high stakes on the line, not only for the Middle East, but for America. With the sands of Desert Storm still settling, none of us needs any reminder of the importance of America's interests in that region.

There is no question that President Bush and Secretary Baker deserve the lion's share of the credit for making the Madrid talks a reality. Under the President's leadership, and with the tireless efforts of the Secretary of State, American diplomacy has been creative, determined and patient. Any other kind of diplomacy would have failed—as so many past attempts to get to this stage have failed.

This is not going to be an easy conference. It is only the beginning of a peace process that, without question, is going to evolve over a long time. This is likely to be a diplomatic and political marathon—not a swift sprint. There are likely to be many bumps in the road. But this is a very important beginning.

In his inaugural address, former President Kennedy quoted a Chinese proverb that is most appropriate here: "The longest journey begins with the first step." In Madrid, the Middle East takes a critical first step on the road to peace.

I would also note, as the resolution does, that President Bush will use the occasion of his Madrid visit for further talks with Soviet President Gorbachev. There will be many matters on their mutual agenda—including followup discussions on the President's recent and bold arms reduction proposal, the possibility of additional United States or other Western assistance to help the Soviets through this winter, and the control of nuclear weapons in the Soviet arsenal. So those talks, too, will be very important to America.

I hope and expect that the Congress will strongly back the President in both of these endeavors—the Middle East talks, and in our changing relationship with the Soviet Union and its constituent Republics. He deserves that backing, and he needs it.

So I hope all Senators will join the majority leader and me in voting for this resolution, in sending the President off with our unanimous best wishes, and in backing him in these important endeavors.

The PRESIDING OFFICER. Without objection, the resolution and the preamble are agreed to.

So, the resolution (S. Res. 203) and its preamble were agreed to.

Mr. DOLE. Mr. President, I ask unanimous consent that the motion to reconsider be laid on the table.

The PRESIDING OFFICER. Without objection, the motion to lay on the table is agreed to.

Mr. DOLE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SIMPSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SIMPSON. Mr. President, may I inquire, are we in morning business?

The PRESIDING OFFICER. That is correct.

TRIBUTE TO FRED SCHWENGEL

Mr. SIMPSON. Mr. President, I rise to pay tribute to, and express my great personal admiration for, the outstanding work done by Fred Schwengel, who is the president and founder of our own Capitol Historical Society. Since coming to Washington as a U.S. Representative, serving as a Member of Congress during the Eisenhower administration, Fred has made his own personal mission to ensure that the storied history of our great "experiment in democracy" is preserved for future generations.

All of us see daily the activities of the Capitol Historical Society. His imprint upon it is very real, very genuine. This is a very extraordinary and lovely man.

The recent developments in the Soviet Union, during which the citizens of the U.S.S.R. asserted their democratic rights in defiance of military repression, have caused many Americans to feel, I think much closer to them than perhaps at any point since the 1917 Communist revolution. This has produced new opportunities for international cooperation, which Fred Schwengel has seized upon, and which he aims to turn to the service of historical scholarship.

Just yesterday, the Capitol Historical Society dispatched a letter to Soviet President Mikhail Gorhachev, inviting him to assist in an exchange of historical ideas. The society has offered to host a delegation of the U.S.S.R.'s historical scholars, so that they may better understand not only how we do business today in our National Legislature, but how it all came to be and came to pass in this way.

Although we have come, over the course of nearly a century, to view the Russians and the Soviets as adversaries, Fred Schwengel has pointed out that a deeper understanding of history demonstrates that our affinities with the Soviet people are perhaps more numerous than have been our sources of conflict. During our Civil War, when most European sympathy—and the real possibility of armed intervention, even—was with those who wished to see America divided, only the Soviet Union stood solidly in support of the continuance of our Federal union.

Our Nation's friendship with the Soviet Union continued into this century. One need only read the words of Boris Bakhmeteff, Ambassador to the United States—he was, of course, representing his country and, in particular, the Kerensky government which had deposed the czar—in a speech given before the Congress in 1917, to see how strong were "the ties that bound" our two nations earlier in the 20th century. In that speech, the Ambassador pledged Soviet continuance in the First World War, a promise which could not be upheld due to the collapse of the Kerensky government later that year. However, it was only one generation later that we found ourselves fighting side-by-side, alongside the Soviets yet again, in the Second World War.

And in this era of cooperation and international accord, it is well to remember that during that terrible conflict of World War II, the ally who was then more supportive than any other was, of course, the Soviet Union. And, of course, our greatest allies now—the Republic of Germany, United Republic of Germany, and Japan—were our adversaries. So it is indeed a curious growth of sensitivity and awareness of the cause of peace.

And so I want to commend Fred Schwengel. He has again presented us a very intriguing proposal.

With the recent turn of events in the Soviet Union, hopes are high that we are commencing a new era of cooperation with the peoples of the Soviet Union. The work of farsighted people like Fred Schwengel—one of ours, a deeply respected leader of the Capitol Historical Society, a friend to all of us—and if anyone ever really wants a tour of this remarkable building, and the House and the Senate, hook up with Fred Schwengel one bright morning and you will be absolutely thrilled.

So I want to congratulate him. He is here again working to put that cooperation on a sound historical footing.

As Goethe once wrote so aptly, "The best that history has to give us is the enthusiasm which it arouses." And in the president of our own Capitol Historical Society, that enthusiasm, boundless enthusiasm, remains very fervent and productive. I commend this man on this fine venture and I wish him every success, and I know that my colleagues would concur.

SEYMOUR AMENDMENT NO. 1271

Mr. SIMPSON. Mr. President, in my few remaining moments before the expiration of the order of morning business, I do want to speak in strong support of the amendment of Senator SEYMOUR of California.

Mr. President, of course that amendment was precise, clear, and brief and would have required the FBI to investigate the source of the leak of Prof. Anita Hill's allegations of sexual harassment. It had in its purpose to report back to the Senate within 30 days.

I congratulate Senator SEYMOUR for his very active participation. He is a newer Member of the Senate. It was very good to see his vigor and enthusiasm. And indeed, I thought he presented it very well, very cogently, very professionally. I want to thank him for that.

We have a serious issue here that we have to deal with in our legislative body, and that is this issue of the production of confidential information. No legislative body can function in that arena.

Senator SEYMOUR has acquitted himself beautifully in this process. He has politely, but firmly, insisted that his amendment receive due consideration by the Senate. He has properly requested that he have a right to have his amendment voted on in its original form—without damaging amendments in the second degree by those on the other side of the aisle. I appreciate that. And I appreciate the courtesy of the majority leader in arranging that up or down vote.

Senator SEYMOUR has shown an unflappable, strong insistence on his point of principle: that there should be an investigation without delay, and that investigation should be of limited time and expense. I believe that all Californians and all Americans are served very well by Senator SEYMOUR'S approach. We do want to know the answer, and we do not want millions of taxpayers dollars to be spent in pursuit of the answer.

I look forward to ensuring that the investigation of the leak proceeds swiftly and economically, and I know Senator SEYMOUR will be pursuing the same result, as well. I commend him on standing up for what he believes in with tact, perseverance and tenacity. In one of his first big battles in the U.S. Senate, Senator SEYMOUR has shown that he is more than capable of holding his own. He will be of great service to the State of California in his future years in this body.

I thank the Chair.

COMPLIMENTS TO THE MAJORITY LEADER

Mr. FORD. Mr. President, I want to compliment my, I guess I can use the word, counterpart on the Republican side for his comments as it related to Senator SEYMOUR.

But I also want to compliment the majority leader. I think the majority leader worked hard and effectively to work out a procedure whereby we would investigate the leaks and do it in a proper way.

I was very pleased, when the President made his speech today, that he, for all practical purposes, endorsed the procedure by which the majority leader was going to proceed.

About the only difference was that the majority leader wanted to cover all leaks, rather than just one specific instance. And, so, with the vote of, I believe 86 to 12, the overwhelming majority of the Senate approved of that procedure. So I want to compliment him for his patience, the patience of Job, that he exercises here. I did not want time to pass without saying that the majority leader not only had a good idea but the President of the United States endorsed it.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. SIMPSON. Mr. President, I do also want to add to what was said by my friend, the Senator from Kentucky, my counterpart as whip on the Democratic side of the aisle, whom I greatly enjoy. I think we try to work very well together, very honestly together, very frankly together, and we do that.

Indeed, Senator MITCHELL did give Senator SEYMOUR every opportunity to have this vote. And it was presented to him without second-degree amendments, without filling the tree and all of the procedures that sometimes we confront. And I do thank him. And I think the President was generous not only in his references to what should be done and what was a great part of the package of Senator MITCHELL, but the President was also very supportive of what Senator BIDEN had done and was trying to do, in a very difficult situation. I think that shows the grace of the President in that situation. And of course we will have our partisan struggles; that is the way the system works.

But I do appreciate that, and now would move on to tougher issues, every single one of them tougher than the last. I will look forward to continuing to work with the senior Senator from Kentucky whom I have come to enjoy greatly.

Mr. FORD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FORD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXTENSION OF MORNING BUSINESS

Mr. FORD. Mr. President, I ask unanimous consent that the period for morning business be extended for another 30 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEFENSE PRODUCTION ACT AMENDMENTS

Mr. FORD. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on S. 347.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the House insist on its amendments to the bill (S. 347) entitled "An Act to amend the Defense Production Act of 1950 to revitalize the defense industrial base of the United States, and for other purposes", and ask a conference with the Senate on the disagreeing votes of the two Houses thereon.

Ordered, That the following Members be managers of the conference on the part of the House:

From the Committee on Banking, Finance and Urban Affairs, for consideration of the Senate bill, and the House amendments, and modifications committed to conference: Mr. Carper, Mr. LaFalce, Ms. Oakar, Mr. Vento, Mr. Kanjorski, Mr. Ridge, Mr. Paxon, and Mr. Hancock.

As additional conferees from the Committee on Armed Services, for consideration of sections 111, 123–124, 136, and 201–203 of the Senate bill, and sections 111, 123, 134, and 202 of the House amendments, and modifications committed to conference: Mr. Aspin, Mr. Mavroules, Mr. Sisisky, Mr. Dickinson, and Mr. Bateman.

As additional conferees from the Committee on Energy and Commerce, for consideration of sections 163, 301, and 403–406 of the Senate bill, and section 163 of the House amendments, and modifications committed to conference: Mr. Dingell, Mr. Markey, Mrs. Collins of Illinois, Mr. Lent, and Mr. Rinaldo.

As additional conferees from the Committee on Government Operations for consideration of sections 111 and 137, and titles II and V of the Senate bill, and sections 111, 135, 201, and 202 of the House amendments, and modifications committed to conference: Mr. Conyers, Mr. English, Mr. Wise, Mr. Horton, and Mr. Kyl.

As additional conferees from the Committee on the Judiciary, for consideration of section 138 of the Senate bill and modifications committed to conference: Mr. Brooks, Mr. Edwards of California, Mr. Conyers, Mr. Fish, and Mr. Moorhead.

As additional conferees from the Committee on Ways and Means, for consideration of sections 402–404 of the Senate bill, and modifications committed to conference: Mr. Rostenkowski, Mr. Gibbons, Mr. Jenkins, Mr. Archer, and Mr. Crane.

Mr. FORD. Mr. President, I move that the Senate disagree to the House amendment, agree to the request of the House of Representatives, for a conference on the disagreeing votes of the two Houses, and that the Chair be authorized to appoint conferees.

The motion was agreed to; and the Presiding Officer appointed Mr. RIEGLE, Mr. SARBANES, Mr. DIXON, Mr. GARN, and Mr. GRAMM conferees on the part of the Senate.

ACQUISITION AND MANAGEMENT OF THE MARY McLEOD BETHUNE COUNCIL HOUSE NATIONAL HISTORIC SITE

Mr. FORD. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of Calendar 127, H.R. 690, regarding the Mary McLeod Bethune Council House National Historic Site.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 690) to authorize the National Park Service to acquire and manage the Mary McLeod Bethune Council House National Historic Site, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 1272

(Purpose: To authorize additional appropriations for the construction and maintenance of the Mary McLeod Bethune Memorial Fine Arts Center)

Mr. FORD. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Kentucky [Mr. FORD], for Mr. GRAHAM, proposes an amendment numbered 1272.

Mr. FORD. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the bill, add the following:

Section 775 of the Higher Education Act of 1965 (20 U.S.C. 1132h–4) is amended—

(1) in subsection (c) by inserting "and maintenance" after "construction", and

(2) in subsection (d) by striking "$6,200,000" and inserting "$15,700,000".

Mr. GRAHAM. Mr. President, the Senate has just passed important legislation to bring the Mary McLeod Bethune Council House into the National Park System. Dr. Bethune's career was most remarkable, and her contributions to America, and to the advancement of African-Americans, can be seen throughout the country today.

That is why I am especially pleased that my colleagues have agreed unanimously to further the honor bestowed on Dr. Bethune by this bill. The amendment I have offered, and the Senate has accepted, authorizes the completion of the Mary McLeod Bethune Memorial Fine Arts Center at Bethune-Cookman College in Daytona Beach, FL.

Dr. Bethune founded Bethune-Cookman in 1904 and served as the college's first president, for 36 years. Today, Bethune-Cookman has approximately 4,000 students and plays an integral role in Florida's higher education community. On a national scale, Dr. Oswald P. Bronson, Sr., president of Bethune-Cookman, is also the chairman of the presidents of the United Negro College Fund.

The establishment of a fine institution like Bethune-Cookman is an admirable lifetime achievement by any standard. As the 15th child of slave parents, Dr. Bethune's success is especially remarkable.

But her accomplishments span much wider than Bethune-Cookman. She founded the National Council of Negro Women, whose support for this legislation was instrumental to its passage in the Senate today.

Mary McLeod Bethune was a close friend and confidant of five U.S. Presidents, from Teddy Roosevelt to Harry S. Truman. She was also the head of the Negro Division of the National Youth Administration.

The fine arts center at Bethune-Cookman is appropriately named for Dr. Bethune. Once complete, the center will play an essential role in helping the college's students keep pace with advances in industry and technology to be competitive in Florida's economy.

I invite my colleagues to visit Bethune-Cookman and witness the fruits of this important investment. I am certain they will be pleased with their decision to support this legislation.

I look forward to final passage of H.R. 690 with the important Senate addition intact, and I thank my colleagues for their unanimous approval of this measure.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 1272) was agreed to.

The PRESIDING OFFICER. The bill is before the Senate and open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed as follows:

(H.R. 690 will be printed in the RECORD at a later date.)

Mr. FORD. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. SIMPSON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

TOURISM POLICY AND EXPORT PROMOTION ACT

Mr. FORD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar 223, S. 680, Tourism Policy and Export Promotion Act of 1991.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

A bill (S. 680) to amend the International Travel Act of 1961 to assist in the growth of international travel and tourism into the United States, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Commerce, Science, and Transportation, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

SHORT TITLE

SECTION 1. This Act may be cited as the "Tourism Policy and Export Promotion Act of 1991".

FINDINGS

SEC. 2. The Congress finds that—

(1) the travel and tourism industry is the second largest retail or service industry in the United States;

(2) travel and tourism receipts make up over 6.7 percent of the United States gross national product;

(3) travel and tourism expenditures last year were approximately $327 billion;

(4) in 1990 the travel and tourism industry generated about 6 million jobs directly and about 2.5 million indirectly;

(5) 39 million international visitors spent approximately $52.8 billion in the United States last year;

(6) travel and tourism services ranked as the largest United States export in 1990, with a United States travel trade balance of more than $5.2 billion;

(7) advanced technologies, industrial targeting, the industrialization of the Third World, and the flight of some United States manufacturing capacity to overseas locations have affected the international competitiveness of the United States; and

(8) although the trade deficit is shrinking, imports continue at record levels and, therefore, export expansion must remain a national priority.

STATISTICAL REPORT

SEC. 3. (a) SURVEY OF INTERNATIONAL AIR TRAVELERS.—The Secretary of Commerce, to the extent available resources permit, shall improve the survey of international air travelers conducted to provide the data needed to estimate the Nation's balance of payments in international travel by—

(1) expanding the survey to cover travel to and from the Middle East, Africa, South America, and the Caribbean and enhancing coverage for Mexico, Oceania, the Far East, and Europe; and

(2) improving the methodology for conducting on-board surveys by (A) enhancing communications, training, and liaison activities in cooperation with participating air carriers, (B) providing for the continuation of needed data bases, and (C) utilizing improved sampling procedures.

The Secretary of Commerce shall seek to increase the reporting frequency of the data provided by Statistics Canada and the Bank of Mexico on international travel trade between the United States and both Canada and Mexico. The Secretary shall improve the quarterly statistical report on United States international travel receipts and payments published in the Bureau of Economic Analysis document known as "The Survey of Current Services" and heighten its visibility.

(b) REPORT TO CONGRESS.—The Secretary of Commerce shall, within 18 months after the date of enactment of this Act, report to the Congress on—

(1) the status of the efforts required by subsection (a); and

(2) the desirability and feasibility of publishing international travel receipts and payments on a monthly basis.

TOURISM TRADE BARRIERS

SEC. 4. (a) ANALYSIS AND ESTIMATES.—For calendar year 1992 and each succeeding calendar year, the Secretary of Commerce shall—

(1) identify and analyze acts, policies, or practices of each foreign country that constitute significant barriers to, or distortions of, United States travel and tourism exports;

(2) make an estimate of the trade-distorting impact on United States commerce of any act, policy, or practice identified under paragraph (1); and

(3) make an estimate, if feasible, of the value of additional United States travel and tourism exports that would have been exported to each foreign country during such calendar year if each of such acts, policies, and practices of such country did not exist.

(b) REPORT.—On or before March 31 of 1993 and each succeeding calendar year, the Secretary of Commerce shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives a report on the analysis and estimates made under subsection (a) for the preceding calendar year. The report shall include any recommendation for action to eliminate any act, policy, or practice identified under subsection (a).

ACTION TO FACILITATE ENTRY OF FOREIGN TOURISTS

SEC. 5. (a) FINDING.—The Congress finds that foreign tourists entering the United States are frequently faced with unnecessary delays at points of entry at the United States border.

(b) ACTION BY SECRETARY.—The Secretary of Commerce shall, in coordination with other Federal agencies, take appropriate action to ensure that foreign tourists are not unnecessarily delayed when entering the United States and to ensure that the international processing standard of the International Civil Aviation Organization is met.

(c) REPORT.—The Secretary of Commerce shall, within one year after the date of enactment of this Act, report to the Congress on efforts under this section to improve visitor facilitation and the effect on United States travel and tourism as a result of those improvements.

TOURISM TRADE DEVELOPMENT

SEC. 6. (a) ANNUAL PLAN.—Section 202(a) of the International Travel Act of 1961 (22 U.S.C. 2123(a)) is amended by striking paragraph (15).

(b) TOURISM TRADE DEVELOPMENT EFFORTS.—Section 202 of the International Travel Act of 1961 (22 U.S.C. 2123) is amended by adding at the end the following new subsection:

"(e)(1) The Secretary's tourism trade development efforts shall focus on the markets which have the greatest potential for increasing travel and tourism export revenues.

"(2)(A) Generic advertising and other tourism trade development efforts carried out by the Secretary in any calendar year after calendar year 1993 shall be planned and implemented pursuant to subparagraphs (B) through (E).

"(B) By March 31 of each year, the Secretary shall publish a notice in the Federal Register soliciting comment, from persons interested in tourism trade, concerning markets that would be an appropriate focus of tourism trade development efforts to be carried out in the 12-month period that begins 2 years after the notice is published.

"(C) Within 1 year after a notice is published under subparagraph (B), the Secretary shall select the markets that the Secretary determines

are an appropriate focus of tourism trade development efforts to be carried out in the 12-month period described in subparagraph (B). The selection shall be announced by publication in the Federal Register.

"(D)(i) At the same time that the Secretary announces the selection of markets under subparagraph (C), the Secretary shall issue a request for proposals from States and political subdivisions thereof, regional governmental entities, and appropriate nonprofit organizations and associations to develop and implement tourism trade development programs applicable to the markets so selected. Subject to the requirements of subsections (c) and (d), the Secretary may award grants to carry out proposals submitted under this subparagraph, and such grants shall be awarded no later than 2 years after the notice is published under subparagraph (B).

"(ii) The expenditures in a fiscal year to issue requests for proposals and award grants under clause (i) shall not exceed 10 percent of the amount appropriated to the Secretary to carry out the duties authorized under this Act for that fiscal year.

"(E)(i) During the 12-month period described in subparagraph (B), the Secretary shall carry out generic advertising and other tourism trade development efforts directed at the markets selected under subparagraph (C).

"(ii) To reinforce the efforts carried out under clause (i), the Secretary shall establish tourism trade development offices in foreign locations appropriate for the markets selected under subparagraph (C).

"(3) The Secretary shall evaluate the effectiveness of the efforts carried out under paragraph (2)(E) and, not later than 1 year after those efforts are completed, shall report to Congress on the results of the evaluation.

"(4) The Secretary may make adjustments to the deadlines and time limitations imposed in this subsection if necessary to ensure the effectiveness of tourism trade development efforts.".

(c) ADVISORY BOARD.—(1) Section 303(a)(3) of the International Travel Act of 1961 (22 U.S.C. 2124b(a)(3)) is amended—

(A) in subparagraph (A), by striking "and";

(B) by amending subparagraph (B) to read as follows:

"(B) at least two shall be representatives of the States who are knowledgeable of tourism promotion; and"; and

(C) by adding at the end the following new subparagraph:

"(C) at least one shall be a representative of a city who is knowledgeable of tourism promotion.".

(2) The last sentence of section 303(b) of the International Travel Act of 1961 (22 U.S.C. 2124b(b)) is amended by striking "two consecutive terms of three years each" and inserting in lieu thereof "six consecutive years or nine years overall".

(3) The first sentence of section 303(f) of the International Travel Act of 1961 (22 U.S.C. 2124b(f)) is amended by striking "and shall advise" and all that follows except the period at the end.

(d) TECHNICAL AMENDMENTS.—(1) Section 201(6) of the International Travel Act of 1961 (22 U.S.C. 2122(6)) is amended by inserting "and the use of other United States providers of travel products and services" immediately before the period at the end.

(2) Section 202(a)(12) of the International Travel Act of 1961 (22 U.S.C. 2123(a)(12)) is amended by inserting "and the use of other United States providers of travel products and services" immediately before the semicolon at the end.

(e) CONFORMING AMENDMENTS.—(1) Section 204 of the International Travel Act of 1961 (22 U.S.C. 2123b) is amended by striking "marketing" each place it appears and inserting in lieu thereof "tourism trade development".

(2) Section 202(a)(5) of the International Travel Act of 1961 (22 U.S.C. 2123(a)(5)) is amended to read as follows:

"(5) may award grants under subsection (e) to States and political subdivisions thereof, regional governmental entities, and appropriate nonprofit organizations and associations;".

(3) Section 202(c) of the International Travel Act of 1961 (22 U.S.C. 2123(c)) is amended—

(A) in the first sentence by striking "paragraph (5) of subsection (a)" and inserting in lieu thereof "subsection (e)";

(B) in the second sentence by striking "paragraph" and inserting in lieu thereof "subsection"; and

(C) in the third sentence by striking "paragraph (5) of subsection (a) of this section"and inserting in lieu thereof "subsection (e)".

(4) Section 202(d) of the International Travel Act of 1961 (22 U.S.C. 2123(d)) is amended by striking "paragraph (5) of subsection (a) of this section" and inserting in lieu thereof "subsection (e)".

COORDINATION

SEC. 7. Section 301 of the International Travel Act of 1961 (22 U.S.C. 2124) is amended by adding at the end the following new subsection:

"(c) The Secretary shall ensure that the services of the United States and Foreign Commercial Service continue to be available to assist the United States Travel and Tourism Administration at locations identified by the Under Secretary of Commerce for Travel and Tourism, in consultation with the Director General of the United States and Foreign Commercial Service, as necessary to assist the Administration's foreign offices in stimulating and encouraging travel to the United States by foreign residents and in carrying out other powers and duties of the Secretary specified in section 202.".

RURAL TOURISM DEVELOPMENT FOUNDATION

SEC. 8. (a) FINDINGS; ESTABLISHMENT OF FOUNDATION.—(1) The Congress finds that increased efforts directed at the promotion of rural tourism will contribute to the economic development of rural America and further the conservation and promotion of natural, scenic, historic, scientific, educational, inspirational, or recreational resources for future generations of Americans and foreign visitors.

(2) In order to assist in the development and promotion of rural tourism, there is established a charitable and nonprofit corporation to be known as the Rural Tourism Development Foundation (hereafter in this section referred to as the "Foundation").

(b) FUNCTIONS.—The functions of the Foundation shall be the planning, development, and implementation of projects and programs which have the potential to increase travel and tourism export revenues by attracting foreign visitors to rural America. Initially, such projects and programs shall include but not be limited to—

(1) participation in the development and distribution of educational and promotional materials pertaining to both private and public attractions located in rural areas of the United States, including Federal parks and recreational lands, which can be used by foreign visitors;

(2) development of educational resources to assist in private and public rural tourism development; and

(3) participation in Federal agency outreach efforts to make such resources available to private enterprises, State and local governments, and other persons and entities interested in rural tourism development.

(c) BOARD OF DIRECTORS.—(1)(A) The Foundation shall have a Board of Directors (hereafter in this section referred to as the "Board") that—

(i) during its first two years shall consist of nine voting members; and

(ii) thereafter shall consist of those nine members plus up to six additional voting members as determined in accordance with the bylaws of the Foundation.

(B)(i) The Under Secretary of Commerce for Travel and Tourism shall, within six months after the date of enactment of this Act, appoint the initial nine voting members of the Board and thereafter shall appoint the successors of each of three such members, as provided by such bylaws.

(ii) The voting members of the Board, other than those referred to in clause (i), shall be appointed in accordance with procedures established by such bylaws.

(C) The voting members of the Board shall be individuals who are not Federal officers or employees and who have demonstrated an interest in rural tourism development. Of such voting members, at least a majority shall have experience and expertise in tourism trade promotion, at least one shall have experience and expertise in resource conservation, at least one shall have experience and expertise in financial administration in a fiduciary capacity, at least one shall be a representative of an Indian tribe who has experience and expertise in rural tourism on an Indian reservation, at least one shall represent a regional or national organization or association with a major interest in rural tourism development or promotion, and at least one shall be a representative of a State who is responsible for tourism promotion.

(D) Voting members of the Board shall each serve a term of six years, except that—

(i) initial terms shall be staggered to assure continuity of administration;

(ii) if a person is appointed to fill a vacancy occurring prior to the expiration of the term of his or her predecessor, that person shall serve only for the remainder of the predecessor's term; and

(iii) any such appointment to fill a vacancy shall be made within 60 days after the vacancy occurs.

(2) The Under Secretary of Commerce for Travel and Tourism and representatives of Federal agencies with responsibility for Federal recreational sites in rural areas (including the National Park Service, Bureau of Land Management, Forest Service, Corps of Engineers, Bureau of Indian Affairs, Tennessee Valley Authority, and such other Federal agencies as the Board determines appropriate) shall be nonvoting ex-officio members of the Board.

(3) The Chairman and Vice Chairman of the Board shall be elected by the voting members of the Board for terms of two years.

(4) The Board shall meet at the call of the Chairman and there shall be at least two meetings each year. A majority of the voting members of the Board serving at any one time shall constitute a quorum for the transaction of business, and the Foundation shall have an official seal, which shall be judicially noticed. Voting membership on the Board shall not be deemed to be an office within the meaning of the laws of the United States.

(d) COMPENSATION AND EXPENSES.—No compensation shall be paid to the members of the Board for their services as members, but they may be reimbursed for actual and necessary traveling and subsistence expenses incurred by them in the performance of their duties as such members out of Foundation funds available to the Board for such purposes.

(e) ACCEPTANCE OF GIFTS, DEVISES, AND BEQUESTS.—(1) The Foundation is authorized to accept, receive, solicit, hold, administer, and use any gifts, devises, or bequests, either absolutely or in trust, of real or personal property or any income therefrom or other interest therein for *the benefit of or in connection with rural tourism, except that the Foundation may not accept any such gift, devise, or bequest which entails any expenditure other than from the resources of the Foundation. A gift, devise, or bequest may be accepted by the Foundation even though it is encumbered, restricted, or subject to beneficial interests of private persons if any current or future interest therein is for the benefit of rural tourism.*

(2) A gift, devise, or bequest accepted by the Foundation for the benefit of or in connection with rural tourism on Indian reservations, pursuant to the Act of February 14, 1931 (25 U.S.C. 451), shall be maintained in a separate accounting for the benefit of Indian tribes in the development of tourism on Indian reservations.

(f) INVESTMENTS.—Except as otherwise required by the instrument of transfer, the Foundation may sell, lease, invest, reinvest, retain, or otherwise dispose of or deal with any property or income thereof as the Board may from time to time determine. The Foundation shall not engage in any business, nor shall the Foundation make any investment that may not lawfully be made by a trust company in the District of Columbia, except that the Foundation may make any investment authorized by the instrument of transfer and may retain any property accepted by the Foundation.

(g) USE OF FEDERAL SERVICES AND FACILITIES.—The Secretary of Commerce may, on request and without requiring reimbursement, make available services and facilities of the Department for the use of the Foundation.

(h) PERPETUAL SUCCESSION; LIABILITY OF BOARD MEMBERS.—The Foundation shall have perpetual succession, with all the usual powers and obligations of a corporation acting as a trustee, including the power to sue and to be sued in its own name, but the members of the Board shall not be personally liable, except for malfeasance.

(i) CONTRACTUAL POWER.—The Foundation shall have the power to enter into contracts, to execute instruments, and generally to do any and all lawful acts necessary or appropriate to its purposes.

(j) ADMINISTRATION.—(1) In carrying out the provisions of this section, the Board may adopt bylaws, rules, and regulations necessary for the administration of its functions and may hire officers and employees and contract for any other necessary services. Such officers and employees shall be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service and may be paid without regard to the provisions of chapters 51 and 53 of such title relating to classification and General Schedule pay rates.

(2) The Secretary of Commerce may accept the voluntary and uncompensated services of the Foundation, the Board, and the officers and employees of the Foundation in the performance of the functions authorized under this section, without regard to section 1342 of title 31, United States Code, or the civil service classification laws, rules, or regulations.

(3) Neither an officer or employee hired under paragraph (1) nor an individual who provides services under paragraph (2) shall be considered a Federal employee for any purpose other than for purposes of chapter 81 of title 5, United States Code, relating to compensation for work injuries, and chapter 171 of title 28, United States Code, relating to tort claims.

(k) EXEMPTION FROM TAXES; CONTRIBUTIONS.—The Foundation and any income or property received or owned by it, and all transactions relating to such income or property, shall be exempt from all Federal, State, and local taxation with respect thereto. The Foundation may, however, in the discretion of the Board, contribute toward the costs of local government in amounts not in excess of those which it would be obligated to pay such government if it were not exempt from taxation by virtue of this subsection or by virtue of its being a charitable and nonprofit corporation and may agree so to contribute with respect to property transferred to it and the income derived therefrom if such agreement is a condition of the transfer. Contribution, gifts, and other transfers made to or for the use of the Foundation shall be regarded as contributions, gifts, or transfers to or for the use of the United States.

(l) LIABILITY OF UNITED STATES.—The United States shall not be liable for any debts, defaults, acts, or omissions of the Foundation.

(m) ANNUAL REPORT.—The Foundation shall, as soon as practicable after the end of each fiscal year, transmit to Congress an annual report of its proceedings and activities, including a full and complete statement of its receipts, expenditures, and investments.

(n) DEFINITIONS.—As used in this section, the term—

(1) "Indian reservation" has the meaning given the term "reservation" in section 3(d) of the Indian Financing Act of 1974 (25 U.S.C. 1452(d));

(2) "Indian tribe" has the meaning given that term in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e));

(3) "local government" has the meaning given that term in section 3371(2) of title 5, United States Code; and

(4) "rural tourism" has the meaning given that term by the Secretary of Commerce and shall include activities related to travel and tourism that occur on Federal recreational sites, on Indian reservations, and in the territories, possessions, and commonwealths of the United States.

(o) ASSISTANCE BY SECRETARY OF COMMERCE.—Section 202(a) of the International Travel Act of 1961 (22 U.S.C. 2123(a)), as amended by section 6(a) of this Act, is further amended by adding at the end the following new paragraph:

"(15) may assist the Rural Tourism Development Foundation, established under the Tourism Policy and Export Promotion Act of 1991, in the development and promotion of rural tourism.".

POLICY CLARIFICATIONS

SEC. 9. (a) NATIONAL TOURISM POLICY.—(1) Section 101(b)(1) of the International Travel Act of 1961 (22 U.S.C. 2121(b)(1)) is amended to read as follows:

"(1) optimize the contributions of the tourism and recreation industries to the position of the United States with respect to international competitiveness, economic prosperity, full employment, and balance of payments;"

(2) Section 101(b) of the International Travel Act of 1961 (22 U.S.C. 2121(b)) is amended—

(A) by redesignating paragraphs (2) through (12) as paragraphs (5) through (15), respectively; and

(B) by inserting immediately after paragraph (1) the following new paragraphs:

"(2) increase United States export earnings from United States tourism and transportation services traded internationally;

"(3) ensure the orderly growth and development of tourism;

"(4) coordinate and encourage the development of the tourism industry in rural communities which (A) have been severely affected by the decline of agriculture, family farming, or the extraction or manufacturing industries, or by the closing of military bases; and (B) have the potential necessary to support and sustain an economy based on tourism;".

(b) DUTIES OF SECRETARY OF COMMERCE.—(1) Section 201(2) of the International Travel Act of 1961 (22 U.S.C. 2122(2)) is amended by striking "tourist facilities," and all that follows and inserting in lieu thereof the following: "receptive, linguistic, informational, currency exchange, meal, and package tour services required by the international market;".

(2) Section 202(a)(9) of the International Travel Act of 1961 (22 U.S.C. 2123(a)(9)) is amended by striking "United States travel and tourism interests" and inserting in lieu thereof "the United States national tourism interest".

(c) AUTHORIZATION REGARDING CERTAIN EXPENDITURES.—Section 202 of the International Travel Act of 1961 (22 U.S.C. 2123), as amended by section 6(b) of this Act, is further amended by adding at the end the following new subsection:

"(f) Funds appropriated to carry out this Act may be expended by the Secretary without regard to the provisions of sections 501 and 3702 of title 44, United States Code. Funds appropriated for the printing of travel promotional materials shall remain available for two fiscal years.".

(d) REPEAL.—Section 203 of the International Travel Act of 1961 (22 U.S.C. 2123a) is repealed.

(e) TOURISM POLICY COUNCIL.—(1) Section 302(b)(1) of the International Travel Act of 1961 (22 U.S.C. 2124a(b)(1)) is amended—

(A) by redesignating subparagraphs (H) and (I) as subparagraphs (N) and (O); and

(B) by inserting immediately after subparagraph (G) the following new subparagraphs:

"(H) the Secretary of Agriculture or the individual designated by such Secretary from the Department of Agriculture;

"(I) the Chairman of the Tennessee Valley Authority;

"(J) the Commanding General of the Corps of Engineers of the Army, within the Department of Defense;

"(K) the Administrator of the Small Business Administration;

"(L) the Commissioner of Customs;

"(M) the Attorney General or the individual designated by the Attorney General from the Immigration and Naturalization Service;".

(2) Section 302(d) of the International Travel Act of 1961 (22 U.S.C. 2124a(d)) is amended by adding at the end the following new paragraph:

"(4)(A) Each year, upon designation by the Secretary of Commerce in accordance with subparagraph (B), up to three Federal departments and agencies represented on the Council shall each detail to the Council for that year one staff person and associated resources.

"(B) In making the designation referred to in subparagraph (A), the Secretary of Commerce shall designate a different group of agencies and departments each year and shall not redesignate any agency or department until all the other agencies and departments represented on the Council have been designated the same number of years.".

ADMINISTRATION

SEC. 10. (a) DEPUTY UNDER SECRETARY.—Section 301(a) of the International Travel Act of 1961 (22 U.S.C. 2124(a)) is amended—

(1) by striking the third and fourth sentences;

(2) by designating the remainder of the existing text as paragraph (1); and

(3) by adding at the end the following new paragraph:

"(2) The Secretary shall designate a Deputy Under Secretary for Tourism Trade Development, who shall be drawn from, and serve as a member of, the career service. The Deputy Under Secretary shall have responsibility for—

"(A) facilitating the interaction between industry and government concerning tourism trade development;

"(B) directing and managing field operations;

"(C) directing program evaluation research and industry statistical research;

"(D) developing an outreach program to those communities with underutilized tourism poten-

tial to assist them in the development of strategies for expansion of tourism trade;

"(E) developing a new program to provide financial assistance in support of non-Federal tourism trade development activities that complement efforts by the Secretary under section 202(e); and

"(F) performing such other functions as the Under Secretary may assign.".

(b) REGIONAL OFFICES.—Section 301(b) of the International Travel Act of 1961 (22 U.S.C. 2124(b)) is amended to read as follows:

"(b)(1) There shall be three regional offices of the United States Travel and Tourism Administration, based in and responsible for the following respective geographical areas:

"(A) Europe and Africa.

"(B) Asia and the Pacific region.

"(C) North America, South America, and Caribbean region.

"(2) Each such regional office shall monitor and direct the activities of—

"(A) the tourism trade development offices within the region as established under section 202(e); and

"(B) the country offices within the region that are responsible for mature markets.".

(c) LIMITATION ON CERTAIN EXPENDITURES.—Section 301 of the International Travel Act of 1961 (22 U.S.C. 2124), as amended by section 7 of this Act, is further amended by adding at the end the following new subsection:

"(d) The expenditures in a fiscal year for administrative expenses, including salaries and other overhead expenses, shall not exceed 50 percent of the amount appropriated to the Secretary to carry out the duties authorized under this Act for that fiscal year.".

AUTHORIZATION OF APPROPRIATIONS

SEC. 11. (a) IN GENERAL.—Section 304 of the International Travel Act of 1961 (22 U.S.C. 2126) is amended to read as follows:

"SEC. 304. For the purpose of carrying out this Act, there is authorized to be appropriated an amount, not to exceed $21,000,000 for the fiscal year ending September 30, 1993, not to exceed $24,000,000 for the fiscal year ending September 30, 1994, and not to exceed $27,000,000 for the fiscal year ending September 30, 1995.".

(b) FUNDS FOR FOUNDATION.—Of the funds authorized under section 304 of the International Travel Act of 1961 (22 U.S.C. 2126), as amended by subsection (a), there are authorized to be appropriated to the Secretary of Commerce for each of fiscal years 1993, 1994, and 1995 not to exceed $500,000 to—

(1) match partially or wholly the amount or value of contributions (whether in currency, services, or property) made to the Rural Tourism Development Foundation by private persons and Federal, State, and local government agencies; and

(2) provide administrative services for the Rural Tourism Development Foundation.

TOURISM HEALTH STUDY

SEC. 12. (a) STUDY.—The Secretary of Commerce shall undertake to enter into arrangements with the Institute of Medicine of the National Academy of Sciences to conduct a study of the current knowledge of the health benefits of travel for domestic and international tourists.

(b) REPORT.—In entering into any arrangement with the Institute of Medicine for conducting the study described under subsection (a), the Secretary of Commerce shall request the Institute of Medicine to submit, not later than 18 months after the date of enactment of this Act, to the Secretary a report on the results of the study. The report, immediately upon its receipt, shall be transmitted by the Secretary to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives.

TRAVEL BY DISABLED PERSONS

SEC. 13. The Secretary of Commerce shall, within 18 months after the date of enactment of this Act, report to the Congress on activities of the Department of Commerce and other Federal agencies to increase tourism opportunities for, and encourage travel by, disabled persons.

Mr. ROCKEFELLER. Mr. President, today I rise to support the passage of S. 680, the Tourism Policy and Export Promotion Act of 1991.

In 1990, the U.S. travel and tourism industry posted a record $5.2 billion surplus. This follows a $1.3 billion surplus in 1989. This industry, in 1990, was our largest exporter, generating almost $53 billion in export revenues. Yet few realize the contribution it makes to our overall trade balance.

I know how important tourism is—I have seen what it can do for West Virginia. The tourism industry is the fourth largest employer in my State, providing almost 20,000 jobs, with a payroll of $189 million. Tourists spent $1.2 billion in West Virginia in 1989, over $3.2 million per day. West Virginia has experienced the tangible benefits of a healthy tourism industry.

If this industry is going to preserve and expand upon its recent gains, the U.S. Government must pursue a more vigorous and coordinated Federal tourism policy. This bill, S. 680, puts the U.S. Travel and Tourism Administration [USTTA] on that course. It provides the first authorization of the agency in 10 years. It recognizes the export potential of the tourism industry.

The major provisions of S. 680 will:

Require USTTA to concentrate its efforts on those markets that have the greatest potential for increasing tourism exports;

Put a career employee in charge of the tourism trade development program, a new Deputy Under Secretary for Tourism Trade Development;

Require the Secretary of Commerce to report annually on barriers to travel and tourism exports;

Direct the U.S. and Foreign Commercial Service to continue to assist USTTA in encouraging foreign tourists to visit the United States;

Require the Secretary, in consultation with other agencies, to take action to ensure that foreign visitors are not unnecessarily delayed when entering the United States;

Create a Rural Tourism Foundation to assist in the development and promotion of rural America as a travel destination for foreign visitors;

Direct the Secretary of Commerce to commission a study on the health benefits of tourism; and,

Direct the Secretary to report to Congress activities of the Department of Commerce and other Federal agencies to increase tourism and travel by disabled persons.

I am also offering a floor amendment, cosponsored by Senator BURNS, which modifies the bill to address several of the administration's concerns. The amendment strikes the restructuring of USTTA's foreign offices and the 50 percent limit on overhead that were contained in section 10 of S. 680, as reported by the Commerce Committee. In addition, at the request of USTTA, we have repealed the existing discretionary financial assistance program in the statute and replaced it with a more updated program, still, of course, completely discretionary. The amendment also makes some technical changes in the bill, as reported.

What the Senate is considering today is an export promotion bill requiring no negotiations or retaliation; instead, it is a bipartisan bill to prepare USTTA for the 21st century, to promote this vital industry which provides almost 6 million jobs and serviced 40 million foreign visitors last year.

Mr. HOLLINGS. Mr. President, I support wholeheartedly the passage of S. 680, the Tourism Policy and Export Promotion Act of 1991. S. 680, of which I am a cosponsor, recognizes the importance of tourism to the U.S. economy. This industry in 1990 employed almost 6 million workers, paid $43.5 billion in taxes, contributed a $5.2 billion surplus to our trade balance, and generates almost $53 billion in export earnings.

I see the benefits of tourism in my home State of South Carolina. Tourism is the second largest employer, with over 78,000 South Carolinians working in the industry. Over $4 billion was spent by tourists in my State in 1989, nearly $11.2 million a day. The tourism industry pays $228 million in State taxes in South Carolina and $75 million in local taxes.

Mr. President, this industry is our largest exporter, and yet our Federal tourism policy has been unchanged for 10 years. S. 680, introduced by Senator ROCKEFELLER, and favorably reported by the Commerce Committee without objection, provides a 3-year authorization for the U.S. Travel and Tourism Administration [USTTA]. We have not been able to reauthorize this agency for such a long time because our colleagues in the House have not been convinced of the merits of a Federal role in tourism promotion. In this regard, this year's bill, S. 680, contains some changes in USTTA's programs to address criticisms that have been leveled against the agency. It represents a compromise approach that the committee has adopted with valuable input from the industry. It is an excellent bill, and I compliment Senator ROCKEFELLER for his hard work to reach this consensus, as well as Senator BURNS, the ranking minority member on the Foreign Commerce and Tourism Subcommittee.

I have long been a strong supporter of USTTA and the tourism industry. I support this bill today because I believe it will benefit this industry and the country as a whole, and I urge my colleagues to join me in this support.

Mr. BURNS. Mr. President, it is with great pleasure that I can say we should pass S. 680, the Tourism Policy and Export Promotion Act of 1991.

I thank my colleague, Mr. ROCKEFELLER, for putting forth the energy and cooperation to create this long awaited and much needed policy legislation.

It has been my pleasure to be a part of this effort. As part of the rural tourism awareness movement, I have watched groups in the private business sector as well as those of us inside the beltway become more and more aware of not only the strength of tourism in this economy, but of the value of importance of making real America available to our friends and neighbors both at home and abroad.

Today, I would like to enter into the RECORD an article that was in yesterday's New York Times that tells the story as well as any. The fact that one of our country's leading newspapers has focused on this movement says a lot.

In addition, I would like to also enter into the RECORD a second article that was written in the Billings Gazette regarding the promise of the tourism business in rural communities.

Mr. President, tourism is growing by leaps and bounds in Montana and throughout the entire Pacific Northwest. Tourism is good exposure and it brings unexpected benefits. Many visits turn into permanent stays. They set up businesses and small firms that can operate anywhere and choose location because of lifestyle. Yes, tourism is a promising industry for not only States like Montana, but this Nation.

I would encourage any staff that happen to catch this in the RECORD to alert your Senator to this business and find out for yourself what this means to your home State. many are finding a need to diversity their incomes in rural areas today. And tourism is one business opportunity that communities are looking into developing. Not every community has the natural resources to develop, but those that do are finding that the future looks bright.

This is an opportunity that requires community, State, and regional cooperation. One lone business out there cannot attract visitors on a profitable basis. But a region can pool its technical, financial, and marketing resources to create an image that will attract travelers and tourists. That translates into profitable commerce, but only with well thought out, well defined planning.

This piece of legislation raises the awareness of just how important tourism can really be. Last year, in the State of Montana, inquiries to our Governor for travel in that State were up over 45 percent. How big a business is it to us? If we could get every visitor to stay 1 extra day, it would mean an income to our State of around $150 million. It is not a lot of money in some States, but it is lot in the State of Montana.

We have located in the State of Montana the headquarters of Kampgrounds of America. I wish to give them a little recognition, too. I am quite proud of that organization, because they not only played an integral part in the passage of this legislation; the Travel Industry Association of America and the President's Committee on the Employment of People with Disabilities have selected Kampgrounds of America to receive the award for innovative approaches to the employment of people with disabilities in a medium-sized employer category.

Sponsored by the Travel Industry Association of America, TIA, the awards for excellence were first done under a different name and a different criteria when TIA was observing its 10th anniversary.

In an effort to inform and train its nationwide chains of recreational vehicle park franchises of the employment possibilities, KOA researched the subject of competitive employment for people with disabilities. KOA executives realized that one of the real roadblocks to employment was not accepting the lack of understanding. They did not accept the lack of understanding and they received this award. I am very proud of them.

I wish to thank all staffs for the hours they put in toward the passage of this legislation which now goes to the House, and we hope for its passage over there.

Mr. President, I ask unanimous consent that two articles I mentioned be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the New York Times, Oct. 21, 1991]

TOURISTS FROM ABROAD DISCOVER MID-AMERICA

(By Edwin McDowell)

DODGE CITY, KS.—Aided by a weak dollar and bargain-basement air fares, visitors from overseas are flocking to the United States in numbers that have set records five years in a row. But what has startled travel experts is that more and more overseas visitors are turning up in states like Kansas and Nebraska, Kentucky and Utah.

Having seen the theme parks and the major cities, these tourists—especially repeat visitors, who last year made up 76 percent of all overseas visitors—are traveling to Indian reservations, staying at dude ranches, hiking through remote national parks and finding their way to places far off the beaten track.

Places like Dodge City, a windswept old frontier outpost that achieved international fame as the setting of "Gunsmoke," the longest-running Western in television history, hold special appeal. With its reconstructions of 1870's buildings where gunslingers like Wyatt Earp and Bat Masterson (and the fictional Marshal Matt Dillon) roamed, Dodge City has attracted almost 20,000 foreign visitors this year.

The Old West flavor is one of the main reasons Kansas leads all other states in the rate of growth in overseas tourism—up 213 percent last year from 1985—as against a national average of 60 percent in the same period.

"Can there by anybody around the world who doesn't know of Dodge City from television and the movies?" asked Bernie Ashfield of Adelaide, Australia, who traveled here from New York on a cross-country tour bus.

Ian Hay of Timaru, New Zealand, a fellow passenger added: "It's a very historic spot. Dodge City is just about as well-known down there as New York."

These days, almost no tourist attraction seems too remote for overseas visitors. Some of the recent interest in Iowa, for instance, stems from its legalization of gambling on Mississippi river boats, starting last spring.

But in Dyersville, Iowa, where a baseball field was created for the Kevin Costner movie "Field of Dreams," Jackie Ellingson of the Chamber of Commerce said, "Lots of Japanese tourists have flocked here to see the 'Field of Dreams.'"

Thousands of foreigners—inspired by reruns of the 1960's television adventure series "Route 66," about two men who traveled the highway in a Corvette, have been turning up in cities and towns along what is left of the 2,448-mile highway that linked Chicago and Los Angeles.

"Japanese, Germans, Norwegians, Swedes, Italians—the list just goes on and on," said Angel Delgadillo, a barber for 41 years in Seligman, Ariz., which sits along a 160-mile uninterrupted stretch of the famed highway. "The number of tour buses that get off Interstate 40 to come to Seligman is awesome. They say they're looking for America."

Overseas visitors are even showing up at the Tulsa home of Michael Wallis, the author of "Route 66: The Mother Road" (St. Martin's Press, 1990), a nostalgic look at the highway, wanting to know more about the highway that has gripped their imagination.

"I don't know how they know where I live," Mr. Wallis said, "but almost every week foreigners show up at the door—British, Germans, Japanese and French. Ten days ago a young couple from London, both of them in banking, showed up on their way from Chicago to L.A."

Although states like California and New York are still far ahead in absolute numbers of overseas visitors, smaller states are using aggressive promotional campaigns to make big gains. "Until about three and a half years ago we didn't even think of our state as being a potential destination for foreign tourists," said David K. Reynolds, administrator of Iowa's Division of Tourism. "But we've had a 175 percent increase in foreign visitors from 1988 to 1990. And a few weeks ago we had seven tour operators from Brazil and Argentina."

BEHIND BIG PERCENTAGE

The main reason for such high percentage growth, of course, is that most of those states had few overseas visitors until recent years, and even now lag light-years behind the states with the most overseas visitors. Kansas, for example, had only 119,000 overseas visitors last year and Utah only 267,000, compared with California's 4.8 million and New York's 4.5 million.

But the numbers are certain to change significantly, experts say, as foreigners continue to seek new experiences and as most states—realizing the economic impact of foreign tourism—pour money and effort into promoting themselves individually or through the many regional tourist associations that have cropped up.

For much is at stake: 38.8 million foreigners, including almost 17.3 million Canadians and 6.8 million Mexicans, spent $52.8 billion in the United States last year, including fares on American airlines, according to preliminary figures of the United States Travel and Tourism Administration, a unit of the Commerce Department. Of the foreign visitors, 14.8 million came from overseas and accounted for the biggest percentage growth of foreign visitors to mid-America.

All of the foreign visitors spent $5.2 billion more in the United States than did the 43.6 million Americans who traveled overseas last year.

One city that has done particularly well is Cody, Wyo., which had almost 20,000 visitors this summer from Taiwan alone. Cody, a city of about 7,500, is a gateway to Yellowstone National Park, and it has dude ranches, a rodeo every night from June through August and has museums devoted to Buffalo Bill, the Plains Indians, Western art and Winchester firearms.

But more than that, it has reached overseas to sell it attractions. About five years ago a small delegation from Cody flew to Taipei, to meet with travel operators. "We convinced them that was lots to do here," said Judith Blair, the marketing director of two hotels in Cody. Altogether, she said, Taiwanese, Britishers, Germans and other foreign tourists account for about 400 of the 1,200 tour buses that stay at the Blair Hotels.

Other regions have gained, too. Stan Fisher, the president of Allied Tours in New York, said his company has handled about 150,000 tourists from Europe this year, 10 times that of a decade ago, and his most popular tours include trips to New England to see the fall foliage. "We have so many people wanting to go to New England this month," Mr. Fisher said, "that we don't have room for them."

Similarly, Jerry DiPietro, the president of Tourco Inc. in Hyannis, Mass., said that the tour most popular with his European clients is 14-days in New England.

The most passionate overseas visitors, by most accounts, are those who are enamored of cowboys and Indians. "The Japanese and Germans who come here are absolutely bowled over by the Wild West," said Todd Kirshenbaum, deputy director of the Nebraska Tourism Office. "Anything with rodeo, cowboys and ranches, they just go nuts over."

That opinion was seconded by Greg Gilstrap, the director of travel and tourism for Kansas. "There's strong interest cowboys, Indians and the Old West," he said, "and Kansas is lucky enough to have a lot of the things that foreign visitors are looking for."

SKIING ATTRACTS JAPANESE

Last year, 3.1 million Japanese visited the United States, the most from any country overseas, with 2.2 million coming from Britain and 1.2 million from Germany. While most Japanese continue to travel in groups, many are now striking out on their own.

"We're doing a lot of ski business with Japanese tourists, and many want to stay with American families," said Nanette Groves Anderson of Western Leisure Inc., a tour operator in Salt Lake City.

Mitsuko Kennair of Hotard Coaches in New Orelans, said her Japanese clients are taking Mississippi cruises, visiting plantations, journeying to see alligators and even flying from Tokyo just to attend the jazz festival held each spring. "Almost all of them are repeat tourists, looking for different destinations," she said.

Jan Arai, co-owner of J.D. Cook tour company in Seattle, said many of her repeat Japanese clients are striking out on their own or with family members. "A lot are trying to test their mettle by renting R.V.'s" she said.

Arizona alone earned $56 million last year from Japanese tourists, many of whom came to visit the Grand Canyon, but others stayed at dude ranches or visited its many Indian reservations.

It will be a long time before most foreign visitors feel at home in the American heartland, according to John Sem, who heads the Tourism Center at the University of Minnesota. "There are language problems, and this culture tends to be insensitive about the needs of other cultures," he said. "And where do you exchange money in rural communities?"

But officials in both the private and public sector agree that tourism to the interior will continue experiencing record growth, now that the ice has been broken and now that cities and states are belatedly aware of its economic importance.

[From the Billings (MT) Gazette, Oct. 22, 1991]

TOURISM MAY DRAW EMPLOYERS TO STAY, ECONOMIST SAYS

KALISPELL.—Tourism, sometimes criticized as the source only of low-paying service jobs, may help bring more substantial employers and their payrolls to Montana, a First Interstate Bank economist said Monday.

William Conerly, vice president and economist at First Interstate Bank of Oregon, said Montana's economy has lurched along with that of the rest of the nation.

But tourism has been doing well in Montana and throughout the Pacific Northwest.

"It's going to continue," he predicted, because of word-of-mouth advertising and because baby boomers with families are inclined to tour the United States in their vans.

Tourism can bring unexpected benefits, said Conerly, pointing to the Bend, Ore., area, where "the well-heeled came to visit, and a number of them moved there with their businesses."

"Tourism is a good exposure," Conerly said. The businesses that move to places like Bend are small firms that can operate anywhere and choose a location because of the lifestyle, he said.

Retirees also are being attracted to such spots—younger and more-affluent people than average retirees, said Conerly, and their presence often results in professional service-sector jobs that pay far more than minimum wage.

The demand for wood products will increase in 1992, the economist said, but areas not allowed to harvest wood "will feel a real pinch."

Meanwhile, the aluminum industry is already being squeezed, under a "really weak" price. There are rumors of dumping of metals by Russian factories, Conerly said.

"We should see better aluminum prices by next year," he said, "but it may not be in time for some smelters." He noted one aluminum plant has already gone down in Oregon.

"No recession has ever lasted forever," Conerly said, but recovery from the recession of 1991 will be slow because of consumer nervousness, limited availability of credit, and the Federal Reserve constraining growth in the face of inflation pressures.

Conerly spoke at First Interstate's annual economic outlook program at Cavanaugh's.

AMENDMENT NO. 1273

(Purpose: To modify certain provisions of the bill)

Mr. FORD. Mr. President, I send a perfecting amendment of Senator ROCKEFELLER and Senator BURNS to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Kentucky [Mr. FORD], for Mr. ROCKEFELLER (for himself and Mr. BURNS), proposes an amendment numbered 1273.

Mr. FORD. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Strike all on page 29, line 21, through page 30, line 12, and insert in lieu thereof the following:

"(D)(i) At the same time that the Secretary announces the selection of markets under subparagraph (C), the Secretary shall issue a request for proposals from States and political subdivisions thereof, regional governmental entities, and appropriate nonprofit organizations and associations to develop and implement tourism trade development programs applicable to the markets so selected. Subject to the requirements of subsections (c) and (d), the Secretary is authorized to provide financial assistance to carry out proposals submitted under this subparagraph, and such assistance shall be provided no later than two years after the notice is published under subparagraph (B). In addition to financial assistance, the Secretary may provide technical assistance.

"(ii) The expenditures in a fiscal year to issue requests for proposals and provide financial assistance under clause (i) shall not exceed 10 percent of the amount appropriated to the Secretary to carry out the duties authorized under this Act for that fiscal year.

On page 30, at the end of line 20, add the following new sentence: "The Secretary may reassign personnel from existing foreign offices to such tourism trade development offices.".

Strike all on page 32, line 13, through page 33, line 12, and insert in lieu thereof the following:

(e) CONFORMING AMENDMENTS.—(1) Section 202(a)(5) of the International Travel Act of 1961 (22 U.S.C. 2123(a)(5)) is amended to read as follows:

"(5) may provide financial assistance under subsection (e) to States and political subdivisions thereof, regional governmental entities, and appropriate nonprofit organizations and associations;".

(2) Section 202(c) of the International Travel Act of 1961 (22 U.S.C. 2123(c)) is amended—

(A) in the first sentence—

(i) by striking "paragraph (5) of subsection (a)" and inserting in lieu thereof "subsection (e)"; and

(ii) by striking "under this clause";

(B) in the second sentence by striking "paragraph" and inserting in lieu thereof "subsection"; and

(C) in the third sentence by striking "paragraph (5) of subsection (a) of this section" and inserting in lieu thereof "subsection (e)".

(3) Section 202(d) of the International Travel Act of 1961 (22 U.S.C. 2123(d)) is amended by striking "paragraph (5) of subsection (a)

of this section" and inserting in lieu thereof "subsection (e)".

Strike all on page 45, and inserting in lieu thereof the following:

(d) REPEALS.—Sections 203 and 204 of the International Travel Act of 1961 (22 U.S.C. 2123a and 2123b) are repealed.

(e) TOURISM POLICY COUNCIL.—(1) Section 302(b)(1) of the International Travel Act of 1961 (22 U.S.C. 2124a(b)(1)) is amended—

(A) by striking subparagraph (E);

(B) by redesignating subparagraphs (F) and (G) as subparagraphs (E) and (F), respectively;

(C) by redesignating subparagraphs (H) and (I) as subparagraphs (M) and (N); and

(D) by inserting immediately after subparagraph (F), as so redesignated, the following new subparagraphs:

"(G) the Secretary of Agriculture or the individual designated by such Secretary from the Department of Agriculture;

"(H) the Chairman of the Tennessee Valley Authority;

"(I) the Commanding General of the Corps of Engineers of the Army, within the Department of Defense;

"(J) the Administrator of the Small Business Administration;

"(K) the Commissioner of Customs;

"(L) the Attorney General or the individual designated by the Attorney General from the Immigration and Naturalization Service;".

Strike all on page 47, line 19, through page 48, line 19; and on page 46, line 16, strike "(a) DEPUTY UNDER SECRETARY.—".

The **PRESIDING OFFICER**. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 1273) was agreed to.

The **PRESIDING OFFICER**. Are there further amendments to the substitute? If there be no further amendments to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed as follows:

S. 680

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Tourism Policy and Export Promotion Act of 1991".

FINDINGS

SEC. 2. The Congress finds that—

(1) the travel and tourism industry is the second largest retail or service industry in the United States;

(2) travel and tourism receipts make up over 6.7 percent of the United States gross national product;

(3) travel and tourism expenditures last year were approximately $327 billion;

(4) in 1990 the travel and tourism industry generated about 6 million jobs directly and about 2.5 million indirectly;

(5) 39 million international visitors spent approximately $52.8 billion in the United States last year;

(6) travel and tourism services ranked as the largest United States export in 1990, with a United States travel trade balance of more than $5.2 billion;

(7) advanced technologies, industrial targeting, the industrialization of the Third World, and the flight of some United States manufacturing capacity to overseas locations have affected the international competitiveness of the United States; and

(8) although the trade deficit is shrinking, imports continue at record levels and, therefore, export expansion must remain a national priority.

STATISTICAL REPORT

SEC. 3. (a) SURVEY OF INTERNATIONAL AIR TRAVELERS.—The Secretary of Commerce, to the extent available resources permit, shall improve the survey of international air travelers conducted to provide the data needed to estimate the Nation's balance of payments in international travel by—

(1) expanding the survey to cover travel to and from the Middle East, Africa, South America, and the Caribbean and enhancing coverage for Mexico, Oceania, the Far East, and Europe; and

(2) improving the methodology for conducting on-board surveys by (A) enhancing communications, training, and liaison activities in cooperation with participating air carriers, (B) providing for the continuation of needed data bases, and (C) utilizing improved sampling procedures.

The Secretary of Commerce shall seek to increase the reporting frequency of the data provided by Statistics Canada and the Bank of Mexico on international travel trade between the United States and both Canada and Mexico. The Secretary shall improve the quarterly statistical report on United States international travel receipts and payments published in the Bureau of Economic Analysis document known as "The Survey of Current Services" and heighten its visibility.

(b) REPORT TO CONGRESS.—The Secretary of Commerce shall, within 18 months after the date of enactment of this Act, report to the Congress on—

(1) the status of the efforts required by subsection (a); and

(2) the desirability and feasibility of publishing international travel receipts and payments on a monthly basis.

TOURISM TRADE BARRIERS

SEC. 4. (a) ANALYSIS AND ESTIMATES.—For calendar year 1992 and each succeeding calendar year, the Secretary of Commerce shall—

(1) identify and analyze acts, policies, or practices of each foreign country that constitute significant barriers to, or distortions of, United States travel and tourism exports;

(2) make an estimate of the trade-distorting impact on United States commerce of any act, policy, or practice identified under paragraph (1); and

(3) make an estimate, if feasible, of the value of additional United States travel and tourism exports that would have been exported to each foreign country during such calendar year if each of such acts, policies, and practices of such country did not exist.

(b) REPORT.—On or before March 31 of 1993 and each succeeding calendar year, the Secretary of Commerce shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives a report on the analysis and estimates made under subsection (a) for the preceding calendar year. The report shall include any recommendation for action to eliminate any act, policy, or practice identified under subsection (a).

ACTION TO FACILITATE ENTRY OF FOREIGN TOURISTS

SEC. 5. (a) FINDING.—The Congress finds that foreign tourists entering the United States are frequently faced with unnecessary delays at points of entry at the United States border.

(b) ACTION BY SECRETARY.—The Secretary of Commerce shall, in coordination with other Federal agencies, take appropriate action to ensure that foreign tourists are not unnecessarily delayed when entering the United States and to ensure that the international processing standard of the International Civil Aviation Organization is met.

(c) REPORT.—The Secretary of Commerce shall, within one year after the date of enactment of this Act, report to the Congress on efforts under this section to improve visitor facilitation and the effect on United States travel and tourism as a result of those improvements.

TOURISM TRADE DEVELOPMENT

SEC. 6. (a) ANNUAL PLAN.—Section 202(a) of the International Travel Act of 1961 (22 U.S.C. 2123(a)) is amended by striking paragraph (15).

(b) TOURISM TRADE DEVELOPMENT EFFORTS.—Section 202 of the International Travel Act of 1961 (22 U.S.C. 2123) is amended by adding at the end the following new subsection:

"(e)(1) The Secretary's tourism trade development efforts shall focus on the markets which have the greatest potential for increasing travel and tourism export revenues.

"(2)(A) Generic advertising and other tourism trade development efforts carried out by the Secretary in any calendar year after calendar year 1993 shall be planned and implemented pursuant to subparagraphs (B) through (E).

"(B) By March 31 of each year, the Secretary shall publish a notice in the Federal Register soliciting comment, from persons interested in tourism trade, concerning markets that would be an appropriate focus of tourism trade development efforts to be carried out in the 12-month period that begins 2 years after the notice is published.

"(C) Within 1 year after a notice is published under subparagraph (B), the Secretary shall select the markets that the Secretary determines are an appropriate focus of tourism trade development efforts to be carried out in the 12-month period described in subparagraph (B). The selection shall be announced by publication in the Federal Register.

"(D)(i) At the same time that the Secretary announces the selection of markets under subparagraph (C), the Secretary shall issue a request for proposals from States and political subdivisions thereof, regional governmental entities, and appropriate nonprofit organizations and associations to develop and implement tourism trade development programs applicable to the markets so selected. Subject to the requirements of subsections (c) and (d), the Secretary is authorized to provide financial assistance to carry out proposals submitted under this subparagraph, and such assistance shall be provided no later than two years after the notice is published under subparagraph (B). In addition to financial assistance, the Secretary may provide technical assistance.

"(ii) The expenditures in a fiscal year to issue requests for proposals and provide financial assistance under clause (i) shall not exceed 10 percent of the amount appropriated to the Secretary to carry out the duties authorized under this Act for that fiscal year.

"(E)(i) During the 12-month period described in subparagraph (B), the Secretary shall carry out generic advertising and other tourism trade development efforts directed at the markets selected under subparagraph (C).

"(ii) To reinforce the efforts carried out under clause (i), the Secretary shall establish tourism trade development offices in foreign locations appropriate for the markets selected under subparagraph (C). The Secretary may reassign personnel from existing foreign offices to such tourism trade development offices.

"(3) The Secretary shall evaluate the effectiveness of the efforts carried out under paragraph (2)(E) and, not later than 1 year after those efforts are completed, shall report to Congress on the results of the evaluation.

"(4) The Secretary may make adjustments to the deadlines and time limitations imposed in this subsection if necessary to ensure the effectiveness of tourism trade development efforts.".

(c) ADVISORY BOARD.—(1) Section 303(a)(3) of the International Travel Act of 1961 (22 U.S.C. 2124b(a)(3)) is amended—

(A) in subparagraph (A), by striking "and";

(B) by amending subparagraph (B) to read as follows:

"(B) at least two shall be representatives of the States who are knowledgeable of tourism promotion; and"; and

(C) by adding at the end the following new subparagraph:

"(C) at least one shall be a representative of a city who is knowledgeable of tourism promotion.".

(2) The last sentence of section 303(b) of the International Travel Act of 1961 (22 U.S.C. 2124b(b)) is amended by striking "two consecutive terms of three years each" and inserting in lieu thereof "six consecutive years or nine years overall".

(3) The first sentence of section 303(f) of the International Travel Act of 1961 (22 U.S.C. 2124b(f)) is amended by striking "and shall advise" and all that follows except the period at the end.

(d) TECHNICAL AMENDMENTS.—(1) Section 201(6) of the International Travel Act of 1961 (22 U.S.C. 2122(6)) is amended by inserting "and the use of other United States providers of travel products and services" immediately before the period at the end.

(2) Section 202(a)(12) of the International Travel Act of 1961 (22 U.S.C. 2123(a)(12)) is amended by inserting "and the use of other United States providers of travel products and services" immediately before the semicolon at the end.

(e) CONFORMING AMENDMENTS.—(1) Section 202(A)(5) of the International Travel Act of 1961 (22 U.S.C. 2123(a)(5)) is amended to read as follows:

"(5) May provide financial assistance under subsection (e) to States and political subdivisions thereof, regional governmental entities, and appropriate nonprofit organizations and associations;".

(2) Section 202(c) of the International Travel Act of 1961 (22 U.S.C. 2123(c)) is amended—

(A) in the first sentence—

(i) by striking "paragraph (5) of subsection (a)" and inserting in lieu thereof "subsection (e)"; and

(ii) by striking "under this clause";

(B) in the second sentence by striking "paragraph" and inserting in lieu thereof "subsection"; and

(C) in the third sentence by striking "paragraph (5) of subsection (a) of this section" and inserting in lieu thereof "subsection (e)".

(3) Section 202(d) of the International Travel Act of 1961 (22 U.S.C. 2123(d)) is amended by striking "paragraph (5) of subsection (a) of this section" and inserting in lieu thereof "subsection (e)".

COORDINATION

SEC. 7. Section 301 of the International Travel Act of 1961 (22 U.S.C. 2124) is amended by adding at the end the following new subsection:

"(c) The Secretary shall ensure that the services of the United States and Foreign Commercial Service continue to be available to assist the United States Travel and Tourism Administration at locations identified by the Under Secretary of Commerce for Travel and Tourism, in consultation with the Director General of the United States and Foreign Commercial Service, as necessary to assist the Administration's foreign offices in stimulating and encouraging travel to the United States by foreign residents and in carrying out other powers and duties of the Secretary specified in section 202.".

RURAL TOURISM DEVELOPMENT FOUNDATION

SEC. 8. (a) FINDINGS; ESTABLISHMENT OF FOUNDATION.—(1) The Congress finds that increased efforts directed at the promotion of rural tourism will contribute to the economic development of rural America and further the conservation and promotion of natural, scenic, historic, scientific, educational, inspirational, or recreational resources for future generations of Americans and foreign visitors.

(2) In order to assist in the development and promotion of rural tourism, there is established a charitable and nonprofit corporation to be known as the Rural Tourism Development Foundation (hereafter in this section referred to as the "Foundation").

(b) FUNCTIONS.—The functions of the Foundation shall be the planning, development, and implementation of projects and programs which have the potential to increase travel and tourism export revenues by attracting foreign visitors to rural America. Initially, such projects and programs shall include but not be limited to—

(1) participation in the development and distribution of educational and promotional materials pertaining to both private and public attractions located in rural areas of the United States, including Federal parks and recreational lands, which can be used by foreign visitors;

(2) development of educational resources to assist in private and public rural tourism development; and

(3) participation in Federal agency outreach efforts to make such resources available to private enterprises, State and local governments, and other persons and entities interested in rural tourism development.

(c) BOARD OF DIRECTORS.—(1)(A) The Foundation shall have a Board of Directors (hereafter in this section referred to as the "Board") that—

(i) during its first two years shall consist of nine voting members; and

(ii) thereafter shall consist of those nine members plus up to six additional voting members as determined in accordance with the bylaws of the Foundation.

(B)(i) The Under Secretary of Commerce for Travel and Tourism shall, within six months after the date of enactment of this Act, appoint the initial nine voting members of the Board and thereafter shall appoint the successors of each of three such members, as provided by such bylaws.

(ii) The voting members of the Board, other than those referred to in clause (i), shall be appointed in accordance with procedures established by such bylaws.

(C) The voting members of the Board shall be individuals who are not Federal officers or employees and who have demonstrated an interest in rural tourism development. Of such voting members, at least a majority shall have experience and expertise in tourism trade promotion, at least one shall have experience and expertise in resource conservation, at least one shall have experience and expertise in financial administration in a fiduciary capacity, at least one shall be a representative of an Indian tribe who has experience and expertise in rural tourism on an Indian reservation, at least one shall represent a regional or national organization or association with a major interest in rural tourism development or promotion, and at least one shall be a representative of a State who is responsible for tourism promotion.

(D) Voting members of the Board shall each serve a term of six years, except that—

(i) initial terms shall be staggered to assure continuity of administration;

(ii) if a person is appointed to fill a vacancy occurring prior to the expiration of the term of his or her predecessor, that person shall serve only for the remainder of the predecessor's term; and

(iii) any such appointment to fill a vacancy shall be made within 60 days after the vacancy occurs.

(2) The Under Secretary of Commerce for Travel and Tourism and representatives of Federal agencies with responsibility for Federal recreational sites in rural areas (including the National Park Service, Bureau of Land Management, Forest Service, Corps of Engineers, Bureau of Indian Affairs, Tennessee Valley Authority, and such other Federal agencies as the Board determines appropriate) shall be nonvoting ex-officio members of the Board.

(3) The Chairman and Vice Chairman of the Board shall be elected by the voting members of the Board for terms of two years.

(4) The Board shall meet at the call of the Chairman and there shall be at least two meetings each year. A majority of the voting members of the Board serving at any one time shall constitute a quorum for the transaction of business, and the Foundation shall have an official seal, which shall be judicially noticed. Voting membership on the Board shall not be deemed to be an office within the meaning of the laws of the United States.

(d) COMPENSATION AND EXPENSES.—No compensation shall be paid to the members of the Board for their services as members, but they may be reimbursed for actual and necessary traveling and subsistence expenses incurred by them in the performance of their duties as such members out of Foundation funds available to the Board for such purposes.

(e) ACCEPTANCE OF GIFTS, DEVISES, AND BEQUESTS.—(1) The Foundation is authorized to accept, receive, solicit, hold, administer and use any gifts, devises, or bequests, either absolutely or in trust, of real or personal property or any income therefrom or other interest therein for the benefit of or in connection with rural tourism, except that the Foundation may not accept any such gift, devise, or bequest which entails any expenditure other than from the resources of the Foundation. A gift, devise, or bequest may be accepted by the Foundation even though it is encumbered, restricted, or subject to beneficial interests of private persons if any current or future interest therein is for the benefit of rural tourism.

(2) A gift, devise, or bequest accepted by the Foundation for the benefit of or in connection with rural tourism on Indian reservations, pursuant to the Act of February 14, 1931 (25 U.S.C. 451), shall be maintained in a separate accounting for the benefit of In-

dian tribes in the development of tourism on Indian reservations.

(f) Investments.—Except as otherwise required by the instrument of transfer, the Foundation may sell, lease, invest, reinvest, retain, or otherwise dispose of or deal with any property or income thereof as the Board may from time to time determine. The Foundation shall not engage in any business, nor shall the Foundation make any investment that may not lawfully be made by a trust company in the District of Columbia, except that the Foundation may make any investment authorized by the instrument of transfer and may retain any property accepted by the Foundation.

(g) Use of Federal Services and Facilities.—The Secretary of Commerce may, on request and without requiring reimbursement, make available services and facilities of the Department for the use of the Foundation.

(h) Perpetual Succession; Liability of Board Members.—The Foundation shall have perpetual succession, with all the usual powers and obligations of a corporation acting as a trustee, including the power to sue and to be sued in its own name, but the members of the Board shall not be personally liable, except for malfeasance.

(i) Contractual Power.—The Foundation shall have the power to enter into contracts, to execute instruments, and generally to do any and all lawful acts necessary or appropriate to its purposes.

(j) Administration.—(1) In carrying out the provisions of this section, the Board may adopt bylaws, rules, and regulations necessary for the administration of its functions and may hire officers and employees and contract for any other necessary services. Such officers and employees shall be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service and may be paid without regard to the provisions of chapters 51 and 53 of such title relating to classification and General Schedule pay rates.

(2) The Secretary of Commerce may accept the voluntary and uncompensated services of the Foundation, the Board, and the officers and employees of the Foundation in the performance of the functions authorized under this section, without regard to section 1342 of title 31, United States Code, or the civil service classification laws, rules, or regulations.

(3) Neither an officer or employee hired under paragraph (1) nor an individual who provides services under paragraph (2) shall be considered a Federal employee for any purpose other than for purposes of chapter 81 of title 5, United States Code, relating to compensation for work injuries, and chapter 171 of title 28, United States Code, relating to tort claims.

(k) Exemption From Taxes; Contributions.—The Foundation and any income or property received or owned by it, and all transactions relating to such income or property, shall be exempt from all Federal, State, and local taxation with respect thereto. The Foundation may, however, in the discretion of the Board, contribute toward the costs of local government in amounts not in excess of those which it would be obligated to pay such government if it were not exempt from taxation by virtue of this subsection or by virtue of its being a charitable and nonprofit corporation and may agree so to contribute with respect to property transferred to it and the income derived therefrom if such agreement is a condition of the transfer. Contribution, gifts, and other transfers made to or for the use of the Foundation shall be regarded as contributions, gifts, or transfers to or for the use of the United States.

(l) Liability of United States.—The United States shall not be liable for any debts, defaults, acts, or omissions of the Foundation.

(m) Annual Report.—The Foundation shall, as soon as practicable after the end of each fiscal year, transmit to Congress an annual report of its proceedings and activities, including a full and complete statement of its receipts, expenditures, and investments.

(n) Definitions.—As used in this section, the term—

(1) "Indian reservation" has the meaning given the term "reservation" in section 3(d) of the Indian Financing Act of 1974 (25 U.S.C. 1452(d));

(2) "Indian tribe" has the meaning given that term in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e));

(3) "local government" has the meaning given that term in section 3371(2) of title 5, United States Code; and

(4) "rural tourism" has the meaning given that term by the Secretary of Commerce and shall include activities related to travel and tourism that occur on Federal recreational sites, on Indian reservations, and in the territories, possessions, and commonwealths of the United States.

(o) Assistance by Secretary of Commerce.—Section 202(a) of the International Travel Act of 1961 (22 U.S.C. 2123(a)), as amended by section 6(a) of this Act, is further amended by adding at the end the following new paragraph:

"(15) may assist the Rural Tourism Development Foundation, established under the Tourism Policy and Export Promotion Act of 1991, in the development and promotion of rural tourism.".

POLICY CLARIFICATIONS

Sec. 9. (a) National Tourism Policy.—(1) Section 101(b)(1) of the International Travel Act of 1961 (22 U.S.C. 2121(b)(1)) is amended to read as follows:

"(1) optimize the contributions of the tourism and recreation industries to the position of the United States with respect to international competitiveness, economic prosperity, full employment, and balance of payments;"

(2) Section 101(b) of the International Travel Act of 1961 (22 U.S.C. 2121(b)) is amended—

(A) by redesignating paragraphs (2) through (12) as paragraphs (5) through (15), respectively; and

(B) by inserting immediately after paragraph (1) the following new paragraphs:

"(2) increase United States export earnings from United States tourism and transportation services traded internationally;

"(3) ensure the orderly growth and development of tourism;

"(4) coordinate and encourage the development of the tourism industry in rural communities which (A) have been severely affected by the decline of agriculture, family farming, or the extraction or manufacturing industries, or by the closing of military bases; and (B) have the potential necessary to support and sustain an economy based on tourism;".

(b) Duties of Secretary of Commerce.—(1) Section 201(2) of the International Travel Act of 1961 (22 U.S.C. 2122(2)) is amended by striking "tourist facilities," and all that follows and inserting in lieu thereof the following: "receptive, linguistic, informational, currency exchange, meal, and package tour services required by the international market;".

(2) Section 202(a)(9) of the International Travel Act of 1961 (22 U.S.C. 2123(a)(9)) is amended by striking "United States travel and tourism interests" and inserting in lieu thereof "the United States national tourism interest".

(c) Authorization Regarding Certain Expenditures.—Section 202 of the International Travel Act of 1961 (22 U.S.C. 2123), as amended by section 6(b) of this Act, is further amended by adding at the end the following new subsection:

"(f) Funds appropriated to carry out this Act may be expended by the Secretary without regard to the provisions of sections 501 and 3702 of title 44, United States Code. Funds appropriated for the printing of travel promotional materials shall remain available for two fiscal years.".

(d) Repeals.—Sections 203 and 204 of the International Travel Act of 1961 (22 U.S.C. 2123a and 2123b) are repealed.

(e) Tourism Policy Council.—(1) Section 302(b)(1) of the International Travel Act of 1961 (22 U.S.C. 2124a(b)(1)) is amended—

(A) by striking subparagraph (E);

(B) by redesignating subparagraphs (F) and (G) as subparagraphs (E) and (F), respectively;

(C) by redesignating subparagraphs (H) and (I) as subparagraphs (M) and (N); and

(D) by inserting immediately after subparagraph (F), as so redesignated, the following new subparagraphs:

"(G) the Secretary of Agriculture or the individual designated by such Secretary from the Department of Agriculture;

"(H) the Chairman of the Tennessee Valley Authority;

"(I) the Commanding General of the Corps of Engineers of the Army, within the Department of Defense;

"(J) the Administrator of the Small Business Administration;

"(K) the Commissioner of Customs;

"(L) the Attorney General or the individual designated by the Attorney General from the Immigration and Naturalization Service;".

(2) Section 302(d) of the International Travel Act of 1961 (22 U.S.C. 2124a(d)) is amended by adding at the end the following new paragraph:

"(4)(A) Each year, upon designation by the Secretary of Commerce in accordance with subparagraph (B), up to three Federal departments and agencies represented on the Council shall each detail to the Council for that year one staff person and associated resources.

"(B) In making the designation referred to in subparagraph (A), the Secretary of Commerce shall designate a different group of agencies and departments each year and shall not redesignate any agency or department until all the other agencies and departments represented on the Council have been designated the same number of years.".

ADMINISTRATION

Sec. 10. Section 301(a) of the International Travel Act of 1961 (22 U.S.C. 2124(a)) is amended—

(1) by striking the third and fourth sentences;

(2) by designating the remainder of the existing text as paragraph (1); and

(3) by adding at the end the following new paragraph:

"(2) The Secretary shall designate a Deputy Under Secretary for Tourism Trade Development, who shall be drawn from, and serve as a member of, the career service. The Deputy Under Secretary shall have responsibility for—

"(A) facilitating the interaction between industry and government concerning tourism trade development;

"(B) directing and managing field operations;

"(C) directing program evaluation research and industry statistical research;

"(D) developing an outreach program to those communities with underutilized tourism potential to assist them in the development of strategies for expansion of tourism trade;

"(E) developing a new program to provide financial assistance in support of non-Federal tourism trade development activities that complement efforts by the Secretary under section 202(e); and

"(F) performing such other functions as the Under Secretary may assign.".

AUTHORIZATION OF APPROPRIATIONS

SEC. 11. (a) IN GENERAL.—Section 304 of the International Travel Act of 1961 (22 U.S.C. 2126) is amended to read as follows:

"SEC. 304. For the purpose of carrying out this Act, there is authorized to be appropriated an amount, not to exceed $21,000,000 for the fiscal year ending September 30, 1993, not to exceed $24,000,000 for the fiscal year ending September 30, 1994, and not to exceed $27,000,000 for the fiscal year ending September 30, 1995.".

(b) FUNDS FOR FOUNDATION.—Of the funds authorized under section 304 of the International Travel Act of 1961 (22 U.S.C. 2126), as amended by subsection (a), there are authorized to be appropriated to the Secretary of Commerce for each of fiscal years 1993, 1994, and 1995 not to exceed $500,000 to—

(1) match partially or wholly the amount or value of contributions (whether in currency, services, or property) made to the Rural Tourism Development Foundation by private persons and Federal, State, and local government agencies; and

(2) provide administrative services for the Rural Tourism Development Foundation.

TOURISM HEALTH STUDY

SEC. 12. (a) STUDY.—The Secretary of Commerce shall undertake to enter into arrangements with the Institute of Medicine of the National Academy of Sciences to conduct a study of the current knowledge of the health benefits of travel for domestic and international tourists.

(b) REPORT.—In entering into any arrangement with the Institute of Medicine for conducting the study described under subsection (a), the Secretary of Commerce shall request the Institute of Medicine to submit, not later than 18 months after the date of enactment of this Act, to the Secretary a report on the results of the study. The report, immediately upon its receipt, shall be transmitted by the Secretary to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives.

TRAVEL BY DISABLED PERSONS

SEC. 13. The Secretary of Commerce shall, within 18 months after the date of enactment of this Act, report to the Congress on activities of the Department of Commerce and other Federal agencies to increase tourism opportunities for, and encourage travel by, disabled persons.

Mr. FORD. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. SIMPSON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AUTHORIZATION TO PRINT SENATE DOCUMENT

Mr. FORD. Mr. President, on May 23 through 27, 1991, the Canada-United States Interparliamentary Group conducted its 32d meeting, which was held in Alberta, Canada. The participation of the United States in this Interparliamentary Group is authorized by Public Law 86-42 (22 U.S.C. 276d-g). As chairman of the Senate delegation to this meeting of the Interparliamentary Group, Senator HERB KOHL has submitted to the Senate a report on this meeting. I ask unanimous consent that this report be printed as a Senate document and that 300 copies be printed for the use of the Secretary of the Senate and the Committee on Foreign Relations in addition to the usual number.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXTENSION OF MORNING BUSINESS

Mr. FORD. Mr. President, I ask unanimous consent that morning business be extended until 6:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FORD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DURENBERGER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Minnesota is recognized.

Mr. DURENBERGER. I thank the Chair.

(The remarks of Mr. DURENBERGER pertaining to the introduction of S. 1872 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

SAMUEL A. DORSHOW

Mr. DURENBERGER. Mr. President, yesterday was a very special day for Samuel A. Dorshow, a distinguished Minnesotan who celebrated his 82d birthday. I am glad to be able to share with my colleagues the story of his courageous life, for which he has already been honored with three Silver Stars, three Purple Hearts, and a Bronze Star.

Sam is the son of Mr. and Mrs. Dave Dorshow and grew up on the west side of Saint Paul on East Isabel Street. He graduated from Humboldt High School and attended the University of Minnesota. The day after the Japanese bombed Pearl Harbor, Sam, age 33, joined the Army after the Marine Corps turned him down for being too old and over the hill. They would eat those words.

On June 6, 1944, Sam Dorshow, then S. Sgt. Dorshow of B Battery, 324th Field Artillery Battalion of the 83d Infantry Division—Big Red—landed on Omaha Beach, Normandy, France, in the first wave of Allied troops participating in the invasion of Europe.

Three days later he earned the first of his Silver Stars for heroism in occupying an exposed forward position under heavy small arms, mortar, and artillery fire so that he could direct Allied artillery to enemy positions.

His first Purple Heart was the result of a bullet would in the leg during hedge row battles near St. Lo. Sam was also in the midst of the battle in Remich, Luxembourg, where he singlehandedly knocked out an enemy machine gun nest permitting his unit to advance. Not a lot of marines have ever accomplished that. For this he was put in for his second Silver Star.

A few weeks later an enemy bullet grazed his head, leaving a scar which you can see today. He will also show you the second Purple Heart for his wound and the Croix de Guerre for bravery awarded him by the French Government.

During a lull in the battle near Huertgen Forest, Gen. George Patton personally awarded Sam a second lieutenant's battlefield commission acknowledging his leadership and courage in battle.

But his final hour of valor was experienced just 5 months before the war ended in Europe. On December 14, 1944, accompanied by the last 57 men in his battalion, Lt. Sam Dorshow occupied a building in Strass, Germany, as a forward observation post from which to call in allied artillery strikes. The building came under heavy enemy tank and artillery fire itself and soon collapsed with 5 Americans killed and many wounded, including Sam. He sustained injuries to his back and right side, but realized that the Germans were closing in and led his men out through enemy lines to safety. There were 11 walking wounded and 30 enemy prisoners captured along the way who arrived at the American first aid station 14 miles away, believe it or not.

Sam's military career was over at that time; they sent him to the rear to a hospital for treatment and recuperation. But by that time, he had been written up for an additional Silver Star, Purple Heart, and the Bronze Star.

Forty-three years later in 1987, the mayor of Saint Paul, George Latimer, declared June 7, 1987 as Sam Dorshow Day in recognition of the special contributions made by Sam to freedom and the American way.

He has been honored by his Government, the Government of France, the Minnesota Department of the Jewish War Veteran, and now the U.S. Senate.

We all honor him as an shining example of someone who saw the need and did his job. We honor him for his personal courage, dedication to duty, and unselfish heroism under the ultimate odds.

The best example of his spirit is shown in his reaction to the wartime doctor's prognosis that he would never walk again with the wounds he had incurred. His response was "I had walked 14 miles through the Huertgen Forest with the same wounds and I sure as hell could learn to walk down Robert Street—in Saint Paul—again." And he did. He has discarded his cane and has again become a contributing member of society—fortunately, for us, in Minnesota. This is true courage, heroism, and dedication.

We wish Sam Dorshow many happy returns of the day and commend his unique contribution to America.

Mr. President, I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. EXON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Nebraska is recognized.

Mr. EXON. I thank the Chair.

(The remarks of Mr. EXON pertaining to the introduction of S. 1870 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. The Senator from Maryland.

CIVIL RIGHTS ACT OF 1991

Ms. MIKULSKI. Mr. President, 27 years ago this body passed a historic piece of legislation—the Civil Rights Act of 1964. That law reflected the feelings and beliefs of the majority of this Nation.

Among other ideals embodied in that legislation was the concept that individuals should not be discriminated against in either their place of work or anywhere else on the basis of race, color, religion, sex, or national origin.

For the first time, we had a law that gave meaning and substance to the idea of equal opportunity. The Civil Rights Act gave victims of discrimination a way to address the wrongs that they had suffered. The 1964 Civil Rights Act gave workers the ability to fight back against employment discrimination. It gave them the right to sue for back pay if they lost wages, the right to sue for reinstatement for wrongful dismissal, and they had the right to request a court order to keep an employer from continuing the practice of discrimination.

America and the Congress believe they did the right thing. Sadly, over the years, the Supreme Court has undone many aspects of the original bill. So now, in 1991, we must redo it. Make no mistake, Mr. President, it is needed now as much as it ever was. Discrimination on the basis of race, color, religion, sex, or national origin is outmoded, outdated, and should be outlawed. Discrimination has no place in this society, and Congress must send a clear message that in the United States of America, there is no room for either bigotry or bias.

In 1964, there was a glitch in the civil rights legislation, and this gives us an opportunity to fix it. For those who were discriminated against on the basis of race, the right to reinstatement and back pay supplemented the damages remedy available to them under a post-Civil War statute called section 1981. However, section 1981 did not cover gender discrimination. It does not give the victims of gender discrimination the same rights as victims of racial discrimination. Neither does the bill that we are considering today.

So, Mr. President, today we have a chance to make all of this right. We have the right to establish parity between victims of racial discrimination and gender discrimination, and it is time we did it. We are not talking about an either/or situation. We are talking about giving people who suffer from racial discrimination and gender discrimination the same treatment under the law. Gender discrimination is wrong and unjust. It should be punished as vigorously as racial discrimination. We cannot differentiate between discriminations. This bill must provide true and complete remedies for victims of all discrimination.

Last week, we all watched the testimony of both Anita Hill and Justice Clarence Thomas, and it was clear to everyone that these two people had suffered enormous indignities in their lives and both oftentimes had been the victim of discrimination. During the days of those hearings, my office was deluged with calls from women and fathers and husbands all telling me stories, searing, searing stories of gender discrimination and sexual harassment in the workplace.

Now, when I go to return those phone calls, what do I say? What do I say because of the legislation pending that wants to treat gender discrimination and sexual harassment as a separate and different category with less vigorous and strong remedies? What do I tell a dad who has worked very hard to make sure his daughter gets the same education as his son so that they will have the same opportunities in the workplace? Certainly, if fathers are willing to practice equal opportunity in their own families, we should be willing to practice equal opportunity in the U.S. Congress.

And, now, what do we tell those women who called me with one horror story after the other of being humiliated in the workplace, taunted, terrorized? Oh, well, this presents a problem; we are trying to work out a deal; we are trying to fix it. Fix it? Sure, let us fix it. Let us make sure nobody is discriminated against and, if there is discrimination, that we have the same remedies for all Americans.

We Democrats, with some very terrific Republicans, spent a difficult summer negotiating on this bill. I want to salute Senator DANFORTH from the other side of the aisle, a Republican, who is the leader in trying to fashion this compromise legislation. We Senators met in good faith. But you know what, Mr. President, every proposal made by the Democrats, discussed with these good-guy Republicans was met by the White House with either contempt or dismissal. They were interested in having an issue instead of a civil rights bill. And when we would come back to listen to what the White House said about every concession, about every compromise, it was nitpick, nitpick, nitpick.

What emerged during the summer of negotiations, and even now, is that we are not serious about righting the wrongs of discrimination in this society. There are those who undeniably and irrationally now propose ending jury trials for women because they think our legal system is out of control and they want to take it out on American women. Or they want to put a ceiling on what could be achieved in terms of damages in gender discrimination in the workplace. Mr. President, let us put a ceiling on unemployment, let us not put a ceiling on damages for discrimination against women.

Now, listen to this. They want to either end jury trials for gender discrimination or they want to put on those caps. Mr. President, can you imagine wanting to end jury trials for women for gender discrimination? Can you imagine actively proposing, as a legislative solution, taking away from women a constitutional right to a jury trial? It is bad enough that we are not included in the Constitution, but where we have implicitly in the Constitution the right to a jury trail, they want to take it away from us because they say the lawyers are too greedy. I do not know about lawyers being greedy, but I do know about women being discriminated against and the fact that women should have the right to a jury trial.

Mr. President, we are talking about people who have suffered pain and humiliation of gender discrimination or sexual harassment. I think the Constitution has been waived too long and one too many times for American women. Mr. President, if a serial killer can have a right to a jury trial, if that guy in Wisconsin who kills people and does repugnant things to them can have a jury trial, certainly a woman who cannot get a job has a right to a jury trial if she is discriminated against. I do not think the United States of America should penalize women and take their constitutional rights away from them.

I hope everybody who is listening to C-SPAN, talk shows, this show, that show, the real show is right here and I want you to flood the Congress of the United States, say to the Congress of the United States: "Do not take jury trials away from us and do not put ceilings on damages." Take away jury trials—I have never been so insulted as a woman in my entire life. Talk about harassment, boy, that takes the cake.

We are also debating whether to put a cap on damages that could be awarded in cases of gender discrimination. The answer is no. What we give to one victim of discrimination, we should give to other victims of discrimination, otherwise what we have is an ultimate absurdity, Mr. President. We will have an antidiscrimination law that discriminates against women. How does that make it right? We will have an antidiscrimination law that discriminates against women. It is time to deal with reality in the U.S. Senate. It is time to deal with reality in the U.S. Congress. Women are no longer bit players in the field of employment. Today women make up 55 percent of the work force. By the year 2000, women will make up 60 percent of all the new entrants into the work force. We have to get the workplace ready for the 21st century. We are facing a new century and a new economy. We better have the laws to meet this new reality.

The handwriting is on the wall. The 21st century demands a country where discrimination is out of date and outlawed. We want changes in our law books, and we want changes in our checkbooks. Mr. President, we either believe in equality or we do not. If we believe in equality, then we should show it in our laws. We should show it by making the remedies for discrimination available to all Americans, male or female, and of all colors and all beliefs. We show it by saying that damages awarded to the victims of discrimination should be equal. A victim is a victim. We either believe discrimination is wrong or we do not. There are no degrees of wrong. One kind of wrong is no better or less deserving of a remedy than the other. Let us just do this: Let us just get out there and pass a civil rights bill that is clear and strong. Let us do what is right, a good civil rights bill.

And then, Mr. President, let us get on with rebuilding this economy, to make sure that we have prosperity, that we have jobs, that we have a future. Then we will be worthy of the support that our voters give us.

Mr. President, I might have more to say later, but right now I think my message is clear. I thank the Chair for giving me its attention, and my colleagues in the Senate.

Mr. EXON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE DISTORTION OF AMERICAN HISTORY BY OUR INSTITUTIONS

Mr. STEVENS. Mr. President, more and more of us here in Washington have become increasingly aware of the politically correct efforts that abound on our Nation's campuses.

Unfortunately, these efforts are also emerging in our institutions, as exemplified by the Smithsonian Institution's exhibit, the "West as America." In that exhibit, history was distorted to depict American paintings of the West as something they were not. In that regard, I urge my colleagues to read an excellent editorial by James F. Cooper, which appeared in the summer 1991 edition of the American Arts Quarterly.

I ask unanimous consent that that article be printed in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

A SEASON IN HELL—THE INQUISITION OF POLITICAL CORRECTNESS

(By James F. Cooper)

Evoking Arthur Rimbaud's savage poem "Une Saison en Enfer" seems appropriate when contemplating the past art season and imminent prospects for further travesties. Last year's art season was launched by The New York Times with a full-page defense for political correctness. There followed twelve months of exhibitions that effectively buried any hope for a modernist renaissance.

From Washington's Hirshhorn Museum "Awards in the Visual Arts," to Cincinnati's Contemporary Art Center "Mapplethorpe: The Perfect Moment," to New York's Whitney Museum "Biennial," the apparent objective was to undermine artistic excellence—now regarded as a symbol of the economic, racial and cultural oppression of minorities by white heterosexual males. These new philistines are pleasant, urbane politically correct intellectuals who barely control their intolerance for the pluralist freedom and multiculturalism they profess to champion. Witness the brutal treatment accorded dissenters such as the Classical Realists of Minnesota and the writer Carol Iannone.

Quality is an idea whose time has gone, writes art critic Michael Brenson; "The quality issue has worked overwhelmingly to the detriment of artists who are not heterosexual, male and white." Aesthetic issues, he suggests, are now irrelevant to politically correct concerns of race, gender and sexual preference.

Art historian Robert Tine compares critics of political correctness to 16th-century Inquisitors. In his essay, "Artist Outwits Inquisition," Tine compares the heresy trial of the Venetian artist Paolo Veronese to U.S. Congressional hearings on NEA-funding. Tine claims that the "Inquisition was more understanding" than some members of Congress, an affront to congressmen who sincerely and vigorously support the arts, but question the quality of government funding.

It is not the Robert Mapplethorpes and Karen Finleys who suffer the persecutions—as Tine and Brenson suggest—but rather those artists who would create works of lasting spiritual and artistic beauty. They have been subjected to worse treatment than Veronese ever was from today's politically correct peer-panels, critics and curators, who control patronage and exhibition space.

On July 18, 1573, Veronese was charged with heresy by the Tribunal of the Holy Office for his painting of "The Last Supper," commissioned by the Church of San Giovanni e Paolo. The tribunal charged that Veronese had blasphemed Christ by surrounding him with "fools, drunkards and Germans" (a 16th-century synonym for Protestants). "Do you not know," the tribunal asked Veronese, "that in places infected with heresy it is customary for such pictures to mock, vituperate and scorn things of the Holy Church in order to teach bad doctrines to foolish and ignorant people?" The artist replied humbly, "I painted Christ with his Apostles, but there were some spaces to be filled, and I adorned them with figures of my own invention." He reminded them of the controversy over Michelangelo's frescos in the Sistine Chapel.

In spite of his spirited defense, Veronese was found guilty and ordered to remove a list of "offensive" items from the painting at his own expense within ninety days.

Within the ninety days allotted, Veronese appeared again before the tribunal, but his painting of "The Last Supper" remained unaltered. Christ and his disciples were still surrounded by the same objectionable throng of gawkers, party-goers and "Germans"—as well as troublesome dog, cat and parrot that particularly bothered some clerics. Veronese just changed the title of the painting from "The Last Supper, to "The Feast in the House of Levi."

Veronese retitled the painting in reference to Luke 6:29, the description of Levi's feast that included "publicans and sinners." Since the tribunal's objections had been purely "political" (religious), the Church dismissed all charges and immediately sought a new commission from Veronese: The artist's talent and the quality of "The Last Supper" had never been in question.

Advocates of political correctness fail to understand what the Church understood 400 years ago: politically-correct art must first be artistically correct. Changing titles will not satisfy critics who find politically correct work at best mediocre and at worst, ugly, pornographic, sacrilegious and destructive. An expert on Veronese, Tine reveals surprising insensitivity to artistic issues. He reports that the prior of San Giovanni suggested Veronese substitute for the dog at Christ's feet a figure of Mary Magdalene, but adds, "Veronese refused, although we do not know why." Tine does not consider for a moment that Veronese refused to alter his work because changes—moving some figures and eliminating others—would destroy the aesthetic balance of a work of art.

Not even the Spanish Inquisition treated artists' concerns so cavalierly. Only through the prism of 20th-century relativism are matters of beauty, truth, and quality regarded as irrelevant. If political correctness becomes the determining factor in art (modernists having eliminated all other criteria), we can expect to see future tragedies like those suffered by Kazimir Malevich and others who believe in artistic freedom. One of the seminal figures of 20th-century art, Malevich was forced to crank out wretched socialist propaganda for Stalin's thought police. Other, less fortunate Soviet artists were killed or imprisoned. Emile Nolde's paintings were destroyed by the Nazis even though he endorsed their political (not artistic) agenda. De Chirico willingly exchanged artistic integrity for the patronage of Mussolini. The guillotine almost took the life of French Revolutionist-artist Jacques Louis David, who was politically correct enough for Danton but not for Robespierre.

What has been left unspoken but long suspected is now freely trumpeted by today's cultural police. It comes as no surprise, then, that recent retrospectives of Albert Bierstadt, Frederick Church, Worthington Whittredge, Frederic Remington, David Caspar Friedrich and Anthony Van Dyck are trashed as exemplars of a moribund culture, or that 19th-century masters featured in "The West as America" exhibition at the National Gallery are branded "apologists" for policies against the American Indian going back to Columbus. At the same time, politically-correct artists Sue Coe and Leon Golub are praised for documenting American "war crimes" committed against third-world peoples.

If concerned Americans truly want to have an impact on the culture, they must become sponsors instead of passive consumers. It is not enough to criticize; we must select experts who will sponsor art that relates to the American experience. Culture must be approached as responsibly as family, religion and the environment. Those who control the culture determine how Americans perceive themselves and how they set the course for the future.

A civilization that rejects not only beauty but also the moral and spiritual foundations of the nation, risks an internal crisis of monumental proportions. Free societies require virtuous citizens. To restore transcendent values, and courage, honor, integrity, self-discipline and humility, we must first embrace them through our culture. To those art administrators who have abandoned absolute values for trendy political causes, "It should be made clear that the arts belong not solely to those who receive its grants but to all the people of the United States" (President's Independent Commission on the Arts, 1990).

Mr. STEVENS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. GORTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GORTON. Mr. President, are we in morning business?

The PRESIDING OFFICER. The time for morning business has expired.

Mr. GORTON. Mr. President, I ask to be permitted to proceed for 5 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

(Mr. GORTON. I thank the Chair.

(The remarks of Mr. GORTON pertaining to the introduction of S. 1871 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. McCathran, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations and a treaty which were referred to the appropriate committees.

(The nominations and treaty received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

ENROLLED BILL AND JOINT RESOLUTIONS SIGNED

At 11:25 p.m., a message from the House of Representatives announced that the Speaker has signed the following enrolled bill and joint resolutions:

H.R. 972. An act to make permanent the legislative reinstatement, following the decision of Duro against Reina (58 U.S.L.W. 4643, May 29, 1990), of the power of Indian tribes to exercise criminal jurisdiction over Indians:

S.J. Res. 160. Joint resolution designating the week beginning October 20,1991, as "World Population Awareness Week"; and

H.J. Res. 340. Joint resolution to designate October 19 through 27, 1991, as "National Red Ribbon Week for a Drug Free America."

The enrolled bill and joint resolutions were subsequently signed by the President pro tempore [Mr. BYRD].

At 12:50 p.m., a message from the House of Representatives, delivered by Mr. Hanrahan, one of its clerks, announced that the House has passed the bill (S. 347) to amend the Defense Production Act of 1950 to revitalize the defense industrial base of the United States, and for other purposes, with amendments; it insists upon its amendments to the bill, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and appoints the following as managers of the conference on the part of the House:

From the Committee on Banking, Finance and Urban Affairs, for consideration of the Senate bill, and the House amendments, and modifications committed to conference: Mr. CARPER, Mr. LAFALCE, Ms. OAKAR, Mr. VENTO, Mr. KANJORSKI, Mr. RIDGE, Mr. PAXON, and Mr. HANCOCK.

As additional conferees from the Committee on Armed Services, for consideration of sections 111, 123-124, 136, and 201-203 of the Senate bill, and sections 111, 123, 134, and 202 of the House amendments, and modifications committed to conference: Mr. ASPIN, Mr. MAVROULES, Mr. SISISKY, Mr. DICKINSON, and Mr. BATEMAN.

As additional conferees from the Committee on Energy and Commerce, for consideration of section 163, 301, and 403-406 of the Senate bill, and section 163 of the House amendments, and modifications committed to conference: Mr. DINGELL, Mr. MARKEY, Mrs. COLLINS of Illinois, Mr. LENT, and Mr. RINALDO.

As additional conferees from the Committee on Government Operations for consideration of sections 111 and 137, and titles II and V of the Senate bill, and sections 111, 135, 201, and 202 of the House amendments, and modifications committed to conference: Mr. CONYERS, Mr. ENGLISH, Mr. WISE, Mr. HORTON, and Mr. KYL.

As additional conferees from the Committee on the Judiciary, for consideration of section 138 of the Senate bill, and modifications committed to conference: Mr. BROOKS, Mr. EDWARDS of California, Mr. CONYERS, Mr. FISH, and Mr. MOORHEAD.

As additional conferees from the Committee on Ways and Means, for consideration of sections 402-404 of the Senate bill, and modifications committed to conference: Mr. ROSTENKOWSKI, Mr. GIBBONS, Mr. JENKINS, Mr. ARCHER, and Mr. CRANE.

The message also announced that the House disagrees to the amendments of the Senate to the bill (H.R. 2212) regarding the extension of most-favored-nation treatment to the products of the People's Republic of China, and for other purposes; it asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and appoints the following as managers of the conference on the part of the House:

From the Committee on Ways and Means, for consideration of the House bill, and the Senate amendment, and modifications committed to conference: Mr. ROSTENKOWSKI, Mr. GIBBONS, Mr. JENKINS, Mr. DOWNEY, Mr. PEASE, Mr. ARCHER, Mr. VANDER JAGT, and Mr. CRANE.

As additional conferees from the Committee on Foreign Affairs, for consideration of sections 1 through 3 of the Senate amendment, and modifications committed to conference: Mr. FASCELL, Mr. SOLARZ, Mr. FALEOMAVAEGA, Mr. BROOMFIELD, and Mr. LEACH.

At 1:30 p.m., a message from the House of Representatives, delivered by Mr. Hanrahan, one of its clerks, announced that the House has passed the following joint resolution, in which it requests the concurrence of the Senate:

H.J. Res. 360. Joint resolution making further continuing appropriations for the fiscal year 1992, and for other purposes.

AT 1:30 p.m., a message from the House of Representatives, delivered by Mr. Hanrahan, one of its clerks, announced that the House has passed the following joint resolution, in which it requests the concurrence of the Senate:

H.J. Res. 360. Joint resolution making further continuing appropriations for the fiscal year 1992, and for other purposes.

At 7:17 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the joint resolution (S.J. Res. 192) designating October 30, 1991, as "Refugee Day," without amendment.

The message also announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 2686) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1992, and for other purposes; it recedes from its disagreement to the amendments of the Senate numbered 20, 21, 22, 28, 29, 36, 43, 51, 53, 54, 56, 60, 62, 66, 70, 71, 81, 88, 96, 111, 113, 136, 138, 149, 151, 152, 153, 154, 170, 171, 174, 176, 184, 187, 197, and 199 to the bill, and agrees thereto; it recedes from its disagreement to the amendments of the Senate numbered 1, 6, 9, 12, 16, 18, 19, 24, 26, 32, 33, 34, 37, 39, 40, 41, 52, 55, 63, 64, 65, 68, 69, 70, 86, 87, 89, 105, 108, 109, 124, 126, 127, 129, 131, 133, 137, 142, 144, 157, 163, 164, 165, 175, 179, 180, 185, 190, 191, 193, 195, 196, 201, 214, 218, 219, 222, 224, and 226 to the bill, and agrees thereto, each with an amendment, in which it requests the concurrence of the Senate, and that the House insists upon its disagreement to the amendments of the Senate numbered 130 and 167 to the bill.

The message further announced that the House disagrees to the amendment of the Senate to the bill (H.R. 2038) to authorize appropriations for fiscal year 1992 for intelligence and intelligence-related activities of the United States Government, the Intelligence Community Staff, and the Central Intelligence Agency Retirement and Disability System, and for other purposes; it agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and appoints the following as managers of the conference on the part of the House:

From the Permanent Select Committee on Intelligence, for consideration of the House bill, and the Senate amendment, and modifications committed to conference: Mr. MCCURDY, Mr. WILSON, Mrs. KENNELLY, Mr. GLICKMAN, Mr. MAVROULES, Mr. RICHARDSON, Mr. SOLARZ, Mr. DICKS, Mr. DELLUMS, Mr. BONIOR, Mr. SABO, Mr. OWENS of Utah, Mr. SHUSTER, Mr. COMBEST, Mr. BEREUTER, Mr. DORNAN of California, Mr. YOUNG of Florida, Mr. MARTIN, and Mr. GEKAS.

As additional conferees from the Committee on Armed Services, for consideration of matters within the jurisdiction of that committee under clause 1(c) of rule X: Mr. ASPIN, Mr. SKELTON, and Mr. DICKINSON.

As additional conferees from the Committee on Education and Labor, for consideration of title VII of the Senate amendment, and modifications committed to conference: Mr. FORD of Michigan, Mr. WILLIAMS, Mr. HAYES of Illinois, Mr. GOODLING, and Mr. COLEMAN of Missouri.

As additional conferees from the Committee on Post Office and Civil Service, for consideration of titles III (except section 301) and VI of the Senate amendment, and modifications committed to conference: Mr. CLAY, Mr. SIKORSKI, Mr. ACKERMAN, Mr. GILMAN, and Mr. MYERS of Indiana.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-2074. A communication from the Secretary of the Commission of Fine Arts, transmitting, pursuant to law, a report on the system of internal accounting and administrative control of the Commission of Fine Arts in effect during the year ended September 30, 1991 and on the system of internal accounting and administrative control of the Commission of Fine Arts was in compliance with the standards prescribed by the Comptroller General; to the Committee on Governmental Affairs.

EC-2075. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 9-85 adopted by the Council on October 1, 1991; to the Committee on Governmental Affairs.

EC-2076. A communication from the Secretary of Education, transmitting, pursuant to law, a report entitled "Services for Children with Deaf-Blindness Program"; to the Committee on Labor and Human Resources.

EC-2077. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report to the Congress on the status and accomplishments of the runaway and homeless youth centers and on related activities; to the Committee on Labor and Human Resources.

EC-2078. A communication from the Secretary of Labor, transmitting, pursuant to law, a report to Congress which addresses the administration of the Employee Retirement Income Security Act (ERISA) during calendar year 1990; to the Committee on Labor and Human Resources.

EC-2079. A communication from the Secretary of Labor, transmitting, pursuant to law, a report on enforcement activities for the period of October 1, 1988, through September 10, 1989 and sections on legislation, certificates permitting employment at wage rates below the minimum wage, youth employment standards, and employee coverage; to the Committee on Labor and Human Resources.

EC-2080. A communication from the Secretary of Labor, transmitting, pursuant to law, a report to Congress covering administration of the Black Lung Benefits Act (BLBA) for the period January 1 through December 31, 1990; to the Committee on Labor and Human Resources.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. BOREN, from the Select Committee on Intelligence:

Robert M. Gates, of Virginia, to be Director of Central Intelligence. (Exec. Rept. No. 102-19).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. ROTH:

S. 1865. A bill to amend the Internal Revenue Code of 1986 to provide for a reduction in individual income tax rates, a new individual retirement account and incremental investment tax credit; to the Committee on Finance.

By Mr. KENNEDY (for himself, Mr. JEFFORDS, Mr. DODD, Mr. METZENBAUM, Mr. LEAHY, and Mr. DECONCINI):

S. 1866. A bill to promote community based economic development and to provide assistance for community development corporations, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. INOUYE:

S. 1867. A bill to eliminate the retroactive effect on Federal retirement benefits of the repeal of the 3-year basis recovery rule by the Tax Reform Act of 1986; to the Committee on Finance.

By Mr. STEVENS (for himself, Mr. PRYOR, Mr. MURKOWSKI, Mr. GRASSLEY, and Mr. D'AMATO):

S. 1868. A bill to amend title 39, United States Code, to revise the procedures under which any change in the nature of postal services, which will generally affect service on a nationwide or substantially nationwide basis, may be implemented; to the Committee on Governmental Affairs.

By Mr. MCCAIN (for himself and Mr. DECONCINI):

S. 1869. A bill to provide for the divestiture of certain properties of the San Carlos Indian Irrigation Project in the State of Arizona, and for other purposes; to the Select Committee on Indian Affairs.

By Mr. EXON (for himself and Mr. DASCHLE):

S. 1870. A bill to establish the Peace and Prosperity Commission to review United States economic policies toward the former Soviet Union; to the Committee on Foreign Relations.

By Mr. GORTON:

S. 1871. A bill to amend the Immigration and Nationality Act to entitle persons born on or before May 24, 1934 to acquire United States citizenship by certain persons through their United States citizen mothers; to the Committee on the Judiciary.

By Mr. BENTSEN (for himself, Mr. DURENBERGER, Mr. MITCHELL, Mr. ROCKEFELLER, Mr. PRYOR, Mr. RIE-

GLE, Mr. BAUCUS, Mr. BREAUX, Mr. DASCHLE, Mr. MCCAIN, Mr. KASTEN, and Mr. COHEN):

S. 1872. A bill to provide for improvements in access and affordability of health insurance coverage through small employer health insurance reform, for improvements in the portability of health insurance, and for health care cost containment, and for other purposes; to the Committee on Finance.

By Mr. METZENBAUM (for himself, Mr. SIMON, Mr. BIDEN, and Mr. KENNEDY):

S. 1873. A bill to modify the antitrust exemption applicable to the business of insurance; to the Committee on the Judiciary.

By Mr. KOHL:

S. 1874. A bill to establish a Federal Facilities Energy Efficiency Bank to improve energy efficiency in federally owned and leased facilities, and for other purposes; to the Committee on Governmental Affairs.

By Mr. MITCHELL (for himself, Mr. COHEN, Mr. REID, Mr. PRYOR, Mr. DOMENICI, Mr. AKAKA, Mr. DOLE, Mr. BURNS, Mr. BRADLEY, Mr. PELL, Mr. LEVIN, Mr. DODD, Mr. RIEGLE, Mr. LEAHY, Mr. METZENBAUM, Mr. ROCKEFELLER, Mr. DANFORTH, Mr. GORE, Mr. SANFORD, Mr. ADAMS, Mr. MURKOWSKI, and Mr. JEFFORDS):

S.J. Res. 218. Joint resolution designating the calendar year 1993 as the "Year of American Craft: A Celebration of the Creative Work of the Hand"; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. MITCHELL:

S. Res. 202. Resolution to appoint a special independent counsel to investigate, utilizing the Federal Bureau of Investigation, the General Accounting Office, and any other Government department or agency as may be appropriate, recent unauthorized disclosures of nonpublic confidential information; considered and agreed to.

By Mr. DOLE (for himself and Mr. MITCHELL):

S. Res. 203. Resolution to wish President Bush well as he departs for the Madrid talks; considered and agreed to.

By Mr. D'AMATO (for himself, Mr. DECONCINI, Mr. GRAHAM, Mr. GORE, Mr. GRASSLEY, Mr. PACKWOOD, Mr. ADAMS, Mr. MACK, Mr. DIXON, Mr. HELMS, Mr. SMITH, Mr. COHEN, Mr. MOYNIHAN, Ms. MIKULSKI, Mr. MCCAIN, Mr. LAUTENBERG, and Mr. LIEBERMAN):

S. Res. 204. Resolution expressing the sense of the Senate that the United States should pursue discussions at the upcoming Middle East Peace Conference regarding the Syrian connection to terrorism; to the Committee on Foreign Relations.

By Mr. DECONCINI:

S. Res. 205. Resolution to amend the Standing Rules of the Senate by adding Rule XLIII, "Non-Disclosure Policy"; to the Committee on Rules and Administration.

By Mr. DECONCINI:

S. Res. 206. Resolution to amend the Standing Rules of the Senate to reverse the current presumption that sensitive matters that are the subject of Senate meetings or hearings will be open to the public unless a majority of the Members vote to hold a closed session; to the Committee on Rules and Administration.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. ROTH:

S. 1865. A bill to amend the Internal Revenue Code of 1986 to provide for a reduction in individual income tax rates, a new individual retirement account and an incremental investment tax credit; to the Committee on Finance.

DEFENSE TAX REBATE ACT

Mr. ROTH. Mr. President, among the characteristics shared by American perhaps none is so common as the desire for self-reliance. From the colonization of this land to the present, we have been motivated to build quality lives for our families. We have been motivated to provide greater opportunities for our children than we received ourselves and to apply discipline, education and skill toward increasing our economic opportunities. Through the years, this characteristic has been reinforced by the fact that in America hard-work was valuable and well-rewarded. Each generation was able to surpass the one before. And with our lives and good works we were able to build a monument to this marvelous political experiment that ideally opens the doors of progress for all people, regardless of race, creed, or color.

Some now say these days are over. The media dolefully reports that for the first time in history, our children cannot expect the same standard of living their parents enjoyed. The quality of self-reliance, our faith in hard work, have been threatened by a growing cynicism. And this seems ironical to me. It seems ironical, because never before in history have the American people stood to gain so much. Abroad, enemies have become friends. Foreign markets are opening with new opportunities every day. Technology is making our lives more productive. Medicine is making them longer, healthier and more dynamic. The revolution in information is providing us the opportunity to learn more, share more, and reach more eager minds than ever before.

This should be America's golden moment—an era our Nation has labored for more than two centuries to achieve. But there are some real challenges that confront us—challenges that threaten our economic security here at home and our competitiveness abroad. And, Mr. president, I cannot be emphatic enough when I say that America's ability to compete in the international economy is the single most significant issue that we must be concerned with as we prepare for the future. Fortunately, the challenges that threaten our competitive future can be surmounted. In fact, they are challenges that can actually be turned into strengths if Congress acts wisely and quickly with the right kinds of progrowth policies. These policies include getting Government off the back of the taxpayer, encouraging savings, helping our unemployed help themselves, and creating incentives for research, development, and work. With the right kind of progrowth package we will not only pull ourselves out of the recession, but restore the environment of self-reliance and generational progress I mentioned earlier.

It is my intention to introduce a series of pro-growth, procompetitiveness policies that will strengthen our Nation's ability to remain first among equals in the future global community. These policies will touch on areas where improvement is not only needed, but needed quickly: education, trade, and the environment among others. But today, I come to the floor with the first phase of what I believe is a very strong competitiveness package. Today, I am introducing four specific measures that are focused on lowering taxes, reducing Government—making it more efficient and beneficial to Government employees and the people it serves. Likewise, the bill I am introducing today is intended to increase savings and investment, and provide security for American families, especially those who have been hurt by this recession.

Mr. President, over a year ago, I came to this floor and introduced a plan to lower taxes—a plan that would stimulate the economy by giving the taxpayer a peace dividend. The bill was S. 2530, the 10/20 Roth defense rebate. In my mind, such a measure was only right. Throughout the cold war the taxpayer financed the peace by allowing us to maintain a strong and viable deterrent. With the break up of the Warsaw Pact and the blooming of democracy throughout Central and Eastern Europe, it was only right that the taxpayer be given back the portion of funds that was no longer needed. Many economists believed—and I agree with them—that reducing the income taxes for modest and middle income taxpayers at that time would have strengthened the economy immediately, avoided the recession, and kept America in the longest peacetime economic expansion in history.

Unfortunately, instead of receiving a tax cut for their years of supporting a strong military, what the American people got was a budget summit that resulted in the second largest tax increase in our Nation's history—a tax increase that exacerbated the recession and stimulated more congressional spending, resulting in a record-setting deficit. The budget agreement produced not bitter medicine, but poison that turned a cold into pneumonia. Of course, the cuts were made in the military, but, again, the money did not end up where it belonged—in the hands of our families. Rather, it went to finance more social spending, as well as more special interest and pork-barrel projects. It fueled the big spenders' insatiable appetite—those Members of Congress who are already talking about another needed tax increase.

Mr. President, the big-spenders in Congress have already given the patient pneumonia. Now they want to make it fatal. While all other nations are awakening to see socialism as a disease, these big spenders refuse to acknowledge the fact that the best way to stimulate the economy is by getting out of the way and letting people engage in commerce with the assurance that they will be rewarded rather than taxed heavily for their endeavors. The only way to encourage consumers to spend, is to let them have more of their money to do it. The only way to encourage savers to save for investment capital for research, development and enterprise is to take the tax penalties off savings. The only way to provide for the long-term needs of those currently unemployed is to help employers grow and create new and permanent employment opportunities.

The time has come, Mr. President, to initiate real policies that will result in real growth. And building upon my legislation last year to offer tax cuts as a part of the peace dividend, I have built a four-point program that will not only break through the recession, but allow lasting, pro-growth gains for America.

The first leg of the plan is similar to what I called for last year, an average 9 percent annual decrease in military spending during the next 5 years, and a government honest enough to return these savings to their rightful owners: the American taxpayer. Fortunately, Mr. President, world events continue to improve our national security outlook. For the first time since the beginning of the cold war, countries all over the world banded together and successfully checked a heinous aggressor—Saddam Hussein. Moreover, the threat of Soviet adventurism continues to decline most dramatically with the failure last August of an authoritarian coup in the Soviet Union. Reducing the size of the Defense Department in line with a dramatically lower threat is nothing new; we did it after World War I, World War II, the Korean war, and the Vietnam war. When the fabric of communism in Eastern Europe and the Soviet Union began to unravel 2 years ago, Secretary Cheney and General Powell recognized the opportunity, and began reducing defense spending 2 percent per year, in constant dollars.

Now, the trend in world events has accelerated and created new opportunities. In addition, the Persian Gulf war has shown the value of streamlined defense command structures. It is now clear, Mr. President, that the defense budget can be reduced again, by further streamlining defense organization in line with Goldwater-Nichols reforms and by reducing investment in weapons and forces directed at the Soviet threat.

But defense is not the only place where we can and should cut Federal spending. We can save billions of dollars by making responsible cuts in domestic entitlements as well as in domestic discretionary spending. A detailed table of where these cuts can be made will be attached to my remarks. Additionally, we can save the taxpayers' money by instituting a program which responsibility down-sizes government. Without impacting any employee currently working in government, we can achieve a 10-percent reduction in Government within 5 years. This can be done by hiring three employees for every five that either quit or retire. As a result, we can reduce Government overhead and achieve productivity increases with a leaner Federal work force. At the same time, we should fully fund an incentive program for Federal employees who contribute to increased productivity and efficiency through their ideas and work. The communication and technological revolution can, and should, be used to consolidate and streamline Government services.

Each of these measures would allow us to put money back into the economy by giving it back to the people who create and sustain the economy, the American consumers. The money would be returned to the taxpayers through a phased-in tax rate reduction for all Americans, with one exception, and that is those who have incomes of $1 million or more. These tax rate reductions would be achieved by cutting the current tax rates of 15, 28, and 31 percent to 12, 25, and 28 percent. This represents a 3-percent reduction for all but the wealthiest Americans—those with annual tax incomes over $1 million. These taxpayers would continue at the current 31-percent rate.

Under my proposal, those Americans who are paying taxes at the rate of 15 percent would be guaranteed a 20-percent tax cut over the next 5 years. Those at the rate of 31-percent—the more affluent—would secure a 10-percent tax cut over the next 5 years.

Let me describe how these substantial rate reductions would affect America's tax-paying families. A family of four earning $35,000 would eventually save $792 in Federal income taxes, a 20-percent cut in the rate they pay today. A family of four earning $75,000 would save $1,992, a rate reduction of 14-percent. This is the way to bring back the economy. We have proven it with Roth-Kemp, now let us prove it again. Let us trust the taxpayers. They know how to spend their money a lot better than we do. Their thrift, their ventures, their consumption will go a whole lot farther toward improving our economy than Congress will using that same money to finance special interest and pork-barrel projects.

Mr. President, I am heartened to see that the nature of the debate concerning taxes is changing. The recent proposals by the chairman of the Senate Finance Committee and by the Speaker of the House, indicate that a consensus is finally developing between Republicans and Democrats. This movement, to usher in an economic recovery, proves that tax cuts are the future—a fundamental principle I have held since Jack Kemp and I introduced that tax cuts that resulted in the longest peacetime economic expansion in our Nation's history. The fact that both sides of the aisle are moving in the right direction is good. It is time that a consensus develop between both parties. It is time that we work together to reignite the economy. But let us do it right. Let us offer the American people real tax relief and regain control over Government at the same time. This is the first leg of my proposal.

The second leg of my plan includes passage of the Bentsen-Roth super IRA to encourage savings and self-reliance. Never is this more important than now—at a time when Americans are living longer in retirement than ever before—and at a time when our country desperately needs savings for investment. The estimated new savings in U.S. banks in the first year of Bentsen-Roth will be about $16 billion. This $16 billion in new savings equals investment—investment that equals jobs, home ownership, international competitiveness, and long-term growth. I believe the individual retirement account is so important to our country that I led the fight to implement it in 1981, and I led the long and eventually unsuccessful fight in 1986 to keep it as an integral part of America's need for capital formation and America's desire for self-reliance.

The Bensten-Roth super IRA will also help to make the tax cuts I have outlined. The rollover of deductible IRA's into the new kind of super IRA we're proposing—an IRA that will allow Americans to pay taxes up front and withdraw the savings tax free—will raise over $6 billion in the next 5 years. In other words, Mr. President, the IRA I have proposed will not only increase savings for investment, but it will offer a windfall to the Treasury that will allow our taxpayers to keep more of their hard-earned money in the future.

The third leg of my plan is to create incentives for Americans to work and invest. This includes eliminating the Social Security earnings test. Currently, senior Americans, ages 65 to 69, lose $1 of their Social Security checks for every $3 they earn in excess of $9,720. This, Mr. President, is counterproductive and it runs contrary to every principle of self-reliance that is so much a part of America. My proposal would phase out the earnings test by 1997. To create incentives for investment, I propose an incremental investment tax credit, a new and efficient tax credit to provide incentives for investment in equipment that our private sector needs to modernize, manufacture and compete abroad. Likewise, it would be a boon for American small businesses—the most certain engine of our economy. This tax credit would be modeled after the highly successful formula that is known as the research and experimentation credit. It would provide a 10-percent credit on the amount of increased investment our businesses make in manufacturing and production equipment over a 4-year base amount.

The fourth, and final, leg is my plan to extend unemployment insurance to the workers and families who have lost their jobs during this recession. I believe it is critically important that extension of these benefits reflect America's real unemployment statistics. My proposal will do just that. It will reflect an accurate measure of our Nation's unemployed, and it will be workable given the limitations of the Federal budget. More importantly, however, it will get money in the hands of those who need it: the hardworking men and women who have suffered from the consequences of the largest tax increase in American history. I propose that such benefits be extended for 7 weeks. President Bush has made it clear that he can and will support an unemployment program that is paid for. Mr. President, this program is paid for.

Mr. President, the details of this growth package will be attached to this statement. What I have offered today is a broad overview. But this package is very detailed. For example, I even propose to repeal the boat-user fee. The strength of the package is that almost all of the proposals it offers have wide, bipartisan support. Both sides of the aisle agree we must begin to cut taxes. Both sides roundly support the super IRA. Both sides are firmly committed to helping the workers who have been out of work due to the current recession. And both sides are certainly willing to help older Americans who want to remain a viable part of our economy, as well as Americans who are working to keep their businesses strong and productive.

Mr. President, this program can work. It will work. We must quit trifling with the American people. The time has come for real measures that will result in real opportunities. The heavy hand of Government must be removed from American enterprise. Our Nation was made strong because we held to the axiom that the Government governs best which governs least. Let us go back to basics. Let us remember that in all things that we do on the floor of this Senate, people must always come before politics. That is the only way that we can assure that our future will be as bright and as promising as our past.

I ask unanimous consent that the text of the bill and the tables detailing this pro-growth package be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1865

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; AMENDMENT OF 1986 CODE.

(a) SHORT TITLE.—This Act may be cited as the "Defense Tax Rebate Act".

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

TITLE I—INDIVIDUAL INCOME TAX PROVISIONS

SEC. 101. RATE REDUCTIONS.

(a) GENERAL RULE.—Subsections (a) through (e) of section 1 (relating to tax imposed on individuals) are amended to read as follows:

"(a) MARRIED INDIVIDUALS FILING JOINT RETURNS AND SURVIVING SPOUSES.—There is hereby imposed on the taxable income of—

"(1) every married individual (as defined in section 7703) who makes a single return jointly with his spouse under section 6013, and

"(2) every surviving spouse (as defined in section 2(a)), a tax determined in accordance with the following table:

"If taxable income is:	The tax is:
Not over $34,000	12 percent of taxable income.
Over $34,000 but not over $82,150.	$4,080, plus 25 percent of the excess over $34,000.
Over $82,150 but not over $1,000,000.	$16,117.50, plus 28 percent of the excess over $82,150.
Over $1,000,000	$273,115.50, plus 31 percent of the excess over $1,000,000.

"(b) HEADS OF HOUSEHOLDS.—There is hereby imposed on the taxable income of every head of household (as defined in section 2(b)) a tax determined in accordance with the following table:

"If taxable income is:	The tax is:
Not over $27,300	12 percent of taxable income.
Over $27,300 but not over $70,450.	$3,276, plus 25 percent of the excess over $27,300.
Over $70,450 but not over $1,000,000.	$14,063.50, plus 28% of the excess over $70,450.
Over $1,000,000	$275,247.50, plus 31% of the excess over $1,000,000.

"(c) UNMARRIED INDIVIDUAL (OTHER THAN SURVIVING SPOUSES AND HEADS OF HOUSEHOLDS).—There is hereby imposed on the taxable income of every individual) other than a surviving spouse as defined in section 2(a) or the head of a household as defined as in section 2(b)) who is not a married individual (as defined in section (7703) a tax determined in accordance with the following table:

"If taxable income is:	The tax is:
Not over $20,350	12% of taxable income.
Over $20,350 but not over $49,300.	$2,442, plus 25% of the excess over $20,350.
Over $49,300 but not over $1,000,000.	$9,679.50, plus 28% of the excess over $49,300.
Over $1,000,000	$275,875.50, plus 31% of the excess over $1,000,000.

"(d) MARRIED INDIVIDUALS FILING SEPARATE RETURNS.—There is hereby imposed on the taxable income of every married individual (as defined in section 7703) who does not make a single return jointly with his spouse under section 6013, a tax determined in accordance with the following table:

"If taxable income is:	The tax is:
Not over $17,000	12% of taxable income.
Over $17,000 but not over $41,075.	$2,040, plus 25% of the excess over $17,000.
Over $41,075 but not over $1,000,000.	$8,058.75, plus 28% of the excess over $41,075.
Over $1,000,000	$276,557.75, plus 31% of the excess over $1,000,000.

"(e) ESTATE AND TRUSTS.—There is hereby imposed on the taxable income of—

"(1) every estate, and

"(2) every trust, table under this subsection a tax determined in accordance with the following table:

"If taxable income is:	The tax is:
Not over $5,450	12% of taxable income.
Over $5,450 but not over $13,500.	$654, plus 25% of the excess over $5,450.
Over $13,500 but not over $1,000,000.	$2,666.50, plus 28% of the excess over $13,500.".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1991, except that the tax tables added by such amendments—

(1) shall be adjusted under section 1(f) of the Internal Revenue Code of 1986 (relating to inflation adjustments); and

(2) shall be adjusted under section 1(k) of such Code (relating to phase-in of tables) as added by section 102.

SEC. 102. PHASE-IN OF RATE REDUCTIONS.

(a) GENERAL RULE.—Section 1 is amended by adding at the end thereof the following new subsection:

"(k) TAX RATES FOR YEARS BEGINNING IN 1992 THROUGH 1996.—

"(1) IN GENERAL.—In the case of taxable years beginning in 1992 through 1996, each time the Secretary prescribes tables under subsection (f) for taxable years beginning in such calendar years, the Secretary shall—

"(A) adjust the 12, 25 and 28 percent rates of tax applicable to each rate bracket by substituting for each the percentage determined as if—

"(i) the substitute percentage in effect for the preceding calendar year were in effect for the portion of such taxable year preceding October 1 of the calendar year; and

"(ii) the substitute percentage for the calendar year were in effect for the portion of such taxable year on and after October 1 of the calendar year, and

"(B) adjust the amounts setting forth the tax to the extent necessary to reflect the adjustments in the rates of tax under subparagraph (A).

"(2) SUBSTITUTE PERCENTAGES.—For purposes of paragraph (1), the substitute percentage shall be determined as follows:

"(A) In the case of the 12 percent rate of tax, the substitute percentage is:

"1992	14.5
1993	14
1994	13.5
1995	13
1996	12.5

"(B) In the case of the 25 percent rate of tax, the substitute percentage is:

"1992	27.5
1993	27
1994	26.5
1995	26
1996	25.5

"(C) In the case of the 28 percent rate of tax, the substitute percentage is:

"1992	30.5
1993	30
1994	29.5
1995	29
1996	28.5

"(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 1991.

SEC. 103. WITHHOLDING TABLES.

Section 3402(a) is amended by adding at the end thereof the following new paragraph:

"(4) CHANGES MADE BY THE DEFENSE TAX REBATE ACT.—Notwithstanding the provisions of this subsection, the Secretary shall modify the tables and procedures under paragraph (1) to reflect the amendments made by sections 101 and 102 of the Defense Tax Rebate Act and such modifications shall take effect on October 1 of calendar years 1991 through 1995 as if there were a ½ percentage point reduction in the applicable rates of tax on each such date.".

TITLE II—RETIREMENT SAVINGS INCENTIVES

SUBTITLE A—RESTORATION OF IRA DEDUCTION

SEC. 201. RESTORATION OF IRA DEDUCTION.

(a) IN GENERAL.—Section 219 (relating to deduction for retirement savings) is amended by striking subsection (g) and by redesignating subsection (h) as subsection (g).

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) Subsection (f) of section 219 is amended by striking paragraph (7).

(2) Paragraph (5) of section 408(d) is amended by striking the last sentence.

(3) Section 408(o) is amended by adding at the end thereof the following new paragraph:

"(5) TERMINATION.—This subsection shall not apply to any designated nondeductible contribution for any taxable year beginning after December 31, 1991."

(4) Subsection (b) of section 4973 is amended by striking the last sentence.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1991.

SEC. 202. INFLATION ADJUSTMENT FOR DEDUCTIBLE AMOUNT.

(a) IN GENERAL.—Section 219, as amended by section 201, is amended by redesignating subsection (g) as subsection (h) and by inserting after subsection (f) the following new subsection:

"(g) COST-OF-LIVING ADJUSTMENTS.—

"(1) IN GENERAL.—If this subsection applies to any calendar year, then each applicable dollar amount for any taxable year beginning in the adjustment period for such calendar year shall be equal to the sum of—

"(A) such applicable dollar amount for taxable years beginning in such calendar year, plus

"(B) $500.

"(2) YEARS TO WHICH SUBSECTION APPLIES.—This subsection shall apply to any calendar year if the excess (if any) of—

"(A) $2,000, increased by the cost-of-living adjustment for such calendar year, over

"(B) the applicable dollar amount in effect under subsection (b)(1)(A) for such calendar year,

is equal to or greater than $500.

"(3) COST-OF-LIVING ADJUSTMENT.—For purposes of this subsection—

"(A) IN GENERAL.—The cost-of-living adjustment for any calendar year is the percentage (if any) by which—

"(i) the CPI for such calendar year, exceeds

"(ii) the CPI for 1991.

"(B) CPI FOR ANY CALENDAR YEAR.—The CPI for any calendar year shall be determined in the same manner as under section 1(f)(4).

"(4) APPLICABLE DOLLAR AMOUNT.—For purposes of this subsection, the term 'applicable dollar amount' means the dollar amount in effect under any of the following provisions:

"(A) Subsection (b)(1)(A).

"(B) Subsection (c)(2)(A)(i).

"(C) The last sentence of subsection (c)(2).

"(5) ADJUSTMENT PERIOD.—For purposes of this subsection, the term 'adjustment period' means, with respect to any calendar year to which this subsection applies, the period—

"(A) beginning on the 1st day of the calendar year following such calendar year, and

"(B) ending on the last day of the next calendar year to which this subsection applies."

(b) CONFORMING AMENDMENTS.—

(1) Section 408(a)(1) is amended by striking "in excess of $2,000 on behalf of any individual" and inserting "on behalf of any individual in excess of the amount in effect for such taxable year under section 219(b)(1)(A)."

(2) Section 408(b)(2)(B) is amended by striking "$2,000" and inserting "the dollar amount in effect under section 219(b)(1)(A)."

(3) Section 408(j) is amended by striking "$2,000."

SUBTITLE B—NONDEDUCTIBLE TAX-FREE IRAs

SEC. 211. ESTABLISHMENT OF NONDEDUCTIBLE TAX-FREE INDIVIDUAL RETIREMENT ACCOUNTS.

(a) IN GENERAL.—Subpart A of part I of subchapter D of chapter 1 (relating to pension, profit-sharing, stock bonus plans, etc.) is amended by inserting after section 408 the following new section:

"SEC. 408A. SPECIAL INDIVIDUAL RETIREMENT ACCOUNTS.

"(a) GENERAL RULE.—Except as provided in this section, a special individual retirement account shall be treated for purposes of this title in the same manner as an individual retirement plan.

"(b) SPECIAL INDIVIDUAL RETIREMENT ACCOUNT.—For purposes of this title, the term 'special individual retirement account' means an individual retirement plan which is designated at the time of establishment of the plan as a special individual retirement account.

"(c) TREATMENT OF CONTRIBUTIONS.—

"(1) NO DEDUCTION ALLOWED.—No deduction shall be allowed under section 219 for a contribution to a special individual retirement account.

"(2) CONTRIBUTION LIMIT.—The aggregate amount of contributions for any taxable year to all special individual retirement accounts maintained for the benefit of an individual shall not exceed the excess (if any) of—

"(A) the maximum amount allowable as a deduction under section 219 with respect to such individual for such taxable year, over

"(B) the amount so allowed.

"(3) SPECIAL RULES FOR QUALIFIED TRANSFERS.—

"(A) IN GENERAL.—No rollover contribution may be made to a special individual retirement account unless it is a qualified transfer.

"(B) LIMIT NOT TO APPLY.—The limitation under paragraph (2) shall not apply to a qualified transfer to a special individual retirement account.

"(d) TAX TREATMENT OF DISTRIBUTIONS.—

"(1) IN GENERAL.—Except as provided in this subsection, any amount paid or distributed out of a special individual retirement account shall not be included in the gross income of the distributee.

"(2) EXCEPTION FOR EARNINGS ON CONTRIBUTIONS HELD LESS THAN 5 YEARS.—

"(A) IN GENERAL.—Any amount distributed out of a special individual retirement account which consists of earnings allocable to contributions made to the account during 5-year period ending on the day before such distribution shall be included in the gross income of the distributee for the taxable year in which the distribution occurs.

"(B) CROSS REFERENCE.—

"For additional tax for early withdrawal, see section 72(t).

"(C) ORDERING RULE.—

"(i) FIRST-IN, FIRST-OUT RULE.—Distributions from a special individual retirement account shall be treated as having been made—

"(I) first from the earliest contribution (and earnings allocable thereto) remaining in the account at the time of the distribution, and

"(II) then from other contributions (and earnings allocable thereto) in the order in which made.

"(ii) ALLOCATIONS BETWEEN CONTRIBUTIONS AND EARNINGS.—Any portion of a distribution allocated to a contribution (and earnings allocable thereto) shall be treated as allocated first to the earnings and then to the contribution.

"(iii) ALLOCATION OF EARNINGS.—Earnings shall be allocated to a contribution in such manner as the Secretary may by regulations prescribe.

"(iv) CONTRIBUTIONS IN SAME YEAR.—Under regulations, all contributions made during the same taxable year may be treated as 1 contribution for purposes of this subparagraph.

"(3) QUALIFIED TRANSFER.—

"(A) IN GENERAL.—Paragraph (2) shall not apply to any distribution which is transferred in a qualified transfer to another special individual retirement account.

"(B) CONTRIBUTION PERIOD.—For purposes of paragraph (2), the special individual retirement account to which any contributions are transferred from another special individual retirement account shall be treated as having held such contributions during any period such contributions were held (or are treated as held under this subparagraph) by the account from which transferred.".

"(4) SPECIAL RULES RELATING TO CERTAIN TRANSFERS.—

"(A) IN GENERAL.—Notwithstanding any other provision of law, in the case of a qualified transfer to a special individual retirement account from an individual retirement plan which is not a special individual retirement account—

"(i) there shall be included in gross income any amount which, but for the qualified transfer, would be includible in gross income, but

"(ii) section 72(t) shall not apply to such amount.

"(B) TIME FOR INCLUSION.—In the case of any qualified transfer which occurs before January 1, 1994, any amount includible in gross income under subparagraph (A) with respect to such contribution shall be includible ratably over the 4-taxable year period beginning in the taxable year in which the amount was paid or distributed out of the individual retirement plan.

"(e) QUALIFIED TRANSFER.—For purposes of this section, the term qualified transfer' means a transfer to a special individual retirement account from another such account or from an individual retirement plan but only if the requirements of subparagraphs (A) and (B) of section 408(d)(3) are met with respect to such transfer (determined after application of section 408(d)(3)(D))."

(b) EARLY WITHDRAWAL PENALTY.—Section 72(t), as amended by section 301(c), is amended by adding at the end thereof the following new paragraph:

"(8) RULES RELATING TO SPECIAL INDIVIDUAL RETIREMENT ACCOUNTS.—In the case of a special individual retirement account under section 408A—

"(A) this subsection shall only apply to distributions out of such account which consist of earnings allocable to contributions made to the account during the 5-year period ending on the day before such distribution, and

"(B) paragraph (2)(A)(i) shall not apply to any distribution described in subparagraph (A).".

(c) EXCESS CONTRIBUTIONS.—Section 4973(b) is amended by adding at the end thereof the following new sentence: "For purposes of paragraphs (1)(B) and (2)(C), the amount allowable as a deduction under section 219 shall be computed without regard to section 408A.".

(d) CONFORMING AMENDMENT.—The table of sections for subpart A of part 1 of Subchapter D of chapter 1 is amended by inserting after the item relating to section 408 the following new item:

"Sec. 408A. Special individual retirement accounts.".

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1991.

TITLE III—PENALTY-FREE DISTRIBUTIONS

SEC. 301. DISTRIBUTIONS FROM CERTAIN PLANS MAY BE USED WITHOUT PENALTY TO PURCHASE FIRST HOMES OR TO PAY HIGHER EDUCATION OR FINANCIALLY DEVASTATING MEDICAL EXPENSES.

(a) IN GENERAL.—Paragraph (2) of section 72(t) (relating to exceptions to 10-percent additional tax on early distributions from qualified retirement plans) is amended by adding at the end thereof the following new subparagraph.

"(D) DISTRIBUTIONS FROM CERTAIN PLANS FOR FIRST HOME PURCHASES OR EDUCATIONAL EXPENSES.—Distributions to an individual from an individual retirement plan, or from amounts attributable to employer contributions made pursuant to elective deferrals described in subparagraph (A) or (C) of section 402(g)(3) or section 501(c)(18)(D)(iii)—

"(i) which are qualified first-time homebuyer distributions (as defined in paragraph (6)); or

"(ii) to the extent such distributions do not exceed the qualified higher education expenses (as defined in paragraph (7)) of the taxpayer for the taxable year."

(b) FINANCIALLY DEVASTATING MEDICAL EXPENSES.—Section 72(t)(3)(A) is amended by striking "(B),".

(C) DEFINITIONS.—Section 72(t) is amended by adding at the end thereof the following new paragraphs:

"(6) QUALIFIED FIRST-TIME HOMEBUYER DISTRIBUTIONS.—For purposes of paragraph (2)(D)(i)—

"(A) IN GENERAL.—The term 'qualified first-time homebuyer distribution' means any payment or distribution received by an individual to the extent such payment or distribution is used by the individual before the close of the 60th day after the day on which such payment or distribution is received to pay qualified acquisition costs with respect to a principal residence of a first-time homebuyer who is such individual or the child or grandchild of such individual.

"(B) QUALIFIED ACQUISITION COSTS.—For purposes of this paragraph, the term 'qualified acquisition costs' means the costs of acquiring, constructing, or reconstructing a residence. Such term includes any usual or reasonable settlement, financing, or other closing costs.

"(C) FIRST-TIME HOMEBUYER; OTHER DEFINITIONS.—For purposes of this paragraph—

"(i) FIRST-TIME HOMEBUYER.—The term 'first-time homebuyer' means any individual if such individual (and if married, such individual's spouse) had no present ownership interest in a principal residence during the 2-year period ending on the date of acquisition of the principal residence to which this paragraph applies.

"(ii) PRINCIPAL RESIDENCE.—The term 'principal residence' has the same meaning as when used in section 1034.

"(iii) DATE OF ACQUISITION.—The term 'date of acquisition' means the date—

"(1) on which a binding contract to acquire the principal residence to which subparagraph (A) applies is entered into, or

"(II) on which construction or reconstruction of such a principal residence is commenced.

"(D) SPECIAL RULE WHERE DELAY IN ACQUISITION.—If—

"(i) any amount is paid or distributed from an individual retirement plan to an individual for purposes of being used as provided in subparagraph (A), and

"(ii) by reason of a delay in the acquisition of the residence, the requirements of subparagraph (A) cannot be met,

the amount so paid or distributed may be paid into an individual retirement plan as provided in section 408(d)(3)(A)(i) without regard to section 408(d)(3)(B), and, if so paid into such other plan, such amount shall not be taken into account in determining whether section 408(d)(3)(A)(i) applies to any other amount.

"(7) QUALIFIED HIGHER EDUCATION EXPENSES.—For purposes of paragraph (2)(D)(ii)—

"(A) IN GENERAL.—The term 'qualified higher education expenses' means tuition, fees, books, supplies, and equipment required for the enrollment of attendance of—

"(i) the taxpayer,

"(ii) the taxpayer's spouse, or

"(iii) the taxpayer's child (as defined in section 151(c)(3)) or grandchild,

at an eligible educational institution (as defined in section 135(c)(3)).

"(B) COORDINATION WITH SAVINGS BOND PROVISIONS.—The amount of qualified higher educational expenses for any taxable year shall be reduced by any amount excludable from gross income under section 135.".

(d) CONFORMING AMENDMENTS.—

(1) Section 401(k)(2)(B)(i) is amended by striking "or" at the end of subclause (III), by striking "and" at the end of subclause (IV) and inserting "or", and by inserting after subclause (IV) the following new subclause:

"(V) the date on which qualified first-time homebuyer distributions (as defined in section 72(t)(6)) or distributions for qualified higher education expenses (as defined in section 72(t)(7)) are made, and".

(2) Section 403(b)(11) is amended by striking "or" at the end of subparagraph (A), by striking the period at the end of subparagraph (B) and inserting ", or", or by inserting after subparagraph (B) the following new subparagraph:

"(C) for qualified first-time homebuyer distributions (as defined in section 72(t)(6)) or for the payment of qualified higher education expenses (as defined in section 72(t)(7)).".

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to payments and distributions after the date of the enactment of this Act.

TITLE IV—INCREMENTAL INVESTMENT TAX CREDIT

SEC. 401. INVESTMENT CREDIT FOR NEW MANUFACTURING AND OTHER PRODUCTION EQUIPMENT.

(a) ALLOWANCE OF CREDIT.—Section 46 of the Internal Revenue Code of 1986 (relating to amount of investment credit) is amended by striking "and" at the end of paragraph (2), by striking the period at the end of paragraph (3) and inserting ", and", and by adding at the end thereof the following new paragraph:

"(4) the manufacturing and other productive equipment credit."

(b) AMOUNT OF CREDIT.—Section 48 of such Code is amended by adding at the end thereof the following new subsection:

"(c) MANUFACTURING AND OTHER PRODUCTIVE EQUIPMENT CREDIT.—

"(1) IN GENERAL.—For purposes of section 46, the manufacturing and other productive equipment credit for any taxable year is an amount equal to 10 percent of the excess (if any) of—

"(A) the aggregate bases of qualified manufacturing and productive equipment properties placed in service during such taxable year, over

"(B) the base amount.

"(2) QUALIFIED MANUFACTURING AND PRODUCTIVE EQUIPMENT PROPERTY.—For purposes of this subsection—

"(A) IN GENERAL.—The term 'qualified manufacturing and productive equipment property' means any property—

"(i) which is used as an integral part of the manufacturing or production of tangible personal property,

"(ii) which is tangible property to which section 168 applies,

"(iii) which is section 1245 property (as defined in section 1245(a)(3)), and

"(iv)(l) the construction, reconstruction, or erection of which is completed by the taxpayer, or

"(ll) which is acquired by the taxpayer if the original use of such property commences with the taxpayer.

"(B) SPECIAL RULE FOR COMPUTER SOFTWARE.—In the case of any computer software which is used to control or monitor a manufacturing or production process and with respect to which depreciation (or amortization in lieu of depreciation) is allowable, such software shall be treated as qualified manufacturing and productive equipment property.

"(3) BASE AMOUNT.—For purposes of paragraph (1)(B)—

"(A) IN GENERAL.—The term 'base amount' means the product of—

"(i) the fixed-base percentage, and

"(ii) the average annual gross receipts of the taxpayer for the 4 taxable years preceding the taxable year for which the credit is being determined (hereafter in this subsection referred to as the 'credit year').

"(B) MINIMUM BASE AMOUNT.—In no event shall the base amount be less than 50 percent of the amount determined under paragraph (1)(A).

"(C) FIXED-BASE PERCENTAGE.—

"(i) IN GENERAL.—The fixed-base percentage is the percentage which the aggregate amounts described in paragraph (1)(A) for taxable years beginning after December 31, 1986, and before January 1, 1992, is of the aggregate gross receipts of the taxpayer for such taxable years.

"(ii) ROUNDING.—The percentages determined under clause (i) shall be rounded to the nearest 1/100 of 1 percent.

"(D) OTHER RULES.—Rules similar to the rules of paragraphs (4) and (5) of section 41(c) shall apply for purposes of this paragraph.

"(4) COORDINATION WITH OTHER CREDITS.—This subsection shall not apply to any poverty to which the energy credit or rehabilitation credit would apply unless the taxpayer elects to waive the application of such credits to such property.

"(5) CERTAIN PROGRESS EXPENDITURE RULES MADE APPLICABLE.—Rules similar to rules of subsection (c)(4) and (d) of section 46 (as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990) shall apply for purposes of this subsection."

(c) TECHNICAL AMENDMENTS.—

(1) Clause (ii) of section 49(a)(1)(C) of such Code is amended by inserting "or qualified manufacturing and productive equipment property" after "energy property".

(2) Subparagraph (E) of section 50(a)(2) of such Code is amended by inserting "or 48(c)(5)" before the period at the end thereof.

(3) Paragraph (5) of section 50(a) of such Code is amended by adding at the end thereof the following new subparagraph.

"(D) SPECIAL RULES FOR CERTAIN PROPERTY.—In the case of any qualified manufacturing and productive equipment property which is 3-year property (within the meaning of section 168(e))—

"(i) the percentage set forth in clause (ii) of the table contained in paragraph (1)(B) shall be 66 percent,

"(ii) the percentage set forth in clause (iii) of such table shall be 33 percent, and

"(iii) clauses (iv) and (v) of such table shall not apply."

(4)(A) The section heading for section 48 of such Code is amended to read as follows:

"SEC. 48. OTHER CREDITS."

(B) The table of sections for subpart E of part IV of subchapter A of chapter 1 of such Code is amended striking the item relating to section 48 and inserting the following:

"Sec. 48. Other credits."

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to—

(1) property acquired by the taxpayer after December 31, 1991, and

(2) property the construction, reconstruction, or erection of which is completed by the taxpayer after December 31, 1991, but to the extent of the basis thereof attributable to construction, reconstruction, or erection after such date.

TITLE V—REPEAL OF THE EARNINGS TEST

SEC. 501. LIBERALIZATION OF EARNINGS TEST OVER THE PERIOD 1992–1996 FOR INDIVIDUALS WHO HAVE ATTAINED RETIREMENT AGE.

(a) IN GENERAL.—Effective with respect to taxable years ending after 1991, subparagraph (D) of section 203(f)(8) of the Social Security Act is amended to read as follows:

"(D) Notwithstanding any other provision of this subsection, the exempt amount which is applicable to an individual who has attained retirement age (as defined in section 216(i) before the close of the taxable year involved shall be increased by $3,000 in each taxable year over the exempt amount for the previous taxable year, beginning with any taxable year ending after 1991 and before 1993.".

(b) CONFORMING AMENDMENT.—The second sentence of section 223(d)(4) of such Act is amended by striking out "which is applicable to individuals described in subparagraph (D) thereof" and inserting in lieu thereof "which would be applicable to individuals who have attained retirement age (as defined in section 216(i) without regard to any increase in such amount resulting from a law enacted in 1991".

SEC. 502. REPEAL OF EARNINGS TEST IN 1997 FOR INDIVIDUALS WHO HAVE ATTAINED RETIREMENT AGE.

Effective with respect to taxable years ending after 1996—

(1) clause (B) in the third sentence of section 203(f)(1) of the Social Security Act is amended by striking out "age seventy" and inserting in lieu thereof "retirement age (as defined in section 216))"; and (2) section 203(f)(3) of such Act is amended—

(A) by striking out "33½ percent" and all that follows through "other individual" and inserting in lieu thereof "50 percent of his earnings for such year in excess of the product of the application exempt amount as determined under paragraph (8)", and

(B) by striking out "age 70" and inserting in lieu thereof "retirement age (as defined in section 216(1))".

SEC. 503. CONFORMING AND RELATED AMENDMENTS.

Effective with respect to taxable years ending after 1996—

(1) section 203(c)(1) of the Social Security Act is amended by striking out "is under the age of seventy" and inserting in lieu thereof "is under retirement age (as defined in section 216(1))";

(2) the last sentence of subsection (c) of section 203 of such Act is amended by striking out "nor shall any deduction" and all that follows and inserting in lieu thereof "nor shall any deduction be made under this subsection from any widow's or widower's insurance benefit if the widow, surviving divorced wife, widower, or surviving divorced husband involved became entitled to such benefit prior to attaining age 60.";

(3) paragraphs (1)(A) and (2) of section 203(d) of such Act are each amended by striking out "under the age of seventy" and inserting in lieu thereof "under retirement age (as defined in section 216(1))";

(4) section 203(f)(1) of such Act is amended by striking out clause (D) and inserting in lieu thereof the following: "(D) for which such individual is entitled to widow's or widower's insurance benefits if such individual became so entitled prior to attaining age 60, or";

(5) subparagraph (D) of section 203(f)(5) of such Act is amended—

(A) by striking out "(D) in the case of" and all the follows down through "(ii) an individual" and inserting in lieu thereof the following:

"(D) An individual";

(B) by striking out "became entitled to such benefits"and all that follows and inserting in lieu thereof "became entitled to such benefits, there shall be excluded from gross income any such other income.", and

(C) by shifting such subparagraph as so amended to the left to the extent necessary to align its left margin with that of subparagraphs (A) through (C) of such section;

(6) section 203(f)(8)(A) of such Act is amended by striking out "the new exempt amounts (separately stated for individuals described in subparagraph (D) and for other individuals) which are to be applicable" and inserting in lieu thereof "the new exempt amount which is to be applicable";

(7) section 203(f)(8)(B) of such Act is amended—

(A) by striking out all that precedes clause (i) and inserting in lieu thereof the following:

"(B) The exempt amount which is applicable for each month of a particular taxable year shall be whichever of the following is the larger—";

(B) by striking out "corresponding" in clause (i); and

(C) by striking out "an exempt amount" in the matter following clause (ii) and inserting in lieu thereof "the exempt amount";

(8) section 203(f)(8)(D) of such Act (as amended by section 1(a) of this Act) is repealed;

(9) section 203(f)(9) of such Act is repealed;

(10) section 203(h)(1)(A) of such Act is amended by striking out "age 70" each place it appears and inserting in lieu thereof "retirement age (as defined in section 216(1))";

(11) section 203(j) of such Act is amended to read as follows:

"ATTAINMENT OF RETIREMENT AGE

"(j) for purposes of this section—

"(1) an individual shall be considered as having attained retirement age (as defined in section 216(1)) during the entire month in which he attains such age; and

"(2) the term 'retirement age (as defined in section 216(1))', with respect to any individual entitled to monthly insurance benefits under section 202, means the retirement age (as so defined) which is applicable in the case of old-age insurance benefits, regardless of whether or not the particular benefits to which the individual is entitled (or the only such benefits) are old-age insurance benefits.";

(12) section 202(w)(2)(B)(ii) of such Act is amended—

(A) by striking out "either"; and

(B) by striking out "or suffered deductions under section 203(b) or 203(c) in amounts equal to the amount of such benefit"; and

(13) the second sentence of section 223(d)(4) of such Act (as amended by section 1(b) of this Act) is further amended by striking out "without regard to any increase in such amount resulting from a law enacted in 1991" and inserting in lieu thereof "but for the liberalization and repeal of the earnings test for such individuals in 1992".

SEC. 504. ACCELERATION OF 8 PERCENT DELAYED RETIREMENT CREDIT,

Effective with respect to taxable years ending after 1991, paragraph (6) of section 202(w) of the Social Security Act is amended—

(1) by striking out "2005" in subparagraph (C) and inserting in lieu thereof "1993"; and

(2) by striking out "2004" in subparagraph (D) and inserting in lieu thereof "1992".

TITLE VI—EMERGENCY UNEMPLOYMENT COMPENSATION

SEC. 601. FEDERAL-STATE AGREEMENTS.

(a) IN GENERAL.—Any State which desires to do so may enter into and participate in an agreement under this title with the Secretary of Labor (hereinafter in this title referred to as the "Secretary"). Any State which is a party to an agreement under this title may, upon providing 30 days written notice to the Secretary, terminate such agreement.

(2b) PROVISIONS OF AGREEMENT.—Any agreement under subsection (a) shall provide that the State agency of the State will make payments of emergency unemployment compensation—

(1) to individuals who—

(A) have exhausted all rights to regular compensation under the State law;

(B) have no rights to compensation (including both regular compensation and extended compensation) with respect to a week under such law or any other State unemployment compensation law or to compensation under any other Federal law (and are not paid or entitled to be paid any additional compensation under any State or Federal law); and

(C) are not receiving compensation with respect to such week under the unemployment compensation law of Canada; and

(2) for any week of unemployment which begins in the individual's period of eligibility (as defined in section 106(2)).

(c) EXHAUSTION OF BENEFITS.—For purposes of subsection (b)(1)(A), an individual shall be deemed to have exhausted such individual's rights to regular compensation under a State law when—

(1) no payments of regular compensation can be made under such law because such individual has received all regular compensation available to such individual based on employment or wages during such individual's base period; or

(2) such individual's rights to such compensation have been terminated by reason of the expiration of the benefit year with respect to which such rights existed.

(d) WEEKLY BENEFIT AMOUNT.—For purposes of any agreement under this title—

(1) the amount of emergency unemployment compensation which shall be payable to any individual for any week of total unemployment shall be equal to the amount of the regular compensation (including dependent's allowances) payable to such individual during such individual's benefit year under the State law for week of total unemployment;

(2) the terms and conditions of the State law which apply to claims for extended compensation and to the payment thereof shall apply to claims for emergency unemployment compensation and the payment thereof, except where inconsistent with the provisions of this title, or with the regulations or operating instructions of the Secretary promulgated to carry out his title: and

(3) the maximum amount of emergency unemployment compensation payable to any individual for whom an account is established under section 102 shall not exceed the amount established in such account for such individual.

SEC 602 EMERGENCY UNEMPLOYMENT COMPENSATION ACCOUNT.

(a) IN GENERAL.—Any agreement under this title shall provide that the State will establish, for each eligible individual who files an application for emergency unemployment compensation, an emergency unemployment compensation account with respect to such individual's benefit year.

(b) AMOUNT IN ACCOUNT.—

(1) IN GENERAL.—The amount established in an account under subsection (a) shall be equal to the lesser of—

(A) 100 percent of the total amount of regular compensation (including dependent's allowances) payable to the individual with respect to the benefit year (as determined under the State law) on the basis of which the individual most recently received regular compensation, or

(b) the applicable limit times the individual's average weekly benefit amount for the benefit year.

(2) APPLICABLE LIMIT.—For purposes of this section—

(A) IN GENERAL.—Except as provided in this paragraph, the applicable limit shall be determined under the following table:

In the case of weeks beginning during a:	The applicable limit is:
5-percent period	10
Other period	7

(B) APPLICABLE LIMIT NOT REDUCED.—An individual's applicable limit for any week shall in no event be less than the highest applicable limit in effect for any prior week for which emergency unemployment compensation was payable to the individual from the account involved.

(C) INCREASE IN APPLICABLE LIMIT.—If the applicable limit in effect for any week is higher than the applicable limit for any prior week, the applicable limit shall be the higher applicable limit, reduced (but not below zero) by the number of prior weeks for which emergency unemployment compensation was paid to the individual from the account involved.

(3) REDUCTION FOR EXTENDED BENEFITS.—The amount in an account under paragraph (1) shall be reduced (but not below zero) by the aggregate amount of extended compensation (if any) received by such individual relating to the same benefit year under the Federal-State Extended Unemployment Compensation Act of 1970.

(4) WEEKLY BENEFIT AMOUNT.—For purposes of this subsection, an individuals' weekly benefit amount for any week is the amount of regular compensation (including dependents' allowances) under the State law payable to such individual for such week for total unemployment.

(c) DETERMINATION OF PERIODS.—

(1) IN GENERAL.—For purposes of this section, the terms "5-percent period" and "other period" mean, with respect to any State, the period which—

(A) begins with the third week after the first week for which the applicable trigger is on, and

(B) ends with the third week after the first week for which the applicable trigger is off.

(2) APPLICABLE TRIGGER.—In the case of a 5-percent period or other period, as the case may be, the applicable trigger is on for any week with respect to any such period if the adjusted rate of insured unemployment in the State for the period consisting of such week and the immediately preceding 12 weeks falls within the applicable range.

(3) APPLICABLE RANGE.—For purposes of this subsection, the applicable range is as follows:

In the case of a:	The applicable range is:
5-percent period	A rate equal to or exceeding 5 percent.
Other period	A rate less than 5 percent.

(4) SPECIAL RULES FOR DETERMINING PERIODS.—

(A) MINIMUM PERIOD.—Except as provided in subparagraph (B), if for any week beginning after October 5, 1991, a 5-percent period or other period, as the case may be, is triggered on with respect to such State, such period shall last for not less than 13 weeks.

(B) EXCEPTION IF APPLICABLE RANGE INCREASES.—If, but for subparagraph (A), another period with a higher applicable range would be in effect for a State, such other period shall be in effect without regard to subparagraph (A).

(5) NOTIFICATION BY SECRETARY.—When a determination has been made that a 5-percent period or other period is beginning or ending with respect to a State, the Secretary shall cause notice of such determination to be published in the Federal Register.

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), no emergency unemployment compensation shall be payable to any individual under this title for any week—

(A) beginning before the later of—

(i) October 6, 1991, or

(ii) the first week following the week in which an agreement under this title is entered into, or

(B) beginning after July 4, 1992.

(2) TRANSITION.—In the case of an individual who is receiving emergency unemployment compensation for a week which includes July 4, 1992, such compensation shall continue to be payable to such individual in accordance with subsection (b) for any week beginning in a period of consecutive weeks for each of which the individual meets the eligibility requirements of this title.

(3) REACHBACK PROVISIONS.—

(A) IN GENERAL.—IF—

(i) any individual exhausted such individual's rights to regular compensation (or extended compensation) under the State law after February 28, 1991, and before the first week following October 5, 1991 (or, if later, the week following the week in which the agreement under this title is entered into), and

(ii) a 5-percent period, as described in subsection (c), is in effect with respect to the State for the first week following October 5, 1991,

such individual shall be entitled to emergency unemployment compensation under this title in the same manner as if such individual's benefit year ended no earlier than the last day of such following week.

(B) LIMITATION OF BENEFITS.—In the case of an individual who has exhausted such individual's rights to both regular and extended compensation, any emergency unemployment compensation payable under subparagraph (A) shall be reduced in accordance with subsection (b)(3).

SEC. 603. PAYMENTS TO STATES HAVING AGREEMENTS FOR THE PAYMENT OF EMERGENCY UNEMPLOYMENT COMPENSATION.

(a) GENERAL RULE.—There shall be paid to each State which has entered into an agreement under this title an amount equal to 100 percent of the emergency unemployment compensation paid to individuals by the State pursuant to such agreement.

(b) TREATMENT OF REIMBURSABLE COMPENSATION.—No payment shall be made to any State under this section in respect of compensation to the extent the State is entitled to reimbursement in respect of such compensation under the provisions of any Federal law other than this title or chapter 85 of title 5, United States Code. A State shall not be entitled to any reimbursement under such chapter 85 in respect of any compensation to the extent the State is entitled to reimbursement under this title in respect of such compensation.

(c) DETERMINATION OF AMOUNT.—Sums payable to any State by reason of such State having an agreement under this title shall be payable, either in advance or by way of reimbursement (as may be determined by the Secretary), in such amounts as the Secretary estimates the State will be entitled to receive under this title for each calendar month, reduced or increased, as the case may be, by an amount by which the Secretary finds that his estimates for any prior calendar month were greater or less than the amounts which should have been paid to the State. Such estimates may be made on the basis of such statistical, sampling, or other method as may be agreed upon by the Secretary and the State agency of the State involved.

SEC. 604. FINANCING PROVISIONS.

(a) IN GENERAL.—Funds in the extended employment compensation account (as established by section 905 of the Social Security Act) of the Unemployment Trust Fund shall be used for the making of payments to States having agreements entered into under this title.

(b) CERTIFICATION.—The Secretary shall from time to time certify to the Secretary of the Treasury for payment to each State the sums payable to such State under this title. The Secretary of the Treasury, prior to audit or settlement by the General Accounting Office, shall make payments to the State in accordance with such certification, by transfers from the extended unemployment compensation account (as established by section 905 of the Social Security Act) to the account of such State in the Unemployment Trust Fund.

(c) ASSISTANCE TO STATES.—There are hereby authorized to be appropriated without fiscal year limitation, such funds as may be necessary for purposes of assisting states (as provided in title III of the Social Security Act) in meeting the costs of administration of agreements under this title.

SEC. 605. FRAUD AND OVERPAYMENTS.

(a) IN GENERAL.—If an individual knowingly has made, or caused to be made by another, a false statement or representation of a material fact, or knowingly has failed, or caused another to fail, to disclose a material fact, and as a result of such false statement or representation or of such nondisclosure such individual has received an amount of emergency unemployment compensation under this title to which he was not entitled, such individual—

(1) shall be ineligible for further emergency unemployment compensation under this title in accordance with the provisions of the applicable State unemployment compensation law relating to fraud in connection with a claim for unemployment compensation; and

(2) shall be subject to prosecution under section 1001 of title 18, United States Code.

(b) REPAYMENT.—In the case of an individual who has received amounts of emergency unemployment compensation under this title to which he was not entitled, the State shall require such individual to repay the amounts of such emergency unemployment compensation to the State agency, except that the State agency may waive such repayment if it determines that—

(1) the payment of such emergency unemployment compensation was without fault on the part of any such individual, and

(2) such repayment would be contrary to equity and good conscience.

(c) RECOVERY BY STATE AGENCY.—

(1) IN GENERAL.—The State agency may recover the amount to be repaid, or any part thereof, by deductions from any emergency unemployment compensation payable to such individual under this title or from any unemployment compensation payable to such individual under any Federal unemployment compensation law administered by the State agency or under any other Federal law administered by the State agency which provides for the payment of any assistance or allowance with respect to any week of unemployment, during the 3-year period after the date such individual received the payment of the emergency unemployment compensation to which he was not entitled, except that no single deduction may exceed 50 percent of the weekly benefit amount from which such deduction is made.

(2) OPPORTUNITY FOR HEARING.—no repayment shall be required, and no deduction shall be made, until a determination has been made, notice thereof and an opportunity for a fair hearing has been given to the individual, and the determination has become final.

(d) REVIEW.—Any determination by a State agency under this section shall be subject to review in the same manner and to the same extent as determinations under the State unemployment compensation law, and only in that manner and to that extent.

SEC. 606. DEFINITIONS.

For purposes of this title:

(1) IN GENERAL.—The terms "compensation", "regular compensation", "extended compensation", "additional compensation", "benefit year", "base period", "State", "State agency", "State law", and "week" have the meanings given such terms under section 205 of the Federal-State Extended Unemployment Compensation Act of 1970.

(2) ELIGIBILITY PERIOD.—An individual's eligibility period shall consist of the weeks in the individual's benefit year which begin in a 5-percent period or other period under this title and, if the individual's benefit year ends within any such period, any weeks thereafter which begin in any such period. In no event shall an individual's period of eligibility include any weeks after the 39th week after the end of the benefit year for which the individual exhausted his rights to regular compensation or extended compensation.

(3) ADJUSTED RATE OF INSURED UNEMPLOYMENT.—The adjusted rate of insured unemployment shall be determined in the same manner as the rate of insured unemployment is determined under section 203 of the Federal-State Extended Unemployment Compensation Act of 1970, except that the total number of individuals exhausting rights to regular compensation for the most recent three months for which data are available shall be included in such determination in the same manner as the average weekly number of individuals filing claims for regular compensation.

SEC. 607. PAYMENTS OF UNEMPLOYMENT COMPENSATION TO FORMER MEMBERS OF THE ARMED FORCES.

(a) REDUCTION IN LENGTH OF REQUIRED ACTIVE DUTY FOR DESERT STORM RESERVISTS.—Section 8521 of title 5, United States Code, is amended by adding at the end thereof the following new subsection:

"(d)(1) In the case of a member of the armed forces who served on active duty in the Persian Gulf area of operations in connection with Operation Desert Storm, paragraph (1) of subsection (a) shall be applied by substituting '90 days' for '180 days'.

"(2) For purposes of paragraph (1), the term 'Operation Desert Storm' has the meaning given the term in section 3(1) of Public Law 102-25 (105 Stat. 77).".

(b) LIMITATIONS ON UNEMPLOYMENT COMPENSATION.—Subsection (a)(1) of section 8521 of title 5, United States Code, is amended by striking subparagraphs (A) and (B) and inserting the following new subparagraphs:

"(A) The individual was—

"(i) involuntarily separated from the armed forces, or

"(ii) separated from the armed forces after being retained on active duty pursuant to section 673C or 676 of title 10, United States Code.

"(B) This paragraph does not apply in the case of a dismissal, dishonorable discharge, or bad conduct discharge adjudged by a court-martial or a discharge under other than honorable conditions (as defined in regulations prescribed by the Secretary of the military department concerned).".

(c) CONFORMING AMENDMENT.—Subsection (c) of section 8521 of such title is hereby repealed.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to weeks of unemployment beginning on or after October 5, 1991.

TITLE VII-GUARANTEED STUDENT LOANS

SEC. 701. CREDIT CHECKS: COSIGNERS.

(a) IN GENERAL.—Section 427(a)(2)(A) of the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.), hereafter in this title referred as "the Act", is amended to read as follows:

"(A) is made without security and without endorsement, except that prior to making a loan insurable by the Secretary under this part a lender shall—

"(i) obtain a credit report, from at least one national credit bureau organization, with respect to a loan applicant who will be at least 21 years of age as of July 1 of the award year for which assistance is being sought, for which the lender may charge the applicant an amount not to exceed the lesser of $25 or the actual cost of obtaining the credit report; and

"(ii) require an applicant of the age specified in clause (i) who, in the judgment of the lender in accordance with the regulations of the Secretary, has an adverse credit history, to obtain a credit worthy cosigner in order to obtain the loan, provided that, for purposes of this clause, an insufficient or nonexistent credit history may not be considered to be an adverse credit history;".

(b) CONFORMING AMENDMENT.—Section 428(b)(1) of the Act is amended—

(1) in subparagraph (U), by striking "and" at the end thereof;

(2) in subparagraph (V), by striking the period at the end thereof and inserting a semicolon and "and"; and

(3) by adding at the end thereof the following new subparagraph:

"(W) provides that prior to making a loan made, insured, or guaranteed under this part (other than a loan made in accordance with section 428C), a lender shall—

"(i) obtain a credit report, from at least one national credit bureau organization, with respect to a loan applicant who will be at least 21 years of age as of July 1 of the award year for which assistance is being sought, for which the lender may charge the applicant an amount not to exceed the lesser of $25 or the actual cost of obtaining the credit report; and

"(ii) require an applicant of the age specified in clause (i) who, in the judgment of the lender in accordance with the regulations of the Secretary, has an adverse credit history, to obtain a credit worthy cosigner in order to obtain the loan, provided that, for purposes of this clause, an insufficient or nonexistent credit history may not be considered to be an adverse credit history.".

SEC. 702. BORROWER INFORMATION.

(a) IN GENERAL.—Section 427 of the Act is amended by adding at the end thereof the following new subsection:

"(d) BORROWER INFORMATION.—The lender shall obtain the borrower's driver's license number, if any, at the time of application for the loan.".

(b) CONFORMING AMENDMENT.—Section 428 of the Act is amended—

(1) in subsection (a)(2)(A)—

(A) in clause (i)(I), by striking out "and" at the end thereof;

(B) in clause (ii), by striking out the period at the end thereof and inserting in lieu thereof a semicolon and "and"; and

(C) by adding at the end thereof the following new clause:

(iii) have provided to the lender at the time of application for a loan made, insured, or guaranteed under this part, the student's driver's number, if any.".

SEC. 703. ADDITIONAL BORROWER INFORMATION.

Section 485(b) of the Act is amended—

"(1) by striking the subsection heading and inserting "EXIT COUNSELING FOR BORROWERS; BORROWER INFORMATION.—"; and

(2) by adding at the end thereof the following: "Each eligible institution shall require that the borrower of a loan made under part B, part D, or part E submit to the institution, during the exit interview required by this subsection, the borrower's expected permanent address after leaving the institution, regardless of the reason for leaving; the name and address of the borrower's expected employer after leaving the institution; and the address of the borrower's next of kin. In the case of a loan made under part B, the institution shall then submit this information to the holder of the loan.".

SEC. 704. CONFESSION OF JUDGMENT.

Section 428(b)(1) of the Act is further amended—

(1) in subparagraph (V), by striking "and" at the end thereof;

(2) in paragraph (W) by striking the period at the end thereof and inserting a semicolon and "and"; and

(3) by adding at the end thereof the following new subparagraph:

"(X) provides that the lender shall obtain, as part of the note or written agreement evidencing the loan, the borrower's authorization for entry of judgment against the borrower in the event of default.".

SEC. 705. WAGE GARNISHMENT.

(a) IN GENERAL.—Part G of title IV of the Act is amended by inserting immediately following section 488 the following new section:

"WAGE GARNISHMENT REQUIREMENT

"SEC. 488A. (a) GARNISHMENT REQUIREMENTS.—Notwithstanding any provision of State law, a guaranty agency, or the Secretary in the case of loans made, insured or guaranteed under this title that are held by the Secretary, may garnish the disposable pay of an individual to collect the amount owed by the individual, if he or she is not currently making required repayment under a repayment agreement with the Secretary, or, in the case of a loan guaranteed under part B on which the guaranty agency received reimbursement from the Secretary under section 428(c), with the guaranty agency holding the loan, as appropriate, provided that—

"(1) the amount deducted for any pay period may not exceed 10 percent of disposable pay, except that a greater percentage may be deducted with the written consent of the individual involved;

"(2) the individual shall be provided written notice, sent by mail to the individual's last known address, a minimum of 30 days prior to the initiation of proceedings, from the guaranty agency or the Secretary, as appropriate, informing such individual of the nature and amount of the loan obligation to be collected, the intention of the guaranty agency or the Secretary, as appropriate, to initiate proceedings to collect the debt through deductions from pay, and an explanation of the rights of the individual under this section;

"(3) the individual shall be provided an opportunity to inspect and copy records relating to the debt;

"(4) the individual shall be provided an opportunity to enter into a written agreement with the guaranty agency or the Secretary, under terms agreeable to the Secretary, or the head of the guaranty agency or his designee, as appropriate, to establish a schedule for the repayment of the debt;

"(5) the individual shall be provided an opportunity for a hearing in accordance with subsection (b) on the determination of the Secretary or the guaranty agency, as appropriate, concerning the existence or the amount of the debt, and, in the case of an individual whose repayment schedule is established other than by a written agreement pursuant to paragraph (4), concerning the terms of the repayment schedule;

"(6) the employer shall pay to the Secretary or the guaranty agency as directed in the withholding order issued in this action, and shall be liable for, and the Secretary or the guaranty agency, as appropriate, may sue the employer in a State or Federal court of competent jurisdiction to recover, any amount that such employer fails to withhold from wages due an employee following receipt of such employer of notice of the withholding order, plus attorneys' fees, costs, and, in the court's discretion, punitive damages, but such employer shall not be required to vary the normal pay and disbursement cycles in order to comply with this paragraph; and

"(7) an employer may not discharge from employment, refuse to employ, or take disciplinary action against an individual subject to wage withholding in accordance with this section by reason of the fact that the individual's wages have been subject to garnishment under this section, and such individual may sue in a State or Federal court of competent jurisdiction any employer who takes such action. The court shall award attorney's fees to a prevailing employee and, in its discretion, may order reinstatement of the individual, award punitive damages and back pay to the employee, or order such other remedy as may be reasonably necessary.

"(b) HEARING REQUIREMENTS.—A hearing described in subsection (a)(5) shall be provided prior to issuance of a garnishment order if the individual, on or before the 15th day following the mailing of the notice described in subsection (a)(2), and in accordance with such procedures as the Secretary or the head of the guaranty agency, as appropriate, may prescribe, files a petition requesting such a hearing. If the individual does not file a petition requesting a hearing prior to such date, the Secretary or the guaranty agency, as appropriate, shall provide the individual a hearing under subsection (a)(5) upon request, but such hearing need not be provided prior to issuance of a garnishment order. A hearing under subsection (a)(5) may not be conducted by an individual under the supervision or control of the head of the guaranty agency, except that nothing in this sentence shall be construed to prohibit the appointment of an administrative law judge. The hearing official shall issue a final decision at the earliest practicable date, but not later than 60 days after the filing of the petition requesting the hearing.

"(c) NOTICE REQUIREMENTS.—The notice to the employer of the withholding order shall contain only such information as may be necessary for the employer to comply with the withholding order.

"(d) DEFINITION.—For the purpose of this section, the term 'disposable pay' means that part of the compensation of any individual remaining after the deduction of any amounts required by law to be withheld.".

(b) CONFORMING AMENDMENTS.—

(1) Section 428E of the Act is repealed.

(2) Section 428(c)(6) of the Act is amended by striking subparagraph (D).

SEC. 706. DATA MATCHING.

Part G of title IV of the Act is further amended by inserting immediately following section 489 the following new section:

"DATA MATCHING

"SEC. 489A. (a)(1) The Secretary is authorized to obtain information from the files and records maintained by any of the departments, agencies, or instrumentalities of the United States concerning the most recent address of an individual obligated on a loan held by the Secretary or a loan made in accordance with part B of this title held by a guaranty agency, or an individual owing a refund of an overpayment of a grant awarded under this title, and the name and address of such individual's employer, if the Secretary determines that such information is needed to enforce the loan or collect the overpayment.

"(2) The Secretary is authorized to provide the information described in paragraph (1) to a guaranty agency holding a loan made under part B of this title on which such individual is obligated.

"(b)(1) Notwithstanding any other provision of law, whenever the head of any department, agency, or instrumentality of the United States receives a request from the Secretary of information authorized under this section, such individual or his designee shall promptly cause a search to be made of the records of the agency to determine whether the information requested is contained in those records.

"(2)(A) If such information is found, the individual shall, in conformance with the provisions of the Privacy Act of 1974, as amended, immediately transmit such information to the Secretary, except that if disclosure of this information would contravene national policy or security interests of the United States, or the confidentiality of census data, the individual shall immediately so notify the Secretary and shall not transmit the information.

"(B) If no such information is found, the individual shall immediately so notify the Secretary.

"(3)(A) The reasonable costs incurred by any such agency of the United States in providing any such information to the Secretary shall be reimbursed by the Secretary, and retained by the agency.

"(B) Whenever such information is furnished to a guaranty agency, that agency shall be charged a fee to be used to reimburse the Secretary for the expense of providing such information."

TITLE VIII—ELECTROMAGNETIC SPECTRUM FUNCTION

SEC 801. SHORT TITLE.

This title may be cited as the "Emerging Telecommunications Technologies Act of 1991".

SEC. 802. FINDINGS.

The Congress finds that—

(1) spectrum is a valuable natural resource;

(2) it is in the national interest that this resource be used more efficiently;

(3) the spectrum below 6 gigahertz (GHz) is becoming increasingly congested, and, as a result entities that develop innovative new spectrum-based services are finding it difficult to bring these services to the marketplace;

(4) scarcity of assignable frequencies can and will—

(A) impede the development and commercialization of new spectrum-based products and services;

(B) reduce the capacity and efficiency of the United States telecommunications system; and

(C) adversely affect the productive capacity and international competitiveness of the United States economy;

(5) the United States Government presently lacks explicit authority to use excess radiocommunications capacity to satisfy non-United States Government requirements;

(6) more efficient use of the spectrum can provide the resources for increased economic returns;

(7) many commercial users derive significant economic benefits from their spectrum licenses, both through the income they earn from their use of the spectrum and the returns they realize upon transfer of their licenses to third parties; but under current procedures, the United States public does not sufficiently share in their benefits;

(8) many United States Government functions and responsibilities depend heavily on the use of the radio spectrum, involve unique applications, and are performed in the broad national and public interest;

(9) competitive bidding for spectrum can yield significant benefits for the United States economy by increasing the efficiency of spectrum allocations, assignment, and use; and for United States taxpayers by producing substantial revenues for the United States Treasury; and

(10) the Secretary, the President, and the Commission should be directed to take appropriate steps to foster the more efficient use of this valuable national resource, including the reallocation of a target amount of 200 megahertz (MHz) of spectrum from United States Government use under section 305 of the Communications Act to non-United States Government use pursuant to other provisions of the Communications Act and the implementation of competitive bidding procedures by the Commission for some new assignments of the spectrum.

SEC. 803. NATIONAL SPECTRUM PLANNING.

(a) PLANNING ACTIVITIES.—The Secretary and the Chairman of the Commission shall, at least twice each year, conduct joint spectrum planning meetings with respect to the following issues—

(1) future spectrum needs;

(2) the spectrum allocation actions necessary to accommodate those needs, including consideration of innovation and marketplace developments that may affect the relative efficiencies of different portions of the spectrum; and

(3) actions necessary to promote the efficient use of the spectrum, including proven spectrum management techniques to promote increased shared use of the spectrum as a means of increasing non-United States Government access; and innovation in spectrum utilization including means of providing incentives for spectrum users to develop innovative services and technologies.

(b) REPORTS.—The Secretary and the Chairman of the Commission shall submit a joint annual report to the President on the joint spectrum planning meetings conducted under subsection (a) and any recommendations for action developed in such meetings.

(c) OPEN PROCESS.—The Secretary and the Commission will conduct an open process under this section to ensure the full consideration and exchange of views among any interested entities, including all private, public, commercial, and governmental interests.

SEC. 804. IDENTIFICATION OF REALLOCABLE FREQUENCIES.

(a) IDENTIFICATION REQUIRED.—The Secretary shall prepare and submit to the President the reports required by subsection (d) to identify bands of frequencies that—

(1) are allocated on a primary basis for United States Government use and eligible for licensing pursuant to section 305(a) of the Communications Act;

(2) are not required for the present or identifiable future needs of the United States Government;

(3) can feasibly be made available during the next 15 years after enactment of this title for use under the provisions of the Communications Act for non-United States Government users;

(4) will not result in costs to the Federal Government that are excessive in relation to the benefits that may be obtained from the potential non-United States Government uses; and

(5) are likely to have significant value for non-United States Government uses under the Communications Act.

(b) AMOUNT OF SPECTRUM RECOMMENDED.—

(1) IN GENERAL.—The Secretary shall recommend as a goal for reallocation, for use by non-United States Government stations, bands of frequencies constituting a large amount of 200 MHz, that are located below 6 GHz, and that meet the criteria specified in paragraphs (1) through (5) of subsection (a). If the Secretary identifies (as meeting such criteria) bands of frequencies totalling more than 200 MHz, the Secretary shall identify and recommend for reallocation those bands (totalling not less than 200 MHz) that are likely to have the greatest potential for non-United States Government uses under the Communications Act.

(2) MIXED USES PERMITTED TO BE COUNTED.—Bands of frequencies which the Secretary recommends be partially retained for use by United States Government stations, but which are also recommended to be reallocated and made available under the Communications Act for use by non-United States Government stations, may be counted toward the target 200 MHz of spectrum required by paragraph (1) of this subsection, except that—

(A) the bands of frequencies counted under this paragraph may not count toward more than one-half of the amount targeted by paragraph (1) of this subsection;

(B) a band of frequencies may not be counted under this paragraph unless the assignments of the band to United States Government stations under section 305 of the Communications Act are limited by geographic area, by time, or by other means so as to guarantee that the potential use to be made by which United States Government stations is substantially less (as measured by geographic area, time, or otherwise) than the potential United States Government use to be made; and

(C) the operational sharing permitted under this paragraph shall be subject to procedures which the Commission and the Department of Commerce shall establish and implement to ensure against harmful interference.

(c) CRITERIA FOR IDENTIFICATION.—

(1) NEEDS OF THE UNITED STATES GOVERNMENT.—In determining whether a band of frequencies meets the criteria specified in subsection (a)(2), the Secretary shall—

(A) consider whether the band of frequencies is used to provide a communications service that is or could be available from a commercial provider;

(B) seek to promote—

(i) the maximum practicable reliance on commercially available substitutes;

(ii) the sharing of frequencies (as permitted under subsection (b)(2));

(iii) the development and use of new communications technologies; and

(iv) the use of nonradiating communications systems where practicable;

(C) seek to avoid—

(i) serious degradation of United States Government services and operations;

(ii) excessive costs to the United States Government and civilian users of such Government services; and

(iii) identification of any bands for reallocation that are likely to be subject to substitution for the reasons specified in section 405(b)(2) (A) through (C); and

(D) exempt power marketing administrations and the Tennessee Valley Authority from any reallocation procedures.

(2) FEASIBILITY OF USE.—In determining whether a frequency band meets the criteria specified in subsection (a)(3), the Secretary shall—

(A) assume such frequencies will be assigned by the Commission under section 303 of the Communications Act over the course of fifteen years after the enactment of this title;

(B) assume reasonable rates of scientific progress and growth of demand for telecommunications services;

(C) determine the extent to which the reallocation or reassignment will relieve actual or potential scarcity of frequencies available for non-United States Government use;

(D) seek to include frequencies which can be used to stimulate the development of new technologies; and

(E) consider the cost to reestablish United States Government services displaced by the reallocation of spectrum during the fifteen year period.

(3) COSTS TO THE UNITED STATES GOVERNMENT.—In determining whether a frequency band meets the criteria specified in subsection (a)(4), the Secretary shall consider—

(A) the costs to the United States Government of reaccommodating its services in order to make spectrum available for non-United States Government use, including the incremental costs directly attributable to the loss of the use of the frequency band; and

(B) the benefits that could be obtained from reallocating such spectrum to non-United States Government users, including the value of such spectrum in promoting—

(i) delivery of improved service to the public;

(ii) the introduction of new services; and

(iii) the development of new communications technologies.

(4) NON-UNITED STATES GOVERNMENT USE.—In determining whether a band of frequencies meets the criteria specified in subsection (a)(5), the Secretary shall consider—

(A) the extent to which equipment is commercially available that is capable of utilizing the band; and

(B) the proximity of frequencies that are already assigned for non-United States Government use.

(d) PROCEDURE FOR IDENTIFICATION OF REALLOCABLE BANDS OF FREQUENCIES.—

(1) SUBMISSION OF REPORTS TO THE PRESIDENT TO IDENTIFY AN INITIAL 50 MHZ TO BE MADE AVAILABLE IMMEDIATELY FOR REALLOCATON, AND TO PROVIDE PRELIMINARY AND FINAL REPORTS ON ADDITIONAL FREQUENCIES TO BE REALLOCATED.—

(A) Within 3 months after the date of the enactment of this title, the Secretary shall prepare and submit to the President a report which specifically identifies an initial 50 MHz of spectrum that are located below 3 GHz, to be made available for reallocation to the Federal Communications Commission upon issuance of this report, and to be distributed by the Commission pursuant to competitive bidding procedures.

(B) The Department of Commerce shall make available to the Federal Communications Commission 50 MHz as identified in subparagraph (a) of electromagnetic spectrum for allocation of land-mobile or land-mobile-satellite services. Notwithstanding section 553 of the Administrative Procedure Act and title III of the Communications Act, the Federal Communications Commission shall allocate such spectrum and conduct competitive bidding procedures to complete the assignment of such spectrum in a manner which ensures that the proceeds from such bidding are received by the Federal Government no later than September 30, 1992. From such proceeds, Federal agencies displaced by this transfer of the electromagnetic spectrum to the Federal Communications Commission shall be reimbursed for reasonable costs directly attributable to such displacement. The Department of Commerce shall determine the amount of, and arrange for, such reimbursement. Amounts to agencies shall be available subject to appropriation Acts.

(C) Within 12 months after the date of the enactment of this title, the Secretary shall prepare and submit to the President a preliminary report to identify reallocable bands of frequencies meeting the criteria established by this section.

(D) Within 24 months after the date of enactment of this title, the Secretary shall prepare and submit to the President a final report which identifies the target 200 MHz for reallocation (which shall encompass the initial 50 MHz previously designated under subparagraph (A)).

(E) The President shall publish the reports required by this section in the Federal Register.

(2) CONVENING OF PRIVATE SECTOR ADVISORY COMMITTEE.—Not later than 12 months after the enactment of this title, the Secretary shall convene a private sector advisory committee to—

(A) review the bands of frequencies identified in the preliminary report required by paragraph (1)(C);

(B) advise the Secretary with respect to—

(i) the bands of frequencies which should be included in the final report required by paragraph (1)(D); and

(ii) the effective dates which should be established under subsection (e) with respect to such frequencies;

(C) receive public comment on the Secretary's preliminary and final reports under this subsection; and

(D) prepare and submit the report required by paragraph (4).

The private sector advisory committee shall meet at least quarterly until each of the actions required by section 405(a) have taken place.

(3) COMPOSITION OF COMMITTEE; CHAIRMAN.—The private sector adviser committee shall include—

(A) the Chairman of the Commission, and the Secretary, or their designated representatives, and two other representatives from two different United States Government agencies that are spectrum users, other than the Department of Commerce, as such agencies may be designated by the Secretary; and

(B) Persons who are representative of—

(i) manufacturers of spectrum-dependent telecommunications equipment;

(ii) commercial users;

(iii) other users of the electromagnetic spectrum; and

(iv) other interested members of the public who are knowledgeable about the uses of the electromagnetic spectrum to be chosen by the Secretary.

A majority of the members of the committee shall be members described in subparagraph (B), and one of such members shall be designated as chairman by the Secretary.

(4) RECOMMENDATIONS ON SPECTRUM ALLOCATION PROCEDURES.—The private sector advisory committee shall, not later than 12 months after its formation, submit to the Secretary, the Commission, the Committee on Energy and Commerce of the House of Representatives, and the Committee on Commerce, Science and Transportation of the Senate, such recommendations as the committee considers appropriate for the reform of the process of allocating the electromagnetic spectrum between United States Government users and non-United States Government users, and any dissenting views thereon.

(e) TIMETABLE FOR REALLOCATION AND LIMITATION.—The Secretary shall, as part of the final report required by subsection (d)(1)(D), include a timetable for the effective dates by which the President shall, within 15 years after enactment of this title, withdraw or limit assignments on frequencies specified in the report. The recommended effective dates shall—

(1) permit the earliest possible reallocation of the frequency bands, taking into account the requirements of section 406(a);

(2) be based on the useful remaining life of equipment that has been purchased or contracted for to operate on identified frequencies;

(3) be based on the need to coordinate frequency use with other nations; and

(4) avoid the imposition of incremental costs on the United States Government directly attributable to the loss of the use of frequencies or the changing to different frequencies that are excessive in relation to the benefits that may be obtained from non-United States Government uses of the reassigned frequencies.

SEC. 805. WITHDRAWAL OF ASSIGNMENT TO UNITED STATES GOVERNMENT STATIONS.

(a) IN GENERAL.—The President shall—

(1) within 3 months after receipt of the Secretary's report under section 404(d)(1)(A), withdraw or limit the assignment to a United States Government station of any frequency on the initial 50 MHz which that report recommends for immediate reallocation;

(2) with respect to other frequencies recommended for reallocation by the Secretary's report in section 404(d)(1)(D), by the effective dates recommended pursuant to section 404(e) (except as provided in subsection (b)(4) of this section), withdraw or limit the assignment to a United States Government station of any frequency which that report recommends be reallocated or available for mixed use on such effective dates;

(3) assign or reassign other frequencies to United States Government stations as necessary to adjust to such withdrawal or limitation of assignments; and

(4) publish in the Federal Register a notice and description of the actions taken under this subsection.

(b) EXCEPTIONS.—

(1) AUTHORITY TO SUBSTITUTE.—If the President determines that a circumstance described in section 405(b)(2) exists, the President—

(A) may, within 1 month after receipt of the Secretary's report under section 404(d)(1)(A), and within 6 months after receipt of the Secretary's report under section 404(d)(1)(D), substitute an alternative frequency or band of frequencies for the frequency or band that is subject to such determination and withdraw (or limit) the assignment of that alternative frequency or band in the manner required by subsection (a); and

(B) shall publish in the Federal Register a statement of the reasons for taking the action described in subparagraph (A).

(2) GROUNDS FOR SUBSTITUTION.—For purposes of paragraph (1), the following circumstances are described in this paragraph:

(A) the reassignment would seriously jeopardize the national security interests of the United States;

(B) the frequency proposed for reassignment is uniquely suited to meeting important United States Governmental needs;

(C) the reassignment would seriously jeopardize public health or safety; or

(D) the reassignment will result in incremental costs to the United States Government that are excessive in relation to the benefits that may be obtained from non-United States Government uses of the reassigned frequency.

(3) CRITERIA FOR SUBSTITUTED FREQUENCIES.—For purposes of paragraph (1), a frequency may not be substituted for a frequency identified by the final report of the Secretary under section 404(d)(1)(D) unless the substituted frequency also meets each of the criteria specified by section 404(a).

(4) DELAYS IN IMPLEMENTATION.—If the President determines that any action cannot be completed by the effective dates recommended by the Secretary pursuant to section 404(e), or that such an action by such date would result in a frequency being unused as a consequence of the Commission's plan under section 406, the President may—

(A) withdraw or limit the assignment to United States Government stations on a later date that is consistent with such plan, by providing notice to that effect in the Federal Register, including the reason that withdrawal at a later date is required; or

(B) substitute alternative frequencies pursuant to the provisions of this subsection.

(c) COSTS OF WITHDRAWING FREQUENCIES ASSIGNED TO THE UNITED STATES GOVERNMENT; APPROPRIATIONS AUTHORIZED.—Any United States Government licensee, or non-United States Government entity operating on behalf of a United States Government licensee, that is displaced from a frequency pursuant to this section may be reimbursed not more than the incremental costs it incurs, in such amounts as provided in advance in appropriation Acts, that are directly attributable to the loss of the use of the frequency pursuant to this section. The estimates of these costs shall be prepared by the affected agency, in consultation with the Department of Commerce.

(d) There are authorized to be appropriated to the affected licensee agencies such sums as may be necessary to carry out the purposes of this section.

SEC. 806. DISTRIBUTION OF FREQUENCIES BY THE COMMISSION.

(a) PLANS SUBMITTED.—

(1) With respect to the initial 50 MHz to be reallocated from United States Government to non-United States Government use under section 404(d)(1)(A), not later than 6 months after enactment of this title, the Commission shall complete a public notice and comment proceeding regarding the allocation of this spectrum and shall form a plan to assign such spectrum pursuant to competitive bid-

ding procedures, pursuant to section 408, during fiscal years 1994 through 1996.

(2) With respect to the remaining spectrum to be reallocated from United States Government to non-United States Government use under section 404(e), not later than 2 years after issuance of the report required by section 404(d)(1)(D), the Commission shall complete a public notice and comment proceeding; and the Commission shall, after consultation with the Secretary, prepare and submit to the President a plan for the distribution under the Communications Act of the frequency bands reallocated pursuant to the requirements of this title. Such plan shall—

(A) not propose the immediate distribution of all such frequencies, but, taking into account the timetable recommended by the Secretary pursuant to section 404(e), shall propose—

(i) gradually to distribute the frequencies remaining, after making the reservation required by subparagraph (ii), over the course of a 10-year period beginning on the date of submission of such plan; and

(ii) to reserve a significant portion of such frequencies for distribution beginning after the end of such 10-year period;

(B) contain appropriate provisions to ensure—

(i) the availability of frequencies for new technologies and services in accordance with the policies of section 7 of the Communications Act (47 U.S.C. 157); and

(ii) the availability of frequencies to stimulate the development of such technologies; and

(C) not prevent the Commission from allocating bands of frequencies for specifics uses in future rulemaking proceedings.

(b) AMENDMENT TO THE COMMUNICATIONS ACT.—Section 303 of the Communications Act is amended by adding at the end thereof the following new subsection:

"(u) Have authority to assign the frequencies reallocated from United States Government use to non-United States Government use pursuant to the Emerging Telecommunications Technologies Act of 1991, except that any such assignment shall expressly be made subject to the right of the President to reclaim such frequencies under the provisions of section 407 of the Emerging Telecommunications Technologies Act of 1991.".

SEC. 807. AUTHORITY TO RECLAIM REASSIGNED FREQUENCIES.

(A) AUTHORITY OF PRESIDENT.—The President may reclaim allocated frequencies for reassignment to United States Government stations in accordance with this section.

(b) PROCEDURE FOR RECLAIMING FREQUENCIES.—

(1) UNASSIGNED FREQUENCIES.—If the frequencies to be reclaimed have not been assigned by the Commission, the President may reclaim them based on the grounds described in section 405(b)(2).

(2) ASSIGNED FREQUENCIES.—If the frequencies to be reclaimed have been assigned by the Commission, the President may reclaim them based on the grounds described in section 406(b)(2), except that the notification required by section 405(b)(1) shall include—

(A) a timetable to accommodate an orderly transition for licenses to obtain new frequencies and equipment necessary for their utilization; and

(B) an estimate of the cost of displacing the licensees.

(c) COSTS OF RECLAIMING FREQUENCIES.—Any non-United States Government licensee that is displaced from a frequency pursuant to this section shall be reimbursed the incremental costs it incurs that are directly attributable to the loss of the use of the frequency pursuant to this section.

(d) EFFECT ON OTHER LAW.—Nothing in this section shall be construed to limit or otherwise affect the authority of the President under section 706 of the Communications Act (47 U.S.C. 606).

SEC. 808. COMPETITIVE BIDDING.

(a) COMPETITIVE BIDDING AUTHORIZED.—Section 309 of the Communications Act is amended by adding the following new subsection:

"(j)(1)(A) The Commission shall use competitive bidding for awarding all initial licenses or new construction permits, including licenses and permits for spectrum reallocated for non-United States Government use pursuant to the Emerging Telecommunications Technologies Act of 1991, subject to the exclusions listed in paragraph (2).

"(B) The Commission shall require potential bidders to file a first-stage application indicating an intent to participate in the competitive bidding process and containing such other information as the Commission finds necessary. After conducting the bidding, the Commission shall require the winning bidder to submit a second-stage application. Upon determining that such application is acceptable for filing and that the applicant is qualified pursuant to subparagraph (C), the Commission shall grant a permit or license.

"(C) No construction permit or license shall be granted to an applicant selected pursuant to subparagraph (B) unless the Commission determines that such applicant is qualified pursuant to section 308(b) and subsection (a) of this section, on the basis of the information contained in the first- and second-stage applications submitted under subparagraph (B).

"(D) Each participant in the competitive bidding process is subject to the schedule of changes contained in section 8 of this Act.

"(E) The Commission shall have the authority in awarding construction permits or licenses under competitive bidding procedures to (i) define the geographic and frequency limitations and technical requirements, if any, of such permits or licenses; (ii) establish minimum acceptable competitive bids, and (iii) establish other appropriate conditions on such permits and licenses that will serve the public interest.

"(F) The Commission, in designing the competitive bidding procedures under this subsection, shall study and include procedures—

"(i) to ensure bidding access for small and rural companies,

"(ii) if appropriate, to extend the holding period for winning bidders awarded permits or licenses, and

"(iii) to expand review and enforcement requirements to ensure that winning bidders continue to meet their obligations under this Act.

"(G) The Commission shall, within 6 months after enactment of the Emerging Telecommunications Technologies Act of 1991, following public notice and comment proceedings, adopt rules establishing competitive bidding procedures under this subsection, including the method of bidding and the basis for payment (such as flat fees, fixed or variable royalties, combinations of flat fees and royalties, or other reasonable forms of payment); and a plan for applying such competitive bidding procedures to the initial 50 MHz reallocated from United States Government to non-United States Government use under section 404(d)(1)(A) of the Emerging Telecommunications Technologies Act of 1991, to be distributed during the fiscal years 1994 through 1996.

"(2) Competitive bidding shall not apply to—

"(A) license renewals;

"(B) the United States Government and State or local government entities;

"(C) amateur operator services, over-the-air terrestrial radio and television broadcast services, public safety services, and radio astronomy services;

"(D) private radio end-user licenses, such as Specialized Mobile Radio Service (SMRS), maritime, and aeronautical end-user licenses;

"(E) any license grant to a non-United States Government licensee being moved from its current frequency assignment to a different one by the Commission in order to implement the goals and objectives underlying the Emerging Telecommunications Technologies Act of 1991;

"(F) any other service, class of services, or assignments that the Commission determines, after conducting public comment and notice proceedings, should be exempt from competitive bidding because of public interest factors warranting an exemption; and

"(G) small businesses, as defined in section 3(a)(1) of the Small Business Act.

"(3) In implementing this subsection, the Commission shall ensure that current and future rural telecommunications needs are met and that existing rural telecommunications needs are met and that existing rural licensees and their subscribers are not adversely affected.

"(4) Monies received from competitive bidding pursuant to this subsection shall be deposited in the general fund of the United States Treasury.".

(b) RANDOM SELECTION NOT TO APPLY WHEN COMPETITIVE BIDDING REQUIRED. —Section 309(i)(1) of the Communications Act is amended by striking the period after the word "selection" and inserting ", except in instances where competitive bidding procedures are required under subsection (j).".

(c) SPECTRUM ALLOCATION DECISIONS.—Section 303 of the Communications Act is amended by adding the following new subsection:

"(v) In making spectrum allocation decisions among services that are subject to competitive bidding, the Commission is authorized to consider as one factor among others taken into account in making its determination, the relative economic values and other public interest benefits of the proposed uses as reflected in the potential revenues that would be collected under its competitive bidding procedures.".

SEC. 809. DEFINITIONS.

As used in this title:

(1) The term "allocation" means an entry in the National Table of Frequency Allocations of a given frequency band for the purpose of its use by one or more radiocommunications services.

(2) The term "assignment" means an authorization given by the Commission or the United States Government for a radio station to use a radio frequency or radio frequency channel.

(3) The term "Commission" means the Federal Communications Commission.

(4) The term "Communications Act" means the Communications Act of 1934 (47 U.S.C. 151 et seq.).

(5) The term "Secretary" means the Secretary of Commerce.

TITLE IX—REPEAL RECREATIONAL VESSEL USER FEE

SEC. 901. RECREATIONAL BOAT TAX REPEAL.

(a) Section 2110 of title 46, United States Code, is amended—

(1) by repealing subsection (b);

(2) in subsection (c), by striking "subsections (a) and (b)," and inserting "this section,"; and

(3) by redesignating subsections (c) through (i) as subsections (b) through (h), respectively.

TITLE X—REDUCTION IN DISCRETIONARY SPENDING

SEC. 1001. CHANGES IN DISCRETIONARY CAPS.

(a) CHANGES IN SPENDING.—Subsections 601(a)(2)(C) through 601(a)(2)(E) of title VI of the Congressional Budget Act of 1974 are amended to read as follows—

"(C) with respect to fiscal year 1993—

(i) for the defense category: $265,147,000,000 in new budget authority and $265,966,000,000 in outlays;

(ii) for the international category: $21,400,000,000 in new budget authority and $19,600,000,000 in outlays; and

(iii) for the domestic category: $197,119,000,000 in new budget authority and $220,380,000,000 in outlays;"

"(D) with respect to fiscal year 1994, for the discretionary category: $476,950,000,000 in new budget authority and $499,360,000,000 in outlays;

"(E) with respect to fiscal year 1995, for the discretionary category: $479,930,000,000 in new budget authority and $501,350,000,000 in outlays;

as adjusted in strict conformance with section 251 of the Balanced Budget and Emergency Deficit Control Act of 1985."

FACTSHEET—ROTH "JOG AMERICA" PLAN—OCTOBER 24, 1991

3 PERCENT INDIVIDUAL INCOME TAX RATE REDUCTIONS

Individual tax rates would be reduced to four new brackets. They would be the 12%, 25%, 28% and 31% brackets.

Those Americans in the lowest tax bracket, would receive the greatest cut of approximately twenty percent. Those in the higher brackets would receive a lesser cut of about ten percent of their income taxes.

For a family of four earning $35,000, this would be a tax cut of $792, or twenty percent.

For a family of four earning $75,000, this would be a tax cut of $1,992, or fourteen percent.

BENTSEN-ROTH IRA

All Americans would be eligible for the fully deductible $2,000 IRA, currently available only to people not covered by a pension plan and with individual income under $25,000 or family income of $40,000.

The $2,000 limit on contributions would be indexed for inflation.

Taxpayers would have the option of getting a deduction when the money is deposited or forgoing an immediate deduction and not paying taxes on the money as it is withdrawn after a minimum waiting period of five years.

Young couples, or their parents or grandparents on their behalf, could make penalty-free withdrawals to pay for a first home.

Students, or their parents or grandparents on their behalf, could make penalty-free withdrawals to pay for college tuition.

Americans with medical expenses for themselves or for their dependents that are more than 7.5 percent of their income could make penalty-free withdrawals to help cover their costs.

Taxpayers could "rollover" money from their old IRA or qualified plan and deposit it into a "back-end" IRA if they pay the taxes on the earnings and previously deducted contributions. No penalty will apply and taxes on the withdrawal can be paid out of funds from the IRA account. When the funds are later withdrawn, after a five year waiting period, all proceeds including earnings will be tax-free.

INCREMENTAL INVESTMENT TAX CREDIT

The amount of the credit is ten percent of the increased investment in "qualified manufacturing and productive equipment" property.

For a business which has a "base amount" of $8,000 and purchases $15,000 of manufacturing equipment in one year, the credit would be equal to $700.

REPEAL OF THE BOAT USER FEE

Would repeal the boat user fee passed as part of the 1990 Budget Act.

REPEAL OF THE EARNINGS TEST

The bill would repeal the earnings test on social security, which reduces benefits for those earning more than $9,700 between the ages of 65 and 72.

DEFENSE CUT

9.5% cut over a five year period totalling $130 billion.

EXTEND UNEMPLOYMENT INSURANCE

Would extend benefits for at least 7 weeks to workers who have lost their jobs during the recession.

INTELLIGENCE AGENCY CUTS

A $500 million cut in each of the five years.

AGRICULTURE SUBSIDIES

Reduce farm credits to those with off-farm income of over $125,000; increase farmer responsibility for crop insurance premium payments; increase user fees for recreation and grain inspection and establish fees for agricultural marketing; continue shift from direct to guaranteed loans in Rural Electrification Administration.

STUDENT LOAN ENFORCEMENT

Allow the IRS to reduce the amount of a taxpayer's refund equal to the amount the taxpayer owes on a defaulted student loan.

POWER MARKETING LOANS

Revise the level and schedule of PMAs' debt repayments to the Federal government and require PMAs' to pay current market interest rates on their debt.

MEDICARE

Implement Medicare secondary payor reform (S. 365); refine Durable Medical equipment/oxygen payment methods, in part to reflect increased use of less-expensive oxygen delivery services; include payment for certain post-hospital services in medicare hospital payment; place medicare hospital update on January 1 cycle; pay a uniform rate for medicare covered outpatient services, whether performed in doctors' office or outpatient departments.

SPECTRUM FEE

Replace the allocation of radio spectrum with a system of competitive bidding for all future communications use.

POSTAL SERVICE SUBSIDIES

Require the Postal Service to pay a larger share of the costs for health benefits and COLA's for post 1971 retired postal employees and their survivors.

FEDERAL CIVILIAN PERSONNEL HIRING LIMITATION

This hiring limitation equals a 10% reduction in the non-postal employee work force over five years, without RIFs. Reduction is achieved through limiting replacement for retirements and quits.

SENATOR WM. V. ROTH, JR., "JOG AMERICA" PLAN—OCT. 24, 1991

Item	Fiscal Year—					
	1992	1993	1994	1995	1996	1992–96
Revenue items:						
Bentsen-Roth IRA (S. 612)[1]	($0.60)	($3.10)	($3.70)	($4.50)	($5.20)	($17.10)
Rollover of deductible IRA into back-end IRA[2]	1.20	2.00	1.30	1.10	.40	6.00
Rate reduction to 12 percent, 25 percent, 28 percent, and 31 percent[2]	(.30)	(9.10)	(20.30)	(32.70)	(43.90)	(106.30)
Incremental investment tax credit (S. 1831)[3]	(4.53)	(4.97)	(5.96)	(6.25)	(6.85)	(28.57)
Repeal boat user fee[4]	(.13)	(.14)	(.14)	(.15)	(.16)	(.72)
Repeal earnings test under Social Security (S. 10)[3]	(.45)	(.91)	(1.22)	(1.49)	(1.73)	(5.80)
Subtotal of revenue losses	(4.81)	(16.21)	(30.03)	(44.00)	(57.44)	(152.49)
Spending items:						
Potential defense cuts (detail attached—9.5 percent defense cut)[3]	.07	26.72	32.35	34.64	36.42	130.20
Intelligence Agency cuts[3]	.50	.50	.50	.50	.50	2.50
Unemployment (10/7 Weeks—Dole, Domenici, Roth)[4]	(2.69)	0	0	0	0	(2.69)
Agriculture subsidies[5]	0	.21	.38	.40	.40	1.39
Student loan enforcement[4]	.86	.07	.08	.08	.08	1.17
Power marketing loans[5]	.38	.38	.41	.42	.40	1.99
Postal subsidies[5]	0	.78	1.15	1.59	1.78	5.30
Medicare[5]	0	.78	1.15	1.59	1.78	5.30
Medicare secondary payor[3]	.40	.65	.65	.65	.65	3.00
Spectrum fee[4]	1.90	0	0	0	0	1.90
Civilian personnel limits[3]	0	1.82	3.59	5.31	6.99	17.71
Employee productivity bonus plan[3]	(.50)	(.50)	(.50)	(.50)	(.50)	(2.50)
Subtotal of cuts	.92	30.83	38.81	43.29	46.92	160.77

SENATOR WM. V. ROTH, JR., "JOG AMERICA" PLAN—OCT. 24, 1991—Continued

Item	1992	Fiscal Year— 1993	1994	1995	1996	1992–96
Total	(.89)	14.62	8.78	(.71)	(10.52)	8.28

[1] Treasury estimate from 1990.
[2] Joint tax estimate from 1990 or 1991.
[3] Staff estimate.
[4] Congressional Budget Office estimate.
[5] President's fiscal year 1992 budget.

Mr. CHAFEE. Mr. President, I commend the distinguished Senator from Delaware for that very thoughtful package. I do not agree with every part of it. I suppose no Senator will agree with all parts of it. But I think the Senator has made a very constructive contribution to the debate that I think we should be engaging in immediately. As always, his thoughts are very well phrased. He has spent a lot of time on it. I think there is nobody who has been involved with more progrowth efforts in our country than the distinguished Senator from Delaware. So I do commend him for the thoughts he expressed.

Mr. ROTH. If I could ask the Senator just to yield, I certainly appreciate his very kind and generous remarks. I might say that I look forward to working with him, not only on the Senate floor, in producing a viable package, but as a colleague of mine on the Finance Committee. Senator CHAFEE is, without question, one of our most innovative, informed Members.

I appreciate those kind remarks.

By Mr. KENNEDY (for himself, Mr. JEFFORDS, Mr. DODD, Mr. METZENBAUM, Mr. LEAHY, and Mr. DECONCINI):

S. 1866. A bill to promote community-based economic development and to provide assistance for community development corporations, and for other purposes; to the Committee on Labor and Human Resources.

NATIONAL COMMUNITY ECONOMIC PARTNERSHIP ACT

Mr. KENNEDY. Mr. President, I rise today to introduce the National Community Economic Partnership Act of 1991. This act proposes that the Federal Government work side by side with the private sector to bring new jobs and business opportunities to our Nation's cities and rural areas.

One need not spend much time searching to find vivid illustrations of how the recession is affecting American families. The poverty rate across the Nation was higher in 1990 than at any time in the last 2 decades, with one out of every four American children growing up in poverty. In the last year, in my own region of the country, the Northeast, median household income dropped more than $1,700 or 5 percent.

In our cities, nearly 30 percent of those who are lucky enough to have jobs, found themselves living below the poverty line in spite of their best efforts to earn a living wage. In rural communities, that figure surpassed 40 percent. The decreasing value of the hourly wage coupled with recent reductions in government assistance have further exacerbated this alarming trend.

The National Community Economic Partnership Act offers concrete action designed to facilitate investment in local communities.

Small businesses are crucial to any community's economic stability and are the primary source of new jobs. Yet, the current recession coupled with the banking crisis is making it very difficult for small business to survive. According to recent studies, less than 2 percent of Federal small business loans go to businesses needing $25,000 or less.

The purpose of this act is to implement a national community economic development strategy by combining the skills of local community development corporations with private sector resources to improve the economic condition of low- and moderate-income communities.

The act establishes an investment partnership fund which provides technical and financial assistance to private business enterprises which target job opportunities to low income individuals or communities with above average rates of unemployment. However, in order to receive assistance, Federal funds must be matched by local funds—from private sector sources—on a dollar for dollar basis.

The legislation also provides seed funds for small emerging community development corporations. Such organizations have played a leadership role in developing affordable housing. With a minimal technical assistance in business planning and seed money for revolving loan funds, these organizations have the capacity to provide assistance in local enterprise development.

Finally, the legislation establishes an independent commission which would be responsible for administering the provisions of this act. the National Community Economic Partnership Commission will be the focal point for Federal community economic development policy and will work to coordinate Federal efforts to improve conditions in economically distressed communities.

Public-private partnerships work. Their success has been demonstrated in my home State and in many others. There are more than 50 community development corporations operating throughout Massachusetts and more than 2,000 nationwide. These CDC's are expanding their success story into economic development projects to combat the deepening recession and rising unemployment in their communities.

For example, the Franklin County Community Development Corp. in Greenfield, MA, has assisted more than 90 local businesses in obtaining enterprise development loans. Their tireless efforts have created an estimated 350 jobs and leveraged nearly $8 million in private investment in Franklin and northwestern Worcester Counties. It is this type of local ingenuity, cooperation, and commitment that the CDC's are all about.

The evidence is clear—from east Boston to Springfield—and from Massachusetts to California—CDC's are making a difference. By stimulating business and job opportunities through the CDC's, this act promotes economic independence and pride in our communities and our citizens.

I want to thank Senators JEFFORDS, DODD, METZENBAUM, LEAHY, and DECONCINI for joining me in sponsoring the National Community Economic Partnership Act 1991. I urge the Senate to act swiftly on this critically important legislation.

I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1866

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Community Economic Partnership Act of 1991".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that

(1) the cities, towns, small communities and rural areas throughout the United States face critical social and economic problems arising in part from a lack of economic growth in community based economies;

(2) the crisis facing local economies has resulted in—

(A) a growing percentage of the workforce earning poverty level wages, even though they work full time and year round;

(B) the percentage of the labor force living below the poverty line increasing from 25.7 percent in 1979 to 31.5 percent in 1987;

(C) population losses, rising unemployment and a decline of the farm sector and of many other rural industries (such as timber, oil, gas, and mining) contribute to the decline of rural economies;

(D) with respect to rural areas, 31.9 percent of the workforce falling below the poverty line in 1979, with that percentage rising to 42.1 percent in 1987;

(E) with respect to urban areas, 23.4 percent of the workforce falling below the poverty line in 1979, with that percentage rising to 28.9 percent in 1987; and

(F) the average wage and salary income of the 90 percent of the population with the lowest incomes, between 1977 and 1988, falling 3.5 percent in contrast to the richest 1 percent of the population whose incomes more than doubled in that time period.

(3) the future well being of the United States and the well-being of its citizens depends on the establishment and maintenance of viable community development enterprises;

(4) meeting the goal of establishing and maintaining viable community development enterprises requires—

(A) increased public and private investment in business development activities, especially in the small business sector which generates the majority of new jobs as evidenced by the fact that between 1980 and 1986, enterprises with less than 100 employees accounted for more than 50 percent of the jobs created in the U.S.;

(B) increased investment and technical assistance to existing community based enterprises as evidenced by the fact that during the first half of the 1980's, more than 75 percent of the total net new jobs in the United States came from the expansion of existing businesses;

(C) a substantial expansion and greater continuity in the scope of Federal programs that support community based economic development strategies;

(D) the continuing efforts at Federal, State and local levels to coordinate the planning, implementation and evaluation of community economic development efforts; and

(E) the formation of a national commission, as an independent agency, to administer the various community development programs and serve as a focal point for Federal efforts to promote community based economic development; and

(5) community development corporations, due to their proven capacity and achievements in both the field of community based housing and economic development, are appropriate vehicles through which to advance a national community economic development program because—

(A) there are currently over 2000 community development corporations throughout the United States, operating projects that promote community based housing and economic development;

(B) community development corporations operate in every State and in virtually every major city in the United States, and account for many of the existing efforts undertaken to meet the needs of low income persons in both urban and rural communities;

(C) community development corporations have developed some 225,000 units of housing, with over 90 percent of these units for use by low income occupants;

(D) community development corporations have developed over 17,400,000 square feet of retail space, offices, industrial parks and other industrial developments in economically distressed communities;

(E) community development corporations have made loans to over 3000 enterprises, equity investments in 242 ventures and own and operate 427 businesses; and

(F) community development corporations commercial, industrial and business enterprise development activities have accounted for the creation and retention of nearly 90,000 jobs in the last five years.

(b) PURPOSE.—It is the purpose of this Act to establish a National Commission on Community Economic Development, as an independent agency, to administer the community development programs established under this Act and to serve as a focal point for Federal efforts to promote community based economic development.

SEC. 3. NATIONAL COMMUNITY ECONOMIC PARTNERSHIP.

Chapter 8 of subtitle A of title IV of the Omnibus Budget Reconciliation Act of 1981 (Public Law 97-35) is amended—

(1) by redesignating subchapters D, E, and F, as subchapters E, F, and G, respectively; and

(2) by inserting after subchapter C (as added by section 5082 of Public Law 101-508) the following new subchapter:

"Subchapter C—National Community Economic Partnership

"PART 1—NATIONAL COMMISSION ON COMMUNITY ECONOMIC DEVELOPMENT

"SEC. 659A. ESTABLISHMENT OF COMMISSION.

"(a) IN GENERAL.—There is established a National Commission on Community Economic Development (hereafter referred to in this subchapter as the 'Commission') that shall administer the programs established under this subchapter.

"(b) BOARD OF DIRECTORS.—

"(1) COMPOSITION.—

"(A) IN GENERAL.—The Commission shall be administered by a Board of Directors (hereinafter referred to in this section as the 'Board') that shall be composed of 15 members which shall be appointed by the President, with the advice and consent of the Senate. To the maximum extent practicable, an effort should be made to appoint members who have extensive experience in community economic development programs and who represent a broad range of view points and diversity according to race ethnicity, age and gender.

"(B) RECOMMENDATIONS.—Of the members of the Board appointed under subparagraph (A), five such members shall have been appointed from among individuals recommended by the Speaker of the House of Representatives, and five of such members shall have been appointed from among individuals recommended by the Majority Leader of the Senate.

"(C) TIME FRAME.—All members of the Board shall be appointed under subparagraph (A) within 6 months following the date of the enactment of this subchapter.

"(D) NON-VOTING, EX-OFFICIO MEMBERS.—The Secretary of Health and Human Services, Secretary of Labor, Secretary of Commerce, Secretary of Housing and Urban Development, Secretary of Agriculture and the Administrator of the Small Business Administration shall serve as non-voting, ex-officio members of the Board.

"(2) TERMS.—Each member of the Board shall serve for a term of 2 years.

"(3) VACANCIES.—As vacancies occur on the Board, new members shall be appointed in the same manner as the predecessor of such new members were originally appointed, and such new members shall serve for the remainder of the term for which the predecessor of such member was appointed.

"(4) CHAIRPERSON.—The Board shall elect a chairperson and vice-chairperson from among its membership at the first meeting of the Board.

"(5) MEETINGS.—The Board shall meet not less than three times each year. The Board shall hold additional meetings if five members of the Board request such meetings in writing. A majority of the Board shall constitute a quorum.

"(6) EXPENSES.—While away from their homes or regular places of business on the business of the Board, members of such Board may be allowed travel expenses, including per diem in lieu of subsistence, as is authorized under section 5703 of title 5, United States Code, for persons employed intermittently in the Government service.

"(c) DUTIES.—The Board shall—

"(1) have the authority to award grants, make loans, and extend lines of credit to community development corporations for the purpose of economic development activities;

"(2) consult with, and be consulted by, appropriate Federal agencies administering programs that fund community development activities, in order to maximize the coordination of such programs;

"(3) advise the President and the Congress concerning developments in community economic development that merit the attention of the President and the Congress;

"(4) have the authority to delegate authority to administer the programs established under this subchapter to any other agency or entity of the Federal Government, on the agreement of such agency or entity, as the Board determines appropriate;

"(5) provide, directly or through contract with public or private nonprofit organizations, training and technical assistance and disseminate information regarding programs and initiatives under this subchapter;

"(6) arrange for the evaluation of programs established under this subchapter;

"(7) carry out any other activities determined appropriate.

"(d) EXECUTIVE DIRECTOR OF THE COMMISSION.—

"(1) IN GENERAL.—The Board shall appoint an individual to serve as Executive Director of the Commission (hereinafter referred to in this section as the 'Director').

"(2) DUTIES.—The Director shall advise the Board concerning developments that the Director determines merit the attention of the Board, identify promising initiatives, and coordinate the work of the Board with the work of other Federal agencies involved in similar activities and in the design of competitive grant programs to provide assistance as authorized under this subchapter.

"(3) APPOINTMENT OF EMPLOYEES.—The Director may, at the discretion of the Board, appoint employees to administer the programs established under this subchapter.

"(4) COMPENSATION.—The Director and other employees described in paragraph (3) shall be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and general schedule pay rates.

"SEC. 659B. JOINT PROGRAMS.

"(a) DEVELOPMENT OF REGULATIONS.—The Commission shall develop and promulgate, in consultation with the heads of other Federal agencies, regulations designed to permit, where appropriate, the operation of joint programs under which activities supported with assistance provided under this subchapter are coordinated with activities supported with assistance provided under programs administered by the heads of such agencies.

"(b) STANDARDS.—Regulations promulgated under subsection (a) shall establish standards for the approval of joint programs that meet both the purposes of this subchapter and the purposes of the laws under which other assistance is made available to support such projects.

"(c) OPERATION OF MANAGEMENT AGREEMENTS.—The Commission may enter into contracts and other appropriate arrangements with nonprofit organizations for the operation and management of any projects undertaken under a joint program authorized under this section.

"(d) COORDINATION.—The Commission shall coordinate joint programs carried out under this section with other related Federal, State, local and private activities.

"PART 2—PROGRAMS OF FINANCIAL AND TECHNICAL ASSISTANCE

"Subpart I—Community Economic Partnership Investment Funds

"SEC. 659E. PURPOSE.

"It is the purpose of this subpart to increase private investment in distressed local communities and to build and expand the capacity of local institutions to better serve the economic needs of local residents through the provision of financial and technical assistance to community development corporations.

"SEC. 659F. PROVISION OF ASSISTANCE.

"(a) AUTHORITY.—The Commission is authorized, in accordance with this subpart, to provide nonrefundable lines of credit to community development corporations for the establishment, maintenance or expansion of revolving loan funds to be utilized to finance projects intended to provide business and employment opportunities for low-income and unemployed individuals and to improve the quality of life in urban and rural areas.

"(b) REVOLVING LOAN FUNDS.—

"(1) COMPETITIVE ASSESSMENT OF APPLICATIONS.—In providing assistance under subsection (a), the Commission shall establish and implement a competitive process for the solicitation and consideration of applications from eligible entities for lines of credit for the capitalization of revolving funds.

"(2) ELIGIBLE ENTITIES.—To be eligible to receive a line of credit under this subpart an applicant shall—

"(A) be a community development corporation as defined by section 659W(1);

"(B) prepare and submit an application to the Commission that shall include a strategic investment plan that identifies and describes the economic characteristics of the target area to be served, the types of business to be assisted and the impact of such assistance on low-income and unemployed individuals in the target area;

"(C) demonstrate previous experience in the development of low-income housing, community or business development projects in a low-income community and provide a record of achievement with respect to such projects; and

"(D) have secured one or more commitments from local sources for contributions (either in cash or in kind, letters of credit or letters of commitment) in an amount that is at least equal to the amount requested in the application submitted under subparagraph (B).

"(3) EXCEPTION.—Notwithstanding the provisions of paragraph (2)(D), the Commission may require local contributions of not to exceed 25 percent of the amount of the line of credit requested by the community development corporation if the Commission determines such to be appropriate in accordance with section 659G.

"SEC. 659G. APPROVAL OF APPLICATIONS.

"(a) IN GENERAL.—In evaluating applications submitted under section 659F(b)(2)(B), the Commission shall ensure that—

"(1) the residents of the target area to be served (as identified under the strategic development plan) would have an income that is less than the median income for the area (as determined by the Commission);

"(2) the applicant community development corporation possesses the technical and managerial capability necessary to administer a revolving loan fund and has past experience in the development and management of housing, community and economic development programs;

"(3) the applicant community development corporation has provided sufficient evidence of the existence of good working relationships with—

"(A) local businesses and financial institutions, as well as with the community the corporation proposes to serve; and

"(B) local and regional job training programs;

"(4) the applicant community development corporation will target job opportunities that arise from revolving loan fund investments under this subpart so that 75 percent of the jobs retained or created under such investments are provided to—

"(A) individuals with—

"(i) incomes that do not exceed the Federal poverty line; or

"(ii) incomes that do not exceed 80 percent of the median income of the area;

"(B) individuals who are unemployed or underemployed;

"(C) individuals who are participating or have participated in job training programs authorized under the Job Training Partnership Act (29 U.S.C. 1501 et seq.) or the Family Support Act of 1988 (Public law 100-485); or

"(D) individuals whose jobs may be retained as a result of the provision of financing available under this subpart; and

"(5) a representative cross section of applicants are approved including, large and small community development corporations, urban and rural community development corporations and community development corporations representing diverse populations.

"(b) PRIORITY.—In determining which application to approve under this subpart the Commission shall give priority to those applicants proposing to serve a target area with—

"(1) a median income that does not exceed 80 percent of the median for the area (as determined by the Commission); and

"(2) a high rate of unemployment, as determined by the Commission.

"SEC. 659H. AVAILABILITY OF LINES OF CREDIT AND USE.

"(a) APPROVAL OF APPLICATION.—The Commission shall provide a community development corporation that has an application approved under section 659G with a line of credit in an amount determined appropriate by the Commission, subject to the limitations contained in subsection (b).

"(b) LIMITATIONS ON AVAILABILITY OF AMOUNTS.—

"(1) MAXIMUM AMOUNT.—The Commission shall not provide in excess of $2,000,000 in lines of credit under this subpart to a single applicant.

"(2) PERIOD OF AVAILABILITY.—A line of credit provided under this subpart shall remain available over a period of time established by the Commission, but in no event shall any such period of time be in excess of 3 years from the date on which such line of credit is made available.

"(3) EXCEPTION.—Notwithstanding paragraphs (1) and (2), if a recipient of a line of credit under this subpart has made full use of such line of credit, and can demonstrate the need and demand for additional assistance as well as the availability of a continued supply of contributions as required under section 659F(b)(2)(D), the amount of such line of credit may be increased.

"(c) AMOUNTS DRAWN FROM LINE OF CREDIT.—Amounts drawn from each line of credit under this subpart shall be used solely for the purposes described in section 659E and shall only be drawn down as needed to provide loans, investments, or to defray administrative costs related to the establishment of a revolving loan fund.

"(d) USE OF REVOLVING LOAN FUNDS.—Revolving loan funds established with lines of credit provided under this subpart may be used to provide technical assistance to private business enterprises and to provide financial assistance in the form of loans, loan guarantees, interest reduction assistance, equity shares, and other such forms of assistance to business enterprises in target areas and who are in compliance with section 659G(a)(4).

"SEC. 659I. LIMITATIONS ON USE OF FUNDS.

"(a) INVESTMENTS.—Not to exceed 50 percent of the total amount to be invested by an entity under this subpart may be derived from funds made available from a line of credit under this subpart.

"(b) TECHNICAL ASSISTANCE AND ADMINISTRATION.—Not to exceed 20 percent of the amounts available from a line of credit under this subpart shall be used for the provision of training or technical assistance and for the planning, development, and management of economic development projects. Community development corporations shall be encouraged by the Commission to seek technical assistance from other community development corporations, with expertise in the planning, development and management of economic development projects. The Commission shall assist in the identification and facilitation of such technical assistance.

"(c) LOCAL CONTRIBUTIONS.—To receive funds available under a line of credit provided under this subpart, an entity, using procedures established by the Commission, shall demonstrate to the community development corporation that such entity agrees to provide local contributions in accordance with section 659F(b)(2)(D), will participate with such community development corporation in a loan, guarantee or investment program for a designated business enterprise, and that the total financial commitment to be provided by such entity is at least equal to the amount to be drawn from the line of credit.

"(d) USE OF PROCEEDS FROM INVESTMENTS.—Proceeds derived from investments made using amount made available under this subpart may be used only for the purposes described in section 659E and shall be reinvested in the community in which they were generated.

"SEC. 659J. PROGRAM PRIORITY FOR SPECIAL EMPHASIS PROGRAMS.

"(a) IN GENERAL.—The Commission shall give priority in providing lines of credit under this subpart to community development corporations that propose to undertake economic development activities in distressed communities that target women, Native Americans, at risk youth, farmworkers, very low-income communities, single mothers, or refugees and to programs providing loans of not more than $35,000 to very small business enterprises.

"(b) RESERVATION OF FUNDS.—Not more than 5 percent of the amounts appropriated under section 659K may be reserved to carry out the activities described in subsection (a).

"SEC. 659K. AUTHORIZATION FOR APPROPRIATIONS.

"(a) In General.—There are authorized to be appropriate to carry out this subpart, $35,000,000 for fiscal year 1993, $50,000,000 for fiscal year 1994, and $65,000,000 for fiscal year 1995.

"(b) Availability of Amounts.—Amounts appropriated under subsection (a) shall remain available for expenditure without fiscal year limitation.

"Subpart II—Emerging Community Development Corporations

"SEC. 659N. COMMUNITY DEVELOPMENT CORPORATION IMPROVEMENT GRANTS.

"(a) Purpose.—It is the purpose of this section to provide assistance to community development corporations to upgrade the management and operating capacity of such corporations and to enhance the resources available to enable such corporations to increase their community economic development activities.

"(b) Skill Enhancement Grants.—

"(1) In general.—The Commission shall award grants to community development corporations to enable such corporations to attain or enhance the business management and development skills of the individuals that manage such corporations to enable such corporations to seek the public and private resources necessary to develop community economic development projects.

"(2) Use of funds.—A recipient of a grant under paragraph (1) may use amounts received under such grant—

"(A) to acquire training and technical assistance from agencies or institutions that have extensive experience in the development and management of low-income community economic development projects; or

"(B) to acquire such assistance from other highly successful community development corporations.

"(c) Operating grants.—

"(1) In general.—The Commission shall award grants to community development corporations to enable such corporations to support an administrative capacity for the planning, development, and management of low-income community economic development projects.

"(2) Use of funds.—A recipient of a grant under paragraph (1) may use amounts received under such grant—

"(A) to conduct evaluations of the feasibility of potential low-income community economic development projects that address identified needs in the low-income community and that conform to those projects and activities permitted under subpart I;

"(B) to develop a business plan related to such a potential project; or

"(C) to mobilize resources to be contributed to a planned low-income community economic development project or strategy.

"(d) Applications.—A community development corporation that desires to receive a grant under this section shall prepare and submit to the Commission an application at such time, in such manner, and containing such information as the Commission may require.

"(e) Amount Available for a Community Development Corporation.—Amounts provided under this section to a community development corporation shall not exceed $75,000 per year. Such corporations may apply for grants under this section for up to 3 consecutive years, except that such corporations shall be required to submit a new application for each grant for which such corporation desires to receive and compete on the basis of such applications in the selection process.

"SEC. 659O. EMERGING COMMUNITY DEVELOPMENT CORPORATION REVOLVING LOAN FUNDS.

"(a) Authority.—The Commission is authorized to award grants to emerging community development corporations to enable such corporations to establish, maintain or expand revolving loan funds, to make or guarantee loans, or to make capital investments in new or expanding local businesses.

"(b) Eligibility.—To be eligible to receive a grant under subsection (a), an entity shall—

"(1) be a community development corporation;

"(2) have completed not less than one nor more than two community economic development projects; and

"(3) prepare and submit to the Commission an application at such time, in such manner, and containing such information as the Commission may require, including a strategic investment plan that identifies and describes the economic characteristics of the target area to be served, the types of business to be assisted using amounts received under the grant and the impact of such assistance on low-income individuals.

"(c) Use of the Revolving Loan Fund.—

"(1) In general.—A revolving loan fund established or maintained with amounts received under this section may be utilized to provide financial and technical assistance, loans, loan guarantees or investments to private business enterprises to—

"(A) finance projects intended to provide business and employment opportunities for low-income individuals and to improve the quality of life in urban and rural areas; and

"(B) build and expand the capacity of emerging community development corporations and serve the economic needs of local residents.

"(2) Technical assistance.—The Commission shall encourage emerging community development corporations that receive grants under this section to seek technical assistance from established community development corporations, with expertise in the planning, development and management of economic development projects and shall facilitate the receipt of such assistance.

"(3) Limitation.—Not to exceed 20 percent of the amounts received under this section by a grantee shall be used for training, technical assistance and administrative purposes.

"(d) Use of Proceeds from Investments.—Proceeds derived from investments made with amounts provided under this section may be utilized only for the purposes described in this subchapter and shall be reinvested in the community in which they were generated.

"(e) Amounts Available.—Amounts provided under this section to a community development corporation shall not exceed $500,000 per year.

"SEC. 659P. AUTHORIZATION FOR APPROPRIATIONS.

"(a) In General.—There are authorized to be appropriated to carry out this subpart, $15,000,000 for fiscal year 1993, $35,000,000 for fiscal year 1994, $50,000,000 for fiscal year 1995.

"(b) Availability of Amounts.—Amounts appropriated under subsection (a) shall remain available for expenditure without fiscal year limitation.

"Subpart III—Research and Demonstration

"SEC. 659R. RESEARCH AND DEMONSTRATION.

"(a) Grants.—The Commission shall award grants to organizations to enable such organizations to undertake programs involving research, testing, studies or demonstrations related to community economic development.

"(b) Eligible Organizations.—To be eligible to receive a grant under this section, and entity shall—

"(1) be a community development corporation, university, fiscal intermediary or a non-profit organization involved in community based economic development activities; and

"(2) prepare and submit to the Commission an application at such time, in such manner and containing such information as the Commission determines appropriate.

"(c) Use of Funds.—Amounts received under a grant awarded under this section shall be made available for studies, reports, tests or demonstration projects that—

"(1) identify current problems facing both urban and rural low income communities or specific population groups within low income communities;

"(2) identify solutions to the problems facing both urban and rural low income communities or specific populations groups within low income communities;

"(3) examine or critique current strategies being implemented to address economic issues facing low income communities; and

"(4) relate to any other matters determined appropriate by the Commission.

"(d) Maximum Amount of Grant.—A grant awarded under this section shall not exceed $50,000.

"SEC. 659S. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to carry out this subpart, such sums as may be necessary for each of the fiscal years 1993 through 1995.

"Part 3—Miscellaneous Provisions

"SEC. 659W. DEFINITIONS.

"As used in this subchapter:

"(1) Community development corporation.—The term 'community development corporation' means a private, nonprofit corporation whose board of directors is comprised of business, civic and community leaders, and whose principal purpose includes the provision of housing and community economic development projects that primarily benefit low income individuals and communities.

"(2) Local contribution.—The term 'local contribution' means the amounts generated at the local level (by private financial institutions, State and local governments, private philanthropic organizations and private, non-profit organizations) that will be committed and used solely for the purpose of financing private business enterprises in conjunction with amounts provided under this title.

"(3) Private business enterprise.—The term 'private business enterprise' means any business enterprise that is engaged in the manufacture of a product, provision of a service, construction or development of a facility, or that is involved in some other commercial, manufacturing or industrial activity, and that agrees to target job opportunities stemming from investments authorized under this title to certain individuals.

"(4) Target area.—The term 'target area' means any area defined in an application for assistance under this title that has a population whose income does not exceed the median for the area within which the target area is located.

"(5) Very low income community.—The term 'very low income community' means a community in which the median income of the residents of such community does not exceed 50 percent of the median income of the area.".

SEC. 659X. PROHIBITION.

None of the funds authorized under this Act shall be used to finance the construction of housing.

By Mr. STEVENS (for himself, Mr. PRYOR, Mr. MURKOWSKI, Mr. GRASSLEY, and Mr. D'AMATO):

S. 1868. A bill to amend title 39, United States Code, to revise the procedures under which any change in the nature of postal services, which will generally affect service on a nationwide or substantially nationwide basis, may be implemented; to the Committee on Governmental Affairs.

POSTAL DELIVERY STANDARDS ACT

• Mr. STEVENS. Mr. President, today I am introducing legislation which would return the public's right to comment, or object to any Postal Service effort to diminish mail delivery service or service standards. Last year, the U.S. Postal Service reduced service standards that resulted in a reduction in service in parts of this country. It seems that since the Postal Service could not meet their delivery standards in these sections of the country, and since these standards had not changed in 20 years, the Postal Service decided to reduce these standards. By reducing these standards, the Postal Service instantly improved their on-time mail delivery record. As my good friend, Senator DAVID PRYOR of Arkansas said, this is like raising the flag halfway up the flagpole, cutting off the pole at that point, and exclaiming that you have raised the flag to the top. The postal unions objected to this reduction in service. The Postal Inspection Service concluded that it was a wrong move, and the Postal Rate Commission said it should not be done.

Although many of us had misgivings about this action, we felt management was responsible, and that they should have an opportunity to prove themselves. Despite this change, which should have resulted, on paper at least, in a steadying or increase in on-time delivery, the Postal Service delivery performance is down. The Postal Service is not through with initiating changes that will downgrade service. Changes have been proposed that will contribute to less timely delivery in remote areas of Alaska, as well as to businesses in New York City. I am now convinced that the Postal Service should have not been able to reduce their delivery standards, and consequently, service so easily. Their goal should have been to improve service, and that was not possible. They have an obligation to explain such action to the public. The public has a right to expect good service, or know the reason that they are not receiving it.

My bill provides an avenue for more effective public comment should postal management decide to reduce mail service again. It provides for an increased role of the Board of Governors and indirectly for the Postal Rate Commission in setting policy in this area. Under the provisions of this bill, the Postal Service would be required to obtain an opinion from the Postal Rate Commission before initiating any reduction in national service or regional service that could have national consequences. The Commission would have an opportunity to hear postal management's request for any reduction in service and would provide an opportunity for public comment. Based on the record, the Commission would give its advice as to the request, including an express conclusion that it should not be implemented. At the request of management, the Postal Governors could overrule such an adverse recommendation by the Rate Commission. But, in order to override a ruling, Postal Service management would have to justify their reduction to their Governors, and the Governors would have to agree unanimously. This would certainly make the public's input a more significant factor, and I would hope it would make postal management think twice about reducing service when there is significant opposition to such reduction.

Mr. President, I ask unanimous consent to print at the end of my remarks text of the bill.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1868

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

That section 3661 of title 39, United States Code, is amended—

(1) in subsection (b) by striking "advisory";

(2) in subsection (c) by adding at the end the following: "The Commission shall transmit a copy of its opinion to the Governors."; and

(3) by adding after subsection (c) the following:

"(d) If, in its written opinion, the Commission concludes that the proposal should be rejected, the Postal Service may not implement such proposal except with the written concurrence of all of the Governors then holding office.".•

By Mr. McCAIN (for himself and Mr. DECONCINI):

S. 1869. A bill to provide for the divestiture of certain properties of the San Carlos Indian Irrigation Project in the State of Arizona, and for other purposes; to the Select Committee on Indian Affairs.

SAN CARLOS INDIAN IRRIGATION PROJECT DIVESTITURE ACT OF 1991

• Mr. McCAIN. Mr. President, I am pleased to join today with my distinguished colleague from Arizona, Senator DECONCINI, in introducing a bill providing for the divestiture of Federal ownership and control of the electrical transmission and distribution system of the San Carlos Indian Irrigation Project [SCIP] in central Arizona.

The primary purpose of this bill is to authorize the Secretary of the Interior to transfer the SCIP electric system to the Gila River Indian Community and the San Carlos Apache Tribe and several Arizona utilities, consistent with a series of agreements entered into between and among them.

This legislation would also settle the debt owed to the United States in connection with construction of the system, earmark funds for the cleanup of hazardous waste on system lands for which the United States will retain responsibility, reallocate SCIP's power allocation, and address concerns of its Federal employees. The legislation would provide for the accomplishment of these objectives without any new authorization of Federal appropriations.

By providing the means for the Gila River and San Carlos Tribes to assume control over the operation of the electric systems on their reservations, this legislation will advance the Federal policy goals of Indian self-determination and economic self-sufficiency. By providing for the eventual absorption of the off-reservation portions of the system into local public and private electric systems, it will contribute to more rational, efficient, and cost-effective electrical service in central Arizona.

Mr. President, this legislation has evolved over more than 4 years as the Interior Department, the local parties in interest, and the Arizona congressional delegation have sought to develop solutions and answers to the many problems and questions that necessarily arise from an effort to eliminate one small part of the Federal bureaucracy. I believe we are close to a final version that will be acceptable to all parties.

The SCIP electric system is one of only two in the United States operated by the Bureau of Indian Affairs [BIA]. By the Act of June 7, 1924, Congress authorized construction of Coolidge Dam on the Gila River to provide water to irrigate 50,000 acres of the Gila River Indian Reservation. The act also provided that water would be available to another 50,000 acres of land off the reservation if, in the judgment of the Secretary, those lands could be served without diminishing the Indians' supply. Together, the on- and off-reservation lands are known as the San Carlos Irrigation Project.

Coolidge Dam's 1.2 million acre-feet reservoir was expected to supply water to 80,000 acres of land; the other 20,000 acres was to be supplied from the San Pedro River, return flows, and groundwater. To provide power for pumping groundwater, Congress, by the Act of March 7, 1928, authorized development of hydropower at Coolidge Dam. The Act also provided that power be made available for the San Carlos Indian Reservation and for sale of excess power incident to the use of reservoir.

In 1931 construction of the dam, spillway gates, and electrical generation and distribution facilities was completed. Pursuant to the 1928 Act, the Secretary entered into a contract with the San Carlos Irrigation and Drainage District, a creature of Arizona law, to pay a share of the total project costs, including power, and operation and maintenance on the off-reservation lands.

Drought conditions in the 1930's kept reservoir levels low and made clear that Coolidge's hydropower could not be relied upon as a dependable source of energy. It also became evident that water would seldom be released except for irrigation and there would be little, if any, hydroelectric power during a normal winter season. Consequently, a diesel-electric generation station was established near the town of Coolidge to firm-up SCIP's dependable power. This station was a principal source of power for the project from 1935 to 1974.

From 1931 to 1935 a copper corporation purchased practically all of Coolidge's hydroelectric power. From 1935 to 1937 electric service was extended to the San Pedro Valley communities of Oracle, Tiger, Mammoth, Winkelman, and Hayden Junction. A Rural Electrification Administration Project sponsored by the San Carlos Irrigation and Drainage District further extended service in the Casa Grande Valley and on the Gila River Indian Reservation. The system continued to expand to serve residential, commercial, and industrial customers, with the Bureau of Indian Affairs assuming the role of a power utility in the area. In addition to serving 106 project well pumps, SCIP currently services approximately 10,000 customers (3,000 on reservation and 7,000 off reservation).

In 1952 the BIA contracted with the Bureau of Reclamation to provide power from Davis Dam on the Colorado River for SCIP use, as a preference customer, to supplement the generated electric power. In 1975 Parker-Davis and Colorado River Storage Project power was allocated to SCIP to meet on-reservation load, though not all for irrigation purposes. SCIP's allocation of 19,085 kilowatts is now supplemented by power purchased under contract with Arizona Public Service Company, the Salt River Project, and the Arizona Power Pooling Association.

By the mid-1980's, dissatisfaction with the system had become widespread. Increasing customer complaints about the condition, reliability, and management of the SCIP system led the Gila River Indian Community, the San Carlos Irrigation and Drainage District, and the San Carlos Apache Tribe to conclude that they could do a better job managing the various portions of the system themselves. They asked the Arizona delegation to consider transferring the system to them.

Representative JIM KOLBE of Arizona, in whose congressional district most of the SCIP service area is located, initiated the process of identifying whether and how such a transfer should take place by introducing, in April 1987, a one-paragraph bill, H.R. 2060, to authorize the Secretary of the Interior to divest the BIA of the SCIP electric system. Arizona's other House members, including Interior Committeeman Morris Udall, cosponsored the bill.

In June, 1987, the House Interior Committee held a hearing on H.R. 2060. All witnesses, including the Interior Department's, supported the concept of divestiture. There was consensus that the SCIP power system, comprised of components of widely varying age and design, was in poor condition that contributed to power outages, and that renovation and maintenance was not keeping up with demands. Seven substations needed uprating or replacing, with the cost of rehabilitating the transmission and distribution facilities estimated by BIA at $25,000,000 at 1983 prices. In addition, the system's small power plant at Coolidge Dam, inoperable since 1983 due to flood damage, required between $5,000,000 and $7,000,000 to return to operating condition.

Testimony cited SCIP's status as a small agency within a large Federal bureaucracy as aggravating its difficulties in operating and maintaining its farflung system in a manner even close to the level of efficiency generally expected of local public or private utilities. Federal personnel constraints, acquisition regulations, and rate setting procedures hamper SCIP's management's ability to obtain required personnel and equipment or respond to customer or system needs in timely fashion.

The hearing revealed a long list of issues that needed to be resolved if divestiture was to take place. These issues included allocation of the electric system's physical and financial assets; settlement of the Gila River Indian Community and San Carlos Irrigation and Drainage District's joint power system debt to the United States; reallocation of SCIP's Federal power allocations; whether to rehabilitate the Coolidge Dam power plant; impacts on SCIP's Federal employees; and allocation of SCIP's off-reservation service area that is outside the boundaries of the San Carlos Irrigation and Drainage District.

Because Congress has no jurisdiction over the allocation of electric service territory within Arizona, which is a responsibility of the Arizona Corporation Commission under Arizona law, committee members urged the parties to negotiate territorial agreements, which would be subject to Commission approval, as a prerequisite to moving divestiture legislation.

In September 1989, the Gila River Indian Community, the San Carlos Irrigation and Drainage District, Arizona Public Service Company, TRICO Electric Cooperative, Inc., and Electrical District No. 2 signed statements of principles providing for the allocation of SCIP's electric service territory and setting out procedures by which divestiture would be implemented, subject to the approval of the Arizona Corporation Commission and enactment of legislation by Congress.

Key provisions of the statements of principles provide for Arizona Public Service Company to pay the San Carlos Irrigation and Drainage District $10,500,000 for portions of the off-reservation system to be divested to the district, and for the termination of an existing power contract that Arizona Public Service Company has with SCIP. This contract is to be replaced with new contracts between Arizona Public Service Company, the Gila River Indian Community, the San Carlos Irrigation and Drainage District, and the San Carlos Apache Tribe.

Pursuant to the statements of principles and the legislation, the San Carlos Irrigation and Drainage District would pay the United States approximately $2 million of the amount it would receive from Arizona Public Service Company as its share of the outstanding SCIP electric system—also known as the power division—debt. The district would also disclaim its interest in funds credited to the SCIP power division; such funds would be allocated to the Gila River Indian Community under the terms of the legislation. The district's debt payment, coupled with an equal amount from the Gila River Indian Community, would fund the required cleanup of SCIP's hazardous waste materials.

In July 1990, the House Interior Committee held a hearing on H.R. 4117, a revised divestiture bill introduced by Representative JIM KOLBE, Republican, of Arizona, and cosponsored by the other Arizona House Members. This 21-page bill dealt with each of the issues raised in the 1987 hearing. Testimony addressed these provisions as well as with the results an audit of SCIP performed by Arthur Anderson & Co. under contract with the BIA.

The audit, a statement of SCIP's financial condition as of September 30, 1989, was the first in SCIP's history and confirmed many criticisms of SCIP's management. The auditors found that "certain of the weaknesses are so pervasive and fundamental [in SCIP's accounting system and internal control procedures] as to render the accounting systems unreliable." As a result of these weaknesses in accounting controls, the auditors could not determine whether such basic categories as vehicles and equipment, customer deposits in the U.S. Treasury, cash and temporary investments managed by the BIA, accrued interest income, accumulated results of operations, or customer advances were properly accounted for. For this report, as well as followup audit for the year ending September 30, 1990, a lack of historical records forced the auditors to make extensive use of estimates.

The two tribes and all of the non-Federal entities testified in support of H.R. 4117. The Department's testimony, however, raised new concerns that required further information not readily available. Subsequently, Assistant Secretary for Indian Affairs Brown and Representative KOLBE agreed to delay a decision on divestiture legislation until the Department had studied three issues: First, the feasibility of repairing the electric generators at Coolidge Dam; second, the extent and cost to clean up hazardous waste materials associated with SCIP operations; and third, alternatives for operation and administration facilities for SCIP's irrigation division, which would remain in Federal ownership after divestiture of the power division.

Because the allocation of SCIP funds contemplated by the divestiture legislation and the statements of principles assumed that repairing the generators was not feasible and that the environmental account to be funded by the debt payments would be adequate to cover the costs of hazardous waste cleanup, the findings of the studies were crucial. The studies were to be completed by February 1991.

In March 1990, Representative KOLBE introduced H.R. 1476, again with Arizona's other House Members as cosponsors. Subsequently, results of the BIA's three studies became available. These found that first, spending $5,400,000 of SCIP power division funds to repair the Coolidge Dam generators is not feasible; second, the cost of the required cleanup of hazardous waste materials will be less than the funds available from the debt payments by the Gila River Indian Community and San Carlos Irrigation and Drainage District; third, adequate alternative facilities for the SCIP irrigation division could be found for less than $1 million.

Mr. President, the Arizona congressional delegation has attempted to respond constructively to every legitimate issue that has been raised by the Bureau of Indian Affairs and the Interior Department. The bill which Senator DECONCINI and I introduce today is the same as H.R. 1476, except for essentially technical changes after consultations with the parties in interest in Arizona and the Bureau of Indian Affairs. While further fine-tuning may be necessary, I believe it is time to enact a San Carlos divestiture bill.

The case for divestiture of the SCIP electric system is, if anything, stronger today than it was 4 years ago. Taken alone, the results of the recent SCIP audits make a powerful argument for relieving the Bureau of Indian Affairs of any further responsibility for operating an electric utility. It is time to acknowledge the desire and ability of the Gila River Indian Community and San Carlos Apache Tribe to assume greater responsibility for their electric system as part of their continuing efforts to control their economic futures. And it is time to recognize that local public and private utilities are more appropriately suited to provide electric service in central Arizona than a small appendage of the Bureau of Indian Affairs.

I note, in fairness to SCIP's employees, that much of what is wrong with the system and its management is not of their doing. Divestiture is not an attack on their loyalty, integrity, or competence. The fact is that SCIP and the Bureau of Indian Affairs are agencies of Government organized and operated under rules and procedures illsuited to the efficient operation of an electric utility. While SCIP has, in its more than 60 years of existence, provided valuable service to thousands of people, it is time to honor the demands of its beneficiaries for a change.

As the Select Committee on Indian Affairs and the House Interior Committee prepare for a hearing on this legislation next week, I would like to compliment the Gila River Indian Community, the San Carlos Apache Tribe, the San Carlos Irrigation and Drainage District, Arizona Public Service Company, Electrical District No. 2, and TRICO Electrical Cooperative for their commitment and perseverance. I would also like to pay special tribute to my House colleague, JIM KOLBE, for his initiative and untiring efforts to develop and pass fair and workable legislation to achieve divestiture of the SCIP electric system.•

By Mr. EXON (for himself and Mr. DASCHLE):

S. 1870. A bill to establish the Peace and Prosperity Commission to review United States economic policies toward the former Soviet Union; to the Committee on Foreign Relations.

PEACE AND PROSPERITY COMMISSION ACT OF 1991

Mr. EXON. Mr. President, several days ago, I discussed the dramatic changes in the Soviet Union and the need to formulate an appropriate American response to the stunning and revolutionary rejection of communism in the Soviet Union. This turning point in history presents the United States, a once in an epoch opportunity to advance the cause of peace and to create new opportunities for prosperity in the United States and the sixth of the world that was formerly the Soviet Union Communist empire.

It is critical that the United States immediately evaluate these global changes and move aggressively to seize this moment in history. Because I believe that this moment is too important to lose to politics, I am here today to introduce a bill on behalf of myself and my colleague, Senator DASCHLE of the State of South Dakota to create a U.S./U.S.S.R. Peace and Prosperity Commission. This bipartisan commission will review the entire United States economic relationship with the former Soviet Union, Republics of the Soviet Union and Baltic Republics and to make recommendations to the President and Congress concerning the types of economic cooperation which can serve the mutual interests of the United States and the Soviet Union.

The commission will recommend appropriate short-, medium- and long-term goals and suggestions that can be made to enhance the purpose of the legislation. It seems to me, Mr. President, that if we can talk about cooperation economically in trade, investment, and all the other opportunities that we have at hand, between the United States and the Soviet Union, and their former associate states, we will be embarking on a course that would be good for not only the peoples of the two countries involved, but the people of the world as a whole.

The key areas of investigation includes but will not be limited to food and food processing and distribution, and as far as military conversion is concerned, which can play a key part in providing more food desperately needed by the people of the Soviet Union today.

It will also include the possibility of a great opportunity in telecommunications, in transportation, and certainly environmental cleanup, financial services, infrastructure development, and the responsible development of Soviet natural resources.

One of the most important missions of the commission will be to review and report on the opportunities for expanding American exports to the Soviet Union. The commission will consist of 23 members drawn from government, business, and academia, to be appointed by the President and the Democratic and Republican leaders of both Houses of Congress.

Because of the urgency of the situation and the fast forward pace of events in the former Soviet Union, the commission will be expected to make several periodic reports to the President and to the Congress. The first report to the President and the Congress will be made within 6 months of the date of the enactment of this piece of very important legislation and each 6 months thereafter, until the commission files a final report at the end of a 2-year period.

The bipartisan commission will take a top-down look at U.S.–U.S.S.R. economic relationship and its future. This is a new era, requiring a new look, with new policies. The commission can get this process going. It can tap the experience and the insight of America's most knowledgeable experts and those in the Soviet Union toward this very important economic transition period.

The commission will consider the weighty issues of the U.S.–U.S.S.R.

economic relationships in a bipartisan and thoughtful manner. I am hopeful that the commission will insulate itself from all other issues that have so deeply divided us in the past and begin to face up to the critical issues that face us today.

The purpose of this legislation is to have the commission make short-, medium-, and long-term recommendations. It should not be interpreted as an effort to delay immediate food and humanitarian measures, which I fully support. I, indeed, recommend immediate and massive aid to get American food to the Soviet Union during this coming winter. Such an effort will help American farmers, who desperately need new markets, and the Soviet Union and its people, also, who, while reaching for democracy and a market economy, are facing a wrenching period of transition.

Mr. President, I wish to compliment two of my great friends, former Congressman John Cavanaugh, of Omaha, and Douglas County Commissioner, Howard Buffett, who originally came to me with the suggestion of creating such a bipartisan commission. Both men are knowledgeable about the Soviet Union, and I certainly have enjoyed working with them on this very important initiative.

I encourage my colleagues to carefully and expeditiously study this legislation. I welcome their support and advice. The United States and the former Soviet Union are indeed entering into a very new era. It is time to start exploring the exciting parameters and opportunities of this new relationship and the new Soviet Union.

Mr. President, I send to the desk the measure offered by myself and Senator DASCHLE, and I ask unanimous consent that it be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1870

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Peace and Prosperity Commission Act of 1991".

SEC. 2. ESTABLISHMENT OF COMMISSION.

There is established the Commission on Peace and Prosperity (hereafter in this Act referred to as the "Commission"). Appointments to the Commission shall be made within 30 days of the date of enactment of this Act.

SEC. 3. PURPOSE.

The purpose of this Act is to provide for the review of United States economic policies toward the former Soviet Union, the republics of the former Soviet Union, and the Baltic republics and to provide for recommendations to be made to the President and the Congress based on such review.

SEC. 4. MEMBERSHIP OF COMMISSION.

(a) COMPOSITION.—The Commission shall be composed of 23 members, who shall be United States citizens, to be appointed as follows:

(1) 5 members to be appointed by the President.

(2) 6 members to be appointed by the Speaker of the House of Representatives.

(3) 3 members to be appointed by the Minority Leader of the House of Representatives.

(4) 6 members to be appointed by the Majority Leader of the Senate.

(5) 3 members to be appointed by the Minority Leader of the Senate.

(b) SECTORS REPRESENTED.—Appointments shall be coordinated so that one or more of the members of the Commission are drawn from each of the following sectors: government, agriculture, business, labor, and academia.

(c) LEADERSHIP.—The Commission shall elect a Chairman and Vice Chairman.

(d) QUORUM.—Twelve members shall constitute a quorum.

(e) EFFECT OF VACANCIES.—Any vacancy on the Commission shall not affect its powers, but shall be filled in the manner in which the original appointment was made.

(f) PROHIBITION ON COMPENSATION.—Members of the Commission shall receive no additional pay, allowances, or benefits by reason of their service on the Commission. Members appointed from among private citizens of the United States may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by law for persons serving intermittently in the government service, to the extent such funds are available for such expenses.

SEC. 5. FUNCTIONS OF THE COMMISSION.

The Commission shall review the entire United States economic relationship with the former Soviet Union, the republics of the former Soviet Union, and the Baltic republics and shall make specific recommendations to the President and the Congress concerning the types of economic cooperation which may serve the mutual interests of the United States and the former Soviet Union, the republics of the Soviet Union, and the Baltic republics. The Commission shall recommend appropriate short-, medium-, and long-term initiatives which the United States may take in the areas of economic cooperation, trade, and investment.

SEC. 6. REPORTS.

(a) INTERIM REPORTS.—Beginning 5 months after the date of enactment of this Act, and every 6 months thereafter, the Commission shall submit a report to the Congress on its activities since the date of the last report or, in the case of the first report, since the date of enactment of this Act.

(b) FINAL REPORT.—Not later than 2 years after the date of enactment of this Act, the Commission shall submit to the Congress a final report which shall include recommendations on the following areas:

(1) food;

(2) food processing, distribution, and storage;

(3) military conversion;

(4) telecommunications;

(5) infrastructure improvement and development;

(6) transportation;

(7) environmental cleanup;

(8) investment;

(9) banking and financial services;

(10) mining;

(11) energy;

(12) the development of natural resources; and

(13) opportunities for expanding United States exports to the former Soviet Union, the Soviet republics, and the Baltic republics.

SEC. 7. POWERS OF THE COMMISSION.

(a) HEARINGS.—The Commission may, for the purpose of carrying out this Act, hold such hearings and sit and act at such times and places, as the Commission may find advisable.

(b) RULES AND REGULATIONS.—The Commission may adopt such rules and regulations as may be necessary to establish its procedures and to govern the manner of its operations, organization, and personnel.

(c) ASSISTANCE FROM FEDERAL AGENCIES.—

(1) The Commission may request from the head of any Federal agency or instrumentality such information as the Commission may require for the purpose of this Act. Each such agency or instrumentality shall, to the extent permitted by law and subject to the exceptions set forth in section 552 of title 5, United States Code (commonly referred to as the Freedom of Information Act), furnish such information to the Commission, upon request made by the Chairman of the Commission.

(2) Upon request of the Chairman of the Commission, the head of any Federal agency or instrumentality shall, to the extent possible and subject to the discretion of such head—

(A) make any of the facilities and services of such agency or instrumentality available to the Commission; and

(B) detail any of the personnel of such agency or instrumentality to the Commission, on a nonreimbursable basis, to assist the Commission in carrying out its duties under this Act, except that any expenses of the Commission incurred under this subparagraph shall be subject to the limitation on total expenses set forth in section 8(b).

(c) MAILS.—The Commission may use the United States mails in the same manner and under the same conditions as other Federal agencies.

(d) CONTRACTING.—The Commission may, to such extent and in such amounts as are provided in appropriation Acts, enter into contracts with State agencies, private firms, institutions, and individuals for the purpose of conducting research or surveys necessary to enable the Commission to discharge its duties under this Act, subject to the limitation on total expenses set forth in section 8(b).

(e) STAFF.—Subject to such rules and regulations as may be adopted by the Commission, the Chairman of the Commission (subject to the limitation on total expenses set forth in section 8(b)) shall have the power to appoint, terminate, and fix the compensation (without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title, or of any other provision, or of any other provision of law, relating to the number, classification, and General Schedule rates) of an Executive Director, and of such additional staff as the Chairperson deems advisable to assist the Commission, at rates not to exceed a rate equal to the maximum rate for GS-15 or above of the General Schedule under section 5332 of such title.

(f) ADVISORY COMMITTEE.—The Commission shall be considered an advisory committee within the meaning of the Federal Advisory Committee Act (5 U.S.C. App.).

SEC. 8. EXPENSES OF COMMISSION.

(a) AVAILABILITY OF FUNDS.—Any expenses of the Commission shall be paid from such funds as may be available to the President.

(b) LIMITATION ON EXPENSES.—The total expenses of the Commission (excluding salaries) shall not exceed $1,000,000.

(c) AUDITING REQUIREMENT.—Before the termination of the Commission the Comptroller General of the United States shall audit the financial books and records of the Commission to determine that the limitation on expenses has been met.

SEC. 9. TERMINATION.

The Commission shall cease to exist two years and three months after the date of enactment of this Act.

By Mr. GORTON:

S. 1871. A bill to amend the Immigration and Nationality Act to entitle persons born on or before May 24, 1934 to acquire U.S. citizenship through their U.S. citizen mothers; to the Committee on the Judiciary.

CITIZENSHIP EQUITY ACT

Mr. GORTON. Mr. President, American citizenship is one of the most precious commodities any of us can possess. Every year, tens of thousands of people from all over the world proudly pledge their allegiance to this Nation as they become our newest citizens. And for each of them, there are many more who would sacrifice everything they have for the privilege to do the same thing.

For those of us fortunate enough to have been born of American parents or an American parent, citizenship is a birthright whether we were born here or abroad.

The one glaring exception applies to children born abroad prior to 1934 to American mothers and noncitizen fathers. Under an 1855 immigration law that is still on the books, these children, who are now seniors, have been denied their birthright. For them, American citizenship may come only through naturalization, if at all. If the citizenship of their parents had been reversed, however, they would have been born American.

The Congress in 1934 realized the discriminatory nature of the 1855 statute and proceeded to change it. Fourteen years after women were given the right to vote, the immigration laws were amended to permit American mothers to pass citizenship to their foreign born children on an equal footing with American fathers.

But the job was left only half done. The changes in the law applied only prospectively.

I learned about this gap in our immigration laws quite by accident. Charles DeWitt, a Washington resident, recently learned that his American citizenship had been decreed by mistake some 50 years ago. Despite carrying an American passport, despite serving as a loyal member of the Marine Corps, despite living in America since 1936, despite voting in numerous elections, and despite being a good American in every sense of the word, he is not an American citizen and he never was. All because he was born in Canada and his mother, rather than his father, was American.

Charles DeWitt no longer can call himself an American citizen. As a result, his passport was invalidated and replaced with an alien registration card. He no longer has the right to vote. In short, he not longer enjoys the distinct privileges that so many of us take for granted. For all intents and purposes, he is considered to be a foreign national who is permitted to remain here only by the grace of the Federal Government.

That is wrong, Mr. President, clearly wrong. And it is now time to finish the job that Congress began in 1934.

I am pleased to introduce today the Citizenship Equity Act which will allow U.S. citizenship to be passed through either parent for children born abroad before 1934. This is a bill designed to correct the injustices created by a law that not only is outdated, a remnant of an era when women were treated as chattels rather than equal partners, but in all likelihood is unconstitutional as well. My bill will end the discriminatory practice of refusing women the right to pass citizenship to their children.

Mr. President, it is time to correct once and for all this vestige of a time long past. It is time the foreign born children of American mothers be granted the citizenship they always thought they had, and which they rightly deserve.

And, Mr. President, it is time to give Mr. DeWitt back his birthright, his American citizenship.

Mr. President, I ask unanimous consent that the text of the bill and an article from the Seattle Times be printed in the CONGRESSIONAL RECORD immediately following my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1871

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Citizenship Equity Act of 1991".

SEC. 2. UNITED STATES CITIZENSHIP TO BE ACQUIRED THROUGH EITHER UNITED STATES CITIZEN PARENT.

Section 301 of the Immigration and Naturalization Act (8 U.S.C. 1401) is amended—

(a) by striking out the period at the end of paragraph (9) and inserting in lieu thereof "; and"; and

(b) by adding at the end thereof the following:

"(h) a person born on or before May 24, 1934, outside the geographical limits of the United States and its outlying possessions of parents, one of whom is an alien, and the other a citizen of the United States who, prior to the birth of such person, was physically present in the United States or its outlying possessions.".

[From the Seattle Times, Sept. 16, 1991]

CITIZEN FINDS HE ISN'T ONE

(By Nancy Montgomery)

REDMOND—Charles DeWitt, a former U.S. Marine, voted for Ronald Reagan, roots for the Seahawks and works for the State Department of Transportation.

For most of his 59 years, he's thought of himself as a U.S. citizen, just the way his mother taught him to.

But the Immigration and Naturalization Service told him, when he went in to replace his citizenship-identification card four years ago, that he is not a citizen of the United States. He's actually a Canadian citizen, they said, because his mother, a U.S. citizen who married and later divorced an officer in the Royal Canadian Signal Corps, gave birth to him in Canada.

Get a green card, they suggested.

"I couldn't believe it," said DeWitt, who lives in Redmond. "I didn't want to believe it. I felt I was a person without a country."

At first he tried to ignore the problem but he grew more and more anxious. About a year ago he contacted immigration attorneys Pam Cowan and Steve Miller. And he found out his situation isn't exactly unique.

Anyone born outside the U.S. before 1934, whose mother was a U.S. citizen but whose father was not, is not a citizen.

The problem is a law enacted in 1855 that passed on U.S. citizenship only paternally, to children born out of the country to American fathers.

"The reason why women couldn't pass on citizenship was obviously based on notions of women as chattel of their husbands," Miller said. "If she went abroad and married a foreigner, she was no longer a person in her own right. It's immensely stupid."

Two years after DeWitt was born, in 1934, the law was changed to pass on U.S. citizenship through either parent.

"It was changed because women got the vote in the 1920s, and there was a big movement in the '30s to equalize these medieval laws," said Susana Igleheart, a San Francisco immigration lawyer representing three clients in situations similar to DeWitt's in a lawsuit against the government.

But Congress did not make the new law retroactive, and the Victorian-era measure sill covers all those born before 1934.

Igleheart argued her two cases before San Francisco Federal District Court Judge Robert Peckham. He recently ruled the law was unconstitutional because it did not offer equal protection to women, and he granted citizenship to three women whose American mothers gave birth to them in other countries.

The U.S. State Department is appealing the decision in the 9th Circuit Court of Appeals, of which Washington is a part.

"It's our duty and responsibility to defend all acts of Congress as constitutional," said Joe Krovisky, U.S. Justice Department spokesman.

DeWitt doesn't want to sue the government, so Miller asked the Immigration and Naturalization Service for help.

The Immigration and Naturalization Service last week told Miller they would have to check with the State Department and get back to him at the end of the month.

Marie Dewey DeWitt, Charles' mother, was worried about the status of both her sons when she left her husband in 1936 and returned home to Washington and became a schoolteacher.

She went to INS offices in Seattle and inquired what she must do to ensure U.S. citizenship for her children. Now in her 90s, she recalls a Mr. Grey telling her that upon the age of 12, the boys would automatically become citizens.

That seemed to be the case. About that time, Charles DeWitt was issued an identification card saying he was a U.S. citizen, and he grew up believing himself to be one.

So did the Marine Corps. and so did the federal government, when they issued him a secret clearance to inspect military bases.

That makes the case for DeWitt being granted citizenship now even stronger because of the legal principle of estoppel which, Miller explains, says "once you've set out certain positions that other people have relied on over a period of time, you can't reverse those positions to their detriment."

Rather than a lawsuit, Miller says, the real answer is for Congress to amend the law. But because the group of people affected is small and getting smaller all the time—these people are now in their 60s—that could take some time.

It would help, Igleheart said, instead of appealing cases at taxpayers' expense, the State Department would ask Congress to fix the law.

Miller has contacted U.S. Rep. Rod Chandler, R-Bellevue. Igleheart has contacted U.S. Rep. Norman Minetta, D-Calif. Minetta plans to introduce a bill in the next couple of weeks to make the 1934 law extending citizenship to children of both U.S. mothers and fathers retroactive, a staff member said.

"This is a blatantly sexist provision of the law, and it needs to be removed," said Christopher Strobel, legislative assistant to Minetta.

DeWitt would have liked to vote for George Bush, he said, but he's let his voter registration lapse for the time being.

"I feel like I'm an American," he said. "I can't imagine not being an American."

By Mr. BENTSEN (for himself, Mr. DURENBERGER, Mr. MITCHELL, Mr. ROCKEFELLER, Mr. PRYOR, Mr. RIEGLE, Mr. BAUCUS, Mr. BREAUX, Mr. DASCHLE, Mr. MCCAIN, Mr. KASTEN, and Mr. COHEN):

S. 1872. A bill to provide for improvements in access and affordability of health insurance coverage through small employer health insurance reform, for improvements in the portability of health insurance, and for health care cost containment, and for other purposes; to the Committee on Finance.

BETTER ACCESS TO AFFORDABLE HEALTH CARE ACT OF 1991

Mr. BENTSEN. Mr. President, together with Senators DURENBERGER, MITCHELL, ROCKEFELLER, PRYOR, BAUCUS, BREAUX, DASCHLE, RIEGLE, COHEN, MCCAIN, and KASTEN I am today introducing the Better Access to Affordable Health Care Act of 1991.

I am very pleased that Chairman ROSTENKOWSKI of the Ways and Means Committee has agreed to join us in this effort by introducing a companion bill in the House of Representatives.

The American health care system is the best in the world—for those who can afford it. But an increasing number of families are facing loss of some benefits or even all of their health insurance coverage. The deterioration in employer-based health insurance is serious and requires our immediate attention. The Census Bureau recently issued updated estimates. Some 34.6 million Americans had no health insurance protection in 1990, an increase of 1.3 million people from the previous year.

Clearly, the recession contributed to that increase. But the vast majority of the uninsured—80 percent—have jobs or are in families in which at least one person has a job.

Even those workers with health insurance coverage are afraid to change jobs and lose coverage—creating "job lock." The New York Times/CBS poll published late in September reports that 3 in 10 Americans say they or someone in their household have stayed in a job they wanted to leave but feared losing health benefits.

At the same time, health care costs are of growing concern to those who must pay the bills—individuals, business, and Government. National health care spending totaled $675 billion in 1990 and is projected to continue growing at double digit rates. At an April 16 hearing before the Committee on Finance, the President's Budget Director, Richard Darman, projected that health care will increase from 12 percent of the gross national product [GNP] in 1990 to 17 percent of GNP by the end of the decade—a trend he correctly termed "unsustainable."

Solving the dual problems of rising health care costs and lack of access to health insurance protection will require dramatic changes in the overall health care system. A number of proposals for comprehensive reform have been introduced in the Senate. They include a thoughtful proposal offered by the majority leader along with Senators ROCKEFELLER, RIEGLE, and KENNEDY. Senator KERREY has worked hard in offering a different approach to comprehensive reform. I understand that Senator CHAFEE and the Republican Health Task Force are at work on an alternative. In the House, health care reform bills have been introduced by Chairman ROSTENKOWSKI of the Ways and Means Committee, Chairman DINGELL of the Energy and Commerce Committee, and others.

All these proposals deserve careful consideration. And we will continue to hold hearings in the Finance Committee to fully explore approaches for comprehensive reform.

Regardless of the approach taken, enacting comprehensive health care reform will not be easily accomplished, and it will take time. Everyone will be affected in some way, and major structural changes will be made. We in the Congress are ready to begin deliberations. But comprehensive reform can't happen without the President's active participation. Hopefully, we will hear from him soon on this important issue, but so far there's been no sign that the White House wants to work on this—at least until after the election, if then. It's too controversial.

But the millions of Americans who are watching their insurance premiums go up while their coverage is reduced, cannot wait for the President, or for the debate on comprehensive health care reform to conclude. In my own State of Texas, 26 percent of the population is uninsured. And Texas is not unique. We need to take steps to address the problems with our health care system, and we can do so without prejudicing the outcome of the larger debate for comprehensive reform. S. 1872 takes those steps.

The Congressional Budget Office reports that 80 percent of the uninsured are workers or dependents of workers. In over half of these cases, that job is with a business with fewer than 50 employees. Many of the provisions of S. 1872 are designed to improve the availability and affordability of health insurance to small businesses and make it easier for them to offer coverage and allow more working Americans to get insurance.

We can't forget that real people are at the other end of the statistics. Earlier this year, Don Summers, president of Austin Welder & Generator Service, a nine-employee firm, testified before the Finance Committee. His employees had always been able to count on receiving health insurance from the company. But between 1987 and 1990 his firm's health insurance premiums increased more than four times over—despite the fact that the employee deductible rose from $300 to $600. Finally, Austin Welder could no longer afford to provide insurance coverage to those nine workers and their families. No insurance for one worker with a child on the way and others with health needs that must be met. Employees of small businesses across the country are finding themselves in similar predicaments.

S. 1872 will take steps to help ensure that employees of small businesses have access to affordable health insurance.

TAX DEDUCTION FOR SELF-EMPLOYED

S. 1872 would help make health insurance more affordable for small businesses by increasing the tax deduction for health insurance premiums for the self-employed from 25 to 100 percent and making the deduction permanent. This will give small business owners the same tax treatment available to corporations.

SMALL EMPLOYER INSURANCE REFORM

The bill would also provide for reform of the market for health insurance sold to businesses of 2 to 50 employees. This is a critical step toward making health insurance more available and affordable to workers in small business.

Insurers have been competing vigorously to cover only healthy workers—denying coverage for workers and dependents with previous medical conditions, refusing to cover businesses in certain industries and occupations, and for those groups that are offered insurance, canceling coverage once someone in the group gets sick. Once some insurers started down this path more and more companies joined in for fear of ending up with all the high risk cases that other insurers were turning down.

These practices have created instability in the market for small business health insurance. Business owners are forced to shift coverage frequently as policies are canceled or premium increases rise at rates sometimes double the underlying trend for health insurance which is in excess of 20 percent a year.

At their August meeting in Seattle the National Governors Association made clear their commitment to the need for uniform minimum standards for State health insurance reform while reaffirming their view that States should continue to play a critical role as regulators of the insurance industry. Under S. 1872 such minimum State standards would be developed, with a prominent role for the National Association of Insurance Commissioners.

Those standards would prohibit insurers from excluding individual workers or their dependents from group coverage, and would guarantee that policies be renewable.

Variation in premiums for small employees would be restricted for factors such as health status, claims experience, duration since issue, industry or occupation. The rating bands proposed in S. 1872 are intended to eliminate the worst rating practices exhibited by insurers.

Many of my colleagues would like to see us move to pure community rating so that all small businesses in an area are charged the same premium rates, without regard to health experience, age, sex, or other factors. I don't disagree with the concept behind community rating—insurance should be a mechanism for spreading risk among large populations. I am particularly concerned about the fact that premiums charged for young men—largely because of the costs associated with pregnancy.

But I believe we need to be careful as we take these first steps in stabilizing the small group insurance market. If we make the rating bands too tight, we run the risk of raising premiums for some small businesses already offering insurance to their employees to such an extent that they are priced right out of the market. The impact of tight rating restrictions in combination with the other reforms on price and availability of health insurance to small businesses is not completely predictable.

Therefore, under S. 1872, the initial rating restrictions would apply only to health status, claims experience, industry or occupation and duration of insurance coverage. The General Accounting Office would report to the Congress after 3 years on the impact of the rating restrictions on the price and availability of insurance to small employers. In addition, the report would include the Comptroller General's recommendations regarding the elimination of variation in rates due to health status factors, the age and sex composition of groups and other factors.

Annual increases in premiums would be made more predictable. Premiums for an individual employer could not increase by more than 5-percent above the underlying trend. This requirement would go far toward offering predictability and stability in the market for small business health insurance.

A survey by the National Federation of Independent Business reports that since 1983, small business owners have identified the rising cost of health insurance as the No. 1 problem facing small businesses, and that almost 90 percent of small employers believe that health insurance is becoming prohibitively expensive.

Even with rating reforms, many small businesses will have difficulty affording health insurance unless more affordable insurance is made available to them. Small employers and their employees should not be required to choose only between the most comprehensive insurance protection or none at all. By allowing for variety in benefit design, S. 1872 will make it possible for more small employers to provide some insurance protection tailored to the needs of their employees.

Another approach that has been proposed to make insurance more affordable to small business would require insurers to offer insurance plans that pay providers based on Medicare payment rates. S. 1872 would require the Secretary of Health and Human Services to study the feasibility and impact of going forward with this approach.

"JOB LOCK" AND PORTABILITY OF INSURANCE

It is inequitable when a person who has had health insurance coverage should have to start from scratch every time they change jobs and change health insurance coverage. Preexisting condition exclusions which deny coverage for medical treatment for a year or more can make it impossible for a worker who has a chronic health problem of a dependent child in need of ongoing health treatment to change jobs.

The bill would attack the problem of job lock by ensuring that any individual moving from one job to another would not lose coverage for preexisting conditions. For individuals who had not been previously insured, a one-time preexisting condition exclusion could not be in effect for more than 6 months.

HEALTH CARE COST COMMISSION

A Health Care Cost Commission would be established to advise the President and the Congress on how to tackle high and rising health care costs. The Commission would include representatives of all perspectives in our health care system—individual consumers, large and small businesses, labor organizations, providers and insurers.

The Commission would report annually on trends in health care costs, the impact of efforts underway in the public and private sectors to address the problem, and make recommendations for how to proceed to slow the upward spiral in health care spending. The Commission would be required to specifically address the issue of administrative costs in its first annual report, including the development of uniform reporting of claims and clinical data.

PROMOTING MANAGED CARE

Managed care programs have shown some promise in slowing the rate of growth in health care costs. At the same time, managed care is still an evolving concept, and there are legitimate concerns among health care providers and consumers that managed care programs should be expected to provide for access to necessary service from quality health care providers.

S. 1872 would establish a voluntary Federal certification program for managed care plans and utilization review programs. Those plans and programs meeting requirements for Federal certification would receive special protection from laws that undermine the success of these efforts.

GRANTS TO STATES

S. 1872 would authorize $150 million for each of the next 3 years to provide grants to States for establishing group purchasing programs for small business health insurance.

States could look to a variety of models in developing such programs. For example, with the support of the Robert Wood Johnson Foundation, the State of Florida has established the Florida Health Access Corporation [FHAC]. FHAC negotiates with insurers to provide coverage to small businesses that have not previously provided employee health insurance benefits. In Cleveland, the Council of Smaller Enterprises operates a group purchasing program for 8,000 small businesses. The California Legislature has under consideration a pooled employee approach that would allow employees of enrolled small businesses to choose among alternative health insurance plans.

OUTCOMES RESEARCH

Outcomes research holds promise for improving quality of health care and containing health care costs by identifying the most effective treatment patterns. Under S. 1872 the authorization for outcomes research would be increased from $110 to $175 million in fiscal year 1992, to $225 million in fiscal year 1993, and to $275 million in 1994. New guidelines would be targeted at clinical treatments or conditions that significantly affect national health expenditures.

MEDICARE PREVENTION BENEFITS

Earlier this year, I was joined by Senator ROCKEFELLER and in the House Chairman ROSTENKOWSKI of the Ways and Means Committee in introducing S. 1231, a bill to expand Medicare benefits to improve the package of preventive services currently available to Medicare beneficiaries and to establish mechanisms to promote future progress on health prevention as well. The Congressional Budget Office estimates that over 13 million Medicare enrollees would benefit from the cancer screening and influenza immunization benefits provided for in this bill.

Medicare beneficiaries should have ready access to services that contribute to improved health care through early intervention and treatment. Therefore, I have included the provisions of S. 1231 as part of this bill.

CONCLUSION

The bills Chairman ROSTENKOWSKI and I are introducing today attempt to put forth incremental steps to improve the health care system. My colleagues and I welcome support from other Members in this endeavor. We believe this bill is a strong effort, but it is not perfect. We also welcome suggestions for improvement. In particular, while the bills introduced in the House and the Senate are identical in most respects, it is our hope and expectation that the differences between S. 1872 and its House companion will provide us with the benefit for further discussion of important issues as we proceed with legislation.

S. 1872 should certainly not be construed as an attempt to accomplish comprehensive reform of the health care system. And it will not be my final word on improvements in our health care system.

Preliminary estimates put the total Federal budget cost of this bill at $10 billion for fiscal years 1992 through 1996. The Medicare prevention provisions total $2.6 billion. Increasing the tax deduction for health insurance premiums for the self-employed to 100 percent beginning in 1992 and making it permanent would lower revenue by $7.4 billion for the 5-year period.

While the bill does not include any offset to cover these costs, let me assure my colleagues that any bill reported out of the Committee on Finance will be fully financed. We may not be able to enact all the provisions as introduced, but I believe we should proceed without delay.

Mr. President, I ask unanimous consent that the text of S. 1872 and a summary of the bill be printed in the RECORD immediately following my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1872

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Better Access to Affordable Health Care Act of 1991".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—IMPROVEMENTS IN HEALTH INSURANCE AFFORDABILITY FOR SMALL EMPLOYERS

Sec. 101. Permanent increase in deductible health insurance costs for self-employed individuals.
Sec. 102. Grants to States for small employer health insurance purchasing programs.
Sec. 103. Study of use of medicare rates by private health insurance plans.

TITLE II—IMPROVEMENTS IN HEALTH INSURANCE FOR SMALL EMPLOYERS

Subtitle A—Standards And Requirements of Small Employer Health Insurance Reform

Sec. 201. Standards and requirements of small employer health insurance.

Subtitle B—Tax Penalty on Noncomplying Insurers

Sec. 211. Excise tax on premiums received on health insurance policies which do not meet certain requirements.

Subtitle C—Studies and Reports

Sec. 221. GAO study and report on rating requirements and benefit packages for small group health insurance.

TITLE III—IMPROVEMENTS IN PORTABILITY OF PRIVATE HEALTH INSURANCE

Sec. 301. Excise tax imposed on failure to provide for preexisting condition.

TITLE IV—HEALTH CARE COST CONTAINMENT

Sec. 401. Establishment of Health Care Cost Commission.
Sec. 402. Federal certification of managed care plans and utilization review programs.
Sec. 403. Additional funding for outcomes research.

TITLE V—MEDICARE PREVENTION BENEFITS

Sec. 501. Coverage of colorectal screening.
Sec. 502. Coverage of certain immunizations.
Sec. 503. Coverage of well-child care.
Sec. 504. Annual screening mammography.
Sec. 505. Demonstration projects for coverage of other preventive services.
Sec. 506. OTA study of process for review of medicare coverage of preventive services.

TITLE I—IMPROVEMENTS IN HEALTH INSURANCE AFFORDABILITY FOR SMALL EMPLOYERS

SEC. 101. PERMANENT INCREASE IN DEDUCTIBLE HEALTH INSURANCE COSTS FOR SELF-EMPLOYED INDIVIDUALS.

(a) IN GENERAL.—Paragraph (1) of section 162(l) of the Internal Revenue Code of 1986 (relating to special rules for health insurance costs of self-employed individuals) is amended by striking "25 percent" and inserting "100 percent".

(b) PERMANENT DEDUCTION.—Section 162(l) of such Code is amended by striking paragraph (6).

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1991.

SEC. 102. GRANTS TO STATES FOR SMALL EMPLOYER HEALTH INSURANCE PURCHASING PROGRAMS.

(a) IN GENERAL.—The Secretary of Health and Human Services (hereafter in this section referred to as the "Secretary") shall make grants in amounts up to $10,000,000 to up to 15 States that submit applications meeting the requirements of this section for the establishment and operation of small employer health insurance purchasing programs.

(b) USE OF FUNDS.—Grant funds awarded under this section to a State may be used to finance administrative costs associated with developing and operating a group purchasing program for small employers, such as the costs associated with—

(1) engaging in marketing and outreach efforts to inform small employers about the group purchasing program, which may include the payment of sales commissions;

(2) negotiating with insurers to provide health insurance through the group purchasing program; or

(3) providing administrative functions, such as eligibility screening, claims administration, and customer service.

(c) APPLICATION REQUIREMENTS.—An application submitted by a State to the Secretary must describe—

(1) whether the program will be operated directly by the State or through one or more State-sponsored private organizations and the details of such operation;

(2) any participation requirements for small employers;

(3) the extent of insurance coverage among the eligible population, projections for change in the extent of such coverage, and the price of insurance currently available to these small employers;

(4) program goals for reducing the price of health insurance for small employers and increasing insurance coverage among employees of small employers and their dependents;

(5) the approaches proposed for enlisting participation by insurers and small employers, including any plans to use State funds to subsidize the cost of insurance for participating employers; and

(6) the methods proposed for evaluating the effectiveness of the program in reducing the number of uninsured in the State and on lowering the price of health insurance to small employers in the State.

(d) GRANT CRITERIA.—In awarding grants, the Secretary shall consider the potential impact of the State's proposal on the cost of health insurance for small employers and on the number of uninsured, and the need for regional variation in the awarding of grants. To the extent the Secretary deems appropriate, grants shall be awarded to fund programs employing a variety of approaches for establishing small employer health insurance group purchasing programs.

(e) PROHIBITION ON GRANTS.—No grant funds shall be paid to States that do not meet the requirements of title XXI of the Social Security Act with respect to small employer health insurance plans, or to States with group purchasing programs involving small employer health insurance plans that do not meet the requirements of such title.

(f) ANNUAL REPORT BY STATES.—States receiving grants under this section must report to the Secretary annually on the numbers and rates of participation by eligible insurers and small employers, on the estimated impact of the program on reducing the number of uninsured, and on the price of insurance available to small employers in the State.

(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for each of fiscal years 1992, 1993, and 1994, $150,000,000 for the purposes of awarding grants under this section.

(h) SECRETARIAL REPORT.—The Secretary shall report to Congress by no later than January 1, 1995, on the number and amount of grants awarded under this section, and include with such report an evaluation of the impact of the grant program on the number of uninsured and price of health insurance to small employers in participating States.

SEC. 103. STUDY OF USE OF MEDICARE RATES BY PRIVATE HEALTH INSURANCE PLANS.

(a) IN GENERAL.—The Secretary of Health and Human Services (hereafter in this section referred to as the "Secretary") shall study and report to the Congress by no later than January 1, 1993, on the feasibility and desirability of establishing a requirement that insurers offering health insurance plans must make available plans under which payments to health care providers and practitioners are made using medicare payment rules as established under title XVIII of the Social Security Act.

(b) STUDY PROVISIONS.—The study and report under this section shall include an evaluation of—

(1) the applicability of medicare payment rules to services provided to the general population, including any adjustments that might be necessary to achieve general application of these rules;

(2) the potential impact of such requirements on health insurance premiums and on national health care spending;

(3) the potential impact on participation by providers and practitioners in the medicare program and on the health insurance costs of other payers if such a requirement were limited to private health insurance plans sold to small employers; and

(4) the potential impact on participation by providers and practitioners in the medicare program and on the health insurance costs of other payers if such a requirement were applied to all private health insurance plans.

TITLE II—IMPROVEMENTS IN HEALTH INSURANCE FOR SMALL EMPLOYERS

Subtitle A—Standards and Requirements of Small Employer Health Insurance Reform

SEC. 201. STANDARDS AND REQUIREMENTS OF SMALL EMPLOYER HEALTH INSURANCE.

The Social Security Act is amended by adding at the end the following new title:

"TITLE XXI—STANDARDS FOR SMALL EMPLOYER HEALTH INSURANCE AND CERTIFICATION OF MANAGED CARE PLANS

"PART A—GENERAL STANDARDS; DEFINITIONS

"APPLICATION OF REQUIREMENTS TO SMALL EMPLOYER HEALTH INSURANCE PLANS

"SEC. 2101. (a) PLAN UNDER STATE REGULATORY PROGRAM OR CERTIFIED BY THE SECRETARY.—An insurer offering a health insurance plan to a small employer in a State on or after the effective date applicable to the State under subsection (b) shall be treated as meeting the requirements of this title if—

"(1) the Secretary determines that the State has established a regulatory program that provides for the application and enforcement of standards meeting the requirements under section 2102 to meet the requirements of part B of this title; and

"(2) if the State has not established such a program or if the program has been decertified by the Secretary under section 2102(b), the health insurance plan has been certified by the Secretary (in accordance with such procedures as the Secretary establishes) as meeting the requirements of part B of this title.

"(b) EFFECTIVE DATES.—

"(1) IN GENERAL.—Except as specified in paragraph (2) and provided in paragraph (3), the standards established under section 2102 to meet the requirements of part B of this title shall apply to health insurance plans offered, issued, or renewed to a small employer in a State on or after January 1, 1994.

"(2) EXCEPTION FOR LEGISLATION.—In the case of a State which the Secretary identifies, in consultation with the NAIC, as—

"(A) requiring State legislation (other than legislation appropriating funds) in order for insurers and health insurance plans offered to small employers to meet the standards under the program established under subsection (a), and

"(B) having a legislature which does not meet in 1993 in a legislative session in which such legislation may be considered,

the date specified in this paragraph is the first day of the first calendar quarter beginning after the close of the first regular legislative session of the State legislature that begins on or after January 1, 1994. For purposes of the previous sentence, in the case of a State that has a 2-year legislative session, each year of such session shall be deemed to be a separate regular legislative session of the State legislature.

"(3) REQUIREMENTS APPLIED TO EXISTING POLICIES.—In the case of a health insurance plan in effect before the applicable effective date specified in paragraph (1) or (2), the requirements referred to in subsections (a) and (b) of section 2112 shall not apply to any such plan, or any renewal of such plan, before the date which is 2 years after such effective date.

"(c) REPORTING REQUIREMENTS OF STATES.—Each State shall submit to the Secretary, at intervals established by the Secretary, a report on the implementation and enforcement of the standards under the program established under subsection (a)(1) with respect to health insurance plans offered to small employers.

"(d) MORE STRINGENT STATE STANDARDS PERMITTED.—Except as provided in subsections (b)(8) and (c)(4) of section 2113, a State may implement standards that are more stringent than the standards established to meet the requirements of part B of this title.

"ESTABLISHMENT OF STANDARDS

"SEC. 2102. (a) ESTABLISHMENT OF STANDARDS.—

"(1) ROLE OF THE NAIC.—The Secretary shall request that the NAIC—

"(A) develop specific standards, in the form of a model Act and model regulations, to implement the requirements of part B of this title; and

"(B) report to the Secretary on such standards,

by not later than September 30, 1992. If the NAIC develops such standards within such period and the Secretary finds that such standards implement the requirements of part B of this title, such standards shall be the standards applied under section 2101.

"(2) ROLE OF THE SECRETARY.—If the NAIC fails to develop and report on the standards described in paragraph (1) by the date specified in such paragraph or the Secretary finds that such standards do not implement the requirements under part B of this title, the Secretary shall develop and publish such standards, by not later than December 31, 1992. Such standards shall then be the standards applied under section 2101.

"(3) STANDARDS ON GUARANTEED AVAILABILITY.—The standards developed under paragraphs (1) and (2) shall provide alternative standards for guaranteeing availability of health insurance plans for all small employers in a State as provided in section 2111(c).

"(b) PERIODIC SECRETARIAL REVIEW OF STATE REGULATORY PROGRAM.—The Secretary periodically shall review State regulatory programs to determine if they continue to meet and enforce the standards referred to in subsection (a). If the Secretary initially determines that a State regulatory program no longer meets and enforces such standards, the Secretary shall provide the State an opportunity to adopt a plan of correction that would bring such program into compliance with such standards. If the Secretary makes a final determination that the State regulatory program fails to meet and enforce such standards and requirements after such an opportunity, the Secretary shall decertify such program and assume responsibility under section 2101(a)(2) with respect to plans in the State.

"(c) GAO AUDITS.—The Comptroller General of the United States shall conduct periodic reviews on a sample of State regulatory programs to determine their compliance with the standards and requirements of this title. The Comptroller General of the United States shall report to the Secretary and Congress on the findings of such reviews.

"DEFINITIONS

"SEC. 2103. (a) HEALTH INSURANCE PLAN.—As used in this title, the term 'health insurance plan' means any hospital or medical service policy or certificate, hospital or medical service plan contract, or health maintenance organization group contract and, in States which have distinct licensure requirements, a multiple employer welfare arrangement, but does not include—

"(1) a self-insured health insurance plan; or

"(2) any of the following offered by an insurer—

"(A) accident only, dental only, disability only insurance, or long-term care only insurance,

"(B) coverage issued as a supplement to liability insurance,

"(C) workmen's compensation or similar insurance, or

"(D) automobile medical-payment insurance.

"(b) INSURER AND HEALTH MAINTENANCE ORGANIZATION.—As used in this title:

"(1) INSURER.—The term 'insurer' means any person that offers a health insurance plan to a small employer.

"(2) HEALTH MAINTENANCE ORGANIZATION.—The term 'health maintenance organization' has the meaning given the term 'eligible organization' in section 1876(b) of this Act.

"(c) GENERAL DEFINITIONS.—As used in this title:

"(1) APPLICABLE REGULATORY AUTHORITY.—The term 'applicable regulatory authority' means—

"(A) in the case of a health insurance plan offered in a State with a program meeting the requirements of part B of this title, the State commissioner or superintendent of insurance or other State authority responsible for regulation of health insurance; or

"(B) in the case of a health insurance plan certified by the Secretary under section 2101(a)(2), the Secretary.

"(2) SMALL EMPLOYER.—The term 'small employer' means, with respect to a calendar year, an employer that normally employs more than 1 but less than 51 eligible employees on a typical business day. For the purposes of this paragraph, the term 'employee' includes a self-employed individual.

"(3) ELIGIBLE EMPLOYEE.—The term 'eligible employee' means, with respect to an employer, an employee who normally performs on a monthly basis at least 30 hours of service per week for that employer.

"(4) NAIC.—The term 'NAIC' means the National Association of Insurance Commissioners.

"PART B—SMALL EMPLOYER HEALTH INSURANCE REFORM

"GENERAL REQUIREMENTS FOR HEALTH INSURANCE PLANS ISSUED TO SMALL EMPLOYERS

"SEC. 2111. (a) REGISTRATION WITH APPLICABLE REGULATORY AUTHORITY.—Each insurer shall register with the applicable regulatory authority for each State in which it issues or offers a health insurance plan to small employers.

"(b) GUARANTEED ELIGIBILITY.—

"(1) IN GENERAL.—No insurer may exclude from coverage any eligible employee, or the spouse or any dependent child of the eligible employee, to whom coverage is made available by a small employer.

"(2) WAITING PERIODS.—Paragraph (1) shall not apply to any period an eligible employee is excluded from coverage under the health insurance plan solely by reason of a requirement applicable to all employees that a minimum period of service with the small employer is required before the employee is eligible for such coverage.

"(c) GUARANTEED AVAILABILITY.—

"(1) IN GENERAL.—Subject to the succeeding provisions of this subsection, an insurer that offers a health insurance plan to small employers located in a State must meet the standards adopted by the State described in paragraph (2).

"(2) STANDARDS ON GUARANTEED AVAILABILITY.—

"(A) IN GENERAL.—In order to implement the requirements of this title, the standards developed under paragraphs (1) and (2) of section 2102(a) shall—

"(i) require that a State adopt a mechanism for guaranteeing the availability of health insurance plans for all small employers in the State, and

"(ii) specify alternative mechanisms, including at least the alternative mechanisms described in subparagraph (B), that a State may adopt.

"(B) ALTERNATIVE MECHANISMS.—The alternative mechanisms described in this subparagraph are:

"(i) A mechanism under which the State—

"(I) requires that any insurer offering a health insurance plan to a small employer in the State shall offer the same plan to all other small employers in the State, and

"(II) requires the participation of all such insurers in a small employer reinsurance program established by the State.

"(ii) A mechanism under which the State—

"(I) requires that any insurer offering a health insurance plan to a small employer in the State shall offer the same plan to all other small employers in the State, and

"(II) permits any such insurer to participate in a small employer reinsurance program established by the State.

"(iii) A mechanism under which the State requires that any insurer offering a health insurance plan to a small employer in the State shall participate in a program for assigning high-risk groups among all such insurers.

"(iv) A mechanism under which the State requires that any insurer that—

"(I) offers a health insurance plan to a small employer in the State, and

"(II) does not agree to offer the same plan to all other small employers in the State, shall participate in a program for assigning high-risk groups among all such insurers.

"(C) STATE ADOPTION OF CERTAIN STANDARDS.—A regulatory program adopted by the State under section 2101 must provide—

"(i) for the adoption of one of the mechanisms described in clauses (i) through (iv) of subparagraph (B), or

"(ii) for such other program that guarantees availability of health insurance to all small employers in the State and is approved by the Secretary.

"(D) STANDARDS FOR NONCOMPLYING STATES.—The Secretary, in consultation with the Secretary of the Treasury, shall develop requirements with respect to guaranteed availability to apply with respect to insurers located in a State that has not adopted the standards under section 2102 and who wish to apply for certification under section 2101(a)(2).

"(3) GROUNDS FOR REFUSAL TO RENEW.—

"(A) IN GENERAL.—An insurer may refuse to renew, or may terminate, a health insurance plan under this part only for—

"(i) nonpayment of premiums,

"(ii) fraud or misrepresentation, or

"(iii) failure to maintain minimum participation rates (consistent with subparagraph (B)).

"(B) MINIMUM PARTICIPATION RATES.—An insurer may require, with respect to a health insurance plan issued to a small employer, that a minimum percentage of eligible employees who do not otherwise have health insurance are enrolled in such plan if such percentage is applied uniformly to all plans offered to employers of comparable size.

"(d) GUARANTEED RENEWABILITY.—

"(1) IN GENERAL.—An insurer shall ensure that a health insurance plan issued to a small employer be renewed, at the option of the small employer, unless the plan is terminated for a reason specified in paragraph (2) or in subsection (c)(3)(A).

"(2) TERMINATION OF SMALL EMPLOYER BUSINESS.—An insurer is not required to renew a health insurance plan with respect to a small employer if the insurer—

"(A) elects not to renew all of its health insurance plans issued to small employers in a State; and

"(B) provides notice to the applicable regulatory authority in the State and to each small employer covered under a plan of such termination at least 180 days before the date of expiration of the plan.

In the case of such a termination, the insurer may not provide for issuance of any health insurance plan to a small employer in the State during the 5-year period beginning on the date of termination of the last plan not so renewed.

"(e) NO DISCRIMINATION BASED ON HEALTH STATUS FOR CERTAIN SERVICES.—

"(1) IN GENERAL.—Except as provided under paragraph (2), a health insurance plan offered to a small employer by an insurer may not deny, limit, or condition the coverage under (or benefits of) the plan based on the health status, claims experience, receipt of health care, medical history, or lack of evidence of insurability, of an individual.

"(2) TREATMENT OF PREEXISTING CONDITION EXCLUSIONS FOR ALL SERVICES.—

"(A) IN GENERAL.—Subject to the succeeding provisions of this paragraph, a health insurance plan offered to a small employer by an insurer may exclude coverage with respect to services related to treatment of a preexisting condition, but the period of such exclusion may not exceed 6 months. The exclusion of coverage shall not apply to services furnished to newborns.

"(B) CREDITING OF PREVIOUS COVERAGE.—

"(i) IN GENERAL.—A health insurance plan issued to a small employer by an insurer shall provide that if an individual under such plan is in a period of continuous coverage (as defined in clause (ii)(I)) with respect to particular services as of the date of initial coverage under such plan, any period of exclusion of coverage with respect to a preexisting condition for such services or type of services shall be reduced by 1 month for each month in the period of continuous coverage.

"(ii) DEFINITIONS.—As used in this subparagraph:

"(I) PERIOD OF CONTINUOUS COVERAGE.—The term 'period of continuous coverage' means, with respect to particular services, the period beginning on the date an individual is enrolled under a health insurance plan, title XVIII, title XIX, or other health benefit arrangement including a self-insured plan which provides benefits with respect to such services and ends on the date the individual is not so enrolled for a continuous period of more than 3 months.

"(II) PREEXISTING CONDITION.—The term 'preexisting condition' means, with respect to coverage under a health insurance plan issued to a small employer by an insurer, a condition which has been diagnosed or treated during the 3-month period ending on the day before the first date of such coverage (without regard to any waiting period).

"REQUIREMENTS RELATED TO RESTRICTIONS ON RATING PRACTICES

"SEC. 2112. (a) LIMIT ON VARIATION OF PREMIUMS BETWEEN BLOCKS OF BUSINESS.—

"(1) IN GENERAL.—The base premium rate for any block of business of an insurer (as defined in section 2103(b)(1)) may not exceed the base premium rate for any other block of business by more than 20 percent.

"(2) EXCEPTIONS.—Paragraph (1) shall not apply to a block of business if the applicable regulatory authority determines that—

"(A) the block is one for which the insurer does not reject, and never has rejected, small employers included within the definition of employers eligible for the block of business or otherwise eligible employees and dependents who enroll on a timely basis, based upon their claims experience, health status, industry, or occupation,

"(B) the insurer does not transfer, and never has transferred, a health insurance plan involuntarily into or out of the block of business, and

"(C) health insurance plans offered under the block of business are currently available for purchase by small employers at the time an exception to paragraph (1) is sought by the insurer.

"(b) LIMIT ON VARIATION IN PREMIUM RATES WITHIN A BLOCK OF BUSINESS.—For a block of business of an insurer, the highest premium rates charged during a rating period to small employers with similar demographic characteristics (including age, sex, and geography and not relating to claims experience, health status, industry, occupation, or duration of coverage since issue) for the same or similar coverage, or the highest rates which could be charged to such employers under the rating system for that block of business, shall not exceed an amount that is 1.5 times the base premium rate for the block of business for a rating period (or portion thereof) that occurs in the first 3 years in which this section is in effect, and 1.35 times the base premium rate thereafter.

"(c) CONSISTENT APPLICATION OF RATING FACTORS.—In establishing premium rates for health insurance plans offered to small employers—

"(1) an insurer making adjustments with respect to age, sex, or geography must apply such adjustments consistently across small employers, and

"(2) no insurer may use a geographic area that is smaller than a county or smaller than an area that includes all areas in which the first three digits of the zip code are identical, whichever is smaller.

"(d) Limit on Transfer of Employers Among Blocks of Business.—

"(1) In general.—An insurer may not transfer a small employer from one block of business to another without the consent of the employer.

"(2) Offers to transfer.—An insurer may not offer to transfer a small employer from one block of business to another unless—

"(A) the offer is made without regard to age, sex, geography, claims experience, health status, industry, occupation or the date on which the policy was issued, and

"(B) the same offer is made to all other small employers in the same block of business.

"(e) Limits on Variation in Premium Increases.—The percentage increase in the premium rate charged to a small employer for a new rating period (determined on an annual basis) may not exceed the sum of the percentage change in the base premium rate plus 5 percentage points.

"(f) Definitions.—In this section:

"(1) Base premium rate.—The term 'base premium rate' means, for each block of business for each rating period, the lowest premium rate which could have been charged under a rating system for that block of business by the insurer to small employers with similar demographic or other relevant characteristics (including age, sex, and geography and not relating to claims experience, health status, industry, occupation or duration of coverage since issue) for health insurance plans with the same or similar coverage.

"(2) Block of business.—

"(A) In general.—Except as provided in subparagraph (B), the term 'block of business' means, with respect to an insurer, all of the small employers with a health insurance plan issued by the insurer (as shown on the records of the insurer).

"(B) Distinct groups.—

"(i) In general.—Subject to clause (ii), a distinct group of small employers with health insurance plans issued by an insurer may be treated as a block of business by such insurer if all of the plans in such group—

"(I) are marketed and sold through individuals and organizations that do not participate in the marketing or sale of other distinct groups by the insurer,

"(II) have been acquired from another insurer as a distinct group, or

"(III) are provided through an association with membership of not less than 25 small employers that has been formed for purposes other than obtaining health insurance.

"(ii) Exception allowed.—Except as provided in subparagraph (C), an insurer may not establish more than one distinct group of small employers for each category specified in clause (i).

"(C) Special rule.—An insurer may establish up to 2 groups under each category in subparagraph (A) or (B) to account for differences in characteristics (other than differences in plan benefits) of health insurance plans that are expected to produce substantial variation in health care costs.

"(f) Full Disclosure of Rating Practices.—

"(1) In general.—At the time an insurer offers a health insurance plan to a small employer, the insurer shall fully disclose to the employer all of the following:

"(A) Rating practices for small employer health insurance plans, including rating practices for different populations and benefit designs.

"(B) The extent to which premium rates for the small employer are established or adjusted based upon the actual or expected variation in claims costs or health condition of the employees of such small employer and their dependents.

"(C) The provisions concerning the insurer's right to change premium rates, the extent to which premiums can be modified, and the factors which affect changes in premium rates.

"(2) Notice on expiration.—An insurer providing health insurance plans to small employers shall provide for notice, at least 60 days before the date of expiration of the health insurance plan, of the terms for renewal of the plan. Such notice shall include an explanation of the extent to which any increase in premiums is due to actual or expected claims experience of the individuals covered under the small employer's health insurance plan contract.

"(g) Actuarial Certification.—Each insurer shall file annually with the applicable regulatory authority a written statement by a member of the American Academy of Actuaries (or other individual acceptable to such authority) that, based upon an examination by the individual which includes a review of the appropriate records and of the actuarial assumptions of the insurer and methods used by the insurer in establishing premium rates for small employer health insurance plans—

"(1) the insurer is in compliance with the applicable provisions of this section, and

"(2) the rating methods are actuarially sound.

Each insurer shall retain a copy of such statement for examination at its principal place of business.

"REQUIREMENTS FOR SMALL EMPLOYER HEALTH INSURANCE BENEFIT PACKAGE OFFERINGS

"Sec. 2113. (a) Basic and Standard Benefit Packages.—

"(1) In general.—If an insurer offers any health insurance plan to small employers in a State, the insurer shall also offer a health insurance plan providing for the standard benefit package defined in subsection (b) and a health insurance plan providing for the basic benefit package defined in subsection (c).

"(2) Managed care option.—

"(A) In general.—Except as provided in subparagraph (B), if an insurer offers a managed care plan in a State or a geographic area within a State to employers that are not small employers, the insurer must offer such managed care plan to small employers in the State or geographic area.

"(B) Size limits.—An insurer may cease enrolling new small employer groups in a managed care plan if it ceases to enroll any new employer groups in such plan.

"(b) Standard Benefit Package.—

"(1) In general.—Except as otherwise provided in this section, a health insurance plan providing for a standard benefit package shall be limited to payment for—

"(A) inpatient and outpatient hospital care, except that treatment for a mental disorder is subject to the special limitations described in subparagraph (E)(i);

"(B) inpatient and outpatient physicians' services, except that psychotherapy or counseling for a mental disorder is subject to the special limitations described in subparagraph (E)(ii);

"(C) diagnostic tests;

"(D) preventive services limited to—

"(i) prenatal care and well-baby care provided to children who are 1 year of age or younger;

"(ii) well child care;

"(iii) Pap smears;

"(iv) mammograms; and

"(v) colorectal screening services; and

"(E)(i) inpatient hospital care for a mental disorder for not less than 45 days per year, except that days of partial hospitalization or residential care may be substituted for days of inpatient care; and

"(ii) outpatient psychotherapy and counseling for a mental disorder for not less than 20 visits per year provided by a provider who is acting within the scope of State law and who—

"(I) is a physician; or

"(II) is a duly licensed or certified clinical psychologist or a duly licensed or certified clinical social worker, a duly licensed or certified equivalent mental health professional, or a clinic or center providing duly licensed or certified mental health services.

"(2) Amount, scope, and duration of certain benefits.—

"(A) In general.—Except as provided in subparagraph (B) and in paragraph (3), a health insurance plan providing for a standard benefit package shall place no limits on the amount, scope, or duration of benefits described in subparagraphs (A) through (C) of paragraph (1).

"(B) Preventive services.—A health insurance plan providing for a standard benefit package may limit the amount, scope, and duration of preventive services described in subparagraph (D) of paragraph (1) provided that the amount, scope, and duration of such services are reasonably consistent with recommendations and periodicity schedules developed by appropriate medical experts.

"(3) Exceptions.—Paragraph (1) shall not be construed as requiring a plan to include payment for—

"(A) items and services that are not medically necessary;

"(B) routine physical examinations or preventive care (other than care and services described in subparagraph (D) of paragraph (1)); or

"(C) experimental services and procedures.

"(4) Limitation on premiums.—

"(A) In general.—Except as provided in subparagraph (B), an insurer issuing a health insurance plan providing for a standard benefit package shall not require an employee to pay a monthly premium which exceeds 20 percent of the total monthly premium.

"(B) Part-time employee excepted.—In the case of a part-time employee, an insurer issuing a health insurance plan providing for a standard benefit package may require that such an employee pay a monthly premium that does not exceed 50 percent of the total monthly premium.

"(5) Limitation on deductibles.—

"(A) In general.—Except as permitted under subparagraph (B), a health insurance plan providing for a standard benefit package shall not provide a deductible amount for benefits provided in any plan year that exceeds—

"(i) with respect to benefits payable for items and services furnished to any employee with no family member enrolled under the plan, for a plan year beginning in—

"(I) a calendar year prior to 1993, $400; or

"(II) for a subsequent calendar year, the limitation specified in this clause for the previous calendar year increased by the percentage increase in the consumer price index for all urban consumers (United States city average, as published by the Bureau of Labor Statistics) for the 12-month period ending on September 30 of the preceding calendar year; and

"(ii) with respect to benefits payable for items and services furnished to any employee with a family member enrolled under the standard benefit package plan, for a plan year beginning in—

"(I) a calendar year prior to 1993, $400 per family member and $700 per family; or

"(II) for a subsequent calendar year, the limitation specified in this clause for the previous calendar year increased by the percentage increase in the consumer price index for all urban consumers (United States city average, as published by the Bureau of Labor Statistics) for the 12-month period ending on September 30 of the preceding calendar year.

If the limitation computed under clause (i)(II) or (ii)(II) is not a multiple of $10, it shall be rounded to the next highest multiple of $10.

"(B) Wage-related deductible.—A health insurance plan may provide for any other deductible amount instead of the limitations under—

"(i) subparagraph (A)(i), if such amount does not exceed (on an annualized basis) 1 percent of the total wages paid to the employee in the plan year; or

"(ii) subparagraph (A)(ii), if such amount does not exceed (on an annualized basis) 1 percent per family member or 2 percent per family of the total wages paid to the employee in the plan year.

"(6) Limitation on copayments and coinsurance.—

"(A) In general.—Subject to subparagraphs (B) through (D), a health insurance plan providing for a standard health benefit package may not require the payment of any copayment or coinsurance for an item or service for which coverage is required under this section—

"(i) in an amount that exceeds 20 percent of the amount payable for the item or service under the plan; or

"(ii) after an employee and family covered under the plan have incurred out-of-pocket expenses under the plan that are equal to the out-of-pocket limit (as defined in subparagraph (E)(ii)) for a plan year.

"(B) Exception for managed care plans.—A health insurance plan that is a managed care plan may require payments in excess of the amount permitted under subparagraph (A) in the case of items and services furnished by nonparticipating providers.

"(C) Exception for improper utilization.—A health insurance plan may provide for copayment or coinsurance in excess of the amount permitted under subparagraph (A) for any item or service that an individual obtains without complying with procedures established by a managed care plan or under a utilization program to ensure the efficient and appropriate utilization of covered services.

"(D) Exceptions for mental health care.—In the case of care described in paragraph (1)(E)(ii), a health insurance plan shall not require payment of any copayment or coinsurance for an item or service for which coverage is required by this part in an amount that exceeds 50 percent of the amount payable for the item or service.

"(7) Limit on out-of-pocket expenses.—

"(A) Out-of-pocket expenses defined.—As used in this section, the term 'out-of-pocket expenses' means, with respect to an employee in a plan year, amounts payable under the plan as deductibles and coinsurance with respect to items and services provided under the plan and furnished in the plan year on behalf of the employee and family covered under the plan.

"(B) Out-of-pocket limit defined.—As used in this section and except as provided in subparagraph (C), the term 'out-of-pocket limit' means for a plan year beginning in—

"(i) a calendar year prior to 1993, $3,000; or

"(ii) for a subsequent calendar year, the limit specified in this subparagraph for the previous calendar year increased by the percentage increase in the consumer price index for all urban consumers (United States city average, as published by the Bureau of Labor Statistics) for the 12-month period ending on September 30 of the preceding calendar year. If the limit computed under clause (ii) is not a multiple of $10, it shall be rounded to the next highest multiple of $10.

"(C) Alternative out-of-pocket limit.—A health insurance plan may provide for an out-of-pocket limit other than that defined in subparagraph (B) if, for a plan year with respect to an employee and the family of the employee, the limit does not exceed (on an annualized basis) 10 percent of the total wages paid to the employee in the plan year.

"(8) Limited preemption of state mandated benefits.—No State law or regulation in effect in a State that requires health insurance plans offered to small employers in the State to include specified items and services other than those specified by this subsection shall apply with respect to a health insurance plan providing for a standard benefit package offered by an insurer to a small employer.

"(c) Basic Benefits Package.—

"(1) In general.—A health insurance plan providing for a basic benefit package shall be limited to payment for—

"(A) inpatient and outpatient hospital care, including emergency services;

"(B) inpatient and outpatient physicians' services;

"(C) diagnostic tests;

"(D) preventive services (which may include one or more of the following services)—

"(i) prenatal care and well-baby care provided to children who are 1 year of age or younger;

"(ii) well-child care;

"(iii) Pap smears;

"(iv) mammograms; and

"(v) colorectal screening services.

"(2) Cost-sharing.—Each health insurance plan providing for the basic benefit package issued to a small employer by an insurer may impose premiums, deductibles, copayments, or other cost-sharing on enrollees of such plan.

"(3) Out-of-pocket limit.—Each health insurance plan providing for a basic benefit package shall provide for a limit on out-of-pocket expenses.

"(4) Limited preemption of state mandated benefits.—No State law or regulation in effect in a State that requires health insurance plans offered to small employers in the State to include specified items and services other than those described in this subsection shall apply with respect to a health insurance plan providing for a basic benefit package offered by an insurer to a small employer.".

Subtitle B—Tax Penalty on Noncomplying Insurers

SEC. 211. EXCISE TAX ON PREMIUMS RECEIVED ON HEALTH INSURANCE POLICIES WHICH DO NOT MEET CERTAIN REQUIREMENTS.

(a) In General.—Chapter 47 of the Internal Revenue Code of 1986 (relating to taxes on group health plans) is amended by adding at the end thereof the following new section:

"SEC. 5000A. FAILURE TO SATISFY CERTAIN STANDARDS FOR HEALTH INSURANCE.

"(a) General Rule.—In the case of any person issuing a health insurance plan to a small employer, there is hereby imposed a tax on the failure of such person to meet at any time during any taxable year the applicable requirements of title XXI of the Social Security Act. The Secretary of Health and Human Services shall determine whether any person meets the requirements of such title.

"(b) Amount of Tax.—

"(1) In general.—The amount of tax imposed by subsection (a) by reason of 1 or more failures during a taxable year shall be equal to 25 percent of the gross premiums received during such taxable year with respect to all health insurance plans issued to a small employer by the person on whom such tax is imposed.

"(2) Gross premiums.—For purposes of paragraph (1), gross premiums shall include any consideration received with respect to any accident and health insurance contract.

"(3) Controlled groups.—For purposes of paragraph (1)—

"(A) Controlled group of corporations.—All corporations which are members of the same controlled group of corporations shall be treated as 1 person. For purposes of the preceding sentence, the term 'controlled group of corporations' has the meaning given to such term by section 1563(a), except that—

"(i) 'more than 50 percent' shall be substituted for 'at least 80 percent' each place it appears in section 1563(a)(1), and

"(ii) the determination shall be made without regard to subsections (a)(4) and (e)(3)(C) of section 1563.

"(B) Partnerships, proprietorships, etc., which are under common control.—Under regulations prescribed by the Secretary, all trades or business (whether or not incorporated) which are under common control shall be treated as 1 person. The regulations prescribed under this subparagraph shall be based on principles similar to the principles which apply in the case of subparagraph (A).

"(c) Limitation on Tax.—

"(1) Tax not to apply where failure not discovered exercising reasonable diligence.—No tax shall be imposed by subsection (a) with respect to any failure for which it is established to the satisfaction of the Secretary that the person on whom the tax is imposed did not know, and exercising reasonable diligence would not have known, that such failure existed.

"(2) Tax not to apply where failures corrected within 30 days.—No tax shall be imposed by subsection (a) with respect to any failure if—

"(A) such failure was due to reasonable cause and not to willful neglect, and

"(B) such failure is corrected during the 30-day period beginning on the 1st date any of the persons on whom the tax is imposed knew, or exercising reasonable diligence would have known, that such failure existed.

"(3) Waiver by secretary.—In the case of a failure which is due to reasonable cause and not to willful neglect, the Secretary may waive part or all of the tax imposed by subsection (a) to the extent that the payment of such tax would be excessive relative to the failure involved.

"(d) Definitions.—For purposes of this section:

"(1) Health insurance plan.—The term 'health insurance plan' means any hospital or medical service policy or certificate, hospital or medical service plan contract, or health maintenance organization group contract, and in States which have distinct licensure requirements, a multiple employer welfare arrangement, but does not include—

"(A) a self-insured health insurance plan; or

"(B) any of the following:

"(i) accident only, dental only, disability only, or long-term care only insurance,

"(ii) coverage issued as a supplement to liability insurance,

"(iii) workmen's compensation or similar insurance, or

"(iv) automobile medical-payment insurance.

"(2) Small employer.—The term 'small employer' means, with respect to a calendar year, an employer that normally employs more than 1 but less than 51 eligible employees on a typical business day. For the purposes of this paragraph, the term 'employee' includes a self-employed individual.

"(3) Eligible employee.—The term 'eligible employee' means, with respect to an employer, an employee who normally performs on a monthly basis at least 30 hours of service per week for that employer.

"(4) Person.—The term 'person' means any person that offers a health insurance plan to a small employer, including a licensed insurance company, a prepaid hospital or medical service plan, a health maintenance organization, or in States which have distinct insurance licensure requirements, a multiple employer welfare arrangement.".

(b) Nondeductibility of Tax.—Paragraph (6) of section 275(a) of such Code (relating to nondeductibility of certain taxes) is amended by inserting "47," after "46,".

(c) Clerical Amendments.—The table of sections for such chapter 47 is amended by adding at the end thereof the following new item:

"Sec. 5000A. Failure to satisfy certain standards for health insurance.".

(d) Effective Dates.—

(1) In general.—The amendments made by subsections (a) and (c) shall take effect on the date of the enactment of this Act.

(2) Nondeductibility of tax.—The amendment made by subsection (b) shall apply to taxable years beginning after December 31, 1991.

Subtitle C—Studies and Reports

SEC. 221. GAO STUDY AND REPORT ON RATING REQUIREMENTS AND BENEFIT PACKAGES FOR SMALL GROUP HEALTH INSURANCE.

(a) In General.—The Comptroller General of the United States shall study and report to the Congress by no later than January 1, 1995, on—

(1) the impact of the standards for rating practices for small group health insurance established under section 2112 of the Social Security Act and the requirements for benefit packages established under section 2113 of such Act on the availability and price of insurance offered to small employers, differences in available benefit packages, and the number of small employers choosing standard or basic packages; and

(2) differences in State laws and regulations affecting the availability and price of health insurance plans sold to individuals and the impact of such laws and regulations, including the extension of requirements for health insurance plans sold to small employers in the State to individual health insurance and the establishment of State risk pools for individual health insurance.

(b) Recommendations.—The Comptroller General shall include in the report to Congress under this section recommendations for adjusting rating standards under section 2112 of the Social Security Act—

(1) to eliminate variation in premiums charged to small employers resulting from adjustments for such factors as claims experience and health status, and

(2) to eliminate variation in premiums associated with age, sex, and other demographic factors.

TITLE III—IMPROVEMENTS IN PORTABILITY OF PRIVATE HEALTH INSURANCE

SEC. 301. EXCISE TAX IMPOSED ON FAILURE TO PROVIDE FOR PREEXISTING CONDITION.

(a) In General.—Chapter 47 of the Internal Revenue Code of 1986 (relating to taxes on group health plans), as amended by section 211, is further amended by adding at the end thereof the following new section:

"SEC. 5000B. FAILURE TO SATISFY PREEXISTING CONDITION REQUIREMENTS OF GROUP HEALTH PLANS.

"(a) General Rule.—There is hereby imposed a tax on the failure of—

(1) a group health plan to meet the requirements of subsection (e), or

(2) any person to meet the requirements of subsection (f),

with respect to any covered individual.

"(b) Amount of Tax.—

"(1) In general.—The amount of the tax imposed by subsection (a) on any failure with respect to a covered individual shall be $100 for each day in the noncompliance period with respect to such failure.

"(2) Noncompliance period.—For purposes of this section, the term 'noncompliance period' means, with respect to any failure, the period—

"(A) beginning on the date such failure first occurs, and

"(B) ending on the date such failure is corrected.

"(3) Correction.—A failure of a group health plan to meet the requirements of subsection (e) with respect to any covered individual shall be treated as corrected if—

"(A) such failure is retroactively undone to the extent possible, and

"(B) the covered individual is placed in a financial position which is as good as such individual would have been in had such failure not occurred.

For purposes of applying subparagraph (B), the covered individual shall be treated as if the individual had elected the most favorable coverage in light of the expenses incurred since the failure first occurred.

"(c) Limitations on Amount of Tax.—

"(1) Tax not to apply where failure not discovered exercising reasonable diligence.—No tax shall be imposed by subsection (a) on any failure during any period for which it is established to the satisfaction of the Secretary that none of the persons referred to in subsection (d) knew, or exercising reasonable diligence would have known, that such failure existed.

"(2) Tax not to apply to failures corrected within 30 days.—No tax shall be imposed by subsection (a) on any failure if—

"(A) such failure was due to reasonable cause and not to willful neglect, and

"(B) such failure is corrected during the 30-day period beginning on the first date any of the persons referred to in subsection (d) knew, or exercising reasonable diligence would have known, that such failure existed.

"(3) Waiver by secretary.—In the case of a failure which is due to reasonable cause and not to willful neglect, the Secretary may waive part or all of the tax imposed by subsection (a) to the extent that the payment of such tax would be excessive relative to the failure involved.

"(d) Liability for Tax.—

"(1) In general.—Except as otherwise provided in this subsection, the following shall be liable for the tax imposed by subsection (a) on a failure:

"(A) In the case of a group health plan other than a self-insured group health plan, the issuer.

"(B)(i) In the case of a self-insured group health plan other than a multiemployer group health plan, the employer.

"(ii) In the case of a self-insured group health multiemployer plan, the plan.

"(C) Each person who is responsible (other than in a capacity as an employee) for administering or providing benefits under the group health plan, health insurance plan, or other health benefit arrangement (including a self-insured plan) and whose act or failure to act caused (in whole or in part) the failure.

"(2) Special rules for persons described in paragraph (1)(C).—A person described in subparagraph (C) (and not in subparagraphs (A) and (B)) of paragraph (1) shall be liable for the tax imposed by subsection (a) on any failure only if such person assumed (under a legally enforceable written agreement) responsibility for the performance of the act to which the failure relates.

"(e) No Discrimination Based on Health Status for Certain Services.—

"(1) In general.—Except as provided under paragraph (2), group health plans may not deny, limit, or condition the coverage under (or benefits of) the plan based on the health status, claims experience, receipt of health care, medical history, or lack of evidence of insurability, of an individual.

"(2) Treatment of preexisting condition exclusions for all services.—

"(A) In general.—Subject to the succeeding provisions of this paragraph, group health plans may exclude coverage with respect to services related to treatment of a preexisting condition, but the period of such exclusion may not exceed 6 months. The exclusion of coverage shall not apply to services furnished to newborns.

"(B) Crediting of previous coverage.—

"(i) In general.—A group health plan shall provide that if an individual under such plan is in a period of continuous coverage (as defined in clause (ii)(I)) with respect to particular services as of the date of initial coverage under such plan (determined without regard to any waiting period under such plan), any period of exclusion of coverage with respect to a preexisting condition for such services or type of services shall be reduced by 1 month for each month in the period of continuous coverage without regard to any waiting period.

"(ii) Definitions.—As used in this subparagraph:

"(I) Period of continuous coverage.—The term 'period of continuous coverage' means, with respect to particular services, the period beginning on the date an individual is enrolled under a health insurance plan, title XVIII or XIX of the Social Security Act, or other health benefit arrangement (including a self-insured plan) which provides benefits with respect to such services and ends on the date the individual is not so enrolled for a continuous period of more than 3 months.

"(II) PREEXISTING CONDITION.—The term 'preexisting condition' means, with respect to coverage under a group health plan, a condition which has been diagnosed or treated during the 3-month period ending on the day before the first date of such coverage without regard to any waiting period.

"(f) DISCLOSURE OF COVERAGE, ETC.—Any person who has provided coverage (other than under title XVIII or XIX of the Social Security Act) during a period of continuous coverage (as defined in subsection (e)(2)(B)(ii)(I)) with respect to a covered individual shall disclose, upon the request of a group health plan subject to the requirements of subsection (e), the coverage provided the covered individual, the period of such coverage, and the benefits provided under such coverage.

"(g) DEFINITIONS.—For purposes of this section—

"(1) COVERED INDIVIDUAL.—The term 'covered individual' means—

"(A) an individual who is (or will be) provided coverage under a group health plan by virtue of the performance of services by the individual for 1 or more persons maintaining the plan (including as an employee defined in section 401(c)(1)), and

"(B) the spouse or any dependent child of such individual.

"(2) GROUP HEALTH PLAN.—The term 'group health plan' has the meaning given such term by section 5000(b)(1).".

(b) CLERICAL AMENDMENT.—The table of sections for such chapter 47 is amended by adding at the end thereof the following new item:

"Sec. 5000B. Failure to satisfy preexisting condition requirements of group health plans.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to plan years beginning after December 31, 1992.

TITLE IV—HEALTH CARE COST CONTAINMENT

SEC. 401. ESTABLISHMENT OF HEALTH CARE COST COMMISSION.

(a) IN GENERAL.—There is hereby established a Health Care Cost Commission (in this title referred to as the "Commission"). The Commission shall be composed of 11 members, appointed by the President by and with the advice and consent of the Senate. The membership of the Commission shall include individuals with national recognition for their expertise in health insurance, health economics, health care provider reimbursement, and related fields. In appointing individuals, the President shall assure representation of consumers of health services, large and small employers, State and local governments, labor organizations, health care providers, and health care insurers.

(b) TERMS.—Members of the Commission shall be appointed to serve for terms of 3 years, except that the terms of the members first appointed shall be staggered so that the terms of no more than 4 members expire in any year. The term of the Chairman shall be coincident with the term of the President. Individuals appointed to fill a vacancy created in the Commission shall be appointed for the remainder of the term.

(c) DUTIES.—

(1) ANNUAL REPORT.—

(A) IN GENERAL.—The Commission shall report annually to the President and the Congress on national health care costs. Such report shall be made by March 30 of each year and shall include information on—

(i) levels and trends in public and private health care spending by type of health care service, geographic region of the country, and public and private sources of payment;

(ii) levels and trends in the cost of private health insurance coverage for individuals and groups;

(iii) sources of high and rising health care costs, including inflation in input prices, demographic changes and the utilization, supply and distribution of health care services; and

(iv) comparative trends in other countries and reasons for any differences from trends in the United States.

(B) ASSESSMENT AND RECOMMENDATIONS.—The report shall also discuss and assess the impact of public and private efforts to reduce growth in health care spending, and shall include recommendations for cost containment efforts.

(2) STUDY OF ADMINISTRATIVE COSTS.—As part of its first annual report, the Commission shall report on the impact of administrative costs on national health spending, and make recommendations as to how these costs could be minimized. The Commission shall, in consultation with health care insurers and providers, recommend a model national uniform claims form and model national reporting standards for clinical and administrative data, and assess the impact of mandating the use of these models on national health care spending.

(3) STANDARDS FOR MANAGED CARE.—The Commission shall make recommendations to the Secretary of Health and Human Services for the development and ongoing review of standards for managed care plans and utilization review programs (as defined under section 2114 of title XXI of the Social Security Act).

(d) MISCELLANEOUS.—

(1) AUTHORITY.—The Commission may—

(A) employ and fix compensation of an Executive Director and such other personnel (not to exceed 25) as may be necessary to carry out its duties (without regard to the provisions of title 5, United States Code, governing appointments in the competitive service);

(B) seek such assistance and support as may be required in the performance of its duties from appropriate Federal departments and agencies;

(C) enter into contracts or make other arrangements, as may be necessary for the conduct of the work of the Commission (without regard to section 3709 of the Revised Statutes (41 U.S.C. 5)); and

(D) make advance, progress, and other payments which relate to the work of the Commission.

(2) COMPENSATION.—While serving on the business of the Commission (including traveltime), a member of the Commission shall be entitled to compensation at the per diem equivalent of the rate provided for level IV of the Executive Schedule under section 5315 of title 5, United States Code; and while so serving away from the member's home and regular place of business, a member may be allowed travel expenses, as authorized by the Chairman of the Commission. Physicians serving as personnel of the Commission may be provided a physician comparability allowance by the Commission in the same manner as Government physicians may be provided such an allowance by an agency under section 5948 of title 5, United States Code, and for such purpose subsection (i) of such section shall apply to the Commission in the same manner as it applies to the Tennessee Valley Authority.

(3) ACCESS TO INFORMATION, ETC.—The Commission shall have access to such relevant information and data as may be available from appropriate Federal agencies and shall assure that its activities, especially the conduct of original research and medical studies, are coordinated with the activities of Federal agencies. The Commission shall be subject to periodic audit by the General Accounting Office.

(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

SEC. 402. FEDERAL CERTIFICATION OF MANAGED CARE PLANS AND UTILIZATION REVIEW PROGRAMS.

Title XXI of the Social Security Act, as added by title II of this Act, is amended by adding at the end the following part:

"PART C—FEDERAL CERTIFICATION OF MANAGED CARE PLANS

"FEDERAL CERTIFICATION OF MANAGED CARE PLANS AND UTILIZATION REVIEW PROGRAMS

"SEC. 2114. (a) VOLUNTARY CERTIFICATION PROCESS.—

"(1) CERTIFICATION.—The Secretary shall establish a process for certification of managed care plans meeting the requirements of subsection (b)(1) and of utilization review programs meeting the requirements of subsection (b)(2).

"(2) QUALIFIED MANAGED CARE PLAN.—For purposes of this title, the term 'qualified managed care plan' means a managed care plan that the Secretary certifies, upon application by the program, as meeting the requirements of this section.

"(3) QUALIFIED UTILIZATION REVIEW PROGRAM.—For purposes of this title, the term 'qualified utilization review program' means a utilization review program that the Secretary certifies, upon application by the program, as meeting the requirements of this section.

"(4) UTILIZATION REVIEW PROGRAM.—For purposes of this title, the term 'utilization review program' means a system of reviewing the medical necessity, appropriateness, or quality of health care services and supplies provided under a health insurance plan or a managed care plan using specified guidelines. Such a system may include preadmission certification, the application of practice guidelines, continued stay review, discharge planning, preauthorization of ambulatory procedures, and retrospective review.

"(5) MANAGED CARE PLAN.—

"(A) IN GENERAL.—For purposes of this title the term 'managed care plan' means a plan operated by a managed care entity as described in subparagraph (B), that provides for the financing and delivery of health care services to persons enrolled in such plan through—

"(i) arrangements with selected providers to furnish health care services;

"(ii) explicit standards for the selection of participating providers;

"(iii) organizational arrangements for ongoing quality assurance and utilization review programs; and

"(iv) financial incentives for persons enrolled in the plan to use the participating providers and procedures provided for by the plan.

"(B) MANAGED CARE ENTITY DEFINED.—For purposes of this title, a managed care entity includes a licensed insurance company, hospital or medical service plan, health maintenance organization, an employer, or employee organization, or a managed care contractor as described in subparagraph (C), that operates a managed care plan.

"(C) MANAGED CARE CONTRACTOR DEFINED.—For purposes of this title, a managed care contractor means a person that—

"(i) establishes, operates or maintains a network of participating providers;

"(ii) conducts or arranges for utilization review activities; and

"(iii) contracts with an insurance company, a hospital or medical service plan, an employer, an employee organization, or any other entity providing coverage for health care services to operate a managed care plan.

"(6) PARTICIPATING PROVIDER.—The term 'participating provider' means a physician, hospital, pharmacy, laboratory, or other appropriately licensed provider of health care services or supplies, that has entered into an agreement with a managed care entity to provide such services or supplies to a patient enrolled in a managed care plan.

"(7) REVIEW AND RECERTIFICATION.—The Secretary shall establish procedures for the periodic review and recertification of qualified managed care plans and qualified utilization review programs.

"(8) TERMINATION OF CERTIFICATION.—The Secretary shall terminate the certification of a qualified managed care plan or a qualified utilization review program if the Secretary determines that such plan or program no longer meets the applicable requirements for certification. Before effecting a termination, the Secretary shall provide the plan notice and opportunity for a hearing on the proposed termination.

"(9) CERTIFICATION THROUGH ALTERNATIVE REQUIREMENTS.—

"(A) CERTAIN ORGANIZATIONS RECOGNIZED.—An eligible organization as defined in section 1876(b), shall be deemed to meet the requirements of subsection (b) for certification as a qualified managed care plan.

"(B) RECOGNITION OF ACCREDITATION.—If the Secretary finds that a State licensure program or a national accreditation body establishes a requirement or requirements for accreditation of a managed care plan or utilization review program that are at least equivalent to a requirement or requirements established under subsection (b), the Secretary may, to the extent he finds it appropriate, treat a managed care plan or a utilization review program thus accredited as meeting the requirement or requirements of subsection (b) with respect to which he made such finding.

"(b) REQUIREMENTS FOR CERTIFICATION.—

"(1) MANAGED CARE PLANS.—The Secretary, in consultation with the Health Care Cost Commission, shall establish Federal standards for the certification of qualified managed care plans, including standards related to—

"(A) the qualification and selection of participating providers;

"(B) the number, type, and distribution of participating providers necessary to assure that all covered items and services are available and accessible to plan enrollees;

"(C) the establishment and operation of an ongoing quality assurance program, which includes procedures for—

"(i) evaluating the quality and appropriateness of care;

"(ii) using the results of quality evaluations to promote and improve quality of care; and

"(iii) resolving complaints from enrollees regarding quality and appropriateness of care;

"(D) the provision of benefits for covered items and services not furnished by participating providers if the items and services are medically necessary and immediately required because of an unforeseen illness, injury, or condition;

"(E) the qualifications of individuals performing utilization review activities;

"(F) utilization review procedures and criteria for evaluating the necessity and appropriateness of health care services;

"(G) the timeliness with which utilization review determinations are to be made;

"(H) procedures for the operation of an appeals process which provides a fair opportunity for individuals adversely affected by a managed care review determination to have such determination reviewed; and

"(I) procedures for ensuring that all applicable Federal and State laws designed to protect the confidentiality of individual medical records are followed.

"(2) QUALIFIED UTILIZATION REVIEW PROGRAMS.—The Secretary, in consultation with the Health Care Cost Commission, shall establish Federal standards for the certification of qualified utilization review programs, including standards related to—

"(A) the qualifications of individuals performing utilization review activities;

"(B) procedures for evaluating the necessity and appropriateness of health care services;

"(C) the timeliness with which utilization review determinations are to be made;

"(D) procedures for the operation of an appeals process which provides a fair opportunity for individuals adversely affected by a utilization review determination to have such determination reviewed; and

"(E) procedures for ensuring that all applicable Federal and State laws designed to protect the confidentiality of individual medical records are followed.

"(3) APPLICATION OF STANDARDS.—

"(A) IN GENERAL.—Standards shall first be established under this subsection by not later than 24 months after the date of the enactment of this section. In developing standards under this subsection, the Secretary shall—

"(i) review standards in use by national private accreditation organizations and State licensure programs;

"(ii) recognize, to the extent appropriate, differences in the organizational structure and operation of managed care plans; and

"(iii) establish procedures for the timely consideration of applications for certification by managed care plans and utilization review programs.

"(B) REVISION OF STANDARDS.—The Secretary shall periodically review the standards established under this subsection, taking into account recommendations by the Health Care Cost Commission, and may revise the standards from time to time to assure that such standards continue to reflect appropriate policies and practices for the cost-effective and medically appropriate use of services within managed care plans and utilization review programs.

"(c) LIMITATION ON STATE RESTRICTIONS ON QUALIFIED MANAGED CARE PLANS AND UTILIZATION REVIEW PROGRAMS.—

"(1) IN GENERAL.—No requirement of any State law or regulation shall—

"(A) prohibit or limit a qualified managed care plan from including financial incentives for enrollees to use the services of participating providers;

"(B) prohibit or limit a qualified managed care plan from restricting coverage of services to those—

"(i) provided by a participating provider; or

"(ii) authorized by a designated participating provider;

"(C) subject to paragraph (2)—

"(i) restrict the amount of payment made by a qualified managed care plan to participating providers for services provided to enrollees; or

"(ii) restrict the ability of a qualified managed care plan to pay participating providers for services provided to enrollees on a per-enrollee basis;

"(D) prohibit or limit a qualified managed care plan from restricting the location, number, type, or professional qualifications of participating providers;

"(E) prohibit or limit a qualified managed care plan from requiring that services be authorized by a primary care physician selected by the enrollee from a list of available participating providers;

"(F) prohibit or limit the use of utilization review procedures or criteria by a qualified utilization review program or a qualified managed care plan;

"(G) require a qualified utilization review program or a qualified managed care plan to make public utilization review procedures or criteria;

"(H) prohibit or limit a qualified utilization review program or a qualified managed care plan from determining the location or hours of operation of a utilization review, provided that emergency services furnished during the hours in which the utilization review program is not open are not subject to utilization review;

"(I) require a qualified utilization review program or a qualified managed care plan to pay providers for the expenses associated with responding to requests for information needed to conduct utilization review;

"(J) restrict the amount of payment made to a qualified utilization review program or a qualified managed care plan for the conduct of utilization review;

"(K) restrict access by a qualified utilization review program or a qualified managed care plan to medical information or personnel required to conduct utilization review;

"(L) define utilization review as the practice of medicine or another health care profession; or

"(M) require that utilization review be conducted (i) by a resident of the State in which the treatment is to be offered or by an individual licensed in such State, or (ii) by a physician in any particular specialty or with any board certified specialty of the same medical specialty as the provider whose services are being rendered.

"(2) EXCEPTIONS TO CERTAIN REQUIREMENTS.—

"(A) SUBPARAGRAPH (C).—Subparagraph (C) shall not apply where the amount of payments with respect to a block of services or providers is established under a statewide system applicable to all non-Federal payors with respect to such services or providers.

"(B) SUBPARAGRAPHS (L) AND (M).—Nothing in subparagraphs (L) or (M) shall be construed as prohibiting a State from (i) requiring that utilization review be conducted by a licensed health care professional or (ii) requiring that any appeal from such a review be made by a licensed physician or by a licensed physician in any particular specialty or with any board certified specialty of the same medical specialty as the provider whose services are being rendered.".

SEC. 403. ADDITIONAL FUNDING FOR OUTCOMES RESEARCH.

(a) INITIAL GUIDELINES AND STANDARDS.—Subsection (d) of section 912 of the Public Health Service Act is amended to read as follows:

"(d) INITIAL GUIDELINES AND STANDARDS.—

"(1) IN GENERAL.—Not later than January 1, 1992, the Administrator shall assure the development of an initial set of guidelines as described in subsection (a)(1) that shall include not less than three clinical treatments or conditions that—

"(A) account for a significant portion of national health expenditures;

"(B) have a significant variation in the frequency or the type of treatment provided; or

"(C) otherwise meet the needs and priorities described in this section.

"(2) MENTAL HEALTH SERVICES.—The Administrator, in consultation with the National Institute of Mental Health and mental health providers, shall develop outcomes research and practice parameters for mental health services including at least the diagnosis and treatment of childhood attention deficit syndrome disorders and manic depression.".

(b) AMENDMENTS TO THE SOCIAL SECURITY ACT.—Section 1142(i) of the Social Security Act is amended—

(1) in paragraph (1), to read as follows:

"(1) IN GENERAL.—There are authorized to be appropriated to carry out this section—

"(A) $175,000,000 for fiscal year 1992;

"(B) $225,000,000 for fiscal year 1993; and

"(C) $275,000,000 for fiscal year 1994."; and

(2) in paragraph (2), by striking out "70 percent" and inserting in lieu thereof "50 percent".

TITLE V—MEDICARE PREVENTION BENEFITS

SEC. 501. COVERAGE OF COLORECTAL SCREENING.

(a) IN GENERAL.—Section 1834 of the Social Security Act (42 U.S.C. 1395m) is amended by inserting after subsection (c) the following new subsection:

"(d) FREQUENCY AND PAYMENT LIMITS FOR SCREENING FECAL-OCCULT BLOOD TESTS AND SCREENING FLEXIBLE SIGMOIDOSCOPIES.—

"(1) SCREENING FECAL-OCCULT BLOOD TESTS.—

"(A) PAYMENT LIMIT.—In establishing fee schedules under section 1833(h) with respect to screening fecal-occult blood tests provided for the purpose of early detection of colon cancer, except as provided by the Secretary under paragraph (3)(A), the payment amount established for tests performed—

"(i) in 1992 shall not exceed $5; and

"(ii) in a subsequent year, shall not exceed the limit on the payment amount established under this subsection for such tests for the preceding year, adjusted by the applicable adjustment under section 1833(h) for tests performed in such year.

"(B) FREQUENCY LIMIT.—Subject to revision by the Secretary under paragraph (3)(B), no payment may be made under this part for a screening fecal-occult blood test provided to an individual for the purpose of early detection of colon cancer—

"(i) if the individual is under 50 years of age; or

"(ii) if the test is performed within 11 months after a previous screening fecal-occult blood test.

"(2) SCREENING FLEXIBLE SIGMOIDOSCOPIES.—

"(A) PAYMENT AMOUNT.—The Secretary shall establish a payment amount under section 1848 with respect to screening flexible sigmoidoscopies provided for the purpose of early detection of colon cancer that is consistent with payment amounts under such section for similar or related services, except that such payment amount shall be established without regard to subsection (a)(2)(A) of such section.

"(B) FREQUENCY LIMIT.—Subject to revision by the Secretary under paragraph (3)(B), no payment may be made under this part for a screening flexible sigmoidoscopy provided to an individual for the purpose of early detection of colon cancer—

"(i) if the individual is under 50 years of age; or

"(ii) if the procedure is performed within 59 months after a previous screening flexible sigmoidoscopy.

"(3) REDUCTIONS IN PAYMENT LIMIT AND REVISION OF FREQUENCY.—

"(A) REDUCTIONS IN PAYMENT LIMIT.—The Secretary shall review from time to time the appropriateness of the amount of the payment limit established for screening fecal-occult blood tests under paragraph (1)(A). The Secretary may, with respect to tests performed in a year after 1994, reduce the amount of such limit as it applies nationally or in any area to the amount that the Secretary estimates is required to assure that such tests of an appropriate quality are readily and conveniently available during the year.

"(B) REVISION OF FREQUENCY.—

"(i) REVIEW.—The Secretary, in consultation with the Director of the National Cancer Institute, shall review periodically the appropriate frequency for performing screening fecal-occult blood tests and screening flexible sigmoidoscopies based on age and such other factors as the Secretary believes to be pertinent.

"(ii) REVISION OF FREQUENCY.—The Secretary, taking into consideration the review made under clause (i), may revise from time to time the frequency with which such tests and procedures may be paid for under this subsection, but no such revision shall apply to tests or procedures performed before January 1, 1995.

"(4) LIMITING CHARGES OF NONPARTICIPATING PHYSICIANS.—

"(A) IN GENERAL.—In the case of a screening flexible sigmoidoscopy provided to an individual for the purpose of early detection of colon cancer for which payment may be made under this part, if a nonparticipating physician provides the procedure to an individual enrolled under this part, the physician may not charge the individual more than the limiting charge (as defined in subparagraph (B), or, if less, as defined in section 1848(g)(2)).

"(B) LIMITING CHARGE DEFINED.—In subparagraph (A), the term 'limiting charge' means, with respect to a procedure performed—

"(i) in 1992, 120 percent of the payment limit established under paragraph (2)(A); or

"(ii) after 1992, 115 percent of such applicable limit.

"(C) ENFORCEMENT.—If a physician or supplier knowing and willfully imposes a charge in violation of subparagraph (A), the Secretary may apply sanctions against such physician or supplier in accordance with section 1842(j)(2).".

(b) CONFORMING AMENDMENTS.—(1) Paragraphs (1)(D) and (2)(D) of section 1833(a) of such Act (42 U.S.C. 1395l(a)) are each amended by striking "subsection (h)(1)," and inserting "subsection (h)(1) or section 1834(d)(1),".

(2) Section 1833(h)(1)(A) of such Act (42 U.S.C. 1395l(h)(1)(A)) is amended by striking "The Secretary" and inserting "Subject to paragraphs (1) and (3)(A) of section 1834(d), the Secretary".

(3) Clauses (i) and (ii) of section 1848(a)(2)(A) of such Act (42 U.S.C. 1395w-4(a)(2)(A)) are each amended by striking "a service" and inserting "a service (other than a screening flexible sigmoidoscopy provided to an individual for the purpose of early detection of colon cancer)".

(4) Section 1862(a) of such Act (42 U.S.C. 1395y(a)) is amended—

(A) in paragraph (1)—

(i) in subparagraph (E), by striking "and" at the end,

(ii) in subparagraph (F), by striking the semicolon at the end and inserting ", and", and

(iii) by adding at the end the following new subparagraph:

"(G) in the case of screening fecal-occult blood tests and screening flexible sigmoidoscopies provided for the purpose of early detection of colon cancer, which are performed more frequently than is covered under section 1834(d);"; and

(B) in paragraph (7), by striking "paragraph (1)(B) or under paragraph (1)(F)" and inserting "subparagraphs (B), (F), or (G) of paragraph (1)".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to screening fecal-occult blood tests and screening flexible sigmoidoscopies performed on or after January 1, 1992.

SEC. 502. COVERAGE OF CERTAIN IMMUNIZATIONS.

(a) IN GENERAL.—Section 1861(s)(10) of the Social Security Act (42 U.S.C. 1395x(s)(10)) is amended—

(1) in subparagraph (A)—

(A) by striking ", subject to section 4071(b) of the Omnibus Budget Reconciliation Act of 1987,", and

(B) by striking "; and" and inserting a comma;

(2) in subparagraph (B), by striking the semicolon at the end and inserting ", and"; and

(3) by adding at the end the following new subparagraph:

"(C) tetanus-diphtheria booster and its administration;".

(b) LIMITATION ON FREQUENCY.—Section 1862(a)(1) of such Act (42 U.S.C. 1395y(a)(1)), as amended by section 502(b)(4)(A), is amended—

(1) in subparagraph (F), by striking "and" at the end;

(2) in subparagraph (G), by striking the semicolon at the end and inserting ", and"; and

(3) by adding at the end the following new subparagraph:

"(H) in the case of an influenza vaccine, which is administered within the 11 months after a previous influenza vaccine, and, in the case of a tetanus-diphtheria booster, which is administered within the 119 months after a previous tetanus-diphtheria booster;".

(c) CONFORMING AMENDMENT.—Section 1862(a)(7) of such Act (42 U.S.C. 1395y(a)(7)), as amended by section 502(b)(4)(B), is amended by striking "or (G)" and inserting "(G), or (H)".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to influenza vaccines and tetanus-diphtheria boosters administered on or after January 1, 1992.

SEC. 503. COVERAGE OF WELL-CHILD CARE.

(a) IN GENERAL.—Section 1861(s)(2) of the Social Security Act (42 U.S.C. 1395x(s)(2)) is amended—

(1) by striking "and" at the end of subparagraph (O);

(2) by striking the semicolon at the end of subparagraph (P) and inserting "; and"; and

(3) by adding at the end the following new subparagraph:

"(Q) well-child services (as defined in subsection (ll)(1)) provided to an individual entitled to benefits under this title who is under 7 years of age;".

(b) SERVICES DEFINED.—Section 1861 of such Act (42 U.S.C. 1395x) is amended—

(1) by redesignating the subsection (jj) added by section 4163(a)(2) of the Omnibus Budget Reconciliation Act of 1990 as subsection (kk); and

(2) by inserting after subsection (kk) (as so redesignated) the following new subsection:

"WELL-CHILD SERVICES

"(ll)(1) The term 'well-child services' means well-child care, including routine office visits, routine immunizations (including the vaccine itself), routine laboratory tests, and preventive dental care, provided in accordance with the periodicity schedule established with respect to the services under paragraph (2).

"(2) The Secretary, in consultation with the American Academy of Pediatrics, the Advisory Committee on Immunization Practices, and other entities considered appropriate by the Secretary, shall establish a schedule of periodicity which reflects the appropriate frequency with which the services referred to in paragraph (1) should be provided to healthy children.".

(c) CONFORMING AMENDMENTS.—(1) Section 1862(a)(1) of such Act (42 U.S.C. 1395y(a)(1)), as amended by sections 502(b)(4)(A) and 503(b), is amended—

(A) in subparagraph (G), by striking "and" at the end;

(B) in subparagraph (H), by striking the semicolon at the end and inserting ", and"; and

(C) by adding at the end the following new subparagraph:

"(I) in the case of well-child services, which are provided more frequently than is provided under the schedule of periodicity established by the Secretary under section 1861(ll)(2) for such services;".

(2) Section 1862(a)(7) of such Act (42 U.S.C. 1395y(a)(7)), as amended by sections 502(b)(4)(B) and 503(c), is amended by striking "or (H)" and inserting "(H), or (I)".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to well-child services provided on or after January 1, 1992.

SEC. 504. ANNUAL SCREENING MAMMOGRAPHY.

(a) ANNUAL SCREENING MAMMOGRAPHY FOR WOMEN OVER AGE 64.—Section 1834(c)(2)(A) of the Social Security Act (42 U.S.C. 1395m(b)(2)(A)) is amended—

(1) in clause (iv), by striking "but under 65 years of age,"; and

(2) by striking clause (v).

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to screening mammography performed on or after January 1, 1992.

SEC. 505. DEMONSTRATION PROJECTS FOR COVERAGE OF OTHER PREVENTIVE SERVICES.

(a) ESTABLISHMENT.—The Secretary of Health and Human Services (hereafter referred to as the "Secretary") shall establish and provide for a series of ongoing demonstration projects under which the Secretary shall provide for coverage of the preventive services described in subsection (c) under the medicare program in order to determine—

(1) the feasibility and desirability of expanding coverage of medical and other health services under the medicare program to include coverage of such services for all individuals enrolled under part B of title XVIII of the Social Security Act; and

(2) appropriate methods for the delivery of those services to medicare beneficiaries.

(b) SITES FOR PROJECT.—The Secretary shall provide for the conduct of the demonstration projects established under subsection (a) at the sites at which the Secretary conducts the demonstration program established under section 9314 of the Consolidated Omnibus Budget Reconciliation Act of 1985 and at such other sites as the Secretary considers appropriate.

(c) SERVICES COVERED UNDER PROJECTS.—The Secretary shall cover the following services under the series of demonstration projects established under subsection (a):

(1) Glaucoma screening.

(2) Cholesterol screening and cholesterol-reducing drug therapies.

(3) Screening and treatment for osteoporosis, including tests for bone-marrow density and hormone replacement therapy.

(4) Screening services for pregnant women, including ultra-sound and clamydial testing and maternal serum alfa-protein.

(5) One-time comprehensive assessment for individuals beginning at age 65 or 75.

(6) Other services considered appropriate by the Secretary.

(d) REPORTS TO CONGRESS.—Not later than October 1, 1993, and every 2 years thereafter, the Secretary shall submit a report to the Committee on Finance of the Senate and the Committee on Ways and Means and the Committee on Energy and Commerce of the House of Representatives describing findings made under the demonstration projects conducted pursuant to subsection (a) during the preceding 2-year period and the Secretary's plans for the demonstration projects during the succeeding 2-year period.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated from the Federal Supplementary Medical Insurance Trust Fund for expenses incurred in carrying out the series of demonstration projects established under subsection (a) the following amounts:

(1) $4,000,000 for fiscal year 1992.

(2) $4,000,000 for fiscal year 1993.

(3) $5,000,000 for fiscal year 1994.

(4) $5,000,000 for fiscal year 1995.

(5) $6,000,000 for fiscal year 1996.

SEC. 506. OTA STUDY OF PROCESS FOR REVIEW OF MEDICARE COVERAGE OF PREVENTIVE SERVICES.

(a) STUDY.—The Director of the Office of Technology Assessment (hereafter referred to as the "Director") shall, subject to the approval of the Technology Assessment Board, conduct a study to develop a process for the regular review for the consideration of coverage of preventive services under the medicare program, and shall include in such study a consideration of different types of evaluations, the use of demonstration projects to obtain data and experience, and the types of measures, outcomes, and criteria that should be used in making coverage decisions.

(b) REPORT.—Not later than 2 years after the date of the enactment of this title, the Director shall submit a report to the Committee on Finance of the Senate and the Committee on Ways and Means and the Committee on Energy and Commerce of the House of Representatives on the study conducted under subsection (a).

SUMMARY OF THE BETTER ACCESS TO AFFORDABLE HEALTH CARE BILL

HEALTH INSURANCE AFFORDABILITY FOR SMALL EMPLOYERS

The tax deduction for health insurance costs of self-employed individuals would be increased permanently from 25 percent to 100 percent beginning in calendar year 1992.

A new grant program would be established to assist up to 15 States in developing small employer health insurance group purchasing programs. $150 million would be authorized for grants up to $10 million per State for fiscal years 1992 through 1994. The funds could be used to finance the development of cooperative arrangements among small businesses who wish to pool resources in purchasing insurance. Funds could be expended for administrative costs including marketing and outreach efforts, negotiations with insurers, and performance of administrative functions such as eligibility screening, claims administration and customer service. The Secretary of HHS would be required to conduct an evaluation of the impact of these programs on the number of uninsured and the price of insurance available to small employers.

The Secretary of HHS would be required to report to the Congress on the feasibility and desirability of requiring acceptance of Medicare payment rates from private insurers covering small employers.

SMALL EMPLOYER HEALTH INSURANCE REFORM

Minimum Federal standards would be established for health insurance sold to small employers, defined as those with 2 to 50 employees working at least 30 hours a week. Insurers could not exclude individuals in a group from coverage, and could not cancel policies due to claims experience or health status.

Variation in premiums for small employers would be restricted for factors such as health status, claims experience, duration since issue, industry or occupation. Rating bands would be established such that the ratio of the highest to lowest premium charged to a small employer with similar demographic characteristics for similar benefits could not exceed 1.8 for the first 3 years the new requirements were in effect (a rating band of plus or minus 20 percent around the average), and lowered to 1.6 thereafter (a rating band of plus or minus 15 percent around the average.)

The General Accounting Office would report to the Congress on the impact of the rating restrictions on the price and availability of insurance to small employers. In addition, the report would include the Comptroller General's recommendations regarding the elimination of variation in rates due to health status factors, the age and sex composition of groups and other factors.

Annual premium increases for small employer health plans would be limited to the underlying trend in health care costs, (as measured by the increase in the lowest rate charged by the insurer) plus 5 percent.

States could choose among several options for guaranteeing availability of insurance to all small employers in the State. These include requiring guaranteed issue to any small employer and establishment of a voluntary reinsurance program, guaranteed issue with mandatory participation in a reinsurance program, and programs that allocate high-risk groups among insurers, with and without opt-out for insurers that guarantee issue.

Insurers offering coverage to small employers would offer at least two benefit packages. The Standard Benefit Package would cover inpatient and outpatient hospital services, physician services, prenatal and well-baby care, well child care, pap smears, mammograms, colorectal screening and limited inpatient and outpatient mental health services.

The Basic Benefit Package would cover inpatient and outpatient hospital services (including emergency services), physician services, and preventive services.

Standards reflecting these requirements would be developed by the National Association of Insurance Commissioners [NAIC] and approved by the Secretary of HHS. If the NAIC does not act promptly the standards would be developed by the Secretary.

Insurers violating standards would be subject to a Federal excise tax equal to 25 percent of premiums received on policies sold to small employers. Insurers in States having a regulatory program approved by the Secretary would be exempt from the tax, as would insurers in other States that are individually certified by the Secretary as meeting the Federal standards.

IMPROVEMENTS IN HEALTH INSURANCE PORTABILITY

An individual with a pre-existing condition who changes jobs without a lapse in insurance coverage of more than 3 months would generally be protected from any pre-existing condition exclusion under the new employer's health plan for those services covered under his or her previous health insurance plan.

In addition, all group health insurance and self-insured employer plans would be prohibited from excluding coverage for pre-existing conditions for more than 6 months. Pre-existing conditions would be defined as those that were diagnosed or treated during the 3 months prior to enrollment.

Insurers or self-insured employers offering health plans not in compliance with these requirements would be required to retroactively cover any illegally excluded services and pay a tax penalty of $100 a day for each violation.

HEALTH CARE COST CONTAINMENT

A program of voluntary Federal certification for managed care plans and utilization programs would be established. States would be prohibited from applying certain laws that restrict the development of managed care plans and utilization review programs to such Federally certified plans. Standards for Federal certification would be developed by the Secretary of HHS, in consultation with the Health Care Cost Containment Commission described below.

A Health Care Cost Commission would be established to advise the Congress and the President on strategies for reducing health care costs. The 11-member Commission would report annually on trends in national health spending. The Commission would also be required to report on the impact of administrative costs on health care spending, with recommendations for minimizing such costs, including development of uniform billing requirements for use by all insurers and providers. The Commission would also advise the Secretary and Congress with respect to the development of a Federal certification process for managed care plans and utilization review programs.

Authorization for outcomes research would be increased to $175 million in FY 1992, to $225 million in FY 1993, and to $275 million in 1994. New guidelines would be targeted at clinical treatments or conditions that significantly affect national health expenditures.

MEDICARE PREVENTION BENEFITS

Medicare benefits would be expended to cover a number of preventive care services including colorectal cancer screening, annual mammography screening, and influenza immunizations.

PRELIMINARY ESTIMATES

[In billions of dollars]

	Fiscal year— 1992	1993	1994	1995	1996	Total
Self-employed deduction (revenue loss)	0.8	1.4	1.6	1.7	1.9	7.4
Medicare prevention benefits (outlay increase)	0.3	0.5	0.6	0.6	0.7	2.6
Total	1.1	1.9	2.2	2.3	2.6	10.0

Mr. MITCHELL. Mr. President, I am pleased to join with the chairman of the Senate Finance Committee in cosponsoring legislation which will make reforms in the small group insurance market and give small businesses certain tax advantages in an effort to encourage more employers to provide health insurance to their workers.

Our health care system is in crisis. While nearly 37 million Americans don't have health insurance, the cost of health care to our society continues to soar. It is not enough that we find a way to add those who are uninsured to the existing health care system. We must make fundamental reforms in that system including effective cost containment efforts and insurance market reform.

Senator BENTSEN's bill is a modest first step toward addressing the problem facing millions of working Americans without health insurance. The legislation will begin to eliminate some of the most serious problems facing small businesses and their employees in the purchase of health insurance.

Under Senator BENTSEN's bill, insurers will be prohibited from excluding individuals in a small group from health coverage and could not cancel policies because of claims experience or health problems.

The Bentsen bill will protect persons who change jobs from the risk of losing their health insurance because of preexisting conditions, as is so often the case in the current insurance market.

This legislation also includes a provision to establish a Federal cost containment commission to collect and analyze data on the causes of the rising costs of health care. Clearly, this is only a first step toward meaningful cost containment. More must be done.

Over the last decade a variety of cost containment strategies have been attempted by both the Government and private sectors. These strategies have had mixed results, but overall there appears to have been little impact on the growth in total health spending.

In our effort to contain health care costs, we must have better information about what we as a nation want to pay for. We must assure that each dollar spent gives us its best return. I believe that we can get more value for the over $600 billion we spend each year on health care.

It is estimated that between 10 to 30 percent of treatment for illnesses provided by physicians is either unnecessary or ineffective.

The outcomes research initiatives being conducted through the Agency for Health Care Policy and Research will improve the quality of care while reducing or eliminating unnecessary or ineffective treatments. I am pleased that Senator BENTSEN's legislation includes an expanded effort for outcomes research and the development of practice guidelines, similar to the provision contained in S. 1227, comprehensive health care legislation I introduced earlier this year.

While I support Senator BENTSEN's legislation as an important incremental step toward correcting some of the most egregious problems in our health care system, I believe that comprehensive reform of the system is needed. I intend to work for the enactment of comprehensive health care reform legislation during this Congress.

Earlier this year I joined with a number of my colleagues in introducing legislation to reform the Nation's health care system. Our bill, S. 1227, guarantees access to health care for all Americans and includes serious cost containment strategies.

Access to care and the soaring costs of health care must be addressed as part of a comprehensive proposal. The loss of health insurance does not only effect the poor and the unemployed. An increasing number of middle-income, working Americans and their children have no health insurance—or are a pink slip away from losing their health insurance.

Our Nation's health care system is on the critical list. If we do not work together in good faith to control the soaring costs of care and to provide access to care for millions of Americans now uncovered, we will all fall victim to the collapse of the system.

Reforming the health care system will be difficult. While most of us believe there is a serious problem, few can agree on the solution. A perfect solution does not exist. Some argue that the United States should adopt a Canadian model. Others argue that tax incentives to businesses with no requirement to provide coverage is the answer.

I believe the time to act is now. Health care reform is critical if we are going to assure that all Americans are ready for the challenges of the 21st century. Children must be healthy and alert in order to learn. As our citizens live longer we must assure that their health is good and their lives are productive.

I look forward to working with Senator BENTSEN and other colleagues in the House and Senate to enact meaningful health care reform in this Congress. I challenge the Bush administration to work with the Congress to accomplish this goal which is vital for the future of our Nation.

Mr. PRYOR. Mr. President, today I am pleased to join the esteemed chairman of the Finance Committee, Senator LLOYD BENTSEN, in introducing the Better Access to Affordable Health Care Act of 1991. In introducing this legislation, Chairman BENTSEN once again demonstrates his deep concern about, and commitment to, addressing the health care crisis that this Nation faces.

Before commenting on the specifics of the bill and the reasons for my cosponsorship, I believe it is also important to recognize the leadership of a number of our colleagues in the health care arena. No list of health leaders would be complete without the majority leader, Senator GEORGE MITCHELL. Despite the overwhelming demands on his time, Senator MITCHELL has not hesitated to roll up his sleeves and take on the extraordinarily difficult challenge of health care reform.

Like the majority leader, Senator JAY ROCKEFELLER—the former chairman of the Pepper Commission and current chairman of the Finance Subcommittee on Medicare and Long-Term Care—is a man whose commitment to solving our intimidating health care problems is unsurpassed. As a member of the Pepper Commission, I not only had the honor of serving under Senator ROCKEFELLER, but I also had the privilege of working with three other giants in the health care debate: Senator KENNEDY, Senator DURENBERGER and the late Senator JOHN HEINZ. Senator RIEGLE must be singled out as well for his tremendous leadership as chairman of the Finance Subcommittee on Health for Families and the Uninsured, and as one of the driving forces behind the introduction of S. 1227, Health America: Affordable Health Care for All Americans.

Mr. President, jumping into the health care debate is like diving into the ocean for your first swim. You are leery of the water's temperature, worried about the threatening waves, and afraid of the unknown creatures and dangerous undercurrent lurking below. It is for this reason that I believe my colleagues who I have previously mentioned, as well as Senators BAUCUS, DASCHLE, KERREY, METZENBAUM, SIMON, and others who have made health care reform a high priority, deserve great praise and commendation for having the courage and the caring to move this debate forward.

Mr. President, no one disputes the fact that our health care system is chronically, if not terminally, ill. We are all starting to memorialize the intimidating statistics. There is no other Nation in the world that spends as much of its gross national product on health care as the United States. And, despite these fact we are well on our way to spending $1 trillion a year—almost $700 billion this year—on health care, 33 million Americans—and 20 percent of all Arkansans—live without health insurance.

While our unprecedented investment in dollars provides is with arguably the highest quality and most technologically advanced health care in the world, the only people who have access to this care are those who can afford insurance to pay for it. If costs keep soaring as they have been, spending on health care will increase from $662 billion in 1990 to an almost unbelievable $1.6 trillion by the turn of the century. During the same period of time, the percentage of our gross national product allocated to health care will increase from 12 percent to a staggering 16.4 percent. As a result, we have every reason to believe and fear that fewer and fewer people will be able to afford the health care and insurance protection they need.

Insurance companies, responding to these costs and attempting to limit their liability, have turned more and more to underwriting and marketing practices that discriminate against small businesses and individuals. As a result, individuals and small businesses seeking coverage are priced out of the market or sometimes excluded at any price. Denial of coverage is even a problem for people who have had insurance for years and are simply changing jobs. These are just two examples of how flawed our health care system has become.

I often say that the Federal Government waits until it has a crisis on its hands before responding to difficult issues. The day has finally come when everyone—individuals and their families, consumer advocates, small and large businesses, unions, health care providers, and insurers—agrees that our health care system has reached that crisis stage. Unfortunately, while we have universal agreement that we must reform the system, there is no such agreement on how to proceed.

Mr. President, the lack of consensus and the fact that it will be extraordinarily difficult to reform the health care system is not excuse for not trying. While it has become clear that the widely varying approaches and interests will make it impossible to overhaul the system this year, we can take important incremental steps toward that goal if we make progress on those issues in which there appears to be the most agreement. The Better Access to Affordable Health Care Act of 1991 does just that.

When I served on the Pepper Commission, Republican and Democratic Members alike seemed to agree that we should reform the small business insurance market, provide insurance portability protections for persons changing jobs, develop minimum benefit plans designated to preempt State mandates, increase the tax deduction for the self-employed from 25 to 100 percent, protect true managed care initiatives from antimanaged care laws, and provide more preventive health care services. The legislation we are introducing today incorporates provisions that address all of these priority items. Moreover, by establishing a health care cost commission, the Better Access to Affordable Health Care Act begins to address the issue driving the health care reform debate—finding ways to contain health care costs. Taken in combination, Chairmam BENTSEN'S proposed reforms are significant, meaningful, and more than worthy of serious consideration.

Despite these important provisions, the legislation we are introducing today is not perfect. Senator BENTSEN would be the first to acknowledge this. I am particularly concerned about the adequacy of its small business insurance reforms, its improved but still limited protections for the self-employed, the appropriateness of its managed care definition and protections, and its lack of more meaningful cost containment provisions. And, in my capacity as chairman of the Special Committee on Aging, I believe that we should give serious consideration to incorporating private long-term care insurance consumer protections in any package of insurance market reforms.

Further, within the context of these incremental reform efforts, I believe we can take additional important steps toward containing health care costs and, as a result, expanding access. We could reduce billions of dollars a year alone in unnecessary spending if we could develop more effective ways to address the fraud and abuse that is all too prevalent in our health care industry. We could save billions more if we could get a handle on overly burdensome and duplicative paperwork requirements. Further, where we are overpaying health care providers, suppliers and manufacturers—and in some cases underpaying others—we must take actions to develop more rational reimbursement systems. As many of my colleagues know, I have already exhibited my willingness to confront the prescription drug manufacturing industry in this area. And, where there are other abuses, I do not believe we should hesitate to take on other health care industry representatives as well.

Having said this, I am cosponsoring this legislation because I know that Chairman BENTSEN is more than open to suggestions to strengthen this bill. In fact, by introducing this legislation, he is explicitly soliciting comments. Like Senator BENTSEN, I am looking forward to receiving advice from all interested parties inside and outside the Washington, DC, beltway. It is clear we could benefit from new ideas.

Mr. President, in supporting this legislation, no one is sending the message that we have given up on comprehensive reform. I have simply concluded that taking some steps forward is preferable to taking no steps at all.

The Better Access to Affordable Health Care Act provides us with a solid foundation onto which we can build. We owe a debt of gratitude to Chairman BENTSEN for developing this legislation and giving a needed shot in the arm to the health care reform debate.

It is my sincere hope that President Bush will take the bill we are introducing today, as well as any other health care reform initiatives that have been or will be introduced, as an invitation to join us in responding to the health care crisis confronting this Nation. America is waiting for and demanding his and our leadership in this area. In that spirit, I urge all of my colleagues to join Senator BENTSEN and those of us cosponsoring this legislation in this challenging but essential undertaking.

Mr. DURENBERGER. Mr. President, I am pleased to rise today to join the distinguished chairman of the Finance Committee in introducing the Better Access to Affordable Health Care Act. This is a first step toward making this a healthier nation and I urge all my colleagues to join us in this step.

Ways and Means Chairman DAN ROSTENKOWSKI is introducing a somewhat similar bill on the House side today. I want to thank him and Chairman BENTSEN for incorporating many of the ideas and specific provisions I developed in S. 700, the American Health Security Act, and in S. 89, legislation I have introduced that provides full deductibility for health premiums of the self-employed.

Mr. President, 1 year ago almost to the day, I introduced S. 3260, the Small Employer Health Benefit Reform Act. My goal was to introduce greater equity and stability in the market for small group health insurance through a set of minimum Federal standards. I subsequently re-introduced that legislation on March 20, 1991 as S. 700, the American Health Security Act.

I am extremely pleased that much of Better Access to Affordable Health Care Act is patterned after S. 700. The bill my friend from Texas and I are introducing today will establish minimum standards for health insurance sold to companies of 2 to 50 full-time employees. Insurers in this market will no longer be able to exclude individuals in a group from coverage or cancel policies due to claims experience or health status.

As in S. 700, this bill will significantly limit the variation in premium rates between small employers. It will also constrain annual premium increases for small group health plans to the underlying trend in health care costs, plus 5 percent.

States will be required to guarantee the availability of insurance to all small employers in the State, but they will have flexibility on how best to do so.

Insurers participating in the small group market will be required to offer two standard health plans. The specifics of these plans differ from those included in S. 700, but the goal is the same: to make less expensive coverage available to small employers. Finally, up to 15 States will be given grants of up to $10 million each to finance the development of insurance pooling arrangements among small businesses.

Mr. President, the benefits of this legislation are not restricted to the employees of small companies. For the self-employed, this bill will permanently extend the tax deductibility of health insurance, from 25 percent to 100 percent. I have long advocated this change, most recently in S. 89.

An exciting feature of this bill for many hard-pressed families is the portability requirement dealing with pre-existing conditions. This bill ensures that employees will no longer be locked into a particular place of employment by a pre-existing health condition. So long as coverage does not lapse for more than 3 months, group health insurance—including self-insured plans—may not impose a pre-existing condition exclusion more than once for the same condition. Health problems that were diagnosed or treated during the previous 3 months cannot be excluded from coverage for more than a single 6-month period.

Mr. President, the real challenge we face in trying to expand access to health insurance coverage to all Americans is controlling the cost of health care. Our bill will establish a national commission—with members appointed by the President and confirmed by the Senate—to advise Congress and the President on strategies for reducing health care costs.

In addition, more funding will be allocated for research on health outcomes, targeted specifically to treatments for conditions that significantly affect national health expenditures. Measures are also included to encourage further expansion of managed care plans.

I would say at this point that I do have a serious problem with one particular section of Chairman ROSTENKOWSKI's bill. In an effort to control prices charged by medical providers, he recommends that by 1994 we put in place a system that pays all providers the same price for all services. This is not a proposal I can support.

Mr. President, it was my privilege to serve as a vice-chairman of the U.S. Bipartisan Commission on Comprehensive Health Care—the Pepper Commission. During our many meetings and public hearings, we saw graphic examples of the failures in our current system of financing health care. We heard devastating testimony from uninsured people.

These were not all poor people, Mr. President. Many of them were employed and would be considered middle class by today's standards. At least they would have been had their medical expenses not pushed them to the brink of poverty.

Why are these middle class Americans uninsured? There are many reasons. Many worked for businesses—usually small ones—that either did not other, or had ceased to offer, health benefits. While they wanted to buy insurance to protect their families, they either could not afford it or they were denied coverage due to some pre-existing health condition. Some were medically uninsurable. Some were so seriously ill that their medical expenses had exceeded their health plan limits, and they were denied additional coverage.

Take the case of Kurt Homan and his son Lee, from Plymouth, MN. On February 23, 1988, Lee was diagnosed with leukemia. Because Kurt had recently changed jobs, the diagnosis came just 5 days prior to the effective date of health insurance benefits that he had signed his family up under.

Consequently, private insurance has not been available to pay for the several hundreds of thousands of dollars in medical expenses incurred by Lee since his diagnosis.

Mr. President, access to health care in America should not depend on where you work. That is just not right. But each day that passes, that's becoming true across the country.

American workers rely on the private health insurance market for protection from the spiraling cost of getting sick in America.

For employees of larger companies this financing system works pretty well. Health insurance protection is relatively affordable and, in general, no one is denied coverage because of their health status.

However, for people who are employed by companies with fewer than 50 workers—the fastest growing segment of the labor market—the private health insurance market is a dismal failure. And we are not talking about just a few workers here. This group amounts to over half the work force in some States. In Minnesota 40 percent of the work force works for firms of 50 employees or fewer. That's 750,000 workers. Small business, by and large, is where America works. That is why this bill is so urgently needed and why it can have such a dramatic impact.

Small employers seeking to purchase coverage for their workers are forced to choose among a confusing array of very expensive products. Large employers have no trouble finding coverage. In addition, they have the option to self-insure if they desire and thereby escape costly state-mandated benefits in their health plans. Obviously, self-insurance is not a realistic option for employers of fewer than 50.

To make matters worse, insurers engage in rating and coverage practices that introduce great inequity and instability into the health insurance market for small businesses.

Mr. President, the current regulatory framework for health insurance is weak and inconsistent across States. Under it insurers may refuse to sell policies to anyone and can cancel policies unilaterally. They can selectively deny or restrict coverage for specific employees or an employee's dependent because of a preexisting health condition, or charge exorbitant risk premiums.

Small group health insurers often low ball the initial premiums offered to an employer to get the business, and shortly thereafter raise the premiums by huge amounts. They also selectively market to younger, healthier groups.

This practice—which certainly has no place in an industry that is supposed to be in the business of insuring risks—is known as creaming, or cherry picking. Together with the other practices I have just described, creaming results in tremendous instability and turnover among small employers seeking to obtain more affordable coverage.

Mr. President, let me bring this down to ground level by talking about the experience of several firms in Blaine, Fridley and Anoka, MN, prosperous communities north and west of the Twin Cities, within minutes of each other.

An accountant with a small firm watched his premium go up 30 percent 1 year, 50 percent the next, putting the price out of reach.

A beauty shop with nine employees cannot get any health insurance because they do not have the minimum number to qualify as a group.

A sporting goods store with three employees: no group insurance available, individual rates prohibitively expensive.

An advertising company watches its premiums climb year after year and then gets canceled: no notice, no explanation.

These are just 20 examples of hard-working people, like people we all do business with everyday, who are victims of this system. Multiply this by thousands businesses and millions of workers nationwide and you have an idea what we are up against.

Mr. President, the job of reforming the American health care system will be a huge undertaking. I believe the majority leader spoke to that earlier today. We have 35 million uninsured. We have health care costs climbing at a rate that is undermining the fiscal health of businesses, government, and families alike. We have a health care delivery system that is inefficient and does not respond to many of our basic needs.

But this is where we begin. Insurance reform is the key first step toward a fairer, less inflationary and more efficient health care system.

There will be some, Mr. President, who will shy away from this proposal because it is not "comprehensive" enough. Democrats may think passage of this bill slows down their larger plans. Republicans may hold back because they want to see the President's plan, where they have one of their own. To all of them I say "How are we ever going to agree on the whole if we cannot agree on any of the part?"

This bill is a concrete step we can take this year. I hope we will not succumb to the legislative disease of making the good the enemy of the best.

Mr. President, there is bipartisan support in both houses for virtually all of the provisions of this legislation. Chairmen BENTSEN and ROSTENKOWSKI have given us a golden opportunity to begin a course toward a healthier America.

Let us put aside our party labels and our presidential politics and do something for people who need help.

Let us embark together toward a healthier future of our people with this legislation.

Mr. RIEGLE. Mr. President, I am pleased to be an original cosponsor of S. 1872, a bill introduced by the distinguished chairman of the Finance Committee, my colleague, Senator BENTSEN. The legislation is a first step toward comprehensive reform of the health care system which is desperately needed in this country. Together with majority leader MITCHELL and Senators ROCKEFELLER, KENNEDY, and many others, I will continue to do all I can to enact comprehensive reform of our health care system.

It is increasingly clear that the problems of our current health care system affect all of us—those with insurance and the growing number of people without health care coverage. If we don't do something soon to solve the problems of our current system, more people will suffer.

We now know that even more people, 1.3 million, lost their health care coverage last year, bringing the total number of almost 35 million people without coverage. In addition, almost 30 percent of Americans said they or a family member lacked health insurance at least temporarily.

At the same time, high health care costs are having a devastating impact on the health care system. Those who do have health insurance are finding their rates rising sharply and their coverage being reduced by rising deductibles, copayments, and diminished benefits. Hospitals, emergency rooms, and trauma centers are closing, and doctors are finding it harder to treat a growing number of low-income people because of inadequate Medicaid payments or no payments at all for uninsured people. High health care costs hurt our country as a whole by making it harder for our industries to compete in the world market. Chrysler pays 700 dollars in health care costs for each car it produces, 300 to 500 dollars more than its foreign competitors.

We need to continue to press forward with a comprehensive reform of the health care system which addresses the interrelated problems of ever-rising health care costs and lack of any health care coverage for tens of millions of people. That is the goal of HealthAmerica, S. 1227, the bill I introduced on June 5, 1991 with Senators MITCHELL, ROCKEFELLER, and KENNEDY.

Under HealthAmerica, we build on the strengths of our existing private and public health care system. We ask employers to provide a basic health care package of benefits for their employees and dependents. We create a new public health insurance program, called AmeriCare, for anyone who does not directly receive health insurance through an employer. One of the most significant aspects of our proposal is the cost reduction program. HealthAmerica proposes a number of cost-cutting measures that would reduce unnecessary care, decrease administrative costs, and would limit unrestrained price and volume increases of health care services. By matching cost-saving reforms with broadened coverage, we can achieve needed efficiencies throughout the health care system.

I view HealthAmerica as a starting point and held hearings in September to solicit input from interested parties on how we can improve HealthAmerica. I understand that Senator BENTSEN will also be holding hearings on proposals, including HealthAmerica, later this fall and I believe all of these hearings are important to build a consensus on reforming the health care system.

Mr. President, I am very pleased that Senator BENTSEN's bill addresses two key areas—help for small businesses and cost containment—in ways that are consistent with our HealthAmerica legislation and that will lay down the groundwork for further efforts in these areas. But I believe we must go farther in these areas and I believe that HealthAmerica is a blueprint for further action on comprehensive health care reform. I do not support every provision in this legislation and I will be working with the distinguished chairman on constructive modifications to the legislation.

Under the Better Access for Affordable Health Care Act, as well as our HealthAmerica Act, the tax deduction for health insurance costs for self-employed people would increase from 25 to 100 percent. Both bills also reform the insurance market for small businesses. Most businesses do provide health care coverage for their workers or would like to, but health insurance coverage is currently unaffordable for many small businesses. These provisions will give small businesses an opportunity to purchase affordable, needed health care services for their workers.

In addition, S. 1872 has provisions that begin the process for ensuring the availability of cost-effective managed care systems and also provides further movement in the area of cost containment. I especially view the Commission as a first step towards the entity we establish in HealthAmerica, the Federal Health Expenditure Board, that would eventually be the vehicle for substantially controlling health care costs.

In Michigan, close to 1 million people have no insurance coverage, 300,000 are children. So, we must not get lost in the details or politics and lose sight of the fact that this is an urgent issue facing our people. Therefore, I cosponsor S. 1872 with these thoughts in mind and with the determination to continue to move forward and enact a comprehensive national health care program. It's my hope that the momentum for change will continue to grow.

Mr. President, it's been over 2 years since President Bush established a task force to study these issues and develop recommendations, but still there is no plan. I urge the administration to come forward with a plan before the 1992 Presidential election because we need the President's leadership on this issue.

More than ever before, this country needs a health care system that guarantees access to affordable health care for all Americans. I commend Chairman BENTSEN for his efforts in this area and for his recognition of the need to comprehensively reform the health care system.

Mr. McCAIN. Mr. President, it is with pleasure that I join my colleague from Texas, the distinguished chairman of the Senate Finance Committee, Senator BENTSEN, in introducing the Better Access to Affordable Health Care Act of 1991.

Mr. President, we are in the throes of a health crisis in this country.

Health care costs continue to rise at phenomenal rates—with health care now consuming some 12.2 percent of our gross national product. Last year, we spent $666 billion on health care. This year, health spending is projected to rise to $750 billion. There appears to be little relief in sight.

Not only is this beginning to affect America's competitiveness with other countries, it has—among other things—priced many small businesses right out of the health insurance market. And, Mr. President, small businesses are the core of our Nation's economy.

Today, of the 32 to 37 million Americans without health insurance, 70 to 80 percent work—or are the dependents of those who work. The vast majority of these are employees of small businesses. Mr. President, many small businesses in Arizona have told me that if they did not drop their health insurance, they were going to have to close their doors—what a no win situation. We all lose—the employer, the employee, and the taxpayer.

Simplistically, some in Congress believe the way to solve this uninsured problem is to mandate that small businesses provide their employees with health insurance. In my view, such thinking demonstrates a failure to understand the issue. In fact, such proposals will only exacerbate this critical problem. Most of the small businesses don't offer health insurance because they can't afford it, not because they don't care about their employees.

I believe making real progress in addressing this aspect of the health care crisis requires that policymakers confront four main issues. In short, any legislation must provide employees with the coverage they need, give small firms affordable options with which to provide that coverage, help insurers to better cope with rising health care costs, and—through private sector solutions—reduce the health cost drain on our government resources.

Over the course of this year, Senator DURENBERGER and I have offered a package of four bills in the Senate which take this issue head on. Rather than mandating coverage, or creating expensive new programs, this package of bills addresses the problem of affordability and accessibility by creating new and efficient coverage options both for the uninsured and insurers.

In short, this package of bills does several things.

First, it corrects a longstanding inequity between small and large businesses by making permanent the deductibility of health insurance premiums for self-employed individuals, and boosting the percentage of deductibility from 25 percent to 100 percent.

Second, it assists small businesses in the purchase of insurance by providing them with less expensive alternatives to existing insurance plans, places certain limits on premium increases, places limits on preexisting condition coverage restrictions, and guarantees renewability of policies that haven't been legitimately terminated for cause.

And, third, it allows small businesses to form a pool for the purpose of purchasing health insurance. Such a concept has been in force in Cleveland, OH for a number of years now. Those businesses participating in this program from 1984 to 1990 only saw a 34-percent increase in their health insurance rates, while those small businesses that didn't participate saw a 176-percent rate increase. The cost savings enabled approximately 2,000 small employers in the Cleveland area to offer employees health insurance that could not afford to do so before joining this program.

I am pleased that the chairman of the Finance Committee has included the thrust of our proposals in his legislation. Of course, Senator BENTSEN'S bill goes beyond the proposals I have just discussed, to address a number of other critical issues related to access of affordable health care.

First, it offers what I believe to be a very appropriate solution to the critical issue of joblock. Mr. President, the fact that individuals with preexisting conditions are unable to change jobs for fear that their new employer's insurance policy will not cover them as a result of their condition is a disgrace. This issue must be addressed, and I commend the chairman of the Finance Committee for his thoughtful approach to this critical issue.

Second, the legislation addresses the need to get a handle on the increasing percentage of the gross national product that is consumed by health care by creating a Health Care Cost Commission to monitor and report on annual trends in national health spending. Among the responsibilities of the Commission is to review the impact of administrative costs on health care spending and make recommendations for minimizing such costs, and the development of uniform billing requirements for use by all insurers and providers.

Third, it focuses attention on the issue of managed care. As a number of large businesses, and Arizona's Medicaid Program, have been demonstrating—managed care programs can hold down health care costs. The legislation would prohibit States from developing laws to restrict the development of managed care plans. I firmly believe that one of the solutions to holding down the growth in health care costs is increased use of managed care. As such, we should enact policies to encourage development and use of such plans, not discourage them.

And, fourth, the legislation would expand the coverage of a number of preventative services under Medicare. I applaud the chairman for including these benefits, many of which are included in separate bills he and I introduced earlier this year.

Mr. President, our Nation is indeed facing a health care crisis. While this legislation is not the magic bullet that will resolve all the issues that need to be addressed, it is a major step in the right direction.

Some may say this bill doesn't go far enough. I agree, it doesn't—at least with regard to the reform that is ultimately needed. But, Mr. President, going farther than this at this point would be foolish. There is no consensus yet among the American people over what ought to be done in the way of broad reform. The choices are complex, and each one carries its own set of tradeoffs. Thus, I believe it is imperative that there be consensus before we move forward with a plan to institute broad reform. If we do not, Mr. President, we risk the same kind of reaction that we got from the seniors on the Medicare Catastrophic Coverage Act.

We need to heed the lesson of the Medicare Catastrophic Coverage Act and remember that a dialog with the American people is critical before we act. This proposal heeds that lesson.

Broad reform will come, but in the meantime we cannot wait to enact the proposals that are contained in this legislation. We have to begin to address the uninsured problem, prevent "joblock" due to preexisting conditions, increase the use of managed care, learn more about why health care continues to consume more and more of our GNP, and increase access to preventive health services—which is exactly what this proposal does.

Mr. President, in conclusion, I would like to thank the chairman of the Finance Committee for incorporating the small business insurance reform proposals Senator DURENBERGER and I have introduced, and commend him for his thoughtful approach to this legislation. I am pleased to be a sponsor, and I look forward to working with him to see that this legislation is enacted as soon as possible.

Mr. BAUCUS. Mr. President, I am pleased to rise today with my colleagues Senators BENTSEN, MITCHELL, DURENBERGER, and others to introduce the Better Access for Affordable Health Act of 1991.

This legislation addresses one of the most pressing problems we face now as a nation: the increasing difficulty of obtaining health insurance for many people.

Health insurance has become too expensive, and the price climbs higher every year. The practices of some insurers have made it even worse, especially in the small group market. Some people are always excluded from coverage because of a health condition. Some groups are refused coverage because they're not good risks. There are problems for those who can get insurance, as well. It's a growing administrative burden, with all the required paperwork, both for families and for employers.

But the worst part is, many people just can't get insurance. Period.

More than 140,000 Montanans—almost 18 percent of my State's citizens—have no health insurance.

Many of those people are children. Most of the remainder are working people who can't get insurance at work.

They can't get insurance either because they can't afford it, or because it's not offered as a benefit through their workplace.

There has been a debate going on about how to reform our health care system. I believe it needs major reform, and I have been studying ways to do that.

But reform will take time. And in the meantime we need to do what we can, quickly, to improve the situation.

This legislation is a good place to start.

A disproportionate amount of the health insurance problem has fallen on small business. It has been estimated that health insurance costs for small businesses are between 10 and 40 percent higher than those of large corporations.

My State is an overwhelmingly small business State. Close to half of all jobs in Montana are in businesses with 4 or fewer employees.

The bill we are offering today will help to make insurance more affordable to the self-employed and to small businesses.

It will help the self-employed by increasing their health insurance tax deduction from 25 percent to 100 percent, and make it permanent. It prohibits insurance companies from only covering the healthiest people, and from excluding people with health problems from coverage by their policies. It will stop insurers from overcharging small business customers. It protects small businesses against getting their insurance canceled. And it will set minimum Federal standards for health insurance sold to small business.

This legislation will not solve all of our health care problems. But it addresses a major problem, and it will help.

There are those who will be displeased with this legislation because it does not go far enough. I understand that point of view, and I certainly agree it does not go far enough.

No question about it, we need fundamental health care reform in this country. Twelve percent of our GNP is health spending, and a significant portion of our citizens get little or no health care because they can't afford it.

That's not right, and we should not be satisfied with that.

We all need to be working for broad reforms. But we are far from a consensus on how to do that.

When I was on the Pepper Commission I voted against the Commission's final health care recommendation: to require all businesses to provide health insurance for their employees. I have the greatest respect for the commission chairman, Senator ROCKEFELLER, and the other Commissioners. But I didn't like the idea of mandates then, and I don't like it now.

I believe that most small businesses do want to get their workers health insurance. And in fact most of them do. Those that don't, just can't afford it. Or they don't have the resources to spend the time that it takes to understand and choose among the hundreds of policies, some of which are good and some bad.

We need to help small business provide insurance. They're at a disadvantage now, and we need to help level the playing field.

This legislation does that. I look forward to working with Chairman BENTSEN on this proposal, and I urge my colleagues to support it.

By Mr. KOHL:

S. 1874. A bill to establish a Federal Facilities Energy Efficiency Bank to improve energy efficiency in federally owned and leased facilities, and for other purposes; to the Committee on Governmental Affairs.

FEDERAL ENERGY EFFICIENCY BANK ESTABLISHMENT ACT

• Mr. KOHL. Mr. President, I rise today to introduce legislation entitled the Federal Energy Efficiency Bank Establishment Act of 1991. The purpose of this legislation is to provide a stable, long-term source of funding for energy efficiency projects throughout the Federal Government. We all hear a lot of talk about making the Federal Government run like a business, but we seldom see real action to back those words. This bill is intended to help the Federal Government make businesslike investments which will conserve energy, save money, and protect the environment.

The need for this legislation is clear. Despite growing dependence on foreign sources of energy, the Federal Government reduced spending for energy conservation measures throughout the 1980's. Federal facilities continued to consume more and more energy, yet there were no sustained programs to invest in systems to combat this trend. In 1990, the Federal Government invested less than $50 million on energy conservation measures, compared to over $250 annually during the late 1970's.

Against this background, President Bush signed an Executive order on April 17, 1991, that mandates new energy conservation measures in Federal facilities. The Executive order directs all Federal agencies to reduce overall energy consumption in Federal buildings and facilities by 20 percent by the year 2000. If accomplished, this would save the American taxpayer up to $800 million in annual energy costs. It would cut Federal consumption by up to the equivalent of 100,000 barrels of oil per day. This would improve our environment, our balance of trade, and our national security.

But none of this will miraculously come to fruition, simply by virtue of the President's Executive order. The administration must back its policy pronouncements with real dollars for investment in energy efficiency projects. Without significant funding, the administration will not meet the goals set forth by the President. The Executive order alone cannot do the job—it requires capital.

I came to the Senate from a business background. In business, I would make the capital investments if the long-term paybacks were positive. Unfortunately, the Federal Government does not traditionally take this approach.

Long-term investments are deferred because we don't have the capital, even if the long-term paybacks are significant. There is no mechanism to properly finance long-term projects that any rational businessman would undertake.

Mr. President, my bill will help fill this gap. It creates a bank that can be used to fund capital investments in energy conservation systems. In this way, the Department of Energy can provide moneys to agencies throughout the Government for energy conservation investments.

Every agency would be required to deposit into the bank a fixed percentage of its energy budget. This would serve the goal of energy conservation in two ways. First, it would provide needed revenues for the bank. Second, it would give agencies an incentive to reduce energy expenditures.

The Department of Energy would then loan funds from the bank to agencies for the purchase of energy conservation systems. The agencies would repay the loans out of the savings generated from the newly installed systems. The Secretary would establish, by regulation, the types of investments eligible for bank financing. In this way, only proven technologies with definite paybacks would be eligible for support. The bill further requires that energy measurement and control systems be included for funding, so that agencies can intelligently understand their energy consumption and can manage their systems in a way to maximize savings.

This bill is actually quite simple. It puts in place a financing mechanism not unlike what is used in the private sector. It will create a fund for energy conservation investments that will take advantage of the long-term savings potential offered by such investments. It will provide the dollars required to make the Executive order a reality.

Mr. President, in closing I would like to thank a company in my State that assisted me in the preparation of this bill. Johnson Controls is the largest public company in Wisconsin. As a maker of energy conservation systems, Johnson has provided me with additional real world insights that have helped me in drafting this bill. I appreciate their efforts as well as their willingness to get involved in this public policy issue. Their leadership is to be commended.

Mr. President, I ask unanimous consent that the full text of the bill be printed in full in the RECORD. I urge my colleagues to support this bill and will push for its early enactment.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1874

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Federal Energy Efficiency Bank Establishment Act".

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) energy conservation is a cornerstone of national energy security policy;

(2) the Federal Government is the largest consumer of energy in the economy of the United States;

(3) numerous opportunities exist for significant energy cost savings within the Federal Government;

(4) on April 17, 1991, the President signed Executive Order No. 12759 which mandated energy savings by Federal agencies; and

(5) to achieve the energy savings required by the Executive Order the Federal Government must make significant investments in energy savings systems and products, including energy management control systems.

(b) PURPOSE.—The purpose of this Act is to promote energy conservation investments in Federal facilities.

SEC. 3. DEFINITIONS.

As used in this Act:

(1) AGENCY.—The term "agency" means—

(A) an executive agency as defined under section 105 of title 5, United States Code;

(B) the United States Postal Service; and

(C) any agency of the judicial branch of Government.

(2) BANK.—The term "Bank" means the Federal Facilities Energy Efficiency Bank established in section 4.

(3) SECRETARY.—The term "Secretary" means the Secretary of Energy, unless otherwise provided.

(4) TOTAL UTILITY PAYMENTS.—The term "total utility payments" means payments made for electricity and natural gas.

SEC. 4. ESTABLISHMENT OF BANK.

(a) IN GENERAL.—There is established in the Treasury of the United States a trust fund, to be known as the Federal Facilities Energy Efficiency bank, consisting of—

(1) such amounts as are transferred to the Bank under subsection (b); and

(2) any interest earned on investment of amounts in the Bank under subsection (c).

(b) TRANSFERS TO BANK.—

(1) IN GENERAL.—In fiscal year 1993 and in each subsequent fiscal year, each agency shall transfer to the Secretary of the Treasury for deposit into the Bank an amount equal to the percentage determined in accordance with paragraph (2) multiplied by the total utility payments paid by the agency in the preceding fiscal year (including amounts included in agency rental payments that reimburse landlords for utility costs).

(2) PERCENTAGE.—

(A) DETERMINATION.—Subject to subparagraph (B), the percentage referred to in subparagraph (A) shall be determined by the President, in consultation with the Secretary and the Secretary of the Treasury.

(B) MINIMUM TOTAL DEPOSITS.—The total aggregate amount deposited into the Bank shall be sufficient to provide for the capitalization, over a period to be determined by the President in consultation with the Secretary and the Secretary of the Treasury (except that the period shall not exceed 5 years) of a revolving fund capable of financing energy efficiency projects totaling at least $200 million annually beginning the 6th year after the date of enactment of this Act.

(3) REPAYMENTS.—

(A) IN GENERAL.—An agency shall repay to the Bank the principal amount of the energy efficiency project loan plus interest determined in accordance with subparagraph (B).

(B) INTEREST.—Interest on a loan shall—

(i) be at a rate determined by the President in consultation with the Secretary and the Secretary of the Treasury; and

(ii) accrue upon transfer of the loan amount to the agency.

(C) SOURCE OF REPAYMENT FUNDS.—The agency shall repay the loan from appropriations to the agency for that purpose including the agency's appropriation for facility operations. Repayments from appropriations shall be without regard to fiscal year limitations.

(c) INVESTMENT OF FUNDS.—

(1) IN GENERAL.—The Secretary of the Treasury shall invest such portion of the Bank as is not, in the Secretary's judgment, required to meet current withdrawals. Investments may be made only in interest-bearing obligations of the United States.

(2) ACQUISITION OF OBLIGATIONS.—For the purpose of investments, obligations may be acquired—

(A) on original issue at the issue price; or

(B) by purchase of outstanding obligations at the market price.

(3) SALE OF OBLIGATIONS.—Any obligation acquired by the Bank may be sold by the Secretary of the Treasury at the market price.

(4) CREDITS TO BANK.—

(A) IN GENERAL.—The interest on, and the proceeds from the sale or redemption of, any obligations held in the Bank shall be credited to and form a part of the Bank.

(B) TRANSFERS BASED ON ESTIMATES.—

(i) IN GENERAL.—The amounts required to be transferred to the Bank under subparagraph (A) shall be transferred at least monthly from the general fund of the Treasury to the Bank on the basis of estimates made by the Secretary of the Treasury.

(ii) ADJUSTMENTS.—Proper adjustment shall be made in amounts subsequently transferred to the extent prior estimates were in excess of or less than the amounts required to be transferred.

SEC. 5. EXPENDITURES FROM BANK.

(a) IN GENERAL.—The Secretary of the Treasury shall transfer from the Bank to the Secretary such amounts as are appropriated to carry out the loan program under subsection (b).

(b) LOAN PROGRAM.—

(1) IN GENERAL.—In accordance with section 6, the Secretary shall establish a program to loan amounts from the Bank to any agency that submits an application satisfactory to the Secretary in order to finance energy efficiency projects that assist the agency in meeting or exceeding the energy efficiency goals set forth in—

(A) part 3 of title V of the National Energy Conservation Policy Act (42 U.S.C. 8251 et seq.); and

(B) applicable Executive Orders, including Orders No. 12003 and 12579.

(2) PURPOSES OF LOAN.—A loan made pursuant to this section may be made for—

(A) energy efficiency project costs; and

(B) administration and proposal development costs (including data collection and energy survey costs), except that the amount of the loan made for costs described in this subparagraph may not exceed 15 percent of the cost of the energy efficiency project.

SEC. 6. SELECTION SCHEDULE AND CRITERIA.

(a) SCHEDULE.—The Secretary shall establish a schedule for the selection of energy efficiency projects to be awarded loans in accordance with subsection (b).

(b) SELECTION CRITERIA.—

(1) THRESHOLD REQUIREMENTS.—The Secretary may make loans only for energy efficiency projects that are—

(A) technically feasible; and

(B) determined to be cost effective using the life cycle cost methods established by the Secretary by regulation.

(2) OTHER CRITERIA.—The Secretary shall establish criteria for the selection of energy efficiency projects, including—

(A) the cost effectiveness of the project;

(B) the amount of projected energy and cost savings to the Federal Government;

(C) the extent to which funds are leveraged from other sources to finance the project; and

(D) other factors that the Secretary determines will result in the greatest energy and cost savings to the Federal Government.

SEC. 7. REPORTING REQUIREMENTS.

(a) NOTIFICATION TO SECRETARY.—Not later than 1 year after the installation of each energy efficiency project, the agency shall notify the Secretary if the project fails to meet the energy savings projections. For each project that fails to meet the savings projections, the agency shall submit a report outlining the reasons for the failure and proposed remedies.

(b) AUDITS.—The Secretary may audit any energy efficiency project financed with funding from the Bank to assess the project's performance.

(c) REPORTS TO CONGRESS.—At the end of each fiscal year, the Secretary shall submit a report to Congress on the operations of the Bank, including a statement of the total receipts into the Bank, and the total expenditures from the Bank to each agency.

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.●

By Mr. MITCHELL (for himself, Mr. COHEN, Mr. REID, Mr. PRYOR, Mr. DOMENICI, Mr. AKAKA, Mr. DOLE, Mr. BURNS, Mr. BRADLEY, Mr. PELL, Mr. LEVIN, Mr. DODD, Mr. RIEGLE, Mr. LEAHY, Mr. METZENBAUM, Mr. ROCKEFELLER, Mr. DANFORTH, Mr. GORE, Mr. SANFORD, Mr. ADAMS, Mr. MURKOWSKI, and Mr. JEFFORDS):

S.J. Res. 218. Joint resolution designating the calendar year, 1992, as the "Year of American Craft: A Celebration of the Creative Work of the Hand;" to the Committee on the Judiciary.

YEAR OF THE AMERICAN CRAFT: A CELEBRATION OF THE CREATIVE WORK OF THE HAND

Mr. MITCHELL. Mr. President, I am pleased to introduce legislation in the Senate today to designate 1992 as the Year of the American Craft. I also want to thank my colleague from Maine, Senator COHEN, and a number of other Senators who are supporting this commemorative resolution.

In introducing this resolution, it is my hope to draw attention to the traditional handwork of craftspeople throughout the United States—to celebrate that work, and to provide an opportunity to encourage the preservation of these vanishing skills.

American arts and crafts reflect the many cultures and traditions that comprise the heritage of our Nation. They remind us of who we used to be, as well as who we are. It is not surprising, therefore, that in an increasingly high-tech and impersonal world, there has been renewed interest over the last decade in preserving this personal link to our past.

The Smithsonian Institution has recognized this renewed interest in traditional American arts and crafts with its annual celebration in Washington, DC, the American Folklife Festival. The festival, which is attended by thousands of visitors every year, brings together culturally and ethnically diverse groups from all over the Western Hemisphere to share their traditional art, music, and food.

In my home State of Maine, we hold similar festivals to celebrate the heritage and contribution of our State's diverse population—Native Americans, Franco-Americans, and of course, our State's unique "downeast" population. Hundreds of similar celebrations take place nationwide.

In celebrating these traditional crafts, we acknowledge the contributions they have made—both as art forms which we can enjoy and as reminders of our past. By designating 1992 as the Year of the American Craft, we can further acknowledge that excellence in craftsmanship deserves our tribute and our support.

To help commemorate the Year of the American Craft, chairpersons will be selected from all 50 States to initiate and promote projects unique to that State. There is a great deal of enthusiasm for this effort both in my home State of Maine, and among craftpersons throughout the country. I urge my colleagues to lend their support and hope every State will be able to participate in the celebration of the Year of the American Craft in 1992.

ADDITIONAL COSPONSORS

S. 20

At the request of Mr. ROTH, the name of the Senator from Louisiana [Mr. BREAUX] was added as a cosponsor of S. 20, a bill to provide for the establishment and evaluation of performance standards and goals for expenditures in the Federal budget, and for other purposes.

S. 492

At the request of Mr. WOFFORD, his name was added as a cosponsor of S. 492, a bill to amend the National Labor Relations Act to give employers and performers in the live performing arts, rights given by section 8(e) of such act to employers and employees in similarly situated industries, to give to such employers and performers the same rights given by section 8(f) of such act to employers and employees in the construction industry, and for other purposes.

S. 581

At the request of Mr. BOREN, the names of the Senator from Oregon [Mr. PACKWOOD], and the Senator from Washington [Mr. GORTON] were added as cosponsors of S. 581, a bill to amend the Internal Revenue Code of 1986 to provide for a permanent extension of the targeted jobs credit, and for other purposes.

S. 672

At the request of Mr. WOFFORD, his name was added as a cosponsor of S. 672, a bill to amend the Petroleum Marketing Practices Act.

S. 775

At the request of Mr. CRANSTON, the names of the Senator from New Jersey [Mr. BRADLEY], and the Senator from Colorado [Mr. WIRTH] were added as cosponsors of S. 775, a bill to increase the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans.

S. 790

At the request of Mr. WOFFORD, his name was added as a cosponsor of S. 790, a bill to amend the antitrust laws in order to preserve and promote wholesale and retail competition in the retail gasoline market.

S. 840

At the request of Mr. DURENBERGER, the name of the Senator from Oregon [Mr. PACKWOOD] was added as a cosponsor of S. 840, a bill to amend the Internal Revenue Code of 1986 to provide a simplified method for computing the deductions allowable to home day care providers for the business use of their homes.

S. 911

At the request of Mr. KENNEDY, the names of the Senator from Tennessee [Mr. GORE], and the Senator from Connecticut [Mr. LIEBERMAN], were added as cosponsors of S. 911, a bill to amend the Public Health Service Act to expand the availability of comprehensive primary and preventative care for pregnant women, infants and children and to provide grants for home-visiting services for at-risk families, to amend the Head Start Act to provide Head Start services to all eligible children by the year 1994, and for other purposes.

S. 1261

At the request of Mr. DOLE, the name of the Senator from North Carolina [Mr. HELMS] was added as a cosponsor of S. 1261, a bill to amend the Internal Revenue Code of 1986 to repeal the luxury excise tax.

S. 1332

At the request of Mr. BAUCUS, the names of the Senator from West Virginia [Mr. ROCKEFELLER], and the Senator from North Carolina [Mr. HELMS] were added as cosponsors of S. 1332, a bill to amend title XVIII of the Social Security Act to provide relief to physicians with respect to excessive regulations under the medicare program.

S. 1455

At the request of Mr. GRAHAM, the name of the Senator from North Carolina [Mr. SANFORD] was added as a cosponsor of S. 1455, a bill entitled the "World Cup USA 1994 Commemorative Coin Act".

S. 1673

At the request of Mr. HEFLIN, the name of the Senator from Pennsylvania [Mr. SPECTER] was added as a cosponsor of S. 1673, a bill to improve the Federal justices and judges survivors' annuities program, and for other purposes.

S. 1711

At the request of Mr. DOLE, the name of the Senator from Washington [Mr. GORTON] was added as a cosponsor of S. 1711, a bill to establish a Glass Ceiling Commission and an annual award for promoting a more diverse skilled workforce at the management and decisionmaking levels in business, and for other purposes.

S. 1730

At the request of Mr. ADAMS, the name of the Senator from Massachusetts [Mr. KENNEDY] was added as a cosponsor of S. 1730, a bill to provide early childhood staff training and professional enhancement grants, and for other purposes.

S. 1738

At the request of Mr. DASCHLE, the names of the Senator from Colorado [Mr. WIRTH], the Senator from Pennsylvania [Mr. WOFFORD], and the Senator from North Carolina [Mr. SANFORD] were added as cosponsors of S. 1738, a bill to prohibit imports into the United States of meat products from the European Community until certain unfair trade barriers are removed, and for other purposes.

S. 1767

At the request of Mr. PACKWOOD, the names of the Senator from New Mexico [Mr. DOMENICI], the Senator from Oregon [Mr. HATFIELD], and the Senator from Arizona [Mr. MCCAIN] were added as cosponsors of S. 1767, a bill to exempt semiconductors from the country of origin marking requirements under the Tariff Act of 1930.

S. 1777

At the request of Mr. ADAMS, the names of the Senator from New Mexico [Mr. BINGAMAN], the Senator from Connecticut [Mr. DODD], and the Senator from Maryland [Mr. SARBANES] were added as cosponsors of S. 1777, a bill to amend the Public Health Service Act to establish the authority for the regulation of mammography services and radiological equipment, and for other purposes.

S. 1788

At the request of Mr. WIRTH, the name of the Senator from South Dakota [Mr. PRESSLER] was added as a cosponsor of S. 1788, a bill to establish the National Air and Space Museum Expansion Site Advisory Panel for the purpose of developing a national competition for the evaluation of possible expansion sites for the National Air and Space Museum, and to authorize the Board of Regents of the Smithsonian Institution to select, plan, and design such site.

S. 1810

At the request of Mr. DURENBERGER, the name of the Senator from Washington [Mr. GORTON] was added as a cosponsor of S. 1810, a bill to amend title XVIII of the Social Security Act to provide for corrections with respect to the implementation of reform of payments to physicians under the Medicare Program, and for other purposes.

S. 1864

At the request of Mr. WOFFORD, his name was added as a cosponsor of S. 1864, a bill to authorize the Secretary of Health and Human Services to award a grant for the purpose of constructing a medical research facility at the Children's Hospital of Philadelphia, and for other purposes.

SENATE JOINT RESOLUTION 206

At the request of Mr. RIEGLE, the names of the Senator from Connecticut [Mr. DODD], the Senator from Florida [Mr. MACK], and the Senator from Mississippi [Mr. LOTT] were added as cosponsors of Senate Joint Resolution 206, a joint resolution to designate November 16, 1991, as "Dutch-American Heritage Day."

SENATE CONCURRENT RESOLUTION 43

At the request of Mr. DODD, the names of the Senator from Delaware [Mr. BIDEN], the Senator from New Jersey [Mr. BRADLEY], the Senator from Alaska [Mr. MURKOWSKI], the Senator from Pennsylvania [Mr. WOFFORD], the Senator from Maine [Mr. COHEN], the Senator from New Hampshire [Mr. RUDMAN], and the Senator from Colorado [Mr. WIRTH] were added as cosponsors of Senate Concurrent Resolution 43, a concurrent resolution concerning the emancipation of the Baha'i community of Iran.

SENATE CONCURRENT RESOLUTION 57

At the request of Mr. BOREN, the names of the Senator from Wisconsin [Mr. KOHL], the Senator from Arizona [Mr. MCCAIN], and the Senator from Pennsylvania [Mr. SPECTER] were added as cosponsors of Senate Concurrent Resolution 57, a concurrent resolution to establish a Joint Committee on the Organization of Congress.

SENATE CONCURRENT RESOLUTION 65

At the request of Mr. DECONCINI, the name of the Senator from Maryland [Ms. MIKULSKI] was added as a cosponsor of Senate Concurrent Resolution 65, a concurrent resolution to express the sense of the Congress that the President should recognize Ukraine's independence.

SENATE RESOLUTION 201

At the request of Mr. DANFORTH, the names of the Senator from South Dakota [Mr. DASCHLE], the Senator from Georgia [Mr. NUNN], the Senator from Ohio [Mr. GLENN], the Senator from South Carolina [Mr. THURMOND], and the Senator from Kansas [Mrs. KASSEBAUM] were added as cosponsors of Senate Resolution 201, a resolution to express the sense of the Senate regarding enforcement of the oilseeds GATT panel ruling against the European Community.

SENATE RESOLUTION 202—APPOINTING A SPECIAL COUNSEL TO INVESTIGATE DISCLOSURES OF CONFIDENTIAL INFORMATION

Mr. MITCHELL submitted the following resolution; which was considered and agreed to:

S. RES. 202

Resolved,

SECTION 1. CONDUCT OF THE INVESTIGATION.

The Federal Bureau of Investigation, the General Accounting Office, and any other Government department or agency as may be appropriate, shall be utilized in carrying out the investigation required by this resolution and the special independent counsel established by this resolution may, with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, use on a reimbursable, or non reimbursable, basis the services of personnel of any such department or agency.

SEC. 2. OFFICE OF TEMPORARY SPECIAL INDEPENDENT COUNSEL.

There is established, as a temporary office of the Senate, an Office of Temporary Special Independent Counsel, which shall be directed by a special independent counsel (referred to as the "special independent counsel"), with administrative support from the Secretary of the Senate, to conduct an investigation of any unauthorized disclosures of non-public confidential information from Senate documents in connection with the following investigations:

(1) the consideration of the nomination of Clarence Thomas to be an Associate Justice of the Supreme Court by the Committee on the Judiciary; and

(2) the investigation of matters related to Charles Keating by the Select Committee on Ethics.

SEC. 3. APPOINTMENT OF THE SPECIAL INDEPENDENT COUNSEL AND EMPLOYMENT OF STAFF.

(a) The President pro tempore of the Senate, upon the joint recommendation of the Majority Leader and the Minority Leader, shall appoint and fix the compensation at an annual or daily rate of pay, or shall contract for the services in the same manner and under the same conditions as a standing committee of the Senate may procure such services under section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i)), of a special independent counsel to direct the office established in the preceding paragraph. The President pro tempore of the Senate, upon the joint recommendation of the Majority Leader and the Minority Leader, may terminate the special independent counsel at any time.

(b) The Secretary of the Senate shall, upon the recommendation of the special independent counsel and with the joint approval of the Majority Leader and the Minority Leader, appoint and fix the compensation of such additional staff, including staff appointed at daily rates of pay, as are necessary to carry out the purposes of this resolution.

(c) Any employee appointed under this resolution may be paid at a rate not to exceed the maximum annual rate of pay for an employee of a standing committee of the Senate.

SEC. 4. EXPENSES OF INVESTIGATION.

(a) The expenses of the investigation of the special independent counsel shall be paid out of the Contingent Fund of the Senate from the appropriation account Miscellaneous Items upon vouchers approved by the Secretary of the Senate, except that vouchers shall not be required for—

(1) the disbursement of salaries of employees who are paid at an annual rate;

(2) payment of expenses for telecommunications services provided by the Telecommunications Department, Sergeant at Arms, United States Senate;

(3) the payment of expenses for stationery supplies purchased through the Keeper of the Stationery, United States Senate;

(4) the payment of expenses for postage to the Postmaster, United States Senate; and

(5) the payment of metered charges on copying equipment provided by the Sergeant at Arms, United States Senate.

(b) In carrying out the provisions of this resolution, the special independent counsel may procure the temporary or intermittent services of individual consultants, or organizations thereof, in the same manner and under the same conditions as a standing committee of the Senate may procure such services under section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i)).

(c) The Secretary of the Senate is authorized to advance such sums as may be necessary to defray the expenses incurred in carrying out the provisions of this resolution.

SEC. 5. COOPERATION OF THE SENATE.

All committees, Senators, officers, and employees of the Senate shall cooperate with the special independent counsel in conducting the investigation required by this resolution.

SEC. 6. DEPOSITIONS AND SUBPOENAS.

(a) The special independent counsel shall have the power to conduct depositions, at any time or place, of witnesses under oath, including oaths administered by individuals authorized by local law to administer oaths, for the purpose of taking testimony upon examination by any counsel designated by the special independent counsel, and receiving correspondence, books, papers, documents, and other records.

(b) At the request of the special independent counsel, the President pro tempore of the Senate shall have the power to authorize subpoenas, which shall be issued by the Secretary of the Senate, on behalf of the Senate for the attendance of witnesses at depositions under section 6(a) and for the production of correspondence, books, papers, documents, and other records.

(c) The chairman and ranking member of the Committee on Rules and Administration, acting jointly, shall adopt rules for the conduct of depositions and other matters related to the investigation required by this resolution, which shall be published in the Congressional Record. The rules may be amended by the same process.

(d) If a witness refuses, on the basis of relevance, privilege, or other objection, to testify in response to a question or to produce records in connection with the investigation required by this resolution, the chairman and ranking member of the Committee on Rules and Administration, acting jointly, shall rule upon such objection, or they may refer such objection to the full Committee on Rules and Administration for a ruling.

(e) The Committee on Rules and Administration may make to the Senate any recommendations by report or resolution, including recommendations for criminal or civil enforcement, which the Committee may consider appropriate with respect to—

(1) the failure or refusal of any person to appear at a deposition or to produce records in obedience to a subpoena or order; or

(2) the failure or refusal of any person to answer questions during his or her appearance as a witness at a deposition,

in connection with the investigation required by this resolution.

SEC. 7. REPORT OF THE SPECIAL INDEPENDENT COUNSEL.

The special independent counsel shall report the counsel's findings regarding all matters relevant to the investigation by transmitting the report to the Majority Leader and the Minority Leader. The Leaders shall make the report available to all Senators. The Majority Leader and the Minority Leader or their designees shall make—

(1) a determination on referral to the appropriate law enforcement authority of any possible violation of Federal law;

(2) a determination on referring to the appropriate committee any disciplinary action that should be taken against any Senator, official, employee, or person engaged by contract or otherwise to perform services for the Senate, who may have violated any rule of the Senate or of any Senate committee;

(3) a determination on referring to the appropriate executive branch any questions involving the conduct of any official or employee of the executive branch responsible for the unauthorized disclosure; and

(4) recommendations for any changes in Federal law or in Senate rules that should be made to prevent similar unauthorized disclosures in the future.

SEC. 8. EFFECTIVE DATE.

The special independent counsel shall submit the report required by this resolution not later than 120 days after the appointment of the counsel.

SENATE RESOLUTION 203—WISHING PRESIDENT BUSH WELL AS HE DEPARTS FOR THE MADRID TALKS

Mr. DOLE (for himself and Mr. Mitchell) submitted the following resolution; which was considered and agreed to:

S. Res. 203

Whereas the Middle East peace talks will convene in Madrid, Spain, on October 30, 1991, under the sponsorship of the United States and the Soviet Union.

Whereas all the major parties in the Middle East will be represented at the talks.

Whereas such talks represent the best opportunity since Camp David to make real progress toward a comprehensive Middle East peace.

Whereas President Bush will lead the United States delegation to the talks; and

Whereas President Bush will also use the occasion of his visit to Madrid for bilateral discussions with Soviet President Gorbachev; Now, therefore, be it

Resolved, That the Senate of the United States—

(1) commends President Bush and Secretary of State Baker for their outstanding leadership in organizing the Middle East peace talks; and

(2) wishes President Bush well as he departs for Madrid, both in the Middle East peace talks and in his discussions with President Gorbachev.

SENATE RESOLUTION 204—URGING DISCUSSIONS AT THE UPCOMING MIDDLE EAST PEACE CONFERENCE REGARDING THE SYRIAN CONNECTION TO TERRORISM

Mr. D'AMATO (for himself, Mr. DeConcini, Mr. Graham, Mr. Gore, Mr. Grassley, Mr. Packwood, Mr. Adams, Mr. Mack, Mr. Dixon, Mr. Helms, Mr. Smith, Mr. Cohen, Mr. Moynihan, Ms. Mikulski, Mr. McCain, Mr. Lautenberg, and Mr. Lieberman) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. Res. 204

Whereas since December 1979 Syria has been determined to be a country supporting international terrorism under section 6(j) of the Export Administration Act of 1979;

Whereas Syria has been directly linked to the attempted bombing in 1986 of an El Al flight from London to Israel through its paid agent, Nezar Hindawi;

Whereas Syria has continued to sponsor the activities of Ahmed Jabril, a Syrian-born military officer and leader of the Popular Front for the Liberation of Palestine General Command, who has been strongly linked, along with his Syrian sponsors, with the 1988 bombing of Pan Am flight 103 over Lockerbie, Scotland, resulting in the death of 270 people, 189 of whom were Americans;

Whereas Syria has supported and sponsored Abu Nidal, the man responsible for the simultaneous attacks on the Rome and Vienna airports in 1985, numerous assassinations of international officials as well as American citizens;

Whereas Syrian participation in the drug trade out of Lebanon provides up to twenty percent of the hashish that enters the United States as well as forty percent of Lebanon's opiate production;

Whereas these activities provide Syria with massive profits, reportedly as high as $1,000,000,000 a year, thereby enhancing its ability to sponsor terrorism: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) it should be the policy of the United States to pursue discussions regarding Syria and terrorism at the Middle East Peace Conference in Madrid, Spain, in October 1991;

(2) Syria should, in this regard, completely renounce all forms of terrorism;

(3) Syria should cease all support of terrorism including financial, military, and political aid to all terrorist groups;

(4) Syria should close all terrorist training bases on Syrian territory and Syrian-controlled, Lebanese territory, particularly that of the Bekka Valley.

• Mr. D'AMATO. Mr. President, I rise along with Senators DeConcini, Graham, Gore, Grassley, Packwood, Adams, Mack, Dixon, Helms, Smith, Cohen, Moynihan, Mikulski, McCain, Lautenberg, and Lieberman to introduce a resolution expressing the sense of the Senate that it should be the policy of the United States to include discussions of Syrian-sponsored terrorism at the Middle East Peace Conference in Madrid, beginning on October 30, 1991.

We can never have real peace while terrorists are allowed to pollute the new world order. Hafez Assad sponsores, supports, and fosters the murder of innocent men, women, and children. There can never be real peace until Syria fully disavows terrorism and the terrorist community. To this end, Syria must completely renounce all forms of terrorism and cease financial, material, and political support for all terrorist groups, as well as close all its terrorist training camps in Syria and Syrian-controlled Lebanon before any real progress can be achieved at the Madrid Conference.

The Syrians are the slayers of our children. Too many have suffered because they use death to fulfill their senseless political agenda. To dismiss Syria's links with terrorism is to dismiss the deaths of those Americans who perished at the hands of Assad's assassins.

The list of American victims of Syrian terrorism is appallingly extensive. The bombing of Pan American flight 103 led to the slaughter of 189 innocent American citizens, including 35 students from Syracuse University, my alma mater. In this inhumane action, the terrorists murdered the future leaders of our country. These students represented the next generation of doctors, lawyers, environmentalists, businessmen. Can we ever forgive or forget those responsible for this senseless massacre? How can we discuss peace with this merchant of death?

Unfortunately, Pan Am 103 is not the only instance of Syrian-sponsored murder of Americans. Who can forget the tragic plight of our soldiers in Beirut; 241 innocent American Marines, defenders of our country, were massacred in their sleep in the bombing of the Marine barracks.

The blood-stained résumé of Assad does not end here. The 17 Americans left dead in the bombing of the American Embassy in Beirut and the 5 American tourists murdered in cold blood at the massacre in the Rome and Vienna airports, only add to Assad's long list.

How much more evidence do we need? How many more mothers must lose their children? Hafez Assad is truly the Devil of Damascus.

As the founder and cochairman of the Senate Anti-Terrorism Caucus, I must tell you that Hafez Assad and his Syrian cronies are responsible for much of the world's most heinous terrorist acts. As the diplomatic community fawns over Assad, we must never lose sight of his brutal legacy.

We demand verifiable assurances that Syrian policy changes and support for terrorism ends. This butcher must stop killing Americans now.

If he cannot clearly and forthrightly end his support for terrorism, then the United States has no business dealing with Syria any further.●

SENATE RESOLUTION 205—AMENDING THE STANDING RULES OF THE SENATE

Mr. DECONCINI submitted the following resolution; which was referred to the Committee on Rules and Administration:

S. RES. 205

Resolved,

That the Standing Rules of the Senate are amended by adding at the end thereof the following:

"RULE XLIII

"NON-DISCLOSURE POLICY

"Any Senator or officer or staff member or any person engaged by contract or otherwise to perform services for the United States Senate shall not release, divulge, publish, reveal by writing, word, conduct, or disclose in any way, in whole, or in part, or by way of summary the classified, confidential or designated sensitive business or proceedings of the Senate or any related information, documents or material which are either classified, confidential or designated sensitive. An individual's failure to comply with these strictures shall cause a Senator to be liable to suffer penalties up to expulsion from the body; and if officer or staff member or any person engaged by contract or otherwise to perform services for the United States Senate to suffer penalties up to dismissal from the service of the Senate."

● Mr. DECONCINI. Mr. President, the Senate is in a quagmire. Trust, confidentiality, and the general principle of comity have been breached. But it is not just in the last 3 weeks that these have been violated, they have been violated over the past few years. What is in the best interest of the Nation has been subsumed to what is in the best interest of a good story. Leaks and counterleaks from all political persuasions, from both sides of the aisle and from all stripe of interest seems to compete on a daily basis. The press reports less news than they do rumor, gossip, innuendo, and leaks.

Leaks have become a way of life both in Congress and the executive branch, only the judicial branch has—for the most part—been blessedly spared this ugliness. Individuals who becomes good sources for the media, receive kinder treatment at their hands. Those who refuse to leak—refuse to divulge confidences—receive callous, often cruel handling.

The press cannot be held solely or even perhaps primarily responsible. It is those of us in Government who no longer respect confidentiality, secrecy, and sacred trusts who are responsible.

Mr. President, today I am submitting a resolution to amend the Standing Rules of the Senate to clarify the rules with respect to the treatment of documents and information of a classified, confidential, or sensitive nature. I have proposed adding a new rule 43, because I believe rule 29 which has been cited in this regard applies to executive sessions and does not appropriately address all situations.

My new proposed rule reads as follows:

NON-DISCLOSURE POLICY

Any Senator or officer or staff member or any person engaged by contract or otherwise to perform services for the United States Senate shall not release, divulge, publish, reveal by writing, word, conduct, or disclose in any way, in whole, or in part, or by way of summary the classified, confidential or designated sensitive business or proceedings of the Senate or any related information, documents or material which are either classified, confidential or designated sensitive. An individual's failure to comply with these strictures shall cause a Senator to be liable to suffer penalties up to expulsion from the body; and if officer or staff member or any person engaged by contract or otherwise to perform services for the United States Senate to suffer penalties up to dismissal from the service of the Senate.

The language I have chosen to use is the result of consideration and review of both the current rule 29, paragraph 5 of the Standing Rules of the Senate, and rule 9(d) of the rules of procedures of the Select Committee on Ethics. The category of designated "sensitive" business would need to be clarified so all Senators would be clear on what this means. My intent would be that it would cover material similar to that which the Ethics Committee describes as "committee sensitive" material and would definitely include FBI reports and documents which committees or Senate leadership designates as sensitive.

I am certainly open to proposed changes in my draft rule 43. It is unquestionable that we need a new rule. All parties need to know what the restrictions on leaking information are and they need to know that the Senate will act swiftly in response to violations of leaks and that action will be severe.

The Senate needs to act now, this month, not next year. If we do not act we undermine our integrity and the integrity of this institution.●

SENATE RESOLUTION 206—AMENDING THE STANDING RULES OF THE SENATE

Mr. DECONCINI submitted the following resolution; which was referred to the Committee on Rules and Administration:

S. RES. 206

Resolved, That paragraph 5(b) of rule XXVI is amended by striking all after "open to the public," in the matter before paragraph 1 and inserting the following: "except that a meeting or series of meetings to discuss matters enumerated in clauses (1) through (6) shall be conducted in closed session unless a majority of the Members of the committee or subcommittee determine, by a recorded vote, that the meeting or hearings should be open to the public. The matters referred to in the preceding sentence are the following:''.

• Mr. DECONCINI. Mr. President, I rise today to offer a Senate resolution to amend the rules of the Senate to require that certain sensitive matters that are the subject of committee and subcommittee hearings be held in closed session in the absence of a vote by a majority of the members of the committee or subcommittee to conduct these hearings in public.

I believe that with the recent event of Prof. Anita Hill's allegation regarding Judge Clarence Thomas we have seen both of these parties unnecessarily compromised. Because of the leak of confidential information furnished by a witness during the Senate's confirmation process that witness was forced to come forward in the public spotlight against her expressed wishes. Moreover, we compromised the integrity of a judicial nominee by openly debating allegations of his personal misconduct. I do not believe that the interests of the confirmation process or the parties involved were served by public hearings. The highly sensitive and inflammatory nature of these allegations support the need for such hearings to be held in private.

In the existing rules—rule 26.5b—the Senate has identified six sensitive matters that are appropriate for discussion in closed session. The areas currently recognized by the Senate rules to be of a sensitive nature are issues that pertain to the following: First, national security; second, internal staff management; third, allegation of misconduct; fourth, law enforcement informants, investigations and prosecutions; fifth, trade secrets; and sixth, matters required to be kept confidential by law.

I have always been a strong proponent of openness in Government and an advocate of an open legislative process. However, the Senate, in its wisdom, has long regarded these enumerated sensitive matters as appropriate for consideration in closed session because of the potential for compromising individual or governmental interests through public exposure.

I agree with the list of issues that the Senate has delineated as sensitive matters. However, I disagree with the presumption, contained in the rules, that requires these sensitive matters to be aired in public unless a majority of committee or subcommittee members determine that a closed session is preferable.

Accordingly, I am proposing an amendment to the Senate rules that would require that hearings and meetings, on these enumerated sensitive issues, be conducted in closed session, unless a majority of members of the committee or subcommittee determine, that all interests would be better served by opening these hearings to the public.

I believe that this amendment will protect sensitive individual and Government interests and ultimately protect the Senate's confirmation and investigation processes from sensationalized exposure that can cause irreparable harm.•

AMENDMENTS SUBMITTED

CIVIL RIGHTS ACT OF 1991

DOMENICI (AND RUDMAN) AMENDMENT NO. 1270

(Ordered to lie on the table)

Mr. DOMENICI (for himself and Mr. RUDMAN) submitted an amendment intended to be proposed by them to the bill (S. 1745) to amend the Civil Rights Act of 1964 to strengthen and improve Federal civil rights laws, to provide for damages in cases of intentional employment discrimination, to clarify provisions regarding disparate impact actions, and for other purposes; as follows:

Strike all language beginning on page 8, line 23 through line 9, page 24, and insert the following in lieu thereof:

"(o) The term 'required by business necessity' means in the case of employment practices that are used as qualification standards employment tests, or other selection criteria, the challenged practice must bear a manifest relationship to the employment in question, provided, however, that after such employment practices have been applied to produce a qualified applicant pool, a respondent may make its employment decision based upon a valid business purpose even if that purpose does not require the challenged practice."

FEDERAL FACILITY COMPLIANCE ACT

SEYMOUR (AND OTHERS) AMENDMENT NO. 1271

Mr. SEYMOUR (for himself, Mr. DOMENICI, Mr. MURKOWSKI, Mr. GRAMM, Mr. COATS, Mr. THURMOND, Mr. SIMPSON, Mr. BROWN, Mr. BOND, Mr. BURNS, Mr. CRAIG, Mr. GRASSLEY, Mr. HATCH, Mr. KASTEN, Mr. MACK, Mr. MCCONNELL, Mr. NICKLES, Mr. JEFFORDS, Mr. SMITH, Mr. SYMMS, Mr. HATFIELD, and Mr. LUGAR) proposed an amendment to the bill (S. 596) to provide that Federal facilities meet Federal and State environmental laws and requirements and to clarify that such facilities must comply with such environmental laws and requirements, as follows:

At the appropriate place, add the following:

The Federal Bureau of Investigation is hereby requested and authorized to obtain such subpoenas as are necessary to secure the attendance of such witnesses and the production of such correspondence, books, papers, documents, and other sources of information, to take such sworn testimony and to make such expenditures out of any funds appropriated and not otherwise obligated to make an investigation into the matter of releasing of any confidential or secretive information transmitted to the Senate Committee on the Judiciary regarding Professor Anita Hill of the University of Oklahoma or Judge Clarence Thomas and to report to the Congress the results of this investigation not later than 30 days after the date of enactment of this Act.

MANAGEMENT OF MARY McLEOD BETHUNE COUNCIL HOUSE NATIONAL HISTORIC SITE

GRAHAM AMENDMENT NO. 1272

Mr. FORD (for Mr. GRAHAM) proposed an amendment to the bill (H.R. 690) to authorize the National Park Service to acquire and manage the Mary McLeod Bethune Council House National Historic Site, and for other purposes, as follows:

At the end of the bill, add the following:

Section 775 of the Higher Education Act of 1965 (20 U.S.C. 1132h-4) is amended—

(1) in subsection (c) by inserting "and maintenance" after "construction", and

(2) in subsection (d) by striking "$6,200,000" and inserting "$15,700,000".

TOURISM POLICY AND EXPORT ADMINISTRATION ACT

ROCKEFELLER (AND BURNS) AMENDMENT NO. 1273

Mr. FORD (for Mr. ROCKEFELLER, for himself and Mr. BURNS) proposed an amendment to the bill (S. 680) to amend the International Travel Act of 1961 to assist in the growth of international travel and tourism into the United States, and for other purposes, as follows:

Strike all on page 29, line 21, through page 30, line 12, and insert in lieu thereof the following:

"(D)(i) At the same time that the Secretary announces the selection of markets under subparagraph (C), the Secretary shall issue a request for proposals from States and political subdivisions thereof, regional governmental entities, and appropriate nonprofit organizations and associations to develop and implement tourism trade development programs applicable to the markets so selected. Subject to the requirements of subsections (c) and (d), the Secretary is authorized to provide financial assistance to carry out proposals submitted under this subparagraph, and such assistance shall be provided no later than two years after the notice is published under subparagraph (B). In addition to financial assistance, the Secretary may provide technical assistance.

"(ii) The expenditures in a fiscal year to issue requests for proposals and provide financial assistance under clause (i) shall not exceed 10 percent of the amount appropriated to the Secretary to carry out the duties authorized under this Act for that fiscal year.

On page 30, at the end of line 20, add the following new sentence: "The Secretary may reassign personnel from existing foreign offices to such tourism trade development offices.".

Strike all on page 32, line 13, through page 33, line 12, and insert in lieu thereof the following:

(e) CONFORMING AMENDMENTS.—(1) Section 202(a)(5) of the International Travel Act of 1961 (22 U.S.C. 2123(a)(5)) is amended to read as follows:

"(5) may provide financial assistance under subsection (e) to States and political subdivisions thereof, regional governmental entities, and appropriate nonprofit organizations and associations;".

(2) Section 202(c) of the International Travel Act of 1961 (22 U.S.C. 2123(c)) is amended—

(A) in the first sentence—

(i) by striking "paragraph (5) of subsection (a)" and inserting in lieu thereof "subsection (e)"; and

(ii) by striking "under this clause";

(B) in the second sentence by striking "paragraph" and inserting in lieu thereof "subsection"; and

(C) in the third sentence by striking "paragraph (5) of subsection (a) of this section" and inserting in lieu thereof "subsection (e)".

(3) Section 202(d) of the International Travel Act of 1961 (22 U.S.C. 2123(d)) is amended by striking "paragraph (5) of subsection (a) of this section" and inserting in lieu thereof "subsection (e)".

Strike all on page 45, and insert in lieu thereof the following:

(d) REPEALS.—Sections 203 and 204 of the International Travel Act of 1961 (22 U.S.C. 2123a and 2123b) are repealed.

(e) TOURISM POLICY COUNCIL.—(1) Section 302(b)(1) of the International Travel Act of 1961 (22 U.S.C. 2124a(b)(1)) is amended—

(A) by striking subparagraph (E);

(B) by redesignating subparagraphs (F) and (G) as subparagraphs (E) and (F), respectively;

(C) by redesignating subparagraphs (H) and (I) as subparagraphs (M) and (N); and

(D) by inserting immediately after subparagraph (F), as so redesignated, the following new subparagraph:

"(G) the Secretary of Agriculture or the individual designated by such Secretary from the Department of Agriculture;

"(H) the Chairman of the Tennessee Valley Authority;

"(I) the Commanding General of the Corps of Engineers of the Army, within the Department of Defense;

"(J) the Administrator of the Small Business Administration;

"(K) the Commissioner of Customs;

"(L) the Attorney General or the individual designated by the Attorney General from the Immigration and Naturalization Service;".

Strike all on page 47, line 19, through page 48, line 19; and on page 46, line 16, strike "(a) DEPUTY UNDER SECRETARY.—".

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be allowed to meet during the session of the Senate Thursday, October 24, 1991, at 10 a.m. to conduct a hearing on issues related to RTC funding.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, October 29, 1991, at 2 p.m. to hold a business meeting.

The committee will consider and vote on the following business item:

Legislation: Senate Resolution 198, authorizing the Committee on Foreign Relations to exercise certain investigatory power in connection with its inquiry in the release of the United States hostages in Iran.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON EDUCATION, ARTS AND HUMANITIES

Mr. FORD. Mr. President, I ask unanimous consent that the Subcommittee on Education, Arts and Humanities of the Committee on Labor and Resources be authorized to meet during the session of the Senate on Thursday, October 24, 1991, at 10 am, for an executive session on pending business.

Agenda: First, S. 1150, to reauthorize the Higher Education Act; and second, S. 1275, to reauthorize the Office of Educational Research and Improvement.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. FORD. Mr. President, I ask unanimous consent that the Governmental Affairs Committee be authorized to meet on Thursday, October 24, 1991, at 9:30 a.m. for a hearing on the subject: The role of the Council on Competitiveness in Regulatory Review.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON AGING

Mr. FORD. Mr. President, I ask unanimous consent that the Subcommittee on Aging of the Committee on Labor and Human Resources be authorized to meet during the session of the Senate on Thursday, October 24, 1991, at 2 p.m. for a hearing on the "Failure and Success of Current Mammography Practice: The Need for Stronger Federal Quality Standards."

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON WATER AND POWER

Mr. FORD. Mr. President, I ask unanimous consent that the Subcommittee on Banking, Housing, and Urban Affairs be allowed to meet during the session of the Senate Thursday, October 24, 1991, at 10 a.m. to conduct a hearing on issues related to RTC funding.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON WATER AND POWER

Mr. FORD. Mr. President, I ask unanimous consent that the Subcommittee on Water and Power of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate, 2 p.m., October 24, 1991, to receive testimony on S. 144, a bill to protect the natural and cultural resources of the Grand Canyon and Glenn Canyon; and the following titles of H.R. 429.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON TERRORISM, NARCOTICS AND INTERNATIONAL OPERATIONS

Mr. FORD. Mr. President, I ask unanimous consent that the Subcomminee on Terrorism, Narcotics and International Operations of the Foreign Relations Committee be authorized to meet during the session of the Senate on Thursday, October 24, at 9 a.m. to hold a hearing on the narcotics and foreign policy implications of the BCCI affair.

The PRESIDING OFFICER. Without objection it is so ordered.

ADDITIONAL STATEMENTS

COMMEMORATION OF THE HUNGARIAN NATIONAL UPRISING

• Mr. WELLSTONE. Mr. President, I rise today to commemorate the 35th anniversary of the Hungarian National Uprising. In 1956, on October 23, 24, and 25, Hungarian students sparked a spontaneous popular uprising against their repressive Communist government and Soviet political and economic domination. In the 2 weeks before the uprising was brutally suppressed by the Hungarian police and Soviet troops, a new reform-minded Hungarian leadership instigated a short-lived process of reforms and the Hungarian people briefly felt the exhilaration of new found freedoms and hope.

This week, 35 years later, Hungary has thrown off the chains of its authoritarian past and is creating a vibrant, democratic society. As the world celebrates the transformation of Hungary—and that of the Soviet Union and other countries formerly part of the Soviet bloc—we should pay homage to those who came before.

The students, intellectuals, soldiers, and ordinary Budapest residents who led the rebellion demanded respect of their fundamental political and civil rights. They demanded an end to one-party rule. They demanded the reappointment of the reformist leader Imre Nagy to be Prime Minister. And they demanded the removal of all Soviet troops from their country.

Thanks to their conviction and courage, Hungary enjoyed a few days of freedom. A free press and radio came to life all over the country and the dreaded secret police were disbanded. Revolutionary and workers' councils sprung up spontaneously in different parts of the country to replace the collapsing structure of the Communist Party. The workers' councils took steps to give workers control of nationalized industries and to improve workplace conditions. Mr. Nagy, though himself a Communist of long standing, invited non-Communists into a new governing coalition.

The Hungarian freedom fighters were to pay dearly for their conviction. On October 25, over 25,000 people gathered at the Parliament to see Prime Minister Nagy. Soviet tanks and Hungarian secret police opened fire on the crowd with machineguns. Many hundreds of people were mercilessly gunned down. Medical personnel were shot at when they tried to tend to the wounded.

Imre Nagy ordered Soviet troops to leave his country. He appealed to the United Nations for help. The Soviet Union sent reinforcements and the United Nations rejected his pleas. On November 4, the world stood by as Soviet troops attacked Budapest and seized control of the city.

Mr. President, although this rebellion was crushed and a new government installed in Budapest, the spirit of Hungarian resistance and democratic reform lived on. Today, Hungary has picked up where it left off 35 years ago. The first free elections in 43 years took place in March 1990. Hungary is now a working parliamentary democracy, headed by Jozsef Antall and the New Democratic Forum. Its civil society is slowly recovering after decades of near absolute repression. Its economy is rapidly expanding and becoming internationalized.

Thirty-five years ago, the Hungarian freedom fighters were a ray of hope for all the people of Eastern Europe who were struggling to throw off the darkness of the cold war and Soviet domination. Today, Hungary continues to be an important influence on the future of the new Europe, which has emerged into the bright daylight.

While on the subject of freedom fighters, I would also remind our colleagues that we are honored today with the presence in Washington of the president of another courageous country, President Vaclav Havel of Czechoslovakia. We salute the brave people of both Hungary and Czechoslovakia and pray that—to paraphrase Eleanor Roosevelt—the lights from all their candles may truly light the entire world.•

WISCONSIN'S FRIENDSHIP QUILT

• Mr. KASTEN. Mr. President, self-sacrifice is one of the proudest traditions of our country. Earlier this year, thousands of young Americans acted in this spirit—laying their lives on the line to liberate Kuwait from the invading forces of Iraq.

Next Monday, October 28, a group of Wisconsin schoolchildren will help highlight the continuing friendship between the people of the United States and Kuwait. The children of northern Wisconsin have created a large "friendship quilt"—and they will present this quilt to Kuwaiti Ambassador Sheikh Saud Nasir Al Sabah on Monday.

This quilt will send a valuable message to the people of Kuwait. It will say that America's next generation is as committed to a happy future for Kuwait as their parents were. I think everyone connected with this quilt project deserves our praise and respect—especially Kathy Michelson, the elementary schoolteacher who directed the project, and students Keith Timmons, Chrystal San Fillipo, Jessica Zoth, and Jennifer Pitzo, who will present the quilt to the Ambassador.

I also want to commend Dillman's Creative Arts Foundation and the Lutheran Brotherhood, Minocqua, WI for their important contributions to this worthwhile project.

These young people are doing a great job of demonstrating America's commitment to peace. I applaud their efforts, and encourage others to take this kind of idealistic interest in America's global role.•

TRIBUTE TO LLOYD T. SHANLEY

• Mr. DODD. Mr. President, Lloyd T. Shanley, Jr., was born and raised in Harwinton, CT, on his family dairy farm. A Democrat in a town of Republicans, Lloyd developed an interest in Harwinton politics at a very early age. Today I rise to pay tribute to a man who has devoted his entire adult life to serving the Democratic Party in the town of Harwinton.

In a career spanning 35 years, Lloyd has held the position of roadcrew supervisor, town historian, police chief, member on the town's first Board of Finance, and the first democratic first selectman in Harwinton's history. It is as first selectman that Lloyd will be most remembered and respected. During Lloyd's administration, Harwinton acquired a new town hall in response to a growing town government. In short, Harwinton flourished under his hand.

Mr. President, Lloyd T. Shanley is a man known for standing behind his beliefs. In Harwinton, people struck by his undying commitment to town service have given him the title of "town father." It is no wonder that individuals from both sides of the political aisle have expressed their sadness over his retirement.

I understand that Lloyd intends to pursue his interest in the history of Harwinton. It is only fitting that a man who is so much a part of Harwinton's history is the town historian. I look forward to the results of his work as town historian and hope that he will always play an active role in the affairs of his beloved community.•

VETERANS COLA

• Mr. GORTON. Mr. President, experience teaches us to "learn from our mistakes." It is my sincere hope, therefore, that we learn from last year's failure to pass a cost-of-living adjustment for our Nation's disabled veterans and support the immediate passage of H.R. 1046.

Passage of H.R. 1046, as amended, is both necessary and timely. Each year, service-connected disabled veterans and DIC beneficiaries rely on Congress to give them a cost-of-living increase to keep pace with the changing economy. Service-connected veterans have no choice but to bear the burden of their disability for the duration of their lifetime. These payments compensate disabled veterans and their families for the loss of earning capacity due to the disabilities received while dutifully serving their Nation. Disabled veterans are, to this Senator, America's heroes, and are perhaps the most deserving of this compensation.

The COLA that Congress authorizes each year is only a small token of our appreciation for the sacrifices that disabled veterans made for America. It would be unforgiveable for Congress to, once again, forget the men and women who worked to preserve this Nation. Disabled veterans should not be left behind as we forge ahead on more pressing matters. Our veterans fought to defend America and have every right to depend on America to give them what they were promised and, more importantly, what they deserve.

I urge the Senate to pass a cost-of-living adjustment for our Nations veterans so that disabled veterans and their families across the Nation can receive an increase in their compensation by January of 1992. I hope all Senators are aware of the importance of this cost-of-living adjustment and will actively support the immediate passage of H.R. 1046.•

BREAST CANCER VICTIMS: WE WILL BE HEARD

• Mr. WELLSTONE. Mr. President, I rise today to give a national voice to the thousands of Minnesota women who have been struck by breast cancer.

A delegation of these women visited me recently to share their stories—and the stories of thousands more women like them in Minnesota. I was struck by their courage, determination and fortitude. I was also struck by our lack of commitment to this issue.

We have systematically ignored and underfunded research and treatment of this disease. Last year, we spent only $81 million on breast cancer research.

And yet breast cancer is the most common form of cancer in American women. One out of nine women in the United States will develop breast cancer in her lifetime. This year, a breast cancer will be diagnosed every 3 minutes and a woman will die from breast cancer every 12 minutes. This year, 175,000 new cases of female breast cancer will be diagnosed.

We need to devote more resources to research of breast cancer—research into its cause, research into its treatment. We need to devote more resources to encourage access to screening and early diagnosis. I ask my colleagues to make this commitment to the women of this Nation.

The women who visited me brought with them more than 2,200 letters from Minnesotans affected by breast cancer—women struck with the disease, their families, their friends.

I want to share some of these letters with my colleagues because these are voices that must be heard, that must be responded to. We have ignored these voices all too long.

From Cottage Grove MN:

> This letter would have been quite different if I had written it thirteen months ago, before I was diagnosed with breast cancer at age 44. . . . If you could have seen the fear and tears in the eyes of my three children, ages 12, 17, and 20, when I told them I had breast cancer, you would not waste more money on Star Wars or fund the Space Station at two billion dollars this year and 40 billion dollars before it is completed. . . . For too long women have been self-sacrificing caretakers who always put their own needs and concerns after those of other family members. Those of us with breast cancer and millions of our supporters realize that being silent caretakers has to end. We are now advocates for our own health needs. We are your wives and lovers, mothers, daughters, sisters, grandmothers, and aunts. We are being diagnosed at the rate of one every three minutes. We are dying at the rate of one every twelve minutes. We will be silent no longer. We will be heard.

From Lakeville, MN:

> Six months ago, at age 45 my carefully planned world fell apart when I was diagnosed as having breast cancer. . . . Why, with the incidence of breast cancer rising so rapidly, and striking at women in their prime, is so little money allocated for research to find a cure for this horrible disease? * * * Please make it your priority to increase funds and to get those dollars to the researchers as soon as possible. It will be too late for the 44,000 of us who will die this year but somehow we must make up for lost time.

From New Brighton, MN:

> I am 37 years old, with three children, and have breast cancer. I had no known risk factors. None. But I still got breast cancer and where my breasts once were, I now have two red scars. * * * I know it is difficult to earmark funds for one particular disease and yet I hope you men find the courage to do it.

From Lake Crystal, MN:

> I am a 52 year old farm wife, mother of five children and grandmother of nine grandchildren. On August 23d of this year I was diagnosed with breast cancer, and on September 13th I had a modified radical mastectomy. * * * More funding is needed for research to find what is causing this horrible, dreadful disease. * * * I am reaching out in desperation with hopes that my plea will be heard—not only for myself but for thousands of women who will be diagnosed with breast cancer in the coming year.

From Lakeville, MN:

> One year ago I learned that I had breast cancer. * * * Breast cancer is an epidemic. I was appalled to hear a woman on the Cancer Advisory Board a few months ago reply to a request for increased funding for breast cancer research with, "Only 10 percent of the women in the U.S. get it." We who are part of that 10 percent are more than just numbers. The incidence rate is also one out of nine now. We are someone's wife, mother, child. We cannot afford that kind of attitude. We need more research dollars committed to finding the cause and a cure for breast cancer, we need to ensure high quality treatment for all women, and to appoint women who have had breast cancer to legislative, regulatory and scientific panels.

From Cottage Grove, MN:

> When I was 12 my mom told our family that she had breast cancer. * * * So sir I think that you should increase funding for breast cancer. * * * So instead of building bombers at half a billion a pop why don't you save many women's lives, possibly your wife or maybe your daughter or niece. * * * Luckily my mom was a survivor, but many other kids moms are dying or have died from this horrible disease.

From Bloomington, MN:

> My wife, then 34 and the mother of three children, was diagnosed with breast cancer nearly three years ago. It angers me that the amount of money allocated to breast cancer is so low, given the epidemic nature of this disease. One wonders what the situation would be if women dominated the political arena, or if this disease ravished the lives of men as it does women and their loved ones.

From Albert Lea, MN:

> I am a high school senior and what I have been told about breast cancer frightens me. * * * The figures I have seen tell me that a very small percentage of medical research money is being spent on women's diseases, and breast cancer in particular. On behalf of myself, my girlfriends, and our mothers, I am asking you to make the cure of breast cancer a national priority by increasing funds for needed research.

From Eden Prairie, MN:

> On April 8, 1991 my mother was informed that her mammogram was abnormal. * * * The diagnosis of breast cancer was the worst thing our family has ever faced, however, not as hard as the news we were to receive on Tuesday, April 23, my mother's 49th birthday. As the surgeon made his early morning call, he informed my mother that the cancer had spread to 17 of the 20 lymph nodes they had removed. * * * By the time it takes to read this letter, another woman will be diagnosed with breast cancer. * * * In 1991, there will be 3,100 new cases in Minnesota alone. Elected officials must make the cure of breast cancer a national priority by increasing funds for needed research. If we cannot find new monies, then I ask you to recycle dollars from less life-threatening issues. We need your help NOW—we do not want to pass this devastating legacy on to the next generation.

Mr. President, these letters—and thousands more—express the urgency and magnitude of this crisis better than I could ever do. I ask that these words be heeded.●

SAVE YOUTH ATHLETICS FOR THE CHILDREN OF AMERICA

● Mr. SEYMOUR. Mr. President, I rise today in recognition of the United States Youth Athletic Network [USYAN], a nonprofit organization that provides support to youth athletic programs. Based in my home of Orange County, CA, the USYAN organization is celebrating National Youth Athletic Week this week, October 20 through October 26, 1991.

The motto of the USYAN is "Growth Through Athletics," and USYAN furthers that growth through assisting in fundraising and providing financial support to youth athletic programs.

The USYAN's Save Youth Athletics for the Children of America campaign is the only such campaign to utilize youth athletics to help combat the influence of gangs on children.

The USYAN works to provide children with a team, not a gang, by encouraging youth athletics as a positive alternative to the world of drugs and gangs. The many individuals—including Bruce Jenner, Tommy Lasorda, and Arnold Schwarzenegger, who volunteer their time and effort to the USYAN—are actively working to preserve youth athletics in America in the face of budget cuts and financial limitations on schools, which have traditionally sponsored athletic endeavors in this country.

Busy hands are happy hands, and putting sports equipment into the hands of children helps keep them out of the hands of gangs and drug dealers. Idle time can make the schoolyard a Devil's playground. Youth athletics makes after-school time productive, fulfilling time for our children.

I ask the Senate to join me in saluting the United States Youth Athletic Network and in recognizing the importance of youth athletics in their own States and communities during National Youth Athletic Week. ●

THE 1991 COST-OF-LIVING ADJUSTMENT FOR DISABLED VETERANS AND THEIR DEPENDENTS

● Mr. KASTEN. Mr. President, I rise today to express my support for passage of H.R. 1046, which would provide a 3.7-percent cost-of-living adjustment [COLA] for rates of service-connected disability compensation and dependency and indemnity compensation [DIC] for the widows and children of our Nation's veterans.

Congress' inability to pass a timely COLA for fiscal year 1991 was inexcusable. For the first time, the Senate had to retroactively pass a COLA forcing veterans to wait for months to receive the promised increase in disability compensation. We must not allow this history to repeat itself. Passage of H.R. 1046 will ensure that disabled veterans and their survivors receive the benefit increase they deserve—on time.

Mr. President, because of administrative constraints, the Veterans' Administration needs almost 10 weeks of preparation time to make the necessary rate adjustments. If we delay passage of this bill, veterans in Wisconsin and throughout the country once again will be put in the tenuous position of not knowing when they will receive their COLA.

The Senate bill, S. 775, contains the needed cost-of-living allowance. However, it also contains several contentious provisions which could inhibit the expeditious passage of the COLA. While I fully believe that the Senate needs to address the issue of presumption of service connection for radiation exposure, I do not think we should do so at the expense of the COLA. By separating the COLA from the other provisions in the Senate bill we can give our veterans the increase they deserve and allow time for full debate on the provisions regarding radiation exposure.

As we look at the world changing around us, we can be proud of the men and women who fought to defend our country and who, in doing so, set an example for the world. Our veterans have proudly served this great Nation, and they deserve our utmost respect and support. They have given of themselves so that future generations of Americans could live freely. Congress must not let them down again.

Mr. President, we must act swiftly. We must pass this legislation for our past veterans who made America great and for the men and women of our Armed Forces who will take us into the 21st century.•

REV. PAUL M. PRIDGEN, JR.: DISTINGUISHED CHRISTIAN SERVICE

• Mr. HOLLINGS. Mr. President, a truly distinguished Christian ministry will reach a milestone this December with the retirement of the Reverend Paul M. Pridgen, Jr., as pastor of First Baptist Church in North Charleston. Reverend Pridgen was ordained in 1951, and has served at First Baptist Church for a remarkable 32 years. During that time he has been much more the beloved shepherd of his First Baptist congregation. He has also been recognized as one of the most respected leaders in his community—a man of character and charity whose dedicated service has made a real difference in North Charleston.

In addition to his pastoral responsibilities, Reverend Pridgen has had a passionate commitment to furthering Christian education, whether in founding the Church Child Care Center, or in nurturing Baptist College—now Charleston Southern University—which recognized his dedicated leadership by bestowing an honorary doctorate of divinity. In 1971, he founded the Baptist Academy through the mission of his church.

Through it all, Reverend Pridgen has earned a reputation as an authority within the Southern Baptist denomination. He was the first Baptist pastor invited to preach at Charleston's Cathedral of St. John the Baptist. And, though nearing retirement, he is hard at work on his latest project, which is the building of a shelter for the homeless in North Charleston.

Mr. President, Reverend Pridgen and his wife, Millie—who has been a tireless servant of First Baptist Church in a whole range of capacities—have given so much to the North Charleston community. Knowing Paul and Millie, I know that their dedicated service will continue even in retirement. I wish them both the best of luck and happiness.•

OAKLAND FIRES

• Mr. SEYMOUR. "It was like a visit to hell at Ground Zero." Mr. President, that is how John Maynard of the Oakland Tribune and resident of the Oakland Hills area describes the recent fire storms that swept through California's East Bay communities.

The statistics are staggering, Mr. President. The pain and suffering literally go beyond what any of us here can begin to describe. In a matter of hours entire blocks, entire communities were literally scorched from the face of the map.

What began as a brush fire fueled by dry winds and 5 years of drought has wrought immense destruction. Seventy-four strike teams, each with 5 engines, and over 1,000 firefighters and emergency response personnel were pushed to the edge of the envelope in battling the flames.

And it was not without a price.

Oakland Fire Battalion Chief James Riley lost his life while courageously shielding a woman from a falling power line. And John Grubensky, an Oakland police officer fell in the line of duty. Many more, though literally licked by the flames of death, persisted to bring this great blaze under control.

We owe these brave individuals and the hundreds of volunteers our highest tribute and thanks. Disasters, events like these of sheer terror and stress, bring out the best in people. Without them and their selfless efforts, the already devastating circumstances would be that much greater.

Until all of the debris is cleared away, and people can get back into the areas where their homes once stood, we will not have precise damage estimates. But what we know to date frightens me.

The blaze to date has claimed 25 lives with 23 persons still listed as missing. Many more are injured; 2,449 homes and 440 apartment units destroyed. A 1,900 acre swath has been cut through East Bay communities, leaving thousands homeless.

Some 2,000 motor vehicles have been destroyed. Total loss estimates are now at $5.2 billion.

Mr. President, this catastrophe is already being entered into the annals of California history as the State's second worst fire disaster, ranking just behind the fires that engulfed San Francisco in the aftermath of the 1906 earthquake. Today's *Wall Street Journal* reports this fire will cost the insurance industry more than $1.2 billion, making it the second most costly natural disaster since the industry began keeping records of this nature back in 1949. And to place this event in a different perspective, it is being compared to the great Chicago Fire of 1871, only today's investigators do not have Mrs. O'Leary's cow to point to. In fact, the exact cause of the Oakland Hills blaze is still listed as suspicious.

Great credit should go to President Bush, Governor Wilson, and the political leadership of Oakland, Berkeley, and other East Bay communities. Response was quick. The President issued a Federal disaster declaration less than 24 hours following the State's request for Federal relief. Disaster Application Centers should be open for business in Oakland by this Saturday morning.

Now, Mr. President, we must turn our attention to the very difficult and arduous tasks that lie ahead: the actual rebuilding of homes, lives and livelihoods, entire communities. After such a traumatic experience, we can never expect to make any victim of natural disaster entirely whole. Nor does Federal law contemplate full reimbursement for losses. Rather, the Federal Government's role and relief programs as codified under the Stafford Act are designed to supplement other forms of assistance, such as homeowners and property insurance.

Another component of the Federal disaster assistance program calls for Federal reimbursement for the replacement and repair costs of public structures and facilities, including emergency response costs. In this specific area, public assistance, FEMA is rapidly running out of funds. In fact, outstanding claims dating back to Loma Prieta and Hurricane Hugo, events which occurred more than 2 years ago, still await reimbursement.

With this being the case, action is clearly needed to improve FEMA's funding shortfalls. We need to get assistance to these communities; they need help, and it is owed under Federal law. Enactment of the fiscal year 1992 VA-HUD appropriations bill will be a step in the right direction, providing $185 million for the FEMA disaster fund.

And, fortunately, a fiscal year 1991 supplemental appropriations bill is making progress in the other body, with passage expected soon. That bill promises $693 million for FEMA, which should retire outstanding FEMA debt. I hope we will be able to take it up very quickly.

All of these communities, not just those ravaged by the Oakland fires, deserve complete Federal assistance in time of natural catastrophe.

Relief is needed, Mr. President. And now is the time to act.•

HON. PHILIP R. SHARP'S EFFORTS TO CRAFT AN ENERGY BILL

• Mr. JOHNSTON. Mr. President, I would like to commend the distinguished chairman of the House Subcommittee on Energy and Power, PHIL SHARP, for the great job he is doing and the progress he is making moving energy legislation through his subcommittee.

I know from my own experience trying to move the National Energy Security Act (S. 1220) through the Senate Committee on Energy and Natural Resources that his task has not been easy. He has devoted countless hours to this effort since last winter. He has held innumerable hearings and markups on many of the major issues that go to make up a balanced and comprehensive energy plan. He is not finished yet, but I hope my colleagues will take note of his effort.

URANIUM ENRICHMENT

In particular, I am grateful for his leadership on the subject of uranium enrichment. As you know, Mr. President, the Department of Energy's uranium enrichment program is in serious trouble. The Senate has passed legislation to restructure the program six times over the last 4 years, but it has yet to become law. Jurisdiction over the subject is spread among three committees in the other body and none of them has reported a bill.

Under Congressman SHARP's leadership, however, the House Subcommittee on Energy and Power last week approved legislation to restructure the enrichment program. In many respects, Mr. SHARP's proposal is different from the one the Senate has repeatedly passed. Mr. SHARP took a fresh look at the problem and came up with a number of new and innovative ideas to deal with the enrichment enterprise's problems. We will need to study his approach carefully in the weeks ahead, but I see no fundamental problems with it and I am confident that we will be able to work out any differences in conference.

ALTERNATIVE FUELS

In addition, 2 weeks ago, Chairman SHARP offered, and his subcommittee approved, a major package on alternative fuels. His leadership in this field is without rival in the House of Representatives. With Senator ROCKEFELLER, Congressman SHARP was one of the principal architects of the Alternative Motor Fuels Act of 1988. The legislation his subcommittee adopted last week builds on the 1988 law.

In many respects, Chairman SHARP's new legislation does not go as far as the alternative fuel provisions in S. 1220. It requires the Federal Government to buy fewer alternatively fueled fleet vehicles. It does not require States, local governments, and business fleets to acquire alternatively fueled vehicles, though it does give the Secretary of Energy standby authority to impose these mandates at a later date. It is more cautious than S. 1220, but it is headed in the same direction.

ENERGY EFFICIENCY

Mr. President, I would also like to recognize Mr. SHARP's effort to develop a very comprehensive legislative package on energy efficiency. Both S. 1220 and the Energy and Power Subcommittee package include dozens of proposals designed to make the most of energy efficiency opportunities throughout our economy—in the buildings sector, through the establishment of codes and ratings; in the utility sector, through new regulatory requirements regarding rates and integrated resource planning; through the expansion of appliance and equipment efficiency standards and labeling; and through a variety of additional initiatives designed to revitalize and improve the operation of existing energy efficiency programs.

In some areas, such as appliance standards, Mr. SHARP's bill is more aggressive in promoting efficiency. In other areas, such as Federal mortgages and energy efficient mortgages, S. 1220 is more aggressive. Notwithstanding these differences, two important facts remain.

First, both bills contain strong and comprehensive efficiency provisions. While there may be differences over the relative strength of certain provisions, there is no disagreement over the scope of an energy efficiency policy. It must be broad, and both bills essentially cover the waterfront as far as workable efficiency initiatives are concerned.

Second, the differences that exist between these bills are manageable and will be resolved. It is fair to say that whatever national energy legislation emerges from the congressional debate, it is certain to be one of the most comprehensive pieces of energy efficiency legislation to be enacted in over a decade.

RENEWABLE ENERGY

The same can be said for the renewable energy provisions in S. 1220 and the legislation Chairman SHARP and his subcommittee have crafted. Both include a range of provisions to promote the development of renewable energy technologies in order to overcome the economic and regulatory barriers that have prevented widespread commercialization. Both expand the joint venture program under the Renewable Energy and Energy Efficiency Technology Competitiveness Act—Public Law 101-218—to include additional renewable energy technologies. Both expand and strengthen the mandate of the interagency Committee on Renewable Energy Commerce and Trade [CORECT], an interagency committee that promotes the spread of commercially viable renewable energy technologies in developing countries. Both grant the Department of Energy the authority to buy down, or subsidize, interest rates on private bank loans in order to leverage long-term financing for the solar, biomass, and wind industries.

In some aspects S. 1220's renewable energy provisions go farther than the House measure; in other aspects, the reverse is true. On one point, the use of a user fee on the transmission and sale of electricity to fund incentive payments to operators of renewable energy facilities, the House measure may go too far for many Senators. For the most part, though, the two measures are remarkably compatible.

NATUREAL GAS

Chairman SHARP also has taken a leadership role in the area of natural gas regulatory reform. The natural gas provisions of the Energy and Power Subcommittee's package are consistent with the thrust of title XI of S. 1220. The purpose behind the natural gas regulatory provisions in both measures is the elimination of regulatory barriers that inhibit natural gas from getting to markets where it is needed. While the measures differ somewhat on local distribution company bypass and take divergent paths on the regulatory standards for reviewing natural gas imports, I am confident that, when the time comes, these differences can be reconciled.

PUHCA

Finally, I want to commend Chairman SHARP for his successful effort to tackle the difficult issue of Public Utility Holding Company Act [PUHCA] reform. While I have reservations about some of the actions taken by the Subcommittee on Energy and Power in this area, I congratulate Chairman SHARP for recognizing the importance of allowing competition in wholesale electricity generation to go forward.

These are very difficult and controversial issues, Mr. President, but they will have great and long-term effects on the energy security of this Nation. Mr. SHARP and the members of the House Subcommittee on Energy and Power have made, and are continuing to make, diligent and conscientious efforts to address them.

I admire Chairman SHARP's skilled leadership, his firm resolve to move ahead, and the creative and responsible proposals he has put forward. Mr. SHARP and I have followed very different paths toward our mutual goal of enacting a comprehensive energy bill. We have worked separately, without consulting each other, at different paces, following different strategies. In the end, though, the Energy and Power Subcommittee's package and S. 1220 will have much in common. It gives me renewed confidence in the ultimate success of our efforts.

I commend my colleague in the House for his efforts.•

IMPACT AID PROGRAM

• Mr. BAUCUS. Mr. President, I strongly support legislation to restore the Secretary of Education's authority to make preliminary payments from the Impact Aid Program to school districts.

These are tough economic times for our Nation's schools. The Impact Aid Program is critical to the continued improvement of our educational system. It helps to defray the costs of providing quality education.

The Impact Aid Program is of particular importance to Montana. In fiscal year 1990, Montana schools received over $21 million in impact aid. The timely receipt of this funding is of utmost importance to our school's uninterrupted financial operations.

The stability of Montana's public schools is a top priority in our State. Montana's children and teenagers are perhaps our most precious resource. By investing in their education, we are investing in our future.•

A SALUTE TO HOUSE OF HOPE

• Mr. SEYMOUR. Mr. President, I rise today to salute the House of Hope in San Diego, CA, on the occasion of its 15th annual open house, which was held on Tuesday, October 22, 1991.

Each year, the House of Hope's open house helps dramatize the critical need in our communities to provide a nurturing, supportive environment for the constructive model that is so desperately needed by the youth of today.

As a result of the dedicated philanthropic efforts of Mrs. Mamie Thomas and her sons, Fred and Ricky, seemingly gargantuan obstacles in the lives of many youths have been surmounted. Young lives that seemed hopelessly rushing headlong toward destruction now show incredible promise for the future, thanks to the Thomas family's efforts at the House of Hope.

One such life that has been changed by the House of Hope is that of Zedrick Martin. Zedrick was involved in selling drugs and heavily involved in gang activity before he came to the House of Hope. Today, Zedrick's scholastic record has improved from failing grades to a 3.5 GPA. He has excelled in both football and basketball in his high school and has received numerous offers of scholarships to colleges and universities throughout the country.

There are many more Zedrick Martins in our communities; young people who need a hand to successfully confront the challenges they face in today's dangerous world.

In reaching out to these children, the San Diego House of Hope is helping make a better future. The indefatigable spirit of the Thomas family and the dedication of the staff of professionals at the House of Hope serves as not only a model to others but also an inspiration to us all.

I ask the Senate to join with me in saluting the House of Hope.•

Mr. GORTON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. RIEGLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. RIEGLE. Mr. President, I ask unanimous consent to speak for up to 15 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNEMPLOYMENT BENEFITS

Mr. RIEGLE. Mr. President, the other day I gave a speech here on the Senate floor about the urgent need to extend unemployment benefits in the country. And as most people know, who have followed that issue, we have had now several debates on the issue. Congress has passed extended unemployment benefits twice, and President Bush has refused to let those unemployment benefits actually take effect and go out to the unemployed workers in the country.

The other day, as I was speaking on this issue, a citizen, a woman in Alabama, happened to be watching national television, or watching C-SPAN, and heard those remarks, and wrote me a letter in response to some of the points that I had raised.

In this letter, she tells her own story and talks about some problems that she has seen through her lifetime that are affecting other people who have lost their jobs, who are living very meager existences, and the circumstances that they have had to try to cope with.

I found her letter so powerful that I want to share it here with the Senate tonight. It is dated October 17, 1991, and it comes from a woman in Fairfield, AL. I am not going to cite her name, because I have not spoken with her, and I do not know whether she would want her name mentioned. But I am going to read much of the text of her letter to the Senate tonight, because I think it is highly relevant to the times that we find ourselves in and the circumstances facing our people.

She pays a couple of personal compliments along the way, which I am grateful for, and I am going to leave those out of the reading of the other remaining parts of the letter. She starts out saying:

> Thank you for remembering that all men are created equal, but all are not given the aid or opportunity to attain this point of equality and maintain this position throughout their lives.
>
> You probably never expected to hear from a lady living in Fairfield, Alabama. Frankly, I never expected I would be writing a Senator from Alabama, much less Michigan, but your speech prompted me to do so. In writing this I hope to enlighten you on America's appreciation of what you are attempting to relay to our government, in particular, our President.
>
> I have voiced my opinion (almost verbatim to yours) for many, many years. The difference being that my opinion is the product of personal experience and yours from a recognized position.

She comments here about listening to my remarks, and she then says:

> Can you convince others like yourself that poverty is real? One must first have to be hungry to really appreciate food. Have you ever gone to bed hungry from lack of food just to arise the next day, head off to work hungrier than the day before? Have you been deserted and left to deliver a baby by yourself and then bring him home without food or utilities? Do you really know what it is to not have any money? I do. It is situations like this that sharpen my knowledge of the plight of the poverty-stricken in America and the world. I can relate to the unemployed and poor.

She continues:

> It is infuriates me and is beyond my comprehension to hear our President and others deny the need for unemployment benefits extension. Do you know anyone who can survive on the amount of weekly benefits paid? I have heard people say these people are lazy, do not want to work, and are living free. My response to this is, "bull." No one can convince me that a man or a woman would voluntarily choose to live on this meager amount, rather than work even at minimum wage. Of course, there are some, but this is not the majority of the unemployed. People are unemployed simply because they have no job, not because they are the product of laziness and desire to receive unemployment benefits, food stamps or welfare.
>
> Your argument was forceful and direct. You expressed the general voice of the unemployed. It was the truth. Poverty, depression, despair, and rejection are very real and rampant in this abundantly wealthy nation. I think we have forgotten that "charity begins at home." We have forgotten our own children in so many ways. We prosecute and convict people who have stolen money from their church, even though we know they are mentally unstable, and sent them off to prison and throw away the key. Or we send a priest to jail for 2 years because he threw red paint on an abortion clinic. But yet, we allow so many parents to just walk away from the innocent children and never bring them to justice. Anyone who does not believe the extent or the seriousness of this should experience it firsthand.
>
> Mr. Senator, I am a simple woman. I have never been a recipient of unemployment benefits, but now I am unfortunately having to rely on disability benefits, but that is another story. Without going into boring details, I'll try to summarize. I am a survivor of poverty. Born into a middle-class Italian home, married and divorced middle class. At that point, and the ripe old age of 24, I became a single mother of two children with no previous work experience, introduced to poverty, and lived with it then and now. I have successfully raised my children, but not without extreme difficulty and tremendous loss. As a result of years of hard work, long hours, high stress and little personal pleasure, I am left with poor health and little income. My children and I were abandoned by

> their father 20 years ago. This in itself is tragic, but what was worse, my Government also abandoned us. I had no counsel to advise me, no agency or group to help me. The judicial system was that of prejudice and ignorance toward women and children to the point of a judge and an attorney both telling me, "Why don't you just give up on trying to get child-support from this man. You are young and attractive. Find someone else." I never received one penny of child support. My children have never received a card or letter or call not even birthdays or Christmas. But he has been allowed to remarry and support another wife and child. Where is the justice in this? There was very little I could do to get myself up on my feet as sole supporter of my family. I, like so many others, was not given the choice. I had to go into the career world and work long hard hours for very little pay. I went from job to job, increasing my work knowledge and experience, seeking better working conditions and benefits, while depriving my children of a full-time mother.
>
> My children and I will never be compensated for their stolen childhood and my familiarity with them. Regardless of what anyone says you cannot have it all. I raised them without health insurance. This should never have occurred—I raised them without child support, day care assistance, or dental coverage. This never should have occurred.
>
> For everything there is a cause and a reaction. My reaction to your speech is that there is not, (after 20 years) significant change in poverty afflicted people today than there was then. There is still a "silent slavery" binding us to a depressed humiliating lifestyle. I do not see a great relief from this situation even after all of this time, and that in itself is depressing. The freedom we all cherish and fight for is not so free for some people. In this day and age there is no man or woman who should be experiencing the same difficulties I did 20 years ago.

She says:

> My God we, have sent men to the Moon . . . can't we feed and clothe our children, our young adults, or elderly?

She said:

> I love our country and our democratic policies. Equality is for everyone. It has been my experience that poor people do not expect to become millionaires but they do expect to be able to survive. When you cut off aid or assistance in any form, you force poverty to thrive and progress to become stagnant. We desire that the rich remain rich and do not want what is theirs, and common sense dictates that they provide our jobs. This is not to say that we must remain in this status and not attain more. But we must be given the resources to get out of poverty and onto the path of success. It is a mistake to think poverty is a derivative of laziness. Poverty occurs when there is failure. We must decide who is responsible for this failure and correct it.
>
> I realize that poverty does not restrict itself to America. I know other countries are being destroyed by poverty. It overwhelms me to think that this is happening here. The United States of America, where we pay enormous amounts for automobiles and homes. Corporate America does have problems but none so bad that we do without new clothes, autos, or vacations. I know people who pay more for their cologne and perfume than I pay for may house note. I know people who have spent on their vacations what I have earned annually. I wonder if any corporate position employee would take a cut in their salary to afford a job for one unemployed person. Have we lost all generosity and concern? Or is it because we do have a democratic policy of "it's here for everyone". I got mine you just have to get yours. Some of us would not want it any other way, but we all need help at one point. My grandparents left their country and all of their wealth to come to America where "the streets were lined with gold". They of course were optimistic. I wonder what their opinion would be now.
>
> Mr. Senator, please continue to fight for the rights of the poor and the middle class. The rich have their own defenders. If the White House and all Government heads could experience the actions of poverty, I know there would not be a debate on unemployment benefits. Poverty, depression, and despair are as real as wealth, progress, and success. And all are thriving in this "land of plenty". Poverty preys on the helpless, it strips a "natural" existence and lifestyle from whomever it lives with. We have not escaped the system that holds us with "golden handcuffs." Children do go to bed hungry. Children and parents alike do suffer. Most of our elderly are poor.

She then goes on to say:

> Please continue to voice your opinion. Maybe if you do, someone will hear and join in your efforts to battle and abolish the slavery of poverty.

She asks that.

She says:

> I pray you can encourage a movement to rebuild America, this wonderful and blessed Nation, "one Nation under God with liberty and justice for all." There must be pride in employment and success and shame in poverty and despair. No one, anywhere should be branded with the effects of poverty; especially in the midst of such great opportunity and wealth.

And she then adds down at the bottom her salutation and signoff and she gives two quotations, one from Benjamin Franklin, who she quotes having said "Poverty often deprives a man of all spirit and value; it is hard for an empty bag to stand upright." Then she quotes Confucius having said, "In a country well governed, poverty is something to be ashamed of. In a country badly governed, wealth is something to be ashamed of."

This woman, who took the time to write this letter and obviously has put her ideas forth in a very thoughtful and compelling way, is an important part of the story of America today.

Just a short time back, a day or two ago I read into the RECORD a column from a writer for the Detroit Free Press who was here in Washington, DC, to cover some hearings, and was commenting on all the homeless people she observed out on the streets and in hopeless situations here in the District of Columbia and how struck and moved she was by how widespread that problem is here in our Nation's Capital.

We have got in Michigan tonight some 170,000 unemployed workers who have been unemployed for 7 months and exhausted their unemployment benefits and need extended unemployment benefits. We passed that legislation twice. The President has refused twice, once with a veto, to let that take effect.

Those people are out there and their children in circumstances much like this woman from Alabama has described tonight. And they are our fellow citizens. They are in their circumstances not because they want to be in those circumstances. I have talked with hundreds upon hundreds of unemployed workers. The thing they want most in life is to go back to work. But there is no work to be had.

The data this week from the Federal Reserve indicates that the recession is still with us and it is getting worse in certain areas of the country. In my home State of Michigan the unemployment rate has just gone up to 9.7 percent. And there is no plan by our Government today to get this economy turned around and moving upward in a strong way.

Yes, the administration has a plan for Mexico, with the free-trade agreement with Mexico. There is a plan for Kuwait. A plan the other day was put forward that I cited on the floor now for Cambodia. And there is a plan for China. And a plan for the Soviet Union, what is left of it. No plan for America.

I listened to the President today, and he had some things to say about the Congress. I did not hear anything said about what we do to get the economy going, about what we do to get people back to work, or how we respond to the problem of abject poverty and despair in the lives of those people in our country that literally do not have enough money to get by and no way under current circumstances to earn a living.

The other day on this floor I brought an article from the Detroit News, a story about a woman named Cynthia Fyfe, a single parent like this woman who has written to me from Alabama. She does work, she makes a modest income, lives in a house trailer, she has $3,000 of accumulated medical bills that she cannot afford to pay. She needs health care coverage beyond what she has.

But what was so striking about that article about Cynthia Fyfe was the picture of her 6½-year-old son, a little fellow in the picture with a pair of eyeglasses on, and he has no health insurance, not a penny of health insurance, because she cannot afford it, and because this country and this Government of ours does not care enough about that young boy and millions more like him to see to it that he has health insurance coverage.

Every child in Japan has health insurance coverage. Every child in Germany has health insurance coverage. Every child in England has health insurance coverage. Every child in Canada has health insurance coverage. But millions of children in America tonight have no health insurance coverage and many are in circumstances such as this woman has described, where there is not even enough food on the table so that they can be well fed before they go to bed for the night.

What kind of a country are we to allow those conditions to exist? Is it that these people do not matter? Is it that they just do not matter and we think of them the way we think of other things in a throwaway society? We get a takeout meal somewhere with plastic knives and forks and a paper plate and we discard it after we eat. Do we just discard people? People that we do not know but who are flesh and blood like us, are Americans like us, have feelings and concerns and needs as we have them.

You know, I have said before on the health insurance issue, the top officials in this Government of ours all have health insurance. The Senate certainly does for ourselves and our families. The President, the Vice President, their families, the Cabinet officers, all have Government-provided health insurance. I have asked the question: What would happen if that Government-provided health insurance for our top officials were suddenly to disappear? Let us say it would just disappear without warning. How long would it take for the President to have a proposal up here to reestablish that health insurance of the top officials in our Government? A few hours? I am sure the proposal would be up here the same day.

Now why can we not get a proposal up here on a health insurance plan for the whole country like every other modern nation has? What is taking so long?

Ronald Reagan got elected President and George Bush as Vice President in 1980. So they have had 1981, 1982, 1983, 1984, 1985, 1986, 1987. And then in 1988, Ronald Reagan left and George Bush took DAN QUAYLE as his Vice President and it has now been 1989, 1990 and we are almost through 1991. Now that is 11 years.

How long does it take to develop a health insurance program? Eleven years is long enough and it is really outrageous that they refuse to address that issue to help people in this country like this single mother who has lived a life of grinding poverty to raise her children, who has written this letter to me from the State of Alabama.

People in this country deserve more than that and they deserve some leadership, some leadership on problems that affect people here in this country, in the United States. We do not elect Presidents of this country to be President of the world. We elect them to be President of this country and to pay attention to the needs of this country and to help the people of this country get ahead.

What would it mean if we had people in our society who have good health care, both so that serious illness can be prevented but when it occurs it can be cured and people can get well? People that are well and healthy are productive people. They are able to work, they are able to provide for themselves, and they are able to provide for the economic strength of the country.

We need strong people and healthy people to have a strong country. We cannot just have one class of people over here that are strong and healthy, that have health care, and another 37 million over here, which is the estimated number that have no health care, and say that does not matter. Because that hurts America. That makes us weaker than we should be as a nation. And it is also inhumane and indecent. It is indecent.

Those that live in circumstances of great privilege, some of it coming at the behest of the Government, have some responsibility to look around them in this country and see what is happening to others and to see the people that have been left out or thrown out to the side, and particularly the unemployed workers who are out of work through no fault of their own. Many of them are out of work because of voodoo economics, because Reaganomics has gone haywire and left this country now with massive debts—Federal budget deficits, trade deficits. From all the rampant speculation of the 1980's, the banking system is in trouble. There are problems all around the landscape.

But most of the victims had nothing to do with it. The people that are out of work tend to be the people who were not the ones setting that course and making those decisions. They just happened to be the ones that are asked to pay the price. We need an economic growth plan for America.

You know, again, when I saw the other day that the administration had finally decided to take an economic action, finally found a problem worthy of a response, something they felt so strongly about, I tore it off the ticker tape out here and brought it in to read to the Chamber to show that they found something to move on in the economic area. And it was economic assistance, yes, for Cambodia. It was not economic assistance for Detroit or Pontiac or Philadelphia or Cleveland or the other cities across this country, both the large cities and the rural areas that need help. No, that was help for Cambodia. Every day it is another country.

How do we get to focus on this country? How do we get to focus on the basic human needs in this country?

The occupant of the chair has fought for years for a decent child care program in this country because there are so many working parents today trying to make a living, both couples and single parents. And they have children that have day care needs and they are not being fed properly because we have not addressed that problem as a nation.

Well, why is that not an important problem? Why isn't what is happening to our children when their parents are working a key problem to America? It is. It is. And those who have money and are well-situated in our society and have the means to address that problem do so. They give it a top priority.

But what about the rest of the people in the country who do not have the money and do not have the available facilities? What do they do? Their kids suffer. They live with the anxiety. They try to make ends meet. We need that health care program in this country to support our working families. We do not have it and we have essentially no recognition of the need for it from this administration. This administration lives up on a very high, lofty, elitist plane. Life is pretty good up there—Government supplied health care, lots of other things. And the problems down here where average people live are very remote, very remote.

I suggested the other day that the Secretary of Labor ought to take the President and go out and visit some unemployment offices. We have seen some trips, some photo ops. The Grand Canyon was one, and there have been some others. You have not seen any to an unemployment office, though, have you? They do not want to go look that problem in the eye. Maybe if they did, they would do something about it.

In fact, I think that is what would happen. I think they would be conscience-stricken and I think that the thinking would change and the President would turn away the advice of the people in the inner circle and say, "We are going to make these unemployment benefits available to the people of the country. These extended benefits are needed. The $8 billion in the fund is going to be made available to help these people now so they could provide for themselves in desperate circumstances, and, yes, feed and clothe their children." I think he would come to that decision if that problem was right in front of his nose.

I have enough faith in this President in terms of his human feeling, knowing him as I do, that I think that would be his response if they saw this problem at point blank range.

But Presidents get too far removed. They get taken up to an elevated plane and then all of the inner circles say, "Well, don't worry about that problem." or "That problem will reverse itself. It will go away. We can't respond to that." There are a million examples, none of them valid. No, it is time to help the people of America.

This woman out in Alabama, I will bet she has worked as hard to build America as anybody in this administration or anybody in this Senate. In fact, I will bet she has worked harder than many of us and gotten very little for it. It is time for a little fairness in America.

When you go back and read our founding documents, the whole concept was caring about everybody. "Life, liberty, and the pursuit of happiness" was not just for those in the top income tiers. It was supposed to be for everybody. We have gotten away from that. We have walked away from our own people. This administration has walked away from the people of this country, in my opinion.

That is what this woman is writing about. I do not know if we can get things turned around or not. Sometimes I think the privileged class and the vested interests have such a grip on this Government it almost seems impossible to break it.

We need a health care program. We should enact one. We should do it before the election of 1992. And if the President does not want to get moving on this issue, then he ought to move out of the way and let somebody else do it because we need to have it done now, not some other time down the road after a lot of sick people have died because they did not get the care they needed.

We need an economic plan, not for Cambodia, but for America. We need them to get moving on that issue. I know there are a lot of foreign trips coming up. I was reading about it in the paper today. There are going to be a lot of scenes out at Andrews Air Force Base as we are all waving as the President takes off to go around the world and look at some of these trouble spots and see what can be done. And we ought to try to be a constructive force in the world.

There is a role for foreign policy. I do not want to be misunderstood on that point. But it cannot be all foreign policy while America is going down the drain. We have problems here at home to solve and people tonight that are looking for leadership and who need help from our Government—from our Government and from our leaders. And it is time we did something about it on these fundamental issues. It is time to extend the unemployment compensation benefits. It is time to pass a national health insurance plan that covers everybody in the country, and very particularly the children in America who have no health insurance. And we need a jobs strategy, a jobs program. People need to work. People want to work. The Nation needs to have our people at work.

There are all kinds of things that need to be done. We need more housing we need more highways, we need more mass transit, we need more teachers, we need more jobs retraining programs, we need more capital investment in our plants, we need more efforts to strengthen small business and to help our farmers survive. There are any number of things to concentrate on if we can just get our attention off the rest of the world for a long enough period of time to concentrate on what is needed right here in the United States of America.

Our people deserve a recognition of the problems that they are facing, and they deserve a plan. That is what leaders are supposed to do, is look ahead, see what is needed, build a plan, a plan that everybody can understand and be part of and that, in the end, the results of the plan are good for everybody.

It is one for all and all for one. That is what America is supposed to be about. We talk about national teamwork. That is what we mean—not leaving some behind but finding a way to take everybody ahead.

In wartime when people are wounded on the field of battle we do not leave them there. We do not leave them there. We go and we help them. And we see to it that they get the assistance that they need. If we are driving down the road and we pass the scene of an accident on the highway and somebody is laying out by the side of the road in desperate need we do not just drive on by. We stop and we get out and we help. And it does not matter who it is. It is not somebody we know—it is whoever it happens to be. We stop and we get out and help because it is the decent and humane thing to do.

But America today is driving right on by the people of our society who desperately need help: the unemployed workers who have exhausted their unemployment benefits, the people without health care. This Government today is driving right on by. And it is not right. It is not right.

This concentration on solving all the problems around the world and ignoring the problems at home, here at home, has to stop. And if this administration cannot figure it out, then it is time that they leave and let some new people come in who understand that need and who are willing to go to work on it.

We need a health care plan in America, and we need it now.

These are the issues that we ought to be discussing and forcing action on.

I want to thank this lady from Alabama for taking the time and being so willing to bare her soul, as she was in this letter to me. I appreciate receiving this letter more than I know how to express. And I want her to know, and others like her, that we can do something about these problems. Some of us intend to do something about these problems, and we are going to persist with those efforts until we accomplish them.

I yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. LEVIN). Without objection, it is so ordered.

Mr. MITCHELL. Mr. President and Members of the Senate, I just received a series of reports on the current status of the negotiations involving the civil rights bill and have personally been involved in some of the negotiations earlier this evening. I have also discussed the matter with the distinguished Republican leader, and it is my conclusion that no further action on the bill is possible this evening. The matter has reached a stage on one of the major and controversial issues that a conference of Democratic Senators will be necessary to consider and react to the most recent status, and I am calling such a conference for 9:30 a.m. tomorrow in room S-211 of the Capitol. All Senators will be individually notified by members of the staff, but I hope all Senators will be able to attend that meeting.

Following that, it is my expectation the Senate will come into session at or slightly after 10:30 tomorrow morning, at which time I expect we will take up the bill and that subject, either in the form of an understanding that has been reached with respect to that provision of the bill or, if no agreement is reached, in debating the competing points of view with respect to that provision.

I am not able to say at this time what will occur after we come in tomorrow morning because I do not know what the result of the conference and the reaction will be to the current status of the negotiations. So Senators should be aware that action in the Senate will be possible tomorrow.

I have discussed with the distinguished Republican leader the possibility of setting up a schedule for handling other aspects of the bill tomorrow and Monday and hope that fairly early tomorrow we will be able to reach an agreement on how best to proceed on Monday. But Senators should be aware, and I now announce, that there will be votes on Monday after 5 p.m. I repeat, there will be votes on Monday after 5 p.m. and Senators should plan on that and be present at that time. That is a certainly as of this time.

I am not able to make a definitive statement with respect to tomorrow for reasons just stated.

I believe that the delay and the lengthy period of inactivity in the Senate has been appropriately justified under the circumstances. As the distinguished Republican leader has noted several times on the Senate floor, occasionally we save time by taking time from our session to permit those who would otherwise be engaged in debate on the Senate floor to engage in negotiations in private and ultimately reduce the length of time for consideration of a bill. We have not reached that stage yet. I hope we will.

In any event, we have now reached the point where I think the private negotiations have been about completed. The question is whether they will be carried forward to agreement or whether we will simply reach a point where no agreement is possible and we will proceed to resolve them here on the Senate floor.

Mr. President, I invite my distinguished colleague to make any comments that he may wish to on the points I have just made.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The Republican leader.

Mr. DOLE. If the majority leader will yield, the majority leader correctly stated what the circumstances are at the present time. I obviously hope that the caucus will be positive. We had a caucus this morning to discuss—we had not gotten as far as they have gotten this evening. I commend all Senators who have been participating all day long, Senator DANFORTH, Senator KENNEDY, Senator JEFFORDS, Senator GRASSLEY, the majority leader, and others, and also Mr. Boyden Gray, White House counsel, who came up here at 11 o'clock this morning for a 45-minute meeting and is still in my office, and to his staff and members of the staff on both sides because they have been working.

My view is that progress has been made. My view is that a deal is within our grasp. But in any event it certainly should be discussed, and we may be discussing it ourselves again tomorrow. So I think the action is appropriate.

As I understand, on Monday there is a good likelihood that the Grassley proposal would be debated and voted upon Monday evening.

Mr. MITCHELL. Yes; that is my hope and expectation.

It may well be that we will end up voting on Monday evening on a matter that will be discussed tomorrow as well. That I will be in a position to make an announcement on tomorrow following the conference and following further consultation with the Republican leader.

Mr. President, just to repeat my earlier announcement, there will be a caucus of Democratic Senators at 9:30 a.m. in room S-211, and all Democrat Senators will be individually notified of that meeting in addition to the announcement that I am now making.

Furthermore, we will have an announcement with respect to the schedule thereafter, sometime after that conference, and after I have the opportunity to consult further with the Republican leader.

There will definitely be votes on Monday after 5 p.m., and I will be sending a letter to all Senators and making an announcement with respect to the voting schedule for the remainder of this session sometime in the next day or two.

REMOVAL OF INJUNCTION OF SECRECY—TREATY DOCUMENT NO. 102–15

Mr. MITCHELL. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from the Treaty with Panama on Mutual Assistance in Criminal Matters (Treaty Doc. No. 102–15) transmitted to the Senate today by the President; and ask that the treaty be considered as having been read the first time; that it be referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed; and that the President's message be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The message of the President is as follows:

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the Treaty between the United States of America and the Republic of Panama on Mutual Assistance in Criminal Matters, with Annex and Appendices, signed at Panama on April 11, 1991. I transmit also, for the information of the Senate, the Report of the Department of State with respect to the Treaty.

The Treaty is one of a series of modern mutual legal assistance treaties being negotiated by the United States in order to counter criminal activities more effectively. The Treaty should be an effective tool to assist in the prosecution of a wide variety of modern criminals, including members of drug cartels, "white collar criminals," and terrorists. The Treaty is self-executing.

The Treaty provides for a broad range of cooperation in criminal matters. Mutual assistance available under the Treaty includes: (1) the taking of testimony or statements of witnesses; (2) the provision of documents, records, and evidence; (3) the execution of requests for searches and seizures; (4) the serving of documents; and (5) the provision of assistance in locating, tracing, immobilizing, seizing and forfeiting proceeds of crime, and restitution to the victims of crime.

I recommend that the Senate give early and favorable consideration to the Treaty and give its advice and consent to ratification.

GEORGE BUSH.

THE WHITE HOUSE, *October 24, 1991.*

ORDERS FOR TOMORROW

Mr. MITCHELL. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in recess until 10:45 a.m. on Friday, October 25; that following the prayer, the Journal of the proceedings be deemed approved to date; that following the time for the two leaders, there be a period for morning business not to extend beyond 11:30 a.m. with Senators permitted to speak therein with the following Senators to be recognized for the time specified: Senator WELLSTONE for up to 10 minutes, Senator WIRTH for up to 15 minutes, Senator AKAKA for up to 10 minutes, and Senator GORE for up to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL TOMORROW AT 10:45 A.M.

Mr. MITCHELL. Mr. President, if there is no further business today, I now ask unanimous consent that the Senate stand in recess as under the previous order.

There being no objection, the Senate, at 8:19 p.m., recessed until Friday, October 25, 1991, at 10:45 a.m.

NOMINATIONS

Executive nominations received by the Senate October 24, 1991:

DEPARTMENT OF HEALTH AND HUMAN SERVICES

KEVIN E. MOLEY, OF LOUISIANA, TO BE DEPUTY SECRETARY OF HEALTH AND HUMAN SERVICES, VICE CONSTANCE HORNER, RESIGNED.

U.S. INTERNATIONAL TRADE COMMISSION

PETER S. WATSON, OF CALIFORNIA, TO BE A MEMBER OF THE U.S. INTERNATIONAL TRADE COMMISSION FOR THE TERM EXPIRING DECEMBER 16, 2000, VICE SEELEY LODWICH, TERM EXPIRING

THE JUDICIARY

JIMM LARRY HENDREN, OF ARKANSAS, TO BE U.S. DISTRICT JUDGE FOR THE EASTERN DISTRICT OF ARKANSAS VICE G. THOMAS EISELE, RETIRED

IN THE ARMY

THE FOLLOWING-NAMED OFFICERS FOR APPOINTMENT IN THE REGULAR ARMY OF THE UNITED STATES TO THE GRADE INDICATED, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTIONS 611(A) AND 624:

To be brigadier general

COL. RICHARD A. CHILCOAT, [redacted] U.S. ARMY.
COL. EDWARD L. ANDREWS, [redacted] U.S. ARMY.
COL. THOMAS E. SWAIN, [redacted] U.S. ARMY.
COL. JOHN A. VAN ALSTYNE [redacted] U.S. ARMY.
COL. ARTHUR T. DEAN, [redacted] U.S. ARMY.
COL. ROBERT L. HERNDON, [redacted] U.S. ARMY.
COL. ROBERT S. COFFEY, [redacted] U.S. ARMY.
COL. RALPH V. LOCURCIO, [redacted] U.S. ARMY.
COL. DANIEL M. KELLEHER, [redacted] U.S. ARMY.
COL. DAVID K. HEEBNER, [redacted] U.S. ARMY.
COL. HOWARD J. VON KAENEL, [redacted] U.S. ARMY.
COL. MORRIS J. BOYD, [redacted] U.S. ARMY.
COL. ROBERT R. HICKS, JR. [redacted] U.S. ARMY.
COL. JOHN P. ROSE [redacted] U.S. ARMY.
COL. LARRY R. ELLIS [redacted] U.S. ARMY.
COL. DONALD B. SMITH, [redacted] U.S. ARMY.
COL. LAWSON W. MAGRUDER, III, [redacted] U.S. ARMY.
COL. STEWART W. WALLACE, [redacted] U.S. ARMY.
COL. RUSSELL L. FUHRMAN [redacted] U.S. ARMY.
COL. DAVID H. HICKS, [redacted] U.S. ARMY.
COL. MONTGOMERY C. MEIGS, [redacted] U.S. ARMY.
COL. CHARLES G. SUTTEN, JR. [redacted] U.S. ARMY.
COL. JAMES W. BODDIE, JR. [redacted] U.S. ARMY.
COL. JAMES M. WRIGHT [redacted] U.S. ARMY.
COL. BILLY K. SOLOMON, [redacted] U.S. ARMY.
COL. PAUL J. KERN [redacted] U.S. ARMY.
COL. GERALD P. BROHM, [redacted] U.S. ARMY.
COL. CHARLES C. CANNON, JR. [redacted] U.S. ARMY.
COL. HENRY S. MILLER, JR. [redacted] U.S. ARMY.
COL. ROGER G. THOMPSON, JR. [redacted] U.S. ARMY.
COL. JAMES M. LINK [redacted] U.S. ARMY.
COL. RANDOLPH W. HOUSE, [redacted] U.S. ARMY.
COL. JOHN COSTELLO, [redacted] U.S. ARMY.
COL. CHARLES W. THOMAS, [redacted] U.S. ARMY.
COL. JOHNNY M. RIGGS, [redacted] U.S. ARMY.
COL. PETER J. SCHOOMAKER [redacted] U.S. ARMY.
COL. JACK P. NIX, JR. [redacted] U.S. ARMY.

IN THE AIR FORCE

THE FOLLOWING AIR NATIONAL GUARD OF THE U.S. OFFICERS FOR PROMOTION IN THE RESERVE OF THE AIR FORCE UNDER THE PROVISIONS OF SECTIONS 593 AND 8379, TITLE 10 OF THE UNITED STATES CODE. PROMOTIONS MADE UNDER SECTION 8379 AND CONFIRMED BY THE SENATE UNDER SECTION 593 SHALL BEAR AN EFFEC-

TIVE DATE ESTABLISHED IN ACCORDANCE WITH SECTION 8374, TITLE 10 OF THE UNITED STATES CODE. (EFFECTIVE DATE FOLLOWS SERIAL NUMBER)

To be lieutenant colonel

LINE OF THE AIR FORCE

MAJ. STEPHEN J. BITTNER [redacted] 5/17/91
MAJ. RICHARD W. BURRIS, [redacted] 7/12/91
MAJ. DEAN A. CUNNINGHAM, [redacted] 7/13/91
MAJ. PAUL S. DEAVERS [redacted] 6/13/91
MAJ. MARK L. DOOLITTLE, [redacted] 6/21/91
MAJ. TERRANCE R. FEICHTER [redacted] 6/26/91
MAJ. MARK E. GOLDSMITH, [redacted] 7/1/91
MAJ. THOMAS J. HAYNES, [redacted] 7/8/91
MAJ. BARRY M. JOHNSON [redacted] 7/2/91
MAJ. DONALD E. JONES, [redacted] 7/7/91
MAJ. JAMES D. KELLEY [redacted] 6/21/91
MAJ. THOMAS G. LOFLIN, [redacted] 7/11/91
MAJ. JOHN F. PAINTER, [redacted] 7/3/91
MAJ. WILLIAM G. PETTIT, JR. [redacted] 6/11/91
MAJ. ROYCE D. SHIELDS [redacted] 7/13/91
MAJ. JOHN S. SMITH, [redacted] 7/1/91
MAJ. SHERMAN W. SMITH, [redacted] 6/20/91
MAJ. MICHAEL S. STEWART, [redacted] 7/26/91
MAJ. DAVID L. WEAVER, [redacted] 6/30/91

CHAPLAIN CORPS

MAJ. ALBERT C. HITCHCOCK, [redacted] 5/23/91

BIOMEDICAL SCIENCES CORPS

MAJ. DOUGLAS W. BUTLER, [redacted] 6/9/91
MAJ. SCOTT GOLDBERG, [redacted] 6/8/91
MAJ. ROBERT L. SALYER, [redacted] 6/8/91

MEDICAL CORPS

MAJ. JOHN W. WELCH, JR., [redacted] 7/14/91
MAJ. JAMES G. WILSON [redacted] 7/16/91

DENTAL CORPS

MAJ. KENNETH K. HSU, [redacted] 7/14/91

IN THE NAVY

THE FOLLOWING NAMED ASTRONAUT FOR PROMOTION TO THE PERMANENT GRADE OF CAPTAIN UNDER THE PROVISIONS OF ARTICLE II, SECTION 2, CLAUSE 2 OF THE CONSTITUTION OF THE UNITED STATES OF AMERICA.

To be captain

CDR. MICHAEL ALLEN BAKER, U.S. NAVY, [redacted]

IN THE ARMY

THE FOLLOWING NAMED OFFICERS, ON THE ACTIVE DUTY LIST, FOR PROMOTION TO THE GRADE INDICATED IN THE UNITED STATES ARMY IN ACCORDANCE WITH SECTION 624, TITLE 10, UNITED STATES CODE. THE OFFICERS INDICATED BY ASTERISK ARE ALSO NOMINATED FOR APPOINTMENT IN THE REGULAR ARMY IN ACCORDANCE WITH SECTION 531, TITLE 10, UNITED STATES CODE:

ARMY

To be lieutenant colonel

JOHNNY R. ABBOTT, [redacted]
DIANE M. ACURIO, [redacted]
JOHN A. ADAMS [redacted]
JOHN M. ADAMS [redacted]
WILLIAM T. ADAMS [redacted]
WAYNE C. AGNESS [redacted]
BERNARD AIKENS [redacted]
DANIEL R. ALEXANDER [redacted]
LARRY R. ALLEN [redacted]
AVERY V. ALLISON [redacted]
LEONARD A. ALT [redacted]
STEVEN D. AMACKER [redacted]
ROGER A. AMENDE, [redacted]
CLINTON T. ANDERSON [redacted]
EDWARD B. ANDERSON [redacted]
EDWIN W. ANDERSON, [redacted]
RICHARD B. ANDERSON, [redacted]
SAMUEL W. ANDERSON [redacted]
JOHN P. ANDREASEN [redacted]
ANDREW A. ANGELACCI, [redacted]
CHARLES D. ANGLE, [redacted]
ROBERT M. ANTIS, [redacted]
DAVID L. APPLIN [redacted]
ANTHONY A. ARBUCCI, [redacted]
JAMES E. ARMSTRONG, [redacted]
MARTEMAS ARNWINE, [redacted]
BYRON D. ATHAN, [redacted]
FRANK G. ATKINS, [redacted]
WILLIAM R. AULTMAN, [redacted]
LLOYD J. AUSTIN [redacted]
THOMAS A. AUSTIN [redacted]
THOMAS G. AYERS, [redacted]
BRUCE D. BACHUS, [redacted]
EDWARD J. BAEHR, [redacted]
JOHN E. BAGGOTT, [redacted]
BYRON G. BAKER, [redacted]
CLAUDE P. BAKER [redacted]
LARRY G. BAKER, [redacted]
PHILIP J. BAKER [redacted]
HAROLD L. BAKKEN, [redacted]
MICHAEL D. BARBERO, [redacted]
JACKSON D. BAREFORD [redacted]
TODD C. BARNES [redacted]
PHILIP L. BARNETTE, [redacted]
LLEWELLYN BARRETT [redacted]
HOWARD E. BARTON, [redacted]
JOHN W. BARTON, [redacted]
ROY B. BARTON, [redacted]
GARY D. BAULEKE, [redacted]
KENNETH D. BEATTY, [redacted]
LENORA H. BECK, [redacted]
PATRICK J. BECKER, [redacted]
JOHN M. BEDNAREK, [redacted]
VANGEORGE BELANGER, [redacted]
AUSTIN D. BELL, [redacted]
THOMAS S. BELL, [redacted]
WILLIAM R. BELL, [redacted]
STEPHEN BELLENE, [redacted]
ROBERT T. BELTON, [redacted]
STEVEN J. BENKUFSKI, [redacted]
JAMES F. BENN, [redacted]
BARBARA *. BENNINGTON [redacted]
ANDRE L. BENOIT, [redacted]
DAVID A. BENTLEY, [redacted]
BRYAN S. BERG, [redacted]
BRUCE R. BERRY, [redacted]
GARY W. BERRY, [redacted]
JOHN H. BERRY, [redacted]
REGINALD R. BERRY, [redacted]
LOUIS R. BEST, [redacted]
DAVID K. BETHEA, [redacted]
RICHARD T. BIERIE, [redacted]
GARY D. BIRCHFIELD [redacted]
JEFFREY C. BISCHOFF, [redacted]
GARY M. BISHOP, [redacted]
JOHN F. BITHOS, [redacted]
NOLEN V. BIVENS, [redacted]
WILLIAM BLANKMEYER, [redacted]
BRADFORD R. BOCK, [redacted]
CHRISTOPHER BOETIG, [redacted]
VINCENT E. BOLES, [redacted]
JOSEPH A. BOLICK, [redacted]
JERRY R. BOLZAK, [redacted]
STEPHEN J. BOND, [redacted]
GLEN M. BONEY, [redacted]
PAUL M. BONNEY, [redacted]
ROBERT J. BONOMETTI, [redacted]
HARLAND M. BORNEMAN, [redacted]
VICTOR J. BOSKO, [redacted]
DAVID E. BOUDREAU, [redacted]
DANIEL J. BOURGOINE, [redacted]
STEPHEN J. BOURNE, [redacted]
GEORGE E. BOWERS, [redacted]
WALTER R. BOWERS, [redacted]
CARL C. BOWMAN, [redacted]
RICHARD B. BOWMAN, [redacted]
DONALD R. BOYD, [redacted]
HERCHELL A. BOYD, [redacted]
KENNETH D. BOYD, [redacted]
RICKY E. BOYD, [redacted]
ROBERT G. BOYKO, [redacted]
JOSEPH T. BOYLAN, [redacted]
EARNEST N. BRACEY, [redacted]
MICHAEL L. BRACKET, [redacted]
TIMOTHY J. BRADEN, [redacted]
EDWARD M. BRADFORD, [redacted]
CHARLES BRADLEY, JR. [redacted]
LEON BRADLEY, [redacted]
RAWSKIA BRADLEY, [redacted]
MICHAEL J. BRADY, [redacted]
THOMAS L. BRANZ, [redacted]
KAY E. BRATZ, [redacted]
ARTHUR BREITHAUPT, [redacted]
JOHN F. BREWER, [redacted]
SHERRILL L. BRINDEL, [redacted]
GARY L. BRINDLE, [redacted]
JAMES L. BROOKE, [redacted]
OTIS M. BROOKS, [redacted]
DAVID P. BROSTROM, [redacted]
BILLY D. BROWERS, [redacted]
BRUCE T. BROWN, [redacted]
CALVIN E. BROWN, [redacted]
DONALD A. BROWN, [redacted]
JOHN R. BROWN, [redacted]
KENT H. BROWN, [redacted]
DONALD W. BROWNE, [redacted]
ROBERT P. BRUMLEY, [redacted]
HENRY L. BRYAN, [redacted]
JOEL A. BUCK, [redacted]
LON L. BUCK, [redacted]
DAVID J. BUCKLEY, [redacted]
JOHN E. BULLA, [redacted]
ANTHONY A. BULLARD, [redacted]
JAMES R. BURCH, [redacted]
MICHAEL A. BURKE, [redacted]
ALFRED E. BURKHARD, [redacted]
MARTIN V. BURKS, [redacted]
GARY R. BURROUGHS, [redacted]
NANCY J. BURT, [redacted]
JAMES H. BURTON, [redacted]
RONALD R. BURTON, [redacted]
MICHAEL J. BUSH, [redacted]
RALPH E. BUSH, [redacted]
DAVID K. BUTLER, [redacted]
JOHN L. BUTLER, [redacted]
DAVID J. BUZZELL, [redacted]
KERRY L. CAILTEUX, [redacted]
MICHAEL P. CALDWELL, [redacted]
WILLIAM L. CALLAWAY, [redacted]
EDWARD E. CAMBON, [redacted]
JOEL W. CAMERON, [redacted]
DOUGLAS A. CAMPBELL, [redacted]
MICHAEL J. CAMPBELL, [redacted]
TERRENCE CAMPBELL, [redacted]
MICHAEL W. CANNON, [redacted]
KENTON R. CANNY, [redacted]
TIMOTHY A. CAPRON, [redacted]
CHARLES N. CARDINAL, [redacted]
JOHN A. CARLSON, [redacted]
JOHN H. CARPENTER, [redacted]
WALTER R. CARPENTER, [redacted]
CARL J. CARRANO, [redacted]
SAMUEL J. CARROLL, [redacted]
WALTON C. CARROLL, [redacted]
ROBERT D. CARTER, [redacted]
CHARLES CARTWRIGHT, [redacted]
ROBERT L. CASLEN, [redacted]
DAVID M. CASMUS, [redacted]
RANDALL W. CASON, [redacted]
CURTIS R. CEARLEY, [redacted]
ANTHONY J. CERRI, [redacted]
WAYNE F. CHALUPA, [redacted]
MARK R. CHANEY, [redacted]
JOHN S. CHAPPELL, [redacted]
THOMAS L. CHARLSON, [redacted]
JONATHAN P. CHASE, [redacted]
GEORGE T. CHEROLIS, [redacted]
GARY R. CHICK, [redacted]
ELIAS C. CHIN, [redacted]
ANDREW T. CHMAR, [redacted]
ROBERT A. CLAGG, [redacted]
BEN F. CLAWSON, [redacted]
WILLIAM H. CLECKNER, [redacted]
ALLEN E. CLEGHORN, [redacted]
MICHAEL R. CLEMENTS, [redacted]
RUSSELL CLEVELAND, [redacted]
JAMES T. CLIFFORD, [redacted]
STEVEN M. CLIFFORD, [redacted]
RICHARD A. CLINE, [redacted]
ROBERT A. CLINE, [redacted]
WILLIAM CLINGEMPEEL, [redacted]
WILLIAM E. CLYBURN, [redacted]
THOMAS M. COBURN, [redacted]
LEA P. COCHRAN, [redacted]
CARL A. COCKRUM, [redacted]
VICTOR COFFENBERRY, [redacted]
JOHN A. COGLEY, [redacted]
LEE M. COLAW, [redacted]
KEVIN T. COLCORD, [redacted]
DAVID M. COLE, [redacted]
JOE E. COLLIER, [redacted]
KENNETH S. COLLIER, [redacted]
GLYNN C. COLLINS, [redacted]
VINCENT L. COLLINS, [redacted]
SCOTT W. COLLISTER, [redacted]
ROGER L. COLOMBANA, [redacted]
DARIO A. COMPAIN, [redacted]
RODNEY E. CONNORS, [redacted]
THOMAS P. CONNORS, [redacted]
MICHAEL L. *. CONRAD, [redacted]
MICHAEL S. CONTI, [redacted]
MERLE W. CONVERSE [redacted]
DONALD R. COOK, [redacted]
EMMET E. COOK, [redacted]
PHILLIP M. COOK [redacted]
VIRGIL W. COOK, [redacted]
OTIS E. COOKSEY, [redacted]
PATRICK J. COONEY [redacted]
DAVID L. COOPER, [redacted]
DAVID D. COSLOW, [redacted]
DAVID P. COUGHRAN, [redacted]
MICHAEL C. COX, [redacted]
PEDER C. COX, [redacted]
WILLIAM F. CRAIN [redacted]
CHARLES E. CRANK [redacted]
ARTHUR G. CRAWFORD, [redacted]
DARRELL E. CRAWFORD [redacted]
ROBERT CREAR [redacted]
MICHAEL E. CRIMENS [redacted]
CHARLES E. CROSS [redacted]
LEON CRUMBLIN, [redacted]
WILLIA CRUTCHFIELD [redacted]
THOMAS R. CSRNKO [redacted]
JERRIS L. CUMMINGS [redacted]
ERIC R. CUNNINGHAM [redacted]
DAVID C. CUTLER [redacted]
LYLE D. DAUGHERITY [redacted]
CHARLES E. DAVIS [redacted]
EDWIN F. DAVIS [redacted]
GLENN W. DAVIS [redacted]
GREGORY S. DAVIS [redacted]
JAMES O. DAVIS [redacted]
THOMAS J. DAVIS [redacted]
THOMAS R. DAVIS [redacted]
JOHN J. DEACON [redacted]
ARLIS D. DEAN [redacted]
JAMES J. DECARLO [redacted]
GREGORY DECHAU [redacted]
JOHN DEFREITAS, III [redacted]
DANNY L. DEFRIES [redacted]
JOHN L. DELONG [redacted]
RALPH F. DELOSUA [redacted]
GEOFFREY DEMAREST, [redacted]
THOMAS A. DEMPSEY, [redacted]
JOHN H. DERTZBAUGH, [redacted]
PATRICK E. DEVENS, [redacted]
DEBRA L. DEVILLE, [redacted]
JACK C. DIBRELL, [redacted]
MICHELLE L. DICK, [redacted]
CLIFFORD M. DICKMAN, [redacted]
FRED E. DIERKSMEIER, [redacted]
JOHN T. DILLARD, [redacted]
PETER DISTERLIC [redacted]
DAVID R. DOCTOR, [redacted]
BRUCE J. DONLIN, [redacted]
JOHN R. DORNSTADTER, [redacted]
WILLIAM T. DOWNS, [redacted]
JOSEPH S. DRELLING, [redacted]
RICHARD B. DRIVER, [redacted]
PAUL J. DRONKA, [redacted]
MARCUS G. DUDLEY, [redacted]

BRIAN J. DUFFY [redacted]
LEE F. DUFFY [redacted]
WILLIAM P. DUKE [redacted]
MICHAEL R. DULANEY [redacted]
JEFFREY M. DUNHAM [redacted]
PATRICK C. DUNKLE [redacted]
MICHAEL L. DUNKLEY [redacted]
BERNARD J. DUNN, [redacted]
PATRICK Y. DUNN [redacted]
ROBERT A. DUNN [redacted]
HENRY A. DURAN [redacted]
ROBERT E. DURBIN [redacted]
JOHN A. DURKIN [redacted]
JAMES C. DWYER [redacted]
ROBERT L. DYKSTRA [redacted]
JEFFREY R. EARLEY [redacted]
DANIEL R. EDGERTON [redacted]
CARL EDWARDS, JR [redacted]
LAWYN C. EDWARDS, [redacted]
PARTHENIA R. ELAM [redacted]
FRANK D. ELIZONDO [redacted]
BERNARD E. ELLIS [redacted]
CHARLES V. ELLIS [redacted]
MICHAEL W. EMERY [redacted]
GEORGE W. ENGLAND [redacted]
DAVID J. ENRIQUEZ [redacted]
EDWARD J. ERICKSON [redacted]
JAMES J. ERNZEN [redacted]
JEAN R. ESTEVE [redacted]
GREGORY O. EVANS [redacted]
THOMAS R. EVANS [redacted]
PAMELA C. EYRE [redacted]
JOHN R. FABRY [redacted]
TIMOTHY E. FAIR [redacted]
PETER T. FARRELL [redacted]
WILLIAM R. FAST [redacted]
DENNIS O. FAVER [redacted]
ALLAN D. FEHLINGS [redacted]
THOMAS W. FEICK [redacted]
DONALD V. FERRIER [redacted]
DANIEL A. FEY, [redacted]
WILLIAM G. FILLMAN [redacted]
JOHN F. FINAN [redacted]
PATRICK G. FINDLAY [redacted]
LEONARD M. FINLEY [redacted]
JOHN B. FIRER [redacted]
THOMAS C. FISER [redacted]
CHARLES M. FISHER [redacted]
DENNIS FITZSIMMONS [redacted]
WELDON W. FLAHARTY [redacted]
WAYNE T. FLEMING [redacted]
BENJAMIN FLETCHER [redacted]
RONALD C. FLOM [redacted]
RICHARD J. FLOOD [redacted]
LEONARDO V. FLOR [redacted]
MICHAEL C. FLOWERS [redacted]
PATRICK J. FLYNN [redacted]
RONALD M. FONTENOT [redacted]
DAVID G. FORD [redacted]
WILLIAM M. FORD [redacted]
JAMES T. FORESTAL [redacted]
JAMES A. FORLENZO [redacted]
RUSSELL S. FORSHAG [redacted]
CHARLES J. FOWLER [redacted]
GARY S. FOWLER [redacted]
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CARSON R. FRANCIS [redacted]
DENNIS J. FRANKEN [redacted]
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BARRY S. LINEBACK [redacted]
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DENNIS K. LOCKARD [redacted]
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CLINTON K. LONG, [redacted]
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RODNEY D. LOW [redacted]
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CLARK LYNN, III [redacted]
WILLIAM G. LYTTLE [redacted]
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CRAIG K. MADDEN [redacted]
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SYLVIA D. MARABLE [redacted]
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FLORIAN ROTHBRUST [redacted]
LENEAR ROYER, III [redacted]
ROOSEVELT RUFFIN [redacted]
L. C. RUSH, JR [redacted]
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DEAN E. RUSSELL [redacted]
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WILLIAM T. SHOCKLEY [redacted]
PATRICIA A. SIGLE [redacted]
SHERILYN D. SIGLER [redacted]
NORRIS E. SILLS [redacted]
MICHAEL R. SIMONE [redacted]
ROBERT W. SIMONS [redacted]
EDWARD J. SINCLAIR [redacted]
EDWARD M. SIOMACCO [redacted]
CHARLES R. SIZEMORE [redacted]
DENNIS M. SKELLY [redacted]
DARRELL SLONE [redacted]
CHESTER L. SMITH [redacted]
FRANK R. SMITH [redacted]
LESLIE K. SMITH [redacted]
MICHAEL S. SMITH [redacted]
ROBERT L. SMITH [redacted]
ROGER N. SMITH [redacted]
MARY L. SMULLEN [redacted]
MICHAEL D. SNYDER [redacted]

WILLIAM N. SOUSER [redacted]
KATHLEEN R. SOWER [redacted]
PAUL C. SPINLER [redacted]
LAWRENCE G. SPOON [redacted]
JANICE L. SPRUILL [redacted]
STEPHEN C. STACEY [redacted]
RICHARD STAIRHIME [redacted]
WILLIAM D. STALEY [redacted]
CYRUS J. STANIEC [redacted]
ANDREW J. STANLEY [redacted]
ALAN STANSFIELD [redacted]
KAREN M. STARK [redacted]
GREGORY STARKS [redacted]
LAWRENCE M. STEINER [redacted]
JIMMY D. STEPHENS [redacted]
RICARDO E. STEPHENS [redacted]
DAVID J. STERNBERG [redacted]
THOMAS G. STERNER, [redacted]
DONALD J. STEVENSON [redacted]
MICHAEL J. STEWART [redacted]
GARY W. STINNETT [redacted]
CHRISTOPHER STJOHN [redacted]
PATRICIA STONEHAM [redacted]
SAMUEL K. STOUFFER [redacted]
JOEY STRICKLAND [redacted]
ROBERT A. STROM [redacted]
MICHAEL C. STUTT [redacted]
HOWARD T. STYRON [redacted]
HENRY W. SUCHTING [redacted]
PARRIS M. SUGG [redacted]
STEVEN G. SWANSON [redacted]
DUANE W. SWEENEY [redacted]
PAUL S. SWEET [redacted]
TED W. SWENSON [redacted]
RICHARD E. SWISHER [redacted]
BRUCE A. SYDNOR [redacted]
NICHOLAS J. SZASZ [redacted]
JOHN W. TALBOT [redacted]
CARYL T. TALLON [redacted]
AVELINO P. TAMAYO [redacted]
WILLIAM F. TANNER [redacted]
LAREN D. TARBET [redacted]
RANDAL G. TART [redacted]
STEPHEN T. TATE [redacted]
RANDY D. TATUM [redacted]
FRANK D. TAYLOR [redacted]
JAMES R. TAYLOR [redacted]
ROBERT H. TAYLOR [redacted]
MERDITH W. TEMPLE [redacted]
JOSEPH J. TENIS [redacted]
GENE J. TENUTA [redacted]
JAMES E. TERLECK [redacted]
CLENNY E. TERRELL [redacted]
CAROL M. TERRY [redacted]
DAN E. TESTERMAN [redacted]
HARRY G. THIGPEN [redacted]
WILLIE L. THIGPEN [redacted]
ALVIN J. THOMAS [redacted]
DANIEL R. THOMAS [redacted]
DAVID A. THOMAS, [redacted]
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JAMES H. THOMAS [redacted]
LAURENCE E. THOMAS [redacted]
JERRY L. THOMPSON [redacted]
LEWIS H. THOMPSON [redacted]
MARK C. THOMSON, [redacted]
ROBERT L. THOMSON [redacted]
WALLACE G. THOMSON, [redacted]
HARRY C. THORNSVARD [redacted]
RUSSEL P. THURBER [redacted]
JAMES R. TIREY [redacted]
DAVID E. TITUS [redacted]
DAVID R. TOWNSEND [redacted]
JOSEPH D. TOWNSEND [redacted]
LOUIS A. TRAVERZO [redacted]
GLENN C. TRAWEEK [redacted]
HENRY P. TRIPLETT [redacted]
WILLIAM J. TROY [redacted]
REID J. TRUMMEL [redacted]
THOMAS E. TUCKER [redacted]
LARRY L. TURGEON [redacted]
JEROLD E. TURNER [redacted]
STEVEN G. TURNER [redacted]
THOMAS G. TURNING [redacted]
BENJAMIN TYLER, JR [redacted]
LEE A. VANARSDALE [redacted]
DEBORA VANDORMOLEN [redacted]
DAVID M. VANDYKE, [redacted]
JOHN M. VANDYKE [redacted]
FREDERICK VARNADO [redacted]
JOSE A. VASQUEZ [redacted]
TROY E. VAUGHN [redacted]
EDWIN F. VEIGA [redacted]
JAMES L. VELKY [redacted]
LESLIE H. VERDE [redacted]
DEWEY F. VEST [redacted]
JOHN D. VOSILUS [redacted]
CHARLES M. VUCKOVIC [redacted]
ROBERT L. WAERS [redacted]
MARK A. WAGNER, [redacted]
GEORGE M. WALKER [redacted]
GREGORY D. WALKER [redacted]
KENNETH M. WALKER [redacted]
SAM S. WALKER, II [redacted]
STEVEN H. WALLACE [redacted]
THOMAS C. WALLACE, [redacted]
THOMAS H. WALLACE [redacted]
CHARLES G. WALLS [redacted]
GERARD M. WALSH [redacted]
RAYMOND W. WALSH, [redacted]
TIMOTHY G. WANSBURY [redacted]
BARRY M. WARD, [redacted]
JAMES E. WARD [redacted]
KATHERINE L. WARD [redacted]
HOWARD L. WARE, [redacted]
JOHN R. WARNER [redacted]
VOLNEY J. WARNER [redacted]
DAVID W. WASHECHEK [redacted]
JOSEPH E. WASIAK [redacted]
RICHARD WATERHOUSE [redacted]
ROBERT L. WATERS [redacted]
ALAN C. WATTS, [redacted]
FRANKLIN B. WEAVER [redacted]
ROBERT F. WEBB, [redacted]
WILLIAM H. WEBB, [redacted]
LYNN E. WEBER, [redacted]
ROBERT E. WEGMANN [redacted]
THOMAS L. WEIR, [redacted]
DOYLE J. WEISHAR [redacted]
NANCY J. WEISZ, [redacted]
GEORGE E. WELCH, [redacted]
RICHARD S. WELCH, [redacted]
JAMES S. WELLER [redacted]
BILLY E. WELLS [redacted]
DANIEL E. WEMHOFF [redacted]
JAMES WERKMEISTER [redacted]
LARRY R. WEST [redacted]
SCOTT G. WEST, [redacted]
WILLIAM C. WEST, [redacted]
LYNN A. WESTBROOK, [redacted]
JOHN S. WESTWOOD, [redacted]
JOHN L. WHISLER, [redacted]
DAVID A. WHITE, [redacted]
KENNETH C. WHITE [redacted]
LONNIE R. WHITE, [redacted]
WILLIAM T. WHITESEL [redacted]
DAVID L. WILLIAMS [redacted]
FREDERICK WILLIAMS [redacted]
GARY L. WILLIAMS [redacted]
JAMES P. WILLIAMS [redacted]
JOSEPH W. WILLIAMS [redacted]
MARK E. WILLIAMS [redacted]
GARY J. WILSON, [redacted]
PAUL M. WILSON, [redacted]
WALTER D. WILSON, [redacted]
WILLIAM L. WILSON [redacted]
RANDALL W. WITHROW [redacted]
DENNIS C. WOESTE [redacted]
EDWARD WOLCOFF, [redacted]
MICHAEL H. WOOD, [redacted]
JOHN C. WOODS, [redacted]
LEONARD S. WOODY, [redacted]
EDWARD J. WRIGHT [redacted]
JAMES E. WRIGHT [redacted]
RANDY C. WRIGHT, [redacted]
THOMAS H. WRIGHT, [redacted]
ANDREW E. WYNARSKY [redacted]
MICHAEL T. YATES [redacted]
JOHN A. YINGLING, [redacted]
KENNETH M. YOUNGER [redacted]
RICHARD E. ZAK, [redacted]
THOMAS ZIGORIS, [redacted]

HOUSE OF REPRESENTATIVES—*Thursday, October 24, 1991*

The House met at 10 a.m.

The Reverend Dr. Ronald Christian, Office of the Bishop, Evangelical Lutheran Church in America, Washington, DC, offered the following prayer:

Heavenly Father; Creator of all that we call our own, and giver of life itself, You open Your hand and You satisfy the desire of every living thing.

We pray that all of Your creation may remind us of Your grace and goodness.

Give us wisdom and reverence in our use of the resources of nature so we do not abuse that which You have created.

Bless those who work with and, therefore, remind us all of, the great wealth that is ours in the fresh air we breathe, the clear water we use, the great forests we both enjoy for their beauty and need for their products, and, the good Earth which produces for all people their daily bread.

May the harvest of the land remind us all of Your goodness.

May the opportunity for work be more a joy than a drudgery.

And, may, O God, the responsibilities and tasks that you have given to us to perform this day be an occasion for thanksgiving and gratitude to You. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last legislative day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Florida [Mr. HUTTO] please come forward and lead the House in the Pledge of Allegiance?

Mr. HUTTO led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed without amendment a bill of the House of the following title:

H.R. 470. An act to authorize the Secretary of Transportation to release the restrictions, requirements, and conditions imposed in connection with the conveyance of certain lands to the city of Gary, IN.

The message also announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 239. An act to authorize the Alpha Phi Alpha Fraternity to establish a memorial to Martin Luther King, Jr., in the District of Columbia.

THE PRESIDENT'S DOMESTIC AGENDA FOUND LACKING

(Mr. SKAGGS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SKAGGS. Mr. Speaker, the President promised the country he would be a good steward of our children's education, of the Nation's environment, and of our economic well-being. Certainly, worthy undertakings. But you get the sense more and more that John Sununu was right a few months back when he confessed this administration had no domestic program. Promise, promises. The promise on education becomes just another photo opportunity. And then there was the picturetaking at the Grand Canyon. And the shots in a hard hat at a construction site. But the constructive effort of the Bush administration remains focused almost exclusively overseas. There is obviously important work to be done there. But not to the neglect of the profound needs here at home—for jobs, for economic revitalization, for good schools, for affordable health care. We desperately need the President to engage in the hard work of bringing America, not just to the alluring tables of the international scene, but bringing America back to its own table. Again today, the papers report gloomy news about the Federal Reserve's economic survey. It is way past time for the President to renew his vows to the American people about his stewardship at home.

NORMALIZATION OF RELATIONS WITH VIETNAM AND THE POW/MIA ISSUE

(Mr. LAGOMARSINO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LAGOMARSINO. Mr. Speaker, yesterday's signing of the Cambodian peace accords in Paris marks, for the first time in over 50 years, the end of fighting in Southeast Asia. This historic event signifies it is time to open up a new chapter in United States-Indochinese relations, including beginning discussions on the normalization of relations with Vietnam.

As chairman of the House POW/MIA Task Force, I strongly agree with Secretary of State Baker that the pace and scope of these discussions will be governed by progress on the very, very important issue of American POW/MIA's.

Let there be no doubt in the minds of Vietnam's leaders—Congress will not support normalization without real progress on achieving the fullest possible accounting of American POW/MIA's. Congress is measuring progress not by Vietnamese promises of cooperation, but by positive actions and, above all, results. Thus far, results have been disappointing.

We have delineated a mutually beneficial road map for resolving the POW/MIA issue and advancing normalized relations. I strongly urge Vietnam to follow it.

THE AIR FORCE MEMORIAL ACT OF 1991

(Mr. HUTTO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HUTTO. Mr. Speaker, I am introducing legislation today to authorize the construction of an Air Force memorial on Federal lands in Washington, DC.

Since the evolution of the old Army Air Force to the U.S. Air Force in 1947, our brave men and women in blue have faithfully defended our Nation. However, unlike the memorials to the Army, Navy, and Marine Corps, Washington, DC, does not pay tribute to Air Force men and women.

Interestingly, while the Air Force is our youngest military service, it had its roots in 1905 when the War Department considered an offer from the Wright Brothers to provide the Government with a heavier than air flying machine. The first Wright plane was delivered to the Government in 1909. Since that time many men and women have significantly contributed to making the U.S. Air Force the finest air force in the world. From the flight of the B-17 in World War II to the bombing runs of the F-117 in Desert Storm, the Air Force has been instrumental in preserving the peace. Certainly, the Air Force's contribution in the Korean war, Vietnam war, and the conflicts in Grenada and Panama has also reminded the world of our highly profes-

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

sional Air Force personnel who operate their effective and sophisticated air and missile weaponry. Clearly, our Air Force deserves to be commended for their service to our country.

In this time of deficit spending we must be concerned with the cost of a fitting Air Force memorial. Therefore, I am pleased that the Air Force Association will finance the memorial at no expense to the American taxpayers. My bill will simply authorize existing Federal land to be used for the construction of this memorial. I hope the Members of this body will join in my effort to honor the men and women in the U.S. Air Force.

LAWS SHOULD ALSO APPLY TO CONGRESS

(Mr. BUNNING asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BUNNING. Mr. Speaker, here in Congress we constantly talk in glowing terms about all the great things we have done for the American people with the laws we pass.

We talk about protecting civil rights. guaranteeing equality. Providing workers safe and healthy work environments. Outlawing discrimination. Ensuring fair labor standards. Prohibiting age discrimination. And we have passed laws to accomplish all of these things.

And each of these laws aims at a worthy goal.

But Mr. Speaker, as was pointed out so vividly during the Judge Thomas confirmation circus, Congress makes a habit of making sure that virtually none of these laws ever applies to itself.

It is just one more sign of the arrogance of Congress—the same arrogance that has angered the American public so much in recent days of floating checks and unpaid restaurant bills.

It should be clear by now that any law that is good enough for the American people should be good enough for this legislative body too.

Let us start living under the laws we pass for the rest of the Nation.

THE BUSH RECORD ON THE ECONOMY

(Mr. BUSTAMANTE asked and was given permission to address the House for 1 minute.)

Mr. BUSTAMANTE. Mr. Speaker, when campaigning for the Presidency, George Bush said he wouldn't be "content until there are jobs for those who want them in all 50 States. That is my mission."

President Bush must be spending many sleepless nights at the White House and for good reason: At the rate the American economy is pumping out jobs, it will take George Bush 100 years to meet that goal.

During President Bush's first 3 years in office, job growth in the United States has risen less than half a percent a year. Only 325,000 payroll jobs have been added to the American economy between July 1989 and July 1991.

Yesterday's Federal Reserve report doesn't inspire any confidence that times are improving. The FED's report on business activity echoed what our constituents have been saying for almost a year: America's economic engine is running weak in every region of the country.

This Chamber has debated the state of the economy all night. Charges have been traded back and forth between this side of the aisle and that side. But the simple fact remains that this President will not sign an extended unemployment insurance bill that will help the jobless pay their mortgages, their rent, food and medical bills.

This administration can't produce the jobs it promised 3 years ago, and it is shameful that it will not provide jobless Americans with the extended unemployment benefits they need to help keep their families and homes together.

□ 1010

ANNOUNCEMENT OF PLANS OF COMMITTEE ON RULES FOR CONSIDERATION OF H.R. 2, FAMILY AND MEDICAL LEAVE ACT OF 1991

(Mr. MOAKLEY asked and was given permission to address the House for 1 minute.)

Mr. MOAKLEY. Mr. Speaker, this is to notify Members of the House of the Rules Committee's plans regarding H.R. 2, the Family and Medical Leave Act of 1991. The committee is planning to meet the week of October 28, 1991 to take testimony on the bill. In order to assure timely consideration on the bill on the floor, the Rules Committee is considering a rule that may limit the offering of amendments.

Any Member who is contemplating an amendment to H.R. 2 should submit, to the Rules Committee in H-312 in the Capitol, 55 copies of the amendment and a brief explanation of the amendment no later than 5 p.m. on Tuesday, October 29.

We appreciate the cooperation of all Members in this effort to be fair and orderly in granting a rule for H.R. 2.

PROPOSED REFORMS OF CONGRESS AND THE GOVERNMENT

(Mr. McMILLAN of North Carolina asked and was given permission to address the House for 1 minute.)

Mr. McMILLAN of North Carolina. Mr. Speaker, there is a lot of Congress-bashing going on, most of it justified when focused on a Member's bad ethics. Congress and the public should deal with that.

But, broader reforms are needed to maximize the efficiency of Congress and government management.

I suggest 4-year terms as a starter, possibly limited to three or four, held simultaneously with the Presidential election.

This would cause the President and Congress to run on the same legislative agenda and reduce grid-lock between Congress and the President.

It could cut election costs in half and put emphasis on what we need to do here rather than getting and staying here.

It would emphasize the experience we bring to the Congress rather than the experience we get in Congress.

It would allow a 2-year budget cycle and permit Congress to evaluate performance of 100 percent of what the Government does instead of simply focusing on add-on programs, which only address 5 percent of what we do.

With a line-item veto and a balanced budget amendment added we would be well down the road to what the American people expect from Congress.

THE UNREMUNERATED WORK ACT OF 1991

(Mrs. COLLINS of Michigan asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mrs. COLLINS of Michigan. Mr. Speaker, today I am pleased to introduce a very vital and valuable bill that would require the Bureau of Labor Statistics to conduct time use surveys to measure the unwaged work women and men do inside and outside the home and to include these measures into the gross national product [GNP] and in other national statistics.

For many women, unpaid work in the home is their full time, life time occupation. For other women and men engaged in paid market work, household work absorbs many hours a week. Yet, remarkably little is known about the value of household work. There is only one major national survey for the entire adult population. A 1975–76 study conducted by the Survey Research Center at the University of Michigan. This circumstances certainly reflects the fact that official government statistics ignore household work.

If the value of housework were included in the GNP, the significance of these tasks would not be continuously debated and bills like the family and medical leave act, which help families survive, would be quickly enacted.

Please join me and cosponsor this important piece of legislation.

MR. SPEAKER, LET'S CLEAN UP THIS HOUSE

(Mr. BALLENGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BALLENGER. Mr. Speaker, one need not be a Phi Beta Kappa to understand that the American people have had it up to here with the Congress of the United States.

Every poll shows that the taxpayers are fed up. Term limitation initiatives are gathering strength throughout the Nation. Editorials blast the "Imperial Congress" on a daily basis. Constituents ask us why we can't follow the same rules that apply to everybody else.

Mr. Speaker, the game has changed. And those who want to keep playing had better sit up and take notice. The American people are not in the mood to take anymore.

I would suggest that if my colleagues of the 102d Congress want to be Members of the 103d Congress, they will join me in calling on the Democratic leadership of this body to clean house. Let's open the books, let's get rid of the political appointees who have mismanaged the operation of House affairs and most importantly, Mr. Speaker, let's apply the same laws to the House of Representatives that apply to our constituents.

PHILADELPHIA HARD HIT BY RECESSION

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, Vice President DAN QUAYLE says the economy is OK and people should be more upbeat. I say it is time for the Vice President to cut his vacation to Disneyland short and just stop and visit Philadelphia. That is right, Philadelphia is out of cash. Philadelphia has now stopped paying its bills. Philadelphia, in fact, is so bad it has borrowed money three different times last year just to meet its payroll. Philadelphia's crime rate has doubled. It has laid off over 2,000 policemen, and it is hard to find a policeman in Philadelphia even when you dial 911.

Meanwhile, this administration wants $4.5 billion in foreign aid for the Soviet Union. Beam me up, Igor. If we have got $4.5 billion to burn in the Soviet Union, we had better start putting out some fires in America, and we can start in Philadelphia.

APPOINTMENT OF CONFEREES ON H.R. 2212, UNITED STATES-CHINA ACT OF 1991

Mr. ROSTENKOWSKI. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 2212) regarding the extension of most-favored-nation treatment to the products of the People's Republic of China, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment and request a conference with the Senate thereon.

The SPEAKER. Is there objection to the request of the gentleman from Illinois? The Chair hears none, and appoints the following conferees, and, without objection, reserves the right to appoint additional conferees:

From the Committee on Ways and Means, for consideration of the House bill, and the Senate amendment, and modifications committed to conference:

Messrs. ROSTENKOWSKI, GIBBONS, JENKINS, DOWNEY, PEASE, ARCHER, VANDER JAGT, and CRANE.

As additional conferees from the Committee on Foreign Affairs, for consideration of sections 1 through 3 of the Senate amendment, and modifications committed to conference:

Messrs. FASCELL, SOLARZ, FALEOMAVAEGA, BROOMFIELD, and LEACH.

There was no objection.

Mr. ROSTENKOWSKI. Mr. Speaker, H.R. 2212, as passed by both the House and Senate, imposes new requirements for the renewal of China's most-favored-nation [MFN] status in 1992, in addition to the requirements contained in current law. The bill was passed by the House of Representatives on July 10 of this year. It was passed with an amendment by the other body on July 23.

Mr. Speaker, because the bill is intended to apply to next year's renewal of China's MFN status—a process which will be set in motion by a recommendation from the President on June 3, 1992, it is time that we resolve our differences with the other body. My request allows us to do just that.

CAMPAIGN REFORM

(Mr. SHAW asked and was given permission to address the House for 1 minute.)

Mr. SHAW. Mr. Speaker, as we approach renewed debate on the reform of our Nation's campaign finance laws, it is important to emphasize what it is that we should be trying to achieve.

The purpose behind real reform should not be to protect incumbents. Rather, our goals should be to encourage competitive elections; to restore the voters' faith in the system; and to ensure that a candidate's financial support comes from the people.

The majority of a candidate's funds should not come from PAC's and special interest lobbies. Nor should the public be forced to pay higher taxes to finance campaigns. Candidates should raise most of their funds from individuals at home—in the voting district.

Campaign spending should not be arbitrarily limited. It should be limited by the willingness of the voters to give. Spending limits only further protect incumbents, many of whom have lost touch with the people who elected them to office.

And, finally, we must close soft money loopholes to ensure that the money that is spent on Federal elections is subject to the limitations of the Federal Election Campaign Act.

Let us work together and pass responsible campaign reform.

□ 1020

MARIO CUOMO: THE CANDIDATE THE WHITE HOUSE MOST FEARS AND THE COUNTRY MOST NEEDS

(Mr. OBEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OBEY. Mr. Speaker, if the rules allowed me to address anyone but the Chair, I would use this time to ask Governor Cuomo to run for President. This country is in trouble on two fronts: first of all, working families are being squeezed to the wall and the Government is doing nothing about it; second, the country is governed by people in the White House who are willing to divide the country on race and on other cultural issues in order to win politically by diverting public attention from our real problems.

Mr. Speaker, Mario Cuomo in my view has the moral force to bring a new vision of family and community to this country. He has the personal toughness to carry the fight to the White House and to effectively govern after the election. That is why he is the candidate that the White House most fears, and the country most needs. Governor, do it now.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. McNULTY). The Chair would remind Members to address their remarks to the Chair.

SPORTSMEN AGAINST HUNGER

(Mr. MARLENEE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MARLENEE. Mr. Speaker, there are those who would question whether handguns and pistols are used by sportsmen in the pursuit of game.

Let me assure the people of this Nation, and my colleagues, that it is so and the numbers are growing.

It has reached the point that once a year we gather celebrities and shooters together from around the Nation for the Celebrity Handgun Hunt.

This past weekend I had the pleasure of joining a group of outstanding American sportsmen and women who, in 3 days, harvested and donated over 8,000 pounds of wild game meat to the Salvation Army and other charitable food banks for the purpose of feeding this country's hungry.

Sportsmen Against Hunger is a national effort by American hunters to share with citizens less fortunate, the abundant and naturally renewing wildlife resources of our land. The program was developed in 1989 by one of our leading sportsmen's conservation organizations, Safari Club International, which at its own expense is coordinating the program with State wildlife management departments, local food banks, and soup kitchens. It is a growing program that has already brought praise from Governors and local Salvation Army officials alike. Bob Young, regional director of Safari Club International, has chaired this effort and raised the visibility of this charity nationwide.

It is charity in the finest and most personal sense of the word. This Nation's sportsmen, at their expense, are having a large portion of the wild game they harvest processed into 2-pound packages and delivered to local food bank centers. During 1990, it is estimated that 20 tons of quality meat were donated, distributed, and consumed as a result of Sportsmen Against Hunger.

This past weekend some of the best hunter-conservationists in this country met at the historic and beautiful Y.O. Ranch in Mountain Home, TX, as the guests of the Schreiner family, who have owned and worked the 40,000-acre ranch for four generations. In addition to the finest herd of original longhorn cattle in the world, over 50 species of game animals roam the ranch. And today the Y.O. Ranch offers hunting, game viewing, and conservation education programs to thousands of visitors each year.

Another unique aspect of our hunt this past weekend was that all 50 of us hunted with handguns exclusively, because of the challenge handgun hunting presents. It is a difficult sport, and that is why thousands of hunters each year turn to the handgun as their firearm of choice. It also is why, when we debate and discuss firearms issues, it is important to realize that there is widespread ethical, legal sporting use of handguns in this country. I am proud to be a handgun hunter. Herb Bobchin, director at large of Safari Club International and chairman of the Handgun Advisory Board, is to be commended for his efforts in initiating this opportunity.

In recognition of their generosity and caring for the needs of fellow citizens, I would like to recognize the following celebrities and distinguished hunters from this past weekend for their contributions to Sportsmen Against Hunger:

CONTRIBUTIONS TO SPORTSMEN AGAINST HUNGER

Maj. Gen. Joe Engle (ret.), Edward Edson, Dan Harper, Ron Marlenee, Andy Phillips, John Taffin, Jack Lewis, Stan Atwood, Louis Schreiner, Howard Pollock, Warren Parker, Don Kirn, Herb Bobchin, Bob Young, Holt Bodinson, Mr. & Mrs. Fred Kemmerer, Lou Sicola, Mr. & Mrs. Larry Hall, Mr. & Mrs. Al Diprima, Joe Wright, John Reinhart, Ed Grant, Dennis Madriaga, John Prather, Carl Rapp, David Small, Dirk Start, Terry Thompson, Robert Gow, Kay Gow, Hugo DiGiovanni, Don Rosso, Bill Kratz, John Wooters, Hal Swiggett, Mark Hampton, Dick Metcalf, Tom McIntyre, J.D. Jones, Ken Kelly, Bob Baker, Peter Pi, Peter Pi, Jr., Bill Grover, Jim Morey, Ken French, Mike Wright, Dennis Lawrence, and Pam Atwood.

GOVERNOR CUOMO SHOULD TAKE UP HIS COUNTRY'S CALL

(Mr. ACKERMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ACKERMAN. Mr. Speaker, our economy is in ruins. There are no jobs for the swollen ranks of unemployed Americans. The education President rules a land where children are not educated. The environmental President blocks efforts to clean the water and freshen the air.

We were promised 1,000 points of light; we have gotten 100,000 points of blight. What we need is one point of enlightenment.

As I considered the problems that face us, I wondered, who can lead us out of our troubles? Where can we find a person with the intelligence, the leadership, the understanding to deliver us from our troubles?

Mr. Speaker, sometimes the answers are right under our noses. So I went home to my district, and I looked around my neighborhood, and I found a guy up the block, a constituent who can lead the country well. He is bright, and capable, and can articulate the values that all Americans believe in. I know he will answer his country's call in our hour of need. His name is Mario Cuomo, and America needs him.

So I urge Governor Cuomo to take up his country's call. I announce my intention today to lead a slate of delegates pledged to Mario Cuomo in the Presidential primary. If this favorite son does not declare by the filing date, I will lead a slate of uncommitted delegates who will be prepared to draft Governor Cuomo at the Democratic National Convention in Madison Square Garden in New York City next July.

Imagine, Mr. Speaker, I found this guy right up the block.

STOP SENDING AMERICAN TAX MONEY TO OTHER COUNTRIES

(Mr. DUNCAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DUNCAN. Mr. Speaker, for weeks now I have listened to many Members stand up here and attack President Bush. Member after Member has said he needed to pay more attention to domestic problems and do more for people here at home. Almost without exception the Members who have done this are the very ones who have voted for every foreign aid bill ever before the Congress. They are the same ones who have voted to send billions and billions of dollars overseas.

Mr. Speaker, this seems hypothetical to me. These foreign aid bills usually pass by about a 3-to-1 margin. Only the more conservative Members are willing to vote against them.

Mr. Speaker, if the American people really want more done here at home and less overseas, they will have to elect more conservatives to Congress. I have great sympathy for people in other lands, but we are spending money we do not have. Our own national debt is now over $4 trillion. We will lose $1 billion a day at the Federal level on top of that this fiscal year.

Mr. Speaker, this Congress is about to wreck our own economy. I hope that some of the more liberal Members of this House will start putting their votes where their mouths are and stop sending so much of our own money to other countries.

LEGISLATION TO IMPROVE OUR NATION'S ECONOMY

(Mr. COSTELLO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COSTELLO. Mr. Speaker, Congress is facing a variety of important issues that are intended to improve this country and its economic standing. Yesterday, this House approved the omnibus highway bill which provides much needed Federal support for infrastructure improvements, and will also create job opportunities for working men and women of this country.

Another essential piece of legislation to improve our Nation's economy has already been introduced this session, in the form of H.R. 1414. This legislation would reform the passive loss rules as they apply to our Nation's real estate industry and financial incentives associated with our tax laws.

Our tax laws discriminate against those in the real estate industry by taxing them on gross, not net, income. In doing so, current law discourages real estate professionals from working out trouble properties; in fact, these rules provide an incentive to turn these properties over to the Government.

We have already heard estimates that the FDIC and the RTC are on the verge of bankruptcy, with taxpayers now facing the prospect of bailing out more banks in the year to come. This legislation would keep many troubled properties in the real estate industry bringing relief to these drained funds. I urge my colleagues to join me in supporting this legislation before the end of this session.

TAX CUTS—BETTER LATE THAN NEVER

(Mr. THOMAS of Wyoming asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THOMAS of Wyoming. Mr. Speaker, today marks the 13th day until the first anniversary of the signing of the infamous 1990 budget summit agreement.

This time last year we were told that the only way to avoid a recession was to reduce the deficit. Large budget deficits, we were told, would increase interest rates. High interest rates would slow economic growth, pushing us into a recession.

This time last year we were told that the only way to reduce the deficit was to raise taxes. Well, Congress raised taxes and what happened? The deficit went up, not down. Interest rates went down, not up. The economy didn't take off, it is in a holding pattern.

Now, here it is 1 year later and what is everyone saying? They're saying the only way to pull our economy out of recession is to cut taxes.

Mr. Speaker, as one of those who voted against last year's tax increase, I'm certainly pleased to see this new found support for tax cuts—it's just a little bit late, but better late than never.

TIME TO STIMULATE CONSUMER CONFIDENCE

(Mr. CLEMENT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CLEMENT. Mr. Speaker, it is time to stimulate consumer confidence. The Nation can no longer rely on the Federal Reserve to stimulate the economy. The Federal Reserve is too cautious, too deliberate, even in the face of overwhelming evidence about the condition of our economy.

Mr. Speaker, our President needs to offer a comprehensive economic package, more than just a capital gains rate. If we want to change it, if we want to modify it, if we want to alter it, and if the President thinks we have changed it too much, he has every right to veto it. We have not been able to override a veto yet. But it is critically important for our President to offer real leadership, not just on foreign policy, but on domestic economic issues, bread and butter issues, because we have too much softness in the economy and we have too many people unemployed.

Mr. Speaker, we need to get this economy moving again.

PENNSYLVANIA STILL SUFFERING DRASTIC EFFECTS OF DROUGHT

(Mr. GEKAS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GEKAS. Mr. Speaker, Pennsylvania is still suffering the drastic effects of a drought that has devastated many of our farm communities throughout the Commonwealth. That is why I intend to support the supplemental appropriation that is shortly going to come before us, and I ask other Members to support it as well.

I remember very well when the drought hit the southern areas of our country a few years back. Pennsylvania farmers were among the first to one-on-one drive truckloads of feed and other substances to other areas of the country that needed immediate help.

□ 1030

We are not asking for that kind of one-on-one here, but we do point out that when one area of the country, like this time the Northeast, like Pennsylvania suffers a drought. The rest of the country should chip in, the rest of the country should chip in as Pennsylvania did in the past through its taxpayers and its individual farmers who did individual yeoman's work on behalf of other States deserve our attention.

NEW ENGLAND IN THROES OF RECESSION

(Mr. NEAL of Massachusetts asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. NEAL of Massachusetts. Mr. Speaker, I come before the House today to report on the difficult economic times we are having in New England. We keep hearing from the administration that the recession is ending—that things are turning around. Well, that may be true somewhere in America, but it is not true in New England. We have our highest unemployment rates since the early 1980's, small businesses are failing and no one has obtained new credit since this decade started. Even if I was not a member of the Banking Committee, I would spend a great deal of my time on banking and credit issues. Any member from New England will tell you that people are desperate for a sign from the President that he is concerned about this economic crisis. Come home, Mr. President.

The President is planning to travel to a number of foreign countries in the next 2 months. I think he should travel to Boston, or Hartford, or Providence, or Gardner, MA, or my home city of Springfield, MA. Sure there are problems around the world, but there are equally pressing problems here for Americans. Come home, Mr. President.

This recession is not going to end without direct intervention from several Federal agencies. We have seen a lot of temporary measures from the FDIC, the RTC, the Federal Reserve and the Treasury Department—but we have not been a coherent policy aimed at ending the credit crunch, keeping small businesses going and saving American jobs. We have seen a lot of hand-wringing, a lot of empty pronouncements that things are getting better and a veto of badly needed unemployment benefits. We need an economic aid program for Americans. Come home, Mr. President.

THE TIME FOR TALK HAS ENDED

(Mr. RIDGE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RIDGE. My colleagues, the economy is stagnant. People are out of work. There is little confidence in government.

Around here we continue to posture, pontificate and fingerpoint. Enough is enough.

We all ought to be sick of it. We need an extension of unemployment benefits and we need it now, the unemployed do not need a tax break, they need a job.

So let us repair some of the damage Congress has done to the economy by restoring in the 1990's the incentive for investing in America that we eliminated in the 1980's. If we want people and business to invest in America rather than overseas, we in this Congress, not the President, but we in this Congress must restore those incentives to do so.

Finally, the Federal Reserve can reduce the prime rate to zero, and nothing, absolutely nothing will change until banks start lending.

We cannot have an economic expansion when we have a credit contraction. Let us insist that bank regulators require prudent investment and loans, but not the choke hold grip that eliminates the calculated risk that is inherent in a market-based entrepreneurial society and system. Let us quit posturing for political advantage in 1992 and deal with some of the real world's problems in 1991.

We need fewer words around this town and one heck of a lot more action.

CHRISTMAS FOR THE RICH

(Mr. SARPALIUS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SARPALIUS. Mr. Speaker, in 9 more weeks it will be Christmas. Oh, what a Christmas this will be, because we see 20.6 percent of the children in this country live in poverty. The poverty line is $6,652. Oh, but it will be a Christmas for the rich.

In the past 10 years the top 20 percent of America's wealthy saw an 87-percent increase in their income. In 1982, there were 13 billionaires in America. Today there are a staggering 71 billionaires.

Oh, it will be a glorious Christmas for the rich. But the middle working people in this country are still struggling to figure out how they are going to pay their bills.

Mr. Speaker, the middle class people do not have lobbyists. They do not gather the media attention.

Mr. Speaker, we must remember that Christmas is a time for giving. I hope that this administration will start giving attention to one of the foundations in this country, and that is the working people.

THE WOOD PRODUCTS EXPORT ACT OF 1991

(Mr. WALSH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WALSH. Mr. Speaker, I rise today to introduce the Wood Products Export Act of 1991. This timely legislation will provide forest product companies with production and marketing assistance that will help them compete globally.

This bill establishes funding for a network of up to six centers at universities specializing in forestry related programs. These centers will be located in the principal forestry regions of the United States and their mission will be to stimulate value-added manufacturing and marketing of products from U.S. forests to increase their competitiveness in world markets.

The forest products industries of the United States comprise approximately 5 percent of the gross national product. This legislation will benefit the industry by increasing rural development and improving the tax base in rural forest products-based communities, increasing foreign trade by the U.S. companies accompanied with increased onshore value-added manufacturing and increasing utilization of products from managed forests.

The Wood Products Exports Act will also promote education and technology transfer to companies and organizations and will improve communications between forest products trade and environmental policy officials. At a time when our ability to compete in export markets is of crucial importance to the forest products industry this legislation is especially needed. Therefore, I urge my colleague to join with me in cosponsoring this legislation.

SUPPORT OF H.R. 1414

(Mr. ANDREWS of New Jersey asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ANDREWS of New Jersey. Mr. Speaker, this House talked all last night about extending unemployment benefits. Now let us do something to put people back to work. Let us get to a vote and let us pass H.R. 1414, the passive loss reform rules.

H.R. 1414 is really misnamed because there is nothing passive about it at all. It actively says to people, let us invest in American real estate. It actively puts people back to work who build American real estate, who repair American real estate, who sell and service it.

One out of every four jobs in America depends upon the real estate industry. Let us recreate the incentives that put people to work in the 1980's and put them back to work in the 1990's.

By supporting H.R. 1414, we will say, let us stop investing in Russia and start investing in real estate in the United States.

CAMPAIGN REFORM

(Mr. COBLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COBLE. Mr. Speaker, now is the time for campaign finance reform. The American people are frustrated with the system. They complain that Congress is distant and nonresponsive.

The perceive their own contributions as relatively insignificant.

Since 1980, PAC contributions as a percentage of House incumbent expenditures have risen from 38 to 52 percent. The most valuable reform we can make is to require candidates to rely on their own constituents for a majority of their campaign funds.

Under such a system, candidates will only win with grassroots campaigns that emphasize voter contact rather than expensive media blitzes.

There is nothing sinister with PAC contributions in my opinion. They should not, however, exceed contributions from our individual constituents. Let us restore competition to congressional elections, limit the influence of special interest groups and return the control over campaign financing to the voters.

A CALL FOR DISASTER PAYMENTS TO THE MIDWEST

(Mr. ROEMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROEMER. Mr. Speaker, last July, I stood before you describing the plight of farmers in Indiana's Third Congressional District as they struggled with the effects of last summer's drought. I urged the other body of Congress and the President to follow this body's leadership in considering and approving the Agriculture Disaster Assistance Act, and not to fiddle while our fields burned.

I stand before you again today, nearly 3 months later, pleading the same case, attention to issues on our homefront. Hoosier farmers, like many throughout the Midwest, desperately need the $1.8 billion in disaster payments contained in the dire emergency supplemental appropriations bill.

I recently walked through Indiana fields and felt the corn brush my knee, not tower over my head. Farmers in my district, many of whom who are getting a mere 15 bushels of corn per acre, vitally need this assistance in order to plant the seeds for next year's crops.

By providing disaster payments, we are not giving away a handout, but, are investing in an area where we get more than our money's worth.

Mr. Speaker, my hope is that Indiana farmers will no longer have to wait for promises we made in July to be fulfilled. As we focus our attention today on legislation to meet the needs of those affected by the invasion of Kuwait, let us not forget those who were affected by another disaster—the farmers here at home—and act quickly.

□ 1040

Mr. Speaker, my hope is that Indiana farmers will no longer have to wait for promises we made in July to be fulfilled.

SMALL FIRMS ARE WINNERS OF BALDRIGE AWARDS

(Mr. IRELAND asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. IRELAND. Mr. Speaker, I would like to commend the three small and relatively unknown electronics companies who beat out nationally known big businesses to win the Malcolm Baldrige National Quality Award.

The companies, Solectron Corp., Zytec Corp., and Marlow Industries are suppliers for the makers of computers and other high-technology products.

A former judge for the award commented that the awards decision reflects that smaller, more focused businesses are better able to meet the rising standards of today's business.

The three winning companies were in competition with such giants as Avis, Inc., American Express, Inc., and Texas Instruments—and the giants suffered by comparison.

Every day I stand up here giving you facts on small business and reminding you that its easy to say you're for small business, but it's how you vote that really counts.

The next time you go to cast your vote on an issue that will affect small business, I hope you remember these awards, and that small businesses not only get the job done, they get it done better.

THANK YOU, WAMU

(Ms. NORTON asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. NORTON. Mr. Speaker, I rise today proud to pay tribute to a great radio station based here in the District of Columbia, WAMU, 88.5, as it celebrates 30 years of truly exceptional public service to the greater Washington, DC, area.

Throughout three decades, this premier radio station for news and information in the Nation's Capital, licensed to our own American University, has provided both enlightenment and entertainment to the metropolitan Washington area. The array includes an electric variety of music and such outstanding talk programs as the Diane Rehm Show, the Derrick McGinty Show, and Fred Fiske Saturday and such highly national public radio shows as Morning Edition, on which I was privileged to be a commentator, and All Things Considered.

Truly no Member of this body can do their job well without tuning in to WAMU. I know that I speak for my colleagues in the Congress when I say "Thank you, WAMU, for being so wide and so deep."

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. MCNULTY). Members are reminded to direct their remarks to the Chair.

INTRODUCTION OF LEGISLATION TO CREATE ECONOMIC OPPORTUNITY

(Mr. DREIER of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DREIER of California. Mr. Speaker, there were many speeches given overnight here on both sides of the aisle, most of them very eloquent. I think, though, that probably the most eloquent speech that I heard came probably 1½ hours ago. It was delivered by the distinguished gentleman from Minnesota [Mr. OBERSTAR]. He stood here and talked about the fact that the early 1980's saw a Republican U.S. Senate and so-called working control in the House whereby southern Democrats joined with Republicans to pass programs which eliminated many of the giveaway packages which we had seen over the last four decades.

He argued that the early 1980's played a role in devastating the basis on which this country was founded, and it seems to me that as we look at the speeches that were given that was a very telling one.

Mr. Speaker, we are trying desperately on this side of the aisle to put together a growth package. I have introduced H.R. 3290, which is designed to create economic opportunity with a 10-percent across-the-board personal income tax cut, indexation of capital gains and depreciation, reinstitution of individual retirement accounts allowing for the withdrawal for a new home purchase, and for health benefits and for education and a 4-percent freeze on Federal spending at the rate of inflation.

This is the kind of thing that we need, Mr. Speaker, not a return to the failed programs of the past.

NATIONAL ASSOCIATION OF LETTER CARRIERS SPONSORING AN INNOVATIVE FOOD DRIVE

(Mr. MINETA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MINETA. Mr. Speaker, as the holiday season approaches, many Americans look forward to generous feats and the exchange of lavish gifts.

But we must remember, Mr. Speaker, that not every American has a home with a roaring fire and a full pantry.

Fortunately, the holiday spirit has traditionally moved people toward greater awareness and generosity. This holiday season will be no exception.

The National Association of Letter Carriers is doing its part by sponsoring an innovative food drive.

Contributors will be asked to do nothing more than simply leave nonperishable food by their mailboxes. Donations will then be picked up by letter carriers and brought to postal stations, where they will then be collected by local food banks.

This Saturday, October 26, San Jose, CA, will be one of 10 cities nationwide that will participate in this food drive.

Mr. Speaker, I commend the letter carriers for their innovation and commitment to helping the hungry and homeless of our country.

I know that the people of San Jose will do their neighbors proud with their contributions of food, and I urge my colleagues to encourage efforts like this throughout the country.

THE ADVANCEMENT OF WOMEN IN SCIENCE AND ENGINEERING ACT

(Mrs. MORELLA asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MORELLA. Mr. Speaker, recently I introduced the Advancement of Women in Science and Engineering Act. Women account for nearly 46 percent of the U.S. work force; yet in the fields of science and engineering, they are grossly underrepresented. They face artificial barriers in recruitment, retention, and advancement.

Women scientists and engineers also experience higher rates of unemployment and underemployment.

In the sciences, women hold 24 percent of the positions. The field of engineering looks even worse for women: They account for only 8 percent of employed engineers. In terms of education, 28 percent of natural science doctoral recipients in 1989 were women. Engineering schools awarded doctoral degrees to 400 women who comprised 9 percent of 1989 Ph.D. recipients.

The Advancement of Women in Science and Engineering Act is a first step we should take to counter roadblocks for women in science and engineering. The act provides for the establishment of a commission to more closely examine the barriers facing women in these highly skilled fields. The work of the commission will provide much needed information from which both educators and employers can build models for success.

WHAT THE AMERICAN PEOPLE REALLY NEED

(Mr. GEJDENSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GEJDENSON. Mr. Speaker, our friends on the other side of the aisle cannot have it both ways. In the decade of the 1980's, they said they did it all; their President Ronald Reagan and their control of Congress ended up creating an economy that was bursting at the seams. Well, now, we see where the seams were on only the top 5 percent, the wealthiest of the Americans.

Mr. Speaker, it is my hope that Mario Cuomo will watch these polls and the pleas from Congress and the American people to engage in this battle.

We need his strong voice to put the responsibility back where it was, the Laffer curve and supply side economics that devastated the debt of this Nation, ballooned it from under $1 trillion to almost $4 trillion in 10 years.

American workers sit here without unemployment benefits while we spend billions to bailout the banker friends of this President and his administration.

Mr. Speaker, we need a Governor like Mario Cuomo to come forward so he can bring this debate to the American people so that we can see the differences between what the other side of the aisle offers and what the American people really need.

REJECT PROPOSAL TO FUND PRESIDENTIAL PRIMARIES

(Mr. KOLBE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KOLBE. Mr. Speaker, there is another check scandal brewing in the House. Some Members want to write hot checks for Presidential primary candidates. They want to borrow money from the General Treasury and then use anticipated receipts in the

Presidential primary fund, the Presidential checkoff fund, as collateral.

Even worse, they have decided to attach that to the dire emergency spending bill we are going to consider today.

I do not think the American public believes a lack of tax dollars for Presidential candidates is a dire emergency. It was supposed to be a voluntary program, but H.R. 3543, by taking money from the General Treasury, gives the taxpayers of the country no choice about funding their candidates.

When the taxpayers have been given a choice about public funding, they have overwhelmingly rejected it. This year 19 percent, the lowest percentage, less than 1 in 5 have checked that off on their tax returns.

That is what we should do today, reject this idea, the majority's proposal to fund Presidential primaries, just as the American public has. Better yet, let us debate whether or not we should not put this failed experiment out of its misery. We should defeat the rule and insist that the committee make in order the Kolbe-Livingston amendment that allows us to have a true debate: Borrow money from the Public Treasury or return to true voluntary contributions.

☐ 1050

A COVENANT WITH OUR CHILDREN

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SCHROEDER. Mr. Speaker, today we are going to have a chance to keep our covenant that we made with children. You are going to hear about a lot of disasters, but one of the disasters we cannot see, but most impacts our future, is the fact that in 1990 over a million children tumbled into poverty for the first time. Over one-third of the children in America below the age of 6 are now in poverty.

We made a commitment, as did the administration, at the beginning of this session to fully fund Head Start, WIC, and childhood immunizations by the year 1996. That money was in the budget. That money has been authorized, but we do not have full appropriations to keep us on that curve to 1996.

Mr. Speaker, I am embarrassed to wait until 1996. I am going to offer an amendment today when we get to the dire urgent supplemental to say that if we do not think our children are dire urgent and in need of fully funding the covenant we made to them, then I am very concerned about where this country is going.

I hope all of you will join me in putting our children in there. They are at least as important as earthquakes, fires, and everything else.

FIRST ANNIVERSARY OF 1990 BUDGET AGREEMENT

(Mr. JOHNSON of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. JOHNSON of Texas. Mr. Speaker, in less than 2 weeks we will mark the first anniversary of the 1990 budget agreement.

One year ago I watched my friends, like the gentleman from Texas [Mr. DELAY] and the gentleman from Pennsylvania [Mr. WALKER] warn that this budget deal was going to make things worse, not better. They were right.

Last year's so-called deal promised to lower deficits in exchange for a tax increase. Well, it was half honest. It increased taxes—but it also increased spending, increased our deficits, and it plunged us right into a recession.

Mr. Speaker, I propose we learn from history and not condemn ourselves to repeat it. Let us put real caps on Government spending and limit those dollars to the rate of inflation.

And let us do one more thing. Let us give Americans incentives to save for the future. Let us exclude interest on personal savings accounts from Federal income tax. This will increase capital for investment and pull our economy out of this recession.

Now that is a deal we can live with.

THE FACES BEHIND THE UNEMPLOYMENT FIGURES

(Mr. MAZZOLI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MAZZOLI. Mr. Speaker, I was very proud to take part in the special order which went on all night long, a vigil to call the Nation's attention to the plight of the unemployed worker.

Some raw numbers: For Kentucky, 7.7 percent unemployment. This is a rise of 51 percent in 1 year. It translates into 140,000 unemployed Kentuckians.

For the Third District, which I am pleased to represent, Louisville and Jefferson County, 7.2 percent unemployment. That translates into 21,000 unemployed Louisville-area people.

But those are just the raw numbers, Mr. Speaker. Behind every number is a human being, a man or a woman, a former worker, who has tried and cannot now find a job. It seems to me that if we put the human dimension to this terrible problem of unemployment, that possibly next week, when this House passes another unemployment extension bill, maybe then the President of the United States in his compassion will sign that bill into law.

Once again let us remember, Mr. Speaker, behind every single piece of information about unemployment, behind every number, is a human face. Let us recognize that and let us pass the unemployment extension bill.

STAY IN SCHOOL AWARENESS DAY

(Mr. STEARNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEARNS. Mr. Speaker, the high school dropout rate among America's youth continues to rise and is now nearing 29 percent. The National Center for Education Statistics of the Department of Education maintains that a high school diploma provides a marked increase in one's ability to earn a sustainable living.

The National Basketball Association, through their Stay in School Program, has taken concrete steps over the last couple of years to help high school students learn the value of a good education. And they've had some very good results.

In Miami, for example, the NBA's month-long program resulted in a 26-percent increase in perfect attendance over the previous year.

The NBA is kicking off this year's efforts next Wednesday, October 30. On this day, the head coach and at least 3 players from each of the 27 NBA teams will visit a local middle school to spread the stay in school message.

I have introduced legislation to commemorate October 30, 1991, as "National Stay in School Awareness Day." My hope is that the designation of this day will draw national attention to the high school dropout problem in this country.

Mr. Speaker, I say to my colleagues, I need their support and cosponsorship for this important measure.

TIME FOR ACTION ON THE ECONOMY

(Mr. LEVIN of Michigan asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEVIN of Michigan. Mr. Speaker, more bad news this morning on the economy. First of all, orders for durable goods, down 3 percent.

Second, the weekly claims, these are initial claims, went up 28,000 to 452,000.

What has been the President's response? Veto the extension of unemployment compensation benefits. We discussed that into the wee hours this morning.

Third, there has been the travel abroad. In a word, we have a President who is on the run. At first it was geographically and now increasingly it is politically.

What we have, Mr. Speaker, is a President who thinks he can run, but he cannot hide from his economic mess.

Mr. Speaker, the time is for action and action now.

TAXPAYERS PAYING FOR CAMPAIGNS?

(Mr. GOSS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GOSS. Mr. Speaker, we have asked the taxpayers to pay an awful lot lately; first the S&L bailout, then the largest tax hike in the history, a $350-plus billion deficit now, and much miscellany, even including our own salary increases.

Taxpayers' Action Day rallies this past weekend in southwest Florida allowed my constituents a very fine opportunity to let me know in no uncertain terms just how tired they are of congressional taxing ways: so I find it incredible that there is talk of sending the bill for congressional campaigns to the taxpayers.

We know public financing of campaigns does not work. The Presidential check-off fund dwindled to a dismal low last year of 18-percent participation, I understand. That means to me the American people are reflecting their disgust with the whole public-pay election process.

Mr. Speaker, meaningful campaign reform for this House is not only long overdue, it is essential to the long-term being of this institution. We know it and we are working on it.

But let us get on with this job without sending another bill to the taxpayers.

A NATIONAL HEALTH CARE PLAN FOR THE UNITED STATES

(Mr. MOODY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MOODY. Mr. Speaker, I would like to commend to my colleagues a study that has recently been released, called the national health care plan for the United States, conducted by Jack Myer and the Economic and Social Research Institute. This study shows that if the United States were to go to a single payer plan and leave medicine in the private sector, but simply conduct it on a single payer basis, that this country could save over $1 trillion in the next decade. Business alone would save $300 billion.

□ 1100

And why is that important? It is important for a lot of reasons, including humanitarian reasons, that such a plan would cover all Americans in stress prevention. And just as importantly, it would help reverse the steady erosion of U.S. businesses' competitive position in the world.

We are in an international trading market. We have an exploding component in the business cost structure; it is called health care costs. If we are going to be competitive and compete with our trading rivals overseas, we are going to have to bring those costs under control.

The only credible way of doing that, by a conservative economist, shows that to go to a single payer system where you really can control costs.

Mr. Speaker, I advise my colleagues to take a look at this study to show how a $300 billion savings can be secured by going to a single payer system while leaving the rest of medicine in the private sector.

KEEP THOSE CARDS AND LETTERS GOING TO THE PRESIDENT

(Mr. DURBIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DURBIN. Mr. Speaker, I would like to ask my colleagues in the House to join me in a little project which I am starting today.

There is news in the paper this morning that President Bush will be traveling over the next several weeks around the world to Korea, Japan, and other important places. The President is a busy man. His time is very valuable.

But he will have time, while he is on Air Force One flying to Asia and other places, to perhaps read some information that we can send him.

I am going to be sending the President a few letters which I have received from my congressional district from unemployed Americans, men and women who have worked a lifetime in different businesses who are now out of work. Their unemployment benefits have expired. These are touching stories of people who do not want to turn to welfare, but need a helping hand with some unemployment benefits so that they can continue to look for a job.

The stories that they tell touch everyone, and I think they will touch the President too. That is why I am going to send him these letters to read on Air Force One while he is traveling around the world.

I hope when he returns to the United States after he has read these letters from several Members of Congress, that there will be more sensitivity to the problems we face at home, not just helping with the unemployed, but addressing problems like health care and tax fairness.

Mr. Speaker, I hope my colleagues will join me in this effort.

REAL CAMPAIGN REFORM

(Mr. COUGHLIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. COUGHLIN. Mr. Speaker, recent polls show the perception of Congress is at an all time low. Campaign financing is certainly a contributing factor. It is time to forge forward and develop real campaign finance reform.

Mr. Speaker, I am not talking about an incumbent protection bill. I am not talking about taxpayer-funded subsidies for politicians. I am not talking about an arbitrary $600,000 ceiling on spending—a war chest which many Members have never enjoyed. I am, talking about real reforms Mr. Speaker. Reforms that give challengers a fair shot at entrenched incumbents. Reforms that substantially reduce the role of special-interest spending. Reforms that prohibit soft money contributions and bundling of campaign contributions. Reforms that require a candidate to raise more than 50 percent of his funds from his own constituency. Reforms that restore the income tax credit for contributions to candidates or parties. Reforms that establish real alternative campaign resources. It is important Mr. Speaker, that we address this perception. Real campaign finance reform is a step in that direction.

APPOINTMENT OF CONFEREES ON H.R. 2038, INTELLIGENCE AUTHORIZATION ACT, FISCAL YEAR 1992

Mr. McCURDY. Mr. Speaker, pursuant to clause 1 of rule XX and by direction of the Permanent Select Committee on Intelligence, I move to take from the Speaker's table the bill (H.R. 2038) to authorize appropriations for fiscal year 1992 for intelligence and intelligence-related activities of the U.S. Government, the Intelligence Community Staff, and the Central Intelligence Agency Retirement and Disability System, and for other purposes with a Senate amendment thereto, disagree to the Senate amendment and agree to the conference asked by the Senate.

The SPEAKER pro tempore (Mr. McNULTY). The question is on the motion offered by the gentleman from Oklahoma [Mr. McCURDY].

The motion was agreed to.

MOTION TO INSTRUCT OFFERED BY MR. SHUSTER

Mr. SHUSTER. Mr. Speaker, I offer a motion to instruct conferees.

The Clerk read as follows:

> Mr. SHUSTER moves that the managers on the part of the House at the conference on the disagreeing votes of the two houses on the bill, H.R. 2038, be instructed to insist that the conference report not result in a final decision being made on any plan to consolidate Central Intelligence Agency activities for which funds may be authorized by this Act prior to the development, approval, and implementation by the Central Intelligence Agency of written procedures on the acquisition of real estate.

The SPEAKER pro tempore. The gentleman from Pennsylvania [Mr. SHUSTER] will be recognized for 30 minutes, and the gentleman from Oklahoma [Mr. McCURDY] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Pennsylvania [Mr. SHUSTER].

Mr. SHUSTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, during the course of this debate, I will yield for purposes of debate only. I would like to make that clear at the outset.

Mr. Speaker, this motion simply insists that CIA consolidation not proceed until proper procedures and evaluation have occurred by both Houses of the Congress. The House Permanent Select Committee on Intelligence was not informed of this consolidation, which was about to be finalized by the other body and the CIA.

Now, the House Intelligence Committee is the authorizing committee, and the last time I checked the Constitution, we still had a bicameral legislature, not a unicameral legislature.

Now, I support the principle of spreading Government activities throughout the United States. But these decisions should be made by both Houses. In fact, I am told that the original consultants' site selection report listed for the CIA 65 potential sites, none of them were in West Virginia.

I am told that at some point, possibly in the dark of night, somebody, certainly not known to any of us in the House Intelligence Committee, made the decision that the CIA had to go down and come up again with a second report and they did and selected a site in Jefferson County, WV.

I am told that that location was specifically ruled out in the first report.

Now, West Virginia may well be the best location. My district is virtually next door to West Virginia. Many of my constituents work in West Virginia. I have nothing against putting Federal facilities in West Virginia. But this idea should be made and this decision should be made not only by the other body and the agency but by this body and the House Intelligence Committee as well.

We deserve, for this House and the House Intelligence Committee, to be a full player in the decisionmaking process, and that is the purpose of this motion to instruct.

It is certainly in no way intended to be against West Virginia or any other State. I support the principle of dispersing Federal agencies, but the decision should be made by both bodies.

Mr. Speaker, I reserve the balance of my time.

Mr. MCCURDY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased that a motion to instruct on the intelligence authorization bill focusing on an issue on which the gentleman from Pennsylvania [Mr. SHUSTER] and I agree could be brought to the floor. While I believe that motions to instruct are not uniformly helpful to the person responsible for managing a bill in conference, I feel that it is appropriate for the House to clearly express its sentiment in this particular instance.

As my colleagues know, the Intelligence Committee rarely hold public hearings. Last July, however, we made an exception to examine a decision by the Central Intelligence Agency to consolidate certain of its activities at sites in Prince William County, VA, and Jefferson County, WV. That decision was made in the dead of night, without any consultation with the Intelligence Oversight Committee of this House. Under law, we would have had more knowledge of a covert action run by the CIA than we did of this consolidation plan. Our hearing confirmed our suspicions that this plan, which will cost the CIA in excess of $1 billion, and which was made without any consultation with, or knowledge of, the House Intelligence Committee, was highly questionable.

Let me assure the Members of this House that the committee has no objection to the consolidation of the functions of our intelligence agencies, even if that consolidation results in a relocation of some of those functions. We expect, however, that if a choice is made to consolidate and relocate, that choice will make operational and economic sense, and will not unduly burden the agency employees and their families who are affected by it. In addition, we demand that any decision to consolidate be made in accordance with a rational set of procedures, established after consideration of all of the elements that should go into determining where a Federal agency is to locate a portion of its operations. Those procedures should require the participation of Federal agencies like GSA and OMB which have a legitimate role to play on these matters, and they should be committed to writing so that there is no confusion about the standards by which the decision is to be judged. Good government requires that we exercise a wise stewardship of the funds entrusted to us by the taxpayers. That seems to me to dictate that some sort of reasonable, logical process be followed when billion-dollar decisions are made by the Federal agencies whose activities we are supposed to oversee.

Mr. Speaker, the process employed by the CIA in making this consolidation decision was woefully deficient. That process is a fair subject for view in our conference, where we will be making decisions on the authorized uses for all of the funds to be appropriated for intelligence activities in the current fiscal year. This motion to instruct will be of assistance in determining the conditions under which any funds which may be authorized for the CIA's consolidation plan may be used. I urge that the motion be approved.

Mr. Speaker, I have several requests for time on the motion. I want to make it clear that in each case in which I yield time, I do so for the purposes of debate only.

□ 1110

Mr. Speaker, I reserve the balance of my time.

Mr. SHUSTER. Mr. Speaker, I yield 10½ minutes to the distinguished gentleman from Virginia [Mr. WOLF] who has been a real leader in this effort in focusing attention on this situation.

Mr. WOLF. Mr. Speaker, I want to begin by thanking the gentleman from Pennsylvania [Mr. SHUSTER] for offering this motion to instruct, and I thank the chairman, the gentleman from Oklahoma [Mr. MCCURDY] for his support. I will try to explain this issue simply: the chairman and the ranking member have put this in focus, and I want to have Members focus and to have the American people focus on what has happened.

Mr. Speaker, what we have here is the most expensive, the most expensive, relocation construction project in the history of the country. Back to the times of George Washington until now this is the most expensive, and the cost will be $1.2 billion.

The consultants, Legg Mason, as the ranking member said and the chairman said, looked at this. They looked to see where the consolidation should be. They looked at 200 sites, and they narrowed it down to 65. None were in West Virginia. Then they narrowed it down to 10, and none were in West Virginia, and then they narrowed it down to 4, and the CIA directed them to put West Virginia back in, and Legg Mason, the consultant that was paid for by taxpayers' money, then specifically recommended against the West Virginia site.

Now let us see what they said. Legg Mason determined that requiring a commute of over an hour for almost all existing CIA employees would generate a hardship on those existing employees and may result in the loss of key personnel necessary for the operation of a new facility. They then went on to say that while the major contrast between developing the sites involved land cost, the $29 million difference between the two sites amounts to a cost variation of 5.2 percent. In addition, since this cost does not include communications costs and operating cost differentials for relocation and hiring, it is apparent that the cost savings for the more distant and lower price site is not significant, meaning the West Virginia site does not save money. But it hurts people, and it changes the name of the Central Intelligence Agency to the "Decentralized Intelligence Agency." The report went on to say that any cost differentials between the sites are relatively minor; therefore, the operational issues and other managerial concerns should take precedence in the final selection.

There are so many reasons to be against this. One, the American family today is under more pressure than any other time in the history of the country. Child abuse is up, spouse abuse, teenage suicides, teenage pregnancies. If one could talk to the moms and dads, the people that are working at the CIA, and also at the FBI and at the Bureau of the Public Debt where similar relocations are planned, those employees, many who have children in special education classes, do not want to have to abruptly leave this area. They are active in their choirs, or their churches, or PTA, or Little League. So, this has hurt families in so many ways.

Tom Clancy, the noted author, when he wrote about this said:

> The people being moved are the technocrats who work with vital sensitive equipment and who are consulted by people of the directorate of operation and intelligence on a constant basis. There is a troublesome question of establishing secure communication links.

And then he goes on to talk about the impact of the families.

Second, this has violated all procurement integrity. The Members of this body know that, this consolidation project will never, will never, receive an award for procurement integrity. Never. The Members must know that this language is buried, is buried, in the classified annex where the American public, the press, and the Members cannot see it. As the chairman said, this is not a covert operation. They are not mining the harbors of Nicaragua. They are not devising a new stealth weapon. They are building a building. In 1954, when President Eisenhower wanted to build the CIA headquarters building, it was handled in a public way. Allen Dulles came before the Congress, and it was debated, and I would ask my colleagues: Have any of my colleagues had the opportunity to read the classified annex? Do my colleagues think the American people want the House of Representatives to vote for a $1.2 billion project without the opportunity for the Members, for the chairman, and the ranking member and others, to have the opportunity? We know the answer is no.

Mr. Speaker, there is so much more that could be said about this. When the Permanent Select Committee on Intelligence held hearings, one Member said, "If this were not so pathetic, it would probably be funny."

Another said, "What I think has happened makes a mockery of our traditional process, and the CIA could not answer most of the questions."

☐ 1120

Mr. Speaker, in summary, let me try to put this in a way that I think will be obvious to the American people. Everyone in this body knows what is going on. We all know why this is taking place. We all know it, so that is a given, and since we know it, we ought to have the courage of our convictions and stand up and do what is right.

Second, I believe that the type of actions like this are disgraceful. I stress that word again. I wondered whether I should use it, but I believe that they are disgraceful.

Third, there is no procurement integrity involved. The GSA has not been involved in making the site selection. Is this an offer that is in the best interest of the CIA? Is this the way the Government should proceed in procurement? I have heard so many Members on this floor on both sides of the aisle come and talk about procurement integrity. We have spent more time in this body debating $600 toilet seats and $150 hammers and no time in debating a $1.2 billion relocation. The American people do not want that to take place, and they will agree, as the media is now beginning to focus on it, and quite frankly, the media has been asleep at the switch. They are focusing on it now, and George Will and Tom Clancy and the New York Times and the Tampa papers are focusing on it, and they now know that this is a disgraceful action.

Third, it is a corruption of the process. It has corrupted the process whereby now the indications are that if you need a new building, you can bypass OMB, you can bypass GSA, you can bypass the White House, and you can go to one or two places and have something funded.

In closing, Mr. Speaker, at a time when the American people are beginning to look at this body with greater scrutiny and are beginning to question if the process in the Congress and in Washington works, I will say that this action brings more discredit upon the Congress than almost anything else that I have seen lately. It is an embarrassment. It is an embarrassment, and we as Representatives of our people must stand up. As the chairman and the ranking member have stated, we should allow the process to go back, and let the General Services be involved in selecting the land, consolidate it, and do it in the most cost-efficient way.

They have made a very, very good point, so I strongly urge my colleagues in the interest of good government and in the interest of openness to support the motion. In closing, I wonder how would one go back to his district and explain this to a high school civics class? How would one explain this to a high school civics class, that the Congress had allowed the Central Intelligence Agency, a retiring Director, and a senior Member of the other body, with a handshake and a nod, to determine that $1.2 billion will be spent, with no public involvement, no GSA involvement, hurting the American families, violating the process, and bringing embarrassment upon the Congress?

I strongly urge an aye vote for the gentleman's motion.

A CASE FOR TERM LIMITS

(By George F. Will)

Having helped win the Cold War, the CIA, or some of it, may be about to reap a reward, of a dubious sort. It may be going to Heaven. Or Almost Heaven. Yes, West Virginia. Trouble is, many CIA employees would rather not go. They have things (homes, schools, friends, churches) they like in the Washington area where they now work and they resent having their jobs packed off to a place that is a long—up to two hours—commute away. The bright side of this is: It could be worse. Suppose Sen. Robert Byrd were from, oh, Idaho. Now, that's a commute.

The argument about consolidating 3,000 Washington-area CIA jobs in Byrd's state may seem like a merely parochial spat. But it exemplifies what is done, day in and day out, in Washington in your name and with your money. And amidst the breaking of crockery and gnashing of teeth about Byrd's latest act of high-handedness, a thought of national importance whispers insistently: Surely we would not be having this argument if we had reasonable limits on the number of terms—say, two—that senators can serve.

Actually, this argument would not be raging if the limit were five terms. Byrd, you see, is in his sixth. That fact, and his theory of representation-as-rapaciousness, is why he is the much-feared and extremely expensive chairman of the mighty Appropriations Committee.

Byrd, 73, has not been in Washington as long as some other legislators. Not as long as Jamie Whitten, the Mississippi Democrat who chairs the House Appropriations Committee. Whitten was elected 33 days before Pearl Harbor. But Byrd has been in the Senate longer than anyone now there who is not Strom Thurmond. Byrd was elected to the Senate in 1958. Before that he was in the House for three terms. Before that he was in West Virginia's Senate, 1951–53, and before that in the state House of Delegates, 1947–51. So he became a professional legislator 44 years ago, at age 29, and has had no other career. He is good at what he does. But is what he does good for the nation?

Consider his hijacking of the CIA jobs. The consulting firm hired to advise the CIA did not include the West Virginia site among the top 10 sites. Or the top 65. Or the top 200. But suddenly the CIA, tugging its forelock and bowing deeply to Chairman Byrd, asked that the site be included in the final four. And wonder of wonders, it won.

Even if the merits of the site selection case study did not point in one direction—against Byrd—no one could believe that the merits matter much. Some brave legislators are resisting Byrd, a notorious nurser of grudges. But if the CIA jobs are moved (at a cost of at least $1.2 billion), they will join a long parade of pillaged jobs from the IRS, the FBI (2,600 jobs at a $185 million fingerprinting center) and other agencies. For example, West Virginia is taking from downtown Washington the Treasury Department's—how suitable—Bureau of Public Debt (700 jobs).

Now, it is arguable that the federal government should be dispersed, perhaps by dynamite. But it should not be moved in bits, like so much booty, to feed an overbearing senator's unslakable appetite for pork.

When Byrd became Appropriations Chairman in 1989 he vowed to slosh $1 billion into West Virginia in his first six years. He did it in less than three. More than half a billion in projects and other funds for Almost Heaven have been squirreled away in appropriations bills this year. Transportation "demonstration projects" are a notorious form of waste—a slush fund for politicians. (Bike paths for Northeast Dade County, Fla., are set to get $2.5 million. The bicycle demonstration transportation project in Macomb

County, Mich., costs a mere $1 million.) Nearly half—$182 million—of the $387 million for them in this year's Senate transportation appropriations bill was for West Virginia. That means $182 million for a state of 1.8 million people and $205 million for the other 250 million Americans.

In 1990 Byrd larded more money for Fish and Wildlife Service operations into West Virginia than the president had sought for that agency for the entire nation. No project is too piddling for him to pass up ($80,000 to plan a boat access at Teays Landing, W.Va.). But why are people in Boise and Harlem and Fort Wayne and Watts and everywhere else being forced to ante up $80 million for a new courthouse in Charleston, W.Va., and $4.5 million to restore a theater in Huntington, W.Va? Why? Because Byrd boasts that "I want to be West Virginia's billion dollar industry," and he has been in Congress so long he can be.

"Everybody does it": Byrd rose to his current eminence from conditions of severe poverty, and he represents a poor state, so perhaps some grasping should be forgiven. Some, but not this egregious sort. His career has become a caricature of a particularly crass and cynical theory of representation. The theory is that being elected to Congress can be regarded as being dispatched to Washington on a looting raid for the enrichment of your state or district, and no other ethic need inhibit the feeding frenzy.

Of course "everybody does it." Always have, always will, to some degree. But differences of degree can become differences of kind. And surely senators would do it less if, say, they were limited to two terms. In six of their twelve years they might think of something—the national interest, perhaps—other than buying votes with the voters' money.

People who advocate limiting the number of terms that legislators can serve should squarely face this fact of life in legislatures: Not all long careers are great, but almost all great careers have been long. Evidence of this is in the long careers of "the great triumvirate" of Henry Clay, John Calhoun and Daniel Webster; in the 20th century careers of Robert Taft and Henry Jackson; in the careers today of New York's Pat Moynihan and Missouri's John Danforth, both of whom are in their third terms.

So at the core of the argument about term limits is this conundrum: Is the cost of truncating the careers of great legislators less than the cost of not truncating the careers of the substantial majority of legislators who never were great and who become more injurious the longer they stay in power, concentrating only on clinging to power? I have come, reluctantly but emphatically, to the conclusion that the losses entailed by term limits are less important—a lot less—than the gains.

Mr. McCURDY. Mr. Speaker, I yield 5 minutes to the gentleman from West Virginia [Mr. STAGGERS].

Mr. STAGGERS. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I understand Mr. McCURDY's position and the position of my friend from Pennsylvania, the gentleman from Pennsylvania [Mr. SHUSTER]. We share in some of the same problems in Pennsylvania and West Virginia. I understand that they are concerned, especially Mr. McCURDY, since he is the new chairman of the committee and doing a very good job. I do not agree with their concerns, and I think that if we can help spell that out, that maybe after we get through this in the conference, that this will eventually happen. All of us want the CIA to follow rules. I do not think that is the question.

One of the things that concerns me are some of the subtle messages that the previous speaker has alluded to, such as have been in the press, some of the "Dear Colleagues," the subtle messages about West Virginia, that we may be somewhat inferior.

I would point out to the people that I do have shoes on today, believe it or not, and, believe it or not, I graduated from high school and from a pretty good public school. Then I went to an outside school that has a fairly good reputation. They let me in. It was Harvard University. I came back to West Virginia, where we have graduate schools. I went to West Virginia Law School and graduated. We have a very good school system and a very good quality of life. Jefferson County, of which we are speaking, has test scores above the national average.

West Virginia has the lowest crime rate in the Nation. West Virginia has low housing costs. Jefferson County has a clean environment with clean air and clean water. These are things which need to be pointed out.

The House has spoken about this concept in the past. In 1988 we passed the Federal Facility Relocation Act. So as previous speakers mentioned, Mr. SHUSTER and Mr. McCURDY, you are not opposed to relocation. This is something the House has already spoken on.

We want to see this for various reasons, and some of them are very logical reasons. We do not need to spend more money for infrastructure in this region if we can alleviate some of the traffic problems. That is what this move would do. If we do not do this now, we will do it later, because it is the right thing to do.

There was a study, and maybe people will talk about the different experts, there was a study by some experts and it is fairly lengthy. Maybe everybody did not read it. The primary concern was a 75-minute commute. There are people who are commuting right now 75 minutes. This study was available to the public. What this issue really comes down to is an "inside the beltway" mentality versus the taxpayers.

This will save money, if you just would take one moment to think about it. We have 21 locations now. We will consolidate into two. Yes, there is a price tag involved, but if you consider how much we will save by the consolidation—this is a large project, as I readily admit—but if you consider, as I said, the cost savings of consolidating those 21 sites, the savings become obvious. The consolidation will contain long-term costs, it will relieve overcrowding in the CIA, it will improve efficiency in the CIA, and it will improve the security of the CIA.

This project is not going to happen tomorrow. This is an 8- to 10-year project.

There has been mention of the employees. They will have more affordable housing, both in Prince William County and in Jefferson County. I have already mentioned about the traffic congestion. It will be alleviated, because they will be going the other way. Perhaps Members in this body, in fact, already make that commute. When they look on the other side of the road, it does not seem logical that we would not make this move. We have already spoken, that we want to make this type of move.

So as we debate this issue today, we need to keep in mind those types of issues.

Let me go into a little bit more detail. Prince William county will be in daily interaction with the CIA. There has been some talk that the CIA will be out of touch, a decentralized intelligence agency. Well, Jefferson County will have a sizeable acreage because it is more affordable at a reasonable cost that will involve the printing, storage, and data processing. So that makes sense also.

My colleague, the gentleman from Virginia [Mr. SLAUGHTER] cannot be with us today, but I understand his statement will be introduced into the RECORD. The gentleman from Virginia, I think, makes four very good points. This is not just the Democrats in West Virginia; this is not just some people from the other body in West Virginia. It is the right thing to do. The gentleman from Virginia [Mr. SLAUGHTER] believes that this is in the long-term best interests of the Intelligence Committee. The Members will have his statement in the RECORD, and I will ask them to look at it.

Mr. Speaker, I think this is the right thing to do.

Mr. SHUSTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I appreciate the comments of the gentleman from West Virginia [Mr. STAGGERS] outlining the benefits of this project. In fact, we had handed to us here on the floor a last-minute letter from the Acting Director of the CIA extolling the benefits of this project.

□ 1130

I would suggest that perhaps the CIA might have thought of coming before our committee and extolling the benefits of this project in the normal course of doing business with the Committee on Intelligence and the House, instead of making a secret deal on the other side of this Capitol without informing.

Beyond that, Mr. Speaker, I would emphasize that the CIA is essentially exempted from GSA procurement regulations now under the law and under the National Security Act. When we were working through out intelligence authorization bill this year, I considered putting CIA construction under GSA, removing that exemption. But I decided that such a move would be premature and such a move should be studied carefully before it was made.

So I am serving notice that I believe we should seriously consider removing this exemption from the CIA and putting the CIA under GSA with other Government agencies. It is a matter I will be looking at, and I trust the committee will be looking at carefully, as we address next year's authorization bill.

I would only disagree with one thing that my good friend from Virginia [Mr. WOLF] said. He said that this was not a covert operation. Well, this is one of the best run covert operations I have ever seen the CIA operate. They kept it completely secret. There were no leaks. Nobody in the House Committee on Intelligence knew anything about it.

Mr. Speaker, for that reason, if no other, I believe that this motion to instruct should be supported so we can deal properly with this very important issue.

Mr. McCURDY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I appreciate the gentleman mentioning the letter from the Acting Director. In that letter the Director indicted that there would be monetary savings to the agency if we considered this move. I would suggest to members that in conference it is the intent of the Chair to find additional monetary savings as we go through conference, and I believe there will be significant reductions in the budget.

Mr. Speaker, I yield 1 minute to the gentleman from Arkansas [Mr. ALEXANDER].

Mr. ALEXANDER. Mr. Speaker, I take this time to address the performance question of the Central Intelligence Agency. Like most Americans, I believe our Nation needs a national agency to collect and analyze facts and phenomenon that occur around the world so that we will know what the world looks like and the way it really is. An agency that is prepared to make informed intelligences findings is needed. But I have lost confidence in the Central Intelligence Agency. Its analysis was wrong on the recent developments in the Soviet Union. Much of what it does is irrelevant to the events that are taking place in the world today. The CIA is charged with slanting its recommendations in order to patronize political points of view. At a minimum the CIA has shown contempt for the law in the way that it operated in Central America over the last decade. I believe sufficient evidence has been presented to make a judgment of criminal complicity. And all of this occurs at an enormous cost to the American taxpayer. Some assess the Federal outlay to be in the range of $35 billion annually.

Mr. Speaker, I do not think that the American people are well-served by the Central Intelligence Agency.

I believe that we are not getting our money's worth. Furthermore, I believe that it is time to reorganize the CIA and make it; to make it more relevant to current needs. In short, it is past time to clean up the expensive mess at Langley. I will vote against this authorization when the conference report is presented for corroboration. I would hope that other Members would join in a close examination of the Central Intelligence Agency with the goal of reorganization in mind.

Mr. McCURDY. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from West Virginia [Mr. WISE].

Mr. WISE. Mr. Speaker, nobody has any objections with proper procedures being followed, and I think that in the conference, as the conference committee debates this and looks at it, we are going to see the proper procedures were followed.

Mr. Speaker, I think this gives us a good opportunity to talk about some facts and some misfacts, because I have listened patiently not only today but for many, many weeks, and months, I guess, about some things that simply are not facts. So I appreciate the opportunity to address those today.

Mr. Speaker, let me tell you what you have heard and read. Incidentally, Tom Clancy may write a great novel, but apparently when he gets into editorial writing or op ed writing, it stays a novel, because it is fiction.

The facts, for instance he talks about 6,000 employees moving to West Virginia. They are not. There would be 2,300 to 3,000. The bulk of them would go to the Prince William County, VA, site. So that is simply a fact that needs to be considered.

Mr. Speaker, you have heard that the real estate consultant hired by the CIA was disregarded. First of all, it was a real estate consultant, not an operations consultant. The reason that the Jefferson County, WV, site was initially taken off the list and then later reinserted was because the real estate consultant unilaterally chose to limit the criteria given it by the CIA.

The CIA said give us sites within a 75-minute, nonrush hour commute. Nonrush hour. The real estate consultant boiled that down to rush hour. So obviously that makes some difference.

Upon learning of the mistake, the West Virginia site was reinserted, as it should have been, by the real estate consultant. I believe you will find that reference in only one report of the real estate consultant, the January 29 one. Look at subsequent reports, and you will not find that deletion.

The real estate consultant, incidentally, now says that given the segmentation from one facility into two, that it agrees wholeheartedly with the plan as put forward by the CIA.

Mr. Speaker, you have also heard that the process was bad. Well, in terms of consulting with the House committee, undoubtedly the CIA could have and should have done a better job. I suspect with Chairman McCURDY and the ranking member [Mr. SHUSTER], they are going to do a better job.

I would also point out the consolidation process has been something in the works conceptually for 10 years. It has been something that in 1990 the Committee on Intelligence told the CIA to reduce outyear costs for work costs. The Committees on Intelligence again were briefed in the summer of 1990. Again last year this Congress marked $2 million in the DOD appropriations for more study and to report back. So the process is being followed.

Mr. Speaker, you have heard that it is the most expensive relocation in Federal history, $1.2 billion. But they are not telling you that it is probably almost the most accurate estimate of cost, because it has $3 million of inflation, it is over 10 to 15 years, and it includes communications installation equipment, which is almost $199 million. What you are not hearing, because the focus is so much on West Virginia for some reason, what you are not hearing is that two-thirds of that cost goes to the Virginia site, Prince William, VA. Indeed, the land costs in West Virginia are $5 million, and the land costs in Virginia are $25 million.

So the heat is thrown on the West Virginia site for some reason, and yet it is not the West Virginia site that is going to be the lion's share of this cost. The CIA estimates, incidentally, two-thirds of the construction costs will be in Virginia.

Mr. Speaker, you have heard this is a Washington job grab, some kind of job heist out of the District of Columbia. The best estimate I have heard so far is that at most less than 200 jobs from Washington, DC, will be affected. Are these jobs going to be ripped out willy-nilly tomorrow, perhaps next week, or perhaps next year in the fiscal cycle? Absolutely not. This is a process that goes 7 to 10 years. People have lots of time to consider what they want to do.

Mr. Speaker, I think what we are going to find is they do not need to move to West Virginia if they choose not to, because they are going to find reverse commuting, against the traffic, is even better than the situation they are presently in.

So in terms of a job grab and somehow dehumanizing employees, that simply does not wash.

Incidentally, our employees with Union Carbide and Peabody Coal or whatever get a lot less notice and a lot less consideration. They do not get 5 to 7 years when they are asked to move.

Mr. Speaker, I think it ought to be pointed out I have seen references that this is some kind of a noncompetitive situation. This is going to be bid competitively. Nothing has been let. No contract has been let. No land has been purchased. All of this will be competitive.

The savings by the year 2010, according to the CIA, are going to equal the cost of construction. That is the savings from the 21 leases sites. You are taking 21 sites and boiling them down to 2.

Mr. Speaker, I would urge Members to remember all of these facts. This is not a West Virginia versus Virginia thing. This is good government.

Mr. Speaker, finally, $10,000 an acre in West Virginia is a lot better than $100,000 an acre minimum in Northern Virginia.

Mr. MCCURDY. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from West Virginia [Mr. MOLLOHAN].

□ 1140

Mr. MOLLOHAN. Mr. Speaker, I very much appreciate the opportunity given to us by the distinguished chairman of the Permanent Select Committee on Intelligence to make a few remarks on this motion to instruct.

First of all, I think the point has been made, and I would like to reemphasize it, by the gentleman from West Virginia when he indicated that when the CIA came before the Permanent Select Committee on Intelligence, they could not fully answer the committee.

I think the thing that the CIA could not speak to adequately, and we should say this up front, to the committee was why it had not communicated adequately to the Permanent Select Committee on Intelligence regarding a decade-long effort to consolidate its work force.

I do not think for a second that the chairman of the committee or, as I heard him speak, the ranking minority member of the committee opposed CIA consolidation. They want better communication, rightly so, with the House Permanent Select Committee on Intelligence.

Beyond that, representations made by the distinguished gentleman from Virginia I think can best, and I really think most charitably, be characterized as overstatements, perhaps a mixture of overstatements and selective omissions.

I think words like "disgraceful acts" are regrettable references in this context. I think representations like "no procurement integrity involved" are regrettable representations. And I think references like "corruption of the process" are regrettable.

To the extent they reflect on the process, they are regrettable. And to the extent they reflect on anybody who has been involved in the process, they are regrettable. As I said, the only charitable way to characterize them is as overstatements.

First of all, Mr. Speaker, there has been no violation of any procurement process. We are in a site selection phase. The Agency has not in any way violated any laws, any regulations, any procedures in the site selection process. We are not even in the procurement process, and the Agency has represented very strongly to anyone who has asked them, including the committee, that they fully intend to follow the letter of the law in any procurement. And we hope that they would do that.

Second, Mr. Speaker, the representation has been made that consolidation will be a horribly expensive process.

Indeed, as my colleague who preceded me pointed out, and it was admitted by the gentleman who made the argument from Virginia, two-thirds at least of this cost will be associated with the phase of the consolidation in Virginia. And the representation that somehow the West Virginia site cost is inordinately great and drives up the total project cost is absolutely inaccurate.

As a matter of fact, to the extent that the West Virginia site is a part of this consolidation solution, the costs will be less.

That is dramatized by the cost of the land. The number which is generally talked about for prices of property in that area of the country, in Jefferson County, will be $10,000 an acre to talk in round numbers. The lowest price at the Virginia site is $100,000, and in general will cost between $100,000 and $175,000 an acre.

We are talking about saving taxpayers money; the fact that we are going to a lower cost area of this country is a major benefit of this consolidation.

One point that the gentleman from Virginia does not elaborate is everyone's agreement that this consolidation is absolutely necessary. We had a consolidation a number of years ago, in the 1960's, I'm not sure of the date, where we consolidated a number of disparate offices throughout the Washington area, 16 or so. And we consolidated them in Virginia.

Many of the arguments we hear today were made at that time about the horrors associated with that move as it affected and impacted employees.

Fortunately, a lot of those horrors, most of them, never took place. And consolidation is, over time, the consolidation is done in a way to respect the rights of the employees and concerns of employees.

I would end by saying, that is true here. We have 21 spread-out offices which for an intelligence agency, are very difficult to handle. The consolidation will happen over time, and it really provides, Mr. Speaker, ironically, opportunities and living options for employees.

Mr. SHUSTER. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia [Mr. WOLF].

Mr. WOLF. Mr. Speaker, I thank the gentleman for yielding time to me.

Just to clear up a couple of differences, the report said:

> Since this cost comparison does not include communication costs and operating costs differentials for relocation, hiring, it is apparent that the cost savings of the more distant and lower-priced site is not significant.

Therefore, the infrastructure costs are not included. So, therefore, your point is inaccurate.

Second, it went on to say:

> Any cost differentials between the sites are relatively minor. Therefore, the operational issues and other managerial concerns should take precedence in the final action.

Third, I would tell the gentleman from West Virginia, the consolidation took place in the 1980's, not in the 1960's. In the 1980's, I helped lead the effort. I think consolidation makes sense. So we are not arguing against consolidation.

Fourth, the Members should know that this is now under investigation by the IG at the CIA. The IG has not come forward with a final report. It is under investigation by the IG.

Mr. WISE. Mr. Speaker, will the gentleman yield?

Mr. WOLF. I yield to the gentleman from West Virginia.

Mr. WISE. It is my understanding that House committee staffs have at least already been briefed on this. It was requested to be looked into by the IG, and the IG is looking into it.

Mr. WOLF. Mr. Speaker, if I could reclaim the balance of my time, the gentleman says that, and the IG has briefed the staff. But the IG has not come out with a conclusive report.

The sense is, from some of the things I am hearing, there are some potential problems.

Mr. WISE. And it is an inquiry, not an investigation.

Mr. WOLF. Mr. Speaker, I demand regular order.

The SPEAKER pro tempore (Mr. MCNULTY). The gentleman from Virginia has the time.

Mr. WOLF. The IG is now investigating the report and has not come back with a response to 106 questions that were asked by myself and some others, nor have they come back in a written report to the members of the committee.

We do not have the IG investigation; the investigation has not concluded. And no action should be taken until the IG investigation is concluded.

Lastly, let me say to the gentleman from West Virginia, I have great respect for West Virginia. I do not believe the gentleman meant a reflection on me.

I just believe that this is not the way to go about doing this project. It is wrong.

Mr. MCCURDY. Mr. Speaker, I yield 1 minute to the distinguished gentleman from West Virginia [Mr. RAHALL].

Mr. RAHALL. Mr. Speaker, I thank the distinguished chairman of the Permanent Select Committee on Intelligence for yielding time to me.

I certainly associate myself with the remarks that have been made by my colleagues from West Virginia. They have gone into the facts and the figures of this proposed move of the CIA offices. I shall not repeat what they have said.

I also appreciate very much the genuine and very legitimate concern of the gentleman from Virginia [Mr. WOLF] and the gentleman from Virginia [Mr. MORAN] for the constituents that they fear would be affected in their respective congressional districts.

I say to these gentleman that they are genuinely concerned and I, as I said, understand that.

I think it is important to realize, Mr. Speaker, that this proposed move to the Panhandle of West Virginia is a move that not only saves our Federal Government money, but it is a move that should be considered in the context of one metropolitan area.

For example, Washington workers already have been moving to the eastern panhandle of West Virginia. Indeed, the Jefferson County area has already been made a part of the Washington Metropolitan Statistical Area. This is an area that does, as has already been pointed out, have lower crime rates, has greater environmental benefits, thereby increasing the worker morale.

I say if we can bring one job to West Virginia and save our Federal Government $10,000, let's bring 100 jobs and save $1 million. What is wrong with saving money?

☐ 1150

Mr. McCURDY. Mr. Speaker, I yield 1 minute to the distinguished gentlewoman from Connecticut [Mrs. KENNELLY], chairperson of the legislative subcommittee of the Permanent Select Committee on Intelligence.

Mrs. KENNELLY. Mr. Speaker, our chairman, the gentleman from Oklahoma [Mr. McCURDY], and our ranking member, the gentleman from Pennsylvania [Mr. SHUSTER] have made it very clear that the House Permanent Select Committee on Intelligence was not consulted at the beginning of this project.

We have to also add that the White House, the OMB and the GSA were not consulted.

We have a procurement here. There was a consulting study. Unfortunately, the site that we are discussing today was not in the top 200, the top 65 or the top 10 sites recommended by the CIA expert consultant.

The gentlemen from West Virginia have very compelling arguments, and if any one of the 435 Members came from West Virginia we would be making the same argument. Unfortunately, the wise vote today is a yes on the motion to instruct conferees.

Mr. McCURDY. Mr. Speaker, I yield 5½ minutes to the distinguished gentleman from Virginia [Mr. MORAN].

Mr. SHUSTER. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia [Mr. MORAN].

The SPEAKER pro tempore. The gentleman from Virginia [Mr. MORAN] is recognized for 7½ minutes.

Mr. MORAN. Mr. Speaker, I rise today, along with my colleague Mr. WOLF and other Members of the Washington Metropolitan area, to strongly oppose the Senate's attempts to consolidate and relocate the Central Intelligence Agency.

Our constituents demand greater accountability from the Federal Government, they want to ensure that their tax dollars are not being wasted. And in speech after speech on this House floor we try to open up the Government and make it responsive to the needs of our constituents. Last summer, the CIA and the Senate struck a backroom deal that puts Congress to shame and has infuriated our constituents.

Last summer, the CIA announced that it had made a final decision in its plan to consolidate its operations. Part of this plan involved the relocation of one-half of these operations—totalling over 3,000 employees—into a facility in Jefferson County, WV.

Mr. Speaker, the process by which this decision was made is both extremely irregular and highly suspect. When first considering the consolidation of its facilities, the CIA hired an independent consultant to review potential sites. In making its final decision, however, the CIA ignored the recommendations of this consultant and chose a site in West Virginia that was not among the original experts' list of the top 10 sites, nor the top 65, nor even the top 200 potential sites. Rather than follow the advice of these professional consultants who were chosen for their objective analysis, the CIA demanded that the report include the West Virginia site solely for political reasons.

The Central Intelligence Agency did not consult the White House in formulating or announcing the consolidation plan. It did not coordinate with the General Service Administration which normally handles real property acquisitions for the Federal Government, and it did not consult the Office of Management and Budget, despite seeking a total appropriation of $1.2 billion. The CIA did not consult with either the House or Senate Intelligence Committee which gave oversight responsibility over the operations of the CIA. What the CIA did do was try and sneak this project through the Department of Defense appropriations bill by striking funds for drug interdiction programs and allocating $32.9 million to purchase the land for this move. What the CIA did do was try to sneak through an authorization for its relocation in the classified annex that accompanies the fiscal year 1992 intelligence authorization. By doing so, the CIA circumvented the necessary oversight process of this House and the will of this Congress strictly for political gain.

Mr. Speaker, our constituents, the American taxpayers who are ultimately asked to pay $1.2 billion for this project, expect more from the Federal Government and more from the Congress. Open government is good government, we must accept no less.

I ask every Member of this House to demand that the CIA stop playing games with its employees and stop ignoring the will of Congress. I ask every Member of this House to join me in opposing the Senate's proposed relocation and consolidation of the CIA.

Mr. MOLLOHAN. Mr. Speaker, will the gentleman yield?

Mr. MORAN. I yield to the gentleman from West Virginia.

Mr. MOLLOHAN. On the point about the consultant's report not recommending a West Virginia site, does the gentleman know that one of the CIA's criteria given to the consultant originally was that the site be within a driving time of 75 minutes of our Capital City. The consultants on their own, decided that they would consider that driving time to be rush hour driving time. That is not relevant, of course, because they would be driving against traffic, and I am sorry that I am using up the gentleman's time, but it is such a crucial point that I wanted to raise it with the gentleman.

Mr. MORAN. I will respond to that in due order.

The fact is that 3 hours of commuting is unacceptable.

Mr. SLAUGHTER of Virginia. Mr. Speaker, I rise in opposition to the motion to instruct conferees against Senate amendment 141, to provide funding for the Central Intelligence Agency's proposed plan to consolidate and relocate various facilities in the Washington metropolitan region. I am confident that this important proposal is in the long-term best interest of our intelligence community. I also believe this project is in the best interest of the Nation's taxpayers.

I am particularly pleased that part of the consolidation proposal involves relocating certain agency facilities to Prince William County, part of Virginia's Seventh Congressional District. There are many important benefits to choosing a Prince William site, including the convenience of a reverse commute or significantly reduced commute time for Central Intelligence employees already located in the District of Columbia and congested, northern Virginia suburbs.

In addition, Prince William County has commenced a $66 million road improvement plan for the purpose of upgrading existing infrastructures. And the soon-to-be-completed Virginia Railway Express, with connections to Metro Rail, will provide a critical Prince William link to Washington's regional public transportation network.

Mr. Speaker, I have been working closely with Prince William County officials and they are eager to assist with the CIA relocation effort. I am submitting, along with this statement, a letter from the board of county supervisors, expressing their strong support for the project and offering their assistance.

While some have questioned the potential cost of consolidating CIA offices outside the immediate metro area, the availability of land, housing, and consumer services at reasonable prices makes Prince William a particularly attractive site for relocating or expanding Federal facilities. And although the county lies outside the Capital Beltway, I believe it is clearly an important part of the northern Virginia community and Metropolitan Washington's extended suburbs.

Further, it is my understanding that the CIA, which is currently leasing 21 temporary, commercial sites across the region, would save hundreds of millions of dollars by consolidating and relocating these facilities to Prince William and the proposed Jefferson County, WV site. Consolidating Agency facilities would also provide enhanced security and would allow the CIA to perform its mission in a more cost-effective and efficient manner.

Mr. Speaker, I believe the CIA has recommended a consolidation project that will enhance its mission while saving a considerable amount of taxpayers dollars. I urge my colleagues to oppose this effort to delay this important project. Vote no on the motion to instruct.

COUNTY OF PRINCE WILLIAM,
Prince William, VA, July 29, 1991.

Hon. DAVID MCCURDY,
House of Representatives,
Washington, DC.

DEAR CONGRESSMAN MCCURDY: On behalf of the Prince William Board of County Supervisors, I would like to express support for the proposed consolidation of CIA facilities in Prince William County. In addition to lower land costs, Prince William County offers a well-educated and technically proficient workforce, a stable supply of affordable housing, and a high quality of life.

By the middle of this decade, Prince William County will be served by two commuter rail lines, high-occupancy vehicle lanes on Interstates 95 and 66, and other forms of transportation that will provide exceptional access to Washington, D.C. In addition, CIA employees will enjoy a "reverse commute" to Prince William County.

Prince William County is currently home to Quantico Marine Base, Atlantic Research, IBM, ATT, and other major employers. We hope you will see the benefits of the proposed CIA relocation to Prince William County. Please call on us if we can provide any additional information.

Sincerely,

TERRENCE SPELLANE.

□ 1200

Mr. MCCURDY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I wanted to make one final point before yielding back my time.

It has been mentioned that the concern of the Intelligence Committee is to improve the communication between the Central Intelligence Agency and the committee in reference to any consolidation. I believe it has been clear, and stated clearly here, that this committee supports consolidation when it is in the best interest of the taxpayer and when appropriate procedures have been followed. This motion, if you look at it, clearly states that no monies can be used prior to the development, approval, and implementation by the Central Intelligence Agency of written procedures on the acquisition of real estate. That is the motion.

I strongly support that motion. I believe it is in the best interests not only of the jurisdiction of this committee but, more importantly, in the best interests of the taxpayers to demonstrate that we are good stewards of their tax dollars, and that the decisions we make and support will be in the best interests of our Government and the agencies that we are here to oversee.

Mr. Speaker, I urge adoption of the motion.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. SHUSTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I think every speaker here has made it clear that this is certainly not about bashing West Virginia, but it is also not about bashing the CIA.

There has been some criticism of the CIA here today, and some of it, I believe, justified. But I think it is important to say that the CIA has made major contributions to the security of our country and, indeed, to the freedom of the world. We won the cold war in part because of the contribution of the CIA. Eastern Europe is free today in part because of the major contribution of the CIA and, indeed, the specifics of which cannot be discussed because they are still classified, and for good reason.

Out at the entrance of the CIA there are stars and a memorial with no names beneath those stars. These stars represent the CIA officers who gave their lives in the cause of freedom. They are the unsung heroes, and I think it is important that we acknowledge that.

In the Persian Gulf, we were not able to pinpoint the accuracy of our bombing targets by accident. That was because of good intelligence. In fact, General Schwarzkopf said the intelligence he received was excellent, "excellent."

He also criticized bomb-damage assessments, and that was picked up by the media, this criticism was picked up, but his overall evaluation was not emphasized. In fact, in the gulf, we had the best intelligence ever in the history of our country in fighting a war.

I support the CIA and the Intelligence Committee. They are even more vital today in this unstable world than they were previously.

But when they make a mistake, we have a duty, as an oversight committee, to act vigorously to correct it, and that is what we are doing here today.

I would urge support for this motion to instruct.

Mr. Speaker, I yield 1 minute to the gentleman from Kansas [Mr. GLICKMAN].

Mr. GLICKMAN. Mr. Speaker, I am going to support the gentleman's motion to instruct.

I think on the merits, it makes a lot of sense, but I would like—being a member of the committee for some period of time—there is this feeling out there that the Agency has to expand, it has to expand space, it has to expand people. I mean, it may just be that a sensible intelligence operation of the future ought to contract, not expand. I do not know.

It sounds like the amendment offered by the gentleman from Pennsylvania would at least permit the opportunity to deal with these issues in a sensible fashion. The gentleman may not agree with me in terms of where I see the Agency going. I do not know. But it may not be that we have to add more office space, more employees. It may be the world of the future requires a better use of existing numbers or even a smaller number of people out there in the world.

For that reason, I support the amendment offered by the gentleman from Pennsylvania.

Mr. SHUSTER. Mr. Speaker, I thank my good friend, the gentleman from Kansas.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the motion to instruct.

The previous question was ordered.

The SPEAKER pro tempore (Mr. MCNULTY). The question is on the motion to instruct offered by the gentleman from Pennsylvania [Mr. SHUSTER].

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. SHUSTER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 388, nays 32, not voting 13, as follows:

[Roll No. 339]

YEAS—388

Abercrombie
Ackerman
Allard
Anderson
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Annunzio
Anthony
Archer
Armey
Aspin
AuCoin
Bacchus
Baker
Ballenger
Barnard
Barrett
Barton
Bateman
Beilenson
Bennett
Bentley
Bereuter
Berman
Bilbray
Bilirakis
Bliley
Boehlert
Boehner
Borski
Boucher
Boxer

Brewster
Brooks
Broomfield
Browder
Brown
Bruce
Bryant
Bunning
Burton
Bustamante
Byron
Callahan
Camp
Campbell (CA)
Campbell (CO)
Cardin
Carper
Carr
Chandler
Chapman
Clay
Clement
Clinger
Coble
Coleman (MO)
Coleman (TX)
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Cooper
Costello
Coughlin
Cox (IL)
Coyne
Cramer
Crane
Cunningham
Dannemeyer
Darden
de la Garza
DeFazio
DeLauro
DeLay
Dellums
Derrick
Dicks
Dingell
Dixon
Dooley
Doolittle
Dorgan (ND)
Dornan (CA)
Downey
Dreier
Duncan
Durbin
Dwyer
Dymally
Eckart
Edwards (CA)
Edwards (OK)
Edwards (TX)
Emerson
Engel
English
Erdreich
Espy
Evans
Ewing
Fawell
Fazio
Feighan
Fields
Fish
Flake
Foglietta
Ford (TN)
Franks (CT)
Frost
Gallegly
Gallo
Gaydos
Gejdenson
Gekas
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goodling
Gordon
Goss
Gradison
Grandy
Green
Guarini
Gunderson
Hall (OH)
Hamilton
Hammerschmidt
Hancock
Hansen
Harris
Hastert
Hatcher
Hayes (IL)
Hayes (LA)
Hefley
Hefner
Henry
Herger
Hertel
Hoagland
Hobson
Hochbrueckner
Holloway
Horn
Horton
Houghton
Hoyer
Huckaby
Hughes
Hunter
Hutto
Hyde
Inhofe
Ireland
Jacobs
James
Jefferson
Jenkins
Johnson (CT)
Johnson (SD)
Johnson (TX)
Johnston
Jones (GA)
Jones (NC)
Jontz
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kleczka
Klug
Kolbe
Kolter
Kopetski
Kostmayer
Kyl
LaFalce
Lagomarsino
Lancaster
Lantos
LaRocco
Laughlin
Leach
Lehman (CA)
Lehman (FL)
Lent
Levin (MI)
Levine (CA)
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Lipinski
Livingston
Lloyd
Long
Lowery (CA)
Lowey (NY)
Luken
Machtley
Manton
Markey
Marlenee
Martin
Mavroules
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDade
McDermott
McEwen
McHugh
McMillan (NC)
McMillen (MD)
McNulty
Meyers
Mfume
Michel
Miller (CA)
Miller (OH)
Miller (WA)
Mineta
Mink
Moakley
Molinari
Montgomery
Moody
Moorhead
Moran
Morella
Morrison
Mrazek
Murtha
Myers
Nagle
Nichols
Nowak
Nussle
Oakar
Oberstar
Obey
Olin
Olver
Ortiz
Orton
Owens (NY)
Owens (UT)
Oxley
Packard
Pallone
Panetta
Parker
Pastor
Patterson
Paxon
Payne (NJ)
Payne (VA)
Pease
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Petri
Pickett
Porter
Poshard
Price
Pursell
Quillen
Ramstad
Rangel
Ravenel
Ray
Reed
Rhodes
Ridge
Riggs
Rinaldo
Ritter
Roe
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Rostenkowski
Roth
Roukema
Rowland
Roybal
Russo
Sabo
Sanders
Sangmeister
Santorum
Sarpalius
Sawyer
Saxton
Schaefer
Schiff
Schroeder
Schumer
Sensenbrenner
Serrano
Sharp
Shaw
Shays
Shuster
Sikorski
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter (NY)
Smith (FL)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solarz
Solomon
Spence
Spratt
Stallings
Stark
Stearns
Stenholm
Stokes
Studds
Stump
Sundquist
Swett
Swift
Synar
Tallon
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (GA)
Thomas (WY)
Thornton
Torres
Torricelli
Unsoeld
Upton
Valentine
Vander Jagt
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Waters
Waxman
Weber
Weiss
Weldon
Wheat
Williams
Wilson
Wolf
Wolpe
Wyden
Wylie
Yates
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—32

Alexander
Applegate
Atkins
Bevill
Davis
Donnelly
Early
Fascell
Ford (MI)
Frank (MA)
Gephardt
Hall (TX)
Hubbard
Kanjorski
Mollohan
Murphy
Natcher
Neal (MA)
Perkins
Pickle
Rahall
Regula
Richardson
Scheuer
Smith (IA)
Staggers
Towns
Traficant
Traxler
Whitten
Wise
Yatron

NOT VOTING—13

Bonior
Cox (CA)
Dickinson
Hopkins
Martinez
Matsui
McGrath
Neal (NC)
Roberts
Savage
Schulze
Slaughter (VA)
Washington

☐ 1229

Messrs. NEAL of Massachusetts, BEVILL, FASCELL, and HALL of Texas changed their vote from "yea" to "nay."

Mr. SMITH of Florida and Mr. MOODY changed their vote from "nay" to "yea."

So the motion to instruct was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mrs. Kennelly). Without objection, the Chair appoints the following conferees and reserves the right to appoint additional conferees.

From the Permanent Select Committee on Intelligence, for consideration of the House bill, and the Senate amendment, and modifications committed to conference:

Mr. McCurdy, Mr. Wilson, Mrs. Kennelly, and Messrs. Glickman, Mavroules, Richardson, Solarz, Dicks, Dellums, Bonior, Sabo, Owens of Utah, Shuster, Combest, Bereuter, Dornan of California, Young of Florida, Martin, and Gekas.

As additional conferees from the Committee on Armed Services, for consideration of matters within the jurisdiction of that committee under clause 1(c) of rule X:

Messrs. Aspin, Skelton, and Dickinson.

As additional conferees from the Committee on Education and Labor, for consideration of title VII of the Senate amendment, and modifications committed to conference:

Messrs. Ford of Michigan, Williams, Hayes of Illinois, Goodling, and Coleman of Missouri.

As additional conferees from the Committee on Post Office and Civil Service, for consideration of titles III (except section 301) and VI of the Senate amendment, and modifications committed to conference:

Messrs. Clay, Sikorski, Ackerman, Gilman, and Myers of Indiana.

There was no objection.

FURTHER CONTINUING APPROPRIATIONS FOR FISCAL YEAR 1992

Mr. WHITTEN. Madam Speaker, pursuant to the order of the House of yesterday, I call the joint resolution (H.J. Res. 360) making further continuing appropriations for the fiscal year 1992, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the joint resolution, as follows:

H.J. Res. 360

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are hereby appropriated, out of any money in the Treasury not otherwise appropriated, and out of applicable corporate or other revenues, receipts, and funds, for the several departments, agencies, corporations, and other organizational units of Government for the fiscal year 1992, and for other purposes, namely:

Sec. 101. (a) Such amounts as may be necessary under the authority and conditions provided in applicable appropriations Acts for the fiscal year 1991 for continuing projects or activities including the costs of direct loans and loan guarantees (not otherwise specifically provided for in this joint resolution) which were conducted in the fiscal year 1991 and for which appropriations, funds, or other authority would be available in the following appropriations Acts:

The Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 1992;

The Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1992, notwithstanding section 15 of the State Department Basic Authorities Act of 1956, section 201 of Public Law 99-64 and section 701 of the United States Information and Educational Exchange Act of 1948;

The Department of Defense Appropriations Act, 1992, notwithstanding section 504(a)(1) of the National Security Act of 1947;

The Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1992, notwithstanding section 10 of Public Law 91-672 and section 15(a) of the State Department Basic Authorities Act of 1956;

The Department of the Interior and Related Agencies Appropriations Act, 1992;

The Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 1992;

The Military Construction Appropriations Act, 1992;

The Department of Transportation and Related Agencies Appropriations Act, 1992;

The Treasury, Postal Service, and General Government Appropriations Act, 1992; and

The Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1992; *Provided*, That whenever the amount which would be made available or the authority which would be granted in these Acts is greater than that which would be available or granted under current operations, the pertinent project or activity shall be continued at a rate for operations not exceeding the current rate.

(b) Whenever the amount which would be made available or the authority which would be granted under an Act listed in this section as passed by the House as of October 1, 1991, is different from that which would be available or granted under such Act as passed by the Senate as of October 1, 1991, the pertinent project or activity shall be continued at a rate for operations not exceeding the current rate or the rate permitted by the action of the House or the Senate, whichever is lower, and under the authority and conditions provided in applicable appropriations Acts for the fiscal year 1991: *Provided*, That where an item is included in only one version of an Act as passed by both Houses as of October 1, 1991, the pertinent project or activity shall be continued under the appropriation, fund, or authority granted by the one House, but at a rate for operations not exceeding the current rate or the rate permitted by the action of the one House, whichever is lower, and under the authority and conditions provided in applicable appropriations Acts for the fiscal year 1991.

(c) Whenever an Act listed in this section has been passed by only the House as of October 1, 1991, the pertinent project or activity shall be continued under the appropriation, fund, or authority granted by the House, at a rate for operations not exceeding the current rate or the rate permitted by the action of the House, whichever is lower, and under the authority and conditions provided in applicable appropriations Acts for the fiscal year 1991: *Provided*, That where an item is funded in applicable appropriations Acts for the fiscal year 1991 and not included in the version passed by the House as of October 1, 1991, the pertinent project or activity shall be continued under the appropriation, fund, or authority granted by applicable appropriations Acts for the fiscal year 1991, at a rate for operations not exceeding the current rate and under the authority and conditions provided in applicable appropriations Acts for the fiscal year 1991.

SEC. 102. No appropriation or funds made available or authority granted pursuant to section 101 for the Department of Defense shall be used for new production or items not funded for production in fiscal year 1991 or prior years, for the increase in production rates above those sustained with fiscal year 1991 funds, or to initiate, resume, or continue any project, activity, operation, or organization which are defined as any project, subproject, activity, budget activity, program element, and subprogram within a program element and for investment items are further defined as a P-1 line item in a budget activity within an appropriation account and an R-1 line item which includes a program element and subprogram element within an appropriation account, for which appropriations, funds, or other authority were not available during the fiscal year 1991, except projects, activities, operations, or organizations relating to "Operation Desert Shield/Desert Storm"; *Provided*, That no appropriation or funds made available or authority granted pursuant to section 101 for the Department of Defense shall be used to initiate multi-year procurements utilizing advance procurement funding for economic order quantity procurement unless specifically appropriated later.

SEC. 103. Appropriations made by section 101 shall be available to the extent and in the manner which would be provided by the pertinent appropriations Act.

SEC. 104. No appropriation or funds made available or authority granted pursuant to section 101 shall be used to initiate or resume any project or activity for which appropriations, funds, or other authority were not available during fiscal year 1991.

SEC. 105. No provision which is included in an appropriations Act enumerated in section 101 but which was not included in the applicable appropriations Act for fiscal year 1991, and which by its terms is applicable to more than one appropriation, fund, or authority shall be applicable to any appropriation, fund, or authority provided in this joint resolution.

SEC. 106. Unless otherwise provided for in this joint resolution or in the applicable appropriations Act appropriations and funds made available and authority granted pursuant to section 101 of this joint resolution shall be available until (a) enactment into law of an appropriation for any project or activity provided for in this joint resolution, or (b) the enactment of the applicable appropriations Act by both Houses without any provision for such project or activity, or (c) November 14, 1991, except for the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1992, for which date shall be March 31, 1992, whichever first occurs.

SEC. 107. Appropriations made and authority granted pursuant to this joint resolution shall cover all obligations or expenditures incurred for any program, project, or activity during the period for which funds or authority for such project or activity are available under this joint resolution.

SEC. 108. Expenditures made pursuant to this joint resolution shall be charged to the applicable appropriation, fund, or authorization whenever a bill in which such applicable appropriation, fund, or authorization is contained is enacted into law.

SEC. 109. No provision in any appropriations Act for the fiscal year 1992 referred to in section 101 of this joint resolution that makes the availability of any appropriation provided therein dependent upon the enactment of additional authorizing or other legislation shall be effective before the date set forth in section 106(c) of this joint resolution.

SEC. 110. Appropriations and funds made available by or authority granted pursuant to this joint resolution may be used without regard to the time limitations for submission and approval of apportionments set forth in section 1513 of title 31, United States Code, but nothing herein shall be construed to waive any other provision of law governing the apportionment of funds.

SEC. 111. Notwithstanding any other provision of this joint resolution or any other law, the amendments made by sections 8012 and 8013 of the Omnibus Budget Reconciliation Act of 1990 (Public Law 101-508) shall remain in effect through the period covered by this joint resolution.

SEC. 112. Notwithstanding any other provision of this joint resolution, except section 106, activities funded in the National Science Foundation's United States Antarctic Logistical Support Activities account shall be maintained at the current rate of operations.

SEC. 113. Notwithstanding any other provision of this joint resolution, except section 106, activities funded in the Federal Communications Commission's Salaries and Expenses account shall be maintained at the current rate of operations.

The SPEAKER pro tempore. Pursuant to the order of the House on Wednesday, October 22, 1991, the gentleman from Mississippi [Mr. WHITTEN] will be recognized for 30 minutes, and the gentleman from Pennsylvania [Mr. McDADE] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Mississippi [Mr. WHITTEN].

GENERAL LEAVE

Mr. WHITTEN. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the consideration of House Joint Resolution 360, and that I may include tabular and extraneous material.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. WHITTEN. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, House Joint Resolution 360 continues all programs, except foreign aid, whose regular appropriations bill has not yet been signed into law, until November 14 or until the regular bill is signed into law at the lower of the House, Senate, or current rate. Foreign aid, at the request of the President, is continued until March 31, 1992, at the lower of the House or current rate.

Madam Speaker, three appropriations bills have been enacted, and six more are awaiting presidential action. The House will consider the conference report on the Interior bill later today. The Labor-HHS conference will continue next Tuesday, and the Defense conference, if the Armed Services conference on the defense authorization progresses, will continue next Tuesday. The House passed the foreign aid bill on June 19, but no action has been taken or scheduled by the Senate.

This resolution, may I say, has the support of the Committee, the leadership, and the administration. I urge its approval.

Madam Speaker, I reserve the balance of my time.

Mr. McDADE. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in support of this, the second continuing resolution to be presented to the body. In brief, it extends the time during which programs will be funded on an interim basis to November 14, within which time we hope to complete the Labor-HHS appropriations bill, the Department of Defense appropriations bill and the Interior appropriations bill. For one bill, the Foreign Operations appropriations bill, the interim funding will extend to March 31, and that is at the administration's request.

Madam Speaker, I rise in support of this legislation which is the second, and hopefully the last continuing resolution we will be considering this year.

Much progress has been made over the past month. Six additional appropriations bills have been cleared, bringing to nine the total that have been finally approved by Congress.

This leaves four additional bills to complete action on, and they are the difficult ones. The 10th, the Interior bill, will be considered by the House this afternoon. The 11th, the Labor, HHS bill, has been in conference for 2 weeks and the conferees anticipate concluding next week. The 12th, Defense, has been held up awaiting action by the authorization conference and we hope to go begin conference next week.

And by now, it seems clear we will not have a 13th bill prior to adjournment. Instead, here in this continuing resolution, we will provide for Foreign Operations.

With respect to this continuing resolution, we are operating on a tight timeframe, within the current continuing resolution set to expire on October 29, next Tuesday, 3 working days from now.

For the most part, this continuing resolution simply extends the current continuing resolution through November 14. Every program can continue spending at the lowest level provided either last year, or in the House-passed bill, or the Senate-passed bill. It also requires that programs operate under the terms and conditions provided in last year's bills, so that no major policy changes can go into effect prior to enactment of this year's bills.

The one exception, however, is for foreign operations, export financing and related programs which funding is provided through March 31 of next year. These programs will operate at the level and under the terms of the first continuing resolution—the lower of the fiscal year 1992 House-passed bill or fiscal year 1991, whichever is lower, under 1991 terms and conditions.

There are no extraneous provisions in this bill. The administration, no happier than we are about the need for this second continuing resolution, is prepared to accept it in its current form.

I want to thank the chairman of this committee for his diligence and cooperation in putting together an acceptable short-term extension to the first continuing resolution.

Mr. Speaker, I support this measure, and I urge my colleagues to do likewise.

Madam Speaker, I yield 2 minutes to my colleague, the gentleman from Pennsylvania [Mr. GEKAS].

Mr. GEKAS. Madam Speaker, I probably will support the continuing resolution that is before us. I simply want to point out at this juncture of this session what I have tried to point out several times before and of which most of us, if not all of us, are cognizant. That is because the Congress year after year fails to meet its own designated deadline of October 21, so we ought to have a mechanism in place that, if indeed that should occur, that on September 30 of each year, if no budget has been adopted, or any portion of the 13 appropriations have not been adopted, then there ought to be an automatic reversion to the last year's budget at the prior levels, and then the Congress would be free to pursue the new budget, or any one of the 13 appropriations, as it wants to.

What we then accomplish is that never again will this Government have to shut down. Never again will we have the cloud of a Columbus Day weekend like we had last term and like has happened many times before. Not one moment of Government shutdown will ever occur again.

Madam Speaker, that is worth considering.

When this body asked the GAO to study the situation, they came back with a recommendation to do exactly that, that we ought to have some kind of automatic triggering to readopt a previous budget if we come to October 1 and none has been adopted. That GAO report, egotistically speaking, cites the type of legislation that I introduced as a solution to this problem.

I will support this continuing resolution but I do so with a lump in my throat. It is business as usual, and all kinds of mischief can and still will occur when a deadline comes and we have not completed our budgetary business.

Mr. McDADE. Madam Speaker, I yield 5 minutes to the distinguished gentleman from New York [Mr. SOLOMON].

Mr. SOLOMON. Madam Speaker, I hate to take up my colleagues' time with this. Let me, first of all, say, as I told both the gentleman from Mississippi [Mr. WHITTEN], the chairman of the Committee on Appropriations, and the ranking member, the gentleman from Pennsylvania [Mr. McDADE], when they came before the Committee on Rules last night, that I have the greatest respect for both of them and the job that they do. But, after the debacle we saw last night all night long on the floor of this House, I have to digress for a moment and speak out to tell my colleagues what happened here. Let me just repeat what I said leading off the debate during the extension of remarks last night.

I said, Madam Speaker, that today I have filed a discharge petition on House Resolution 242, a special rule for the consideration of the Republican unemployment compensation bill. Specifically, the rule makes in order H.R. 1367, the Unemployment Insurance Reform Act of 1991, introduced by a Democrat, the gentleman from New York [Mr. DOWNEY], back on March 11 of this year. Following 2 hours of general debate, the rule then makes in order a substitute, S. 1791. That is the Senator Dole-Bob Michel deficit-neutral Unemployment Compensation Act of 1991, and, Madam Speaker, I want to say it would be considered under a completely open amendment process so any Member could work his or her will on the floor of this House, as it should be.

Madam Speaker, the Republican alternative unemployment bill has been pending in one form or another since last August.

Unlike the Democrat alternatives, it meets the pay-as-you-go requirements of the budget agreement which my colleagues and I all swore we would live up to, and, more importantly, it has the support of the President of the United States of America.

Madam Speaker, the time has come to stop holding America's unemployed workers hostage to a political game and get a bill enacted into law.

That is what I said last night, and then the Democrats came on this floor and bashed the President because he wants to give money to Bangladesh, and to the Kurds and everybody else but American workers. The Democrats kept saying that President Bush doesn't care about Americans, that all he cares about one foreign people.

Well, my colleagues, now the time has come to put up or shut up. The continuing resolution now before us is loaded with money for foreign countries.

□ 1240

Madam Speaker, let me tell the Members what they are voting on in the continuing resolution. This is the foreign aid bill. This is $14 billion going overseas. Let me read some of these moneys to the Members—moneys contained in this continuing resolution.

The World Bank gets $1.5 billion. That is not millions, but billions of dollars: International Developmnt Association, $500 million; development assistance, $580 million; Africa Development Fund, $400 million; Eastern Europe, $185 million. These are millions adding up to billions of dollars—going overseas.

I have not even mentioned Israel yet. That is $1.5 billion, just to cover 6 months through on this bill. But then we have Egypt at $1.1 billion; Turkey at $425 million; the Philippines at $130 million, and the list goes on and on and on.

I want to see all the Members who came to the floor and bashed the President last night vote against this bill.

They are hypocrites if they do not.

Mr. McDADE. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. WHITTEN. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. KENNELLY). Pursuant to the order of the House of Wednesday, October 22, 1991, the previous question is ordered.

The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the joint resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. SENSENBRENNER. Madam Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 288, nays 126, not voting 19, as follows:

[Roll No. 340]

YEAS—288

Abercrombie
Ackerman
Alexander
Anderson
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Annunzio
Anthony
Aspin
Atkins
AuCoin
Bacchus
Barnard
Bateman
Beilenson
Berman
Bevill
Bilbray
Bliley
Boehlert
Bonior
Borski
Boucher
Boxer
Brewster
Brooks
Browder
Brown
Bryant
Bustamante
Byron
Campbell (CA)
Campbell (CO)
Cardin
Carper
Carr
Chandler
Chapman
Clay
Clement
Coleman (MO)
Coleman (TX)
Collins (IL)
Collins (MI)
Conyers
Cooper
Coughlin
Cox (IL)
Coyne
Cramer
Darden
Davis
de la Garza
DeFazio
DeLauro
Dellums
Derrick
Dicks
Dingell
Dixon
Dooley
Downey
Durbin
Dwyer
Dymally
Early
Eckart
Edwards (OK)
Edwards (TX)
Emerson
Engel
Erdreich
Espy
Evans
Ewing
Fascell
Fazio
Feighan
Fish
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Frost
Gallo
Gaydos
Gejdenson
Gephardt
Geren
Gilchrest
Gilman
Glickman
Goodling
Gordon
Gradison
Green
Guarini
Hall (OH)
Hamilton
Harris
Hastert
Hatcher
Hayes (IL)
Hayes (LA)
Hefner
Hoagland
Hochbrueckner
Horton
Houghton
Hoyer
Huckaby
Hughes
Hutto
Hyde
James
Jefferson
Jenkins
Johnson (SD)
Johnston
Jones (GA)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Klug
Kolter
Kopetski
Kostmayer
LaFalce
Lancaster
Lantos
LaRocco
Laughlin
Leach
Lehman (CA)
Lehman (FL)
Lent
Levin (MI)
Levine (CA)
Lewis (GA)
Lightfoot
Lipinski
Livingston
Lloyd
Long
Lowey (NY)
Luken
Machtley
Manton
Markey
Mavroules
Mazzoli
McCloskey
McCrery
McCurdy
McDade
McDermott
McGrath
McHugh
McMillan (NC)
McMillen (MD)
McNulty
Mfume
Michel
Miller (CA)
Miller (OH)
Mineta
Mink
Moakley
Molinari
Mollohan
Montgomery
Morrison
Mrazek
Murphy
Murtha
Myers
Nagle
Natcher
Neal (MA)
Nowak
Oakar
Oberstar
Obey
Olin
Olver
Ortiz
Orton
Owens (NY)
Iens (UT)
Panetta
Parker
Pastor
Patterson
Payne (NJ)
Payne (VA)
Pelosi
Perkins
Peterson (FL)
Peterson (MN)
Pickle
Price
Rangel
Ravenel
Ray
Reed
Regula
Richardson
Rinaldo
Roe
Roemer
Ros-Lehtinen
Rose
Rostenkowski
Roukema
Rowland
Roybal
Russo
Sabo
Sanders
Sarpalius
Sawyer
Saxton
Scheuer
Schiff
Schumer
Serrano
Sharp
Shaw
Sikorski
Sisisky
Skaggs
Skeen
Skelton
Slaughter (NY)
Smith (FL)
Smith (IA)
Smith (NJ)
Smith (TX)
Solarz
Spence
Spratt
Staggers
Stallings
Stark
Stenholm
Stokes
Studds
Swett
Synar
Tallon
Tanner
Tauzin
Taylor (MS)
Thomas (GA)
Thornton
Torres
Torricelli
Towns
Traxler
Unsoeld
Valentine
Vander Jagt
Vento
Visclosky
Volkmer
Vucanovich
Washington
Waters
Waxman
Weiss
Wheat
Whitten
Williams
Wilson
Wise
Wolf
Wolpe
Wyden
Yates
Yatron
Young (AK)
Young (FL)

NAYS—126

Allard
Applegate
Archer
Armey
Baker
Ballenger
Barrett
Barton
Bennett
Bentley
Bereuter
Bilirakis
Boehner
Broomfield
Bruce
Bunning
Burton
Callahan
Camp
Clinger
Coble
Combest
Condit
Costello
Crane
Cunningham
DeLay
Donnelly
Doolittle
Dorgan (ND)
Dornan (CA)
Dreier
Duncan
English
Fawell
Fields
Franks (CT)
Gallegly
Gekas
Gillmor
Gingrich
Gonzalez
Goss
Grandy
Gunderson
Hall (TX)
Hammerschmidt
Hancock
Hansen
Hefley
Henry
Herger
Hertel
Hobson
Holloway
Hubbard
Hunter
Inhofe
Ireland
Jacobs
Johnson (CT)
Johnson (TX)
Kasich
Kolbe
Kyl
Lagomarsino
Lewis (CA)
Lewis (FL)
Marlenee
Martin
McCandless
McCollum
McEwen
Meyers
Miller (WA)
Moody
Moorhead
Nichols
Nussle
Packard
Pallone
Paxon
Pease
Penny
Petri
Pickett
Porter
Poshard
Pursell
Quillen
Rahall
Ramstad
Rhodes
Ridge
Riggs
Ritter
Roberts
Rogers
Rohrabacher
Roth
Sangmeister
Santorum
Schaefer
Schroeder
Sensenbrenner
Shays
Shuster
Slattery
Smith (OR)
Snowe
Solomon
Stearns
Stump
Sundquist
Taylor (NC)
Thomas (CA)
Thomas (WY)
Traficant
Upton
Walker
Walsh
Weber
Weldon
Wylie
Zeliff
Zimmer

NOT VOTING—19

Cox (CA)
Dannemeyer
Dickinson
Edwards (CA)
Flake
Gibbons
Hopkins
Horn
Lowery (CA)
Martinez
Matsui
Moran
Morella
Neal (NC)
Oxley
Savage
Schulze
Slaughter (VA)
Swift

□ 1303

The Clerk announced the following pairs:

On this vote:

Mr. Moran for, with Mr. Cox of California against.

Mr. Flake for, with Mr. Oxley against.

Messrs. ENGLISH, COSTELLO, HALL of Texas, FRANKS of Connecticut, ZELIFF, HOBSON, RHODES, McCOLLUM, PAXON, and MOODY changed their vote from "yea" to "nay."

Messrs. EDWARDS of Oklahoma, JAMES, VISCLOSKY, SPENCE, BATEMAN, and HOUGHTON changed their vote from "nay" to "yea."

So the joint resolution was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mrs. MORELLA. Mr. Speaker, I ask unanimous consent to be recorded as "aye" to rollcall No. 340. I was over in the Senate Russell Building and my beeper did not go off. I would have voted aye.

CONFERENCE REPORT ON H.R. 2686, DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 1992

Mr. YATES. Mr. Speaker, I call up the conference on the bill (H.R. 2686) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1992, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. LANCASTER). Pursuant to the rule, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House of October 17, 1991, at page H8100.)

The SPEAKER pro tempore. The gentleman from Illinois [Mr. YATES] will be recognized for 30 minutes, and the gentleman from Ohio [Mr. REGULA] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Illinois [Mr. YATES].

Mr. YATES. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, for 15 years I have gone to conference as chairman of the House Conferees on the Interior Appropriations bill. Of all the conferences in which I have engaged, this one, I believe, is the most difficult I have ever faced.

There were 226 amendments in this conference. As we began there were almost 2,000 items that we had to dispose of. We had to find agreement on all of them, and we did.

I would have liked to have brought back a different conference report on some of the items, but that was impossible in dealing with the Senate. When we deal with the Senate, we do not always get our way.

If we are going to get a bill, something has to give. We had to give on some items. The Senate had to give on some items. And we have got a bill that we bring back to the Members that I think is a very, very good bill. And I urge members' approval of it.

As we began our negotiations, two issues seemed unsolvable. One was the so-called Helms language on the NEA appropriations, and the other was the increase in grazing fees voted by the House.

While we were in conference, the gentleman from California [Mr. DANNEMEYER] tried to preempt the conferees by instructing them to recede to the Senate on the Helms language.

The House approved his motion to instruct. I was very much aware of the intention of the House.

But, Mr. Speaker, with the instructions of the House to give in to that language, the House did not instruct me to give up my better judgment. The House did not instruct me to give up my common sense. The responsibility that I had to the House was to bring back to the greatest extent possible the bill that had passed the House, to sustain the position of the House on every item that I possibly could. And I have done that.

Now the impression has been conveyed by the arguments over the Dannemeyer motion that the only matter of substance in this bill is the Helms language. Nothing could be further from the truth.

Important as that issue may be, it is only a minor part, only a minor part of the great things that are encompassed in the Interior appropriations bill.

We have the responsibility in this bill to protect the natural resources of our country, our National Park Service, our Forest Service, our Fish and Wildlife Service, the wilderness areas, the lakes, the rivers, the beautiful areas of our country. And we have done that to the extent that the budget permits us to do it.

We have placed $321 million in this bill for land acquisition. We want, to the greatest extent possible, to buy the lands that will protect our National parks from encroachment by private development. It is not all the money we would like to have seen, but it is the best that we could do under the circumstances.

□ 1310

I should point out too that in the course of our hearings, before the time the bill came to the House, we were importuned by more than 370 Members of the House who came and told us of projects that were necessary to their districts. We have taken care of approximately 300 of those projects, and I am glad to advise Members whose projects are in the bill of the fact that we have made money available for them.

The conference agreement provides $12.3 billion in new budget authority. It is within the 602(b) allocation for both budget authority and outlays. In fact, in terms of outlays, the new outlays will be less than the new outlays in the 1991 Interior appropriation bill. Listen to this, new outlays from this bill will be $180 million less than the amount of new outlays from the 1991 bill.

We should also tell Members that the activities generated by this bill are expected to generate approximately $7.3 billion in fiscal year 1992 which goes a long way toward offsetting the budget authority.

We have taken care of essential energy research and development programs. We reached a compromise for the leasing of oil for the Strategic Petroleum Reserve. The Forest Service funding strikes a reasonable balance between environmental concerns including endangered and threatened species, the need for timber, and the need for continued employment of people engaged in the timber industry.

With respect to grazing fees and mining patents, two issues in which the House has great interest, the managers were not able to sustain the House position, mainly because of pledges to move through authorizing legislation to resolve these issues. A 1-year moratorium on patenting oil shale claims, which cover large areas of land, was agreed to. There finally really does appear to be movement toward resolving mining law issues in the authorizing process. I also believe that progress is being made on the grazing issue.

Again this year Outer Continental Shelf oil and gas leasing moratoria are included. Over 80 Members have expressed to me their concerns that the OCS Program needs to be more specifically focused to address areas of high resource potential while putting areas of environmental sensitivity off limits. The entire Pacific and Atlantic coasts are covered by these moratoria, as is the Eastern Gulf of Mexico and Bristol Bay in Alaska.

The conference report retains most of the funding included by the House for a special initiative on the Pacific yew, including $1,400,000 for research and $600,000 for reforestation. The Pacific yew is the only known source of the drug taxol, which has shown significant activity against ovarian cancer, as well as promising results against breast cancer. It is projected that 50,000 women will die from these diseases this year. Taxol is in short supply, and this initiative will help ensure that taxol will be more readily available for continued experimentation while also recognizing the value and importance of the Pacific yew as a significant environmental resource in and of itself.

The conference agreement establishes an emergency firefighting fund in both the Department of the Interior and the Forest Service, and provides, as requested by the administration, for future treatment of firefighting within domestic discretionary funding, amounts equivalent to the 10-year average of costs for the program. Any amounts above the 10-year average in any year will be considered emergency requirements.

The conference agreement continues hospital and clinic construction to service Indian health needs at a level of $277.8 million. The administration, again this year, included no funding in its budget request for Indian hospital construction. Indian health services will receive nearly $1,450 million in fiscal year 1992. Despite an increase over fiscal year 1991, the unmet need for these services is still estimated to be in excess of $500 million and an additional $360 million would be needed to complete construction of the hospitals and clinics on the current Indian Health Service priority list.

During the consideration of the motions in technical disagreement, I will offer three motions different from those in the statement of the managers. The three changes are to make adjustments for scorekeeping purposes so that the bill will conform to congressional budget standards and those of the Office of Management and Budget. Amendment No. 165 dealing with clean coal technology will be changed so that $50 million of the $465 million that would become available in fiscal year 1992 will now become available October 1, 1992. Amendment No. 190 related to the Strategic Petroleum Reserve will make $15,100,000 available for oil acquisition. These two changes will have little or no impact on ongoing programs. Amendment No. 222 will change the across-the-board reduction to 1.26 percent from 1.411 percent.

There are several items that I want to mention to clarify points not fully covered in the statement of the managers. First, with respect to National Park Service construction, no funds were provided for the planning of a Denali southside visitor facility because the environmental impact statement associated with this project will not be completed in fiscal year 1992. The environmental impact statement should be completed within available funds, as expeditiously as possible. The National Park Service is expected to provide the Committees on Appropriations with quarterly progress reports on its efforts in this area. Second, the listing for Bureau of Land Management land acquisition should have $750,000 for Central Valley wetlands in California rather than $750,000 for Central Pacific RR ACEC, UT. Third, within the amount provided for E.B. Forsythe

NWR, NJ, $2 million is provided for acquisitions in the Reedy Creek area. Fourth, with respect to the Indian Health Service, if the Wagner outpatient project requires additional funds prior to completion of the Belcourt hospital and excess construction funds are determined to be available from the Belcourt project, funds may be reprogrammed to the Wagner project immediately. Finally, with regard to BIA school construction, planning and design funding will be available for the top 10 schools on the fiscal year 1992 priority list.

It has been a tough year, Mr. Speaker. It has been a very difficult year crafting this appropriation bill. But I think that with full confidence I can assure the House that this is a good conference report and I urge Members to adopt it.

At this point, I ask that a table detailing the accounts in the bill be inserted in the RECORD.

INTERIOR AND RELATED AGENCIES APPROPRIATIONS, FY 1992 (H.R. 2686)

	FY 1991 Enacted	FY 1992 Estimate	House	Senate	Conference	Conference compared with enacted
TITLE I - DEPARTMENT OF THE INTERIOR						
Bureau of Land Management						
Management of lands and resources	497,491,000	525,578,000	516,865,000	537,199,000	538,940,000	+41,449,000
Firefighting	167,880,000	222,879,000	122,010,000	222,879,000	122,010,000	-45,870,000
Emergency Department of the Interior Firefighting Fund			(100,869,000)		(100,869,000)	(+100,869,000)
Construction and access	15,305,000	8,534,000	12,503,000	15,768,000	14,318,000	-987,000
Payments in lieu of taxes	104,450,000	105,000,000	105,000,000	105,000,000	105,000,000	+550,000
Land acquisition	15,567,000	47,530,000	33,640,000	16,660,000	25,322,000	+9,755,000
Oregon and California grant lands	84,033,000	84,094,000	93,074,000	96,994,000	90,274,000	+6,241,000
Range improvements (indefinite)	10,188,000	10,687,000	10,687,000	10,687,000	10,687,000	+499,000
Service charges, deposits, and forfeitures (indefinite)	7,968,000	8,000,000	8,000,000	8,000,000	8,000,000	+32,000
Miscellaneous trust funds (indefinite)	7,130,000	7,285,000	7,285,000	7,285,000	7,285,000	+155,000
Total, Bureau of Land Management	910,012,000	1,019,587,000	909,064,000	1,020,472,000	921,836,000	+11,824,000
United States Fish and Wildlife Service						
Resource management	473,776,000	517,137,000	509,891,000	526,675,000	518,437,000	+44,661,000
Construction and anadromous fish	92,625,000	50,147,000	71,102,000	96,750,000	114,895,000	+22,270,000
Land acquisition	100,620,000	62,030,000	87,722,000	84,720,000	100,117,000	-503,000
National wildlife refuge fund	10,942,000	14,066,000	11,000,000	14,000,000	12,000,000	+1,058,000
Rewards and operations	995,000	1,201,000	1,201,000	1,201,000	1,201,000	+206,000
North American wetlands conservation fund	14,921,000	15,021,000		8,500,000		-14,921,000
Natural resource damage assessment and restoration fund		5,000,000	3,740,000	5,000,000	4,370,000	+4,370,000
Cooperative endangered species conservation fund		5,705,000	6,705,000	6,705,000	6,705,000	+6,705,000
Total, United States Fish and Wildlife Service	693,879,000	670,307,000	691,361,000	743,551,000	757,725,000	+63,846,000
National Park Service						
Operation of the national park system	876,699,000	970,526,000	969,047,000	949,976,000	965,665,000	+88,966,000
National recreation and preservation	18,302,000	28,949,000	23,420,000	25,269,000	23,090,000	+4,788,000
Historic preservation fund	34,483,000	35,931,000	35,931,000	35,931,000	35,931,000	+1,448,000
Construction	270,446,000	115,896,000	237,506,000	202,097,000	275,801,000	+5,355,000
(Liquidation of contract authority)	(22,143,000)					(-22,143,000)
Urban park and recreation fund	19,895,000		10,000,000		5,000,000	-14,895,000
Land and water conservation fund (rescission of contract authority)	-30,000,000	-30,000,000	-30,000,000	-30,000,000	-30,000,000	
Land acquisition and state assistance	136,792,000	117,645,000	108,365,000	84,450,000	106,570,000	-30,222,000
John F. Kennedy Center for the Performing Arts	21,039,000	22,945,000	22,945,000	22,945,000	22,945,000	+1,906,000
Illinois and Michigan Canal National Heritage Corridor Commission	249,000		250,000	250,000	250,000	+1,000
Total, National Park Service (net)	1,347,905,000	1,261,892,000	1,377,464,000	1,290,918,000	1,405,252,000	+57,347,000
Geological Survey						
Surveys, investigations, and research	570,698,000	563,100,000	589,499,000	569,457,000	590,054,000	+19,356,000
Minerals Management Service						
Leasing and royalty management	195,995,000	233,514,000	208,090,000	220,614,000	207,070,000	+11,075,000
Payments to States from receipts under Mineral Leasing Act		610,000				
Total, Minerals Management Service	195,995,000	234,124,000	208,090,000	220,614,000	207,070,000	+11,075,000
Bureau of Mines						
Mines and minerals	181,227,000	156,123,000	175,890,000	172,849,000	176,690,000	-4,537,000
Office of Surface Mining Reclamation and Enforcement						
Regulation and technology	109,351,000	112,458,000	110,250,000	110,065,000	111,100,000	+1,749,000
Receipts from performance bond forfeitures (indefinite)	1,492,000	1,500,000	1,500,000	1,500,000	1,500,000	+8,000
Total	110,843,000	113,958,000	111,750,000	111,565,000	112,600,000	+1,757,000
Abandoned mine reclamation fund (definite, trust fund)	198,958,000	158,035,000	190,200,000	188,404,000	190,200,000	-8,758,000
Total, Office of Surface Mining Reclamation and Enforcement	309,801,000	271,993,000	301,950,000	299,969,000	302,800,000	-7,001,000
Bureau of Indian Affairs						
Operation of Indian programs	1,320,044,000	750,657,000	1,283,630,000	803,489,000	1,236,078,000	-83,966,000
Construction	167,653,000	79,879,000	212,856,000	103,735,000	206,163,000	+38,510,000
Education construction		50,998,000		93,308,000		
Indian education programs		418,616,000		431,541,000		
Miscellaneous payments to Indians	56,135,000	87,617,000	87,617,000	87,617,000	87,617,000	+31,482,000
Navajo rehabilitation trust fund	2,984,000		4,000,000	4,000,000	4,000,000	+1,016,000
Indian loan guaranty and insurance fund	11,725,000					-11,725,000
Indian direct loan program account		3,094,000	4,059,000	4,059,000	4,059,000	+4,059,000
(Limitation on direct loans)		(10,735,000)	(15,735,000)	(15,735,000)	(15,735,000)	(+15,735,000)

INTERIOR AND RELATED AGENCIES APPROPRIATIONS, FY 1992 (H.R. 2686), Continued

	FY 1991 Enacted	FY 1992 Estimate	House	Senate	Conference	Conference compared with enacted
Indian guaranteed loan program account	....	8,022,000	9,532,000	9,532,000	9,532,000	+9,532,000
(Limitation on guaranteed loans)	....	(46,432,000)	(56,432,000)	(56,432,000)	(56,432,000)	(+56,432,000)
Technical assistance of Indian enterprises	....	1,000,000	1,000,000	1,000,000	1,000,000	+1,000,000
Total, Bureau of Indian Affairs	1,558,541,000	1,399,883,000	1,602,694,000	1,538,281,000	1,548,449,000	-10,092,000
Territorial and International Affairs						
Administration of territories	75,586,000	38,073,000	74,130,000	45,103,000	64,430,000	-11,156,000
Interest rate differential	30,237,000	29,047,000	29,047,000	29,047,000	29,047,000	-1,190,000
Total	105,823,000	67,120,000	103,177,000	74,150,000	93,477,000	-12,346,000
Trust Territory of the Pacific Islands	48,452,000	19,451,000	27,951,000	22,451,000	24,451,000	-24,001,000
Compact of Free Association	14,722,000	7,910,000	16,010,000	15,010,000	15,010,000	+288,000
Mandatory payments	10,000,000	10,000,000	10,000,000	10,000,000	10,000,000	....
Total	24,722,000	17,910,000	26,010,000	25,010,000	25,010,000	+288,000
Total, Territorial Affairs	178,997,000	104,481,000	157,138,000	121,611,000	142,938,000	-36,059,000
Departmental Offices						
Office of the Secretary	58,428,000	70,314,000	66,414,000	58,428,000	64,445,000	+6,017,000
Oil spill emergency fund	....	7,800,000	3,900,000	....	3,900,000	+3,900,000
Office of the Solicitor	26,742,000	33,902,000	30,525,000	31,902,000	31,525,000	+4,783,000
Office of Inspector General	22,040,000	26,933,000	24,244,000	25,518,000	24,044,000	+2,004,000
Construction Management	2,086,000	2,399,000	2,243,000	2,243,000	2,243,000	+157,000
National Indian Gaming Commission	1,247,000	2,490,000	1,890,000	2,490,000	2,190,000	+943,000
Total, Departmental Offices	110,543,000	143,838,000	129,216,000	120,581,000	128,347,000	+17,804,000
Total, title I, Department of the Interior:						
New budget (obligational) authority (net)	6,057,598,000	5,825,328,000	6,142,366,000	6,098,303,000	6,181,161,000	+123,563,000
Appropriations	(6,087,598,000)	(5,855,328,000)	(6,172,366,000)	(6,128,303,000)	(6,211,161,000)	(+123,563,000)
Definite	(6,060,820,000)	(5,827,856,000)	(6,144,894,000)	(6,100,831,000)	(6,183,689,000)	(+122,869,000)
Indefinite	(26,778,000)	(27,472,000)	(27,472,000)	(27,472,000)	(27,472,000)	(+694,000)
Rescission	(-30,000,000)	(-30,000,000)	(-30,000,000)	(-30,000,000)	(-30,000,000)	....
(Liquidation of contract authority)	(22,143,000)	....	....	....	....	(-22,143,000)
(Limitation on direct loans)	....	(10,735,000)	(15,735,000)	(15,735,000)	(15,735,000)	(+15,735,000)
(Limitation on guaranteed loans)	....	(46,432,000)	(56,432,000)	(56,432,000)	(56,432,000)	(+56,432,000)
TITLE II - RELATED AGENCIES						
DEPARTMENT OF AGRICULTURE						
Forest Service						
Forest research	167,629,000	163,230,000	183,572,000	176,850,000	182,812,000	+15,183,000
State and private forestry	182,416,000	215,582,000	205,041,000	199,332,000	184,107,000	+1,691,000
National forest system	1,298,333,000	1,377,393,000	1,280,947,000	1,379,605,000	1,359,662,000	+61,329,000
Forest Service firefighting	297,937,000	302,203,000	189,803,000	302,203,000	189,803,000	-108,134,000
Emergency Forest Service Firefighting Fund	....	....	(112,000,000)	....	(112,000,000)	(+112,000,000)
Construction	277,133,000	286,148,000	350,420,000	265,545,000	275,178,000	-1,955,000
Timber receipts transfer to general fund (indefinite)	(-96,280,000)	(-94,872,000)	(-94,872,000)	(-94,872,000)	(-94,872,000)	(+1,408,000)
Timber purchaser credits	(110,000,000)	(113,000,000)	(113,000,000)	(120,000,000)	(113,000,000)	(+3,000,000)
Land acquisition	88,696,000	123,069,000	90,735,000	78,270,000	89,433,000	+737,000
Operation and maintenance of recreation facilities	....	7,500,000	....	....	....	....
Acquisition of lands for national forests, special acts	1,097,000	1,148,000	1,148,000	1,148,000	1,148,000	+51,000
Acquisition of lands to complete land exchanges (indefinite)	1,099,000	1,246,000	1,246,000	1,246,000	1,246,000	+147,000
Range betterment fund (indefinite)	4,554,000	5,507,000	5,507,000	5,507,000	5,507,000	+953,000
Gifts, donations and bequests for forest and rangeland research	30,000	97,000	97,000	97,000	97,000	+67,000
Tongass timber supply fund (limitation on permanent appropriation)	(42,887,000)	(47,749,000)	....	....	....	(-42,887,000)
Early Winters land exchange (sec. 317)	497,000	....	....	....	....	-497,000
Total, Forest Service	2,319,421,000	2,483,123,000	2,308,516,000	2,409,803,000	2,288,993,000	-30,428,000
DEPARTMENT OF ENERGY						
Clean coal technology	-565,000,000	....	....	....	-50,000,000	+515,000,000
Transfer to Fossil energy research and development	....	-150,000,000	....	....	....	....
Fossil energy research and development	458,750,000	77,005,000	453,989,000	462,015,000	458,104,000	-646,000
Rescission	....	....	-8,000,000	-8,000,000	-8,000,000	-8,000,000
Transfer from Clean Coal	....	150,000,000	....	....	....	....
Total	458,750,000	227,005,000	445,989,000	454,015,000	450,104,000	-8,646,000
Alternative fuels production (indefinite)	-9,600,000	....	-9,500,000	-9,500,000	-9,500,000	+100,000
Naval petroleum and oil shale reserves	223,135,000	222,300,000	238,200,000	222,300,000	235,300,000	+12,165,000
Energy conservation	495,177,000	325,934,000	559,661,000	526,084,000	543,166,000	+47,989,000
Economic regulation	16,728,000	14,428,000	15,114,000	14,428,000	14,771,000	-1,957,000
Emergency preparedness	7,080,000	8,300,000	8,300,000	8,300,000	8,300,000	+1,220,000

INTERIOR AND RELATED AGENCIES APPROPRIATIONS, FY 1992 (H.R. 2686), Continued

	FY 1991 Enacted	FY 1992 Estimate	House	Senate	Conference	Conference compared with enacted
Strategic Petroleum Reserve	200,576,000	185,858,000	63,173,000	63,173,000	63,173,000	-137,403,000
SPR petroleum account	....	....	203,000,000	178,100,000	15,100,000	+15,100,000
Energy Information Administration	68,940,000	76,454,000	77,908,000	77,073,000	77,233,000	+8,293,000
Total, Department of Energy: New budget (obligational) authority	895,786,000	910,279,000	1,601,845,000	1,533,973,000	1,347,647,000	+451,861,000
DEPARTMENT OF HEALTH AND HUMAN SERVICES						
Indian Health Service						
Indian health services	1,411,167,000	524,047,000	1,432,712,000	1,487,091,000	1,449,871,000	+38,704,000
Federal Indian health administration	....	887,120,000	....	....	....	....
Indian health facilities	166,402,000	12,444,000	295,211,000	202,068,000	277,852,000	+111,450,000
Total, Indian Health Service	1,577,569,000	1,423,611,000	1,727,923,000	1,689,159,000	1,727,723,000	+150,154,000
DEPARTMENT OF EDUCATION						
Office of Elementary and Secondary Education						
Indian education	75,365,000	77,400,000	77,547,000	77,400,000	77,547,000	+2,182,000
OTHER RELATED AGENCIES						
Office of Navajo and Hopi Indian Relocation						
Salaries and expenses	33,572,000	33,572,000	31,634,000	30,572,000	26,172,000	-7,400,000
Institute of American Indian and Alaska Native Culture and Arts Development						
Payment to the Institute	5,447,000	6,087,000	8,187,000	6,087,000	6,612,000	+1,165,000
Smithsonian Institution						
Salaries and expenses	272,883,000	292,450,000	286,269,000	281,074,000	283,961,000	+11,078,000
Construction and improvements, National Zoological Park	6,636,000	8,000,000	8,000,000	8,000,000	8,000,000	+1,364,000
Repair and restoration of buildings	31,191,000	31,600,000	27,710,000	24,700,000	24,710,000	-6,481,000
Construction	15,407,000	25,100,000	20,100,000	19,350,000	19,400,000	+3,993,000
Total, Smithsonian Institution	326,117,000	357,150,000	342,079,000	333,124,000	336,071,000	+9,954,000
National Gallery of Art						
Salaries and expenses	46,033,000	49,900,000	48,236,000	49,900,000	49,192,000	+3,159,000
Repair, restoration and renovation of buildings	3,487,000	7,600,000	6,850,000	3,600,000	3,600,000	+113,000
Total, National Gallery of Art	49,520,000	57,500,000	55,086,000	53,500,000	52,792,000	+3,272,000
Woodrow Wilson International Center for Scholars						
Salaries and expenses	5,047,000	5,744,000	5,819,000	5,744,000	5,744,000	+697,000
National Foundation on the Arts and the Humanities						
National Endowment for the Arts						
Grants and administration	146,230,000	143,583,000	147,700,000	143,583,000	147,700,000	+1,470,000
Matching grants	27,853,000	30,500,000	30,500,000	30,500,000	30,500,000	+2,647,000
Total, National Endowment for the Arts	174,083,000	174,083,000	178,200,000	174,083,000	178,200,000	+4,117,000
National Endowment for the Humanities						
Grants and administration	142,997,000	147,750,000	153,150,000	144,550,000	152,650,000	+9,653,000
Matching grants	27,008,000	30,450,000	25,050,000	30,450,000	25,550,000	-1,458,000
Total, National Endowment for the Humanities	170,005,000	178,200,000	178,200,000	175,000,000	178,200,000	+8,195,000
Institute of Museum Services						
Grants and administration	25,864,000	26,949,000	27,344,000	27,344,000	27,344,000	+1,480,000
Total, National Foundation on the Arts and the Humanities	369,952,000	379,232,000	383,744,000	376,427,000	383,744,000	+13,792,000
Commission of Fine Arts						
Salaries and expenses	634,000	705,000	722,000	722,000	722,000	+88,000
National Capital Arts and Cultural Affairs						
Grants	6,217,000	....	7,000,000	7,000,000	7,000,000	+783,000
Advisory Council on Historic Preservation						
Salaries and expenses	2,226,000	2,535,000	2,623,000	2,623,000	2,623,000	+397,000
National Capital Planning Commission						
Salaries and expenses	3,430,000	4,500,000	4,500,000	5,000,000	4,775,000	+1,345,000
Franklin Delano Roosevelt Memorial Commission						
Salaries and expenses	28,000	28,000	33,000	33,000	33,000	+5,000

INTERIOR AND RELATED AGENCIES APPROPRIATIONS, FY 1992 (H.R. 2686), Continued

	FY 1991 Enacted	FY 1992 Estimate	House	Senate	Conference	Conference compared with enacted
Pennsylvania Avenue Development Corporation						
Salaries and expenses	2,353,000	2,807,000	2,807,000	2,807,000	2,807,000	+454,000
Public development	4,780,000	5,026,000	4,491,000	5,026,000	5,126,000	+346,000
Land acquisition and development fund	4,974,000	14,000,000				-4,974,000
Total, Pennsylvania Avenue Development Corporation	12,107,000	21,833,000	7,298,000	7,833,000	7,933,000	-4,174,000
United States Holocaust Memorial Council						
Holocaust Memorial Council	7,514,000	7,300,000	10,605,000	7,300,000	11,005,000	+3,491,000
Total, title II, Related Agencies:						
New budget (obligational) authority	5,689,952,000	5,770,599,000	6,575,161,000	6,546,300,000	6,287,136,000	+597,184,000
Appropriations, fiscal year 1992	(5,689,952,000)	(5,770,599,000)	(6,575,161,000)	(6,546,300,000)	(6,287,136,000)	(+597,184,000)
Definite	(5,693,899,000)	(5,763,846,000)	(6,585,908,000)	(6,557,047,000)	(6,297,883,000)	(+603,984,000)
Indefinite	(-3,947,000)	(6,753,000)	(-2,747,000)	(-2,747,000)	(-2,747,000)	(+1,200,000)
(Timber receipts transfer to general fund, indefinite)	(-96,280,000)	(-94,872,000)	(-94,872,000)	(-94,872,000)	(-94,872,000)	(+1,408,000)
(Timber purchaser credits)	(110,000,000)	(113,000,000)	(113,000,000)	(120,000,000)	(113,000,000)	(+3,000,000)
TITLE III						
General reduction of appropriations (1.26%)					-156,031,000	-156,031,000
Grand total:						
New budget (obligational) authority (net)	11,747,550,000	11,595,927,000	12,717,527,000	12,644,603,000	12,312,266,000	+564,716,000
Appropriations, fiscal year 1992 (net)	(11,747,550,000)	(11,595,927,000)	(12,717,527,000)	(12,644,603,000)	(12,312,266,000)	(+564,716,000)
Appropriations	(11,777,550,000)	(11,625,927,000)	(12,747,527,000)	(12,674,603,000)	(12,342,266,000)	(+564,716,000)
Definite	(11,754,719,000)	(11,591,702,000)	(12,730,802,000)	(12,657,878,000)	(12,325,541,000)	(+570,822,000)
Indefinite	(22,831,000)	(34,225,000)	(24,725,000)	(24,725,000)	(24,725,000)	(+1,894,000)
Rescissions	(-30,000,000)	(-30,000,000)	(-30,000,000)	(-30,000,000)	(-30,000,000)	
(Liquidation of contract authority)	(22,143,000)					(-22,143,000)
(Timber receipts transfer to general fund, indefinite)	(-96,280,000)	(-94,872,000)	(-94,872,000)	(-94,872,000)	(-94,872,000)	(+1,408,000)
(Timber purchaser credits)	(110,000,000)	(113,000,000)	(113,000,000)	(120,000,000)	(113,000,000)	(+3,000,000)
TITLE I -DEPARTMENT OF THE INTERIOR						
Bureau of Land Management	910,012,000	1,019,587,000	909,064,000	1,020,472,000	921,836,000	+11,824,000
United States Fish and Wildlife Service	693,879,000	670,307,000	691,361,000	743,551,000	757,725,000	+63,846,000
National Park Service	1,347,905,000	1,261,892,000	1,377,464,000	1,290,918,000	1,405,252,000	+57,347,000
Geological Survey	570,698,000	563,100,000	589,499,000	569,457,000	590,054,000	+19,356,000
Minerals Management Service	195,995,000	234,124,000	208,090,000	220,614,000	207,070,000	+11,075,000
Bureau of Mines	181,227,000	156,123,000	175,890,000	172,849,000	176,690,000	-4,537,000
Office of Surface Mining Reclamation and Enforcement	309,801,000	271,993,000	301,950,000	299,969,000	302,800,000	-7,001,000
Bureau of Indian Affairs	1,558,541,000	1,399,883,000	1,602,694,000	1,538,281,000	1,548,449,000	-10,092,000
Territorial and International Affairs	178,997,000	104,481,000	157,138,000	121,611,000	142,938,000	-36,059,000
Secretarial Offices	110,543,000	143,838,000	129,216,000	120,581,000	128,347,000	+17,804,000
Total, Title I - Department of the Interior	6,057,598,000	5,825,328,000	6,142,366,000	6,098,303,000	6,181,161,000	+123,563,000
TITLE II - RELATED AGENCIES						
Forest Service	2,319,421,000	2,483,123,000	2,308,516,000	2,409,803,000	2,288,993,000	-30,428,000
Department of Energy	895,786,000	910,279,000	1,601,845,000	1,533,973,000	1,347,647,000	+451,861,000
Indian Health	1,577,569,000	1,423,611,000	1,727,923,000	1,689,159,000	1,727,723,000	+150,154,000
Indian Education	75,365,000	77,400,000	77,547,000	77,400,000	77,547,000	+2,182,000
Office of Navajo and Hopi Indian Relocation	33,572,000	33,572,000	31,634,000	30,572,000	26,172,000	-7,400,000
Institute of American Indian and Alaska Native Culture and Arts Development	5,447,000	6,087,000	8,187,000	6,087,000	6,612,000	+1,165,000
Smithsonian	326,117,000	357,150,000	342,079,000	333,124,000	336,071,000	+9,954,000
National Gallery of Art	49,520,000	57,500,000	55,086,000	53,500,000	52,792,000	+3,272,000
Woodrow Wilson International Center for Scholars	5,047,000	5,744,000	5,819,000	5,744,000	5,744,000	+697,000
National Endowment for the Arts	174,083,000	174,083,000	178,200,000	174,083,000	178,200,000	+4,117,000
National Endowment for the Humanities	170,005,000	178,200,000	178,200,000	175,000,000	178,200,000	+8,195,000
Institute of Museum Services	25,864,000	26,949,000	27,344,000	27,344,000	27,344,000	+1,480,000
Commission of Fine Arts	634,000	705,000	722,000	722,000	722,000	+88,000
National Capital Arts and Cultural Affairs	6,217,000		7,000,000	7,000,000	7,000,000	+783,000
Advisory Council on Historic Preservation	2,226,000	2,535,000	2,623,000	2,623,000	2,623,000	+397,000
National Capital Planning Commission	3,430,000	4,500,000	4,500,000	5,000,000	4,775,000	+1,345,000
Franklin Delano Roosevelt Memorial Commission	28,000	28,000	33,000	33,000	33,000	+5,000
Pennsylvania Avenue Development Corporation	12,107,000	21,833,000	7,298,000	7,833,000	7,933,000	-4,174,000
Holocaust Memorial Council	7,514,000	7,300,000	10,605,000	7,300,000	11,005,000	+3,491,000
Total, Title II - Related Agencies	5,689,952,000	5,770,599,000	6,575,161,000	6,546,300,000	6,287,136,000	+597,184,000
TITLE III						
General reduction of appropriations (1.26%)					-156,031,000	-156,031,000
Grand total	11,747,550,000	11,595,927,000	12,717,527,000	12,644,603,000	12,312,266,000	+564,716,000

Mr. REGULA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the gentleman from Illinois [Mr. YATES], the chairman, has said it has been a tough year, and we are all grateful to him because he has been a tough chairman. I want to say to all Members that in this conference it was very difficult because there were many, many projects from the other body that had to be rejected if we were going to stay inside the budget, and the chairman was unflinching in making sure that our projects in the House were protected as much as possible, and that we did not fund things that did not make sense in terms of the policy of these United States. We all owe him a debt of gratitude for the work that he did as chairman of the conference.

I think, as the chairman pointed out, that this bill is a landmark in a sense. I saw a Dear Colleague this morning saying we ought to limit growth in appropriations to 6 percent. We have limited growth on one of the most popular bills in this House to 1 percent over last year, and I think that is a remarkable achievement. If we would do that well in other appropriation bills, we would do a lot toward solving our deficit problems.

Furthermore, this is the one bill that produces revenue in any great amount. This bill will produce for the U.S. Government and for relief to the taxpayers a total of about $7.3 billion. It is an important bill because of the challenge to manage the resources of this great country. One-third of the land area in the United States is owned in common by the people of the United States, not by the Government, but owned in common by the people of the Nation. This bill is the way in which we manage those resources.

It is important for the future. Not only do we have the revenue in dollars, but perhaps more important is the revenue that is achieved in intangibles. What I mean by that is the joy of visiting a national park or a national forest, and the joy of the good health that goes with using the outdoor recreation facilities that are provided, particulary in the urban parks. The urban parks provide open space and recreational opportunities near our cities. These parks are significant in terms of the health of our population, the joy of the esthetics of the outdoor land for those who have an opportunity to go to a wilderness or to a national park. This is the legacy of this Nation for our future and the way in which we manage these resources determines what other generations will have for enjoyment and resources.

I think it is ironic when you read stories of Eastern Europe and how much damage has been done to their forests, to their parks by the fact that they cared nothing about what happened as far as emissions of pollutants in the atmosphere, and how much that takes away from the potential for pleasure on the part of the people. They have an enormous challenge for the future.

This conference report has a lot of good things in it. I signed the conference report. I have to say that I excepted on three items in this report. The first was the obscenity language. I happen to believe that we should put in the Helms language. The second is the grazing fee increase. I think that issue needs to be addressed. And the third one was the clean coal amendment which provides funds for a project not selected by the Department of Energy. I would like to discuss briefly each of those.

First the arts. I do not need to dwell on this. The issue has been debated at length on this floor in recent weeks. The House voted twice by a nearly 2-to-1 margin to adopt the Helms amendment, and on this side of the aisle the vote was even larger with only 13 Republicans opposing the motion to instruct. In what has been termed the corn for porn deal, the House conferees agreed to drop the House amendment increasing grazing fees in exchange for the Senate dropping the Helms amendment on the arts. I voted against this proposed deal, and was defeated in the conference. I further pursued my objections by excepting in the report.

The House spoke on this issue and the will of the House and the will of the vast majority of the Members on my side of the aisle is not reflected with respect to this issue in this conference report and Members will have an opportunity to voice themselves once again on this matter during the vote on the motion to recommit.

Second, is the grazing fees issue. When the bill first came to this body in June it included a modest, and I emphasize modest, 1-year increase in grazing fees from $1.91 per animal unit to $2.62 per animal unit. What that means is anyone using the public lands for grazing would pay $1.91 for a cow and a calf to graze on these lands; $2.62 was a reasonable number. That provision was struck on a point of order, and an amendment by Congressman SYNAR was made in order which imposed a much stiffer increase in the fees to be charged for grazing on Federal lands. Under the Synar amendment, fees would have gone to $8.70 by 1995.

I did not support that amendment but this body did by a vote of 232–192. I thought that the level of fees included in the Synar amendment were too much. A month later, I offered an amendment on the BLM reauthorization, which is presently part of the bill that is pending in the Senate, that would have increased the fees over a period of 4 years to $5 per animal unit in 1995. This passed the House by an even wider margin, 254 to 165.

The bill today provides no money or no increase in grazing fees because of the decision by the conference. Let me suggest that there is language on page 95 of the report which requires the Department of Interior and the Department of Agriculture to update their 1986 report on grazing fees. I certainly think that in the event the final product does not contain grazing fees that it is incumbent on the Interior authorizing committee in this House to address that problem next year based on the updated information that will be provided by the Departments of Interior and Agriculture.

We hear about this issue each year. There are arguments on both sides. Beef production is vital to this Nation. Three percent of our beef is exported. It is a growing number because we produce it more efficiently than most nations.

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With the advent of a grant agreement and some reduction in agriculture subsidies in Europe, it will make the U.S. beef even more attractive for export purposes, and it contributes to the balance of payments.

I have to also point out that the people who graze provide enhanced facilities on the public lands for wildlife, so there are arguments on both sides. On the other side, it is a matter of what is fair to be charged on public lands as opposed to what is charged on the private lands, while recognizing that there are differences.

I think the authorizing committee ought to address what is fair to those that graze and make a contribution to the enhancement of this land. The language in the conference report is designed to give them up-to-date information from the responsible agencies.

The third item I excepted on was the clean coal issue. This is more difficult. It is not an easy one to synthesize, but the Senate bill substitutes a political judgment for the technical experts at the Department of Energy. We have agreed to fund a project that was ranked overall on a weighted scale, 19 out of 33 projects on the fourth round of the clean coal technology, and to do so, we jumped over 10 that ranked ahead of it that were not selected.

I think we are getting into dangerous territory when we in this Congress decide to substitute our judgment for that of the technical experts in the Department of Energy in the selection of clean coal projects. I see the potential in the future for each Member who has a potential project coming to our committee and saying. "You should put this in and forget what the experts say," and it could be an extremely damaging approach to the Clean Coal Program. The Clean Coal Program is vital to this Nation's energy future, and I believe it ought to be kept on a totally professional level, for the selection of the technology that will be funded. For this reason, I opposed that amendment that was put in as part of the Senate package and adopted in the conference.

As the chairman has pointed out, we dealt with a couple of thousand different items, and this bill represents a lot of good work on the part of the committee and the conferees. We tried to be very sensitive to the Members on both sides.

In this House we were able to generally respond to every Member's request, perhaps not totally in dollar amounts, and perhaps not totally on the desired schedule timeline, but we were able to generally respond to every Member's request.

Probably this bill has a broader impact than any other that comes before us as far as projects are concerned, and we had, as the chairman pointed out, over 300 Members that have had an interest in this bill. Again, we as much as possible tried to address those.

But, more important, in responding to Members, we responded to the American people. They love their parks. We all do. We love our forests. We love our open lands operated by the BLM. We love the Smithsonian, the National Gallery, and these are the things that are funded in this bill. It is a response to the American people.

If you could total up the visitor days to our public facilities in this Nation, it is an enormously large number, probably in the range of 500 million, 600 million, 700 million visitor days.

In most families, one of the ambitions that they have is to visit a national park such as Yellowstone or Yosemite or Grand Canyon, and beyond these there are many lesser parks that are vitally interesting to people for various reasons.

We will have a motion to recommit with instructions to include the Helms amendment, which will be offered at the conclusion of the debate. I strongly support the motion to recommit and the inclusion of the Helms language.

If the motion fails, and that is the will of the House, then we should support the conference report.

Mr. YATES. Mr. Chairman, I yield 4 minutes to the gentleman from Illinois [Mr. DURBIN].

Mr. DURBIN. Mr. Speaker, I rise in support of the conference committee report and in opposition to the motion to recommit.

Let me make it clear from the outset that I oppose taxpayer funding of obscenity. I supported the effort to change the grazing fees out West.

This conference committee report is not exactly to my liking, but I would say to my colleagues: which conference committee report ever is?

Twice in the last 10 days this House of Representatives has considered the question of defining obscenity for the National Endowment for the Arts. It has become an annual exercise for us to try to redefine obscenity so that we can stop those embarrassing experiences when the National Endowment for the Arts uses taxpayer funds for projects which we find offensive, and most Americans find offensive. We fail year in and year out because no matter what words we put on paper, the final decision on what is funded and what is not will be made by human beings appointed by President Bush and President Reagan. If this House has anger over those decisions to fund projects which are embarrassing to taxpayers and to Members of the House, vent your anger on the appointees of the Bush administration and not within this Chamber.

A few moments ago this House of Representatives considered a continuing resolution. It is an attempt to fund Government while we pass our appropriations bills. It is testimony to the fact that this appropriation and many others did not pass on time despite the valiant efforts of the gentleman from Illinois and the gentleman from Ohio to resolve intractable problems.

One hundred and twenty-six Members of this House voted against the continuing resolution. They said, "We will not vote to continue to fund government." It is an example of our failure that we cannot pass appropriations bills, and yet here comes a conference committee report on its heels, and another Member is going to offer a motion to recommit to slow the process down again and to run the risk that we will have to consider another continuing resolution.

I would say to those in this Chamber who vote against continuing resolutions, those who criticize Congress for failing to meet its deadlines, to please think long and hard before you vote for a motion to recommit to send this appropriation back into another conference committee and delay it even further.

We are entangled in an interminable, perhaps irreconcilable battle over pornography and the definition of obscenity.

Eminent jurists and good courts have spent decades trying to come up with a valid definition.

Please, to the Members of the House, vent your anger and frustrations with the NEA and with its officers, at the President who appointed them, not at this committee and this Congress.

Mr. DICKS. Mr. Speaker, will the gentleman yield?

Mr. DURBIN. I am happy to yield to the gentleman from Washington.

Mr. DICKS. Mr. Speaker, I want to make certain every Member understands in our conference report that we have a paragraph, a sentence, that obscenity is without artistic merit, is not protected speech, and shall not be funded. I mean, I do not know how much clearer we can make it to the people down at the National Endowment for the Arts.

Mr. DURBIN. I agree completely with the gentleman that the language is clear. The decision is going to be made by men and women appointed by President Bush and President Reagan, and if they made a bad decision, take your anger out on them and not on this committee.

Mr. DICKS. Yes, and to defeat this entire bill which funds our parks, wildlife, endangered species, American Indians, health care for American Indians, and to defeat this bill is an outrage, and I am surprised that learned members of the Committee on Appropriations would even suggest that we defeat this appropriation bill after all the hard work on a bipartisan basis that has gone into making it a bill for America.

Would the gentleman agree?

Mr. DURBIN. I certainly do agree.

Mr. REGULA. Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania [Mr. MCDADE], the ranking member on the full Committee on Appropriations.

Mr. MCDADE. Mr. Speaker, I take this time to offer my commendation to the distinguished gentleman from Illinois, the chairman of the subcommittee [Mr. YATES], and the gentleman from Ohio [Mr. REGULA], for the tremendous job that they have done in bringing a bill to the floor of the House that is without doubt the most arduous conference that the Interior Appropriations Subcommittee has ever faced. I have been privileged to be a member of that subcommittee for 27 years, and I have never seen such a contentious conference.

We need to remember the fact that this particular conference report is within the 602 allocation. It was not an easy task to get this conference report into a form which not only conforms with the budget agreement but guarantees the President's signature.

Mr. Speaker, I commend my colleagues. I support this conference report, and I applaud them for the hard work they have done, and I hope the House will adopt it.

Mr. Speaker, I rise in support of the conference report on the Interior and related agencies appropriations for fiscal year 1992. I want to commend my two House colleagues, SID YATES and RALPH REGULA, for their tireless efforts in an enormously difficult undertaking to reach an acceptable conference agreement.

The agreement is the result of long and delicate negotiations between House and Senate over the past 5 weeks. The conference had more than its fair share of controversial issues, and there was no way to resolve these issues to the satisfaction of everyone. There were strong, stubborn and sometimes intractable differences of opinion on such volatile issues as restrictions on arts' funding and increasing grazing fees.

After much debate on the Helms amendment, the conference decided to abide by current law, as elaborated in the NEA reauthorization passed last year in the House, to prevent funding of obscene and indecent artwork. On grazing fees, the Senate conferees were unyielding in their opposition to an increase, but agreement was reached that the appropriate House and Senate authorizing committees will review current policy on grazing fees next year.

Much attention has been paid to the two most contentious issues, but that should not shade our vision from the fact that the final figure of $12.6 billion in spending authority falls under the 602(b) allocation in both budget authority and outlays. This was no easy task in these tough fiscal times.

Even with the severe budget restrictions, the conference was able to provide for the essential program needs of the Forest Service, Department of Interior, conservation and fossil fuel programs of the Department of Energy, Indian education and health, and cultural and artistic programs.

While I support the agreement, I have a number of specific concerns. Like most of my colleagues, I voted earlier this year for both a grazing fee increase and in support of the Helms amendment. I also voted in conference against Senate language to direct DOE to fund the Heartland Fuels Corp. clean coal project if money becomes available in the program's fourth round. I believe this sets an unwise Federal precedent which could undermine the integrity and effectiveness of the clean coal funding process.

I have been a member of the Interior Appropriations Subcommittee for 27 of my 29 years in Congress. The subcommittee has dealt with a multitude of controversies over the years. I think it is important not to focus on the controversies to the point where we lose sight of the many wonderful, worthwhile programs and projects funded in this bill.

It's been a labor of love to work on issues affecting our glorious public lands—the national parks, forests, rivers, and wildlife refuges. This bill improves the education and health care of our native Americans, preserves and protects our cultural history, provides low income weatherization assistance, and promotes research on coal—our Nation's most abundant energy research. These programs, and the many others funded in this bill, are worthy of our support. I urge adoption of this conference report.

Mr. YATES. Mr. Speaker, I yield such time as he may consume to the gentleman from North Carolina [Mr. JONES], chairman of the Committee on Merchant Marine and Fisheries.

Mr. JONES of North Carolina. Mr. Speaker, I thank the conferees for their attention to the Fort Raleigh National Historic Site on Roanoke Island, NC. The $5.6 million included in the bill will help us further acquire the site of the first English colonies in the United States.

I note that there are two key tracts under immediate pressure. They are commonly known as the Rial tract and the Arcle-Dare tract.

It may be that the $5.6 million will not fully acquire both properties in their entirety. If not, would you agree that the National Park Service should use the funds in a way so that both properties are protected in fiscal 1992 to the fullest extent possible?

Mr. YATES. Mr. Speaker, if the gentleman will yield, yes, I agree that it is important to deal with both properties in fiscal 1992. I urge the Park Service to work quickly and creatively with both landowners so that these tracts within the authorized boundaries of the historic site will be preserved and not lost to commercial development.

Mr. JONES of North Carolina. Mr. Speaker, I thank the chairman. I will be in close touch with the Park Service as it carries out its acquisition program for Fort Raleigh.

Mr. REGULA. Mr. Speaker, I yield 5 minutes to the gentleman from California [Mr. LOWERY], a member of the subcommittee.

Mr. LOWERY of California. Mr. Speaker, it is not often that you see me in the well of the House. My style is to work within the House committee structure to accomplish my goals, and goals of the Nation, but with all due respect to our honored and hardworking chairman, the Interior conference report before us today has a critical flaw. So at the end of general debate, I will submit a motion to recommit the Interior appropriations conference report.

Twice, Mr. Speaker, twice in the last 2 weeks, this body has agreed by 2-to-1 margins to accept language on the National Endowment for the Arts which would bar the NEA from using funds to promote, disseminate or produce materials that depict or describe, in a patently offensive way, sexual or excretory activities or organs. And twice the will of the House of Representatives has been ignored. I was a member of that conference and vetoed against the agreement to ignore the Senate language drafted by Senator HELMS. The chairman and all members of the conference put a great deal of work into this bill and it is a balanced and well-crafted appropriations measure, if it were not for this provision. But, I cannot in good conscience let this go by.

It is not that I am an opponent of the arts. I have voted against efforts to take funding away from the National Endowment for the Arts. I believe the NEA is the spark behind some of the most creative geniuses in the world. Artistic endeavor is food for the soul. Without the arts, our world would be smaller and our outlook more limited.

I also do not believe in censorship, for artists need the freedom to create and to explore. But I disagree with the work of the NEA when taxpayer's dollars are used to fund something that taxpayers would be embarrassed to see. The NEA has funded an artist in my district in San Diego who is producing a play the name of which I cannot mention because it would offend. Someone from the NEA called to let my office know that the writer had formerly done very good work. His subject matter was not anticipated. In essence they were saying, "Who knew?"

When the NEA began in 1965, the United States could claim only 1 full-time professional chorus, today we have 57. A quarter of a century ago, we had only 60 orchestras, today we have at least 210. Indeed, dance companies, nonprofit theaters, operas, and museums have all flourished under the NEA. Few would argue that the United States has emerged as a center of art in the modern world. All of last year's Pulitzer Prize winners in the arts fields had been assisted by the Endowment earlier in their careers. The Endowment continues to support the best in major public television broadcasting such as Great Performances, American Playhouse, and Live from Lincoln Center.

In 1989, in my own district in San Diego, the San Diego Opera received a $40,000 challenge grant from the National Endowment to support one opera production in each of three seasons. In the first 6 months, with the incentive of the challenge, the opera received more than $500,000 in new and increased gifts.

And grants to the La Jolla Playhouse since 1986 have allowed the theater to produce a wide variety of plays that reflect American cultural diversity.

The good produced by the NEA outweighs the scatological, but I believe the fairest thing we can do for the NEA, for the artists funded by the NEA and for the American taxpayers who underwrite it, is to understand the rules up front.

I do not intend to trot out examples, but there are many that are unacceptable to fund with public dollars. Artists are free to produce whatever they like, but not when they are backed by the hard-earned money of the American taxpayer. We have rules for qualifying for almost all Federal funds. This rule would be no exception. An artist must simply agree ahead of time that what he or she intends to produce cannot depict or describe in a patently offensive way, sexual, or excretory activities or organs.

Mr. Speaker, it is in everyone's interest to know up front what is acceptable to the public and what is not. It is up to this body to set the rules, and this body has twice spoken.

I will offer a motion to recommit that will conform actions twice taken by the House, and I would urge my colleagues at the appropriate time to support that motion to recommit.

Mr. YATES. Mr. Speaker, I thank the gentleman from California for his tribute to the NEA.

Mr. Speaker, I yield such time as he may consume to the gentleman from Indiana [Mr. SHARP].

Mr. SHARP. Mr. Speaker, would the chairman of the subcommittee clarify a provision in the Interior appropriation for fiscal year 1992. The conference report for the strategic petroleum reserve prohibits the expenditure of funds to lease, exchange, or otherwise acquire, except by direct purchase, crude oil from a foreign government. I am concerned about this restriction and also about the reduction in funding for oil purchases for the strategic petroleum reserve. I support continued negotiations with foreign governments on the possible lease of oil for the strategic petroleum reserve.

I hope that this provision, although creating some uncertainty, will not prevent the Department of Energy from continuing negotiations on possible leasing agreements.

It is my understanding that this provision does not prohibit the expenditure of funds to pay for negotiations that could lead to a leasing agreement. I assume that salaries, travel expenses, printing and other costs incurred as a result of negotiating a strategic petroleum reserve leasing agreement during fiscal year 1992 are not forbidden under this provision. Is this a correct assumption?

Mr. YATES. Mr. Speaker, if the gentleman will yield, the gentleman from Indiana is correct. This provision does not prevent expenditures for continued strategic petroleum reserve leasing negotiations.

Mr. SHARP. Also, if the administration reaches a leasing agreement which requires a supplemental appropriation during fiscal year 1992, is the committee willing to consider such an appropriation?

Mr. YATES. Yes; the committee is willing to consider a supplemental appropriation to remove restrictions on expenditures if an acceptable leasing agreement is reached during fiscal year 1992. I would also point out that this provision is for fiscal year 1992 only and does not prevent the expenditure of funds for leasing of oil for strategic petroleum reserve during fiscal year 1993 or in later years.

Mr. YATES. Mr. Speaker, I yield 1 minute to the gentlewoman from Maryland [Mrs. MORELLA].

Mrs. MORELLA. Mr. Speaker, I rise in support of the conference report, and would like to engage the gentleman from Illinois, the distinguished chairman of the subcommittee, in a brief colloquy.

Would the gentleman yield for a brief colloquy?

Mr. YATES. Mr. Speaker, I am very glad to yield to the gentlewoman from Maryland.

Mrs. MORELLA. Mr. Speaker, may I ask the chairman, Secretary Lujan recently endorsed a new private-public partnership concept for Glen Echo Park, MD, which promises to be a model for small national parks. The concept was developed by the Glen Echo Park Foundation, a nonprofit citizens' group, working with the National Park Service. The Foundation is comprised of a group of dedicated individuals directing the restoration of the park, and represents a genuine community effort to preserve a historic site. The Foundation is eager to begin work with the Park Service in developing a detailed plan to implement the vision of Glen Echo Park as a national cultural center, but the Park Service needs authority to enter into cooperative agreement with the foundation to complete the program planning. Would the Committee support the Park Service, providing from within available funds, up to $175,000, to the Glen Echo Park Foundation for planning of the future of the park?

Mr. YATES. Mr. Speaker, will the gentlewoman yield?

Mrs. MORELLA. Yes, indeed, I yield to the gentleman from Illinois.

Mr. YATES. Mr. Speaker, I agree with the gentlewoman that this would be a worthwhile project and I support the Park Service providing such funds to the Glen Echo Park Foundation under a cooperative agreement.

Mrs. MORELLA. Mr. Speaker, I very much thank the committee chairman, and I urge my colleagues to support the conference report.

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Mr. REGULA. Mr. Speaker, I yield 3 minutes to the gentleman from New York [Mr. SOLOMON] in order to engage in a colloquy.

Mr. SOLOMON. I thank the gentleman for yielding this time to me.

First let me commend both the gentleman from Illinois and the gentleman from Ohio for their work on this bill. Their job may be the toughest in the Congress, especially this year.

If I may, Mr. Speaker, I would like to enter into a colloquy with the gentleman from Illinois [Mr. YATES] and the gentleman from Ohio [Mr. REGULA].

As both gentlemen know, the report of the conference committee on Interior appropriation contains my language requiring a local opt-in to the forest legacy program appropriation within New York State. Would the distinguished ranking member kindly clarify how the conference committee intends this opt-in process to operate?

Mr. REGULA. Mr. Speaker, will the gentleman yield?

Mr. SOLOMON. I yield to the gentleman from Ohio.

Mr. REGULA. I thank the gentleman for yielding.

Mr. Speaker, my distinguished colleague is correct that an opt-in provision for New York State is included in this conference report. The conference committee intends that a local jurisdiction within New York State, county, city, village, or town must vote affirmatively to participate in order for the program to operate in that jurisdiction under this appropriation. This may only be accomplished by a majority vote of the legislative body of the local jurisdiction.

One aspect of this opt-in process that may need clarification is the relationship among the local jurisdictions within a particular area.

If, for example, a county government acts to permit the program to operate within its boundaries, that would permit the program to operate throughout the county without needing an additional affirmative action by the smaller jurisdictions, the towns, cities, or villages within that county. To say otherwise would be to ignore the fact that counties encompass all the land within their boundaries. But by the same token, within a county that acted to permit the program a smaller jurisdiction such as a village should then be able to take a concrete action to opt out of the program if it did not want to participate. This is only fair as the smaller jurisdictions should equally have the right to include themselves, even if the county defeats a move to include itself or fails to act at all. The governing principle here, and this is important, is local option. It leaves the responsibility with the people in the jurisdiction.

Mr. SOLOMON. I thank the gentleman from Ohio.

Mr. Speaker, I would ask the distinguished chairman of the subcommittee, the gentleman from Illinois [Mr. YATES] if he concurs with that statement.

Mr. YATES. Mr. Speaker, will the gentleman yield?

Mr. SOLOMON. I yield to the gentleman from Illinois [Mr. YATES].

Mr. YATES. I thank the gentleman for yielding.

Mr. Speaker, after listening to the explanation of the gentleman from Ohio [Mr. REGULA] I believe that he has stated the facts correctly.

Mr. SOLOMON. Mr. Chairman, let me thank the distinguished gentleman from Illinois [Mr. YATES] very, very much on behalf of the people of the Adirondack Mountains. This means a great deal to them.

Mr. MARTIN. Mr. Speaker, will the gentleman yield?

Mr. SOLOMON. I yield to my colleague, the gentleman from New York [Mr. MARTIN].

Mr. MARTIN. Mr. Speaker, I thank my friend and neighbor, the gentleman from New York [Mr. SOLOMON] for his work on this matter. It is a pleasure working with him.

Mr. Speaker, I also want to thank the conferees on both sides of the aisle for accommodating the gentleman and me. It would, of course, have been our preference that New York be expunged from the language and that there be a substantial savings of money.

That having been said, you cannot always have it the way you want it here. But I want to let the conferees know how much I personally appreciate their listening to us and accommodating us so that if our local governments want to opt in, so be it. But for once they are going to be heard.

I thank the chairman, and I thank the gentleman from Ohio, and I thank the gentleman from New York for yielding.

Mr. SOLOMON. I thank the gentleman for his comments.

Mr. YATES. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, inadvertently I omitted the names of the members of the staff to whom all of us owe a great deal of gratitude. Their work has been superb, and I should like to enter into the CONGRESSIONAL RECORD at this time their names so that history may record them.

The head of my staff is, of course, Neal Sigmon. The others are Bob Kripowicz, Kathy Johnson, Loretta Beaumont, Angie Perry, Tom Barnes, Adrianne Moss, Eric Puchala, and the oldest warrior of them all, Mary Bain.

Mr. REGULA. Mr. Speaker, I yield 3 minutes to the gentleman from New Mexico [Mr. SKEEN], a member of the subcommittee.

Mr. SKEEN. Mr. Speaker, I rise to support the conference report on H.R. 2686, which is the fiscal year 1992 Interior appropriations bill. Without any doubt, this is a bill for every American in every community, much less a Member's bill, because there is something in this bill for every Member of this body, be it a park, a trail, national forest, energy project, or visitor center. Mr. Speaker, we protect our natural resources, encourage recreation, provide for the conservation of energy and protect jobs in timbering communities. Our committee is the guardian of American culture and the conscience of our past. This bill embodies all that is truly America.

Mr. Speaker, I want to pay my respects to the gentleman from Illinois [Mr. YATES], the leader of this particular subcommittee who did such a fine job under difficult circumstances.

Mr. YATES. Mr. Speaker, will the gentleman yield?

Mr. SKEEN. I yield to the gentleman from Illinois.

Mr. YATES. I thank the gentleman for yielding.

Mr. Speaker, I want to reciprocate the gentleman's accolade and tell the House and the Congress how much of a contribution the gentleman made, as well, to the bill that is under consideration and to the work of our subcommittee. I should like the Indian people, particularly those in New Mexico, Arizona, and in the areas surrounding the gentleman's district to know what a fine job he has performed in representing them too.

Mr. SKEEN. I thank the chairman for his comments.

Mr. Speaker, there are some here not exactly happy with the final results of this bill. I would like to remind these individuals that a conference is, by its very nature, a compromise. Yet this compromise has resulted in a stronger, better bill than this body first passed several weeks ago.

Mr. Speaker, I am expecially pleased that the conferees have given the issue of grazing fees to the authorizing committees where it rightfully belongs. Clearly, an issue so vital to Western interests and so volatile to Members must be fully debated and considered by the committees of jurisdiction.

Here the matter will be fully examined, and it is my hope that an equitable fee structure may be finally codified and agreed upon for public land grazing permittees.

Once again I thank the gentleman from Illinois, the Chairman, Mr. YATES, the vice chairman, the gentleman from Ohio [Mr. REGULA] for the fairminded and evenhandedness that they have displayed in crafting this bill. I feel honored to serve on the committee with them, and it is a distinct pleasure to work with them.

Mr. YATES. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from New York [Mr. WEISS].

Mr. WEISS. Mr. Speaker, I rise in strong support of the conference report and in opposition to the motion to recommit that may come, and I commend the distinguished chairman, the gentleman from Illinois [Mr. YATES] and the distinguished gentleman from Ohio [Mr. REGULA] for the work they have done on this conference report legislation.

Mr. Speaker, I rise in opposition to this motion to once again instruct the interior appropriations conferees to include restrictive language concerning the National Endowment for the Arts [NEA]. The fact is that this language is constitutionally vague and represents just the sort of content restrictions which were soundly rejected during the NEA's long reauthorization process last year.

Content restrictions were firmly rejected not only by votes in the House and Senate last year, but by a distinguished independent commission appointed by the President and the majority and minority leadership of both the House and the Senate. This nonpartisan commission, composed of people with far better experience and credentials in the arts than ourselves, unanimously rejected restrictions on the content of art works and stated in their report:

> Content restrictions may raise serious constitutional issues, would be inherently ambiguous and would almost certainly involve the endowment and the Department of Justice in costly and unproductive lawsuits.

The commission also unanimously stated that the NEA "is an inappropriate tribunal for the legal determination of obscenity." Again, this was determined by an independent commission with an equal number of appointees by the President and the majority and minority leaders of both Houses.

Mr. Speaker, while I do not believe that any content restriction is a constitutional method of making grants, this is a particularly bad content restriction. In one short sentence, Members of Congress would not only be establishing themselves as art experts but experts in jurisprudence, with presumably greater legal ability than generations of Supreme Court Justices. The Supreme Court has grappled with a definition or test of obscenity and established criteria in the Miller decision—criteria currently emphasized in the language included in the conference report. Yet, in this motion, this Congress would simply reject those tests with the words that the NEA should not fund projects "that depict or describe, in a patently offensive way, sexual or excretory activities or organs."

Mr. Speaker, "patently offensive" according to who? Even on a pragmatic level, this language contains no implementation explanation of any sort. Is this truly a better answer than what was thoroughly examined by the reauthorizing committee last year and passed by Congress after exhaustive debate?

Mr. Speaker, Members of Congress cannot and should not be art police. We are ill qualified. The authors of the NEA founding legislation wisely left decisions of artistic merit and excellence to peer review panels—much like the American jury system—and to the Presidentially appointed National Council on the Arts. The criteria at the NEA has been excellence and should continue to be excellence.

The fact of the matter is that the NEA has accomplished a great deal over the past 25 years and has completely changed the cultural landscape of this country, bringing the arts to children and adults in every region of this Nation. It was even stated in this well that 99 percent of the NEA's work is positive and meaningful. I defy another Federal agency to make that claim.

Mr. Speaker, the reality is that not all art is comforting. It is not meant to be. Art challenges and gives us understanding into the many realms of human experience. It is not the NEA's mandate to fund works according to a conservative political prescription. Its mission is to promote and support creativity, and it has done so to great success over 25 years.

Garrison Keillor, himself supported by the NEA, has stated:

> All governments have given medals to artists when they are old and saintly and successful and almost dead. But 25 years ago, Congress decided to boldly support the creators of art—support the act of creation itself—to encourage artists who are young and vital and unknown, very much alive and therefore dangerous. This courageous legislation has changed American life.

Mr. Speaker, the language in the current conference report makes it very clear that obscenity should not be funded by the NEA but leaves these decisions to an appropriate tribunal—the courts. I urge my colleagues to vote against the constitutionally vague and harmful language dictated in this motion.

Mr. REGULA. Mr. Speaker, I yield 3 minutes to the gentleman from Oklahoma [Mr. SYNAR].

Mr. SYNAR. I thank the gentleman for yielding.

My colleagues, it is with the greatest regret that I rise today in opposition to this conference report. But there comes a time in every legislative career that one has to say enough is enough. I truly appreciate the hard negotiations that our chairman, the gentleman from Illinois [Mr. YATES], my dear friend, went through in these negotiations.

The fact of the matter is this conference report is so skewed in one direction that we are about to throw $250 million down the drain. For three reasons, this conference report ignores the clear direction of this House.

First, the House conference ignores the clear intention of this House to stop the subsidies to 2 percent of the livestock industry that have, over the past 6 fiscal years, have ripped off the American treasury more then $650 million. The report abandons the House position which passed by 40 and 89 votes earlier this year. As a result, $150 million will be lost in fiscal year 1992.

Second, this conference report ignores the clear congressional intent to stop the taxpayer subsidies of the Forest Service timber program in the Tongass National Forest.

A year ago this week, the House passed the Tongass Timber Reform Act, eliminating $40 million of permanent appropriation. This report abandons that position and, as a result, as much as $40 million will be lost.

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Finally, this conference report earmarks $44 million for a project that has never been considered viable by the Department of Energy. Let me tell my colleagues, "If you liked the Synfuels Corp., you're going to love Heartland Fuels because this unqualified candidate slipped in by one person in the Senate is about to start the boondoggle of the nineties." Because of that we could lose $44 million in fiscal year 1992.

These three things amount to $234 million of lost taxpayer's money. My friends in Muskogee, OK, a quarter of a billion dollars is a lot of money to lose.

I would like to ask the gentleman from Ohio [Mr. REGULA] if the House votes to recommit this conference report for whatever reason, whether it is the question of the NEA or whatever, will other issues presumable be open in the conference?

Mr. REGULA. Mr. Speaker, will the gentleman yield?

Mr. SYNAR. I yield to the gentleman from Ohio.

Mr. REGULA. To my understanding the gentleman from Oklahoma [Mr. SYNAR] is correct. It is my understanding that, if it is recommitted, that every issue is open that is in this present conference report.

Mr. SYNAR. So, if I want to go after Heartland Fuels, if I want to renegotiate the Tongass timber deal, if I want to look at the issues of grazing, the only way to do that is to vote to recommit.

Mr. REGULA. That is my understanding.

Mr. YATES. Mr. Speaker, will the gentleman yield?

Mr. SYNAR. I yield to the gentleman from Illinois.

Mr. YATES. Mr. Speaker, the gentleman from Ohio [Mr. REGULA] is wrong in this regard. The House will have an opportunity to vote on the Heartland Fuels issue.

The Heartland situation will come up as a separate vote, and I understand it is going to be raised by the gentleman from Pennsylvania [Mr. WALKER].

Mr. SYNAR. But the other two issues would be on the table.

Mr. YATES. The other two, which are grazing fees.

Mr. SYNAR. As well as the timber of the Tongass.

Mr. YATES. The timber in the Tongass is in the conference report.

Mr. SYNAR. And they would be up for negotiations if it goes back to conference?

Mr. YATES. All issues would be up for negotiations. Every single issue that is in the conference report, including all those that we have agreed upon in connection with land acquisitions and every other kind of agreement would be up for discussion. The gentleman is correct in that respect, but the conference report is a good one, and I urge everybody to approve it.

Mr. SYNAR. Again let me say I do this with great reluctance, but, my colleagues, $250 million in a time of a tight budget is too much money to lose. If my colleagues are sincere about what we did here last night, we might as well start today, and we might as well start with this bill.

Mr. YATES. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan [Mr. HENRY].

Mr. HENRY. Mr. Speaker, I thank the gentleman from Illinois [Mr. YATES] for yielding.

Shortly, we will have a motion to recommit pertaining to instructions to the conferees to accept language from the Senator from North Carolina [Mr. HELMS]. I will vote for the motion, and I support the Helms language. However, I want to set the record straight as someone who has been heavily involved in this issue for some time.

Mr. Speaker, I am voting for the language in the recommittal for one reason. I am sick and tired of having to write back to postcards explaining why I allegedly support pornography through the NEA. I think the language does nothing. It adds nothing, it detracts nothing, from the decency standards that were put in the bill last year and which remain in the current language. I want to make that clear as a matter of record because I do not want to see people on the other side of the issue have to stand alone for other reasons and other obligations relative to the Interior bill. There has not been one, not one, grant issued under the new language in fiscal year 1991 that has caused any problem whatsoever that has come to my attention.

Yes, I get Reverend Wildman's letters, like my colleagues do. I phoned him and talked to him personally. My staff phones and talk with them with regularity, and I said, "When you find one under the new language, you let me know," but the latest round of mailings, my colleagues, goes back to 391 grants and even the issue raised by the gentleman from California in his very eloquent speech saying there are no obligations of public sponsorship, and at the same time the NEA has done some great things. The grant he referred to was a pre-1991 grant. A general standard of decency is much more encompassing than the Helms language.

Mr. Speaker, for the life of me I do not understand the chairman's reluctance to accept it, but that is beside the point. What I want to say is that legally and in terms of public policy that language is an irrelevancy, and no one, no matter how they are to vote, ought to bear an onus of having to defend that vote based on what we are about to do.

Mr. YATES. Mr. Speaker, I yield myself 1 minute.

I believe that the gentleman from Michigan is suffering from a misconception if he says that that language has no impact. The first part of that language which reads, "Notwithstanding any other provision of law," in my judgment and the judgment of eminent lawyers, has a distinct impact. What it does is to wipe out the language that the gentleman and his committee carefully crafted last year and substitute the Helms language for it. All the procedures, all the requirements, that are now in the basic law, which I brought back to the House and protected through the conference, would be wiped out by the Helms language, which is totally inadequate to deal with the question.

Mr. HENRY. Mr. Speaker, if the gentleman from Illinois would let me just respond very briefly, I think I differ with the gentleman in his interpretation of the consequences. But the point then that he makes is this:

I would argue that it adds nothing, and I believe that is the truth. He would argue that it would have a deleterious effect of actually weakening standards of public protection relative to sponsorship and law, and perhaps casting the debate in this light helps the public see this debate for what it is.

Mr. YATES. Mr. Chairman, I yield 3 minutes to the gentleman from Iowa [Mr. GRANDY].

Mr. GRANDY. Mr. Speaker, I find it fascinating that the proponents of the NEA are also the proponents of the Helms amendment. That is something I did not think was possible in nature, but evidently we have Members of this body who think they can laud the NEA and then cut it off at the knees. When we had this fight on the authorization, I thought we understood what the NEA funded was the creative process, not the content, and—if one likes the Helms amendment—I refer them to the authorizing language in which the Helms amendment is included under the definition of obscenity.

In other words, to the trier of fact, to the judge who hears the obscenity case against the artist, that is the decision they make. But let me point out that there are people in this country, and maybe even in this body, that are not lawyers, that are artists, who know that, if the Helms language goes before the content of this particular authorizing language, it is no longer a legal argument. It is a hunting license to go after every single sculptor, or painter, or photographer whose work they find patently offensive, and, as we know, that is always that the art is in the eye of the beholder.

Let me tell my colleagues what we do to the artistic community if we pass this language, albeit as inoffensive as it is to those Members that criticize works of art, which by the way they have never seen. What would be done here is the elimination of the imaginative component of art. In other words, we take out the risk. In other words, art becomes house paint, it becomes elevator music, it becomes the CONGRESSIONAL RECORD.

Mr. Speaker, I thought that when the NEA was created we were trying to endow a creative process. I thought the authorizing language was designed to restrict content. Many of the grants, in many cases almost all of the grants that are extended, are extended before we know what the content is. This language was written to go back in and retroactively pull the grant if the content is found by a court to be objectionable. But, no, we are back to exactly what we want.

Now let me just say that the evil baron of art, John Frohnmayer, because of the language we gave him last year, is currently being sued by four artists who feel he is being too restrictive to them. And not only that, we have changed the panel to say that we must change the content of the panel substantially every year, and each individual is ineligible to serve on a panel for more than 3 consecutive years. In other words, term limitation. In other words, that panel turns over about 77 percent. No wonder we cannot understand what they are about.

Let me just make this point, and I speak now not for the attorneys and the interest groups who demand their group rights on this piece of legislation. Let me speak for the artists, most of whom I do not represent. They are not in my congressional district.

Mr. Speaker, people are going to vote for this motion to recommit because they think it is ambiguous, inoffensive, and somewhat gray. In other words, it is redundant, let us support it.

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It may be redundant to you; it may be gray to you. But to artists this is the beginning of a blacklist, and if you think we do not have a sensed memory of that, you are certainly mistaken.

Mr. Speaker, let me just say in conclusion that this is the most patently offensive exercise I have to make as a Member of this body, and that includes my service on the Ethics Committee, because the difference between that and this process is that at least the accused have a chance to defend themselves.

Mr. REGULA. Mr. Speaker, I yield 1 minute to the gentlewoman from Nevada [Mrs. VUCANOVICH].

Mrs. VUCANOVICH. Mr. Speaker, I rise in support of the Interior appropriations conference report and urge my colleagues' favorable consideration.

I want to thank Chairman YATES for his leadership, as well as the ranking member Mr. REGULA and other members of the conference for crafting a report which balances so many contentious and emotional issues.

I understand the frustration felt by a number of Members of this body whose provisions were not included. Having voted in favor of Mr. DANNEMEYER's motion to instruct conferees with regard to the National Endowment for the Arts, I, too, hoped the House position would be included.

However, as a member of the Appropriations Committee, I appreciate the monumental task of balancing the many, many competing interests and requests from each Chamber. This conference report, Mr. Speaker, represents many delicate and acceptable compromises of these interests.

Mr. Speaker, I thank Chairman YATES and members of the conference for all of their hard work.

Mr. YATES. Mr. Speaker, I yield such time as he may consume to the gentleman from Iowa [Mr. SMITH].

Mr. SMITH OF Iowa. Mr. Speaker, I thank the gentleman for yielding. I rise in support of this bill, and I want to remind the Members that whenever you recommit a conference report, you not only recommit on the question that may be argued, but also on dozens of other items that are in the bill. You risk reopening a number of things that a number of people do not wish to have reopened.

I support the conference report.

Mr. Speaker, the conference agreement on No. 127 makes technical corrections to H.R. 2608, the Departments of Commerce, Justice, and State, the Judiciary, and Related Appropriations Act, 1992—as approved by the House and Senate—which are necessary to comply with the intent of the conferees on that bill, as follows:

First, a provision agreed to by the conferees on H.R. 2608 was included in the conference agreement but inadvertently left out of the final bill. Exclusion of this provision results in the bill being scored $833,000 in outlays above the amounts assumed in the conference agreement. Enactment of this provision will bring H.R. 2608 back within its 602(b) allocations.

Second, amendment No. 127 corrects language in H.R. 2608, under the Federal Communications Commission [FCC], which inadvertently provides an overall obligation limitation on the FCC. This change should have been made when the conferees on H.R. 2608 decided not to accept the administration's FCC fee proposal.

Third, amendment No. 127 clarifies the intent of the conferees on H.R. 2608 concerning the awarding of a grant for a National Resource and Training Center under the Legal Services Corporation [LSC]. Amendment No. 127 clarifies that preference should be given to a university which has hosted National Trial Advocacy Institutes coordinated through the national Legal Services Corporation office.

Mr. Speaker, I also would like to point out two errors in the joint explanatory statement of the committee of conference to H.R. 2608, the fiscal year 1992 Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act.

In the table on page 45 under the National Oceanic and Atmospheric Administration systems acquisition AWIPS/NOAAPORT should have read $19,778,000 instead of $25,778,000. The NMC supercomputer upgrade should have read $15,000,000 instead of $9,000,000. The statement inadvertently reflected the cost of procuring a new supercomputer through a lease-purchase agreement, but did not include the cost of operating and maintaining the second NMC supercomputer. The $15,000,000 will allow the lease-purchase to proceed, provide for necessary maintenance, and obviate the requirement for a future reprogramming.

In the table on page 63 under the Economic Development Administration the total amount available for EDA planning assistance should have read $24,953,000 instead of $25,276,000. District planning assistance will be allocated $17,707,000 instead of $17,708,000 and urban planning assistance will be allocated $2,636,000 instead of $2,958,000.

Mr. YATES. Mr. Speaker, I yield such time as she may consume to the gentlewoman from New York [Mrs. LOWEY].

Mrs. LOWEY of New York. Mr. Speaker, I rise in strong support of the conference report.

Mr. YATES. Mr. Speaker, I yield 30 seconds to the gentleman from the Virgin Islands [Mr. DE LUGO].

Mr. DE LUGO. Mr. Speaker, this conference agreement is a good compromise on issues concerning the seven insular areas which receive special assistance through the Interior Department. It preserves the House bill's most important elements.

As chairman of the authorizing subcommittee, I want to commend the chairman of the appropriations subcommittee, our distinguished colleague SIDNEY YATES, for these successes in the conference and urge the House to agree to these provisions. I also want to note the cooperation of the ranking minority member, RALPH REGULA, and the work of Kathy Johnson of the staff.

HURRICANE HUGO RELIEF

The largest insular money issue concerned improving essential public facilities in the territory that I am privileged to represent, the Virgin Islands, that were devastated in the awful Hurricane Hugo disaster. Damages were so extensive that needs exceeded both insular resources and those that regular disaster assistance could provide. Extraordinary assistance is required, as Interior Secretary Manual Lujan recognized after he surveyed the destruction.

The House bill would have provided $23.5 million for hospital and school reconstruction. The President and a Senate amendment would have provided nothing.

I appreciate the support that we received, however, from Chairman J. BENNETT JOHNSTON and ranking minority member, MALCOLM WALLOP, of the Senate authorizing committee. And the $15.5 million Chairman ROBERT BYRD and ranking minority member, DON NICKLES, of the Senate appropriations subcommittee agreed to in the conference is a fair compromise between my islands' extensive needs and budget constraints.

My efforts to obtain these funds were buttressed by Governor Alexander Farrelly and Lt. Gov. Derek Hodge and their counsel, Peter Hiebert.

PALAU ASSISTANCE

Perhaps the most significant insular issue concerned the self-government of the trust territory islands of Palau that the Interior Department has denied by imposing conditions on appropriations for these islands.

Under Chairman YATES leadership, the conferees on the fiscal year 1991 appropriations bill had agreed with us and directed that Palau's elected government should continue to have flexibility to spend the basic Federal grant for its operations in the areas of greatest need.

The Interior Department, however, ignored that language and dictated how the 1991 grant was to be used. Its action forced a rewriting of Palau's budget because the grant is such a large part of the local budget.

Interior's earmarking of the grant caused a budget crisis that shut down much of Palau's government; made mistakes in the amounts it allocated; undermined the government's ability to function; and contradicted the islands' constitution, which Interior itself had sanctioned. Palau's local revenues were too small to make up for all of the problems it created.

Interior's earmarking also effectively rewrote the 1991 Interior appropriations law, assuming a power that only the Congress should have.

At my request as well as that of the chairman of the full Interior and Insular Affairs Committee, our colleague GEORGE MILLER; the ranking minority member of the Insular and International Affairs Subcommittee, our colleague ROBERT LAGOMARSINO; and the ranking minority member of our full committee, our colleague DON YOUNG; and under Chairman YATES' leadership, the House bill would have restored Palau's ability to determine its local budget.

Our action to restore the integrity of Palau's government prompted a veto threat from the administration. And a Senate amendment strongly supported Interior earmarking.

But Senator DANIEL INOUYE recognized Palau's concerns and Senator JOHNSTON later agreed to an approach to the issue that we developed with Palau's leaders. It would have Interior's objections to Palau's priorities considered by the Congress.

Still, contrary to what one of Interior's spokesmen now suggests, Interior continued to defend earmarking authority. It asserted that the power was needed to ensure that U.S. trusteeship responsibilities would be met; yet it couldn't explain how Palau's priorities would mean those responsibilities wouldn't be. Interior also intimated that its dictating responded to our concerns about problems in Palau, although we had fought to give the people of Palau the help they needed to tackle these problems themselves rather than to restrict the self-government they have already been granted. I note that the report we had the General Accounting Office do on these problems did not recommend earmarking.

With my encouragement as well as that of Chairmen MILLER and JOHNSTON, Chairmen YATES and BYRD agreed on language accepted by Ranking Minority Members REGULA and NICKLES that should end Interior earmarking. It states emphatically and unequivocally that local decisionmaking should prevail in Palau, unless Interior can demonstrate that trusteeship responsibilities would not be met.

If Interior believes Palau's plans for spending the assistance that this bill would provide would mean trusteeship responsibilities would not be met, it should clearly identify why to the authorizing and appropriating committees. If Interior cannot work out its differences with Palau, the issue will be brought to the Congress. Then, if the appropriations committees do not disagree with Palau, Interior will be expected to let the local government's plans take effect.

Further, Interior has been warned that if it again ignores congressional directive on this matter, restrictive language will be included in the next appropriations bill. Other action may be taken as well.

The agreement also provides that if Interior objects to Palau's plans for spending Federal assistance in fiscal year 1993, it should explain why in time for our hearings on the 1993 budget. We will expect Palau's plans and Interior objections to be submitted to our authorizing subcommittee as well as to the appropriations committees. Congress will then be able to act as may be appropriate.

In addition to those Members of both Houses that I have mentioned, and their staff, that worked out these procedures, I want to note the efforts of Palau's impressive leaders and their representatives. Senate President Joshua Koshiba, House Speaker Shiro Kyota, and, of course, President Ngiratkel Etpison responsibly stood up for their people's rights. They were effectively represented by Minister of Administration Sandra Pierantozzi, Washington Liaison Steve Kanai, and counsel Michael Chanin.

Because both the House and Senate agreed to a higher level of assistance to operate Palau's government than the administration proposed—as we had recommended—this was not an issue in the conference and $17,651,000 will be provided. Assistance for capital improvements was an issue, however.

The executive branch had proposed only $2 million for a final contribution to the new hospital that we have forced it to agree to fund earlier. The House proposed an additional $7.5 million for sewer and water projects. The Senate cut this to $2 million; but the conference agreed on $4 million for the sewer and water projects in addition to the hospital funding.

RONGELAP RADIATION STUDY

A third major insular issue concerned the consequences of United States nuclear test fallout on Rongelap, an atoll in the Marshall Islands.

The people of Rongelap had evacuated their homeland in 1985 because information and health problems led them to doubt the Energy Department's assurances that is was safe.

The Compact of Free Association Act of 1985 included a provision insisted upon by the Interior and Insular Affairs Committee pledging the United States to make Rongelap safe for its people to live on; mandating an independent review of Energy's findings; and requiring a comprehensive study if the review did not clearly find that Ronegelap was safe.

It did not. So, the people of Rongelap and their government asked for funds for the required study and to enable them to live a decent existence while in exile. Chairman MILLER and I supported their request; but Energy and Interior Department officials opposed it.

The need for the funding was made apparent, however, by the tireless efforts of Senator Jeton Anjain of Ronelap and David Weiman and Cooper Brown, who have assisted him, and through an investigation by the Insular and International Affairs Subcommittee.

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As pleased as I am about the funding, I must, however, point out that it will not put this matter to rest. We will want to make sure that the study is independent, given Energy's history of involvement in this matter; that the health of the people and past doses of radiation are thoroughly considered; and learn more about other aspects of this matter, such as the extent of the fallout.

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The executive branch, however, has tried to avoid meeting this need.

The House bill would have provided $2 million for it; but the Senate bill contained no funding. The conference agreed on $1 million.

AMERICAN SAMOA ASSISTANCE

Like Palau, American Samoa is substantially dependent upon Federal assistance. And, as in the case of Palau, the administration had proposed reducing assistance to the territory.

Working with our colleague, ENI FALEOMAVAEGA of American Samoa, the Insular and International Affairs Subcommittee recommended an increase. Chairman YATES then led the House to agree to increase the $21,885,000 the President proposed for government operations by $1 million. The House also would have provided another $1 million for schools and $4.3 million for power improvements as well as $1 million that the President proposed for water projects.

The Senate did not agree to the increase for government operations and cut the increase for the power system to $1 million. The conference, however, agreed to $800,000 of the increase for government operations and $2.3 million for the power system.

OTHER ISSUES IN THE BILL

Other issues resolved by the conference include: $3 million for construction of a control tower at the Saipan, Northern Mariana Islands airport that I have long supported; $500,000 for control of Guam's brown tree snake; and $4,030,000 for Interior's Territorial and International Affairs Office.

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This legislation also includes spending on which the President and both Houses agreed for the Northern Mariana Islands; Guam's power system; Micronesia and the Marshall Islands; and trusteeship administration costs.

UNMET INSULAR NEEDS

Although the conference agreement is a good one, this legislation does not, however, include all of the funding that I believe should be provided for insular matters. In addition to subjects I have already mentioned, assistance should be provided to help develop the economies of Micronesia and the Marshall Islands in lieu of tax and trade provisions in the negotiated compact, as provided by the law on the compact, and to develop basic infrastructure in Pacific insular areas.

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URGE SUPPORT

On the whole, though, and as I said initially, the conference report is a good one on insular issues and I urge Members to support it on them. I also want to again thank Chairman YATES and his staff and the other Members and staff of both Houses that I have mentioned and that have been involved with the issues I have mentioned.

Mr. REGULA. Mr. Speaker, I yield 1 minute to the gentleman from Wyoming [Mr. THOMAS].

Mr. THOMAS of Wyoming. Mr. Speaker, I rise in support of the conference report. I think the committee has done an excellent job. I wish to compliment them. I know there have been very many long hours. They had held individual hearings, and I appreciate that.

I did not receive everything that I would like to have had. For example, we would have liked to have had more money for Yellowstone Park. We would have liked to have done something for the roads and the winter facilities there. We would like to have traded in some more BLM lands in Wyoming to make more access for hunters. We would like to have avoided having wolves in Yellowstone Park. On the other hand, I think the committee did the right thing on grazing fees. I think they avoided doing irreparable damage to the economy of the West by coming forward with what they did and saying, "Let us take a look at it in the authorizing committees." That is what should be done. They have dealt with the cost of collecting revenues, and I think—from oil royalties—I think that was the right thing to do. I am going to support that.

The clean coal amendment that is talked about here, all it does is say that residual money that is not used will go to the next eligible user. There is nothing wrong with that.

I have voted for the Helms amendment in the past, and I support the notion of restricting tax dollars for obscene art, but I am going to vote for this report for two reasons. One is that the present language in the bill on the NEA is strong language. Second, there is enough good here that we need to vote for it.

Mr. REGULA. Mr. Speaker, I yield 1 minute to the gentleman from Alaska [Mr. YOUNG].

Mr. YOUNG of Alaska. Mr. Speaker, this conference report and the work my good friend from Illinois [Mr. YATES] and the ranking member have done is very contentious, but I would suggest that because it is such a broad conference report, and they have worked long and hard hours, they have done what is correct.

As a previous speaker mentioned, I have also voted for the Dannemeyer and the Helms language before, but this is broader than just that language. So I want to compliment the chairman and the ranking member for working on a good conference report. Conferences are an art of compromise between two separate elected bodies.

Mr. Speaker, this is a very difficult task, a very complex task, especially with this conference report. I again want to say that I believe this is correct, and I urge my colleagues to adopt the conference report. Let us not send this back to the conference and have to come back at a later date with the same problem, because overall I believe this is the best they could do to correct this problem.

Mr. YATES. Mr. Speaker, I yield such time as he may consume to my friend, the gentleman from South Carolina [Mr. DERRICK].

WITHDRAWAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1330

Mr. DERRICK. Mr. Speaker, I ask unanimous consent that my name be withdrawn as a cosponsor of the bill, H.R. 1330.

The SPEAKER pro tempore. (Mr. LANCASTER). Is there objection to the request of the gentleman from South Carolina?

There was no objection.

Mr. YATES. Mr. Speaker, I yield 3 minutes to the gentleman from California [Mr. MILLER], the chairman of the Committee on Interior and Insular Affairs.

Mr. MILLER of California. Mr. Chairman, I would, if I may, like to engage in a colloquy with the gentleman, since we have had a number of discussions over the last several days about this legislation.

As the gentleman knows, I have raised serious concerns of myself and members of my committee about unauthorized projects being put into the appropriations bill and the appropriations being made for those projects. In many instances this is done by the Senate, simply adding those items to the legislation.

My concern is that this practice really cannot continue because it deprives the authorizing committee of the ability to make the policy considerations which we then ask the committee to fund, and the gentleman has quite properly done so much for all of us.

I just wonder if I might ask the gentleman about what we can expect in the future with respect to this question of unauthorized projects being funded or being authorized inside the appropriation bill without passage by our committee and this House and the Senate.

Mr. YATES. Mr. Speaker, will the gentleman yield?

Mr. MILLER of California. I yield to the gentleman from Illinois.

Mr. YATES. Mr. Speaker, as the gentleman knows, we on the Interior Subcommittee of the Appropriations Committee over the years have acted as kind of an agent for the legislative committee, the Committee on Interior and Insular Affairs. We have placed in our bill and funded with a rule projects that we were requested to insert by the chairman of the Committee on Interior and Insular Affairs. I understand that the committee has a new chairman in my friend, the gentleman from California [Mr. MILLER], and it has a new policy with respect to that matter.

Our committee has studiously rejected any efforts to place material in our bill that was not approved by the chairman of the authorizing committee. Whenever we went to the Rules Committee, if there was an objection raised, we would not go forward with it. We intend to follow that policy. If the gentleman from California tells me that his committee is opposed to a project or an item that has not been authorized, I will not put it in the bill.

Mr. MILLER of California. Mr. Speaker, I appreciate that. I would also ask, with respect to the question of the Senate concerning this matter, what would be the position conference with respect to the Senate?

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Mr. YATES. Mr. Speaker, if the gentleman will yield further, the gentleman from California [Mr. MILLER] knows from experience how difficult the Senate can be. I will, to the fullest extent that I can, oppose efforts made by Senate conferees to place into the bill items and projects that have not been authorized.

Mr. VENTO. Mr. Speaker, will the gentleman yield?

Mr. MILLER of California. I yield to the gentleman from Minnesota.

Mr. VENTO. Mr. Speaker, I rise in reluctant support to this conference report.

I sincerely respect and appreciate the hard work of Chairman YATES and the other House conferees.

As passed by the other body, this was a very defective bill, loaded with provisions that were improper for inclusion in an appropriations measure. The conferees were able to eliminate some of the improper provisions, especially one dealing with timber harvest on natural forests, and for that they deserve some credit.

But while the conference report is better than the Senate bill, it is still deficient. It still includes improper provisions, and omits important matters that were in the House bill, such as the provisions for reform of the BLM and Forest Service grazing programs.

Some may speak to the dropping of the grazing provisions. I do not protest in this instance. The House has acted concerning the grazing programs by including similar provisions in the proper vehicle, the BLM reauthorization bill—the needed reforms in grazing which are still achievable.

This measure includes at least thirteen areas and multiple instances in which directly or indirectly amended provisions of substantive law, blatantly in violation of the rules of the House.

For example, the conference report includes appropriations to be spent on properties that the United States does not own, such as the Washington Tennis Center in Rock Creek Park, and appropriations for unauthorized purposes, such as the renovation of a stadium in Louisiana, financial assistance to certain specified non-Federal facilities, and an urban history initiative in one particular State. These may be worthy purposes, but they are unauthorized, and we should not violate House rules by funding them. These provisions have never been the subject of hearings or discussions by the committees of jurisdiction in the House.

The conference report also includes significant legislative provisions. The report would authorize a timber sale offset program for work performed on two specified national forests. It would also amend a 1976 act in order to end a requirement that certain lands in the Anchorage, AK, area be used only for park purposes, in accordance with a specific land use plan. Surely provisions like these should be dealt with in authorization measures, not included in appropriations bills.

Mr. Speaker, I know that there are many good things in this conference report, but the bad provisions greatly distract from the total work product.

Therefore my support today is only with the hope that we can address several amendments in disagreement later today and delete from the bill and that the Interior Appropriation Subcommittee of the House in the future will not include any unauthorized provisions in the bill in the future or agree in conference with the Senate to include the egregious provisions such as pepper the measure before us today.

Mr. REGULA. Mr. Speaker, will the gentleman yield?

Mr. YATES. I yield to the gentleman from Ohio.

Mr. REGULA. Mr. Speaker, I wonder if the agreement not to put in anything that is not authorized includes moratoria?

Mr. YATES. Mr. Speaker, reclaiming my time, I will say to the gentleman from Ohio [Mr. REGULA] that is a limitation on funding. It is not a legislative matter.

Mr. Speaker, I yield 1 minute to the gentleman from Oregon.

Mr. AUCOIN. Mr. Speaker, I appreciate the gentleman yielding.

Mr. Speaker, if I could have the attention of the gentleman from California [Mr. MILLER], I am not going to yield to him since I have so little time, but I do want him to listen. I respect the interest of the gentleman from California [Mr. MILLER] in the sanctity of the jurisdiction of the authorizing committee. For that reason, I hope the gentleman will support our efforts on the appropriations bill when the grazing fee amendment comes before, which is a statutory amendment, added to our appropriations bill. We would like the gentleman to do that in his committee, rather than do it on the appropriations bill. I hope that the sanctity of the authorization process will make is so that we do not have to deal with grazing on this appropriations bill.

Mr. Speaker, I rise in strong support of the conference report on our Interior appropriations bill for fiscal year 1992. I commend the skill and leadership of our chairman, Mr. YATES, and the ranking minority member, Mr. REGULA, for guiding us through an unusually difficult series of negotiations to produce a bill which I believe every Member of the House can and should support.

Through hard work, we have produced a conference agreement which provides investments in our natural resources which will allow protection and enhancement of our cultural and environmental heritage while recognizing the economic importance of those resources.

To my eastern colleagues who think that plywood comes from True Value Hardware and prime rib comes from Safeway, I offer this observation; we cannot meet the popular demand for increased environmental preservation while simultaneously destroying the rural communities, values, jobs and families equally dependent on the environment we're trying to save. We can achieve our environmental goals through a balanced approach which considers endangered species as part of the same ecosystem with loggers, cattlemen and miners.

That's the balance which I believe our Interior appropriations bill achieves.

It's the balance which allows environmentally concerned ranchers like Doc and Connie Hatfield of Brothers, OR, to operate in a manner that doesn't force the environment to meet the needs of cattle but rather forces cattle to fit in with the needs of the environment—and would not have this good work penalized by a 500-percent grazing fee increase on their 7,000 acre BLM allotment.

It's the balance which provides protection for critical areas in the spectacular Steens Mountains in southeast Oregon while minimizing the impact on local tax revenues.

It's the balance which provides protection for key wetlands in Eugene, OR, which in turn allows for commercial development on alternative properties.

Finally, I urge my colleagues to reject any attempt to recommit this bill to conference. We know who is truly behind this effort—those who preach temperance but practice intolerance, those who rail against obscenity but bring trash and filth to the House floor constructing straw man arguments in support of their deceptive and false claims, those who feign shock at sexually graphic materials yet relish every opportunity to paw through this trash.

Reject the motion to recommit. Taking this bill back to conference will put everything and every project back on the table and destroy the fine balance of this bill.

Mr. YATES. Mr. Speaker, I yield 15 seconds to the gentleman from California [Mr. MILLER] for a reply.

Mr. MILLER of California. Mr. Speaker, in response, I say I share in the remarks of the gentleman from Oregon [Mr. AUCOIN], and would say that we have the bill dealing with grazing fees. It is over in the Senate now. It has been sitting in the Senate.

As opposed to dealing with policy considerations, they simply come and put it in the appropriations bill. There are many other items where the legislation has been passed by this House and it is sitting in the Senate without them addressing it because they know this avenue is available to them.

Mr. AUCOIN. Mr. Speaker, there are times when the Appropriations Committee has to deal with policy questions. I urge support for the conference report.

Mr. REGULA. Mr. Speaker, I yield the balance of my time to the gentleman from California [Mr. DORNAN].

Mr. DORNAN of California. Mr. Speaker, it appears that even the corn side, the grazing fee side, has not been resolved to everybody's satisfaction. Certainly the porn side, the pornography side, the blasphemy in art, the degrading of American culture, has not been resolved either.

Here is the problem with taking out the Helms language, taking out the Dannemeyer language, and the Congress standing aside on the issue of moral decay in American funding blasphemous art with taxpayer funds, however small it may be.

The Yates language simply says courts must objectively decide. But no court in this land will have the guts to find something obscene if it has been funded by the National Endowment for the Arts. It is a vicious circle and a trap there.

Mr. Speaker, there will be a motion to recommit with instructions to conferees. Remember your votes over the last week. This is the third time. This is where we strike out the objection to decency being defended by the Congress of the United States.

Mr. YATES. Mr. Speaker, I yield myself the balance of my time here only to reply to the gentleman from California [Mr. MILLER] by stating that the only difference in the language is not as the gentleman stated. The language as it now stands in the law contains the following: Obscenity without artistic merit is not protected speech and it shall not be funded.

Mr. Speaker, that is now in the law.

Mr. DE LUGO. Mr. Speaker, this conference agreement is a good compromise on issues concerning the seven insular areas which receive assistance through the Interior Department. It preserves the House bill's most important elements.

As chairman of the authorizing subcommittee, I want to commend the chairman of the Appropriations Subcommittee, our distinguished colleague SIDNEY YATES, for these successes in the conference and urge the House to agree to these provisions. I also want to note the cooperation of the ranking minority member, RALPH REGULA, and the work of Kathy Johnson of the staff.

HURRICANE HUGO RELIEF

The largest insular money issue concerned improving essential public facilities in the territory that I am privileged to represent, the Virgin Islands, that were devastated in the awful Hurricane Hugo disaster. Damages were so pervasive that needs exceeded both insular resources and those that regular disaster assistance could provide. Extraordinary assistance is required, as Interior Secretary Manuel Lujan recognized after he surveyed the destruction.

The House bill would have provided $23.5 million for hospital and school reconstruction. The President and a Senate amendment would have provided nothing.

I appreciate the support that we received, however, from Chairman J. BENNETT JOHNSTON and ranking minority member MALCOLM WALLOP of the Senate authorizing committee. And the $15.5 million Chairman ROBERT BYRD and ranking minority member DON NICKLES of the Senate Appropriations Subcommittee agreed to in the conference is a fair compromise between my islands' extensive needs and budget constraints. This amount will, of course, be reduced by the 1.411 percent across-the-board decrease the conference agreed to in most amounts in the bill—as will the other amounts, I will mention. Because the effect of this decrease was not calculated in the report itself, I will use the predecrease figures it contains for the purpose of this debate.

My efforts to obtain these funds were buttressed by Gov. Alexander Farrelly and Lt. Gov. Derek Hodge and their counsel, Peter Hiebert.

PALAU ASSISTANCE

Perhaps the most significant insular issue concerned the self-government of the trust territory islands of Palau that the Interior Department has denied by imposing conditions on appropriations for these islands.

Under Chairman YATES leadership, the conferees on the fiscal year 1991 appropriations bill had agreed with us and directed the Palau's elected government should continue to have flexibility to spend the basic Federal grant for its operations in the areas of greatest need.

The Interior Department, however, ignored that language and dictated how the 1991 grant was to be used. Its action forced a rewriting of Palau's budget because the grant is such a large part of the local budget.

Interior's earmarking of the grant caused a budget crisis that shut down much of Palau's government; made mistakes in the amounts it allocated; undermined the government's ability to function; and contradicted the islands' constitution, which Interior itself had sanctioned. Palau's local revenues were too small to make up for all of the problems it created. Interior's earmarking also effectively rewrote the 1991 Interior appropriations law, assuming a power that only the Congress should have.

At my request as well as that of the chairman of the full Interior and Insular Affairs Committee, our colleague GEORGE MILLER; the ranking minority member of the Insular and International Affairs Subcommittee, our colleague ROBERT LAGOMARSINO; and the ranking minority member of our full committee, our colleague DON YOUNG; and under Chairman YATES' leadership, the House bill would have restored Palau's ability to determine its local budget.

Our action to restore the integrity of Palau's government prompted a veto threat from the administration. And a Senate amendment strongly supported Interior earmarking.

But Senator DANIEL INOUYE recognized Palau's concerns and Senator JOHNSTON later agreed to an approach to the issue that we developed with Palau's leaders. It would have Interior's objections to Palau's priorities considered by the Congress.

Still, contrary to what one of Interior's spokesmen now suggests, Interior continued to defend earmarking authority. It asserted that the power was needed to ensure that United States trusteeship responsibilities would be met; yet it couldn't explain how Palau's priorities would mean those responsibilities wouldn't be. Interior also intimated that its dictating responded to our concerns about problems in Palau, although we had fought to give the people of Palau the help they needed to tackle these problems themselves rather than to restrict the self-government they have already been granted. I note that the report we had the General Accounting Office do on these problems did not recommend earmarking.

With my encouragement as well as that of Chairmen MILLER and JOHNSTON, Chairmen YATES and BYRD agreed on language accepted by ranking minority members REGULA and NICKLES that should end Interior earmarking. It states emphatically and unequivocally that local decisionmaking should prevail in Palau, unless Interior can demonstrate that trusteeship responsibilities would not be met.

If Interior believes Palau's plans for spending the assistance that this bill would provide would mean trusteeship responsibilities would not be met, it should clearly identify why to the authorizing and appropriating committees. If Interior cannot work out its differences with Palau, the issue will be brought to the Congress. Then, if the appropriations committees do not disagree with Palau, Interior will be expected to let the local government's plans take effect.

Further, Interior has been warned that if it again ignores congressional directive on this matter, restrictive language will be included in the next appropriations bill. Other action may be taken as well.

The agreement also provides that if Interior objects to Palau's plans for spending Federal assistance in fiscal year 1993, it should explain why in time for our hearings on the 1993 budget. We will expect Palau's plans and any Interior objections to be submitted to our authorizing subcommittee as well as the appropriations committees. Congress will then be able to act as may be appropriate.

In addition to those Members of both Houses that I have mentioned, and their staff, that worked out these procedures, I want to note the efforts of Palau's impressive leaders and their representatives. Senate President Joshua Koshiba, House Speaker Shiro Kyota, and, of course, President Ngiratkel Etpison responsibly stood up for their people's rights. They were effectively represented by Minister of Administration Sandra Pierantozzi, Washington liaison Steve Kanai, and counsel Michael Chanin.

Because both the House and Senate agreed to a higher level of assistance to operate Palau's government than the administration proposed—as we had recommended—this was not an issue in the conference and $17,651,000 will be provided. Assistance for capital improvements was an issue, however.

The executive branch had proposed only $2 million for a final contribution to the new hospital that we had forced it to agree to fund earlier. The House proposed an additional $7.5 million for sewer and water projects. The Senate cut this to $2 million; but the conference agreed on $4 million for the sewer and water projects in addition to the hospital funding.

RONGELAP RADIATION STUDY

A third major insular issue concerned the consequences of United States nuclear test fallout on Rongelap, an atoll in the Marshall Islands.

The people of Rongelap had evacuated their homeland in 1985 because information and health problems let them to doubt the Energy Department's assurances that it was safe.

The Compact of Free Association Act of 1985 included a provision insisted upon by the Interior and Insular Affairs Committee pledging the United States to make Rongelap safe for its people to live on; mandating an independent review of Energy's findings; and requiring a comprehensive study if the review did not clearly find that Rongelap was safe.

It did not. So, the people of Rongelap and their government asked for funds for the required study and to enable them to live a decent existence while in exile. Chairman MILLER and I supported their request; but Energy and Interior Department officials opposed it.

The need for the funding was made apparent, however, by the tireless efforts of Senator Jeton Anjain of Rongelap and David Weiman and Cooper Brown, who have assisted him, and through an investigation by the Insular and International Affairs Subcommittee.

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Another issue that arose out of the Compact of Free Association with the Marshall Islands and Micronesia concerns costs imposed on Guam and the Northern Mariana Islands. I, and other members of the Interior and Insular Affairs Committee including our colleague BEN BLAZ of Guam, had gotten Federal reimbursement of such costs authorized.

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URGE SUPPORT

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Mr. POSHARD. Mr. Speaker, I rise in strong support of H.R. 2686, because it makes such an important investment in the natural resources of southern Illinois.

I want to thank Chairman YATES, my colleague from Illinois, who has worked so hard, and so effectively on this bill.

What we have here is a commitment to the next generation that they will enjoy unspoiled lands and dramatic scenes of natural beauty.

This bill includes language which will help us manage the Shawnee National Forest in a more environmentally sound manner. It addresses the question of below-cost timber sales, and directs the forest toward timber practices that are more harmonious with nature. It also has $400,000 in new recreation funds, to build and manage trails, protect wildlife, and provide for general recreational opportunities.

It includes $1 million for conservation efforts on the Shawnee under the willing seller process, so we may continue to provide lasting protection for our land and water resources.

It includes important funding for cleanup of a toxic waste site, which ironically is found on the Crab Orchard National Wildlife Refuge. This is a tremendous natural resource for our area and this country, and cleaning up this industrial waste left many years ago will help us fulfill our tourism potential.

It has over $6 million for repair of a dam at Little Grassy Lake. Little Grassy is another of our vital natural resources and this dam is in critical need of repair.

We have so much natural bounty in southern Illinois that we found it necessary to establish a second National Wildlife Refuge, and this bill provides $2 million for continued land acquisition to build and develop this new refuge.

And this bill includes needed funding for clean coal research at Southern Illinois University, research aimed at unlocking the mysteries of our high sulfur coal, to assist our environment and economy in tandem.

I am extremely proud of my area, and proud of this bill. It reflects a great commitment on the part of Congress to preserve, protect, and nurture our precious natural resources. I am pleased to be associated with this legislation and thank all of those who had a part in its passage.

Ms. PELOSI. Mr. Speaker, I rise in strong support of the conference report on H.R. 2686, the fiscal year 1992 Interior appropriations bill. I commend Chairman YATES for his leadership in bringing this conference agreement to the floor and express my gratitude to him and ranking member, RALPH REGULA, for their efforts to protect our Nation's invaluable resources. I also want to thank the subcommittee staff for their hard work in putting together this conference report.

I am particularly pleased that the conferees included funding for a number of projects of vital interest to my community and State. For example, the bill provides $400,000 for the San Francisco Maritime Park for the maintenance of historic ships at the park. The funding will ensure continuity in the maintenance of these ships and continued enjoyment for the millions of visitors to the park each year. I also appreciate the inclusion of $100,000 for the San Francisco Maritime Park Advisory Commission for staff support and expenses of the Commission. This is the first year of operation for the Commission and this funding will allow them to move forward with planning for the park.

The conference report also provides $175,000 for the Bay Area Ridge Trail for the continued development of the trail. This appropriation will mean that more residents and visitors to the bay area will be able to enjoy the beauty of this unique scenic trail.

I commend the conferees for providing $2.1 million toward the acquisition of the Dunn parcel for the Golden Gate National Recreation Area [GGNRA]. The GGNRA has become one of our Nation's most popular parks and the acquisition of this property will provide further protection for this pristine area.

Finally, I applaud the conference committee for its treatment of the National Endowment for the Arts and for the continued OCS moratorium on lease sales and prelease activities along the northern, central, and southern California coast. A rational energy policy with the preservation of the coastline remains a high priority for the people of California.

Again, I commend Chairman YATES and ranking member, REGULA, for their efforts. I urge my colleagues to support this conference report.

Mr. FAZIO. Mr. Speaker, I rise in strong support of the conference report on H.R. 2686, a bill making appropriations for the Department of the Interior and related agencies for fiscal year 1992.

The chairman of the subcommittee, Mr. YATES, and the ranking minority member, Mr. REGULA, are to be commended for the very fine job they did in this particularly difficult conference with the Senate. There were over 200 amendments that had to be resolved with the Senate-passed bill, and the House conferees and their staffs deserve our thanks for their efforts to work out acceptable compromises on these many issues.

I particularly would like to thank the chairman and the ranking minority member for their ongoing attention to the many demands which my own State of California places on this very important bill. The members of the committee have always paid very careful attention to these competing needs and, with the help of Mr. LOWERY, largely met these demands. This year, Mr. Speaker, was certainly no different.

I would like to thank Chairman YATES and Mr. REGULA for their efforts to maintain funding for the House-passed provision providing $5 million for continued single family lot acquisitions under the Santini-Burton Program. This program is critical to ongoing State and Federal efforts to protect the water quality at Lake Tahoe and deter further erosion on the slopes of the lake.

I also would like to thank the chairman and Mr. REGULA for their efforts on the Sacramento River National Wildlife Refuge. The House provided $7 million to continue this important land acquisition program of sensitive areas adjacent to the river while the Senate provided $1 million less. I am very grateful that the House conferees were successful in sustaining the House position.

Finally, Mr. Speaker, I would like to thank the House conferees for their support of the House provision establishing an urban forestry research and education center at Davis, CA. This will be the only comprehensive urban forestry and education program administered by the Forest Service in the West. There is a critical need in the western half of the United States to address problems of water efficiency, energy conservation, and air quality—including carbon dioxide, hydrocarbon, and ozone emissions—in the region's many rapidly urbanizing areas. The work of the center will help our cities, counties, and States begin to address these problems in a cost-effective manner.

Mr. Speaker, I urge adoption of the conference report.

Mr. ORTON. Mr. Speaker, I would like to thank you and your fellow conferees for your efforts in producing the conference report for the fiscal year 1992 Interior appropriations bill.

Last week, I voted to instruct conferees on the prohibition of funds to the National Endowment of the Arts for the promotion, dissemination, and production of patently obscene materials. This language was not adopted by the conferees but I believe a clear message has been sent to the NEA—this body will not tolerate productions that have no scientific, cultural, or artistic value.

However, this conference report does contain provisions that are extremely valuable to my home district. Fees for grazing livestock on Federal lands are not increased. The conference agreement funds badly needed health and education programs for the Bureau of Indian Affairs, and increased funding for fossil research and development will allow for the cultivation of tar sands and other minerals. Finally the report appropriates funds for the preservation of cultural resources.

For the reasons stated above, I support the work of the conferees and vote "yes" on the conference report.

Mr. DORGAN of North Dakota. Mr. Speaker, I am voting against the motion to recommit the conference report on H.R. 2686, the Interior appropriations bill, because I don't want this bill to go back to conference and reopen the proposal that was approved in the House to increase grazing fees. The conference dropped the fourfold hike in grazing fees and I don't want to risk having that issue reconsidered.

However, I want to make it clear that I have voted twice for the Helms amendment language on the restriction of funding for the National Endowment for the Arts [NEA]. The language prohibiting the funding of obscene or pornographic art contained in the Helms amendment is language I support.

I understand that the bill, even without the Helms language, prohibits the funding of obscene art. So I will vote against the recommittal motion and for the conference report, but in the future I believe we should include the language from the Helms amendment in an attempt to further define that obscene or pornographic art should not be funded with taxpayers' money.

Mr. SLATTERY. Mr. Speaker, first of all, I want to thank Chairman YATES and his staff for the excellent work they have done on this bill. This bill represents a difficult task and I want to personally commend Chairman YATES and the conferees for their efforts.

I specifically would like to speak in support of the funding in this bill which recognizes the importance of native American higher education.

Haskell Indian Junior College, which is one of the only two national colleges for native Americans in the country and which is located in Lawrence, KS, has an important mission for native Americans across the country.

In the past, Haskell has survived severe budgetary setbacks and has provided quality education to native Americans across the country in spite of efforts by the previous administration to shut it down.

I am pleased the conferees, under Chairman YATES' leadership, realized the importance of adequately funding Haskell, and I am especially pleased the conferees agreed to restore $777,000 to Haskell's budget that President Bush had requested be cut.

This funding will bring Haskell's fiscal year 1992 instructional budget to the same level as the 1991 budget. More importantly, it will allow the popular and successful summer school and natural resources programs to continue next year.

Both the summer school and natural resources program are proven and effective. Cutting these programs, as proposed by the Bush administration, would have been a tragic mistake and posed a severe setback for Haskell; $200,000 was approved for necessary program development at Haskell. This funding will help Haskell implement its Vision 2000 plan, a comprehensive blueprint for improving the teaching and library facilities at Haskell so that it will be possible for the school to achieve its goal of offering baccalaureate degree in elementary education.

The ability to offer teaching degrees is critically important to the native American community given the well-documented shortage of native American teachers, particularly on the reservations.

Finally, I would like to commend the conferees for including $3 million which would allow Haskell to finance the construction of much-needed on-campus housing. Housing is a top priority for Haskell as overcrowding has become a serious problem.

Haskell has been attempting to deal with a serious housing shortage for several years. The Bureau of Indian Affairs Office of the Inspector General issued reports in 1987 and 1990 which stated that Haskell needed to reduce its on-campus enrollment in order to comply with dormitory occupancy standards.

Thanks to the conferees' recommendation providing for construction of a new dormitory, young native Americans will no longer be turned away from the educational opportunities Haskell has to offer.

If self-determination and independence from Government are to remain the benchmark of Federal efforts toward native Americans, then we must do all we can to see that this population has access to quality education. Haskell Indian Junior College provides the tools for such an endeavor.

I am grateful to my colleagues serving on the appropriations conference for recognizing that it would be a tragic mistake to jeopardize the quality of education at the single most important institution of higher learning in the native American community.

I urge my colleagues to support this conference report to H.R. 2686.

Mr. PANETTA. Mr. Speaker, I rise to comment on the conference report to accompany H.R. 2686, the Department of the Interior and related agencies appropriations bill for fiscal year 1992. This is the 10th of the 13 annual appropriations conference reports to be considered by the House.

As filed with the House, the conference report provides $13.201 billion in discretionary budget authority and $12.050 billion to discretionary outlays, which is $99 million in budget authority over the 602(b) spending subdivision for this subcommittee. Estimated outlays are equal to the subdivision total. However, amendments are expected to be offered to reduce the budget authority to $12.892 billion and outlays to $12.049 billion, thus bringing the bill within its 602(b) allocation. It is my understanding that this also provides for the full $525 million in budget authority for firefighting costs.

As chairman of the Budget Committee, I will continue to inform the House of the status of all spending legislation, and will be issuing a Dear Colleague on how each appropriations measure compares to the 602(b) subdivisions.

I look forward to working with the Appropriations Committee on its remaining bills.

Mr. COLEMAN of Missouri. Mr. Speaker, this legislation contains a study which is important to our Nation's farmers and to the ethanol industry.

This study, to be conducted by Northwest Missouri State University, will focus on the effects of various ethanol fuel blends on small four-stroke engines, the type of engine which powers lawn mowers.

Studies and work have already been done on larger engines. Those efforts have proven successful and have led manufacturers of those engines to recommend the use of ethanol in their products. For example, General Motors is continuing its study of large motors by building 50 variable-fueled vehicles which will be calibrated to use ethanol.

Unfortunately, little attention has been paid to smaller engines. The Northwest Missouri State University study will concentrate on determining what ethanol/gasoline blends can be used productively and which blends are economically feasible.

An important part of ethanol research is the development and expansion of new markets. There are millions of small engines in use in the United States. For example, there are approximately 43 million lawn mowers, over 16 million each of trimmers and chainsaws, over 2 million leaf blowers, and over 7.6 million tillers in use, making small engines a significant fuel market with great potential for ethanol use.

This study will help to expand the knowledge of how ethanol actually affects small engines. It is a necessary and important step in helping to secure the future of the ethanol industry and another step in cleaning up our environment by expanding the use of an alternative fuel which uses a renewable resource.

Mr. RICHARDSON. Mr. Speaker, I rise in strong support of this conference report and I commend our colleagues on the conference committee who worked diligently to forge a successful compromise with the Senate.

I would especially like to thank Chairman YATES for his leadership on this bill. He is well known for his sincere concern for our public lands, natural resources, wildlife, native Americans, and the arts. I believe this report reflects that concern.

This bill contains critical funding for a wide variety of programs including national parks, wildlife refuges and forests; energy and mineral programs, cultural programs, and programs for native Americans. Every one of these programs is important to the State of New Mexico and the Nation.

I am especially pleased that provisions affecting grazing fees and the National Endowment for the Arts were taken out of the bill. Both provisions were controversial for good reason.

I strongly opposed the increase in grazing fees when it came up on the floor. I didn't believe then and I do not believe now that such a drastic increase in the fees, imposed without due consideration by the Interior Committee of which I am a member, is good policy.

One-third of the United States is public land, and those of us representing large grazing districts know what a dramatic increase in grazing fees would do: jeopardize the livelihood of families that operate small farms and ranches.

I am not saying we should avoid this issue altogether. On the contrary, the responsible management of our public rangelands should be one of our top priorities. Let us talk more about this—those with big grazing interests and those with small family interests—and develop a sensible, policy approach to this issue.

I also did not support further restrictions on funding for the National Endowment for the Arts when it came up recently on the floor. Fortunately, the restrictions were excluded from this report.

The arts contribute significantly to the economy and quality of life in my State and across the country. In New Mexico alone, the arts inject over $500 million into the State's economy and provide over 3,700 full- and part-time jobs. The NEA provides educational and cultural opportunities for many up-and-coming artists in this country.

I know the conferees had to struggle mightily with this report and these two issues specifically. I believe it is a good agreement that is worthy of our support. I urge my colleagues to pass this conference report.

Mr. DARDEN. Mr. Speaker, I rise today in support of H.R. 2686, the conference report on the Interior appropriations bill. While I have strong reservations about certain provisions in this bill, I believe that Interior appropriations legislation must be enacted without delay. H.R. 2686 provides $12 billion in funding for many essential programs. Through this legislation, our national parks and public lands receive necessary funding for programs to ensure the continued protection and preservation of some of our most valuable resources. I am a strong supporter of our national parks and forests, and I do not believe we should reject out of hand legislation to provide for their maintenance and improvement. Delayed action on H.R. 2686 could jeopardize our efforts to maintain a safe environment and a healthy supply of air, land, and water.

Having indicated my support for H.R. 2686, let me also state that I have serious concerns about some of the decisions made in conference. Obviously, as a proponent of increased grazing fees, I oppose the conferees' decision to ignore the wishes of the overwhelming majority of House Members who agree that these fees are too low both to meet budget requirements and to assure adequate protection for public lands. While my district does not contain public grazing lands, I feel strongly that our policies in this regard should reflect our commitment to fiscal and ecological responsibility. The current low fees amount to an unfair subsidy for a few wealthy ranchers, and encourage the misuse of these lands without regard to the cost of operating this program. I assure my colleagues that I will continue my efforts to charge fees according to market value.

Furthermore, in my mind, the restrictions placed on the National Endowment for the Arts agreed to in conference will not end the abuses in this program. I support the National Endowment for the Arts, and believe most of the projects sponsored by this agency represent valuable contributions to our understanding of art, music, and language. However, a few widely publicized works have raised legitimate questions about the Endowment's purpose and administrative responsibilities. While I am satisfied with the Endowment's action to correct past problems, examples of questionable decisions continue to mobilize public opinion against arts funding. If we are to continue supporting the arts, we must satisfy the public's concerns that tax money not be used to promote obscene and offense works.

All recipients of Federal assistance are subject to certain guidelines; when these regulations do not prevent abuses, they must be redrawn. Because the NEA continues to be the object of serious and sustained opposition, the restrictions on funding must be strengthened. Without further action, all support for artistic expression will be eroded to the point that we no longer are able to fund appropriate projects. The full House and the full Senate have both expressed their support for prohibitions against subsidizing patently offensive art and performances. The conference report should reflect our commitment to these principles.

However, without the opportunity to vote separately on these issues, we are faced with accepting or rejecting the entire report. My colleagues both on the Interior Committee and in the effort to enact increased grazing fees have made persuasive arguments against this bill, and I believe all parties are making a sincere effort to produce a reasonable and responsible report. However, absent what I believe to be a strong case against the majority of provisions in this bill, I must support H.R. 2686. We cannot afford to disrupt the many essential operations of the Interior Department and related agencies. I look forward to continuing my work on both the grazing fee and arts funding issues.

Mr. YATES. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. LANCASTER). Without objection, the previous question is ordered on the conference report.

There was no objection.

MOTION TO RECOMMIT OFFERED BY MR. LOWERY OF CALIFORNIA

Mr. LOWERY of California. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the conference report?

Mr. LOWERY of California. Mr. Speaker, in its present form, I am.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

> Mr. LOWERY moves to recommit the Conference Report on H.R. 2686, the Interior and Related Agencies Appropriations Bill for FY 1992, to the Committee of Conference with instructions to the Managers on the part of the House to agree to the Senate Amendment No. 212.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no question.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker announced that the noes appeared to have it.

Mr. LOWERY of California. Mr. Speaker, I object to the vote on the ground that a quorum is not present and I make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device and there were—yeas 205, nays 214, not voting 14, as follows:

[Roll No. 341]

YEAS—205

Allard
Andrews (TX)
Applegate
Archer
Armey
Baker
Ballenger
Barnard
Barrett
Barton
Bateman
Bennett
Bentley
Bilirakis
Bliley
Boehner
Brewster
Broomfield
Bruce
Bunning
Burton
Byron
Callahan
Camp
Chandler
Chapman
Clement
Coble
Combest
Condit
Cooper
Costello
Crane
Cunningham
Darden
DeLay
Donnelly
Doolittle
Dornan (CA)
Dreier
Duncan
Early
Edwards (TX)
Emerson
English
Ewing
Fawell
Fields
Franks (CT)
Gallegly
Gallo
Gekas
Geren
Gibbons
Gilchrest
Gillmor
Gingrich
Glickman
Goodling
Goss
Gradison
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Hancock
Hastert
Hayes (LA)
Hefley
Hefner
Henry
Herger
Hoagland
Hobson
Hochbrueckner
Holloway
Hubbard
Huckaby
Hunter
Hutto
Hyde
Inhofe
Ireland
Jacobs
James
Johnson (SD)
Johnson (TX)
Kasich
Lagomarsino
Lancaster
Laughlin
Lent
Lewis (FL)
Lipinski
Livingston
Lloyd
Long
Lowery (CA)
Luken
Marlenee
Martin
McCandless
McCollum
McCrery
McCurdy
McEwen
McGrath
McMillan (NC)
McMillen (MD)
McNulty
Meyers
Michel
Miller (OH)
Molinari
Montgomery
Moorhead
Morrison
Myers
Nichols
Nussle
Olin
Ortiz
Oxley
Packard
Pallone
Parker
Patterson
Paxon
Payne (VA)
Penny
Peterson (FL)
Peterson (MN)
Petri
Pickett
Porter
Poshard
Price
Pursell
Quillen
Ramstad
Ravenel
Ray
Regula
Ridge
Riggs
Rinaldo
Ritter
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Rowland
Russo
Sangmeister
Santorum
Sarpalius
Saxton
Schaefer
Sensenbrenner
Shaw
Shays
Shuster
Sisisky
Skelton
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Spratt
Staggers
Stearns
Stenholm
Stump
Sundquist
Swett
Synar
Tallon
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thornton
Traficant
Upton
Valentine
Vander Jagt
Walker
Walsh
Weber
Weldon
Whitten
Wilson
Wolf
Wylie
Young (FL)
Zeliff
Zimmer

NAYS—214

Abercrombie
Ackerman
Alexander
Anderson
Andrews (ME)
Andrews (NJ)

Annunzio
Anthony
Aspin
Atkins
AuCoin
Bacchus
Beilenson
Bereuter
Berman
Bevill
Bilbray
Boehlert
Bonior
Borski
Brooks
Browder
Brown
Bryant
Bustamante
Campbell (CA)
Campbell (CO)
Cardin
Carr
Clay
Clinger
Coleman (MO)
Coleman (TX)
Collins (IL)
Collins (MI)
Conyers
Coughlin
Cox (IL)
Coyne
Cramer
Davis
de la Garza
DeFazio
DeLauro
Dellums
Derrick
Dicks
Dingell
Dixon
Dooley
Dorgan (ND)
Downey
Durbin
Dwyer
Dymally
Eckart
Edwards (CA)
Edwards (OK)
Engel
Erdreich
Espy
Evans
Fascell
Fazio
Feighan
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Frost
Gaydos
Gejdenson
Gephardt
Gilman
Gonzalez
Gordon
Grandy
Green
Hansen
Harris
Hatcher
Hayes (IL)
Hertel
Horn
Horton
Houghton
Hoyer
Hughes
Jefferson
Johnson (CT)
Johnston
Jones (GA)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Klug
Kolbe
Kolter
Kopetski
Kostmayer
Kyl
LaFalce
Lantos
LaRocco
Leach
Lehman (CA)
Lehman (FL)
Levin (MI)
Levine (CA)
Lewis (CA)
Lewis (GA)
Lightfoot
Lowey (NY)
Machtley
Manton
Markey
Martinez
Mavroules
Mazzoli
McCloskey
McDade
McDermott
McHugh
Mfume
Miller (CA)
Miller (WA)
Mineta
Mink
Moakley
Mollohan
Moody
Morella
Mrazek
Murphy
Murtha
Nagle
Natcher
Neal (MA)
Nowak
Oakar
Oberstar
Obey
Olver
Orton
Owens (NY)
Owens (UT)
Panetta
Pastor
Payne (NJ)
Pease
Pelosi
Perkins
Pickle
Rahall
Rangel
Reed
Rhodes
Richardson
Roe
Roemer
Rostenkowski
Roybal
Sabo
Sanders
Sawyer
Scheuer
Schiff
Schroeder
Schumer
Serrano
Sharp
Sikorski
Skaggs
Skeen
Slattery
Slaughter (NY)
Smith (FL)
Smith (IA)
Solarz
Stallings
Stark
Stokes
Studds
Swift
Thomas (GA)
Thomas (WY)
Torres
Torricelli
Towns
Traxler
Unsoeld
Vento
Visclosky
Volkmer
Vucanovich
Washington
Waters
Waxman
Weiss
Wheat
Williams
Wise
Wolpe
Wyden
Yates
Yatron
Young (AK)

NOT VOTING—14

Boucher
Boxer
Carper
Cox (CA)
Dannemeyer
Dickinson
Hopkins
Jenkins
Matsui
Moran
Neal (NC)
Savage
Schulze
Slaughter (VA)

☐ 1434

The Clerk announced the following pair:

On this vote:

Mr. Cox of California for, with Mrs. Boxer against.

Mr. CRAMER changed his vote from "yea" to "nay."

Messrs. HOAGLAND, ORTIZ, LENT, and BREWSTER changed their vote from "nay" to "yea."

So the motion to instruct was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the conference report.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. WALKER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 310, noes 104, answered not voting 19, as follows:

[Roll No. 342]

AYES—310

Abercrombie
Ackerman
Alexander
Allard
Anderson
Andrews (ME)
Andrews (TX)
Annunzio
Anthony
Applegate
Aspin
Atkins
AuCoin
Bacchus
Beilenson
Bennett
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Boehlert
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown
Bruce
Bryant
Bustamante
Byron
Campbell (CA)
Campbell (CO)
Cardin
Carper
Carr
Chandler
Chapman
Clay
Clement
Clinger
Coleman (MO)
Coleman (TX)
Collins (IL)
Collins (MI)
Conyers
Coughlin
Cox (IL)
Coyne
Cramer
Darden
Davis
de la Garza
DeFazio
DeLauro
Dellums
Derrick
Dingell
Dixon
Donnelly
Dooley
Dorgan (ND)
Downey
Durbin
Dwyer
Dymally
Early
Eckart
Edwards (CA)
Edwards (OK)
Edwards (TX)
Engel
English
Espy
Evans
Ewing
Fascell
Fazio
Feighan
Fish
Flake
Foglietta
Ford (TN)
Frank (MA)
Franks (CT)
Frost
Gallo
Gaydos
Gejdenson
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Glickman
Gonzalez
Goodling
Gordon
Goss
Gradison
Grandy
Green
Guarini
Gunderson
Hall (OH)
Hamilton
Hammerschmidt
Hansen
Hatcher
Hayes (IL)
Hayes (LA)
Hefner
Hertel
Hoagland
Hobson
Hochbrueckner
Horn
Houghton
Hoyer
Hughes
Hutto
James
Jefferson
Johnson (CT)
Johnson (SD)
Johnston
Jones (GA)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kleczka
Klug
Kolbe
Kolter
Kopetski
Kostmayer
Kyl
LaFalce
Lancaster
Lantos
LaRocco
Lehman (CA)
Lehman (FL)
Lent
Levin (MI)
Levine (CA)
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Livingston
Lloyd
Long
Lowey (NY)
Machtley
Manton
Markey
Marlenee
Martinez
Mavroules
Mazzoli
McCandless
McCloskey
McCollum
McCurdy
McDade
McDermott
McGrath
McHugh
McMillan (NC)
McMillen (MD)
McNulty
Meyers
Mfume
Michel
Miller (WA)
Mineta
Mink
Moakley
Molinari
Mollohan
Moody
Morella
Morrison
Mrazek
Murphy
Murtha
Myers
Nagle
Natcher
Neal (MA)
Nowak
Oakar
Oberstar
Obey
Olin
Olver
Orton
Owens (NY)
Owens (UT)
Pallone
Panetta
Parker
Pastor
Payne (NJ)
Payne (VA)
Pease
Pelosi
Perkins
Peterson (FL)
Peterson (MN)
Pickle
Porter
Poshard
Price
Pursell
Rahall
Ramstad
Rangel
Ravenel
Ray
Reed
Regula
Rhodes
Richardson
Ridge
Riggs
Rinaldo
Ritter
Roe
Roemer
Rogers
Ros-Lehtinen
Rose
Rostenkowski
Rowland
Roybal
Sabo
Sanders
Sangmeister
Sawyer
Saxton
Scheuer
Schiff
Schumer
Serrano
Sharp
Shaw
Shays
Sikorski
Sisisky
Skaggs
Skeen
Slattery
Slaughter (NY)
Smith (FL)
Smith (IA)
Smith (OR)
Smith (TX)
Snowe
Solarz
Spence
Spratt
Staggers
Stallings
Stark
Stearns
Stokes
Studds
Swett
Swift
Thomas (CA)
Thomas (GA)
Thomas (WY)
Thornton
Torres
Torricelli
Towns
Traxler
Unsoeld
Valentine
Vento
Visclosky
Volkmer
Vucanovich
Walsh
Washington
Waters
Waxman
Weiss
Weldon
Wheat
Williams
Wise
Wolf
Wolpe
Wyden
Yates
Yatron
Young (AK)
Young (FL)
Zimmer

NOES—104

Andrews (NJ)
Archer
Armey
Baker
Ballenger
Barnard
Barrett
Barton
Bliley
Boehner
Broomfield
Bunning
Burton
Callahan
Camp
Coble
Combest
Condit
Cooper
Costello
Crane
Cunningham
DeLay
Doolittle
Dornan (CA)
Dreier
Duncan
Emerson
Erdreich
Fawell
Fields
Ford (MI)
Gallegly
Gekas
Geren
Gingrich
Hall (TX)
Hancock
Harris
Hastert
Hefley
Henry
Herger
Holloway
Hubbard
Huckaby
Hunter
Hyde
Inhofe
Ireland
Jacobs
Johnson (TX)
Lagomarsino
Laughlin
Lipinski
Lowery (CA)
Luken
Martin
McCrery
McEwen
Miller (CA)
Miller (OH)
Montgomery
Moorhead
Nichols
Nussle
Oxley
Packard
Patterson
Paxon
Penny
Petri
Pickett
Roberts
Rohrabacher
Roth
Roukema
Russo
Santorum
Sarpalius
Schaefer
Schroeder
Sensenbrenner
Shuster
Skelton
Smith (NJ)
Solomon
Stenholm
Stump
Sundquist
Synar
Tallon
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Traficant
Upton
Vander Jagt
Walker
Weber
Whitten
Wylie
Zeliff

NOT VOTING—19

Bateman
Boxer
Cox (CA)
Dannemeyer
Dickinson
Dicks
Hopkins
Horton
Jenkins
Leach
Matsui
Moran
Neal (NC)
Ortiz
Quillen
Savage
Schulze
Slaughter (VA)
Wilson

☐ 1457

The Clerk announced the following pair:

On this vote:

Mr. Quillen for, with Mr. Cox of California against.

Mr. JAMES, Mr. STEARNS, Mrs. LLOYD, and Mr. RAMSTAD changed their vote from "nay" to "yea."

Mr. SMITH of New Jersey changed his vote from "yea" to "nay."

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

AMENDMENTS IN DISAGREEMENT

The SPEAKER pro tempore (Mr. LANCASTER). Pursuant to the rule, the amendments in disagreement are considered as having been read.

The Clerk will designate the first amendment in disagreement.

The text of the amendment in disagreement is as follows:

Senate Amendment No. 1: Page 2, line 11, strike out "$516,865,000" and insert "$537,199,000".

MOTION OFFERED BY MR. YATES

Mr. YATES. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. YATES moves that the House recede from its disagreement to the amendment of the Senate numbered 1 and concur therein with an amendment, as follows: In lieu of the sum proposed by said amendment, insert "$538,940,000".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois [Mr. YATES].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate Amendment No. 6: Page 3, after line 21, insert:

Notwithstanding any other provision of law, none of the funds in this or any other Act shall be available before July 1, 1992, to accept or process applications for patent for any oil shale mining claim located pursuant to the general mining laws or to issue a patent for any such oil shale mining claim, unless the holder of a valid oil shale mining claim has received first half final certificate for patent by date of enactment of this Act.

MOTION OFFERED BY MR. YATES

Mr. YATES. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. YATES moves that the House recede from its disagreement to the amendment of the Senate numbered 6 and concur therein with an amendment, as follows: In lieu of the date named in said amendment, insert "October 1, 1992".

Mr. REGULA (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. YATES. Mr. Speaker, I ask for time on this motion in order to have a colloquy with the gentleman from Montana [Mr. WILLIAMS].

The SPEAKER pro tempore. The gentleman from Illinois [Mr. YATES] is recognized for 30 minutes.

Mr. WILLIAMS. Mr. Speaker, will the gentleman yield?

Mr. YATES. I yield to the gentleman from Montana.

□ 1500

Mr. WILLIAMS. I thank the chairman for yielding to me.

Mr. Speaker, I ask the gentleman from Illinois to clarify a certain point in the 1992 interior appropriation bill that pertains to the safety of dams program operated by the Bureau of Indian Affairs. The fiscal year 1992 bill contains more than $11 million for dam safety repair on Indian reservations. These dams, as the chairman knows, are owned and constructed by the U.S. Government. They are on Federal trust lands. Many of them are more than half a century old, some dating as far back as 1910.

According to the Department of the Interior studies, the Flathead Reservation in my home State of Montana has the highest concentration of unsafe dams of any reservations in the United States. In order to deal with this situation and pursuant to Public Law 93–638, the Confederated Salish and Kootenai tribes have contracted with the Bureau of Indian Affairs to repair the dams.

In the chairman's judgment, is it the intent of the committee that appropriated funds for the BIA safety of dams program be reimbursable?

Mr. YATES. Mr. Speaker, will the gentleman yield?

Mr. WILLIAMS. I yield to the gentleman from Illinois [Mr. YATES].

Mr. YATES. I thank the gentleman for yielding.

Mr. Speaker, I will say to the gentleman from Montana that he raises a very good point, and I am pleased to clarify it. It is the intention of the committee that BIA safety of dams funds be viewed as being reimbursable. Those funds are appropriated under the authority of the Snyder Act for purposes of protecting public safety.

Generally, BIA dams were built, as is the case on the Flathead Reservation, for the benefit of Indians and clearly affect trust resources. These dams are indeed owned by the Federal Government, and the Federal Government is responsible for their management. If any of them breaches, the United States may well have a liability. So it would be the committee's intention that the safety of dams funds are not appropriated on a cost-reimbursable basis.

Mr. WILLIAMS. I appreciate the comments of the chairman. I notice that in his correction I think the gentleman from Illinois [Mr. YATES] initially said that the dams are reimbursable. At the end of his statement, if I heard it correctly, he is saying that the cost is not reimbursable.

Mr. YATES. The gentleman is correct. In order to be absolutely clear, let me say, and I repeat, the committee's intention is that these safety of dams funds are not appropriated on a cost-reimbursable basis.

Mr. WILLIAMS. I thank the gentleman for that clarification.

The SPEAKER pro tempore (Mr. LANCASTER). Without objection, the motion is agreed to.

There was no objection.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 9: Page 4, strike out all after line 4 over to and including line 6 on page 5.

MOTION OFFERED BY MR. YATES

Mr. YATES. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. YATES moves that the House recede from its disagreement to the amendment of the Senate numbered 9 and concur therein with an amendment, as follows:

Restore the matter stricken by said amendment, amended to read as follows:

EMERGENCY DEPARTMENT OF THE INTERIOR FIREFIGHTING FUND

For the purpose of establishing an "Emergency Department of the Interior Firefighting Fund" in the Treasury of the United States to be available only for emergency rehabilitation and wildfire suppression activities of the Department of the Interior, $100,869,000, to remain available until expended: *Provided*, That all funds available under this head are hereby designated by Congress to be "emergency requirements" pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That hereafter, beginning in fiscal year 1993, and in each year thereafter, only amounts for emergency rehabilitation and wildfire suppression activities that are in excess of the average of such costs for the previous ten years shall be considered "emergency requirements" pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985, and such amounts shall hereafter be so designated.

Mr. REGULA (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois [Mr. YATES].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 12: Page 6, line 7, strike out "$93,074,000" and insert "$96,994,000".

MOTION OFFERED BY MR. YATES

Mr. YATES. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. YATES moves that the House recede from its disagreement to the amendment of the Senate numbered 12 and concur therein with an amendment, as follows: In lieu of the sum proposed by said amendment, insert "$90,274,000".

Mr. REGULA (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois [Mr. YATES].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 16: Page 11, line 9, after "expended" insert ": *Provided*, That the Fish and Wildlife Service Environmental Impact Statement relevant to the reintroduction of the Rocky Mountain grey wolf in Yellowstone National Park, and Central Idaho shall include the recommendations of the Wolf Management Committee Report, entitled "Reintroduction and Management of Wolves in Yellowstone National Park and the Central Idaho Wilderness Area" as one of the alternatives: *Provided further*, That none of the funds provided for in this Act may be expended to reintroduce wolves in such areas: *Provided further*, That upon completion of such Environmental Impact Statement the Secretary shall transmit a copy of the statement to the United States House of Representatives and the United States Senate Committees on Environment and Public Works and Energy and Natural Resources".

MOTION OFFERED BY MR. YATES

Mr. YATES. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. YATES moves that the House recede from its disagreement to the amendment of the Senate numbered 16 and concur therein with an amendment, as follows: In lieu of the matter inserted by said amendment insert the following: ": *Provided*, That none of the funds in this Act may be expended to reintroduce wolves in Yellowstone National Park and Central Idaho".

Mr. REGULA (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois [Mr. YATES].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 18: Page 11, line 15, strike out "$71,102,000" and insert "$96,750,000".

MOTION OFFERED BY MR. YATES

Mr. YATES. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. YATES moves that the House recede from its disagreement to the amendment of the Senate numbered 18 and concur therein with an amendment, as follows: In lieu of the sum proposed by said amendment, insert "$114,895,000".

Mr. REGULA (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois [Mr. YATES].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 19: Page 11, line 16, strike out all after "expended" down to and including "757a–757g)" in line 18.

MOTION OFFERED BY MR. YATES

Mr. YATES. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. YATES moves that the House recede from its disagreement to the amendment of the Senate numbered 19 and concur therein with an amendment, as follows: In lieu of the matter stricken by said amendment, insert "of which $400,000 shall be available for expenses to carry out the Anadromous Fish Conservation Act (16 U.S.C. 757a–757g) and of which $13,000,000 for Walnut Creek NWR, IA shall be made available on September 30, 1992".

Mr. REGULA (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois [Mr. YATES].

The motion was agreed to.

Mr. YATES. Mr. Speaker, I ask unanimous consent that amendments Nos. 20, 21, 22, 28, 29, 51, 81, 88, 96, 136, 138, 152, 153, 154, 170, 171, 187, 197, and 199 be considered en bloc.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The SPEAKER pro tempore. The Clerk will designate the amendments en bloc.

The texts of the amendments enumerated in the foregoing unanimous consent request are as follows:

Senate amendment No. 20: Page 11, line 18, after "757a–757g)" insert ": *Provided*, That hereinafter notwithstanding any other provision of law, procurements for the Patuxent Wildlife Research Center, the National Education and Training Center, and the replacement laboratory for the National Fisheries Research Center—Seattle, Washington, may be issued which include the full scope of the facility: *Provided further*, That the solicitation and contract shall contain the clause "availability of funds" found at 48 CFR 52.323.18".

Senate amendment No. 21: Page 11, line 19, after "ASSESSMENT" insert "AND RESTORATION".

Senate amendment No. 22: Page 11, line 20, after "assessments" insert "and restoration activities".

Senate amendment No. 28: Page 14, line 15, after "Tinicum" insert:

Notwithstanding the provisions of the Federal Grant and Cooperative Agreements Act of 1977 (31 U.S.C. 6301–6308), the Fish and Wildlife Service is hereafter authorized to negotiate and enter into cooperative arrangements and grants with public and private agencies, organizations, institutions, and individuals to implement on a public-private cost sharing basis, the North American Wetlands Conservation Act and the North American Waterfowl Management Plan

Senate amendment No. 29: Page 14, line 15, after "Tinicum" insert ": *Provided*, That the National Fish and Wildlife Foundation may continue to draw down Federal Funds when matching requirements have been met: *Provided further*, That interest earned by the Foundation and its subgrantees on funds drawn down to date but not immediately disbursed shall be used to fund direct projects and programs as approved by the Foundation's Board of Directors.".

Senate amendment No. 51: Page 19, after line 3, insert:

Notwithstanding any other provisions in this Act, funds in this Act for National Park Service Land Acquisition may be used for acquisition of property by condemnation at Santa Monica Mountains National Recreational Area under the condition that zoning permits or variances for such property shall not have changed since those in place on September 19, 1991.

Senate amendment No. 81: Page 29, line 13, after "funds" insert "from which the beneficiary can determine whether there has been a loss".

Senate amendment No. 88: Page 30, line 5, after "expended" insert ": *Provided further*, That to provide funding uniformity within a Self-Governance Compact, any funds provided in this Act with availability for more than one year may be reprogrammed to one year availability but shall remain available within the Compact until expended".

Senate amendment No. 96: Page 34, after line 2, insert:

MISCELLANEOUS PERMANENT APPROPRIATIONS

Beginning October 1, 1991, and thereafter, amounts collected by the Secretary in connection with the Alaska Resupply Program (Public Law 77-457) shall be deposited into a special fund to be established in the Treasury, to be available to carry out the provisions of the Alaska Resupply Program, such amounts to remain available until expended: *Provided*, That unobligated balances of amounts collected in fiscal year 1991 and credited to the Operation of Indian Programs account as offsetting collections, shall be transferred and credited to this account.

Senate amendment No. 136: Page 48, line 5, after "4601–6a(i))" insert ": *Provided*, That unobligated and unexpended balances in the National Forest System account at the end of fiscal year 1991, shall be merged with and made a part of the fiscal year 1992 National Forest System appropriation, and shall remain available for obligation until September 30, 1993".

Senate amendment No. 138: Page 48, line 5, after "4601–6a(i)) insert ": *Provided further*, That up to $5,000,000 of the funds provided herein for road maintenance shall be available for the planned obliteration of roads which are no longer needed".

Senate amendment No. 152: Page 54, line 25, strike out "99-714" and insert "102-116".

Senate amendment No. 153: Page 56, line 7, after "authorized" insert "hereafter".

Senate amendment No. 154: Page 56, line 10, after "uals" insert "to print educational materials and".

Senate amendment No. 170: Page 60, line 22, after "which" insert "not less than".

Senate amendment No. 171: Page 60, line 22, after "and" insert "not less than".

Senate amendment No. 187: Page 66, line 17, after "That" insert "up to".

Senate amendment No. 197: Page 72, line 16, after "provided," insert "not less than".

Senate amendment No. 199: Page 75, line 6, after "tivities" insert ": *Provided*, That no later than 30 days after the end of each quarter of the fiscal year, the Indian Health Service is to report to the Committees on Appropriations of the United States House of Representatives and the United States Senate on any proposed adjustments to existing leases involving additional space or proposed additional leases for permanent structures to be used in the delivery of Indian health care services".

MOTION OFFERED BY MR. YATES

Mr. YATES. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. YATES moves that the House recede from its disagreement to the amendments of the Senate numbered 20, 21, 22, 28, 29, 51, 81, 88, 96, 136, 138, 152, 153, 154, 170, 171, 187, 197, and 199, and concur therein.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois [Mr. YATES].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 24: Page 12, line 15, strike out "$87,722,000" and insert "$84,720,000".

MOTION OFFERED BY MR. YATES

Mr. YATES. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. YATES moves that the House recede from its disagreement to the amendment of the Senate numbered 24 and concur therein with an amendment, as follows: In lieu of the sum proposed by said amendment, insert "$100,117,000".

Mr. REGULA (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois [Mr. YATES].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 26: Page 13, after line 5, insert:

NORTH AMERICAN WETLANDS CONSERVATION FUND

For expenses necessary to carry out the provisions of the North American Wetlands Conservation Act, Public Law 101-233, $8,500,000, to remain available until expended.

MOTION OFFERED BY MR. YATES

Mr. YATES. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. YATES moves that the House recede from its disagreement to the amendment of the Senate numbered 26 and concur therein with an amendment, as follows: In lieu of the matter inserted by said amendment, insert the following:

"NORTH AMERICAN WETLANDS CONSERVATION FUND

For expenses necessary to carry out the provisions of the North American Wetlands Conservation Act, P.L. 101-233, in fiscal year 1992 and thereafter, amounts above $1,000,000 received under section 6 of the Migratory Bird Treaty Act (16 U.S.C. 707) as penalties or fines or from forfeitures of property or collateral, but not to exceed $12,000,000, to remain available until expended.".

Mr. REGULA (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois [Mr. YATES].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 32: Page 15, line 17, strike out all after "erty" down to and including "States" in line 21.

MOTION OFFERED BY MR. YATES

Mr. YATES. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. YATES moves that the House recede from its disagreement to the amendment of the Senate numbered 32 and concur therein with an amendment, as follows:

Restore the matter stricken, amended to read as follows "*Provided further*, That hereafter appropriations for maintenance and improvement of roads within the boundary of the Cuyahoga Valley National Recreation Area shall be available for such purposes without regard to whether title to such road rights-of-way is in the United States: Provided further, That notwithstanding any other provision of law, hereafter the National Park Service may make road improvements for the purpose of public safety on Route 25 in New River Gorge National River between the towns of Glen Jean and Thurmond".

Mr. REGULA (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois [Mr. YATES].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate Amendment No. 33: Page 15, line 25, after "Park" insert ": *Provided further*, That of the funds provided herein, $65,000 available for a cooperative agreement with the Susan La Flesche Picotte Center".

MOTION OFFERED BY MR. YATES

Mr. YATES. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. YATES moves that the House recede from its disagreement to the amendment of the Senate numbered 33 and concur therein with an amendment, as follows:

In lieu of the matter inserted, insert the following ": *Provided further*, That of the funds provided herein, $65,000 is available for a cooperative agreement with the Susan LaFlesche Picotte Center".

Mr. REGULA (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. BURTON of Indiana. Mr. Speaker, I am opposed to the motion, and I ask for the debate time.

The SPEAKER pro tempore. Is the gentleman from Ohio [Mr. REGULA] opposed to the motion?

Mr. REGULA. I am not, Mr. Speaker.

The SPEAKER pro tempore. Each Member will be recognized.

The gentleman from Indiana [Mr. BURTON] will be recognized for 20 minutes, the gentleman from Illinois. [Mr. YATES] will be recognized for 20 minutes, and the gentleman from Ohio [Mr. REGULA] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Indiana [Mr. BURTON].

Mr. BURTON of Indiana. I thank the Speaker.

Mr. Speaker, I know this is Thursday, and I know it is late. I know a lot of Members have to catch planes. So I am not going to have a long debate on any of the three amendments that I wish to discuss. But I think they need to be brought to the body's attention.

We had a long day yesterday fighting over what many of us thought were pork-barrel projects. We are all tired of that debate. But the fact of the matter is that we still have wasteful spending, special projects, pork-barrel projects in legislation before this body, and this is one of the bill that has a lot of it in it.

Mr. Speaker, 370 Members of this body asked for 3,000 special projects from this Subcommittee on Appropriations; 3,000 requests.

The deficit, as we talked about before, is $400 billion this year, the largest in U.S. history, double what we anticipated last year when we levied a $181 billion tax increase on the backs of the American people.

The national debt is four times what it was 10 years ago. It is now $4 trillion.

I know my colleague, the gentleman from Arizona, does not want me to go into this stuff for a long time, so I am going to cut it short. The fact is we have to prioritize spending in this place. The people of this country are tired of the waste and they are bringing down their wrath on all of us, even those of us who have been fighting for it.

Mr. Speaker, I got a card this morning from a lady in California with whom I rode around when I was out there on a golf tournament. She was a friend of mine. She thinks I am a terrible person because I am part of this process.

All I want to say is that that is being brought down upon us because we are not addressing the concerns of this Nation, and that is, wasteful spending.

Let me just say to my colleagues this amendment deals with $65,000 for the cooperative agreement with the Susan LaFlesche Picotte Center in Walthill, NE.

□ 1510

This money was added by the other body. This center is on the Register of Historical Landmarks. It honors a very fine lady, Dr. Susan LaFlesche Picotte, as a role model and as a dedicated healer. The center is part of a hospital, and this $65,000 is for renovations for that center.

But I submit to my colleagues this has no business in this Federal Government appropriations bill, $65,000 for a problem in a hospital in Nebraska. That should be handled with the hospital's funds, with the local funds, or with the State funds, and not with Federal funds.

I consider that not a priority item, an item picked out by Senator KERREY, the gentleman from the other body. I stand corrected. I am not supposed to use their name, but I say to my colleagues that I think this is a special interest legislation, and I urge my colleagues——

Mr. REGULA. Mr. Speaker, will the gentleman yield?

Mr. BURTON of Indiana. I yield to the gentleman from Ohio.

Mr. REGULA. Mr. Speaker, I say to the gentleman from Indiana [Mr. BURTON], tell your friend in the golf cart this bill is only up 1 percent over last year and that many of us are trying to achieve some of the objectives that you're talking about, and that's one of the reasons we held down the spending as much as possible.

Mr. BURTON of Indiana. Mr. Speaker, I appreciate the remarks of the gentleman from Ohio [Mr. REGULA], but the people of this country see a $400 billion deficit this year followed on the heels of a $181 billion tax increase, and they do not understand why we raised all those taxes and then still have an increase in the deficit, and the reason that we have part of that problem, a large part of it is because we continue to spend this money on projects that should not be in appropriations bills in this body. They are not priority items, and they should not be part of Federal Government expenditures.

Mr. REGULA. Mr. Speaker, the gentleman from Nebraska [Mr. BEREUTER] would like to speak on this. He is not here yet, but let me say on behalf of this project that it is a cooperative agreement. We are stimulating local funds as part of this program, and I think we are going to need to do a lot more of that in the future where we have a Federal-local partnership. If we can accomplish that, that will mean it will reduce the need for Federal funds on these worthwhile projects. It will mean that local communities will get involved, and I think that more and more, as we try to preserve buildings, as we try to preserve lands of great value to future generations, that we will take the cooperative approach, and this is certainly one example.

Mr. BEREUTER. Mr. Speaker, will the gentleman yield?

Mr. REGULA. I yield to the gentleman from Nebraska.

Mr. BEREUTER. Mr. Speaker, I thank the gentleman from Ohio [Mr. REGULA] for yielding, and I take it we are on amendment No. 33. I am not sure of the nature of the debate since I have just arrived on the floor, but let me explain that the initiative in this instance came from the Senate side. It deals with the proposed renovation of a building that at one time served as a hospital. The practitioner for that hospital was the first native American physician in the United States. She graduated first in her class from the Philadelphia Woman's Medical School in 1989, and this small community, rather poor community, through the Center for Rural Affairs, a nationally renowned organization that happens to be located in the same community of Walthill, would preserve this structure and use it as a center for Indian culture, and also to honor Dr. Picotte, Susan Picotte.

Mr. Speaker, the amount is, I think, $65,000 and is totally for renovation of the structure itself. I think it is a worthy project, and it is located on the Omaha Indian Reservation. Dr. Picotte was an Omaha Indian.

Mr. BURTON of Indiana. Mr. Speaker, I have high regard for my colleague, the gentleman from Nebraska [Mr. BEREUTER], but I wish he would answer one question: Why is this not being paid for with local funds or State funds?

Mr. BEREUTER. Mr. Speaker, will the gentleman yield?

Mr. BURTON of Indiana. I yield to the gentleman from Nebraska.

Mr. BEREUTER. Mr. Speaker, I assume they do not have the resources, and they justified that to the junior Senator from Nebraska, and he provided some assistance through this method by the appropriations process.

Mr. YATES. Mr. Speaker, I associate myself with the remarks of both the gentleman from Ohio [Mr. REGULA] and the gentleman from Nebraska [Mr. BEREUTER].

Mr. Speaker, I yield back the balance of my time.

Mr. REGULA. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. LANCASTER). The question is on the motion offered by the gentleman from Illinois [Mr. YATES].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 34: Page 15, line 25, after "Park" insert ": *Provided further*, That none of the funds appropriated in this Act may be used to implement any increase in Government housing rental rates in excess of fifteen per centum more than the rental rates which were in effect on September 1, 1991, for such housing".

MOTION OFFERED BY MR. YATES

Mr. YATES. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. YATES moves that the House recede from its disagreement to the amendment of the Senate numbered 34 and concur therein with an amendment, as follows: In lieu of the number "fifteen" in said amendment insert: "ten".

Mr. REGULA (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois [Mr. YATES].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 36: Page 15, line 24, after "Park" insert ": *Provided further*, That of the funds provided under this heading, not to exceed $500,000 shall be made available to the City of Hot Springs, Arkansas, to be used as part of the non-Federal share of a cost-shared feasibility study of flood protection for the downtown area which contains a significant amount of National Park Service property and improvements: *Provided further*, That the aforementioned sum and any sums hereinafter provided in subsequent Acts for said project are to be considered non-Federal monies for the purpose of title I of Public Law 99-662".

MOTION OFFERED BY MR. YATES

Mr. YATES. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. YATES moves that the House recede from its disagreement to the amendment of the Senate numbered 36 and concur therein.

Mr. REGULA (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois [Mr. YATES].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 37: Page 16, line 5, strike out "$23,420,000" and insert: "$25,269,000".

MOTION OFFERED BY MR. YATES

Mr. YATES. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. YATES moves that the House recede from its disagreement to the amendment of the Senate numbered 37 and concur therein with an amendment, as follows: In lieu of the sum proposed by said amendment, insert: "$23,090,000".

Mr. REGULA (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois [Mr. YATES].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 39: Page 17, line 5, strike out "$237,506,000" and insert: "$202,097,000".

MOTION OFFERED BY MR. YATES

Mr. YATES. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. YATES moves that the House recede from its disagreement to the amendment of the Senate numbered 39 and concur therein with an amendment, as follows: In lieu of the sum proposed by said amendment, insert: "$275,801,000".

Mr. REGULA (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois [Mr. YATES].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 40: Page 17, line 6, strike out "$11,200,000" and insert: "$9,340,000".

MOTION OFFERED BY MR. YATES

Mr. YATES. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. YATES moves that the House recede from its disagreement to the amendment of the Senate numbered 40 and concur therein with an amendment, as follows: In lieu of the sum proposed by said amendment, insert "$8,440,000".

Mr. REGULA (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois [Mr. YATES].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 41: Page 17, line 11, strike out all after "authorized" down to and including "Illinois" in line 14.

MOTION OFFERED BY MR. YATES

Mr. YATES. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. YATES moves that the House recede from its disagreement to the amendment of the Senate numbered 41 and concur therein with an amendment, as follows:

Restore the matter stricken, amended to read as follows ": *Provided further*, That of the funds provided under this heading, $1,400,000 shall be available for site acquisition and site preparation for the Lincoln Center in Springfield, Illinois: *Provided further*, That up to $376,000 of the funds provided under this head, to be derived from the Historic Preservation Fund, established by the Historic Preservation Act of 1966 (80 Stat. 915), as amended (16 U.S.C. 470), shall be available until expended for emergency stabilization of the Kennicott, Alaska copper mine, such funds to be transferred to the Alaska State Historic Preservation Office".

Mr. REGULA (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois [Mr. YATES].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 43: Page 17, line 18, after "462(e))" insert ": *Provided further*, That notwithstanding any other provision of law, $1,000,000 shall be made available for renovation of Tad Gormley Stadium".

MOTION OFFERED BY MR. YATES

Mr. YATES. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. YATES moves that the House recede from its disagreement to the amendment of the Senate numbered 43, and concur therein.

Mr. REGULA (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The SPEAKER pro tempore. Without objection, the motion is agreed to.

Mr. BURTON of Indiana. Mr. Speaker, I object and ask for debate time.

The SPEAKER pro tempore. Is the gentleman from Ohio opposed to the motion?

Mr. REGULA. No, Mr. Speaker, I support the motion.

The SPEAKER pro tempore. Each Member then will be recognized for 20 minutes.

The Chair now recognizes the gentleman from Indiana [Mr. BURTON].

Mr. BURTON of Indiana. First of all, Mr. Speaker, let me say that once again this will be an abbreviated debate, as far as I am concerned. This kind of bothers me, this amendment, because it is in a district of one of my dear friends here in this body, and I approach this with a great deal of trepidation. It is a lot easier to oppose an amendment or project on the other side of the aisle, but, when it is on my side of the aisle, it is a little more difficult.

Nevertheless, Mr. Speaker, I think this is a project that should not be paid for with Federal funds, and I state this time and again, and I hope my colleagues do not get tired of my saying this. The rhetoric is continuous and repetitive, but the fact of the matter is it needs to be mentioned again, and again, and again, and again.

We have a $400 billion deficit this year, the largest in U.S. history. The interest on the national debt is somewhere between 14 and 18 cents out of every single taxpayer's dollar, and it is growing and growing, and we are going to have a fiscal calamity in this country if we do not get control for our appetite for spending. The Federal Government cannot do everything for everybody or every Congressman and his district.

□ 1520

We cannot do it. We do not have the money, so we have to set priorities, and we are not doing it. This particular project is for $1 million to rehabilitate the Tad Gormley Stadium in New Orleans, LA.

This money is to come out of the National Park Service construction account. This stadium is not part of the National Park Service, but it is going to come out of that account. The purpose of the $1 million is to renovate the stadium for the 1994 Olympic track and field trials. This was added in the other body.

This renovation should be paid for by private interests such as the Olympic Committee or by State and local authorities. It is even worse that this is out of the National Park Service construction account because it has nothing to do with national parks. I just say to my colleagues once again that this $1 million is for a worthy cause. It is for the Olympic trials in 1994, but the fact is it should not be paid for with tax dollars, especially at a time when we have a $400 billion deficit. We have to set priorities on spending, and I think my colleagues should vote against this.

Mr. Speaker, I reserve the balance of my time.

Mr. REGULA. Mr. Speaker, I yield 2½ minutes to the gentleman from Louisiana [Mr. LIVINGSTON], a member of the committee.

Mr. LIVINGSTON. Mr. Speaker, I want to express my appreciation for the comments of the gentleman who preceded me. The gentleman from Indiana [Mr. BURTON] yields to no one in his interest to conserve the overall Federal budget and watch the fiscal purse. I applaud him for his efforts. He is usually right, in my opinion. He just happens to be a little bit wrong this time.

The gentleman may have a point, for this is not part of the U.S. Park Service jurisdiction entirely. But, this is in one of the largest urban parks in America. This particular stadium is an historic stadium, one in which the Federal Government does have significant interest. In fact, the Federal Government first built this stadium as part of the WPA, the Federal Works Project Authority, in Louisiana back in the 1930's. It is named after Tad Gormley, one of the finest high school and college coaches in America. The guy had an outstanding record as a coach, and it is aptly named, because it is intended to be used for the 1992, not 1994, Olympic trials, which are going to bring young people from all throughout America to participate and try out for the Olympics in New Orleans. And, it is the only stadium for many inner-city high school students who do not have adequate sports facilities.

In this day and age, unfortunately, it is a commonplace for an inner city to have many schools that would like to accommodate the sports needs of their youngsters, but they just do not have any place for them to train in track or various other sports. This will be one facility to which they will all come from schools throughout the Greater New Orleans area.

Tad Gormley Stadium, as I said, is in one of the largest inner-city parks in the Nation. City Park is not only a recreation haven for inner-city youth and families, but it also provides a haven for thousands of song birds and waterfowl and some alligators. City Park also has some of the best bass and freshwater fishing in the greater southeastern Louisiana area.

This is a one-time appropriation, I might add.

The gentleman asked for local participation in his attack on the last project to which he had a complaint. This project actually costs $5.5 million, and this Federal share would come to less than one-fifth of the total cost. Only $1 million is all that is asked for in this bill.

Local sponsors have already raised, between private and other public authorities, some $3.2 million. But they are running a little short. Renovations are needed to allow the inner-city high schools and other youth organizations to continue to use Tad Gormley. Otherwise, it will fall into total disrepair and not ever be useful for anything.

If repaired, there are two inner-city colleges as well, the University of New Orleans and Southern University, that will utilize this track and field facility for the first time. It will also allow New Orleans and the Deep South to play host to the 1992 Olympic track and field trials.

Mr. REGULA. Will the gentleman yield?

Mr. LIVINGSTON. I would be happy to yield to the gentleman from Ohio [Mr. REGULA].

Mr. REGULA. Mr. Speaker, the Olympic field trials will have a national scope, am I correct, sir? Those will be young people from all over the United States?

Mr. LIVINGSTON. Young people from all over the United States, from all economic strata, all cultural diversities. This is going to be a model track and field stadium for the entire Nation to emulate.

Mr. REGULA. So this will give it a national purpose and a national scope as far as the use of the facility, am I correct?

Mr. LIVINGSTON. That is absolutely right. Of course, the youngsters that participate down there in athletic competition ultimately will be weeded out, and some of them will represent the United States in the Olympics 2 years hence. So it certainly has a national interest.

Finally, these renovations and these events to be held at Tad Gormley will employ, of course, about 3,100 people over the next few years in a city that has suffered a recession since 1983.

So I hope that the gentleman from Indiana [Mr. BURTON] would refrain from asking for a vote. I applaud his interest in trying to conserve on the Federal budget, and I guess if the gentleman insists on a vote it could be stricken. But I think this is definitely a worthwhile project, and I urge his and the rest of our colleagues' support.

Mr. BURTON of Indiana. Mr. Speaker, I yield myself such time as I may consume.

First of all, as I have said, it is difficult for me to debate my good friend from Florida. He is a find fellow and a good Congressman. The fact of the matter is that the U.S. Olympic Committee is a private organization, and no matter how laudable these trials are, I do not think the U.S. Olympic Committee wants to be put under the mantle of governmental control or leadership, nor do I think they want us to start dictating policy to them because we are funding their projects.

Now, this is not a project of the U.S. Olympic Committee, it is a stadium that wants $1 million to help with the renovation so that they can have the 1994 trials—I was just told by my staff. One of us is wrong, and I am not sure which—the 1994 trials for the 1996 Olympics.

The fact of the matter is, it should not be paid for by Federal tax dollars. I was informed earlier that the National Park Service's construction account is grossly underfunded right now; they do not have enough money for National Park Service Programs as it is, and yet they are going to take $1 million out of this account and take it to Louisiana for this stadium.

That is a misuse of those funds. They should not be appropriated for that purpose. I am very much in support of our Olympic team. I am very much in support of the Olympics, and I think it is a great international event, and I think that we should all support it with our individual dollars. But this country is in a dire fiscal situation right now with a $400 billion national debt deficit this year, a $4 trillion national debt, and all the young people and middle-aged people in this country are really going to suffer long-term if we do not get control of spending.

I would just like to say to my colleagues that this is one that I think we should turn our backs on, not because we are against the Olympic trials but because this should not be funded by U.S. tax dollars.

Mr. REGULA. Mr. Speaker, just to keep the record straight, I would like to point out that in the construction account of the Park Service this year, even though the outlays have grown very little in the overall bill, we added $5 million over last year to avoid underfunding as much as possible.

Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. CUNNINGHAM].

Mr. CUNNINGHAM. Mr. Speaker, 99 times out of 100 I support my friend, the gentleman from Indiana [Mr. BURTON]. He is one of the crusaders. He cuts pork in spending as much as anybody, and I have the utmost respect for him. But I have a little different feeling about this particular project.

Education is something I push, and education and providing a role model for kids are the things that we need to look for as positives in this country. If we do not have those things, we are lost, we are gone.

I think our kids are the one area that we may consider to be our greatest national resource. Any money that we can put in that direction is, I think, a plus for us. So if we are going to have a little bit of pork somewhere, I think that when we invest it in our natural resource, our kids, then I would have to support that effort.

I think the Olympics does that. It is a worthy enterprise. Yes, I believe that some of it should be private money, but I know that all across the world states and countries provide those facilities. When Los Angeles had the games when the Soviet Union was restricted, they had the facilities at the universities that were already in place, and they had auditoriums. But that does not always exist.

□ 1530

Even in my own State, we have a privately funded facility for the Olympics that is going down in South Bay. What I see is the tie in with colleges and the tie in with universities and the tie in with all the positive things we want to do in this country, and that is educational role models for our kids.

I normally would support my friend, the gentleman from Indiana [Mr. BURTON], but in this case I have to decline that support. I hope the gentleman understands.

Mr. YATES. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, I would just say to the gentleman from Indiana [Mr. BURTON] that when this matter was brought up in the House in the Committee on Appropriations, the matter was turned down. It was the subject of heated debate among the conferees. It was placed in the bill by the Senate. It was one of the items that we had to give in on in order to obtain a bill.

As the gentleman from California [Mr. CUNNINGHAM] points out, it will be used for a' constructive purpose. Perhaps it should not be done with Federal funds, but it would be constructively used.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. LANCASTER). The question is on the motion offered by the gentleman from Illinois [Mr. YATES].

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. BURTON of Indiana. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device and there were—yeas 243, nays 164, not voting 26, as follows:

[Roll No. 343]

YEAS—243

Abercrombie
Ackerman
Alexander
Anderson
Andrews (NJ)
Andrews (TX)
Annunzio
Anthony
Applegate
Aspin
Atkins
Baker
Barnard
Barton
Bateman
Bennett
Bentley
Bereuter
Bevill
Bilbray
Bliley
Boehlert
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown
Bruce
Bryant
Bustamante
Callahan
Campbell (CO)
Cardin
Chapman
Clay
Clement
Clinger
Coleman (TX)
Collins (IL)
Collins (MI)
Conyers
Costello
Coughlin
Cox (IL)
Coyne
Cramer
Cunningham
Darden
Davis
de la Garza
DeFazio
DeLauro
Dellums
Derrick
Dicks
Dixon
Donnelly
Dooley
Downey
Durbin
Dwyer
Dymally
Early
Eckart
Edwards (CA)
Edwards (OK)
Edwards (TX)
Emerson
Engel
Erdreich
Espy
Evans
Fascell
Fazio
Feighan
Fish
Flake
Foglietta
Ford (TN)
Franks (CT)
Gejdenson
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Gordon
Gradison
Green
Guarini
Hall (OH)
Hall (TX)
Hammerschmidt
Harris
Hayes (IL)
Hayes (LA)
Hefner
Hoagland
Hochbrueckner
Holloway
Horn
Horton
Hoyer
Huckaby
Hunter
Hutto
Jefferson
Johnson (CT)
Johnston
Jones (GA)
Jones (NC)
Kanjorski
Kennedy
Kennelly
Kildee
Kleczka
Klug
Kolter
Kopetski
Kostmayer
LaFalce
Lancaster
Lantos
Lehman (CA)
Lehman (FL)
Lent
Levin (MI)
Levine (CA)
Lewis (CA)
Lewis (GA)
Lightfoot
Lipinski
Livingston
Lowery (CA)
Lowey (NY)
Manton
Markey
Marlenee
Martinez
Mavroules
Mazzoli
McCloskey
McCrery
McDade
McDermott
McMillen (MD)
McNulty
Michel
Miller (CA)
Mineta
Mink
Moakley
Molinari
Mollohan
Montgomery
Morrison
Mrazek
Murphy
Murtha
Myers
Nagle
Natcher
Nowak
Oakar
Oberstar
Obey
Olin
Olver
Ortiz
Owens (NY)
Owens (UT)
Oxley
Panetta
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Perkins
Peterson (FL)
Pickle
Poshard
Price
Rahall
Rangel
Ravenel
Regula
Richardson
Roe
Roemer
Rogers
Rose
Rostenkowski
Rowland
Roybal
Russo
Sabo
Sanders
Sangmeister
Sawyer
Scheuer
Schumer
Shaw
Sikorski
Sisisky
Skeen
Skelton
Slaughter (NY)
Smith (FL)
Smith (IA)
Smith (NJ)
Smith (OR)
Spence
Stallings
Stokes
Studds
Swift
Tallon
Tanner
Tauzin
Thomas (CA)
Thomas (GA)
Thornton
Torres
Torricelli
Towns
Traxler
Unsoeld
Vander Jagt
Visclosky
Walsh
Washington
Waters
Weber
Weiss
Wheat
Whitten
Yates

NAYS—164

Allard
Andrews (ME)
Archer
Armey
Bacchus
Ballenger
Barrett
Beilenson
Berman
Bilirakis
Boehner
Broomfield
Bunning
Burton
Byron
Camp
Campbell (CA)
Carper
Carr
Chandler
Coble
Coleman (MO)
Combest
Condit
Cooper
Crane
DeLay
Dingell
Doolittle
Dorgan (ND)
Dornan (CA)
Dreier
Duncan
English
Ewing
Fawell
Fields
Ford (MI)
Gallegly
Gallo
Gekas
Goodling
Goss
Grandy
Gunderson
Hamilton
Hancock
Hansen
Hastert
Hefley
Henry
Herger
Hertel
Hobson
Houghton
Hubbard
Hughes
Hyde
Inhofe
Ireland
Jacobs
James
Johnson (SD)
Johnson (TX)
Jontz
Kaptur
Kasich
Kolbe
Kyl
Lagomarsino
LaRocco
Laughlin
Lewis (FL)
Lloyd
Long
Luken
Machtley
Martin
McCandless
McCollum
McCurdy
McEwen
McGrath
McHugh
McMillan (NC)
Meyers
Mfume
Miller (OH)
Miller (WA)
Moorhead
Morella
Nichols
Nussle
Orton
Packard
Pallone
Parker
Patterson
Paxon
Pease
Penny
Peterson (MN)
Petri
Pickett
Porter
Pursell
Ramstad
Ray
Reed
Rhodes
Ridge
Riggs
Rinaldo
Ritter
Roberts
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Santorum
Sarpalius
Saxton
Schaefer
Schiff
Schroeder
Sensenbrenner
Sharp
Shays
Shuster
Skaggs
Slattery
Smith (TX)
Snowe
Solarz
Solomon
Spratt
Staggers
Stearns
Stenholm
Stump
Sundquist
Swett
Synar
Taylor (MS)
Taylor (NC)
Thomas (WY)
Traficant
Upton
Valentine
Vento
Volkmer
Vucanovich
Walker
Waxman
Weldon
Wilson
Wise
Wolf
Wolpe
Wyden
Wylie
Young (FL)
Zeliff
Zimmer

NOT VOTING—26

AuCoin
Boxer
Cox (CA)
Dannemeyer
Dickinson
Frank (MA)
Frost
Gaydos
Hatcher
Hopkins
Jenkins
Leach
Matsui
Moody
Moran
Neal (MA)
Neal (NC)
Quillen
Savage
Schulze
Serrano
Slaughter (VA)
Stark
Williams
Yatron
Young (AK)

□ 1552

The Clerk announced the following pair:

On this vote:

Mr. QUILLEN for, with Mr. COX of California against.

Mrs. ROUKEMA and Messrs. BEILENSON, McCOLLUM, and STAGGERS changed their votes from "yea" to "nay."

Mr. EMERSON, Mrs. JOHNSON of Connecticut, Mr. DOOLEY, Mrs. MINK, Mr. ACKERMAN, and Mr. GLICKMAN changed their votes from "nay" to "yea."

So the motion was agreed to.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. LANCASTER). The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 52: Page 21, line 8, after "project" insert ": *Provided further*, That section 323 of Public Law 101-512 is amended by striking out "B½NW¼ section 9" and inserting in lieu thereof "E½NW¼ section 9".

MOTION OFFERED BY MR. YATES

Mr. YATES. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. YATES moves that the House recede from its disagreement to the amendment of the Senate numbered 52 and concur therein with an amendment, as follows:

In lieu of the matter inserted by said amendment insert ": *Provided further*, That section 323 of Public Law 101-512 is amended by striking out "B½NW¼ section 9" and inserting in lieu thereof "E½NW¼ section 9":

Provided further, That Federal funds available to the National Park Service may be used for improvements to the National Park Service rail excursion line between milepost 132.7 and 100.5 located in Northeastern Pennsylvania".

Mr. REGULA (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

POINT OF ORDER

Mr. VENTO. Mr. Speaker, I make a point of order against the motion, that it is not germane to the amendment of the Senate, and as such is in violation of rule XVI, clause 7.

Mr. YATES. Mr. Speaker, we concede the point of order.

The SPEAKER pro tempore. The point of order is conceded and sustained.

MOTION OFFERED BY MR. YATES

Mr. YATES. Mr. Speaker, I offer a substitute motion.

The Clerk read as follows:

Mr. YATES moves that the House recede from its disagreement to the amendment of the Senate numbered 52 and concur therein with an amendment, as follows: In lieu of the matter inserted by said amendment, insert ": *Provided further*, That Federal funds available to the National Park Service may be used for improvements to the National Park Service rail excursion line between milepost 132.7 and 120.55 located in Northeastern Pennsylvania".

Mr. YATES (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

The was no objection.

The SPEAKER pro tempore. The gentleman from Illinois [Mr. YATES] is recognized for 30 minutes.

Mr. YATES. Mr. Speaker, I yield 5 minutes to the gentleman from Minnesota [Mr. VENTO].

Mr. VENTO. Mr. Speaker, I have concerns with amendment No. 52 to the conference report on H.R. 2686, the Interior appropriations bill. This amendment, reported in technical disagreement, amends the law that established Great Basin National Park. It also allows Federal funds to be spent on a nonfederally owned rail line at Scranton, PA. Mr. Speaker, I was the author of the legislation that established Great Basin National Park. My subcommittee has jurisdiction over it. Yet no one contacted me regarding this change in the park's boundaries which now suddenly appears from nowhere instead of being brought before the Committee of Jurisdiction.

After discussion with Congressman McDADE who represents this park, I will accept the provision that allows Federal dollars to be spent only on a rail line from Scranton, PA, milepost 132.27 to Moscow, PA, milepost 120.54. This is being done for the Steamtown National Historic Site which is proposed to receive $13 million for construction in fiscal year 1992 alone, and which has already received $43 million. I intend that any improvements made under this bill would benefit park visitors and not provide subsidies to any other users of the rail line.

I held a hearing Tuesday of this week on a bill, H.R. 3519, introduced on October 8 by the gentleman from Pennsylvania to establish Steamtown National Historic Site and to give it appropriate purposes and parameters. Steamtown National Historic Site has never been properly established. I look forward to working with the gentleman from Pennsylvania in determining what Steamtown National Historic Site's future should be, including any rail excursions outside the park's boundary.

Mr. YATES. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the substitute motion offered by the gentleman from Illinois [Mr. YATES].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 53: Page 21, line 8, after "project" insert ": *Provided further*, That the Secretary of the Interior, acting through the Director of the National Park Service, may enter into a cooperative agreement with the William O. Douglas Outdoor Classroom under which the Secretary may expend Federal funds on non-Federal property for environmental education purposes".

MOTION OFFERED BY MR. YATES

Mr. YATES. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. YATES moves that the House recede from its disagreement to the amendment of the Senate numbered 53, and concur therein.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois [Mr. YATES].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 54: Page 21, after line 8, insert:

Notwithstanding any Master Plan, Development Concept Plan or policy of the Olympic National Park, nor any Federal regulation, to the contrary, the Superintendent of the Olympic National Park, located in the State of Washington, is authorized and directed to issue a ten-year, special use permit for the continued operation of Kamp Kiwanis by the Hoquiam Kiwanis Club and the Hoquiam Y.M.C.A., and for the reconstruction of the main lodge at Kamp Kiwanis, at the location described below within the boundary of the Olympic National Park:

A plot of land in Section 13, Township 23 N., Range 10 W., W.M. described as follows:

Beginning at an iron pipe which is on the section line and south 860 feet from the south corner of Sections 14 and 13 in Township 23 north, Range 10 W, W.M., thence north 13½ degrees east 572 feet to an iron pipe; thence south 55 degrees east 319 feet to an iron pipe; thence south 16 degrees west 458 feet to an iron pipe; thence north 75½ degrees west 277 feet to point of beginning, containing 3.43 acres, more or less; also a right-of-way for a pipeline from Higley Creek to the above area about 2,000 feet along the section line between Sections 13 and 14, T. 23N., Range 10 W., W.M.

MOTION OFFERED BY MR. YATES

Mr. YATES. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. YATES moves that the House recede from its disagreement to the amendment of the Senate numbered 54, and concur therein.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois [Mr. YATES].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 55: Page 21, line 21, strike out "$589,499,000" and insert "$569,457,000".

MOTION OFFERED BY MR. YATES

Mr. YATES. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. YATES moves that the House recede from its disagreement to the amendment of the Senate numbered 55, and concur therein with an amendment, as follows: In lieu of the sum proposed by said amendment, insert "$590,054,000".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois [Mr. YATES].

The motion was agreed to.

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The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 56: Page 22, line 22, after "95-224" insert "*Provided further*, That the Geological Survey (43 U.S.C. 31(a)) shall hereafter be designated the United States Geological Survey".

MOTION OFFERED BY MR. YATES

Mr. YATES. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. YATES moves that the House recede from its disagreement to the amendment of the Senate numbered 56, and concur therein.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois [Mr. YATES].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 60: Page 23, line 20, after "due" insert ": *Provided further*, That notwithstanding any other provision of law, $68,200,000 shall be deducted from Federal onshore mineral leasing receipts prior to the division and distribution of such receipts between the States and the Treasury and shall be credited to miscellaneous receipts of the Treasury".

MOTION OFFERED BY MR. YATES

Mr. YATES. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. YATES moves that the House recede from its disagreement to the amendment of the Senate numbered 60, and concur therein.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois [Mr. YATES].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 62: Page 23, line 20, after "due" insert ": *Provided further*, That notwithstanding any other provision of law, for fiscal year 1992 and each year thereafter, the Secretary of the Interior or his designee is authorized to—

"(a) enter into a cooperative agreement or agreements with any State or Indian tribe to share royalty management information, to carry out inspection, auditing, investigation or enforcement (not including the collection of royalties, civil penalties, or other payments) activities in cooperation with the Secretary, except that the Secretary shall not enter into such cooperative agreement with a State with respect to any such activities on Indian lands except with the permission of the Indian tribe involved; and

"(b) upon written request of any State, to delegate to the State all or part of the authorities and responsibilities of the Secretary under the authorizing leasing statutes, leases, and regulations promulgated pursuant thereto to conduct audits, investigations, and inspections, except that the Secretary shall not undertake such a delegation with respect to any Indian lands except with permission of the Indian tribe involved, with respect to any lease authorizing exploration for or development of coal, any other solid mineral, or geothermal steam on any Federal lands or Indian lands within the State or with respect to any lease or portion of a lease subject to section 8(g) of the Outer Continental Shelf Lands Act of 1953, as amended (43 U.S.C. 1337)(g)), on the same terms and conditions as those authorized for oil and gas leases under sections 202, 203, 205, and 206 of the Federal Oil and Gas Royalty Management Act of 1982 (30 U.S.C. 1732, 1733, 1935, and 1736) and the regulations duly promulgated with respect thereto: *Provided further*, That section 204 of the Federal Oil and Gas Royalty Management Act of 1982 (30 U.S.C. 1734) shall apply to leases authorizing exploration for or development of coal, any other solid mineral, or geothermal steam on any Federal lands, or to any lease or portion of a lease subject to section 8(g) of the Outer Continental Shelf Lands Act of 1953, as amended (43 U.S.C. 1337(g)): *Provided further*, That the Secretary shall compensate any State or Indian tribe for those costs which are necessary to carry out activities conducted pursuant to such cooperative agreement or delegation".

MOTION OFFERED BY MR. YATES

Mr. YATES. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. YATES moves that the House recede from its disagreement to the amendment of the Senate numbered 62, and concur therein.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois [Mr. YATES].

The motion was agree to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 63: Page 24, line 9, strike out "$175,890,000" and insert "$172,849,000".

MOTION OFFERED BY MR. YATES

Mr. YATES. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. YATES moves that the House recede from its disagreement to the amendment of the Senate numbered 63, and concur therein with an amendment, as follows: In lieu of the sum proposed by said amendment, insert "$176,690,000".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois [Mr. YATES].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 64: Page 24, line 9, strike out "$101,382,000" and insert "$99,523,000".

MOTION OFFERED BY MR. YATES

Mr. YATES. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. YATES moves that the House recede from its disagreement to the amendment of the Senate numbered 64, and concur therein with an amendment, as follows: In lieu of the sum proposed by said amendment, insert "$101,682,000".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois [Mr. YATES].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 65: Page 25, line 8, strike out "$110,250,000" and insert "$110,065,000".

MOTION OFFERED BY MR. YATES

Mr. YATES. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. YATES moves that the House recede from its disagreement to the amendment of the Senate numbered 65, and concur therein with an amendment, as follows: In lieu of the sum proposed by said amendment, insert "$111,100,000".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois [Mr. YATES].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 66: Page 25, line 25, after "training" insert ": *Provided further*, That notwithstanding the requirements of section 705 of Public Law 95-87 (30 U.S.C. 1295) appropriations here shall be available to fund the full costs of the States to implement the Applicant Violator System in compliance with the January 24, 1990 Settlement Agreement between Save Our Cumberland Mountains, Inc. and Manuel Lujan, Jr., Secretary, United States Department of the Interior, et al".

MOTION OFFERED BY MR. YATES

Mr. YATES. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. YATES moves that the House recede from its disagreement to the amendment of the Senate numbered 66, and concur therein.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois [Mr. YATES].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 68: Page 26, strike out all after line 12 down to and including "Office" in line 18.

MOTION OFFERED BY MR. YATES

Mr. YATES. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. YATES moves that the House recede from its disagreement to the amendment of the Senate numbered 68, and concur therein with an amendment, as follows: In lieu of the matter stricken by said amendment insert "*Provided*, That of the funds herein provided up to $22,000,000 may be used for the emergency program authorized by Section 410 of Public Law 95–87, as amended, of which no more than 20 percent shall be used for emergency reclamation projects in any one State and funds for federally administered emergency reclamation projects under this proviso shall not exceed $15,000,000: *Provided further*, That 23 full-time equivalent positions are to be maintained in the Anthracite Reclamation Program at the Wilkes-Barre Field Office".

On page 26 beginning on line 9 of the House engrossed bill, H.R. 2686, strike "of which, notwithstanding any other provision of law, the following amounts shall be available to carry out the various provisions of section 402(g) of Public Law 95–87, as amended (30 U.S.C. 1232(g))".

Mr. REGULA (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois [Mr. YATES].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 69: Page 26, line 18, after "Office" insert ": *Provided*, That pursuant to Public Law 97–365, the Department of the Interior is authorized to utilize up to 20 per centum from the recovery of the delinquent debt owed to the United States Government to pay for contracts to collect these debts".

MOTION OFFERED BY MR. YATES

Mr. YATES. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. YATES moves that the House recede from its disagreement to the amendment of the Senate numbered 69 and concur therein with an amendment, as follows: After the word "Provided" in said amendment insert: "further".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois [Mr. YATES].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 70: Page 26, line 18, after "Office" insert ": *Provided further*, That of the funds made available to the States to contract for reclamation projects authorized in section 406(a) of Public Law 95–87, administrative expenses may not exceed 15 per centum".

MOTION OFFERED BY MR. YATES

Mr. YATES. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. YATES moves that the House recede from its disagreement to the amendment of the Senate numbered 70, and concur therein.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois [Mr. YATES].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 71: Page 26, line 18, after "Office" insert: *Provided further*, That the Secretary of the Interior may deny 50 per centum of an Abandoned Mine Reclamation Fund grant, available to a State pursuant to title IV of Public Law 95–87, in accordance with the procedures set forth in section 521(b) of the Act, when the Secretary determines that a State is systematically failing to administer adequately the enforcement provisions of the approved State regulatory program. Funds will be denied until such time as the State and Office of Surface Mining Reclamation and Enforcement have agreed upon an explicit plan of action for correcting the enforcement deficiency. A State may enter into such agreement without admission of culpability. If a State enters into such agreement, the Secretary shall take no action pursuant to section 521(b) of the Act as long as the State is complying with the terms of the agreement".

MOTION OFFERED BY MR. YATES

Mr. YATES. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. YATES moves that the House recede from its disagreement to the amendment of the Senate numbered 71, and concur therein.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois [Mr. YATES].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 76: Page 27, line 22, strike out "$74,912,000" and insert "$18,392,000".

MOTION OFFERED BY MR. YATES

Mr. YATES. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. YATES moves that the House recede from its disagreement to the amendment of the Senate numbered 76 and concur therein with an amendment, as follows: In lieu of the sum proposed by said amendment, insert "$75,912,000".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois [Mr. YATES].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 86: Page 30, line 5, after "expended" insert : *Provided further*, That funds intended for the United Keetoowah Band of the Cherokee Indians shall be held in abeyance until such time as legislation is enacted addressing the status of the United Keetoowah Band".

MOTION OFFERED BY MR. YATES

Mr. YATES. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. YATES moves that the House recede from its disagreement to the amendment of the Senate numbered 86 and concur therein with an amendment, as follows: In lieu of the matter inserted by said amendment, insert the following: ": *Provided further*, That until such time as legislation is enacted to the contrary, none of the funds appropriated in this or any other Act for the benefit of Indians residing within the jurisdictional service area of the Cherokee Nation of Oklahoma shall be expended by other than the Cherokee Nation, nor shall any funds be used to take land into trust within the boundaries of the original Cherokee territory in Oklahoma without the consent of the Cherokee Nation".

Mr. REGULA (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois [Mr. YATES].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 87: Page 30, line 5, after "expended" insert ": *Provided further*, That funds provided in this Act shall be used to continue the activities of the Task Force on Bureau of Indian Affairs Reorganization under its charter as adopted and amended on April 17, 1991: *Provided further*, That any reorganization proposal shall not be implemented until the Task Force has reviewed and recommended its implementation to the Secretary and such proposal has been reported upon to the Committees on Appropriations".

MOTION OFFERED BY MR. YATES

Mr. YATES. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. YATES moves that the House recede from its disagreement to the amendment of the Senate numbered 87 and concur therein with an amendment, as follows: In lieu of the matter inserted by said amendment, insert the following: ": *Provided further*, That the Task Force on Bureau of Indian Affairs Reorganization shall continue activities under its charter as adopted and amended on April 17, 1991: *Provided further*, That any reorganization proposal shall not be implemented until the Task Force has reviewed it and recommended its implementation to the Secretary and such proposal has been submitted to and approved by the Committees on Appropriations, except that the Bureau may submit a reorganization proposal related only to management improvements, along with Task Force comments or recommendations to the Committees on Appropriations for review and disposition by the Committees".

Mr. REGULA (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois [Mr. YATES].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 89: Page 30, line 5, after "expended" insert "*Provided further*, That within available funds $100,000 is available to lease space in a facility to be constructed by the Nez Perce Tribe in Lapwai, Idaho: *Provided further*, That the Bureau of Indian Affairs will incorporate General Services Administration Market Survey findings into the final lease agreement".

MOTION OFFERED BY MR. YATES

Mr. YATES. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. YATES moves that the House recede from its disagreement to the amendment of the Senate numbered 89 and concur therein with an amendment, as follows: In lieu of the matter inserted by said amendment, insert the following: ": *Provided further*, That within available funds $100,000 is available to lease space in a facility to be constructed by the Nez Perce Tribe in Lapwai, Idaho: *Provided further*, That the Bureau of Indian Affairs will incorporate General Services Administration Market Survey findings into the final lease agreement: *Provided further*, That notwithstanding any other provision of law, $150,000 shall be provided to the Blackfeet Tribe for a model trust department pilot program".

Mr. REGULA (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois [Mr. YATES].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 105: Page 39, line 6, after "Atoll" insert ": *Provided further*, That $2,000,000 shall be available on an ex gratia basis for the relocation and resettlement of the people of Rongelap on Rongelap Atoll: *Provided further*, That such funds shall remain available for deposit into a Rongelap Resettlement Trust Fund to be used by the people of Rongelap under the terms and conditions as set forth in a trust agreement or amendment thereto approved by the Rongelap Local Government Council subject only to the disapproval of the Secretary of the Interior: *Provided further*, That the Government of the Marshall Islands and the Rongelap Local Government Council shall provide for the creation of the Rongelap Resettlement Trust Fund to assist in the resettlement of Rongelap Atoll by the people of Rongelap, and the employment of the manager of the Rongelap fund established pursuant to the Section 177 Agreement (pursuant to section 177 of Public Law 99-239) as trustee and manager of the Rongelap Resettlement Trust Fund, or, should the manager of the Rongelap Trust not be acceptable to the people of Rongelap, another United States investment manager with substantial experience in the administration of trusts and with funds under management in excess of $250,000,000: *Provided further*, That such funds shall be available only for costs directly associated with the resettlement of Rongelap by the people of Rongelap: *Provided further*, That such fund and the earnings and distribution therefrom shall not be subject to any form of Federal, State or local taxation: *Provided further*, That the Governments of the United States and the Trust Territory of the Pacific Islands shall not be liable in any cause of action in law or equity from the administration and distribution of the trust funds".

MOTION OFFERED BY MR. YATES

Mr. YATES. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. YATES moves that the House recede from its disagreement to the amendment of the Senate numbered 105 and concur therein with an amendment, as follows: In lieu of the matter inserted by said amendment, insert the following: ": *Provided further*, That $2,000,000 shall be available on an ex gratia basis for the relocation and resettlement of the people of Rongelap on Rongelap Atoll: *Provided further*, That such funds shall remain available for deposit into a Rongelap Resettlement Trust Fund to be used by the people of Rongelap under the terms and conditions as set forth in a trust agreement or amendment thereto approved by the Rongelap Local Government Council subject only to the disapproval of the Secretary of the Interior: *Provided further*, That the Government of the Republic of the Marshall Islands and the Rongelap local Government council shall provide for the creation of the Rongelap Resettlement Trust Fund to assist in the resettlement of Rongelap Atoll by the people of Rongelap, and the employment of the manager of the Rongelap fund established pursuant to the Section 177 Agreement (pursuant to section 177 of Public Law 99-239) as trustee and manager of the Rongelap Resettlement Trust Fund, or, should the manager of the Rongelap fund not be acceptable to the people of Rongelap, another United States investment manager with substantial experience in the administration of trusts and with funds under management in excess of $250,000,000, subject only to the disapproval of the Secretary of the Interior: *Provided further*, That such funds shall be available only for costs directly associated with the resettlement of Rongelap by the people of Rongelap and for projects on Mejatto: *Provided further*, That the Secretary may approve expenditures of up to $500,000 in fiscal year 1992 for projects on Mejatto benefiting the people of Rongelap presently residing on the island of Mejatto: *Provided further*, That after fiscal year 1992, such projects on Mejatto benefiting the people of Rongelap may be funded only from the interest and earnings generated by the trust fund corpus: *Provided further*, That such fund and the earnings and distribution therefrom shall not be subject to any form of Federal, State or local taxation: *Provided further*, That the Governments of the United States and the Trust Territory of the Pacific Islands shall not be liable in any cause of action in law or equity from the administration and distribution of the trust funds".

Mr. REGULA (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois [Mr. YATES].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 108: Page 39, line 21, strike out "$24,244,000" and insert "$25,518,000".

MOTION OFFERED BY MR. YATES

Mr. YATES. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. YATES moves that the House recede from its disagreement to the amendment of the Senate numbered 108 and concur therein with an amendment, as follows: In lieu of the sum proposed by said amendment, insert: "$24,044,000".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois [Mr. YATES].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 109: Page 40, line 5, strike out "$1,890,000, subject to authorization" and insert "$2,490,000".

MOTION OFFERED BY MR. YATES

Mr. YATES. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. YATES moves that the House recede from its disagreement to the amendment of the Senate numbered 109 and concur therein with an amendment, as follows: In lieu of the matter stricken and inserted by said amendment, insert "$2,190,000".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois [Mr. YATES].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 111: Page 41, line 13, after "section" insert "are hereby designated by Congress to be "emergency requirements" pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985 and".

MOTION OFFERED BY MR. YATES

Mr. YATES. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. YATES moves that the House recede from its disagreement to the amendment of the Senate numbered 111, and concur therein.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois [Mr. YATES].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 113: Page 43, line 1, after "section" insert "are hereby designated by Congress to be "emergency requirements" pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985 and".

MOTION OFFERED BY MR. YATES

Mr. YATES. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. YATES moves that the House recede from its disagreement to the amendment of the Senate numbered 113, and concur therein.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois [Mr. YATES].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 124: Page 47, after line 2, insert:

SEC. 115. Section 105 of Public Law 100-675 is hereby amended by adding the following new subsection:

"(c) AUTHORITY TO DISBURSE INTEREST INCOME FROM THE SAN LUIS REY TRIBAL DEVELOPMENT FUND.—Until the final settlement agreement is completed, the Secretary is authorized and directed, pursuant to such terms and conditions deemed appropriate by the Secretary, to disburse to the San Luis Rey Indian Water Authority, hereinafter referred to as the 'Authority', funds from the interest income which has accrued to the San Luis Rey Tribal Development Fund, hereinafter referred to as the 'Fund'. The funds shall be used only to assist the Authority in its professional development to administer the San Luis Rey Indian Water Settlement, and in the Authority's participation and facilitation of the final water rights settlement agreement of the five mission bands, subject to the terms of the Memorandum of Understanding Between the Band and the Department dated August 5, 1991. The Secretary shall not disburse any funds from the Fund in amounts greater than as provided in a budget of the Authority, approved by the Secretary, less any other funds provided to the Authority from any other source: *Provided*, That, under no circumstances shall any funds disbursed pursuant to this subsection be distributed to the bands, or members of the bands not directly associated with the Authority.".

MOTION OFFERED BY MR. YATES

Mr. YATES. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. YATES moves that the House recede from its disagreement to the amendment of the Senate numbered 124, and concur therein with an amendment, as follows: In lieu of the matter inserted by said amendment, insert the following:

"SEC. 117. Section 105 of Public Law 100-675 is hereby amended by adding the following new subsection:

"(c) AUTHORITY TO DISBURSE INTEREST INCOME FROM THE SAN LUIS REY TRIBAL DEVELOPMENT FUND.—Until the final settlement agreement is completed, the Secretary is authorized and directed, pursuant to such terms and conditions deemed appropriate by the Secretary, to disburse to the San Luis Rey Indian Water Authority, hereinafter referred to as the 'Authority', funds from the interest income which has accrued to the San Luis Rey Tribal Development Fund, hereinafter referred to as the 'Fund'. The funds shall be used only to assist the Authority in its professional development to administer the San Luis Rey Indian Water Settlement, and in the Authority's participation and facilitation of the final water rights settlement agreement of the five mission bands, subject to the terms of the Memorandum of Understanding Between the Band and the Department dated August 17, 1991.".

Mr. REGULA (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois [Mr. YATES].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 126: Page 47, after line 2, insert:

SEC. 117. Notwithstanding section 7(b) of Public Law 99-647, the Secretary may approve the extension of the Blackstone Commission on or before November 10, 1991, to accomplish the purposes of that subsection.

MOTION OFFERED BY MR. YATES

Mr. YATES. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. YATES moves that the House recede from its disagreement to the amendment of the Senate numbered 126, and concur therein with an amendment, as follows: In lieu of the first section number names in said amendment insert "118".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois [Mr. YATES].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 127: Page 47, after line 2, insert:

SEC. 118. None of the funds appropriated in the Energy and Water Development Appropriations Act, 1992 (Public Law 102-104) shall be used to implement the proposed rule for the Army Corps of Engineers amending regulations on "ability to pay" (33 CFR Part 241), published in the Federal Register, vol. 56, No. 114, on Thursday, June 13, 1991.

MOTION OFFERED BY MR. YATES

Mr. YATES. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. YATES moves that the House recede from its disagreement to the amendment of the Senate numbered 127, and concur therein with an amendment, as follows: In lieu of the matter proposed by said amendment insert:

"SEC. 119. None of the funds appropriated in the Energy and Water Development Appropriations Act, 1992 (Public Law 102-104) shall be used to implement the proposed rule for Army Corps of Engineers amending regulations on "ability to pay" (33 CFR Part 241), published in the Federal Register, vol. 56, No. 114, on Thursday, June 13, 1991.

SEC. 120. (a) The Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1992 (H.R. 2608), is amended as follows:

(1) The third paragraph in title I (under the headings "Justice Assistance" and "Office of Justice Programs" within amounts for the Department of Justice) is amended by striking out the period at the end and inserting in lieu thereof ": *Provided*, That of the $76,000,000 appropriated herein, $4,000,000 shall be derived from obligated funds previously awarded under part B and subparts I and II of part C of title II of said Act.".

(2) The paragraph in title I under the heading "Salaries and Expenses" under the heading "Federal Communications Commission" is amended by striking out "For total obligations" and inserting in lieu thereof "For necessary expenses".

(3) The paragraph in title IV under the heading "Payment to the Legal Services Corporation" under the heading "Legal Services Corporation" is amended by inserting ", coordinated through the national Legal Services Corporation office," in the proviso after "such Institutes".

(b) The amendments made by subsection (a) shall take effect as if included in the Departments of Commerce, Justice, and State, and the Judiciary, and Related Agencies Appropriations Act, 1992, on the date of the enactment of such Act.".

On page 91, line 7 of the House engrossed bill, H.R. 2686, strike "22" and insert "15".

Mr. REGULA (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois [Mr. YATES].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 129: Page 47, line 14, strike out "$205,041,000" and insert "$199,332,000".

MOTION OFFERED BY MR. YATES

Mr. YATES. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. YATES moves that the House recede from its disagreement to the amendment of the Senate numbered 129, and concur therein with an amendment, as follows: In lieu of the sum proposed by said amendment, insert "$184,107,000".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois [Mr. YATES].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 130: Page 47, line 15, after "law" insert ": *Provided*, That a grant of $4,500,000 shall be available to Mercer County, West Virginia for the construction and equipping of a hardwood training and a flexible manufacturing center".

MOTION OFFERED BY MR. YATES

Mr. YATES. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. YATES moves that the House recede from its disagreement to the amendment of the Senate numbered 130, and concur therein.

Mr. BURTON of Indiana. Mr. Speaker, I request time for debate on this motion.

The SPEAKER pro tempore (Mr. LANCASTER). The gentleman from Illinois [Mr. YATES] will be recognized for 30 minutes, and the gentleman from Indiana [Mr. BURTON] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Indiana [Mr. BURTON].

Mr. BURTON of Indiana. Mr. Speaker, it is getting late on Thursday, and everybody wants to get out of here, so I will not take a lot of time.

Yesterday we passed the highway bill by an overwhelming majority that had $5 billion in special projects in it. That $5 billion covered 460 projects, 460. Ten years ago, we had 10 special demonstration projects. Now we have 460. It has gone up 46 times in 10 years.

I was informed earlier that we have 53,000 historic buildings in this country, and more and more of them are being funded each year with Federal tax dollars, and so what happens is when one of our colleagues sees something happening that is good for their district, others think it is good for their district, and you see an expansion of these programs and an expansion of the expenditures.

We now have this year a $400 billion deficit, this one year, the largest in U.S. history. The national debt has gone from $1 trillion 10 years ago to $4 trillion now. A 400-percent increase in 10 years.

The interest on the debt is between 14 and 18 percent out of every tax dollar; 14 cents to 18 cents out of every tax dollar, depending upon to whom you talk, and this comes right off the top. That money could be spent for other things.

Unfortunately, we have not deviated from our path of spend, spend, spend. The pork continues to flow.

Right now before me, this amendment No. 130 in technical agreement with which I disagree, provides $4.5 million for a "hardwood training and flexible manufacturing center" in West Virginia.

☐ 1610

This is the second grant for this project. The money was added by a certain Member of the other body. This Member of the other body has pledged to bring home to his State, because of his position in this Congress, $1 billion in pork, and this is one of those projects, $4½ million.

I say to my colleagues, it is no wonder we are in the mess we are when every one of the amendments that we put forth to cut spending, wasteful spending with which the Federal Government should have no involvement, that we are defeated by an overwhelming majority.

Now, the people in this Chamber and in the other Chamber do not seem to pay much attention to that, but I can tell you, if you listen to your constituents, if you listen to their phone calls and if you talk to them when you are back in their districts, they will tell you they are tired of pork barrel spending. They are tired of waste. They are tired of deficits and they are tired of an economy that is going down the tube in large part because of what we do in this body and the other body. Ask them, and do not be beholden to Members of these very powerful committees when these votes come up. I know they are very powerful. I know they swing a big ax in both Chambers, but the fact of the matter is we have a higher calling, and that is to be concerned about this country and the people we represent and the future of this country and the kids yet unborn who are going to have to pay for all of this.

You know I mean what I say. This is not political rhetoric. It is no fun being up here day after day getting my head beaten in; but I want you to know that what I am telling you is the truth. In 4 or 5 years, there is going to be an economic catastrophe in this country if we do not get control of our appetite for spending, a real economic tragedy, and yet we do not do anything about it.

Well, we can take a small step in the right direction by defeating this particular project. It is only $4½ million, but it is part of a $1 billion plan by a gentleman, whom we all know very well.

Now, $4½ million out of $1 billion. He does not want to take home the bacon. He wants to take home the whole pig, and we need to do something about that.

Mr. YATES. Mr. Speaker, I yield 5 minutes to the gentleman from West Virginia [Mr. RAHALL].

Mr. RAHALL. Mr. Speaker, I thank the distinguished chairman of the Subcommittee on Interior of the Committee on Appropriations for yielding this time to me.

Mr. Speaker, I assume the amendment the gentleman from Indiana is talking about, although he spent very little time talking about it, is the $4½ million that is in this bill for a hardwood training and flexible manufacturing center to be located in the eastern part of the United States.

The research into this center was done as the result of a study that was requested by the Forest Service, the U.S. Forest Service that happens to own this particular center and the adjacent land has requested this service, nobody else.

The study that was done during the fall of 1989 supported the location of the center on land that is already owned, as I have stated, by the Forest Service at an existing lab of theirs that happens to be located at Princeton Lab in Mercer County in southern West Virginia. This lab conducts research that is directed at problems in hardwood processing and in national and international trade of all hardwood products.

So to be perfectly clear, this particular amendment, if that is the one the gentleman is talking about, was done and included at the request of the Forest Service's own study, which supported the establishment of this center on lands that it already owned right next to an existing facility that already does work on these hardwood matters.

Now, the objective here is to establish a technological and training center that will combine research, the latest in manufacturing equipment technology, and training, in one location.

The equipment to be used will be state-of-the-art, and will enable operators to process hardwood resources from a raw material to a customized hardwood product.

West Virginia is the logical location for this center. Not only because the Government would not have to go out and purchase the land, as I have already noted, but also due to the fact that this particular facility is located in hardwood heaven.

Of the 100 species of trees in the State, 88 are hardwoods—oak, ash, maple, and walnut.

But the problem is that once these trees are cut, they are sent many miles, long distances into other locations for processing. We provide the lumber, but the jobs then are done elsewhere, and as I said, transport adds a tremendous cost of the product to the consumer.

There is virtually no in-state manufacturing of these hardwoods; yet a full four-fifths of the State is considered forested land. Other than Maine and New Hampshire, no other State has more forested land than my home State of West Virginia.

So finally, I would say that this is the second installment on this funding, the first installment already having been approved by this body and included in last year's Interior Appropriations bill.

So while I appreciate the remarks of the gentleman from Indiana and his concern about the Federal deficit as he has so eloquently stated on this floor a number of times, this particular amendment to which I guess he is directing his remarks should be looked at in terms of the overall needs of this country and the overall processing that is needed to develop our own hardwoods in this country, rather than have foreign competition beat us out.

Mr. BURTON of Indiana. Mr. Speaker, I yield myself such time as I may consume. I will make this very brief.

The gentleman from West Virginia who is bringing all this pork home recently had before this body $165 million for a highway project, $32.9 million he is going to request in the not-too-distant future to move the CIA offices down to Harper's Ferry in Prince Williams County, VA; $48 million for the FBI fingerprint laboratory they are taking down to West Virginia; $25 million for the construction of a Federal building in Berkeley, WV, and 21 other projects which overall total $510.8 million.

He is well on his way to getting that billion dollars in pork that he is talking about.

Now, I submit that a hardwood training and flexible manufacturing center in West Virginia is not a major priority of this country right now. We have got a lot of pressing problems. We have a $400-billion deficit this year and it is getting worse.

We have got to prioritize spending. We must do that, otherwise it will be completely out of control and we are going to have an economic disaster.

So I say to my colleagues, enough is enough. I do not mind giving a little bit to West Virginia, but not the whole pig, not all of it.

Come on, guys.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. DELLUMS). The question is on the motion offered by the gentleman from Illinois [Mr. YATES].

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. BURTON of Indiana. Mr. Speaker, I object to the vote that on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 178, nays 224, not voting 31, as follows:

[Roll No. 344]

YEAS—178

Abercrombie
Alexander
Anderson
Andrews (TX)
Annunzio
Anthony
Applegate
Atkins
Bateman
Bennett
Bentley
Bereuter
Berman
Bevill
Bonior
Borski
Boucher
Brooks
Browder
Brown
Bruce
Bryant
Bustamante
Campbell (CO)
Carper
Chapman
Clay
Clement
Coleman (TX)
Collins (IL)
Collins (MI)
Coughlin
Cox (IL)
Coyne
Cramer
Darden
Davis
de la Garza
DeFazio
Dellums
Dixon
Donnelly
Downey
Durbin
Dwyer
Dymally
Early
Eckart
Edwards (CA)
Edwards (TX)
Emerson
English
Espy
Evans
Fascell
Fazio
Feighan
Flake
Foglietta
Ford (MI)
Ford (TN)
Gephardt
Gillmor
Gonzalez
Gordon
Gradison
Green
Hall (OH)
Hall (TX)
Harris
Hayes (IL)
Hayes (LA)
Hefner
Herger
Hertel
Hochbrueckner
Horn
Horton
Hoyer
Hubbard
Huckaby
Jefferson
Johnson (CT)
Jones (GA)
Jones (NC)
Jontz
Kanjorski
Kennedy
Kennelly
Kildee
Kleczka
Klug
Kolter
Kopetski
Kostmayer
LaFalce
Lancaster
Lehman (CA)
Lehman (FL)
Lewis (GA)
Livingston
Manton
Markey
Martinez
Mavroules
McCloskey
McDade
McNulty
Miller (CA)
Mineta
Mink
Moakley
Mollohan
Montgomery
Morrison
Mrazek
Murphy
Murtha
Myers
Nagle
Natcher
Nowak
Oakar
Oberstar
Obey
Olin
Olver
Ortiz
Owens (NY)
Panetta
Pastor
Payne (NJ)
Pelosi
Perkins
Pickle
Poshard
Price
Rahall
Regula
Richardson
Roe
Rose
Rostenkowski
Rowland
Roybal
Sabo
Sarpalius
Sawyer
Schumer
Skeen
Slaughter (NY)
Smith (IA)
Solarz
Staggers
Stallings
Stokes
Studds
Swift
Tallon
Tanner
Taylor (MS)
Thomas (GA)
Thornton
Torres
Traficant
Traxler
Unsoeld
Vento
Volkmer
Washington
Waters
Waxman
Weiss
Wheat
Whitten
Wise
Yates
Young (AK)

NAYS—224

Ackerman
Allard
Andrews (ME)
Andrews (NJ)
Archer
Armey
Aspin
Bacchus
Baker
Ballenger
Barnard
Barrett
Barton
Beilenson
Bilbray
Bilirakis
Bliley
Boehlert
Boehner
Brewster
Broomfield
Bunning
Burton
Byron
Callahan
Camp
Campbell (CA)
Cardin
Carr
Chandler
Clinger
Coble
Coleman (MO)
Combest
Condit
Conyers
Cooper
Costello
Crane
Cunningham
DeLauro
DeLay
Derrick
Dingell
Dooley
Doolittle
Dorgan (ND)
Dornan (CA)
Dreier
Duncan
Edwards (OK)
Engel
Erdreich
Ewing
Fawell
Fields
Fish
Franks (CT)
Gallegly
Gallo
Gejdenson
Gekas
Geren
Gibbons
Gilchrest
Gilman
Glickman
Goodling
Goss
Grandy
Guarini
Gunderson
Hamilton
Hammerschmidt
Hancock
Hastert
Hefley
Henry
Hoagland
Hobson
Holloway
Houghton
Hughes
Hunter
Hutto
Hyde
Inhofe
Ireland
Jacobs
James
Johnson (SD)
Johnson (TX)
Johnston
Kaptur
Kasich
Kolbe
Kyl
Lagomarsino
Lantos
LaRocco
Laughlin
Lent
Levin (MI)
Lewis (CA)
Lewis (FL)
Lightfoot
Lipinski
Lloyd
Long
Lowery (CA)
Lowey (NY)
Luken
Machtley
Marlenee
Martin
Mazzoli
McCandless
McCollum
McCrery
McCurdy
McDermott
McEwen
McGrath
McHugh
McMillan (NC)
McMillen (MD)
Meyers
Mfume
Michel
Miller (OH)
Miller (WA)
Molinari
Moorhead
Morella
Nichols
Nussle
Orton
Oxley
Packard
Pallone
Parker
Patterson
Paxon
Payne (VA)
Pease
Penny
Peterson (FL)
Peterson (MN)
Petri
Pickett
Porter
Pursell
Ramstad
Ravenel
Ray
Reed
Rhodes
Ridge
Riggs
Rinaldo
Ritter
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Russo
Sanders
Sangmeister
Santorum
Saxton
Schaefer
Scheuer
Schiff
Schroeder
Sensenbrenner
Sharp
Shaw
Shays
Shuster
Sikorski
Sisisky
Skaggs
Skelton
Slattery
Smith (FL)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Spratt
Stearns
Stenholm
Stump
Sundquist
Swett
Synar
Tauzin
Taylor (NC)
Thomas (CA)
Thomas (WY)
Torricelli
Towns
Upton
Valentine
Vander Jagt
Visclosky
Vucanovich
Walker
Walsh
Weber
Weldon
Williams
Wilson
Wolf
Wolpe
Wylie
Young (FL)
Zeliff
Zimmer

NOT VOTING—31

AuCoin
Boxer
Cox (CA)
Dannemeyer
Dickinson
Dicks
Frank (MA)
Frost
Gaydos
Gingrich
Hansen
Hatcher
Hopkins
Jenkins
Leach
Levine (CA)
Matsui
Moody
Moran
Neal (MA)
Neal (NC)
Owens (UT)
Quillen
Rangel
Savage
Schulze
Serrano
Slaughter (VA)
Stark
Wyden
Yatron

□ 1639

Mr. CARR, Mrs. LOWEY of New York, Mr. TOWNS, and Mr. ASPIN changed their vote from "yea" to "nay."

Messrs. FLAKE, MONTGOMERY, KOSTMAYER, SCHUMER, MILLER of California, HERGER, and EMERSON changed their vote from "nay" to "yea."

So the motion was rejected.

The result of the vote was announced as above recorded.

SUBSTITUTE MOTION OFFERED BY MR. YATES

Mr. YATES. Mr. Speaker, I offer a substitute motion.

The Clerk read as follows:

Mr. YATES moves that the House insist on its disagreement to the amendment of the Senate numbered 130.

The SPEAKER pro tempore. Without objection, the motion is agreed to.

Mr. BURTON of Indiana. Mr. Speaker, reserving the right to object, I have one thing to say on the last vote, and that is this: Hallelujah.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Without objection, the motion is agreed to.

There was no objection.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 131: Page 47, line 15, after "law" insert ": *Provided further*, That $250,000 is available for the Center for Snow Science at Alta, Utah".

MOTION OFFERED BY MR. YATES

Mr. YATES. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. YATES moves that the House recede from its disagreement to the amendment of the Senate numbered 131 and concur therein with an amendment, as follows: In lieu of the matter proposed by said amendment, insert the following ": *Provided further*, That a grant of $550,000 shall be available to Berkeley county, South Carolina".

Mr. YATES (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois [Mr. YATES].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 133: Page 47, line 15, after "law" insert ": *Provided further*, That $6,000,000 shall be available for necessary expenses of the Forest Legacy Program, as authorized by section 1217 of Public Law 101-624, the Food, Agriculture, Conservation and Trade Act of 1990: *Provided further*, That the Forest Service shall not, under authority provided by this section, enter into any commitment to fund the purchase of interests in lands, the purchase of which would exceed the level of appropriations provided by this section".

MOTION OFFERED BY MR. YATES

Mr. YATES. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. YATES moves that the House recede from its disagreement to the amendment of the Senate numbered 133 and concur therein with an amendment, as follows: In lieu of the matter inserted by said amendment, insert ": *Provided further*, That $5,000,000 shall be available for necessary expenses of the Forest Legacy Program, as authorized by section 1217 of Public Law 101-624, the Food, Agriculture, Conservation and Trade Act of 1990: *Provided further*, That the Forest Service shall not, under authority provided by this section, enter into any commitment to fund the purchase of interests in lands, the purchase of which would exceed the level of appropriations provided by this section".

Mr. REGULA (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois [Mr. YATES].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 137: Page 48, line 5, after "4601-6a(i))" insert ": *Provided*, That timber volume authorized or scheduled for sale during fiscal year 1991, but which remains unsold at the end of fiscal year 1991 shall be offered for sale during fiscal year 1992 in addition to the fiscal year 1992 timber sale volume directed by this Act".

MOTION OFFERED BY MR. YATES

Mr. YATES. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. YATES moves that the House recede from its disagreement to the amendment of the Senate numbered 137 and concur therein with an amendment, as follows: In lieu of the matter proposed by said amendment, insert the following ": *Provided further*, That timber volume authorized or scheduled for sale during fiscal year 1991, but which remains unsold at the end of fiscal year 1991 shall be offered for sale during fiscal year 1992 in addition to the fiscal year 1992 timber sale volume to the extent possible: *Provided further*, That within available funds, up to $238,000 shall be available for a cooperative agreement with Alabama A&M University".

Mr. REGULA (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois [Mr. YATES].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 142: Page 48, strike out all after line 15 over to and including line 16 on page 49.

MOTION OFFERED BY MR. YATES

Mr. YATES. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. YATES moves that the House recede from its disagreement to the amendment of the Senate numbered 142 and concur therein with an amendment, as follows: Restore the matter stricken by said amendment, amended to read as follows:

EMERGENCY FOREST SERVICE FIREFIGHTING FUND

For the purpose of establishing an "Emergency Forest Service Firefighting Fund" in the Treasury of the United States to be available only for emergency rehabilitation and wildfire suppression activities of the Forest Service, $112,000,000, to remain available until expended: *Provided*, That all funds available under this head are hereby designated by Congress to be "emergency requirements" pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That hereafter, beginning in fiscal year 1993, and in each year thereafter, only amounts for emergency rehabilitation and wildfire suppression activities that are in excess of the average of such costs for the previous ten years shall be considered "emergency requirements" pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985, and such amounts shall hereafter be so designated.

Mr. REGULA (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois [Mr. YATES].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 144: Page 49, line 20, strike out "$78,607,000" and insert "$78,272,000".

MOTION OFFERED BY MR. YATES

Mr. YATES. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. YATES moves that the House recede from its disagreement to the amendment of the Senate numbered 144 and concur therein with an amendment, as follows: In lieu of the sum stricken and inserted by said amendment, insert the following: "$82,089,000".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois [Mr. YATES].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 149: Page 50, line 18, after "expended" insert ": *Provided*, That the Forest Service shall make a grant of $633,000 to the City of Missoula, Montana, from funds appropriated by Public Law 101–512 for direct acquisition of property known as Rattlesnake Greenway and currently under option to the City of Missoula, Montana: *Provided further*, That no funds shall be available to purchase Special Improvement District permits and any remaining funds shall be available to acquire additional properties for recreation and open space in the same vicinity".

MOTION OFFERED BY MR. YATES

Mr. YATES. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. YATES moves that the House recede from its disagreement to the amendment of the Senate numbered 149, and concur therein.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois [Mr. YATES].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 151: Page 54, line 17, after "forest" insert ", and for timber sales preparation to replace sales lost to fire or other causes, and sales preparation to replace sales inventory on the shelf for any national forest to a level sufficient to maintain new sales availability equal to a rolling five-year average of the total sales offerings, and for design, engineering, and supervision of construction of roads lost to fire or other causes associated with the timber sales programs described above: *Provided*, That, notwithstanding any other provision of law, moneys received from the timber salvage sales program in fiscal year 1992 shall be considered as money received for purposes of computing and distributing 25 per centum payments to local governments under 16 U.S.C. 500, as amended".

MOTION OFFERED BY MR. YATES

Mr. YATES. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. YATES moves that the House recede from its disagreement to the amendment of the Senate numbered 151, and concur therein.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois [Mr. YATES].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 157: Page 57, strike out lines 19 to 23.

MOTION OFFERED BY MR. YATES

Mr. YATES. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. YATES moves that the House recede from its disagreement to the amendment of the Senate numbered 157 and concur therein with an amendment, as follows: In lieu of the matter stricken by said amendment, insert the following:

"None of the funds made available to the Forest Service in this Act shall be expended for the purpose of administering a special use authorization permitting land use and occupancy and surface disturbing activities for any project to be constructed on Rock Creek, Madera County, California, until a study has been completed and submitted to the Congress by the Forest Service in consultation with the U.S. Fish and Wildlife Service, the U.S. Army Corps of Engineers, the California State Water Resources Control Board, the California Department of Fish and Game and other interested public parties regarding the project's potential cumulative impacts on the environment, together with a finding that there will be no substantial adverse impact on the environment. Findings from the study must be presented at no less than three public meetings.".

Mr. REGULA (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois [Mr. YATES].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 163: Page 58, after line 18, insert:

For the purpose of achieving ecological defensible management practices, the forests in the Southwest and Intermountain regions are authorized to apply the value or a reasonable portion of the value of timber removed under a stewardship end result contract as an offset against the cost of stewardship services received including, but not limited to, site preparation, replanting, silviculture programs, recreation, wildlife habitat enhancement, and other multiple-use enhancements on selected projects. Timber removed shall count toward meeting the congressional expectations for the annual timber harvest. The value of the timber removed shall be considered as money received for the purpose of computing and distributing 25 per centum payments to local governments under section 500, of title 16, United States Code.

MOTION OFFERED BY MR. YATES

Mr. YATES. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. YATES moves that the House recede from its disagreement to the amendment of the Senate numbered 163 and concur therein with an amendment, as follows: In lieu of the matter proposed in said amendment, insert the following:

"As a pilot effort, for the purpose of achieving ecologically defensible management practices, the Kaibab and Dixie National Forests are authorized to apply the value or a reasonable portion of the value of timber removed under a stewardship end result contract as an offset against the cost of stewardship services received including, but not limited to, site preparation, replanting, silviculture programs, recreation, wildlife habitat enhancement, and other multiple-use enhancements on selected projects. Timber removed shall count toward meeting the Congressional expectations for the annual timber harvest."

Mr. REGULA (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois [Mr. YATES].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 164: Page 58, after line 18, insert:

The Forest Service shall conduct a below-cost timber sales study on the Shawnee National Forest, Illinois, in fiscal year 1992.

The Forest Service shall work with the purchasers of sales already under contract on the Shawnee National Forest to achieve mutually acceptable modifications to said contracts so that the harvest of timber under such contracts may occur consistent with the expected management prescriptions and/or practices envisioned in the Draft Amendment to the Forest Plan for the Shawnee National Forest issued in 1991.

MOTION OFFERED BY MR. YATES

Mr. YATES. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. YATES moves that the House recede from its disagreement to the amendment of the Senate numbered 164 and concur therein with an amendment, as follows: In lieu of the matter inserted by said amendment, insert the following:

The Forest Service shall conduct a below-cost timber sales study on the Shawnee National Forest, Illinois, in fiscal year 1992.

The Forest Service shall work with the purchasers of sales already under contract on the Shawnee National Forest to achieve mutually acceptable modifications to said contracts so that the harvest of timber under such contracts may occur consistent with the expected management prescriptions and/or practice envisioned in the Draft Amendment to the Forest Plan for the Shawnee National Forest issued in 1991.

To the greatest extent possible, and pending final approval of the Draft Amendment to the Shawnee National Forest Plan, none of the funds available in this Act shall be used for preparation of timber sales using clearcutting or other forms of even aged management in hardwood stands in the Shawnee National Forest, Illinois.

Mr. REGULA (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois [Mr. YATES].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 165: Page 58, strike out lines 21 and 22 and insert:

Notwithstanding the issuance date for the fifth general request for proposals under this head in the Public Law 101-512, such request for proposals shall be issued on August 10, 1992: *Provided*, That a sixth general request for proposals shall be issued not later than February 1, 1994: *Provided further*, That funding for the sixth general request for proposals shall be provided from unobligated balances from prior appropriations under this head: *Provided further*, That the Secretary shall, not later than November 1, 1993, report to the President of the Senate and the Speaker of the House of Representatives on the amount of such funds which are available for the sixth general request for proposals: *Provided further*, That such general requests for proposals

MOTION OFFERED BY MR. YATES

Mr. YATES. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. YATES moves that the House recede from its disagreement to the amendment of the Senate numbered 165 and concur therein with an amendment, as follows: In lieu of the matter stricken and inserted by said amendment insert:

"The first paragraph under this head in Public Law 101-512 is amended by striking the phrase "$150,000,000 on October 1, 1991, $225,000,000 on October 1, 1992" and inserting "$100,000,000 on October 1, 1991, $275,000,000 on October 1, 1992".

Notwithstanding the issuance date for the fifth general request for proposals under this head in Public Law 101-512, such request for proposals shall be issued not later than July 6, 1992, and notwithstanding the proviso under this head in Public Law 101-512 regarding the time interval for selection of proposals resulting from such solicitation, project proposals resulting from the fifth general request for proposals shall be selected not later than ten months after the issuance date of the fifth general request for proposals: *Provided*, That hereafter the fifth general request for proposals".

Mr. REGULA (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois [Mr. YATES].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 167: Page 59, after line 19, insert:

With regard of funds made available under the fourth general request for proposals under this head in previous appropriations Acts, if, due to an insufficiency of funds, the Secretary selects other than the qualifying proposal ranked highest by the Source Evaluation Board in a specific technology category and sufficient funds subsequently become unobligated to fund such qualifying proposal, such unobligated funds, up to $44,000,000, shall be reobligated by the Secretary to fund such proposal, notwithstanding any other provisions of law.

Mr. YATES. Mr. Speaker, I yield to the gentleman from Pennsylvania for the purpose of making this motion.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Pennsylvania [Mr. MURTHA].

MOTION OFFERED BY MR. MURTHA

Mr. MURTHA. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. MURTHA moved that the House recede from its disagreement to the amendment of the Senate numbered 167, and concur therein.

Mr. WALKER. Mr. Speaker, I am opposed to the amendment, and I ask that the amendment be debated.

The SPEAKER pro tempore. Is the gentleman from Ohio [Mr. REGULA] opposed to the amendment?

Mr. REGULA. Mr. Speaker, I am opposed to the amendment.

Then the gentleman from Pennsylvania [Mr. MURTHA] will be recognized for 30 minutes, and the gentleman from Ohio [Mr. REGULA] will be recognized for 30 minutes. The gentleman from Pennsylvania [Mr. WALKER] may receive his time from the gentleman from Ohio.

PARLIAMENTARY INQUIRY

Mr. THOMAS of Wyoming. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. THOMAS of Wyoming. Mr. Speaker, who will have the time to speak in favor of the motion?

The SPEAKER pro tempore. The gentleman from Pennsylvania [Mr. MURTHA] will have that time.

The Chair recognizes the gentleman from Ohio [Mr. REGULA].

Mr. REGULA. Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. Mr. Speaker, this amendment perverts the clean coal technology program. It subverts the competitive, merit-based, peer-reviewed clean coal technology process that has been exclusively used since its inception in 1986, and instead substitutes in this particular amendment a purely political system, one based on leaks and pork-barrel parochial interests. It is unwarranted, unprecedented, congressional interference in an evaluation and selection process that was fully in accordance with the Department of Energy's financial assistance regulations and was used in every previous clean coal technology solicitation.

The nine projects funded in round four of the process were selected to best achieve the objectives of the clean coal technology program: to stimulate the private sector commercialization of technological innovations bringing cleaner, more efficient uses of coal. The nine projects selected were done so competitively based on technical merit and bang for the buck and subjected to peer review. They represent five of the seven technology categories. Secretary Watkins has reviewed the basis for the selections and finds it to be sound.

Industry has great confidence in the clean coal technology process exactly because it is competitive and singularly governed by the Department of Energy selection procedures. In fact, the clean coal technology coalition wants the amendment that we are now debating defeated.

The Clean Coal Technology Source Evaluation Board, an 8-member committee backed by about 100 Department of Energy technical advisers, ranked 33 round 4 proposals by technical merit, and Heartland, the one that we are discussing here, came in 19th in that process.

The source selection official, the Department of Energy's Secretary for Coal Technology, chose nine projects for funding—all but one ranked higher than Heartland, the one exception being a comparable but cheaper project. That project is particularly known as Cordero.

Cordero was the second highest ranked new fuel forms project to Heartland, only two places behind Heartland overall, 21st versus 19th, but Cordero was much cheaper and could, therefore, fit into the remaining limited clean coal technology funding profile. It was $17 million versus $44 million in cost.

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Remember, eight higher ranked projects had already been selected, using up almost all the available funds, and this was the last available slot. So the funding profile had to fit as well as the technological profile. Ten higher ranked projects than Heartland were not funded either. Two of them were top ranked in their categories, those categories being fluidized bed combustion and the industrial sector.

The question that we have to ask ourselves is, these were 10 better projects. Should they not be earmarked as well.

What we have happening here is you have one project that has been selected for a political earmark. It is not the best program. That does not mean it is not a good program, it may well be. But the technical review suggested that this was not one of the best.

What we are attempting to do is preserve a process here which assures that only the best projects are taken for the limited funding which is available.

I would hope that the House would back the authorizers, the Committee on Science, Space, and Technology in this, and maintain a peer review, nonpolitical process for selecting these projects. To do so you would have to vote no on this particular amendment.

Mr. SYNAR. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I would be happy to yield to the gentleman from Oklahoma.

Mr. SYNAR. Mr. Speaker, if I could get the attention of the gentleman from Illinois [Mr. YATES] and the gentleman from Pennsylvania [Mr. MURTHA], this is one of these times where we are going to casually skip over something, and about 5 years from now we are going to come back to this and say when did we miss this? When did we miss this opportunity?

There is a great debate going on in this country about clean coal technology. The House has overwhelmingly decided that they are going to endorse clean coal technology. I do not necessarily agree with that.

But in endorsing clean coal technology, we have put together a process by which we will let those people and those companies come forward by which to develop this.

That process has been subverted. In the last 2 weeks it has been brought to the attention of this body the difficulty, if not the danger, of leaks in this institution by what happened in the other side, we now have a second example of what can happen when there are leaks.

Because what happened in this case is that there was a procurement leak of a DOE document on who was on the list and who was not on the list.

Because of that, an individual on the other side of the body decided they were going to move their project to the front of the list. Now, that has never been done in this institution. Never have we by congressional action moved a project forward.

That is what we set up DOE to do. As everyone knows, the gentleman from Oklahoma is no big fan of the Department of Energy. But either we believe in this process or we do not.

What we are about to let out of the gate is $44 million. That is a lot of money.

Now, we went through this thing once in my career with the Synthetic Fuels Corporation. Now do we have to revisit it again? The point is let us keep our eye on the ball here. Either we believe in this or we do not. Whether you are for clean coal technology or not, let us have the process work.

To give this project this money rewards those who leak, and we should not do that.

I join with the gentleman from Pennsylvania, and I put my colleagues on notice that we have got to stop this kind of stuff.

Mr. VOLKMER. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I will be happy to yield to the gentleman.

Mr. VOLKMER. Mr. Speaker, I would like to ask the gentleman from Oklahoma, because I had heard about this letter or whatever it was that was leaked. As I understand it, from the information I got from the other body, from someone, is that this showed that this project was closer, above, is that right, the ones of those that were funded?

Mr. SYNAR. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from Oklahoma.

Mr. SYNAR. That is right, this was number 19 out of 33.

Mr. WALKER. Mr. Speaker, reclaiming my time, that is right. It is number 19 out of 33 projects, and only 9 projects were funded.

Mr. VOLKMER. Mr. Speaker, if the gentleman will yield further, it was No. 1 in technology?

Mr. WALKER. Mr. Speaker, no, it was No. 1 in one category of technology. But understand, there were some categories where none of the projects were funded. Just because you are No. 1 in your category does not mean you are one of the highest rated categories. There were some categories that were not funded at all, that did not get any of their projects, even though they were top rated.

What they do is they take those categories and then they blend it into the overall selection process. In this particular case, this ranked 19 when you look at it in an overall kind of category.

Mr. VOLKMER. Mr. Speaker, if the gentleman will continue to yield, were any projects funded by DOE that were below this project?

Mr. WALKER. Mr. Speaker, yes. No. 21 was funded. The reason why it was funded was this was the ninth project being given money. This project was $44 million versus the one that was selected which was $17 million. That decision was made on how much we were going to get for the amount of money expended.

So it was a financial decision. It was also based upon a degree of technical merit. They felt that the lower priced project would be better, given the amount of money that they had to spend.

Mr. VOLKMER. Mr. Speaker, if the gentleman will yield further, I still have just a little bit of a problem when you have a project that is peer reviewed and everything else below a project that is funded as to one that is above it. I still have some problems with it.

Mr. WALKER. Mr. Speaker, I do want to make one point here though that has not been made yet. The gentleman from Illinois [Mr. YATES] and the gentleman from Ohio [Mr. REGULA] were very aware of this problem when it came to the conference committee. I must congratulate them, because they were among those who voted against this project in the committee. I think it is well for the House to understand that they understood that what was happening here is not the direction in which we ought to go.

Mr. SYNAR. Mr. Speaker, if the gentleman will yield further, I was going to join with the gentleman from Pennsylvania [Mr. WALKER] and say that exact thing. I am not holding the chairman nor the ranking member accountable for this. But, with that said, we have got to understand either we are going to protect the process and penalize people who are going to leak around here, and we are either going to support the process of clean coal or we are not.

I think that is very important for all of us to understand. I hope if we are able to defeat this amendment, we will go back with that kind of understanding.

Mr. YATES. Mr. Speaker, will the gentleman yield?.

Mr. WALKER. I yield to the gentleman from Illinois.

Mr. YATES. Mr. Speaker, the gentleman is exactly right. If I can have the attention of the gentleman from Oklahoma [Mr. SYNAR] who sought my attention, I voted against the project in conference. It was for that reason that I yielded to my friend, the gentleman from Pennsylvania [Mr. MURTHA] to make the motion for approval of this item on the conference report.

Mr. REGULA. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from Ohio.

Mr. REGULA. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I want to emphasize that in the conference the chairman and myself and the ranking Republican on the full committee objected to this. It throws the system aside. If we go down this slope of starting to micromanage the clean coal program in this body, there is absolutely no end to it. Every Member that has got a clean coal project will be in here trying to override the experts.

Thus far in four rounds we have funded 42 projects, and in no instance has there been any congressional involvement in the process. It was strictly a matter of the agency using professional judgments as to what would be the most cost effective program in developing clean coal technology.

Mr. Speaker, I think it would be a grave mistake for this body to ever get into the management process of selecting projects. This could spill over into a lot of other types of activities as a matter of policy.

Mr. Speaker, I would urge the House very strongly to reject this amendment.

Mr. Speaker, I reserve the balance of my time.

Mr. MURTHA. Mr. Speaker, I yield 3 minutes to the gentleman from Wyoming [Mr. THOMAS].

Mr. THOMAS of Wyoming. Mr. Speaker, there is, as is usually the case, another side to this story. We were having so much fun over here I was wondering if we were going to get to the other side.

Let me go back through it just a little bit. The gentleman did not describe exactly what happens.

This is an application that is made for clean coal. First, let me tell Members that clean coal has basically been a regional activity in which all of it practically has taken place in the East.

The coal, interestingly enough, is produced somewhere else. We really have not had any of this activity going on where most of the coal is produced, mostly in Pennsylvania, I might say.

□ 1710

So what we have done here is in three categories had applications made to do research in clean coal. Each of those was rated. This particular product was the first in its category and was rated that way.

Let me tell my colleagues what the language is in the bill. The language does not designate any money. It does not designate any new money. The language simply ways, when these people who have been selected, these projects have been selected, if for one reason or another they do not use the money, residual money would go to the project that was the next highest in the class category. That simply is all it says.

Failing to do this, we go out of the No. 4 coal, clean coal program, and the money goes over to No. 5.

This simply says, it stays in No. 4 and goes to the next category. That is what the language is.

No one has alluded to that language. So it does not take money away from any of the projects that are now funded. It says only that if they go on.

We have talked about being related to No. 19, but keep in mind that the project that would be next to take residual funds, which is what is involved here, with No. 1 in the category, ahead of the projects that were now funded.

So indeed, rather than breaking up a system, it really says to those who categorize these projects that the money should go to the system that had the highest rating. In this case, the one that did not get the money because by the time they got to that category there was not enough to fund the larger project.

They funded a smaller project.

I do not object to that. Frankly, the smaller project was also in my State. I am talking about a process here, a process that says, if one does not use the money in the categories, go to the next one that was passed over. And that is simply all this asks for.

I urge my colleagues' support in continuing to advocate the Senate position.

Mr. MURTHA. Mr. Speaker, I yield 3 minutes to the gentleman from Wisconsin [Mr. KLUG].

Mr. KLUG. Mr. Speaker, I thank the gentleman for yielding time to me.

Let me reemphasize what my friend, the gentleman from Wyoming just tried to point out. As we know, this is a decision made by the Department of Energy on a peer review basis evaluated by experts on what technological projects should be funded in an attempt to derive new technology for the cleaner burning and cleaner use of coal.

This project, which was proposed by a utility based in Wisconsin and a plant to be built in Wyoming, was selected as the No. 1 project based on technological merits.

At some point after the selection committee was done, much of the money in the clean coal phase for development, instead, was shifted to expensive coal gasification projects.

The Department of Energy, in other words, shifted the guidelines in the middle of the decisionmaking process.

What my colleagues in the other House attempted to do was to simply go back and restore the Department of Energy's own guidelines and select this project because it had the best technological merit.

What this would have done, if the project becomes commercially available, is to extend the life of coal-using factories and provide an environmentally sound energy source. It would have provided older factories and powerplants with an easy way of meeting the new stringent emissions standards required by the Clean Air Act of 1990 with costly scrubbers and retrofits.

It burns cleaner than ordinary fuel and would have been a significant technological development. I think my colleagues are incorrect in arguing that somehow politics came into the end of the stream in the decisionmaking process. I think it came in the middle, when the Department of Energy, for reasons none of us fully understand, decided to change the ground rules, instead decided to fund a whole series of other projects, as some of my colleagues admit, actually came out much lower on the Department of Energy's scoring grid.

So I urge my colleagues to defeat the proposal to take this project off the board. I think it won on its merits and it deserves to be funded.

Mr. KLECZKA. Mr. Speaker, will the gentleman yield?

Mr. KLUG. I yield to the gentleman from Wisconsin.

Mr. KLECZKA. Mr. Speaker, let me reemphasize what the gentleman from Wisconsin has already indicated to the House. The Source Evaluation Board scored the Heartland Project No. 1. As the gentleman has indicated, they changed the rules in the middle of the game.

Nevertheless, their first blush decision was to award the entire $44 million. Since that they have changed the rules. I ask that the House go along with this Senate amendment, for this project was rated No. 1. I think let us stick with that.

Mr. Speaker, I ask my colleagues to support this motion to accept the Senate's amendment to the Interior appropriations bill for fiscal year 1992.

Until an 11th hour change in the Energy Department's Clean Coal Technology IV (4) Program, Heartland Fuels Corp. of Wisconsin had the highest ranked proposal, and was headed toward approval of its $44 million request to make K-fuel commercially viable.

This amendment doesn't automatically provide Heartland with this much-deserved grant. However, if unobligated clean coal technology moneys do become available, the amendment directs the Department to finance Heartland's revolutionary K-fuel project.

Let me emphasize that the K-fuel project is not a case of congressional pork for Wyoming and Wisconsin. This project is tremendously important nationwide, in light of the Clean Air Act Amendments of 1991.

If made commercially available, K-fuel could help extend the life of coal-burning factories and utility plants in an environmentally sound fashion. This is because technologies such as K-fuel will help companies in severe ozone nonattainment areas—such as southeastern Wisconsin—meet the tough emission standards in the limited timetable mandated by Congress.

Furthermore, the K-fuel process could contribute to a cleaner and more secure energy future. It may enable utilities and industries to extend the life of their boilers without costly retrofits or scrubbers. Looking at the broader picture, K-fuel would also make profitable use of our Nation's extensive low-grade coal reserves.

Approval of this amendment could help alleviate the awful pollution problem choking the industrial Midwest, while improving national energy security. For these reasons, I urge you to support this motion and accept the Senate amendment.

Mr. KLUG. Mr. Speaker, I thank my colleague, the gentleman from Wisconsin. He is absolutely right. Let me emphasize again that the project is not to be funded unless money allocated to other projects is not spent, at which time those sources will be funded and shifted to the Heartland development.

Mr. REGULA. Mr. Speaker, I yield 5 minutes to the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. Mr. Speaker, I thank the gentleman for yielding to me.

I do think the House needs to be apprised of where we are in this. I have here the document that was leaked. I wish the document had not been leaked because I think it has led to a very bad process, but I have here the leaked document.

The leaked document does not have the Heartland project ranked as No. 1. It has it ranked as No. 19. That is the reason why they came in and tried to get the political process taken care of because they knew, based upon this, that they were not going to get the funding.

That is where we are, and we ought not reward that by having this amendment go forward. We ought to defeat the amendment.

Mr. KLUG. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from Wisconsin.

Mr. KLUG. Mr. Speaker, I disagree with the gentleman. I think if the gentleman will check it, while it may not have ended up in one scoring system as No. 1, in the category of new fuel forms, NFF category, it was ranked the No. 1 proposal by the Department of Energy.

Mr. WALKER. Mr. Speaker, reclaiming my time, the gentleman is correct in that particular category it was. But there were a couple of categories that were not funded at all in this process. Because in the final analysis, those categories are meaningless for the individual items.

What is important is how are they ranked against all the other projects that are available, and that is what the Department has here. That is what the leaked document indicates.

Mr. REGULA. Mr. Speaker, I yield myself such time as I may consume.

A couple of things that we need to correct here. One, the rules have not been changed. We have had 42 projects over the life of this program that have been funded, and the rules have stayed the same. The rule was simply the professionals make the judgment. If we do not reject this motion today, we will be in a whole new world where it becomes political instead of scientific.

I think that would be a great mistake for this body.

The second item, the statement was made that the projects have been ignored in the West. Of the nine projects funded in round four, 3 are in the West, including one in Wyoming. And it was based strictly on merit.

And on the weighted scale, do not be confused by this claim to be No. 1. The bottom line is that these are awarded on a weighted scale on a number of different criteria.

Overall it was rated number 19 and only 9 were funded. So it is a long way from the scientific appraisal that would have put it up at a higher level.

I think this is a very bad precedent, and we should reject this motion overwhelmingly.

Mr. MURTHA. Mr. Speaker, I yield 2 minutes to the gentleman from Arkansas [Mr. ALEXANDER].

Mr. ALEXANDER. Mr. Speaker, I thank the gentleman from Pennsylvania for yielding time to me.

During the time that I have been here I have had the opportunity to work with many of my colleagues on the subject of alternative energy, primarily transportation fuels.

I admittedly do not know much about coal as a source of energy because my State does not produce much coal, but we buy a lot of coal. We buy hundreds of thousands of tons of coal from Washington, and we like that coal.

It comes in on freight cars by the thousands. If this project is funded and Wyoming coal can somehow discover how to be produced cleaner, that means cheaper electrical rates for those of us who use it in Arkansas, do not have to spend as much to clean it up.

Bascially, it is a good coal. It can be scrubbed and the emissions are clean.

We support this technology, and we support this program, because a cleaner coal from Wyoming means cheaper power rates for those of us in Arkansas.

I support the measure to recede and concur in the Senate amendment.

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Mr. MURTHA. Mr. Speaker, I yield such time as he may consume to the gentleman from Missouri [Mr. VOLKMER].

Mr. VOLKMER. Mr. Speaker, I have looked at the report language that comes from the committee. Maybe the gentleman from Pennsylvania or the gentleman from Ohio could also look at it. As I read that language, what it says to me is that if any of these grants have been funded and approved by the Department of Energy, and are not obligated, in other words they do not accept it or they decide not to go forward with the program, it is only from those obligated funds that this project would be funded, is that correct?

Mr. KLUG. Mr. Speaker, will the gentleman yield?

Mr. VOLKMER. I yield to the gentleman from Wisconsin.

Mr. KLUG. The gentleman is correct. That is absolutely correct.

Mr. VOLKMER. So you are not taking money away from any of the projects that were ahead of it, is that correct?

Mr. KLUG. The gentleman is correct. In fact, the original reason this project was not funded is because they were short of funds. There are requirements that people have to raise matching funds to get these kinds of grants or to find customers for their products. If they cannot meet either of those requirements, the money goes then back to the DOE and then could go to Heartland, and only then.

Mr. VOLKMER. In other words, what the gentleman is telling me is if all of the projects that have been approved prior to this one, even if this language is in the bill, if those projects all go forward, every one of them, and are accepted by the project people, whoever they are, and they take all of the money, then there is no money in here for this project, this clean coal technology, is that correct?

Mr. KLUG. The gentleman is absolutely correct.

Mr. VOLKMER. I thank the gentleman.

Mr. MURTHA. Mr. Speaker, let me just conclude by saying I know the ranking Republican voted against it and I know the chairman did, but nine members of the subcommittee voted for this, and I know there are some projects that are different that Members ask for on occasion. It depends on whose district it is in. But in this case, unless the money is available from clean coal 4, and there have not been any projects in clean coal 3 drop out at all, then this project would not be in line for any money.

Mr. REGULA. Mr. Speaker, I yield myself such time as I may consume just to point out again that we should leave this to the professionals, and if some of the projects that have been funded are not accepted, the professional judgment of DOE should determine what project is next funded, and we should not start the business in this body of making those choices. Otherwise we will be headed for a lot of trouble in the future.

Again, I urge a strong no against this motion.

Mr. Speaker, I yield back the balance of my time.

Mr. MURTHA. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. (Mr. DELLUMS). The question is on the motion offered by the gentleman from Pennsylvania [Mr. MURTHA].

The motion was rejected.

MOTION OFFERED BY MR. YATES

Mr. YATES. Mr. Speaker, I offer a substitute motion.

The Clerk read as follows:

Mr. YATES moves that the House insist on its disagreement to the amendment of the Senate numbered 167.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. YATES].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 174: Page 61, line 25, after "program" insert ": *Provided further*, That none of the funds made available under this head may be managed by any individual who is not subject to the "employment floor" provisions in Public Law 97-257 as amended or, in the alternate, who is not the Acting Assistant Secretary for Fossil Energy".

MOTION OFFERED BY MR. YATES

Mr YATES. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. YATES moves that the House recede from its disagreement to the amendment of the Senate numbered 174, and concur therein.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois [Mr. YATES].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 175: Page 62, line 3, after "gas" insert ": *Provided further*, That the funds provided under this head in fiscal year 1991 for the purchase of supercomputer time needed for Fossil Energy programmatic purposes shall be provided as a grant to the University of Nevada-Las Vegas".

MOTION OFFERED BY MR. YATES

Mr. YATES. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. YATES moves that the House recede from its disagreement to the amendment of the Senate numbered 175, and concur therein with an amendment, as follows: In lieu of the matter proposed by said amendment insert ": *Provided further*, That the funds provided under this head in fiscal year 1991 for the purchase of supercomputer time needed for Fossil Energy programmatic purposes shall be provided as a grant to the University of Nevada-Las Vegas: *Provided further*, That disbursements pursuant to such a grant shall be made only upon the actual use of such supercomputer time upon request by Fossil Energy and receipt by Fossil Energy of the products therefrom".

Mr. REGULA (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois [Mr. YATES].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 176: Page 62, after line 3 insert:

Of the funds provided herein, $2,000,000 shall be available for a grant for the National Research Center for Coal and Energy, and $1,500,000 shall be for a grant to be matched on an equal basis from other sources for the University of North Dakota Energy and Environmental Research Center.

MOTION OFFERED BY MR. YATES

Mr. YATES. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. YATES moves that the House recede from its disagreement to the amendment of the Senate numbered 176, and concur therein.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois [Mr. YATES].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 179: Page 63, strike out all after line 10 over to and including line 19 on page 64, and insert:

Monies received as investment income on the principal amount in the Great Plains Project Trust at the Norwest Bank of North Dakota, in such sums as are earned as of October 1, 1991, shall be deposited in this account and immediately transferred to the General Fund of the Treasury. Monies received as revenue sharing from the operation of the Great Plains Gasification Plant shall be immediately transferred to the General Fund of the Treasury: *Provided*, That the Department of Energy may not agree to modifications to the Great Plains Project Trust Agreement, dated October 31, 1988, that are not consistent with the following criteria: (1) for the purpose of financing a sulfur control technology project using Government contributions from the Trust, the cost of such project shall not include costs of plant downtime or outages; and (2) the Government contribution from the Reserve Account established in section 2(b) of the Trust Agreement to such project shall be 50 percent of the amount of remaining project costs after the disbursement of funds from the Environmental Account established in section 2(b) of the Trust Agreement, and shall not exceed $50,000,000; and (3) such contributions from the Reserve Account shall be made available contingent upon a finding by the Secretary, in the form of a report to Congress submitted not later than March 1, 1992, that such planned project modifications are cost effective and are expected to meet such environmental emissions requirements as may exist.

MOTION OFFERED BY MR. YATES

Mr. YATES. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. YATES moves that the House recede from its disagreement to the amendment of the Senate numbered 179 and concur therein with an amendment, as follows: In lieu of the matter stricken and inserted by said amendment insert:

"Monies received as investment on the principal amount in the Great Plains Project Trust at the Norwest Bank of North Dakota, in such sums as are earned as of October 1, 1991, shall be deposited in this account and immediately transferred to the General Fund of the Treasury. Monies received as revenue sharing from the operation of the Great Plains Gasification Plant shall be immediately transferred to the General Fund of the Treasury: *Provided*, That the Department of Energy shall not agree to modifications to the Great Plains Project Trust Agreement, dated October 31, 1988, that are not consistent with the following criteria: (1) for the purpose of financing a sulfur control technology project using Government contributions from the Trust, the cost of such project shall not include costs of plant downtime or outages; (2) upon modification of the Trust Agreement the Department shall immediately transfer $20,000,000 from the Reserve Account to the Environmental Account, both established pursuant to section 2(b) of the Trust Agreement, and shall provide a loan from the Reserve Account for 40 percent of the remaining project costs after the disbursement of funds from the Environmental Account in an amount not to exceed $30,000,000 and at the rate of interest specified in sections 1 and 7(b) of the Trust Agreement: (3) no disbursements for construction shall be made from either the Reserve Account or from funds which have been transferred to the Environmental Account from the Reserve Account prior to receipt by Dakota Gasification Company of an amended Permit to Construct from the North Dakota State Department of Health; (4) the Government contribution from the Reserve Account shall be disbursed on a concurrent and proportional basis with the contribution from the Dakota Gasification Company; (5) repayment of any loan shall be from revenues not already due the Government as part of the Asset Purchase Agreement, dated October 7, 1988, and at least in proportion to the Government contribution to the costs of the project net of the disbursement from the Environmental Account, for any increased revenues or profits realized as a result of the sulfur control project; and (6) such contributions from the Reserve Account, including funds to be transferred to the Environmental Account, shall be made available contingent upon a finding by the Secretary, in the form of a report to Congress submitted not later than March 1, 1992, that such planned project modifications are cost effective and are expected to meet such environmental emissions requirements as may exist.".

Mr. REGULA (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois [Mr. YATES].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 180: Page 64, line 22, strike out "$238,200,000" and insert "$222,300,000".

MOTION OFFERED BY MR. YATES

Mr. YATES. Mr. President, I offer a motion.

The Clerk read as follows:

Mr. YATES moves that the House recede from its disagreement to the amendment of the Senate numbered 180 and concur therein with an amendment, as follows: In lieu of the matter stricken and inserted by said amendment insert "$235,300,000 to remain available until expended: Provided, That notwithstanding any other provision of law, revenues received from use and operation of Naval Petroleum Reserves Numbered 1, 2, and 3 and the Naval Oil Shale Reserves and estimated to total $523,000,000 for fiscal year 1992 shall be retained and used for the specific purpose of offsetting costs incurred by the Department in carrying out naval petroleum and oil shale reserve activities: Provided further, That the sum herein appropriated shall be reduced as such revenues are received so as to result in a final fiscal year 1992 appropriation estimated at not more than $0".

On page 64, lines 22 and 23 of the House engrossed bill, H.R. 2686, strike: ", to remain available until expended".

Mr. REGULA (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois [Mr. YATES].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 184: Page 65, line 23, after "101-425" insert ": *Provided further*, That $1,500,000 of the amount provided under this head shall be available for a grant to the National Center for Alternate Transportation Fuels".

MOTION OFFERED BY MR. YATES

Mr. YATES. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. YATES moves that the House recede from its disagreement to the amendment of the Senate numbered 184, and concur therein.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois [Mr. YATES].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 185: Page 65, line 23, after "101-425" insert ": *Provided further*, That $5,000,000 of the amount provided under this head, and such amounts as may be provided hereafter in appropriations Acts, shall be available to continue a contract funded in Public Law 101-512 for the development of an Integrated Management Information System for the steel industry, and the governments share of the cost of such project shall not exceed 50 per centum using the same criteria for acceptance of contributions as for steel and aluminum research below."

MOTION OFFERED BY MR. YATES

Mr. YATES. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. YATES moves that the House recede from its disagreement to the amendment of the Senate numbered 185, and concur therein with an amendment, as follows: In lieu of the sum named in said amendment insert: "$3,000,000".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois [Mr. YATES].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 190: Page 68, line 6, strike out "$203,000,000" and insert "$178,100,000".

MOTION OFFERED BY MR. YATES

Mr. YATES. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. YATES moves that the House recede from its disagreement to the amendment of the Senate numbered 190, and concur therein with an amendment, as follows: In lieu of the sum proposed by said amendment, insert "$15,100,000".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois [Mr. YATES].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 191: Page 68, line 11, strike out all after "Reserve" down to and including "101-383" in line 19.

MOTION OFFERED BY MR. YATES

Mr. YATES. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. YATES moves that the House recede from its disagreement to the amendment of the Senate numbered 191, and concur therein with an amendment, as follows: Restore the matter stricken by said amendment, amended to read as follows: ": *Provided further*, That no funds available in fiscal year 1992 in this, or any previous or subsequent appropriations Act, or made available in this account pursuant to 42 U.S.C. 6247(b) as a result of any test drawdown or drawdown and distribution of the Reserve under the provisions of 42 U.S.C. 6241 may be used in fiscal year 1992 for leasing, exchanging, or otherwise acquiring except by direct purchase crude oil from a foreign government, a foreign State-owned oil company, or an agent of either: *Provided further*, That the Secretary of Energy may negotiate contracts pursuant to the provisions of part C, title I of the Energy Policy and Conservation Act (42 U.S.C. 6211 et seq.), as contained in section 6 of Public Law 101-383: *Provided further*, That restrictions on leasing, exchanging, or otherwise acquiring except by direct purchase crude oil from a foreign government, a foreign State-owned oil company, or an agent of either which are contained under this head in Public Law 101-512 are hereby repealed".

Mr. REGULA (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois [Mr. YATES].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 193: Page 68, line 26, strike out "$139,000,000" and insert "$141,000,000".

MOTION OFFERED BY MR. YATES

Mr. YATES. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. YATES moves that the House recede from its disagreement to the amendment of the Senate numbered 193, and concur therein with an amendment, as follows: In lieu of the sum proposed by said amendment, insert: "$137,000,000".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois [Mr. YATES].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 195: Page 71, line 21, strike out "$1,432,712,000" and insert "$1,487,091,000".

MOTION OFFERED BY MR. YATES

Mr. YATES. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. YATES moves that the House recede from its disagreement to the amendment of the Senate numbered 195 and concur therein with an amendment, as follows: In lieu of the sum named in said amendment, insert the following: "$1,449,871,000, of which $5,000,000 shall be available on September 30, 1992 and shall remain available until expended for the Morris K. Udall Scholarship Foundation subject to the passage of authorizing legislation".

Mr. REGULA (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois [Mr. YATES].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 196: Page 72, line 13, strike out "$294,551,000" and insert "$296,311,000".

MOTION OFFERED BY MR. YATES

Mr. YATES. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. YATES moves that the House recede from its disagreement to the amendment of the Senate numbered 196 and concur therein with an amendment, as follows: In lieu of the sum proposed by said amendment, insert "$301,311,000".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois [Mr. YATES].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 201: Page 77, line 16, strike out "$31,634,000" and insert "$30,572,000".

MOTION OFFERED BY MR. YATES

Mr. YATES. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. YATES moves that the House recede from its disagreement to the amendment of the Senate numbered 201 and concur therein with an amendment, as follows: In lieu of the sum proposed by said amendment, insert: "$26,172,000".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois [Mr. YATES].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 214: Page 84, line 18, strike out "$8,200,000" and insert "$1,600,000".

MOTION OFFERED BY MR YATES

Mr. YATES. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. YATES moves that the House recede from its disagreement to the amendment of the Senate numbered 214 and concur therein with an amendment, as follows: In lieu of the matter stricken and inserted by said amendment, insert: "$1,000,000 for the dissertation fellowship program and $5,700,000".

Mr. REGULA (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois [Mr. YATES].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 218: Page 87, line 13, strike out "$4,491,000" and insert "$5,026,000".

MOTION OFFERED BY MR. YATES

Mr. YATES. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. YATES moves that the House recede from its disagreement to the amendment of the Senate numbered 218, and concur therein with an amendment, as follows: In lieu of the sum proposed by said amendment, insert "$5,126,000"

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois [Mr. YATES].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 219: Page 87, line 18, strike out "$10,605,000" and insert "$7,300,000".

MOTION OFFERED BY MR. YATES

Mr. YATES. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. YATES moves that the House recede from its disagreement to the amendment of the Senate numbered 219, and concur therein with an amendment, as follows: In lieu of the sum proposed by said amendment, insert "$11,005,000".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois [Mr. YATES].

The motion was agreed to.

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The SPEAKER pro tempore (Mr. DELLUMS). The Clerk will designate the next amendment in disagreement.

PARLIAMENTARY INQUIRY

Mr. TRAFICANT. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. TRAFICANT. Amendment No. 220 where House language was deleted, what is the status of that as far as an address here on the House floor questioning that decision?

The SPEAKER pro tempore. That amendment was included in the conference report, the Chair would state to the gentleman from Ohio.

Mr. TRAFICANT. Yes. What is the status since it has been deleted? What right does this gentleman have to pursue that issue here?

The SPEAKER pro tempore. As the Chair understands it, that amendment is no longer before the House. Its disposition was included inside the conference report.

The gentleman from Illinois [Mr. YATES] controls the time and can yield time to the gentleman from Ohio.

Mr. YATES. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio [Mr. TRAFICANT].

Mr. TRAFICANT. Mr. Speaker, we have an amendment in an appropriation bill that dealt with illegal trade and stated that there is a reciprocal agreement whereby any nation who has been involved in deliberate illegal trade would not be able, or their companies domiciled therein, to be awarded contracts under this bill.

Now, the committee put this probably in because they did not want my aggravation on an appropriation bill, but I am going to tell you something here today.

Everybody is posturing about unemployment and the economy. All my amendment spoke to was illegal trade. It does not speak to protectionism. It does not speak to any perks or gifts for American companies.

If this Congress is going to sit back and allow trading partners to literally practice illegal trade, then we are lost, and it is hopeless.

On every future appropriation bill, I am going to raise a point of order on every conference report and ask for a damn vote on every issue even if it cures cancer.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 222: Page 96, after line 11, insert:

SEC. 318. Notwithstanding any other provision in this Act, each item of appropriation in this Act shall be reduced by an amount equal to the sum of the President's Budget request for fiscal year 1992 for personnel compensation, personnel benefits, travel, transportation of things, printing and reproduction, supplies and materials, and equipment for that account times the Congressional Budget Office's January, 1991 estimate of the rate of the growth of the fixed-weight GNP price index for fiscal year 1992.

MOTION OFFERED BY MR. YATES

Mr. YATES. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. YATES moves that the House recede from its disagreement to the amendment of the Senate numbered 222, and concur therein with an amendment, as follows: In lieu of the matter proposed by said amendment, insert: "SEC. 318. With the exception of budget authority for "Miscellaneous payments to Indians", Bureau of Indian Affairs, Department of the Interior; "Salaries and expenses", National Indian Gaming Commission, Department of the Interior; "Payment to the Institute", Institute of American Indian and Alaska Native Culture and Arts Development; "Salaries and expenses", Woodrow Wilson International Center for Scholars; "Salaries and expenses" and "National capital arts and cultural affairs", Commission on Fine Arts; "Salaries and expenses", Advisory Council on Historic Preservation; "Salaries and expenses", National Capital Planning Commission; "Salaries and expenses", Franklin Delano Roosevelt Memorial Commission; and "Salaries and expenses" and "Public development", Pennsylvania Avenue Development Corporation, each amount of budget authority for the fiscal year ending September 30, 1992, provided in this Act, for payments not required by law is hereby reduced by 1.26 per centum: *Provided*, That such reductions shall be applied ratably to each account, program, activity, and project provided for in this Act.".

Mr. REGULA (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois [Mr. YATES].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 224: Page 96, after line 11, insert:

SEC. 320. LAND TRANSFER AND CONVEYANCE, PEASE AIR FORCE BASE, NEW HAMPSHIRE.

(a) TRANSFER BY THE AIR FORCE.—Notwithstanding any other provision of law, the Secretary of the Air Force shall transfer to the Department of the Interior a parcel of real property located west of McIntyre Road at the site of former Pease Air Force Base, New Hampshire.

(b) ESTABLISHMENT OF NATIONAL WILDLIFE REFUGE.—Except as provided in subsection (c), the Secretary of Interior shall designate the parcel of land transferred under subsection (a) as an area in the National Wildlife Refuge System under the authority of section 4 of the Act of October 15, 1966 (16 U.S.C. 688dd).

(c) CONVEYANCE TO STATE OF NEW HAMPSHIRE.—

(1) CONVEYANCE.—Subject to paragraphs (2) through (5), the Secretary of the Interior shall convey to the State of New Hampshire, without consideration, all right, title, and intended of the United States in and to a parcel of real property consisting of not more than 100 acres that is a part of the real property transferred to the Secretary under subsection (a) and that the Secretary determines to be suitable for use as a cemetery.

(2) CONDITION OF CONVEYANCE.—The conveyance under paragraph (1) shall be subject to the condition that the State of New Hampshire use the property conveyed under that paragraph only for the purpose of establishing and operating a State cemetery for veterans.

(3) REVERSION.—If the Secretary determines at any time that the State of New Hampshire is not complying with the coalition specified in paragraph (2), all right, title, and interest in and to the property conveyed pursuant to paragraph (1), including any improvements thereon, shall revert to the United States and the United States shall have the right of immediate entry thereon.

(4) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the parcel of real property to be conveyed under paragraph (1) shall be determined by a survey that is satisfactory to the Secretary.

(5) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require any additional terms or conditions in connection with the conveyance under this subsection that the Secretary determines appropriate to protect the interests of the United States.

MOTION OFFERED BY MR. YATES

Mr. YATES. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. YATES moves that the House recede from its disagreement to the amendment of the Senate numbered 224, and concur therein with an amendment, as follows: In lieu of the matter inserted by said amendment, insert:

"SEC. 319. LAND TRANSFER AND CONVEYANCE, PEASE AIR FORCE BASE, NEW HAMPSHIRE

(a) TRANSFER BY THE AIR FORCE.—Notwithstanding any other provision of law, the Secretary of the Air Force shall transfer to the Department of the Interior a parcel of real property located west of McIntyre Road at the site of former Pease Air Force Base, New Hampshire: *Provided*, That the Secretary of the Air Force shall retain responsibility for any hazardous substances which may be found on the property so transferred.

(b) ESTABLISHMENT OF NATIONAL WILDLIFE REFUGE.—Except as provided in subsection (c), the Secretary of the Interior shall designate the parcel of land transferred under subsection (a) as an area in the National Wildlife Refuge System under the authority of section 4 of the Act of October 15, 1966 (16 U.S.C. 688dd).

(c) CONVEYANCE TO STATE OF NEW HAMPSHIRE.—

(1) CONVEYANCE.—Subject to paragraphs (2) through (5), the Secretary of the Interior shall convey to the State of New Hampshire, without consideration, all right, title, and interest of the United States in and to a parcel of real property consisting of not more than 100 acres that is a part of the real property transferred to the Secretary under subsection (a) and that the Secretary determines to be suitable for use as a cemetery.

(2) CONDITION OF CONVEYANCE.—The conveyance under paragraph (1) shall be subject to the condition that the State of New Hampshire use the property conveyed under that paragraph only for the purpose of establishing and operating a state cemetery for veterans.

(3) REVERSION.—If the Secretary determines at any time that the State of New Hampshire is not complying with the condition specified in paragraph (2), all right, title, and interest in and to the property conveyed pursuant to paragraph (1), including any improvements thereon, shall revert to the United States and the United States shall have the right of immediate entry thereon.

(4) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the parcel of real property to be conveyed under paragraph (1) shall be determined by a survey that is satisfactory to the Secretary.

(5) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require any additional terms or conditions in connection with the conveyance under this subsection that the Secretary determines appropriate to protect the interests of the United States.

(d) The purposes for which this national wildlife refuge is established are—

(1) to encourage the natural diversity of plant, fish and wildlife species within the refuge, and to provide for their conservation and management;

(2) to protect species listed as endangered or threatened, or identified as candidates for listing pursuant to the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

(3) to preserve and enhance the water quality of aquatic habitat within the refuge; and

(4) to fulfill the international treaty obligations of the United States relating to fish and wildlife.".

Mr. REGULA (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois [Mr. YATES].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the last amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 226: Page 96, after line 11, insert:

SEC. 322. Amend section 12(d)(2) of Public Law 94-204 (The Act of January 2, 1976) as follows:

(a) Following the first sentence of the First Proviso, add the following: "Any portion of the 1,000 acres which the Secretary may determine is not needed by the Bureau of Land Management in accordance herewith shall be disposed of by the Secretary according to law,".

(b) In the second sentence of the first Proviso, following the words "public purposes" insert a period. Following the period add the following: "An area encompassing approximately sixty-two acres and depicted on the map entitled 'Native Heritage Park Proposal' and on file with the Secretary shall be managed".

(c) At the end of this section, add a new proviso: ": *Provided further*, That to the extend necessary, any and all conveyance documents executed concerning the conveyance of the lands referred to in this proviso shall be deemed amended accordingly to conform to this proviso".

MOTION OFFERED BY MR. YATES

Mr. YATES. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. YATES moves that the House recede from its disagreement to the amendment of the Senate numbered 226, and concur therein with an amendment, as follows: In lieu of the matter proposed by said amendment, insert:

SEC. 320. Amend section 12(d)(2) of Public Law 94-204 (The Act of January 2, 1976) as follows:

(a) In the second sentence of the first proviso, following the words "public purposes" insert a period. Following the period add the following: An area encompassing approximately sixty-two acres and depicted on the map entitled 'Native Heritage Park Proposal' and on file with the Secretary shall be managed".

(b) At the end of this section, add a new proviso ": *Provided further*, That to the extent necessary, any and all conveyance documents executed concerning the conveyance of the lands referred to in this proviso shall be deemed amended accordingly to conform to this proviso".

Mr. REGULA (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. VENTO. Mr. Speaker, I ask for time on this motion.

The SPEAKER pro tempore. Is the gentleman from Ohio [Mr. REGULA] opposed to the motion?

Mr. REGULA. No; I am for the motion, Mr. Speaker.

The SPEAKER pro tempore. Each Member will receive 20 minutes.

The gentleman from Ohio [Mr. REGULA] will be recognized for 20 minutes, the gentleman from Illinois [Mr. YATES] will be recognized for 20 minutes, and the gentleman from Minnesota [Mr. VENTO] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Minnesota [Mr. VENTO].

Mr. VENTO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, amendment No. 226 is an egregious example of legislation on an appropriations measure that should be rejected by the House.

The amendment would change existing law in order to release more than 4,000 acres in the greater Anchorage, AK, area from the requirement that they be managed for park and recreational purposes under a specific land-use plan.

In 1976, through legislation developed by the Interior Committee Congress ratified an agreement among the United States, the State of Alaska, and other parties concerning the future ownership and use of certain lands in the Anchorage area. Part of that agreement provided for the transfer out of Federal ownership of the lands involved here, which had been used as a Bureau of Land Management airfield. The transferred lands were required to be used for park and recreational purposes, under the agreement.

This was only one part of an extremely complicated land transfer and exchange involving more than 3 million acres in all. Its completion came only after extensive hearings and proceedings at the municipal, State, and local level, including approval by the Alaska Legislature as well as Congress. Elements of the overall exchange and transfer were implemented only after appeals all the way to the Supreme Court of the United States.

Mr. Speaker, the lands involved in this part of the conference report constitute about 97 percent of what is known as the "Far North Bicentennial Park," which is the largest municipal park in Anchorage. Proposals for possible commercial development within this park have produced considerable controversy in Anchorage, evidently including extensive hearings by the municipal assembly. This amendment would significantly revise the legal status of the bulk of the lands in the park.

Mr. Speaker, there could hardly be a better example of the reasons why the House rules prohibit including matters such as this in an appropriations bill. This was added in the other body when this bill was on the floor, without any opportunity for committee hearings, and without discussion or debate. We should defeat the motion to recede and concur in this improper amendment, so that its proponents can introduce a free-standing bill that we could consider in the normal and appropriate way.

I urge a vote against the motion to recede and concur in amendment No. 226.

ANCHORAGE, AK, *October 20, 1991.*

Hon. GEORGE MILLER,
Chairman, Interior and Insular Affairs Committee, House of Representatives, Washington, DC.

Attn: Jeff Petrich.

Re Anchorage Bicentennial Park Amendment (Amendment No. 226, Interior Appropriations Conference Report, H.R. 2686).

DEAR CHAIRMAN MILLER: I write to express in the strongest terms my abhorrence of the inclusion of amendment 226 in the interior appropriations conference report.

Why is a substantive amendment which will gut the cornerstone of a carefully negotiated land exchange tacked onto an appropriations bill in violation of House rules when the issue rightfully should be debated in your committee?

Why has there been absolutely no public knowledge, discussion or hearing on a change of such magnitude in Anchorage where its drastic impact will be felt?

As Director of Lands for the State of Alaska in 1975, I negotiated the language in PL 94-204 which transferred the approximately 4,387 acres in the Far North Bicentennial Park to the State. This transfer was a cornerstone of the largest land exchange in American history (over 3,000,000 acres). It was an extremely complicated and controversial exchange which involved myriad hearings and proceedings in all three branches of government (executive, legislative and judicial) at the municipal, state and federal levels. It was approved by the Alaska Legislature and Congress, and ultimately appealed to the United States Supreme Court before being implemented. With this one amendment all that compromise is being unravelled—with no public knowledge.

Under the terms of the existing transfer, this municipal park (largest in Anchorage) must be managed in accordance with a master development plan which resulted from a valid, completely public planning process. This amendment releases 98.6% of the park from the restrictions of that plan. The result will once again plunge Anchorage into a protracted, internecine fight pitting interest groups against one another. If we truly live in a democracy, why are the views of the local people most affected not being heard? Please stand up and wrest control back for issues which rightfully belong in a public forum before your committee.

Your understanding of the abject frustration of thousands of Anchorage citizens who have worked so hard to protect this largest of our parks is appreciated.

Sincerely,

MICHAEL C.T. SMITH.

October 19, 1991.

Hon. GEORGE MILLER,
Chairman, Committee on Interior and Insular Affairs, House of Representatives.

Hon. BRUCE F. VENTO,
Chairman, Subcommittee on National Parks and Public Lands, House of Representatives.

Re amendment to Interior Appropriations bill—Far North Bicentennial Park, Anchorage.

DEAR MR. CHAIRMEN: We are writing to urge you to oppose amendment 226 to the Interior Department Appropriations bill (H.R. 2686) when the bill comes to the floor for House concurrence in the conference committee report. The amendment would do away with existing safeguards for this largely undeveloped park in Alaska's largest city, leaving the area subject to ever-increasing demands for commercial development.

AMENDMENT 226

According to the Managers of H.R. 2686, the amendment would "release" 4,325 acres of "Far North Bicentennial Park" from the provisions of current federal law, which requires the park to be managed in accordance with a land use plan that zones the park for public recreation, watershed and wetlands protection, and other public purposes.

These provisions were a condition of the conveyance from the federal government to the State and thence to the Anchorage Municipality. They were intended by Congress to be permanent.

The amendment exposes virtually the entire park to new zoning for commercial development. It is being proposed by a municipal administration that has no use for parks and that sees Bicentennial Park as ripe for development—provided the existing covenants protecting the park's natural values can be swept aside.

THE PROCESS

As unacceptable as the amendment is on substantive grounds, we find it even more objectionable as an attempt to circumvent proper congressional and public reviews. There has been no consideration of the amendment by either your committee and subcommittee or the Senate Energy and Natural Resources Committee. It is simply a last-minute rider to the appropriations bill.

In Anchorage, there has been intense controversy surrounding proposed commercial developments within Bicentennial Park, including a proposed Alaska Native Heritage Park. Four Anchorage Municipal Assembly meetings were devoted to public testimony on just this one proposal. Over 8,000 citizens signed a petition for a referendum on the question.

We believe the public interest would be best served by the House's rejection of the amendment. If the proponents wish to pursue their amendment, they should be obliged to submit it in the form of proposed legislation. Please do what you can to safeguard Bicentennial Park, the jurisdiction of your committees, and the opportunity of the public to comment on public land issues.

We appreciate your consideration of our request.

Sincerely,

DIANE MOXNESS,
Knik Group Sierra Club.
CLIFF EAMES,
Alaska Center for the Environment.
CHUCK BOOHER,
Friends of Campbell Tract, (Far North Bicentennial Park).
SHARON STURGES,
Trustees for Alaska.
VALERIE BROWN,
Alaska Wildlife Alliance.

Mr. Speaker, I reserve the balance of my time.

Mr. REGULA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker and Members, just to keep the record straight, and I am sensitive to what the gentleman has just said, but I want to read from the report:

The managers agree that the 4,325 acres released from the plan are still to be managed under provisions of law regarding non-Federal land management for recreation and public purposes, and BLM is not to approve changes in use which alter significantly the nature of the current land uses of the area.

I am simply saying that the managers were sensitive to the concerns that were expressed, and we, therefore, put this language in the report.

Mr. YOUNG of Alaska. Mr. Speaker, will the gentleman yield?

Mr REGULA. I am happy to yield to the gentleman from Alaska.

Mr. YOUNG of Alaska. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I am very, very disappointed in the gentleman from Minnesota. If he would have read what was put in and why it was done, he would not have made this objection. These are not public lands. These are the lands of the State of Alaska conveyed to the city of Anchorage subject to a 1974 land management plan, 1974, very nearly 20 years ago.

The plan was drawn up for recreational purposes when our population in Anchorage was 50,000 people. We now, because you have crowded us into a small area and taken 147 million acres away from us, 147 million acres you put into parks and wilderness areas so that Alaskans cannot use them. You have crowded us into an area now, and we need some room for recreational purposes, and we manage for recreational purposes under the BLM. It would not be under the restrictive classification put in this that it was put under in 1974.

As I say, the city owns the land. It will be managed under the premise of the BLM recreational purposes, cross-country skiing and all of those other things that we do not have available, because the gentleman took our land away from us.

We would have put in ski trails and, you know, you think about it, Mr. Speaker, that 75 percent of the parklands of America are in Alaska. Ninety percent of the wildlife and wilderness areas are in Alaska.

□ 1730

We are talking about 4,000 acres that the people of Anchorage want to use, and you are objecting to it.

Now, my god, my friends, there is such a thing as fair play. Let us stick with the conference. The gentleman from Illinois did a good job. The ranking Member did a good job.

I cannot for the life of me understand why somebody from St. Paul, MN, would object to recreational purposes. It does no damage. There is no development talked about. There are no big high rises. There are no big factories being built.

My god, let us have our ski trails.

Mr. VENTO. Mr. Speaker, will the gentleman yield?

Mr. REGULA. I am glad to yield to the gentleman from Minnesota.

Mr. VENTO. Mr. Speaker, I thank the gentleman for yielding to me.

The gentleman is the ranking member of the Interior Committee, the minority ranking member. Should this not be an issue that is brought before the committee and considered in the normal course? It has nothing to do with appropriations.

Mr. YOUNG of Alaska. The normal course? All we want to do is to have some use of our land.

Now, if the gentleman is objecting to the process, I hope the gentleman remembers that, because this process has been going on year after year; but right now I am asking for some land, a little piece of land that would not even make a pimple on the end of my little finger, and the gentleman is saying now that we cannot do it.

I am saying it is wrong.

Mr. VENTO. Mr. Speaker, will the gentleman yield?

Mr. REGULA. I yield to the gentleman from Minnesota.

Mr. VENTO. Well, Mr. Speaker, has the gentleman introduced a bill to accomplish this purpose?

Mr. YOUNG of Alaska. It was done on the Senate side. It was not done on this side.

Mr. VENTO. The gentleman was very concerned about this.

Mr. YOUNG of Alaska. Would the gentleman guarantee the bill to me immediately? I have sat in that committee and what they do to the minority side in my State, between the gentleman from Minnesota and the chairman of that committee, they have taken the land away from us. They have taken the livelihood away from Alaskans and you say in the national interests, that is good.

My interests, my people's interests is in the ski trails and they are not going to take them away from us.

Mr. YATES. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, may I have the attention of the gentleman from California?

What is the objection of the gentleman from California? Is it to the fact that the Appropriations Committee engaged in a legislative amendment here?

The gentleman knows that he and I have discussed the question of jurisdiction, and I have made reference to it before. Is that the burden of the gentleman's objection?

As I understand it from staff and from the gentleman from California, this land will not be turned over for private development. I understand the gentleman to have that impression. Is that correct?

Mr. MILLER of California. Mr. Speaker, will the gentleman yield?

Mr. YATES. I yield to the gentleman from California.

Mr. MILLER of California. I understand that, Mr. Speaker, and yes, that is the objection. The fact is that when this land transfer was made and this exchange was put together, we put in criteria, as the gentleman from Alaska [Mr. YOUNG] has quite correctly pointed out, on the use of this land.

Now what has come along in this legislation, without any hearings, essentially without any notification, the Senate has inserted this language into land to release these 4,000 acres from those restrictions.

We may very well want to do that. We may very well make that decision. We may very well decide that this is a better use of this land and it can be managed in that fashion; but the fact is that is a policy determination for the authorizing committee to make, and those restrictions are there by virtue of law and agreement of this Congress.

Now what is simply suggested is that you can come along here and do this in the appropriations bill without that discussion.

We have been receiving letters and communications from people in Alaska who are upset about this, who want to be heard on this matter, who want this discussion. That is why the authorizing committees exist. It is simply that simple.

This is incredibly offensive to that process and the determination about this land use.

The SPEAKER pro tempore (Mr. DELLUMS). The time of the gentleman from Illinois has expired.

Mr. YATES. Mr. Speaker, I yield myself 2 additional minutes, and I yield to the gentleman from California.

Mr. MILLER of California. Mr. Speaker, if the gentleman will continue to yield, if it is as simple as the gentleman from Alaska points out, it can be addressed immediately within our committee. We are not there holding up a noncontroversial piece of legislation. God knows we have enough work to do.

We object to this and we object to this amendment on that basis.

Mr. YATES. Well, Mr. Speaker, as the gentleman knows, this will not happen again. I mean, if the gentleman objects to what the committee has done on jurisdictional grounds, I suggest that will not happen again; but I point out to the gentleman that as I understand what is happening in this case, it will not be turned over for private development. There will be no private development. It will still remain under the regulatory jurisdiction of the Bureau of Land Management.

Mr. MILLER of California. I understand that, Mr. Speaker, but that is not the manner in which the agreement was struck and the land is now being managed.

So one Senator walks in and without any discussion decides that we are going to change that contract and without any discussion we are simply supposed to approve that here, and that is the basis of the authorizing committees.

Mr. YOUNG of Alaska. Mr. Speaker, will the gentleman yield?

Mr. YATES. I yield to the gentleman from Alaska.

Mr. YOUNG of Alaska. With all due respect to my chairman, Mr. Speaker, my god, the administration supports it. The BLM supports it. They do not like what has occurred. They like the idea of maybe changing the recreational opportunity. No one opposes it.

The letters the gentleman is getting are probably because someone has a house that was built next to it and they do not want someone skiing by their front door. That is probably what it is.

Mr. MILLER of California. Mr. Speaker, will the gentleman yield?

Mr. YATES. I yield to the gentleman from California.

Mr. MILLER of California. I would just say, Mr. Speaker, this is exactly what we should not be doing. We should not be making policy determinations about the law, about the changes on the Appropriations Committee. That is not the purpose of this bill.

This bill is to appropriate money to carry out policies that the authorizing committees approve.

The SPEAKER pro tempore. The time of the gentleman from Illinois has again expired.

Mr. YATES. Mr. Speaker, I yield myself 1 additional minute.

Mr. Speaker, I want to tell the gentleman that he and I have discussed this before. We had reached an agreement that we will no longer engage in legislative activities. We have acted on legislative activities at the suggestion of the gentleman from Minnesota on other occasions. This occasion, we were pursuing a pattern that we have followed with the consent of the Interior Committee before.

Now, if the gentleman was opposed to this, he should have told us that at the beginning. Otherwise, we would not have done it.

Mr. MILLER of California. Mr. Speaker, if the gentleman will yield further, we have sent letters, we have sent concerns to the committee about this. It is all laid out in the record.

Mr. VENTO. Mr. Speaker, I yield myself such time as I may consume.

I would just point out to the gentleman from Illinois that on September 25 I sent to the distinguished chairman of the Interior Appropriations Subcommittee a matter concerning this which talked about the Anchorage, AK, land transfer on page 2 of such letter and indicated, I might say to the chairman, "Numerous other provisions inserted by the Senate."

I appreciate the chairman pointing out the fact that he is intending on not providing these particular provisions in future bills.

The fact of the matter is that they do not come from the distinguished chairman. They come from the Senate, from the other body and from the individual Members of the other body who insist on prevailing in this particular play.

Here we are on the House floor having a discussion. There is no hearing record. I do not know what the administration's position is.

It is, of course, a part of our policy to bring the administration before us in the matter of these individual bills.

I, for one, have not acceded to the request of the chairman of the Interior Appropriations Subcommittee to add authorizing language in his measure at any specific time. I will just point that out. I would hope, I do not know what the merits are, but the gentleman from Alaska is on the verge of suggesting that the gentleman from Minnesota is absolutely against his particular position. I have a lot of questions about it. Certainly if it is going to continue to be used in the way it has, why is it necessary to in fact change the 1976 agreement?

These are questions that can and should be answered before the committee, not on the House floor. This is not the time to discuss or to get into the details.

The fact of the matter is this should be rejected in this measure that is before us. This motion should be rejected and we should bring this bill through the normal legislative process, not be taking up the time on the House floor with this and other matters that I suggested in the letter of September 25 to the chairman that had no business in an appropriations bill.

There is absolutely nothing related to appropriations in the policy issue that is before us. It is strictly a policy issue that is before us. it is strictly a policy issue that this committee has no business and that this conference had no business being involved with, according to the rules of this House.

□ 1740

They mean something or they do not. I appreciate the future assurances that we proceed today. But the fact of the matter is that a great number of these provisions continue to be placed into this legislation and in the appropriation measures that have no business being placed in the appropriation measures.

I would hope the House would reject this motion and we would continue to work in the normal authorizing process on this matter.

Mr. YATES. Mr. Speaker, I yield back the balance of my time.

Mr. REGULA. Mr. Speaker, I yield as much time as he may consume to the gentleman from Alaska [Mr. YOUNG].

Mr. YOUNG of Alaska. I thank the gentleman for yielding.

Mr. Speaker, I will not take much time. I am asking my colleagues, all this is is a turf battle, a turf battle. You heard the gentleman from Illinois saying that it will not happen again. But the merits of this case are there. The land is not changed. It is just that we can add a new recreational value to the land, which we badly need.

So I am asking you to accept the motion of Mr. YATES and let us get on with our business.

Mr. REGULA. Mr. Speaker, I just want to reemphasize that we were very sensitive to the concerns that were expressed. The managers made it very clear in the statement that we will not allow the BLM to alter significantly the nature and current uses of the land.

Mr. Speaker, I urge all of you to vote "yes" on behalf of the people of Alaska.

Mr. VENTO. Mr. Speaker, I yield myself such time as I may consume, just to say that the report language is interesting but it does not have the force of law. The effect of this is to release the land from the use that it had in the 1976 agreement. That is the effect of it, and that is all that it does.

Mr. MILLER of California. Mr. Speaker, will the gentleman yield?

Mr. VENTO. I yield to the gentleman from California [Mr. MILLER].

Mr. MILLER of California. I thank the gentleman for yielding.

Mr. Speaker, the fact is this language goes beyond what the two gentleman have represented on this side. It allows for the 62 acres of this land to be developed. It is the beginning of development of this land. So in fact we are not just changing the recreational use. That is why this ought to be determined in the Committee on Interior and Insular Affairs, not in the Committee on Appropriations.

This is a removal of the developmental restrictions which have been in place since 1974. If it is noncontroversial and it can stand the light of day, then we can deal with it in the Committee in a very expeditious fashion and that is the way it ought to be done.

Mr. VENTO. Mr. Speaker, I yield back the balance of my time.

Mr. REGULA. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. DELLUMS). All time has expired.

The question is on the motion offered by the gentleman from Illinois [Mr. YATES].

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. YOUNG of Alaska. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently, a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 213, nays 135, not voting 85, as follows:

[Roll No. 345]

YEAS—213

Alexander
Allard
Anderson
Anthony
Applegate
Archer
Armey
Atkins
Baker
Ballenger
Barrett
Barton
Bateman
Bentley
Bereuter
Bilirakis
Bliley
Boehlert
Boehner
Borski
Broomfield

Brown
Bunning
Burton
Callahan
Camp
Campbell (CA)
Carper
Carr
Chandler
Chapman
Clement
Clinger
Coble
Coleman (MO)
Combest
Coughlin
Coyne
Crane
Cunningham
DeLay
Derrick
Dingell
Donnelly
Doolittle
Dornan (CA)
Dreier
Edwards (CA)
Edwards (OK)
Emerson
Erdreich
Ewing
Fazio
Fields
Fish
Franks (CT)
Gallo
Gekas
Gilchrest
Gillmor
Gilman
Goodling
Goss
Gradison
Grandy
Green
Guarini
Gunderson
Hall (TX)
Hammerschmidt
Hancock
Hastert
Hefley
Hefner
Henry
Herger
Hobson
Holloway
Horton
Houghton
Hoyer
Hughes
Hunter
Hyde
Inhofe
Ireland
James
Johnson (CT)
Johnson (TX)
Jones (NC)
Kanjorski
Kasich
Klug
Kolbe
Kyl
LaFalce
Lagomarsino
Lehman (FL)
Lent
Lewis (CA)
Lewis (FL)
Lightfoot
Livingston
Lowery (CA)
Machtley
Marlenee
Martin
Martinez
Mavroules
Mazzoli
McCandless
McCollum
McCrery
McDade
McEwen
McGrath
McHugh
McMillan (NC)
Meyers
Michel
Miller (OH)
Miller (WA)
Molinari
Mollohan
Moorhead
Morella
Morrison
Murphy
Murtha
Myers
Natcher
Nichols
Nowak
Nussle
Oberstar
Obey
Ortiz
Oxley
Packard
Paxon
Pease
Perkins
Pickett
Pickle
Porter
Price
Pursell
Ramstad
Regula
Rhodes
Ridge
Riggs
Rinaldo
Ritter
Roberts
Roe
Rogers
Rohrabacher
Ros-Lehtinen
Rostenkowski
Roth
Roukema
Sabo
Santorum
Sawyer
Saxton
Schaefer
Schiff
Sensenbrenner
Shaw
Shays
Shuster
Sisisky
Skeen
Slattery
Smith (IA)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Staggers
Stallings
Stearns
Stokes
Stump
Sundquist
Swift
Tanner
Taylor (NC)
Thomas (CA)
Thomas (GA)
Thomas (WY)
Traxler
Unsoeld
Upton
Vander Jagt
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Weiss
Weldon
Whitten
Wolf
Wylie
Yates
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—135

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Annunzio
Aspin
Bacchus
Beilenson
Bennett
Berman
Bevill
Bilbray
Bonior
Brooks
Bruce
Bryant
Campbell (CO)
Cardin
Coleman (TX)
Collins (IL)
Collins (MI)
Cooper
Costello
Cox (IL)
Cramer
DeFazio
DeLauro
Dellums
Dixon
Dooley
Dorgan (ND)
Durbin
Dwyer
Dymally
Eckart
Edwards (TX)
Engel
English
Espy
Evans
Fascell
Fawell
Flake
Foglietta
Ford (MI)
Gejdenson
Gephardt
Gibbons
Glickman
Gonzalez
Gordon
Hall (OH)
Hamilton
Hayes (IL)
Hertel
Hoagland
Hochbrueckner
Horn
Jefferson
Johnson (SD)
Johnston
Jones (GA)
Jontz
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Kopetski
Kostmayer
Lantos
LaRocco
Levin (MI)
Lewis (GA)
Long
Lowey (NY)
Markey
McCloskey
McCurdy
McDermott
McMillen (MD)
McNulty
Mfume
Miller (CA)
Mineta
Mink
Moakley
Mrazek
Nagle
Oakar
Olver
Owens (NY)
Panetta
Pastor
Payne (NJ)
Pelosi
Peterson (FL)
Peterson (MN)
Petri
Poshard
Rahall
Reed
Richardson
Roemer
Rose
Roybal
Sanders
Sangmeister
Sarpalius
Scheuer
Schroeder
Schumer
Sikorski
Skaggs
Slaughter (NY)
Solarz
Spratt
Studds
Swett
Synar
Tallon
Thornton
Torres
Towns
Traficant
Vento
Washington
Waters
Waxman
Wheat
Williams
Wilson
Wise
Wolpe

NOT VOTING—85

AuCoin
Barnard
Boucher
Boxer
Brewster
Browder
Bustamante
Byron
Clay
Condit
Conyers
Cox (CA)
Dannemeyer
Darden
Davis
de la Garza
Dickinson
Dicks
Downey
Duncan
Early
Feighan
Ford (TN)
Frank (MA)
Frost
Gallegly
Gaydos
Geren
Gingrich
Hansen
Harris
Hatcher
Hayes (LA)
Hopkins
Hubbard
Huckaby
Hutto
Jacobs
Jenkins
Kolter
Lancaster
Laughlin
Leach
Lehman (CA)
Levine (CA)
Lipinski
Lloyd
Luken
Manton
Matsui
Montgomery
Moody
Moran
Neal (MA)
Neal (NC)
Olin
Orton
Owens (UT)
Pallone
Parker
Patterson
Payne (VA)
Penny
Quillen
Rangel
Ravenel
Ray
Rowland
Russo
Savage
Schulze
Serrano
Sharp
Skelton
Slaughter (VA)
Smith (FL)
Stark
Stenholm
Tauzin
Taylor (MS)
Torricelli
Valentine
Weber
Wyden
Yatron

□ 1805

Mr. WILSON, Mr. PAYNE of New Jersey, Mr. TORRES, and Mrs. MINK changed their vote from "yea" to "nay."

Mrs. UNSOELD changed her vote from "nay" to "yea."

So the motion was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider the votes by which action was taken on the several motions was laid on the table.

GENERAL LEAVE

Mr. YATES. Mr. Speaker, I ask unanimous consent that I may be permitted to revise and extend my own remarks, and that all Members may have 5 legislative days in which to revise and extend their remarks, and include extraneous material and tabular information, on the conference report on H.R. 2686, which was just agreed to.

The SPEAKER pro tempore (Mr. DELLUMS). Is there objection to the request of the gentleman from Illinois?

There was no objection.

PERSONAL EXPLANATION

Mr. DANNEMEYER. Mr. Speaker, I was unavoidably away from the House floor during rollcall votes numbered 341, 342, 343, 344, and 345. Had I been present I would have voted aye on rollcall 341, nay on rollcalls 342, 343, and 344, and aye on rollcall 345.

PERSONAL EXPLANATION

Mr. PALLONE. Mr. Speaker, I was not present for rollcall vote no. 345, on a motion by Mr. YATES that the House recede from its disagreement to and concur with the amendment of the Senate numbered 226 to the conference report on H.R. 2686, Department of the Interior and Related Agencies Appropriations Act, 1992.

At the time that the vote occurred, I was at the White House for a meeting of the Conservative Democratic Forum with President BUSH and Vice President QUAYLE.

Had I been present, I would have voted "yea."

WITHDRAWAL OF NAME OF MEMBER AS COSPONSOR OF HOUSE RESOLUTION 194

Mr. SHAYS. Mr. Speaker, I ask unanimous consent to withdraw my name as a cosponsor of House Resolution 194.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

WITHDRAWAL OF NAME AS MEMBER OF COSPONSOR OF H.R. 1527

Mr. OWENS of New York. Mr. Speaker, I ask unanimous consent that my name be withdrawn as a cosponsor of the bill, H.R. 1527.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

PERMISSION FOR COMMITTEE ON ENERGY AND COMMERCE TO HAVE UNTIL 6 P.M., FRIDAY, OCTOBER 25, 1991, TO FILE A REPORT ON H.R. 3508, HEALTH PROFESSIONALS EDUCATION AUTHORIZATION

Mr. WAXMAN. Mr. Speaker, I ask unanimous consent that the Committee on Energy and Commerce may have until 6 p.m. on Friday, October 25, 1991 to file its report on H.R. 3508, the health professions education authorization.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

REFUGEE DAY

Mr. SAWYER. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the Senate joint resolution (S.J. Res. 192) designating October 30, 1991 as "Refugee Day," and ask for its immediate consideration.

The Clerk read the title of the Senate joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

Mr. GILMAN. Mr. Speaker, reserving the right to object, I do not object but I would simply like to inform the House that the minority has no objection to the legislation now being considered.

Mr. Speaker, continuing my reservation of objection, I rise in support of House Joint Resolution 323, designating October 30, 1991, as "Refugee Day." And I would like to take this opportunity to commend the gentleman from California [Mr. DYMALLY] for introducing this resolution.

It is with gratification that we in the United States view the recent triumph of democracy throughout the world. In particular, it is heartening to observe in the countries behind the bygone iron curtain that democracy and the right to emigrate go hand in hand.

The history of the United States would not be complete without the many success stories of refugees who came to our shores. Further, these success stories continue today with the relaxation of Soviet and Eastern European emigration. While we are facing a minor crisis with the numbers of refugees leaving the Soviet Union, it is a situation in which we can rejoice and should proudly take credit. After so many years of hard work for our Nation, these people are finally free.

Unfortunately, in many parts of the world human beings are still being oppressed and still forced to flee their homelands to escape serious threats to themselves and to their families. Today, there are over 15 million refugees throughout the world, sometimes living in conditions so horrible that death is a commonplace event.

It is hoped that this resolution will help bring attention to the plight of the refugee throughout the world. Accordingly, I urge my colleagues to support this timely legislation.

□ 1810

Mr. GILMAN. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore (Mr. KANJORSKI). Is there objection to the request of the gentleman from Ohio?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 192

Whereas in the past decade, the plight of refugees world wide has been deepening as the world refugee population has more than doubled from 7,300,000 to 16,000,000;

Whereas more than 80 percent of these refugees are women and children;

Whereas one-third of the refugee population is found in Africa where the host countries have the weakest infrastructure and are the least able to sustain such large numbers of destitute people in flight;

Whereas the international effort to respond to the refugee crisis worldwide with the formulation of the United Nations Convention on Refugees and the founding of the Office of the United Nations High Commissioner for Refugees (UNHCR) marks its fortieth anniversary in 1991;

Whereas the United States has always played a leading role in refugee matters worldwide;

Whereas the origins of the United States as a land of refuge for those escaping persecution and the development of the United States as a nation of immigrants gives the country a deep understanding of and sympathy for the plight of the 16,000,000 refugees in the world;

Whereas refugees who have come to the United States have made significant contributions to the country;

Whereas the United States has consistently encouraged other countries to expand the effort to help the needy population of refugees and has worked to find both short-term and long-term solutions to the refugee crisis; and

Whereas the current world refugee situation requires that the United States continue to be a leader in refugee affairs and in the efforts to meet the growing challenges of the refugee crisis: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That—

(1) October 30, 1991 is designated as "Refugee Day"; and

(2) the President is authorized and requested to issue a proclamation calling on the people of the United States to observe the day with appropriate ceremonies and activities.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SAWYER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks, and include therein extraneous material, on Senate Joint Resolution 192.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF HOUSE CONCURRENT RESOLUTION 28

Mr. UPTON. Mr. Speaker, I was mistakenly included as a cosponsor of House Concurrent Resolution 28, and I ask unanimous consent that my name be removed as a cosponsor of that concurrent resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed without amendment a bill of the House of the following titlt:

H.J. Res. 360. Joint resolution making further continuing appropriations for the fiscal year 1992, and for other purposes.

PERSONAL EXPLANATION

Ms. HORN. Mr. Speaker, during rollcall vote No. 340 on House Joint Resolution 360, I was unavoidably detained. Had I been present, I would have voted aye.

Mr. Speaker, I ask unanimous consent that my statement appear in the Permanent Record immediately following rollcall vote No. 340.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Missouri?

There was no objection.

LEGISLATIVE PROGRAM

(Mr. SOLOMON asked and was given permission to address the House for 1 minute.)

Mr. SOLOMON. Mr. Speaker, I ask for this time to engage the majority leader in a colloquy on the schedule.

Mr. GEPHARDT. Mr. Speaker, will the gentleman yield?

Mr. SOLOMON. I am glad to yield to the gentleman from Missouri to give us his schedule for next week.

Mr. GEPHARDT. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, our business is obviously done for the day. There will be no votes on tomorrow.

On Monday, October 28, the House will meet at noon to consider eight bills under suspension, but recorded votes on all suspensions will be postponed until Tuesday, October 29. The bills to be considered are:

H.R. 2896, Minute Man National Historical Park Amendments of 1991;

H.R. 2927, St. Croix, Virgin Islands Historical Park; and Ecological Preserve Act of 1991;

H.R. 2454, Generic Drug Enforcement Act of 1991;

H.R. 3401, Silvio O. Conte Disability Prevention Act Amendments of 1991;

H.R. 3402, Health Information and Health Promotion Amendments of 1991;

H.R. 3508, health professional education;

House Joint Resolution 281, extending most-favored-nation status to the Mongolian People's Republic; and

House Joint Resolution 282, extending most-favored-nation status to Bulgaria.

On Tuesday, October 29, the House will meet at noon. Again, we will hold the votes on the suspensions for Monday until that day. Then we will be considering:

H.R. 3543, dire emergency supplementals, domestic disaster assistance and incremental costs of operation Desert Shield/Desert Storm—Open rule, 1 hour of debate;

H.R. 2508, foreign assistance authorization for fiscal year 1991 and 1993 conference report—1 hour of debate; and

H.R. 3489, Export Administration Act reauthorization—subject to a rule.

On Wednesday, October 30, and the balance of the week, the House will meet at 11 a.m. on Wednesday and 10 a.m. on Thursday and Friday. We will be taking up:

H.R. 3575, the Federal Supplemental Compensation Act of 1991—Subject to a rule;

H.R. 6, Deposit Insurance and Regulatory Reform Act of 1991—Subject to a rule; and

H.R. 2, Family and Medical Leave Act of 1991—Subject to a rule.

A conference report may be expected on: H.R. 2707, Labor, Health and Human Services Appropriations for fiscal year 1992—1 hour of debate.

Obviously, other conference reports may be brought up at any time. Any further program would be announced at a later point.

Mr. SOLOMON. Mr. Speaker, just for further clarification, in the votes on suspensions on Monday, they would be laid over until Tuesday?

Mr. GEPHARDT. That is correct.

Mr. SOLOMON. Mr. Speaker, when might be the earliest vote that the majority leader might expect of us?

Mr. GEPHARDT. Mr. Speaker, the House will meet at noon, and I would expect that those votes would start by 1 or 2 o'clock.

Mr. SOLOMON. The gentleman also knows that we have a problem on both sides of the aisle because of the banking bill that may be taken up in the Rules Committee on Tuesday. The chairman of the Rules Committee has sent a letter requesting that all amendments be in by Friday at 5 p.m. There is no published agreement yet that the Members have been able to see, particularly title IV.

I was wondering if there was going to be any concession on filing amendments, particularly that section, so that Members might have a chance over the weekend to see whatever agreement has been agreed to?

Mr. GEPHARDT. Mr. Speaker, if the gentleman would be kind enough to yield to the distinguished chairman of the Committee on Rules [Mr. MOAKLEY], we might get a clarification.

Mr. SOLOMON. Mr. Speaker, I would be more than happy to yield to my boss.

Mr. MOAKLEY. Mr. Speaker, actually as a result of an agreement being reached to title IV, I feel it is only fair to the Members that we should allow up until Monday for filing of amendments to that substitute amendment to title IV. But at this time I would hope that it be available then. I do not know. But we will try to find some mechanism available to make it available to Members so they can then write their amendments.

Mr. SOLOMON. Mr. Speaker, so we can see that agreement perhaps Friday, so we would at least be able to look at it over the weekend, if possible?

Mr. MOAKLEY. Mr. Speaker, the gentleman is correct.

Mr. SOLOMON. I certainly appreciate that consideration.

Mr. MOAKLEY. Mr. Speaker, as the gentleman knows, the reason we are moving the date is because we did not know this agreement was going to be made when we made the original announcement earlier this week. Since there has been movement on it, I think it is only fair to the membership in order that they may draft amendments to this substitute amendment to Title IV and that they have until Monday next to do so.

Mr. DREIER of California. Mr. Speaker, will the gentleman yield?

Mr. SOLOMON. I yield to the gentleman from California [Mr. DREIER] that is going to carry the rule on our side.

Mr. DREIER of California. Mr. Speaker, I thank my friend for yielding. I want to confirm again with the chairman of the Committee on Rules, my dear friend, we are using H.R. 6 as the base form which this legislation would be crafted?

Mr. MOAKLEY. Mr. Speaker, if the gentleman will yield, I am not privy that any change has been made to H.R. 6. If there is, we will get that information to Members as quickly as we can. As of right now, we are talking about drafting amendments to a substitute title IV of H.R. 6.

Mr. DREIER of California. Mr. Speaker, I thank my friend for yielding. I would like to thank the chairman of the Rules Committee [Mr. MOAKLEY] for being very fair in dealing with this controversial title IV of the bill.

Mr. SOLOMON. Mr. Speaker, finally if I might ask the majority leader, I know there is a busy schedule for next week that is going to keep us quite busy. I do not see anything on the so-called October Surprise here that had been talked about.

Is there any possibility that that resolution might be considered next week at all?

Mr. GEPHARDT. Mr. Speaker, there is no decision which has been made. We will obviously give Members adequate notice if that decision is made. We do have an active schedule next week, and we are going to be troubled to get it done.

ADJOURNMENT TO MONDAY, OCTOBER 28, 1991

Mr. GEPHARDT. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at noon on Monday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. GEPHARDT. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday Rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

HOUR OF MEETING ON WEDNESDAY, OCTOBER 30, 1991

Mr. GEPHARDT. Mr. Speaker, I ask unanimous consent that when the House adjourns on Tuesday, October 29, 1991, it adjourn to meet at 11 a.m. on Wednesday, October 30, 1991.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 3489, EXPORT ADMINISTRATION ACT OF 1979 REAUTHORIZATION

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept. No. 102-274) on the resolution (H. Res. 259) providing for the consideration of the bill (H.R. 3489) to reauthorize the Export Administration Act of 1979, and for other purposes, which was referred to the House Calendar and ordered to be printed.

CAMPAIGN FINANCE REFORM

(Mr. GILCHREST asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GILCHREST. Mr. Speaker, after listening to the 1-minute speeches this morning for a period of time, I would like to say something other than what I was going to address the House. I simply would like to take a few seconds to say that we should maybe have a year of optimism for the Congress and for the American people, because while things are bad, unless we view our country in a positive manner, if we keep talking these negative thoughts, I am not sure we will ever be successful in the kinds of things we want to do, so let us let this year be a year of an optimistic Congress.

I would like to address the House very briefly this morning on campaign finance reform, which I think is drastically needed to help us create that sense of optimism and that sense that the public needs to be involved in the political process.

Last year when I was campaigning, I met a carpenter in one of the cities in which I was campaigning, and I said, "Are you going to vote this year?"

And he said, "No."

And I said, "Why not?"

And he said, "Because I haven't voted since the Eisenhower years, because there is too much money mixed up in politics.''

Well, unless we can show the public that each individual congressional candidate receives the majority of their money from individuals in the district that can vote for him, then we will continue along this line, so we need campaign finance reform.

Mr. Speaker, I have read that the Democrats are getting ready to introduce their campaign finance bill, and I wonder what they intend to propose when it comes to stemming the flow of special interest money.

The majority of a candidate's funds should not come from PAC's and special interest lobbies, but from the individuals living in the candidate's own district. This will give an aggressive challenger who is willing to build grassroots local support a fair chance of winning. No longer will an entrenched incumbent who has lost touch with his constituency be able to raise all of his or her campaign funds in Washington.

In-district financing will limit spending, not based on some arbitrary limit, but on the willingness of a candidate's constituents to contribute. Candidates with strong, broad-based support within their home districts will have the advantage over candidates with wealthy friends outside the district. Requiring that a majority of funds come from individuals from within the voting district will only handicap candidates who do not have strong local support.

Mr. Speaker, far too often the debate on campaign reform focuses on measures which seem slanted toward incumbent preservation. We all know that the overwhelming majority of special interest money goes to incumbents. In bringing fundraising back to the district, perhaps we can bring the Members' attention back there as well.

AMERICANS ARE MORE CONCERNED ABOUT THE RECESSION AND UNEMPLOYMENT COMPENSATION

(Mr. MORAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. MORAN. Mr. Speaker, many people thought that the Washington metropolitan area was recession-proof because of the presence of the Federal Government. That no longer is the case.

Mr. Speaker, I sent out a survey last month. We received 14,000 responses, and the most important concern on the minds of people in this area is the recession, the economy. This is the first time that I have ever seen any poll where concern about the economy eclipses concern about transportation.

This last week, twice as many people exhausted their unemployment benefit as this week last year. When that happens, that means that they cannot meet their mortgage payments, they cannot meet their car payments. It means, in some cases, they cannot even put food on their table every night or go to sleep knowing that they are going to be able to provide for their families.

These are people who have not quit their jobs. These are not shiftless people. These are people desperately seeking work and jobs are not there, Mr. Speaker.

Mr. Speaker, I am proud to take part of this all night vigil to show our support for extending unemployment benefits for the more than 2 million Americans who have exhausted their benefits and still cannot find a job in this lingering recession.

The polls are all in. The Washington Post found that more Americans are concerned about the recession and about unemployment than are concerned about drugs or crime; 19 percent of those surveyed said that unemployment is their No. 1 fear, up from 7 percent in March. Nearly half of those surveyed—48 percent—said they felt that most Americans are worse off now than they were 4 years ago. Last month, my office sent out a districtwide survey. The response was overwhelming and of the 14,000 surveys we received back, 51 percent of my constituents said the economy was their biggest concern.

We can't continue to deny that the United States is in a serious recession. Just Tuesday, General Motors and Ford Motor Co. announced third quarter losses of $1.1 billion and $574 million respectively. My own Commonwealth of Virginia, which has always been considered recession proof because of the large presence of the Federal Government and the high percentage of white collar jobs, estimated their unemployment rate for September to be 5.6 percent, up almost 1½ percentage points from the same time in 1990. Most troubling is the number of Virginians who have exhausted their unemployment insurance. During the week of October 12, 1991, 729 individuals exhausted their unemployment insurance, compared with only 326 who exhausted their benefits the same time last year. Virginia is not unique. Indeed, many could argue that Virginia is in a much better condition than the rest of the Nation. Nationwide, 271,694 Americans exhausted their unemployment insurance benefits in September. You can no longer deny that this is an emergency situation.

We in Congress have tried and tried again to help those people hardest hit by a recession that simply will not end. In July, we sent the President a good bill—a fair bill—that would have provided relief for those men and women who had exhausted their unemployment benefits. The President needed only to sign the bill and declare an emergency to set this extension in motion. While he showed great symbolism in signing the bill, he showed no compassion in refusing to declare an emergency.

While the administration fiddled and denied there was a recession back in August, 8.5 million Americans were out looking for a job. While the President denied that there was an economic emergency and refused to enact the unemployment extension, 316,000 individuals exhausted their benefits; 316,000 Americans who would have been covered by our efforts in July must now worry about feeding their families, paying their bills, and meeting their mortgages; 316,000 Americans who could have been protected then watched their benefits run out and their hopes for the future dissipate.

Again on October 1, 1991, we voted overwhelmingly to extend unemployment benefits. Once again the President claimed that we were climbing out of the recession and that there was no need to bust the budget to extend unemployment benefits. Once again, the President vetoed the bill. Once again, the Senate failed to override the veto, this time by two votes.

Mr. Speaker, I do not see how in the world the President can deny that there is an unemployment emergency in this country. More than 8.4 million Americans are out of work. More than 2 million of those unemployed Americans have been out of work for more than half a year and have exhausted their unemployment benefits. The number of Americans who have exhausted their unemployment benefits grew by 271,694 in September, the month we were supposedly on the way out of the recession.

When will we confront this truth about the recession? When will we admit that more than 8.4 million Americans cannot find a job? When will we act to protect those 2 million Americans whose unemployment benefits have run out and who are unable to feed their families, make their car payments, or meet their mortgages? We have the money to help those families suffering extended unemployment. There is over $7.6 billion in the unemployment trust fund. We have the political will to enact this legislation. Both bodies have voted overwhelmingly in favor of an extension in the past. We only need the President to listen to the will of the majority of Americans and to work with us in Congress to pass this crucial bill.

Mr. Speaker, we have had two chances to extend unemployment benefits. Had the President signed the first bill, more than 587,000 Americans would have been protected. I only hope that we can get this bill signed into law and extend unemployment benefits before another 587,000 Americans exhaust their benefits and watch their dreams and their hopes fade away.

□ 1820

NATIONAL RED RIBBON WEEK FOR A DRUG FREE AMERICA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon [Mr. KOPETSKI] is recognized for 5 minutes.

Mr. KOPETSKI. Mr. Speaker, House Joint Resolution 340 designates the week of October 19 through 27 as "National Red Ribbon Week for a Drug Free America." I am an original cosponsor of House Joint Resolution 340 and am happy that the House passed this resolution last Thursday.

Among other declarations, House Joint Resolution 340 states:

> The Congress recognizes and commends the hard work and dedication of concerned parents, youth, law-enforcement officials, educators, business leaders, religious leaders, private sector organizations, and Govern-

ment leaders in combating abuse of alcohol and other drugs.

Mr. Speaker, I rise today to recognize and commend the efforts of the Oregon Federation of Parents in promoting the National Red Ribbon Week for a Drug Free America.

The Oregon Federation of Parents was formed in 1982 by concerned parents with a common goal: to end the use of illegal drugs and to end the illegal or harmful use of legal drugs or substances. The Oregon Federation of Parents is now a coalition that includes all segments of the community.

Mr. Speaker, the Oregon Federation of Parents is not just active this week, but every week of the year with its highly successful Reach Program. The Reach Program seeks to counsel junior and senior high school students to adhere to a simple philosophy: No use of drugs and no illegal or harmful use of legal drugs or substances. They accomplish this by, among other things, putting on drug- and alcohol-free events for young people. In my district, the communities of Dallas, Monmouth, and Independence are especially active in the Reach Program. The Reach Program is a model for communities all over this Nation.

Mr. Speaker, yesterday the House passed H.R. 3371, the Omnibus Crime Bill. In this bill, I offered an amendment to include alcohol abuse in the innovative methods to treat and counsel substance abuse by youthful offenders. I proposed this amendment because I, along with many of my colleagues, am concerned that not enough attention is being paid to the contributing factor of alcohol abuse in crime.

Mr. Speaker, the number of crimes involving people, both young and old, high on alcohol, is disturbing. In Oregon, in 1988, there were over 36,000 arrests for alcohol-related offenses, including driving under the influence, liquor law violations, drunkenness, disorderly conduct, and vagrancy. The FBI's 1990 Uniform Crime Report also shows more than 200,000 alcohol-related arrests nationwide for people under the age of 18.

A recent Center for Disease Control [CDC] survey confirmed the continuing trend of alcohol use among young people. This survey showed that 47 percent of a surveyed group of Oregon high school students—grades 9–12—used alcohol during the 30 days preceding the survey and 30 percent had 5 or more drinks on at least one occasion. The survey also reported that 14 percent of these students smoked marijuana and 3 percent used cocaine. Nationwide, the CDC high school student survey showed that 59 percent used alcohol; 37 percent had 5 or more drinks; 14 percent smoked marijuana; and 2 percent used cocaine over the same 1 month period.

Mr. Speaker, these statistics confirm that there is more work to be done. The Oregon Federation of Parents is the effective type of grassroots program that makes great progress among young people. To help with their efforts, Congress needs to increase its support for Federal-State cooperative initiatives such as the Drug Abuse Resistance Education [D.A.R.E.] and Drug Free Schools and Communities programs.

Mr. Speaker, many of my colleagues and I wear this red ribbon today to signify our commitment to a healthy, drug-free lifestyle for people both young and old. I salute the efforts of the Oregon Federation of Parents in their efforts to make a drug-free America a reality.

Mr. Speaker, some 380,000 Oregonians, or 14 percent of the State's population, needed emergency food assistance in 1989 and 1990. Approximately 8 percent of Oregonians received food stamps in that same period, and this percentage is increasing. It is unknown how many potentially eligible people have not requested food stamps.

This problem shows signs of getting worse. The per capita income of Oregonians has dropped relative to the national average. In 1979, Oregonians were at 102 percent of the national income rate; in 1989, Oregonians were making only 90 percent of the national income rate. While Oregon has a low State unemployment rate, many areas have been hit hard by the slowdown in the timber industry, and many of the jobs created contributing to high employment rates are in the lower paying retail trade and service sectors.

Hunger is increasing nationally as well. In 1990, emergency food requests were up 22 percent over 1989. The Salvation Army reported that in 1990 donations increased 8 percent while requests for aid increased 20 percent. In July of this year the American Public Welfare Association reported an 18-percent increase in Aid to Families with Dependent Children [AFDC] recipients over the previous 12 months, and that more than 3 million people were added to the Food Stamp Program in just the last year.

As anyone who has experienced hunger can tell you, it has disastrous effects on one's health. The infant mortality rate is closely linked to inadequate quantity or quality of food in the diet of the infant's mother. The United States ranks 19th among developed nations in infant mortality. Iron-deficiency anemia in children can lead to adverse health effects such as developmental and behavioral disturbances. Children who go hungry are two to three times more likely than adequately fed children to suffer serious health problems.

With the Federal deficit running into the hundreds of billions of dollars and State budgets being squeezed to the breaking point, charitable organizations and the goodness of the private citizen can make a world of difference. Earlier this year in Phoenix, AZ, letter carriers gathered about 60 tons of food in 1 day through donations from their postal customers. This Saturday, in conjunction with the U.S. Postal Service and the AFL–CIO, letter carriers in 10 cities around the Nation—including Portland, OR, and the greater Portland area—will collect donations of nonperishable food left by their customers at their mailbox. The food will be brought by the carriers back to their local post office, where it will be picked up and delivered to needy families by local food banks.

Mr. Speaker, I applaud the National Association of Letter Carriers on their generosity in making this effort, and especially the roughly 2,000 Portland members taking part. This is the kind of work, the kind of caring that can make this country what it should be. I urge postal customers in the Portland area and in the other cities that are participating—Louisville, KY; Dallas, TX; Columbus, OH; Jacksonville, FL; Long Island, NY; Peoria, IL; Harrisburg, PA; San Antonio, TX; and San Jose, CA—to give what they can. Your contribution will make the difference between another day of hunger and a good meal for a family in need. I would like to see this pilot program expand to an annual nationwide event.

THE HEALTH INSURANCE REFORM AND COST CONTROL ACT OF 1991, H.R. 3626

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. ROSTENKOWSKI] is recognized for 5 minutes.

Mr. ROSTENKOWSKI. Mr. Speaker, today I am introducing H.R. 3626, the Health Insurance Reform and Cost Control Act of 1991.

This is an incremental proposal designed to begin legislative debate on the vital matter of health care reform. I am pleased that Senator LLOYD BENTSEN, chairman of the Senate Finance Committee, is introducing a similar bill in the Senate.

The Committee on Ways and Means has just completed 2 weeks of hearings on comprehensive health insurance reform proposals. These hearings heightened the committee's understanding of the serious problems that plague the health care system and reaffirmed the importance of moving expeditiously to address the twin problems of the lack of health insurance coverage and spiralling health care costs.

There is widespread agreement that both of these problems beg for reform.

First, 34 million Americans lack health insurance—most of them are middle income and most of them work. Millions more are justifiably concerned that their health insurance will disappear precisely when it is most needed.

Surveys report that 34 million of our fellow citizens do not have any coverage at all, while over 60 million do not have coverage at some time over a 2-year period.

Second, there has been an astronomical increase in health care costs—which continue to rise 8 to 10 percent per year faster than the general rate of inflation. There is a strong consensus among the American people, labor organizations, and the business community that these costs must be brought under control.

Polls tell us that the cost of medical care has become the most serious economic or social issue for the American people. Moreover, the number of people concerned about the cost of health care is rising steadily. Health care has clearly become a middle-class issue.

Earlier this year, I introduced H.R. 3205, the Health Insurance Coverage and Cost Containment Act of 1991, a comprehensive proposal that would provide universal health insurance coverage through a pay-or-play system and real cost containment. The bill I am introducing today would make more incremental reforms in the health care system.

When I introduced H.R. 3205, I indicated that I was working with Senator LLOYD BENTSEN on an incremental health care package. I believe that this incremental package, similar but not identical to Senator BENTSEN's bill, will serve the public interest by making important, but limited, improvements in the health care system.

I want to make clear, however, that I remain fully committed to comprehensive reform. This incremental bill is intended to jump start the legislative process. It is a first step in a long march. It is not intended to undermine the broader goals of H.R. 3205 or other comprehensive proposals introduced by my colleagues, to make necessary, fundamental changes in our health care system. In short, we need both incremental changes and comprehensive reform. Most importantly, we need to get started. This bill can help us move forward on an incremental agenda, giving us time to build a consensus for large-scale reform.

H.R. 3626 proposes to improve health insurance access and cost containment in five important ways:

First, the current 25-percent tax deduction for health insurance costs of self-employed individuals would be increased to 100 percent. This increase would be phased-in by extending the current 25-percent deduction through 1992, increasing the deduction to 50 percent in 1993, 75 percent in 1994 and 100 percent in 1995 and thereafter.

Second, a series of reforms would improve the availability and affordability of group health insurance:

Under the bill, insurers could not exclude individuals in a small group from coverage or cancel policies due to health status or medical history. For all small groups, defined as groups including 2 to 50 employees, insurers would be required to guarantee availability of health insurance on a continuous, year-round basis. Guaranteed renewability would also be required. Exclusions for preexisting conditions would be limited to 6 months. Small groups would not be permitted to self-insure.

H.R. 3626 would also limit the wide variability in premiums and allowable premium increases. Premiums for all small group plans within a community would be required to be based upon average costs within the community, adjusted for age and sex differences, except that the resulting rates could not vary more than plus or minus 25 percent from the average. Rates would be permitted to vary by up to 20 percent between different blocks of business, such as insurance sold by mail, or insurance sold through other organizations of employers.

The bill would also require that the policies provided by insurers to small groups include a minimum benefit package based upon the current Medicare benefit package plus the additional prevention benefits which are added to Medicare. State mandates prohibiting the offering of the benefit package would be preempted.

Third, H.R. 3626 would address the phenomenon called "job lock" which forces working Americans to stay in their current job due to a preexisting health condition. Individuals with a preexisting condition who change jobs without a lapse in coverage of more than 3 months would generally be protected from any preexisting condition exclusion.

Insurers that fail to comply with the Federal insurance standards established by this bill would be subject to a Federal excise tax.

Fourth, an especially important component of this bill is its cost containment provisions.

The Secretary of the Department of Health and Human Services would establish optional, maximum payment rates that would apply to the standard benefit packages offered by all employer plans. These rates would be based upon existing Medicare methodologies, such as the diagnosis-related group [DRG] methodology for hospitals and the resource-based relative value scale [RB RVS] for physicians. Current extra billing limits on physician payments would also be included under the methodology. The plans could choose to pay providers of health services based upon the rates set by the Secretary. A provider's failure to accept the established rates would result in civil monetary penalties.

A National Health Care Cost Containment Commission would also be established. The Commission would approve optional payment rates established by the Secretary of the Department of Health and Human Services [HHS], develop uniform claims and reporting standards, analyze health costs and make recommendations for controlling rising expenditures.

Fifth, new prevention benefits would be added to Medicare. These benefits would include annual mammography screens, colorectal screening and a series of prevention benefits for the small number of children on Medicare. These prevention benefits were also included in H.R. 2565 and S. 1231, companion bills that Senator BENTSEN and I introduced earlier this year.

Mr. Speaker, let me note that H.R. 3626 is a companion bill—not an identical bill—to the bill introduced by my distinguished colleague, Senator Bentsen. It differs from Senator BENTSEN's bill in three principal ways.

First, I am proposing to put in place a strong mechanism for cost containment based on Medicare payment rates. I believe that we cannot wait any longer to enact real cost containment. Our country currently spends over 12 percent of its GNP on health care costs, and this share is expected to increase to over 16 percent by the year 2000. In the interest of the competitive posture of our Nation, we cannot afford to devote an ever higher proportion of our economy to health care. Real cost control must figure prominently in any reform effort, and we need to get started now.

Second, H.R. 3626 would establish a Federal and State system of regulation for insurers providing coverage to small groups. This system would assure that health insurance plans meet the requirements while securing a significant role in the system for States which meet Federal standards. Recently, the Department of Justice indicated that it had constitutional concerns with an approach which relied upon standards created by the National Association of Insurance Commissioners.

Third, my bill would require all small group plans to be community-rated, with adjustments only for age and sex differences.

I am fully aware that the imposition of the rating restrictions in my bill may pose serious problems for insurers and for purchasers of insurance. Given the range of risks which different groups present to health insurers, community rating is likely to increase health premiums for some who currently enjoy the benefit of experience-rated premiums. Unfortunately, there is minimal information publicly available to assess the impact of the community rating proposal.

It is also likely that a risk-sharing mechanism, such as reinsurance, will be needed in order to make a system based on guaranteed issue and rating bands work. However, little consensus exists about how to deal with this problem and I have not included a specific proposal in this bill.

On both of these issues, I specifically invite experts from Blue Cross/Blue Shield, the commercial insurance industry and health maintenance organizations to study the impact of my proposal and make their analysis and recommendations available to the committee as it considers this legislation. That analysis will provide the opportunity to develop a final product which makes sense from the perspective of both insurers and the insured.

Finally, I want to point out that I have not included budget offsets—any revenue proposals or spending cuts—to cover the costs of this bill. The provisions of this bill have an estimated cost of $7.9 billion over a 5-year period. I want to emphasize, however, that I fully intend to fund the provisions of this bill and comply with the pay-as-you-go requirements of last year's budget agreement, consistent with my long-standing commitment to sound budget discipline. I solicit comments and suggestions from the public and my colleagues on the best way to cover the costs.

Mr. Speaker, I would prefer to pursue comprehensive reform rather than incremental reform of the health care system. However, I recognize that major reform of the health care system is not possible without Presidential leadership. Unfortunately, the administration has yet to take a position on health care reform, even though it is ranked as the No. 1 economic/social concern of the American people. If comprehensive reform proves not to be possible, it is important that we take the first step represented by H.R. 3626.

This incremental bill would improve the availability and affordability of health insurance for small groups. It would also establish a meaningful mechanism for cost containment. In the absence of consensus on comprehensive reform, in the absence of Presidential leadership on this issue of critical importance to millions of Americans, I sincerely hope we can work together to make these important incremental changes in our health care system.

H.R. 3626, THE HEALTH INSURANCE REFORM AND COST CONTROL ACT OF 1991

1. SELF-EMPLOYED HEALTH INSURANCE TAX DEDUCTION

The current 25% deduction for health insurance purchased by the self-employed would be extended and increased to 100%, phased-in over four years ending in 1995.

2. SMALL GROUP HEALTH INSURANCE REFORM

(a) Anti-discrimination requirements

No group insurance would be allowed to discriminate based on health status or medical history. Pre-existing condition exclusions would be limited to six months.

(b) Guaranteed availability and renewability

In small groups, insurers must guarantee availability on a continuous, year-round basis, and guarantee renewability.

(c) Rating requirements

Within a block of business, premiums for all small group plans would be required to be based on the average costs of insurance in a community, but could be adjusted for cost differences related to age and gender. The resulting age/gender-adjusted rates could not vary by more than plus or minus 25% from the average rate. In defining communities for rating purposes, insurers could not divide metropolitan statistical areas.

Rates could vary by up to 20% between blocks of business. Blocks of business are defined as mail-order business, business bought from another insurer, and insurance sold through associations of employers formed for reasons other than to purchase health insurance.

Rates would be made public and actuarially certified. Any variation in annual premium increases between small groups would be limited to 5%.

The General Accounting Office would be directed to study and report on the impact of the rating restrictions and to make recommendations for eliminating all variation in premium rates.

(d) Benefit package

Insurers would be required to make a standard benefit package available to all small groups. The package would be based on the current Medicare benefit package plus new prevention benefits, described below. States could not prohibit the offering of the standard benefit package to small groups in the state.

(e) Definition of small group

The bill covers insurance sold to employer groups of from 2 to 50 employees.

(f) Role of Federal and State governments

The small group standards required by the bill would be established by the Secretary of the Department of Health and Human Services (HHS) and enforced by HHS and by the Department of the Treasury. The Secretary of HHS could delegate authority to state governments meeting Federal standards to certify and supervise small group insurance plans, although sanction authority would remain with the Federal government. A Federal excise tax would be imposed on insurers which violated the standards.

(g) Prohibition of self-insurance for small groups

Small employers (2 to 50 employees) would be prohibited from self-insuring for health benefits, enforced through an excise tax equal to 25 percent of the expenditures made by the employer for health benefits in a year.

3. IMPROVEMENT IN PORTABILITY FOR ALL GROUP HEALTH PLANS

Pre-existing condition exclusions would be limited to six months for all health plans of all employers, whether large or small, including self-insured plans.

In addition, an individual with a pre-existing condition who changed jobs without a lapse in coverage of more than 3 months would be protected from any pre-existing condition exclusion, as long as the individual had been insured for a total of six months. A federal excise tax would be imposed on insurers which violated the standards.

4. COST CONTAINMENT

(a) Optional payment rates for health services

The Secretary of Health and Human Services (HHS) would be directed to establish optional payment rates which would apply to benefits purchased by insurers, employer plan, and individuals. Extra billing limits similar to Medicare would also be included in the methodology. Purchasers could choose to pay providers of health services based upon the rates set by the Secretary. Rates would be based upon existing Medicare methodologies (DRGs and RB RVS.) Providers would be required to accept the rates as payment in full, subject to civil monetary penalties.

(b) National Health Care Cost Containment Commission

A National Health Care Cost Containment Commission would be established to analyze health costs and to make recommendations for controlling rising expenditures. The Commission would review and make recommendations to the Secretary on the optional payment rates.

(c) Uniform reporting and uniform claims forms

The Secretary would be directed to develop uniform claim and reporting standards to be employed by purchasers and providers.

5. MEDICARE PREVENTION BENEFITS

Colorectal screening, tetanus-diptheria boosters, influenza immunizations, well-child care, and annual mammography screens would be added to the current Medicare benefit package.

THE JEWISH WAR VETERANS: ALWAYS FIGHTING FOR LIBERTY AND HONOR

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York [Mrs. LOWEY] is recognized for 5 minutes.

Mrs. LOWEY of New York. Mr. Speaker, I would like to draw the attention of my colleagues to an organization which deserves great honor and the appreciation of all Americans.

The Jewish War Veterans of America have upheld and defended human freedom and democracy at home and abroad since 1896. In fact, JWVA is the oldest active chartered organization in the United States. Patriotism and devotion to liberty are not new concepts to the Jewish people. The Jewish community of our Nation was in the forefront of the American Revolution, and in subsequent conflicts at home and beyond our shores members of the American Jewish community have served with commitment, honor, and valor.

And in times of peace, the Jewish War Veterans of America have stood up to fight bigotry wherever it originates and whatever its target, to assist comrades and their families in need of help or protection, to preserve the records of patriotic service performed by people of Jewish faith and to honor the memories and shield from neglect the graves of the heroic Jewish war dead.

In 1933 the JWV was one of the first Jewish organizations to adopt a boycott of German goods. It campaigned for the GI bill in 1944. During the Korean war in 1951, the JWV achieved a 100-percent record of postcooperation across the country in helping to assure an adequate blood supply for servicemen and the civilian population.

In 1963, JWV was the only national veterans' organization to join in Martin Luther King's March on Washington. It spearheaded a program for volunteers during the 1970's in Vietnam Veteran Outreach Centers.

Our Nation has a long history of remarkable Jewish war veterans. Francis Salvador of Charleston, SC—the "Southern Paul Revere" was the first, but not the only, Jewish American to die in our Revolutionary War.

In the American Civil War, more than 6,000 Jews served in the Union armies—almost 2,000 of them were New York volunteers. In that conflict, seven Jews earned the Congressional Medal of Honor. One of them, Benjamin B. Levy of the 1st New York Volunteers, for saving the steamer Empress, which was under attack by the Confederate gunboat *Seabird*.

In the Spanish-American War and in World War I, Jewish soldiers continued to distinguish themselves. In World War II, Jewish numbers in the American military forces grew to more than 550,000.

In Korea, in Vietnam, in every war, Jewish veterans have made the ultimate sacrifice to uphold the principles of liberty and freedom. And Jewish War Veterans of America—in chapters throughout our land—carry on in seeking to fulfill the dreams and aspirations of those who have served in battle over the last two centuries.

THE UNSUNG HEROES OF THE HOUSE

The SPEAKER pro tempore. Under a previous order of the House the gentleman from Kentucky [Mr. MAZZOLI] is recognized for 5 minutes.

Mr. MAZZOLI. Mr. Speaker, I am not sure I will take the full time tonight, but I would like to take a few moments to give tribute to those people whom I would call the unsung heroes of the House of Representatives.

For the persons who observe House proceedings, and there are many across this Nation, these persons are aware that the House of Representatives was in session all night long last night for the purpose of calling attention from both the Republican perspective and the Democratic perspective to the problem of unemployment and to the problem of our economic situation. And those persons who observed the proceedings of the House are aware that through the course of the whole evening, in addition to the fact that Members of Congress were in attendance and in the debates, we had many, many other people here, some of whom are visible as these proceedings are observed, some of whom are not visible.

Mr. Speaker, I would like to pay again a few moments of attention to the people, and I would number among them, and I hope I do not overlook any group of people, but people such as the keepers of the door, the doorkeepers as we call them, clerks of the House, including some of the clerks who are behind me as I am speaking this very moment, parliamentarians, some of whom are on the floor at this very moment, pages, and we have the Chief of Pages, some of whom are on the floor at this moment, people who attend and help us in the Cloakroom, some of whom are still on duty tonight, right now, persons who are off the floor, working in document rooms to be available in case a question comes up and we need an answer.

But let me call some attention to the people, including the persons to my immediate left right now taking the shorthand, taking this proceeding tonight in shorthand, the Official Reporters of Debates.

I stand before my colleagues as one, when I was in the Army, I was taught what was called then shorthand, but it was the form of shorthand where one actually writes down on a piece of paper rather than do the stenotype.

□ 1830

But having had some training in this particular activity, I can attest how very difficult it is to follow the proceedings of the House, to be sure that they are taken down accurately, word for word. Some of us have regional dialects, some of us speak too quickly, some of us use jargon, some of us use scientific terms that are very difficult to report. But these Official Reporters of Debate are constantly taking down the proceedings of the House. They become the permanent historical record of the House of Representatives, and they were with us, as were all of the others whom I have mentioned, all of the timekeepers, parliamentarians, the doorkeepers, the pages, the clerks, the Official Reporters were with us all night long. And when you understand that, that means that all night long they had to continue to report, they had to go downstairs, prepare their typing and bring it back, and then take another session.

So, Mr. Speaker, since you and I have a very close knowledge of how this place operates, I think that you would agree with me, Mr. Speaker, that this place could not operate and function just because we Members were here. But there is a large and a very important and a very professional and a very talented and a very devoted and a very dedicated support staff which is here with us to help us do the work of the country.

So I would at this point, Mr. Speaker, just simply like to, for my part, and I am sure I speak for all Members of the House, to thank all of you for a job very well done. I am proud to work with each and every one of you.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Member (at the request of Mr. DREIER of California) to revise and extend their remarks and include extraneous material:)

Mr. LIVINGSTON, for 5 minutes, each day on October 28 and 29.

(The following Members (at the request of Mr. ABERCROMBIE) to revise and extend their remarks and include extraneous material:)

Mr. MAZZOLI, for 5 minutes, today.

Mr. KOPETSKI, for 5 minutes, today.

Mr. COX of Illinois, for 5 minutes, today.

Mr. ECKART, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. ROSTENKOWSKI, for 5 minutes, today.

Mrs. LOWEY of New York, for 5 minutes, today.

Mr. DORGAN of North Dakota, for 60 minutes, each day on October 28 and 30.

Mr. MCDERMOTT, for 60 minutes, on October 28.

Mr. MILLER of California, for 60 minutes, on October 30.

Mr. RUSSO, for 60 minutes, on October 30.

Mr. SCHUMER, for 60 minutes, on October 30.

Mrs. BOXER, for 60 minutes, on October 30.

Mr. DURBIN, for 60 minutes, on October 30.

Mr. DOWNEY, for 60 minutes, on October 30.

Mr. STARK, for 60 minutes, on October 30.

Ms. PELOSI, for 60 minutes, on October 30.

Mr. ROEMER, for 60 minutes, each day on November 5, 6, 12, and 13.

(The following Member (at the request of Mr. MAZZOLI) to revise and extend his remarks and include extraneous material:)

Mr. ECKART, for 60 minutes, on October 28.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. DREIER of California) and to include extraneous matter:)

Mr. GEKAS in two instances.
Mr. YOUNG of Florida.
Mr. GUNDERSON.
Mr. MACHTLEY in two instances.
Mr. CALLAHAN.
Ms. ROS-LEHTINEN.
Mr. BALLENGER.
Mr. LEWIS of Florida.
Mr. GINGRICH.
Mr. MARLANEE.
Mr. COUGHLIN.
Mr. ZIMMER.
Mr. FRANKS of Connecticut.
Mr. PORTER.
Mr. SMITH of New Jersey.

(The following Members (at the request of Mr. ABERCROMBIE) and to include extraneous matter:)

Mr. GAYDOS.
Mr. ROE.
Mr. HALL of Ohio.
Mr. VISCLOSKY.
Mr. TRAFICANT.
Mr. SMITH of Florida.
Ms. HORN.
Mr. LEHMAN of Florida in two instances.
Mr. FEIGHAN.
Mr. SKELTON in two instances.
Mr. HARRIS in two instances.
Mr. HALL of Ohio.
Mr. MOODY.
Mr. COLEMAN of Texas.
Mr. BONIOR.
Mr. FEIGHAN.
Mrs. KENNELLY.
Mr. WYDEN.
Mr. WEISS.
Mr. ATKINS.
Mr. LEVIN of Michigan.
Mr. CLAY.
Mr. REED in two instances.
Mr. SOLARZ.
Mr. FASCELL in three instances.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 239. An act to authorize the Alpha Phi Alpha Fraternity to establish a memorial to Martin Luther King, Jr., in the District of Columbia; to the Committee on House Administration.

ENROLLED BILL AND JOINT RESOLUTION SIGNED

Mr. ROSE, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill and a joint resolution of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 972. An act to make permanent the legislative reinstatement, following the decision of Duro against Reina (58 U.S.L.W. 4643, May 29, 1990), of the power of Indian tribes to exercise criminal jurisdiction over Indians, and

H.J. Res. 340. Joint resolution to designate October 19 through 27, 1991, as "National Red Ribbon Week for a Drug Free America."

SENATE ENROLLED JOINT RESOLUTION SIGNED

The SPEAKER announced his signature to an enrolled joint resolution of the Senate of the following title:

S.J. Res. 160. Joint resolution designating the week beginning October 20, 1991, as "World Population Awareness Week."

ADJOURNMENT

Mr. MAZZOLI. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 35 minutes p.m.), under its previous order, the House adjourned until Monday, October 28, 1991, at 12 noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2249. A letter from the Administrator, Environmental Protection Agency, transmitting the New York Bight Restoration Plan, pursuant to Public Law 100-200, section 2303(e) (101 Stat. 1468); to the Committee on Merchant Marine and Fisheries.

2250. A letter from the Chairman, Nuclear Regulatory Commission, transmitting a report on abnormal occurrences at licensed nuclear facilities for the second calendar quarter of 1991, pursuant to 42 U.S.C. 5848; jointly, to the Committees on Energy and Commerce and Interior and Insular Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. DINGELL: Committee on Energy and Commerce. H.R. 2441. A bill to amend the Public Health Service Act to extend the program of grants regarding the prevention and control of sexually transmitted diseases (Rept. 102-269). Referred to the Committee of the Whole House on the State of the Union.

Mr. DINGELL: Committee on Energy and Commerce. H.R. 3402. A bill to amend the Public Health Service Act to revise and extend certain programs regarding health information and health promotion (Rept. 102-270). Referred to the Committee of the Whole House on the State of the Union.

Mr. DINGELL: Committee on Energy and Commerce. H.R. 3401. A bill to amend the Public Health Service Act to establish a program for the prevention of disabilities, and for other purposes; with an amendment (Rept. 102-271). Referred to the Committee of the Whole House on the State of the Union.

Mr. DINGELL: Committee on Energy and Commerce. H.R. 2454. A bill to authorize the Secretary of Health and Human Services to impose debarments and other penalties for illegal activities involving the approval of abbreviated drug applications under the Federal Food, Drug, and Cosmetic Act, and for other purposes; with an amendment (Rept. 102-272). Referred to the Committee of the Whole House on the State of the Union.

Mr. ROSTENKOWSKI: Committee on Ways and Means. H.R. 3575. A bill to provide a program of Federal supplemental compensation, and for other purposes; with amendments (Rept. 102-273). Referred to the Committee of the Whole House on the State of the Union.

Mr. HALL of Ohio. Committee on Rules. House Resolution 259. Resolution providing for the consideration of H.R. 3489, a bill to reauthorize the Export Administration Act of 1979, and for other purposes (Rept. 102-274). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. RIGGS:

H.R. 3623. A bill to extend the period of authorization for a study of the fishery resources and fishery habitats of the Russian River Basin, CA, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. ROSTENKOWSKI (for himself and Mr. Archer):

H.R. 3624. A bill to amend the Tariff Act of 1930 to provide appropriate procedures for the appointment of the Chairman of the U.S. International Trade Commission; to the Committee on Ways and Means.

By Mrs. COLLINS of Michigan (for herself, Mr. Dymally, Mr. Hayes of Illinois, Mr. Stokes, Mr. Dellums, Mr. Rangel, Mrs. Collins of Illinois, Mr. Ford of Tennessee, Mr. Dixon, Mr. Savage, Mr. Owens of New York, Mr. Towns, Mr. Wheat, Mr. Conyers, Mr. Espy, Mr. Flake, Mr. Lewis of Georgia, Mr. Mfume, Mr. Payne of New Jersey, Mr. Washington, Ms. Norton, Mr. Jefferson, Ms. Waters, and Mr. Clay):

H.R. 3625. A bill to require the Commissioner of the Bureau of Labor Statistics to conduct time use surveys of unremunerated work performed in the United States and to calculate the monetary value of such work; to the Committee on Education and Labor.

By Mr. ROSTENKOWSKI:

H.R. 3626. A bill to amend the Social Security Act and the Internal Revenue Code of 1986 to provide for improvements in health insurance coverage through employer health insurance reform, for health care cost containment, for improvements in Medicare prevention benefits, and for other purposes; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. HUTTO:

H.R. 3627. A bill to authorize the Air Force Association to establish a memorial in the District of Columbia or its environs; to the Committee on House Administration.

By Mrs. KENNELLY (for herself, Mr. Gekas, Mr. McCurdy, Mr. Stokes, Mr. Edwards of California, Mr. Richardson, Mr. Young of Florida, Mr. Dellums, and Mr. Dornan of California):

H.R. 3628. A bill to authorize the Director of the Federal Bureau of Investigation to carry out an undergraduate training program to enable individuals recruited for employment in the Federal Bureau of Investigation to pursue programs of education to develop skills that are critical to the foreign counterintelligence and counterterrorism missions of the Bureau; jointly, to the Committees on Intelligence (Permanent Select) and the Judiciary.

By Mr. KOSTMAYER:

H.R. 3629. A bill to provide for a hearing on significant new information after construction and before operation of a production or utilization facility, and for other purposes; jointly, to the Committees on Interior and Insular Affairs and Energy and Commerce.

By Mr. McEWEN:

H.R. 3630. A bill to amend section 552a of title 5, United States Code, relating to prohibitions on disclosure of information maintained by agencies about individuals, to prohibit disclosure of that information by the Congress; to the Committee on Government Operations.

By Mr. OWENS of Utah:

H.R. 3631. A bill to amend the Atomic Energy Act of 1954 to prohibit the disposal of nonbyproduct material at certain mill tailings disposal sites, and for other purposes; jointly, to the Committees on Interior and Insular Affairs and Energy and Commerce.

By Mr. PERKINS (for himself and Mr. Durbin):

H.R. 3632. A bill to amend the Higher Education Act of 1965 to provide assistance to students attending work colleges; to the Committee on Education and Labor.

By Mr. RUSSO:

H.R. 3633. A bill entitled the "Commuter Transit Incentive Act"; to the Committee on Ways and Means.

By Mr. SMITH of Florida:

H.R. 3634. A bill to amend the Immigration and Nationality Act to authorize the registration of aliens on criminal probation or criminal parole; to the Committee on the Judiciary.

By Mr. WAXMAN:

H.R. 3635. A bill to amend the Public Health Service Act to revise and extend the program of block grants for preventive health and health services, and for other purposes; to the Committee on Energy and Commerce.

By Mr. GEPHARDT (for himself, Mr. Kopetski, Mr. Dellums, Mr. Fascell, Mr. Brown, Mr. McCurdy, Mr. Downey, Mr. Leach, Mr. Markey, Mrs. Schroeder, Mr. Bonior, Mr. Fazio, Mr. Stark, Mr. AuCoin, Mr. Owens of Utah, Mrs. Boxer, Mr. Levine of California, Mr. Mrazek, Mr. Moody, Mr. Lewis of Georgia, Mrs. Kennelly, Mr. Wyden, Mr. Solarz, Mr. Schumer, Mr. Wise, Mr. Durbin, Mr. Berman, Mr. Mineta, Mr. Panetta, Mrs. Lowey of New York, Mr. Conyers, Mr. Studds, Mr. Staggers, Mr. Valentine, Mr. Mfume, Mr. Sanders, Mr. Swett, Mr. Slattery, Mr. Hoyer, Mr. Rahall, Mr. Oberstar, Mr. Feighan, Mr. Abercrombie, Mr. Wolpe, Mr. Synar, Mr. Eckart, Mr. Cox of Illinois, Mr. Vento, Mr. Smith of Iowa, Mr. Weiss, Mr. Dwyer of New Jersey, Mr. Kanjorski, Ms. Pelosi, Mr. Miller of California, Mr. Roybal, Mr. Glickman, Mr. Sabo, Mr. Edwards of California, Mr. Lehman of Florida, Mr. Alexander, Mr. Scheuer, Mr. Sawyer, Mr. McDermott, Mr. Bacchus, Mr. Penny, Mr. Peterson of Minnesota, Mr. Waxman, Mr. Olver, Mr. Frank of Massachusetts, Mr. Dorgan of North Dakota, Mr. Gejdenson, Mr. Evans, Mr. Engel, Mr. Ford of Michigan, Mr. Levin of Michigan, Mr. Hayes of Illinois, Mr. Swift, Mrs. Unsoeld, Mr. Hughes, Ms. Waters, Mr. Towns, Mr. Payne of New Jersey, Mr. Traxler, Mr. Gonzalez, Mr. Early, Mr. Natcher, Mr. Kennedy, Mrs. Collins of Michigan, Mr. Nagle, Mr. Mavroules, Mr. Sikorski, Ms. Slaughter of New York, Mr. Boucher, Mr. DeFazio, Mr. Torres, Mr. Pastor, Mr. Carr, Mr. Atkins, Mr. Williams, Mr. Bryant, Mr. Andrews of Maine, Mr. Serrano, Mr. Washington, Mr. Stallings, Mr. Anthony, Mr. Thornton, Ms. DeLauro, Mr. Luken, and Mr. Hochbrueckner):

H.R. 3636. A bill to impose a 1 year moratorium on the performance of nuclear weapons tests by the United States unless the Soviet Union conducts a nuclear weapons test during that period; to the Committee on Armed Services.

By Mr. WYDEN (for himself and Mr. MARKEY):

H.R. 3637. A bill to amend the Securities Exchange Act of 1934 to require issuers of registered securities to disclose information concerning their international structure and competitiveness; to the Committee on Energy and Commerce.

By Mr. YOUNG of Alaska:

H.R. 3638. A bill making technical amendments to the law which authorizes modification of the boundaries of the Alaska Maritime National Wildlife Refuge; to the Committee on Merchant Marine and Fisheries.

By Mr. MILLER of Washington (for himself, Mr. RINALDO, and Mrs. ROUKEMA):

H.R. 3639. A bill to amend the Federal Aviation Act of 1958 to require the Administrator of the Federal Aviation Administration to consider aircraft noise abatement as being in the public interest in the performance of the Administrator's duties under that act and to require the Administrator to issue an environmental impact statement before implementing certain changes in air routes; to the Committee on Public Works and Transportation.

By Mr. SCHEUER (for himself, Mr. ROE, Mr. BROWN, Mr. NOWAK, Mr. WOLPE, Mrs. MORELLA, Mr. MCMILLEN of Maryland, Mr. DEFAZIO, Mr. BEILENSON, Mr. FORD of Tennessee, Mr. ACKERMAN, Mrs. LLOYD, Mr. EVANS, Mr. SCHUMER, and Mr. FALEOMAVAEGA):

H.R. 3640. A bill amending the Federal Water Pollution Control Act with respect to research and development activities; jointly, to the Committees on Public Works and Transportation and Science, Space, and Technology.

By Mr. WALSH:

H.R. 3641. A bill to authorize the Secretary of Agriculture to carry out a grant program to increase the international competitiveness of the forest products industries in the United States; to the Committee on Agriculture.

By Mr. WAXMAN (for himself and Mr. DINGELL):

H.R. 3642. A bill to amend the Federal Food, Drug, and Cosmetic Act to enhance the enforcement authority of the Food and Drug Administration, and for other purposes; to the Committee on Energy and Commerce.

By Mr. FRANKS of Connecticut:

H.J. Res. 363. Joint resolution proposing an amendment to the Constitution of the United States to provide for 4-year terms for Representatives, to limit the number of consecutive terms Representatives and Senators may serve, and to limit the total number of terms Representatives and Senators may serve; to the Committee on the Judiciary.

By Mr. SMITH of New Jersey (for himself, Mr. ACKERMAN, Mr. APPLEGATE, Mr. BACCHUS, Mrs. BENTLEY, Mr. BEVILL, Mr. BILIRAKIS, Mr. BLILEY, Mr. BORSKI, Mr. BOUCHER, Mr. BROOMFIELD, Mr. BUSTAMANTE, Mr. CAMP, Mr. CARR, Mr. CLEMENT, Mr. CONYERS, Mr. COX of California, Mr. DONNELLY, Mr. DORNAN of California, Mr. EMERSON, Mr. ESPY, Mr. FALEOMAVAEGA, Mr. FASCELL, Mr. FISH, Mr. FROST, Mr. GRANDY, Mr. GUNDERSON, Mr. HALL of Ohio, Mr. HAMMERSCHMIDT, Mr. HANSEN, Mr. HARRIS, Mr. HASTERT, Mr. HAYES of Illinois, Mr. HEFLEY, Mr. HORTON, Mr. HUTTO, Mr. HYDE, Mr. IRELAND, Mr. JEFFERSON, Mrs. JOHNSON of Connecticut, Mr. JOHNSON of South Dakota, Mr. JONTZ, Mr. KASICH, Mr. KLUG, Mr. KOLTER, Mr. LAFALCE, Mr. LAGOMARSINO, Mr. LEACH, Mr. LEHMAN of Florida, Mr. LENT, Mr. LEVIN of Michigan, Mr. LEWIS of California, Mr. LIGHTFOOT, Mr. LIVINGSTON, Mr. LOWERY of California, Mr. MARTIN, Mr. MAVROULES, Mr. MAZZOLI, Mr. MCCOLLUM, Mr. MCCRERY, Mr. MCDADE, Mr. MCGRATH, Mrs. MEYERS of Kansas, Mr. MFUME, Mr. MILLER of Washington, Mr. MILLER of Ohio, Mr. MINETA, Mr. MOORHEAD, Mr. MORAN, Mr. MRAZEK, Mr. MURPHY, Ms. NORTON, Mr. NUSSLE, Mr. OBERSTAR, Mr. PACKARD, Mr. PANETTA, Mr. PAXON, Mr. PAYNE of New Jersey, Mr. PETERSON of Minnesota, Mr. QUILLEN, Mr. RAMSTAD, Mr. RANGEL, Mr. RAVENEL, Mr. RHODES, Mr. RIDGE, Mr. RIGGS, Mr. RINALDO, Mr. ROSE, Mr. SAXTON, Mr. SHAW, Mr. SKEEN, Mr. SLATTERY, Mr. STAGGERS, Mr. STALLINGS, Mr. STEARNS, Mr. SWETT, Mr. TAUZIN, Mr. TOWNS, Mr. TRAXLER, Mr. VALENTINE, Mr. VANDER JAGT, Mrs. VUCANOVICH, Mr. WALSH, Mr. WELDON, Mr. WHEAT, Mr. YATRON, and Mr. YOUNG of Florida):

H.J. Res. 364. Joint resolution to designate the period commencing on November 24, 1991, and ending on November 30, 1991, and the period commencing November 22, 1992, and ending November 28, 1992, each as 'National Adoption Week'; to the Committee on Post Office and Civil Service.

By Mr. FEIGHAN (for himself, Mr. LEVINE of California, Mr. LANTOS, Mr. ACKERMAN, Mr. ENGEL, Mr. YATRON, Mr. JOHNSTON of Florida, Mr. WEISS, Mr. BERMAN, Mr. MILLER of Washington, Ms. ROS-LEHTINEN, Mr. FRANK of Massachusetts, Mr. GREEN of New York, Mr. CARDIN, Mrs. BENTLEY, Mrs. LOWEY of New York, Mr. SMITH of Florida, Mrs. BOXER, Mr. SCHEUER, and Mr. WALSH):

H. Res. 260. Resolution expressing the sense of the House of Representatives that the United States should pursue discussions at the upcoming Middle East peace conference regarding the Syrian connection to terrorism; to the Committee on Foreign Affairs.

By Mr. SMITH of New Jersey (for himself, Mr. HYDE, Mr. ARMEY, Mr. BUNNING, Mr. BURTON of Indiana, Mr. CUNNINGHAM, Mr. DELAY, Mr. DOOLITTLE, Mr. DORNAN of California, Mr. HANCOCK, Mr. HANSEN, Mr. HASTERT, Mr. HENRY, Mr. HERGER, Mr. HUNTER, Mr. INHOFE, Mr. LAGOMARSINO, Mr. LIGHTFOOT, Mr. LIVINGSTON, Mr. MCEWEN, Mr. PACKARD, Mr. PAXON, Ms. ROS-LEHTINEN, Mr. SANTORUM, Mr. SOLOMON, Mr. STEARNS, Mr. THOMAS of Wyoming, Mrs. VUCANOVICH, Mr. WALKER, and Mr. WEBER):

H. Res. 261. Resolution urging the President to complete the review of the Convention on the Elimination of All Forms of Discrimination Against Women and to submit to the Senate reservations, understandings, and declarations necessary for the Senate to give its advice and consent to ratification; to the Committee on Foreign Affairs.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

302. By the SPEAKER: Memorial of the House of Representatives of the State of Ohio, relative to the Baltic States of Lithuania, Latvia, and Estonia; to the Committee on Foreign Affairs.

303. Also, memorial of the House of Representatives of the State of Ohio, relative to the Federal Highway and Aviation Trust Funds; jointly, to the Committees on Public Works and Transportation and Government Operations.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. SISISKY:

H.R. 3622. A bill for the relief of Gwendolyn Hardie Adams, Frank Wesley Adams, Jr., and Darrin DeVon Adams; to the Committee on the Judiciary.

By Mr. ROSE:

H.R. 3643. A bill for the relief of Donald W. Sneeden, Mary S. Sneeden, and Henry Best of Wilminton, NC; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 23: Ms. DELAURO, Mr. HAYES of Illinois, and Mr. FISH.

H.R. 44: Mr. FROST, Mr. RAHALL, Mr. JEFFERSON, Mr. REED, Mr. MURTHA, Mr. TAUZIN, Mr. MCNULTY, Mr. PRICE, Mr. SANDERS, Mr. HOCHBRUECKNER, Mr. MOLLOHAN, and Mr. BATEMAN.

H.R. 78: Mr. LOWERY of California.

H.R. 123: Mr. BALLENGER, Mr. HENRY, and Mr. LEWIS of Florida.

H.R. 127: Mr. ZIMMER, Mr. LANTOS, Mr. MYERS of Indiana, Mr. OLVER, Mr. BROOMFIELD, and Mr. RITTER.

H.R. 134: Mr. WEBER and Mr. HENRY.

H.R. 187: Mr. WOLPE.

H.R. 213: Mr. WILLIAMS.

H.R. 288: Mr. ANDREWS of Maine, Mr. BROWN, Mr. MCNULTY, Mr. KOPETSKI, and Mr. MORAN.

H.R. 381: Mr. RHODES, Mr. WELDON, Mr. MAZZOLI, Mr. TRAXLER, Mr. SOLARZ, and Mr. SCHUMER.

H.R. 384: Mr. PICKETT, Mr. TRAFICANT, Mr. MACHTLEY, and Mr. WOLF.

H.R. 413: Mr. SCHIFF, Mr. LEWIS of California, Mr. GEKAS, Mr. ANNUNZIO, Mr. EWING, Mr. PICKETT, and Mr. HEFNER.

H.R. 565: Mr. GILLMOR, Mr. PETERSON of Florida, Mr. GAYDOS, Mr. HEFLEY, Mr. MCMILLAN of North Carolina, and Mr. BEREUTER.

H.R. 672: Mr. ROHRABACHER.

H.R. 842: Mr. LEHMAN of Florida and Mr. MCCLOSKEY.

H.R. 978: Mr. STARK.

H.R. 1007: Mr. GLICKMAN.

H.R. 1048: Mrs. MEYERS of Kansas and Mr. WOLPE.

H.R. 1067: Mr. BAKER, Mr. DINGELL, Mr. GILCHREST, Mr. HOYER, Mr. COLEMAN of Texas, Mr. GLICKMAN, Mr. DYMALLY, and Mr. ROHRABACHER.

H.R. 1126: Mr. SAWYER, Mr. PAYNE of New Jersey, Mrs. KENNELLY, Mrs. MINK, and Mr. MURTHA.

H.R. 1135: Mr. MINETA and Mr. OLVER.

H.R. 1188: Mr. SANDERS, Mr. MARKEY, Mr. JOHNSON of South Dakota, and Mr. SCHAEFER.

H.R. 1240: Mr. KOSTMAYER.

H.R. 1251: Mrs. COLLINS of Illinois and Mr. JONTZ.

H.R. 1252: Mrs. COLLINS of Illinois, Mr. SANTORUM, and Mr. JONTZ.

H.R. 1253: Mrs. COLLINS of Illinois.

H.R. 1389: Mr. REED.

H.R. 1414: Mr. GINGRICH.

H.R. 1450: Mr. FAWELL.

H.R. 1456: Mr. OLVER.

H.R. 1473: Mr. SENSENBRENNER and Mr. FASCELL.

H.R. 1523: Mr. ROBERTS.

H.R. 1527: Mr. ORTIZ.

H.R. 1538: Mr. RITTER.

H.R. 1546: Mr. ZELIFF, Mr. PAYNE of Virginia, Mr. UPTON, and Mr. OWENS of Utah.

H.R. 1547: Mr. ZELIFF, Mr. UPTON, and Mr. OWENS of Utah.

H.R. 1566: Mrs. BOXER and Mr. DARDEN.

H.R. 1652: Mr. ZIMMER.

H.R. 1733: Mr. SCHAEFER, Mr. BERMAN, and Mr. PENNY.

H.R. 1752: Mr. BROWDER, Mr. THOMAS of Wyoming, Mr. MACHTLEY, Mr. OWENS of New York, Mr. DOOLEY, Mr. FLAKE, Mr. THOMAS of Georgia, Mr. BRYANT, Mr. BARNARD, Mr. GRANDY, Mr. STUMP, Mr. CLEMENT, Mr. GOODLING, Mr. MCEWEN, and Mr. RAVENEL.

H.R. 1771: Mrs. BOXER, Mr. MURTHA, and Mr. PICKETT.

H.R. 1992: Mr. HALL of Texas and Mr. PURSELL.

H.R. 2083: Mr. BERMAN, Ms. DELAURO, Mr. TOWNS, Mr. BUSTAMANTE, Mr. VENTO, Mr. MFUME, Mr. MRAZEK, Mr. ATKINS, and Mr. HOCHBRUECKNER.

H.R. 2126: Mr. FISH.

H.R. 2359: Mr. INHOFE, Mr. ROHRABACHER, Mr. CAMP, Mr. CRANE, Mr. BURTON of Indiana, Mr. HERGER, Mr. STEARNS, Mr. GOSS, Mr. HYDE, Mr. ARMEY, Mr. GINGRICH, Mr. CAMPBELL of California, Mr. IRELAND, Mr. FAWELL, Mr. PACKARD, Mr. GALLEGLY, Mr. WALSH, Mr. MCCOLLUM, Mr. BAKER, Mr. MCCRERY, Mr. LAGOMARSINO, Mr. GEKAS, Mr. EDWARDS of Oklahoma, and Mr. LIVINGSTON.

H.R. 2389: Mr. FISH.

H.R. 2401: Mr. FUSTER.

H.R. 2406: Mr. CAMPBELL of Colorado, Mr. STEARNS, Mr. COX of Illinois, Mr. STALLINGS, Mr. PAYNE of Virginia, and Mr. SOLOMON.

H.R. 2454: Mr. SARPALIUS.

H.R. 2536: Mr. ROWLAND and Mr. UPTON.

H.R. 2546: Mr. EWING, Mr. RIDGE, Mr. MAZZOLI, and Mr. ORTIZ.

H.R. 2693: Mr. LIGHTFOOT.

H.R. 2746: Mr. SIKORSKI and Mr. STALLINGS.

H.R. 2773: Mr. EDWARDS of Oklahoma and Mr. SCHAEFER.

H.R. 2867: Mr. ZIMMER.

H.R. 2909: Mr. HORTON, Mr. KOLTER, Mr. NEAL of Massachusetts, Mr. OWENS of New York, Mr. HAYES of Illinois, and Mr. TRAFICANT.

H.R. 2923: Mr. BUSTAMANTE, Mr. SCHUMER, and Mr. OLIN.

H.R. 2966: Mr. MATSUI, Mr. GEKAS, Mr. RHODES, Mr. SAXTON, and Mr. TORRES.

H.R. 3026: Mr. GILLMOR, Mr. PETRI, and Mr. FISH.

H.R. 3132: Mr. JONTZ, Mr. HORTON, Mr. GILCHREST, Mr. JEFFERSON, Ms. NORTON, Mrs. SCHROEDER, Mr. SAXTON, and Mr. KLUG.

H.R. 3166: Mr. BARNARD, Mr. JACOBS, Mr. JOHNSON of South Dakota, Mr. BATEMAN, Mr. CALLAHAN, Mr. JONES of North Carolina, Mr. CHAPMAN, Mr. MURPHY, Mr. FRANKS of Connecticut, Mr. STENHOLM, Mr. CRANE, Mr. TOWNS, Mr. JONTZ, Mrs. LLOYD, Mr. MAZZOLI, Mr. GINGRICH, Mr. MORAN, Mr. JEFFERSON, Mr. HOCHBRUECKNER, Mr. MCCANDLESS, Mr. ABERCROMBIE, Mr. GORDON, Mr. SMITH of Florida, Mr. MARTIN, Mr. COUGHLIN, Mr. GILMAN, Mr. SKELTON, Mr. SENSENBRENNER, Mr. GILCHRIST, and Mr. BLAZ.

H.R. 3252: Mr. HOCHBRUECKNER.

H.R. 3282: Mr. ZIMMER, Mr. DELLUMS, Mr. EMERSON, Mr. CARR, Mr. LEHMAN of Florida, Mr. JONTZ, Mr. ANDREWS of Texas, Mr. HANCOCK, Mr. HOUGHTON, Mr. RIGGS, Mr. HOYER, Ms. KAPTUR, Mr. SMITH of Oregon, Mr. WILSON, Mr. MOODY, Mr. TAYLOR of North Carolina, Mr. REED, Mrs. MORELLA, Mr. CAMP, Mr. MILLER of Ohio, Mr. ALEXANDER, Mr. HERTEL, Mr. NEAL of Massachusetts, Mr. HOCHBRUECKNER, Mr. HOLLOWAY, Mr. MCCOLLUM, Mr. FORD of Tennessee, and Mr. MCNULTY.

H.R. 3329: Mr. SANDERS.

H.R. 3344: Mrs. LOWEY of New York, Mr. JONES of Georgia, and Mr. OWENS of Utah.

H.R. 3369: Mr. FISH, Mr. MARTINEZ, and Mr. FROST.

H.R. 3373: Mr. PICKETT, Mr. VALENTINE, Mr. MARLENEE, Mr. TALLON, Mr. COX of California, Mr. JONES of North Carolina, and Mr. TAUZIN.

H.R. 3376: Mr. GOSS and Mr. HANSEN.

H.R. 3406: Mr. KENNEDY, Mr. WEISS, Mr. TOWNS, and Mr. SOLARZ.

H.R. 3410: Ms. NORTON.

H.R. 3454: Mr. DURBIN, Mr. JONES of North Carolina, Mr. PETERSON of Minnesota, Mr. STALLINGS, Mr. ROBERTS, and Mr. MCEWEN.

H.R. 3475: Mr. ROE, Mrs. BOXER, Mr. FROST, Mr. EVANS, and Mrs. UNSOELD.

H.R. 3476: Ms. KAPTUR, Mr. ROE, Mr. FROST, and Mr. EVANS.

H.R. 3550: Mr. BARTON of Texas, Mr. THOMAS of Georgia, Mr. OWENS of New York, and Mr. RAY.

H.R. 3553: Mr. SOLOMON, Mr. EDWARDS of California, and Mr. RAHALL.

H.R. 3595: Mr. SHARP, Mr. MARKEY, Mr. SWIFT, Mr. DERRICK, Mr. PICKLE, Mr. FOGLIETTA, Mr. BARNARD, Mr. EVANS, Mr. FEIGHAN, Mr. PERKINS, and Mr. SPRATT.

H.J. Res. 69: Mr. RINALDO.

H.J. Res. 81: Mr. DELAY and Mr. HENRY.

H.J. Res. 177: Mr. LOWERY of California, Mr. PASTOR, Mr. DE LA GARZA, Mr. STENHOLM, Mr. FOGLIETTA, Mr. TRAXLER, Mr. RAY, Mrs. JOHNSON of Connecticut, Mr. SMITH of New Jersey, Mr. COX of California, Mr. RITTER, Mr. COBLE, Mrs. BOXER, Mr. ROSE, and Mr. MILLER of Ohio.

H.J. Res. 198: Mr. FIELDS, Mr. HOBSON, Mr. GILMAN, Mr. KOLTER, and Mr. PAYNE of New Jersey.

H.J. Res. 242: Mr. RUSSO.

H.J. Res. 280: Mr. WHITTEN, Mr. MOLLOHAN, Mr. RAMSTAD, Mr. RINALDO, Mr. OLIN, Mr. GONZALEZ, Mr. SHAW, Mr. WEISS, Mr. LEHMAN of California, Mr. ROYBAL, Mr. HUTTO, Mr. BERMAN, Mr. HEFNER, Mr. FAZIO, Mr. TAYLOR of North Carolina, Mr. MORRISON, Mr. THOMAS of Georgia, Mr. HOAGLAND, Mr. BOUCHER, Mr. RAVENEL, Mr. KANJORSKI, Mr. OWENS of New York, Mr. SAVAGE, Mr. STAGGERS, Mr. ORTIZ, Ms. WATERS, Mr. GORDON, Mr. HOBSON, Mr. TANNER, Mr. ANDERSON, Mrs. MINK, Mr. STUDDS, Mr. PASTOR, Mr. TAYLOR of Mississippi, Mr. DORNAN of California, Mr. HOUGHTON, Mr. WYDEN, Mr. ANTHONY, Mr. LEWIS of Georgia, Mr. MCCANDLESS, Mrs. KENNELLY, Mr. GLICKMAN, Mr. SAWYER, Mr. NAGLE, Mr. PACKARD, Mr. RAHALL, Ms. PELOSI, Mr. TORRES, Mr. WOLPE, Mr. WASHINGTON, Mr. DYMALLY, Mr. LAFALCE, Mr. FOGLIETTA, Mr. MATSUI, Mr. SOLARZ, Mr. PALLONE, Mr. GALLO, Mr. GINGRICH, Mr. PETERSON of Florida, Mr. DANNEMEYER, Mr. GUNDERSON, Mr. HAMILTON, Mr. MCDADE, Mr. HOCHBRUECKNER, Mr. INHOFE, Mr. YATRON, Mr. SANDERS, Mr. JONES of Georgia, Mr. LOWERY of California, Mr. MCCOLLUM, Mr. GEREN of Texas, Mr. MILLER of Ohio, Mr. MOAKLEY, Mr. MOODY, Mr. MFUME, Mr. MURPHY, Mr. NATCHER, Mr. SYNAR, Mr. MILLER of California, Mrs. BOXER, Mr. MOORHEAD, Mr. ZIMMER, Mr. BLILEY, Mr. BROWDER, Mrs. BYRON, Mr. CLEMENT, Mr. COLEMAN of Texas, Mr. CONYERS, Mr. DEFAZIO, Mr. DOWNEY, Mr. EDWARDS of California, Mr. EMERSON, Mr. FALEOMAVAEGA, Mr. FASCELL, Mr. FAWELL, Mr. FEIGHAN, Mr. FROST, Mr. GAYDOS, Mr. GILMAN, Mr. GRANDY, Mr. HATCHER, Mr. HENRY, Ms. HORN, Mr. HUBBARD, Mr. HYDE, Mr. JEFFERSON, Ms. KAPTUR, Mr. KOLTER, Mr. LAGOMARSINO, Mr. LANTOS, Mr. LAROCCO, Mr. LEWIS of California, Mr. LIPINSKI, Mrs. LLOYD, Ms. LONG, Mrs. LOWEY of New York, Mr. MCCLOSKEY, Mr. MCGRATH, Mr. MARTINEZ, Mr. MINETA, Mr. MRAZEK, Mr. PAYNE of New Jersey, Mr. QUILLEN, Mr. RHODES, Mr. ROWLAND, Mr. SANGMEISTER, Mr. SAXTON, Mr. SERRANO, Mr. SKEEN, Mr. SPRATT, Mr. SUNDQUIST, Mr. TRAFICANT, Mr. WELDON, Mr. MAZZOLI, Mr. SABO, Mr. STARK, Mr. CARR, Mr. PEASE, Mr. KOSTMAYER, Ms. DELAURO, Mr. GEJDENSON, and Mr. DOOLEY.

H.J. Res. 323: Mr. ABERCROMBIE, Mr. ALEXANDER, Mr. ANNUNZIO, Mr. APPLEGATE, Mr. ATKINS, Mr. BARNARD, Mr. BENNETT, Mr. BEREUTER, Mr. BILBRAY, Mr. BONIOR, Mr. BROOMFIELD, Mr. BRUCE, Mr. BURTON of Indiana, Mr. CAMPBELL of Colorado, Mr. CARPER, Mr. CHAPMAN, Mr. CLEMENT, Ms. COLLINS of Michigan, Mr. CONDIT, Mr. COSTELLO, Mr. DE LA GARZA, Mr. DEFAZIO, Mr. DELLUMS, Mr. DICKINSON, Mr. ACKERMAN, Mr. ANDERSON, Mr. ANTHONY, Mr. ASPIN, Mr. AUCOIN, Mr. BEILENSON, Mrs. BENTLEY, Mr. BERMAN, Mr. BLAZ, Mrs. BOXER, Mr. BROWN, Mr. BRYANT, Mr. BUSTAMANTE, Mr. CARDIN, Mr. CARR, Mr. CLAY, Mr. COLEMAN of Texas, Mrs. COLLINS of Illinois, Mr. CONYERS, Mr. DARDEN, Mr. DE LUGO, Ms. DELAURO, Mr. DERRICK, Mr. DICKS, Mr. DIXON, Mr. DONNELLY, Mr. DOOLEY, Mr. DORGAN of North Dakota, Mr. DOWNEY, Mr. DURBIN, Mr. DWYER of New Jersey, Mr. EARLY, Mr. ECKART, Mr. EDWARDS of California, Mr. ENGEL, Mr. ESPY, Mr. EVANS, Mr. FALEOMAVAEGA, Mr. FASCELL, Mr. FAWELL, Mr. FAZIO, Mr. FEIGHAN, Mr. FIELDS, Mr. FLAKE, Mr. FOGLIETTA, Mr. FORD of Tennessee, Mr. FORD of Michigan, Mr. FRANK of Massachusetts, Mr. FRANKS of Connecticut, Mr. FROST, Mr. FUSTER, Mr. GAYDOS, Mr. GEJDENSON, Mr. GEPHARDT, Mr. GIBBONS, Mr. GILMAN, Mr. GLICKMAN, Mr. GONZALEZ, Mr. GOODLING, Mr. GOSS, Mr. GREEN of New York, Mr. GUARINI, Mr. HALL of Ohio, Mr. HAMILTON, Mr. HAYES of Illinois, Mr. HORTON, Mr. HOUGHTON, Mr. HOYER, Mr. HUCKABY, Mr. HUGHES, Mr. HYDE, Mr. JACOBS, Mr. JEFFERSON, Mr. JENKINS, Mr. JOHNSTON of Florida, Mr. JONES of Georgia, Mr. JONTZ, Mr. KANJORSKI, Ms. KAPTUR, Mr. KENNEDY, Mrs. KENNELLY, Mr. KILDEE, Mr. KOLTER, Mr. KOSTMAYER, Mr. LAFALCE, Mr. LAGOMARSINO, Mr. LANCASTER, Mr. LANTOS, Mr. LAROCCO, Mr. LEACH, Mr. LEHMAN of California, Mr. LEHMAN of Florida, Mr. LEVIN of Michigan, Mr. LEVINE of California, Mr. LEWIS of California, Mr. LEWIS of Georgia, Mr. LIPINSKI, Mrs. LLOYD, Ms. LONG, Mrs. LOWEY of New York, Mr. MCCLOSKEY, Mr. MCCURDY, Mr. MCDERMOTT, Mr. MCEWEN, Mr. MCHUGH, Mr. MCMILLEN of Maryland, Mr. MACHTLEY, Mr. MANTON, Mr. MARTINEZ, Mr. MATSUI, Mr. MAVROULES, Mrs. MEYERS of Kansas, Mr. MFUME, Mr. MILLER of California, Mr. MILLER of Washington, Mr. MINETA, Mrs. MINK, Mr. MOAKLEY, Mr. MONTGOMERY, Mr. MOODY, Mr. MORAN, Mr. MRAZEK, Mr. MURPHY, Mr. MURTHA, Mr. NATCHER, Ms. NORTON, Ms.

OAKAR, Mr. OBERSTAR, Mr. OLVER, Mr. ORTIZ, Mr. ORTON, Mr. OWENS of New York, Mr. OWENS of Utah, Mr. PANETTA, Mr. PARKER, Mr. PAYNE of New Jersey, Mr. PEASE, Ms. PELOSI, Mr. PENNY, Mr. PERKINS, Mr. PRICE, Mr. RAHALL, Mr. RANGEL, Mr. RAVENEL, Mr. RICHARDSON, Mr. RIDGE, Mr. RITTER, Mr. ROE, Mr. ROSE, Mr. ROTH, Mr. ROYBAL, Mr. RUSSO, Mr. SABO, Mr. SAVAGE, Mr. SAWYER, Mr. SCHEUER, Mrs. SCHROEDER, Mr. SCHUMER, Mr. SERRANO, Mr. SIKORSKI, Mr. SISISKY, Mr. SKEEN, Mr. SKELTON, Mr. SLATTERY, Mr. SMITH of New Jersey, Mr. SMITH of Florida, Mr. SMITH of Iowa, Mr. SOLARZ, Mr. SOLOMON, Mr. SPENCE, Mr. STALLINGS, Mr. STARK, Mr. STOKES, Mr. STUDDS, Mr. SYNAR, Mr. TAUZIN, Mr. TORRES, Mr. TORRICELLI, Mr. TOWNS, Mr. TRAFICANT, Mr. TRAXLER, Mr. PASTOR, Mrs. UNSOELD, Mr. VALENTINE, Mr. VENTO, Mr. VISCLOSKY, Mr. WALSH, Mr. WASHINGTON, Mr. WAXMAN, Mr. WEISS, Mr. WHEAT, Mr. WILLIAMS, Mr. WISE, Mr. WOLPE, Mr. WYDEN, and Mr. YATRON.

H.J. Res. 326: Mr. ROBERTS, Mr. GILLMOR, Mr. LEWIS of Florida, Mr. MCGRATH, Mr. WELDON, and Mr. CARDIN.

H.J. Res. 342: Mr. ANNUNZIO, Mr. APPLEGATE, Mr. ATKINS, Mr. BERMAN, Mr. BONIOR, Mr. BROWN, Mr. CLEMENT, Mr. DEFAZIO, Mr. DE LUGO, Mr. DOWNEY, Mr. DREIER of California, Mr. DURBIN, Mr. FLAKE, Mr. FUSTER, Mr. GLICKMAN, Mr. HANSEN, Mr. HERGER, Mr. HERTEL, Mr. HORTON, Mr. HOUGHTON, Mr. HUBBARD, Mr. JEFFERSON, Mr. JONES of Georgia, Mr. LAROCCO, Mr. LEHMAN of California, Mr. LEHMAN of Florida, Mr. LIGHTFOOT, Mr. LUKEN, Mr. MARTIN, Mr. MOODY, Mr. NAGLE, Mr. NEAL of Massachusetts, Ms. NORTON, Mr. OBERSTAR, Mr. PALLONE, Mr. PAYNE of Virginia, Mr. PICKETT, Mr. REED, Mr. ROE, Mr. ROGERS, Mr. ROYBAL, Mr. SHAW, Mr. SKEEN, Ms. SLAUGHTER of New York, Mr. STOKES, Mr. SYNAR, Mr. TANNER, and Mr. VANDER JAGT.

H.J. Res. 343: Mrs. COLLINS of Illinois, Mr. DEFAZIO, Mr. DYMALLY, Mr. EMERSON, Mr. FRANK of Massachusetts, Mr. GILMAN, Mr. GUARINI, Mr. KOLTER, Mr. LAFALCE, Mr. LANTOS, Mr. LEACH, Mrs. LOWEY of New York, Mr. MFUME, Mr. MOODY, Mr. MORAN, Mr. MORRISON, Mr. MURPHY, Mr. MURTHA, Mr. NAGLE, Mr. NATCHER, Mr. NUSSLE, Mr. RANGEL, Mr. SLATTERY, Mr. STOKES, Mr. TRAFICANT, Mr. WALSH, Mr. WASHINGTON, Mr. YATES, and Mr. ZIMMER.

H.J. Res. 350: Mr. ABERCROMBIE, Mr. ACKERMAN, Mr. ANDERSON, Mr. ANNUNZIO, Mr. APPLEGATE, Mr. AUCOIN, Mr. BEVILL, Mr. BILIRAKIS, Mr. BOEHLERT, Mrs. BOXER, Mr. BUSTAMANTE, Mr. CALLAHAN, Mr. CARDIN, Mrs. COLLINS of Illinois, Mr. COSTELLO, Mr. COYNE, Mr. DE LA GARZA, Mr. DE LUGO, Mr. DICKS, Mr. DORNAN of California, Mr. DOWNEY, Mr. DURBIN, Mr. EMERSON, Mr. ESPY, Mr. EVANS, Mr. FASCELL, Mr. FEIGHAN, Mr. FLAKE, Mr. GALLO, Mr. GREEN of New York, Mr. GUARINI, Mr. HARRIS, Mr. HOCHBRUECKNER, Mr. HORTON, Mr. HUTTO, Mr. JONES of North Carolina, Mr. KASICH, Mrs. KENNELLY, Mr. KILDEE, Mr. KOLTER, Mr. LAFALCE, Mr. LANTOS, Mr. LEHMAN of Florida, Mr. LENT, Mr. LIPINSKI, Mrs. LOWEY of New York, Mr. LOWERY of California, Mr. MCCOLLUM, Mr. MCDADE, Mr. MCGRATH, Mr. MCHUGH, Mr. MCMILLEN of Maryland, Mr. MACHTLEY, Mr. MAVROULES, Mr. MONTGOMERY, Mr. MOORHEAD, Mr. MORAN, Mrs. MORELLA, Mr. MRAZEK, Mr. MURPHY, Mr. OWENS of New York, Mr. OWENS of Utah, Mr. PALLONE, Mr. PAYNE of New Jersey, Mr. QUILLEN, Mr. RANGEL, Mr. RINALDO, Mr. ROE, Mr. SCHEUER, Mr. SCHUMER, Mr. SHAYS, Mr. SISISKY, Mr. SKEEN, Mr. SLATTERY, Mr. SOLARZ, Mr. TOWNS, Mr. TRAFICANT, Mr. WALSH, Mr. WEISS, Mr. WELDON, and Mr. WOLF.

H.J. Res. 353: Mr. COBLE, Mr. DEFAZIO, Mr. ESPY, Mr. FUSTER, Mr. GUARINI, Mr. HEFNER, Mr. HORTON, Mr. JONES of North Carolina, Mr. KOLTER, Mr. LANTOS, Mr. LIPINSKI, Mr. MCMILLAN of North Carolina, Mr. MCNULTY, Mr. PERKINS, Mr. PURSELL, Mr. VALENTINE, and Mr. WAXMAN.

H. Con. Res. 89: Mrs. COLLINS of Illinois.

H. Con. Res. 192: Mr. JACOBS, Mr. MCCURDY, Mr. SKELTON, Mr. BILBRAY, Mr. HARRIS, Mr. STENHOLM, Mrs. SCHROEDER, Mr. BEILENSON, Mr. GREEN of New York, Mr. HENRY, Mr. GALLEGLY, Mr. ORTON, Mr. TAYLOR of North Carolina, Mrs. PATTERSON, and Mr. BOUCHER.

H. Con. Res. 211: Mr. FOGLIETTA, Mr. SIKORSKI, and Mr. FROST.

H. Con. Res. 222: Mrs. MORELLA.

H. Con. Res. 224: Mr. SENSENBRENNER, Mr. CAMPBELL of California, Mr. BROOMFIELD, Mr. LIPINSKI, and Mr. ROHRABACHER.

H. Con. Res. 226: Mr. LEVINE of California, Mr. GILMAN, Mr. SCHEUER, and Mr. SMITH of Florida.

H. Res. 139: Mr. THOMAS of Wyoming and Mr. MCMILLAN of North Carolina.

H. Res. 180: Mr. DYMALLY.

H. Res. 222: Mr. FAZIO and Mr. WILLIAMS.

H. Res. 237: Mr. LAGOMARSINO, Mr. LAFALCE, Mr. SCHEUER, Mr. ANDREWS of Maine, Mr. WALSH, Mr. FOGLIETTA, Mr. FROST, and Mr. KOSTMAYER.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 1527: Mr. OWENS of New York.

H. Con. Res. 28: Mr. UPTON.

H. Res. 194: Mr. SHAYS.

EXTENSIONS OF REMARKS

UNITED NATIONS DAY 1991

HON. WAYNE OWENS

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 24, 1991

Mr. OWENS of Utah. Mr. Speaker, today we observe United Nations Day. This occasion should be used to both remember the tremendous accomplishments of this organization since its founding, and look forward to its participation in the new world we now see emerging.

With the cold war behind us, the United Nations will assume unprecedented importance as a meeting place for East and West. In this atmosphere of greater global cooperation, the United Nations will hopefully be an effective tool for peacefully resolving regional disputes and continuing to strive for the betterment of the human condition.

Hunger and disease, still prevalent in so many areas of the world, are attacked by U.N. relief efforts. U.N. teams are relentlessly investigating human rights violations wherever they occur. Peacekeeping forces are bringing stability to troubled regions, and creating a climate for negotiations. A major U.N. conference to be held in the coming year will address the urgent environmental crisis the world now faces and discuss international solutions.

As actors in this new world which is coming together piece by piece, we should always keep in mind the noble aims of the United Nations.

Four days ago I had the distinct pleasure of sending a message to Israeli Prime Minister Yitzhak Shamir. I congratulated him on making final arrangements for the historic Mideast peace conference which will begin next week in Madrid. At the same time, I expressed my sincere hope that these talks will result in significant progress toward lasting peace in the most dangerous and troubled region of the world.

This wasn't an empty gesture on my part. After more than 15 serious study visits to the Middle East in the last 3½ years, including Jordan, Israel, Egypt, Iraq, Saudi Arabia, Kuwait, and other gulf countries, I believe that a lasting peace is in fact possible in the Middle East.

These are days when a person can dare to believe in the triumph of peace and freedom. Not too long ago, who would have imagined democracy, even limited, being won by the people of the Soviet Union, Czechoslovakia, and Nicaragua? Today the previously impossible seems possible.

Out of this swirling geopolitical map, President Bush has called for the forging of a new world order. Significantly, the President introduced this term into common usage when this Nation was on the brink of war. But new world order must be more than a rallying cry to gather an international posse and discipline an Iraqi dictator.

Now, if this so-called new world order is to work, it must be designed to avoid future wars and mediate conflict where it exists today. My idea of a new world order is one where, freed of the shackles of having to respond in whatever fashion to what was deemed to be anti-Communist, we can organize the nations to oppose illegal military actions like Iraq's invasion of Kuwait by economic and political isolation—rather than immediately resorting to a military response.

For this reason, the United Nations will assume unprecedented importance in the coming decades. In addition to security issues, the United Nations will play a vital part in such areas of mutual interest as the global environment, nutrition, and the betterment of the human condition. It is no exaggeration to say that a new world order will only work if its separate parts are joined together by the stabilizing bonds of the United Nations.

The end of the cold war and the accompanying warming of relations between the superpowers have given the United Nations more freedom to accomplish its goals. While East and West once took strategic sides in any regional conflict, they can now join together in order to find peaceful resolutions. Today, the only meaningful meeting place for these former enemies is in the United Nations.

The United Nations will have to make significant changes within its own structure in order to adjust to its new position of increased importance on the world stage. The United Nations has been weak, intimidated at times. We need a strong Secretary General when Perez de Cuellar leaves—one who will seize the U.N.'s opportunities and lead in restraining the neighborhood bullies of the world. A needed change, particularly in the area of international security, is a shift from reacting to regional conflicts on an ad hoc basis to full-time mediating. I agree with others who suggest the creation of permanent, regional U.N. offices staffed with knowledgeable, full-time mediators. Such offices could be preventive medicine for international conflict.

The key to the effectiveness of this or any U.N. program, however, is cooperation. Countries of diverse traditions and beliefs on every continent must learn to see the United Nations as more than something they will tolerate only as long as it furthers their own interests. For these governments, the United Nations must become a trusted, impartial arbitrator.

Enhanced cooperation will hopefully avoid future sacrifices by courageous U.N. peacekeeping forces. The signs are good. Less than a week ago, members of the U.N. Security Council agreed to share information with one another about sales of tanks, artillery, military aircraft, ships, and missile systems to countries in the Middle East. It goes without saying that a few years ago, such cooperation could have halted Saddam Hussein's deadly military buildup. Members of the Security Council must join with all other U.N. members in banning the production of chemical and biological weapons. These horrible devices of mass destruction have no place in the world currently emerging. As the superpowers use their improved relations to begin the long process of scaling down their nuclear arsenals, they must also use these relations to create strong agreements which stop the further proliferation of nuclear weapons.

With each passing day, we are finding that guns and bombs do not constitute the only serious threats to human life. The world's exploding population rate has overburdened natural resources. Man-made waste clouds our oceans, seeps into our ground water, and pollutes our air. Rain forests—which literally compose most of the Earth's respiratory system—are being destroyed at an astonishing and devastating rate. We've all been made aware of these and other environmental concerns by activists and the media. But it is obviously not enough to pay lip service to something that seriously threatens the world our children will be forced to live in.

There is perhaps no better symbol for the kind of integrated world the United Nations evisions than the global ecosystem itself. With acid rain originating in one nation and falling on another, interational boundaries become irrelevant. Indeed, every nation is equally threatened by a damaged atmosphere and polluted oceans. The time is overdue for an international agenda to avoid environmental catastrophe, and I believe the creation of this agenda is one of the primary responsibilities of the United Nations today. The growing international cooperation we are witnessing must be harnessed for this urgent purpose.

The U.N. Environment Program, which was created in 1972, is scheduled to hold a major conference on the environment in Rio de Janeiro, Brazil, in 1992. I would like to see Congress create an advisory commission from U.S. science, industry, and environmental groups to prepare for this important conference. I would also like to hear from any of you who would offer advice, possible through citizen panels. And, when the time comes for the meeting, delegates from our Government must work aggressively with delegates from other nations to produce new instruments of international law and set up adequate environmental funding.

These are indeed times which offer great opportunities for international cooperation and the creation of agreements which will be for the good of all mankind. But, as we forge this new order, we must remember that alongside the much-celebrated democratization of Eastern Europe and Latin America are dark areas of extreme need. Gross human rights violations persist from Cambodia to Guatemala. Hunger plagues much of the world. We cannot consider any new geopolitical alignment—any new world order—successful unless it addresses these problems. The United Nations must draw developing countries into the new

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

order by stimulating their participation in the world economy. In this age of cooperation among developed nations, it will be possible to coordinate multilateral assistance in financial and technical areas.

The United Nations, which have been described here, is a powerful player in the developing new world order. Some might question if the organization is up to this challenge. I would answer that the United Nations has always striven for a new world order, one that goes beyond what President Bush probably had in mind. The U.N.'s preamble vows "to save succeeding generations from the scourge of war," "reaffirm faith in fundamental human rights" and "promote social progress." We would do well to keep these goals in mind when creating any new order in the world.

TRIBUTE TO THE 24TH GRADUATING CLASS OF MARATHON HOUSE

HON. RONALD K. MACHTLEY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 24, 1991

Mr. MACHTLEY. Mr. Speaker, I rise today to recognize the 24th graduating class of Marathon House. On Sunday, November 3, 1991, Marathon House will be honoring these men and women who have devoted the past year to overcome a chemical dependency.

Marathon House has specialized in the prevention and treatment of substance abuse since 1967. Marathon House is staffed by professionals in the treatment of chemical dependency. Counselors, educators, researchers, and scholars come from all over the United States to work at Marathon House. Marathon House stresses research to stay in the forefront of the constantly changing patterns of substance abuse.

Marathon House plays a major role in our State's antidrug effort. Marathon House's input into drug and crime issues have always been of invaluable use to me as I personally consider drug and crime issues before Congress. I have also enjoyed a close working relationship with David Mactas, president of Marathon House, as he participated on my advisory committee meeting on September 10, 1991. I look forward to a continued working relationship with all associated with this most distinguished organization.

Marathon House has been committed to helping people break the cycle of substance abuse and begin the path to recovery and self-sufficiency. They have proved that people do recover from addiction to restore their careers, family, homes, and become contributing members of society.

It has taken great sacrifice for these graduates to face their addiction and begin the long healing process. For their accomplishments the graduates of Marathon House deserve our respect and admiration. I wish all the graduates of Marathon House health and happiness in the future.

TRIBUTE TO DAVID EDWARDS; WATER CONSERVATIONIST OF THE YEAR

HON. CLAUDE HARRIS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 24, 1991

Mr. HARRIS. Mr. Speaker, I would like to bring to the attention of my colleagues the outstanding accomplishments of one of my constituents in Fort Deposit, AL. That individual is David Edwards, manager of the Fort Deposit Waterworks and Sewer Board.

Mr. Edwards was recently named "Water Conservationist of the Year" by the Alabama Wildlife Federation during the presentation of the 1991 Governor's Conservation Achievement Awards. He received this honor because of his leadership in the construction of an innovative wetlands wastewater treatment system in Fort Deposit.

The town of Fort Deposit working with the firm of CH2M Hill used local funds and an Environmental Protection Agency grant to design and build the project. The system has performed well within its permit limitation since it was placed in operation. In view of the fact that such systems are relatively new to the field of wastewater technology, a small town such as Fort Deposit took a risk in investing local funds toward this construction.

America's wetlands are an invaluable natural ecosystem. Creative uses of technology such as that by Fort Deposit is an important step in preserving and protecting our wetlands. I commend David Edwards on his stewardship and I extend my congratulations on his well-deserved recognition.

THE GULF WAR IN RETROSPECT

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 24, 1991

Mr. SKELTON. Mr. Speaker, the best editorial I have read that sums up our efforts against Saddam Hussein, can be found in the News-Tribune of Jefferson City, MO, on August 2, 1991. The lesson to be learned is the same one that Winston Churchill unsuccessfully attempted to warn against in the late 1930's: "Freedom loving nations cannot accommodate an oppressing one." The News-Tribune article is enclosed herewith for the benefit of the Members of this body:

GULF WAR IN REVIEW

One year after Iraq's invasion of Kuwait, some are belittling the accomplishments of the Gulf war. It is worth reviewing what this exercise of national will achieved.

Most fundamentally, it upheld the principle of nonaggression. George Bush's war foiled a strong, militaristic power that had seized and looted and annexed a small but wealthy neighbor. Never before had one member of the United Nations simply wiped another off the map. The United States' determined stand rallied nearly universal support. The allies' decisive action not only cut short a regional tyrant's career of conquest but made naked aggression less likely anywhere in the world.

The skeptics point out that liberation left Kuwait a chaos of blazing oil wells and backward politics. This misses the point: that Kuwait is no longer enslaved. The Iraqis' campaign of rape and plunder was interrupted. The vandals were expelled, their army destroyed.

Not just Kuwait but the entire Middle East is better off for Saddam Hussein's defeat. Oil flows unimpeded at virtually the same price as before the invasion, Israel's most threatening neighbor is cowed, and prospects for Arab-Israeli talks are better than in years. None of this would be true if Saddam had gone unchallenged.

The war also renewed respect for America. From the president's leadership to the Pentagon's smart bombs to U.S. soldiers' competence and humanity, American performance was justly admired. The disciplined use of military force for good ends, in painstaking partnership with allies, affirmed our best tradition.

This psychological gain came at a crucial moment in history, just as the United States was emerging as the single superpower, captain of the winning side in the Cold War. Increased regard for American power will assist in its constructive use in coming years.

It is true that the survival of the tyrant Saddam Hussein, cause of so much misery, beclouds the victory. Count among the lessons of the Gulf war, then, a fresh appreciation of the futility of accommodating so ruthless an oppressor.

IN HONOR OF DR. HARLAN J. SMITH

HON. RONALD D. COLEMAN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 24, 1991

Mr. COLEMAN of Texas. Mr. Speaker, I rise today to remember my friend, Dr. Harlan J. Smith. Dr. Smith was an Edward Randall, Jr., M.D. centennial professor in astronomy and former chairman of the department of astronomy of the University of Texas at Austin. I met him when he was appointed director of the McDonald Observatory in Fort Davis, TX.

Dr. Smith cherished his role as an educator. He believed the public could share in his love of astronomy and created a number of public outreach programs, including the nationally syndicated program "Stardate," which helped bring the skies just a little closer to everyone who came in contact with the west Texas observatory.

The University of Texas decided to establish an astronomy department and run the observatory in the early 1960's. Dr. Smith was involved in both of these visions.

The McDonald Observatory was originally operated by the University of Chicago until the University of Texas Astronomy Department moved to Mount Locke in the Davis Mountains. The observatory houses a 107-inch reflector telescope and an 82-inch reflector telescope, as well as a number of smaller telescopes, two of which are dedicated primarily to public use—just one step that brought many of us closer to the stars.

Today, I would like to remember Dr. Smith not ony for unveiling some of the mysteries of the stars, but also for making other contributions to the field of astronomy. Two of his goals that have yet to be accomplished included use of the Moon as a base for an observatory and human exploration of Mars.

Dr. Smith has been honored by his peers for his tangible contributions to astronomy—an increase in public understanding and interest and his forward thought for the future study of the stars—and received the NASA Distinguished Public Service Medal.

Mr. Speaker, I would also like to extend the sympathy of my colleagues in Congress to his wife, Joan Smith, and their children and grandchildren.

Dr. Harlan Smith will be remembered by everyone who shares his love for the sky and the stars. I know that I was one of the lucky ones who was influenced by this love.

REMARKS BEFORE THE SENATE SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL PARKS AND FORESTS

HON. RON MARLENEE

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 24, 1991

Mr. MARLENEE. Mr. Speaker, I rise to submit for my colleagues a copy of my remarks on October 22 before the Senate Subcommittee on Public Lands, National Parks and Forests. The issue at hand concerns the debate over the proposed Montana wilderness legislation.

Mr. Chairman, I congratulate you for holding today's hearing to attempt to solve the wilderness debate in Montana. This entire effort is commendable and is now more important than ever.

Obviously, there are honest differences by well-meaning people on how many acres to protect, and how areas are to be managed. Whether or not I decide to introduce my own wilderness bill depends on you, Senator Baucus. I appreciate your letter to me of September 23 (see attachment) expressing your willingness to work with me on this issue.

To pass a wilderness bill that does not, I repeat does not attempt to modify or resolve the appeals controversy, is to deceive the people of Montana.

Nearly every State that has passed a statewide wilderness bill still has just as many or even more problems with administrative appeals than those States without a statewide wilderness law.

To say that we will pass a wilderness bill simply for the sake of passing a wilderness bill is saying we really do not care if we are tying the hands of professional land managers and do not care about recreation and tourism.

Let me tell you that I believe we must have professionals manage our lands under good stewardship and allow opportunities for recreation.

There are certain basic principles that must be embodied in any wilderness bill before it gets my support and that of Montanans.

These principles include:

(1) Providing the widest possible spectrum of recreation opportunities.

(2) Designation of highest-quality wilderness lands and give proper emphasis to other deserving lands for recreation, education, scenic values and wildlife.

(3) Preserving the State of Montana's sovereignty to adjudicate and quantify water rights. The water language this committee adopted in the Wirth/Brown Colorado wilderness bill seems appropriate for the Montana bill. The Governor has sent a very capable representative, Karen Barclay, who will speak to this issue on a later panel.

(4) Iron-clad language releasing non-wilderness areas. We must also resolve the future of the S. 393 or wilderness study areas by setting a date for their release.

(5) Recognizing how the current administrative appeals system has paralyzed forest management in Montana. Last year alone over 300 million board feet of Forest Service timber in Montana was tied up in appeals and litigation.

(6) Enhancing future tourism opportunities in Montana.

Again, I would urge that we stand together after reaching a consensus and that together we reject attempts by outside interests to invade our State, manipulate our media, steal our jobs and deny us of our heritage of recreational opportunities.

And Senator Baucus, I again take your statement in the Great Falls Tribune of October 21, 1991, at face value where you stated, "We Montanans can work this out. I don't think we want other States telling us what the boundaries should be."

I am committed to this effort because one of the major benefits of resolving this issue is to provide stability and balance to the State of Montana. This commitment has caused me to employ the services of one of the most respected professionals in the Forest Service in Montana. Retired Gallatin Forest supervisor Bob Gibson has professional experience on six of Montana's 10 national forests. Bob's credibility in this area was demonstrated when he worked for you, Senator Baucus, in 1985.

In summary, we have the maximum wilderness as embodied in S. 1696, a fine wilderness proposal from WETA and the Forest Service's recommendations. We also have that undiscovered mother lode that we can only reach by non-partisan consensus.

If you do not reach that consensus, you will have a political football. One must remember that Montana has a Republican Senator, a Republican Congressman, a Republican Governor, and Republican Secretaries of Agriculture and Interior.

I pledge to you that we can support a proposal with balance. There are those who say some of the protection of Montana interests that we ask cannot be achieved. I would respond and challenge you that I will produce every vote of the minority side of both the House Subcommittee on National Parks and Public Lands and the full House Interior Committee. The challenge for you is to provide us the five or six votes on the majority side.

It seeks to me we have a force to be reckoned with so we must work together to come together.

TRIBUTE TO LONNIE KAHLER AND KATHY KOHL

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 24, 1991

Mr. BONIOR. Mr. Speaker, I am very pleased to join the Clinton Township Democratic Club in honoring two very special people who have generously contributed their time and energies to the Democratic Party and our community in general, Lonnie Kahler and Kathy Kohl.

The commitment to take an active, constructive role in our community is a responsibility we all share. Lonnie and Kathy have unfailingly dedicated themselves to our most important concerns. They are our unsung heroes: tirelessly devoting hundreds—even thousands—of hours to the Democratic Party and Democratic candidates.

More than this, the success of the Clinton Township Democratic Club has been fortuitously tied to the dedication and commitment of these women. Time after time, Lonnie and Kathy have been there when we needed them. And without their steadfast devotion, our bingo would not be the success that it has become.

And finally, Mr. Speaker, Lonnie and Kathy also share the added joy of being close, personal friends. They have blended work, family, and friendship into a winning combination from which we all have benefited and for which we are all very grateful.

I ask that my colleagues join me in saluting the fine accomplishments and outstanding dedication of Lonnie Kahler and Kathy Kohl.

ART SIMON'S LEGACY LIVES ON AT BREAD FOR THE WORLD

HON. TONY P. HALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 24, 1991

Mr. HALL of Ohio. Mr. Speaker, I would like to call the attention of my colleagues to an article by Colman McCarthy entitled "A Builder of Fences Against Hunger" which appeared in the Washington Post on October 22, 1991. The article praises Art Simon, founder of the nonprofit organization Bread for the World. Mr. Simon recently stepped down as president.

Under Mr. Simon's leadership, Bread for the World has made extraordinary contributions to improverished populations in America and around the world. Mr. Simon has combined idealism, sound preventive policy, and shrewd politics to educate government leaders and provide relief for hunger people. Bread for the World has assembled one of the most extensive grass-root networks in the country and has successfully lobbied for domestic and international aid packages.

As chairman of the Select Committee on Hunger, I would like to take this opportunity to commend Art for his achievements as president of Bread for the World. But, I also thank him for leaving a potent advocacy group that will continue to provide the Select Committee on Hunger, America, and the world with invaluable support in the fight against hunger. For the benefit of my colleagues a copy of Mr. McCarthy's article follows.

[From the Washington Post, Oct. 22, 1991]

A BUILDER OF FENCES AGAINST HUNGER

(By Colman McCarthy)

A childhood inkling came to Arthur Simon that he would have a fair chance for a happy and stimulating life if he helped others. But how? His father, a spiritual man who pastored Lutheran churches in Oregon and Illinois, offered a thought: Some people get an ambulance and do rescue work at the bottom of the cliff, others stay on top and build a fence at the edge.

Simon decided on fence work. His choice brought him to Washington in 1972 where he founded and began directing Bread for the World. It would become one of the nation's most effective and sophisticated advocacy groups both for food assitance to the world's hungry and for developmental programs in poor countries.

Earlier this month, Simon, 61, became president emeritus of Bread for the World. He left despite requests from the board that he stay on. He has written eight books and has a few more he'd like to get out. Ane he'd like to be around a bit more as he and his wife raise the youngest of their four children, a daughter of 5. Then, too, he'd like to spend time with another builder of fences, his brother, Sen. Paul Simon (D) of Illinois.

Bread for the World is in hearty condition: 45,000 dues-paying members in 335 local chapters and with a reputation for going well beyond such measures of Washington success as staging conferences, issuing reports and getting on "Crossfire."

Simon, also a Lutheran minister, went for the harder work of trying to reduce hunger through policy changes. In 1984, lobbying and letter-writing exertions by Bread for the World members were credited with passing the Africa Relief and Recovery Act. It dispensed $800 million for famine relief. In 1988, the organization worked to win a $250 million increase in U.S. development assistance to Africa. Bread for the World rallied support for a $73 million increase for the domestic Women, Infants and Children program. It is now lobbying for passage of the 1991 Horn of Africa Recovery Relief Act and the 1991 Freedom From Want Act.

"We wanted to get people to see that no less important or urgent than direct aid is the work of getting the nation's leaders to make national policy decisions that help people work their way out of hunger and poverty," Simon wrote in a 1985 paper. "One stroke of the President's pen or one vote in Congress can often have an impact on hungry people that exceeds what we do through private assistance. Why contribute in church to relieve hunger, and by our silence on public policy lock people more deeply into hunger?

An unpreachy tone of spirituality runs through Simon's writings. It is Biblical and prophetically grounded: "One practical meaning of rooting our understanding of hunger in God's rescuing love is that we live by grace, not guilt. Hunger leaves many people feeling guilty. However, guilt is a poor motivator. It's immobilizes us because it underscores our captivity to sin. But grace—God's extraordinary gift of love—sets us free to live for others."

That's what Simon has done at Bread for the World. It's been hidden work mostly. He has called world hunger "the silent holocaust," so perhaps it fits in that his way of combating it has been noiseless. In Washington, the less clamor and sound an advocacy group emits, often the greater progress it makes.

IN CELEBRATION OF THE 100TH ANNIVERSARY OF WESLEY UNITED METHODIST CHURCH

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 24, 1991

Ms. KAPTUR. Mr. Speaker, on October 26 the Wesley United Methodist Church in Toledo, OH will celebrate its 100th anniversary. The congregation of Wesley United Methodist Church has served its community with the utmost in distinction throughout the past century, providing not only religious leadership but moral support and the advocation of a strong value system to an entire community.

The Wesley United Methodist Church was founded on October 25, 1891 when members of the then St. John's Methodist Church held their first Sunday school meeting at the Spring Street Public School. In 1895, the congregation met for the first time in their own building on Spring and Mulberry Streets. One year later, the Central Ohio Conference recognized the Spring Street Methodist Episcopal Church as an organized society.

By 1923 the congregation had outgrown its meeting house on Spring and Mulberry Street and moved to its current parsonage at 2328 Stickney Avenue. With the move, the congregation also changed the name to the Wesley United Episcopal Church.

The early years were hard ones for the members of the Wesley United Episcopal Church. The depression threatened to take the church away from the parishioners. Through what could be viewed as divine intervention, however, the parish obtained a loan and the church remained and the congregation stayed together.

As with most urban centers in the 1960's and 1970's, the Wesley Episcopal Church experienced a shift in its mission due to a change in the make-up of the surrounding neighborhood. At that time, the congregation of the church decided to change the name once again to the Wesley United Methodist Church—the name the church bears today.

Mr. Speaker, over the past century, parishioners have come and gone but the Wesley United Methodist Church has stayed true to its original mission of helping those in need in our community. On behalf of the U.S. Congress, I would like to extend my sincere wishes to the Wesley United Methodist Church for another 100 years of devotion to those ideals that make the church a shining example of what is good about our community and this Nation.

INTRODUCTION OF LEGISLATION TO ENABLE STATES TO GUARD THEIR DOORS AGAINST OUT OF STATE WASTE

HON. WAYNE OWENS

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 24, 1991

Mr. OWENS of Utah. Mr. Speaker, I am introducing legislation today which would specify that no material may be disposed of at any commercial uranium mill site, other than the tailings which are generated at that particular site, without the consent of the State in which the site is located. I am prompted to introduce this legislation because of indications that the Nuclear Regulatory Commission [NRC] may soon take steps to open commercial uranium mill sites to the disposal of radioactive wastes other than the tailings which result from normal mill operations—a policy which, if adopted, could in effect turn the impoundments at those uranium mill sites into low-level radioactive waste disposal facilities.

The prospect of using commercial uranium mill sites to dispose of off-site wastes is of great concern in Utah, and may be in other States as well. For instance, uranium mill sites in Utah do not all meet the State's siting criteria for low-level waste with respect to requirements such as those affecting proximity to human habitation, national parks, or permanent streams. Further, some of the impoundments at these sites lack protective liners, adding to the possibility that contamination will occur. The question of whether it is environmentally sound to use these impoundments for the disposal of anything beyond the tailings which are already being generated onsite is one that should be scrutinized very carefully, particularly in light of our costly experience with remediation at defunct uranium mill sites—a cleanup program which is currently estimated to cost about a billion dollars.

There is also a question of fairness. Utah is already, very unfortunately in my view, host to one waste disposal site which is licensed to receive out of State radioactive wastes. We also have a hazardous waste landfill which receives most of its waste from out of State—and two hazardous waste incinerators which would far surpass Utah's own needs are under development. If the NRC eventually proceeds along the lines that have been suggested, I fear that its action will very likely result in the designation of uranium mill sites as additional locations in Utah for the disposal of out-of-State radioactive wastes. This would add to the already intolerable environmental burden of waste disposal which Utah is carrying on behalf of other States.

To further give States such as Utah the means to protect themselves from out-of-State radioactive wastes, I have included a provision in the bill which would allow a State to prevent the storage or disposal within the State of uranium mill tailings which originate outside of the State.

I do not want Utah, with its magnificent natural heritage, to become the Nation's dumpsite for any of these wastes. The bill I am introducing today would allow States to plug one more hole in the leaky dike which has allowed imported wastes of all kinds to wash over their borders. It is in keeping with other legislation which I have introduced to enable States to guard their doors against out-of-State waste and its attendant environmental hazards. And it reflects my firm belief that neither Utah nor any other State should be subjected unwillingly to a proliferation of facilities for the disposal of out-of-State wastes, including radioactive wastes.

TRIBUTE TO MICHAEL CANTONE

HON. RONALD K. MACHTLEY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 24, 1991

Mr. MACHTLEY. Mr. Speaker, I rise today to recognize Michael Cantone of North Providence, RI.

Michael Cantone was born on April 6, 1939. As a sergeant in the Army, he served overseas in Germany. Michael Cantone and his wife, Diane, have had three children together. They are Michael, Jr., Lynn, and Donna. He has always been a sports enthusiast and runner. Just recently Michael Cantone has suffered great tragedy in his life. In addition to suffering a heart attack, he became a double amputee.

Despite this great hardship Michael Cantone has held his head high and always kept his enthusiasm despite his sickness. His good spirit and positive attitude are inspirational to all around him.

Michael Cantone's outlook on life helps to put everyday problems into proper perspective. Because he has touched the community around him to such an extent, a benefit will be held on his behalf on November 3, at the 1025 Club in Johnston, RI. It is with great pleasure that I wish this very special individual happiness and a bright future.

TRIBUTE TO MARC ROULEAU, CONSERVATION ENFORCEMENT OFFICER OF THE YEAR

HON. CLAUDE HARRIS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 24, 1991

Mr. HARRIS. Mr. Speaker, I wish to commend Officer Marc Rouleau of the Alabama Department of Conservation who was recently named "Conservation Enforcement Officer of the Year" by the Alabama Wildlife Federation.

The Alabama Wildlife Federation recognized his contributions in the area of conservation enforcement as part of its 1991 Governor's Conservation Achievement Awards Program. Among his many accomplishments, Officer Rouleau is responsible for the breakup of a ring that had been illegally killing more than 30 deer each year. In addition, he has made 82 hunting- and fishing- related arrests. His enforcement efforts contribute to the skillful preservation and management of Alabama's abundant natural resources.

Congratulations to Officer Rouleau on this well-deserved recognition of his continuing dedication and service in conservation enforcement.

MAJOR GENERAL KIEFNER HONORED

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 24, 1991

Mr. SKELTON. Mr. Speaker, Missouri National Guard Maj. Gen. Charles Kiefner was recently recognized by the Statesman, a Missouri publication, as "Statesman of the Month." This honor is designed to recognize a person who exemplifies the highest standards of public service. The article designating his honor states as follows:

> CHARLES KIEFNER
>
> Maj. Gen. Charles Kiefner, the state's adjutant general, has headed the Missouri National Guard since 1981 and has enjoyed a lengthy military career.
>
> As adjutant general, Kiefner has helped develop his organization into what is considered one of the best National Guard outfits in the country.
>
> The 61-year-old Cape Girardeau native enlisted in the Missouri National Guard in 1947. He entered active duty in 1950 and served in Germany with the Guard's 175th Military Police Battalion.
>
> He was commissioned as a second lieutenant in the National Guard in 1951. He has served as platoon leader, company commander, battalion motor officer, brigade adjutant, executive officer and logistics officer.
>
> He was Missouri's adjutant general from June 1973 to March 1977. He returned to the post in January 1981 after serving as a liaison officer at the U.S. Military Academy in West Point, N.Y.
>
> The Missouri National Guard comprises 154 units, employs about 2,000 full-time workers and has about 13,000 members. About 1,300 members were activated for duty during the Persian Gulf War.
>
> "We're top drawer," Kiefner says of the Missouri National Guard. "We have a good reputation."
>
> He adds: "I think our past record in Central America and Desert Storm points out how well-trained our soldiers are and how professional they really are, and they will answer the call to our country if they're asked to."
>
> Kiefner, who lives in Jefferson City but maintains a residence in Perryville, is immediate past president and a member of the executive committee of the National Guard Association of the United States.
>
> His military honors include: the Meritorious Service Medal, Army Commendation Medal and Humanitarian Service Medal.

SPORTSMEN AGAINST HUNGER

HON. RON MARLENEE

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 24, 1991

Mr. MARLENEE. Mr. Speaker, there are those who would question whether handguns and pistols are used by sportsmen in the pursuit of game.

Let me assure the people of this Nation, and my colleagues, that it is so and the numbers are growing.

It has reached the point that once a year we gather celebrities and shooters together from around the Nation for the Celebrity Handgun Hunt.

This past weekend, I had the pleasure of joining a group of outstanding American sportsmen and women who in 3 days harvested and donated over 8,000 pounds of wild game meat to the Salvation Army and other charitable food banks for the purpose of feeding this country's hungry.

Sportsmen Against Hunger is a national effort by American hunters to share with citizens less fortunate, the abundant and naturally renewing wildlife resources of our land. The program was developed in 1989 by one of our leading sportsmen's conservation organizations, Safari Club International, which at its own expense is coordinating the program with State wildlife management departments, local food banks, and soup kitchens. It is a growing program that has already brought praise from Governors and local Salvation Army officials alike. Bob Young, regional director of Safari Club International has chaired this effort and raised the visibility of this charity nationwide.

It is charity in the finest and most personal sense of the word. This Nation's sportsmen at their expense are having a large portion of the wild game they harvest processed into 2-pound packages and delivered to local food bank centers. During 1990, it is estimated that 20 tons of quality meat were donated, distributed, and consumed as a result of Sportsmen Against Hunger.

This past weekend, some of the best hunter-conservationists in this country met at the historic and beautiful Y.O. Ranch in Mountain Home, TX, as the guests of the Schreiner family, who have owned and worked the 40,000-acre ranch for four generations. In addition to the finest herd of original longhorn cattle in the world, over 50 species of game animals roam the ranch. And today the Y.O. Ranch offers hunting, game viewing, and conservation education programs to thousands of visitors each year.

Another unique aspect of our hunt this past weekend was that all 50 of us hunted with handguns exclusively because of the challenge handgun hunting presents. It is a difficult sport, and that is why thousands of hunters each year turn to the handgun as their firearm of choice. It is also why, when we debate and discuss firearms issues, it is important to realize that there is widespread ethical, legal sporting use of handguns in this country. I am proud to be a handgun hunter. Herb Bobchin, director at large of Safari Club International and chairman of the handgun advisory board, is to be commended for his efforts in initiating this opportunity.

In recognition of their generosity and caring for the needs of fellow citizens, I would like to recognize the following celebrities and distinguished hunters from this past weekend for their contributions to Sportsmen Against Hunger:

> Major General Joe Engle (retired), Edward Edson, Dan Harper, Ron Marlenee, Andy Phillips, John Taffin, Jack Lewis, Stan Atwood, Louis Schreiner, Howard Pollock, Warren Parker, Don Kirn, Herb Bobchin, Bob Young, Holt Bodinson, and Mr. and Mrs. Fred Kemmerer.
>
> Lou Sicola, Mr. and Mrs. Larry Hall, Mr. and Mrs. Al Diprima, Joe Wright, John Reinhart, Ed Grant, Dennis Madriaga, John Prather, Carl Rapp, David Small, Dirk Stark, Terry Thompson, Robert Gow, Kay Gow, Hugo DiGiovanni, and Don Rosso.
>
> Bill Kratz, John Wooters, Hal Swiggett, Mark Hampton, Dick Metcalf, Tom McIntyre, J.D. Jones, Ken Kelly, Bob Baker, Peter Pi, Peter Pi, Jr., Bill Grover, Jim Morey, Ken French, Mike Wright, Dennis Lawrence, and Pam Atwood.

INTRODUCTION OF CONGRESSIONAL TERM LIMITATION RESOLUTION

HON. GARY A. FRANKS

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 24, 1991

Mr. FRANKS of Connecticut. Mr. Speaker, earlier today, I introduced legislation which would limit the number of terms a Member of Congress could serve.

This legislation is vital to our political system and will bring competition back into our political process. Public support for term limitation is running high.

The American public is in a furor over the way this system operates. They perceive Congress as a country club where membership is for life, where special privileges are the perks of the job, and where Members are out of touch with their constituencies because they are so entrenched in their congressional seats.

Briefly, my bill would change the term of office for Representatives to 4 years and would set a limit of three consecutive terms. In other words, a Member who has served three consecutive terms, or 12 years, would not be eligible to run in the election cycle following that term.

Senators would continue to serve a 6-year term, but they would be limited to two terms. In other words, a Senator who has served two consecutive terms may not run for reelection following the 12 years in office.

There is, however, a provision in my bill which would allow former Members of the House or Senate to run for Congress after an absence of at least one term. If elected, the Member would again be limited to three terms. Overall, Representatives and Senators would be limited to no more than a total of 24 years of service as a Representative or Senator. An exception would be made for Members who fill a vacancy, in that the years served in filling the vacancy would not be counted as a term.

Allowing Members to return to office after they have stayed out at least one term is desperately needed. This will allow constituents to vote a Member back into office if they feel he/she has served their district in a most effective way. Other term limitation bills can be detrimental to a district if an upstanding Member is limited to 12 years without an opportunity to return.

Mr. Speaker, I believe this legislation will bring competition back to our political system. It will hold Members accountable to their constituencies rather than special interest groups. Most of all, it will bring new ideas and fresh faces to Congress, enhancing our political system.

I urge all my colleagues to support my legislation. We need to bring respect back to this institution and we need to bring respect back to our election process.

At this point in the RECORD, I have submitted a section-by-section explanation of the bill:

> A joint resolution proposing an amendment to the Constitution of the United States to provide for 4-year terms for Representatives, to limit the number of consecutive terms Representatives and Senators may serve, and to limit the total number of terms Representatives and Senators may serve.
>
> Section 1. The term of office of Representative shall be 4 years.
>
> Section 2. A Representative is limited to three consecutive terms at a time, but must be absent at least one term before being elected to that seat again. A person may not serve as a Representative for more than a total of 24 years.
>
> Section 3. A Senator is limited to two consecutive terms at a time, but must be absent at least one term before being elected as Senator again. A person may not serve as Senator for more than a total of 24 years.
>
> Section 4. The election or appointment of a person to fill a vacancy shall not be included in determining the number of times a person has been elected.
>
> Section 5. The limits of terms will begin after the date of ratification of this article.

MARIA SPACAGNA

HON. JACK REED

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 24, 1991

Mr. REED. Mr. Speaker, I rise to salute a distinguished lady from Providence, RI, who has become one of America's leading opera lyric sopranos. She is Maria Spacagna and she is being honored for her outstanding contributions to the arts.

A graduate of the New England Conservatory of Music, Ms. Spacagna has given acclaimed performances for the Dallas, Canadian, New York City, and Florentine operas. Her portrayals in various roles have won her awards in the Paris International Voice Competition, the Metropolitan Opera National Council Auditions, and she has become a recipient of grants from the National Opera Institute.

Ms. Spacagna has appeared in theaters throughout North America and Europe. Her career spans decades of dedication to her pure, agile voice which has sufficient power to fill the Met with no sign of strain. Ms. Spacagna made her Metropolitan Opera debut December 19—singing opposite Luciano Pavarotti. In 1985, Ms. Spacagna became the first American artist to interpret the role of Madam Butterfly at the world famous La Scala in Milano.

Mr. Speaker, I ask you and my colleagues to join me in saluting Maria Spacagna. Her years of outstanding achievement in the arts symbolize the vivacious spirit that she possesses to reach beyond her limits as a unique artist. Ms. Spacagna has brought great pride to our State and she will always hold a special place in the hearts of Rhode Islanders.

TRIBUTE TO BERT AND JANE BOECKMANN

HON. ELTON GALLEGLY

OF CALIFORNIA

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 24, 1991

Mr. GALLEGLY. Mr. Speaker, we rise today to extend our congratulations to our good friends, Bert and Jane Boeckmann. The Boeckmanns have been honored by the Assistance League of Southern California as Man and Woman of the Year, an extremely fitting designation for the many accomplishments and attributes of this outstanding couple.

With pleasure, we quote the Assistance League's tribute to the Boeckmanns:

> Assistance League of Southern California recognizes Bert and Jane Boeckmann for their abiding support of their community, numerous philanthropic deeds and constant generosity of heart and spirit.
>
> Jane Boeckmann, president of World of Communications, Inc., and publisher and editor in chief of Valley Magazine, has been recognized by many cultural, civic, business and local organizations for her unselfish humanitarian achievements. Aside from being the only woman to ever receive the prestigious Fernando Award, she has been honored by such groups as the San Fernando Valley Girl Scouts Council, the Valley Press Club, the American Mother's Inc. and the Hilltoppers Auxiliary Assistance League for Civic and Cultural Achievement.
>
> A devoted wife and mother, Jane still finds the time to dedicate herself to a host of organizations, including the Board of Governors at the Los Angeles County Museum of Natural History; Board of Trustees at the Los Angeles County Museum of Natural History Foundation; Board of Directors at Pepperdine University School of Business; and the Board of Directors and Executive Committee at the Cultural Foundation, which she cofounded.
>
> Bert Boeckmann, president of Galpin Motors, Inc., has been the proud recipient of more than a thousand awards and commendations for participating in national, civic and community affairs. The first automobile dealer ever to be honored as Brand Names Foundation National Retailer of the Year, Bert has received a presidential citation for private sector initiative and was selected as Time Magazine's No. 1 National Quality Dealer in 1985.
>
> Today, Bert is widely recognized as the most honored and successful automotive dealer in America. He has been a significant force in political and commercial enterprises for more than four decades. In addition to overseeing four automotive franchises, he is involved with buffalo ranching, publishing, finance, computerized language translation, manufacturing, real estate and mining.

Mr. Speaker, we invite our colleagues to join us in sending our best wishes to Bert and Jane Boeckmann.

CAMBODIA: THE WAR HAS ENDED, NOW LET'S WIN THE PEACE

HON. HELEN DELICH BENTLEY

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 24, 1991

Mrs. BENTLEY. Mr. Speaker, earlier this afternoon, a landmark peace agreement was signed in Paris, effectively putting an end to the 13 year-old civil war in Cambodia. During the 13 years of armed conflict, spanning the Carter, Reagan, and Bush Presidencies, untold numbers of Cambodians died, while additional thousands fled the country. History will not forget the fact that this civil war was precipitated by the illegal invasion of Cambodia by Vietnam in 1978—an invasion that liberated the terrified country from a 4-year reign of Khmer Rouge terror.

The next 16 months will be a critical period as a new Cambodia moves toward participatory democracy. No one of any consequence thinks that this process will be easy. Confusion will take many forms as thousands of refugees stream home, and up to a dozen political parties—including the Khmer Rouge—jockey for position. The United States, having led the United Nations effort to bring about the cessation of hostilities, should continue to play a strong role in helping the process of democratization.

It is my firm belief that one of the best ways we can help the process is by utilizing one of the most effective tools in our diplomatic arsenal—international radio broadcasting. I am not alone in this respect, Mr. Speaker. As the congressional sponsor of legislation to increase broadcasting into Indochina, I am pleased at the high level of commitment that has been shown by members of the Cambodian, Laotian, and Vietnamese-American communities, through organizations such as the Indochinese Committee for Radio Free Asia. In addition, I would like to submit for the RECORD, a document that was recently produced for the President's Task Force on U.S. Government International Broadcasting, by the Council for the Defense of Freedom, regarding the issue of expanded radio broadcasting to Asia. I think that those Members interested in the subject will find the technical and geographic information to be of value.

REPORT TO THE PRESIDENT'S TASK FORCE ON U.S. GOVERNMENT INTERNATIONAL BROADCASTING REGARDING RADIO BROADCASTING TO ASIA

INTRODUCTION

Although communism is crumbling in Eastern Europe and the Soviet Union and discredited in much of the rest of the world, there are still brutal communist dictatorships in nations accounting for more than 1.3 billion people in Asia—Mainland China, North Korea, Viet Nam, and Laos. In Cambodia a peace treaty is about to be signed by four contending factions which may lead to free elections and a representative government. But experienced observers say that the communist Khmer Rouge and the Vietnam-backed present regime will continue to represent threats of a return to communist dictatorship.

In total then these countries of Indochina, Mainland China, and North Korea still under communist rule account for more than one quarter of the world's population.

In Eastern Europe and the Soviet Union, a major factor encouraging the decline of communism in favor of democracy and free markets was American broadcasting via Radio Free Europe and Radio Liberty. Lech Walesa of Poland, when asked about the importance of Radio Free Europe in encouraging the Solidarity movement, said, "What would a day be without the sun?" Leaders of the three Baltic Republics also credit RFE/RL with great influence in promoting their liberation struggles. RFE/RL has been nominated for the Nobel Peace Prize—by the Foreign Minister of Estonia.

These operations are staffed mainly by nationals of the target countries. They emphasize local news and commentary and the international news that is of the greatest interest to the local people. They have been called "surrogate home services" in contrast to official services like the Voice of America, which carry mainly international or U.S. news and commentary.

However, at present there are no such services for many of the communist countries of Asia. North Korea is reached by regular broadcasts from South Korea while Mainland China is covered by a large service from the Republic of China on Taiwan. But both of these operations are cutting back somewhat as the ROC and South Korean governments attempt to promote more trade and detente with their countrymen.

For the vital countries of Viet Nam, Laos, and Cambodia there are no such broadcasting services. The Voice of America and the BBC broadcast in these languages, but mainly international or U.S. news and only a few hours per week. VOA, for example, carries only two hours per day in Vietnamese, one hour in Laotian, and 1½ in Cambodian.

In view of the tremendous influence of RFE/RL in promoting democracy in Eastern Europe and the Soviet Union, a Radio Free Asia can be of great importance in encouraging the trend towards democracy in these countries still suffering under dictatorial regimes. Like RFE a Radio Free Asia can communicate the values of a free press, free labor unions, freedom of religion, and a free market economy.

Ever since 1986 a major project of the Council for the Defense of Freedom has been a study of the need and feasibility of a Radio Free Asia. One of our members travelled to East Asia that year and again in May 1991 and conducted interviews on this proposal with government broadcasting officials and American information personnel in the area. Since 1989 and the Tianamen Square massacre and the growth of the democracy movement in China there has been increased interest in a Radio Free Asia in Congress (H.R. 1049 & H.R. 1156). Our Council sponsored a Conference on Capitol Hill in April 1991 on "Increased U.S. Broadcasting to Asia."

The present report is a summary of the results of further research on the subject based on additional interviews with government officials and other experts and the proceedings of various groups concerned with the issue. The major printed sources are listed at the end.

This report outlines the need for such a service, and the problems and possible solutions, with recommendations as to the best policy for a Radio Free Asia in conjunction with U.S. international broadcasting as a whole.

MORE DETAILS ON NEED

1. Advantages of a "surrogate home service".—Present broadcasting from other countries coming into the communist countries of Asia have several limitations that a Radio Free Asia could overcome. The VOA services in the Asian languages provide mainly international or U.S. news and commentary. The same is true of BBC and other foreign services. A Radio Free Asia in contrast, as a "surrogate home service", would provide local news and commentary and features designed to be of special interest to the citizens of each country. It would do as much as it could to become a part of the culture of each country, as did the langauge services of RFE/RL.

Radio Free China, for example, could provide news and commentary on many topics of major interest to the local populations but perhaps too controversial for detailed treatment by VOA. These would include local strikes, demonstrations, prison camps, and enterprises employing slave labor.

Each country service could be a platform for the anti-communist dissidents and leaders of the democracy movements. From Vietnam, for example, some prominent former communist officials have now emigrated and are issuing statements criticizing present government policies. VOA has not been able to give much time to such statements, but it would be of great interest to the Vietnamese people to hear statements by former communist leaders criticizing the present regime.

RFA could also provide information on the level of corruption among officials of the target countries, and the evidence of the involvement of the governments of these countries in the international drug trade. Such information might be too controversial for VOA to carry in view of State Department sensitivities.

Secondly, there is need for more broadcasting of local news to these countries to increase the audience of pro-democracy broadcasts in general. The audiences for VOA, BBC, and other foreign broadcasts, although large among the intelligentsia, are still rather small among the general public. In China for example, VOA estimates its audiences at 120 to 160 million, which sounds huge, but is in fact only 12 to 16% of the entire population. Radio Free Europe in contrast was reaching audiences of from 26% to 61% of the populations in Eastern Europe.

There are enough short wave sets in China to allow much larger audiences than VOA is now attracting. Audience surveys in two urban areas have shown that from 37% to 42% of all households have shortwave sets, and more have access to village sets.

Most people in these countries are interested first of all in the truth about what is happening in their own country, being long since disillusioned with government propaganda. They would like to know more about why they are still suffering such deprivation, what is happening to their young men in military service, and so forth. (Solzhenitsyn once said that the people in the Soviet Union were anxious to know more about what was wrong on their farms. Why were they suffering food shortages in a country that used to have a grain surplus? Likewise, they wanted to know more about conditions in their Army, where they knew the young men were suffering harsh conditions even worse than the civilians.)

There are many other features that a surrogate home service can supply that VOA cannot, as for example, "cross reporting". RFE found this to be one of its most effective features, i.e., giving listeners in Poland, for example, news about labor union progress or wage improvements in Hungary. Such news can help put pressure on communist governments to grant concessions that have been given in other countries. (Some intellectuals in China have already expressed the wish that VOA would carry more news about democratic reforms in the Soviet Union.)

THE PROBLEMS AND RECOMMENDED SOLUTIONS

Funding.—A Radio Free Asia will not be an inexpensive operation. It will require engineering and transmission facilities, personnel, research resources, and supervisory and administrative staff. Total costs for a launching have been estimated to be as high as $200 million over three or four years. In times of budget deficits and the need to keep spending within bounds this is a major consideration. However, this large sum is small compared to the total State Department and Defense Department budgets over a three year period. It would seem to be amply justified if a Radio Free Asia can be as powerful as RFE/RL has been in promoting democracy and free markets and making it more possible for the U.S. to reduce Defense commitments in the Asia-Pacific area.

A major movement towards democracy in the communist countries of Asia in future years would enable the U.S. to make further major cuts in our Defense spending. For example, it would allow reductions of American forces in Korea, and further reductions in our bases in the Pacific area.

The following sections outline the major problems of launching a Radio Free Asia and recommended solutions in consideration of stating this service as economically as possible.

Transmission Facilities.—For RFA to build its own transmitters to reach the communist countries of Asia would be the most expensive possible solution. This might require the construction of new power sources and water and other utilities. A more economical solution would be to arrange for time on existing transmitters, or contract to expand the facilities at existing sites. The latter solution would enable expanded transmitters to be constructed without as much expense for building entirely new utilities and support facilities.

Among the possible candidates for such cooperative arrangements are: the Voice of America, the U.S. Armed Forces Radio and TV Service, other governments in the area, and various private broadcasting services serving Asia, especially religious broadcasters. Following are comments on each of these possibilities.

Voice of America.—All present VOA transmitters serving Asia are being used to capacity. So a Radio Free Asia would need to have its own or develop some way of expanding at present VOA sites. Following are details on the VOA transmitters in Asia:

Thailand.—VOA has a 1,000 KW mediumwave transmitter at Ban Rasom. This is now being used to capacity. A large new shortwave facility is being constructed at Udorn, to be completed in 1994 with six 500 KW transmitters (plus one for the use of the Thai government).

It might be possible for RFA to arrange to have one or both of these facilities expanded to accommodate RFA transmissions. The possible difficulties are both political and technical. The Thai government has been willing to allow VOA transmissions from its territory for many years, but might be less willing to allow broadcasts for a "surrogate home service" like RFA, which might be regarded as more threatening to its communist neighbors. The Thais have been making some efforts to improve relations with the neighboring communist states of Laos, Cambodia, and Viet Nam, and have always had an uneasy relationship with Mainland China although noted for their skillful dimplomacy in having avoided armed conflict over the decades.

On the other hand they might not be as concerned about RFA broadcasts to a more distant North Korea, and might even be persuaded to allow broadcasts to the other countries if there are proper financial incentives.

Technically Thailand is too close for optimum shortwave broadcasting to the Indochinese countries. But it is a good site for shortwave to most of China. It could be used for mediumwave broadcasting to the nearby Indochinese countries.

The Philippines.—VOA has 22 SW transmitters and one MW at Tinang and Poro Point ranging from 35 to 1,000 KWs. These might be feasible sites for expansion for the use of RFA.

The Philippines like Thailand may be hesitant about allowing RFA-type broadcasts from their territory into the communist countries. On the other hand, they are facing a massive reduction in hard currency funds from the withdrawals of the American bases at Clark Field and Subic Bay. They may be sympathetic to an arrangement with RFA that might bring in new funds.

Sri Lanka.—VOA operates three SW transmitters at Colombo and has further facilities under consideration. For RFA this would be within range of Indochina and much of China, but perhaps too far for North Korea.

Armed Forces Radio and Television Service.—In the Asia-Pacific area AFRTS has transmitters in Japan, Okinawa (Japan), the Philippines, South Korea, Kwajalein in the Marshall Islands, and Diego Garcia (British Indian Ocean Territory).

All of these are low powered with directional antennas serving only local U.S. military audiences. They are funded by the Department of Defense to provide information to U.S. citizens only. Their charter would preclude the existing facilities from being used to cover other foreign countries. However, some of them might be considered as sites for expansion for the use of RFA, if the necessary legal and diplomatic arrangements could be made.

Japan, including Okinawa.—It seems doubtful that Japan would agree to RFA-type broadcasts transmitted from its territory.

South Korea.—The same is true of the South Korean government, except perhaps for broadcasts to North Korea.

The Philippines.—As mentioned above, the Philippines may also have such reluctance, but might be more sympathetic because of a desire to increase hard currency receipts as other U.S. activities are cut back.

Kwajalein, Marshall Islands.—This is believed to be an undesirable site for transmitters for the Asian mainland because it is the location of large numbers of U.S. military radar, which would inferfere with internatinal SW transmissions.

Diego Garcia.—In the Indian Ocean, this might be a feasible site for RFA expansion. It is within SW range of Indochina and southern China.

RELIGIOUS BROADCASTERS

There are several Christian broadcasting operations covering the Asia-Pacific area. Some might be potential sites for expansion to accommodate RFA transmissions, or might have transmission capacity they would be willing to lease. In the latter case it would be important to ensure that the RFA transmissions were sharply distinguished from those of the religious broadcasts, perhaps on different frequencies, if possible, or during sharply distinguished time intervals.

Following are the major operations, by country:

South Korea.—(Note that the South Korean government would probably not allow RFA-type broadcasts to communist countries except perhaps North Korea.)

Christian Broadcasting System.—Five MW transmitters of 10 to 50 KW and one FM transmitter. Broadcasts in Korean only.

Far East Broadcasting Co.—Two MW transmitters of 100 and 250 KW. Broadcasts in Korean, English, Chinese, Russian, and some languages of the Russian republics.

Guam (U.S. territory):

Adventist World Radio.—Two 100 KW SW transmitter. Broadcasts in Burmese, Chinese, English, Korean, and other languages.

Trans World Radio Pacific.—Four 100 KW SW transmitters. Broadcasts in Cantonese, Hakka, Mandarin, Swatow, Russian, English, and other languages.

KHBN (High Adventure Ministeries).—One 100 KW SW transmitter. Broadcasts in English, Mandarin, and Korean.

Saipan, Northern Mariana Islands (U.S. Commonwealth):

Far East Broadcasting Co.—Three 100 KW SW transmitters. Broadcasts in Burmese, Chinese, Mongolian-Chinese, Russian, Vietnamese, and other languages.

KHBI—Herald Broadcasting Co.—Christian Science Monitor.—Two 100 KW SW transmitters. Broadcasts in English and French to Asia and Oceania.

Frequencies.—The broadcasting spectrum is much more crowded than in the days when VOA and RFE/RL were launched. It will be more of a problem to get adequate broadcast frequencies from the international bodies concerned in order to reach Asia effectively.

It may be possible to negotiate agreements with some of the above government or private broadcasting services that would have unused or underutilised frequencies. Again it would be necessary to make sure that the RFA broadcasts were sharply distinguished from the other users of the frequencies.

In any case, for RFA to gain adequate frequencies for all of the recommended areas may take a long period of time. It may be necessary to start some services before others can find the satisfactory frequencies.

Information and Research.—Among questions raised about the proposed RFA are problems of obtaining accurate news from these communist-controlled countries and building up a research library.

These problems were also faced successfully by RFE/RL in the early days.

As to timely accurate news, there is no doubt that such a service can never offer as much quick, immediate news as U.S. domestic broadcasters, for example, can provide on U.S. events. A free China service cannot always give people in China prompt accurate news on every local area. But overall it should be able to provide a service that is more believable and valuable for the people in China than their own official radio, which is controlled by the government and transmits only government approved material.

With the great increase in communications and travel in recent years, there are many more sources of news coming out of communist controlled countries than when RFE/RL was founded. FAX machines and even telephones, although heavily controlled by the authorities, can often be used to report on major news events.

The various emigre communities all now have many links to the undergrounds in their countries. The South Korean government and the Republic of China government on Taiwan would almost certainly cooperate in passing on news from the Mainland and North Korea.

In regard to research facilities, there are now many research libraries and academic institutions that have been built up covering the countries of Asia. Harvard, Yale, the University of California at Berkeley, the University of Illinois, the George Washington University, Georgetown, George Mason University, the University of Michgian and several others now have institutes for the study of China, Vietnam, and other Asian countries.

DIPLOMATIC RELATIONS WITH THE COMMUNIST COUNTRIES

Although there is as yet no official Administration position, some present and former members of the State Department and Foreign Service have said that a Radio Free Asia will damage current efforts to improve relations with the communist countries of Asia, and harm diplomatic attempts to influence these regimes to move towards freer political and economic systems.

Other commentators counter that there is no reason why providing vehicles to get more truth and current news to the people of these countries should harm efforts to bring about more freedom. These issues came up frequently in regard to RFE/RL. The communist countries of Eastern Europe and the Soviet Union, of course, carried out continuous propaganda and even terrorist campaigns against these services. And yet they turned out to be of great importance in promoting democracy and freedom.

The controversy in the U.S. over RFE/RL reached a peak in the 1970–72 period when a number of leading Americans including Senators William Fulbright and Clifford Case attacked the services, Fulbright calling them "relics of the cold war". President Nixon appointed a commission under Milton Eisenhower to investigate the need for continuing the broadcasts. This was a period when Nixon and Kissinger were pushing detente, and there was some concern that RFE/RL would harm this effort.

The Eisenhower Commission issued its report in February 1973 entitled "The Right to Know", with a strong recommendation that the Radios be continued. It concluded that the services "could contribute to a climate of detente rather than detract from it".

It said further, "Experience of the last few months has shown that 'relaxation of tensions' on the government level does not necessarily lead to a relocation of internal controls. In fact just the opposite has occurred. We therefore recommend that the stations be continued until the governments permit a free flow of information and ideas."

Our Council believes that the same is true today—that a Radio Free Asia would not harm efforts to bring about greater freedom in the Asian communist countries.

COMMERCIAL RELATIONS

Some representatives of the American business community have opposed the idea of a Radio Free Asia, saying it would harm efforts to promote more American investments in and export trade with the Asian communist countries. Chinese emigres and others have said that this should not be a major consideration. They say that Chinese authorities and those involved in commercial relations are very pragmatic. They will go along with any commercial arrangement if they believe it is in the interests of China or their own objectives whether or not the U.S. is operating a free radio service into their country.

ADMINISTRATIVE QUESTIONS

There are two major administrative questions about a Radio Free Asia: first, the structure of each language department, and second, the overall structure in relation to other American international broadcasting services, VOA and RFE/RL.

Each language service should be manned mainly by nationals of the country concerned to ensure that the broadcasts are true surrogate home services, i.e., staffed by people of the target country talking to their fellow nationals. However, each country service should have top supervision by American executives. This is necessary to insure first that the foreign nationals do not promote special agendas, which might be too extreme for the aims of RFA itself, and second, to avoid undue influence by possible factions that may exist in the emigre communities.

There are several factions among the anticommunist and pro-democracy groups from most of the Asian communist countries. Many will be interested in expressing their own ideas about how news of their countries should be handled and reforms brought about.

For China, for example, there are several organizations of pro-democracy emigres, including students and officials who remained in this country after the Tiananmen Square massacre and others who escaped afterwards. There is also the large Chinese community in this country, many of whom have spent years here or are second or third generation.

Then there is the Republic of China on Taiwan. The ROC has its own broadcasting services to the Mainland. They make it clear that they should not have any official connection with a Radio Free Asia. This might make RFA appear as a propaganda outlet for the ROC and reduce its credibility on the Mainland. Nevertheless, the ROC ideas should be considered in RFA broadcasting, and that government should be a valuable source of news.

There are also the large and prosperous Overseas Chinese communities in Southeast Asia, including Singapore, Malaysia, Indonesia and the Philippines. (Mrs. Cory Aquino, for example, is part Chinese.) Many have been able to travel back and forth to the mainland in recent years. Some would like to return eventually, and many have ideas about what should be broadcast there.

Likewise, for Vietnam there are several groups among emigres in the U.S. and other countries, who may have their own concepts of what a Radio Free Vietnam should broadcast.

RFE/RL for many years had an elaborate monitoring apparatus to control such problems. Every broadcast text was translated into English and examined by a review department to make sure it conformed with overall policy. Such a large effort should not be necessary for Radio Free Asia, but some such monitoring is worthwhile.

Another need for such editing is to ensure that the service is not misled by disinformation efforts. The governments of the communists nations may well attempt to feed false news. If this is transmitted back into the countries without careful checking, it can cause the service to be discredited by the local populations who know the news is erroneous.

OVERALL ORGANIZATION.

In regard to RFA's organization in relation to other U.S. broadcasting, it has been recommended by some Administration officials that RFA should be created by simply adding personnel to each relevant Asian department of VOA. Each such language desk would be given enough additional people and resources to be able to provide surrogate home service type of programs in addition to its regular VOA broadcasts.

This has been called "targetted programming", i.e. programs targetted to the interests of each country rather than the present type of VOA programs, which, as described earlier, are mainly international or U.S. news and commentary.

This type of organization would have the advantage of economy. For some of the smaller countries especially, there would be some benefits. For example, on the Laotian desk, it would be more economical to hire one or two additional people to expand the programming with more local news and commentary rather than setting up a separate Laotian desk in a new RFA organization. There would also be economies in support staffs, engineering and transmission operations, and so forth.

This proposal has many serious disadvantages, however. The most important is that it would undermine the operation of RFA as an independent surrogate home service for each Asian country and make it appear more as simply another extension of American foreign policy.

VOA and its parent, the USIA, are more directly responsible to the State Department on policy. The law setting up the Voice says that as a division of USIA it reports to the Executive Office of the President and gets "policy direction" from the State Department.

By its own name, the Voice is supposed to be just that, "The Voice of America". This is contrary to what Radio Free Asia is supposed to be, a service that "the people of each country would want for their own local broadcasting if they had any say in the matter".

Voice officials say that they do not allow the State Department to affect their decisions, and can point to examples where they have resisted State Department recommendations. But there are many other examples of where they have been inhibited.

Many USIA and Voice people are Foreign Service Officers, who may be rotated back to other Foreign Service posts after three or four years. They are less likely to carry out vigorous and frank broadcasting if they know they will be sent back to State Department or Foreign Service posts, even to the country they are now broadcasting to.

One extreme example was recently brought to our Council's attention. A USIA employee describes a memo dated September 25, 1991 sent to all Executive Branch employees, including Voice and USIA staffers. This informs all personnel that they should not attend any ROC/Taiwan affairs in celebration of the Double 10 (October 10th) Chinese holiday in view of the fact that the U.S. does not recognize that country. The phone number of the State Department Taiwan desk is given for any who want more details on the rule.

This USIA person pointed out that a memo is bound to inhibit any Voice personnel broadcasting to China. They would be less likely to broadcast criticism of the Mainland or favorable to the ROC/Taiwan.

There has also been recommendations that RFE/RL be merged into the Voice for similar reasons of economy. But there are similar reasons why this would also be injurious to the mission of RFE/RL.

The above disadvantages of making Radio Free Asia simply an extension of the Voice have also been the primary considerations in the past in keeping RFE/RL independent of the U.S. State Department and U.S. policy as a whole.

RFE/RL is in fact a private, non-profit corporation. It gets financial support from the Board for International Broadcasting. The BIB in turn gets funding from Congress and exercises oversight over RFE/RL but does not control detailed policy. The staffers of RFE/RL are not government employees. They are not subject to civil service rules, or dependent on U.S. government policy for their career progress and promotions. For example, they would not be inhibited by the Executive Branch memo quoted above forbidding attendance at any ROC/Taiwan affairs.

The law setting up the BIB, Public Law 93-129, specifies only that the Secretary of State "shall provide the board with such information regarding the foreign policy of the United States that the Secretary may deem appropriate." Thus the State Department has only an advisory function.

For these reasons, our Council believes that it would not be advisable to make RFA a part of the Voice.

If budgets are so tight that some merger of RFE/RL and the Voice is necessary and RFA is to be part of the process, we recommend that the best policy would be to take the Voice out from under the USIA and put it under a new independent organization, perhaps called the Corporation for International Broadcasting. This would serve like the present BIB, receiving funds from Congress, transmitting them to the broadcasting entities, and providing fiscal oversight. But RFE/RL and RFA could then be combined with the Voice as an independent organization without the inhibitions of State Department control on policy.

Under this arrangement, it would then be possible to have one department for each language, but still ensure that the Voice of America and "surrogate home service" type of broadcasts were clearly distinguished. For the China department, for example, some of the personnel would continue with Voice-type programs: material on international and U.S. news and commentary in the Chinese languages. Other personnel would be conducting surrogate home service type of broadcasting under the name of a Radio Free China: local news and commentary and other material of primary interest to the Chinese people themselves.

Each language desk would have two distinct staffs, but it could be supported by one overall overhead and support group. The transmissions would also need to be clearly distinguished, on different frequencies. It would not be effective to have Radio Free China coming on the same channel immediately after a Voice Broadcast.

CONCLUSIONS

To conclude, we feel strongly that some form of Radio Free Asia is of great importance. Evidence continues to accumulate that RFE and RL have had tremendous impact in promoting democracy and free markets in Eastern Europe and the Soviet Union, even more than RFE/RL research officials believed at the time.

Political scientists have always stressed the importance of ideas, especially in areas where people are oppressed or discontented. In such areas it has been especially effective to give them more information on what is really happening in their own country, and the ideas and recommendations of leading countrymen, who are given a platform to speak over a free broadcasting service.

Expenditures of $100 to $200 million over the next two or three years to launch a Radio Free Asia can be of tremendous value in promoting democracy and freedom in the countries accounting for one quarter of mankind who still remain under communist regimes. If a Radio Free Asia is as great a factor in bringing about more democratic regimes in Asia as was RFE/RL in Europe, it will be well worth the expenditures in reducing our need for Defense in that important part of the globe.

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TRIBUTE TO PASSAIC GENERAL HOSPITAL ON THE CELEBRATION OF THEIR 100TH ANNIVERSARY OF ITS FOUNDING

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 24, 1991

Mr. ROE. Mr. Speaker, it is with distinct pride that I rise today to pay tribute to a facility which has served the medical needs of my Eighth Congressional District in New Jersey for over a century. The General Hospital Center which was founded in 1891, and continues their dedication to the health and welfare of the residents of northern New Jersey. On Saturday, November 2, 1991, the General Hospital Center will host a centennial ball at the Meadowlands Hilton in Secaucus, NJ, in celebration of this historic event.

Located in Passaic, NJ, the General Hospital Center has through the years remained a haven for the sick and injured in the area. From its start as a two-cot dispensary for accident victims, General Hospital has grown into a prestigious 300-bed community hospital serving a broad range of programs in a widegeographic area.

Last year, more than 400 physicians and 1,400 employees and volunteers treated approximately 15,000 inpatients and 15,000 outpatients. Along with these commendable statistics, General Hospital also operates 1 of only 11 tertiary care cardiac centers in the State of New Jersey. There are many other firsts, programs, and facilities which make us proud of the General Hospital and set it apart as a leading health care institute in this area.

The first transesophageal echocardiogram in the State was performed at this facility at the Eastern Heart Institute. The procedure, using ultrasound to view the condition of the heart valves, led to more accurate diagnoses and improved treatment. More recently physicians at the institute implanted the country's first pacemaker defibrillator to treat arrhythmia, a serious heartbeat disorder.

Patients of every race and creed come to General Hospital each year from throughout northern New Jersey. The hospital offers a wide range of programs in medicine, surgery, obstetrics, and gynecology, and pediatrics. Outreach programs include a maternity clinic, wellness services for individuals and businesses, and a speakers network. The hospital also offers a perinatal center with a neonatal intensive care unit for the treatment of moderate-risk newborns and mothers.

Mr. Speaker, facilities such as this have established the highest standards for health care in the country and serve as shining examples of what can be accomplished. It embodies a commitment to good medicine and providing care for the sick and injured who seek comfort and healing at their doors.

This truly unique hospital has been a faithful servant of the people for 100 years. It has grown and flourished and continues as a vital part of the community. Mr. Speaker, I am sure you and all our colleagues join me in saluting the superior dedication and performance of Mr. Robert Jablonski, chairman of the board of governors, and Daniel Mercantuono, the president and chief executive officer, as well as all the staff and benefactors of the hospital throughout its long and distinguished history.

UNEMPLOYMENT INSURANCE

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 24, 1991

Mr. PORTER. Mr. Speaker, people in this country are hurting, and many are in great need of extended unemployment benefits. Unemployment is not just a blue-collar problem. It affects people at all levels of society.

If the Democratic leadership in this House had brought forward responsible legislation to extend benefits, in compliance with the budget agreement, I would have supported it.

If the Democratic leadership would bring forward responsible legislation now, I would support it. But that is not what is happening. Mr. Speaker, the Dole-Michel legislation is responsible and it will immediately put greatly needed benefits in the hands of the people who need it. Most importantly, the President will sign it into law.

It is time to stop the cynical grandstanding on this issue and time to do something to relieve the pain Americans are suffering. Mr. Speaker, I urge you to work with us for the Dole-Michel legislation so we can immediately provide extended unemployment benefits to Americans who need them.

ALABAMA'S TEACHER OF THE YEAR

HON. SONNY CALLAHAN

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 24, 1991

Mr. CALLAHAN. Mr. Speaker, this week, Alabama's Teacher of the Year, Beatrice Kramer Volkman, from Old Shell Road Elementary School in Mobile, was here in Washington to participate in the eighth annual Burger King honors excellence in education symposium.

This is the only national program of its kind which jointly honors America's leading educators, and what a timely event it is, in light of the increased visibility of education in our Nation's domestic policy agenda.

Mr. Speaker, it is my pleasure to submit Ms. Volkman's statement, which she presented yesterday to the Senate Labor and Human Resources Committee. I would ask that her statement be included in the RECORD.

While there is certainly no debate that we have many real challenges facing our education system, I remain optimistic that with teachers such as Beatrice Volkman, we're moving in the right direction. It is my pleasure to salute her in this most deserving way.

STATEMENT OF MS. BEATRICE KRAMER VOLKMAN, 1991 ALABAMA TEACHER OF THE YEAR, BEFORE THE SENATE LABOR AND HUMAN RESOURCES COMMITTEE, OCTOBER 23, 1991

Education in the past has reflected economic and social trends. With industrialization came ability tracking and the need to train people to work in factories. Then, while other facets of our country moved forward with new technologies and approaches to life, education stagnated. Those other facets outpaced education so dramatically that today it's obvious to all the world. For decades, educators have tried desperately to compensate. Their efforts have been to little avail because the mission of the school and its organization has not changed.

Factory model schools use rote memorization and behavior modification to turn out students controlled by others. The building blocks of education can no longer be reading, writing, and arithmetic taught to the tune of a hickory stick. Research documents that the brain cannot develop to this greatest capacity under stress. National curiosity and enthusiasm are also squelched with smiley faces and tokens that lure students to memorize isolated, unconnected thoughts. Extrinsic motivation creates students who develop only enough to earn a grade, approval or reward. Students are not encouraged to be unique or to have a vision. Most do not even play follow the leader, but follow the follower.

The new American school will accomplish what many tuned-in and turned-on educators across the country find today. Students achieve higher level thinking through experiences that evoke emotion, interaction and challenge. To learn, the subject must be imbedded in experiences that give it meaning. Learning occurs when the curriculum meets student needs and interests. We must move away from a curriculum that is imposed on kids. Time can no longer be the constant and learning the variable. Schools can no longer be places where children come to play musical chairs every 50 minutes without purpose. We must rethink curriculum around human experiences and need. We must get rid of the Carnegie units and prepare kids for life.

Enlightened education reflects our better understanding of how the brain works. At birth, the brain begins to work! It is active, expansive, able to reason and to connect new experiences to past ones. Our deep need for connections is a vehicle for expanding horizons. Babies are eager to learn, thrilled with wonder and curiosity. They learn language as they use it, so too will they learn curriculum as they experience it. Learning must be purposeful, open-ended, joyful, and holistic. It must occur in a whole language or thematic environment beginning with high quality pre-schools and ungraded through grade four. Never again will Linus say, "I got an A in spelling, when I grow up, I want to be a speller," showing he sees no relevance between the subject and the real world. School disciplines will fit into the themes of life. There will be abundance of real-life activity, including experiments, projects, educational T.V., and intergration of the Arts.

I like the quotation, "Students are not things to be molded, but people to be unfolded". Culture in the new American school is conducive to creativity. There is delight in many varied and unusual ideas. Learning is not confined within an "intelligence trap", but multiple intelligences and abilities are recognized. Piaget says people are actively intelligent, therefore all can learn. With appreciation for individuality, labels such as learning disabled, gifted, and ethnic minority will disappear. Students will be appreciated for their differences. They will no longer be square pegs with limited expectations. Fair does not necessarily mean equal. What will be fair will be that all children will be taught as much as they can learn. There will be no limited expectations just because a child is different from the "average bear". Laughter is the genetic reward for learning. Children clamor for the classroom where there is laughter and humor. The regular experience of creativity, joy and thus achievement makes education more attractive in America: 2000.

The classroom door must be a swinging door. Students must move beyond an occasional field trip into adjunct learning environments where they will return again and again for continued learning experience. When students work with mentors in businesses and community, they bring back what they learn to share with classmates. Artists and community members will come into the school to share expertise, talent and time. The swinging door will connect schools, parents and age groups in our society that now interact to only a limited extent. Consider the appeal of the Motel 6 where you can get a clean bed and running water for $25. It's true, but more people still prefer the Marriott. All people, not just students, prefer personal attention. As students volunteer in the community, opportunities for future endeavors are provided. The new American school then provides reciprocal benefits for all. We grow as we push out our boundaries and experiences.

This concept is congruent with Senator Edward Kennedy's philosophy as he wrote in the June issue of Phi Delta Kappan, "Service-learning is a time-tested educational tool that traces its lineage back to John Dewey. It helps students understand the relevance of their coursework and enables them to test their classroom work against the reality of the world around then. Service-learning should be a central component of current efforts to reform education."

The new American school recognizes that schooling is a journey in preparation for life. If students can paint a promise, they will pay the price. They will willingly work long and hard to reach a real goal. For example, students at the Alabama School of Fine Arts boast the highest SAT scores in the state, yet they spend fewer hours on academics than their counterparts in regular education. Their goal is to participate in the arts, so they learn well what they must to fulfill that goal. A high school counselor in Los Angeles, California went into a feeder school to get a feeling for those students' high school needs. She was dismayed to discover that there was little correlation between their vision and what they were doing in preparation for the fulfillment of that vision. Seeing a need for setting goals and initiating a plan to meet these goals, the counselor created the College Core Curriculum program. The school has a population of 3000; the first year 200 students participated, the next year 1000. They were willing to pay the price. Youth are hungry for purpose and meaning in their life.

The new American school will find a better way to assess development. Instruments can be developed that stimulate rather than suppress growth. Sound assessment is anchored in authenticity. Assessment of isolated skills doesn't come close to authenticity. When a grade comes in on demand, and only one chance is given, that grade may not be a real measure of development. A portfolio is a means of capturing and capitalizing on the very best the kids have to offer. Rather than using a fixed formula, the portfolio is a prototype portraying what is happening in the life of the learner. Assessment must be continuous and ongoing, and also multi-dimensional. Self assessment is primary. It must provide for active collaboration between teacher and student. As students are freed from the anxieties of failure, they will attempt that which before has paralyzed them. They will no longer crumple up a paper fretted with red marks. As they become accustomed to believing in themselves, they will inspect their work for quality. As they learn to look for quality they will develop ability to make decisions about what they've learned.

Traditional American teachers are boxed in by paperwork, schedules, timelines, tests, labels and not surprisingly, then discipline problems. It is time for us to knock the top off that box, flatten down the sides, and dance on it. It is time for us to take the responsibility that became ours when we signed our teaching contract. When that occurs we will no longer need tenure to protect our positions. We will keep our jobs because we are doing them. We will become the new American teachers when we reclaim our enthusiasm, for that is the key to genuine changes in the classroom.

That enthusiasm will be ignited as we envision success for every student, and witness the fruition of that vision. Teachers of the new American school will be much more than information relayers. They will understand that "information in" no longer is equal to "information out" because each student will bring to the learning arena their experience and background which will impact on how material is perceived. They will ensure that there are transactions between students and experiences. Teachers will be mediators for learning between the learner and the experience.

How will we attract the best candidates into the field? People have turned away from education because the traditional role of teacher was less than inviting. University scholarships can be an incentive, but programs such as the North Carolina's Teaching Fellows Program demonstrate that cash incentives aren't enough to attract students into teaching. Potential teachers must have a vision of the future of education and be inspired to participate in the mission. Recently a doctoral student appealed to the brightest university graduates to teach for two years in the Teacher Corps. She didn't offer them more money than they could earn as doctors, lawyers, or portfolio managers; they signed on because they were looking for a purpose and personal fulfillment. It is the job as well as the joy of those who believe and are experiencing classroom success to inspire others to join us in educating all American children.

It is also our responsibility to inspire veteran teachers to become just as different from traditional teachers as the Teenage Mutant Ninja Turtles are from box turtles. Stagnant and slow must be transformed into energy and purpose. Today there are teachers who are modeling the image of sweeping change. Jamie Escalante is one, and there are schools all over the nation who are etching a new wave of success in classrooms. Many outstanding teachers have decided to teach the way they know works in spite of bureaucracy. They know the risks involved so they work extra hard at their jobs. They read all the professional literature they can get their hands on so they can better understand why what they believe works. And the enthusiasm, knowledge and success of these teachers attract attention around the world. We gain recognition by being teachers who both recognize kids as the heart of the issue and are maverick enough to address the issue. Many teachers will respond to the challenge of developing every child to his greatest potential. Teachers that Bill Moyers featured on the T.V. special didn't change for higher pay, they changed because they saw they could make a difference in the lives of students.

There is an exhilaration in teaching that can be matched by few other professions. That was my motivation for becoming a teacher and as I exchange with excellent teachers I discover the same sentiment. Teachers are not looking for riches that come from money, but riches derived from service to humanity.

America has always been the world leader and we intend to stay that way. Today, we have national goals upon which to weave our individual patterns. We need these goals to give us direction. We will pull together and meet the challenge of reaching kids and recovering our educational position. Today education has the attention of businesses, community and government as it never has before. Now is the time to challenge, reform and recruit.

PENNSYLVANIA DROUGHT 1991

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 24, 1991

Mr. GEKAS. Mr. Speaker, I address the House today concerning a very urgent and serious matter in Pennsylvania. On July 19, 1991, I sent a letter to Agriculture Secretary Edward Madigan alerting him to the severe drought conditions and the grim outlook for farmers in my district. Yesterday, I received notice from the U.S. Department of Agriculture's Farmers Home Administration that every county in my district, Lycoming, Union, Snyder, Northumberland, Perry, and Dauphin, had been declared disaster areas.

Mr. Speaker, this current drought is by far the most catastrophic drought Pennsylvania farmers have ever experienced. In order to illustrate the critical nature and the immediate impact this drought will have on the farmers in my district, I would like to cite a few statistics. Two years ago, in 1988, Pennsylvania was confronted with another drought. Then, an 8-percent below normal rainfall resulted in a 30-percent reduction in crop yields and over $76.5 million in agricultural losses. As a result, over 1,000 Pennsylvania farms were lost.

This year's drought statistics reveal a dark and ominous forecast. As of October 8, 1991, Pennsylvania rainfall was 28 percent below normal. As a result, many farmers will lose up to 90 percent of this year's harvest. In July, the Pennsylvania Agriculture Stabilization and Conservation Service provided State crop damage assessments of $15 million. Less than 2 months later that assessment propelled to $167 million. Mr. Speaker and my fellow colleagues, the Governor's office in Pennsylvania has projected agriculture damages to be as high as $600 million for this year. Unfortunately, the 1990 farm bill disaster assistance program does not provide relief for a drought of this magnitude. I dare say this drought has a potentially fatal aftermath for the family farmers in the Commonwealth of Pennsylvania.

Mr. Speaker, today H.R. 3543, a dire emergency supplemental appropriations bill was scheduled for consideration by the full House. However, at the last minute consideration of that bill was postponed indefinitely. This is unfortunate news for the farmers of Pennsylvania. It was my intention to vote in favor of this bill had we been able to vote on it. Such a bill would have provided direct crop payments to Pennsylvania farmers affected by the drought and who are in dire need of aid.

Mr. Speaker, I ask that legislation containing agricultural disaster assistance be brought before the full House for a vote immediately.

HAPPY BIRTHDAY TO JOHN J. PETTIT, A LOYAL DEMOCRAT

HON. THOMAS M. FOGLIETTA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 24, 1991

Mr. FOGLIETTA. Mr. Speaker, I rise today to pay tribute to Mr. John J. Pettit, who has faithfully worked for the Democratic Party in Philadelphia for more than 65 years. Today, Mr. Pettit turns 86 years old, and I would like to take this occasion to wish him the happiest of birthdays.

John Pettit began his distinguished political career shortly after his 21st birthday, when he worked for the Democratic Presidential candidate Al Smith in the Fairmount section of Philadelphia. Soon after, Mr. Pettit was elected a Democratic committeeman in the 49th ward in the Logan/Olney section of the city. As a committeeman, Mr. Pettit served under seven Presidents between the years 1946–88, winning reelection every 2 years. In addition, Mr. Pettit served as vice-chairman of the 49th ward executive committee, and was elected as a member of the Democratic State Committee during the term of Governor Shapp. Throughout his years of service, John Pettit was consistently one of the top three leaders in registration in the ward.

At 86 years old, Mr. Pettit is still registering voters, and working on behalf of the Democratic Party. He is a shining example of someone who works hard for, and takes pride in their city. I join Mr. Pettit's wife of 57 years, Irene, his 9 children, his 37 grandchildren, and his 15 great-grandchildren, in wishing John J. Pettit a very happy birthday. Many more, John.

A SALUTE TO MILWAUKEE'S PEDAL FOR HOMELESS PROJECT

HON. JIM MOODY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 24, 1991

Mr. MOODY. Mr. Speaker, I rise today to salute a group of dedicated young men who have worked long and hard to address one of Milwaukee's most pressing problems, the homeless.

Drive through any major city in the United States and you will feel the despair and alienation that is felt among today's homeless. There is no issue more pressing than thousands of our fellow citizens living without the means to afford shelter and nourishment. For these people, there exists nothing but cold nights, hungry days, and day-to-day feelings of desperation.

These feelings of despair motivated seven young men to devote endless hours on a unique fundraising project for the Guest House of Milwaukee Emergency Homeless Shelter. The result was the creation of the Pedal for the Homeless Team. Over the last 2 years, the group, ranging in ages from 22 to 25, have taken two 1,300-mile bike trips for the homeless.

In addition, the team has organized in both 1990 and 1991 a sports auction, a fun ride, a volleyball tournament, individual pledge drives, and a highly successful corporate donation program.

Through these efforts, the team has raised over $58,000 for the Guest House. More importantly, they have increased public awareness through television appearances, newspaper articles, and magazine features.

Their efforts exemplify the concept of voluntarism. In fact, the team is currently organizing the 1992 Pedal for the Homeless Tour from Washington, DC. These young men have traveled hundreds of miles to serve as the voice for thousands of individuals.

Mr. Speaker, I am privileged to honor the Pedal for the Homeless Team: Randy Roth, David Roth, Dan Langer, Ron Wirtz, and Paul Ripple. May the wind always be at their backs, and their legs always strong.

TRAVIS HUNSAKER, EAGLE SCOUT

HON. JACK REED

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 24, 1991

Mr. REED. Mr. Speaker, I rise today to salute a distinguished young man from Rhode Island who has attained the rank of Eagle Scout in the Boy Scouts of America. He is Travis Hunsaker of Troop 725 in Cranston and he is honored this week for his noteworthy achievement.

Not every young American who joins the Boy Scouts earns the prestigious Eagle Scout Award. In fact, only 2.5 percent of all Boy Scouts do. To earn the award, a Boy Scout must fulfill requirements in the areas of leadership, service, and outdoor skills. He must earn 21 merit badges, 11 of which are required from areas such as citizenship in the community, citizenship in the Nation, citizenship in the world, safety, environmental science, and first aid.

As he progresses through the Boy Scout ranks, a Scout must demonstrate participation in increasingly more responsible service projects. He must also demonstrate leadership skills by holding one or more specific youth leadership positions in his patrol and/or troop. These young men have distinguished themselves in accordance with these criteria.

For his Eagle Scout project, he assisted the fire chiefs in safeguarding the community against fires by coordinating repairs and painting of local fire hydrants.

Mr. Speaker, I ask you and my colleagues to join me in saluting Eagle Scout Travis Hunsaker. In turn, we must duly recognize the Boy Scouts of America for establishing the Eagle Scout Award and the strenuous criteria its aspirants must meet. This program has through its 80 years honed and enhanced the leadership skills and commitment to public service of many outstanding Americans, two dozen of whom now serve in the House.

It is my sincere belief that Travis Hunsaker will continue his public service and in so doing will further distinguished himself and consequently better his community. I am proud that Travis Hunsaker undertook his Scout activity in my representative district, and I join friends, colleagues, and family who this week salute him.

TRIBUTE TO THE PARTICIPANTS OF MILITARY "MAIL CALL" FOR THEIR MORALE-BOOSTING MAIL TO OUR SERVICE MEN AND WOMEN

HON. C.W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 24, 1991

Mr. YOUNG of Florida. Mr. Speaker, I rise today to bring to the attention of my distinguished colleagues the outstanding efforts and extraordinary achievements of the organization which has touched the lives of U.S. service men and women throughout the world. Military "Mail Call" is a nonprofit organization which, for the better part of two decades, has been able to serve as the national clearinghouse to spread morale-boosting mail to our Nation's service men and women in as many places as possible. The organization's goals are simple; to promote correspondence between Americans and American soldiers from as many people and places as possible, and to deliver that mail as widely as possible to our soldiers throughout the United States and the world. In the past 2 years Mail Call's efforts have been extremely successful, sending mail to over 1,000 military units and locations all across the United States and in every corner of the globe. Thousands of letters and cards of support were delivered to our forces in the Persian Gulf last year alone.

I am proud of the efforts of my constituents who have made such an outstanding contribution to this cause, and to the morale of our troops. In particular, I would like to recognize two of the top participants in Mail Call's 1990 Christmas mail call. Both the Oakhurst United Methodist Church in Seminole, and the U.S. Coast Guard Chief Petty Officer Association Auxiliary in St. Petersburg contributed greatly to the effort which provided our troops stationed away from home on Christmas with letters and cards of support. These letters and cards were instrumental in letting our soldiers know just how strongly we supported their cause.

Mr. Speaker and my distinguished colleagues, please join me in saluting the efforts of Mail Call, and all our constituents, who have brought joy to our service men and women through their letters of support.

STEPHEN WISE FREE SYNAGOGUE INSTALLS IRA S. YOUDOVIN AS NEW RABBI

HON. TED WEISS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 24, 1991

Mr. WEISS. Mr. Speaker, I would like to share with my colleagues a very important and exciting event which is occurring tomorrow evening, October 25, in New York City.

At a special Sabbath service, the Stephen Wise Free Synagogue will install Rabbi Ira S. Youdovin as the fourth rabbi in its 85-year history. He follows in the footsteps of three outstanding rabbis: Stephen Wise, himself; Edward E. Klein, who was his teacher and mentor; and Balfour Brickner, the congregation's vigorous and vibrant leader for the past 10 years who will assume the role of Rabbi Emeritus. Rabbi Youdovin, however, is the first to have the experience of growing up at Stephen Wise. A child of the synagogue, under the tutelage of Rabbi Edward Klein, Rabbi Youdovin comes to his new post with a personal knowledge of and affection for the congregation he will now lead.

Rabbi Youdovin, who led Temple Beth-El in St. Petersburg, FL, since 1984, has a strong background in the workings of the reform movement itself, and has held leadership positions in both the national and international Jewish community. As executive director of the Association of Reform Zionist of America from 1977 to 1984, he established and built the Zionist arm of American Reform Judaism into a national organization numbering 70,000 members. As North American Director of the World Union for Progressive Judaism from 1973 to 1980, Rabbi Youdovin served as liaison between North American Reform Jews and their counterparts in Israel and 25 countries throughout the world.

Born in the Bronx in 1941, Rabbi Youdovin was educated in the New York City public school system, and graduated from Columbia College in 1961 with a B.A. in psychology. After graduation, he entered the New York branch of Hebrew Union College-Jewish Institute of Religion to begin his studies for the rabbinate. He was ordained in June 1968.

The rabbi then served in the United States Air Force as chaplain at Travis Air Force Base in Okinawa. In July 1970, having completed his tour of duty, he became assistant rabbi of Temple Emanuel in Worcester, MA.

Rabbi Youdovin's articles and publications cover a broad range of subjects ranging from his publications for the Union of American Hebrew Congregations on international issues affecting the Jewish community here and in Israel, and his articles covering issues that particularly relate to the reform movement here and abroad for Sh'ma, the Jerusalem Post, Jewish Frontier, Congress Monthly and Judaism: A Quarterly Journal of Jewish Life and Thought.

Rabbi Youdovin is married to the former Susan Schaalman, and they have two children, Julie and Joshua, both in their early twenties.

REGIS HOUSE ORGANIZES ANTI-DRUG PROGRAM FOR NICARAGUANS

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 24, 1991

Ms. ROS-LEHTINEN. Mr. Speaker, Mr. Xavier Cortada, the executive director of Regis House, is initiating a drug abuse prevention program targeting the needs of the Nicaraguan community in south Florida. Mr. Cortada has appointed Dr. Oscar Danilo Pozo, a psychiatrist who fled Nicaragua in 1983, to manage the drug treatment and prevention program. The Miami Herald recently brought attention to the efforts of Regis House in an article by staff writer, Marilyn Garateix. That article follows:

> Oscar Danilo Pozo thinks God helps those who help themselves. That includes Nicaraguans.
>
> "We have to do something for ourselves," said Pozo, a psychiatrist who left Nicaragua in 1983. "Many Nicaraguans are capable of leadership and they can develop it, but they don't have the opportunity."
>
> Pozo hopes Regis House's new program will give Nicaraguans that chance.
>
> The nonprofit drug and alcohol abuse center at 2010 NW Seventh St. has started a Nicaraguan Volunteer Drug Prevention Program.
>
> Task forces of volunteers in Little Havana and Sweetwater will promote self-esteem, help parents and their children communicate and teach how to overcome obstacles.

The goals: Keep Nicaraguans away from drugs and improve their status in society.

"We decided to focus on the Nicaraguan community because there is a severe lack of services in that area," said Xavier Cortada, executive director of Regis House.

The center has $30,000 from the state Department of Health and Rehabilitative Services and $40,000 from ACTION, a federal agency, for the new program, Cortada said.

The money will pay Pozo and an assistant to recruit volunteers and manage the program. The plan is to find 315 people during the next year to donate 24,000 hours.

Groups on education, parenting, religion and other subjects will be formed in Little Havana and Sweetwater, two areas with large Nicaraguan populations.

"The other Hispanic groups have programs. This program is culturally sensitive to the Nicaraguans," said Pozo, who ran a drug prevention program for ASPIRA a nonprofit youth organization that promotes educational opportunities for Hispanics and other minorities. "We have a common language, us Hispanics, but we have attitudes, ways to communicate that differentiate us."

Nicaraguans also have certain weaknesses that make them vulnerable to suing drugs as an escape, Pozo said. For example, high unemployment. "There is more frustration and stress," Pozo said.

Many Nicaraguan families are divided, some are in Miami while others are still in Nicaragua, he said.

And some Nicaraguans must deal with having less, Pozo said. "Many of things they had over there, they don't have here—the position, the profession," he said.

Cortada said the program grew out of a phone call from a Nicaraguan mother. "She wanted some help with her son because she thought he was a drug addict," he said.

Cortada met with the 16-year-old, whose long hair and heavy-metal T-shirts worried the mother. "The truth of the matter is the kid just liked rock 'n' roll," Cortada said. "He wanted to fit in with his peer group."

Mr. Speaker, I commend the leadership of Mr. Cortada and Dr. Pozo for their efforts to help prevent and treat the problem of drug abuse in south Florida. I also want to recognize the dedication of the many volunteers whose work makes Regis House and the new Nicaraguan Volunteer Drug Prevention Program possible. Fr. Francisco Llerna and volunteers like Rostia Lamelas are helping save youngsters' lives and uniting families against the scourge of drugs. We need more involved citizens like Mr. Cortada, Father Llerena, Dr. Pozo, and Ms. Lamelas in our communities.

NATIONAL ADOPTION WEEK

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 24, 1991

Mr. SMITH of New Jersey. Mr. Speaker, today I am introducing a resolution to designate Thanksgiving weeks in 1991 and 1992 as "National Adoption Week." For each of the past 13 years the week surrounding Thanksgiving has been officially celebrated as National Adoption Week and I have been proud to sponsor the House legislation since 1985.

By celebrating "National Adoption Week" we can focus public attention on the positive benefits for both children and families. At any given time, there are an estimated 30,000 children in the foster care system who are legally free to be adopted. At the same time, there are over 2 million people who are interested in adopting a child. The Federal Government must commit itself to helping these children find families.

Mr. Speaker, adoption is truly a loving option. Evidence suggests that the benefits of adoption to all concerned, including the birth mother, are overwhelmingly positive. Adoption also provides a child who might otherwise face a bleak or less than positive childhood the prospect of having loving parents, a stable home, a higher standard of living and enhanced career opportunities as the child matures into adulthood. We must make it easier for these children to find families and celebrating National Adoption Week provides a wonderful opportunity to increase public awareness.

In addition, we must provide full Federal support for each of the parties involved in adoption—the adopted child, the adoptive family, and the birthmother. Mr. Speaker, for almost 2 years I have worked with other Members of Congress, public and private adoption organizations, and countless individuals connected with adoption in order to craft comprehensive adoption legislation. The result of these extensive consultations is H.R. 1753, the Omnibus Adoption Act of 1991. This bipartisan legislation would provide tangible Federal support for children waiting to be adopted, people interested in adopting children and pregnant women considering the adoption option.

The Omnibus Adoption Act of 1991 would revise Federal employee and military personnel health insurance so that adopted children would receive coverage equal to that given biological children. In addition, it would expand their insurance coverage to include all prenatal and maternal health costs of children adopted by Federal employees and military personnel. The bill would also create new Federal programs to provide comprehensive maternal services to pregnant women lacking the means to pay for prenatal and maternity care.

New educational programs would be authorized to develop and disseminate information about the positive benefits of adoption. A Federal adoption tax credit would assist families in meeting the prohibitive costs that have prevented many families from adopting. In addition, the bill would establish a National Advisory Council on Adoption to assist in the implementation of the bill and to make additional recommendations to strengthen adoption.

Mr. Speaker, it's time for a major commitment on the part of the Federal Government in support of adoption. I urge all of my colleagues to demonstrate their support of adoption by cosponsoring the National Adoption Week resolution as well as the Omnibus Adoption Act.

STOP AID TO EL SALVADOR!

HON. CHESTER G. ATKINS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 24, 1991

Mr. ATKINS. Mr. Speaker, I rise today to raise my strong objections to the fact that the continuing resolution does not include restrictions on aid to El Salvador.

After 12 years of fighting which has claimed 75,000 lives and untold emotional damage, El Salvador finally has an opportunity for peace. Despite the fact that the latest news from El Salvador indicates some renewed fighting in that troubled nation, the United Nations-sponsored peace talks, which are to resume again on November 3, has brought about some progress. Although there are still many tough issues on the table, the peace talks have already brought about an agreement on ending the forced military draft, reducing the size of the military, and disbanding the paramilitary forces. As the U.N. Security Council has called upon both the FMLN rebels and the Government to show restraint, I believe the United States should match this restraint by holding back military aid to the Government.

We all know that an overall foreign aid appropriations bill has been postponed until early next year because of the dispute over loan guarantees for Israel. Thus, the continuing resolution we consider today would carry on current law regarding assistance to El Salvador. That means that the administration could continue to subsidize the Salvadoran military to the tune of $85 million a year in addition to the $80 million already in the pipeline.

We were all shocked by the 1989 massacre of six Jesuit priests in San Salvador, their housekeeper and her daughter, which was carried out by members of the military. My constituents and I were also shocked by the blatant way the Salvadoran military intimidated a jury in this murder case. Finally, a court found a guilty verdict against Col. Guillermo Benavides for the murders early this month. In the surreal world of the Salvadoran judiciary system, this represents progress. But the guilty verdict did not come down against each of the soldiers who had, in fact, confessed to killing the defenseless victims. One of these men even described in detail his use of an AK–47 on three of the victims.

I believe that so long as the murderers in the Salvadoran military are not held accountable for their cowardly deeds, we must unconditionally end military assistance to that Government. However, the proposal I supported that has been discussed as part of the continuing resolution was not even an outright cessation of aid. Rather, it would have modified the resolution with a requirement that the administration must obtain congressional approval on a case-by-case basis for each delivery of aid to El Salvador. This relatively modest idea was somehow considered too radical to pass the Senate and would risk a Presidential veto, thus resulting in a total shutdown of the Government.

Mr. Speaker, I do not wish a shutdown of our Nation's Government. I, therefore, feel that it would be irresponsible to vote against the continuing resolution. My decision to vote in favor of this resolution, however, should not be considered my endorsement of delaying once again the consideration of ending aid to El Salvador, a debate which this House has delayed for much too long.

The administration says that now is the incorrect moment to restrict aid to El Salvador. They say they are concerned about what kind of message such a cessation of aid sends to the Salvadoran Government at this stage in the peace talks. Frankly, Mr. Speaker, I don't care about what message we send to the Salvadoran Government, Rather, I am concerned about what kind of message a continuation of aid sends to the people of El Salvador. Earlier this year, the House leadership promised us that we will be given the opportunity to debate and vote on ending aid to El Salvador. This promise was repeated in the midst of the discussion on the continuing resolution. There are 140 Members, including myself, who have endorsed a bill which would cut off military assistance to El Salvador. It is my hope that the leadership will soon heed the wishes of 140 Members, countless constituents, and the people of El Salvador, and follow through with their promise to allow a debate on this important issue.

AN OUTSTANDING STUDENT

HON. MERVYN M. DYMALLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 24, 1991

Mr. DYMALLY. Mr. Speaker, I wish to enter into the RECORD a letter about a young student, Deopersad "Lincoln" Jaipersad from Trinidad, West Indies, who is attending the Metropolitan University in Puerto Rico on a Mervyn M. Dymally scholarship.

Lincoln, as we know him, spent the summer with me in Washington and district office. He is everything the letter says about him. The letter speaks for itself. There are also approximately 60 students in various colleges and universities who are, or have been, recipients of scholarships from the Mervyn M. Dymally Scholarship Fund.

UNIVERSIDAD METROPOLITANA,
October 11, 1991.

HON. MERVYN DYMALLY,
Congress, 306 W Compton Boulevard, Suite 200, Compton, CA

DEAR MR. DYMALLY: This is to inform you about Deopersad Jaipersad's academic performance at Universidad Metropolitana's Department of Natural Sciences. As you know, Deopersad is the first Mervyn Dymally Scholarship recipient from Trinidad. It is a pleasure to inform you that he already completed his second year with excellent grades. His adaptation to a different culture has been remarkable. He was accepted at UMET's science honor program and has benefited from many extracurricular activities including research summer programs in the United States. I am enclosing for your information the report by the Director of the Honor program and the Dean of Students.

I know you will share with us our enthusiasm for Deopersad's academic success. If you need any additional information please let me know. I will be glad to provide it for you.

Sincerely,
DR. RENE L. LABARCA, PH. D.,
Chancellor.

AUGUST 5, 1991.

DR. RENÉS L. LABARCA,
Chancellor, Universidad Metropolitana

LILLIAN SANTOS,
Dean of Students,
Universidad Metropolitana
MARTHA R. NORAT, M.PH.
Honor Program Director,
Universidad Metropolitana 34

DEOPERSAD JAIPERSAD'S ACADEMIC EVALUATION

Student Deopersad Jaipersad (S.S. No. 99-00-0171) has completed in a highly satisfactory way his first two years for the bachelor degree in Natural Science with a major in Computer Science.

Regarding his academic and extracurricular work we can assure that in very few occasions we have seen cases as extraordinary as Deopersad. Within his activities we want to stand out his participation during last two summers (1990-91) in the research programs in Washington, DC and Los Angeles, CA. We can notice his immediate adaptation and his actual mastery of Spanish, having in consideration that when he entered the Program in 1989 his skills in this language were almost nul.

In conclusion, this student is an example of what a high sense of responsibility and academic commitment can do.

We are at your disposition to elaborate or answer any additional questions.

INTRODUCTION OF SHAREHOLDER INFORMATION IMPROVEMENT ACT OF 1991

HON. RON WYDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 24, 1991

Mr. WYDEN. Mr. Speaker, today, I am introducing legislation to require publicly held companies to disclose in their annual financial statements, on a country-by-country basis, the total number of people they employ and the goods and services they produce. In global financial markets, access to this information is critical to investors, workers, and policymakers. I am pleased that Representative EDWARD J. MARKEY, chairman of the Energy and Commerce Subcommittee on Telecommunications and Finance, is joining me as an original cosponsor of this legislation.

It seems incredible, but according to the Congressional Research Service [CRS] such information is not available today. In a new report done for me by CRS, which I would like to include in the record, employment data for the Nation's large, publicly held corporations is generally aggregated—and reveals virtually nothing about where the workers of these firms are located and what they produce in a given locale.

Making this information readily available is important to U.S. workers who want to monitor their companies' overseas investments. This information is important to investors who are trying to track potential risks due to current fluctuations, political instability, and foreign securities regulations. This information is essential to U.S. policymakers. Legislators involved in contentious debates about trade, taxes, and environmental regulations, should have access to objective data about worldwide employment and production—not conjecture and speculation.

Mr. Speaker, the obligations imposed on publicly held companies by this legislation are not onerous. The Congressional Research Service says that the information required under this legislation "should be already available to the accountants." It is not proprietary, but it would constitute, according to CRS, "an important source of information not available elsewhere."

If this proposal had been law when Congress debated the extension of fast track negotiating authority several months ago, it would have been possible to more objectively evaluate the deluge of reports and studies made by proponents and opponents of fast track. At the time, wild and contradictory claims were made about how many jobs would be gained or lost, how the environment would be helped or hurt, how our international competitiveness would be advanced or impeded.

Many of the reports and analyses Congress received during the consideration of fast track seemed based on thin assumptions and insufficient data. If the Shareholder Information Improvement Act is enacted into law, it will be possible to burn off a bit of the confusing fog that has traditionally blanketed congressional trade debates.

Let's stop the posturing and get the facts. Are companies shipping jobs overseas? Do our environmental regulations drive businesses to international pollution havens? Do certain tax laws encourage companies to find homes where they will get better tax treatment? If our citizens can't find out where publicly held companies are moving and what types of operations they are moving there, it is impossible to even ask why the move took place.

I am very pleased that this legislation has received strong support from the North American Securities Administrators' Association. This organization is in the business of promoting fair and honest securities markets by improving the free flow of information. They wrote in a letter to me that I would like to include in the RECORD, "investors would benefit considerably from the enhanced disclosure required by your bill."

Thus, this bill ought to be enacted on investor protection grounds alone. When you consider the additional benefits that accrue to workers and policymakers, the case for this legislation becomes even stronger.

I am especially grateful to Chairman ED MARKEY, who has great expertise and experience in securities regulation, for his help in the development of this legislation, and urge my colleagues to join us as cosponsors.

NORTH AMERICAN SECURITIES
ADMINISTRATORS ASSOCIATION, INC.,
Washington, DC, October 24, 1991.

HON. RON WYDEN,
U.S. House of Representatives,
Washington, DC.

DEAR CONGRESSMAN WYDEN: On behalf of the North American Securities Administrators Association (NASAA), we appreciate the opportunity to express our views on draft legislation which would require issuers to disclose information concerning their international structure and competiveness.

As you know, NASAA and its members have long-standing concerns related to providing enhanced protections to investors who participate in the increasingly international marketplace. Federal securities laws rely predominately on disclosure to allow investors to make informed investment decisions. We share your concern that this disclosure be as full and complete as possible. Certainly, investors would benefit considerably from the enhanced disclosure required by your bill.

Although it is our belief that the Securities and Exchange Commission currently has the statutory authority to compel the type of disclosure contemplated by your draft legislation, in the absence of action by the Commission, NASAA supports legislation which would require such disclosure.

Your leadership on this issue demonstrates anew your commitment to protecting the American investing public. We look forward to working with you on this and other issues of mutual concern.

Sincerely,

JOHN R. PERKINS,
Missouri Securities Commissioner and NASAA President.

CONGRESSIONAL RESEARCH SERVICE,
THE LIBRARY OF CONGRESS,
Washington, DC, August 28, 1991.

To: Honorable Ron Wyden; Attention: Mark Usellis.

From: Mark Jickling, Economic Analyst, Economics Division.

Subject: Analysis of Proposal To Expand Financial Reporting Requirements to Include Information on Foreign Operations of U.S. Firms.

This memorandum is prepared in response to your request for an analysis of a proposal to require U.S. firms that report to the Securities and Exchange Commission (SEC) to include with their annual filings information on the number of workers they employ and the types of goods and services they make or provide in their foreign operations.

Under Section 13(a) of the Securities and Exchange Act of 1934, companies whose securities are publicly traded are required to make periodic disclosures of a wide range of information that is considered material to investors. The most extensive periodic disclosure form is the 10-K annual report, which is generally similar to an annual report to shareholders. The 10-K report contains a consolidated income statement and balance sheet for five financial years, line-of-business information, a description of outstanding securities, information on the compensation of directors and top executives, and a single employment figure for the entire company. In general, financial information is presented in aggregated form, so that it is impossible to judge the performance of individual divisions or subsidiaries of the firm.

Would investors benefit from the expanded disclosures required by the present proposal? Current reporting requirements date from an era when the international activities of U.S. business are considerably less extensive than they are today. The profits of many U.S. firms, including large corporations whose securities are widely held, can be significantly affected by the performance of their foreign affiliates. Foreign business operations are subject to a number of risks—exchange rate fluctuations, changes in tax and regulatory policy, poor economic conditions, political upheaval—that do not always apply or correspond to the risks faced by domestic business. Therefore, in many cases, more detailed information on the nature and size of a corporation's overseas affiliates could be material to investment decisions. Thus, requiring disclosure of foreign employment and operations would not appear to be inappropriate to the aims and purposes of the Securities Exchange Act.

Presently available information on the types of businesses and number of workers employed by U.S. firms overseas is limited. The Bureau of Economic Analysis (BEA) in the Department of Commerce conducts an annual survey of the affiliates of U.S. multinational companies. The published data include the assets, sales, and employment of U.S.-controlled firms abroad, with breakdowns by country and by industry, but no information on individual companies is made public.[1] A few private firms publish directories of U.S. companies' operations abroad. The best known is the 3-volume *Directory of American Firms Operating in Foreign Countries* (New York, Uniworld Business Publications, Inc., 1987), which lists names and addresses of foreign affiliates of U.S. businesses. This directory indicates the nature of the business of the foreign affiliate, but contains no financial or employment data. New editions appear only every 3-5 years, however, so much information may be out of date. In summary, there is at present no source of foreign employment figures for individual U.S. firms, and available information on the identity and type of business of foreign affiliates is less than comprehensive.

Besides the interest to investors in corporate securities, would the information obtained through disclosure of employment and types of business of foreign affiliates of U.S. firms be useful to economists and policy-makers? To some extent, it would seem to duplicate the BEA survey of the foreign affiliates of U.S. multinationals. Who would undertake the formidable statistical task of compiling the data contained in thousands of SEC filings when the BEA already publishes the same data in aggregated form? Another advantage of the BEA sample (2,006 parent companies surveyed in 1988) is that it includes privately-held firms, which do not report to the SEC. For research into broad, macroeconomic issues of international trade, foreign direct investment, and the mobility of capital and labor, data reported to the SEC would likely add little to the existing BEA data base. However, for microeconomic research concerning individual industries and firms, the proposed SEC filings might constitute an important source of information not available elsewhere.

Finally, would the expanded reporting requirements be a regulatory burden to the firms that report to the SEC? Compliance would certainly involve costs to the firms. The SEC in recent years has tried to minimize these costs by allowing some corporations to file Form 10-K "by incorporation" of their annual reports to shareholders, in other words, letting a single document fulfill two disclosure requirements. However, all the information required by the present proposal should be already available to the accountants who combine the financial results of all the branches of the corporation, foreign and domestic, into the single consolidated set of statistics statement that appears on Form 10-K.

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[1] The latest available results of the survey appear in: Mataloni, Raymond J., Jr., U.S. Multinational Companies: Operations in 1988. *Survey of Current Business*, June 1990. p. 31.

UNITED NATIONS DAY

HON. EDWARD F. FEIGHAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 24, 1991

Mr. FEIGHAN. Mr. Speaker, I want to join with my colleagues in paying tribute to the United Nations on the celebration of 46 years of service to the world community.

Today, we celebrate United Nations Day at a time when U.N. institutions have come to play the role originally envisioned by its founders. The tremendous political convulsions that brought us the end of the cold war and have so rocked the political landscape have also allowed the United Nations to emerge as the most prominent forum for the management of international conflict and the protection of individual rights.

Whether as a mediator, a peacekeeper, a health care provider, or an educator, the United Nations and its agencies continue to strive to reach the goals embodied in its Charter:

> To maintain international peace and security * * *; to develop friendly relations among nations based on respect for the principle of equal rights and self-determination * * *; to achieve international cooperation in solving international problems of economic, social, cultural or humanitarian character, and in promoting and encouraging respect for human rights * * *; and to be a center for harmonizing the actions of nations in the attainment of these common ends.

It is in this light that I would like to share an article written by Sister Kathleen Ryan of the Cleveland Commission on Catholic Community Action of the Catholic Diocese of Cleveland, OH. Her article appeared in the Catholic Universe Bulletin, and highlights the United Nation's important achievements and continuing struggles it faces on the occasion of its 46th birthday.

A copy of the article follows:

THE UNITED NATIONS STILL OUR BEST HOPE OF PEACE

(By Sr. Kathleen Ryan, SND)

United Nations Day, October 24, marks 46 years since the U.N. was founded to foster peace in a world still reeling from World War II. The political landscape of the world has changed remarkably since 1945. One of the constants in the near half century since the cataclysmic war ended has been the ubiquitous efforts of the United Nations to mediate conflicts and elicit world-cooperation on humanitarian projects.

While the U.N. has long been derided as an ineffective body, it has some notable successes. Moreover, it remains our best hope for genuinely democratic international cooperation.

It was established to be not a super-government, but rather a diplomatic marketplace where nations can speak to one another and work cooperatively to find solutions to the international conflicts which seem to ceaselessly erupt in our world.

James Olson, executive director of national programs for the United Nations Association of the United States, told me in a telephone interview that supporters of the U.N. view the international agency as an evolving and highly promising force for peace.

As the troublesome aftershocks of the Gulf War continue to be recorded in the headlines of the world's press, Olson said, "The events in the Gulf since August have led to a revival of the U.N.'s usefulness, but those events have also raised serious questions about how the world should respond when swift, international action is necessary."

Olson said that he sees the U.N. as still unsure how best to deal with the complex and seemingly intractable problems arising from Saddam Hussein's quarrel with his Gulf neighbors and much of the world at large.

While all the evidence is far from in on the U.N.'s action in the Gulf War, few voices would argue that the New York-based international forum is not an absolutely essential vehicle in the search for peace and harmony.

The break-up of Soviet hegemony and the emergence of a host of new independent nations with voices in the U.N., promises to strengthen the international body's role in world affairs.

The U.S. Bishops Peace Pastoral, *The Challenge of Peace* (May, 1983) reminded us that world problems cannot be remedied by a single nation approach. They require instead "a concerted effort of the whole world community." The Bishops stated, "The United Nations should be particularly considered in this effort."

Throughout 1990, the United Nations, through quiet diplomacy held democratic elections in Namibia, as well as in Nicaragua and Haiti.

The U.N. also paved the way for the unprecedented Children's Summit, which President Bush and 70 other heads-of-state attended this year to find cooperative measures of preventing the deaths of the 40,000 children who die—mostly avoidably—each day.

In late September, the United Nations mediated the peace accord held in New York in which El Salvador President Alfredo Cristiani and the leaders of the five main guerrilla forces met to begin to resolve some issues dividing them. A framework for a final stage of negotiations to reach a cease-fire in El Salvador's 11 year-old civil war has begun.

The efforts of the UN have not always been fruitful, and there is no reason to expect that pattern to change in the immediate future. Its mission of universal peace, its daily search for common ground, is, however, a noble and vital mission. We wish it a happy birthday and a long and productive life in the service of peace.

CALL TO ACTION

Join the National Observance of United Nations Day, Friday, Oct. 25, 12:00 Noon, Cleveland City Council Chambers, to hear Mr. James Olson. Call Sr. Beverly A. LoGrasso, OSU at the Commission on Catholic Community Action, 696-6525, ext. 227 for further information on how to become involved.

(Sr. Ryan is the director of legislative affairs for the Commission on Catholic Community Action, the social action committee of the Catholic Diocese of Cleveland.)

A TRIBUTE TO COP AID

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 24, 1991

Ms. ROS-LEHTINEN. Mr. Speaker, I would like to acknowledge the outstanding work of dedicated citizens from our community who have committed themselves to serving the needs of the proud men and women who proudly serve us in our community's police forces.

Cop Aid, as it was founded in 1990, was created by Guy Sanchez, Charles Rodriguez, and Anthony Rodriguez, as a self-reliant organization devoted to supporting their fellow officers and their family members during the stressful and painful situations associated with police work. Over its brief history, Cop Aid has demonstrated to be an excellent support group to law enforcement officers who have been confronted with extraordinary circumstances that could not possibly be resolved by themselves, but rather required the helping hand of friends and family to guide them through the difficult moments.

As a source of funding for the services that the organization provides, Cop Aid has sponsored a yearly benefit concert bringing to the stages of Miami, star studded performances by national and internationally renowned acts on the billboard charts, uniting the youth of south Flordia in a common cause raising over $80,000 during their brief period in existence. An event will take place on Friday, October 25th at a local hotel which seeks to gather these funds.

Mr. Speaker, I am proud of the efforts being performed by these dedicated individuals who strive to alleviate the hardships confronting our men and women in uniform, and sincerely hope that their work becomes an inspiration to all who have taken the solemn oath, "to protect and to serve."

CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 24, 1991

Mr. SMITH of New Jersey. Mr. Speaker, I strongly support the broad objectives outlined in the Convention on the Elimination of All Forms of Discrimination Against Women, whereby women would enjoy full legal protection of their God-given rights. No one can possibly argue with the premise that all nations take all appropriate measures to guarantee the exercise and enjoyment of human rights and fundamental freedoms and ensure the full development and advancement of women. These are principles which I believe are essential for justice and the foundation of civil society.

I am pleased to note that equal access to the full spectrum of educational opportunities, nutrition and health care, economic opportunities and political participation is a major theme of the Convention.

Mr. Speaker, the political empowerment of women as evidenced by the right to vote, administration of public office and formulation of public policy, and participation in the instruments of public and political life, provides the rudiments of equality.

I applaud provisions in the Convention which seek to prevent discrimination in the workplace, whether the issue be remuneration, health and safety, or special protection during pregnancy and maternity leave. With respect to contractual agreements, the administration of property and civil justice, equality for women before the law is underscored within the Convention.

One of the most pervasive, and often unreported, aspects of discrimination between the sexes is the provision of adequate food, nutrition and health care. Access to health care, adequate nutrition during childhood and pregnancy, protection of women's health in the workplace are specifically noted in the Convention. These provisions are positive and I support them without reservation.

I fully support the Convention's provisions dealing with the repulsive practice of trafficking in women—an absolutely deplorable crime.

Mr. Speaker, I must bring to the attention of my colleagues, however, the fact that some are attempting to use this Convention to aggressively promote abortion on demand. The International Planned Parenthood Federation, for example, a strong advocate for permissive abortion, rates signatories to the Convention according to the provision of so-called "reproductive rights," which they say includes the right to destroy an unborn child by abortion.

According to International Family Planning Perspectives, December 1990, "Many of the articles in the United Nations (UN) Convention on the Elimination of All Forms of Discrimination Against Women deal explicitly with reproductive rights, including the availability of abortion * * * abortion. * * *" The newsletter quotes IPPF that "everywhere, social, structural and economic realities limit women's choices and their economic rights. But the establishment of reproductive rights by law is a crucial starting point from which women may begin to exercise those rights."

Mr. Speaker, this antichild, proabortion agenda is diametrically opposed to the U.N. Convention on the Rights of the Child, endorsed by the United Nations in November 1989, which held in its preamble that "the child, by reason of his physical and mental immaturity, needs special safeguards and care, including appropriate legal protection, before as well as after birth." As congressional delegate to the United Nations, I had the privilege of presenting the U.S. statement on the Convention on the Rights of the Child in New York. To quote that statement, "Children—born and unborn—are precious and extremely vulnerable. Governments have a duty and sacred obligation to protect these children to the maximum extent possible. Birth is an event which happens to each of us." Thus, Mr. Speaker, birth is not the beginning of life, just another step in the maturation process of a human being.

Ratification of the Convention must include a strong reservation stating that nothing in the document shall be construed to, in any way, compel, encourage or require the United States or any other nation to enact laws or policies that legalize abortion. Today I am introducing a resolution, along with several colleagues, which urges the President to include a pro-life proviso in the package of reservations, understandings, and declarations.

OMNIBUS CRIME CONTROL ACT

HON. CARDISS COLLINS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 24, 1991

Mrs. COLLINS of Illinois. Mr. Speaker, I was unfortunately not in attendance on October 22, 1991, to vote on final passage of H.R. 3371. However, had I been present, I would have risen in opposition to final passage of the Omnibus Crime Control Act of 1991. While I was originally hopeful of being able to support this bill as it was reported from the Judiciary Committee, I regret that its amended form is unacceptable.

First and foremost, Mr. Speaker, I cannot support any legislation which so vastly expands the list of Federal crimes punished by the death penalty. How are we to become a "kinder and gentler" nation, as the President has set out as his goal, if we continually attempt to reform America's criminals by killing them? Study upon study has shown that the death penalty does not deter criminal behavior, and simply increasing the number of crimes punishable by death will accomplish nothing, except perhaps increase the chances that a wrongfully convicted individual will be put to death.

Furthermore, it is a tragedy that the fairness in death sentencing provisions were stripped from this bill by an amendment offered by my colleague from Florida, Mr. MCCOLLUM, and replaced by the administration's noble sounding, yet deathly hollow Equal Justice Act. Past inequities in the frequency of sentencing minorities to death over whites are well documented, Mr. Speaker. Even the administration has acknowledged this disturbing trend, yet, this legislation will simply sweep this nasty little secret under the rug. As amended, the crime bill would prohibit the introduction of statistical data indicating racial bias into any courtroom, no matter how glaringly evident the pattern of abuse. Until we can fully guarantee that every American will be sentenced based on the severity of his crimes rather than the color of his skin, I will continue to oppose capital punishment and legislation which proposes its use.

Also troubling to me, Mr. Speaker, is the reluctance of this body to enact sensible and fair restrictions on semiautomatic and assault-style weapons. This Judiciary Committee's version of the crime bill contained provisions banning 13 specific types of assault weapons and large capacity ammunition clips. An amendment, however, deleted this important ban on such weapons which have no legitimate purpose, except to kill other human beings. This ban would not have affected those assault weapons already legally owned. Unfortunately, an effective misinformation campaign, backed by the National Rifle Association, sparked enough public hysteria to assure the defeat of this proposal. Nearly every police and law enforcement organization across the country has come out in favor of this ban. I believe we owe it to these brave men and women to assure that they are not outgunned by criminals on the street. This legislation, however, does not do that.

Finally, Mr. Speaker, I am very disturbed by the increasing erosion of our most prized civil liberties, including the constitutional guarantee against unlawful search and seizure. This legislation, as amended, essentially nullifies the longstanding exclusionary rule, which prohibits the introduction of illegally obtained evidence into a courtroom. By now allowing the introduction of evidence obtained without a warrant, even though it was obtained in good faith, we have opened the door to a wide array of civil rights abuses by police officers not familiar with proper search and seizure procedures. The Supreme Court even recognized this possibility by refusing to extend its good-faith exception to warrantless searches.

Mr. Speaker, the current wave of crime gripping the Nation's streets is reaching frightening levels. But we must not let our zeal to put criminals behind bars overshadow the fundamental civil liberties upon which we have relied for over two centuries. While this bill has several outstanding provisions, including a fair habeas corpus reform and important funding for local antidrug and crime prevention programs, the assault on the rights of all Americans is indeed tragic. I urge my colleagues to reject this bill.

DECISIVE OPPORTUNITY FOR ARMS CONTROL IN THE MIDDLE EAST

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 24, 1991

Mr. FASCELL. Mr. Speaker, it is my intention next to bring to the floor the conference report that accompanies the bill H.R. 2508, the International Cooperation Act of 1991. As you know, this important legislation represents the second serious attempt by the Committee on Foreign Affairs and the House of Representatives to rewrite the basic authorities and policy guidelines of both the Foreign Assistance Act of 1961 and the Arms Export Control Act of 1968. In this regard, title II of this legislation establishes the policies governing U.S. military assistance and foreign military sales programs. In addition, title II includes an important new initiative calling for the implementation of a multinational arms transfer and control policy and regime toward the Middle East and Persian Gulf regions.

It is this particular provision, that I would like to bring to my colleagues attention today. The Committee on Foreign Affairs has long recognized that U.S. security assistance and foreign military sales programs are important elements of our Nation's foreign policy apparatus. At the same time, the Committee on Foreign Affairs has also long been concerned over the seemingly endless proliferation of weapons of mass destruction, the delivery systems associated with those weapons—especially ballistic missile systems and related technologies, and the proliferation of conventional weapons throughout the global community. As stated, the committee retains this concern globally but especially with regard to what has been and remains the continuous spiral of conventional arms throughout the Middle East and Persian Gulf regions.

Chapter 5 of title II represents a basic consensus of opinion among the members of the Committee on Foreign Affairs and the Committee on Foreign Relations in consultation with representatives from the administration to develop a realistic arms transfer restraint policy toward the Middle East and the Persian Gulf regions in the wake of Operations Desert Shield and Desert Storm. One of the many lessons of those efforts must be that the business as usual approach of the 1980's toward arms sales and transfers to the Middle East and the Persian Gulf must not be repeated in the 1990's. In this regard, chapter 5 of title II of the conference report addresses not only the issue of United States, but global arms transfers to the Middle East and Persian Gulf region by calling for the negotiated establishment of a multilateral arms transfer and control regime toward the Middle East and Persian Gulf by the five permanent members of the U.N. Security Council.

In so doing, the conference report cites a number of findings which demonstrate the urgent need for the establishment of such a regime and mandates that the President shall continue those negotiations that were initiated under his direction with the other permanent members of the U.N. Security Council in the President's May 29 announcement. The conference report also specifies that in the process of these continuing negotiations, the President should propose to the other permanent members of the Security Council the adoption of a temporary moratorium on the transfer of major military equipment to the Middle East and Persian Gulf until such time that a multilateral arms transfer and control regime is concluded and agreed to.

The conference report also incorporates the provisions of the House bill which describe the purpose of such a regime and further clarifies that particular provision in calling for the achievement of greater transparency among arms suppliers through advanced notification of both agreement to transfer and actual transfer of conventional major military equipment through the adoption of common and comprehensive control guidelines on the transfer of conventional major military equipment.

It should also be noted that the conference report notes that the committee of conference's belief that the President has undertaken good-faith efforts to convene multilateral negotiations among the permanent five members of the United Nations in seeking to establish the arms supplier regime described in section 282 of the conference report. In this regard, the conference report commends the President for his efforts and specifies that the requirements of chapter 5 of title II are consistent with the practices of preconsultation, consultation and advanced notification requirements that are currently associated with U.S. arms sales worldwide.

Clearly, no more pressing issue in international affairs exists than that of the current situation in the Middle East and the Persian Gulf. The conference report addresses that pressing problem in a calling for the adoption of higher and more rigorous standards on U.S. and multinational arms transfers to the Middle East and Persian Gulf region. The conference report is aimed at winning the peace and stimulating a climate for greater arms control in the Middle East and Persian Gulf region through arms restraint now versus the business of arms sales as usual.

The conference report has forged a consensus that stipulates that it is high time to stop the business as usual approach to solving the problem of peace in the Middle East and the Persian Gulf regions. We have decided that the business as usual approach in selling arms to everyone serves no ones interests. That is why the conference report clearly states that future conventional arms transfers to the Middle East and the Persian Gulf should be controlled by a multilateral restraint policy.

While some in the executive branch may argue that the committee is tinkering at the edges of Presidential prerogative, and that current law is sufficient to bring arms control and peace to the Middle East and the Persian Gulf, the committee of conference would respond that Congress does have the responsibility to help set policy guidelines and pass laws, and to seek the President's support for them. As stated, the committee of conference recognizes that arms transfers are an important tool and element of our foreign policy apparatus. Nevertheless, the committee of conference reiterates its belief that higher and more rigorous standards on U.S. transfers to the Middle East and the Persian Gulf must be pursued.

In this regard, I would note that the administration has already responded to a certain extent to the provisions contained in chapter 5 of title II. At the invitation of the President, the permanent five members of the U.N. Security Council met in Paris on July 7 and 8, and declared their intent to seek to eliminate the transfer of technologies associated with the development of nuclear, biological, and chemical weapons and of associated delivery systems. The permanent five also endorsed the concept of achieving transparency on conventional arms transfers and the principle of consultations on such transfers. In addition, the permanent five enunciated its support for the establishment of a universal register of arms transfers under the auspices of the United Nations. These initial steps were taken with regard to transfers toward the Middle East with an eye toward expanding them on a global scale in the future.

More importantly, these initial steps were followed upon by a second round of negotiations among the permanent five in London on October 17 and 18. Once again, progress was achieved. In London, the permanent five agreed upon the adoption of common guidelines on conventional arms transfers and information sharing with regard to those transfers. The permanent five also reiterated their support for the universal register of conventional arms transfers at the United Nations. In addition, the permanent five agreed to inform each other about transfers of specific conventional military equipment to the Middle East. Most importantly, however, the permanent five agreed to continue their negotiations on this subject at a Washington round early next year.

Mr. Speaker, next week when we shall be voting on the conference report, the President shall be meeting with Soviet President Gorbachev in Madrid on a number of issues, one of the most important of which of course is our nations' joint sponsorship of multilateral negotiations aimed at securing a Middle East peace agreement. In my view, both President Bush and President Gorbachev shared a decisive opportunity to further the aims of both the Paris and London rounds of negotiations among the permanent five, as well as to promote the concept contained in chapter 5 of title II of the conference report. In this regard, it seems to me that on a bilateral basis, and as means of continuing the permanent five's negotiating process, Presidents Bush and Gorbachev should suggest a temporary pause—at least during the duration of the Middle East peace talks this year—on the United States and Soviet transfer of major military equipment to the Middle East and Persian Gulf regions. In this way, the United States and the Soviet Union in tandem would be advancing not only the negotiations among the permanent five in seeking agreement to a multilateral arms restraint policy, but in furthering the cause of peace negotiations among the nations of the Middle East and Persian Gulf regions.

That is the primary aim of chapter 5 of title II. Chapter 5 of title II reasserts the necessity of continued U.S. leadership in seeking to bring about both peace and arms control in the Middle East and the Persian Gulf. It is a congressional call which the administration is already responding to in leading negotiations in Paris and London of this year. It is a congressional call which the permanent five is responding to in agreeing to the continuation of these negotiations in Washington next year, where hopefully progress on the concept of preconsultations among the permanent five on conventional arms transfers can be achieved. It is a congressional response to a daunting problem, that if given the chance, might work in bringing greater arms control and as such enhance the prospects for peace in the Middle East and Persian Gulf. Finally, it is a congressional response worthy of wide bipartisan support during next week's vote on the conference report.

INTRODUCTION OF THE CLEAN WATER ACT RESEARCH BILL

HON. JAMES H. SCHEUER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 24, 1991

Mr. SCHEUER. Mr. Speaker, some of our most glorious national assets, which are still threatened by pollution, are our pure and pristine lakes, rivers, estuaries, and coastal regions. The bill that I am introducing today, the Clean Water Act research bill, will help to restore these invaluable and beautiful ecological resources—resources which are important to the quality of all of our lives and also to the economic life of our Nation.

Since its original enactment in 1972, the Clean Water Act has served to reduce significantly conventional sources of water pollution, such as: wastewater treatment discharges, and industrial discharges.

By examining and controlling large ecosystems, the Clean Water Act's National Estuary Program has also greatly advanced water pollution control in critical areas such as the Chesapeake Bay and the Long Island Sound. While we can be proud of these accomplishments, the promise of the original Clean Water Act remains largely unfulfilled.

In 1972, we set a goal of assuring fishable and swimmable waters throughout the Nation by 1984 and eliminating the discharge of pollutants by 1985. Today, 30 percent of all assessed river and stream miles fail to attain fully designated water quality standards. Twenty-five percent of lakes are impaired and 29 percent of estuaries similarly do not meet designated water quality standards.

These disappointing figures are largely attributable to the act's failure to address aggressively nonpoint source pollution. The act has also failed to address the serious impacts resulting from contaminated sediments and losses of wetland habitat.

The need for this research legislation is becoming increasingly apparent. A growing number of reports on the Clean Water Act, including a report prepared by a panel of scientists at the request of the EPA, indicates that numerous regulatory activities are not based on sound science. This report finds that the EPA's list of toxic priority pollutants is based on outdated research and that water quality monitoring is currently conducted based on outmoded ecological indices. This report also shows that States presently lack the scientific research base needed to translate water quality standards into methods to address nonpoint source pollution.

The Nation's water research activities have focused almost exclusively on the conventional pollutants that are discharged by point sources. According to the EPA, however, over 50 percent of the Nation's remaining water quality problems are attributable to pollution from nonpoint sources—namely pollution resulting from various types of runoff. Astonishingly, the EPA has virtually no research program in the nonpoint source area. Similarly, very little science has been devoted to examining the contaminated sediment problem. These failings particularly impede efforts of the Long Island Sound Congressional Caucus of New York and Connecticut members to address pollution of the sound effectively since much of the problem results from runoff—both in New York and Connecticut.

The bill that I am introducing today: Provides for improved water quality science; provides for first rate research on runoff—or what is termed nonpoint source pollution—including the identification of effective and economically efficient control technologies; calls for improved research on contaminated sediments and the restoration of wetlands; and focuses upon increasing our general scientific understanding of ecosystem processes.

One of the biggest challenges ahead is determining the causes and effects of water pollution on ecosystems. To meet this challenge we need to increase our basic environmental effects research and our examination of ecosystem integrity.

Additionally, the bill expands State water quality monitoring programs and provides a mechanism to coordinate the monitoring activities of State and Federal agencies. Fewer than half of the Nation's river miles or coastal or lake waters have ever been assessed for their ability to meet water quality standards.

This bill also establishes a system to give us a clear, signal of any impending threats to our waterbodies. It does so by integrating existing Federal water monitoring programs into the Clean Water Act. The bill also provides for the establishment of scientifically sound protocols to serve as assessment indicators of the health of our waterbodies.

Finally, the bill authorizes grants to demonstrate innovative technology for both pollution prevention and control.

The legislation that I am introducing today will reorient our water research programs toward the remaining overwhelming causes of our Nation's water pollution. I urge my colleagues to cosponsor this bill in order to ensure that sound scientific research supports our Federal and State water quality regulatory activities.

UNDERGRADUATE CRITICAL SKILLS SCHOLARSHIP PROGRAM

HON. BARBARA B. KENNELLY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 24, 1991

Mrs. KENNELLY. Mr. Speaker, today I am introducing legislation which establishes an Undergraduate Critical Skills Scholarship Program at the Federal Bureau of Investigation.

This legislation would give the Director of the Bureau the authority to establish a critical skills scholarship program similar to existing programs at CIA, NSA and DIA.

Mr. Speaker, this legislation permits the FBI to provide college scholarships to high school students who agree to major in critical skills disciplines. These critical skill disciplines include engineering, computer science, mathematics and languages which are indispensable to the FBI's ability to effectively perform its foreign counterintelligence and counterterrorism missions. In exchange, the students agree to work for the FBI following graduation for a period of 1½ years for each year or partial year for which a scholarship is provided.

The FBI represents our Nation's front-line defenses against hostile foreign intelligence operations. Recent Bureau efforts to recruit qualified candidates has proven to be a difficult and at times frustrating task. Often times, graduates are not interested in working for the FBI. Those who express a desire in the Bureau are often hired away by private enterprises which have benefits the Bureau cannot provide. In an increasingly complex, high-tech worked, the FBI must recruit highly skilled employees. It is time the FBI has the same tools to assist its recruitment efforts as are now employed by the CIA, NSA and DIA.

Mr. Speaker, I urge all my colleagues to lend their support to adopting this important piece of legislation.

SPINAL CORD LIVING-ASSISTANCE DEVELOPMENT GROUP

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 24, 1991

Ms. ROS-LEHTINEN. Mr. Speaker, the Spinal Cord Living-Assistance Development Group [SCLAD] and its executive director Pedro F. Rodriguez, recently provided leadership in organizing the Miami Beach Freedom Fair & Exposition held on October 18, 19, and 20, 1991.

The purpose of the Freedom Fair & the Expo was to serve as a clearinghouse of information on services, assistance products and technology for the disabled. Important issues were also discussed regarding handicap access, rehabilitation and health care. Seminars included a discussion of the right of the disabled under the Americans With Disabilities Act [ADA]. Also discussed was private sector compliance with the ADA statutes.

SCLAD was formed in June 1985, to address the housing and support services needs of persons with physical disabilities. SCLAD is a nonprofit organization currently operating in Hialeah, FL. On a daily basis, SCLAD offers a number of support services to persons with physical disabilities to help them live independently.

I would like to commend leadership of SCLAD chairman Pedro Rodriguez, Angelino Rodriguez and Margarita Barlade with both the Freedom Fair & Expo and their work with SCLAD. I would also like to recognize the tireless efforts of volunteers who make many of SCLAD's services possible.

ONE LAST GOODBYE TO MUSICIAN MILES DAVIS

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 24, 1991

Mr. CLAY. Mr. Speaker, I would like to insert for the RECORD, an editorial highlighting the life and extraordinary contributions to the music world of Miles Davis that appeared in the October 16–22 issue of the St. Louis Riverfront Times.

DEATH OF THE COOL—EAST ST. LOUIS BLOWS TAPS FOR NATIVE SON, MILES DAVIS

(By Terry Perkins)

Miles Davis was not a man who dwelt on past achievements.

During an illustrious career that spanned nearly half a century and gave birth to a succession of ground-breaking jazz styles that often left critics, fellow musicians and fans both bewildered and dazzled, Davis seemed to live by only two rules: Never look back and never stand still.

Miles Dewey Davis III finally stood still on Saturday, September 28, 1991, when years of physical pain and deteriorating health finally overcame his stubbornly defiant spirit in a hospital bed in Santa Monica, Calif.

And on Sunday afternoon, East St. Louis, the city where Miles Davis first picked up a horn, the city that helped shape his musical skill and forge his indomitable will, looked back and remembered.

The service was held at Lincoln Senior High School's Auditorium, the same high school that Davis attended and graduated from in 1944. (Even then, Miles wasn't looking back. He never attended his graduation ceremony. Instead, he was working gigs at local clubs, laying the groundwork for a move to New York City and the heart of the jazz scene.)

The 500-seat auditorium was decorated with lavish floral arrangements—including a red and white crepe-paper muted trumpet placed on the podium onstage. An array of huge posters of Davis lined the side walls—blowups of photos taken during his 70s jazz-fusion era and his comeback appearances in the 80s. The foyer was dominated by a photo of Davis taken after he had received the French Legion of Honor award this past summer.

But in constrast to these icon-like images of Miles, the speakers at the service concentrated on a very human Miles Davis—a young man who was their neighbor, their friend or their student. And a young man whose behavior even then foreshadowed the Miles that the world came to know.

Lillian A. Parks, superintendent of the East St. Louis School District and moderator of the service, remembered the impeccably dressed Davis family walking home from Sunday services at St. Paul Church, just up the street from Lincoln High.

Certainly Miles never lost his love for fashion and style—whether he was wearing a knife-sharp designer Italian suit in the 50s or the hipper-than-thou eclectic wardrobes that marked his forays into jazz fusion.

And according to Parks, he never forgot the early lessons he learned from his musical instructor, Elwood Buchanan Sr. Buchanan, who had toured with the Andy Kirk Orchestra and taught music in both St. Louis and East St. Louis schools, was a dental patient of Dr. Davis, Miles' father. He recommended that Dr. Davis give Miles a trumpet for his 13th birthday, and then began instructing Miles how to play it.

"Mr. Buchanan told Miles not to play with a vibrato," said Parks. "He told him that when he got old he'd be shaking anyway, so he ought to avoid it while he could."

As a result, Miles Davis developed a unique horn sound—light, lyrical and capable for handling both slow ballads and fast flurries of notes with dexterity and precision. It was a technique that fit right into the coming bop explosion that would be ignited by Charlie Parker and Dizzy Gillespie.

But before Davis became part of jazz history on New York City's 52nd Street, he had to take his first professional steps as a musician. And he took those steps as a member of Eddie Randle's Blue Devils, generally regarded as the hottest jazz combo on the St. Louis scene.

Eddie Randle Sr. spoke at the service about the young high school sophomore who had telephoned him and asked if he could try out for a trumpet opening in the group.

"When he first came to me, he was well-mannered, eager to learn and scared," said Randle. "But he soon got into fast company and he did not stop."

The "fast company" that Randle spoke of turned up in Davis' life in the summer of 1944, a month after his high school graduation. Billy Eckstine brought his newly formed band of young jazz talent to St. Louis to rehearse and ready themselves for a return to New York. Members of the Eckstine band included Parker, Gillespie, Art Blakey and a host of others.

The band was scheduled to perform at the Plantation Club on Grand, a nightspot that featured the best in black entertainment for white-only audiences. The story goes that the Eckstine band wasn't humble enough for the taste of the Plantation ownership, so the band ended up playing at the Riviera, a music club that catered to a black audience.

It was there that an 18-year-old Miles Davis happened to be at the right place at the right time with his trumpet case and ended up replacing a sick member of the

Eckstine band during its two-week engagement. After sitting next to Dizzy and Bird onstage, there wasn't any question about what Miles Davis was going to do with his future.

By that fall, he was in New York City, ostensibly to attend the Juilliard School of Music.

And although he did attend classes, Miles spent most of his days and all of his nights tracking down Bird and participating in the first flights of a new jazz language—bop.

From that point, there was no stopping and no looking back for Miles. He was off on a musical journey that moved from bop to the Gil Evans-arranged Birth of the Cool to the first classic quintet of John Coltrane, Red Garland, Paul Chambers and Philly Joe Jones to the classic modal improvisations of Kind of Blue with Bill Evans and Cannonball Adderley in the band to the great 60s quintet of Wayne Shorter, Herbie Hancock, Tony Williams and Ron Carter to the genreshattering Bitches Brew and beyond.

A sextet of young musicians from the outstanding Lincoln High School Jazz Band—joined by alto saxophonist Oliver Lake—paid a musical tribute to Davis with a rendition of "All Blues." Lake, a St. Louis-raised musician who has gone on to worldwide acclaim, moved beyond mere re-creation of the classic tune, stretching and pushing the familiar notes into a testament to Miles' unceasing quest for the new.

Elwood Buchanan's son, the Rev. Elwood Buchanan Jr., provided an insight into the aspects of Miles Davis' character that contributed to these daring musical explorations.

"Miles knew himself," declared Buchanan. "He wasn't scared of surrounding himself with the bright lights of other great talents. Growing up in East St. Louis, you see and hear things that—when you go to other places—are nothing new. Miles was comfortable with Miles."

Other speakers, such as well-known bandleader George Hudson, Mayor Gordon Bush and poet Eugene Redmond, also paid tribute to Davis. Hudson stated that he has never forgotten the day he first heard the 17-year-old Davis play. Bush lauded Davis for "aspiring to go beyond—to notes no one has ever heard." Redmond read a poem in progress called "Milestone: The Birth of an Ancestor" that conjured up vivid images of Davis' East St. Louis youth.

A video of the Oct. 6 memorial service for Miles in New York City was shown, featuring excerpts of tributes from Quincy Jones, Max Roach, Bill Cosby and others.

The East St. Louis memorial concluded with a videotape of Davis' recent performance at the Montreux Jazz Festival in Switzerland, where Miles finally did look back, joining forces with Quincy Jones to recreate some of Davis' classic collaborations with Gil Evans—Porgy and Bess, Sketches of Spain and Birth of the Cool.

Miles looked at peace, joking with fellow musicians and playing with a skill and emotion that many had thought had vanished with his leap into electrified fusion.

Perhaps Miles decided to turn to the past and play some of his best-loved work because he knew the end was at hand. Perhaps it was his way of remaining unpredictable and confounding his critics one last time. No matter what the reason, Miles Davis' final musical performance promises to stand as a fitting tribute to one of our century's most influential artists.

And it proved to be a fitting conclusion to East St. Louis' tribute to Miles Davis. The final frozen video image of Miles after the Montreux concert seemed to close the circle on a lifetime of music that has unalterably changed the cultural landscape of the planet.

Miles is gone—finally captured by time. But Miles remains alive in that cool, burnished sound that's captured in a lifetime's legacy of recordings. And Miles remains alive in the memory of the city where the first faltering notes from his horn—in the words of Eugene Redmond—"became blues born in the hoarse East St. Louis air."

THE NEED FOR STRONG DRUG INTERDICTION LANGUAGE IN THE 1991 CRIME BILL

HON. LAWRENCE COUGHLIN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 24, 1991

Mr. COUGHLIN. Mr. Speaker, I rise to support needed improvements in the drug interdiction authority of the Coast Guard and Customs Service. The improvements I support are contained in legislation, H.R. 681, which I introduced earlier in this Congress. A portion of this bill was recently passed by the House as a part of the omnibus crime bill, H.R. 3371.

The interdiction improvements provision has been criticized by some as providing a means to violate the rights of legitimate civilian pilots. Let me set the record straight by making perfectly clear that nothing in the language of the provision threatens the legitimate rights of innocent civilian pilots.

The interdiction improvements language provides the Coast Guard with the authority to order pilots flying planes suspected of drug trafficking to land, or face possible criminal penalties. There is no provision for the use of force against civilian aircraft. The language might be more accurately described as "ask down" language, rather than "force down" language.

This increase in Federal interdiction authority is a necessary and reasonable measure if we are to have an effective war against drugs.

The interdiction improvements provision is based on administration language approved by the Coast Guard and Customs Service; there have been some minor changes from the original proposal in a negotiation between myself and members of the Merchant Marine and Fisheries Committee.

Similar legislation passed the House by voice vote as part of the 1990 House crime bill. And, the 1991 Senate crime bill, S. 1241 also contains an almost identical provision.

In a letter to me dated October 16, 1991, Commandant Kime of the U.S. Coast Guard writes that "criminal penalties for failure to obey an order to land an aircraft are necessary and important to our Nation's efforts to curtail and eventually eliminate the importation, for unlawful purposes, of narcotics and other drugs." The full text of the Commandant's letter appears at the end of my remarks.

In all candor, this is a very modest proposal. As my colleagues are fully aware, I have previously proposed that the Coast Guard be granted limited authority to shoot down drug trafficking planes. All that the present proposal asks for is that our Federal interdiction agencies have the proper authority to do the job that has already been assigned to them.

As an appropriator, I am well aware of the substantial sums that the taxpayer has been asked to spend in support of Federal antidrug interdiction. It is shameful that the Congress has yet to give our Federal interdiction agencies the authority to order drug traffickers to land their cocaine-laden planes when they are headed to our shores. It is time we stopped asking our personnel to fight drug trafficking with two hands tied behind their backs. I would prefer that they have both hands free, but I am asking that my colleagues join with me in untying one.

I understand that some of my colleagues are concerned that they have not been given more time to study this proposal. However, we should keep in mind that language even stronger than this provision has passed this body by voice vote and that this proposal is over 2 years old.

Finally, let me address those who contend that this interdiction legislation lacks a legal standard, such as reasonable suspicion, by which agency action may be objectively measured. The creation of a new reasonable suspicion standard for our interdiction agencies is completely unnecessary and strongly opposed by the Coast Guard and Customs Service. Since the very origins of our Republic, border searches have not been subject to the same legal standards as domestic searches. Furthermore, the extensive interdiction procedures performed by our highly trained Coast Guard and Customs pilots, supported by the best technology and equipment taxpayer money can buy, provide more than sufficient safeguards to innocent pilots. The Republican Staff of the House Select Narcotics Committee has prepared a summary of these comprehensive interdiction procedures currently followed. The summary may also be found at the end of my remarks.

The opponents of this legislation have unintentionally become allies and supporters of drug traffickers. Narrow, knee-jerk special interest groups and bureaucratic-minded critics should think very carefully about the national interest of the United States before they move again to burden America's frontline agencies with foolish restrictions. It is absolutely imperative that the House/Senate conference on the 1991 crime bill retains all of the important interdiction improvements language included in both bill, H.R. 3371, and S. 1241.

Mr. Speaker, it comes down to one simple issue: Either we are for the war against drugs or we are against it. I urge my colleagues to support the effort to combat the tragic problem of drug trafficking and drug abuse. Let us quickly take this modest step forward in the war against drugs.

U.S. DEPARTMENT OF
TRANSPORTATION,
U.S. COAST GUARD,
Washington, DC, October 6, 1991.

Hon. LAWRENCE COUGHLIN,
House of Representatives,
Washington, DC.

DEAR MR. COUGHLIN: This letter expresses my support for Section 1719 of H.R. 3371 which would provide criminal penalties for failure of a pilot or operator of an aircraft to obey an order to land. Including this as a penalty under Title 18, U.S. Code, would allow an authorized Federal law enforcement officer, who is enforcing the laws of the United States related to controlled substances, to direct an aircraft to land. This proposal will clarify the role of the Coast Guard by providing specific law enforcement authority to order an aircraft to land, and its enactment is an important element of the President's National Drug Control Strategy.

Criminal penalties for failure to obey an order to land an aircraft are necessary and important to our nation's efforts to curtail and eventually eliminate the importation, for unlawful purposes, of narcotics and other drugs. Despite the best efforts of the Coast Guard to apprehend airborne drug traffickers, airborne smuggling constitutes a major means by which cocaine is transported from foreign countries toward the United States. When detected, many of these smugglers simply ignore directions to land, jettison their drugs and flee into safe haven countries.

The enactment of criminal penalties for failure to obey an order to land enhances the Coast Guard's ability to help stem the flow of illegal drugs into our country. I appreciate your support for adding this provision to Title 18, U.S. Code.

The Office of Management and Budget has advised that there is no objection, from the standpoint of the Administration's program, to the submission of this letter.

Sincerely,

J.W. Kime,
Admiral, U.S. Coast Guard Commandant.

House Select Narcotics Committee Republican Staff Summary of Coast Guard Interdiction Procedure (Unclassified)

Substantial U.S. intelligence assets, technical as well as human, are dedicated to sorting potential drug trafficking planes from legitimate flights. The first priority of anti-drug air interdiction personnel in the Military, the Coast Guard, and the Customs Service is to determine whether a plane meets the general profile of a trafficking plane headed toward the U.S. borders. Only those that planes which have departed from a cocaine source country, are flying northbound at a low altitude and slow speed in a light twin engine plane, or at night with lights out, would be considered suspect and require closer examination. Domestic flights, which constitute the vast majority of flights by U.S. pilots, are, of course, excluded.

Frequently suspect planes are picked up by Department of Defense deep detection resources which include land, sea, and air based radar platforms. In the most likely scenario, a suspect plane flying from South America, through the Caribbean, would be reported to the Task Force Commander at Joint Task Force 4 (JTF4) in Key West and then passed on to C3I (Command, Control, & Communications) East in Miami. C3I East has access to computer data to check flight plans and can determine if suspect planes are following a legitimate track. Sometimes a transponder code is being squawked by the plane; if so, it is passed on to determine whether the code being used has been assigned to that aircraft.

If C3I East cannot correlate a suspect plane's flight course with a known flight, and the suspect plane matches a typical trafficker profile, with point of departure from a producing or processing nation (usually Colombia or Venezuela), and the appropriate heading (Northerly), speed (slow), and altitude (low), a Coast Guard (or Customs) interceptor plane is launched.

The Coast Guard plane is directed to the suspect plane by either an air-based or sea-based radar platform, as well as with a radar system on the interceptor. Visual contact is made with the suspect plane and its tail number is copied down and called in. Often it is easy to determine the nature of the flight because of visible signs such as darkened windows, extra fuel bladders, or carelessly repainted tail numbers. If the tail numbers turn out to be legitimate, the interceptor returns to base, often without the other aircraft even noticing it was under observation.

Under current law, if the plane is still suspect, the plane is followed in and assets are deployed to pick up drugs it drops from the hold, or to arrest the pilots on the off chance that the plane lands in the U.S. If the language proposed (as in H.R. 681 or the current version of the House Crime Bill) is enacted, contact by radio or through internationally accepted signals could be communicated to the suspect aircraft. If such signals are ignored, no action would be taken, except to note the plane's tail numbers so that it could be seized if it finds its way to the U.S. If the pilot expresses a willingness to land, a safe and appropriate landing site (probably a U.S. base) would be found and the suspect plane would be led in to land by the Coast Guard plane. The pilot of such a suspect plane, if ever captured and convicted of refusing to obey an order to land, could be fined and imprisoned for up to three years.

Under no conditions would the Coast Guard harass innocent pilots or attempt dangerous maneuvers or threaten to use or use any force. Careful procedures are followed by U.S. interdiction agencies. There is no need for additional legal standards, especially considering that we are discussing a border search, which has never been subject to the same standards as domestic searches. The imposition of a "reasonable suspicion" or "probable cause" criteria would be a new restriction on Coast Guard and Customs, which would greatly complicate interdiction efforts and protect only drug traffickers.

COOPERATION IS QUALITY

HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 24, 1991

Mr. GINGRICH. Mr. Speaker, I hope all my colleagues saw the following editorial by Steve Gunderson that appeared in the Wall Street Journal on Monday. Congressman GUNDERSON effectively points out that the key to success and quality in the workplace is related to cooperative labor-management committees.

[From the Wall Street Journal, Oct. 21, 1991]

Archaic Rules Foul Innovative Labor Strategies

(By Steve Gunderson)

In America's race to remain competitive, Donnelly Corp. in Holland, Mich., is helping the cause. Since 1975, sales at this maker of automobile mirrors and modulars have soared from $3 million to $75 million and its work force has grown from 200 to 1,000 employees.

The company attributes much of its success to a highly productive work force. But this goes beyond simply hiring the right people. Donnelly, like thousands of other successful U.S. firms, uses ad hoc labor-management committees to draw the best from each employee. These cooperative committees—referred to by such names as "work teams," "quality circles," "quality of worklife committees" and "voluntary cooperative efforts"—are on the forefront of efforts to modernize the U.S. workplace. At Donnelly, even the company's president serves on one.

Unfortunately, the fate of these programs now rests in the hands of a single federal agency, which will review the use of such committees in another model firm, Electromation Inc. The National Labor Relations Board will determine whether such committees are legal under the 50-year-old National Labor Relations Act, how deeply employees may be involved in company performance decisions, and to what extent U.S. workers, unions and companies can work together to stave off foreign competition. Should the NLRB interpret the law strictly, many of America's most competitive businesses will suffer.

For 11 years non-union Electromation, an Elkhart, Ind., maker of small electrical items, maintained labor-management committees and "rap sessions" to discuss specific workplace issues. After an outside union lost a vote to organize the firm, the NLRB's general counsel ruled in 1990 that Electromation had violated the act's ban on "interfering" with a labor organization. The company is appealing this ruling.

The NLRB ban originally was established to prevent unscrupulous employers from creating in-house "unions" simply to avoid organizing efforts from outside unions. To get a feel for the labor-management tensions out of which such decisions were made, we must step back to a bygone era. In 1937, for example, 500 heavily armed policemen and professional strikebreakers confronted striking Republic Steel employees in South Chicago. The confrontation left 10 dead and 90 wounded.

Had the suggestion been made then that the company create the kind of quality-of-worklife program now common in the U.S. Auto industry, it would have been dismissed as either utopian or subversive. Those who argue that today's labor-management cooperative efforts should be banned do not acknowledge that the Republic Steel days are over.

In the 1930s, employers and employees saw each other as adversaries. Today, the split between management and labor has narrowed dramatically. Partly as a result of the technological revolution, which has endowed workers with sophisticated skills, managers at America's most successful companies regard employees as partners in improving quality. The concept of "compliance" management has been replaced by "commitment" management, reflecting this cooperative relationship.

The concept is not new. Japan's post-war recovery was based on innovative approaches to implementing Total Quality Management. W. Edward Deming and Joseph Juran's TQM concept was so successful that the Deming Prize was instituted in 1951 to reward Japanese firms deemed best at improving quality. Mr. Deming's "Fourteen Points of Management Obligation," upon which TQM is based, specifically addresses the need to eliminate formal labor-management barriers.

In 1988, the General Accounting Office reported on the adoption of TQM by the U.S. Auto industry, a direct response to increasing competition from Japanese firms. Spotting the trend, Congress in 1987 established a "Deming Prize" for U.S. Firms—the Malcolm Baldrige Award. The award encourages new approaches to labor-management cooperation.

As firms seek to improve their competitiveness, participative management is the preferred management style. A recent survey by the American Society for Training Development found that nearly 60 percent of companies surveyed listed improving employee participation as their most effective quality management tool; 75 percent also cited "team building" as an effective tool.

Meanwhile, the value of labor-management committees has not been limited to private industry. The Federal Aviation Administration now uses such committees in many of its air traffic control facilities. Labor and management both are praising the innovation for boosting morale and improving safety measures more than any other effort since the 1981 PATCO strike.

Beyond its support for the Baldrige award, Congress clearly supports the modern-day use of labor-management cooperative efforts. The 1978 Labor-Management Cooperative Act established a program of federal financial assistance to cooperative management programs. More recently, the dislocated worker program enacted in 1988 requires states to encourage the establishment of labor-management committees to help workers find new jobs after plant closings and layoffs. This year, Congress is considering a bill to mandate use of labor-management safety committees in both union and non-union workplaces.

It should not take a further act of Congress to let the NLRB know that cooperation is sound public policy. The board should use the Electromation case to affirm the value of employee participation programs. Without them, America's best firms may lose their competitive edge.

DERRICK BASS: ONE OF NORTH MIAMI BEACH'S BEST

HON. WILLIAM LEHMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 24, 1991

Mr. LEHMAN of Florida. Mr. Speaker, the city of North Miami Beach can be proud of Derrick Bass, a 1991 graduate and valedictorian of North Miami Beach Senior High School, who was one of the top five physics students chosen to represent the United States of America at the Physics Olympiad held in Havana, Cuba, in August.

In 1989, Derrick also represented the United States in the Physics Olympiad, then held in Warsaw, Poland. At that time, he received a bronze medal for his efforts.

This time, however, he brought home the gold.

The University of Miami provided two free physics courses for Derrick because there were no courses offered in the public schools at his level. Derrick maintained an A average in both courses. Derrick is presently studying physics at Harvard University.

Mr. Speaker, Derrick Bass is a fine example to students across the Nation. These outstanding achievements attest to the fact that Derrick is one of city of North Miami Beach's best and brightest.

THE 86TH CONFERENCE OF THE INTERPARLIAMENTARY UNION

HON. EDWARD F. FEIGHAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 24, 1991

Mr. FEIGHAN. Mr. Speaker, as President of the U.S. Interparliamentary Group, I would like to share with my colleagues the resolutions passed by the Interparliamentary Union [IPU] at its 86th conference, held in Santiago, Chile, on October 5–12, 1991.

The resolutions dealt with diverse topics including the role of parliaments in ensuring the necessary links between freedoms, citizen involvement, economic growth, and social investments; development of measures to prevent and intervene against international genocide; and efforts to achieve greater liberalization in international trade, especially through successful conclusion to the Uruguay round of GATT negotiations.

These resolutions, as well as an additional emergency resolution condemning the recent coup d'etat in Haiti, were unanimously adopted by the conference participants.

I have forwarded these resolutions to the respective committees of jurisdiction and I ask that the full text be printed in the CONGRESSIONAL RECORD following this statement.

HUMAN DEVELOPMENT: ECONOMIC GROWTH AND DEMOCRACY—THE ROLE OF PARLIAMENTS IN ENSURING THE NECESSARY LINKS BETWEEN FREEDOMS, CITIZEN INVOLVEMENT, ECONOMIC GROWTH, AND SOCIAL INVESTMENTS

(Resolution adopted without a vote.)

The 86th Inter-Parliamentary Conference,

Bearing in mind the objective set forth in the United Nations Charter and the Universal Declaration of Human Rights of promoting and encouraging respect for human rights and fundamental freedoms for all, without distinction as to race, sex or religion,

Acknowledging that the basic objective of human development is to enlarge the range of peoples' choices, in particular with regard to access to income and employment opportunities, education, health and a clean and safe physical environment, in order to make development more democratic and participatory,

Recognizing that each individual should have the opportunity to participate fully in community decisions and to enjoy human, economic and political freedoms,

Acknowledging that access to information is a fundamental part of democratic development,

Recognizing that a healthy and safe environment is essential in order to ensure sustained growth and development for future generations and thus to avoid compromising their options,

Believing that the promotion and protection of all aspects of human rights encompassing economic, social and cultural rights as well as civil and political rights must go hand in hand with development efforts and focus on the development of human beings both as individuals and as members of society,

Recognizing that education, health and environment policies are major prerequisites for proper human development, and that citizenship education is an important responsibility of Parliaments,

Emphasizing that widespread illiteracy seriously hinders, especially in developing countries, the process of economic, social and political development and cultural and spiritual advancement,

Recognizing that the female population is particularly prey to underdevelopment and aggravated poverty throughout the world,

Further recognizing that adequate income-earning opportunities and properly directed public spending on human priority needs[1] are essential components of human development.

Concerned that although major steps are being taken by some countries to reduce nuclear armaments, military expenditure nevertheless consumes substantial amounts of the national budgets of many countries.

Recognizing that the reduction of military expenditure would permit the allocation of the resources released to development and economic planning,

Aware that the worsening economic and social effects of the population explosion in developing countries, the deterioration of international terms of trade for suppliers of natural resources and the enormous debt burden borne by the majority of developing countries will cause the gap between developed and developing countries to widen even more,

Reiterating that in an increasingly interdependent world, sustained economic development in developing countries is largely dependent on a favourable international economic environment, and interrelated with the economies of the developed countries,

Acknowledging that some donor and recipient countries are reluctant to undertake social expenditures which offer little immediate financial returns and demand recurring expenditure,

Recognizing the value of a global compact for human development which emphasizes the central importance of people and analyses each issue for its impact on people,

Reaffirming the human development, economic growth and democracy are inextricably linked and that human development can be best achieved by the promotion of more balanced economic growth and more participatory development.

Recalling that, while democracy is a universal principle, it is up to each country to devise its own structures to implement that principle in conformity with its respective cultural values, traditions and aspirations,

1. Calls on all countries to make a firm political commitment to human development and to undertake appropriate measures to redirect current spending to human development;

2. Recommends the implementation of a broad programme of action to mobilize and increase people's capabilities and investment opportunities, to diversify the economic base and to eliminate barriers to equal opportunity;

3. Demands that specific targets and programmes be set to reduce the adult illiteracy rate with sufficient emphasis on female illiteracy to reduce significantly the current disparity between male and female illiteracy rates;

4. Calls for GNP statistics to take account of unpaid family work so that the various tasks undertaken for the family group may at last be recognized by society;

5. Strongly hopes that the economic and social status of women as an essential component of a successful strategy for human development will be improved and that all development policies will give priority to

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[1] As defined by the United Nations Development Programme [UNDP].

education, health care, family planning, improved diet, employment and advancement opportunities, and equal pay;

6. Calls on the Union to take part through all appropriate means in the activities of the "Special Health Fund for Africa" whose creation was recommended by the Inter-Parliamentary Conference on "Health—a Basis for Development in Africa" jointly organized by the IPU, WHO are the Union of African Parliament in Brazzaville in June–July 1988;

7. Urges all Governments and Parliaments to initiate or accelerate the necessary basic reforms in schools and in vocational training so as to enable all people to obtain qualifications suited to a modern economy;

8. Calls on all Parliaments to urge their respective Governments to introduce education programmes which ensure that citizens are aware of their democratic rights, their responsibilities and the need to participate in the democratic process;

9. Calls for more intensive co-operation between developed and developing countries as a means of dealing with the increasingly pressing problems of the deterioration of the global environment and the impoverishment of developing countries;

10. Calls on countries to take all appropriate measures to increase their productivity and competitiveness so as to open up opportunities worldwide;

11. Calls on Parliaments to examine the distribution of public and private spending on human development and to ensure that spending targets social and human needs;

12. Appeals to the Governments and Parliaments of the industrialized countries to improve market access for developing countries and to create new economic opportunities, particularly by finding a comprehensive and durable solution to the external debt problem of developing countries, inter alia by taking account of the need to reduce significantly interest on all types of debt;

13. Calls for the development of specific planning tools to analyse public spending on human development, and requests that Parliaments set up appropriate structures to monitor human development in their countries;

14. Recommends that Parliaments use the criteria established by the United Nations Development Programme to analyse public spending on human development;

15. Encourages all States, Governments, Parliaments and citizens to take stock of the inseparable links between the environment and the economy and to recognize that only responsible behavior can preserve the environment and its natural resources;

16. Recommends that all Parliaments and Governments, in making their economic decisions, be urged to take firm action to protect the environment;

17. Calls on donor countries to meet the internationally agreed minimum target of 0.7 per cent of GNP for official development assistance and to ensure that a significant proportion of such aid is earmarked for human priority areas;

18. Calls for reassessment of the development aid allocated to technical assistance to ensure that funds are used to build up local institutions and mobilize national expertise;

19. Recommends reshaping of economic and political systems to further human development and the use of various strategies to balance political pressures, including approaches that encourage democratic freedom, promote common interests, compensate powerful groups, empower weaker groups, and co-ordinate external pressures;

20. Calls on Governments to facilitate access to information, in particular by developing an information network free from political influence;

21. Also calls on Governments to engage in a global dialogue for human development so that by the year 2000, all have access to primary education, primary health care, family planning and safe water, serious malnutrition is eliminated and opportunities for productive, remunerative and satisfying employment are expanded;

22. Further calls on countries with heavy military expenditures to redirect the resources involved to human development programmes;

23. Calls for a mutual commitment to human development in the field of official development assistance with honor countries reassessing their aid priorities and recipient countries realigning their expenditures so as to increase the human expenditure ratio;

24. Urges all countries to renew their commitment to a successful conclusion of the Uruguay Round of multilateral trade negotiations within the GATT with a view to a balanced outcome that takes account of the interests of all parties, particularly the developing countries.

Development of Measures To Prevent and Intervene Against Genocide Through International Cooperation Within the Framework of Competent International Bodies Such as the United Nations

(Resolution adopted without a vote.)

The 86th Inter-Parliamentary Conference,

Recalling that under the Charter of the United Nations, member States have pledged themselves to take joint or separate action, in cooperation with the United Nations, for the achievement and promotion of universal respect for and observance of human rights and fundamental freedoms,

Reaffirming the principle laid down in the Universal Declaration of Human Rights, that recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

Recalling United Nations General Assembly resolution 260 (III) adopted on 9 December 1948, which approved the convention on the Prevention and Punishment of the Crime of Genocide and urged all countries to accede to the Convention,

Reaffirming that international humanitarian law obligates belligerents to offer protection to captured and sick combatants and civilians, who are entitled to respect for their life and their moral and physical integrity as provided for in the four Geneva Conventions of 1949 and their two Additional Protocols,

Noting with satisfaction that the Genocide Convention of 1948 as well as the four Geneva Conventions of 1949 have gained virtually universal acceptance,

Recognizing that genocide constitutes a crime against humanity under international law and a grave threat to international peace and security, and that persons committing genocide must be punished, whether they are constitutionally responsible rulers, public officials or private individuals, and noting the conclusions and recommendations of studies on the question of the prevention and punishment of the crime of genocide, conducted under the auspices of the United Nations Sub-Commission on Prevention of Discrimination and Protection of Minorities, calling for the urgent adoption of additional and more substantive measures against perpetrators of genocide,

Mindful that despite all undertakings, the twentieth century is replete with instances of genocide committed by States, constitutionally responsible rulers and public officials,

Gravely concerned that existing tensions and conflicts involving national, ethnic, racial, religious or cultural groups may constitute or give rise to the crime of genocide,

Recalling that the annexation of territories, forced displacement of populations, racial discrimination and apartheid may lead to genocide,

Concerned that existing measures are underutilized by the competent international organizations and are inadequate to effectively prevent or intervene against genocide,

Conscious that the absence of adequate enforcement mechanisms constitutes a failure by the international community to implement the principles and standards laid down in the Charter of the United Nations and in international human rights instruments,

Noting that, as a consequence, the crime of genocide has been punished only very rarely since the adoption of the Convention on the Prevention and Punishment of the Crime of Genocide,

Convinced that Parliaments can play an important role in the consolidation and expansion of measures to prevent genocide and of co-operation to free the world from this scourge,

Emphasizing the duty of the United Nations Security Council to take collective action with respect to acts of genocide and aggression, which constitute crimes against humanity and breaches of the peace, in order to prevent resort to unilateral intervention and violation of the political independence and territorial integrity of States,

Reiterating the importance of preventive measures, such as the establishment and support of impartial and authoritative human rights bodies, which can call the attention of the international community to situations likely to lead to genocidal actions,

Pointing out that the crime of genocide cannot be prevented without extensive international co-operation between bodies and organizations working in the field of human rights,

1. Vigorously condemns the crime of genocide, and recalls that it constitutes a crime under international law, whether committed in time of peace or of war;

2. Emphasizes that the elimination of the crime of genocide requires all countries to adopt open political systems based on respect for human rights and fundamental freedoms;

3. Urges States that have not yet done so to accede to or ratify the Convention;

4. Expresses its conviction that, in order to eliminate genocide, it is essential that all countries implement the Convention on the Prevention and Punishment of the Crime of Genocide;

5. Calls on the United Nations to take all appropriate measures, in particular the establishment of an international early warning system, to prevent genocide and intervene in any situation likely to lead to genocide;

6. Emphasizes that the principle of non-interference in matters which are essentially within the jurisdiction of States must not prevent the United Nations from taking measures to ensure respect for fundamental human rights principles and the prevention and punishment of the crime of genocide;

7. Recommends that, to prevent any violation of the territorial integrity and political independence of States and to avoid the need

to resort to unilateral humanitarian intervention by armed force because of the absence of other effective measures, the Security Council give serious consideration to the possibility of using United Nations peace-keeping forces, in conformity with the Charter, to prevent or intervene against massive and flagrant violations of human rights and fundamental freedoms, in particular the annexation of territories and forced displacements of populations, which are likely to lead to, or which constitute genocide and which threaten international peace and security;

8. Calls on the United Nations Commission on Human Rights to appoint a Special Rapporteur on Genocide to report annually—in his/her capacity as an independent expert—on progress made in the prevention and punishment of the crime of genocide;

9. Urges that the Convention on the Prevention and Punishment of the Crime of Genocide be amended to include cultural genocide, namely, all measures aimed at the extermination of the languages or dialects and cultures of any minority or people;

10. Also urges Member States parties to the Convention on the Prevention and Punishment of the Crime of Genocide to set up the international penal tribunal contemplated in Article VI in order to try and punish perpetrators of acts of genocide; such a tribunal should have compulsory jurisdiction over all offenses if domestic remedies are exhausted or substantially ineffective;

11. Further urges Member States parties to the Convention on the Prevention and Punishment of the Crime of Genocide to request, in the spirit of Article VIII, the establishment of a committee on genocide whose function would be to receive petitions and to carry out investigations in connection with allegations of genocide, to seize the international tribunal and to take urgent steps to end genocide wherever it might be committed;

12. Calls for effective measures to be taken to protect the rights of minorities in all States, in keeping with the spirit of the work of the Commission on Human Rights on the Declaration of the Rights of Persons belonging to National, Ethnic, Religious or Linguistic Minorities;

13. Also calls for the co-ordination of efforts to establish or reestablish the legitimate rights of all oppressed peoples of the world and for an end to all repressive practices to which they are subjected;

14. Reiterates that all sovereign States, pursuant to their Constitutions, should enact the necessary legislation for the implementation of the provisions of the Convention on the Prevention and Punishment of the Crime of Genocide;

15. Stresses the need for the prompt completion of the draft international code of offences against the peace and security of mankind;

16. Calls on all Inter-Parliamentary Groups to bring the proposed measures to the attention of their respective Governments and to exchange information and experience concerning measures taken to facilitate international co-operation in that sphere;

17. Requests the Secretary General of the Inter-Parliamentary Union to transmit this resolution to the Secretary-General of the United Nations and to discuss with him the possibility of organizing international co-operation within the framework of the United Nations and other competent international bodies to develop these and other measures to prevent and intervene against the crime of genocide;

18. Also requests the Secretary General of the Inter-Parliamentary Union to report to the Inter-Parliamentary Council on his consultations with the Secretary-General of the United Nations at the next Inter-Parliamentary Conference.

THE ROLE OF PARLIAMENTS IN SUPPORTING EFFORTS TO ACHIEVE A GREATER LIBERALIZATION OF INTERNATIONAL TRADE, IN PARTICULAR THROUGH A SUCCESSFUL CONCLUSION TO THE URUGUAY ROUND

(Resolution adopted without a vote.)

The 86th Inter-Parliamentary Conference,

Mindful of the essential contribution of international trade to the continued growth and development of the world economy as a whole, and its constituent countries individually, especially the developing nations,

Being aware both of the constraints on growth and development which can arise from various forms of protectionism, and of the opportunities which can be generated by trade liberalization despite some short-term problems, and recognizing the importance of maintaining a balanced social structure in all countries,

Convinced that the interests of the world community will best be served by an open, rules-based and comprehensive multilateral trading system,

Recalling that the only such system in existence is embodied in the General Agreement on Tariffs and Trade (GATT),

Recognizing that the debt-servicing capacity of developing countries depends on increasing their exports, not least agricultural products and services,

Further recognizing that the Uruguay Round of multilateral trade negotiations is the principal means available for improving and extending the GATT and significantly increasing trade liberalization,

Deeply concerned that the Uruguay Round was not concluded on schedule at the end of 1990, and that major differences remain in several key areas, including agriculture and services,

Conscious of the urgent need for planned progress in resolving these differences if the negotiations are to be concluded without further costly delay,

1. Invites Parliaments and Governments to recognize the damage to the multilateral trading system and the boost to protectionism which would ensure should the Uruguay Round be allowed to collapse;

2. Considers that an outcome to the Uruguay Round which creates a fairer and more liberal world trading environment will contribute significantly to the long-term prosperity and well-being of the consumers and producers of goods and services;

3. Calls on the Parliaments and Governments of countries participating in the Uruguay Round to facilitate the successful conclusion of these negotiations, and stresses the need to safeguard the interests of all parties in the adjustment process, while minimizing negative effects;

4. Urges those countries seeking to resolve particular differences in the negotiations to adopt a flexible approach to overcoming these obstacles, bearing in mind that all participants have an interest in a comprehensive and far-reaching outcome;

5. Asks all Parliaments and Governments to take into consideration the interests of developing countries, especially in the field of agricultural exports and the strengthening of their service sectors so as to participate fully in and derive advantage from the process of progressive liberalization, the phasing out of the MFA (Multi-Fibre Arrangement) and the phasing in of GATT disciplines, and the maintenance of the principle of "differential and more favourable treatment" for developing countries' exports;

6. Recommends that participants in the Uruguay Round endeavour to enhance the role and mechanisms of the GATT;

7. Invites all Parliaments and Governments to support the 8th Session of the United Nations Conference on Trade and Development (UNCTAD VIII) scheduled for February 1992 in Colombia so that it may achieve concrete results that will help to reactivate international trade and the world economy, particularly as concerns the developing countries;

8. Requests all Parliaments to support fully their countries' representatives in the GATT negotiations in their efforts to secure a successful and mutually beneficial outcome to the Uruguay Round, preferably before the end of 1991.

TRIBUTE TO MR. HAROLD G. SHIRLEY ON HIS RETIREMENT

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 24, 1991

Mr. TRAFICANT. Mr. Speaker, I rise today to wish a dedicated steelworker well as he retires from Copperweld. Mr. Harold G. Shirley of my 17th District of Ohio will retire on November 7, 1991.

Mr. Shirley is to be commended for his 35 years of dedicated work in the American steel industry. Indeed, Mr. Shirley has been a shining example of an American dream. After serving his country in the Army, Mr. Shirley joined Copperweld in the inspection department. From there, he ascended to mill finishing superintendent in 1984.

Offered early retirement due to his great contributions to the company, Mr. Shirley, the "Big Chew," joins his family and friends at Cesta's Golden Gate to celebrate on November 7, 1991.

I rise today, Mr. Speaker, to congratulate and commend a great winner for his contribution and dedication to the steel industry. Congratulations, Mr. Harold G. Shirley.

THE OMNIBUS CRIME CONTROL ACT OF 1991

HON. JOAN KELLY HORN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 24, 1991

Ms. HORN. Mr. Speaker, I rise today to speak in support of the House-passed bill, H.R. 3371, the Omnibus Crime Control Act of 1991. We are here today because fear has pervaded all of our communities. Every day we are confronted with alarming new statistics and horror stories of gang violence, drug-related deaths and murders. Crime has taken its toll upon our economic—as well as our emotional—security. We must develop serious solutions to the core problems associated with crime.

The greatest challenge we face is how to make our communities more safe. How can we assure or families that they and their children will be safe on the streets and in their schools? We can only do that if we give our communities and our law enforcement agencies the resources to implement programs and enforce laws. This bill focuses on these priorities. I would like to highlight three of these areas.

First, title I of the bill provides additional funds to community policing efforts. These programs—the most recognized is the "cop on the beat" program—can help put another officer on the street to patrol areas where the most crime occurs. It brings them into the community to deter and to enforce the laws. This project will greatly benefit specific areas that may be deteriorating because of rising crime. This section also provides valuable training programs for officers to improve communications and responsiveness in high-stress situations.

Second, the bill includes a number of provisions to make schools safer from crime and drugs. For example, penalties are substantially increased for selling drugs near schools or playgrounds. Drug abuse resistance education [DARE] programs receive additional funds to expand their excellent cooperation between police officers, schools and students to help our children recognize and resist the dangers of drugs. Over 5 million children across the country participate in these programs—including fifth and sixth grade children from almost every municipality in St. Louis County and St. Charles County. I strongly support these programs. Nothing is more important than ensuring a safe, healthy learning environment.

Third, $300 million has been set aside to establish and support new "drug emergency areas" in cities across the United States. Using financial resources to combat the growing drug dilemma in problem areas will benefit the entire country. The bill also increases penalties for persons who sell drugs, and includes a death penalty for drug traffickers who kill a police officer or bystander. In addition, increased funding will allow the Drug Enforcement Agency to hire 350 new agents for interdiction and control of illegal drug trafficking.

Finally, the bill streamlines Federal habeas corpus review procedures and limits successive petitions in death penalty cases. The bill requires prisoners to file a habeas corpus petition within 1 year of their final State appeal. It balances the constitutional right to appeal death penalty sentences while, at the same time, does not allow this process to proceed endlessly.

Mr. Speaker, this bill addresses crime in our communities. We must now ensure that these efforts are more than just words and intentions. We must reconcile our differences with the Senate and the administration and get a good bill passed.

It is time to end the rise in crime. This bill focuses on ways to reach this goal. I ask my colleagues to move quickly to enact it into law.

TRIBUTE TO BELLEVILLE, IL

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 24, 1991

Mr. COSTELLO. Mr. Speaker, I rise today to pay tribute to the city of Belleville, IL, and its sister city of Paderborn, Germany.

Civic leaders and public officials in my home town of Belleville recently signed a joint pact with Paderborn to establish cultural exchanges and other mutually beneficial relationships. This agreement was promoted by the mayor of Belleville, Rich Brauer, and his wife Dottie.

I had the opportunity to meet with 46 residents of Paderborn who visited the U.S. House of Representatives in Washington, DC recently. These citizens had the occasion to admire our Nation's Capitol and our American democratic process at work. It was a very enjoyable opportunity for me to personally escort our sister city residents around this beautiful monument and symbol of our Federal Government.

It is my belief that this sister city agreement will be of tremendous benefit to both cities. Now that I have met residents of our sister city and have a better perspective on the city of Paderborn, I want to extend my hand of friendship to them in the years to come on their future visits to America.

GOLDEN JUBILEE SISTER ALESSANDRA KUBASTA

HON. STEVE GUNDERSON

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 24, 1991

Mr. GUNDERSON. Mr. Speaker, I want to take this opportunity to extend personal congratulations to Sister Alessandra Kubasta on her Golden Jubilee as a Dominican Sister.

On November 10, 1991, Sister Alessandra Kubasta will celebrate 50 years service as a nun. She has had a very fulfilling and varied life as a teacher and principal in Catholic schools in New York, California, Illinois, and Wisconsin and now as postmaster at Sinsinawa.

Occasions such as these bring me to quote St. John of the Cross: In the twilight of our lives we will be judged on love, that's all. Not what we accumulated, or what power or prestige we have or that we gave lots of money or things. Just simply on how we loved. What else is there?

May the love that has carried Sister Alessandra Kubasta through the last 50 years of service and dedication carry her through the next 50 years. As she serves the Lord and those around her, may her many efforts be bountiful and grant her inner peace.

Thank you, Mr. Speaker. On behalf of the citizens of Wisconsin's Third Congressional District, our sincerest congratulations to Sister Alessandra Kubasta.

CONGRATULATIONS TO THE HUTTO LUTHERAN CHURCH ON THE OCCASION OF THEIR 100-YEAR ANNIVERSARY

HON. GREG LAUGHLIN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 24, 1991

Mr. LAUGHLIN. Mr. Speaker, I rise today in front of this great body to call your attention to Hutto, TX, in Williamson County, on the occasion of the centennial anniversary of the Hutto Lutheran Church.

This church was founded by Swedish settlers on June 14 in 1892. Hutto was a young, thriving community when a group of Lutherans met on January 25, in a small schoolhouse. It was there they made plans to build a church.

They sought guidance from the mother country. On June 25, 1892, under the leadership of August Swenson the group met and agreed to accept the constitution of the Augustana synod in Sweden.

On August 6 of the same year the congregation voted to build their first church at the site of the Nelson and Swenson Gin, which currently is the site of the Hutto co-op.

A storm destroyed the first church on July 21, 1894. The congregation outgrew their second church at the turn of the century. On the last Sunday in July 1902, dedication services for the congregation's third church were held. The congregation still worships in that church.

Mr. Speaker, distinguished Members, I stand before you today and ask that you join me in congratulating the Hutto Lutheran Church on the occasion of their 100-year anniversary. May their unwavering faith in God and country carry them through to another 100 years.

EIGHTEEN INDIVIDUALS COMPLETE THE SHEET METAL WORKERS APPRENTICESHIP PROGRAM

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 24, 1991

Mr. VISCLOSKY. Mr. Speaker, I would like to congratulate 18 men from Indiana's First Congressional District who have successfully completed the Sheet Metal Apprenticeship Program.

The following individuals will be officially recognized as members of the Sheet Metal Workers Union local No. 20 and the international association: Jerry Clusserath, Dennis Gilbert, Terry Grimler, Terry Jensen, Robert Krantz, Russell Long, Tom Masterson, Mark Moore, James Pisarski, John Rachford, Jeff Relinski, Michael Rivich, Michael Selman, Michael Sheriff, Steven Sovinec, Randy Szafarczyk, John Walsdorf, and David White.

It has been my privilege and honor to work with the membership of local 20 over the last several years. They have, in no uncertain terms, played a key role in sustaining the growth, economy, and development of northwest Indiana. From hospitals to homes, from schools to steel mills, sheet metal workers have played a critical part in building northwest Indiana.

The 18 men I commend to you for completing the apprenticeship program follow in the proud history of skilled tradesmanship of the dedicated members of local 20. Through the commitment and skills they have learned from their fellow workers, I am confident that these new members of local 20 will continue to make the region a better place to live.

REGISTRATION OF CERTAIN CRIMINAL ALIENS

HON. LAWRENCE J. SMITH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 24, 1991

Mr. SMITH of Florida. Mr. Speaker, section 263 of the Immigration and Nationality Act [INA] authorizes the registration of certain aliens, including alien crewmen and holders of cross-border identification cards.

Today, I am proposing legislation that adds to the law the registration of aliens who "are or have been on criminal parole or criminal probation" within the United States.

About 90 percent of criminals are not incarcerated or are jailed for only a short period of time. My proposal would require these aliens to report to INS; INS then would be able to determine whether these aliens are deportable under the law and, when appropriate, could initiate deportation proceedings.

The law already covers aliens within the prison system. My bill would affect those whose cases are disposed of via probation.

I hope that this provision would encourage the States to make registration with the INS a requirement for parole: No registration means revocation of parole. This could reduce probation workloads: if the alien is deported, the case is closed; if the alien fails to register and probation is revoked, the alien is sent to prison and the probation officer can devote time to other cases.

I realize that the INS has not issued regulations for the rest of section 263. The Federal Government has not the jail space to incarcerate deportable aliens. INS also does not have the money to go after the real criminal alien and will not be able to handle those covered by the amendment. Finally, the true criminal will not register with INS, but the poor alien on probation for DUI might subject him/herself to deportation.

Yet, Congress establishes both immigration and anticrime policy. If this could have an impact on crime control, then INS will request the funds and Congress, I am certain, will provide them.

WEST MIAMI HONORS COMMISSIONER VALERIE HICKEY-PATTON FOR 20 YEARS OF SERVICE

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 24, 1991

Ms. ROS-LEHTINEN. Mr. Speaker, it is my great pleasure to recognize West Miami Commissioner Valeria Hickey-Patton, who will be honored for her many years of service by the City of West Miami at a reception at the West Miami Community Center on November 15.

Commissioner Hickey-Patton recently moved to the Orlando area, after retiring as a public official in the City of West Miami. For nearly 20 years, she served West Miami on its City Commission. Among her many roles on the commission included service as West Miami's first woman mayor in 1984–86, vice mayor in 1987–89, and a three-term chairman of the City Commission.

Earlier this year, commissioner Hickey-Patton was a runnerup for the Florida League of Cities "E. Harris Drew Award" which is given to Florida's most outstanding city official. The Dade County League of Cities nominated her for the award, citing her many years of work as an elected official in West Miami, a prime leader in the Florida League of Cities, a committee chair of the Florida League of Cities, an active committee member of the National League of Cities and a legislative lobbyist for the American Association of Retired Persons.

Among her many accomplishments as a city official was her work for grants for West Miami's Senior Citizens Hall and the meals program. She also obtained a "covered pathway" for the children at Sylvania Heights Elementary School, from the portable classrooms to the main building. She devoted much time to working with young people with the Flagami Koury Baseball League, serving the children refreshments and properly attending them when they were hurt.

She has been recognized for her work by numerous appreciation awards from Metropolitan Dade County government, the Dade County School Board, the Veterans of Foreign Wars, Jewish War Veterans, Temple Beth Tov, Young Women's Christian Association, and almost all of Dade County's 28 cities. She also received a "Woman of Achievement Award" from Miami's oldest television station WTVJ, a "Woman of the Year Award" from the Florida Business and Professional Association, and is listed in "Who's Who of American Women."

Commissioner Hickey-Patton served her city well for over 20 years, because as she puts it, "she loved that little city". I am proud to recognize her work as a public servant today. She has set an example which we can all be proud of, and which all public servants should try to imitate.

VIETNAM: THE ISSUE OF NORMALIZATION

HON. JOHN W. COX, JR.

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 24, 1991

Mr. COX of Illinois. Mr. Speaker, I would like to express my enthusiasm and support for recent developments in United States policy toward Vietnam. Yesterday, Secretary Baker announced that the United States is now prepared to begin the normalization of relations with Vietnam. This represents a marked change in our attitude toward Vietnam, a change that promises benefits for both nations.

The United States has not pursued formal diplomatic relations with Vietnam since the war ended in 1975. The past two decades have been marked by an insufficient accounting of U.S. service personnel who served in the war. Recently, however, Hanoi has been more cooperative in providing assistance to missions to locate lost American soldiers. Further progress in the diplomatic arena is an important means of ensuring that all information possessed by the Vietnamese Government with regard to United States POW's and MIA's is disclosed. I am optimistic that motion toward normalization will open further doors on the road to a final resolution of the POW/MIA question.

The United States trade embargo has contributed to the economic isolation of Vietnam. However, history has often shown us that economic isolation can thwart efforts toward political democracy. An increase in trade, technical exchange, and cultural contact between the United States and Vietnam can increase opportunity for ideological change and economic reform. As the citizens of Vietnam are exposed to the benefits of free markets and democratic government, there is an opening for progress in these areas.

Again, I would like to commend Secretary Baker on his efforts with Vietnam, and to offer my support as we begin the process of normalization. I am encouraged by yesterday's developments, and hopeful that we are on track toward a full disclosure of information regarding U.S. POW's and MIA's and, finally, a lasting peace in the region.

TRIBUTE TO MARY MULHOLLAND

HON. DICK ZIMMER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 24, 1991

Mr. ZIMMER. Mr. Speaker, tomorrow Mary Mulholland of Morristown, NJ, will be honored by the New Jersey chapter of the National Society of Fund-Raising Executives as Outstanding Volunteer of the Year for the second consecutive year.

Mrs. Mulholland is affectionately known as the Mother of the Dope. The Dope is the Dope Open, a golf and tennis fundraiser that has raised as much as $1 million each year to fight alcohol and drug abuse. Mrs. Mulholland and her late husband, Robert, founded the Dope Open.

Mrs. Mulholland is also a founder and board member of Hope House, a rehabilitation center in Morris Plains. She has been a United Way volunteer for 25 years and has served as director of development for Dover General Hospital for the last decade. Mrs. Mulholland has provided distinguished service for 28 organizations in her community including the National Academy of Child Development, Morris County After Care, the College of St. Elizabeth, Dover Rotary Club, Zonta International, New Jersey State Medical Auxiliary, the New Jersey Law Enforcement Memorial Fund, and the Tri-County Scholarship Fund.

In addition, Mrs. Mulholland is mother of six and grandmother of six.

She is being honored for having demonstrated exceptional leadership skills in coordinating and motivating groups of volunteers in fundraising campaigns.

By giving freely of her time and talents, Mary Mulholland has done more than her share to make this Nation a land of opportunity and she has made her community an even better place to live.

I ask my colleagues to join me and her friends and family in saluting Mrs. Mulholland for her invaluable contribution to those in need.

COMMENDING SOLECTRON CORP., RECIPIENT OF THE 1991 MALCOLM BALDRIGE NATIONAL QUALITY AWARD

HON. NORMAN Y. MINETA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 24, 1991

Mr. MINETA. Mr. Speaker, I am pleased to rise today to recognize the selection of Solectron Corp. of San Jose, CA, as recipient of the 1991 Malcolm Baldrige National Quality Award.

Solectron, led by my very good friends, chairman Winston Chen and president Ko Nishimura, is the Nation's second largest independent provider of customized, integrated manufacturing services to electronic original equipment manufacturers. Their customers include makers of computer peripherals and accessories, mainframe mass storage, engineering workstations, and telecommunications and medical equipment.

Founded in 1977, Solectron has consistently emphasized high-quality products. They put the customer first, respect their employees as individuals, promote teamwork with their suppliers, maintain the highest standards of business ethics, and are active in the community life of Silicon Valley.

Mr. Speaker, when Congress created the Malcolm Baldrige National Quality Award in 1987, our idea was to promote quality awareness by recognizing quality achievements of U.S. companies and publicizing their successful quality strategies. The award is not given for specific products or services. Applicants must undergo a rigorous evaluation by an independent board of experts, describe their company's methods for assuring the quality of goods and services, and detail their achievements in leadership, information and analysis, strategic quality planning, human resource utilization, quality results, and customer satisfaction.

Solectron has met each of these criteria, which is why it is an honor for me to commend their efforts here today.

Mr. Speaker, I ask my colleagues to join with me in congratulating Solectron for achieving this great honor. If America is to compete successfully in a world focused increasingly on economic competition more than military confrontation, we will need more companies like Solectron and their commitment to quality and community.

ELLEN AND PETER STRAUS: TWO STARS IN A GORGEOUS MOSAIC

HON. STEPHEN J. SOLARZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 24, 1991

Mr. SOLARZ. Mr. Speaker, I rise today to pay tributre to the achievements of my dear friends, Ellen and Peter Straus. Earlier this month, these deserving citizens and distinguished New Yorkers were awarded the Gorgeous Mosaic Award by the Urban Coalition.

I have been privileged to know Ellen and Peter Straus for the past 15 years. During that time I have been consistently impressed with their tireless efforts to serve the city of New York, the State of New York, and, in fact, the United States of America, as volunteers, as examplars of public service, and as members of the business community.

At a time when volunteerism is highly touted but often severely lacking, Ellen and Peter have unstintingly given of their time and energy to enhance relationships among ethnic groups within the city of New York. They have always placed the public good above their own self interests. They always said yes when asked to serve, even when their health and welfare probably required that they say no. They have always been there when the city of New York and our Nation have needed them.

I have served in public office for the last 23 years. During that time I have been privileged to have known many fine Americans. None have been more dedicated, more tireless in their efforts to make the city of New York, the State of New York, and the United States better places to live, and are more deserving of this award given to Ellen and Peter Straus.

I am pleased to publicly congratulate Ellen and Peter Straus on receiving this great award and thank them for their numerous contributions to others.

NATIONAL BUSINESS WOMEN'S WEEK

HON. PAT WILLIAMS

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 24, 1991

Mr. WILLIAMS. Mr. Speaker, today I encourage my colleagues to join me in celebrating National Business Women's Week, October 20–26, 1991. The week, is sponsored by the Business and Professional Women and honors America's 56 million working women.

Formed in 1919, Business and Professional Women is an organization of 100,000 working women dedicated to the promotion of full participation, equity, and economic self-sufficiency for working women. Active in 3,000 local communities across this Nation, Business and Professional Women salutes working women and the companies that employ them. We in Congress honor women for their hard work, dedication to job and community, and for their vital contributions to America's economy. We join also in saluting progressive companies that excel in equitable treatment of women workers, their forward-thinking and maximum use of America's diverse work force.

As we approach the year 2000, we are all aware that women—who now make up more than 45 percent of the labor force—will be the majority of new entrants to America's ranks of workers. Let us take this week to congratulate the women who are already proven they are a major force in the U.S. economy.

But, let us also remember that although women may now be found in all occupations and job classifications, they still make, on average, only 69 cents for every man's dollar. The time has come for pay equity to be addressed in this Nation.

Working women strive to balance work and family lives and to raise a generation of children who see men and women as equal. For this reason, I join Business and Professional Women in strongly supporting the passage of the Family and Medical Leave Act, allowing working parents to spend valuable, nurturing time with young or sick children without losing their rightful place in the work force.

America's working women have proven their value—from the corporate office to the factory floor, from the operating room to the schoolhouse, from the firehouse and small businesses to the sands of the Persian Gulf. I join Business and Professional Women in saluting the working women of America and I urge my colleagues to do the same.

MYRNA PAVILACK: OUTSTANDING WOMAN OF 1991

HON. WILLIAM LEHMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 24, 1991

Mr. LEHMAN of Florida. Mr. Speaker, last spring, Myrna Pavilack was honored by the North Miami Chamber of Commerce as "Outstanding Woman of 1991" in recognition of her efforts on behalf of the North Miami business community, including her past service as president of the city of North Miami Mayor's Economic Task Force. She was a fitting choice.

Mrs. Pavilack was a leading advocate in the promotion and construction of the North Miami Athletic Stadium. This stadium now serves the entire northeast Dade County community.

It is easy to see how Myrna Pavilack has been so successful because she has vision, dedication, and compassion. Mrs. Pavilack has unselfishly donated her time toward making North Miami a better place to live. In her own words, she is "a team player" with Federal, State, and local officials. The city of North Miami is fortunate to have Mrs. Myrna Pavilack as a player on its team.

NO RESTRICTION ON MILITARY AID TO EL SALVADOR

HON. JAMES A. McDERMOTT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 24, 1991

Mr. MCDERMOTT. Mr. Speaker, I rise today to express my profound displeasure with part of the continuing resolution passed today. This measure contains appropriations for foreign assistance but does not include any new restrictions on military aid to El Salvador. It had been my hope that conditions on military aid to El Salvador would be strengthened this year. At the very least, Congress should block the release of additional military aid by the President if he chooses to continue to ignore congressionally mandated conditions on aid. Such language would merely perfect the Moakley/Murtha provisions of last year. I regret that the issue of military aid to El Salvador has been completely ignored in this legislation.

I believe we should have gone further than simply strengthening existing conditions and that Congress should withhold 100 percent of military aid to El Salvador, subject to strict conditions and congressional oversight. H.R. 1346, which I introduced earlier this year, would do that and, more importantly, would establish a framework for peace in El Salvador. Similar legislation was introduced last year, but this year we have 138 cosponsors—twice as many as last year's bill. Clearly, strong support exists in the Congress for an end to military aid to El Salvador.

For more than a decade, Americans have watched their tax dollars subsidize a brutal military that engages in persistent abuses in El Salvador. Now that a workable peace is within sight, there is no excuse for continuing this failed policy. Unfortunately, the Bush administration wants to bankroll the Salvadoran military just as a negotiated settlement is at hand. Last month, during United Nations-sponsored peace talks in New York, the Salvadoran Government and the Faribundo Marti National Liberation Front [FMLN] reached major agreements that begin at last to address the substantive military, economic, and political reforms needed to end the war. Both sides have concluded that neither can win this war and are seeking a workable peace. This peace process needs our support.

The Bush administration has simply ignored present congressional mandates on conditioning aid. Last year, Congress attached several conditions on future aid, including thorough resolution of the 1989 assassinations of six Jesuit priests and two others at the University of Central America. Yet, instead of withholding military assistance while this case was being prosecuted, President Bush released additional military aid to El Salvador this summer.

We can no longer tolerate such abuses of congressional intent. It is time to close this sad chapter in our history. I strongly urge my colleagues to tighten up restrictions on military aid to El Salvador at the first available opportunity.

TRIBUTE TO CHARLOTTE M. ROTHSTEIN

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 24, 1991

Mr. LEVIN of Michigan. Mr. Speaker, I rise today to pay tribute to Charlotte M. Rothstein, a person I have known for many years, who is retiring this week as the mayor of Oak Park, MI.

Charlotte Rothstein became the first woman mayor of Oak Park in 1981, after the death of her predecessor, and was elected to four consecutive terms. Prior to serving as mayor, Ms. Rothstein served as Oak Park's first woman mayor pro-tem from 1976–77 and again from 1980–81. A pioneer in local government, Ms. Rothstein also was the first woman to serve on the Oak Park City Council, a position she held from 1973 through 1981.

Charlotte Rothstein's experience in public service is extensive: she served on the U.S. Conference of Mayors' Advisory Board and the National League of Cities Human Development Policy Committee. She was the State coordinator for Women in Municipal Government and was a founding member of the U.S. Conference of Women Mayors. One of the key positions she held was president of the Michigan Association of Mayors.

A native of Detroit, Mrs. Rothstein has been an indomitable force in local government. Her legislative accomplishments are numerous. She initiated a resolution for the formation of the Oak Park Arts and Cultural Commission; she provided leadership in a fight to get HUD funding for senior housing; she led an effort to improve the appearance and delivery of mail in the Oak Park Post Office; and she initiated a resolution for the formation of the Oak Park Energy Advisory Committee. She led the battle to require the Federal Government to live up to its promises so that construction of a major highway through her community would improve and enhance it rather than undermine and divide it. These are just a few of the many projects in which Mrs. Rothstein has played a leading role.

In addition to a rewarding life of community service, she has had a rich family life. She has been married to Ben Rothstein since 1951, and has two children and seven grandchildren.

For her tireless contributions to her community, Charlotte Rothstein has been honored with several awards, including the 1986 Public Service Award from the Michigan Nonprofit Homes Association and the Honorable Menschen Award from the Jewish Welfare Federation Apartments in 1988.

The people of Oak Park are grateful to Ms. Rothstein for her many years of dedicated service to her community.

HR. 2686, THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS

HON. GARY A. FRANKS

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 24, 1991

Mr. FRANKS of Connecticut. Mr. Speaker, I rise in support of the conference report on H.R. 2686, Interior and related agencies appropriations for fiscal year 1992. I do so Mr. Chairman with some reservations.

I am disappointed that the conference committee was unable to keep language placing restrictions on the use of National Endowment of the Arts [NEA] funding in the appropriations bill. The Senate's Interior appropriation bill included an amendment to prohibit the NEA from using Federal funds to promote, disseminate, or produce materials that depict or describe, in patently offensive way, sexual or excretory activities or organs.

Last week the House agreed to a motion made by Mr. DANNEMEYER to instruct the conferees to agree to the Senate language regarding NEA funding restrictions. I twice voted for the motion to instruct the conferees to insist on the Senate amendment regarding NEA funding. I am sorry to see that the conference chose not to follow the recommendation of the House of Representatives and the wishes of the Senate.

Overall, I commend the chairman and the Appropriation Subcommittee on the Interior for their excellent work on this bill and I will support the bill.

DRUG ABUSE TREATMENT ASSOCIATION 10 YEARS OF TAKING THE TIME TO CARE

HON. TOM LEWIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 24, 1991

Mr. LEWIS of Florida. Mr. Speaker, 1991 marks an important milestone for a very special organization in the 12th Congressional District.

This year, the Drug Abuse Treatment Association celebrates 10 years of tireless effort in providing drug abuse treatment, education and prevention services to our community in south Florida. As we celebrate National Red Ribbon Week for Drug Free America, I think it appropriate to highlight DATA's commitment and philosophy to take the time to care.

DATA's integrated and innovative approach to drug treatment has evolved into a wide network of services. Since its start as a small storefront outpatient office with six employees, the Drug Abuse Treatment Association has flourished into an organization with 85 employees, two 18-bed adolescent treatment centers, an outpatient counseling center, primary care team, and a mobile van unit that brings treatment services to the individual in need. Since its inception, the mobile van unit alone has reached over 10,700 individuals. More importantly, no family or child is ever turned away from the comforting, warm environment the staff works so hard to maintain at all of DATA's facilities.

We all know the drug war is not an easy fight. Those who are willing to give up, simply need to look toward DATA to see a true example of success. Teamwork, cooperation, community effort, and perseverance can make the difference.

Mr. Speaker, I would like to extend my personal congratulations and congratulations on behalf of the U.S. House of Representatives to DATA's executive director, Gary Frechette, the board of directors and to all of the very special individuals of DATA's staff for their compassion, determination and dedication. Our thanks to you for taking the time to care.

SENATE—*Friday, October 25, 1991*

(Legislative day of Thursday, September 19, 1991)

The Senate met at 10:45 a.m., on the expiration of the recess, and was called to order by the Honorable JOHN GLENN, a Senator from the State of Ohio.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

Bless the Lord, O my soul, and forget not all his benefits: Who forgiveth all thine iniquities; who healeth all thy diseases; Who redeemeth thy life from destruction; who crowneth thee with lovingkindness and tender mercies. * * *—Psalm 103:2-4.

Gracious Father in Heaven, thank You for this profound encouragement from the Psalms, assurance of Your forgiveness, Your healing, Your protection. The Senators have been through a great deal, emotionally as well as intellectually, these past 2 weeks. Some have been wounded; all have had to deal with the struggle of conscience versus objectivity and political expediency. An angry, cynical public has raised its voice in an unprecedented way. The press and media have been relentless in their attempts to penetrate to the very core of private as well as public affairs.

Men and women in power are not supposed to acknowledge weakness or vulnerability; they are certainly not free in the present atmosphere to confess sin. So they suppress feelings, stuff guilt and uncertainty, try to put a lid on a potential explosion. Loving God, cover each Senator, every staff member and their families with grace and mercy and, where needed, deep healing. Dissolve fear, pride, anger, unforgiveness, and bind us together in love.

In His name who is infinite love incarnate. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, October 25, 1991.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JOHN GLENN, a Senator from the State of Ohio, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. GLENN thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. Under the standing order, the majority leader is recognized.

SCHEDULE

Mr. MITCHELL. Mr. President, this morning following the time for the two leaders, there will be a period for morning business not to extend beyond 11:30 a.m., with a number of Senators to be recognized to address the Senate for specific time limitations.

Mr. President, I intend, shortly, to meet with the distinguished Republican leader to consider the schedule for the remainder of the day and for early next week.

I am heartened by the compromise agreement that was reached with respect to the civil rights bill, which was discussed at a meeting of Democratic Senators just concluded and for which there was expressed widespread support. And I am hopeful now that we are going to be able to proceed to a prompt disposition of this bill.

I have in mind a proposed schedule of events for the next few days, but as is my practice, I want to consult with the distinguished Republican leader and review it with him before making any announcement. But I hope and expect to be able to make an announcement in that regard in the very near future.

RESERVATION OF LEADER TIME

Mr. MITCHELL. Mr. President, I reserve the remainder of my leader time, and I yield the floor.

RECOGNITION OF THE REPUBLICAN LEADER

The ACTING PRESIDENT pro tempore. Under the standing order, the Republican leader is recognized.

CIVIL RIGHTS COMPROMISE BECOMES A REALITY

Mr. DOLE. Mr. President, nearly 2 years ago, we began a rough-and-tumble journey through the thickets of title VII and disparate impact law.

After one veto, one attempted veto override, several floor votes, and lots of overheated rhetoric, we finally end this journey with a compromise.

Last night, Senator JACK DANFORTH, White House Chief of Staff John Sununu, and White House Counsel Boyden Gray put the finishing touches on a compromise agreement that President Bush will accept.

This agreement will remain firm if no politically attractive—but politically unacceptable—amendments are adopted, particularly an amendment lifting the caps on damage awards.

I understand the Senator from Colorado [Mr. WIRTH] may be addressing that. That may be the subject of separate legislation. That itself would remove a major roadblock.

The compromise is not perfect. It will not satisfy everyone.

The caps on damages may be fairly reasonable—but a bit too high.

The language on Wards Cove may be too broad to some, or too narrow to others.

But that is the nature of a compromise, and that is the best we can do under the circumstances.

What we have done is produce an agreement that—once and for all—will untie the Gordian knot of civil rights—and without producing quotas.

Mr. President, it is obvious that my Republican colleague from Missouri, Senator DANFORTH, deserves our praise for working tirelessly to get where we are today.

Without a doubt, Senator DANFORTH'S leadership has been the engine driving the compromise effort. This engine has now come into the station.

And let us not forget President Bush, who has time-and-time again stated that he was prepared to accept a fair and responsible compromise.

Well, today, with this agreement—a historic agreement—President Bush has delivered on his promise.

We can have a Civil Rights Act of 1991.

The time for divisiveness has ended, and the time for healing has begun.

Mr. President, I ask unanimous consent that the agreement on the Civil Rights Act be printed in the RECORD immediately following my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

FINAL COMPROMISE, OCTOBER 24, 1991
(Amendments to S. 1745)

1. Purposes:

On page 2, strike lines 18–22 and substitute the following:

"(2) to codify the concepts of "business necessity" and "job related" enunciated by the Supreme Court in *Griggs* v. *Duke Power Co.*, 401 U.S. 424 (1971), and in the other Supreme Court decisions prior to *Wards Cove Packing Co.* v. *Atonio*, 490 U.S. 642 (1989).".

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

2. Wards Cove—Business Necessity/Cumulation/Alternative Business Practice:

On page 8, strike lines 17–24.

On page 9, strike lines 1–9.

On page 9, strike lines 19–24, on page 10, strike lines 1–20 and substitute the following:

"(k)(1)(A) An unlawful employment practice based on disparate impact is established under this title only if—(i) a complaining party demonstrates that a respondent uses a particular employment practice that causes a disparate impact on the basis of race, color, religion, sex, or national origin and the respondent fails to demonstrate that the challenged practice is job related for the position in question and consistent with business necessity; or

"(ii) the complaining party makes the demonstration described in subparagraph (C) with respect to a different employment practice and the respondent refuses to adopt such alternative employment practice.

"(B)(i) With respect to demonstrating that a particular employment practice causes a disparate impact as described in subsection (A)(i), the complaining party shall demonstrate that each particular challenged employment practice causes a disparate impact, except that if the complaining party can demonstrate to the court that the elements of a respondent's decision-making process are not capable of separation for analysis, the decision-making process may be analyzed as one employment practice.".

On page 10, line 22, strike the phrase ", in whole or in significant part,".

On page 11, strike lines 1–9 and substitute the following:

"(C) The demonstration referred to by subparagraph (A)(ii) shall be in accordance with the law as it existed on June 4, 1989, with respect to the concept of 'alternative business practice'."

Exclusive Legislative History. The terms "business necessity" and "job related" are intended to reflect the concepts enunciated by the Supreme Court in *Griggs* v. *Duke Power Co.*, 401 U.S. 424 (1971), and in the other Supreme Court decisions prior to *Wards Cove* v. *Atonio*, 490 U.S. 642 (1989).

When a decision-making process includes particular, functionally-integrated practices which are components of the same criterion, standard, method of administration, or test, such as the height and weight requirements designed to measure strength in *Dothard* v. *Rawlinson*, 433 U.S. 321 (1977), the particular, functionally-integrated practices may be analyzed as one employment practice.

3. Expert Fees. Add section authorizing expert fees in Section 1981 cases.

4. Damages. Technical changes pertaining to ADA coverage and application to disparate impact cases.

Revise caps on compensatory and punitive damages as follows:

Cap on damages and size of employer:
$50,000: 16–100 employees.
$100,000: 101–200 employees.
$200,000: 201–500 employees.
$300,000: more than 500 employees.

WOMEN IN THE SENATE

Mr. DOLE. Mr. President, we are hearing again and again from women's organizations who insist that there be more women in the U.S. Senate, who insist that things would have been different had there been a woman on the Senate Judiciary Committee.

My question, Mr. President, is where were these organizations in 1990? Where were they in 1988? Where were they in 1986? Where were they in 1984?

Time and again, Mr. President, Republicans have nominated qualified women for the Senate—women like Claudine Schneider in Rhode Island—Pat Sakai in Hawaii—Judy Koehler and Lynn Martin in Illinois—Susan Engeleiter in Wisconsin—Christine Whitman in New Jersey—Nancy Hoch in Nebraska.

And time and again, Mr. President, the liberal women's organizations such as the National Women's Political Caucus, have done everything possible to defeat these candidates.

As the Wall Street Journal correctly pointed out in an editorial yesterday, these "groups are not interested in electing women to office. They want to elect liberals."

Let me be clear in saying, Mr. President, that there are many fine women's organizations in America—organizations which did support these candidates, and which supported my colleague, Senator KASSEBAUM, in her three successful campaigns for the Senate.

But the lesson is clear, Mr. President, if the liberal organizations had been more concerned with electing women to the Senate, and less concerned with electing candidates who march lockstep with their liberal philosophies, then there very well would be more women serving in the U.S. Senate.

So before these groups point the finger of blame, Mr. President, they should take a good look in the mirror.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro termpore. The majority leader is recognized.

CIVIL RIGHTS COMPROMISE

Mr. MITCHELL. Mr. President, I want to join in commending Senator DANFORTH for his efforts in this area. I want to also add Senator KENNEDY to the list of those who deserve commendation. Senator KENNEDY was the original author of the legislation, has been the leading proponent of the legislation, and was deeply involved in all of the negotiations and discussions that have brought us to this point. Both he and Senator DANFORTH have worked tirelessly, especially in these last few days, almost around-the-clock negotiations, culminating in this agreement.

What this agreement does is to restore the legal standard established by the Supreme Court in 1971 in the case of Griggs versus Duke Power. That was the law of this country for 18 years until the current Supreme Court, without any rational justification, and in what in my judgment was a clearly erroneous decision, reversed that ruling in the case of Wards Cove Packing Co. versus Atonio in 1989.

All the sponsors of this legislation have ever sought to do is to restore the standard in the Griggs case to the law and to overturn the unfortunate and unwise Supreme Court decision in the Wards Cove case of 1989. That is all that has been sought and that is what now has been attained.

This could have been achieved a year and a half ago and avoided all of this long, bitter, divisive, rancorous debate. The President has now agreed to that which he refused to agree to a year and half ago, that which he refused to agree to a year ago, and that which he refused to agree to 6 months and 6 days ago.

I cannot speculate on what the motives are for his reversing his position. But I can say that Senator DANFORTH, a Republican, Senator KENNEDY, a Democrat, deserve our gratitude, the gratitude of the Nation for forging this compromise and for their persistence and tenacity in achieving this result. I only wish the President had been willing a year and half ago to do that which he is now willing to do, restore the Griggs standard to the law. We would all have been spared a long and painful ordeal.

Mr. President, I yield the floor.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. There will now be a period for consideration of morning business for not to extend beyond the hour of 11:40 a.m., with Senators permitted to speak therein.

The Senator from Colorado, Mr. WIRTH, is permitted to speak up to 15 minutes and is recognized.

ENDING NUCLEAR MATERIALS PRODUCTION

Mr. WIRTH. Mr. President, it was almost one month ago to the day when the President outlined his vision of a new nuclear relationship between the United States and the Soviet Union. President Gorbachev responded 8 days later with an equally sweeping set of proposals.

Administration sources now suggest that President Bush will propose a permanent ban on the production of uranium and plutonium for nuclear weapons by the United States and the Soviet Union when he meets with Gorbachev in Madrid next week. This morning's Washington Post reports that Secretary of Defense Cheney last week sought to block a Bush initiative on ending production of weapons-grade uranium and plutonium.

I deeply hope that the President will continue to demonstrate real leadership on nuclear disarmament by proposing a ban on fissile material production in Madrid. I and several of my colleagues here in the Senate and in the House have been urging just this course of action since 1989. It made sense then to pursue a fissile material ban, and it makes sense now.

The United States has not produced any weapons-grade uranium since 1964, and currently has a stockpile of approximately 500 metric tons. This stockpile will increase further with the withdrawal of thousands of tactical nuclear weapons. We are currently awash in plutonium with a stockpile of roughly 100 metric tons, compared with an estimated Soviet stockpile of about 115 metric tons.

The cold war is over. We do not need larger nuclear stockpiles, nor can we afford them. The U.S. Government has not produced any new materials for nuclear weapons since 1988 due to serious safety concerns at Savannah River. The Department of Energy does not need any more fissionable material for weapons production.

The Soviets have called for negotiations on this subject since the early 1980's. In 1989, President Gorbachev announced that the Soviet Union would cease uranium production and called for talks on a mutual and complete ban on fissile material production for nuclear weapons. Converting our current de facto unilateral moratoria into a bilateral, verifiable arms control regime would halt all Soviet plutonium and uranium production. Not only will we stand to save significant sums of money if we can reach a negotiated fissile material ban, but we also will contribute importantly to strategic nuclear arms control efforts.

A negotiated ban on fissile material production would contribute enormously to the verification requirements of deep cuts in strategic weapons. To provide confidence that withdrawn nuclear warheads would not be replaced at a later date—through overt breakout or clandestine deployment—with newly produced supplies, a verifiable regime restricting the production of fissile materials would be needed.

A permanent ban on nuclear weapons material production by the United States and the Soviet Union would also strengthen the nonproliferation regime, and influence other nuclear weapons states, such as China, France, and the United Kingdom, to consider a comparable ban. Most importantly, a fissile production ban among nuclear have states would significantly increase our credibility and our credentials in pressing for a far-reaching nonproliferation regime in the 1990's and beyond.

Mr. President, I hope that the President will belatedly take up cause of a plutonium and uranium production ban. I note that many in this Chamber, including myself and Senators KENNEDY, HARKIN, HATFIELD, and others have urged this course of action since 1989 and we were opposed in these efforts by the administration.

Mr. President, I ask unanimous consent that a summary of proposals relating to the fissile production ban prepared by the Congressional Research Service be printed in the RECORD following my remarks, and that a side-by-side comparison of Bush administration objections to our earlier efforts at such a ban and our responses to those criticisms also be printed in the RECORD, along with various newspaper articles.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

PROPOSALS FOR ENDING U.S. AND SOVIET PRODUCTION OF FISSILE MATERIALS FOR NUCLEAR WEAPONS

SUMMARY

The proposed International Plutonium Control Act (H.R. 2403 and S. 1047) urges President Bush to seek negotiations with the Soviet Union on a verifiable agreement for an end by both countries to the production of plutonium and highly enriched uranium for weapons purposes. A somewhat less demanding version of the proposal was later attached to the defense authorization in the House (the Senate in its version of the defense authorization (S. 1352) included an amendment by Senator Kennedy to require the Secretaries of Defense and Energy and the Director of Central Intelligence to report to Congress on "the on-site monitoring techniques, including inspection arrangements, and national technical means, that would be used to verify Soviet dismantlement of nuclear warheads (and) the end use and purpose of any fissile materials produced or that are recovered from the dismantlement process . . .". Both amendments were dropped in Conference. However, the Conference report recognized the need for a study on the implications of a ban on production of fissile materials and directs the President to submit such a report not later than July 15, 1990.

The proposals come at a time when DOE production of plutonium for weapons has been shut down since 1988 for safety reasons.

Supporters of the proposal to end U.S. and U.S.S.R. production of fissile materials for weapons point to expected benefits from another step towards nuclear arms reduction, from savings in capital and operating costs for the United States, and from reducing risks to the public health and safety and the environment by ending the operation of old production reactors in both countries.

The Bush Administration and others oppose the idea because they believe it could compromise the ability of the United States to quickly increase its nuclear arsenal in the future, and because it could detract from other, more important, arms control negotiations.

Fundamental issues for Congress are: (1) how much and in what ways any U.S.-Soviet agreement to end production of fissile materials would affect U.S. national security, arms control, and other national interests; and (2) how reliable would verification have to be, and is such verification practicable.

ISSUE DEFINITION

The proposed International Plutonium Control Act (H.R. 2403—Wyden and S. 1047—Kennedy) urges the President to seek negotiations with the Soviet Union on a verifiable agreement for an end by both countries to the production of plutonium and highly enriched uranium for weapons purposes. A somewhat less demanding version of the proposal was later attached to the defense authorization in the House (the Wyden amendment to H.R. 2641). The Bush Administration opposed the idea and it was dropped from the legislation in Conference. Nonetheless, the idea seems likely to persist. One fundamental issue for Congress is how much and in what ways any such agreement would affect U.S. national security, arms control, and other national interests. Another is how reliable would verification have to be.

BACKGROUND AND ANALYSIS

Background

For several decades the United States and the Soviet Union alternatively have proposed reductions or cutoffs in production of fissile materials for nuclear weapons. The idea dates back to President Eisenhower's Atoms for Peace proposal of 1953. Various U.S. Administrations up to the Reagan presidency have proposed it to the Soviet Union, with no response. In the 1980s, the Soviet Union began to make such proposals, but they were not acceptable to the Reagan Administration, which was interested in a nuclear arms buildup. (John Taylor of the Sandia National Laboratory has traced this history; see references.) Other countries also have advanced the idea. Sweden, for example, at the general conference of the International Atomic Energy Agency, in 1984 called on the nuclear powers to "embrace the complete cessation of the production of fissionable materials for weapons purposes."

On May 29, 1990, 54 American diplomats, scientists and other experts wrote to President Bush and President Gorbachev calling on them to reexamine and to take steps to end the "unrelenting race to produce yet more ingredients for nuclear weapons." They said that such a halt to production of fissile materials and tritium "need not await a complicated formal agreement. It can be achieved by reciprocal unilateral steps." (A copy of the letter is available from the issue brief author.)

Materials for Nuclear Weapons

Three nuclear materials are used to make nuclear weapons: the heavy element isotopes plutonium-239 (Pu–239) and uranium-235 (U–235), and tritium, an isotope of hydrogen. Pu–239 and U–235 are the fissile materials that provide the "yield," or energy released by a nuclear weapon. Of these, for technical reasons, weapons designers prefer Pu–239 for most applications. Tritium, when added in small quantities, can increase, or "boost," the explosive yield of a given amount of Pu–239 or U–235.

All three materials are radioactive, which means that occasionally their atoms emit radiation and become atoms of other elements. This is called "radioactive decay" and is measured by a distinctive "half-life" for each isotope, which is the time required for half of the original number of atoms to decay. Since the half-life of Pu–239 is 24,400 years and that for U–235 is 713 million years, for all practical purposes these materials will last indefinitely. Tritium, with its short half-life of 12.26 years is another matter; it decreases about 5.5% annually through decay.

Production of Plutonium: Plutonium exists in nature in only minuscule amounts. When needed in quantity, it can be made by bombarding atoms of U–238 with neutrons, usually in a nuclear reactor. Some U–238 atoms capture neutrons and are transmuted mainly into Pu–239, but some become Pu–240 and other plutonium isotopes that are undesirable in nuclear weapons. The longer uranium is exposed to neutrons, the more plutonium is produced, but the greater the concentration of Pu-240. The length of exposure for uranium in a reactor is described in terms of the amounts of "burnup." The neutron-exposed uranium (or "spent fuel"), is removed from the reactor, chopped up, dissolved in acids, and the plutonium and residual uranium are chemically separated. This is called "reprocessing," or "chemical separation." Alternatively, the spent fuel can be sent to a burial site without recovering its plutonium.

Reactors used primarily to produce plutonium for weapons are called "production reactors." Both the United States and the Soviet Union have such reactors and associated reprocessing plants. Since 1988, DOE production of plutonium for weapons has been shut down for safety reasons. Both countries also have many large civilian nuclear power plants whose spent fuel contains much plutonium. This plutonium is not desirable for weapons because of its comparatively high concentration of Pu-240 caused by long exposure or "high burnup" of the nuclear fuel. Although in principle a nuclear explosive could be designed to use this low-grade plutonium, weapons designers for technical reasons prefer highly pure Pu-239 plutonium. No nuclear weapons state currently uses low-grade plutonium to make its nuclear weapons. Nonetheless, a new technology called "laser isotope separation" (LIS) may make it possible to upgrade low-grade plutonium by removal of much of the undesired Pu-240. However, DOE recently decided not to fund construction-size Special Isotopes Separation plant in its F1990 budget and not to start up a pilot LIS unit of its Lawrence Livermore Laboratory. (See Issue Brief 89062).

Production of Uranium 235: Some U-235 exists in nature, but it is mixed with U-238, and constitutes only 0.7% of normal uranium. It is possible to "enrich" the uranium to make the U-235 content 90% or more, which is the concentration needed for nuclear weapon applications. Two technologies now in use and a third under development can produce highly enriched uranium. DOE enrichment plants use the gaseous diffusion process in which gaseous uranium-hexafluoride is diffused through many porous barriers with some separation at each stage. Uranium gas centrifuges can also be used and have been developed in Europe and Japan. DOE also had a major centrifuge project, but abandoned it in favor of developing laser isotope separation. The Soviet Union uses gaseous diffusion and is developing centrifuge technology. Other nuclear weapons States—China, France, and the United Kingdom—use the diffusion process. Uranium isotope separation by centrifuges is now in commercial use in Europe and is being developed by Japan and the Soviet Union. Pakistan's gas centrifuge plant is also believed by many to be capable of producing weapons-grade U-235.

Production of Tritium: Tritium is made by bombarding atoms of lithium-6 with neutrons in a nuclear reactor. The "targets" containing the lithium are removed after the desired exposure and the tritium is separated. Thus, production of tritium requires a supply of the lithium-6 isotope, a reactor, and an extraction facility.

Soviet Statements on Ending Production

The Soviet Union has said it is cutting back on production of fissile materials for weapons. During his speech of Apr. 7, 1989, in London, Soviet President Gorbachev announced that ". . . we have recently decided to cease this year the production of enriched weapons-grade uranium. . . (and) in addition to the industrial reactor for the production of plutonium shut down in 1987, we plan to shut down two other such reactors this and next year without commissioning new units to replace them." This would reduce from 14 to 11 the number of Soviet production reactors. A State Department press guidance commented that "these measures will leave the Soviets with a substantial production capability for nuclear materials. Indeed, it will not constrain their nuclear weapons program. This should not divert attention from the real issue—that of working through negotiations to reduce the level of nuclear weapons on each side."

Subsequently during a visit by U.S. Representatives and independent scientists to the formerly secret military center at Kyshtym in the Ural Mountains, the center's director announced that the Soviet government had decided to shut down all five nuclear production reactors at this site, idling two more than originally announced by President Gorbachev in London (New York Times, July 9, 1989: A1). Evgeny I. Mikerin, a senior soviet atomic energy official, said plutonium factories at other sites may also be closed if the United States and the Soviet Union conclude a new treaty limiting strategic nuclear arms (Washington Post, July 9, 1989: A1).

Again, On Sept. 26, 1989, the Soviet Union supported cessation. In his address to the U.N. General Assembly, Soviet Foreign Minister Eduard A. Shevardnadze said:

"There is an urgent need for verifiable cessation of the production of fissionable material for weapons purposes. We have declared that this year we are ceasing the production of enriched uranium and that in 1987 we closed down one reactor producing weapons-grade plutonium and that we plan to close down a few more such reactors in 1990.

"By the year 2000, all remaining reactors will have been shut down. In addition, the Soviet Union is proposing that all nuclear powers should begin preparing to conclude an accord on the cessation and prohibition of production of such material." (New York Times, Sept. 27, 1989: A12)

Congressional Views and Actions

In Congress, the idea of a fissile material cutoff goes back many years. In 1985, bills by Senator Kerry (S. 1500) and Representative Markey (H.R. 3100) called for U.S.-Soviet negotiations on a comprehensive bilateral and verifiable freeze on testing, production, and deployment of nuclear weapons. A section of each bill proposed controls on production of plutonium and highly enriched uranium, assuming certain conditions were met. No hearings were held and the bills did not emerge from committee.

More recently, on Jan. 1, 1989, Representative Leach introduced H.J. Res. 92 to provide for the contribution by the United States, the Soviet Union, and other states of nuclear materials recovered from warheads under arms control treaties to the IAEA. These materials would be used in peaceful nuclear programs in developing countries that are parties to the nonproliferation treaty. No action has been taken on this bill.

On Apr. 3, 1989, Senators Kennedy and Wirth, in a "Dear Colleague" letter, proposed a mutual and verifiable halt to the production of plutonium and highly enriched uranium for weapons. Soon afterwards, the proposed International Plutonium Control Act was introduced (S. 1047) by Senators Kennedy, Wirth, and five cosponsors. A companion measure (H.R. 2403) was introduced by Representatives Wyden, Fascell, and 86 cosponsors. The Subcommittee on Arms Control, International Security and Science of the House Committee on Foreign Affairs held two days of hearings on the proposed legislation and the Defense Nuclear Facilities Panel of the House Committee on Armed Services held a hearing on nuclear material production cutoffs as arms control measures.

On July 27, 1989, the House, by a vote of 284 to 138, approved an amendment by Representative Wyden to the Department of Defense Authorization for FY 1990 and 1991 (H.R. 2641). It urges the President to negotiate with the Soviet Union for a verifiable ban on the production of plutonium and enriched uranium for weapons and expresses the sense of Congress that the United States should establish verification arrangements that include on-site inspection of all production facilities (*Congressional Record:* 16462–16473).

The Senate, in acting on its version of the defense authorization bill (S. 1352) on August 1, approved an amendment by Senator Kennedy to require the Secretaries of Defense and Energy and the Director of Central Intelligence to report to Congress on the on-site monitoring techniques, including inspection arrangements and national technical means, that would be used to verify Soviet dismantlement of nuclear warheads, and "the end use and purpose of any fissile materials produced or that are recovered from the dismantlement process . . ." (corrected text, *Congressional Record*, Aug. 15, 1989: 17737). The Senate passed the authorization bill on Aug. 2, 1989.

The Conference Committee, however, adopted neither provision. However, the Conference report in dealing with arms control recognized the need for a report on implications for U.S. national security of any ban on production of fissile materials for weapons and said: "Accordingly, the President shall submit such a report in both classified and unclassified form to the Committee on Armed Services and the Select Committee on Intelligence of the Senate and the Committee on Armed Services and the Permanent Select Committee on Intelligence of the House of Representatives not later than July 15, 1990" (*Congressional Record*, Nov. 6, 1989: 27487.)

Analysis

The following analysis addresses what H.R. 2403, S. 1047, and the Wyden amendment would do and major issues posed by them.

Purpose of the Proposed Legislation

H.R. 2403, S. 1047, and the Wyden amendment urged the President to negotiate a mutual end to production of fissile materials for nuclear weapons. The bills make two policy statements concerning a shutdown in production of plutonium and highly enriched uranium for nuclear weapons. Both countries "should agree to forego further production of plutonium and highly enriched uranium for weapons purposes" and both should "jointly explore the feasibility of—

(A) a mutual shutdown of plutonium production reactors, chemical separation facilities, and isotope separation plants dedicated to the production of plutonium for weapons purposes; and

(B) the safeguarded operation of uranium enrichment and chemical separation facilities for nonweapons purposes."

The proposed bills "urge" the President to negotiate with the Soviet Union on a "verifiable agreement for an end by both countries to the production of plutonium and highly enriched uranium for weapons purposes."

The Wyden amendment also urged the President to seek to establish a mutual U.S.-Soviet working group to examine the technical aspects of a bilateral halt in the production of fissile materials for weapons purposes.

The proposed cutoff would:

Define Permissible Production of Nuclear Materials: The bills and the Wyden amendment in effect would permit the continued production of tritium for "stockpile replenishment;" highly enriched uranium to fuel tritium production and naval propulsion reactors; and plutonium for civil power (including possible production and use in breeder reactors).

They would also permit "activities conducted in connection with the recycling of special nuclear material from retired weapons and the recovery from scrap of the existing weapons-grade plutonium inventory" (implicitly excluding use of plutonium from civil nuclear power plants); and operation of pilot-scale isotope separation facilities "utilized exclusively for the purpose of research and development."

Provide for Exchanges of Information: The bills and the Wyden amendment also urge the President to seek agreement with the Soviet Union on two kinds of information exchange: information on the location, mission, and maximum annual capacity of their facilities essential to the production of tritium for stockpile replenishment; and a complete inventory of the facilities dedicated to the production of plutonium and highly enriched uranium for weapons purposes.

Apply Fiscal Pressure: The bills, but not the Wyden amendment, would apply pressure through the congressional power of the purse. Six months after enactment, the bills would prohibit obligation or expenditure of funds to "operate a production reactor, chemical separation facility, or isotope separation plant dedicated to the production of plutonium or weapons purposes . . ." However, the President, in effect, could waive this cutoff if at the end of 6 months he certifies to Congress that:

(1) "the Soviet Union has refused to enter in good faith into the negotiations called . . ." or

(2) "the United States is unable to determine that Soviet production reactors, chemical separation facilities, or isotope separation plants dedicated to the production of plutonium for weapons purposes have ceased operation;" or

(3) "the Soviet Union is continuing to obtain plutonium by operating civilian chemical separation plants that are not under bilateral U.S.-Soviet safeguards."

Require Verification: The bills and the Wyden amendment endorse the idea of verification in a proposed congressional finding that:

"National and cooperative technical means of verification, and safeguards against the diversion of weapons-grade nuclear materials from use in civilian nuclear facilities to use in the production of nuclear weapons, would detect attempts by the United States or the Soviet Union to produce or divert significant quantities of the current stockpiles of these materials."

The two bills would express a sense of Congress that the United States and the Soviet Union should establish verification arrangements to monitor the cessation of the production of plutonium and highly enriched uranium for weapons purposes. Verification measures mentioned include mutual inspections as necessary to verify that both countries have ceased such production; furnishing the technical equipment and personnel to safeguard civilian nuclear facilities in each country; consideration of eventual transfer of these safeguards to the International Atomic Energy Agency; and consideration of increasing their respective contributions to the International Atomic Energy Agency enough to fund the assignment of additional fully trained inspectors to each country to safeguard their civilian nuclear facilities.

The Wyden amendment would require the President to report to Congress by Apr. 30, 1990, on the "verification and technical aspects of a mutual and verifiable U.S.-Soviet Union halt in production of plutonium for weapons purposes." To this end, the President would be directed to establish by Dec. 31, 1989 a technical working group to "advise the President on the verification and technical aspects of such a halt" (*Congressional Record*, July 27, 1989: 16462).

Opposition by the Bush Administration

The Bush Administration has consistently opposed the idea of a negotiated cutoff in production of fissile materials. Dr. Kathleen Bailey, Assistant Director of the Arms Control and Disarmament Agency, said that it would:

(1) destabilize U.S.-Soviet relations by hampering the U.S. ability to produce nuclear weapons while we still rely upon them;

(2) freeze a U.S.-Soviet asymmetry in plutonium stockpiles and production facilities. The USSR has no policy to separate civil from military uses, but U.S. policy precludes DOE use of civilian plutonium except in a national emergency. The USSR has an active breeder development program, has operable reprocessing facilities, and can use its RBMK-type civil nuclear power reactors to produce tritium;

(3) not be verifiable in the Soviet Union because facilities for enrichment of uranium and for reprocessing and upgrading of plutonium (via laser isotope separation) have no distinctive signatures to be detected by national technical intelligence means;

(4) financially weaken the IAEA, which would have to double its safeguards budget because of involvement in verification of such a cutoff at a time when the United States and other major members are not allowing an increase in the IAEA overall budget;

(5) leave a serious loophole because the United States and the USSR would not allow safeguards for highly enriched uranium produced to fuel their nuclear submarines and warships;

(6) detract time and attention from other arms control negotiations with the Soviet Union.

As for the Department of Defense, typical opposition was expressed by Dr. Raymond Juzaitis of the Office of the Assistant to the Secretary of Defense for Nuclear Energy. From his viewpoint, unrestricted production of weapons materials is needed because:

(1) U.S. strategy is based on nuclear deterrence.

(2) Nuclear deterrence demands an arsenal of safe and effective nuclear weapons, with constant retirement and replacement of weapons to keep them up to date and safe.

(3) As long as the U.S. relies on nuclear deterrence, the infrastructure and stockpile, including materials production, must be kept in good order.

(4) An assured supply of fissile materials for weapons is indispensable to U.S. security. And

(5) continued production is needed as a reserve for outages in production and changes in world conditions.

Major Issues Posed by the Proposals

The idea for a joint U.S.-Soviet ending of the production of highly enriched uranium and plutonium for nuclear weapons clearly is controversial and already has raised several major issues. These include: the effect on national security and deterrence; the possibility of "breakout"; the potential effect on arms control and negotiations; and verification issues.

National Security and Deterrence: The potential effect on U.S. nuclear deterrence, and thereby on U.S. national security, of a long-term ending of production of plutonium and highly enriched uranium for nuclear weapons would depend upon how many weapons will be needed in the future, when they will be needed, and how much fissile material will be required to make them. The present debilitated status of U.S. nuclear material production facilities, the availability of material salvaged from weapons withdrawn from the stockpile, and the expected future direction of nuclear arms reduction would reduce the effect of a shutdown agreement on national security.

In the short term, the proposed shutdown would appear to have little effect on the U.S. capability to make more nuclear weapons. U.S. production of highly enriched uranium for weapons stopped many years ago and U.S. production of weapons-grade plutonium stopped in August 1988 because of safety concerns at DOE dedicated production reactors. There is little expectation that DOE production of weapons-grade plutonium will resume for at least several years. If any reactors are restarted quickly, as recently reported (Washington Post, Aug. 31, 1989: A2), they will be used to produce tritium to maintain the existing strategic nuclear arsenal. So the United States continues a de facto unilateral cutoff.

The proposed ending of production would not stop the United States or the Soviet Union from taking uranium or plutonium from existing warheads and refabricating it into new warheads of different design. In this way, both countries could change the mix of their various nuclear weapons without producing more plutonium, or U-235 for this purpose. Note however, DOE's plutonium facility at Rocky Flats is shut down; this has stopped U.S. recycling of plutonium.

In the longer term, if the United States and the Soviet Union negotiate a deep cut in their nuclear weapons including the warheads, but permit reuse of recovered fissile materials for new weapons, then a continued production cutoff would have little effect on warhead production because there would be more material available than needed. If, on the other hand, a future deep-cut agreement required the dismantling of warheads and barred the reuse of recovered fissile materials for weapons, then a production cutoff could limit new weapons production. This would be seen by some as favoring the Soviet Union, because of its larger conventional armed forces, unless these also are reduced under a future treaty.

Possibility of "Breakout": If an end to production of fissile materials for weapons was agreed to, there would be concern that either side might seek an advantage by clandestinely operating ostensibly shut-down facilities. Either side could also try to divert nuclear materials from nonweapons military uses or civil nuclear power uses to make more warheads, or to build clandestine production facilities. A worst-case analysis would have the Soviet Union maintain its shut-down facilities ready for immediate restart while the United States would allow its facilities to fall further into disrepair and become inoperable. In this case, the Soviet Union could have a lead of at least several years in production of new weapons materials if it decided to withdraw from or violate the agreement. On the other hand, considering the economic and political problems of the Soviet Union, it is by no means certain that it would be any more likely than the United States to keep its shut-down plants ready for prompt restart, or to build replacements. Also, it takes time to produce new plutonium, chemically separate it, and fabricate it into warheads. Since such a resumption of production would be difficult to keep secret, the United States would likely have some time to respond.

From another point of view, since DOE stopped production of plutonium and tritium in 1988, the Soviet Union is virtually in a "breakout" situation now. It continues to produce weapons-grade plutonium with which it can make more warheads or build up its inventory of plutonium for a future expansion. So far, this has not raised a loud alarm in Washington.

Pros and Cons for Early Negotiation of a Cutoff: The Bush Administration would prefer to talk about a cutoff after major arms control agreements have been negotiated. On the other hand, some quarters of Congress and the arms control community would begin cutoff talks now as a way to build the confidence needed to conclude future deep cuts in nuclear arsenals.

Some reasons in favor of a cutoff are that it could:

Increase confidence in verification of other agreements.—A successful cutoff could help negotiation of other agreements by demonstrating the reliability of national technical means of verification and of bilateral and international inspections for verification, especially in negotiating on disposal of nuclear materials from dismantled nuclear warheads. A production cutoff, by limiting the amount of nuclear materials available, would also constrain breaking out of treaties that limit the numbers of nuclear weapons. However, a bad experience with verification of a cutoff could undermine negotiations of other arms control agreements.

Strengthen the precedent for intrusive inspections.—The agreement proposed by Congress would provide for intrusive on-site inspections to verify that dedicated facilities remain shut down and that nuclear materials are not diverted to weapons purposes. Negotiating and operating experience with such a cutoff combined with further experience from INF inspections could set a precedent that would help make verification of other arms control agreements more acceptable.

Improve the climate for extension of the Non-Proliferation Treaty.—In 1995, the Treaty is up for extension, which will require approval by a majority vote of its members. While the United States clearly wants extension on terms favorable to its interests, it has been criticized by many nonnuclear-weapons members for moving too slowly on nuclear arms control. A successful cutoff could dull such criticisms and increase U.S. influence at the extension conference.

On the other hand, negotiating an end to fissile materials production for weapons could:

Detract from other arms control negotiations.—The President's arms control agenda already includes the NATO and Warsaw Pact negotiations on conventional forces in Europe; Strategic Arms Reduction (START); defense and space talks, verification provisions of the still pending Threshold Test Ban Treaty (TTBT) and Peaceful Nuclear Explosive Treaty (PNET); a global ban on chemical weapons; monitoring implementation of the INF treaty; and stopping the spread of missiles and nuclear weapons. For the United States to open negotiations to end production of fissile materials for nuclear weapons could divert time, attention and staff from other negotiations that might have a more direct bearing on U.S. national security interests.

Cause the United States to negotiate from a weak position.—The Soviet Union would enter negotiations while still producing plutonium and tritium for nuclear weapons whereas United States production would be shut down. This imbalance, or asymmetry, could be seen as putting the United States into a weakened negotiating situation, and hampering the negotiation of a treaty favorable to U.S. interests.

Verification Issues: The proposed cutoff would require reliable verification that dedicated production facilities will remain shut down and that nuclear materials produced for permitted uses are not diverted to make nuclear weapons. The bills provide few details about and standards for verification, and the Bush Administration has questioned verifiability. Some of the notable questions about verification of an agreement to end production include the following:

How good does verification have to be?—Verification that dedicated production facilities remain shut down could be done by a combination of national technical means and on-site inspection supplemented by tamperproof seals and monitoring systems. Verification that clandestine facilities do not exist is probably beyond the scope of an agreement to end production. Instead it would have to rely upon a combination of negotiated rights to inspect sites suspected of violations (including surprise inspections), national technical means, and other types of intelligence. Verification that nuclear materials are not diverted from nonweapons military uses (such as naval reactor fuel) or from civil nuclear power appears to be practicable if some uncertainty is acceptable. Inescapable errors in measurements of bulk materials and analyses limit the accuracy of verification to about one percent at best. A key decision would be how sensitive and accurate the verification would have to be. For example, should the standard require reliable detection of diversion of enough material from naval and civil power uses in the United States and the Soviet Union to make one warhead, or 10, or 100, or 1,000? Some would say that since the U.S. and Soviet arsenals each have over 20,000 weapons, that even material to produce 1,000 weapons is not militarily significant. Others would say that verification for nuclear-weapons States should meet the same standard of being able to detect diversion of enough material to build one warhead as that used for nonnuclear-weapons States.

Who should verify for the United States?—The bills called for the United States and the Soviet Union to "establish verification arrangements to monitor the cessation of activities . . ." and to "consider eventually transferring the safeguards mission to the International Atomic Energy Agency." Nothing else is said about organization for verification. The Wyden amendment was somewhat more specific about what should be monitored, but specifies no organization. Still, as noted earlier, it would have required the President to report to Congress on verification and technical aspects of a mutual and verifiable halt in production, and would direct the President to establish a U.S. technical working group to advise him on the verification and technical aspects of such a halt.

Direct U.S. verification that certain facilities remain shut down could be assigned to a new agency or to an existing department or agency. For example, the U.S. Nuclear Regulatory Commission has a well established inspection service familiar with nuclear installations. Also, the U.S. On-Site Inspection Agency (OSIA), which was established within the DOD, is organized for and experienced with inspections within the Soviet Union to verify dismantling or destruction of nuclear missiles. As for international verification, this function could not be assigned to the IAEA unless its statute could be amended to authorize it to safeguard military as well as civilian nuclear materials and facilities.

Verification that highly enriched uranium produced in the Soviet Union for naval fuel is not diverted could be assigned to a new or existing agency or to the IAEA if its statute is amended. Among existing U.S. agencies, DOE and NRC have experience in verifying nuclear materials accounts. However, OSIA would have to learn the verification systems and recruit and train staff for this work.

Similarly, verification that Soviet nuclear materials are not diverted from civil nuclear power could be assigned to a new or existing U.S. agency or to the IAEA. Here, too, the agencies with some experience with nuclear materials are the DOE and NRC. OSIA would have to train and staff for this function. The IAEA has the organization, systems, and experience to perform this function in the Soviet Union and in the United States. However, the IAEA probably would need a substantial increase in the number of its inspectors and funding for its safeguards operations. Whether the verification is assigned to national organizations, or perhaps a joint U.S.-Soviet organization or to the IAEA, both governments would have to establish and maintain a national accountability system for production, use and disposal of nuclear materials. Such a system has been organized in the United States, but probably not in the Soviet Union. Similar questions about who would verify U.S. shutdown face Soviet officials.

How much would verification cost?—There is little information on the overall costs of verification. One indicator can be found in the $100 million annual budget of the OSIA. Another is the IAEA's safeguards budget for 1990 of $53 million, which funds inspection of 193 power reactors and a handful of reprocessing and enrichment plants. If the United States were to put all of its 108 nuclear power plants under full IAEA safeguards and the Soviet Union were to do likewise for its 56 nuclear power plants, the IAEA safeguards workload would approximately double. Somewhat more would be needed if the United States and the Soviet Union were to arrange to place their naval nuclear fuel under IAEA safeguards.

LEGISLATION

H.R. 2403 (Wyden)/S. 1047 (Kennedy):

Encourages negotiations between the United States and the Soviet Union to establish mutual and verifiable restrictions on the production of plutonium and highly enriched uranium for nuclear weapons purposes. H.R. 2403 introduced May 18, 1989; referred jointly to Committees on Foreign Affairs and Armed Services. S. 1047 introduced May 18, 1989; referred to Committee on Foreign Relations.

H.R. 2461, Section 3141:

The Defense Authorization for FY 1990 and 1991. The Wyden amendment urges the President to negotiate with the Soviet Union for a verifiable ban on the production of plutonium and enriched uranium. Agreed to by the House, July 27, 1989, by a vote of 284 yeas and 138 nays.

CONGRESSIONAL HEARINGS, REPORTS, AND DOCUMENTS

U.S. Congress. House. Committee on Foreign Affairs. Subcommittee on Arms Control, International Security and Science. International Plutonium Control Act—H.R. 2403. Hearing, 101st Congress, 1st session. June 20, 1989. Washington, U.S. Govt. Print. Off., 1990. 338 p.

FOR ADDITIONAL READING

Albright, David H., Tom Zamora, and David Lewis. Turn off Rocky Flats. Bulletin of the atomic scientists, June 1990: 13–20.

Donnelly, Warren H. Cutoff of production of nuclear explosive materials for use in nuclear weapons. Unpublished CRS memo. May 22, 1978, 12 p. (copies available from the author).

Epstein, William. A ban on the production of fissionable material for weapons. Scientific American, July 1980: 31–39.

Taylor, John M. Restricting production of fissionable material as an arms control measure—An updated historical overview. Albuquerque, NM.: Sandia National Laboratories. October 1988, 48 p. Sandia report SAND87-0901.

Weinstock, E.V., and Fainberg, A. Verifying a fissile-material production freeze in declared facilities with special emphasis on remote monitoring. In arms control verification: the technologies that make it possible. Ed. Kosta Tsipis et al. Washington: Pergamon-Brassey's International Defense Publishers, 1986, pp. 309–322.

CHRONOLOGY

07/15/90—Report due to Congress from the President on implications for U.S. national security of a ban on the production of fissile materials for weapons purposes. (Required by the conference report on the DOD authorization for FY 1990–1991, H. Rep. 101–331.)

05/23/90—Washington. Fifty four American diplomats, scientists and other experts wrote to President Bush and to President Gorbachev urging them to stop the production of fissile materials and tritium for nuclear weapons.

12/15/89—The U.N. General Assembly passed a resolution (A/RES/44/116H) calling for the prohibition of the production of fissionable material for weapons purposes, 147–1. (Arms Control Reporter, 1990: 850.285)

The U.N. General Assembly passed a resolution (A/RES/117D) calling for a comprehensive nuclear arms freeze and cessation of production of fissionable material for weapons purposes, 136–13. (Arms Control Reporter, 1990: 850.285)

11/06/89—The House and Senate conference Committee on the Department of Defense Authorization Act did not adopt the provisions of either bill, but did call for the President to report to Congress by July 15, 1990, on implications for U.S. national security of a ban on the production fissile materials for weapons purposes (H. Rept. 101–331).

09/27/89—United Nations. Soviet Foreign minister Eduard A. Shevardnadze in his address to the U.N. General Assembly supported a verifiable cessation of the production of fissile materials for weapons. (New York Times, Sept. 27, 1989: A12).

07/27/89—The House, by a vote of 284 to 138, approved the Wyden amendment to the Defense Authorization for FY 1990 and 1991 (H.R. 2461) that urges the President to negotiate with the Soviet Union for a verifiable ban on the production of plutonium and enriched uranium for weapons and that expresses the sense of Congress that the United States should establish verification arrangements that include on-site inspection of all production facilities (Congressional Record: 16462–16473).

07/20/89—Representative Broomfield opposed H.R. 2403 (Congressional Record: 15692–15693).

07/12/89—Senator Dole argued against the proposed nuclear materials production cutoff (Congressional Record: 14250–14251).

07/08/89—Soviet representatives informed visiting U.S. Representatives that the Soviet government had decided to shut down all five plutonium production reactors at its secret military center at Kyshtym in the Ural mountains and that other plutonium production reactors might be shut down if the United States and the Soviet Union conclude a new nuclear arms limitation treaty (Washington Post, July 9, 1989: A1).

06/20/89—The Subcommittee on Arms Control, International Security and Science, House Committee on Foreign Affairs, held a hearing on the International Plutonium Control Act.

06/06/89—The House Committee on Armed Services, Defense Nuclear Facilities Panel, continued hearings on nuclear material production cutoff as an arms control mechanism.

05/23/89—The House Committee on Armed Services, Defense Nuclear Facilities Panel, held a hearing on nuclear material production cutoff as an arms control mechanism.

05/18/89—The proposed International Plutonium Control Act was introduced in the Senate by Senators Kennedy, Wirth and five others as S. 1047, and in the House by Representatives Wyden, Fascell and 86 cosponsors as H.R. 2403.

04/07/89—Soviet President Gorbachev announced that the Soviet Union would cease production of enriched weapons-grade uranium, had shut down one plutonium production reactor in 1987, and planned to shut down two other such reactors in 1989 and 1990 without replacing them.

04/03/89—Senators Kennedy and Wirth in a "Dear Colleague" letter invited support for a bill to create the opportunity for a mutual and verifiable halt to the production of additional plutonium and highly enriched uranium for nuclear weapons, although permitting continued production of tritium to maintain existing warheads.

01/24/89—Representative Leach introduced H.J. Res. 92 to provide for the contribution by the United States and the Soviet Union and other states of nuclear materials recovered from warheads under arms control treaties. The materials would be used in IAEA peaceful nuclear programs in developing states which are parties to the Treaty on Non-Proliferation of Nuclear Weapons.

A SIDE-BY-SIDE COMPARISON OF ACDA AND CONGRESSIONAL RESPONSES TO QUESTIONS ABOUT THE INTERNATIONAL PLUTONIUM CONTROL ACT OF 1989

(S. 1047/H.R. 2403)

(Recently the Director of Congressional Affairs for the Arms Control and Disarmament Agency (ACDA) distributed a set of "Talking Points" in the form of a set of questions and answers on the International Plutonium Control Act. ACDA's statements in these Talking Points are misleading and contain numerous errors of fact and analysis. The attached side-by-side comparison provides a detailed critique of ACDA's talking points:)

QUESTIONS AND ANSWERS PERTINENT TO H.R. 2403/S. 1047 INTERNATIONAL PLUTONIUM CONTROL ACT

Q1. Do we have the technology to detect clandestine Soviet production of fissile materials for nuclear weapons?

A. No. Laser isotope separation—which can be used either to enrich uranium, or to separate plutonium for weapons purposes—is particularly hard to detect. Other types of facilities for enriching uranium, chemical exchange and gas centrifuge, could also be used for clandestine production with little risk of detection.

The Senate-House sponsors of S. 1047/H.R. 2403 answer ACDA's questions about the International Plutonium Control Act

ACDA Question 1: Do we have the technology to detect clandestine Soviet production of fissile materials for nuclear weapons?

Response: The problem of positively identifying Soviet attempts to construct and operate clandestine fissile material production facilities can not be reduced to a simple assessment of whether we possess adequate remote detection technology. The Administration response ignores at least two other principal factors that are involved: the amount which defines a "significant" or "trigger quantity" of the material being monitored, and the degree of suspect site inspection afforded under the proposed agreement.

ACDA's answer to this question also considerably undervalues both current U.S. space-based detection capabilities as well as the indirect signatures that would be created by a clandestine production program of any significant size, such as raw material consumption, transportation flows, and utilization of technical personnel. Indeed, the entire Soviet nuclear materials production program for weapons has been clandestine since its inception, and this extreme secrecy has not prevented the United States from learning a great deal about it.

More recently, the Soviet Union has begun to open up its nuclear materials production complex to the outside world, and has pledged complete disclosure and inspection of all facilities in the context of an agreement to cut off production for weapons purposes. The proposed legislation would require such Soviet disclosure in any case.

ACDA expresses concern about U.S. abilities to detect construction and operation of a hypothetical Soviet laser isotope separation plant, but conveniently fails to specify either the size or the annual input/output of an LIS plant that could be placed in operation "with little risk of detection." How little is little? A low probability of detection per year may be appropriate and sufficient if the annual target quantity for monitoring clandestine production is also extremely low, representing a tiny fraction of existing stockpiles. For larger target quantities, representing as much as, for example, one percent per year of the U.S. stockpiles of these materials, a higher probability of detection and identification for potential clandestine facilities is warranted, and in the view of the sponsors, obtainable.

Q2. Then why did the U.S. propose a fissile material cutoff twenty years ago?

A. There are two basic reasons that the U.S. once advocated such a cutoff. First, verification would have been simpler and more sure in the 1960's. Laser isotope separation (LIS), for example, was not yet developed. Even then, however, it was acknowledged that if LIS were to become feasible, it would make verification of a cutoff difficult if not impossible.

The second reason is that during the 1960s and early 70s the U.S. had a significant lead over the USSR in production of weapons-grade materials. Even though we were unable to convince the Soviets to negotiate a cutoff, the U.S. unilaterally ceased production of enriched uranium for weapons in 1964.

ACDA Question 2. Why did the U.S. propose a fissile material cutoff twenty years ago?

Response: ACDA's response to this question is incomplete and misleading. The statement that "verification would have been simpler and more sure in the 1960's" can not be supported. Coverage, response time, and ground resolution of U.S. surveillance satellites have improved considerably since the mid-1960's. Indeed, our knowledge of the USSR in virtually all areas is much greater than it was twenty years ago.

The U.S. proposal of the mid-1960's called for extensive application of "adversarial" anytime, anywhere inspection of suspect sites as a means of coping with the problem of clandestine production—hardly a "simple" matter, as the U.S. government rediscovered during the negotiations on the INF Treaty. The Gorbachev-era Soviet Union welcomes intrusive on-site inspections as an adjunct to national technical means of inspection, a position that was firmly rejected by the USSR during the 1960's.

The ACDA response omits the primary reason why the United States pursued a fissile cutoff in the period 1964–1968: it was offered as an inducement to non-nuclear weapon states to join the nonproliferation treaty. According to George Bunn, ACDA's General Counsel during the Kennedy and Johnson Administrations, "a major effort was made to find new ways to inhibit the spread of nuclear weapons. As a complement to his proposal for a nonproliferation agreement, President Johnson urged the Geneva disarmament conference to seek 'a verified agreement to halt all production of fissionable materials for weapons use.' "[1]

ACDA's contention that the alleged difficulties of verifying a laster isotope separation (LIS) plant were understood by official proponents of the cutoff way back in the 1960's is open to question on two grounds: first, the scientific feasibility for the LIS process was not even demonstrated until 1971 (at the AVCO corporation) and, second, it's production scale application for both commercial and military purposes is still under development today, almost 20 years later. Neither side has any operational experience monitoring such plants, but the United States routinely monitors the USSR's high power laser research programs and has identified the facilities where it believes this work is conducted. On-site inspections could obviously provide additional data.

It should be noted that while ACDA expresses repeated concern about the detectability of a hypothetical Soviet LIS plant—the USSR does not have a production scale LIS demonstration program, as does the United States—it fails to note that the U.S. Department of Energy has been the chief promoter of this new, supposedly evasion-prone technology.

Finally, under the proposed legislation, the President is provided with the option of certifying that the United States government is "unable to determine that . . . isotope separation plants dedicated to the production of plutonium for weapons purposes have ceased operation." Should ACDA's vague reservations subsequently prove to have an analytical and substantive foundation, the President is free to invoke this provision.

Q3. Isn't this just a partisan issue, with the Republicans trying to kill a Democratic initiative?

A. In fact, a fissile material cutoff was first proposed by President Eisenhower. The proposal was not pursued by the U.S. after 1973. When an attempt was made to resuscitate the proposal in 1978, President Carter ordered a thorough review of the cutoff. He concluded that his administration would not propose a cutoff, nor would it support a cutoff attempt proposed by others.

ACDA Question 3. Isn't this just a partisan issue, with the Republicans trying to kill a Democratic initiative?

Response. Well, let the reader be the judge. A letter dated May 1, 1989 from the ranking Republican members of the House Armed Services, Foreign Affairs, Intelligence, and Defense Appropriation committees, urged Republican members not to cosponsor "onerous arms control legislation" offered by Democrats, including an alleged measure "to curtail U.S. plutonium and tritium production." Fortunately, ten House Republicans have ignored this advice and become cosponsors of the bill. In reality, the International Plutonium Control Act does not "curtail" current U.S. plutonium production because there is no such production at the present time, and none is anticipated until 1996 at the earliest. And the bill does not affect, and indeed specifically excludes, present and future facilities dedicated to tritium production.

ACDA's reference to the handling of the fissile cutoff proposal in the Carter Administration is misleading. President Carter and some of his top arms control advisers favored a cutoff, but they faced the same kind of internal government opposition now being offered by ACDA and thus opted to defer the cutoff in order to gain a government wide consensus on SALT II. Nevertheless, the United States voted for a United Nations resolution offered by Canada favoring a cutoff in November 1980.

Q4. Does the USSR support the idea of a fissile materials production cutoff?

A. The USSR has indicated support for negotiations toward a cutoff. Some suspect that the USSR would prolong negotiations in hopes that the Congress would decline to fund the rebuilding of U.S. production facilities. Meanwhile, the Soviets would continue their own production unabated. Others say that the USSR could easily afford to cutoff fissile materials production for weapons because it would continue to have such capability in its civil nuclear sector. This would be to Soviet advantage because the U.S. would need to develop the technology and receive congressional approval for producing plutonium for military use in civilian nuclear power facilities.

ACDA Question 4. Does the USSR support the idea of a fissile materials production cutoff?

Response. On April 7, General Secretary Gorbachev announced during a visit to London that the USSR had ceased production of highly-enriched uranium for weapons and was in the process of shutting down three plutonium production reactors "without commissioning new units to replace them." Gorbachev stated that these steps were "yet another major step toward the complete cessation of production of fissionable materials for use in weapons."

According to Soviet Deputy Foreign Minister Victor Karpov, when Secretary of State Baker visited Moscow in May, he received a proposal from Gorbachev to begin negotiations on a fissile material production cutoff.

ACDA's answer to this question is filled with anonymous third-party testimony and tinged with a kind of free-floating paranoia (e.g., "some suspect that the USSR would prolong;" "others say that the USSR could easily afford"). Who are the anonymous authorities making these speculative assertions, and where is the evidence to support them? It is certainly not in ACDA's brief.

ACDA's brief insinuates that the USSR would prolong the negotiations undertaken pursuant to the International Plutonium Control Act with the intent of undermining the will of the Congress to build new production facilities. "Meanwhile," we are told, "the Soviets would continue their own production unabated." This is complete nonsense. ACDA clearly has not even read the bill, or does not understand what it has read. The whole thrust of the bill is to highlight a halt in current Soviet plutonium production operations as an essential precondition for entering into bilateral negotiations! In addition:

The bill would require a mutual and verified shutdown of all dedicated plutonium production reactors, chemical separation facilities, and isotope separation plants prior to the effective date of the funding restriction.

The legislation directly constrains only the operation of these facilities—not their design or construction, as ACDA wrongly implies.

The opportunity is specifically reserved for the President to certify that the potential uncertainty in verifying the shutdown of facilities dedicated to military production is unacceptable, thereby terminating the funding restriction.

The President is also allowed the opportunity to certify that the Soviet Union is refusing to negotiate in "good faith," likewise terminating the funding restriction.

With all these redundant protection measures built into the bill, one wonders if any measures could be devised that would calm ACDA's rampant fear of being snookered by smart Soviet negotiators.

ACDA's unsourced contention that "the USSR could easily afford to cut off missile materials production for weapons because it would continue to have such capability in its civil sector" is highly speculative and misleading. The comparison is made between actual production for weapons in the military sector—which ACDA says the USSR could easily give up—and a Soviet capability to assume this military role in the civil sector, which is supposedly unmatched by the United States.

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[1] Bunn continues, "To that [Geneva] conference, from 1964 to 1968, the years we advocated and negotiated the NPT, we submitted working papers, technical briefings and many statements on how the production cutoff for nuclear explosives would be verified." Prepared Statement of George Bunn before the House Foreign Affairs Subcommittee on Arms Control, International Security, and Science, June 20, 1989.

The fact is that under a cutoff agreement, both the U.S. and the USSR could maintain an inherent capability for production in both dedicated military facilities and in the civil sector. An agreement to cutoff production of plutonium and highly-enriched uranium for weapons would not constrain the ability of either side to maintain reactor capacity dedicated to tritium production that could be quickly shifted to plutonium production.

Moreover, the Atomic Energy Act provides that "whenever the Congress declares that a state of war or national emergency exists," the President is authorized to operate civil nuclear facilities for military purposes.[2] We leave it to ACDA to explain why it considers the statutory requirement for such a Congressional declaration to be a "Soviet advantage." In this connection, it should be noted that the U.S. has a far larger installed base of civil nuclear power reactors than does the Soviet Union, with an inherently greater potential for weapons-grade plutonium production.

ACDA is simply wrong in stating that further technology development is required to produce plutonium in U.S. civil reactors. Plutonium is obviously produced in such reactors all the time. To produce weapons-grade plutonium, the irradiation time of the fuel in the reactor would be drastically reduced. Maintaining a contingency to reprocess this fuel would require construction of a new head-end facility at an existing reprocessing plant.

Q5. Does the USSR advocate ending the recycle of fissile materials from decommissioned weapons?

A. Yes, Soviet representatives have proposed this. If the USSR could successfully end recycling of materials from weapons and keep U.S. production facilities from being rebuilt, it would freeze an advantage in Soviet fissile materials stockpile, production capabilities, and weapons modernization.

ACDA Question 5: Does the USSR advocate ending the recycle of fissile materials from decommissioned weapons?

Response: If "Soviet representatives" have indeed proposed this, why not provide the reference and the context? In fact, this idea has been most vigorously promoted by independent U.S. scientists associated with the Federation of American Scientists. These experts have correctly noted that from the technical point of view, all the talk of "real reductions" in nuclear weapons will not amount to much if both sides are permitted to retain the nuclear warheads from dismantled systems and recycle the fissile material into new weapons. During the debate over the INF Treaty, the most prominent critic of allowing this recycling of warheads to continue was not the Soviet negotiating team but North Carolina Senator Jesse Helms!

Physicists Frank von Hippel of Princeton and Wolfgang Panofsky of Stanford have noted that if such genuine warhead reductions are desired in the future, a cutoff in fissile material production for weapons is an important prerequisite for high-confidence verification.

The rest of ACDA's response to this question is a melange of buzz-words and paranoia that is totally devoid of analytical content. No one—save for ACDA—has ever suggested allowing the USSR the authority to "keep U.S. production facilities from being rebuilt." And as for "freezing" an advantage in Soviet fissile materials stockpiles, ACDA's own prescription for avoiding controls in this area would allow the current Soviet "advantage" to increase by some tens of thousands of kilograms of plutonium.

Q6. Both the U.S. and the USSR have large quantities of fissile materials for weapons. Why do we need more?

A. In the short term, the U.S. needs more fissile materials for its modernization program. As with any weapon system upgrade program, the existing weapons must remain for national security interests until the new ones are available for use. If the U.S. were going to build a new fleet of tanks, it would not cannibalize old tanks for parts until they were no longer needed for security. The same principle applies to our nuclear weapons.

In the long term, the U.S. may or may not need more fissile materials. But, the U.S. should have the capability to make fissile material should it be needed. The U.S. should never get into a position whereby the USSR has the capability to produce plutonium and enriched uranium for weapons and the U.S. does not.

ACDA Question 6: Both the U.S. and the USSR have large quantities of fissile materials for weapons. Why do we need more?

Response: The short answer is, we don't. Both countries could cease production of fissile materials for weapons tomorrow and be guaranteed of huge, enduring stockpiles of nuclear explosive materials. ACDA's response is misleading, and blurs the distinction between future requirements for plutonium and highly-enriched uranium.

In the short-term, the U.S. does not require more plutonium for weapons production beyond that available from retirements and scrap recovery. The Department of Energy has testified that additional plutonium is not required for weapons in this decade, and that the output of the planned Special Isotope Separation Plant for plutonium would be used to fill a "plutonium reserve" requirement that has never been met over the entire course of the nuclear arms race. Why should "national security" suddenly require that we fill this reserve now, just as we are entering an era of nuclear reductions that will create a plutonium surplus.

Moreover, according to Evgeny Mikerin, the Soviet official in charge of nuclear materials production, the USSR is continuing to produce plutonium even while the total number of weapons declines because plutonium use per weapon is increasing in the newer more compact generation of Soviet weaponry. Why ACDA desires to facilitate the process of Soviet weapons modernization by allowing the Soviets unlimited quantities of plutonium is something of a mystery.

Likewise, the "need" for additional highly-enriched uranium (HEU) is premised on replenishing a reserve stockpile of HEU metal that has been drawn down by requirements for domestic and foreign research reactor fuel. The actual "need" for future use in weapons depends on several factors: the rate of retirement of older weapons, particularly obsolete W-33 artillery shells which contain large amounts of HEU; the implementation of START reductions; and the justification for "high-yield" options for certain weapons by replacing depleted uranium components with HEU. In the latter case, U.S. security hardly hinges on whether its strategic missile warheads have yields of 300, 450, or 600 kilotons. Those who continue to maintain that such differences matter are afflicted with the same nuclear warfighting fantasies that so alarmed the American and European publics during the early years of the Reagan administration. Congress and the country have moved beyond such mechanistic, dehumanized models of deterrence. Apparently, ACDA has not.

Finally, contrary to ACDA's implication, no one advocating a cutoff in military production has suggested that the U.S. should get itself into a position "whereby the USSR has the capability to produce plutonium and enriched uranium for weapons and the U.S. does not (emphasis added)." In fact, with respect to plutonium, that is already the case today, courtesy of the Reagan Administration's mismanaged nuclear weapons buildup of the 1980. An immediate plutonium production cutoff for weapons would prevent the Soviet Union from capitalizing on this asymmetry. In the case of uranium enrichment, U.S. capacity is almost double that of the USSR.

Q7. If there were a cutoff of fissile materials production today, wouldn't it benefit the US?

A. Absolutely not. A cutoff today would freeze a Soviet advantage, not only in the materials in stockpile, but in production capability. Let's take plutonium production for weapons as an example. U.S. facilities are old and have been shut down to correct environmental problems. Even after recently announced planned shutdowns, the Soviet Union will have at least ten operating nuclear materials production reactors capable of producing either plutonium or tritium. And, even if they were to close these, they would still have plutonium production facilities on-line as part of their breeder reactor program. Although these latter facilities are part of their civil nuclear program, they could be used for weapons purposes if the Soviets chose to do so. The U.S. has no breeder reactor program.

ACDA Question 7: If there were a cutoff of fissile materials production [for weapons] today, wouldn't it benefit the US?

Response: Ironically, ACDA's answer to this question raises most of the points that support the case for a production cutoff. Why does ACDA cite the large current Soviet advantage in plutonium production capability as an argument against negotiating a shutdown of Soviet military production reactors and reprocessing plants to continue in operation. Imagine if this same logic had been applied to the Soviet advantage in INF weapons in Europe or to their current advantage in armored ground forces. We would never have reached an INF Treaty or begun the Vienna negotiations on conventional force reductions.

As for the potential Soviet use of their civil nuclear facilities, ACDA knows quite well that as part of any fissile material production cutoff, these facilities could be made subject to IAEA or bilateral inspections that would assure their day-to-day use for civil purposes. Why the deliberate attempt to mislead?

Q8. Then the Soviet civil nuclear power industry could be used to produce nuclear weapons materials?

A. Absolutely. Unlike the US, the USSR has a breeder reactor program. The breeder reactor is designed to produce more plutonium than it uses. Furthermore, the program has an operational reprocessing facility to separate the plutonium. These facilities and materials could be redirected on short notice to weapons purposes. An equivalent capability would take years to develop in the US.

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[2] "Sec. 108. War or National Emergency.—Whenever the Congress declares that a state of war or national emergency exists, the [Atomic Energy] Commission is authorized to suspend any licenses granted under this Act if in its judgement such action is necessary to the common defense and security . . . [and] to order the recapture of any special nuclear material or to order the operation of any [licensed] facility" (42 U.S.C. sec 2138)

In addition to their breeder program, the USSR has at least sixteen RBMK-type power reactors. They differ from U.S. reactors in that they can be refueled on-line. This means that they can readily be used to produce weapon-usable plutonium. To use U.S. reactors in such a manner would require not only substantial time, technical effort, and money, but also a major policy change. Unlike the USSR, the U.S. separates its civil and weapons programs by law and policy.

ACDA Question 8: Then the Soviet civil nuclear power industry could be used to produce nuclear weapons materials?

Response: Yes, of course it could, but not while operating under international safeguards or bilateral inspections. And why focus just on the "breakout" potential of the Soviet civil nuclear industry. The U.S. civil nuclear power industry has an even larger plutonium production potential.

ACDA's one-sided focus on the Soviet breeder program is likewise misleading. The United States has an extensive research and development base in breeder reactor technology, including two operating fast reactors—the Experimental Breeder Reactor II, and the Fast Flux Test Facility—and a Zero Power Plutonium Reactor. The plutonium associated with these reactors amounts to seven metric tons.

The fact is, however, that in the event of the unlikely breakout scenario feared by ACDA, the Soviet breeder reactors would not offer any special advantages in producing weapon-grade plutonium over restart of existing Soviet production reactors. The depleted uranium "blankets" of the three Soviet breeders could be used to produce an estimated 0.5 to 1.0 metric tons of weapon-grade plutonium per year. By comparison, one U.S. production reactor produces about 0.5 metric tons per year.

The USSR has three operating breeders—the BOR-60, the BN-350, and the BN-600. Only the BOR-60 runs on plutonium fuel. A small number of experimental mixed plutonium/uranium fuel elements have been used in the BN-350, but the BN-600 uses medium-enriched uranium fuel and is constrained by safety concerns to operation at half power.[3] Plans to build several BN-800 breeders are at a standstill, because these reactors are forecast to produce electricity that is at least 2.5 times more expensive than that generated by conventional Soviet power reactors.

ACDA also fails to mention—or perhaps is unaware—that plutonium contained in the highly irradiated fuel elements used in the core of a breeder is much more difficult to separate than the plutonium contained in the blanket. The USSR has an experimental facility at Dimitrovgrad for reprocessing fuel from the small BOR-60 breeder reactor, and to date has not conducted large scale reprocessing of breeder plutonium fuel elements.

ACDA's observations on the RBMK reactors are completely in error. The fact that these reactors are refueled "on line" does not mean that "they can readily be used to produce weapon-usable plutonium." The RBMK was designed to produce electricity: production of weapon-grade plutonium in low-burnup fuel would severely affect its economics and operational performance. In normal operation the reactor operates at ten times the fuel burnup required to produce weapon-grade plutonium. Even with high burnup fuel, the RBMK refueling machine is running close to its capacity of 6 fuel elements per day. Production of weapon-grade plutonium would require the fuel to be moved in and out of the reactor significantly faster than the maximum rate attained by the current refueling machines.

The RBMK reactors therefore could not be operated continuously to produce weapon-grade plutonium without major changes, including installation of much faster or additional refueling machines. Even if these modifications proved feasible, which is by no means certain, such rapid refueling would create additional operational and safety problems that would seriously interfere with the intended function of electricity generation. It must be noted that this requirement for modification removes any special advantages accruing to the Soviet Union from the RBMK's on-line refueling capability.

Even more disturbing is that while ACDA officials have been apprised of the above analysis, they continue without a shred of contrary evidence to cite the RMBK as conferring unique advantages over U.S. batch-refueled civilian power reactors for weapon-grade plutonium production.

It should be noted that even the USSR's dedicated graphite moderated plutonium production reactors—the design antecedents of the RBMK—are also batch-refueled, requiring frequent shutdowns to withdraw the irradiated fuel elements.[4]

Q9. Why do we not worry about Japanese or German breeder reactor programs then?

A. Japan and the Federal Republic of Germany are neither adversaries of the U.S. nor nuclear weapons states; the USSR is both. Additionally, Japan and the FRG have signed the Nuclear Nonproliferation Treaty and have given credible assurances including coverage with fullscope safeguards that their nuclear programs are for civil purposes only. Obviously, we do not need to worry as much about them as we do the threat from a nation that has thousands of warheads targeted against the US.

ACDA Question 9: Why do we not worry about Japanese or German breeder reactor programs then?

Response: On the contrary, the rest of the U.S. government (if not the current ACDA) has worried a great deal about Japanese and German civil plutonium programs, and how these programs might be safeguarded to assure that their is no misuse or proliferation of the materials and technology involved in these programs. In its response, ACDA inverts the usual nonproliferation standard, which holds that diversions of small quantities of fissile materials are much more significant in non-weapons states than in a nuclear weapons state such as the USSR, precisely because the USSR does indeed already have "thousands of nuclear warheads targeted against the US." Diversions of small quantities of fissile materials from the civil to the military sector in the U.S. or the Soviet Union would have absolutely no bearing on the military-strategic relationship between the two countries.

Q10. Isn't the Soviet breeder program too small to worry about?

A. The USSR has one of the largest breeder reactor programs in the world. Right now it has two operating reactors and more planned. Together, the three can produce plutonium equivalent to the capacity of one dedicated plutonium production reactor. And, as part of the breeder program, the Soviets have a reprocessing facility which could be directed to weapons purposes.

ACDA Question 10: Isn't the Soviet breeder program too small to worry about?

Response: The real issue is not the size of the Soviet breeder program, but whether it is possible to implement international safeguards or bilateral inspections that provide adequate assurance that the nuclear materials and facilities involved in this program are not being used for military purposes. As noted above, this should be easier to accomplish in the USSR than in non-weapons states, simply because the threshold for monitoring militarily significant quantities of material is much higher than in non-weapons states. For example, 400 kilograms of plutonium (enough for the cores of about 100 modern nuclear weapons) revealed to be missing from a civil stockpile is 50 times the current international monitoring standard of 8 kilograms, but still less than 0.05 of current U.S. and Soviet stockpiles of plutonium.

The Soviet breeder program is far smaller than originally planned, and like breeder programs worldwide, has turned out to be uneconomical. Thus the prospects for its future growth are hazy, at best. The best insurance against the future military application of the Soviet breeder program lies in obtaining a binding international agreement enforcing a clear separation between Soviet civil and weapons programs, i.e. a cutoff of fissile material production for weapons purposes.

Unfortunately, ACDA appears far more interested in using the Soviet breeder program as an excuse for continued U.S. fissile materials production for weapons than it does in assuring the civil applications of this program in the future.

Q11. Wouldn't on-site verification assure that the Soviets would not use their breeder program for weapons purposes?

A. Because of the number of Soviet facilities included, inspection and verification of all plutonium production facilities would be a difficult and expensive project. That said, a real concern is not just how they use the output of their reactors day to day, but also in a "breakout" scenario the USSR has plutonium production facilities in its civilian sector; the U.S. does not. The Soviets have a plutonium stockpile for their civil reactors; the U.S. does not. What if the USSR decides to break any agreement we might reach on a cutoff, sends inspectors home, and dedicates the facilities and stockpile to weapons purposes? It would take years for the U.S. to match either the Soviet production capability or stockpile.

ACDA Question 11. Wouldn't on-site verification assure that the Soviet would not use their breeder program for weapons purposes?

Response: The ACDA brief fails to answer directly its own question. In fact, the number of facilities associated with the Soviet civil plutonium program is not large: 3 operating breeders, one of which is a small research reactor; an experimental breeder fuel reprocessing plant; a small plutonium fuel-fabrication plant; and a conventional reactor fuel reprocessing plant with an estimated average annual capacity of 250 metric tons of power reactor fuel per year.[5]

Although ACDA implicitly concedes that safeguards on these facilities would be effective against day-to-day diversions of significant quantities of material, it once again reverts to the spectre of a unilateral Soviet "breakout" capability. Far from enhancing Soviet breakout potential, a fissile material cutoff inspection regime would provide the United States with additional warning time when and if the Soviet Union expelled inspectors at the civil facilities in order to turn them to weapons purposes.

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[3] Interview with Soviet breeder reactor safety expert Dr. Boris Litvinev of the Kurchatov Institute, Moscow, July 5, 1989.

[4] Information supplied to Congressional delegation during visit to Chelyabinsk 40 plutonium production site, July 7-8, 1989.

[5] Calculated based on information supplied by Evgeny Mikerin, chief of manufacture and technology for the Ministry of Atomic Energy and Industry, that the Soviet civil reprocessing plant at Chelyabinsk-40 in the Urals has separated "about 20 metric tons" of plutonium since its startup in 1978.

The ACDA estimate that it would take the U.S. "years" to match the Soviet civil plutonium production capability or stockpile in the event of a breakout is completely undocumented, but, more importantly, it is strategically irrelevant. In fact ACDA undermines its emphasis on the importance of the asymmetry in civil plutonium capabilities by noting, in response to question 13, that the United States does not need to match Soviet military plutonium production capability. However, since this is supposedly what the debate is all about, why then is it suddenly important to match Soviet civil plutonium capability. In reality, as long as the United States can field a survivable nuclear deterrent, it hardly matters from a military perspective how much plutonium the Soviets have accumulated in their civil and military programs.

In the unlikely event of Soviet breakout, perhaps the least effective measure to hedge against such an eventuality would be the revival of the failed U.S. commercial breeder reactor program.

Excess plutonium stockpiles are useless without excess on-line capacity to produce additional warheads and delivery systems. Is ACDA suggesting that the United States also needs to maintain access surge capacity in our nuclear warhead, missile, and bomber production plants to respond to the imagined Soviet "breakout?"

The 18 months to two years that would be needed to restart plutonium production correspond to the minimum time needed to produce a significant quantity of additional delivery vehicles, and thus a Soviet advantage in materials alone would be inconsequential.

The major task in the event of a Soviet plutonium "breakout" would be the implementation of measures to assure the future survivability of U.S. nuclear deterrent forces in the face of a larger threat. Such measures as redeploying the SBM force on a larger number of smaller submarines, deploying additional counter-ASW devices, dispersing and raising the alert status of the bomber/cruise missile force, further improvements in warning and communications, and redeploying MIRVed missile warheads on additional single-warhead mobile ICBMs would all constitute more meaningful responses than cranking out more plutonium. Presumably, U.S. nuclear forces already are designed in such a way as to be reasonably resilient to such "excursions" in the threat, making ACDA's preoccupation with Soviet plutonium "breakout" an even more arcane exercise than it seems at first glance.

One byproduct of the START agreement will be an increase in U.S. reserves of weapon-grade plutonium available for responding to a Soviet breakout.

Q12. Are there really savings to be gained under the proposed legislation?

A. If we fail to maintain the capability to respond to a Soviet threat and allow our production capacity to wither away, there could be some savings. If, however, we maintain the necessary capability to produce for national security requirements—including new and/or refurbished facilities, there would be no significant savings. In any event, the verification provisions to inspect existing Soviet and U.S. facilities are estimated to be at least $100 million per year.

Question 12. Are there really savings to be gained under the proposed legislation?

Response: Under the cutoff, savings from discontinued operations for weapons purposes at enrichment plants, military production reactors, conversion facilities, fuel fabrication plants, reprocessing plants, and high level waste treatment facilities would amount to at least $5 billion over the next twenty years. A cutoff could have the indirect political effect of diminishing, but by no means eliminating, planned capital expenditures worth at least $6 billion on new plant and equipment to hedge against a breakdown of the agreement. The scale of capital investment achievable under a cutoff would not be dictated by the terms of the agreement. The United States would be free to invest as much or a little as the political process decided is justified to deter and protect against ACDA's cherished breakout scenario. Given that maintaining a capability for rapid production of vast quantities of weapons plutonium is not the most rational response to large numbers of additional Soviet warheads, one may be justified in supposing that there would be additional capital savings under a cutoff as well.

As for the costs of verification, one may note that even when relying on ACDA's inflated cost estimate, the savings from reduced operating expenses over the next twenty years would pay for the U.S. share of the verification costs for at least 100 years.

Q13. Does this mean that the U.S. must match the Soviet capability, i.e., 10–12 production reactors?

A. No. Due to the U.S. technology lead, we do not need vast quantities of new material. We must, however, have the capability to respond to the identified national security needs and to preserve flexibility to respond to changing world conditions in the future. While our need is much smaller, there still exists a requirement for some production capacity.

Question 13: Does this mean that the U.S. must match the Soviet capability, i.e., 10–12 production reactors?

Response: In answer to this question, ACDA suddenly reverses itself and suggests that the disparity between U.S. and Soviet production capabilities is unimportant. ACDA then proceeds to state a proposition that is entirely consistent with negotiation of a fissile material production cutoff for weapons, namely, that the United States should maintain "some production capacity" to "preserve flexibility to respond to changing world conditions in the future." This would certainly be the case under the agreement outlined in the International Plutonium Control Act.

[From Newsweek, Oct. 28, 1991]

UPPING THE NUCLEAR ANTE

Now that Mikhail Gorbachev has matched George Bush's offer of deep tactical nuclear weapons cuts, NEWSWEEK has learned that Bush is preparing another dramatic proposal to reduce the nuclear arsenals. In the coming weeks, senior administration officials say, the president will call for a permanent ban on the manufacture of nuclear fissionable material, namely highly enriched uranium and plutonium used in the production of atomic weapons. Top White House aides are also debating recommendations for new limitations on nuclear testing, the sources say.

Bush's proposals would save the United States billions of dollars by allowing the closing of several aging and unsafe nuclear plants, already facing a massive and costly cleanup. It would help Gorbachev by enabling Moscow to shut down a number of even more unsafe weapons-oriented nuclear plants. No date has been set for the announcement, but administration officials expect Bush will offer the proposals before he meets Gorbachev in Madrid on Oct. 29, a day before the opening of the Mideast peace conference.

[From the Washington Post, Oct. 25, 1991]

SOVIET PROPOSALS DIVIDE BUSH'S AIDES—CHENEY AND SCOWCROFT REPORTED AT ODDS ON RESPONSE TO ARMS OFFERS

(By R. Jeffrey Smith)

A rift has developed between Defense Secretary Richard B. Cheney and White House national security adviser Brent Scowcroft over how receptive the United States should be to several arms proposals made on Oct. 5 by Soviet President Mikhail Gorbachev, U.S. officials said yesterday.

In recent days the two officials have indicated that they differ over how far and how quickly the administration should move toward embracing new arms limitations beyond the broad unilateral measures announced by President Bush on Sept. 27, the officials said.

The dispute became evident late last week when Cheney blocked release of a draft White House announcement that would have accepted a Soviet proposal to declare an end to production of fissile material for nuclear weapons, the officials said.

The two policymakers also differ on whether to pursue Gorbachev's request for joint limitations on underground nuclear tests and for a U.S. declaration that nuclear arms will be used only in retaliation for nuclear attack. Scowcroft is willing to negotiate on both, while Cheney and other senior administration officials say the United States cannot compromise on either issue.

The rift in the administration comes as U.S. and Soviet leaders have ordered unprecedented arms limitations to mark the close of the Cold War and reduce the risk of future conflict. Gorbachev's proposals, to which Bush has not yet responded, were a response to Bush's initiative that lowered the readiness of some strategic weapons and eliminated or withdrew U.S. tactical nuclear weapons around the world.

U.S. officials said they expect Gorbachev to press Bush on the arms proposals during their meeting in Madrid on Tuesday, shortly before the two men open a landmark Middle East peace conference. But no administration meetings are scheduled to develop a U.S. consensus beforehand, the officials said.

"There will be no new U.S. [arms control] proposal at the summit," a senior defense official predicted yesterday.

The fissile materials that would be affected by the Soviet plan are plutonium and highly enriched uranium, long-lived radioactive elements that sustain the chain reaction of a nuclear weapon's explosion. Neither materials has been produced for years by the United States, which routinely harvests the materials from retired warheads for reuse in newer weapons.

By contrast, the Soviet Union is believed by independent U.S. experts to be continuing production of fissile material for its nuclear weapons. Production of tritium, a vital gas used to boost a weapon's explosive force, would not be affected by the Soviet plan.

In working to block the White House announcement, Cheney, who at the time was traveling on official business in Italy, complained that he had not been fully consulted about it—an assertion that Scowcroft is said to consider unwarranted. Cheney is said to believe that a pledge not to resume production of fissile materials requires further study and could unduly constrain U.S. options for developing new nuclear weapons.

Scowcroft maintains that mutual U.S. and Soviet declarations to cease production would have no adverse impact on U.S. security and would only reflect what budgetary and political pressures in both countries are requiring anyway, officials said.

A senior Department of Energy official, speaking on condition that he not be named, said his department supported this view. "From the DOE perspective, we're not going to be in the plutonium business at all," the official said, citing an abundance of stockpiled plutonium already available and plans to recover additional plutonium from weapons slated for elimination under the Bush initiatives.

"We also don't need any more high-enriched uranium," either for nuclear weapons or to fuel nuclear reactors that drive naval ships and submarines, the official added. The Energy Department is responsible for manufacturing nuclear weapons and fissile materials to meet Defense Department requirements.

U.S. arms negotiators had pursued an international shutdown of fissile material production plants from 1957 to 1970. At one point, a U.S. official went so far as to assert that "a disarmament program aimed at eliminating the threat of nuclear war would be incomprehensible if . . . states were permitted to continue an unrestrained race by enlarging their stocks" of such materials.

The Soviet Union long spurned the idea because it had smaller stocks of such materials and wanted to catch up, but eventually embraced it as a goal for arms negotiations in 1982. By then, the Reagan administration was in the midst of expanding the U.S. arsenal of nuclear weapons and rejected such constraints.

Environmental and safety hazards forced the Energy Department to halt plutonium production at Savannah River, S.C., in 1988. One year later, a warming of U.S-Soviet relations contributed to the department's cancellation of plans to build a costly new plutonium production plant.

Scowcroft has been instrumental in getting Bush to make several arms control proposals over Cheney's initial objections, including a bid in 1990 to ban mobile, land-based missiles with multiple warheads. Scowcroft also pressed for the elimination of tactical nuclear weapons aboard naval vessels long before it was accepted in September by Cheney and Bush, officials said.

CASTING A NEW LIGHT ON OLD ENVIRONMENTAL PROBLEMS

Mr. WIRTH. Mr. President, I want to take a few minutes this morning to talk about some startling new information about the degree to which humankind is assaulting the globe's most important environmental systems, and about the implications of these new findings for the way in which we view and respond to these trends.

Two days ago, the premier body of international scientists empanelled through the Montreal Protocol on Ozone Depleting Substances, released their most recent findings related to the health of the Earth's protective ozone layer. The news is not good.

The ozone layer, of course, protects plants and animals—all living things—from the sun's harmful ultraviolet radiation. This veil, 5 to 15 miles above the Earth, is absolutely essential to long-term human health, and to the health of other animals and plants which we depend on for our survival. Everyone is familiar with its practical function—in guarding us against the effects of ultraviolet radiation: skin cancer, cataracts, and other health and biological threats.

We have known for some time that the ozone layer was indeed being destroyed. The dramatic ozone hole discovered in the mid-1980's confirmed scientists worst fears about ozone depletion. The erosion of this solar shield has been steady and increasingly rapid in the 1980's.

Now, however, the world's best scientists report that the ozone layer is in far greater trouble than was ever imagined. The problem is getting dramatically worse and we are going to have to take immediate steps to prevent more catastrophic harm to this critical atmospheric system.

Briefly, the scientific assessment yielded these results:

First, the scientists found even clearer evidence that manmade substances—such as the chlorofluorocarbons and halons—are causing the ozone layer to erode.

It was confirmed once again that ozone levels are decreasing everywhere but the low-altitude regions; that is, ozone is being lost over the mid- and high-latitude areas of the Northern Hemisphere, which is of particular relevance to all of our constituents.

Third, scientists have now measured the lowest ozone level ever over the Antarctic. And in a dramatic departure from previous years—when the ozone hole was a biennial occurrence—the ozone hole has been detected in each of the last 3 years. It is getting bigger and bigger and it is becoming more frequent.

Fourth, downward ozone trends are occurring in the fall, spring, and summer. This is most troubling, Mr. President, because during the summer months in the Northern Hemisphere, the maximum dose of ultraviolet radiation reaches our citizens as the sun enters and passes through the solstice.

Fifth, the report found a 3-percent overall loss of ozone in the Northern Hemisphere. Furthermore, it is now clear that we cannot do anything to prevent a doubling of depletion levels to between 6–8 percent.

Finally, the scientists confirmed what policymakers have suspected—we were exceedingly lucky and wise to have developed the Montreal Protocol, and to have strengthened domestic implementation through the Clean Air Act. If we had not taken those steps, the ozone layer would be in even greater peril. Nonetheless, let us not sit back on the heels of these actions. We must approach these new findings with the utmost and gravest sense of urgency.

We are fortunate in this institution to have such leaders as Senator CHAFEE and Senator GORE, consistently putting forward sound policy proposals to address these alarming trends. And we need to look to them again, to the resolution offered by Senator GORE earlier this year, which he has been recirculating since Tuesday, for further guidance.

Mr. President, we should take up and pass right now Senator GORE's resolution. I firmly believe that this is one of the most important things that we could possibly do in this institution for the remainder of the year. The implications of these recent findings are that shocking. Ozone depletion is no longer solely a threat to future generations—we can no longer assume that our children and grandchildren can cope with and answer these challenges.

It is our problem. It is here today. This is the new reality under which we now live.

We have altered the delicate balance that has governed the history of our planet over the milennia: Human beings, not Mother Nature, now control the fate of the global environment. And we are powerful agents of destruction. The responsibility conferred on us as a result of this new reality must guide our actions for the remainder of this and the future Congresses in this century.

I should add that this scientific panel has also concluded that the effect of ozone depletion and chlorofluorocarbon emissions is one of cooling the planet—an opposite and omninous view of all previous thought and a thorough repudiation of the administration's so-called action program for combating the more challenging issue of global warming.

In light of these new findings, in the face of the new relationship we have with the Earth, it is time to reexamine the way we approach these issues.

No longer can we afford to spend months arguing over whether or not to respond to the trends. We have no choice but to respond.

No longer can we assume that we have the luxury of time to delay our response. The situation is urgent.

And no longer can we argue about whether or not the United States should play a leadership role in addressing these trends. Without concerted leadership from this Nation, the responses we so urgently need will be delayed.

Other nations around the globe are already responding. They are developing strategies that will lead to major agreements next June at the United Nations Conference on Environment and Development in Brazil. There are those who continue to fight these efforts, but they are going to happen, and we must be engaged. We cannot duck this. The White House cannot duck this.

Therefore, Mr. President, let me suggest that we in this country cast new light on these old environmental problems. Instead of looking at the economic hurdles that we must jump in order to protect the global environment, the Congress and the administration should join together and look for the economic openings that we can seize as the nations of the world band together to protect our planet. Rather than looking for obstacles, let us look for opportunities.

For example, let me contrast the response of this administration and the Government of Japan. Where some in this administration are looking for ways to prevent international agreements, the Japanese are looking for ways to take advantage of international agreements. Those agreements are going to come. Why do we not look progressively at this rather than looking at these as threats and rather than setting up barriers?

Last year, Japan established the Research Institute of Innovative Technology for the Earth [RITE] to develop new, more environmentally sound technology. The Japanese have issued "New Earth 21," an incredible vision for the future and an action program for developing energy technology for the 21st century. The Japanese are not backing away from global environmental challenges, they are taking advantage of them. And recognizing their superior position to develop these technologies, they are pushing for meaningful environmental agreements.

As an example of what is so clearly happening, one only has to think about the announcements in recent days and weeks from the Japanese auto industry. Last month, Honda introduced its new lean-burn engine technology that will increase the efficiency of the Honda Civic by 20 percent. And in recent days, there have been a slew of announcements of new 100-mile-per-gallon automobiles that meet all American safety standards.

These trends are summed up in the philosophy of Honda's chairman: "We must focus our attention to reduce emissions and improve fuel economy while providing performance characteristics that improve the overall driving experience." Would it not be nice if our automobile leadership was as progressive as that?

The Japanese clearly recognize the scientific and public consensus that has emerged so rapidly around the world and they are poised to take advantage of that consensus. It is time for this great Nation to rise to the challenge, to roll up our sleeves and apply our legacy of innovation and hard work to address and capitalize on these new realities.

It is my belief that such an effort could serve as a cornerstone of an American economic revival—a new thrust toward environmentally based economic growth and away from the economic lifts provided by the military buildups of the past. The cold war is over; a new war is emerging, the war against a warmer world and climate change. We are entering a new era, when the very life support systems of the planet are at stake. The 21st will be the century of the environment.

Let me touch on some of the economic opportunities we have in this new era.

In the area of trade, where we are currently running a $100 billion deficit, there is an enormous untapped potential to supply clean energy for the rest of the world. So we can shift our own energy approach, use more of our basic material—natural gas, for example—back out oil, and help our economy here at home, and put a major effort into developing alternative technology which the rest of the world is going to need as well.

Today, the developing nations account for 16 percent of global energy use. In the next 30 years, they will approach 50 percent of all energy consumption. That growth in the energy sector can not and will not be based on the energy technologies we have relied on. The environment could not survive that kind of assault.

Several years ago, an industry group was convened by the Agency for International Development to look at energy opportunities in the developing world. In the next 15 years, as much as 1 trillion dollars' worth of energy technology will be needed and purchased in the developing nations. Who is going to provide that technology, Mr. President? Let me suggest that we have both the capability and the creativity to seize that opportunity. We are the world's leader in developing renewable energy technology—but the Germans and the Japanese have been marketing it, reducing our share of the global marketplace to 30 percent in 1988, where we controlled 75 percent a decade earlier. We should win that market back—that is an enormous opportunity.

Similarly, we should be rapidly expanding our technology research efforts to develop the environmentally sound products that will be needed in the future. Related to the troubling ozone findings, researchers at the National Renewable Energy Lab, formerly SERI, while woefully underfunded, have developed a new insulation technology—compact vacuum insulation—that could eliminate the need for chemical cooling in refrigerators, which is now supplied by CFC's, precisely the kind of technological innovation which we ought to be considering here. We ought to take advantage of this changing environment world.

Mr. Sununu and company should stop looking at this as a huge liability for the United States, and do simply what the Japanese are doing. Change is coming. The world environment is changing. Let us change as well.

With $1 million, the researchers at the National Renewable Energy Lab have developed a technology which has enormous promise for industrial and product applications. Without retooling the refrigerator industry, we can replace foam insulation, improve interior space and save energy. And I hope my colleagues from steel States are listening—estimates are that initial deployment of this technology could require 600 million pounds of steel per year. Therefore, we get double economic benefits—the benefits of energy efficiency and reduced costs of environmental damages, and growth and opportunity in the steel industry.

Third, there are job development strategies closely linked to environmental protection. A recent analysis estimates that 60 to 80 jobs could be created for every $1 million we invested in weathering homes across the Nation—a potential pool of 6 to 7 million job years.

Why do we not do that? Why do we not build up pipelines to carry our own natural gas up to New England rather than importing oil from overseas? There is example after example where an enlightened policy, a progressive policy can be very good for the job market in the United States and can increase our own energy independence, and yet we are not doing it.

We continue to hear from the administration that they want to go down this tired old path of dependence on oil. That does not make sense, Mr. President. That is such a myopic, such a shortsighted point of view.

Similarly, generating electricity with solar energy employs double the amount of people as does a traditional fossil or nuclear energy plant. And those are jobs that make our economy more efficient and our trade picture more bright.

These are, Mr. President, only a few examples of what can be done if we look at these issues from a different angle. We need not retreat from the enormous and urgent environmental challenges we face. Indeed, we should engage them immediately, optimistically, and fully. I believe there is a kind of economic Darwinism at play here—those corporations and those nations that can become most efficient and can adapt to the new economic and environmental realities of our times will be the fittest companies and countries in the future.

Again, I want to call my colleagues' attention to the troubling new evidence about grave environmental threats to our future. Just as importantly as those threats, as that evidence is clearer and clearer, so are the opportunities that we have in responding to those threats.

We ought to be using our own energy resources. We ought to be developing our job market here at home. We ought to be reversing some of the insane economic policies that we are pursuing now, such as exporting whole logs to Japan. The Japanese mill them over there. They process them over there and send them back to us.

This kind of colonial mentality and approach has to stop. There are so many opportunities here, Mr. President. And I think that the recent evidence on the hole in the ozone ought to give us another wake-up call. We can change. We must change. The world is changing. The climate is changing. Let us hope the United States changes as well.

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. MITCHELL. Mr. President, as promised earlier, I have now reviewed the schedule for the next several days with the distinguished Republican leader and other interested Senators and now announce that there will be no rollcall votes today. The next rollcall vote will be on Monday evening, not prior to 6 p.m.

What I propose the Senate do is the following: That the amendment relating to the Griggs standard in law that was the subject of the compromise reached last evening be laid down and debated today and that if a vote on that amendment is necessary it be scheduled for Monday evening; that the subject matter of the application of the laws, this and other laws, to the Senate be debated on Monday as well as any other amendments and that we attempt to complete action on the bill by Monday evening.

I have asked the distinguished Republican leader to provide us with a list of any potential Republican amendments and to have those Senators present on Monday during the day to offer their amendments and to debate them and then proceed as promptly as possible to dispose of those on Monday evening.

Now that the logjam has been broken on this bill, it having been the subject of our attention for nearly a year and a half, I hope that we can bring it to a swift and fair conclusion. And it is at least my goal to try to achieve that by Monday night.

So that Senators can prepare their schedules, they should be aware, therefore, that there will be no votes today, there will be no votes during the day on Monday, but there will be debate and amendments offered and there is the potential of several votes on Monday evening. There will certainly be at least one vote. Senators should be aware there will be at least one vote, and, if we can move it that far, a vote on final passage of this bill on Monday night.

Mr. President, I thank my colleagues for their cooperation. I thank my colleague from Hawaii for permitting me to make this announcement. And I will, Mr. President, on Monday or Tuesday, have a further announcement with respect to the schedule following disposition of this bill.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Hawaii, Mr. AKAKA, is permitted to speak for up to 10 minutes.

ELECTRIC VEHICLE R&D

Mr. AKAKA. Mr. President, I rise to alert my colleagues to an event that has not received the proper attention it deserves.

Today we will achieve an important milestone in the development of electric vehicles. The Secretary of Energy will join representatives from General Motors, Ford, and Chrysler, to sign a $260 million, 4-year agreement to develop a new generation of batteries that can power the electric vehicles of tomorrow.

This unprecedented collaboration between the Federal Government and the big three automakers has been launched in order to rapidly advance the commercialization of electric vehicles. As evidence of their commitment to this technology, the automakers will match the Federal contribution to this research initiative on a dollar-for-dollar basis.

Known as the U.S. Advanced Battery Consortium, this alliance between the big three automakers and the Department of Energy will develop advanced batteries that can significantly enhance the range and performance of electric vehicles. A range of up to 150 miles on a single charge, with response and acceleration characteristics similar to today's gas-powered cars, is the established objective. These new batteries will also meet stringent environmental, safety, and health requirements.

Battery development, as well as the means of charging and servicing batteries, is the single greatest obstacle to commercialization of electric vehicles. Just as the development of the internal combustion engine yielded a century of gasoline-powered transportation, there is every expectation that breakthroughs in battery technology will produce a second generation of emission-free electric transportation.

Few people realize it, but electric cars were the vehicle of choice in the year 1890—the year 1890. A century ago, less than a quarter of the "horseless carriages" were propelled by internal combustion engines. Among those who preferred the electric car to their noisy and smelly gasoline-powered competitors was Henry Ford's wife, Clara.

Mr. President, we will soon have the opportunity to stimulate a resurgence of electric vehicles. The Senate is about to consider legislation that will greatly accelerate the pace of electric vehicle research, development and demonstration. I am referring to title IV of S. 1220, the National Energy Security Act of 1991.

During markup on the Energy Security Act, I was pleased to join with Senator WALLOP, the ranking member of our Energy Committee, in offering a package of electric vehicle amendments that appear in title IV of the bill. The agreement signed at the White House today is precisely the kind of collaboration anticipated by the bill we will soon consider.

Title IV of S. 1220 authorizes the Secretary of Energy to enter into cooperative agreements for research and development on electric vehicles. The Secretary is also authorized to conduct up to ten field demonstrations of electric and electric-hybrid vehicles. The criteria set out in S. 1220 assures that only manufacturers capable of advancing to large-scale commercial production can participate in the program.

In addition, title IV provides authority to enter into five cooperative agreements to develop the infrastructure necessary to support the commercialization of electric and electric-hybrid vehicles. Finally, it amends the acquisition requirements for Federal fleets to include electric and electric-hybrid vehicles.

Electric vehicles offer the potential for significant energy security benefits by utilizing sources of energy that are in abundant supply, rather than relying on dwindling and often expensive sources of imported oil. The potential for oil savings is dramatic. If we succeed in replacing only 1 percent of this country's conventionally fueled vehicles with comparable electric vehicles, we could achieve a savings of 60,000 barrels of oil per day.

In addition to their energy security benefits, electric vehicles are one of the most effective means of reducing transportation-related atmospheric pollution. Ninety-six cities and urban areas in the United States have air pollution levels that exceed national standards for ozone. A significant amount of the precursors of ozone come from gasoline-powered vehicles. When compared to gasoline vehicles, electric vehicles can reduce pollutants by as much as 97 percent.

Last year, California became the first State to mandate the production and sale of so-called zero-emission vehicles, by requiring 2 percent—or almost 40,000—of the new vehicles sold in the State to meet the mandate. Currently, only electric vehicles satisfy these requirements. We need to carry out an electric vehicle demonstration in the mid-1990's before vehicle manufacturers are required by California, and perhaps other States, to manufacture zero-emission vehicles.

Mr. President, the electric vehicle legislation contained in S. 1220 will assist manufacturers and consumers alike in developing a high quality, reliable product that can, and I believe will, achieve widespread commercial success.

Mr. President, I yield the floor at this time.

Mr. LIEBERMAN addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Connecticut [Mr. LIEBERMAN].

PRIVILEGE OF THE FLOOR

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that Elaine Francis, who is a congressional fellow in my office this year, be allowed privilege of the floor for the remainder of this day.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Connecticut is recognized.

Mr. LIEBERMAN. I thank the Chair.

(The remarks of Mr. LIEBERMAN pertaining to the introduction of S. 1875 and S. 1876 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. LIEBERMAN. I thank the Chair. I yield the floor, and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. LIEBERMAN). Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, are we in morning business?

The PRESIDING OFFICER. The Senator is correct.

Mr. KENNEDY. I ask unanimous consent to speak for such time as I may use in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

DANFORTH-KENNEDY SUBSTITUTE CIVIL RIGHTS ACT OF 1991

Mr. KENNEDY. Mr. President, this Nation's long struggle to overcome the historical legacy of discrimination has been characterized by difficult battles and by periodic, historic advances. Today, the U.S. Senate has the opportunity to take one of those great steps forward and to advance significantly the cause of equal opportunity for all Americans.

During the past 24 hours, Members of this body have joined with administration representatives to craft a civil rights bill that will restore to all Americans the ability to enforce their right to equal job opportunity. In a series of recent decisions, the Supreme Court cut back on the ability of employees successfully to challenge business practices which deny them the right to compete on a level playing field. Congress has worked for 2 years to reverse those decisions and remedy their destructive effect.

The struggle has often been difficult, but the day has finally come when we can all join together to enact a fair civil rights bill, which restores our law and once again protects our citizens from the debilitating effects of employment discrimination.

Like other civil rights efforts before it, the effort to pass this Civil Rights Act has not been a Democratic effort or a Republican effort; it has been a national effort. Only through bipartisan cooperation has the United States been able to enact the landmark civil rights laws that have given practical meaning to the fundamental principles of fairness, justice, and equality of opportunity.

In past Congresses, Republican and Democratic leaders have put partisanship aside and worked together to achieve these goals and expand opportunity for all our citizens. The Civil Rights Restoration Act, the Fair Housing Amendments Act, the Americans With Disabilities Act—these and many other achievements became law only because of the dedicated efforts of Members of both parties.

The Civil Rights Act of 1991 is the next great step in that tradition. Senator DANFORTH has worked tirelessly to develop a compromise which fairly restores the guarantee of equal job opportunity for women and minorities. Under his leadership, Republicans and Democrats have prepared a consensus bill that can and should become the law of the land. Everyone committed to the Constitution's great promise of equal justice for all owes Senator DANFORTH a tremendous debt of gratitude.

The agreement with the administration represents a significant victory for civil rights. It will allow us to lay to rest the divisive quota charge and focus on positive efforts to heal the wounds caused by discrimination.

The bill overrules the Supreme Court's decision in Wards Cove Packing Co. versus Atonio, restoring the right of employees to challenge practices which disproportionately exclude women or minorities from America's workplaces. One of the Civil Rights Act's fundamental purposes was to overrule Wards Cove and restore the law to its status under Griggs versus Duke Power. The agreement accomplishes that goal.

It also confirms statutory authority for adjudication of disparate impact suits under title VII and codifies processes for litigating such suits, ensuring that victims of discrimination will not again have their right to challenge practices with a disparate impact eroded by the Supreme Court.

Congress has understandably experienced considerable difficulty in its efforts to encapsulate the law under Griggs as it existed prior to the Wards Cove decision. Congressional consideration of a wide variety of possible statutory language reflected, not a disagreement over what the standard should be, but the inherent difficulty in finding language which would best accomplish the goal, sought by Congress from the outset of this lengthy legislative process, of codifying pre-Wards Cove legal principles.

The Danforth-Kennedy substitute makes clear that the Civil Rights Act of 1991 restores Griggs by stating in its purposes section that it is intended to codify the concepts of "business necessity" and "job related" enunciated by the Supreme Court in Griggs, and in other Supreme Court decisions prior to Wards Cove. It does not alter pre-Wards Cove law to favor either plaintiffs or defendants, but restores the status quo in Griggs that was disrupted by Ward Cove itself.

The amendment codifies the procedures for litigating disparate impact cases. The complaining party must demonstrate that a particular employment practice—or, under certain circumstances, a decisionmaking process—causes a disparate impact on the basis of race, color, religion, sex, or national origin. When such a showing is made, the burden then falls to the respondent to demonstrate that the challenged practice or process is job related for the position in question and consistent with business necessity. The substitute makes clear that the respondent bears the burden of proving business necessity, and that the terms "job related" and "business necessity" have the meaning enunciated by the Supreme Court in Griggs and in other Supreme Court decisions prior to Wards Cove.

Even if the respondent proves business necessity, the challenged practice or process is unlawful if the complaining party demonstrates that a different employment practice with less disparate impact exists, and the respondent fails to adopt the alternative employment practice. The bill restores the law regarding the demonstration of alternative business practices to its status before June 4, 1989.

Once the employer fails to adopt such an alternative practice, the employer cannot escape liability under this "third-prong" by adopting the practice at a later time, such as during the trial of the disparate impact claim.

In requiring that a complaining party demonstrate that a respondent uses an employment practice that "causes" a disparate impact, the substitute does not require a complaining party to prove that antecedent or underlying causes did not contribute to the disparate impact. Instead, the complaining party must show that the application of the practice or process in question gave rise to a disparate impact. For example, as the Supreme Court discussed in McDonnell Douglas Corp. versus Green, if a complaining party demonstrates that the application of a written examination results in a disparate impact on blacks, the plaintiff is not required to demonstrate that differences in educational backgrounds or cultural differences did not causes the difference in performance between black and white test takers.

The Danforth-Kennedy substitute permits a plaintiff to challenge a decisionmaking process when the elements of a respondent's decisionmaking process are not capable of separation for analysis. This provision is intended to be used when an employer or other covered entity uses several employment practices—such as tests, interviews, and educational requirements—in reaching a decision.

To demonstrate that the elements of a decisionmaking process are not capable of separation for analysis, the complaining party must show that he or she cannot identify which particular practice or practices used to make the decision actually caused the disparate impact. This showing can be made under three circumstances.

First, one may challenge a decisionmaking process where the process constitutes a "black box mush": Where the employer subjectively combines together several practices in reaching the decision in a manner that makes determination of the impact of specific practices impossible.

So, for example, if an employer relies on a test, an interview, and an applicant's grade point average in making an employment decision, but subjectively reviews these three factors without assigning any particular weight to any of the factors, courts should allow a plaintiff to challenge these three factors as a single practice, and should allow the employer to defend it as such.

Second, one may challenge a decisionmaking process when there is no information reasonably available to the complaining party—through discovery or otherwise—after diligent effort, from which the complaining party can identify the particular practice or practices that actually caused the disparate impact. So, for example, if a defendant has destroyed or failed to keep records showing which practices it relied upon, and the plaintiff, after diligent effort, is unable to locate other evidence permitting the separation of the decisionmaking process into its component parts, the court should permit the plaintiff to challenge the decisionmaking process as a single practice, and should allow the employer to defend it as such.

Finally, a plaintiff may challenge a decisionmaking process as a single employment practice when such a process includes particular, functionally integrated practices which are components of the same criterion, standard, method of administration, or test, such as the height and weight requirements designed to measure strength in Dothard versus Rawlinson.

The determination whether a device such as a test is one employment practice or several turns on how the test is used in the particular circumstances. If a test has several components, and performance on a particular component is used as the basis for employment decisions, then that component of the test may constitute an employment practice. Alternatively, if all the elements of a multicomponent test are weighed together in making an employment decision, then the entire test is one employment practice.

In addition to overruling Wards Cove and restoring Griggs, the Danforth-Kennedy substitute closes one of the most serious loopholes in existing law. Currently, only victims of intentional job discrimination because of race or ethnicity can obtain compensatory and punitive damages. That remedy is not available to victims of intentional discrimination based on sex, religion, or disability.

Section 5 of the substitute creates a right of action under a new section 1977A of the Revised Statutes for compensatory and punitive damages for victims of intentional discrimination in violation of title VII or the Americans With Disabilities Act of 1990 [ADA]. It permits victims to recover compensatory damages in actions not only against private employers, but also in actions against State and local governments or the Federal Government.

The bill does not give victims an unlimited entitlement to damages. Compensatory and punitive damages are available only in cases of intentional discrimination. Punitive damages are available only where the defendant acted with "malice or with reckless indifference to" the victim's federally protected rights. The amount of most compensatory and all punitive damages that each individual complaining party can obtain is limited to $50,000 in the case of a respondent with 100 or fewer employees; $100,000 in the case of a respondent with more than 100 and fewer than 201 employees; $200,000 in the case of a respondent with more than 200 and fewer than 501 employees; and $300,000 in the case of a respondent with more than $500 employees.

Compensatory damages do not include backpay, interest on backpay, or any other type of relief authorized under section 706(g) of the Civil Rights Act of 1964, including front pay. The caps do not apply to past pecuniary losses, such as medical bills.

In cases involving discrimination against the disabled, businesses which make a good faith effort to reasonably accommodate a person with a disability are protected from damage awards, even if a court later rules that they failed to provide reasonable accommodation.

In order to assure that a complaining party does not obtain duplicate damage awards against a single respondent under title VII and section 1981, the provision limits title VII damages awards to a complaining party who "cannot recover under section 1977 of the Revised Statutes (42 U.S.C.)." So long as a complaining party, for whatever reason, cannot recover under section 1981 against the title VII defendant, a title VII damage action against that defendant would be permitted. A title VII damage action would thus be allowed, for example, where section 1981 suits are unavailable as a matter of law, where the relevant section 1981 statute of limitations has run, or where a title VII plaintiff files with the court a binding stipulation waiving any section 1981 claim against the title VII defendant for the act of alleged discrimination at issue.

The complaining party need not prove that he or she does not have a cause of action under section 1981 in order to recover damages in the title VII action.

Section 1977A(b)(4) makes clear that nothing in section 1977A should be construed to limit the scope of, or the relief available under, section 1977 of the Revised Statutes, 42 U.S.C. section 1981. The new damages provision thus does not limit either the amount of damages available in section 1981 actions, or the circumstances under which a person may bring suit under section 1981. For example, the bill does not affect the holding of the Supreme Court in Saint Francis College that section 1981 was intended to protect from discrimination "identifiable classes of persons who are subjected to intentional discrimination solely because of their ancestry or ethnic characteristics." Indeed, that discrimination is national origin discrimination prohibited by title VII, as well.

Although a great deal of attention has been focused on the Wards Cove and damages provisions, the Danforth-Kennedy substitute addresses many other issues as well.

It will reverse the Supreme Court's decision in Patterson versus McLean Credit Union, and restore the right of Black Americans to be free from racial discrimination in the performance—as well as the making—of job contracts. In other words, employers who subject black workers to race discrimination on the job, instead of just in hiring, will be targeted by the law.

The substitute will reverse the Supreme Court's decison in Martin versus Wilks, and place much-needed limits on repeated litigation over previous consent judgments that settled claims of job discrimination.

Contrary to the claims of the bill's critics, the substitute will not deny injured parties their day in court. It protects a previously entered consent judgment only in cases where the person challenging the judgment had actual notice and an opportunity to make objections, or where the person's interests were adequately represented by a previous challenger who raised the same legal issues in a similar factual situation, and there has been no intervening change in law or fact. The provision explicitly states that it may not be construed to authorize or permit the denial of any person's due process rights. It has been amended over the past year to make absolutely certain that it will not interfere with fundamental fairness in any way.

The Danforth-Kennedy will also overrule the Supreme Court's decision in the Aramco case, and extend the protections of title VII and the Americans with Disabilities Act to American citizens working overseas for American employers. The Supreme Court decided Aramco after Congress considered the 1990 Civil Rights Act, and this provision therefore was not contained in last year's bill. However, it parallels a 1984 amendment to the Age Discrimination in Employment Act, which was enacted to achieve a similar protection for elderly workers, and which received strong congressional support.

Next, the substitute reverses the Supreme Court's decision in Lorrance versus AT&T Technologies, and gives workers a fairer opportunity to challenge intentionally discriminatory seniority systems. Like the administration's 1990 proposal, the bill makes clear that an individual may challenge an intentionally discriminatory seniority system when it is first applied to injure them, and that such plans will not be protected from judicial review merely because they were not challenged at the time of their adoption.

The bill also overrules the Supreme Court's decision in Price Waterhouse versus Hopkins. It prohibits so-called mixed motive discrimination, by making it unlawful for an employer to rely on a discriminatory factor in making a job decision—even if other factors involving no discrimination also justified the employer's decision.

In addition, the substitute ensures that successful title VII and section 1981 plaintiffs are able to recover their expert witness costs. In a wide range of cases, the ability to recover these costs is essential to guarantee that equal job opportunity is a reality in practice, not just an empty phrase in the United States Code.

I wish we had been able to restore those additional expert fees to voting rights cases. The administration refused to provide those. I think that is unfortunate. But we were able to get the restoration of expert fees for the provisions related to section 1981.

In another important provision, the bill confirms that title VII protections extend to employees of the House of Representatives and the Senate, while ensuring that these bodies can define appropriate rules for dealing with discrimination claims.

That issue will be addressed as I understand by the leadership. It will be presented in a generic form to apply as I understand it to a number of different questions that the institution has to address.

That will be done on Monday as I understand it.

Finally, the substitute prohibits employers from adjusting or altering an employment-related test score on the basis of race, color, religion, sex, or national origin. The actual scores of test takers should be accurately recorded and honestly reported to those who are to use them. The substitute also provides that a test cutoff score, the minimum passing score necessary to be eligible to be considered for selection or referral, should not vary with the race, color, religion, sex, or national origin.

This provision does not purport to affect how an employer or other respondent uses accurately reported test scores, or to require that those scores be used at all. Employers and others retain their discretion to decide what weight if any to give to test results. As Justice Powell observed in Connecticut versus Teal, "few if any tests" "accurately reflect the skills of every candidate." An employee may conclude in a particular case, that other factors, such as experience or recommendations, are a better indication of an applicant's actual ability. An employer may find that a particular test is unfair, that a test is a more reliable predictor of ability for certain individuals or groups than for others, or that errors in a test's reliability tend to favor some and disadvantage others.

The substitute provides that nothing in the amendments made by the bill should be construed to affect court-ordered remedies, affirmative action, or conciliation agreements that are otherwise in accordance with the law. Thus, the bill is intended not to change the law regarding what constitutes lawful affirmative action and what constitutes impermissible reverse discrimination.

The Danforth-Kennedy substitute addresses many of the Supreme Court's decisions which limited the ability of American workers to challenge discrimination in our Nation's workplaces. It provides damages to victims who have thus far been denied a fair remedy in intentional discrimination cases.

For 200 years, civil rights has been the unfinished business of America—and it still is—perhaps now as much as ever. We have suffered too many needless and self-inflicted wounds in recent months. The Civil Rights Act of 1991 is a significant step forward in the Nation's continued effort to provide every citizen—blacks and whites, women and men, religious minorities, and the disabled—with equal job opportunity and equal justice under law.

Together, the Congress and the administration can make that great principle a reality. Because of this agreement, we are closer to that goal. I urge my colleagues to join the effort by voting "yes" on the Civil Rights Act of 1991.

I thank the Chair.

Mr. GORE addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Tennessee [Mr. GORE].

WAR IN THE REPUBLIC OF CROATIA

Mr. GORE. Mr. President, I rise to speak on a different subject. I want to speak again on the subject of the war of aggression that is being conducted on the territory of the Republic of Croatia against its people by the former Yugoslav Federal Army, acting as an agent of the unregenerated Communist government of the Republic of Serbia.

Dozens of trust agreements have been worked out and signed, and yet this tragic war goes on. Between 2,000 and 3,000 people are reported to have been killed, thousands more to have been wounded, and several hundreds of thousands to have been displaced, many of them across the Hungarian border.

News comes these last few days of the naval blockade and land encirclement of the city of Dubrovnik. Dubrovnik is not the only Croatian city to be attacked, but it is a treasure of the world at large, a manifestation of something manmade that lifts rather than casts down the human spirit.

The threat to its existence is a symbol of the threat that this war represents to chances for the peaceful evolution of Central and Eastern Europe now that the end of the cold war allows its people to resume their quests for national identity after a period of almost 50 years of Communist suppression.

We know this body must not allow the rush of other events to blind us to the fact that the Balkans are once again becoming a tinderbox of history. We are in danger of allowing the future to be wrested from our grasp in a fit of absentmindedness. America lacks an effective policy and must quickly acquire one. The Bush administration appears to hope somehow that this continues to be a Yugoslav entity that can be redeemed and restored and which will serve American interests.

The administration continues to place its trust in the European Community as having the capacity, without strong American participation, to handle this conflict.

Both assumptions are wrong. Both assumptions are prolonging this war, and serving to mortgage our basic interests in the future to the hatreds and fears that are becoming stronger in the Balkans with each passing day.

The polity we have known as Yugoslavia no longer has legitimate existence either in fact or in theory, and the sooner we move to dispel the illusion of its existence, the sooner we will see an end to this bloody war. It is altogether appropriate that our country, which played such an important part in creating Yugoslavia at the end of World War I, now take the lead in discarding that failed experiment. There is no will to union within that former country. What there is, is a will to domination on the part of the leadership of the Republic of Serbia, which has unsurped power, and which now uses the armed forces that once existed to protect Yugoslavia from outside domination, for the purpose of imposing Communist domination on peoples who have demanded freedom. Yugoslavia was created in response to the Wilsonian principle of self-determination. It was valued by us as a barrier to Soviet aggression. It no longer reflects the concept of self-determination, but rather the reappearance of imperialism in all its arrogance. It no longer serves any geostrategic purpose for us. On the contrary, it is now the breeding ground for troubles that will plague the United States of America for another generation, unless we take measures now to deal with the situation.

Therefore, Mr. President, let us have done with the fiction that Yugoslavia exists. Let us see what is really happening there. A Communist ruler is attempting to impose himself and his Communist designs on people who seek freedom, self-determination, and independence. Let us put an end to this stupid and demeaning process of drawing lines in the sand, only to have Serbian forces, hours later, cross them with total impunity. Let us especially put to an end the ridiculous and dangerous hoax that this is a civil war, merely an internal matter. Let us recognize the independence of Croatia, and at a stroke establish that what is taking place is not a domestic matter but an international act of aggression, which is violating the central principle upon which the peace of the Eurasian continent is based: the principle that international borders may not be changed by use of force. Let us, by this action, make it clear to the leaders of the Serbian government that they stand fully exposed to international action against the threat to international order that they now represent. Then, Mr. President, let us take some prudent actions of our own and block the assets of the former Yugoslav state. Let us then cut off the commerce of the Republic of Serbia with the United States, in any of its forms. Let us recognize and establish relations with the Republic of Slovenia and the Republic of Croatia. Let us provide Croatia, along with our European allies, with emergency medical and humanitarian assistance. Let us put on the table a direct threat to supply them with antiaircraft and antiarmor equipment if cease-fire agreements now in place are not honored by Serbian authorities. Let us strongly urge our friends in the European Communities to join us in this cooperative set of steps. Let us say: There is a Europe; that it has to have its own collective security policy. This is the first test of Europe's ability to demonstrate the will and even the kind of junkyard dog maintenance that it takes to deal with a situation like this. One must ask them whether or not Europe really wants to manifestly fail in the first truly important test of these propositions. By all means, let Europe stay in the lead, but for Heaven's sake, cannot our Government at least suggest to them that it is now time, for the sake of Europe, to say to the Serbian leadership, who represent virtually everything Europe no longer wishes to be about: pay heed or else.

Mr. President, we are not going to like what will happen in the Balkans if we simply stand by, if Europe simply stands by and if the Republic of Serbia has its way. It will be a cauldron of hatred. It will become a pit of regional rivalry among regional powers. It will light the way, by the fires it sets, to violent conflict among other Slavic nations driven by ethnic tensions. It will sit in the gut of Europe like a gallstone. It will threaten the long-term vital interests of the United States of America. Members of my family, in the generation which preceded me, were called to arms to leave farms in Tennessee and go to Europe, because war erupted in the Balkans. Now, in the aftermath of this long 50 year struggle, we look to the horizon and see the potential for peace and prosperity and cooperation, and yet, once again, in the Balkans, a Communist dictator seeks to impose his will on peoples who desire freedom, and the civilized world stands by and does nothing, except pursue the fiction of drawing these lines in the sand and then saying: My, my, they have crossed another line. People are dying, cities are being destroyed, families are being torn apart right in Europe, and nothing is being done. If we allow it to persist, we should not be surprised if, years from now, the tensions which are being laid down there boil over once again in a fashion which calls upon the people of Tennessee, Connecticut, Idaho, other States in this Union, to join in an effort to reestablish peace. The old cliche, "an ounce of prevention is worth a pound of cure," has never been more apt than right now, as the world community watches this tragedy unfold and pretends that it is no concern of ours.

We have a responsibility to pay attention to what is going on, and to recognize that Europe, concerned and consumed as it is with the process of its own economic and political integration, evidently lacks the political will and the determination and gumption necessary to establish some modicum of order in the Balkans and prevent this tragedy.

The United States of America is the only nation in the world capable of providing leadership in the world. It is understandable that, with all of the events in the world going on, our resources of attention are strained to the limit, but we cannot afford to ignore this tragedy, not after one so like it caused the deaths of so many of our own citizens, just a generation ago. We should wake up to the full implications and end our present policy, which is based on fiction and illusion, which is based on a false sense of distance and insulation from what is taking place in the Balkans. The restoration of the Yugoslav State is not possible. Yugoslavia is gone, finished, a fiction. Let us no longer base our policy on the illusion that it is still there waiting to be restored. It is gone.

On the contrary, what is needed is for us to get rid of its rubble as soon as possible and begin to participate in the construction of something better.

Let me conclude, Mr. President, by expressing my belief and hope that we are ready to speak out in this body in favor of the necessary changes in American policy. I will circulate a sense-of-the-Senate resolution outlining what that policy should be for the consideration of all Members, and I will seek to offer that resolution at the earliest possible moment next week.

I will be persistent on this matter. I feel an obligation to speak out, and I believe this body has an obligation to speak out.

I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from Idaho [Mr. CRAIG].

CIVIL RIGHTS

Mr. CRAIG. Mr. President, I appreciate an opportunity to speak on another issue, but an issue that is very much linked to the legislation that this body now has before it. That, of course, is the issue of civil rights and, hopefully, the compromise that our colleague from Massachusetts just spoke to that is now being covered in the wire stories of this country, that appears to have resulted through the evening and the night last night.

What I am talking about is an amendment that I hope I am going to have the opportunity to vote on—and I hope my colleagues will—to the civil rights compromise, better known as the Grassley amendment, one that will force this body, the Senate of the United States, to comply with all of the laws that are embodied in the civil rights law, and others that we have chosen over time to set ourselves apart from as it relates to normal courses of business.

This body has been largely torn apart by the Clarence Thomas-Anita Hill issue of the last several weeks. During that period of time, I analyzed the procedures with which I hire and handle the employees of my office and discovered that I did not have a sexual harassment policy that was clear and defined, as I think I should have for the sake of my employees, and I am now changing that. I hope other Senators will also do the same, those who have not addressed it.

But what I found out clearly is pointed out by the Grassley amendment: that we do treat ourselves separate and apart from the rest of the world; that we do treat ourselves, as our President spoke of most clearly yesterday, as a privileged class that works apart from the rest of the country and expects to be allowed to do so. He spoke of us as being arrogant, and I think our expressions and our failure to act demonstrate there is an element of arrogance here. I think we saw that yesterday on the floor when this body passed a resolution that could only have been called a muddying-of-the-waters resolution, as it came to clearly defining and allowing the American people to see if this body was going to investigate the leaks that resulted around the Clarence Thomas-Anita Hill issue.

We failed, on a party-line vote, to go at a 30-day FBI investigation, apart from all other issues, to examine how and if the leak occurred, and why it occurred.

Why did we do that? Well, probably because we were afraid that some of the culprits involved might have been one of us. So we chose to extend it, to spread it out, Mr. President, to a 4-month delaying approach that involved an issue that has already been thoroughly examined, the Keating issue.

I hope the American people, in watching all of this, registered it but one way, that we are continuing to set ourselves apart from the average American, saying that we are unique and special. We are unique as a body, but we are not special in the sense that we should treat ourselves any differently than we would expect the American people to be treated as individuals by their employers or as free agents in a society.

So I hope this body will gain the gumption to stand up and vote for the Grassley amendment. That is a step in the right direction down a long road of opening our windows, pulling back the shades, and letting the light of day shine through. No more smoke-filled rooms, Mr. President; no more clouds to cover what is really at issue here.

When I served in the other body, as we affectionately call it, the U.S. House of Representatives, I consistently voted to bring that body into compliance with all of the laws and the rules and the regulations that we pass out to the private sector and expect them to live within. Now, what is good for the goose must assuredly be good for the gander, and I hope that, through civil rights, through sexual harassment, through the kinds of legislation in the amendment proposed by our colleague from Iowa, we will step forward and say no more hiding behind the doors that shutter this body. I hope that is the case.

And let me say to our President, I say, "George Bush, bravo; right on. Focus on us; we deserve to be focused on to correct the errors of our ways."

I yield back the remainder of my time, and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BRYAN). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. CONRAD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL 1:45 P.M.

Mr. CONRAD. On behalf of the majority leader, I ask that the Senate stand in recess until 1:45 p.m. today.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Thereupon, at 12:39 p.m., the Senate recessed until 1:45 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. AKAKA].

The PRESIDING OFFICER. In my capacity as a Senator from Hawaii, I suggest the absence of a quorum.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. In my capacity as a Senator from Hawaii, I ask unanimous consent that the order for the quorum call be rescinded.

Without objection, it is so ordered.

RECESS SUBJECT TO THE CALL OF THE CHAIR

The PRESIDING OFFICER. Without objection, the Senate will stand in recess, subject to the call of the Chair.

Thereupon, the Senate at, 1:58 p.m., recessed subject to the call of the Chair; whereupon, the Senate, at 2:25 p.m., reassembled when called to order by the Presiding Officer [Mr. WELLSTONE].

The PRESIDING OFFICER. The Senator from Utah is recognized.

CIVIL RIGHTS ACT

Mr. HATCH. Mr. President, I am pleased to cosponsor the compromise measure with regard to civil rights. I commend Senators DANFORTH and DOLE, the President, John Sununu, Boyden Gray and his staff for their tireless efforts. It is never easy or fun to oppose a civil rights bill let alone lead the opposition as I have done for nearly 2 years with respect to the earlier version of this bill. I would like to think that as a result of the debate over this bill, a better bill has emerged, and there is no doubt in my mind that the final bill that we are agreeing to is head and shoulders above any bill that has been submitted thus far.

We have seen numerous versions of this bill come and go. In fact, the business necessity part of this bill has been changed so many times that we have lost track of it. Keep in mind, the definitions of business necessity that we have considered seem to be never-ending. It has taken a great deal of effort to find our way back to Griggs versus Duke Power, that particular standard on business necessity, and I believe we have finally done so.

We have never been there before. Both sides agreed to this last evening. Everyone has swallowed hard to accept this measure. The President has made major concessions on the damages issue. His bill, S. 611, which was a very fair bill and went a long way to resolve the problems that existed over the last 2 years, provided up to $150,000 in damages for harassment. This compromise provides capped compensatory and punitive damages for intentional discrimination in hiring, promotion and discharge under the terms of this bill, as well as harassment. And keep in mind, that is only for intentional discrimination.

This compromise does overturn Wards Cove on the burden of persuasion issue, as the President's bill does. The President had given on that issue a long time ago. This itself, as I have just mentioned, was a major concession by the President. At the same time, the President's position in requiring the plaintiff to identify the particular business practice causing the disparity in a disparate impact case has been preserved. And the President has won that issue. That is very, very important.

Moreover, the terms "business necessity" and "job related" reflect the concepts enunciated in the Supreme Court's decisions in *Griggs* v. *Duke Power Co.* at 401 U.S. 424, a 1971 case and other Supreme Court disparate impact decisions prior to the Wards Cove versus Atonio case. That is a major, major concession to the President that had to be or this bill would have been vetoed. We had 35 votes to sustain that veto. That is even considering one vote that we felt we had lost. And we had a chance of having 36 votes. All we needed were 34.

Problematic language in the bill's section overturning Wards Cove, language which would have led employers quietly to adopt quotas, and which I have addressed in letters to my colleagues this summer, has been removed. That was a major concession. They may seem like a few words to some, but to those who know what is involved in employment discrimination cases under title VII, these word changes are monumental and I have been fighting for them for over 2 years.

I want to compliment my colleagues for being willing to get together on both sides of this floor and finally resolve it in a way that really makes sense and in a way that gets the administration behind this bill. This is important stuff. This is not some insignificant little set of changes. By standing his ground on these two key issues, the President has shielded the American people from the clear inducement to quotas contained in earlier versions of this legislation.

I think he deserves the thanks of the American people for having done so, and he deserves the cosponsorship, or at least the vote of all of us on this floor to support this particular bill.

Another compromise in the bill concerns Martin versus Wilks. This case involves the right of innocent persons to a day in court to challenge the implementation of consent decrees or litigated judgments when such implementation deprives them of equal protection of the law or their statutory civil rights. I feel very strongly about this issue. But in the interest of compromise, I will forgo offering my amendment which would restore a right to a day in court and keep the Martin versus Wilks case alive.

Now, this morning, the majority leader suggested—I have to believe facetiously—that President Bush has finally agreed to do what he refused to do 18 months or 6 months ago on civil rights. In fact, the President has been willing from the beginning to adhere to the Griggs versus Duke Power Co. standard from day one.

My friends on the other side of the aisle have never been willing until this morning to accept language that does so. It is the President who has resisted crafty and dangerous proposals that promised equal results for groups rather than equal opportunity for individuals.

That is what is really involved here, and these seemingly small number of word changes are absolutely monumental changes in discrimination law. Anybody who does not understand that, who represents otherwise, clearly does not understand civil rights law, clearly does not understand employment discrimination cases, clearly does not understand what is being done here.

The President, the Attorney General, the Chief of Staff, and the counsel to the President, Boyden Gray, have worked tirelessly to achieve a compromise.

We could have gotten this done a year ago if this bill had not been so extreme to begin with, if all the numerous prolawyer provisions had not been tucked into the fine print and if the other side of the aisle did not believe it had a political issue in forcing the President to veto a bill which had been misnamed a civil rights bill up to that point. It took a veto to get people to be serious around here. I believe it was only after it was known that we had the votes to sustain a veto this next week during the debate on this bill and thereafter that we were really able to get down to business and seriously consider these problems.

Again, I want to pay special tribute to Senator DANFORTH and Senator DOLE and Senator KENNEDY, Senator BUMPERS and others who have played significant roles, in being willing to not split the difference but to really resolve the differences over these very important principles of law, because without that we would not have resolved this problem. And it still is not resolved in the sense that we still have to come to the floor—and I hope nobody is going to break this agreement now that we have entered into it.

Mr. President, I have to tell you it is not easy for a President to veto any bill, let alone a civil rights bill, and especially this President who feels so deeply committed to civil rights. But this President has had the guts to stand up for these principles that now will be codified into this civil rights bill, and it literally can be called a civil rights and not a quota bill under the circumstances. He has fought for what I consider to be some of the most important principles underlying our civility in this country today and underlying our ability to compete with free-market economies all over the world.

If we did not have this type of compromise and this type of resolution and these types of word changes, I have to tell you this bill would have been just as hard fought as it has been over the last 2 years. It would have been vetoed, and I assure you we would have sustained the veto. I think that is what really helped bring it about after 2 years and one veto which was sustained. I think everybody realized it was time to sit down and finally resolve the problem in word changes that had to happen. And it took a gutsy, sincere, honest, and decent President standing for principle who was willing to veto even what was called a civil rights bill but really was a quota bill in order to get this accomplished.

I have to tell you I think the world of President Bush, but my esteem for him has never been higher than it is as I stand here on this floor today, because I tried last year to resolve this particular issue, and I have to tell you I failed and the President was right. I have to say that this year I think all of us will be winners in the sense of doing something that really is right for the country, because if and when we pass this bill—and I should think we would be able to pass it within a few days this next week—we will effectively overrule the Patterson versus McLean case, something President Bush has been willing to overrule from day 1. In so doing, we will outlaw racial discrimination in the terms and conditions of contracts. That will help employees all over this country, an important change that has been held in abeyance as we fought out these battles over quotas and preferences the last couple of years.

I am glad we can put politics aside. I hope we will. I am glad that the President stood his ground until he got these kinds of significant word changes that help all of us to be able to stand up and say this is not a quota bill and that this bill is a further protection to small and large business people, all of whom have been afraid that if this bill passes—the former bill—this litigation bonanza for lawyers, they would spend most of their time in court losing what little profits they make and in the end going out of business. That is why this is so important.

So I am pleased to back this compromise. A lot of us have worked hard to help to bring it about. But again I want particularly to commend Senators DANFORTH, DOLE, KENNEDY, BUMPERS, and others for the work they have done on this bill. I do not want to leave anybody out, nor do I want to leave the staffs out that have worked tirelessly over the last number of years to try to help resolve these problems.

I would like to get on with the bill and not worry too much about who has won or lost there. But I have to tell you there have been significant changes that make a difference, that make sense, and that should cause all of us in this body to support this bill, which will really do an awful lot of good for everybody in our society and particularly, for the first time, for women in sexual harassment cases.

I will have a lot more to say about this on Monday as we debate this matter further. I will explain these provisions and explain the word changes and why they are so significant. I will discuss why they are changes we could never have achieved in the past had it not been for a strong President who was willing to stand up and take the political flak for vetoing what was called a civil rights bill but really was a quota bill and who was willing to work on some of the provisions and to compromise on provisions that did not involve quota aspects of this bill.

So, Mr. President, I thank the Chair for this time, and with that I yield the floor.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington is recognized.

THE CIVIL RIGHTS ACT OF 1991

Mr. GORTON. Mr. President, as members of this body, and most particularly my distinguished colleague from Utah, are well aware, I opposed the predecessor to this bill a year ago and helped to uphold the President's veto of that proposal.

Mr. President, I have also been consistently in opposition to H.R. 1, and for that matter, even to the Danforth proposal, which has been discussed informally in this body over the course of the last several weeks. I am delighted to say that when Senators KENNEDY and DANFORTH introduce their substitute bill in the form of an amendment in a relatively short period of time I will be a cosponsor of that amendment.

I believe that the bill as will be amended, makes significant steps forward with respect to sexual discrimination and sexual harassment. I also believe, as does the President and my distinguished colleague from Utah, that it is no longer a quota bill because it has abandoned at long last the intent to redefine the definition of business necessity, as that definition has been elaborated by the Supreme Court over the course of more than the past 20 years.

Far from attempting a statutory definition of the term business necessity, we have now left that definition in the hands of the courts, where it belongs. That is a profound, significant change, and the change is sufficient to cause this Senator to change his position from implacable opposition to enthusiastic support.

Mr. President, over the past two years, the debate over civil rights legislation has been couched in highly technical and legalistic terms such as "disparate impact," "unintentional discrimination," "business necessity," "burden of proof," "burden of production," "burden of persuasion," and other phrases which mean little except to judges, constitutional scholars, and, of course, trial lawyers. This body, in all of its scholarly debate, seemed to have lost sight of the fundamental goal of the Civil Rights Act of 1964; namely, that all individuals should be employed and promoted on the basis of merit rather than on false standards such as skin color or race. What is sought by the 1964 Civil Rights Act is equality of opportunity, not proportionality of results.

Although the activist courts of the 1970's and early 1980's read much into the 1964 Civil Rights Act which was not there, it is our responsibility as Senators to look back to the laudable goals of the original law as written and to proceed from that point.

The Civil Rights Act of 1964 is a straightforward statute with a very clear message. The law simply provides that:

> It shall be an unlawful employment practice for an employer—
>
> (1) to fail or refuse to hire or to discharge any individual, or otherwise to discriminate against any individual with respect to his compensation, terms, conditions, or privileges of employment, because of such individual's race, color, religion, sex, or national origin; or
>
> (2) to limit, segregate, or classify his employees or applicants for employment in any way which would deprive or tend to deprive any individual of employment opportunities or otherwise adversely affect his status as an employee, because of such individual's race, color, religion, sex, or national origin.

The late Senator from Minnesota, Hubert Humphrey, the "father" of the 1964 Civil Rights Act, went to great lengths to emphasize that factors such as gender and national origin may not be used to make employment decisions except in very limited circumstances, and that race and color never may be used. Senator Humphrey twice entered into the CONGRESSIONAL RECORD a concise explanation of the 1964 Act which stated:

> [Title VII] does not provide that any preferential treatment in employment shall be given to Negroes or to any other persons or groups. It does not provide that any quota systems may be established to maintain racial balance in employment. In fact, the title prohibits preferential treatment for any particular group. Any person, whether or not a member of a minority group, is permitted to file a complaint of discriminatory employment practices.* * * Employers continue to be free to establish their own job qualifications provided they do not discriminate because of race, color, religion, sex, or national origin. The title does not prohibit an employer from hiring persons of a particular religion, sex, or national origin where religion, sex, or national origin is a bona fide occupational qualification—CONGRESSIONAL RECORD, May 25, 1964, p. S11848; July 2, 1964, p. S15866.

I note with great interest that race and color specifically were excluded from the list of characteristics which an employer may consider to be a bona fide occupational qualification. That is entirely consistent with Senator Humphrey's particular emphasis throughout the 1964 debate on achieving a colorblind society.

Mr. President, in the last 2 years, the bulk of the debate over civil rights has centered on situations in which discrimination is not overt or even intentional. Rather, it dealt with situations in which the makeup of an employer's workforce for a given job description is significantly different from the relevant labor pool at large. In these so-called "unintentional discrimination" or "disparate impact" cases, culpability may be imputed against the employer and proven by indirect means. Employers may be found liable even in the absence of any impermissible intent.

The 1964 Civil Rights Act does not deal expressly with "unintentional discrimination" or with "disparate impact." Those are concepts which have been developed by the courts as they have decided specific cases based on specific fact situations.

In the case of *Griggs* v. *Duke Power Co.*, 401 U.S. 424, 91 S.Ct. 849, 1971, the Supreme Court first dealt with those concepts in an organized fashion. In *Griggs*, the Duke Power Co. required job applicants and employees to have completed high school or to have passed a general aptitude test to be eligible to be hired by, or transferred to more desirable departments within the company. Prior to passage of the Civil Rights Act of 1964, the Duke Power Co. had a history of overt employment discrimination. On behalf of the Court, Chief Justice Warren Burger wrote:

> The touchstone is business necessity. If an employment practice which operates to exclude Negroes cannot be shown to be related to job performance, the practice is prohibited. * * * On the record before us, neither the high school completion requirement nor the general intelligence test is shown to bear a *demonstrable relationship to successful performance of the job for which it was used.* * * * But Congress directed the thrust of the [Civil Rights Act] to the consequences of employment practices, not simply the motivation. More than that, Congress has placed on the employer the burden of showing that any given requirement must have a *manifest relationship to the employment in question.*—401 U.S. at 432, 433, 91 S.Ct. at 853, 854 (emphases added).

That decision dates from 1971, 20 years ago.

Notably, Griggs dealt with one specific employment practice as it affected one specific employer. In the view of this Senator, the Court articulated both a general standard which focused on the broader employment relationship, and stated the application of that standard to the facts of the case, which focused on the immediate jobs in question.

In articulating the rationale of the decision, Chief Justice Burger clarified that the holding was one of equal opportunity, not proportionality of results.

> Discriminatory preference for any group, minority or majority, is precisely and only what Congress has proscribed. * * * Congress has not commanded that the less qualified be preferred over the better qualified simply because of minority origins. Far from disparaging job qualifications as such, Congress has made such qualifications the controlling factor, so that race, religion, nationality, and sex become irrelevant."—*Id.* at 431, 437.

The *Griggs* test evolved over the years in a long series of lawsuits involving varying factual situations. The early cases did not distinguish between the two possible standards articulated in *Griggs*.

In *New York Transit Authority* v. *Beazer*, 440 U.S. 568, 1978, the Supreme Court suggested that the relevant inquiry is broader than the specifics of the position at hand. In *Beazer*, the New York Transit authority had a blanket exclusion against employing persons who use narcotic drugs, including those receiving methadone as treatment for heroin addiction. Although that policy allegedly had a discriminatory effect toward blacks and Hispanics, the Court held that the plaintiff failed to prove a title VII violation. Although the opinion indicated that the plaintiff's allegations were rebutted by the Transit Authority's demonstration that its narcotics rule was "job related," Justice Stevens added in a footnote that:

> [T]he District Court noted that [the Transit Authority's legitimite goals of safety and efficiency] are significantly served by—even if they do not require—[the Transit Authority's] rule as it applies to all methadone users including those who are seeking employment in non-safety-sensitive positions. * * * The record thus demonstrates that [the Transit Authority's] rule bears "a manifest relationship to the employment in question." [*Griggs* citation.]—440 U.S. 568, 587, fn. 31.

As the case law developed, the Supreme Court became increasingly sensitive to the fact that "unintentional discrimination," while perhaps a useful concept, had the potential to create great abuse.

In *Watson* v. *Fort Worth Bank and Trust*, 108 S.Ct. 2777 (1988), which extended the "disparate impact" analysis to subjective employment and evaluation practices such as interviews and evaluations for the first time. Justice O'Connor cautioned:

> We agree that the inevitable focus on statistics in disparate impact cases could put undue pressure on employers to adopt inappropriate prophylactic measures. It is completely unrealistic to assume that unlawful discrimination is the sole cause of people failing to gravitate to jobs and employers in accord with the laws of chance. * * * It would be equally unrealistic to suppose that employers can eliminate, or discover and explain, the myriad of innocent causes that may lead to statistical imbalances in the composition of their work forces. * * * *If quotas and preferential treatment become the only cost-effective means of avoiding expensive litigation and potentially catastrophic liability, such measures will be widely adopted. The prudent employer will be careful to ensure that its programs are discussed in euphemistic terms, but will be equally careful to ensure that the quotas are met.* Allowing the evolution of disparate impact analysis to lead to this result would be contrary to Congress' clearly expressed intent, and it should not be the effect of our decision today.—108 S.Ct. at 2787–88 (emphasis added).

A year later, in *Wards Cove Packing Co.* v. *Atonio*, 109 S.Ct. 2115 (1989), a majority of the Supreme Court reached the next step in disparate impact, or unintentional discrimination, cases.

That decision triggered the current civil rights bill. The Supreme Court said:

> [In a] disparate impact case, the dispositive issue is whether a challenged practice serves, in a significant way, the legitimate employment goals of the employer. * * * The touchstone of this inquiry is a reasoned review of the employer's justification for his use of the challenged practice. A mere insubstantial justification in this regard will not suffice, because such a low standard of review would permit discrimination to be practiced through the use of spurious, seemingly neutral employment practices. At the same time though, there is no requirement that the challenged practice be "essential" or "indispensable" to the employer's business for it to pass muster; this degree of scrutiny would be almost impossible for most employers to meet, and would result in a host of evils we have identified above [e.g., quotas].—109 S.Ct. at 2125–26.

I believe this decision to be totally consistent with Griggs, while critics assert that it overrules Griggs. The fundamental question, however, is whether or not Wards Cove sets out an appropriate standard in disparate impact cases. I submit that it clearly does so.

Immediately after that decision, however, the Senator from Massachusetts, Mr. KENNEDY, at the behest of the civil rights community, introduced a bill to overturn the Supreme Court's decision in Wards Cove. That bill would have allowed a "business necessity" defense only when the employer could establish that the challenge practice was:

> *essential* to effective job performance (emphasis added).

If you will look back at the language used by the Supreme Court in Wards Cove, you will see that it was the obvious intent of Senator KENNEDY's original bill to force employers to impose quotas upon themselves, as it used precisely the language that the Supreme Court said would inevitably result in quotas!

As a consequence, that bill was a quota bill beyond a shadow of a doubt. Had it become law, the only way a prudent employer could avoid being hauled into court by—and losing to—a disgruntled minority plaintiff who was either not hired or was passed over for promotion, would be to hire strictly according to the numbers. The leaders of the civil rights lobbies have never wavered from that goal, and the more elaborate the statutory language they propose, the more litigation their language will engender and the more likely the response of self-imposed quotas by employers will be.

After extended debate ending late in the last Congress, the Congress passed and sent to the President a bill in which the original language had been somewhat modified, but which still overturned the Supreme Court's Wards Cove decision. In the view of the President and most Republicans, that language still would have forced prudent employers to hire by quota. The President's veto was sustained by a margin of one vote here in the Senate. Most Americans agreed that the legislation was a quota bill and vehemently and overwhelmingly opposed it as such.

H.R. 1, as introduced into the House in January, was substantially identical to the vetoed 1990 bill. While H.R. 1, as modified and passed by the House earlier this year, is somewhat milder than its original version in some provisions outside of the ambit of the dispute over quotas, its Wards Cove language is quota language as clearly as was that of the 1990 bill, and is so regarded by the President and by a majority of the American people.

It is my firm opinion that the original language of the legislation introduced by my good friend from Missouri, Senator DANFORTH, which we have been discussing for the last several weeks, was not significantly different from, or less onerous than, H.R. 1 as passed by the House.

That version expressly overruled *Wards Cove* and was complicated enough to provide years of employment for legions of trial lawyers. It attempted, vainly I believe, to codify a rapidly evolving field of court-developed law and to freeze it into a statutory straight jacket. It was just as likely as is H.R. 1 to cause intelligent employers to impose quotas on themselves in order to avoid protracted litigation.

Almost from the beginning when this process started almost 2 years ago, I have been deeply involved with the myriad of issues surrounding the civil rights legislation, even introducing substitute legislation with Senator KASSEBAUM last year and working closely with the administration in the analysis and negotiations throughout.

I voiced these and other considerations with Senator DANFORTH, Senator HATCH, and others of my colleagues and with the administration. As I have already pointed out, the basic 1964 Civil Rights Act says nothing about unintentional discrimination, disparate impact, or business necessity. These are all court constructs, each case dealing with a different fact situation, and they cannot effectively and fairly be codified.

Now through the tireless efforts of Senator DANFORTH, and with the cooperation of Senator KENNEDY, compromise language has been achieved. Building on his innovative idea to look to the Americans with Disabilities Act for key language, Senator DANFORTH was successful in bridging the gap between the administration and the civil rights leadership. The compromise language does not set out hard and fast rules that would straitjacket the Supreme Court's discretion in disparate impact cases, but rather provides Congressional guidance while permitting the Supreme Court the task, and the flexibility, to continue to develop the law in this field.

Mr. President, the profound difference is that, for the better part of 2 years now, we have been debating how to define business necessity. This compromise leaves that problem to the courts of the United States, which is where the concept was first raised, and where its interpretation should remain. It is fundamentally for that reason that I have now agreed to cosponsor this bill.

Mr. President, this Senator emphatically does not agree with the characterization of the senior Senator from Massachusetts, Senator KENNEDY, that the compromise language overrules Wards Cove. The new language of the bill does nothing to repudiate the business necessity standard articulated in the Wards Cove decision. At most, the Senate has turned the clock back to June 4, 1989, the day before the Wards Cove decision was rendered, has redefined the burdens of proof and production between the parties, and has filed an extremely influential amicus brief with the Supreme Court as to the recommended interpretation of the holdings of Griggs and its progeny regarding business necessity. In the view of this Senator, the Supreme Court is free to render the exact same substantive standard for disparate impact cases as it did in Wards Cove.

The legislative history of the bill which we soon will be debating seems clear on this point. As originally written, section 3 of the bill provided that one of its purposes was:

> * * * to overrule the proof burdens and meaning of business necessity in *Wards Cove Packing Co.* v. *Atonio* and to codify the proof burdens and the meaning of business necessity used in *Griggs* v. *Duke Power Co.*, 401 U.S. 424 (1971) * * *.

That provision was substantially modified in the compromise and all references to overruling Wards Cove were dropped. The compromise language of section 3 states that the purpose is:

> * * * to codify the concepts of "business necessity" and "job related" enunciated by the Supreme Court in *Griggs* v. *Duke Power Co.*, 401 U.S. 424 (1971) and in the other Supreme Court decisions prior to *Wards Cove Packing Co.* v. *Atonio*, 490 U.S. 642 (1989) * * *.

This Senator believes it is highly significant that section 3 reaffirms all of the pre-Wards Cove decisions, including the three cases upon which the Supreme Court relied in formulating its disparate impact standard: Watson versus Forth Worth Bank and Trust, New York Transit Authority versus Beazer, and of course, Griggs. See Wards Cove, supra, 109 S.Ct. at 2125–26. Of particular note is the fact that the compromise language affirms the analysis and test articulated in Beazer which I discussed earlier.

Finally, Mr. President, I would draw our attention to the key words of the compromise. The relevant language provides that:

> An unlawful employment practice based on disparate impact is established under this title only if—
>
> (i) a complaining party demonstrates that a respondent uses a particular employment practice that causes a disparate impact on the basis of race, color, religion, sex, or national origin and the respondent fails to demonstrate that the challenged practice is job related for the position in question and consistent with business necessity; * * *.

Unlike earlier attempts made either by Senator DANFORTH or Senator KENNEDY, this current version of the bill does not attempt to further define the terms "job related" or "business necessity."

Mr. President, the 12 key words of the compromise language—the clause, "job related for the position in question and consistent with business necessity"—are directly borrowed from the Americans with Disabilities Act. Like the compromise bill, the ADA does not define either of the terms, "job related" or "business necessity." Moreover, Mr. President, and perhaps more telling, the ADA was not marked up by any House or Senate Committee, debated by either body or sent to be signed by the President until well after Wards Cove was already the law of the land. To this Senator, that constitutes an implicit approval, or at least a lack of disapproval, of the holding of that case as it applies to the Americans with Disabilities Act.

Thus, Mr. President, this Senator is of the firm belief that this compromise does not preclude the Supreme Court from adopting a standard for disparate impact cases as Justice White wrote in the Wards Cove decision. All we have done is command the Supreme Court to reexamine that standard de novo.

Mr. President, having said all this, the fundamental question still is whether the Wards Cove decision was properly decided by the Supreme Court majority. I submit that it was. Moreover, if Senators understand the essence of Wards Cove, I think they will agree that it states a perfectly fair and appropriate test. Perhaps the clinching argument for this proposition is the fact that, since the date of that decision, plaintiffs have not been losing significantly greater numbers of disparate impact cases than they were before the decision was rendered. The long series of bills seeking to overturn Wards Cove were a solution in search of a problem.

Let me pause at this point to reflect on an ironic point about this topic and the heated debate which has enshrouded it since its introduction last year. Overall, the Danforth proposal, as introduced, was a good bill, and with the incorporation of the compromise language, it is an excellent bill. The fury it has engendered derives almost exclusively from the one provision that I have just addressed at length, and that is the attempt to overturn the Wards Cove decision and return to the standard in Griggs.

The civil rights lobby tried to cause us to believe that restoration of the Griggs standard is essential to the civil rights cause. It has divided this body, this Nation, and the intended beneficiaries of this bill, over those provisions.

But how many legal challenges would have been affected by the changes proposed by the civil rights leadership? How many lawsuits have been brought based solely on charges of unintentional discrimination? The answer is far fewer than the civil rights leadership led us to believe.

According to a study that appeared in the Stanford Law Review this spring, the disparate impact doctrine established by Griggs and its progeny, through 1989, have generated a total of only 101 additional lawsuits. (See, John J. Donohue III and Peter Siegelman, "The Changing Nature of Employment Discrimination Litigation," Stanford Law Review, May 1991, Vol. 43, p. 983, 998.). That is less than 2 percent of the total number of employment discrimination suits. That is correct, less than 2 percent.

The pending civil rights legislation contains much more than the disparate impact provisions, but few in the general public know anything about those parts of the bill. What American not directly involved in this process could tell you even one other provision of the pending legislation? Which of them could tell you that the bill would strengthen the laws prohibiting racial harassment? Who could tell you that the bill would make it easier to challenge discriminatory seniority systems? How many could tell you that the bill prohibits adjustment of fair ability test scores on the basis of race, color, religion, sex or national origin?

And, in spite of the fact that the citizens of this country recently spent several days transfixed by the wrenching spectacle of the sexual harassment charges against now Justice Thomas, who could tell you that the bill contains provisions that address that very issue of sexual harassment? I would venture to say very few because provisions of a bill that do good, that achieve real rather than perceived legal protections, do not make good copy, cannot be captured in a 15-second sound bite, and thus do not reach the general public's purview.

Mr. President, we have reached a compromise in this bill with respect to sexual discrimination and sexual harassment cases. That compromise includes a sliding scale of maximum awards after a jury trial for both consequential damages and for punitive damages.

There are those who are unhappy with that result because, as they rightly point out, such ceilings do not exist with respect to most other litigation, including most other civil rights litigation.

Nevertheless, the proposal represents a significant step forward from present title VII remedies which often, when sexual harassment does not result in driving the victim from a job, have no monetary damages attached to them whatsoever.

Because this Senator has believed through his entire legal career that punitive damages are an inappropriate remedy in any civil litigation, which is in fact the law of this Senator's own home State of Washington, he would not open up these new causes of action to unlimited punitive damages, but would impose the same kind of ceilings on other litigation under this title and under the Civil Rights Act in order to provide the equality of opportunity which should be the goal of all of us.

The same civil rights lobby, to which I have already referred, was willing to scuttle the entire laudable bill by insisting on one segment so divisive as to render a Presidential veto a given and the sustaining of that veto a near certainty.

All of the provisions upon which there was basic agreement were to have been sacrificed for the sole purpose of excoriating the President. It is far better that President Bush be perceived being against civil rights by his veto rather than permitted to enact necessary discrimination and sexual harassment laws by his signature.

Fortunately, however, due to the historic efforts of Senator DANFORTH, Senator DOLE, Senator HATCH, Senator KENNEDY, and of many others, we, instead, will have a real improvement in our civil rights statutes, one that will help us achieve the goal of a colorblind society in the only way possible: through strict adherence to principles of fundamental fairness for all.

And, after all, is that not what civil rights is truly about?

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. DASCHLE). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE CIVIL RIGHTS BILL

Mr. JEFFORDS. Mr. President, today is a day of considerable relief, even joy, for those of us who have been working on the civil rights bill for 2 years, now. I would like to just make a few comments with respect to the passage of that bill.

Mr. President, if nothing else, the last few weeks have made the words "sexual harassment" a household term. It has been on the lips and in the minds of nearly every American.

We do not know the exact extent of the problem, but there is no question that it is a very real problem in today's workplace—in Vermont, and in the rest of the Nation. It is a problem we must deal with.

We know it is a problem, but I think Americans would be shocked to learn that it is a problem with almost no remedy.

A woman today who is sexually harassed but stays on the job can not get a dime for pressing charges. What she will get, in all likelihood, is an even more hostile workplace to work in.

In fact, one court just decided a woman who proved harassment could not even get attorney's fees. Small wonder, then, that many women do not press charges.

For the first time ever, this bill will provide substantial damages for those women who do successfully prove intentional discrimination to the courts.

This will not result in a litigation bonanza as some have charged. There are still lots of reasons why women will not go to court. Many who do will not be successful. And those who do will receive damages that would be limited by the terms of the legislation. The trial bar will not be lining up to take on these cases as some fear.

Just as important, this bill will undo the damage wrought by a series of misguided Supreme Court decisions over the past few years in other areas.

On much of this front, there was very little disagreement. We agreed that we should overturn Patterson. We agreed that we should overturn Lorrance. We agreed that we should overturn Price Waterhouse. We agreed that we should overturn the burden of proof aspect of Ward's Cove. We disagreed, principally, on whether we should overturn or codify the remainder of Ward's Cove decision.

For most Americans, and probably some of my colleagues, the way we toss these case names around would make their eyes glaze over. Let me try to state the issues more succinctly so people understand what this bill does.

We have restored the ability of racial minorities to combat discrimination on the job. We have made clear that discrimination, even in small amounts, is not tolerable. And we have salvaged the ability of women and minorities to challenge discriminatory employment practices.

The debate on this bill has generated far more heat than light. For far too long, opponents have waved the quota issue about for political gain.

While I compliment my colleagues JACK DANFORTH and TED KENNEDY and BOB DOLE for their efforts, my highest praise is for President Bush.

I am sure some of his political advisers would have preferred pressing on with the issue and not pass this bill.

To his credit, President Bush rejected that advice. As a result, today we have a bill that we can all be proud of. Oh, no, we are not all happy, but we can be proud.

We will witness a good bit of revisionist history, but the fact is that this bill was not a quota bill yesterday, it is not a quota bill today, and it will not result in quotas tomorrow.

It is not a perfect bill by any means. It makes legal and political compromises, but it is a vast improvement over the legal landscape of today.

Mr. President, it has been a long road since I joined on the first version of the civil rights bill almost 2 years ago. It has been a road marked by hope and frustration, good faith and frayed tempers.

Near the end of that road, I think we can take some measure of pride in our work. We know the limits of this bill and we will discover more as we go along. But we will have, when this is law, left the country a better place because of our work.

So I commend my colleagues to take a close look at this compromise that we have come to, and I think upon examination and understanding of the issues that they will join me in not only passing the bill but also praising those, especially President Bush, for bringing this day, an important one, I believe, in our society to a successful conclusion.

Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

Mrs. KASSEBAUM. Mr. President, are we speaking in morning business?

The PRESIDING OFFICER. The Senator is correct.

NO TIME TO CUT TAXES

Mrs. KASSEBAUM. Mr. President, I am concerned by reports in the news media that we are about to begin a bidding war to see who can promise voters the most generous tax cut package as we head toward next year's elections.

It astonishes me that in a year when we will set the all-time record for deficit spending—an estimated $350 billion in red ink—there now seems to be serious thought to ideas for increasing the deficit still more.

Even more astonishing is the argument that tax cuts are needed to stimulate what all of us agree is, at best, a weak recovery from the recession. If $350 billion in straight deficit spending is not enough to stimulate the economy, what kind of tax cut would it take to do the job?

Mr. President, it may be that these proposals, coming from both sides of the aisle, are smart politics as everyone jockeys for the title of Best Friend of the Middle Class, but they are based on patently bad economics, and their real impact on both the economy and the middle class, I believe, could be devastating.

I believe the one thing that American families want and need right now is a healthy, growing economy, some confidence that there will be a job and they will be able to keep their job. The single most important step toward that goal is lower interest rates. The only way Congress can help lower interest rates is—at the very least—to hold the line on deficit spending.

If, instead, the tax cut bandwagon really gets rolling, we face the real possibility of turning a weak recovery into a renewed recession and putting more millions of workers in the unemployment line. I do not believe very many Americans want to give up their jobs in return for a tax cut.

We have already seen the reaction to this type of tax cut talk on the bond market. Mortgage interest rates are starting up. Young people who are in the middle negotiating mortgages are wondering what is going to happen. I think by this kind of talk, much is being put on hold at the very time we want to indicate some certainty about where we are going.

What we most need right now is some demonstration of fiscal responsibility. What we need least is a partisan bidding war to see who can be the most irresponsible in trying to buy votes next November.

Given the bizarre logic of the tax cut debate, it should be no mystery to anyone why consumers and business lack the confidence that is needed to get our economy moving.

Mr. President, I ask unanimous consent that a statement by Congressman BILL GRADISON from Ohio be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

CONGRESS OF THE UNITED STATES,
Washington, DC, October 23, 1991.

DEAR COLLEAGUE: The bidding for tax cuts in the 102nd Congress has started. Sen. Bentsen, Chairman of the Senate Finance Committee, has opened with a $72 billion tax cut plan. Senator Gramm has gone $18 billion higher. Before the rest of us join the auction, we should reflect on whether the country can afford for anyone to win.

The facts are:

1) The proposals are schizophrenic. Incentives to boost consumption with a tax cut conflict with proposals to boost saving by expanding Individual Retirement Accounts and cutting taxes on capital gains. The incentive to consume are designed to speed economic recovery from the recession; the incentives to save are aimed at increasing long-term growth. You can't increase and decrease national saving at the same time.

2) It's too late to boost recovery. The 1990-91 recession is over. The recovery may be weak, but it is under way. By the time an income tax cut affects consumer demand, the recovery will be roughly a year old. By then, stimulus not only will be unnecessary, but will threaten sustained, noninflationary economic growth.

3) It's imprudent to institute saving incentives now. The recovery is lagging partly because consumers are reducing their debt and are reluctant to increase spending. We don't yet know whether this indicates a permanent shift away from consumption toward more private saving (and therefore more investment in plant and equipment). But if the shift is permanent, the need for saving incentives is reduced. It makes sense to wait and see.

4) The proposals increase the deficit. Sen. Bentsen's proposal is to be financed largely out of defense cuts. Yet, substantial defense savings are already incorporated into our budget plans, and they are not even big enough to keep the deficit from rising. They certainly cannot finance a tax cut. Similarly, proposals to boost economic growth through tax incentives for saving reduce revenues, swell the deficit, and increase the government's claim on credit markets—a policy that slows long-term growth.

The lead time on fiscal policy is simply too long for us to try to engage in budget manipulations aimed at offsetting the effects of the recession. Inevitably, we wind up acting well after the time that our actions are most appropriate. It might, of course, be argued that we should still avoid fiscal contraction at this point in the business cycle, but even if we immediately focus all our efforts on deficit reduction, the results would come too late to harm the economic recovery.

At the same time, saving incentives are too weak and uncertain for us to boost long-term economic growth through the tax code. What we can do for growth is reduce the deficit—a stronger and more reliable means of increasing long-term growth than any tax incentive available to us.

Breaking the budget agreement—which most of the tax cut plans do—would send precisely the wrong signal to credit markets. The inevitable result would be higher interest rates at the very time we want to encourage investment. The budget agreement isn't perfect, but without it we can expect higher Federal borrowing and higher interest rates.

Acknowledging these facts probably won't stop the auction. But they will help us understand what we are bidding so furiously to purchase. It's not faster economic growth, but a bigger deficit, lower national savings, and slower long-term growth in our standard of living.

Sincerely,

BILL GRADISON,
Representative in Congress.

Mrs. KASSEBAUM. I just would like to conclude, Mr. President, with my concern that Congress has lost much in the way of trust and confidence of the American people today. We ourselves, of course, have brought it on in many ways. But no one believes anybody anymore. And if we cannot restore some trust and confidence to do some things that are difficult to do, we will have missed an opportunity in buying a short term, maybe, sound bite on the evening news for the long-term well-being of this Nation. I think it should be and is I feel of grave concern to both sides of the aisle about where we are going for the future.

But I really feel very concerned, Mr. President, that at this point we have also upped the ante on who is going to bash Congress the most. We all need each other to be working together, along with the American public, to put a consensus together, and a focus of direction as to where we wish to go.

I yield the floor, Mr. President, and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. Mr. President, are we in morning business?

The PRESIDING OFFICER. The Senator is correct.

THE WAR IN CROATIA

Mr. DOLE. Mr. President, the war in Croatia has finally reached the center of the medieval city of Dubrovnik. Wednesday, the Yugoslav military from land and sea, barraged Dubrovnik with hundreds and hundreds of mortars and artillery shells. For over 2 weeks now, the outskirts of the city of Dubrovnik have been under attack and the people who live there have been without water and electricity.

Mr. President, this latest Yugoslav Army assault on Croatia's most prized historic jewel—designated a world cultural monument by the United Nations—is undeniable the clearest signal to date that the Yugoslav army and its ally, the Communist government of Serbia led by President Milosevic, have absolutely no intention of bringing this war to an end until Croatia's people, their culture, and their livelihood are crushed, or until Croatia gives up its freedom and its land.

I have spoken before about the Croatian churches, hospitals, schools, and apartments that have been bombed and shelled by the Yugoslav Army. This is a war against civilians. Over 1,000 people have died since Croatia declared its independence in June. The world was shocked by the attack on Slovenia in June, but by now appears to be numbered by the indiscriminate killing by the hardline forces of the Yugoslav Army. Even humanitarian groups, such as doctors without borders, have been attacked. And there seems to be no end in sight to the war in Croatia, just as there has been no end to the police state created by Serbian President Milosevic in the province of Kosova.

Mr. President, I met with Dr. Ibrahim Rugova this week, the leader of the Albanian democratic opposition in Kosova. The Albanians of Kosova have been living under martial law for over 2 years now. He told me that over 100,000 Albanians have been fired from their jobs; that Albanian elementary and high schools have been closed; that hundreds of Albanians have been arrested. The Albanians are the third largest nationality in Yugoslavia, yet they are denied their political rights both in Kosova and at the Hague Peace Conference in Yugoslavia, where they are not allowed to directly participate. Without Albanian participation, Dr. Rugova reminded, there will be no lasting peace in the region.

Mr. President, I ask unanimous consent that a letter to me from Dr. Rugova on the situation in Kosova be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

PRISHTINE, YUGOSLAVIA,
October 22, 1991.

Hon. ROBERT DOLE,
Republican Leader, U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR SENATOR DOLE: During the past months, hostilities have reached a new high in Croatia between Serbian insurgents assisted by the Yugoslav Federal Army and the Croatian National Guard. We, the Albanians of Yugoslavia, have watched in horror as the death and destruction continues on the front lines.

However, the Albanians of Kosova perish on a different front. For more than two years we have lived under a state of marshall law that has been maintained by the Serbian regime. Since 1989, more than 100 people have been murdered, hundreds wounded, more than 100 thousand Albanians have been fired from their jobs, and over 600 thousand have been arrested, detained or imprisoned by Serbian police in Kosova. This year, the Serbian administration has reached a new unprecedented low in Kosova by preventing over 400 thousand Albanian children and over 30 thousand university students from attending their schools.

We are pleased that the European Community has taken the initiative in seeking a solution to the crisis in Yugoslavia. Nevertheless, it is clear that the fighting in Croatia is the result of underlying circumstances, similar to those that exist in Kosova.

We realize that if negotiations at the Peace Conference at The Hague fails to address all elements involved—including the Albanian crisis—there will be no lasting peace in the region.

We appeal to you, Senator Dole, to urge President Bush to take the lead in future negotiations, where all factors must be taken into consideration and to help bring a long-lasting peace to the Balkans.

Enclosed you will find a "Political Declaration," adopted last week by the Coordination Council of Albanian Political Parties of Yugoslavia. We assure you, Senator Dole, that Albanians of Yugoslavia remain determined to resolve this crisis through peaceful and democratic means.

Thank you for your attention, consideration and your assistance.

Sincerely,

DR. IBRAHIM RUGOVA,
President of the Coordination Council of Albanian Political Parties in Yugoslavia.

P.S. The Coordination Council represents over 1 million Albanians and other various ethnic nationals that are registered members of eleven unique political parties.

Mr. DOLE. Mr. President, Dr. Rugova also said that many Americans do not understand the nature of the conflict in Croatia, which is similar to the situation in Kosova. He explained that the Yugoslav Army was fighting this war for one reason: for territory. In other words, this is not a war to protect the rights of the Serbian minority in Croatia—which like those of other minorities should be protected and guaranteed in every republic—this is a war to create a "greater Serbia," which cannot be created at the negotiating table at the Hague.

Only a few months ago, we fought a war against Iraq because Iraq tried to annex Kuwait. Mr. President, the Yugoslav Army and the Serbian Government are trying to do the same thing; hardliner Slobodan Milosevic is the "Saddam" of Serbia.

President Vaclav Havel yesterday made the point that the war in Croatia threatens to destabilize other regions. And when I met with Prime Minister Antall of Hungary 2 weeks ago, he, too, warned that stability in Central Europe was threatened by Milosevic's aggression. Both leaders urged intervention of some kind—both leaders, who only recently themselves were freed from Communist oppression, urged the United States to become involved and to demonstrate leadership.

Well, I agree that the United States must do more than issue perfunctory statements of concern. We must stand on the side of freedom—for Croatians, Albanians, Slovenians, Bosnians—all who yearn for it.

Mr. President, Senator D'AMATO recently introduced legislation, S. 1793, that would impose a trade embargo on Serbia and prohibit United States assistance to Serbia until the Serbian Government ceases its aggression against other ethnic groups on Yugoslavia, and until Serbia agrees to remain within the borders established under the 1974 Yugoslav Constitution.

Last Friday, Serbia rejected the European Community peace proposal at the Hague. This proposal was accepted by the other five republics at the negotiating table. And today, as Dubrovnik and Vukovar continue to be mercilessly pounded, Serbian leaders are meeting in Belgrade to discuss a campaign to create a "greater Serbia."

Mr. President, we cannot wait to take action; we must move forward with the D'Amato sanctions bill. The bill now has 10 cosponsors—Republicans and Democrats—including the chairman of the Foreign Relations Committee. I urge those of my colleagues who are not cosponsors of S. 1793 to take a serious look at its provisions. I hope that the Senate will move forward swiftly to pass this critical legislation. What is happening in Croatia at this very moment is not the new world order; it is the new world horror.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FORD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BAUCUS). Without objection, it is so ordered.

FRUSTRATION ABOUT THE HOMELESS

Mr. MOYNIHAN. Mr. President, I rise to call the attention of my colleagues to an article in Monday's New York Times on the homeless in New York City. Our citizens are beyond the point of despair, waiting for us to do something for these mostly mentally ill and drug addicted people. Our current agony has a history in the decisions of the 1950's and 1960's.

At Rockland Hospital in New York State during the early 1950's, Dr. Nathan Klein developed the first tranquilizer, now commonly known as lithium. When Avril Harriman became Governor of New York in 1955, he was encouraged to establish a program to utilize the findings of this new drug. As an assistant to Jonathan Bingham, the commissioner of mental hygiene, I was present at the meeting in the Governor's office when it was decided to establish a $1.5 million program—a considerable amount at that time—to provide the tranquilizer when appropriate to all patients statewide. Almost immediately the population of State mental institutions began to decline.

In 1963, President Kennedy, encouraged by the results of New York State, signed his last bill, the Mental Retardation Facilities and Community Health Centers Construction Act of 1963, a legislative effort to close institutions which housed victims of mental disorders. As an Assistant Secretary of Labor, I was a member of the task force which proposed a draft of this legislation to the President. The act envisioned a system which would take people out of mental hospitals and treat them through local facilities. And the proposition was to have one center for every 100,000 people; 2,000 by the year 1980. Only 450 have been built. Can we then be surprised that deinstitutionalization has failed.

It is long past time that we take steps to remedy the problems of the mentally ill and drug addicted homeless. Recently, Senator DANFORTH and I introduced S. 62, the Homeless Mentally Ill Outreach Act of 1991 which would provide immediate help to the homeless mentally ill, a population which the American Psychiatric Association estimates is 25 to 50 percent of the homeless population. And many more are drug addicted. Some are both. Our bill would require local health personnel to take homeless people off the streets and bring them into local centers where they could receive thorough medical evaluations. After evaluating the homeless, these centers would refer the homeless to the appropriate agencies, help them apply for entitlement programs and devise individualized treatment plans. A National Commission for the Homeless Mentally Ill would also be established to study the availability, accessibility and composition of mental health services for this population. This bill is not a perfect one, but it is a first step toward getting these individuals the treatment that they need.

Mr. President, I ask unanimous consent that the New York Times article be included in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

FROM SUBURBS, NEW AID FOR THE HOMELESS

(By William Glaberson)

The wind cut through Central Park just after midnight and the group of homeless men surged around 17-year-old Rory B. Quinn.

In another setting, the teen-ager from Hasting-on-Hudson, a place where the problems of the streets often seem far away, might have been frightened. Instead, he asked in the early morning hours yesterday, "Do you need a blanket?"

There is a backlash of fury, at the begging, the smell and the needs of the homeless. But advocates of the homeless and government officials say there are also signs of a new backlash against the backlash: A growing movement across the metropolitan region of people trying to do something directly about the desperation in the streets. The movement is made up of people who hand out blankets on cold nights, some of them young people like Rory Quinn.

One by one, the men in Central Park wrapped the wool blankets around themselves. Fifty or more of them went off to the tailgates of cars with flashing lights in the small caravan that had come from Westchester. The men collected sandwiches, clothing, toiletries and hot coffee from other suburban teen-agers. Then they slipped back into the shadows and bushes of Central Park where they live.

"Whether you're rich or poor, for anybody who went and saw what I saw, there's no way you can just ignore them anymore," Rory Quinn had said back at Hastings High in Westchester County last week, as he explained the chaperoned monthly trips some of the school's students take to the New York streets.

Agencies like the Coalition for the Homeless, New York Cares and the Youth Service Opportunity Project say the number of people who volunteer in soup kitchens, shelters or, like the Hastings students, the streets, has increased steadily since the late 1980's.

Food and clothing drives are becoming common across the region and organizations like the one Rory Quinn works through, Midnight Run, based in Dobbs Ferry, N.Y., or Bridge, which runs a similar program based in Summit, N.J., have become institutions among the New York City homeless.

Some advocates of the homeless say the value of the programs is limited because they have not grown as fast as the demand for the necessities of life. But other advocates, like Mary E. Brosnahan, the executive director of the Coalition for the Homeless, say the programs accomplish more than can be measured by the relatively small number of stomachs that are filled for a few hours.

Across the lines of class, and, often, race, she said, the volunteers take back to their homes a new sense of the dimensions of the problem and the humanity of the people who do not have homes. "Now it's Sharon, who lives on a steam grate," she said, "not, that black fellow with the cup begging on the corner."

STEREOTYPES FADE AWAY

Karen Gunther, 15, a 10th grader at Hastings High, said she was afraid of homeless people at first. But the stereotypes melted as she got to know names and faces. "If you put President Bush in a shelter, he'd probably feel like the homeless people do," she said. "It might change his perspective."

The new volunteers come from all kinds of towns and neighborhoods in and around the city. No one knows how many there are. They are all ages. But many of them are so young that they do not remember a time when there were not people living on the streets of New York. The New York State Governor's Office for Voluntary Service estimates that some 30 percent of all high-school students in the state are now involved in some type of community service.

Some of those who work in the programs say the starkest contrasts in these new encounters come when the children from the most privileged places come upon the men and women who may be the area's least lucky people.

Last week, girls from the elite Spence School on Manhattan's East Side were working at St. John's Bread and Life Soup Kitchen in Brooklyn's Bedford-Stuyvesant section. Groups from St. Peter's Preparatory School in Jersey City and the private Woodmere Academy on Long Island regularly help ladle out food at places in Manhattan like the Holy Apostles Soup Kitchen in Chelsea.

In the dark of Riverside Park before the group moved on to Central Park, a circle of the Hastings teen-agers formed around Barbara Brown. She is 41, she said, and has been living in the park since she lost her job as a hospital clerk and then her apartment two years ago. She was clutching her belongings and pouring the coffee they gave her into an old soda bottle to save for later, she said. Iced coffee under the stars, she said it would be.

She smiled at them and broke into a ditty with a little dance step she seemed to have performed before for her visitors from the suburbs. "The Midnight Run," a frail voice sang, "is so much fun."

The teen-agers cheered and laughed with her. But there was silence when she looked down, holding her soda bottle of cooling coffee. "If it weren't for you all coming," she said, "a lot of people would not have been able to make winter."

Then Barbara Brown was gone again. Alice Merchant, who is in the 10th grade at Hastings High and who was sitting on a car fender on Riverside Drive, said, "It really puts things in perspective, where you are and what you have."

In their brick high school on the hill, the problems down in the city, where many of their parents work and where they go to concerts and museums, now seem like their problems.

"It's our business, not as suburbanites, but as human beings," said Matthew R. Grossman, who is 16. "it has noting to do with geography."

But on the West Side of Manhattan, residents do not necessarily see things the same way. Many have complained, local official say, about the noisy outsiders who insist on coming in the middle of the night and drawing bands of homeless people. Jerrold Nadler, the Assemblyman from the area, calls the Midnight Run "contemptuous of neighborhood residents" for its policy of late-night deliveries that organizers say is necessary to serve homeless people where they sleep.

DIFFICULT RELATIONSHIPS

Even from the homeless, relationships are sometimes difficult for the high school students to measure. Last year, several of the teen-agers said, they felt they grew especially close to a woman named Carol who lived in Battery Park. They would talk like friends when they saw one another. One girl gave Carol the sneakers off her own feet. The teen-agers brought Carol train tickets and subway tokens so she could attend a dinner for the homeless in Hastings that the high school group was running.

But Carol never appeared, Jeanne Newman, the art teacher who is the coordinator of all the homeless activities at Hastings High, said that other homeless people told her Carol had slipped into a tangle of crack, drinking and prostitution. None of the Hastings High students ever saw Carol again. "My kids," Ms. Newman said "were very, very upset with reality."

One of them was Meredith J. Lue, who graduated last year. On a break from Colgate University, she was back in the early hours of yesterday night making sandwiches and remembering what Carol had taught her friends from Westchester. "There are people who live different lives," Ms. Lue said. "Living in Hastings, we have pretty stable lives and it's not like that everywhere. I think it's important people learn it's not like that so close to us."

When the caravan of cars pulls back onto the Saw Mill Parkway in the early morning hours once a month, the Hastings teen-agers head toward home, soccer games, romance and homework. but many of them said that in the month between their trips to the world that is so close to theirs they often thought about the people of the streets.

"If it's a cold night," said Sarah E. DeVita, who is in 10th grade, "I wonder if they have enough blankets to be warm."

THE GENERAL AGREEMENT ON TARIFFS AND TRADE (GATT) PANEL REPORT ON TUNA-DOLPHINS

Mr. HOLLINGS. Mr. President, on August 16, 1991, three GATT panelists from Hungary, Uruguay, and Switzerland released their report on Mexico's challenge to our Marine Mammal Protection Act [MMPA] and the Dolphin Protection Consumer Information Act. This panel found that the MMPA was inconsistent with this country's obligations under the GATT.

Recently, I was joined by 62 of my colleagues in sending a letter to President Bush urging him to take prompt and decisive action to deal with this panel report. I ask unanimous consent that a copy of that letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

COMMITTEE ON COMMERCE, SCIENCE,
AND TRANSPORTATION,
Washington, DC, October 3, 1991.

Hon. GEORGE BUSH,
President of the United States, the White House, Washington, DC.

DEAR MR. PRESIDENT: We were alarmed to learn that a General Agreement on Tariffs and Trade (GATT) dispute settlement panel recently determined that U.S. restrictions on imports of tuna under the Marine Mammal Protection Act (MMPA) were inconsistent with U.S. GATT obligations. That legislation, passed in 1972, has been a cornerstone of U.S. environmental policy and has been responsible for significantly reducing the needless destruction of dolphins, a widely recognized international goal.

We have serious misgivings about the conclusions of the GATT panel report. The United States appropriately argued before the panel that the restrictions were designed to protect animal life and to conserve exhaustible natural resources—two policy objectives which justify import restrictions as long as they are not applied in a discriminatory manner. We have relied on this justification in passing legislation to protect the environment and conserve natural resources. The potential negative impact of the GATT panel decision on our ability to effectively address these issues is a matter of great concern to us.

We therefore urge you to take immediate action to demonstrate to the world that the United States remains serious about environmental protection. First, we urge you to fully exercise U.S. rights by blocking, for an appropriate time, the adoption of the GATT panel report. Second, we would be willing to consider binding bilateral or multilateral agreements necessary to achieve full compliance with the objectives of the MMPA. Third, we believe it is imperative for the United States to work with our trading partners to ensure that the GATT fully recognizes the legitimate objectives of protecting the environment and conserving natural resources.

Finally, we urge the Administration to refrain from entering into any agreements on this issue, with any country, until full consultations are made with the appropriate Committees of Congress. We appreciate your attention to this critical issue, and we look forward to receiving your response.

Sincerely,

Bob Packwood, Ted Stevens, Dennis DeConcini, Tim Wirth, Herb Kohl, Slade Gorton, Jay Rockefeller, Daniel Inouye, Ernest F. Hollings, John F. Kerry, Richard Bryan, Patrick Moynihan, Joe Biden, Brock Adams, Max Baucus, Harris Wofford.

Bill Roth, Frank Murkowski, Carl Levin, Dick Lugar, Paul Simon, Al Gore, Ted Kennedy, Terry Sanford, Bob Kasten, Jim Jeffords, John Chafee, Wendell Ford, Alan Cranston, Daniel Akaka, Paul Wellstone, Paul Sarbanes, George Mitchell, Alfonse D'Amato.

Quentin Burdick, Joe Lieberman, Bill Cohen, Tom Harkin, John Glenn, Don Riegle, Steve Symms, Howell Heflin, Frank Lautenberg, Alan Dixon, Chris Dodd, Howard Metzenbaum, David Pryor, Harry Reid, Claiborne Pell, Bill Bradley, Bob Graham, Jim Exon.

Mitch McConnell, Dan Coats, J. Bennett Johnston, Wyche Fowler, Jr., Thomas A. Daschle, Barbara A. Mikulski, Dave Durenberger, Connie Mack, John Seymour, David L. Boren, Charles S. Robb.

Mr. HOLLINGS. As we noted in that letter, the MMPA has been a cornerstone of U.S. environmental policy since its passage in 1972 and has been responsible for significantly reducing the needless destruction of dolphins, a widely recognized goal of the international community.

Whatever happens, I assure my colleagues that we will not halt our efforts to conserve and protect dolphins and other marine mammals, just because three men in Geneva have ruled that the dolphins do not belong to us. Indeed they do not; they belong to the citizens of this world as part of our common heritage, not to any one person or any one country.

That is why we have called on the administration to block the panel report. That must be the first step. As we said in our letter to the President, we must take immediate action to demonstrate that we remain committed to environmental protection. We must make it very clear that this panel report is unacceptable, and we must also reach for a long-term solution.

We must also deal with the broader environmental concerns raised by the ruling; because if this report reflects a correct interpretation of the GATT, then it is clear that the GATT is fundamentally flawed. It is also clear that this report puts into jeopardy our international efforts not only to save the dolphins, but to protect African elephants, whales, and other endangered species; conserve and manage fisheries and ban the use of driftnets; and address global environmental problems like ozone depletion and greenhouse warming.

Some have counseled that this decision is so fresh that we must delay any action to correct the GATT or move beyond it, but I disagree. Indeed, I believe we should not move forward with any new round of GATT negotiations without resolving this. We cannot allow environmental statute after statute to come under attack, and postpone addressing the problem until the Uruguay round concludes and then the next round begins and ends. Waiting for the conclusion of yet another round of multilateral trade negotiations could take 20 years. If we are concerned about the future of this planet and the creatures which dwell on it, we must not delay.

We cannot afford, nor can the planet, to sweep this problem under the rug with some quick, temporary fix. And believe me, the fix is in the works. There are those who recommend we clean this problem up with Mexico in the North American Free Trade Agreement [NAFTA]. After all, legislation implementing the NAFTA will be on a fasttrack.

I take this opportunity to remind the administration of its commitment not to weaken any U.S. environmental standards in the North American Free-Trade Agreement. That commitment would include, I assume, the MMPA. At this time, I ask unanimous consent that an insightful article on this issue written by Jessica Matthews, vice president of World Resources Institute, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

DOLPHINS, TUNA AND FREE TRADE

(By Jessica Mathews)

Ten months ago, the United States imposed an embargo on Mexican tuna, which is caught by using practices that indiscriminately slaughter dolphins. Mexico charged that the embargo violated the General Agreement on Tariffs and Trade (GATT). Now, a panel of judges acting in secret (the normal GATT practice), has not only held that the Marine Mammal Protection Act violates GATT, but ruled so broadly that the legitimacy of dozens of U.S. laws, and even of multilateral environmental treaties, is cast into question.

The slow process of tracing the intricate links between trade and the environment was just beginning. The ruling has thrown the scene into chaos, trapping the administration in a morass of conflicting pledges and forcing a frantic search for new guidelines.

The 45-year-old GATT text, like most treaties of its day, does not mention the word "environment," though it does allow trade measures necessary to protect human, plant and animal health or to conserve exhaustible natural resources. Scrutinizing these few words, the GATT judges decided that these exceptions to free trade apply only within national borders. A country can use trade measures to protect its own atmosphere, for example, but not the atmosphere outside its borders.

U.S. laws that would be disallowed under such reasoning include acts to protect the oceans, biological diversity, whales, elephants, fisheries, forests, migrating birds and endangered species. Most international treaties are applied through national laws, so any that employ trade measures are implicated as well, including the Montreal treaty on stratospheric ozone, the treaty banning trade in endangered species and many more.

Further, the judges said, GATT requires equal treatment of products regardless of how they are produced. Thus, tuna is tuna whether it is caught with purse seine nets that kill dolphins, with even deadlier drift nets that kill everything in their 30-mile-long paths or by saner methods that require killing only what humans want to eat.

The panel's rulings may be legally sound, but they are environmental nonsense. No country can protect its own smidgen of air or ocean or living part of the global commons. Trade measures are often the only means short of a multilateral treaty to influence the behavior of other countries. Even within a broad treaty, trade sanctions are an effective tool to discourage free riders, countries that would like to enjoy a treaty's benefits without conforming to its requirements.

In order to win fast-track negotiating status for the Mexican free trade agreement last spring, the Bush administration was forced to assure Congress that it would not allow trade agreements to weaken U.S. environmental protections. Now those laws are threatened more seriously than anyone contemplated, a "worst case scenario" as Rep. Henry Waxman (D-Calif.) calls it, and through a challenge brought by Mexico.

Both governments are running for cover. Awakening belatedly to the ruling's potentially disastrous impact on American public opinion, Mexico purchased full-page ads in U.S. newspapers promising all sorts of dolphin-friendly acts except a commitment to stop their killing. For the time being Mexico has postponed taking its winning ruling before the GATT council, the final decision-making body.

The Bush administration's problems are deeper. Notwithstanding the president's pledge to forbid weakening environmental laws in the name of free trade, U.S. officials have told Mexicans that the government will get the dolphin protection law weakened. Congress, correctly, has no interest in doing so. Moreover, success could doom the Mexican free trade agreement by confirming the most paranoid fears that free trade is an indirect way of forcing environmental backsliding that could not be achieved directly. If wisdom prevails, the administration will leave the dolphin law alone.

That leaves the problem of what to do about the ruling. Committed to strengthening GATT, the United States wants to avoid a unilateral veto in the council, but letting the ruling stand is out of the question. The broader question is whether the GATT text must be rewritten or whether its many environmental blind spots can be brought up to date through interpretation and precedent. Negotiations on the range of environmental issues linked to GATT would probably be the last straw for the faltering Uruguay round. But leaving the issues unaddressed until the next trade round promises years of wholesale confusion and recurring international clashes.

The tuna embargo is only a small piece of the tangled trade/environment knot. The connections cut every which way, often conflicting. High environmental standards can expand exports by stimulating innovation or curb them by imposing higher costs. Freer trade could improve environmental management or encourage shortsighted plunder of natural resources. This is not a case where the need is to generate sufficient political will to take widely agreed upon actions, but one in which the right answers are not yet clear.

Given the urgency of many environmental trends, the job of finding those answers cannot wait. It should start now—beginning with a suitable demise for the tuna embargo ruling—continuing in parallel to, and beyond, the Uruguay round.

Mr. HOLLINGS. While we have urged the administration to block the GATT panel report, I must point out, that once the dispute settlement text being considered in the Uruguay round is adopted by us on a fast track, we will no longer be able to exercise the option to block bad panel reports. In other words, in this round, the U.S. Government is preparing to give up the very right we are urging the President to use.

In the final paragraph of our letter to the President, we urge the administration to fully consult with Congress before entering into any agreements with any country. The administration has not done this. USTR briefed staff on the panel report in late August. Then in September, staff was informed that a deal had been made with the Mexicans, a deal that apparently included a pledge to lobby Congress to change the MMPA. This hits a sore spot with me.

This administration appears not to have a firm grip on some common definitions. Consult does not mean tell us what happened after the fact. Consult means, according to my Webster's, "to ask the advice or opinion of." Telling us after the fact that a quick agreement was reached with the Mexicans in Mexico City is not consulting, it is informing us of what has already been done.

Much was made of the consultation process during the fast-track debate, but I think we have lost the meaning somewhere. Consultation is supposed to be give and take, not a lecture on expanding export opportunities.

In conclusion, I urge my colleagues to consider the implications of this panel report. Its narrow interpretation of GATT's article XX exceptions opens to international attack a host of existing and proposed legislation to protect and conserve the environment. Some reforms must be made—not 20 years from now, but now. Our planet cannot afford for us to wait.

I must note with some irony that the situation in which we find ourselves today is exactly what we warned the Senate could happen during our debate 4 months ago on fast track. This is precisely why my effort to stop the fast track was supported by Friends of the Earth, Sierra Club, Public Citizen, and many other environmental and consumer groups. Many scoffed at the thought that the GATT was a threat to U.S. environmental policy and yet here we are.

In fact, I would be remiss if I did not recognize the valuable support of the environmental and consumer community on this matter. Not only were these groups far sighted enough to predict this would happen earlier this year, they have worked long and hard to support the integrity of the MMPA. I do not intend to see those efforts go to waste.

SYLVIA CHAVEZ LONG AS ASSISTANT SECRETARY FOR VA CONGRESSIONAL AFFAIRS

Mr. DOMENICI. Mr. President, I am pleased to inform you that this morning the Senate Committee on Veterans' Affairs favorably recommended Sylvia Chavez Long, a fellow native of New Mexico, for the position as Assistant Secretary for Congressional Affairs in the Department of Veterans Affairs. Since the full Senate will be voting on Ms. Long soon, I would like to take this opportunity to first of all congratulate Ms. Long and to take a moment to tell you a little about this noteworthy New Mexican and her achievements.

In her new position, Ms. Long—a native of Santa Fe, NM—will be the Secretary's principal adviser on the VA's legislative agenda, including all policies, plans, and operations related to the Department's congressional affairs programs. Frankly, her confirmation comes as good news not only for the VA and the Congress, who will benefit directly from the expertise Sylvia brings to her position, but also for our veterans, who will benefit from her insight and experience. And, of course, the promotion is a wonderful opportunity and honor for Sylvia herself.

Ms. Long's commitment to veterans' and their interests, is especially commendable, as her record clearly indicates. Before her promotion to Assistant Secretary, Ms. Long served as the VA's Deputy Assistant Secretary for Program Coordination and Evaluation. In this position, she was responsible for policy-level management and for oversight of the Department's evaluative studies and analyses of all data collected regarding the impact of specific programs and their effectiveness. Clearly, this experience has given her valuable insight into how well the programs we have set up for veterans are working, and what weaknesses in the system need to be addressed.

Ms. Long also served as VA special issues coordinator. During that time, she addressed many issues of vital importance to veterans and their families, including post traumatic stress disorder, agent orange, and caring for the aging veterans population. She also represented the Secretary of Veterans Affairs on the Domestic Policy Council Working Group on Children and the Family. These are all issues we are very concerned about in the Congress as well, and I know we share Ms. Long's dedication to providing for veterans in these critical areas.

We in New Mexico are very proud of Sylvia and all she has accomplished in her nearly 20 years of distinguished public service. For over 17 years, she served New Mexico as a senior aide to two good friends of mine—Interior Secretary Lujan, when he was a Congressman for New Mexico's First District, and Secretary Lujan's successor in the House of Representatives, STEVE SCHIFF. In their offices, she handled issues relating to the VA and the Department of Defense, where she helped countless New Mexicans with problems and questions they had relating to military, civilian, or veterans' benefits.

In New Mexico, she also served as State chairman of the Office of the Assistant Secretary of Defense, New Mexico Committee for Employer Support of the Guard and the Reserve. Here she directed a 100-member committee that helped to educate employers of members of the National Guard and Reserve forces on their rights as employers, as well as greater rights and responsibilities. She also currently serves as chairman of the Greater Albuquerque Chamber of Commerce Military Affairs Committee, which serves to maintain a good relationship between the military and business communities in the Albuquerque area.

In addition, she continues to serve on numerous advisory counsels and panels supporting veterans and reservist programs in which her service has always been exemplary. In fact, in 1988, she was awarded the Distinguished Citizen Award by the commander in chief, U.S. Air Force Military Airlift Command, and in 1990 received the Honorary Profile of Courage Award, presented by the New Mexico Vietnam Veterans Leadership Program. She has also received the Naval Reserve Meritorious Service Medal and the Armed Forces Reserve Medal for her service with the U.S. Navy Reserve.

Again, Mr. President, let me say how very proud all of us in New Mexico are of Sylvia Chavez Long and all she has accomplished. I am very pleased the Veterans' Affairs Committee has recognized her achievements, and I look forward to casting my vote in her favor as well. I am confident she will continue to serve the Congress, the Veterans' Administration, and, most importantly, the veterans of our country with the same enthusiasm and professionalism with which she has always served the people of New Mexico.

THE START TREATY MUST BE POSTPONED

Mr. HELMS. Mr. President, on Tuesday, President Bush and President Gorbachev will meet in Madrid. They will take time out from the Middle East peace discussions to talk about President Bush's recent announcement of unilateral reductions of nuclear weapons and President Gorbachev's announcement of Soviet unilateral cuts.

Of course, the word "Soviet" is obsolete, because no one has yet come up with a convenient word or phrase descriptive of the central government of the former Soviet Union. But that very dilemma points to something far more profound when we hear that the two Presidents will be discussing arms control matters.

The reason there is no simple description of the former Soviet Union is because Russia and its neighboring republics are in flux, both in their relationships to each other and their relationships to whatever central entity results from the breakup. We know that President Gorbachev is President, but we do not know what being President of that entity means anymore. We do not know what powers the central authority will have, or even if it will have the kind of strong authority necessary to carry out successful arms control and arms control verification.

Thus it is very disturbing that President Bush and President Gorbachev will be discussing arms control measures—a sort of minisummit for bilateral arms control in the midst of the Middle East negotiations. Even if clarifications in the separate proposals of the two Presidents are achieved, the result will be a kind of de facto START II, without a treaty to assure verification.

Mr. President, the irony of all of this is that START I—the treaty signed by President Bush and President Gorbachev on July 31—does not yet have a completed text. That text is still under negotiation, and is not scheduled to be sent to the Senate until January.

This is a highly unusual situation. Indeed, Mr. President, it is a totally unprecedented situation. The text of a treaty is always required to be completed before signing, and it is made available to the public immediately. But almost 3 months have gone by, and Congress still does not know what was agreed to in all specifics. This is more than a mere quibble. It is a profound defiance of the advice and consent process.

Because of the difficulty—indeed, I believe the impossibility—of adequate verification, the treaty definitions and formulas are intricate and long. Slight changes in those formulas can have profound impact on the implementation and impact of the treaty.

Experts who have seen the drafts report that major changes in key issues resulted from the postsigning negotiations, and that the text is presently in total disarray, filled with inconsistencies and undefined terms. The still-expanding draft is reported to be more than 750 pages long. Furthermore, there is the problem of the submitted Soviet data, which is reported to contain a serious flaw.

Moreover, while the July 31 treaty was still in the process of change, the Soviet Union itself began to disintegrate. Nineteen days after the signing, the coup of hardliners representing the Soviet KGB military-industrial complex overthrew the President who signed it. The restoration of Gorbachev by Boris Yeltsin, the President of the Russian Republic, did not mean the restoration of his authority. Rather, it meant the restoration of a mere transition figure, a mere placeholder without authority and without a constituency.

At the same time, the independence movements of the former constituent republics has thrown into doubt the practical workability of the START Treaty. If there were indeed a true successor regime to the old Gorbachev regime, the new regime could simply agree to accept the START Treaty as it stands.

But there is no simple successor regime to take up the duties of the old regime under international law. The breakup of the territory leaves installations limited and prohibited by START distributed throughout the geographic region, with command and control procedures impossible to put into effect.

Indeed, some of the republics, such as the Ukraine, have announced the formation of their own armies, and have refused to agree to the provisions of START. Uncertain of the outcome of any future central government, and uncertain, too, what the future government of the Russian Republic might bring, they are hesitant to give up their nuclear bargaining chips. One bullet might change the President of the Russian Republic, or hard-line elements within the military might seek to restore an authoritarian central government as evil—or even more evil—as the empire which has collapsed.

Mr. President, I urge President Bush to be extremely cautious in accepting any clarifications or unilateral declarations on arms control in Madrid, or even in the near future. President Gorbachev is not an appropriate partner for such discussions, because he does not have the commanding authority to make sure even that his own wishes are carried out.

In fact, Mr. President, I go further. I urge President Bush not to send the July 31 START Treaty to the Senate. The treaty must be completely renegotiated, if and when there is a competent authority with whom to negotiate.

It should be remembered that in the 9 months leading up to the signing on July 31, the Soviet hardliners were in complete control of the negotiating process, and demanded that specific further concessions must be made on points where tentative agreement had already been reached. The United States delegation, unfortunately, surrendered to this pressure. The leaders of this group, including General Moiseyev, General Yazov, Foreign Minister Bessmertnykh, Chairman Beklanov of the Military-Industrial Commission [VPK] and KGB Chairman Kryuchkov, are now in prison awaiting trials for treason.

The result of the negotiations with these criminals was a treaty which is fatally flawed in protecting U.S. national security. From those details already released, there appear to be at least five major flaws. The full explanation of these flaws is highly technical, and will be deferred until the full text is made available. But preliminary analysis already shows the following:

First, START completely legalizes two Soviet ICBM's which the Soviets have finally admitted violated SALT I and SALT II, and four others which they have not admitted. In 1982, the Soviets suddenly began flight testing two new types of ICMB's—the SS-24 and the SS-25.

But the SS-25 ICBM turned out to be a prohibited second new type light ICBM, and it was illegal for several reasons—it has about 10 times more than the allowed 5 percent increase in throw-weight, its telemetry was fully encrypted—encoded—illegally, and it violated the prohibition on the proportion of throw-weight used by the single warhead.

Moreover, the SS-24 also turned out to be illegal, because its electronic telemetry signals were fully encrypted in violation of SALT II prohibitions against such encryption. But there was another aspect of the new SS-24 that we have long suspected—it too has turned out to be another illegal heavy ICBM. Its launch weight has turned out to be heavier than 90,000 kilograms.

Second, START is fundamentally unequal, and it is therefore inconsistent with the equality requirement of the Jackson amendment to SALT I. This inequality results because the missile and bomber warhead down loading provisions and the allowance of large numbers of nondeployed missiles and bombers allow the Soviets the potential to legally have over twice as many warheads as the United States.

Third, START will allow significant Soviet advantages in covert forces, which also will not be counted.

Fourth, START is destabilizing, because it will increase the Soviet first-strike advantage, and allow the further modernization of Soviet heavy and superextra heavy ICBM's designed for a first-strike role.

Fifth, START will not be effectively verifiable, even with the completion of the greatly scaled-down verification provisions still under negotiation.

Therefore, Mr. President, the present START Treaty should not be sent to the Senate. Its terms do not apply to the current situation. The Soviet Union does not exist, and will not have a capable successor regime in international law. And the text of the treaty in its major outline is fatally flawed in protecting U.S. security interests because of concessions to Soviet hardliners—concessions which are probably unnecessary because the hardliners are presently in prison, and may even be executed.

If the situation in Russia and the other republics solidifies, and if a competent central authority emerges in the future, then it will be time to renegotiate START, beginning on equal terms and resulting in an equal treaty.

TERRY ANDERSON

Mr. MOYNIHAN. Mr. President, I rise to inform my colleagues that today marks the 2,414th day that Terry Anderson has been held captive in Lebanon.

Today, two Beirut daily newspapers published a letter from Peggy Say to Terry Anderson. In her letter, Peggy calls the videotape of her brother—released earlier this month—a wonderful gift, noting his good health and sense of humor. And she reminds him:

> Thousands of people will be praying for you this Sunday for your birthday and for the continued success of the Perez de Cuellar mission.

More. Sulome, Terry Anderson's daughter, has recorded a video message. And the BBC is broadcasting birthday greetings from John McCarthy and Brian Keenan, perhaps others. I add my own.

Mr. President, I ask unanimous consent that an Associated Press report detailing the day's events be printed in the RECORD at this time.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

TWO PAPERS PUBLISH PEGGY SAY'S LETTER TO ANDERSON

(By Rima Salameh)

BEIRUT, LEBANON.—American hostage Terry Anderson's sister sent him a letter that was published in Beirut newspapers on Friday, two days before his seventh birthday in captivity.

Freed hostages John McCarthy and Brian Keenan also broadcast messages of hope to their former cellmates Friday, including a special birthday wish to Anderson.

The greetings came four days after kidnappers released American educator Jesse Turner, who returned to the United States on Friday. Turner was freed as part of complex negotiations mediated by the United Nations that have raised hopes for the freedom soon of all the Westerners held in Lebanon.

In her letter to Anderson, who turns 44 on Sunday, his sister Peggy Say wrote that the family was heartened by the way he looked on a videotape broadcast by Cable News Network on Oct. 6.

"The family is still basking in the glow of your robust good health, which was quite obvious on your videotape," Say wrote.

"Equally apparent was the survival of your sense of humor and emotional well-being."

"We are very grateful that you were allowed to send us this wonderful (videotape) gift," she wrote.

The letter was published by Beirut's two conservative newspapers, Al-Answar and Ad-Diyar. Other Beirut dailies, including the leading An-Nahar and as-Safir, also received Mrs. Say's letter and plan to publish it Saturday.

Anderson's 6-year-old daughter, Sulome, who was born nearly three months after his capture, sent him a videotaped birthday message, saying she felt he would be out soon.

Anderson, chief Middle East correspondent for the Associated Press, is the longest-held hostage. He was kidnapped on March 16, 1985.

Islamic Jihad, a pro-Iranian Shiite Muslim fundamentalist group, claims it holds Anderson as well as American educator Thomas Sutherland and Anglican church envoy Terry Waite, a Briton.

Keenan, McCarthy and other freed Westerners have said Anderson and other captives are allowed to read newspapers and magazines and listen to radios.

In their radio message on the BBC, McCarthy and Keenan spoke hopefully about what Anderson and the others would encounter when they are finally freed. "I think it struck me, and will probably strike all the boys as they come home, that we are very famous people because of what has been done for us, and that is a little unnerving if you haven't been when you went away," said McCarthy, 34, a television journalist who was released on Aug. 8.

McCarthy wished Anderson a happy birthday and then assured the hostages: "Everything's fine with your families ... It's been a great joy to talk to them and get to know them. When you're ready when you come home, it will be lovely to meet up with you all again, with the families."

Speaking of Anderson's daughter, Sulome, he said: "There's a lot of Terry obviously in her, though they have yet to meet. But God willing, that will be very soon."

Say's letter gave her brother a detailed account of the activities of each family member, as well as the efforts being made by U.N. Secretary-General Javier Perez de Cuellar to free him.

"Thousands of people will be praying for you this Sunday for your birthday and for the continued success of the Perez de Cuellar mission," said the letter.

The United Nations has been trying to arrange a swap of the Western hostages held in Lebanon for an estimated 300 Arab prisoners held by Israel and its proxy militia, the South Lebanon Army.

Perez de Cuellar's efforts came in response to a letter from Islamic Jihad that was brought to him by McCarthy. Since then, three Western captives have been released—Briton Jack Mann as well as Americans Edward Tracy and Turner.

REMOVAL OF INJUNCTION OF SECRECY—TREATY WITH JAMAICA (TREATY DOCUMENT NO. 102–16).

Mr. FORD. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from the Treaty with Jamaica on Mutual Legal Assistance in Criminal Matters (Treaty Document No. 102–16), transmitted to the Senate today by the President; and ask that the treaty be considered as having been read the first time; that it be referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed; and that the President's message be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The message of the President is as follows:

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the Treaty between the Government of the United States of America and the Government of Jamaica on Mutual Legal Assistance in Criminal Matters, signed at Kingston on July 7, 1989. I transmit also, for the information of the Senate, the Report of the Department of State with respect to the Treaty.

The Treaty is one of a series of modern mutual legal assistance treaties being negotiated by the United States in order to counter criminal activities more effectively. The Treaty should be an effective tool to assist in the prosecution of a wide variety of modern criminals, including members of drug cartels, "white-collar criminals," and terrorists. The Treaty is self-executing.

The Treaty provides for a broad range of cooperation in criminal matters. Mutual assistance available under the Treaty includes: (1) the taking of testimony or statements of witnesses; (2) the provision of documents, records, and evidence; (3) the execution of requests for search and seizures; (4) the serving of documents; and (5) the provision of assistance in proceedings relating to the forfeiture of the proceeds of crime, restitution to the victims of crime, and the collection of fines imposed as a sentence in a criminal prosecution.

I recommend that the Senate give early and favorable consideration to the Treaty and give its advice and consent to ratification.

GEORGE BUSH.

THE WHITE HOUSE, *October 25, 1991.*

ALBERT EINSTEIN CONGRESSIONAL FELLOWSHIP PROGRAM

Mr. DOLE. Mr. President, I send a resolution to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 208) to make fiscal year 1991 funds available for fiscal year 1992 for the Albert Einstein Congressional Fellowship Program.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

The PRESIDING OFFICER. Without objection, the resolution is considered and agreed to.

The resolution (S. Res. 208) was agreed to, as follows:

S. RES. 208

Resolved, That section 4 of the resolution entitled "A resolution to establish an Albert Einstein Congressional Fellowship Program", approved August 2, 1991, is amended by adding at the end of the following new subsection:

"(c) AVAILABILITY.—The funds made available under subsection (a) for fiscal year 1991 shall remain available through September 30, 1992.".

RESTORATION OF THE AUTHORITY OF THE SECRETARY OF EDUCATION TO MAKE CERTAIN PRELIMINARY PAYMENTS TO LOCAL EDUCATIONAL AGENCIES

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Labor Committee be discharged from further consideration of S. 1848, the dropout prevention technical correction amendment of 1991; and that the Senate then proceed to its immediate consideration; that the bill be deemed read three times and passed; and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the bill was deemed read three times and passed, as follows:

S. 1848

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Dropout Prevention Technical Correction Amendment of 1991".

SEC. 2. TECHNICAL AMENDMENT.

Paragraph (2) of section 5(b) of the Act entitled "To provide financial assistance to local educational agencies in areas affected by Federal activities and for other purposes", approved September 30, 1950 (20 U.S.C. 240(b)(2)) is amended to read as follows:

"(2) As soon as possible after the beginning of any fiscal year, the Secretary shall, on the basis of a written request for a preliminary payment from any local education agency that was eligible for a payment for the preceding fiscal year on the basis of entitlements established under section 2 or 3, make such a preliminary payment—

"(A) to any agency for whom the number of children determined under section 3(a) amounts to at least 20 per centum of such agency's total average daily attendance, of 75 per centum of the amount that such agency received for such preceding fiscal year on the basis of such entitlements; and

"(B) to any other agency, of 50 per centum of the amount that such agency received for such preceding fiscal year on the basis of such entitlements.".

Mr. DOLE. Mr. President, I move to reconsider the vote.

Mr. FORD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

NAVAJO-HOPI RELOCATION HOUSING PROGRAM REAUTHORIZATION ACT

Mr. FORD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 260, S. 1720, regarding Navajo-Hopi housing; that the committee amendment be adopted; that any statements appear at the appropriate place in the RECORD; that the bill be read a third time and passed and the motion to reconsider be laid upon the table.

There being no objection, the Senate proceeded to consider the bill (S. 1720) to amend Public Law 93-531 (25 U.S.C. 640d et seq.) to reauthorize appropriations for the Navajo-Hopi Relocation Housing Program for fiscal years 1992, 1993, 1994, and 1995, which had been reported from the Select Committee on Indian Affairs, with an amendment on page 2, after line 8, insert the following:

SEC. 3. NAVAJO-HOPI RELOCATION.

(a) AMENDMENT.—Section 12(b)(2) of the Act of December 22, 1974 (25 U.S.C. 640d-11(b)(2)), is amended by adding at the end thereof the following new sentence: "The Commissioner serving at the end of a term shall continue to serve until his or her successor has been confirmed in accordance with paragraph (1) of this subsection.".

(b) EMPLOYEES.—Section 12(b)(3) of the Act of December 22, 1974 (25 U.S.C. 640d-11(b)(3)) is amended to read as follows:

"(3) The Commissioner shall be a full-time employee of the United States, and shall be compensated at the rate of basic pay payable for level IV of the Executive Schedule.".

(c) POWERS.—(1) Section 12(d)(1) of the Act of December 22, 1974 (25 U.S.C. 640d-11(d)) is amended to read as follows:

"(d) POWERS OF COMMISSIONER.—(1) Subject to such rules and regulations as may be adopted by the Office of Navajo and Hopi Indian Relocation, the Commissioner shall have the power to—

"(A) appoint and fix the compensation of such staff and personnel as the Commissioner deems necessary in accordance with the provisions of title 5, United States Code, governing appointments in the competitive service, but at rates not in excess of a position classified above a GS-15 of the General Schedule under section 5108 of such title; and

"(B) procure temporary and intermittent services to the same extent as is authorized by section 3109 of title 5, United States Code, but at rates not to exceed $200 a day for individuals.".

(d) The amendments made by this section shall not cause any employee of the Office of Navajo and Hopi Indian Relocation to be separated or reduced in grade or compensation for 12 months after the date of enactment of this Act.

(e) The position of Executive Director of the Office of Navajo and Hopi Indian Relocation and Deputy Executive Director of such Office shall on and after the date of the enactment of this Act, be in the Senior Executive Service.

(f) Any employee of the Office of Navajo and Hopi Indian Relocation on the date of the enactment of this Act shall be considered an employee as defined in section 2105 of title 5, United States Code.

(g) COMMISSIONER.—Section 5315 of title 5, United States Code, is amended by adding at the end thereof the following:

"Commissioner, Office of Navajo and Hopi Indian Relocation.".

So as to make the bill read:

S. 1720

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Navajo-Hopi Relocation Housing Program Reauthorization Act of 1991".

SEC. 2. REAUTHORIZATION OF APPROPRIATIONS.

Subsection (a) of section 25 of Public Law 93-531 (25 U.S.C. 640d-24(a)) is amended by striking out "and 1991." in paragraph (8) and inserting in lieu thereof "1991, 1992, 1993, 1994, and 1995.".

SEC. 3. NAVAJO-HOPI RELOCATION.

(a) AMENDMENT.—Section 12(b)(2) of the Act of December 22, 1974 (25 U.S.C. 640d-11(b)(2)), is amended by adding at the end thereof the following new sentence: "The Commissioner serving at the end of a term shall continue to serve until his or her successor has been confirmed in accordance with paragraph (1) of this subsection.".

(b) EMPLOYEES.—Section 12(b)(3) of the Act of December 22, 1974 (25 U.S.C. 640d-11(b)(3)) is amended to read as follows:

"(3) The Commissioner shall be a full-time employee of the United States, and shall be compensated at the rate of basic pay payable for level IV of the Executive Schedule.".

(c) POWERS.—(1) Section 12(d)(1) of the Act of December 22, 1974 (25 U.S.C. 640d-11(d)) is amended to read as follows:

"(d) POWERS OF COMMISSIONER.—(1) Subject to such rules and regulations as may be adopted by the Office of Navajo and Hopi Indian Relocation, the Commissioner shall have the power to—

"(A) appoint and fix the compensation of such staff and personnel as the Commissioner deems necessary in accordance with the provisions of title 5, United States Code, governing appointments in the competitive service, but at rates not in excess of a position classified above a GS-15 of the General Schedule under section 5108 of such title; and

"(B) procure temporary and intermittent services to the same extent as is authorized by section 3109 of title 5, United States Code, but at rates not to exceed $200 a day for individuals.".

(d) The amendments made by this section shall not cause any employee of the Office of Navajo and Hopi Indian Relocation to be separated or reduced in grade or compensation for 12 months after the date of enactment of this Act.

(e) The position of Executive Director of the Office of Navajo and Hopi Indian Relocation and Deputy Executive Director of such Office shall on and after the date of the enactment of this Act, be in the Senior Executive Service.

(f) Any employee of the Office of Navajo and Hopi Indian Relocation on the date of the enactment of this Act shall be considered an employee as defined in section 2105 of title 5, United States Code.

(g) COMMISSIONER.—Section 5315 of title 5, United States Code, is amended by adding at the end thereof the following:

"Commissioner, Office of Navajo and Hopi Indian Relocation."

The PRESIDING OFFICER. The question is on agreeing to the committee amendment in the nature of a substitute.

The committee amendment was agreed to.

So the bill (S. 1720) was deemed read the third time and passed.

ORDER FOR STAR PRINT—SENATE JOINT RESOLUTION 210

Mr. DOLE. Mr. President, on behalf of Senator KASSEBAUM, I ask unanimous consent that Senate Joint Resolution 210 be star-printed to reflect the following change that I send to the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL INTERMODAL SURFACE TRANSPORTATION SYSTEM

Mr. FORD. Mr. President, I understand the Senate has received from the House H.R. 2950, the Intermodal Surface Transportation Act. On behalf of Senator MOYNIHAN, I ask that the bill be read for the first time.

The PRESIDING OFFICER. The clerk will read the bill by title for the first time.

The legislative clerk read as follows:

A bill (H.R. 2950) to develop a national intermodal surface transportation system, to authorize funds for construction of highways, for highway safety programs, and for mass transit programs, and for other purposes.

Mr. FORD. Mr. President, now I ask for its second reading.

The PRESIDING OFFICER. Is there objection.

Mr. DOLE. I object.

The PRESIDING OFFICER. Objection is heard. Under the rule, the bill will lie over awaiting its second reading on the next legislative day.

MOTOR VOTER BILL—S. 250

Mr. FORD. Mr. President, I would inquire of the Republican leader if I am correct in my understanding that he is not in position to give consent to proceed to S. 250, the motor-voter bill.

Mr. DOLE. The Senator is correct, I am not in position to do that.

CLOTURE MOTION

Mr. FORD. In view of that, Mr. President, on behalf of the majority leader I now move to proceed to Calendar No. 89, S. 250, and I send to the desk a cloture motion.

The PRESIDING OFFICER. The cloture motion, having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to the consideration of S. 250, a bill to establish national voter registration procedures for Federal elections, and for other purposes.

George Mitchell, Harry Reid, John Glenn, Terry Sanford, Wendell Ford, Richard Bryan, J. Lieberman, Herb Kohl, Carl Levin, Paul Wellstone, Frank Lautenberg, Howard Metzenbaum, Dennis DeConcini, Timothy E. Wirth, Daniel K. Akaka, Alan J. Dixon.

Mr. FORD. Mr. President, on behalf of the majority leader, I withdraw the motion to proceed.

The PRESIDING OFFICER. The motion is withdrawn.

Mr. FORD. Mr. President, on behalf of the majority leader, I ask unanimous consent that the vote on the cloture motion occur at a time to be determined by the majority leader, following consultation with the Republican leader.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. And that the live quorum be waived.

Mr. FORD. I apologize to the Republican leader.

And that the mandatory live quorum be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. McCathran, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations, a withdrawal, and a treaty which were referred to the appropriate committees.

(The nominations, withdrawal, and treaty received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 10:45 a.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 2950. An act to develop a national intermodel surface transportation system, to authorize funds for construction of highways, for highway safety programs, and for mass transit programs, and for other purposes.

ENROLLED BILL AND JOINT RESOLUTIONS SIGNED

At 11:53 a.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the Speaker has signed the following enrolled bill and joint resolutions:

H.R. 470. An act to authorize the Secretary of Transportation to release the restrictions, requirements, and conditions imposed in connection with the conveyance of certain lands to the city of Gary, Indiana;

S.J. Res. 192. Joint resolution designating October 30, 1991, as "Refugee Day"; and

H.J. Res. 360. Joint resolution making further continuing appropriations for the fiscal year 1992, and for other purposes.

The enrolled bill and joint resolution were subsequently signed by the President pro tempore [Mr. BYRD].

MEASURES READ THE FIRST TIME

The following bill was read the first time:

H.R. 2950. An act to develop a national intermodel surface transportation system, to authorize funds for construction of highways, for highway safety programs, and for mass transit programs, and for other purposes.

ENROLLED JOINT RESOLUTIONS PRESENTED

The Secretary of the Senate reported that on today, October 25, 1991, he had presented to the President of the United States the following enrolled joint resolutions:

S.J. Res. 160. Joint resolution designating the week beginning October 20, 1991, as "World Population Awareness Week"; and

S.J. Res. 192. Joint resolution designating October 30, 1991 as "Refugee Day."

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LEAHY, from the Committee on Agriculture, Nutrition, and Forestry, with an amendment in the nature of a substitute and an amendment to the title:

H.R. 2893. A bill to extend to 1991 crops the disaster assistance provisions of the Food, Agriculture, Conservation, and Trade Act of 1990 (Rept. No. 102–195).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. BENTSEN, from the Committee on Finance:

Janet A. Nuzum, of Virginia, to be a member of the U.S. International Trade Commission for the remainder of the term expiring June 16, 1996; and

Carol T. Crawford, of Virginia, to be a member of the U.S. International Trade Commission for the term expiring June 16, 1999.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. LIEBERMAN:

S. 1875. A bill to amend the Internal Revenue Code of 1986 to increase the personal exemption and to allow a refundable credit for families with young children; to the Committee on Finance.

S. 1876. A bill to amend the Internal Revenue Code of 1986 to establish the same income tax schedule for individuals filing as heads of households as married individuals filing jointly; to the Committee on Finance.

By Mr. BOND (for himself, Mr. DANFORTH, Mr. GRASSLEY, Mr. D'AMATO and Mr. CRANSTON):

S. 1877. A bill to require the use of child restraint systems on commercial aircraft; to the Committee on Commerce, Science, and Transportation.

By Mr. MACK:

S. 1878. A bill to amend section 518 of the National Housing Act; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. DASCHLE:

S. 1879. A bill to authorize the adjustment of the boundaries of the South Dakota portion of the Sioux Ranger District of Custer National Forest, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. LEVIN:

S. 1880. A bill to amend the District of Columbia Spouse Equity Act of 1988; to the Committee on Governmental Affairs.

By Mr. BENTSEN:

S. 1881. A bill to amend the Tariff Act of 1930 to provide appropriate procedures for the appointment of the Chairman of the United States International Trade Commission; to the Committee on Finance.

By Mr. FORD:

S. 1882. A bill to authorize extensions of time limitations in a FERC-issued license; to the Committee on Energy and Natural Resources.

By Mr. JOHNSTON (by request):

S.J. Res. 219. A joint resolution to approve the location of a memorial to George Mason; to the Committee on Energy and Natural Resources.

By Mr. MITCHELL (for himself and Mr. COHEN):

S.J. Res. 220. A joint resolution to designate the Provasoli-Guillard Center for the Culture of Marine Phytoplankton as a National Center and Facility; to the Committee on Commerce, Science, and Transportation.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. ROTH:

S. Res. 207. A resolution expressing the sense of the Senate regarding the recommendations of the United Nations study group on international arms sales; to the Committee on Foreign Relations.

By Mr. DOLE (for Mr. HATFIELD):

S. Res. 208. A resolution to make fiscal year 1991 funds available for fiscal year 1992 for the Albert Einstein Congressional Fellowship Program; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LIEBERMAN:

S. 1875. A bill to amend the Internal Revenue Code of 1986 to increase the personal exemption and to allow a refundable tax credit for families with young children; to the Committee on Finance.

S. 1876. A bill to amend the Internal Revenue Code of 1986 to establish the same income tax rate schedule for individuals filing as heads of households as married individuals filing jointly; to the Committee on Finance.

TAX RELIEF FOR WORKING FAMILIES

Mr. LIEBERMAN. Mr. President, I rise today to introduce legislation aimed at reducing the income tax burden of working families in America. Middle-class families have seen their real income decline during the past several decades while their tax burden has continued to go up. The fact is that only those families making $120,000 or more have had a substantial increase in the real income over this period of time and their tax burden has actually gone down. It is time to restore fairness and equity to the average working families in America, and that must be done through tax relief.

Tax relief could not come at a more critical time for the American people. Over the past several decades, prices have risen while real income for many people has actually declined. For example, in 1970, the price of a new car was equivalent to a third of the average family's income. Now a new car's price is equal to nearly half a family's income.

Mortgage payments in the 1950's accounted for just 14 percent of family income. Today, mortgages eat up nearly 44 percent of family income, even though many families now include two wage earners.

Add higher taxes to that reality, and we can easily see why the American people are hurting.

Mr. President, one of the factors that has contributed to the tax burden on families has been the erosion of the value of the dependent exemption. The actual value of today's exemption of $2,150 is much lower than it was in 1948 when it first went into effect. At that time, the personal exemption was actually sufficient to offset most of the costs of actually raising a child. In 1948, the dependent exemption of $600 was equal to 42 percent of the per capita personal income. Today's $2,150 exemption has far less value. It is equal to about 11 percent of per capita personal income.

The dependent exemption also provides little benefit at all to workers who struggle at the lower end of the wage scales, while the exemption's value goes up as income rises. That, to me, is inequitable, because richer Americans have less need for help in paying for a child's upbringing.

And so today I am introducing the Family Tax Exemption and Tax Credit for Young Children Act, which will increase the dependent exemption to $7,000 per dependent which, in my opinion, is a level much closer to the real cost of raising a child in today's world.

In order for my legislation to be affordable as well as effective, it increases the dependent exemption for each child under 10 years of age, and it equalizes the value of the exemption across all income levels.

Under current law, the exception is worth $322.50 per child for families in lower tax brackets, and up to $666.50 for families in the highest tax brackets. My legislation will make the exemption worth $1,050 per child under the age of 6, regardless of what the family's income is. By maximizing the value of the exemption for younger children, we target assistance to families who need it most, and help them to either have one parent stay home with the child, or afford quality day care. The bill includes a gradual phase out of the exemption's value, with exemptions worth $750 for each child at age 9. At age 10, the value of the exemption returns to the current level.

The Family Tax Exemption and Tax Credit for Young Children Act also provides a refundable supplemental young-child tax credit to working families applying for the earned income tax credit. The supplemental credit is equivalent in value to the benefit received by families that qualify for the personal exemption increase.

The second piece of legislation I am introducing today, Mr. President, is the Heads of Households Tax Rate Reform Act, which will remove the tax bias against single working parents and thus provide them with much-needed tax relief.

Approximately 25 percent of the households in the United States with children under the age of 18 are headed by a single parent. Under the existing rate schedule, single working parents pay up to 21 percent more in taxes than married workers who file joint tax returns. Now that is just unfair. It is a penalty that is very difficult to understand because single working parents often have a harder time meeting their expenses because there is only one income coming into that family.

There is no excuse for an unfair tax differential by which single parents are penalized simply because a spouse is no longer present in the home. Under my legislation, the head-of-household rate schedule will be the same as that for married individuals.

During these difficult economic times, America's working families need tax breaks, not tax increases. America's economy needs help, too, and by getting more money in the pockets of average working families, we can help them make ends meet, purchase needed goods and help them to save, injecting our economy with greatly needed capital to fuel economic growth.

Mr. President, working family tax relief is not the total answer to our economic woes. I have supported Senator MOYNIHAN's efforts to lower Social Security taxes on wage earners and businesses which I think still is the most sensible way to offer tax reform and relief to the American people and American businesses.

Earlier this week, I spoke in this Chamber about the serious need, urgent need for serious economic growth incentives for American business. Tax relief for the middle class must be accompanied by tax incentives for business and other cooperative efforts between Government and business to create new jobs, for the reality is that tax relief will mean very little to a worker who loses his or her job.

Mr. President, there has been a rising chorus, and it is a bipartisan chorus, going up from this Congress in the last couple of weeks. If I can paraphrase an old refrain, I would say, Mr. President, read my lips, let us cut taxes. Let us cut taxes because that is the way America has normally come out of an economic recession.

We sure are in a deep recession today. Let us cut taxes so we can put more money into the hands of the middle class which has been paying a lot more in recent years and getting a lot less from Government. Let us cut taxes on business so they will invest and create the kind of jobs that will make us competitive and protect our future. Read our lips, Mr. President, Let us cut taxes because it is good for America.

I ask unanimous consent, Mr. President, that the complete text of these two bills be printed in the RECORD.

There being no objection, the bills were ordered to be printed in the RECORD, as follows:

S. 1875

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. INCREASE IN PERSONAL EXEMPTION AMOUNT.

(a) IN GENERAL.—Paragraph (1) of section 151(d) of the Internal Revenue Code of 1986 (defining exemption amount) is amended to read as follows:

"(1) DEFINITION.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), the term 'exemption amount' means $2,300.

"(B) TAXPAYERS WITH YOUNG CHILDREN.—In the case of—

"(i) a 15-percent bracket taxpayer—

"With a child who has:	The exemption amount shall be:
Not attained the age of 6 years	$7,000
Attained the age of 6 years but not the age of 7 years	$6,500
Attained the age of 7 years but not the age of 8 years	$6,000
Attained the age of 8 years but not the age of 9 years	$5,500
Attained the age of 9 years but not the age of 10 years	$5,000,

"(ii) a 28-percent bracket taxpayer—

"With a child who has:	The exemption amount shall be:
Not attained the age of 6 years	$3,750
Attained the age of 6 years but not the age of 7 years	$3,482
Attained the age of 7 years but not the age of 8 years	$3,214
Attained the age of 8 years but not the age of 9 years	$2,946
Attained the age of 9 years but not the age of 10 years	$2,679,

and

"(iii) a 31-percent bracket taxpayer—

"With a child who has:	The exemption amount shall be:
Not attained the age of 6 years	$3,387
Attained the age of 6 years but not the age of 7 years	$3,145
Attained the age of 7 years but not the age of 8 years	$2,903
Attained the age of 8 years but not the age of 9 years	$2,661
Attained the age of 9 years but not the age of 10 years	$2,419.

For purposes of this subparagraph, the age of a child shall be determined as of the close of the calendar year in which or with which the taxable year of the taxpayer ends."

(b) SPECIAL RULES.—Subsection (d) of section 151 of such Code is amended by adding at the end thereof the following new paragraph:

"(5) SPECIAL RULES RELATING TO EXEMPTION AMOUNT FOR YOUNG CHILDREN.—

"(A) DEFINITIONS.—For purposes of paragraph (1)—

"(i) 15-PERCENT BRACKET TAXPAYER.—The term '15-percent bracket taxpayer' means a taxpayer whose taxable income for the taxable year (determined before the application of paragraph (1)(B) of this subsection) is subject to a rate of tax under section 1 not greater than 15 percent.

"(ii) 28-PERCENT BRACKET TAXPAYER.—The term '28-percent bracket taxpayer' means a taxpayer whose taxable income for the taxable year (determined before the application of paragraph (1)(B) of this subsection) is subject to a rate of tax under section 1 greater than 15 percent but not greater than 28 percent.

"(iii) 31-PERCENT BRACKET TAXPAYER.—The term '31-percent bracket taxpayer' means a taxpayer whose taxable income for the taxable year (determined before the application of paragraph (1)(B) of this subsection) is subject to a rate of tax under section 1 greater than 28 percent but not greater than 31 percent.

"(B) ELIGIBILITY LIMITATION.—Paragraph (1)(B) of this subsection shall not apply in the case of any taxpayer whose adjusted gross income for the taxable year exceeds the threshold amount."

(c) DENIAL OF CHILD CARE CREDIT FOR DEPENDENTS FOR WHICH DEDUCTION FOR PERSONAL EXEMPTIONS ALLOWED.—Section 151(d) of such Code, as amended by subsection (b), is further amended by adding at the end thereof the following new paragraph:

"(6) DENIAL OF CHILD CARE CREDIT FOR DEPENDENTS FOR WHICH ELECTION IS MADE UNDER THIS SECTION.—If the taxpayer elects to take a child into account under paragraph (1)(B) of this subsection for any taxable year, such child shall not be treated as a qualifying individual under section 21 for such taxable year."

(d) CONFORMING AMENDMENTS.—Subparagraph (A) of section 151(d)(4) of such Code is amended—

(1) by striking "1989, the dollar amount" in the matter preceding clause (i) and inserting "1992, each dollar amount", and

(2) by striking "1988" in clause (ii) and inserting "1991".

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1991.

SEC. 2. REFUNDABLE CREDIT FOR CHILDREN.

(a) IN GENERAL.—Subpart C of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to refundable credits) is amended by redesignating section 35 as section 36 and by inserting after section 34 the following new section:

"SEC. 35. TAX CREDIT FOR CHILDREN.

"(a) GENERAL RULE.—In the case of an individual eligible for the credit allowed under section 32, there shall be allowed as a credit against the tax imposed by this subtitle for the taxable year an amount equal to the applicable amount multiplied by the number of qualified personal exemptions of the taxpayer for the taxable year.

"(b) QUALIFIED PERSONAL EXEMPTION.—For purposes of this section, the term 'qualified personal exemption' means any personal exemption which (but for section 151(d)(3)) would be allowed to the taxpayer under section 151 for a child of the taxpayer (as defined in section 151(c)) who has not attained age 10 at the close of the calendar year in which the taxable year of the taxpayer begins.

"(c) APPLICABLE AMOUNT.—For purposes of this section, the applicable amount shall be determined under the following table:

"In the case of a child who has:	The applicable amount is:
Not attained the age of 6 years	$1,050
Attained the age of 6 years but not the age of 7 years	$975
Attained the age of 7 years but not the age of 8 years	$900
Attained the age of 8 years but not the age of 9 years	$825
Attained the age of 9 years but not the age of 10 years	$750.

"(d) INFLATION ADJUSTMENT.—In the case of any taxable year beginning in a calendar year after 1992, the dollar amounts contained in subsection (c) shall be increased by an amount equal to—

"(1) each such dollar amount, multiplied by

"(2) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins by substituting 'calendar year 1991' for 'calendar year 1989' in subparagraph (B) thereof.

If any increase determined under the preceding sentence is not a multiple of $10, such increase shall be rounded to the nearest multiple of $10 (or if such increase is a multiple of $5, such increase shall be rounded to the next highest multiple of $10).

"(e) COORDINATION WITH MEANS-TESTED PROGRAMS.—Any refund made by reason of this section, and any payment made under section 7524, shall be treated in the same manner as refunds made by reason of section 32 and payments made under 3507 for purposes of—

"(1) sections 402, 1612, and 1613 of the Social Security Act and title XIX of such Act, and

"(2) the laws referred to in paragraphs (1) through (5) of section 32(j)."

(b) DENIAL OF DEDUCTION FOR PERSONAL EXEMPTIONS OF DEPENDENTS FOR WHICH CREDIT ALLOWED.—Section 151(d) of such Code, as amended by section 1, is further amended by adding at the end thereof the following new paragraph:

"(7) DENIAL OF DEDUCTION FOR PERSONAL EXEMPTIONS FOR WHICH CREDIT ALLOWED.—The exemption amount for any dependent with respect to which a credit under section 35 is allowed for the taxable year shall be zero."

(c) TECHNICAL AMENDMENT.—Paragraph (2) of section 1324(b) of title 31, United States Code, is amended by inserting before the period "or from section 35 of such Code".

(d) CLERICAL AMENDMENT.—The table of sections for subpart C of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by striking the last item and inserting the following new items:

"Sec. 35. Tax credit for children.

"Sec. 36. Overpayments of tax."

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1991. Section 15 of the Internal Revenue Code of 1986 shall not apply to any amendment made by this section.

SEC. 3. ADVANCE PAYMENTS OF EARNED INCOME CREDIT AND CREDIT FOR CHILDREN.

(a) IN GENERAL.—Chapter 77 of the Internal Revenue Code of 1986 (relating to miscellaneous provisions) is amended by adding at the end thereof the following new section:

"SEC. 7524. ADVANCE PAYMENTS OF EARNED INCOME CREDIT AND CREDIT FOR CHILDREN.

"(a) GENERAL RULE.—The Secretary of the Treasury shall make advance payments of refunds to which eligible taxpayers are entitled by reason of sections 32 and 35.

"(b) ELIGIBLE TAXPAYER.—For purposes of this section, the term 'eligible taxpayer' means, with respect to any taxable year, any taxpayer if—

"(1) the taxpayer elects during the preceding taxable year to receive payments under this section during the taxable year and declares his intention not to receive payments under section 3507 for the taxable year,

"(2) the taxpayer furnishes, as such time and in such manner as the Secretary may prescribe, to the Secretary such information as the Secretary may require in order to—

"(A) determine whether the taxpayer will be entitled to a refund by reason of sections 32 and 35 for the taxable year, and

"(B) estimate the amount of such refund, and

"(3) the Secretary determines that the taxpayer will be so entitled and the estimated amount of such refund (without regard to this section).

"(c) TIMING AND AMOUNT OF PAYMENTS.—

"(1) AGGREGATE PAYMENTS.—The aggregate payments made by the Secretary under this section to a taxpayer for the taxable year shall equal approximately 80 percent of the Secretary's estimate under subsection (b)(3).

"(2) QUARTERLY PAYMENTS.—The Secretary shall make the payments under this section on a quarterly basis in approximately equal amounts.

"(d) OTHER PROVISIONS.—

"(1) PROCEDURES TO ASSURE PAYMENTS TO INDIVIDUALS HAVING ADJUSTED GROSS INCOMES OF $12,000 OR LESS.—If a taxpayer has an adjusted gross income of $12,000 or less for any taxable year and the Secretary accepts a taxpayer's certification that he reasonably expects that his income tax return for the following taxable year will be substantially similar to his income tax return for the taxable year, the Secretary shall make all reasonable efforts to make payments under this section to such taxpayer for such following taxable year.

"(2) CHANGES IN ESTIMATED REFUND.—If, at any time, the Secretary changes his estimate under subsection (b)(3) for any taxable year, the Secretary may adjust subsequent payments under this section for such taxable year to reflect the new estimate.

"(3) COORDINATION OF PAYMENTS WITH CREDITS.—

"(A) IN GENERAL.—If any payment is made by the Secretary under this section to any taxpayer for a taxable year, then the taxpayer's tax imposed by chapter 1 for such taxable year shall be increased by the aggregate of such payments.

"(B) RECONCILIATION.—Any increase in tax under subparagraph (A) shall not be treated as a tax imposed by chapter 1 for purposes of determining the amount of any credit allowable under subpart C of part IV of subchapter A of chapter 1 other than the credits allowed by sections 32 and 35."

(b) CLERICAL AMENDMENT.—The table of sections for such chapter 77 is amended by adding at the end thereof the following new item:

"Sec. 7524. Advance payments of earned income credit and credit for children."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1991.

S. 1876

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. INCOME TAX RATE SCHEDULE FOR HEADS OF HOUSEHOLDS.

(a) IN GENERAL.—The table in subsection (b) of section 1 of the Internal Revenue Code of 1986 (relating to tax imposed) is amended to read as follows:

"If taxable income is:	The tax is:
Not over $32,450	15% of taxable income.
Over $32,450 but not over $78,400..	$4,867.50, plus 28% of the excess over $32,450.
Over $78,400	$17,733.50, plus 31% of the excess over $78,400."

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 1991.

By Mr. BOND (for himself, Mr. DANFORTH, Mr. GRASSLEY, Mr. D'AMATO, and Mr. CRANSTON):

S. 1877. A bill to require the use of child restraint systems on commercial aircraft; to the Committee on Commerce, Science, and Transportation.

USE OF CHILD RESTRAINT SYSTEMS ON COMMERCIAL AIRCRAFT

• Mr. BOND. Mr. President, there is a group of airline passengers who receive absolutely no protection in the event of an accident or severe air turbulence. They are our youngest travelers—infants and toddlers under the age of 2. While their parents and brothers and sisters, from the age of 3 on up, cannot fly unless they are safely buckled in by a seat belt, babies and toddlers are allowed to travel in their parents laps. Sadly, the record shows that if there is strong turbulence or an accident, the parents are unable to prevent the child from being flung from their arms. The result is either severe injury or death.

Current FAA regulations are vague and unclear. If parents try to bring a child safety seat onto the plane, they are either prohibited from doing so or so restricted in its use as to make it ineffectual.

Today, I introduce legislation which would clear up the confusion and protect this vulnerable group of passengers. Senator DANFORTH, GRASSLEY, D'AMATO, and CRANSTON have joined me as cosponsors. The measure is simple and straightforward. It directs the Federal Aviation Administration to promulgate regulations requiring an acceptable form of restraint for children under 2 who are too small to be adequately protected by adult seat belts on airplanes. Through testing, the FAA will be able to determine the best form of restraint to require. For example, it could require the use of child safety seats, which since 1987 have been approved for use in both automobiles and aircraft. However, if a new and innovative restraint were developed, it could approve that, also.

The additional costs for parents would not be onerous. The majority of airlines, already permit the free use of vacant seats for children under 2. The Air Transport Association estimates that over 95 percent of all flights currently fly at less than full capacity, so vacant seats would be available on many flights. In addition, many airlines offer reduced fares for children.

The FAA is currently considering a change in its current regulations which would require airlines to allow parents to use a child safety seat if they bring one on board. In my view, this is inadequate. I believe that our children's safety can only be assured by a mandatory rule which requires all children under 2 to be protected when flying.

I introduced an identical measure last year with Senator DANFORTH. The Senate passed it twice; unfortunately the House did not act on it. My legislation is endorsed by the Association of Flight Attendants, the Air Transport Association, and the Aviation Consumer Action Project.

I urge my colleagues support for this important child safety measure.•

• Mr. GRASSLEY. Mr. President, I rise to express my strong support for legislation that is being introduced by Senator BOND today that would require that the Federal Aviation Administration propose rules that would provide for restraints for children under the age of 2 who are not sufficiently protected by adult seatbelts on airplanes. I am proud to be an original cosponsor of this legislation.

Mr. President, the life of a U.S. Senator dictates that he or she do a lot of traveling. This entails flying from their home state to Washington, DC, almost every week. Because of this active and busy flying schedule, my colleagues have a strong appreciation for the question of safety as it relates to the airline industry.

I am confident that all of my colleagues would agree that we should do all we can to insure that all airline passengers are safe whenever they fly.

Yet, there is a group of airline passengers who receive no protection in the event of an airline accident or severe air turbulence. They are left defenseless during these tragic incidents. Who are the members of this group that do not receive the same concern for safety that is afforded to everyone else?

Mr. President, I am talking about our children. Infants and toddlers under the age of 2 receive no protection in the event of an airline accident or severe air turbulence. They are allowed to travel in their parents' laps without sufficient restraints. At the same time, their mothers and fathers, their brothers and sisters, must be safely buckled in by a seatbelt before they are allowed to fly.

If there is strong turbulence or an accident, the parents are unable to stop the child from being flung from their arms, causing serious injury or death.

Present FAA regulations are unclear on this issue. If parents attempt to use a child safety seat while flying on an airline, they are either prohibited from doing so or the restrictions are so severe that its use becomes impractical.

The legislation that I am cosponsoring would clear up this confusion and protect passengers under the age of 2. It would require that the Federal Aviation Administration propose rules that would provide for restraints for children under the age of 2 who are not sufficiently protected by adult seatbelts on airplanes. Through testing, the FAA will be able to determine the best type of restraints that would most adequately do the job.

The additional costs required should not be burdensome. Most major airlines permit the free use of a vacant seat for children under the age of 2.

The Air Transport Association estimates that over 95 percent of all flights currently operate at less than full capacity, so vacant seats would be available on many flights. Also, many airlines offer reduced fares for children.

Children riding safely is not an issue that divides us. Everyone supports this idea. But this idea should be broadened to not only include children in cars, or on schoolbuses, or for that matter, on bikes or skateboards. The safe transportation of our Nation's children should be insured in our Nation's airways. I urge my colleagues to support this legislation.•

By Mr. MACK:

S. 1878. A bill to amend section 518 of the National Housing Act; to the Committee on Banking, Housing, and Urban Affairs.

AMENDMENT OF THE NATIONAL HOUSING ACT

• Mr. MACK. Mr. President, today I would like to introduce legislation that addresses a very serious situation with respect to Federal Housing Administration [FHA] insured mortgages.

During this past August recess, I had the opportunity to visit with the people at Seville Place, a condominium development in Miami, FL. It's hard for me to imagine a more heart-wrenching situation. Seventy homeowners are presently fighting a legal, financial, and emotional battle which started when they were told by Dade County officials that their homes were structurally unsound and that the county would condemn their homes. Since then, the U.S. Department of Housing and Urban Development [HUD], the Home Owners Warranty Corp. [HOW], county officials, and developers have failed to agree on a settlement for home repairs.

It is inconceivable to me that a property inspected by Dade County during construction, inspected by the Federal Government upon completion, and insured by the FHA could fail to meet county building codes. It is an outrage that all these governmental entities would approve a design of construction that cannot withstand hurricane forces, a clearly foreseeable occurrence in the Miami area.

My legislation would require that FHA guarantees explicitly carry the financial responsibility consistent with what is implied by that insurance role with respect to the structural soundness of federally insured homes. It amends section 518(a) of the National Housing Act. Section 518(a) was established to provide financial assistance to homeowners with HUD-insured mortgages to avert family catastrophe or loss of property caused by structural defects in their home.

Currently, section 518(a) does not apply to condominiums. This is unfair. It is wrong to have Federal mortgage insurance guarantees respond to single family homes and not condominiums. This legislation would extend section 518(a) to condominiums.

When I visited Seville Place in August, it was my belief that some entity or entities have a liability to pay for structural repairs. For the sake of preserving the integrity of Federal mortgage loans and, most importantly, for the sake of fairness to the people of Seville Place, I believe these homeowners are entitled to relief through section 518(a) of the National Housing Act.•

By Mr. DASCHLE:

S. 1879. A bill to authorize the adjustment of the boundaries of the South Dakota portion of the Sioux Ranger District of Custer National Forest, and for other purposes; to the Committee on Energy and Natural Resources.

ADJUSTMENT OF BOUNDARIES OF THE SIOUX RANGER DISTRICT

• Mr. DASCHLE. Mr. President, I rise today to introduce legislation to authorize the adjustment of the boundaries of the South Dakota portion of the Sioux Ranger District of Custer National Forest. This legislation is supported by the Custer National Forest and landowners in the area, and I hope it will receive timely consideration in the Senate.

Most land exchanges between private landowners and the Forest Service are authorized in accordance with three existing laws. The one relevant to this legislation is the General Exchange Act of 1922, which allows for exchanges of lands only within the exterior boundaries of national forest lands. The national forest boundary usually lies directly adjacent to federally owned lands, and, as a result, lands that are outside the boundary cannot be exchanged even if they are immediately adjacent to the boundary and forest land. The legislation I am introducing today would enable the Secretary of Agriculture to accept title to any lands located within 5 miles of the exterior boundaries of the South Dakota portion of the Sioux Ranger District of Custer National Forest.

Over a period of 50 years, a number of boundary extension laws have been passed to allow land exchanges to include lands adjacent to, but outside, national forest boundaries. My legislation would enable the South Dakota portion of the Sioux Ranger District to conduct the kind of land exchanges that the rest of Custer National Forest, and a significant number of other National Forests, are already entitled to conduct.

Land exchanges have been used as a tool by the Forest Service and private landowners to increase the management efficiency of their respective holdings, allow consolidation of property ownership, and resolve Forest Service management issues such as public access and trespass situations. The Sioux Ranger District has two firm and several tentative land exchange proposals from private landowners that involve lands just outside the forest boundary. This general boundary extension is necessary to facilitate these land exchanges.

Mr. President, I urge my colleagues to join me in support of this bill, and ask unanimous consent to have the full text of the bill printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1879

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SIOUX RANGER DISTRICT BOUNDARY ADJUSTMENT.

(a) IN GENERAL.—In accordance with the Act entitled "An Act to consolidate national forest lands", approved March 20, 1922 (16 U.S.C. 485 et seq.), and in exchange for national forest lands in Custer National Forest, the Secretary of Agriculture may accept title to any lands located within 5 miles of the exterior boundaries of the South Dakota portion of the Sioux Ranger District of Custer National Forest that are not owned by the United States and that are found by the Secretary of Agriculture to be chiefly valuable for national forest purposes.

(b) INCORPORATION INTO CUSTER NATIONAL FOREST.—Upon acceptance of title by the Secretary of Agriculture, lands conveyed to the United States in accordance with subsection (a) shall become part of the Custer National Forest.•

By Mr. LEVIN:

S. 1880. A bill to amend the District of Columbia Spouse Equity Act of 1988; to the Committee on Governmental Affairs.

AMENDMENT TO THE DISTRICT OF COLUMBIA SPOUSE EQUITY ACT

• Mr. LEVIN. Mr. President, today I am introducing legislation which seeks to amend the District of Columbia Spouse Equity Act of 1988 to extend rightful coverage of the benefits of this act to pre-1984 employees of the U.S. Secret Service and the U.S. Park Police and their spouses.

These specific individuals are in a very unique situation which places them directly in a small legislative gap between the provisions of the federally enacted Spouse Equity Act for civil service employees and the District of Columbia Spouse Equity Act which covers employees of the District of Columbia. Both of these acts afford spouses of civil service and District employees, respectively, legal rights with regard to the receipt of annuity benefits. Pre-1984 employees of the U.S. Secret Service and the U.S. Park Police are not covered by either act and, therefore, spouses of these individuals do not have the force of law to uphold any rightful claim they may have with regard to annuity benefits.

This situation arises from the participation of these Federal employees in a D.C. retirement system. This group of Federal civil service employees—for historical reasons—are not covered by the Federal civil service retirement system [CSRS] or the Federal Employees Retirement System [FERS] but by the D.C. Police and Firefighters Retirement and Disability System. This practice, for practical reasons, was discontinued in 1984. Due to their unique situation, these pre-1984 employees are not covered by either spouse equity act. They do not qualify under the Federal Spouse Equity Act because they do not fulfill the requirement that they be annuitants under the CSRS or FERS retirement systems. They do not qualify under the D.C. Spouse Equity Act due to the fact that they do not fulfill the requirement that they be employees of the District of Columbia.

This gap was brought to my attention by a Michigan resident who is a former spouse of an affected Secret Service agent. The lack of coverage by either Spouse Equity Act, makes her legally unable to assert a claim upon, or enforce a decree or property settlement allowing, an annuity share similar to that provided to former spouses under either the Federal or D.C. Spouse Equity Acts. Spouses covered by either of the other two acts are provided a full, legally enforceable entitlement to a spouse's annuity. Spouses of this select group of individuals are left in a tenuous position with regard to any assurance that they will receive benefits to which anyone else in their position is legally entitled.

There are no significant costs associated with my legislation. It would merely amend the D.C. Act to include in the definition of those covered, "officers, members or retirees of the U.S. Park Police or the U.S. Secret Service to whom the D.C. Policemen and Firemen's Retirement and Disability Act applies". The Office of Personnel Management [OPM], the U.S. Secret Service, the U.S. Park Police, and the D.C. Corporation Council all agree with the need for a legislative remedy for this gap and agree that it is appropriate to amend the D.C. Spouse Equity Act to fulfill this goal in that these particular employees are annuitants of a D.C. retirement system.

I ask my colleagues to join me in support of this small but needed change to close this inadvertent gap and provide rightful legal protections to those entitled employees and their spouses.•

By Mr. BENTSEN:

S. 1881. A bill to amend the Tariff Act of 1930 to provide appropriate procedures for the appointment of the Chairman of the U.S. International Trade Commission; to the Committee on Finance.

APPOINTMENT OF CHAIRMAN OF THE INTERNATIONAL TRADE COMMISSION

• Mr. BENTSEN. Mr. President, the bill that I am introducing today is designed to establish appropriate procedures for the timely appointment of an experienced Commissioner to serve as Chairman of the International Trade Commission. This legislation has the support of Senator PACKWOOD, the ranking member of the Finance Committee, and of the administration.

There are three elements to the bill. First, the bill modifies the current eligibility requirements to provide that prospective Chairmen must have served at least 1 year on the Commission before being designated Chairman. This requirement would be waived during a transition period. Second, the bill provides a special transition rule for the appointment of the Chairman for the term beginning in 1992. Finally, the bill establishes a procedure for the designation of an interim Chairman until such time as the President appoints a Chairman.

This is important legislation. I expect the House to approve identical legislation in the near future, and it is my hope that the Senate will approve this measure promptly.•

By Mr. FORD:

S. 1882. A bill to authorize extensions of time limitations in a FERC-issued license; to the Committee on Energy and Natural Resources.

EXTENSION OF TIME LIMITATIONS IN A FERC-ISSUED LICENSE

• Mr. FORD. Mr. President, today I am introducing legislation to forestall a threat to the promising development of hydropower at the Smithland Dam on the Ohio River. This project is threatened by an equally good Corps of Engineers' requirement for installation modification at the dam. My legislation affects the existing license and merely postpones the effective date of required construction beginning until the corps project is completed.

On June 30, 1988, the city of Marion, KY, and Smithland Hydroelectric Partners were granted a license by the Federal Energy Regulatory Commission [FERC] to construct the Smithland Lock and Dam Hydro Project No. 6641 at the U.S. Army Corps of Engineers dam on the Ohio River near Paducah, KY. Last year, ASEA Brown Boveri [ABB], a large domestic and international manufacturer of electrical power generation equipment, agreed to sponsor the construction of this project.

Under the terms of the FERC-issued license, construction of project No. 6641 must commence by June 29, 1992. However, as a result of circumstances beyond the control of the licensees, it is impossible to commence construction of the project before the license deadline of June 29, 1992.

In August 1990, the Corps of Engineers informed FERC that it plans to construct and operate a prototype wicket gate test facility in the left—Kentucky—abutment of the Smithland Dam. Subsequent meetings between the licensee and the corps indicated that the two proposed projects were in conflict due to identical sites and construction schedules. On October 4, 1991, the corps advised that its current schedule anticipates construction of its test facility to begin in June 1992, and to continue for approximately 1 year. It must be noted that the corps' plans must prevail as access to the site requires the corps' written permission and approval of the proposed construction schedule for project No. 6641.

Therefore, project No. 6641 is precluded from commencing construction by the license deadline of June 29, 1992.

In light of the above circumstances, it is imperative that the time limitation of the FERC-issued license to commence construction be extended to June 29, 1996. This extension would allow enough time for the corps to complete its test facility and grant project No. 6641 3 years to commence construction.

The extension of the time limit to commence construction of the Smithland Lock and Dam Hydro Project No. 6641 is in the public interest. The license for project No. 6641 was issued in June 1988, after many years of environmental and engineering studies. More than $1 million has already been expended by the licensee and its sponsor on project No. 6641. To start anew for a new license will cost countless millions of dollars and a loss of the efforts and money already expended by many Federal, State, and local agencies.

Project No. 6641 will be financed solely by private funds and will cost approximately $150 million. During its 3-year construction period, it will directly employ between 150 and 300 people and an equal number of project-related jobs should be created in the surrounding Livingston-Smithland-Paducah area. When completed, the annual local and State property taxes will be in excess of $400,000. In addition, the licensee of project No. 6641 will most likely be required to pay approximately $850,000 to the Federal Government for use of the dam. When completed, project No. 6641 will produce 460 million kilowatthours of electricity—enough to light 46,000 homes and will displace 267,000 barrels of imported oil. In addition, it will make a major contribution to the areas of recreational and fishing facilities.

Mr. President, I ask unanimous consent that the short text of the bill be placed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1882

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding the time limitations of section 13 of the Federal Power Act, the Federal Energy Regulatory Commission, upon the request of the license for FERC Project No. 6641 (and after reasonable notice) is authorized, in accordance with the good faith, due diligence, and public interest requirements of section 13 and the Commission's procedures under such section, to extend until June 29, 1996, the time required for the licensee to acquire the required real property and commence the construction of Project No. 6641, and until June 29, 2000, the time required for completion of construction of such project.

The authorization for issuing extensions under this Act shall terminate on June 29, 1996.•

By Mr. JOHNSTON (by request):

S.J. Res. 219. Joint resolution to approve the location of a memorial to George Mason; to the Committee on Energy and Natural Resources.

APPROVAL OF A LOCATION OF A MEMORIAL TO GEORGE MASON

• Mr. JOHNSTON. Mr. President, at the request of the Department of the Interior, I send to the desk a joint resolution approving the location of a memorial to George Mason.

Mr. President, this draft legislation was submitted and recommended by the Department of the Interior, and I ask unanimous consent that the joint resolution, and the communication which accompanied the proposal from the Secretary be printed in the CONGRESSIONAL RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S.J. RES. 219

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

Whereas section 6(a) of the Act entitled "To provide standards for placement of commemorative works on certain Federal lands in the District of Columbia and its environs, and for other purposes", approved November 14, 1986 (100 Stat. 3650), provides that the location of a commemorative work in the area described therein as Area I shall be deemed disapproved unless the location is approved by law not later than 150 days after the Secretary of the Interior or the Administrator of General Services notifies the Congress of his determination that the commemorative work should be located in Area I; and

Whereas the Act approved August 10, 1990 (104 Stat. 419), authorizes the Board of Regents of Gunston Hall to establish a memorial on Federal land in the District of Columbia to honor George Mason; and

Whereas the Secretary of the Interior has notified the Congress of his determination that the memorial authorized by the said Act approved August 10, 1990, should be located in Area I; Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the location of a memorial to honor George Mason, authorized by the Act approved August 10, 1990 (104 Stat. 419), within Area I as described in the Act approved November 14, 1986 (100 Stat. 3650), is hereby approved.

THE SECRETARY OF THE INTERIOR,
Washington, DC, October 10, 1991.

Hon. J. DANFORTH QUAYLE,
President of the Senate, Washington, DC.

DEAR MR. PRESIDENT: There is enclosed a draft joint resolution, "Approving the location of a memorial to George Mason."

We recommend that the joint resolution be introduced, referred to the appropriate committee for consideration, and enacted.

The draft joint resolution would approve the location of a memorial to George Mason in Area I, the area comprising the central monumental core of the District of Columbia as defined by Public Law 99-652 (November 14, 1986; 100 Stat. 3650; hereinafter referred to as "the Act".)

Public Law 101-358 (August 10, 1990, 104 Stat. 419) authorized the Board of Regents of Gunston Hall to establish a memorial on Federal land in the District of Columbia to honor George Mason. This memorial will honor an individual widely recognized for his role in the events surrounding the drafting of the U.S. Constitution and the Bill of Rights. George Mason's participation in the drafting of the Virginia Constitution and the Virginia Declaration of Rights, the first statement of individual rights adopted by an elected assembly in history, greatly influenced the development of the U.S. Constitution. He had a profound impact on the Constitution's authors, his compatriots, and through this historic document's guarantee of basic freedoms, his effect on all Americans has continued through history.

The Board of Regents has proposed that the memorial be located in Area I. Section 6(a) of the Act provides that the Secretary of the Interior (the Secretary) may approve the location of a commemorative work in Area I only if he finds that the subject of the work is of pre-eminent historical and lasting significance to the Nation. That section further provides that the Secretary, after consultation with the National Capital Memorial Commission, shall notify the Congress of his determination that a commemorative work should be located in Area I; and the location in Area I shall be deemed disapproved unless within 150 days of the notification it is approved by law by the Congress.

On November 8, 1990, the National Capital Memorial Commission recommended that the memorial to George Mason be located in Area I. I find the subject to be of pre-eminent historical and lasting significance to the Nation, and I have determined that the memorial to George Mason should be located in Area I.

In accordance with section 6(a) of the Act approved November 14, 1986 (100 Stat. 3650), notice is hereby given that I have approved the location of this proposed memorial in Area I, that through my designee I have consulted with the National Capital Memorial Commission, and that I have determined that the memorial to George Mason should be located in Area I. Under section 6(a) of the Act, the location in Area I should be deemed disapproved unless, not later than 150 days after this notification, the location is approved by law. Therefore, we urge prompt action on this joint resolution.

The Office of Management and Budget has advised that there is no objection to the submission of this letter from the standpoint of the Administration's program.

Sincerely,

MANUEL LUJAN, Jr.•

By Mr. MITCHELL (for himself and Mr. COHEN):

S.J. Res. 220. Joint resolution to designate the Provasoli-Guillard Center for the Culture of Marine Phytoplankton as a National Center and Facility; to the Committee on Commerce, Science, and Transportation.

DESIGNATION OF PROVASOLI-GUILLARD CENTER FOR THE CULTURE OF MARINE PHYTOPLANKTON AS A NATIONAL CENTER AND FACILITY

Mr. MITCHELL. Mr. President, today I am introducing with Senator COHEN a joint resolution to designate the Provasoli-Guillard Center for the Culture of Marine Phytoplankton at the Bigelow Laboratory in West Boothbay Harbor, ME, as a national center and facility.

The Bigelow Laboratory makes an important contribution to research of the marine environment in the Gulf of Maine and in other parts of the world. The Provasoli-Guillard Center is one of the most outstanding elements of the laboratory. This resolution provides well-earned recognition to the Center and confirms its place as a leader in the study of marine phytoplankton.

Over 70 percent of the surface of the earth is covered by oceans and these waters are a global resource of immense value and importance.

Unfortunately, threats to this vital resource are growing. In the past several years, there has been severe deterioration in the quality of near-shore marine waters. Beach closings are increasingly common. Scientists have identified a large dead zone in the Gulf of Mexico. According to reports by the Office of Technology Assessment, many of our marine waters are "declining or threatened".

Phytoplankton are a vital natural resource of the oceans. These microscopic plants are the foundation of the food webs and fisheries productivity. There is evidence that phytoplankton serve as agents in controlling the flux of atmospheric carbon dioxide to the deep ocean and thereby influence global climate change.

Despite the importance of these organisms, there is limited understanding of their biology, physiology, chemistry, and taxonomy. Gathering and evaluating information about phytoplankton will enhance our understanding of marine resources in our country and throughout the world.

The Provasoli-Guillard Center contains the largest collection of marine phytoplankton in the world. The Center fills a vital role in providing samples of phytoplankton to researchers around the world.

Mr. President, it is impossible to know how we will be judged by future generations. We may, however, be judged by how well we recognized the importance of the oceans in supporting life on earth and how well we used our knowledge of the marine environment.

I hope my colleagues will join me in recognizing the value of the Provasoli-Guillard Center to marine research throughout the world by supporting the designation of the Center as a national center and facility.

Mr. President, I ask unanimous consent that the text of the joint resolution be printed in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD as follows:

S.J. RES. 220

Whereas the oceans cover 70 per cent of the surface of the Earth;

Whereas the foundation of the food webs and fisheries productivity of the oceans rests with microscopic plants known as phytoplankton;

Whereas phytoplankton serve as a vital natural resource in the oceans;

Whereas by serving as primary agents in the control of the flux of atmospheric carbon dioxide to the deep ocean, phytoplankton influence climate and the rate of global warming;

Whereas there is limited knowledge of the biology, physiology, chemistry, and taxonomy of phytoplankton, and it is of vital interest to this Nation to improve the body of knowledge relating to phytoplankton to benefit this Nation and other countries;

Whereas the Provasoli-Guillard Center for the Culture of Marine Phytoplankton located in West Boothbay Harbor, Maine, houses a phytoplankton collection that contains species from each of the ocean environments of the World, and is recognized as the largest collection of phytoplankton in the World;

Whereas the Provasoli-Guillard Center for the Culture of Marine Phytoplankton is of vital interest to oceanographers in this Nation and throughout the World, and provides cultures of phytoplankton for critical research on global issues. Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, because of the value and importance of the Provasoli-Guillard Center for the Culture of Marine Phytoplankton located in West Boothbay Harbor, Maine, to the ocean research interests of this Nation, the Provasoli-Guillard Center for the Culture of Marine Phytoplankton is designated as a National Center and Facility.

Mr. COHEN. Mr. President, I am pleased to join my distinguished fellow Senator from Maine in introducing this joint resolution designating the Provasoli-Guillard Center for the Culture of Marine Phytoplankton as a national center and facility.

As an important natural resource, phytoplankton greatly affect our planet's climate and the rate of global warming by controlling the transfer of atmospheric carbon dioxide to the depths of the oceans.

Phytoplankton also represent the foundation of the food chain in the oceans. Populations of fish depend heavily upon this tiny, yet crucial organism. More thorough knowledge of this vital resource will greatly benefit our understanding of marine ecosystems.

The Provasoli-Guillard Center, located in West Boothbay Harbor, ME, houses the largest phytoplankton collection in the world, containing specimens of phytoplankton from every ocean environment. Dedicated to studying the biology, chemistry, and physiology of phytoplankton, the center will certainly expand our current knowledge of phytoplankton. For these reasons, I strongly support this resolution and look forward to its adoption.

ADDITIONAL COSPONSORS

S. 4

At the request of Mr. BENTSEN, the name of the Senator from Rhode Island [Mr. PELL] was added as a cosponsor of S. 4, a bill to amend titles IV, V, and XIX of the Social Security Act to establish innovative child welfare and family support services in order to strengthen families and avoid placement in foster care, to promote the development of comprehensive substance abuse programs for pregnant women and caretaker relatives with children, to provide improved delivery of health care services to low-income children, and for other purposes.

S. 139

At the request of Mr. DASCHLE, the name of the Senator from Illinois [Mr. DIXON] was added as a cosponsor of S. 139, a bill to amend the Internal Revenue Code to make permanent, and to increase to 100 percent, the deduction of self-employed individuals for health insurance costs.

S. 168

At the request of Mr. CONRAD, the names of the Senator from Hawaii [Mr. INOUYE], the Senator from South Dakota [Mr. DASCHLE], and the Senator from Hawaii [Mr. AKAKA] were added as cosponsors of S. 168, a bill to implement certain recommendations of the Garrison Unit Joint Tribal Advisory Committee regarding the entitlement of the Three Affiliated Tribes and the Rock Sioux Tribe to additional financial compensation for the taking of reservation lands for the site of the Garrison Dam and Reservoir and the Oahe Dam and Reservoir, and for other purposes.

S. 196

At the request of Mr. COATS, the name of the Senator from Oklahoma [Mr. BOREN] was added as a cosponsor of S. 196, a bill to grant the power to the President to reduce budget authority.

S. 701

At the request of Mr. COATS, the name of the Senator from New York [Mr. D'AMATO] was added as a cosponsor of S. 701, a bill to amend the Internal Revenue Code of 1986 to increase the amount of the exemption for dependent children under age 18 to $3,500, and for other purposes.

S. 879

At the request of Mr. DASCHLE, the name of the Senator from Illinois [Mr. SIMON] was added as a cosponsor of S. 879, a bill to amend the Internal Revenue Code of 1986 to clarify the treatment of certain amounts received by a cooperative telephone company indirectly from its members.

S. 958

At the request of Mr. THURMOND, the name of the Senator from California [Mr. SEYMOUR] was added as a cosponsor of S. 958, a bill to amend title 32, United States Code, to authorize Federal support of State defense forces.

S. 972

At the request of Mr. BRADLEY, the name of the Senator from Ohio [Mr. METZENBAUM] was added as a cosponsor of S. 972, a bill to amend the Social Security Act to add a new title under such act to provide assistance to States in providing services to support informal caregivers of individuals with functional limitations.

S. 1179

At the request of Mr. JOHNSTON, the names of the Senator from Maine [Mr. COHEN], and the Senator from Utah [Mr. HATCH] were added as cosponsors of S. 1179, a bill to stimulate the production of geologic-map information in the United States through the cooperation of Federal, State, and academic participants.

S. 1231

At the request of Mr. BENTSEN, the name of the Senator from Maine [Mr. COHEN] was added as a cosponsor of S. 1231, a bill to amend title XVIII of the Social Security Act to provide for coverage of colorectal screening examinations and certain immunizations under part B of the Medicare Program, and for other purposes.

S. 1357

At the request of Mr. BREAUX, the name of the Senator from Oklahoma [Mr. BOREN] was added as a cosponsor of S. 1357, a bill to amend the Internal Revenue Code of 1986 to permanently extend the treatment of certain qualified small issue bonds.

S. 1381

At the request of Mr. GRAHAM, the name of the Senator from North Carolina [Mr. SANFORD] was added as a cosponsor of S. 1381, a bill to amend chapter 71 of title 10, United States Code, to permit retired members of the Armed Forces who have a service-connected disability to receive military retired pay concurrently with disability compensation.

S. 1498

At the request of Mr. BREAUX, the name of the Senator from Arizona [Mr. MCCAIN] was added as a cosponsor of S. 1498, a bill to amend the Internal Revenue Code of 1986 to provide tax incentives for the establishment of businesses within Federal military installations which are closed or realigned and for the hiring of individuals laid off by reason of such closings or realignments, and for other purposes.

S. 1599

At the request of Mr. BRADLEY, the name of the Senator from Colorado [Mr. WIRTH] was added as a cosponsor of S. 1599, a bill to extend nondiscriminatory (most-favored-nation) treatment to Estonia, Latvia, and Lithuania.

S. 1647

At the request of Mr. BAUCUS, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of S. 1647, a bill to amend the Internal Revenue Code of 1986 to provide that the deduction for State and local income and franchise taxes shall not be allocated to foreign source income.

S. 1675

At the request of Mr. EXON, the name of the Senator from Indiana [Mr. LUGAR] was added as a cosponsor of S. 1675, a bill to amend title 49, United States Code, regarding the collection of certain payments for shipments via motor common carriers of property and household goods freight forwarders, and other purposes.

S. 1738

At the request of Mr. DASCHLE, the name of the Senator from South Dakota [Mr. PRESSLER] was added as a cosponsor of S. 1738, a bill to prohibit imports into the United States of meat products from the European Community until certain unfair trade barriers are removed, and for other purposes.

S. 1748

At the request of Mr. BAUCUS, the name of the Senator from Iowa [Mr. GRASSLEY] was added as a cosponsor of S. 1748, a bill to amend various provisions of the Internal Revenue Code of 1986 relating to the taxation of regulated investment companies.

S. 1786

At the request of Mr. BAUCUS, the name of the Senator from Utah [Mr. GARN] was added as a cosponsor of S. 1786, a bill to amend the Internal Revenue Code of 1986 to more accurately codify the depreciable life of semiconductor manufacturing equipment.

S. 1810

At the request of Mr. ROCKEFELLER, the name of the Senator from Utah [Mr. HATCH] was added as a cosponsor of S. 1810, a bill to amend title XVIII of the Social Security Act to provide for corrections with respect to the implementation of reform of payments to physicians under the medicare program, and for other purposes.

S. 1829

At the request of Mr. D'AMATO, the name of the Senator from Rhode Island [Mr. PELL] was added as a cosponsor of S. 1829, a bill to expand the exclusion of service of election officials or election workers from social security coverage.

S. 1830

At the request of Mr. WOFFORD, the name of the Senator from Maryland [Ms. MIKULSKI] was added as a cosponsor of S. 1830, a bill to require Senators and Members of the House of Representatives to pay for medical services provided by the Office of the Attending Physician, and for other purposes.

SENATE JOINT RESOLUTION 136

At the request of Mr. RIEGLE, the name of the Senator from Illinois [Mr. SIMON] was added as a cosponsor of Senate Joint Resolution 136, a joint resolution to authorize the display of the POW-MIA flag on flagstaffs at the national cemeteries of the United States, and for other purposes.

SENATE JOINT RESOLUTION 166

At the request of Mrs. KASSEBAUM, the name of the Senator from Illinois [Mr. DIXON] was added as a cosponsor of Senate Joint Resolution 166, a joint resolution designating the week of October 6 through 12, 1991, as "National Customer Service Week."

SENATE JOINT RESOLUTION 210

At the request of Mrs. KASSEBAUM, the names of the Senator from West Virginia [Mr. ROCKEFELLER], the Senator from Idaho [Mr. CRAIG], the Senator from Connecticut [Mr. DODD], the Senator from Iowa [Mr. GRASSLEY], the Senator from Ohio [Mr. METZENBAUM], the Senator from Minnesota [Mr. WELLSTONE], the Senator from Colorado [Mr. BROWN], the Senator from Mississippi [Mr. COCHRAN], the Senator from Louisiana [Mr. BREAUX], the Senator from Alaska [Mr. STEVENS], the Senator from California [Mr. SEYMOUR], the Senator from New Jersey [Mr. LAUTENBERG], the Senator from Hawaii [Mr. INOUYE], the Senator from Oregon [Mr. HATFIELD], and the Senator from Georgia [Mr. FOWLER] were added as cosponsors of Senate Joint Resolution 210, a joint resolution to designate March 12, 1992, as "Girl Scouts of the United States of America 80th Anniversary Day."

SENATE JOINT RESOLUTION 211

At the request of Mr. D'AMATO, the names of the Senator from Tennessee [Mr. GORE], the Senator from Hawaii [Mr. INOUYE], and the Senator from Ohio [Mr. GLENN] were added as cosponsors of Senate Joint Resolution 211, a joint resolution designating October 1991 as "Italian-American Heritage and Culture Month."

SENATE CONCURRENT RESOLUTION 68

At the request of Mr. HATFIELD, the name of the Senator from Massachusetts [Mr. KENNEDY] was added as a cosponsor of Senate Concurrent Resolution 68, a concurrent resolution expressing the sense of the Congress relating to encouraging the use of paid leave by working parents for the purpose of attending parent-teacher conferences.

SENATE CONCURRENT RESOLUTION 70

At the request of Mr. SANFORD, the names of the Senator from Washington [Mr. ADAMS], and the Senator from West Virginia [Mr. BYRD] were added as cosponsors of Senate Concurrent Resolution 70, a concurrent resolution to express the sense of the Congress with respect to the support of the United States for the protection of the African elephant.

SENATE RESOLUTION 201

At the request of Mr. DANFORTH, the names of the Senator from Delaware [Mr. ROTH], and the Senator from Idaho [Mr. CRAIG] were added as cosponsors of Senate Resolution 201, a resolution to express the sense of the Senate regarding enforcement of the oilseeds GATT panel ruling against the European Community.

SENATE RESOLUTION 204

At the request of Mr. D'AMATO, the name of the Senator from Pennsylvania [Mr. SPECTER] was added as a cosponsor of Senate Resolution 204, a resolution expressing the sense of the Senate that the United States should pursue discussions at the upcoming Middle East Peace Conference regarding the Syrian connection to terrorism.

SENATE RESOLUTION 207—REGARDING THE RECOMMENDATIONS OF THE UNITED NATIONS STUDY GROUP ON INTERNATIONAL ARMS SALES

Mr. ROTH submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 207

Whereas increased information and openness in the international arms trade would promote greater control and monitoring of arms transfers and would reduce the likelihood of uncontrolled arms buildups;

Whereas the United Nations Study Group on Ways and Means of Promoting Transparency in International Sales of Conventional Arms recently issued a set of final recommendations for promoting the sharing of information about international arms transfers;

Whereas these recommendations included creation of an international arms registry and compilation of information on national arms export control regimes;

Whereas the United States has one of the highest levels of disclosure of information regarding its international arms sales;

Whereas creation of an arms registry would encourage other nations to raise their levels of disclosure of information to those of the United States; and

Whereas the United States participation in an arms registry would not conflict with existing United States export control and disclosure regulations: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) the conclusions and final recommendations of the United Nations Study Group on Ways and Means of Promoting Transparency in International Arms Sales should be welcomed, and the United Nations General Assembly should be urged to approve these;

(2) an international arms registry should be created under the auspices of the United Nations; and

(3) information on national arms export laws or arms trading nations be compiled to serve as a basis for future multilateral harmonization of export control regimes.

• Mr. ROTH. Mr. President, in June the Permanent Subcommittee on Investigations, on which I serve as ranking minority member, held the third in a series of hearings on the international arms trade. At the time of this hearing, there was great concern about the need to control arms trafficking. The United States and its allies had just come out of a war with Iraq, and there existed a consensus that steps had to be taken in order to prevent a recurrence of the arms buildup which made this war necessary.

This consensus still exists and has been reinforced by recent events in Iraq. Yet, consensus alone will not achieve results. We must use the momentum which it creates to achieve greater control of the arms market. The final destinations of powerful and lethal conventional weapons cannot be left to chance.

One focus of the hearing in June was the dearth of public information available concerning the international arms trade. The subcommittee heard testimony from several witnesses about the need to remedy this situation and about the desirability of establishing an arms registry as a first step toward achieving greater openness and transparency in the global arms market.

I have been actively working to promote the concept of an arms registry, and to increase our knowledge of the workings of the arms market—our knowledge both of licit transfers as well as of the workings of the black and gray arms market. As an example of my concern, I recently met with a group of Senators from Italy who are investigating the Banca Nazionale del Lavoro affair and the role which this bank may have played in financing arms deals to the Middle East. Through this and similar contacts, I hope to strengthen the multilateral cooperation and information sharing which are crucial elements for the success of our efforts in controlling the arms market.

Today I am submitting a resolution endorsing the recently released recommendations of the U.N. Study Group on Ways and Means of Promoting Transparency in International Arms Transfers. The most significant of these recommendations calls for the establishment of an international arms registry under the auspices of the United Nations. The study group has been meeting over the past 2 years to determine how best to bring greater openness to the international arms market, and its recommendations represent the consensus of representatives from roughly 20 nations. In addition to an arms registry, the study group recommends that information about the national arms export control regimes of the world's arms trading nations be compiled as a first step toward enhancing international harmonization of export controls.

I call upon my colleagues to join me in supporting these important goals. An arms registry is not the final step, but it is a first step, and it is a significant step. It will provide arms trading nations information around which to begin to build cooperative trading behavior, and it will increase the amount of information which is publicly available regarding global arms transfers.

The arms registry proposal and the other recommendations of the study group must still be ratified by all the nations of the U.N. General Assembly. With united support of the United States and its allies, those working to secure this ratification and to establish the registry can achieve success. Without this support, it is likely that they will fail. The United States is already one of the most open of all arms exporters, and American participation in a U.N. arms registry would entail no changes in current U.S. law. As one of the world's leading arms exporters, the United States cannot shirk its responsibility to export in an accountable and controlled manner, nor can it neglect its equally important responsibility to exercise leadership to ensure that other nations follow this lead.

An international arms registry is a step toward realization of these goals. The concept of a registry has already been endorsed by President Bush, as well as by Britian's Prime Minister Major, Japan's Prime Minister Kaifu, and by other leaders of the world's major arms exporting nations. It warrants our endorsement as well.

I urge your support for this resolution.•

SENATE RESOLUTION 208—MAKING FUNDS AVAILABLE FOR THE ALBERT EINSTEIN CONGRESSIONAL FELLOWSHIP PROGRAM

Mr. DOLE (for Mr. HATFIELD) submitted the following resolution; which was considered and agreed to:

S. RES. 208

Resolved, That section 4 of the resolution entitled "A resolution to establish an Albert Einstein Congressional Fellowship Program", approved August 2, 1991, is amended by adding at the end the following new subsection:

"(c) AVAILABILITY.—The funds made available under subsection (a) for fiscal year 1991 shall remain available through September 30, 1992.".

AMENDMENTS SUBMITTED

CIVIL RIGHTS ACT OF 1991

DANFORTH (AND OTHERS) AMENDMENT NO. 1274

Mr. DANFORTH (for himself, Mr. KENNEDY, Mr. DOLE, Mr. MITCHELL, Mr. HATCH, Mr. THURMOND, Mr. CHAFEE, Mr. COHEN, Mr. DURENBERGER, Mr. HATFIELD, Mr. JEFFORDS, Mr. SPECTER, Mr. DIXON, Mr. BOND, Mr. DODD, Mr. D'AMATO, Mr. EXON, Mr. DOMENICI, Mr. GRAHAM, Mr. GARN, Mr. LEVIN, Mr. GORTON, Mr. LIEBERMAN, Mrs. KASSEBAUM, Mr. PELL, Mr. MCCAIN, Mr. ROBB, Mr. MURKOWSKI, Mr. ROTH, Mr. RUDMAN, Mr. SEYMOUR, Mr. SIMPSON, Mr. STEVENS, Mr. WARNER, and Mr. LEAHY) proposed an amendment to the bill (S. 1745) to amend the Civil Rights Act of 1964 to strengthen and improve Federal civil rights laws, to provide for damages in cases of intentional employment discrimination, to clarify provisions regarding disparate impact actions, and for other purposes; as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Civil Rights Act of 1991".

SEC. 2. FINDINGS.

The Congress finds that—

(1) additional remedies under Federal law are needed to deter unlawful harassment and intentional discrimination in the workplace;

(2) the decision of the Supreme Court in Wards Cove Packing Co. v. Atonio, 490 U.S. 642 (1989) has weakened the scope and effectiveness of Federal civil rights protections; and

(3) legislation is necessary to provide additional protections against unlawful discrimination in employment.

SEC. 3. PURPOSES.

The purposes of this Act are—

(1) to provide appropriate remedies for intentional discrimination and unlawful harassment in the workplace;

(2) to codify the concepts of "business necessity" and "job related" enunciated by the Supreme Court in Griggs v. Duke Power Co., 401 U.S. 424 (1971), and in the other Supreme Court decisions prior to Wards Cove Packing Co. v. Atonio, 490 U.S. 642 (1989);

(3) to confirm statutory authority and provide statutory guidelines for the adjudication of disparate impact suits under title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.); and

(4) to respond to recent decisions of the Supreme Court by expanding the scope of relevant civil rights statutes in order to provide adequate protection to victims of discrimination.

SEC. 4. PROHIBITION AGAINST ALL RACIAL DISCRIMINATION IN THE MAKING AND ENFORCEMENT OF CONTRACTS.

Section 1977 of the Revised Statutes (42 U.S.C. 1981) is amended—

(1) by inserting "(a)" before "All persons within"; and

(2) by adding at the end the following new subsections:

"(b) For purposes of this section, the term 'make and enforce contracts' includes the making, performance, modification, and termination of contracts, and the enjoyment of all benefits, privileges, terms, and conditions of the contractual relationship.

"(c) The rights protected by this section are protected against impairment by nongovernmental discrimination and impairment under color of State law.".

SEC. 5. DAMAGES IN CASES OF INTENTIONAL DISCRIMINATION.

The Revised Statutes are amended by inserting after section 1977 (42 U.S.C. 1981) the following new section:

"SEC. 1977A. DAMAGES IN CASES OF INTENTIONAL DISCRIMINATION IN EMPLOYMENT.

"(a) RIGHT OF RECOVERY.—

"(1) CIVIL RIGHTS.—In an action brought by a complaining party under section 706 of the Civil Rights Act of 1964 (42 U.S.C. 2000e-5) against a respondent who engaged in unlawful intentional discrimination (not an employment practice that is unlawful because of its disparate impact) prohibited under section 703 or 704 of the Act (42 U.S.C. 2000e-2 or 2000e-3), and provided that the complaining party cannot recover under section 1977 of the Revised Statutes (42 U.S.C. 1981), the complaining party may recover compensatory and punitive damages as allowed in subsection (b), in addition to any relief authorized by section 706(g) of the Civil Rights Act of 1964, from the respondent.

"(2) DISABILITY.—In an action brought by a complaining party under the powers, remedies, and procedures set forth in section 706 of the Civil Rights Act of 1964 (as provided in section 107(a) of the Americans with Disabilities Act of 1990 (42 U.S.C. 12117(a)) against a respondent who engaged in unlawful intentional discrimination (not an employment practice that is unlawful because of its disparate impact) under section 102 of the Act (42 U.S.C. 12112), or committed a violation of section 102(b)(5) of the Act, against an individual, the complaining party may recover compensatory and punitive damages as allowed in subsection (b), in addition to any relief authorized by section 706(g) of the Civil Rights Act of 1964, from the respondent.

"(3) REASONABLE ACCOMMODATION AND GOOD FAITH EFFORT.—In cases where a discriminatory practice involves the provision of a reasonable accommodation pursuant to section 102(b)(5) of the Americans with Disabilities Act of 1990, damages may not be awarded under this section where the covered entity demonstrates good faith efforts, in consultation with the person with the disability who has informed the covered entity that accommodation is needed, to identify and make a reasonable accommodation that would provide such individual with an equally effective opportunity and would not cause an undue hardship on the operation of the business.

"(b) COMPENSATORY AND PUNITIVE DAMAGES.—

"(1) DETERMINATION OF PUNITIVE DAMAGES.—A complaining party may recover punitive damages under this section against a respondent (other than a government, government agency or subdivision) if the complaining party demonstrates that the respondent engaged in a discriminatory practice or discriminatory practices with malice or with reckless indifference to the federally protected rights of an aggrieved individual.

"(2) EXCLUSIONS FROM COMPENSATORY DAMAGES.—Compensatory damages awarded under this section shall not include backpay, interest on backpay, or any other type of relief authorized under section 706(g) of the Civil Rights Act of 1964.

"(3) LIMITATIONS.—The sum of the amount of compensatory damages awarded under this section for future pecuniary losses, emotional pain, suffering, inconvenience, mental anguish, loss of enjoyment of life, and other nonpecuniary losses, and the amount of punitive damages awarded under this section, shall not exceed—

"(A) in the case of a respondent who has more than 15 and fewer than 101 employees in each of 20 or more calendar weeks in the current or preceding calendar year, $50,000;

"(B) in the case of a respondent who has more than 100 and fewer than 201 employees in each of 20 or more calendar weeks in the current or preceding calendar year, $100,000; and

"(C) in the case of a respondent who has more than 200 and fewer than 501 employees in each of 20 or more calendar weeks in the current or preceding calendar year, $200,000; and

"(D) in the case of a respondent who has more than 500 employees in each of 20 or more calendar weeks in the current or preceding calendar year, $300,000.

"(4) CONSTRUCTION.—Nothing in this section shall be construed to limit the scope of, or the relief available under, section 1977 of the Revised Statutes (42 U.S.C. 1981).

"(c) JURY TRIAL.—If a complaining party seeks compensatory or punitive damages under this section—

"(1) any party may demand a trial by jury; and

"(2) the court shall not inform the jury of the limitations described in subsection (b)(3).

"(d) DEFINITIONS.—As used in this section:

"(1) COMPLAINING PARTY.—The term 'complaining party' means—

"(A) in the case of a person seeking to bring an action under subsection (a)(1), a person who may bring an action or proceeding under title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.); or

"(B) in the case of a person seeking to bring an action under subsection (a)(2), a person who may bring an action or proceeding under title I of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.).

"(2) DISCRIMINATORY PRACTICE.—The term 'discriminatory practice' means the discrimination described in paragraph (1), or the disparate treatment or the violation described in paragraph (2), of subsection (a).

SEC. 6. ATTORNEY'S FEES.

The last sentence of section 722 of the Revised Statutes (42 U.S.C. 1988) is amended by inserting ", 1981A" after "1981".

SEC. 7. DEFINITIONS.

Section 701 of the Civil Rights Act of 1964 (42 U.S.C. 2000e) is amended by adding at the end the following new subsections:

"(l) The term 'complaining party' means the Commission, the Attorney General, or a person who may bring an action or proceeding under this title.

"(m) The term 'demonstrates' means meets the burdens of production and persuasion.

"(n) The term 'respondent' means an employer, employment agency, labor organization, joint labor-management committee controlling apprenticeship or other training or retraining program, including an on-the-job training program, or Federal entity subject to section 717.".

SEC. 8. BURDEN OF PROOF IN DISPARATE IMPACT CASES.

Section 703 of the Civil Rights Act of 1964 (42 U.S.C. 2000e-2) is amended by adding at the end the following new subsection:

"(k)(1)(A) An unlawful employment practice based on disparate impact is established under this title only if—

"(i) a complaining party demonstrates that a respondent uses a particular employment practice that causes a disparate impact on the basis of race, color, religion, sex, or national origin and the respondent fails to demonstrate that the challenged practice is job related for the position in question and consistent with business necessity; or

"(ii) the complaining party makes the demonstration described in subparagraph (C) with respect to an alternative employment practice and the respondent refuses to adopt such alternative employment practice.

"(B)(i) With respect to demonstrating that a particular employment practice causes a disparate impact as described in subparagraph (A)(i), the complaining party shall demonstrate that each particular challenged employment practice causes a disparate impact, except that if the complaining party can demonstrate to the court that the elements of a respondent's decisionmaking process are not capable of separation for analysis, the decisionmaking process may be analyzed as one employment practice.

"(ii) If the respondent demonstrates that a specific employment practice does not cause the disparate impact, the respondent shall not be required to demonstrate that such practice is required by business necessity.

"(C) The demonstration referred to by subparagraph (A)(ii) shall be in accordance with the law as it existed on June 4, 1989, with respect to the concept of 'alternative business practice'.

"(2) A demonstration that an employment practice is required by business necessity may not be used as a defense against a claim of intentional discrimination under this title.

"(3) Notwithstanding any other provision of this title, a rule barring the employment of an individual who currently and knowingly uses or possesses a controlled substance, as defined in schedules I and II of section 102(6) of the Controlled Substances Act (21 U.S.C. 802(6)), other than the use or possession of a drug taken under the supervision of a licensed health care professional, or any other use or possession authorized by the Controlled Substances Act or any other provision of Federal law, shall be considered an unlawful employment practice under this title only if such rule is adopted or applied with an intent to discriminate because of race, color, religion, sex, or national origin.".

SEC. 9. PROHIBITION AGAINST DISCRIMINATORY USE OF TEST SCORES.

Section 703 of the Civil Rights Act of 1964 (42 U.S.C. 2000e-2) (as amended by section 8) is further amended by adding at the end the following new subsection:

"(l) It shall be an unlawful employment practice for a respondent, in connection with the selection or referral of applicants or candidates for employment or promotion, to adjust the scores of, use different cutoff scores for, or otherwise alter the results of, employment related tests on the basis of race, color, religion, sex, or national origin.".

SEC. 10. CLARIFYING PROHIBITION AGAINST IMPERMISSIBLE CONSIDERATION OF RACE, COLOR, RELIGION, SEX, OR NATIONAL ORIGIN IN EMPLOYMENT PRACTICES.

(a) In General.—Section 703 of the Civil Rights Act of 1964 (42 U.S.C. 2000e-2) (as amended by sections 8 and 9) is further amended by adding at the end the following new subsection:

"(m) Except as otherwise provided in this title, an unlawful employment practice is established when the complaining party demonstrates that race, color, religion, sex, or national origin was a motivating factor for any employment practice, even though other factors also motivated the practice.".

(b) Enforcement Provisions.—Section 706(g) of such Act (42 U.S.C. 2000e-5(g)) is amended—

(1) by designating the first through third sentences as paragraph (1);

(2) by designating the fourth sentence as paragraph (2)(A) and indenting accordingly; and

(3) by adding at the end the following new subparagraph:

"(B) On a claim in which an individual proves a violation under section 703(m) and a respondent demonstrates that the respondent would have taken the same action in the absence of the impermissible motivating factor, the court—

"(i) may grant declaratory relief, injunctive relief (except as provided in clause (ii)), and attorney's fees and costs demonstrated to be directly attributable only to the pursuit of a claim under this section 703(m) and

"(ii) shall not award damages or issue an order requiring any admission, reinstatement, hiring, promotion, or payment, described in subparagraph (A).".

SEC. 11. FACILITATING PROMPT AND ORDERLY RESOLUTION OF CHALLENGES TO EMPLOYMENT PRACTICES IMPLEMENTING LITIGATED OR CONSENT JUDGMENTS OR ORDERS.

Section 703 of the Civil Rights Act of 1964 (42 U.S.C. 2000e-2) (as amended by sections 8, 9, and 10 of this Act) is further amended by adding at the end the following new subsection:

"(n)(1)(A) Notwithstanding any other provision of law, and except as provided in paragraph (2), an employment practice that implements and is within the scope of a litigated or consent judgment or order that resolves a claim of employment discrimination under the Constitution or Federal civil rights laws may not be challenged under the circumstances described in subparagraph (B).

"(B) A practice described in subparagraph (A) may not be challenged in a claim under the Constitution or Federal civil rights laws—

"(i) by a person who, prior to the entry of the judgment or order described in subparagraph (A), had—

"(I) actual notice of the proposed judgment or order sufficient to apprise such person that such judgment or order might adversely affect the interests and legal rights of such person and that an opportunity was available to present objections to such judgment or order by a future date certain; and

"(II) a reasonable opportunity to present objections to such judgment or order; or

"(ii) by a person whose interests were adequately represented by another person who had previously challenged the judgment or order on the same legal grounds and with a similar factual situation, unless there has been an intervening change in law or fact.

"(2) Nothing in this subsection shall be construed to—

"(A) alter the standards for intervention under rule 24 of the Federal Rules of Civil Procedure or apply to the rights of parties who have successfully intervened pursuant to such rule in the proceeding in which the parties intervened;

"(B) apply to the rights of parties to the action in which a litigated or consent judgment or order was entered, or of members of a class represented or sought to be represented in such action, or of members of a group on whose behalf relief was sought in such action by the Federal Government;

"(C) prevent challenges to a litigated or consent judgment or order on the ground that such judgment or order was obtained through collusion or fraud, or is transparently invalid or was entered by a court lacking subject matter jurisdiction; or

"(D) authorize or permit the denial to any person of the due process of law required by the Constitution.

"(3) Any action not precluded under this subsection that challenges an employment consent judgment or order described in paragraph (1) shall be brought in the court, and if possible before the judge, that entered such judgment or order. Nothing in this subsection shall preclude a transfer of such action pursuant to section 1404 of title 28, United States Code.".

SEC. 12. PROTECTION OF EXTRATERRITORIAL EMPLOYMENT.

(a) Definition of Employee.—Section 701(f) of the Civil Rights Act of 1964 (42 U.S.C. 2000e(f)) and section 101(4) of the Americans with Disabilities Act of 1990 (42 U.S.C. 12111(4)) are each amended by adding at the end the following: "With respect to employment in a foreign country, such term includes an individual who is a citizen of the United States.".

(b) Exemption.—

(1) Civil rights act of 1964.—Section 702 of the Civil Rights Act of 1964 (42 U.S.C. 2000e-1) is amended—

(A) by inserting "(a)" after "Sec. 702."; and

(B) by adding at the end the following:

"(b) It shall not be unlawful under section 703 or 704 for an employer (or a corporation controlled by an employer), labor organization, employment agency, or joint management committee controlling apprenticeship or other training or retraining (including on-the-job training programs) to take any action otherwise prohibited by such section, with respect to an employee in a workplace in a foreign country if compliance with such section would cause such employer (or such corporation), such organization, such agency, or such committee to violate the law of the foreign country in which such workplace is located.

"(c)(1) If an employer controls a corporation whose place of incorporation is a foreign country, any practice prohibited by section 703 or 704 engaged in by such corporation shall be presumed to be engaged in by such employer.

"(2) Sections 703 and 704 shall not apply with respect to the foreign operations of an employer that is a foreign person not controlled by an American employer.

"(3) For purposes of this subsection, the determination of whether an employer controls a corporation shall be based on—

"(A) the interrelation of operations;

"(B) the common management;

"(C) the centralized control of labor relations; and

"(D) the common ownership or financial control,

of the employer and the corporation.".

(2) Americans with disabilities act of 1990.—Section 102 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12112) is amended—

(A) by redesignating subsection (c) as subsection (d); and

(B) by inserting after subsection (b) the following new subsection:

"(c) Covered Entities in Foreign Countries.—

"(1) In general.—It shall not be unlawful under this section for a covered entity to take any action that constitutes discrimination under this section with respect to an employee in a workplace in a foreign country if compliance with this section would cause such covered entity to violate the law of the foreign country in which such workplace is located.

"(2) Control of corporation.—

"(A) Presumption.—If an employer controls a corporation whose place of incorporation is a foreign country, any practice that constitutes discrimination under this section and is engaged in by such corporation shall be presumed to be engaged in by such employer.

"(B) Exception.—This section shall not apply with respect to the foreign operations of an employer that is a foreign person not controlled by an American employer.

"(C) Determination.—For purposes of this paragraph, the determination of whether an employer controls a corporation shall be based on—

"(i) the interrelation of operations;

"(ii) the common management;

"(iii) the centralized control of labor relations; and

"(iv) the common ownership or financial control,

of the employer and the corporation.".

(c) Application of Amendments.—The amendments made by this section shall not apply with respect to conduct occurring before the date of the enactment of this Act.

SEC. 13. EDUCATION AND OUTREACH.

Section 705(h) of the Civil Rights Act of 1964 (42 U.S.C. 2000e-4(h)) is amended—

(1) by inserting "(1)" after "(h)"; and

(2) by adding at the end the following new paragraph:

"(2) In exercising its powers under this title, the Commission shall carry out educational and outreach activities (including dissemination of information in languages other than English) targeted to—

"(A) individuals who historically have been victims of employment discrimination and have not been equitably served by the Commission; and

"(B) individuals on whose behalf the Commission has authority to enforce any other law prohibiting employment discrimination, concerning rights and obligations under this title or such law, as the case may be.".

SEC. 14. EXPANSION OF RIGHT TO CHALLENGE DISCRIMINATORY SENIORITY SYSTEMS.

Section 706(e) of the Civil Rights Act of 1964 (42 U.S.C. 2000e-5(e)) is amended—

(1) by inserting "(1)" before "A charge under this section"; and

(2) by adding at the end the following new paragraph:

"(2) For purposes of this section, an unlawful employment practice occurs, with respect to a seniority system that has been adopted for an intentionally discriminatory purpose in violation of this title (whether or not that discriminatory purpose is apparent on the face of the seniority provision), when the seniority system is adopted, when an individual becomes subject to the seniority system, or when a person aggrieved is injured by the application of the seniority system or provision of the system.".

SEC. 15. AUTHORIZING AWARD OF EXPERT FEES.

(a) REVISED STATUTES.—Section 722 of the Revised Statutes is amended—

(1) by designating the first and second sentences as subsections (a) and (b), respectively, and indenting accordingly; and

(2) by adding at the end the following new subsection:

"(c) In awarding an attorney's fee under subsection (b) in any action or proceeding to enforce a provision of section 1977 of the Revised Statutes, the court, in its discretion, may include expert fees as part of the attorney's fee.".

(b) CIVIL RIGHTS ACT OF 1964.—Section 706(k) of the Civil Rights Act of 1964 (42 U.S.C. 2000e-5(k)) is amended by inserting "(including expert fees)" after "attorney's fee".

SEC. 16. PROVIDING FOR INTEREST AND EXTENDING THE STATUTE OF LIMITATIONS IN ACTIONS AGAINST THE FEDERAL GOVERNMENT.

Section 717 of the Civil Rights Act of 1964 (42 U.S.C. 2000e-16) is amended—

(1) in subsection (c), by striking "thirty days" and inserting "90 days"; and

(2) in subsection (d), by inserting before the period ", and the same interest to compensate for delay in payment shall be available as in cases involving nonpublic parties.".

SEC. 17. NOTICE OF LIMITATIONS PERIOD UNDER THE AGE DISCRIMINATION IN EMPLOYMENT ACT OF 1967.

Section 7(e) of the Age Discrimination in Employment Act of 1967 (29 U.S.C. 626(e)) is amended—

(1) by striking paragraph (2);

(2) by striking the paragraph designation in paragraph (1);

(3) by striking "Sections 6 and" and inserting "Section"; and

(4) by adding at the end the following:

"If a charge filed with the Commission under this Act is dismissed or the proceedings of the Commission are otherwise terminated by the Commission, the Commission shall notify the person aggrieved. A civil action may be brought under this section by a person defined in section 11(a) against the respondent named in the charge within 90 days after the date of the receipt of such notice.".

SEC. 18. LAWFUL COURT-ORDERED REMEDIES, AFFIRMATIVE ACTION, AND CONCILIATION AGREEMENTS NOT AFFECTED.

Nothing in the amendments made by this Act shall be construed to affect court-ordered remedies, affirmative action, or conciliation agreements, that are in accordance with the law.

SEC. 19. COVERAGE OF CONGRESS AND THE AGENCIES OF THE LEGISLATIVE BRANCH.

(a) COVERAGE OF THE SENATE.—

(1) COMMITMENT TO RULE XLII.—The Senate reaffirms its commitment to Rule XLII of the Standing Rules of the Senate, which provides as follows:

"No Member, officer, or employee of the Senate shall, with respect to employment by the Senate or any office thereof—

"(a) fail or refuse to hire an individual;

"(b) discharge an individual; or

"(c) otherwise discriminate against an individual with respect to promotion, compensation, or terms, conditions, or privileges of employment,

on the basis of such individual's race, color, religion, sex, national origin, age, or state of physical handicap.".

(2) APPLICATION TO SENATE EMPLOYMENT.—The rights and protections provided pursuant to this Act, the Civil Rights Act of 1964, the Americans with Disabilities Act of 1990, the Age Discrimination in Employment Act of 1967, and the Rehabilitation Act of 1973 shall apply with respect to employment by the United States Senate.

(3) INVESTIGATION AND ADJUDICATION OF CLAIMS.—All claims raised by any individual with respect to Senate employment, pursuant to the Acts referred to in paragraph (2), shall be investigated and adjudicated by the Select Committee on Ethics, pursuant to Senate Resolution 338, Eighty-eighth Congress, as amended, or such other entity as the Senate may designate.

(4) RIGHTS OF EMPLOYEES.—The Committee on Rules and Administration shall ensure that Senate employees are informed of their rights under the Acts referred to in paragraph (2).

(5) APPLICABLE REMEDIES.—When assigning remedies to individuals found to have a valid claim under the Acts referred to in paragraph (2), the Select Committee on Ethics, or such other entity as the Senate may designate, should to the extent practicable apply the same remedies applicable to all other employees covered by the Acts referred to in paragraph (2). Such remedies shall apply exclusively.

(6) MATTERS OTHER THAN EMPLOYMENT.—

(A) IN GENERAL.—The rights and protections under the Americans with Disabilities Act of 1990 shall, subject to subparagraph (B), apply with respect to the conduct of the Senate regarding matters other than employment.

(B) REMEDIES.—The Architect of the Capitol shall establish remedies and procedures to be utilized with respect to the rights and protections provided pursuant to subparagraph (A). Such remedies and procedures shall apply exclusively, after approval in accordance with subparagraph (C).

(C) PROPOSED REMEDIES AND PROCEDURES.—For purposes of subparagraph (B), the Architect of the Capitol shall submit proposed remedies and procedures to the Senate Committee on Rules and Administration. The remedies and procedures shall be effective upon the approval of the Committee on Rules and Administration.

(7) EXERCISE OF RULEMAKING POWER.—Notwithstanding any other provision of law, enforcement and adjudication of the rights and protections referred to in paragraphs (2) and (6)(A) shall be within the exclusive jurisdiction of the United States Senate. The provisions of paragraphs (1), (3), (4), (5), (6)(B), and (6)(C) are enacted by the Senate as an exercise of the rulemaking power of the Senate, with full recognition of the right of the Senate to change its rules, in the same manner, and to the same extent, as in the case of any other rule of the Senate.

(b) COVERAGE OF THE HOUSE OF REPRESENTATIVES.—

(1) IN GENERAL.—Notwithstanding any provision of title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.) or of other law, the purposes of such title shall, subject to paragraph (2), apply in their entirety to the House of Representatives.

(2) EMPLOYMENT IN THE HOUSE.—

(A) APPLICATION.—The rights and protections under title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.) shall, subject to subparagraph (B), apply with respect to any employee in an employment position in the House of Representatives and any employing authority of the House of Representatives.

(B) ADMINISTRATION.—

(i) IN GENERAL.—In the administration of this paragraph, the remedies and procedures made applicable pursuant to the resolution described in clause (ii) shall apply exclusively.

(ii) RESOLUTION.—The resolution referred to in clause (i) is the Fair Employment Practices Resolution (House Resolution 558 of the One Hundredth Congress, as agreed to October 4, 1988), as incorporated into the Rules of the House of Representatives of the One Hundred Second Congress as Rule LI, or any other provision that continues in effect the provisions of such resolution.

(C) EXERCISE OF RULEMAKING POWER.—The provisions of subparagraph (B) are enacted by the House of Representatives as an exercise of the rulemaking power of the House of Representatives, with full recognition of the right of the House to change its rules, in the same manner, and to the same extent as in the case of any other rule of the House.

(c) INSTRUMENTALITIES OF CONGRESS.—

(1) IN GENERAL.—The rights and protections under this Act and title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.) shall, subject to paragraph (2), apply with respect to the conduct of each instrumentality of the Congress.

(2) ESTABLISHMENT OF REMEDIES AND PROCEDURES BY INSTRUMENTALITIES.—The chief official of each instrumentality of the Congress shall establish remedies and procedures to be utilized with respect to the rights and protections provided pursuant to paragraph (1). Such remedies and procedures shall apply exclusively.

(3) REPORT TO CONGRESS.—The chief official of each instrumentality of the Congress shall, after establishing remedies and procedures for purposes of paragraph (2), submit to the Congress a report describing the remedies and procedures.

(4) DEFINITION OF INSTRUMENTALITIES.—For purposes of this section, instrumentalities of the Congress include the following: the Architect of the Capitol, the Congressional Budget Office, the General Accounting Office, the Government Printing Office, the Office of Technology Assessment, and the United States Botanic Garden.

(5) CONSTRUCTION.—Nothing in this section shall alter the enforcement procedures for

individuals protected under section 717 of title VII for the Civil Rights Act of 1964 (42 U.S.C. 2000e–16).

SEC. 20. ALTERNATIVE MEANS OF DISPUTE RESOLUTION.

Where appropriate and to the extent authorized by law, the use of alternative means of dispute resolution, including settlement negotiations, conciliation, facilitation, mediation, factfinding, minitrials, and arbitration, is encouraged to resolve disputes arising under the Acts or provisions of Federal law amended by this Act.

SEC. 21. SEVERABILITY.

If any provision of this Act, or an amendment made by this Act, or the application of such provision to any person or circumstances is held to be invalid, the remainder of this Act and the amendments made by this Act, and the application of such provision to other persons and circumstances, shall not be affected.

SEC. 22. EFFECTIVE DATE.

(a) IN GENERAL.—Except as otherwise specifically provided, this Act and the amendments made by this Act shall take effect upon enactment.

(b) CERTAIN DISPARATE IMPACT CASES.—Notwithstanding any other provision of this Act, nothing in this Act shall apply to any disparate impact case for which a complaint was filed before March 1, 1975 and for which an initial decision was rendered after October 30, 1983.

NOTICES OF HEARINGS

COMMITTEE ON SMALL BUSINESS

Mr. BUMPERS. Mr. President, I would like to announce that the Small Business Committee will hold a full committee hearing to examine the small business credit crunch problem. The hearing will be chaired by Senator LIEBERMAN and will take place on Wednesday, October 30, 1991, at 9 a.m., in room 428A of the Russell Senate Office Building. For further information, please call Ken Glueck or Senator LIEBERMAN's staff at 224–4041.

SELECT COMMITTEE ON INDIAN AFFAIRS

Mr. INOUYE. Mr. President, I would like to announce that the Select Committee on Indian Affairs will be holding a markup on Tuesday, October 29, 1991, beginning at 9:45 a.m., in 485 Russell Senate Office Building on S. 168, the Three Affiliated Tribes and Standing Rock Sioux Tribe Equitable Compensation Act and S. 754, to provide that a portion of the income derived from trust or restricted land held by an individual Indian shall not be considered as a resource or income in determining eligibility for assistance under any Federal or federally assisted program, to be followed immediately by a joint hearing with the House Interior Committee on H.R. 1476 and S. 1869, the San Carlos Indian Irrigation Project Divestiture Act of 1991.

Those wishing additional information should contact the Select Committee on Indian Affairs at 224–2251.

Mr. President, I ask unanimous consent that the Select Committee on Indian Affairs be authorized to meet on October 29, 1991, beginning at 9:45 a.m., in 485 Russell Senate Office Building, to consider for report to the Senate S. 168, the Three Affiliated Tribes and Standing Rock Sioux Tribe Equitable Compensation Act and S. 754, to provide that a portion of the income derived from trust or restricted land held by an individual Indian shall not be considered as a resource or income in determining eligibility for assistance under any Federal or federally assisted program, and to meet on H.R. 1476 and S. 1869, the San Carlos Indian Irrigation Project Divestiture Act of 1991.

SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL PARKS AND FORESTS

Mr. BUMPERS. Mr. President, I would like to announce for the public that a hearing has been scheduled before the Subcommittee on Public Lands, National Parks and Forests of the Committee on Energy and Natural Resources.

The hearing will take place on Thursday, November 7, 1991, beginning at 9:30 a.m., in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of the hearing is to receive testimony on the following bills:

S. 461, to amend the Wild and Scenic Rivers Act of 1968 by designating segments of the Lamprey River in the State of New Hampshire for study for potential addition to the National Wild and Scenic Rivers System, and for other purposes;

S. 606, to amend the Wild and Scenic Rivers Act by designating certain segments of the Allegheny River in the Commonwealth of Pennsylvania as a component of the National Wild and Scenic Rivers System, and for other purposes;

S. 1230 and H.R. 990, to authorize additional appropriations for land acquisition at Monocacy National Battlefield, Maryland;

S. 1552, to amend the Wild and Scenic Rivers Act by designating the White Clay Creek in Delaware and Pennsylvania for study for potential addition to the National Wild and Scenic Rivers System, and for other purposes;

S. 1660, to amend the Pennsylvania Avenue Development Corporation Act of 1972 to authorize appropriations for implementation of the development plan for Pennsylvania Avenue between the Capitol and the White House, and for other purposes; and

S. 1772 and H.R. 2370, to alter the boundaries of the Stones River National Battlefield, and for other purposes.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Subcommittee on Public Lands, National Parks and Forests, Committee on Energy and Natural Resources, 364 Dirksen Senate Office Building, Washington, DC 20510–6150.

For further information, please contact David Brooks of the subcommittee staff at (202) 224–9863.

AUTHORIZATION FOR COMMITTEES TO MEET

SUBCOMMITTEE ON TERRORISM, NARCOTICS, AND INTERNATIONAL OPERATIONS

Mr. FORD. Mr. President, I ask unanimous consent that the Subcommittee on Terrorism, Narcotics and International Operations of the Foreign Relations Committee be authorized to meet during the session of the Senate on Friday, October 25, at 10 a.m. to hold a hearing on the narcotics and foreign policy implications of the BCCI affair.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON INTERNATIONAL TRADE

Mr. FORD. Mr. President, I ask unanimous consent that the Subcommittee on International Trade of the Committee on Finance be authorized to meet during the session of the Senate on October 25, 1991 at 10 a.m. to hold a hearing on how trade policy may affect the environment.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON VETERANS' AFFAIRS

Mr. FORD. Mr. President, the Committee on Veterans' Affairs would like to request unanimous consent to hold a hearing on the nominations of Allen Clark to be Director of the VA National Cemetery System, James Endicott to be VA General Counsel, and Jo Ann Webb to be Assistant Secretary for Policy and Planning, on Friday, October 25, 1991, at 9:30 a.m. in SR–418.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be allowed to meet during the session of the Senate Friday, October 25, 1991 at 9:45 a.m. to conduct a hearing on the nominations of Susan Philips, to be a member of the Board of Governors of the Federal Reserve System; and David Bradford and Paul Wonnacott to be members of the Council of Economic Advisers.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON HOUSING AND URBAN AFFAIRS

Mr. FORD. Mr. President, I ask unanimous consent that the Subcommittee on Housing and Urban Affairs of the Committee on Banking, Housing, and Urban Affairs be allowed to meet during the session of the Senate Tuesday, October 29, 1991 at 10 a.m. to conduct a hearing on issues related to multifamily housing finance.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

COMMENDING MS. JILL SLATER AND HER COLLEAGUES

• Mr. GORE. Mr. President, as American men and women reflect on the testimony of Prof. Anita Hill during the Clarence Thomas confirmation hearings, many women from across the country have come forward with their own stories of sexual harassment in the workplace. Professor Hill's testimony has given many women the courage not only to admit they have been harassed but also to confront the perpetrators of the harassment. Luckily, the American workplace will never be the same. Men and women everywhere—in offices, in factories, in schools, in banks—are talking about sexual harassment; and hopefully this dialog will result in the end of sexual harassment in the workplace and more professional relationships between men and women who work together.

I have been deeply moved by the stories of women who have written to me from Tennessee and from across the country, telling me about their own experiences with sexual harassment, believing their jobs to be threatened by refusing unwanted personal attention from professional colleagues. They understand Anita Hill. They have been there.

In particular, Mr. President, I want to recognize Jill Slater, a partner in the Los Angeles office of Latham & Watkins, and 156 of her colleagues—all women attorneys—who wrote to say that based on their experiences in law firms, in corporations, and in law schools, the experiences related by Professor Hill do not make her unique among women lawyers. They wrote.

> In the course of our careers, many of us have endured incidents of sexual harassment which were depressing and demeaning. All of us have known of such incidents occurring to others. These incidents range from offensive verbal comments to physical molestation.
>
> Indeed, it is not uncommon for cordial professional relationships to be maintained with those engaged in sexual harassment, sometimes because the behavior ceased or because individuals changed jobs, or because it was necessary or prudent to do so for legitimate career advancement reasons.

I want to commend Ms. Slater and her colleagues for coming forward to respond to criticism of Prof. Anita Hill's testimony. I appreciate the courage it takes to publicly discuss these personal issues in a political arena. Their letter underscores how serious sexual harassment is in the American workplace and how widespread it has become.

Mr. President, I ask that the names of Ms. Slater and her colleagues be printed in the RECORD.

The material follows:

Jill S. Slater, Los Angeles; Kim M. Wardlaw, Los Angeles; Sally Suchi, Culver City; Joan M. Graff, San Francisco; Patricia A. Shiu, San Francisco; Sharon Y. Bowen, New York City; Maryanne LaGuardia, Los Angeles; Cecilia Loving-Sloane, New York City; Elsie A. Crum, New York City; Theresa A. Cerozoia, New York City; and Martha C. Reps, Denver.

Barbara A. Reeves, Los Angeles; Robin Shaffert, Washington, DC; Linda K. Sherwood, Los Angeles; Patricia Phillips, Los Angeles; Rose Octri, Los Angeles; Marjorie S. Steinberg, Los Angeles; Ellen R. Marshall, Irvin; Vilma S. Martinez, Los Angeles; Beth S. Dorris, Los Angeles; Elizabeth Schwartz, Los Angeles; Karen S. Bryan, Los Angeles.

Louis A. LaMothe, Los Angeles; Margot Metzner, Los Angeles; Pauline Levy, Los Angeles; Margaret W. Clayton, Los Angeles; Beth R. Neckman, New York City; Mary D. Nichols, Los Angeles; Diann H. Kim, Los Angeles; Karen Kaplowitz, Los Angeles; Judith Ilene Bloom, Los Angeles; Lynne Darcy, New York City; Dale S. Fischer, Los Angeles.

Elizabeth S. Trussell, Los Angeles; Rita J. Miller, Los Angeles; Erica H. Steinberger, New York City; Mary Elizabeth Tom, New York City; Deborah S. Feinerman, Los Angeles; Hadassa K. Gilbert, Los Angeles; Maria Angeletti, Culver City; Jill Lerner, Culver City; Joan L. Lesser, Los Angeles; Carole E. Handler, Los Angeles; Rena M. Wheaton, Los Angeles; Linda M. Inscoe, San Francisco; Lynne Carmichael, San Francisco.

Mary K. Westbrook, Costa Mesa; Donna J. Zenor, Los Angeles; Carol A. Klauschie, Los Angeles; Timi Anyon Hallem, Los Angeles; Maria Gil de Lamadrid, San Francisco; Liz Hendrickson, San Francisco; Maria Blanco, San Francisco; Rose Fang, San Francisco; Nancy L. Davis, San Francisco; Judith E. Kurtz, San Francisco; Billie Pirner Garde, Houston; Laurie F. Hasencamp, Los Angeles; Valerie Merritt, Los Angeles.

Ruth E. Fisher, Los Angeles; Dorothy B. Symons, New York City; Barbara Mendel Mayden, New York City; Erica B. Grubb, Walnut Creek; Pamela Reed, Walnut Creek; Kathy J. Bagdonas, Walnut Creek; E. Jean Gary, Los Angeles; Audrey Winograde, Santa Monica; Ruth McCreight, San Rafael; Mauna Berkov, San Rafael; Joy Oliver, San Rafael; Ellen Rothman, San Rafael; Barbara Kelley, Los Angeles.

Andra Barmach Greene, Newport Beach; Ruth N. Borenstein, San Francisco; Rochelle D. Alpert, San Francisco; Annette P. Carnegie, San Francisco; Kathleen V. Fisher, San Francisco; Joanne M. Hoeper, San Francisco; Nancy J. Koch, San Francisco; Rachel Krevans, San Francisco; Elizabeth J. Kuczynski, San Francisco; Linda E. Shostak, San Francisco; Deborah L. Smith, San Francisco; Janice L. Sperow, San Francisco; Suzanne Toller, San Francisco.

Monique van Yzerlooy, San Francisco; Paula J. Morency, Chicago; Elayne Berg-Wilson, Glendale; Debre Katz Weintraub, Los Angeles; Sheri Young, Chicago; Geraldine M. Alexis, Chicago; Sherry A. Quirk, Washington, D.C.; Frances C. DeLarentis, Washington, D.C.; Karen Fairbank Friedman, Pacific Palisades; Marcie Goldstein, New York City; Polly Horn, Los Angeles; Lisa S. Kantor, Los Angeles; Maren Christensen, Beverly Hills.

Lori E. Simon, Chicago; Patricia Dondanville, Chicago; Kathleen A. Adamick, Chicago; Nancy K. Bellis, Chicago; Andrea E. Friedman, Chicago; Ann Rae Heitland, Chicago; Barbara E. Hermansen, Chicago; Carrie J. Hightman, Chicago; Linda Jeffries, Chicago; Rebecca Lauer, Chicago; Patricia L. Levy, Chicago; Eileen S. Silvers, New York City; Joan Patsy Ostroy, Los Angeles.

Marilee C. Uriah, Chicago; Kachen Kimmeff, Chicago; Carole Randolph, Chicago; Sahar Stegemoeller, Chicago; Kathleen Johnson, Chicago; Rose C. Chan, Los Angeles; Lucinda Starrett, Los Angeles; Jenniffer Belt Duchene, Cleveland; Susan B. Coffins, Cleveland; Wendy Jacobsen, Cleveland; Sydney Bennion, Los Angeles; Beth Cranston, Los Angeles; Carla Harnre, Los Angeles.

Sara Reynolds, Los Angeles; Pauline Stevens, Los Angeles; Lisa Yano, Los Angeles; Laurie Zolon, Los Angeles; Susan Thorner, San Francisco; Deborah C. Paskin, Chicago; Patricia A. Ahmann, Los Angeles; Alison M. Whalen, Los Angeles; Janet Koran, Chicago; Marjorie Press Lindblom, Chicago; Marion B. Adler, Chicago; Vicki V. Hood, Chicago; Jiff L. Sugar, Chicago.

Maryann A. Waryjas, Chicago; Glenda Sanders, Los Angeles; Maren Nelson, Los Angeles; Lynn Todd, Los Angeles; Victoria Judson, Washington, D.C.; Maria Stratton, Los Angeles; Christina A. Snyder, Los Angeles; Louise Nemschoff, Beverly Hills; Nathalie Hoffman, Los Angeles; Laura Fashing, Los Angeles; Andrea Jane Grefe, Beverly Hills; Donna Harvey, Los Angeles; Helene Hahn, Burbank.

Bernadine Brandis, Burbank; Lisa Specht, Los Angeles; Patricia T. Sinclair, Los Angeles; Linda Lichter, Beverly Hills; Ann M. Hamilton, Chicago; Carol Fuchs, Beverly Hills; Anjani Mandavia, Beverly Hills.•

THE CRISIS IN ZAIRE

• Mrs. KASSEBAUM. Mr. President, I would like to express my deep concern about the situation unfolding in Zaire. Last month after intense rioting, President Mobutu responded by appointing a prominent opposition figure, Mr. Etienne Tshisekedi, as Prime Minister. President Mobutu's decision, while obviously one of desperation, did, nonetheless hold the promise that Zaire would move away from Mobutu's dictatorial lock hold on power.

Unfortunately, several days ago, President Mobutu rekindled the world's concerns by removing Mr. Tshisekedi from power. As riots in support of the Prime Minister broke out, President Mobutu asked the opposition to name another candidate, but the alliance has maintained their support for Mr. Tshisekedi.

While President Mobutu has named another Prime Minister from the opposition alliance, his dismissal of Mr. Tshisekedi is a clear indication that he is continuing to resist the calls for democracy from the people of Zaire.

Over the past several years, Mr. Mobutu's leadership and his oppression of democratic forces in Zaire has been raising serious concerns here. In this year's foreign assistance bill, we once again have placed restrictions on aid to Zaire. This year we have restricted both military and economic assistance, in an attempt to send a strong signal to President Mobutu about our concerns and support for free and fair elections.

In the recent riots the last figures are at least 17 people have been killed and about 120 have been wounded. I urge President Mobutu to stop the violence and to end his useless and futile oppression of democracy in Zaire. I would hope that in the next couple of days, our allies will join us in sending a strong signal to President Mobutu, that unless he stops resisting democracy all cooperation with Zaire will end.●

NOTICE OF DETERMINATION BY THE SELECT COMMITTEE ON ETHICS PERMITTING ACCEPTANCE OF A GIFT OF EDUCATIONAL TRAVEL FROM A FOREIGN ORGANIZATION

● Mr. SANFORD. Mr. President, it is required by paragraph 4 of rule 35 that I place in the CONGRESSIONAL RECORD notices of Senate employees who participate in programs, the principal objective of which is educational, sponsored by a foreign government or a foreign educational or charitable organization involving travel to a foreign country paid for by that foreign government or organization.

The select committee received a request for a determination under rule 35 for Stuart Feldman, a member of the staff of Senator HATCH, to participate in a program in Japan, sponsored by the Japanese Ministry of Foreign Affairs, from October 19–30, 1991.

The committee determined that participation by Mr. Feldman in this program, at the expense of the Japanese Ministry of Foreign Affairs, was in the interest of the Senate and the United States.●

HEALTH CARE REFORM

● Mr. DURENBERGER. Mr. President, the issue of health care reform is a prime concern of the American people. The complexity of the issues involved has made it difficult to reach a consensus even on the nature of problem, not to mention solutions.

Efforts by journalists to study and present these issues to their readers play an important role moving us toward a common understanding and shared goals.

Recently, a series of articles entitled "Condition Critical: The Need for Reform" appeared in the Minneapolis Star Tribune by Washington Bureau Correspondent Tom Hamburger. It was an excellent presentation of the key issues facing American health care.

So that my colleagues and other readers of this RECORD can benefit from this series, I ask that it appear at this point in the RECORD.

The material follows:

[From the Star Tribune, Sept. 22, 1991]

HEALTH CARE IS IN CRISIS

(By Tom Hamburger)

WASHINGTON, DC.—The U.S. health care system is not well. The distress and hardship it creates are visible in every neighborhood.

In Minnetonka, it can be seen on the face of Francis Burd, a business owner who found his small manufacturing firm's health insurance rates jacked up 40 percent after his wife was diagnosed with a brain tumor.

On St. Paul's East Side, it's visible in the anguish of Larry Nash, 36, a hospital janitor. He watched his family's car and stereo system being repossessed as he struggled to pay his portion of a skyrocketing insurance premium. He needs the employer-sponsored insurance to pay for medication and therapy for his 10-year-old son's hyperactivity disorder.

The system's ills are illustrated by Patricia Ward of Minneapolis, a working mother of two who has delayed getting a mammogram despite a lump in her breast that she noticed months ago. "The test costs $50," she said. "That's a week's groceries. I can't see spending that on something that may or may not be serious. I won't spend money like that—not when I've got kids to feed."

And the dilemma can be heard in the boardrooms of the Dayton Hudson or Chrysler corporations, where executives speak with alarm about rising health costs that they say damage the United States' ability to compete.

Americans pay more for health care than citizens of any other country. Yet the United States ranks as one of the least healthy nations in the developed world. Our infant mortality rate is worse than 20 other nations, according to the latest comparisons. People live longer on average in 16 other countries.

A recent Harvard University study found that Americans were less satisfied with their health care system than any of 10 other industrialized nations. Eighty-nine percent said it needed "fundamental changes" or "complete rebuilding."

What has gone wrong? Why are U.S. health costs rising faster than any other country even as our health profile deteriorates?

The answers vary depending on who responds. But a growing chorus of medical experts and legislators from both parties in Congress is calling for a major overhaul.

Coming to that conclusion requires an examination of ingrained assumptions about our health system: that competition will produce the best results at the best price; that technology is the key to reducing illness and cutting costs; that providing for the uninsured drives up expenses, and that government intrusion into health care creates bloat and bureaucracy.

In fact, many of those advocating an overhaul say that, by looking at what other developed countries have done, we'll find that many of our preconceptions are wrong:

Competition in the U.S. health system hasn't reduced prices, or provided better care or more efficient operations overall. Rather, our competitive system has set up a number of perverse incentives that increase costs, without regard to health benefit.

Our embrace of high technology and medical specialization, the areas in which we lead the world, lies at the heart of sharply rising U.S. health costs. For all of their great expense and widespread use, some high-tech procedures have not made much of a dent in the country's health profile.

Denying care to the uninsured raises costs for everyone. By failing to provide access for all to preventive and primary care, we've made it difficult for the 85 million uninsured or underinsured Americans to see a physician until they are brought to the hospital with a serious ailment. By that time, the cost of treating them has soared.

The private health insurance system in the United States creates far more bureaucracy and red tape than government-run systems. A study by the General Accounting Office of Congress showed that if the United States adopted a Canadian or European health model, the savings from dealing with one (government) insurer rather than 1,200 private insurance companies would provide enough funds to place every uninsured American in a health plan.

COMPETITION DOESN'T HELP

"There aren't sufficient incentives to promote or create health," said George Halvorson, chief executive officer of Group Health Inc., Minnesota's largest health maintenance organization.

Countries with national health systems can more rationally and carefully limit use of expensive resources. And they emphasize preventive and primary care.

In the United States, it's different. "Thousands of Minnesota children do not have access to basic care for sore throats and day-to-day illnesses," Halvorson said. Yet government and private insurance will pay for a heart transplant.

"We don't have a health insurance system in this country. We have sickness insurance," Halvorson said. He's referring to a system that often fails to cover routine doctor visits and screenings. Coverage under many of the most affordable plans begins when hospitalization occurs.

At that point, our system often rewards volume. The more procedures that doctors and hospitals provide, the more money they make from insurance programs. And once patients are inside the hospital, they generally are unconcerned about cost because their insurance, government or private, pays the bills. The U.S. hospital system is, thus, inflationary at its core.

U.S. medicine is also top-heavy with highly paid specialists and facilities that specialists use.

Take the case of coronary bypass surgery. The United States has three times the number of heart surgery facilities per capita as Canada. Our 300,000 bypass operations conducted each year occur at a per-capita rate that is 10 times that of Japan and 2.6 times that of Canada. This works out well financially for hospitals and heart surgeons. But U.S. mortality rates show no significant benefit from this extensive use of the operating room.

In fact, a study by the Rand Corporation, a research institution that has investigated hospital procedures and medical questions, indicated that as many as 40 percent of the bypass surgeries may be unnecessary. The study of 386 cases found that 54 percent of the surgeries were clearly "appropriate," 14 percent were clearly inappropriate and the remainder were labeled "equivocal."

Why does this go on? In part, because the U.S. system rewards doctors and hospitals for doing expensive procedures.

The health insurance industry, along with many employers, believe that more aggressive management of medical care, including second-guessing physicians' decisions, would reduce costs and reward efficiency. Critics respond that competing insurers will never effectively control costs.

HIGH TECH IS HIGH COST

The United States is among the world's leaders in technical innovation in medicine. But the way we market our high-tech gains boosts U.S. health costs dramatically, often without attendant health benefits.

Take the case of the Magnetic Resonance Imaging (MRI) scanner. There are more MRIs in use in the United States than in all of Western Europe and Canada combined. In fact, there are more of the $2 million machines in Minnesota than in all of Canada.

To be sure, the scans are a technological breakthrough. They use radio waves and magnetic fields to draw detailed pictures of the inside of the body. Unlike X-rays and CAT scanners, they do not expose patients to radiation. And they can be especially valuable in detecting brain tumors and spinal and joint injuries without invasive surgery.

But there is growing recognition that MRI scans are overused and, as a result, driving up health care costs. Once the machines are purchased by a hospital or clinic, administrators say they are under pressure to scan as many patients as possible in order to pay off the machine. Doctors don't object because they get paid for each procedure they perform. The hospitals make money, too.

Five million MRI tests were performed last year, at a charge of $600 to $1,000 each, adding up to $5 billion to the country's health bill, according to a New York Times estimate.

The way perverse incentives in the U.S. system inspire overuse of high tech can be seen in a New England Journal of Medicine study that examined billings by doctors who purchased X-ray or ultrasound machines. Those who brought the technology into their own offices did 4 to 4½ times as many tests as doctors who referred patients to outside radiologists. The doctors also tended to charge their patients more than the radiologists did for the same tests.

Pressure already is building for hospitals to purchase a new generation of scanners, called PET (Positive Emission Tomography) machines. The PET machine is even more expensive than the MRI, running about $5 million. It can take pictures that reveal the functioning as well as the structure of internal organs. The federal government and some major institutions, including the Mayo Clinic in Rochester, Minn., are resisting purchase of the PET. But once it becomes standard practice at elite centers, it will be difficult to resist.

Pressure for the latest gadgets is higher in the United States because our system is heavily loaded with specialists and we reward their use of the latest technology. Doctors complain that the uniquely American malpractice threat inhibits them from saying no to a test, even when its value is marginal.

While other countries tend to control the number of specialists trained as well as the amount they will be paid, there are virtually no limits in the United States.

Group Health's Halvorson bemoans the diminishing interest in primary and basic care, where doctors can do the most good for the least expense. Instead, he said, the profession is becoming overloaded with "procedure-oriented subspecialists because they can make twice as much money."

THE UNINSURED

Patricia Ward, the woman who put off the mammogram to save $50, says she will get herself checked soon. If the lump proves to be cancerous, the delay will have reduced the chances of saving her life—and increased the cost of trying.

Early detection often can eliminate cancer through relatively simple outpatient procedures. But if the cancer has spread, costs multiply.

Physicians have known for years that preventive medicine pays. Yet our system sets up barriers to receiving such care. As a result, public hospitals are overwhelmed with demands from indigent patients with ailments that often have gone too long without treatment.

About 37 million Americans are without health insurance, but that number understates the problem. A recent Census Bureau study found that more than one in four Americans went at least a month without coverage. An additional 53 million are underinsured. (In Minnesota, 370,000 people are uninsured and another 366,000 are underinsured, according to estimates by the state Health Care Access Commission).

The numbers in these categories are rising because as health costs go up, companies are reducing benefits and hiring more part-time workers who are not entitled to health insurance.

Most of the uninsured are not unemployed; more than 80 percent are jobholders or members of their families. They may work for employers who do not provide them with insurance. They may be unable to afford the subsidized premiums offered through work. They may be farmers or other self-employed workers who now find insurance priced beyond their reach.

Increasingly, they are people with chronic diseases or disabilities who are denied affordable coverage because of a "preexisting condition."

When they finally go to the hospital for expensive treatment, the cost of their care is shifted to those who pay the insurance bills. This helps explain why employer-paid health premiums have jumped 20 percent in the past three years.

The financial burden treated by the uninsured has reached the boardroom. A recent Gallup survey of chief executive officers at 1,000 of the country's largest companies found that 67 percent want government to take over coverage of the uninsured.

BUREAUCRATIC WASTE

The United States pays more for the administration of its health system than any other Western nation, up to 30 percent more, according to some estimates. This waste comes in two forms: high insurance company overhead and high billing costs for hospitals and doctors.

At Hennepin County Medical Center in Minneapolis, patients needing financial assistance are directed to an office where each must fill out 35 pages of applications and questionnaires. And Hennepin is considered to have an efficient, patient-friendly system.

We have more than 1,200 private health insurers, each selling a wide variety of policies. Hospitals and doctors have to bill each plan separately and then correspond with them again and again to assure payment.

As a result of this mass of paperwork, Hennepin County Medical Center employs 56 in its finance department, nearly all of them dedicated to billing. At Canada's Toronto Hospital, three times the size of Hennepin, there are 22 people in billing.

If the United States shifted to a government-run insurance system, the General Accounting Office estimates that the government would save $33 billion in reduced hospital and doctor costs for administration. The report said an additional $34 billion would be saved in insurance company profits and overhead.

The amount spent on insurance administration in the United States is subject to wide debate. Two Harvard Medical School professors who helped found a rapidly growing physician's reform organization say that 25 cents of every U.S. health dollar goes to administration.

The professors, David Himmelstein and Steffie Woolhandler, estimated that if the state of Minnesota had converted to a single-payer insurance system last year, it would have saved more than $2 billion in administrative expenses.

The Health Insurance Industry Association has called the Harvard duo's estimates preposterous. According to a study by the association, only 13 percent of premium costs were dedicated to administration in 1989.

Himmelstein and Woolhandler have been at the forefront of a national lobbying campaign to adopt the Canadian, single-payer model in the United States. This would require the government to set doctors' fees and provide hospital budgets. And the system would guarantee equal coverage for all.

Sound improbable? Perhaps not. While there are wide variations among proposed reforms, there is a rapidly developing consensus that the problems of the uninsured and cost control need to be addressed. Consider the history of the American Medical Association. In 1949, it spent more than $1 million to lobby against a national health insurance plan proposed by President Harry Truman. The AMA branded the plan as "socialism." This year, the AMA devoted an entire issue of its prestigious journal to the topic of health care reform. The journal's accompanying editorial argued that it's past time for the federal government to mandate health care for everyone.

"A long-term, crying need has developed into a national moral imperative and now into a pragmatic necessity as well," the editorial said. "It is no longer acceptable morally, ethically or economically for so many of our people to be medically uninsured or seriously underinsured."

THE NATIONAL HEALTH—A COMPARISON OF SYSTEMS IN MAJOR DEVELOPED COUNTRIES

Britain.—The National Health Service provides free cradle-to-grave services to 90 percent of the country's population. Financed through general taxation, the program employs more than 25,000 general practitioners and 14,000 dentists and runs more than 2,000 hospitals. Cost per person (1989): $836

Japan.—Its system is a mix of public and private doctor and hospital care and public and private health insurance. Nearly everyone is covered by some program. In general, fees are controlled by the government with medical care typically costing very little for an individual. About half the population is covered at work; they contribute about 4 percent of their salary with the company contributing another 4 percent to a government-managed program. The rest of the population pays a household premium to be covered under a national health insurance program. Hospitals are run by the government. Cost per person (1989): $1,035

Germany.—Although the system is essentially a private one, national law requires insurance coverage for about 90 percent of all Germans by one of several regulated health insurance programs. Most are covered through their employer. The insurance programs then negotiate for services from associations of private physicians and associations of nonprofit, private or community hospitals. The poor are insured under a general assistance program. Cost per person (1989): $1,232

France.—Government health insurance, funded by social security contributions deducted from paychecks, covers all residents and pays for most hospital care and doctors' office visits. Physicians in private practice receive a set fee from the government but also can charge the patient additional fees. Patients select their own physician. Cost per person (1989): $1,274

Sweden.—A national system organizes both physician services and hospital care and is funded through general taxes. Everyone receives these services and hospital care free of charge, but people pay some portion of the costs for drugs and dental care. Patients can choose their own physicians. Cost per person (1989): $1,361

Canada.—A national system of government-financed universal health insurance provides Canadians with access to the doctor and hospital of their choice. The program, supported through general taxes and small local fees, pays physicians directly for services rendered. All hospital charges are covered. Cost per person (1989): $1,683

United States.—No national health insurance system exists, except for the poor, who are covered under state Medicaid programs, paid for by state and federal taxes, and the elderly, who are covered by Medicare, a Social Security Administration program. Most Americans receive medical insurance through their employer, either contributing to the premium or receiving it as part of their compensation. Medical services are provided by doctors in private offices on a fee-for-service basis or through health maintenance organizations where office visits are part of the program. An estimated 37 million Americans lack adequate health insurance. Cost per person (1989): $2,354

WITH COSTS RISING, DAYTON'S WORKS FOR REVISION

(By Tom Hamburger)

WASHINGTON, DC.—When Kenneth Macke took over as chairman and chief executive officer of Dayton Hudson Corp. seven years ago, he thought the company's health costs were high at $60 million a year.

Dayton's, the country's 16th-largest employer, took action. It set up a state-of-the-art self-insurance program with claims-management and utilization reviews. The company required employees to absorb some of the insurance increases. And Dayton's used its clout to bargain with hospitals and health maintenance organizations for better rates.

Despite these efforts, Dayton's health-insurance costs nearly doubled in six years, to $115 million in 1990. That year alone, health costs jumped 15 percent. Although that was well below the 23 percent increase that small U.S. companies paid on average, Macke found little solace.

"In 1985, an appendectomy cost about $2,500; today it is $6,000," he told the House Government Operations Committee this summer. "To put it in perspective, we have to sell over 39,000 Ninja Turtle action figures to pay for one appendectomy."

U.S. health expenditures totaled $675 billion in 1990, one of every nine dollars of this country's gross national product. The cost of health care for U.S. businesses nearly equals their after-tax profits.

These numbers have made Macke and his corporate team outspoken reformers. The Dayton's executives have joined state and national organizations seeking change in the U.S. health system. Macke no longer believes it can be accomplished through the free-market system or piecemeal initiatives.

"We have learned the hard way that voluntary cost-control efforts and market forces do not solve the problem," he told the House Government Operations Committee. "The cure is reform, which gives everyone access and provides only necessary quality care at the lowest cost."

Indeed, access to care is a problem for some Dayton's employees. The company employs 160,000 people. Slightly under half are not eligible for company-sponsored health insurance because they work part-time or have just started with the company.

Edwin Wingate, Dayton's senior vice president for personnel, lauded gains made by other countries when he testified in July before the House Ways and Means Committee. "There is clear evidence that Canada, England, Japan, Germany and other industrialized countries are getting greater value from health spending than we are, with little or no loss in quality of health-care delivery," Wingate said. "With each passing year, we lose international competitive strength because of these runaway costs."

[From the Star Tribune, Sept. 29, 1991]

U.S. WEIGHS BENEFITS OF SOCIALIZED MEDICINE OVER COMPETITIVE CARE

(By Tom Hamburger)

INTERNATIONAL FALLS, MN.—In the emergency room of Falls Memorial Hospital, a man leapt from his bed earlier this year after being told his skull fracture required expensive diagnostic tests.

The man had no health insurance, recalled head nurse John Gavin, and the man feared the cost of the tests. With hospital staff in pursuit, he ran for the door.

A mile north of Falls Hospital, on the other side of the Rainy River, people don't run away from medical expenses. They don't have any.

At the Fort Frances, Ontario, hospital last month, Alex Revus was recovering from colon surgery. He was sore and he had his worries, but medical bills were not among them.

Revus owed nothing for his week in the hospital. The provincial health system paid his medical costs, as the government has for all Canadians for 20 years.

The bridge that links International Falls with Fort Frances spans vast differences in health care. Those differences have become the topic of an increasingly sharp debate as the United States considers reform of its health system, the most expensive and the least popular in the developed world.

"There's a lot the U.S. could learn from Canada," said Roger Hunt, an experienced American hospital administrator who now runs Toronto's St. Michael's Hospital. Hunt said he finds the Canadian system more efficient and better able to meet community needs.

The American Medical Association, the U.S. insurance industry and a number of health policy leaders, including Sen. Dave Durenberger, R-Minn., reject suggestions that Canada is the paragon to which the United States should aspire. They contend that the Canadian economies are illusory, that medical care is unsophisticated and that research incentives have dried up.

So who's right? What do doctors and patients say? And does Canada have anything to teach us?

DOING MORE WITH LESS

Health costs and statistics for Canada and the United States looked much the same during the first two decades after World War II. But after 1971, the year that Canada fully enacted universal health insurance, the two countries diverged.

Since '71, the average lifespan of Canadians has remained narrowly ahead of the U.S. average, Canadian infant-mortality rates have fallen more rapidly and, most noticeably, Canada's medical costs have risen less quickly.

Today, the United States spends more than 12 percent of its annual income on medical care, the highest percentage in the developed world. Canadians have the second-highest cost of care, about 9 percent. Despite the disparity in outlays, Canadians have about the same incidence of serious ailments as Americans, while having more contact with their doctors.

Canadians are as likely as U.S. citizens to be admitted to a hospital. But once there, they remain twice as long. Yet the cost of their stay will be only one-third as much per day.

Canada's provincial governments pay the medical bills for all citizens. But doctors and hospital workers are not employees of the state. Canadian doctors practice privately on a fee-for-service basis, with the state replacing the role of private insurers. Patients can go to any doctor or hospital they please, giving them more freedom of choice than most subscribers to health maintenance organizations have in Minnesota.

WAITING FOR SURGERY

Two years ago, Canadians got to know the story of Charles Coleman, a 63-year-old diamond cutter living near Toronto. Coleman's doctors told him he needed coronary bypass surgery to save his life.

But the operation was postponed 11 times at Toronto's St. Michael's Hospital because of a shortage of beds.

Eight days after the operation finally was performed, Coleman died. His wife, Muriel, said that Coleman "lost his will to live" during the four-month wait.

Horror stories of delay and death on waiting lists regularly surface in Canada and receive wide attention. The Coleman case and others like it have led to reforms, but waiting in line for certain high-tech procedures remains a fact of life. Death on the waiting list is not common, but it happens.

It happens because Canada controls costs by limiting the use of expensive technology and specialized hospital services. If the United States tends to overuse high-technology medicine, the Canadians may have a shortfall.

Canadian officials emphasize that delay is not imposed on urgent or emergency cases, but as Coleman's family will tell you, delay takes its toll.

In August, candidates for elective heart surgery in Ontario could expect a three- to six-month wait for an operation. Patients with cataracts have to wait from a month to nearly a year for surgery. Hip replacements take up to a year for elective cases.

Canada concentrates its high-tech resources in big-city hospitals. So to get many sophisticated procedures, Fort Frances residents must travel to Winnipeg or Thunder Bay.

RATIONING CARE

Yes, Canada rations care. But so does the United States.

"What counts," wrote Yale University Prof. Theodore Marmor, is "not the unavoidable use of rationing of limited resources but the basis for that allocation. The United States continues to allocate by income, ability to pay and geography. As a result, our access to care and the quality of that care vary enormously and many experience long waiting periods and substandard facilities, if they can get care at all."

That point was brought home in a recent study in the Journal of the American Medical Association that found uninsured patients in U.S. hospitals were far less likely to receive certain high-cost procedures (including biopsies) compared to fully insured patients.

In Canada, rationing occurs "on the basis of perception of need," said Robert Evans, an economist at the University of British Columbia.

Waiting more than a month for an ophthalmologist to check an eye problem was no problem for Arthur Robson, 59, who owns a printing business in downtown Toronto. "It's OK," he said, "it isn't an emergency."

When Robson was faced with an emergency—pancreatitis—he was admitted without delay to the hospital. When a drug reaction worsened his condition, he was whisked to the intensive care unit.

Canadians acknowledge frustration with the much-publicized queues for surgery, but they remain overwhelmingly satisfied with their health care. A survey last year by the Harvard School of Public Health found that Canadians were the most enthusiastic about their health care of any of 10 countries surveyed. The study found Americans the least satisfied.

MOOD SWINGS

Dr. George Crow, a general practitioner in International Falls, is not a happy doctor. "The fun has gone out of the practice of medicine," he said. ". . . We've got government and insurance companies questioning everything to do."

And small-town practice is becoming more difficult and less lucrative. So, Crow decided to move to semiretirement early. He works only two days a week at the Falls Clinic now.

Across the Rainy River, Dr. Richard Moulton is also moving into semiretirement. But his mood is quite different. "I haven't the slightest doubt that the Canadian system is better than the American or British," he said with obvious pride.

Moulton has complaints about the Canadian system, but he remains active in politics to resolve them. Because health-care financing in Canada is controlled by the state, doctors (and patients) who want to influence health budgets and policies must work through the political system.

Moulton, like Dr. Crow across the river, has been concerned with the lack of incentives to practice in rural areas. Several years ago, Moulton successfully lobbied to establish a program to pay a bonus ($40,000 over three years) to doctors willing to work in underserved areas such as Fort Frances. "It made a great difference here," Moulton said.

The contrast in moods between Crow and Moulton may seem overdrawn, but it is reflected in imprecise surveys of U.S. and Canadian doctors.

Crow's complaints are not isolated. A recent survey commissioned by the American Medical Association showed astonishing levels of dissatisfaction among U.S. doctors.

Almost 40 percent of those questioned by the Gallup organization said they probably would not go to medical school if they had it to do all over again. The U.S. doctors cited increasing paperwork demanded by myriad insurers, the threat of malpractice suits and the increasingly annoying oversight from insurance and government review panels as their chief complaints.

In Canada, however, the available evidence indicates physicians are happier in their work.

A recent survey found that two-thirds of doctors described themselves as satisfied or well satisfied, according to the Canadian Embassy in Washington. And the number of physicians leaving Canada dropped from 663 in 1978 to 386 in 1985. What's more, Canadians are competing more heavily than Americans for places in medical school.

Naturally there is dissatisfaction among Canadian doctors. During the annual fee negotiations with the provincial governments, doctors raise cries of dwindling resources and endangered patients. Surgeons always complain about scarce operating rooms and many of them were angered when the government capped full reimbursement for doctors in Ontario at $380,000 a year.

But in dozens of interviews, it was apparent that Canadian doctors feel better under their state-financed system than American doctors do under our mostly private maze of insurance schemes. There is relatively little oversight and paperwork in Canada, largely because there is only one payer for medical bills.

Take a look at the St. Frances clinic: A patient living anywhere in Canada can walk in and receive free care. He only need present his credit card-sized government health card to the receptionist. The number on the card is entered into the computer with a code showing the type of visit. At the end of the month, computer tapes are sent from Fort Frances to the provincial health insurance office in Kingston and payment is sent to the doctor within 10 days.

As on the other side of Rainy River, Canadian doctors are the highest-paid professionals in the country. In 1987, Canadian internal medicine doctors received average earnings of $179,000 a year. U.S. internists in private practice earned an average of $229,000 that year.

While the gap between U.S. and Canadian physicians may seem large, remember that Canadian professional expenses are much lower compared to those of U.S. private practitioners (35 percent of gross income compared to 44 percent in the United States).

Second, remember that Canadian doctors spend almost no time on billing while American doctors face a huge and costly task of filing multiple forms to satisfy the more than 1,200 private insurers in the United States.

What's more, Canadians pay only a fraction of malpractice insurance premiums ($1,470 in Canada compared to $15,000 in the United States).

LIMITED RESOURCES

One clear lesson from Canada is that setting health and hospital budgets encourages thrift and priority-setting. But there are cases when resources are pared too tight, said Dr. Walter Kucharczyk, the radiologist in charge of the magnetic resonance imaging (MRI) scanner at Toronto Hospital.

Kucharczyk's MRI is one of only three units serving Toronto, an area of 5 million people. In Minnesota, which has 4 million residents, there are at least a dozen scanners.

Delays for elective MRI scans at Toronto Hospital run to six months, Kucharczyk said, and the consequences are troubling. MRI scanners use radio waves and magnetic fields to draw detailed pictures of the inside of the body. They can be valuable in detecting brain tumors and spinal injuries without invasive tests.

"It happens almost every day that someone comes through and I spot something that causes me to think, 'I wish I had seen that earlier,'" Kucharczyk said.

Kucharczyk doesn't like being diverted from his job as a radiologist to develop the priority list for MRI patients: "I'm in a difficult position. . . . I'm asked to be the gatekeeper, but I have not seen the patient. It's an unpleasant aspect of my job."

Not far away, at St. Michael's Hospital, Dr. Paul Armstrong, the hospital's chief cardiologist, said that he also spends much of his time and energy in the gatekeeping task. He does not resent it, however.

"I have one position left in the coronary care unit and I have two people with equal priority I want to get in there," he said in describing the difficult questions he faces every day.

To cope, Armstrong has set up a computerized system that ranks patients. He declined to say how the system worked precisely, but he made clear that he and his colleagues have waded deep into the waters of ethical decision-making. With limited space, for example, the computer ranking might tend to favor a younger person over an older person for priority treatment.

"In the U.S., patients may not get care because of lack of financial resources," Armstrong said. In Canada, doctors are making those decisions on the basis of medical need.

"Physicians have to be responsible and accountable for setting priorities that determine who gets care," Armstrong said. "This is accepted here, I think. It's not yet accepted south the border."

ARGUMENTS ON CANADA'S HEALTH PLAN

PRO

It's less costly.—Canadians spend a smaller percentage of their annual income on health costs than U.S. citizens.

It's efficient.—Canada spends about 11 percent of its health dollars on administration; the United States spends about 24 percent.

It's healthy.—By providing free access to primary care, Canadians have improved the health profile of the nation. Infant mortality is lower in Canada and life expectancy is longer than in the United States.

It's popular.—Both doctors and patients rate the system highly. Among the general public, it rates as the best-like health system among the developed countries.

CON

Long waits.—The Canadian system rations care through long waiting lines for some high-tech procedures. It can take months for nonurgent cases to get treated for coronary surgery, eye surgery and hip replacement.

No competition.—Government involvement reduces productivity, stifles research, and slows technological advances because there aren't economic incentives to produce those advances.

It inspires abuse.—If the service is free, it will be overused by large numbers of people. The rest of the population will resent paying the bills of others.

It may not save money.—Canada has the second highest cost of medical care in the world and some people believe it is rising faster than the U.S. rate.

HOW THE CANADIAN SYSTEM WORKS

COVERAGE

All Canadian citizens are covered by provincial government health programs that meet federal standards. Care is free with no deductible or co-payment requirements. All care deemed medically necessary is fully covered. For those under age 65, coverage does to generally include drugs or nonhospital dental and eyeglass expenses.

FUNDING

Provincial governments set budgets for each hospital and negotiate and set doctor's fees with regional medical associations. The funds come from a mixture of federal funds, payroll taxes and other provincial revenue. Hospitals may expand their services, with permission from the government, by collecting donations from the private sector.

PRACTICE

Patients choose their doctors and hospitals much as they do in the U.S. system. Doctors are private and work on a fee-for-service basis, much as they do in the United States. Canadians visit a specialist only after referral from a primary care doctor. Doctors operate freely, ordering any test or procedure they deem medically necessary.

REGULATION

Although hospitals and doctors operate privately, the government regulates the purchase and location of high-tech equipment and the number and location of medical specialists. Doctor review panels look over computerized medical records for any unusual patterns of use of certain expensive tests, unusually high surgery rates, etc.

Boise Experience Puts Companies' Focus on Canada

(By Tom Hamburger)

International Falls, MN.—The Boise Cascade paper mills that straddle the Rainy River provide an ideal site from which to view the differences in cost between the Canadian and U.S. health systems.

There is no apparent difference in the relative health of employees in the nearly identical Canadian and U.S. mills.

Yet the average cost of health care imposed on Boise for its Canadian workers is less than half the cost of health benefits it pays for U.S. employees.

For U.S. workers, the company's health insurance costs an average of $2,868 per employee a year.

In Canada, the average cost per worker is $1,266.

This difference has led the hard-noised capitalists at Boise—and other multinational corporations—to look seriously at the merits of the Canadian system.

And that's rather amazing, said Boise's medical director, Dr. Jon Talsness, "considering that five years ago if you'd mentioned the Canadian system, they would have said, 'No way am I going for socialized medicine.' "

Boise is by no means endorsing single-payer health insurance, but the company has concluded that "we've got to get the U.S. system fixed," Talsness said.

Canadian and U.S. workers now pay approximately the same amount in federal and state taxes.

But the real key in making the comparison is the amount paid for health insurance premiums.

According to recent Boston Globe analysis, a Canadian earning $25,500 a year pays $6,630 in federal income taxes, which covers his health care. A similar U.S. workers pays $7,140 in taxes but also—perhaps with his employer contributing—an additional $2,000 a year for health insurance plus $360 in Social Security charges.

But it's not the $25,000-a-year working stiffs who are pushing the Canadian model in Washington. While organized labor has shown some interest, executives of major corporations, such as Chrysler's Lee Iacocca, have riveted attention on Canada.

"Business likes our system in part because it is cheaper," said Gail Tyerman of the Canadian Embassy in Washington. "But they also like it because the burden of paying for health care is spread more equitably."

Canadian health costs are lower for individuals and businesses, the congressional General Accounting Office has concluded, because Canada's administrative costs are streamlined by having only one payer for health bills—the government. Second, cost increases are dampened because the Canadians have uniform rules and they cap total expenditures for hospitals, physicians and technology.

For U.S. businesses, health costs have risen to the point where they nearly equal after-tax profits. And more than 70 percent of labor disputes in 1989 involved health benefits, according to a congressional survey.

Boise's U.S. figures include the amount paid for health insurance for each U.S. employee. Its Canadian figures include money paid directly by Boise as corporate taxes to the Ontario Health Insurance Plan as well as payroll tax paid by the company to the federal government for each employee.

Americans may worry that moving to a Canadian-style system would increase tax rates, but that's not necessarily true.

"Refugee" Doctor Says Care Has Eroded

(By Tom Hamburger)

Dr. Edward Simmons, chief orthopedic surgeon at Buffalo (N.Y.) General Hospital, is a refugee from Canada's health program. He charges the Canadian plan with causing a serious erosion in care since it was introduced in 1971.

His views represent a minority of Canadian physicians, according to surveys of doctors in Canada. But his criticisms reveal the antipathy of many medical specialists to the Canadian system. He is one of dozens of specialists who have left Canada for practices in the United States.

"Canada once had some of the highest quality of care in the world, but I don't believe you'll find that there now," Simmons said from his office in Buffalo, his home the past seven years.

By 1990, care at Canada's premier hospitals "began to deteriorate significantly," he said. He became distressed when patients who had "booked elective surgery for a certain day were canceled because there were not enough beds."

Canadian doctors are frustrated because they "can't keep up" with technological developments in the United States, said Simmons. He said the system's ills can be seen in the regular flow of patients he receives from his homeland.

But if Simmons gets a substantial number of patients from Canada, his experience is unusual. After reviewing the records of a dozen border hospitals in the United States last year, the U.S. Commission on Comprehensive Health Care found "no evidence that substantial numbers of Canadians are seeking care at American medical centers."

Kennth Whitehouse of New Market, Ontario, is the epitome of the Canadian conservative. He is a bar owner and entrepreneur who admires Conservative Prime Minister Brian Mulroney and complains loudly about taxes, government destruction of the work ethic and the dangers of trade unionism.

Yet when it comes to medicine, Whitehouse is a raving socialist.

"I'm an avid supporter of our health system," he said. "We've got a lot of things to worry about in Canada, but health care isn't one of them. Everybody is eligible. The self-employed carpenter has the same care as the guy from a big company."

Said Whitehouse: "It's the one thing the government does well."

Dr. Alan Hudson, a neurosurgeon and the new chief executive officer of Toronto Hospital, talks with pride about his hospital's international reputation and about the benefits of a national health system that is available to all citizens, regardless of income or insurance status.

But in the course of a discussion, Hudson's enthusiasm gives way to unpleasant realities facing Canadian hospital administrators.

Just this month, Hudson, like other administrators, was forced to announce likely plans for staff reductions and closure of some of Toronto Hospital's 1,400 beds.

Over the long haul, Hudson and other administrators will have to consider closing whole departments of the hospital that may duplicate services provided by other nearby hospitals.

"We cannot be all things to all people anymore," he said. "Our mission will still be to care for patients, but we will do it in a less broad fashion. We will set priorities."

Hospitals need to develop specialities and expensive technology will be clustered in major cities at designated "centers of excellence."

Generally, the physicians working at Toronto Hospital are content to remain in Canada and prefer it to the U.S. system. But in the past few years, Hudson acknowledged, he has lost half a dozen neurosurgery residents to the United States, where "they get great positions with top-notch equipment."

He recalled with a sigh the departure in the past two years of two surgeons who had trained and worked at Toronto Hospital. "They left for money," he said. "It broke my heart to see those chaps go."

You might think that Kenneth White, administrator of the hospital at Fort Frances, Ontario, would be a bit chagrined with comparisons to the nearest hospital, Falls Medical Center across the river at International Falls, Minn.

The Falls hospital has more modern equipment, including a computerized axial tomography (CAT) scanner that can be more useful than single X-rays in spotting internal medical problems. "We'd never get a CAT scanner," said White, noting that the government will only approve purchase of CAT scanners in hospitals serving 300,000 people or more.

That might upset U.S. hospital administrators, who often feel compelled to purchase high-tech equipment to stay alive in the competitive battle for doctors and patients.

But White said he is not frustrated by the Canadian government position that the redundant purchase of high-tech equipment is one of the reasons costs rise so quickly in the United States. Said White: "I think it's ludicrous for every hospital to get such expensive machinery."

In the view of the U.S. insurance industry, advocates of the Canadian system engaged in "magical thinking."

That's what Carl Schramm, president of the Health Insurance Association of America, labeled an analysis by the congressional General Accounting Office that showed big savings from the Canadian model.

Schramm charged that advocates of a Canadian-style system routinely overstate the amount of administrative savings and ignore some of the depressing realities of state-run systems.

He said bureaucratic budgetary approaches to health care lead to long lines, discourage innovation and encourage obsolescence.

Cure Is Elusive

(By Tom Hamburger)

Washington, DC.—If you've been wondering why U.S. medical bills are the highest in the world and why it's so difficult to reduce them, consider Blue Cross and Blue Shield of Minnesota.

The State's largest health insurer employs 2,600 workers. In Ontario, Canada, the government insurance plan covers six times as many people as Minnesota's Blues but employs only 1,500 to run it.

The difference provides a key argument for moving to a state-run insurance system. but it also explains the political impediments to such a move.

The insurance industry employs millions across the country and has financial and political clout in every legislative district, every state capital and in Washington, where in the last election alone it contributed more than $4 million to congressional candidates.

The U.S. system that has spawned 1,200 health insurance companies also provides comfortable profits to private hospitals, doctors, administrators, drug companies and medical equipment manufacturers. Health care is a $670-billion-a-year giant with many fat appendages.

Blue Cross of Minnesota spokesman Earl Johnston describes U.S. health care as "complex and labor-intensive," but "this pluralism provides a broader array of technologies and services and more room for flexibility and innovation."

Indeed, for those who are well-insured, U.S. care is the most technologically advanced in the world. And the insurance system, until now, has paid the bills for most people.

But discontent is rising. The country has awakened with alarm to the realization that costs are out of control. In a New York Times/CBS poll last month, 79 percent of those surveyed said the U.S. system is seriously sick. A Wall Street Journal poll found 69 percent of those surveyed (including 62 percent of conservatives) favored providing health care to everyone along the lines of the Canadian system—even if it requires a tax increase.

But significant change isn't coming soon. Not according to such health policy leaders as Sen. Dave Durenberger, R-Minn., and Senate Majority Leader George Mitchell, D-Maine. They say it could be a decade before we see comprehensive reform.

But if everyone from left-leaning Democrat Sen. Paul Wellstone of Minnesota to conservative Republican Rep. Newt Gingrich of Georgia is demanding change, why is there legislative gridlock?

Robert Crittenden, a health adviser to the National Governors' Association, told a policy journal recently that "when tackling vested interests, even having 90 percent of the public wanting change is not enough."

Consider what reform advocates faced in the Minnesota Legislature last year. "There were more than 70 full-time lobbyists out at the Capitol," said Rep. Paul Ogren, DFL-Aitkin. He said the industry succeeded in watering down universal health care legislation approved by the Legislature last year and it pressed successfully for the governor's veto. (The governor's office said the veto was decided independent of any lobbying).

"They have clout because of their campaign contributions and because they represent many thousands of independent insurance agents in every district," Ogren said.

POWER POLITICS

In Washington, advocates of a Canadian-style system also confront the health lobby's power.

"We're talking about industries with trillions of assets and they would clearly suffer under a Canadian-style program," said Dr. David Himmelstein, a Harvard public health professor and a leading advocate of the Canadian system. "They have enormous clout that goes deeply into the society."

Even moderate proposals for change face the gauntlet of industry groups. Sen. Edward Kennedy, D-Mass., can tell you about it. He joined Majority Leader Mitchell this year in introducing a modest overhaul of the system that would help the uninsured by requiring most companies to offer health benefits or pay into a public insurance pool. The bill would provide universal coverage but it is so lacking in structural reform that Kennedy rejected it 20 years ago when a similar version was proposed by President Richard Nixon.

But even that mild consensus proposal, which has been endorsed by some labor and business groups, faces significant political opposition. After two years of stroking labor, the insurance and health care industries, Mitchell said that passing the bill could still take as long as it took to pass acid rain legislation—nine years of debate and cajoling.

As in the acid rain debate, the conflicts are strong. For example, small-business people oppose requirements that they purchase insurance. Conservatives fear higher taxes. Labor contends that too large a portion of insurance costs may be shifted to workers.

FLUID SITUATION

While senior members of Congress shy from national insurance legislation, younger members are gravitating toward it.

"The situation is very fluid," said one congressional staffer. "Members are slack-jawed at the strong messages they are getting from constituents about health care."

Rep. Martin Russo, D-Ill., has picked up 57 cosponsors for his Canadian-style bill. One Democratic presidential candidate, Sen. Robert Kerrey, D-Neb., has introduced legislation that would lead to a Canadian-style system. Others, including Iowa Sen. Tom Harkin and Arkansas Gov. Bill Clinton, are studying it. On the Hill, several legislators, including Sens. Thomas Daschle, D-S.D., and James Jefford, R-Vt., are considering legislation that draws on the Canadian experience.

Cast off fear of offending entrenched interests, exhorts Yale professor Theodore Marmor, who visits Washington frequently to discuss the economics of health care. "Why is it so difficult for us to admit we can learn from other countries?"

He contends that health costs can be reduced only through a system that concentrates political and financial authority to set budgets for hospitals and doctor's fees.

"We need a change in the rules of the game," Marmor told Congress. "Not just tinkering, but far-reaching change."

INCREMENTAL STEPS

Tinkering, however, is closer to what Texas Democrat Lloyd Bentsen, chairman of the Senate Finance Committee, and Durenberger have in mind.

Bentsen said that what's really needed is "to take the system apart and put it back together again." But Bentsen said that can't be done without presidential leadership. Political caution, however, has kept President Bush from saying what his plan would be even though he made a campaign promise in 1988 to "provide access to health care for all Americans." In the meantime, Bentsen, like Durenberger, urges incremental reform.

Both senators, key participants in Finance Committee health deliberations, received more of their political action committee contributions in their last campaigns from insurance and health care interests than any other industrial sectors.

This year, Durenberger plans to sponsor legislation to subsidize insurance for small businesses and to change the rules for insuring small groups of employees. Durenberger also advocates malpractice insurance reform and tighter regulation of health insurance sales. The industry's Washington representatives have already agreed in principle—but not in detail—to these steps.

Like the insurance and health industries, Durenberger encourages looking to places such as Minnesota where "managed care" plans have reduced costs. Under such programs, insurers and private companies hire experts who supervise and often second-guess medical decisions. Health maintenance organizations use managed care techniques, and their average rates are running about $800 a year less than conventional coverage.

Critics argue that competing insurers won't be able to control costs effectively over the long haul. They say that managed care just adds another layer of administrators to an already bureaucratized business without dealing effectively with the core reasons for runaway health costs.

UNIQUE HISTORY

Managed care is just the latest wrinkle in America's unique health insurance system. Our method of getting health coverage through work developed accidentally during World War II. As the country was girding for combat, the War Labor Board placed a ceiling on wages. Unions then asked for "hidden raises" in the form of company-sponsored health plans.

For decades, the system worked well. Large companies insured workers as a matter of course. Although some smaller ones never did, today more than 150 million Americans are covered through work-related plans.

For years, companies saw health insurance as an invisible cost. But during the 1980s the costs became more and more visible. A recent survey of health insurance at large and medium-sized firms showed that costs to these companies rose 46 percent from 1988 to 1990. And the rates are still climbing. Now, those companies have joined the chorus of reform.

Other countries evolved far differently. Where the United States has 1,200 competing insurers, other developed nations have standard universal coverage with centralized mechanisms to control costs.

So there are choices. Adopt a Canadian-style system and the United States might check its double-digit annual health cost increase while providing access to the uninsured. But this could mean more waiting for certain procedures and new technologies.

Health Secretary Louis Sullivan and others say we should preserve our competitive system and move to gradual reform using managed care techniques.

There is, at least, near-unanimous sentiment that something must be done. Health care costs are rising more than 10 percent a year, twice the rate of economic growth. Without change, the number of people without insurance probably will double in five years, to 75 million. U.S. products most likely will become less competitive and more workers will be pushed toward poverty by the burden of health costs.

Which route to reform? It's a choice the country will soon have to make.•

NATIONAL BIBLE WEEK

• Mr. GRASSLEY. Mr. President, I rise today to give honor to a book that has influenced more decisions and changed more lives than any other book of antiquity.

One of its distinguished authors said of this book, that its purpose is "for attaining wisdom and discipline; for understanding words of insight; for acquiring a disciplined and prudent life," and for "doing what is right and fair; for giving prudence to the simple, knowledge and discretion to the young."

Those goals, Mr. President, are the goals of wise legislators; and this book to which I refer is the Bible.

Wise men throughout history have turned to it for counsel in dark times. Presidents Washington and Lincoln turned to it for comfort and direction in times of crisis. Monuments around our Nation's Capitol give homage to its words and parents teach it to their children.

Mr. President, the Bible gives foundation to the deepest principles of our national heritage. The dignity of man has its foundation in the truth that man is created "In the image of God."

We have commemorative legislation on a daily basis in the Senate. It is fitting that we have National Bible Week to draw attention to the chief foundation of our Judeo-Christian heritage. I am pleased that those who originated this effort are nonsectarian and nongovernmental and I am pleased to rise in honor of this great book.

In closing, Mr. President, it is fitting for us to remember the words of the psalmist who said, "Your word is a lamp to my feet and a light for my path" and "the unfolding of your words gives light; it gives understanding to the simple."•

BREMWOOD LUTHERAN CHILDREN'S HOME, WAVERLY, IA

•Mr. GRASSLEY. Mr. President, I would like to say a few words about Bremwood Lutheran Children's Home of Waverly, IA.

Bremwood is the oldest private child care institution west of the Mississippi River. It was established during the Civil War to care for orphaned children and for 90 years was home to the parentless, the deserted, and the neglected.

As the number of orphaned children decreased, Bremwood responded to the emergence of a new concern—youth with emotional problems. In 1953, it became the first accredited psychiatric residential treatment center in Iowa for youth with emotional problems. Since that time, the Children's Home has gained a national reputation for excellence in the treatment of teenagers with severe emotional challenges.

Bremwood has been very successful with its students. The average length of stay is 13.7 months. Their referrals have outnumbered their placement openings 4 to 1. During this past year, 97 youths were served. Some comments from the students have been "You helped me to trust again." "You gave me a chance * * * and hope", and "You saved my life."

Mr. President, I believe you can see Bremwood has given much to the people of Iowa.•

INCREASE IN PERSONAL EXEMPTION

•Mr. D'AMATO. Mr. President, recently I joined a number of colleagues in cosponsoring S. 152, a bill to increase the personal exemption from $2,150 to $4,000. I took this action in recognition of the great extent to which the personal exemption has failed to keep pace with inflation over the years.

Today, I rise to cosponsor a related bill, S. 701. This bill will raise the exemption for dependent children—under age 18—$3,500 per dependent. I have endorsed this second, more targeted, exemption change to highlight the fact that we need to design tax policies to encourage and reward the millions of hard working Americans who struggle to pay taxes while they raise families.

The 1980's saw an unprecedented explosion in economic growth, set off by the historic tax reductions of 10 years ago and tax reform of 5 years ago. The economic equation seems so compelling: lowering burdensome taxes increases economic investment, creating higher growth rates, and more jobs.

Unfortunately, we seem to be losing our way lately. The last few years have seen only tax increases, primarily through annual tax increases under the guise of budget reconciliation. Given this negative economic stimulus, it is not surprising that we have slipped into a period of economic uncertainty.

Instead, we in Congress need to take action to increase spending power and consumer confidence to reinvigorate our economy. As before, the prescription should be to let individuals keep more out of each dollar that they earn. An increase in the personal exemption is a tax cut for every working American. Therefore, for sound economic policy reasons, I support raising the personal exemption.

I also endorse this provision out of fairness to families. It is commendable that we have recently adopted the policy of indexing the personal exemption to the inflation rate. Unfortunately, as many families are finding out, costs of raising a family and maintaining a household often outpace inflation. Furthermore, the personal exemption did not keep pace with inflation in the long period prior to indexing. As Senator COATS pointed out when introducing S. 152, the personal exemption would have to be $6,184 today to offset the same percentage of family income it did in 1950. To some observers, this is merely a statistical analysis. To the average family struggling to make ends meet, however, the costs of living and raising a family are a daily reality.

For both of the reasons cited above, I add my support to an increase in the personal exemption and urge my colleagues to vote for such a provision the next time the Senate takes up a tax bill.•

THE SURFACE TRANSPORTATION ACT

Mr. MOYNIHAN. Mr. President, I learned, with a measure of distress, just this moment that the distinguished Republican leader was required, at the behest of a Member from the other side, to object to the second reading of H.R. 2950, the Intermodal Surface Transportation Infrastructure Act of 1991.

We are now approaching the second half of this month of October. At the end of September, the Federal highway and mass transit programs ended. They expired. And there are, at this point, no successors.

Now the Senate, to its credit, passed its legislation, the Surface Transportation Efficiency Act, in June by a vote of 91 to 7. Since then, and perhaps I ought not to comment, we spent a good 3 months saying "When will the House act?" Well, the House did act this week. On Wednesday, by a very resounding 343 votes to 83, they passed a comparable bill. It arrived in the Senate today. That is not easy, given the size and importance of this legislation.

Mr. John H. Cushman, Jr., in the New York Times restated in his account of the passage of the House bill that this is a program that touches the lives of everyone. Anyone who has ever got into an automobile, on to a bus, into a subway, has been affected by this program and will be affected by this legislation.

Four years ago, it fell to me to manage the 1987 Surface Transportation bill on the Senate floor. At that time, I said, with some repetition, that the bill we were then dealing with would be the last bill of the Interstate era.

That began during the Eisenhower administration, with the Federal-Aid Highway Act of 1956. That legislation established a gasoline tax and a trust fund to move forward with the Interstate program originally authorized in 1944 under President Roosevelt.

The interstate that was the largest public works program in the history of the world and incomparably the most expensive. We had thought originally it would take 13 years and cost $27.5 billion. It will have taken 40 and cost near to half a trillion.

Indeed, in the process the program got out of control. The construction cost index over this period has grown 551 percent, almost twice the Consumer Price Index—greatly straining the resources of States, and changing the whole country. That is what comes of treating public moneys as a free good.

This week's Economist described how it changed the country—in many ways for the better, but not in every way.

By the turn of the century, Mr. President—we will find ourselves importing two-thirds of our petroleum and one-third of our automobiles. That is what comes of hugely overpriced construction—and not durable. There are roads built in the Roman Empire which are used daily in Europe today. And yet in this morning's New York Times, you can read Mr. Anthony Lewis talking about our crumbling highways.

If we just built them, why are they crumbling? Perhaps it is because we did not build them very well. We certainly built them at great cost. And now we face the prospect that we will not be continuing.

Some time ago I commented to those persons who are collectively described in Washington—and this is not my term—as the "highway lobby"—I said keep in mind that the era of dam building has come and gone in our country, and the era of massive highway construction may have come and gone as well.

Here is our bill that has just been objected to by my friend, the Republican leader. And we are running out of money in what is left in the State accounts. This very week our good friend, the junior Senator and former Governor from Missouri, Senator Bond, said Missouri is running out of money. There will be no program in his State. If you would like to see some unemployment this winter, this is a formula for doing so. If this is a secret strategy on the other side of the aisle for getting extended unemployment benefits, it will work fine.

I have here, sir, a list of the States that have, detailing the amount of unobligated contract authority remaining to them from apportionments authorized under the previous legislation. A large number of States—my own included—have less than 4 months. And before you run out and spend the last nickel, the State controller will say, "No, you cannot commit more." So it is actually less than 4 months.

Mr. President, I ask unanimous consent this list of States be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

UNOBLIGATED CONTRACT AUTHORITY AVAILABLE TO THE STATES FOR FISCAL YEAR 1992

[Estimated as of August 19, 1991]

State	Unobligated authority (millions)	Days of remaining authority at 1991 rate of expenditure
More than 8 months:		
Louisiana	$263.0	391
South Carolina	218.1	378
Vermont	73.7	340
West Virginia	102.2	320
New Hampshire	46.8	312
Delaware	43.0	308
Massachusetts	703.7	270
Oklahoma	135.3	269
Minnesota	138.8	262
Virginia	192.6	260
Kansas	96.8	255
Utah	67.7	255
4 to 8 months:		
Arizona	122.2	241
Maine	41.1	232
Georgia	243.8	227
North Carolina	204.1	222
Ohio	261.1	220
Texas	432.6	202
Washington	156.1	199
Pennsylvania	279.4	199
South Dakota	43.7	198
Indiana	143.5	192
Mississippi	73.9	188
Montana	54.3	180
Nebraska	45.1	173
California	517.5	171
New Jersey	193.5	165
Rhode Island	51.3	162
Florida	223.7	162
Tennessee	99.4	162
Missouri	119.8	158
Iowa	67.0	150
Wisconsin	86.9	150
Maryland	115.8	146
District of Columbia	44.6	144
Kentucky	67.3	143
Arkansas	57.6	138
Michigan	128.2	136
Nevada	26.5	128
Less than 4 months:		
North Dakota	24.5	118
New York	248.2	117
Alabama	77.9	116
Wyoming	26.0	115
Oregon	44.7	108
Colorado	59.7	105
Hawaii	41.4	98
Alaska	40.8	96
New Mexico	27.7	92
Illinois	102.6	86
Idaho	16.7	78
Connecticut	88.3	72

Mr. MOYNIHAN. Mr. President, if you would like to see this recession become a depression, just put a stop to the bill. But this is not job-creating legislation. This is investment legislation.

The Senate talked about productivity, talked about cost consciousness, about cost effectiveness. We talked about States making decisions about the optimal use of this scarce resource and living with the outcome. But this legislation provides needed investment and if it suddenly should cease, it might never start up again.

I would like to say to those persons—I speak as chairman of the Subcommittee on Water Resources, Transportation and Infrastructure and I shall be the chairman of the conferees on the Senate side, just as our exceptionally able Presiding Officer was the chairman for the Clean Air Act last year—it may be that we will not have a bill. If you have just lived all your life and there has always been a highway bill, you cannot perhaps imagine that there will not one. Think again. Think when is the last time a huge river in the United States was dammed up by a huge enterprise of the Corps of Engineers or the Bureau of Reclamation. Not for a long time. How can we remember them?

This program, too, can go the way of dam building. And if it will not be because the Senate or House or the committee failed in their responsibility; it is because individual Senators. We have quite frankly said of the House they have not done their work on what will be perhaps the single most important measure to pass in this session of the 102d Congress. We have been pointing our fingers across the Capitol. But now the House bill has come here and an objection has been heard on that side. Not from our conferees. Our conferees are bipartisan. This bill passed 91 to 8. We are in complete accord with committee members, but individuals may think otherwise, and if they do, Mr. President, there may not be a surface transportation act this year. We may find ourselves facing the fact that given the administration's decision to oppose the House bill, there may not be one ever again.

Mr. President, I see no other Senator seeking recognition and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DANFORTH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CIVIL RIGHTS ACT OF 1991

Mr. DANFORTH. Mr. President, I call for the regular order.

The PRESIDING OFFICER. The clerk will report S. 1745.

The legislative clerk read as follows:

> A bill (S. 1745) to amend the Civil Rights Act of 1964, to strengthen and improve Federal civil rights laws, to provide for damages in cases of intentional employment discrimination, to clarify provisions regarding disparate impact actions, and for other purposes.

The Senate proceeded to consider the bill.

AMENDMENT NO. 1274

Mr. DANFORTH. Mr. President, on behalf of myself and Senators Kennedy, Dole, Mitchell, Hatch, Thurmond, Chafee, Cohen, Durenberger, Hatfield, Jeffords, Specter, Dixon, Bond, Dodd, D'Amato, Exon, Domenici, Graham, Garn, Gore, Gorton, Lieberman, Kassebaum, Pell, McCain, Robb, Murkowski, Roth, Rudman, Seymour, Simpson, Stevens, Warner, and Leahy, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislation clerk read as follows:

> The Senator from Missouri [Mr. Danforth], for himself, Mr. Kennedy, Mr. Dole, Mr. Mitchell, Mr. Hatch, Mr. Thurmond, Mr. Chafee, Mr. Cohen, Mr. Durenberger, Mr. Hatfield, Mr. Jeffords, Mr. Specter, Mr. Dixon, Mr. Bond, Mr. Dodd, Mr. D'Amato, Mr. Exon, Mr. Domenici, Mr. Graham, Mr. Garn, Mr. Gore, Mr. Gorton, Mr. Lieberman, Mrs. Kassebaum, Mr. Pell, Mr. McCain, Mr. Robb, Mr. Murkowski, Mr.

ROTH, Mr. RUDMAN, Mr. SEYMOUR, Mr. SIMPSON, Mr. STEVENS, Mr. WARNER, and Mr. LEAHY, proposes an amendment numbered 1274.

Mr. DANFORTH. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Civil Rights Act of 1991".

SEC. 2. FINDINGS.

The Congress finds that—

(1) additional remedies under Federal law are needed to deter unlawful harassment and intentional discrimination in the workplace;

(2) the decision of the Supreme Court in Wards Cove Packing Co. v. Atonio, 490 U.S. 642 (1989) has weakened the scope and effectiveness of Federal civil rights protections; and

(3) legislation is necessary to provide additional protections against unlawful discrimination in employment.

SEC. 3. PURPOSES.

The purposes of this Act are—

(1) to provide appropriate remedies for intentional discrimination and unlawful harassment in the workplace;

(2) to codify the concepts of "business necessity" and "job related" enunciated by the Supreme Court in Griggs v. Duke Power Co., 401 U.S. 424 (1971), and in the other Supreme Court decisions prior to Wards Cove Packing Co. v. Atonio, 490 U.S. 642 (1989);

(3) to confirm statutory authority and provide statutory guidelines for the adjudication of disparate impact suits under title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.); and

(4) to respond to recent decisions of the Supreme Court by expanding the scope of relevant civil rights statutes in order to provide adequate protection to victims of discrimination.

SEC. 4. PROHIBITION AGAINST ALL RACIAL DISCRIMINATION IN THE MAKING AND ENFORCEMENT OF CONTRACTS.

Section 1977 of the Revised Statutes (42 U.S.C. 1981) is amended—

(1) by inserting "(a)" before "All persons within"; and

(2) by adding at the end the following new subsections:

"(b) For purposes of this section, the term 'make and enforce contracts' includes the making, performance, modification, and termination of contracts, and the enjoyment of all benefits, privileges, terms, and conditions of the contractual relationship.

"(c) The rights protected by this section are protected against impairment by nongovernmental discrimination and impairment under color of State law.".

SEC. 5. DAMAGES IN CASES OF INTENTIONAL DISCRIMINATION.

The Revised Statutes are amended by inserting after section 1977 (42 U.S.C. 1981) the following new section:

"SEC. 1977A. DAMAGES IN CASES OF INTENTIONAL DISCRIMINATION IN EMPLOYMENT.

"(a) RIGHT OF RECOVERY.—

"(1) CIVIL RIGHTS.—In an action brought by a complaining party under section 706 of the Civil Rights Act of 1964 (42 U.S.C. 2000e-5) against a respondent who engaged in unlawful intentional discrimination (not an employment practice that is unlawful because of its disparate impact) prohibited under section 703 or 704 of the Act (42 U.S.C. 2000e-2 or 2000e-3), and provided that the complaining party cannot recover under section 1977 of the Revised Statutes (42 U.S.C. 1981), the complaining party may recover compensatory and punitive damages as allowed in subsection (b), in addition to any relief authorized by section 706(g) of the Civil Rights Act of 1964, from the respondent.

"(2) DISABILITY.—In an action brought by a complaining party under the powers, remedies, and procedures set forth in section 706 of the Civil Rights Act of 1964 (as provided in section 107(a) of the Americans with Disabilities Act of 1990 (42 U.S.C. 12117(a))) against a respondent who engaged in unlawful intentional discrimination (not an employment practice that is unlawful because of its disparate impact) under section 102 of the Act (42 U.S.C. 12112), or committed a violation of section 102(b)(5) of the Act, against an individual, the complaining party may recover compensatory and punitive damages as allowed in subsection (b), in addition to any relief authorized by section 706(g) of the Civil Rights Act of 1964, from the respondent.

"(3) REASONABLE ACCOMMODATION AND GOOD FAITH EFFORT.—In cases where a discriminatory practice involves the provision of a reasonable accommodation pursuant to section 102(b)(5) of the Americans with Disabilities Act of 1990, damages may not be awarded under this section where the covered entity demonstrates good faith efforts, in consultation with the person with the disability who has informed the covered entity that accommodation is needed, to identify and make a reasonable accommodation that would provide such individual with an equally effective opportunity and would not cause an undue hardship on the operation of the business.

"(b) COMPENSATORY AND PUNITIVE DAMAGES.—

"(1) DETERMINATION OF PUNITIVE DAMAGES.—A complaining party may recover punitive damages under this section against a respondent (other than a government, government agency or subdivision) if the complaining party demonstrates that the respondent engaged in a discriminatory practice or discriminatory practices with malice or with reckless indifference to the federally protected rights of an aggrieved individual.

"(2) EXCLUSIONS FROM COMPENSATORY DAMAGES.—Compensatory damages awarded under this section shall not include backpay, interest on backpay, or any other type of relief authorized under section 706(g) of the Civil Rights Act of 1964.

"(3) LIMITATIONS.—The sum of the amount of compensatory damages awarded under this section for future pecuniary losses, emotional pain, suffering, inconvenience, mental anguish, loss of enjoyment of life, and other nonpecuniary losses, and the amount of punitive damages awarded under this section, shall not exceed—

"(A) in the case of a respondent who has more than 15 and fewer than 101 employees in each of 20 or more calendar weeks in the current or preceding calendar year, $50,000;

"(B) in the case of a respondent who has more than 100 and fewer than 201 employees in each of 20 or more calendar weeks in the current or preceding calendar year, $100,000; and

"(C) in the case of a respondent who has more than 200 and fewer than 501 employees in each of 20 or more calendar weeks in the current or preceding calendar year, $200,000; and

"(D) in the case of a respondent who has more than 500 employees in each of 20 or more calendar weeks in the current or preceding calendar year, $300,000.

"(4) CONSTRUCTION.—Nothing in this section shall be construed to limit the scope of, or the relief available under, section 1977 of the Revised Statutes (42 U.S.C. 1981).

"(c) JURY TRIAL.—If a complaining party seeks compensatory or punitive damages under this section—

"(1) any party may demand a trial by jury; and

"(2) the court shall not inform the jury of the limitations described in subsection (b)(3).

"(d) DEFINITIONS.—As used in this section:

"(1) COMPLAINING PARTY.—The term 'complaining party' means—

"(A) in the case of a person seeking to bring an action under subsection (a)(1), a person who may bring an action or proceeding under title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.); or

"(B) in the case of a person seeking to bring an action under subsection (a)(2), a person who may bring an action or proceeding under title I of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.).

"(2) DISCRIMINATORY PRACTICE.—The term 'discriminatory practice' means the discrimination described in paragraph (1), or the disparate treatment or the violation described in paragraph (2), of subsection (a).

SEC. 6. ATTORNEY'S FEES.

The last sentence of section 722 of the Revised Statutes (42 U.S.C. 1988) is amended by inserting ", 1981A" after "1981".

SEC. 7. DEFINITIONS.

Section 701 of the Civil Rights Act of 1964 (42 U.S.C. 2000e) is amended by adding at the end the following new subsections:

"(l) The term 'complaining party' means the Commission, the Attorney General, or a person who may bring an action or proceeding under this title.

"(m) The term 'demonstrates' means meets the burdens of production and persuasion.

"(n) The term 'respondent' means an employer, employment agency, labor organization, joint labor-management committee controlling apprenticeship or other training or retraining program, including an on-the-job training program, or Federal entity subject to section 717.".

SEC. 8. BURDEN OF PROOF IN DISPARATE IMPACT CASES.

Section 703 of the Civil Rights Act of 1964 (42 U.S.C. 2000e-2) is amended by adding at the end the following new subsection:

"(k)(1)(A) An unlawful employment practice based on disparate impact is established under this title only if—

"(i) a complaining party demonstrates that a respondent uses a particular employment practice that causes a disparate impact on the basis of race, color, religion, sex, or national origin and the respondent fails to demonstrate that the challenged practice is job related for the position in question and consistent with business necessity; or

"(ii) the complaining party makes the demonstration described in subparagraph (C) with respect to an alternative employment practice and the respondent refuses to adopt such alternative employment practice.

"(B)(i) With respect to demonstrating that a particular employment practice causes a disparate impact as described in subparagraph (A)(i), the complaining party shall demonstrate that each particular challenged employment practice causes a disparate impact, except that if the complaining party can demonstrate to the court that the elements of a respondent's decisionmaking process are not capable of separation for analysis, the decisionmaking process may be analyzed as one employment practice.

"(ii) If the respondent demonstrates that a specific employment practice does not cause the disparate impact, the respondent shall not be required to demonstrate that such practice is required by business necessity.

"(C) The demonstration referred to by subparagraph (A)(ii) shall be in accordance with the law as it existed on June 4, 1989, with respect to the concept of 'alternative business practice'.

"(2) A demonstration that an employment practice is required by business necessity may not be used as a defense against a claim of intentional discrimination under this title.

"(3) Notwithstanding any other provision of this title, a rule barring the employment of an individual who currently and knowingly uses or possesses a controlled substance, as defined in schedules I and II of section 102(6) of the Controlled Substances Act (21 U.S.C. 802(6)), other than the use or possession of a drug taken under the supervision of a licensed health care professional, or any other use or possession authorized by the Controlled Substances Act or any other provision of Federal law, shall be considered an unlawful employment practice under this title only if such rule is adopted or applied with an intent to discriminate because of race, color, religion, sex, or national origin.".

SEC. 9. PROHIBITION AGAINST DISCRIMINATORY USE OF TEST SCORES.

Section 703 of the Civil Rights Act of 1964 (42 U.S.C. 2000e-2) (as amended by section 8) is further amended by adding at the end the following new subsection:

"(l) It shall be an unlawful employment practice for a respondent, in connection with the selection or referral of applicants or candidates for employment or promotion, to adjust the scores of, use different cutoff scores for, or otherwise alter the results of, employment related tests on the basis of race, color, religion, sex, or national origin.".

SEC. 10. CLARIFYING PROHIBITION AGAINST IMPERMISSIBLE CONSIDERATION OF RACE, COLOR, RELIGION, SEX, OR NATIONAL ORIGIN IN EMPLOYMENT PRACTICES.

(a) IN GENERAL.—Section 703 of the Civil Rights Act of 1964 (42 U.S.C. 2000e-2) (as amended by sections 8 and 9) is further amended by adding at the end the following new subsection:

"(m) Except as otherwise provided in this title, an unlawful employment practice is established when the complaining party demonstrates that race, color, religion, sex, or national origin was a motivating factor for any employment practice, even though other factors also motivated the practice.".

(b) ENFORCEMENT PROVISIONS.—Section 706(g) of such Act (42 U.S.C. 2000e-5(g)) is amended—

(1) by designating the first through third sentences as paragraph (1);

(2) by designating the fourth sentence as paragraph (2)(A) and indenting accordingly; and

(3) by adding at the end the following new subparagraph:

"(B) On a claim in which an individual proves a violation under section 703(m) and a respondent demonstrates that the respondent would have taken the same action in the absence of the impermissible motivating factor, the court—

"(i) may grant declaratory relief, injunctive relief (except as provided in clause (ii)), and attorney's fees and costs demonstrated to be directly attributable only to the pursuit of a claim under this section 703(m) and

"(ii) shall not award damages or issue an order requiring any admission, reinstatement, hiring, promotion, or payment, described in subparagraph (A).".

SEC. 11. FACILITATING PROMPT AND ORDERLY RESOLUTION OF CHALLENGES TO EMPLOYMENT PRACTICES IMPLEMENTING LITIGATED OR CONSENT JUDGMENTS OR ORDERS.

Section 703 of the Civil Rights Act of 1964 (42 U.S.C. 2000e-2) (as amended by sections 8, 9, and 10 of this Act) is further amended by adding at the end the following new subsection:

"(n)(1)(A) Notwithstanding any other provision of law, and except as provided in paragraph (2), an employment practice that implements and is within the scope of a litigated or consent judgment or order that resolves a claim of employment discrimination under the Constitution or Federal civil rights laws may not be challenged under the circumstances described in subparagraph (B).

"(B) A practice described in subparagraph (A) may not be challenged in a claim under the Constitution or Federal civil rights laws—

"(i) by a person who, prior to the entry of the judgment or order described in subparagraph (A), had—

"(I) actual notice of the proposed judgment or order sufficient to apprise such person that such judgment or order might adversely affect the interests and legal rights of such person and that an opportunity was available to present objections to such judgment or order by a future date certain; and

"(II) a reasonable opportunity to present objections to such judgment or order; or

"(ii) by a person whose interests were adequately represented by another person who had previously challenged the judgment or order on the same legal grounds and with a similar factual situation, unless there has been an intervening change in law or fact.

"(2) Nothing in this subsection shall be construed to—

"(A) alter the standards for intervention under rule 24 of the Federal Rules of Civil Procedure or apply to the rights of parties who have successfully intervened pursuant to such rule in the proceeding in which the parties intervened;

"(B) apply to the rights of parties to the action in which a litigated or consent judgment or order was entered, or of members of a class represented or sought to be represented in such action, or of members of a group on whose behalf relief was sought in such action by the Federal Government;

"(C) prevent challenges to a litigated or consent judgment or order on the ground that such judgment or order was obtained through collusion or fraud, or is transparently invalid or was entered by a court lacking subject matter jurisdiction; or

"(D) authorize or permit the denial to any person of the due process of law required by the Constitution.

"(3) Any action not precluded under this subsection that challenges an employment consent judgment or order described in paragraph (1) shall be brought in the court, and if possible before the judge, that entered such judgment or order. Nothing in this subsection shall preclude a transfer of such action pursuant to section 1404 of title 28, United States Code.".

SEC. 12. PROTECTION OF EXTRATERRITORIAL EMPLOYMENT.

(a) DEFINITION OF EMPLOYEE.—Section 701(f) of the Civil Rights Act of 1964 (42 U.S.C. 2000e(f)) and section 101(4) of the Americans with Disabilities Act of 1990 (42 U.S.C. 12111(4)) are each amended by adding at the end the following: "With respect to employment in a foreign country, such term includes an individual who is a citizen of the United States.".

(b) EXEMPTION.—

(1) CIVIL RIGHTS ACT OF 1964.—Section 702 of the Civil Rights Act of 1964 (42 U.S.C. 2000e-1) is amended—

(A) by inserting "(a)" after "SEC. 702."; and

(B) by adding at the end the following:

"(b) It shall not be unlawful under section 703 or 704 for an employer (or a corporation controlled by an employer), labor organization, employment agency, or joint management committee controlling apprenticeship or other training or retraining (including on-the-job training programs) to take any action otherwise prohibited by such section, with respect to an employee in a workplace in a foreign country if compliance with such section would cause such employer (or such corporation), such organization, such agency, or such committee to violate the law of the foreign country in which such workplace is located.

"(c)(1) If an employer controls a corporation whose place of incorporation is a foreign country, any practice prohibited by section 703 or 704 engaged in by such corporation shall be presumed to be engaged in by such employer.

"(2) Sections 703 and 704 shall not apply with respect to the foreign operations of an employer that is a foreign person not controlled by an American employer.

"(3) For purposes of this subsection, the determination of whether an employer controls a corporation shall be based on—

"(A) the interrelation of operations;

"(B) the common management;

"(C) the centralized control of labor relations; and

"(D) the common ownership or financial control,

of the employer and the corporation.".

(2) AMERICANS WITH DISABILITIES ACT OF 1990.—Section 102 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12112) is amended—

(A) by redesignating subsection (c) as subsection (d); and

(B) by inserting after subsection (b) the following new subsection:

"(c) COVERED ENTITIES IN FOREIGN COUNTRIES.—

"(1) IN GENERAL.—It shall not be unlawful under this section for a covered entity to take any action that constitutes discrimination under this section with respect to an employee in a workplace in a foreign country if compliance with this section would cause such covered entity to violate the law of the foreign country in which such workplace is located.

"(2) CONTROL OF CORPORATION.—

"(A) PRESUMPTION.—If an employer controls a corporation whose place of incorporation is a foreign country, any practice that constitutes discrimination under this section and is engaged in by such corporation shall be presumed to be engaged in by such employer.

"(B) EXCEPTION.—This section shall not apply with respect to the foreign operations of an employer that is a foreign person not controlled by an American employer.

"(C) DETERMINATION.—For purposes of this paragraph, the determination of whether an employer controls a corporation shall be based on—

"(i) the interrelation of operations;

"(ii) the common management;

"(iii) the centralized control of labor relations; and

"(iv) the common ownership or financial control, of the employer and the corporation.".

(c) APPLICATION OF AMENDMENTS.—The amendments made by this section shall not apply with respect to conduct occurring before the date of the enactment of this Act.

SEC. 13. EDUCATION AND OUTREACH.

Section 705(h) of the Civil Rights Act of 1964 (42 U.S.C. 2000e-4(h)) is amended—

(1) by inserting "(1)" after "(h)"; and

(2) by adding at the end the following new paragraph:

"(2) In exercising its powers under this title, the Commission shall carry out educational and outreach activities (including dissemination of information in languages other than English) targeted to—

"(A) individuals who historically have been victims of employment discrimination and have not been equitably served by the Commission; and

"(B) individuals on whose behalf the Commission has authority to enforce any other law prohibiting employment discrimination, concerning rights and obligations under this title or such law, as the case may be.".

SEC. 14. EXPANSION OF RIGHT TO CHALLENGE DISCRIMINATORY SENIORITY SYSTEMS.

Section 706(e) of the Civil Rights Act of 1964 (42 U.S.C. 2000e-5(e)) is amended—

(1) by inserting "(1)" before "A charge under this section"; and

(2) by adding at the end the following new paragraph:

"(2) For purposes of this section, an unlawful employment practice occurs, with respect to a seniority system that has been adopted for an intentionally discriminatory purpose in violation of this title (whether or not that discriminatory purpose is apparent on the face of the seniority provision), when the seniority system is adopted, when an individual becomes subject to the seniority system, or when a person aggrieved is injured by the application of the seniority system or provision of the system.".

SEC. 15. AUTHORIZING AWARD OF EXPERT FEES.

(a) REVISED STATUTES.—Section 722 of the Revised Statutes is amended—

(1) by designating the first and second sentences as subsections (a) and (b), respectively, and indenting accordingly; and

(2) by adding at the end the following new subsection:

"(c) In awarding an attorney's fee under subsection (b) in any action or proceeding to enforce a provision of sections 1977 or 1977a of the Revised Statutes, the court, in its discretion, may include expert fees as part of the attorney's fee.".

(b) CIVIL RIGHTS ACT OF 1964.—Section 706(k) of the Civil Rights Act of 1964 (42 U.S.C. 2000e-5(k)) is amended by inserting "(including expert fees)" after "attorney's fee".

SEC. 16. PROVIDING FOR INTEREST AND EXTENDING THE STATUTE OF LIMITATIONS IN ACTIONS AGAINST THE FEDERAL GOVERNMENT.

Section 717 of the Civil Rights Act of 1964 (42 U.S.C. 2000e-16) is amended—

(1) in subsection (c), by striking "thirty days" and inserting "90 days"; and

(2) in subsection (d), by inserting before the period ", and the same interest to compensate for delay in payment shall be available as in cases involving nonpublic parties.".

SEC. 17. NOTICE OF LIMITATIONS PERIOD UNDER THE AGE DISCRIMINATION IN EMPLOYMENT ACT OF 1967.

Section 7(e) of the Age Discrimination in Employment Act of 1967 (29 U.S.C. 626(e)) is amended—

(1) by striking paragraph (2);

(2) by striking the paragraph designation in paragraph (1);

(3) by striking "Sections 6 and" and inserting "Section"; and

(4) by adding at the end the following:

"If a charge filed with the Commission under this Act is dismissed or the proceedings of the Commission are otherwise terminated by the Commission, the Commission shall notify the person aggrieved. A civil action may be brought under this section by a person defined in section 11(a) against the respondent named in the charge within 90 days after the date of the receipt of such notice.".

SEC. 18. LAWFUL COURT-ORDERED REMEDIES, AFFIRMATIVE ACTION, AND CONCILIATION AGREEMENTS NOT AFFECTED.

Nothing in the amendments made by this Act shall be construed to affect court-ordered remedies, affirmative action, or conciliation agreements, that are in accordance with the law.

SEC. 19. COVERAGE OF CONGRESS AND THE AGENCIES OF THE LEGISLATIVE BRANCH.

(a) COVERAGE OF THE SENATE.—

(1) COMMITMENT TO RULE XLII.—The Senate reaffirms its commitment to Rule XLII of the Standing Rules of the Senate, which provides as follows:

"No Member, officer, or employee of the Senate shall, with respect to employment by the Senate or any office thereof—

"(a) fail or refuse to hire an individual;

"(b) discharge an individual; or

"(c) otherwise discriminate against an individual with respect to promotion, compensation, or terms, conditions, or privileges of employment,

on the basis of such individual's race, color, religion, sex, national origin, age, or state of physical handicap.".

(2) APPLICATION TO SENATE EMPLOYMENT.—The rights and protections provided pursuant to this Act, the Civil Rights Act of 1964, the Americans with Disabilities Act of 1990, the Age Discrimination in Employment Act of 1967, and the Rehabilitation Act of 1973 shall apply with respect to employment by the United States Senate.

(3) INVESTIGATION AND ADJUDICATION OF CLAIMS.—All claims raised by any individual with respect to Senate employment, pursuant to the Acts referred to in paragraph (2), shall be investigated and adjudicated by the Select Committee on Ethics, pursuant to Senate Resolution 338, Eighty-eighth Congress, as amended, or such other entity as the Senate may designate.

(4) RIGHTS OF EMPLOYEES.—The Committee on Rules and Administration shall ensure that Senate employees are informed of their rights under the Acts referred to in paragraph (2).

(5) APPLICABLE REMEDIES.—When assigning remedies to individuals found to have a valid claim under the Acts referred to in paragraph (2), the Select Committee on Ethics, or such other entity as the Senate may designate, should to the extent practicable apply the same remedies applicable to all other employees covered by the Acts referred to in paragraph (2). Such remedies shall apply exclusively.

(6) MATTERS OTHER THAN EMPLOYMENT.—

(A) IN GENERAL.—The rights and protections under the Americans with Disabilities Act of 1990 shall, subject to subparagraph (B), apply with respect to the conduct of the Senate regarding matters other than employment.

(B) REMEDIES.—The Architect of the Capitol shall establish remedies and procedures to be utilized with respect to the rights and protections provided pursuant to subparagraph (A). Such remedies and procedures shall apply exclusively, after approval in accordance with subparagraph (C).

(C) PROPOSED REMEDIES AND PROCEDURES.—For purposes of subparagraph (B), the Architect of the Capitol shall submit proposed remedies and procedures to the Senate Committee on Rules and Administration. The remedies and procedures shall be effective upon the approval of the Committee on Rules and Administration.

(7) EXERCISE OF RULEMAKING POWER.—Notwithstanding any other provision of law, enforcement and adjudication of the rights and protections referred to in paragraphs (2) and (6)(A) shall be within the exclusive jurisdiction of the United States Senate. The provisions of paragraphs (1), (3), (4), (5), (6)(B), and (6)(C) are enacted by the Senate as an exercise of the rulemaking power of the Senate, with full recognition of the right of the Senate to change its rules, in the same manner, and to the same extent, as in the case of any other rule of the Senate.

(b) COVERAGE OF THE HOUSE OF REPRESENTATIVES.—

(1) IN GENERAL.—Notwithstanding any provision of title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.) or of other law, the purposes of such title shall, subject to paragraph (2), apply in their entirety to the House of Representatives.

(2) EMPLOYMENT IN THE HOUSE.—

(A) APPLICATION.—The rights and protections under title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.) shall, subject to subparagraph (B), apply with respect to any employee in an employment position in the House of Representatives and any employing authority of the House of Representatives.

(B) ADMINISTRATION.—

(i) IN GENERAL.—In the administration of this paragraph, the remedies and procedures made applicable pursuant to the resolution described in clause (ii) shall apply exclusively.

(ii) RESOLUTION.—The resolution referred to in clause (i) is the Fair Employment Practices Resolution (House Resolution 558 of the One Hundredth Congress, as agreed to October 4, 1988), as incorporated into the Rules of the House of Representatives of the One Hundred Second Congress as Rule LI, or any other provision that continues in effect the provisions of such resolution.

(C) EXERCISE OF RULEMAKING POWER.—The provisions of subparagraph (B) are enacted by the House of Representatives as an exercise of the rulemaking power of the House of Representatives, with full recognition of the right of the House to change its rules, in the same manner, and to the same extent as in the case of any other rule of the House.

(c) INSTRUMENTALITIES OF CONGRESS.—

(1) IN GENERAL.—The rights and protections under this Act and title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.) shall, subject to paragraph (2), apply with respect to the conduct of each instrumentality of the Congress.

(2) ESTABLISHMENT OF REMEDIES AND PROCEDURES BY INSTRUMENTALITIES.—The chief official of each instrumentality of the Congress shall establish remedies and procedures to be utilized with respect to the rights and protections provided pursuant to paragraph (1). Such remedies and procedures shall apply exclusively.

(3) REPORT TO CONGRESS.—The chief official of each instrumentality of the Congress shall, after establishing remedies and proce-

dures for purposes of paragraph (2), submit to the Congress a report describing the remedies and procedures.

(4) DEFINITION OF INSTRUMENTALITIES.—For purposes of this section, instrumentalities of the Congress include the following: the Architect of the Capitol, the Congressional Budget Office, the General Accounting Office, the Government Printing Office, the Office of Technology Assessment, and the United States Botanic Garden.

(5) CONSTRUCTION.—Nothing in this section shall alter the enforcement procedures for individuals protected under section 717 of title VII for the Civil Rights Act of 1964 (42 U.S.C. 2000e–16).

SEC. 20. ALTERNATIVE MEANS OF DISPUTE RESOLUTION.

Where appropriate and to the extent authorized by law, the use of alternative means of dispute resolution, including settlement negotiations, conciliation, facilitation, mediation, factfinding, minitrials, and arbitration, is encouraged to resolve disputes arising under the Acts or provisions of Federal law amended by this Act.

SEC. 21. SEVERABILITY.

If any provision of this Act, or an amendment made by this Act, or the application of such provision to any person or circumstances is held to be invalid, the remainder of this Act and the amendments made by this Act, and the application of such provision to other persons and circumstances, shall not be affected.

SEC. 22. EFFECTIVE DATE.

(a) IN GENERAL.—Except as otherwise specifically provided, this Act and the amendments made by this Act shall take effect upon enactment.

(b) CERTAIN DISPARATE IMPACT CASES.—Notwithstanding any other provision of this Act, nothing in this Act shall apply to any disparate impact case for which a complaint was filed before March 1, 1975 and for which an initial decision was rendered after October 30, 1983.

Mr. DANFORTH. Mr. President, I ask unanimous consent that the attached interpretive memorandum be printed in the RECORD.

There being no objection, the memorandum was ordered to be printed in the RECORD, as follows:

INTERPRETIVE MEMORANDUM

The final compromise on S. 1745 agreed to by several Senate sponsors, including Senators DANFORTH, KENNEDY, and DOLE, and the Administration states that with respect to Wards Cove—Business necessity/cumulation/alternative business practice—the exclusive legislative history is as follows:

The terms "business necessity" and "job related" are intended to reflect the concepts enunciated by the Supreme Court in *Griggs* v. *Duke Power Co.*, 401 U.S. 424 (1971), and in the other Supreme Court decisions prior to *Wards Cove Packing Co.* v. *Atonio*, 490 U.S. 642 (1989).

When a decision-making process includes particular, functionally-integrated practices which are components of the same criterion, standard, method of administration, or test, such as the height and weight requirements designed to measure strength in *Dothard* v. *Rawlinson*, 433 U.S. 321 (1977), the particular, functionally-integrated practices may be analyzed as one employment practice.

Mr. DANFORTH. Mr. President, this is a substitute for the civil rights bill, and this is the work product that has been put together after countless hours of negotiations that have involved the minority leader, Senator DOLE, representatives of the White House, particularly Boyden Gray, the Legal Counsel of the White House, Senator KENNEDY, and others.

Mr. President, for nearly 2 years many of us have been attempting to put together a civil rights bill that would redress problems created by the Supreme Court of 1989, particularly a bill that would reinstate the Griggs decision and that would overrule the Wards Cove decision.

This amendment would do that. It has been put together after painstaking negotiations involving a number of people. This morning the President met with Senator DOLE and me, and I can tell the Senate that the President's attitude toward this compromise was one of genuine elation.

We have resolved the problem of legal redress toward discrimination in the work force. We have provided, for the first time, a remedy for women who have been harassed on the job, a remedy of damages, and we have done so in a way that satisfies the administration as not constituting quota legislation. The position that the administration now takes is that this is not a quota bill.

To me, Mr. President, the significance of this compromise is far greater than the wording of the amendment. The significance is that by entering into this compromise, which encompasses the administration and Senator DOLE, Senator MITCHELL, Senator KENNEDY and others, we have taken the race issue out of the political arena, and we have recreated a bipartisan consensus on the issue of civil rights. If there is any issue before the country that demands a national consensus, it is civil rights. And if there is any issue that should not be one of partisan wrangling, it is civil rights. And for that reason, it is especially gratifying that this compromise has been reached.

There is now no reason why the compromise that has just been introduced will not become law. The only threat really that I see is one of mischief making, namely, that Senators will attempt to offer very popular sounding amendments which would kill the deal. And, of course, the other possibility is that the House of Representatives will kill it. But as I understand it, the initial feedback from the House has been good.

It is my hope that the amendment in its present form will be enacted into law. It is my hope that the House will, in turn, vote to agree to this amendment, to the bill as amended by this amendment, and that we will then send it to the President for his signature.

This long ordeal on civil rights is over. We are ready, Mr. President, to reestablish the consensus on civil rights, which is so important to our Nation.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. DOLE. Mr. President, I know the Presiding Officer has other pressing commitments, and I appreciate his willingness to accommodate the Senator from Missouri. I just say, as I will say in more detail on Monday, it certainly is a tribute to the steadfast work of the distinguished Senator from Missouri, Senator DANFORTH. And I applaud him for bringing nearly all of us together in the U.S. Senate on this very important legislation. It is important legislation.

I think, with the President on board, enthusiastically on board, there is no doubt in my mind that we can probably pass this legislation, hopefully, if not Monday night, sometime Tuesday.

Finally, I just urge my colleagues, particularly on my side of the aisle, that if it is a deal-breaker amendment, it is going to be very difficult for some of us to support it. We want to get a civil rights bill. This is our opportunity. We ought to make the most of it. We ought to send it to the House, hope the House will take the Senate bill, and that it will go to the President within the next couple of weeks.

I thank the Chair.

ORDERS FOR MONDAY, OCTOBER 28, 1991

Mr. FORD. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand adjourned until 2 p.m. on Monday, October 28; that when the Senate reconvenes on Monday, October 28, the Journal of the proceedings be deemed to have been approved to date, the call of the calendar be waived, no motions or resolutions come over under the rule, and that the morning hour be deemed to have expired; and I further ask unanimous consent that, following the time for the two leaders, there be a period for morning business not to extend beyond 2:30 p.m., with Senators permitted to speak therein for up to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL MONDAY, OCTOBER 28, 1991, AT 2 P.M.

Mr. DOLE. Mr. President, if there is no further business today, I now ask unanimous consent that the Senate stand adjourned as previously ordered.

There being no objection, the Senate, at 6:01 p.m., adjourned until Monday, October 28, 1991, at 2 p.m.

NOMINATIONS

Executive nominations received by the Senate October 25, 1991:

DEPARTMENT OF JUSTICE

WILLIAM PELHAM BARR, OF VIRGINIA, TO BE ATTORNEY GENERAL.

DEPARTMENT OF STATE

THE FOLLOWING NAMED PERSONS TO BE REPRESENTATIVES AND ALTERNATE REPRESENTATIVES OF THE UNITED STATES OF AMERICA TO THE 46TH SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS:

REPRESENTATIVES:
THOMAS R. PICKERING, OF NEW JERSEY.
ALEXANDER FLETCHER WATSON, OF MASSACHUSETTS.
JOSEPH VERNER REED, JR., OF CONNECTICUT.
DAN BURTON, OF INDIANA.
MERVYN M. DYMALLY, OF CALIFORNIA.
ALTERNATE REPRESENTATIVES:
GEORGE EDWARD MOOSE, OF MARYLAND.
JONATHAN MOORE, OF MASSACHUSETTS.
SHIRIN RAZIUDDIN TAHIR-KHELI, OF PENNSYLVANIA.
OSCAR PADILLA, OF CALIFORNIA.
MARGARETTA F. ROCKEFELLER, OF NEW YORK.

INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT

WILEY T. BUCHANAN, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT FOR A TERM EXPIRING MAY 19, 1996, VICE EDITH COLVARD CRUTCHER, TERM EXPIRED.

WITHDRAWAL

Executive message transmitted by the President to the Senate on October 25, 1991, withdrawing from further Senate consideration the following nomination:

HARRY S TRUMAN SCHOLARSHIP FOUNDATION

JOHN ASHCROFT, OF MISSOURI, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE HARRY S TRUMAN SCHOLARSHIP FOUNDATION FOR A TERM EXPIRING DECEMBER 10, 1993, VICE TERRY EDWARD BRANSTAD, TERM EXPIRED, WHICH WAS SENT TO THE SENATE ON JANUARY 4, 1991.

HOUSE OF REPRESENTATIVES—*Monday, October 28, 1991*

The House met at 12 noon and was called to order by the Speaker pro tempore [Mr. GEPHARDT].

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
October 28, 1991.

I hereby designate the Honorable RICHARD A. GEPHARDT to act as Speaker pro tempore on this day.

THOMAS S. FOLEY,
Speaker of the House of Representatives.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Let us pray using the words of the 100th Psalm:

Make a joyful noise unto the Lord, all ye lands.

Serve the Lord with gladness; come before his presence with singing.

Know ye that the Lord he is God; it is he that hath made us, and not we ourselves, we are his people and the sheep of his pasture.

Enter into his gates with thanksgiving, and into his courts with praise; be thankful unto him, and bless his name.

For the Lord is good; his mercy is everlasting; and his truth endureth to all generations.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. The Chair recognizes the gentleman from Wyoming [Mr. THOMAS] to lead the House in the Pledge of Allegiance.

Mr. THOMAS of Wyoming led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 690. An act to authorize the National Park Service to acquire and manage the Mary McLeod Bethune Council House National Historic Site, and for other purposes; and

H.R. 2194. An act to amend the Solid Waste Disposal Act to clarify provisions concerning the application of certain requirements and sanctions to Federal facilities.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 2194), "An act to amend the Solid Waste Disposal Act to clarify provisions concerning the application of certain requirements and sanctions to Federal facilities," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. BURDICK, Mr. BAUCUS, Mr. MOYNIHAN, Mr. MITCHELL, Mr. LAUTENBERG, Mr. CHAFEE, Mr. SIMPSON, Mr. DURENBERGER, and Mr. WARNER, to be the conferees on the part of the Senate.

The message also announced that the Senate disagrees to the amendments of the House to the bill (S. 347), "An act to amend the Defense Production Act of 1950 to revitalize the defense industrial base of the United States, and for other purposes," agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. RIEGLE, Mr. SARBANES, Mr. DIXON, Mr. GARN, and Mr. GRAMM, to be the conferees on the part of the Senate.

The message also announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 680. An act to amend the International Travel Act of 1961 to assist in the growth of international travel and tourism into the United States, and for other purposes.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair desires to announce that pursuant to clause 4 of rule I, the Speaker signed the following enrolled bill and joint resolutions on Friday, October 25, 1991:

H.R. 470. An act to authorize the Secretary of Transportation to release the restrictions, requirements, and conditions imposed in connection with the conveyance of certain lands to the city of Gary, IN;

H.J. Res. 360. Joint resolution making further continuing appropriations for the fiscal year 1992, and for other purposes; and

S.J. Res. 192. Joint resolution designating October 30, 1991 as "Refugee Day."

ANOTHER BIRTHDAY IN CAPTIVITY FOR HOSTAGE TERRY ANDERSON

(Mr. MAZZOLI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MAZZOLI. Mr. Speaker, this is certainly a momentous week in the history of the Middle East. Today the President is flying to Madrid, first to meet with President Gorbachev and then to continue his work when the Peace Conference on the Middle East opens this coming Wednesday.

This will be a very difficult Peace Conference. These are very difficult and some would say even intractable issues, but the augurs have never been better that in some way peace could ensue. But we need to be brought up to reality, Mr. Speaker, and the reality is that just yesterday hostage Terry Anderson, whose sister Peggy Say lives in Kentucky, celebrated his 44th birthday, the 7th such birthday in captivity in Lebanon. He is one of several Western hostages whose whole aspect and hope for freedom are in the hands of the peacemakers who will gather in Madrid and in the hands of Xavier Perez de Cuellar, the Head of the United Nations.

Mr. Speaker, I can only say that we wish the President well. We hope that these conferences will produce peace. We also want to send our best wishes and birthday greetings to Terry Anderson and hope that his spirit prevails in the middle of these difficult times.

THE FMLN'S MANAGUA CONNECTION

(Mr. BALLENGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BALLENGER. Mr. Speaker, I rise to call your attention to some news which I think you will find revealing. It turns out that the often disputed claims that the Nicaraguan Sandinistas were supplying the Communist guerrillas in El Salvador were quite true.

Further, it appears that the connection has continued a year and a half after the Sandinistas were thrown out of office, if not out of power. This fraternal Socialist arms traffic came to light when a half dozen Sandinista soldiers, present and former, were arrested in September for stealing and trafficking weapons in connection with Colombian drug dealers. They allowed

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

the charges to stand until after the recent agreement between President Cristiani and the FMLN. At that point they revealed the El Salvador link, apparently arguing that political motivation was a defense against charges of drug trafficking.

That is a poor defense, in my opinion. In any event the six revealed that they had planned to ship a thousand mortar grenades to the FMLN, as well as 20 antiaircraft missiles. Yet another Managua connection, Mr. Speaker. These Sandinistas and their El Salvadoran counterparts were the people some of our colleagues just had to help. It is time for disclosure on the Democrats' Managua connection.

CONGRATULATIONS TO MINNESOTA TWINS

(Mr. VENTO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VENTO. Mr. Speaker, I rise to congratulate the Minnesota Twins, the baseball team that represents all Minnesota and that won the world championship of 1991 last night after an extra inning of play. It was great sport, a great event, something I know Minnesotans and all Americans are very proud of the competitive spirit and the enterprise that was shown in this. I think it was one of the most exciting World Series games.

I'm pleased that we are carrying forward the great tradition of American baseball in Minnesota.

The World Series Champion Twins kept us up late Sunday night as they performed the extra inning, extraordinary win in game seven. All Minnesotans and all Americans are surely pleased with the exhilarating World Series play that we have viewed the past 9 days.

I commend the valiant performance of the Atlanta Braves, the National League Champions, for the quality and enthusiastic play they demonstrated.

The American League Champion Twins, with their backs to the wall in game six and seven, reached down and found that special tenacity and determination manifested in the play of slugger Kirby Puckett and ace pitcher Jack Morris and all the players led by Skipper Tom Kelly, propelling themselves into a cliffhanger extra inning seventh game, finally decided in the 10th inning with a single hit and score.

Mr. Speaker, I am hopeful that the 1991 World Champion Minnesota Twins will be in our Nation's Capital shortly so that we can all personally congratulate this St. Paul-Minneapolis, MN, all-American team and celebrate with them their world championship and the great American pasttime—baseball.

The SPEAKER pro tempore (Mr. HUBBARD). Is there any Member from Georgia seeking recognition? If not, the Chair recognizes the gentleman from Wyoming [Mr. THOMAS].

TAKING STEPS TO MOVE THE ECONOMY

(Mr. THOMAS of Wyoming asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THOMAS of Wyoming. Unfortunately, Mr. Speaker, we do not have a team in Wyoming. We certainly congratulate the Minnesota Twins.

Mr. Speaker, I have not been in this body a long time, I guess not long enough to be dated about some of the kinds of comments that go on. In fact, they bother me quite a bit.

During the past week we have heard a great deal about the economy. We have heard a great deal about reducing taxes. We have heard a great deal about the middle class, which almost all of us fall into.

Mostly what we have heard about, however, is posturing for the 1992 Presidential elections. Members of this body, the majority party, get up and continually criticize the President for not reducing taxes. The president of the party was on the Sunday talk shows this week criticizing the Republicans and the President for not reducing taxes.

Mr. Speaker, the fact is the Democrats have a majority in this House. They have a majority in the Senate and could pass a tax reduction bill by Wednesday if they chose to do so.

I think what we ought to do, really, is stop posturing for 1992. We ought to do some things to help kick this economy and move it, and I suggest we do it quickly.

AMERICA'S CONCERNS

(Mr. APPLEGATE asked and was given permission to address the House for 1 minute.)

Mr. APPLEGATE. Mr. Speaker, the latest polls show President Bush in a faster rate of decline than most people thought he would be, but then Congress is not doing any better. And why is this happening?

Well, another poll I just saw showed the people's concerns, and they are concerned about the economy. They are concerned about the deficits. They are concerned about bad management by the officials they elected. They are concerned about trade, the inequity of trade, and they are concerned about health. None of these issues are being addressed and the people of this country know that and they understand it. They say there is a lot of rhetoric, but there is not any action, and the people are losing faith in the system.

☐ 1210

More, they are losing faith in the people who are running the system. And they want action.

They want the President and they want the Congress of the United States to work together and to quit this squabbling and bickering. They want America to work again.

They want higher standards from the officials that they put into office. They deserve at least that much from the people they elect and, by God, they have got the power and if they do not get what they want, I will tell you, sitting in this body and in the White House, that they are going to put you out of office if you do not start listening.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. HUBBARD). Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken tomorrow, Tuesday, October 29, 1991.

MINUTE MAN NATIONAL HISTORICAL PARK AMENDMENTS OF 1991

Mr. VENTO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2896) to authorize the Secretary of the Interior to revise the boundaries of the Minute Man National Historical Park in the State of Massachusetts, and for other purposes, as amended.

The Clerk read as follows:

H.R. 2896

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Minute Man National Historical Park Amendments of 1991".

SEC. 2. AMENDMENTS TO MINUTE MAN PARK ACT.

The Act of September 21, 1959, entitled "An Act to provide for the establishment of the Minute Man National Historical Park in Massachusetts, and for other purposes" (Public Law 86-321; 73 Stat. 590; 16 U.S.C. 410s and following) is amended by striking so much of the first section as follows the first sentence thereof (including all of subsections (b) and (c)) and inserting the following:

"The purposes of the park shall include the preservation and interpretation of (1) the historic landscape along the road between Lexington and Concord, (2) sites associated with the causes and consequences of the American Revolution, and (3) the Wayside on Lexington Road in Concord, the home of Nathaniel Hawthorne, Bronson Alcott, Louisa May Alcott, and Margaret Sidney, whose works illustrate the nineteenth century American literary renaissance.

"(b) The park shall be comprised of the lands depicted on the map entitled 'Boundary Map NARO-406-20015C' dated June 1991."

(3) Section 2 is amended by inserting "(a)" after "SEC. 2." and by adding the following at the end thereof:

"(b) The Secretary of the Interior shall transfer, without reimbursement, to the administrative jurisdiction of the Secretary of Defense the two parcels currently administered by the Secretary of the Interior, as depicted on the map dated April 1990 and numbered NARO-406/80805. The Secretary of Defense shall transfer to the administrative jurisdiction of the Secretary of the Interior, without reimbursement, for inclusion in the Minute Man National Historical Park the 4 parcels now administered by the Secretary of Defense, as depicted on the maps dated April 1990 and numbered NARO-406/80804 and NARO-406/80805.

"(c) The Secretary of the Interior is authorized to acquire by donation, purchase with donated or appropriated funds, or exchange, lands or interests in lands within the areas included within the boundaries of the park pursuant to amendments made by the Minute Man National Historical Park Amendments of 1991 (hereinafter referred to as '1991 additions') except that—

"(1) lands, and interests in lands, within the 1991 additions which are owned by the State of Massachusetts or any political subdivision thereof, may be acquired only by donation, and

"(2) lands, and interests in lands, within the 1991 additions which are used for noncommercial residential purposes as of July 1, 1991, may be acquired only with the consent of the owner thereof unless the property is being developed, or is proposed to be developed, in a manner which the Secretary determines to be detrimental to the scenic, historical, cultural, and other values of the park.

Nothing in paragraph (2) shall be construed to prohibit the use of condemnation as a means of acquiring a clear and marketable title, free of any and all encumbrances for any lands within the 1991 additions. Not later than 6 months after the enactment of the Minute Man National Historical Park Amendments of 1991, and after notice and opportunity for public comment, the Secretary of the Interior shall publish specific guidelines for making determinations under paragraph (2). Such guidelines shall provide for (A) written notice to the Secretary prior to commencement of any proposed development on the lands referred to in paragraph (2), (B) written notice by the Secretary to the owner of such lands of any determination proposed to be made under paragraph (2), and (C) a reasonable opportunity for the owner to comment on such proposed determination.

"(d)(1) Any individual who owns private property acquired by the Secretary under subsection (c) may, on the date of such acquisition and as a condition of such acquisition, retain for himself and his successors or assigns, a right of use and occupancy of the property for a definite term of not more than 25 years from the date of acquisition by the Secretary or a term ending at the death of the owner or the owner's spouse, whichever is later. The owner shall elect the term to be reserved.

"(2) Unless the property is wholly or partially donated, the Secretary shall pay to the owner reserving a right of use and occupancy under this subsection the fair market value of the property on the date of its acquisition, less the fair market value on the date of the right retained by the owner.

"(3) For purposes of applying this subsection, ownership shall be determined as of July 1, 1991.".

(4) At the end of section 6 insert "For fiscal years after fiscal year 1991, there is authorized to be appropriated an additional $15,000,000 for development and an additional $7,300,000 for acquisition of lands and interests in lands.".

(5) Add the following new section at the end of such Act:

"SEC. 7. RESIDENTIAL OCCUPANCY.

"(a) OFFER.—In the case of each individual who—

"(1) sold residential property between 1966 and 1968 to the United States for purposes of the park, and

"(2) continues to occupy such residential property pursuant to a residential special use permit as of the enactment of this section,

the Secretary of the Interior shall offer to extend such residential special use permit for a term ending on the death of such individual or such individual's spouse, whichever is later.

"(b) TERMS AND CONDITIONS.—Any residential special use permit extended pursuant to subsection (a) shall—

"(1) permit the reasonable residential use and occupancy of the property by the individual to whom such permit is granted and such individual's spouse; and

"(2) be subject to such terms and conditions as the Secretary may prescribe (including termination) to ensure that the permit does not unreasonably diminish the values of the park.

The extension of any such residential special use permit shall be conditional upon the payment by the individual holding such permit of an annual fee in the same amount as required as of July 1, 1991.

"SEC. 8. DEFINITION.

"As used in this Act, the term 'residential property' means a single-family dwelling, the construction of which began before July 1, 1991, together with such land on which the dwelling and appurtenant buildings are located as is in the same ownership as such dwelling and as the Secretary designates as reasonably necessary for the owner's continued use and occupancy of the dwelling.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Minnesota [Mr. VENTO] will be recognized for 20 minutes and the gentleman from Wyoming [Mr. THOMAS] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Minnesota [Mr. VENTO].

GENERAL LEAVE

Mr. VENTO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill, H.R. 2896.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. VENTO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 2896, a bill introduced by Congressman CHET ATKINS expands the boundaries of Minute Man National Historical Park to provide increased protection of the park resources located there. The Congressman from Massachusetts has worked long and hard to enact this legislation.

Minute Man National Historical Park located in Lexington and Concord, MA, preserves and interprets the famous opening battles of the American Revolution in April 1775. As Ralph Waldo Emerson wrote, "By the rude bridge that arched the flood, their flag to April's breeze unfurled, here the embattled farmers stood, and fired the shot heard 'round the world."

In testimony before the Committee on Interior and Insular Affairs at the recent hearing on H.R. 2896, we heard strong support for this bill from the administration and from local residents. H.R. 2896 adds 200 acres to the park, provides legislative purposes regarding its management, exchanges certain lands with the Department of Defense and resolves a longstanding dispute with some residents there.

Mr. Speaker, I endorse this bill and urge its passage.

Mr. Speaker, I reserve the balance of my time.

Mr. THOMAS of Wyoming. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of this legislation as reported by the Interior and Insular Affairs Committee. The bill before the House provides for an approximate 200-acre expansion of the existing 750-acre Minute Man National Historical Park. The proposal before Members today is based largely on a detailed park plan completed by the National Park Service.

The measure we are considering today is similar to legislation acted upon by the Parks and Public Lands Subcommittee last Congress. The major areas of difference from last Congress are that Mr. ATKINS has reduced the amount of nonessential private property proposed for acquisition by 20 percent and he has provided reasonable protection for those private home owners whose land is included within the new park boundaries.

I am pleased that the bill's author and subcommittee chairman have recognized the importance of taking private property rights into consideration in this park expansion bill and hope that they will support similar language on other bills. It seems to me that private property owners should be treated similarly regardless of where they live.

The local people, as well as the bill's author, expressed concern at the hearing about language in this bill, which implies that the National Park Service should manage the historical landscape outside the park boundary. Unfortunately, those reasonable concerns were not incorporated into this bill, and I hope they will be addressed by the Senate.

Mr. Speaker, the administrator supports this measure and I urge my colleagues to join me in supporting it as well.

Mr. Speaker, I reserve the balance of my time.

Mr. VENTO. Mr. Speaker, I yield such time as he may consume to the gentleman from Massachusetts [Mr. ATKINS] who, as I mentioned, has worked so hard on putting this bill together. It has been a major task, and he has performed it well.

Mr. ATKINS. Mr. Speaker, Minute Man is one of this Nation's most venerable parks. It celebrates the defining moments in this Nation's quest for independence. Paul Revere's ride and the Battle of Concord and Lexington are events that make our history rich, exciting, and alive. The American Revolution shaped the character of this Nation, and the fortitude and the courage displayed in Concord, in Lexington, and throughout Massachusetts in those days have given comfort and inspiration to independence movements worldwide for over 200 years.

When Rev. Lazlo Tokes, the man whose defiance of the despotic Ceausescu sparked the revolution in Romania, came to America he asked to see the monuments to our own revolution. Our visit together to Minute Man Park was poignant. I who had visited the park so many times before—saw for the first time how deeply affecting our experience with revolution could be to those whose memories are still so fresh and alive.

Yet, Minute Man is a park that is still very much in transition. Resources and energy have gone primarily into assembling parcels of land that in the aggregate give the park enormous, but still unrealized potential. Given the enormous pressures for development in suburban Boston, the main thrust thus far has been to accrue lands that have historical significance. As critical as this process has been, it has come at some cost, and the legislation now pending before the House redresses some of the problems that have become evident since the original enabling legislation was passed in 1959.

This legislation sets forth a fresh mission for Minute Man. This will permit the park to begin a new phase whereby the events of April 19, 1775, can be brought to life and the historical landscape can be protected.

In the past, the park's unruly attempts to acquire land have resulted in unwelcome and unproductive tension between the Park Service and the surrounding communities. Therefore, by fixing boundaries, by spelling out the rights of homeowners within the boundaries and by correcting past injustices, the citizens in the park's vicinity will finally have peace of mind.

Mr. Speaker, it is hard to know sometimes, when we take up a bill on the Suspension Calendar, how much time and effort and compromise goes into getting a bill this far. The citizens of Concord, MA, having great pride in their town were understandably wary of legislation connected to Minute Man Park. But, after countless hours and work by very caring and diligent individuals in Concord and in Lincoln, we arrived at a bill that fundamentally meets the concerns of the towns' residents. We were also very fortunate to have as the backbone of this enterprise an energetic and sensitive park superintendent.

But, all of this would not have been possible without the understanding and guidance and perseverance of Chairman VENTO. His was not an easy task. He is a zealous guardian of precedents as he must be if the Park Service is to truly be a national resource, but he also understands the local character that parks take on and the special ways individual parks have of interacting with the local communities. He was able to craft a bill that responded to local concerns without tampering with precedents that affect our entire Park System. Chairman VENTO and his staff have my utmost appreciation and admiration.

I urge my colleagues to vote for this legislation.

Mr. THOMAS of Wyoming. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. VENTO. I thank the gentleman from Massachusetts for his thoughtful comments.

Mr. Speaker, I have no further requests for time, and I yield back the balance of our time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Minnesota [Mr. VENTO] that the House suspend the rules and pass the bill, H.R. 2896, as amended.

The question was taken; and (two-thirds having voted in favor thereof), the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

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GENERIC DRUG ENFORCEMENT ACT OF 1991

Mr. WAXMAN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2454) to authorize the Secretary of Health and Human Services to impose debarments and other penalties for illegal activities involving the approval of abbreviated drug applications under the Federal Food, Drug, and Cosmetic Act, and for other purposes, as amended.

The Clerk read as follows:

H.R. 2454

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; REFERENCE; FINDINGS; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Generic Drug Enforcement Act of 1991".

(b) REFERENCE.—Whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Federal Food, Drug, and Cosmetic Act.

(c) FINDINGS.—The Congress finds that—

(1) there is substantial evidence that significant corruption occurred in the Food and Drug Administration's process of approving drugs under abbreviated drug applications,

(2) there is a need to establish procedures designed to restore and to ensure the integrity of the abbreviated drug application approval process and to protect the public health, and

(3) additional standby capacity for criminal investigations of violations of the Federal Food, Drug, and Cosmetic Act is needed.

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SEC. 2. AUTHORITY TO DENY REVIEW AND APPROVAL OF APPLICATIONS.

Sections 306 and 307 (21 U.S.C. 336, 337) are redesignated as sections 309 and 310, respectively, and the following is inserted after section 305:

"DEBARMENT, TEMPORARY DENIAL OF APPROVAL, AND SUSPENSION

"SEC. 306. (a) MANDATORY DEBARMENT.—If a person has been convicted of a felony under Federal law for conduct relating to the development or approval, including the process for development or approval, of any abbreviated drug application, the Secretary shall debar such person from submitting, or assisting in the submission of, any abbreviated drug application.

"(b) PERMISSIVE DEBARMENT.—

"(1) IN GENERAL.—The Secretary, on the Secretary's own initiative or in response to a petition, may debar a person described in paragraph (2) from submitting, or assisting in the submission of, any abbreviated drug application if the Secretary finds that there is reason to believe that such person may undermine the regulatory process.

"(2) PERSONS SUBJECT TO PERMISSIVE DEBARMENT.—The following persons are subject to debarment under paragraph (1):

"(A) CONVICTION RELATED TO AN ABBREVIATED DRUG APPLICATION.—Any person that the Secretary finds has been convicted of (i) a misdemeanor under Federal law or a felony under State law for conduct relating to the development or approval, including the process for the development or approval, of any abbreviated drug application, or (ii) a conspiracy to commit, or aiding or abetting, such criminal offense.

"(B) CONVICTION FOR BRIBERY, FRAUD, OR SIMILAR CRIME.—Any individual whom the Secretary finds has been convicted under Federal or State law of (i) a felony of bribery, payment of illegal gratuities, fraud, perjury, false statement, racketeering, blackmail, extortion, or falsification or destruction of records, or (ii) a conspiracy to commit, or aiding or abetting, a felony offense described in clause (i).

"(C) CONVICTION RELATED TO OBSTRUCTION OF JUSTICE.—Any individual whom the Secretary finds has been convicted under Federal or State law, of (i) a felony related to the interference with, obstruction of the investigation into, or prosecution of, any criminal offense, or (ii) a conspiracy to commit, or aiding or abetting, such felony.

"(D) MATERIAL PARTICIPATION.—Any individual whom the Secretary finds materially participated in acts that were the basis for a conviction for an offense described in subsection (a) or in subparagraph (A), (B), or (C) of this paragraph for which a conviction was obtained.

"(E) USE OF DEBARRED PERSON.—Any person that the Secretary finds has knowingly—

"(i) employed or retained as a consultant or contractor, or

"(ii) otherwise used the services of,

a person who is debarred under this section in any capacity in which such person has or might have any control over or involvement in the development of any drug application subject to section 505 or 507.

"(c) DEBARMENT PERIOD AND CONSIDERATIONS.—

"(1) IN GENERAL.—During the period of debarment under subsection (a) or (b), the Secretary shall not accept any abbreviated drug application and shall not review (other than audit under this section) any pending abbreviated drug application of a person debarred under such subsection.

"(2) DEBARMENT PERIODS.—

"(A) IN GENERAL.—The Secretary shall debar a person under subsection (a) or (b) for the following periods:

"(i) The debarment of an individual under subsection (a) shall be permanent.

"(ii) The period of debarment of a person (other than an individual) under subsection (a) shall not be less than 1 year or more than 10 years, but if an act leading to a subsequent debarment occurs within 10 years after such person has been debarred under subsection (a), the period of debarment shall be permanent.

"(iii) The period of debarment of any person under subsection (b)(2) shall not be more than 5 years.

The Secretary may determine whether debarment periods shall run concurrently or consecutively in the case of a person debarred for multiple offenses.

"(B) NOTIFICATION.—Upon a conviction described in subsection (a) or (b), a person may notify the Secretary that the person acquiesces to debarment and such person's debarment shall commence upon such notification.

"(3) CONSIDERATIONS.—In determining the appropriateness and the period of a debarment of a person under subsection (b) and any period of debarment beyond the minimum specified in subparagraph (A)(ii) of paragraph (2), the Secretary shall consider where applicable—

"(A) the nature and seriousness of any offense involved,

"(B) the nature and extent of management participation in any offense involved, whether corporate policies and practices encouraged the offense, including whether inadequate institutional controls contributed to the offense,

"(C) the nature and extent of voluntary steps to mitigate the impact on the public of any offense involved, including the discontinuation of the distribution of suspect drugs, full cooperation with any investigations (including the extent of disclosure to appropriate authorities of all wrongdoing), the relinquishing of profits on drug approvals fraudulently obtained, and any other actions taken to substantially limit potential or actual adverse effects on the public health,

"(D) whether the extent to which changes in ownership, management, or operations have corrected the causes of any offense involved and provided reasonable assurances that the offense will not occur in the future,

"(E) whether the person to be debarred is able to present adequate evidence that current production of drugs subject to abbreviated drug applications and all pending abbreviated drug applications are free of fraud or material false statements, and

"(F) prior convictions under this Act or under other Acts involving matters within the jurisdiction of the Food and Drug Administration.

"(d) TERMINATION OF DEBARMENT.—

"(1) APPLICATION.—Any person is debarred under subsection (a) (other than a person permanently debarred) or any person that is debarred under subsection (b) may apply to the Secretary for termination of the Debarment. Any information submitted to the Secretary under the subsection does not constitute an amendment or supplement to pending or approved abbreviated drug applications.

"(2) ACTION BY THE SECRETARY.—The Secretary shall grant or deny any application respecting a debarment which is submitted under paragraph (1) within 180 days of the date of the application is submitted.

"(3) TERMINATION.—If the conviction for which a person has been debarred under subsection (a) or (b) is reversed, the Secretary shall, on the Secretary's own initiative or upon petition, withdraw the order of debarment. Upon application submitted under paragraph (1), the Secretary shall terminate the debarment of a person if the Secretary finds that—

"(A) changes in ownership, management, or operations have fully corrected the causes of the offense involved and provide reasonable assurances that the offense will not occur in the future, and

"(B) sufficient audits, conducted by the Food and Drug Administration or by independent experts acceptable to the Food and Drug Administration, demonstrate that pending applications and the development of drugs being tested before the submission of an application are free of fraud or material false statements.

In the case of persons debarred under subsection (a), such termination shall take effect no earlier than the expiration of one year from the date of the debarment.

"(4) SPECIAL EARLY TERMINATION.—

"(A) APPLICATION.—Any person that is debarred under subsection (a) (other than an individual or a person permanently debarred under subsection (c)(2)(A)(ii)) may apply to the Secretary for special early termination of debarment which may take effect before the expiration of the one-year minimum period prescribed under subsection (c)(2)(A)(ii).

"(B) HEARING ON PETITION.—If the Secretary, after an informal hearing, determines that—

"(i) the person making the application under subparagraph (A) has demonstrated that the felony conviction which was the basis for such person's debarment involved the commission of an offense which was not authorized, requested, commanded, performed, or recklessly tolerated by the board of directors or by a high managerial agent acting on behalf of the person within the scope of the board's or agent's office or employment,

"(ii) all individuals who were involved in the commission of the offense or who had or should have had prior knowledge of the offense have been removed from employment involving the development or approval of any drug subject to sections 505 or 507,

"(iii) the person fully cooperated with all investigations and promptly disclosed all wrongdoing to the appropriate authorities, and

"(iv) the person acted to mitigate any impact on the public of any offense involved, including the discontinuation of the distribution of any drug which the Secretary asked be withdrawn due to concerns about its safety or efficacy,

the Secretary shall take the action described in subparagraph (C).

"(C) SECRETARIAL ACTION.—The action referred to in subparagraph (B) is—

"(i) terminating the debarment immediately, or

"(ii) limiting the period of debarment to less than one year.

whichever best serves the interest of justice and protects the integrity of the abbreviated drug application approval process.

"(e) PUBLICATION AND LIST OF DEBARRED PERSONS.—The Secretary shall publish in the Federal Register the name of any person debarred under subsection (a) or (b), the effective date of the debarment, and the period of the debarment. The Secretary shall also maintain and make available to the public a list, updated no less often than quarterly, of such persons, of the effective dates and minimum periods of such debarments, and of the termination of debarments.

"(f) TEMPORARY DENIAL OF APPROVAL.—

"(1) IN GENERAL.—The Secretary, on the Secretary's own initiative or in response to a petition, may, in accordance with paragraph (3), refuse by order, for the period prescribed by paragraph (2), to approve any abbreviated drug application submitted by any person—

"(A) if such person is under an active Federal criminal investigation in connection with an action described in subparagraph (B),

"(B) if the Secretary determines that such person—

"(i) has bribed or attempted to bribe, has paid or attempted to pay an illegal gratuity, has induced or attempted to induce another person to bribe or pay an illegal gratuity to any officer, employee, or agent of the Department of Health and Human Services or to any other Federal, State, or local official in connection with any abbreviated drug application, or has conspired to commit, or aided or abetted, such actions, or

"(ii) has knowingly made or caused to be made a pattern or practice of false statements or misrepresentations with respect to material facts relating to any abbreviated drug application or the production of any drug subject to an abbreviated drug application to any officer, employee, or agent of the

Department of Health and Human Services, or has conspired to commit, or aided or abetted, such actions, and

"(C) if a significant question has been raised regarding the integrity of the approval process with respect to such abbreviated drug application, the reliability of data in such person's abbreviated drug application, or the reliability of data concerning such abbreviated drug application.

Such an order may be modified or terminated at any time.

"(2) APPLICABLE PERIOD.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), a denial of approval of an application of a person under paragraph (1) shall be in effect for a period determined by the Secretary but not to exceed 18 months beginning on the date the Secretary finds that the conditions described in subparagraphs (A), (B), and (C) of paragraph (1) exist. The Secretary shall terminate such denial—

"(i) if the investigation with respect to which the finding was made ends, does not result in a criminal charge against such person or if criminal charges have been brought and the charges have been dismissed or a judgment of acquittal has been entered, or

"(ii) if the Secretary determines that such finding was in error.

"(B) EXTENSION.—If, at the end of the period described in subparagraph (A), the Secretary determines that a person has been criminally charged for an action described in subparagraph (B) of paragraph (1), the Secretary may extend the period of denial of approval of an application for a period not to exceed 18 months. The Secretary shall terminate such extension if the charges have been dismissed or a judgment of acquittal has been entered or if the Secretary determines that the finding described in subparagraph (A) was in error.

"(3) INFORMAL HEARING.—Within 10 days of the date of the order of the Secretary's refusing to approve an abbreviated drug application is served upon a person under paragraph (1), the Secretary, in response to a petition, shall provide such person with an opportunity for an informal hearing on the decision of the Secretary to refuse such approval. Within 60 days of the date on which such hearing is held, the Secretary shall notify the person given such hearing whether the Secretary's refusal of approval will be continued, terminated, or otherwise modified. Such notification shall be final agency action.

"(g) SUSPENSION AUTHORITY.—

"(1) IN GENERAL.—If—

"(A) the Secretary determines—

"(i) that a person has engaged in an action described in subparagraph (B) of subsection (f)(1) in connection with 2 or more drugs under abbreviated drug applications, or

"(ii) that a person has engaged in flagrant and repeated, material violations of good manufacturing practice or good laboratory practice in connection with the development, manufacturing, or distribution of a drug approved under an abbreviated drug application during a 2-year period, and—

"(I) such violations may undermine the safety and efficacy of such drugs, and

"(II) the causes of such violations have not been corrected within a reasonable period of time following notice of such violations by the Secretary, and

"(B) such person is under an active investigation by any Federal authority in connection with a civil or criminal action involving an action described in subparagraph (A),

the Secretary shall issue an order suspending the distribution of all drugs the development or approval of which was related to an action described in subparagraph (A) or suspending the distribution of all drugs approved under abbreviated drug applications of such person if the Secretary finds that an action of such person described in subparagraph (A) may have affected the development or approval of a significant number of drugs which the Secretary is unable to identify. The Secretary shall exclude a drug from such order if the Secretary determines that such action was not likely to have influenced the safety or efficacy of such drug.

"(2) PUBLIC HEALTH WAIVER.—The Secretary shall, on the Secretary's own initiative or in response to a petition, waive the suspension under paragraph (1) (involving an action described in paragraph (1)(A)(i)) with respect to any drug if the Secretary finds that such waiver is necessary to protect the public health because sufficient quantities of the drug are otherwise not available. The Secretary shall act on any petition seeking action under this paragraph within 180 days of the date the petition is submitted to the Secretary.

"(h) TERMINATION OF SUSPENSION.—The Secretary shall withdraw an order of suspension of the distribution of a drug under subsection (g) if the person with respect to whom the order was issued demonstrates—

"(1)(A) on the basis of an audit by the Food and Drug Administration or by experts acceptable to the Food and Drug Administration, or on the basis of other information, that the development, approval, manufacturing, and distribution of such drug is in substantial compliance with the applicable requirements of this Act, and

"(B) changes in ownership, management, or operations (i) fully remedy the patterns or practices with respect to which the order was issued, and (ii) provide reasonable assurances that such actions will not occur in the future, or

"(2) the initial determination was in error. The Secretary shall act on a submission under paragraphs (1) and (2) within 180 days of the date of the submission and the Secretary may consider the submission concurrently with the suspension proceeding. Any information submitted to the Secretary under this subsection does not constitute an amendment or supplement to a pending or approved abbreviated drug application.

"(i) PROCEDURE.—The Secretary may not take any action under subsection (a), (b), (c), (d)(3), (g), or (h) with respect to any person unless the Secretary has issued an order for such action made on the record after opportunity for an agency hearing on disputed issues of material fact. In the course of any investigation or hearing under this subsection, the Secretary may administer oaths and affirmations, examine witnesses, receive evidence, and issue subpoenas requiring the attendance and testimony of witnesses and the production of evidence that relates to the matter under investigation.

"(j) JUDICIAL REVIEW.—Any person that is the subject of an adverse decision under subsection (a), (b), (c), (d), (f), (g), or (h) may obtain a review of such decision by the United States Court of Appeals for the District of Columbia or for the circuit in which the person resides, by filing in such court (within 60 days following the date the person is notified by the Secretary's decision) a petition requesting that the decision be modified or set aside.

"(k) APPLICABILITY.—

"(1) CONVICTION.—For purposes of this section, a person is considered to have been convicted of a criminal offense—

"(A) when a judgment of conviction has been entered against the person by a Federal or State court, regardless of whether there is an appeal pending,

"(B) when a plea of guilty or nolo contendere by the person has been accepted by a Federal or State court, or

"(C) when the person has entered into participation in a first offender, deferred adjudication, or other similar arrangement or program where judgment of conviction has been withheld.

"(2) EFFECTIVE DATE.—Subsection (a) and subparagraphs (A), (B), and (C) of subsection (b)(2) shall not apply to a conviction which occurred more than 5 years before the initiation of any agency action proposed to be taken under such subsection or subparagraph, and subparagraphs (D) and (E) of subsection (b)(2) and subsections (f) and (g) shall not apply to an act which occurred more than 5 years before the initiation of such action.".

SEC. 3. CERTIFICATION.

Section 505(j)(2)(A) 21 U.S.C. 355 (j)(2)(A)) is amended—

(1) by striking out "and" at the end of clause (vii), by striking out the period at the end of clause (viii) and inserting in lieu thereof a semicolon, and by adding after clause (viii) the following:

"(ix) a certification that the applicant did not and will not use the services of any person debarred under section 306 in connection with the application; and

"(x) a list of all convictions, described in subsections (a) and (b) of section 306, within the last 5 years of the applicant and affiliated persons responsible for the development or submission of abbreviated drug applications.", and

(2) in the last sentence, by striking out "(viii)" and inserting in lieu thereof "(x)".

SEC. 4. CIVIL PENALTIES.

Chapter III, as amended by section 2, is amended by adding after section 306 the following:

"CIVIL PENALTIES

"SEC. 307. (a) IN GENERAL.—Any person that the Secretary finds—

"(1) knowingly made or caused to be made, to any officer, employee, or agent of the Department of Health and Human Services, a false statement or misrepresentation with relation to a material fact in connection with an abbreviated drug application,

"(2) bribed or attempted to bribe or paid or attempted to pay an illegal gratuity to any officer, employee, or agent of the Department of Health and Human Services in connection with an abbreviated drug application,

"(3) destroyed, altered, removed, or secreted, or procured the destruction, alteration, removal, or secretion of, any material document or other material evidence which was the property of or in the possession of the Department of Health and Human Services for the purpose of interfering with that Department's discharge of its responsibilities in connection with an abbreviated drug application,

"(4) knowingly failed to disclose, to an officer or employee of the Department of Health and Human Services, a material fact which such person had an obligation to disclose relating to any drug subject to an abbreviated drug application,

"(5) knowingly obstructed an investigation of the Department of Health and Human Services into any drug subject to an abbreviated drug application,

"(6) is a person that has filed with the Secretary at any time an abbreviated drug application (whether or not such application has been approved) and employed, retained as a consultant or contractor, or otherwise used (in any capacity in which such person has or might have any control over or involvement in the development of an abbreviated drug application) the services of a person that the person knew or should have known was debarred pursuant to section 306, or

"(7) is debarred pursuant to section 306 and provided services to an applicant under an abbreviated drug application that could subject such applicant to debarment under section 306 or to a civil penalty under this section,

shall be liable to the United States for a civil penalty for each such violation in an amount not to exceed $250,000 in the case of an individual and $1,000,000 in the case of any other person.

"(b) PROCEDURE.—

"(1) IN GENERAL.—A civil penalty under subsection (a) shall be assessed by the Secretary on a person by an order made on the record after an opportunity for an agency hearing on disputed issues of material fact and the amount of the penalty. In the course of any investigation or hearing under this paragraph, the Secretary may administer oaths and affirmations, examine witnesses, receive evidence, and issue subpoenas requiring the attendance and testimony of witnesses and the production of evidence that relates to the matter under investigation.

"(2) AMOUNT.—In determining the amount of a civil penalty under paragraph (1), the Secretary shall take into account the nature, circumstances, extent, and gravity of the act subject to penalty, the person's ability to pay, the effect on the person's ability to continue to do business, any history of prior, similar acts, and such other matters as justice may require.

"(3) LIMITATION ON ACTIONS.—The Secretary may not initiate an action under this subsection with respect to any act described in subsection (a)—

"(A) which occurred before the date of the enactment of this Act, or

"(B) which occurred more than 6 years after the date when facts material to the act are known or reasonably should have been known by the Secretary but in no event more than 10 years after the date the act took place.

"(c) JUDICIAL REVIEW.—Any person that is the subject of an adverse decision under subsection (b)(1) may obtain a review of such decision by the United States Court of Appeals for the District of Columbia or for the circuit in which the person resides, by filing in such court (within 60 days following the date the person is notified of the Secretary's decision) a petition regarding that the decision be modified or set aside.

"(d) INFORMANTS.—The Secretary may award to any individual (other than an officer or employee of the Federal Government or a person who materially participated in any conduct described in subsection (a)) who provides information leading to the imposition of a civil penalty under this section an amount not to exceed—

"(1) $250,000, or

"(2) one-half of the penalty so imposed and collected,

whichever is less. The decision of the Secretary on such award shall not be reviewable.".

SEC. 5. AUTHORITY TO WITHDRAW APPROVAL OF APPLICATIONS.

Chapter III, as amended by section 4, is amended by adding after section 307 the following:

"AUTHORITY TO WITHDRAW APPROVAL OF APPLICATIONS

"SEC. 308. (a) IN GENERAL.—The Secretary—

"(1) shall withdraw approval of an abbreviated drug application if the Secretary determines that the approval was obtained, expedited, or otherwise facilitated through bribery, payment of an illegal gratuity, or fraud or material false statement, and

"(2) may withdraw approval of an abbreviated drug application if the Secretary determines that the applicant has repeatedly demonstrated a lack of ability to produce the drug for which the application was submitted in accordance with the formulations or manufacturing practice set forth in the abbreviated drug application and has introduced, or attempted to introduce, such adulterated or misbranded drug into commerce.

"(b) PROCEDURE.—The Secretary may not take any action under subsection (a) with respect to any person unless the Secretary has issued an order for such action made on the record after opportunity for an agency hearing on disputed issues of material fact. In the course of any investigation or hearing under this subsection, the Secretary may administer oaths and affirmations, examine witnesses, receive evidence, and issue subpoenas requiring the attendance and testimony of witnesses and the production of evidence that relates to the matter under investigation.

"(c) APPLICABILITY.—Subsection (a) shall apply with respect to offenses or acts regardless of when such offenses or acts occurred.

"(d) JUDICIAL REVIEW.—Any person that is the subject of an adverse decision under subsection (a) may obtain a review of such decision by the United States Court of Appeals for the District of Columbia or for the circuit in which the person resides, by filing in such court (within 60 days following the date the person is notified of the Secretary's decision) a petition requesting that the decision be modified or set aside.".

SEC. 6. INSPECTOR GENERAL.

(a) AMENDMENT.—Section 702 (21 U.S.C. 372) is amended by adding at the end the following:

"(f)(1) In addition to existing authority, the Inspector General may investigate the following:

"(A) Any allegation of misconduct by employees of the Food and Drug Administration.

"(B) Any allegation of violation of section 301(t).

"(C) Any allegation of violation, or class of violations, of this Act which the Commissioner of the Food and Drug Administration has requested the Inspector General to investigate.

"(D) Any allegation of violation, or class of violations, of this Act for which the Secretary delegates authority to the Inspector General to investigate or requests the Inspector General to investigate, including—

"(i) any allegation that false or fraudulent materials have been submitted to the Food and Drug Administration,

"(ii) any allegation that false or fraudulent records have been maintained under any law administered by the Food and Drug Administration,

"(iii) any allegation of fraud, false claims, waste, or abuse relating to programs or operations administered, carried out, financed, or conducted by the Food and Drug Administration,

"(iv) any allegation of fraud in reporting of research by clinical investigators which is submitted to the Food and Drug Administration,

"(v) any allegation of an illegal sale under Federal law of a drug which is not a controlled substance, and

"(vi) any allegation of a felony violation of this Act.

In making determinations regarding any delegation of authority, the Secretary shall consider the expertise and resources available in the Office of Inspector General and in the Food and Drug Administration.

"(2) Paragraph (1) shall not be construed to preclude the Inspector General from initiating an investigation of a violation of this Act to determine if the violation is a violation described in subparagraph (A) of paragraph (1).".

(b) REPEAL.—Effective 2 years after the date of the enactment of this Act, subsection (f) of section 702 (21 U.S.C. 372), as added by subsection (a), is repealed.

SEC. 7. INFORMATION.

Section 505(j) (21 U.S.C. 355(j)) is amended by adding at the end the following:

"(8) The Secretary shall with respect to each application submitted under this subsection maintain and revise every 30 days—

"(A) the name of the applicant,

"(B) the name of the drug covered by the application,

"(C) the name of each person to whom the review of the chemistry of the application was assigned and the date of such assignment, and

"(D) the name of each person to whom the bio-equivalence review for such application was assigned and the date of such assignment.

The information the Secretary is required to maintain under this paragraph with respect to an application submitted under this subsection shall be made available to the public after the approval of such application.".

SEC. 8. DEFINITIONS.

Section 201 (21 U.S.C. 321) is amended by adding at the end the following:

"(bb) The term 'abbreviated drug application' means an application submitted under section 505(j) or 507 for the approval of a drug that relies on the approved application of another drug with the same active ingredient to establish safety and efficacy, and—

"(1) in the case of section 306, includes a supplement to such an application for a different or additional use of the drug but does not include a supplement to such an application for other than a different or additional use of the drug, and

"(2) in the case of sections 307 and 308, includes any supplement to such an application.

"(cc) The term 'knowingly'; means that a person with respect to information—

"(1) has actual knowledge of the information, or

"(2) acts in deliberate ignorance or reckless disregard of the truth or falsity of the information.

"(dd) The term 'high managerial agent' means—

"(1) an officer of a corporation or an unincorporated association,

"(2) in the case of a partnership, a partner, or

"(3) any employee or other agent of a corporation, unincorporated association, or partnership,

having duties such that such officer, partner, employee, or agent's conduct may fairly be assumed to represent the policy of the corporation, association, or partnership, and the term includes persons having management responsibility for (1) submissions of the Food and Drug Administration regarding the development or approval of an abbreviated drug application, (2) production, quality assurance, or quality control of any drug produced under an abbreviated drug application, or (3) research and development of any drug subject to an abbreviated drug application.".

SEC. 9. EFFECT ON OTHER LAWS.

No amendment made by this Act shall preclude any other civil, criminal, or administrative remedy provided under Federal or State law, including any private right of action against any person for the same action subject to any action or penalty under an amendment made by this Act.

The SPEAKER pro tempore (Mr. HUBBARD). Pursuant to the rule, the gentleman from California [Mr. WAXMAN] will be recognized for 20 minutes, and the gentleman from Illinois [Mr. HASTERT] will be recognized for 20 minutes.

The Chair recognizes the gentleman from California [Mr. WAXMAN].

GENERAL LEAVE

Mr. WAXMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the legislation presently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. WAXMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this legislation was introduced by the chairman of the Committee on Energy and Commerce and is cosponsored by every member of that committee. Its purpose is to give the Food and Drug Administration additional tools to combat serious, criminal fraud when it occurs in the generic drug industry.

Since the enactment of the Drug Price Competition and Patent Term Restoration Act of 1984, there has been a tremendous growth in the availability of generic drugs in this country, which have saved consumers and the Federal Government millions of dollars.

Unfortunately, the success story of the generic drug industry was marred when it was revealed that some generic drug company officials were paying illegal gratuities to FDA employees in exchange for preferential treatment of their drug applications, and that other companies were submitting fraudulent data in order to obtain approval of their products. Much of this corruption was revealed in an investigation conducted by the Oversight and Investigations Subcommittee of the Committee on Energy and Commerce.

H.R. 2454 is the committee's legislative response to these problems. Where there has been fraud of the type revealed in the subcommittee's investigation, the bill would give the Food and Drug Administration the authority to impose civil penalties, and to bar generic drug companies from obtaining drug approvals or from having their drug applications processed. In more limited situations, the agency could also suspend generic drug applications that have already been approved.

After the bill was reported out of the Committee on Energy and Commerce, two changes were made which I would like to note for the record. First, in section 2 the phrase "assisting in the submission of" has been added to the new section 306(a). This conforms to section 306(b) and makes it clear that an individual who is debarred may not work on any abbreviated drug application. Second, the new section 306(f)(2)(A), also added by section 2, has been rewritten to make it clear that the Secretary of the Department of Health and Human Services or the Food and Drug Administration must terminate a temporary denial of approval of an abbreviated drug application if there is a determination that the finding supporting the temporary denial was in error, regardless of whether the investigation supporting the temporary denial has ended.

H.R. 2454 should help to restore the vitality of the generic drug industry and the American people's confidence in generic drug products. The bill is the result of a compromise worked out in the Committee on Energy and Commerce and enjoys the support of all the members of that committee. The credit for the bill goes to the distinguished chairman of our committee, Mr. DINGELL. I urge all Members to support it.

Mr. HASTERT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to rise in support of H.R. 2454, the Generic Drug Enforcement Act of 1991. This bill was unanimously approved by the Energy and Commerce Committee. It represents the committee's response to the generic drug scandal. For the better part of the last 3 years, the Subcommittee on Oversight and Investigations—on a bipartisan basis—has been conducting an investigation into the generic drug scandal. Most regrettably, in light of the need for lower priced medicines on the market, the subcommittee found that large segments of the industry were riddled with corruption.

The U.S. attorney for Maryland has taken action against a number of individuals and companies and has made it clear that he expects to file more criminal charges.

I think H.R. 2454 represents a fair and reasonable approach to ridding the generic drug industry of the bad actors and to restoring public confidence in the safety and efficacy of generic drugs. It provides the FDA with the authority to not accept or review applications for the approval of generic drugs if a company has been convicted of certain specified crimes. The FDA would also be able to debar individuals convicted of such crimes from participating in the development of drug applications for both generic and brand name drugs to be submitted to the FDA.

The time has arrived to pass this legislation to give FDA the appropriate enforcement tools it needs to ensure that corrupt individuals and companies will not be able to continue to defraud the public.

I appreciate the leadership and cooperation of the chairman, Mr. BLILEY, Mr. WAXMAN, and Mr. DANNEMEYER in developing this legislation. Finally, I would note that the administration has no objection to passage of H.R. 2454. I urge my colleagues to join me in supporting this bill.

Mr. BLILEY. Mr. Speaker, I rise in support of H.R. 2454, the Generic Drug Enforcement Act of 1991. I am particularly pleased that this year's version of a bill Chairman DINGELL and I first introduced last Congress has such widespread support on the Energy and Commerce Committee.

The need for tough sanctions against those who violate the law and engage in improper practices in connection with the generic drug approval process has never been greater.

Just this summer, the U.S. attorney for Maryland announced two more guilty pleas in his generic drug probe: One from a lab based in Baltimore and the other from the lab's former chief scientific officer. Both pleas were based on charges of obstructing an investigation by permitting a generic drug company executive to switch samples of a generic drug used in human testing before samples were collected by the FDA.

In addition to these two latest guilty pleas, 5 former FDA employees, 10 generic drug company executives, 1 industry consultant, and 4 generic drug companies have been convicted. The U.S. attorney recently stated again that even more criminal charges are anticipated.

Sadly enough, we learned during the course of the ongoing inquiry into this matter by the Subcommittee on Oversight and Investigations, which began in 1988, the FDA lacks sufficient authority to debar and fine those who engage in these actions, and to suspend or withdraw already approved generic drugs which are tainted by wrongdoing.

At an oversight subcommittee hearing on June 5, we learned that new generic drug approvals have slowed to a virtual crawl in the last year or more. In my view, that situation is likely to continue until a number of steps are taken, including enactment of the penalties and other enforcement measures contained in H.R. 2454.

I want to thank all parties involved for working cooperatively with Chairman DINGELL and me to come up with this consensus approach to this very important issue.

I urge my colleagues to join me in supporting this bill.

Mr. DINGELL. Mr. Speaker, I rise in support of H.R. 2454, the Generic Drug Enforcement Act of 1991.

Let me begin by extending my personal thanks to my distinguished colleagues, the Honorable THOMAS J. BLILEY, the ranking Republican member of the Subcommittee on Oversight and Investigations, the Honorable HENRY A. WAXMAN, the chairman of the Subcommittee on Health and Environment, the Honorable NORMAN F. LENT, the ranking member of the Committee on Energy and Commerce and the 39 other members of the Committee on Energy and Commerce that cosponsored this important legislation.

In 1984, Congress passed the Drug Price Competition and Patent Term Restoration Act to the Federal Food, Drug, and Cosmetic Act. This landmark legislation opened up, for the first time, the prescription drug market to meaningful competition. This law was enacted at a time when a number of the patents for the biggest selling drugs had expired, or were about to expire. Consequently, a final approval of a generic drug virtually guaranteed the successful applicant a substantial and lucrative market share of a best selling product. Unfortunately, the intense pressures generated by this extraordinary competitive environment contributed to a series of scandals in the generic drug industry.

In 1988, an investigation begun by the Subcommittee on Oversight and Investigations revealed that various companies in the generic drug industry had paid illegal gratuities to Food and Drug Administration staff members in exchange for preferential treatment of their abbreviated drug applications and that some generic manufacturers had substituted samples of the innovator's products for their own in conducting bioequivalence tests. As a result of subsequent probes by the U.S. attorney for the district of Maryland, the FDA, and the subcommittee, there have been 26 criminal guilty pleas and convictions, scores of products recalled or withdrawn, and 5 of the top 10 generic drug firms implicated in corruption, fraud, or false statements.

H.R. 2454 has been drafted to remedy this disgraceful mess. It is intended to protect the integrity of the generic drug approval process, to restore consumer confidence in generic drugs and to create a strong deterrent to future misconduct.

First, it will protect the future honesty of the system by requiring or permitting the Secretary of the Department of Health and Human Services [HHS] to debar from future generic drug approvals, for at least 1 year, those firms and individuals convicted or materially implicated in bribery, fraud, false statements or other crimes which undermine the FDA approval process.

Second, it will permit the temporary denial of generic drug approvals for up to 18 months, with one possible 18 month extension, where the Secretary determines bribery, fraud or the like has occurred.

Third, it will grant the Secretary authority to suspend the distribution of drugs of certain companies, unless those companies can prove that some or all of their drugs are untainted.

Fourth, the bill will require the mandatory withdrawal of any generic drug approval illicitly obtained and the permissive withdrawal of approvals where the company has repeatedly failed to live up to its commitments to FDA.

Fifth, it will establish a series of civil penalties for action corrupting the approval process.

Finally, it provides standby investigational authority for the Health and Human Services inspector general concerning Food and Drug Administration matters, including drug diversion and fraud on the agency.

Undoubtedly, some generic firms will oppose this legislation, particularly those which are or will be the targets of Federal criminal investigations. However, we have received the support of a majority of the honest generic drug firms that recognize the importance of cleansing the industry of those who would corrupt the generic drug approval process.

The rapidly rising cost of drugs is severely taxing the resources of individuals and governmental entities. The American consumer has a right to safe, effective, and low-priced generic drugs. Unscrupulous individuals and, in a few cases, firms, should not be allowed to undermine the public confidence in the industry that provides us with low cost alternatives to prescription medication. It is essential that we enact legislation that would bar such individuals and firms from further participation in this important business. Therefore, I urge my colleagues to support the Generic Drug Enforcement Act of 1991.

Mr. WAXMAN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. HASTERT. Mr. Speaker, I, too, have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. WAXMAN] that the House suspend the rules and pass the bill, H.R. 2454, as amended.

The question was taken.

Mr. WAXMAN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5, rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

SILVIO O. CONTE DISABILITIES PREVENTION ACT

Mr. WAXMAN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3401) to amend the Public Health Service Act to establish a program for the prevention of disabilities, and for other purposes, as amended.

The Clerk read as follows:

H.R. 3401

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Silvio O. Conte Disabilities Prevention Act".

SEC. 2. ESTABLISHMENT OF SILVIO O. CONTE DISABILITIES PREVENTION PROGRAM.

Part B of title III of the Public Health Service Act (42 U.S.C. 243 et seq.) is amended by inserting after section 314 the following new section:

"SILVIO O. CONTE DISABILITIES PREVENTION PROGRAM

"SEC. 315. (a) IN GENERAL.—The Secretary, acting through the Director of the Centers for Disease Control, may make grants to and enter into contracts with public and nonprofit private entities for the purpose of carrying out programs for the prevention of disabilities and the prevention of secondary conditions resulting from disabilities.

"(b) CERTAIN AUTHORIZED ACTIVITIES.—With respect to the prevention of disabilities and conditions described in subsection (a), activities for which the Secretary may provide financial assistance under such subsection include—

"(1) coordinating prevention activities;

"(2) conducting demonstrations and interventions;

"(3) conducting surveillances and studies;

"(4) educating the public; and

"(5) educating and training health professionals (including allied health professionals) and conducting activities to improve the clinical skills of such professionals.

"(c) REPORTS TO SECRETARY.—The Secretary may not provide financial assistance under subsection (a) unless the applicant involved agrees to submit to the Secretary such reports as the Secretary may require with respect to such assistance.

"(d) PRIORITIES.—The Secretary shall consult with the National Council on Disabilities in setting priorities to carry out this section.

"(e) REQUIREMENT OF APPLICATION.—The Secretary may not provide financial assistance under subsection (a) unless an application for such assistance is submitted to the Secretary and the application is in such form, is made in such manner, and contains such agreements, assurances, and information as the Secretary determines to be necessary to carry out this section.

"(f) LIMITATION REGARDING EDUCATION OF HEALTH PROFESSIONALS.—In providing financial assistance under subsection (a), the Secretary may not, for activities described in subsection (b)(5), obligate more than 10 percent of the amounts appropriated under subsection (k) for any fiscal year.

"(g) TECHNICAL ASSISTANCE.—The Secretary may provide training, technical assistance, and consultations with respect to the planning, development, and operation of any program for the prevention of disabilities or the prevention of secondary conditions resulting from disabilities.

"(h) PROVISION OF SUPPLIES AND SERVICES IN LIEU OF FUNDS.—

"(1) IN GENERAL.—Upon the request of a recipient of financial assistance under subsection (a), the Secretary may, subject to paragraph (2), provide supplies, equipment, and services for the purpose of aiding the recipient in carrying out such subsection and, for such purpose, may detail to the recipient any officer or employee of the Department of Health and Human Services.

"(2) CORRESPONDING REDUCTION IN PAYMENTS.—With respect to a request by a recipient for purposes of paragraph (1), the Secretary shall reduce the amount of payments under subsection (a) to the recipient by an amount equal to the costs of detailing personnel (including pay, allowances, and travel expenses) and the fair market value of any supplies, equipment, or services provided by the Secretary. The Secretary shall, for the payment of expenses incurred in complying with such request, expend the amounts withheld.

"(i) EVALUATION AND REPORTS.—

"(1) EVALUATIONS.—The Secretary shall, directly or through contracts with public or private entities, provide for evaluations of programs carried out pursuant to subsection (a).

"(2) REPORTS.—Not later than January 31, 1993, and annually thereafter, the Secretary shall submit to the Committee on Energy and Commerce of the House of Representatives, and to the Committee on Labor and Human Resources of the Senate, a report summarizing evaluations carried out pursuant to paragraph (1) during the preceding fiscal year. The Secretary shall provide a copy of each such report to the National Council on Disability.

"(j) DEFINITONS.—For purposes of this section:

"(1) The term 'financial assistance' means a grant or contract.

"(2) The term 'prevention' means activities that address the causes of disabilities and secondary conditions resulting from disabilities, and activities that address the exacerbation of functional limitations, including activities that—

"(A) eliminate or reduce the factors that cause or predispose persons to disabilities or that increase the prevalence of disabilities;

"(B) increase the early identification of existing problems to eliminate circumstances that create or increase functional limitations; and

"(C) mitigate against the effects of disabilities throughout the person's lifespan.

"(k) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of providing financial assistance under this section, there are authorized to be appropriated $15,000,000 for fiscal year 1992, $20,000,000 for fiscal year 1993, and $25,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 and 1996.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California [Mr. WAXMAN] will be recognized for 20 minutes, and the gentleman from Illinois [Mr. HASTERT] will be recognized for 20 minutes.

The Chair recognizes the gentleman from California [Mr. WAXMAN].

GENERAL LEAVE

Mr. WAXMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the legislation presently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. WAXMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this legislation would establish a new section within the Public Health Service Act to authorize grants for the prevention of disabilities and for the prevention of secondary conditions resulting from disabilities. In brief, this legislation would establish priorities for CDC activities in the areas of disability prevention. It would direct the use of funds for research and demonstration projects, for education of the public and training of health professionals, and for the provision of technical assistance for the implementation of those activities.

According to a 1991 study by the Institute of Medicine, "Disability in America: Toward a National Agenda for Prevention," almost 15 percent of the U.S. population, or 35 million Americans, suffer from some kind of disability. Disabilities disproportionately affect minorities—including Native Americans—the elderly, and those in lower socioeconomic groups. According to the IOM report, the national cost of caring for all of those with disabilities is approximately $170 billion per year, including an estimated $82 billion in Federal funds.

In response to a specific statutory mandate from Congress, the National Council on Disability conducted an assessment of Federal laws and programs serving people with disabilities, and made recommendations to the President and Congress on Legislative proposals for "increasing incentives and eliminating disincentives in [such] Federal programs." The ensuing report, "Toward Independence," was released in 1986 and identified ten national priorities, including a recommendation for implementation of a Federal initiative designed both to prevent disabilities and to coordinate disability prevention programs at the Federal, State, and local levels.

A followup study produced by the National Council in 1987 reported that disability prevention efforts in the United States are disparate and uncoordinated. Coordination of such activities, the Council argued, would increase their effectiveness. The recent IOM study reflected the findings and recommendations of the National Council and urged that disability prevention "be [made] a high priority."

Our colleague, the late Silvio Conte, pioneered efforts in the Congress to create programs for the prevention of disabilities. Beginning in 1988, he pressed for appropriations for demonstration activities in this area. In 1990, Congressman Conte introduced legislation to authorize such a program at the CDC, legislation that was the prototype of this bill. He testified before the Health and the Environment Subcommittee regarding his legislation, saying:

> There has been much discussion in this Congress on what needs to be done to remove the barriers to full community participation of those with disabilities. But we must not neglect the public health needs of these people, and we must also take action to prevent those already living with disabilities from becoming further disabled.

The Conte legislation passed the House in 1990. Senate consideration was not completed by the end of the 101st Congress.

H.R. 3401 and the program it authorizes have been named in Congressman Conte's honor. The committee has done so to recognize his dedication to these efforts and his leadership in congressional support of them.

I know of no more fitting tribute to our colleague than to ensure that his work in this area becomes law and to ensure that millions of Americans who are now disabled and millions more who might avoid disability will benefit from his good works and his good heart.

I urge Members to support the bill.

□ 1230

Mr. HASTERT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this legislation codifies in the Public Health Service Act the disability prevention program conducted by the Centers for Disease Control since 1988.

Approximately 38 million Americans suffer from some kind of disability. These disabilities fall into three categories: chronic disease—such as heart disease or Parkinsons—injury such as a spinal cord injury—and developmental disabilities—such as cerebal palsy. Secondary disabilities occur when a person with a primary disability suffers a complication or injury that causes further disability.

The main goal of the Disability Prevention Program is to prevent and reduce the incidence and severity of both primary and secondary disabilities.

Prevention of disabilities will not only save money but will enable people to continue to lead independent and productive lives.

Our colleague, Silvio Conte was an ardent supporter of this program. I am glad to support this legislation named after Mr. Conte in recognition of his support of this program.

I urge my colleagues to support this legislation.

□ 1240

The SPEAKER pro tempore (Mr. HUBBARD). Under a previous order of the House, the gentleman from Maryland [Mr. HOYER] is recognized for 5 minutes.

Mr. HOYER. Mr. Speaker, I rise today in support of H.R. 3401, the Silvio O. Conte Disabilities Prevention Act. I had the distinct privilege of serving with Sil Conte in this House and on the Appropriations Committee for many years. And, as I have said many times before on the floor of the House he loved, he was truly one of the finest, most committed Members of this House.

Silvio Conte had a special place in his heart and on his list of priorities for people with disabilities. He understood that our Nation would be stronger if we worked together to insure that people with disabilities were integrated as full participants in our society. He understood that the goal of equal opportunity was a priority for people with disabilities, but it was a goal that was often ignored by our society.

I want to commend Chairman WAXMAN for bringing this bill forward today. I can think of few better ways to honor the memory of Sil Conte and his dreams than this bill. H.R. 3401 establishes a permanent program as part of the Centers for Disease Control, for the prevention of disabilities. We have seen a growing awareness in our Nation for disability prevention and the need to promote a comprehensive education effort. Our Nation's experts know many ways to prevent disabilities. H.R. 3401 will allow the rest of the Nation to benefit from their expertise.

The Institute of Medicine recently published their report, "Disability in America: Toward a National Agenda for Prevention." I would like to quote from the opening remarks by the Chair of the Committee on a National Agenda for the Prevention of Disabilities, Mr. Alvin R. Tarlov. He writes:

> The time has come for the Nation to address disability as an issue that affects all Americans, one for which an investment in education, access to preventive services and technology, and the development of effective interventions could yield unprecedented returns in public health, personal achievement, and national productivity.

Chairman Tarlov's statement is certainly consistent with the goals of the Americans With Disabilities Act and H.R. 3401 is a further extension of those efforts. It is also a statement with which I agree and I believe, Sil Conte would as well. Again, I commend Chairman WAXMAN for bringing this bill to the floor and urge my colleagues to join me in supporting the Silvio Conte Disabilities Prevention Act.

Mr. WAXMAN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. HASTERT. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. HUBBARD). The question is on the motion offered by the gentleman from California [Mr. WAXMAN] that the House suspend the rules and pass the bill, H.R. 3401, as amended.

The question was taken; and (two-thirds having voted in favor thereof), the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

THE ATLANTA BRAVES—TRUE CHAMPIONS, EVEN IN DEFEAT

(Mr. DARDEN asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. DARDEN. Mr. Speaker, the 1991 baseball season is over. The World Series ended last night, and regrettably our Atlanta Braves lost. However, this has been one of the most fulfilling and rewarding years we have ever had in Atlanta because our Braves came all the way out of the cellar of the National League to go all the way and win the National League pennant.

I want to extend our congratulations to our friends from Minnesota and to the Twins for their victories in Minnesota. We would point out, Mr. Speaker, that they won in Minnesota only. The games that really counted, of course those three played in Atlanta, the first World Series games ever played there, were all won by the Atlanta Braves by overwhelming margins.

Let me say this, though: our heartiest congratulations to the Minnesota Twins, but congratulations also to the Braves. On Tuesday there will be a big parade in downtown Atlanta so we can express our appreciation to our true winners and our real champions, the 1991 Atlanta Braves.

NATION FACES AN ECONOMIC AND FINANCIAL EMERGENCY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Mississippi [Mr. WHITTEN] is recognized for 5 minutes.

Mr. WHITTEN. Mr. Speaker, tomorrow we are scheduled to take up the dire emergency supplemental bill—a product of six of our subcommittees. At this time, I call your attention to the fact that economically and financially as a nation we face a national emergency—a dire emergency.

Anyone who reads a newspaper or watches television or talks to one's neighbors is bound to realize our Nation is in a deep recession and judging by history it will take a real effort if we are to avoid a long drawn out depression.

Despite the fact that our Committee on Appropriations has held the total of appropriations bills $180,800,000,000 below the recommendations of our Presidents since 1945, today we owe a debt of $4 trillion and have outstanding guarantees of another $5 trillion. We can work our way out of this only by increasing production and regaining our domestic markets and our normal share of foreign markets. History will decide whose fault it is—and our domestic policy of placing foreign relations ahead of the domestic economy, where we are letting our real wealth deteriorate, will figure prominently in that.

We need information, as what we must do is try to prevent an all out breakdown in our situation here at home, thus fixing the blame at least should be delayed.

Far too many people seem to forget that paper money and material wealth are two different things as any study of economics or history will show.

On every hand we read of cutbacks, reductions in force—the loss of millions of jobs. Thousands of banks are failing along with major companies, savings and loans associations, and many others who deal with real estate.

Mr. Speaker, I cannot recall a time since 1941 when the national economy has been in a more serious condition. Every newscast, every newspaper, every news magazine is filled with articles or stories on businesses closing, of employee cutbacks or furloughs, of the lack of employment because of the lack of operating capital. When a few, including some office holders, by using carefully selected statistics we have high leading officials voice optimism about the recovery.

In addition, conditions are terrible because of natural disasters—hurricanes, earthquakes, freezes, droughts, floods, tornadoes, and more recently, wildfires—which have been declared disasters by the President and the Secretary of Agriculture which affect every State in the Union. These disasters have created a dire emergency which must be addressed to prevent a cutting back on vital ongoing programs.

Mr. Speaker, it will take time if we are to work out of the present problem. We need to get our country moving, to increase production, to again export more than we import—and we need to start now for we live in a competitive world.

As a start, tomorrow we must join together to pass the dire emergency disaster assistance bill reported out by our Committee on Appropriations.

The conditions resulting from the widespread disasters continue to get worse. There are now 40 presidentially declared disasters and an additional 68 declared by the Secretary of Agriculture. With reductions in employment, in production, and exports resulting from these disasters, when added to our mistaken policies, it is apparent that the Nation must take action. It has been over 6 months since we called attention to the problem, the facts of which are well known.

To begin to meet these problems, tomorrow we bring before the House a dire emergency supplemental to provide funds to meet the disasters which have hit the Nation since last October and to provide more funds for Hurricane Hugo damage and the 1989 California earthquake.

Recently, Hurricane Bob struck the northeast coast. To date, estimated costs for the disasters declared due to this hurricane are approximately $52 million.

In the years 1990 and 1991, disaster declarations have been declared or are pending for 11 States in the East, 8 States in the Southeast, 8 South Central States, 11 North Central States, 6 States in the Northwest, and 6 States in the Southwest. Thus, in connection with this, it is necessary that the Congress declare these domestic needs to be dire emergencies so that other essential programs won't be reduced by sequestration as has been done to fiscal year 1991 programs which were reduced thirteen ten-thousandths of 1 percent by the Office of Management and Budget based on its own counting without the approval of the Congress.

Mr. Speaker, let me give you some examples of these disasters.

Farmers in Minnesota and Iowa were unable to plant their crops due to an unprecedented spring and summer rainfall. Furthermore, many crops which may have been planted were destroyed because of flooding.

Since early spring of this year, tremendous storms with accompanying torrential rain and winds have hit areas of the country. At one point, over 4 million acres of land in the Mississippi River Delta were inundated, destroying or damaging drainage ditches, bridges, roads, homes, and farms. Additionally, some of the worst drought conditions of the century have affected other parts of the country.

The heavy rains that occurred in last April and early May 1991, averaged 12 to 18 inches above normal in the Yazoo basin. This flooding was more severe than in 1973 in several locations, setting modern day records, and resulted in a major flood fight activity.

Since October 1990, there have been disasters for which Federal funds are not available to meet emergency needs, resulting in calls for the National Guard and other assistance.

H.R. 3543 was reported October 17—before the disastrous fire in Oakland, CA, occurred. All the evidence is not in on the effects of that terrible fire. What we know now is that more than 25 persons have died and more than 1,800 homes have burned with damages included to roads, bridges, and the overall effect—according to the press—is estimated to be from $2 to $5 billion in damages. Apparently, this disastrous fire and the damages ranks with the volcano eruption in Washington, the earthquake in San Francisco, and to the Great Chicago Fire in 1871.

In addition, wildfires have damaged areas in Washington, Montana, Idaho, and Virginia.

Tomorrow, when the dire emergency supplemental is considered, I will offer an amendment that will provide additional disaster assistance for FEMA, the Corps of Engineers, the Forest Service, the Bureau of Land Management, the Soil Conservation Service, and the Geological Service to determine the needs and make recommendations to the subcommittee of jurisdiction of our Committee on Appropriations that we may mitigate the effects of the disasters and thereby help save our economy.

It is important that the bill and the amendment be approved as a dire emergency, for we must prevent cuts in ongoing programs through sequestration which would make bad matters worse.

I urge you to join us in our efforts to save the material wealth and the economy of our Nation.

□ 1240

THE AMERICAN BANKERS ASSOCIATION ATTACKS ITS OWN OFFSPRING

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. GONZALEZ] is recognized for 60 minutes.

Mr. GONZALEZ. Mr. Speaker, I rise to report a serious case of child abuse—perhaps even a case of attempted infanticide.

The coconspirators in this deed: the U.S. Treasury Department and the American Bankers Association.

Last spring, the ABA and Treasury brought their newborn child—the Financial Safety and Consumer Choice Act—to Capitol Hill and pronounced it a future superstar. For months, the proud parents have been walking into Members' offices, displaying photos and extolling the virtues of their offspring.

Now on the eve of its graduation, we see the ABA and the Treasury Department disowning the child and attempting to throw it out into the cold. Huge multipage advertisements in the Washington Post and other publications suggest that the birth certificate should be marked "void."

Mr. Speaker, what we are seeing is another of those all-or-nothing games played all to often by the banking lobbyists. As soon as they were told they would have to be responsible parents and play by the rules, the ABA members started disowning their newest child.

Mr. Speaker, H.R. 6, which will be coming to the floor later this week, is a good bill—a solid bill that allows banks to enter into new activities with safeguards for the public, the insurance funds, and the banks themselves.

Unfortunately, a solid bill is not what the American Bankers Association wants. It wants the Congress to rubberstamp new powers, new activities, and new expansion and worry about regulation and the public interest later.

This is a sad replay of the same attitudes that the savings and loan industry brought to the Congress in the 1980's. The ABA is simply recycling the old press releases of the U.S. League of Savings Institutions. In the 1980's the Congress swallowed—hook, line, and sinker—the deregulation plans drafted by the U.S. League with not even a passing glance at the public interest or the need for a new regulatory structure.

The result now shows up every April 15 in every taxpayers' contribution to the Internal Revenue Service. And it will continue to show up for many more April 15's until we pay off between $500 to $750 billion of savings and loan mistakes.

Mr. Speaker, we cannot repeat these mistakes in the deregulation of the banking industry.

The legislation—H.R. 6—that we will be bringing to the floor this week will contain essential new regulatory standards and will provide the proper level of firewalls to separate volatile activities—such as securities—from the insured banks. Both the bank regulatory agencies and the Securities and Exchange Commission will have their cops on the beat to make certain that these securities subsidiaries remain separated from the publicly insured sectors of the bank holding companies.

Much of the focus in recent weeks has been on the efforts to come up with a workable solution melding the different approaches of the Banking Committee, with its jurisdiction over banking, and the Energy and Commerce Committee, with its role in the securities arena.

Mr. Speaker, I am proud of the cooperative spirit in which we have been able to deal with this issue. My fellow chairman—JOHN DINGELL of the Energy and Commerce Committee—has been extremely cooperative and has worked with me to develop an approach to the bank securities powers that will protect the public interest. The effort was difficult for both committees, but it has produced a very good legislative product that insures that this area of deregulation will have every public safeguard possible.

Like they approach everything else in this city, the pundits have attempted to turn the Dingell-Gonzalez negotiations into some kind of sporting contest with outlandish scoring systems about who won what where in the title. Leaving that game aside, I do know that there was one clear winner—the American public.

I am pleased, Mr. Speaker, that we were able to reach the decisions on this title without doing violence to the jurisdiction of either committee. Chairman DINGELL and I agreed that jurisdiction would remain status quo and that is exactly what happened.

While I take pride in the accomplishments stemming from these committee negotiations, I hope that neither the House nor the public lose sight of the fact that title IV—securities powers—was but one of six titles in the bill that will be coming before the House this week.

H.R. 6 is necessary if we are to keep the bank insurance fund [BIF] solvent and in a position to pay off depositors when banks fail. The legislation allows the Federal Deposit Insurance Corporation to borrow $30 billion from the U.S. Treasury to keep the deposit insurance system afloat.

Mr. Speaker, H.R. 6 also contains absolutely essential new regulatory tools to protect the insurance funds—to make certain that his new $30 billion is not wasted. For example, the bill requires that the regulatory agencies take prompt action when the conditions of a bank deteriorate. This is mandatory—no more long periods of wishful thinking while a sick bank is allowed to slip from high fever to high costs for the taxpayers. This provision will save the insurance funds billions and billions of dollars in coming years.

The legislation also puts a big dent in the age-old policy of allowing the big banks to escape the possibility that they, like their smaller brethren, will face closure or sale if they operate unsafely, unsoundly, or become unofficial wards of the State. If administered properly, these provisions can end the atrocious and unfair public policy that has been dubbed too big to fail.

H.R. 6 also gives the regulators some stiff new instructions to make certain that resolutions of failed institutions follow the least costly route—the methods least burdensome on the American taxpayers and the insurance funds.

The bill also provides, for the first time, rational standards for the use of the Federal Reserve's discount window—the window that has been opening wide to provide low interest loans to banks. That window has been important as a source of short-term liquidity, but more and more it has fallen into a secret backdoor means of bailing out failing banks.

Ultimately, these bailouts, financed by the Federal Reserve, have cost the FDIC tons of money. The Federal Reserve, after the fact, mails the FDIC a bill for all the discount-window operations and the insurance funds and the taxpayers pay. The legislation ends this silly open-ended discount-window game and establishes specific criteria for the use of the facility.

Mr. Speaker, the legislation reported by the Banking Committee allows banks to branch across State lines, a provision that many believe will stabilize the industry and allow it to reach new markets. Such territorial expansions are not without their risks and many are anxious that the interstate entities do more than simply take deposits in new territories. It is my understanding that there may be amendments, the Rules Committee agreeing, that would strengthen community safeguards and ensure that the effect of such laws as the Community Reinvestment Act are not left behind when banks travel.

With the sequential referrals to four committees plus the basic H.R. 6, reported by the Banking Committee, the Rules Committee is obviously being given a big and difficult job in providing the vehicle to move the legislation to the floor. None of us know what amendments will be placed in order. But, Chairman MOAKLEY has done a magnificent job on the Rules Committee and everyone in the House appreciates that fact. I know the rule adopted in this instance will be absolutely fair. In 1989, we had the massive savings and loan reform legislation—FIRREA—and it, too, had multicommittee referrals. But, JOE MOAKLEY worked through that maze, allowed a representative group of amendments, and made a difficult floor situation work.

Mr. Speaker, I have made no secret of my disappointment that the Banking Committee did not adequately deal with the specific issue of deposit-insurance reform during its markup in June. Essentially, the committee left the status quo in place—allowing $100,000 insurance for multiple accounts that could easily provide a single affluent family with insurance in excess of $1 million courtesy of the taxpayers. This creates a tremendous contingent liability, and I hope that the House will reconsider this issue and agree to place some limit on the multiple accounts and the ultimate liability of the taxpayers in insuring wealthy depositors.

Last week, Mr. Speaker, the American public was shocked by data collected under the Home Mortgage Disclosure Act which indicates widespread discriminatory lending practices by federally insured institutions. Nationwide, it appears that minority families seeking mortgages are rejected two to four times more often than applicants from other sectors of the population with the same income. In some cases, the disparity is much greater. I question the morality of voting this industry additional funds from the U.S. Treasury and providing other benefits while such lending discrimination exists among its members. I think we have to include provisions in this bill to correct the situation before we vote final passage. It is my understanding that our colleague, JOSEPH KENNEDY of Massachusetts, will be offering a fair lending amendment and I hope that the Rules Committee and the House will look favorably on the proposal. Mr. Speaker, I see this as a very serious issue that affects all our communities across the land and one which eats at the very fabric of a nation that prides itself on equality and equal opportunity. It cannot be overlooked, regardless of other agendas.

Again, Mr. Speaker, I urge my colleagues to ignore the confusion being sown by the American Bankers Association and the Treasury Department. We need to deal with the banking legislation this session and not postpone it while the banking industry reassembles its wish lists. H.R. 6 is a solid bill for the banking industry and the American public.

Mr. Speaker, I would like to submit the Congressional Budget Office's cost estimate for H.R. 6 as reported by the Banking Committee on July 23, 1991. It is my understanding that an amendment will be offered on the floor to address the CBO estimated outlays arising from the loan guarantee for borrowing by Rhode Island to repay deposits of failed credit unions.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, October 21, 1991.

Hon. HENRY B. GONZALEZ,
Chairman, Committee on Banking, Finance and Urban Affairs, U.S. House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the attached cost estimate for H.R. 6, the Financial Institutions Safety and Consumer Choice Act of 1991, as reported by the House Committee on Banking, Finance and Urban Affairs on July 23, 1991. The bill would affect direct spending and thus would be subject to pay-as-you-go procedures under section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985.

If you wish further details on this estimate, we will be pleased to provide them.

Sincerely,

ROBERT D. REISCHAUER,
Director.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

1. Bill number: H.R. 6.

2. Bill title: The Financial Institutions Safety and Consumer Choice Act of 1991.

3. Bill status: As reported by the House Committee on Banking, Finance and Urban Affairs on July 23, 1991.

4. Bill purpose: H.R. 6 would make extensive changes in the deposit insurance system and in the regulation of financial institutions. These changes include procedures for prompt regulatory action when institutions are undercapitalized, more frequent examinations, and restrictions on the use of the too-big-to-fail policy. The bill also would eliminate deposit insurance coverage of certain types of bank investment contracts and would expressly prohibit U.S. government agencies from directly or indirectly providing insurance coverage for deposits in foreign branches of U.S. banks. The bill would phase out over a period of years the current prohibitions on interstate banking and on interstate branching by state and national banks, would allow commercial businesses to own banks, and would give banks new powers to affiliate with securities firms.

H.R. 6 would provide additional borrowing authority for the Bank Insurance Fund (BIF) and establish procedures to recapitalize the fund. It includes provisions that would strengthen federal supervision of foreign bank operations in the United States, mandate risk-based premiums, and restrict activities of state-chartered banks. The bill also would reduce deposit insurance premiums paid by banks and thrifts to the extent that they make qualifying investments in distressed communities and offer low-cost checking accounts for low-income persons. In addition, H.R. 6 would direct the Secretary of the Treasury to guarantee repayment of $180 million borrowed by an instrumentality of the State of Rhode Island to repay depositors of failed credit unions.

5. Estimated cost to the Federal Government: Overall, CBO believes that enactment of H.R. 6 could save the federal government significant amounts of money, perhaps billions of dollars, over the next decade, by reforming the deposit insurance system and the regulation of financial institutions. The consequences of the legislation are, however, quite uncertain. They depend on how the regulatory agencies would implement the authorities the bill would give them and how the banking industry would respond to the new environment the bill would create. They also depend on broad economic conditions and their effects on the banking and thrift industries. Consequently, CBO cannot estimate with any precision the budgetary impact of H.R. 6.

More specifically:

CBO expects that the bill's reforms of the deposit insurance system and regulatory procedures would reduce the long-term-risk to the government insurance funds by reducing the likelihood of future bank and thrift failures and by lowering the cost of resolving those institutions that do fail. The impact of these changes would depend greatly on how aggressively they are implemented by the regulatory agencies. It is possible that additional outlays would be necessary in the short term in order to achieve the long-run savings.

The additional borrowing authority for BIF would not result in additional costs to the government because the funding would fulfill an already-existing deposit insurance liability of the government. Furthermore, CBO expects that the borrowed funds would be repaid from bank assessments over the next several years. The interest costs on such borrowings would probably be higher if BIF borrows from banks than if it borrows only from the Treasury and the Federal Financial Bank.

The reforms mandated by H.R. 6 would increase the likelihood that the funds loaned to BIF would be repaid from bank assessments and that ultimately the U.S. Treasury would not bear the costs of bank failures. Because insurance losses for savings and loan failures are being covered almost entirely by Treasury funds, reduced insurance losses on savings and loans would result in savings to the Treasury.

Additional costs to the agencies that regulate financial institutions are likely to be in the range of $130 million to $150 million annually once new procedures are fully implemented. Most of these costs would be covered by fees charged to the regulated institutions; the remainder would be offset reduced insurance losses.

Some provisions in the bill would affect appropriated accounts. If additional appropriations are provided for these purposes, additional discretionary spending would amount to about $1 million a year.

Basis of Estimate: Scoring Conventions. The Budget Enforcement Act of 1990 excludes from pay-as-you-go calculations direct spending and receipts resulting from "full funding of, and continuation of, the deposit insurance guarantee commitment in effect on the date of enactment of this section." The conference report on that act indicates that the intent of this provision is that "the funding to meet deposit insurance liabilities that meet existing commitments be exempt from any pay-as-you-go sequestration."

In applying the Budget Enforcement Act to H.R. 6, CBO has determined that the only provisions involving federal deposit insurance that should be included for pay-as-you-go purposes are those that change the existing deposit insurance guarantee commitment as defined in law. Thus, the exclusion of bank investment contracts from deposit insurance coverage would affect pay-as-you-go scoring. In contrast, all spending effects that would result from the additional BIF borrowing authority and the BIF recapitalization plan, all costs of implementing the new deposit insurance procedures mandated by the bill, and all changes in deposit insurance spending that would result from those procedures would not be counted for pay-as-you-go purposes.

SPENDING EFFECTS

BIF Recapitalization. H.R. 6 would increase the authority of the Federal Deposit Insurance Corporation (FDIC) to borrow from the Treasury on behalf of BIF by raising the existing Treasury line of credit from $5 billion to $30 billion. In addition, the FDIC would be authorized to borrow from the Federal Financing Bank (FFB) or from insured banks, but such borrowings could not exceed BIF's cash balance plus 90 percent of the estimated market value of its other assets. Any use of the Treasury line of credit would require the Treasury and the FDIC to agree on a repayment schedule and on the adequacy of assessment income to support the necessary principal and interest payment.

The CBO baseline projections have assumed that BIF is provided with the necessary resources to fulfill its deposit insurance commitments. Under these assumptions, CBO has projected BIF's borrowing needs to total about $36 billion over the next few years, based on projected gross insurance losses of $42 billion over the 1991-1996 period. Assuming an increase in the BIF premium to 30 basis points by 1993, CBO projects that BIF would be able to repay the Treasury and the Federal Financing Bank in less than 10 years.

Overall Impact of Deposit Insurance Reform on BIF. The bill would make comprehensive changes in the regulation of banks and other depository institutions. Regulators would be required to take various corrective action based on a bank's capitalization; as capital levels decline, increasingly stringent limitations would be imposed on the institution's actions. The federal banking agencies would establish the capitalization levels that would trigger each set of actions, but a ratio of tier 1 capital to total assets of less than 2 percent would necessitate appointment of a conservator or receiver or some other action that would better protect the deposit insurance system.

A variety of other reforms would also be instituted. They would include restrictions on the use of the too-big-to-fail policy, establishment of a risk-based assessment system, changes in accounting and auditing procedures, more frequent examinations, additional grounds for appointment of a conservator or receiver, limits on Federal Reserve discount window advances to undercapitalized institutions, standards for safety and soundness, standards for real estate lending, restrictions on activities of state-chartered banks, and additional reporting requirements.

CBO cannot project with any precision the overall impact of these provisions, because the future condition of the banking industry and the ways in which the banking regulators would implement this bill are so uncertain. We believe that the legislation would reduce long-term losses and spending by the Bank Insurance Fund—because of the requirements for prompt regulatory action, the imposition of risk-based assessments, the requirement for least-cost resolutions and more frequent examinations, and other regulatory changes.

The provisions requiring prompt regulatory action could be particularly significant. The results are difficult to predict, however, because the regulators would determine the points at which each set of actions is triggered. We expect that prompt regulatory action could reduce losses by 10-20 percent, and possibly much more, depending on how aggressively the procedures are implemented. A reduction of 10-20 percent over the 1992-1996 period would reduce BIF losses by $2 billion to $5 billion over this period.

We also expect that BIF outlays in the near terms, at least fiscal years 1992 and 1993, would increase as a result of H.R. 6. If prompt regulatory action leads to a speed-up in bank closures, the long-term losses may be smaller but the cash outlays for both losses and working capital would occur sooner. It is also that the requirement for least-cost resolutions would necessitate more liquidations or deposit transfers, which require more up-front cash outlays than other forms of resolution.

Interstate Banking and Branching. Title III of the bill would significantly relax restrictions on both interstate banking and branching. Three years following enactment, Section 301 would allow domestic bank holding companies or foreign banks to acquire any bank or bank holding company located in any state pending approval by the appropriate regulatory agency. The bill would not allow state laws to restrict such acquisitions unless the same restrictions are applied to banks and holding companies located within the state. Three years following enactment, Section 302 would allow full nationwide branch banking. National and State banks would be allowed to establish branches in any state as long as they met the filing requirements of the state. Foreign banks would be allowed to establish branches in any state subject to the approval of the Comptroller of the Currency.

These provisions would result in greater competition within the industry, which would force inefficient banks and savings associations to reduce costs on their own or be merged with an institution that would do it for them. Increased competition would likely lead to higher BIF losses in the short term, but greater efficiency and increased geographic and industry diversification of bank loans would probably lower losses in the longer term.

Pass-Through Insurance. Under current law, the Federal government provides insurance coverage on deposits up to $100,000 per account. In practice, the FDIC extends full insurance coverage to much larger deposits, such as those made by pension funds or money brokers on behalf of many individuals. The FDIC views these accounts as fully insured as if each pension participant or client had placed the funds individually. The bill would reduce the scope of "pass-through" insurance by eliminating coverage of certain types of pension fund deposits, known as bank investment contracts (BICs), that allow the depositor to withdraw funds without penalty. BICs defined as uninsured deposits would not be subject to Bank Insurance Fund premium assessments. The bill would also restrict the use of brokered deposits to well-capitalized institutions.

Banks have increasingly used BICs in recent years to attract investments from pension plans. The Federal Reserve estimates that the volume of BICs outstanding at the end of 1990 was $10.4 billion. The Congressional Research Service estimates that the overall investment contract market may be growing by $20 billion per year and that banks may capture up to $15 billion of that growth. Eliminating insurance coverage of some types of BICs would tend to reduce future losses to the BIF to the extent that the overall volume of insured deposits is reduced in banks that are expected to fail. Such savings would be at least partially offset by a reduction in premium income because banks would no longer pay assessments on the affected BIC deposits. Moreover, it is unclear that significant savings would occur because banks would probably attempt to alter BICs to retain their coverage or increase other kinds of insured deposits.

Disallowing the use of brokered deposits by undercapitalized institutions might reduce Bank Insurance Fund losses in the event of their failure. However, such institutions would probably shift to other investment vehicles in order to attract funds. CBO is unable to estimate the size of possible BIF savings at this time.

FDIC Administrative Costs. Enactment of H.R. 6 would increase the FDIC's workload in terms of supervising and regulating commercial banks. Beginning one year after enactment, the bill would require on-site annual examinations of most banks. The bill would allow state examinations to count toward this requirement in alternative years. Currently, the FDIC examines roughly 60 percent of the commercial banks under its jurisdiction each year and state examinations are used for others. The bill would also require increased administrative expenses to carry out the prompt regulatory actions required by the bill. CBO estimates these requirements will raise FDIC administrative expenses by $2 million to $3 million in fiscal year 1992 and by about $5 million a year thereafter.

The bill would require regulators to determine whether a branch of an interstate bank is reasonably meeting the credit needs in its host state or market area. A review of the branch's lending practices would be required if the branch's percentage of local loans to total loans is less than half the local loan average made by all other depository institutions in the host state. If local credit needs are deemed unfulfilled, the bill would require regulators to close the branch. CBO estimates that these requirements would not significantly change the costs of bank supervision by the FDIC because such reviews are currently required under the Community Reinvestment Act of 1977.

Assessments to Recover the Cost of FDIC Examinations. Section 113 would provide authority for the FDIC to assess the cost of conducting regular and special examinations. Thrifts, credit unions, and nationally chartered banks already pay for such costs. We estimate that the FDIC could collect fees of about $400 million annually to cover these expenses, but it is unclear whether the agency would do so.

Office of the Comptroller of the Currency (OCC). The bill would require the OCC to conduct comprehensive, annual, on-site examinations for safety and soundness. This would increase the frequency and scope of examinations for some banks. Based on information from the OCC, we estimate that the agency would spend an estimated $25 million in 1992, $47 million in 1993, increasing to $54 million by 1996, to conduct more frequent examinations for safety and soundness.

In addition, Section 307 would require the OCC to evaluate compliance with the Community Reinvestment Act (CRA) for each state in which an institution has a branch. Further, each state examination would be required to evaluate information separately for each metropolitan area where an institution operates one or more branches. These examinations would be in addition to the evaluation of the entire performance of the institution in meeting its CRA requirements. For example, many large banking companies have branches in 10 or more states. The OCC would have to conduct examinations for each metropolitan area within each of these states. Additionally, the remaining non-metropolitan areas would have to be reviewed, and all this information compiled to produce a report for each state. The OCC has yet to evaluate this provision to determine the frequency or scope of additional examinations that it would conduct to comply with the statute. The OCC supervises 41 multinational banks and 259 regional banks, but the number of banks and the geographical distribution of their branches may change significantly. On a preliminary basis, we estimate that the OCC would incur costs totalling $1 million in 1992, $2 million in 1993, and about $5 million annually in 1994 and each year thereafter as a result of enactment of this provision. All expenses would be recovered by raising assessments on banks, resulting in no net budget impact.

Resolution Trust Corporation (RTC). Consistent with the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (FIRREA), the Office of Thrift Supervision (OTS) has broad authority to place thrifts that are undercapitalized in conservatorships. Title I outlines rules that OTS must follow in taking prompt action to close thrifts. As a result of these changes, we expect that OTS would review capital restoration plans within a shorter time period and would initially move 85 thrifts into conservatorship more quickly than currently planned. Over the long term, OTS might take supervisory action against more thrifts than it otherwise would have.

Once a thrift is placed in conservatorship, the RTC prepares the thrift for sale or liquidation. The assumptions underlying the CBO baseline already anticipate that the RTC will be closing failed thrifts at a pace consistent with the resources available to the agency. As a result, we do not expect that the RTC would be closing institutions much earlier than we had already assumed. While CBO has not yet finished its review of the losses associated with thrifts in conservatorship, we believe that thrifts allowed to operate when their capital level is weak continue to accrue losses by selling good assets at bargain prices, securing high cost funds, or making new risky loans. If a thrift is placed into conservatorship earlier, we expect that the rate of deterioration in its net worth will slow during the time before it can be closed. If, for example, the annual rate of growth in losses in institutions that currently have tangible capital in excess of 1.5 percent and that CBO expects will need to be closed or merged in the next four years were to decline from 30 percent to 25 percent pending resolution, the RTC could save in the range of $5 billion to $10 billion in insurance costs relative to the CBO baseline over the 1992–1996 period.

Office of Thrift Supervision. Information from OTS indicates that the agency currently conducts annual on-site, full scope examinations at most institutions, and plans to expand the examinations that it now conducts on a limited, risk-focused basis to full-scale exams. Thus, OTS would be complying with the provisions of H.R. 6 that require annual examinations for safety and soundness in any case. We expect, however, that OTS would incur additional costs to pay for examiners, overhead and travel that would be needed to comply with the state-by-state review of compliance with CRA laws. Depending on the frequency of these exams, and given the changing environment that would result from provisions related to interstate branching and banking, it is not clear how much effort would be required to conduct these exams. On a preliminary basis, we expect the cost of these examinations to be $1 million annually; these expenses would be recovered from fees charged to thrifts, resulting in no net budget impact.

Treasury Loan Guarantee for Rhode Island Credit Union Failures. The bill would require the Secretary of the Treasury to guarantee the repayment of up to $180 million in borrowing by the Depositors Economic Protection Corporation (DEPCO). The State of Rhode Island established DEPCO to borrow money to repay depositors of failed credit unions that lacked federal deposit insurance coverage.

Before the Treasury could issue the guarantee, DEPCO would have to pledge to repay the borrowing using revenue received from a Rhode Island sales tax dedicated to DEPCO (and not otherwise pledged to repay other securities). Proceeds from the sale of assets and repayments of loans made by closed credit unions would also back the borrowing. By mutual agreement, the Treasury and DEPCO would negotiate additional terms and conditions, which would include the date the guarantee would be issued and the maturity and amortization schedule. Other terms and conditions could include guarantee fees, any required credit ratings by private rating agencies, sinking fund requirements, and the designation of specific collateral.

DEPCO has no taxing power and its obligations are not legal obligations of the state. In June, DEPCO issued $150 million in special obligation bonds, backed by revenues generated by a one-half of one percent sales tax. The Rhode Island General Assembly, through its appropriations process, must approve annually the imposition of this sales tax, which currently raises about $30 million annually. Any revenues in excess of the amounts necessary to pay the $150 million already borrowed and any other obligation of the state or DEPCO issued to finance the repayment of despositors' claims would have to be dedicated to pay the loan guaranteed by the Treasury. Because the bill does not specify the time period available to DEPCO to secure a Treasury guarantee, and because DEPCO has authority to issue $150 million in additional securities under current law, the extent to which surplus revenues from the state sales tax would be available to pay the debt guaranteed by the Treasury is uncertain.

Assets from failed credit unions also would be used to repay DEPCO's borrowing. Preliminary information from DEPCO indicates that the agency has identified about $380 million in non-performing loans and $523 million in performing loans in the portfolio of assets inherited from failed credit unions. The characteristics of these assets vary greatly. To accurately assess the risk to the Treasury associated with its guarantee of DEPCO debt, more information would be needed about the asset quality and cash flows associated with the specific collateral that Rhode Island and the Treasury would select to repay any debt guaranteed by the Treasury.

Under the Credit Reform Act of 1990, the federal budget records budget authority equal to the subsidy cost of federal loans and guarantees in the fiscal year in which the government commits to provide the assistance, and outlays in the years in which the assistance is provided. To estimate subsidy cost, OMB and CBO usually calculate the net present value of expected late payments, default losses and interest subsidies, net of fees the borrowers pay to the federal government.

For single-purpose loan guarantees, such as this Treasury guarantee of DEPCO securities, CBO estimates the subsidy cost by comparing the interest costs DEPCO would have to pay on an unguaranteed loan to those it would incur on a guaranteed loan. In this case, CBO expects that DEPCO would receive a non-reinvestment grade rating for an unguaranteed loan, and we estimate that the subsidy cost of the federal guarantee would be about $30 million, recorded as budget authority and outlays in fiscal year 1992. This estimate reflects that fact that the legislation would not require that the securities be investment grade, yet imposes a mandatory requirement on the Treasury to issue the guarantee. Based on information from staff at DEPCO and the Treasury, we assume that DEPCO would agree to borrow funds within one year, to pay a guarantee fee of one-half of one percent per year on the outstanding principal amount of any borrowing that has been guaranteed, and to limit the maturity of the debt to 10 years.

The bill specifies that the Congress and the President must treat any costs associated with the provisions related to the Treasury issuing the loan guarantee as emergency expenditures. If it is determined that this designation meets emergency requirements, then, pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, such spending would be exempt from the pay-as-you-go requirements.

Lifeline Accounts. Banks and savings and loans that offer basic transaction accounts for consumers, commonly known as "lifeline" accounts, would pay one-half the assessment rate normally charged for deposit insurance on those qualifying accounts. The FDIC and the Federal Reserve would establish minimum requirements for these accounts, addressing such issues as minimum balance requirements, income eligibility, fees or service charges, and the number of withdrawals permitted. CBO has reviewed data about the size and extent of "no-frills" accounts currently provided by financial institutions. Based on this review, we expect that about 0.5 percent of transaction accounts held by commercial banks and about 2 percent of transaction accounts held by thrifts would qualify for the lower premium. The CBO baseline assumes that the premiums charged to banks for deposit insurance in 1993 will be 30 cents per dollar of assessable deposits, and that premiums charged to thrifts will be 23 cents per dollar of assessable deposits. Assuming enactment of this provision in 1991, and allowing time for implementation, we expect that BIF's receipts would be lower by $4 million in 1993 and $5 million in 1994 and in 1995, and that receipts to the Savings Association Insurance Fund (SAIF) would be lower by $1 million annually beginning in 1993. The increased net outlays would not be related to deposit insurance and would therefore be counted for pay-as-you-go purposes.

Assessment Credits for Qualifying Activities Relating to Distressed Communities. Banks and thrifts that make eligible loans in distressed communities would receive a credit equal to five percent of the loan amounts against the premiums they pay to the deposit insurance funds. The maximum allowable credit would be 20 percent of the assessment owned in any six-month period. Banks or thrifts providing financial assistance through community development organizations would be eligible for a 15 percent credit against the premiums paid for deposit insurance, up to a maximum of 50 percent of assessments owed. The credit for each semiannual period would be calculated based on "any increase during such period in the amount of assets of the institutions" that consist of qualifying loans and other financial assistance, as well as any increase in the amount of certain deposits, to the extent that the institution uses those deposits to make loans in that community.

The bill would establish a Community Enterprise Assessment Board, consisting of the Secretary of the Treasury, the Secretary of Housing and Urban Development (HUD), the Chairman of the FDIC, and two individuals representing community organizations. The Board would be required to publish standards outlining the scope and nature of the program.

Section 233 lists the types of loans that might be considered eligible under the program. These would include loans guaranteed by the Veterans Administration, HUD, and the Small Business Administration, conventional mortgage loans to homeowners, and numerous types of assistance targeted for affordable housing or community development. No data currently exist that measure the total program level for many of these activities. Even less certain is which recipients would meet the definition of low- and moderate-income persons in distressed communities or enterprises involved with such neighborhoods.

For purposes of this estimate, we have assumed that the qualifying activities specified in section 233 would make up the pool of eligible investments. The single largest category is conventional mortgages, which account for more than 80 percent of the estimated assistance currently provided to distressed communities. Banks and thrifts originated about 70 percent of nearly $400 billion in new home mortgages in 1990. Because the credit against insurance premiums applies to an institution's growth in assets, we have reduced the expected level of eligible new originations downward by 25 percent to adjust for refinancing of old mortgages, resulting in a potential pool of about $200 billion of eligible loans.

While participation by individuals of low and moderate incomes varies by program, we expect an average of about 25 percent of the dollar amount of new mortgages would go to qualifying individuals. Further, we estimate that about 10 percent of those funds would be used to purchase property in distressed neighborhoods. Based on these assumptions, we expect that banks and thrifts would have about $6 billion in eligible activity in 1991 that would qualify for a credit. The share of investments that earn a 15 percent credit is expected to grow from five percent in 1993 to 25 percent in 1995. Allowing time for the Board to develop standards, the banks and thrifts to make loans, and then premium credits to be applied to insurance premiums owed, we expect that premium reductions to BIF and SAIF would occur beginning in the second half of 1993. Premium credits, which results in outlay increases, would amount to about $180 million in 1993, $420 million in 1994, and $510 million in 1995. The cumulative outlay increase through 1995 is estimated to be $1.1 billion, which would be counted for pay-as-you-go purposes.

The Board would have the authority to change the amount of the premium credit, which might be the case if the FDIC determined that BIF would need this premium income to maintain the solvency of the fund, or if SAIF needed the premium income to repay its debt to the Financing Corporation or for other purposes. We cannot predict what adjustment, if any, the Board would make to amount of the premium credit.

Miscellaneous Provisions. H.R. 6 would establish a number of commissions and require several agencies to prepare reports and regulations and undertake other new responsibilities. For example, the OCC would be required to prepare 22 reports and participate in 11 studies. The agencies have not yet been able to provide CBO with enough information on which to base a detailed estimate, but it appears that the cost of these provisions may total $2 million or more annually over the next few years. The funds would largely be subject to appropriation actions or be reimbursed from the public. These agencies most affected include the Treasury, the General Accounting Office, and the financial regulatory agencies.

REVENUE EFFECTS

Federal Reserve. H.R. 6 is expected to reduce revenues by increasing the supervisory costs of the Federal Reserve System. Each year the Federal Reserve remits its surplus to the Treasury, with the payment recorded in the budget as governmental receipts, or revenue. Therefore, the additional operating costs resulting from enactment of the bill would reduce revenues. Based on analysis provided by the staff of the Federal Reserve Board, we estimate that the Federal Reserve would incur additional unreimbursed costs of $26 million in 1992 and $190 million cumulatively from 1992 through 1996.

Under title I of the bill, the Federal Reserve would be given specific responsibilities to take "promote regulatory action" to resolve the problems of troubled banks under its supervision. The Federal Reserve is the chief supervisor of member banks that are state chartered. If the Federal Reserve determines that one of these institutions has become undercapitalized as defined in the bill, the institution must submit a plan to the Federal Reserve to restore its capital. The Federal Reserve must then closely monitor the bank's progress under the plan. If the institution becomes significantly undercapitalized or fails to implement its plan, then the Federal Reserve must take further steps to restrict the institution's activities. If the institution falls below the critical capital level defined in the bill, then the Federal Reserve must appoint a receiver or conservator within thirty days, with the consent of the FDIC.

Title IV of the bill would give the Federal Reserve additional responsibilities to examine the newly-sanctioned relationships between banks, securities firms, and commercial businesses. The bill would replace bank holding companies with two new entities, financial service holding companies and diversified holding companies. Banks and securities firms would be able to affiliate through financial service holding companies, and commercial businesses would be able to affiliate with banks and securities firms through diversified holding companies. The Federal Reserve would be required to examine these relationships to ensure that the required degree of separation is maintained. The Federal Reserve would also process the applications of companies wishing to become financial service holding companies or diversified holding companies. In order to comply with these responsibilities, we expect the Federal Reserve would incur additional costs of an estimated $12 million in 1992 and $87 million cumulatively from 1992 through 1996.

The Federal Reserve also would have to increase its supervisory activities as a result of the interstate banking and branching provisions in Title III of the bill. The Federal Reserve would have to closely monitor the activities of interstate banks and branches. In addition, the Federal Reserve expects many applications from banks and holding companies to establish new branches and banks in different states.

Title II provides the Federal Reserve with new authority in the area of foreign bank supervision. The Federal Reserve is given the authority to directly examine all branches of foreign banks located within the United States, an expansion of its authority under present law. Currently, it examines branches of foreign banks only indirectly by using the reports of the Comptroller of the Currency, the FDIC, and the state regulators where possible. In addition, the Federal Reserve would examine foreign branches for compliance with consumer protection laws. The Federal Reserve estimates the additional costs related to foreign banks would total between $25 million and $30 million dollars in 1996. However, the Federal Reserve is expected to charge the foreign banks for the added costs associated with the examinations. We assume the added costs would be completely reimbursed by the foreign banks and the net cost to the Federal Reserve of the new foreign supervisory authority is, therefore, estimated to be zero.

Title I would place limitations on the Federal Reserve's long-term lending to troubled banks through the discount window, but the estimated budget effect of these limitations in zero. Under certain circumstances specified in the bill, the Federal Reserve would not be reimbursed by the deposit insurer for discount window loans at banks that became insolvent. Based on conversations with staff at the Federal Reserve, we expect that the budget of the Federal Reserve would be unaffected by these limitations because the Federal Reserve would not extend long-term credit to banks under these circumstances.

Other Revenue Effects. The bill may affect federal revenues in addition to the effect on the Federal Reserve. The Congressional Budget Office does not estimate these effects. The Joint Committee on Taxation, which does provide revenue estimates, has not completed a revenue analysis of the bill.

6. Pay-as-you-go Considerations: The Budget Enforcement Act of 1990 sets up pay-as-you-go procedures for legislation affecting direct spending or receipts through 1995. As discussed earlier, CBO believes that provisions in the bill affecting deposit insurance costs, including administrative expenses, should not be included for pay-as-you-go purposes unless the existing deposit insurance guarantee commitment as defined in law is changed. The elimination of insurance coverage for certain types of bank investment contracts would be such a change, but we do not have sufficient information to estimate the amount of the budgetary impact.

CBO believes that three other provisions of H.R. 6 would have pay-as-you-go implications—the loan guarantee for Rhode Island, and the premium credits for lifeline accounts and for activities in distressed communities. The budgetary impact of these provisions is summarized in the following table.

ESTIMATED PAY-AS-YOU-GO IMPACT OF H.R. 6

[Outlay, by fiscal year, in millions of dollars]

	1992	1993	1994	1995
Loan guarantee for Rhode Island	30	0	0	0
Assessment credits for lifeline accounts	0	5	6	6
Assessment credits for activities in distressed communities	0	180	420	510
Total	30	185	426	516

The estimated revenue effect resulting from additional Federal Reserve expenses is not included for pay-as-you-go purposes because it is caused by administrative expenses related to the existing deposit insurance commitment. It is possible that there are other revenue effects of the bill unrelated to the Federal Reserve. The Joint Committee on Taxation provides such revenues estimates, but has not completed its analysis of the bill. Any such revenue efforts would be included for pay-as-you-go purposes.

7. Estimated cost to State and local government: Enactment of H.R. 6 might affect the costs of state banking regulatory agencies, but any costs or savings are not likely to be significant. In addition, DEPCO, an instrumentality of the State of Rhode Island, would receive a $180 million loan guarantee, with an estimated subsidy value of about $30 million.

8. Estimate comparison: None.

9. Previous CBO estimate: On September 30, 1991, CBO prepared a cost estimate for S. 543, as ordered reported by the Senate Committee on Banking, Housing and Urban Affairs. S. 543 authorized the FDIC to borrow up to $70 billion from the Treasury, including $30 billion to cover losses and administrative costs, but required the FDIC to repay its borrowings within 15 years. S. 543 also included provisions—similar to those of H.R. 6—that would reform deposit insurance, eliminate insurance coverage for certain types of BICs, restrict the use of brokered deposits, and strengthen regulatory and supervisory practices. CBO believes that S. 543, like H.R. 6, could save the federal government significant amounts of money, perhaps billions of dollars over the next decade, by reforming the deposit insurance system and making other changes.

CBO did not estimate any pay-as-you-go costs for S. 543. It does not include the premium credits provided by H.R. 6, and the $180 million loan guarantee for DEPCO in the Senate bill was estimated to have no subsidy cost, because the bill expressly requires that the securities receive a triple A rating without the guarantee, that DEPCO pay an annual guarantee fee of 0.5 percent of outstanding principal, and that a sinking fund be dedicated to maintain reserves for further payments.

10. Estimate prepared by: Robert Sunshine, Mary Maginniss, Andrew Morton, Brent Shipp (226-2860) and Mark Booth (226-2689).

11. Estimate approved by: James L. Blum, Assistant Director for Budget Analysis.

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A LOOK AT THE ECONOMY

The SPEAKER pro tempore (Mr. CARR). Under a previous order of the House, the gentleman from North Dakota [Mr. DORGAN] is recognized for 60 minutes.

Mr. DORGAN of North Dakota. Mr. Speaker, this is a time in this country when there is a lot of hand wringing, a lot of concern, a lot of pessimism, a great deal of agony about the position in which we find ourselves. There are people in this country who feel that the country is seriously off track. They see things that just do not quite line up for them. They see a country that's heavily in debt. They see a country with an economy that is in a recession. They see a country in which the rich are getting richer and the rest are getting squeezed. They see a country in which there are collapses in key industries. There is scandal. We have an S&L collapse scandal, bank failures, airline failures and a corruption scandal in the Department of Defense; 9 out of 10 defense contractors are under investigation for fraud in the 1980's. There is an ill winds procurement scandal and 60 percent of S&L scandals involve fraud.

They see the American people with a health care system that is in real trouble, with 35 to 40 million people who have no health coverage, and those who have coverage cannot afford to continue to pay the increasing bills.

They see a crime wave in which we cannot build enough prison cells to keep those in jail who ought to be in jail.

They see a rural America in tatters, small towns dying, and family farmers going broke.

They see an international trade picture that is pretty dismal with a giant trade deficit and unfair trade rules. They see education in crisis, with schools that do not measure up.

So what is wrong, what is happening, and why now? What does all this mean?

Well, I think after the last decade or so that this country has forgotten some old virtues and some timeless truths. Our leadership somehow seems to have been sending all the wrong messages, and the American people seem to have been receiving those same messages.

I remember sitting on the west front of the Capitol in 1981, the first year I came here, and listened to President Reagan's Inaugural Address. He stood there, the clouds parted on a gray day and the Sun streamed through, and President Reagan said, "Government is the problem."

Well, he believed that which he was about to assume control of was the problem, and the message was, "Get government off everybody's back. Let people do what they can do. They ought to pull themselves up by their bootstraps, become rich and successful and everything will take care of itself. Government is somehow troublesome."

"We don't believe," he suggested, "in government regulation. We don't believe in controls. Hands off. No planning," he suggested.

Well, these were all the wrong messages, and this country as a result has drifted, I think, into a very dangerous position. We face some very, very tough challenges now.

About a century ago power shifted in this world. Economic power shifted from England to the United States. England was the predominant world economic power, and it shifted. You did not see a boat carry it to America. You did not see it take off in an airplane. Power shifted, and this country became the world's economic superpower, but it is shifting again. Economic power is shifting in the world again in a very certain way, and it is from here to the Pacific rim.

It is not irreversible, but it requires, in my judgment, strong leadership and assertive action to change.

With everything that is happening in the world, one would think that in the House of Representatives, in the Senate, in the White House, and especially in the homes and streets of this country this would be a time for great joy. There is wonderful news all around the world. The Berlin Wall is gone, just a footnote in history. Eastern Europe is no longer under the yoke of communism. The Soviet Union is literally coming apart. The cold war is over.

These are breathtaking events which have happened in a couple years which I did not expect to happen in my lifetime, and yet in the last 2 or 3 years all these things have happened in a manner that ought to bring great joy to all of us because it will change everything in our future for the better.

We ought to be poised, it seems to me, here in this country, to now turn our attention to the challenges here at home, but we are hip deep in problems, without much leadership.

Let me be clear. I intend to be very critical of the President, but I am also critical of us in Congress. It is not just the President's fault, in that he is the elected leader in this country, but it is also our fault because we have a responsibility in Congress to respond to leadership as well.

I am concerned about the White House. It seems to be more concerned about the next election than the next decade, more concerned about form over substance, a White House that almost incessantly refuses to be bold, to take initiatives to solve problems here at home.

Well, all of us, I think, could learn from those others around the world who are accepting the challenges given them to create their own destiny, to make the changes necessary to affect their lives.

I want to just mention something I have said before to my colleagues, because it bears repeating. We can learn from the experience of what is happening around the world, and we should, because we have forgotten some of these lessons. A joint session of Congress happened about a year-and-a-half ago. A man walked through the back door of the Chamber. He was introduced by the Doorkeeper. The Doorkeeper said, "Mr. Speaker, the President of Czechoslovakia, Vaclav Havel," and to a packed Chamber of House Members, Senate Members, the President's Cabinet, the Supreme Court and diplomats, the President of Czechoslovakia walked down this aisle and walked to the microphone behind me and began to speak. He spoke of 3 months prior to that day at midnight in his apartment in Prague, Czechoslovakia, there was a knock on the door. It was Communist secret police coming to arrest him once again. He understood the terror of arrest because he had been arrested many times.

The question for Vaclav Havel then was, "How long will I be in jail this time under the key of the Communists?"

The answer was that about 4 months later Vaclav Havel walked through that back door, not as a prisoner, but as the President of Czechoslovakia. He was in jail, out of jail, led a revolution without guns and bullets, deposed a Communist government and the military, and created freedom for the people of Czechoslovakia. He was elected President and came out to speak to us.

The lesson, it seems to me, in that speech is a lesson about the power of an idea. An idea and a dream in Czechoslovakia and all across Eastern Europe and literally across the world, the power of an idea called freedom. He demonstrated, as it has been demonstrated in country after country, that the power of ideas represents the currency of progress. We need the power of ideas here in this country again, to put this country back on track, to build and to invest for the kids of this country, for their future to make this country number one again.

We need to change priorities. We do not need star wars. We need star schools. We do not need to be the curator of a new world order. We need to be concerned about a new economic order here in this country, and we need to do that soon.

The plan to put this country back on track is not new and it is not exotic. It is simply ideas that make sense, old virtues, timeless truths, and a little common sense.

Let me just describe some of them. First, we need a President who pays attention, who is here, not traveling, but here and pays attention to what is going on here at home and interested in solving problems here in this country.

I would like to read from today's Wall Street Journal just a couple of paragraphs. This is today's Wall Street Journal. The feature story says:

BUSH'S SCHEDULE SHOWS HE SPENDS LITTLE TIME ON DOMESTIC CONCERNS

(By Michel McQueen and John Harwood)

WASHINGTON.—Last month President Bush found time to sit down with leaders of 21 countries, from Micronesia to Liechtenstein. But he didn't manage to squeeze in a session with 16 GOP House members eager to discuss family leave for American workers.

Mr. Bush also personally dealt with diplomatic issues ranging from civil war in Liberia to economic problems in Peru. But he held only three meetings with individual cabinet secretaries with responsibility for domestic issues. And two of them were literally on the fly—aboard Air Force One en route to political events.

The president spoke four times with Senate Majority Leader George Mitchell—about Israeli housing loan guarantees and nuclear weapons policy. But he never discussed the issue of extended unemployment benefits with Mr. Mitchell, even as Congress moved to pass a Democratic bill while killing one backed by the White House.

September was supposed to have been the month when George Bush seized the initiative on domestic policy. Before leaving for his August vacation in Kennebunkport, the president vowed to "come back all ready to charge" against his "frustratingly negative" opponents in the Democratic-led Congress.

But a close examination of the president's activities for the month shows just how little involved he actually was on issues here at home. Interviews with some two dozen White House aides, legislators and others and a review of his schedules for the month depict a president who rarely misses a chance to dabble in international matters, but who rarely seizes a chance to take the initiative on domestic policy.

Now that is not me speaking, that is the Wall Street Journal, hardly a bastion of liberalism.

But I think they raise an important point. To put this country back on track, we need good leadership, we need a President who leads and a Congress that has the guts to follow good leadership.

We need a President who decides what is happening here at home is a priority. Second, we need a policy from the President and enough courage from this Congress to understand this country has to pay its bills. We cannot keep spending money we do not have. A lot of people do not understand the dimensions of the debt. Almost $3.6 trillion in debt and this year the budget is out of balance almost $420 billion. That is $1.25 billion a day that is charged every day, 7 days a week, $1.25 billion that is spent that we do not have.

The result is the kids are going to end up having to pay that bill. Is it tough to balance the budget? You are darned right it is tough. Is it necessary? It is absolutely necessary that this kind of dangerous, reckless, irresponsible fiscal policy stop and that we put this country back on track in this fiscal year.

One of the things that the American people believe about the Government is that it is too big and too bloated.

The third thing I think we ought to do is to trim the number of employees in the Federal Government. It is happening around the country. It is not pleasant, but it is happening. States are having to cut back a bit, cities and counties have to cut back a little bit. I think we ought to have at least a modest start here to suggest that we will trim the Federal work force. Yes, that means the work force here in this Congress as well, by 5 percent, just for starters.

The next step we ought to take, it seems to me, is common sense, but I have worked for literally three-quarters of a decade without the kind of progress I would like.

I think we ought to legislate to stop completely leveraged buyouts, the hostile takeovers, junk bonds, the orgy of greed that has attended all that activity. It is ruining this country.

The 1980's represented an unprecedented wave of greed, from Wall Street to the corporate boardrooms. And the attention was not to how can we build better products, the attention was how can we buy somebody and take them over and issue junk bonds to do it?

We have now seen the collapse of that house of cards. It is a form of economic cannibalism that, in my judgment, is ruining this country.

Now, I have gotten about four pieces of legislation enacted that, in some small ways, tend to put barriers in front of this activity; but it is not enough. We ought to flatout make that kind of activity illegal.

Fourth, what we ought to decide to do is to stop paying everybody else's bills. You know, we now pay over $100 billion a year to defend Japan and Western European countries? We pay their defense bills. This is preposterous. These are tough, shrewd economic competitors, well able to pay us the costs of the captains and the cruisers that keep the sea lanes open so they can ship their cars to this country.

We ought to expect other countries to begin to bear their share of the burden of keeping the free world free.

As preposterous as it sounds, we now borrow money from Japan so we can provide money to France to defend France against Poland. Yes, that is as goofy as it is. And it makes no sense. We ought to tell the rest of the world Uncle Sam cannot afford to pay your bills anymore. We ought to save some money on the issue of burden-sharing by having those for whom we now provide a defense pay us the cost of providing that defense.

No, I do not want to rearm Japan, that is not the issue. I want Japan to send us every year the cost of keeping the free world free that they ought to assume as their proportionate share of the cost.

The fifth step is education. If the President and the Congress understand, and I think we should, the genesis of progress in this country will come if and when we decide that the bedrock of the foundation for progress is education.

We must dedicate ourselves to have the finest educational system in the world. That is the way America competes. That is the way America succeeds in the decades ahead.

The next point is international trade. This country cannot succeed in international trade unless the rules are fair. I am someone who believes we ought to open our markets to foreign goods. I think that is fine. I think consumers ought to have the widest possible choice when they shop. But I expect and insist and demand that when foreign governments and foreign producers send their goods to this country to be purchased by the American consumer, that the market in their country must be open to American workers and American producers who are sending goods there as well. This country should not allow countries to insist our markets be open to them, but then close their markets to us.

We just cannot work under a trade policy that allows that to continue to happen. We ought to have a golden rule of international trade. We ought to say to other countries, "We want to treat you very well. We want our markets to be open to you. But we are going to follow a golden rule here. So be sure you are real careful about what you do to our producers and our workers who are sending goods into your markets. If you expect to send goods into ours unimpeded, then make sure your markets are open to us."

You know, I am convinced we can compete, but not in markets that are closed. One of the things we must do to put the country back on track is have a farm program that works. We have had now almost a decade of a farm program that is a classic failure. In the last decade we have had a 24-percent increase in the number of Federal workers who run the farm program and a 34-percent decrease in farm population.

Now, it does not take a lot of schooling to understand that that is a failure. If your farm program is producing more people to run it because it is so god-awful complicated nobody can understand it, and you end up with a third fewer farmers, something is wrong.

We can have a much better farm program than we now have without any additional money if we simply decide we are going to target farm program benefits to family-sized farms. And that ought to be the first step, it seems to me, in trying to understand how we repair the persistent economic damage in rural America.

Finally, I think this country needs to have a national program in which the Federal Government and the private sector join to decide that we are going to build the best products in the world. We need national programs that provide incentives for product quality.

In 5 years from now, halfway around the world, someone inspects a product and sees a label that says "made in America," or "made in the U.S.A.," and they say, "You know, I know that label means this is the best I can buy," then we win. If and when it happens that we build the best products and we compete at the best prices, then we succeed in the international marketplace. This country needs to make "made in the U.S.A." a symbol of value and quality again all across the world.

We can do that, we should do that, we must do that. We will not do it while our people in industry play greed games, buying and selling each other, floating junk bonds. That is not the way you do business that works.

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As my colleagues know, a hostile takeover cannot occur in Japan because they will not allow it. They know it is destructive. It should not happen in this country either. Our private sector ought not worry about who is behind them and whether they are going to be taken over the next day. It ought to worry about how to build a better product, and sell it at a better price and succeed in the international marketplace.

So, I think it is time to start taking care of things here at home. We need, I think, a President who parks Air Force One and who decides that this country is the priority, and we need a Congress that has the courage to join a President on tough policies to put the country back on track. We need American business to start working at the next decade rather than the next quarterly report. We need business and Government to stop being adversaries.

Mr. Speaker, how on earth can we succeed in competing with the Japanese, and the West Germans and others—who form private-public sector combinations to try and succeed in the international marketplace—when back in this country we have this constant adversarial relationship between business and Government? We are in exactly the same competition, business and Government. It is all one country. It is all one competition. And we are in it as partners. And the sooner we decide to stop this adversarial relationship, and join hands and understand that we need to try to help each other, the better off this country will be.

Mr. Speaker, it seems to me that the American people, as well, are going to have to make some changes. The American people are going to have to, in my judgment, decide to select the positive, rather than the negative. One cannot check out at a grocery store counter these days without understanding how seductive it is to read about scandals. But one cannot, by the same token, fail to understand how deep this country's problems are and how desperately we need citizen involvement to solve them.

Vaclav Havel did not go it alone in Czechoslovakia. When he spoke from that microphone, he told about the street demonstration in the middle of the night in Prague, Czechoslovakia. A young man climbs a street light pole and begins to read from the Declaration of Independence from America. That is pretty inspiring stuff, and that is not a government official. Those are folks in the streets. Those are people deciding to take things into their own hands.

Mr. Speaker, I think we need people in this country again to stand up and be for something, not against something. Be for something. We must, it seems to me, join people once again with the Government. This Government is supposed to be of the people, by the people, but, there has become a chasm in this country, a notion that somehow Government is not all responsive. And I understand there are lots of reasons for that, but there is no reason that it cannot be responsive in the future with a President that leads, and a Congress that has the conviction to follow, and an American people that are giving the signals about what they want for their future.

John Adams in 1776 described his commitment to his country, and I was reading it the other day, and it reminded me once again about the powerful commitment some people have made to this country and the pitiful small amount of devotion there is to that commitment by so many others. Let me read what John Adams said, and then let me ask my colleagues what kind of commitment do we see today. John Adams in July 1776 said, as most of my colleagues will recall from this speech:

> This is a time of great peril. We shall fight; we shall fight with whatever means we have. For myself, I can only say that all that I have, all that I am, all that I hope for in this life, I stake on this course. For me the die is cast. Sink or swim, live or die, survive or perish with my country. That is my unaltered resolution.

Mr. Speaker, has leadership changed so much? Is there not a reservoir of courage in this country? Among the people? In the Congress? In the White House? To decide to rise up, and stand up for and speak for solutions that put this country back on track? Toward a future that all of us can believe is a bright economic future?

Adlai Stevenson said years ago: "Trust the people. Trust their good sense, trust their faith, trust their fortitude, and trust them with the important decisions." I think we are going to see again in this country the reservoir of courage to do what is right to put America back on track, and I continue to hope, and it is the only reason I continue to serve, is that I have that kind of hope, and it never wavers, that this country, although it strays off course during 200 years of history, always rebounds back to find a center course that represents what and where the American people want this country to go.

I believe that the next year is a very critical year for us, and I believe that, if we work together, if we can stop the bickering, if we can extend the hand between the White House and Congress, if we can develop the trust between the public sector and the private sector, if we can develop the kind of pact that is necessary between those who elect us and those who serve them, I think this country can do great things in its future. I continue to hope that.

WASHINGTON STATE'S TERM LIMITATION INITIATIVE: THE HIDDEN AGENDA

The SPEAKER pro tempore [Mr. McDERMOTT] is recognized for 60 minutes.

Mr. McDERMOTT. Mr. Speaker, I have asked for this time in order to talk about one of the most misunderstood threats to our democratic values that I have seen in two decades of public service. A few of the world's richest men, representing no opinion but their own, are trying to hoodwink the citizens of my State, through a ballot initiative that purports to enhance democracy by limiting the number of terms elected officials can serve.

First, let me say that I understand the public's frustration with Government. I am frustrated, too. I have grave concerns about the direction this country is going, and every day I try my best to move it in the direction I believe my constituents want. It is a frustrating process—but it is called democracy, and no one ever said it would be easy or efficient.

I also realize that it may sound self-serving for those of us who might be affected by term limits to speak against such proposals. But I am not embarrassed to oppose term limits—I am proud of my record in public service and I am willing to face any criticism from any opponent. I see no reason to apologize for seeking reelection. I have won elections, and I have lost elections, and I believe in the right and the capability of voters to make those decisions, based on each candidate's merits and record.

In fact, from my point of view, the Washington State term limit initiative will not really affect me, because I am convinced it will be found unconstitutional. It will not affect the tenure of any Member of our State's congressional delegation, because article I, section 2 of the U.S. Constitution, setting forth the qualifications for service in the House and Senate, makes no reference to the number of terms a person has already served.

That is why I agree with Speaker FOLEY that this initiative is "a legal fraud upon the public." That is why I joined with him in a legal action to remove this initiative from the ballot. Our State supreme court denied that petition because the case was not ripe for decision—the voters had not yet spoken.

I understand and respect that reasoning. If the initiative passes, I will join with others in a legal challenge to protect the rights of my constituents to decide who shall represent them in Congress. If my constituents do not agree with me about the term-limit issue, they will have a chance to tell me that a year from now, when I hope to run for my third term in Congress.

So Washington's term limit initiative will not affect my tenure here, or that of anyone else in our delegation. What does affect our tenure, and the tenure of every Member of this body and the other body, is the quality of the job we do here in Congress, representing the people who sent us here.

Here in the House of Representatives, our job performance is subject to regular and systematic review. Every 2 years we have to account for our actions, our inactions, our votes, our services to constituents, and everything else about the way we do our jobs. No one in any other occupation, any other profession, is subject to the systematic scrutiny and review we face every 24 months.

That review is necessary and appropriate, and I have welcomed it ever since my first election to the Washington State Legislature in 1970. If the people who sent me here decide that someone else should represent them, of course I will accept their decision. But I will not stand by and watch a few rightwing billionaires try to perpetrate a legal and political fraud on the people I represent.

I want to outline in some detail, for the information of the people of Washington State and of my colleagues, the parentage of initiative 553 and the campaign to enact it. Most of the information comes from the Tacoma Morning News Tribune of October 13, 1991, an article by Patti Epler and Les Blumenthal, which I will include in the RECORD after these remarks.

The story began last year in Tacoma, WA, when our colleague NORM DICKS faced a challenger in the Democratic primary. The challenger and his supporters disagreed with Mr. DICKS on some issues. But the voters of Washington's Sixth District rejected their challenge by a substantial margin, renominating and then reelecting Congressman DICKS.

But the people who could not defeat a Congressman in a fair fight back home decided it was time to change the rules of the game. The problem, they decided, was incumbency. Incumbents should not be allowed to serve too many terms, so that new people could be elected to open seats. In fact, the people could not be trusted to replace incumbents who were doing a poor job, or had been in office too long. Instead, term limits would force the voters to choose new people at regular intervals. Not necessarily better people, just new ones.

So they formed an organization called LIMIT—legislative initiative mandating incumbent terms—and filed initiative 553. I will include the text in the RECORD, but in essence it does this:

It limits the Governor and Lieutenant Governor to two terms.

It limits State legislators to three terms in the House and two in the Senate, or a combined total of 10 years in both bodies.

It limits Congressmen to three terms and Senators to two terms, or a combined total of 12 years in both Houses of Congress.

These limits are retroactive, but incumbents who have reached them on the effective date can serve one more term. That means one of our Senators, and all of our current Congressmen who are still in the House in 1994, will have to leave our present offices then.

If you think all politicians are fools or crooks, I guess it makes some kind of sense to rotate them automatically out of office. That system also saves people the trouble of actually voting. But it does nothing to improve the quality of future office-holders or the conduct of campaigns. My friend and colleague AL SWIFT has aptly called it set and forget democracy. Its premise, as he said, "is that people cannot be trusted to make up their minds the fourth time a legislator runs."

But my purpose today is not to go through all the reasons why this initiative is bad for our State, bad for the political process, and bad for democracy. I just want the people to know who put this turkey on their plate.

The Washington State Constitution requires 150,000 signatures to put an initiative directly on the ballot. Every year, on every issue you can think of, thousands of volunteers gather signatures door to door, in shopping malls, at public events, everywhere in the State, on initiative petitions. It is a magnificent display of grassroots democracy at work.

The initiative process has given us some of our best laws—public disclosure of campaign contributions and public officials' finances, strong toxic waste liability requirements, protection of our shorelines, a higher minimum wage. These and other measures have gone onto the ballot because dedicated volunteers have taken petitions into every corner of our State and convinced other voters to sign them.

But that kind of grassroots democracy was too much of a challenge for LIMIT. They could not win a free and fair election in one congressional district, and they could not obtain enough signatures for their initiative without outside help. Luckily for them, help was available. Last spring, out-of-State money poured into Washington State for the signature-gathering effort.

And LIMIT did what no genuine grassroots citizen group has ever had to do before in our State—they paid a California firm to gather signatures, 40 cents per signature. Our State election officials are not sure whether that is illegal. It should be.

Now LIMIT is running a slick, expensive campaign to enact their initiative, outspending its opposition 3 to 1. They are trying to pass themselves off as a grassroots movement. But no initiative campaign in our State's history has received so much of its funding—95 percent—from outside the State. Most of that money, over $530,000 pledged or received so far, is coming from an organization called Citizens for Congressional Reform, which is based right here inside the Beltway.

Citizens for Congressional Reform is a conservative group that supports terms limit efforts in many States. The group was formed in 1989 by another conservative Washington, DC, organization called Citizens for a Sound Economy. Staff members have switched back and forth between the two organizations, and some CSE staff members serve as officers of CCR. It would be fair to describe Citizens for Congressional Reform as a wholly owned subsidiary of Citizens for a Sound Economy.

Neither of these organizations will tell the press exactly where their money comes from. But their officers and boards of directors read like a "Who's Who" of some of the largest, most powerful corporations in America, and some of the world's wealthiest men. They also include some of the leaders of the Libertarian Party, which has fielded mostly rightwing candidates in State and National elections for many years without winning a single office.

Let me tell you who these people are. First, the directors of Citizens for a Sound Economy:

The chairman of CSE is James C. Miller, III, who was director of the Office of Management and Budget under President Reagan.

Charles G. Koch and David H. Koch are the owners of Koch Industries, Inc., the second largest privately held company in the United States. I will have more to say about them later.

Richard Fink is an officer of Koch Industries.

Dirk Van Dongen is president of the National Association of Wholesaler-Distributors, a business group that opposes most of the legislation we are trying to enact in this Congress to help working men and women.

J.P. Humphreys is president of Tamko Asphalt Products, a privately held manufacturer of roofing shingles.

John Pittenger is director of the Monitor Co., a management consulting firm that advises some of the largest American and foreign corporations in the world.

David Padden is president of Padden and Co., an investment firm.

William Vandersteel is president of Tubexpress Systems, Inc. He was the Libertarian candidate for Senator from New Jersey in 1978.

Samuel H. Husbands, Jr., is a vice president of Dean Witter Reynolds, Inc., a Wall Street brokerage firm. He also serves on the board of the Libertarian Cato Institute.

Carl Pescosolido, Jr., is president of Sequoia Enterprises, a citrus packing company, and Tropicana Energy, an alternative-fuels firm.

Richard J. Stephenson is chairman of American International Hospital in Illinois.

William Law is president of Cudahy Tanning Co., a leather finishing firm.

Carl T. Holst-Knudsen is president of Thomas Publishing Co., a major business-buying-guide publisher.

James Van Meter is executive vice president of Georgia-Pacific Corp., one of the Nation's largest timber companies.

F. Kenneth Iverson is chairman of Nucor Corp., one of the largest steel manufacturers in the country.

Joseph E. Coberty, Jr., is a southern California real estate investor.

Jim Cowen is president of the Commerce and Industry Association of New Jersey, which lobbies for business interests in that State.

Citizens for a Sound Economy also has a Washington Advisory Board of big business lobbyists, and I think the public ought to know who those people are:

Peter J. Connel of Aetna Life and Casualty Co.

C.T. Howlett, Jr., of Georgia-Pacific.

John R. Nelson of Philip Morris, the tobacco company.

Philips S. Peter of General Electric Co.

Woodruff M. Price of CSX Corp.

Thomas L. Wylie of Sun Co.

Since the Tacoma News Tribune and other media exposed the role of Citizens for a Sound Economy in the Washington State term-limit campaign, two other business lobbyists have resigned from CSE's advisory board. I am afraid we have to assume that the rest of the gentlemen I have named agree that Senator GORTON, Speaker FOLEY, and the rest of our House delegation should be removed from office in 1994.

Mr. WALKER. Mr. Speaker, will the gentleman yield?

Mr. McDERMOTT. Mr. Speaker, I will yield to the gentleman from Pennsylvania when I am finished making my statement.

Mr. WALKER. Mr. Speaker, I had a question about what the gentleman just said. Will the gentleman yield for a question?

Mr. McDERMOTT. I yield to the gentleman from Pennsylvania.

Mr. WALKER. Mr. Speaker, the people the gentleman from Washington just described, they are on the board of directors of Citizens for a Sound Economy?

Mr. McDERMOTT. Mr. Speaker, the first group is on the board. The second group is the Washington advisory board.

Mr. WALKER. So the point of the gentleman is that they are guilty by association?

Mr. McDERMOTT. They allow their names to be used.

The News Tribune and other press accounts agree that the Koch brothers are the prime movers behind both Citizens for a Sound Economy and Citizens for Congressional Reform. The president of Citizens for Congressional Reform, Wayne Gable, is the managing director for Federal affairs of Koch Industries. Who are the Koch brothers, and why do they want to limit the terms of Washington State officials?

Fortune magazine ranked Charles and David Koch as the 18th richest men in the world, worth $4.7 billion. Their company has holdings in energy, real estate, manufacturing, and cattle. Its $16 billion annual revenue makes it the second largest privately owned company in the United States.

Among other activities, Koch Industries is the largest purchaser of oil from Indian reservations in the country. After an investigation in 1989, the Senate Select Committee on Indian Affairs found that Koch Industries had engaged in "sophisticated and premeditated theft" of oil from Indians, "stealing by deliberate mismeasurement and fraudulent reporting." Come to think of it, bankrolling a fraudulent citizen initiative is no surprise coming from people who would do that.

But I have to give some credit to David Koch—at least he was willing once to put his philosophy directly before the voters. That was in 1980, when he ran for Vice President on the Libertarian Party ticket, contributing $1.7 million to his own campaign.

What does the Libertarian Party believe in? According to their 1980 platform, the one David Koch ran on, Libertarians support:

The abolition of Medicare, Medicaid, and Social Security;

The repeal of all taxation, starting with income taxes;

The right to discriminate in employment, housing, and public accommodations;

The abolition of all public schools and repeal of school attendance laws;

The elimination of all publicly funded services to children;

The abolition of the Environmental Protection Agency;

The repeal of collective bargaining laws that require employers to recognize unions;

Defaulting on the Nation's public debt;

The repeal of all banking regulation;

The repeal of antitrust and consumer protection laws;

Privatization of public roads and highways;

The repeal of minimum wage, child labor, and occupational health and safety laws;

The repeal of zoning laws and building codes;

Privatization of our national parks and national forests;

The repeal of campaign finance laws.

That is quite a platform. Of course, any American has a right to advocate these public policies or any others. Many Libertarians also support freedom of speech, religious freedom, civil liberties, and other values Americans share.

But the heart of their philosophy is a rightwing, antigovernment agenda that makes David Duke look like a liberal. That is why Libertarians have been so overwhelmingly defeated in every election contest they have waged.

So these Libertarians and rich businessmen share the same problem as that little group in Tacoma who filed initiative 553—they cannot win a free and fair election on the merits. So they are trying to change the rules.

One way to change the rules is to push for stronger campaign finance laws. But that would not serve the interests of the men behind Citizens for Congressional Reform and its parent, Citizens for a Sound Economy. They do not lack money or influence in Government. They are some of the richest men in America, running some of the biggest companies, employing some of the most sophisticated lobbyists, and—yes—bankrolling the campaigns of veteran incumbents when they choose to do so.

Federal Election Commission records show that the Koch brothers and Koch Industries Political Action Committee—yes, they have a PAC of their own—contributed to 8 incumbent Senators and 16 incumbent Congressmen in the last 3 years. Only 3 of those 24 incumbents would be eligible to run for reelection, if our State initiative applied to them. Most would have left office long ago.

I do not quarrel with the right of any of these men to express their views, back the candidates they choose, and participate in the political process. And I do not quarrel with the right of people who believe in a libertarian philosophy to promote that philosophy, as the Libertarian Party does.

My quarrel is with the deceitful attempt to foist a rightwing, antigovernment agenda on the people of my State in the guise of a grassroots citizen movement to improve government. These men's policy goals—as expressed in the Libertarian platform—have never been approved by voters anywhere. So they are trying, in one State after another, to change the rules and deny the people the right to retain experienced representatives.

We in Congress know that the voters will not buy the Libertarian agenda on its merits, because we have been through elections, putting our records and philosophies in front of those voters, regularly and systematically. That is our job.

Some of us are conservative, others liberal, others moderate. Our philosophies and our records vary, but we have all presented them to the voters we represent, and those voters have given us permission to represent them for this current 2-year period. Next year, many of us will ask that permission again. Some will receive it, some will not. That is democracy. That is accountability. That is the job of a Congressman.

The out-of-State rightwing fringe behind initiative 553 has paid for a mailing to every voter. It blames the national debt, high taxes, the savings and loan scandal, the crisis in our health care system, and the failings of our schools on career politicians—not on any particular people, not on any particular policies, not on any particular decisions we or others have made in government.

I guess their message is that there are people out there who can get rid of the national debt, reduce taxes, undo the savings and loan mess, and improve health care and education, all at the same time—but these people cannot be elected to office because the career politicians are hogging the elective jobs.

That message carries some irony when we look who is behind it.

James C. Miller III, chairman of Citizens for a Sound Economy, was Ronald Reagan's management and budget director for most of the 1980's. He presided over the tripling of the national debt and the deregulation of S&L's—but he wants Washington voters to blame those mistakes on their congressional delegation.

Dirk Van Dongen, CSE board member, testified last week in the Ways and Means Committee against any kind of comprehensive health care reform—but he wants Washington voters to blame their congressional delegation for the lack of affordable health care.

David Koch, CSE board member, ran for Vice President on a platform that called for total deregulation of financial institutions and the abolition of public schools—but he wants Washington voters to blame their delegation for the savings and loan scandal and failures in our educational system.

Make no mistake: The real agenda of the men behind initiative 553 is to cripple representative democracy and effective government, to weaken and discredit the democratic institutions our Nation's founders so carefully created. They want an America where children do not have to go to school, where the highways and national parks are privately owned, where there is no Social Security or Medicare, no minimum wage, no restriction on child labor, where monopolies can fix prices without fear of competition. Do not just take my word for it, look at their platform.

And, let us not forget, the rightwing Libertarians want to repeal all campaign finance laws, even the inadequate ones we have now. Then people like the Koch brothers could spend millions of their own money on their own candidates. Term limits would cycle those candidates in and out of public office like interchangeable robots.

If they had begun their careers in the brave new world of term limits, Warren Magnuson would have been forced out of the Senate in 1950, Scoop Jackson in 1958. TOM FOLEY would have left the House in 1970. I am glad we voters in Washington State had the power to keep those people in Congress.

After 36 years in the Senate, Warren Magnuson was defeated for reelection. He accepted defeat without rancor and came home to Seattle. He knew what everyone knows: Turnover and new blood are needed in legislative bodies. So is experience. We have both in Congress.

We have seen 405 new Members in this House since 1978. Over 60 percent of House Members have served less than 12 years. The average tenure of Washington State's House delegation is

11 years. Some Members stay a long time, because they want to and the people who sent them here want them to. Others leave quickly, because they decide to, or the people who sent them here decide to send someone else. That is what happens when you let the people decide.

Last winter, Congress made a momentous decision—to go to war in the Persian Gulf. We were deeply divided on that critical issue, but we were sincere and serious about our responsibilities. Among us are many people who served in Congress during the Vietnam war, a few who served during the Korean war, and one who served here during the Second World War. If initiative 553 had been in effect nationwide, not a single Member of either body would have been serving in Congress the last time America was at war.

It is not especially fashionable any more to quote Franklin Delano Roosevelt. And I suppose I run a risk when I invoke the name of someone who actually had the bad taste to be elected four times to the highest office in this land. But FDR used to talk about "a little group of willful men, representing no opinion but their own." He called them economic royalists. He would have recognized the little group of men who run Citizens for Congressional Reform.

When FDR was dead, his political enemies amended the Constitution to limit the number of terms a President could serve. Now their political heirs are playing the same siren song, hoping the people will act out their frustration with the deficit, with scandals, with all the hazards of representative democracy, by disarming themselves of the right to choose who will represent them in the future.

I have taken some time here, in the hope of helping the people of my State to look behind the surface appeal of term limits, to look at the real issues at stake, and the real agenda of those who are spending so much to sell them this initiative. I hope they will vote against initiative 553 next week.

Then, I hope they will vote again a year from now, either to keep my colleagues and me in Congress or to throw us out—each of us, on our record, on our merits, up against a comparison with live opponents who offer real alternatives. I can live with any result of that process, any time. It is too bad that the powerful billionaires and rightwing ideologs behind 553 cannot.

□ 1400

Mr. Speaker, I include for the RECORD the material referred to in my speech.

COMPLETE TEXT OF INITIATIVE MEASURE 553

An Act relating to term limits for elected officials; adding a new section to chapter 43.01 RCW; adding a new section to chapter 44.04 RCW; and adding a new section to chapter 29.68 RCW.

Be it enacted by the people of the State of Washington:

New section. Sec. 1. A new section is added to chapter 43.01 RCW to read as follows:

A person elected to the office of governor or lieutenant governor is eligible to serve not more than two consecutive terms in each office.

New section. Sec. 2. A new section is added to chapter 44.04 RCW to read as follows:

A person elected to the Washington state legislative is eligible to serve not more than three consecutive terms in the house of representatives and not more than two consecutive terms in the senate. In addition, no person may serve more than ten consecutive years in any combination of house and senate membership. Terms are considered consecutive unless they are at least six years apart. Therefore, elected legislators who have reached their maximum term limits are eligible for legislative office after an absence of six years from the state legislature. Persons who have already reached the maximum term of service on the effective date of this act are eligible to serve one additional term in either the state house of representatives or the senate.

New section. Sec. 3. A new section is added to chapter 29.68 RCW to read as follows:

A person elected to the United States congress from this state is eligible to serve not more than three consecutive terms in the United States house of representatives and not more than two consecutive terms in the United States senate and not more than twelve consecutive years in any combination of United States house and senate membership. Terms are considered to be consecutive unless they are at least six years apart. Therefore, elected legislators who have reached their maximum term limits are eligible for legislative office after an absence of six years from the United States congress. Persons who have already reached the maximum term of service on the effective date of this act are eligible to serve one additional term in either the United States house of representatives or senate.

New section. Sec. 4. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

[From the Tacoma (WA) Morning News Tribune, Oct. 13, 1991]

PUSH FOR LIMITS: IS IT THE PEOPLE OR THE POWERFUL?

(By Patti Epler and Les Blumenthal)

Term-limits campaign director Sherry Bockwinkel likes to say the movement was born in her Tacoma living room, the political offspring of a few local citizens concerned some elected officials have been in office too long.

But a closer review of Bockwinkel's group and the money behind it reveals Washington's term-limit movement is far from the so-called grass-roots effort Bockwinkel and other supporters continue to portray.

Instead, the state campaign—called LIMIT—has become an important battleground in a nationwide fight.

That effort is linked to a small group of wealthy industrialists who oppose government regulation and the country's economic policies.

Citizens for Congressional Reform, the Washington, D.C.-based group bankrolling this state's Initiative 553, already has helped push through term limits in California, Oklahoma and Colorado.

It is already active in or closely watching fledgling campaigns in many other states that may have ballot propositions by this time next year.

To date, little has been written about this obscure group. Newspaper articles in states where the reform group has been active describe it vaguely as a conservative Washington, D.C., group.

But tax documents obtained by The Morning News Tribune and other research show Citizens for Congressional Reform is a direct spinoff of a group controlled by one of the richest families in America and a handful of other Fortune 100 business executives.

They are the directors and advisers of Citizens for a Sound Economy, CCR's parent organization that started it as a special project in 1989.

Sometimes described as a "right-wing think tank," Citizens for a Sound Economy advocates a free-market economy, privatization of government entities like the U.S. Postal Service and Amtrak, lower taxes and less government.

Many of CSE's 18 directors describe themselves as conservative or "libertarian with a small l." Board members say they approved starting CCR and its term-limits efforts after the idea was suggested by CSE staff members.

"We need a turnover in Congress," says David Koch, who is chairman of CSE's educational foundation and is a director of the group.

He was the Libertarian Party's 1980 vice presidential candidate. Fortune magazine earlier this year ranked Koch and his brother Charles as the 19th richest people in the world, with a fortune estimated at $4.7 billion.

Congress "is getting set in its ways and resistant to change," Koch said in an interview last week.

"I think there is a perception in the general public that legislators in Congress are kind of grab-baggers. They're trying to grab as much as they can out of the federal treasury to pump back to their election districts to ensure they can be re-elected forever."

LIMIT's initiative would hold the governor and lieutenant governor to two, four-year terms.

U.S. Senators would be limited to two six-year terms; state senators would be limited to two four-year terms; and state and U.S. representatives would be limited to three two-year terms.

In Washington state, CCR has become the financial and political force behind the LIMIT movement. The group has contributed about $350,000, about 85 percent of LIMIT's campaign treasury. Paid CCR staff members have been sent to Washington to help direct the local effort, working out of LIMIT's Tacoma headquarters.

"I look at them as our best political consultants," said Bockwinkel. CCR "put us in touch with the kinds of people that can help us pull off a statewide initiative."

But it's the first time in Washington's history that so much of a campaign's money has come from a single, out-of-state source, said Paul Gillie, research director of the state Public Disclosure Commission.

And no other out-of-state contributor has had as much hands-on involvement in controlling a state initiative campaign as CCR seems to be exerting on LIMIT, he said.

CSE and CCR officials won't say exactly where they get their money and won't provide documentation of income. They say much of their funding comes from hundreds of thousands of individual contributors who are members of the groups.

And neither group will say whether CSE funnels cash to CCR.

But some experts following the term-limit phenomenon aren't convinced the movement is the populist undertaking its supporters make it out to be.

"It's ludicrous to believe the term limits movement is strictly a grass-roots campaign," said Thomas Mann, director of governmental studies for the Brookings Institution, a liberal Washington, D.C., think tank.

He said he believes a network of conservative groups is clearly behind term-limit efforts across the country, riding a wave of public sentiment against politicians.

"This is not a spontaneous uprising by the public," Mann said.

"It's a powerful combination of activist fund raising and organizing with a somewhat hidden agenda combined with a public distaste for Congress.

Citizens for Congressional Reform is just one of a number of tax-exempt, special-interest groups affiliated with Citizens for a Sound Economy.

Others include the Tax Foundation, which analyzes state, local and federal tax policies, and Citizens for the Environment, which actively opposed last year's strengthening of the federal Clean Air Act.

Citizens for a Sound Economy groups also fought last year's budget agreement between Congress and the White House, calling it a "disaster for taxpayers," and more recently opposed pay increases for senators.

CSE is headed by James C. Miller III, a former Reagan administration budget chief and probably the most visible of the group's officers.

The staff switches frequently between CSE and CCR.

Mary Ann Best, CCR's current executive director, was recently the membership director for CSE. Paul Beckner, the previous CCR executive director, is a board member of CSE and now CSE's executive director as well as president of CCR.

Richard Fink, now a Koch employee and CSE director, said CSE was really his idea and he asked the Kochs for financial help, which they gave.

But other CSE directors say it is the Koch brothers who provide much of the impetus behind CSE and its spinoffs.

David and Charles Koch run Koch Industries, which has holdings in energy, real estate, manufacturing and cattle and generates annual revenue of $16 billion, according to the Wichita Eagle, a daily newspaper that closely follows the Kochs' business and social lives.

It is the second-largest privately held company in the United States, according to financial articles.

The company came under fire in 1989 for what the Senate Select Committee on Indian Affairs called "sophisticated and premeditated theft" of oil from Indians.

The committee concluded Koch Oil, the largest purchaser of Indian oil in the country, "is the most dramatic example of an oil company stealing by deliberate mismeasurement and fraudulent reporting."

The committee estimated that, over three years, the oil firm acquired more than $31 million worth of oil it didn't pay for.

Two other brothers, Frederick and William, sued David and Charles Koch in 1989 because they didn't like the "right-wing" political organizations to which David and Charles were giving huge sums of family foundation money.

According to newspaper reports of the case, foundation records showed that at one time Charles Koch was giving about half the foundation's money to Libertarian groups.

Charles Koch and David Koch, who said he no longer supports the Libertarian Party, are directors of CSE and its educational foundation, a separate but related, tax-exempt entity.

According to 1990 tax returns, a Koch Industries-registered lobbyist was president of CCR and its separate educational foundation. Fink, another Koch Industries lobbyist, is director of CSE and its educational foundation.

"Charles Koch was the main motivating force" behind CSE, said William Vandersteel, a CSE director who is president of Tubexpress Systems Co. Inc., a North Bergen, NJ., enterprise.

He said CSE's foray into term limits through CCR was discussed at CSE board meetings and received the "blessings" of the board.

F. Kenneth Iverson, chairman of Nucor Corp., one of the nation's largest steel makers, is an active CSE director.

He describes himself as a conservative Republican businessman and all but a heretic in the steel industry because he opposes measures designed to protect the industry from foreign competition.

"I'm a great believer in term limits," said Iverson. "My frustration is that in many ways they (members of Congress) seem more interested in getting elected than in doing what is good for the country."

Forced retirement of politicians is a notion that is catching on nationwide, thanks in part to the support and encouragement of CCR.

CCR contributed $280,000 to the group backing California's initiative, according to election records on file in that state.

And CCR has so far kicked in $350,000 to Washington's movement.

Some term-limit campaign managers in other states say they expect considerable financial help from CCR to roll in next year, as their initiatives move closer to a vote.

"They called us and we've been talking to (CCR)," said Bob Bell, an Anchorage engineer who is spearheading the term limits movement in Alaska. "The impression I got is that once they get done with Washington, Alaska will be the next big step."

Bill Long, campaign manager for Citizens for Limited Terms, an Arizona group, said CCR staff members have visited Arizona and helped his group draft a new initiative.

"I would hope they might come in and help us (financially) later on," Long said.

Sherry Bockwinkel, Washington's LIMIT campaign manager, recalls it was CCR that first contacted members of her group and offered financial help as well as political advice.

She said Gene Morain, LIMIT's treasurer, had donated money to the Colorado and California campaigns and ended up on a CCR mailing list. It was through that mailing list that Morain and Bockwinkel first heard about a national term-limits conference CCR sponsored last fall in San Jose, Calif., she said.

Bockwinkel said CCR began pouring money into the LIMIT campaign earlier this spring. Besides sending staff members to help organize the office and to give political advice, CCR also paid experienced signature-gatherers to collect signatures on LIMIT's petitions.

The group needed 150,001 valid signatures by early July. It turned in more than 250,000 by that deadline, making it the fourth highest number of signatures gathered in a state initiative drive.

But critics contend it was the "buying" of signatures—with CCR's money—not grass-roots support for the idea of term limits that got the initiative on the ballot.

Bockwinkel won't deny that without CCR's money and expertise LIMIT might have fallen short of signatures.

"I think they certainly supported the grass-roots effort we had going," she said. "I think we certainly had difficulty getting the word out during the gulf war."

But CCR's heavy involvement was enough to sour one of term-limits' most ardent supporters.

Dale Washam, a Tacoma political activist who for weeks campaigned heartily for LIMIT, left the campaign in July because, he said, he didn't like the way the out-of-state group was taking control of the local process.

This was not a grass-roots thing in no way, shape or form," Washam said recently. "It was a bucks-for-hire thing."

Washam said he took his concerns to LIMIT leaders. But, he said, campaign leaders didn't seem to care where they got their funding, and even the steering committee had CCR-paid staff members on it.

"Having CCR come in and buy an initiative process in this state I think is wrong," said Washam.

"We should turn around and boot 'em right out. If we allow big money to come in and influence this, then we've lost a lot."

Bockwinkel said anyone was allowed to sit in on the steering committee meetings and that CCR staff members were present. In a recent interview she said she did not know much about CSE, had only generally heard of the Koch brothers and did not know specifically where CCR gets its money.

Bockwinkel has always aligned herself more with the political left than with the conservative businessmen who are now supporting term limits. Bockwinkel last year was an outspoken supporter of Tacoma's human rights intitiative and worked on the campaign of Democratic peace activist Mike Collier in his unsuccessful primary challenge of U.S. Rep. Norm Dicks.

Bockwinkel said she sees nothing odd about her new political allies. "I think that points to the broad spectrum of support this movement speaks to," she said.

Still, Washam isn't the only term-limits backer who doesn't like the idea of CCR seizing control of the process.

Frank Eizenzimmer, manager of Oregon's L.I.M.I.T.S. campaign, is a big CCR fan. But, he said, he's been hesitant to accept CCR donations.

"When they come in, they call the shots," he said. "If they make contributions, they want things done their way."

Monday: How term limits would affect the state and its lawmakers.

WHO'S BEHIND TERM LIMITATION DRIVE

These industrialists and economic conservatives back campaigns in Washington and other states:

Citizens For a Sound Economy Board of Directors

James C. Miller III, CSE chairman, Former director of the Office of Management and Budget in the Reagan administration: co-chairman of the Tax Foundation, a group affiliated with Citizens for a Sound Economy that monitors and analyzes tax and fiscal policies on the federal, state and local levels.

Charles G. Koch, Chairman of Koch Industries Inc., Wichita, Kan. Koch Industries, primarily an oil and gas firm, is the second largest private company in the world. Koch was one of the founders of the Cato Institute and continues to serve on its board of directors.

David H. Koch, executive vice president of Koch Industries Inc. Brother of Charles Koch, David lives in New York and ran for vice president on the 1980 Libertarian Party ticket, contributing almost $1.7 million to the campaign. He is on the Cato Institute board of directors.

Richard Fink, vice president for government and public affairs of Koch Industries Inc., in Washington, DC. Also a registered lobbyist for Koch Industries. Fink is a former economics professor at George Mason University, Fairfax, Va.

Dirk Van Dongen, President of the National Association of Wholesale Distributors, Washington, DC. A conservative group called the Tax Reform Act Coalition, which supported the effort to overhaul the tax code in the mid-1980s, operates out of the association's office.

J.P. Humphreys, president of Tamko Asphalt Products, Joplin, Mo. Tamko is a privately held company that manufactures roofing shingles. Humphreys' wife, Etheimas, is a member of the Cato Institute board of directors. The institute is a public policy research organization that believes in limited government and individual liberties.

John Pittenger, director of the Monitor Co., Cambridge, Mass. Monitor is a management consulting firm that develops corporate strategies for Fortune 100 companies and their international equivalents.

David Padden, president of Padden and Co., a Chicago Investment firm. Padden serves on the Cato Institute board of directors.

William Vandersteel, president of Tubexpress Systems Inc., a New Jersey firm developing a new mode of underground transportation known as a pneumatic capsule pipeline system. Vandersteel ran for U.S. senator in New Jersey as a Libertarian in 1976.

Samuel H. Husbands Jr., a San Francisco-based vice president of the nationwide brokerage firm Dean Witter Reynolds Inc., Husbands is also on the Cato Institute board of directors.

Carl Pescosolido Jr., president of Sequoia Enterprises, an Exeter, Calif., citrus packing house, and Tropicana Energy, a Texas-based alternative fuels company.

Richard J. Stephenson, chairman of American International Hospital, Zion, IL.

William Law, president of Cudahy Tanning Co., Cudahy, Wis. Cudahy processes raw hides from meat packing plants into finished leather.

Carl T. Holst-Knudson, president of Thomas Publishing Co., New York. The company is a major publisher of business buying guides, including the Thomas Register of American Manufacturers.

James Van Meter, executive vice president and chief financial officer of Georgia Pacific Corp., Atlanta. Georgia-Pacific is one of the leading forest products companies in the nation.

F. Kenneth Iverson, chairman of Nucor Corp., Charlotte, N.C. Nucor is the seventh largest steel maker in the nation with sales of $1.5 billion in 1990.

Joseph E. Coberty, Jr., a private real estate investor from Rancho Santa Fe, Calif., who said he has holdings mostly in Southern California.

Jim Cowea, president of the Commerce and Industry Association of New Jersey, Paramus, N.J. The association represents several thousand medium to large businesses predominately in northern New Jersey and is involved in lobbying and legislation designed to protect the state's business climate.

Citizens for a Sound Economy Educational Foundation

Board of Directors

David Koch, chairman, Richard Fink, J.P. Humphreys, Charles Koda.

Walter Williams, professor of economics at George Mason University, Fairfax, Va. Williams joined the economics faculty at George Mason in 1981. Before coming to George Mason, he was on the economics faculty at Temple University.

Robert Tollison, director of the Center for Public Choice, George Mason University, Fairfax, VA. The Center for Public Choice, led by Nobel Prize winning economist James Buchanon, analyzes the relationship between economics and politics. Researchers are not involved in developing public policy. "People here don't write papers on why taxes should be high or low," said Tollison. "They write papers on why taxes are what they are."

Citizens for a Sound Economy Washington Advisory Board

Randolf H. Aires, vice president, governmental affairs, Sears, Roebuck and Co.

Peter J. Connell, vice president and Washington counsel, Aetna Life & Casualty Co.

C.T. Howlett, Jr., vice president, government affairs, Georgia-Pacific Corp.

John R. Nelson, vice president, corporate affairs, Philip Morris USA.

Philips S. Peter, vice president, corporate government relators, General Electric Co.

Woodruff M. Price, vice president, government relations, CSX Corp.

Robert H. Scheerschmidt, vice president, government affairs, Xerox Corp.

Thomas L. Wylie, vice president government relations, Sun Company, Inc.

Citizens for Congressional Reform Foundation Officers

Wayne Gable, president. Managing director of federal affairs for Koch Industries and a registered lobbyist for the company. Gable also is listed as president of Citizens for a Sound Economy and president of its educational foundation.

Dan Witt, vice president. One of the highest paid staffers at CSE, Witt is listed as director of the Tax Foundation.

Paul Beckner, secretary-treasurer. Beckner also is secretary of CSE's educational foundation. He was executive director of CCR until earlier this summer.

Citizens for Congressional Reform

Wayne Gable, president.

Roger Ream, vice president. Another CSE staffer, Ream is listed as assistant secretary to the board of CSE. He is developmental director for CSE's educational foundation.

Paul Beckner, secretary-treasurer.

THE AMERICAN CONGRESS, A PRIVILEGED GROUP

The SPEAKER pro tempore (Mr. CARR). Under a previous order of the House, the gentleman from Pennsylvania [Mr. WALKER] is recognized for 60 minutes.

Mr. WALKER. Mr. Speaker, I have another topic to discuss, but I was interested in the remarks a few minutes ago. Of course, I did not get a chance to ask a question because the gentleman yielded back his time.

I do find it somewhat puzzling that about 40 years ago we decided in this country that guilt by association is not a very good standard on which to run government. It was called "McCarthyism."

I am increasingly disturbed that the leftwing in this country is moving further and further toward McCarthyism. We just heard a whole exposé here of term limits and it was said that anybody that was for term limits has to be associated with the platform of the Libertarian Party. That is just absolutely nonsense, and I hope that anybody who listened to the remarks understands that there are many people who are in favor of term limitations for politicans that do not subscribe to the various platform provisions of the Libertarian Party.

I also find it interesting, since some years ago when we tried to associate some Members of this House, namely Democratic Members of the House, with their own party's platform, they thought that was a horrible example of people attempting to tie them to something that they did not necessarily agree with. Yet the gentleman from Washington has, I think, done an outrageous thing in suggesting that people who think that maybe some politicians ought to be moved out of office after they have served a period of time somehow are with the Libertarians. But he is not here to answer now. I am sorry for that. I had hoped to have a couple of questions.

What I am going to talk about today relates to this whole business of throwing the politicians out of office though. It relates to what has been going on in Congress and specifically what has been going on in the House of Representatives and the U.S. Senate with regard to the way that we ignore the laws that we write for others and expect others to obey.

President Bush, the other day, reflected upon this himself. And I think he made a couple of points that are very, very relevant. I am going to quote here from President Bush's speech of the other day.

The President said:

> I served in Congress. I have a great respect for Congress. I know the incredible pressure and difficulty of working there. But public faith in Congress is absolutely vital for our form of government.
>
> I offer these suggestions then in the spirit of constructive criticism. Congress ought to follow the same laws that it imposes on everyone else. More than a dozen laws apply to the executive branch but not to Congress. Most of these laws apply to everyone in America, except Members of Congress.

Congress does not have to comply with the Equal Pay Act of 1963. It does not have to follow title 7 of the Civil Rights Act of 1964, a title that prohibits sexual discrimination and discrimination on the basis of race, color, sex, religion and national origin. It doesn't have to obey the provisions of the Americans with Disabilities Act of 1990, the Age Discrimination in Employment Act.

I would wager that the American people do not know that Congress has exempted itself from the sexual harassment laws private employers and the executive branch must obey.

He went on to say:

> Well, you see, when Congress exempts itself from the very laws it writes for others, it strikes at its own reputation and shatters public confidence in government. These exemptions encourage special interest groups to press then for reckless regulations knowing that Congress might adopt such laws it won't feel the sting of these laws. This practice creates the appearance in reality of a privileged class of rulers who stand above the law. That is precisely the Way Congress is being perceived in America today. Congress is seen as a privileged class that has no relationship to what is going on in the rest of the country, and in fact, does not even obey the laws that it writes for other sectors of our society.

☐ 1410

How did Congress react to this? Well, Roll Call, the newspaper of Capitol Hill, has a headline in today's paper. It say "Congress Is Quick To Return Fire After Bush Blasts 'Privileged Class of Rules.'"

Of course Congress returned fire. It hits at precisely what Congress fears the most, that the American people are going to find out what has really been happening in the U.S. Congress.

The Wall Street Journal, in an editorial, points out that the reactions of the leadership of the Congress were to be expected, but were somewhat interesting. They said, and I quote, "Look at the reactions of TOM FOLEY and GEORGE MITCHELL. The House Speaker dismissed most of the President's speech as 'absolute nonsense.' The Members, he said, are "close to the people."

Yes, the Members may be close to the people in terms of trying to figure out what it is they have to do to get reelected politically, but the fact is that Congress has grown very far apart from the people in terms of what people are expected to do in society, and what the expectations are on Congress. That is the reason why President Bush issued his challenge to go beyond those things which we have been doing and to bring ourselves under the laws that we expect others to obey.

President Bush said, according to the Wall Street Journal, and I am quoting from the Wall Street Journal again,

> President Bush challenged Congress to bring itself under all of the laws it imposed on the rest of the country, but from which it exempted itself. Last year, the Senate voted on this matter, and before exempting itself again, 63–26, from the Civil Rights Act and the disabilities law.

Now, one of the people in the U.S. Senate who thought that this was something that the Senate should do made this kind of explanation as to why the Congress should exempt itself. He said, and I quote:

> This is the Senate. It is not subject to the same rules and laws as a manufacturing plant in New Hampshire or a farm in Iowa.

Well, the question for Congress is "Why not? Why should not we be expected to behave ourselves in the same way we would expect a manufacturing plant in New Hampshire or a farm in Iowa to behave?"

Well, the explanation that comes from some of my colleagues is that one cannot expect Congress to do this because, after all, there is a separation of powers, and you cannot have Congress under the rule of the executive branch. The executive branch might use that power irresponsibly.

I suppose that there is some truth to that. But then the real question for us is, if we do not want that, perhaps we should include in all of the laws we pass a section which brings us under the coverage of the law and does so in a way that does not necessarily involve the executive branch.

We do not do that. In fact, on several occasions, we have had to fight very hard to get such provisions. And what we find is that when Congress has done such things, the fact is that we do not do a very good job of obeying, even so.

A couple of years ago we were able to get passed in law a provision putting Congress under the minimum wage law. Now, you would think that might be something that Congress could possibly live with. No. We put ourselves under the provisions, but then the committee of Congress that was given the jurisdiction on how to implement the law basically exempted everybody on Capitol Hill from its provisions. They said that all of these people serve in functions that are not covered by the minimum wage law. Therefore, Congress really does not have to obey. We have coverage, supposedly, on fair employment practices.

This is one thing that the leadership of the Congress pointed to after President Bush made his criticism of our failure to obey the civil rights law. They said, "That is not really true." I am now quoting from the Roll Call newspaper of today with regard to remarks made by the Speaker of the House. This is quoting from Roll Call:

> Foley responded that the House is indeed subject to the legislation that Bush cited in his speech.
>
> Foley referred to the House Office of Fair Employment Practices [OFEP], which is in charge of enforcing the sexual harassment and other discrimination laws. When asked if the House could be trusted to police itself, Foley responded, "Many of our Members * * * feel that the enforcement mechanism is more effective and more responsive than the EEOC."

The EEOC refers to the Equal Employment Opportunity Commission.

Well, that, I am sure, is what the Speaker believes. Roll Call newspaper has a little different view of that, however. If you will go back to the editorial page, what you find is that Roll Call looked into that particular contention. They said, and I quote:

> The Office of Fair Employment Practices, which handles staff complaints in the House, have publicly issued rulings in only two cases, neither of them very significant. It stubbornly refuses to tell the Hill community what it is doing, even in terms of numbers. But from all outward appearances, it is doing very little.

Now, if we do contend that we obey the laws that other people have to obey in this particular instance, because we have our own mechanism, why is that mechanism so ineffective? Well, it is ineffective because Congress wants it to be ineffective. Congress has made a determination that it will be outside of the scope of the law. Therefore, even when we bring coverage under the law, the chances are that the law will be rendered ineffective by the performance of the Congress itself.

It is clear to me that Congress not only does it with regard to some of the laws that were mentioned by President Bush, but in a whole host of other things, too. For instance, going back for a moment just to the civil rights charge, some of the Members, again quoted in the Roll Call newspaper today, were talking about the civil rights law. They seemed to think that it is working fine.

Mrs. SCHROEDER, the gentlewoman from Colorado, was quoted as saying that the charge that the President made that Congress exempts itself from the law, "It's baloney," Representative PAT SCHROEDER said of the President's charges. "He knows better than that. His own Secretary of Labor [former Representative Lynn Martin (R–Ill.)] helped draft the Fair Employment Practices Act," which created OFEP in 1988.

Yes, the Secretary of Labor helped to draft it and got it put in. The question is what is being done to enforce it. Where is the enforcement mechanism for the laws that Congress is supposed to be obeying?

What we do know is that Congress does not put itself under very many laws, and what we also know is that Congress does not obey the laws that it is covered by.

I am going to give you one example today that I am personally familiar with. Back in 1988, the same time that Mrs. SCHROEDER is claiming that we had OFEP put into place, we also passed another bill that applied to the country. In this particular instance, however, because of my insistence, it also applied to the U.S. Congress. It was the drug-free workplace law.

Now, what we said to the country was that if you are going to get Federal money, you have to maintain a drug-free workplace. You have to have a policy which assures that there is a drug-free workplace where Federal contracts are being implemented.

Here in Congress, we also implement that law for ourselves, supposedly. At least, the language was there. It was included in the law. It said that any office that did not have a drug-free workplace policy in place, any office on Capitol Hill—Members' offices, committee offices, whatever—if these did not have a drug-free workplace law, they would have their funds cut off. There would be no more money out of the Federal Treasury for their allowances, their official expenses. They were out of money if they did not have a policy.

Now, what was involved in doing this policy? What you had to do, you had to put something in writing indicating how you were going to implement drug-free workplace policies. It is a specific demand under the law for the Congress. Everyone in Congress is supposed to be obeying, or they are outside the course of the law. The law is very clear. It applies to Congress in this case.

☐ 1420

I checked the other day to find out how many offices on Capitol Hill have come into compliance, understanding that this has been the law of the land now for 3 years, 3 years. Do you know how many offices on Capitol Hill are in compliance out of the 435 offices on the House side? One hundred fifty offices. That means that more than half of the Members of Congress have not yet brought themselves into compliance with the drug-free-workplace law despite the fact that it has been an obligation for 3 years.

This is what we do? This is what we call responsibility? You can bet that if some working Joe or some employer out in the country has been in violation of the law for 3 years, there is going to be somebody coming after him, but not in the U.S. Congress. In fact, we have had a difficult time even getting anybody to say that they are willing to bring about compliance. In the first instance, when we passed a law which is basically ignored, no one paid much attention to it. Finally, after a good deal of prodding by myself and some other colleagues, the House Administration Committee basically issued a letter saying, "Yes, everybody has to be in compliance, but we are not going to enforce it."

So we went to people like the clerk of the House that has the administrative duties for the overall operation of the House, and we said to them, "Are you going to do something?" They said, "What we will do is we will serve as a repository. If anybody wants to file their policy with us, we will serve as a repository for those filings, but we are not going to enforce anything. In fact, we are not even going to release the names of who has filed and who has not. These will be secret files that we will keep."

Now, Congress is not very good at keeping some secrets when it comes to the Clarence Thomas case and so on, but when it comes to keeping the names of the Members who have not filed drug-free workplace policies, it is a state secret, and, believe me, it is closely held.

The fact is that is all that is in place.

I was a little disturbed by that. So last year when the legislative appropriations bill was going to come to the floor, I drafted some language and basically what it would have done is it would have made the Speaker of the House the enforcing officer of the drug-free workplace policy and would have had him, first of all, determine who was in compliance and who was not, and then have forced those people who were not in compliance to either come into compliance or lose their money.

The Speaker was not terribly enthusiastic, I gathered, about the language that I had drafted. I understand that. It was pretty tough language. I have no quarrel with the Speaker on that. He wanted me to sit down with House counsel and work out some compromise language that would implement the policy, but do so in a way that was a little less stringent than what I had put into the legislative appropriation.

What we decided on was that we would come up with language, and the Speaker himself would issue a policy. The Speaker was true to his word on that. I worked with House counsel. We came up with language that I think was very appropriate, and the Speaker himself, the Speaker of the House of Representatives, issued a letter to all Members of Congress and to all committees telling them they had to come into compliance with the law.

I guess maybe it helped some. At the time that the Speaker's letter came out, about 100 offices on Capitol Hill were in compliance. Today it has come up to 150. So the Speaker got about 50 people to come on board.

Folks, this is the law of the land. We are talking about something which is absolutely a mandate upon Members of Congress, and yet more than half the Congress has said, "No, sir, I am above the law. I do not care what the Speaker says. I do not care what the law says. I do not care. I am above the law. I am elected to the Congress, and I, in my arrogance, have decided that I am better than the law, and I do not care."

Now, if you wonder why the country gets disgusted with the Congress, it is that they perceive that that attitude is real. They perceive the fact that when you have Members of Congress who do not obey the laws they write for others and specifically exempt themselves from that kind of law that they are arrogant, and that is what the President was referring to.

But the arrogance goes much further when they even disobey and completely ignore the laws that they are required to have as a part of their own personal structures, as a part of their own personal lives. They ignore those, too, and it is no wonder that the public then becomes very disturbed, and well the public should.

In fact, on the Drug-Free Workplace Act, there have been Members quoted in the press as saying, "I do not care what the law says. I am not going to obey it. I, in terms of my office, think my people are drug free. I do not have to have a policy," and so on.

There is no business in America that can get away with that. If the drug-free workplace policy applies to your business, you have to have it in place even if you know all of your employees, and you know that all of them are drug free, you do not have the option of saying, "I do not like the law, and I am not going to obey it." You obey it, or you pay the penalty.

In Congress, that is not the case. No one enforces the law. In Congress they say, "I do not like it, and I am not going to obey it," and no one does anything.

I have got to tell you that when the American people start screaming for things like term limits, they start screaming about the fact that Congress is not doing its job right, and that something has gone drastically wrong in Washington, there is good cause to believe that. Congress is, as the President said the other day, an institution that does look like a privileged class. The President said that this practice creates the appearance and reality of a privileged class of rulers who stand above the law. That is the reality.

There are many in the Congress who have decided that they are truly above the law, that the law does not apply to them whether it is the drug-free workplace law, whether it is the civil rights law, whether it is the discrimination laws, whether it is the laws that apply to the disabled; Congress has, in these people's opinions, no need to obey the laws we put on others. That is wrong.

It is about time that either Congress ceases being a privileged class of rulers without conscience about the things that it does, or it gets replaced.

The term-limit idea and lots of other ideas out there are people looking for ways to replace what they believe is an institution gone astray. The President joined in that the other day. The President said that it is about time to end this idea of privilege on Capitol Hill and bring the people who serve in Congress back close to the people who populate the country.

I think the President was right, and I think for members of the House leadership, members of the Democratic leadership of this House, the Democratic leadership that has controlled this House for almost 40 years to blast back suggesting that there is nothing wrong on Capitol Hill, that everything is going fine, that they are, in fact, obeying the laws when the facts speak otherwise is just plain nonsense. The Democrats in Congress need to be held accountable for the fact that Congress has gone astray.

Every Democrat who serves here elects the leadership of the Congress. When the leadership is too blind to see that something has gone wrong, then all Democrats need to be held accountable for the fact that Congress is in bad shape.

Well, I think that this headline, "Congress Is Quick To Return Fire After President Bush Blasts Privileged Class of Rulers," tells you a lot about the situation. The American people understand that there is a privileged class of rulers today called the Congress, and the fact that Congress is unwilling to admit the obvious and try to do something to correct it, I think, is an indictment in and of itself.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. HASTERT) to revise and extend their remarks and include extraneous material:)

Mr. WALKER, for 60 minutes, today.

(The following Members (at the request of Mr. DORGAN of North Dakota) to revise and extend their remarks and include extraneous material:)

Mr. WHITTEN, for 5 minutes, today.

Mr. HOYER, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. HASTERT) and to include extraneous matter:)

Mr. LEWIS of California in three instances.

Mr. BROOMFIELD.

(The following Members (at the request of Mr. DORGAN of North Dakota) and to include extraneous matter:)

Mr. ANDERSON in 10 instances.

Mr. GONZALEZ in 10 instances.

Mr. ANNUNZIO in six instances.

Mr. MAZZOLI.

Mr. TORRICELLI.

Mr. BROWN in 10 instances.

Mr. ROE.

Mr. LEHMAN of Florida.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 680. An act to amend the International Travel Act of 1961 to assist in the growth of international travel and tourism into the United States, and for other purposes; to the Committee on Energy and Commerce.

ENROLLED BILL AND JOINT RESOLUTION SIGNED

Mr. ROSE, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill and joint resolution of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 470. An act to authorize the Secretary of Transportation to release the restrictions, requirements, and conditions imposed in connection with the conveyance of certain lands to the city of Gary, IN, and

H.J. Res. 360. Joint resolution making further continuing appropriations for the fiscal year 1992, and for other purposes.

SENATE ENROLLED JOINT RESOLUTION SIGNED

The SPEAKER announced his signature to an enrolled joint resolution of the Senate of the following title:

S.J. Res. 192. Joint resolution designating October 30, 1991 as "Refugee Day."

A BILL AND JOINT RESOLUTIONS PRESENTED TO THE PRESIDENT

Mr. ROSE, from the Committee on House Administration, reported that that committee did on the following date present to the President, for his approval a bill and joint resolutions of the House of the following titles:

On October 23, 1991:

H.R. 972. An act to make permanent the legislative reinstatement, following the decision of Duro against Reina (58 U.S.I.W. 4643, May 29, 1990), of the power of Indian tribes to exercise criminal jurisdiction over Indians;

H.J. Res. 340. Joint resolution to designate October 19 through 27, 1991, as "National Red Ribbon Week for a Drug Free America;

H.J. Res. 360. Joint resolution making further continuing appropriations for the fiscal year 1992, and for other purposes; and

H.J. Res. 470. Joint resolution to authorize the Secretary of Transportation to release the restrictions, requirements, and conditions imposed in connection with the conveyance of certain lands to the city of Gary, IN.

ADJOURNMENT

Mr. WALKER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 29 minutes p.m.), the House adjourned until tomorrow, Tuesday, October 29, 1991, at 12 noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2251. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 9-88, "District of Columbia Regional Airport Authority Act of 1985 Temporary Amendment Act of 1991," pursuant to D.C. Code, section 1-233(c)(1); to the Committee on the District of Columbia.

2252. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 9-90, "Closing of a Public Alley and Abandonment of an Easement in Square 488, S.O. 86-267, Act of 1988 Covenant Modification Temporary Act of 1991," pursuant to D.C. Code, section 1-233(c)(1); to the Committee on the District of Columbia.

2253. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 9-89, "Board of Education Special Election Act of 1991," and report, pursuant to D.C. Code, section 1-233(c)(1); to the Committee on the District of Columbia.

2254. A letter from the Chairman, Jacob K. Javits Fellows Program Fellowship Board, transmitting the third report on the Jacob K. Javits Fellowship Board, pursuant to 20 U.S.C. 1134i; to the Committee on Education and Labor.

2255. A letter from the Acting Director, Defense Security Assistance Agency, transmitting the Department of the Air Forces' proposed lease of defense articles to the Sweden (Transmittal No. 01-92), pursuant to 22 U.S.C. 2796a(a); to the Committee on Foreign Affairs.

2256. A letter from the Assistant Secretary of State, Legislative Affairs, transmitting text of ILO Convention No. 170 and recommendation No. 177 concerning safety in the use of chemicals at work as adopted by the International Labor Conference at its 77th session, at Geneva, June 25, 1990, pursuant to article 19 of the Constitution of the International Labor Organization; to the Committee on Foreign Affairs.

2257. A letter from the Assistant Secretary of State, Legislative Affairs, transmitting text of ILO Convention No. 171 and recommendation No. 178 concerning night work and the protocol of 1990 to the Night Work (Women) Convention (Revised) 1948 (No. 89) as adopted by the International Labor Conference at its 77th session, at Geneva, June 26, 1990, pursuant to article 19 of the Constitution of the International Labor Organization; to the Committee on Foreign Affairs.

2258. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on Foreign Affairs.

2259. A letter from the Director, Federal Judicial Center, transmitting a report on court-annexed arbitration in 10 district courts (1990) along with a resolution presenting the legislative recommendations of the Center's board on court-annexed arbitration, pursuant to 28 U.S.C. 651 note; to the Committee on the Judiciary.

2260. A letter from the Director, United States Information Agency, transmitting a draft of proposed legislation to transfer the au pair program from the U.S. Information Agency to the Department of Justice; to the Committee on the Judiciary.

2261. A letter from the Commandant, U.S. Coast Guard, transmitting a report on alternatives to double hulls in tank vessel design, pursuant to 46 U.S.C. 3703a note; to the Committee on Merchant Marine and Fisheries.

2262. A letter from the Administrator, Small Business Administration, transmitting the 1990 report on minority small business and capital ownership development, pursuant to Public Law 100-656, section 408 (102 Stat. 3877); to the Committee on Small Business.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[Pursuant to the order of the House on Oct. 24, 1991, the following report was filed on Oct. 25, 1991]

Mr. DINGELL: Committee on Energy and Commerce. H.R. 3508. A bill to amend the Public Health Service Act to revise and extend certain programs relating to the education of individuals as health professionals, and for other purposes; with an amendment (Rept. 102-275). Referred to the Committee of the Whole House of the State of the Union.

[Submitted Oct. 28, 1991]

Mr. MILLER of California: Committee on Interior and Insular Affairs. H.R. 2896. A bill to authorize the Secretary of the Interior to revise the boundaries of the Minute Man National Historical Park in the State of Massachusetts, and for other purposes (Rept. 102-276). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. SWIFT (for himself, Mr. GEPHARDT, Mr. BONIOR, Mr. HOYER, Mr. ROSE, Mr. DERRICK, Mrs. KENNELLY, Mr. LEWIS of Georgia, Mr. ANNUNZIO, Mr. PANETTA, Ms. OAKAR, Mr. CLAY, Mr. GEJDENSON, Mr. KOLTER, Mr. FROST, Mr. MANTON, and Mr. KLECZKA):

H.R. 3644. A bill to provide that, in making payments from the Presidential Election Campaign Fund, including the Presidential Matching Payment Account, amounts estimated to be transferred to the fund during the fiscal year before the fiscal year of the Presidential election shall be taken into account; to the Committee on House Administration.

By Mr. ANDREWS of Maine (for himself and Ms. SNOWE):

H.J. Res. 365. Joint resolution to designate the Provasoli-Guillard Center for the Culture of Marine Phytoplankton as a national center and facility; to the Committee on Merchant Marine and Fisheries.

MEMORIALS

Under clause 4 of rule XXII,

304. The SPEAKER presented a memorial of the House of Representatives of the Commonwealth of Pennsylvania, relative to the National Guard; to the Committee on Armed Services.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 371: Mr. EWING.

H.R. 661: Mr. HUNTER, Mr. LENT, Mr. PACKARD, Mr. KASICH, Mr. LOWERY of California, and Mr. RICHARDSON.

H.R. 673: Ms. UNSOELD.

H.R. 710: Mr. MARKEY and Mr. ENGEL.

H.R. 856: Mr. LEHMAN of Florida.

H.R. 1200: Mr. PASTOR, Mr. SANGMEISTER, Mr. TRAFICANT, Mr. MCDERMOTT, Mr. SOLOMON, Mr. PARKER, Mr. STUDDS, and Mr. TRAXLER.

H.R. 1354: Mr. Bacchus.

H.R. 1663: Mr. LUKEN and Mrs. LLOYD.

H.R. 1751: Mr. BLILEY and Mr. CAMP.

H.R. 2089: Mr. BORSKI.

H.R. 2410: Mr. BOEHNER, Mr. LIPINSKI, and Mr. TAUZIN.

H.R. 2470: Mr. STALLINGS.

H.R. 2565: Mr. PETERSON of Florida, Mr. DWYER of New Jersey, Mr. COSTELLO, Mr. GILLMOR, Mr. MAZZOLI, Mr. FISH, and Mr. CLAY.

H.R. 2675: Ms. NORTON.

H.R. 2898: Mrs. UNSOELD, Mr. DIXON, Mr. KANJORSKI, Mr. FISH, and Mr. POSHARD.

H.R. 3049: Mr. GILMAN.

H.R. 3070: Mr. WASHINGTON, Mr. HYDE, Mr. HALL of Texas, Mr. TAUZIN, Mr. CONYERS, Mr. WELDON, and Mr. WHITTEN.

H.R. 3098: Mrs. COLLINS of Michigan and Mr. FAZIO.

H.R. 3142: Mr. WILLIAMS, Mr. HUTTO, and Mr. HENRY.

H.R. 3209: Mr. BOUCHER, Mr. HOYER, and Mr. GILMAN.

H.R. 3220: Ms. SNOWE.

H.R. 3349: Mr. SOLOMON and Mr. BLAZ.

H.R. 3457: Mr. ZIMMER.

H.R. 3473: Mr. WILLIAMS, Mrs. UNSOELD, Mr. HUGHES, Mr. LAGOMARSINO, Mr. LEVINE of California, and Mr. MURPHY.

H.R. 3545: Mr. DELLUMS, Mr. KOLTER, and Ms. NORTON.

H.J. Res. 177: Mr. KILDEE, Mr. MFUME, Mr. ALEXANDER, Mr. SCHULZE, Mr. ZIMMER, Mr. ECKART, Mr. DWYER of New Jersey, and Mr. TOWNS.

H.J. Res. 237: Mr. SKEEN.

H.J. Res. 312: Mrs. MINK, Mr. DYMALLY, Mr. MOORHEAD, Mr. SCHULZE, Mr. SISISKY, Mr. MCGRATH, Mr. DUNCAN, Mr. BENNETT, Mr. GREEN of New York, Mr. PARKER, Mr. BRYANT, Mr. MARKEY, Mr. KENNEDY, Mr. CARPER, Mr. QUILLEN, Mr. KOPETSKI, Mr. LEVIN of Michigan, Mr. WAXMAN, Mr. MCDERMOTT, and Mr. PAYNE of Virginia.

H.J. Res. 326: Mr. LOWERY of California, Mr. MFUME, Mr. TRAXLER, Mr. BURTON of Indiana, Mr. ANDREWS of Texas, Mr. FOGLIETTA, Mr. KANJORSKI, Mr. SLATTERY, Mr. SWETT, and Mr. LANTOS.

H.J. Res. 343: Mrs. BYRON, Mr. ESPY, Mr. FROST, and Mr. MCGRATH.

H.J. Res. 354: Mr. LENT, Mr. FORD of Tennessee, Mr. OWENS of Utah, Mr. BROWDER, Mr. BLILEY, Mr. SMITH of Florida, Mr. MRAZEK, Mr. ESPY, Mr. GUARINI, Mrs. ROUKEMA, Mr. HARRIS, Mr. PAYNE of New Jersey, Mr. CONYERS, Mr. MILLER of Washington, Mr. SKEEN, Mr. HORTON, Mr. LEHMAN of Florida, Mr. COUGHLIN, Mr. PAXON, Mr. MCMILLEN of Maryland, Mr. KOLTER, Mr. EVANS, Ms. NORTON, Mr. EMERSON, Mr. CLEMENT, Mr. WALSH, and Mr. MCGRATH.

H. Con. Res. 168: Mr. APPLEGATE, Mr. CAMP, Mr. JACOBS, Mr. GEJDENSON, Mr. MURPHY, and Mr. REED.

H. Con. Res. 192: Mrs. LLOYD, Mr. COX of Illinois, Mr. SKEEN, Mr. MCCLOSKEY, Mr. ZIMMER, Mr. JOHNSON of South Dakota, Mr. KOLTER, Mr. CAMPBELL of California, Mr. ANDREWS of Maine, and Mr. RIGGS.

H. Con. Res. 212: Mr. ANNUNZIO and Mr. DONNELLY.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 3489

By Mr. MAVROULES:

—Page 17, line 11, insert after "use" the following: "shall be made by the Secretary in concurrence with the Secretary of Defense and".

Page 34, line 3, insert "(i)" after "(B)".

Page 34, line 11, strike "consult with" and insert "seek the concurrence of".

Page 34, insert the following after line 12:

"(ii) If the Secretary and the Secretary of Defense are unable to concur on a determination under clause (i), as such disagreement is determined by the Secretary, the Secretary of Defense may, within 20 days after receiving notification of the Secretary's determination, refer the matter to the President for resolution. The Secretary of Defense shall notify the Secretary of any such referral. The President shall, not later than 20 days after such referral, notify the Secretary of his determination with respect to the matter so referred. Failure of the Secretary of Defense to notify the President or the Secretary, or failure of the President to notify the Secretary, in accordance with this clause, shall be deemed by the Secretary to constitute concurrence in the actions proposed by the Secretary regarding the determination under clause (i).".

Page 34, line 14, strike "(B)" and insert "(B)(i)".

SENATE—*Monday, October 28, 1991*

The Senate met at 2 p.m. and was called to order by the Honorable CHARLES S. ROBB, a Senator from the State of Virginia.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

Commit thy works unto the Lord, and thy thoughts shall be established.—Proverbs 16:3.

Gracious God our Father in Heaven, government is not getting any easier. The wave of anger and cynicism which has engulfed the Nation in these past few weeks compounds the confusion as legislators work their way through conflicting views, polls, information, staff counsel, and their own inward struggle with conscience, sound judgment, and political expediency.

Sovereign Lord, deliver our leaders from the prison of a finite world where there is no reference to infinity, no sense of God, no reality beyond the temporal and the secular. Help them see the possibility in the wisdom of Proverbs. Help them realize the profound possibility of being guided in their thinking by the Lord as they commit their works to Him. Grant them grace to open their minds and hearts to the possibility of divine direction and the unlimited potential under such direction. Lord, become real to us. Teach us that we can really depend upon You and not be disappointed.

In Jesus' name, the Way, the Truth, and the Life. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The bill clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, October 28, 1991.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable CHARLES S. ROBB, a Senator from the State of Virginia, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. ROBB thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Without objection, all leader time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. There will now be a period for the transaction of morning business not to extend beyond the hour of 2:30 p.m., with Senators permitted to speak therein for not to exceed 5 minutes each.

The Chair, in his capacity as an individual Senator, suggests the absence of a quorum.

The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

EMPOWERMENT

Mr. KASTEN. Mr. President, on October 8, I convened a field hearing of the U.S. Senate Small Business Committee at the Milwaukee Enterprise Center to examine the topic of how to promote economic opportunity, empowerment, job creation, and small business development in our distressed inner cities.

The committee heard testimony from several community development leaders and business people in Milwaukee, including Julius Morgan of the Milwaukee Enterprise Center, Derrek Kenner of Union Heritage Capital Management, and Howard Synder of the Metroworks business incubator. In addition, I invited two national advocates of self-help and empowerment: Tony Brown, television host of "Tony Brown's Journal," and Bob Woodson, president of the Center for Neighborhood Enterprise, to share their views.

While Wisconsin's overall unemployment rate is around 5 percent, the unemployment rates among blacks and Hispanics in Milwaukee is in the double digits. High unemployment contributes to other problems, including government dependency, drug abuse, crime, and lack of job skills.

We cannot continue to seek only government solutions to cure poverty, joblessness and despair. Bobby Kennedy once said:

> To fight poverty without the power of free enterprise is to wage war with a single platoon while great armies are left to stand on the side.

Building on this theme, Tony Brown said:

> The best way to fight poverty is to keep people out of poverty. And the best way to do that is to promote self-employment among the poor, the uneducated, the disadvantaged and the young.

To achieve this end, we must be willing to transcend the policies of the past that have led to dependency instead of self-sufficiency, that promoted a self-satisfied and self-protecting bureaucracy instead of individual initiative.

We must move forward with a bold plan based on self-help, free enterprise, empowerment, and incentives.

We will need a growing national economy in order to create new jobs and new business opportunities for all Americans. That is the reason why I support a cut in the capital gains tax—to reward the risk-takers, and to unlock capital from status quo investments so that small businesses—especially minority entrepreneurs—can raise startup and expansion funds.

When we cut taxes on labor and capital in the 1980's, the economy boomed, 21 million jobs were created, and minority-owned businesses prospered. From 1982 to 1987, the number of black-owned firms jumped by almost 40 percent and Hispanic firms grew 80 percent, both exceeding the 14-percent increase for all U.S. firms.

We have made some progress, but we must do much more. We need to bring democratic capitalism—private property, incentives and free enterprise—into our distressed inner cities and communities. We need to reward hard work, savings, and investment.

I have proposed an action plan of initiatives designed to bring jobs, hope, and opportunity to those who have been left behind. I call it the EMPOWER plan—expanding minority prosperity, opportunity, and wealth creation through economic revitalization.

First, we need to encourage entrepreneurship and job creation through Federal enterprise zones; small business incubators like the Milwaukee Enterprise Center, Metroworks, and the new MEC-South; and microloans for low-income entrepreneurs.

Several States have gone ahead and created their own enterprise zones. Under Gov. Tommy Thompson's leadership, Wisconsin has established 12 development zones since 1989. Businesses in the zones are investing over $55 million in zone projects that will create over 1,300 new jobs and upgrade almost 800 jobs.

Commenting on the small business microloans legislation sponsored by myself and the chairman of the Small Business Committee, DALE BUMPERS, Mr. Brown noted that "Nonprofit, community-based organizations supporting microloans also transfer traditional values—which is a value-added feature to business and job creation."

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Second, we must promote educational choice, and tenant management of public housing to give people more control over their own lives—and more responsibility in revitalizing their communities and neighborhoods.

Third, we must encourage charitable giving and voluntarism to help the needy. Community-based nonprofits often outperform public programs in providing job training, housing, and other services. I've introduced legislation that would restore tax incentives for charitable giving.

Finally, we need to adopt positive terminology. Rather than being labeled disadvantaged, minority-owned businesses should be referred to as "historically underutilized businesses" or HUB's, which implies a more positive and constructive perception. HUB's are the center of revitalizing neighborhoods and creating jobs.

The success of this empowerment plan cannot be the success of government. It must be the success of individuals, families, nonprofits, the private sector, small businesses, and community-based organizations all working together to develop new ideas and new initiatives to unleash the entrepreneurial potential of the people in inner-city Milwaukee and throughout Wisconsin.

I highly recommend to my colleagues Mr. Brown's testimony on empowerment initiatives, and I ask unanimous consent that it be printed at this point in the RECORD.

There being no objection, the testimony was ordered to be printed in the RECORD, as follows:

"MAKE AMERICA WORK FOR THE UNITED STATES"

(Testimony of Tony Brown before the U.S. Senate Small Business Committee, October 8, 1991)

"The economically disadvantaged status of black Americans is now a permanent feature of the American economy," the 1991 Urban League Report admitted.

That means that poverty is a permanent feature of Black America. It also means that the primary problem of the Black community is poverty.

And if this condition continues, Black poverty and all of the social pathology that come with it will become a permanent institution in America.

The problem, of course, has its roots in the history of slavery, but its feet are planted firmly in the present. Over one-third of the families living in poverty are Black (three times the rate of Whites); median income of Blacks is only 56 percent that of Whites; and unemployment is twice that of Whites. Other disturbing statistics, such as the infant death rate (24 percent higher for Black infants than for Whites), demonstrates a causal connection between poverty and social adaptation.

Of course, these statistics do not describe all Blacks.

The Black elite—upper middle class and wealthy—has grown faster than the Black middle class.

Between 1981 and 1987 White families with incomes of more than $50,000 increased from 18.2 percent to 24.4 percent. Black families registered greater change; the percentage earning incomes over $50,000 grew from 6 percent to 9.5 percent.

By the very nature of the information economy, the well educated benefit most. Most Black families headed by married couples have joined the middle class.

However, despite billions of dollars in government spending over the past two decades, the United States has largely failed to attain a key goal of the 1960s civil rights campaign: increasing the number of Black and Hispanic owned businesses.

This failure has caused economic opportunities to remain elusive and the New York Times to begin a front page story (1-29-91) with the following:

"Wanted: An American anti-poverty policy. Strategy must offer reasonable prospect for ending cycles of dependency and despair that disfigure urban America. Long hours and serious commitment needed. Costs may be high. Cost of doing nothing may be higher.

"The want ad for an American social policy might go on to list other requirements: a passionate leader to articulate it, taxpayers willing to pay for it, special interests that sacrifice for it, skilled administrators to apply it."

Employment is not the only answer to the man-made problem of poverty, in part, because many people who are unemployed are unemployed because of the absence of technical skills and an inadequate education.

Only self-employment and ownership can solve the systemic problems caused by this absence of human capital and the loss of self-esteem that results from it.

When it comes to lending to the truly needy, America has missed a golden opportunity. Banks and other sources of venture capital have not been responsive to the need for capital to grow the people in marginal endeavors into real businesses.

That's why Sen. Kasten's "EMPOWER" Action Plan, with its emphasis on microloans is so important. Non-profit, community-based organizations supporting "Microloans" also transfer traditional values—which is a value-added feature to business and job creation.

This transfer of social and human capital is more important than the loans themselves in the development of the individual and the community.

Since Sen. Kasten is the ranking member on the Senate Small Business Committee, the benefits of his entrepreneurial and job creation "action plan" will surely benefit the citizens of Wisconsin. And no inner city deserves or qualifies for help more than Milwaukee.

"Community" is where the business foundation of America rests. The nation's seven million small businesses account for 40% of the gross national product and 80% of the new jobs. According to Success magazine, 20 million new jobs were created in the '80s by entrepreneurial companies.

The value to the economy of small community-based businesses can be seen in the fact that over the past decade, Fortune 500 companies have laid off 11 million employees. During the same period, companies with fewer than 100 workers have hired most of the 31 million people added to the workforce.

The erosion of small businesses diminishes our American competitive position and manufactures poverty, the breeding grounds for a variety of society's problems. Therefore, the problem is clear and so is the solution.

Since small businesses create 80% of the new jobs, it makes abundant sense to involve the total community in a small business creation effort. In fact, people can immediately become self-employed and later, with training, experience and community support, grow into more substantial enterprises.

The best way to fight poverty is to keep people out of poverty.

And the best way to do that is to promote self-employment among the poor, the uneducated, the disadvantaged and the young.

Have the essentially middle-class programs done the Black community per se much good or did they result in windfalls for wealthier Blacks?

In answering that question, we must remember that the notion of earmarking a part of federal and industrial corporate spending for Blacks in business was to advance the cause of Black people, not just Black people who are in business, or educated or middle class.

Set-asides were and are intended to bring the Black community, including the volatile 8 million who form the new underclass, into the "mainstream" of America. And if Black firms do not come into compliance with the implicit directive to help other Blacks, why should they deserve to receive special treatment on behalf of the Black community?

In effect, the Black businesses that benefit are conduits for the stabilization and advancement of the less fortunate African-Americans, not a windfall for selfish enterprise. Moreover, if a more stabilized Black community does not evolve from these preferential grants, the investment of the private sector or government has no payoff.

Therefore, there should be a "set-aside" for the "set-asides."

The only justification for the "set-asides" is their degree of personal concern for the Black community's most serious problems (single-parent homes, drug addiction, illiteracy, etc.) and helping to stabilize our primary institutions (Black colleges, churches, civil rights groups, charities, etc.).

Whether the affirmative-action concept is fair or not, the Black community lost the public relations battle.

Affirmative action programs, for example, must persuade the general population through performance criteria that if a community-performance requirement is added, the programs are in the best interest of non-Blacks as well as Blacks. They are intrinsically fair only if they solve a problem that threatens us all.

The future of America will be greatly affected, either positively or negatively, by the course Black America takes over the next 13 years. The federal government, therefore, has a role in viable affirmative action programs that produce results through incentives and requirements.

These programs, however, must take creative forms. Affirmative action must be defined and designed for maximum community benefits. The individual beneficiary should have a Black community service incentive. You might say, a set-aside for the set-asides. If you are singled out for help because you are Black, you have an obligation to the Black community.

We can also create an economic-affirmative thrust ourselves that will not only elevate our community to political and economic parity, but benefit non-Blacks and the country as well. Even in affirmative-action programs, the primary responsibility to perform should be ours, so that we can ultimately become self-reliant and not in need of them.

The general population can be won over by a Black self-willed empowerment. A creative alliance between the private sector, government and the Black community can turn the current White backlash into a river of support if the Black community will take the leadership role in charting its own course, it's time that we do as well in finance and economics as we do in football and basketball.

But having said that, let me emphasize that more and bigger government is not the solution.

Government is government. The bigger it gets, in my opinion, the worse it gets—good intentions notwithstanding.

In November, I am introducing the Buy Freedom 900 Network. By buying from self-help businesses, using the telephone, we can support loans to create another 50,000 small firms in our communities in the next five years and increase the revenues of those already in business.

This self-help telephone network will connect buyers with businesses, professionals, churches and fund-raising campaigns of non-profit community organizations.

Profits from calls to the businesses will be used to provide loans to start and expand new businesses in the city/area from which the call was received. That's why this program is national in scope, but local in focus.

This is the only way to "Make America Work For U.S."

RICHARD PETTY DISCLOSES HIS PLANS TO RETIRE

Mr. HELMS. Mr. President, on October 1, a longtime friend of mine and one of North Carolina's best known citizens announced his impending retirement. Richard Petty's countless fans are saddened by his decision. It is, in a very real sense, the end of an era.

Everyone who has followed Richard's remarkable career recognizes him as a perfect example of what can be accomplished with determination, faith, and family values.

Mr. President, Richard Petty's name has become synonymous with NASCAR racing. He has won more races, thrilled more fans, and served as a hero for more young people than anyone who ever had the courage to squeeze into a stock car.

When Richard first raced his trademark car No. 43 in 1958, dirt tracks and $100 purses were the norm. When he retires at the conclusion of the 1992 seasons, stock car racing will be one of the largest spectator sports in the country. I noticed an estimate the other day that at least 4,786,375 people attended NASCAR races last year.

King Richard, as he is known to Tarheels—indeed, race fans everywhere—deserves much of the credit for NASCAR's success. For years throngs have attended stock car races for one reason: To see King Richard race. And how he has raced, and raced, and raced.

A few statistics: 200 wins over 35 years—9 times he has been chosen by fans as the most popular driver—7 Winston Cup Championships. And all of these have been unmatched by anyone else in NASCAR history.

Make no mistake about it, Mr. President, running a stock car around a hot track at 200 miles an hour is no picnic. Throughout his career—and the countless injuries he's received during the course of it—his wife Lynda, and his children Sharon, Lisa, Rebecca, and Kyle, have been at his side—riding shotgun, you might say. They deserve a salute as well. Richard Petty is the first to acknowledge that he never could have succeeded without that kind of family.

In announcing his retirement, Richard Petty is leaving the door open a crack as to whether he might return to racing some time in the future—to the delight of NASCAR's fans. But King Richard also implied that he may look to get into politics. I fervently hope that he will. Government at any level would be all the better if it could have the benefit of Richard's courage, integrity and instinctive good judgment.

Mr. President, I join other proud North Carolinians and race fans throughout the country in wishing Richard Petty a safe and successful final season. I hope he'll take care of himself—he may one day be U.S. Senator Richard Petty. If and when that happens, we will welcome his stamina.

Mr. President, I ask unanimous consent that the Raleigh News and Observer's October 2 article about Richard's retirement be printed in the RECORD at the conclusion of my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Raleigh News and Observer, Oct. 2, 1991]

NO. 43 WILL RACE ONE MORE SEASON

(By Gerald Martin)

LEVEL CROSS.—No one knows better than the mother of his children just how much stock car racing means to Richard Petty, and when the checkered flag falls on the 1992 NASCAR season and his driving career, both the sorrow and the euphoria likely will be about all Lynda Petty can bear.

Richard Petty, 54, confirmed Tuesday at a news conference that '92 will be his final season. He said that he plans to enter all 29 Winston Cup races during his "Fan Appreciation Tour" and that late next season he will name his replacement for the '93 campaign.

He said his final go-round almost certainly will be emotion-choked, but he hardly hedged when asked whether, under any circumstances, he might reconsider when the '92 campaign ends at Atlanta.

"When I step out of the car next November," he said, "that will be the last time anybody sees me in a race car. Well, maybe."

He laughed, but only for a moment.

"No," he added. "I said it, and you can bet that'll be it—if I make it that far. . . . If we win 'em all, I'm out. if we don't win any, I'm out."

It was with a splattering of laughs, a few choked-back tears and a sense of relief that his family, at his side for the announcement, welcomed the news and looked with some apprehension to the future and how they would cope without the king behind the wheel for the first time in 35 years.

"I probably have encouraged him every week [to quit]," his wife, Lynda, said afterward. "You see how much weight I carry. . . . But all of a sudden, after next year, I wonder what we're going to do, if we can sit there and watch without 43 out there."

Mr. Petty will not stray far from the cockpit. He will take over the ownership reins from his wife, he said, "and I'll do everything I've been doing except the driving."

The winner of a record 200 races in NASCAR's top division said plans for his final season have been under way for about a year and the focal point will be his legions of fans.

"It's not a farewell tour, because I'm not going anywhere," Mr. Petty said. "It's a fan appreciation tour. Without the fans, y'all wouldn't be here, I wouldn't be here. . . . After 34 years, I figured I could take the time and all our sponsors could take the time to go to the fans and say, 'Look, we appreciate it.' . . . We're saying thank you."

Among the well-wishers attending the news conference were Gov. James G. Martin, NASCAR President William C. France and executives of the companies that will sponsor the Petty Enterprises team in 1992.

Mr. Martin said "no other man has so dominated any sport, ever."

"I'll let y'all in on a little secret," he added. "It's nice being governor, but I often wonder what it would be like to be king. . . . This king has seen a lot of governors come and go since he began his racing career back in the 1950s."

Mr. France, in recognizing Mr. Petty's positive impact with fans, recalled a youngster hanging on a fence at a race track, yelling and beckoning for Mr. Petty to speak to him.

"Richard Petty became that little boy's hero that day," he said, "That's the reason NBA All-Star Brad Daugherty today wears No. 43 when he plays for the Cleveland Cavaliers."

But it was those who have daily shared his life and career—wife Lynda, daughters Sharon, Lisa and Rebecca, and son and fellow racer Kyle—whose poignant recollections nailed the significance of the moment and of what is yet to come.

"Yes. I probably feel like I've sacrificed a lot." Mrs. Petty said. "I think he was only around for one child's birth: the rest of the time he was racing. And he missed most all of the graduations, the banquets, the recitals and all. He missed it all. But even though he missed it, they loved him and supported him, and we're going to continue to support him.

"The one thing I've asked more than anything is: Don't you just worry about your husband?" And I say 'Yes, I do.' But my philosophy . . . is that I'm just thankful that I've been a part of Richard Petty's life and that no matter what happens from this day forth, I can look back without any regrets."

Kyle Petty predicted his father will become a "completely different" person after he retires as a driver because driving has not only been his job but also his relaxation and recreation.

Daughter Sharon, 27, more than any other family member, has pushed him to retire, and she said she is glad that time is near.

"It is a different day," she said, her voice trembling, "because it is all we've known. We've not had him there because he had been out racing, but we accepted it and we knew he loved that race car and we didn't mind it. It was the way we were brought up. He loved it, he was good at it, and he was always so happy.

"To not see him in that car will be the hardest thing. Even though I'm glad I won't have to worry about him out there in that car with those guys on that track, it's going to be hard because it's hard to see somebody give up some thing they love so much. We're so proud of him and love him so much."

Mr. Petty said his age and his nearly seven-year victory drought were factors in his decision, "but I still enjoy driving a race car and I know it's going to be a tough deal when the end comes."

Mrs. Petty said her husband's responsibilities other than driving had taken a toll on him and on the team's success in recent seasons, and that she had known for several years a change was necessary.

"In 1990 I began to see things begin to turn for him." She said, 'Racing had grown into such a large business, too complex and big for one man to drive and do all the other things, too.

"Richard Petty is a very smart person who knows a lot about race cars. But he hasn't been able to exercise all the abilities and knowledge he has. He was at a point that he knew he had a choice to make, and we're all looking forward to some new talent and the Petty Enterprises car being the hottest one out there.

And Richard Petty, she said, will never completely put away the game he has played so well all these years. True, he has acquired a vacation condominium, but not the one she wanted at Myrtle Beach, SC. Instead it rises from the grandstands overlooking Charlotte Motor Speedway.

He said he would buy me binoculars she said "and that maybe I could see Myrtle Beach from there."

NASCAR

Richard Lee Petty, 54, announced he will retire after the 1992 NASCAR season.

Some career highlights: Stock car racing debut, 1958. Winston Cup career—prize money, $7,141,050; best finish, 1st, 200 times; biggest purse, $90,575, 1981 Daytona 500.

PETTY'S RECORDS

Winston Cup wins, 200; Winston Cup champ, 7 times; most popular driver, 9 times; first $1 million driver, 1971; first $2 million driver, 1975; first $3 million driver, 1978; first $4 million driver, 1980; first $5 million driver, 1983.

COMMENDING DAVISVILLE MIDDLE SCHOOL

Mr. PELL. Mr. President, as chairman of the Senate Subcommittee on Education, Arts, and the Humanities, it is an honor and a privilege to offer my congratulations to Davisville Middle School on being named a 1990–91 Blue Ribbon School.

This is indeed a very significant award. Only those schools which meet the most rigorous standards of achievement and excellence are named Blue Ribbon Schools. In fact, less than one-half of 1 percent of all our Nation's schools receive the Blue Ribbon Schools Award. It is the highest honor bestowed by the Department of Education, created to recognize outstanding public and private elementary and secondary schools across the United States that are unusually effective in meeting national education goals.

While much is learned at the Davisville Middle School, certainly, much can be learned from them.

At Davisville, Principal Jane Kondon has fostered an academic environment where the collective efforts of students, teachers, parents, and community leaders contribute to excellence. High achieving students tutor their fellow students. Teachers work together, coordinating their curriculums to reinforce lessons and general themes. Community businesses voluntarily offer discounts to honor roll students. And parents participate in school-based management.

Mr. President, the importance of a well-trained mind can never be overstated, no matter how often we speak of education, no matter how much we do to improve or schools.

I remind the students of Davisville Middle School, and my colleagues here in the Senate, of the eloquent words of Joseph Addison:

> Education is a companion which no misfortune can depress, no crime can destroy, no enemy can alienate, no despotism can enslave, at home a friend, abroad an introduction, in solitude solace, and in society an ornament. It chastens vice and guides virtue.

Davisville Middle School exemplifies the high standard of educational excellence upon which our Nation so critically depends. They have brought honor and distinction to their community and to our State. I have said many, many times that our real wealth as a Nation is measured by the sum total of the education and character of our people. I congratulate all the people of the Davisville School community for the shining contribution they have made to our national wealth. I urge them to continue to work hard to maintain the fine standard they have set, and once again, express my heartfelt congratulations for a recognition well earned.

TRIBUTE TO P.W. BROWN

Mr. HEFLIN. Mr. President, I rise today to pay tribute to Mr. Philip Washington Brown, a native son of Eutaw, AL, on the occasion of his retirement from Tuskegee University. Since 1972, Mr. P.W. Brown has performed the duties of the Administrator of the Tuskegee Extension Program with determination and grace. For 27 years P.W. Brown has served Tuskegee and the State of Alabama with distinction.

Mr. Brown, or P.W. as my staff and I know him, has been an outstanding leader for the 1890 institutions of this Nation. P.W. has fought for fair and equitable funding on behalf of the 1890 land-grant schools and has served as the spokesman in Washington for these great universities. In fact, during the 1990 farm bill, P.W. spent so much time in my office I was beginning to think he was on my personal staff.

P.W.'s affable and persuasive manner has served him well throughout his tenure with Tuskegee. As for me and my staff, we wish P.W. continued success in his future endeavors.

TERRY ANDERSON

Mr. MOYNIHAN. Mr. President, I rise to inform my colleagues that today marks the 2,417th day that Terry Anderson has been held captive in Lebanon.

Yesterday, family and friends of Terry Anderson observed his 44th birthday. His seventh in captivity. Peggy Say told reporters, after a service held in her brother's honor, that she "fully expects to spend Christmas this year with Terry Anderson." I pray that she will.

Mr. President, I ask unanimous consent that an Associated Press article reporting yesterday's events be printed in the RECORD at this time.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

CHURCHGOERS MARK TERRY ANDERSON'S SEVENTH BIRTHDAY IN CAPTIVITY

(By Bob Lewis)

CADIZ, KY.—The sister of Terry Anderson, the longest-held American hostage in the Middle East, said Sunday she has good reason to believe her brother will be released soon.

Peggy Say and other relatives joined worshippers at a church service marking Anderson's seventh birthday in captivity. Anderson, who turned 44, is chief Middle East correspondent of The Associated Press.

Following the service at Cadiz Baptist Church, Say planned to fly to New York and meet Monday with U.N. Secretary-General Javier Perez de Cuellar.

"I believe with all my heart that the efforts of those involved in the U.N. mission to free the hostages will reach fruition in the coming weeks," Say told about 350 people in the small church.

"I fully expect to spend Christmas this year with Terry Anderson," Say told reporters after the service. "I've probably felt this optimistic before, but never with good reason. Today I have good reason."

She said she was encouraged that Anderson's captors had praised U.S.-led efforts that resulted in Middle East peace talks scheduled to begin Wednesday in Madrid.

Anderson was abducted March 16, 1985, in Beirut. Friends and colleagues in Beirut celebrated his birthday with a cake.

"I'm more hopeful than any time before that this is his last birthday in captivity," said Farouk Nassar, chief of the AP bureau in Beirut.

Intense U.N.-led negotiations to mediate a swap of Western captives for Arabs held by Israel have led to freedom for four Westerners since August.

Beirut television stations showed a videotape of Anderson's daughter, Sulome, who was born four months after his abduction, during their evening newscasts Saturday.

"When I am 7 I hope you will be home. I am sure you will be home soon and I know you will," Sulome said, reading from a letter she prepared for the occasion.

The videotape showed Sulome with her mother, Madeleine, blowing out candles on a cake.

In Lorain, Ohio, where Anderson was born, more than 100 residents and relatives staged a downtown rally for his birthday. It included a 21-gun salute, a birthday cake and the release of 44 yellow birthday balloons.

During the service in Cadiz, Anderson's other sister, Judy Walker, read aloud a list of those still held in Lebanon and those who have been freed. As she read the names of eight captives who died, her daughter, Rachel, rang a bell in memory of each. Say and Walker both live in Cadiz.

The Rev. Harold Skaggs read a birthday greeting from his congregation to Anderson.

"As members of our congregation, Peggy and Judy pray with us at worship each week. A candle is lighted each Sunday and your name is called," he said.

"Peggy's efforts on your behalf have been all around the world. She has literally walked in the courts of kings and presidents, demanding like a Moses of modern times, 'Let my people go.'"

Marjorie Priest, a former quilt shop owner from Brecksville, Ohio, drove to Cadiz to present Say a quilt made for Anderson.

She and other quilting enthusiasts from Cleveland stitched together the quilt from 480 patches, each signed and sent to her from well-wishers.

Taped birthday greetings from former President Carter, broadcast journalists Tom Brokaw, Dan Rather and Peter Arnett and talk show host Phil Donahue were provided to overseas radio outlets to be played in the Middle East on Sunday.

In a recent videotape, Anderson said he had access to television, radio, newspapers and magazines.

On Saturday, Lebanon's two leading newspapers, the independent An-Nahar and leftist As-Safir, published a letter from Say and other birthday messages from friends in the United States.

Say assured Anderson his family is well. She asked him to stay tuned to the British Broadcasting Corp. and Voice of America to hear birthday greetings.

CIVIL RIGHTS ACT OF 1991

Mr. DOMENICI. Mr. President, let me first say it was astounding to this Senator to hear certain Members of the Senate from the other side of the aisle, including the majority leader, suggest that the civil rights bill that we reached accord and agreement on could have been achieved a year and a half ago because it was nothing more than that which was offered to the President a year and a half ago.

Frankly, I really hope against hope that I heard wrong because, frankly, that just is not so. It cannot be so, and I do not know why it would be said. Maybe some would misunderstand what the bill says, but I do not think those who spoke that way would, mainly because they are not only very articulate but also very knowledgeable in the law. So nothing could be further from the truth than this bill, as agreed to by Republicans and Democrats alike, was exactly what was offered to the President a year and a half ago. It just is not so.

So I would like to take just a few moments to applaud the work of our colleagues here in the Senate and to commend the efforts of Senator DANFORTH and Senator DOLE, from our side of the aisle, for their tireless efforts to craft a civil rights bill which was acceptable to employers and employees across this land and, equally as important, that was also acceptable to the President of the United States. So, unless we want to make it so, this does not need to be a partisan issue. Frankly, it seems to me that it is not. But if there are some who seek to make it so, then let me suggest that an objective reading of this bill indicates it is more like the bill that the President wanted than what those who offered the civil rights bill a year and a half ago wanted.

Again, my very special thanks go out to Senator DANFORTH. Everyone now knows that I was one of the nine Republican Senators on his original three bills that were offered back in June. I felt than, as I do now, that these three bills represented an attempt at compromise that would be necessary to reach a final agreement. We have reached that pinnacle with the compromise version of S. 1745.

I did not sponsor some of the later versions of the bill, and I will tell you why. Frankly, it seemed to the Senator from New Mexico that I ought to try to get the President on board, so I did not lend my name, nor did Senator RUDMAN, to that measure until we reached accord. We have done just that. So now this Senator, with a great deal of enthusiasm, is cosponsoring the bill we currently have before us. And I am very pleased to do so.

Senator DANFORTH put his heart and soul into this, and, also from our side of the aisle, Senator DOLE lived day and night with the understanding and the effort we needed to get the President and more Republicans on board. And as it turned out, we have successfully done just that.

As I mentioned earlier, there have been numerous comments and articles over the past few days that suggest that this civil rights compromise could have come about a year and a half ago. And as I also mentioned earlier, that really is not true. All of us who have been involved in the negotiating process know that this compromise represents more than just a few simple word changes here and there. This was not a mere semantical exercise. It was not about dotting the "i's" or crossing the "t's". It is very significantly different than other versions of the civil rights legislation.

This compromise represents the difference between what I perceive to be an effective civil rights measure and a bill so overly constructed that it satisfies no one but ambitious lawyers. It would have caused many employers to lose confidence and faith in the fairness of our system as they would have had to adjust to certain situations that the courts brought about that they did not want to participate in.

For example, I was particularly concerned that we extend the protection for minorities and women while also giving business, whether small or large, sufficient flexibility to make judicious decisions that serve their legitimate business goals.

I do not think there is anything wrong—and as we watch this recession in the United States, maybe we should get another lesson—there is nothing wrong with having business men and women having legitimate business goals. Those business goals can be better profits, more income, or more ability to grow and compete. And we ought not be ashamed or embarrassed to talk about that as we talk about a bill protecting their rights, the rights of those decisionmakers who are trying to structure competitive businesses that make money, as well as the rights of individuals that seek employment.

I did not cosponsor, as I indicated awhile ago, the first version of Senate bill 1745, the last Senator DANFORTH measure, because I was not satisfied with the definition of business necessity—that which would govern the methodology for a business determining how it would hire, and business necessity being the governing words, the words of art. Incidentally, those words were determined not by legislature, but rather by the Supreme Court.

Despite weeks of negotiations, I was not convinced that there was adequate and essential protection for businesses to defend their employment, and defend the practices upon which they based employment, on valid business purposes. And a valid business purpose could be a number of things and it might not be directly related to the employment in question.

As stated so well by my distinguished colleague from Washington, Senator GORTON, the original version of the bill as well as the House version, H.R. 1—attempted, vainly I believe, to codify a rapidly evolving field of court-developed law and to freeze it into a statutory straight jacket.

I have heard from far too many companies, whether employers of 15 or 200 workers, that there is an important element of the employment decisionmaking process that is often overlooked. That element is the often vague but critical one: hiring or promoting an employee that takes into consideration the company's overall business objective.

And, in all fairness and with the best of intentions, employers are faced with the factor of choice. They must weigh their costs, their effectiveness, their profit margins, and hire or promote the personnel they believe meet the goals of their firm.

Moreover, I suggest that Americans are innately competitive—whether it is in the context of trying to build a better car to compete or simply trying to display one's vegetables so they look more palatable than the ones sold by the vendor down the street. Personnel are hired and promoted because they help that business retain its competitive edge, or retain its profit margin. These are valid business purposes that simply help them make money so they can grow, prosper, and employ people.

Many businesses, particularly the small business owners in my State, have spoken to me about the difficulties of making ends meet as business people today. American businesses face ever-increasing governmental health, safety, and environmental regulations. They must satisfy employee demands for better benefit programs, manage their staffs and workers to optimize their productivity, and all the while, ensure sufficient profitability for reinvestment in their plants and facilities, and when appropriate, in research and development.

You know, many times we complain and we hear our constituents complain about the way things are going on in our cities and in their lives, about their jobs, and about things not going so well. And frequently we forget that businesses have to make money in order to grow and prosper and hire people. And if they do not, if they are not growing, we get the kind of economic situation that we are in today: A recession.

Nobody likes it. I am sure the occupant of the Chair would agree with me. I have been here longer than he, but I do not believe he has ever received a letter from a constituent saying, "I would like more recession, I sure hope it will go on longer." They do not write us letters when things are growing and prospering and more are getting employed, saying things are great. But surely they do not write us asking for more of that lack of growth.

So we want to give our businessmen, our business people, our corporate entities a fighting chance. And in passing this bill we also want to be fair to both employer and employee alike. Today, there is often a very slim margin between staying in business or being out of business.

Therefore, a business is often faced with difficult but very critical employment decisions. It must find the right employee that best fits the job, for the most reasonable cost. We have all agreed that employment practices need to have a manifest relationship to the employment in question as defined by the Supreme Court in the now famous Griggs decision. I do not think we have talked about any case more than we have talked about the Griggs case—it is part of the growing lexicon of cases in which the Supreme Court has had something to say about discrimination in the marketplace.

However, we also have to take into account that once this issue is satisfied, there are still practices that should be justifiable in the context of valid business purposes. Griggs says that you can set the qualifications for the particular job. And then, we are saying, you can take the next step and seek more, perhaps better qualified people—better qualified, that is, among the group of people who have met your initial requirements for employment.

This was the issue articulated well in the 1978 New York Transit Authority versus Beazer case. It, too, is mentioned as one of the cases we now rely on in its stated purposes and language as we seek the new law and it allows legitimate business goals and policies to stand. The revisions to S. 1745 now take this element into consideration.

I do not think we now need to offer amendments such as the one that I had to clarify what I considered to be an omission to the definition of business necessity. Under the compromise bill, we have achieved a balanced approach to the selection process. We have a bill that is fair to both employees and employers. The courts will now continue to interpret the issue of business necessity. As section 3 of this compromise correctly states, the purpose of S. 1745 is to:

> * * * codify the concepts of "business necessity" and "job related" enunciated by the Supreme Court in *Griggs* v. *Duke Power Co.*, 401 U.S. 424 (1971) and in other Supreme Court decisions prior to *Wards Cove Packing Co.* v. *Atonio*, 490 U.S. 642 (1989).

I have never doubted that an equitable compromise could be achieved. The administration had very legitimate concerns that as necessary as a civil rights bill may be, it could not, and would not, succumb to pressures that produced a document that served few, if any, well.

So, for those who wish to posture that there were really only a few words or phrases that caused the impasse, I would suggest that these few words were the life support system of the entire process. And for many businesses across this land, large and small, these words will also be the lifeblood of their continued success as they attempt to do the very best they can for their business' success, and for fairness and fair treatment to workers, both now and in the future. These issues were absolutely critical. We know the difference, and so does the American public.

We, in the Senate, have experienced several difficult weeks. This has been a time of reexamination of our processes and procedures, as well as a reassessment of our ability to govern and support the public good. We recognize that it is time to make some changes in the way we conduct our business. However, just as we were able to reach a compromise on this complicated issue, we will resolve the other problems too.

If all goes well, we are about to pass a bill that has taken almost 2 years to develop. In retrospect, we must admit that as tiresome and at times divisive as the process may have appeared, we have accomplished our objectives.

I am pleased to have been a part of this endeavor; clearly my role may not have been as large as some others. Some worked for extremely long and dedicated periods of time. It has been an arduous task, but I believe that the time and effort has been well spent, and I am proud to have played a role in helping along this historic piece of legislation.

We have much to do, many people here to congratulate, including the President and many who work for him. I do so to all of them.

But I would state, so there may be no misunderstanding, that I did not allude to an amendment that I might offer on attorney's fees.

There might be a couple of amendments on attorney's fees. I will talk to the leadership before I commit to one that I have. Frankly, I am somewhat concerned about some of the lawyers in our day advertising, promoting, and soliciting work, especially in fields like this. If it is not incompatible with what we are doing and the timeframe that we are on, I will have something to say about soliciting and advertising with reference to civil rights and the lawyer profession in the United States.

I yield the floor.

A TRIBUTE TO CHAIRMAN TAE JOON PARK OF KOREA

Mr. THURMOND. Mr. President, I would like to take this opportunity to offer a warm welcome to a highly respected leader from the Republic of Korea, Tae Joon Park. Mr. Park is cochairman of Korea's Democratic Liberal Party, and earlier this afternoon I had the great pleasure of hosting a luncheon in his honor. We were joined by my distinguished colleague Senator HELMS, and Senator DOLE was also able to visit with us briefly. The chairman was to meet with Senator SIMPSON later.

Mr. President, Chairman Park is a highly respected leader in both business and government, and I am very pleased we were able to meet with him during his visit to our Nation's Capital. During his stay in Washington, the chairman will also call on Vice President QUAYLE and Secretary Mosbacher.

Mr. Park's achievements are many and varied. He is considered a leading expert on Korea-Japan relations, United States-Korea relations, trade, national security and economic issues. He is a trusted adviser to President Roh and is recognized for his understanding of the needs of all the Korean people. In addition, Chairman Park is the founder and chairman of Pohang Iron & Steel Co., or POSCO—the largest integrated steel company in Korea.

Founded in 1968, POSCO ranks in the top three world-wide producers of integrated steel. The company has the largest single Korean investment in the United States and is the largest Korean purchaser of coal from this country.

POSCO's spectacular growth during a period of less than 20 years is due in large part to the outstanding leadership of Chairman Park. His foresight and keen business mind have served him well in his positions as chairman of the Korea Iron and Steel Association, director of the International Iron and Steel Institute, and deputy chairman of the Federation of Korean Industries.

In addition to his many achievements as a businessman, Chairman Park has put his abilities to work for the people of Korea in a variety of public service positions. He has served as a member of the Korean Parliament, the 11th National Assembly, and the 13th National Assembly. From 1981 to 1983, he held the position of chairman of the Finance Committee in the National Assembly. In January 1990, he was elected chairman of the Democratic Justice Party, and in May of that year was elected cochairman of the Democratic Liberal Party.

Chairman Park's many contributions have been recognized around the world. He has received honorary degrees from Carnegie Mellon University in the United States and the universities of Sheffield and Birmingham in the United Kingdom. This past weekend, he was awarded an honorary engineering degree from the University of Waterloo in Canada.

Mr. President, it is with great pleasure that I welcome this distinguished leader to the United States. I also wish him a pleasant and productive journey to his next destination, Tokyo, where he will be meeting with the new Prime Minister of Japan.

EXTENSION OF MORNING BUSINESS

Mr. KENNEDY. Mr. President, I ask unanimous consent that the time between now and 3:30 be utilized for morning business.

The ACTING PRESIDENT pro tempore. Without objection, the period between now and 3:30 will be utilized for morning business.

Mr. KENNEDY. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SEYMOUR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BREAUX). Without objection, it is so ordered.

Mr. SEYMOUR. Mr. President, I ask unanimous consent that I be allowed to speak as in morning business for 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

S. 1745, THE CIVIL RIGHTS ACT OF 1991

Mr. SEYMOUR. Mr. President, today I am very proud to join with my distinguished colleague from Missouri, Senator DANFORTH, the distinguished Republican leader, and a good number of my colleagues, as an original cosponsor of the compromise amendment that will make the civil rights bill the civil rights laws of 1991.

The fundamental premise, the root of civil rights, is found in the very simple words penned by Thomas Jefferson 215 years ago: "We hold these truths to be self-evident, that all men are created equal. * * *" These words are the foundation of very sacred principles, and we are a nation that aspires to them. We ask to be judged as people of character, not of color. We ask to live in a system where not just men, but all Americans are created equal. We ask that our religious beliefs serve to broaden our faith, not to bar us from opportunity.

Abiding by these principles has been a 200-year struggle—a struggle that has seen many monumental victories, from the Emancipation Proclamation to school desegregation, from the 14th amendment to the 19th amendment, from the Civil Rights Acts of 1866 and 1964, to the Americans With Disabilities Act of 1990. The champions of civil rights are men and women of dedication: Frederick Douglass, Abraham Lincoln, Booker T. Washington, Elizabeth Cady Stanton, Susan B. Anthony, and Martin Luther King—their names are words of inspiration, their achievements are milestones of social progress for all Americans, young and old.

But the struggle for equal opportunity continues. Each generation bears the responsibility of reaffirming and advancing the cause of civil rights, as well as the underlying principles of this Nation.

Our generation's contributions are sorely needed at this time. Race discrimination and sexual harassment remain harsh realities in the factories and offices of America.

The Department of Labor recently concluded that the "good ol' boy" traditions of corporate management have systematically created a glass ceiling, blocking qualified minorities, and women from the executive suite.

It is up to America's leaders—in both private and public sectors—to provide opportunities for Americans regardless of their gender, or ethnic and religious affiliations. But it is, ultimately, Congress that must provide workable, balanced legal solutions to combat intentional or institutional job discrimination.

That is the backdrop of the civil rights drama that has been before us since a series of Supreme Court decisions in 1989 required Congress to step in and restore the intent of the major civil rights laws. In fact, most of S. 1745, the Civil Rights Act of 1991, provides workable solutions that are noncontroversial. For example, the bill restores section 1981—one of the Nation's oldest civil rights laws—to its original intent by allowing victims of race discrimination in all facets of the work environment to seek legal remedies.

Also, S. 1745 will protect victims of discriminatory seniority systems, regardless of when these systems were put in place, insuring that minorities and women can seek appropriate remedies whenever discrimination strikes.

For the better part of two Congresses, our attention and unfortunately our rhetoric have been directed toward the provisions that govern cases of unintentional discrimination, or disparate impact cases. For 18 years, the 1971 Supreme Court decision in Griggs versus Duke Power Co. governed cases in which an employer's workplace or hiring practices were challenged because they had an adverse impact on minorities or women. Under Griggs, once a complaining party demonstrates that a specific hiring or job practice results in a disparate impact, the employer must bear the burden of justifying the challenged practice on the basis of business necessity.

In 1989, the Supreme Court's Ward Cove decision overturned the Griggs standard, transferring the burden of proof to the employee and relaxing the definition of business necessity for the employer.

Restoring the Griggs standard has been the stated goal of both sides of the civil rights debate and rightly so. The Griggs standard is fair to both the alleged victim and the employer, but it posed a delicate and difficult balance for courts to maintain. Many Justices on the Supreme Court understood the policy implications of tipping this standard in either direction. To tip it in favor of employers would allow them to construct discriminatory job practices or requirements under the guise of business necessity. To tip it in favor of challengers would force otherwise law-abiding employers to adopt quotas to avoid a lawsuit.

As Justice O'Connor warned in a 1988 opinion:

> We agree that the inevitable focus on statistics in disparate impact cases could put undue pressure on employers to adopt inappropriate prophylactic measures. . . . If quotas and preferential treatment become the only cost-effective means of avoiding expensive litigation and potentially catastrophic liability, such measures will be widely adopted. The prudent employer will be careful to ensure that its programs are discussed in euphemistic terms, but will be equally careful to ensure that the quotas are met.
>
> Allowing the evolution of disparate impact analysis to lead to this result would be contrary to Congress' clearly expressed intent, and it should not be the effect of our decision today. (*Watson* v. *Fort Worth Bank and Trust*, 108 S.Ct. 2777, at 2787–88.)

In short, pushing the Griggs standard in either direction leads to results contrary to our civil rights laws. One would encourage old, intentional discrimination, the other would simply encourage new discrimination—discrimination under a quota system.

Last year, Congress had the opportunity to restore fairness to our civil rights law by codifying the Griggs standard, but passed legislation that went beyond it. Had that bill become law, disparate impact cases could be won just by producing statistics that show gender or minority imbalances between the workplace and the qualified labor market—without having to directly link these imbalances to specific employment practices as required by Griggs. Also, the bill placed employers with an even greater burden of justifying their otherwise legitimate business practices.

In short, last year's legislation would have left employers little choice but to implement hiring and promotion practices based on numerical quotas to avoid costly lawsuits and legal fees—quotas that result in people being hired and promoted primarily on ethnic group membership, not individual merit.

Is that progress? Hardly.

A quota system not only represents a resounding defeat for civil rights, it is insulting to all Americans, regardless of ethnicity or gender, who strive to rise to the level that talent and determination will take them. The founders of the modern civil rights movement abhorred quotas or for that matter, any attempt to make race, gender, or religion the primary factor in job placement. As a candidate for President, then-Senator John Kennedy stated that to promise a position in government to any race or ethnic group was "racism in reverse at its worst."

Prior to last week's compromise, many in and out of Congress have been high on rhetoric and devoid of reason. They wrongly accused the President and others of using the quota argument as a cynical attempt to shore up votes. I find such accusations ironic. To propose what was originally a quota bill and call it civil rights legislation can equally be seen as partisan election-year labeling. However, the quota charge is far from an excuse to block civil rights legislation. So legitimate is this concern that many modifications have been made in the bill from its introduction in February 1990 to its recent resolution.

For too long, partisan politics dominated the civil rights debate, and all Americans have been the real losers. So I am extremely pleased that after many starts and stops, breakthroughs and breakdowns, we are here today not to engage in a rerun of rhetoric but in a true restoration of rights. Now is not the time for partisan politics. Now is the time for bipartisan progress.

Our compromise resolves the major controversies that have made prior versions of the bill a quota bill. It requires a challenger to link a disparate impact with a specific employment or hiring practice, unless it is impossible to distinguish such practices. And it allows employers to justify their practices under a more flexible definition of business necessity. In short, this amendment truly restores the Griggs standard. Anything less would undermine the original intent of our major civil rights laws and encourage quota-based employment practices.

Finally, S. 1745 breaks new ground in civil rights laws by allowing damage remedies in cases of intentional gender and religious discrimination or harassment. Simply awarding backpay and reinstatement in cases where an employee was made a victim of heinous discrimination is not enough. In these cases, compensatory and punitive damages are necessary. We must send a message that vicious sexist tactics in the workplace will not be tolerated. Though I believe that this bill sends that message, I am hopeful that these provisions will be used more as an incentive for employers to establish antiharassment policies.

I am also mindful of the fact that this is a compromise as well, and underlying questions of fairness remain with respect to the caps on punitive or compensatory damages. I agree with many of my colleagues that the next step in the civil rights debate is a thorough examination of this unresolved issue.

The distinguished Senator from Missouri has shown from the first days of this Congress his desire to pass a civil rights bill. He exemplifies tremendous and tireless dedication to the cause of civil rights. My sincere congratulations go to him, as well as Senators DOLE, HATCH, JEFFORDS, and others. They did not give up in this quest for a compromise. Nor did the President, who deserves the thanks of all Americans for working with the Senate to produce the best legislation possible. It has not been an easy couple of days for them, or for any of us for that matter. But we can all take solace in the words of Theodore Roosevelt, who said: "Never throughout history has a man who lived a life of ease left a name worth remembering."

Mr. President, on this, the bicentennial of our Bill of Rights, it is only fitting that we enact legislation to reaffirm not simply those principles enumerated in that document and our Declaration of Independence, but also those important rights that have been gained through 200 years of struggle, of determination, of appealing to what Abraham Lincoln called the better Angels of our nature.

EXTENSION OF MORNING BUSINESS

Mr. SEYMOUR. Mr. President, I ask unanimous consent that morning business be extended until 3:45 p.m. under the same terms and conditions.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SEYMOUR. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DANFORTH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXTENSION OF MORNING BUSINESS

Mr. DANFORTH. Mr. President, I ask unanimous consent that morning business be extended until 4 p.m., under the same terms and conditions.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DANFORTH. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FOWLER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Georgia is recognized.

A TRIBUTE TO THE ATLANTA BRAVES AND THE MINNESOTA TWINS

Mr. FOWLER. Mr. President, noting that none of my colleagues seems to be seeking the floor, I thought I might take advantage of this pause in our legislative business to pay tribute as an Atlanta Braves fan to the world champions, the Minnesota Twins, and to the extraordinary Atlanta team that has so warmed the hearts of not only Georgians but, through national television this year, many of my fellow countrymen, wherever they may live.

Certainly there is a tinge of sadness in my soul over last night's results, but also a kernel of great joy because it was the best World Series that I have ever seen. More importantly, the commissioner of baseball, Fay Vincent, said last evening it was the best World Series he had ever seen.

Bobby Cox, the manager of the Atlanta Braves, paid great tribute to the Twins. Tom Kelly, the manager of the Minnesota Twins, said that the championship trophy ought to be divided, half go to Minneapolis and half to Atlanta.

So what those of us who love the game of baseball experienced, as well as millions and millions of other viewers, was a classic World Series in which two wonderfully balanced teams played baseball the way it ought to be played and gave great courage and heart and enthusiasm to many of us kids of all ages when we saw such pursuit of excellence on the sports field.

Some of my guys, of course, were starcrossed. Dave Justice's monumental clout into the upper deck, oh, at least 30, 40 feet further than Kent Hrbek's, just happened to be foul by a foot. And I will be the first to say the umpire made the right call. It was foul by a foot.

Baseball is not like life. In baseball fair is fair and foul is foul. There are no shades of gray. Unlike the elected Representatives of the people, there is no compromise in baseball, no chipping away of the soul when we settle for unsatisfactory results and forget our principles in the interest of winning.

In baseball, the diamond is imposed on the field and the play is either fair or it is foul, even though by inches. The principles of the game and the principles under which the game is played cannot be set aside for any temporary satisfactions or cheap victories.

Sometimes the umpires miss it, but that is because the umpires are human and they have to live under the same rules as the rest of our citizenry, which is why we sometimes make mistakes.

I wish many of us in the Congress could learn lessons of principle gleaned from the way those two teams played this series. Because it was not only a classic World Series, it was a classic of excellence in sportsmanship reflected in the comments of all the players about their combatants. In the end there was no partisanship, no rancor. They both played all out, pitched and hit as well as they could, summoned up resources that many thought they did not have, whether they were 21 years old like Steve Avery or 36 years old like Jack Morris. But in the end, they knew it was only a game and not life itself.

My hat is off, again, to the Minnesota Twins, who did not crow about their victory like we do as Democrats and Republicans but, instead, said we have met the worthiest of adversaries and we are lucky to have come out ahead.

It is a wonderful sight to have seen and it is wonderful in reflection.

In the National League Championship Series, it was the Braves who staged an incredible comeback against the Pittsburgh Pirates to win the National League pennant. Atlanta's first World Series was one for the record books. But for both teams, in going to 7 games for only the 36th time in the 88 years of World Series play, they tell me it has been 47 years since game 7 went into extra innings. Five one-run games, three extra-inning games, this will be a series long remembered and long savored.

As a Georgian, of course, I extend my congratulations not only to the extraordinary Atlanta Braves players but to Bobby Cox and his fine coaches; the general manager, John Scheurholz; president Stan Kasten; Ted Turner, the owner of the Braves, and of course to all the fans both in Georgia and across the country who came and yelled and, yes, tomahawked their way to this championship season.

Yes, nobody, should have lost. But I believe the lessons we all learned at our father's and our mother's knees, which we sometimes dismiss as trite, can occasionally shine through sports excellence into all of our lives and illuminate them. Simply put, it is not whether you win or lose but how you play the game.

That was true in Atlanta and Minneapolis. It should be true in Washington and every city and town across the country. I am pleased to have had this wonderful diversion that contains so many lessons, if we would but heed them.

The late Bart Giamatti, the former commissioner of baseball, was a learned man. One of his great loves was the poet Yeats. When I heard the tribute of the Twins to the Braves, and the Braves to the Twins, I remembered the wonderful concluding lines from a W.B. Yeats poem: "An Irish Airman Foresees His Death," wherein the poet concludes:

> Those that I guard I do not love,
> Those that I fight I do not hate . . .
> Nor law, nor duty bade me fight,
> Nor public men, nor cheering crowds,
> A lonely impulse of delight
> Drove to this tumult in the clouds.

"A lonely impulse of delight" was given us in this spectacular World Series.

For that, we can all tip our hats and say thank you, Twins and Braves.

But look out next year Minnesota. Us Braves will be back!

MEASURE PLACED ON THE CALENDAR—H.R. 2950

The PRESIDING OFFICER (Mr. AKAKA). The clerk will read the bill (H.R. 2950) for the second time.

The bill clerk read as follows:

A bill (H.R. 2950) to develop a national intermodal surface transportation system, to authorize funds for construction of highways, for highway safety programs, and for mass transit programs, and for other purposes.

Mr. FOWLER. Mr. President, I object to further consideration.

The PRESIDING OFFICER. Objection is heard.

The bill will be placed on the calendar.

EXTENSION OF MORNING BUSINESS

Mr. FOWLER. Mr. President, while I have the floor, I ask unanimous consent to extend morning business until 4:30 p.m. this afternoon, under the same conditions and limitations that were previously ordered.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FOWLER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. FORD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS SUBJECT TO THE CALL OF THE CHAIR

Mr. FORD. Mr. President, I now ask unanimous consent, with the concurrence of the Republican leader, that the Senate stand in recess subject to the call of the Chair.

There being no objection, the Senate, at 4:38 p.m., recessed subject to the call of the Chair; whereupon, the Senate reassembled at 5:47 p.m., when called to order by the Presiding Officer (Mr. SHELBY).

The PRESIDING OFFICER. The Senator from Ohio.

MORNING BUSINESS

Mr. METZENBAUM. Mr. President, I ask unanimous consent that there be a period for morning business lasting until the hour of 6:15 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

CIVIL RIGHTS ACT OF 1991

Mr. METZENBAUM. Mr. President, I rise in support of this long overdue restorative legislation. I would first like to applaud the tireless efforts of Senator DANFORTH to bridge the gaps that separated the proponents and opponents of this legislation. I do not agree with all of the changes made as part of this compromise, but I would like to thank him for his hard work over the past few months. I will support the compromise.

I would also like to thank my colleague from Massachusetts, Senator KENNEDY. For 2 years he has been the driving force behind this legislation. He has made it his personal crusade to fight for the working men and women of this Nation, to send a strong signal from Congress that America will not stand for a retreat on civil rights. The Nation owes him a great debt for his herculean efforts on this legislation, and I congratulate him on his endurance and on the final success we will achieve within the next day or two.

Two years ago, in the spring of 1989, the Supreme Court issued a series of decisions that shook the foundations of Federal civil rights law. In case after case, the Court retreated from longstanding rules and principles, making it harder for victims of discrimination to get into court, harder for them to prove their cases, and harder for them to obtain meaningful relief if they won their cases. As a group, these decisions symbolized the Supreme Court's abandonment of its traditional role as protector of the powerless in our society.

Some 2½ years later, we are finally returning this Nation to the pursuit of fairness and equality of opportunity in the workplace.

Much of the battle over this legislation has been fought over legal mumbo-jumbo like the disparate impact theory, the Wards Cove decision, and the business necessity defense. Most people in America do not know what the phrases mean. What do they mean to the American workers?

Take the example of New York City firefighter Brenda Berkman. Prior to 1977, women were not even allowed to take the test to become a firefighter. Ms. Berkman was hired in 1982 only after winning a difficult court struggle in which she proved that the physical exam used by the fire department—which all female applicants had failed—had nothing to do with being a good firefighter. She could not have won her case without the disparate impact theory.

For 9 years since then, she has courageously put her life on the line every day to protect the lives and property of New Yorkers, serving some of the city's busiest areas in Harlem and Brooklyn, receiving a unit citation serving as an instructor at the fire academy, and sitting on the fire commissioner's special advisory board. By any standard, the career of this brave young woman has been an unqualified success.

But earlier this year, she told a congressional committee that, "if [the] Wards Cove [case] had been decided in 1979 rather than 1989, New York City would probably still not have a single woman firefighter."

According to Ms. Berkman, thousands of other women around the country would like to challenge practices which limit their employment opportunities, but their attorneys are telling them not to bother "because under the current Supreme Court standards, you have almost no opportunity of success."

Just by happenstance, this morning I switched on the TV featuring a community, somewhat several hundred miles from here, and I heard a program about some young man who was trying to bring a case for discrimination and could not find a lawyer willing to take his case. Some of the lawyers had indicated that they did not think there was any chance to recovery. And it went to the point that this young man, who was not a lawyer and did not know much about how to handle the law, was going to file suit on his own behalf in the courts.

The legislation overturns Wards Cove to ensure that American workers like Brenda Berkman have an opportunity to prove that they can do the job.

Let us be clear about why it has taken 2 years to overturn the Wards Cove decision. From the outset of this process, the purpose and the effect of this legislation has been to overturn that case and restore the fair and even-handed legal rules that governed disparate impact suits before it was decided. But throughout this process, the President has unfairly labeled this legislation as a quota bill, igniting a firestorm of racial division and intolerance.

It was not a quota bill. It is not a quota bill. The quota label was wrong from the outset and has remained wrong to this day.

You can call something by a name but that does not make it so, and that is what the President has done, using his power on the airwaves of this country to convince the American people wrongly that this was a quota bill.

I hope we have finally put this tired and meritless rhetoric behind us. As I look at the language of the changes that have been made, I do not see anything that significantly changes the language with respect to the entire point that the President has made over a period of many months.

This legislation also restores many other legal principles that are critical to effective civil rights enforcement. The bill overturns Martin versus Wilks by requiring parties with an interest in a proposed consent decree to raise their interests in one proceeding prior to the entry of the decree. The bill would thus preclude endless, repetitive challenges to such decrees after their entry, as Wilks allowed. The bill also overturns Price Waterhouse by ensuring that employers will be held liable for blatant, willful discrimination even if they had other nondiscriminatory motives as well.

The bill overturns Patterson in order to make clear that Federal law prohibits race discrimination at any stage of a contractual relationship, not just in the making of a contract. And the bill overturns Lorance to make clear that workers may challenge discriminatory seniority systems when they are first applied, rather than having to challenge them before they are put to use. It is imperative that we restore these minimal protections to America's working men and women—rights that they previously had but rights that have been taken away from them by the Supreme Court of the United States.

This legislation would also allow women in all intentional discrimination cases to recover damages for the first time. And it would include the disabled in those rights, as well. Compensatory damages would be available for any losses they prove in court. Punitive damages would also be available in cases where the employer has acted with malice. But there are limits to those damages.

Let me pause for a moment to express my views as to these damages provisions. They are the most troubling provisions in this bill.

They discriminate between racial discrimination and discrimination against women and the disabled. This legislation includes a cap on damages for one reason, and one reason only: Because the White House insists on treating women differently in terms of the relief they can recover for intentional discrimination.

I abhor legislative caps. They are inconsistent with the very concept of a legal remedy. The harm suffered by women as a consequence of intentional discrimination can be astronomical. Their losses are not capped; why should their remedy be? And the same question is applicable with respect to the disabled.

I am also very troubled by the dollar amount of the caps, $50,000, $100,000, $200,000, $300,000—the total amount of compensatory and punitive damages. Let us remember—these are caps on damages for pain and suffering, mental anguish, future pecuniary losses, and punitive damages combined.

I want to point out and make clear that it does not include a limit with respect to backpay or for out-of-pocket losses.

But, having said that, let me point out that a woman or a disabled person working for one of these employers would be limited to these amounts in damages no matter how outrageous the employer's conduct was, no matter how long it continued, and no matter how great her losses or the disabled person's losses were. And if it were an employer of less than 100 employees, the limit is only a paltry $50,000. And I say "paltry" because in these times those are not significantly substantial damages.

Notwithstanding the limitations in this bill, I will support the legislation. I will do so reluctantly, and with the hope we will revisit this issue very soon in order to address this remaining inequity.

I hope that we will move with new legislation after the passage of this bill to correct the inequity. I believe that we can move it rapidly through the Labor and Human Resources Committee. I believe we can bring it to the floor promptly and I feel certain the majority leader will bring it to a vote at early time. I will support this compromise because these provisions do represent a significant additional Federal remedy for women, the disabled, and religious minorities. And I support this compromise because the other provisions go a long way toward restoring the rights and protections the Supreme Court stripped away so suddenly 2½ years ago.

Let me address the bigger picture for a moment. Our Nation was built upon the premise that every person has a fair chance, based on ability, to make it in our society. That is the very essence of the American dream.

But for the past 2 years, that dream has become a nightmare of racial division and intolerance. At stake here are the rights and opportunities of millions of hardworking American men and women for whom the American dream is slipping away.

So I rise to urge my colleagues to vote for swift passage of this restorative legislation. It was not fully restorative from the outset, and it is much less so now. But the time is past for hardened opposition to compromise. Let us act now in concert, to send a strong signal to this Nation that we still believe in the American dream.

RECESS SUBJECT TO THE CALL OF THE CHAIR

Mr. METZENBAUM. Mr. President, I ask unanimous consent that the Senate stand in recess subject to the call of the Chair.

There being no objection, the Senate, at 5:59 p.m., recessed subject to the call of the chair; whereupon, the Senate reassembled at 7:01 p.m., when called to order by the Presiding Officer [Mr. WIRTH].

THE SURFACE TRANSPORTATION BILL

Mr. MOYNIHAN. Mr. President, I appreciate the Chair's courtesy in allowing me to make this brief statement. It is really no more than a restatement of the remarks I made about this hour on Friday evening when I observed that the House of Representatives had sent to us their surface transportation bill. They passed their bill last Wednesday and, at some considerable effort, put it together and sent it to the Senate by noonday Friday.

Now, we, of course, passed our bill in June. On June 19, it passed the Senate 91 to 7. And by an equally resounding proportion, the bill has now passed the House of Representatives. We are ready to go to conference. The names of the conferees have been agreed to on our side and, we had thought, on the other side. Then we learned there was objection to our holding the bill at the desk, as would be our practice, substituting the Senate language and then going directly to conference.

Mr. President, this is difficult to understand. The President has properly said he wants a surface transportation bill. This will be, in many ways, the most important substantive program legislation we will pass in this session of Congress.

It is worth recording that the surface transportation program expired on September 30. We are now about to depart the month of October. Most States have not yet drawn down all of their moneys, and so they have not closed down their highway programs, their surface transportation programs. This enormous activity across the country has not come to a dead halt.

But our good friend, the Senator from Missouri, former Governor, Senator BOND, observed on the floor last week that the State of Missouri is about to run out of money. And by our own calculation, the State of Missouri would be one of the States that had relatively more reserves, unexpended apportionment, still available.

If this goes on long, if you think we have a high unemployment rate today, wait until you see the numbers in December. Because this happens like that—bang—a major sector of the American economy stops and all the other activities that depend on that activity stop as well.

We are ready to go to conference. In fact, we are a month late. It was the President who asked us to get those bills done within 100 days. We did in the Senate. That was 100 days ago. If there are any substantive issues that concern any Senator, let he or she come to the floor and explain them or perhaps at least informally discuss the matter with the Republican leader or the Democratic leader.

I shall be chairman of the conferees on the Senate side. I am happy to hear from anybody. I spent the whole day Monday hoping this would be resolved. We are ready to go. We have begun informal staff conversations this afternoon with the House side. This will not be an easy conference.

It marks the first transportation program of the postinterstate high era. We have finished the largest public works program in history. The interstate is in place. Now we want to move to a transportation program that is directed toward productivity, toward cost effectiveness, toward intermodal flexibility. The term "intermodal" is in the title of the House bill and I am sure we will keep it. We are ready. Thanksgiving is not far away. And the closing down of this program is not far away.

I very much appreciate the President saying he wants this bill, wants a bill. And, indeed, we will give him a very good bill.

At this point, Mr. President, I ask unanimous consent to have printed in the RECORD an editorial in the New York Times on Saturday describing, if I may say, how very good a bill the Senate has passed.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the New York Times, Oct. 26, 1991]

RIGHT ROAD FOR TRANSPORTATION

The Federal transportation bill finally approved by the House this week shows a keen appreciation for traditional practices like building more highways and passing out more pork to individual members. It shows less appreciation for the nation's changing needs.

Now the House will wrestle with the Senate, which passed a different and better bill in July. When the two reach a compromise, they'll wrestle with President Bush, who wants a smaller program. But this multibillion-dollar melon, however it's finally sliced, will represent the Government's commitment to roads, bridges and mass transit for five or six years.

Mr. Bush proposed a five-year, $105 billion program emphasizing road construction. The Senate bill provides $123.5 billion, also for five years, but overturns Washington's longstanding bias toward highways and concrete. State and local authorities would have more say in spending their Federal aid, and mass transit would get a better crack at the money.

The bigger House plan—$151 billion for six years—actually contains more dollars for mass transit than the Senate bill. But like the Bush plan, it disproportionately favors highways. It is also burdened with 460 projects earmarked for 267 Congressional districts.

The Administration would rely on existing taxes. The Senate would extend part of last year's gasoline tax increase to 1998; the House would extend it to 1999.

The Senate bill's virtue is its theme: Improve what's in place, rather then adding endless pavement. After 35 years of construction, the Interstate System is nearly finished. But traffic in and around the cities, where most of America lives, is worse than ever. The Senate would upgrade and repair existing roads and bridges, finance new transit systems, subsidize operating costs and invest in experimental technology.

Past aid formulas favored road-building by requiring states to put up more money to qualify for transit aid than for highway aid. The Senate bill wipes out that difference.

Both bills passed by huge majorities that could easily override a veto. But the new-era Senate bill and the old-hat-House bill are so different that it's impossible to predict the outcome of the Senate-House conference, or whether their compromise will still have veto-proof support.

In any case, the Senate's approach would do more, at less cost, to improve the efficiency of America's transportation system.

Mr. MOYNIHAN. Mr. President, if we do not get to conference, there will be no legislation, and then we will find out something about unemployment in this country. And if for unsubstantial reasons some Senator is holding it up, the question will arise: Which Senator, and why? I am not in the least intending to raise my voice, but I do raise my concerns.

I would hope that our incomparable Republican leader, Senator DOLE, will sort this out and get us going. Nothing else remains between us and a conference with the House, a Senate-House conference. This conference will take a month. These are not small bills. They are that thick. They affect everything in American life, directly or indirectly.

We are attempting to forge a new direction in as fundamental a Federal responsibility as transportation. We have had great approbation, approval, applause, for our bill. And here we are stalemated, stuck, stopped, for reasons unknown and unstated.

There has been some discussion in the press, as many of us are aware, of the inadequacies of our institution. The President has expounded on the subject this last week. Well, here is an opportunity to see it in action.

The transportation sector accounts for 10 million jobs. We have a $123 billion appropriation. Real money, for real work. Yet it is stopped for reasons unstated, and to this Senator, at this point, unknown. Indeed, these reasons become increasingly difficult to understand, and, under the circumstances, unwelcome.

Again, Mr. President, I do not wish to raise my voice. But I do raise this concern, and I hope it will be heard and shared.

RECESS SUBJECT TO THE CALL OF THE CHAIR

Mr. MOYNIHAN. Mr. President, I believe the desire was that we should return to recess subject to the call of the Chair.

So I ask unanimous consent that the Senate stand in recess subject to the call of the Chair.

There being no objection, the Senate, at 7:10 p.m., recessed subject to the call of the Chair; whereupon, the Senate reassembled at 7:56 p.m., when called to order by the Presiding Officer [Mr. GRAHAM].

The PRESIDING OFFICER. The majority leader is recognized.

ORDER OF PROCEDURE

Mr. MITCHELL. Mr. President, throughout the day today, I have been involved in discussions with the Senator from Iowa, and several interested Senators, in the subject matter of his amendment. It is my belief that we have now reached agreement on a compromise proposal that will be acceptable to all or most of the participating Senators, and I hope, ultimately, to all of the Senators.

It had been my understanding and expectation that we would complete action on that aspect of the bill this evening, but it now appears that the drafting of the language and the review of that language by the interested Senators will take some further period of time this evening. Therefore, to accommodate the schedules of several Senators who have other commitments, I have concluded that it would be best to now seek consent to proceed to a proposed resolution by the distinguished junior Senator from Colorado relating to sexual harassment, to have a vote on that, and to attempt to reach agreement and proceed to deal with the amendment of Senator GRASSLEY tomorrow morning, as well as other amendments related to the bill.

It had been my hope that we could complete action on this measure this evening. That has proven not to be possible. I hope that we can complete action as soon as possible. We will begin with the amendment that I have just described, that is, the Grassley amendment, or possibly an amendment by Senator DOLE, or others, tomorrow.

I do not know how many amendments will be offered. We hope not a large number. And we hope that we can complete action on the measure if possible tomorrow. I do not yet know whether that is possible because we do not know yet how many amendments there will be. But I am pleased that we have reached what I think is at least apparently an agreement on the subject matter of the scope of coverage of this and other measures, the subject matter first raised by the Senator from Iowa [Mr. GRASSLEY].

UNANIMOUS-CONSENT AGREEMENT

Mr. MITCHELL. Mr. President, I am going to propose now a unanimous-consent agreement with respect to the Brown resolution which will then be sent up by Senator HATCH, and this will be the only rollcall vote this evening.

Mr. President, accordingly, I now ask unanimous consent that the Senate now proceed to the immediate consideration of a resolution to be offered by Senator BROWN or his designee on the subject of sexual harassment, that no amendments or motions be in order with respect to the resolution, and that there be 2 minutes for debate equally divided on the resolution.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Utah [Mr. HATCH].

CONDEMNATION OF SEXUAL HARASSMENT

Mr. HATCH. Mr. President, I send a resolution to the desk on behalf of Senator BROWN, myself, Senator DOMENICI, Senator DANFORTH, Senator SIMPSON, and Senator PACKWOOD, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

> A resolution (S. Res. 209) to condemn sexual harassment.

The Senate proceeded to consider the resolution.

Mr. HATCH. Mr. President, this is a sense-of-the-Senate resolution. It is the sense of the Senate that the Senate does not tolerate or condone sexual harassment in Government, private sector, or congressional workplaces, and that the Senate should consider appropriate changes to the laws of the United States and the rules of the Senate to prevent sexual harassment.

Mr. President, it is a resolution I hope every Senator in this body will support.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. MITCHELL. Mr. President, I wholeheartedly support this resolution. I commend the author of the resolution and the cosponsors for offering it.

I think, in view of the events of recent weeks, it is of critical importance that there be an unmistakable statement of opposition to and a statement that the Senate does not tolerate or condone sexual harassment in any respect, and we will, of course, as the resolution suggests, be considering appropriate changes in the laws and rules of the Senate to prevent sexual harassment in the future.

Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER (Mr. LEVIN). Is all time yielded back?

Mr. HATCH. I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

On this question, the yeas and nays have been ordered and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Delaware [Mr. BIDEN], the Senator from New Mexico [Mr. BINGAMAN], the Senator from Iowa [Mr. HARKIN], and the Senator from Nebraska [Mr. KERREY] are necessarily absent.

Mr. SIMPSON. I announce that the Senator from Minnesota [Mr. DURENBERGER], the Senator from North Carolina [Mr. HELMS], the Senator from Kansas [Mrs. KASSEBAUM], and the Senator from Delaware [Mr. ROTH], are necessarily absent.

I further announce that, if present and voting, the Senator from North Carolina [Mr. HELMS] would vote "yea."

The PRESIDING OFFICER (Mr. EXON). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 92, nays 0, as follows:

[Rollcall Vote No. 231 Leg.]

YEAS—92

Adams
Akaka
Baucus
Bentsen
Bond
Boren
Bradley
Breaux
Brown
Bryan
Bumpers
Burdick
Burns
Byrd
Chafee
Coats
Cochran
Cohen
Conrad
Craig
Cranston
D'Amato
Danforth
Daschle
DeConcini
Dixon
Dodd
Dole
Domenici
Exon
Ford
Fowler
Garn
Glenn
Gore
Gorton
Graham
Gramm
Grassley
Hatch
Hatfield
Heflin
Hollings
Inouye
Jeffords
Johnston
Kasten
Kennedy
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Metzenbaum
Mikulski
Mitchell
Moynihan
Murkowski
Nickles
Nunn
Packwood
Pell
Pressler
Pryor
Reid
Riegle

Robb
Rockefeller
Rudman
Sanford
Sarbanes
Sasser
Seymour
Shelby
Simon
Simpson
Smith
Specter
Stevens
Symms
Thurmond
Wallop
Warner
Wellstone
Wirth
Wofford

NAYS—0

NOT VOTING—8

Biden
Bingaman
Durenberger
Harkin
Helms
Kassebaum
Kerrey
Roth

So the resolution (S. Res. 209) was agreed to, as follows:

S. RES. 209

Resolved,

CONDEMNATION OF SEXUAL HARASSMENT

(a) FINDINGS.—The Senate finds that—

(1) sexual harassment is a form of sex discrimination that violates title VII of the Civil Rights Act of 1964;

(2) sexual harassment is a prohibited practice under Federal law relating to Federal employees and military personnel;

(3) sexual harassment adversely affects an individual's employment and work performance, and creates an intimidating, hostile, or offensive work environment;

(4) sexual harassment results in significant emotional and monetary costs to both victims and employers;

(5) 5,557 charges of sexual harassment were filed with the Equal Employment Opportunity Commission in 1990;

(6) the Merit Systems Protection Board reported in 1988 that a survey of Federal employees found that 42 percent of all female respondents and 14 percent of all male respondents experienced some form of unwanted and uninvited sexual attention;

(7) the Department of Defense reported in September 1990 that among 20,000 United States military respondents surveyed, 64 percent of females and 17 percent of males experienced sexual harassment;

(8) a 1988 survey of Fortune 500 companies by Working Woman magazine found that sexual harassment costs a typical Fortune 500 company as much as $6,700,000 a year in absenteeism, turnover, and lost productivity;

(9) sexual harassment cost the Federal Government an estimated $267,000,000 in 1987, according to a 1988 United States Merit Systems Protection Board report;

(10) sexual harassment persists in the workplace; and

(11) the Senate has a responsibility to promote, in the public interest, working environments free from discrimination on the basis of an individual's race, color, religion, national origin, or sex.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the Senate does not tolerate or condone sexual harassment in government, private sector, or congressional workplaces, and that the Senate should consider appropriate changes to the laws of the United States and the rules of the Senate to prevent sexual harassment.

Mr. MITCHELL. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. FORD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MITCHELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. McCathran, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting a treaty which was referred to the appropriate committees.

(The treaty received today is printed at the end of the Senate proceedings.)

SECOND ANNUAL REPORT ON THE STATE OF SMALL BUSINESS—MESSAGE FROM THE PRESIDENT—PM 90

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Small Business:

To the Congress of the United States:

I am pleased to submit my second annual report on the state of small business. Nineteen ninety was an exciting year for small enterprises internationally—a year when new winds of economic freedom blew strongly across Central and Eastern Europe and the Soviet Union. It was also a year of new and difficult challenges, as citizens of those nations struggled to build new free market economies.

American business also faced new challenges in 1990, as the economy slowed after nearly 8 years of expansion. Gross national product grew more slowly in 1990 than in previous years and real business earnings were down from the previous year's level. Fewer start-up businesses opened their doors than in 1989, and more businesses closed.

Yet even in this slower growing economy the strong spirit of American enterprise flourished, as small businesses continued to hire and train almost 9 out of 10 of America's new private sector workers. Research indicated that small business owners also tend to retain their employees longer in economic slowdowns.

Evidence of women's and minorities' impressive strides into business ownership continued to surface. Newly available census data indicated that women's business ownership jumped by more than 57 percent from 1982 to 1987, while business ownership by Black Americans increased by more than 37 percent.

We have much to celebrate in the fact that American business ownership increasingly reflects our great national strength—our diversity. The 20 million individuals who own small businesses continue to make remarkable contributions to the vitality of our economy. I believe that, working together, government and the private sector can make the economic environment even better for small businesses and for all Americans.

My Administration is committed to opening doors to free and fair trade, so that more American entrepreneurs can compete globally. For example, thanks in part to the "fast track" authority recently approved by the Congress, we will continue to improve our trade with Mexico, where 85 million people buy 70 percent of their imports from the United States. And the United States-Canada Free-Trade Agreement is stimulating trade with our northern neighbors.

Another priority is to reform our pension system. In small firms, for example, only 25 percent of employees are covered by pension plans. Often for legitimate business reasons—but at a significant cost in retirement security for employees—fewer pension plans are being formed than in previous years. We can do better. We can increase pension portability, pension accessibility, pension flexibility. We can eliminate some of the administrative headaches associated with pension plans, and my Administration has been working on legislative proposals to do just that.

I believe we can and must make health care more available and affordable—especially for those 35 million Americans without health insurance. Unfortunately, many of our Nation's uninsured are workers in small businesses, which employ many older, seasonal, and temporary workers—higher risk, higher cost workers from the standpoint of health insurers. These small firms often find the financial and administrative costs of health insurance prohibitive. We have many minds working on that problem in this country—and I think it will turn out that the best solutions are local ones, rather than national Government mandates.

We can free up more capital for investment in new products, new processes, new technologies, new ideas. Decisions about which new ideas are worth investment are best made by those who have the most to lose—the investors. It makes sense, then, that incentives to invest more—as we have proposed in the form of lower taxes on capital gains—will help channel new capital to good ideas, innovations, and businesses. That in turn will mean more economic growth and more jobs for Americans.

Another urgent priority for our Nation is education. We are not making the grade in education, and that threatens the ability of workers to perform their jobs and the ability of our Nation to compete in a global market. We have been working with the Governors to develop a set of goals that will make American students first in the world in math and science and make every American adult literate by the year 2000. Small businesses, which employ many of our entry-level workers, are on the front lines of this war against illiteracy, and their involvement will be key.

It is certainly true in this last decade of the 20th century that the big picture—the national and international view—is exciting as new democracies are formed, new leaders take the stage, nations move towards market economies. But I am more and more convinced that real change happens mostly at the small level, the local level, the individual level—in the millions of places where new ideas are born, new enterprises are established, new workers are trained. I am confident that individually and together, in the spirit of American enterprise, we will meet and surpass the challenges before us.

GEORGE BUSH.

THE WHITE HOUSE, *October 28, 1991*.

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

H.R. 2950. An act to develop a national intermodal surface transportation system, to authorize funds for construction of highways, for highway safety programs and for mass transit programs, and for other purposes.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. JOHNSTON, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

S. 1671. A bill to withdraw certain public lands and to otherwise provide for the operation of the Waste Isolation Pilot Plant in Eddy County, New Mexico, and for other purposes (Rept. No. 102–196).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. HOLLINGS (for himself, Mr. ROCKEFELLER, Mr. THURMOND, Mr. FOWLER, Mr. NUNN, and Mr. SANFORD):

S. 1883. A bill to provide for a joint report by the Secretary of Health and Human Services and the Secretary of Agriculture to assist in decisions to reduce administrative duplication, promote coordination of eligibility services and remove eligibility barriers which restrict access of pregnant women, children, and families to benefits under the food stamp program and benefits under titles IV and XIX of the Social Security Act; to the Committee on Finance.

By Mr. D'AMATO:

S. 1884. A bill to require the Secretary of Agriculture to conduct inspections of garbage from Canada and to assess fees for such inspections; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. MOYNIHAN (for himself, Mr. GARN, and Mr. SASSER):

S.J. Res. 221. A joint resolution providing for the appointment of Hanna Holborn Gray as a citizen regent of the Smithsonian Institution; to the Committee on Rules and Administration.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BROWN (for himself, Mr. HATCH, Mr. DOMENICI, Mr. DANFORTH, Mr. SIMPSON, and Mr. PACKWOOD):

S. Res. 209. A resolution to condemn sexual harassment; considered and agreed to.

By Mr. LEVIN:

S. Res. 210. A resolution relating to violence in Yugoslavia; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HOLLINGS (for himself, Mr. ROCKEFELLER, Mr. THURMOND, Mr. FOWLER, Mr. NUNN, and Mr. SANFORD):

S. 1883. A bill to provide for a joint report by the Secretary of Health and Human Services and the Secretary of Agriculture to assist in decisions to reduce administrative duplication, promote coordination of eligibility services and remove eligibility barriers which restrict access of pregnant women, children, and families to benefits under the Food Stamp Program and benefits under titles IV and XIX of the Social Security Act; to the Committee on Finance.

REPORT ON DIFFERENCES IN PROGRAM RULES UNDER THE FOOD STAMP PROGRAM, AID TO FAMILIES WITH DEPENDENT CHILDREN, AND MEDICAID PROGRAMS

• Mr. HOLLINGS. Mr. President, today we are introducing legislation directing the Secretary of Agriculture and the Secretary of Health and Human Services to assist us in beginning to untangle one of the biggest rolls of redtape ever created and perpetuated by this Congress: The processes by which persons in need gain access to the benefits of the Food Stamp, Aid to Families with Dependent Children [AFDC], and Medicaid Programs.

The bill would simply require that the Secretaries share with Congress, within 6 months of enactment, information on which they are the experts in the field—the rules and regulations they utilize in administering these programs. This is to be done in the form of a joint report in two parts. The first would consist of those program rules and regulations which could be made uniform without any change in statute—those which the Secretaries themselves have designated authority to establish. The second part would detail statutory barriers to uniformity across these programs. This report will provide Congress and the executive branch the information needed to conduct a comprehensive and coordinated review of the program rules across AFDC, Medicaid, and Food Stamps and to make informed decisions regarding uniformity.

The Agriculture Committees in both Houses have made a concerted effort over the past few years to coordinate the WIC and AFDC Programs, and this is greatly appreciated. They have also taken a first step to coordinate AFDC and Food Stamps, but we need to do more and to include Medicaid in this effort. These programs, particularly Medicaid, have been expanded and altered over the years with very little regard for the impact on potential recipients or the increasingly stressed caseworkers who struggle to see that we weed out the cheaters and that those who do qualify for these programs receive the benefits. Our good intentions in expanding these programs have, in too many instances, not yielded the desired results because we've strangled applicants in a web of conflicting rules and regulations they are unable to overcome to access the benefits.

In an effort to improve the health of America's children, Congress has voted numerous times over the past several years to expand Medicaid eligibility for poor and low-income pregnant women, infants, and young children. Our efforts have been made with the knowledge that becoming eligible for Medicaid removes the most often cited barrier to obtaining health care—the inability to pay. Yet, today over 8 million American children are uninsured. Two-thirds of these children live in families where there is a full-time worker. Additionally, there are 433,000 pregnant women in America who are without insurance coverage. These are startling and troubling facts.

Recent studies have provided evidence of eligibility barriers unrelated to income and resource requirements which are undermining efforts to enroll these women and children for Medicaid benefits. All too often applicants are thwarted by bureaucratic barriers. Many of the applicants who need the benefits the most are the least likely to be able to negotiate their way through bureaucratic maze in order to become enrolled. A statewide study, sponsored by the South Carolina Hospital Association and conducted by Sarah C. Shuptrine, has shown that in fiscal year 1990, 36 percent of the pregnant women who applied for Medicaid only were denied benefits. Of those, an astounding 72 percent were due to "failure to comply with procedural requirements." Of the Medicaid applications filed on behalf of infants and children, 43 percent were denied and over three-fourths of these denials were for procedural reasons. The findings were even worse for the families who applied for AFDC-Medicaid benefits. One out of every two applications for AFDC-Medicaid was denied in South Carolina and 68 percent of these denials were for procedural reasons.

Unfortunately, the problem of eligibility barriers is not confined to South Carolina; it is national in scope. Across the Nation in fiscal year 1988–89, 26 percent of AFDC-Medicaid applications were denied and 63 percent were denied for procedural reasons rather than for reasons related to income or resources. This means that over 1.7 million persons were denied benefits because they were unwilling or unable to complete all requirements for eligibility. My colleague, Senator ROCKEFELLER, and Ms. Shuptrine had the opportunity to learn, first hand, of the devastating effects this can have on families when they conducted public hearings as members of the National Commission on Children. Determined that the commission report would not be just another collecting dust on congressional bookshelves, but would really make a difference in children's lives, they set about the task of implementing the commission's recommendation for uniform eligibility criteria across the major Federal programs for pregnant women and children. They quickly learned, however, that this is currently an impossible task and that the assistance of the executive branch was essential in just getting to the first step.

Mr. President, I ask unanimous consent to include in the RECORD, at the end of my remarks, 1988 newspaper articles from the Dallas Times Herald, the Arkansas Gazette, the Charlotte Observer, and the New York Times. Virtually nothing has been done to remedy the situation since these articles appeared in 1988.

Other barriers to access were identified in a study Ms. Shuptrine undertook for the Greenville Hospital System in Greenville, SC. Both the Greenville and the statewide studies traced the origin of identified eligibility barriers and concluded that many of these barriers are resulting from Federal statutes and regulations. A major factor was determined to be the Federal error-rate fiscal sanctions enacted in 1983. The incentives in the error-rate sanction system encourage denials by making it risk-free to deny applicants. This is because there are Federal fiscal sanctions for making the error of an inappropriate approval, but no such fiscal sanction for inappropriate denial errors. Congress acted in 1989 and 1990 to direct the Secretary of Health and Human Services to develop a more balanced error-rate system and studies are underway which hopefully will lead to a Federal error-rate system which is serious about both inappropriate approvals and wrongful denials.

Another Federal factor cited by the South Carolina eligibility studies as significantly increasing the potential for denial of benefits is the lack of uniform program rules across AFDC, Medicaid, and Food Stamps. This is certainly not a new issue. For well over a decade, efforts have been made without success to achieve uniformity in AFDC, Medicaid, and Food Stamp administrative procedures and resources. The South Carolina studies, and a major eligibility study in Georgia, provide new insight into the problems caused by differing program rules across these three major poverty programs. The studies state that the lack of uniformity adds significantly to the complexity of the eligibility process and thus increases the chance for denial due to procedural reasons.

Interviews with eligibility officials in five southern States were conducted under the auspices of the Southern Regional Project on Infant Mortality in 1988. Both administrative officials and frontline staff spoke of the problems inherent in the current system of eligibility determinations. Comments of these officials, provided in the report entitled "An examination of the Barriers to Accessing WIC, AFDC and Medicaid Benefits," indicate an environment which at best does not encourage eligibility workers to assist applicants:

Process and procedural requirements focus the caseworker on accuracy of information rather than on helping the person become eligible.

Now we are doing paperwork instead of casework.

Encouraging approval would require turning some attitudes around. That is not the mindset we are currently operating under.

Eligibility staff in Greenville, SC, commented that most applicants are confused by all of the verification requirements:

The clear majority just don't know how to follow up. They are confused about what they need and how to get it.

Some are confused about what questions they need to ask their employers. Most don't keep their pay stubs—if they receive pay stubs.

The studies also pointed out the fact that the differing program rules increase the likelihood of eligibility errors on the part of the applicant and the agency. Uniform program rules across AFDC, Medicaid, and Food Stamps would help us to achieve the following goals:

First, remove eligibility barriers for poor families with children and pregnant women who are eligible under current income criteria;

Second, achieve administrative simplication and reduce costly administrative duplication; and

Third, promote and facilitate service coordination and service integration efforts.

We are pleased today with this bill to take the first step toward uniformity in program rules across AFDC, Medicaid, and Food Stamps. The bill changes no statute, does not expand eligibility, calls for no policy recommendations, and does not trample on the turf of any congressional committee or executive branch department. It merely calls upon the Secretary of Health and Human Services and the Secretary of Agriculture to work with us by providing a report on the differences in program rules and the specific statutory citations for those differences.

We urge our colleagues to join us in full support of this effort.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[Dallas Times Herald, June 5, 1988]

DALLAS/TEXAS—STATE TOPS LIST IN REFUSING MEDICAID

(By Jeff South)

Texas disqualifies a higher proportion of Medicaid applicants than any other Southern state—usually for not doing all the paper work, according to study commissioned by the Southern Governors' Association.

"Obviously, something is wrong," said Sarah Shuptrine, a North Carolina consultant who found that during the 1985-86 fiscal year, Texas denied half the applications submitted for Medicaid and Aid to Families with Depend Children. The 17 Southern states, as a group, denied one of every three Medcaid applications, and the national average was one of every four.

Only 15 percent of the rejected cases in Texas involved applicants who exceeded the state's income limits, among the strictest in the country. More than three-fourths of the denials were due to "failure to comply with procedural requirements"—such as missing an appointment with a social worker, or failing to complete the 10-page application from or to prove residency or income.

"If an applicant fails to obtain a particular document or fails to return an item by an appointed time, she is denied assistance." Shuptrine said. She said Texas had the highest rate of denials for procedural reasons. for example, in North Carolina, fewer than one-fifth of the Medicaid rejections were caused by procedural problems.

The figures don't surprise Patricia Harvey, who works for the Texas Department of Human Services and assists Medcaid applicants at Parkland Memorial Hospital. She said the application process can be intimidating even to college graduates—and most of her clients have much less education.

"It's a very complex form, especially for someone who may not have good verbal skills." Harvey said. Although the form is in English and Spanish, she added many applicants can read neither language. Other barriers include the lack of transportation to Medicaid officers and the difficulty obtaining identification papers, birth certificates, proof of residency, bank statements, medical bills and other documents.

In light of the arduous procedure, and the limited AFDC benefits Texas provides, "a lot of people may choose to not follow through with their applications," said Randy Washington, the state's director of income assistance programs.

In Texas, a family of three qualifies for AFDC and Medicaid if its annual income is less than $2,206, according to Shuptrine's report. Only Alabama had a more stringent eligibility level—$1,416. The federal proverty is $9,300 for a family of three.

Medicaid, funded 60 percent by the federal government and 40 percent by the state, pays the medical bills of the families that qualify. AFDC gives them a living allowance—in Texas, as much as $184 a month for a family of three. Outside income is counted against this allowance, Washington said, and many families qualify only for $10 or $20 a month.

"Those are the folks who may look at the applications process and say, "Is it really worth it?' "

Shuptrine said two other factors also discourage Medicaid applicants:

By Federal law, they can have no more than $1,000 in assets. Many applications fear, rightly, that they will be disqualified for owing a car.

The federal government has threatened to fine states that make errors in approving people for Medicaid. "States are under a lot of pressure to verify eligibility," Shuptrine said.

Texas and Louisiana have erected another barrier to Medicaid: They are the only Southern states that have not opened their Medicaid programs to pregnant women with infants, whose family incomes are higher than the state guidelines but below the federal poverty level.

[From the Little Rock (AR) Gazette June 20, 1988]

NEED ISN'T ENOUGH TO GET PUBLIC AID—ARKANSAS APPLICANTS OFTEN UNABLE TO MEET OTHER CRITERIA

(By Mark Oswald and Anne Farris)

Being needy isn't enough to get public aid in Arkansas.

Applicants also have to fit into just the right slot.

"Never have any of the public assistance program been based only on whether someone needs the assistance of not." Kenny Whitlock, deputy director of the state Human Services Department, said.

"It's been based on whether you can meet the federal and state requirements."

"If it were just a need test, it would be a lot simpler," he said.

Although need is the main criterion. Whitlock's remarks illustrate some frustration with the system of determining who gets aid.

STATE REJECTIONS RATE HIGH

Whitlock made the comments in response to questions about a recent report that ranked Arkansas forth among it Southern and border states total rate of rejecting welfare applications. The report was prepared for the Southern Governor's Association and the Southern Legislative Conference.

From July 1986 through June 1987, the time covered by the report, Arkansas rejected 36.4 percent of Its Aid to Families with Dependent Children and Medicaid applications. That represented 33,148 persons denied the federal-state benefits.

The rejection rate rose in the first half of 1988 to 47 percent Whitlock said.

The percentage is high in part because applicants have to be extremely poor to receive benefits in Arkansas. A quarter of those denied earned too much money.

A family of four is disqualified if its income is more than $238 a month. Before July 1987, the maximum income allowed was $224 a month.

The maximum AFDC monthly benefit also is $238 a month for a family of four.

"They say be well below the poverty level, but, because our standards are so low, they are ineligible," Whitlock said.

Whitlock said his Department set the income limits for aid recipients "based on the amount of money available." Arkansas could raise the limits and get more federal money for welfare if the General Assembly provided additional state money.

PLENTY OF RED TAPE

Red tape—required documentation of Income, family size and ties assets and other details—also is a major deterrent.

Of the Arkansans denied, 69 percent were turned down for failure to properly prove their eligibility, according to Sarah Shuptrine of Columbia, S.C. author of the Association report.

Whitlock said: "If they find out what's involved in the program and how little it pays, they just don't follow up with the requirements. "He said the rules generally were set by federal regulations.

"A lot of people who need assistance can't qualify under our current structure." Whitlock added.

AFDC provides cash for children whose families have one parent who is dead, absent or disabled. Medicaid covers medical care to people who qualify for AFDC or other public assistance programs.

Here is a list of 17 southern and border states ranked in a 1986-87 survey of their rates of rejecting welfare applications:

WELFARE STATES

	Percent
Texas	50.0
Florida	42.9
Georgia	39.7
Arkansas	36.4
Louisana	31.9
South Carolina	31.5
Virgina	28.7
Alabama	28.2
Mississippi	28.0
Tennessee	26.8
Maryland	24.8
Oklahoma	24.0
Kentucky	23.5
Missouri	22.8
Delaware	22.6
West Virginia	20.7
North Carolina	7.6

CHANGES APPROVED

(The House and Senate have approved changes in the welfare laws that would require state to pay benefits to two-parent families in which the primary wage earner is unemployed. The differences in the House and Senate bills have to be worked out in a conference committee before the measure can be sent to the White House.)

Arkansas' high welfare denial rate may be the flip side of another development that state officials have been proud of—high accuracy rates in determining eligibility for welfare programs.

In March, Governor Bill Clinton praised Human Services Department employees for the accuracy rates, which he said had saved the state $10 million. "People have got to understand that state government is not full of people out here trying to throw their money away," he said.

Whitlock acknowledged there probably was a relationship between the higher accuracy rates and the high ranking in denial of benefits. Shuptrine's report said that, since the early 1980s, states had been "under intense pressure" from the federal government to reduce errors in granting eligibility for welfare aid.

"The impending threat of federal fiscal sanctions is resulting in significant pressure on the eligibility agency"—which in Arkansas would be the Human Services Department—"from top management to the eligibility worker," the report said.

The report raised the question: "Are all procedures necessary to determine if a person qualifies for AFDC/Medicaid, or are certain procedures important only in avoiding federal fiscal sanctions?"

APPLICANT FRUSTRATED

Jane Gray of Jacksonville was one of thousands of welfare applicants turned down in 1987, and the experience has left her frustrated.

She applied for Aid to Families with Dependent Children when she was disabled and her husband, Rex, lost his construction job, the only source of income for the Grays and their three children.

"I would never go back [to the welfare office] again unless it came down to my kids needing it really bad," she said in an interview. "Hopefully, I'll never have to go back." Rex Gray now has a job again as a construction worker.

Gray said she ran into two problems. The state required documentation of her husband's income for the previous year, but his former employer "just skipped" after going bankrupt and couldn't be found.

The biggest problem was more complicated. Before her husband lost his job, the Grays were buying a prefabricated house. They had made a $500 down payment on the $19,500 home.

Once Rex Gray lost his job, they fell three months behind in payments and moved into a relative's home, she said. Another family moved into the home, made up the back payments and eventually became the owners.

Gray said state welfare workers contended the house's value really was $40,000—since that is what the Grays would have paid including interest over about 20 years—and rejected the AFDC application because "they said I had given away a $40,000 house."

Kenny Whitlock, deputy director of the state Human Services Department, said the state's 500 workers who process applications in 51 sites were trained and encouraged to help applicants work through the regulations. He said there were rules against giving away property to qualify for aid.

[From the Charlotte (NC) Observer, Mar. 1, 1988]

THE MEDICAID BACKLOG: WHAT'S NEEDED IS A CHANGE OF ATTITUDE ABOUT THE POOR

There are two reasons why Mecklenburg County's Department of Social Services has a Medicaid backlog that costs the county thousands of dollars in fines and delays benefits for indigent citizens. One reason is good news; the other is bad news.

The good news is that more North Carolinians are eligible for Medicaid because the state has raised income eligibility levels. As social services director Marlene Wall told the county commissioners last week, North Carolina "is making a serious effort to improve the health care of its citizens," with special emphasis on children and pregnant women.

If that effort means heavier caseloads for social services departments, so be it. The extra work is no reason to go back to unrealistically low income standards that left a lot of poor North Carolinians out of Medicaid, with no resources to pay for health care.

The other reason—the bad news—is what is, and ought to be, the focus of serious proposals for reform. That's the proliferation of rules, regulations and forms required to certify and maintain eligibility for Medicaid and other assistance programs, which has created an obstacle course for the poor who need help and for the caseworkers trying to help them.

In the mid-1970s the federal government launched an effort to stamp out fraud and other in Medicaid and other assistance programs for the poor, essentially by assuming every applicant was lying. As a result, certifying someone for eligibility in the adult Medicaid program, which required filling out 12 forms in 1974, requires 38 forms today.

One consequence in Mecklenburg is an inability to keep trained caseworkers. It's a vicious cycle: The heavy caseload and bureaucratic complexity cause caseworkers to quit; the high turnover rate creates an even heavier burden on the workers left behind, so some of them quit, too, making the turnover rate even higher.

After hearing a report on that and related problems last week, the county commissioners voted to spend $222,000 for the rest of this fiscal year to hire 41 more caseworkers and provide some additional space for them. And that higher level of expense will carry over into next year's budget.

Beyond that, the commissioners agreed to work with commissioners in other counties in appealing to officials in Raleigh and Washington to simplify the system.

Simplification will require a change of attitude about public assistance and the people who need it. A "white paper" prepared by social services officials in 10 N.C. counties, including Mecklenburg, states that "the dignity of the individual client has been compromised by a system that presumes dishonesty." To change that system, it says, "the taxpayers of this nation will need to learn that it is extremely expensive and inefficient to presume dishonesty on the part of all applicants. A zero error rate is simply not cost effective when the price tag is delayed client benefits and continuous increases in program staffing levels."

County officials need to push for reform from the bottom up, of course. But it would help to have a change of attitude from the top, too, as part of the "kinder, gentler America" George Bush promised.

[From the New York Times, Oct. 29, 1988]

MANY REJECTED FOR WELFARE AID OVER PAPERWORK

(By Martin Tolchin)

WASHINGTON.—A new study has found that hundreds of thousands of people who are eligible for welfare or Medicaid benefits fail to get help because of problems with their applications.

While just 7 percent of all applicants are denied assistance because they earn or own too much to qualify, at least 16 percent fail to obtain benefits because of application problems. Many others withdraw their applications at some point in the process.

The author of the report suggested in an interview that illiteracy and other language barriers, along with transportation problems and the difficulty of providing necessary documents, were keeping many needy people from help they are qualified for.

"A great deal of the problem is paperwork," said Sarah Shuptrine, a former South Carolina human services official who heads the research company that conducted the study. "It has become a process that is more concerned with verification and keeping ineligible people off welfare than in trying to help people become eligible."

The study, sponsored in part by the Southern Governors' Association and the Southern Legislative Conference, found that 26.7 percent of the 9.7 million welfare applicants in the year studied were denied welfare or Medicaid benefits and 10 percent more withdrew their applications, perhaps because some found work or moved away.

Of the people who were denied welfare or Medicaid benefits, 59.7 percent had problems with their applications. The study did not seek to determine the reasons behind these failures, which included incomplete and flawed applications.

The study involved only people who started the application process at some point; it does not take into account people who may be entirely unaware that government assistance is available.

To figures on which the study was based, from state welfare departments and the Federal Department of Health and Human Services, are two and a half years old, but the study's authors and Federal and state welfare officials said in interviews that the findings would not be significantly different if later data were available.

STUDY STARTED IN SOUTH

David Seigel, a press spokesman for the Family Support Administration in the Department of Health and Human Services, and his agency had not yet seen the study. "We're always concerned when an individual is unable to complete a form to receive benefits," Mr. Siegel said.

The study was begun by the Southern groups and initially covered only 17 Southern states. It was financed by the Robert Wood Johnson Foundation as part of the Southern Regional Infant Mortality Project. The consulting company, Sarah Shuptrine & Associates, broadened the study at its own expense to include the entire nation. To keep all the data comparable, the period being studied remained the same, the year that ended June 30, 1986. That was the latest for which data were available when the Southern study was begun last year.

The study said denials for procedural reasons increased by 75 percent since 1980. This was a period in which the states were under "intense pressure" to remove ineligible people from the welfare and Medicaid rolls.

The programs, Medicaid for health care and Aid to Families with Dependent Children, receive Federal funds but are administered by the states. At the behest of the Reagan Administration, Congress passed legislation in 1982 under which a state would receive Federal compensation for ineligible welfare recipients who account for no more than 3 percent of the total admitted to the state's welfare rolls. States with a greater error rate, as monitored by the Federal Government, were required to return the money spent on those people.

WORKING TO KEEP PEOPLE OUT

As a result, state officials tightened their application procedures. The process is now "working to keep people out," said Ms. Shuptrine, who conducted the study. "I don't think it was necessarily designed to do that."

The study did not address the financial implications of the findings, supplying no price tag for the benefits denied. But Government data show that in the Federal fiscal year that ended Sept. 30, 1986, which overlapped the year studied, the Federal Government and the states together spent $46 billion on Medicaid and welfare.

Poor adults who are unable to obtain welfare often go to private charities, become street people, live with friends and relatives, and apply for Supplemental Security Income, according to testimony by social service agencies before the House Ways and Means Committee last spring.

Poor people unable to obtain Medicaid can receive care for acute conditions at general hospitals, but those hospitals are not obliged to provide care in non-acute cases and generally do not do so. Consequently, poor people unable to obtain Medicaid usually delay seeking treatment until their conditions become acute.

NEW YORK REJECTS FEW

The study found that New York State had one of the lowest denial rates in the nation, rejecting only 5.6 percent of its welfare and Medicaid applicants. Of these 72.8 percent failed to comply with procedural requirements.

Cesar Perales, New York State's Commissioner of Social Services, said: "I have been extremely concerned about the fact that people who might have been entitled to benefits could have been denied in New York. I have taken substantial steps to insure that just about anybody and everybody who is eligible receives benefits."

In one innovation, the state eliminated the requirement that the applicant provide a copy of his birth certificate. Instead, the state now accepts baptismal certificates, driver licenses and other documentation.

In Connecticut, 42.3 percent of those who apply for welfare or Medicaid are denied benefits. Of these, 87.2 percent of the denials were because of failure to comply with procedural requirements, the highest such rate in the nation.

Claudette Beaulieu, a spokesman for the Connecticut Department of Income Maintenance, said the state had never done a study to learn why. She said, however, that the state was under court order to process welfare applications within 45 days and that qualifying for Connecticut's complex package of benefits perhaps required more documentation and information than in other states.

New Jersey had a total denial rate of 5.6 percent. Of those whose welfare applications were denied, 40.9 percent failed to comply with procedural requirements.

The study found that the denial rate in California was 27.2 percent, in Ohio 24.1 percent, and in Texas 50 percent. New Mexico had the highest denial rate, 50.7 percent, while Montana had the lowest, 3.5 percent.

In California, 59.2 percent of those denied had failed to complete the application process, while 35.8 percent in Ohio and 77.3 percent in Texas failed to do so.

The states set their own income levels for welfare and Medicaid eligibility. At present two-thirds of the states supply welfare and Medicaid benefits if income is at or below 50 percent of the Federal poverty guideline, which is $9,690 for a family of three.

In addition, Federal statutes and regulations establish ceilings on assets allowed welfare and Medicaid recipients. With certain exceptions, resources, including a home, may be no more than a total cash value of $1,000, and the equity in the family automobile may not exceed $1,500.

MORATORIUM ON PENALTIES

Under the penalties for high error rates set up in the 1982 law, states now owe the Federal Government $1.2 billion for ineligible welfare recipients and $138.12 million for ineligible Medicaid recipients, the report said.

Since 1986, however, there has been a moratorium on penalties, because states were having tremendous difficulties keeping their error rates to 3 percent or less. Three-fourths of the states were unable to meet the 3 percent goal.

Congress imposed the moratorium under pressure from the states. Although the states are not now being penalized, the Government is still keeping records on those that exceed the error rate. The moratorium may be lifted, at which time the states may be asked to return the excess funds retroactively. Thus, the states still have an incentive for keeping the error rate down.•

• Mr. ROCKEFELLER. Mr. President, I proud to join my distinguished colleague, Senator HOLLINGS, and others in promoting the goal of uniform eligibility among the basic Federal support programs for pregnant women and children.

It is a tragedy that many women and children could qualify for assistance—AFDC, Medicaid, food stamps, or WIC—are denied needed benefits because of administrative or procedural reasons. Federal redtape is no excuse for a child to miss a doctor's appointment or for a pregnant woman to do without milk until the paperwork is processed.

Needy mothers and children who qualify for such programs are usually struggling. They deserve assistance, not a run-around from agency after agency. In rural areas, like West Virginia where transportation is often a problem, requiring families to go to several different agencies can be a genuine obstacle.

Families deserve help, not endless forms and ridiculous requests for multiple copies of documents. They should have confidence that they will be able to get the Federal benefits they deserve, not a hassle or a denial letter based on administrative procedures rather than legitimate needs.

On the administrative side, it is a waste of precious staff resources to have individuals in different agencies process different applications that provide the same or similar information regarding a family's need.

Uniform eligibility requirements for the major Federal programs serving pregnant women and children would help both families and social service agencies. It would cut through Federal redtape for needy children and help families gain timely access to all of the services that they serve.

This is a simple idea that makes a great deal of sense.

But to achieve this long-range goal, Congress needs a thorough report to outline exactly what must be changed—both by statute and by legislative action—to establish uniform eligibility. Our legislation takes the first key step toward this important goal by directing the Secretaries of Health and Human Services and Agriculture to develop a specific report on changes required for eligibility.

As Chairman of the National Commission on Children, I have spent the last 2 years intensely focusing on the problems facing children and families. I was extraordinarily proud that the Commission unanimously adopted our report: "Beyond Rhetoric, and New American Agenda for Children and Families." This report lays out a bold blueprint of action for both the public and private sectors required to promote the well-being of children and families in our country.

One of the report's many recommendations called for the establishment, to the maximum extent possible, of uniform eligibility criteria across the major Federal programs for pregnant women and children. Our bill calls for an indepth study of this issue. Once Congress receives a thorough report from the administration on the barriers to uniform eligibility, we can roll up our sleeves and begin to make the changes truly needed to create uniform eligibility.

Too many children and families are doing without benefits that they need and are eligible to receive. We can, and we must, breakdown the administrative barriers that block needy families from receiving the Federal support they deserve.•

Mr. THURMOND. Mr. President, a 1988 report by the Office of Technology Assistance entitled "Healthy Children! Investing in the Future," cites research which shows that the frequency with which children in America who are sick are able to see a physician depends very much on their family income. The report also states that Medicaid eligibility improves a child's access to health care. Likewise, Medicaid eligibility improves opportunities for pregnant women to obtain prenatal care.

For several years, Congress has acted to broaden the Medicaid Program to serve more poor and low-income pregnant women and families with children. However, the problem is that otherwise eligible pregnant women and children are being denied Medicaid, Aid to Families with Dependent Children [AFDC], and food stamps for procedural, rather than substantive reasons.

Eligibility studies commissioned by the South Carolina Hospital Association and the Greenville Hospital System in South Carolina have identified specific eligibility barriers. The studies state that much of the complexity of the eligibility process results from confusion about the different program rules and requirements across the three major poverty-related programs—AFDC, Medicaid, and food stamps. The studies show that the eligibility process is complicated for both applicants and eligibility workers.

The South Carolina studies have gained National prominence and have provided encouragement for renewed discussions regarding the need for a comprehensive, coordinated review of program rules across AFDC, Medicaid, and food stamps. Some of the major findings of the South Carolina studies are as follows:

One-half of all applications for AFDC are denied and over two-thirds of the denials are due to procedural reasons. These procedural denials affected 28,845 applicants, most of whom were children.

Over one-third of the pregnant women applying for South Carolina's Medicaid Program were denied and 73 percent of the denials were due to procedural reasons. These procedural denials affected 4,505 pregnant women.

Of the applications filed on behalf of infants and children, 43 percent were denied. Over three-fourths of these applications were denied for procedural reasons.

Today, I am pleased to join my colleague from South Carolina, Senator HOLLINGS, in introducing a bill which will help in addressing some of these administrative and procedural barriers. This legislation calls on the Secretary of Health and Human Services and the Secretary of Agriculture to provide information to the President and Congress in order to allow for a comprehensive review of program rules across AFDC, Medicaid, and food stamps. A joint report from the Secretaries will facilitate such a review, and lead to informed decisions regarding uniformity.

Our efforts to achieve uniformity should be geared to helping alleviate barriers which are keeping income eligible families from obtaining needed health benefits through the Medicaid program. Helping these poor- and low-income families to gain Medicaid will improve their access to cost-effective preventive and primary health care.

Improved access to health care for pregnant women and children is a matter of great importance. The rewards of improved access will be fewer infants who die before age 1, fewer infants who are born with disabling conditions and healthier children who have improved opportunities to learn and become productive members of our society.

Mr. President, having this joint report from the Secretary of Health and Human Services and Secretary of Agriculture will give us the information we need to simplify the application process, and remove administrative barriers. I look forward to the consideration of this legislation by the Senate.

• Mr. SANFORD. Mr. President, for decades, States have asked the Federal Government to simplify the administration of basic assistance programs to the poor—specifically AFDC, Medicaid, and food stamps. States now spend more man hours administering these programs because of this, which is turn costs more money for States.

The eligibility requirements for specific populations should be as uniform as possible, but they are not. This makes it far more difficult for States to administer these basic programs. As these programs have become more complicated to administer, the amount of time spent by social workers has shifted from people to paper. Quality for workers and recipients alike has been compromised.

North Carolina has been interested in public assistance simplification for a long time, and is currently conducting a pilot project to test standardization of eligibility methodologies. Under the public assistance simplification project the information verified in determining eligibility for AFDC and Medicaid is used by the same worker to determine eligibility for food stamps. If this pilot project proves to be cost effective and more efficient, changes at the Federal level, both administrative and legislative changes, will still be needed.

We need to remove the unnecessary hassles from basic assistance programs, and the legislation I am introducing today with my colleagues is a significant step toward this goal.•

By Mr. D'AMATO:

S. 1884. A bill to require the Secretary of Agriculture to conduct inspections of garbage from Canada and to assess fees for such inspections; to the Committee on Agriculture, Nutrition, and Forestry.

CANADIAN GARBAGE INSPECTION

• Mr. D'AMATO. Mr. President, I rise today to introduce legislation to prevent New York State and the rest of the Northeast from turning into a dumping ground for our neighbors to the north, Canada.

In mid-July, under pressure from Canadian garbage haulers, the Department of Agriculture, through its Plant and Animal Inspection Service, reversed a long-standing policy of inspecting garbage and allowing only a limited amount into the United States for incineration. They claimed that they had no authority to make such regulations.

However, by opening the border to Canadian trash, the United States is extending an invitation to disaster. By next summer we could see a tidal wave of trash coming over crossings like the Peace and Lewiston Bridges in northwest section of my own State and at thousands of other points all along the Canadian-American border.

Mr. President, it's a matter of economics. Currently, it costs about $150 per ton to landfill household garbage in Canada. But in the United States landfill owners only charge around $35 per ton for landfilling. Canadians can now get rid of their garbage at a bargain price. The Canadian tide of trash will decrease landfill space and the price of landfilling to businesses and municipalities will skyrocket.

The potential size of this problem is enormous. Currently, the city of Toronto in Ontario near Buffalo, NY produces 4.3 million tons of garbage a year. That is more than the five largest cities in upstate New York: Buffalo, Rochester, Syracuse, Albany, and Utica, combined. Under the old rules, more than 70 trucks of garbage a day come over the Peace and Lewiston crossings. With the new open dump policy, New York can expect more than 10 times that volume.

What my legislation does is simple. It in effect, makes it no longer profitable for Canadian haulers to ship their garbage to United States landfills.

It gives the Agriculture Department the authority to resume its inspection of Canadian garbage. More importantly, it allows Agriculture to assess an inspection fee of not less than $150 per ton on garbage sent from Canada.

I should note that this legislation was drafted after consultation with Agriculture Secretary Madigan and my House colleagues from New York, Representatives BILL PAXON, JIM WALSH, and DAVE MARTIN on how to give Agriculture the legal authority it needs to stop this trashing of America. My friends in the House are introducing an identical bill.

Those of us who have supported the Free Trade Agreement know that the open border policy was not intended as an opportunity to make the United States the garbage capital of North America. This abuse of the agreement must be halted and halted now.

Mr. President, this is not only a New York issue. Landfills across the United States, particularly those that share a border with Canada, are as vulnerable as those in New York. I urge my colleagues, especially those on the Canadian border, to join me in support of this legislation.•

By Mr. MOYNIHAN (for himself, Mr. GARN, and Mr. SASSER):

S.J. Res. 221. Joint resolution providing for the appointment of Hanna Holborn Gray as a citizen regent of the Smithsonian Institution; to the Committee on Rules and Administration.

APPOINTMENT OF HANNA HOLBORN GRAY AS A CITIZEN REGENT OF THE SMITHSONIAN INSTITUTION

• Mr. MOYNIHAN. Mr. President, I rise to introduce a joint resolution to nominate Dr. Hanna Holborn Gray a regent of the Smithsonian Institution. Senators GARN and SASSER, who sit with me on the Board of Regents, are cosponsors. A companion measure was introduced by Representative MINETA and cosponsored by Representatives WHITTEN and MCDADE on October 9.

On March 12, 1992, the second and final 6-year term for Dr. William Bowen expires. He has served the Smithsonian ably and with distinction, and the Board will miss his service. At its September 16 meeting, the regents approved the nomination of Dr. Hanna Gray, a personal friend of mine who I am certain will serve the Smithsonian with no less distinction. She will assume Dr. Bowen's seat when he leaves the Board.

Dr. Gray is president of the University of Chicago, a post she has held since 1978. A native of Germany and a scholar in the history of humanism and politics in the Renaissance and Reformation, she has written on subjects ranging from St. Thomas Aquinas to the aims and objectives of higher education. She taught at Harvard University and the University of Chicago before being named provost and then acting president of Yale University, the first female president of an Ivy League university. In 1986 she was one of 12 recipients of the Medal of Liberty, awarded by President Reagan to distinguished foreign-born Americans.

I urge the adoption of this measure and ask unanimous consent that its full text be printed in the RECORD at this point.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 221

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, in accordance with section 5581 of the Revised Statutes of the United States (20 U.S.C. 43), the vacancy on the Board of Regents of the Smithsonian Institution, in the class other than Members of Congress, occurring by reason of the expiration of the term of William G. Bowen of New Jersey on March 12, 1992, be filled by the appointment of Hanna Holborn Gray of Illinois. The appointment is for a term of six years and shall take effect on March 13, 1992.•

ADDITIONAL COSPONSORS

S. 25

At the request of Mr. CRANSTON, the name of the Senator from Connecticut [Mr. DODD] was added as a cosponsor of S. 25, a bill to protect the reproductive rights of women, and for other purposes.

S. 360

At the request of Mr. BUMPERS, the name of the Senator from Florida [Mr. GRAHAM] was added as a cosponsor of S. 360, a bill to authorize the Small Business Administration to provide financial and business development assistance to military reservists' small businesses, and for other purposes.

S. 449

At the request of Mr. D'AMATO, the name of the Senator from Arizona [Mr. DECONCINI] was added as a cosponsor of S. 449, a bill to provide for adherence with the MacBride Principles by United States persons doing business in Northern Ireland.

S. 456

At the request of Ms. MIKULSKI, the name of the Senator from Oregon [Mr. PACKWOOD] was added as a cosponsor of S. 456, a bill to amend chapter 83 of title 5, United States Code, to extend the civil service retirement provisions of such chapter which are applicable to law enforcement officers to inspectors of the Immigration and Naturalization Service, inspectors and canine enforcement officers of the U.S. Customs Service, and revenue officers of the Internal Revenue Service.

S. 493

At the request of Mr. KENNEDY, the names of the Senator from Indiana [Mr. COATS] and the Senator from Mississippi [Mr. LOTT] were added as cosponsors of S. 493, a bill to amend the Public Health Service Act to improve the health of pregnant women, infants and children through the provision of comprehensive primary and preventive care, and for other purposes.

S. 544

At the request of Mr. HEFLIN, the name of the Senator from Virginia [Mr. WARNER] was added as a cosponsor of S. 544, a bill to amend the Food, Agriculture, Conservation and Trade Act of 1990 to provide protection to animal research facilities from illegal acts, and for other purposes.

S. 1088

At the request of Mr. KENNEDY, the name of the Senator from Montana [Mr. BAUCUS] was added as a cosponsor of S. 1088, a bill to amend the Public Health Service Act to establish a center for tobacco products, to inform the public concerning the hazards of tobacco use, to provide for disclosure of additives to such products, and to require that information be provided concerning such products to the public, and for other purposes.

S. 1120

At the request of Mr. RIEGLE, the name of the Senator from Idaho [Mr. CRAIG] was added as a cosponsor of S. 1120, a bill to provide for a demonstration project to examine whether having a respiratory care practitioner available to provide assistance in a home setting would reduce the overall costs under Medicare of providing care to pulmonary disease patients by decreasing hospitalization rates for such patients.

S. 1159

At the request of Mr. GORE, the name of the Senator from Iowa [Mr. HARKIN] was added as a cosponsor of S. 1159, a bill to provide for the labeling or marking of tropical wood and tropical wood products sold in the United States.

S. 1521

At the request of Mr. MCCONNELL, the name of the Senator from Arizona [Mr. MCCAIN] was added as a cosponsor of S. 1521, a bill to provide a cause of action for victims of sexual abuse, rape, and murder, against producers and distributors of hard-core pornographic material.

S. 1599

At the request of Mr. BRADLEY, the name of the Senator from New Jersey [Mr. LAUTENBERG] was added as a cosponsor of S. 1599, a bill to extend nondiscriminatory (most-favored-nation) treatment to Estonia, Latvia, and Lithuania.

S. 1623

At the request of Mr. DECONCINI, the name of the Senator from Oregon [Mr. PACKWOOD] was added as a cosponsor of S. 1623, a bill to amend title 17, United States Code, to implement a royalty payment system and a serial copy management system for digital audio recording, to prohibit certain copyright infringement actions, and for other purposes.

S. 1646

At the request of Mr. D'AMATO, the names of the Senator from Iowa [Mr. GRASSLEY], and the Senator from North Carolina [Mr. HELMS] were added as cosponsors of S. 1646, a bill to amend the Harmonized Tariff Schedule of the United States to clarify the classification of certain motor vehicles.

S. 1648

At the request of Mr. MCCAIN, the name of the Senator from Maine [Mr. COHEN] was added as a cosponsor of S. 1648, a bill to amend title VII of the Public Health Service Act to reauthorize and expand provisions relating to area health education centers, in order to establish a Federal-State partnership, and for other purposes.

S. 1748

At the request of Mr. BAUCUS, the name of the Senator from Iowa [Mr. GRASSLEY] was withdrawn as a cosponsor of S. 1748, a bill to amend various provisions of the Internal Revenue Code of 1986 relating to the taxation of regulated investment companies.

S. 1810

At the request of Mr. ROCKEFELLER, the names of the Senator from California [Mr. SEYMOUR], the Senator from Vermont [Mr. LEAHY], the Senator from Vermont [Mr. JEFFORDS], and the Senator from Illinois [Mr. DIXON] were added as cosponsors of S. 1810, a bill to amend title XVIII of the Social Security Act to provide for corrections with respect to the implementation of reform of payments to physicians under the Medicare Program, and for other purposes.

S. 1856

At the request of Mr. CRANSTON, the name of the Senator from Illinois [Mr. SIMON] was added as a cosponsor of S. 1856, a bill to require the executive branch to gather and disseminate information regarding, and to promote techniques to eliminate, discriminatory wage-setting practices and discriminatory wage disparities which are based on sex, race, or national origin, and for other purposes.

SENATE JOINT RESOLUTION 164

At the request of Mr. GORE, the name of the Senator from Texas [Mr. BENTSEN] was added as a cosponsor of Senate Joint Resolution 164, a joint resolution designating the weeks of October 27, 1991, through November 2, 1991, and October 11, 1992, through October 17, 1992, each separately as "National Job Skills Week."

SENATE JOINT RESOLUTION 202

At the request of Mr. INOUYE, the name of the Senator from West Virginia [Mr. ROCKEFELLER] was added as a cosponsor of Senate Joint Resolution 202, a joint resolution to designate October 1991, as "Crime Prevention Month."

SENATE JOINT RESOLUTION 217

At the request of Mr. HATFIELD, the names of the Senator from California [Mr. CRANSTON], the Senator from Minnesota [Mr. WELLSTONE], the Senator from Maryland [Ms. MIKULSKI], the Senator from Massachusetts [Mr. KERRY], the Senator from Kansas [Mrs. KASSEBAUM], the Senator from Indiana [Mr. LUGAR], the Senator from Arizona [Mr. MCCAIN], the Senator from Oklahoma [Mr. NICKLES], the Senator from Alaska [Mr. MURKOWSKI], the Senator from Kentucky [Mr. FORD], the Senator from Alabama [Mr. SHELBY], the Senator from Michigan [Mr. RIEGLE], and the Senator from Nevada [Mr. REID] were added as cosponsors of Senate Joint Resolution 217, a joint resolution to authorize and request the President to proclaim 1992 as the "Year of the American Indian."

SENATE RESOLUTION 201

At the request of Mr. DANFORTH, the name of the Senator from Wisconsin [Mr. KOHL] was added as a cosponsor of Senate Resolution 201, a resolution to express the sense of the Senate regarding enforcement of the oilseeds GATT panel ruling against the European Community.

SENATE RESOLUTION 204

At the request of Mr. D'AMATO, the name of the Senator from Colorado [Mr. BROWN] was added as a cosponsor of Senate Resolution 204, a resolution expressing the sense of the Senate that the United States should pursue discussions at the upcoming Middle East Peace Conference regarding the Syrian connection to terrorism.

AMENDMENT NO. 1274

At the request of Mr. GORE his name was added as a cosponsor of amendment No. 1274 proposed to S. 1745, a bill to amend the Civil Rights Act of 1964 to strengthen and improve Federal civil rights laws, to provide for damages in cases of intentional employment discrimination, to clarify provisions regarding disparate impact actions, and for other purposes.

SENATE RESOLUTION 209—CONDEMNING SEXUAL HARASSMENT

Mr. BROWN (for himself, Mr. HATCH, Mr. DOMENICI, Mr. DANFORTH, Mr. SIMPSON, and Mr. PACKWOOD) submitted the following resolution; which was considered and agreed to:

S. RES. 209

Resolved,

CONDEMNATION OF SEXUAL HARASSMENT

(a) FINDINGS.—The Senate finds that—

(1) sexual harassment is a form of sex discrimination that violates title VII of the Civil Rights Act of 1964;

(2) sexual harassment is a prohibited practice under Federal law relating to Federal employees and military personnel;

(3) sexual harassment adversely affects an individual's employment and work performance, and creates an intimidating, hostile, or offensive work environment;

(4) sexual harassment results in significant emotional and monetary costs to both victims and employers;

(5) 5,557 charges of sexual harassment were filed with the Equal Employment Opportunity Commission in 1990.

(6) the Merit Systems Protection Board reported in 1988 that a survey of Federal employees found that 42 percent of all female respondents and 14 percent of all male respondents experienced some form of unwanted and uninvited sexual attention;

(7) the Department of Defense reported in September 1990 that among 20,000 United States military respondents surveyed, 64 percent of females and 17 percent of males experienced sexual harassment;

(8) a 1988 survey of Fortune 500 companies by Working Women magazine found that sexual harassment costs a typical Fortune 500 company as much as $6,700,000 a year in absenteeism, turnover, and lost productivity;

(9) sexual harassment cost the Federal Government an estimated $267,000,000 in 1987, according to a 1988 United States Merit Systems Protection Board report;

(10) sexual harassment persists in the workplace; and

(11) The Senate has a responsibility to promote, in the public interest, working environments free from discrimination on the basis of an individual's race, color, religion, national origin, or sex.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the Senate does not tolerate or condone sexual harassment in government, private sector, or congressional workplaces, and that the Senate should consider appropriate changes to the laws of the United States and the rules of the Senate to prevent sexual harassment.

SENATE RESOLUTION 210—RELATIVE TO VIOLENCE IN YUGOSLAVIA

Mr. LEVIN (for himself and Mr. GORE) submitted the following resolution; which was considered and agreed to:

S. RES. 210

Whereas, continued violence and unrest in Yugoslavia will jeopardize the stability and security of central Europe, and could threaten vital interests of the United States: Now, therefore, be it

Resolved, That it is the Sense of the Senate that:

The Senate urges the President to provide active leadership in encouraging the United Nations to promote and maintain a cease-fire, and to support by any appropriate actions the resolutions of the Security Council, including consideration of sending a peacekeeping force to Yugoslavia which would help preserve a cease-fire.

AMENDMENTS SUBMITTED

VETERANS' COMPENSATION RATE AMENDMENTS OF 1991

CRANSTON AMENDMENT NO. 1275

Mr. MITCHELL (for Mr. CRANSTON) proposed an amendment to the bill (H.R. 1046) to amend title 38, United States Code, to increase, effective as of December 1, 1991, the rates of disability compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for survivors of such veterans, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE; REFERENCES TO TITLE 38, UNITED STATES CODE.

(a) SHORT TITLE.—This Act may be cited as the "Veterans' Compensation Rate Amendments of 1991".

(b) REFERENCES.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

SEC. 2. DISABILITY COMPENSATION.

(a) 3.7-PERCENT INCREASE.—Section 1114 is amended—

(1) by striking out "$80" in subsection (a) and inserting in lieu thereof "$83";

(2) by striking out "$151" in subsection (b) and inserting in lieu thereof "$157";

(3) by striking out "$231" in subsection (c) and inserting in lieu thereof "$240";

(4) by striking out "$330" in subsection (d) and inserting in lieu thereof "$342";

(5) by striking out "$470" in subsection (e) and inserting in lieu thereof "$487";

(6) by striking out "$592" in subsection (f) and inserting in lieu thereof "$614";

(7) by striking out "$748" in subsection (g) and inserting in lieu thereof "$776";

(8) by striking out "$865" in subsection (h) and inserting in lieu thereof "$897";

(9) by striking out "$974" in subsection (i) and inserting in lieu thereof "$1,010";

(10) by striking out "$1,620" in subsection (j) and inserting in lieu thereof "$1,680";

(11) in subsection (k)—

(A) by striking out "$66" both places it appears and inserting in lieu thereof "$68"; and

(B) by striking out "$2,014" and "$2,823" and inserting in lieu thereof "$2,089" and "2,927", respectively;

(12) by striking out "$2,014" in subsection (l) and inserting in lieu thereof "$2,089";

(13) by striking out "$2,220" in subsection (m) and inserting in lieu thereof "$2,302";

(14) by striking out "$2,526" in subsection (n) and inserting in lieu thereof "$2,619";

(15) by striking out "$2,823" each place it appears in subsections (o) and (p) and inserting in lieu thereof "$2.927";

(16) by striking out "$1,212" and "$1,805" in subsection (r) and inserting in lieu thereof "$1,257" and "$1,872", respectively; and

(17) by striking out "$1,812" in subsection (s) and inserting in lieu thereof "$1,879".

(b) SPECIAL RULE.—The Secretary of Veterans Affairs may adjust administratively, consistent with the increases authorized by this section, the rates of disability compensation payable to persons with the purview of section 10 of Public Law 85-857 who are not in receipt of compensation payable pursuant to chapter 11 of title 38, United States Code.

SEC. 3. ADDITIONAL COMPENSATION FOR DEPENDENTS.

Section 1115(1) is amended—

(1) by striking out "$96" in clause (A) and inserting in lieu thereof "$100";

(2) by striking out "$163" and "$50" in clause (B) and inserting in lieu thereof "$169" and "$52", respectively;

(3) by striking out "$67" and "$50" in clause (C) and inserting in lieu thereof "$69" and "$52", respectively;

(4) by striking out "$77" in clause (D) and inserting in lieu thereof "$80";

(5) by striking out "$178" in clause (E) and inserting in lieu thereof "$185"; and

(6) by striking out "$149" in clause (F) and inserting in lieu thereof "$155".

SEC. 4. CLOTHING ALLOWANCE FOR CERTAIN DISABLED VETERANS.

Section 1162 is amended by striking out "$436" and inserting in lieu thereof "$452".

SEC. 5. DEPENDENCY AND INDEMNITY COMPENSATION FOR SURVIVING SPOUSES.

Section 1311 is amended—

(1) by striking out the table in subsection (a) and inserting in lieu thereof the following:

"Pay grade	Monthly rate	Pay grade	Monthly rate
E-1	$616 .	W-4	$884
E-2	635 .	O-1	780
E-3	652 .	O-2	805
E-4	693 .	O-3	862
E-5	711 .	O-4	912
E-6	727 .	O-5	1,005
E-7	762 .	O-6	1,134
E-8	805 .	O-7	1,225
E-9	[1]841 .	O-8	1,343
W-1	780 .	O-9	1,440
W-2	811 .	O-10	[2]1,580
W-3	835 .		

"[1] If the veterans served as sergeant major of the Army, senior enlisted advisor of the Navy, chief master sergeant of the Air Force, sergeant major of the Marine Corps, or master chief petty officer of the Coast Guard, at the applicable time designated by section 1302 of this title, the surviving spouse's rate shall be $907.

"[2] If the veteran served as Chairman or Vice-Chairman of the Joint Chiefs of Staff, Chief of Staff of the Army, Chief of Naval Operations, Chief of Staff of the Air Force, Commandant of the Marine Corps, or Commandant of the Coast Guard, at the applicable time designated by section 1302 of this title, the surviving spouse's rate shall be $1,693.";

(2) by striking out "$68" in subsection (b) and inserting in lieu thereof "$71";

(3) by striking out "$178" in subsection (c) and inserting in lieu thereof "$185", and

(4) by striking out "$87" in subsection (d) and inserting in lieu thereof "$90".

SEC. 6. DEPENDENCY AND INDEMNITY COMPENSATION FOR CHILDREN.

(a) DIC FOR ORPHAN CHILDREN.—Section 1313(a) is amended—

(1) by striking out "$299" in clause (1) and inserting in lieu thereof "$310";

(2) by striking out "$431" in clause (2) and inserting in lieu thereof "$447";

(3) by striking out "$557" in clause (3) and inserting in lieu thereof "$578"; and

(4) by striking out "$557" and "$110" in clause (4) and inserting in lieu thereof "$578" and "$114", respectively.

(b) SUPPLEMENTAL DIC FOR DISABLED ADULT CHILDREN.—Section 1314 is amended—

(1) by striking out "$178" in subsection (a) and inserting in lieu thereof "$185";

(2) by striking out "$299" in subsection (b) and inserting in lieu thereof "$310"; and

(3) by striking out "$151" in subsection (c) and inserting in lieu thereof "$157".

SEC. 7. EFFECTIVE DATE FOR RATE INCREASES.

The amendments made by this Act shall take effect on December 1, 1991.

UNITED STATES COMMISSION ON CIVIL RIGHTS REAUTHORIZATION ACT

SIMON (AND HATCH) AMENDMENT NO. 1276

Mr. MITCHELL (for Mr. SIMON, for himself and Mr. HATCH) proposed an amendment to the bill (H.R. 3350) to extend the U.S. Commission in Civil Rights, as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "United States Commission on Civil Rights Reauthorization Act of 1991".

SEC. 2. ANNUAL REPORT.

Section 5 of the United States Commission on Civil Rights Act of 1983 (42 U.S.C. 1975c) is amended by adding at the end the following: "The Commission shall, in addition to any other reports under this section, submit at least one annual report that monitors Federal civil rights enforcement efforts in the United States to Congress and to the President.".

SEC. 3. REAUTHORIZATION.

Section 7 of the United States Commission on Civil Rights Act of 1983 (42 U.S.C. 1975e) is amended to read as follows:

"SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to carry out this Act $7,159,000 for fiscal year 1992, and an additional $1,200,000 for fiscal year 1992 to relocate the headquarters office.".

SEC. 4. TERMINATION.

Section 8 of the United States Commission on Civil Rights Act of 1983 (42 U.S.C. 1975f) is amended by striking "1991" and inserting "1994".

SEC. 5. COMMISSION CHAIR AND VICE CHAIR.

Section 2(c), subsections (a), (d), and (f) of section 3 and section 6(f) of the United States Commission on Civil Rights Act of 1983 (42 U.S.C. 1975(c), 1975a (a), (d), and (f), and 1975d (f)) are amended by striking "Chairman" each place the term appears and inserting "Chairperson".

ADDITIONAL STATEMENTS

PHOENIX FOR BUSINESS

• Mr. DECONCINI. Mr. President, those of us from the Southwest have long known that Arizona, and its capitol Phoenix are great for business. Now Fortune magazine has discovered it and our secret is out. Fortune's November 4, 1991 cover story, "The Best Cities for Business," ranks the city of Phoenix 10th overall for business.

The article points to Phoenix's "particularly high quality labor" and its close proximity to the large west coast market. With Phoenix's Skyharbor International Airport, business men and women can travel conveniently to all major cities in the United States.

Phoenix's labor force ranks No. 7 in the survey in quality. And the high quality educational system is seen as integral to the continued strength of the labor force. Specifically, the large community college system is critical for work force training. Additionally, Arizona State University is the fifth largest university in the Nation, and was recently ranked No. 3 in a U.S. News & World Reports article on up and coming universities. Phoenix also has the Thunderbird School of International Management which is the largest and oldest international management school in the country. Thunderbird is consistently at the top, or near the top of rankings concerning international management schools.

Another major benefit of Arizona is its relative low cost of living. Compared to its west coast neighbors, Arizona is considerably lower in its cost of living and office space in Phoenix is abundant and inexpensive.

I applaud the Fortune article, but I also must point out it misses some important points. It is Arizona's important intangibles that truly make it No. 1. Phoenix is known as the Valley of the Sun, a very accurate sobriquet. The Sun shines 85 percent of the time during daylight hours, and average annual temperature is a balmy 72 degrees Fahrenheit. For those who make Phoenix and Arizona their home they will always be No. 1, but for now we are pleased with the ranking from Fortune magazine.•

S. 581, THE TARGETED JOBS TAX CREDIT LEGISLATION

• Mr. GORTON. Mr. President, I am pleased to rise today and join many of my colleagues in sponsoring S. 581, a bill to extend permanently the targeted jobs tax credit [TJTC].

The targeted jobs tax credit works. Since its inception, this program has helped an average of 500,000 individuals per year nationwide gain employment. By providing employers with tax incentives to offset training costs, this program encourages the hiring of individuals who are otherwise limited in their employment opportunities due to a lack of skills, training, or education.

Those individuals benefiting from this program include: welfare recipients, economically disadvantaged youths, the disabled, and Vietnam-era veterans. Further, I am pleased to point out that this bill also includes a provision which creates a new category of eligibility for economically disadvantaged Persian Gulf-era veterans.

Through this important program, unemployed individuals gain the skills, training and employment opportunities they need to succeed. Welfare recipients are taken off public assistance, given a sense of independence and contribution, and transformed into taxpaying citizens. Individuals get the opportunity to establish a work history which can lead to continued stable employment. It helps to create a more skilled and highly motivated work force. These educated and skilled workers are invaluable if America is to remain competitive in this global marketplace.

The administration has recognized the importance of this program and included a proposal in the President's fiscal 1992 budget to extend it for another year. However, I support this effort to permanently extend the targeted jobs tax credit. Businesses, which are vital to the program's success, are understandably reluctant to participate and invest their resources in a program which may not exist past the next year.

This is a valuable program, Mr. President. Its proven benefits not only provide assistance to the unemployed, but to businesses, the government, and the country as well. Given its effectiveness, it will serve our interests to provide for a permanent extension of this program. Mr. President, I wholeheartedly endorse S. 581, and urge my colleagues to join me in support of this legislation.•

NOTICE OF DETERMINATION BY THE SELECT COMMITTEE ON ETHICS UNDER RULE 35, PARAGRAPH 4, PERMITTING ACCEPTANCE OF A GIFT OF EDUCATIONAL TRAVEL FROM A FOREIGN ORGANIZATION

• Mr. SANFORD. Mr. President, it is required by paragraph 4 of rule 35 that I place in the CONGRESSIONAL RECORD notices of Senate employees who participate in programs, the principal objective of which is educational, sponsored by a foreign government or a foreign educational or charitable organization involving travel to a foreign country paid for by that foreign government or organization.

The select committee has received a request for a determination under rule 35 for Leon Fuerth to participate in a program in Germany sponsored by the Konrad Adenauer Stiftung on November 9–16, 1991.

The committee has determined that participation by Mr. Fuerth in this program, at the expense of Konrad Adenauer Stiftung, is in the interest of the Senate and the United States.•

TRIBUTE TO DR. SAMUAL U. RODGERS

• Mr. BOND. Mr. President, I rise today to urge my colleagues in the U.S. Senate to join me in paying tribute to a humanitarian who has provided remarkable service in the area of quality health care for the poor. I am speaking of Dr. Samual U. Rodgers.

Dr. Samual U. Rodgers has instituted his vision by developing and implementing programs which address current health care needs of the community through integrity and commitment. For well over 40 years Dr. Rodgers has worked closely with legislators, community leaders, and health care professionals as a voice for the poor. I congratulate Dr. Rodgers as recipient of the 1991 March of Dimes Make a Difference Award.

I join today with the Greater Kansas City Area March of Dimes in honoring the many unsung heroes who routinely go about the business of making a difference in the quality of life in the arena of maternal and child health. We salute the valiant whose enthusiasm and deeds bring good to the community in ever increasing measure. When we give of ourselves we experience the renewing power of life.•

TRIBUTE TO AVILA COLLEGE, KANSAS CITY, MO

• Mr. BOND. Mr. President, I rise today to urge my colleagues in the U.S. Senate to join me in paying tribute to a remarkable institution which has provided distinguished educational service to Kansas City, MO. I am speaking of Avila College.

Avila College is a 4-year, Catholic, liberal arts college sponsored and founded by the Sisters of St. Joseph of Carondelet in 1916. Sister Francis Joseph Ivory and the other Sisters of St. Joseph came to Kansas City in 1866 and founded St. Teresa's Academy. In 1916 the sisters then went on to found Avila College to provide a strong liberal arts college education. Avila College has responded to the need for innovative educational experiences such as the Women's Leadership Institute, the Women's Entrepreneur Program, and Elderhostel. Avila College was the first in the Greater Kansas City metropolitan area to offer a baccalaureate degree in nursing; first to provide weekend programs; and first to develop course programs in public administration, women's studies, and gerontology.

The students and faculty of Avila College have continued to uphold the tradition of providing service to the community by repairing and winterizing homes for the elderly, distributing food to the homeless, and participating in projects such as Project Warmth and Toys for Tots. The graduates of Avila College have contributed to the health, welfare, commerce, and culture of the Greater Kansas City metropolitan area through their work in health care, business, education, mental health, the arts, and social service.

Mr. President, the staff, alumni, and students of Avila College are celebrating its septuaginta-quinquennial. I join them in wishing Avila College a happy 75th anniversary. Kansas City is fortunate to have such a fine educational institution.•

CHIEF JUDGE EARL E. O'CONNOR

• Mrs. KASSEBAUM. Mr. President, much has been said in the Senate recently about judicial temperament. As one Senator stated, judicial temperament is that inexplicable quality that commands respect, assures integrity, and denotes wisdom in one's conduct both on and off the bench. This quality goes to the heart of one's character and demeanor. It has been stated that no qualification is more important among our judiciary than judicial temperament.

On November 10, Chief Judge Earl E. O'Connor will have completed more than 20 years on the Federal bench. Throughout his public service no one has better exemplified the quality of judicial temperament than Chief Judge O'Connor. His judicial manner has enhanced the reputation and respect of the court both with the public and within the judiciary. Judge O'Connor serves as an example for all who administer justice and serve the public. I congratulate him on his 20 years of service and thank him for his fine work.•

COMMENDING MS. DONNA JEAN SMITH

• Mr. BOND. Mr. President, I rise today to urge my colleagues in the U.S. Senate to join me in paying tribute to a humanitarian who has provided remarkable service as a foster parent. I am speaking of Ms. Donna Jean Smith.

Ms. Smith has provided outstanding foster care to a number of children that come from troubled backgrounds. Donna Jean is a very special person who epitomizes dedication, concern, understanding, and love. The children that have received her care have been taught the importance of problem solving and becoming productive adults through education and commitment.

I congratulate Donna Jean Smith for the high honor of being nominated for the 1991 March of Dimes "Make a Difference Award."

I join today with the Greater Kansas City Area March of Dimes in honoring the many unsung heroes who routinely go about the business of making a difference in the quality of life in the arena of maternal and child health. We salute the valiant whose enthusiasm and deeds bring good to the community in ever increasing measure. When we give of ourselves we experience the renewing power of life.•

CONGRATULATING THE CHICAGO STATE UNIVERSITY COUGARS WOMEN'S TENNIS TEAM

• Mr. DIXON. Mr. President, the Chicago State University Cougars Women's Tennis Team just completed their fall tennis season with a record of 20–0. They are to be congratulated on their outstanding team accomplishment.

The Chicago State University Cougars are to be noted for more than just their perfect record. They defied the skeptics, and the pundits who could not believe an all African-American team could win at a sport so overwhelmingly dominated by white players.

While tennis has not been as readily accessible to many in the African-American community, it provides an equal opportunity for success for those who choose to play it. Not a great deal of equipment is needed to play tennis. To play it well, however, is up to the individual.

Chicago State is loaded with talent, and it should be no surprise to anyone that the Cougars tore up the college tennis world this fall with their smart play.

Talent is not restricted to any particular race, ethnic group, or gender. Opportunity is, however, in far too many cases. What has happened on the far South Side of Chicago this fall, is the opportunity for success, coupled with the cultivation of tremendous talent by Coach Lonnie Wooden. The fruits of that labor are a well deserved perfect record.

Again, I congratulate the Cougars on their success, and wish each and every one of them best wishes for future success both on and off the court.

I thank my colleagues.

I ask that an article from the October 24, 1991, Chicago Tribune be inserted in the RECORD at this time.

The article follows:

[From the Chicago Tribune, Oct. 24, 1991]

CHICAGO STATE WOMEN ADD A DIFFERENT TONE TO TENNIS

(By Mark Shapiro)

Tennis balls have become yellow and tennis clothes have become multicolored, but the sport's dominant hue has always been white. That's why the college tennis world hasn't quite figured out what to make of Chicago State's women's team.

The team is entirely African-American. It's also been a major success story. The Cougars just completed a 20-0 fall season, which followed a 17–4 record in 1990–91. Of the more than 100 players who opposed Chicago State this fall, only three were African-American.

"People we play can't believe us," said Crystal Embry, one of the Cougars' top players. "When we beat them, then they're convinced."

Coach Lonnie Wooden recalls overhearing a spectator at a match last year who needed some convincing.

"This person just said, 'There's no way an all-black team can beat us,'" Wooden recalled. "Of course, we did.

"We do get a reaction. People are very surprised when they play us."

Part of the surprise comes from the fact that urban commuter schools aren't supposed to be tennis powers, even though Chicago State's Far South Side campus is sprawling and its enrollment is above 8,000.

But mostly, Wooden said, "People want to know, 'Where in the world do you get young African-American girls who can play tennis.'"

Wooden has managed to do that quickly. A Chicago State grad who tried out for the tennis team in 1975 at the urging of a friend because the team was short of players, he became tennis coach in 1986. He didn't start a women's program until 1988.

"When we started, we had scholarships that we literally couldn't give away," Wooden recalled. "African-Americans have just not been attracted to this sport the way they should

"We've lacked role models. We see blacks excelling in almost every other sport, but not in tennis. It's always been a club sport. Court time can be $15 to $22 an hour. Private lessons can be $25 to $40. It's a barrier."

Embry is a player Wooden grew almost by himself, becoming her private coach. Her initial exposure to the game is fairly typical, Wooden said.

"When I saw it on TV, I didn't like it," she said. "I didn't care that much for it until I played. Coach Wooden introduced me to the game when I was in 6th grade, and I've grown to love it. I decided to do something with it."

Embry, who became Wooden's protege, played at Corliss High School and won three Public League championships.

Embry said she's happier at Chicago State than at a bigger-name school.

"I felt I'd be comfortable here," Embry said. "I wanted to go somewhere where my talent would be recognized right away. At another school, I might have had to wait while a junior or a senior was the No. 1 player. Here I was able to start at the top."

Embry has since been supplanted at No. 1 by the player Wooden considers the key to his success, freshman Martha Gates, a standout at Clifton Central High School in Kankakee who finished fifth in last fall's 128-player state tournament and was ranked 78th in the nation.

"Everywhere she played, I showed up," Wooden said, recalling how he recruited Gates. "You might say I let her know I was interested."

"He certainly was persistent," Gates said. Like the team itself, Gates didn't lose a match this fall.

Wooden said he began the fall season believing that four losses would constitute a "fantastic" record. But slowly he and his players began to realize they could do even better.

"The Illinois State match set the stage," Wooden said of his Cougars' 5-4 victory on Sept. 23. "That was a strong, competitive team we played. When we beat them, we felt we really belonged in Division I."

The point was driven home by a 7-2 victory over Eastern Michigan, which fielded most of the players who had beaten the Cougars 9-0 last spring.

But it wasn't until last Friday's victory over Ferris State in Big Rapids, Mich., that Wooden knew his team was home free.

"This is a tennis school," Wooden said of Ferris. "You can get a degree there in teaching tennis. We knew they were the only team in our way."

The Cougars won 6-3 and capped the perfect season with an expected romp over Grand Valley State (Mich.). Other victims included De Paul, Illinois-Chicago, Wisconsin-Green Bay and Wisconsin-Milwaukee.

"It feels good to be unbeaten," Embry said. "There's a lot of pride in beating some of the bigger schools."

Wooden is disappointed that only Gates and the Cougars' No. 2 player, sophomore Titania Turner of Memphis, have been invited to the Rolex Midwest Regional beginning Oct. 31 in Madison, Wis., a meet that ends the fall season. He plans to make a few phone calls in hopes of persuading tournament officials to invite Embry and perhaps other Cougars.

Meanwhile, the team soon will move indoors, practicing in some of those high-priced clubs. Some of the work will be done at Chicago State's one indoor court.

"It's good in a sense because you can't spread out much, so you stress your sharpness," Wooden said. "It's a lot of drilling, fundamentals. It's dull, dull, dull."

"It makes you appreciate going outside even more," Embry said.

The Cougars won four of their six matches last spring and only five matches are now on the Cougars' schedule next spring. That's because most opponents have conference commitments, Wooden said. The Cougars' success suggests another possible reason: Maybe some teams are avoiding them.•

TRIBUTE TO MS. PEGGY BERRY

• Mr. BOND. Mr. President, I rise today to urge my colleagues in the U.S. Senate to join me in paying tribute to a humanitarian who has provided remarkable service as a Healthy Families and Young Children project home visitor. I am speaking of Ms. Peggy Berry.

Through her work with healthy families and young children Peggy has gone above and beyond the call of duty to provide home visits, promote immunization, home and auto safety, educate parents for effective parenting, and provide referrals to community organizations. Peggy Berry has, through her own initiative, expanded the Healthy Families Program, implemented the "Mom and Me" support group, "Stories Under the Sky" onsight reading program for low-income housing units, and lead many workshops and outreach programs to train others. I congratulate Peggy Berry as recipient of the 1991 March of Dimes "Make a Difference Award."

I join today with the greater Kansas City area March of Dimes in honoring the many unsung heroes who routinely go about the business of making a difference in the quality of life in the arena of maternal and child health. We salute the valiant whose enthusiasm and deeds bring good to the community in ever increasing measure. When we give of ourselves we experience the renewing power of life.•

TRIBUTE TO MS. NOLA AHLQUIST-TURNER

• Mr. BOND. Mr. President, I rise today to urge my colleagues in the U.S. Senate to join me in paying tribute to a humanitarian who has provided remarkable service as program director of county health programs for mothers, children, and youth. I am speaking of Ms. Nola Ahlquist-Turner.

Nola Ahlquist-Turner has served her community for nearly 20 years as a health care provider and administrator. Nola has taken on improving the lives of our children through implementing the Women With Infant Children Program [WIC], school nursing, home visiting, child care licensure, and maternal and infant care project. I congratulate Nola Ahlquist-Turner for the high honor of being nominated for the 1991 March of Dimes "Make a Difference Award."

I join today with the Greater Kansas City Area March of Dimes in honoring the many unsung heroes who routinely go about the business of making a difference in the quality of life in the arena of maternal and child health. We salute the valiant whose enthusiasm and deeds bring good to the community in ever increasing measure. When we give of ourselves we experience the renewing power of life.•

TRIBUTE TO JUDGE WILLIAM F. MAUER

• Mr. BOND. Mr. President, I rise today to urge my colleagues in the U.S. Senate to join me in paying tribute to a humanitarian who has provided remarkable service as an advocate for drug-exposed infants. I am speaking of Judge William F. Mauer.

Judge William F. Mauer championed legislation in the State of Missouri designed to provide education to physicians and pregnant women concerning the effect of drug usage on unborn children. Judge Mauer has been heard by community leaders, health care professionals, legislators, and at-risk women throughout the Nation. I congratulate Judge Mauer for the high honor of being nominated for the 1991 March of Dimes "Make a Difference Award."

I join today with the Greater Kansas City Area March of Dimes in honoring the many unsung heroes who routinely go about the business of making a difference in the quality of life in the arena of maternal and child health. We salute the valiant whose enthusiasm and deeds bring good to the community in ever increasing measure. When we give of ourselves we experience the renewing power of life.•

REMOVAL OF INJUNCTION OF SECRECY FROM THE EXTRADITION TREATY WITH THE BAHAMAS

Mr. MITCHELL. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from the extradition treaty with the Bahamas, treaty document No. 102-17, transmitted to the Senate today by the President, and ask that the treaty be considered as having been read the first time; that it be referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed; and that the President's message be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The message of the President is as follows:

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the Extradition Treaty between the Government of the United States of America and the Government of the Commonwealth of The Bahamas signed at Nassau on March 9, 1990. I transmit also, for the information of the Senate, the report of the Department of State with respect to the Treaty.

The Treaty is designed to update and standardize the conditions and procedures for extradition between the United States and The Bahamas. Most significant, it substitutes a dual criminality clause for a current list of extraditable offenses, so that, *inter alia*, certain additional narcotics offenses will be covered by the new Treaty. The Treaty also provides a legal basis for temporarily surrendering prisoners to stand trial for crimes against the laws of the Requesting State.

The Treaty further represents an important step in combating terrorism by excluding from the scope of the political offense exception serious offenses typically committed by terrorists; e.g., crimes against a Head of State or first family member of either Party, aircraft hijacking, aircraft sabotage, crimes against internationally protected persons, including diplomats, hostage-taking, narcotics trafficking, and other offenses for which either the United States or The Bahamas may have an obligation to extradite or submit to prosecution by reason of a multilateral treaty, convention, or other international agreement.

The provisions in this Treaty follow generally the form and content of extradition treaties recently concluded by the United States. Upon entry into force, it will supersede the existing Extradition Treaty between the United States and The Bahamas.

This Treaty will make a significant contribution to international cooperation in law enforcement. I recommend that the Senate give early and favorable consideration to the Treaty and give its advice and consent to ratification.

GEORGE BUSH.

THE WHITE HOUSE, *October 28, 1991*.

VETERANS' COMPENSATION RATE AMENDMENTS OF 1991

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Veterans' Affairs Committee be discharged from H.R. 1046 regarding the rates of disability compensation for veterans, and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The bill clerk read as follows:

A bill (H.R. 1046) to amend title 38, United States Code, to increase, effective as of December 1, 1991, the rates of disability compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for survivors of such veterans.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. CRANSTON. Mr. President, as chairman of the Committee on Veterans' Affairs, I rise in strong support of this legislation to provide a cost-of-living adjustment in compensation paid to service-connected disabled veterans and to survivors of veterans who died from service-connected causes. I believe that we must attach the highest priority to meeting the Nation's responsibilities to these 2.2 million veterans and 341,000 survivors. This is—and always has been—my No. 1 priority in veterans' affairs. Through an annual COLA, we ensure that the value of these essential benefits is not eroded by inflation.

Mr. President, I am deeply disappointed, though, that we are considering at this point a House bill that contains only a COLA, rather than the Senate bill that was recommended by our committee—by voice vote without dissent—and on which I filed a report on August 2. That bill, S. 775, contained other provisions of great importance to disabled veterans and their survivors, including provisions aimed at: First, updating a 1988 law that provided compensation for veterans suffering from diseases related to their exposure to ionizing radiation during military service; and second, providing for the investigation of exposures of service personnel to hazardous levels of radiation from sources other than nuclear detonations.

I have made every effort since I reported S. 775 on August 2 to obtain a time agreement on the bill. I long have indicated my willingness to enter into a time agreement that would have permitted amendments to strike the radiation provisions from the bill. I felt then, and still feel today, that amendments to strike them would win very few votes, but they should be considered by the Senate if any Senator wishes to oppose the provisions.

Mr. President, I assure my colleagues that enactment of the clean COLA we are about to pass will diminish my efforts to enact the radiation provisions in the committee-reported S. 775. I intend to continue to push for enactment of these important provisions.

BUDGET SAVINGS

Mr. President, the pending measure also raises another issue. The controversial scorekeeping rules contained in last year's budget agreement have inspired the Director of the White House Office of Management and Budget, Richard Darman, to claim that enactment of a veterans' compensation COLA lower than the 5.2-percent increase included in OMB's fiscal year 1992 baseline would result in savings that could be used to offset unrelated administration legislation. Under the pay-as-you-go rules, the so-called sequester baseline contains funding for a veterans' compensation COLA at a percentage equal to the veterans' pension COLA, which in turn is, by law, the same percentage as the Social Security COLA. Since the Social Security/VA-pension COLA is 3.7 percent, this year, that also is the percentage for the veterans' compensation program. In an October 1 letter to Representative DAN ROSTENKOWSKI, chairman of the House Committee on Ways and Means, Mr. Darman proposed to use this purported savings—the difference in the cost of a 5.2-percent and a 3.7-percent COLA—to offset the cost of administration proposals that would benefit the Soviet Union and Andean nations.

Mr. President, Mr. Darman thus has proposed to take what he considers a savings in compensation for disabled veterans and their survivors and use it to fund a foreign policy initiative. The distinguished chairman of the Ways and Means Committee, Mr. ROSTENKOWSKI, did not agree.

Mr. President, I ask unanimous consent that the exchange of correspondence between Mr. Darman and Representative ROSTENKOWSKI on this matter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

OFFICE OF MANAGEMENT AND BUDGET,
Washington, DC, October 1, 1991.

Hon. DAN ROSTENKOWSKI,
Chairman, Committee on Ways and Means, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter of September 23rd concerning the potential budgetary impact of the Soviet most-favored-nation (MFN) initiative. You ask that we provide recommendations on appropriate offsets for the Soviet MFN initiative and for the previously submitted Andean Trade Initiative. At the time of my letter of September 19th, the estimated revenue impact of proposed legislation to implement the Andean Trade Initiative was under consideration, as I noted.

Regarding the Soviet MFN Initiative, we estimate that this initiative would decrease net revenue by $19 million in fiscal year 1992. Of this amount, we estimate that reduced revenue from the Baltic Republics (Estonia, Latvia, and Lithuania) would account for less than $1 million. Estimated net revenue losses in fiscal year 1992 from implementation of the Andean Trade Initiative are $18 million.

The estimated revenue losses from the Soviet and Andean trade initiatives in fiscal year 1992 and future years would be more than offset by the impact of legislation enacted as of August 15, 1991, and by the enactment of the following House-passed legislation, which the Administration supports: H.R. 1046, the Veterans Compensation Rate Amendments; and the benefits provisions in Section 632 of H.R. 2100, the fiscal year 1992 National Defense Authorization Act. The decrease in the fiscal year 1992 baseline deficit that would result from this legislation, both enacted and proposed, is $83 million. Estimates of the annual changes in baseline deficits that result from the legislation are listed in the OMB Sequestration Update Report issued on August 20, 1991.

I encourage the Committee to proceed expeditiously to schedule these important trade initiatives.

With best regards,

RICHARD DARMAN,
Director.

COMMITTEE ON WAYS AND MEANS,
Washington, DC, October 4, 1991.

Hon. RICHARD G. DARMAN,
Director, Office of Management and Budget, Washington, DC.

DEAR MR. DIRECTOR: I appreciated receiving your letter of October 1, 1991, providing me with cost estimates for the Soviet Union and Andean trade initiatives and outlining your proposed method for offsetting the revenue losses that would result from these Administration initiatives. Like you, I would like to move as quickly as possible to schedule Committee action on these important trade initiatives, and will do so once I am satisfied that the budgetary consequences of these initiatives are fully offset to avoid any possible mini-sequester later this year.

Upon receipt of your letter, I reviewed the status of the two pending bills that you identified as possible offsets, H.R. 1046, the Veterans Compensation Rate Amendments of 1991, and H.R. 2100, the National Defense Authorization Act. I want you to know that I hesitate to consider either bill as an appropriate financing measure for the Administration's trade initiatives because they do not fall within the legislative jurisdiction of the Committee on Ways and Means. As a strong supporter of the pay-as-you-go rules enacted last year, I firmly believe that it is my responsibility, as Chairman, to ensure that bills reported from this Committee are properly financed by this Committee itself whenever possible.

I am also concerned that the savings you identified may not materialize when the conferences on these two measures are concluded. With respect to H.R. 1046, the cost of living adjustment proposed in the House bill differs from that proposed by the Senate, leaving in question how much will ultimately be saved; in addition, the bill awaits both Senate floor action and a conference. With respect to H.R. 2100, I am told that the Senate counterpart to section 632 of the House bill—which you identify as an appropriate budget offset for the Administration's trade initiatives—is budget-neutral, leaving me uncertain about the prospects for real savings when the bill emerges from conference. Regardless, the timing for final enactment of either of these measures, and the magnitude of ultimate savings, cannot be easily predicted at this time.

Given your suggestion that we use provisions in these two measures to offset the cost of the Administration's trade initiatives, I plan to continue to consult with the two Committees of jurisdiction about the prospects and timing for enactment of the anticipated savings, and will refrain from scheduling action on these trade initiatives until the budget picture is clearer.

I know, Mr. Director, that you share my concern about not advancing legislation in anticipation of enacting savings measures that may never become law, and that you are equally concerned about the detrimental effect of a sequester of Medicare funds, however small. I am also acutely aware of your personal commitment, and that of the Administration, a commitment I fully share, to the pay-as-you-go discipline and budget enforcement provisions enacted last year.

I would suggest, however, that an alternative course, and one I prefer, is available that might expedite consideration of these important trade initiatives—that would be for the Administration to identify budget offsets for these trade initiatives that fall within the jurisdiction of the Committee on Ways and Means. If the Administration is prepared to identify such offsets, I am fully prepared to lay them, as well as the Administration's trade initiatives, before my Committee at the earliest opportunity.

Thank you again, Mr. Director, for your prompt response to my letter and your willingness to explore with me suitable financing measures for these important trade initiatives.

With warm regards, I am

Sincerely yours,

DAN ROSTENKOWSKI,
Chairman.

Mr. CRANSTON. Mr. President, I wish this measure really could be considered to save millions of dollars. That money could be put to very good use to reverse certain cutbacks made in veterans' benefits in last year's Omnibus Budget Reconciliation Act and to make needed improvements in certain veterans' and survivors' benefits.

However, looking ahead to next year, I am concerned that the same approach could work against veterans if the President's COLA estimate turns out to be lower than the actual inflation rate. If, for example, the numbers were reversed and the President's estimate for the COLA was 3.7 percent but the actual rate was 5.2 percent, Mr. Darman's logic would force us to make entitlement cuts in order to enact a compensation COLA equal to the Social Security COLA without triggering a sequester.

CONCLUSION

Mr. President, today we confirmed with VA officials that payments reflecting the COLA will not be delayed if the Senate passes this bill.

Mr. President, I thank the ranking minority member of the committee, Senator SPECTER, for his support of the committee's compensation bill, S. 775—including the radiation provisions. I also thank the other members of the committee who support S. 775 and helped develop that bill. They can count on my continued efforts to pass that important legislation.

Mr. President, despite my disappointments concerning S. 775 and the delay in Senate consideration of that measure, I am pleased that we are about to pass a COLA bill in time to avoid any delay in getting the increase to service-connected disabled veterans and the survivors of veterans who died from service-connected causes.

Mr. President, I urge all of my colleagues to support this measure.

Mr. DOLE. Mr. President, I am in full support of the Veterans' Compensation Rate Amendments of 1991 and I want to applaud the way in which the distinguished chairman of the Veterans' Committee and the ranking Republican member, Senator SPECTER, were able to quickly get this legislation to the floor. Too often in the past the veterans cost-of-living adjustment has been held up because it has been used as a legislative vehicle to carry a host of new programs. Too often our Nation's veterans have had to wait while differences in policy have been ironed out. This year, because of the determination of the Veterans' Committee, veterans and their dependents will not have to wait.

Recently, Secretary Derwinski of the Department of Veterans Affairs, wrote to members of the committee stating that in order for the VA to include the COLA in January checks, congressional action must take place by October 24. Senator CRANSTON and Senator SPECTER immediately got to work on putting together a workable compromise that allowed the veterans' COLA to be cleared of its amendments and brought to the floor for consideration as a separate bill. Through their efforts, and the support of the other members of the Senate Veterans' Committee, we here today can ensure that our veterans and their dependents, will not have to wait to receive the cost-of-living allowance that is their due. This legislation makes sure that the cost-of-living adjustments will be reflected in the January checks of those that have served and sacrificed for our Nation.

Mr. SIMPSON. Mr. President, I am pleased to announce my wholehearted support for H.R. 1046, the Veterans' Compensation Rate Amendments of 1991. In particular, I am quite pleased to see that the House and Senate Veterans' Affairs Committees have now acted in a true spirit of cooperation and concern for our veterans, by rapidly passing this important piece of veterans' legislation.

H.R. 1046 will serve as the single vehicle which provides solely for the veterans' COLA. This will guarantee that our service-connected disabled veterans and their widows and orphans receive their much deserved COLA's in their January checks.

Last year, the Congress failed to pass a COLA for these veterans when the bill became loaded down—and larded down—with unnecessary, costly, and burdensome provisions.

Several of us tried to remedy that situation, and we were poised to pass a bill that would have provided only the COLA, but that effort was stymied by an objection raised in the House of Representatives.

Veterans deserve to have their COLA, without having to depend on Congress to pass separate legislation authorizing it every year. That is why I have introduced separate legislation to provide for an automatic COLA for these veterans.

Let us assure that disabled veterans and their survivors do not have to be faced with this uncertainty ever again.

In the future, I will continue to pledge my efforts to secure rapid consideration and passage of a bill to provide that cost-of-living adjustment just as we have done with this bill.

At the same time, I look forward to the day that this Congress will pass legislation that provides for an automatic cost-of-living adjustment for this class of veterans.

Mr. THURMOND. Mr. President, I rise today to support passage of H.R. 1046, which would provide a cost-of-living adjustment for service-connected disabilities and the rates of dependency and indemnity compensation, DIC for the survivors of certain disabled veterans.

This measure will provide a cost-of-living adjustment of 3.7 percent. This amount is tied to the consumer price index and is equal to the cost-of-living adjustment for Social Security as well as veterans' pensions. The effective date of the increase in veterans' compensation and DIC is to be December 1, 1991, with the increase reflected in the January 1, 1992, payment.

Mr. President, immediate passage of this measure is imperative. According to the Department of Veterans Affairs, it requires nearly 10 weeks of preparation time to make the needed adjustments in its rate tables and computer programs.

Mr. President, I have stated many times that this grateful Nation should care for those who are in any way disabled as a result of their patriotic duty in our Armed Forces. Passage of this measure will allow VA to make the adjustments necessary to assure that these much-needed benefits are timely received. I urge my colleagues to support this important measure.

Mr. MURKOWSKI. Mr. President, as the former ranking Republican of the Veterans' Affairs Committee, I rise today to express my very strong support for H.R. 1046, a bill which would provide a cost-of-living adjustment for veterans' service-connected disability compensation and dependency and indemnity compensation.

I am especially pleased that the passage of this bill—together with prompt approval by President Bush—will ensure that our service-connected disabled veterans and their widows and orphans will receive their cost-of-living increase on time. The increase will now be reflected in checks issued in January.

Mr. President, on Monday, October 21, I received a copy of a letter from VA's Secretary Edward Derwinski stating that there was an urgent need to pass the COLA authorization legislation by October 24 in order to ensure that the increase would be included in January checks.

On October 22, I wrote to the distinguished chairman of the Senate Veterans' Affairs Committee, Mr. CRANSTON, and recommended to him that the Senate quickly take up and pass H.R. 1046 which would provide for such a COLA. I was pleased to learn late last night that indeed Senator CRANSTON agreed with this approach

The veterans COLA has been delayed for the past 3 years. Although eventually veterans received retroactive benefits, this is no way to do business. Therefore, Mr. President, I remain convinced that the annual COLA authorization process is not the best way to achieve the goal of providing COLA's for our veterans. I strongly support a bill introduced by Senator SIMPSON, S. 23, which provides for the indexing of the veterans COLA. I hope that the Senate will debate this issue sometime this year.

I ask unanimous consent that the text of Secretary Derwinski's letter and my letter to Senator CRANSTON be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE SECRETARY OF
VETERANS' AFFAIRS,
Washington, October 15, 1991.

Hon. ARLEN SPECTER,
Ranking Minority Member, Committee on Veterans' Affairs, U.S. Senate, Washington, DC.

DEAR SENATOR SPECTER: This letter is to bring to your attention the urgent need to pass a cost-of-living adjustment (COLA) for veterans' compensation and dependency and indemnity compensation by October 24, 1991. If this does not occur, the Department will be required to make retroactive adjustments for the third straight year.

The enclosed fact sheet outlines the difficulties facing VA and the consequences of a delay. Your cooperation in helping VA provide timely COLA increases will be appreciated.

Similar letters have been sent to Chairman Cranston, Chairman Montgomery and Congressman Stump.

Sincerely yours,
EDWARD J. DERWINSKI.

Enclosure.

FACTSHEET ON COLA

ISSUE

Urgency of passage of COLA by October 24, 1991.

DISCUSSION

VA requires approximately 10 weeks to prepare new rate tables and to reprogram the computers to pay the new rate. If the effective date of the increase in veterans' compensation and DIC is to be December 1, 1991, with the increase reflected in the January 1, 1992, payment, immediate passage of the COLA is imperative.

A second issue to be considered in the timely passage of the COLA is the requirement imposed by section 8005 of Public Law 101-508. When the COLA was passed last year, the legislation directed VA to pay an additional increase for one month, to compensate for the one month delay in last year's increase. The COLA last year was effective January 1, 1991, rather than December 1, 1990.

If the increase is not enacted by October 24, VA would have to make a special one-time retroactive payment covering one month. VA would not be able to do this until about two months after the effective date of the regular increase. For example, if the increase is not enacted until November 15, 1991, the new rates could not be reflected any earlier than the February 1, 1992, check and the one-time payment could not be paid earlier than April 1, 1992.

There is another problem with making a one-time payment retroactively that involves beneficiaries who are receiving compensation or DIC concurrently with service retired pay or Survivor Benefit Plan (SBP). Because of the statutory requirement to offset retired pay or SBP against compensation or DIC payments, VA will not be able to adjust these accounts automatically without creating overpayments in several hundred thousand cases. To avoid these overpayments, VA will be required to adjust 470,000 awards manually, which will be a costly and time-consuming procedure.

U.S. SENATE,
Washington, DC, October 22, 1991.

Hon. ALAN CRANSTON,
Chairman, Committee on Veterans' Affairs, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: Yesterday I received a copy of a letter from VA Secretary Edward Derwinski regarding the VA's urgent need for the Congress to quickly pass a cost-of-living adjustment (COLA) for veterans' compensation and DIC benefits. The Secretary stated that in order for VA to include the COLA in the January checks, Congressional action on the COLA must take place by October 24, 1991.

A House-passed bill (H.R. 1046) which provides solely for the veterans' COLA is being held at the desk and could serve as the vehicle to quickly pass the veterans' COLA. I strongly recommend that the Senate consider H.R. 1046 in an urgent manner.

Our service-connected disabled veterans and their widows and orphans deserve to have their COLA's included in their January checks. Passage of H.R. 1046 would ensure that this most important obligation is met.

Sincerely,
FRANK H. MURKOWSKI,
U.S. SENATOR.

Mr. MURKOWSKI. Mr. President, again I urge my colleagues to support this bill which will ensure that our veterans receive a COLA on time.

Thank you, Mr. President.

Mr. SPECTER. Mr. President, as ranking Republican member of the Committee on Veterans' Affairs, I am pleased to support passage of H.R. 1046, the Veterans Compensation Rate Amendments of 1991, as amended by the committee.

This bill would authorize cost-of-living allowances by increasing the statutory rates of disability compensation paid to service-disabled veterans and of dependency and indemnity compensation [DIC] paid to the survivors of veterans who die as a result of service. The percentage increase—3.7 percent—is based on the increase in the consumer price index [CPI], and is the same percentage as will be provided to

Social Security recipients and VA pension beneficiaries. The proposed rate adjustment is thus designed to assure that these beneficiaries keep abreast of the increasing cost of living.

Ensuring that compensation and DIC keep pace with the cost of living is among the most important missions of the Congress. Since 1973, legislation has been enacted every year but one, 1983, granting increases in these benefits to America's most deserving beneficiaries.

I am pleased, Mr. President, that we are able to keep our faith with these veterans and survivors. I look forward to rapid House and White House action so that these beneficiaries will see the increased rates in their January checks.

I urge my colleagues to support this important bill.

AMENDMENT NO. 1275

(Purpose: to make revisions in the rates of disability compensation, dependency and indemnity compensation, and other compensation, and for other purposes)

Mr. MITCHELL. Mr. President, on behalf of Senator CRANSTON, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Maine [Mr. MITCHELL], for Mr. CRANSTON, proposes an amendment numbered 1275.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE; REFERENCES TO TITLE 38, UNITED STATES CODE.

(a) Short Title.—This Act may be cited as the "Veterans' Compensation Rate Amendments of 1991".

(b) References.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

SEC. 2. DISABILITY COMPENSATION.

(a) 3.7-Percent Increase.—Section 1114 is amended—

(1) by striking out "$80" in subsection (a) and inserting in lieu thereof "$83";

(2) by striking out "$151" in subsection (b) and inserting in lieu thereof "$157";

(3) by striking out "$231" in subsection (c) and inserting in lieu thereof "$240";

(4) by striking out "$330" in subsection (d) and inserting in lieu thereof "$342";

(5) by striking out "$470" in subsection (e) and inserting in lieu thereof "$487";

(6) by striking out "$592" in subsection (f) and inserting in lieu thereof "$614";

(7) by striking out "$748" in subsection (g) and inserting in lieu thereof "$776";

(8) by striking out "$865" in subsection (h) and inserting in lieu thereof "$897";

(9) by striking out "$974" in subsection (i) and inserting in lieu thereof "$1,010";

(10) by striking out "$1,620" in subsection (j) and inserting in lieu thereof "$1,680";

(11) in subsection (k)—

(A) by striking out "$66" both places it appears and inserting in lieu thereof "$68"; and

(B) by striking out "$2,014" and "$2,823" and inserting in lieu thereof "$2,089" and "2,927", respectively;

(12) by striking out "$2,014" in subsection (l) and inserting in lieu thereof "$2,089";

(13) by striking out "$2,220" in subsection (m) and inserting in lieu thereof "$2,302";

(14) by striking out "$2,526" in subsection (n) and inserting in lieu thereof "$2,619";

(15) by striking out "$2,823" each place it appears in subsections (o) and (p) and inserting in lieu thereof "$2,927";

(16) by striking out "$1,212" and "$1,805" in subsection (r) and inserting in lieu thereof "$1,257" and "$1,872", respectively; and

(17) by striking out "$1,812" in subsection (s) and inserting in lieu thereof "$1,879".

(b) Special Rule.—The Secretary of Veterans Affairs may adjust administratively, consistent with the increases authorized by this section, the rates of disability compensation payable to persons with the purview of section 10 of Public Law 85-857 who are not in receipt of compensation payable pursuant to chapter 11 of title 38, United States Code.

SEC. 3. ADDITIONAL COMPENSATION FOR DEPENDENTS.

Section 1115(1) is amended—

(1) by striking out "$96" in clause (A) and inserting in lieu thereof "$100";

(2) by striking out "$163" and "$50" in clause (B) and inserting in lieu thereof "$169" and "$52", respectively;

(3) by striking out "$67" and "$50" in clause (C) and inserting in lieu thereof "$69" and "$52", respectively;

(4) by striking out "$77" in clause (D) and inserting in lieu thereof "$80";

(5) by striking out "$178" in clause (E) and inserting in lieu thereof "$185"; and

(6) by striking out "$149" in clause (F) and inserting in lieu thereof "$155".

SEC. 4. CLOTHING ALLOWANCE FOR CERTAIN DISABLED VETERANS.

Section 1162 is amended by striking out "$436" and inserting in lieu thereof "$452".

SEC. 5. DEPENDENCY AND INDEMNITY COMPENSATION FOR SURVIVING SPOUSES.

Section 1311 is amended—

(1) by striking out the table in subsection (a) and inserting in lieu thereof the following:

"Pay grade	Monthly rate	Pay grade	Monthly rate
E–1	$616	W–4	$884
E–2	635	O–1	780
E–3	652	O–2	805
E–4	693	O–3	862
E–5	711	O–4	912
E–6	727	O–5	1,005
E–7	762	O–6	1,134
E–8	805	O–7	1,225
E–9	[1] 841	O–8	1,343
W–1	780	O–9	1,440
W–2	811	O–10	[2] 1,580
W–3	835		

"[1] If the veterans served as sergeant major of the Army, senior enlisted advisor of the Navy, chief master sergeant of the Air Force, sergeant major of the Marine Corps, or master chief petty officer of the Coast Guard, at the applicable time designated by section 1302 of this title, the surviving spouse's rate shall be $907.

"[2] If the veteran served as Chairman or Vice-Chairman of the Joint Chiefs of Staff, Chief of Staff of the Army, Chief of Naval Operations, Chief of Staff of the Air Force, Commandant of the Marine Corps, or Commandant of the Coast Guard, at the applicable time designated by section 1302 of this title, the surviving spouse's rate shall be $1,693.";

(2) by striking out "$68" in subsection (b) and inserting in lieu thereof "$71";

(3) by striking out "$178" in subsection (c) and inserting in lieu thereof "$185"; and

(4) by striking out "$87" in subsection (d) and inserting in lieu thereof "$90".

SEC. 6. DEPENDENCY AND INDEMNITY COMPENSATION FOR CHILDREN.

(a) DIC for Orphan Children.—Section 1313(a) is amended—

(1) by striking out "$299" in clause (1) and inserting in lieu thereof "$310";

(2) by striking out "$431" in clause (2) and inserting in lieu thereof "$447";

(3) by striking out "$557" in clause (3) and inserting in lieu thereof "$578"; and

(4) by striking out "$557" and "$110" in clause (4) and inserting in lieu thereof "$578" and "$114", respectively.

(b) Supplemental DIC for Disabled Adult Children.—Section 1314 is amended—

(1) by striking out "$178" in subsection (a) and inserting in lieu thereof "$185";

(2) by striking out "$299" in subsection (b) and inserting in lieu thereof "$310"; and

(3) by striking out "$151" in subsection (c) and inserting in lieu thereof "$157".

SEC. 7. EFFECTIVE DATE FOR RATE INCREASES.

The amendments made by this Act shall take effect on December 1, 1991.

The PRESIDING OFFICER. If there be no further amendment to be proposed, the question is on agreeing to the amendment (No. 1275), in the nature of a substitute.

The amendment was agreed to.

The PRESIDING OFFICER. The question is on the engrossment of the amendment and third reading of the bill.

The amendment was ordered to be engrossed, and the bill to be read third time.

The bill was read a third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass?

So the bill (H.R. 1046), as amended, was passed.

Mr. MITCHELL. Mr. President, I move to reconsider the vote by which the bill as amended, was passed.

Mr. LOTT. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MOST-FAVORED-NATION TREATMENT TO THE PRODUCTS OF THE PEOPLE'S REPUBLIC OF CHINA

Mr. Mitchell. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on H.R. 2212.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the House disagree to the amendments of the Senate to the bill (H.R.

2212) entitled "An Act regarding the extension of most-favored-nation treatment to the products of the People's Republic of China, and for other purposes", and ask a conference with the Senate on the disagreeing votes of the two Houses thereon.

Ordered, That the following Members be the managers of the conference on the part of the House:

From the Committee on Ways and Means, for consideration of the House bill, and the Senate amendment, and modifications committed to conference: Mr. Rostenkowski, Mr. Gibbons, Mr. Jenkins, Mr. Downey, Mr. Pease, Mr. Archer, Mr. Vander Jagt, and Mr. Crane.

As additional conferees from the Committee on Foreign Affairs, for consideration of sections 1 through 3 of the Senate amendment, and modifications committed to conference: Mr. Fascell, Mr. Solarz, Mr. Faleomavaega, Mr. Broomfield, and Mr. Leach.

Mr. MITCHELL. Mr. President, I ask that the Senate insist on its amendment and agree to the request of the House for a conference on the disagreeing votes of the two Houses and that the Chair be authorized to appoint conferees.

There being no objection, the Presiding Officer [Mr. EXON] appointed Mr. BENTSEN, Mr. MOYNIHAN, Mr. MITCHELL, Mr. PACKWOOD, and Mr. DOLE conferees on the part of the Senate.

U.S. COMMISSION ON CIVIL RIGHTS EXTENSION ACT

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 272, H.R. 3350, a bill to extend the U.S. Civil Rights Commission.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

A bill (H.R. 3350) to extend the United States Commission on Civil Rights.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 1276

Mr. MITCHELL. Mr. President, on behalf of Senators SIMON and HATCH, I send a substitute amendment to the desk and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Maine [Mr. MITCHELL], for Mr. SIMON (for himself and Mr. HATCH), proposes an amendment numbered 1276.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "United States Commission on Civil Rights Reauthorization Act of 1991."

SEC. 2. ANNUAL REPORT.

Section 5 of the United States Commission on Civil Rights Act of 1983 (42 U.S.C. 1975c) is amended by adding at the end the following: "The Commission shall, in addition to any other reports under this section, submit at least one annual report that monitors Federal civil rights enforcement efforts in the United States to Congress and to the President.".

SEC. 3. REAUTHORIZATION.

Section 7 of the United States Commission on Civil Rights Act of 1983 (42 U.S.C. 1975e) is amended to read as follows:

"SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to carry out this Act $7,159,000 for fiscal year 1992, and an additional $1,200,000 for fiscal year 1992 to relocate the headquarters office.".

SEC. 4. TERMINATION.

Section 8 of the United States Commission on Civil Rights Act of 1983 (42 U.S.C. 1975f) is amended by striking "1991" and inserting "1994."

SEC. 5. COMMISSION CHAIR AND VICE CHAIR.

Section 2(c), subsections (a), (d), and (f) of section 3 and section 6(f) of the United States Commission on Civil Rights Act of 1983 (42 U.S.C. 1975(c), 1975a (a), (d), and (f), and 1975d (f)) are amended by striking "Chairman" each place the term appears and inserting "Chairperson."

Mr. SIMON. Mr. President, I am pleased to announce that we have reached a bipartisan agreement on reauthorization of the U.S. Commission on Civil Rights.

This legislation is the product of a Constitution Subcommittee hearing held over the summer at which civil rights organizations and the Commission testified and numerous discussions among Democrats and Republicans, House and Senate committees, the Commission and other interested parties.

The substitute to the House bill that Senator HATCH and I offer today extends the life of the Commission on Civil Rights for 3 years until the end of fiscal year 1994. This represents a genuine compromise. The original bill I introduced sought a 4-year reauthorization. The administration sought 10 years and the Commission sought 25 years. The House-passed bill would have reauthorized the Commission for 2 years. Each of us has had to come up or come down from our original positions.

There were numerous reforms that I and others sought for the Commission that are not contained in the legislation we have agreed to. But that is the essence of compromise and we will all have significant opportunities to work with the Commission to enable it to respond to the civil rights challenges in the 1990's and shape the national agenda.

For the fiscal year we are now in, fiscal year 1992, the Commission is authorized for $7.159 million of appropriations. This is the same amount that is contained in the Commerce-Justice-State appropriations bill.

We have also authorized $1.2 million in supplemental appropriations which will enable the Commission to relocate its headquarters to Capitol Hill. Because of extensive fire safety deficiencies at the Commission's current downtown location, the General Services Administration will not renew the Commission's lease and requires it to incur expenses this fiscal year in order to be able to move in November 1992.

Mr. President, I ask unanimous consent that a letter from the General Services Administration to the U.S. Commission on Civil Rights be printed in the RECORD, along with a seven-paragraph summary enumerating Commission moving and related expenses.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

GENERAL SERVICES ADMINISTRATION, NATIONAL CAPITAL REGION,
Washington, DC, April 22, 1991.

MS. BETTY EDMISTON,
Chief, Administrative Services, U.S. Commission on Civil Rights, Washington, DC.

DEAR MS. EDMISTON: I would like to update you on the status of space occupied by the U.S. Commission on Civil Rights (CCR) in Thomas Circle South, 1121 Vermont Avenue, NW, Washington, DC.

The lease for CCR's existing space expires November 22, 1992. This building at 1121 Vermont Avenue, NW, has extensive fire safety deficiencies. Due to the severity of these deficiencies, the General Services Administration (GSA) will not renew the lease. CCR will need to vacate the space at the expiration of the lease in November, 1992. The safety of Federal employees is a high priority for GSA; therefore, CCR will move to a building offering quality safety for its tenants.

We will continue communications for the development of your relocation space. If you have any questions regarding CCR's space, please do not hesitate to contact myself or Ms. Susan Shircliff of my staff on 708-9000.

Sincerely,

RON KENDALL,
Chief,
Assignment and Acquisition Branch.

ADDITIONAL INFORMATION RELATED TO THE RELOCATION OF COMMISSION OFFICES IN WASHINGTON, DC

The Commission's relocation of its headquarters and Eastern Regional Division is being planned for October-November 1992, to coincide with the completion of the Judiciary Office Building and the expiration of our lease at 1121 Vermont Avenue, N.W. The General Services Administration has advised that extensive fire safety deficiencies exist in our current location and that they will not extend our current lease.

In order to adequately prepare for our relocation which will occur very early in FY 93, contractual arrangements must be finalized and funds obligated in FY 92. Because leadtimes on acquisitions may take as long as four months from the time an order is placed until delivery, it is imperative that FY 92 funds be provided for relocation-related expenses.

We anticipate the largest relocation expense to be a one-time space build-out cost for drywall installation, carpeting, lighting, electrical and telephone outlets, locks, etc. At the current time, the General Services Administration is conducting discussions with the construction contractor for the Judiciary Office Building on build-out costs. While exact costs are not yet known, GSA informally advised that the original ballpark estimate was approximately $600,000.

In relocating the Commission's headquarters and Eastern Regional Division to the Judiciary Office Building, the General Services Administration reviewed space requirements for the Commission and made a final determination on the exact quantity of square feet to be allotted us. As a result, offices are being downsized and new, smaller size furniture is needed to ensure office efficiency and good space utilization. Exclusive of minor furniture purchases, the Commission has not acquired new furniture in many years. The acquisition of new furniture is required in FY 92 to ensure delivery, inspection, placement, and installation prior to our move in October-November. While the acquisition for furniture has not yet been initiated, we anticipate a FY 92 expense of approximately $500,000.

The Commission is currently utilizing an older telephone system which is no longer in production. Telecommunications consultants for the Judiciary Office Building have advised that our old, non-electronic system is not compatible with the telecommunications system wiring for the new building. The acquisition of a new telephone system, with an expense of approximately $170,000, will need to be finalized in FY 92 to ensure delivery, installation and the completion of testing prior to our relocation in October-November 1992.

In addition to the above, the Commission anticipates numerous other smaller dollar expenses related to the relocation. For example, new stationary and envelopes will have to be printed, computers and computer wiring will have to be de-installed and reinstalled, etc., prior to our move in October-November 1992. As with the other items noted above, acquisitions must be finalized in FY 92 to ensure timely delivery coinciding with our move.

Should funding not be made available in FY 92 for relocation-related expenses, the Commission would be forced to continue to reside in a location which has been determined unsafe for Federal employees. Attached for your information is a copy of the letter from GSA advising of the severity of the problems with our current space and informing us of our forced relocation.

Mr. SIMON. Mr. President, in fiscal years 1993 and 1994, no set authorization is specified in the Simon/Hatch amendment. Under current law, when the Commission is not authorized appropriations, it is required to terminate its operation. Under the Simon/Hatch amendment, this will not be the case. In the absence of further legislation that enacts a different level of appropriations for fiscal years 1993 or 1994, the current authorization of $7.159 million will remain in effect for each of those fiscal years.

While we certainly expect to be closely reviewing the Commission's operations and authorization, a failure on Congress' part to agree to subsequent authorizations will not require the Commission to shut down prior to September 30, 1994.

Mr. President, let me be clear about what we are doing today. As chairman of the Senate Subcommittee on the Constitution, I believe that the Commission has taken some positive steps forward since its last reauthorization. I am aware, however, that the Commission has not been restored to its previous and historic status as the widely regarded conscience of the Nation on civil rights matters. Under its new Chairman, Arthur Fletcher, the Commission has begun to work more in unison than it has in the past.

Many individuals on both sides of the aisle raised serious concerns about the lack of written work product from the Commission in the past few years. On the positive side, the Commission has issued reports on the Indian Civil Rights Act, economic status of black women, bigotry and violence on American college campuses, and other subjects. Its State advisory committees have also been active. The Commission has provided me a list of its accomplishments and I ask unanimous consent that it be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. COMMISSION ON CIVIL RIGHTS ACCOMPLISHMENTS DURING CURRENT AUTHORIZATION

REPORTS

The Indian Civil Rights Act Report.

The Economic Status of Black Women: An Exploratory Investigation.

Report of the U.S. Commission on Civil Rights on the Civil Rights Act of 1990.

Bigotry and Violence on American College Campuses.

Intimidation and Violence: Racial and Religious Bigotry in America.

STATE ADVISORY COMMITTEE REPORTS

Efforts to Promote Housing Integration in Atrium Village and the South Suburbs (IL).

Bigotry and Violence on Missouri's College Campuses (MO).

Bigotry and Violence on Nebraska's College Campuses (NE).

Reporting and Bias-Related Incidents in Pennsylvania (PA).

Implementing the 1988 Fair Housing Amendments Act (PA).

Bigotry and Violence in Rhode Island (RI).

Early Childhood Education Issues in Texas; Implications for Civil Rights (TX).

Housing and Utility Rate Issues on Reservations/North Dakota (ND).

Rights of the Hearing Impaired (IL).

Ageism Affecting the Hiring and Employment of Older Workers (VT).

Police-Community Relations in Tampa An Update (FL).

Recent Decisions of the Supreme Court and the Proposed Civil Rights Act of 1990 and 1991 (DE & PA).

Fair and Open Environment? Bigotry and Violence on College Campuses in California (CA).

In-School Segregation in North Carolina Public Schools (NC).

Reversing Political Powerlessness for Black Voters in South Carolina (SC).

Community Perspectives on the Massachusetts Civil Rights Act (MA).

Implementation in Arizona of the Immigration Reform and Control Act (AZ).

OTHER

Statement on the Elimination of Race Baiting in Election Campaigns.

Changing Perspectives on Civil Rights—Nashville, TN.

Changing Perspectives on Civil Rights—Los Angeles, CA.

Statement on Minority Scholarship.

Mr. SIMON. Mr. President, in light of the reasonable concerns about the Commission's reporting on Federal civil rights enforcement, the new bill requires the Commission to issue at least one report annually to the President and Congress on some aspect of this issue. We are mindful of the Commission's resources and do not expect this report to be exhaustive on every aspect of every Federal agency's civil rights enforcement role.

Nonetheless, the Commission's Chairman has testified that monitoring Federal civil rights enforcement is the Commission's No. 1 priority. Therefore, the bill expects annual reporting on this subject as a core responsibility of the Commission. If the Commission is successful in its mission, I expect its appropriations to grow in the future and the resources it can devote to both the substance of this report and additional reports will correspondingly grow.

Finally, Mr. President, let me say that the work of the Commission has never been as important as it is today. The Commission, since its inception in 1957, has taken this Nation and often led the Congress and the President through traumatic and challenging times on civil rights. As the fights for equality for African-Americans and women have been won, the Nation as a whole has gained. Clearly, the national effort in these areas is not over and the Commission's vigorous return to the effort is essential.

As the Nation becomes more diverse with growing populations of Hispanic and Asian-Americans, with more and more barriers to the workplace, schools, and accommodations for the disabled individuals dropping, and a greater understanding, even in recent weeks, of gender discrimination and sex harassment, additional challenges for true equality are ahead of us. We need a strong and independent U.S. Commission and Civil Rights to help guide the Nation as it has done before. The Commission ought to be looking at the conditions for these populations and taking the lead. It has started to do that in some areas but it needs to do more.

The Constitution Subcommittee will continue to monitor the progress on civil rights in the Nation and the Commission's role in that progress. This reauthorization bill enables the Commission to take an active role in civil rights over the next 3 years.

Mr. HATCH. Mr. President, I am pleased to have played a part in working out this compromise measure to preserve the U.S. Commission on Civil Rights. While it is far from a perfect measure, I believe it is worthy of the Senate's support. I want to commend Senator PAUL SIMON and his staff, Susan Kaplan, John Trasvina, and Brant Lee, for their efforts in preserving the Commission.

I earlier sponsored legislation extending the Commission for 10 years. I believed such an extension would stop the Commission from being a political football, always worrying about whether it will continue in existence for more than 1 or 2 years. Senator SIMON favored a 4-year extension, also a reasonable extension. Unfortunately, the House of Representatives passed legislation extending the Commission's life for only 2 years, and slashing its already slender funding.

I am disappointed that we could only agree on a 3-year extension, with an authorization for funding for 1 year. It may be that there are those who wish to keep the Commission on a short leash, until it is brought to heel and reflect a monolithically liberal outlook, as it had prior to 1984.

I have also reluctantly agreed that the Commission be required to file an annual report on some aspect of Federal civil rights enforcement. While I have no quarrel with the requirement that the Commission file an annual report, I believe it infringes upon the independence of the Commission to dictate the subject of those reports. With its limited resources, the Commission will not have the flexibility to address new civil rights issues or more timely issues because of this specific mandate. It is ironic that some of those who purportedly were concerned about the Commission's independence in the 1980's now wish to infringe on that independence.

In order to resolve the dispute on these matters, I have agreed to support this compromise. But if the Commission continues to be used as a political football by those who wish it to toe a particular line, and if the Commission performs as if it has to toe that line in order to survive rather than reach independent findings, then I believe its future will remain in doubt for the foreseeable future.

The PRESIDING OFFICER. If there be no further amendment to be proposed, the question is on agreeing to the (No. 1276) in the nature of a substitute.

The amendment was agreed to.

The PRESIDING OFFICER. The question is on the engrossment of the amendment and third reading of the bill.

The amendment was ordered to be engrossed, and the bill to be read third time.

The bill was read a third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass?

So the bill (H.R. 3350), as amended, was passed.

Mr. MITCHELL. Mr. President, I move to reconsider the vote by which the bill as amended, was passed.

Mr. LOTT. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

NATIONAL MEMORIAL CEMETERY OF ARIZONA

Mr. MITCHELL. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on S. 1823.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 1823) entitled "An Act to amend the Veterans' Benefit and Services Act of 1988 to authorize the Department of Veterans Affairs to use for the operation and maintenance of the National Memorial Cemetery of Arizona funds appropriated during fiscal year 1992 for the National Cemetery System", do pass with the following amendment:

Strike out all after the enacting clause and insert:

SECTION 1. NATIONAL MEMORIAL CEMETERY OF ARIZONA.

(a) IN GENERAL.—Subsection (f) of section 346 of the Veterans' Benefits and Services Act of 1988 (102 Stat. 541) is amended—

(1) by striking out paragraph (1) and redesignating paragraphs (2) and (3) as paragraphs (1) and (2), respectively;

(2) in paragraph (1) (as redesignated by paragraph (1) of this section)—

(A) by striking out subparagraph (B);

(B) by striking out "(A) Subject to subparagraph (B), in" and all that follows through "section 903(b)(1)" and inserting in lieu thereof "In addition to amounts made available to carry out chapter 24 of title 38, United States Code, in the three-year period beginning on the date on which the conveyance under subsection (a) is made, the Secretary shall use amounts available for payments under section 2303(b)(1) of such title"; and

(C) by adding at the end thereof the following:

"The amount the Secretary may use under such section 2303(b)(1) during a year for the purposes of this subsection may not exceed the greater of—

"(A) the amount that the Secretary estimates would have been obligated for payment during that year pursuant to such section 2303(b)(1) in connection with the burial of deceased veterans had the cemetery not been transferred to the Department of Veterans Affairs; or

"(B) the amount obligated for the purposes of such payment during fiscal year 1987.".

(b) TECHNICAL AMENDMENT.—Section 346 of the Veterans' Benefits and Services Act of 1988 (102 Stat. 541) is amended—

(1) by striking out "Administrator" the first place it appears and inserting in lieu thereof "Secretary of Veterans Affairs"; and

(2) by striking out "Administrator" each subsequent place it appears and inserting in lieu thereof "Secretary".

Mr. MITCHELL. Mr. President, I move that the Senate concur in the amendment of the House.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

Mr. MITCHELL. I move to reconsider the vote.

Mr. LOTT. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

PROMOTION AND MAINTENANCE OF A CEASE-FIRE IN YUGOSLAVIA

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Senate Resolution 210, a resolution submitted earlier today by Senators LEVIN and GORE regarding the violence in Yugoslavia.

The PRESIDING OFFICER. The clerk will report the resolution.

The bill clerk read as follows:

A resolution (S. Res. 210) relating to violence in Yugoslavia.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 210) was agreed to.

The preamble was agreed to.

The resolution and its preamble are as follows:

S. RES. 210

Whereas, continued violence and unrest in Yugoslavia will jeopardize the stability and security of central Europe, and could threaten vital interests of the United States: Now, therefore, be it

Resolved, Therefore, that it is the sense of the Senate that:

The Senate urges the President to provide active leadership in encouraging the United Nations to promote and maintain a cease-fire, and to support by any appropriate actions the resolutions of the Security Council, including consideration of sending a peacekeeping force to Yugoslavia which would help preserve a cease-fire.

Mr. MITCHELL. I move to reconsider the vote.

Mr. LOTT. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

UNANIMOUS-CONSENT AGREEMENT

Mr. MITCHELL. Mr. President, as if in executive session, I ask unanimous consent that on Monday, November 4, the Senate proceed into executive session to consider the nomination of Robert M. Gates to be Director of Central Intelligence at 12 noon on that day, notwithstanding the provisions of rule XXII; that debate on the nomination be considered during the session of the Senate on Monday; that debate on the nomination resume on Tuesday, November 5, at 10 a.m.; that the Senate stand in recess from 12:30 p.m. until 2:15 p.m. for the two-party conferences; that debate on the nomination extend from 2:15 p.m. until 6 p.m., and that no later than 6 p.m. the Senate proceed to vote on the confirmation of the Gates nomination.

I further ask unanimous consent that the time allocated for debate on the nomination during Tuesday's session be equally divided and controlled between Senators BOREN and BRADLEY.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request?

Mr. LOTT. Reserving the right to object, Mr. President, I will not object. Just one clarification. Earlier I thought it indicated that the vote would occur at 6, but it now says not later than 6 p.m.

Mr. MITCHELL. Mr. President, this was the change made at the suggestion of Senator BRADLEY who will control the time in opposition and indicated that he may not use all of the time and may be willing to yield some of it.

What I am going to announce, if this unanimous-consent request is agreed to, is that the vote will occur no earlier than 2:15 p.m. and no later than 6 p.m.

Mr. LOTT. Mr. President, I thank the leader for that clarification. I withdraw my reservation.

The PRESIDING OFFICER. Without objection, the unanimous-consent request by the majority leader is agreed to.

Mr. LOTT. Mr. President, if the leader will yield for one further clarification, does that mean then there will not be any votes on Monday?

Mr. MITCHELL. Yes. I am about to announce that.

Mr. LOTT. I thank the leader.

ORDERS FOR NOVEMBER 4 AND 5, 1991

Mr. MITCHELL. Mr. President, and Members of the Senate, in light of this agreement just obtained regarding the Gates nomination, there will be no rollcall votes on Monday, November 4, and the first rollcall vote on Tuesday, November 5 will occur not prior to 2:15 p.m. at the close of the party conferences.

If all time is used on the debate of the nomination, the vote will occur at 6 p.m. on Tuesday.

If some portion of that time is yielded back, the vote will occur between 2:15 p.m. and 6 p.m., but no earlier than 2:15 and no later than 6; so that Senators may now be assured that there will be no votes on Monday, November 4, and on Tuesday, November 5, until 2:15 p.m. at the earliest. The time during that 2-day period will be used for debate on the Gates nomination. Any Senator who wishes to address the Senate should be prepared to be here and debate on that day. During the first day, the debate will be open to any Senator who wishes to address the Senate. On the second day, Tuesday, November 5, the time will be equally divided and controlled between Senator BOREN and Senator BRADLEY.

The PRESIDING OFFICER. Is there further business to come before the Senate?

ORDERS FOR TOMORROW

Mr. MITCHELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 9:15 a.m. on Tuesday, October 29; that when the Senate reconvenes on Tuesday, October 29, the Journal of the proceedings be deemed to have been approved to date, the call of the calendar be waived, and no motions or resolutions come over under the rule; that the morning hour be deemed to have expired.

I further ask unanimous consent that the time for the two leaders be reserved for their use later in the day, and that there then be a period for morning business not to extend beyond 9:30 a.m., with Senators permitted to speak therein for up to 5 minutes each; further, that on Tuesday, October 29, the Senate stand in recess from 12:30 p.m. until 2:15 p.m. in order to accommodate the respective party conferences.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

ADJOURNMENT UNTIL TOMORROW AT 9:15 A.M.

Mr. MITCHELL. If there is no further business today, I now ask unanimous consent that the Senate stand adjourned as previously ordered.

There being no objection, the Senate, at 8:43 p.m., adjourned until Tuesday, October 29, 1991, at 9:15 a.m.

EXTENSIONS OF REMARKS

BUTTRESSING THE BIG BANKS

HON. BYRON L. DORGAN

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 28, 1991

Mr. DORGAN of North Dakota. Mr. Speaker, as the debate begins on H.R. 6, the Financial Institutions Safety and Consumer Choice Act of 1991 this week, I commend to my colleagues the following editorial entitled "Buttressing the Big Banks" that was recently featured in the Washington Post.

The editorial highlights the catastrophic consequences that have occurred because banks chasing higher yields engaged in risky practices such as lending billions of dollars to corporate takeover artists or hostile takeovers—nearly 1,000 banks went belly up and hundreds of others on the brink of failure.

I, along with Congressmen OBEY and PENNY, have proposed an amendment to the banking bill to prohibit any insured depository institution and any affiliate of any insured depository institution from engaging in risky highly leveraged financing transactions [HLFT] that extend to leveraged buyouts or hostile takeovers. We believe that the amendment is necessary to ensure the safety and soundness of insured depository institutions and to limit unjustifiable exposure to Federal deposit insurance funds.

Let me point out that not all leveraged transactions are bad. Some are particularly important to small- and medium-sized businesses that need capital for which to grow. That is why we have exempted from the HLFT definition loans to any obligor in which the total financing package, including all obligations held by all participants, does not exceed $20 million at the time of origination. But, it has been clear to me that highly leveraged financing for hostile takeovers and other megamergers is not only unhealthy for our economy, but it also threatens the long-term viability of the deposit insurance fund system. We can no longer afford to insulate the dealmakers and Wall Street crowd who would exploit Federal deposit guarantees to help assemble these transactions.

BUTTRESSING THE BIG BANKS

(By Jerry Knight)

America's largest banks are in bigger trouble than government officials and the banks themselves have publicly admitted, and many congressional and private banking experts question whether the industry will be able to solve its problems without direct help from taxpayers.

Congress this week will vote on the Bush administration's request to arrange a huge loan to the Federal Deposit Insurance Corp. to pay for bank failures.

The banking industry is supposed to pay back the money—with interest—so that ordinary taxpayers never feel the bite. But congressional Democrats and many banking economists fear that U.S. banking is simply too weak to repay the money.

The unprecedented loan from the U.S. Treasury is only one part of what Cleveland State University economist Edwin Hill believes will be a $200 billion investment needed to restore the health of the banking industry.

The banking industry's trouble is concentrated in 158 large banks, each with assets of more than $1 billion, according to Hill and economist Roger Vaughan, who are researching the industry for a book on the future of American finance to be published by The Washington Post. "We're dealing with a group of crippled giants," said Hill. Those big banks alone will need to raise at least $64 billion in new capital to operate safely, Hill and Vaughan calculate. The rest of the country's banks will need another $56 billion, the economists concluded later a massive computer analysis of the balance sheets of every one of the country's more than 12,000 banks.

In addition, they say, the banks will also be called on to put up more than $50 billion to repay depositors in failed banks, and an additional $30 billion to rebuild the federal government's bank insurance fund. The economists estimates exceed the FDIC projection that bank failures will cost at least $30 billion and as much as $44 billion. The FDIC is seeking congressional authority to borrow as much as $70 billion to cover operating expenses.

The banking industry is in trouble because of a series of ill-fated decisions over the last decade to lend money to Third World countries, corporate takeover artists and real estate developers who ended up not being able to repay their loans. Those bad loans have caused nearly 1,000 banks to fail, left hundreds more on the brink of failure and badly eroded the capital reserves of another 2,000 banks.

Banking industry officials do not dispute, the need for a huge infusion of new capital, but they say private investment can meet the need. Banks can sell stock, they can earn profits that can be reinvested, they can merge with stronger banks that have plenty of capital.

Banks need capital as a reserve to protect themselves against losses on their loans. Unless the banks can rebuild their capital, they will not be able to make the loans needed to help generate economic growth. The depleted capital and weakened condition on the banks is one reason some businesses are having trouble getting loans, a development that is delaying the nation's recovery from the recession.

The faltering health of the banks has implications not only for the economy, but also for politics. In a briefing on banking legislation last week, House Speaker Thomas S. Foley (D-Wash.) was warned that even if Congress approves the $70 billion line of credit to the FDIC sought by the White House, the banking industry may need direct taxpayer help before the 1992 presidential election.

That could be a major embarrassment for the administration's banking regulators, who have been insisting for two years that they have the banking crisis under control and that they will allow it to become a replay of the savings and loan cleanup, which is expected to cost taxpayers $160 billion, plus interest.

The banking industry's problems do not approach the scale of the S&L disaster, and not even the most pessimistic analysts expect the banking situation to get that bad.

More than 9,700 of the nation's 12,000 banks are solidly healthy, Hill and Vaughan calculated from data provided by Ferguson & Co., a research and consulting firm based in Washington and Dallas. More than 88 percent of the 12,000 U.S. banks made money in the first half of the year, and the earnings of many banks improved in the third quarter, earnings reports issued in the past few days show.

But profits for the industry as a whole were down 12 percent in the first half of the year, and some of the nation's biggest and most troubled banks suffered even more devastating losses in the third quarter. An $886 million loss was reported by New York's Citicorp, the nation's biggest banking company, a $508 million loss was recorded by Security Pacific Corp. of Los Angeles and a $50 million loss was suffered by C&S/Sovran Corp. of Norfolk and Atlanta.

All three are among the group Vaughan calls "crippled giants."

Nationwide, one out of every eight banks is losing money, hundreds more are earning puny profits and a substantial number of others are hiding their losses with accounting decisions that cover up their true condition, according to banking industry analyst Alex Sheshunoff, president of Alex Sheshunoff & Co. in Austin, Tex.

Bank analysts and government regulators say openly that many banks are masquerading as profitable—or understanding their losses— by refusing to set aside sufficient reserves to cover their losses on bad real estate loans. Banks are supposed to put some of their profits into a loan-loss reserve whenever it appears probable that a loan on which payments are past due will have to be charged off as a loss.

"Our major concern is that some banks, particularly in the Northeast, are not yet dealing with the reality of their nonperforming [past due] loans by setting up sufficient loan-loss reserves to account for future chargeoffs," said Sheshunoff.

Though banks' bad loans grew by billions of dollars in the first half of the year, their loss reserves continued to shrink, he noted. Only two years ago, banks had enough reserves to cover 86 percent of their loss, but that ratio was down to less than 65 percent as of June 30. "They have discretion over what they put in reserves," Sheshunoff added. "But when the nonperformers go up and the reserves go down, it becomes harder to justify."

Some of the strongest banks, such as Wachovia Bank and Trust in North Carolina, Bank One in Ohio and Moragan Guaranty Trust Co, in New York have enough reserves to cover all their bad real estate loans, noted Auburn University economist James Barth.

Banks that don't set aside reserves for losses "are able to postpone the recognition of problems," said Barth. "Those accounting

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

techniques give you time, breathing room, but you can't paper over problems year in and year out."

Barth formerly was chief economist for the Federal Home Loan Bank Board, where he saw the same technique used to hide the losses of failing S&Ls, allowing the losses to grow into a crisis. Barth contends that taxpayers are already helping the FDIC because the agency has borrowed more than $2 billion from the Treasury at a low interest rate and he is skeptical that a bigger bailout can be avoided.

Just as in the S&L scandal, Barth said, regulators are to blame for allowing the cost of the problem to grow because they have permitted banks to skimp on loss reserves until their problems suddenly explode and the losses have to be recognized.

Banks sometimes can get away with skimping on loan-loss reserves if their fortunes turn around quickly and borrowers resume making payment on overdue loans. But economists see little likelihood that will happen now. Most of the banks' bad loans are to commercial real estate developers and nobody expects that business to bounce back.

Economists Hill and Vaughan say the real estate market is the key to the future health of the banking industry. Even if banks suffer no new losses on Third World debt, corporate takeover loans or consumer loans, a further decline in real estate values would trigger more bank failures.

Last week, the administration raised its estimate of the cost of bank failures for the fifth time, projecting the FDIC could be required to spend as much as $44 billion, but even that estimate is considered low by Hill and Vaughan, who calculate that the FDIC will need at least $50 billion.

The banking legislation scheduled to come up for a vote in Congress this week gives the banks 15 years to pay off the loan to the FDIC, but the American Bankers Association wants to stretch out the timetable to 30 years. "We all buy homes over a 30-year period. Why not recapitalize the fund over a 30-year period?" said Robert Dugger, chief economists for the ABA.

He said bankers are confident that with enough time they can replenish the deposit insurance fund and pay back the loan to the FDIC.

But Democratic banking committee leaders in Congress are skeptical. House Banking Committee, Henry B. Gonzalez (D-Tex.) flatly predicts the banks will not be able to repay the FDIC loan and the taxpayers will get stuck with that bill. And Senate Banking Committee Chairman Donald W. Riegle Jr. (D-Mich.) said that the longer the FDIC delays raising the premiums it charges for deposit insurance, the more it "increases the chances the taxpayers are going to have to pay for the bailout of the bank insurance fund" run by the FDIC.

Riegle and Gonzalez will play pivotal roles in the next few days on banking legislation that bankers and administration officials say could determine whether the industry can come up with the capital it needs.

The administration wants to repeal federal laws limiting interstate banking and give banks a chance to make more money by selling insurance and securities. But Congress has yielded to pressure from insurance agents and has tightened limits on banks selling insurance and rejected proposals to allow corporations such as General Motors Corp. to buy banks.

Administration officials say opening up ownership of banks could draw billions of dollars of additional capital into the banking industry and giving banks new powers could provide profits that could be used to rebuild their own capital.

"You're not going to attract capital by rolling back the clock," said Treasury Undersecretary Robert Glauber, the adminstration's point man on banking issues. "The way to get people to invest in banks is to make the banking industry more competitive."

WHAT THE FDIC SEES AHEAD FOR THE INDUSTRY

(By Jerry Knight)

The Federal Deposit Insurance Corp. expects to spend at least $32 billion to pay off depositors in failed banks over the next 26 months, and the cost of bank failures could top $44 billion if commercial real estate prices continue to fall and the economy remains mired in recession.

The new forecast issued last week represents a $13 billion increase over what the FDIC was predicting last January and a $6.6 billion increase since June when the FDIC issued its last forecast. The agency blamed deteriorating economic conditions for the latest increase in its costs estimate, which has been revised upward five times in the past two years.

The forecasts also reveal that the FDIC expects some large banks to fail next year, because the number of failures hasn't changed much in the new forecast but the total cost has jumped by $12 billion. The FDIC's forecast now is not far out of line with predictions of other forecasters once called unrealistically negative by officials of the FDIC. Barely a year ago, the agency denounced economists Robert Litan, Dan Brumbaugh and James Barth for predicting at least $30 billion in bank failures were ahead. The FDIC's own projections have passed that point already but still are short of the $63 billion "worse case" scenario the three economists outlined in a study for a house banking subcommittee.

THE BIGGEST WEAK BANKS

Bank	Assets (in billions)	Bad loans (in millions)	Minimum new capital needed (in millions)
Citibank	$159.9	$8,967.0	$5,762.9
Chase Manhattan	76.2	4,238.2	2,868.5
Security Pacific	55.0	2,151.2	1,466.5
First Interstate	20.2	343.5	130.0
Marine Midland	16.5	994.2	521.5
Sorvan	13.8	479.7	127.4
Maryland National	12.6	688.8	495.9

Note.—Assets and bad loans figures are for second quarter; needed capital figures are based on first quarter.

Sources: Sheshunoff Information Services, Hill and Vaughan with data from Ferguson & Co.

A TRIBUTE TO CAROLE BESWICK

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 28, 1991

Mr. LEWIS of California. Mr. Speaker, I would like to bring to your attention today the outstanding work and dedicated public service of Carole Beswick of Redlands, CA. Carole will be honored by her friends and family for her long record of achievement, including 8 years of service on the Redlands City Council, in a special evening ceremony on November 3.

Carole was born in Los Angeles, and having moved with her parents and brother, Herb, attended elementary and high school in Whittier. In 1963, she graduated from the University of Southern California with a bachelor of science degree in education, and later pursued graduate study at California State College, Los Angeles and La Sierra College.

Carole's involvement in public and community affairs is certainly no secret to the people of Redlands who recognize her as a tireless and effective advocate for our community. She began her political career as a member of the Redlands City Planning Commission in 1978 and has been closely identified with the city over the years. Encouraged by her friends and supporters, Carole sought a position on the city council and was elected in 1983 where she served as mayor of Redlands for 6 years.

Carole's activism and breadth of experience goes far beyond city hall. Since 1987, she has served as a member of the South Coast Air Quality Management District Board. She is also a founding member of the Redlands Centennial Bank and the San Bernardino County gangs and drugs task force. Carole also serves as secretary of the Redlands Community Hospital board of directors, chairman of the Redlands Bicycle Classic, chairman of the Advisory Committee—Redlands Symphony Association, member of the Redlands Noon Rotary Club, and a member of the Redlands Area United Way, board of directors. For 5 years, she also served as a member and chairman of the Southern California Earthquake Preparedness Project Policy Advisory Board.

In her "spare time," Carole enjoys skiing, bicycling, knitting, and reading. Having once studied voice, she is also very active in her church choir, and pursues her singing talents in opera, light opera, at the Redlands Bowl, and the University of Redlands. Carole and her husband, Richard, have three children.

On a personal level, I want Carole to know how much Arlene and I appreciate having her and Rick as our dear friends.

Mr. Speaker, I ask that you join me and our colleagues in celebrating the many fine contributions that Carole Beswick has made to Redlands, CA. Carole's efforts over the years have made a tremendous difference to our community and it is indeed fitting that the House join the city of Redlands in paying tribute to her today.

COSPONSORSHIP OF LEGISLATION TO ESTABLISH AN UNDERGRADUATE CRITICAL SKILLS SCHOLARSHIP PROGRAM

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, October 28, 1991

Mr. STOKES. Mr. Speaker, I rise to announce my cosponsorship of legislation establishing an Undergraduate Critical Skills Scholarship Program at the Federal Bureau of Investigation.

During my tenure as chairman on the House Permanent Select Committee on Intelligence, I was struck by the lack of minorities and women employed in professional positions throughout the intelligence community. When questioning agency directors on the lack of minority and female representation, their responses fell into two categories: First, qualified women and minorities interested in intelligence community careers could not be located; and second, when such individuals were identified, intelligence community agencies did not possess the resources to compete with benefits offered by the private sector.

Subsequently, to help facilitate the recruitment of minorities and women, language creating a Critical Skills Scholarship Program was included in the Intelligence Authorization Act of 1987. Under the act, the Central Intelligence Agency and National Security Agency were authorized to provide college scholarships to high school students who agreed to major in disciplines such as computer science, mathematics, engineering, physics, and foreign languages. These disciplines were defined as being critical to the missions of the Central Intelligence Agency and National Security Agency. In exchange, the scholarship recipients agreed to work for their sponsoring agency following graduation for a period of 1½ years for each year or partial year for which a scholarship was provided. Similar authority was extended to the Defense Intelligence Agency in the Intelligence Authorization Act of 1990.

Last year, the first group of students to receive critical skills scholarships graduated from college and became full-time employees at CIA and NSA, respectively. The directors of the intelligence community agencies are confident their critical skills scholarship programs will ensure a steady supply of talented and skilled men and women needed to perform their missions well into the future.

The FBI is our Nation's primary agency responsible for defending against hostile foreign intelligence operations. The FBI's need to recruit highly skilled employees is no less difficult than that of the CIA, NSA, or DIA. It is time that we armed the FBI with the same tools to assist its recruitment efforts as are now employed by its brethren in the intelligence community.

I am proud to cosponsor this important bill and urge my colleagues to join in its support.

THE MARINE MILITARY ACADEMY: THE TRADITION ENDURES

HON. BEN GARRIDO BLAZ

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Monday, October 28, 1991

Mr. BLAZ. Mr. Speaker, I rise today in tribute to an educational institution that has been instilling in young men for 25 years those values that have won for our beloved Marine Corps a special place in the hearts of the American people. I speak of the Marine Military Academy in Harlingen, TX; an academic institution whose students are taught, in the tradition of the U.S. Marine Corps, to stretch their mental, physical, cultural, and spiritual boundaries. They are also taught to emulate the Marine Corps ideal: self-sacrifice; high standards of ethical and moral behavior; responsibility for one's actions; dependability; trust; and, in particular, leadership by example. The lessons learned at the Marine Military Academy, an independent, college preparatory school, have placed its graduates in good stead throughout their lives. The class of 1991, many of its members now placed in the service academies and at colleges and universities throughout the Nation, was the 25th to graduate from this unique school.

The Marine Military Academy is the product of one man's search for a private military school that would teach his son the values that he himself had learned as a U.S. Marine. That man was Bill Gary, an Arizona rancher who, after finding no school that met his requirements, decided to found one. In 1965, with the help of others who felt as he did, many of them also former Marines, the work of passing on those lessons learned through years of dedication and hard experience began. The class of 1966 numbered 58 cadets; the class of 1991 numbered 105. Despite his imagination and innovative ideas, Bill Gary would not have been able to fulfill his dream without strong financial support.

The rest is history, but it is most fitting and proper that we recall and record that Bill Gary was most fortunate to have many supporters. Indeed, one of his most avid supporters was a retired Marine brigadier general, one of the most decorated marines of World War II, whose personal decorations included the Navy Cross, the Silver Star and the Purple Heart. His name: Walter S. McIlhenny. He served on the board at the Academy, and as president of the board, for nearly 20 years prior to his death. His devotion and great love for the school were dramatically reaffirmed when he left to the Academy his personal fortune to endow scholarships for those needing financial assistance.

Mr. Speaker, it is my belief that in these days of crises in our schools, when our young people's lives are assaulted from every direction by drugs, alcohol, and a lack of basic spiritual, ethical, and moral values, there is much to be learned from the Marine Military Academy about its curriculum, and how knowledge is imparted to its students.

It is with great pride that I congratulate and salute the faculty and students of the Marine Military Academy on the occasion of its 25th commencement. There is absolutely no doubt in my mind that under the leadership of its current president, Maj. Gen. Hal Glasgow, USMC, retired, the Academy will continue to set a standard of excellence that has been its hallmark. I commend also the devoted men and women, mothers and fathers, husbands and wives, teachers and assistants as well as the entire family of retired and active duty Marine Corps and Navy personnel and there supporters who contribute so generously and so loyally of their time, their service, and their resources to keep this dream alive and productive.

As educators throughout the land ponder ways to revitalizing our educational system by instituting "break the mold" types of schools, knowing smiles must appear on those who, 25 years ago, not only had the same thought but also the tenacity and the fortitude to make it a reality.

ANN TAYLOR: A VOLUNTEER WHO WORKED HER WAY TO THE TOP

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 28, 1991

Ms. ROS-LEHTINEN. Mr. Speaker, I am pleased to recognize today Ann Taylor who was recently featured in the Miami Herald upon her installation as chairman of the Greater South Dade-South Miami Chamber of Commerce. The article, "Chamber Leader Knows Her Stuff" by Wanda Fernandes tells how the Coral Gables resident worked her way up from a volunteer to chairman of the 1,400 member chamber of commerce:

> Coral Gables resident Ann Taylor is proof that sometimes a slow climb up the ladder is the best way to the top.
>
> Nine years ago, Taylor volunteered to help the Greater South Dade Chamber of Commerce. Her first job was the tedious task of writing numbers on 400 cards for a bidding auction. Thursday, she will be installed as the 1991-92 chairman of the Greater South Dade-South Miami Chamber of Commerce.
>
> The chamber, at 6410 SW 80th St., was formed last October with the merger of the Greater South Dade and South Miami/Kendall area chambers. It currently has 1,400 members.
>
> Taylor, other officers and board members will be installed at a luncheon at the Dadeland Marriott Hotel in Kendall.
>
> #### GOOD BACKGROUND
>
> "She was chosen to be chairman because her teaching abilities and marketing skills have given her a good background for this organization. Also because she was a volunteer, she has a good knowledge of the community," said Peter Thompson, chamber president.
>
> "It's a natural progression and attainable by everybody. You just have to do what has to be done," said Taylor, who has served on the chamber's special events, membership and executive committees.
>
> Taylor, who is vice president of community relations and advertising for Florida International Bank in Perrine, said she got involved in chamber work at the urging of the bank president, an active chamber member. Since joining, Taylor, a mother of two, has worked both weekends and weekdays.
>
> "The bank's policy is you give back to the community and to have that support from the bank is great. Sometimes the level of involvement is so much that they wonder if I still work for the bank," said Taylor.
>
> #### BUSINESS, SOCIAL CONCERNS
>
> Taylor says her goal as chairman will be to develop new programs that address homeless and environmental concerns, but her main focus is getting down to business.
>
> "The true purpose of the organization is to promote business and I want to get back to those basics. You are only as good as the service you provide to your clients and our clients are the chamber members, who are business people," she said.
>
> There are 24 board members, nine of whom are on the executive board. Taylor says she will implement policy based on the "consensus" of the board so everyone is a part of the process.
>
> "I have surrounded myself with nine talented leaders who represent this community. The reason so many people give so much time to the chamber is that the people are outstanding," said Taylor.

"STRETCHING POSITIONS"

Taylor says she has worked tirelessly on the committees because they have been "stretching positions."

"The projects I've worked on have been rewarding both professionally and personally. I have enjoyed every minute of it; both for the business contacts and because I've learned so much," said Taylor.

I am happy to pay tribute to Ann Taylor by reprinting this article from the Miami Herald. She has served her community well through her hard work for the Greater South Dade-South Miami Chamber of Commerce.

PARLIAMENTARY SUPPORT FOR DEMOCRATIC INSTITUTIONS IN HAITI

HON. ROBERT G. TORRICELLI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, October 28, 1991

Mr. TORRICELLI. Mr. Speaker, as you know, our colleague from Ohio, Mr. FEIGHAN, who serves with distinction on the Foreign Affairs Committee, also serves as President of the U.S. delegation to the Interparliamentary Union.

Mr. FEIGHAN recently shared with me the text of a resolution that was adopted unanimously by the IPU during its 86th conference in Santiago, Chile, earlier this month. The resolution places the world's parliamentarians clearly on record in support of the restoration of constitutional democracy in Haiti.

I know that Haitian democrats will take heart from this action. I congratulate our colleague for his leadership on this matter and insert the resolution at this point:

PARLIAMENTARY SUPPORT TO DEMOCRATIC INSTITUTIONS IN HAITI

(Resolution adopted unanimously)

The 86th Inter-Parliamentary Conference,

Filled with consternation by the coup d'Etat which took place in Haiti on 30 September 1991 and which overthrew the Head of State elected by the sovereign people in a free and fair vote, as attested to by the United Nations and many observers,

Reaffirming the attachment to democracy of the world inter-parliamentary community, which cannot accept such a takeover by force which runs counter to political developments in the world, especially in Latin America,

1. Condemns the coup d'Etat perpetrated on 30 September 1991 in Haiti;
2. Cannot accept the establishment of a pseudo legality under the threat of bayonets;
3. Demands the immediate re-establishment of the rule of law in Haiti and of the reinstatement of its legitimate President;
4. Welcomes the position taken in this respect by the Organization of American States, and supports resolution MRE/RES.1/91 adopted by the ad hoc session of the Foreign Affairs Ministers of the OAS member countries;
5. Urges all the world's Parliaments and their members to work resolutely and rapidly for the re-establishment of democracy in Haiti.

GREEK AND TURKISH CYPRIOTS CAN LIVE TOGETHER IN PEACE

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, October 28, 1991

Mr. BROOMFIELD. Mr. Speaker, I want to share with my colleagues in the Congress an inspiring article about a small town in Cyprus where Greeks and Turks live together peacefully.

On the rest of Cyprus, the Greek and Turkish communities have been separated since the 1974 invasion. Despite the bitter differences between the two groups, however, Greek and Turkish residents of the town of Pyla do business together and even sometimes marry. U.N. forces in the area have successfully resolved disputes. Pyla offers hope to all of us who want a better tomorrow for that long-suffering island.

The recent delay in the U.N.-sponsored peace conference disappointed those of us in Congress who have worked for many years for peace in Cyprus. The Turkish elections and the continuing obstruction by the leader of the Turkish Cypriot community, Rauf Denktash, reportedly were factors in the delay of the high-level international meeting designed to find a just resolution to the dispute.

All of us hope that the international meeting will be held before the retirement of Secretary General Perez de Cuellar, who has labored so diligently for a settlement. Meanwhile, it is refreshing to know that in one place at least, Turkish and Greek Cypriots coexist peacefully.

I commend the following New York Times article on Pyla to my colleagues in the Congress.

[From the New York Times, Oct. 23, 1991]

IN A SMALL TOWN ON TORN CYPRUS, THE TWAIN MEET

(By Marlise Simons)

PYLA, CYPRUS.—Heading for lunch and the promise of lamb stew, the town clerk locked the door of the town hall. Or rather, one of the town halls, for Pyla has two local governments and two Mayors. Indeed, many things in this little town come in pairs.

On the sun-splashed square, two cafes face each other, one for Turkish and the other for Greek coffee drinkers. There are two schools, each teaching in a different language. And beyond the narrow, winding streets, there is one cemetery for Muslims and another for Orthodox Christians.

Depending on who is describing Pyla, the town, with its 1,000 people, either illustrates what is known in far-off capitals as "the Cyprus problem" or it provides a laboratory for a more hopeful future, demonstrating that Greeks and Turks can coexist despite their bitter differences.

With new talks to reconcile the divided island expected to take place this year, Pyla, the only officially mixed community in Cyprus, finds itself under a national microscope.

Nestled between a mountain ridge and the sea, this Bronze Age town, about 25 miles southeast of Nicosia, has seen its share of strife—Cretans, Crusaders and Venetians as well as Ottoman and British rulers have invaded and fought near here. But in the upheaval that tore apart Cyprus in 1974 and moved Turks to the north and Greeks to the south, Pyla was not carved up.

SOMETIMES THEY MARRY

On this brown and arid land, the military line dividing Cyprus stops outside the cluster of limestone homes and carob trees and only picks up beyond the village. Inside Pyla, as Cyprus had done for centuries, Greeks and Turks mingle, trade, compete and sometimes marry.

Some outsiders insist that the key to peace here is the small contingent of United Nations soldiers, an Austrian group, who set the rules, patrol and mediate. Longtime residents here indignantly reject this explanation.

"We all know each other, and we don't like outsiders," declared a burly waiter at the local restaurant. "We eat and drink together. This is a small place—we have to get along."

In Nicosia, the island's capital, the partisans and opponents of re-creating a single Cyprus have been pressing their case loudly. But Pyla, less prone to speech making, keeps itself busy managing the local rival-ries.

Early this year, for example, there was the battle of the minaret, initiated when the Turkish residents asked for a permit to build a spire on top of the old mosque. The Turks said they wanted a minaret to call for prayers in the proper style. The Greek Cypriot authorities in Nicosia identified this as a subversive act and said the minaret would serve as a military observation post and probably a gun platform.

U.N. PRODUCES COMPROMISE

Charges and countercharges flew for weeks. The Turkish Army, which already has watchtowers on a mountain towering over the village, declared the Greek suspicions to be preposterous. After long negotiations, the United Nations contingent produced an acceptable compromise, and today the slender point of the minaret dominates the village skyline. But it is 10 feet lower than originally planned.

New friction arose when the Turkish soccer team wanted to fence in the playing field but the Greek team disagreed. The United Nations soldiers stepped in, pronounced the field too small anyway and promised each team their own new field.

Outside the office that serves as the Greek town hall, a notice of impending electricity cuts was posted in Greek and Turkish. A similar sign hung outside the Turkish Mayor's office. But what happens if the two Mayors do not agree?

"First they meet with their councilors—they each have four," the Greek town clerk said. "If they still can't agree, they go to the United Nations."

"We are finding the Don Camilo books a very good allegory, very instructive," said an Austrian officer at the United Nations base on the edge of town. He was invoking Glovanni Guareschi's portraits of strife in an Italian village that involved the Communist Mayor, the Catholic priest and their respective followers. Then, adding a soldierly view, he said, "If there were no politicians out there, we would have no fights here."

Politicians in Nicosia, the divided capital, have inevitably opposing visions of life here. Rauf Denktash, leader of the Turkish Cypriots, said that recent events, including the minaret and soccer decisions, proved how Greeks refused to recognize Turks as equals.

But Ferdi Sabit, a Turkish opponent of Mr. Denktash, said Pyla served as an example, "because people live together and they are not fighting." A spokesman for the Greek Cypriot Government said Pyla was not a fair example of coexistence because its inhabitants were strongly influenced by Mr. Denktash.

If the two groups have had to learn to coexist, over the last 17 years they have also had to get used to the foreign customs of United Nations troops.

On a recent afternoon, with the temperature passing 110 degrees, a man in a starched white jacket and chef's toque appeared on the central square, carrying a big brown object. With that he climbed up on the United Nations lookout post.

The Turks and the Greeks in the cafes looked puzzled. But he proved to be a pastry chef on the Sacher Hotel in Vienna, who had made a Sacher torte while doing his military service here.

A TRIBUTE TO LIONEL HELLER

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 28, 1991

Mr. LEWIS of California. Mr. Speaker, I would like to bring to your attention today the outstanding contributions and dedicated public service of Lionel Heller of San Bernardino, CA. Lionel will be honored by the Arrowhead Chapter of Hadassah at their 18th annual dinner on November 17.

Lionel Heller is no stranger to the people of San Bernardino, having been involved with numerous community and charitable organizations over the years. He is past president of Congregation Emanu El, chairman of San Bernardino Community Hospital Foundation, and chairman of the United Jewish Appeal. He is also a 33-year member of the San Bernardino Rotary, as well as a member of the board of the YMCA and the San Bernardino Hospital Corporate Board. Lionel, his wife Carol, and their three children have lived in San Bernardino for over 30 years.

Over the years, Lionel has helped raise thousands of dollars for the Arrowhead Chapter of Hadassah. With his extraordinary wit and charm, he has served tirelessly as auctioneer at the annual Bid'n Buy fundraising auction.

Mr. Speaker, I ask that you join me and our colleagues in recognizing Lionel Heller for his many years of service. His commitment and dedication to the community is certainly worthy of recognition by the House today.

A TRIBUTE TO AUNG SAN SUU KYI ON HER RECEIVING THE 1991 NOBEL PEACE PRIZE

HON. BEN GARRIDO BLAZ

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Monday, October 28, 1991

Mr. BLAZ. Mr. Speaker, I rise today to commend Aung San Suu Kyi, leader of the democratic opposition of Burma's military government, for winning the 1991 Nobel Peace Prize.

Although I have never met Aung San Suu Kyi, I have great admiration for her and her efforts to emphasize the importance of fundamental and inalienable human rights. Her efforts are even more remarkable given the fact that she has been under house arrest and incommunicado since July 1989.

After reading Aung San Suu Kyi's essay on the question of human rights, it is easy to understand why she received the Nobel Peace Prize. It is certainly true for all the world community and especially Burma that it is not enough merely to call for freedom, democracy, and human rights. As she says, there has to be a determination to persevere in the struggle against corrupting influences of desire, illwill, ignorance, and fear. Aung San Suu Kyi has embodied this determination to persevere in the face of great hardships and barriers.

As a Member of Congress whose congressional district is the nearest to her own country of Burma, I have great pride in entering her published essay in the RECORD, and commending it to my colleagues and fellow Americans as a prime display of courage written in a place dominated by fears.

INDIAN PROVISIONS IN H.R. 2950, THE INTERMODAL SURFACE TRANSPORTATION INFRASTRUCTURE ACT

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 28, 1991

Mr. MILLER of California. Mr. Speaker, last Wednesday the House passed H.R. 2950, the Intermodal Surface Transportation Infrastructure Act of 1992. Among the many provisions in this bill, vital funding is included for road construction and improvement on Indian reservations. Unfortunately, it has been a bad joke for some time that you can tell where an Indian reservation begins because that is where the roads end. For too long roads in Indian country have been neglected.

We have a fiduciary responsibility through agreements made long ago with tribal governments to see that Indians have safe and modern infrastructure. Without these facilities, it is impossible for tribes to compete in the area of economic development. As chairman of the Committee on Interior and Insular Affairs, I have received countless stories of school buses unable to drive to schools because of substandard roads, and of emergency vehicles unable to reach patients in need of medical treatment because of poor road conditions. These are everyday events on Indian reservations and ones which the Federal Government must change.

The Bureau of Indian Affairs recently published a needs study which concluded that at least $227 million per year would be needed for 25 years to bring Indian roads up to an acceptable level. While H.R. 2950 does not fund the Indian Reservation Roads Program at that level, it does substantially raise the funding level from the present paultry $80 million.

H.R. 2950 includes a set-aside for Indian tribes in the Bridge Replacement and Rehabilitation Program for the first time. Previously tribes had to wait until a State government determined that a reservation bridge was a priority before it would be considered for funding. This bill brings tribes into the consultation process with States and local governments from the start so that Indians will be represented in the planning process for future roads and funds are made available for the planning process.

H.R. 2950 directs the Secretary of Transportation to conduct a study of inequities between Indian and non-Indian roads and instructs that recommendations be made to address those inequities. Further, this bill extends Indian employment preferences so that more Indian labor will be used when building on or near reservations. Funds are also made available to tribes for transportation safety programs.

Mr. Speaker, enactment of H.R. 2950 will not solve all the infrastructure problems in Indian country. Only a long-term commitment to providing safe and modern roads and bridges to Indians will solve these problems. This bill will, however, go a long way to achieving this objective.

I want to thank my colleague, Mr. ROE the chairman of the Public Works Committee and my colleague, Mr. MINETA the chairman of the Subcommittee on Surface Transportation for their assistance in securing the Indian provisions in this bill. Without their willingness to help and dedication toward our native Americans it would not have been possible. I would also like to thank the able staff of the Public Works Committee—especially Caryll Rinehart for the long hours she put into the Indian provisions in this bill.

H.R. 1527 AMENDED TO ADDRESS RURAL TELEPHONE COALITION CONCERNS

HON. JIM SLATTERY

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 28, 1991

Mr. SLATTERY. Mr. Speaker, on October 23 and 24, the House Energy and Commerce Telecommunications and Finance Subcommittee held extensive hearings concerning several proposals before the subcommittee regarding the modified final judgment that divested AT&T in the early 1980's. Among other proposals, the subcommittee heard testimony from witnesses concerning H.R. 1527, legislation Representative BILLY TAUZIN and I have introduced that would allow the regional Bell companies, under proper safeguards, to enter the telecommunications equipment manufacturing business.

At that hearing, I indicated that I would amend H.R. 1527 to reflect the amendments added to S. 173, the companion measure to this bill, by Senator LARRY PRESSLER. These amendments, which were adopted by voice vote prior to the Senate's 71–24 approval of S. 173, address concerns raised by the Rural Telephone Coalition regarding the impact that Bell company entry into the telecommunications equipment manufacturing business could have upon small and rural telephone companies. With the addition of these amendments to H.R. 1527, Arland Hocker, the Rural Telephone Coalition witness appearing before last week's subcommittee hearings, indicated that the provisions of this measure would be acceptable to the Rural Telephone Coalition. The text of the amended version of H.R. 1527 follows:

H.R. 1527

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Telecommunications Equipment Research and Manufacturing Competition Act of 1991".

SEC. 2 FINDINGS:

The Congress finds that the continued economic growth and the international competitiveness of American industry would be assisted by permitting the Bell Telephone Companies, through their affiliates, to manufacture (including design, development, and fabrication) telecommunications equipment and customer premises equipment, and to provide telecommunications equipment, and to engage in research with respect to such equipment.

SEC. 3. AMENDMENTS TO THE COMMUNICATIONS ACT OF 1934.

Title II of the Communications Act of 1934 (47 U.S.C. 201 et seq.) is amended by adding at the end the following new section:

"SEC. 227. REGULATION OF MANUFACTURING BY BELL TELEPHONE COMPANIES.

"(a) GENERAL AUTHORITY.—Subject to the requirements of this section and the regulations prescribed thereunder, but notwithstanding any restriction or obligation imposed before the date of enactment of this section pursuant to the Modification of Final Judgment on the lines of business in which a Bell Telephone Company may engage, a Bell Telephone Company, through an affiliate of that company, may manufacture and provide telecommunications equipment and manufacture customer premises equipment, except that neither a Bell Telephone Company nor any of its affiliates may engage in such manufacturing in conjunction with a Bell Telephone Company not so affiliated or any of its affiliates.

"(b) SEPARATE MANUFACTURING AFFILIATE.—Any manufacturing or provision authorized under subsection (a) shall be conducted only through an affiliate that is separate from any Bell Telephone Company.

"(c) COMMISSION REGULATIONS.—The Commission shall prescribe regulations to ensure that—

"(1) such manufacturing affiliate shall maintain books, records, and accounts separate from its affiliated Bell Telephone Company which identify all financial transactions between the manufacturing affiliate and its affiliated Bell Telephone Company and, even if such manufacturing affiliate is not a publicly held corporation, prepare financial statements which are in compliance with Federal financial reporting requirements for publicly held corporations, file such statements with the Commission, and make such statements available for public inspection;

"(2) consistent with the provisions of this section, neither a Bell Telephone Company nor any of its nonmanufacturing affiliates shall perform sales, advertising, installation, production, or maintenance operations for a manufacturing affiliate, except that—

"(A) a Bell Telephone Company and its nonmanufacturing affiliates may sell, advertise, install, and maintain telecommunications equipment and customer premises equipment after acquiring such equipment from their manufacturing affiliate; and

"(B) institutional advertising, of a type not related to specific telecommunications equipment, carried out by the Bell Telephone Company or its affiliates, shall be permitted if each part pays its pro rata share;

"(3)(A) such manufacturing affiliate shall conduct all of its manufacturing within the United States and, except as otherwise provided in this paragraph, all component parts of customer premises equipment manufactured by such affiliate, and all component parts of telecommunications equipment manufactured by such affiliate, shall have been manufactured within the United States;

"(B) such affiliate may use component parts manufactured outside the United States if—

"(i) such affiliate first makes a good faith effort to obtain equivalent component parts manufactured within the United States at reasonable prices, terms, and conditions; and

"(ii) for the aggregate of telecommunications equipment and customer premises equipment manufactured and sold in the United States by such affiliate in any calendar year, the cost of the components manufactured outside the United States contained in the equipment does not exceed 40 percent of the sales revenue derived from such equipment;

"(C) any such affiliate that uses component parts manufactured outside the United States in the manufacture of telecommunications equipment and customer premises equipment within the United States shall—

"(i) certify to the Commission that a good faith effort was made to obtain equivalent parts manufactured within the United States at reasonable prices, terms, and conditions, which certification shall be filed on a quarterly basis with the Commission and list component parts, by type, manufactured outside the United States; and

"(ii) certify to the Commission on an annual basis that for the aggregate of telecommunications equipment and customer premises equipment manufactured and sold in the United States by such affiliate in the previous calendar year, the cost of the components manufactured outside the United States contained in such equipment did not exceed the percentage specified in subparagraph (B)(ii) as adjusted in accordance with subparagraph (G);

"(D)(i) if the Commission determines, after reviewing the certification required in subparagraph (C)(i), that such affiliate failed to make the good faith effort required in subparagraph (B)(i) or, after reviewing the certification required in subparagraph (C)(ii), that such affiliate has exceeded the percentage specified in subparagraph (B)(ii), the Commission may impose penalties or forfeitures as provided for in title V of this Act;

"(ii) any supplier claiming to be damaged because a manufacturing affiliate failed to make the good faith effort required in subparagraph (B)(i) may make complaint to the Commission as provided for in section 208 of this Act, or may bring suit for the recovery of actual damages for which such supplier claims such affiliate may be liable under the provisions of this Act in any district court of the United States of competent jurisdiction;

"(E) the Commission, in consultation with the Secretary of Commerce, shall, on an annual basis, determine the cost of component parts manufactured outside the United States contained in all telecommunications equipment and customer premises equipment sold in the United States as a percentage of the revenues from sales of such equipment in the previous calendar year;

"(F) a manufacturing affiliate may use intellectual property created outside the United States in the manufacture of telecommunications equipment and customer premises equipment in the United States;

"(G) the Commission may not waive or alter the requirements of this paragraph, except that the Commission, on an annual basis, shall adjust the percentage specified in subparagraph (B)(ii) to the percentage determined by the Commission, in consultation with the Secretary of Commerce, as directed in subparagraph (E);

"(4) any debt incurred by such manufacturing affiliate may not be issued by its affiliated Bell Telephone Company, and such manufacturing affiliate shall be prohibited from incurring debt in a manner that would permit a creditor, on default, to have recourse to the assets of its affiliated Bell Telephone Company's telecommunications services business;

"(5) such manufacturing affiliate shall not be required to operate separately from the other affiliates of its affiliated Bell Telephone Company;

"(6) if an affiliate of a Bell Telephone Company becomes affiliated with a manufacturing entity, such affiliate shall be treated as a manufacturing affiliate of that Bell Telephone Company and shall comply with the requirements of this section;

"(7) such manufacturing affiliate shall make available, without discrimination or self-preference as to price, delivery, terms, or conditions to all regulated local telephone exchange carriers for use with the public telecommunications network, any telecommunications equipment, including software integral to the functioning of telecommunications equipment, including upgrades manufactured by such affiliate so long as each such purchasing carrier—

"(A) does not either manufacture telecommunications equipment, or have an affiliated telecommunications equipment manufacturing entity, or

"(B) agrees to make available, to the Bell Telephone Company affiliated with such manufacturing affiliated or any of the regulated local exchange telephone company carrier affiliates of such company, any telecommunications equipment, including software integral to the functioning of telecommunications equipment, including upgrades manufactured for use with the public telecommunications network by such purchasing carrier or by an entity or organization with which such purchasing carrier is affiliated;

"(8)(A) such manufacturing affiliate shall not discontinue or restrict sales to other regulated local telephone exchange carriers of any telecommunications equipment, including software integral to such telecommunications equipment, including upgrades, that such affiliate manufactures for sale as long as there is reasonable demand for the equipment by such carriers, except that such sales may be discontinued or restricted if such manufacturing affiliate demonstrates to the Commission that it is not making a profit, under a marginal cost study implemented by the Commission, on the sale of such equipment;

"(B) within sixty days, the Commission shall reach a determination as to the existence of reasonable demand as referred to in subparagraph (A). In doing so, the Commission shall consider—

"(i) whether the continued manufacture of the equipment will be profitable;

"(ii) whether the equipment is functionally or technologically obsolete;

"(iii) whether the components necessary to manufacture equipment continue to be available;

"(iv) whether alternatives to the equipment are available in the market; and

"(v) such other factors as the Commission deems necessary and proper;

"(9) Bell Telephone Companies shall, consistent with the antitrust laws, engage in joint network planning and design with other regulated local telephone exchange carriers operating in the same area of interest; except that no participant in such planning shall delay the introduction of new technology or the deployment of facilities to provide telecommunications services, and agreement with such other carriers shall not be required as a prerequisite for such introduction or deployment; and

"(10) Bell Telephone Companies shall provide, to other regulated local telephone exchange carriers operating in the same area of interest, timely information on the planned deployment of telecommunications equipment, including software integral to such telecommunications equipment, including upgrade;

"(d) INFORMATION REQUIREMENTS.—

"(1) FILING OF INFORMATION ON PROTOCOLS AND TECHNICAL REQUIREMENTS.—The Commission shall prescribe regulations to require that each Bell Telephone Company shall maintain and file with the Commission full and complete information with respect to the protocols and technical requirements for connection with and use of its telephone exchange service facilities. Such regulations shall require each such company to report promptly to the Commission any material changes or planned changes to such protocols and requirements, and the schedule for implementation of such changes or planned changes.

"(2) FILING AS PREREQUISITE TO DISCLOSURE TO AFFILIATE.—A Bell Telephone Company shall not disclose to any of its affiliates any information required to be filed under paragraph (1) unless that information is immediately so filed.

"(3) ACCESS BY COMPETITORS TO INFORMATION.—The Commission may prescribe such additional regulations under this subsection as may be necessary to ensure that manufacturers in competition with a Bell Telephone Company's manufacturing affiliate have access to the information with respect to the protocols and technical requirements for connection with and use of its telephone exchange service facilities required for such competition that such company makes available to its manufacturing affiliate.

"(e) ADDITIONAL COMPETITION REQUIREMENTS.—The Commission shall prescribe regulations requiring that any Bell Telephone Company which has an affiliate that engages in any manufacturing authorized by subsection (a) shall—

"(1) provide, to other manufacturers of telecommunications equipment and customer premises equipment that is functionally equivalent to equipment manufactured by the Bell Telephone Company manufacturing affiliate, opportunities to sell such equipment to such Bell Telephone Company which are comparable to the opportunities which such Company provides to its affiliates;

"(2) not subsidize its manufacturing affiliate with revenues from its regulated telecommunications services; and

"(3) only acquire equipment from its manufacturing affiliate at the open market price.

"(f) COLLABORATION PERMITTED.—A Bell Telephone Company and its affiliates may engage in close collaboration with any manufacturer of customer premises equipment or telecommunications equipment during the design and development of hardware, software, or combinations thereof related to such equipment.

"(g) ADDITIONAL RULES AUTHORIZED.—The Commission may prescribe such additional rules and regulations as the Commission determines necessary to carry out the provisions of this section.

"(h) ADMINISTRATION AND ENFORCEMENT AUTHORITY.—(1) For the purposes of administering and enforcing the provisions of this section and the regulations prescribed thereunder, the Commission shall have the same authority, power, and functions with respect to any Bell Telephone Company as the Commission has in administering and enforcing the provisions of this title with respect to any common carrier subject to this Act.

"(2) Any regulated local telephone exchange carrier injured by an act or omission of a Bell Telephone Company or its manufacturing affiliate which violates the requirements of paragraph (8) or (9) of subsection (c), or the Commission's regulations implementing such paragraphs, may initiate an action in a district court of the United States to recover the full amount of damages sustained in consequence of any such violation and obtain such orders from the court as are necessary to terminate existing violations and to prevent future violations; or such regulated local telephone exchange carrier may seek relief from the Commission pursuant to sections 206 through 209.

"(i) EFFECTIVE DATE; RULEMAKING SCHEDULE.—The authority of the Commission to prescribe regulations to carry out this section is effective on the date of enactment of this section. The Commission shall prescribe such regulations within 180 days after such date of enactment, and the authority to engage in the manufacturing authorized in subsection (a) shall not take effect until regulations prescribed by the Commission under subsections (c), (d), and (e) are in effect.

"(j) EXISTING MANUFACTURING AUTHORITY.—Nothing in this section shall prohibit any Bell Telephone Company from engaging, directly or through any affiliate, in any manufacturing activity in which any Bell Telephone Company or affiliate was authorized to engage on the date of enactment of this section.

"(k) DEFINITIONS.—As used in this section:

"(1) The term 'affiliate' means any organization or entity that, directly or indirectly, owns or controls, is owned or controlled by, or is under common ownership with a Bell Telephone Company. The terms 'owns', 'owned', and 'ownership' mean an equity interest of more than 10 percent.

"(2) The term 'Bell Telephone Company' means those companies listed in appendix A of the Modification of Final Judgment, and includes any successor or assign of any such company, but does not include any affiliate of any such company.

"(3) The term 'customer premises equipment' means equipment employed on the premises of a person (other than a carrier) to originate, route, or terminate telecommunications.

"(4) The term 'manufacturing' has the same meaning as such term has in the Modification of Final Judgment as interpreted in United States v. Western Electric Civil Action No. 82–0192 (United States District Court, District of Columbia) (filed December 3, 1987).

"(5) The term 'manufacturing affiliate' means an affiliate of a Bell Telephone Company established in accordance with subsection (b) of this section.

"(6) The term 'Modification of Final Judgment' means the decree entered August 24, 1982, in United States v. Western Electric Civil Action No. 82–0192 (United States District Court, District of Columbia).

"(7) The term 'telecommunications' means the transmission, between or among points specified by the user, of information of the user's choosing, without change in the form or content of the information as sent and received, by means of an electromagnetic transmission medium, including all instrumentalities, facilities, apparatus, and services (including the collection, storage, forwarding, switching, and delivery of such information) essential to such transmission.

"(8) The term 'telecommunications equipment' means equipment, other than customer premises equipment, used by a carrier to provide telecommunications services.

"(9) The term 'telecommunications service' means the offering for hire of telecommunications facilities, or of telecommunications by means of such facilities."

SEC. 4. EFFECTIVE DATE.

(a) IN GENERAL.—Section 227 of the Communications Act of 1934 (as added by this Act) shall be effective 30 days after the Federal Communications Commission prescribes final regulations pursuant to such section.

(b) RULEMAKING AUTHORITY EFFECTIVE ON ENACTMENT.—Notwithstanding subsection (a) of this section, the authority of the Federal Communications Commission to prescribe regulations pursuant to such section 227 is effective upon enactment of this Act.

JOSEPH M. PIZZA CIVIC ASSOCIATION HONORS ANGELO IUDICI

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, October 28, 1991

Mr. ROE. Mr. Speaker, it is with the greatest pride that I rise today to pay special tribute to a distinguished member of his community and an active citizen in my Eighth Congressional District of New Jersey. Mr. Angelo Iudici will be honored on November 3, 1991, by the Joseph M. Pizza Civic Association at their first annual dinner-dance. This gala event will be held at La Neve's Restaurant in Haledon, NJ.

The Joseph Pizza Civic Association was initiated by Mr. Pizza, who is president of the group, to recognize charitable causes and support their efforts through donations and other good works. The association is dedicated to improving the community and making a better life for the people of Paterson, NJ, and the surrounding area. It is currently chaired by Ms. Connie Fimognari and Mr. J. Michael Bello.

This year the association will honor Mr. Angelo Iudici for his outstanding contributions and leadership for the greater Paterson area. A resident of New Jersey since 1971, Mr. Iudici was born in Gela, Italy, where he received all of his education prior to his move to America.

After an extensive mason apprenticeship in Italy, Mr. Iudici felt that continued expansion of his trade talents and business could only be fully realized in the United States. The decision to come to America in 1971 gave him the confidence to launch a highly successful construction company, which is today based in his hometown of Elmwood Park. Angelo Iudici & Son Construction Co. has participated in the building and rehabilitation of many key projects throughout our area: The Mill-Little Falls, NJ; Lookout Ashley Arms-Hackensack, NJ; Park Ridge Estates-Cedar Grove, NJ; Mini Storage Facilities-Bayshore & Pelham Manor, NY.

In addition to the construction company, Angelo and his wife, Giovanna, are the proud owners of Angelo's Italian Restaurant in Paterson, a highly successful culinary establishment in northern New Jersey.

Even as Mr. Iudici's entrepreneurial endeavors expanded in America, he made the time to actively participate in his community and lend his efforts to improving the lives of those around him. To all people, strangers, and friends, Mr. Iudici is a warm, friendly individual who carries out many missions as a "Good Samaritan". His hands are never too busy to reach out to help those in need, the distressed or less fortunate.

Mr. Iudici's extensive involvement in community activities include: The Paterson Chamber of Commerce; Peoples Park Association; 21st Avenue Businessmen's Association; Due Mondi Italian/American Association of Lindhurst, NJ, for which he is the vice president; and the Joseph M. Pizza Civic Association.

Mr. Speaker, I welcome this opportunity to share in the pride that must be felt by Mr. Iudici's friends and family, his beautiful wife, the former Giovanna Fasolo, whom he married in 1963, and their five children, Joseph, Frank, Biagio, Lori, and Fina.

Mr. Speaker, this country was built on the desires and hard work of immigrants such as Mr. Iudici. He is truly an example to all citizens of this Nation of what public involvement and concern for your fellow man are all about. I am sure that you and all my colleagues here in the House of Representatives join me in saluting Mr. Angelo Iudici.

A TRIBUTE TO PRINCESS YING SITA—BURMESE FREEDOM FIGHTER

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 28, 1991

Mr. LANTOS. Mr. Speaker, when the Nobel Peace Prize was awarded to Aung San Suu Kyi, the leader of the democratic opposition to Burma's ruthless military dictatorship, the deplorable state of affairs in Burma was again forced into the light of international scrutiny.

As we focus on the plight of the Burmese people, we can take heart in the fact that the forces of repression in that nation are being countered by forces for democracy and human rights. Many Burmese patriots who loathe the status quo of the dictatorial Government in Burma are working with all their might to bring about lasting democratic reforms. Mr. Speaker, I would like to pay tribute to one such person today.

Princess Ying Sita, an unwavering advocate for democracy in Burma, has dedicated herself to bringing freedom and human rights to Burma. As cochairman of the congressional human rights caucus, I place great value on her efforts to end the tragedy of repression in Burma.

Princess Ying Sita knows firsthand the tragedy taking place in her homeland. Her father, Prince Shwe Thaike, hereditary ruler of an ancient principality in the Shan State and first President of the independent, democratic Federal Union of Burma, was arrested when the democratic Government of Burma was overthrown in 1962; 8 months later, he died a political prisoner. Princess Ying Sita and her mother, Princess Hearn Hkam, fled to Thailand to escape persecution 1 year later.

In 1967, Princess Ying Sita came to the United States on a journalism scholarship. She currently works as a journalist in New York. A woman of incredible energy and dedication, she also serves as executive director of the all-volunteer, not-for-profit Burma American Fund. In that capacity, Princess Ying Sita raises relief and development funds for displaced Burmese students along the Burma-Thailand border region.

Mr. Speaker, the scope of the turmoil in Burma is known throughout the world due in large part to the tireless work of Princess Ying Sita. In fact, she was one of the first to bring the plight of Burma to the attention of the congressional human rights caucus. Because of the untiring and resolute efforts of people like Princess Ying Sita, the cause of freedom for Burma is alive and well. I ask that my colleagues today join me in paying tribute to her and to all of those who stand against the despots of Burma.

A TRIBUTE TO ELMA BAUGHMAN

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 28, 1991

Mr. LEWIS of California. Mr. Speaker, I would like to bring to your attention a very special lady, Elma Baughman of Chino, CA who has devoted many, many years to public service and helping others. Elma will be appropriately honored for her commitment and dedication at a retirement banquet in her honor on November 10.

School nurse Elma Baughman is one of Chino High School's longtime and most respected employees, having devoted 30 years of her life to the school district. Over the years, she has been largely credited with making Chino's nursing program one of the most progressive in the State of California.

In her 30 years, she served 15 years as district head nurse and also initiated Neighborhood House, a program which feeds and clothes people in need. Elma has also been an active supporter and participant and supporter in Associated Chino Teachers [ACT], and was also the first woman to be elected to the Chino City Council.

Mr. Speaker, Elma Baughman is an extraordinary lady who has committed her life to giving. Her concern and support for Chino's students and staff will be missed by all of those who know her and love her dearly. I ask that you join me and our colleagues in paying tribute to this wonderful lady who is most worthy of recognition by the House today.

A SALUTE TO MALCOLM BROWN

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, October 28, 1991

Mr. STOKES. Mr. Speaker, I rise today to honor Malcolm Brown, an artist who teaches at Shaker Heights High School in my home district. Mr. Brown's first solo exhibition in nearly 2 years recently opened at the art gallery bearing his name in Shaker Heights. His work is a combination of Caribbean scenes in watercolors and abstracts in acrylics and oil pastels. His works are described in a recent article in the Cleveland Plain Dealer as "radiant," "direct," and as having "grace" and "energy." The students of Shaker Heights are fortunate to study under his gifted and creative style, and the community is fortunate to be able to share in his rare artistic treasures.

I present the article, by critic Steven Litt, to my colleagues.

THE ATTRACTIVE OPPOSITES—MALCOLM BROWN MIXES MORE THAN OIL, WATER

(By Steven Litt)

Realism and abstraction are thought to be antithetical, but they blend with ease in the art of Malcolm Brown. In a new show of 17 works at the Shaker Heights gallery named for the artist. Brown mixes watercolors of Caribbean scenes with abstractions in acrylic and oil pastel.

The exhibition is the first one-person show in two years for the artist, a member of the American Watercolor Society and a longtime art teacher at Shaker Heights High School.

Brown's skill in watercolor is clear. His works in the medium are limpid, direct and, for the most part, unfussy.

In a portrait of a young woman, entitled "Mocha Magic," the artist established a living, breathing likeness with rapid, unhesitating strokes of paint. The painting is a radiant example of watercolor at its best.

Some of the watercolors are overworks, and some of them are embellished needlessly with pastel accents. But most of them sing.

Brown's abstractions have the same lyricism as the watercolors, although they look quite different at first. The paintings are filled with rounded shapes connected by networks of line that resemble vines growing across a flagstone patio.

In the abstractions, the artist's palette is dominated by cool aquas and flaming pinks and oranges. The colors are attractive, although they get tiresome over the long haul. The show would have been stronger if Brown had expanded his color range.

However, in Brown's best abstractions the colors work well. And, as in the watercolors, the abstractions show that the artist has a lively sense of touch. Paintings such as "Ancestral Spirits" and "Caribbean Fantasy" are choreographed with grace and energy. Brown is a dancer with a brush.

"Malcolm Brown: New Work" is on view at Malcolm Brown Gallery, 20100 Chagrin Blvd., Shaker Heights, through Oct. 31.

AL AND ROSE POSTAL CELEBRATE THEIR 60TH WEDDING ANNIVERSARY

HON. WILLIAM LEHMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 28, 1991

Mr. LEHMAN of Florida. Mr. Speaker, my two dear friends, Al and Rose Postal, celebrated their 60th wedding anniversary on October 18, 1991. On occasion of this joyous event, I would like to offer them my heartfelt congratulations.

In today's society, marriages of this duration are a rarity. Their 60th anniversary celebration attests to the fact that Al and Rose are a truly remarkable couple. Not only have they beaten the odds, but they've set a new standard.

Al and Rose Postal epitomize the marriage ideal in a world where divorce rates are skyrocketing and people are torn apart every day. Their relationship is inspirational.

After 60 years together, Al and Rose are still the exception to the rule.

TRIBUTE TO THE MILITARY MAIL CALL!

HON. JIM BACCHUS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 28, 1991

Mr. BACCHUS. Mr. Speaker, it is with great pleasure that I rise today to honor the Military Mail Call!, which has served as a national clearinghouse for morale-boosting mail to our service men and women around the world.

Military Mail Call! was founded to correspond with our troops in Vietnam. In 1972, this support system was expanded worldwide.

Military Mail Call! has now grown so much that bundles of mail have been sent for the past 2 years to more than 1,000 units and locations all across the United States and in every corner of the globe. Recently the positive influence of Military Mail Call! was felt by our forces in the Persian Gulf when they received thousands of cards and letters.

Military Mail Call! is especially in need of support as we approach another holiday season. I hope we can do better than ever this year.

I am especially proud that the Florida headquarters for Military Mail Call! is in the town of Christmas in my district. I would also like to recognize several groups in my district that have contributed to this worthwhile cause. The Apollo Elementary School sixth graders in Titusville and the Disabled American Veterans Auxiliary 109 in Titusville are top participants in this program and deserve to be applauded for their actions.

I believe that grassroots support is critical to the success of any cause or organization. Military Mail Call! has spurred many concerned Americans to a vital service without cost to the taxpayers and without the influence of big money or big names. This is grassroots citizenship at its best.

TRIBUTE TO THE HOUSING AUTHORITY OF SOUTH BEND ON THE OCCASION OF THEIR 50TH ANNIVERSARY

HON. TIMOTHY J. ROEMER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 28, 1991

Mr. ROEMER. Mr. Speaker, I rise today to recognize the 50th anniversary of the housing authority of the city of South Bend, an organization which has dedicated five decades to the betterment of the community.

The housing authority was established on March 5, 1941, by the authority of the United States Housing Act of 1937, to develop affordable public housing for low-income individuals and their families. For 50 years the housing authority has performed a valuable public service and has fought discrimination in the development of public housing. With determination and persistence, this organization has been able to help many Hoosiers realize the American dream.

The housing authority was originally established as a nonprofit, municipal corporation which would confront the problem of unaffordable, unsanitary, and unsafe dwellings in South Bend. Through the selfless efforts of its members and leadership, the housing authority has made noticeable advances in the quality of living for low-income families and has become a model for other such programs to follow:

I would like to note just a few of the accomplishments of the housing authority:

A tutoring program, conceived in 1971 and coordinated with both the University of Notre Dame and St. Mary's College, provides individual attention to children with their homework and encourages increased parental involvement in their children's education.

A Girl Scout drop-in center was established in 1988 to help children participate in the Girl Scouts of America Program.

The Community Oriented Police Enforcement Program—also known as the COPE Program—was created in 1990 and is funded by the Drug Elimination Grant. This program aids the development of preventive patrol tactics and promotes positive, police-citizen interaction. Through this program, responsibility for community safety has become a joint effort among family and friends, the public and public servants.

Today, there are 931 completed housing units and complexes which stand as a testament to the efforts and achievements of the housing authority in the city of South Bend. The people whose lives have been touched by these accomplishments now display a renewed livelihood and sense of community. Clearly, the housing authority has made South Bend a better place to live and each day is helping more Hoosiers fulfill their American Dream.

IN HONOR OF SANTA MONICA HIGH SCHOOL'S CENTENNIAL

HON. MEL LEVINE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 28, 1991

Mr. LEVINE of California. Mr. Speaker, I rise today to recognize the century long standard of excellent education provided by Santa Monica High School. I wish to extend my heartiest congratulations to its principal, Bernard Samuels, and the community of students, parents, teachers, school employees, and alumni who have worked throughout the years to make Santa Monica High School the success it is today.

The Santa Monica School District was organized by the State of California in 1875, and in March 1876, the first 52 students enrolled in the first district school. Santa Monica High School was formed in 1891 under California's Union High School Law of 1891, and the first graduating class of 1894 had only five students. Since that first graduating class, Santa Monica High School has graduated over 25,000 students.

Santa Monica High School's exemplary curricular and extracurricular programs have brought the school national and international renown. Recently honored by the State Department of Education as a California Distinguished School, Santa Monica High consistently produces National Merit Scholars. Its students repeatedly score significantly above State and national norms in the Scholastic Aptitude Test, advanced placement tests, and Golden State exams. The school has received international recognition for its exceptional music program, which has allowed the school to represent the United States in international competitions in Europe. Santa Monica High School's champion athletic teams and remarkably gifted drama department are valued and respected institutions of the community.

Santa Monica High School has by no means rested on its laurels. The school has maintained its status as an innovator in implementing new programs to meet the changing needs of its students. These include a Graduate Assistance Program, a School Age Parent and Infant Development Program, and an Advancement Via Individual Determination Program. It is clear that Santa Monica High School has excelled in all areas necessary to broaden the experiences of its students.

It is a pleasure to bring Santa Monica High School's outstanding achievements to the attention of my colleagues in the House of Representatives, and I ask that they join me in congratulating this exemplary high school on 100 years' worth of a job well done.

A TRIBUTE TO JEREMIAH J. O'KEEFE, SR.

HON. MIKE ESPY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Monday, October 28, 1991

Mr. ESPY. Mr. Speaker, I rise to give tribute to Mr. Jerry O'Keefe, a native Mississippian who continuously gives unselfishly to his community. Most appropriately, Mr. O'Keefe will be recognized on November 14, 1991, by the Kiwanis Club of Biloxi.

In tours of duty as a fighter pilot in the U.S. Marine Corps, mayor of the city of Biloxi, Mississippi State representative and brilliant entrepreneur, Mr. O'Keefe has portrayed the quintessential public servant. He has taken to heart the scripture passage—"Inasmuch as ye have done it unto one of the least of my brethren, ye have done it unto me."

While serving in the U.S. Marine Corps during World War II, Mr. O'Keefe, recognized as the youngest flying ace, courageously shot down six Japanese aircraft during his first day in combat. He was honored with the Navy Cross, the Distinguished Flying Cross, and several other medals.

On returning home from the war, Mr. O'Keefe attended Loyola University in New Orleans, LA, where he graduated cum laude in 1948. After graduation, he returned to the Mississippi Gulf Coast where he has used his talents to serve his community and build a family business which includes Gulf National Life Insurance Co., Gulf National Investment Co., Bradford-O'Keefe Funeral Homes, Inc., and Gulf Holdings, Inc.

During his 8 years as mayor of Biloxi after first being elected in 1973, Mr. O'Keefe championed the causes of the underprivileged and the elderly. One of his priorities was expanding services to senior citizens. He also concentrated on historic preservation, downtown development and creating a regional airport.

Mr. O'Keefe, who was born July 12, 1923, has been the recipient of numerous awards: Outstanding Young Man and Outstanding Citizen of Biloxi; Outstanding Freshman Legislator—while serving in the Mississippi House of Representatives from 1960 to 1964; the American Heritage Freedom Award for his contributions to the welfare, progress and prestige of black Americans in particular, as well as all underprivileged Americans; the National Council of Senior Citizens' Citizen of the Year Award; the Salvation Army's highest honor—the "Others Award;" honorary chairman of the Mississippi Mental Health Association; and the Silver Beaver Honor from the Pine Burr Council 304 for the Boy Scouts of America.

Mr. O'Keefe is in the truest sense a community activist and a community advocate. He has rallied in support of several community projects, spearheading a compendium of fundraising drives. These fundraising projects have included work with two school building programs and construction of the Salvation Army Building in Biloxi and the Walter Anderson Museum in Ocean Springs. Other organizations he has been active in include the United Way, the Biloxi Chamber of Commerce, and the Greater Biloxi Economic Development Foundation, Inc.

Mr. Speaker, I have known Mr. O'Keefe for several years. He is an altruistic man of great ideas and enthusiasm. He has put these attributes to work to benefit his community, church and family. His partner in service is his wife Annette Rose Saxon O'Keefe. They are blessed with the lucky number of 13 children.

TRIBUTE TO RICHARD J. VILLANI

HON. DON RITTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 28, 1991

Mr. RITTER. Mr. Speaker, I rise today to pay tribute to Richard J. Villani, my constituent and friend, upon his retirement as Bethlehem's postmaster. He is being honored by his family, his employees, his peers, and friends on November 1, 1991, in Bethlehem, PA.

Richard is one of six children born to Antonio and Anna Falco Villani in the city of Bethlehem, on January 25, 1936. To his family, he is husband, father, grandfather, advisor and friend—even poet. To the community he is known as a leader, and a friend to the young and old alike.

Richard Villani has always supported community functions with his time, effort, and leadership. He has promoted athletics and youth activities throughout the area and is known for his untiring dedication to his civic responsibilities.

In 1983, he agreed to fill an unexpired term on the board of directors of the Bethlehem Public Library and was subsequently reappointed to two more terms. In addition, he worked as a volunteer for library fundraising activities such as the Musikfest booksale. From 1980 through 1985, he served on the board of directors of the Bethlehem YMCA. He was chairman of the membership committee and, in 1986, he served on the sustaining membership campaign and then as cochairman of the special gifts division of the debt campaign.

Richie, as he is known to family and friends, has served as both vice president and president of the Bethlehem Rotary. Through his outstanding direction, a 3-year program culminated in the purchase of a $40,000 ambulance presented to the city of Bethlehem. He also headed up the Vocational Program whereby he had approximately 50 professionals and businessmen visit local high schools to share their expertise and experience with students so that they could gain a greater insight into their career choices for the future. In recognition for his generous contributions to the community and Rotarian Club, he was awarded the Rotary's Paul Harris Fellowship.

For 7 years, Richie was the committee chairman of the Combined Federal Campaign. Through his leadership and dedication, the total dollars contributed from the Federal agencies to various national and local charities, rose from $18,686.68 in 1982 to over $120,000 in 1989.

Since first becoming postmaster of Bethlehem in 1974, Richie turned the Bethlehem Post Office into an organization that prizes itself in leading the way. It was selected as the primary office for the Employee Involvement Program in their Management Sectional Center [MSC]. He served as a member of the MSC's Safety Committee. His support for Equal Opportunity Employment is reflected in the high percentage of minorities employed by the Bethlehem office. He also strongly supported the Upward Mobility Program whereby many Bethlehem employees were promoted.

Under his direction, the mailbox was built which is a replica of a collection box. It was primarily built to commemorate the opening of a full philatelic window at the Bethlehem Post Office. The mailbox is now used at numerous events as a temporary station with a special philatelic cancellation to commemorate that event. This is done yearly for events such as Bethlehem Christmas City Fair and Musikfest and has been used as safety fairs in Harrisburg, Lancaster, Cherry Hill, and Stroudsburg. This year it was used at Bethlehem's 250th anniversary opening day ceremonies. The mailbox has become a symbol of postal goodwill wherever it is seen.

Richard's total commitment to community affairs, along with both civic and business leaders have made him an unparalleled asset to the postal service and to its living up to commitment to give the best service possible. Through his leadership, Bethlehem is now a full service post office, geared to the needs of the business community while still maintaining excellent service to the residential customer. Needs for specific postal services are analyzed on an individual basis and Bethlehem was the first post office in the MSC to extend their business hours to meet the changing needs of the community.

Richard promoted employee morale through social and sports programs involving both current and retired employees. Service and satisfaction was impressed upon each employee and the importance of the employees' public image was stressed. Richie felt that the employees themselves constituted the post office.

Richard has been the kind of leader whom we now look for to take American business and government into the quality revolution.

I have known Richie for many years; I have been a recipient of excellent service, a witness to his professional and personal impact on the community, and have valued his advice and friendship. For this, I thank him.

Mr. Speaker, please join me in applauding Richard J. Villani for his many contributions not only to the Postal Service, but to the people of the Lehigh Valley. Through hard work and dedication to the community, he has earned respect as a senior statesman in our community. Richard J. Villani has touched the lives of many. His employees will miss him; the community will treasure his many contributions.

TRIBUTE TO STEPHEN LIEBERMAN AND ANTONIO FRANZESE

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, October 28, 1991

Mr. ACKERMAN. Mr. Speaker, I rise today to pay tribute to Mr. Stephen Lieberman and Mr. Antonio Franzese, two young men who came to the defense of Alfred Jermaine Ewell who was being beaten in an apparent racially motivated attack 4 months ago.

The 17-year-old Ewell suffered severe head injuries went into a coma in critical condition when he was beaten with baseball bats in Atlantic Beach after a graduation party. The white youths had apparently been upset that

Ewell, who is an African-American, had been talking to a white female student.

Alfred Ewell, however, was lucky to have been aided by two young men who were on the boardwalk, 19-year-old Stephen Lieberman and 18-year-old Tony Franzese, who also were at the party, and who came to Ewell's aid. The blow that Ewell suffered was so great that he instantly went down. If it had not been for these two immensely brave young men, he might have been killed. Stephen and Tony also were beaten while trying to halt the attack. The attackers eventually tried to escape and were chased by these two bruised young heroes. The criminals were apprehended by the police who were called to the scene of the crime by a friend of these brave samaritans.

There were many more people on the boardwalk who regrettably did not come to Ewell's rescue. Stephen and Tony put their own lives at risk to aid that of another. Only exceptional individuals would do what they did. Their courage and their selflessness helped Ewell to have a second chance at a very promising future.

The action of Stephen Lieberman and Tony Franzese epitomizes the intolerance of racial bias. These young men and the residents of Atlantic Beach and the surrounding community have rallied to support and comfort the victim. It is highly commendable that they have not defended the attackers, as has happened elsewhere.

It is comforting to know that there are still people and communities that value tolerance and integration and will do their utmost to preserve such harmony. Stephen and Tony almost sacrificed their own lives to save that of another.

Heinous occurrences of violence and racial hatred such as the attack on Alfred Ewell are unsettling, but it is comforting to know that there are still those who exemplify the qualities of citizenry that are vital to a democratic society. I ask my colleagues to join me in expressing the gratitude and appreciation of the American people to Mr. Stephen Lieberman and Mr. Tony Franzese.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, October 29, 1991, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

OCTOBER 30

9:00 a.m.
Labor and Human Resources
Business meeting, to mark up S. 1150, to authorize funds for programs of the Higher Education Act, S. 1848, School Dropout Technical Correction, S. 1256, Welfare Dependency Measurement and Assessment Act, S. 1577, Alzheimer's Disease Research, Training and Education Amendments, S.J. Res. 133, in recognition of the 20th Anniversary of the National Cancer Act of 1971 and the over seven million survivors of cancer alive today because of cancer research, and to consider a proposed committee resolution expressing the sense of the Committee on Labor and Human Resources concerning membership in clubs that engage in discrimination.
SD–430

Small Business
To hold hearings on the impact of the economic recovery on small business.
SR–428A

9:30 a.m.
Commerce, Science, and Transportation
To hold hearings on the nominations of Victor Gold, of Virginia, and Leslee B. Alexander, of Tennessee, each to be a Member of the Board of Directors of the Corporation of Public Broadcasting.
SR–253

Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD–366

Governmental Affairs
To hold hearings on the nominations of Francis S.M. Hodsoll, of Virginia, to be Deputy Director for Management, Office of Management and Budget, and Edward Joseph Mazur, of Virginia, to be Controller, Office of Federal Financial Management.
SD–342

Joint Economic
Education and Health Subcommittee
To resume hearings on proposals to reform the American health care system.
2359 Rayburn Building

10:00 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings on agricultural and food assistance for the Soviet Union.
SR–332

Environment and Public Works
To hold hearings on the nominations of E. Gail de Planque, of New Jersey, to be a Member of the Nuclear Regulatory Commission, and Herbert Holmes Tate, of New Jersey, to be an Assistant Administrator of the Environmental Protection Agency for Enforcement and Compliance Monitoring.
SD–406

Foreign Relations
East Asian and Pacific Affairs Subcommittee
To hold hearings to examine U.S. security policy in East Asia.
SD–419

10:30 a.m.
Joint Economic
Economic Goals and Intergovernmental Policy Subcommittee
To hold joint hearings with the House Foreign Affairs Committee's Subcommittee on Europe and the Middle East to examine how Soviet economic reform will affect the U.S. and world economies.
2172 Rayburn Building

2:00 p.m.
Foreign Relations
European Affairs Subcommittee
To resume hearings on consolidating free-market democracy in the former Soviet Union.
SD–419

3:30 p.m.
Foreign Relations
To hold a closed briefing on the Administration's plan for military assistance to Jordan.
S–116, Capitol

OCTOBER 31

9:00 a.m.
Joint Economic
To hold joint hearings with the Senate Committee on Labor and Human Resources' Subcommittee on Education, Arts, and Humanities to examine the use of educational technology in the classroom, focusing on the role of the Federal Government.
SD–430

10:00 a.m.
Judiciary
Business meeting, to consider pending calendar business.
SD–226

2:30 p.m.
Foreign Relations
East Asian and Pacific Affairs Subcommittee
To continue hearings to examine U.S. security policy in east Asia.
SD–419

NOVEMBER 1

9:30 a.m.
Joint Economic
To hold hearings to examine the employment-unemployment situation for October.
SD–628

NOVEMBER 5

10:00 a.m.
Commerce, Science, and Transportation
To hold oversight hearings on the Office of Barter and Countertrade, Department of Commerce.
SR–253

NOVEMBER 7

9:30 a.m.
Energy and Natural Resources
Public Lands, National Parks and Forests Subcommittee
To hold hearings on S.461, designating segments of the Lamprey River in New Hampshire for potential addition to the National Wild and Scenic Rivers System, S.606, designating segments of the Allegheny River in Pennsylvania as a component of the National Wild and Scenic Rivers System, S.1230 and H.R.990, to authorize additional funds for land acquisition at Monocacy National Battlefield, Maryland, S.1552, designating the White Clay Creek in Delaware and Pennsylvania for poten-

tial addition to the National Wild and Scenic Rivers System, S.1660, to authorize funds for implementation of the development plan for a segment of Pennsylvania Avenue in the District of Columbia, and S.1772 and H.R.2370, to alter the boundaries of the Stones River National Battlefield, Tennessee.

SD–366

10:00 a.m.

Commerce, Science, and Transportation

Foreign Commerce and Tourism Subcommittee

To hold hearings to examine U.S. trade with eastern Europe and the Soviet Union.

SR–253

NOVEMBER 12

10:00 a.m.

Commerce, Science, and Transportation

To hold hearings to examine competitiveness in the U.S. computer software industry.

SR–253

Select on Indian Affairs

To hold oversight hearings on Federal court review of tribal court rulings in actions arising under the Indian Civil Rights Act.

SR–485

NOVEMBER 14

9:30 a.m.

Governmental Affairs

Oversight of Government Management Subcommittee

To hold hearings on how the Federal Government can improve its message to the public on child health and nutrition.

SD–342

NOVEMBER 15

9:30 a.m.

Select on Indian Affairs

To hold hearings on S. 1607, to provide for the settlement of the water rights claims of the Northern Cheyenne Tribe.

SR–485

NOVEMBER 19

10:00 a.m.

Commerce, Science, and Transportation

To hold oversight hearings on title 5 of Public Law 100–418, authorizing the President to conduct a study on the effect of foreign mergers, acquisitions, and takeovers on U.S. national security.

SR–253

POSTPONEMENTS

NOVEMBER 6

10:00 a.m.

Select on Indian Affairs

To hold hearings on S. 538, to restore Federal recognition of, and assistance to, the Miami Nation of Indiana.

SR–485

HOUSE OF REPRESENTATIVES—*Tuesday, October 29, 1991*

The House met at 12 noon.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

O God of peace and justice, sovereign of all being, we pray Your blessing on those who work for understanding in the Middle East. Grant them patience and courage so that a new vision can emerge in a part of our world that has known so much violence and fear. May the power of Your spirit, O God, touch people from all sides that an environment will be created where people will experience the fullness of living in security and respect and dignity. We pray that the foundations of peace will be developed so the present work will benefit the generations into a new age, a time when war will be replaced with harmony, and all the weapons of hostility will be put aside. May we be faithful in this time, gracious God, with the opportunities uniquely before us, so that swords shall be beaten into plowshares and spears into pruning hooks, so nations shall not lift up sword against nation and no one will learn war any more. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Minnesota [Mr. PENNY] come forward and lead the House in the Pledge of Allegiance.

Mr. PENNY led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. McCathran, one of his secretaries.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 1046. An act to amend title 38, United States Code, to increase, effective as of December 1, 1991, the rates of disability compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for survivors of such veterans; and

H.R. 3350. An act to extend the United States Commission on Civil Rights.

The message also announced that the Senate agrees to the amendment of the House to the bill (S. 1823) entitled "An act to amend the Veterans' Benefits and Services Act of 1988 to authorize the Department of Veterans Affairs to use for the operation and maintenance of the National Memorial Cemetery of Arizona funds appropriated during fiscal year 1992 for the National Cemetery System."

The message also announced that the Senate insists upon its amendment to the bill (H.R. 2212) "An act regarding the extension of most-favored-nation treatment to the products of the People's Republic of China, and for other purposes" disagreed to by the House and agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. BENTSEN, Mr. MOYNIHAN, Mr. MITCHELL, Mr. PACKWOOD, and Mr. DOLE, to be the conferees on the part of the Senate.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 1720. An act to amend Public Law 93-531 (25 U.S.C. 640d et seq.) to reauthorize appropriations for the Navajo-Hopi Relocation Housing Program for fiscal years 1992, 1993, 1994, and 1995;

S. 1848. An act to restore the authority of the Secretary of Education to make certain preliminary payments to local educational agencies, and for other purposes.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair announces that the Chair will receive requests for 1-minute statements, limited to 10 Members on each side.

TRIBUTE TO VICTOR D. MARVICK

(Mr. FAZIO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FAZIO. Mr. Speaker, I rise today on a very somber and disturbing occasion.

Yesterday, Air Force S. Sgt. Victor Marvick was tragically slain in a car bomb explosion in Ankara, Turkey. His wife Lucinda was also injured in the explosion.

Muslim terrorists perpetrated this senseless killing at a time when serious efforts are being made to bring about peace in the Middle East. These leftist extremists continue to demonstrate that they are only interested in maintaining a state of anarchy and are not interested in peace at all. Their destructive rampages will never contribute positively to the world community and cannot be tolerated.

Mr. Speaker, Victor and Lucinda Marvick are tragic victims of terrorism. I know I speak for my colleagues and the entire Nation in wishing Lucinda Marvick a quick recovery from her injuries. Our thoughts and prayers go out to her and her husband's loved ones during this difficult time.

Mr. Speaker, I would also ask my colleagues to join me in a moment of silence in remembrance of Victor Marvick, who served our country with honor, distinction, and courage.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. Members of the House will please rise.

The Chair will invite the visitors in the gallery to rise as well.

(Thereupon, the House observed a moment of silence.)

SALUTE TO THE WORLD CHAMPION MINNESOTA TWINS

(Mr. RAMSTAD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RAMSTAD. Mr. Speaker, first is just as great the second time around. Especially when it's the worst-to-first World Series.

That is right. Coming from a seventh-place finish last year, the Minnesota Twins won their second World Series title in 4 years Sunday night, beating the Atlanta Braves in what the commissioner of baseball called the greatest world series ever.

Behind the brilliant pitching of Minnesota native and most valuable player Jack Morris and the brilliant managing of Tom Kelly, the Minnesota Twins did what no other major league team had ever done. They went from last place to the championship in 1 year.

As Twins' first baseman and Third District native Kent Hrbek put it:

> This is a good lesson for life. No matter how down you are, it shows you always have a chance to come back.

And come back they did. With 55,118 homer hanky-waving fans raising the Metrodome decibel level to new highs,

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

another Third District resident, Gene Larkin, hit a first-pitch fastball with the bases loaded to win it all.

There were other World Series heroes as well. Kirby, Herbie, Chili, Aggie, Gladden, Bush, Pags, Harper, Knoblauch, Gagne, Leius, Erickson, Tapani, and, of course, MVP Morris, to name just a few. In fact, all of the players, the coaching staff, and Twins' management deserve credit for the World Series title. It was a true team effort.

Mr. Speaker, our vocal cords are strained and our eardrums still throb, but all Minnesotans salute and thank our 1991 Minnesota Twins. We are mighty proud of our world champions.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will state to visitors in the gallery that we are delighted you are present with us today, but the House rules prohibit the expression of any approval or disapproval by applause or any other means of any statements made on the floor of the House.

MINNESOTA TWINS; WIN IS LIKE POETRY

(Mr. PENNY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PENNY. Mr. Speaker:

They had to be brave to come to the Dome.
The Twins always win when playing at home.
Yet while in Atlanta, the Twins thrice were stopped.
The Braves brand of justice was a tomahawk chop.
Then back to home turf trailing three games to two,
The Twins called on Kirby and Kirby came through.
Game seven was scoreless through nine innings straight,
Though threats by both teams were put down in the eighth.
The top of the tenth had us all in suspense.
Our stomachs were queasy, our muscles were tense.
Jack Morris was sent out to finish the game.
He retired three batters, the score was the same.
The bottom of the tenth brought the Twins up to bat.
One hit and two walks filled the bases like that.
With Twins on all bases, the crowd was still nervous,
When pinch hitting Larkin was called into service.
He cracked out a hit, and Dan Gladden scored.
The Braves hearts all sank, as the Twins fans all roared.
The seven game Series put each team to the test.
The Series was great, but the Twins were the best.

CANADIAN HEALTH CARE—NOT FOR THE UNITED STATES

(Mr. GOSS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GOSS. Mr. Speaker, it is a classic example of the grass always being greener on the other side of the fence. There are many people who say the Canadian health system is the answer to our health care woes here at home. But do you think American citizens will wait 6 weeks for heart surgery? Will they tolerate strikes by health care workers that paralyze the delivery system for days on end? Tragically, some left waiting in line died. Things are getting worse in Canada, where health expenditures are rising faster than inflation—even though it has only one-tenth the population of the United States. The Canadians are being forced to cut corners in order to cut costs. It is really ironic that Canada, which ostensibly has such a model health care system, is not only watching more and more of its citizens come to the United States for the care they need, but now it is cutting back on reimbursements for the true costs of that care. The result? In my district, United States hospitals are finding themselves out of pocket in caring for Canadians. Before we make a mad dash for greener pastures, let us find out what is on the other side of that fence.

☐ 1210

NOTHING CAN BE DONE? THERE'S PLENTY TO DO

(Mr. BONIOR asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BONIOR. Mr. Speaker, a top White House aide says that George Bush does not need to pay attention to the home front because, there is not, and I quote, "anything that can be done right now." Nothing to be done?

Let me read a few headlines: "Economic Ills," "Economy Weaker," "Economy Absolutely Stalled." Nothing to be done? Sign our unemployment bill.

There are 437,000 people in my home State of Michigan out of work. Nothing that can be done? Forget the capital gains tax cut for the wealthy; support a middle-class tax cut to put money back in the hands of working Americans.

Mr. Speaker, there is plenty to do. Bush's aide said yesterday that the President is not ignoring us, "It is just that he likes foreign policy better." Well, maybe it is more fun to jet off around the world, but what we need is a pilot who can get this dismal economy back up off the ground.

LUXURY TAX FOLLIES

(Mr. BALLENGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BALLENGER. Mr. Speaker, today marks the 8th day until the first anniversary of the 1990 budget summit agreement—a lousy agreement which helped cause our present recession.

Perhaps the most misguided concept within the agreement was the implementation of a new luxury tax. Trumpeted to soak the rich, the luxury tax has been a dismal and damaging failure. Today it has been a major cause of sales losses in several major industries—most notably the auto, fur, and jewelry markets. And the rich have not been soaked, they merely stopped buying.

Several recent studies have shown: 3,275 Americans employed in high-line auto dealerships would lose their jobs this year solely as a result of the luxury tax. The boat and airplane building and retailing industries to date have already laid off nearly 20,000 Americans. The jewelry and fur industries report widespread job losses as well.

These are but several of the consequences that have crippled a significant segment of our economy. It is a job killer and revenue loser. Far from being a deficit reducer, it is fiscal foolishness. The time has now come for this body to agree that the luxury tax is a luxury the American public can do without.

IT IS TIME TO PARK AIR FORCE ONE AND START HELPING WORKERS ABOUT TO LOSE THEIR JOBS

(Mr. VISCLOSKY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VISCLOSKY. Mr. Speaker, in September housing starts declined, industrial production flattened, auto sales fell, and steel production weakened.

Locally, Inland Steel will slash jobs at their East Chicago plant.

President Bush has responded by setting aside 3 weeks this fall to travel overseas to places like Italy, Japan, Holland, Korea, Singapore, all of which have seen more real growth in their GNP since George Bush became President than the United States of America.

It is time for the President to park his plane and start helping those East Chicago steelworkers who are about to lose their jobs.

VOTE AGAINST FOREIGN AID GIVEAWAY

(Mr. LEWIS of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. LEWIS of Florida. Mr. Speaker, today we will consider a bill to authorize $25 billion in foreign aid over the next 2 years.

Twenty-five billion dollars. That is over $150 for every single American taxpayer.

To put that into perspective, let us say the same taxpayer kept that money, instead investing it for 18 years to provide for their child's education.

By the time that child is college age, his or her parents would have over $5,000 for that child's education.

But why am I even dreaming of this? It probably will not happen. Instead, their money will go to generic economic aid to Cyprus or Guatemala, or become part of a $1 billion mini-Marshall plan for the Philippines.

But I will continue to dream. To dream of the day that Americans are allowed to truly control the destiny of their hard-earned money.

That day could be today. Vote against today's foreign aid giveaway. We can trust Americans with their own money. Let them keep it for once.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. McNULTY). The Chair wishes to announce that he will confine the 1-minutes to those Members who are currently on the floor seeking recognition.

PRESIDENT'S ECONOMIC POLICY HAS NO TEETH AND NO NAILS

(Mr. SMITH of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. SMITH of Florida. Mr. Speaker, today the President promised to fight tooth and nail to revive our sickly economy.

But if you have lost your job, if you cannot make ends meet, if you do not know how you are going to pay the doctor's bill or keep your home warm this winter, what is the President's tooth and nail solution?

Cut the taxes for people making more than $250,000 per year.

It is obvious the President has not spent much time on the issue lately.

During the last month when the President was actually in the United States he held three 1 on 1 meetings with Cabinet Secretaries dealing with domestic issues.

But during that same month he held meetings with leaders of 21 foreign countries including Liechtenstein and Micronesia.

Meanwhile, 9 million Americans are jobless thanks to the Bush Republican recession and millions more live in poverty than 10 years ago.

What is the President's response?

His response is to hop onto Air Force One for another foreign trip, say "see you in a few weeks," and wave goodbye.

In this country, the one that elected him President: middle-class families cannot pay their mortgages, they cannot find the money to send their kids to college, and their jobs are becoming more and more tenuous, many have disappeared.

His economy may be doing alright but ours is not.

Mr. Speaker, the President's economic policy has no teeth and it has no nails. We need a President with more than a veto stamp on his desk and a plane ticket in his pocket.

Democrats are standing up for the middle class. I hope the President and Republicans will choose to join us soon in fighting this recession and providing relief to Americans.

ORLANDO'S CITRUS BOWL OFFERS TO HOST 1994 WORLD CUP SOCCER GAMES

(Mr. McCOLLUM asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McCOLLUM. Mr. Speaker, central Florida has emerged over recent years as one of the Nation's leading areas for professional sporting events. Now it is time that Orlando's quality arenas and thirst for exciting professional sports step into the international spotlight.

The World Cup of Soccer, staged every 4 years, is the largest single-sport spectacle in the world—surpassing even the Olympic games.

The United States, for the first time, has been selected to host the World Cup Soccer Championship. The 1994 World Cup will give many Americans a chance to see the highest quality play in a sport that is predominant in most of the world. It will also give players and fans from around the world a chance to visit America, an experience they will certainly share back home.

Fifty-two games will be played to determine the world's finest soccer team, and Orlando's Citrus Bowl has made the short list to host a portion of these games. Representatives from "USA World Cup 1994" and the "International Soccer Federation" are scheduled to visit central Florida on November 1.

Much preparation has gone into welcoming these representatives. Led by Joanie Schirm, chairperson for central Florida's effort, several central Floridians from the business community, and education sectors have contributed to bring the 1994 World Cup to Orlando. Our central Florida community is ready and eager to welcome the games and the world community to our Orlando Citrus Bowl during the summer of 1994.

THIS IS THE BEST GOVERNMENT THAT JAPAN, GERMANY, EUROPE, THE BALTICS, AND OTHERS OVERSEAS EVER HAD

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, while LTV retirees, steelworkers retired continue to lose their pensions, the White House has agreed to establish another foreign aid account, this time with the Baltics.

What is going on here, folks?

This administration takes care of everybody overseas but turns its back on American retirees who not only built this country with their sweat and blood but paid the bills.

In my opinion, this President, Mr. Speaker, while struggling for peace in the Mideast, continues to turn his back on the Midwest. I say it is high time we do something about it.

The shame is I think we have the best Government Japan, Germany, Europe, the Baltics and everybody overseas ever had. I think it is time we start developing a Government for the American people who keep getting screwed, especially the steelworkers and their pensions.

TAKE ACTION: REPEAL THE BOAT USER FEE

(Mr. STEARNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEARNS. Mr. Speaker, last week House Democrats talked continuously about economic fairness. But unfortunately, our citizens need actions not words. One of the fairest actions this body could take would be to repeal the boat user fee.

Make no doubt about it, the boat user fee is a tax on the middle class because the vast majority of boat owners are middle class folks. As a representative from Florida with much of the gulf coastline, I've heard the complaints about this tax first hand. Many of my constituents along the gulf coast simply can't afford the boat user fee, and won't pay it.

This tax doesn't help fund the Coast Guard either. Revenues raised from it are channeled into the general fund to reduce the deficit. However, boat owners are rebelling and have only paid $17 million of the $127 million this tax was designed to generate. Now here is the real irony.

Congress is now increasing the deficit by spending $110 million it doesn't have and won't get from an unpopular tax.

If we want economic fairness we need more than meaningless words from House Democrats. We need action. We need to repeal the boat user fee now.

□ 1220

CHARITY BEGINS AT HOME

(Mr. MAZZOLI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MAZZOLI. Mr. Speaker, where are our priorities? Where is our sense of balance and proportion?

Later this week, we will take up a bill which authorizes $25 billion for foreign aid, which bill, while it reflects the careful work of the gentleman from Florida and the gentleman from Michigan, devotes one-third of that money for military aid with about 90 percent of that military aid going into the Middle East, where today we begin the conference to try to solve the Middle East problems.

Mr. Speaker, it just seems ironical that we would even consider doing that.

Later this week we may take up an unemployment extension bill which spends, not $25 billion, but only $5.3 billion and not for 2 years, but for 5 years, and, while the first bill will get the blessings and the approbation of the administration, the second bill is going to get a veto probably.

Mr. Speaker, I do not see the priority. We should be careful to treat with the same respect and dignity the people here at home as we do the people abroad. Let us start our charity here at home.

EIGHT REASONS TO OPPOSE TAXPAYER FINANCING OF CONGRESSIONAL ELECTIONS

(Mr. SANTORUM asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SANTORUM. Mr. Speaker, there are many reasons to oppose taxpayer financing of congressional elections disingenuously called public financing by its supporters.

First, it will raise Federal spending and increase the deficit; Second, there is nothing public about taking the hard-earned moneys of working men and women and handing it over to politicians, who they may or may not support with their votes, but are now going to be forced to support with their money; Third, it will raise Federal spending and increase the deficit; Fourth, it will make the already tremendous advantages granted incumbents, such as exorbitant free mailing privileges, more important in winning reelection; Fifth, it will increase Federal spending and increase the deficit; Sixth, it will reduce individual participation and reliance on grassroots organizations and people in the elective process, which is what people want instead of negative TV ads and negative mud-slinging campaigns; Seventh, it will increase Federal spending and increase the deficit; and, last, it will increase Federal spending and increase the deficit.

BECOME A NATIONAL HERO—SUPPORT H.R. 3543

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SCHROEDER. Mr. Speaker, last night I was honored by the Big Brothers and Big Sisters of America as they selected me as their third annual national hero. The amazing thing to me was their first annual national hero was President Reagan, and their second national annual hero was President Bush, and so how we ended up with a Reagan-Bush-Schroeder ticket running 3 years in a row is quite amazing when one figures it is the same 75,000 people who are polled in this every year.

However, Mr. Speaker, they said it was because we made a real difference in their lives, and I think children are waking and looking. I think more and more American children are feeling like they are an endangered species and getting much more interested in who in the Congress is standing up for their rights.

Mr. Speaker, today we are going to have an opportunity to do that in the dire urgent supplemental in which we are going to say to America's children, "We're going to keep our covenant to you and fund the programs you so desperately need to start getting ready to compete in the 21st century."

I hope everyone votes to sustain that, and I think more and more of our young people will be looking to Congress for their futures and not to the President.

IS THE OCTOBER SURPRISE REALLY THE GREAT PUMPKIN IN DISGUISE?

(Mr. SHAW asked and was given permission to address the House for 1 minute.)

Mr. SHAW. Mr. Speaker, about this time every year, the cartoon character Linus, in Peanuts, tells us that the great pumpkin is coming.

No one else believes in the great pumpkin. Lucy mocks Linus. But the great pumpkin never shows up.

I was thinking of the great pumpkin as I read of the Democrats' unilateral decision to launch an investigation into the so-called October surprise.

Some of my Republican colleagues are angry at the Democrats for doing this.

But I am sympathetic with the Democrats' plight.

Like Linus, they search for the great pumpkin of politics, something or someone that is going to rescue them from their own worn-out philosophy.

Last week Democrat Members came to the floor telling us Gov. Mario Cuomo of New York was the great political pumpkin.

But, alas, the great pumpkin of Albany can't make up his mind.

So Democrats now believe the October surprise investigation is their great pumpkin. They are certain it will sweep them into the White House.

This is what has befallen a once great party. It is all too sad for words.

THE CAMPAIGN FINANCE REFORM BILL WILL IMPROVE ELECTORAL CAMPAIGN QUALITY

(Mr. GEJDENSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GEJDENSON. Mr. Speaker, we are moving toward a campaign finance reform bill that, I think, will improve the quality of electoral campaigns, focus on real debates; not just to chase for money, limit spending both for parties and for candidates. If we want the American people to focus on campaign elections, we ought to talk about the issues and focus on the issues, not just a race for money.

In the bill that we hope to bring to the floor shortly we will limit spending, we will have a fund for democracy paid for by a tax on lobbyists, and we will have an opportunity to reform the political process in this country in a serious way.

Mr. Speaker, we hope to have this legislation with the broadest support here from both Republicans and Democrats. The American people want to see a limit on spending.

While some people argue against public financing, President Bush, who has expressed his concerns, has signed up for almost 200 million dollars' worth of public dollars once this next campaign kicks into gear. He has already taken $146 million. He will be trying to take another $40 million in the next presidential election.

THIS IS NOT MICROMANAGING CAMPAIGNS?

(Mr. THOMAS of California asked and was given permission to address the House for 1 minute.)

Mr. THOMAS of California. Mr. Speaker, the chairman of the Task Force on Campaign Finance Reform has just issued a Dear Colleague. It starts out:

> Last February, the Speaker asked the Committee on House Administration to establish a Task Force on Campaign Finance Reform * * *.

That part is true. It then goes on to say:

"My proposal." That part is true, as well, because there has not been a bipartisan effort. He goes on to say:

> My proposal limits the capability to intentionally abuse the electoral process for opportunistic advantage. It seeks not to micromanage campaigns.

There are seven sections outlined on the back of the Dear Colleague. The first one goes like this:

> Controls campaign costs. Establishes a voluntary spending limit of $600,000 per election cycle. Candidate may spend as much as he/she wants in primary, but not more than $500,000 in general election. (Runoffs get $100,000.) (Candidate who wins primary by 10 percent or less gets $150,000 added for general.)

Or how about the second approach?

> All candidates may raise up to one-third of the limit in PAC contributions ($200,000) and another one-third in large individual contributions ($200,000), from $200 to $1,000. Candidates may raise unlimited amounts of individual contributions less than $200 up to the election cycle spending limit.

Mr. Speaker, this is not micromanaging campaigns?

H.R. 1414 AND THE AMERICAN DREAM

(Mr. NAGLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. NAGLE. Mr. Speaker, Sam Rayburn, our former Speaker, used to say of his hometown what many of us from rural America feel about our hometowns. They are places, he said, "where they know when you're sick, and care when you die."

The strength of rural America is on our lifestyle: knowing the name of your children's teacher; helping each other in the time of need; letting your kids play outside til dark in the summer and not having to worry about their safety. To all these strengths, and the many more that my State and all of rural America has—we should always keep on that list that it's also a place where you can own your own home.

Unfortunately, the American dream of home ownership in rural Iowa is beginning to become just that—a dream. In many rural communities in my district, homes just aren't available. Even if you can afford to buy a home, homes just aren't being built.

There are many reasons, but a big one is the unfair tax treatment we currently give real estate entrepreneurs.

One way to correct that would be to approve H.R. 1414, the passive loss corrections bill.

Mr. Speaker, H.R. 1414 has over 300 cosponsors, and while it has never been offered as a panacea for all the ills that ail the real estate industry, it does represent a modest and responsible step toward encouraging investment in real estate.

Simply put, owning and renting residential real estate is investing in America. It should be treated as all other businesses.

□ 1230

HALLOWEEN, 1991

(Mr. LIVINGSTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LIVINGSTON. Mr. Speaker, it is almost Halloween and the Democrats are once again playing a game of trick or treat.

For the last 11 years the American people have resoundingly shut them out of the White House. Now these Democrats, far from reevaluating themselves or their platform, are knocking on any door they can find, looking for any trick or treat they can parlay into a victory next year.

In fact, what they are using now is the "October Surprise" investigation in an effort to attack President Bush's approval ratings. No matter that the premise of the investigation is flawed, that the witnesses have been proven unreliable, and that President Carter is on record as having offered the Moon to the ayatollah to resolve the hostage problem before the election. But if we have to have an investigation, let us ask some important questions.

Why were the hostages taken in the first place? What was the role of Bert Lance in the Iran hostage crisis, and how is that linked to the BCCI scandal? And exactly what was the arms-for-hostage deal Jimmy Carter offered the ayatollah?

What assurances did Carter give to the Iranian Government in order to gain the belated release of the hostages? Why did the rescue attempt fail, and who was responsible for that failure?

Remember, it was the Carter administration that held all the bargaining chips when it came to the Iran hostage affair.

That is a real jack-o-lantern, Mr. Speaker.

A SHIFT IN PRIORITIES NEEDED FOR AMERICA

(Mr. SARPALIUS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SARPALIUS. Mr. Speaker, we debated here in this Chamber our foreign aid bill on which we decided to spend $12.5 billion. I just came from a committee hearing where we heard that FmHA wrote off $8 billion in loans. We spend $80 billion to bail out the savings and loans, and we will spend another $80 billion. The President forgave Egypt and wrote off a loan for $6.7 billion when he could look out the window of the White House and see people sleeping on the streets.

Mr. Speaker, it is time for us to change our priorities and where we spend our money in this country. Today we have a chance to do that. It is time to listen to the pain of a mother and feel her tears when she cries out as she buries an infant child. Today we have a chance to support the Pat Schroeder amendment which deals with some of the real problems of the middle- to low-income people. We have a chance to reduce premature births by 25 percent. We have a chance to save 40,000 infants from death in this country. We have a chance to do something for the poor people in this country.

FEDERAL PRISON INDUSTRIES NEEDS CLOSE EXAMINATION

(Mr. IRELAND asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. IRELAND. Mr. Speaker, reports from small businesses indicate that the Federal Prison industries has long enjoyed unfair competitive advantages, allowing it to take over many small business markets.

In a recent Small Business Committee hearing, a report on the Prison Industries' impact on small business was presented.

The report did little more than detail the Prison Industries' problems with making money and its limited success in helping prisoners.

The goals of the Prison Industries are commendable, however, they must not be achieved at the expense of small businesses—the one segment of society with a record of new job creation.

Federal Prison Industries must be required to compete fairly with small businesses for Federal contracts.

Today, Mr. Speaker, my colleague, the gentleman from Missouri [Mr. SKELTON] and I are introducing legislation addressing this unfair advantage. I urge my colleagues to join us in supporting this vital initiative. As you consider your stance, remember that it is easy to say that you are all for small business, but it is how you vote that really counts.

A BIPARTISAN APPROACH NEEDED TO GET AMERICA WORKING AGAIN

(Mr. APPLEGATE asked and was given permission to address the House for 1 minute.)

Mr. APPLEGATE. Mr. Speaker, it is time that the Congress, the leadership of the Congress, and President Bush sit down in a bipartisan nature and come forth with a comprehensive plan to get America moving and working again. All anybody has to do is take a look at the polls and we can see that President Bush has declined precipitously in the polls, below 50 percent, and the Congress does not look any better.

The Congress and the administration today are held in disrepute, with less credibility. The American people are just plain sick and tired of bad management in the economy and the deficit. They are tired of political rhetoric. They want to see the bickering quit. They want to see action. They are mad as hell because they are losing their jobs and their quality of life. They are having trouble feeding and clothing and housing their kids. They are having trouble educating them, and there are no health care proposals.

Mr. Speaker, I think that is the least we can do for the American people who elect us and elect the President to these offices.

BEHIND EVERY MAN—PART OF THE SOLUTION

(Mrs. JOHNSON of Connecticut asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. JOHNSON of Connecticut. Mr. Speaker, today I rise to commend Chairman ROSTENKOWSKI for introducing a very thoughtful reform of the insurance market serving small employers and their employees. As 80 percent of the uninsured are working or are the dependents of working parents, this reform has the potential to reach millions and millions of the uninsured this year. While I do not agree with some of the provisions in H.R. 3626, there is very, very much that I support in it.

In March of this year, my colleague, the gentleman from Washington [Mr. CHANDLER] and I introduced H.R. 1565, the Health Access and Reform Act Today. This is the first House bill that laid out some of the key reform pieces we are now talking about, amongst them bringing insurance relief to small businesses and promoting, not stifling, cost-containing, quality improving managed care and utilization review.

The HEART bill would also provide tax equity for the self-insured and expand the resources available for community and migrant health centers, thus bridging the gap between the needs of the working and the nonworking uninsured.

The gentleman from Washington [Mr. CHANDLER] and I also introduced legislation that would further reduce costs for small businesses by allowing them to form insurance purchasing groups and by relieving them of State mandates and providing them with a waiver of premium taxes; the same kind of benefits that many large employers enjoy.

Mr. Speaker, with so much agreement between House Republicans and Democrats and their counterparts in the other body, we ought to be able to pass small group reform before Christmas and provide insurance access to millions of citizens throughout our Nation.

FIREFIGHTERS SAVE COLUMBIA GORGE

(Mr. KOPETSKI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KOPETSKI. Mr. Speaker, earlier this month the State of Oregon faced perhaps one of its worst nightmares, forest fires in the Columbia River Gorge. Those who have traveled the gorge know of its unique ecology and it clearly deserves to be recognized as the eighth wonder of the world.

Two fires, the Multnomah Falls fire and the Wauna fire, erupted simultaneously. Forest fires are extremely difficult tasks for firefighters; each is different, with the terrain, winds, and weather all wreaking uncertainty and havoc. The Multnomah Falls fire and the Wauna fire were controlled after several fierce days of firefighting. Today, I rise to congratulate all who contributed to the firefighting efforts. The U.S. Forest Service including Mike Edrington, Tim Lee, Rich Wand, Dave Anderson, and Mike Andrews, the Bureau of Land Management, Jeff Schwanke and the Oregon Forestry Department, Oregon State Police, Oregon Fish and Wildlife Department, Oregon National Guard, and the Army Corps of Engineers all deserve special thanks and recognition. I would also like to recognize the efforts of firefighters from my district; Boring District No. 58, Clackamas County District No. 1, and Marion County District No. 1. Additional firefighters came from the fifth district communities of Lake Oswego, West Linn, Oregon City, Estacada, Milwaukie, Canby, Oak Lodge, Sandy, Sublimity, Stayton, Woodburn, Beavercreek, and Molalla.

Mr. Speaker, the gorge is still gorgeous due to the efforts of dedicated firefighters. All of Oregon is proud of the thousands of individuals who contributed to the massive effort to control the Columbia Gorge fires. It was their tireless, professional efforts that saved this wonder of the world.

FOCUS ON THE PEACE CONFERENCE IN MADRID

(Mrs. ROUKEMA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mrs. ROUKEMA. Mr. Speaker, today the eyes and ears of the world are on Madrid, anticipating the opening of the Middle East Peace conference. And all Americans stand in admiration and owe a debt of gratitude to President Bush and Secretary of State James Baker; to President Bush for his vision and perseverance in the face of seemingly insurmountable obstacles; and to Secretary of State James Baker for his patient persistence and diplomatic brilliance.

The impossible is happening in Spain—representative of Middle East nations and factions who, just a few short weeks ago, were foreswearing ever talking to each other will tomorrow, Israelis, Arabs, and Palestinians sit down at the same diplomatic table.

Mr. Speaker, we cannot overstate the significance of this watershed event.

This conference represents a breakthrough on generations of religious and ethnic enmity. Taboos are being broken. People are yearning for peace. It is a vision of the promise of what a new world order could be.

This road to peace will not be short or smooth. In fact, it will be long and tortuous. But the vision and promise of a new world order is clearly within our grasp.

□ 1240

ECONOMY IS IN TROUBLE AND DEMANDS ACTION NOW

(Mr. SCHUMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHUMER. Mr. Speaker, this morning the Commerce Department announced the new GNP figures for the third quarter. They say the economy grew by 2.4 percent.

This prompts two questions. First, with all the anecdotal evidence seeming to point the other way, are these figures correct? Wherever you go, speaking to leaders of big business, small business, unions, anyone with practical experience, they say the economy is headed down. Where is this growth, and do the figures that the Federal Reserve Board and the Commerce Department calculate accurately measure our modern day economy?

Second, how long will this growth last, if it exists at all? Car sales are down, home sales are down, consumer confidence is way down, foreign economies are flat, and so are our exports. There seems to be no engine for our growth.

Mr. Speaker, no one should take solace in these figures. Our economy is in trouble and demands action now.

SCIENCE AND METHODOLOGY OF WETLANDS DEFINITION AND DELINEATION

(Mr. GILCHREST asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GILCHREST. Mr. Speaker, I will be offering today an amendment for a National Academy of Sciences study into the science and methodology of wetlands definition and delineation. This study is virtually identical to the one proposed by the chairman of the Science, Space, and Technology Committee, the gentleman from California [Mr. BROWN], in H.R. 3578.

Mr. Speaker, there is tremendous confusion surrounding the definition of wetlands. Unfortunately, the science in this area remains largely inconclusive, and while most of us are committed to protection of our Nation's wetlands, there are differences of opinion as to what this should entail.

The purpose of this study is to ensure, to the extent that this is possible, that our policy decisions do not outstrip our knowledge base. The amendment itself would have no policy implications whatsoever. It has no impact nor does it affect the manual whatsoever. The Academy's findings are in no way binding.

Mr. Speaker, I merely wish to provide a reference source from a respected and apolitical organization. I would suggest that regardless of one's opinion on wetlands policy, there would be no reason to oppose the gathering of further information.

Too often in the past we have made mistakes in environmental policy because policy decisions preceded science.

THE SQUEEZE IS ON THE MIDDLE CLASS

(Mr. OLVER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OLVER. Mr. Speaker, the squeeze is on the middle class because the middle class is picking up the tab for the "Don't worry, be happy" days of the 1980's.

You couldn't pick up a magazine or paper in the past few weeks that hasn't said what people in western Massachusetts and all over this country have been feeling. It is a simple formula: The rich got richer and everybody else paid for it.

This recession in wide and deep, despite what President Bush might say. The Congress tried to help those hardest hit by the recession by passing extended unemployment benefits—not once but twice. Twice the President said no.

Instead he offers a capital gains tax cut that would put $5 out of $6 of the tax cut in the pockets of the richest 5 percent in this country. Those dollars should go to the 80 percent of Americans who lost ground during the go-go 1980's.

It is high time to pass a middle-class tax cut directed for working families and their children.

When I was growing up my parents felt that with hard work they could provide a better life for their kids. Well, Mr. Speaker, today's parents are working several jobs and they're still falling behind.

Now is the time for action. Working families need cash in their pockets and it is our job to reverse the trend of the 1980's and give the middle class a break.

REPEAL BOAT TAX AND HELP OUR ECONOMY

(Mr. ROTH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROTH. Mr. Speaker, do Members in Congress want to do something positive to strengthen our economy? I ask you to consider this idea. A year ago Congress passed the ill-advised boat tax. As a result, some 20,000 or more jobs are now overseas, people are out of work, and it costs more to buy a boat in this country. It costs more to collect the tax than the tax brings in to the Federal coffer.

So let us use a winning tact. Let us do something positive for America. Let us repeal the boat tax and help our economy.

A year ago a majority in this Congress imposed the boat user tax and the boat excise tax.

This tax-the-rich scheme supported by the Democrats in this House has cost 20,000 hard-working Americans their jobs.

These taxes were wrong then and they are still wrong today. These taxes have devastated the American boating industry and they have driven American jobs overseas.

The Ways and Means Committee chairman, DAN ROSTENKOWSKI, realizing the failure of his party's tax agenda, has floated the idea of cutting it in half over the next 5 years.

Well half a boat won't float and neither will this proposal.

Save American jobs and business. Sink the boat taxes altogether, Mr. Speaker, and keep the boating industry afloat.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, DC,
October 28, 1991.

Hon. THOMAS S. FOLEY,
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 5 of Rule III of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from the White House at 3:00 p.m. on Monday, October 28, 1991 and said to contain a message from the President wherein he transmits the 1990 State of Small Business Report.

With great respect, I am
Sincerely yours,
DONNALD K. ANDERSON,
Clerk, House of Representatives.

ANNUAL REPORT ON STATE OF SMALL BUSINESS—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Small Business.

(For message, see proceedings of the Senate of yesterday, Monday, October 28, 1991, at page 28723.)

PROHIBITING CERTAIN TRANSACTIONS WITH RESPECT TO HAITI—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Foreign Affairs.

(For message, see proceedings of the Senate of today, Tuesday, October 29, 1991.)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. MCNULTY). Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will postpone further proceedings today on both motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken at the end of legislative business today.

EXTENDING MOST-FAVORED-NATION STATUS TO THE MONGOLIAN PEOPLE'S REPUBLIC

Mr. ROSTENKOWSKI. Mr. Speaker, I move to suspend the rules and pass the joint resolution (H.J. Res. 281) approving the extension of nondiscriminatory treatment with respect to the products of the Mongolian People's Republic.

The Clerk read as follows:

H.J. RES. 281

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress approves the extension of nondiscriminatory treatment to the products of the Mongolian People's Republic transmitted by the President to the Congress on June 25, 1991.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois [Mr. ROSTENKOWSKI] will be recognized for 20 minutes, and the gentleman from Illinois [Mr. CRANE] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Illinois [Mr. ROSTENKOWSKI].

Mr. ROSTENKOWSKI. Mr. Speaker, I yield 1 minute to the gentleman from Ohio [Mr. PEASE] to speak out of order.

MAKE NO PROMISES ON TAX RELIEF THAT CANNOT BE KEPT

Mr. PEASE. Mr. Speaker, we all know that Congress is held in very low esteem these days by the American public. One reason is that we and other politicians tend to make promises that we cannot keep. For that reason, we should think very seriously before we embark on the idea of middle-class income tax relief.

Such a bill, in my opinion, would be bogged down immediately by the extension of expiring provisions, by some capital tax gains provision and a super IRA provision, both of which would benefit the wealthy, and by individual provisions which would be the tax equivalent of pork-barrel politics. On top of that, we could not agree on a way to pay for this middle income so-called tax relief bill.

Mr. Speaker, there is no way that we can deliver on any promise that we make. We should not make the promise if we cannot keep it.

GENERAL LEAVE

Mr. ROSTENKOWSKI. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks on House Joint Resolution No. 281.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

□ 1250

Mr. ROSTENKOWSKI. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, on June 25, 1991, the President submitted to the Congress a bilateral trade agreement with the Mongolian People's Republic, which would establish a new framework for United States trade relations with that country. The agreement contains detailed provisions on intellectual property rights, business facilitation, and other important aspects of trade policy. House Joint Resolution 281 would approve that agreement and the extension of most-favored-nation [MFN] status to the products of Mongolia.

Enactment of House Joint Resolution 281 would send a strong message of support to the people of Mongolia. They have replaced the previous Communist regime with a democratically elected government, and have adopted strong political and economic reforms. Mongolia is seeking to reduce its dependence on trade with the Soviet Union and increase its trade and economic ties with the United States. By increasing the prospects for United States trade and investment in Mongolia, extension of MFN status would assist that country in making a successful transition to a market-oriented economy.

Mr. Speaker, public comment received by the Committee on Ways and Means concerning this measure was uniformly positive. I know of no opposition to it. Furthermore, enactment of this measure would have no revenue effect. This is a good resolution, and I strongly urge my colleagues to join me in supporting it.

Mr. Speaker, I reserve the balance of my time.

Mr. CRANE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of House Joint Resolution 281 which would extend normalized tariff treatment, the so-called most-favored-nation principle, to the products of Mongolia. By this action, we are approving the bilateral trade agreement between our two countries and recognizing that Mongolia has established procedures to assure freedom of emigration and other basic human rights.

I wish to commend the Mongolian people for reforms they have made in reorienting their society away from state control. Very soon, I understand, the Mongolian Legislature will approve a republican constitution protecting individual freedoms and establishing a governmental system of checks and balances, modeled in many ways after our own Republic. As I have already stated, the requirements of the Jackson-Vanik amendment have been met.

Located in the land-locked region between the Soviet Union and China, Mongolia is a nation which, at one time, received foreign aid from the Soviet Union amounting to more than half of its GNP. As my colleagues know, the process of privatization is a painful one, bringing with it many dislocations. However, without equivocation, Mongolians have embraced the transition to a market-oriented economy. They welcome U.S. businessmen and work to emulate our political system.

As Mongolians retool their industrial infrastructure, the need for United States products and services in the areas of telecommunications, rail transit, and power generation, to name a few, will be significant. MFN for Mongolia is sure to benefit United States exporters. Also, it will help nurture a small economy eager to participate in international trade.

Mr. Speaker, I urge my colleagues to approve House Joint Resolution 281.

Mr. LAGOMARSINO. Mr. Speaker, I rise in support of this timely resolution extending most-favored-nation trading status to the Mongolian People's Republic.

As Chairman of the National Republican Institute for International Affairs, I had the rare and very memorable experience of visiting Mongolia. As one of the few Americans, and I believe the only Member of Congress who has spent time in Mongolia since its change from a hard-core Communist nation, I can personally attest that the economic and political changes in this formerly hermit Communist state are remarkable. The Mongolian people are very friendly toward Americans. They want our help, our advice, and our friendship.

On the political front, Mongolia has held open elections which resulted in a multiparty assembly. While Mongolia has never had a modern, democratic experience until just this year and, therefore, has much learning to do, I am very encouraged by the enthusiasm all Mongolians—including former Communist—have for democracy. Just as in Eastern Europe, the democratic revolution is alive, well, and growing in Mongolia.

On the economic front, Mongolia has realized the failure of the Soviet-style Communist system and is anxious to expedite the Nation's transition to a free-market economy. Mongolia is welcoming foreign investment and business in both words and actions. The State is denationalizing industries and services as well as encouraging private enterprise. But, just as in Eastern Europe, economic times in Mongolia are very tough and these hardships can threaten further reforms.

The Soviets have significantly reduced aid to Mongolia. Soviet assistance was previously a primary means of budgetary support. The Soviets have also withdrawn the majority of their forces, eliminating yet another indirect subsidy to the Mongolian economy. Further, the Soviets are now requiring hard currency for trade with Mongolia.

The Mongolians want to diversify and reduce their dependence on trade with the Soviets. In the course of the last year, Mongolia has signed a new port agreement with China and new investment agreements with Japan. During my visit to Ulan Bator, everyone from the President down to the peasant in the ger [yurt] which I visited encouraged greater communication and business relationships with America. Above all, they want to strengthen their economy through the free-market system. Such actions, of course, will also strengthen the democracy and support further political reform.

The bottom line is Mongolia has taken the bold steps making it eligible for most-favored-nation trading status. Almost every country in the world, except the Soviets and certain pariah states like North Korea, Libya, and Iraq, enjoy MFN status. Mongolia is part of the international community of responsible nations. This relatively small commercial gesture by the United States means a great deal to the Mongolians. It will be of great benefits to United States-Mongolian relations. Clearly, it is in our best national security interests to improve relations with this rugged country strategically situated between the Soviet Union and Communist China. MFN status will also have very positive two-way implications for United States-Mongolian trade. It is a win-win proposition.

Mongolia was the first central Asia country to become Communist. Now it is the first to cast it off and welcome democracy and economic liberalism. Mongolia's successful transition will be a very powerful model for its neighbors like Russia and Communist China to follow. I very much believe we should help Mongolia with this important and welcome transition. Granting MFN status is a very reasonable, positive way to help. I urge my colleagues to join me in supporting House Joint Resolution 281.

Mr. CRANE. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. ROSTENKOWSKI. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MCNULTY). The question is on the motion offered by the gentleman from Illinois [Mr. ROSTENKOWSKI] that the House suspend the rules and pass the joint resolution (H.J. Res. 281).

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the joint resolution was passed.

A motion to reconsider was laid on the table.

EXTENDING MOST-FAVORED-NATION STATUS TO THE PEOPLE'S REPUBLIC OF BULGARIA

Mr. ROSTENKOWSKI. Mr. Speaker, I move to suspend the rules and pass the joint resolution (H.J. Res. 282) approving the extension of nondiscriminatory treatment with respect to the products of the People's Republic of Bulgaria.

The Clerk read as follows:

H.J. RES. 282

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress approved the extension of non-discriminatory treatment to the products of the People's Republic of Bulgaria transmitted by the President to the Congress on June 25, 1991.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois [Mr. ROSTENKOWSKI] will be recognized for 20 minutes, and the gentleman from Illinois [Mr. CRANE] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Illinois [Mr. ROSTENKOWSKI].

GENERAL LEAVE

Mr. ROSTENKOWSKI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the pending House joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. ROSTENKOWSKI. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, like many other countries in Eastern and Central Europe, Bulgaria has undergone tremendous change in recent years. Democratic elections in June 1990 ushered in the first non-Communist government since World War II. Bulgaria has adopted a major economic reform program, and joined the International Monetary Fund in September 1990. Finally, Bulgaria has adopted a policy of free emigration for its citizens.

Bulgaria's trade with the Soviet Union has virtually collapsed, to the great detriment of the Bulgarian economy. In order to improve its people's living conditions, the Bulgarian Government is hoping to establish much closer trade and economic ties with the United States and other western countries. A bilateral trade agreement between the United States and Bulgaria has been negotiated, setting out the terms of our trade with that country and providing a number of important protections for United States traders and investors doing business with Bulgaria. The Committee on Ways and Means has received public comment on that agreement and on the question of extending MFN status to Bulgaria. Mr. Speaker, all of the comments were positive.

This action is likely to have little, if any, effect on revenue. Although the Congressional Budget Office projects a possible annual revenue loss of $2 million from this measure, the Office of Management and Budget actually projects a revenue gain of $1.3 million.

Mr. Speaker, enactment of House Joint Resolution 282 would give a much needed boost to traders and investors in both countries who want to get on with the job of building business ties. I urge my colleagues to join me in strong support of this resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. CRANE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in favor of House Joint Resolution 282 approving the extension of nondiscriminatory treatment with respect to the products of the People's Republic of Bulgaria. This measure will help to ease the difficult transformation from the overbearing weight of communism to the freedom and wealth of republican government.

In November 1989, the people of Bulgaria ousted the Communist dictatorship of Tudor Zhivkov in a peaceful revolution. Since that time, Bulgarians have continued to move toward self-government. The Government adopted a major economic reform program and joined the International Monetary Fund for the first time in September 1990. Plans have been implemented to consolidate the number of commercial banks in the first step toward privatization.

Two weeks ago, the official results of the general, multiparty elections confirmed the defeat of Bulgaria's Communist influence as the anti-Communist Union of Democratic Forces Party secured the majority of seats in the national parliament. Emigration remains unrestricted. The Turkish minorities have recently won freely elected seats in the parliament and are no longer victims of repression.

These facts are a clear indication of the commitment of the Bulgarian people to support the transformation to a market economy. However, the road to freedom requires many individual sacrifices as collective enterprises institute privatization schemes and face competition. In the short term, workers can become disillusioned with the unpredictability of the free market and wish for the security of the State. As the prominent free-market in the industrialized world, we have an obligation to continue our support for the people who are struggling for economic reform in Eastern Europe.

United States imports from Bulgaria account for less than one-tenth of 1 percent of our total imports. Even a large increase in this amount would not have a substantial impact on the total of United States trade. Yet, United States exports such as machinery and transport equipment are precisely the products Bulgaria needs for a strong industrial base and general economic viability.

Mr. Speaker, granting MFN status entails little risks to domestic industries, but stands to open the door for investment and trade in a country in dire need of outside support. Let us take this opportunity to reaffirm our international commitment to the development of republican government in Eastern Europe.

Mr. Speaker, I urge my colleagues to approve House Joint Resolution 282.

Mr. Speaker, I reserve the balance of my time.

Mr. ROSTENKOWSKI. Mr. Speaker, I yield 1 minute to the gentleman from Florida [Mr. GIBBONS], the distinguished chairman of the Subcommittee on Trade.

Mr. GIBBONS. Mr. Speaker, the people of Bulgaria have been occupied or misruled for better than 50 years and, prior to those 50 years, the history of that troubled area of the world was very tough.

□ 1300

Certainly they have earned the right to be treated honorably, as we do in this resolution. I hope it will be successful. It is small economy. There is no objection to this legislation, and I urge its adoption.

Mr. CRANE. Mr. Speaker, I yield such time as he may consume to my distinguished colleague, the gentleman from California [Mr. LAGOMARSINO].

Mr. LAGOMARSINO. Mr. Speaker, I rise in support of House Joint Resolution 282, the resolution granting most-favored-nation trading status to Bulgaria. The recent dramatic political and economic changes in Bulgaria warrant this recognition.

As Chairman of the National Republican Institute for International Affairs, I had the opportunity last year to lead a multinational election observer mission to Bulgaria's first free and fair national election in over 45 years. Since that historic event which resulted in the anti-Communist union of democratic forces gaining a significant portion of assembly seats and the presidency of the nation, incredible political and economic reforms have taken place.

Bulgaria, like other Eastern European countries, has undertaken serious free-market economic reforms encouraging private enterprise and foreign investment. Like its former Comecon neighbors, though, the dissolution of old Soviet-subsidized trading ties has hit Bulgaria hard, jeopardizing the democratic and liberal economic gains to date. Bulgaria has been thrust into the very modern and competitive European market. With little hard currency and outmoded industries, the economic challenges ahead are tough. Despite the hardships associated with making these reforms, the Bulgarians continued actions in this direction underscore their commitment, including their great sacrifices and risks in joining the West in boycotting Iraq.

Granting MFN status to Bulgaria is beneficial for many reasons. It bolsters further economic and political reform. Second, Bulgaria has earned it. In addition to structural economic reforms, substantial progress has been made on human rights and free emigration, thereby satisfying the Jackson-Vanik conditions. Third, as recognized by the new bilateral trade agreement we signed with Bulgaria on April 22, 1991, extending MFN trading status will promote greater trade between Bulgaria and the United States, benefiting both nations and further increasing bilateral ties.

House Joint Resolution 282 is a very timely resolution that is in America's best interests. I strongly urge my colleagues to join me in supporting its passage.

Mr. SPRATT. Mr. Speaker, I rise to support House Joint Resolution 282, legislation granting most-favored-nation trading status for Bulgaria. During the past 2 years, Bulgaria has undergone dramatic changes. It has steadily transformed from a hardline Communist nation into a Western democracy. Just a few weeks ago, Bulgaria held its second free election in 15 months. I would like to include in the RECORD a Los Angeles Times article written by Larry Garber from the National Democratic Institute about the recent elections. This excellent piece provides very useful information about the current conditions in Bulgaria, and especially about the October 13 election. NDI has worked very hard, and with considerable success, to promote democratic institutions in Bulgaria. It helped to establish a nonpartisan organization called the Bulgarian Association for Free Elections [BAFE]. In addition, NDI and the National Republican Institute have sent missions to observe both of Bulgaria's recent elections.

Bulgaria is the first former Warsaw Pact nation to hold a second round of free elections since the fall of the Berlin Wall and is the first to adopt a new post-Communist constitution based on Western democratic principles. Bulgaria has also adopted one of the most strict economic reform packages in Eastern Europe—reforms which in many ways match the shock therapy imposed in Poland.

Despite these hopeful developments, the new Government faces severe economic and political challenges in the months ahead. The United States, as the leader of the free world, needs to help Bulgaria during a tough period of transition.

We give MFN status to virtually all our trading partners and Bulgaria deseves it as well. My hope is that MFN will encourage an increase in the small level of trade between Bulgaria and the United States. I hope that this increased trade will provide a boost to both of our economies and encourage free market forces in Bulgaria. Aside from granting Bulgaria MFN, we should provide other assistance to help Bulgaria during this challenging time. America has a responsibility and a vested interest in seeing a strong, democratic, and free Bulgaria. The costs to us are small while the long-term benefits to Bulgaria and America are enormous.

[From the Los Angeles Times, Oct. 20, 1991]

COMMUNISTS + PLURALISM: BULGARIA'S POLITICAL MIRACLE

(By Larry Garber)

SOFIA, BULGARIA.—Unlike in June, 1990, when crowds gathered to celebrate an expected opposition victory, the scene outside the Bulgarian Palace of Culture here was calm on election night. Perhaps Bulgarians feared being disappointed anew: After all, before last week's elections, many experts predicted the former Communist Party—now renamed the Bulgarian Socialist Party (BSP)—would again obtain the largest number of seats in the National Assembly and control a majority of the municipalities.

Voters, however, confounded the experts. The Union of Democratic Forces (UDF), controlled by a group of opposition activists, won a narrow plurality over the BSP. Meanwhile, the Movement for Rights and Freedom, supported largely by ethnic Turks, won enough seats to hold the balance of power in the new legislature. Most surprisingly, no other parties, including the coalition identified with President Zhelu Zhelev, reached the 1 percent threshold required for representation.

These elections marked the latest step in Bulgaria's extraordinary transition to pluralism, which, compared to its Eastern European neighbors, has been the most intriguing.

Unlike Poland, Czechoslovakia and Hungary, no well-developed, alternative political society existed in Bulgaria. There was no group ready to assume the mantle of power relinquished by the communist regime. Nor was the situation like Romania—where the lack of an alternative contributed to the hijacking of the revolution by former leaders of the old regime. It has taken almost two years for a pluralist society to emerge in Bulgaria—notwithstanding the survival of a reformed Communist Party, with its continuing political influence.

With the 1990 elections, Bulgaria became the only country in the region where a self-identified, reformed Communist Party won. This pattern has since been repeated in Serbia and, more recently in Albania. Observers attributed the BSP's 1990 success to residual fears that existed among large sectors of the rural population and the limited time that the opposition had to organize.

That BSP victory proved Pyrrhic, however. Street demonstrations forced the president to resign. In his place, the leader of the opposition, Zhelev, was elected.

Despite its majority in the National Assembly, the BSP found it could not govern alone. The opposition, however, first refused to join a coalition government, fearing cooptation and blame for Bulgaria's severe economic crisis. Finally, in December, 1990, after a long period of political stagnation, a new government, composed of representatives of three leading parties and political independents, was formed.

With the country facing an extreme economic crisis last winter, many Bulgarians, particularly the young and educated, could not accept that a reformed Communist Party had won a relatively fair election. There seemed a general distrust of institutions and great anxiety about the future.

The schizophrenic nature of the transition was best exemplified by the decision of some UDF legislators to leave the National Assembly in May. They argued that political forces in the Assembly, with a "communist" majority, did not reflect the current public mood and that adoption of a new constitution under such circumstances would perpetuate the privileges and influence of the former Communist Party elite. Thus, they sought immediate dissolution of the Assembly.

Other UDF members, supported by President Zhelev, responded that dissolution would be economically disastrous. Legislation was needed to stimulate needed foreign investment and acquire economic assistance from multilateral agencies. In the end, the Assembly overwhelmingly adopted a new constitution, making Bulgaria the first of the Warsaw Pact countries to accomplish this feat.

Dissident UDF legislators sought to dramatize their displeasure with the constitution by orchestrating a hunger strike outside Parliament, but the gesture failed to win popular support and was soon abandoned. They focused instead on the scheduled elections. This time, the dissident legislators held the upper hand, having assumed control of the UDF's organizational structure.

UDF legislators who had signed the constitution soon found themselves unwanted by their former allies. Zhelev, as the titular head of the opposition and the most popular figure in Bulgaria, sought to reunite the coalition or to form a more grand super coalition, but his efforts failed.

Ultimately, four UDF factions submitted candidate slates. In a controversial decision, the Central Election Commission gave an advantage to those who controlled the UDF's organizational structure by awarding them the blue-colored ballot used by the united UDF in 1990.

The muted response to the results of last week's elections reflects, in part, the difficulty many Bulgarians have in accepting that, unlike other former Warsaw Pact countries, a reformed Communist Party is still supported by one-third of the population. However, for the most part, the BSP projects an image of moderation, and stability appealing to many Bulgarians, particularly in rural areas.

The failure of the more moderate parties to gain representation in the legislature also worries some. The UDF legislators elected are the same legislators who refused to sign the new constitution when it was adopted in July. Will they now take an oath promising to uphold the constitution? Will they be able to balance their strident rhetoric with the reality of governing a country facing enormous economic challenges?

Finally, there is the question of whether Bulgarian society will accept that a Turkish-dominated party holds the balance of power. Before the elections, there were both legislative and judicial attempts to prevent the MRF from participating in the elections on the ground that it is an ethnic party—and so proscribed by the constitution. But such a decision who have been disastrous for Bulgaria's image in the West, already hesitant in recognizing the full extent of Bulgaria's democratic transition.

Bulgaria stands at a precipice. Despite the breakthroughs of the past two years, psychological hurdles retard further development. Frustrations, economic hardships and emigration are growing. While a forceful leader might move aggressively to counter the stagnation, one lingering consequence of more than 40 years of totalitarian rule is that former dissidents, such as Zhelev or Vaclav Havel in Czechoslovakia, hesitate to exercise authority unless certain a genuine consensus supports their position.

The challenges sometimes appear overwhelming. Yet, to judge by their transition process, the Bulgarians seem certain to resolve their problems. The approach may not follow the neat prescriptions Westerners prefer, but events in Bulgaria and elsewhere highlight the need to avoid underestimating the talents of political novices. After all, they, not the Western experts, managed the seemingly impossible task of transforming totalitarian regimes into pluralist societies.

Mr. HOYER. Mr. Speaker, I rise to strongly support House Joint Resolution 282 approving MFN for Bulgaria. Since the downfall of Todor Zhivkov in November 1989, Bulgaria has made enormous strides towards democracy, including the country's first Democratic elections in June 1990, and a new Constitution, and substantial efforts to achieve a free-market economy. The most recent manifestation of Bulgaria's political transformation were the October 13 elections, which resulted in a victory for the Union of Democratic Forces. As a result, Mr. Speaker, in the new 250-seat Bulgarian Parliament, the Union of Democratic Forces will have 110 seats, the Bulgarian Socialist Party—the successor to the Communist Party—will have 106 seats, and the Ethnic-Turkish Movement for Rights and Freedoms will have 24 seats.

Human rights abuses characteristic of the Communist era are becoming a thing of the past. Ethnic Turks, previously subject to a brutal assimilation campaign, have had their rights restored. The elimination of the exit visa requirement in January 1991, has led to unparalleled freedom of movement for all Bulgarian citizens. Freedom of speech, association, and religion have burgeoned. And although inequities still exist, including the constitutional ban on political parties based on ethnic affiliation and some societal intolerance for minorities—inequities that I hope will be addressed and rectified as soon as possible—there is no question about the fact that the Bulgarian Government is continuing to implement wide-ranging political and economic reforms.

Mr. Speaker. Bulgaria merits our support, both moral and material. They are making the difficult choices that come with the transition to a market economy, a process that is as painful as it is necessary. Granting MFN status is one important step that we can make in helping Bulgarian democracy establish firm roots in the fertile soil of a market economy.

Mr. CRANE. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. ROSTENKOWSKI. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. McNULTY). The question is on the motion offered by the gentleman from Illinois [Mr. ROSTENKOWSKI] that the House suspend the rules and pass the joint resolution, House Joint Resolution 282.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the joint resolution was passed.

A motion to reconsider was laid on the table.

H.R. 3543, DIRE EMERGENCY SUPPLEMENTAL APPROPRIATIONS

Ms. SLAUGHTER of New York. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 256 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 256

Resolved, That during consideration of the bill (H.R. 3543) making dire emergency supplemental appropriations and transfers for relief from the effects of natural disasters, for other urgent needs, and for incremental costs of "Operation Desert Shield/Desert Storm" for the fiscal year ending September 30, 1992, and for other purposes, the amendments recommended by the Committee on Appropriations, as modified by the amendment printed in the report of the Committee on Rules accompanying this resolution, shall be considered as having been agreed to and shall become original text for the purpose of amendment under the five-minute rule. During consideration of the bill, all points of order against provisions in the bill, as modified, are hereby waived.

The SPEAKER pro tempore. The gentlewoman from New York [Ms. SLAUGHTER] is recognized for 1 hour.

Ms. SLAUGHTER of New York. Mr. Speaker, I yield the customary 30 minutes to the gentleman from Tennessee [Mr. QUILLEN], pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 256 is the rule providing for the consideration of H.R. 3543, making dire emergency supplemental appropriations and transfers for relief from the effects of natural disasters, for other urgent needs, and for incremental costs of Operation Desert Shield/Desert Storm.

The rule provides that the amendments recommended by the Committee on Appropriations, as modified by the amendment printed in the report accompanying the rule, will be considered as having been agreed to and shall be considered as original text for the purpose of amendment under the 5-minute rule.

The rule waives all points of order against the provisions in the bill as modified.

This is an open rule. Any member can offer germane amendments, including motions to strike language in the bill.

Mr. Speaker, this dire emergency supplemental appropriations bill is an attempt by the Appropriations Committee to keep the commitments our Government has made, but until now has not honored. I commend Chairman WHITTEN for his leadership in bringing it to the House floor. H.R. 3543 provides funds for communities in 38 States or territories which have suffered devastating natural disasters in the last 2 years, but which have never received the Federal assistance they were promised. It would aid farmers in parts of all 50 States, areas where the Agriculture Department has declared a disaster but has not had the funds to help farmers survive to harvest another crop.

Mr. Speaker, in a few moments, I will explain further why I strongly support this bill. Right now, I commend to all Members this open rule, reported unanimously by the Rules Committee, which will allow full and fair debate on the provisions of this important bill.

Mr. QUILLEN. Mr. Speaker, I yield myself as much time as I may use.

Mr. Speaker, I would like to point out that the gentleman from Louisiana [Mr. LIVINGSTON] will be asking for a "no" vote on a previous question in an effort to amend the rules so that he might offer his amendment, which was not made in order by the Rules Committee.

I support this effort and I would like to state in the beginning that I support the rule. It is an open rule. This legislation provides emergency supplemental appropriations and transfers for Operation Desert Shield/Desert Storm, Federal Emergency Management Agency disaster assistance, and agriculture disaster assistance. It also modifies the funding of Presidential campaigns. It is the language regarding the Presidential election campaign fund that the gentleman from Louisiana [Mr. LIVINGSTON] seeks to amend.

During the Rules Committee I brought up my opposition to that provision in the measure, and I thought it should be debated separately and in a different piece of legislation.

Under current law, Mr. Speaker, the Treasury Department must set aside adequate on-hand cash to cover obligations related to the national nominating conventions and general elections prior to making matching funds to primary candidates. H.R. 5343 would change this and require the Treasury Department to take into account projected receipts to the fund through the fiscal year of the general election in making its set-aside for convention and general election expenses.

Because of a shortfall in the campaign fund, the practical effect is to make cash on hand available to primary Presidential candidates earlier in the upcoming election cycle. The rule before us contains a self-executing provision which changes the language in the bill so that it applies to fiscal year 1992, rather than to fiscal year 1993.

Mr. Speaker, the gentleman from Louisiana [Mr. LIVINGSTON], a member of the Appropriations Committee, appeared before the Rules Committee and requested that his amendment be made in order to strike the provisions relating to the Presidential checkoff fund for the bill and insert language to abolish it.

I offered his amendment but it was voted down on a party-line basis. He was denied an opportunity to offer his amendment on the floor by the Rules Committee.

I would like to note that there are a number of other problems with this bill, and the administration is strongly against its enactment. Again, I support the effort of the gentleman from Louisiana [Mr. LIVINGSTON] to defeat the previous question to make his amendment in order. If that effort fails, however, I do support the open rule reported by the Rules Committee.

□ 1310

Mr. QUILLEN. Mr. Speaker, I yield 10 minutes to the gentleman from Louisiana [Mr. LIVINGSTON].

Mr. LIVINGSTON. Mr. Speaker, I thank my friend, the gentleman from Tennessee, for yielding this time to me.

Mr. Speaker, we do have an open rule and I certainly cannot complain about that, because I think we need more of them. But I have to rise in opposition to this particular rule on the dire emergency supplemental appropriations bill and ask for a "no" vote on the previous question because this rule is not totally open, and certainly it is not totally fair.

You see, the rule provides that amendments adopted in the full Appropriation Committee are part of the original bill; that is, they cannot be removed. We cannot move to strike them because they are protected from points of order, according to this rule. That means that a specific amendment offered by the gentleman from California [Mr. FAZIO] in the full committee should be subject to a point of order because it has nothing to do with the dire emergency supplemental appropriation bill, but magically, because it was offered in the full committee, it is now part of the original text, and therefore is protected from raising a point of order. It cannot be stricken. It cannot be knocked out.

Now, unfortunately, Mr. Speaker, an amendment by the gentleman from Arizona [Mr. KOLBE] and myself, one which we had hoped to offer in response to the Fazio amendment, was not touched on by this magic and is subject to a point of order.

So, Mr. Speaker, if this is an open rule, then in effect the gentleman from California [Mr. FAZIO] is Houdini and I am a rabbit pulled from a hat.

Thus, I have to urge my colleagues to defeat the previous question so that we can indeed offer the Livingston-Kolbe amendment to repeal the checkoff. That is cumbersome, but what it means is that if the Fazio amendment is in the bill and we cannot strike it, then what we want is an equal opportunity to pass our own amendment, which I will describe, to repeal the checkoff system on the floor. Right now the rule will not allow us to do that.

The amendment of the gentleman from California [Mr. FAZIO] would allow the Department of the Treasury to estimate the Presidential checkoff receipts that might flow into the Presidential election campaign fund until October 1, 1992, and make those anticipated receipts, funds which have not been received as of January, available to qualified Presidential primary candidates on January 1, 1992. That is what they are trying to do—take anticipated funds that will not be collected until next October, and say they might be collected, and allow the Democratic nominees for President to go ahead and spend that money, even though it is not in the Treasury.

The amendment allows the Treasury Department in effect to write bad checks to cover an overdrawn account.

Now, Mr. Speaker, I would have thought that we had heard enough about bounced checks or overdrawn accounts within the last few weeks; but the Fazio amendment uses rubber bookkeeping gimmicks to save the Presidential election campaign for Democratic candidates for President.

The Livingston-Kolbe amendment, on the other hand, would use another gimmick. It would use a gimmick rarely seen here in the Halls of Congress. We propose to terminate the checkoff system once and for all; kill it. It is a bad program.

Therefore, the gentleman from Arizona [Mr. KOLBE] and I are urging Members to vote to defeat the previous question on this rule so that we may offer our amendment to repeal the overdrawn Presidential checkoff system; but if we are not successful in defeating the previous question, we will at least be able to move to amend or strike the Fazio amendment from the bill during the debate on the bill.

Now, it is ironic to see the Fazio amendment propping up the campaigns of Presidential primary candidates in what we call the dire emergency spending bill. It is ironic, frankly, because I think it tells us something about the prospects for the Democratic nominees for President. It may be in fact a dire emergency for them, but it has no business in this bill.

My main point is that the debt financing amendment of the gentleman from California [Mr. FAZIO] is offered because the Presidential election campaign fund has run dry. Participation in that voluntary system known as the checkoff peaked in 1980. According to this chart, if my colleagues can see it, in 1980, 28.7 percent of the American people filing their income taxes participated in the checkoff by checking off that little box that says, "Yes, I would like a dollar of my taxes dedicated to campaign elections."

Since then, from 1980 to 1989 the participation rate of the American people in the checkoff system has steadily declined to a point in 1989, our last year for figures, when only 19.9 percent of the American people participated in the checkoff system. And the preliminary figures for 1990 show that only 19.0 percent of the American people filing their taxes actually checked off the system.

What that means is that the American people do not like this program. They do not want to let the Federal Government tell them how to use their tax money and what candidates they want to support. As a result, there is not enough money in the fund, because over 80 percent of the American people do not wish to designate their tax dollars for political campaigns. In fact, if they have liked the system and had participated, this second chart shows that whereas in 1980, 28.7 percent of the people participated in the program, and now only about 19 percent of the people participate in the program, expected revenues have suffered a decline of some $85 million. That is $85 million which would have gone into the system if in fact the American people had supported the program to the degree that they did back in 1980; but it is lost money because people do not support it.

The paltry participation rate is understandable when you consider that by checking "yes" on the form you give your tax dollars to every qualifying candidate, whether or not you oppose his views.

In fact, the system is so awful that in recent years, now-convicted felon Lyndon LaRouche has received $1.3 million in public financing. It does not matter whether you supported him or opposed him. He qualified. He got $1.3 million in public financing, and in the coming months in the new Presidential contest he and various other racial extremists and political fringe candidates will qualify and will receive taxpayer dollars to further their radical agendas, and no one can say "no." No one can turn off the spigot of money. It is tax dollars going to strange fringe candidates. All they have to do is qualify, and they will get the money no matter how extreme or irrelevant their views.

Mr. Speaker, the American people know that public financing has not replaced special interest money. That was the purpose of the bill many years ago in 1974. But, half of the spending in the last Presidential election was off the books in the form of soft money for vote registration, "Get out the vote" drives and political ads.

The first amendment of the Constitution of the United States prohibits preventing American citizens from exercising their right of free speech. So this scheme of public financing and spending limits induces contributors to look for loopholes in this insensible and undefendable legislation.

Walter Mondale once said, "There have been so many loopholes written into the law that it holds the whole thing up to ridicule." And he is right. The checkoff has actually increased over-all campaign spending by diverting $488 million tax dollars into candidates' campaign coffers, no matter what they say. That is welfare for politicians to pay ad men, accountants, lawyers, for balloons and gimmicks, and all sorts of strange people who must be hired to keep track of this unusual and unworkable law.

The checkoff's abysmally low participation rate and its failure to stop special interest spending has brought us here today.

Mr. Speaker, I urge my colleagues to vote against the previous question so that we may offer the Livingston-Kolbe amendment to put the checkoff out of its misery and repeal it after the 1992 Presidential elections. The American people do not want it, and neither should we.

PRESIDENTIAL ELECTION CAMPAIGN FUND DECLINING PARTICIPATION ANALYSIS

	Total check-off receipts (millions)	Percent of returns checking "Yes" [1]	Check-off receipts per percentage checking "Yes"	What check-off receipts would have been if 28.7 percent had checked "Yes"	Lost check-off receipts due to declining participation
Calendar year:					
1981	$41.0	28.7	$1.431	$41.0	
1982	39.0	27.0	1.445	41.5	$2.5
1983	35.6	24.2	1.472	42.3	6.7
1984	35.0	23.7	1.478	42.4	7.4
1985	34.7	23.0	1.509	43.3	8.6
1986	35.8	23.0	1.554	44.6	8.8
1987	33.6	21.7	1.550	44.5	10.9
1988	33.0	21.0	1.572	45.1	12.1
1989	32.3	20.1	1.606	46.1	13.8
1990	32.5	19.9	1.631	46.8	14.3
Total estimated check-off receipts lost from 1981 to 1990 due to declining participation					85.0
FEC 1992 predicted shortfall with Treasury set-aside					12,537,255

[1] Percentage is of returns processed during the year (i.e. 1981 percentage is of the 1980 returns received during 1981. The percentages are based on returns processed during a fiscal year.

[From the Washington Post, Mar. 10, 1991]

THE '92 RACE: STOPPING THE BUCK HERE—THE DOLLAR CHECKOFF ON THE TAX FORM DOESN'T WORK—SO LET'S END IT

(By Thomas J. Josefiak)

Each year, American taxpayers are presented with an odd little decision regarding how the U.S. government may spend some of their tax money.

Near the top of the 1040 income tax form is the heading "Presidential Election Campaign Fund," followed by the question "Do you want $1 to go to the Fund?" and a box for checking off "Yes" or "No." The dollars designated by taxpayers through this "checkoff" are allocated to the public financing system for U.S. presidential elections.

Judging from their tax returns, American taxpayers are not very enthusiastic about this public funding approach. Participation in the checkoff peaked at 28.7 percent of tax filers in 1980 and has since declined to less than 20 percent. In fact, three out of five taxpayers now mark the "No" box.

The problem posed by the lack of taxpayer participation in the checkoff has taken on a real urgency as we approach the 1992 presidential elections. By law, more than $112 million must be set aside next Jan. 1 to ensure funding for the two major party conventions and for their nominees' general election campaigns. Estimates indicate the fund will then run short of money to pay the full "matching funds' entitlements of presidential candidates during the early 1992 primaries.

In my opinion, Congress should not let the system of publicly financed presidential campaigns degenerate into confusion and political acrimony over funding. Nor should it continue to foist the shortfall problem upon the Federal Election Commission (FEC), whose job it is to administer the fund.

As a commission member since 1985, I have come to think that the best way to eliminate the specter of a shortfall in presidential campaign funding would be to eliminate the checkoff system upon which it depends. If public financing is to continue, then Congress should directly appropriate money to fund the system, the same way it does any other government program.

The checkoff approach was adopted as part of the post-Watergate campaign finance reforms, and the fund was first used in the 1976 presidential elections. Since then, 60 candidates have received a total of $488 million in public funds. The law provides for layouts from the fund to increase each election year to keep pace with inflation. The taxpayer checkoff, however, has remained $1. That imbalance, plus declining taxpayer participation, has made the solvency of the fund inevitable.

The shortfall during the primary campaign period of January through May 1992 may range from $4.7 million to $12.5 million, and result in as much as a 40 percent underfunding in March. (The law provides for a pro rata distribution of available public funds to qualified primary candidates in the event of a shortfall in the fund.)

And, under the current system, a serious deficiency in the fund is a virtual certainty in the 1996 elections, when a contested nomination is likely in both parties.

The changes most often proposed to correct the fund's shortcomings are to increase the checkoff to two or three dollars, or to "index" the checkoff to the Consumer Price Index so that the designated amount is periodically increased. The commission has also recently embarked on taxpayer education, including television public service announcements to encourage greater taxpayer awareness and participation. These efforts are aimed at shoring up the fund without extensive changes to the system's premise and structure.

The entire commission has generally supported these efforts to save the fund, which has given the mistaken impression that we are all in agreement as to how (or whether) to fix the fund's shortfall. But I think it is time to abandon such palliatives and admit the fundamentally disingenuous and unreliable nature of the whole checkoff scheme. A well-intentioned innovation has become a failing and dangerous contraption.

The heart of the problem is that the checkoff is truly just a fiction. The taxpayer makes no "contribution" to the presidential election campaign fund by checking "yes." The checkoff involves no donation by the taxpayer, since choosing it costs no additional tax obligation whatsoever. Saying "yes" to the checkoff is merely an expression of taxpayer consent for the government to spend funds for a particular purpose—funds the taxpayer is already obligated to pay to the U.S. Treasury.

No new money is generated for the publicly financed presidential campaign system by the checkoff. No special funds are deposited anywhere. Presidential candidates or political parties collect their rightful share by presenting FEC certification of their eligibility and entitlement to the Treasury and are then paid from general Treasury funds, like any other government program.

The checkoff approach was intended to give public financing of presidential campaigns the aura of ordinary citizen involvement through voluntary "contributions." It seemed to represent a way for the little guy to compete with the fat cats.

But the campaign fund checkoff no longer represents merely a pleasant little ruse or a harmless pretense for legislative action. Reliance upon it now presents genuine risks to the stability of the presidential election process itself.

While the empty exercise of the checkoff "contribution" may warm the hearts of the Common Cause crowd, it is clearly turning off the vast majority of Americans. As an experiment in civic "participation," the checkoff is a flop.

A recent study of taxpayer attitudes toward the checkoff found that taxpayers are probably not making informed decisions when choosing whether to designate a dollar for the fund. Participants in the study's focus groups showed very limited knowledge and only a vague understanding of how public financing of the presidential campaign works. The study's findings noted that "the position of nearly all the non-contributors appears to be immovable," although a few seemed open to changing their view "if they knew more about the program."

The unpopularity of the checkoff box may result from its being a widely misunderstood and mistrusted oddity on the tax form, more than a clear rejection of the policy of public financing. And whatever else taxpayer response to the checkoff may mean, it probably does not imply a desire by Americans to let the presidential campaign descend into a bitter partisan dispute over funding. The consequences of letting the Presidential Election Campaign Fund come up short in the midst of the 1992 presidential primaries are too serious and unpredictable to allow this to happen.

But current efforts to salvage the fund by coaxing a few more dollars out of the checkoff suggest a clear intention to bypass the overwhelming consensus of taxpayer-spoken opinion. At best, increasing the checkoff dollar designation or engaging in public relations efforts to encourage taxpayer "participation" are cosmetic solutions that only sustain a false premise and postpone a likely shortfall.

Worse, in a political environment of increased voter cynicism and frustration, increasing checkoff amounts and stimulating taxpayer awareness could tap into public resistance to the idea of any funding of politicians and their media campaigns. Promoting the checkoff could unintentionally produce a taxpayer backlash that results in less money being designated for the fund.

I believe expenditures from the Presidential Election Campaign Fund should not be arbitrarily limited by a phony, confusing and increasingly inadequate "appropriation" decision by individual taxpayers—who are asked for their consent for this spending at the very moment they least like government or politicians.

If Americans want to continue financing presidential campaigns from public funds, let them tell their elected representatives in Congress directly, not by mixed signals sent through the Internal Revenue Service.

Instead of boosting the contrived checkoff amount, or having the FEC continue to spend more taxpayer funds to advertise and promote the checkoff exercise (while requiring the Internal Revenue Service to spend an estimated $500,000 each year to process the checkoff designations), Congress should simply eliminate the checkoff from the 1040 tax form and provide sufficient funds to meet its pledge of public funding to presidential candidates under the law.

If a system of public financing of our presidential elections is good public policy, then we should insure its integrity and reliability. It is time to end the fiction of taxpayer "contributions" to the Presidential Election Campaign Fund, and end the threat that dependence upon the checkoff now poses to our election process.

[From USA Today, Apr. 5, 1991]

CHECK 'NO' TO STOP THIS POLITICAL SUBSIDY

(By Mitch McConnell)

LOUISVILLE.—There is a national referendum this April 15: whether to divert $1 of the taxes you owe to the Presidential Election Campaign Fund.

Before you check either box on your tax return, you need to separate the facts from the fiction.

Fiction: "The checkoff doesn't cost you a dollar."

Fact: Coming from the same people who brought you the federal budget deficit, this should make you suspicious. The checkoff has cost taxpayers over half a billion dollars. Moreover, everyone pays—not just those who check off. Taxes that otherwise could feed children, provide health care or reduce the deficit instead are diverted to presidential campaigns.

Fiction: "The checkoff buys better government."

Fact: The checkoff bought those negative campaign ads in 1988. It also buys balloons and booze for the political parties' nominating conventions. The checkoff channels millions of taxpayers dollars to fringe candidates like Lyndon LaRouche (currently in jail) and Lenora Fulani (who?).

Fiction: "The checkoff cuts campaign spending."

Fact: The Presidential Election Campaign Fund is the lure to get candidates to limit spending. Yet, spending in presidential elections ballooned 50% between the last two elections. By comparison, spending in congressional campaigns has shrunk—without any spending limits or taxpayer financing.

Fiction: "The checkoff makes politics clean."

Fact: Half the spending in the last presidential election was off the books—"soft" money not subject to the spending limits.

"Soft" money—called "sewer money" by The New York Times—is spent on voter registration, get-out-the-vote drives and political ads. None of it is limited or disclosed to the public.

The checkoff does not replace special interest money. It augments it. Special interests can, and do, spend as much as they want in presidential elections. Savings-and-loan kingpin Charles Keating lavished money on presidential candidates.

The checkoff is a bad joke paid for by taxpayers who are not amused. It does not limit spending or special interests. It is another black hole sucking up taxpayers' money. That's why fewer than one in four taxpayers checks the "yes" box.

Congress, the source of so many jokes today, wants to extend this debacle to 535 congressional races.

It's been estimated that S. 3, the taxpayer-financing bill the Senate will soon vote on, would cost nearly $1 billion over six years. A billion dollars of taxpayers' money—for politicians' campaigns.

If you want to say "no!" to taxpayer-financed campaigns and special interest corruption, check off "no" on the Presidential Election Campaign Fund.

Ms. SLAUGHTER of New York. Mr. Speaker, for purposes of debate only, I yield 5 minutes to the gentleman from Washington [Mr. SWIFT].

☐ 1320

Mr. SWIFT. I thank the gentleman for yielding.

Mr. Speaker, I think that what we have just heard is something we need to give very, very serious consideration to. We need to put it, however, in a context in which this law is written.

The law that the gentleman from Louisiana [Mr. LIVINGSTON] will seek to abolish is a law that was passed in a climate 20 years ago. Let me see if I can bring that climate back to you with just some names: Maurice Stans, John Dean, John Mitchell; remember the plumbers? Do you remember washing money in Mexico? How long has it been since you thought of the names Dita Beard, Haldeman, Ehrlichman, Colson, Alexander Butterfield, Rosemary Woods, CREEP, the whole sorry mess that was Watergate?

The law that the gentleman says he will seek to repeal today is a law that was put on the books because of the events that took place 20 years ago this coming Presidential election, a scandal of proportions not equaled before nor since in our Nation's history.

Is your memory so short? Is your memory so short that we would in a short 20 years have forgotten a scandal of that proportion and would seek to undo the very law that was put into place because of that scandal, the law which has prevented there being any scandal tainting Presidential campaigns since that time? Is our memory so short?

Mr. Speaker, there is concern in the body politic today about a lot of things, about how we elect Members of Congress and how we raise our campaign funds. I have not heard in 20 years people express concerns about any corrupting influence of the means by which we can raise funds to finance our Presidential campaigns.

What a horrible step backward, what a huge step backward, a step backward without any sense of institutional history, it seems to me.

The vote, very frankly, when it is offered, is really going to be a vote that will demonstrate whether Members here understand the lessons of 20 years ago, if they remember the bagman and the bagwoman and Howard Hunt and G. Gordon Liddy and that whole thing that became Watergate, or whether in fact they have forgotten and are ready to put us, as a nation, into a position to make all of those same mistakes again.

Vote for the rule; remember 20 years ago; do not go back.

Mr. LIVINGSTON. Mr. Speaker, will the gentleman yield?

Mr. SWIFT. I yield to the gentleman from Louisiana [Mr. LIVINGSTON].

Mr. LIVINGSTON. I thank the gentleman for yielding.

Mr. Speaker, I appreciate the gentleman's point. In fact, there were many unfortunate incidents that the gentleman has pointed to, many, many years ago. But in 1974 we passed the checkoff, and as we have seen, the American people have not really supported it. Just in the last few years we see the emergence of the bank of crooks and criminals, BCCI, the Centrust Savings & Loan problem, the Lincoln Savings & Loan problem.

This checkoff system has done nothing to prevent those institutions from spreading money all over Capitol Hill, in this body and the other. Abuses are rampant. This checkoff system does not do anything about these abuses or others.

Mr. SWIFT. If I may reclaim my time, I would point out to the gentleman that whatever the influences of the money that the gentleman was talking about, no one has said it has entered into the Presidential campaigns. The need that people perceive today is that we do something to clean up how we raise money in congressional races. We cleaned up how we raise money in Presidential races 20 years ago. There has not been a hint of corruption or scandal associated with funding Presidential campaigns since that time.

The allusion the gentleman makes is not to Presidential campaigns but to congressional campaigns. The gentleman seeks to repeal the solution to the problem of 1972 so that we would be destined, I am sure, to repeat the scandal in years in the future.

Mr. QUILLEN. Mr. Speaker, I yield 5 minutes to the gentleman from California [Mr. THOMAS].

Mr. THOMAS of California. Mr. Speaker, I rise with some reluctance to comment on not just the colloquy that took place, but this entire process. Let us admit that it is driven entirely by politics, and whenever you are driven entirely by politics, mischief enters into it at the very first phase.

What we have in front of us is purportedly an open rule. Under the narrow procedures, yes, it is an open rule, but you will find that in fact it waives all points of order against provisions in this bill.

Now, our rules do not allow waiving points of order against amendments. But the provision that has been discussed, the Presidential checkoff fund, was in fact an amendment that was raised in the Committee on Appropriations.

Now, first of all, we have rules that say you cannot legislate on an appropriations bill. The chairman of the Committee on Appropriations, the distinguished gentleman from Mississippi [Mr. WHITTEN] opposed legislating on an appropriations bill. Nevertheless, the politics of the situation dictated that the chairman should be rolled.

The amendment came to the Committee on Rules and the Committee on Rules made that amendment a part of the rule, which means, then, that you cannot have a point of order stand if the Committee on Rules waives points of order.

The simple fact is that the Parliamentarian has ruled that the committee of jurisdiction on this question is the Committee on House Administration. It is wholly and solely the jurisdiction of the Committee on House Administration.

Now, what happens in the Committee on House Administration in April on hearings about the Presidential checkoff fund? Well, the Federal Election Commission said on April 22 that they estimated that the current general set-aside would be in deficit $10 million in January, $12.5 million in February and $8.7 million in March, clearly a threatening situation to Democrat candidates if the assumptions of the FEC were correct, which were that the President would come in and ask for 80 percent of his allotment in January and 20 percent, the rest of it, in February.

In fact, the only recent model that we have to determine whether or not that seems to be true is 1984. Then-President Reagan did not get 80 percent of his money in January and 20 percent in February. In fact, it was not until March that the President made the request for matching funds, and there was not a complete resolution of the President's request until May.

But more to the point, in August, on August 15, the revised estimate out of the FEC showed no shortfall in January, a $1 million shortfall in February and a $2.5 million shortfall in March and none after that.

Part of the problem we have in this House is the fact that you people are willing to rend the fabric of procedures as well as substance because of the threat on an estimated possibility that the fund will run out.

Why do you not have the House Administration hold hearings and ask for a November estimate, because given the direction of these funds, there may be no deficit at all?

Oh, no, that will run the chance of having regular rules and regular procedures be followed and politics demands that you carry out the sham that you have today in front of us.

I am not standing here saying that we should abolish the Presidential election fund, but that is the only choice you have given the minority by the way in which you have shaped this rule.

It is wrong; shame on you. Why can we not carry on an orderly political process in discussing whether or not the most recent estimates are accurate and set up a procedure for covering them if that is the case?

Do not complain about the gentleman from Louisiana's attempt to blow up the system; that is the only remedy you have provided.

You are at fault based upon the way in which the rule was passed, based on the way in which you refused to honor the chairman of the Committee on Appropriations and not legislate on an appropriations bill that contains much-needed resources and help for this country. You are risking the possibility of a Presidential veto over a political situation which will probably not happen, but you are too stubborn to understand that.

□ 1330

Mr. QUILLEN. Mr. Speaker, I yield 3 minutes to the gentleman from California [Mr. HERGER].

Mr. HERGER. Mr. Speaker, I stand in strong support of the efforts of my colleagues from Louisiana to defeat the previous question.

The Presidential election campaign fund is a total failure. The fund is going broke. It is nothing more than a welfare program for politicians, which has been overwhelmingly rejected by the American people.

Every argument which was advanced in support of this program has been proven embarrassingly wrong. No. 1, it has not decreased campaign spending, and No. 2, it has not eliminated special interest influence in Presidential politics.

What this program does do is fund extremist candidates like convicted felon Lyndon Larouche. It also pays the salaries of more lawyers and more accountants who get $1 out of every $4 allocated to candidates.

I support an amendment which would have eliminated the Presidential election campaign fund. The Livingston-Kolbe amendment was a reasonable response to legislative language in this appropriations bill which, at this time of $350 billion budget deficits, allows for the debt financing of Presidential elections.

This rule, however, would make the Livingston amendment subject to a point of order, while the original language is protected from such points of order. This is simply unfair.

This is an extremely important issue to the American taxpayer, and we should have an opportunity to debate the taxpayer funding of the Presidential campaign finance system fully. I have sought that debate for several months now, as the author of H.R. 2876, which would eliminate the Presidential checkoff system.

This matter should be brought up for full consideration on its own merits, and not as part of this emergency supplemental appropriations bill. Further, I encourage my colleagues to cosponsor my legislation, H.R. 2876 and eliminate this entitlement program for politicians.

Mr. QUILLEN. Mr. Speaker, I yield 5 minutes to the gentleman from Arizona [Mr. KOLBE].

Mr. KOLBE. Mr. Speaker, I rise today to urge the House to defeat the previous question on the rule. I will not go into the intricacies of this rule, the complexities of the rule, the way it was crafted, that requires us to do it in this fashion, rather than have a debate on the substance of the issue. Let me go straight to the substance. I think we should commend the gentleman from California [Mr. FAZIO] for bringing to the attention of this body and to the American public the miserable status of the Presidential checkoff fund. It is going bankrupt. Now we have adopted the dire emergency supplemental appropriation bill as the vehicle of which we are going to rescue this fund.

Mr. Speaker, the amendment of the gentleman from California [Mr. FAZIO] changes the intent of the law itself, which is to provide for voluntary, that's voluntary, public financing. Instead we are going to borrow now from the Treasury using anticipated revenues in the future to make sure the fund has sufficient dollars for next year's election campaign. Well, there is nothing voluntary about that, and there is certainly nothing voluntary about the checkoff as a whole.

That point is made clear by the fact that more than four out of every five Americans continue to reject the checkoff. They do not want Presidential campaigns funded by the taxpayer dollars. At its peak only 29 percent of the American public has ever participated in this system. The system has never been voluntary because it takes dollars away that would otherwise go into the general revenue for other needed programs. It takes dollars away from those needs to fund this program.

Now, to add insult to injury, we are going to ignore what pretense of voluntarism the Presidential fund has had by reprogramming general revenues to cover shortfalls when the American people have rejected this system. The borrowing would be paid back out of anticipated revenues from the 1991 tax returns that people will file.

That is budget gimmickry at its very best. That is budget gimmickry. Any place outside the beltway it would be called floating bad checks. We are going to write bad checks to cover the shortfall in a fund that 80 percent of the American people continue to reject annually.

Mr. Speaker, one reason they reject it, I think, and my colleagues have heard this already, is that $1 out of every $4, or 25 cents out of every dollar, in this fund goes to accountants and lawyers. And no wonder, because of the complexity of the campaign laws that we have drafted. In fact, only one Presidential candidate in the history of this bill has not been cited for a major campaign violation.

The amendment of the gentleman from California [Mr. FAZIO] ignores other provisions of the law. For instance, the law specifically says that shortfalls in the account will be prorated on a matching basis. If the fund falls short, then the candidate will not receive the dollar-for-dollar match. They will receive what is in the fund on a prorated basis. Candidates know that going into the campaign. But, ignoring that, the Fazio amendment says that we will continue to give them a one-for-one match. We will just borrow from future revenues.

In addition, the law specifically says that the order of priority for funding will be first, general elections, second, national nominating conventions, and then the primaries third. Anybody getting into a Presidential race knows exactly what that order of priorities are. That was the law that we passed in Congress to make it that way.

Now, I understand why some Presidential primary candidates would want a dollar-for-dollar match. But they knew the rules going into this campaign season, and it isn't right to change it now. It certainly is not right to do it by borrowing, by borrowing even more than we do for everything else, by borrowing from the general revenue fund which already has to borrow from everybody else to pay for the things we do.

Mr. Speaker, the House ought to have the opportunity to debate the merits of the fund itself, as the gentleman from California [Mr. THOMAS] made very clear. There ought to be hearings on this in the Committee on House Administration, where we ought to address this subject, but it ought not to be done here. But, as long as it is being raised this way and in this fashion by Mr. FAZIO, then I think it is appropriate that we do have this debate.

So, I would urge my colleagues to defeat the previous question so that the Livingston-Kolbe amendment can be made in order.

Mr. QUILLEN. Mr. Speaker, I yield 3 minutes to the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. Mr. Speaker, if there is one thing the American people now understand, it is that Congress is expert at bouncing rubber checks, and they know that we understand how to put together a scheme for doing that, and they know that the Democrats, who control the Congress, have finally figured out that this is the only way that they can finance the things that they want to do, is by bouncing rubber checks. They have been bouncing them now for years, and it is called the national deficit. They have been bouncing them in the Congress to help people pad their personal pocketbooks, and now they have come up with a brandnew scheme, a scheme for bouncing rubber checks. They are now going to bounce them on behalf of their Presidential candidates next year so that every candidate running for the Presidential nomination will begin their campaign with a bounced check, and namely it is a bounced check that comes out of the FEC fund that cannot afford to pay for them. So, what have they decided to do? Well, instead of having any money up front, they will decide to pay for it later on, and that is what we are having proposed before us today by the Committee on Appropriations. They have come to us with a bill that says: "Bounce the checks."

Now, the fact is that the gentleman from Louisiana [Mr. LIVINGSTON] has given us a chance to look at this issue a little differently. What he is suggesting is that maybe, instead of bouncing checks, we ought to look at the whole system and figure out that, if the American people are not willing to buy into the system and put enough into it to pay for campaigns, maybe we ought to get rid of the system. After all, the promise was not that we were going to go to a system of bouncing rubber checks, but that we were always going to be able to pay the fund or pay the candidacies out of the fund.

□ 1340

That is not what is going to happen here. Now that we do not have the money any more, we are going to bounce the checks and go merrily on our way. The gentleman suggests that we defeat the previous question so that we can get to this issue, and I think he is absolutely right.

Mr. LIVINGSTON. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I am happy to yield to the gentleman from Louisiana.

Mr. LIVINGSTON. Mr. Speaker, I thank the gentleman for yielding.

The gentleman is absolutely correct. In fact, when they passed the law in 1974, Chairman ANNUNZIO, if he was chairman then, said about the law:

> If the money is in the fund, it can be used, but if there is no money in the fund, then we are not able to spend any money.

That meant there would be no rubber checks. In 1974 that was what they intended. Today we are talking about bouncing checks on money that has never been received.

Mr. WALKER. Of course, that was 20 years ago, and Congress has had a lot of experience in bouncing checks since then, and they have found the system works pretty well. So what we have now is one that is going to bounce clear across the floor of the Chamber, bounce out the door, and bounce clear down to Pennsylvania Avenue where all the candidates are putting together their campaign offices.

Mr. LIVINGSTON. Mr. Speaker, will the gentleman yield further?

Mr. WALKER. I am glad to yield to the gentleman from Louisiana.

Mr. LIVINGSTON. Mr. Speaker, as the chart that we saw earlier indicated, the American people do not support this system. I do think the gentleman is right, that it is time to repeal it. But I am not the only one that thinks so. Former Speaker of the House Jim Wright also said on that day in 1974:

> I would like to say to the gentleman, Mr. Rousselot of California, that Congress could repeal this law if it did not work out as we intend at any time in the future.

He was giving us the mandate, that if it does not work, if it is not accepted by the American people, we will repeal it. It is time to face reality.

Mr. WALKER. It was not suggested at that time that we were going to bounce checks.

Ms. SLAUGHTER of New York. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the people of upstate New York and 32 other States across the country are losing patience with an administration that does not seem to recognize the impact of a national disaster even after it has declared one.

Nearly 8 months ago, upstate New York suffered its worst natural disaster in recent memory. An ice storm devastated the city of Rochester and its surrounding counties. The storm caused immense environmental damage—destroying more than 30,000 trees—and it also crippled us economically, causing homeowners, businesses, and farmers to suffer property losses in the tens of millions of dollars.

Four weeks after the storm, the White House declared 14 counties of upstate New York a national disaster area and made them eligible for Federal disaster relief from the Federal Emergency Management Agency.

Yet today, Mr. Speaker, the towns and villages and counties of my congressional district are still waiting for the White House to fulfill its promise and help our local governments pay more than $40 million in cleanup costs.

Mr. Speaker, I am not alone in telling you I am extremely frustrated with the delays we have experienced. Scores of our colleagues from 33 States and 5 territories can tell you that they have experienced similar frustrations over the past 2 years. Indeed, hundreds of local governments across the country have been waiting many months—some as long as 2 years—for FEMA reimbursements resulting from 74 major disasters including floods, ice storms, tornadoes, hurricances, and a major earthquake.

The terrible firestorm that recently ravaged Oakland, CA, is only the latest in a long list of disasters that have created obligations for FEMA which FEMA is unable to meet.

Forcing communities to wait so long for Federal disaster relief is unfair and unnecessary. It ignores the real economic crisis that many communities now face as a result of the shortage in FEMA funds. In my own congressional district local governments have spent a substantial portion of their annual budgets on cleanup costs.

Since last March I have worked to ensure that our governments receive the reimbursements they have been promised. I have written to the President, contacted the Office of Management and Budget, testified before a congressional committee and urged the House Appropriations Committee to produce an emergency supplemental funding bill.

Unfortunately, for many months, Congress and the White House have been deadlocked over whether to designate additional FEMA funding as a dire emergency. The White House has insisted it would not agree to full funding for FEMA unless Congress agreed to massive cuts in other unrelated programs.

Today, however, we have before us a new supplemental bill which would provide $693 million in Federal disaster relief payments. This supplemental bill would cleanup the backlog of reimbursements and enable hundreds of communities across the country to return to a normal life.

The problem remains that the administration appears not to consider this huge backlog of payments an emergency. Mr. Speaker, you and I know that a disaster like the March ice storm in upstate New York is an emergency. Helping localities recover from such disasters is a major reason why we have a Federal Government and why we have created a Federal Emergency Management Agency. But the administration does not seem to agree.

It is with some irony that I noticed recently that the administration announced it wanted to forgive the country of Senegal about 40 million dollars' worth of United States loans, almost the same amount due from FEMA to Rochester-area towns and cities.

Clearly, we need a new set of priorities that considers emergencies at home as important as emergencies abroad. Mr. Speaker, I strongly urge passage of this supplemental bill, and I strongly urge the President to recognize the urgent need involved and designate this appropriation as a dire emergency.

Mr. QUILLEN. Mr. Speaker, I yield back the balance of my time.

Ms. SLAUGHTER of New York. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore (Mr. McNULTY). The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Ms. SLAUGHTER of New York. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 254, nays 164, not voting 15, as follows:

[Roll No. 346]

YEAS—254

Abercrombie
Ackerman
Alexander
Anderson
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Annunzio
Anthony
Applegate
Aspin
Atkins
AuCoin
Bacchus
Barnard
Beilenson
Bennett
Berman
Bevill
Bilbray
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown
Bruce
Bryant
Bustamante
Byron
Campbell (CO)
Cardin
Carper
Carr
Chapman
Clay
Clement
Coleman (TX)
Collins (IL)
Collins (MI)
Condit
Conyers
Costello
Cox (IL)
Coyne
Cramer
Darden
de la Garza
DeFazio
DeLauro
Dellums
Derrick
Dicks
Dingell
Dixon
Donnelly
Dooley
Dorgan (ND)
Downey
Durbin
Dwyer
Dymally
Early
Eckart
Edwards (CA)
Edwards (TX)
Engel
English
Erdreich
Espy
Evans
Fascell
Fazio
Feighan
Flake
Foglietta
Ford (MI)
Frank (MA)
Frost
Gaydos
Gejdenson
Gephardt
Geren
Gibbons
Gonzalez
Gordon
Guarini
Hall (OH)
Hall (TX)
Hamilton
Harris
Hatcher
Hayes (IL)
Hayes (LA)
Hefner
Hertel
Hoagland
Hochbrueckner
Horn
Hoyer
Hubbard
Huckaby
Hughes
Hutto
Jefferson
Jenkins
Johnson (SD)
Johnston
Jones (NC)
Jontz
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Kolter
Kopetski
Kostmayer
LaFalce
Lancaster
Lantos
LaRocco
Laughlin
Lehman (FL)
Levin (MI)
Levine (CA)
Lewis (GA)
Lipinski
Lloyd
Long
Lowey (NY)
Luken
Manton
Markey
Martinez
Mavroules
Mazzoli
McCloskey
McCurdy
McDermott
McHugh
McMillen (MD)
McNulty
Mfume
Miller (CA)
Mineta
Mink
Moakley
Mollohan
Montgomery
Moody
Moran
Murphy
Murtha
Nagle
Natcher
Neal (MA)
Neal (NC)
Nowak
Oakar
Oberstar
Obey
Olin
Olver
Ortiz
Orton
Owens (NY)
Owens (UT)
Pallone
Panetta
Parker
Pastor
Patterson
Payne (NJ)
Payne (VA)
Pease
Pelosi
Penny
Perkins
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Poshard
Price
Rahall
Rangel
Ray
Reed
Richardson
Roe
Roemer
Rose
Rostenkowski
Rowland
Roybal
Russo
Sabo
Sanders
Sangmeister
Sarpalius
Savage
Sawyer
Schroeder
Schumer
Serrano
Sharp
Sikorski
Sisisky
Skaggs
Skelton
Slattery
Slaughter (NY)
Smith (FL)
Smith (IA)
Solarz
Spratt
Staggers
Stallings
Stark
Stenholm
Stokes
Studds
Swett
Swift
Synar
Tallon
Taylor (MS)
Thomas (GA)
Thornton
Torres
Torricelli
Towns
Traficant
Traxler
Unsoeld
Valentine
Vento
Visclosky
Volkmer
Washington
Waters
Waxman
Weiss
Wheat
Whitten
Williams
Wilson
Wolpe
Wyden
Yates
Yatron

NAYS—164

Allard
Archer
Armey
Baker
Ballenger
Barrett
Barton
Bateman
Bentley
Bereuter
Bilirakis
Bliley
Boehlert
Boehner
Broomfield
Bunning
Burton
Callahan
Camp
Campbell (CA)
Chandler
Clinger
Coble
Coleman (MO)
Combest
Coughlin
Cox (CA)
Crane
Cunningham
Dannemeyer
Davis
DeLay
Dickinson
Doolittle
Dornan (CA)
Dreier
Duncan
Edwards (OK)
Emerson
Ewing
Fawell
Fields
Fish
Franks (CT)
Gallegly
Gallo
Gekas
Gilchrest
Gillmor
Gilman
Gingrich
Goodling
Goss
Gradison
Grandy
Green
Gunderson
Hammerschmidt
Hancock
Hansen
Hastert
Henry
Herger
Hobson
Holloway
Horton
Houghton
Hunter
Hyde
Inhofe
Ireland
Jacobs
James
Johnson (CT)
Johnson (TX)
Kasich
Klug
Kolbe
Kyl
Lagomarsino
Leach
Lent
Lewis (CA)
Lewis (FL)
Lightfoot
Livingston
Lowery (CA)
Machtley
Marlenee
Martin
McCandless
McCollum
McCrery
McDade
McEwen
McGrath
McMillan (NC)
Meyers
Michel

Miller (OH)
Miller (WA)
Molinari
Moorhead
Morella
Morrison
Myers
Nichols
Nussle
Oxley
Packard
Paxon
Petri
Porter
Pursell
Quillen
Ramstad
Ravenel
Regula
Rhodes
Ridge
Riggs
Rinaldo
Ritter
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Santorum
Saxton
Schaefer
Schulze
Sensenbrenner
Shaw
Shays
Shuster
Skeen
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stump
Sundquist
Tauzin
Taylor (NC)
Thomas (CA)
Thomas (WY)
Upton
Vander Jagt
Vucanovich
Walker
Walsh
Weber
Weldon
Wolf
Wylie
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—15

Boxer
Cooper
Ford (TN)
Glickman
Hefley
Hopkins
Jones (GA)
Lehman (CA)
Matsui
Mrazek
Scheuer
Schiff
Slaughter (VA)
Tanner
Wise

□ 1408

Mr. SAXTON changed his vote from "yea" to "nay."

Mr. GAYDOS and Mr. KILDEE changed their vote from "nay" to "yea."

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. McNULTY). The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. WHITTEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the consideration of H.R. 3543, and that I may include tabular and extraneous material.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

□ 1410

DIRE EMERGENCY SUPPLEMENTAL APPROPRIATIONS AND TRANSFERS FOR RELIEF FROM THE EFFECTS OF NATURAL DISASTERS, FOR OTHER URGENT NEEDS, AND FOR INCREMENTAL COST OF OPERATION DESERT SHIELD/DESERT STORM ACT OF 1992

Mr. WHITTEN. Mr. Speaker, pursuant to House Resolution 256, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 3543) making dire emergency supplemental appropriations and transfers for relief from the effects of natural disasters, for other urgent needs, and for incremental costs of Operation Desert Shield/Desert Storm for the fiscal year ending September 30, 1992, and for other purposes; and pending that motion, Mr. Speaker, I ask unanimous consent that general debate be limited to not to exceed 1 hour, the time to be equally divided and controlled by the gentleman from Pennsylvania [Mr. McDADE] and myself.

The SPEAKER pro tempore (Mr. McNULTY). Is there objection to the request of the gentleman from Mississippi?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Mississippi [Mr. WHITTEN].

The motion was agreed to.

□ 1411

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 3543, with Mr. STUDDS in the chair.

The Clerk read the title of the bill.

By unanimous consent, the bill was considered as having been read the first time.

The CHAIRMAN. Under the unanimous-consent agreement, the gentleman from Mississippi [Mr. WHITTEN] will be recognized for 30 minutes, and the gentleman from Pennsylvania [Mr. McDADE] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Mississippi [Mr. WHITTEN].

Mr. WHITTEN. Mr. Chairman, I yield myself as much time as I may consume.

Mr. Chairman, today we take up the dire emergency supplemental bill, a product of six of our subcommittees. At this time, I call your attention to the fact that economically and financially as a nation we face a national emergency, a dire emergency.

Anyone who reads a newspaper or watches television or talks to one's neighbors is bound to realize our Nation is in a deep recession and, judging by history, it will take a real effort if we are to avoid a long drawn-out depression.

Despite the fact that our Committee on Appropriations has held the total of appropriations bills $180,800,000,000 below the recommendations of our Presidents since 1945, today we owe a debt of $4 trillion and have outstanding guarantees of another $5 trillion. We can work our way out of this only by increasing production and regaining our domestic markets and our normal share of foreign markets. History will decide whose fault it is, and our domestic policy of placing foreign relations ahead of the domestic economy, where we are letting our real wealth deteriorate, will figure prominently in that.

We need information, as what we must do is try to prevent an all-out breakdown in our situation here at home, thus fixing the blame at least should be delayed.

Far too many people seem to forget that paper money and material wealth are two different things as any study of economics or history will show.

On every hand we read of cutbacks, reductions in force, the loss of millions of jobs. Thousands of banks are failing along with major companies, savings and loans associations, and many others who deal with real estate.

Mr. Chairman, I cannot recall a time since 1941 when the national economy has been in a more serious condition. Every newscast, every newspaper, every news magazine is filled with articles or stories on businesses closing, of employee cutbacks or furloughs, of the lack of employment because of the lack of operating capital. When a few, including some office holders, by using carefully selected statistics, we have high leading officials voice optimism about the recovery.

In addition, conditions are terrible because of natural disasters—hurricanes, earthquakes, freezes, droughts, floods, tornadoes, and more recently, wildfires—which have been declared disasters by the President and the Secretary of Agriculture which affect every State in the Union. These disasters have created a dire emergency which must be addressed to prevent a cutting back on vital ongoing programs.

Mr. Chairman, it will take time if we are to work out of the present problem. We need to get our country moving, to increase production, to again export more than we import, and we need to start now for we live in a competitive world.

As a start, today we must join together to pass this dire emergency disaster assistance bill.

The conditions resulting from the widespread disasters continue to get worse. There are now 40 Presidentially declared disasters and an additional 68 declared by the Secretary of Agriculture. With reductions in employment, in production, and exports resulting from these disasters, when added to our mistaken policies, it is apparent that the Nation must take action. It has been over 6 months since we called attention to the problem, the facts of which are well known.

In the years 1990 and 1991, disaster declarations have been declared or are pending for 11 States in the East, 8 States in the Southeast, 8 South Central States, 11 North Central States, 6 States in the Northwest, and 6 States in the Southwest. Thus, in connection with this, it is necessary that the Congress declare these domestic needs to be dire emergencies so that other essential programs won't be reduced by sequestration as has been done to fiscal year 1991 programs which were reduced thirteen ten-thousandths of 1 percent by the Office of Management and Budget based on its own counting without the approval of the Congress.

To begin to meet these problems, dire emergency supplemental provides funds to meet the disasters which have hit the Nation since last October and to provide more funds for Hurricane Hugo damage and the 1989 California earthquake.

Recently, Hurricane Bob struck the northeast coast. To date, estimated costs for the disasters declared due to this hurricane are approximately $52,000,000.

Farmers in Minnesota and Iowa were unable to plant their crops due to an unprecedented spring and summer rainfall. Furthermore, many crops which may have been planted were destroyed because of flooding.

Since early spring of this year, tremendous storms with accompanying torrential rain and winds have hit areas of the country. At one point, over 4,000,000 acres of land in the Mississippi River delta were inundated, destroying or damaging drainage ditches, brides, roads, homes, and farms. Additionally, some of the worst drought conditions of the century have affected other parts of the country.

The heavy rains that occurred in late April and early May 1991, averaged 12 to 18 inches above normal in the Yazoo Basin. This flooding was more severe than in 1973 in several locations, setting modern day records, and resulted in a major flood fight activity.

Since October 1990, there have been disasters which resulted in calls for the National Guard and other assistance. Mr. Chairman, in fiscal 1990 the Guard was called out 292 times in 38 States; in fiscal 1991 337 times in 42 States. This need will continue and shows the tremendous peacetime mission the Guard has. Because they are local, they play a big part in support of the regular services.

I will provide for the RECORD the details of how they were used.

Fiscal Year 1990—38 STATES HAD MISSIONS

Total missions	292
Natural disasters	77
Earthquake	1
Fire	10
Flood	30
Hurricane	7
Storm	21
Tornado	8
Other emergencies	290
Law enforcement support	28
Medical assistance	13
Miscellaneous	17
Search and rescue	60
Shelters	12
Transportation	22
Water haul	57
Civil disturbances	6
Personnel	23,171
Man days	207,187

Fiscal Year 1991—42 STATES HAD MISSIONS

Total missions	337
Natural disasters	76
Drought	1
Earthquake	1
Fire	16
Flood	22
Hurricane	6
Mudslide	1
Storm	14
Tornado	13
Typhoon	1
Volcano	1
Other emergencies	260
Law enforcement support	28
Medical assistance	15
Miscellaneous	18
Search and rescue	53
Shelters	42
Transportation	21
Water haul	83
Civil distrubances	1
Personnel	7,848
Man days	44,805

The dire emergency supplemental was reported October 17—before the disastrous fire in Oakland, CA, occurred. All the evidence is not yet in on the effects of that terrible fire. What we know now is that more than 25 persons have died and more than 1,800 homes have burned with damages included to roads, bridges, and the overall effect—according to the press—is estimated to be from $2 to $5 billion in damages. Apparently, this disastrous fire and the damages ranks with the volcano eruption in Washington, the earthquake in San Francisco, and to the Great Chicago Fire in 1871.

In addition, wildfires have damaged areas in Washington, Montana, Idaho, and Virginia.

Later I will offer an amendment that will provide additional disaster assistance for FEMA, the Corps of Engineers, the Forest Service, the Bureau of Reclamation, the Soil Conservation Service, and the Geological Survey to determine the needs and make recommendations to the subcommittees of jurisdiction of our Committee on Appropriations that we may mitigate the effects of the disasters and thereby help save our economy.

It is important that the bill and the amendment be approved as a dire emergency, for we must prevent cuts in ongoing programs through sequestration which would make bad matters worse.

I urge you to join us in our efforts to save the material wealth and the economy of our Nation.

□ 1420

Mr. Chairman, if we are to avoid a real depression, and we have a recession now, we are going to have to take action.

May I say that the present Budget Act which provides for sequestration, of itself makes all the problems I have called to your attention in trying to provide for dire emergencies. As I understand the law, the President has the right to declare dire emergencies and has done so in several instances. I also understand that Congress can say what are dire emergencies.

Mr. Chairman, I respectfully submit that in view of the Budget Act if we exceed what they tell us we can do by their own count, not subject to the review of the Congressional Budget Office or the approval of Congress itself, it makes all of these problems, and the money that it takes to solve them, dire emergencies.

Mr. Chairman, I reserve the balance of my time.

Mr. MCDADE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, for 5 months now since early June, this bill, with its very substantial problems, has been a disaster waiting to happen. But now we see what this bill really is—it is a bill that has been waiting for a disaster to happen.

First, we have our disaster—the Oakland fire. And now the bill comes to the floor, hoping for cover so that we might not see the very substantial flaws that are woven within it. Unfortunately, those flaws are still there.

Mr. Chairman, this bill contains some very much needed funding: It contains $3.2 billion for costs related to Desert Storm, to be paid for out of the defense contribution account, the fund containing the allied contributions.

Mr. Chairman, I want to indicate to my colleagues that that fund now has about $50 billion in it, almost 90 percent of what has been pledged.

The bill also contains $693 million for the Federal Emergency Management Administration, to cover the congressional shortfall that has occurred in funding for disasters prior to this fiscal year.

And it contains $1.75 billion for agriculture disaster assistance, for the 1990 and 1991 crop years, a good portion of which is, in my mind, justified.

But it also contains some very major league problems.

First of all, it contains the provision, which was just debated on the rule, that was added in full committee, amending the Internal Revenue Code to change the way public funding for Presidential campaigns is distributed to help Democratic candidates in the primaries.

Mr. Chairman, Presidential politics has no place in this bill. Its inclusion represents a gross abuse of the processes of this institution.

Second, in a year when we are facing a record $340 billion deficit, the bill pays for the $2.5 billion in additional domestic spending by writing a check on an empty bank account.

Mr. Chairman, last fall, as part of the budget agreement, this Congress agreed to try to curb spending by setting annual spending ceilings. For fiscal year 1992, even though we knew about the need for funding for these disasters, Congress went ahead and spent all the money available under those same domestic ceilings that I just referred to on other programs in other places, in the regular appropriations bills.

Congress had $200 billion to spend on domestic discretionary programs. And, you bet the Congress spent it. There is no money left in the checking account to pay for this $2.5 billion check.

This bill, Mr. Chairman, in its bottom line says, "Well, we do not have to worry about that. We will just call it a dire emergency."

And even under last year's budget agreement, if it is an emergency, and the administration agrees, then the funding in this bill does not count against the spending ceilings.

Well, first of all, Mr. Chairman, this bill does not represent an emergency and, second, the administration has indicated plainly and unequivocally that it will not agree that it is an emergency.

Let me break that down, if I may, Mr. Chairman.

Of the $693 million shortfall for FEMA, all but $151 million of it results from the fact that over the past 3 years, Congress has short funded the disaster account and put the money elsewhere. In fact, in fiscal year 1991 when we knew these disasters had occurred, Congress provided no funding in the regular appropriation bill account at all—zero, zilch for disasters in 1991. Instead, Congress spent the money elsewhere. So of course there is a shortfall, and, my friends, it is not created not by act of God, but by act of Congress.

As for agriculture disasters, in both the fiscal year 1991 and fiscal year 1992 Agriculture appropriations bills, Congress once again provided no funding for the disaster program. And in the 1990 crop year, sure enough, there were some disasters—in general, it was a pretty good year, but a bad peanut crop, and a citrus freeze.

And in the 1991 crop year, just wrapping up, there have been floods and drought. But it was Congress that chose not to fund the program, spent all the available money elsewhere, and now claims that the need for $1.75 billion in additional funding results from an act of God, when, in fact, it too, was an act of Congress.

When Congress creates a $2.4 billion shortfall, spends all the money in its checking account, and then writes a check to cover the emergency, that is not an emergency, that is a budget buster. It did not have to be that way. There were options that I presented on behalf of my colleagues, in writing, to the committee last July to offset the spending in the bill; but they were ignored, and ultimately, those offsets evaporated at the end of fiscal year 1991.

Mr. Chairman, as this bill moves into the amendment process, things are likely to get worse, not better. There are now at least $1.7 billion in amendments pending, and who knows what else is out in the woodwork.

Mr. Chairman, it saddens me to say that the prospects for this bill are not bright. The statement of administration policy indicates that the President's senior advisers will recommend a veto for two reasons.

The first is the one that I have alluded to: The introduction of Presidential politics and abuse of the process in this appropriation bill. The second objection, Mr. Chairman, arises because of excessive spending and inappropriate use of an emergency designation.

The administration's statement also makes it clear that even if the President were to sign the bill, and there is no indication that he will, he would not agree to the emergency designation. The result of that, under the law, would be a sequester—an across-the-board cut on every single domestic program that has been passed by the Congress, like education, and health and antidrug programs, of at least 1.7 percent, to pay for the funding in this supplemental and to remain within the budget agreements.

There is no doubt that this bill creates a Hobson's choice for those Members, whose constituents are affected by the very real funding shortfalls.

If they want to support funding for their constitutents—and in fact, Mr. Chairman, I know all of them do—their choice is to vote for a bill that is going nowhere because of its many problems. It does not have a chance of seeing the light of day.

But, Mr. Chairman and my colleagues, there is an alternative which I am going to present to you. At the proper time, I will be proposing a motion to send the bill back to committee to cure the problems in this bill—get rid of the Presidential politics and the abuse of the process in this bill, and come up with the offsets that either avoid a veto or a sequester that cuts the funding for every other single domestic program.

Mr. Chairman, I have been privileged to be a Member of this body for 29 years, and it is my firm, honest, and sincere opinion that the motion to recommit represents the best bet we have to get a bill that will be signed into law in short order. I hope Members will vote for that motion.

Mr. Chairman, I regret to say that I must oppose the bill.

☐1430

Mr. WHITTEN. Mr. Chairman, I yield 5 minutes to the gentleman from Massachusetts [Mr. STUDDS].

Mr. STUDDS. Mr. Chairman, last August Hurricane Bob slammed into southeastern Massachusetts and caused millions of dollars worth of damage to coastal communities throughout my district.

Today, months have passed and these same towns have yet to see a single cent of the promised Federal aid from FEMA.

Why? Because the President claims a hurricane is a disaster, but a disaster is not an emergency.

The supplemental funds requested for FEMA are critical to communities in my district and districts across this country which face financial devastation if they do not receive reimbursement from FEMA soon.

When the President assessed the damage and declared southeastern Massachusetts a disaster area within days of Hurricane Bob, cities and towns proceeded with whatever cleanup efforts were necessary to ensure the public safety. Town officials never knew that FEMA was broke and they never knew that communities in California and South Carolina had been waiting years for FEMA funds.

While the President bickers over dictionary definitions, communities on Cape Cod and the islands and the south shore and in the New Bedford area have to deal with reality. The recession has been prolonged and painful in Massachusetts and local budgets were strained long before the hurricane hit.

The cost of hurricane cleanup efforts drained the cash reserves of many towns and now:

The fishing village of Provincetown has been forced to postpone repairs to the town wharf.

The town of Fairhaven has been forced to refinance the removal of asbestos from its elementary school.

The town of Hanson will be forced to cut back on basic services and to lay off municipal employees if checks from FEMA do not begin arriving soon.

This very afternoon, the executive leadership of the town of Marion is waiting and watching this debate before they meet with the town's finance committee to determine how they will cover the budget shortfall created by FEMA's empty coffers and empty promises.

To these towns, and to the families faced with the prospect of unemployment, and to the elderly who depend on town services, this is indeed an emergency.

These communities cannot afford to absorb the total cost of the disaster relief efforts and they cannot afford to wait 10 or 20 or 30 months to receive the reimbursements from FEMA to which they are clearly entitled by law.

I urge my colleagues to vote in support of this bill.

Mr. McDADE. Mr. Chairman, I am delighted to yield 4 minutes to the gentleman from Ohio [Mr. GRADISON].

Mr. GRADISON. Mr. Chairman, I rise in opposition to this bill on the grounds that it is unnecessary for the following reasons:

Spending caps for fiscal year 1992 allowed enough funding to meet the needs addressed in this bill;

A number of existing programs respond to many of the needs addressed in this supplemental;

Enactment of this bill would cause a sequester of domestic discretionary funds; and

Americans have not been neglected while we sent money to foreigners as some have charged.

THESE EMERGENCIES COULD BE ACCOMMODATED WITHIN SPENDING CAPS

We are less than 1 month into a new fiscal year. The committee has a domestic discretionary spending cap of nearly $200 billion. The dometic discretionary dire emergency items are approximately $2.4 billion—barely more than 1 percent of the $200 billion available. If the need for these funds is such a dire emergency, the committee can find the funds within the cap. Are the caps so tight that not even 1 percent can be redirected from normal operations to meet a dire emergency?

To emphasize this point, I would like to commend the gentleman from North Carolina [Mr. HEFNER] for the responsible manner in which his Subcommittee on Military Construction handled the need for $47 million in emergency funds. In April, 1 tornado severely damaged facilities at McConnell Air Force Base in Wichita, KS. Rather than use this event as an excuse to exceed its spending allowance, the Military Construction Subcommittee provided for the repairs within their fiscal year 1992 allocation.

Other subcommittee chairs could just as easily have provided for their portions on this emergency supplemental. During consideration of the Agriculture appropriation, I pointed out a number of low-priority items which the committee chose to fund in lieu of these emergency items. Some examples were $74 million for special research grants on such items as asparagus, cranberries, a mechanical tomato harvester, Christmas tree root rot, mink, manure disposal, and Russian wheat aphids, more than $4.6 million for bee research at the same time that we are spending over $25 million to buy surplus honey; and more than $100 million for construction at State agricultural facilities including a road to the new stadium at North Dakota State University.

My full comments on the failure of the Agriculture Subcommittee to find funds for emergencies are printed in the RECORD of October 8.

The Commerce/State/Justice Subcommittee is requesting $1.3 million in emergency funds to replace a NOAA computer damaged by a fire. NOAA received over $1.5 billion for operational expenses in the regular fiscal year 1992 appropriation—a 19-percent increase over fiscal year 1991. Surely there is room for $1.3 million to restore this computer facility.

The Interior Subcommittee has requested $10.3 million in emergency funds to correct deficiencies at abandoned mine sites at the same time that they have reduced the regular appropriation for this purpose by nearly $9 million from last year's level. This same subcommittee found $2 million for the Chicago Public Library, another $2 million for a water and sewer system in the Republic of Palau, and hundreds of millions more for construction projects not requested by the Interior Department.

FOREIGN EMERGENCIES VERSUS DOMESTIC EMERGENCIES

A premise underlying this supplemental spending request is that if we spend money on foreign emergencies, we must spend money on domestic emergencies. We have contributed slightly over $1 billion in emergency foreign assistance. All of this spending was related to the Persian Gulf war, and all of it originated in the Congress. The President never submitted a formal request for this emergency foreign assistance money.

The Appropriations Committee has contrasted the foreign emergency appropriations with $39 million in domestic discretionary emergency appropriations. This is a misleading comparison for at least two reasons. First, in addition to the $39 million highlighted by the Appropriations Committee, we have also provided $150 million in emergency unemployment insurance administrative funds. Second, there are many existing programs to meet domestic emergencies. We are justified in spending additional amounts only when these existing programs cannot meet the needs.

In June the administration, in response to a directive from the Congress, provided an assessment of foreign and domestic emergencies and the need for additional funds to meet these emergencies. This Report on the Costs of Domestic and International Emergencies spelled out how domestic emergencies, particularly in the agricultural arena, were being met through existing programs with currently available funding. In short, there is no need for additional funds for most of the domestic activities.

ENACTING THIS SUPPLEMENTAL WILL CAUSE A SEQUESTER

The President has indicated that he will score almost none of the domestic spending in this bill as an emergency. Thus, it will be subject to spending caps. Added together, the domestic discretionary appropriations for fiscal year 1992 are nearly at the cap. Therefore, the additional spending in this bill is sure to cause a sequester. The exact amount of the sequester cannot be determined until all domestic discretionary appropriations have been enacted, but the sequester can be expected to be in the range of 1 to 2 percent across the board.

VOTE AGAINST UNNECESSARY SPENDING

In summary, I ask my colleagues to vote against this unnecessary spending because:

It is irresponsible to look for ways to spend more money when the on-budget deficit is already projected to be greater than $400 billion;

Domestic emergencies are being met through existing programs and funding;

The Appropriations Committee could have met these needs within its allocation had it chosen to do so;

It is not necessary to spend more money on domestic programs simply because we have responded to international emergencies; and

The spending in this bill will cause a sequester, thus reducing funding to all domestic programs.

Mr. WHITTEN. Mr. Chairman, I yield 6 minutes to the gentleman from California [Mr. FAZIO].

Mr. FAZIO. Mr. Chairman, I thank the gentleman for yielding this time to me.

Mr. Chairman, I do intend to engage in what I am sure will be a lengthy discussion of the provision that I added to this bill in the committee related to funding the Presidential candidates of both parties in the primary, but I will not do that at this point in general debate, because I think we can adequately discuss that when the gentleman from Louisiana [Mr. LIVINGSTON] offers his amendment later on.

My purpose in rising now is to discuss the problems of disaster relief which occur as a result, I believe, of the administration's unwillingness to work with us to find a way to keep faith with people all across the country who have been told that their needs will be dealt with.

The fact is, Mr. Chairman, we are dealing with a bill at the moment which includes funds for Hurricane Hugo, the Loma Prieta earthquake in California and many other disasters which have occurred across the country which as much as 2 years later remain unresolved by this administration.

Now, the evidence is not in on the terrible effects of the fire in the Oakland Hills. I am sure the gentleman from California [Mr. DELLUMS] will be telling us in more detail shortly the impact of this third worst fire in American history, but our hearts go out to these families and to those many other people who suffered the tragic loss of their property, and in some cases, life, as a result of that fire.

We have had the press conferences. We have had the declarations of emergency. People have pledged assistance in deep concern, but if we are going to treat these people any differently than the people who have been victimized, for example, by the freeze that affected California so drastically last winter, we had better be more honest with ourselves and with the American people about this process that we are going through now.

Today, the chairman will offer an amendment, and I want to thank him for that amendment. The additional funds, the $335 million that he has planned to augment to this bill will go a long way to meeting the needs of the people in Oakland and others who have been victimized by natural disasters within the year; but that really does not resolve the problem if we do not have anything here but a rhetorical debate. It really does not get to the ultimate signature that we need on this bill and it does not even put us into negotiations with an administration that is ultimately responsible, I believe, for no dialog with the chairman of this committee during the last several months.

This bill has been pending for quite awhile. We talk about it as an urgent matter, an emergency bill, and yet it has languished without any real consideration by the Office of Management and Budget or other people in the administration responsible for funding these programs.

The only way we can be sure that we can keep faith with people and remain true to our responsibilities is to have some sort of compromise enacted. There are many people who are waiting for the Congress and the President to take that action.

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This bill will total something in the neighborhood of $1 billion in disaster-related relief, particularly for FEMA, if we proceed, as I hope we will, to pass this bill and go to conference with the Senate.

But that will be a cruel hoax if we are not willing on the part of Congress to work to find a compromise and, on the part of the administration, if they are not willing to be forthcoming about their real willingness to deal with these problems.

It has been said that we do not have a double standard, that we are not treating our farmers, our cities, our communities differently than we have treated people elsewhere in the world.

Mr. Chairman, I beg to differ. I think there is a clear distinction. The President has used his emergency authority under the Budget Act to respond to international emergencies all over the world: $850 million for Israel and Turkey; $235 million to help the Kurds and to support U.N. peacekeeping forces in Iraq; $39 million for moving State Department employees from the Persian Gulf during the Persian Gulf war.

These are reasonable, in fact, laudatory things to do. In many cases we have all agreed.

But they are not done in a similar manner to what we do for people who are victimized by domestic disasters. The President has also declared emergencies for natural disasters in the Philippines, in Bangladesh. The President did not, however, use emergency budget authority in these instances.

He did, however, seek the funds, which he has failed to do for domestic disasters, particularly the crop loss disaster assistance that would affect California as a result of the freeze.

In response to these disasters, $67 million was appropriated for displaced people throughout the world, of which $12 million went to help the victims of the volcanic eruption at Mount Pinatubo in the Philippines and $10 million to $12 million went directly to Bangladesh to help the victims of the typhoon there.

My point is simple: While these are worthy and need to be addressed, we have been somehow unwilling to take the same steps, for example, to take into consideration the loss of jobs, the loss of financial ability to compete throughout the San Joaquin Valley of California, specifically in Tulane, Kings County, and other counties that have been devastated that now have unemployment rates which are twice the State average as a result.

I am just asking for reciprocity, for fairness, and for the equivalent approach to the American people when they find themselves in trouble, the same kind of approach we have always been so beneficent to grant to other people in the other countries.

Mr. Chairman, our hearts go out to the families that have suffered this tragic loss of property and in some cases life as a result of the fires earlier this week in the east San Francisco Bay.

All the evidence is not in on the effects of that terrible fire, but indications are that the 1,800-acre blaze destroyed more than 3,000 homes and apartments. At least 25 people died and the damage estimate, which was once thought to be as high as $5 billion, has now been put at $1.5 to $2 billion. If this damage estimate holds, the Oakland fire will still be the third most destructive fire in U.S. history, ranking only behind the fire that grew out of the 1906 San Francisco earthquake—property damage hit $5 billion in today's dollars—and the Great Chicago Fire of 1871—$1.8 billion in damages in today's dollars.

But today, through the amendment offered by the chairman of the House Appropriations Committee we have an opportunity to provide some much needed, timely Federal assistance to those who are now seeking to rebuild their lives and communities in the wake of this devastating fire.

The timely provision of authorized Federal aid to individuals and communities hit by major disasters is an important, historical compact that exists between the Federal Government and our States and communities. In recent years, we have failed to meet our historical responsibilities and held at arms lengths those who desperately need our help, because this administration, because the President, has failed to exercise the legitimate emergency spending authority which he has under the budget act.

Claims still pending from the Loma Prieta earthquake total an estimated $500 million. Claims from Hurricane Hugo still pending before FEMA total $194 million. These disasters occurred more than 2 years ago. And, delays in the provision of Federal aid only drive up the final costs of rebuilding these communities.

As we expected, the damage cost estimates for the Oakland fire have come down somewhat while those damages that are eligible for Federal disaster assistance have risen. Those damages eligible for Federal relief have risen from $45 million—$43 million for public facility damage and $2 million for individual assistance—to roughly $81 million—$14.2 million for individual and family grants, $42 million for $4.5 million for temporary housing assistance and $20 million for erosion control and debris removal. The erosion control expenses shot up over the weekend as workers tried to stabilize the hillsides and prevent mudslides from the weekend storm. Most of the Federal share of these costs will be absorbed by FEMA, with a small portion of aid coming from the Soil Conservation Service. The estimate of eligible Federal disaster damages will likely continue to rise as further assessments are conducted and complications from the fire arise.

The bill also provides $1.75 billion in disaster assistance to farmers who suffered losses of their 1990 and 1991 crops.

Of the funds appropriated, several hundred million dollars—$300 to $425 million—will go to California farmers who suffered losses in excess of $850 million during the December freeze. Solano County losses totaled $14.2 million, primarily in citrus, vegetables, nursery products, sugar beets, and alfalfa. Yolo County losses totaled $625,000, primarily in citrus and vegetables.

The administration's delay in seeking disaster assistance has caused enormous hardship to farmers, farmworkers, and rural communities throughout the State. Farmers have gone bankrupt, unemployment rates in communities in the San Joaquin Valley have exceeded 50 percent and an estimated 70,000 agricultural workers have been laid off.

The freeze did more damage to the State's economy than all other previous natural disasters except the 1989 Loma Prieta earthquake and the 1906 San Francisco earthquake and fire.

And, California is not alone in suffering major agricultural losses over the last 2 years. This assistance is needed in nearly every corner of the Nation. Disaster declarations have been declared or are pending in almost every State in the Nation. Half the rural counties in the country have been hit by natural disasters.

Unfortunately, the President continues to turn his gaze toward the problems boiling over on the worldfront rather than the homefront. He has asked Congress for $1.14 billion to respond to international emergencies and $43.9 billion for Desert Storm—all exempt from the spending limits set in the budget summit agreement. However, for domestic emergencies, the President has sought only $39 million, less than 3 percent of what the administration has sought for international emergencies.

It's tragic that we can provide funds for the Philippines, for Bangladesh, for other natural disasters around the world, but when it comes to helping people here at home we run into opposition from the President.

Despite the overwhelming need for domestic disaster assistance, President Bush has yet to ask Congress for any special aid. Within 10 days of the Loma Prieta earthquake, the President signed an emergency disaster relief bill. It's been months since the freeze devastated California agriculture. We can wait no longer; we need this bill passed and signed into law so that our farmers can get back on their feet and reemploy tens of thousands of farm workers, and help turn our economy around.

Mr. McDADE. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Rhode Island [Mr. MACHTLEY].

Mr. MACHTLEY. I thank the gentleman from Pennsylvania for yielding to me.

Mr. Chairman, I listened intently as the gentleman described the plight that has occurred in his State of Massachusetts. I come here to the well also with a concern for what is going on in my State of Rhode Island.

On the one hand, this Federal Government promises to the cities and towns in a disaster that we will help them. But on the other hand, we tell them there is no money available.

Is it any wonder that people back home are wondering what is going on with Congress? Is it any wonder that some are bewildered, perhaps angry, but most certainly disappointed? As we see our communities having to dig into their funds which may have provided money for athletics, music, art, and important programs in school, as we see our cities and towns being bankrupt, is it any wonder that there is concern with what is going on here in Washington?

Instead of a dire emergency bill which truly deals with the emergencies at hand, we have developed a bloated tuneup that we are sending down the stream, one that accounts for almost $5.8 million in expenditures.

There are some 39 States who now have $700 million of expenditures which have already been incurred, and yet we are not providing them the help that is needed. It is not fair, it is not honest, and certainly I would suggest it may not be good government.

When we were elected, we had a responsibility to be true not only to ourselves but to our people back home. My hope is that we would deal with a dire emergency bill which gets money into our home cities and towns fairly, that we would be truthful with them and say, "We really do care about you back home, we do deal expeditiously when we have foreign needs, but when it comes to our hometowns, we try to add everything else on because we know people back home need this money, and we try to make them the scapegoats."

I would hope that as we look at this bill and ask ourselves what we are really doing as far as dire emergency appropriation, that we deal with it honestly and that we get our FEMA funds passed so that our cities and towns do not have to bear the burden of our inability to be true to ourselves and to our constituents.

Mr. WHITTEN. Mr. Chairman, I yield 3 minutes to the gentleman from Michigan [Mr. TRAXLER].

Mr. TRAXLER. I thank the chairman for yielding this time to me.

Mr. Chairman, I am pleased to yield to the distinguished gentlewoman from California [Ms. PELOSI] for a colloquy.

Ms. PELOSI. I thank the chairman for yielding to me.

Mr. Chairman, first I would like to thank the chairman of the full committee, the gentleman from Mississippi [Mr. WHITTEN]. My constituents will never forget his fast action in coming to our rescue following the Loma Prieta earthquake, and every chance I get I want to publicly thank the gentleman for that.

Further, I want to commend the chairman of the Subcommittee on VA-HUD for his strong interest to ensure that communities affected by the Loma Prieta earthquake of 1989 receive the attention and funding they need to go forward.

While much progress has been made in the past 2 years to recover from the damage inflicted by the Loma Prieta earthquake, the current estimate for unmet needs is $500 million.

Many of the public buildings and facilities in these areas remain unusable. Further delay in funding only causes the costs for repairs to escalate.

Is it your understanding, Mr. Chairman, that a significant amount of the funding in this supplemental will go toward completing the unfinished projects in these affected earthquake communities?

Mr. TRAXLER. Yes, that is my understanding. In fact, according to FEMA, approximately $300 million of this supplemental appropriation will be targeted to eligible Loma Prieta earthquake disaster-related activities in the bay area.

Ms. PELOSI. Thank you, Mr. Chairman, for the support you have offered to the earthquake-stricken communities of California.

Mr. Chairman, for the purposes of this colloquy, I yield to my colleague from the bay area, Mr. DELLUMS.

Mr. Chairman, in yielding to the gentleman from California [Mr. DELLUMS], I also again extend the condolences of my constituents for the tremendous loss his constituents have suffered in the fire, on top of the, (within 2 years), devastating damage done by the Loma Prieta earthquake to his district.

The CHAIRMAN. The Chair would remind the gentlewoman that the gentleman from Michigan [Mr. TRAXLER] controls the time.

Mr. TRAXLER. I yield to the gentleman from California [Mr. DELLUMS] to enter into a colloquy with the gentleman from California.

Mr. DELLUMS. I thank the distinguished gentleman for yielding to me, and I thank the distinguished gentlewoman from the bay area for her compassionate remarks and associate myself with her laudatory remarks made previously and thank her for the questions that she raised.

Mr. Chairman, as you are aware, an estimated 2,000 low-income persons displaced by the October 1989 earthquake were denied public assistance by FEMA due to their status as residents of short-term residence hotels, and, in a memorandum of understanding drafted to settle their claims for individual assistance, these funds were to be expended within one year.

Is it your understanding that FEMA possesses discretionary authority to agree to extend the period of time under which funds made available by the settlement agreement may be drawn against by the eligible parties?

Mr. TRAXLER. Yes; that is my understanding of the law. Further, in my judgment, the subcommittee would look with great favor upon FEMA action to achieve this objective, and exercising that discretionary authority. In conclusion, I would like to thank the distinguished gentlewoman from California [Ms. PELOSI] and the gentleman from California [Mr. DELLUMS] for the deep concern they have expressed over these disasters, and I congratulate them for their actions with this subcommittee.

Ms. PELOSI. I thank the gentleman for his kind remarks.

Mr. Chairman, I rise in strong support of the fiscal year 1992 dire emergency supplemental appropriations bill and I commend Chairman WHITTEN for his perseverance in bringing this much needed legislation to the floor.

I appreciate the inclusion of funds for the Federal Emergency Management Agency [FEMA] to help communities rebuild in the wake of natural disasters. I know firsthand how important these funds are to our communities, long after a disaster has occurred. For example, more than 2 years after Loma Prieta, the bay area is still recovering from the earthquake's devastating effects. Although we have made tremendous progress in rebuilding our communities, the funds provided in this bill are essential for us to continue these efforts. Consequently, I am grateful to Chairman WHITTEN and Chairman TRAXLER for their willingness to include $693 million for FEMA, of which $300 million will be available to further address damages resulting from the Loma Prieta earthquake.

The bay area is not the only area which has been hard hit and in need of continued disaster assistance. Communities affected by Hurricane Hugo in 1989, Hurricane Bob this year, and the fires occurring this month in Washington State and Oakland and Berkeley, CA, also attest to the critical need to supplement FEMA and other disaster assistance programs. Further, many farmers and ranchers across the country are in dire need of assistance to address crop losses due to freezes, droughts, and other natural disasters. The emergency disaster funding in this bill will ensure that these States and communities will receive at least some of the funds necessary to cover unmet disaster-related needs. I urge my colleagues to support this essential legislation.

Mr. McDADE. Mr. Chairman, I yield 3 minutes to the gentleman from Illinois [Mr. EWING].

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Mr. EWING. Mr. Chairman, I rise here today to support the emergency supplemental legislation reported by the Committee on Appropriations which includes desperately needed assistance for farmers suffering from adverse weather conditions.

Mr. Chairman, I do not take emergency spending lightly, and I do support efforts to offset the spending with cuts elsewhere in the budget.

I am here to tell my colleagues that the drought situation is truly a dire emergency. Drought relief has been the subject of a great deal of misunderstanding by those who do not understand what effect excessive drought, freezing and flood has on farmers throughout the country. Since the Midwest drought this summer has not been featured on the nightly news, and while Willie Nelson is not holding a Farm Aid concert, some of my colleagues may not understand the seriousness of this crisis. I would tell my colleagues that we have had an extremely serious drought in northern Illinois and elsewhere. In many areas it was, in fact, a total disaster.

I am here to let my colleagues know that we are facing a crisis that would have serious implications, not only for small farmers, but for the whole country. The economic experts will tell us that the nationwide crop production this year is about average. But what they will not tell us is that this year's drought is spotty. Some farmers have had regular rain, but many have had little or nor rain this summer, and their crops have been absolutely devastated. In nearly every county in northern Illinois our production is down about 30 percent.

This summer's drought comes on the heels of droughts in 1980, 1983, and 1988. For many farmers who are still reeling from these earlier crises, this is the last straw. Scores will be driven out of business without some assistance. Particularly hard hit are young farmers struggling for survival. Indeed we may very well lose an entire generation of farmers.

Mr. Chairman, the problem is made worse by the very low prices for agricultural products which result partly from the actions of government. It is important also for the entire economy of the area that is affected by this drought—the banking industry, agribusiness industry, chemical, fertilizers, farm machinery producers. Since this legislation is urgently needed, we are facing an emergency, and I urge my colleagues, as well as the administration, to support the much needed farm disaster aid.

Mr. WHITTEN. Mr. Chairman, I yield 4 minutes to the gentleman from California [Mr. MILLER].

Mr. MILLER of California. Mr. Chairman, I thank the gentleman from Mississippi [Mr. WHITTEN] for yielding, and I would like at this point to engage in a colloquy with the chairman of the Committee on Appropriations, the gentleman from Mississippi [Mr. WHITTEN] and the gentleman from Texas [Mr. DE LA GARZA].

Mr. Chairman, I understand that your amendment includes an appropriation of additional funds to the Secretary of Agriculture for the National Forest System. We would like to engage in a colloquy with you in order to clarify the purpose of this amendment.

Mr. WHITTEN. Mr. Chairman, will the gentleman yield?

Mr. MILLER of California. I yield to the gentleman from Mississippi.

Mr. WHITTEN. Mr. Chairman, may I say I am glad to. May I point out that in connection with these problems in California at this time we cannot tell just what is involved and how much more might be needed. We included various agencies and accounts in here that we knew were affected by this disasters that occurred after the bill was reported to do what we could do to get started, but we were unable to put all the money in that we think may be needed at this time until we find out what else is involved.

So, Mr. Chairman, I cannot give the gentleman the assurance that he asks until we find out any further information, but we did put the forest service studies in here. We plan to take care of the needs, if and when get the information.

Mr. MILLER of California. Mr. Chairman, I thank the gentleman from Mississippi [Mr. WHITTEN], and it is our understanding that within these additional funds $210,000 could be made available for the studies designed to accomplish two purposes. One is to respond to the extreme emergency condition of the Sierra Nevada forests by reconvening the scientific panel on late-successional forest ecosystems to prepare a report evaluating different approaches for protecting ecologically significant old growth and late succession ecosystems, species, and processes. The report is to be conducted under the guidance of the same scientific panel previously convened to assist the Committee on Agriculture and the Committee on Merchant Marine and Fisheries, not under the direction of the Forest Service. The completed report is to be transmitted to the Committee on Agriculture and the Committee on Interior and Insular Affairs in the House and to the Committee on Agriculture, Nutrition, and Forestry in the Senate no later than 6 months from today so that Congress may take appropriate legislative actions before the forests deteriorate any further. The other purpose is to complete the work of the scientific panel for the expedited review of the Pacific Northwest forests it has conducted for the Agriculture and Merchant Marine Committees.

Mr. WHITTEN. All I can say at this time is that we hope to cooperate, we were trying to cooperate, but we cannot give assurance about the amount of money. We had to move quickly on the basis of what information we had available, and we were glad to do it. We have had plenty of problems before, as the gentleman knows in California, and we have tried to meet the needs before, for example. I remember the earthquake. Ten days after the earthquake we were able to get a law enacted providing $2,850,000,000. So we intend to help here. But, insofar as tying it down to specific items and dollars, we are not able to at this time.

Mr. MILLER of California. We appreciate that, and I yield to the gentleman from Texas [Mr. DE LA GARZA].

Mr. DE LA GARZA. Mr. Chairman, I thank the gentleman from California for yielding, and first I want to thank the distinguished chairman of the Committee on Appropriations, the gentleman from Mississippi [Mr. WHITTEN], for their consideration of our needs, and I want to assure him that we are prepared to move expeditiously to reconvene the scientific panel and, further, to describe how we anticipate the $210,000 would be allocated in order that we might assist the distinguished chairman of the Committee on Appropriations with his dilemma as to how the funds would be allocated, and, hopefully, they can be allocated as we work together to address this issue.

Mr. Chairman, it is important to understand that the study of the Pacific Northwest forests—the so-called spotted owl forests of western Washington, Oregon, and northern California—has been conducted with the technical support of a myriad of Forest Service, Bureau of Land Management, and Fish and Wildlife Service resource personnel. Part of the funds for this study are to provide reimbursement for expenses already incurred by the scientific panel in conducting this review. The remainder is to be used to support the study of the Sierras. The committees anticipate that the Forest Service and the Interior Department will provide experts and technical personnel and other support assistance for the review of the Sierra Nevada range, just as they did for the scientific panel's report on the Pacific Northwest forests.

Our committees are prepared to move expeditiously to reconvene the scientific panel on late successional forest ecosystems as soon as this bill is signed into law so that their work on the Pacific Northwest forests can be completed and the work on the Sierra forests can be started. I want to thank the chairman of the Appropriations Committee for his assistance in clarifying this issue. At this time, I would like to insert in the RECORD a statement which further describes how we expect the $210,000 to be allocated.

Mr. Chairman, I rise in support of the bill, H.R. 3543. I want to commend the Appropriations Committee, and especially its distinguished chairman, Mr. WHITTEN, for bringing this legislation to the floor.

In particular, I want to commend the Appropriations Committee for including nearly $1.8 billion for emergency payments to farmers and ranchers who have suffered severe production losses during the 1990 and 1991 crop years.

As the distinguished chairman of the Appropriations Committee often points out, American agriculture is the foundation of our Nation's entire economy. The economic health of American agriculture—and particularly our Nation's farmers—are vital to our whole Nation.

The funding provided by this bill is critical for financially hard-pressed farmers around the country who have experienced disastrous weather conditions and low crop production in 1990 or 1991.

We have been fortunate that this spring's wet conditions and this summer's drought did not adversely affect the Nation's overall grain harvest more than it did. But in certain areas of the country and for thousands of individual farmers around the Nation, 1991, like 1990, has been a disaster.

In 1990, nearly 1,400 counties out of the 3,000 rural counties in the United States were declared disaster areas. As early as July of this year, 559 counties have already been declared disaster areas.

In this year alone, farmers and farm workers in California have had to deal with a devastating freeze this past winter on top of a prolonged drought. This spring there was severe flooding and excessively wet soils that delayed planting throughout much of the middle part of the country.

On top of that, some areas of the Nation went through another year of drought conditions that shriveled up their crops and reduced their production.

We on the House Agriculture Committee and many of our colleagues have heard from our farm constituents about the financial stress caused by these natural disasters. The situation has been worsened by the fact that less than half of the Nation's eligible producers carry crop insurance, and for others crop insurance is not even available.

In July the Agriculture Committee brought to the House floor a disaster authorization bill.

That legislation basically extends through 1991 a disaster assistance program for producers that was authorized in the 1990 farm bill, the Food, Agriculture, Conservation and Trade Act of 1990. It also extends the same threshold loss levels and payment rates as were included in earlier disaster assistance programs. It also authorized funding to help migrant, seasonal and permanent farm workers who lost work due to natural disasters.

The House approved this disaster authorization bill, 328–67. Last week the Senate Agriculture Committee approved a similar bill.

Thousands of farmers throughout the country are facing financial ruin because of these natural disasters and depressed market prices for their crops. These farmers are experiencing a crisis that demands our attention.

There is no question that $1.75 billion for farm disaster payments is a significant expenditure. The reality is, however, that this will not make any farmer whole. In fact, estimates as of this July were the total losses experienced by farmers in 1990 and 1991 were more than $5 billion. Indeed, the agricultural losses in just two States—Texas and California—totaled more than the funds allowed for in this bill.

These payments will only go to farmers who have been hardest hit by these natural disasters. This is the least we can do to help these farmers stay in business and hopefully have a chance to recover with next year's crop.

In addition, I am pleased to see that the supplemental appropriations bill includes $210,000 for "Forest Research Studies."

The need for this funding is directly related to the activities of the Committee on Agriculture and the Committee on Merchant Marine and Fisheries to resolve old-growth forest issues. Earlier this year, the two committees requested the assistance of four leading forestry scientists in helping Congress identify options for an interim strategy to protect old-growth forests and spotted owl habitat in the Pacific Northwest States. Our goal is to have an interim strategy in place until a permanent solution to this issue can be developed.

In conducting this study for the committees, the scientific panel sought input and assistance from the Forest Service and Bureau of Land Management [BLM] personnel, as well as the aid of scientists from the U.S. Fish and Wildlife Service and other State natural resource agencies.

The result of this study was an outstanding report, "Alternatives for Management of Late-Successional Forests of the Pacific Northwest," which will be of great assistance to the committees as we continue working on this important issue.

While the majority of expenses associated with this effort were covered by the panel's regular employers—the Forest Service and several universities—a number of other personal expenses that they incurred were not. The total of these expenses is $60,000, of which $4,000 is for the cost of reproduction of the panel's final report.

These expenses have been temporarily covered by Oregon State University. In order to reimburse the university for these expenditures, this legislation directs the Forest Service to provide these funds to Oregon State University.

The remainder of the $210,000 in the chairman's en bloc amendment for "forest research studies" is to support a study of the California Sierra Nevada forests. This study is to be conducted under the guidance of the same scientific panel that prepared the Pacific Northwest study.

As with the Pacific Northwest study, we anticipate that the Federal agencies involved will provide the same level of technical support and expertise for the Sierras study as they provided for the study of the Pacific Northwest.

Mr. Chairman, the chairman of the Interior and Insular Affairs Committee, Mr. MILLER, and I have been working closely on the issues of old-growth forests for some time now. We both received a letter signed by 17 Members of the California delegation requesting that this study of the national forests in the Sierra Nevada range be conducted. I am pleased that H.R. 3543 includes the necessary funds to undertake this important study.

Mr. Chairman, I urge my colleagues to support this bill.

Mr. MILLER of California. Mr. Chairman, I thank the gentleman from Texas [Mr. DE LA GARZA], and I thank the gentleman from Mississippi [Mr. WHITTEN].

Mr. Chairman, we have a severe crisis in the State of California. The health of the national forests in the Sierra Nevada range is in serious decline. Scientists have described the mortality of the forests as "beyond epidemic levels" and have called the condition as catastrophic.

We have a dying ecosystem. Why? There are a variety of reasons: The drought. Clearcutting. Forest management practices. Air pollution.

What do we do to stop the decline and die-off of the Sierras? The scientist tell us we have very rudimentary knowledge of the forest ecosystem there. But, it is clear we have to take steps to protect and save what we can of this system. And, we have to take those steps very soon.

There is an emergency in the State. We have to do something, but we aren't sure what are the most effective and most important things to do.

The Whitten amendment provides for a crash review of the old growth forests in the Sierra Nevada—a review that will provide us with solid, scientific information in time so that we may enact legislation next year. This review would be similar in scope and objectivity to the one just performed for the House Agriculture and Merchant Marine Committees on the Pacific Northwest forests.

Let me describe for a moment what that scientific review was and what it did.

The House Agriculture and Merchant Marine Committees did an extraordinary thing last spring. They convened a panel of eminent scientists—known as the Portland panel or the Gang of Four—all with impeccable credentials—to evaluate different approaches for protecting ecologically-significant old growth and later successional ecosystems, species, and processes, including, but not confined to, spotted owls.

My compliments go to the chairman of those two committees for undertaking this effort.

The study of the so-called Gang of Four was apolitical. It was deliberately and carefully kept free of the type of debate and rhetoric which surrounds the issue of management of the Pacific Northwest ancient forests. Industry and environmental representatives were kept out of the process, as were the political decisionmakers in the administration.

This exercise was science at its best. Both the Forest Service and the Interior Department were asked to provide their best experts—people with on-the-ground knowledge of the forests—to contribute technical information to the study. Both agencies are to be commended for making these people available. I am advised that the agencies' experts made significant and important contributions to this effort. They ensured the accuracy of the data.

The report, "Alternatives for Management of Late-Successional Forests of the Pacific Northwest," is the product of the science panel. It is not a report of the Forest Service or the Interior Department. This is a very critical point. The report we have is not a political document. The report we have is not the Administration's policy. The report we have is an unbiased scientific response to the request from the two committees.

We, in Congress, may choose not to adopt any of the options set forth in that report. But, we have something that is all too rare—good, solid scientific information on which we can make informed decisions.

The issue of old growth is so inflammatory and emotional that often our understanding of the choices in front of us—and the consequences of those choices—gets lost in the rhetoric. The scientists' report provides us with a good dose of reality.

This amendment would simply reimburse the remaining expenses for that study. This amounts to $60,000. The study was a bargain by any standard and we must not delay in making the payment.

The Whitten amendment also would provide funds for a similar study of the national forests in the Sierra Nevada. There is tremendous interest in the California delegation for the consideration of including additional portions of the Sierra forests in any ancient forest legislation this Congress passes. It is important that we have before us the type and range of information for the Sierras that we now have for the Pacific Northwest. It is essential that this information be pulled together and ready for us by next spring.

As I stated at the outset of my remarks, our California forests are under extreme stress. We have a major crisis on our hands and we have to respond.

The scientists who prepared the study for the Agriculture and Merchant Marine Committees have advised us that such a study of the Sierras can be done, most likely within 3 months. The estimated expense of such a study is $150,000.

In order to assure the same commitment to science and the same freedom from politics as the Portland Panel, the Whitten amendment would provide funds to reconvene the Portland Panel for the purpose of studying the Sierras. There will be no environmental representative or industry representative on the panel. The panel will not be a Federal agency panel, and the product will not be a Federal agency product. It is essential, however, that both the Forest Service and the Interior Department make available their technical experts, including people with on-the-ground experiences in each of the forests and BLM districts involved, to the Sierra science panel. The contribution of the Forest Service and the Interior Department to the panel was significant. There are many eminent scientists who are experts on the Sierra Nevadas and related issues from whom we can draw for such an effort.

The charge to the panel with respect to the Sierras is similar to the charge given to the study of the western Pacific Northwest forests. It will be requested to evaluate different approaches for protecting ecologically significant old growth and late successional ecosystems, species, and processes, including the establishment of a regional reserve and changes in existing forest management practices. It also will identify old-growth areas and map and grade them from the most to the least important for achieving our objectives. The panel will recommend guidelines for managing unreserved lands, that is, lands not included in a reserve system, to protect fisheries and watersheds. The panel will quantify the effect each alternative will have on timber harvest levels in the affected areas. The panel will present the risks associated with each alternative for the long-term survivability of the ecosystem, old growth forests, species and processes and recommendations for protecting and managing the Sierra Nevada as an ecological whole. The panel will advise on both short-term and long-term responses to protecting the Sierra forests.

There is a tremendous urgency to have this review of the Sierra forests done.

There are major efforts underway in the State of California to address the problems in the private and State forests. We must take appropriate steps to deal with the national forests there.

For a small amount of money, and in a relatively short time, we can have solid information on which to base our decisions about the Sierras, I urge your support.

Mr. WHITTEN. Mr. Chairman, we are going to do the best we can, but we cannot commit it at this time. We do not have sufficient information. We put these various departments and accounts in here so we can proceed and find out what else needs to be done, but until we learn that we cannot specify details.

Mr. McDADE. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from California [Mr. LAGOMARSINO].

Mr. LAGOMARSINO. Mr. Chairman, I rise today to express my severe disappointment that this disaster relief and Desert Storm supplemental appropriations measure has been turned into a political controversy over the Presidential election campaign fund. I find it unconscionable that the majority party is willing to jeopardize emergency funding for American natural disaster victims for a questionable political opportunity to modify the Federal Election Commission's Presidential campaign funding procedures.

Must I remind my colleagues that last winter's freeze was the third worst economic disaster in Califorina's history. In my district and other parts of California, hundreds of growers have yet to receive any significant assistance since the freeze. Many growers suffered total losses. They have not received one penny of income since January, and they do not expect to see any revenue for at least another 6 months.

For over 10 months, my colleagues and I have been working to craft a disaster relief package that addresses the needs of the victims in California and other parts of the country, yet is workable with the administration. I thank Chairman WHITTEN and the other Members who did not forget the freeze in California and helped in this endeavor.

Mr. Chairman, this disaster was real for California growers, and they cannot afford to have this body play controversial Presidential politics at their expense.

If the House wants to amend the FEC rules and the way Presidential campaigns are financed, fine. But, the FEC provisions are complex, controversial matters that are not an emergency. This is not the bill with which to tackle this political situation.

Let's not destroy all hope of assisting American disaster victims and addressing the very real defense needs resulting from Operation Desert Storm in today's process.

Mr. FAZIO. Mr. Chairman, will the gentleman yield?

Mr. LAGOMARSINO. I yield to the gentleman from California.

Mr. FAZIO. Mr. Chairman, I wanted to ask the gentleman to yield simply because I want to congratulate him for his expression of concern about the people who have been vicitimized by a freeze, as we all have been. I have been on the floor many times over the last several months making this very point, but I have to argue briefly with the gentleman's assertion that we have politicized this bill in a way that will be detrimental to these people who are freeze victims. They have not had any support from the administration thus far. There is no commitment that the administration has made to support this bill.

Mr. LAGOMARSINO. Reclaiming my time; I only have 2 minutes.

Mr. FAZIO. Sure.

Mr. LAGOMARSINO. I think it is very plain that adding this to the bill makes it even tougher to get it past the administration, so I would hope that this measure will be rejected and we come back to a more sensible——

Mr. FAZIO. If the gentleman would yield further with the additional time he has?

It is important we have a primary election for President in this country. If the administration were willing to operate the checkoff fund the way the Ford administration was, the way the majority overwhelming bipartisan vote of the FEC would have us do it, we would not have to be here today. But there is no alternative.

□ 1500

Mr. WHITTEN. Mr. Chairman, I yield 2 mintues to the gentleman from Texas [Mr. CHAPMAN].

Mr. CHAPMAN. Mr. Chairman, I thank the chairman of the committee for yielding 2 mintues to me.

I want to give just a brief personal testimony, if I may, of how important this legislation is to the First District of Texas and the four States area near Texarkana, TX. The story I have to tell is one that repeats itself all around the country because of the natural disasters that have occurred in the last few months.

In May 1990, the normally tranquil and peaceful Red River that forms the border between Oklahoma and Texas overflowed due to torrential rainfalls, and at some points in that river it was over 8 miles wide. Tens of thousands of acres of farmland were flooded. Many farms were literally washed from the Red to the Mississippi and right into the Gulf of Mexico.

From May 1990, we have been unable to bring assistance to the Red River farmers who have lost thousands and thousands of acres of crops and millions and millions of dollars, and the economic lifeblood of entire communities is in jeopardy.

We have waited long enough for this disaster assistance bill. We have waited long enough, so long in fact that even the financial institutions in my home district are now threatened and are jeopardized for the lack of assistance that Congress and the President have been unable to provide.

I hope the President will sign this bill. I was distressed when the ranking minority member of our committee suggested that this bill was dead on arrival at the White House. I hope he is wrong because, I say to my colleagues, we need this disaster assistance. The First District of Texas needs it, the agricultural producers of America need it. It is the right thing to do. It is important. It will help keep strong the economic lifeblood of many communities across this country.

Mr. Chairman, I urge the support of the Members.

Mr. TRAXLER. Mr. Chairman, will the gentleman yield?

Mr. CHAPMAN. I yield to the gentleman from Michigan.

Mr. TRAXLER. Mr. Chairman, I would just like to express my appreciation for the gentleman's remarks. I also would like to thank the chairman of the committee.

The fruit growers in western and southwestern Michigan desperately need this disaster assistance.

Mr. Chairman, I thank the gentleman from Texas [Mr. CHAPMAN] for his support and for his remarks.

Mr. CHAPMAN. Mr. Chairman, I urge my colleagues to support this legislation.

Mr. McDADE. Mr. Chairman, I yield 2 minutes to my colleague, the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. Mr. Chairman, no one has done much mentioning about how much this bill is going to cost. This bill costs about $6 billion in its present form.

Now, $6 billion is sometimes something that people do not understand, as far as what it means. Recently the Heritage Foundation had a fellow in Federal Budgetary Affairs prepare some material for their magazine, Policy Review. He makes this point: "Every $1 billion reduction in Federal spending would provide $3,000 in tax relief to 330,000 households."

What does that translate into in this bill? That means that instead of spending the money in this bill, we could in fact provide 2 million American households with $3,000 in tax relief. That is with just the money in this bill. That is every household in 10 congressional districts across the country.

Let me say that I believe the people in my congressional district, if we happened to be one of those 10, would prefer to get $3,000 in their own pockets rather than spend the money in the ways it is being spent in this bill. I think they would prefer tax relief over the kind of spending that Congress consistently does.

Which do we think the American people would prefer, millions of rubber checks for politicians for Presidential campaigns or tax relief for millions of Americans.

Mr. PEASE. Mr. Chairman, will the gentleman yield?

Mr. WALKER. I would be glad to yield to the gentleman when I finish my statement here.

Mr. Chairman, that is the difference between the Democrats who run the Congress and the rest of the country. The Democrats who run the Congress always want to spend all the money they can get their hands on, and then when that money runs out, they want to continue to spend even more. The fact is that the rest of the country would prefer to have the money in their own pockets. They would prefer to have the money in their wallets. They prefer tax relief over the spending we do here.

Mr. PEASE. Mr. Chairman, will the gentleman yield?

Mr. WALKER. My guess is that there are 2 million American families that would prefer $3,000 in tax relief to the way we are spending this money. My guess is that those 10 congressional districts that would get all this money would prefer to have that over how we would spend the money here.

Mr. PEASE. Mr. Chairman, will the gentleman yield?

Mr. WALKER. I am happy to yield to the gentleman from Ohio.

The CHAIRMAN. The time of the gentleman from Pennsylvania [Mr. WALKER] has expired.

Mr. PEASE. Mr. Chairman, would the gentleman seek additional time so I can ask him a question?

The CHAIRMAN. The time of the gentleman has expired.

Mr. WHITTEN. Mr. Chairman, I yield 3 minutes to the gentleman from Arkansas [Mr. ALEXANDER].

Mr. ALEXANDER. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, as I watched the President's news conference from Madrid today and observed our President with Mikhail Gorbachev, I could not help but wonder how much President Bush promised Gorbachev to help bring that peace conference together in Madrid. I wonder how many billions of dollars it will cost the American taxpayers in aid to the Soviet Union in order to bring that peace conference to Madrid.

This bill has hurricane relief for the east coast, earthquake relief for the west coast, and it has flood and disaster and drought relief for the heartland.

There is not as much in this bill as the President has forgiven this year in foreign debts to two countries that I know about, and if we added all the rest in, it would probably be five times more in forgiveness in foreign debts than is included in this bill.

It is time to make Americans a priority, and Congress today is attempting to do so with the passage of this dire emergency supplemental appropriations bill. I call upon my colleagues to vote overwhelmingly to make the American people our priority for once in 1991.

Mr. Chairman, the rains came and the crops were wiped out; tons of grains and millions of dollars were lost.

It didn't happen in some foreign country. It happened here, to farmers in Arkansas and across this Nation. In fact, over the last several years, farmers have endured back-to-back floods and droughts. Many of them face ruin, face the loss of a life's work.

Today, however, Congress can help meet a pressing domestic emergency by passing this legislation which contains almost $1.8 billion to make disaster payments. Administration officials have said these payments are not necessary, that there is no emergency. They could have arrived at such a conclusion if they had talked to farmers in Arkansas, as I have.

If the administration can write off billions of dollars in foreign debt, and propose shipping more money overseas to meet emergencies, then, surely, it can agree to assist American farmers in dealing with this crisis.

It is a matter of priorities. Should the Federal Government continue to shell out taxpayers' dollars to meet foreign needs while domestic needs go unmet?

I don't believe so.

Can the Government invest billions of dollars to prop up the Soviet economy while our agricultural economy slips dangerously close to depression?

I don't believe so.

In Arkansas, an agricultural disaster is not just a problem for farmers. In my State, when agriculture suffers—everyone suffers. When a wheat crop is ruined, the pinch is felt from the fields to the factories to the food store.

President Kennedy once said that a rising tide lifts all boats. In the reverse, a sinking ship can take everyone down with it.

And, agriculture and the Arkansas economy are so intertwined that when farming sinks, we all have to head for the lifeboats.

I do not make these arguments as an isolationist. We are—and should be—members of the global community. But, we will be unable to sustain and inspire democracy and prosperity in other lands if we become an economic basket case ourselves.

To avoid this, Congress must take the initiative to see that our needs here at home do not go wanting. And, Congress can take an important step in that direction today—by extending a helping hand to American farmers.

Mr. TRAXLER. Mr. Chairman, will the gentleman yield?

Mr. ALEXANDER. I yield to the gentleman from Michigan.

Mr. TRAXLER. Mr. Chairman, beauty is in the eye of the beholder. Some look at the bottle and they think it is half full; others think it is half empty.

We can put any interpretation we want on this bill, but let me put it in perspective. For instance, exempted costs of Desert Storm total $43.9 billion. Much of that is recovered from our allies, or hopefully so, but bear in mind that we forgave an indebtedness to Egypt of $6.7 billion. For Poland, $3 billion was forgiven.

Let me remind the Members that in this particular bill we have over $3 billion for Desert Shield/Desert Storm for the Department of Defense, and the Coast Guard. In addition to that, there is $693 million, nearly a billion dollars, for disaster relief. Those are disasters the President declared. We have an obligation to meet them.

In addition to that, we have $1.75 billion for crop losses. This is for America. We are helping Americans, not any other people, not the Egyptians, not the Poles, not others. This is for America, and that is why we ought to support this supplemental. This is for emergencies for Americans, not for foreigners.

Mr. ALEXANDER. Mr. Chairman, I thank the gentleman for his contribution.

Mr. McDADE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I feel compelled, because of the tenor of the debate that has just occurred, to set a few things straight in the record.

With respect to Desert Storm, all our colleagues know that that is totally funded, and there is $50 billion in the Treasury from allies who funded the cost of Desert Storm. It has been paid by our allies; it is there. The account is about 10 percent light. It has nothing to do with an emergency or nonemergency designation.

I regret to hear some of my colleagues talking about the fact that this country aided citizens in Bangladesh and the Philippines, as if that was some ignoble act. Every single dollar of that was in an appropriated account that goes to the State Department to deal with such actions and activities that may occur around the world, and this country responded.

I hear people talking about the money that went to Israel. Let me point out to my colleagues—and I am sure many of them will remember this—that that was not an original request by the administration. I know because I had to defend that bill on the floor of the House when it came up. Israel, we may recall, had become a front line state. The Congress wanted the money added, and the President acquiesced. The same is true of the money that was injected into the bill for Turkey.

□ 1510

When funding for Israel was put into the bill, Senators on the other side of the Capitol felt very strongly, and they included funding for Turkey. That was an agreement.

Mr. Chairman, I want to emphasize what I said earlier: the way to take care of the problems in this country is to vote for the motion to recommit. All it does is say we must abide by the agreement that we made: the budget agreement. We must offset 1.7 percent of the $200 billion that the Congress has appropriated in domestic discretionary accounts.

Let me say to Members also that the idea that there has not been any dialog or conversation is very misleading. I can make available to anyone who wants to see a letter that I wrote to my dear friend, the chairman of the committee, in mid-July suggesting offsets to pay for the needs funded by this bill in both the agricultural title and the FEMA title.

Mr. Chairman, I urge that that approach be taken. We had meetings with the administration. We had meetings with the Secretary of Agriculture. The fiscal year went by. Instead of bringing my alternative up, the offsets were not accepted, then the fiscal year 1992 602 allocations were exhausted, and all of the regular appropriation bills were passed. Not one penny was appropriated out of the $200 billion to fund the roughly $1.7 billion in agriculture needs and $700 million for FEMA disaster assistance included in this bill.

Mr. TRAXLER. Mr. Chairman, will the gentleman yield?

Mr. McDADE. I am pleased to yield to my friend from Michigan.

Mr. TRAXLER. Mr. Chairman, I thank my good friend for yielding. The reason I mentioned Desert Storm is because it is all off-budget. By law it is exempt from budget caps.

My only point for raising that, I might say to the gentleman, is that it seems to me that when you have natural disasters in the United States that are unpredictable and unforeseen, what we ought to say that we are going to treat Americans the same way we treat foreigners.

Mr. McDADE. Mr. Chairman, reclaiming my time, I appreciate the position of the gentleman from Michigan [Mr. TRAXLER]. In my view, anybody who thinks that what this country did in Desert Storm was unwarranted or not a threat, an international and national disaster, in my view is mistaken. In my view it was terribly important for us to respond. We did respond, and we got it paid for off budget, because the allies paid for it.

Mr. Chairman, I reserve the balance of my time.

Mr. WHITTEN. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. DOOLEY].

Mr. DOOLEY. Mr. Chairman, I would like to express my strong support for the $1.8 billion in farm disaster assistance contained in H.R. 3543, the dire emergency supplemental appropriation for fiscal year 1992.

This Congress has a chance today to do what should have been done months and months ago—namely, do right by American farmers, farmworkers, and their families stung by natural disasters.

These victims—American victims—have stood by patiently this year while their country has met its moral obligations in helping victims of emergencies in such faraway places as Iraq, the Philippines, and Bangladesh.

They have waited patiently in the hopes that their country soon would exhibit some compassion on their behalf, too. It hasn't been an easy wait, but this bill—this emergency funding—is the chance they've been waiting for.

In my district in the farming rich San Joaquin Valley of central California, a rare and devastating freeze struck last December.

In Tulare County, the freeze wiped out 97 percent of the 86,000-acre citrus crop. Family farms were put on the brink of bankruptcy. In central California, 73,000 farmworkers lost their jobs.

Since then, freeze victims have been helped by a caring valley community and by whatever assistance that agencies and local, State, and Federal Governments could offer, including food and clothing, help with rents and mortgages and the good work of this Congress in approving several legislative remedies.

Still, the Federal Government's share—the Federal Government's obligation—has fallen short, particularly in funding existing assistance programs designed to help growers make ends meet until the next healthy crop can be harvested.

Disaster assistance approved for growers today is passed on tomorrow to workers, to their families and into the economy of valley communities that depend so much on the harvest. It is desperately needed.

This emergency funding is about helping Americans in need. It's about our obligation to victims at home. It's about doing what's right during difficult times.

I would like to thank Chairman WHITTEN for his diligence in seeing this measure to a vote. His efforts have kept hope alive for hundreds of thousands of American farm disaster victims.

I urge members to support this emergency funding.

Mr. MCDADE. Mr. Chairman, I yield such time as he may consume to the gentleman from Michigan [Mr. HENRY].

Mr. HENRY. Mr. Chairman, while I appreciate the fact that there are indeed some genuine emergencies being addressed in H.R. 3543, I must rise in opposition to the bill for several reasons. First of all, it seems absurd to be passing dire emergency legislation which will be debited to fiscal year 1992, the appropriations for which have not yet been completed by this Congress. In other words, each of these provisions can and should be included in the regular appropriations bills. Once again, we have in this legislation a blatant admission by the majority that it has been unable to govern in a coherent and timely manner when it comes to the budget.

Second, H.R. 3543 covers up the budgetary fraud, if you will, of the deliberate manipulation of numbers in earlier considerations of fiscal year 1991 and fiscal year 1992 budget measures. For example, you will recall that the minority attacked smoke-and-mirrors underfunding of FEMA appropriations earlier in the 1992 budget cycle process. The savings in FEMA were utilized to offset new spending elsewhere. But now we have an emergency for which there were no FEMA funds—funds which should have been there in the first place had we gone about our work honestly.

Mr. Chairman, if the Congress would do its work right in the first place, it wouldn't have to engage in such gimmickry with this sort of legislation. And in good conscience, I just can't be a party to this process.

Mr. MCDADE. Mr. Chairman, I am delighted to yield 3 minutes to the distinguished gentleman from Maryland [Mr. GILCHREST].

Mr. GILCHREST. Mr. Chairman, I would like to rise and speak today on this particular dire emergency bill, and I will probably vote against it. As a Member of Congress and a citizen of this great United States, I am bothered a little bit by the political ramifications of people mixing emergencies with politics, so I would suggest to Members to vote against final passage of this particular bill.

Mr. Chairman, when we talk about emergencies, I think we should stick to those things that we perceive as emergencies.

Mr. Chairman, I will be offering later an amendment to this particular bill, and, unfortunately, I think I might in the end have to vote against the bill. My amendment would deal with what I perceive to be an emergency, and that is an emergency that will deal with billions and billions of dollars on an annual basis that affects the wetlands of the United States.

Mr. Chairman, my amendment will ask that the National Academy of Sciences do a study as to the function and the value of wetlands throughout this country. There are billions of dollars in resources that we have from these particular wetlands. The Environmental Protection Agency has the overall jurisdiction dealing with wetlands, and there is a tremendous amount of confusion surrounding this particular issue.

Mr. Chairman, it is my position that we should not make a policy on something where we do not have the facts. So my emergency is that unless we do something now, this year, it will be another whole year before we even begin to look at this particular issue from a scientific perspective. So I think we need to base our facts on science, rather than politics. This is why I will be offering the amendment.

Mr. TRAXLER. Mr. Chairman, will the gentleman yield?

Mr. GILCHREST. I yield to the gentleman from Michigan.

Mr. TRAXLER. Mr. Chairman, did I understand the gentleman from Maryland [Mr. GILCHREST] to say he has an amendment to the bill which he wants adopted because it is important, but he is going to vote against the bill?

Mr. GILCHREST. Mr. Chairman, reclaiming my time, that is correct. This is the cause of some of the confusion that happens among the American people, where they see politics being mixed in with the things that are real emergencies. When you mix primaries in with disaster relief areas, I think that causes a great deal of confusion.

Mr. Chairman, I would like Members to vote on my amendment. I will vote against those things within this bill that I do not think are dire emergencies. If those things are not voted against, then I will probably have to vote against my own amendment.

Mr. Chairman, I will finish with this: at the very least, whether I vote against final passage of this bill or not, I feel that I will have been successful in bringing forth this amendment by raising awareness among this body as to the true nature of how we should approach something as sensitive and as valuable as wetlands. So at least there will be discussions in this body, and I will have gotten one step further.

Mr. MCDADE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I will just let Members know that as we get through the reading of the bill and the amending of it that I will, at the end of the debate, be offering a motion to recommit which I hope Members can support. It will send the bill back to committee and say find offsets amounting to 1.7 percent of the $200 billion, which is roughly the cost of domestic discretionary spending in our fiscal year 1992 bill, and report the bill back to the House so we can fund these disaster accounts.

Mr. Chairman, the alternative to that is either a veto or a 1.7-percent sequester across every domestic account that exists in the Nation. I do not think any of us in this Chamber want to see a sequester occur.

So I hope Members will look at the motion to recommit as a reasonable one, and I hope we might be able to get some bipartisan support on it.

Mr. MYERS of Indiana. Mr. Chairman, will the gentleman yield?

Mr. MCDADE. I yield to my friend from Indiana.

Mr. MYERS of Indiana. Mr. Chairman, the 1.7 percent the gentleman is referring to, would that fully fund all of the emergencies that are identified in this bill?

Mr. MCDADE. Mr. Chairman, that is correct.

Mr. MYERS of Indiana. Including the FEMA, as well as the agricultural?

Mr. MCDADE. That is correct.

Mr. WHITTEN. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I take this time to say that everybody is treating this like a relief bill, and the debate has been along that line. There is certainly need for relief.

Mr. Chairman, I would like to point out it is far deeper than that. We owe $4 trillion. We have $5 trillion outstanding in obligations. There is no way in the world to handle that without cutting back. Mr. Roosevelt, when he ran, he said he was going to cut everything back. He tried it for a year. It turned the other way.

We in this session passed a budget act here that turns over to the Office of Management and Budget the right to act, on their own account, ignoring the CBO and all we say. They declared sequestration. They declared thirteen ten-thousandths of 1 percent, without any approval of Congress or anybody.

If in the bill we put a whole lot of money that exceeds that budget, you are inviting cutting all the programs of the Nation.

Mr. Chairman, in this bill we ask that it be determined to be a dire emergency so that it will not set in motion this sequestration. But if by chance they hold it is not necessary, we can have sequestration. It is just as simple as that.

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I am telling my colleagues that involved in this is trying to defeat an all-out depression. We have gotten by so far by borrowing from Japan and everybody in sight.

We turned our domestic markets over to foreign importers and they will not let our stuff into their country. I am telling my colleagues, we have got a serious situation here.

I am for all these programs, but if we appropriate money and it is held that it is not a dire emergency, in this bill I tried to write it where it will be, if we pass it, a dire emergency and therefore, not count, but if it is held otherwise, we run the risk of cutting all the programs we already have.

I am serious when I say that. Again, this is an effort to head off an all-out depression because we are in the middle of a recession now.

If my colleagues do not believe it, read every paper one can think of, every television program, listen to the folks who are without jobs. We have got to do something.

It is nice to give these figures. It is nice to say, "I support this, I support that."

All the things the Members support, we are going to find out the committee has supported.

I could talk here about the WIC Program. Nothing is better than the WIC Program. We have given millions of dollars more than they asked for in the budget. They just signed the bill last week; $26 million more than they asked.

The other items here, from the committee of the gentleman from Kentucky [Mr. NATCHER], my good colleagues are interested in that. So am I.

Let us be careful we do not do more damage than we do good. I say again, I hope my colleagues will support the committee and at the same time I hope we get busy and restore this country's economy.

Mr. PENNY. Mr. Chairman, I rise in opposition to H.R. 3543, the Dire Emergency Supplemental Appropriations Act for Fiscal Year 1992.

As reported from the committee, the bill provides for a total of $5.8 billion in emergency supplemental appropriations for fiscal year 1992, including $3.3 billion for Desert Storm expenses and $2.5 billion for domestic disaster relief programs. This measure is $2.1 billion more than the administration's request. Furthermore, the bill designates all funds as "emergency requirements," thereby exempting these funds from the caps on discretionary spending established by last year's budget agreement.

The needs funded by this legislation have been known for many, many months and could have been accommodated during the regular fiscal year 1992 appropriations cycle since domestic discretionary spending will increase by 6 percent this fiscal year, 1992, over last.

At the very least, this bill should have been brought to the floor with spending offsets to cover the new expenditures. And where could some of the offsets take place? Here are a few examples: $516.7 million in transportation demonstration projects funded in fiscal year 1992; $150 million for 33 special purpose grants contained in the VA, HUD Appropriations Act; and $74 million for 155 special research grants in the agriculture appropriations bill.

This list is not exhaustive of all the wasteful pork-barrel spending the Congress has passed this fiscal year. It's only a place to start looking for offsetting reductions.

Mr. Chairman and colleagues, this bill is titled a dire emergency supplemental but it is itself a disaster and should be defeated. I urge my colleagues to vote "no" on H.R. 3543.

Mr. ANTHONY. Mr. Chairman, I rise to express my opposition to Congressman MACHTLEY's amendment to delete the bill's appropriation of $1.8 billion for the Agriculture Department, particularly the elimination of the $1.75 billion for the Commodity Credit Corporation's farm disaster payments.

For many of the farmers in my district who have experienced 4 consecutive years of poor crops, getting some disaster assistance for 1990 and 1991, will determine if they keep their farms or go out of business.

In May 1990, the floods on the Red River were the worst in over 50 years and those on the Arkansas River exceeded recorded history in both height and duration. Total devastation to structures, machinery, land, livestock, and poultry exceeded $32 million in 39 Arkansas counties, according to estimates from local USDA offices. The floods destroyed not only crops and pastures, but much of the fertile Red River bottomland was severely eroded or silted. The constant rains that continued compounded the flooding by hampering field work and delayed or prevented planting.

This year in south Arkansas, the spring rains came in record amounts. For example, in May, which is the critical planting period, rainfall in Texarkana exceeded the norm by 8 inches and by 6 inches in El Dorado. In Arkansas City over 16 inches fell in May compared to the 5-inch norm. The fields were simply too wet to cultivate.

The torrential rains were followed by abnormal summer drought. The excessive moisture during the critical planting periods, followed by drought, directly affected wheat, cotton, and rice and has caused a loss so far of between 25 to 50 percent of these crops.

According to the president of the Arkansas Farm Bureau,

> Most farmers in the affected areas are unable to withstand the present disaster without every possible effort being made to assist them. Many small communities depend on agriculture as their economic base. When there is widespread agricultural damage as we are now experiencing, the whole community suffers from the loss of jobs, less purchasing power and lower demand for input items.

Farmers in my district have been told by administration officials that a crop disaster package to help farmers is fiscally unsound. My farmers just don't understand how the administration always seems to find money for disaster assistance to other countries while denying assistance to our own farmers, many of whom have farmed for generations and have now experienced uncontrollable natural disasters.

Mr. Chairman, we are indeed experiencing a dire emergency from natural disasters in farming communities across this country and I wholeheartedly support retention of the emergency funding to these farmers.

Mrs. BOXER. Mr. Chairman, I strongly support passage of the dire emergency supplemental legislation to respond to the urgent needs of the American people.

In particular, I cannot get out of my mind, the devastation of the Oakland-Berkeley fire.

These good, decent Californians have been dealt a terrible blow. Their lives have been shattered.

And then there are the injured and, worst of all, the fatalities.

Congress must respond. Our country was formed to combine the strength of individuals so that we can respond when there is hurt and suffering.

This is such a time.

Mr. POSHARD. Mr. Chairman, I rise in strong support of this supplemental appropriations bill because of three important challenges it addresses.

The farmers in my district are in dire emergency. Severe drought has devastated portions of my area with losses in wheat, corn, and soybean production. Many of our Nation's farmers walk a fine line between profit and loss, and the severe weather we've experienced tips the balance toward loss for the farmers. This bill will help those who suffer crop losses from drought, flooding, or other natural disasters.

I oppose efforts to delete funding from the Agriculture Department, including the Commodity Credit Corporation's farm disaster payments, the Soil Conservation Service, and the Agriculture Stabilization and Conservation Service. These agencies provide vital service to the farming community and are especially important at a time of disaster. I believe this is a wise investment in our people and our natural resources.

My area has a proud tradition of coal mining, which has as one of its side effects the challenge of reclaiming mine land abandoned long before current law went into effect. If southern Illinois is to realize its tourism potential, and if we are to return these lands to productive or preservation assets, then we must provide funding for mine reclamation efforts.

Finally, I rise in strong support of Representative SCHROEDER's amendment for Head Start, Women, Infants, and Children Nutrition Program, and childhood immunizations. Southern Illinois faces a tremendous challenge in caring for the high number of babies born to teenage mothers. The WIC Program is tremendously important in that vital, life-saving effort. We are remiss in our duties if we are unwilling to invest in the basic nutrition and health needs of our youngest, most vulnerable citizens. I am proud of the five agencies in southern Illinois providing such excellent service to thousands of families through the Head Start Program, and I urge my colleagues to stand firm in their support for this essential program.

Mr. Chairman, the time has come to invest in our domestic security. Our problems here at home can no longer be ignored. When we reach out to help a newborn baby, an at-risk child, a family farm ravaged by inclement weather, or the land on which we depend so much, we reach out to our future. I am pleased to support this timely investment for southern Illinois and America.

Mr. WEBER. Mr. Chairman, I rise in strong support of H.R. 3543, the dire emergency supplemental. This legislation, Mr. Chairman, provides over $1.7 billion in disaster relief for farmers affected by drought and rain delayed planting. I want to take this opportunity to personally thank the chairman of our committee, JAMIE WHITTEN, for his work on this bill. The chairman truly understands the weather related problems facing American farmers, and I appreciate his efforts on their behalf.

Mr. Chairman, I am sure there are a number of Members in this Chamber who will contend that this disaster relief is not needed. They will claim that this legislation breaks the budget agreement and that those farmers who face financial ruin due to circumstances beyond their control have the option of obtaining help from existing Federal Government programs. Mr. Chairman, the Members of this body need to understand that nothing could be further from the truth.

In Minnesota alone, Mr. Chairman, over 18 rural counties were declared disaster areas by the Secretary of Agriculture. Farmers in the southern part of my district were unable to complete planting their crops due to heavy spring rains. For the first time in memory farm land in my district sat idle due to inclement weather conditions.

Then 4 weeks ago, Mr. Chairman, a killing frost hit most of southern Minnesota and laid to rest hopes that late-planted soybeans and corn would have enough time to mature; 43 percent of the corn and 63 percent of the soybeans were not yet mature when the frost hit. As a result, Minnesota agriculture officials indicated that corn and soybean crop yields will be reduced by an additional 20 to 50 percent.

The situation I have described, Mr. Chairman, is truly a disaster. It is a situation which we have a responsibility to address. It is safe to say that without this disaster assistance package, many farmers in Minnesota and throughout the Nation will be forced off their land. We cannot allow this to happen. Mr. Chairman.

I am disappointed that this legislation includes an amendment offered by Mr. FAZIO to fund the Federal Election Commission. Whatever the merits of this proposal, this is neither the time nor the place for its consideration. The only thing that the Fazio amendment does is assure that this legislation will be vetoed by the President. It is unfortunate that the farmers of my district may suffer because some have decided to politicize this bill.

It is my hope. Mr. Chairman, that the House, Senate, and the administration will be able to reach a consensus on this bill. The farmers in Minnesota who are suffering through this disaster deserve a quick response to their plight.

Mr. GLICKMAN. Mr. Chairman, I rise in strong support of H.R. 3543. While this bill is important to many programs, I want to highlight the critical importance of one of its provisions: the $1.75 billion for natural disaster assistance for agricultural producers in this country.

For the past 2 years, Mr. Chairman, we have witnessed one natural disaster after another sweep through the countryside ruining all different kinds of crops. Because of flood, hail, fire, and drought, the end result will be the same: Financial ruin for many farmers unless Congress provides some assistance.

These disasters could not have hit at a worse time for agriculture. For the last 6 years, prices for many crops, including wheat, feed grains, and soybeans have been at their lowest level in a decade. A natural disaster added to a grain farmer's financial equation equals bankruptcy for many.

My State of Kansas has had to shortage of disasters in the last few years. While it was spared for the most part from the devastating drought of 1988, natural disasters occurring in 1989 and 1991 took their toll on many. If it were not for the 1989 disaster assistance program, many of my State's farmers would have lost their farms.

Once again, we face similar circumstances in Kansas. The drought which dried up soybeans, corn, sorghum, and alfalfa this summer is now threatening next year's winter wheat crop. This unprecedented string of crop failures has rural America, including many parts of Kansas, on the edge of financial catastrophe.

Congress and the administration are now reviewing ways to revive the U.S. economy. I believe one way is to pass this bill. Giving financial assistance to farmers will help many small towns survive and recover from this recession.

In closing, I want to thank Chairman WHITTEN for his efforts in securing this money for disaster assistance. I also want to thank Chairman DE LA GARZA for acting expeditiously on a disaster program. I hope that the Senate and the administration will move quickly on this bill and support funding for a disaster program.

Mr. GOSS. Mr. Chairman, today we're discussing a so-called dire emergency supplemental appropriation, a measure that is supposed to deal with specific and critical funding needs that just can't wait to be addressed under the normal appropriations process. Unfortunately, as has traditionally been the case with such bills, this House has once again succumbed the temptation to tack on a variety of unrelated and nonemergency riders to legislation that is supposed to be on the fast track toward passage.

In addition to authorizing the transfer of funds to cover the incremental costs of operation Desert Storm, this piece of legislation was supposed to have been a vehicle to fund needed disaster relief funds for FEMA and, most importantly for southwest Florida, the inclusion of $7.7 mullion to accelerate the processing of Mariel Cubans and to resettle Cubans and Haitians entering southern Florida. In my book, these all qualify under the criteria of legitimate dire emergency needs.

But, sadly and predictably, the spirit of this bill got lost. Instead of targetting funds to where they're urgently needed, we wound up with the proverbial Christmas tree bill, with all the trimmings. Not only does the current bill not include the refugee assistance money desperately needed to help Florida cope with the disproportionate flow of immigrants, but it is bloated with unrequested funds for agricultural disaster relief, additional FEMA money, and—the star on the Christmas tree—a completely unrelated provision dealing with Presidential campaign funding. Hardly in emergency in the eyes of most Americans!

The problem is that the dire emergency label has become diluted to the point where it includes just about anything. If it is decided that there are programs worth paying for, let's live up to some level of fiscal responsibility and make the necessary cuts to pay for them. Hiding behind an emergency designation is the easy way out, and it's sure to get us deeper in debt.

Mr. VISCLOSKY. Mr. Chairman, I rise today in support of H.R. 3543, the dire emergency supplemental appropriations bill for fiscal year 1992, and commend the chairman of the Appropriations Committee for bringing this critical bill to the floor.

This bill will help ease the pain and financial burden of farmers and other Americans all across our country who are still reeling from the effects of natural disasters. Included in the bill is funding for the Federal Emergency Management Agency's disaster relief programs. The committee has provided enough funding to cover unpaid claims stemming from declared disasters in more than 30 States during 1990 and 1991. Counties, municipalities, and nonprofit electric utilities in my home State of Indiana are waiting for more than $18 million in claims resulting from floods, ice storms, and a tornado. I believe it is important for the Federal Government to honor its pledge of assistance and deliver this badly needed help.

I urge my colleagues to support H.R. 3543.

Mr. SANGMEISTER. Mr. Chairman, I would like to take this opportunity to express my gratitude to the chairman of the Appropriations Committee, Mr. WHITTEN for bringing this bill to the floor. I rise in support of the measure and ask my colleagues to approve its passage.

The farmers of Illinois are facing an emergency. It is that simple. They have been devastated by this year's drought—which in my area has proven to be worse than 1988—and they deserve the modest assistance contained in the bill.

This summer, I had the opportunity to see first hand the damage this drought has caused, and I must say it was not a pleasant experience. Human lives and a traditional way of life hang in the balance, Mr. Chairman. Hard-working farmers, who have worked the same land for generations, will be unable to pay their bills and will be facing farm foreclosure. Their entire year's work has yielded them virtually nothing—many farmers in my district spent the harvest season plowing under corn that never formed ears.

Opponents of this measure argue that the spending is unnecessary, that there is no emergency. I disagree. We spend a lot of time around here talking about how we can help our allies recover from economic and political emergencies. In fact, later today we will be considering the foreign aid authorization. Although I do not want to argue the merits of foreign aid, I would ask my colleagues to take a step back and focus for a moment on what's happening here at home.

This bill is the right thing to do and, yes, it does carry a price tag. However, we have an obligation to the struggling families who, by no fault of their own, will have little to no income this year but all of the usual bills. We cannot turn our backs on these people.

Again, I urge my colleagues to support this bill and speed the delivery of these much-needed funds.

Mr. LEVINE of California. Mr. Chairman, as this body considers passage of the dire emergency supplemental appropriations bill today, I ask my colleagues to listen carefully to the stories of the hardships now being faced by the victims of the freeze in California.

California's economy has been devastated. Families have been torn apart. Children are going without food and medical care. Unemployment in rural areas now exceeds 50 percent. Crop losses total $850 million. The ripple effect on the economy of the State has had an impact equal to the loss of close to $2 billion.

The plight of the families affected by this disaster must not be ignored. Victims of the freeze have lost their jobs, their homes, the financial stability, their economic investments, and are beginning to lose their hope.

Little wonder that Californians were outraged when Dick Darman announced that there has been no natural disasters last year. I can show him what a dire emergency looks like:

The 15th and 17th Districts of California, which have the highest unemployment levels in the country;

Lindsay, where farmers and families have been forced to sell their homes and cars, to declare bankruptcy, to face eviction in order to receive any sort of assistance; and

Orange Grove, where families have been forced to send their children back to Mexico and to live with their relatives in order to make sure the children have food on the table this winter.

The White House made a compact with the farmers in this Nation when the President willingly signed into law the 1990 farm bill. It said that the Federal Government would provide assistance in these instances. Despite this agreement, California has yet to receive any of the help from the Federal Government it deserves and so desperately needs.

Mr. Chairman, I commend the President's efforts to make sure that no child in the Soviet Union goes hungry this winter and that no one lacks medical care. But he must do no less for the citizens of California.

I applaud the valiant efforts of my colleagues, Mr. FAZIO and Chairman WHITTEN, and countless others, who have fought so hard to get this money appropriated. It is desperately needed.

I urge the President to sign this bill and my colleagues to support it.

Mr. HATCHER. Mr. Chairman, I rise in strong support of H.R. 3543 as reported out of committee by the distinguished chairman from Mississippi, Mr. WHITTEN.

The Appropriations Committee has given the consideration and assistance that has long been due farmers that have experienced extensive crop damage from natural disaster. For the farmers of Georgia, 1990 was a devastating drought year in which 141 counties were declared disaster areas. The 1990 drought disaster weakened even farmers that have survived past droughts and have proven themselves efficient farm managers. In fact, 63 percent of Georgia's farms suffered crop losses and drought-related damages of over 30 percent. This resulted in over half a billion dollars in agricultural damage. Again this year farmers have experienced disaster, but this time in the form of flooding, heavy winds, and wide-spread hail storms.

Though in past years Congress has come through with disaster relief payments, our efforts to date have proven fruitless. Not only does this have a strong psychological effect on experienced farmers as well as those just starting out, but in combination with current difficulties in obtaining farm credit, the inactivity of the Federal Government places the entire farm production and agribusiness sector in a precarious position. We have a chance to act right now to assist the farmers of our Nation.

I commend the distinguished chairman of the Appropriations Committee for addressing the dire need of farmers across the Nation in this appropriations package and I urge my colleagues to vote in favor of the bill as offered.

Ms. DELAURO. Mr. Chairman, I rise in support of the amendment offered this week by Congresswoman SCHROEDER of the dire emergency supplemental appropriations bill. The Schroeder amendment would help our Nation's children by significantly increasing funding for the important WIC and Head Start Programs. It would also provide badly needed funds for childhood immunization programs.

Our children face some of the most difficult, life threatening challenges before they ever reach school age. Children now account for 15 percent of our homeless population. Five million of our children go hungry every day. During the last 2 years, an additional 1 million children fell into the clutches of poverty. This is not only a national emergency, it is a national disgrace.

New Haven, CT, has one of the highest incidence of infant mortality in the country. After attempts earlier this year by the Bush administration to slash infant mortality funding for cities like New Haven, I joined many of my colleagues in calling for a national commitment of resources and resolve to combat the far-reaching problems of infant mortality.

The Schroeder amendment follows through on that commitment with additional funding for time-proven programs such as WIC and Head Start. Presently, these programs are grossly under-funded with only 25 percent of those children eligible participating in the program. This amendment will fully fund these programs by 1996.

Included in this bill is funding to rebuild the community of Oakland, CA, following the forest fires that have destroyed hundreds of homes. While the plight of so many of our Nation's children is less visible than the scorched Oakland hillside, the long-term impact of neglecting them today is significantly higher.

Mr. Chairman, I support the Schroeder amendment.

Mr. LEHMAN of California. Mr. Speaker, I would like to voice my ardent support for the dire emergency supplemental appropriations bill. This bill, H.R. 3543, goes a long way in addressing some of the serious unmet needs that many farmers and farmworkers in my district have suffered as a result of last year's devastating freeze.

As many of my colleagues know, the Central Valley of California was hit last year by a catastrophic freeze that wiped out the citrus crop and severely damaged many other crops. This freeze left thousands unemployed, homeless, and without food and clothing. In addition, many local businesses suffered tremendous losses and this year area farms expect only to produce a fraction of past year's crop yields.

The farmers and farmworkers in the Central Valley are depending on this legislation. For almost a year they have been waiting for the U.S. Government to assist them. And while they have received some limited assistance from the Department of Agriculture, the Small Business Administration, and the Federal Emergency Management Administration [FEMA], sadly it has not been enough.

The dire emergency supplemental appropriation bill would provide the kind of assistance that is so desperately needed by many farmers and farmworkers in the Central Valley. Specifically, the $1.8 billion for the Commodity Credit Corporation disaster assistance payment program would enable many farmers to begin the recovery and regeneration of their fields. When the farmers start producing healthy crops the farmworkers and the packing-house workers can go back to work. This is the type of economic recovery people can believe in.

In addition to the disaster assistance payment program, the bill appropriates $693 million for FEMA. Throughout this disaster, FEMA has been hamstrung in its ability to provide housing and other types of assistance to victims of the freeze due to a lack of funds. This has manifested itself in ridiculously onerous eligibility requirements that farmworkers have had to meet in order to receive housing assistance. The additional funds will assist FEMA in achieving its basic goal of assisting those affected by natural disasters. The funds are desperately needed.

Mr. Speaker, when I see the devastation in my district brought on by this freeze, I wonder if it would be different if the farmers and farmworkers in the Central Valley were born in Bangladesh, or Iraq, or the Philippines. It appears to me that the President of the United States has no trouble signing emergency legislation providing billions of dollars for a crisis in foreign country, but, if you live in the United States and are devastated by a natural disaster well, then you're out of luck. The administration has the necessary compassion for those suffering abroad, but a blind eye for those here at home.

I support this bill and I urge my colleagues to support this bill. Yes, it is a lot of money, but sometimes we need to look at the priorities of this Nation and remember that emergencies happen and they can't be ignored. The President wants to ignore hardworking Americans who are suffering as a result of natural disasters; but, I think we need to help those who are suffering and we, as a caring Nation, need to help them now.

Mr. CHANDLER. Mr. Speaker, last fall's flooding and winter's arctic freeze long will be remembered for the devastation and destruction it visited upon the people of Washington State, east and west of the Cascades.

People living in the Puget Sound area still vividly recall that Tuesday afternoon and evening snow storm in December that transformed our streets into parking lots and most commuters into pedestrians. And, none of us will forget the pictures that accompanied the sinking of the I–90 bridge into Lake Washington.

In a victory for westside commuters who struggle daily with bumper-to-bumper traffic congestion, I recently achieved one of my top legislative priorities by securing the funds necessary to replace the I–90 bridge. However, commuters were not the only folks adversely affected by last year's foul weather.

Flooding in Whatcom, Snohomish, and Skagit counties turned area dairy farms into lakes. Thousands of acres—comprising some of our Nation's most productive wheatland—in the Palouse and elsewhere throughout Washington were frozen-out by severe arctic temperatures. In the Yakima Valley and other fruit growing regions of our State, adverse weather wrecked havoc on this year's production of sweet cherries, peaches, and apricots.

I know how it feels to stand helplessly by while one's livelihood is threatened or destroyed. As a child, I stood beside my father on the back porch of our home as we watched our family's strawberry crop completely destroyed by hail. And, I know how important a helping hand can be in weathering such a storm.

That is why I am pleased to support this emergency appropriations bill and the disaster assistance it provides to the farmers of Washington State. I strongly urge my colleagues to join me in providing those families hardest hit by last year's unseasonably severe storms a well-deserved helping hand.

Mr. DIXON. Mr. Chairman, I rise today in support of the Dire Emergency Supplemental Appropriations Act. As a member of the Appropriations Committee and of the California congressional delegation, I applaud this legislation which contains vital funding from Desert Storm related expenses to disaster relief for the State of California.

Mr. WHITTEN, our distinguished chair from Mississippi will offer an amendment whose passage is critical for California. This amendment will provide additional disaster assistance to the Federal Emergency Management Agency [FEMA], the Departments of Agriculture and Interior, and other Federal entities which play a role in disaster relief efforts.

This amendment provides necessary funding that responds to the various types of natural disasters that can ensue—from freezes to floods, wildfires to earthquakes, and hurricanes to droughts.

The recent wildfires in Oakland, CA, as well as in Washington, Montana, Idaho, and Virginia have devastated lives, homes, and the livelihood of many Americans. With the reported estimates, the fire in the hills of Berkeley and Oakland may be the third most costly fire in U.S. history. We must provide relief for this community.

We have seen many communities across the country destroyed by natural disaster. Hurricane Bob wreaked havoc in the Northeast and Hurricane Hugo did the same in the South. The Loma Prieta Earthquake took lives and property in the San Francisco Bay area and floods in the Midwestern and Southern areas have ruined crops.

The additional funds contained in the dire emergency supplemental measure will help ensure that the Federal Government is in a position to provide timely aid for those who have been negatively impacted by disasters.

I wish to commend my colleagues on the Appropriations committee and our distinguished Chairman Mr. WHITTEN for this critical bill.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the amendments recommended by the Committee on Appropriations, as modified by the amendment printed in House Report 102-268, are considered as adopted and shall become original text for the purpose of amendment under the 5-minute rule.

The clerk read as follows:

H.R. 3543

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, to provide dire emergency supplemental appropriations for the fiscal year ending September 30, 1992, and for other purposes, namely:

TITLE I—EMERGENCY SUPPLEMENTAL APPROPRIATIONS

CHAPTER I

DEPARTMENT OF DEFENSE—MILITARY OPERATION DESERT SHIELD/DESERT STORM

(TRANSFER OF ADDITIONAL FUNDS)

For additional incremental costs of the Department of Defense and the Department of Transportation associated with operations in and around the Persian Gulf as part of operations currently known as Operation Desert Shield (including Operation Desert Storm) and under the terms and conditions of the "Operation Desert Shield/Desert Storm Supplemental Appropriations Act, 1991" (Public Law 102–28), in addition to the amounts that may be transferred to appropriations available to the Department of Defense pursuant to that Act, not to exceed $3,261,600,000 may be transferred during fiscal year 1992 from either the Defense Cooperation Account, or as appropriate, the Persian Gulf Regional Defense Fund, to the following accounts in not to exceed the following amounts:

MILITARY PERSONNEL

(TRANSFER OF FUNDS)

NATIONAL GUARD PERSONNEL, ARMY

For an additional amount for "National Guard personnel, Army", $40,200,000.

OPERATION AND MAINTENANCE

(TRANSFER OF FUNDS)

OPERATION AND MAINTENANCE, ARMY

For an additional amount for "Operation and maintenance, Army", $227,300,000.

OPERATION AND MAINTENANCE, DEFENSE AGENCIES

For an additional amount for "Operation and maintenance, Defense Agencies", $50,000,000.

OPERATION AND MAINTENANCE, ARMY RESERVE

For an additional amount for "Operation and maintenance, Army Reserve", $23,200,000.

OPERATION AND MAINTENANCE, NAVY RESERVE

For an additional amount for "Operation and maintenance, Navy Reserve", $28,300,000.

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

For an additional amount for "Operation and maintenance, Army National Guard", $41,900,000.

OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

For an additional amount for "Operation and maintenance, Air National Guard", $55,000,000.

PROCUREMENT

(TRANSFER OF FUNDS)

AIRCRAFT PROCUREMENT, ARMY

For an additional amount for "Aircraft procurement, Army", $200,600,000.

MISSILE PROCUREMENT, ARMY

For an additional amount for "Missile procurement, Army", $21,800,000.

PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

For an additional amount for "Procurement of weapons and tracked combat vehicles, Army", $63,000,000.

OTHER PROCUREMENT, ARMY

For an additional amount for "Other procurement, Army", $80,500,000.

AIRCRAFT PROCUREMENT, NAVY

For an additional amount for "Aircraft procurement, Navy", $521,000,000.

WEAPONS PROCUREMENT, NAVY

For an additional amount for "Weapons procurement, Navy", $8,100,000.

OTHER PROCUREMENT, NAVY

For an additional amount for "Other procurement, Navy", $112,700,000.

PROCUREMENT, MARINE CORPS

For an additional amount for "Procurement, Marine Corps", $4,300,000.

AIRCRAFT PROCUREMENT, AIR FORCE

For an additional amount for "Aircraft procurement, Air Force", $217,800,000.

OTHER PROCUREMENT, AIR FORCE

For an additional amount for "Other procurement, Air Force", $230,000,000.

PROCUREMENT, DEFENSE AGENCIES

For an additional amount for "Procurement, Defense Agencies", $76,900,000.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

(TRANSFER OF FUNDS)

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY

For an additional amount for "Research, Development, Test and Evaluation, Army", $47,800,000.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY

For an additional amount for "Research, Development, Test and Evaluation, Navy", $6,100,000.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

For an additional amount for "Research, Development, Test and Evaluation, Air Force", $26,500,000.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE AGENCIES

For an additional amount for "Research, Development, Test and Evaluation, Defense Agencies", $28,100,000.

REVOLVING AND MANAGEMENT FUNDS

(TRANSFER OF FUNDS)

ARMY STOCK FUND

For an additional amount for "Army Stock Fund", $410,000,000.

NAVY STOCK FUND

For an additional amount for "Navy Stock Fund", $450,000,000.

AIR FORCE STOCK FUND

For an additional amount for "Air Force Stock Fund", $280,000,000.

DEPARTMENT OF TRANSPORTATION

(TRANSFER OF FUNDS)

COAST GUARD

OPERATING EXPENSES

For an additional amount for "Operating expenses", $10,500,000, to remain available for obligation until September 30, 1992.

DEPARTMENT OF DEFENSE—MILITARY

(TRANSFER OF EXISTING FUNDS)

For the purpose of adjusting amounts which may be transferred pursuant to the "Operation Desert Shield/Desert Storm Supplemental Appropriations Act, 1991" (Public Law 102–28) and under the terms and conditions of that Act, during the fiscal year 1992, the Secretary of Defense may make adjustments to the amounts provided for transfer by such Act in amounts not to exceed $6,282,400,000 and provide for the transfer of such amounts to the following accounts in not to exceed the following amounts to be available to the Department of Defense during fiscal year 1992: *Provided*, That the Secretary of Defense shall provide prior notification to the Committees on Appropriations of the House of Representatives and the Senate indicating the accounts from which the funds will be derived for such transfers:

MILITARY PERSONNEL

(TRANSFER OF FUNDS)

MILITARY PERSONNEL, ARMY

To be derived by transfer, $685,000,000 for "Military personnel, Army".

MILITARY PERSONNEL, NAVY

To be derived by transfer, $70,000,000 for "Military personnel, Navy".

MILITARY PERSONNEL, MARINE CORPS

To be derived by transfer, $18,000,000 for "Military personnel, Marine Corps".

MILITARY PERSONNEL, AIR FORCE

To be derived by transfer, $81,000,000 for "Military personnel, Air Force".

RESERVE PERSONNEL, ARMY

To be derived by transfer, $80,000,000 for "Reserve personnel, Army".

RESERVE PERSONNEL, AIR FORCE

To be derived by transfer, $4,000,000 for "Reserve personnel, Air Force".

NATIONAL GUARD PERSONNEL, ARMY

To be derived by transfer, $10,000,000 for "National Guard personnel, Army".

NATIONAL GUARD PERSONNEL, AIR FORCE

To be derived by transfer, $3,000,000 for "National Guard personnel, Air Force".

OPERATION AND MAINTENANCE

(TRANSFER OF FUNDS)

OPERATION AND MAINTENANCE, ARMY

To be derived by transfer, $2,717,500,000 for "Operation and maintenance, Army".

OPERATION AND MAINTENANCE, NAVY

To be derived by transfer, $1,080,000,000 for "Operation and maintenance, Navy".

OPERATION AND MAINTENANCE, MARINE CORPS

To be derived by transfer, $165,000,000 for "Operation and maintenance, Marine Corps".

OPERATION AND MAINTENANCE, AIR FORCE

To be derived by transfer, $1,241,400,000 for "Operation and maintenance, Air Force".

OPERATION AND MAINTENANCE, ARMY RESERVE

To be derived by transfer, $6,000,000 for "Operation and maintenance, Army Reserve".

OPERATION AND MAINTENANCE, AIR FORCE RESERVE

To be derived by transfer, $59,200,000 for "Operation and maintenance, Air Force Reserve".

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

To be derived by transfer, $3,600,000 for "Operation and maintenance, Army National Guard".

OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

To be derived by transfer, $58,700,000 for "Operation and maintenance, Air National Guard".

Mr. WHITTEN (during the reading). Mr. Chairman, I ask unanimous consent that chapter I be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

The CHAIRMAN. Are there any amendments to chapter I?

If not, the Clerk will read.

The Clerk read as follows:

CHAPTER II

DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES

INDEPENDENT AGENCIES

FEDERAL EMERGENCY MANAGEMENT AGENCY

DISASTER RELIEF

For emergency disaster assistance payments necessary to provide for expenses in presidentially-declared disasters under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, an additional amount for "Disaster relief", $693,000,000, to remain available until expended.

AMENDMENTS OFFERED BY MR. WHITTEN

Mr. WHITTEN. Mr. Chairman, I offer several amendments, and I ask unanimous consent that they be considered en bloc.

The CHAIRMAN. The Clerk will report the amendments.

The Clerk read as follows:

Amendments offered by Mr. WHITTEN: On page 10, line 20, after the word "expended" insert ", and in addition, $250,000,000 to remain available until expended, to meet existing emergencies created by wildfires in California, Washington, Virginia, and other States and other disasters causing the loss of life and loss of or damage to roads and bridges, highways, schools, libraries, and other State or local government public buildings: *Provided*, That any duplication of benefits payments shall be recovered as authorized in section 312 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act".

On page 14, line 2, after the word "Service" insert "and in addition, $25,000,000 to remain available until expended, to carry out the Emergency Watershed Protection Program of the Soil Conservation Service including restoration and repair of highways, roads and trails for reforestation of publicly-owned land".

On page 14, after line 24, insert:

OPERATION AND MAINTENANCE, GENERAL

For an additional amount for "Operation and Maintenance, General", $15,000,000, to report on needs created by natural disasters declared by the President or the Secretary of Agriculture since October 1, 1990, to initiate action needed to mitigate these disasters, and for administrative expenses associated with these disasters.

On page 14, after line 24, insert:

DEPARTMENT OF THE INTERIOR

BUREAU OF RECLAMATION

OPERATION AND MAINTENANCE

For an additional amount for operation and maintenance of reclamation projects or parts thereof and other facilities, as authorized by law; and for preparation of a report on the needs created by natural disasters declared by the President or the Secretary of Agriculture since October 1, 1990, to initiate action needed to mitigate these disasters, and for administrative expenses associated with these disasters or activities, $15,000,000.

On page 15, after line 11, insert:

UNITED STATES GEOLOGICAL SURVEY

SURVEYS, INVESTIGATIONS, AND RESEARCH

For an additional amount for "Surveys, investigations, and research", $5,000,000, to provide for investigations and reports on the effects of damage created or possible, as a result of natural disasters declared by the President or the Secretary of Agriculture affecting ground water, possible landslides, mudslides, erosion, and the like, as authorized by law, and administrative expenses associated with these disasters.

On page 15, after line 11, insert:

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

NATIONAL FOREST SYSTEM

For an additional amount for necessary expenses of the Forest Service, not otherwise provided for, for maintenance of facilities and trails impacted by disasters and emergency situations, and for studies, $25,000,000.

Mr. WALKER (during the reading). Mr. Chairman, I ask unanimous consent that the amendments be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman of Pennsylvania?

There was no objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Mississippi [Mr. WHITTEN] that the amendments be considered en bloc?

Mr. WALKER. Mr. Chairman, reserving the right to object, the problem that I have with the en bloc request is that there are several of the amendments included in the en bloc section which are subject to points of order. So therefore, if the gentleman would pull out of his amendment the provisions related to Soil Conservation Service, the Corps of Engineers and the Bureau of Reclamation and go with only the ones of FEMA, the Geological Survey and the Forest Service, which are not subject to points of order, then I would have no objection to the en bloc amendment.

I do have an objection to the en bloc amendment if it includes those that have provisions that they would be subject to points of order.

The CHAIRMAN. Does the gentleman, in fact, object to considering the amendments en bloc?

Mr. WALKER. Mr. Chairman, I do object.

The CHAIRMAN. Objection is heard.

AMENDMENTS OFFERED BY MR. WHITTEN

Mr. WHITTEN. Mr. Chairman, I offer substitute amendments.

The Clerk read as follows:

Amendments offered by Mr. WHITTEN: On page 10, line 20, after the word "expended" insert ", and in addition, $250,000,000 for necessary expenses under such Act, to meet existing emergencies and major disasters created by wildfires in California, Washington, Virginia, and other States, and for other emergencies and major disasters, including those causing the loss of life or loss of or damage to roads and bridges, highways, schools, libraries, and other State or local government public buildings".

On page 13, line 24, strike "$25,000,000" and insert in lieu thereof "$50,000,000".

On page 14, after line 24, insert:

OPERATION AND MAINTENANCE, GENERAL

For an additional amount for "Operation and Maintenance, General", $15,000,000.

On page 14, after line 24, insert:

DEPARTMENT OF THE INTERIOR

BUREAU OF RECLAMATION

OPERATION AND MAINTENANCE

For an additional amount for operation and maintenance of reclamation projects or parts thereof and other facilities, as authorized by law, $15,000,000.

On page 15, after line 11, insert:

UNITED STATES GEOLOGICAL SURVEY

SURVEYS, INVESTIGATIONS, AND RESEARCH

For an additional amount for "Surveys, investigations, and research", $5,000,000, to provide for investigations and reports on the effects of damage created or possible, as a result of natural disasters declared by the President or the Secretary of Agriculture affecting ground water, possible landslides, mudslides, erosion, and the like, as authorized by law, and administrative expenses associated with these disasters.

On page 15, after line 11, insert:

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

NATIONAL FOREST SYSTEM

For an additional amount for necessary expenses of the Forest Service, not otherwise provided for, for maintenance of facilities and trails impacted by disasters and emergency situations, and for studies, $25,000,000.

Mr. WHITTEN. Mr. Chairman, I ask unanimous consent that the amendments be considered en bloc.

The CHAIRMAN. Is there objection to the request of the gentleman from Mississippi?

Mr. WALKER. Mr. Chairman, reserving the right to object, I do not believe that there is a parliamentary problem here, but I just wanted to check.

Are the funds that are within these various amendments authorized funds?

Mr. WHITTEN. Mr. Chairman, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from Mississippi.

Mr. WHITTEN. Mr. Chairman, this California situation is terrible. This area has sustained a real impact. The damages that we know about and that we can see, we have provided for in this amendment.

□ 1530

May I say again, under present conditions we have a budget act which says that if we exceed the budget caps it is subject to sequestration. It has been used, it is being used at the present time. In order to handle the California situation we tried to put the money in here as best we could judge and we declared these funds to be a dire emergency so we would not have to wait a year or two to get started on providing urgently needed assistance. This is similar to what we have done in connection with the California earthquake and the other large disasters. I should point out that this amendment provides for emergencies in four or five States other than California.

We are trying to offer this amendment in this bill so that there will be no delay in trying to meet this emergency. We have done the best we can.

Mr. WALKER. Reserving the right to object, I understand what the gentleman is attempting to do, and I understand that he is attempting to act in good conscience, given the nature of the emergencies. He did, however, offer an amendment previously that was out of sort with the rules of the House. It appears to me as though he has cleaned up the problems of legislating in an appropriation bill, which he was about to do, but now I still have a question as to whether or not the funds that he is appropriating are within the authorizations of the various committees that would have jurisdiction in this matter.

Mr. WHITTEN. It is my understanding that they absolutely are.

Mr. WALKER. So in each of these cases this falls within authorized amounts?

Mr. WHITTEN. They are authorized, so I understand.

Mr. WALKER. That is all I need to know.

Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Mississippi that the amendments be considered en bloc?

There was no objection.

Mr. WHITTEN. Mr. Chairman, I offer this amendment in order to include assistance for disasters that have occurred since the bill was reported.

While funds included in the dire emergency supplemental, H.R. 3543, for FEMA disaster assistance and for crop loss damage will be of great benefit to the people of the Nation and to the State of California, the money in the bill reported by the House Committee on Appropriations on October 17 is only sufficient to meet the need resulting from natural disasters that have occurred in fiscal year 1990 and fiscal year 1991 prior to October 17.

H.R. 3543 was reported before the disastrous fire in Oakland, CA, occurred. All the evidence is not in on the effects of that terrible fire. Already the indications are that more than 25 have died and more than 1,800 homes have burned with damages included to roads and bridges.

In addition, wildfires have damaged areas in Washington, Montana, Idaho, and Virginia.

This amendment will provide an additional $335 million in disaster assistance for FEMA, the Corps of Engineers, the Forest Service, the Bureau of Reclamation, the Soil Conservation Service, and the Geological Survey to determine the needs related to these most recent disasters and to take action to mitigate the effects of the disasters.

It is important that the bill and the amendment be supported as a dire emergency to prevent cuts in ongoing programs through sequestration.

We hope you will join us in our efforts to save the material wealth of our State and Nation.

FEDERAL EMERGENCY MANAGEMENT AGENCY

Recently, wildfires have devastated a number of States throughout the country. Due to the size and seriousness of the damage, the President has already declared a disaster in Alameda County, CA. Current estimates are in the range of $49 million for this one disaster area—for both public and individual assistance, including emergency protective measures, debris clearance, and the repair and restoration of damaged public facilities. Also included in this estimate is money for individual family grants for temporary housing and other disaster-related expenses incurred as a result of this major disaster which is a dire emergency.

These additional funds are needed for these recent fires, as well as for other disasters that may occur in fiscal year 1992. FEMA has updated its estimates of funds needed for fiscal year 1992 and the original number of $693,000,000 is no longer sufficient. In fact, before the fire, the administration requested an additional $90,000,000 for disaster relief in fiscal year 1992.

A proviso has been added to the amendment regarding the duplication of benefits. The language requires that disaster relief payments that are subsequently covered by insurance or other financial assistance must be repaid.

SOIL CONSERVATION SERVICE

Forest fires and wildfires and the resulting mud slides that follow those fires generally cause significant damage to roads and bridges. Wooden bridges are destroyed by fires. Culverts under roads become clogged with debris which, if not cleared, will cause the road to be cut as water flows over rather than under the road. Debris in streams backs up at bridges and must be cleared or the bridge will be under cut. Flooding or wind erosion can cause extensive damage to impaired watersheds left unprotected. Thousands of dollars can be saved by spending money for clearing, cleaning, and roadbed and streambank repairs immediately following wildfires.

CORPS OF ENGINEERS

Additional funds are needed for the Corps of Engineers to mitigate the effects of natural disasters on corps projects.

During fiscal years 1990 and 1991, Corps of Engineers projects suffered in excess of $45,000,000 in damages as a result of floods and other natural disasters.

It is essential that these projects be adequately maintained to protect the citizens of our Nation from the damages of flooding. Failure to provide these funds could result in some projects not being adequately maintained, thereby threatening their integrity.

The funds provided by this amendment will enable the corps to make those essential repairs necessary to maintain the integrity of projects throughout the Nation that have been damaged by natural disasters.

BUREAU OF RECLAMATION

The Department of the Interior's Bureau of Reclamation needs $15,000,000 for operation and maintenance of reclamation projects to mitigate the effects of natural disasters.

Bureau of Reclamation projects provide essential drinking water supplies to many communities in the Western United States. Those projects also provide essential agricultural water supplies.

For the past several years, most of the Western States have been stricken by extreme drought conditions. In order to respond to the emergency drought conditions, the Bureau of Reclamation has initiated a number of activities such as drilling wells, making modifications to projects to assure water deliveries at lower reservoir levels, and providing alternative sources of water to municipal and industrial users.

The funds provided by this amendment will enable the Bureau of Reclamation to undertake those activities necessary to respond to the prolonged drought conditions.

U.S. GEOLOGICAL SURVEY

An additional $5,000,000 is included in the amendment for the U.S. Geological Survey to provide support as needed to assess the effects of Presidentially declared natural disasters on ground water, and the possible effects of landslides, mudslides, and erosion affected areas.

FOREST SERVICE

The amendment includes $25,000,000 for additional costs of maintenance of facilities and trails on National Forest System lands due to needs caused by disasters and emergency. Without these funds the impact on facilities will not be able to be handled.

Mr. DELLUMS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, on October 17, 1989, the bay area in California was hit by a major earthquake resulting in loss of scores of lives, billions of dollars in damages, broken dreams and aspirations, incalculable social and personal tragedy as a result.

First I want to thank the chairman and the members of the committee for the $693 million authorization to FEMA. A large portion of that will go to deal with the problems of dislocation and claims that were made in the aftermath of the earthquake in 1989.

On October 20, 1991, 2 years later, 2 years later, Mr. Chairman, a firestorm raged in Oakland and Berkeley Hills resulting in the third largest residential fire in the history of this country, visiting tragedy and destruction and devastation beyond most of our ability to comprehend.

Mr. Chairman, 25 people in the bay area, in my congressional district, lost their lives, over 20 people continue to be missing, nearly 150 people were injured, 5,000 people were dislocated, 2,889 residential units were burned to the ground, 2,000 of them single-family dwellings. The level of damage now exceeds $2.5 billion. When we think of nearly 3,000 family units burned, nearly $2.5 billion in damages, that is only the bricks and the mortar. When we factor back into this tragic equation the human dimension of all of the treasures that human beings lost, their entire lives gone up in flames in a matter of moments, when we realize that it was not just a home here and a home there burned to the ground, neighborhoods, total communities burned to the ground, people's way of life totally destroyed, there is no way, Mr. Chairman, that any amount of money can ever replace this extraordinary human tragedy that has taken place. But I want to thank the chairman for offering this amendment. Even at this moment of uncertainty, not knowing quite what the totality of the Federal response will be, the chairman in his wisdom has seen fit to place $250 million additional at the disposal of FEMA in order to address this great tragedy in California and unanticipated tragedies beyond this moment.

So to summarize, Mr. Chairman, I thank the chairman and the committee for the job they have done in helping our people 2 years ago in the earthquake, and now 2 years later I thank them as well for rising to the occasion to assist us in a monumental tragedy that has taken place in the Eighth Congressional District in California.

Mr. LEVINE of California. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to join with my friend and colleague from the Oakland and Berkeley area, both to thank the chairman of the committee and the members of the committee for providing this type of support, and to thank the chairman for offering this amendment, and to rise in very strong support of this amendment.

The underlying bill obviously provides extraordinarily important help to people throughout this country who are in dire need of that help. I was particularly pleased that the underlying bill provided the type of help that it did with regard to the damage from the freeze which totaled some $850 million, with a ripple effect on California's economy of about $2 billion. The underlying bill was critical to the people who have suffered with regard to the freeze and with regard to its implications.

But this amendment is extremely important and valuable and, in fact, essential for the reasons that the gentleman from Oakland and Berkeley has already stated.

I spent 4 years of my life in the Berkeley area as an undergraduate student at the University of California and continue to have a number of friends in the congressional district of my friend. I traveled to his congressional district just last Friday and drove through the devastated area. I wanted to see for myself just how bad the damage was.

□ 1540

It is something that the gentleman has already described quite eloquently that if you have not seen it with your own eyes, it is very difficult to comprehend. This is an entire community that has been wiped out. It is not just an individual home here or there. It is a spectacular area of this country, a spectacular area of our State that has been decimated. The numbers speak for themselves, and as the gentleman indicated, the fire damage estimates are already at $2 billion. This is an 1,800-acre blaze which destroyed over 3,000 homes.

As my friend indicated, over 25 people we know are dead, and some 25 other people are still missing. Close to 900 people who suffered losses have applied for Federal and State assistance already.

This makes this the third most destructive fire in the history of our country, but the numbers cannot describe adequately the human suffering, the devastation to an entire community, the extraordinary impact that hits you when you see the damage that this community has suffered in human terms.

And so I want to join my friend from Berkeley in complimenting the chairman of the committee and in urging that we support this extremely important amendment. It provides badly needed urgent assistance.

We do not know whether the assistance that is needed may even exceed that which is included in this amendment, but it is very clear at a minimum that the assistance will at least reach the levels that are included in this amendment.

I wanted to also thank the chairman for this amendment and strongly urge my colleagues to support it.

Mr. McDADE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman and my colleagues, this amendment will add $335 million in six different areas to the bill that is before you. With the amendment, the bill will total $2.7 billion that will not be accepted as emergency spending by the administration.

I said a little bit ago that I was going to offer a motion to recommit at the end of the process to try to remedy the situation and find a way to pay for all of these programs, and I am going to do that. But as we go through the bill, it is important for my colleagues to know what happens as we consider these amendments.

Add $355 million with this particular amendment to the bill, and you have got a sequester against every single domestic account—not the 1.7 percent that I mentioned just a bit ago, but at 2 percent and growing.

I do not know how many more amendments are going to come. I do not know how we can possibly say that the balance of the amendment constitutes an emergency. It includes roughly $160 million for FEMA, $25 million for the Soil Conservation Service, $15 million for a study by the Corps of Engineers—now there is a dire emergency for you, $15 million for a study by the Bureau of Reclamation, $5 million for a report by the U.S. Geological Survey, and $25 million for trail maintenance in the Forest Service. None of this has been identified by anybody in the appropriate responsible agencies as within the definition of emergency spending necessary to respond to a disaster.

Mr. Chairman and my colleagues, I think this amendment is patently in error, and I hope my colleagues will vote it down.

The CHAIRMAN. The question is on the amendments offered by the gentleman from Mississippi [Mr. WHITTEN].

The amendments were agreed to.

AMENDMENT OFFERED BY MR. GILCHREST

The Clerk read as follows:

Amendment offered by Mr. GILCHREST: Page 10, after line 20, insert the following new paragraph:

ENVIRONMENTAL PROTECTION AGENCY

STUDY OF WETLANDS DELINEATION

For necessary expenses for entering into an arrangement with the National Academy of Sciences to conduct a study to examine the scientific basis for methods used in identifying and delineating wetlands (including the Federal manual for Identifying and Delineating Jurisdictional Wetlands, published January 10, 1989, revisions to such manual proposed by the Environmental Protection Agency on August 14, 1991, and previous manuals and methodologies), $500,000.

Mr. GILCHREST (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the Record.

The CHAIRMAN. Is there objection to the request of the gentleman from Maryland?

There was no objection.

Mr. WALKER. Mr. Chairman, I reserve a point of order against the amendment.

Mr. HAYES of Louisiana. Mr. Chairman, I reserve a point of order, as well, against the amendment.

Mr. GILCHREST. Mr. Chairman, this amendment seeks only to deal with the current confusion and uncertainty with the Wetland Regulatory Program. We cannot make policy without reliable facts.

The scientific basis for delineating wetlands is either not available or inadequate.

This amendment seeks $500,000 and that is one one-millionth of the Federal budget. This amendment seeks $500,000 for the Environmental Protection Agency to enter into an arrangement with the National Academy of Sciences to conduct a study of the wetlands delineation.

The EPA Administrator has broad authority under the Federal Water Pollution Control Act to determine the meaning of section 404 and the reach of the term "manageable waters" for purposes of section 404. That includes entering into contracts in furtherance of this broad statutory authority.

The Federal Water Pollution Control Act makes it clear that the EPA Administrator shall administer this act. Section 404 directs the Administrator to direct comprehensive programs for water pollution control. That includes conducting research and studies relating to the causes, effects, extent, prevention, reduction, and elimination of pollution.

The science of wetland delineation remains largely inconclusive, and while most of us are committed to protection of wetlands, there are differences of opinion as to what this should entail. The purpose of this study would be to ensure to the extent that this is possible that our policy decisions do not outstrip our knowledge base.

The amendment itself would have no policy implications whatsoever. The Academy's findings are in no way binding. They affect in no way the manual. I merely wish to provide a reference source from a respected and apolitical organization.

I would suggest that, regardless of one's opinions on wetlands, there would be no reason to oppose the gathering of significant further information.

Too often in the past, we have made mistakes in environmental policy, because policy decisions precede science. In some instances, we have put unnecessary burdens on the backs of business people and landowners, and in others we have been remiss in our protection of the environment.

I believe that the EPA Administrator has the authority under existing law to conduct this study.

The point of order is not well taken.

Mr. Chairman, just before I came to the House floor, someone told me, and it was an interest group, that wetlands should not be a science issue. It should be a political issue. Well, I take issue with that statement. We need the science. We need wetlands determination. We need a policy based on fact, not a policy based on politics.

POINT OF ORDER

The CHAIRMAN. Does the gentleman from Louisiana [Mr. HAYES] insist on his point of order?

Mr. HAYES of Louisiana. Mr. Chairman, yes, I do.

I make a point of order against the amendment, because it proposes to change existing law, constituting legislation in an appropriation bill, therefore, violating clause 2 of rule XXI, the rule which states in pertinent part that no amendment to a general appropriation bill shall be in order if changing existing law.

This amendment imposes additional duties. It, in fact, instructs the EPA to make and enter into an arrangement with the National Academy of Sciences all of this to include, by specific reference of this amendment, the Federal manual for identifying and delineating jurisdictional wetlands, all of which comes under section 404 of the Clean Water Act, the appropriate jurisdiction of which belongs with the Committee on Merchant Marine and Fisheries and the Committee on Public Works and Transportation.

There is no doubt but that this is, in fact, imposing legislative intent upon an appropriation bill, and I ask for a ruling from the Chair.

The CHAIRMAN. Does the gentleman from Maryland [Mr. GILCHREST] wish to be heard on the point of order.

Mr. GILCHREST. Mr. Chairman, we are not legislating an appropriation.

Mr. HAYES of Louisiana. Mr. Chairman, I have a question for the gentleman.

The question would be: Is it not that the exact language says that the Environmental Protection Agency will have the expenses for entering into an arrangement with the National Academy of Sciences? I am reading directly from the amendment. Therefore, this is an appropriation of $500,000 for the express and sole purpose of entering into an arrangement with the National Academy of Sciences which is, in fact, legislating on an appropriation bill and imposing the additional duties on the EPA, duties which are not in existence now.

Mr. GILCHREST. We are appropriating money for a study. We are not legislating here.

Mr. HAYES of Louisiana. Mr. Chairman, I would just proceed to ask the Chair for a ruling.

The CHAIRMAN (Mr. STUDDS). The Chair is prepared to rule.

The Chair is unaware of any current statutory authorization for the activities called for in the amendment and, consequently, the reasons stated by the gentleman from Louisiana constitute a violation of clause 2, rule XXI.

The Chair sustains the point of order.

☐ 1550

Mr. GILCHREST. Mr. Chairman, I concede the point of order. I will withdraw the amendment and offer it at another time.

The CHAIRMAN. the Clerk will read.

The Clerk read as follows:

DEPARTMENT OF VETERANS AFFAIRS

Administrative Provision

Section 518(a) of the "General Provisions" in H.R. 2519, the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1992, is amended by striking out "Section 662A(c)" and inserting in lieu thereof "Section 1722A(c)".

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Administrative Provision—HOME

Section 217(a) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12747(a)) is amended—

(1) in the first sentence of paragraph (1), by inserting "and after reserving amounts for the insular areas under paragraph (3)" before the first comma; and

(2) by adding at the end the following new paragraph:

"(3) Insular areas.—For each fiscal year, of any amounts approved in appropriations Acts to carry out this title, the Secretary shall reserve for grants to the insular areas the greater of (A) $750,000, or (B) 0.5 percent of the amounts appropriated under such Acts. The Secretary shall provide for the distribution of amounts reserved under this paragraph among the insular areas pursuant to specific criteria for such distribution. The criteria shall be contained in a regulation promulgated by the Secretary after notice and public comment.".

Section 104 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12704) is amended—

(1) in paragraph (1), by striking "Guam" and all that follows through "American Samoa,"; and

(2) by adding at the end the following new paragraph:

"(24) The term 'insular area' means any of the following: Guam, the Northern Mariana Islands, the Virgin Islands, and American Samoa.".

Administrative Provision—Staffing

The Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1992 (H.R. 2519), is amended—

(1) in the appropriating paragraph entitled "Personal Services and Travel, Office of Public and Indian Housing" by striking "$10,424,000" and inserting in lieu thereof "$12,788,000" each time it appears in the paragraph;

(2) in the appropriating paragraph entitled "Personal Services and Travel, Office of Policy Development and Research" by striking "$10,705,000" and inserting in lieu thereof "$8,717,000" each time it appears in the paragraph; and

(3) in the appropriating paragraph entitled "Personal Services and Travel, Office of General Counsel" by striking "$14,985,000" and inserting in lieu thereof "$14,609,000" each time it appears in the paragraph.

CHAPTER III

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

In view of the occurrence of recent natural disasters—similar to the volcano eruption of 1980, the earthquake of 1989, and the hurricane of 1989—droughts, floods, freezes, tornadoes, and other catastrophes which resulted in billions of dollars in damages, and in an effort to restore the economy and to alleviate the effects of the disasters, an additional $1,750,000,000, to remain available until expended, is hereby made available for losses associated with 1990 crops as authorized by law, and for losses associated with 1991 crops under the same terms and conditions.

Soil Conservation Service

WATERSHED AND FLOOD PREVENTION OPERATIONS

Millions of acres of land have been damaged by natural disasters, seriously affecting the local economy of much of the Nation. To respond to the effects of recent droughts, floods, freezes, tornadoes, and other catastrophes, an additional $25,000,000, to remain available until expended, to carry out the Emergency Watershed Protection Program of the Soil Conservation Service.

Agricultural Stabilization and Conservation Service

EMERGENCY CONSERVATION PROGRAM

To respond to the effects of recent natural disasters, such as droughts, floods, freezes, tornadoes, and other catastrophes, an additional $5,000,000, to remain available until expended, to carry out the Emergency Conservation Program of the Agricultural Stabilization and Conservation Service.

CHAPTER IV

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

Corps of Engineers—Civil

FLOOD CONTROL, MISSISSIPPI RIVER AND TRIBUTARIES, ARKANSAS, ILLINOIS, KENTUCKY, LOUISIANA, MISSISSIPPI, MISSOURI, AND TENNESSEE

For an additional amount for "Flood control, Mississippi River and tributaries, Arkansas, Illinois, Kentucky, Louisiana, Mississippi, Missouri, and Tennessee" to meet dire emergency needs resulting from devastating flooding in the lower Mississippi Valley, $15,000,000, to remain available until expended.

CHAPTER V

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

ABANDONED MINE RECLAMATION FUND

To provide for the impacts due to emergency situations caused by landslides and other abandoned mine-related disasters which result in the imminent potential loss of life or property, an additional amount for the "Abandoned mine reclamation fund", $10,300,000, to remain available until expended.

CHAPTER VI

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

OPERATIONS, RESEARCH, AND FACILITIES

For an additional amount for "Operations, research, and facilities", $1,300,000, to remain available until expended to provide for the loss of critical computer and related telecommunications equipment destroyed by fire.

AMENDMENT OFFERED BY MRS. SCHROEDER

Mrs. SCHROEDER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mrs. Schroeder: after line 20, page 15, insert new chapter:

CHAPTER VII—EMERGENCY FUNDS FOR CHILDREN

For an additional amount for the Special Supplemental Food Program for Women, Infants and Children, $100,000,000.

For an additional amount for Head Start, $1,200,000,000.

For an additional amount for the Childhood Immunization Program, $90,000,000.

Mrs. SCHROEDER. Mr. Chairman, this amendment will address the most dire emergency facing the Nation today, the loss of millions of children to poverty, ill health, and school failure.

The dire emergency supplemental appropriations bill, H.R. 3543, already declares a national emergency to allow funding for critical disaster relief programs without affecting the domestic discretionary spending caps imposed by the budget summit agreement.

Recognizing that the current condition of children in America constitutes a national dire emergency, my amendment provides additional funds under this exemption so that in concert with pending fiscal year 1992 Labor-HHS-Education and Agriculture appropriations bills expected to be enacted soon, all vulnerable eligible children can be served by Head Start, WIC, and childhood immunization by 1996.

My amendment, Mr. Chairman, could not be more germane. As the Appropriations Committee report on the dire emergency supplemental you are considering declared:

> There is nothing in the Constitution which calls on the Federal government to be a guarantor for damages resulting from floods, tornadoes, droughts, volcanic eruptions, earthquakes, hurricanes, or other natural disasters. However, it has long been accepted that our Federal government owes it to the people of the Nation and to itself to meet dire emergencies which arise because of natural disasters which endanger the economy, and if not corrected, will result in economic disaster to the Nation.

Government neglect of our youngest, most vulnerable children predicts such an economic disaster for the Nation. A work force ill prepared to meet the high-skill, high-technology demands of the next century will never allow us to compete in the world marketplace.

A drought devastates crops. The Government acts. An earthquake flattens a distant land. The Government acts. A bank founders. Our Government acts. Fires rage in northern California and the Governor declares a national emergency with every expectation that the Federal Government will act.

A fire is a clear and present danger; we can easily see the affects, there are epidemics consuming our children that may not be as easily detectable, but just as destructive in the long run.

Every day in every corner of America our own children are in trouble: devastated by AIDS, flattened by malnutrition, or foundering in poverty. Yet, our Government not only doesn't act, it refuses to act. I can think of no greater disaster than the recent fall into poverty of nearly 1 million more children, over one-third under age 6.

This avalanche of children into poverty is a tragedy, especially since the safety net to catch them already has gaping holes. Even without the increased need, successful, cost-effective programs such as WIC, Head Start, and childhood immunization have been unable to keep up.

Escalating numbers of children will be entering school without full emotional, physical, or cognitive development. Their social and academic failure portends this Nation economic ruin in the 21st century.

National priorities have been found to fund foreign aid and defense; if there is anything left over, then we give the crumbs to the children. When families sit around their kitchen table discussing the family budget, they don't decide to forego their children's immunizations or their children's basic needs.

The cold war is over, Mr. Chairman, and we have the opportunity to apply family kitchen table economics and reorder our national priorities.

The procedure designating national emergencies has been used more frequently for increasing nondomestic spending. To date, a total of $1.14 billion in budget authority has been exempted in the international category, and $44 billion has been exempted for Desert Storm, while only $39 million has been exempted in the domestic category.

It's about time we and the President turn our attention homeward. We now face a greater threat to our national security from the disaster we have inflicted on our children, than we do from our former Communist foes.

As my colleagues on the Appropriations Committee further noted, "this is investment spending where we get more than our money's worth for we are restoring our real wealth—our country itself—on which all else depends."

The programs I am asking you to consider today are the best investment portfolio the Nation has. And they are common ground programs the President, numerous expert commissions, and even Fortune 500 CEO's have supported here in the Halls of Congress and across the Nation.

HEAD START

As the select committee documented in "Opportunities for Success: Cost-Effective Programs for Children, Update 1990," every $1 invested in quality preschool education returns $6 in savings because of lower costs of special education, public assistance, and crime.

Nevertheless, millions of children who could benefit most fail to receive these services. At least 75 percent of eligible, low-income children ages 3 to 5 are still excluded from the program.

Recent expansions in Head Start authorize full funding to ensure that all eligible preschoolers are served by fiscal year 1994, but that outcome depends on expanded Federal appropriations. Even with expected increases for Head Start in the fiscal year 1992 Labor, HHS, Education bill, at least a decade will pass before we can provide Head Start to all children who need it.

CHILDHOOD IMMUNIZATION

Childhood immunization is another cost-saver. Over $14 is saved for every $1 invested in the measles, mumps, and rubella vaccine. The cost-benefit ratio for polio immunization is more than 10 to 1. The Centers for Disease Control estimates that savings are approximately $1 billion per year for polio and $500 million per year for measles.

Yet at least 25 percent of children ages 1 to 4 are not immunized against most childhood diseases. As a result, some 30,000 children fell victim to measles in 1990, with the highest incidence in the unvaccinated preschool population. More children died of measles last year than in any other year since 1971.

The amount requested in my amendment, $90 million, is the same amount the President's Interagency Task Force on Childhood Immunization recommended but the President postponed until fiscal year 1993.

WIC

WIC saves infants lives and dollars, too. A recent U.S. Department of Agriculture study found that for every dollar spent on the prenatal component of WIC, the savings in Medicaid costs ranged from $2.84 to $3.90 for newborns alone.

Despite the demonstrated success of the WIC Program, 45 percent of all low-income, nutritionally at-risk women, infants and children are still denied benefits. An additional $100 million is needed in fiscal year 1992 over the amount we expect to be appropriated for this fiscal year to ensure that we stay on track to ensure full participation by 1996. Objections to cost are fallacious. Compared to line items in the Defense budget, the cost of fully funding these programs is minimal.

Completing only phase I of the strategic defense initiative is estimated to cost $53 billion. It would cost less than half of this amount to fund increases for Head Start, WIC, and childhood immunizations spread out over the next 5 years. One and a half Stealth bombers cost $1.1 billion, less than the cost of my Head Start increase that could serve another 300,000 or 400,000 of the 2.5 million eligible preschoolers. The B-1 strategic bomber electronic countermeasures recovery plan costs $298 million. This would provide more than enough to pay for the additional requests for WIC and childhood immunization.

We can no longer afford to halfheartedly proceed with slow and minimal investments. We no longer have the luxury or the time to ponder whether our Nation will be able to compete in the world marketplace during the next century. The grace period for deliberation is over. And so is the cold war. Let's set our national priorities straight.

I urge you to support this amendment today. If we fail to act, the most vulnerable children will be consigned to illness, school failure, and even death. There will be no greater disaster for the Nation.

Mr. WHITTEN. Mr. Chairman, I rise in support of the subject, but in opposition to the amendment.

Mr. Chairman, I believe in this program and we should protect it.

As chairman of the Appropriations Committee, may I read the facts to you. Since 1983, we have increased the WIC appropriation $1.4 billion to where it is now in fiscal year 1992—$2.6 billion. My colleague was talking about an assumption by the Budget Committee, not a request from the Office of Budget and Management. We have a law now, and it is the law, that if we exceed the ceiling under the Budget Act we have to cut something by an equal amount.

□ 1600

So if this amendment were adopted, we would have to cut other programs by an equal amount or else we would exceed the ceiling, which then would mean sequestration.

Mrs. SCHROEDER. Mr. Chairman, will the gentleman yield?

Mr. WHITTEN. I yield to the gentlewoman from Colorado [Mrs. SCHROEDER].

Mrs. SCHROEDER. I thank the gentleman for yielding.

Mr. Chairman, the gentleman nicely crafted this bill to say these are dire, urgent needs that should be outside the budget as were the others, including the S&L.

Mr. WHITTEN. That is right. But you cannot keep the executive branch and the courts from determining whether we are right or wrong.

Mrs. SCHROEDER. But I think we would want the President to care about children.

Mr. WHITTEN. Let me say to the gentlewoman further about whether this is a dire emergency. In 1983 we increased the WIC Program by $100 million over the budget request, in 1984 by $133 million, in 1985 by $246 million, and this year we have provided an increase of $250 million above last year, and $26 million above the budget request. At this point in the RECORD I will insert a table which shows what we have done for the WIC Program.

[The table follows:]

FUNDING FOR WIC PROGRAM

[In thousands of dollars]

	Budget request	Appropriation	Appropriation versus budget request	Difference from prior year appropriation
1983	1,060,000	1,160,000	+100,000	
1984	1,226,986	1,360,000	+133,014	+200,000
1985	1,254,288	1,500,000	+245,712	+140,000
1986	1,479,800	1,590,000	+110,200	+90,000
1987	1,617,000	1,663,497	+46,497	+73,497
1988	1,687,541	1,802,363	+114,822	+138,866
1989	1,876,749	1,929,362	+52,613	+126,999
1990	1,961,362	2,126,000	+164,638	+196,638
1991	2,215,248	2,350,000	+134,752	+224,000
1992	2,573,400	2,600,000	+26,600	+250,000
Total			+1,128,848	+1,440,000

Mr. WHITTEN. I just say that the gentlewoman is running a risk to identify this as a dire emergency when they have a $250 million increase above what they had last year and then to ask the President to accept it and not cut other programs.

Mrs. SCHROEDER. If the gentleman would yield further, let me say first of all that I thank the chairman because the chairman has been very good about increasing it every time.

Mr. WHITTEN. And I will tell you this, Mr. Chairman, if they run out of money, based on our prior experience, the Congress will provide it.

Mrs. SCHROEDER. But the great tragedy is we keep having more children tumble into poverty than we have increased the program.

Mr. WHITTEN. And if you cut other programs by the amount of men you have here, you will deprive them of a whole lot of other fine programs that they have now, that they enjoy now.

Mrs. SCHROEDER. Well, I think if the chairman will yield, we are so far away from meeting where we should be on WIC and those kinds of programs, and with the unemployment running at the rate it is, it seems to me children should be our first—

Mr. WHITTEN. The Committee on Appropriations has increased the WIC Program by over a billion dollars over 10 years.

Mrs. SCHROEDER. I know.

Mr. WHITTEN. So whatever the fault is, it is not the fault of the Committee on Appropriations.

Mrs. SCHROEDER. And we still have very, very few children served.

Mr. WHITTEN. I did say I was in favor of what the gentlewoman is trying to do, but I am just opposed to the amendment at this time because it is not a dire emergency and will cost a lot of other things in other programs.

Mrs. SCHROEDER. Well, I guess I basically disagree with the chairman. I think if you were a young child, for our future it is a dire emergency.

Mr. WHITTEN. We have common goals but all the same we have different ideas about what will help.

Mrs. SCHROEDER. I thank the chairman.

Mr. WALKER. Mr. Chairman, I move to strike the requisite number of words, and I rise in favor of the subject matter and against the amendment.

Mr. Chairman, this is another of those amendments that helps define who the Democrats are who run the Congress as opposed to what the rest of the country believes on some of these matters.

The gentlewoman from Colorado has described her amendment as being one that helps families, and tries to prevent dysfunctional families, and it helps in the case of poverty.

Let me suggest that according to what the Heritage Foundation has found in a recent study, what this amendment really does is prevent 500,000 American families from getting $3,000 in tax relief because the cost of the gentlewoman's amendment is such that under the formula devised by Scott Hodge, a fellow at the Heritage Foundation, the gentlewoman's amendment would cost 500,000 American families their ability to have $3,000 in tax relief.

Let me suggest to you that most of the families in this country would prefer to have the $3,000 in tax relief.

One of the reasons is when families are taxed out of their ability to provide for themselves, they become dysfunctional. When families can no longer afford the tax burden, they fall into poverty. That is precisely the route that this Congress has taken families on for the last several years. We tax and tax and tax and families become more and more incapable of being able to provide for themselves. They sink further and further into poverty. They become more and more dysfunctional. They find ways to split up the families in order to qualify for welfare benefits.

That is the result of us taxing too much. This is another amendment which, by the formula, will add to the burden of American families or at least assure that the burden is not taken off. I would guess that the two congressional districts—and that is the figure here—that this amendment would cost two whole congressional districts, every household in those congressional districts their ability to get $3,000 in tax relief.

My guess is that there are a couple of congressional districts across this country where the people who are living in poverty would prefer to have the $3,000 rather than this amendment, that the $3,000 represents for those families nearly one-quarter of all the income that they get in a year. And they would prefer to get the $3,000 relief; it would be worth more to them than any of the host of programs that we have. That is the effect of this kind of amendment, we rob from the American people their ability to do for themselves because we are taking it away in taxes. I think some of us would prefer to have some tax relief given to the American people.

Mrs. SCHROEDER. Mr. Chairman, will the gentleman yield?

Mr. WALKER. I yield to the gentlewoman from Colorado [Mrs. SCHROEDER].

Mrs. SCHROEDER. I thank the gentleman from Pennsylvania for yielding to me.

Mr. Chairman, let me first of all say that the families that we are talking about are not paying taxes, they are below the poverty line.

Mr. WALKER. Let me reclaim my time. Under my formula, if I am talking about congressional districts, I am talking about every household in a congressional district. So those poverty families, whether they are paying taxes or not, would still be eligible for the $3,000 under this formula. So let me suggest to the gentlewoman that she is robbing two congressional districts of the ability to do that.

Mrs. SCHROEDER. If the gentleman would yield, second, then the gentleman from Pennsylvania disagrees with the Fortune 500 CEO's who came to this Congress and said this is the best investment in the American taxpayers' portfolio, because every dollar spent here saves that taxpayer more than $1, in many cases as many as $14, the very next year. Does the gentleman not think that is a good investment?

Mr. WALKER. Reclaiming my time, the gentlewoman may be lining up with the Fortune 500 these days, and that is not surprising either. The Democrats, the Democratic Party seems to be doing a good job of reaping the money out of the big corporate PAC accounts these days. So maybe that is where the gentlewoman is getting her advice. As far as I am concerned, I am for the American family, I am for those kinds of families she talked about. I think they are being taxed to death, and one of the reasons why they are being taxed, in all honesty, is because we provide so much welfare to corporations and we provide so much welfare to rich people in this country and it would be a help, it seems to me, to get some people some relief, give them the $3,000 I am talking about, rather than having these kinds of programs.

So the gentlewoman may in fact be talking—likes to talk to the CEO's; I personally prefer to talk to the American family.

Mrs. SCHROEDER. If the gentleman would like to join me in getting tax relief for the middle-class families, believe me, we can try harder.

Mr. WALKER. That is exactly what I am trying to do here. That is what I am trying to do here, I tell the gentlewoman. I am suggesting that the way in which you get tax relief for the American families is to stop spending away every dime that we take in, plus some. And in this particular case, according to the Heritage Foundation, you are spending in this particular amendment an amount that will cost 500,000 families their ability to get

$3,000 in tax relief. So I say to the gentlewoman she may have a grand scheme for getting tax relief, but the problem is her grand scheme does not seem to ever get them tax relief.

The CHAIRMAN. The time of the gentleman from Pennsylvania [Mr. WALKER] has expired.

(By unanimous consent, Mr. WALKER was allowed to proceed for 1 additional minute.)

Mr. HEFNER. Mr. Chairman, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from North Carolina.

Mr. HEFNER. I thank the gentleman for yielding to me for just a question. I am certainly for tax relief. But under the gentleman's formula, he said there would be $3,000 relief for every family household. Would that be, if you were a millionaire you get the $3,000 tax relief?

Mr. WALKER. I would say to the gentleman, precisely there would be $3,000 for every household in the district and most of those households in most districts, unless the gentleman's district is different than mine, most would be middle-class families who need tax relief—

Mr. HEFNER. I am just asking for a "yes" or "no" answer.

Mr. WALKER. Most would be middle-class families.

Mr. HEFNER. The answer is "yes" or "no."

Mr. WALKER. The tax relief would be given out of that $3,000 for upper-income, the point being that the middle-class families and the poor families deserve the $3,000. That is exactly what the gentlewoman is taking away in her amendment; she is taking away from the ability of American working families to get the kind of tax relief that would give them a chance to not be dysfunctional and not fall into poverty.

I am simply suggesting we ought not spend money that way. Every time we spend money that way, we are in fact robbing from the American families. The gentlewoman says she is doing this on behalf of the CEO's of the Fortune 500 companies. Well, that is her calculation. I do not think it should be ours.

Mr. HEFNER. I thank the gentleman for yielding.

Mr. SANDERS. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment.

Mr. Chairman, this country and this Congress and I are going to have to make some very fundamental decisions in the coming weeks and months. We will need to determine whether to stand with the 20 percent of our children who live in poverty and, my friends, that is the highest rate in the entire industrialized world, or in the coming months whether we are going to side with the military-industrial complex and pump billions of dollars into star wars and B-2 bombers and other military programs, despite the fact that we no longer have a major military adversary.

Mr. Chairman, it is unacceptable in the United States—where 1 percent of the population owns 35 percent of the wealth, and where the wealthiest 1 percent of our population earns more income than the bottom 40 percent—that 5 million children in this country go hungry today.

□ 1610

Mr. Chairman, it is unacceptable that we rank 22d in the world in terms of infant mortality. That is not what the United States of America is supposed to be.

Mr. Chairman, this Congress will soon be looking at spending $290 billion more on the military, $80 billion more on the S&L bailout, and $25 billion more for foreign aid. If we can afford those appropriations, we can afford $1.4 billion for the children of this country in such worthwhile programs as Head Start, WIC, and childhood immunization programs.

Mr. Chairman, I will not forget a meeting that I held several months ago in Newport, VT, in the northern part of our State, where the workers there were telling me about hungry children in the State of Vermont, and those hungry children exist not only in Vermont, but in every State of this country.

Mr. Chairman, let us feed the children first, educate the children first, and worry about the military-industrial complex later.

Mr. Chairman, I very strongly support the amendment of the gentlewoman from Colorado [Mrs. SCHROEDER].

Mr. TRAXLER. Mr. Chairman, I move to strike the requisite number of words.

My colleagues, I would not want to let this opportunity go by without discussing the WIC portion of the amendment and simply advising the membership of the following: that since 1983, and going through the appropriations bill of 1992, the Subcommittee on Agriculture has been very sensitive to the needs of those persons on WIC. It is an excellent program and has enjoyed the support of the subcommittee led by the gentleman from Mississippi [Mr. WHITTEN].

Let me tell my colleagues over these years what the subcommittee has done so the record is clear and that every Member understands the support that the program has received in the subcommittee and on the part of the general membership. Let me just say that this year alone the subcommittee received a letter signed by some 240 Members of this body urging the subcommittee to increase the WIC appropriation by $350 million over last year. Now that is not small potatoes. That was more than a 10-percent increase that 240 Members of this body requested of the gentleman from Mississippi [Mr. WHITTEN] in the subcommittee, and, in keeping with the traditions of prior years and in adequately funding the program, Mr. WHITTEN in the subcommittee did that.

I would like to say that within the total congressional budget, the subcommittee has added moneys to this program each and every year above the Presidential request. The subcommittee has carefully observed budgetary priorities and the overall congressional budget, which of course does not exceed the President's total request. Indeed the congressional budget only deviates, as most of my colleagues know, from the Presidential request by no more than 7 percent. In some instances we move around some of the discretionary items in our disagreements over military versus discretionary expenditures.

I should tell my colleagues that in 1983, the subcommittee added $100 million to the Presidential request, in 1984 the subcommittee added $133 million; in 1985, $245 million; in 1986, $110 million; in 1987, $46 million; in 1988, $114 million to the Presidential request; in 1989, $52 million; in 1990, $164 million; in 1991, $134 million; and in 1992 we added $26 million. Actually the Presidential request was not totally unreasonable this year, but we did concur with the recommendations of 240 colleagues who sent us this letter.

Remember that this was all done within the congressional budget resolution. It did not bust the budget. These are sensitivities that the committee has to the poor of America.

Mrs. SCHROEDER. Mr. Chairman, will the gentleman yield?

Mr. TRAXLER. I yield to the gentlewoman from Colorado.

Mrs. SCHROEDER. Mr. Chairman, I want to thank the gentleman from Michigan [Mr. TRAXLER].

Mr. Chairman, the gentleman is correct. That letter was begun by many of us on the Select Committee on Children, Youth, and Families, and what we were asking for is what we are asking for in this amendment, the $2.7 billion which brings us up to a level where WIC would then serve 61 percent of the eligible people. We are only off $100 million. But we think it is very important to do the full $2.7 billion that was in the budget agreement. That is what the letter was about.

Mr. Chairman, the gentleman from Michigan [Mr. TRAXLER] is absolutely correct. I think the gentleman from Michigan has done a wonderful job in increasing WIC. I am just saying, "Let's try to keep it right at that budget number. Let's go full bore, and we're still only going to be feeding 61 percent of the kids that need it."

So, that is our whole point, and I think the gentleman from Michigan [Mr. TRAXLER] put that in a good framework.

Mr. TRAXLER. Mr. Chairman, I thank the gentlewoman from Colorado [Mrs. SCHROEDER] for her valuable contributions.

Ms. NORTON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of the amendment offered by the gentlewoman from Colorado [Mrs. SCHROEDER].

Mr. Chairman, it is time we cease treating our children as second-class citizens and gave them the priority treatment they deserve. The time is past due to pay up on the lip service we have often heard for full funding for Head Start, WIC, and childhood immunization.

Children in this country constitute a human emergency, Mr. Chairman. They are in crisis. That crisis has reached devastating proportions throughout the country. But its most untenable manifestation is in the showplace of the Nation's Capital. Just listen to some of the catastrophic statistics that were recently reported by the Children's Defense Fund.

One in three District children lives in poverty, a rate 40 percent higher than the national average. An infant born in the District is less likely to survive until her first birthday than a baby born in Cuba or Jamaica. The District's black infant mortality rate placed the District last among States and last among the Nation's largest cities with measurable black infant death rates. The District's overall low birth weight rate is the highest of any State. The District ranks next to last among States in the percentage of infants born to women who receive early prenatal care. Between 1985 and 1989, the infant mortality rate increased by 12 percent. Immunization rates for 2-years-old in the Nation's Capital are as low as those of Third World nations such as Haiti.

Mr. Chairman, these statistics are unworthy of a rich democracy and certainly of its proud Capital. Mr. Chairman, they are more typical in this country than we want to admit. They are as good an argument for emergency assistance for our children as we are likely to find.

Head Start, WIC, and childhood immunization have proven their effectiveness. I was pleased to join the National Immunization Campaign earlier this year as a member of the honorary congressional committee. Now it is time to honor our children by assuring their survival and good health.

Mr. HALL of Ohio. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the amendment put forth by Congresswoman SCHROEDER. There are those who would question whether this amendment is germane. But, I would answer by saying that if the levels of poverty and hunger currently plaguing 13 million children in this country don't constitute a dire emergency, then I think we all need to be reeducated about just what an emergency is.

Between 1989 and 1990, some 1 million more children fell into the clutches of poverty. They account for 15 percent of all homeless persons and are the fastest growing segment of the homeless population. Three out of very four persons requesting emergency food assistance at soup kitchens and food pantries are either children or their parents. We have a national infant mortality rate that ranks us 21st among all industrialized nations. In the Nation's Capital less than half of all 2-year-old children have received the immunizations to protect them from preventable diseases like the measles and whooping cough. This, Mr. Chairman, is more than a dire emergency—this is a national disgrace.

Earlier this year, I introduced the Freedom from Want Act, legislation that incorporates a 5-year program for full participation in the WIC Program. The amendment was authored by Congresswoman SCHROEDER. The amendment calls for increased funding for childhood immunizations. The National Academy of Pediatrics has estimated that only 7 of every 10 children under the age of 2 years has been immunized. Mr. Chairman, these facts alarm me. I think we all ought to be worried.

We have a chance today to do something about these conditions in an efficient and cost-effective manner. Unless we exercise the political will once and for all to challenge these problems, we are going to continue to have children who don't live to celebrate their first birthday because we failed to provide them a healthy start in life.

Mr. Chairman, for those reasons I urge my colleagues to support this amendment.

□ 1620

Mr. SARPALIUS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, in 8 more weeks it will be Christmas, and this will be a Christmas that many children will enjoy, especially the rich children. We have seen that 10 years ago there were 17 billionaires in this country. Today there are 72.

Mr. Chairman, we will also see this Christmas that 20.6 percent of the children in this country are living in poverty.

This body has debated many issues that cost a lot of money. We spent $12.5 billion on foreign aid. Some of that money went to countries that never supported us in the United Nations. We wrote off $6.7 billion to Egypt. The President argued that we needed to do that. If he had looked out the window of the White House, he could have seen people sleeping on the streets.

We wrote off or we have spent $80 billion already on the savings and loan bailout, and we will spend another $80 billion. I heard in my committee today, in the Committee on Agriculture, that MFHA wrote off $8 billion in loans.

Mr. Chairman, I think it is time for us to look at where our priorities are and where we spend our money. I think it is time for us to start concentrating on those programs that are truly beneficial to the people who need help in this country.

Mr. Chairman, if this amendment is approved, we will be able to save 40,000 lives of infants, representing deaths that will occur every year in this country. I think that is deserving of a higher priority than writing off $6.8 billion to Egypt or bailing out savings and loans. I think it is time to start focusing on the real problems in this country, and that is our children and the needy people in this country.

Sure, it is expensive. There are those who will argue that we cannot afford it, but I think if our heart really went out to these people, if we could feel the pain of a mother when she has to bury her infant child, we could feel the pain of coming up with the money to invest in these programs that have proven to be successful.

Mr. Chairman, I urge my colleagues to look strongly at this amendment and give it their support.

Ms. WATERS. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment offered by the gentlewoman from Colorado [Mrs. SCHROEDER].

Mr. Chairman, I rise in support of the Head Start Program and the appropriation for the Head Start Program because I know what this program can do. I worked in the Head Start Program for a number of years. I was supervisor of parental and volunteer services. I worked with the children, and I worked with their families. We learned in Head Start that we can build self-esteem. We learned in Head Start that we can teach parents that they can be in control of their children's destiny and their educational future.

Everyone in this country agrees that Head Start works. Yet Head Start has gone on since its inception without adequate pay raises for its teachers, without correct plants for the children to operate in, and without increases for food and materials. We keep saying that we love Head Start and we know how well it works, yet we are not willing to appropriate the dollars that are necessary to be sure that we cover more children and that we get more children ready for the educational experience.

This administration talks about empowerment. If we really want to empower people and families, we will support good, proven programs like Head Start. We will invest in our children.

I would ask the Members of this Congress to stop giving lip service to Head Start and instead of just talking about how much we love it, embrace it with appropriations.

On the issue of the WIC Programs, it is unconscionable that we would allow women and children to be hungry in this country. I have been lobbied in recent days by any number of good Members of this House who are asking me how I am going to vote on foreign appropriations. I have sent them back to say that I am not voting for any foreign appropriations until we show some willingness to do something about a domestic agenda right here in America. I am concerned about others, and, of course, we have shown that concern in many other ways. While we bemoan what happens to the Kurds and what happens to people in Bangladesh and other places, I do not hear the same kind of care and concern about what happens right here in the Nation's Capital, what happens right up there in the Bronx and Harlem, and in Watts and rural America.

Mr. Chairman, I say that if we cannot support our own, then we should not come to this floor and ask America to continue to give to everybody else. Let me just say that we can prevent children from dying. We have put money into research. We know that through immunization programs we can prevent disease and death. Why do we invest all this money if we do not intend to use it?

I do not believe we should be in a protracted debate about this amendment. I think that the American people support this amendment. They want us to support our children, they want us to support our communities, and they want us to give our children a head start.

Mr. Chairman, I ask for an aye vote on the amendment.

Mr. MILLER of California. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in very strong support of the amendment offered by the gentlewoman from Colorado [Mrs. SCHROEDER].

I think the gentlewoman from Colorado has put her finger right on the issue here for all of us. Our constituents, the American public, families in need and children at risk, have listened to every one of us talk about how much we support these three vital programs to prevent individual and collective tragedies happening to children and families in need in this country, children and families who really, through no fault of their own, end up in dire situations that threaten the very lives of the very young children and the educational opportunities of these children.

I do not think there is a Member in this Chamber who has not gone out and said how much they support the Head Start Program, how much they support the Women, Infants, and Children's Program. We have all recited as a matter of fact and from memory that the WIC Program saves us $3 in immediate Federal hospitalization costs for every dollar we invest. We have all cited from memory that it saves us $10 for every dollar we invest in immunization. We have all recited the stack of evidence, from study after study by the Reagan administration, the Bush administration, the Carter administration, by Harvard, Yale, Stanford, Rand, the Fortune 500, the Conference Board, everybody that has looked at these programs, and they have all come to the same conclusion, that this is an incredibly wise investment of the money of the taxpayers, of our constituents.

Not only is this a wide investment of taxpayer dollars but it is an incredibly wise investment in the future of these children. The gentlewoman from Colorado and others who have spoken are not standing here to ask us to expand the eligibility to include some new group of children, some new family, to raise the level of entitlement, or to raise the level of participation. That is not what is at issue here. We are simply asking the Members to keep a promise that we made over and over to these families when we told them they would be eligible, when we told the pregnant women, the mothers of newborn infants, that "If your child is at high risk of dying, of not surviving, we will try to get you food vouchers so you can get high protein foods so you can improve the term of your pregnancy and we have a greater chance of delivering a baby at normal birth weight," because if we fail to do that, we know that those are some of the most expensive babies born in the history of this country. When we get a low birth weight baby with complications, we know that they run $1,000, $1,500, or $2,000 a day.

That is the agreement that we made. We came back in the last year or so, and we reconfirmed that agreement. We said we are going to go to full funding, that we are not going to change the eligibility, but we are going to make sure that those pregnant women in need and those children in need get these services. That is what the Schroeder amendment does.

□ 1630

It matches the political rhetoric with our actions. It takes away the duplicity, as we heard from the gentleman from Pennsylvania, as he talks about how he supports the program, but he just could not find it in his heart to come up with the money. We are all aware of that kind of duplicity. We are all aware of those kinds of hypocritical statements.

Either you support the program, or you do not. That is the fundamental and crucial issue here. Because we have said time and again that this is the most worthy of the low-income, at-risk individuals. These children did not ask to be born into low-income family. These children did not ask to be involved in a pregnancy at high risk of having that pregnancy go wrong, with all of its complications. These children did not ask to be put at risk of measles and other disease that we can immunize them against.

These are the actions that a society who cares about its children take. We have the President standing before this country telling us that he wants every child to be school ready, that he wants every child to be able to take advantage of all of the opportunities that we can offer them in whatever school district they attend. Yet we know that the key force in getting children school ready is to have healthy children and to have a program like Head Start to help those children who are economically and culturally disadvantaged.

The CHAIRMAN. The time of the gentleman from California [Mr. MILLER] has expired.

(By unanimous consent, Mr. MILLER of California was allowed to proceed for 2 additional minutes.)

Mr. MILLER of California. Mr. Chairman, that is what we have said. That is the programs we have put in place. What we have now done is just failed to deliver. We have simply failed to deliver to the most desperate members of our society, to the newborn infant at high risk of never seeing its first birthday, and for the children who are going to fall behind on the first day of school and continue to fall behind every day thereafter.

Now, we will spend millions, hundreds of millions of dollars, trying to reteach them how to read. We will have remedial math and remedial reading programs. We will try again in high school. We will try again in community college. We will spend money on dropout prevention.

One of the programs that we know works in terms of mitigating so many of those bad outcomes is the Head Start Program. It was even Ron and Nancy's favorite program. It did not keep them from cutting the money, but he told the public it was their favorite program and they wanted to support it.

So the question is now will we match the political rhetoric that all of us have engaged in out districts with the full funding of these programs, not changing eligibility, but just inviting those children who are already eligible to participate in immunization, in Head Start, and in the Women, Infants, and Children's Program.

Mrs. SCHROEDER. Mr. Chairman, will the gentleman yield?

Mr. MILLER of California. I yield to the gentlewoman from Colorado.

Mrs. SCHROEDER. Mr. Chairman, I just wanted to thank the gentleman from California [Mr. MILLER]. He preceded me as chair of this committee. The gentleman from California spent years proving these were the most cost effective investments in our portfolio.

When the gentleman from California can convince Fortune 500 executive to come here and say this is the work force of America, Congress, wake up and do it, and we are still allowing 25 percent of the current eligible kids into Head Start, we are not getting the message.

Mr. Chairman, I thank the gentleman for his hard work and dedication. I really appreciate the gentleman's challenge to this body and to America to do what is right.

The CHAIRMAN. The time of the gentleman from California [Mr. MILLER] has again expired.

(By unanimous consent, Mr. MILLER of California was allowed to proceed for 1 additional minute.)

Mr. MILLER of California. Mr. Chairman, the gentlewoman from Colorado [Mrs. SCHROEDER] makes a very important point, because there is really no escaping this issue to Members who will have to vote in a few minutes.

You did not like the evidence when the people first proposed this program. You did not like the evidence from HHS. Then the evidence was brought from the medical schools, and that was somehow suspect. Then the evidence was brought from the schools of public health, and that was somehow suspect. Then evidence was brought from the various organizations that work with these children. That somehow was not good enough. Then the CEO's of the major corporations got together. They looked at the programs, and that apparently is not good enough.

What is it that will make you understand that this is about an investment in our children and the future of this country? There is no more evidence we can bring you. All your policies of not funding this program do is allow us to bring you the tragic side effects of not funding these programs, and that is the babies that die in the first year, the children that drop out of school, and the billions of dollars you have to fund for remedial programs.

Why do we not put the money in an investment up front on behalf of the children?

Mrs. COLLINS of Michigan. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of the Schroeder amendment to the dire emergency supplemental appropriations bill, H.R. 3543.

Millions of children in this country are mired in poverty and deprivation. Over 2.5 million more children have fallen into poverty during the last decade, raising the total to an astounding 12.6 million poor children in America. There can be no doubt that their plight for basic necessities is a desperate one.

These children do not get enough to eat and often lack proper nutrition and good medical care. Moreover, they tend to receive poor schooling, and spend a lifetime being disadvantaged and are substantially behind compared to their peers.

Currently, only about half of all poor children are immunized. Nationally, approximately 55 percent of low-income and nutritionally at-risk women, infants, and children receive WIC services. In 1990, less than a third of eligible children were served by the Head Start Program.

Our continuing neglect of children's needs in health, education, and social services has become a national disgrace, with obvious long-term economic consequences for the country. We can take steps to invest in our children today or continue to subject them to poverty, ill health, and poor education.

We certainly have an obligation to support emergency relief programs such as those included in this bill. However, we owe our children the same commitment we gave the people of Kuwait during Desert Storm.

Our primary goal should be, first and foremost, to create a better life for America's children, especially those who are today deprived of the most basic necessities of a decent life.

The Schroeder amendment brings us closer to achieving this goal. I urge Members to join me in supporting this sensible amendment.

Mr. HAYES of Illinois. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I had not intended to address myself to this issue, but conscience would not let me sit there and see the kind of performance that was put forth here in opposition to the Schroeder amendment, which I strongly support, that completely distorted the issues involved.

Mr. Chairman, I asked myself the question, where is the heart of we Members of Congress if we cannot speak out on the survival of our young? Some of us are quite hypocritical when we say we are for the right to life. It is a little bit hypocritical to be strong on that kind of issue, and then turn around and, after some kids get here who are poor, who are descendants of poor parents, who do not have anything to eat, when we cannot find money in order to find something to fed them with.

Mr. Chairman, Head Start has been one of the most successful programs sponsored and administered by the Federal Government. It is not a racial thing either, as some Members might think Many of these children are white kids who are beneficiaries of this kind of program.

Mr. Chairman, to be in a position where even we as Members cannot find money to give food to kids in this kind of program, or cannot find money to help them get medical care when they need it, or help a mother who needs prenatal care in order to get it, where is our money going? We ought to ask ourselves that question.

Mr. Chairman, this has to become one of our priorities. I have been advised on this House floor that one Stealth bomber costs $866 million.

□ 1640

This program, as I understand it, all it costs is $1.3 billion. So all we have to do is to have as a priority not to build two Stealth bombers, and we can support this kind of program. And I think this ought to be one of our priorities.

To talk about, as I heard on this floor, to do something to give people tax breaks to the tune of some $3,000, I want to reemphasize again, some of the people that we are talking about, helping, they do not make any money at all. How are we going to help them with a tax break? They would be glad to have a decent job and pay taxes and reduce the amount of money it takes for some kind of support program such as public aid or public assistance.

If we help them, if the Government would become an employer of major consequence to help find a way to rebuild our cities, rebuild our schools. I have got kids in Chicago who will have to stand up in the cold or go into some vacant building this winter waiting on a bus to take them to school because they have discontinued, do not have money for the kind of transportation programs that they used to have in Chicago.

So we ought to think about these kind of things, and as Members of this august body, stop kidding people and begin to put money where it helps people. Help to build this society.

One of the strongest defenses we can ever have is to help educate our young, and the Head Start Program is the place to begin that kind of program.

I want to suggest, think, think about people, young people. Some of us have reached the twilight zone of our own careers, and we ought to be thinking about what tomorrow will hold for those who will follow us, and that is our young. Let us feed them. Let us educate them. Let us clothe them, give them a chance for life with adequate health care. This is what it is all about, and a decent place to live. And we have to begin somewhere, and the Head Start Program is a beginning.

Crime is eroding not only my community. It is spreading into the suburbs in and around Chicago. One of the best ways to combat that crime is to get our young to understand through education that there is another direction to go.

Mr. DURBIN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, let me say at the outset that I am a member of the Committee on Appropriations Subcommittee on Rural Development, Agriculture and Related Agencies, which has the responsibility for funding most of these programs.

I salute the chairman of that committee, the gentleman from Mississippi [Mr. WHITTEN]. I can tell the Members of the House on both sides of this debate that he has labored long and hard under the strictures of Gramm-Rudman, the budget summit agreements, and our budget process to find as many dollars as possible for these worthy programs.

I think we have done a good job, Mr. Chairman. I really think we can be proud of that job, and I think the gentleman from Michigan referred to that earlier.

I, too, rise in support of the amendment by the gentlewoman from Colorado. Those of us who are reading the newspapers lately hear all the sorts of commentary and speculation about the damage that is being done to America by divided government, a Republican President and a Democratic Congress, a government that cannot act, a government that has no vision, no direction, no heart, no purpose. People across the United States of America are watching us and saying, "What are you good for? What do you stand for?"

This amendment, and the reason I am rising today to speak to it, is, I think, the nexus of an issue that should bring the entire House of Representatives not only to vote but to debate. What the gentlewoman from Colorado poses today is a critical question about America's future.

What we are talking about here is an issue which many Democrats now run away from because it is an issue of poverty. And we know, as Democrats, when we say the word "poverty," that for many people across America they automatically envision in some inner city a black mother with a large family.

Many people are repulsed, saying, "Stop throwing money at that problem. It never works."

Let me correct that image. The programs we are talking about today serve those mothers and those children, but these programs also serve whites and blacks, Hispanics, urban and rural. They serve large families and small families alike.

Members of the House, they are dramatically successful programs. For over 20 years they have lifted American families on the brink of devastation out of poverty.

Is this good news for the improverished? It is. But it is good news for middle America, too. The family lifted out of poverty by Head Start with a helping hand from the WIC Program, with healthy children from immunization, that family is less likely to have a child who falls behind in school and costs that middle-income taxpayer more property taxes to keep this child in school an extra year. The family that is helped by these programs is less likely to have a school dropout, which is expensive for all taxpayers, not to mention our country.

The children in Head Start are less likely to become teenage mothers, mothers of crack babies that cost us millions of dollars each year. That is what these dollars go for, to avoid those tragedies, not just human tragedies but economic tragedies.

The children who participate in these programs are less likely to end up as criminal statistics and welfare statistics. This is an investment. It is an investment in an emergency facing America.

I say to those who believe that it has no place in this bill, think twice. I say to a President and an administration who might threaten to veto, "If you are looking for an emergency, don't always look overseas. If you are looking for an emergency, don't wait for a fire, a drought, a flood, or a crop failure. Take a look at the failure in America, the failure to educate our children, to immunize our children, to prepare them for the future."

The biggest growth industry in America today is the construction of prisons in every State in the Union. Criminals should be in prisons, but can we think far enough ahead to try to help some children avoid that possibility? That is what this amendment is all about.

There is a clear difference and distinction between those who would say, "We can't afford it; we can't afford to take care of our children; we can't afford to solve these problems," and those who would say, as the gentlewoman from Colorado, "If we can't afford this, then why in the world are we here?"

This is what Congress should be about. This is what this body should be about. If we are going to respond to America's problems and prove that we are worth a penny of our pay, we have got to respond to the problems facing our children and support the amendment by the gentlewoman from Colorado.

Mr. FAWELL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I do not know what to say. I sit here and I listen to these speeches, and I know they are well intentioned. And I know they come from warm hearts.

But by golly, there is something that has to be said. We are all interested in these programs, and the WIC Program and the Head Start Program and food assistance. Here is another $1.390 billion. But might I ask, if we are so interested in these programs, then why have we not done something about it in regard to the regular appropriation bills? Why are these programs not then more well-funded within the caps?

I have sat here and I have watched people stand on the floor of this House and talk about pork that would sink a battleship. What we are in effect, saying here is that although we will not do anything about all that pork—the billions and the billions of dollars that I can recite—we will make these kinds of speeches on the floor supporting emergency spending.

For one person, and I can only speak for myself, I do not know what the proper words are to say. We have not balanced a budget for 22 years in a row. We know that we are going to have a half trillion dollars of new debt, and the only way we can figure out to help these children and these women is to come in here and ask for an emergency that we know is going to take us over the caps that we told all America we would live by.

We will live by those caps only if we get our pork and our payoff. We know we have got to spend $310 billion just to pay interest on the debt that comes from much of that side's inability to do anything but spend and spend and spend and talk about their great intentions.

For $310 billion they could have all their Head Start Programs, they could have their WIC Program. Then they get up and they preach to some of us on this side of the aisle, and they say, "We are going to have an emergency."

That is a code word. We all know that. It is the way to break the caps that we labored over.

□ 1650

The money is in those appropriation bills, but your will to do something about it and still not get your pork is standing in your way. You have got to make priority decisions. These are big priority decisions.

If these programs are so vital then why in the world have you not done something about it? That is what I am saying, because I support WIC and Head Start as much as you do. But when we say to my eight grandchildren and to our children that we are going to heap one-half trillion dollars of new debt on top of them, we are doing something terribly wrong to our children and to all of our grandchildren.

My gosh, we could have taken the $517 million from the transportation appropriation bill which funded 105 highway demonstration projects. Oh, no, we cannot do that. We have debated that point, and it has been very abundantly clear from that side that they do not want to touch that. We also have $150 million which was stolen from the VA/HUD, which funded 133 special purpose grants, but you would not want to do anything about that, would you?

We could cut $74 million from the Agriculture appropriation bill, which funded 155 special projects which were never authorized, and in regard to which there have never been any hearings. We did not have to renovate the U.S.S. *Kennedy*. I could go on and on.

When the gentleman get up here and preach on something like this, the words come through, as far as I am concerned, in a very hollow way.

You are saying "Yes, I will pay if you will let me have it like the good old days, when we did not have a $3.5-trillion national debt and have to spend the kind of money that we are spending just to pay interest on the national debt."

Mr. WEISS. Mr. Chairman, I move to strike the requisite number of words.

Mr. TRAXLER. Mr. Chairman, will the gentleman yield?

Mr. WEISS. I am pleased to yield to the gentleman from Michigan.

Mr. TRAXLER. Mr. Chairman, I will just take a moment of the gentleman's time to respond to the previous speaker, who apparently is not familiar with the budget process. I would ask him to go down to the White House and pound on the President's desk, because that is where it all starts. The budget that we voted on this year is about 94 percent of the President's budget. The only difference is that we move around a couple of percent. So the congressional budget fundamentally is the President's budget. If you do not like deficits, please go down to the President and ask him why he cannot submit a balanced budget.

Mr. WEISS. Mr. Chairman, I take back my time.

Does the gentleman from Michigan want me to continue to yield to him?

Mr. TRAXLER. The gentleman is very kind. I simply want to make the point that the President of the United States has set spending priorities for this Nation. It is within his budget the Congress appropriates funds. If the gentleman does not like how Congress is appropriating funds, that is one thing. To suggest that the Congress is a budget buster is total, utter nonsense, and I am tired of hearing it. That is not true. It is false and, in fact, it is libelous.

Mr. WEISS. The gentleman's words are well advised.

May I start out by commending the distinguished chairwoman of the Select Committee on Children, Youth, and Families, for offering this amendment. It is long overdue, and the statement by the distinguished gentleman from Illinois just underscores the point that the preceding chairman of the Select Committee on Children, Youth, and Families was making about the difference between our rhetoric and our performance.

Imagine saying that we are for all of these wonderful programs but they should have been funded in a different piece of legislation; except that when that other piece of legislation comes forward there is never an effort to fund such a program.

Now there is an emergency, and the budget process says that when there is an emergency, then in fact we can exceed the caps. And what the gentlewoman from Colorado is saying, if we do not have an emergency with our children and our families, then we have not seen an emergency.

Imagine, even after a decade or more of the WIC Program, still not funding that program anywhere close to 100 percent. Imagine an immunization program so lacking that we had, in 1989 and 1990, some 45,000 cases of measles reported in the United States of America.

Those of us who have had occasion to travel outside of the United States understand and are familiar with the highways and byways and streets of our own country know that we have reached the status of a Third World nation, and those who suffer most are our kids. The homeless mothers and fathers who are out there have their children with them, and we who pretend that we really care about kids allow that condition to go on day after day, month after month, year after year.

Then we argue, as for the better part of 20 years now we have been arguing, over a woman's right to choose as to whether she would or would not terminate a pregnancy. You would think that those who want to oppose that right would be the ones who would be leaping to the forefront to make sure that when those kids are born that they would be leading lives not of luxury, but at least of having the necessities available to them.

Mrs. SCHROEDER. Mr. Chairman, will the gentleman yield?

Mr. WEISS. I am happy to yield to the gentlewoman from Colorado.

Mrs. SCHROEDER. Mr. Chairman, I thank the gentleman so much for his generosity. I just want to point out that I tried very hard to get an amendment from the Rules Committee that would allow me to take this mere $1.3 billion out of either less than two B-2 bombers, some of the $300 billion we have in for defense, which we are more than willing to do for other things, some of the money for the CIA, and I cannot even figure out who they are going to spy against, or some of the other things we have in the budget. I am only saying this is less than two B-2 bombers. Imagine that.

If we do not keep our covenant to our children I really question what we are doing. I thank the gentleman for saying that, and I appreciate his being able to set the record straight on the remarks of the gentleman from Illinois.

The CHAIRMAN. The time of the gentleman from New York [Mr. WEISS] has expired.

(By unanimous consent Mr. WEISS was allowed to proceed for 2 additional minutes.)

Mr. WEISS. One final word, Mr. Chairman, about all of this terrible handwringing about how awful Congress has been in running up these huge debts. I remember at the beginning of 1981 when a new President came into office having this grand economic plan where he was going to cut taxes, but he was going to increase revenues for the Treasury. We had at that point a national deficit, a net national debt, of under $1 trillion, because that was the big debate as to whether in fact we would authorize borrowing to $1 trillion.

We have now tripled that. We have tripled it, under the most conservative of Presidents and administrations, because the richest in the society have benefited by 300 percent of their after-tax income, while the rest of this Nation has either gotten poorer or gone into poverty itself.

☐ 1700

We have to right that imbalance. We have to have a sense of proper order as to what is, indeed, important. We have to make sure that our kids do not continue to die in our streets because we do not give them the food and the nutrition and the medical care that they so desperately need.

I am pleased to support the amendment offered by the gentlewoman from Colorado.

Mrs. KENNELLY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the amendment to provide for additional funding for children in the dire emergency supplemental.

When disaster strikes, America answers the call. Whether it be typhoons in Bangladesh, wildfires in northern California, or food shortages in the Soviet Union, Americans have always been there to prevent a bad situation from getting worse. Let's show that same spirit today for our Nation's children.

Mr. Chairman, one in five American children live in poverty today. Too many American children do poorly in school because of inadequate nutrition. Too many American children are exposed to violence and drugs. They are victims of a social disaster just as flood survivors are victims of a natural disaster.

Naturally, many will be hesitant to appropriate additional dollars today. But I must ask if they will be any more ready to appropriate additional dollars tomorrow. Because I can assure the need for the money will be there.

We know very well what happens when do not heed the programs that work for our poor children.

Prisons are more expensive than student loans. Every dollar spent on preschool education returns $6 in the form of lower costs of special education and public assistance.

Lifelong illnesses are more expensive than childhood immunizations. Preventive medicine means a healthier, more productive, citizenry. An educationally stifled work force is more expensive than Head Start. We know Head Start works, yet 75 percent of the eligible children are still excluded from it.

Mr. Chairman, if children shooting children over jackets, higher infant mortality than some Third World countries, and staggering dropout rates do not qualify as a disaster, I do not know what does.

Please support this amendment.

We need a work force so we can be competitive, and yet if we do not have WIC, if we do not have Head Start, if we do not have nutritional programs, we can forget about having a competitive work force.

Mr. Chairman, if children shooting children over jackets, if higher infant mortality rates that are higher than Third World countries, if staggering dropout rates do not qualify this situation as emergency, then I guess we cannot recognize an emergency.

I thank the gentlewoman for putting up with what she has had to put up with to introduce this piece of legislation. If we do not address it, if we do not do something about it, we will see an emergency that we will not ever, in the history of the world, want to remember that we did nothing about.

Mr. ARMEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I will not take my 5 minutes. I will not prolong the debate.

Mr. Chairman, let me say that I happen to believe that the WIC Program is a good program, properly targeted, a program that effectively and realistically expresses the best of the compassion of the American people for those who most need our help, and I support that program.

As a matter of fact, as a member of the Committee on the Budget, I was approached by somebody from the other side as we were formulating the budget and asked if I would support another $175 million for the WIC Program. I enthusiastically agreed to do so. The gentlewoman from California who had approached me on this reminded me that, according to the rules under which we were operating in the Committee on the Budget, if we were going to increase WIC funding by $175 million, clearly money that would be well spent expressing the compassion of the American people, we would have to get that $175 million somewhere else, from something less important. I then suggested that perhaps they could take the money from the National Endowment for the Arts, and the gentlewoman from California declined to pursue the matter any further.

That is, in fact, a good illustration of the points that were being made by the gentleman from Illinois. We spend the taxpayers' money, and all too often, we spend it in a manner that is foolish, in a manner that is not necessary, in a manner that is less necessary, a manner that does not represent the best of American tastes, values, responsible compassion for our fellow citizens. In fact, we squander billions of dollars every year.

Now, with all of those spending programs in place such as those enumerated by the gentleman from Illinois, we are back on the floor today with a bill asking to pass a bill for additional spending, because we have defined what we believe to be a dire emergency.

Mr. Chairman, the problem with the case that we are bringing before the House today is that, in light of those spending habits which we have used day in and day out which are so unrepresentative of the good judgment, the good sense of priorities, the truly responsible caring and compassion of the American people, they do not believe this is a dire emergency except insofar as it may have been created by our fiscal irresponsibility. We cannot sell this as a dire emergency to the American people. We can only hold it up as an example of how we are found here with deficient funds to do what should be done, what perhaps must be done, because we first spent the money so foolishly and so unnecessarily on things that should not have been done and could have been done without.

Mr. CONYERS. Mr. Chairman, I rise in support of the amendment offered by the Congresswoman from the State of Colorado. We know that Head Start works. We know that the WIC nutrition program works. In light of the incredible success rate of these programs, it is a crime that current funding allows only 20 percent of all eligible children to participate. It is a crime against our youth that only some children are lucky beneficiaries—only some children are the chosen few. Chosen to eat, chosen to be healthy, chosen to be saved.

The opponents of the Schroeder amendment complain that it gives too much money to Head Start and to WIC. But I disagree; we have learned that for every $1 spent on early prevention and intervention, this country can save $4.75 in the costs of remedial education, welfare, and crime further down the road. The Schroeder amendment may save this country four times what it costs today. And those savings will come when the mothers and children who benefit from this provision grow and flourish into stable, healthy, well-educated human beings.

When faced with budgets running in the red, many States are choosing to balance their budgets on the backs of schoolchildren. In my own State, the University of Michigan's study of children's economic well-being clearly stated that Governor Engler's cuts in the State health programs will surely result in increased childhood neglect, poverty, abuse, and school failure. With all the pain and poverty being thrust upon our children, the least that our society can do is to feed, immunize, and educate this vulnerable class of citizens. Given the chance, any child participating in these programs can thrive and succeed. I ask my colleagues to join me in supporting the Schroeder amendment and give all of our children a fighting chance.

Mr. SMITH of Florida. Mr. Chairman, I rise today in support of the Schroeder amendment which will provide supplemental appropriations for the Head Start Program, the Women, Infants, and Children [WIC] Program, and the childhood immunization program. Mr. Chairman, these are significant and beneficial programs in desperate need of greater assistance.

In my home State of Florida, earlier this month, a tragic event took place: a 14-month-old baby boy died of complications due to measles. In 1991, babies are not supposed to die of measles.

But last year, more than 26,000 cases of measles were reported in this country. This figure is more than 17 times 1983 levels. One of the leading barriers to immunizations in this country is the fact that many parents simply do not know where or how to get their children immunized.

The Schroeder amendment will provide $90 million for the childhood immunization program. This appropriation will provide many children with the needed protection from many crippling diseases. Every dollar spent on immunization saves $10 in subsequent health costs.

Mr. Chairman, our Nation's children are in crisis. Their predicament is a national emergency. I hope that the passage of this supplemental appropriations bill will send a message to American families that early intervention is the best protection against disease, and that the childhood immunization program and the WIC Program can provide more protection for our Nation than 100 Stealth bombers.

Mr. OWENS of New York. Mr. Chairman, I supported the gentlewoman from Colorado's amendment to H.R. 3543, the dire emergency supplemental appropriations bill when it was considered in the House today. I have been fighting for years for equity in the treatment of our children in this country, and especially of our children from low-income and disadvantaged families. The programs that would be given emergency funding through this amendment—Head Start, WIC, and childhood immunization programs—are some of the most important programs affecting the education and health of this Nation's children. They are also some of the most successful programs that come to the assistance of this Nation's children and families.

Too many Members of this body believe that while these children and these programs are needed, they should not get the priority that would classify them for emergency funding. They would say that they are not dire emergencies. They would say that the taxpayers will not stand for appropriating another $1.39 billion to help our poor urban and rural children.

Yet, many of the same Members believe that it is essential to spend another $80 billion in similarly emergency funding to bail out more of our failed savings and loan associations. It may be essential to spend even billions more to bail out our commercial banks as more of them get into similar trouble.

I agree with some of my colleagues that the money to cover these emergency funds and other just as worthwhile social needs should be taken from the existing budget. I do not understand why this body insists on maintaining a budget agreement that arbitrarily divided the domestic category and the defense category without permitting any transfers between the two.

In today's world, we do not need all of the defense money that was previously dedicated to weapons systems that have become obsolete or which are simply not needed.

Scapping just two of the administration's precious B-2 bombers would pay for this amendment and address many other social needs as well.

The money could also be taken from the foolhardy star wars programs, or from the new battleship being planned, or from the intelligence accounts. I believe most of America would prefer to spend money helping children get immunized or buying milk for infants rather than paying for a few more spies to travel the globe.

Mr. Chairman, the dire emergency appropriations bill is supposed to provide funds for emergencies that just can't wait until the next funding cycle for the next infusion of cash. The poor children in our Nation have been steadily sinking further and further into just such an emergency for the last decade, ever since they first started waiting for the crumbs to trickle down in the early 1980's. The funds the Schroeder amendment will provide are not to help a town to rebuild after an earthquake or a hurricane, they are to help families and children survive. Both are important and laudable goals, and in today's environment, both are emergencies and deserve funding under this bill.

In closing, Mr. Chairman, I hope that in the not-too-distant future, it will not be necessary to bring such an amendment to the floor. One day all of our children will be well fed, well clothed, well educated, and will have ample quality health care. But today, and for the foreseeable future that is not the case. Our children need us, and I am glad that this body answered their cries for help by passing the Schroeder amendment. I only hope that we can continue to do so in future legislation that comes before the House.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Colorado [Mrs. SCHROEDER].

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mrs. SCHROEDER. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 243, noes 180, answered "present" 1, not voting 9, as follows:

[Roll No. 347]

AYES—243

Abercrombie
Ackerman
Alexander
Anderson
Andrews (ME)
Andrews (NJ)
Annunzio
Anthony
Applegate
Aspin
Atkins
AuCoin
Bacchus
Barnard
Bennett
Berman
Bevill
Bilbray
Bilirakis
Boehlert
Bonior
Borski
Boucher
Brooks
Browder
Brown
Bruce
Bryant
Bustamante
Byron
Campbell (CO)
Carr
Clay
Clement
Coleman (TX)
Collins (IL)
Collins (MI)
Condit
Conyers
Costello
Cox (IL)
Coyne
Cramer
Darden
Davis
de la Garza
DeFazio
DeLauro
Dellums
Derrick
Dicks
Dingell
Dixon
Donnelly
Dooley
Dorgan (ND)
Downey
Durbin
Dwyer
Dymally
Early
Eckart
Edwards (CA)
Edwards (TX)
Emerson
Engel
Erdreich
Espy
Evans
Fascell
Fazio
Feighan
Flake
Foglietta
Ford (MI)
Frank (MA)
Frost
Gaydos
Gejdenson
Gephardt
Gibbons
Gillmor
Gilman
Gonzalez
Gordon
Grandy
Green
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Harris
Hatcher
Hayes (IL)
Hefner
Hertel
Hochbrueckner
Horn
Horton
Hoyer
Hubbard
Jacobs
James
Jefferson
Jenkins
Johnson (SD)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kleczka
Klug
Kolter
Kopetski
Kostmayer
LaFalce
Lantos
Leach
Lehman (CA)
Lehman (FL)
Levin (MI)
Levine (CA)
Lewis (GA)
Lipinski
Lloyd
Long
Lowey (NY)
Machtley
Manton
Markey
Martinez
Mavroules
Mazzoli
McCloskey
McDermott
McGrath
McHugh
McMillen (MD)
McNulty
Mfume
Miller (CA)
Mineta
Mink
Moakley
Molinari
Mollohan
Moody
Moran
Morella
Morrison
Murphy
Nagle
Natcher
Neal (MA)
Neal (NC)
Nowak
Oakar
Oberstar
Obey
Olver
Ortiz
Owens (NY)
Owens (UT)
Pallone
Pastor
Payne (NJ)
Pelosi
Perkins
Peterson (FL)
Peterson (MN)
Pickle
Poshard
Price
Rahall
Ramstad
Rangel
Ravenel
Reed
Richardson
Riggs
Rinaldo
Roe
Roemer
Ros-Lehtinen
Rose
Roth
Rowland
Roybal
Russo
Sanders
Sangmeister
Santorum
Sarpalius
Savage
Sawyer
Scheuer
Schroeder
Schumer
Serrano
Sharp
Sikorski
Skelton
Slaughter (NY)
Smith (FL)
Smith (IA)
Smith (NJ)
Snowe
Solarz
Staggers
Stallings
Stark
Stokes
Studds
Swift
Synar
Tallon
Thomas (GA)
Thornton
Torres
Torricelli
Towns
Traficant
Traxler
Unsoeld
Vento
Volkmer
Walsh
Washington
Waters
Waxman
Weiss
Wheat
Williams
Wise
Wolpe
Wyden
Yates
Yatron
Young (FL)

NOES—180

Allard
Andrews (TX)
Archer
Armey
Baker
Ballenger
Barrett
Barton
Bateman
Beilenson
Bentley
Bereuter
Bliley
Boehner
Brewster
Broomfield
Bunning
Burton
Callahan
Camp
Campbell (CA)
Cardin
Carper
Chandler
Chapman
Clinger
Coble
Coleman (MO)
Combest
Cooper
Coughlin
Cox (CA)
Crane
Cunningham
Dannemeyer
DeLay
Dickinson
Doolittle
Dornan (CA)
Dreier
Duncan
Edwards (OK)
English
Ewing
Fawell
Fields
Fish
Franks (CT)
Gallegly
Gallo
Gekas
Geren
Gilchrest
Gingrich
Goodling
Goss
Gradison
Guarini
Hammerschmidt
Hancock
Hansen
Hastert
Hayes (LA)
Hefley
Henry
Herger
Hoagland
Hobson
Holloway
Houghton
Huckaby
Hughes
Hunter
Hutto
Hyde
Inhofe
Ireland
Johnson (CT)
Johnson (TX)
Johnston
Kolbe
Kyl
Lagomarsino
Lancaster
LaRocco
Laughlin
Lent
Lewis (CA)
Lewis (FL)
Lightfoot
Livingston
Lowery (CA)
Luken
Marlenee
Martin
McCandless
McCollum
McCrery
McCurdy
McDade
McEwen
McMillan (NC)
Meyers
Michel
Miller (OH)
Miller (WA)
Montgomery
Moorhead
Murtha
Myers
Nichols
Nussle
Olin
Orton
Oxley
Packard
Panetta
Parker
Patterson
Paxon
Payne (VA)
Pease
Penny
Petri
Pickett
Porter
Pursell
Quillen
Ray
Regula
Rhodes
Ridge
Ritter
Roberts
Rogers
Rohrabacher
Rostenkowski
Roukema
Saxton
Schaefer
Schiff
Schulze
Sensenbrenner
Shaw
Shays
Shuster
Sisisky
Skaggs
Skeen
Slattery
Smith (OR)
Smith (TX)
Solomon
Spence
Spratt
Stearns
Stenholm
Stump
Sundquist
Swett
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (WY)
Upton
Valentine
Vander Jagt
Visclosky
Vucanovich
Walker
Weber
Weldon
Whitten
Wilson
Wolf
Wylie
Young (AK)
Zeliff
Zimmer

ANSWERED "PRESENT"—1

Sabo

NOT VOTING—9

Boxer
Ford (TN)
Glickman
Hopkins
Jones (GA)
Matsui
Mrazek
Slaughter (VA)
Tanner

□ 1725

Mr. BREWSTER and Mr. WILSON changed their vote from "aye" to "no."

Messrs. KASICH, SANTORUM, and ALEXANDER changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. GILCHREST

Mr. GILCHREST. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. GILCHREST: Page 15, after line 20, insert the following new chapter:

STUDY OF WETLANDS DELINEATION

For necessary expenses for entering into an arrangement with the National Academy of Sciences to conduct a study to examine the scientific basis for methods used in identifying and delineating wetlands, for purposes of the conservation of fish and wildlife resources and their habitat, as authorized by 16 U.S.C., 742f. $500,000.

Mr. GILCHREST. Mr. Chairman, this is the same amendment that I offered earlier. We have cleared up some of the problems with the amendment. The purpose of the amendment is for a study. I am asking for this study for the purposes of conservation, fish and wildlife resources, and their habitat.

Mr. Chairman, we should not be afraid of knowledge, we should not be afraid of science. In this instance, knowledge is our destiny.

So this is the reason I am asking for this study of the wetlands by the NAS.

Mr. Chairman, I rise in support of my amendment to have the necessary funds appropriated so that the Department of the Interior can enter into an arrangement with the National Academy of Sciences to conduct a study to examine the scientific basis for methods used in identifying and delineating wetlands. The study shall include the Federal Manual for Identifying and Delineating Jurisdictional Wetlands, published January 10, 1989; revisions to such manual proposed by the Environmental Protection Agency on August 14, 1991, and previous manuals and methodologies. It shall also recommend scientifically and technically sound methods for making such identifications and delineations, taking into consideration regional differences and other practical concerns.

Such study shall be submitted to the Committee on Appropriations, the Committee on Public Works and Transportation, and the Committee on Merchant Marine and Fisheries of the House of Representatives and the Committee on Appropriations and the Committee on Environment and Public Works of the Senate. It shall be conducted no later than 1 year after the date of the enactment of H.R. 3543.

The specific legislative authority under which this study would be conducted is found in the United States Code, title 16, chapter 9, sections 742e, 742f, and 742j.

The science of wetlands delineation remains largely inconclusive and while most of us are committed to protection of our Nation's wetlands, there are differences of opinion as to what this should entail.

The purpose of this study would be to ensure, to the extent that this is possible, that our policy decisions do not outstrip our knowledge base. The amendment itself would have no policy implications whatsoever; the Academy's findings are in no way binding. I merely wish to provide a reference source from a respected and a political organization. I would suggest that regardless of one's opinion of wetlands policy, there would be no reason to oppose the gathering of further information.

Too often in the past we have made mistakes in environmental policy because policy decisions preceded science. In some instances we have put unnecessary burdens on the backs of businesspeople and landowners, and in others we have been remiss in our protection of the environment.

Mr. Chairman, one additional point. The amendment referencing identifying wetland for purposes of fish and wildlife conservation. Wetlands serve a variety of functions, including water quality functions, habitat functions, flood control functions, and ground water recharge functions. The study is intended to examine criteria for identifying wetlands generally—and not limited to wetlands which serve only one function exclusively.

I believe that the EPA Administrator has the authority under existing law to conduct this study and the point of order is not well taken.

Mr. YOUNG of Alaska. Mr. Chairman, I move to strike the last word, and rise in opposition.

□ 1730

Mr. Chairman, first let me compliment the gentleman from Maryland [Mr. GILCHREST] for offering this amendment. It has been changed, and changed, and changed, and there is so little left that my colleagues may wonder why I am speaking against it.

In the first place, this is a dire emergency piece of legislation. It is for a dire emergency. I hope we keep that in mind.

Mr. Chairman, there is nothing dire emergency about this so-called $500,000 needed for a study, a fish and wildlife study for habitat. We know that we are losing wetlands. We know we have lost wetlands. There is no need for this study at the expenditure of $500,000.

Mr. Chairman, I wish the gentlewoman from Colorado [Mrs. SCHROEDER] was here to say this money should be spent on the programs she just won on.

In addition, I have spoken to the chairman of the committee. He does not support this amendment, and there is no need for this amendment.

Now I will give the gentleman credit for deleting the most offensive part about it, and if one does not think this wetlands issue is here to haunt us and actually take away the right of their involvement in decision making, one better study the MOA that was agreed to by the EPA and the Corps of Engineers. For the first time in history there were regulatory agencies taking land from people that was privately theirs and not compensating them for it.

The intention of the gentleman from Maryland [Mr. GILCHREST] is very clear. He says this is a necessary study, and I say there is no necessity for that study. We can identify wetlands, and they are identified through legislation that 175 of my colleagues are sponsors of.

So, I am going to suggest respectfully to the gentleman from Maryland [Mr. GILCHREST] that this is an end run trying to again have this Congress voice its support for the taking of lands that are privately owned. An airport in Chicago could not be built. A school of Juneau, AK, could not be built, a school for our children that we just spoke of. Farmland has been taken out of production, and we have people today serving in jail because they did not get a permit from a regulatory agency that did not have a law to back them up.

So, I am saying that this amendment is not necessary, and more than that, my good colleagues, this is not a dire emergency.

I say to my colleagues, "If you believe in the dire emergency concept under the budget agreement, you would leave it being a dire emergency. There's absolutely no need for this amendment in this bill creating a new chapter for $500,000 without any hearing, and I am a ranking member of the Fish and Wildlife Subcommittee. Nothing put in, no requests. The White House opposes it. The Department of the Interior opposes it. This is $500,000 down the drain, and I do not say that lightly: down the drain, that really wouldn't create wetlands."

So, I am saying this is unnecessary, unneeded and, very frankly, should be voted down overwhelmingly because, if my colleagues believe in this process of dire emergency, it should be a dire emergency. So, let us keep it to that.

Mr. SIKORSKI. Mr. Chairman, I move to strike the last word. I will be brief.

My statement, Mr. Chairman, is simply that it is time to take politics out of wetlands determination and put science back in. The amendment of the gentleman from Maryland [Mr. GILCHREST] does just that.

Mr. GILCHREST. Mr. Chairman, will the gentleman yield?

Mr. SIKORSKI. I yield to the gentleman from Maryland.

Mr. GILCHREST. Mr. Chairman, to the gentleman from Alaska [Mr. YOUNG], I would like to say that I personally understand his argument about putting things on this dire emergency bill that are not dire emergencies. I understand that perfectly. But just a couple of comments.

Mr. Chairman, $500,000 is one one-millionth of our Federal budget. It is very minuscule. Also wetlands brings into this country billions of dollars in recreational activity, commercial activity, all kinds of activities. If we are looking at a dire emergency, how are we going to deal with land that affords us at least $20 billion every year? One comment about farmland underproduction: Any farm that was farmed prior to 1985, does not fall under the jurisdiction of the Army Corps of Engineers or the nontitled wetland regulations.

All I would like is for a National Academy of Sciences study to determine the value in their opinion, which is not binding, which does not change the manual, a National Academy study offered through the Fish and Wildlife Service to determine fish and wildlife and resources and their habitat. This is a neutral bill. We are just asking for facts, just asking for knowledge.

Mr. SIKORSKI. Mr. Chairman, reclaiming my time, the amendment of the gentleman from Maryland [Mr. GILCHREST] just proposes a study.

Is that right?

Mr. GILCHREST. Mr. Chairman, will the gentleman yield?

Mr. SIKORSKI. I yield to the gentleman from Maryland.

Mr. GILCHREST. A nonbinding study.

Mr. SIKORSKI. A nonbinding study.

Mr. Chairman, if we want to take politics out and put science back in the wetlands determination, we should vote for the amendment of the gentleman from Maryland [Mr. GILCHREST].

Mr. TAUZIN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the amendment of the gentleman from Maryland [Mr. GILCHREST].

Mr. Chairman, if we are in trouble today in Congress over this issue of wetlands, if American land owners and environmentalists are in horrible conflict over this issue of wetlands, it is simply because unelected bureaucrats have tried to do what the Members of this House and the Senate ought to do, and that is decide what wetlands are, and, therefore, what wetlands ought to be saved, and what wetlands are, in fact, being lost, and what wetlands, in fact, ought to be calculated in that calculation.

Now let me put it where it is. We are laboring today under a manual that was not adopted by this House, under a set of rules, and guidelines and definitions that were never debated in this Congress, that were drafted in the hallowed halls of the bureaucrats of this Government here in Washington, DC, without input from the public, without any kind of discussion or debate by the public. A manual was established that defined wetlands and decided on a policy of preserving those wetlands.

Now that manual, according to some in my State, would reclassify 80 percent of the land mass of Louisiana as wetlands, re-create wetlands out of drylands in an effort to meet a political promise of no net wet loss. That manual, once distributed, sent shivers up and down the spines of most elected and unelected officials across this Nation, and we have to implement that policy. In California, I understand, almost 60 percent of the State would be reclassified wetlands. Almost 100 percent of the district I represent in south Louisiana was reclassified wetlands. Ninety percent of the commercial wealth in my State would be relocated on wetlands as defined by those bureaucrats without one input from the public, without one public debate here in Congress. That manual is distributed, and even Bill Reilly admitted that the process was wrong, that there was too much of these bureaucrats making decisions that the American public ought to make through their elected representatives.

So, we started in Congress an effort to settle that issue, an effort defining what is in fact a real wetland deserving of national protection, what are in fact the rights of the landowners affected, what is a good set of policy and regulations that would in fact save wetlands and at the time protect landowner rights, and what would a be good system of mitigation to make sure that people had a system in our commercial world to deal with the horrible questions of what is and what is not permissable activity on wetlands, and to deal with the central question of when is compensation authorized under our Constitution for a taking.

□ 1740

We ought to make those decisions. Let me tell the Members what has happened. We have well over 160 cosponsors for this bill. It is beginning to move in this Congress. We are beginning to face up to our responsibility. So the administration publishes a new manual, written again by another set of bureaucrats, but again it does not settle the issue, and everybody is up in arms out there again.

Let me tell the Members what the strategy will be to defeat our efforts to bring this issue before Congress. The strategy will be to take this past the next election cycle, to give it 18 months to make sure that we never have to face it before the election. Let me tell the Members that the American public ought to have this issue debated in this election cycle. We ought not give it to another bunch of bureaucrats in some scientific academy to make the decision. We ought to make the decision here in this Congress this year as to what is a wetland, what is a landowner's right, what are the environmental concerns, how do we protect them, and how do we ensure that a landowner who would lose his property under this regime would be entitled to restitution under the fifth amendment?

This amendment will give it to the bureaucrats again. They would be able to study it again, and they would put it past the election cycle. They would say, let us not really debate it; let us really not settle it.

I suggest that if there is an emergency in America right now, if there is a dire and essential emergency before us, it is settling that issue here in Congress and not delaying it for another 5 years. I suggest the amendment being offered today on this floor in the guise of an amendment to a dire emergency bill is simply an attempt to put this issue off. We cannot put these issues off any longer.

The lumbermen in the Northwest understand what I am talking about when I say we need to decide what is the value of a spotted owl or a tree, or what is the value of a job.

The CHAIRMAN. The time of the gentleman from Louisiana [Mr. TAUZIN] has expired.

(By unanimous consent, Mr. TAUZIN was allowed to proceed for 2 additional minutes.)

Mr. TAUZIN. Mr. Chairman, we need to settle this issue for the fishermen in the Gulf of Mexico who will lose their livelihoods, two of whom committed suicide because we could not settle it here in Congress and left to the bureaucrats the issue of how to protect an endangered turtle.

It is time for us to face those issues before the election cycle and not put it off with a bunch of more studies. Do we know how much Americans love us for creating studies and studies and studies and not settling issues? Do we wonder why the American public begins to believe this institution is irrelevant in America? It is because we study everything to death and we do not settle issues.

This is one we ought to settle. I beg the Members, please do not put this off to another study. Let us face it this year. Let us decide what is real wetlands and what is not, what are landowners' rights and what are environmental concerns, and let us build a system to protect, one that respects the rights of all concerned rather than leaving it to those who study it and bureaucratize it to death. And they will do that.

I say one more time that this amendment delays it past the election cycle, and we should not let that happen.

Mr. GILCHREST. Mr. Chairman, will the gentleman yield?

Mr. TAUZIN. I am happy to yield to my friend, the gentleman from Maryland.

Mr. GILCHREST. Mr. Chairman, to the gentleman from Louisiana, let me say that I know there are bills before Congress right now. This study will not interfere with any of those bills. We in Congress asked for a study. I think it is incumbent on us to assess the facts before voting on any policy that we make that affects people in this country.

Mr. TAUZIN. Mr. Chairman, reclaiming my time, the EPA is currently doing a field testing on the manual right now. The studies are going on right now. EPA is currently field-testing every element of their new manual right now. They are going to issue a report in November. We do not have to wait another year. We are going to get the evidence in by November. We ought to face the issue over here before next November, and we ought to give an answer to the American public, as we should, before the next election cycle.

Mr. RAVENEL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, let me tell the Members what is going on here. I agree a lot with what the gentleman from Alaska [Mr. YOUNG] had to say. I agree a lot with what the gentleman from Louisiana [Mr. TAUZIN] had to say. But here is what is going to happen in this Congress before this Congress ends.

By law, we have to reauthorize a Clean Water Act, and by the reauthorization of the Clean Water Act, we have got to settle this uproar that is going on in this country about wetlands.

I know all of us are getting a lot of letters from home, particularly those of us who have a lot of wetlands, and gracious goodness, we have more of them in South Carolina probably than any place in Louisiana. But we are not having a terrible problem there in South Carolina because South Carolina, under the Coastal Zone Management Act, a number of years ago set up a coastal council. In the First District of South Carolina, we are not having these terrible problems because our laws in the State are more stringent than the Federal regulations, and the Corps of Engineers by rote signs off on the applications that the coastal council makes.

Across the Savannah River, over there in the district of my friend, the gentleman from Georgia [Mr. THOMAS], they are putting him through the torments of the damned because they have been interpreting the regulations in the strictest possible way. So we have this dichotomy going on just a mile across the river.

We are going to have six hearings in the Committee on Merchant Marine and Fisheries on this. We had one last week. I sat through the entire hearing. I think the gentleman from Maryland [Mr. GILCHREST] did too. And what did we have recurring over and over and over again? People said, "What is a wetland?" Some folks said that a wetland is this, others said that a wetland is that. And the recurring theme throughout the entire hearing—and I say there; I did not leave for one minute; I heard the entire hearing, and it went on for about 8 hours—the recurring theme was that what we need is the National Academy of Science to study this thing and tell us what a wetland is.

Members all know that I am a Republican, but I want to tell you something, particularly over on our side of the aisle. One reason there are so few of us over there and they are getting less and less is because we have been turning our backs on the environmental community in this country, and we just cannot do it. We all know who is calling the signals for the EPA. It is the administration. That is who is doing it.

The Democrats over there in Louisiana, they are all my friends and buddies and what have you, I know they want the interpretation of the EPA because they know what the bottom line is going to be. Let me say this: If there ever was an environmental vote in this House, the environmental vote is for the Gilchrest amendment. I hope the Members will all vote for it, because we will know exactly what a wetland is, and we can make an informed decision when we reauthorize the Clean Water Act, probably next year.

Mr. MFUME. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of the Gilchrest amendment. I believe it is a well-informed approach to an age-old concern, and if we are honest with ourselves here in this Chamber today, we would quickly admit that the National Academy of Sciences has the integrity and the intelligence to provide this Nation once and for all with a scientific basis, not a political basis, of defining what a wetland is or what it is not. I would urge the Members of this body to support the gentleman from Maryland [Mr. GILCHREST].

Mr. GILCHREST. Mr. Chairman, will the gentleman yield?

Mr. MFUME. I yield to the sponsor of the amendment, the gentleman from Maryland.

Mr. GILCHREST. Mr. Chairman, I would like to just say very simply and very clearly to the Members of the House that this amendment does not bind anybody to anything. It does not make policy. It simply tells us that we are the people who are given the responsibility to make legislation, to make laws for this country, but before we make those laws, it is incumbent upon us to know the facts, and all I am asking for here is knowledge, because I am not a scientist. Many of use are not scientists. It is difficult to assess the functions and values of these areas, so we should get the facts, and then we can make the policy to fit the needs of the jurisdictions around this country.

Mr. KOSTMAYER. Mr. Chairman, will the gentleman yield?

Mr. MFUME. I yield to the gentleman from Pennsylvania.

□ 1750

Mr. KOSTMAYER. Mr. Chairman, the Environmental Protection Agency has completed their studies in Pennsylvania last week as to what effect the Bush administration proposals would have on wetlands in Pennsylvania. It would cost us about 60 percent of our wetlands in the State of Pennsylvania. The reason for that is that we are proceeding not on science, but politics.

This President made a promise in 1988, no net loss of wetlands. What he has done is to propose that we change the definition of wetlands.

What the gentleman from Maryland [Mr. GILCHREST] is asking is a legitimate request, that we make a scientific judgment, not a political judgment. This will be one of the most important environmental votes that we cast in this Congress this year. Unless we agree to the amendment offered by the gentleman from Maryland [Mr. GILCHREST], we are going to allow this decision to be made based purely on politics.

We need to have a scientific judgment because we are losing our wetlands, and, if the President has his way, we will lose even more.

Mr. Chairman, I rise in the strongest possible support of the amendment offered by the gentleman from Maryland [Mr. GILCHREST].

Mr. MFUME. Mr. Chairman, reclaiming my time, I just simply want to reaffirm again my strong support for the amendment of the gentleman from Maryland [Mr. GILCHREST], and urge Members of this body to look at this in a very practical and meaningful way for the people of this Nation, and respond by voting in the affirmative.

Mrs. LOWEY of New York. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I too rise in strong support of the amendment of the gentleman from Maryland [Mr. GILCHREST]. I too sat through those hearings. Over and over again we heard how crucial it was for the Congress and the administration to have a bedrock of scientific understanding to guide our efforts in establishing a workable wetlands policy for this country.

Mr. Chairman, regardless of your views on this issue, regardless of your views, what we need is a strong scientific base, a strong policy on which we make a decision. A study by the respected nonpolitical National Academy of Sciences will provide the scientific consensus necessary to make good policy.

Mr. Chairman, it is widely acknowledged that in developing its proposed changes to the delineation manual, the administration passed fast and loose with wetlands science and produced a manual that could eliminate protections for up to 50 percent of the Nation's wetlands. A wetlands manual that makes it nearly impossible to delineate wetlands will not further the goal of either landowners nor environmentalists. It will only serve to confuse an already confusing situation and cause further delays.

Every Member of this House and every person in my community wants to preserve wetlands and protect property rights. So what we really want to do is achieve an appropriate balance between these two vital interests. That will require a comprehensive, technically sound policy that is flexible to address regional differences and needs.

Mr. Chairman, the gentleman from Maryland [Mr. GILCHREST] has offered a responsible step toward a solution to this technical quagmire. The study that he proposes will create a groundwork for a fair and workable wetlands management policy.

Mr. Chairman, I urge Members as one who too has sat through hearings in the Committee on Merchant Marine and Fisheries and heard the need from everybody for a sound groundwork, for a real base of technical knowledge. I urge support of the gentleman from Maryland [Mr. GILCHREST].

Mr. GILCHREST. Mr. Chairman, will the gentlewoman yield?

Mrs. LOWEY of New York. I yield to the gentleman from Maryland.

Mr. GILCHREST. Mr. Chairman, I thank the gentlewoman from New York [Mrs. LOWEY]. I would also like to say in closing, because I know we want to close on this, I would advise Members in the House this afternoon that this in no way is a partisan bill from my perspective. It is not going against the administration's study of this particular program. It is simply an added resource, an added reference, so that we can make a better policy decision in the House.

Mrs. LOWEY of New York. Mr. Chairman, reclaiming my time, I appreciate the remarks of the gentleman from Maryland. That is an important thing for Members to understand. This is to provide the facts. Then, whatever your views, we can make a decision based upon the facts.

Mr. Chairman, I urge support of the Gilchrest amendment.

Mr. RIDGE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would ask the indulgence of Members for a few minutes. Although we are into a dire supplemental, this particular amendment is far more mischievous than it looks. It is certainly much more meaningful than a $500,000 authorization for what has been suggested would be the first and only complete study on determining the definition of a wetlands. It is clearly far more than that.

Mr. Chairman, as many Members know, back in the early 1970's when the Clean Water Act was passed there was a provision dealing in there with navigable waters. It was out of that provision that a body of regulations were developed dealing with wetlands around navigable waters.

During the past 20 years there have been volumes and volumes of regulations developed affecting wetlands policy around this country, effectively resulting in a Federal land use control policy, a Federal land use control policy that no Congress of the United States ever debated or voted upon, nor any President of the United States ever enacted into law.

Mr. Chairman, I would share with Members that the intention of the gentleman's amendment to gain some scientific knowledge is an appropriate and noble one. But there is no mistake about it: The EPA has volumes and volumes of studies on what can be constituted as a wetlands. Fish and Wildlife has studies. Universities have studies. Individual scientists have studies.

Mr. Chairman, we have more studies on the issue of wetlands than we need. Sooner or later the rubber must meet the road. Sooner or later this body has to decide what definition among all those studies we want to employ as a legislative body to determine wetlands policy.

Mr. COLEMAN of Missouri. Mr. Chairman, will the gentleman yield?

Mr. RIDGE. I yield to the gentleman from Missouri.

Mr. COLEMAN of Missouri. Mr. Chairman, I have heard so much information here today about how we have not defined wetlands. I want to remind Members that in 1985, in the farm bill, we defined wetlands. In 1990, we defined wetlands. We passed the bill last year.

The problem has been not our definition. The problem has been the implementation by the bureaucrats who cannot get their act together, who fly in the face of congressional intent, with all the record we made, both in committee and on the floor of the House, to try to counteract what we have already defined.

So we have already gotten a definition, a good definition. Yet that one is already being misadministered. Why would we need to have the Academy of Sciences tell the Congress again, after we have already passed two laws stating and restating the definition of wetlands?

Mr. RIDGE. Mr. Chairman, reclaiming my time, we have enacted on various occasions our own definition of wetlands. You have got universities and Federal agencies with all kinds of studies available for our scrutiny. But sooner or later when we come to the clean water reauthorization, sometime next year, we are going to have to make a policy-political decision, which one of these definitions do we want to employ?

Mr. Chairman, I can give you a definition of a wetland that would effectively put out most of the property in many of your districts and prohibit any kind of development on that, any kind whatsoever.

Somewhere along the road you may want to make that determination. I think you should make it when we come up with a clean water reauthorization sometime next year. But a study is not something we need. There is enough study out there.

The political decision, the political will, and I think the political responsibility, is to reject one more study, because we do not need any more studies. But at some time next year, make a decision as a legislative body as to which body of information, which definition we want to employ, if we are going to have a Federal land use control policy.

Mr. Chairman, we have one now because the bureaucrats have spoken, because the courts have spoken. We do not have one because we as legislators have spoken.

We do not need another study. We need to pay attention to this issue, to deal with the measure that the gentleman from Alaska [Mr. YOUNG] and the Members from Louisiana referred to earlier on, to talk about condensation, and select a definition we want, and value them according to ecological value and function.

Mr. Chairman, that is what we need. We do not need another study. This is mischievous, because I can hear the debate next year in the clean water reauthorization. "Oh, we have a study pending. Let's wait another 5 years before we show the political will to make a determination as to what is or is not a wetlands."

□ 1800

Mr. SMITH of Florida. Mr. Chairman, I move to strike the requisite number of words.

My colleagues, a little bit of what the gentleman who preceded me in the well just said is very correct; that is, we have a lot of studies. But the amendment is valid because all of the studies which have been done so far have been almost totally disregarded by this administration. That is one of the problems. There is politics being played with much of the wetlands in this country.

As a Member who represents probably more endangered land than anywhere else in the United States, and that is the Everglades, having more wetlands within the continental United States than anyone, I want to tell my colleagues that if the current policy of this administration is allowed to continue and go forward in defining wetlands there will not be any wetlands left in this country. No net loss will be a correct statement because under the new definition there will not be anything that qualifies as a wetland.

We have some of the most beautiful land in the world in this country, and we have been systematically watching it be taken from us. The gentleman's amendment allows for a study that hopefully will not be disregarded, that hopefully we will be able to look at, that we will be able to push forward once and for all a definitive look, a definitive look on what constitutes the land that must be protected in this country.

I urge my colleagues, for the sake of what is left of the beauty and pristine nature and ecosystems of this country, and Florida has a water problem second to none in the country, I urge my colleagues to vote for this amendment so that we can finally decide how much land we are going to save, how much can go into development, and ultimately where the line will be drawn by the representatives of big industry at the White House.

Mr. MINETA. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of the amendment offered by the gentleman from Maryland.

While Members of this House may have different opinions on wetlands protection, there can be no question that we must have an accurate definition of wetlands to determine wetlands use when we reauthorize the Clean Water Act.

Conservationists need clear definitions of lands so they can ensure their protection.

Developers need consistent interpretations of wetlands protection laws so their permit applications are considered quickly.

But we cannot provide clear, consistent guidelines unless we have an accurate method of defining a wetland based on strict scientific guidelines.

The President provided a work of fiction in its Wetlands Delineation Manual. That manual ignores scientific fact and would jettison the judgment of our Nation's best scientists.

In fact, some scientists refused to endorse the manual after the Council on Competitiveness and the Office of Management and Budget interfered in the process of writing the draft.

What is going on here? I will tell you.

The President—for all his talk about special interests and their so-called control of Congress—is letting special interests play politics with scientific data instead of letting qualified scientists do their work.

The Gilchrest amendment would simply empower the National Academy of Sciences to review independently the wetlands designation criteria.

The Gilchrest amendment would replace political calculations with scientific fact.

And it is a fact that not all wetlands look like swamps year-round.

Mr. SMITH of Iowa. Mr. Chairman, I move to strike the requisite number of words.

Very quickly, I will give my colleagues three reasons why they should not vote for this amendment. One is, that the term "wetlands" is not capable of being defined by scientists, period. The second is that if a contract were written, it would be written by a department in such a way so that the contract prescribes the result. The third reason is that the Academy of Sciences has a history of accepting those kinds of contracts. They took one from the Department of Agriculture that prescribed the results to be expected from certain meat inspection procedures. This is not the right organization to use, if we were going to contract for a definition of wetlands. For those three reasons the Members should not vote for this amendment.

Mr. EMERSON. Mr. Chairman, I move to strike the requisite number of words.

Mr. YOUNG of Alaska. Mr. Chairman, will the gentleman yield?

Mr. EMERSON. I yield to the gentleman from Alaska.

Mr. YOUNG of Alaska. Mr. Chairman, first to the gentleman from Florida, the reason I grabbed the microphone so early, a lot of people forget we are part of the United States. Under the MOA, 98 percent of what is given to Alaska will be classified as wetlands. I again want to restate, this should not be in this bill. This is a dire emergency bill.

Yes, it is only $500,000, but it is a mischievous amendment. I urge a strong no vote on this amendment.

Mr. TAUZIN. Mr. Speaker, will the gentleman yield?

Mr. EMERSON. I yield to the gentleman from Louisiana.

Mr. TAUZIN. Mr. Chairman, it has been said in this debate that somehow the President's new manual is the issue. Let me make it clear, I hope, that is not what the issue is.

The President's new manual, whether one is for it or against it, is not the issue. The issue is whether or not we in Congress ought to decide what are wetlands and what are not and what are subject to protection and how. We ought to make that decision.

Under the President's new manual, that some say takes so many millions of wetlands out of protection, we are merely quibbling over what is a wetland, what is the definition.

Is a wetland a piece of property where water stays on it 15 days or 20 days? Does snow count as water? Does snow count as water, I say to my colleagues that live in snow-covered regions? What is a real wetland?

Scientists are not going to answer. We will have to answer that in a political context of what we can realistically afford to protect and what land owners' rights are in America. What are farmers' rights?

I have a crawfish farmer in Louisiana, a crawfish farmer in Louisiana being denied his right to grow crawfish in a wetland.

Can my colleagues tell me where else is one going to grow crawfish but in water? They do not grow on mountains.

That is how ridiculously the scientists are treating this issue. We ought to make those decisions here in Congress.

I urge my colleagues, do not kick this to the Academy one more time.

Mr. EMERSON. Mr. Chairman, I stand in opposition to the amendment. I do not want to prolong the debate. I think enough has been said.

I would associate myself with the remarks of the gentleman from Louisiana and the gentleman from Alaska.

Mr. THOMAS of Wyoming. Mr. Chairman, will the gentleman yield?

Mr. EMERSON. I yield to the gentleman from Wyoming.

Mr. THOMAS of Wyoming. Mr. Chairman, I rise in opposition to the amendment. We all have difficulties. We have it in our dry State of Wyoming. We need to solve the problem here. We need to classify it here.

We do not need to prolong it in a dire emergency with another study.

Mr. MILLER of California. Mr. Chairman, I move to strike the requisite number of words.

Quickly, Mr. Chairman, I think that we should support the amendment of the gentleman from Maryland [Mr. GILCHREST]. I think the question is, and the gentleman from Louisiana [Mr. TAUZIN] has quite properly framed it, is at some point this body is going to have to make a decision about wetlands.

Those of us who come from States where there is a great number of acres of wetlands have run into countless problems with the administration in the issuance of those permits. But those decisions should be made based upon hard scientific evidence, and as we work our way through the problems that we confront with the 404 permits, with the Endangered Species Act, with the spotted owl and the ancient forests, the only way we will be able to resolve those issues with confidence is based upon good scientific evidence.

We will eventually have to pick, as the gentleman from Louisiana pointed out, that will be our decision, to define those wetlands and hopefully to put together a better procedure than now exists.

□ 1810

But what we now have, it has been suggested that the starting point is this manual which engages in the politicalization of that scientific evidence. We have had the same problem in our committee and the Agriculture Committee with the forest issues. We were able to put together a panel of scientists that brought forth the recommendations with great credibility, with very little difference of opinion between people on both sides of the issue. Now this Congress, our committee, and the gentlemen on the floor, will have to pick and choose. What the gentleman from Maryland [Mr. GILCHREST] is suggesting is the rational way to make these decisions and to provide for the greatest protection of the wetlands, so we will not lose this heritage, so we will not lost these ecosystems, and still allow people to make rational economic decisions and plan for the future.

I would hope the Members would support the Gilchrest amendment.

Mr. THOMAS of Georgia. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I will not take the entire 5 minutes, but I would like to make a comment or two. I have listened to the debate very carefully. I think what we must realize is that the issue truly here before us today is to set policy on a matter that has formed its derivatives out of a lot of bureaucratic interpretation. The problem we are in today is not because we do not have the science of what a definition of a wetland is, and that truly is a science, if the Members look at the list of hydric soils and hydrology and hydrophytic plants.

What we do not need, in my opinion, at this stage of the game, and this is a close call, because I am committed to preserving this Nation's wetlands, and I do want my comments to be taken in the right vein. But what we do not need at this time is some other prolonging study. We are not going to be able to shirk the responsibility that faces this body on this wetlands issue. That issue is not to decide what a wetland is, but what we want to do about the wetlands and what we want this Nation's policy to be.

It will not be to protect everything science defines as a definition, regardless of what it is, or certainly will not be to go out and to allow anything that is a wetland to be changed or altered at anyone's whim.

The issue that is before us is where do we want to come down on much of the science that is already there. So I would simply say, from one who comes from a very strong supportive position of protecting and stewarding America's remaining wetlands, that simply one more scientific study is not going to do the job and I think it is unnecessary.

Mr. HAYES of Louisiana. Mr. Chairman, will the gentleman yield?

Mr. THOMAS of Georgia. I yield to my friend, the gentleman from Louisiana.

Mr. HAYES of Louisiana. Mr. Chairman, good science does not have to sneak in the back door of the laboratory. Good science has a Committee on Science, Space, and Technology. Good science has a Committee on Public Works and Transportation. Good science has a Committee on Merchant Marine and Fisheries. Good science has a Committee on Interior and Insular Affairs to pass bills under their jurisdiction to let Members vote on them.

Good science does not have to make money out of a dire emergency appropriations bill while the EPA is still testing the field manual, and good science does not have to hide under the cover of an obscure provision of an act that does not deal with wetlands.

If we want to have good science and a good committee and a Congress that people look up to and not down at, then give it a straight up vote in the light of day in the committees of jurisdiction and reject the same kind of effort that got us in the mess we are now in, where landowners do not know what they own, what to do with it, or which of four Federal agencies is going to take it away from them.

Mr. KOSTMAYER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, very briefly, in reference to what my friend from Louisiana said, the law says that farmers are not impacted by the wetlands law unless they grow crops that are subsidized, and if they want to fill in wetlands they lose their subsidy for that particular crop. That is what the law says. This does not impact farmers. Wetlands law has never denied farmers the right to farm in this country.

Point No. 2, 80 percent, 80 percent of all wetlands applications applied for in this country are approved under the general permit, and require no more extensive examination than that. The question is not farmers. The question here is simple and fundamental. It is science versus politics. That is all it is.

Why would anybody be opposed to a study by the National Science Foundation to determine what is right or what is wrong? That is what this issue is all about. In my State, EPA has already declared that we will lose almost 60 percent of our wetlands. If the Members want to see wetlands filled in, then they should vote against the amendment offered by the gentleman from Maryland. This will be a key environmental vote in this Congress as to whether or not we are prepared to save wetlands.

I urge a yes vote on the amendment offered by the gentleman from Maryland [Mr. GILCHREST].

Mr. BOEHLERT. Mr. Chairman, I rise to support the amendment by my colleague, Mr. GILCHREST, to call upon the National Academy of Sciences to conduct an independent review of the science and methodology of delineating wetlands.

In the current controversy over wetlands, a hail of unfounded accusations has all but replaced reason and sound science. Horror stories have flooded both Houses of Congress, threatening the integrity of Federal wetlands protections and the resolution of the Clean Water Act. It is high time that science is brought back into this debate.

As a respected, independent scientific body, the National Academy of Science can be entrusted to arrive at an objective and complete scientific review of the issue of wetlands delineation. Controversial issues have been referred to the Academy in the past, and the academy has helped to ensure that the Federal Government's decisions are based on scientific fact, rather than political expediency. An issue as complex and politicized as wetlands deserves the attention of this distinguished body.

All of us have a stake in ensuring that wetlands determinations are scientifically and technically sound. Wetlands provide benefits for wildlife, water quality and flood control. Now more than ever, as wetlands-dependent wildlife populations are suffering dramatic declines, as persistent droughts and ground water depletion impose new costs on the agriculture community, and as the costs of flood control and Federal flood relief programs continue to mount, the country needs the benefits that wetlands provide. It makes sense to try to ensure a scientifically sound wetlands protection and conservation policy now, before more wells dry up and more floods become routine events. At the same time, we have to ensure that wetlands determinations are accurate, so that another round of delineation "horror stories" can not occur.

For the sake of our Nation's wetlands resources and of the scientific integrity of Federal wetlands policy, I ask my colleagues to support Mr. GILCHREST'S sensible amendment.

Mr. GOSS. Mr. Chairman, with all of the confusion and controversy surrounding the wetlands debate, I concur with my colleague from Maryland, Mr. GILCHREST, that the definition of wetlands must reflect sound scientific findings. Input I have received from hundreds of my southwest Florida constituents reflects a variety of viewpoints on this issue, but all agree that the first order of business must be nailing down a reasonable definition of wetlands. I agree.

Unfortunately, I do not believe the dire emergency supplemental appropriations bill is the appropriate vehicle for debating this issue. I have heard people on all sides categorize this Nation's current wetlands policy as "disastrous." I wonder if we aren't putting the cart before the horse in haggling about policy before there is consensus on an objective definition based on science.

There is a legitimate sense of urgency about this issue, but it is difficult to classify it a dire emergency in the context of what we're doing today.

I understand Mr. GILCHREST'S motivation in bringing this issue to the floor and I applaud his intentions. We have to face up to the wetlands debate. I would prefer to do it at the right time, in the right place and in the right context. Since that option is not available now, I will support substance over form because the wetlands issue is real even if the process today is wrong.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Maryland [Mr. GILCHREST].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. GILCHREST. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 181, noes 241, not voting 11, as follows:

[Roll No. 348]

AYES—181

Abercrombie
Ackerman
Anderson
Andrews (ME)
Andrews (NJ)
Atkins
AuCoin
Bacchus
Beilenson
Bennett
Bentley
Berman
Bilbray
Bilirakis
Boehlert
Bonior
Borski
Brown
Bryant
Byron
Cardin
Clay
Collins (IL)
Collins (MI)
Conyers
Coughlin
Cox (IL)
Coyne
de la Garza
DeFazio
DeLauro
Dellums
Donnelly
Downey
Dwyer
Dymally
Eckart
Edwards (CA)
Engel
Erdreich
Evans
Fascell
Feighan
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Frost
Gejdenson
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goss
Green
Guarini
Hall (OH)
Hayes (IL)
Hertel
Hoagland
Hobson
Hochbrueckner
Horn
Houghton
Hoyer
Hughes
Jacobs
Jefferson
Johnson (CT)
Jontz
Kanjorski
Kennedy
Kennelly
Kildee
Kleczka
Kolter
Kopetski
Kostmayer
Lagomarsino
Lantos
Lehman (CA)
Lehman (FL)
Lewis (GA)
Lowey (NY)
Machtley
Manton
Markey
Mavroules
Mazzoli
McDermott
McGrath
McHugh
McMillen (MD)
McNulty
Meyers
Mfume
Miller (CA)
Miller (OH)
Miller (WA)
Mineta
Mink
Moakley
Molinari
Mollohan
Moody
Moran
Morella
Murphy
Nagle
Neal (MA)
Neal (NC)
Nowak
Oakar
Oberstar
Obey
Olver
Owens (NY)
Owens (UT)
Pallone
Pastor
Payne (NJ)
Pelosi
Rahall
Rangel
Ravenel
Reed
Richardson
Riggs
Rinaldo
Roe
Ros-Lehtinen
Roukema
Roybal
Russo
Sabo
Sanders
Sangmeister
Savage
Sawyer
Saxton
Scheuer
Schroeder
Schumer
Serrano
Sikorski
Slattery
Slaughter (NY)

Smith (FL)
Smith (NJ)
Smith (TX)
Snowe
Solarz
Spence
Spratt
Stallings
Stark
Stokes
Studds
Synar
Tallon
Torres
Torricelli
Towns
Traxler
Unsoeld
Vento
Walsh
Washington
Waters
Waxman
Weiss
Weldon
Wheat
Wolpe
Wyden
Yates
Yatron
Zimmer

NOES—241

Alexander
Allard
Andrews (TX)
Annunzio
Anthony
Applegate
Archer
Armey
Aspin
Baker
Ballenger
Barnard
Barrett
Barton
Bateman
Bereuter
Bevill
Boehner
Boucher
Brewster
Brooks
Broomfield
Browder
Bruce
Bunning
Burton
Bustamante
Callahan
Camp
Campbell (CA)
Campbell (CO)
Carper
Carr
Chandler
Chapman
Clement
Clinger
Coble
Coleman (MO)
Coleman (TX)
Combest
Condit
Cooper
Costello
Cox (CA)
Cramer
Crane
Cunningham
Dannemeyer
Darden
Davis
DeLay
Derrick
Dickinson
Dingell
Dixon
Dooley
Doolittle
Dorgan (ND)
Dornan (CA)
Dreier
Duncan
Durbin
Early
Edwards (OK)
Edwards (TX)
Emerson
English
Espy
Ewing
Fawell
Fazio
Fields
Franks (CT)
Gallegly
Gallo
Gaydos
Gekas
Gephardt
Geren
Gingrich
Goodling
Gordon
Gradison
Grandy
Gunderson
Hall (TX)
Hamilton
Hammerschmidt
Hancock
Hansen
Harris
Hastert
Hatcher
Hayes (LA)
Hefley
Hefner
Henry
Herger
Holloway
Horton
Hubbard
Huckaby
Hunter
Hutto
Hyde
Inhofe
Ireland
James
Jenkins
Johnson (SD)
Johnson (TX)
Johnston
Jones (NC)
Kaptur
Kasich
Klug
Kolbe
Kyl
LaFalce
Lancaster
LaRocco
Laughlin
Leach
Lent
Levin (MI)
Lewis (CA)
Lewis (FL)
Lightfoot
Lipinski
Livingston
Lloyd
Long
Lowery (CA)
Luken
Marlenee
Martin
Martinez
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDade
McEwen
McMillan (NC)
Michel
Montgomery
Moorhead
Morrison
Murtha
Myers
Natcher
Nichols
Nussle
Olin
Ortiz
Orton
Oxley
Packard
Panetta
Parker
Patterson
Paxon
Payne (VA)
Pease
Penny
Perkins
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Porter
Poshard
Price
Pursell
Quillen
Ramstad
Ray
Regula
Rhodes
Ridge
Ritter
Roberts
Roemer
Rogers
Rohrabacher
Rose
Rostenkowski
Roth
Rowland
Santorum
Sarpalius
Schaefer
Schiff
Schulze
Sensenbrenner
Sharp
Shaw
Shays
Shuster
Sisisky
Skaggs
Skeen
Skelton
Smith (IA)
Smith (OR)
Solomon
Staggers
Stearns
Stenholm
Stump
Sundquist
Swett
Swift
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (GA)
Thomas (WY)
Thornton
Traficant
Upton
Valentine
Vander Jagt
Visclosky
Volkmer
Vucanovich
Walker
Weber
Whitten
Williams
Wilson
Wise
Wolf
Wylie
Young (AK)
Young (FL)
Zeliff

NOT VOTING—11

Bliley
Boxer
Dicks
Glickman
Hopkins
Jones (GA)
Levine (CA)
Matsui
Mrazek
Slaughter (VA)
Tanner

☐ 1835

Mr. TALLON changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Mr. LIVINGSTON. Mr. Chairman, I move to strike the last word.

Mr. Chairman, during the debate on the rule, I encouraged the Members of this body to vote no on the previous question so that I could introduce an amendment to repeal the checkoff system, a failed system which enjoys lower and lower appreciation from the American people every year that goes by. But the Members voted not to allow me to introduce it, so, because it would go down on a point of order, I will not at this moment introduce that amendment; but I think it is an important topic for this debate and I hope that we can talk about the highlights.

Mr. Speaker, the checkoff system is indeed a failed system. It was implemented in 1974 as a new idea to promote public financing of Presidential campaigns. The proponents of that new idea specifically stated at the time it was passed that only so much money would be expended as was available at the time that the moneys were to be disbursed.

I quoted earlier the gentleman from Illinois [Mr. ANNUNZIO] who stood up before the entire body during the passage of the checkoff system, the system that allows you to check off on your tax forms whether you want or do not want a dollar of your tax returns to be applied to the Presidential election contest, when the gentleman from Illinois [Mr. ANNUNZIO] said: "If the money is in the fund it can be used, but if there is no money in the fund, then we are not able to spend any money."

Other Members questioned whether or not it was a workable system and said, "Well, it is infeasible. There will be too many loopholes." In fact, over time, it has been accused of having too many loopholes, and even Mr. Walter Mondale, former Vice President of the United States, condemned the system as having too many loopholes and being an unworkable law. Yes, on the same day it was passed, the same day as the statement by the gentleman from Illinois [Mr. ANNUNZIO], the former Speaker of this House, Jim Wright, said to Representative John Rousselot of California: "Congress could repeal this law if it did not work out as we intend at any time in the future."

☐ 1840

Mr. Chairman, the American people have voted on whether or not they approve of a checkoff system, and they do not like it and they disapprove of it, and at its peak in 1980, only 28.7 percent of the American people who filed an income tax return actually checked off the box that said "yes," they want a dollar of their tax returns to go to the Presidential contest.

That was 28.7 percent in 1980. As you can see from the chart to my left, to your right, that figure declined every single year until 1989, when the figure was only 19.9 percent of the American people checking off the box dedicating $1 of their tax return to the Presidential contest.

In 1990 we are told by preliminary figures that only 19 percent of the American people support the checkoff.

The fact is that the taxpayers have rejected the checkoff scam. Eighty percent of the American people reject the checkoff. Eighty percent are saying that the voluntary checkoff system is not voluntary because they have no say-so as to the candidates to whom the money goes.

Participation peaked in 1980 and declined all the way down to 20 percent of the American people by 1989. That is poor commentary.

So Mr. KOLBE of Arizona and I tried to repeal the entire act. But we could not do that because of the rule.

Mr. FAZIO, though, went to the Committee on Appropriations and got passed through the full Appropriations Committee an amendment which would change the checkoff system and enable candidates to obtain credit on the funds currently under the system which Mr. ANNUNZIO said in 1974 could not be disbursed unless they were first collected. Mr. FAZIO proposed to change the system with his amendment to say that even though much of that money has not been collected, it will be disbursed to Democratic Presidential nominees during the primary process in the form of a rubber check, or borrowed money.

The CHAIRMAN. The time of the gentleman from Louisiana [Mr. LIVINGSTON] has expired.

(By unanimous consent, Mr. LIVINGSTON was allowed to proceed for 5 additional minutes.)

Mr. LIVINGSTON. That is, Mr. FAZIO's amendment, in effect, would extend the period, the deadline for the cutoff, and instead of evaluating the fund on January 1, 1992, as required by law, he would anticipate the value of it as of October 1, 1992, thereby completing the fiscal year. He proposed that even though the funds collected between January and October, 1992, have not been collected, the Democratic Presidential nominees can go ahead and spend the money anyway. They can write checks on the fund and they can spend the money even though the account is barren, even though there is no money in the fund, so that in effect we in Congress are back at the business of writing bad checks.

Mr. WALKER. Mr. Chairman, will the gentleman yield?

Mr. LIVINGSTON. I yield to the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. I thank the gentleman for yielding.

Mr. Chairman, the money for this then would have to come out of the general fund, is that right, in order to cover what the Democratic candidates for President would be writing?

Mr. LIVINGSTON. The gentleman is absolutely correct. There is no money in the FEC fund, so the money would have to come out of the General Treasury.

Mr. WALKER. So nonvoluntary money would now be spent for Democratic Presidential primary candidates to run around the country paying their campaign bills.

Mr. LIVINGSTON. Yes. And, of course, the practice is proposed under the dire emergency supplemental bill—I guess it is a dire emergency, if for nobody else, certainly for the Democratic Presidential nominees. So I guess in that sense it is relevant.

Mr. WALKER. If the gentleman will yield further, so what we are doing is having each of the Democratic Presidential candidates starting off by spending deficit money in their campaigns, or else the Government is writing them another check because there is no money available for them to campaign with. Is that correct?

Mr. LIVINGSTON. The gentleman has stated it exactly. And if I did not think that the checkoff system was so bad, I guess I would not object to this because what they are saying, of course, is, "Well, under the current law, the President can collect moneys in advance, but there will be no moneys for the Presidential nominees." That is what they are saying. And I cannot really argue with that contention.

But what concerns me is that it flies in the face of the purpose of the act, which was clearly stated by Mr. ANNUNZIO in 1974, who said if there is no money in the fund, we will not spend it.

I would yield to the gentleman in a minute, but I have a number of other reasons why I believe the checkoff system is so flawed. I would like to run through those quickly.

Mr. NAGLE. Mr. Chairman, will the gentleman yield?

Mr. LIVINGSTON. I yield to the gentleman from Iowa [Mr. NAGLE].

Mr. NAGLE. I thank the gentleman for yielding.

Mr. Chairman, I appreciate the enthusiasm with which the gentleman draws the analogy to rubber checks. Although I find it personally offensive, I am wondering, is the President of the United States, presumably your candidate, planning on dipping into this fund that you so vehemently oppose? How is it all right for him to dip into it and not for the Democratic candidate?

Mr. LIVINGSTON. I would say to the gentleman that the President of the United States is prepared to live up to the letter of the law, as it was drawn up in 1974. If the fund runs dry, the fund runs dry for the President, also the fund runs dry for the nominees.

Moreover, if I had my way and if I were able to introduce the amendment, which opportunity was denied me under the rule—excuse me, I take back the balance of my time—I would eliminate the checkoff system altogether. I would deny the President of the United States the right to use this money. I would deny the right of any of the nominees to use this money.

Why? I would like to tell the gentleman exactly why.

First of all, as I have said, the American people have rejected the system; fewer than 20 percent of them support it. That means 80 percent do not support it and do not sign the checkoff.

Second, the checkoff has not stopped special-interest money. Spending in Presidential races, with spending limits and public financing and all the laws that we have on the books today, has escalated some 50 percent between 1984 and 1988. And at the same time, congressional races, where there are no spending limits of this sort, spending in congressional races actually went down.

Third, soft money mushroomed under the checkoff system. Half of the money—and you were always hearing about the pitfalls and evils of soft money—half of the money in the last Presidential election was off the books in soft money. None of it is limited or disclosed to the public.

Soft money is basically money that they get from the outside, that does not go through the system, that is not put on the books.

This checkoff system does not eliminate it.

Fourth, the Presidential system is a regulatory disaster. The FEC has done an incredible job trying to cope with an unworkable law with incredible loopholes.

One out of every $4 spent on the Presidential contest of the regulated Presidential system goes to lawyers and accountants. So of the 20 percent who check off the $1 for campaigns, of those, 25 percent know that their money is going to lawyers and accountants.

The CHAIRMAN. The time of the gentleman from Louisiana [Mr. LIVINGSTON] has again expired.

(By unanimous consent, Mr. LIVINGSTON was allowed to proceed for 5 additional minutes.)

Mr. LIVINGSTON. Twenty-five percent, ladies and gentlemen, 25 percent of the money that does go into the FEC coffers goes to lawyers and accountants to try to figure out the law. That is not sensible. It is not even going to candidates.

Plus, every candidate under the system, except one, has been cited for violations notwithstanding that factor. They cannot even keep up, they cannot understand the law.

Moreover, taxpayers do not want to pay for conventions and political ads. Those 20 percent, if they knew where their money was going, to the lawyers and the accountants, would say one thing. But if they also knew that much of that money goes to not only the conventions but to pay for big parties and booze and all the shenanigans that are attendant with political campaigns, such as for political advertisements and ad men and con men, what have you, I think they would rethink that checkoff. They really do not see the whole picture when they are checking off that $1.

Moreover, the checkoff provides welfare for politicians. We are always hearing about the evils of raising money. And yet here we have politicians who, regardless of what they say, receive welfare from the Government, manna from Heaven, or taxpayers' dollars that come into their purses to spend any way they like. And who is spending that money? I said the politicians. I am talking about any politician who qualifies under the law.

Lyndon LaRouche qualified for——

Mr. FAZIO. Mr. Chairman, will the gentleman yield for a compliment?

Mr. LIVINGSTON. No, I will not yield.

He qualified for $1.3 million, $1.3 million for Lyndon LaRouche under the FEC system, under the checkoff system.

□ 1850

Mr. Chairman, Lyndon LaRouche went to jail, he is a convicted felon, and he is going to qualify again this year for taxpayer dollars.

I say to my colleagues: You're going to get candidates from the far right, you're going to get candidates from the far left, and it doesn't matter what they say. It doesn't matter who they hate. It doesn't matter how they intend to waste that money. It doesn't matter even if they want to put it in their pockets. But we're going to give them the American people's tax dollars, and that practice ought to be thrown out.

Mr. FAZIO. Mr. Chairman, now will the gentleman yield?

Mr. LIVINGSTON. I yield to the gentleman from California.

Mr. FAZIO. Mr. Chairman, I just want to tell the gentleman from Louisiana [Mr. LIVINGSTON] that he has been one of the bright spots of this day. It has been just an outstanding exposition on a subject that really is not before us. I do appreciate all the criticism leveled at the existing system, but I look forward to hearing the gentleman from Washington [Mr. SWIFT] discuss how we can use this system and improve it because it is the only thing available to us in 1992. For 20 years we've had public financing for the Presidency and we'll have it at least through 1992 if not for many years after.

Mr. LIVINGSTON. Mr. Chairman, I appreciate the comment of the gentleman from California [Mr. FAZIO], and he is right. What is before us really comes down to this.

We are extending the right of Democratic Presidential nominees to spend money that is not raised between January and October, to bounce checks, to write checks on an NSF account, and we ought to face up to that issue, and, in order to do that, I am going to yield to the gentleman from Pennsylvania who is going to have a motion to recommit, and, I say to my colleagues, "If you don't like this system, if you don't like the gentleman from California's amendment, you can vote for the motion to recommit and send it back to oblivion where it belongs."

Mr. SWIFT. Mr. Chairman, I move to strike the last word.

Mr. Chairman, it has been a long time since I have seen so much smoke blown across the floor of the House. Let us just try to understand a little bit of what we are talking about here.

First of all, there are no rubber checks. There is money in the account. What we have is a case, not of anyone wanting to write rubber checks, but wanting to stop some incredibly creative accounting that is going on down at the Treasury Department because what they have done is they have taken and set aside $111 million for the general election. Just taken money that is there and said, "We're going to set that aside for the general election, and then $22 million for the conventions," and then they said, "Now we're going to divide up what little bit is left, maybe $16, $17 million."

Now this situation was faced once before. It was in the term of a fair Republican President. His name was Gerry Ford, and, when this situation faced the administration of President Ford, he did precisely what the amendment of the gentleman from California [Mr. FAZIO] to this bill would do.

May I quote his Treasury Secretary, David Musto, when he testified on November 4, 1975? He said, "I don't think it would be absolutely necessary to reserve them," referring to the set-asides, "in total, as long as we have reasonable assurance that subsequent revenues would find enough funds. In other words, it is possible we could dip into the first two priorities in order to make funds available for primary candidates early in the year and in effect replace those funds out of revenues that come in, say, April." That was Gerald Ford's Secretary of the Treasury.

Furthermore, the procedure we have in this legislation right now was proposed and recommended by the Federal Election Commission on a 5-nothing vote, all three Republican members making this recommendation.

Now why is the Treasury so insistent on doing what they are doing?

Mr. Chairman, this is the first time since in my service in the House I have had reason to use a chart, but I have always envied everybody that can do that. So, let us take a look at this chart.

What they want to do is to see that there is all that money that is set aside, has been now reserved for the general election—clear way up in here, limited money here—so that their President will be able to swoop in in January and February and sop up most of the money that is there rather than simply using the money that is already there and not setting it aside for the general, but paying for the general election out of the money that comes in at this point.

Now why do they want to do that? Why do they want this fund to be empty and hungry in January, and February and March? The answer is very interesting. In this month, with that amount of money, there are four primaries—in this month—and I say, "Mind you, the money is paid out in the last day of the month." In this month of March, on March 30, this amount of money will come out, and, before that money is put out to the candidates, 27 States and 3 other entities will have had their primaries.

In short, by the time any money comes into this fund, 34 entities, States and territories, in this country, will have already had their primaries, and then, when the money starts to flow, in April, it is all over.

Mr. Chairman, this is creative accounting to starve the challengers.

Now I just make one more point.

Mr. THOMAS of California. Mr. Chairman, will the gentleman yield?

Mr. SWIFT. I yield to the gentleman from California.

Mr. THOMAS of California. Mr. Chairman, I thank the gentleman from Washington [Mr. SWIFT] for yielding. I will just respond to the creative accounting point.

Is it not in fact the law that says the money must be reserved for the general election and then the primary? Is that the understanding of the gentleman?

Mr. SWIFT. That is my understanding.

Mr. THOMAS of California. So, It is the law that is dictating the way the money is removed, not creative accounting by those who manage the accounts.

Mr. SWIFT. If I can reclaim my time, the idea that there is a rubber check going out here when clearly——

The CHAIRMAN. The time of the gentleman from Washington [Mr. SWIFT] has expired.

(By unanimous consent, Mr. SWIFT was allowed to proceed for 3 additional minutes.)

Mr. SWIFT. What the creative accounting is trying to pretend is that this is all the money that is going to come when we know all this money is going to be here. the money will be there. It was not creative accounting when Gerald Ford's Treasury Secretary did it. It was not creative accounting when all the Republicans in the Federal Election Commission suggested it. It is creative accounting when we reverse those particular decisions of the Ford administration and the recommendation of the Republicans and the Federal Election Commission. that is the point that I am making.

Mr. THOMAS of California. Mr. Chairman, will the gentleman yield briefly further?

Mr. SWIFT. I yield to the gentleman from California.

Mr. THOMAS of California. Mr. Chairman, it is my understanding that in previous Presidential elections Presidential candidates were allowed to borrow money against that fund when they were to receive money on a future basis. Is that the gentleman's understanding?

Mr. SWIFT. Would the gentleman say that again?

Mr. THOMAS of California. That in previous Presidential elections, in primaries, Presidential candidates were allowed to use the future funding from this fund.

Mr. SWIFT. I believe that is right.

Mr. THOMAS of California. As collateral for loans?

Mr. SWIFT. I believe that is correct.

Mr. THOMAS of California. Is that procedure suspended in 1992?

Mr. SWIFT. No.

Mr. THOMAS of California. So, it is available to any candidate when clearly that chart shows that there will be additional moneys and that they can borrow against those additional moneys. There is no need for this legislation if they would practice what previous Presidential candidates have practiced.

Mr. SWIFT. Mr. Chairman, I will thank the gentleman from California [Mr. THOMAS] for his comments.

I would point out there will be no need for this legislation if the Treasury made the same decision that was made the only other time this situation was faced under President Gerald Ford with a Republican Treasury Secretary and the way three Republican members of the Federal Elections Commission suggested should be done. We are following the precedents. What is changing the precedent is the decision by this Treasury Secretary.

And I must say this, that this President is doing very, very well in the polls at the present time. This merely seems a little greedy. At the time that Gerald Ford made his decision, Gerald

Ford had a tough election coming up, but he was an honorable man and a fair man, and he did the right thing. Here we have a situation where I do not know that our President is not fair. I do not know that he is paying attention. He is off being President for external affairs, and somebody else is probably making this decision because it deals with domestic policy.

☐ 1900

Nevertheless, this is a President with an enormous lead who is trying to cash in on all the money he can.

I make one last point, and that is that so far as I know, this President does not support the checkoff either. If this President wants to be consistent, the President does not have to take the money. There is nothing in the law that says he has to take the money.

But to oppose the concept, and then be the first one to belly up to the bar to get your share, and then pile on, by virtue of having your Treasury Secretary change the rules of the game so that your belly is bigger than anybody else's when you come up to the bar, does not seem to me to be, to use a gentle word, consistent.

Mr. FAZIO. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I think the gentleman from Washington [Mr. SWIFT], who really has the background and knowledge as chairman of the Subcommittee on Elections of the Committee on House Administration, has made the point very well.

Mr. Chairman, I really enjoyed the speech of my friend from Louisiana [Mr. LIVINGSTON]. It really brought back memories of our good friend Sil Conte. I think the gentleman is taking his mantle, and it is only appropriate that as a member of our committee he do that.

But the subject is a very narrow and limited one, and yet it is indicative of whether or not we believe in fair elections in this country.

Mr. Chairman, the press, God love them, there are not many here, could not think of another question to ask a Democrat over the last 5 or 6 months than "aren't you going to have somebody run for president?" "Who are you running for President?" "Don't you have a nominee for the President?"

It became a mantra, a litany. Now that we have them, they do not seem to care whether or not they are going to have any money to campaign against our incumbent President.

The President understands very well how you go about organizing. As an incumbent, he has a tremendous ability to do that. He is out there as we speak, with committees in 20 States, probably all 50 of them, designed to hold fundraisers, that will on the first moment of the new year qualify them to soak up every dime that is in this third pot available for primary candidates.

As the gentleman from Washington [Mr. SWIFT] has said, we have got all the money we need for the convention for both parties. We have all the money we need for the general election. But we do not have enough money to get started in January. So President Bush and his political advisers, understanding this situation, have made a very smart and adroit move, a move that will stand up, by the way, unless we reverse it on a must-pass bill and unless the American public learns about this issue through the free press. The President has made a decision, and I think it is a rather cynical one, to take every dime for himself, while the rest of the field of Democratic candidates and others who qualify for public funding, will have to scramble around to come up with their individual contribution share, only to find the money is not there to match it from the checkoff fund.

The gentleman from Louisiana [Mr. LIVINGSTON] made a number of comments that may or may not strike one as appropriate in regard to the overall law that was passed in the early 1970's. We will have a shot at reauthorizing this piece of legislation, and I think it does need work. There has been a decline in participation.

But there was a great deal more effort to sell people on the civic virtues of participating in the checkoff plan in the early 1970's. We have not had that lately.

Nobody has mentioned the additional problem of having indexed the expenditures and not the incoming revenue. So it is not just a decline in participation that is a problem, it is an increase in costs for campaigns, for conventions, and no increase in the amount of money that comes in to pay for it.

So we are in a situation in which the fair thing to do is to set up a campaign on the merits between the two parties, beginning with a variety of Democratic candidates in the primary. The fair thing to do would be to apportion the money not on a first come, first served basis, but on the basis of those candidates who qualify getting what is their fair share. Simply moving money up in the pipeline, not touching general revenues, not bouncing any checks, simply taking money that will be replenished in March and April when the income taxes are paid in this country, so that we can borrow from it to pay for the costs of running a primary campaign, a very simple thing that Jerry Ford found appropriate and, thank God, all of the FEC commissioners of both parties did as well.

Mr. LIVINGSTON. Mr. Chairman, will the gentleman yield?

Mr. FAZIO. Mr. Chairman, I am happy to yield to my friend from southern Louisiana [Mr. LIVINGSTON], who uses the word "booze" like you would use it if you were from northern Louisiana.

Mr. LIVINGSTON. Mr. Chairman, I thank my good friend for yielding. By my computations, we have had some four elections which have transpired, four Presidential elections which have transpired since the passage of this act. I do not recall that we have had similar problems in the past. Obviously, the gentleman has alluded to one.

Mr. FAZIO. In 1975.

Mr. LIVINGSTON. If the gentleman will continue to yield, I am sure that the redactors of this particular law back in 1974 did not anticipate that we would have 12 years of Republican administration, with the prospect of 4 more years.

Mr. FAZIO. Mr. Chairman, reclaiming my time, I think the Democrats must be holding back on their money in disgust.

Mr. LIVINGSTON. Mr. Chairman, if the gentleman will yield further, they now have a problem in that they created the law. The Democrat Congress drew this law and passed it, and now they are complaining that their candidates are not entitled to as much money as the President.

I do not see how the gentleman can complain about what the President does under this law.

Mr. FAZIO. Mr. Chairman, if I may reclaim my time, there were people in both houses, in both parties, who considered the possibility that this might happen. I have even read the record of the debate. It was decided in conference committee to leave it flexible, knowing full well that the FEC had jurisdiction, and that the Treasury would operate in an objective and fair way. So they provided the flexibility, which has always been used when it was required in the past.

Mr. Chairman, I would simply say to Members, do not vote to recommit this bill. Certainly do not vote to recommit it on the basis of the Livingston amendment to strike this provision. If we do not take action tonight on this must-pass bill, this President will have his way and march into a campaign in which he has tremendous popularity without even having allowed, because he holds the power, his opposition to have a voice, to use their right to free speech. It is an urgent decision.

The CHAIRMAN. The time of the gentleman from California [Mr. FAZIO] has expired.

(At the request of Mr. SMITH of Florida and by unanimous consent, Mr. FAZIO was allowed to proceed for 2 additional minutes.)

Mr. SMITH of Florida. Mr. Chairman, will the gentleman yield?

Mr. FAZIO. I yield to the gentleman from Florida.

Mr. SMITH of Florida. Mr. Chairman, I would inquire of the gentleman from California [Mr. FAZIO], would I be correct in a statement that in the 1988 election cycle, the President of the United States, George Bush, took approximately $46 million out of this Presidential checkoff fund?

Mr. FAZIO. Mr. Chairman, the President has used in his various campaigns $46 million. This must be the welfare for politicians we have heard about. The biggest welfare recipient in America is now resident on Pennsylvania Avenue in the White House.

Mr. SMITH of Florida. Mr. Chairman, if the gentleman will yield further, would I be correct that if this gentleman's amendment which is not before us, but if it was before us, and if we had to vote on it, if it was adopted, it would mean that the new election cycle in 1992 would in effect deny that kind of funding or almost any significant funding to the Democratic Presidential nominee, in essence meaning that this President now in the White House would have pulled up the ladder, pulled in the gang plank behind him, and insulated himself from a challenge?

Mr. FAZIO. Mr. Chairman, reclaiming my time, absolutely. We would have institutionalized an entirely unfair situation, which can easily be remedied by this White House and Treasury, if they were only inclined to do that.

Mr. LIVINGSTON. Mr. Chairman, will the gentleman yield?

Mr. FAZIO. I yield to the gentleman from Louisiana.

Mr. LIVINGSTON. Mr. Chairman, my amendment was actually a prospective, and would not cover the 1992 elections. Furthermore, I point out to the gentleman that in 1988, Lyndon Larouche drew up to $1.3 million, and I don't know how much Michael Dukakis got, but I expect he got a heck of a lot.

Mr. FAZIO. Mr. Chairman, reclaiming my time, there are plenty of problems with this legislation that can clearly be addressed when it is reauthorized. None of us were pleased to see Lyndon Larouche receive any money but he committed fraud. There may well be some things that may be needed to fine-tune it. Some of us may want to throw it out. But we have one option today only, and if we do not act in this Congress, we will not have the ability to have a fair election starting in January under this system, the only one we have.

The purpose of sections 203 and 204, which I added to this bill in committee, is to alleviate a potential shortfall in matching funds from the Presidential election campaign fund for 1992 Presidential primary candidates.

Sections 203 and 204 have no budget impact—they involve no additional revenues for expenditures.

The Presidential election campaign fund was established by Congress in the early 1970's as one of the key reforms to restore public confidence in the Presidency after Watergate. President Bush and all but one major party candidate have participated in the Matching Fund Program since its inception in 1976.

The fund's revenues are derived from the $1 voluntary income tax checkoff. From these revenues, the Treasury Department has three setasides. First, the Treasury sets aside money for the two major party conventions. That amount for 1992 is $10.6 million.

Second, the Treasury sets aside funds for the two major party general election nominees. In 1992, that amount will be $53 million.

Third, and finally, the remaining balance in the fund is made available to the primary candidates of each major party to match eligible primary election contributions. On January 1, of next year, it is estimated that the balance in the fund will be about $16 million. By comparison, in 1988 primary candidates from both parties scooped up about $65 million in matching funds.

These funds are made available on a first come, first served basis. Therefore, because of the natural advantages of the incumbency, on January 1, 1992, the first day that matching contributions are available, President Bush will likely be in a position to pick up nearly all of the $16 million that is expected to be on hand.

All other primary candidates, those who come in after the primary election fund has been depleted, will be told by the FEC that they can have their money, but maybe not until March or April or May when collections from the dollar checkoff on the 1991 tax returns begin to restore the primary account balance.

Clearly, during those intervening months, all other primary candidates—Democratic and Republican alike—will be at a tremendous disadvantage. Our Democratic primary candidates depend on these matching funds being made available. Many of the 1988 Democratic nominees have said that without the checkoff moneys they would have been forced to withdraw early from the race.

This bias toward the incumbent was clearly not the intent of the authors of the Presidential election reforms which created the campaign fund. And, it is this unintended bias that we are trying to correct in sections 203 and 204 of the bill before the House.

Why has this shortfall developed? Participation in the Presidential fund checkoff is down from when collections began in 1976—down from 27.5 percent of all returns to about 21 percent last year. But actual collections from the checkoff have hovered between $35 million and $32 million a year for the last 7 years.

Therefore, at least part of the reason we have such a large shortfall in this election cycle is that the original statute indexed for inflation the set-asides for the major party conventions and the general election campaigns. For example, in 1988, George Bush and Michael Dukakis each received $46 million from the fund during the general election, $7 million less than each major party nominee will receive in 1992.

While the allocations for the conventions and general election steadily rose, collections for the fund remained relatively stable, because the $1 checkoff was not similarly indexed.

Earlier this year, anticipating a shortfall in the amount of funds available for the primary campaign, the Federal Election Commission—on a 5-to-0 vote—requested the Treasury Department to take anticipated 1992 revenues into account when allocating the primary matching funds. Treasury refused to do so.

Sections 203 and 204 of the bill would require Treasury to take into account estimates of anticipated revenues when transferring funds into the Presidential matching payment account. This is technical accounting procedure that has no overall revenue effect—because the FEC will in effect borrow, temporarily, from the other two set-asides. We have a full balance in the Presidential campaign fund and at no time will that balance be depleted. There is no debt financing as some have argued, and the integrity of the fund will be preserved by providing adequate reimbursement for all eligible primary contributions. Sections 203 and 204 will ensure that all primary candidates are treated equitably.

This is a stop-gap measure for 1992. More comprehensive legislation will have to be considered next year in order for the fund to be fully able to respond to the demands for funds anticipated in the 1966 Presidential election cycle. But the provisions in the bill are consistent with the intent of Congress in creating the fund.

Two final points, Mr. Chairman. First, the President has challenged this body to shed the benefits of incumbency. Yet President Bush threatens to veto this urgently needed supplemental spending bill because it includes this provision which threatens one of the great perks of his own incumbency. Second, for those Members who say they want campaign finance reform, the provisions in the bill preserve the essence of the original campaign finance reform measure adopted by this body.

It is essential that we maintain fairness and equity for both parties in the campaign for the highest office in the land. The importance of the office demands that we do nothing less. I urge my colleagues to oppose the amendment.

Mr. THOMAS of California. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I understand as we discuss these issues we sometimes get carried away rhetorically. But to say now that this measure, if it fails, will guarantee that we do not have a fair and free election in 1992, is about as far off the mark as any statement I have ever heard.

As a matter of fact, the Subcommittee on Elections of the Committee on House Administration in April of this year heard from the FEC which was reporting approximately a $30 million deficit in the Presidential fund. Four months later, in August 1991, there was a tenfold reduction in the estimate of the deficit, down to about $3 million.

What should have been done is to get a November estimate from the FEC. It is entirely likely that there may not be any deficit.

Mr. FAZIO. Mr. Chairman, will the gentleman yield?

Mr. THOMAS of California. I yield to the gentleman from California.

Mr. FAZIO. Mr. Chairman, if there is no problem, then this is not necessary. But that does not mean we do not have to give the flexibility to the Treasury.

Mr. THOMAS of California. Mr. Chairman, what I wanted to say was that it is a sad day when we stick this kind of a clearly partisan measure on a dire emergency bill. This is one of the best arguments I have heard against term limitations. Because, frankly those Members who are junior to the chairman of the Committee on Appropriations should have listened to his wise advice: This amendment should not have been attached to this bill.

□ 1910

To argue that we have to pass it is to guarantee that the President will veto the dire emergency.

This is the wrong place to practice politics.

Mr. FAZIO. Mr. Chairman, will the gentleman yield?

Mr. THOMAS of California. I yield to the gentleman from California.

Mr. FAZIO. Mr. Chairman, I can only say this: We all understand the way this place works. A simple introduction of a bill from the House Committee on Administration, say, passed through this House would have easily been put on hold in the Senate. We know the "99 is never enough" other body could easily have, through the objection of one Member, prevented this from reaching the President's desk.

Mr. THOMAS of California. Mr. Chairman, reclaiming my time, I guess the gentleman did not hear me when he tells me that the only alternative to ensure that the money is there is to place it on a dire emergency through a gimmick, as it were, in the Committee on Rules. The result was there can be no point of order against legislating on an appropriations bill.

The fact of the matter is, the money is there. In the past when there have been shortages or anticipated shortages, loans were the appropriate method.

I think the gentleman is creating a problem that does not exist and is jeopardizing an important piece of legislation for narrow partisan purposes. That is one of the reasons we have problems around here.

When we think we are right, we take any shortcut necessary to get our way, even if it means stepping on the rules, even if it means rolling a chairman of a full committee so that we get what we think is right when in fact, if we will examine the numbers, there is no problem in the first place.

It is a sorry measure, and we ought to do something about making sure that we can get this amendment out of a bill so the President will sign the needed funds.

Mr. WHITTEN. Mr. Chairman, I move to strike the requisite number of words.

May I say to my colleagues, we should leave this debate now and resume it when we get to the end of the bill, when there will be a motion to recommit. I hope we can so that we can consider other amendments that might be offered because we must finish this bill tonight. We have a full schedule for tomorrow.

I hope we will all cooperate at this point because striking the last word is consuming a lot of time. Let us hear the amendments we have, and let this debate take place on the last vote. I hope we can have the cooperation of our colleagues at this time.

AMENDMENT OFFERED BY MR. JONTZ

Mr. JONTZ. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. JONTZ: Page 15, after line 20, insert a new chapter 8: "Notwithstanding any other provision of such Act, if a person (including a government entity) incurs interest expenses with respect to a disaster under such Act and receives a payment under such Act with respect to such disaster, amounts appropriated under the paragraph headed for disaster relief may be used to reimburse such person for the portion of such interest expenses which accrue during the period beginning on the date such payment is approved and ending on the date such payment is made.".

Mr. JONTZ (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Indiana?

There was no objection.

POINT OF ORDER

Mr. WALKER. Mr. Chairman, I rise to a point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. WALKER. Mr. Chairman, this amendment violates House rule XXI, clause 2. It is legislation on an appropriations act. No authority for FEMA to forgive, forbear, or make debt service or interest costs exists under 42 U.S.C. 5121, which is the Stafford Disaster Relief and Emergency Existence Act.

This amendment would create an unauthorized use of FEMA funds and should, therefore, be ruled out of order.

The CHAIRMAN. Does the gentleman from Indiana [Mr. JONTZ] wish to be heard on the point or order?

Mr. JONTZ. Mr. Chairman, I would ask the gentleman from Pennsylvania to withdraw his point of order. No one objects to the substance of this amendment. It is occasioned by the fact that entities, public entities which are eligible for disaster assistance have had to wait numerous months to receive the assistance that will be going in their direction under this legislation and have incurred interest expenses as a result of no factor under their own control.

I believe that it would be a good thing if we were to allow FEMA to reimburse these entities for interest expenses they have incurred.

The CHAIRMAN (Mr. STUDDS). The Chair is prepared to rule. It seems to go without saying that if the reimbursement authority in question here were in current law, then the amendment would not be necessary. It clearly, for the reasons stated by the gentleman from Pennsylvania, constitutes legislation on an appropriations bill, and the point of order is therefore sustained.

AMENDMENT OFFERED BY MR. BARTON OF TEXAS

Mr. BARTON of Texas. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BARTON of Texas: At the end of chapter VI add the following new chapter:

CHAPTER VII—CONGRESSIONAL OPERATIONS

MANDATORY DRUG TESTING OF MEMBERS OF THE HOUSE OF REPRESENTATIVES

(a) APPROPRIATIONS.—For payment of expenses of a program for testing of Members of Congress for illegal use of controlled substances, $50,000 to remain available until expended.

(b) CONTRACT FOR TESTING SERVICES.—The Clerk of the House of Representatives is authorized to contract with a private, nongovernmental entity for testing services to carry out subsection (a). This shall be accomplished not later then 6 months after enactment of this Act.

(c) PROCEDURES.—The testing program under this resolution—

(1) shall be mandatory for each Member of the House of Representatives;

(2) except as otherwise provided in this resolution, shall be conducted in accordance with the Mandatory Guidelines for Federal Workplace Drug Testing Programs, as prescribed pursuant to section 503 of the Supplemental Appropriations Act, 1987 (5 U.S.C. 7301 note);

(3) shall be carried out so that 10 percent of the Members are randomly tested in each month.

(4) shall require that the final results of each test be provided to (A) the Member involved and (B) the Committee on Standards of Official Conduct, which, in any case of positive results, shall take such action as may be necessary under the rules of the House of Representatives; and

(5) shall require that the final results of each test be included in biennial report of the Clerk of the House of Representatives and printed as a House document in October of each even-numbered year.

(d) DEFINITIONS.—As used in this section—

(1) the term "controlled substance" has the meaning given that term in section 102 of the Controlled Substances Act (21 U.S.C. 802); and

(2) the term "Member of the House of Representatives" means a Representative in, or a Delegate or Resident Commissioner to, the Congress.

Mr. BARTON of Texas (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

POINT OF ORDER

Mr. FAZIO. Mr. Chairman, I rise to a point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. FAZIO. Mr. Chairman, the point of order is that this amendment proposes to change existing law and constitutes legislation in an appropriations bill and therefore violates clause 2 of rule XXI.

The rule states in pertinent part, "nor shall any provision changing existing law be in order."

The amendment imposes additional duties and therefore I ask for a ruling from the Chair on this matter.

The CHAIRMAN. Does the gentleman from Texas [Mr. BARTON] wish to be heard on the point of order?

Mr. BARTON of Texas. Mr. Chairman, will the gentleman from California reserve his point of order?

Mr. FAZIO. Mr. Chairman, I make a point of order.

Mr. BARTON of Texas. Mr. Chairman, if the gentleman from California will not reserve his point of order, I would point out that this bill came before the committee under a rule that allowed an open rule and allows, I am told, for authorization language to be included in several amendments that have already been heard. For that reason, I would ask that the point of order be denied.

The CHAIRMAN (Mr. STUDDS): The Chair is prepared to rule. Pursuant to the observations of the gentleman from California [Mr. FAZIO], there is clearly in existing law no mandatory authorization for drug testing. There is such a specific authorization in the text of the amendment that does, therefore, constitute legislation in an appropriation bill, and the point of order is sustained.

AMENDMENT OFFERED BY MR. BARTON OF TEXAS

Mr. BARTON of Texas. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BARTON of Texas: At the end of chapter VI add the following new chapter:

CONGRESSIONAL OPERATIONS

HOUSE OF REPRESENTATIVES

MANDATORY DRUG TESTING OF MEMBERS OF THE HOUSE OF REPRESENTATIVES

APPROPRIATIONS.—For an additional amount for salaries and expenses, House of Representatives, for the legislative branch, $50,000.

POINT OF ORDER

Mr. FAZIO. Mr. Chairman, I rise to a point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. FAZIO. Mr. Chairman, this amendment would propose to change existing law and constitutes legislation in an appropriations bill and, therefore, violates clause 2 of rule XXI. The rule states in pertinent part, "No amendment to a general appropriation bill shall be in order if changing existing law."

The amendment gives affirmative direction in effect by establishing a new appropriation account. It modifies existing powers and duties by requiring an unauthorized activity.

The amendment is headed, as we can see, Mr. Chairman, by the words "Mandatory drug testing of Members of the House of Representatives."

The CHAIRMAN. Does the gentleman from Texas [Mr. BARTON] wish to be heard on the point of order?

Mr. BARTON of Texas. Mr. Chairman, I do. I can certainly understand the first reservation of the gentleman from California on the first part of the amendment because it was obvious there was authorization language in that particular amendment. But this second amendment has been explicitly drafted to remove that point of order.

There is nothing in the amendment that authorizes a new program. It is for an additional amount for allowance and expenses, House of Representatives for the legislative branch, $50,000.

In essence what the gentleman from California is objecting to is the title of the amendment. I did not feel that in this body that it was a point of order against the title of an amendment that happens to be mandatory drug testing of Members of the House of Representatives. So I certainly understand the first reservation of the gentleman, being a member of the Committee on Appropriations and a distinguished Member in his own right. But on the second Barton amendment, I do not feel that we are legislating on an appropriations bill.

The CHAIRMAN. Does the gentleman from California [Mr. LEWIS] wish to be heard on the pending point of order?

Mr. LEWIS of California. Mr. Chairman, maybe I am confused. I gathered from this discussion on this point of order that the gentleman is calling for a point of order that would strike funding of a proposed drug testing bill just following that outrageous discussion of trying to fund Presidential campaigns through taxpayers' dollars in a bill that is of critical importance to the American public and this may kill the bill. He outrageously would suggest this is out of order when that was supposedly in order.

The CHAIRMAN (Mr. STUDDS). The Chair is prepared to rule. The phrase "mandatory drug testing of Members" is a part of the amendment and, if enacted, would become a part of the bill and part of the statute. Consequently, the point made by the gentleman from California [Mr. FAZIO] is valid. It does constitute an unauthorized appropriation, unless the gentleman can cite existing statute of authorization for such purpose.

Mr. BARTON of Texas. Mr. Chairman, I cannot do so.

The CHAIRMAN. In that case, the point of order is sustained.

AMENDMENT OFFERED BY MR. BARTON OF TEXAS

Mr. BARTON of Texas. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BARTON of Texas: Page 15 after line 20 add the following new chapter:

CHAPTER VII—LEGISLATIVE BRANCH

CONGRESSIONAL OPERATIONS

HOUSE OF REPRESENTATIVES

SALARIES AND EXPENSES

For an additional amount for "House of Representatives, Salaries and Expenses", $50,000.

Mr. BARTON of Texas. Mr. Chairman, obviously my intent at this point in time was to make in order an amendment that would allow for mandatory drug testing for Members of Congress. We first stripped out the authorization. Then we stripped out the title. Now we are left with the appropriation itself.

□ 1920

I would hope that we would adopt this amendment, even though there is no title to it and no authorization to it, for the following reason. At various times almost every Member of this body has gone on record in support of a vigorous war against drugs. It is a war that we all think needs to be fought. It is a war that we all think needs to be won.

Now, we can disagree about what should be a part of that war against drugs, but a large number, and I would assume a majority of this Congress, thinks that drug testing should be in some shape, form, or fashion a part of that war against drugs.

This body, in this Congress, in this session, has voted on and passed drug testing for transportation workers, perhaps as many as additional 6 million transportation workers. In the executive branch of the Federal Government approximately 2 million Federal employees are subject to some sort of drug testing.

Just this past week one of my staffers was offered a job at the White House as a receptionist in the Office of Congressional Liaison. She had to take a drug test before she was able to take that position. She passed the drug test and went to work this afternoon.

The President is subjected to drug testing. Members of the Cabinet are subjected to drug testing. Every man and woman in the U.S. military is subjected to drug testing. Unfortunately, in the House of Representatives, the leaders of the legislative branch, there are to my knowledge only two Members of Congress that have some sort of drug testing program in their office: myself, and the gentleman from New York, BILL PAXON.

So my intent was to make it in order to require a mandatory drug testing of 10 percent of the House of Representatives each month to show the American people that we are willing to live by the same law that we ask them to live by. That has not been made in order, but I do think that drug testing is appropriate. I think it would restore some of the accountability and some of the credibility that we have lost in this body over the past several years that I have been in the House of Representatives.

Drug testing makes sense. The amendment that I was prepared to offer made sure that proper procedures would be followed, it made sure that confidentiality would be followed, and it made sure that testing would be done with absolute accuracy. While we have not been able to get the authorization section of my amendment in, I would hope that we could appropriate these funds and establish a record.

Mr. WALKER. Mr. Chairman, will the gentleman yield?

Mr. BARTON of Texas. I am happy to yield to the gentleman from Pennsylvania.

Mr. WALKER. Mr. Chairman, I thank the gentleman for yielding. I think we want to make the legislation very clear. It is the intention of the gentleman that the money he is proposing be spent here be spent specifically on a program to allow Members of Congress to be tested for drugs, is that correct?

Mr. BARTON of Texas. That is my intention.

Mr. WALKER. This would put us in the same position as the President of the United States and the Vice President of the United States, who presently are under executive order for being tested for drugs, is that correct?

Mr. BARTON of Texas. That is correct.

Mr. WALKER. And it is the Congress of the United States, the Democratically controlled Congress, that has prevented officials in this branch from being tested for drugs, is that correct?

Mr. BARTON of Texas. I cannot quite say it is the Democratic Congress, because we have not had a vote on it. Some Members of the Democratic leadership obviously have an objection to this.

Mr. WALKER. So, in fact, if we would pass this amendment we would provide the wherewithal for Congress to provide a testing program for Members of Congress, is that correct?

Mr. BARTON of Texas. That would be my intent.

Mr. WALKER. I thank the gentleman. I just say to him that perhaps he might also include some money to test the Presidential candidates the gentleman from California [Mr. FAZIO] has gotten into the bill already, and that would give us some indication as to why they need all that money.

Mr. FAZIO. Mr. Chairman, will the gentleman yield?

Mr. BARTON of Texas. I am happy to yield to my good friend, Mr. FAZIO, the gentleman from California.

Mr. FAZIO. Mr. Chairman, I know there are a number of Members who are interested to know the procedure that involves the President and drug testing. Would the gentleman outline for us how the President undergoes this periodic drug testing? I am sure the media would be interested. I think it is a new issue in American life. We need to discuss it.

Mr. BARTON of Texas. Under the Executive order that was passed, if I could reclaim my time, when President Reagan issued the Executive order all Members in sensitive positions have to subject themselves to a drug test, whether it is a monthly test or a random test. I honestly do not know which. But I do know the President is covered, and the President is drug tested.

Mr. FAZIO. Does the gentleman know how the results came out? Is there any evident record of the test being taken or anything of that sort?

Mr. BARTON of Texas. I personally do not know the results.

Mr. FAZIO. This might make it into the personalities column. This is of interest to the people who cover this institution.

Mr. BARTON of Texas. I would expect those results could be made public, but am not cognizant of that.

Mr. FAZIO. I think we are all sort of in the dark on this one.

Mr. BARTON of Texas. If I could reclaim my time, this is a serious subject, Mr. Chairman.

The CHAIRMAN. The time of the gentleman from Texas [Mr. BARTON] has expired.

Mr. BARTON of Texas. Mr. Chairman, I ask unanimous consent to proceed for an additional 3 minutes.

Mr. CHAIRMAN. Is there objection to the request of the gentleman from Texas?

Mr. GEJDENSON. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

Mr. FAZIO. Mr. Chairman, I oppose the amendment.

Mr. Chairman, I oppose the amendment because it provides funds generally, and I mean that, "generally," after the two prior amendments were stricken, for the use in the salaries and expense account of the House of Representatives.

Now, I know there are a number of Members who still think there is a slush fund for the Speaker. I hope I have talked most of them out of that fiction, but I am sure that some still believe that. Others, of course, have been very concerned about the fact that we in the legislative branch do use funds occasionally in a reprogramming context.

I want to say while I think that must be done carefully and in a bipartisan manner, it is legal and ought to remain legal, as it is in the other branches of the Government. But I think the point that I need to make, in addition, is that we have already provided sufficient funds in the fiscal 1992 Legislative Appropriations Act.

We did not come to the floor today to ask for anything more. We do not need anything more. There is no need to add to the deficit, no need to give this committee more flexibility.

If the purpose is to undertake drug testing, and I gather that we have heard some legislative reference to that, there is no legal requirement for that in the amendment. I could only say that these funds really could not be spent for that purpose. It is not an authorized activity. The Federal funds could not be spent for that purpose in any event if they were made available. We have not passed legislation to do that.

In fact, we have defeated on prior occasions efforts by the gentleman from Texas and others to authorize us to do that, so we are not in a position to spend it on that, even if the money were made available.

We already have a drug-free workplace policy, something that was worked out carefully with the Speaker and the gentleman from Pennsylvania [Mr. WALKER], who is enjoying this reference at the moment. This has been done in close consultation with him, so I am really convinced that we are making progress here.

This amendment is simply not necessary. It will not work because it is not legal to implement it. It will accomplish nothing except to appropriate additional funds that, I have indicated, are not needed, and I really hope that the Members on the other side of the aisle who have been so concerned about a slush fund or some sort of majority discretion would be chary with their funds and not go forward with this appropriation.

Mr. WALKER. Mr. Chairman, would the gentleman yield?

Mr. FAZIO. I am happy to yield to the gentleman from Pennsylvania, the author of that drug-free policy.

Mr. WALKER. Mr. Chairman, I thank the gentleman for yielding. The gentleman is correct that the Speaker of the House and I did work out a drug-free workplace policy for the House of Representatives, and I am pleased to report to the gentleman that I checked just the other day with a clerk and 150 offices are in compliance, which means that more than half of the Congress has not yet come into compliance. This means that there is absolutely no enforcement of that policy. That policy is absolutely rendered uncredible by the performance thus far.

So if the gentleman says there is plenty of money to do this, I would suggest that what we might begin doing is enforcing what is already the law of the land and the policy of this House. There are more than 250 Members that have not come into compliance.

Mr. FAZIO. Reclaiming my time, I would agree with the gentleman that it has not been completely implemented, and all of us, those who have and those who have not, need to get on the same level here. I happen to think that this is the most responsible thing we can do to deal with this issue as it relates to our own offices, and I congratulate the gentleman on his efforts to make sure his law is enforced.

Mr. BARTON of Texas. Mr. Chairman, would the gentleman from California yield?

Mr. FAZIO. I am happy to yield briefly to the gentleman from Texas.

Mr. BARTON of Texas. Mr. Chairman, I thank the gentleman from California for yielding.

I would like to point out that I obviously have no problem with Members having different positions in drug testing in any form, shape, or fashion than I do. But I would point out there has been a consistent pattern of preventing the issue from being raised on the floor of the House of Representatives.

□ 1930

There is no legislative authorization bill. The closest we come is the rules vote at the start of each session of Congress, where the Democrats put up their rules package, the Republicans put up their rules package, and it is a party line vote.

So we should at least allow a debate on it. If there is not a majority that wish to support it, so be it. I am somewhat disappointed that a member of the Democratic majority objected to the unanimous-consent request for 3 additional minutes to debate this little debate. That is certainly within the rules, but it is not within the spirit that this body has normally operated in.

Mr. FAZIO. Well, the gentleman has had additional time, and I would be happy to grant him any additional time that he would like.

Mr. BARTON of Texas. I appreciate the gentleman from California. I believe the debate has been sufficient unless there are others.

Mr. FAZIO. I could agree with that.

Mr. EDWARDS of Oklahoma. Mr. Chairman, will the gentleman yield?

Mr. FAZIO. I am happy to yield to my friend, the gentleman from California [Mr. EDWARDS].

Mr. EDWARDS of Oklahoma. Mr. Chairman, I do not basically agree with the thrust of the amendment that my friend from Texas would have offered, but I think there is a very important point though that he is making. It comes up in response to the inquiry from the gentleman from Pennsylvania into the laws we have already passed.

The question in my mind is not whether we should be drug testing everybody in this place, but the fact that we do mandate those laws for the rest of society or for people in society, and we do not apply them to ourselves. One way or another, whether you are for that provision or not, we have to start applying to this body the laws that we impose on other people in this society.

Mr. SOLOMON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, first of all, let me say to the gentleman who objected over there on the Democrat side of the aisle that I would hope he would not do so. This creates hard feelings and, you know, we need to discuss the issue, and we need to cooperate with each other.

Second, let me just say that I commend the gentleman for bringing this amendment before the House. The gentleman, when he came before the Committee on Rules to request an amendment, made a compelling argument. I told him at that time that I do not believe that there is any Member of this House who is using illegal drugs. I really, sincerely believe that. But that is not the point.

The point is that 10 percent of the people throughout the country, adults, do use illegal drugs; that is what props up the price of illegal drugs in all of the inner cities, right here in Washington, DC.

Eight years ago we implemented mandatory drug testing in the military, and the use of illegal drugs, by admission, dropped from 25 percent down to 4.5 percent. The whole idea is this: We are asking the American public to do something about casual drug use in the country. Casual drug use is killing our children every single day, and nowhere more than right here in this D.C. area. It is even spreading throughout the rural areas of the country.

We could set the example, if we could reduce illegal drug use by all the Federal employees across this Nation by 80 percent, and that is what we did in the military. If we could then do it with all the State employees throughout the 50 States, reduce illegal drug use by 80 percent, and then all the local governments, then we would set the example for the GE's and the IBM's. Pretty soon it would be such a stigma for anybody to go out and use illegal drugs, there would not be any problem, and these drug kingpins who now are processing cocaine would go back to making bathtubs or whatever they make, and we would solve the problem. That is why Mr. BARTON is offering this amendment.

The truth is, I have a bill in the hopper, but there is no authorizing committee to hear it. There is only the vehicle of a legislative branch appropriations bill. That is why the gentleman from Texas has to take the route that he is taking today. It makes a lot of sense.

Nobody is using illegal drugs in this House, but let us set the example for the rest of the American people and support the gentleman's amendment. I repeat: No Member is using illegal drugs, but let us at least set an example for the people we represent.

Mr. BARTON of Texas. Mr. Chairman, will the gentleman yield?

Mr. SOLOMON. I am happy to yield to the gentleman from Texas.

Mr. BARTON of Texas. Mr. Chairman, just briefly, I would like to point out that every opinion poll that this Member has seen on the question of generic drug testing, it is approved in the neighborhood of 70 to 80 percent. Finally, I have asked the question in opinion polls in my district, and when the Houston Post asked the question in a readers' poll in the Houston, TX, area, their support for drug testing for Members of Congress specifically goes up to the 95th percentile.

So this is an issue that is not going to go away. It would be appropriate, in my opinion, to address it in an affirmative fashion in the House this afternoon.

Mr. SOLOMON. I hope Members all vote for it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas [Mr. BARTON].

The question was taken; and the chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. BARTON of Texas. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 226, noes 190, not voting 17, as follows:

[Roll No. 349]

AYES—226

Allard
Anderson
Andrews (NJ)
Andrews (TX)
Annunzio
Applegate
Archer
Armey
Baker
Ballenger
Barrett
Barton
Bateman
Bennett
Bentley
Bevill
Bilbray
Bilirakis
Boehner
Brewster
Broomfield
Browder
Brown
Bruce
Bunning
Burton
Byron
Callahan
Camp
Campbell (CA)
Campbell (CO)
Carper
Chandler
Chapman
Clement
Clinger
Coble
Coleman (MO)
Combest
Condit
Cooper
Costello
Coughlin
Cox (CA)
Cramer
Crane
Cunningham
Dannemeyer
Davis
de la Garza
DeLay
Dickinson
Doolittle
Dornan (CA)
Dreier
Duncan
Dwyer
Early
Edwards (OK)
Edwards (TX)
Emerson
English
Erdreich
Fawell
Fields
Franks (CT)
Gallegly
Gallo
Gaydos
Gekas
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Gordon
Goss
Gradison
Grandy
Hall (OH)
Hammerschmidt
Hancock
Hansen
Harris
Hastert
Hayes (LA)
Henry
Herger
Hoagland
Hobson
Holloway
Hubbard
Huckaby
Hunter
Hutto
Hyde
Inhofe
Ireland
James
Johnson (TX)
Jones (NC)
Kasich
Kennelly
Klug
Kolbe
Kolter
Kyl
Lagomarsino
Lancaster
Laughlin
Leach
Lent
Lewis (CA)
Lewis (FL)
Lightfoot
Lipinski
Livingston
Lloyd
Lowery (CA)
Machtley
Marlenee
Martin
Mavroules
Mazzoli
McCandless
McCollum
McCrery
McDade
McEwen
McGrath
McMillan (NC)
McMillen (MD)
McNulty
Meyers
Miller (OH)
Miller (WA)
Molinari
Montgomery
Moorhead
Moran
Morrison
Myers
Natcher
Neal (MA)
Nichols
Nussle
Oakar
Orton
Owens (UT)

Packard
Pallone
Parker
Pastor
Patterson
Paxon
Payne (VA)
Peterson (MN)
Petri
Poshard
Pursell
Quillen
Ramstad
Ravenel
Regula
Rhodes
Richardson
Riggs
Rinaldo
Ritter
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Sangmeister
Santorum
Sarpalius
Saxton
Schaefer
Schiff
Schulze
Shaw
Shuster
Sisisky
Skeen
Skelton
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Spratt
Staggers
Stallings
Stearns
Stenholm
Stump
Sundquist
Tallon
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (WY)
Traficant
Upton
Valentine
Vander Jagt
Volkmer
Vucanovich
Walker
Walsh
Weber
Weldon
Wilson
Wolf
Wylie
Yatron
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—190

Abercrombie
Ackerman
Alexander
Andrews (ME)
Anthony
Aspin
Atkins
AuCoin
Bacchus
Barnard
Beilenson
Bereuter
Berman
Boehlert
Bonior
Borski
Boucher
Brooks
Bryant
Bustamante
Cardin
Carr
Clay
Coleman (TX)
Collins (IL)
Collins (MI)
Conyers
Cox (IL)
Coyne
Darden
DeFazio
DeLauro
Dellums
Derrick
Dicks
Dingell
Dixon
Donnelly
Dooley
Dorgan (ND)
Downey
Durbin
Dymally
Eckart
Edwards (CA)
Engel
Espy
Evans
Ewing
Fascell
Fazio
Feighan
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Frost
Gejdenson
Gephardt
Gonzalez
Goodling
Green
Guarini
Gunderson
Hamilton
Hatcher
Hayes (IL)
Hefley
Hefner
Hertel
Hochbrueckner
Horn
Horton
Houghton
Hoyer
Hughes
Jacobs
Jefferson
Jenkins
Johnson (CT)
Johnson (SD)
Johnston
Jones (GA)
Jontz
Kanjorski
Kaptur
Kennedy
Kildee
Kleczka
Kopetski
Kostmayer
LaFalce
Lantos
LaRocco
Lehman (CA)
Lehman (FL)
Levin (MI)
Lewis (GA)
Long
Lowey (NY)
Luken
Manton
Markey
Martinez
McCloskey
McCurdy
McDermott
McHugh
Mfume
Miller (CA)
Mineta
Mink
Moakley
Mollohan
Moody
Morella
Murphy
Murtha
Nagle
Neal (NC)
Nowak
Oberstar
Olin
Olver
Ortiz
Owens (NY)
Oxley
Panetta
Payne (NJ)
Pease
Pelosi
Penny
Perkins
Peterson (FL)
Pickett
Pickle
Porter
Price
Rahall
Rangel
Ray
Reed
Ridge
Rose
Rostenkowski
Roybal
Russo
Sabo
Sanders
Sawyer
Scheuer
Schroeder
Schumer
Sensenbrenner
Serrano
Sharp
Shays
Sikorski
Skaggs
Slattery
Slaughter (NY)
Smith (FL)
Smith (IA)
Solarz
Stokes
Studds
Swett
Swift
Synar
Thomas (GA)
Thornton
Torres
Torricelli
Towns
Traxler
Unsoeld
Vento
Visclosky
Washington
Waters
Waxman
Weiss
Wheat
Whitten
Wise
Wolpe
Wyden
Yates

NOT VOTING—17

Bliley
Boxer
Glickman
Hall (TX)
Hopkins
Levine (CA)
Matsui
Michel
Mrazek
Obey
Roe
Rowland
Savage
Slaughter (VA)
Stark
Tanner
Williams

☐ 1954

Mr. GUARINI and Mr. LUKEN changed their vote from "aye" to "no."

Mrs. KENNELLY, and Messrs. FAWELL, STENHOLM, and COSTELLO changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. BOEHNER

Mr. BOEHNER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BOEHNER: At the appropriate place in the bill, add the following new chapter:

CHAPTER — LEGISLATIVE, BRANCH

HOUSE OF REPRESENTATIVES, COMMITTEE ON HOUSE ADMINISTRATION—HOUSE INFORMATION SYSTEMS

For an additional amount for "Committee on House Administration, House Information Systems", $1.00 to cancel the contract with Aristotle Industries for the CD-ROM Voter Registration Lists project.

Mr. FAZIO. Mr. Chairman, I reserve a point of order on the gentleman's amendment.

Mr. BOEHNER. Mr. Chairman, last week many Members in this body saw a newspaper article on our weekly/biweekly newspaper called Roll Call that outlined that the chairman of the Committee on House Administration had given a developmental loan of $250,000 to Aristotle Industries to develop compact disks with voter information on them.

I have the contract here. It was dated January 1, 1991. Several weeks later, on January 20, 1991, a letter was sent by the committee to Aristotle Industries, which says, "After reviewing your product and assessing its value to the U.S. House of Representatives, we agree that lists of registered voters on compact disks may be useful for Members."

At this point the House was committing itself to give $250,000 to a firm to develop this information and was committing the 50 Members of this body to, in fact, buy such lists.

At this point the House had no idea which Members' offices, if any, would be interested in purchasing or subscribing to this list. As of October 21 of this year, only 12 Members of this body have subscribed for this information.

I think the point here, Mr. Chairman, is there are two issues at stake: What authority did the chairman and the committee have to make a $250,000 loan to a firm here on Capitol Hill to develop software for use by Members' offices?

Second, and I think even more importantly, it brings up the whole issue of how we mail to our constituents, the congressional frank, and the ethics involved in having voter lists in Members' offices.

Back to the issue of the $250,000 loan, the chairman, in the newspaper article, was quoted as saying, "Hopefully it will all be reimbursed." But what if it is not? How will the taxpayers recoup their tax dollars which the committee chose to invest on their behalf?

Mr. Chairman, there is a lot of questions involved here, but probably the most stinging thing to me is in the latest issue of Campaign magazine, a magazine that is published by the same company Aristotle Industries. There is an ad in this magazine for the same information on the compact disk, the same way the House is going to receive that information. It even has the nice State logos on each of those disks, which is for sale to campaigns round this country for $1,000, not the $5,000 that our committee contracted to have this information put together.

☐ 2000

So, the questions that begin to raise in my mind are this: Did we pay $250,000 to a private firm to develop this information and allow the same firm to go out and sell that information that we put the money up for them to develop for campaigns around the country? Is that taxpayer money being used to develop the information for this firm so they can make a profit?

Beyond the obvious problems with this contract, I think it raises serious questions with having voter information available to Members in their offices. Those of us who believe that the frank in this body is used wonder what are we saying to our voters, what are we saying to our constituents back home. Is it, "If you vote, you count; if you don't vote, you don't count"?

This, my colleagues, is not balderdash, as the chairman is quoted as saying in this recent article. I submit to my colleagues that this issue goes to the very core and, in fact, the very essence of the problems facing this institution. Our constituents look at us with skepticism and wonder what the true motives of our actions really are.

Well, Mr. Chairman, I ask, "Can you blame them?" In my view this is a backroom deal made without the input of the Members of this body, a deal which any impartial observer would be led to believe is nothing more than a sophisticated incumbent protection tool.

Mr. Chairman, I believe that this institution is much more worthy than that.

The CHAIRMAN. Does the gentleman from California [Mr. FAZIO] insist on his point of order?

POINT OF ORDER

Mr. FAZIO. Mr. Chairman, I have a point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. FAZIO. Mr. Chairman, I believe this language is legislation on an appropriation bill. It seems to direct that the Committee on House Administration should cancel a contract, and, if that is the thrust of the amendment, and that is the Chairman's interpretation of it, I would suggest that this is language that should be removed.

Mr. Chairman, I object and insist on my point of order.

The CHAIRMAN. Does the gentleman from Ohio wish to be heard on the point of order?

Mr. BOEHNER. Mr. Chairman, I do believe in fact the amendment is in order. It deals with money. We have dealt with a lot of issues that crossed a lot of appropriation bills in this body today, and I believe this amendment is no different.

The CHAIRMAN. The Chair would inquire of the author of the amendment whether it is his intention and understanding with respect to his amendment that it directs the Committee on House Administration to cancel the contract.

Mr. BOEHNER. That is correct.

The CHAIRMAN. That is his intention?

Mr. BOEHNER. Yes.

The CHAIRMAN. Does the gentleman from Georgia [Mr. GINGRICH] wish to be heard on the point of order?

Mr. GINGRICH. Mr. Chairman, I would like to comment for just 1 second on the point of order because I think it relates to something all of us have been embarrassed about all fall. Points of order can obviously be very narrowly read on occasion by the Parliamentarian and very broadly read, and we have all lived through that as Members of this body. I just think here is an opportunity in which a Member has brought an amendment which relates directly to a firm which advertises, for example, on behalf of a program called Fat Cats. This is a program which has been put into effect with no Member having a right to vote on it.

Mr. Chairman, I would say to my friend, the gentleman from California [Mr. FAZIO], if his point of order is sustained, I do not know of any way in which any Member of the House will have an opportunity to effect their will on this. They may cleverly block it, but I think they may further put the House into disrepute.

The CHAIRMAN. Does the gentleman from Pennsylvania [Mr. WALKER] wish to be heard on the point of order?

Mr. WALKER. Mr. Chairman, as I read the amendment, the amendment reads that House Administration is given $1 to cancel the contract of Aristotle Industries. This is not an absolute mandate upon the committee. That $1 may be sufficient to do that job, it may not be, so it seems to me the language of the amendment is such that there is an optional nature to it. It is not a mandate under the terms of the amendment and so, therefore, it should be in order in the House for offering before the House.

Mr. FAZIO. Mr. Chairman, may I be heard further on the point of order?

The CHAIRMAN. The Chair will hear the gentleman from California [Mr. FAZIO].

Mr. FAZIO. Mr. Chairman, I think the author of the amendment has stated his purpose. He said it did direct the committee to cancel the contract. Others who have attempted to intervene and reinterpret this statement have no standing. The gentleman who offered the amendment is accurate in his purpose. He stated it very clearly, and I would further insist that this point of order be upheld.

The CHAIRMAN. The Chair will inquire of the author of the amendment as to whether or not he intends to direct the committee to cancel the contract.

Mr. BOEHNER. My intent, Mr. Chairman, is that the contract be canceled. That is my intent. We do not direct that, though, in the amendment.

The CHAIRMAN (Mr. STUDDS). The Chair is prepared to rule.

Under existing law and procedures the Committee on House Administration is clearly authorized to cancel contracts into which it has entered on behalf of the House. Thus the funds in the amendment are authorized by law. Whether the amendment constitutes legislation depend on whether the amendment directs the committee to do that which it merely has discretion to do or not to do, the amendment on its face does not state such a direction, and that is why the Chair inquired twice of the author of the amendment as to his intention.

The Chair has no alternative other than to rely on the more recent assurance of the gentleman from Ohio [Mr. BOEHNER] that it is not his intention to direct the committee, but merely to appropriate funds authorized by law, and, consequently, the point of order is overruled.

Mr. FAZIO. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I think we have a very unclear interpretation from the author of the amendment as to what he really wants to do, but I think we all understand that he does want to command the floor at this time in a way that will be implied to be highly critical of the way this institution has proceeded to reform the frank and to proceed to make more efficient use of our mailing program.

Mr. Chairman, it is wrong to think that this amendment is only going to cost us a dollar. It clearly will cost us additional termination costs in order to cancel any contract we have made through the Committee on House Administration. So, I see it as a waste of funds that have already been spent for this purpose with this firm. I also think it is a waste of staff time that has been expended in this regard.

Mr. Chairman, it is going to cost several hundred thousand dollars to cancel this, not a dollar, and I hope everyone understands that.

I know the chairman, the gentleman from North Carolina [Mr. ROSE], and the ranking member, the gentleman from California [Mr. THOMAS], have far more to tell us about the details of this, but I simply want to go on record as urging my colleagues when the debate is concluded to oppose this amendment. It must be defeated.

Mr. GINGRICH. Mr. Chairman, I rise in support of the amendment of the gentleman from Ohio [Mr. BOEHNER].

Mr. Chairman, let me say first of all that I suspect virtually every Member of the House was very surprised by the Roll Call article on Monday, October 21, which outlined a proposition which would allow Members to target voters.

Now for those of my colleagues who want any possible figment for the franking privilege in an election year, allowing the Members to acquire only the registered voter lists so they could discriminate in their mail, I say, "If you're an American citizen living in household A, and you're not registered, you wouldn't get the mail, but if you're an American citizen living in household B, and you are registered, you would get the mail," which is not, by the way, what the Constitution says in the franking. It is to inform citizens, not just to recruit votes.

Second, when one learns, and again I just suggest to my colleagues Campaign magazine, November 1991, page 45, a wonderfully worded article entitled, "Fat Cats." All 529,409 contributions to Federal candidates has been reported to the Federal Elections Commission in 1989, 1990. They are now available in compact disk for laser-fast access to your very own PC.

Now, the firm which produces Fat Cats is the firm which has been hired to give Members of Congress their very own registered voter list so that they do not have to waste any franking privilege on citizens who have not yet gotten around to register. By the way, on a lot of voter lists which are not purged we would be mailing to dead people, but that will be all right because on balance the efficiency of our official tax-paid campaign will be more accurate.

□ 2010

Now, my friend from California says, well, it will cost some money to cancel this. And, after all, as has been pointed out, this was not direct, the House Administration Committee.

Let me just make two closing points: First of all, in the level of disrepute that the House currently stands, in the voter attitude on term limitation which currently exists, spending a few dollars to cancel a contract which is so blatantly and clearly election related and with a firm which has a fat cat program, is worth the money to simply send a signal to the American people that we are beginning to get the message.

Second, I know my good friend who is the chairman of the Committee on House Administration, I know my good friend who is the ranking member, and I suspect if the House votes for this particular amendment tonight, they will get the general message or the general sentiment of the House, and this contract will in fact be canceled.

I cannot imagine if this amendment passes that our good friends would not want to do that.

Mr. FAZIO. Mr. Chairman, will the gentleman yield?

Mr. GINGRICH. I would be happy to yield to the gentleman from California.

Mr. FAZIO. Mr. Chairman, I just wanted to say to the gentleman from Georgia [Mr. GINGRICH], I know the gentleman on many occasions has admonished the House to better behavior. Is the gentleman telling us that he does not mail to his constituents in anything other than postal patron mail that goes to all who receive the mail? Has the gentleman never at any time in his years in the House done this?

Mr. GINGRICH. Mr. Chairman, to the best of my knowledge, my staff has never used a registered voter list.

Mr. FAZIO. Mr. Chairman, if the gentleman would yield further, I am not asking the gentleman that, and the gentleman knows it. I am asking has the gentleman ever targeted his mail to anything less than all people who live in his district, registered or unregistered? That was the essence of what the gentleman was maintaining we would be doing.

Mr. GINGRICH. Mr. Chairman, I have responded, for example, to veterans who write on veterans matters, or to airline employees who write on airline matters.

Mr. FAZIO. Mr. Chairman, but only if they wrote the gentleman.

Mr. GINGRICH. Mr. Chairman, sure, about the veterans. But what does that have to do with getting this registered voters list?

Mr. FAZIO. Mr. Chairman, the gentleman knows what it has to do.

Mr. GINGRICH. Mr. Chairman, reclaiming my time, all of the Members over there, I would say to my cheerful friends who are bringing upon themselves term limitation by the consistent disrepute in which this House is held—Mr. Chairman, I hear someone saying "Heal thyself." That is what I am trying to do. I am trying to have the whole House heal itself.

Mr. Chairman, I would just say to Members, that when you buy a direct registered voters list, you are destroying the long-term capacity to frank it all in an election year. It is madness.

Mr. FAZIO. Mr. Chairman, will the gentleman answer my question? Has the gentleman ever sent targeted mail?

Mr. GINGRICH. Mr. Chairman, this is my time.

Mr. FAZIO. Mr. Chairman, the gentleman can use his time to answer the question.

Mr. GINGRICH. Mr. Chairman, I would say to my friend, the gentleman from California [Mr. FAZIO], that I announced yesterday that I would do no mass mailings of any kind in the congressional district I am running in next year, period.

Mr. Chairman, I will say to the gentleman from California [Mr. FAZIO], if the gentleman would like to make the same promise, we can talk about healing yourself. But for this House, the gentleman from Ohio [Mr. BOEHNER] has offered an amendment which allows you to send the signal that we are beginning to get the message from the American people that they are sick of the disgrace of this legislative body, and they are prepared for us to clean it up.

Mr. Chairman, I urge a yes vote.

Mr. ROSE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I am very surprised at this amendment, and I am very surprised that the gentleman from Ohio [Mr. BOEHNER] offered it.

Mr. Chairman, within 1 hour of receiving his letter about the subject matter, I started getting phone calls from the press. I do not know why the gentleman did not call me, I do not know why the gentleman did not call the gentleman from California [Mr. THOMAS], and ask us what we were doing.

We would have explained to the gentleman that in January of this year, the director of the House computer center came to us and recommended this as one step in moving toward a sophisticated system for mailing under the new franking laws that we have imposed on ourselves to strictly regulate how much Members mail.

In addition to making nonpartisan lists available to Members in their offices, we have instituted a system that will correct your existing mailing lists so that all of the dead names, improper addresses, will be removed. We will be a national address correction service for Congressmen.

The gentleman from California [Mr. FAZIO] and his committee put in place last year very carefully some financial restrictions on us about the use of the mail. All we are trying to do is to bring Members into a high technology environment, where in a nonpartisan, nonabusive way, Members can save the taxpayer money, use less of it, to mail the same constituents that you have in the past.

Mr. Chairman, I wish the gentleman had come to see me and talk about it. The gentleman from California [Mr. THOMAS] and I signed this contract together and sent out a "Dear Colleague" letter explaining it. We did it before the committee was organized. I am sorry the gentleman chose to take his campaign to the press before he talked to us.

Mr. Chairman, we are trying to make this place work better. Sometimes I wonder about some Members and their motives.

Mr. WALKER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, there are a couple of problems with this. I noticed one of the things that was in the Roll Call article, the quote was,

> The new system will give Members similar capacities to those used by firms which deluge private homes with ever-increasing quantities of junk mail, a practice which has prompted Congress itself to focus on whether a citizen's privacy is threatened by list manipulators.

Mr. Chairman, that is a question I think maybe the people have for us, too. With all the sophistication we are going to provide for the House of Representatives, is what we are doing simply giving ourselves greater capacity to mail in ways that our constituents might not appreciate? That is one of the issues that gets raised here as well.

Mr. Chairman, I would certainly hope that the House of Representatives will take a clearer look at this. There has been a lot of applause and a lot of shouting here, but the bottom line is that we are entering a new era here in which it does appear that we are going to use the frank to mail selectively to constituents.

Mr. Chairman, that may have gone on here, but this is a real question, because it appears as though the frank now is going to be very, very narrowly applied, and it is going to have some very grave political ramifications.

Mr. Chairman, I do not imagine the American people are going to be too appreciative of that, when they figure out how we are spending taxpayers' money. So I would certainly hope that the gentleman from Ohio [Mr. BOEHNER] will receive support of the House for his amendment.

Mr. Chairman, I think this contract should be canceled. As was pointed out by the gentleman from Ohio [Mr. BOEHNER], this is not a firm that does a lot of work on behalf of taxpayers. It is work that is done on behalf of political campaigns. Their entire ad in this edition of Campaign magazine that was pointed to by the gentleman from Georgia [Mr. GINGRICH], indicated that what they are in the business of doing is preparing campaign-related functions. That is exactly where our money appears to be going, is to help them to do that. As the gentleman from Ohio [Mr. BOEHNER] has pointed out, we are getting charged five times what they charge campaigns. Exactly the same information, and we are being charged five times as much.

Mr. Chairman, the question is whether or not that was a good bargain. I suggest we support the gentleman from Ohio [Mr. BOEHNER].

Mr. MOODY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, my understanding is that this amendment will not save money. We have restricted the amount of money spent on the frank. That is not the question. The question is do you want the money to be spent effectively.

In my district, a lot of my people do not want to be contacted. They do not register, they do not want to vote, they do not want anything to do with Government, and they do not want the mail.

There is no reason why people who have indicated they are interested in Government should not be selected. None of us can mail to everyone. There is not enough money in the frank, and there should not be enough money in the frank to do that.

There is nothing wrong with narrowing the mailing lists down to people who really care about Government.

Mr. FAZIO. Mr. Chairman, will the gentleman yield?

Mr. MOODY. I yield to the gentleman from California.

Mr. FAZIO. Mr. Chairman, I had simply wanted to make clear in case some had missed it, the gentleman from North Carolina [Mr. ROSE] makes an assertion that there is nothing on this CD ROM other than names and addresses. Political information has been purged. We do not have the ability to use this as a political campaign mailing consultant would. It is not the same data. Anyone who is confused about that should understand that this is not the same material that is advertised in a magazine to campaign consultants. This simply gives us the names of registered voters and their addresses.

Mr. Chairman, I would ask for a no vote.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio [Mr. BOEHNER].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. WALKER. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device and there were—ayes 182, noes 231, not voting 20, as follows:

[Roll No. 350]

AYES—182

Allard
Andrews (TX)
Applegate
Archer
Armey
Baker
Ballenger
Barrett
Barton
Bateman
Bentley
Bereuter
Bilirakis
Boehlert
Boehner
Broomfield
Bunning
Burton
Byron
Callahan
Camp
Campbell (CA)
Cardin
Carper
Chandler
Clinger
Coble
Coleman (MO)
Combest
Cooper
Coughlin
Cox (CA)
Crane
Cunningham
Dannemeyer
Davis
DeLay
Dickinson
Doolittle
Dornan (CA)
Dreier
Duncan
Edwards (OK)
Emerson
English
Evans
Ewing
Fawell
Fields
Franks (CT)
Gallegly
Gallo
Gekas
Geren
Gilchrest
Gillmor
Gilman
Gingrich
Goodling
Goss
Gradison
Grandy
Gunderson
Hamilton
Hammerschmidt
Hancock
Hansen
Hastert
Hefley
Henry
Herger
Hobson
Holloway
Houghton
Hunter
Hutto
Hyde
Inhofe
Ireland
Jacobs
James
Johnson (CT)
Johnson (TX)
Kasich
Klug
Kolbe
Kostmayer
Kyl
Lagomarsino
Lent
Lewis (CA)
Lewis (FL)
Lightfoot
Livingston
Long
Lowery (CA)
Machtley
Marlenee
Martin
McCandless
McCollum
McCrery
McDade
McEwen
McHugh
McMillan (NC)
Meyers
Miller (OH)
Miller (WA)
Mink
Molinari
Moorhead
Morella
Morrison
Myers
Neal (NC)
Nichols
Nussle
Olin
Oxley
Packard
Patterson
Paxon
Pease
Petri
Porter
Poshard
Pursell
Quillen
Ramstad
Ravenel
Ray
Reed
Regula
Rhodes
Ridge
Riggs
Rinaldo
Ritter
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Santorum
Saxton
Schaefer
Schiff
Sensenbrenner
Sharp
Shaw
Shays
Shuster
Skeen
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stenholm
Stump
Sundquist
Tauzin
Taylor (NC)
Thomas (WY)
Traficant
Upton
Vander Jagt
Vucanovich
Walker
Walsh
Weber
Weldon
Wolf
Wylie
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—231

Abercrombie
Ackerman
Alexander
Anderson
Andrews (ME)
Andrews (NJ)
Annunzio
Anthony
Aspin
Atkins
AuCoin
Bacchus
Barnard
Beilenson
Bennett
Berman
Bevill
Bilbray
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown
Bruce
Bryant
Bustamante
Campbell (CO)
Carr
Chapman
Clay
Clement
Coleman (TX)
Collins (IL)
Collins (MI)
Condit
Conyers
Costello
Cox (IL)
Coyne
Cramer
Darden
de la Garza
DeFazio
DeLauro
Dellums
Derrick
Dicks
Dingell
Dixon
Donnelly
Dooley
Dorgan (ND)
Downey
Durbin
Dymally
Early
Eckart
Edwards (CA)
Edwards (TX)
Engel
Erdreich
Espy
Fascell
Fazio
Feighan
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Frost
Gaydos
Gejdenson
Gephardt
Gibbons
Gonzalez
Gordon
Green
Guarini
Hall (OH)
Harris
Hatcher
Hayes (IL)
Hayes (LA)
Hefner
Hertel
Hoagland
Hochbrueckner
Horn
Horton
Hoyer
Hubbard
Huckaby
Hughes
Jefferson
Jenkins
Johnson (SD)
Johnston
Jones (GA)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Kolter
Kopetski
LaFalce
Lancaster
Lantos
LaRocco
Laughlin
Lehman (CA)
Lehman (FL)
Levin (MI)
Lewis (GA)
Lipinski
Lloyd
Lowey (NY)
Luken
Manton
Markey
Martinez
Mavroules
Mazzoli
McCloskey
McCurdy
McDermott
McGrath
McMillen (MD)
McNulty
Mfume
Miller (CA)
Mineta
Moakley
Mollohan
Montgomery
Moody
Murphy
Murtha
Nagle
Natcher
Neal (MA)
Nowak
Oakar
Oberstar
Obey
Olver
Ortiz
Orton
Owens (NY)
Owens (UT)
Pallone
Panetta
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Penny
Perkins
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Price
Rahall
Rangel
Richardson
Roemer
Rose
Rostenkowski
Roybal
Russo
Sabo
Sanders
Sangmeister
Sarpalius
Sawyer
Scheuer
Schroeder
Schumer
Serrano
Sikorski
Sisisky
Skaggs
Skelton
Slattery
Slaughter (NY)
Smith (FL)
Smith (IA)
Solarz
Spratt
Staggers
Stallings
Stark
Stokes
Studds
Swett
Swift
Synar
Tallon
Taylor (MS)
Thomas (CA)
Thomas (GA)
Thornton
Torres
Torricelli
Towns
Traxler
Unsoeld
Valentine
Vento
Visclosky
Volkmer
Washington
Waters
Waxman
Weiss
Wheat
Whitten
Wilson
Wise
Wolpe
Wyden
Yates
Yatron

NOT VOTING—20

Bliley
Boxer
Dwyer
Fish
Glickman
Hall (TX)
Hopkins
Leach
Levine (CA)
Matsui
Michel
Moran
Mrazek
Roe
Rowland
Savage
Schulze
Slaughter (VA)
Tanner
Williams

☐ 2037

Messrs. RAY, DELAY, and HOLLOWAY changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Mr. KANJORSKI. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would ask for the attention of the chairman of the Subcommittee on Energy and Water of the Appropriations Committee for the purpose of entering into a colloquy in regard to a special project in Wyoming Valley, PA, known as the flood control project of Wyoming Valley, PA, authorized by section 401(a) of the Water Resources Development Act of 1986. It is modified to direct the Secretary of the Army, acting through the Chief of Engineers, to use those funds appropriated in the Energy and Water Development Appropriations Act of 1991 under the general investigations account and such reprogramming as may be necessary, to complete preconstruction, engineering and design as quickly as possible.

Mr. BEVILL. Mr. Chairman, will the gentleman yield?

Mr. KANJORSKI. I yield to the gentleman from Alabama.

Mr. BEVILL. Mr. Chairman, the gentleman is correct, and we have no objection.

Mr. WHITTEN. Mr. Chairman, if the gentleman will yield, we are in agreement and we have no objection either.

Mr. KANJORSKI. Mr. Chairman, I thank the gentlemen.

Mr. WHITTEN. Mr. Chairman, I ask unanimous consent that the remainder of the bill be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

The text of the remainder of the bill, as modified, is as follows:

TITLE II—GENERAL PROVISIONS

SEC. 200. FINDING OF DIRE EMERGENCY CONDITIONS.—The Congress finds that—

(a) the President has designated and requested the Congress to designate over $1,140,000,000 in 1991 international assistance funds to meet emergency needs in foreign lands;

(b) natural disasters (including floods, droughts, tornadoes, hurricanes, earthquakes, freezes, and typhoons) have occurred in the United States and its territories causing loss of life, human suffering, loss of income, and property loss or damage with dire emergency financial situations;

(c) since October 1990, there have been 39 presidentially-declared disasters and 68 disasters declared by the Secretary of Agriculture affecting every area of the Nation in almost every State for which Federal funds are not available to meet emergency needs, resulting in calls for the National Guard and other assistance;

(d) as a consequence of these disasters, millions of acres of land are or were under water, millions of acres of farm land are not able to be planted, and highways, dams, roads, and bridges have not been repaired. Many of the people in communities, counties, States, and many private businesses have been dangerously affected, and the local authorities in many cases are unable to meet the financial costs; and

(e) the combination of the effects of these conditions and the current recession constitutes a dire emergency situation (8,490,000 people are unemployed, total employment has declined by over 1,000,000 jobs in the last year, over 7,000 businesses are failing each month, and foreign purchases of United States land and companies is increasing) which will, if not corrected by increased production, necessitate the need for a Job Creation Bill similar to what was enacted in 1983.

SEC. 201. CONGRESSIONAL DESIGNATION OF EMERGENCY.—Although the President has only designated portions of the funds in this bill pertaining to the incremental costs of Desert Shield/Desert Storm and certain Federal Emergency Management Agency costs as "emergency requirements", the Congress believes that the same or higher priority should be given to helping American people recover from natural disasters and other emergency situations as has been given to foreign aid "emergency" needs. The Congress therefore designates all funds in this Act as "emergency requirements" for all purposes of the Balanced Budget and Emergency Deficit Control Act of 1985.

SEC. 202. No part of any appropriation contained in this Act, except appropriations and transfers contained in Chapter I, shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 203. PRO RATA REDUCTIONS IN PAYMENTS FROM THE PRESIDENTIAL ELECTION CAMPAIGN FUND TO BE BASED ON ESTIMATED INCOME TO THE FUND.

The first sentence of section 9006(c) of the Internal Revenue Code of 1986 is amended by inserting after "determines" the first place it appears the following: ", taking into account the amounts estimated to be transferred to the fund during the fiscal year before the fiscal year in which the presidential election involved occurs,".

SEC. 204. PRESIDENTIAL PRIMARY MATCHING PAYMENT ACCOUNT DEPOSITS TO BE BASED ON ESTIMATED INCOME TO THE PRESIDENTIAL ELECTION CAMPAIGN FUND.

The second sentence of section 9037(a) of the Internal Revenue Code of 1986 is amended by inserting after "determines" the following ", taking into account the amounts estimated to be transferred to the fund during the fiscal year before the fiscal year in which the presidential election (as such term is defined in section 9002) involved occurs,".

TITLE III—TECHNICAL CORRECTIONS

SEC. 301(a). The Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1992 (H.R. 2608), is amended as follows:

(1) The third paragraph in title I (under the headings "Justice Assistance" and "Office of Justice Programs" within amounts for the Department of Justice) is amended by striking out the period at the end and inserting in lieu thereof ": Provided, That of the $76,000,000 appropriated herein, $4,000,000 shall be derived from deobligated funds previously awarded under part B and subparts I and II of part C of title II of said Act.".

(2) The paragraph in title I under the heading "Salaries and Expenses" under the heading "Federal Communications Commission" is amended by striking out "For total obligations" and inserting in lieu thereof "For necessary expenses".

(3) The paragraph in title IV under the heading "Payment to the Legal Services Corporation" under the heading "Legal Services Corporation" is amended by inserting ", coordinated through the national Legal Services Corporation office," in the proviso after "such Institutes".

(b) The amendments made by subsection (a) shall take effect as if included in the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1992, on the date of the enactment of such Act.

This Act may be cited as the "Dire Emergency Supplemental Appropriations and Transfers for Relief From the Effects of Natural Disasters, for Other Urgent Needs, and for Incremental Cost of 'Operation Desert Shield/Desert Storm' Act of 1992".

□ 2040

Mr. WHITTEN. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. BONIOR) having assumed the chair, Mr. STUDDS, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 3543) making dire emergency supplemental appropriations and transfers for relief from the effects of natural disasters, for other urgent needs, and for incremental costs of Operation Desert Shield/Desert Storm for the fiscal year ending September 30, 1992, and for other purposes, had directed him to report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill, as amended, do pass.

The SPEAKER pro tempore. Without objection, the previous question is ordered.

There was no objection.

The SPEAKER pro tempore. The amendments recommended by the Committee on Appropriations, as modified by the amendment printed in House Report 102-268, are considered as adopted.

Is a separate vote demanded on any other amendment?

If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. MCDADE

Mr. MCDADE. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. MCDADE. In its present form, I am, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. MCDADE moves to recommit the bill, H.R. 3543, to the Committee on Appropriations with instructions to report the bill back promptly with the following amendment: "Strike sections 203 and 204;" and further to amend the bill to include spending offsets to assure that the bill would not result in a sequestration of all domestic discretionary programs, such as education, health, and anti-drug programs, under the Budget Enforcement Act of 1990.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Pennsylvania [Mr. MCDADE] for 5 minutes.

Mr. MCDADE. Mr. Speaker, we find ourselves tonight 29 days into the new fiscal year, and we see the House about to enact what amounts to a disaster of its own in the form of this potential bill.

Mr. Speaker, in one fell swoop it tramples upon the budget agreement and egregiously trespasses on the procedures of the House by venturing into the thicket of Presidential politics.

Mr. Speaker, my motion to recommit is the one last chance to try to get assistance to the people of this Nation who are suffering from agricultural and other natural disasters. Only by correcting and changing this bill, Mr. Speaker, will we get assistance to the people in the quickest possible way.

The motion, as has been indicated, does two things: First, it instructs the

Committee on Appropriations to find offsets so that if this bill should be signed into law, and I doubt that it will, it will not result in a sequestration against all other domestic programs.

All of you remember the Budget Act. You remember the automatic sequestration that come down when a bill exceeds the spending caps. That is where this bill is.

This committee and the regular appropriations bills have spent every penny of the 602 allocations, $200.4 billion, for fiscal year 1992. Since almost none of this is declared to be a disaster by the administration, it exceeds the budget caps, and sequestration is inevitable.

When we began today, let me say to my colleagues, the sequestration number, the amount of the across-the-board cut, was 1.7 percent. It is now up to 2.7 percent since this bill has grown from $2.5 billion in the course of the hours that we have had it on the floor to roughly $4.2 billion.

Now, let me tick off if I may, Mr. Speaker, what areas are going to be affected should a sequestration go into effect, because this bill exceeds the spending caps: $1.6 billion is going to come out of the programs in the Labor, HHS appropriations bill; $1.7 billion is going to come out of VA/HUD appropriations bill programs; $187 million will be cut from education for the disadvantaged; $242 million will come out of the National Institutes of Health; $185 million out of student aid; $370 million out of veterans' medical care; $292 million out of agricultural programs; $70 million out of Women, Infants, and Children's Program that we discussed a bit earlier; $559 million out of highway trust fund; $387 million out of NASA; $55 million out of the Federal prison program; $52 million out of the FBI programs; and $170 million out of EPA. Across the board, every single program in the domestic area that you voted for in the regular appropriations bill is going to be hit with a 2.7-percent sequestration.

Mr. Speaker, there is nothing worse, nothing worse than an across-the-board sequestration. It takes the good with the bad, it takes the needy with the unneedy.

So if we send this back to the Committee on Appropriations, all of us working together can realign the priorities. In setting priorities, we can get at the programs that are more expendable, and we can preserve those that are more needed.

In addition to that, Mr. Speaker, may I say, as I indicated earlier, that my motion strips out the amendments to the Internal Revenue Code dealing with Presidential candidate funding which were adopted in a most egregious fashion, not before any committee, not before any hearing, not before any authorizing committee, but shoved into this appropriation bill where they do not belong.

My friends, this is the last clear shot at getting a bill that is going to be enacted into law. Vote for this motion to recommit, and you will be able to say to your people that you voted not for political confrontation but to get the job done.

Mr. Speaker, I hope that my colleagues will adopt the motion to recommit.

Mr. WHITTEN. Mr. Speaker, I rise in opposition to the motion to recommit.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Mississippi [Mr. WHITTEN] for 5 minutes.

Mr. WHITTEN. Mr. Speaker, may I say that my good friend and colleague on the Republican side forgets that there is a Senate in our Government.

This is not the last chance to correct things that are in this bill, because the bill now goes to the Senate.

May I say that this is one of the few times, and I have been on the committee 24 terms, that they have let us go ahead with appropriation bills. The President has signed the legislative bill; the President has signed the Energy and Water Development bill, the District of Columbia bill, the Military Construction bill, the VA, HUD, and Independent Agencies bill, the Commerce, Justice, State, Judiciary bill, the Treasury Postal Service bill, the Transportation bill, and the Agriculture bill. Those bills have been signed by the President and they were all within our budget targets.

I grant you that some of the items in this bill could lead to sequestration if left as they are by the Senate. Several of those matters I am strictly for except under the rules they will lend themselves to sequestration.

Let me read here that the motion says, "and further to amend the bill to include spending offsets to assure that the bill will not result in a sequestration of all domestic discretionary programs."

I have no reason to believe that the Committee on Appropriations, and this bill would go back to committee as the motion, does not say "forthwith," I would see any reason to change what the House has just done.

I call attention again that this bill will go to the Senate. We will have conference, and in that conference we will point out again that we need to make such adjustments as will prevent sequestration.

□ 2050

I would like to tell you again about the sequestration we had in fiscal year 1991—thirteen ten-thousandths of 1 percent it cost hundreds of thousands of dollars to process. We need to change the law because after I talked with the leaders of the executive branch, they went ahead and had sequestration without having to clear it anywhere. We need to stop that. The executive branch does this without the approval of the Congress. We are letting the executive branch run the Congress even though we have a President that we respect. But we also have a House that we respect and a Senate that we respect.

I also expect that the gentleman's motion would call for a rescission of funds for important ongoing programs that should not be cut back to provide for these emergency needs.

I say again, fortunately this goes to the Senate and I trust they will do something that can be handled to prevent sequestration.

I urge you to vote against the motion.

The SPEAKER pro tempore (Mr. BONIOR). Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. McDADE. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 180, noes 232, not voting 21, as follows:

[Roll No. 351]

AYES—180

Allard
Archer
Armey
Baker
Ballenger
Barrett
Barton
Bateman
Bentley
Bereuter
Bilirakis
Boehlert
Boehner
Broomfield
Bunning
Burton
Byron
Callahan
Camp
Campbell (CA)
Chandler
Clinger
Coble
Coleman (MO)
Combest
Coughlin
Cox (CA)
Crane
Cunningham
Dannemeyer
Davis
DeLay
Dickinson
Doolittle
Dorgan (ND)
Dornan (CA)
Dreier
Duncan
Edwards (OK)
Emerson
Ewing
Fawell
Fields
Franks (CT)
Gallegly
Gallo
Gekas
Geren
Gilchrest
Gillmor
Gilman
Gingrich
Goodling
Goss
Gradison
Grandy
Green
Gunderson
Hammerschmidt
Hancock
Hansen
Hastert
Hefley
Henry
Herger
Hobson
Holloway
Horton
Houghton
Hunter
Hutto
Hyde
Inhofe
Ireland
James
Johnson (CT)
Johnson (TX)
Kasich
Klug
Kolbe
Kostmayer
Kyl
Lagomarsino
Laughlin
Lent
Lewis (CA)
Lewis (FL)
Lightfoot
Livingston
Lloyd
Lowery (CA)
Luken
Machtley
Marlenee
Martin
McCandless
McCollum
McCrery
McDade
McEwen
McGrath
McMillan (NC)
Meyers
Miller (OH)
Miller (WA)
Molinari
Montgomery
Moorhead
Morella
Morrison
Myers
Nichols
Nussle
Orton
Oxley
Packard
Parker
Patterson
Paxon
Penny
Peterson (MN)
Petri
Porter
Pursell
Quillen
Ramstad
Ravenel
Ray
Regula
Rhodes
Ridge
Riggs

Rinaldo
Ritter
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Santorum
Saxton
Schaefer
Schiff
Sensenbrenner
Shaw
Shays
Shuster
Sisisky
Skeen
Slattery
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stenholm
Stump
Sundquist
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (WY)
Upton
Valentine
Vander Jagt
Vucanovich
Walker
Walsh
Weber
Weldon
Wolf
Wylie
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—232

Abercrombie
Alexander
Anderson
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Annunzio
Anthony
Applegate
Aspin
Atkins
AuCoin
Bacchus
Barnard
Beilenson
Bennett
Berman
Bevill
Bilbray
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown
Bruce
Bryant
Bustamante
Campbell (CO)
Cardin
Carper
Carr
Chapman
Clay
Clement
Coleman (TX)
Collins (IL)
Collins (MI)
Condit
Conyers
Cooper
Costello
Cox (IL)
Coyne
Cramer
Darden
de la Garza
DeFazio
DeLauro
Dellums
Derrick
Dicks
Dingell
Dixon
Donnelly
Dooley
Downey
Durbin
Dwyer
Dymally
Early
Eckart
Edwards (CA)
Edwards (TX)
Engel
English
Erdreich
Espy
Evans
Fascell
Fazio
Feighan
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Frost
Gaydos
Gejdenson
Gephardt
Gibbons
Gonzalez
Gordon
Guarini
Hall (OH)
Hamilton
Harris
Hatcher
Hayes (IL)
Hayes (LA)
Hefner
Hertel
Hoagland
Hochbrueckner
Horn
Hoyer
Hubbard
Huckaby
Hughes
Jacobs
Jefferson
Jenkins
Johnson (SD)
Johnston
Jones (GA)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Kolter
Kopetski
LaFalce
Lancaster
Lantos
LaRocco
Lehman (CA)
Lehman (FL)
Levin (MI)
Lewis (GA)
Lipinski
Long
Lowey (NY)
Markey
Martinez
Mavroules
Mazzoli
McCloskey
McCurdy
McDermott
McHugh
McMillen (MD)
McNulty
Mfume
Miller (CA)
Mineta
Mink
Moakley
Mollohan
Moody
Murphy
Murtha
Nagle
Natcher
Neal (MA)
Neal (NC)
Nowak
Oakar
Oberstar
Obey
Olin
Olver
Ortiz
Owens (NY)
Owens (UT)
Pallone
Panetta
Pastor
Payne (NJ)
Payne (VA)
Pease
Pelosi
Perkins
Peterson (FL)
Pickett
Pickle
Poshard
Price
Rahall
Rangel
Reed
Richardson
Roemer
Rose
Rostenkowski
Roybal
Russo
Sabo
Sanders
Sangmeister
Sarpalius
Sawyer
Scheuer
Schroeder
Schumer
Serrano
Sharp
Sikorski
Skaggs
Skelton
Slaughter (NY)
Smith (FL)
Smith (IA)
Solarz
Spratt
Staggers
Stallings
Stark
Stokes
Studds
Swett
Swift
Synar
Tallon
Thomas (GA)
Thornton
Torres
Torricelli
Towns
Traficant
Traxler
Unsoeld
Vento
Visclosky
Volkmer
Washington
Waters
Waxman
Weiss
Wheat
Whitten
Wilson
Wise
Wolpe
Wyden
Yates
Yatron

NOT VOTING—21

Ackerman
Bliley
Boxer
Fish
Glickman
Hall (TX)
Hopkins
Leach
Levine (CA)
Manton
Matsui
Michel
Moran
Mrazek
Roe
Rowland
Savage
Schulze
Slaughter (VA)
Tanner
Williams

☐ 2109

Mr. GEREN of Texas changed his vote from "no" to "aye."

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. MORAN. Mr. Speaker, during rollcall vote No's. 350 and 351 on H.R. 3543 I was unavoidably detained. Had I been present I would have voted "no".

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. BONIOR). The Chair announces that pursuant to the provisions of clause 5, rule I, the vote on H.R. 2454, which was postponed from Monday, October 28, 1991, on which the yeas and nays were ordered will be taken on Wednesday, October 30, 1991.

Mr. UPTON. Mr. Speaker, I had planned to rise today in support of the dire emergency supplemental funding bill. Unfortunately, we no longer have a dire emergency bill.

I had planned to vote for a bill that, among other things, provided financially strapped farmers across this country with much needed emergency disaster assistance. Due to an unusual growing season which included a late spring frost and a mid-summer drought, my district in southwestern Michigan is probably the hardest hit area in Michigan. Although I have reservations about declaring all the agriculture funds as emergency spending, I had planned to register my vote in favor of the bill. I had hoped that any available offsetting cuts could be negotiated to help pay for the agricultural program.

There can be cases of unanticipated and emergency needs. The agriculture disaster is one. But these ought to be the exceptions to the rule. The best laid plans for mice and men do at times get fouled up.

However, the individual amendments added to the bill today represent issues and programs I support.

With all the additional programs added today, it's like Thanksgiving has come early to the House of Representatives. Its easy to pile on additional spending programs when you know that the bill has no chance of surviving. Granted many of these are excellent programs but this is not the funding bill for whatever programs we feel didn't get enough money the first time around.

I cannot support this bill unless it provides funds for what was originally intended. The American people are fed up with reckless spending. We need to show fiscal responsibility. We need to stop playing politics with this bill, so that much needed emergency gets to where it belongs.

Thanksgiving has come early to the House, not because we are serving up additional unpaid Federal programs to Americans, but because this bill is a turkey.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken, and the Speaker announced that the ayes appeared to have it.

RECORDED VOTE

Mr. DANNEMEYER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 252, noes 162, not voting 19, as follows:

[Roll No. 352]

AYES—252

Abercrombie
Alexander
Anderson
Andrews (ME)
Andrews (NJ)
Annunzio
Anthony
Applegate
Aspin
Atkins
AuCoin
Bacchus
Barnard
Barrett
Bennett
Bentley
Bereuter
Berman
Bevill
Bilbray
Boehlert
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown
Bruce
Bryant
Bustamante
Callahan
Camp
Campbell (CO)
Carr
Chandler
Chapman
Clay
Clement
Coble
Coleman (MO)
Coleman (TX)
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Cooper
Costello
Cox (IL)
Coyne
Cramer
Darden
Davis
de la Garza
DeFazio
DeLauro
Dellums
Derrick
Dicks
Dingell
Dixon
Donnelly
Dooley
Dorgan (ND)
Downey
Durbin
Dwyer
Dymally
Early
Eckart
Edwards (CA)
Edwards (TX)
Emerson
Engel
English
Erdreich
Espy
Evans
Ewing
Fascell
Fazio
Feighan
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Frost
Gaydos
Gejdenson
Gekas
Gephardt
Gibbons
Gillmor
Gilman
Gonzalez
Gordon
Hall (OH)
Hamilton
Harris
Hatcher
Hayes (IL)
Hayes (LA)
Hefner
Hertel
Hoagland
Hochbrueckner
Horn
Horton
Hoyer
Hubbard
Huckaby
Jefferson
Jenkins
Johnson (SD)
Johnston
Jones (GA)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Kolter
Kopetski
Kostmayer
LaFalce
Lantos
LaRocco
Lehman (CA)
Lehman (FL)
Levin (MI)
Lewis (GA)
Lipinski
Long
Lowey (NY)
Machtley
Markey
Martinez
Mavroules
Mazzoli
McCloskey
McDermott
McHugh
McMillen (MD)
McNulty
Mfume
Miller (CA)
Mineta
Mink
Moakley
Mollohan
Moran
Morella
Morrison
Murphy
Murtha
Myers
Nagle
Natcher
Neal (MA)
Neal (NC)
Nowak
Oakar
Obey
Olin
Olver
Ortiz
Owens (NY)
Owens (UT)
Panetta
Pastor
Paxon
Payne (NJ)
Pelosi
Perkins
Peterson (FL)
Peterson (MN)
Pickle
Poshard
Price
Rahall
Rangel
Ravenel
Ray
Reed
Richardson
Roemer
Rogers
Ros-Lehtinen
Rose
Rostenkowski
Roybal
Russo
Sabo
Sanders
Sangmeister
Sarpalius
Scheuer
Schroeder
Schumer
Serrano
Sharp
Sikorski
Sisisky
Skaggs
Skelton
Slaughter (NY)
Smith (FL)
Smith (IA)
Snowe
Solarz
Spratt
Staggers
Stallings
Stark
Stokes
Studds
Swett

Swift
Synar
Tallon
Tauzin
Thomas (GA)
Thornton
Torres
Torricelli
Towns
Traficant
Traxler
Unsoeld
Vander Jagt
Vento
Visclosky
Volkmer
Washington
Waters
Waxman
Weber
Weiss
Wheat
Whitten
Wilson
Wise
Wolpe
Wyden
Yates
Yatron
Young (AK)

NOES—162

Allard
Andrews (TX)
Archer
Armey
Baker
Ballenger
Barton
Bateman
Beilenson
Bilirakis
Boehner
Broomfield
Bunning
Burton
Byron
Campbell (CA)
Cardin
Carper
Clinger
Coughlin
Cox (CA)
Crane
Cunningham
Dannemeyer
DeLay
Dickinson
Doolittle
Dornan (CA)
Dreier
Duncan
Edwards (OK)
Fawell
Fields
Fish
Franks (CT)
Gallegly
Gallo
Geren
Gilchrest
Gingrich
Goodling
Goss
Gradison
Grandy
Green
Guarini
Gunderson
Hammerschmidt
Hancock
Hansen
Hastert
Hefley
Henry
Hobson
Holloway
Houghton
Hughes
Hunter
Hutto
Hyde
Inhofe
Ireland
Jacobs
James
Johnson (CT)
Johnson (TX)
Kasich
Klug
Kolbe
Kyl
Lagomarsino
Lancaster
Laughlin
Leach
Lent
Lewis (CA)
Lewis (FL)
Lightfoot
Livingston
Lloyd
Lowery (CA)
Luken
Marlenee
Martin
McCandless
McCollum
McCrery
McCurdy
McDade
McEwen
McGrath
McMillan (NC)
Meyers
Miller (OH)
Miller (WA)
Molinari
Montgomery
Moody
Moorhead
Nichols
Nussle
Oberstar
Orton
Oxley
Packard
Pallone
Parker
Patterson
Payne (VA)
Pease
Penny
Petri
Pickett
Porter
Pursell
Quillen
Ramstad
Regula
Rhodes
Ridge
Riggs
Rinaldo
Ritter
Roberts
Rohrabacher
Roth
Roukema
Santorum
Sawyer
Saxton
Schaefer
Schiff
Sensenbrenner
Shaw
Shays
Shuster
Skeen
Slattery
Smith (NJ)
Smith (OR)
Smith (TX)
Solomon
Spence
Stearns
Stenholm
Stump
Sundquist
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (WY)
Upton
Valentine
Vucanovich
Walker
Walsh
Weldon
Wolf
Wylie
Young (FL)
Zeliff
Zimmer

NOT VOTING—19

Ackerman
Bliley
Boxer
Glickman
Hall (TX)
Herger
Hopkins
Levine (CA)
Manton
Matsui
Michel
Mrazek
Roe
Rowland
Savage
Schulze
Slaughter (VA)
Tanner
Williams

☐ 2126

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERMISSION TO FILE CONFERENCE REPORT ON H.R. 2707, DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1992

Mr. NATCHER. Madam Speaker, I ask unanimous consent that the managers may have until midnight tomorrow, Wednesday, October 30, 1991, to file a conference report on the bill (H.R. 2707) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 1992, and for other purposes.

The SPEAKER pro tempore (Mrs. SCHROEDER). Is there objection to the request of the gentleman from Kentucky?

Mr. WALKER. Madam Speaker, reserving the right to object, and I will not object, I just want to clarify where we are. It is my understanding this is for midnight tomorrow night. That would mean in order for the 3 days to be observed, the bill would not be able to come onto the floor until next week.

Mr. NATCHER. Madam Speaker, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from Kentucky.

Mr. NATCHER. Madam Speaker, not unless the leaders on both sides agree. I will say to my friend from Pennsylvania this has been cleared through the ranking member of the Committee on Appropriations, the gentleman from Pennsylvania [Mr. MCDADE], through the gentleman from Michigan [Mr. PURSELL], the ranking minority member, and also by the minority leader, the gentleman from Illinois [Mr. MICHEL]. It will be up to the leadership. This is not for the purpose of evading any of the House rules; none.

Mr. WALKER. Madam Speaker, further reserving the right to object, I understand that and that is the reason why I will not object. I am just trying to clarify where we may be with regard to scheduling.

Has the gentleman from Kentucky [Mr. NATCHER] heard anything about when the bill might come to the floor?

Mr. NATCHER. Madam Speaker, if the gentleman will yield further, no. That would be up to the leadership. I have not heard, I would say to my friend.

Mr. WALKER. Madam Speaker, there was some rumor it might come to the floor Friday.

Mr. NATCHER. Madam Speaker, I do not have the answer to that.

Mr. WALKER. Madam Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1245

Mr. KOLBE. Madam Speaker, I ask unanimous consent that the name of the gentleman from Kentucky [Mr. MAZZOLI] be removed as a cosponsor of H.R. 1245.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

ANNOUNCEMENT REGARDING SCHEDULING ON H.R. 2, FAMILY AND MEDICAL LEAVE ACT OF 1991

(Mr. MOAKLEY asked and was given permission to address the House for 1 minute.)

Mr. MOAKLEY. Madam Speaker, this is to notify members of the change in plans by the Rules Committee regarding H.R. 2, the Family and Medical Leave Act of 1991. The Committee meeting which was originally scheduled for tomorrow morning, October 30, has been postponed. It is now anticipated that the Rules Committee will meet on this bill the week of November 4.

Because of this change in schedule, the previous deadline for filing of amendments with the Rules Committee will be extended to Monday, November 4, 1991, at 5:00 p.m.

Therefore any Member who is contemplating an amendment to H.R. 2 now has until Monday, November 4, to submit, to the Rules Committee in H-312 in the Capitol, 55 copies of the amendment and a brief explanation of the amendment. We appreciate the patience and cooperation of all Members in this matter.

Mr. WALKER. Madam Speaker, will the gentleman yield?

Mr. MOAKLEY. I yield to the gentleman from Pennsylvania.

☐ 2130

Mr. WALKER. I know the House appreciates the ability of the Members to file on the bill. Is there a bill yet to file to? One of the things for amendments would be that we would have to have some language to file amendments on.

Mr. MOAKLEY. Madam Speaker, it is H.R. 2 as reported.

Mr. WALKER. If the gentleman will continue to yield, my understanding is that there is a good deal of shopping around to change that bill substantially.

Mr. MOAKLEY. If there is, we will do the same thing we did on the banking bill. We will further extend the time.

As far as we know, it is still H.R. 2.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 6, DEPOSIT INSURANCE AND REGULATORY REFORM ACT OF 1991

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report

(Rept. No. 102-278) on the resolution (H. Res. 264) providing for the consideration of the bill (H.R. 6) to reform the deposit insurance system to enforce the congressionally established limits on the amounts of deposit insurance, and for other purposes, which was referred to the House Calendar and ordered to be printed.

EXPORT ADMINISTRATION ACT REAUTHORIZATION

Mr. HALL of Ohio. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 259 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 259

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 3489) to reauthorize the Export Administration Act of 1979, and for other purposes, and the first reading of the bill shall be dispensed with. All points of order against consideration of the bill for failure to comply with the provisions of clause 2(1)(6) of rule XI are hereby waived. After general debate, which shall be confined to the bill and which shall not exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Foreign Affairs, the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider the amendment in the nature of a substitute recommended by the Committee on Foreign Affairs now printed in the bill as an original bill for the purpose of amendment under the five-minute rule, said substitute shall be considered by title instead of by section and each title shall be considered as having been read. Consideration of all amendments to said substitute, including the amendments en bloc made in order by the next sentence, shall not exceed five and one-half hours. It shall be in order to consider amendments en bloc, if offered by Representative Aspin of Wisconsin or his designee and if printed in the Congressional Record prior to consideration, and consideration of said amendments en bloc and all amendments thereto shall not exceed thirty minutes. Said amendments en bloc shall not be subject to a demand for a division of the question in the House or in the Committee of the Whole. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House, and any member may demand a separate vote on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mrs. SCHROEDER). The gentleman from Ohio [Mr. HALL] is recognized for 1 hour.

Mr. HALL of Ohio. Madam Speaker, I yield the customary 30 minutes to the gentleman from New York [Mr. SOLOMON], pending which I yield myself such time as I may consume. During consideration of this resolution all time yielded is for the purpose of debate only.

Madam Speaker, House Resolution 259 is an open rule providing for the consideration of H.R. 3489, the Omnibus Export Amendments Act of 1991. The rule provides for 1 hour of general debate to be equally divided and controlled by the chairman and ranking minority member of the Committee on Foreign Affairs.

The rule makes in order the Foreign Affairs Committee amendment in the nature of a substitute now printed in the bill as an original text for the purpose of amendment under the 5-minute rule. The substitute will be considered by title instead of by section with each title considered as read.

All points of order against consideration of the bill for failure to comply with the provisions of clause 2(l)(6) of rule XI, requiring a 3-day layover, are waived. This waiver is included because at the time of the Rules Committee hearing, the reported bill was not available.

The rule makes in order en bloc amendments to be offered by Representative ASPIN, or his designee, if printed in the CONGRESSIONAL RECORD prior to consideration. The en bloc amendments, and any amendments thereto, are debatable for 30 minutes. They are not subject to a demand for a division of the question in the House or in the Committee of the Whole.

Under the rule, time for the consideration of all amendments, including the Aspin en bloc amendments, shall be limited to 5½ hours.

Finally, Madam Speaker, the rule provides for one motion to recommit with or without instructions.

Madam Speaker, H.R. 3489, reauthorizes the Export Administration Act, important legislation which controls the export of sensitive equipment and technology. The bill provides the necessary revisions in export controls to make our export policy more responsive to the realities of a changing world. Given the changes in Eastern European countries, as well as the Soviet Union, the bill seeks to allow U.S. companies to participate more fully in the developing market economies around the world. It also maintains the necessary restrictions on technology when security interests are at play.

Madam Speaker, H.R. 3489 is the result of hearings and careful consultations. I am pleased we have this open rule which received bipartisan support in the Rules Committee and passed in a voice vote. I urge my colleagues to adopt it.

Madam Speaker, I reserve the balance of my time.

Mr. SOLOMON. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I am pleased to join with the gentleman from Ohio in urging all Members to support this rule. House Resolution 259 makes in order the consideration of the Omnibus Export Administration Amendment Act of 1991, a bill that reauthorizes the Export Administration Act, a very important program.

Madam Speaker, this rule provides for 1 hour of general debate, followed by 5 hours in which germane amendments can be offered. This rule also allocates an additional 30 minutes in which the chairman of the Committee on Armed Services, the gentleman from Wisconsin [Mr. ASPIN] or his designee, the gentleman from Massachusetts [Mr. MAVROULES] may offer an en bloc amendment on behalf of that committee. Such amendment is to be printed in the CONGRESSIONAL RECORD beforehand. I assume it has been already.

Finally, Madam Speaker, the rule makes in order one motion to recommit with or without instructions. So this rule, which treats all sides fairly, should, in my opinion, be unanimously supported.

Some Members may be wondering why the Committee on Armed Services has a protected right to offer an en bloc amendment. There is a very good reason for it.

The Committee on Armed Services had requested sequential referral of the bill, and I believe they should have been given that referral. Any number of provisions in this bill relate to the matters over which the Committee on Armed Services has oversight responsibility.

In particular, the bill before us proposes a substantial limitation in the role of the Secretary of Defense in making decisions concerning the export of militarily applicable technology to the Soviet Union, to China, and to terrorist-supporting countries.

Madam Speaker, given the uncertainties in the world around us today, I do believe that the Secretary of Defense should remain as an important element in this decisionmaking process.

I should point out that there are any number of other issues in this bill which are likely to prompt a veto, if the bill is presented in its current form to the President. And that is why we have an open rule with 5 hours of amendment process to try to improve the bill so that it can be signed into law.

The administration is concerned about the decontrol of telecommunications technology to the Soviet Union. I am very much concerned with that. The decontrol of software technology that has encryption capability, and the unilateral controls that would be placed on some exports that have nuclear-related applications are also of concern.

Madam Speaker, many Members of Congress have their own concerns, but the House will have an opportunity to work its will under the provisions of this rule. I urge support of the rule, and I thank the majority in this time when we are trying to rush toward adjournment, hopefully by Thanksgiving, to be able to get 5½ hours on the floor for the amendment process. I think that is worthy of this legislation.

I would urge support for the rule.

Madam Speaker, I yield 7 minutes to the gentleman from Arizona [Mr. KYL], a member of the Committee on Armed Services, for whom we have made this amendment in order.

(Mr. KYL asked and was given permission to include extraneous material.)

□ 2140

Mr. KYL. Madam Speaker, I rise in opposition to the bill simply because of the limitation on time for debating amendments, but certainly appreciate the Rules Committee's authorization for the Armed Services Committee to have time to debate the specific amendment, which will be presented by Mr. MAVROULES.

Madam Speaker, we learned a very important lesson in the Persian Gulf war, the value of a battlefield technical edge. Maintaining the edge in the future is dependent upon keeping sensitive technologies out of the hands of potential adversaries.

The only adviser to the President who has the expertise and the resources to adequately comment on the security implications of U.S. export policy is the Secretary of Defense. The role of the Secretary of Defense has been progressively weakened and curtailed over the years to the point that entire categories of sensitive technologies are now being exported without the consent or opportunity to comment by the Department of Defense.

Under the bill, the Department of Commerce will have the sole authority to develop the dual-use items subject to licensure. There will be amendments offered by the Armed Services Committee which at least preserve the essence of existing law, wherein the interagency group, consisting of the Defense Department, the State Department, and the Commerce Department, and others, as appropriate, will resolve issues with respect to what goes on these lists, and therefore can be licensed for export.

There will also be amendments offered by the gentleman from California [Mr. HUNTER] which will provide for the Department of Defense having a role of prime authority with respect to the licenses, with consultation by the Department of Commerce.

Under the law today, the Commerce Department is deciding whether there is dual use in order to know whether to even notify the Department of Defense. The result, Madam Speaker, is that the Defense Department today on very important occasions does not receive the notice that it should. Let me show the Members of couple of headlines which I will include in the RECORD.

Here is a headline from the Chicago Tribune, July 20, 1991: "Study: Commerce Dept. Aided Iraqi Arms Buildup." I would like to read from this.

The Commerce Department helped Saddam Hussein build his war machine in the late 1980's by approving the sale of millions of dollars of sensitive U.S. technology to military agencies and research centers in Iraq, according to a study released Wednesday.

The equipment ranged from advanced computers to precision machine tools, and the buyers included entities that U.S. intelligence officials knew were involved in Iraqi efforts to develop nuclear weapons and missiles like the Scuds fired at Israel and Saudi Arabia in the Persian Gulf war.

Yet the Commerce Department approved some of the technology sales without consulting the Defense, State or Energy Departments, as required under Federal rules, the study contended.

The study was prepared by the Wisconsin Project on Nuclear Arms Control, an affiliate of the University of Wisconsin Law School.

The articles I referred to earlier are as follows:

[From the Chicago Tribune, June 20, 1991]

STUDY: COMMERCE DEPT. AIDED IRAQI ARMS BUILDUP

(By Christopher Drew)

Washington.—The Commerce Department helped Saddam Hussein build his war machine in the late 1980's by approving the sale of millions of dollars of sensitive U.S. technology to military agencies and research centers in Iraq, according to a study released Wednesday.

The equipment ranged from advanced computers to precision machine tools, and the buyers included entities that U.S. intelligence officials knew were involved in Iraqi efforts to develop nuclear weapons and missiles like the Scuds fired at Israel and Saudi Arabia in the Persian Gulf war.

Yet the Commerce Department approved some of the technology sales without consulting the Defense, State or Energy Departments, as required under federal rules, the study contended.

The study was prepared by the Wisconsin Project on Nuclear Arms Control, an affiliate of the University of Wisconsin Law School, which examined documents relating to the Commerce Department's approval of 771 licenses for the export of $1.5 billion worth of goods to Iraq from 1985 through 1990. All of the items were "dual-use" products, those that could have either civilian or military applications.

Only $500 million of the $1.5 billion worth of goods were delivered to Baghdad, because some contracts fell through and sanctions were imposed after Iraq invaded Kuwait last August.

Several congressional committees also are reviewing the sales, and a number of critics share the Wisconsin group's conclusion that the licensing system "suffered a massive breakdown in the period preceding the gulf war." They suggest speedy reforms before the U.S. inadvertently helps to arm another potentially hostile dictator.

Some critics see the main problem as a conflict between the Commerce Department's twin roles as the government's chief trade-promotion agency and as a regulator.

In its report, the Wisconsin group cited a number of sales that it said the Commerce Department could have blocked under regulations specifically designed to prevent other countries from using American technology to develop nuclear weapons or ballistic missiles.

In early 1988, for instance, the department granted licenses to a German company to ship $1.4 million worth of U.S. machine tools and lasers to Iraq, even though the application said the tools and lasers were to be used for "general military repair applications such as jet engines, rocketcases, etc."

About that time, Commerce officials also authorized the sale of more than $2 million worth of quartz crystals to Iraqi trading companies that said they wanted to use them as "components in a ground radar system," the Wisconsin group said.

And in late 1989, Commerce officials allowed one of the Iraqi firms to buy frequency synthesized valued at $140,000 to "calibrate, adjust and test surveillance radar," the report said.

The study said the Commerce Department did not consult with the State Department as required in federal regulations, before approving either of the radar-related sales.

Commerce Department officials declined Wednesday to discuss the Wisconsin group's findings. But they contended in a written statement that "all licenses to Iraq were decided in accordance with export control policies then in effect" and coordinated with other U.S. agencies "to the extent possible."

Some department officials also have said they had no authority to block most of the sales after the State Department dropped Iraq from a watch list of countries supporting terrorism in 1982.

One former Pentagon official, Stephen Bryen, told a House subcommittee recently that the Commerce Department repeatedly tried to prevent his office from reviewing sensitive export license applications during the 1980s.

"Obviously, there is something wrong in a system where, despite clear-cut evidence, the agency with supervisory, legal responsibility to regulate sensitive exports is, in fact, doing everything it can to promote exports and to neutralize those in the government who object," Bryen said.

A former top Commerce Department official, Dennis Kloske, also has testified that he tried to snarl some of the sales to Iraq "in red tape" after he failed early in 1990 to make his concern about them "clear at the very highest levels" of the Bush administration.

The Wisconsin report also contended that Commerce officials ignored a warning from the Pentagon in late 1986 that Iraq was developing missiles and unconventional weapons at a site called "Sa'ad 16."

Commerce later approved the sale of more than $500,000 in computers, $290,000 worth of precision electronic and photographic equipment and $850,000 worth of high-performance testing equipment to organizations linked to the research at that site.

Commerce officials also told a New Jersey company in 1989 that it did not need a license to export a sophisticated furnace to Iraq, even though company officials were concerned that it could aid Iraq's nuclear weapons program, according to press reports. The White House blocked that shipment in June, 1990, after Pentagon officials learned about plans for it and intervened.

[From the New York Times, Oct. 25, 1991]

SURPRISE! WE GAVE HUSSEIN THE BOMB

(By Kenneth R. Timmerman)

Iraq's nuclear "surprise" is one of the best-known secrets the world has ever chosen to

> ignore. We should shake our heads sadly when officials like Hans Blix, Director General of the International Atomic Energy Agency, claim ignorance of Saddam Hussein's nuclear intentions, as he did only months ago.
>
> The facts suggest a very different record of events. Information about the Iraqi bomb has been available for nearly 15 years. More than 450 Western companies helped build Mr. Hussein's nuclear machine, sending thousands of technicians into Iraqi weapons facilities on lucrative commercial contracts. But neither the U.S., its Western allies nor the atomic energy agency have wanted to hear the truth about Iraq, let alone take the steps to do something about it.
>
> Here are just some of the flash points that were ignored:
>
> In September 1975, Mr. Hussein called an agreement he had just signed with France to purchase a plutonium-breeder reactor "the first concrete step toward the production of the Arab atomic weapon." Neither the French nor the U.S. reacted to the interview published in a Beirut newsweekly.
>
> In 1979, the reactor cores for the French bomb plant were sabotaged near the port of Toulon, probably by agents from Mossad, the Israeli intelligence agency. France rebuilt the reactor cores nevertheless.
>
> In the spring of 1981, just as the Osirak plant was set to begin operations, an I.A.E.A. inspection team sent to the atomic research center in Tuwaitha certified Iraq's compliance with the Treaty on the Non-Proliferation of Nuclear Weapons. Privately, however, some officials were worried. One inspector, an American, Robert Richter, accused Iraq of circumventing the treaty by maintaining secret facilities at Tuwaitha for uranium enrichment. He was dismissed by the agency for his candor.
>
> In June 1981, Israeli F-16's took out the Osirak plant in a surgical strike. The world's anger focused on Israel and conveniently neglected the cause of the raid, Iraq's atomic bomb.
>
> Following the Israeli strike, Mr. Hussein took his nuclear program underground—literally. In 1982, Belgian and French construction firms begin to build a series of underground air bases in Iraq specifically designed to resist a nuclear blast. When the existence of these bases was revealed in 1985, their threat was dismissed by the Western foreign policy establishment, which argued that Iraq was too busy with its war with Iran to develop a nuclear bomb.
>
> Starting in 1987, the Iraqis increased efforts to procure embargoed technologies for their uranium enrichment program. They turned to a group of West German nuclear brokers headed by the H+H Metalform Company and a former employee of MAN Technologies. These agents merrily provided technical assistance and shipped vital materials to Iraq, often with the knowledge of the West German Government.
>
> More recent efforts occurred only months before Iraq's invasion of Kuwait in 1990, when Iraqi attempts to purchase critical nuclear equipment were thwarted by customs officials in California, Britain, West Germany and Switzerland.
>
> And in July 1990, less than one month before the invasion of Kuwait, Consarc, a New Jersey firm, was on the verge of shipping high-temperature furnaces for use in nuclear weapons manufacturing to Iraq, when a former Defense Department official, Dr. Stephen Bryen, got wind of the deal and alerted the Government. President Bush had to intervene to block delivery of what one expert has called a "Cadillac production line for atomic bomb parts."
>
> The New Jersey firm has warned the Commerce Department on at least two occasions that its furnaces had nuclear applications, but was repeatedly encouraged by the Government to pursue the business.
>
> It took an invasion by Iraqi shock troops to alert the West to the danger bred by this informal coalition of bankers, arms salesmen, technology brokers and Government officials. Similar dangers are brewing elsewhere in third world—Iran, Syria, and Algeria—and for exactly the same reasons. Will we be lucky enough to wake up this time before it is too late? How many more Iraqs can the world survive?

Madam Speaker, there are other headlines from the New York Times, October 25, of this year: "Surprise! We Gave Hussein the Bomb." We can certainly submit other headlines, but I think perhaps more appropriate to the debate is a study prepared by the General Accounting Office for the Committee on Government Operations and filed on July 2, 1991. I urge my colleagues to consult this report, because in important ways it shows where the Commerce Department refused to even consult with the Defense Department on these important technologies.

I cite just a couple of examples. In the late 1980's, the Commerce Department granted a license to a New Jersey-based company to sell Skull furnaces to Iraq, which have civilian uses but also are capable of casting highly enriched uranium for nuclear bomb cores, and of melting titanium for fabricating ballistic missile components.

Just before the furnaces were to be loaded on a freighter for shipment to Iraq, a newspaper reporter provided a former defense official with information regarding the export of the furnace. The official contacted DTSA, which immediately requested that Customs put a hold on the export of the furnace. The President had to intervene to stop the sale before it was scheduled to be shipped.

Madam Speaker, I would like to read for my colleagues the conclusion of the House Government Operations Committee in this report, and I am not quoting.

> Commerce appears to have made two mistakes—both of which cast doubt on the wisdom of allowing the agency to continue as the principal licensing authority for dual-use goods. First, Commerce failed to provide DOD with a key piece of information, namely, that two other items were to be sold with the furnaces: computer control units and machining lathes. Second, Commerce ignored, for whatever reasons, CONSARC's warnings that the Skull furnace had nuclear fabrication capabilities and thus failed to notify appropriate intelligence and defense agencies of the proposed sale.

Madam Speaker, I ask, is the Department of Commerce the best agency of the Government to determine the potential military value of dual-use technologies? I would submit the answer is clearly no. Clearly, it is not the agency to which we should give sole discretion, which is what this bill does.

A couple of other examples.

> Seven hundred seventy-one export licenses for dual-use goods, approved by the Commerce Department, according to this Government Operations Committee report, between 1985 and the imposition of a U.N. embargo on Iraq in August of 1990 * * * some of these sales involved technologies that very probably helped the Iraqis develop ballistic missile and nuclear and chemical weapons. Worse, in some cases, Commerce approved the sales over strong objections from Defense, or without consulting Defense at all.

Other examples include machine tools and lasers. The Departments of Commerce and Energy approved the application and failed to refer the application to either the State Department or the Defense Department for review.

Quartz crystal. Again, the Commerce Department approved the sale and failed to refer the application to any other government agency. Madam Speaker, the examples read on and on and on. We are supposed to have cooperation among the departments, and we are going to give the Department of Commerce the sole jurisdiction to decide these issues?

I urge my colleagues to strongly consider the Armed Services Committee amendment, which the gentleman from Massachusetts [Mr. MAVROULES] will present tomorrow, which I think at least preserves the essence of existing law which provides the inter-agency cooperation.

Hopefully with some of these egregious examples having been brought to bear by the Government Operations Committee, the Commerce Department will be more forthcoming, will provide the Defense Department and the Department of Energy with advance notice of these sales, and perhaps we can have a little bit more sensible policy.

In conclusion, Madam Speaker, I think the Government Operations Committee conclusion is correct. It says:

> It is likely that Commerce's mission to promote exports clouded the agency's ability to perform a secondary mission to deny sales in cases where a likely but not quite proven threat to U.S. security existed.

So I would urge my colleagues to support amendments offered tomorrow by the gentleman from Massachusetts [Mr. MAVROULES], to support amendments offered by the gentleman from California [Mr. HUNTER], which would give the Defense Department a greater role and also which would strike language sunsetting the control lists after 2 years to all noncontrolled countries.

These are important national security items, Madam Speaker. These deserve the consideration of this body for a longer period of time than we are going to have to debate it. I appreciate my colleagues' indulgence for this presentation of the substantive issue during debate on the rule tonight. The vote tomorrow will be very important to the future security of the United States.

Mr. HALL of Ohio. Madam Speaker, I yield 1 minute to the gentleman from Connecticut [Mr. GEJDENSON].

Mr. GEJDENSON. Madam Speaker, I thank the gentleman for yielding me this time. I had hoped to save debate on the bill until the general debate, but I think it is necessary to answer the gentleman's charges.

First of all, the gentleman is inaccurate. The role of DOD is not changed by this legislation. It is precisely the role that the Defense Department has had since the 1988 legislation that passed this House that we have been operating under for some time. Additionally, the sales to Iraq were as a result of the State Department's desire regarding things they wanted sold to Iraq.

The gentleman testified to that very issue before the committee, and the next day resigned from his position in the administration. So I think in fairness to the issues at hand, we will save the debate for when we are engaged in the full debate. But frankly, the gentleman is factually incorrect about the status.

Mr. KYL. Madam Speaker, would the gentleman yield on that point?

Mr. GEJDENSON. I am happy to yield to the gentleman from Arizona.

Mr. KYL. Madam Speaker, I thank the gentleman for yielding. The gentleman has said that I am factually incorrect that this law that exists today is identical to the bill that will be presented tomorrow with respect to who has authority to decide.

Mr. GEJDENSON. On the role of the Defense Department, it is precisely the same. I will be happy to show the gentleman.

Mr. SOLOMAN. Madam Speaker, I yield 5 minutes to the gentleman from Ohio [Mr. KASICH].

Mr. KYL. Madam Speaker, will the gentleman yield?

MR. KASICH. I yield to the gentleman from Arizona.

Mr. KYL. Madam Speaker, I appreciate the gentleman yielding. With due respect to my colleague from Connecticut, I believe he is wrong. The existing law and this bill are very different with respect to the role of the Commerce Department and the Defense Department.

□ 2150

There is an interagency group today which resolves those issues, and when they cannot be resolved among the parties, the President is called upon to resolve them.

Under the bill as presented tomorrow, the Commerce Department is the sole decider of these issues, and what these amendments would do is to provide an authority back with all three agencies having jurisdiction and the President deciding it.

Mr. KASICH. Madam Speaker, I would like to say a couple of things. I would like to include in the RECORD this written statement of mine. Because it is such a good one, I want to associate myself. I did not write it. One of my staff people did, and it is a great explanation.

But I have to speak from the heart on this thing, because I see, for example, my good friend, the gentleman from Ohio [Mr. HALL], here, and the gentlewoman from Colorado [Mrs. SCHROEDER] in the chair, and one might wonder why is it that the gentleman from Arizona [Mr. KYL], a conservative from Arizona, and the gentleman from Ohio [Mr. KASICH] and the gentleman from California [Mr. HUNTER] and the gentleman from California [Mr. CUNNINGHAM] are here at this hour, at 10 minutes to 10:00 tonight to talk on the rule on this bill. It is because, folks, if we do not get a handle on the export of technology all over this world, we are going to end up with a nightmare that this world has not seen, and when we take a look, and I am going to repeat this tomorrow, this is so important.

Iraq was a matter of months now, is what the Wall Street Journal and the New York Times say, when they talk about how close they were to having either a nuclear or hydrogen bomb. They got furnaces, as the gentleman from Arizona [Mr. KYL] pointed out, they received the technology that allowed them to build this thing, used the technology called calutrons that marched them toward the ability to have a weapon of mass destruction.

Now, look, if there is anything we ought to be doing it is to prevent technology from being sold out of this country or out of the countries of our allies that allow our enemies or potential enemies or people who now we do not even see as enemies or friends to acquire technologies that can be used to destroy us and all kinds of other countries in this world. It is not just a threat to the United States of America.

I mean, what we want to do is we want the Secretary of Defense to be able to examine the kind of exports that leave our borders, and we want the Secretary of Defense to analyze them, because we do not want those exports to have the military significance that can fall into the hands of people who are ruthless and bad and can take those technologies and use them to kill people who are both our friends and our enemies, for that matter.

This is a matter of world security, world survival, and we can learn from the Saddam Hussein example. The fact the State Department allowed this stuff to go over there is abominable, and those people ought to be fired from their jobs when they play footsie with that guy. It is a terrible situation that no one can excuse, but let us learn from our mistake.

The one thing we do not want to do is to take this technology and put it in the hands of our enemies, and whether it is the Pakistanis arming themselves against the Indians or whether it is the Saudis arming themselves against the Israelis or whether it is the Chinese exporting technologies, nuclear technologies, all over Africa, or whether it is the Brazilians, we are talking about the survival of mankind.

Now, look, we are going to be talking about a Defense budget soon again. How are we supposed to write a Defense budget when we are going to be providing our adversaries or potential adversaries with weapons that they can use against our people? And we are trying to write a Defense budget based on rational defining of who our enemies are and rational defining of what our potential threats are and, at the same time we are doing that, we want to pass a bill.

It would be hard to believe that we would want to write a defense bill that empowers our enemies and gives them capabilties that we then have to create a bigger defense budget to defend against.

I respect the gentleman from Connecticut. I think he is trying to streamline a process here, but, boy, we better learn. We better wake up. This is just the first of what is going to be a long series of debates on the issue of the proliferation not only of weapons of mass destruction but proliferation of weapons that can be used in the more conventional sense to kill people all over this world. And, boy, we have got to put our foot down to this, and this is the first place we have to stand up.

We have got to support the armed services amendment, and we have got to support the amendments offered by the gentleman from California [Mr. HUNTER].

This is not just for the survival of the United States. This is for the survival of mankind.

I rise in opposition to H.R. 3489 in its present form because it is fatally flawed. I am aware that in section 119 of the bill, there is language intended to strengthen controls on nuclear, chemical, biological, and missile technology to terrorist countries. The problem is that while this provision of the bill is well intended, other sections of the bill have the effect of greatly weakening those very controls.

The war with Iraq should have made us all a lot more experienced about the ways totalitarian regimes like Saddam Hussein's acquire sophisticated weaponry. They don't advertise in Commerce Business Daily. Their shopping for advanced weaponry is always camouflaged. There are many gray areas of technology, items that we may not immediately assume are destined for use in weapons of mass destruction. Such was the case with Iraq's nuclear program. While the whole world assumed that the gaseous diffusion process was the way to obtain highly enriched uranium for a nuclear bomb, Iraq proceeded to build calutrons, a uranium enrichment technology supposedly so primitive it was overlooked. Parts were shipped to Iraq from United States firms, approved by the Commerce Department under a general export license. Everyone knows the result: Iraq came within months of developing a nuclear weapon.

If Department of Defense experts were more fully consulted on the military ramifications of technology exports, such tragic mistakes need not have happened. Yet this bill proposes to weaken DOD authority over export controls. It makes licensing the export of a wide variety of technologies essentially a business decision, with little thought to national security.

The bill weakens national security controls of many items: for instance supercomputers, critical for conceptual modeling in nuclear weapons programs. Granted, the end user must be a signatory of the Nonproliferation Treaty, but so was Iraq. The bill makes the export of software, including software with encryption capabilities, a business decision rather than a national security decision. According to the bill, licenses for the export of items with alleged, and I repeat alleged, civilian end use shall be given a presumption of approval. In other words, we shall just assume they are for legitimate use, just as we assumed parts for Iraq's nuclear program were for their stated use, not their real use.

Finally, the bill abolishes any unilateral restrictions of technology export that we have and the other Cocom countries don't. The logic is, if we don't sell it, somebody else will. But surely we have not sunk to that level of profiteering. I believe this is an opportunity for the House to make a moral statement: That we have learned from our experience with Iraq that business-as-usual can result in a terrible price to pay in the future. I urge you to support the Armed Services Committee amendment to prevent the Defense Department's review powers from being weakened, and I also urge your support of Mr. Hunter's amendments to prevent a weakening of U.S. policy in the gray areas of technology transfer.

Mr. SOLOMON. Madam Speaker, I yield 3½ minutes to the gentleman from California [Mr. COX].

Mr. COX of California. Madam Speaker, I oppose the rule simply on the ground that it limits the time for amendments.

But I would like to point out some things in this legislation that I think are very good.

This legislation establishes a policy for more favorable licensing treatment for countries that pose a lesser risk to the United States. It directs the executive branch to propose to COCOM that Poland, Hungary, Czechoslovakia be removed from the list of countries to which dual-use equipment and technology is controlled and to recommend to Cocom that Latvia, Lithuania, and Estonia receive more favorable listing treatment. These are very good features. There are other good features of this bill.

Frankly, the bill is fatally flawed in other respects. It is interesting that another thing that the bill does is express the sense of Congress that the Soviet Union should stop providing military assistance to Cuba. The Soviet Union has not stopped providing military assistance to Cuba, and yet as a result of this legislation, the United States will be providing much assistance to the Soviet Union, permitting them to carry on that activity.

Instead of reauthorizing the existing Export Administration Act, I believe this bill will have the effect of gutting it. The dangerous effects of weakening U.S. export controls that we saw in the Persian Gulf ought to have taught us a lesson about the dangers of shipping abroad dual-use technology without appropriate review in the United States.

Inside the executive branch, we have conflicting interests. The Department of State, the Department of Commerce, and the Department of Defense all are involved in the COCOM procedures.

When I worked in the White House, I watched this internal debate go on, and, frankly, I watched the system function and malfunction. The system is not operating properly.

The Department of Commerce has as its primary goal encouraging U.S. exports. That is an important policy goal. The Department of Defense, on the other hand, is interested in protecting the national security, likewise an important policy goal.

It only makes sense that our procedure under this act give both the Department of Defense and the Department of Commerce, as well as the Department of State, say in licensing these exports. We ought to speedup the process. We ought to help America export, but we ought to also protect our national security.

During hearings of our Commerce Consumer and Monetary Affairs Subcommittee, we saw a great deal of evidence that the process under this law is not working at present, that the Department of Defense presently does not have sufficient say in the way this process operates.

Madam Speaker, this bill places the Secretary of Commerce exclusively in charge of compiling the control list, the roster of goods and technologies which have potential military uses and, thus, require the U.S. Government approval for export. The Secretary of Defense, frankly, ought to occupy that role.

There will be an amendment offered tomorrow which will enhance the rule of the Secretary of Defense in determining whether granting an export license will significantly affect the national security of the United States. That deserves our consideration and our votes.

Mr. DREIER of California. Madam Speaker, continuing a line of Californians that was led by the gentleman from Newport Beach, the gentleman from California [Mr. COX], I now yield 3 minutes to my friend, the gentleman from California [Mr. HUNTER], the gentleman from San Diego, the distinguished chairman of the Republican Research Committee.

Mr. HUNTER. Madam Speaker, I thank my good friend, the gentleman from California, for yielding me this time on this matter. I want to thank the gentlemen who have spoken on the Republican side of the aisle so eloquently for their efforts in this debate, because this debate is just as important as the armed services debate.

Let me say to my colleagues on both sides that we are doing absolutely all the wrong things in this bill. We are unlearning the lessons of the Persian Gulf, and one of the major problems with the bill as it stands is the fact that we are divesting the Secretary of Defense, who understands defense and understands the strategic uses of technology, we are divesting him of the ability to veto the sale of commerce or of technology to our adversaries that one day could be used to kill Americans on the battlefield.

□ 2200

This lesson was driven home to us in the Persian Gulf. Commerce cannot do this job, and let me just say to follow my friend, the gentleman from California [Mr. COX], the skull furnaces, the sale of the skull furnaces to Iraq is one of the worst examples of a misstep by the Commerce Department because they were not guided by the Defense Department.

I want to quote what came out of a report by the Committee on Government Operations:

> Arguably the most outrageous export licensing decision of the 1980's involved Commerce's granting of a license for Consarc, a New Jersey company, to sell a "skull" furnace to Iraq. The President had to intervene to stop the sale days before it was due to be shipped.
>
> Commerce approved the sale despite the fact that Consarc informed Commerce by phone and letter of its intention to sell Iraq a skull furnace and made specific mention of the fact that the "* * * principal end use of the equipment could also be nuclear."

Here we had Commerce officials who saw nothing unusual in selling something to Iraq that could be used in a nuclear program. You needed the Department of Defense to weigh in on this. You needed the Department of Defense to understand the nuances of many of these items, hundreds of these items that were sold to Iraq and ultimately used against American forces, American technology being used against our own young men and women on the battlefield.

This is a bill which if it stands should have a dissenting vote, be voted against by every single Member of the House of Representatives.

Republicans are going to offer a number of amendments and I think some of the Democrats also that will tend to restore the proper role of the Secretary of Defense in deciding what technologies can go abroad, thereby saving American lives.

Madam Speaker, I thank the gentleman from California for yielding me this time. I intend to offer several amendments when the time comes.

Mr. DREIER of California. Madam Speaker, I thank my friend for his contribution.

Madam Speaker, I yield 3 minutes to the famous gentleman from San Diego [Mr. CUNNINGHAM], our top gun.

Mr. CUNNINGHAM. Madam Speaker, only a few short months ago in the Senate of California, Saddam Hussein was caught trying to steal nuclear triggers for nuclear weapons. We have heard about the furnace that was also given to Iraq.

At a time when I sit on the Armed Services Committee and we want to cut defense by 25 percent, it seems kind of foolish to me to give the other side, or at least potential enemies, the capability against our own men and women, either directly or indirectly.

Let me give you a good example. The F-16 with its radar system and the F-15 or F-14 with its radar system and the advanced technology, you do not take that out when you sell it to a foreign source. What better source than the Department of Defense that knows the capability of those weapons and how they could hurt our own troops, not being accountants, not being lawyers, not someone who wants to export and cause free trade to cause that cut.

Let me give you another good example. When I was a lieutenant, I got in a whole lot of trouble. This is a time when we had gas lines due to gas shortages. The Shah of Iran was in power. He wanted F-14's and A-54's, which is the Phoenix missile.

The press asked me, "Duke, what do you think about selling F-14's to the Shah of Iran?"

And I told the press that I did not want to be looking down the barrel of those F-14's someday. Well, as it came out, we ended up doing just that. If we allow the Commerce Department only and if we allow just the State Department to control this, without the real people who know the value and the destructive capability of the technology that we are sending, we may not have as many people come back alive in the next Desert Storm, and I am not naive enough to think there is not one in the future.

I think it takes an equal balance of the Commerce Department, the State Department, and DOD to make those decisions rationally.

I would strongly recommend that they support the following amendments.

Mr. DREIER of California. Madam Speaker, I was going to make a closing speech on this issue. I have two amendments which I very much hope that the committee will accept tomorrow, which I think are very important. Following the string of Californians and others who have spoken, out of respect for the distinguished chairman of the full committee who is waiting patiently here and my friend, the gentleman from Ohio [Mr. HALL], who has to be up at 6 o'clock in the morning, I yield back the balance of my time.

Mr. HALL of Ohio. Madam Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. Pursuant to House Resolution 259 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 3489.

□ 2005

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 3489) to reauthorize the Export Administration Act of 1979, and for other purposes, with Mr. THORNTON in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the role, the bill is considered as having been read the first time.

Under the rule, the gentleman from Connecticut [Mr. GEJDENSON] will be recognized for 30 minutes, and the gentleman from Michigan [Mr. BROOMFIELD] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Connecticut [Mr. GEJDENSON].

Mr. GEJDENSON. Mr. Chairman, I yield 5 minutes to the gentleman from Florida [Mr. FASCELL], the chairman of the committee, without whose assistance we could never have gotten this far and who has been of great assistance obviously to all of us on the committee moving this bill forward.

Mr. FASCELL. Mr. Chairman, I thank the gentleman from Connecticut for yielding this time to me.

I am pleased to rise in strong support of the bill which he brings before the House on the Omnibus Export Amendments Act of 1991. I want to thank the gentleman and the ranking member, the gentleman from Wisconsin [Mr. ROTH], because they have worked very diligently to bring a bill out for debate and discussion on this floor. We have been operating now under emergency powers for some time. We believe that a strong effort has to be made to get legislation approved.

There has been a lot of hard work in a bipartisan effort to get a bill and that includes working with the administration, despite some of the reservations that have already been expressed; but nevertheless, the core of this bill is the conference report on H.R. 4653, which passed this body last year and was subject to a pocket veto at the end of the last Congress. The reasons for which that bill was vetoed on which this one is based are not included in this bill, so it is not in this version of the legislation that any of the veto reasons are present which were exercised on the last bill.

We are trying to respond here to the dramatic changes that have taken place in Eastern Europe and the Soviet Union, without endangering the United States national interests. We can tell there will be a spirited debate on where the line of reason should be drawn; but nevertheless, it is the intention of this legislation to begin the initial steps at least of reducing U.S. restrictions on exports to those countries so that we in this country and our industries can be competitive.

Again, I emphasize that this is a line of reason which has to be followed, and all we are seeking to do here with this legislation is to put our country in a competitive position and still not jeopardize the real security interests of the United States. That is a legitimate subject matter of debate and we could take it item by item if we had to.

Nevertheless, let us remember this, that whatever is done ultimately or was done that was complained about, so far as I know, was done under this administration or the previous administration, with all the opportunity to cooperate, coordinate, and make decisions on whatever it is they wanted to do.

All that is subject to legitimate debate and discussion; but nevertheless, it should not ultimately be used as a purpose or a reason for defeating this entire legislation.

Mr. Chairman, we bring a bill here for the purpose of trying to improve the competitive position of the United States, without jeopardizing the national security interests.

□ 2210

That is a legitimate debate, it is a legitimate line of reasoning.

We believe we have brought a good bill to you, to do that based on a bill which this House has already voted on, and the items which the President objected to in his veto have been removed.

Mr. BROOMFIELD. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let me begin by commending the gentleman from Florida, Chairman FASCELL, for continuing to push for the enactment of a new Export Administration authorization so that Congress can play a role in this area. I also wish to acknowledge the effort of the gentleman from Connecticut [Mr. GEJDENSON] and the gentleman from Wisconsin [Mr. ROTH] the chairman and ranking Republican member of the subcommittee, on this legislation.

During our consideration of this legislation last year, Chairman FASCELL very aptly pointed out the need to remove obstacles that prevent U.S. businesses from competing effectively in the emerging world market. With the collapse of communism in the Soviet Union as well as in Eastern Europe, this observation is even more valid today.

In close consultation with our allies in the Coordinating Committee for Multilateral Export Controls [COCOM], we need to continue to refine the control list for exports from the West to the countries of the former East bloc, including the Soviet Union and its former republics.

At the same time, regional security developments, particularly in the Middle East, create new concern over so-called North-South controls—the need to stem the proliferation of dangerous technologies such as chemical, biological, nuclear, and missiles. The new discoveries about Saddam Hussein's nuclear bomb program give special urgency to this issue.

There are differences between the administration and some in Congress regarding how far and how fast to adapt our export control laws to the revolutionary changes taking place around the world. In order to reconcile these differences, I believe that we should continue to match our policies as closely as possible with existing multilateral control regimes.

Above all, we must not tie the President's hands on export policy during this time of great change in the world. And we should not take any action that could affect sensitive international negotiations, especially the current efforts to promote Middle East peace and expedite the release of the U.S. hostages.

Mr. Chairman, I hope that these concerns will be taken into account during the consideration of this measure on the House floor so that we can go to conference with a bill the President will sign. As it is, however, the administrator has serious objections to several provisions to this bill.

I hope that our work here—and later in conference with the Senate—will dispose of these issues. Regardless of the result on this particular bill, I look forward to working with Chairman FASCELL, Congressman GEJDENSON, and other interested Members to continue the task of redesigning our export control policies to meet both the commercial needs of our exporters and the security concerns of an increasingly complex world.

Mr. FASCELL. Mr. Chairman, will the gentleman yield?

Mr. BROOMFIELD. I yield to my good friend, the chairman of the Committee on Foreign Affairs, the gentleman from Florida [Mr. FASCELL].

Mr. FASCELL. I thank the gentleman for yielding to me.

Mr. Chairman, I just want to express my appreciation to the gentleman from Michigan [Mr. BROOMFIELD] and to the gentleman from Wisconsin [Mr. ROTH] for their cooperation in trying to work with us and with the administration to get a bill that is acceptable.

Mr. BROOMFIELD. I thank the gentleman for his comments.

Mr. Chairman, I yield 5 minutes to the gentleman from Wisconsin [Mr. ROTH], the ranking Republican on the subcommittee.

Mr. ROTH. I thank the gentleman for yielding time to me.

Mr. Chairman, I rise in support of the Export Administration Act of 1991. Enactment of this bill is important to our country. Our current export control system is out of date with the great changes we have witnessed around the world.

We still need export controls, but they must be focused on where the problem now lies—the spread of weapons of mass destruction among dangerous Third World countries. But the current export control law is still geared to stopping technology from reaching the old Soviet Government and the old Warsaw Pact.

In short, the current law is an artifact of the cold war. In the time since Congress last revised the Export Administration Act, we have seen amazing changes. The Soviet Union no longer exists. The Warsaw Pact has been dismantled.

And former Warsaw members are now cooperating with NATO. Some may even become NATO members before too long. During this same time period, we have seen how dangerous Third World countries can be when they obtain modern weapons. Since this statute was last updated, we have also seen wholesale changes in American policy.

Where the United States and our allies used to meet to contain Soviet communism, now these same countries meet to decide how to rescue the Soviet economy.

When it was once our highest military priority to protect our secrets from the Soviets, now we are working out cooperative agreements on: Military communication systems, control of nuclear weapons, and even intelligence matters.

In the light of all these changes, the existing Export Administration Act is completely out of date.

We must recognize that in the new world, America's national security depends as much on our economic strength as on military might.

Today we are in an economic not military competition; as unprepared as on December 7, 1941.

In this new world, America's economic strength depends on the ability of our high technology industries to compete in world markets. And our leadership in high technology will not survive unless we help our companies aggressively pursue export markets. That principle is the foundation of this bill. Increasing exports and creating American jobs are the goals of this bill.

Exports are crucial to America's economic growth. And high technology is crucial to growth in exports. America's future demands that we move forward with this legislation. Because unless we revise our outdated export controls, American high technology will lose to our economic competitors.

The bill we bring to the floor today is the first step—not the final step—toward revising our export control laws. This is because we are playing catchup from last year.

Most of this bill consists of provisions which the House passed last year, but which did not make it into law, because the other body added extraneous provisions to that legislation.

My goal is to make sure that doesn't happen to us again. But once again this year, we have problem provisions which are not related to the central issues of the Export Administration Act. We need a bill that can be signed into law.

America's computer companies need a new law. America's machine tool manufacturers need a new law. America's electronics companies need a new law. And all the people who work in those companies need a new law. Because, America faces unprecedented global competition in these industries. A good example is telecommunications.

Our bill would establish a new U.S. policy on telecommunication sales to the countries of the old Soviet bloc. Our bill states that we should export the same telecommunications technology to these new countries as we have sold to China for 5 years. Here is the reality.

Today, U.S. fiber optic manufacturers face competition from companies in nine other countries.

They all want to compete for the billions in contracts that will flow from Eastern Europe. But if we do not move those contracts will not go to American companies, and those jobs will not go to American workers. And in 5 years, there will be 20 to 30 countries that can compete with the United States in this field. You see, technology—like ideas—cannot be controlled at any nation's borders.

Technology will inevitably spread around the globe. Our bill recognizes that reality of today's world. There may still be some in this House who cling to the old notion that the United States can bar the door to technological progress, by trying to dictate trade policy to our old allies.

But to those Members, I say: "That day is over." We live in a new world. With new rules. And to win in this new world, you must understand the rules of the game.

By passing this bill, the House will allow us to go to conference with the Senate and work out a bill that can be signed into law.

Once that is done, we must start work on the next step. We need a wholesale revision of our export control system. And our subcommittee will begin work on that bill as soon as we can finish work on this bill. So, I urge my colleagues to join me in supporting this legislation.

It is the first step into the new world we live in. It is for America's economic security. And it is for our country's future.

□ 2220

Mr. Chairman, I thank the gentleman from Michigan [Mr. BROOMFIELD] for yielding time to me and for his strong support in this legislation. I also thank our great chairman, the gentleman from Florida [Mr. FASCELL], and I, of course, enjoy working with the subcommittee chairman, the gentleman from Connecticut [Mr. GEJDENSON]. To them we tip our hats because they are paving the way into America's future, and we thank them for their work.

Mr. BROOMFIELD. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Nebraska [Mr. BEREUTER] who is a member of the Committee on Foreign Affairs, as well as the Permanent Select Committee on Intelligence.

Mr. BEREUTER. Mr. Chairman, I thank the gentleman from Michigan [Mr. BROOMFIELD] for yielding me this time.

Mr. Chairman, I want to commend the gentleman from Connecticut [Mr. GEJDENSON] and the ranking Republican member of the subcommittee, the gentleman from Wisconsin [Mr. ROTH] for all of their excellent effort here and for the assistance that they and their staffs gave to members of the subcommittee and committee in drafting this legislation and the support we received from the gentleman from Michigan, and the chairman, the ranking member and the chairman, the gentleman from Florida [Mr. FASCELL].

Mr. Chairman, I think it is fair to say that this legislation is quite complicated. The complications of some of the provisions are not obvious on the surface to many Members. I think it is also easy to suggest the possible defects of this legislation. But let us start out with some things that are very important about this legislation.

First of all, Mr. Chairman, title II is our export promotion title, a very important provision to help our exporters, American business in general, become and maintain their competitiveness around the world. This is crucial.

Our economic well-being is important to our national security, and there have been times in the past, it seems to this Member, and I think to most members of the committee, where we really have not focused the executive branch's attention on keeping our American businesses competitive when that kind of competitiveness does not jeopardize our national security. This is a time when the world has gone through remarkable changes, and our export legislation needs to be amended to reflect those changes.

Having said that, let me mention a few of the concerns that I have about the legislation.

First of all, the terrorist provision, section 119; I think the gentleman from Connecticut [Mr. GEJDENSON] has worked with this Member and other Members to work out our difficulties there. I believe we have handled that well. We have avoided any problems that might have occurred in the Middle East peace talks.

I do have concerns yet about the telecommunications section. It does indeed damage our intelligence gathering collection capacity, but we have to balance what is appropriate in terms of keeping our businesses competitive and without extending too much assistance to yet a potential adversary. And the right balance there is a matter of debate.

Section 107 is a major problem section in the judgment of this Member based upon my service on the Permanent Select Committee on Intelligence. Perhaps we can refine and eliminate that problem here in committee, but I know that the gentleman from Connecticut [Mr. GEJDENSON] and the ranking member, the gentleman from Wisconsin [Mr. ROTH] have assured that we will at least attempt to deal with the problems that it may create, in fact I think does create, in the conference itself when we reach that point.

Title III, the nuclear export control provisions, have been changed dramatically. Still it seems to me that some of the procedures could be handled better than contemplated. I know that many Members on both sides of the aisle have had concerns about title III. It is not essential that the nuclear export control sections be in this bill.

Finally, I want to commend the Members who have deleted from the provision of this act which we passed last year, which was pocket vetoed, those provisions which caused the veto at that time. While we have changed the provisions that cause, and some of those changes continue to cause problems, I think it is important that we listen carefully to our colleagues from the Committee on Armed Services.

But I would also caution my colleagues that some of the suggestions made a few minutes ago may indeed be an overreaction. Part of the problem in moving our export controls has been that the Defense Department in a different era Perle-ized our export potential, and that was detrimental to the national interest.

Mr. BROOMFIELD. Mr. Chairman, I yield 3½ minutes to the distinguished gentleman from Washington [Mr. MILLER], a member of the Committee on Foreign Affairs.

Mr. MILLER of Washington. Mr. Chairman, I thank the distinguished ranking member of the Committee on Foreign Affairs, the gentleman from Michigan [Mr. BROOMFIELD] for yielding this time to me.

Mr. Chairman, when we look at our export control regime, I think we have to recognize that there is a need for a major overhaul of our export administration laws. They were drafted at the height of the cold war. Conditions have changed. They were drafted before we entered the technological age where goods have a shelf life of 6 months to a year. But that major overhaul is probably going to have to wait until next year. What we have here today, however, is a very, very good short-term piece of legislation, this Export Act of 1991.

I want to commend the chairman of the subcommittee, the gentleman from Connecticut [Mr. GEJDENSON], and the ranking member, the gentleman from Wisconsin [Mr. ROTH], for their efforts, and I think basically what this piece of legislation does is, and this is simplifying, and I will put a more extensive statement into the RECORD, but the hour is late, and I think, if we just get this down to a nutshell, that what we are doing here is we are helping American business, and we are helping the emerging democracies in Eastern Europe.

Mr. Chairman, that is basically what this bill is about. We all know the changes that have taken place in Hungary, and Czechoslovakia, and Poland, in the Baltic States, the failed coup in the Soviet Union, and what this measure does is set in motion steps that will make it easier for us to trade with these countries and for them to trade with us.

We have had many debates in this House on the issue of aid to these countries, but I will say to my colleagues, "A lot better than aid is trade." That is what this bill is about.

Second, it is helping U.S. business get into these markets; 88 percent of a recent growth in our gross national product has come from exports. This is what has kept the American economy from sinking into what could have been a very deep recession.

We talk about the economic picture today, the fact that there are bright spots counterbalancing some of the dim spots. That, more than anything, is due to our export endeavors, and what this bill tried to do is to help make U.S. businesses competitive with our competitors in other industrial nations. It recognizes that there are many other nations that can enter these Eastern European and other markets with technological goods. There are many other nations that have high-technology goods like ours that are very effective now, but can be outdated in 6 months to a year and that there is a tremendous interchange of these goods.

So, in order to help American business, American exporters; and I might add there are quite a few of them in my district, in my State, but I think this transcends State boundaries. Our Nation is becoming increasingly dependent on trade and exports. In order to help American business and also to help these emerging democracies that are going to contribute to a more peaceful and secure world we need pieces of legislation like this, and I will have more to say tomorrow.

2230

Mr. BROOMFIELD. Mr. Chairman, I yield 2½ minutes to the distinguished gentlewoman from Kansas [Mrs. MEYERS], a member of the Committee on Foreign Affairs.

Mrs. MEYERS of Kansas. Mr. Chairman, most of the debate on this bill will necessarily focus on export control policy. But it is important that another aspect of the bill be brought to the attention of the House.

Title II of H.R. 3429 includes the authorization for the International Trade Administration [ITA]. ITA is the U.S. Government's principal export promotion agency, geared primarily to provide assistance to small- and medium-sized businesses interested in entering the export market. This is important, because as everyone in this body knows, it is the growth of exports that is driving the economy.

My reason for rising today, Mr. Speaker, is to bring to the attention of the House that $5 million is being cut from the request for the base programs of the ITA and earmarked for the Market Development Cooperator Program. That $5 million is the amount of the increase in ITA's funding that had been requested by the President. It would have gone for an increase in staff at our foreign commercial offices, the completion of ITA's computerized trade data system, and analysts for the negotiation of the United States-Mexico Free Trade Agreement. I think the free trade agreement with Mexico is a bad idea anyway, but it certainly can't be improved by inadequate support for our negotiators.

No funds have been appropriated for the Market Development Cooperator Program. Therefore, ITA will have to find the $5 million for the earmark by either negating its increase or by cutting its existing programs, such as its district offices across the country. This will have a devastating effect on the programs and services offered by ITA to small- and medium-sized exporters.

I do not argue with the chairman of the subcommittee that the Market Development Cooperator Program has merit. I believe that funds for this important program should be provided in addition to ITA's base programs rather than instead of. The tradeoff of a cut in other ITA programs is not worth it. It is not going to benefit the American business community. I urge the distinguished chairman of the subcommittee to drop the earmark in conference.

Mr. BROOMFIELD. Mr. Chairman, I yield 1½ minutes to the gentleman from California [Mr. CUNNINGHAM].

Mr. CUNNINGHAM. Mr. Chairman, my good friend the gentleman from Wisconsin [Mr. ROTH] and the gentleman from Florida [Mr. FASCELL], the last thing I want to do is not support fair trade. As a matter of fact, I supported fast track, and I think in the future that is going to be what this country needs, is the fair trade to give us the economic growth that we need.

But there is a clear and present danger. I would ask our chairman, the gentleman from Florida [Mr. FASCELL], to give us strong support, and I mean strong support, in any way that DOD could play a part in examining those systems or that high-technology equipment that could come back and bite us some day. If the gentleman could guarantee that all the way from terrorism to that equipment, then I will be a strong supporter of the bill.

Mr. BROOMFIELD. Mr. Chairman, I yield 1½ minutes to the distinguished gentleman from California [Mr. HUNTER].

Mr. HUNTER. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I thank the committee chairman and the subcommittee chairman, as well as the ranking members, for their indulgence for members of the Committee on Armed Services to contribute and participate in this debate.

Mr. Chairman, let me just say to Members, we are playing for big stakes here. The nuclear program components that Commerce approved for sale to Saddam Hussein could have had disastrous effects for Americans and could have lost American lives.

The problem is, and it was stated so well by the Committee on Government Operations in their analysis of the gulf war, sometimes Commerce's judgment is clouded, and that is why you need the Department of Defense to come in from a defense point of view and make some key decisions.

I just wanted to quote what Consarc's president said, Mr. Roberts, after these nuclear systems were approved by Commerce for sale to Saddam Hussein. He said, "We are being encouraged by the Commerce Department in Washington and by the U.S. Embassy in Baghdad to get this order." That is this aggressiveness that several members of the committee talked about. They have to get out and get that business for America. "The feeling we got from our government is that this is business we should be going after."

Later on, when Commerce approved two export licenses that gave equipment to Iraq to assist in their missile development, they sold it directly to the Scud missile program director for Saddam Hussein.

This was only a $1.4 million sale, but it could have meant absolute disaster for American men and women serving in the gulf.

As this debate goes on and as amendments are offered, I would hope this House would show some wisdom in bringing the Secretary of Defense clearly into a position to exert some control in this very, very critical exercise of disbursing deadly technology from the United States.

Mr. GEJDENSON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this bill received bipartisan support, but more than that, in the committee, and certainly in the subcommittee where much of the work was done. I, of course, would like to thank the ranking minority member [Mr. BROOMFIELD] for working with us this year and 2 years earlier, and particularly those people who work on my subcommittee. Two of them are still here at this moment, the gentleman from Wisconsin [Mr. ROTH], and the gentleman from Nebraska [Mr. BEREUTER], who have done really an outstanding job on the subcommittee, as well as the gentleman from Washington [Mr. MILLER] who recently spoke, the gentleman from New York [Mr. HOUGHTON], and all the members of the committee. The gentlewoman from Kansas [Mrs. MEYERS] has been very supportive and has worked with us on the committee.

I would also like to mention the minority staff, Mr. Rice and Mr. Scheibel on the subcommittee, and Mr. Ingram from the full committee staff.

These areas are so technical that without this excellent backup of staff, the members I think frankly would be at a disadvantage when trying to deal with this information, competing with both industry and the administration.

So working on this bill in a bipartisan manner, this bill passed the House last year by 312 to 86.

This Nation now faces its most serious recession, and possibly verges on depression. In my part of the country, in the Northeast, people who have worked all their lives are finding themselves without jobs. Every study of the American economy says that the only place we can pull ourselves out here and pull this economy forward is through high tech exports.

The American business community understands that challenge. We need to make sure the process that protects America's national security does not tie our economy in such knots that we cannot get out of our own way.

In recent years we found that it has taken as much as 2½ years to find out whether you go to Commerce, State, or Defense. None of us would take that if we had to go to the motor vehicle department to get our license renewed for getting the license.

It took 2½ years in one instance, being bounced back between these three agencies, to find out who had jurisdiction and who could make the decision. Bolts that were a product of Great Britain, designed and manufactured in this country, were stopped from being sent back to Great Britain.

We need to make sure that there is a rational process here that simply does not through time delays destroy all opportunity and yet not increase security. There are lessons indeed to be learned from the war in Iraq, but I am fearful they are not the lessons some Members on the other side of the aisle indicated.

The sad facts of the case are that what happened in the case of Iraq from the United States, from France, from Germany and many of our allies, was American national policy made in the White House and the capitals of each of these nations. We thought we could outsmart Saddam Hussein, and our leaders across the Western World thought they could do business with him.

□ 2240

It was not the Commerce Department that was licensing exports to Iraq. The Commerce Department went to the White House and pleaded for guidance to prevent the sale of dual-use technologies to Saddam Hussein's government.

It was the National Security people in the White House. It was the foreign policy people in the White House, and it was the Defense Department, working with all of these, that said, "No, we have to sell these items to Saddam Hussein.

In this legislation we ban these kind of sales to terrorist countries. We make sure that the technological safeguard is not up to bureaucratic fudging but across the board it is banned to countries on the terrorist list.

We need to keep countries on the terrorist list there until they change their behavior. We need to make sure that as we move forward with this legislation, American industry gets an opportunity to take advantage of cutting-edge technologies where we are most economically competitive, but to make sure as well that we do not undermine our own national security.

My parents fled the Soviet Union in 1946. There is no one on the face of this globe that is more anti-Soviet than the Baltic States, than the Poles, than those people who lived under the oppression of the old Soviet system. And to that end in this legislation we free up sales to these new emerging democracies. It will help them, and it will help us.

Frankly, in the intelligence reviews, we have been told that these countries have adequate safeguards and that our administration is working with them.

The recession is here upon us. Colleagues on the floor before have talked about the fact that we are sliding backwards. Real GNP is down by $27 billion. The only light on the horizon is exports, and those exports are primarily in high-technology jobs. We gained 650,000 jobs in this country because of exports. Without high-technology exports, this recession would be worse here and the coffers in Germany and Japan would even be fuller.

Members on both sides of the committee built this bill. It was not done by one man or one woman or one staff person. We need to make sure that what we have built in a rational process to balance national security and economic growth is not undone by misinterpreting history.

We need to make sure that American industry has the capital it needs as the result of sales to make sure we have the most modern technology in the next generation.

We have already seen the American machine tool industry decimated by restrictions and now even the Defense Department wanting to buy Japanese machine tools.

Mr. Chairman, this is a good bill. It is a bill that got broad support from the House. It toughens the controls on nuclear proliferation. It toughens the controls on terrorist countries, and it makes sure that American manufacturers and workers are not hobbled by a system that does not recognize that the Berlin Wall has fallen for sometime now.

Mr. Chairman, I look forward to tomorrow's debates on the amendment. I appreciate the support of my full committee chairman, the gentleman from Florida [Mr. FASCELL] and all my colleagues on the Republican side.

Mr. STARK. Mr. Chairman, I wish to commend the gentleman from Connecticut [Mr. GEJDENSON] and the gentleman from Florida, Mr. FASCELL for their efforts on this important legislation.

I am especially pleased with title III of the act, which incorporates much of H.R. 2755, the Nuclear Nonproliferation Prevention Act, introduced by Mr. MARKEY, Mr. SOLOMON, Mr. WOLPE, and myself.

Nuclear proliferation is the leading long-term threat to U.S. national security. A madman like Saddam Hussein nearly built the bomb. This must not happen again.

Title III contains important provisions that will make it more difficult for countries like Iraq and Libya to acquire nuclear weapons.

Personally, I think we can go further and put even more teeth into this legislation. We could use stronger sanctions on foreign companies that are bad actors. We could propose more reforms to strengthen international nuclear inspections efforts.

I have prepared amendments to strengthen our nonproliferation efforts, but I will not offer them because I do not want to hold up this very important first step.

I again commend the chairmen of the committee and subcommittee for their support and commitment on this important issue.

Mr. DICKINSON. Mr. Chairman, the intent underlying the concept of export controls has always been to promote U.S. trade overseas while protecting the transfer of vital technologies that could undermine our own security and that of our allies.

I, along with the administration, have supported a simple reauthorization of the Export Administration Act which expired amidst controversy last September. Unfortunately, H.R. 3489 represents the rebirth of last year's flawed legislation, with the Foreign Affairs Committee objective not being to avoid another veto or to strengthen control over sensitive national security related technologies, but to simply avoid sequential referral of other interested and concerned committees in the House.

So we will debate H.R. 3489 today under the threat of a veto and amidst widespread concerns that the legislation, in its current form, would weaken, not strengthen, the controls over militarily sensitive technologies. However, the Foreign Affairs Committee should be congratulated for achieving their primary goal—they managed to concoct a piece of legislation on an important issue in such a way that the national security concerns of both the Armed Services and Intelligence Committees could be ignored. And they were when the Speaker's Office denied the sequential referral requests of both committees late last week.

I don't understand why this legislation is on the fast-track since the Export Administration Act has already been expired for more than a year. I am perplexed that the Armed Services Committee was denied sequential referral last week on the same day the Foreign Affairs Committee filed the report to accompany H.R. 3489. Moreover, less than 24 hours later, the legislation was under consideration in the Rules Committee for floor consideration early this week. What's the hurry? Particularly in light of strong bipartisan opposition in the House to many elements of the legislation and even stronger opposition from the administration? I would think that if this body learned anything from the war in the Persian Gulf it is that export controls need to be strengthened, not weakened, as is the case under H.R. 3489.

Let me give you a few examples of how lax oversight currently is:

Despite repeated warnings from DOD, as well as the contractor involved, on the possible nuclear weapon applications for skull furnaces, the Department of Commerce approved the export license to the Iraqi Ministry of Industry and Minerals.

The Department of Commerce also approved license applications for the export of machine tools and lasers to the procurement agency for the Iraqi Scud Missile Program. The Department of Commerce approved the licenses without referring them to State or DOD despite the fact that one of the items was on the U.S. missile technology control list, and should have been reviewed by the State Department. None of us need to be reminded of the death and destruction brought about by the Scud missiles.

The Department of Commerce approved the export of quartz crystals and frequency synthesizers to Iraq without referring the license applications to any other Government agency. Both items are used in radars and missile guidance systems, and were on the missile technology control list that should have been referred to the State Department.

Despite growing awareness of these kinds of problems, the will of the leadership has prevailed and here we are debating a bill under the cloud of bipartisan and executive branch opposition. The Committee on Armed Services and, I suspect, many other Members, will be offering an assortment of amendments addressing the serious national security concerns raised by H.R. 3489 in its current form. I urge all my colleagues, on both sides of the aisle, to consider these amendments seriously and cautiously before casting their votes one way or another. If you do, I believe the wisdom and prudence of not weakening our export controls over national security related technologies such as stealth, antisubmarine warfare, night vision goggles, machine tools, inertial navigation systems, and nuclear propulsion systems will become apparent.

It's still a dangerous world out there and we should not—at any cost—be fueling these flames under the auspices of promoting U.S commerce. I urge all Members to support the bipartisan amendment of the Committee on Armed Services.

Mr. GEJDENSON. Mr. Chairman, I yield back the balance of my time.

Mr. BROOMFIELD. Mr. Chairman, I yield back the balance of my time.

Mr. GEJDENSON. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mrs. SCHROEDER) having assumed the chair, Mr. THORNTON, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 3489) to reauthorize the Export Administration Act of 1979, and for other purposes, had come to no resolution thereon.

TRIBUTE TO GEORGE T. LEWIS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania [Mr. WELDON] is recognized for 5 minutes.

Mr. WELDON. Madam Speaker, it was Woodrow Wilson, back in 1912, in a Presidential campaign address speaking about public service, who said, and I quote:

> There is no cause half so sacred as the cause of a people. There is no idea so uplifting as the idea of the service of humanity.

Tonight, Madam Speaker, I rise to pay tribute to the passing of an individual who exemplified public service at its best during the 59 years that he lived on this Earth. Unfortunately, this morning I received the tragic news that George T. Lewis, a resident of my congressional district and a well-known advocate for fire safety and life safety throughout Pennsylvania, passed away.

George was Mr. Fire Service in Delaware County, well-known throughout eastern Pennsylvania as well as the entire Commonwealth. He was someone who has involved his entire life and profession in working to protect property and lives.

George Lewis was our county fire marshal for the last 30 years. He was an instructor, an educator, a fire and arson investigator, a lecturer, an expert witness, and he was an innovator.

He was someone who always put others in front of his own personal desires and needs. George Lewis was the epitome of what America is all about. Someone who gave on a regular and continual basis of himself so that he could help other individuals.

Madam Speaker, I include for the RECORD the biography of George T. Lewis.

GEORGE T. LEWIS, DECEMBER 6, 1932

Graduate Pennsylvania Military College/Widener 1955—B.A. English (secondary in education), A.A.S./Fire Science from Delaware County Community College 1977.

Certified Instructor: Pennsylvania Emergency Management Agency and Pennsylvania State Fire Academy (Field Program).

Adjunct Instructor: Northampton County Area Community College and, Delaware County Community College (also evaluator).

Instructor: Penn State University (Arson Protection Seminar and Advanced Arson Seminar), Delaware County Intermediate Unit—Teacher Training, Chester County Fire School, Monroe County Fire School, Carbon County Fire School, Lehigh County Fire School, Montgomery County Fire School, Pennsylvania Commission on Crime and Delinquency, and Philadelphia Chamber of Commerce Fire School.

Qualified as Expert: Arson, Delaware County Court of Common Pleas and U.S. District Court (Philadelphia), Fire Behavior, Delaware County Court of Common Pleas, Fire Suppression, Delaware County Court of Common Pleas, and Fire Prevention, Delaware County Court of Common Pleas.

Member: Pennsylvania Fire Service Professional Qualifications Board, Pennsylvania Task Force for Fire Safety Education, (past) Pennsylvania Insurance Commissioner's Committee on Anti-Arson Insurance Application, Pennsylvania Fire Advisory Board appointed by House minority leader, Delaware County Firemen's Association, Keystone Fire Chief's Association, Hospital Fire Marshal's Association of Philadelphia, International Association of Arson Investigators, Pennsylvania Association of Arson Investigators, International Association of Fire Chief's, International Society of Fire Service Instructors, Keystone Chapter of I.S.F.I., National Fire Protection Association, Fire Marshal's Association of North America, Fellowship of Christian Firefighters, Springfield Township Citizens Committee/Fire Prevention, Delaware County Committee of Fire/Burn Safety, Delaware County Hero Scholarship Board, Delaware County Board of Fire and Life Safety, National Fire Sprinkler Association, and Delaware Valley Fire Chief's Association.

Fire Service Offices: Member Media Fire Company since 1948; Member South Media Fire Company since 1949; SMFC Engineer, 1954–55; SMFC Chief Engineer, 1955–61; SMFC Assistant Chief, 1962–66; SMFC Chief, 1967–72; N.P. Township Assistant F.M., 1959–62; Assistant F.M. 6th District, 1962–72; Chief Fire Marshal Delaware County, 1972–; SMFC President, 1956–68; SMFC Secretary, 1968–78; SMFC Director, 1956–79; Deputy Director C.D. for Delaware County 1977–; County Liaison to State Fire Commissioner, 1978–; Director Public Education Section NFPA 1981–82; Pennsylvania Professional Qualification Board, 1982–; Director Greater Philadelphia Safety Council 1984–; Secretary P.A.A.I., 1981–89; Chairman Training Committee/Hazardous Material Advisory Council of Delaware County; Member Delaware River Firefighting Task Force Committee; Second Vice President P.A.A.I., 1989–91; First Vice President Fire Marshal's of North America, Delaware Volunteer, 1990; Instructor, University of Delaware, Continuing Education Division—"Building Construction & Materials: Their Influence on Fire Spread and Containment"; and 1990 Member N.F.P.A. "Fire Investigator Professional Qualifications" committee.

Madam Speaker, besides being someone who was respected not just in Pennsylvania and Delaware County for his leadership on fire and life safety issues, George Lewis was known throughout America. He was very active in many of our national associations, including the International Association of Arson Investigators, the Pennsylvania State Association of Fire Fighters and Firemen's Association, the National Fire Protection Association, International Fire Service Instructors Association, International Association of Fire Chiefs, and others.

George Lewis worked continuously and tirelessly to help other individuals, always working to promote the ideas that were concerned with fire and life safety throughout Pennsylvania and throughout this great Nation.

There was no person that George Lewis would not take the time to work with and to improve in terms of his or her ability to foster the goals and ideals and objectives of the fire service of this country.

□2250

There is no way that I could put an estimate on the amount of lives that have been saved because of the work of George Lewis. It is impossible to calculate the number of people that he has touched during the 59 brief years that he was on this Earth. But I can say this: All of us who had the fortune, the honor and the pleasure of coming into contact with George Lewis are better people for having had that experience, and he will live on in each of us as a part of our commitment to working to protect and help others throughout this country and throughout this world.

He was not just a leader, however, in the fire service. He was someone who was extremely active in his community, very dedicated to those programs that improve the quality of life for all citizens, not just in the area of fire safety and emergency response.

He was also a devout religious man, extremely active in his church, and very active in religious activities in the community throughout Delaware County, and particularly in his hometown of Mediaborough, and perhaps most importantly he was a devout family man, totally and completely dedicated to his wife, Dotty, with whom he shared many happy moments, and his two lovely daughters, Heather and

Holly, as well as a new grandson of whom he was so proud, Christian Thomas Lewis.

Madam Speaker, I rise today to pay tribute to someone that we will all miss sorely, and we extend our deepest, heartfelt sympathies to the family over his passing.

I would say in closing, as it is stated in John 15, verse 13, "No greater love has any man, that he would lay down his life for another." George Lewis lived that verse every day of his life. May he rest in peace.

CELEBRATING 50 YEARS OF THE DEFENSE LANGUAGE INSTITUTE

The SPEAKER pro tempore (Mrs. SCHROEDER). Under a previous order of the House, the gentleman from California [Mr. PANETTA] is recognized for 5 minutes.

Mr. PANETTA. Madam Speaker, I rise today in recognition of 50 years of the Defense Language Institute at the Presidio of Monterey, CA, on November 1, 1991.

The Defense Language Institute Foreign Language Center was founded on November 1, 1941, when 60 Japanese-American students came together to learn Japanese at the Presidio of San Francisco. The Defense Language Institute moved in 1942 to Camp Savage, MN, and then to Fort Snelling, MN, in 1944. During these trying times, the Defense Language institute trained over 6,000 military linguists to assist the Allied Powers in the fight abroad. These graduates devoted their skills, and many sacrificed their lives, for our Pacific victory over the Axis forces.

With the end of World War II, the United States took on new global obligations and the importance of efficient foreign language training increased. In 1946, the Army moved the school to the Presidio of Monterey where hundreds of instructors worldwide were gathered to teach over 24 languages. These graduates proved to be one of the Defense Department's greatest assets in the years to come. In the 1950's, alumni of the Army language school served in Korea, Europe, and elsewhere around the world, providing the crucial link to successful global cohabitation. In the 1960's and early 1970's, the Institute played a vital role in the Vietnam war by instructing over 20,000 military personnel in Vietnamese.

Following the Vietnam war, the Institute was transformed into what is today the Defense Language Institute Foreign Language Center. This establishment has graduated over 150,000 students in more than 40 different foreign languages. They have expanded their facilities to satisfy the growing magnitude of American participation. Several buildings have been added, hundreds of instructors have been hired, and new educational strategies have been developed, resulting in a learning facility that is able to compete internationally at every level. The Institute has led the foreign language profession in teaching methodology and the testing of foreign language proficiency. It has produced military linguists with language ability equal to language majors graduating from major colleges and universities nationwide. The Institute has provided foreign language instruction in support of national security requirements and has conducted training for the Foreign Area Officer Program.

The Defense Language Institute Foreign Language Center has successfully adapted itself to the changing political and international climate. Recent graduates have confronted the most salient issues facing the world today. With the end of the cold war, they have been critical to arms control verification efforts with the former Soviet Union. Alumni assisted in the international Allied victory in Operation Desert Storm. Closer to home, they have participated in the national war on drugs.

In a time of constant change, one of our most valuable assets is communication. The Defense Language Institute Foreign Language Center has provided that opportunity to the Department of Defense for 50 years. Madam Speaker, I congratulate the Defense Language Institute Foreign Language Center and its personnel on their remarkable contributions to the defense of our Nation and our allies around the world.

NINETEEN YEARS OF DEDICATION TO OTHERS: WESTCHESTER-PUTNAM AFFIRMATIVE ACTION

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York [Mrs. LOWEY] is recognized for 5 minutes.

Mrs. LOWEY of New York. Madam Speaker, I rise today to pay tribute to the Westchester-Putnam Affirmative Action Program. This organization, under the forward looking leadership of M. Paul Redd, its chief operating officer, has literally transformed lives and, in the process, built a better society for us all.

Since its inception in 1972, this coalition of business and community leaders have turned their personal commitment to equal opportunity into brighter lives for those they have served. Over the last 19 years, Westchester-Putnam Affirmative Action has expanded from its primary focus on the building and construction industry to a variety of programs reaching throughout the work force. They have touched thousands of lives directly in those years conveying both dreams and skills to make them a reality.

The caring and commitment of those who have come together under the auspices of the Westchester-Putnam Affirmative Action Program have been an invaluable resource to individuals in our society who are striving to overcome difficult, often unfair obstacles as they work to make the most of their lives. They have given many the courage to envision new lives and the abilities and resources to make them possible. And, in doing so, Westchester-Putnam Affirmative Action has reached beyond those individuals to strengthen the fabric of our entire society.

This organization has enhanced our community at large and has, indeed, made possible a brighter future for us all.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. GLICKMAN (at the request of Mr. GEPHARDT) for today and the balance of the week on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. WELDON) to revise and extend their remarks and include extraneous material:)

Mr. WELDON, for 5 minutes, today.

Mr. WALKER, for 60 minutes each day, on October 29 and 30.

Mr. TAYLOR of North Carolina, for 60 minutes, on October 30.

Mr. HUNTER, for 60 minutes, on October 30.

Mr. ROTH, for 60 minutes, on October 30.

Mr. COX of California, for 60 minutes, on October 30.

Mr. DORNAN of California, for 60 minutes each day, on November 12, 13, 14, 19, 20, 21, 22, 25, and 26.

Mr. KYL, for 60 minutes, on October 30.

Mr. LIVINGSTON, for 5 minutes, each day, on October 30 and 31.

(The following Members (at the request of Mr. GEJDENSON) to revise and extend their remarks and include extraneous material:)

Mr. SWIFT, for 5 minutes, today.

Mr. PANETTA, for 5 minutes, today.

Ms. LOWEY of New York, for 5 minutes, today.

Mr. ESPY, for 15 minutes, on October 31.

Mr. ESPY, for 60 minutes, on November 13.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. WELDON) and to include extraneous matter:)

Mr. IRELAND.
Mr. ROGERS.
Mr. JOHNSON of Texas.
Mr. LAGOMARSINO in three instances.
Mr. BEREUTER.
Mr. GALLEGLY.
Mr. MCCOLLUM.
Mr. SCHAEFER.
Mr. CAMPBELL of California.
Mr. MOORHEAD.
Mr. DANNEMEYER in two instances.
Mr. GILMAN in two instances.
Mr. ROTH.
Mr. BURTON of Indiana.
Mr. BROOMFIELD.

(The following Members (at the request of Mr. GEJDENSON) and to include extraneous matter:)

Mr. DARDEN.
Mr. REED.
Mr. PELOSI in two instances.
Mr. RANGEL.
Ms. COLLINS of Illinois.
Mr. ORTIZ.
Mr. RAHALL.
Mr. MOODY.
Mr. ACKERMAN.

Mr. HOYER.
Mr. DELUGO.
Ms. SLAUGHTER of New York.
Mr. TOWNS.
Ms. DELAURO.
Mr. APPLEGATE.
Mr. FEIGHAN.
Mr. WEISS.
Mr. LEHMAN of Florida.
Mr. MRAZEK.
Mr. SKELTON.
Mr. FAZIO.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 1720. An act to amend Public Law 93-531 (25 U.S.C. 640d et seq.) to reauthorize appropriations for the Navajo-Hopi Relocation Housing Program for fiscal years 1992, 1993, 1994, and 1995; to the Committee on Interior and Insular Affairs.

ADJOURNMENT

Mr. WELDON. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 53 minutes p.m.), under its previous order, the House adjourned until tomorrow, Wednesday, October 30, 1991, at 11 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2263. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting the October 1991 semiannual report on tied aid credits, pursuant to Public Law 99-472, section 19 (100 Stat. 1207); to the Committee on Banking, Finance and Urban Affairs.

2264. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notification of the Department of the Navy's proposed Letter(s) of Offer and Acceptance [LOA] to Japan for defense articles and services (Transmittal No. 92-02), pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

2265. A letter from the Secretary of Labor, transmitting notification of the determination that it is in the public interest to make a proposed contract award to the International Union of Operating Engineers without obtaining full and open competition, pursuant to 41 U.S.C. 253(c)(7); to the Committee on Government Operations.

2266. A letter from the Administrator, Environmental Protection Agency, transmitting the fourth report on the Superfund Innovative Technology Evaluation Program; Progress and Accomplishments for Fiscal Year 1990; to the Committee on Science, Space, and Technology.

2267. A letter from the Environmental Protection Agency, transmitting a copy of the report on Persian Gulf environmental technical assistance, pursuant to Public Law 102-27, section 309(b) (105 Stat. 153); jointly, to the Committees on Appropriations and Foreign Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. DE LA GARZA: Committee on Agriculture. H.R. 3298. A bill to enhance the financial safety and soundness of the banks and associations of the Farm Credit System; with amendment (Rept. 277). Referred to the Committee of the Whole House on the State of the Union.

Mr. FROST: Committee on Rules. House Resolution 264. Resolution providing for the consideration of H.R. 6, a bill to reform the deposit insurance system to enforce the congressionally established limits on the amounts of deposit insurance, and for other purposes. (Rept. 102-278). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. SWIFT:

H.R. 3645. A bill to amend the International Travel Act of 1961 to assist in the growth of international travel and tourism in the United States, and for other purposes; to the Committee on Energy and Commerce.

By Mr. ALEXANDER:

H.R. 3646. A bill to authorize the Secretary of the Army to carry out an agricultural water supply, ground water management, and conservation project for the Grand Prairie, White River, Little Red River, and Bayou Meto areas and the Cross, Craighead, Poinsett, Jackson, St. Francis, Lee, Mississippi, and Woodruff County areas, AR; to the Committee on Ways and Means.

By Mrs. COLLINS of Illinois:

H.R. 3647. A bill to require a study and report of the historical and cultural significance of the Madame C.J. Walker-Villa Lewaro National Historic Landmark; to the Committee on Interior and Insular Affairs.

By Mr. KOSTMAYER:

H.R. 3648. A bill to amend title 23, United States Code, to impose a school enrollment requirement on the issuance of motor vehicle licenses and instructional permits, and for other purposes; to the Committee on Public Works and Transportation.

By Mr. McCLOSKEY (for himself and Mr. RAHALL):

H.R. 3649. A bill to amend title XVIII of the Social Security Act to direct the Secretary of Health and Human Services to determine whether individuals are eligible to receive medical assistance for Medicare cost-sharing under State Medicaid plans, to require the Secretary to reimburse eligible individuals for Medicare cost-sharing incurred that was not paid for under such plans, and for other purposes; jointly, Committee on Ways and Means and Energy and Commerce.

By Mr. SHAW:

H.R. 3650. A bill to amend the Internal Revenue Code of 1986 to provide an exception from the at-risk rules for property acquired by foreclosure; to the Committee on Ways and Means.

H.R. 3651. A bill to amend the Internal Revenue Code of 1986 to restore the exclusion from gross income for income from discharge of qualified real property business indebtedness; to the Committee on Ways and Means.

H.R. 3652. A bill to amend the Internal Revenue Code of 1986 with respect to the treatment of certain real estate activities under the passive loss rules and to provide for individuals a capital gains preference based on the period the asset is held; to the Committee on Ways and Means.

By Mr. BARNARD:

H.R. 3653. A bill to amend the Internal Revenue Code of 1986 with respect to the treatment of certain air transportation; to the Committee on Ways and Means.

By Mr. BARNARD (for himself, Mr. JENKINS, Mr. HATCHER, Mr. DARDEN, Mr. RAY, Mr. ROWLAND, Mr. THOMAS of Georgia, Mr. LEWIS of Georgia, Mr. JONES of Georgia, and Mr. GINGRICH):

H.R. 3654. A bill to provide for the minting of commemorative coins to support the 1996 Atlanta Centennial Olympic Games and the programs of the U.S. Olympic Committee; to the Committee on Banking, Finance and Urban Affairs.

By Mr. CAMPBELL of California (for himself, Mr. MFUME, Mr. WALSH, Mr. LAGOMARSINO, Ms. NORTON, Ms. KAPTUR, and Mr. TOWNS):

H.R. 3655. A bill to amend the Stewart B. McKinney Homeless Assistance Act to give priority in the allocation of homeless housing assistance to recipients in States that allow space at National Guard facilities to be used to provide overnight shelter for homeless individuals; to the Committee on Banking, Finance and Urban Affairs.

By Mr. CAMPBELL of California (for himself, Mr. MFUME, Mr. WALSH, Mr. LAGOMARSINO, Ms. NORTON, Mr. HORTON, Ms. KAPTUR, and Mr. TOWNS):

H.R. 3656. A bill to amend the Public Health Service Act to give priority in the awarding of certain grants under such act to entities located in States that have enacted laws to limit the malpractice liability of physicians providing charity care services, and to amend the Stewart B. McKinney Homeless Assistance Act to give priority in the allocation of homeless housing assistance to recipients in States that have enacted such laws; jointly, to the Committees on Energy and Commerce and Banking, Finance and Urban Affairs.

By Mr. DUNCAN:

H.R. 3657. A bill to amend title II of the Social Security Act to provide that the Secretary of Health and Human Services may extend up to 4 months the time to file reports of earnings by beneficiaries subject to the retirement test (in lieu of 3 months as provided under current law); to the Committee on Ways and Means.

By Mr. HOCHBRUECKNER:

H.R. 3658. A bill to require the Secretary of Education to provide funds to an elementary or secondary school to establish a pilot program for the composting of yard waste and cafeteria waste; to the Committee on Education and Labor.

By Mr. KANJORSKI:

H.R. 3659. A bill to institute management reforms and eliminate conflicts-of-interest on boards of directors of depository institutions and depository holding companies, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

By Mr. MRAZEK (for himself, Mr. SHAYS, Mr. ACKERMAN, Ms. DELAURO, Mr. DOWNEY, Mr. ENGEL, Mr. GEJDENSON, Mr. HOCHBRUECKNER, Mrs. KENNELLY, Mrs. LOWEY of New York, Mr. MCGRATH, Mr. MANTON, Mr. REED, Mr. SCHEUER, Mr. SCHUMER, Mr. SERRANO, and Mr. TOWNS):

H.R. 3660. A bill to authorize the Administrator of the Environmental Protection Agency to make grants to the States of New

York and Connecticut for the purpose of demonstrating methods of improving water quality in Long Island Sound; jointly, to the Committees on Public Works and Transportation and Merchant Marine and Fisheries.

By Mr. PAXON (for himself, Mr. MARTIN, and Mr. WALSH):

H.R. 3661. A bill to extend the applicability of certain requirements relating to the regulation of garbage; to the Committee on Agriculture.

By Mr. SKELTON (for himself, Mr. IRELAND, Mr. FRANKS of Connecticut, Mr. UPTON, Mr. HENRY, Mr. COMBEST, Mr. SLAUGHTER of Virginia, Mr. PAYNE of Virginia, Mr. HANCOCK, Mr. COBLE, Mr. WALKER, Mr. JOHNSON of Texas, Mr. BALLENGER, and Mr. PARKER):

H.R. 3662. A bill to amend title 18, United States Code, to govern participation of Federal Prison Industries in Federal procurements, and for other purposes; to the Committee on the Judiciary.

By Mr. WEISS:

H.R. 3663. A bill to amend the Internal Revenue Code of 1986 to allow distributions from individual retirement accounts to be used without penalty to purchase a first home, to pay for higher education expenses, to pay for certain medical costs of catastrophic illnesses, or to meet expenses during periods of unemployment, and for other purposes; to the Committee on Ways and Means.

By Mr. SOLARZ (for himself, Mr. LEACH, Mr. WEISS, Mr. BLAZ, and Mr. FOGLIETTA):

H. Res. 262. Resolution congratulating Daw Aung San Suu Kyi on receiving the Nobel Peace Prize and expressing continued congressional concern about human rights abuses in Burma; to the Committee on Foreign Affairs.

By Mr. GILMAN (for himself, Mr. ACKERMAN, Mr. BROOMFIELD, Mr. LANTOS, Mr. LAGOMARSINO, Ms. PELOSI, and Mr. ROHRABACHER):

H. Res. 263. Resolution concerning relations between the United States and Burma; jointly, to the Committees on Foreign Affairs and Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Ms. MOLINARI:

H.R. 3664. A bill for the relief of Irwin Rutman; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 114: Mr. VENTO.

H.R. 303: Mr. MCHUGH.

H.R. 328: Mr. COX of California and Mr. ASPIN.

H.R. 418: Mr. WALSH, Mr. PETERSON of Minnesota, and Mr. WOLF.

H.R. 461: Mr. GALLO, Mr. RAMSTAD, Mr. HENRY, Mr. DUNCAN, Mr. MILLER of Washington, Mr. AUCOIN, and Mr. EWING.

H.R. 722: Mr. FISH.

H.R. 723: Mr. FISH.

H.R. 784: Mr. BLILEY.

H.R. 840: Mr. GINGRICH, Mr. JONES of Georgia, and Mr. OLVER.

H.R. 1087: Mr. ANDREWS of Maine.

H.R. 1126: Mr. MFUME, Mr. DELLUMS, and Mr. CONYERS.

H.R. 1189: Mr. COX of Illinois.

H.R. 1326: Mr. MINETA.

H.R. 1389: Mr. GONZALEZ.

H.R. 1472: Mr. ORTIZ.

H.R. 1628: Ms. DELAURO, Mr. HUNTER, Mrs. BENTLEY, Mr. FALEOMAVAEGA, Mr. PICKLE, Mr. ROYBAL, Mr. ABERCROMBIE, Mr. YOUNG of Alaska, Mr. HANSEN, Mr. ROSE, Mr. MARTINEZ, Mr. JONES of North Carolina, Mr. LANTOS, Mr. DWYER of New Jersey, Ms. COLLINS of Michigan, and Mr. DOOLITTLE.

H.R. 1675: Mr. ERDREICH.

H.R. 1733: Mr. WEBER and Mr. RUSSO.

H.R. 1860: Mr. TAUZIN and Mr. RINALDO.

H.R. 1992: Mr. LAFALCE, Mr. PETERSON of Florida, Mrs. LOWEY of New York, Mr. KOPETSKI, and Mr. JOHNSON of South Dakota.

H.R. 2008: Mr. MACHTLEY.

H.R. 2070: Mr. RITTER.

H.R. 2104: Mr. VANDER JAGT.

H.R. 2235: Mr. SOLOMON.

H.R. 2248: Mr. PETERSON of Minnesota, Mr. JENKINS, Mr. FISH, Mr. MARTINEZ, Mr. BEREUTER, Mr. KLUG, and Mr. LANCASTER.

H.R. 2305: Mr. HUGHES.

H.R. 2336: Mr. HUTTO and Mr. GUNDERSON.

H.R. 2361: Mr. LANTOS and Mr. STUMP.

H.R. 2463: Mr. TAUZIN and Mr. FIELDS.

H.R. 2511: Mr. HERGER.

H.R. 2526: Mr. RANGEL, Mr. SERRANO, Mr. WALSH, Mr. LIPINSKI, and Mr. DORNAN of California.

H.R. 2570: Mrs. LOWEY of New York, Ms. DELAURO, and Mr. PETERSON of Florida.

H.R. 2678: Mr. COX of Illinois.

H.R. 2743: Mr. LANTOS.

H.R. 2744: Mr. LANTOS.

H.R. 2755: Mr. SHAYS, Mr. WEISS, Mr. SMITH of Florida, and Mr. NAGLE.

H.R. 2763: Mr. JOHNSTON of Florida and Mr. PETERSON of Florida.

H.R. 2812: Mr. JOHNSON of South Dakota and Mr. RAHALL.

H.R. 2840: Mr. REED.

H.R. 2872: Mr. KLUG, Ms. NORTON, and Mr. PETERSON of Florida.

H.R. 2880: Mr. KENNEDY, Mr. MURPHY, Mr. SAWYER, and Mr. FORD of Tennessee.

H.R. 2890: Mr. HUCKABY.

H.R. 2915: Mr. GILCHREST, Mr. MOORHEAD, and Mr. RHODES.

H.R. 3030: Mr. BUSTAMANTE, Mr. DURBIN, Mr. COUGHLIN, Mr. CAMPBELL of California, Mr. MICHEL, Mr. ARCHER, Mr. THOMAS of Wyoming, Mr. WISE, Mr. MARTIN, Mr. CLEMENT, Mr. JOHNSON of Texas, Mr. TANNER, Mr. STENHOLM, Mr. RHODES, Mr. MAZZOLI, Mrs. BYRON, Mr. CUNNINGHAM, Mr. SWETT, Mr. HAMMERSCHMIDT, Mr. HUBBARD, Mr. NICHOLS, Mr. MACHTLEY, Mr. HALL of Ohio, Mr. FAWELL, Mr. TRAFICANT, Mr. NEAL of Massachusetts, Mr. WELDON, and Mr. WYLIE.

H.R. 3048: Mr. DICKS.

H.R. 3049: Mr. BOEHLERT and Mr. DOOLEY.

H.R. 3070: Mr. MORAN, Mr. CARR, Mr. RAMSTAD, Mr. RIGGS, Mr. GUARINI, and Mr. COUGHLIN.

H.R. 3071: Mr. BEREUTER, Mr. DOOLEY, Mr. SCHAEFER, Mr. LOWERY of California, Mr. TAYLOR of Mississippi, Mr. DICKS, and Mrs. MORELLA.

H.R. 3113: Mr. MORAN.

H.R. 3146: Mr. EWING.

H.R. 3147: Mrs. UNSOELD and Ms. KAPTUR.

H.R. 3164: Mr. MILLER of Washington, Mrs. BOXER, and Mr. MORAN.

H.R. 3281: Mr. THOMAS of Wyoming and Mr. ABERCROMBIE.

H.R. 3311: Mr. JAMES, Mr. MACHTLEY, and Mr. LEVIN of Michigan.

H.R. 3312: Mr. PICKETT, Mr. STAGGERS, and Mr. BARNARD.

H.R. 3314: Mr. HOAGLAND, Mr. CONYERS, Ms. DELAURO, Mr. FISH, and Mr. BATEMAN.

H.R. 3372: Mr. LANCASTER, Mr. FISH, and Mr. DWYER of New Jersey.

H.R. 3373: Mr. ROWLAND, Mr. BOUCHER, Mr. LEVIN of Michigan, Mr. JOHNSON of South Dakota, Mr. MURPHY, and Mr. TRAXLER.

H.R. 3376: Mr. HOBSON.

H.R. 3395: Mr. HYDE, Mr. RITTER, Mr. BOEHNER, Mr. FROST, Mr. TANNER, Mr. DWYER of New Jersey, and Mr. GILMAN.

H.R. 3408: Mr. BILIRAKIS, Mr. JEFFERSON, Mr. PETERSON of Florida, Mr. SANDERS, Mr. TRAFICANT, and Mr. WALSH.

H.R. 3427: Mr. VALENTINE, Mr. MARTINEZ, Mr. SWETT, and Mr. PETERSON of Florida.

H.R. 3437: Mr. BEVILL, Mr. FIELDS, Mr. RHODES, Mr. LAGOMARSINO, Mr. MCNULTY, Mr. PETRI, Mr. FISH , and Mr. DEFAZIO

H.R. 3486: Mr. LIPINSKI, Mr. RIGGS, Mr. FISH, Mr. DELLUMS, Mr. GILCHREST, and Mr. MRAZEK.

H.R. 3498: Mr. SENSENBRENNER.

H.R. 3550: Mr. DELLUMS, Mr. ESPY, Mr. GEREN of Texas, Mr. CHAPMAN, and Mr. HUGHES.

H.R. 3553: Mr. WYDEN and Mr. EVANS.

H.R. 3583: Mr. RANGEL, Mr. JONTZ, Mr. MCDERMOTT, Mr. ABERCROMBIE, Mr. ROEMER, Ms. PELOSI, Mrs. LLOYD, Mr. EVANS, Mr. HOCHBRUECKNER, Mr. LEVINE of California, Mr. ESPY, and Mr. DWYER of New Jersey.

H.R. 3594: Mr. PAYNE of New Jersey, Mr. DWYER of New Jersey, Mr. RINALDO, and Mr. HUGHES.

H.R. 3595: Mr. SANGMEISTER, Mr. PAYNE of Virginia, Mr. COX of Illinois, Mrs. PATTERSON, Mr. EWING, Mr. RHODES, Mr. BORSKI, Mr. RAY, Mr. TANNER, Mr. ESPY, Mr. MATSUI, Mr. JONES of Georgia, Mr. KANJORSKI, Mr. LUKEN, Mr. SKELTON, Mr. TALLON, Mr. COLEMAN of Texas, Mr. ANNUNZIO, and Mr. HUGHES.

H.J. Res. 140: Mr. MAZZOLI, Mr. MCCLOSKEY, Mr. BERMAN, Mr. BORSKI, Mr. SMITH of Florida, Mr. FIELDS, Mr. HASTERT, Mr. MONTGOMERY, Mr. NOWAK, Mr. LENT, Mr. STENHOLM, Mr. LEWIS of Georgia, Mr. SMITH of New Jersey, Mr. RAVENEL, Mr. BALLENGER, Mr. SANDERS, Mr. VALENTINE, Mr. ROTH, Mr. COBLE, Mr. EVANS, Mr. HEFNER, Mr. LEWIS of Florida, Mr. SPRATT, Mr. PETRI, Mr. BUNNING, and Mr. MCHUGH.

H.J. Res. 177: Mr. CRANE, Mr. BONIOR, Mr. LIVINGSTON, Mr. SOLOMON, Mr. YOUNG of Alaska, Mr. STOKES, Mr. DUNCAN, Mr. ROWLAND, Mr. ROBERTS Mr. GINGRICH, Mr. INHOFE, Mr. LIGHTFOOT, Mr. PACKARD, Mr. SMITH of Texas, Mr. MACHTLEY, Mrs. PATTERSON, Mr. JONES of Georgia, Mrs. COLLINS of Illinois, and Mr. FAWELL.

H.J. Res. 198: Mr. FROST, Mr. KILDEE, Mr. RIGGS, Mr. PACKARD, Mr. INHOFE, Mr. COX of California, Mr. HOYER Mr. TRAXLER, Mr. DARDEN, Mr. DELAY, Mr. TRAFICANT, Mr. ANDREWS of New Jersey, and Mr. HERTEL.

H.J. Res 239: Mr. CONYERS.

H.J. Res. 242: Mr. PETERSON of Florida.

H.J. Res. 300: Mr. KANJORSKI, Mr. STENHOLM, Mr. FIELDS, Mr. KLECZKA, Mr. HOYER, Mr. MCHUGH, Mr. UPTON, Mr. EDWARDS of Oklahoma, Mrs. LOWEY of New York, Mr. NEAL of Massachusetts, Mr. ECKART, Mr. BILBRAY, Mr. ANDERSON, Mr. HOUGHTON, Mr. WOLPE, Mr. OBEY, Mr. DYMALLY, Mr. ATKINS, Mr. WYDEN, Mr. TALLON, Mr. BALLENGER, Mr. VENTO, Mr. CHAPMAN, Mr. JONES of Georgia, Mr. DOOLITTLE, and Mr. NOWAK.

H.J. Res. 312: Mr. WOLPE, Mr. SAVAGE, Mr. SPRATT, Mr. JONES of Georgia, Mr. WYDEN, Ms. NORTON, Mr. SMITH of Oregon, Mr. ASPIN, Mr. MANTON, Mr. SOLOMON, Ms. MOLINARI, Mr. GEREN of Texas, Mr. JENKINS, Mr. SAWYER, Mr. YATRON, Mr. MURTHA, Mr. ROWLAND, and Mr. KLECZKA.

H.J. Res. 324: Mr. SYNAR, Mr. CHANDLER, Mr. YOUNG of Alaska, Mr. BILIRAKIS, Mr. LIPINSKI, Mr. ROE, Mr. CLINGER, and Mr. WEBER.

H.J. Res. 346: Mr. BATEMAN.

H.J. Res. 356: Mr. EVANS, Mr. RANGEL, Mr. SAWYER, Mr. JACOBS, Mr. CLAY, Mr. HAYES of Illinois, Mr. MAVROULES, Mrs. UNSOELD, Mr. FORD of Tennessee, Mr. DWYER of New Jersey, Mr. MCNULTY, Mr. GILMAN, Mr. HORTON, Mr. CONYERS, Mr. COBLE, Mr. FRANKS of Connecticut, Mr. HYDE, Mr. PURSELL, Mrs. VUCANOVICH, and Mr. CLEMENT.

H.J. Res. 362: Mr. HORTON, Mr. BILIRAKIS, Mr. LIPINSKI, Mr. COBLE, Mr. DOOLITTLE, Mr. HEFNER, Ms. NORTON, Mr. FASCELL, Mr. MARTINEZ, Mr. WAXMAN, Mr. MAVROULES, Mr. FISH, Mr. WEBER, Mr. HOCHBRUECKNER, Mr. BERMAN, Mrs. COLLINS of Michigan, Mr. MILLER of Ohio, Mr. BILBRAY, Mr. SERRANO, Mr. GONZALEZ, Ms. LONG, Mr. VALENTINE, Mr. LEWIS of Florida, Mr. BENNETT, Mr. COSTELLO, Mr. OXLEY, Mr. HATCHER, Mr. LEWIS of California, Mr. FORD of Tennessee, Mr. KLECZKA, Mr. ECKART, Mr. RHODES, Mr. HARRIS, Mr. SAWYER, Mr. JAMES, and Mr. MURPHY.

H. Con. Res. 177: Mrs. UNSOELD, Mr. SHAYS, Mr. HALL of Ohio, Mr. SAWYER, Mr. MCMILLEN of Maryland, Mr. FALEOMAVAEGA, Mr. JONTZ, Mr. VANDER JAGT, Mr. ROE, Mr. MOORHEAD, Mr. SCHEUER, Mr. FOGLIETTA, Mr. MANTON, Mrs. SCHROEDER, Mr. MRAZEK, Mr. MILLER of California, Mr. GOSS, Mr. HUTTO, Mr. GEJDENSON, Mr. GIBBONS, Mr. FROST, and Mr. LEWIS of Florida.

H. Con. Res. 202: Mr. CRANE, Mr. LANCASTER, Mr. ZELIFF, and Mr. JEFFERSON.

H. Con. Res. 215: Mr. STENHOLM, Ms. NORTON, and Mr. ROSE.

H. Con. Res. 227: Mr. PORTER, Ms. KAPTUR, Mr. MANTON, Mr. LEWIS of Florida, Mr. ANDREWS of Maine, Mr. FORD of Tennessee, Mr. FALEOMAVAEGA, Mr. STALLINGS, Mrs. KENNELLY, Mr. SABO, Mr. WYDEN, Mr. JOHNSON of South Dakota, Mr. EDWARDS of California, Mr. SERRANO, and Mr. DWYER of New Jersey.

H. Res. 134: Mr. BACCHUS.

H. Res. 233: Mr. HUBBARD, Mr. HUTTO, Mrs. MEYERS of Kansas, Mr. MONTGOMERY, and Ms. KAPTUR.

H. Res. 234: Mr. FRANK of Massachusetts.

H. Res. 244: Mr. ASPIN, Mr. TOWNS, Mr. ROE, Mr. SKEEN, Mr. LEWIS of Florida, Mr. GOODLING, and Mr. LEVIN of Michigan.

H. Res. 253: Mrs. BYRON, Mr. KASICH, and Mr. HOUGHTON.

H. Res. 257: Mr. PENNY, Mr. NAGLE, Mr. TALLON, Mr. LEWIS of Florida, Mr. ALEXANDER, Mr. HOPKINS, and Mr. WEBER.

DELETION OF SPONSOR FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 1245: Mr. MAZZOLI.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 3489

By Mr. HUNTER:

—Page 5, lines 6 and 7, strike "subparagraph (D)" and insert "subparagraphs (D) and (E)".

—Page 8, line 2, strike the quotation marks and second period.

—Page 8, insert the following after line 2:

"(E) Notwithstanding subparagraph (C), the Secretary shall require a validated license to export those goods or technology on that portion of the control list established under subsection (c)(1) that are identified by the Secretary of Defense as containing such a sensitive level of technology that it is necessary to require such a license for purposes of detecting the diversion of such goods or technology to an unauthorized use or consignee. The Secretary of Defense, in consultation with the Secretary, shall develop a list of goods or technology requiring a license under this subparagraph. The Secretary of Defense, in consultation with the Secretary, shall review such list at least once each year and shall make any revisions of the list that are necessary pursuant to such review.".

—Page 127, line 8, insert after "civil end use" the following: "that is compatible with the national security interests of the United States".

—Page 17, line 11, strike "shall be based on the following criteria" and insert "that is compatible with the national security interests of the United States shall be based on criteria which include, but are not limited to, the following".

—Page 17, strike lines 19 and 20 and insert the following:

"(iv) Whether civil and noncivil end uses of the goods or technology are reasonably distinguishable or there is a significant risk of diversion of the goods or technology to an unauthorized use or consignee.

—Page 31, line 14, strike "paragraph (3)" and insert "paragraphs (2) and (3)".

—Page 31, insert the following after line 15:

"(2) The Secretary of Defense and other appropriate departments and agencies shall identify goods and technology for inclusion on the list referred to in paragraph (1). Those items which the Secretary and the Secretary of Defense concur shall be subject to export controls under this section shall comprise such list. If the Secretary and the Secretary of Defense are unable to concur on such items, as determined by the Secretary, the Secretary may, within 20 days after notifying the Secretary of Defense of the Secretary's determination, refer the matter to the President for resolution. The Secretary shall notify the Secretary of Defense of any such referral. The President shall, not later than 20 days after such referral, notify the Secretary of his determination with respect to the inclusion of such items on the list. Failure of the Secretary to notify the President or the Secretary of Defense, or failure of the President to notify the Secretary, in accordance with this paragraph, shall be deemed by the Secretary to constitute concurrence in the implementation of the actions proposed by the Secretary of Defense regarding the inclusion of such items on the list.".

—Page 31, line 16, insert "(A)" after "(3)".

—Page 32, line 22, strike "The" and all that follows through "made." on line 24.

—Page 33, line 10, strike the quotation marks and second period.

—Page 33, insert the following after line 10:

"(B) The concurrence of the Secretary of Defense is required before any revision in the list is made under subparagraph (A). If the Secretary and the Secretary of Defense are unable to concur on any such revision, as determined by the Secretary, the Secretary may, within 20 days after notifying the Secretary of Defense of the Secretary's determination, refer the matter to the President for resolution. The Secretary shall notify the Secretary of Defense of any such referral. The President shall, not later than 20 days after such referral, notify the Secretary of his determination with respect to the revision of the list. Failure of the Secretary to notify the President or the Secretary of Defense, or failure of the President to notify the Secretary, in accordance with this subparagraph, shall be deemed by the Secretary to constitute concurrence in the implementation of the actions proposed by the Secretary of Defense regarding the revision of the list.".[7]

—Page 31, line 7, strike "(a) IN GENERAL.—".

—Page 33, strike line 11 and all that follows through page 35, line 22.

—Page 48, insert the following after line 15 and redesignate succeeding sections, and references thereto, accordingly:

SEC. 120. REVIEW OF LICENSES.

(a) AUTHORITY OF SECRETARY DEFINED.—

(1) AUTHORITY.—The Secretary of Defense is authorized to review any proposed export of any goods or technology under the Export Administration Act of 1979 to any country, and to recommend to the President that such export be disapproved whenever the Secretary of Defense determines that the export of such goods or technology could make a significant contribution, which would prove detrimental to the national security of the United States, to the military potential of any country.

(2) DEPARTMENT OF DEFENSE TECHNOLOGY REVIEW LIST.—The Secretary of Defense shall determine categories of transactions which will be reviewed by the Secretary of Defense in order to make a determination referred to in paragraph (1). The Secretary of Defense shall submit this determination to the Secretary of Commerce in the form of a list, which shall be referred to as the "Department of Defense Technology Review List". Whenever a license or other authority is requested for the export of any item on such list, the Secretary of Commerce shall refer the application to the Secretary of Defense. The Secretary of Commerce may not issue any license or other authority pursuant to such request before the expiration of the period within which the President may disapprove such export. The Secretary of Defense shall carefully consider any notification submitted by the Secretary of Commerce pursuant to this paragraph and, not later than 20 days after notification of the request, shall—

(A) recommend to the President and the Secretary of Commerce that he disapprove any request for the export of the goods or technology involved to the particular country if the Secretary of Defense determines that the export of such goods or technology will make a significant contribution, which would prove detrimental to the national security of the United States, to the military potential of such country or any other country;

(B) notify the Secretary of Commerce that he would recommend approval subject to specified conditions; or

(C) recommend to the Secretary of Commerce that the export of goods or technology be approved.

(3) TIME PERIODS FOR ACTION.—The Secretary of Commerce shall approve or disapprove a license application, and issue or deny a license, in accordance with the provisions of this section, and, to the extent applicable, in accordance with the time periods and procedures otherwise set forth in section 10 of the Export Administration Act of 1979.

(4) RESOLUTION OF DISAGREEMENTS.—Whenever the Secretary of Defense makes a recommendation to the President pursuant to paragraph (2)(A), the Secretary of Commerce shall also submit his recommendation to the

President on the request to export if the Secretary differs with the Secretary of Defense. If the President notifies the Secretary, within 20 days after receiving a recommendation from the Secretary of Defense, that he disapproves such export, no license or other authority may be issued for the export of such goods or technology to such country. If the Secretary of Defense fails to make a recommendation or notification under paragraph (2) within the 20-day period specified in the 5th sentence of such paragraph, or if the President, within 20 days after receiving a recommendation from the Secretary of Defense with respect to an export, fails to notify the Secretary of Commerce that he approves or disapproves the export, the Secretary of Commerce shall approve or deny the request for a license or other authority to export without such recommendation or notification.

(5) REVISION OF LIST.—The Secretary of Defense shall revise the Department of Defense Technology Review List as often as the Secretary of Defense determines is necessary.

By Mr. TRAFICANT:

—Page 69, insert the following after line 3:

(D)(i) The effects on the international economic competitiveness of the United States of formal and informal trade barriers.

(ii) The effects on the international economic competitiveness of the United States of subsidies by foreign countries to their domestic industries.

(iii) The efforts of the Department of Commerce to reduce trade barriers.

SENATE—*Tuesday, October 29, 1991*

The Senate met at 9:15 a.m., and was called to order by the Honorable WENDELL H. FORD, a Senator from the State of Kentucky.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

Lo, children are an heritage of the Lord: and the fruit of the womb is his reward.—Psalm 127:3.

God of our fathers, make real to us the wonderful promise with which the Old Testament ends, "And he shall turn the heart of the fathers to the children, and the heart of the children to their fathers, lest I come and smite the earth with a curse."—Malachi 4:6. And give us ears to hear the prospect of the curse which accompanies alienation of fathers from their children, lest children become our most "endangered species."

Where are we as a society, Lord, when the words "unwanted children" have become acceptable to our thinking? Is there something in our subconscious which would view children as a liability rather than an asset? Could such a subliminal attitude be the cause of increasing child abuse? Does it explain the tragedy of teenage anarchy, alcoholism, drugs, violence, sexual promiscuity, and suicide? Is there a curse upon our culture with its "unwanted children" syndrome? Omniscient God, give to the Senators special wisdom to lead our Nation to right thinking rather than represent a society whose ways precipitate a curse.

In the name of Jesus who said, "* * * Suffer the little children to come unto me, and forbid them not: for of such is the kingdom of God."—Mark 10:14.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, October 29, 1991.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable WENDELL H. FORD, a Senator from the State of Kentucky, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. FORD thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader.

THE SCHEDULE

Mr. MITCHELL. Mr. President, there will be a brief period for morning business this morning, following which it is my hope that we can begin to take up the civil rights bill and proceed to consider, debate, and vote on whatever amendments are to be proposed to that bill. This is a matter of importance, one which has been under consideration here in the Senate for a very long time, and I hope we can press forward and complete action on that bill as soon as possible by the end of the business day today, if that is possible.

I encourage all Senators who intend to offer amendments to be prepared to do so today during the day and not to wait until later this evening, in which event we will end up here very late this evening when we could of course be transacting business during the day.

So I encourage my colleagues to be present, to be prepared to proceed, and I look forward to completing action on this important measure hopefully today, if that is possible.

RESERVATION OF LEADER TIME

Mr. MITCHELL. Mr. President, I reserve the remainder of my leader time. I reserve all the leader time of the distinguished Republican leader.

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. There will now be a period for the transaction of morning business not to extend beyond the hour of 9:30 a.m., with Senators permitted to speak therein for up to 5 minutes each.

Mr. MITCHELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. LIEBERMAN). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HATCH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUPPORT FOR DEMOCRACY IN KENYA

Mr. DECONCINI. Mr. President, while nations throughout Africa are moving to adapt democratic systems of government, Kenya's President Moi continues to stifle all forms of political dissent. Last week, Moi declared total war on courageous Kenyans who continue to speak out against his dictatorial and corrupt regime, and vowed to crush like rats anyone attending a demonstration advocating political pluralism.

Mr. Moi's cronies in the parliament have been equally contemptuous of dissent. One minister told a public meeting that multiparty politics would be like "sorcery and the government will not allow children to be bewitched." He added, "We will use rungus [clubs] if this will be the effective way of ending talk about multiparty politics."

Mr. President, the shrill rhetoric of President Moi and his supporters sounds more and more desperate as the injustices of his strict one-party rule become ever more evident to Kenyans. Since the fall of communism in Eastern Europe, one-party governments in 16 sub-Saharan nations have been ousted by prodemocracy movements. And where Kenya once stood as a model of economic and political stability, today there is a danger that it might become a symbol of obsolete African dictatorships which struggle to retain power and wealth at the expense of the entire nation.

Mr. President, I believe it is time that the United States firmly demonstrate its support for democracy in Kenya by immediately cutting aid to Mr. Moi's government.

If we are to encourage the prodemocracy movement in Kenya, United States aid must be withdrawn and linked to human rights concerns. Leaders of the Kenyan democracy movement have told me that an aid cutoff would provide Kenyans with a psychological lift. If the United States is to truly establish itself as a prodemocratic force in the new world order, then Kenya is one country where such a moral policy should be employed.

RESOLUTION OF REFUSENIK CASES

Mr. DECONCINI. Mr. President, I wish to briefly bring to the attention of my colleagues my growing concern regarding the resolution of outstanding Soviet refusenik cases.

I recently returned from a trip to the former Soviet Union where I attended the opening of the Moscow human rights meeting and met with a number of Russian and union officials. Helsinki Commission Chairman, STENY HOYER and I repeatedly expressed our concern

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

that all refusenik cases should be resolved during the Moscow meeting. And yet, few, if any, of the more than 100 refusenik cases have been resolved since the Moscow human rights meeting took place between September 10 and October 4. In fact, a few refuseniks even received new refusals during the course of this meeting. This, Mr. President, is cold war cynicism at its worst, and we need to see improvements.

The coalition government currently in place in Moscow simply has no excuse to delay resolution of these cases. President Gorbachev has demonstrated in the past that he can expedite action on these cases within days if he so chooses. But he apparently has not changed his policy with respect to the arbitrary and cruel denial of the basic right of freedom of movement. And, what are we to make of President Yeltsin's commitment to human rights or his political ability to influence the central authorities regarding this issue? He regrettably remained silent during the Moscow meeting. Someone who wants to make changes in that country should certainly come forward to address the 100 human rights violation cases.

But the U.S. Congress must not remain silent. We must not forget those like Dimitri Berman and Vasily Barats whose right to emigrate is still being flagrantly abused by Soviet and Russian authorities alike. Both have kept them from getting visas to leave that country.

Union authorities have agreed to dissolve the KGB and restructure their security apparatus under a more democratic and accountable system. With the elimination of the institutional barrier of the KGB and the professed commitment at the union and the republic level to the principles of Helsinki why, we must ask, can the refuseniks not leave? If now is not the time to accord the citizens of the former Soviet Union their fundamental freedoms, when will the time come? I urge my colleagues to speak out forcefully against this continuing abuse.

TERRY ANDERSON

Mr. MOYNIHAN. Mr. President, I rise to inform my colleagues that today marks the 2,418th day that Terry Anderson has been held captive in Lebanon.

On October 23, the Committee to Protect Journalists honored Bill Foley and Cary Vaughan, founders of the Journalists Committee to Free Terry Anderson, for their efforts on behalf of Terry Anderson. Foley and Vaughan were among seven to receive the Press Freedom awards.

Mr. President, I ask unanimous consent that the Associated Press article reporting the important contributions each recipient made toward achieving international respect for an independent press be printed in the RECORD at this time.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

JOURNALISTS HONORED FOR CHAMPIONING PRESS FREEDOM

NEW YORK.—Two journalists who have worked to free American hostage Terry Anderson were among seven people who received Press Freedom awards for furthering the cause of press independence worldwide.

The awards were given Oct. 23 by the Committee to Protect Journalists, a New York-based organization dedicated to defending journalists and publicizing violations of press freedom.

Bill Foley and Cary Vaughan, founders of the Journalists Committee to Free Terry Anderson, were honored for their lobbying efforts on behalf of Anderson, the chief Middle East correspondent for The Associated Press, who was kidnapped six years ago in Beirut.

Two Chinese journalists, Chen Ziming and Wang Juntao, were honored in absentia. Both are in a Beijing prison on charges of "counterrevolutionary propaganda and incitement." The two published Economics Weekly, a reformist journal that was shut down in the aftermath of the Chinese government's crackdown against students protesting in Tiananmen Square.

Tatyana Mitkova, a former anchorwoman for the Soviet news program "TSN," was given the award for refusing in January to read a script handed to her by a state broadcasting agency official.

Byron Barrera, publisher of several Guatemalan newspapers, was honored for his long-term efforts to broaden the perspective of that Central American country's media.

Pius Njawe received the award for standing up to Cameroon's government, which harassed him for printing an editorial against the lack of freedom of expression in his African nation.

Former CBS newsman Walter Cronkite received the Burton Benjamin Memorial Award for his longtime advocacy of international press freedom.

TRIBUTE TO CARL BAILEY

Mr. HEFLIN. Mr. President, it is a pleasure for me to pay tribute today to the life and career of my close friend, Carl Franklin Bailey, a businessman and civic leader of the highest caliber. Carl stepped down as the president and chief executive officer of South Central Bell, a subsidiary of the BellSouth Corp., on October 31. In a career that spanned nearly 40 years, Carl advanced from an entry-level "Ma Bell" position to South Central Bell's helm, where he served with distinction for 9 years.

Some of my colleagues probably remember Carl from his association with the U.S. Telephone Association [USTA], of which he served as chairman during 1987–88. During his 1-year term as chairman, Carl focused on the fact that the U.S. phone system is the best in the world, and perpetuated continued excellence in communication services. He parlayed the industry's grassroots support and provision of a universally available, quality product into enhanced credibility on Capitol Hill.

Carl Bailey's career at South Central Bell was best characterized by change and innovation. He presided over the company during a time of unprecedented transformation in the telecommunications industry, AT&T's divestiture in 1984. Carl still refers to that split as the single biggest event in his career.

As evidence of his energetic spirit of innovation, Carl truly believed that business enterprises could positively impact upon and influence the public good. One such project, "Mississippi 2000," established plans for a fiber-optic-based, interactive distance learning network designed to enhance educational opportunities in Mississippi schools.

At the time of the program's unveiling, Gov. Ray Mabus described "Mississippi 2000" as a public/private partnership formed to boost education in the State of Mississippi and a significant undertaking on the Nation's educational frontier. Bailey called the program the result of South Central Bell's and Northern Telecom's mutual interest in education and economic development.

He said the basic idea behind distance learning with any technology is to expand educational opportunities to students in isolated, small, and disadvantaged schools. The technology allows instructors at Mississippi State University, Mississippi University for Women, or the Mississippi Educational Television Network Studio to simultaneously conduct classes in three or four rural secondary schools.

Other examples of Carl Bailey's vision of the partnership between the public and private sectors are found in a speech he gave at Symposium 1989, entitled "Developing Alabama's Potential in the Information Age." In the speech, Carl outlines several instances which support his contention that telecommunications is a vitally important economic development tool.

He described how South Dakota revamped its local laws and regulations to attract the credit industry; how firms such as L.L. Bean now operate 24 hours a day due to the reshaping of the wholesale-retail industry; and how colleges such as the University of Alabama in Huntsville are using computers in setting up statewide networks for universities and high-technology industry.

Carl went to discuss his theme of a new viewpoint on Alabama's economic future.

> The topics picked for this symposium are very closely intertwined and for us to move Alabama successfully forward we must address them together. But if I had to choose one that we should do first, it would be the creation of the partnership among all parties. Without such a partnership, all the rest will be that much more difficult. With it, we can define where we are today, decide where we want to be tomorrow and move forward aggressively to place Alabama at the forefront of the Information Age.

Mr. President, to me, Carl Bailey has always stood out as the ideal of what business and public cooperation can accomplish in an increasingly complicated and diverse society. His strong leadership, dynamic vision, and tireless dedication to the telecommunications industry and goals of economic development will be sorely missed by all of us who know him and worked with him over the years. I am confident, however, that he leaves a legacy that will inspire others to continue his visionary quest.

I congratulate and commend my friend Carl Bailey on this outstanding career and many accomplishments, and extend my best to him and his family upon the occasion of his retirement. I ask unanimous consent that an article detailing Carl's career with South Central Bell be included in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Birmingham News, Aug. 23, 1991]

SOUTH CENTRAL BELL'S BAILEY RETIRING AFTER 9 YEARS AT HELM

(By Chris Roberts)

In nine years as president of South Central Bell, the constant in Carl Bailey's life has been change.

On Oct. 31, he will undergo one last change—his retirement.

Bailey, whose career blossomed from an entry-level Ma Bell job in 1952 to head of a company with 31,000 employees in five states since 1982, is retiring a few months before South Central Bell merges with several other BellSouth Corp. subsidiaries into BellSouth Telecommunications.

But organizational change has been nothing new for Bailey, who was president of South Central Bell a few years before AT&T's divestiture created seven regional telephone holding companies.

"When you are part of dynamic change . . . it creates excitement," Bailey said. "We have gone from a company that was regulated and had almost all of the business to one now that is still regulated more than we would like to be, but has moved to a competitive environment. That really get the creative juices flowing. If it doesn't, you're really not going to make it in the marketplace.

"I think we've been somewhat successful in dealing with things from a competitive standpoint."

The announcement of Bailey's retirement comes shortly after Hugh Jacks said he would retire as head of BellSouth Services. BellSouth said it was to announce successors to those and other jobs later today.

In a statement, BellSouth Chairman John Clendenin praised Bailey for his work.

"Carl Bailey is a business executive of great energy, ability and insight," Clendenin said. "His leadership in BellSouth and in the national telecommunications arena came at a time of monumental change, and he has gained the respect of the entire industry as an advocate, a trusted negotiator and an exceptional leader."

Bailey, a Birmingham native and Auburn University graduate, went to work for AT&T in New Orleans in 1952. He returned to the company after a 2½-year stint in the Army, and by 1968 was working at AT&T's federal relations office in Washington, DC.

He was named assistant to the president of South Central Bell in Birmingham in 1971. In 1972, he became general manager for the company's headquarters staff.

In 1977, he was named vice president of the company's Louisiana operations, and by 1980 he was back in Birmingham as South Central Bell's executive vice president for corporate affairs.

He was named president of South Central Bell in 1982. In 1987-88, he was chairman of the U.S. Telephone Association, the telephone industry's trade association.

AT&T was split in 1984 and South Central Bell became part of the BellSouth holding company.

The divestiture, Bailey said, was the single biggest event in his career.

The divestiture and competition has given consumers more choices and cheaper telecommunication prices, Bailey said, but it also has meant confusion in the marketplace since no single company has full responsibility for end-to-end calls.

Competition and changing economic conditions has meant that Bailey has led a shrinking company.

South Central Bell had 49,000 employees in 1983. It has 18,000 fewer now, and the company's latest early retirement program has seen another 1,100 employees in Alabama, Mississippi, Louisiana, Tennessee and Kentucky leave this year. About 450 are from Alabama.

"Our business is no different from most other businesses," Bailey said. "We have been able to take advantage of the technology to consolidate operations and do things more efficiently. We don't do some things we used to. We used to go out and install telephones in customers' homes, and we don't do that anymore. Competition has allowed us to lose business, but it has been minimal.

"All of those things have contributed to the downsizing, in addition to our ability to find ways to be more efficient. And you do that to give value to the customer."

None of those employees has been laid off, he emphasized.

"When you think of downsizing at a lot of large companies, you have to think about the economy," he said. "The impact in Birmingham is minimal. It doesn't have the impact of putting people on the streets.

"We're not going to have a mass exodus out of here. These are people who are in their 50s and above—and a few a little less than that—and they will have an income coming in."

Bailey's retirement is not part of the companywide retirement plan. He said he had decided in 1990 that he would retire this year.

"We spent a heck of a lot of time talking about succession in our business and determining who ought to be placed in our senior level of management," Bailey said. "We have done some positioning to get people in the right place with the right amount of experience to move in behind myself and Hugh Jacks."

After Halloween, Bailey said he plans to remain in Birmingham and do a little more golfing and hunting, play with a new grandchild and remain involved with civic and business activities.

He is on boards of directors for the Boy Scouts southeast region, South-Trust Corp., Delchamps Inc., Circle S Industries, Southern Research Institute and St. Vincent's and the Eye Foundation hospitals. He is past chairman of the Birmingham-Southern College board of trustees and is co-chairman of its $40 million 21st Century Campaign.

THE REAL QUESTION OF THE MIDDLE EAST PEACE CONFERENCE

Mr. DECONCINI. Mr. President, we stand here today on the eve of one of the most important milestones ever to occur in the Middle East. For the first time in 43 years, Arab governments committed to destroying the State of Israel will engage in direct, face-to-face negotiations with that lonely democracy. This historic occasion is designed to resolve one of the most persistent and perplexing conflicts the world has ever witnessed. The Middle East has for two long been the site of pernicious hostilities where governments conducted diplomacy with the force of the gun, not the peace of the tongue. With the cold war behind us, and our overwhelming victory in Iraq still fresh in everyone's mind, America has a golden opportunity to facilitate a real and comprehensive peace in this troubled region. All parties involved have a vested interest in negotiating an end to this bloody conflict. This Senator strongly encourages the governments of the Middle East to take full advantage of this truly historic opening.

President Bush and Secretary of State Baker should be commended for their delicate and diligent performance in convincing the Arabs and Israelis to sit down and talk. This tremendous accomplishment, in and of itself, concludes yet another chapter in the seemingly endless web of Arab-Israeli confrontations. But after closely following the Middle East during the 15 years I have been a member of this distinguished body, I recognize that there is only so much that America can do. It is the primary responsibility of the Israelis and Arabs to close this decades old horror novel.

As we enter the first stage of negotiations, let us all hope that we will see the parties involved be more forthcoming in offering compromise solutions than they were prior to the conference. The human and economic costs of a constant state of war are too serious to let petty politics get in the way of a comprehensive peace package. We recognize that the road ahead will be full of pitfalls and surprises—let us have no doubt about that. As we have seen in recent days, extremists on all sides have initiated yet another wave of violence aimed at disrupting the talks. More such acts will doubtlessly continue throughout the conference. I am equally confident that we will see the negotiations start and stop many times as the process moves forward.

What worries this Senator, Mr. President, is that George Bush has attempted to establish a timetable by which things are supposed to magically fall into place. The politics of the Middle East are too capricious for us to rely on such arbitrary schedules. The Jews have waited 2,000 years to escape repression—they should not be rushed into an agreement just to meet a Western deadline. Israel deserves nothing less than a true peace. If it takes a little extra time to achieve it, this is one Senator who is prepared to wait.

While we certainly hope the Israelis and Palestinians can reach a just accord on Palestinian self-determination within 1 year, it must be accomplished under a framework guaranteeing Israel's very real security needs. To make peace truly successful, all parties must come forward with the same kind of bold leadership demonstrated by former Egyptian President Anwar Sadat. But we must not forget that even under the relatively sanguine environment at the time those negotiations began, it took 5 years and three interim agreements before a permanent peace was established. Given the importance of finding an enduring peace, one that will last long enough so that future generations in the region will become immune from the horrors of war, I must ask why there is this rush to conclude the Israeli-Palestinian negotiations on self-rule within 1 year, Mr. President? It is unwise for the United States to aggressively pursue an agreement on Palestinian self-determination if Arab governments remain intransigent toward the goal of real peace. If a 1-year timetable is good for the Palestinian-Israeli facet of negotiations, why not apply this same standard to the bilateral talks between the Arab governments and Israel?

Mr. President, the world yearns for real peace in the Middle East. Pseudo peace accords—void of agreements on the gamut of issues dividing Arabs and Israelis—will inevitably fail to bring harmony in that volatile region. Israel will find it very difficult to negotiate the comprehensive peace it so richly deserves if the Arabs intend to focus only on land. The phrase is "land for peace" and each term demands equal weight. Unfortunately for the innocent people caught up in this tragic game, it seems the Arabs only have the first part of this expression in mind as we enter into the conference.

Syria appears to be the leading proponent of this philosophy. There are some reports indicating Syria will intentionally stonewall the second stage of negotiations in hopes of pressuring Israel to make imprudent concessions. If they do this, Mr. President, I would urge my colleagues to publicly support Israel. There is no justification for the United States to remain "an honest broker" with Syria when that country asserts it is more interested in reclaiming the Golan Heights than establishing a real and comprehensive peace. In the eight trips James Baker has made to the Middle East, President Assad has said "no" to talk on water resource, arms control, the environment, the plight of Palestinian refugees, and repeal of the United Nations "Zionism equals racism" resolution. Instead, he has said "yes" to massive human rights violations, "yes" to torturing Syrian Jews, and "yes" to turning a sovereign Lebanon into a Syrian puppet. And now he has coerced the other Arabs attending the conference into a pledge not to conclude separate, bilateral peace agreements with Israel. These preconditions almost completely undermine the overriding purpose of the conference.

One specific concern this Senator believes must be resolved prior to achieving true peace is Arab—primarily Syrian—support for terrorist activities. Syrian sponsorship of terrorism and Arab efforts to destroy the State of Israel go hand in hand. That is why this Senator is a cosponsor of a resolution offered by my good friend and colleague from New York, Senator D'AMATO, which requests the President to include the issue of terrorism as part of the peace process.

President Bush wants to utilize a hurry-up offense hoping it will magically lead to a touchdown before time expires. What he does not realize is that this game will not end once the players leave the negotiating field. The "land for peace" formula can only be successful if all the issues necessary for peace are on the negotiating table. Without a comprehensive agreement, Israel's security will be more at risk than ever before.

I applaud the President for his resolve, and commend Secretary Baker for his tireless efforts, but caution that this conference is only the beginning of a long process—a process to which we must not attach an artificial concluding date. It has taken too long to reach this point. The question to be answered now is whether or not Israel's neighbors are serious about achieving a lasting peace with Israel so that other issues, prime among them the Palestinian issue, can be ultimately resolved. I truly hope and pray that their answer is an unwavering "yes."

HONORING LAURA SCOTT

Mr. BINGAMAN. Mr. President, I rise today to acknowledge the many contributions of my friend, Laura Scott, who came from New Mexico in 1983 to assist me in my Senate office and who has served as my office manager for the past 4 years.

A native New Mexican who earned her bachelor of arts degree in history from the University of New Mexico, Laura was an energetic campaigner in my race for the Senate in 1982. After she so enthusiastically agreed to represent me at "Bean Day" in Wagon Mound, I soon began to depend on her superb organizational and management skills.

Laura is recognized as a leader in congressional office management and innovating. She developed an information system which has increased the efficiency and effectiveness of constituent services and legislative productivity in my office. Laura is respected by her peers throughout the Senate for her expertness and generous help. Because she is so good at what she does, we are losing her to the Congressional Management Foundation, where she will serve as Deputy Director.

Aside from her duties as office manager—a position of trust and responsibility that is not always given the respect it deserves—Laura has been responsible for bringing many talented young people from New Mexico to work in my office as full-time staff members and interns. She has done her best to make sure that their experience is always memorable and has given much of her personal time and attention to making their adjustment to life in the Senate an easy one. For the past 4 years, Laura has helped me organize annual student seminars, which I host around New Mexico to give junior and senior high school students exposure to national issues pending in the Senate. It is a huge logistical undertaking, and Laura has been the key to each seminar's success.

Perhaps we all take too much for granted the work of our staffs, and those who have been with us the longest know this better than anyone else. Laura has been part of my office from the beginning, and I hope she knows how much I value her loyalty, her good sense, and her hard work. She is a treasure, and the Congressional Management Foundation, which purloined her from us with money, a fine title, and a very challenging job, is lucky to have her.

Laura is married to Eddie Church, who works in the Senate Service Department, and they are the justifiably proud parents of almost 1-year-old Lucy. Having Laura, Eddie, and Lucy as part of the Bingaman office family has been a pleasure for us, and we are glad to know that the friendship will continue. We wish her the best, of course, and hope she knows how much we will miss her.

JIM BUCHLI FLIES HIGH FOR NORTH DAKOTA

Mr. BURDICK. Mr. President, I had the pleasure this morning of once again talking with a tremendous North Dakotan, NASA Astronaut Jim Buchli. As a lieutenant colonel in the Marine Corps and a mission specialist for NASA, Buchli has greatly contributed to our understanding of the planet, flying four space shuttle missions. He told me that the atmosphere on his recent Discovery flight was the dirtiest he's ever seen it, and we discussed what can be done to reduce manmade pollution.

Jim Buchli impresses me both as an excellent astronaut and as a genuinely nice guy. He enjoys talking to young people about his experiences and showing them pictures of how Earth looks from space. That makes him a hero in my eyes, as well as in the eyes of a newspaper editor in my hometown of Fargo. Mr. President, I ask unanimous consent that a column by Terry DeVine printed in the Forum on September 30, 1991, be printed in the RECORD at this point.

[From the Forum, Sept. 30, 1991]

COL. JIM BUCHLI SERVED WITH COURAGE, HONOR

(By Terry DeVine)

In this age of instant gratification in our "get my piece of the action" society, children often look no further than the sports pages for their heroes and role models. That's truly unfortunate.

Ask most 10-year-old kids who they'd like to emulate when they grow up and they'll likely respond, "I want to be like Michael Jordan." They might substitute Magic Johnson, Joe Montana, Jose Canseco, Ken Griffey Jr., or a host of other names, most of them associated with professional sports.

That's not to say that Michael Jordan and a handful of other professional athletes are unworthy of the adulation of these starry-eyed young fans. Men like Jordan and Johnson have long been outstanding representatives of their sports and have acted like the true professionals they are.

You won't read about Jordan and Johnson in the police reports, although the same can't be said for some of their professional acquaintances.

But deep down, these guys are thanking their lucky stars that they happen to live in an age when society's values are all screwed up. They know they aren't really worth one-fifth of the money they're raking in because of their physical abilities, much less a multimillion-dollar paycheck.

There are people, however, who might be worth that kind of money, but you won't find them on the sports pages. You'll find most of them laboring in science and technology, or in the classroom, or in the laboratory.

If you're looking for a real life role model for children, one needs to look no further than a man like Fargo's own Jim Buchli, the astronaut who just completed his fourth space shuttle mission.

Buchli, a New Rockford, N.D., native and Fargo Central High School graduate, has done more for mankind in his 46 years than a whole carload full of professional athletes will do in 100 years.

Buchli, a 1967 graduate of the U.S. Naval Academy in the top 10 percent of his class, has spent 24 years in the U.S. Marine Corps, serving his country in whatever capacity it asked of him. He has sought no adulation, no honors, and he has done it most of those 24 years for a whole lot less than $50,000 a year.

He has been a husband, father and sterling representative for his native state of North Dakota. He has never forgotten his roots and has returned home time and time again to speak at any number of functions.

One of only eight astronauts to make at least four missions into space, Col. Buchli could have left the service of his country long ago for four times the money in private industry. He is a profile in courage, one of that rare breed of men with "the right stuff."

None of us have any idea what kind of courage it takes to strap yourself in to a space vehicle loaded with millions of pounds of the most explosive propellant known to man. Buchli knows. He's done it four times. It's like sitting on top of a giant stick of dynamite that could become your funeral pyre in an instant.

Nonetheless, he did it. How many of us are truly brave enough to do what he did? Don't think for a minute that he wasn't aware of the Challenger disaster. He knew the risks involved. But he did it because it was his duty as a Marine Corps officer, and because his country asked him to do it.

Duty, honor, country. These are words we don't often hear in this day and age. Thank God there are still men like Jim Buchli and Jamestown native Rick Hieb, a fellow astronaut, who understand the meaning of those words, and the responsibility attached to them.

Jim Buchli is now pondering possible retirement from the military. He has served his nation well and is preparing to pass the gauntlet to a younger generation of astronauts.

He may take one of those jobs in private industry that will pay him the kind of money he never earned in the service of his country. His leadership abilities are hard to find and highly sought after by civilian employers. We wish him every success if that is his decision.

Perhaps he will even return to North Dakota to take a job. I have no idea if Col. Buchli's political leanings are Republican or Democrat, but they're definitely "American." I can think of no better political candidate to represent the state of North Dakota in Washington. He has the credentials. He has the track record. He has the "right stuff."

In any case, if he does choose to retire after 24 years of service to his country, I hope the city of Fargo or the state of North Dakota will bring him home to honor him in some appropriate way, with a testimonial dinner or some such event.

Buchli is a contemporary hero who served his state and nation with honor, courage and dignity. He became all that he could be. We are humbled in his presence.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. The time for morning business has now closed.

CIVIL RIGHTS ACT OF 1991

The PRESIDING OFFICER. The clerk will report the unfinished business.

The legislative clerk read as follows:

A bill (S. 1745) to amend the Civil Rights Act of 1964 to strengthen and improve Federal civil rights laws, to provide for damages in cases of intentional employment discrimination, to clarify provisions regarding disparate impact actions, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

Danforth/Kennedy amendment No. 1274, in the nature of a substitute.

Mr. HATCH. Mr. President, as I understand, the bill is laid down for debate only at this time.

The PRESIDING OFFICER. The Senator is correct.

Mr. HATCH. I would like to just make some remarks about the bill.

Mr. President, I want to address some of the elements of the compromise civil rights bill now before us. As the ranking Republican on the Labor and Human Resources Committee, the Republican floor manager on this legislation last year and this year, the principal opponent of prior versions of the bill, and an original cosponsor of the pending compromise, I have followed this legislation very closely.

I want to turn to the disparate impact provisions of the bill. They have been significantly modified to remove the inducements to quotas represented by earlier versions of the bill.

Many of my colleagues have asked me, with respect to these provisions, what do we tell the business owners of our States? How do we explain this bill to them or this substitute bill that we are talking about now? The short answer is this: Under the disparate impact theory, basically the same business practices and employment standards lawful today under the Supreme Court precedents will be lawful after this substitute bill is enacted. The only difference in the law will be that an employer, instead of having the burden of producing evidence to justify the particular practice identified as causing a disparity in the job, must meet, in addition, a burden of persuasion. That is how the Wards Cove Packing Co. versus Atonio case is reversed by this bill. This change addresses section 2(2) of the compromise bill's congressional findings. The burden of proof issue is the only part of Wards Cove overruled by this bill. In theory, more than in practice, this change is very important. But because an employer's counsel presumably puts the employer's best case forward anyway regardless of the nature of the employer's burden, this constitutes the most minor practical change in current law that we could make.

Indeed, President Bush had agreed to this change in his own bill, S. 611. It is highly unlikely that employers will need to make any adjustments in their practices as a result of these provisions.

I note that the proponents of this bill's predecessors, many of whom now support the pending measure, hold the view that employers had the burden of production as well as the burden of persuasion under the Supreme Court precedents from 1971 to 1989. Under this view, the compromise's disparate impact provisions should not cause any dislocation whatsoever in employer practices.

Both on the floor Friday and in the news accounts over the weekend, if accurate, I have heard and read extraordinary accounts of what happened with respect to the disparate impact provisions of this bill. Some of my friends on the other side of the aisle are still playing politics, claiming the President has caved in. Some have asserted that the claim that this compromise bill's predecessors would lead to quotas was untrue. They now assert that virtually no change was made in the disparate impact provisions and the President just decided to stop playing politics and accept the bill.

I responded to this in part on Friday. Our distinguished majority leader was quoted on Saturday as saying "If these few [changed] words provide the President with the fig leaf to cover his retreat, that's fine." (Washington Post, Oct. 26, 1991, p. 7.)

A lawyer with a prominent civil rights litigation group was quoted as saying "If you look at this language and compare it to the numerous other proposals they labeled a quota bill, you won't be able to find any basis for why this one is different." (Washington Post, October 26, 1991, p. 6.) I have to say anybody who believes these two comments about this substitute bill will believe anything.

I think it is unfortunate that some of my friends on the other side of the aisle have decided to use this compromise to criticize the President. In so doing they would have us disregard the major changes in the bill resulting from the President's strong stand against quotas. They would have us treat these changes as if they had never occurred. They would ignore the significance of the changes.

PURPOSES CLAUSE

Let us take a look at the very significant changes in the bill that some would have us believe never took place. Take the purposes clause. In its purposes clause, S. 1745 said in pertinent part that the "purposes of this Act are * * * to overrule the proof burdens and meaning of business necessity in Wards Cove Packing Co. versus Atonio and to codify the proof burdens and the meaning of business necessity used in Griggs versus Duke Power Co.* * *"

What does this "Purposes" clause say? "The purposes of this Act are * * * to codify the concepts of 'business necessity' and 'job related' enunciated by the Supreme Court in Griggs versus Duke Power Co., and in the other Supreme Court decisions prior to Wards Cove Packing Co. versus Atonio."

No longer does the bill overrule the meaning of business necessity in Wards Cove. Instead, the bill seeks to codify the meaning of that phrase in Griggs and subsequent Supreme Court decisions prior to Wards Cove.

This will become very significant when we look for the definition of "job related" and "business necessity" in the pending measure. Why? Because there are no definitions of these terms in the pending measure. That is what makes so ironic the civil rights lawyer's invitation quoted earlier to compare the current language to earlier versions.

BUSINESS NECESSITY

With regard to business necessity, here are some of the prior definitions of business necessity from the prior versions of this bill. From S. 2104, the original bill in 1990, "essential to effective job performance"—clearly different from the Griggs standard. And it is clearly different from this bill.

From the very first Danforth-Kennedy proposal in the spring of 1990, "Substantial and demonstrable relationship to effective job performance"; gone from this bill, completely removed from the bill.

From the bill passed by the Senate last July, a two-tier definition whose key phrase was "significant relationship to successful performance of the job"; gone, no longer part of this bill.

You could go on and on.

The bill vetoed by the President contained yet different language in the two tiers. That is gone.

S. 1208, the first Danforth bill this year, had a two-tier definition whose key phrase was "manifest relationship to requirements for effective job performance." It then included a subdefinition of a term wholly created by the bill; "requirements for effective job performance." This subdefinition contained two tiers and these are gone, completely eliminated.

The President has insisted that they be gone because he wants the Griggs language and not some other standard.

S. 1408, the second Danforth bill this year, also bifurcated the definition of "business necessity" and further subdefined that term.

These definitions are gone in this substitute. They no longer exist.

S. 1745, the pending bill's immediate predecessor, contained a two-tier definition of business necessity. It also contained a subdefinition of a key phrase from Griggs and subsequent disparate impact which had never been defined before: "The employment in question." That subdefinition itself contained two tiers. All of that is now gone. That was the immediate predecessor bill to this one substitute that we are talking about today.

I ask unanimous consent that the "Dear Colleague" letters I sent on this year's versions of the bill explaining my concerns about them, concerns shared by the President, be included in the RECORD following my remarks.

The PRESIDING OFFICER (Mr. AKAKA). Without objection, it is so ordered.

(See exhibit 1.)

Mr. HATCH. In the place of these countless definitions of business necessity, what does the compromise say? It says the challenged practice must be "job related for the position in question and consistent with business necessity." Neither term is defined in this current substitute bill. So we return to the purposes section I read earlier.

One of the purposes of the act is "to codify the concepts of 'business necessity' and 'job-related' enunciated by the Supreme Court in Griggs versus Duke Power (1971), and in the other Supreme Court decisions prior to Wards Cove Packing Co. Versus Atonio."

Mr. President, what we are saying here is this bill is completely changed on the key pivotal point of the definition of business necessity which has been the President's hope and the President's demand, the reason he has vetoed the bill last year.

In other words, the President has gotten what he wants on the definition of business necessity. That is a monumental set of changes that would not have occurred without the veto and without the threat of a veto this year which I believe would have been sustained had the business necessity language of these predecessor bills not been changed.

That is important because that is one of the basic reasons why the President vetoed this bill to begin with.

The fact is that we in these prior bills—or should I say they who were offering these prior bills—were offering language that changed the definition of business necessity from the Griggs versus Duke Power Co. case to a new definition that flew in the face of 20 years of evolving law on business necessity, on the definition of business necessity in employment discrimination cases.

Twenty years would have been reversed by these predecessor bills—and in those definitions related to business necessity, if those earlier bills would have passed, those predecessor bills, they would have narrowed the definition to such a degree that literally businesses would not have the flexibility that they have always had under the Griggs case, and the costs of defending these suits would have risen from its current average of $80,000 to somewhere near half a million dollars to defend one of these suits.

Although the bill's predecessors did not say you have to have quotas, employers would have had to turn to quotas to avoid those expensive suits that they could not afford and would almost certainly lose.

That is why it was a quota bill. That is why the President was so upset about it. That is why employers throughout the country are upset about it. That is why employer organizations are upset about it. That is why business organizations are upset about it. That is why small business organizations are upset about it. It is one of the reasons.

And the President has now gotten us back to Griggs, because he had the guts to stand up and point out that the cost of defending this type of legislation imposed upon business by these predecessor bills, the cost of defending yourself was so large, and the chances of success so small, that literally nobody could afford to do it. I am talking just defense, not if you lose and have to pay backpay awards to boot.

And so rather than have to go through these repetitive, unfair, and in some cases, extortionate-type lawsuits, business people would have to turn to quotas and hiring people not the most qualified to do the job but hiring people who are only minimally qualified. That would change the free enterprise, free market system in this country to where we would become much like the system of Eastern Europe. Frankly, it would have taken away the incentives to have the excellence that we have in our employment system today.

Some would have us treat these substantive changes that we now have as if they never occurred. They would ignore the significance of these changes. I read article after article, and watched television over the weekend, and everybody said that the President had caved in to the other side. Come on. This was one of the key, pivotal, difficult-to-understand issues involved in this whole bill. We have been fighting it for 2 years.

The reason I am cosponsoring this bill and am one of the prime cosponsors, the reason I have been part of the negotiations behind the scenes, is because we have this change, and because no longer will there be the push toward quotas that these unreasonable, hard to defend, and expensive to defend lawsuits would have led employers to adopt.

Let us look at the very significant changes in the bill that some would have us believe never took place.

S. 1745 said in pertinent part in the purposes clause, that:

> * * * purposes of this Act are * * * to overrule the proof burdens and meaning of business necessity in *Wards Cove Packing Company* v. *Atonio* and to codify the proof burdens and the meaning of business necessity used in *Griggs* v. *Duke Power Company* * * *

It is important to note that this formulation refers to Supreme Court decisions, not to narrower notions of Supreme Court holdings. The choice of the broader reference to decisions was a deliberate one. Nor are lower court decisions to be the Supreme Court's future guide.

What do these Supreme Court decisions say about business necessity? The Griggs case said:

> * * * Any given requirement must have a manifest relationship to the employment in question. 401 U.S. at 4321.

There is no two-third definition, no subdefinition of the term "employment in question." The Court also said in Griggs:

> Congress has not commanded that the less qualified be preferred over the better qualified simply because of minority origins. Id. at 436.

This manifest relationship to the employment standard is the consistent standard applied by the Supreme Court. The Court has used this phrase in *Albemarle Paper Co.* v. *Moody*, 422 U.S. at 425 (1975); *Dothard* v. *Rawlinson*, 433 U.S. at 329 (1977); *New York Transit Authority* v. *Beazer*, 440 U.S. at 587 n.31 (1979); *Connecticut* v. *Teal*, 457 U.S. at 446 (1982) (a Justice Brennan opinion); and *Watson* v. *Ft. Worth Bank and Trust*, 108 S.Ct. at 2790 (O'Connor plurality opinion for four Justices). Even Justice Stevens' dissent in Wards Cove, joined by Justices Brennan, Marshall, and Blackman, cites the "manifest relationship" language at least three times as the applicable disparate impact standard. 109 S.Ct. 2129, 2130 n.14.

This is a flexible concept that encompasses more than the actual performance of actual work activities or behavior important to the job. I point out also the case of Washington versus Davis, a 1976 case, a pivotal case in this area.

Indeed, the Supreme Court's 1979 decision in New York Transit Authority versus Beazer—we refer to it as the Beazer case—is highly significant. This decision was well known to all sides in these negotiations and debates. The Beazer case involved a challenge to the New York Transit Authority's blanket no-drug rule, as it applied to methadone users seeking non-safety-sensitive jobs. A lower court had found that to be a title VII disparate impact violation. The Supreme Court, however, reversed the lower court's decision and said:

> At best, [the plaintiffs'] statistical showing is weak; even if it is capable of establishing a prima facie case of discrimination, it is assuredly rebutted by the employer's demonstration that its narcotics rule, and the rule's application to methadone users, is "job related. * * *" 440 U.S. at 587.

The Court noted that the parties agreed:

> * * * that [the employer's] legitimate employment goals of safety and efficiency require the exclusion of all users of all illegal narcotics. * * * Finally, the district court noted that those goals are significantly served by—even if they do not require—[the employer's] rule as it applies to all methadone users, including those who are seeking employment in no-safety-sensitive positions. The record thus demonstrates that [the employer's] rule bears a "manifest relationship to the employment in question," *Griggs* v. *Duke Power Company*, 401 U.S. 424, 432. [440 U.S. at 587, n.31]

If the language from the 1979 Beazer decision sounds familiar, it should. The Supreme Court's formulation in Wards Cove is not only based upon it, it is nearly identical. By removing the language in the purposes clause stating the bill overruled Wards Cove with respect "to the meaning of business necessity," by substituting the language in the compromise purposes section referring to Supreme Court decisions prior to Wards Cove, and by removing the definitions of "business necessity" or "job related," and any definition of "employment in question," the compromise leaves the Supreme Court free to reach the same formulation of "business necessity" and "job related" as it and Beazer. Indeed, Beazer is unquestionably reaffirmed by the compromise bill's purposes clause and the Wards Cove formulation of business necessity is not overruled by this substitute.

I note that in *Watson* v. *Fort Worth Bank and Trust*, 108 S.Ct. 2777, decided in 1988, Justice O'Connor warned us about the real risk of imposing quotas on the American people if the title VII disparate impact theory is misused. In that case, the Supreme Court actually extended the application of the disparate impact theory to subjective employment practices, a great victory for civil rights plaintiffs. She then went on to say in her plurality opinion:

> We agree that the inevitable focus on statistics in disparate impact cases could put undue pressure on employers to adopt inappropriate prophylactic measures. It is completely unrealistic to assume that unlawful discrimination is the sole cause of people failing to gravitate to jobs and employers in accord with the laws of chance. * * * It would be equally unrealistic to suppose that employers can eliminate, or discover and explain, the myriad of innocent causes that may lead to statistical imbalances in the composition of their work forces. Congress has specifically provided that employers are not required to avoid "disparate impact" as such; [citing a specific provision of title VII (section 703(j)]. Preferential treatment and the use of quotas by public employers subject to title VII can violate the Constitution * * * and it has long been recognized that legal rules leaving any class of employers with little choice but to adopt such measures would be far from the intent of title VII. * * * *Watson*, 108 S.Ct. at 2787–88.

By the way, she quoted Justice Blackmun in *Albemarle Paper Co.* v. *Moody*, 422 U.S. at 449.

Thus, Justice O'Connor acknowledged that:

> Extending disparate impact analysis to subjective employment practices has the potential to create a Hobson's choice for employers and thus to lead in practice to perverse results. If quotas and preferential treatment become the only cost-effective means of avoiding expensive litigation and potentially catastrophic liability, such measures will be widely adopted. The prudent employer will be careful to ensure that its programs are discussed in euphemistic terms, but will be equally careful to ensure that the quotas are met. Allowing the evolution of disparate impact analysis to lead to this result would be contrary to Congress' clearly expressed intent, and it should not be the effect of our decision today. Id. at 2788.

She goes on to say:

> We recognize, however, that today's extension of [the disparate impact] theory into the context of subjective selection practices could increase the risk that employers will be given incentives to adopt quotas or to engage in preferential treatment. Because Congress has so clearly and emphatically expressed its intent that title VII not lead to this result—42 U.S.C. Section 2000e–2(j)—we think it imperative to explain in some detail why the evidentiary standards that apply in these cases should serve as adequate safeguards against that danger that Congress recognized. Id. at 2788.

And then Justice O'Connor, in her plurality opinion, laid out the standards for proving a disparate impact case: First, a plaintiff must identify the specific practice it is challenging that is causing the imbalance; second, the plaintiff retains the ultimate burden of persuasion; that is, to prove that discrimination has occurred; and third, citing Griggs and the Court's 1979 Beazer decision, business necessity means "manifest relationship to the employment in question" or significantly serving legitimate employment goals of the employer, terms which she treated as interchangeable. This was the way quotas could be avoided under the disparate impact theory. This position obtained a fifth vote, that of Justice Kennedy, in Wards Cove.

That is important because Justice O'Connor recognized what the President was saying when he said that the predecessor variety of bills and varieties of language would have led to quotas, that their approaches toward the disparate impact theory would have made it so difficult for employers to win disparate impact lawsuits that the employers would have no choice other than to move to quotas or hiring by the numbers.

I have to tell you, those on the other side of this, at least the intellectuals on the outside, understand this fully and completely. And to have somebody stand on the floor and say this has never been a quota bill, never was, never would be, just shows they do not understand employment law and these cases; they certainly do not understand what Justice O'Connor, I think, very cogently and explicitly explained.

As I mentioned earlier, previous versions of this bill overturned all three safeguards against quotas mentioned by Justice O'Connor. This bill overturns the Wards Cove decision only with respect to the burden of proof issue. The other two safeguards are preserved by the compromise measure.

Justice O'Connor went on to say:

> Some qualities—for example, common sense, good judgment, originality, ambition, loyalty, and tact—cannot be measured accurately through standardized testing techniques. Moreover, success at many jobs in which such qualities are crucial cannot be measured directly. Opinions often differ when managers and supervisors are evaluated, and the same can be said for many jobs that involve close cooperation with one's coworkers or complex and subtle tasks like the provision of professional services or personal counseling. [108 S.Ct. at 2787.]

She said that subjective or discretionary employment decisions and criteria should still be readily defensible under title VII's disparate impact theory as the Supreme Court developed it, with the safeguards she delineated and I mentioned earlier, only the least important of which is overturned by this compromise bill. She noted that "courts are generally less competent than employers to restructure business practices. * * *" [108 S.Ct. at 2791.]

By way of further explication of the significance of the changes in the bill which enabled me to cosponsor it and President Bush to support it, let me cite one more newspaper quote from the civil rights lawyer I quoted earlier: "Now all practices must meet the job performance standard, which is what we said from the beginning." [Washington Post, p.6, Oct. 26, 1991.] Wrong.

Let me stress that the Supreme Court, in Griggs and its subsequent disparate impact cases, treated the concepts of employment in question and job-relatedness flexibly. These terms did not mean a requirement had to be tied to performance of actual work activities or behavior important to the job. In a case decided under title VII standards, the Supreme Court made this clear. This is a case decided after Griggs in 1976: *Washington* v. *Davis*, 426 U.S. 229 (1976). There, the Court considered a test used by the District of Columbia to screen applicants for a 17-week training program at the Police Academy. The test had a disparate impact on minorities. The district court had found the test acceptable. The Court of Appeals struck down the test because it could not say there was "a direct relationship between performance on [the test] and performance on the policeman's job." [426 U.S. at 250.]

Significantly, the Supreme Court reversed. Here is what the Supreme Court said:

> The advisability of the police recruit training course informing the recruit about his upcoming job, acquainting him with its demands, and attempting to impart a modicum of required skills seems conceded. It is also apparent to use, as it was to the District Judge, that some minimum verbal and communicative skill would be very useful, if not essential, to satisfactory progress in the training regimen. * * * [The] District Court concluded that [the test] was directly related to the requirements of the police training program and that a positive relationship between the test and training-course performance was sufficient to validate the former, wholly aside from its possible relationship to actual performance as a police officer.

The Supreme Court tellingly added:

> Nor is [this] conclusion foreclosed by either Griggs or Albemarle Paper v. Moody [another Supreme Court disparate impact case], and it seems to us the much more sensible construction of the job-relatedness requirement [426 U.S. at 250–251.]

Thus, the Supreme Court made clear that job-relatedness goes beyond performance of the job itself or behavior important to the job. This is one more very important case overturned by the earlier versions of this bill, but preserved by the pending measure. And another reason why the President decided to support this pending measure and why I have decided to support this pending measure. These are monumental changes from earlier versions of the bill.

Mr. President, I note that the Washington versus Davis case has been cited by the Supreme Court in Dothard versus Rawlinson (1977), Watson versus Fort Worth Bank & Trust, and in the Wards Cove decision itself. I referred to it in my "Dear Colleague" of September 24, 1991. It was referred to during last year's debate on the bill.

Indeed, in the Watson case, Justice O'Connor presented an excellent summary of the Supreme Court's position that an employer can justify its selection and other employment practices on grounds other than how they relate to job performance, and that the term job-related encompasses more than job performance. This is what Justice O'Connor said in Watson:

> Our cases make it clear that employers are not required, even when defending standardized or objective tests, to introduce formal "validation studies" showing that particular criteria predict actual on-the-job performance. In Beazer, for example, the Court considered it obvious that "legitimate employment goals of safety and efficiency" permitted the exclusion of methadone users from employment with the New York City Transit Authority; the Court indicated that the "manifest relationship" test was satisfied even with respect to non-safety-sensitive jobs because those legitimate goals were "significantly served by" the exclusionary rule at issue in that case even though the rule was not required by those goals. [440 U.S. at 587, n. 31]. Similarly in Washington v. Davis, the Court held that the "job relatedness" requirement was satisfied when the employer demonstrated that a written test was related to success at a police training academy "wholly aside from [the test's] possible relationship to actual performance as a police officer." [426 U.S., at 250.] See also id, at 256.

Justice Stevens, said:

> "[A]s a matter of law, it is permissible for the police department to use a test for the purpose of predicting ability to master a training program even if the test does not otherwise predict ability to perform on the job". [108 S. Ct. at 2790–2791.]

Any suggestions that the Supreme Court has interpreted job-relatedness or manifest relationship to the employment in question as narrowly tied to performance of actual work behaviors, or behavior important to the job, is belied by a simple review of the pre-Wards Cove Supreme Court decisions themselves. And, as mentioned earlier, those decisions are implicitly reaffirmed by this bill.

Particularity—let me talk about that, because this is the second big issue over which the President vetoed the bill. Frankly, it is a very, very important issue. And because it has been changed from the prior predecessor bills, I can now support this bill.

With regard to particularity, the President's position in requiring a plaintiff to identify the particular practice causing a disparity in a disparate impact case has been preserved. The law on particularity will be the same after enactment of this bill as it is today. Let us compare the language of the pending compromise measure with earlier, unacceptable versions to the President and unacceptable to me.

In S. 2104 as introduced, a plaintiff could challenge an entire "group of employment practices," defined as "a combination of employment practices or an overall employment process."

In other words, all the plaintiff had to do is say one or all of the employer's practices are causing the disparate impact, and then the burden or proof shifts to the employer and the employer has to prove his or her innocence as to each and every employment practice that the employer has.

It is an impossible burden and one that the employer cannot meet, employers of any size cannot meet. That language is now gone—it no longer exists in this substitute. And particularity as we have known it before now is a definite part of the substitute.

From the bill that emerged last year from the Senate Labor Committee:

> The term "group of employment practices" means a combination of employment practices that produce one or more employment decisions.

That is gone. No longer is that a part of this bill. Gone. Something they would never give up before this year, the proponents of earlier versions of the bill.

The bill that passed the Senate had yet another formulation:

> A combination of employment practices that produces one or more decisions with respect to employment, employment referral, or admission to a labor organization.

Gone; no longer part of this bill, no longer part of this substitute that we are considering today.

The bill vetoed by the President had yet a further twist to the concept. It is gone. That twist is gone.

These are monumental changes. These are not insignificant changes. This does not sound like the President caved in. The President got what he wanted on these two absolutely crucial changes, and in these two very crucial areas of the bill, business necessity and particularity.

S. 1408, the next Danforth bill, and S. 1475, the immediate predecessor of the compromise substitute before the Senate right now, refer in pertinent part, to "a particular employment practice or particular employment practices [causing] * * * in whole or in significant part, the disparate impact. * * *" This formulation in the predecessor bill is gone; no longer part of this substitute.

For a long time, proponents of this bill's predecessors refused to use the word "cause," that is, the employment practice in question causes the disparity. The term "results in" was used, a much looser concept, inconsistent with Supreme Court case law.

Significantly, the bill now reads that an unlawful employment is established if, in pertinent part, "a complaining party demonstrates that a respondent uses a particular employment practice that causes a disparate impact. * * *"

The President has won again. He would veto this bill without that language, as he did in the past.

Further, the substitute states that:

> * * * with respect to demonstrating that a particular employment practice causes a disparate impact * * * the complaining party shall demonstrate that each particular challenged employment practice causes a disparate impact, except that if the complaining party can demonstrate to the court that the elements of a respondent's decisionmaking process are not capable of separation for analysis, the decisionmaking process may be analyzed as one employment practice.

Thus, particularity—what the President and I have been arguing for the last 2 years—is preserved. And causation between the challenged practice and a disparate impact in a job is required.

I thought I made it clear last year when we debated that the two major issues on this, the two major logjams—there are many of them—but the two major ones to the President were the issue of business necessity and the issue of particularity.

And, particularity is preserved and causation is required. The exception for a decisionmaking process not capable of separation for analysis is narrow and is fully consistent with the Wards Cove particularity requirement and the requirement of the other Supreme Court cases. It covers two situations. First, courts will be permitted to hold that vesting complete hiring discretion in an individual guided only by unknown subjective standards constitutes a single particular employment practice susceptible to challenge.

This approach is consistent with Wards Cove, see 109 S. Ct., at 2125, and has been employed since Wards Cove in *Sledge* v. *J.P. Stevens, & Co.*, 52 EPD para. 39,537 (D.D.N.C. Nov. 30, 1989). The Sledge court alluded to the difficulty of "delving into the workings of an employment decisionmaker's mind" and noted that the defendant's personnel officers reported having no idea of the basis on which they made their employment decisions. The court held that "the identification by the plaintiffs of the uncontrolled, subjective discretion of defendant's employing officials as the source of the discrimination shown by plaintiff's statistics sufficed to satisfy the causation requirements of Wards Cove." This substitute now before us contemplates that the use of such uncontrolled and unexplained discretion is properly treated,, as it was in the Sledge case, as one employment practice that need not be divided by the plaintiff into discrete subparts.

Second, the exception also covers the narrow circumstance typified by the height and weight requirement in Dothard, where the employer clearly and deliberately treats closely related requirements as inseparable components of a single measuring device.

Let us take an example of how the bill's particularity requirement now works. Suppose an employer relies on a test, an interview, and an applicant's grade point average or other educational requirement. These employment practices are obviously elements of an employer's decisionmaking process capable of separation for analysis. Further, they are not functionally-integrated practices which are components of the same criterion, standard, method of administration, or test such as the height and weight requirements designed to measure strength in the Supreme Court's Dothard decision. Accordingly, for a plaintiff to challenge one or more of these practices, clearly, he or she must show that each particular practice challenged independently causes a disparate impact. Any other contrary analysis would reflect the group of employment practices and similar language in this bill's predecessors which has been intentionally deleted. These deletions are an integral part of the compromise which led me to cosponsor it and the President to endorse it. And, without them I would not have cosponsored it, and neither would the President have endorsed it.

Moreover, language from the bill vetoed by the President, excusing the plaintiff from the particularity requirement due to a lack of records, is dropped. This bill contains no requirement regarding record retention—existing rules of civil procedure govern. If an employer's records discoverable under the rules of civil procedure are insufficient to aid a plaintiff's effort to identify a particular practice causing a disparity where the elements of a decisionmaking process are capable of separation for analysis, then, obviously, the plaintiff must make recourse to the disparate treatment theory under title VII.

ALTERNATIVE PRACTICES

With regard to alternative practices, again very important, these are difficult concepts. These are very technical concepts. These are important concepts and important changes.

Once an employer meets its burden of persuasion that its challenged practice is justifiable, a plaintiff may still prevail. Here is how Justice O'Connor described the plaintiff's responsibility in Watson:

> The plaintiff must "show that other tests or selection devices, without a similarly undesirable racial effect, would also serve the employer's legitimate interest in efficient and trustworthy workmanship. * * *"

Citing the Albemarle Paper Co. versus Moody, the Supreme Court case from 1975, she added:

> Factors such as the cost or other burdens of proposed alternative selection devices are relevant in determining whether they would be equally as effective as the challenged practice in serving the employer's legitimate business goals. * * * 108 S.Ct. 2790.

President Bush did not retreat 1 inch on the quota-inducing elements of the disparate impact provisions of this bill.

He gained ground for American people and the principle of equal opportunity for individuals. This bill also outlaws race-norming, the alteration of test results to adjust scores on racial, ethnic, and gender bases. Where the President compromised was on the damages issue. That is clearly a place where the President did compromise. He clearly gave in, to a degree, to the other side, going beyond the relief for harassment he had been willing to establish in his own bill, S. 611. He also compromised somewhat on Martin versus Wilks and the right to a day in court.

That irritates a lot of business people in this society because they do not want made available under title VII damages or a higher ceiling on damages for harassment than what the President had set.

And, in that instance the President did give. But a plaintiff still has to prove the case and can only recover "up to," the amount of the cap, in front of a jury. Or if both parties agree, I suppose, in a nonjury trial.

Some of us have argued from the beginning that if you are going to give unlimited damages in section 1981 racial discrimination cases under the Federal code, then why should we treat women any differently?

Well, the reason why this substitute is agreed upon by both sides is there are people on our floor, Members of this body, who believe that there should be a lid on damages. But, for the first time damages will be available under title VII and for the first time you will have a right to collect damages for sexual harassment, something that is long overdue in the law, something for which I have argued from the beginning of this whole debate—something that President Bush had been willing to do in his own bill, S. 611.

In fact he has been willing to do more than that. He has been willing to overrule the Patterson versus McLean case which, of course, would allow an employee to recover in racial harassment cases under section 1981. He has been willing to overrule the Lorrance case right from the beginning which would resolve some of the seniority lawsuit problems.

So, the President has been cooperative. The President also did give on some of the language on the Martin versus Wilks case. I might add, that is an extremely important case and one that I have a lot of difficulties giving on. But it is part of the compromise here.

Moreover, a number of prolawyer provisions of last year's versions of the bill have been completely dropped by Senator DANFORTH. This is, again, a further vindication of the President's resistance to legislation which he said created, and which I say created, in these predecessor bills, a litigation bonanza for lawyers. For example, earlier versions extended the statute of limitations for filing claims, overturning at least three Supreme Court decisions: *United Airlines* v. *Evans*, 431 U.S. 553 (1971); *Delaware State College* v. *Ricks*, 449 U.S. 250 (1980); and *Chardon* v. *Fernandez*, 454 U.S. 6 (1981). Earlier versions prohibited attorneys fee waivers in class action settlements overturning *Evans* v. *Jeff D.*, 475 U.S. 717 (1986). Finally, earlier versions overturned the Supreme Court's decision in *Independent Federation of Flight Attendants* v. *Zipes*, 109 S. Ct. 2732 (1989), permitting the recovery of plaintiff's attorney fees from the original defendant in actions by intervenors.

I also note that section 18 of the bill says, "Nothing in the amendments made by this act shall be construed to affect court-ordered remedies, affirmative action, or conciliation agreements, that are in accordance with the law." This section expresses neither congressional approval nor disapproval of any judicial decision affecting court-ordered remedies, affirmative action, or conciliation agreements including the Weber, Johnson, Local 78, and Paradise Supreme Court decisions.

Mr. President, the reason I have been giving these remarks is not only to show that the President did not cave at all on the important issues that he said he had to have or he would veto the bill. Neither did Boyden Gray and his team of legal experts down there at the White House. Neither did the Justice Department. And neither did people like myself.

These things had to be changed before we could support a substitute compromise like the one we have on the floor today. And when we got these changes we would accept some of the other changes the other side had wanted, or some of the language the other side wanted on Martin versus Wilks, on damages, in order to bring about a compromise that would resolve this very important issue.

Mr. President, all this having been said, if this bill passes it is still going to be a very difficult bill for businesses. Certainly nowhere near as difficult as it has been for the last 2 years, or would have been had the President not vetoed the bill last year, and had his veto not been sustained here. This bill is now changed. But even with these changes in this area of law, the bill is very difficult for businesses who are now exposed to damages under title VIII.

If it costs on an average to defend these cases $80,000, it does not take many brains to realize that lawyers who can get those cases know that they can get a third to 40 percent of whatever they recover—and a lot of businesses are going to be willing to pay less than $80,000 just to get rid of the problem. That is done every day in a wide variety of litigation in this country. And some of it borders on extortionate litigation—extortionate because they do not have a case. But because the employer, regardless of size, is going to have to pay about $80,000 just to defend himself or herself even if he is absolutely right. It is cheaper for the employer to just pay the settlement money and get rid of the case than it is to continue to try it and maybe get some court that might unjustly find for plaintiff as well, because he is going to save at least part of the $80,000 he would normally have to spend to defend himself or herself in the case.

All of this aside, this has been listed as a civil rights bill. In a very real sense this is not that much of a civil rights bill. If we really want a civil rights bill, let us start talking about how we lift people out of poverty. Let us start talking about education that is needed today and access to education. Let us start talking about a whole raft of issues that would truly help people to become equal in our society and let us quit splitting hairs on what some think happens to be civil rights law.

From the beginning we have said, and rightly so, if anybody reads the substitute which is now agreed upon by the principal figures in this matter—we have said from the beginning that we could not take anything but the Griggs language on business necessity. This substitute now provides for that. It is flexible language. And we could not accept the lack of particularity language we had before. That now has been changed and there are other changes that are valid.

Therefore, I am a cosponsor of this substitute, and I will do everything I can to see that it is passed. I hope it will be passed overwhelmingly because I think it is a great effort for all concerned to try to do what is right on this particular issue. Even though I would still make some changes if I had the sole right to do so, I have to say that is what compromise is all about. The important thing is we have not compromised on the disparate impact provisions of the bill.

Mr. President, I know the distinguished Senator from Kansas is prepared to offer an amendment. Therefore, I yield the floor.

EXHIBIT 1

U.S. SENATE,
COMMITTEE ON THE JUDICIARY,
Washington, DC, June 13, 1991.

DEAR COLLEAGUE: I sincerely commend Senator Danforth on his recent efforts to try and develop legislation that satisfies the concerns of all parties involved in the civil rights debate. Clearly, the bill that passed the House of Representatives last week satisfied none of the concerns that have been raised with regard to this legislation.

I have concerns and questions, however, about the details of the legislation with which Senator Danforth has decided to move forward. These concerns have been conveyed by a separate letter to Senator Danforth. Moreover, I do not feel that many persons have given the President's bill sufficient attention.

The President's bill is a strong bill. It represents a compromise between the status quo under *Wards Cove*, by shifting the burden of persuasion to the employer, and the Democrat's bill. The President's bill, in my view, ought to form the basis for resolving this matter in a way which adequately responds to recent Supreme Court decisions, but will not lead employers to hire by the numbers to avoid litigation.

I admit, therefore, to reservations over efforts that are aimed at achieving a "middle ground" between the Democratic bill, which I believe will inevitably result in unfair preferences, and the President's bill. This is a road some of us have been down before. With the second anniversary of the *Wards Cove* decision upon us, I have yet to hear how cases that ought to have been won have been lost in court because of that decision. I urge interested senators to discuss with the Attorney General how cases have played out under *Wards Cove*.

The debate over civil rights does not resonate in this country because persons do not believe in equal opportunity. It resonates because people out there, many based on first-hand experience, believe that unfair preferences and reverse discrimination are already too much a part of the workplace. The divisiveness of this matter is not a result of Washington political rhetoric. It is a reaction to what has been happening in the workplace. Indeed, according to a Washington Post story (attached hereto), even a survey taken by the Leadership Conference on Civil Rights reflects this.

This letter might be a useful starting point to briefly outline some of the questions and concerns I have with Senator Danforth's proposal. I address here only one of his bills i.e., on *Wards Cove* (S. 1208), but also have some concerns about the other bills.

Let me mention at the outset that the disparate impact standard itself is a very powerful tool for plaintiffs. Relying as it does on workforce statistics as its underlying premise, and requiring no intention to discriminate, the theory itself, in any form, creates significant pressure for employers quietly to make sure their numbers are right to avoid these kinds of lawsuits.

That is why carefully keeping this theory within reasonable bounds is important. What we are trying to avoid is even more pressure on employers to hire and promote by the numbers. This is the concern that led Justice O'Connor, in her 1988 plurality opinion in *Watson* v. *Ft. Worth Bank & Trust Co.*, 108 S.Ct. 2777 (1988) (plurality opinion), to say that the plaintiff must identify the practice causing the disparity in a job, the burden of persuasion remains at all times with the plaintiff to show that discrimination occurred, and the definition of "business necessity" must reflect *Griggs*, v. *Duke Power Co.* She feared that in the absence of these safeguards, employers will quietly resort to hiring and promoting by numbers, whatever the euphemism used to mask it. These safeguards were especially important, she said, because in *Watson* the Court for the first time extended the disparate impact theory to subjective practices, like supervisor evaluations and interviews. As you know, after Justice Kennedy was confirmed, these same principles were adopted by a majority of the Court in *Wards Cove*.

With respect to the particulars of the bill, I have these comments. First, one of the most visible aspects of this controversy is the definition of "business necessity." Proponents of reversing *Wards Cove* have always said that all they want to do is to "restore" *Griggs*. They have never produced a definition, however, which does so. Neither, unfortunately, does the Danforth bill.

In *Griggs*, the Court defined business necessity as "manifest relationship to the employment in question." The Court's subsequent disparate impact cases clearly reflect this definition.[1]

The Court has used this phrase in *Albemarle Paper Co.* v. *Moody*, 422 U.S. at 425 (1975); *Dothard* v. *Rawlinson*, 433 U.S. at 329 (1977); *New York Transit Authority* v. *Beazer*, 440 U.S. at 587 n. 31 (1979); *Connecticut* v. *Teal*, 457 U.S. at 446 (1982) (a Justice Brennan opinion); and *Watson* v. *Ft. Worth Bank & Trust*, 108 S. Ct. 2777, 2790 (1988) (O'Connor plurality opinion for four Justices). Even Justice Stevens' dissent in *Wards Cove*, joined by Justices Brennan, Marshall, and Blackmun, cites the "manifest relationship" language at least three times as the applicable disparate impact standard. 109 S. Ct. at 2129, 2130 n. 14.

The most obvious problem with the Danforth bill's deviation from *Griggs* is its new standard requiring that employment practices "bear a manifest relationship to the requirements for effective job performance." The phrase "effective job performance" or like phrases have consistently caused the concern that employers will only be able to hire marginally qualified applicants. At a minimum, since this is a new and different standard that has not appeared in any Supreme Court disparate impact case including *Griggs*, it will engender years of costly litigation to thrash out its meaning.

As many industrial psychologists have advised me, terms like "effective job performance" suggests job performance is dichotomous rather than continuous. Job performance simply cannot be separated into "effective" (or "successful") versus "ineffective" (or "unsuccessful"). Job performance is better viewed along a continuum, such as ineffective, minimally effective, fully effective, excellent, and outstanding. So long as requirements yield a minimally effective employee under S. 1208, those standards cannot be raised if to do so results in a disparate impact on a group.

I do not believe tha the bill's language—"nothing in Title VII or this Act shall be construed to prevent an employer from hiring the most effective individual for a job"—resolves this concern in any way. The problem with this language and all other versions of the bill to date, other than the President's and Al Simpson's, is not that employers will literally be "prevented" from doing anything. The problem is that the potential for litigation and liability costs for not satisfying the bill's disparate impact rules will make quiet hiring and promoting by the numbers the only safe recourse to avoid a lawsuit. These rules create the problem.

Moreover, Senator Danforth's definition of "requirements for effective job performance," compounds the problem. By saying one need only perform the job "competently," it reinforces the notion that once minimally satisfactory job performance is obtained, raising standards is illegal if doing so causes a disparate impact. Defining "effective" in this way, renders the concept of relative qualifications a practical nullity. A plaintiff will easily be able to tell a hapless employer trying to hire or promote the best qualified person that under the bill's definition of effective job prformance, there is no way to say one of two applicants is more "effective" than the other if both are competent. This language, inadvertently, denies the employer that flexibility.

Plus, why put into a statute, as Senator Danforth's bill does, that the person must be judged on the "actual work activities lawfully required by the employer?" Who determines what are part of the actual work activities of a job—a bureaucrat at EEOC? A federal judge? I thought employers get to determine what the job is—it is the practices they use to hire and promote for a job that are properly subject to a disparate impact analysis, not the content of the job. Moreover, the content of many jobs is fluid, reflecting the day-to-day realities of the workplace. The same questions apply to the term "competent," which will now be construed by bureaucrats and judges as well. I just don't think the workplace is so mechanical and rigid a place as to be susceptible to legislative categorizations such as these. The bill's further use of the phrase "important to the performance of the job" is subject to the same concerns.

Indeed, this is an entirely new legislative superstructure imposed on employers. All of these new terms and phrases are fraught with importance and will affect employers in the conduct of their business. The unavoidable consequence will be years of litigation to thrash all of this out. Employers have spent 20 years adjusting to *Griggs*. Instead of employers being able to focus on removing barriers to upper level jobs—the "glass ceiling"—this bill will force them to divert their attention back to entry and mid-level hiring and promotion issues many of them thought they had worked out in the last two decades.

Another concern, of course, is that this bill applies the "effective job performance" requirement to all selection practices. Many selection practices, however, such as layoffs and transfers due to a plant relocation or closure cannot possibly meet an "effective job performance" test. These selection decisions may be made for very legitimate non-performance related reasons. As we all recognize, if these decisions are made for discriminatory reasons, they will be pursued as cases of intentional discrimination.

It is becoming almost bizarre that, if we all say we want to restore *Griggs*, we just don't do that and avoid these problems.

Second, on the "particularity" issue, I think I understand what Senator Danforth is trying to achieve. The bill's langauge, however, does not achieve the appropriate result.

The provisions of the Danforth bill bear little resemblance, to my knowledge, to what any court, before or after *Wards Cove*, has required. Why do we need language in this regard? Where are the post *Wards Cove* cases that have reached a result in this regard with which we disagree? Codifying detailed, technical and confusing requirements will only lead to costly litigation with no real equal opportunity interests being served.

The Danforth language also still allows a blanket complaint against an employer's entire set of practices. It does not require that an individual practice cause a disparity. Indeed, by merely requiring identification of practices that are "responsible in whole or in significant part for the disparate impact," it allows a plaintiff to challenge all of an employer's practices. This type of challenge will occur since all such practices are, as a group, responsible for the disparity.

Even assuming that a complaint might be narrowed down after a case is well underway, which I doubt will occur under the bill's language, the key point remains: no employer wants to run the risk that it will have to defend all of its practices, let alone defend each of them under a new business necessity definition. How will they avoid the problem? By quietly hiring and promoting by the numbers, to avoid disparate impact in the first place and the lawsuit that will follow.

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[1] Incidentally, I have always believed that the *Wards Cove* formulation—"whether the challenged practices serves, in a significant way, the legitimate employment goals of the employer"—is consistent with *Griggs*. Indeed, the Court pretty much said so in 1979. *New York Transit Authority* v. *Beazer*, 440 U.S. 568, 587 n. 31. (1979).

This language also opens the door to the resurrection of the discredited comparable worth theory of pay discrimination, i.e., that employees in primarily female (or minority) jobs are paid less than employees in different but allegedly comparable male (or non-minority) jobs. As you know, employers rely on a range of factors in setting pay, including marketplace factors and the like. There is no way anyone can narrow down the particular practices resulting in the setting of pay. Justice Kennedy, while still on the Court of Appeals for the Ninth Circuit, wrote an excellent opinion explaining why the disparate impact theory is inappropriate for challenges to paysetting practices precisely because of the need to identify the particular practice causing the disparity. *AFSCME* v. *State of Washington*, 770 F. 2d 1481 (9th Cir. 1985).

I also tried to resolve this problem last year in an effort to reach a compromise. The language then, similar to the Danforth bill now, did not reflect my preferred approach. Simply stating that particular cases are not overruled will not preclude the use of the comparable worth theory, under this bill, in the future.

Third, under this bill, even if an employer can justify its practices under the very difficult test of "business necessity," he or she is still liable if a plaintiff can demonstrate that there is an alternative practice that would serve the employer as well but have less disparate impact. I understand that this provision may have been included under the view that it reflects what the law has always been. It does not. Rather, the Supreme Court has held only that such a showing would be evidence that the practice was being used as a pretext for discrimination, not dispositive of the question whether the employer committed discrimination. *Albermarle Paper Co.* v. *Moody*, 422 U.S. 405, 425 (1975).

I think this has serious implications. An employer, to be protected from liability, would have to search the universe before implementing each and every one of its employment practices, even if such practices readily satisfy the business necessity standard, to try to find those that meet his needs with the least disparate impact. But even that is not enough, because there is no way that an employer can predict beforehand whether one particular practice versus another will have a disparate impact on any particular group. This provision, by itself therefore, might lead an employer to hire or promote only by the numbers. That may be the only one way to avoid potential liability with any certainty.

Three other quick points. This bill has language saying the bill does not "require or encourage an employer to adopt hiring or promotion quotas." I have never argued that any bill requires such a result, only that the rewriting of the Supreme Court's disparate impact rules will induce employers quietly to hire by the numbers, whatever the euphemism used to mark it, to avoid these lawsuits. And saying the bill does not "encourage" this result is of no practical effect in light of its new disparate impact rules. Hortatory language does not help when the operative language of this bill leads in the direction of hiring and promoting by the numbers.

The language that "the mere existence of a statistical imbalance in the workforce of an employer on account of race, color, religion, sex, or national origin is not alone sufficient to establish a prima facie case of disparate impact violation," solves none of our concerns. First, the issue is not the composition of the employer's workforce as a whole, but of a particular job. Second, which statistical imbalance is being referred to—the general population, the relevant job market for the occupation in question, or the applicant pool? If it is the first comparison, it does not address the concerns we have raised about misuse of statistical comparisons. But, third, in any event, no plaintiff will allege that the disparate impact alone whatever comparison is used, is illegal. The plaintiff will assert the disparity is caused by some or all of the employer's practices and that is what is illegal. This language gives no succor.

Finally, I applaud Senator Danforth's response to the pernicious practice of race-norming. But, if an employer is guilty of discrimination, why should an innocent job applicant have his or her test scores jimmied because of his or her race or ethnicity? Under the bill, if an employer unintentionally discriminates, innocent employees can have their test scores altered on these grounds. That is no more "fair" because it is embodied in a court order than if undertaken voluntarily by employers. If an employer has discriminated, then give the discriminatees back pay, the next available job that they have been wrongly denied, retroactive seniority, and, of course, end the use of the discriminatory practices—but don't juggle an innocent, future applicant's test scores because of race. What did he or she do to deserve such unfair treatment? If a particular test causes a disparate impact and cannot be defended under the *Griggs* business necessity standard, then the test itself fails. No readjustment of the scores would be needed in this circumstance.

I sincerely regret that I firmly believe that Senator Danforth's *Wards Cove* bill will have the same inevitable consequences as H.R. 1, albeit by using some different language. Perhaps the best solution, suggested by his splitting these issues into three bills, is to get behind the overturn of *Lorance* on seniority systems and *Patterson* on Section 1981 and challenge the Democrats to pass the bill. There is where we have had unanimity since day one.

Sincerely,

ORRIN G. HATCH,
U.S. Senator.

[From the Washington Post, Mar. 9, 1991]

RIGHTS DRIVE SAID TO LOSE UNDERPINNINGS

(By Thomas B. Edsall)

Key civil rights leaders are struggling to develop strategies to counter findings of a private voter study they commissioned that shows the civil rights movement has lost the moral high ground with key segments of the white electorate.

The study, according to one of its authors, Celinda Lake, found that "the civil rights organizations and proponents of civil rights were no longer seen as . . . addressing generalized discrimination, valuing work and being for opportunity. The proponents weren't seen as speaking from those values."

The study, commissioned by the Leadership Conference on Civil Rights, a coalition of labor, civil rights, women's and liberal organizations, found strong support for such basic principles as equal opportunity, promotion for merit and hard work, and for fairness in the workplace. But the study also found that many white voters believe civil rights advocates are pressing for special, preferential benefits instead of such goals as equal opportunity.

The conference, which declined to release the written reports or the poll data, is seeking to develop a strategy to win approval of the Civil Rights Act of 1991. The organization is particularly concerned because racial issues contributed to President Bush's victory in 1988, and the issue of "quotas" helped produce Republican victories in the 1990 California gubernatorial contest and the North Carolina Senate race.

Bush vetoed last year's civil rights bill because he said it would result in quotas, and congressional Democrats were unable to overturn it. The administration is ready to make a similar argument this year, and Democrats are looking for a way to defuse what has become a politically persuasive issue.

Ralph Neas, executive director of the conference, said, "We want to particularly stress that the bill is an inclusive bill, that it is a bill for racial minorities, it is a bill for women, it is a bill for persons with disabilities, it is a bill for all working Americans."

This strategy, according to the study, faces some hurdles. There is a strong receptivity to Bush's argument that the civil rights legislation will result in quotas.

"Voters believe that business will implement this bill as quotas," Lake said. "Whenever legislation or policy distinguishes among groups [blacks, white, Hispanics, men, women], business, just to get it done, will implement quotas." These findings are especially damaging to efforts to counter the Bush administration's portrayal of pending civil rights legislation as promoting quotas. "There is no resistance to the Bush notion about quotas," one source said.

Another damaging finding of the study was that advocates of civil rights "have lost the advantage," Lake said. "It's a tremendous loss in terms of moving an agenda forward." She based her comments on the study for the leadership conference and on work her firm, Greenberg-Lake, has done in the past decade.

Lake said the problem facing civil rights proponents is that such advocacy is now seen as pressing the "narrow" concerns of "particularized" groups, rather than promoting a broad, inclusive policy of opposing all forms of discrimination.

The study found that many white voters believe there is pervasive reverse discrimination in the workplace and that civil rights leaders are more interested in special preferences than in equal opportunity, according to persons involved in the research.

The study, which included a national poll and focus groups held in white working-class and southern communities, did not find intensified racism or opposition to fundamental principles of equality. Instead, it showed strong support for basic egalitarian principles, including equality of opportunity and the obligation of employers to give everyone a fair chance.

In addition, the study found strong opposition to discriminatory practices based on race, gender, age or disability, according to Lake and Geoff Garin of Garin-Hart Strategic Research, another Democratic polling firm.

Garin would not make as strong a judgment of the difficulties facing the civil rights movement, but, he said, "at some point the civil rights community needs to restate its claim to the idea of a level playing field, and that means in part being more forthcoming in saying that reverse discrimination is unacceptable."

Neas contended that the most troublesome conclusions voiced by Lake were not based on the poll data, but on the focus groups, for which voters averse to civil rights had been purposefully selected, and on the basis of other work by the Greenberg-Lake firm, which has specialized in studying working and lower-middle-class white votes the past decade.

Lake said the critical views of the civil rights movement are held most strongly by key swing votes in the electorate—"blue-collar voters, economically marginal younger voters, ticket-splitting, swing white Southern voters"—who in any election are critical to the strategies of both parties to "add up enough voters to get to 51 percent."

"It is a broad-based problem," she added, with similar, if less intense, views held by many other white voters.

Among some of the other findings from the voter study, according to on-the-record interviews and background information provided by those familiar with it:

Many white voters see the work force as a hierarchy, in which many hiring and promotion decisions are based as much, if not more, on race and gender as on merit and performance.

Civil rights laws are seen by a substantial number of voters as creating unfair advantages, setting up "rank orders of privilege in the labor market," one source said.

Public support of egalitarian principle is closely tied to a strong belief that a primary responsibility of elected officials is to support the mainstream goals and values of the middle class.

Voters want politicians who represent them to "address the middle class, those who work hard and pay all the taxes," Lake said.

U.S. SENATE,
COMMITTEE ON THE JUDICIARY,
Washington, DC, August 1, 1991.

DEAR COLLEAGUE: As I did in my June 13, 1991, Dear Colleague with respect to his earlier efforts, I again commend Senator Danforth for his efforts to craft a civil rights package, now reflected in S. 1407 through S. 1409. But, while I believe it is an improvement over H.R. 1, now on the Senate calendar, I respectfully submit that it does not solve the serious problems identified in H.R. 1, including the quota problem.

BUSINESS NECESSITY

I do not believe the treatment of business necessity in S. 1408 (the bill overturning *Wards Cove*), for example, reflects the reality of the workplace. The Supreme Court, in its *Griggs* decision, defined the concept of "business necessity" as meaning "manifest relationship to the employment in question." 401 U.S. at 432. And that is exactly how the Supreme Court construed *Griggs* in its subsequent decisions. *Albemarle Paper Co.* v. *Moody*, 422 U.S. at 425 (1975); *Dothard* v. *Rawlinson*, 433 U.S. at 329; *New York Transit Authority* v. *Beazer*, 440 U.S. at 587 n.31 (1979); *Connecticut* v. *Teal*, 457 U.S. 446 (1982) (a Justice Brennan opinion); *Watson* v. *Ft. Worth Bank & Trust*, 108 S.Ct. at 2790 (1988) (O'Connor plurality opinion for four Justices). This language has become a term of art, so to speak. It is a flexible and fair concept built upon by the Supreme Court over 20 years, able to handle the wide variety of circumstances arising in American workplaces. The *Wards Cove* language, "whether a challenged practice serves, in a significant way, the legitimate employment goals of the employer," is consistent with *Griggs* as the Court made clear in its 1979 *Beazer* decision. 440 U.S. at 587, n.31 (1979).

Senator Danforth's bill uses terms from Supreme Court decisions, but, regrettably, does not stop there. It produces new language, creates new concepts, unnecessarily bifurcates the concept of "employment in question," and then defines that term too narrowly.

The phrase "manifest relationship to the employment in question," as used in *Griggs*, is broad enough to encompass as an appropriate factor a job applicant's potential for promotion down the road. S. 1408's language, tied to performance only of the job or class of jobs in question, is not. "Manifest relationship to the employment in question," as used in *Griggs*, is broad enough to allow employers to set job qualifications higher than that necessary to produce a minimally adequate employee; S. 1408's language does not.

In the real world of work, many employers need to hire people who can adapt to a job whose duties or functions, and the skills needed to perform them, can change shortly after a person takes the job. Moreover, employers often seek employees for a particular job who have the potential to advance within the company.

Suppose an employer hiring for a lower level or entry level job considers, as one factor, the applicants' potential for advancement in the company. This factor, of course, has nothing to do with ability to perform the job for which the applicants are then being considered. Under the Danforth bill, if the potential for advancement factor, standing alone or in combination with other employer practices, causes a disparity in a job, then the employer has broken the law. In my view, that result is inconsistent with common sense and Supreme Court precedent from *Griggs* onward.

In my own office, for example, I like to hire legislative correspondents who are likely to be able to assume greater responsibilities over time, such as those of legislative assistants or aides. I sincerely believe S. 1408 does not allow consideration for this factor if to do so falls with a disparate impact.

Similarly, if an employer wants to test for the trainability of an employee, the ability of an employee to acquire new skills and adapt to the changing content of the job for which he or she is hired, S. 1408 renders the employer a violator, if these factors yield a disparate impact. The reason is that under S. 1408 all job qualifications can only be defended if tied either to the actual work activities required for, or behavior important to, the particular job for which an employee is selected.

These are just two of the problems that arise from S. 1408's definitions and sub- definitions of business necessity.

By now, I am certain that you have all repeatedly heard that the principal remaining difference between some of those who voted to override the President's veto and the opponents of S. 1408 has been reduced to whether an employer should be allowed to use a high school diploma requirement for a janitor's job. This is not accurate. But, in any event, that question concerning janitors will be answered the same under the President's bill as under *Griggs*. Why? Because the President's bill is fully consistent with *Griggs*, except that it is even more favorable to civil rights plaintiffs by shifting the burden of persuasion to the employer.

What Senator Danforth is concerned about is already addressed by current caselaw, including *Wards Cove*, which has consistently been mischaracterized as inconsistent with prior Supreme Court precedent. His concern is addressed by the President's bill and poses, in fact, a nonexistent problem.

To address this "problem," his bill creates brand new definitions and clauses which inevitably, even if inadvertently, narrow an employer's reasonable prerogatives in hiring, promoting, transferring, and dismissing employees. At best, it will cause an unnecessary and artificial rigidity in the workplace that inevitably results from highly technical legislation—legislation that must cover myriad and unpredictable circumstances in the workplaces of millions of widely different employers. I respectfully submit that it will force employers faced with litigation uncertainties and potential lawsuits they are likely to lose to lower their employment standards and hire by the numbers.

Incidentally, on the merits, whether a high school diploma requirement for janitors is lawful depends on the precise duties of the janitor. Some janitors may have to tend and repair equipment and machinery, handle chemicals or hazardous fluids or perform other tasks more sophisticated than members of the Senate may realize. Moreover, I agree a high school diploma is inappropriate for some jobs under *Griggs*, we should not be so quick to denigrate such a requirement. Albert Shanker, long-time president of the American Federation of Teachers, wrote a column in the March 24, 1991, *New York Times* entitled, "The New Civil Rights Bill—Making School Count." In that article, he warned about civil rights legislation that sends our youngsters the wrong signal about the value of educational achievement, especially high school educational achievement.

More recently, Secretary of Education Lamar Alexander raised similar concerns about the provisions of S. 1408. In a letter dated July 25, 1991 (attached), Secretary Alexander observed the following:

> Contrary to . . . global reality, S. 1408 appears to say that employers will not be able to require entry level employees to have the skills and knowledge necessary to perform functions other than those required by the exact job for which they are being considered. In effect, the bill seems to require that employers hire as if every job is a changeless and dead-end job. The Secretary concluded by urging Congress "not do anything to remove or undercut the ability of the labor market to reward students who work hard and finish school."

OTHER SERIOUS PROBLEMS IN S. 1408

Finally, it bears emphasis that there are a number of other issues in Senator Danforth's bills that are of tremendous importance. In the *Wards Cove* bill, for example, the particularity issue—the need for plaintiffs to identify the specific practice or practices causing the disparity—is not solved. It inappropriately allows attacks on a group, or all, of an employer's practices when there is a disparity in the "bottom line" numbers of a job. For example, each practice causing a significant part of the disparity can be attacked, and "significant" is undefined. The Court requires that the challenged practice cause the disparity, not contribute to it in part.

Moreover, the bill's language will authorize the resurrection of the misguided comparable worth theory of pay discrimination, a theory discredited by almost every court that has considered it. It is impossible for an employer to separate out all of the elements of its paysetting practices—the marketplace is not so readily compartmentalized. Comparable worth attacks, which can cost the economy billions of dollars, will be given an undeserved rebirth under this bill. I have been warning about this for over a year.

OTHER SERIOUS PROBLEMS

There are, of course, other issues in Senator Danforth's remaining two bills that are very important. The right to a day in court is not some trivial matter. The Danforth bill, S. 1407, would unfairly slam the courthouse door on police officers, firefighters, and others seeking to challenge the implementation of a consent decree, as it operates to harm them—a consent decree entered in a case to which they had not even been a party. All these Americans seek is a right to have their equal protection and civil rights claims heard—claims they win or lose on the merits, but claims that should at least be given a day in court. But, these claimants who benefit under *Martin* v. *Wilks* are expected primarily to be white and male asserting a charge of reverse discrimination, and therefore we are asked to take that right away. Of course, if we thought there were a prowler in our house, or if a fire were to break out, the police officers and firefighters would be the first persons we would welcome through our own front doors.

Further, the overrule of Justice Brennan's *Price Waterhouse* mixed-motive decision will trigger an avalanche of litigation.

Finally, the damages issue covered in S. 1409 remains to be of great concern to businesses of all sizes.

I hope you will keep these concerns in mind when this legislation is before the Senate.

Sincerely,

ORRIN G. HATCH,
U.S. Senator.

U.S. DEPARTMENT OF EDUCATION,
THE SECRETARY,
July 25, 1991.

Hon. ORRIN G. HATCH,
U.S. Senate, Washington, DC.

DEAR SENATOR HATCH: Thank you for your recent letter requesting my views on the effects S. 1408 could have on the national crusade for education reform. I am deeply concerned about the possible effect that S. 1408 could have on student motivation to stay in school and to work hard in school. Although the "business necessity" language of the bill is ambiguous in some respects, it is my understanding that employers would often have difficulty in defending the use of legitimate educational criteria in making hiring decisions. I have grave doubts about the wisdom of legislation that would threaten employers with civil liability if they asked prospective employees for a high school transcript or a diploma. To tell employers not to consider such information when making hiring decisions would undermine the importance of staying in school and working hard in school. It would send precisely the wrong message to students and teachers. It would say to students that staying in school doesn't matter, because employers don't have the right to know whether you graduated or whether you did well. It would say to teachers that their work is unimportant in the outside world.

Virtually everyone who is concerned about the future of our nation understands that our population is not sufficiently well educated to meet the demands of the twenty-first century. Study after study has shown that neither our young people—nor our adult population—has the level of knowledge and skills that will be needed to succeed in a changing world. In order to change this situation, we must improve our schools. In order to improve our schools, we must enhance incentives for students to do well in school. We must send a message that attendance in school, achievement in school, and graduation from school are important. Our plans for improving the nation's educational system will be jeopardized by any legislation that inadvertently devalues schooling and depresses academic standards.

I am sure Congress is well aware that our national competitiveness depends on a better educated workforce. Because the global economy is rapidly changing, workers must have the skills to adapt to new work requirements or otherwise they will be left behind by change. Education is the key to equipping workers to respond to change. Employers in many competing nations routinely examine the educational credentials of prospective employees.

Contrary to this global reality, S. 1408 appears to say that employers will not be able to require entry-level employees to have the skills and knowledge necessary to perform functions other than those required by the exact job for which they are being considered. In effect, the bill seems to require that employers hire as if every job is a changeless and dead-end job.

I hope that the Congress will not do anything to remove or undercut the ability of the labor market to reward students who work hard and finish school.

Sincerely,

LAMAR ALEXANDER.

U.S. SENATE,
COMMITTEE ON THE JUDICIARY,
Washington, DC, September 24, 1991.

DEAR COLLEAGUE: Senator Danforth has described the most recent version of his civil rights bill as based on the Americans With Disabilities Act (ADA) with respect to the definition of "business necessity."

I am the Ranking Republican on the Committee which considered the ADA and the Republican Floor Manager of that bill. I respectfully submit that the ADA, properly understood and in context, does not support the recent civil rights bill's concept of business necessity.

This latest version of the civil rights bill has taken a few words out of context from the ADA. The language in that bill regarding business necessity is not the provision from the ADA.

The ADA did not define the term "business necessity" at all. Nor did the ADA use or define "employment in question," a term used in the pending civil rights bill. In contrast, the civil rights bill defines and delimits these terms. Thus, to suggest that the "new" version of the bill incorporates the ADA is inherently inaccurate.

One of the main issues in the civil rights bill is the definition of business necessity. I can tell you we deliberately did not define that term and left it for the courts, based on existing case law.

Moreover, Title VII and the ADA are fundamentally different statutes:

The goal of Title VII is to treat race as irrelevant; a principal goal of the ADA is to take disability into account where necessary to have employers reasonably accommodate to the needs of applicants and employees with disabilities.

Title VII disparate impact cases are always statistical; under the ADA, statistics are rarely used—indeed, there are virtually no reliable statistics available (such as the number of persons with visual impairments in the applicant pool or relevant labor market).

Under the ADA, an individual plaintiff can identify practices or barriers, like inaccessible bathrooms or a lack of ramps and curb cuts, that screen out persons with disabilities. An employer's failure to have curb cuts, ramps, and accessible bathrooms is not intentionally discriminatory; but, it does fall with disparate effect (impact) on persons with disabilities. No statistical analysis is required under this disparate impact theory, as is the case under Title VII. The ADA's statutory standards are then applied.

In short, this ADA form of disparate impact theory is not the same in the pending civil rights bill. Comparing the ADA to the pending civil rights bill is comparing apples to oranges.

Indeed, under Supreme Court Title VII precedent, "job-related" and "business necessity," terms used but not defined in the ADA, are flexible. They do not mean just performance of actual work activities or behavior important to the job.

In 1976, in a case based on Title VII standards, *Washington* v. *Davis* [426 U.S. 229], the Supreme Court was clear on this. There, the Court of Appeals overruled the District Judge and struck down a test related to performance in a police training program because it was not related to performance of a police officer's job. The Supreme Court reversed and approved the test, despite its lack of relationship to actual job performance. The Court said, ". . . the District Judge concluded [the test] was directly related to the requirement of the police training program and that a positive relationship between the test and training-course performance was sufficient to validate the former, wholly aside from its possible relationship to actual performance as a police officer . . . [This] conclusion [is not] foreclosed by either *Griggs* or *Albemarle Paper Co.* v. *Moody;* and it seems to us the much more sensible construction of the job-relatedness requirement." [426 U.S. at 250–251] [emphasis supplied].

Further, in 1979, in *New York Transit Authority* v. *Beazer*, the Supreme Court construed "job-related" and "manifest relationship to the employment in question" virtually the same way it did in *Wards Cove* 10 years later.

A number of these points have also been made by Evan Kemp, Chairman of the EEOC and one of the nation's leading experts on disability rights, in his September 21, 1991 statement. I also refer to my June 13 and August 1 letters concerning the general subject.

The President's bill remains the fairest way to resolve the civil rights controversy—and it does so without undue pressure for quota hiring, the erosion of standards in the workplace, and without slamming the courthouse door in the face of innocent persons seeking a day in court to assert their equal protection and civil rights claims.

Sincerely,

ORRIN G. HATCH,
U.S. Senator.

Mr. DANFORTH addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. DANFORTH. Mr. President, I would like to say a word this morning on the difficult, contentious subject of legislative history, what its limitations are, and how the issue of legislative history is one that is now before the Senate.

Justice Scalia has taken the position that the Supreme Court should not get into the business of interpreting legislative history but that instead the

Court should attempt to construe legislative language as it appears in statutes themselves.

I think that the odyssey of the present legislation is a strong argument for Justice Scalia's position. One of the interesting things about this particular bill is that where as with much controversial legislation when a compromise is reached, all kinds of people say we really do not like this bill but we are not going to be able to do any better, therefore, we will support it.

This bill is different in that a whole variety of people have come forward and have expressed support and even enthusiasm for the bill. People as diverse as the administration, on one hand, Senator DOLE, Senator HATCH and, on the other hand, for example, Senator KENNEDY, Senator MITCHELL—all have expressed support. They have all said there is a lot to be said for this legislation.

One of the reasons that this is possible is that there are slightly different interpretations among Members of the Senate and between the Senate and the administration on the precise meaning of some of the provisions in the law. That is not unusual. What courts are for are to interpret what is meant by the Congress in passing laws.

It is very common for Members of the Senate to try to affect the way in which a court will interpret a statute by putting things into the CONGRESSIONAL RECORD. Sometimes statements are made on the floor of the Senate. Sometimes the Senator will say, but for such and such a provision, which I interpret in such and such a way, I never would support this bill. That is one method of trying to doctor the legislative history and influence the future course of litigation.

Another way to do it is to put interpretive memoranda in the CONGRESSIONAL RECORD. These memoranda typically are not read on the floor of the Senate. They are just stuck into the RECORD.

Another way to do it is for agreed colloquies to be signed by various Senators and for those to be stuck into the RECORD. This is what is happening with respect to this bill.

Last Friday, Senator KENNEDY made a speech on the floor of the Senate. He stated his views of what the bill does. Senator HATCH has just made a very extensive speech on the floor. He stated his views of what the bill does.

My guess, Mr. President, is that if Senator KENNEDY would give us his analysis of Senator HATCHS' position, he would disagree with it. If Senator HATCH would give us his analysis of Senator KENNEDY's position, Senator HATCH would disagree with Senator KENNEDY. I might disagree with both of them. I anticipate that I am going to have an interpretive memorandum which will be put into the RECORD signed by the other original six Republican cosponsors for the legislation. That will be our interpretation of various provisions, but it may not be the interpretation of Senator HATCH or Senator KENNEDY or anybody else.

So what I am saying is that Justice Scalia, I think, had a good point in stating that it is risky business to try to piece together from floor statements or from agreed memoranda legislative history which is informative to the court in interpreting the meaning of a statute.

Mr. HATCH. Will the Senator yield for just 1 minute?

Mr. DANFORTH. Of course.

Mr. HATCH. What I have been talking about is not trying to talk about legislative history. I have been talking about the actual word changes and how important they are and basically why the President has come on this bill.

I agree with the distinguished Senator. The Court in this particular matter needs to look at the words that we have agreed to, and I think if they do, they will find that they are significantly different from the predecessor bills.

Mr. DANFORTH. Mr. President, I will simply continue. I see the Republican leader is on the floor and if he wishes to speak, fine, I am not going to take very long.

But I do want to say this: That whatever is said on the floor of the Senate about a bill is the view of a Senator who is saying it. And if it is not written into legislative language, it does not necessarily bind and probably does not bind anybody else, including the 30-some odd cosponsors of the legislation.

We put into the RECORD an interpretive memorandum last Friday afternoon and the interpretive memorandum is said to cover Wards Cove—business necessity, cumulation, alternative business practice. It is said to constitute exclusive legislative history. But yesterday it appeared that we had a difference of opinion among people who had agreed to this as to what the meaning of this is and that the word "cumulation" that was used in the heading of this interpretive memorandum is subject to at least two interpretations.

All agree that cumulation covers the so-called Dothard case relating to combined requirements, such as height and weight. The administration believes that this agreed-to interpretive memorandum precludes further discussion on the floor or further weight being given to people's expressed position on the so-called black box issue; that is, what do you do when you do not really know what is on an employer's mind, or the lost and destroyed records issue.

So the administration thinks that this interpretive memorandum covers those issues.

I do not happen to agree with that analysis of what it means. I think that it does not cover those issues. But what I am saying is that this legislation, the bill itself has a history that goes back over maybe a year and a half. It has been enormously complex putting together legislative language, much less trying to get agreement on the floor of the Senate about legislative history or about interpretive matters that are put into the RECORD.

I believe, Mr. President, we should go ahead and pass the bill. I believe that it will be passed. But I simply want to state that a court would be well advised to take with a large grain of salt floor debate and statements placed into the CONGRESSIONAL RECORD which purport to create an interpretation for the legislation that is before us.

Mr. DOLE. Mr. President, I have but two amendments to offer. One is a technical amendment which has been cleared on both sides.

I understand the majority leader may be coming into the Chamber.

The other is a glass ceiling amendment on which there will be a vote.

Mr. President, I might send to the desk an amendment in the first degree, the first amendment on which I could make my statement and not take any action until Senator MITCHELL or Senator KENNEDY are on the floor.

AMENDMENT NO. 1277

(Purpose: To establish a program for the Equal Employment Opportunity Commission for technical assistance and training)

Mr. DOLE. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Kansas [Mr. DOLE] proposes an amendment numbered 1277, to the Danforth Amendment 1274.

Mr. DOLE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place insert the following new section:

SEC. . TECHNICAL ASSISTANCE TRAINING INSTITUTE.

(a) TECHNICAL ASSISTANCE.—Section 705 of the Civil Rights Act of 1964 (42 U.S.C. 2000e-4) is amended by adding at the end the following new subsection:

"(j)(1) The Commission shall establish a Technical Assistance Training Institute, through which the Commission shall provide technical assistance and training regarding the laws and regulations enforced by the Commission.

(2) An employer or other entity covered under this title shall not be excused from compliance with the requirements of this title because of any failure to receive technical assistance under this subsection.

"(3) There are authorized to be appropriated to carry out this subsection such sums as may be necessary for fiscal year 1992.".

Mr. DOLE. Mr. President, the success of the Civil Rights Act will ultimately depend upon the degree to which it is implemented. The amendment I am offering today will help in that success, by establishing a Technical Assistance Training Institute within the Equal Employment Opportunity Commission.

The role of the Institute will be to ensure that individuals and institutions affected by civil rights laws are receiving information which will help them comply with the law.

During consideration of the Americans With Disabilities Act, a similar provision was added to ensure that technical assistance be an integral part of the law.

The EEOC has done a remarkable job in getting the word out on the ADA through dissemination of information about this important law, as well as through internal and external training for employers as they work toward an inclusive and accessible work force.

The EEOC has utilized a variety of educational and technical assistance programs to inform employers and individuals of their rights and responsibilities as provided in Federal laws against discrimination. In addition, the EEOC has identified and responded to training needs of personnel in other Federal agencies through such mechanisms as the highly acclaimed Federal dispute resolution seminars.

Years of constrained funding and changing priorities have circumvented the development and institutionalization of a solid technical assistance training and staff development program within the EEOC.

Clearly, with passage of the Civil Rights Act, the Agency is faced with new initiatives which will require an expanded technical assistance and training program both internally and externally. A centralized institute will enable the EEOC to better plan, budget, deliver, and evaluate the much needed technical assistance training.

Mr. President, this amendment has been cleared on both sides. It is not a controversial amendment.

Mr. MITCHELL addressed the Chair.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. MITCHELL. There is no objection to the amendment.

Mr. HATCH. Mr. President, there is no objection on this side.

The PRESIDING OFFICER. Is there further debate? If not the question is on agreeing to the amendment.

The amendment (No. 1277) was agreed to.

Mr. DOLE. Mr. President, I move to reconsider the vote.

Mr. HATCH. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1278 TO AMENDMENT NO. 1274

(Purpose: To secure the right of women to be free of sexual assault and violence)

Mr. DOLE. Mr. President, the second amendment dealing with the glass ceiling commission, an amendment I send to the desk, is an amendment to the Danforth amendment in the first degree, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Kansas [Mr. DOLE] proposes an amendment numbered 1278 to amendment No. 1274.

Mr. DOLE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 3, between lines 4 and 5, insert the following:

TITLE I—FEDERAL CIVIL RIGHTS REMEDIES

On page 22, line 17, strike "Act" and insert "title".

On page 23, line 15, strike "Act," and insert "title,".

On page 23, line 22, strike "Acts" and insert "provisions".

On page 24, line 6, strike "Acts" and insert "provisions".

On page 24, line 9, strike "Acts" and insert "provisions".

On page 24, line 13, strike "Acts" and insert "provisions".

On page 27, line 15, strike "Act" and insert "title".

On page 28, line 23, strike "Act" and insert "title".

On page 29, strike lines 1 through 16 and insert the following new titles:

TITLE II—GLASS CEILING

SEC. 201. SHORT TITLE.

This title may be cited as the "Glass Ceiling Act of 1991".

SEC. 202. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) despite a dramatically growing presence in the workplace, women and minorities remain underrepresented in management and decisionmaking positions in business;

(2) artificial barriers exist to the advancement of women and minorities in the workplace;

(3) United States corporations are increasingly relying on women and minorities to meet employment requirements and are increasingly aware of the advantages derived from a diverse work force;

(4) the "Glass Ceiling Initiative" undertaken by the Department of Labor, including the release of the report entitled "Report on the Glass Ceiling Initiative", has been instrumental in raising public awareness of—

(A) the underrepresentation of women and minorities at the management and decisionmaking levels in the United States work force;

(B) the underrepresentation of women and minorities in line functions in the United States work force;

(C) the lack of access for qualified women and minorities to credential-building developmental opportunities; and

(D) the desirability of eliminating artificial barriers to the advancement of women and minorities to such levels;

(5) the establishment of a commission to examine issues raised by the Glass Ceiling Initiative would help—

(A) focus greater attention on the importance of eliminating artificial barriers to the advancement of women and minorities to management and decisionmaking positions in business; and

(B) promote work force diversity;

(6) a comprehensive study that includes analysis of the manner in which management and decisionmaking positions are filled, the developmental and skill-enhancing practices used to foster the necessary qualifications for advancement, and the compensation programs and reward structures utilized in the corporate sector would assist in the establishment of practices and policies promoting opportunities for, and eliminating artificial barriers to, the advancement of women and minorities to management and decisionmaking positions;

(7) a national award recognizing employers whose practices and policies promote opportunities for, and eliminate artificial barriers to, the advancement of women and minorities will foster the advancement of women and minorities into higher level positions by—

(A) helping to encourage United States companies to modify practices and policies to promote opportunities for, and eliminate artificial barriers to, the upward mobility of women and minorities; and

(B) providing specific guidance for other United States employers that wish to learn how to revise practices and policies to improve the access and employment opportunities of women and minorities; and

(8) employment quotas based on race, sex, national origin, religious belief, or disability—

(A) are antithetical to the historical commitment of the Nation to the principle of equality of opportunity; and

(B) do not serve any legitimate business or social purpose.

(b) PURPOSE.—The purpose of this title is to establish—

(1) a Glass Ceiling Commission to study—

(A) the manner in which business fills management and decisionmaking positions;

(B) the developmental and skill-enhancing practices used to foster the necessary qualifications for advancement into such positions; and

(C) the compensation programs and reward structures currently utilized in the workplace; and

(2) an annual award for excellence in promoting a more diverse skilled work force at the management and decisionmaking levels in business.

SEC. 203. ESTABLISHMENT OF GLASS CEILING COMMISSION.

(a) IN GENERAL.—There is established a Glass Ceiling Commission (referred to in this title as the "Commission"), to conduct a study and prepare recommendations concerning—

(1) eliminating artificial barriers to the advancement of women and minorities; and

(2) increasing the opportunities and developmental experiences of women and minorities to foster advancement of women and minorities to management and decisionmaking positions in business.

(b) MEMBERSHIP.—

(1) COMPOSITION.—The Commission shall be composed of 21 members, including—

(A) six individuals appointed by the President;

(B) six individuals appointed jointly by the Speaker of the House of Representatives and the Majority Leader of the Senate;

(C) one individual appointed by the Majority Leader of the House of Representatives;

(D) one individual appointed by the Minority Leader of the House of Representatives;

(E) one individual appointed by the Majority Leader of the Senate;

(F) one individual appointed by the Minority Leader of the Senate;

(G) two Members of the House of Representatives appointed jointly by the Majority Leader and the Minority Leader of the House of Representatives;

(H) two Members of the Senate appointed jointly by the Majority Leader and the Minority Leader of the Senate; and

(I) the Secretary of Labor.

(2) Considerations.—In making appointments under subparagraphs (A) and (B) of paragraph (1), the appointing authority shall consider the background of the individuals, including whether the individuals—

(A) are members of organizations representing women and minorities, and other related interest groups;

(B) hold management or decisionmaking positions in corporations or other business entities recognized as leaders on issues relating to equal employment opportunity; and

(C) possess academic expertise or other recognized ability regarding employment issues.

(3) Balance.—In making the appointments under subparagraphs (A) and (B) of paragraph (1), each appointing authority shall seek to include an appropriate balance of appointees from among the groups of appointees described in subparagraphs (A), (B), and (C) of paragraph (2).

(c) Chairperson.—The Secretary of Labor shall serve as the Chairperson of the Commission.

(d) Term of Office.—Members shall be appointed for the life of the Commission.

(e) Vacancies.—Any vacancy occurring in the membership of the Commission shall be filled in the same manner as the original appointment for the position being vacated. The vacancy shall not affect the power of the remaining members to execute the duties of the Commission.

(f) Meetings.—

(1) Meetings prior to completion of report.—The Commission shall meet not fewer than five times in connection with and pending the completion of the report described in section 204(b). The Commission shall hold additional meetings if the Chairperson or a majority of the members of the Commission request the additional meetings in writing.

(2) Meetings after completion of report.—The Commission shall meet once each year after the completion of the report described in section 204(b). The Commission shall hold additional meetings if the Chairperson or a majority of the members of the Commission request the additional meetings in writing.

(g) Quorum.—A majority of the Commission shall constitute a quorum for the transaction of business.

(h) Compensation and Expenses.—

(1) Compensation.—Each member of the Commission who is not an employee of the Federal Government shall receive compensation at the daily equivalent of the rate specified for level V of the Executive Schedule under section 5316 of title 5, United States Code, for each day the member is engaged in the performance of duties for the Commission, including attendance at meetings and conferences of the Commission, and travel to conduct the duties of the Commission.

(2) Travel expenses.—Each member of the Commission shall receive travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, for each day the member is engaged in the performance of duties away from the home or regular place of business of the member.

(3) Employment status.—A member of the Commission, who is not otherwise an employee of the Federal Government, shall not be deemed to be an employee of the Federal Government except for the purposes of—

(A) the tort claims provisions of chapter 171 of title 28, United States Code; and

(B) subchapter I of chapter 81 of title 5, United States Code, relating to compensation for work injuries.

SEC. 204. RESEARCH ON ADVANCEMENT OF WOMEN AND MINORITIES TO MANAGEMENT AND DECISIONMAKING POSITIONS IN BUSINESS.

(a) Advancement Study.—The Commission shall conduct a study of opportunities for, and artificial barriers to, the advancement of women and minorities to management and decisionmaking positions in business. In conducting the study, the Commission shall—

(1) examine the preparedness of women and minorities to advance to management and decisionmaking positions in business;

(2) examine the opportunities for women and minorities to advance to management and decisionmaking positions in business;

(3) conduct basic research into the practices, policies, and manner in which management and decisionmaking positions in business are filled;

(4) conduct comparative research of businesses and industries in which women and minorities are promoted to management and decisionmaking positions, and businesses and industries in which women and minorities are not promoted to management and decisionmaking positions;

(5) compile a synthesis of available research on programs and practices that have successfully led to the advancement of women and minorities to management and decisionmaking positions in business, including training programs, rotational assignments, developmental programs, reward programs, employee benefit structures, and family leave policies; and

(6) examine any other issues and information relating to the advancement of women and minorities to management and decisionmaking positions in business.

(b) Report.—Not later than 15 months after the date of the enactment of this Act, the Commission shall prepare and submit to the President and the appropriate committees of Congress a written report containing—

(1) the findings and conclusions of the Commission resulting from the study conducted under subsection (a); and

(2) recommendations based on the findings and conclusions described in paragraph (1) relating to the promotion of opportunities for, and elimination of artificial barriers to, the advancement of women and minorities to management and decisionmaking positions in business, including recommendations for—

(A) policies and practices to fill vacancies at the management and decisionmaking levels;

(B) developmental practices and procedures to ensure that women and minorities have access to opportunities to gain the exposure, skills, and expertise necessary to assume management and decisionmaking positions;

(C) compensation programs and reward structures utilized to reward and retain key employees; and

(D) the use of enforcement (including such enforcement techniques as litigation, complaint investigations, compliance reviews, conciliation, administrative regulations, policy guidance, technical assistance, training, and public education) of Federal equal employment opportunity laws by Federal agencies as a means of eliminating artificial barriers to the advancement of women and minorities in employment.

(c) Additional Study.—The Commission may conduct such additional study of the advancement of women and minorities to management and decisionmaking positions in business as a majority of the members of the Commission determines to be necessary.

SEC. 205. ESTABLISHMENT OF THE NATIONAL AWARD FOR DIVERSITY AND EXCELLENCE IN AMERICAN EXECUTIVE MANAGEMENT.

(a) In General.—There is established the National Award for Diversity and Excellence in American Executive Management, which shall be evidenced by a medal bearing the inscription "National Award for Diversity and Excellence in American Executive Management". The medal shall be of such design and materials, and bear such additional inscriptions, as the Commission may prescribe.

(b) Criteria for Qualification.—To qualify to receive an award under this section a business shall—

(1) submit a written application to the Commission, at such time, in such manner, and containing such information as the Commission may require, including at a minimum information that demonstrates that the business has made substantial effort to promote the opportunities and developmental experiences of women and minorities to foster advancement to management and decisionmaking positions within the business, including the elimination of artificial barriers to the advancement of women and minorities, and deserves special recognition as a consequence; and

(2) meet such additional requirements and specifications as the Commission determines to be appropriate.

(c) Making and Presentation of Award.—

(1) Award.—After receiving recommendations from the Commission, the President or the designated representative of the President shall annually present the award described in subsection (a) to businesses that meet the qualifications described in subsection (b).

(2) Presentation.—The President or the designated representative of the President shall present the award with such ceremonies as the President or the designated representative of the President may determine to be appropriate.

(3) Publicity.—A business that receives an award under this section may publicize the receipt of the award and use the award in its advertising, if the business agrees to help other United States businesses improve with respect to the promotion of opportunities and developmental experiences of women and minorities to foster the advancement of women and minorities to management and decisionmaking positions.

(d) Business.—For the purposes of this section, the term "business" includes—

(1)(A) a corporation including nonprofit corporations;

(B) a partnership;

(C) a professional association;

(D) a labor organization; and

(E) a business entity similar to an entity described in subparagraphs (A) through (D);

(2) an education referral program, or a training program, such as an apprenticeship or management training program or a similar program; and

(3) a joint program formed by a combination of any entities discussed in paragraphs (1) or (2).

SEC. 206. POWERS OF THE COMMISSION.

(a) IN GENERAL.—The Commission is authorized to—

(1) hold such hearings and sit and act at such times;

(2) take such testimony;

(3) have such printing and binding done;

(4) enter into such contracts and other arrangements;

(5) make such expenditures; and

(6) take such other actions;

as the Commission may determine to be necessary to carry out the duties of the Commission.

(b) OATHS.—Any member of the Commission may administer oaths or affirmations to witnesses appearing before the Commission.

(c) OBTAINING INFORMATION FROM FEDERAL AGENCIES.—The Commission may secure directly from any Federal agency such information as the Commission may require to carry out its duties.

(d) VOLUNTARY SERVICE.—Notwithstanding section 1342 of title 31, United States Code, the Chairperson of the Commission may accept for the Commission voluntary services provided by a member of the Commission.

(e) GIFTS AND DONATIONS.—The Commission may accept, use, and dispose of gifts or donations of property in order to carry out the duties of the Commission.

(f) USE OF MAIL.—The Commission may use the United States mails in the same manner and under the same conditions as Federal agencies.

SEC. 207. CONFIDENTIALITY OF INFORMATION.

(a) INDIVIDUAL BUSINESS INFORMATION.—

(1) IN GENERAL.—Except as provided in paragraph (2), and notwithstanding section 552 of title 5, United States Code, in carrying out the duties of the Commission, including the duties described in sections 204 and 205, the Commission shall maintain the confidentiality of all information that concerns—

(A) the employment practices and procedures of individual businesses; or

(B) individual employees of the businesses.

(2) CONSENT.—The content of any information described in paragraph (1) may be disclosed with the prior written consent of the business or employee, as the case may be, with respect to which the information is maintained.

(b) AGGREGATE INFORMATION.—In carrying out the duties of the Commission, the Commission may disclose—

(1) information about the aggregate employment practices or procedures of a class or group of businesses; and

(2) information about the aggregate characteristics of employees of the businesses, and related aggregate information about the employees.

SEC. 208. STAFF AND CONSULTANTS.

(a) STAFF.—

(1) APPOINTMENT AND COMPENSATION.—The Commission may appoint and determine the compensation of such staff as the Commission determines to be necessary to carry out the duties of the Commission.

(2) LIMITATIONS.—The rate of compensation for each staff member shall not exceed the daily equivalent of the rate specified for level V of the Executive Schedule under section 5316 of title 5, United States Code for each day the staff member is engaged in the performance of duties for the Commission. The Commission may otherwise appoint and determine the compensation of staff without regard to the provisions of title 5, United States Code, that govern appointments in the competitive service, and the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, that relate to classification and General Schedule pay rates.

(b) EXPERTS AND CONSULTANTS.—The Chairperson of the Commission may obtain such temporary and intermittent services of experts and consultants and compensate the experts and consultants in accordance with section 3109(b) of title 5, United States Code, as the Commission determines to be necessary to carry out the duties of the Commission.

(c) DETAIL OF FEDERAL EMPLOYEES.—On the request of the Chairperson of the Commission, the head of any Federal agency shall detail, without reimbursement, any of the personnel of the agency to the Commission to assist the Commission in carrying out its duties. Any detail shall not interrupt or otherwise affect the civil service status or privileges of the Federal employee.

(d) TECHNICAL ASSISTANCE.—On the request of the Chairperson of the Commission, the head of a Federal agency shall provide such technical assistance to the Commission as the Commission determines to be necessary to carry out its duties.

SEC. 209. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Commission such sums as may be necessary to carry out the provisions of this title. The sums shall remain available until expended, without fiscal year limitation.

SEC. 10. TERMINATION.

(a) COMMISSION.—Notwithstanding section 15 of the Federal Advisory Committee Act (5 U.S.C. App.), the Commission shall terminate 4 years after the date of the enactment of this Act.

(b) AWARD.—The authority to make awards under section 205 shall terminate 4 years after the date of the enactment of this Act.

TITLE III—GENERAL PROVISIONS

SEC. 301. SEVERABILITY.

If any provision of this Act, or an amendment made by this Act, or the application of such provision to any person or circumstances is held to be invalid, the remainder of this Act and the amendments made by this Act, and the application of such provision to other persons and circumstances, shall not be affected.

SEC. 302. EFFECTIVE DATE.

Except as otherwise specifically provided, this Act and the amendments made by this Act shall take effect upon enactment.

Mr. DOLE. Mr. President, I am pleased to offer an amendment dealing with the glass ceiling.

While there are probably as many definitions of the glass ceiling as there are individuals affected by it, the issue boils down to eliminating artificial barriers in the workplace which have served to block the advancement of qualified women and minorities.

The goal is to ensure equal access and equal opportunity. These principles are fundamental to the establishment of this great Nation and the cornerstone of what other nations and other people consider unique to the United States; namely, the possibility for everyone to go as far as their talents and hard work will take them.

Unfortunately, the American dream may not be as easy for some to pursue as for others. A recent study by the UCLA Anderson Graduate School of Management and the Korn-Ferry management firm found that while women and minorities currently account for over half of the work force, they hold less than 5 percent of upper level positions in the Nation's 1,000 largest corporations. This represents a mere 2 percent increase since 1979. If one focuses the spotlight on the position of chief executive officer of the 500 largest companies in America, only two are women, and only one is a minority.

While there is no right or correct number, and my opposition to any notion of quotas could not be stronger and more deeply felt, the foregoing suggests that artificial barriers exist with respect to the upward mobility of women and minorities.

These conclusions are bolstered by a study, "A report on the glass ceiling initiative," prepared by the Department of Labor and released this past August. I congratulate Secretary of Labor Lynn Martin on the completion of this report, which is an important contribution toward ensuring the demise of the glass ceiling. I also congratulate her predecessor—whose commitment to this issue I have some familiarity with—who initiated and directed the undertaking of the project.

The amendment we are offering today, the Glass Ceiling Act of 1991, seeks to build upon the important work begun by the Department of Labor and reflected in its report.

This legislation establishes the Glass Ceiling Commission, which is provided with the resources and powers to examine those practices and policies in corporate America which impede the advancement of women and minorities.

Second, this legislation specifically charges the Commission with preparing a report for the President and Congress due 15 months after enactment examining the reasons behind the existence of the glass ceiling and making recommendations with respect to policies which would eliminate any artificial barriers to the advancement of women and minorities.

Finally, this legislation provides for the establishment of the "National Award for Diversity and Excellence in American Executive Management" to be made by the President on an annual basis to a business or organization which has made substantial efforts to promote opportunities for women and minorities to advance to top levels.

It is my firm belief and my firm commitment that by raising the national awareness of the existence of the glass ceiling from the assembly line to the board room, by studying why the glass ceiling exists and what holds it up, and finally by having recommendations in hand as to how corporate America can break that ceiling, we will have ensured that everyone has access to the same employment opportunities.

Fairness demands no less; the American dream demands no less.

That is why passage of this amendment is so important, and I urge all of my colleagues to lend their support so that the important work of the Glass Ceiling Commission can get under way.

Mr. President, I know the amendment has been cleared on both sides.

The PRESIDING OFFICER. The majority leader is recognized.

AMENDMENT NO. 1279 TO AMENDMENT NO. 1278

(Purpose: To create the Frances Perkins-Elizabeth Hanford Dole Award)

Mr. MITCHELL. Mr. President, I commend Senator DOLE for this amendment. It has been cleared, has support on both sides, and I now, on behalf of Senator KENNEDY, send a second-degree amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Maine [Mr. MITCHELL], for Mr. KENNEDY, proposes an amendment numbered 1279 to amendment No. 1278.

On page 14, line 7, before the word "National" insert the following: "Frances Perkins-Elizabeth Hanford Dole".

Mr. MITCHELL. Mr. President, the second-degree amendment would name the National Award for Diversity and Excellence in American Executive Management created by the pending amendment after Frances Perkins and Elizabeth Hanford Dole, two very distinguished former Secretaries of Labor.

I believe it fitting and appropriate that this amendment be adopted, and I hope it is cleared on the other side of the aisle.

The PRESIDING OFFICER (Mr. ROBB). The Senator from Utah.

Mr. HATCH. Mr. President, we would not dare not to. I want to associate myself with the remarks of the distinguished majority leader and also add to those remarks that I appreciate the efforts of the distinguished minority leader in bringing forth this amendment, and I concur with Senator KENNEDY in having this additional amendment. Both of these are cleared on this side, and we would be happy to adopt them.

The PRESIDING OFFICER. Is there further debate?

Mr. DOLE. Let the record reflect that I was not aware of the second-degree amendment. I did not promote it or otherwise encourage it, but I am going to vote for it.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment offered by the majority leader.

The amendment (No. 1279) was agreed to.

Mr. MITCHELL. I move to reconsider the vote by which the amendment was agreed to.

Mr. HATCH. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MITCHELL. Mr. President, I request the yeas and nays on the Dole amendment, as amended.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Kansas.

On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Delaware [Mr. BIDEN], the Senator from Iowa [Mr. HARKIN], and the Senator from Nebraska [Mr. KERREY] are necessarily absent.

Mr. SIMPSON. I announce that the Senator from North Carolina [Mr. HELMS] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 96, nays 0, as follows:

[Rollcall Vote No. 232 Leg.]

YEAS—96

Adams
Akaka
Baucus
Bentsen
Bingaman
Bond
Boren
Bradley
Breaux
Brown
Bryan
Bumpers
Burdick
Burns
Byrd
Chafee
Coats
Cochran
Cohen
Conrad
Craig
Cranston
D'Amato
Danforth
Daschle
DeConcini
Dixon
Dodd
Dole
Domenici
Durenberger
Exon
Ford
Fowler
Garn
Glenn
Gore
Gorton
Graham
Gramm
Grassley
Hatch
Hatfield
Heflin
Hollings
Inouye
Jeffords
Johnston
Kassebaum
Kasten
Kennedy
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Metzenbaum
Mikulski
Mitchell
Moynihan
Murkowski
Nickles
Nunn
Packwood
Pell
Pressler
Pryor
Reid
Riegle
Robb
Rockefeller
Roth
Rudman
Sanford
Sarbanes
Sasser
Seymour
Shelby
Simon
Simpson
Smith
Specter
Stevens
Symms
Thurmond
Wallop
Warner
Wellstone
Wirth
Wofford

NOT VOTING—4

Biden
Harkin
Helms
Kerrey

So the amendment (No. 1278), as amended, was agreed to.

Mr. KENNEDY. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

The PRESIDING OFFICER. Without objection, the motion to lay on the table the motion to reconsider is agreed to.

AMENDMENT NO. 1280 TO AMENDMENT NO. 1274

(Purpose: To make technical corrections)

Mr. KENNEDY. Mr. President, I send to the desk an amendment to make technical corrections to the pending Danforth-Kennedy substitute. The technical amendment has been agreed to on both sides.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Massachusetts [Mr. KENNEDY] proposes an amendment numbered 1280 to amendment No. 1274.

On page 5, line 22, insert "political" after "agency, or".

On page 6, line 16, strike "15" and insert "14".

On page 10, line 13, strike "business" and insert "employment".

On page 12, line 23, strike "this".

On page 21, line 3, strike "sections 1977 or 1977a" and insert "sections 1977 or 1977A".

The PRESIDING OFFICER. Is there additional debate? If not, the question is on agreeing to the amendment.

The amendment (No. 1280) was agreed to.

Mr. KENNEDY. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

The PRESIDING OFFICER. Without objection, the motion to lay on the table the motion to reconsider is agreed to.

AMENDMENT NO. 1281 TO AMENDMENT NO. 1274

(Purpose: To allow the Equal Employment Opportunity Commission or the Attorney General to recover damages)

Mr. KENNEDY. Mr. President, I send to the desk an amendment. The amendment would permit the EEOC or the Attorney General to recover damages on behalf of victims of discrimination. This amendment has been requested by the administration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Massachusetts [Mr. KENNEDY] proposes an amendment numbered 1281 to amendment No. 1274.

On page 7, line 21, insert "the Equal Employment Opportunity Commission, the Attorney General, or" after "subsection (a)(1),".

On page 8, line 2, insert "the Equal Employment Opportunity Commission or" after "subsection (a)(2),".

Mr. KENNEDY. Mr. President, I ask unanimous consent to have printed in the RECORD a letter from EEOC Chairman Evan Kemp supporting the amendment. I understand the amendment is acceptable on both sides.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION,
Washington, DC, October 28, 1991.

Hon. EDWARD KENNEDY,
Chairman, Committee on Labor and Human Resources U.S. Senate, Washington, DC.

DEAR CHAIRMAN KENNEDY: I am pleased to see that an agreement has been reached on the civil rights bill and I congratulate you for your efforts in reaching consensus. However, I would like to bring to your immediate attention a technical drafting error which is of great concern to the Commission.

The bill contains language that could be interpreted to preclude the EEOC and the Attorney General from obtaining victims of intentional discrimination, even though such damages would be available in a private action. I do not believe that is the Senate's intent to place this serious limitation on actions brought by the government and therefore I urge an amendment to the bill that would make clear that these enhanced remedies can be sought in actions brought by the government on the same basis as in actions brought privately.

The source of the problem is the bill's two different definitions of the term "complaining party" in section 5, which authorizes complaining parties to seek punitive and compensatory damages, and in section 7, which amends the general definitional section of Title VII. Section 5(a)(1) states that compensatory and punitive damages are available "[i]n an action brought by a *complaining party* under section 706 of The Civil Rights Act of 1964 against a respondent who intentionally engaged in an unlawful employment practice prohibited." (emphasis added). The definitional portion of section 5 states that a "*Complaining party*"for purposes of section (a)(1) is "*a person who may bring an action or proceeding under title VII of the Civil Rights Act of 1964.*" Section 5(d)(1)(A).

On its face section 5(d)(1)(A) would appear to include the EEOC and the Attorney General in the group of "person[s] who may bring an action . . . under title VII" and, therefore, among those complaining parties entitled to seek enhanced remedies. However, the problem is that section 7, which amends the general definitions in Title VII, states that "[t]he term *'complaining party'* means *the commission, the Attorney General, or a person who may bring an action or proceeding under this Title.*" Section 7(1) (emphasis added). My concern is that section 7's definition of complaining party, which specifically includes the EEOC and the Attorney General in addition to "a person who may bring an action," could be invoked to preclude the EEOC and the Attorney General from seeking compensatory and punitive damages because those remedies are limited to only "a person who may bring an action or proceeding under title VII." Sections 5(a)(1) and (d)(1)(A). Indeed, the fact that the Senate bothered to create two definitions of "complaining party" would add substantial weight to arguments that the EEOC and the Attorney General are not authorized to seek the enhanced remedies. There is no obvious explanation for why there are two separate definitions other than drafting error or that the Senate meant to exclude the EEOC and the Attorney General from the group of plaintiffs authorized to seek compensatory and punitive damages.

It would undermine the Commission's ability to enforce Title VII and the ADA if private parties, but not the EEOC, are allowed to seek the enhanced remedies. Indeed, if that were the case the Commission might have a duty to refer all cases of intentional discrimination to private attorneys because, by filing suit, the Commission would dramatically reduce the relief available to the victims. This would be true especially in the case of sexual harassment claims; because there is often no back pay at stake in those cases, the only monetary remedy would be compensatory and punitive damages.

I believe that a very simple amendment to the bill could remedy the problem. For example, section 5 could be amended to define the term "complaining party" to mean "the Commission, the Attorney General, or a person who may bring an action or proceeding under this title." That would make clear that the Commission and the Attorney General are not excluded from the group of "persons who may bring an action" and therefore that they are included among those who may seek compensatory and punitive relief. Such a change would, in my opinion, spare the EEOC and the court a great deal of trouble and confusion in the future.

I trust the Commission's concerns will be addressed and that our mutual interest in protecting the civil rights of all Americans will be achieved.

Sincerely,

EVAN J. KEMP, Jr.,
Chairman.

U.S. EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION,
Washington, DC, October 28, 1991.

TECHNICAL AMENDMENT TO S. 1745

To amend S. 1745 to provide that the Equal Employment Opportunity Commission and the Attorney General can seek on behalf of victims of employment discrimination the full range or remedies available under title VII of the Civil Rights Act of 1964 and the American with Disabilities Act of 1990.

ALTERNATIVE I

Section 1977A(d)(1)(A) of the Civil Rights Act of 1991 is amended by inserting "the Equal Employment Opportunity Commission, the Attorney General, or" before "a person who may bring an action or proceeding under title VII of the Civil Rights Act of 1964."

Section 1977A(d)(1)(B) of the Civil Rights Act of 1991 is amended by inserting "the Equal Employment Opportunity Commission or" before "a person who may bring an action or proceeding under title I of the Americans with Disabilities Act of 1990."

ALTERNATIVE II

Section 1977A(d) of the Civil Rights Act of 1991 is amended by striking subsection (1) and inserting:

"(1) COMPLAINING PARTY.—The term 'complaining party' shall have the same meaning given such term in section 701 of the Civil Rights Act of 1964 (42 U.S.C. 2000e)."

ALTERNATIVE III

Section 1977A(d)(1)(A) of the Civil Rights Act of 1991 is amended by striking "a person who may bring an action or proceeding under title VII of the Civil Rights Act of 1964" and inserting "the Equal Employment Opportunity Commission, the Attorney General, or a person who may bring an action or proceeding under title VII of the Civil Rights Act of 1964."

Section 1977A(d)(1)(B) of the Civil Rights Act of 1991 is amended by striking "a person who may bring an action or proceeding under title I of the Americans with Disabilities Act of 1990" and inserting "the Equal Employment Opportunity Commission or a person who may bring an action or proceeding under title I of the Americans with Disabilities Act of 1990."

Mr. HATCH. Mr. President, the amendment is acceptable on this side.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment.

The amendment (No. 1281) was agreed to.

Mr. KENNEDY. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. HATCH. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. KENNEDY. Mr. President, for the benefit of the Members, we would welcome any of our colleagues who have amendments and we urge them to make that known to the floor managers and Senator DANFORTH. We are eager to move this legislation along in a timely way. We are very hopeful, if there are amendments, that we will be able to dispose of those after reasonable discussion and debate.

So if there are Members who do have amendments, we would urge their presence over here on the floor at the earliest possible time.

Mr. HATCH. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum has been suggested. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered. The Chair recognizes the Senator from Vermont [Mr. LEAHY].

Mr. LEAHY. Mr. President, there has been a great deal of discussion about matters before us pertaining to civil rights, not the least of which is who will be covered, especially here on Capitol Hill. While those matters are being worked out—and it appears that they will be—I thought I might make some remarks regarding applying civil rights laws to Congress.

Debate on civil rights legislation necessarily focuses on injustice; it focuses on the hypocrisy of tolerating double standards in our society. The civil rights bill is aimed at eliminating these double standards. It is designed to ensure that all citizens have the same rights under law—but also that all citizens have the same obligations under law.

When I first arrived in Washington as a newly elected Senator from Vermont, I was struck by the double standard of exempting Congress from Federal laws that protect employment rights.

It was really alien to anything I had ever experienced in the workplace before I came here. So contrary to advice from many older and far more senior Members of the Senate, I introduced in 1978 a bill that would extend coverage of several important civil rights laws to Congress. It was a simple bill, founded on a simple premise.

It said that Congress, like everyone else in the country, has to be governed by the same law. Congress was not the last plantation subject to rules made by one particular master. The Senate and House represented the very seat of our democracy. I felt it was imperative that Congress, act like a democracy.

So I introduced the bill. I explained on the floor of the Senate why Congress must set an example to the public. I remember it very well. I was in a back row seat as a very junior Member of the Senate at that time. The reaction of the other Senator was not entirely friendly. In fact, as I was leaving the Senate floor, a senior Member of the Senate came up to me and asked where I was rushing off to. I explained I had a plane to catch back to Vermont. He said, "Good. Why don't you stay there?"

It was not a ringing endorsement of my idea in 1978 to apply the same laws to the U.S. Senate that we apply to the rest of the country. And so the legislation did not get much support back in 1978. But I believed this reform was necessary and I continued to introduce it in a series of subsequent sessions of Congress, much to the chagrin of that same Senator and others.

Now 13 years later, we face the same issue. What we failed to do more than a decade ago has come home to roost. The American public is sending a clear message that this body has to play by the same rules and observe the same laws that we apply to everyone else in the country. In debates over applying the civil rights laws to Congress, the arguments are always raised that procedures for enforcing these laws would be unconstitutional. In fact, some have claimed that applying the civil rights laws to Congress would unconstitutionally subject the legislative branch to the intrusion of the executive or the judicial branches of Government.

Far more fundamental conflicts between the branches have been dealt with for almost 200 years. I give just one example. In a 7-to-1 decision, the Supreme Court upheld the independent prosecutor law in the face of a challenge based on separation of powers. Others have argued that the Congress' immunity for speech and debate precludes the application of a civil rights law to this body. I totally disagree. It is inconceivable to me that the Framers intended the speech and debate clause to give Congress carte blanche to discriminate against its own employees.

The civil rights legislation in the last 75 years represents some of Congress' greatest achievements. They are the landmark laws that protect all individual freedoms in this country. They are laws that should protect all citizens, all employees—not all except those who happen to work for Congress. If these laws are important for the rest of the country, they are also important for us in the Senate. If there is a valid reason to apply these laws in the workplace throughout the rest of the country, there is an equally important reason to apply these laws in the U.S. Senate.

While the compromise on congressional coverage now being discussed is not ideal, it is an important step in the right direction. For the first time, Senate employees will have access to courts to protect their civil rights. I also support the compromise provision that will for the first time extend the application of civil rights laws to the Office of the President. We must continue efforts to extend to congressional and executive branch employees all Federal rights and protections that are enjoyed by other employees.

Congress cannot be above the laws it passes. It must provide to its employees the same protection it requires of other employers. We cannot have a double standard where we say everybody else needs these laws but somehow we do not need them; where we say everybody else must play by our rules but we here in the Congress do not need to play by these rules. We will end this double standard here.

We will also make sure in this legislation that we end it everywhere within the Government. I assume that the White House, which has eagerly asked for the Congress to extend these laws to protect congressional employees, will of course be very happy that the Civil Rights Act of 1991 also extends to protect the employees there.

The idea plays the same in each place. The law should be the same for everybody. But more than just law, Mr. President, we are talking about basic protection, basic protection for employees who have often served really at the whim of those who are in power; whose rights are as great or as little as the individual Members of the Senate might want them to be; as great or as little as people in the Office of the President might want them to be, as great or as little as those who control various aspects of life on Capitol Hill want them to be.

So let us fold the last plantation. Let us grant the same freedoms, play under the same rules, as everybody else in America.

Mr. President, I mentioned that on May 16, 1978, I first spoke about the need for congressional coverage by civil rights laws. I ask unanimous consent that a copy of the speech I gave on this issue on May 16, 1978, be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

SPECIAL ORDER

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Vermont (Mr. LEAHY) is recognized for not to exceed 15 minutes.

Mr. LEAHY. I thank the Chair, Madam President.

I might say, incidentally, in my 3½ years in the Senate, this is the first time I have had a chance to address the Chair as Madam President, I state that it is a very pleasant feeling, indeed.

S. 3086—REMOVAL OF CONGRESSIONAL EXEMPTION FROM CERTAIN LAWS

Mr. LEAHY. Madam President, it is regrettable that a list of some of the Congress' greatest achievements in this century is also a source of embarrassment and injustice with regard to the Congress.

The Civil Rights Act of 1964.

The Equal Employment Opportunity Act of 1972.

The Equal Pay Act.

The Fair Labor Standards Act.

The National Labor Relations Act.

The Occupational Safety and Health Act.

The Social Security Act.

The Freedom of Information Act.

The Privacy Act.

Collectively, these laws spell out civil, social, physical, and financial rights and standards for all Americans—almost. It is that "almost" that is the source of the embarrassment and injustice.

The problem is that in enacting these measures Congress proclaimed that what is good and fair for the country is not necessarily good and fair for Congress. In each instance, Congress specifically wrote itself out of the legislation.

I say injustice because Congress and its employees do not share the protection afforded by these laws, and embarrassment because Congress is unwilling to place itself under the same restrictions and responsibilities imposed by the acts.

The purpose of the bill I am introducing today is simple. It removes the congressional exemption from each of the nine laws. It rights the injustice. It removes the source of embarrassment.

Removing the congressional exemption from the Civil Rights Act of 1964 and the bill amending it, the Equal Employment Opportunity Act of 1972, would make Congress subject to the same restrictions upon employment discrimination which apply in the rest of the country. That is not to say it would prevent all racial, religious, or sexual discrimination in employment practices on the Hill, but it would give affected individuals legal redress that they do not presently enjoy.

Similarly, subjecting Congress to the provisions of the Fair Labor Standards Act and the Equal Pay Act would give legal standing to the women who currently, and all too often correctly, charge they are not receiving equal pay for equal jobs.

Both of these laws and their congressional exemptions are currently being tested in the courts. But without changes in the law, they cannot be based upon legal merit and are subject to dismissal on a technicality.

While both Houses of Congress are considering amendments to their rules to make accommodations on these points, there would be no need for rule changes if Congress took the optimum course—joining the rest of the country under the provisions of these Federal laws.

Extending coverage under the National Labor Relations Act to congressional employees seems to me another obvious step. Today, we will begin the debate on the labor reform bill. Those of us who support the bill proclaim it as good for the country. If that is so, why not extend its goodness to our own employees? I am particularly mindful of the many congressional employees in support positions, in the restaurants, in the various maintenance shops, and others. Why is not what is good for management and labor in the rest of the country also good for management and labor in Congress?

The Occupational Safety and Health Act should be mentioned in the same breath. Congressional employees deserve the protection of the act, and we should have to live by the same OSHA standards that we have imposed upon the rest of the country's employers. I doubt that a single Senate office could meet OSHA regulations. Why should we not have to take the same remedial action private employers must take?

With regard to social security, many members of Congress now admit that we made a mistake with the legislation passed year. In my opinion, not the least of the mistake was the failure to incorporate Congress and its employees into the system. I do not see why this group should be excluded from either the benefits or the tax bite. Individuals in the private sector who participate in voluntary pension programs must also partake of social security. So again I must ask, why not Congress?

Finally, when Congress passed the Freedom of Information Act, we made it national policy and law that an individual has the right to petition the Government for information held by the Government.

When we passed the Privacy Act, we made it Federal law that the Government must place better safeguards on the files it keeps on individuals, including allowing those individuals to see their files and correct erroneous information.

But those rights of individuals do not extend to information or files within the walls of Congress. How is that fair, much less rational?

I might be tempted to say that this is a bill whose time has come, if it were not already so painfully overdue. I want to put my colleagues on notice that I do not raise this issue idly. It will not fade away, at least not as long as I am in the Senate to advance it.

I hope it will win passage through normal means, but should it become bogged down in committee, or fail to be called up expeditiously, I will not hesitate to offer all or parts of it as amendments to relevant legislative vehicles.

Finally, should my list prove incomplete—and possibly it might—I would hope possible additions would be brought to my attention so they might be incorporated into the bill.

Simple equity and fairness demand passage of this legislation. It is time that we in Congress begin to live by the same rules we have set for others. We should no longer allow such a double standard.

Mr. LEAHY. I thank the Chair.

Mr. President, again, I commend those Senators who have been working very hard to craft legislation that really makes sense, makes sense not just to the country but especially to the men and women who work on Capitol Hill, the men and women who are often denied the basic protections of other employees throughout the country, and I am glad to see this important matter moving forward.

Mr. President, I see other Senators who wish to obtain recognition, so I yield the floor.

Mr. FOWLER addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. FOWLER. Mr. President, I want to rise to, first of all, commend the Senator from Vermont [Mr. LEAHY] for not only the accuracy and timeliness of his remarks but also his leadership on this matter of ensuring that there is no government above the laws of the land that we place on all other Americans.

Like him, I have had a long experience in awaiting this day when we can assure all citizens of our land and those who work for our Government that there is no double standard or dual standard or different standard.

I want to thank those who have worked so hard in achieving this compromise to ensure that congressional coverage of all the laws of the land will ultimately be the law of the land.

My first opportunity of public service was as a congressional aide in 1965 and 1966 when I first met the distinguished Presiding Officer who was serving his country in the Armed Forces stationed here in Washington at that time. I remember as a young congressional aide, responsible for many employees, having to explain that there was a double standard under which some of the basic rights and guarantees available to all Americans under Federal laws were not automatically available to those who served on staffs of the U.S. Congress.

Today, we are going to take that giant step that many of us have advocated, both as congressional aides and now as Members of the U.S. Congress. I am proud to see this day coming when we can put to rest, once and for all, any allegations that somehow there is a different standard for those of us in elected life and those men and women who work for the U.S. Congress who serve in a staff capacity.

I want to thank all of those in both parties, the leadership on both the Republican side and on our side for their efforts in bringing this to fruition. It has had my support now since 1965. We never see the result of so many things that we do in the Congress, and I am pleased that finally we are going to see tonight what ought to be an overwhelming vote to assure all Americans that what is sauce for the goose is sauce for the gander, and we do it with our heads high.

I thank the Chair.

Mr. WIRTH addressed the Chair.

The PRESIDING OFFICER (Mr. KERRY). The Senator from Colorado is recognized.

Mr. WIRTH. Mr. President, this is a long overdue amendment which I think will get overwhelming support this evening. It is one of those issues I have never been able to explain to people, why in fact rules and laws apply to everybody else and do not apply to us; it is one of those things you cannot explain. But now we do not have to answer that question anymore.

We have also taken some significant steps in the last week relating to the Congress that are parallel to this. We will speak very soon about energy legislation, bringing an energy bill to the floor. We urge the rest of the country to become much more energy efficient and yet ourselves have not done so.

In the Federal facilities bill which passed here last week, however, we dramatically increased the energy efficiency requirements on Congress. We placed in that very important piece of legislation a provision relating to lighting standards so that we can at last upgrade the extraordinarily inefficient lighting of Congress, bring it up to speed to what we know can and should be done throughout buildings all across the country. Again, we should not say to the country one thing and then act in a different way.

Similarly, on heating, we are remarkably inefficient in relation to the way in which we heat these buildings. Every one of us has gone into our office on a summer day and noticed that the heat is on. We have to get in here a very good heating contractor and do precisely the same sort of thing we are asking everybody else in the country to do and that most people are doing, because there is a real premium to do so.

Third in that legislation, we have a requirement related to recycling for the Congress. Last summer I had a page who at the end of the summer wrote a letter to me because she was appalled at the fact that as a page she put out all this material on people's desks—and I see the pages here almost nodding knowingly—and that material seldom was read; it has to be put here for procedural and legal purposes but then disappears, never to be used again. She said why is this not all recycled? A very good question.

We have been trying for a long time. My office has been active in recycling efforts, to get that going across the buildings on the Senate side and on the House side. That is also now required in the Federal facilities bill.

So in the area of lighting, heating, and recycling we are doing just what we are saying to the rest of the country it ought to do. It is about time that we picked up that performance ourselves. So we have done that in the Federal facilities bill and are doing it now in the civil rights bill. I think it is a significant step in the right direction.

I want to, in particular, commend Senator GRASSLEY, who has really been banging on this one for a long time. He was lonely when he first did it, I know, and now we are all probably going to vote for this amendment tonight. It is about time.

Mr. President, I yield the floor.

Mr. President, I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FOWLER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL 2:15 P.M.

Mr. FOWLER. Mr. President, in behalf of the majority leader, I ask unanimous consent that the Senate now stand in recess until the hour of 2:15 p.m.

There being no objection, the Senate, at 12:16 p.m., recessed until 2:15 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. AKAKA].

The PRESIDING OFFICER. The Senator from Indiana is recognized.

CIVIL RIGHTS ACT OF 1991

The Senate continued with the consideration of the bill.

Mr. COATS. Mr. President, parliamentary inquiry. Are we proceeding back to the discussion of the civil rights legislation?

The PRESIDING OFFICER. That is the pending business.

Mr. COATS. Mr. President, I take a back seat to no one in my support for equal opportunity, regardless of race, ethnic background, or gender. Discrimination, intentional or unintentional, is flatly wrong and should never be condoned. God created all of us as equals. Our Nation was founded on that principle. My faith and my commitment to American ideals require the highest standards of equal treatment, both in the conduct of my own life, and in my legislative service as a representative of the State of Indiana.

But a concern for equality cannot be proven by muddling this important issue with a comfortable and false political compromise.

I rise today to protest a proposal that violates important principles of fairness and leaves employers with little choice but to hire by the numbers or face endless and costly litigation.

I also rise to protest the fact that this is just another in a series of self-serving compromises—compromises not primarily aimed at addressing national needs, but directed at protecting this body and its Members. The Congress, on this issue and others, has refused to make vital choices between conflicting visions. It has formulated, instead, elaborate covers to protect its own interest in self-preservation at any cost.

As some might know, I did not begin my career in politics, and I will not end it there. Public service, for me, is an honor, but also an interruption. I not only intend, but I have pledged, to return to the private sector, and I am convinced that the private sector must be consulted. None of our deliberations are complete without understanding the real issues and debates of Americans. In my opinion, the vast majority of Hoosiers that I represent, and the vast majority of Hoosier employers, are committed to the principle that all people should be hired, promoted and, yes, if necessary, terminated from employment based on the principle of equal opportunity and merit.

It has become an article of American faith, to paraphrase Dr. Martin Luther King, that men and women must be judged not by the color of their skin, or their gender, but by their character, their ability, or by their potential.

In recognition of past patterns of discrimination, many employers have enacted Affirmative Action Programs and consciously attempted to tilt their hiring and promoting decisions in favor of those who are underrepresented. When these better motives fail, our Nation has enacted many laws protecting the rights of minorities and women against those who still discriminate in the workplace. Americans generally support this current approach to civil rights law—with all its burdens—as a necessary bridge between discrimination and a future society of equal opportunity for all.

But now we are presented with a congressional proposal that by its effect would define discrimination in terms of a numerical standard rather than a criminal act made with intention. It replaces individual responsibility with statistical analysis.

And further, a bill that is designed to promote fairness is itself inherently unfair. By setting an award cap on sex discrimination, while none exists for racial discrimination, this legislation discredits itself with a double standard. But this is typical of a process that attempts to balance interests rather than determine real needs. Caps or no caps, the standard should be the same.

For many years, Republicans rejected this kind of liberal solution. We stood on the principle that a truly colorblind society is not an unreachable ideal or outdated utopia. It is the substance of equal treatment under law. Purchasing any goal, no matter how noble, at the price of race-based preference is not compassion, it is injustice. It creates resentment and insults those who refuse to be patronized.

But in this compromise, that conviction has been betrayed. Washington, we are told, can now breathe a sigh of relief. We have replaced quotas with numerical standards. For most Americans, except lawyers who feed on confusion, this is a distinction without a difference. In the final analysis we are still left with race-based preference, not colorblind concern.

You can call it, this civil rights compromise, anything you want. You can spin it until the rest of us are dizzy, but the effect of this legislation is to hire by the numbers. This is not equal treatment. It is political posturing that tries to cover a bad law with noble intentions.

In searching for the explanation, perhaps, in a paradoxical way, we need to look to Clarence Thomas and the process he has just been exposed to. Thomas, a black conservative Republican, also rejected the liberal definition of what the public thinks and what the public needs. It is impossible, they said, for an African-American to reject the liberal line and think like a Republican. It is impossible, they said, for such a person to be elevated to the Supreme Court where his so-called heresy might be transformed into the law of the land.

So they set out to destroy him, by destroying his character. Because they could not get Thomas through the established procedure, they went outside with unsubstantiated allegations of sexual harassment. I need not detail the sorry, soap-opera spectacle that followed.

Though badly wounded, Thomas thankfully survived. He survived because the American people, black and white, male and female, young and old, refused to join in a public lynching.

But now, instead of siding with the strong majority of Americans who believe that the liberal view—the Washington view—is wrong, many feel that we have to appease those groups which lost. So just days after the Thomas circus ended, a so-called compromise was reached. Victory is declared by participants from both sides, political cover is gained, and the American people once again ask the question of the hour in American politics, "What in the world is going on down there in Washington?"

Today, instead of two political parties, with distinctive agendas, we have a system of entrenched political operatives whose primary goal is to offend no one and to stand for everything. The result is that we have offended everyone and stood for nothing. We think we have pulled one over on the American people, and in their confusion, politicians believe they will be retained by the electorate for a lifetime of public service.

It was proven in the last budget agreement, the same kind of false, political compromise we see today. The goal was to soothe internal conflict, not meet external needs. It was to seek the protection of political cover in an agreement where all could claim victory, and none would be forced to claim responsibility.

Well, I think the American people are more perceptive than Washington understands. They are not fooled by a compromise that is intended only to please and protect the Congress itself. And I suspect there will be a lot of surprised public servants when November comes in 1992.

Mr. President, I yield the floor.

Mr. PACKWOOD addressed the Chair.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

Mr. PACKWOOD. I thank the Chair.

Mr. President, I am a cosponsor of the Wirth-Durenberger amendment that would remove the caps that are placed on damages that women can claim for discrimination, for intentional discrimination. I know the argument that is raised: If we allow unlimited damages for intentional discrimination based upon sex, it will kill the bill. This will become a quota bill. The President will veto it, the veto will be sustained, and we will have no bill at all.

First, I never brought the argument that the civil rights bill that we had last year, that we passed and the President vetoed and the veto was sustained, was a quota bill anyway. That is neither here nor there. The President won. The veto was sustained.

We have another bill that he says he will accept if we have this caps provision in it. By caps, we simply mean this: You feel you have been discriminated against in employment. You claim it is on the basis of sex. You sue. And you claim it is intentional discrimination. You win. There is a limit on how much money you can recover. But, under the current law, if you are black and you think that you have been discriminated against in employment because you are black, intentionally discriminated against, and you sue, there is no cap.

You might ask, why the distinction? And the distinction is really judicial rather than Congress. Congress never intended this. The Court interpreted, in a case involving racial discrimination, a post-Civil War law, and said that it applies only to race, it does not apply to other forms of discrimination. Congress never intended this. It was an 1866 law, as I recall.

When we passed our discrimination laws, we were never thinking in our mind of a distinction between race, sex, religion, or anything else. But we now have this anomoly in the law—because of the interpretation of the 1866 statute, which the Court said applied only to race—that there is a distinction. I think the distinction is unjustified. I wish we would remove it.

Interestingly, there is a school of thought, and a Washington Post editorial is one, that says that we should put a cap on damages for racial discrimination. Indeed, this would be equal. Everybody would be treated equally and you would have a cap. That is an argument for another time.

At the moment we are going to pass a bill that allows disparate discrimination in terms of damages. If you are a black and can prove intentional discrimination, there is no limit. If you are not and are attempting to prove discrimination based upon any other basis, there is a limit to damages you can collect. That is not fair and is not, in any sense, equal protection of the laws except for a quirk of statutory interpretation of the Supreme Court.

I, therefore, wish we would go ahead with the amendment. But I realize the principal sponsors and the President and the leadership of the Democratic and the Republican Parties have reached a compromise in order to pass the bill, and this amendment will not be offered at this time. I will be in support of it when it is offered, and I hope that will be soon on another bill. I thank the Chair.

The PRESIDING OFFICER (Mr. WELLSTONE). The Senator from Arizona is recognized.

THE TAILHOOK ASSOCIATION

Mr. McCAIN. Mr. President, I take the floor at this moment very disturbed about an incident that has been reported now in the media to have taken place in Las Vegas sometime around September 15, at the so-called Tailhook reunion, a reunion which is led by naval aviators and their supporters. It is a tradition in the Navy. Although it is a private organization, attendance at this gathering is encouraged by the Department of Defense and by naval authorities, both civilian and military, to the point where, Mr. President, flights to this convention, which has now been held for some 35 years, are taken in military aircraft.

Mr. President, in the last couple of days—remember that this convention took place well over a month ago—information has surfaced of some very despicable behavior taking place as far as sexual harassment is concerned at this convention. I refer to a copy of a letter from the president of the Tailhook Association, who is an active duty naval aviator. I ask unanimous consent that the text of the letter be printed in the RECORD.

There being no objection, the text of the letter ordered to be printed in the RECORD, as follows:

THE TAILHOOK ASSOCIATION,
Bonita, CA, October 11, 1991.

DEAR SKIPPER: As President of the Tailhook Association, I wanted to take this opportunity to give you a debrief of the "goods" and "others" of this year's annual symposium at the Las Vegas Hilton while it is still fresh in your mind. Without a doubt, this was the biggest and the most successful Tailhook we have ever had. We said it would be the "Mother of all Hooks", and it was. We had close to 5,000 people in attendance, over 1,500 rooms filled and 172 exhibits. The professional symposium proceeded flawlessly and it appeared the information exchange was excellent. The flag panel was a resounding success with an estimated 2,500 in attendance. The questions were frank, on the mark and often quite animated. Our banquet and luncheon also boasted of incredible attendance and were enjoyed by all. Our very senior naval leadership, including the Secretary and the CNO, were thoroughly impressed and immensely enjoyed their time at Tailhook '91. Additionally, all of our naval aviation leaders and many industry leaders had nothing but praise for the event. We can be proud of a tremendous Tailhook '91 and a great deal of thanks goes to all the young JOs in the various committees that made Hook fly.

But Tailhook '91 was the "Mother of all Hooks" in one other way, and that brings me to the "others." The major "other" of this year's symposium comes under the title of "unprofessionalism," and I mean unprofessionalism underlined! Let me relate just a few specifics to show how far across the line of responsible behavior we went.

This year our total damage bill was to the tune of $23,000.00. Of that figure, $18,000 was to install new carpeting as a result of cigarette burns and drink stains. We narrowly avoided a disaster when a "pressed ham" pushed out an eighth-floor window which subsequently fell on the crowd below. Finally, and definitely the most serious, was "the Gauntlet" on the third floor. I have five separate reports of young ladies, several of whom had nothing to do with Tailhook, who were verbally abused, had drinks thrown on them, were physically abused and were sexually molested. Most distressing was the fact an underage young lady was severely intoxicated and had her clothing removed by members of the Gauntlet.

I don't have to tell you that this type of behavior has put a very serious blemish on what was otherwise a successful symposium. It has further given a black eye to the Tailhook Association and all of Naval Aviation. Our ability to conduct future Tailhooks has been put at great risk due to the rampant unprofessionalism of a few. Tailhook cannot and will not condone the blatant and total disregard of individual rights and public/private property!

I, as your president, will do damage control work at regaining our rapport with the Las Vegas Hilton and attempt to lock-in Tailhook '92. I need you to get these "goods" and "others" briefed to all those who were in attendance under your purview. Further, I need you, as the leaders of our hard charging IOs, to make them realize that if future Tailhooks are to take place, attitudes and behavior must change. We in Naval Aviation and the Tailhook Association are bigger and better than this.

As we plan for next year's Hook, I look forward to hearing from you on any ideas you might have to help eliminate unprofessional behavior during Tailhook '92. This intent is not in any way to keep from having fun. Rather, we have to figure out a way to have a great time responsibly or, we will jeopardize the very future of Tailhook altogether.

Warm Regards.

F.G. LUDWIG, Jr.,
Captain, USN,
President, Tailhook Association.

Mr. McCAIN. He sent this letter, and in it he talks about events that took place at this convention. He says:

This year our total damage bill was to the tune of $23,000.00. Of that figure, $18,000 was to install new carpeting as a result of cigarette burns and drink stains. We narrowly avoided a disaster when a "pressed ham" pushed out an eighth-floor window which subsequently fell on the crowd below. Finally, and definitely the most serious, was "the Gauntlet" on the third floor. I have five separate reports of young ladies, several of whom had nothing to do with Tailhook, who were verbally abused, had drinks thrown on them, were physically abused and were sexually molested. Most distressing was the fact an underage young lady was severely intoxicated and had her clothing removed by members of the Gauntlet.

Mr. President, I cannot tell you the distaste and displeasure that I have as a naval aviator taking the floor concerning this incident. Additionally, there is report of a Navy lieutenant aide who was at this gathering who was also physically abused.

I believe in attendance of this meeting—I am sure not at the exact location—were senior ranking naval officers and civilian personnel.

Mr. President, I have contacted the Secretary of the Navy demanding a full and immediate convening of a high-ranking panel of civilian and military members in order to investigate this incident. I hesitate to even use the word allegation because there are several reports corroborating this. I have also talked to the Secretary of Defense. We must address these incidents.

The Navy's official or unofficial participation in the so-called Tailhook reunion must be suspended until such time as this is thoroughly investigated and appropriate action taken for those who are responsible.

Mr. President, there is no time in the history of this country that something like this is more inappropriate, and we cannot allow it. It is unconscionable. And we in the military, who pride ourselves on the equal opportunity that is extended to everyone in the military, should be ashamed and embarrassed—ashamed and embarrassed that this kind of activity went on. And there is no excuse for it.

The first question that I have of the Secretary of the Navy is, if this has been known now for over a month, why has action not been initiated until such time as this became known in the media?

As I said at the beginning of my remarks, it is with great displeasure that I take the floor on this issue. But the American people, the taxpayers and, very important, the women of America who serve in the military, or who are comtemplating service in the military, deserve a prompt investigation and a thorough one; and those who are responsible for these incidents be given the appropriate punishment.

I yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DURENBERGER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURENBERGER. Mr. President, as others who have spoken here this afternoon have indicated, I too reluctantly support the decision of my good friend, colleague and cosponsor, Senator WIRTH, not to proceed with our amendment to raise the damages available to women who are victimized by intentional discrimination. But as he has said, and others will say, this is not to let anyone underestimate our resolve to change our civil rights laws so that the remedies against discrimination are identical for all citizens.

This is not just an idea whose time has come. This is an idea which is long overdue. Rather than bring it up in the particular set of circumstances in which we find ourselves today, which would result in a clearly misleading vote on the merits of the issue on which we have all worked so long, we accept the majority leader's assurance that we will soon have our day on the floor.

For those who see this as an issue of unequal remedies for women and the disabled, and which is the reality, we must reassure these people and a lot of others that the Senator from Colorado, the Senator from Maryland, both Senators from the State of Minnesota, and others are signed on to this issue of equal rights for all for the long haul. It will be voted on and I believe it will become law.

My regret is that for some American women who seek passage of this amendment, justice delayed will be justice denied.

My first major legislative effort when I came to the Senate in 1979 was the creation of the Economic Equity Act. Its purpose was to end all legislated inequality against women. We found the statute books full of deliberate discrimination on the basis of gender. For 6 years, first Senator Birch Bayh, then Senator BOB PACKWOOD, and I made great strides in eliminating sexual discrimination in the United States Code in pension, estate, tax law, insurance law, and a host of other issues. That effort has been continued in the last 5 years under the leadership of Senators CRANSTON, MIKULSKI, myself, and others. We share a common goal of making this a Government of laws, not of men and women.

But I learned a vivid lesson in the last 2 weeks.

For years we have known two classes when it comes to civil rights protection in the workplace. If you are a member of a racial minority and the victim of intentional discrimination, you can get your case heard by a jury and be awarded compensation, but if you are a woman subject to the same kind of discrimination you cannot. That is wrong.

I have worked with my colleague JACK DANFORTH to help break the impasse which has existed between the White House and the Congress on the civil rights legislation. Part of the negotiation to get remedies for sex discrimination and sexual harassment was to limit compensatory and punitive damages.

But, Mr. President, Anita Hill changed all of that. It was not just the 13,000 phone calls to my office, as overwhelming as that was. For me it has been the dozens of personal stories that have come to me in the last few weeks from women who have been harassed who have not come forward even to close friends until now. It is their expressions of pain and anger that have had an impact on this 57-year-old white male.

The victimization of women is far more widespread than any of us have imagined, and we have to do something, Mr. President, or all of that will just recede into the background where the pain will continue to do its silent damage.

The amendment that we intended to propose would end the second-class treatment of women. The question is not "How much will this cost?" But the question is "Is this the right thing to do?" The answer, unquestionably, is "yes."

Last year, when we passed the Americans With Disabilities Act, we limited the remedies available under title VII and, as the ranking member of the Disability Policy Subcommittee and as the lead Republican sponsor of the ADA, I supported the concept of providing relief to those who suffered from discrimination on the basis of disability. So we provided the disabled with remedies available to those under title VII, with the agreement that parity of remedies would be available when Congress addressed civil rights later in the year—the same remedies ought to be available to women and the disabled as they are available to minorities, to people from other countries, and to people on the basis of age.

The Danforth civil rights bill for the first time provides compensatory and punitive damages to women and religious minorities who are victimized on the job. I think the Danforth bill moves us in the right direction, just not far enough.

Why is it that women and the disabled should have a cap on damages while racial minorities have none? Discrimination is discrimination, whether you are discriminated against because of ethnic heritage or sex.

Can anyone seriously argue that women should not be entitled to the exact same type of relief as a member of a minority group? Mr. President, the issue before the Senate is simply what is equity? What is fair? What is equal protection under the law?

As we heard this morning when we passed the amendment of our colleague, the Republican leader, on the glass ceiling, the workplace in America is dominated by male supervisors, males with power over women; people with power over other people.

Are we in the U.S. Senate—an institution that is 98 percent white males—going to stand here and tell the women of this country that they have to endure abuse in the workplace and that if they have the courage, and yes, it takes courage, to sue their employer, that they are not entitled to receive the same relief in court that other victims of discrimination are entitled to?

Mr. President, this Senator for one, will not tell women they are to be treated unequally in any setting—neither in the workplace nor in the judicial system.

We are compromising today because it has taken us so long to get all the parties on board this legislation. But another day will come, and this Senator is committed to equality of remedy on that day for all victims of discrimination.

ORDER OF PROCEDURE

Mr. DURENBERGER. Mr. President, I ask unanimous consent that I might proceed as though in morning business for 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE 1991 WORLD SERIES

Mr. DURENBERGER. Mr. President, at this particular moment there are 65,000 of our constituents jamming something called the Metrodome in our hometown to celebrate a whole series of events that culminated late on the evening of last Sunday.

Mr. President, Thursday the city of Washington will play host to the World Champion Minnesota Twins. The Nation's No. 1 baseball fan, President George Bush, will receive the Twins at the White House Thursday afternoon. Over lunch time, the Twins will be on Capitol Hill for a luncheon reception.

For the information of my colleagues I will be presenting a resolution on Thursday morning congratulating the Twins and the Atlanta Braves on a remarkable World Series. I ask that the text of that resolution appear at this point in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

RESOLUTION CONCERNING THE 1991 WORLD SERIES

Whereas baseball fans around the world have been treated to the most exciting and well-played World Series in history;

Whereas this was the first World Series ever pitting two last-place finishers from the previous year;

Whereas both teams received tremendous support from their cities and from fans around the country and the world;

Whereas the Atlanta Braves showed amazing skill and grace under pressure, both in the series and throughout the season;

Whereas the Minnesota Twins put on a remarkable display of total team baseball, combining outstanding pitching, great defense and timely hitting;

Whereas Twins mainstays Kirby Puckett and Jack Morris performed like superstars they are and were supported by a succession of different heroes every night;

Whereas the Twins are one of the most respected organizations in professional sports through the good work of owner Carl Pohlad, general manager Andy McPhail and coach Tom Kelly;

Whereas the entire series was conducted with the highest level of athletic skill, personal character and sportsmanship: Now, therefore, be it

Resolved, by the Senate of the United States:

That the Atlanta Braves and the Minnesota Twins be commended for their play and the credit they have brought to "our national pastime"; and

That the Minnesota Twins are congratulated for being the 1991 World Champions of baseball.

Mr. DURENBERGER. Mr. President, I will read it now, and I will be back Thursday morning again to remind those folks who cannot get inside the Metrodome right now and would love to see baseball. I do not know how many people have asked me: Did we ever want to give up our baseball team and send them home, which means send them back to DC. Not in my lifetime, and certainly not in the lifetime of the Presiding Officer, presiding at this time.

RESOLUTION CONCERNING THE 1991 WORLD SERIES

Whereas baseball fans around the world have been treated to the most exciting and well-played World Series in history;

Whereas this was the first World Series ever pitting two last-place finishers from the previous year;

Whereas both teams received tremendous support from their cities and from fans around the country and the world;

Whereas the Atlanta Braves showed amazing skill and grace under pressure, both in the series and throughout the season;

Whereas the Minnesota Twins put on a remarkable display of total team baseball, combining outstanding pitching, great defense and timely hitting;

Whereas Twins mainstays Kirby Puckett and Jack Morris performed like the superstars they are and were supported by a succession of different heroes every night;

Whereas the Twins are one of the most respected organizations in professional sports through the good work of owner Carl Pohlad, general manager Andy McPhail and coach Tom Kelly;

Whereas the entire series was conducted with the highest level of athletic skill, personal character and sportsmanship: Now, therefore, be it

Resolved, by the Senate of the United States:

That the Atlanta Braves and the Minnesota Twins be commended for their play and the credit they have brought to "our national pastime"; and

That the Minnesota Twins—

The line that our colleagues from Georgia cannot deliver therein in the resolution—

are congratulated for being the 1991 World Champions of baseball.

Mr. President, for me, like most of my colleagues, the game of baseball is the object of fascination and even awe. Most of us, if we could choose, would rather be able to hit a home run, turn a double play or throw a split finger fast ball than pass bills or make speeches. It will be a thrill for us to be able to spend a day with those who do.

TRIBUTE TO LARRY R. FREDRICKSON

Mr. DURENBERGER. Mr. President, we Minnesotans are proud of many things: our lakes; our small towns; our clean, liveable cities. But the reason Minnesota is such an extraordinary place is the talent and generosity of the people who make their homes there.

This past weekend many of us were greatly saddened to hear of the death of a remarkable Minnesotan, Larry Fredrickson.

Like many of Minnesota's leaders, Larry came to the Twin Cities from a rural community; Larry was born in Albert Lea, near the Iowa border. He was educated at Macalester College in St. Paul and New York University Law School.

After a brief law career, he went to work at the Minnesota State legislature, serving as a counsel to the State house and then the State senate. There he earned a reputation for both technical ability and the ability to get things done, which do not often reside in one person. He drafted Minnesota's Comprehensive Health Insurance Act of 1976, which has been used across America as a model for State insurance regulation.

Larry's legacy was not just in legislation. He was friend and mentor to dozens of Minnesota policymakers and administrators. His unique commitment to public service and excellence in governing now lives on in many people of responsibility. Minnesota is a better, healthier place because of Larry Fredrickson's life, and it will continue to be because of the example of leadership that he provided for all of us.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DURENBERGER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. DURENBERGER. Mr. President, I have been informed that I did not read the totality of my resolution. First, I ask unanimous consent that I might proceed for 1 minute as though in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE 1991 WORLD SERIES

MR. DURENBERGER. Mr. President, I have been informed that I did not read the totality of my resolution.

As we know, a baseball team like the Minnesota Twins must have two Senators to represent them. Most States do. This particular ball team sure does.

As a matter of sort of public record, which might not have been obvious to the 55,155 people that showed up every night for practically all of the home baseball team season, the Republican Senator from Minnesota and the Democratic Senator from Minnesota cheered together from practically the same seats in the baseball stadium, just proving that, fortunately, there is very little politics in the support of the Nation's pastime in our community.

So I ask unanimous consent that it be made clear that the resolution which I have introduced today, which I will ask to be acted on on Thursday morning of this week, expresses the joint sponsorship of my colleague from Minnesota, Senator WELLSTONE, as well as my own sponsorship.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURENBERGER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DANFORTH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CIVIL RIGHTS ACT OF 1991

The Senate continued with the consideration of the bill.

Mr. DANFORTH. Mr. President, one of the notable aspects of the past year and a half has been the tremendous commitment that various Senators on my side of the aisle have put into the issue of passing the civil rights legislation, and the outstanding work of the staff members of these Senators. There would be no way to count up the hundreds of hours of time over a year and a half devoted to civil rights legislation. Day after day, for very long days, Senators met—and especially the staff members of the Senators met—trying to put together legislation that could be enacted. I marveled at the patience and the hard work of the people who were involved.

I would like to pay special tribute to those Senators who are cosponsors of the underlying bill: Senators JEFFORDS, SPECTER, CHAFEE, DURENBERGER, COHEN, and HATFIELD, all of whom have been a pleasure to work with in trying to bring this legislation to the floor.

The staff members formed a virtual fraternity, and I do not know that I have ever seen a situation in which there has been such close coordination and mutual respect among staff members as was the case here.

I would like to pay my respects to Reg Jones of Senator JEFFORDS' staff; Richard Hertling of Senator SPECTER's staff; Amy Dunathan of Senator CHAFEE's staff; Steve Sola of Senator DURENBERGER's staff; Kim Corthell of Senator COHEN's staff; and Doug Pahl of Senator HATFIELD's staff.

Especially, Mr. President, I want to express my gratitude to two people on my staff who got me into this business about a year and a half or so ago. I sometimes wondered whether it was a good decision or not. Now I think it was a very good decision.

This is major legislation. What we will pass on the floor of the Senate, unless it is gummed up by amendments, will be agreed to by the House. It has been agreed to by the President, and it will become law.

My legislative director, John Chambers, and my legislative assistant, Peter Leibold, have worked endless hours over a year and a half trying to reach agreement on civil rights legislation. Throughout this period, they have not only been hard workers, they have been very perceptive. They have shown great diplomatic skills in working with a variety of people, and I can say that in the time I have served in the Senate, I have never seen finer work done by anybody on any Senator's staff than has been done by John Chambers and Peter Leibold on my behalf. I am grateful to them for a job very well done.

I might say that, yesterday morning, Peter Leibold, for the first time, became a father. His son, Brian McCloskey Leibold, was born at George Washington Hospital yesterday morning and weighs 8 pounds, 1 ounce. It has been a pretty active week for him. I am very grateful to both of them; they have done superb jobs. The accomplishment of this legislation would not have been possible without their very, very able work.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DECONCINI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SANFORD). Without objection, it is so ordered.

Mr. DECONCINI. Mr. President, I rise today to express my support for what is now termed the Danforth civil rights bill. I see the distinguished Senator from Missouri is here. I supported last year's civil rights bill and I support this year's bill.

I am amazed at the President's ability to declare that the new compromise bill is not a quota bill. Last year's bill was not a quota bill and the Danforth bill is not a quota bill. The difference between these bills and this new compromise are negligible. What has changed are the circumstances.

I do not believe the President or his advisers ever truly believed these bills were quota bills. They used the quota issue for political advantage. They saw it as a potential campaign issue to be used against—yes, that is right—the Democrats. But now the wind has changed and with it so has the President's claim that civil rights legislation creates quotas.

The controversy over civil rights legislation has been boiled down to two issues. The first involves the need to overturn the 1989 Supreme Court decision, Wards Cove Packing Co. versus Atonio. The second involves providing damages in cases of intentional discrimination. I would like to discuss both of these issues.

The Civil Rights Act of 1964, in particular title VII of that act, provides that: "it is an unlawful employment practice for an employer * * * to fail or refuse to hire or to discharge any individual, or otherwise to discriminate against any individual with respect to his compensation, terms, conditions, or privileges of employment, because of such individual's race, color, religion, sex, or national origin." The Supreme Court in its 1971 decision, Griggs versus Duke Power, held that title VII prohibits not only intentional discrimination, but also employment practices which are fair in form but discriminatory in operation. For example, in Griggs the Court struck down the Duke Power Co.'s requirement for a high school diploma as a condition for employment as a janitor.

In Griggs, the Court required the employer to show that its employment practices which have a disparate impact are required by business necessity. Business necessity was defined in Griggs as having a manifest relationship to the employment in question. Until 1989, this was the standard in all disparate impact cases. Once an employee showed that an employer's practice had a discriminatory impact, the employer had to show that the particular practice was required by business necessity. The burden was on the employer. For 18 years, no one ever complained that this required employers to impose any type of quotas in the workplace.

The playing field changed dramatically in 1989 with the Supreme Court decision Wards Cove Packing Co. versus Atonio. This case has made it much harder for employees to win disparate impact cases. It is one of the main reasons this legislation is before us today. We are here to change what the Supreme Court held in the Wards Cove case. Wards Cove switched the burden of proof from the employer to the employee. It requires the employee to show that the employer's practice, which caused the disparate impact, was not required by business necessity. In addition it changed the definition of business necessity requiring only that the practice serve, in a significant way, the legitimate employment goals of the employer. Thus, employment practices no longer had to be job related.

Defining "business necessity" has been the battlefield for the debate on quotas. The President claimed that the definition of business necessity in last year's civil rights bill, which he vetoed, and in the Danforth bill this year would result in employers hiring by the numbers to avoid litigation. The argument was made that no employer would be able to satisfy the burden of proof that their employment practice was required by business necessity. But now, out of the blue, the President says the new language will not require quotas. This is disingenuous at the very best.

The final compromise language does not define business necessity. Instead, it requires employers to demonstrate that the challenged practice is "job related for the position in question and consistent with business necessity." Business necessity and job related are to be interpreted as they were under case law developed over the years prior to the Wards Cove decision.

The compromise does not change the burden of proof. Just like the Danforth bill, which the President called a quota bill, it returns the burden to the employer to demonstrate that the practice is required by business necessity. The difference is that the Danforth bill defines business necessity. In the case of employment practices that are used as qualification standards, employment tests, or other selection criteria, the challenged practice must bear a manifest relationship to the employment in question. All other practices, including promotional practices and workplace rules, "must bear a manifest relationship to a legitimate business objective of the employer." Arguably, the standard in Danforth is less stringent, because the compromise language would require all practices to be job related, while the Danforth bill would only require hiring practices to be job related.

It is clear the President has used the quota argument to advance what his advisers saw as a clearly partisan issue. A so-called wedge issue, which would reflect badly on the Democrats. But now, with the election results in Louisiana, there is a clear desire on the part of the President and his advisers to distance themselves from fellow Republican David Duke and his views on race relations. Now the President sees a political advantage in supporting a civil rights bill. So is it a quota bill when it is to his advantage and not when it is not? The American workplace deserves better.

This leads to the second major controversial issue in this bill, the need for damages in cases of intentional discrimination. For the business community the real issue in this debate has been over damages. The business community latched onto the quota argument to defeat the bill, but their real fear has been allowing damages for women, religious minorities and the disabled. They have advanced the argument that the bill's provisions for jury trials and money damages, in addition to the strict definition of business necessity, will compel employers to adopt quotas to avoid the risk of litigation.

Anybody who has been in business, and I have, knows that litigation is always a risk that you have. And you always should think about what the law is so that you are not in violation. But thinking about how to comply with the law is not in fact a quota.

I feel strongly that damages in cases of intentional discrimination are necessary. Damages are intended to place the injured party, inasmuch as possible, in the same position he or she would have been in the absence of the discriminatory act against the person. During the past few weeks, women from all over the country, in all walks of life, have come forward with stories about sexual harassment. It was clear before, and it is even clearer now that damages are needed to right these wrongs as well as provide strong incentives against such behavior.

Victims of intentional discrimination should be treated fairly and equitably. Currently, only victims of intentional race discrimination are able to seek compensatory and punitive damages for the discrimination they might suffer. Women, certain religious minorities and the disabled are severely limited in the remedies they can receive.

Title VII's remedies are limited to reinstatement to the job, back pay if the victim can prove lost wages, and/or court orders against future discrimination by the employer. Title VII does not provide compensation for other harm attributable to the discrimination, such as medical injuries and their associated costs, emotional distress, or losses, such as loss of a house or car because payments were missed due to discriminatory discharge from the job.

That is real life. That is what happens in the workplace, if employers are irresponsible.

Title VII fails to address the needs of victims who do not wish to return to their jobs, who suffer medical and psychological harm, or who suffer out-of-pocket expenses because of the harassment from their employers. The need for damages for all victims of intentional discrimination is clear, and a bill that does not provide for that is really unfair.

Opponents of the damages provisions argue that it will subject employers to enormous liability and put them out of business. A recent study completed by a Washington, DC, law firm, at the request of the National Women's Law Center, challenges this assertion. This study shows that monetary awards under section 1981 for victims of intentional racial discrimination has not led to unlimited awards and bonanzas for lawyers. The study which covers a 10-year period, found that in over 85 percent of cases, no damages at all were awarded. Of the remaining cases where there was a monetary award, the average award was about $40,000 and in only three cases were the damage awards more than $200,000. I do not think that demonstrates something that is out of control or something that is putting business out of business.

I am concerned about the caps placed on damages under both the Danforth bill and the new compromise before us today. A victim's ability to recover damages for harm caused by intentional discrimination should not be artificially constrained based upon a presumption about the employer's ability to pay. A victim should be able to recover the full cost of the losses they suffered because of the discrimination exercised against them. It is for this reason I believe compensatory damages should not be restricted in any way.

An adequate damages remedy in title VII will deter employers from discrimination and encourage the settlement of cases. It will send employers the message that all forms of illegal, intentional discrimination are not to be tolerated in this society. It is for these reasons that I urge the Senate to lift the caps on damages. I understand that the compromise includes cap on damages and lifting the caps will not be part of the compromise. But, I understand there will be a chance to revisit this issue in the near future.

I also would like to express my support for applying the rights and remedies of our civil rights law to Congress. I realize the separation of powers issue and the problems that this could pose here. But the fact is that the public wants us to treat ourselves like we treat them and I do not know how else to address that but to apply this legislation to ourselves.

There may be a compromise afoot on the issue of applicability of the Civil Rights Act to Congress. I compliment the majority leader and others who are attempting to find a way that will preserve the constitutional separation of powers and also give some assurance that we are aware that, yes, there can be civil rights violations within this body.

Mr. President, it is about time we face up to this problem, that Congress needs to apply the same law—if it is constitutional—to itself that it applies to everyone else in society. So I hope the compromise can be put together. I sincerely believe this bill is the best we can do. Though it does have a cap on damages, and though I support taking that off, we are really here to try to put together the best bill we can.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. McCONNELL. Mr. President, I want to congratulate the distinguished Senator from Missouri for his tenacity in pursuing the legislation which is before us today. It has been one of the most extraordinary legislative performances that I have had the privilege of observing in my 7 years in the Senate, and I think we are all grateful to Senator DANFORTH for his efforts.

I also want to congratulate the President of the United States for hanging though in an atmosphere which was quite difficult and getting what he believes to be a measure which will not bring about the use of quotas in the workplace.

Mr. President, having said that, for those of us who were not a part of the negotiations on this bill over the last year and a half, to be, in effect, shut out now that the measure has come to the floor when we have amendments that we feel are worthwhile, that do not in any way damage this fragile compromise that has been put together by the Senator from Missouri and others, it seems to me is not fair.

I will shortly be offering an amendment that I think strengthens this bill and does not in any way damage the various balances that have been brought to bear here, the fragile compromise that has been put together. In fact, it does not in any way, Mr. President, damage that.

This is not a troublesome amendment. This is not an amendment designed to do any damage to the bill, to create any consternation or concern. This is, in fact, Mr. President, an amendment that will clearly strengthen the civil rights bill of 1991. It is a provictim amendment. It will put more money in the pockets of those who are the victims of discrimination than if this legislation passed as it is currently enacted.

So, Mr. President, I hope that I will not sort of be mindlessly shut out with this good idea, simply with the argument that any change at all in this legislation somehow dooms it. With all due respect to those who may make that argument, it is hard for me to believe that even a change which does not in any way adversely affect the balance of this bill at a time when Congress is going to be around for at least another month is somehow going to torpedo this worthwhile measure.

So it is with those observations in mind, Mr. President, that I would like to make some comments about the general area of tort reform and the need for that in our country, and then I will comment on the specific amendment which I will shortly send to the desk.

Mr. President, as worthwhile as this bill may be, I think all will agree that in many respects it is yet another lawyer's lottery bill. The amendment that I am going to offer a little bit later will provide some consumer protection, if you will, as a useful addition to the civil rights bill of 1991.

As America's business men and women brace themselves for what might be called "Operation Litigation Storm" that will follow enactment of this bill, many lawyers across the country, of course, are salivating. If we all received a percentage of the litigation this bill will create, frankly we could retire.

It is no wonder that America has 70 percent of the world's lawyers, something the Vice President recently pointed out. Congress is adept at keeping them busy. We passed a litany of lawyer relief bills and many, many more wait in the wings. Franklin Roosevelt created jobs programs that put Americans to work building roads and infrastructure. Dwight Eisenhower put people to work on the Interstate Highway System. John F. Kennedy put young Americans to work with the Peace Corps, helping needy people in foreign countries. The modern Congress creates legislation that puts lawyers to work creating lawsuits and red tape.

Mr. President, we should be creating jobs for America's unemployed coal miners and auto workers, not overpaid lawyers.

I have repeatedly introduced comprehensive tort reform legislation to restore some balance to our civil justice system. These efforts, I am proud to say, have landed me on the American Trial Lawyers Association 10 most wanted list, a distinction of which I am quite proud. They even went to the extreme of breaking the law in my last race, funneling $100,000 into the Kentucky Democratic Party to buy ads against me. Basically, ATLA put a contract out on me and anyone else who opposes their self-serving lobby.

What so offends ATLA is that I have worked to put fault back in the civil justice system, basic fairness; you should have to do something wrong, for example, to be held liable. I have worked to abolish joint several liability, penalize frivolous suits, and provide less expensive and faster ways to resolve legal disputes. This is what ATLA finds so offensive.

Clearly, in this instance, the special interest of ATLA does not coincide with the public interest to put sanity back into the civil justice system.

I might say, Mr. President, I do not support every single suggestion people have made to change the civil justice system. I used to be chairman of the Court Subcommittee on the Judiciary Committee back when my party was in the majority in the Senate. As a result of many hearings that we held on the subject of tort reform, I came to the conclusion that I did not support caps on damages, something that is a part of this underlying bill.

I would have supported, for example, had it been offered, the Wirth amendment to take caps off damage suits with regard to sexual harassment. But ATLA requires that you be 100 percent in favor of the status quo. Any change whatsoever they do not want.

Two years ago, I introduced the Lawsuit Reform Act, comprehensive tort reform legislation that was supported by an extraordinary coalition of diverse organizations. The coalition consisted of volunteer organizations, health care providers, educational associations, local governments, law enforcement organizations, professional groups, and small businesses.

These groups share a common affliction: A civil justice system run amok. They support my comprehensive bill because it addresses the concerns of all Americans, not just those of a narrow interest group.

Mr. President, comprehensive tort reform such as I introduced 2 years ago protects both the victims of wrongful injuries, who have a right to fair compensation, and as I said earlier, including no limits on damage recoveries, and the victims of wrongful lawsuits.

The Lawsuit Reform Act, which I will shortly be reintroducing, does the following:

First, it abolishes the doctrine of joint and several liability, so that the defendant's share of the damages is proportional with the share of responsibility for causing the harm.

Second, it would require the loser of any civil action covered by the bill to pay the legal costs of the winner up to a reasonable limit unless—and, I repeat, unless—the loser is legally indigent. Certainly, poor people should not be having to bear the costs of a lawsuit if they lose.

Third, it would prohibit a person from suing others if the person was under the influence of illegal drugs or alcohol and this condition was over 50-percent responsible for the injury.

Fourth, it would provide that awards for damages in product liability suits will be offset by payments form workers' compensation programs, and allows for a right or subrogation.

Fifth, it limits the statutory liability of local governments under 42 U.S.C. 1983 except in bona fide constitutional rights cases.

Sixth, it promotes alternative means of dispute resolution.

Mr. President, these six provisions would go a long way toward restoring balance and reason to our Nation's civil justice system, a civil justice system that is currently crushing America's volunteer spirit, driving up health care costs, reducing educational opportunities, cutting essential services of local governments, and making America less competitive in the world marketplace.

Mr. President, there has been a lot of talk around here lately of the terrible injustice of unemployment. We are awash in bills to stimulate the economy. One of the areas we should be looking at is tort reform to alleviate this terrible drag on our economy, the litigation crisis in the civil justice system.

Put another way, the lawyer's tax is costing America jobs. It is costing consumers billions of dollars, and it is robbing consumers of products that, although better than existing products, do not have an established legal history and therefore are too risky to put on the marketplace.

Mr. President, the laywer's tax accounts for 95 percent of the cost of child vaccines, a third of the cost of a stepladder, and it adds a surcharge of $300 onto a bill that parents pay to have their baby delivered, if they can find a doctor willing to take the liability risk. There is no sense in maintaining the status quo, unless you are more concerned with the economic well-being of trial lawyers than of the American people.

Mr. President, while I believe our Nation needs comprehensive tort reform, for the sake of the debate at hand over the civil rights bill, the amendment I am going to send to the desk is not comprehensive tort reform. It is extremely modest in scope. Further, my amendment is totally focused—and, I repeat, totally focused—on consumer protection. It makes sure that plaintiffs get their money's worth and their fair share when they seek legal counsel.

My amendment will apply only to actions brought under this bill, the civil rights bill, and would do the following: No. 1, it would limit attorneys' fees to 20 percent of the total award, which tracks the Federal Tort Claims Act.

Let me elaborate. For years, under the Federal Tort Claims Act, there has been a cap on fees for the lawyer for the plaintiff of 25 percent. There is a percent for this. In this particular bill, of course, we have capped the recovery for women plaintiffs. It seems to me only appropriate that we cap the lawyer's fees so that the victims of discrimination can get more of the damage money.

No. 2, my amendment would require an up-front estimate of how much the lawyer is going to charge the plaintiff to bring the suit, including any amounts that will be charged even if the plaintiff loses the case.

No. 3, it would require up front disclosure of the lawyer's hourly rates and give plaintiffs the right to choose an hourly rate over the contingency fee arrangement.

No. 4, it would provide plaintiffs a private right of action against their lawyers if they do not comply with these provisions.

Mr. President, these are not draconian measures. They are modest provisions to ensure that this bill primarily benefits citizens whose civil rights have been violated, not lawyers seeking to cash in. This is a consumer protection amendment. This amendment still gives lawyers a pretty good cut of the take, but it makes sure they do not take too big a cut away from these citizens the civil rights bill purportedly seeks to protect.

AMENDMENT NO. 1282 TO AMENDMENT NO. 1274

(Purpose: To provide for a limit on attorney contingency fees, disclosure and estimate of such fees, a private right of action, and hourly rate right under the provisions of the Act)

Mr. McCONNELL. Mr. President, I send this amendment to the desk on behalf of myself, Senator BOND, and Senator DOMENICI, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Kentucky [Mr. McCONNELL], for himself, Mr. BOND, and Mr. DOMENICI, proposes an amendment numbered 1282 to amendment No. 1274.

Mr. McCONNELL. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

After section 20 of the Amendment, insert the following new section:

SEC. 20A. ATTORNEY FEES LIMITATION; PRIVATE RIGHT OF ACTION; DISCLOSURE AND ESTIMATES; HOURLY RATE RIGHT.

(A) ATTORNEY FEES.—(1) Notwithstanding any other provision of law, no plaintiffs attorney may charge, demand, receive, or collect for services rendered, fees in excess of 20 percent of any judgment, settlement, award, or compromise concerning any right or interest under the provisions of this Act, or the amendments made by this Act, or the Act amended by this Act.

(2) Any attorney who charges, demands, receives, or collects for services rendered in connection with a claim any amount in excess of that allowed under this subsection, if recovery be had, shall be fined not more than $2,000 or imprisoned not more than 1 year, or both.

(b) DISCLOSURE AND ESTIMATES.—(1) Notwithstanding any other provision of law, any attorney representing a plaintiff on a contingency fee basis concerning any right or interest under any provision of this Act, any amendment made by this Act, or the Acts amended by this Act, shall provide, prior to any binding agreement for legal services, a complete written estimate of all reasonably likely legal costs, including—

(A) the total percentage amount of the contingency fee that shall be deducted from any court award provided to the plaintiff;

(B) the attorney's hourly rate for legal services, and an estimate of the total number of hours required to conduct the legal proceeding; and

(C) any additional expenses, costs, and fees that shall be charged to the plaintiff or against the court award, and whether such additional expenses, costs, and fees shall be charged regardless of the outcome of the court proceeding.

(2) An attorney representing a plaintiff on a contingency fee basis concerning any right or interest under this Act, any amendment made by this Act, or the Acts amended by this Act, may not charge the plaintiff more than 125 percent of the furnished estimate for additional expenses, costs, and fees, without obtaining the written consent of the plaintiff before the expenses, costs, and fees in excess of the estimate are incurred.

(3) In any action concerning any right or interest under this Act, any amendment made by this Act, or the Acts amended by this Act, before any final determination on damages or awards by the court, the attorney shall furnish the court with copies of the initial written estimate of fees and other expenses, and any written consent forms executed by the plaintiff.

(c) PRIVATE RIGHT OF ACTION.—(1) Notwithstanding any judicial enforcement of any provision of this section, a plaintiff shall have a private right of action to enforce any such provision in the appropriate Federal court, and to recover any amounts appropriated by the attorney in violation of any such provision, as well as interest, court costs, and reasonable attorney fees.

(2) The private right of action provided under this subsection may not be filed 5 or more years after the events giving rise to the action were discovered or should have been discovered.

(d) HOURLY RATE RIGHT.—(1) Notwithstanding any other provision of law, any attorney representing a plaintiff concerning any right or interest under any provision of this Act, any amendment made by this Act, or the Acts amended by this Act, shall provide the plaintiff the option of paying for legal services on an hourly rate basis or a contingency fee basis. No attorney may refuse to provide such legal services on the basis of the plaintiff electing to pay on an hourly rate basis.

(2) Any attorney who violates the provisions of paragraph (1) shall be fined not more than $2,000 or imprisoned not more than 1 year, or both.

Mr. McCONNELL. Mr. President, let me elaborate again. I made extensive remarks about tort reform in general, but that is not what this amendment is. Let me just go over again what the amendment at the desk does. First, it puts a 20-percent limit on fees of the lawyers representing the plaintiffs in the cases covered by this legislation.

That is not unprecedented, Mr. President. There is already in existing law a 25-percent cap on attorney's fees for actions brought under the Federal Tort Claims Act. This is not breaking new ground.

Second, this amendment requires up-front disclosure to the client, up-front disclosure of all reasonably likely costs and fees, including those that will be charged even if the plaintiff loses.

It gives the plaintiff the option of hourly rates, Mr. President. Some plaintiffs may prefer to be billed by the hour rather than entering into a contingency fee arrangement. They may feel that will be less expensive for them, and it seems to me we should have an interest in providing plaintiffs with this option.

Finally, Mr. President, as I said, it provides a private right of action against the lawyer in Federal court if these provisions are not followed.

Let me just say, Mr. President, there are some real savings involved here to the victim. Let me give you some examples of plaintiff's savings under the McConnell amendment.

Let us assume, Mr. President, that the amount awarded to the plaintiff for racial or sexual discrimination was $50,000. The typical plaintiff's lawyer arrangement today would be at least 33 percent. So of that $50,000, Mr. President, $16,500 would go to the lawyer. Under the amendment of the Senator from Kentucky, which we will be considering shortly, with a 20-percent cap, $10,000 would go to the lawyer, for a savings to the victim of discrimination of $6,500.

Let us take another example, Mr. President, assuming the most egregious case allowed in certain portions of this bill, $300,000. That is an amount that has been capped in cases that women might bring under this legislation. Under the current typical arrangement, the lawyer for the victim would get $99,000 out of the $300,000 award. Under my bill, the lawyer would still do pretty well. He would get $60,000, but the victim of discrimination would get $39,000 more.

Mr. President, that is all the McConnell amendment does. It does not in any way gut the Danforth bill. I intend to vote for the Danforth bill. I understand that it represents a year and a half of effort on behalf of the Senator from Missouri, the President of the United States, and others.

But I must say, Mr. President, in all fairness, does that mean nobody else in the Senate, even if they have a good idea that improves the bill, can be allowed to succeed here today?

I think that is asking too much because most of the Members of the Senate were not involved in these negotiations. Most of the Members of the Senate support the compromise bill. But it seems to me to assume that nothing can improve the bill, is a mistake. And it seems to me, also, that it is inconceivable that anyone concerned about the victims of discrimination would want to oppose an amendment that saves the victim of discrimination a considerable amount of money as a result of the action of the defendant.

This measure, also, does not exactly require the plaintiff's lawyer to work for nothing. I repeat, in a $50,000 damage case, the plaintiff's lawyer is going to do pretty well. Under the current system he would get $16,500, but he would get $10,000 under the McConnell amendment. In a damage case of $100,000, under my amendment, if it were adopted, the plaintiff's lawyer would get $20,000. That is not a bad fee.

Under the McConnell amendment, if the damage award were $200,000, the plaintiff's lawyer would get $50,000—for one case. I suggest that most Americans would think that would be a pretty good fee for one case. And if it were a case up to the caps, a $300,000 case, a female victim of discrimination who succeeds in court, gets the maximum award, the lawyer would still, under my amendment, Mr. President, get $60,000 for one case even after my amendment was adopted. But the important thing is the victim would get $39,000 more.

Mr. President, I hope that my amendment will not be the victim of an effort to rush to completion and keep any other amendments, no matter how meritorious, from being adopted.

I repeat, my amendment does not in any way damage the fragile compromise that has been worked out by the Senator from Missouri, the Senator from Utah, and others.

Mr. President, I hope that my amendment will be adopted, and I yield the floor.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, before making any comment on the amendment, I was wondering if I could ask the Senator a question.

Mr. McCONNELL. Yes.

Mr. KENNEDY. What would occur if there was a decision by the court that would just provide injunctive relief to a plaintiff? For example, in a sexual harassment case, we know that, prior to this legislation, the only remedy was injunctive relief. A court could award back pay, but if the individual remained on the job, that remedy would not be available. So if an individual brought a harassment charge and was successful, how would the Senator's amendment apply to that particular situation?

Mr. McCONNELL. My amendment authorizes the use of an hourly fee as an alternative approach to compensation. It seems to me, in those kinds of cases, the victim and the lawyer might well agree that an hourly fee is the proper way.

Mr. KENNEDY. The Senator knows that reasonable hourly fees are already part of title VII. We do not need to take the Senator's amendment for a reasonable hourly fee because, under title VII, that is the way that fees are currently awarded.

Mr. McCONNELL. Let me ask the Senator, if we could work out the problem that he raises, would he be willing to accept the amendment?

Mr. KENNEDY. I do not know what problem the Senator is getting at, or why he is restricting his amendment to civil rights cases. I have given an example, and explained how historically attorneys have been linked to reasonable hourly rates.

I was waiting as I listened to the Senator from Kentucky for him to describe to the Senate some of these extraordinary circumstances, where civil rights litigators are becoming rich or receiving extraordinary awards. But those illustrations have not been advanced by the Senator from Kentucky.

As a matter of fact, a study was done just last year by the Federal Courts Study Committee, which found that just the opposite is true. Last year this committee—lawyers and judges appointed by Congress to study the Federal court system—noted that "the monetary stakes in [employment discrimination] cases may be so small * * * that, even with the potential to recover attorney's fees, claimants sometimes find it difficult to litigate in Federal court because they cannot find counsel to take their cases."

So the body that was appointed by the Congress and the Senate last session to study this very type case drew the conclusion that even with the existing award to attorney's fees in civil rights cases, there are scores of cases, which they judged to have some merit, that are not being brought because there are inadequate incentives, even with attorney's fees.

I am just interested whether the Senator has a list of any civil rights lawyers who have been trying these kinds of cases and who have been able to make an excessive income.

Mr. McCONNELL. Mr. President, under this bill, as the Senator knows, under title VII, the cases will not be subject to compensatory and punitive damages. So there will be an opportunity for the lawyers in those cases to make considerable more. But I would make——

Mr. KENNEDY. On that point——

Mr. McCONNELL. If I may finish, I say to my friend from Massachusetts, I do not understand what his problem is here. I really do not. The only issue involved in this is not necessarily the history of litigation in this particular field, but we are changing the law. What I am saying, Mr. President, is in these cases in the future there ought to be some limit. We are limiting recovery for women who bring cases under title VII to $300,000. Why not limit the take of the lawyer? There is already precedent for this, I say to my friend from Massachusetts, under the Federal Tort Claims Act. What is the problem in limiting how much the lawyer can get and enhancing how much the victim can get? What is the problem with that, I ask my friend from Massachusetts? What problem does he have with that?

Mr. KENNEDY. The point is, I am trying to understand what the nature of the abuse is. Under the civil rights laws, we have a long history with attorney's fees. Yes the Senator cannot give an example, not a single example, of an individual that has been earning an excessive income. We have seen examples in other areas of the law, and even allegations this past week in the Wall Street Journal about the Milli Vanilli case, but he cannot give me any examples dealing with civil rights lawyers. The only part——

Mr. McCONNELL. Will the Senator yield?

Mr. KENNEDY. I have the floor. The only attorney's fees that can be granted are reasonable attorney fees, as determined by the court. That is the law, and the Senator has not been able to demonstrate where there has been excessive abuse.

I have given him an example: If, an injunction is awarded in a sexual harassment case, what is the attorney going to recover under the Senator's amendment? Nothing.

The second point I want to make is that many of these cases are going to be brought by individuals who want, say, a promotion which they were denied. It may only be a $2,000, $3,000 promotion. Now, there are a lot of people, a lot of needy people, across this country working long and hard, who may be denied a promotion on the basis of gender. Are we to say now that these claims have so little merit that we are not going to provide a lawyer who takes that case, spends the time, with a reasonable attorney's fee? That $3,000 may mean a lot to that individual, and they may need an attorney to defend their right to that promotion.

What we are seeing, and as the study by the Federal Courts Study Committee found, many of these cases are not being brought, even now. All we are trying to do is to say: Let us provide reasonable hourly rates. That is all.

Mr. McCONNELL. Will the Senator yield?

Mr. KENNEDY. Just a minute. That is all that the courts provide—reasonable hourly rates. That is it. That has been the basis upon which judges have made their awards.

It seems to me that a needy person, who needs that $2,000 promotion, or a $1,500 promotion ought to be able to have their rights adjudicated and be able to receive adequate representation in court. And if it takes some time for a decent lawyer to prepare and try the case that lawyer ought to be able to get a reasonable hourly rate. That is all that we are asking for.

Reasonable hourly rates have been utilized in civil rights statutes for years, and I still wait to hear——

Mr. McCONNELL. Will the Senator yield?

Mr. KENNEDY. Will the Senator permit me to finish? I have the floor, and I will be glad to yield.

I have yet to hear about how this system has been abused. If we have a problem, let us address it. But we have seen how a reasonable attorney's fee has been permitted over the last 20 years. The ability to recover fees has been reduced in voting-rights cases as a result of a recent Supreme Court decision. We are not addressing that. I regret that fact, because that decision effectively cut those out.

But we cannot find where in these individual, intentional discrimination cases—intentional discrimination cases—we are seeing any kind of excessive reimbursement. Whenever a plaintiff receives only injunctive relief, which has been an important remedy in the past, under the Senator's amendment there would be no compensation. So you can wonder—if that is the criterion—whether an attorney might say: I think you have a pretty good case, but you may only get injunctive relief, and I am only going to be able to get 20 percent of any monetary award, so I am not going to take your case. Twenty percent of nothing is nothing.

I think that if the Senator can demonstrate that in title VII cases there is a history of excessive attorney's fees, I would be more than glad to see if we can address it. Does the Senator know how many cases were brought, actually?

Mr. McCONNELL. I was going to ask the Senator——

Mr. KENNEDY. How many cases were brought under the——

Mr. McCONNELL. I want to ask the Senator a question.

Mr. KENNEDY. Mr. President, I have the floor. I am going to make my comments, and I will be glad to hear the Senator. I have just a few additional remarks, and then I will be glad to yield for a question.

Mr. President, I must oppose the amendment of the Senator from Kentucky.

Victims of employment discrimination typically cannot afford attorneys to assist them in protecting their rights. For that reason, the civil rights laws permit victims of job discrimination who prevail in court to recover from the employer who discriminated against them their reasonable attorneys' fees and other litigation expenses.

That rule may not be a popular one, but it is a vitally necessary one. There is no right without a remedy, we learned in law school. Without a meaningful remedy, there is no right at all.

If we are really serious about protecting the right of workers to be free from discrimination on the job, we need to permit job bias victims to be able to obtain lawyers to represent them in vindicating those rights.

Under existing law, the courts have ample discretion to sanction plaintiffs who bring frivolous or vexatious lawsuits; and this bill does not limit that discretion. In the case of *Christiansburg Garment Co.* v. *EEOC*, [434 U.S. 412 (1978)], the Supreme Court ruled that a prevailing defendant in a job discrimination cause under title VII may recover its attorneys' fees from the losing plaintiff, if the court finds that the plaintiff's action was "frivolous, unreasonable or without foundation." And rule 11 of the Federal Rules of Civil Procedure authorizes the Federal courts to require attorneys or parties who file pleadings or motions that are frivolous or not well founded to pay the attorneys' fees of opposing parties.

So under current law, the courts have ample power to punish attorneys or parties who bring or maintain frivolous suits. In fact, in the past year, the Supreme Court has let stand rule 11 awards against a number of well known civil rights lawyers. So these rules are being used to sanction frivolous litigation.

Under current law, courts also have the authority to limit the amount that prevailing parties may recover for their attorneys' fees. The law limits such parties to a—quote—"reasonable"—end quote—attorneys' fee. And the courts have not been hesitant to limit the amount of those fees.

For example, in Hensley versus Eckerhart, the Supreme Court ruled that the extent of a plaintiff's success is a critical factor in determining the proper amount of a fee award. When a plaintiff does not prevail on a part of his suit that is not related to the part on which he does prevail, the Court indicated that plaintiff should not be able to recover the fees expended on the unsuccessful portion of the suit.

So there is no reason to cap attorneys' fees in the law. I challenge the Senator to identify a single plaintiff's civil rights lawyer who has gotten rich in litigating job discrimination cases. We are not talking about securities suits or personal injury cases. These are civil rights cases, and we heard compelling testimony last year that the number of plaintiffs' civil rights lawyers is dropping quickly; none are getting rich litigating these cases.

I ask unanimous consent to have printed in the RECORD an article from the New York Times entitled "Workers Find it Tough Going Filing Lawsuits Over Job Bias." That article documents the fact that victims of real job discrimination very often experience terrible difficulty in finding lawyers to assist them.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, July 24, 1991]

WORKERS FIND IT TOUGH GOING FILING LAWSUITS OVER JOB BIAS

(By Steven A. Holmes)

ALBANY, GA.—John Henry Smith Sr., a black employee of the Dougherty County Health Department, wanted to sue his employer with a claim of racial bias when he was passed over for a promotion. But, like an increasing number of people who want to file such suits, he could not afford the up-front cost of a lawyer and could not find one willing to take his case on a contingency basis.

He tried several lawyers in Albany. Then he tried in Athens, Atlanta, Columbus and Macon. The last one turned him down two weeks before the statute of limitations on his case was to run out.

YOU EDUCATE YOURSELF

Frantic, Mr. Smith decided to represent himself, though he is a high school dropout with a General Educational Development certificate. So far, by spending late nights in the local courthouse library, reading law books, Mr. Smith has managed to file the necessary court papers.

"It takes a whole lot of time cause you don't know what you're doing," he said. "But you kind of educate yourself as you go along."

As the nation wrestles intellectually and politically with the issue of civil rights, the legal system appears to be growing increasingly inhospitable toward individual race and sex discrimination cases. Lawyers more and more are turning away such cases, say experts in employment law and lawyers representing plaintiffs and employers.

They say the cases are time-consuming, difficult to win and bring far less money than other civil litigation like personal-injury suits, which permit punitive damages.

Lawyers themselves say, moreover, that they face increasingly conservative judges who are bored by, if not downright hostile to, such cases.

While much of the evidence is anecdotal, a survey conducted in May by the National Employment Lawyers Association, a group made up of about 1,000 lawyers for plaintiffs, found that 44 percent of its members rejected more than 90 percent of the job-discrimination cases that had been brought to them.

Last year, a committee of lawyers and judges appointed by Congress to study the Federal court system noted that the monetary stakes in some job-discrimination cases might be so small that "even with the potential to recover attorneys fees, claimants sometimes find it difficult to litigate in Federal court because they cannot find counsel to take their cases."

Sometimes, but not often plaintiffs who cannot find lawyers receive court-appointed counsel. Sometimes they then elect to represent themselves, though they tend to be unschooled in the complexities of the law.

"They're getting killed in court," Jeanette Johnson, a civil rights lawyer in Dallas, said of the poor blacks and women who represent themselves. "It's like sheep to the slaughter."

Most often, experts say, those who seek to bring such cases simply abandon the thought of getting any redress in the Federal courts.

"What happens is that they end up not being able to enforce their rights," said Lex Larson, president of Employment Law Research, a North Carolina concern that publishes manuals on labor law. "They go out and find another job and forget the whole thing."

HIGH COURT'S EFFECT

Experts say the growing reluctance of lawyers to take on job-bias claims is a trend that was intensified by a number of Supreme Court decisions making it harder for plaintiffs to bring such cases. A bill to reverse these decisions has been stalled in Congress by a dispute over whether it would compel employers to adopt hiring and promotion quotas.

Many lawyers say they are hampered by two Supreme Court decisions. The first, in 1982, limited their ability to bring large and potentially lucrative suits on behalf of whole classes of plaintiffs; the second, in 1989, virtually barred them from winning large monetary awards in race-discrimination suits, except those involving hiring. Claims alleging bias in hiring are a small minority of job-bias suits.

Plaintiffs' lawyers say they end up representing small individual claims brought by poor or working-class blacks or women who often cannot pay their normal rates. If they prevail, they say they often end up squabbling with judges over how much the losing party must pay them in fees.

"It's extremely difficult to earn a living in employment discrimination, virtually impossible," said Martha Pearson, an Atlanta lawyer who last November, after 10 years, quit a firm that represents plaintiffs in job-bias cases and joined a firm that represents local school boards in Georgia.

DIFFICULTY WITH SUITS

Amy Totenberg, an Atlanta lawyer who has been litigating job discrimination for 14 years, said: "* * * and you're looking for someone who has some resources to finance it. So automatically you're looking at upper-middle-class people or middle-class plaintiffs."

Even some lawyers who represent employers acknowledge the difficulty in plaintiffs' winning discrimination suits and the difficulty for lawyers to earn a living handling such cases.

"You don't have the big easy class-action cases you had in the 1970's and 1980's, where you could get a big dollar settlement and attorneys fees over relatively simple issues," said Lawrence Z. Lorber, a Washington lawyer who represents large corporations. "Now, there are testing cases where you need experts and a lot of up-front money. It's an arena where the targets are fewer, the issues are more complex and the litigation takes longer, because the courts are jammed."

Plaintiffs who must fend for themselves in Federal court enter a bewildering world of procedures and jargon that make small-claims court seem user-friendly by comparison.

With legal papers spread before her on a mahogany table, Muarlean Edwards of Albany prepared to represent herself in a job-discrimination lawsuit against a local hospital.

But when a visitor asked her whether the hospital's lawyers had filed a motion for summary judgment, a routine legal maneuver asking the judge to quickly decide the case in the defendant's favor, Mrs. Edwards' face went blank.

"What is that?" she asked. "Is that when they set how much you're going to get?"

BIG BACKLOG IN AGENCY

While private lawyers seem more and more reluctant to take race- and sex-bias cases, the Federal Government is not picking up the slack. In the 1990 fiscal year, the Equal Employment Opportunity Commission, the Federal agency charged with enforcing job-discrimination laws, filed 524 lawsuits in Federal courts. While this is an increase over the 486 suits in 1989, the agency has a backlog of about 45,000 cases that have yet to be even investigated.

Unless the plaintiff cannot find representation elsewhere, current Federal regulations preclude Legal Aid Societies that receive Federal funds from taking on cases, like employment-discrimination lawsuits, that can generate fees for lawyers.

Because of these rules, these agencies concentrate their limited resources on other areas of civil litigation, like family law, welfare rights and landlord-tenant disputes, said Clinton Lyons, executive director of the National Legal Aid and Defenders Association, a group representing Legal Aid Societies. * * * As a result, Mr. Lyons said, lawyers in these agencies tend not to have the expertise to handle job-bias suits.

In contrast to race- and sex-discrimination cases, lawyers say there is little hesitation in taking on clients who claim age discrimination. Those cases tend to be more lucrative because, under Federal law, juries can award monetary damages equal to twice the amount of back pay that was lost because of the discrimination. Also plaintiffs in age-bias cases, who are often white male executives who have lost their jobs as a result of a company cutting management positions, are more attractive clients than blacks, Hispanics or working-class women, some lawyers say.

"Age discrimination is still the white males preserve," said a Washington lawyer who represents employers, speaking on condition of anonymity. "Typically, the plaintiff is a middle- or upper-management employee who has been laid off. They are much more sympathetic figures to juries. More importantly, they make bigger salaries so they can pay the upfront costs of litigation. And, if you win and get a back pay award, the amount the lawyer gets is even bigger."

For now, plaintiffs like Mr. Smith who are walking into court alone must rely on their own common sense and perhaps a sympathetic ear on the bench.

"I hope to keep going until the judge tells me this isn't right, do something else," Mr. Smith said. "I couldn't live with myself if I stopped now."

Mr. KENNEDY. Mr. President, it would be a serious mistake to tie the amount that can be recovered for attorneys' fees to the amount recovered in the suit. A lawyer may be required to put in long hours to assist a woman who was harassed or denied a promotion. It would make no sense to say that just because the promotion was to a job that doesn't pay a lot, the employer should not have to pay the victim's attorneys' fees.

The proposed amendment is inconsistent with our agreement to resist all amendments that would undercut the bill. I urge my colleagues to vote to table it.

(Mr. ROCKEFELLER assumed the chair.)

Mr. McCONNELL. Mr. President, if I may ask my friend from Massachusetts, is he suggesting that never are title VII cases, under current law, taken on a contingency fee and never is the plaintiff charged one-third? That has never happened?

Mr. KENNEDY. No, I am suggesting that, under the law, defendants do not have to pay more than reasonable fees.

Mr. McCONNELL. Mr. President, the Senator from Massachusetts answered my question. There are times under title VII, under existing law, where the fee arrangement between the victim and the victim's lawyer does involve a one-third contingency fee. What supporters of my amendment are saying, in effect, is that is too much for the lawyer, and not enough for the victim. So you do not have to prove that there are lawyers getting rich off of title VII cases to vote for the McConnell amendment.

What I am saying is that any contingency fee arrangement—not just in title VII cases, but in 1981 cases as well—that takes more than 20 percent out of the victim's pocket is too much. That is what I am saying, Mr. President. If any of these fees are more than 20 percent, whether it is a title VII case or 1981 case, that is too much.

My friend from Massachusetts cries for the plaintiff's lawyers. He cries for the plaintiff's lawyers.

I would say, Mr. President, the plaintiff's lawyers will not do badly under the McConnell amendment. I would repeat: Under my amendment in a case in which the plaintiff is awarded $50,000, the lawyer will get $10,000—$10,000 for one case. Under the McConnell amendment, if the damage award is $100,000, under my amendment the lawyer will get $20,000.

The important thing is that the victim gets $14,000 more—the victim of discrimination.

My friend from Massachusetts misunderstands my point. The issue here is not whether lawyers are getting rich or not. That is an issue, but that is not the issue with this amendment. The issue with this amendment is the lawyers are getting too much and the victims are getting too little. That is the only issue in this amendment. So let us not argue about other things.

We may argue that plaintiff's lawyers are making too much, and I happen to agree with that in a lot of ways but that is not what this amendment is about. That is not what this amendment is about.

This amendment says if the victim succeeds, the victim ought to get more and the lawyer ought to get less. Does that mean the Senator from Kentucky thinks the lawyer ought to work for nothing? Of course not, of course the lawyer ought not to work for nothing. The lawyer is going to be adequately compensated if the McConnell amendment is adopted.

Now caps on contingency fees are not unprecedented. We have it in the Federal Tort Claims Act now for suits against the Government. It is 25 percent. There is no dearth of lawyers out there willing to handle those cases. We have almost as many lawyers in this country as there are ants in an anthill. Fear not, fear not, there will be plenty of lawyers, Mr. President, to handle these cases.

So the Senator from Massachusetts is saying, in effect, let us give the lawyers more. We have 70 percent of the world's lawyers and he is arguing to the Senate there will not be any lawyers to handle this case if they only get 20 percent on a contingency fee basis.

That is absurd, Mr. President, with all due respect to my friend from Massachusetts. That is absurd. There is no dearth of lawyers. We are churning lawyers out of the law schools of America. There will be lawyers frothing at the mouth to handle these cases for 20 percent.

This is not directed against the lawyers. This is directed in favor of the victims of discrimination.

I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. DANFORTH. Mr. President, I take the floor hopefully to urge the Senator from Kentucky not to persist with his amendment and to withdraw it. Absent success in that effort, to try to the best of my ability to explain to the Senator from Kentucky why when everyone is finished talking on this issue I will make the motion to table this amendment.

I might say that I am in general agreement with the principles that Senator McCONNELL has stated. I am concerned about the litigation explosion in this country. And Senator McCONNELL and I have been allies along with Senator KASTEN in particular in fighting the battle against the litigation explosion.

When I was the chairman of the Commerce Committee for the first time we reported out of that committee a product liability bill which had in it a provision relating to caps on damages. That was highly controversial and it was strongly opposed by the American Trial Lawyers Association. But I think we have to take seriously the concern about litigation in this country. When I read in the newspaper the weekend before last of a lawsuit against the Upjohn Co. where a 70-year-old man won a judgment in the amount of $127.6 million for the loss of an eye, that to me is outrageous. Something should be done about it.

I might say that the Presiding Officer, the junior Senator from West Virginia, has been very active in this area as well. Clearly, we have a serious problem.

People say, well, it is inequitable that there are caps in this bill but there were not caps in 1866 when section 1981 of the Civil Rights Act was passed. I am not a historian but I can say that it would be my guess that in 1866 people were not worried about a $127.6 million damage judgment.

It was not an issue for Members of the Senate sitting down and saying how can we figure out a way to treat women or religious minorities as second-class citizens. That is preposterous to think that we would do that. What we are doing is to address an issue that exists now and probably did not exist 125 years ago when we passed section 1981.

What we were attempting to do was to get a handle on exploding litigation and exploding lawsuits. The Senator from Kentucky is exactly right in what he has said about litigation, about get-rich schemes, about uncontrollable awards. It is a terrible situation, and we should address this situation and in my opinion we should do it generically. I think that we should bring legislation to the floor of the Senate, over the all-out objection of course of the trial lawyers. We should bring legislation to the floor of the Senate to deal with medical malpractice, product liability, and as much else as we can control and figure out a way to do it and to do it properly.

I have one minor concern with the Senator's amendment and I have one very major concern which is why I so strongly oppose it.

Here is the minor concern. I think that a 20-percent across-the-board cap on attorney's fees is not realistic in this kind of lawsuit. And the reason is that we do have caps in the overall award anyhow. But as a practical matter, the history of cases brought under 1981 for race discrimination are that the damages that are awarded are not very high. I think there are only—I do not have the figures in front of me—a couple cases in the 125-year history of the law where damages exceed $300,000, which is the maximum cap that we have, and I believe that average recovery seems to be something like $38,000 for a plaintiff in section 1981 cases.

Let us suppose that a plaintiff gets a $38,000 award for intentional discrimination; 20 percent of that is $7,600, and my concern is whether lawyers would take that kind of case. So I would say if you want to have a cap on attorney's fees, maybe there should be some sliding scale because if you have a case where there is a reasonable award I do not know if you want the same kind of limitation.

That is really a minor issue because, as I say, as a general principle I think that the Senator from Kentucky is making a valid point when he expresses concern about attorney's fees, and I think he is making a valid point in trying to legislate in order to do something about the litigation explosion.

But my reason for feeling so strongly about this amendment and about other amendments which probably will be offered today is this: Mr. President, for 1½ years I have fought this battle. For 1½ years I have attempted to put together a compromise on civil rights legislation. It has been extremely difficult. It is very, very difficult to put together a bill which is more than mush and which satisfies people on both ends of the spectrum.

This bill is not mush. It is very important legislation. It overrules six different Supreme Court opinions and for the first time provides damages for women and others who have been intentionally injured in title VII cases. It is an important, important piece of legislation.

But it has not been easy to put it together. I cannot count the number of meetings that we have had. I cannot count the number of hours that have been spent over the last year and a half in difficult negotiations with Members of the Senate and with other people who have been interested in this legislation.

For the first time, we had a breakthrough last week. And now we have a bill that the President says he will sign. In fact, the President, when he met with Senator DOLE and me last Friday, was enthusiastic about this bill. The President says he will sign it.

Now we have a bill that has been cosponsored by Senator KENNEDY and Senator HATCH, by Senator DOLE and Senator MITCHELL, on one condition, and that is that the bill is not going to be changed significantly.

Senator McCONNELL says that his amendment does not go to the heart of the bill. His argument is that this amendment does not change the legislation significantly. What is significant is in the eye of the beholder. Clearly this amendment is opposed by Senator KENNEDY. My guess is clearly it would not be acceptable in the House. That would mean most likely that we would go to conference with the House. That is what we do not want to do. We want to pass a bill which the House will accept and which the President will sign.

My suggestion to the Senator from Kentucky, my great hope, is that he will not persist with this amendment; that he will not open the floodgates with this amendment; that he will wait on this important issue and fight it another day. I would urge him to do that. I do not think that this amendment is going to become law on this bill. I think that this amendment has potential to do damage to this bill. And because we have a rare, as the Senator said, fragile thing in our hands, my hope is that we would get this legislation passed and not bog it down.

So, Mr. President, at the appropriate time, if it is not withdrawn, I will move to table. But my hope is that the Senator from Kentucky, now standing at his desk, is prepared to give me the good news that he will fight this important battle on another day.

Mr. MCCONNELL. Mr. President, as I have stated repeatedly, I have great admiration for the work that my friend from Missouri has put forth in this effort over the last 1½ years. He deserves the lion's share of the credit, if not all of it, from my point of view, for the legislation that is before us. I do not seek to damage the bill. I do intend to persist. The votes may not be here to approve my amendment. I think that is unfortunate, but I have lost before.

Let me just say briefly—and then I am prepared to go to a vote—Mr. President, there is not going to be any dearth of lawyers willing to handle these cases. We have a huge number of lawyers. It is a growth industry in our country. We have 70 percent of the world's lawyers. There is not any question in my mind that the victims of discrimination are going to be represented.

If the damages are as low as Senator KENNEDY and Senator DANFORTH have suggested, then that is an even stronger argument for the McConnell amendment because, frankly, the victim ought to get more and the lawyer ought to get less. Obviously, there is a point beyond which you can go and still have a lawyer willing to work. But we have an overcrowded market. And under the McConnell amendment lawyers are not going to have to work for nothing. They are still going to be very nicely compensated; I must say, much better compensated than most people in America for the same amount of work.

Let me just in closing, one more time, mention what the victim's lawyer would get in cases if the McConnell amendment is passed. If the damage award was $50,000, under the current system, in all likelihood—although there could be an hourly arrangement, as Senator KENNEDY has pointed out—but in all likelihood, under a contingency fee arrangement under the current system, the lawyer would get $16,500. Under my amendment, the lawyer would get $10,000—not a bad fee for one case—and the victim would get $6,500 more.

Let us assume the damage amount was $100,000. If there were a contingency fee arrangement under today's standard operating procedure, the lawyer would get $33,000; quite a lot of money to the typical American. Under my bill, the lawyer would get $20,000—still make $20,000 off of one case—but the victim would get $13,000 more. The victim of discrimination would get $13,000 more.

Let us assume it was a big case, as a matter of fact the largest case allowed with the cap on recovery under title VII, a $300,000 case. In all likelihood, if that were handled under today's standard operating procedure, the plaintiff's lawyer would get $99,000, almost $100,000 for one case, one-third of what the victim of sexual harassment would get. Under my bill the lawyer would still make $60,000 on one case. That is more than most Americans—by far more than most Americans—make in an entire year that the lawyer would get on one case, even after my amendment was adopted. And the most important thing is the victim would get $39,000 more.

Mr. President, it is very difficult for me to understand how adopting this amendment in any way does damage to this bill. In fact, it clearly helps the victims of discrimination.

Mr. President, I think we have probably argued this long enough. I am happy to have a vote as soon as my colleagues are ready to proceed.

Mr. KENNEDY. Mr. President, I will just make a very brief comment. I do not know what value Americans would place on obtaining the right to vote. Are we going to say, well, they could get up to 20 percent attorney's fees? What we have now in civil rights cases is a reasonable allowance.

What would you get in the Runyon versus McCrary case, which was brought under section 1981, and involved the desegregation of a segregated academy? You say, no, no, no, the plaintiffs are not entitled to attorneys' fees. They are entitled to 20 percent of the award. But there is no financial award. Just as there is no financial award when you are given an injunction in a harassment suit.

When I graduated from law school there were 265,000 lawyers. There are now 835,000 lawyers. We all know there are abuses, and all of us want to deal with those abuses.

But there is no evidence that civil rights attorneys are making too much money. Let me just read into the RECORD what Judge Thompson said in Robinson versus Alabama, a civil rights case, a little over a year ago. This is what Judge Thompson observed:

> Of the few attorneys most highly regarded as civil rights practitioners in the State of Alabama, at least three have redirected their energies toward other legal disciplines within the last few years. Their stated motivation was that the civil rights market did not adequately compensate them. Unfortunately, the shift of these experienced practitioners was not offset by an influx of new attorneys willing to fill the void. Young attorneys, equally adept at making the same market comparisons as other practitioners, have also shied away from the civil rights field in favor of other, more lucrative and financially stable specialties.
>
> There has been, as a result, almost a 10% reduction in the number of civil rights attorneys within the state within the past few years. If this pattern continues unchecked, and the evidence before the court suggests that it will unless corrective measures are taken, the day will soon arrive when the state's civil rights bar will be little more than a memory. Ultimately, the real victims of this trend will be the citizenry of Alabama. Without lawyers available to champion the cause of impecunious victims of discrimination, the progress that has been made during the past four decades toward eradicating discrimination from this state will be halted, and the promise of equal treatment and opportunity for all will be but empty words.

Mr. President, if we are able to demonstrate by any example that attorneys who are trying civil rights cases and who would be covered by this legislation are benefiting from the excesses that have been mentioned here on the floor, I would certainly be more than willing to try and address this.

But that case has not been made and is not being made. Quite the contrary—quite to the contrary. If we find that as a result of the damages provision we begin to have the kind of excesses and abuses that the Senator from Kentucky points out, I will be glad to join him at a later time to try and address that.

But let us not, at this time, when we are dealing with the kinds of cases I have referred to earlier in my comments, really undermine what I believe is very important to remedy for millions of our fellow citizens.

The PRESIDING OFFICER. The Republican leader.

Mr. DOLE. Mr. President, the Senator from Missouri indicated a few moments ago if we made any significant change in this bill, then the likelihood of having a conference would increase. And I think that is true, although I had heard Speaker FOLEY indicate on one of the talk shows on Sunday that he felt the House might be prepared to take the Senate bill.

But I never quite understood—though I want to cooperate, when there is a deal breaker, to defeat that amendment—who makes that judgment. Because I can tell you, the administration already kind of feels there has already been a deal broken between the time the agreement was reached, and then we had a change in legislative history because of a statement made by the Senator from Massachusetts on the floor. And now we are saying: Oh, well, nobody knows what anything means; it does not make any difference. So I think there has to be some clarification.

If we cannot agree on what is the legislative history—we thought we agreed upon it, and now we are told that any amendment we adopt is going to be a deal breaker. I do not know who makes that determination; whether it is the leadership who makes that determination or the managers of the bill who make that determination, or one Senator makes that determination.

So I think we should resolve that, because there are going to be a number of very troubling amendments in addition to the one by the Senator from Kentucky. I hope that before we vote on this—and I assume there will be a motion to table—that we have some understanding that would, in effect, sort of break this loose arrangement that we had, and some would indicate has already been violated?

Mr. McCONNELL. Mr. President, will the leader yield on that point? I am mystified, and have not yet heard, on the very point the leader raises, why the amendment that I am offering, which puts more money in the victim's pocket and less money in the victim's lawyer's pocket, in any way goes to the heart of the compromise that has been worked out. I believe that raises a very good point. I cannot understand why my amendment is a deal breaker.

Mr. DOLE. Mr. President, I am just trying to understand myself. I want to cooperate with the leadership. I am a cosponsor of the bill I thought we had agreed to on Thursday. But on Thursday we reached agreement that a two-paragraph interpretive memorandum would be the exclusive legislative history with respect to the Wards Cove case and the issues of business necessity, cumulation, and alternative business practice.

On Friday my distinguished colleague from Massachusetts, Senator KENNEDY, seemed to break or at least contradict this agreement with a paragraph describing his own meaning of the term "cumulation."

Now we have this debate inside—maybe it's inside baseball to most people—but it is something the administration feels rather seriously about. And now we have sort of a free fall—free-for-all on the legislation history. And, so it seems to me, if we are going to start saying, well, these are deal breakers—maybe it is too high. Maybe if you had lowered the rate to 10 percent it would be more attractive.

But I do not think it would be more attractive to the lawyers, or the Trial Lawyers Association. They have a lot of money to spread around, and they do it about 9 to 1, I guess the ratio is.

So I suggest that may be a reason there would be some in the House who would be displeased with this amendment. I will be very candid about it. I think there would be some people on the House side who will say this would not be fair to that association or that group of lawyers.

So, I want the bill to pass. I want the bill to pass that I agreed to cosponsor—without any significant changes, as my friend from Missouri has stated. But I think the administration has a right to be heard, took on what they felt was the deal we reached, and not say, well, it does not make any difference. Maybe it does not, but we have not yet resolved that to the satisfaction of the administration.

So I am happy to cooperate with the managers, Senator HATCH, Senator KENNEDY, Senator DANFORTH, and others, to defeat amendments. And after this amendment, there is going to be another troubling amendment of the Senator from Oklahoma, Senator NICKLES. There is no doubt in my mind if that were adopted, that would lead to a conference. I am just not certain whether this would lead to a conference. Maybe somebody could tell me why it would. But I know the next one would, and I intend to oppose the next amendment even though we have not as a yet resolved the matter on legislative history.

But I think before we conclude action on this bill, we will resolve that to the satisfaction of all the people who met and agreed to what we thought we had agreed to last Thursday.

I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. DANFORTH. Mr. President, maybe I could at least try to shed some light on the various questions that were raised by Senator DOLE.

First, I want to make it clear to my leader that I would certainly not consider myself to be the errand boy for the American Trial Lawyers Association. Far from it. I was the one who was the chairman of the Commerce Committee when we reported out a product liability bill back in 1987, 1986, maybe. So that has not been my role in the U.S. Senate.

How would I describe a deal breaker? Clearly, if Senator DOLE suggests that a misunderstanding of one word in an agreed-upon understanding put in the CONGRESSIONAL RECORD to set forth legislative history could be a deal breaker, clearly an amendment to the bill would be a deal breaker, provided that the amendment to the bill is controversial in nature and one that would raise an issue which is a very important issue, but is a very controversial issue.

There is no doubt that this is a controversial issue. There is no doubt that major constituencies would be opposed to it. I might be in favor of it. Major constituencies would be opposed.

There is no doubt that the phone lines of Members of the Senate would light up; those of Members of the House of Representatives would light up. That is my definition of a deal breaker. A deal breaker is an amendment to the bill which materially changes the bill or which creates such controversy that it is likely that the bill, instead of being passed in the House, will go to conference.

If it does go to conference with the House, it is likely to come out a far different bill from what we are going to pass in the Senate, to the detriment of the position that has been taken by the President, to the detriment of the position that has been taken by many Republican Senators.

So, I really have no doubt that this fits whatever definition we might come up with for what is a deal breaker.

Now, with respect to the question of legislative history, I tried to address this, probably not very skillfully, this morning. It is not unusual in the Senate for various people to try to create legislative history and affect the interpretation that a court might have of a statute. It is not unusual. Every time we have a tax bill, we try to do that.

I can remember one night literally following one of my colleagues around the floor of the Senate for fear that he would slip something into the CONGRESSIONAL RECORD, and I would have to slip something else into the CONGRESSIONAL RECORD. It is not unusual.

I do not know of any way to muzzle Members of the Senate. Nobody can stop people from saying things on the floor and putting things into the CONGRESSIONAL RECORD. That is the way we operate. If Senator KENNEDY wants to come up with his view of the bill, fine; Senator HATCH, fine.

Senator HATCH made a lengthy speech this morning stating his analysis of the bill. I might agree with parts, disagree with parts of what he said; that is the Senate. I do not see that it is very edifying to a judge if a Senator stands up and makes a speech. I do not think that it is very edifying to a judge if Senator KENNEDY gives his interpretation, and then Senator HATCH gives an opposite interpretation. That is hardly clear legislative history.

What was agreed to was that, with respect to the definition of business necessity, one paragraph governed that, and that that would overtake anything else that was said on the floor.

That was the agreement that was made. Similarly, with respect to the words "job related," we agreed to that; that that would overtake anything said on the floor. Fine.

The difference comes with the word "cumulation" and what it covers, and there is a difference of opinion and a misunderstanding between the administration, on one hand, and myself, on the other hand, as to what is covered by "cumulation." It is not the first time there has been a difference of opinion. One person hears one thing; another person hears another thing. That is not a breach of faith.

One thing that has characterized the last year and a half on this bill is that every time you disagree with somebody, you are accused of bad faith, reneging. That is not a breach of faith. It is a simple misunderstanding of the meaning of a word not very often used: "Cumulation." We understood it to cover one set of situations only, the so-called Dothard case. The administration thought that it was more broadly used. Fine. But at least, with respect to the Dothard situation—namely, what happens when there are two closely related causes of a disparate impact and they cannot be separated out, how do you deal with that—that is what we had in the agreed-on memorandum of understanding of last Friday. So we do have agreement with respect to business necessity, job relatedness, and the Dothard situation.

With respect to anything else, and even those issues, there is no way to stop people from talking. All we can say is that with respect to those three issues, there has been a meeting of the minds as to what the legislation is supposed to mean. I do not think it serves any purpose to keep rehashing legislative history. Justice Scalia was correct, in my opinion. Any judge who tries to make legislative history out of the free-for-all that takes place on the floor of the Senate is on very dangerous grounds. And we cannot speak for the House of Representatives. We cannot create legislative history for the House. It is a muddle. It is going to remain a muddle. Maybe one of the reasons it has made it possible to pass a bill is that there are differences of opinion, that there are differences of interpretation, that we have not nailed down every particular word and phrase in the legislation.

So that is my answer to the Republican leader. My objection to this amendment is not that it is against the trial lawyers; my objection is that it wrecks the bill, or at least threatens the bill.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I will include in the Record the particular provision on which, as I stated last Friday, my understanding is virtually identical to the understanding of the Senator from Missouri [Mr. DANFORTH]. We have a common understanding in terms of the legislative history on this issue. I agree with his later comments regarding how people might look at different situations, but certainly the interpretation which was included by Senator DANFORTH on the purpose of the bill is virtually identical to the interpretation which I placed in the RECORD. The bill's purpose has been, as Senator DANFORTH has pointed out, interpreted one way by the Senator from Washington [Mr. GORTON] and another way by the Senator from Utah [Mr. HATCH]. I will make it very clear that my understanding and Senator DANFORTH's understanding are virtually identical.

On Friday, I described the bill's purpose as follows:

> One of the Civil Rights Act's fundamental purposes was to overrule Wards Cove and restore the law to its status under Griggs versus Duke Power. The agreement accomplishes that goal.

Senator DANFORTH described it in virtually identical terms:

> Mr. President, for nearly 2 years many of us have been attempting to put together a civil rights bill that would redress problems created by the Supreme Court of 1989, particularly a bill that would reinstate the Griggs decision and that would overrule the Wards Cove decision.
>
> This amendment would do that.

There was one issue on which there was an explicit agreement on legislative history, and I included that language verbatim in my statement:

> Finally, a plaintiff may challenge a decisionmaking process as a single employment practice when such a process includes particular, functionally integrated practices which are components of the same criterion, standard, method of administration, or test, such as the height and weight requirements designed to measure strength in Dothard versus Rawlinson.

The balance of my statement addressed issues beyond the scope of our agreement.

Mr. President, as I understand, we are prepared to vote. My understanding is from the leadership that they would like a short quorum call so that they can notify Members who are involved in various conferences.

So I indicate to the membership that there is a vote imminent and, at the request of the leadership, we will have a short quorum call.

Mr. MCCONNELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. Mr. President, one brief observation back on the amendment, the amendment of the Senator from Kentucky, on which we will be voting at some point. It was indicated in the conversation the average case under 1981 rendered damages of about $38,000. I thought it would be appropriate, just to end the debate on my amendment, to point out what the adoption of my amendment would do for the victim in the average case brought under section 1981. The victim would get about $5,000 more for his own pocket if the McConnell amendment were adopted.

Let me just say in conclusion, I certainly understand the desire of the Senator from Missouri to see this bill adopted without any major adjustments. It is astonishing to me that my amendment is even controversial. I am surprised that it is controversial. It does not go to the heart of the bill. It has nothing to do with the compromise and, even if a conference were necessary with the House, we are going to be around for another month. This is not a piece of legislation that is passing at the 11th hour of this Congress. So I hope, Mr. President, for the victims of discrimination, the amendment will be approved.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DIXON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. KOHL). Without objection, it is so ordered.

Mr. DIXON. Mr. President, I ask unanimous consent that I may proceed as though in morning business for about 5 minutes on a subject matter other than the bill before us.

Mr. CHAFEE. Mr. President, I wonder if the Senator would withhold for a minute and a half while I just make one comment on the pending amendment.

Mr. DIXON. I would be delighted to do that.

Mr. CHAFEE. I thank the distinguished Senator from Illinois very much for letting me proceed briefly.

The amendment is that of the distinguished Senator from Kentucky, which would limit attorney's fees in connection with this legislation, the pending legislation we are dealing with. I might say, I am very, very sympathetic with the efforts of the Senator from Kentucky. I think these attorney's fees are excessive in many of these cases, and indeed quite possibly in connection with this very case.

However, we are in a situation where we have labored long and hard to achieve this compromise, and the feeling is that to accept the McConnell amendment at this time would be upsetting to the progress of this legislation. I do not want to call it a deal maker. That seems too harsh a term. Nonetheless, the compromise is an agreement with many parties: the administration, the Democratic and Republican sides, and the leaders.

Since this amendment is not acceptable to both sides, despite my belief in litigation reform, despite my belief that the Senator from Kentucky is correct in this instance, in this particular instance, and in his overall approach for the limitation of attorneys' fees—and I hope he will bring it up again, and I hope we will have some litigation reform before this body before too long—I regretfully will have to vote against the Senator from Kentucky. But I hope he continues his efforts.

Again, I thank the distinguished Senator from Illinois very much for letting me proceed.

Mr. DIXON. Mr. President, I thank my friend, the distinguished Senator from Rhode Island, and I appreciate his comments and his support for this important bill pending before the Senate.

Mr. President, I renew my request.

The PRESIDING OFFICER. Without objection, it is so ordered.

ACTION ON THE HIGHWAY BILL IS NEEDED NOW

Mr. DIXON. Mr. President, last week, I had seven contractors in my office from around the country. They all said their business was now worse than it was even a month ago when I spoke to the Associated General Contractors in St. Louis—and their business was terrible then. Unfortunately, this is not an isolated example, and it is not limited to the construction and real estate development sectors of our economy. Business is bad, and it is getting worse. Working Americans are anxious about their future; they are justifiably worried about the security of their jobs—and their future. Unemployed Americans are even more anxious. They don't know how they are going to make ends meet, and they don't know how or when they are going to find new jobs, particularly jobs that pay enough to meet their families' needs.

Americans are justifiably concerned about their future, and their children's futures. They need their Government to act; they expect their Government to act; they are entitled to have their Government confront these problems.

Government may be part of the problem, but Government can also lead the way to solutions. That is why we elect a President; that is why I am in public service. Government must meet this challenge; we must act.

One step we ought to be taking is to enact the surface transportation bill. Our infrastructure badly needs improving, and our economy desperately needs the stimulus this bill will provide.

We are now well past the 100 day deadline the President challenged Congress to meet. Even worse, we are now 29 days into the new fiscal year, 29 days into the first year of this bill. Yet the bill is not yet law; in fact, it has not even gone to conference.

The reason the bill is not yet before the President is all too simple. The bill is not moving because of holds placed on it by Senators from the minority side of the aisle. All Senators are entitled to exercise their rights under the rules. However, the administration cannot have it both ways, Mr. President. It cannot criticize the Democratically controlled Congress for failing to act when it is Republican Members who are preventing action.

We need this bill. In my own State of Illinois, enactment of this measure will bring over $525 million in highway construction and rehabilitation funds this year for badly needed projects. It will provide jobs for thousands of construction workers, and additionally thousands of supplier and multiplier-effect jobs.

On the other hand, delay threatens further damage to what is already a very bad economy in my State. It could also halt major transportation projects now underway, such as the $450 million Kennedy Expressway rehabilitation project in the Chicago area, the $123 million Clerk Street bridge near my own hometown, and the $61 million Franklin Street bridge in Chicago.

Illinois needs these transportation funds to maintain its transportation infrastructure and to make long-needed improvements. Illinois needs this bill now to help it fight the recession.

Mr. President, the clock is ticking. Our people are asking for our help, our roads are crumbling and our bridges collapsing. And yet, this bill is still not law, because some Senators are still practicing the politics of delay.

In the view of this Senator, further delay is unconscionable, and the Senate should not tolerate it. This bill provides an opportunity to take a tangible step to help get our economy moving again. This bill is a priority for the country, and it should be the Senate's priority. If we cannot get this bill moving, I think we should take up the motion to appoint conferees and force those who are delaying action to explain to the American people why they are blocking action on a bill that has already passed both the House and the Senate. They should have to explain to the American people why they are blocking action on a bill that is so essential. They should have to explain to the American people why they do not want to help fight the recession by moving this bill forward. They should have to explain to the American people why they are preventing the Senate from getting this critical measure, and getting the country, moving again.

Mr. President, I yield the floor.

I see my friend from Utah. I yield the floor.

CIVIL RIGHTS ACT OF 1991

The Senate continued with the consideration of the bill.

Mr. HATCH. Mr. President, I thank the distinguished Senator from Illinois for his kindness in yielding the floor.

Mr. President, this amendment by Senator MCCONNELL is one that I happen to like. I think it makes sense. It might make better sense if it was graduated from a contingency fee standpoint. But I like the amendment and, frankly, I wish we could add it to this bill.

But we have come to a point and place in this battle after 2 years, really a year and a half, a lot longer for some, the Senator from Massachusetts and myself and most others, to the point where we had a deal. We have a bill that I think does right by the country, that I think has done the impossible job of bringing together the White House, the Justice Department, the Democrats in the Senate, and the Republicans in the Senate, at least I think a significant majority. We have a bill that we have worked on for days, weeks, months, and now years. We have had so many disagreements and so many behind-the-scenes battles that it has just about driven us all wild. It is a bill that makes sense. It is a bill that we can all be proud of, and it is a bill that I think will become a true civil rights bill in the sense that it should be a civil rights bill. It is a bill that resolves some of the most difficult, complex, controversial difficulties and disagreements that I have ever seen in any of these civil rights bills.

So I have reached a point where I think what we have to do is pass this bill. We do not want it to go to conference where we get into another big hullabaloo over all of the words of this bill again. Some people thought that words are not important, but they are extremely important, and we have worked out the words, and it has not been easy. It has cut across the whole philosophy known by the Senate in the history of the Senate. It has been one of the monumental achievements, and a lot of people deserve credit for it.

So I hate to tell my friend from Kentucky that I have to oppose his amendment, but I am basically going to oppose every amendment to this bill because I do not want to see it ruined at this time after what we have gone through and what we have accomplished. And any amendment, even one that really, as he has said, does not go to the substance of the bill, any amendment could cause us difficulties, could force us to conference, force us into another big brouhaha over what really happens to be an important final decision here. We in the Senate sooner or later, when we have a bill where we have had, it seems to me, this type of an effort put forth, we have to someday just fish or cut bait. At this particular point I think it is time for us to pass this bill.

I know there will be other amendments. But I want to serve notice right now—some of these other amendments I love, I would like to vote for, but I am going to be against basically. The only amendments, I think we are going to try to accept from here on in are those that the distinguished Senator from Massachusetts, the distinguished minority leader, the distinguished Senator from Missouri, and myself agree to. And that is going to be very few, it seems to me, under these circumstances and probably only means technical amendments. There is one other amendment we are going to agree to immediately following the vote on this.

But I ask all of our colleagues on both sides of the floor, as much as I like this amendment, I ask all colleagues to vote against it. And if there is a motion to table, I hope that we will table this amendment and get about passing this civil rights bill in the interest of America, in the interest of all of us, and in the interest of getting through this legislative year.

Otherwise, I can just tell you right now, I know of at least 15 other amendments, some of which are highly controversial. I think it is just the beginning of the amendment process. I think we could have 30 or 40 amendments before the end of this week, many of which would be controversial, some of which I would love to support with everything I have got, and others would, too.

I think it is time to get this battle over with and, therefore, I hope that we will all vote against the amendment of the distinguished Senator from Kentucky. I admire what he is doing. I admire him personally, and I wish I could vote for his amendment. But I think it is time to get to this bill, the basic issue that we have, and that is passing a monumental civil rights bill that we now have the administration backing, we now have the Justice Department backing, something that I had real questions could be brought about, and we now have significant numbers on both sides of the floor backing as well. So I hope that I can appeal to my colleagues to help us on this matter and to help us in future amendments as well, because the bill now is something that is an amazing piece of legislation that I think many of us thought we would never arrive at.

I yield the floor.

Mr. HATFIELD. Mr. President, the Senate is about to vote on the amendment offered by my friend from Kentucky, Senator MCCONNELL. This amendment would place important limits on the fees available to attorneys who represent plaintiffs in certain civil rights cases. The amendment would also require an attorney to disclose to a client a binding hourly rate prior to representation.

Mr. President, I oppose this amendment on this vehicle. I want to make it clear, however, that my opposition does not indicate a lack of support for the principle of limits on attorney fees. In my opinion, when a person is injured by the actions of another, the injured person should receive the largest possible portion of the damages awarded by a court of law. While I recognize that attorneys are necessary and often provide plaintiffs with their only shot at winning a judgment for an injury, I am continually shocked by the reports that I have seen of hourly wage rates charged by many attorneys.

The merits of this amendment, however, do not justify endangering the historic civil rights compromise bill that we have before us. I urge the Senator from Kentucky to return with his amendment at a later date when it can be considered separately.

Mr. DANFORTH. Mr. President, I move to table the McConnell amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Missouri [Mr. DANFORTH] to table the amendment of the Senator from Kentucky [Mr. MCCONNELL]. The yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Nebraska [Mr. KERREY] and the Senator from Pennsylvania [Mr. WOFFORD] are necessarily absent.

The PRESIDING OFFICER (Ms. MIKULSKI). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 68, nays 30, as follows:

[Rollcall Vote No. 233 Leg.]

YEAS—68

Adams
Akaka
Baucus
Bentsen
Biden
Bingaman
Boren
Bradley
Breaux
Bryan
Bumpers
Burdick
Chafee
Cochran
Cohen
Cranston
Danforth
Daschle
DeConcini
Dixon
Dodd
Dole
Durenberger
Ford
Fowler
Glenn
Gore
Graham
Harkin
Hatch
Hatfield
Heflin
Hollings
Inouye
Jeffords
Johnston
Kennedy
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Mack
Metzenbaum
Mikulski
Mitchell
Moynihan
Nunn
Packwood
Pryor
Reid
Riegle
Robb
Rockefeller
Roth
Rudman
Sanford
Sarbanes
Sasser
Shelby
Simon
Simpson
Specter
Stevens
Warner
Wellstone
Wirth

NAYS—30

Bond
Brown
Burns
Byrd
Coats
Conrad
Craig
D'Amato
Domenici
Exon
Garn
Gorton
Gramm
Grassley
Helms
Kassebaum
Kasten
Lott
Lugar
McCain
McConnell
Murkowski
Nickles
Pell
Pressler
Seymour
Smith
Symms
Thurmond
Wallop

NOT VOTING—2

Kerrey
Wofford

So the motion to lay on the table the amendment (No. 1282) was agreed to.

Mr. KENNEDY. I move to reconsider the vote by which the motion was agreed to.

Mr. HATCH. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senate is not in order. The Chair thanks the Senators for cooperating. The Senator from Virginia is recognized.

Mr. WARNER. Madam President, I just wish to get the attention of the managers and other Senators. For some time now I have been working on the amendment which would have the effect of including Federal employees in the damage section. I have not as yet had a chance to show the amendment to the managers. I have been approached by several Senators, including the Presiding Officer and the Senator from Alaska, who knew of my intention, and they desire to be cosponsors.

I have also been approached by the distinguished Senator from Colorado, but I am not sure what his desire may or may not be. At this time I would simply indicate my intention and send the amendment to the desk, and I will not seek further action at this time.

Several Senators addressed the chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Madam President, it was always the understanding of the Senator from Missouri [Mr. DANFORTH] and myself that Federal employees are covered by the damages provision. I think it does help to ensure that coverage by adding explicit language referring to section 717 and the Rehabilitation Act.

The Senator from Colorado, Mr. WIRTH and the Senator from Maryland [Ms. MIKULSKI] had talked to me when we initially made the presentation last Friday on this very issue, and we have been working with them as well as with the Senator from Virginia because we know the importance of clarification. I strongly support that concept. I know the Senator from Missouri does as well. I am very hopeful we will be able to make the kind of adjustment needed to make the coverage of Federal employees even clearer, and will be glad to keep the Members informed as to the progress we are making.

Mr. WIRTH. Will the Senator yield?

Mr. KENNEDY. I will be glad to yield.

Mr. WIRTH. Is the amendment that is going to be offered by the Senator from Virginia the same as the amendment which I have been talking about with Senator DANFORTH? Do we know if that is the case?

Mr. KENNEDY. I have not seen the amendment. As I understand it, the amendment would make the clarification by adding section 717 of the Civil Rights Act as well as comparable ADA provision. Senator DANFORTH had selected the ADA language, so there was every reason to believe that such a change would be unnecessary. But I can understand the importance of the clarification and I will, as soon as I have a chance to look at the amendment, be glad to make any comment at an appropriate time.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Madam President, first I ask unanimous consent that the Senator from Maryland be made a cosponsor again with the Senator from

Alaska [Mr. STEVENS]. I will leave it at the desk so Senators can examine it and then at the appropriate time, when the managers think it proper, I will advance the amendment, and perhaps I can work with the Senator from Colorado.

The PRESIDING OFFICER. Without objection, the Senator from Maryland, the Presiding Officer, will be added as a cosponsor. Which Senator from Alaska?

Mr. WARNER. Mr. STEVENS.

The PRESIDING OFFICER. Mr. STEVENS will be added as a cosponsor. And the amendment will remain at the desk subject to the offeror of the amendment calling it up.

Mr. WARNER. Madam President, it was only moments ago for the first time I knew the Senator from Colorado had interest in a similar amendment, and I am sure we can accommodate both Senators in this matter.

I yield the floor.

Mr. BROWN addressed the Chair.

The PRESIDING OFFICER. The Senator from Colorado.

AMENDMENT NO. 1283 TO AMENDMENT NO. 1274

Mr. BROWN. Madam President, I send to the desk an amendment on the bill and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the Brown amendment.

The bill clerk read as follows:

The Senator from Colorado [Mr. BROWN] proposes an amendment numbered 1283 to amendment No. 1274.

Mr. BROWN. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the amendment, add the following new section:

SEC. . EQUAL APPLICATION OF THE LAW TO CONGRESS.

The Congress finds—

That Congress should be required to adhere to laws affecting the public at large in the same manner and form;

That Congress has exempted itself from more than a dozen laws:

That the credibility and reputation of Congress would be bolstered by the enactment of legislation requiring coverage under these laws; and

That Federalist Paper, Number 57, asserts that elected officials "can make no law which will not have in full operation on themselves and their friends, as well as on the great mass of society. * * * If this spirit shall ever be so far debased as to tolerate a law not obligatory on the legislature as well as on the people, the people will be prepared to tolerate any thing but liberty."

Therefore, it is the sense of the Senate that the Senate recognizes the need to create an equitable balance between laws governing the public at large and its own affairs, and that the Senate will act with speed in rectifying this shortcoming in this application of laws governing civil rights, labor, ethics, safety, privacy, and governmental access policies.

Mr. NICKLES addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

AMENDMENT NO. 1284 TO AMENDMENT NO. 1283

(Purpose: To repeal exemptions from civil rights and labor, and other laws for Congress and certain employees of the executive)

Mr. NICKLES. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator form Oklahoma [Mr. NICKLES], for himself, Mr. PACKWOOD, Mr. BROWN, and Mr. MCCAIN, proposes an amendment numbered 1284.

Mr. NICKLES. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the pending amendment, add the following:

Notwithstanding section 19 of this Act, the following section shall apply in lieu of section 19:

SEC. . COVERAGE OF CONGRESS AND PRESIDENTIAL APPOINTEES.

(a) CONGRESSIONAL EMPLOYMENT.—

(1) APPLICATION.—

(A) IN GENERAL.—In addition to the laws that apply with respect to employment by the Senate under section 509(a)(2) of the Americans with Disabilities Act of 1990, the rights and protections provided pursuant to this Act and the provisions specified in subparagraph (B) shall apply with respect to employment by Congress.

(B) PROVISIONS.—The provisions that shall apply with respect to employment by Congress shall be—

(i) section 1977 of the Revised Statutes (42 U.S.C. 1981);

(ii) section 1977A of the Revised Statutes (as added by section 5 of this Act);

(iii) the National Labor Relations Act (29 U.S.C. 151 et seq.);

(iv) the Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.);

(v) the Equal Pay Act of 1963 (29 U.S.C. 206); and

(vi) the Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.).

(2) ENFORCEMENT BY ADMINISTRATIVE ACTION.—

(A) IN GENERAL.—Notwithstanding any other provision of law, and subject to the limitations contained in this paragraph, a congressional employee or any person, including a class or organization on behalf of a congressional employee, may bring an administrative action before an administrative agency to enforce a provision of law referred to in paragraph (1) against Congress or the congressional employer of the employee, if a similarly situated complaining party may bring such an action before the agency.

(B) LIMITATIONS ON COMMENCEMENT OF ADMINISTRATIVE ACTION.—An administrative action commenced under this paragraph to enforce a provision of law referred to in paragraph (1) shall be commenced in accordance with the limitations, exhaustion, and other procedural requirements of the law otherwise applicable to a similarly situated complaining party seeking to enforce the provision.

(C) ACTION.—In any administrative action brought before an agency under this paragraph to enforce a provision of law referred to in paragraph (1), the agency may take such action against Congress or the congressional employer as the agency could take in an action brought by a similarly situated complaining party.

(3) ENFORCEMENT BY CIVIL ACTION.—

(A) IN GENERAL.—Notwithstanding any other provision of law, and subject to the limitations contained in this paragraph, a congressional employee or any person, including a class or organization on behalf of a congressional employee, may bring a civil action to enforce a provision of law referred to in paragraph (1) in a court specified in subparagraph (C) against Congress or the congressional employer of the employee, if a similarly situated complaining party may bring such an action.

(B) LIMITATIONS ON COMMENCEMENT OF CIVIL ACTION.—A civil action commenced under this paragraph to enforce a provision of law referred to in paragraph (1) shall be commenced in accordance with the limitations, exhaustion, and other procedural requirements of the law otherwise applicable to a similarly situated complaining party seeking to enforce the provision.

(C) VENUE.—An action may be brought under this paragraph to enforce a provision of law referred to in paragraph (1) in any court of competent jurisdiction in which a similarly situated complaining party may otherwise bring an action to enforce the provision.

(D) RELIEF.—In any civil action brought under this paragraph to enforce a provision of law referred to in paragraph (1), the court—

(i) may grant as relief against Congress or the congressional employer any equitable relief otherwise available to a similarly complaining party bringing an action to enforce the provision;

(ii) may grant as relief against Congress any damages that would otherwise be available to such a complaining party; and

(iii) shall allow such fees and costs as would be allowed in such an action.

(b) CONDUCT REGARDING MATTERS OTHER THAN EMPLOYMENT.—

(1) APPLICATION.—In accordance with section 509(a)(6) of the Americans with Disabilities Act of 1990, the rights and protections provided pursuant to such Act shall apply with respect to the conduct of Congress regarding matters other than employment.

(2) ENFORCEMENT.—Notwithstanding any other provision of law, any person may bring an administrative action described in subsection (a)(2) in accordance with such subsection, or a civil action described in subsection (a)(3) in accordance with such subsection, against Congress or a congressional employer, to enforce paragraph (1).

(c) INFORMATION.—

(1) APPLICATION.—The rights and protections provided pursuant to section 552a of title 5, United States Code (commonly known as the the Privacy Act), shall apply with respect to information in the possession of the Congress.

(2) ENFORCEMENT.—Notwithstanding any other provision of law, any person may bring an administrative action described in subsection (a)(2) in accordance with such subsection, or a civil action described in subsection (a)(3) in accordance with such subsection, against Congress, or the congressional employer in possession of the information, to enforce paragraph (1).

(d) ETHICS IN GOVERNMENT.—

(1) APPLICATION.—The rights and protections provided pursuant to chapter 40 of title 28, United States Code (commonly known as title VI of the Ethics in Government Act of 1978) shall apply with respect to investigation of congressional improprieties.

(2) ENFORCEMENT.—Notwithstanding any other provision of law, any person may bring a civil action described in subsection (a)(3) in accordance with such subsection against any party with a duty under chapter 40 of title 28, to enforce paragraph (1).

(e) PRESIDENTIAL APPOINTEES.—

(1) APPLICATION.—In addition to the laws that apply with respect to employment by the Senate under section 509(a)(2) of the Americans with Disabilities Act of 1990, the rights and protections provided pursuant to this Act and sections 1977 and 1977A of the Revised Statutes shall apply with respect to employment of Presidential appointees.

(2) ENFORCEMENT.—Notwithstanding any other provision of law, a Presidential appointee or any person, including a class or organization on behalf of a Presidential appointee, may bring an administrative action described in subsection (a)(2) in accordance with such subsection, or a civil action described in subsection (a)(3) in accordance with such subsection, against the United States to enforce paragraph (1), if a similarly situated complaining party may bring such an administrative or civil action before the agency.

(f) DEFINITIONS.—Notwithstanding any other provision of this Act, as used in this section:

(1) CONGRESSIONAL EMPLOYER.—The term "congressional employer" means—

(A) a supervisor, as described in paragraph 12 of rule XXXVII of the Standing Rules of the Senate;

(B)(i) a Member of the House of Representatives, with respect to the administrative, clerical, or other assistants of the Member;

(ii)(I) a Member who is the chairman of a committee, with respect, except as provided in subclause (II), to the professional, clerical, or other assistants to the committee; and

(II) the ranking minority Member on a committee, with respect to the minority staff members of the committee;

(iii)(I) a Member who is a chairman of a subcommittee which has its own staff and financial authorization, with respect, except as provided in subclause (II), to the professional, clerical, or other assistants to the subcommittee; and

(II) the ranking minority Member on the subcommittee, with respect to the minority staff members of the committee;

(iv) the Majority and Minority Leaders and the Majority and Minority Whips, with respect to the research, clerical, or other assistants assigned to their respective offices; and

(v) the other officers of the House of Representatives, with respect to the employees of the officers; and

(C)(i) the Architect of the Capitol, with respect to the employees of the Architect of the Capitol;

(ii) the Director of the Congressional Budget Office, with respect to the employees of the Office;

(iii) the Comptroller General, with respect to the employees of the General Accounting Office;

(iv) the Public Printer, with respect to the employees of the Government Printing Office;

(v) the Librarian of Congress, with respect to the employees of the Library of Congress;

(vi) the Director of the Office of Technology Assessment, with respect to the employees of the Office; and

(vii) the Director of the United States Botanic Garden, with respect to the employees of the United States Botanic Garden.

(2) CONGRESSIONAL EMPLOYEE.—The term "congressional employee" means an employee who is employed by, or an applicant for employment with, a congressional employer.

(3) PRESIDENTIAL APPOINTEE.—The term "Presidential appointee" means an employee, or an applicant seeking to become an employee—

(A) whose appointment is made by and with the advice and consent of the Senate; or

(B) whose position has been determined to be of a confidential, policy-determining, policymaking, or policy-advocating character by—

(i) the President for a position that the President has excepted from the competitive service;

(ii) the Office of Personnel Management for a position that the Office has excepted from the competitive service; or

(iii) the President or head of an agency for a position excepted from the competitive service by statute.

(4) SIMILARLY SITUATED COMPLAINING PARTY.—The term "similarly situated complaining party" means—

(A) in the case of a party seeking to enforce a provision with a separate enforcement mechanism for governmental complaining parties, a governmental complaining party; or

(B) in the case of a party seeking to enforce a provision with no such separate mechanism, a complaining party.

(g) EFFECTIVE DATE.—This section shall take effect 120 days after the date of the enactment of this Act.

Mr. NICKLES. Madam President, the amendment I have sent to the desk on behalf of myself, Senator PACKWOOD, Senator BROWN, and Senator McCAIN is entitled the Congressional Accountability Act of 1991. It is an amendment to the underlying civil rights package.

Madam President, traditionally for the last many years—not just many years, but several decades—Congress has exempted itself from a number of civil rights, health, safety, and many labor laws which have been applied to the Federal executive and judicial branches and in all cases to the private sector. This idea that Congress should exempt itself, in my opinion, is a serious mistake and needs to be remedied.

My amendment would make Congress and all its instrumentalities subject to all the regulations and remedies contained in the following laws: The National Labor Relations Act of 1935, the Fair Labor Standards Act of 1938, the Equal Pay Act of 1963, the Civil Rights Act of 1964, the Age Discrimination Act of 1967, and the amendments of that Act in 1975, the Occupational Safety and Health Act of 1970, the Equal Employment Opportunity Act of 1972, Rehabilitation Act of 1973, and Americans with Disabilities Act of 1990; also the Privacy Act of 1974 and title VI of the Ethics in Government Act of 1978.

In addition, my amendment shall cover certain employees of the executive branch under the laws listed above where applicable.

Madam President, the real issue is about Congress leading by example and not by exemption. If we are going to impose these standards, these remedies, and these procedures on Federal agencies, State and local governments, and on the private sector, I believe we must impose them on ourselves. If a business runs afoul of many of these laws listed in my amendment, it would face Federal court litigation and endless bureaucratic headaches. Congress has exempted itself from the above-mentioned laws completely or has limited redress to be determined by internal mechanisms. Would we allow a major corporation to set up its own rules for dealing with complaints under these laws? The answer is no, and I do not think it is fair for us to do so either.

Congress must no longer tell the American public that we are above the laws which we pass in this Chamber every day. Therefore, I encourage my colleagues to adopt this amendment.

Madam President, let me just state offhand it is not my intention to harass the Congress. It is not my intention to belittle Congress. It is not my intention to violate anything in the Constitution. It is my intention to have Members of Congress live under the same rules, the same procedures, the same remedies as the private sector.

I think that could be a very educational process. In some cases we may find the laws we pass are too onerous and maybe need to be amended. Maybe we will find they do not go far enough and need to be strengthened. But I think Congress living under the laws would be a giant step in the right direction, and I hope this amendment will be adopted.

Mr. PACKWOOD. Madam President, I rise to support the amendment that Senator NICKLES and myself and others are cosponsoring. I want to divide my comments, if I might, into two. One argument that is going to be used against this is that it is unconstitutional for a variety of reasons: Separation of powers, speech clause in terms of what we say on the floor of the Congress. I do not think that is true. It may be true, but I do not think that is an issue we need to cross.

If we pass this bill and this goes to the courts and it goes to the U.S. Supreme Court and the U.S. Supreme Court says this is unconstitutional, there is nothing we can do about that short of amending the Constitution. There is nothing we can do about that. But I think what we are suggesting is constitutional, or certainly arguably constitutional.

I think the Court might say Congress has the power to allow itself to be treated, not necessarily as we treat the private sector, to allow ourselves to be treated as we choose to be treated. The issue would be would these laws be constitutional if they only applied to Congress. So that is the legal argument.

Now let us put that aside. There is nothing we can do to solve that tonight as to whether or not the Supreme Court is going to find this constitutional or not, but it is not so clearly unconstitutional that we should dismiss it.

Now come to the substance, as to whether or not we should be subject to these laws. Take a look at the ones we are talking about, some of them. National Labor Relations Act—should our employees be allowed, if they want, to organize and join a union? Why not? It is allowed at every level, in almost every State I know of, local government, county governments, National Federation of State, County, and Municipal Employees Organizations; most of the governments of this country.

It is amazing the governments continue to function. Some people argue they do not. But I do not think it is because they happened to have been unionized. It applies to other levels of government. Is it going to hurt the operation of the Congress if our employees would be allowed to vote on whether or not they wanted to join a union? I think it would not hamper our effectiveness at all.

The Fair Labor Standards Act—here, I do not think anyone is arguing about minimum wage. If there is an employee that works in the U.S. Congress that is making less than the minimum wage, I would be surprised. The issue is overtime.

I practiced labor law for a number of years before I came to the Senate. I can assure the Congress—I will take a guess—80 to 90 percent of the people that work for us would fall outside the definition of the type of employee that is subject to the overtime provision. They are policymakers, high-salary employees, administrative employees. I cannot think of a single employee that sits here on the Senate floor with us tonight that would fall within the provisions of the overtime. If those poor devils work 14 hours a day, they will still work 14 hours a day, and they will not get time and a half for it.

Equal pay—why on Earth are we even arguing the situation of whether or not we should have equal pay. Pay men and women the same for the same job? That falls under the Fair Labor Standards Act. If we passed nothing else, nobody would object to that, from the standpoint of decent morality.

Discriminating on the basis of race, sex, religion, national origin: Anything wrong with saying you cannot do that? It is very important to recognize we can discriminate on the basis of our State. If we want to hire people from our State, that is all right. That is not prohibited. If we want to hire people from our political party, that is not prohibited. So if you are worried that you are going to get a disloyal office, or people not from your State, there is nothing in there that prohibits that.

Age discrimination—I would like to think most of us by now have discovered there are many people, including some who have retired, who are willing to come to work, and they make excellent employees.

So go right through the list of the things that the Senator from Oklahoma has talked about, and say to yourself: Would my office be hampered if these laws applied? I would answered that if you say yes, my office would be hampered, then there is something wrong with the way you are running your office now.

So put aside the argument as to whether or not this is constitutional. Put aside the argument as to whether or not we should treat ourselves like we treat private industry. These laws should be adopted, and we should subject ourselves to these laws whether or not they are applied to private industry, because it is a simple matter of fairness and decency.

I hope very much that the Senate will adopt this amendment tonight. I thank the Chair.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Madam President, I have reviewed the amendment. I have to say, I understand what the distinguished Senator from Oklahoma is trying to do. I admire him for trying to do it. As a matter of fact, on any other bill, I probably would not have a heck of a lot of difficulty supporting him, except that I do think there is a constitutional issue here on whether or not the congressional employee may bring an administrative action before an administrative agency to enforce a provision of law, referred to in paragraph 1—against the Congress by the congressional employee. A similar situation is when a complaining party may bring such an action before the agency.

That alone probably would make this unconstitutional, but I am not sure. It is something which is a complex issue that I think needs to be raised.

Madam President, I have to say that this amendment is an extremely complex, extremely difficult amendment, because it would apply the revised statutes, in 42 U.S.C. 1981, section 1977(a) of the revised statutes, as added by section 5 of the act, to the National Labor Relations Act, Fair Labor Standards Act, Equal Pay Act, the Occupational Safety and Health Act, some of which cross over between administrative and legislative separation of powers areas.

This is precisely the type of an amendment that really deserves a lot of debate, a lot of hearings, a lot of time to be put in before you actually go with it.

Having said all of that, my inclination is to tell the distinguished Senator from Oklahoma that it is an interesting amendment, and it is one that I am intrigued with, and that perhaps I could support sometime in the future.

But I have to tell everybody on the floor this: Those who want a civil rights bill, this is a killer amendment. It may be a wonderful amendment, and I have to say it may have many good reasons for adoption sometime into the future.

But if we put in this civil rights bill, it seems to me there is no way that we are going to be able to pass this bill through both Houses of Congress without having many, many other changes that would change the agreement that we have carefully worked out with the White House, with the Justice Department, with both sides of the floor, with individual Senators who have had an extreme interest in this matter, all of which is very delicately put together, and all of which would be upset if this amendment passes in its current form.

I understand what the distinguished Senator from Oklahoma is trying to do. I commend him for it. I admire him for it. Ordinarily, this would be the type of bill you would consider putting it on if it was a bill where there is a free-for-all, and we literally had not worked out the delicate problems that have divided us in the past. But we have worked those out.

We now have a bill that, even though nobody is totally pleased with it, is a bill that basically everybody can accept—that includes people from the far left to the far right of the political spectrum—if we really believe in civil rights, and if we really believe in doing something about some of the disadvantages to certain people in our society today.

So, Madam President, I have to say that I will certainly support the motion to table on this amendment reluctantly, because I do not want to, deep down, shoot down my distinguished friend from Oklahoma. But I hope that our colleagues will understand that there is a higher goal here, and that is passing a civil rights bill that has been the most difficult one to put together in a long time, that is now put together with wide support that, miraculously given, now we do not want to turn our backs on.

So, Madam President, I hope that our colleagues will realize this, and realize that, if we add this to the civil rights bill, I think the civil rights bill, for this session of Congress, is dead, as well-intentioned as this may be. I would consider supporting this on some other piece of legislation, but not this one. I hesitate to stand up and do this to a great colleague like our colleague from Oklahoma.

But on the other hand, I think that what I have said is true, and we have too much at stake in this bill at this particular time to pass this amendment without the full realization that if we do, the civil rights bill, for this year, would be dead.

I yield the floor.

Mr. BROWN addressed the Chair.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. BROWN. Madam President, I rise in support of the amendment of the distinguished Senator from Oklahoma. While it amends the basic amendment that I had offered to the bill, I think it is a very positive one. The amendment I had offered was simply a sense of the Senate, a suggestion that the U.S. Senate ought to move ahead in this area of legislation, to apply the same laws to itself that we apply to the rest of the country. But the Senator from Oklahoma provides the real meat. He offers an amendment that does exactly what I suggested we ought to do. He offers an amendment that says we are going to live by the same rules we ask the rest of the Nation to live by.

Some in this Chamber have suggested a serious concern, and that is that if this amendment indeed passed, it could jeopardize a good civil rights bill. Madam President, I think this is a good civil rights bill. It is a compromise and, like all compromises, it does not include everything every side wanted. But it is a good compromise.

I guess the question that is raised is whether or not this amendment would indeed jeopardize a good compromise. Each of us has a chance to return home often and get input from those that we represent. My favorite forum for doing that is the town meetings. Sometimes we have a large number come and sometimes small. But in those meetings, the discussions are frank and open. I have always felt that I have received a good deal from the people of Colorado from those meetings. Perhaps the people in Colorado are different from those in Maine, Massachusetts, or Oklahoma, but I do not think so.

One of the things that comes up often is a question as to why the Members of Congress set rules for themselves that are different from everybody else. It does not relate just to civil rights and sexual harassment. They mention those, but they talk about everything. They talk about the EPA, about OSHA, and they talk about the Fair Labor Standards Act. But, basically, what they talk about is people in Washington, DC, who set themselves up as a ruling class and say that the same rules are not going to apply to them that apply to everybody else. Everyone, Democrat or Republican, liberal or conservative, thinks that is unfair. There are not many things people in the town meeting agree on, and sometimes I think there is almost nothing. On this they all agree. I have never had a town meeting in 11 years, while in the House or the Senate, where virtually every single person who came did not believe we ought to live under the same laws everybody else does.

I suppose other Members can come to the floor and say their States are different. But I must tell you that I doubt it. I believe the men and women of this country believe we ought to live under the same laws they live under. Many responsible, respected Members of this body will come forward and say, Hank, if we do that, it will raise real problems for this body and its ability to function.

I do not dismiss those arguments. I have heard those arguments from people I respect, honest and thoughtful people. The argument they make is that we are in special jeopardy, because we are up for reelection periodically, and that irresponsible charges can be brought against our office. Perhaps that is true. But that is not new to the political process. It does not happen just with regard to these things. It happens every day in every way from our offices. We are not new to those problems.

No one has complained that the incumbency retention rate is so low that it jeopardizes the security of the Nation. I have not heard anyone suggest that. These problems are not new. They are ones we can cope with. Is it troublesome? Absolutely. Is it going to be tough? Yes, at times it will be.

I do not think this is a sugar-coated bill. I think it has real bite. What I think will come out of this are three things: First, I think the people of this country will gain great respect for this body. Some, unfortunately, do not have that level of respect right now. It will come from a body being looked on as one that is willing to apply the same rules to itself. We will be thought of as fair when we have been thought of as unfair. I think that change will come with the adoption of this amendment.

Second, I think a better understanding will come to this body of the laws, and the rules, and the regulations we pass. I think we are going to have a better feel for the impact of the laws we impose on this Nation, if they apply to us as well. That does not mean that the Members of this body are not wise, thoughtful, or reasonable. But it does mean they may not have had the same experiences as people who work with their hands and their minds that make this country strong. It may mean they do not have the same background experiences or life experiences to weigh the laws that we pass. This will help us pass better laws.

But, third—and maybe most important—it comes to the very fundamental background, the fundamental thought, the fundamental way we view ourselves. This Nation was not founded by the elite. We are not a people who respect the concentration of power. We are people who thought the power of a Nation ought to be in the hands of those who do the work, the men and women who make a Nation strong, the men and women who turn the plows and the wheels of industry. We are not a Nation that thought the elite were the ones that had all the wisdom. The simple fact is that this amendment says a lot about America and the kind of Government we want and we believe in. This amendment says that there is nobody so good that they cannot live by the same rules that everybody else does.

This amendment says that the beliefs of the Founding Fathers still exist today. Perhaps many Members have heard it before, but let me share with you an excerpt from No. 57 of the Federalist Papers. It asserts that elected officials "can make no law which will not have its full operation on themselves and their friends, as well as on the great mass of society."

It goes on to say, "If this spirit shall ever be so far debased as to tolerate a law not obligatory on the legislature, as well as on the people, the people will be prepared to tolerate anything but liberty."

This is not just an amendment about Senate procedures. This amendment goes to the very heart of what this Nation believes in: self-government. This amendment says that the laws are going to apply to everyone, that we are not a ruling class in this Chamber, or in the Chamber across the way, that we are Americans, and that we are Americans all. What is good enough for us is good enough for those who we serve, and what laws apply to them must apply to us. It is a simple, straightforward question. It is a yes or no answer as to whether or not we will live by the laws that we impose on the rest of the Nation.

This Senator believes that this amendment is in tune with the very foundation of liberty and the concepts of freedom that have guided this country so long and so far. I believe this is at the foundation of why this democracy of ours has lasted longer than any republic in the history of mankind. I believe the adoption of it will renew the spirit America has and renew the dedication to self-government that we so strongly believe in.

Mr. NICKLES addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Madam President, I just wish to congratulate and compliment my friend and colleague, Senator BROWN, for his statement. He has not been in this body for that many years, but he has already provided to be a very valuable Member, and certainly in the tradition of the Senator that he replaced, Senator Armstrong, who was one of the outstanding Senators for 12 years. I compliment the Senator from Colorado. He has a background which I think is sorely needed in this body, in the form of what he has experienced in the private sector as an employer, as a person who struggles with living under these laws.

I happen to have a business background, as well. I think, again, some people have questioned the motives of this legislation. It is not to deride Congress. But it is clearly to eliminate some inequities. I might mention that I have heard some of my colleagues, along with Senator HATCH, say this is the wrong bill—I note that that is pending by my good friend from Missouri, Senator DANFORTH—do it on another bill.

He would probably vote for it on some of these labor law applications if it was on another bill. I have heard other people tell me that; sure, Congress should comply with OSHA or Equal Pay Act or some of these other laws as we put on the rest of the country, but not on this bill because it might jeopardize the civil rights bill.

Frankly, I think this is the right bill. I think we have been looking for a long time. We probably should have done it many years ago. In some cases we should have done it 50 years ago or 40 years ago, when some of these bills were originally passed. I think this is the right bill.

One final comment. I heard some comments made, it is unconstitutional. I do not think that is clear. As a matter of fact, I think it is unclear at best. I might mention that in reading from the Constitution when we talk about the speech and debate clause, if you look at article I, section 6, just reading from it, it said:

> The Senators and Representatives shall receive a Compensation for their Services, to be ascertained by Law, and paid out of the Treasury of the United States. They shall in all Cases, except Treason, Felony and Breach of the Peace, be privileged from Arrest during their Attendance at the Session of their respective Houses, and in going to and returning from the same; and for any Speech or Debate in either House, they shall not be questioned in any other Place.

The speech and debate clause.

I think we are really stretching it when we say the speech and debate clause should preclude us from complying with several administrative functions, administrative laws, civil rights laws, labor laws.

Certainly legislative functions should be exempt. Legislative functions would be immune under the speech and debate clause. But not administrative. Not in the hiring and firing, not in the other laws, and in complying with labor laws such as OSHA and the Equal Pay Act.

I notice the amendment by the majority leader and Senator GRASSLEY touches four or five of the laws we are dealing with under this bill; Civil Rights Act of 1974, Age Discrimination Act of 1967 and 1975, the Rehabilitation Act of 1973, and Americans With Disabilities Act of 1990. That is covered under the so-called Mitchell-Grassley compromise. We expand it to include several labor laws and, I might mention, in addition to that, the Privacy Act of 1974 and Ethics in Government Act of 1978. I think those laws should also apply to Congress. I would hope that my colleagues would agree.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. RUDMAN. Madam President, I listened with great interest to the remarks of my friend from Colorado, Senator BROWN, very good remarks, well-intentioned. I listened to the remarks of my friend from Oklahoma, very interesting remarks, well-intentioned. Just one problem with all those remarks. They totally ignore the Constitution of the United States. And so I take strong issue with my friend from Oklahoma.

There is no question that this legislation and the following amendment to be considered unconstitutional on its face. You do not have to take my word for it. Take the word of the U.S. Supreme Court.

I agree we should be covered by any laws that we wish to be covered by, including all of those in this amendment. I agree with the Senator from Colorado on that completely. Unfortunately, or fortunately, we have the strictures of the speech or debate clause of the U.S. Constitution, which has been broadly construed, as well as the doctrine of separation of powers.

It is unthinkable, and would have been to the Founding Fathers, that an executive branch agency such as the Department of Labor or the National Labor Relations Board would have jurisdiction over a Member of Congress. We are not your local manufacturer. We should be subject to the same laws, but hardly the same enforcement mechanism.

The purpose of separation of powers was to ensure that the three branches were separate. I would point out to my friend from Oklahoma that the Federal court system is not included in his amendment. I am sure it is not included because that clearly would be not only unconstitutional, but ludicrous on its face.

If you want to talk about the Founding Fathers, and the Federalist Papers, if we had some time here I would like to read some of them myself. One of the things that they were concerned about from the beginning was that the legislature be free from interference of the judiciary and the executive as it pertained to the legislative duties.

I am not going to talk for a long time because the hour is getting on, and I am sure the leader has other things he wants to do. I will leave you with two cases. There are about 12, but these 2 could not have them any clearer. Let us first take Browning versus the Clerk of the House of Representatives. It was the D.C. Circuit, 1986. That was a case in which a stenographer sued because the stenographer was fired.

Now, frankly, I would not have assumed that a stenographer peformed those policy legislative functions. I would have thought they might have been exempt, such as police, cooks, and so forth. Listen to what the court said. It is the controlling case with respect to employment thus far.

> The speech or debate clause is intended to protect the integrity of the legislative process by restraining the judiciary and the executive from questioning legislative actions. Without this protection legislators would be inhibited in and distracted from the performance of their constitutional duties.

You bet distracted. When someone from the Department of Labor comes to your office for inspection and you happen to sit on the committee that appropriates their funds, talk about separation of powers, talk about inherent conflict, talk about ludicrous proposals, talk about trashing the U.S. Senate and trashing the Constitution in the name of reform.

They went on to say:

> Where the duties of the employee implicated speech or debate concerns so will personnel actions respecting that employee. The standard for determining immunity is whether the employee's duties were directly related to the due functioning of the legislative process, and they so held.

And they went on.

In a case that some Members here who have been here a bit longer than I might remember, the case of Gravel versus United States, 1972, I believe that Gravel was a U.S. Senator from the State of Alaska. The U.S. Supreme Court said, in construing separation of powers and speech or debate, the following:

> Rather than giving the clause a cramped construction, the Court has sought to implement its fundamental purpose of freeing the legislator from executive and judicial oversight that realistically threatens to control his conduct as a legislator.

You know, Madam President, I have been here for 11 years. I have seen a lot of very interesting legislation coming down here. I have seen hard-fought legislation with honestly-held divisions on both sides. I have watched remarkable performances by people like my friend from Missouri, Senator DANFORTH. We served as attorneys general together at one time, labored for 2 years on important legislation that affects this country. There is not a scholar I have spoken to about this that does not say you cannot do it, it will get stricken down. I have heard of suggestions that is all right, pass it anyway, and send it to the court.

I hear that from people who I often hear from the same mouths that we have courts that are too activist, they ought to stay out of our business.

I believe that the Senator from Oklahoma and the Senator from Colorado are correct. We ought to apply these laws to us in any way we wish. In fact, if we want the unionization of our employees, which I do not particularly think this is a very good idea in this kind of place, if we want it, let us legislate it and let us have our own little NLRB. Let us not have executive departments come in our offices and dictate to the people who legislate the law and policy of this country as to how we run our offices.

I will end where I started: We ought to take care of this institution. We will all be here very briefly. We will pass through here, when you look at history, like a blink. We think we are all so important, we have done such great things. I guarantee you very few of us will have a place in history, very few. Our service, be it 6, 12, 18 years, whatever, is a blink in the history of America.

We should care about this institution. We should care about what the Founding Fathers cared about. We should maintain separation of powers, we should respect the speech or debate clause. We should not injure the future of this institution. We can do all of the things that are proposed, but do them the way the Constitution said we should do them, and that is to keep our own house in order.

I hope that someone will move to table this and that we defeat it promptly, as I hope we will the follow-on amendment. There are times when personal political advantage should take a second place and a back seat to the value of this institution. I thank the Chair.

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Madam President, this amendment has just come to me as a member of the Rules Committee, and I have, with the help of my able assistant, tried to analyze it. It is a rather startling proposition to me.

Last year, the Senate applied the Civil Rights Act of 1964, the Age Discrimination in Employment Act, the Rehabilitation Act, and the Americans With Disabilities Act to itself. This is a provision, as I understand it now—and I would urge the sponsors to correct me if I am wrong—that would apply to the Senate the Fair Labor Standards Act and Equal Pay Act. It would also apply to the National Labor Relations Act, which does not even apply to the executive branch. It is the Federal Labor Relations Act that applies to the executive branch and allows some union activity on the part of the employees in the executive branch.

This would apply the Occupational Safety and Health Act of 1970 to the Senate. That does not apply to the executive branch either. That is a concept of a legal duty to provide a workplace free from recognized hazards. It is something that perhaps we should explore.

There have been some people that have asserted that perhaps this might be something that would require us to expand the buildings of the Senate. I am not sure that is correct. But in any event, there are areas of Senate employees where perhaps, because of the use of machines, because of the print shop, because of the air quality in some of the areas where there is actual construction or maintenance activity going on that we should explore that.

The Freedom of Information Act would apply to the Senate. The Senator from New Hampshire has already commented on that. I do not want to duplicate his comments.

But I would say that as a practical matter there are constitutional provisions that cover the right of a constituent to petition Congress. We have in our files letters written by many people concerning activities of the executive branch, of the judiciary, of local governments. I think it is entirely against the spirit and concept of the U.S. Constitution to apply the Freedom of Information Act to those that are entrusted with the concerns of their constituents. It is not, in my opinion, a concept that ought to be pursued by this Senate. This would apply the Privacy Act of 1974 to us. It would apply the Age Discrimination Amendments of 1975, which, incidentally, only apply to grant recipients; and I do not know of any grant recipient in the Senate. I am not sure who we are trying to protect in regard to that.

It applies the Equal Employment Opportunity Act of 1972 to the Senate. Actually that act extended the 1964 Civil Rights Act to the executive branch and the 1964 act already applies to the Senate. It applies title VI of the Ethics Act of 1978 regarding the appointment of special counsel. The reasoning for applying that to Congress escapes me because really it is to try to avoid conflicts of interest within the executive branch. For us now to put the Congress under a law that was drafted by Congress with the approval of the executive branch to eliminate internal conflict within the executive branch seems to me again a misguided concept.

When I was in the State legislature, I would have called this an amendment to love a bill to death. It is an amendment that comes up to try and make an impression that somehow or other it is an improvement to the bill, when actually it is an amendment that could only lead to the destruction of this bill.

I am here and prepared to debate or answer any questions from the proponents of this amendment. I really cannot believe that it is seriously presented to the Senate for action. At least half of it could not apply to the Senate by the terms of the laws that would be incorporated by this amendment. And the others, particularly the Freedom of Information Act, would be a total mistake as far as this body is concerned.

I really cannot believe that the sponsors of this amendment are serious about the concept of the Freedom of Information Act, putting the Senate under that act, and putting the Senate in the position where a court might order the release of records of the Senate that pertain to items that are taken under the rules of the Senate in confidence, or taken for the purpose of protecting the security of the United States. This has not been well thought out in my opinion.

Mr. NICKLES. Will the Senator yield?

Mr. STEVENS. Yes.

Mr. NICKLES. I would like to inform the Senate, we did not include freedom of information in the amendment.

Mr. STEVENS. It was a list that was shown to me. I apologize to the Senator from Oklahoma, Madam President, because as I said as I started, I have not seen until just this minute the latest draft. And if that is left out, I am happy, and I thank the Senator for that.

Were there other items that I mentioned in my discourse that are not contained in the amendment now?

Mr. NICKLES. Well, the Senator is correct. I think the Senator mentioned a couple of others that are not.

Let me just touch on the ones that are not included in the so-called Grassley-Mitchell because it is not quite as comprehensive as your list.

The National Labor Relations Act, the Fair Labor Standards Act, the Equal Pay Act, the Occupational Safety and Health Act, the Privacy Act of 1974, title VI of the Ethics in Government Act of 1978. Those are the only ones that we included that are not currently covered through the Senate Ethics Committee.

Mr. MITCHELL. Madam President, might I ask if the Senator would yield to permit me to ask a question, through the Chair, of the Senator from Oklahoma?

Mr. STEVENS. I am happy to yield to the leader.

Mr. MITCHELL. Madam President, I inquire of the Senator, if the purpose of this, as stated repeatedly by the Senator from Oklahoma and the Senator from Colorado, is to subject the Congress to all of the laws to which it subjects others, why was not the Freedom of Information Act included in here?

Mr. NICKLES. I would tell my friend and colleague, I had intended on doing it and I also realized I would lose some votes in the process of doing.

Mr. MITCHELL. So it is not the principle?

Mr. NICKLES. Well, I would also say there is a difference between the Freedom of Information Act and laws that pertain to administration, laws that pertain to employment, laws that pertain to civil rights. We kept almost all these targeted on laws that pertain to the above: civil rights law, employment law, administrative-type laws. The Freedom of Information Act really did not fall into that same scope.

Mr. MITCHELL. Madam President, I think it is rather obvious that there is not any principle involved here. Because, at the first suggestion that a few votes might be lost, principle was abandoned and this other provision was taken out. I think that exposes this amendment for what it is.

Mr. STEVENS. Madam President, the problem I have, even with some of the laws that are left in this amendment, they are laws that the Congress has already seen fit not to extend to the executive branch.

With regard to OSHA, we did not cover the executive branch either because neither branch of Government is doing many of the things that occupational health and safety laws are designed to cover. And I think that there is some feeling here that perhaps if we extend these laws to the Senate, perhaps the Senate might wake up and change some of these laws that the small businessmen find oppressive.

But, Madam President, that is lost in this bill. If this amendment is designed to make some people mad enough to vote against civil rights, I do not know anyone here on the floor that is going to do that. I really do not know if anything is going to be gained by applying OSHA to the Senate when it does not apply to the great monolithic executive branch that has most of the Federal employees of the United States.

I might ask the sponsors why would you apply it to the Senate if it does not apply to the executive branch as a whole? What is to be gained from that?

I hope someone would answer.

I would also like to know why the amendment would apply the Privacy Act to the Senate. That is an act that is designed to permit individuals to obtain from Federal agencies any records pertinent to the individual, and it protects such information from disclosure to third parties.

I am a former chairman of the Ethics Committee. My friend from New Hampshire is currently vice chairman. I know of no instance where an employee did not have access to Ethics Committee records that pertained to that employee. But if there is some reason for us to change our rules, I would be very pleased as a member of the Rules Committee to suggest any changes to make sure we protect those employees, but that is not the reason it is offered here.

Somehow or other there is some feeling that if it is made applicable to the Senate, that it becomes so burdensome that it becomes something this bill cannot carry. That is my opinion, and I decry the tactic. I believe we ought to get down to the business of passing a civil rights bill.

I have been quoted in the paper as having been a little outspoken at the White House. I do not think I was any more outspoken there, Madam President, then I am here in the Senate. I believe it is time the American people had the Congress get together and decide what should be improved in the Civil Rights Act of the United States. Only serious amendments should be presented here to what I consider one of the most serious bills the Congress will face in its waning days in this first session.

I do not understand this amendment. I am dead set opposed to it. I hope we have the courage to start recognizing these amendments for what they are. They are not amendments designed to improve the civil rights of the Senate employees or to protect them in any way. Most of the protections that are in this amendment are already available through the procedures that the Senate has established by rule. And if there are some that are not fully protected—I see the chairman of the Rules Committee here now—I think the two of us could assure the sponsors of this amendment we would expeditiously hold a meeting in order to determine what the defects of the rules are in regard to protection of any of the employees of the Senate.

But these amendments in my judgment are—I come back to what the Senator from New Hampshire has said. I am glad he is here. But from the point of view of the legal relationships of the three branches, in terms of the historic balance between the three branches of our Federal Government, I think this is an attempt that will lead us down the path to destroy the independence of the congressional branch. I hope the Senate will oppose it.

Madam President, I am prepared to make a motion to table any time we are ready.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Madam President, before we have a tabling motion, and I expect one in the not too distant future—maybe to notify our colleagues—I would like to respond to the majority leader who made the comment that this was not principled because I left out the Freedom of Information Act—and I mentioned one of the reasons I left it out was I would lose some votes. That is a fact. But I will also state the Freedom of Information Act does not apply to the private sector. This is my primary reason for excluding the Freedom of Information Act.

I happened to be a business man before coming to the Senate and I happen to have a little grievance against Congress exempting themselves from laws that they put on the rest of the private sector, and then go out and say, "Private sector, be competitive; private sector, create more jobs; private sector build, and expand." As a small business man, you cannot succeed when you have a continuous parade of laws that are very well intentioned, but that infringe on your capability to do so.

Maybe if we in Congress lived under the same laws with the same standards, the same procedures, and the same remedies as the private sector, we might have a little more understanding and a little more sympathy for what it is like in the real world to try to struggle and survive under the laws passed by this body.

I happened to be involved in a company in Oklahoma that lost money for several years. I happened to be involved in a company that was involved in a case which fell under one of the laws listed in my amendment, a company which went to district court and before a district court judge. We won the case, but we lost thousands of hours and thousands and thousands of dollars in legal fees. Our management was tied up for 2 years on a frivolous case.

I think Congress needs to learn what it is like to be under these types of laws. I do not see any reason in the world why we should not be under the laws that I have enumerated. My colleague mentioned some problem with freedom of information. I personally think if it is good enough for the executive branch, maybe it should be for Congress. However, the Freedom of Information Act does not pertain to the employment and labor laws which affect the private sector as the rest of the laws that we have before us in my amendment do.

I have heard my colleagues say we are covered through the Ethics Committee. But there is no right of appeal through the judiciary process as there is for the rest of the American people. We should allow a person to have his or her day in court.

I compliment Senator GRASSLEY because he has been steadfast in trying to ensure private right action through the Federal courts.

I know these laws that I have included in my amendment are not all-encompassing. My amendment does not cover every little nook and cranny from which Congress has exempted itself, but I have tried to, as much as possible. I think Congress should live under the same laws we put on everybody else.

My colleagues have said it is unconstitutional. I happen to disagree. The law at most is unclear. My colleague from New Hampshire read a couple of court cases. I wanted to give a little additional language on those two cases. He mentioned *Davis* v. *Passman*, 442 U.S. 228, 249 (1979) *Browning* v. *Clerk, U.S. House of Representatives*, 789 F. 2d 165 (1989).

First, I would like to comment on *Grave* v. *United States*, 408 U.S. 606 (1972). The court said that the speech and debate clause is "not all-encompassing" and does not cover activities that are not "part and parcel of the legislative process."

The decision of *Forrester* v. *White*, 484 U.S. 219 (1988) indicates that a Senator's or Representatives's hiring or firing decisions are not "legislative" acts. They would not be absolutely immune from review under the speech and debate clause; but, instead, are "administrative" acts that are not entitled to absolute immunity.

Under the Passman case, Congress has the right to waive its immunity. Chief Justice Burger, joined by Justice Powell and now-Chief Justice Rehnquist, said, "Congress could, of course, make * * * remedies for violations of constitutional rights available to its staff employees—and other congressional employees—but it has not done so."

My point is without getting involved in a major debate on certain court cases is that these court cases at best are unclear. I read the Constitution. I have read it, just as everybody else has: "* * * and for any Speech or Debate in either House, they shall not be questioned in any other Place."

I think it is a broad expansion of the speech and debate clause to say that we want no administrative oversight or enforcement of law. We want to have all of our own enforcement. Would that not be nice for the private sector, to say oh, yes, we will have our own enforcements for all these laws? I think that would be a serious mistake.

Mr. STEVENS. Will the Senator yield?

Mr. NICKLES. In just a moment. I think this is a matter of principle. I think when I walk downstairs in the basement of this Capitol and I see a lot of things that are in the hall, I remind myself if Congress were covered under OSHA, there would be penalties imposed because they have a lot of things thrown about the hall that a person would be cited for in the private sector under the law. And my guess is the paint shop or the print shop, some of those other facilities we have, should also be covered.

If OSHA is designed to protect the employees of the private sector it also should be protecting the employees of the legislative branch as well.

Mr. President, I do not think that Congress continuing to exempt itself from laws in the right thing to do. I believe this is the right time. It is the vehicle to do it, and I hope that we will adopt this amendment.

Mr. STEVENS. Will the Senator yield for a question before he yields the floor?

Mr. NICKLES. Yes.

Mr. STEVENS. Let me read some things. I want to make sure I understand. In response to the Supreme Court decision that the Senator mentioned, the Senate last year applied the Civil Rights Act of 1964, the Age Discrimination in Employment Act, the Rehabilitation Act, and the Disabilities Act to the Senate. The Senator is aware of that, is he not?

Mr. NICKLES. The Senate applied it to the Senate through the Ethics Committee with no judicial review. In the private sector, if the employee is not satisfied with the result, they have the right to judicial appeal. Our employees do not have that right.

Mr. STEVENS. Can the Senator tell me one employee who sought appeal, any one employee who complained of the treatment that he or she received from the Ethics Committee?

Mr. NICKLES. I will tell my colleague, my point is not to say that we have committed countless grievances on our employees. My point is we should give our employees the same rights, procedures, and remedies that we give the private sector, not that the Senate has been cruel in its treatment of employees. I think quite the contrary. I think we treat our employees very well. I just believe the remedies and the procedures should be identical for us as it is for the private sector in order to better understand how these laws actually function and operate.

Mr. STEVENS. As to the National Labor Relations Act, if the Senator will yield further, that does not apply to the executive branch. Does the Senator really want the unions of this country to organize the employees of the Senate committees and Senate offices and the restaurants and the police and the operators of our subway? Is that the Senator's goal?

Mr. NICKLES. I might tell my friend and colleague from Alaska that the Federal Labor Relations Act applies to the executive branch, instead of the National Labor Relations Act, which applies to the private sector. My amendment focuses on laws applicable to the private sector.

Mr. STEVENS. The Federal Labor Relations Act applies to the executive. The National Labor Relations Act, cited in the Senator's amendment, does not.

Mr. NICKLES. I am well aware of it. My point is that I am trying to make the Congress live under the same laws we put on the rest of the country.

Mr. STEVENS. The Senator really wants us to find labor organizers organizing the committees of this Congress?

Mr. NICKLES. Again, I have to correct the Senator. The National Labor Relations Act, which passed in 1935, gives employees the right. I did not say I would petition and lead their organizational drives. I am just saying they have the right in the private sector; they should have the right in the Congress, as well.

Mr. STEVENS. How about OSHA? That does not apply to the executive branch.

Mr. NICKLES. I might tell my colleague that OSHA does apply. The Government itself is exempt, but each agency is required to set up its own OSHA-like program, and we do not do that in the Senate.

Mr. STEVENS. Is the Senator familiar with the rules and regulations issued by the Architect of the Capitol? It is a Capitol-wide administration for the health and safety of our employees.

Again, as a member of the Rules Committee or as a member of the Ethics Committee, I remember no Senator and no employee ever coming to either of those committees and saying we are not properly protected.

What I am trying to get to is what is the basic reason for the Senator's amendment? Is not the Senator's amendment to try to put a burden on the Congress that he perceives to be a wrongful burden on the private sector?

Mr. NICKLES. No, the Senator is incorrect. The purpose of my amendment is equity. The purpose of my amendment is fairness. I am personally tired of picking up newspaper articles, like one that was in the Wall Street Journal, "Rights Bill May Not Apply to U.S. Senate."

I do not want to go to town meetings. I happen to hold town meetings, and I am kind of tired of people saying, "I see you exempted yourself from all these laws. Don't you think it is right for you live under the same laws as you put on the rest of the private sector?"

The answer to that question for me has always been "Yes." I have wanted to do something about it. Some of us have worked on this a long time, and again I compliment Senator GRASSLEY for his leadership. But I think it is time we do something.

Mr. STEVENS. I thank the Senator.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER (Mr. WIRTH). The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I gather there are two or three more who want to speak, and I will not speak for very long. I want to say I have no greater respect for anyone, and I say this in all honesty, than I do for the new Senator from Colorado [Mr. BROWN]. I do not know him well, but I just admire and respect him. I think he feels deeply about this issue, and I think tonight on the floor of the Senate he expressed himself in a way that made me proud of him.

I could not have more respect than I do for the Senator from Oklahoma. But let me suggest I am not a constitutional lawyer, if I ever was, but certainly after the last 23 or 24 years without seriously reading a constitutional case, I am going to defer to Senator RUDMAN.

I do believe that it makes practical sense that when you have an independent Congress—and we are just a piece of that Congress—it means independent. You do not have to read a whole bunch of fancy words; we are independent. Independent from whom? Independent from the executive branch. And we are supposed to be. We are independent from the judiciary, and we are supposed to be. That is what those people who set this magnificent framework in place had in mind.

The distinguished Senator from New Hampshire suggested some ways, as did the Senator from Alaska, that we might just speculate about this separation falling apart on a day-by-day basis, and what it might yield. They did not even mention that you might have a Democratic President with everyone around him of his party doing his business, doing his bidding. And think how those executive branch people would react to the Republicans. They would take a look and find out which law are they violating, and it is about 3 months before an election; let us have a little fun with that one. You will be innocent, but the election will be over. What we are doing that for?

If we want to pass these laws, do what the Senator from Alaska said: pass them for the Congress, and let somebody here enforce them and set some other group that we pick to be the final say on whether we did it right or not.

Frankly, I cannot imagine that my constituents at a town meeting are going to suggest that the people who work for me in New Mexico, wonderful people—five in a little office in Las Cruces, six in Albuquerque, three in Roswell, four in Santa Fe—that they are worried about, at a town meeting, whether those people are covered by these laws. Just imagine; they would not dare ask whether Ernie Vigil in Santa Fe, 64 years old, worked for me for 19 years—I am just like a brother to him, and we have to apply some of these laws to make sure we are taking care of him right.

What is happening is we are trying to make an excuse because we do not like our laws, and our people do not like our laws. We are saying tonight: Well, we are going to vote with the people; we are going to put them on ourselves, and that is going to make us all feel good.

Let me tell my colleagues, one of our Senators at lunch—and I will not say who it was unless he wants to come down here and say it, but he has a lot of savvy. He said, "If you think passing these laws and putting them on our shoulders is going to make us change our laws with reference to the business community of America," as I recall him saying, "it will never happen. It will hurt Senators before it ever gets changed, make it harder to get Senators to run for office because it just will not work." I think he is right.

So from my standpoint, I believe the Senate is a very special place, and if we are to down time or downturn with the American people when they do not feel very good about us, I submit we are not going to get better 3 or 4 years from now because we made all these laws applicable to this place. We are going through something that we are going to have to get out of on our own, and establish the fact that we have some courage and ability to explain ourself and not find easy ways out of things. That is essentially why they are a bit angry at us.

I submit, and again I do not lay any blame anywhere, but this is kind of one of those times where we are trying to get out of something easy. We have some laws that ought to be changed, and because we cannot get them changed, we are putting them on ourselves. And we are going to go home and say, "Isn't it nice; we put those laws that are bad on us, too." And it will not do a bit of good for anyone, except perhaps at a few town meetings for the next 6 months, and then it will disappear. We can say we did it, and will that not be wonderful.

I said to my friend—he was absent from the Chamber when I said I thought his remarks were marvelous, well intended. I have great respect for him, but I just happen to think he comes down on the other side with reference to what this will do and will not do.

I am going to close by saying, from my standpoint, I have been here a long time. Frankly, this is a rather special place.

There is no doubt about it, the Constitution intended it to be a very special place. I really do not believe we ought to make it more difficult to get people to run for Senate offices. It is already difficult enough. I do not think we ought to make it easier for anyone to make it hard for us to be Senators, and that is what this will do. I do not think we ought to let the executive branch of Government or anyone outside of the Senate jurisdiction enforce rules and regulations with reference to those who serve us in this body. If you want to include the policeman, you want to include those who are part of operating it, let us study it carefully and put them under the laws that apply to every one of us but not those who work for us and those who carry out our requests and who help us do our job.

I yield the floor.

The PRESIDING OFFICER. The majority leader.

Mr. MITCHELL. Mr. President, the Senate faces a serious problem, and we, as the 100 individuals who at this moment in history comprise the Senate, face that problem. In a general sense, we are all, or should be, saddened and distressed by the degree to which this institution and those of us who are the institution have fallen into such disrespect on the part of the American people. We have reached the point where a healthy skepticism about public officials, which has been the norm through our Nation's history, has become an unhealthy cynicism with widespread distrust and ridicule of the institution.

The Senate is not this building. The Senate is not these desks. The Senate is not the offices which we inhabit. The Senate is us, the individuals that are involved, the 100 people who comprise the Senate.

Perhaps the saddest thing to me about this entire debate is the willingness of some Members of the Senate to seek to exploit and to exacerbate that public sentiment for what I believe will inevitably be a short-term political gain. Oh, it is easy and popular to stand up and say we should be subject to all of the same laws and rules that the people of this country are subjected to, but it is obvious from the debate that nobody really means that. Nobody is proposing to repeal all of the privileges that we as Senators have.

The most significant, most meaningful, most powerful privilege that distinguishes Members of the Senate from others is the speech and debate clause of the Constitution. Does any Senator here favor repeal of that? Does any Senator say that we ought to be just like everyone else? There are only two people in Oklahoma who have that privilege. There are only two people in Colorado who have that privilege. There are only two people in Maine who have that privilege. Is anybody here willing to stand up and say we ought to repeal that part of the Constitution because it distinguishes us from others, because it creates a privilege that no other American has and no other American can hope to have, that in the conduct of our duties we cannot be held accountable in any place by any person or any institution for what we say?

If you do not really want to make us subject to all of the same provisions of law as others, what is the purpose of this? Well, the purpose is transparent. First, it is to kill the civil rights bill. With the agreement reached between the administration and Senator DANFORTH, for which Senator DANFORTH deserves and has received the credit and gratitude of all Americans, the prospects for defeating this bill on the merits of that issue are in question.

We are all familiar with the tactic of taking a bill that otherwise has support and killing it by adding something that does not have that broad support. And so in the guise of reducing Senators, somehow this privileged class, in the guise of making this privileged class unprivileged, which would not be the result of this amendment because by far the largest privilege is untouched by this amendment and no one proposes to touch that, we succeed in killing the bill that cannot be killed by a direct attack on the principal provisions.

Now, Mr. President, I said we face a problem in the specific, and that is, how do we deal with this problem so troublesome to all of us? The one thing that has been said by the proponents of this legislation with which I agree is that this is a difficult and troubling problem. It is obviously politically attractive. It is very politically attractive for a Senator to be able to come up here and say over and over again, all we want to do is make the Senate subject to the same laws. It has powerful appeal and resonates through the people, particularly at a time when public esteem for the Congress is so low.

Well, of course, the amendment affords the opportunity for that kind of political speech and that kind of political gain, but the fact that that is political in nature does not obscure the reality that this is a very serious problem that we face.

What we should be trying to do is to figure out a way in which the substance of these various laws, the protection of the rights of individuals, can be assured in a way that is consistent with the Constitution. You can address the problem in a serious way by trying to figure out is there an approach that, while not mechanically identical to the procedures employed in these laws, in fact accomplishes what ought to be our objective, and that is the substantive objective of protecting people as these laws intend that other people be protected. But that is obviously not the intent of this amendment.

Each of these laws has a different application. They have different enforcement mechanisms. They have different penalty provisions. No effort is made to distinguish that fact. For example, the National Labor Relations Act and the Occupational Safety and Health Act exempt all Federal employees. The others do not. No distinction is made between them. For example, the National Labor Relations Act is enforced by a quasi-judicial board appointed by the President with the consent of the Senate. The Fair Labor and Equal Pay Acts are enforced by the Department of Labor. No effort is made to distinguish between those. Some of these laws provide for civil remedies, others provide for criminal penalties. No effort is made to distinguish between those. What we are told is that the only way you can guarantee a substantive right is to follow in each instance an identical procedure under each of these laws. We all know that not to be true. It defies common sense. It defies reality. All across this country different States apply different procedural remedies to attain similar results. We are told that there must be a jury trial as provided in some of these laws; otherwise, you are not entitled to the right. Well, there are all kinds of grievances in our society which do not entitle a person to jury trials.

Do we suggest then that the only means by which a remedy can be obtained in our society is through a jury trial? That is an amazing and a new concept in American law. There are 12 laws mentioned here before the Freedom of Information Act was taken out for, admittedly, the political reason of not wanting to lose a few votes—11, and 4 of them are already applicable to the Senate. But we are told they are repeated here because the process by which the rights are protected are not mechanically identical to the process by which those rights are protected in the private sector.

Who has ever said, or has ever accepted the premise that the only way you could achieve a desirable result is to adopt an identical process? As I said, it is contrary to common sense, contrary to reality, contrary to the whole history of Anglo-Saxon law, going way back before the United States was even a country.

Mr. President, for the past 3 days I have met, discussed, and negotiated with the distinguished Senator from Iowa in an effort to try to figure out if there is some way that we can accomplish what ought to be our objective, and that is protecting, and providing to employees of the Senate substantive protections of law in a way that is consistent with the Constitution.

I do not know if it can be done. I know the distinguished Senator from New Hampshire, who has been described as the most able lawyer in the Senate—I think a description which he deserves—feels it cannot be done. He feels that an attempt to bridge that gap cannot be done in a consitutional manner.

I am not given to rash predictions, but I will say this: In my judgment this is the most blatantly, flagrantly, obviously unconstitutional proposal that I have seen since I have been in the Senate. This makes no effort whatsoever to approach this in a serious, responsible way. It makes no effort whatsoever to try to accommodate the legitimate objective of protecting the rights of individuals in a way that is consistent with the Constitution.

So I do not think there is the slightest chance that this could be found constitutional

Each Senator has individual views, and I respect the judgments of the Senator to the contrary. I express merely my own personal opinion on that.

I urge the Senate to reject this amendment, politically difficult as it may be, because if you vote against this you are subject to the charge which we have all heard here, "Well, do you not want the Senate to be treated just like everyone else?" Even though we all ought to remember that the people saying that do not really mean it because they are not prepared to surrender the greatest privilege of all, the privilege which more than any other distinguishes the Senate from others in our society.

So I hope my colleagues will join in rejecting this amendment and permit us to get on to pass the civil rights bill, a very difficult, a very controversial, and a very important bill—with respect to which we have debated and labored—and has been subject to great controversy for a long period of time.

I hope that now, as we are all on the verge of doing so, we do not permit it to be derailed by this transparent effort. A vote for this amendment is a vote to kill the civil rights bill. So that everybody understands, that is the effect.

Can we do this in a way that does, in fact, accomplish what I think we all want to accomplish; that is, to provide these protections in a way that does not violate the Constitution and undermine the separation of powers? I must say in all candor, I do not know. We have been trying for days to try to figure out a way to do that. I cannot say to the Members of the Senate that it is possible to achieve that in a constitutional manner.

I can say that this clearly will not do so, and I hope very much that our colleagues will permit us to go forward and to pass this bill.

I yield the floor.

Mr. NICKLES. Mr. President, I would like to respond to the majority leader with just a couple of comments. One, he says it is the intention of this amendment to kill the bill. That is totally false. This Senator, Senator PACKWOOD, Senator BROWN, and others, I think, have indicated their intentions to support the bill. It is not our intention to kill the bill. It is our intention to try to restore some kind of equity.

I heard the majority leader say clearly this is unconstitutional. He said that about four times. I read the Constitution. The speech and debate clause does not say the Congress shall be exempt from all laws. It does not say that. The speech and debate clause says in either House they shall not be questioned in any other place. It does not say let us exempt Congress from all law.

As a matter of fact, the Federalist Papers, reported by my colleague, Senator BROWN, said we should live under the laws we put under the masses of people. I happen to think he is correct.

I might mention, too, there are Supreme Court cases which I have quoted earlier—I will not repeat those quotes, but basically they state the speech and debate clause does not limit Congress, or does not limit the functions of our administrative functions. There may be immunity from legislative functions, certainly speech on the floor of the Senate, but not administrative functions such as the conduct of our offices—hiring, firing, et cetera.

Mr. President, I yield the floor.

Mr. DANFORTH addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. DANFORTH. Mr. President, earlier the Senator from Alaska indicated that he would move to table. He can if he wants, or I will, whatever the desire turns out to be, or I could withhold that.

I would simply like to add my strongest sense to what the majority leader has said and what the minority leader said earlier today. At the time we were debating the McConnell amendment, Senator DOLE said that he did not know whether the McConnell amendment was a deal breaker, but he did know for certain that the Nickles amendment is a deal breaker.

Whether it is the intention or not of the Senator from Oklahoma, there can be absolutely no question whatever that if we adopt this amendment all bets are off, there is absolutely no chance that this bill, as it would be passed, would be passed by the House; no chance at all; no chance that we would avoid a conference and, in my opinion, no chance that this would become law.

I said to the Senator from Oklahoma earlier in the day, if you really want to do this, can you do it on somebody else's bill? I do not think that is just normal pride of authorship. I suppose everybody would say that about the bill that he has been working on.

But, Mr. President, it is time that we put the question of civil rights beyond the partisan agenda in America and reestablish a national consensus on this issue. It is a time that we stop the bickering over a civil rights bill. And for that reason, my hope is that whoever moves to table this amendment will be strongly supported by the majority of the Members of the Senate.

Mr. MITCHELL. Mr. President, if all debate has been concluded, I am going to suggest the absence of a quorum to permit the distinguished Republican leader to come to the floor. He indicated he wanted to speak briefly on the amendment.

I would like to honor that request.

So if no other Senator wishes to address I have notified his staff. He asked to be notified when we reached this point. I will, therefore, suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. Mr. President, I have not heard a great deal of debate, but I have indicated earlier to the Senator from Oklahoma that this amendment would be troubling in the view of this Senator.

This would clearly, I think, mean we would have a conference on the House side, and it seems to me that from the standpoint of the President of the United States, who wants this bill, and the Senate, I think there will be an overwhelming vote for the bill, and that would not be an appropriate step. We would like this to go to the House, and for the House to take this bill, so it will reach the President's desk next week, or maybe at the end of this week.

I know that the amendment is well-intentioned. I know the Senator from Oklahoma spent a great deal of time on it. I know the temperatures flare in here when you start talking about how it may apply to Senators. But I think there is one shortcoming. If somebody gets a judgment against a Senator, we would turn it over to the taxpayers to pay the judgment. So I am not certain whether in fact we are being punished or being held in the same standards that an employer might be held to in the private sector. Maybe those questions have been raised earlier.

I just say, for reasons we said earlier here, when we agreed on some of the legislative history and turned to the Senator from Utah to the Senator from Massachusetts, the managers, who were indicating they would make every effort to defeat what might be considered a deal-breaker with reference to the entire civil rights bill, I will oppose the amendment.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. SPECTER. Mr. President, I support the pending legislation. As an original cosponsor of this bill, I am delighted to see that the basic elements of the bill have now been agreed to by a majority of the Members of the Senate and by the President.

It appears that the essential elements of this bill will be enacted into law. I think that is highly desirable, because the decision of the Supreme Court of the United States in Griggs had stood for some 18 years, until it was reversed by the Supreme Court of the United States in Wards Cove. I submit, Mr. President, that it was reversed by a revisionist Court, not by a conservative Court.

The opinion in Griggs, written by Chief Justice Burger for a unanimous Court, was conservative in finding business necessity in interpreting the Civil Rights Act of 1964. That decision stood unchallenged for 18 years, until 1989. The Court is a revisionist Court. And it was especially problemsome to me to see four of the Justices who overturned Griggs, having gone through the nomination process in the past decade, and having sworn not to change the law but only to interpret the law, to in fact make that change. So I think this bill is a significant step forward.

In terms of the pending amendments being an impediment to the passage of the bill, I think that is a serious consideration, as the distinguished Republican leader has just outlined. I am not sure about all of the policy ramifications of the amendment which has been offered by the distinguished Senator from Oklahoma. There are a great many bills which would cover the Congress of the United States—the Senate of the United States at least. It may well be that some of that may go too far.

There is an amendment which will be offered by the distinguished Senator from Iowa [Mr. GRASSLEY] which, as I understand it, is limited to covering the Senate on the civil rights bill. Senator GRASSLEY has offered that amendment twice in the past, and on each of those occasions, I have supported Senator GRASSLEY on it.

So that supporting Senator GRASSLEY later this evening or tomorrow, whenever it may come up, is not a response on my part to any current criticism of the Congress of the United States. I think the Congress—the Senate and the House—will withstand that criticism.

I think that, as a general proposition—unless there is some very strong reason to the contrary—Congress ought to submit to the same laws which are applicable to other citizens.

I disagree strongly with the statements which were made earlier that this is a matter for political advantage. As I say, I had said that last year and the year before, whenever Senator GRASSLEY introduced his bill to cover the Congress, at least the Senate, with matters which were applicable to other citizens.

I do want to make a few comments on the constitutional issue which has been argued earlier this evening. I have been asked by Senator GRASSLEY, last Thursday when I met him in the subway, if I would be a cosponsor of this amendment, and I said I would. Then I got a call from Senator GRASSLEY on Sunday asking me if I would attend a meeting yesterday—which I did—in the majority leader's office, and we had a brief discussion at that time about the constitutional implication of the speech and debate clause.

My own view, Mr. President, is that it is not clear at all that the speech and debate clause would preclude the pending legislation offered by the Senator from Oklahoma, or the amendment to be offered by the Senator from Iowa. I say that based upon some research which I have done, which is not as exhaustive as I would have liked, but it was undertaken after the meeting held yesterday afternoon in the majority leader's office.

There is a decision of the Supreme Court of the United States in the case of Davis versus Passman, reported at 442 United States Reports 228, which deals with a claim by a former congressional staff member, who brought suit alleging that the defendant, who was a U.S. Congressman at the time the case commenced, had discriminated against the staff member on the basis of her sex, in violation of the fifth amendment, by terminating her employment as a deputy administrative assistant.

The Supreme Court of the United States, in a very lengthy footnote, analyzed the speech and debate clause and says in footnote 11 at page 2272 of 99 Supreme Court Reporter, "The purpose of the clause is 'to protect the integrity of the legislative process by insuring the independence of individual legislators.'"

Then the Supreme Court says further in the footnote, "The en banc court of appeals did not decide whether the conduct of respondent was shielded by the speech or debate clause. In the absence of such a decision, we also intimate no view on this question."

From this decision, Mr. President, I conclude, at least so far as the Supreme Court of the United States is concerned, that it is an open question as to whether the speech and debate clause covers a firing of a congressional staff member by a Member of the U.S. Congress, which is pretty close to the kind of considerations which are involved in the civil rights bill on the issue of nondiscriminatory hiring and firing.

The case of Gravel versus United States has some relevance to the issues which are pending here, and that case involved the situation where a Senator had made available certain documents which were not to be disclosed, the Pentagon papers, and the Supreme Court of the United States in that case said as follows—this appears at page 2627 of 92 Supreme Court Reporter:

> The heart of the clause is speech or debate in either House. Insofar as the clause is construed to reach other matters, they must be an integral part of the deliberative and communicative processes by which Members participate in committee and House proceedings with respect to the consideration and passage or rejection of proposed legislation or with respect to other matters which the Constitution places within the jurisdiction of either House.

The Court goes on to say:

> While the speech or debate clause recognizes speech, voting, and other legislative acts as exempt from liability that might otherwise attach, it does not privilege either Senator or aide to violate an otherwise violate criminal law in preparing for or implementing legislative acts.

The activity here involved committee hearings which are very, very close to the heart of the legislative function.

I noted the case which the distinguished Senator from New Hampshire [Mr. RUDMAN] cited, Browning versus the Clerk of the U.S. House of Representatives, decided by the U.S. Court of Appeals for the District of Columbia, articulating a very broad interpretation, as the court said a liberal interpretation of the speech or debate clause, one which was not quite so liberal as the interpretation by the Supreme Court in Gravel. Certainly the Supreme Court did not reach that issue in Davis versus Passman.

There have been some intervening cases after the Browning decision. The Browning case was a case where the U.S. Court of Appeals for the D.C. Circuit said that the constitutional protection precluded an inquiry into the firing of a court reporter.

There was later the decision by the Supreme Court of the United States in Forrester versus White which involved the situation where an Illinois State court judge had hired the petitioner as a probation officer, promoted her, and then discharged her, and the employee than filed a damage action in Federal Court alleging that she was demoted and discharged on account of her sex in violation of the equal protection clause of the 14th amendment. The Supreme Court of the United States in that case said that judicial immunity did not apply. The Court noted specifically at page 542 of 108 Supreme Court Reporter, in referring to the speech or debate clause, that even here, however, the court has been careful not to extend the scope of the protection further than its purposes require, and it looked very much to the issue of the purposes of the immunity.

The importance of Forrester, Mr. President, as it applies here is that it was picked up in the case of Gross versus Winter, again by the U.S. Court of Appeals for the District of Columbia, in which the issue raised was whether a legislative researcher who was fired could maintain her action for a discriminatory firing or whether the absolute immunity of the legislative branch precluded a judicial inquiry on that subject. The Court of Appeals in Gross versus Winter came to the conclusion at page 172 of 876 Federal Reporter, second series, that Browning was undermined by the Supreme Court's later decision in Forrester.

So that the strongest authority, which is Browning, to limit legislative immunity under the speech and debate clause, has been undercut by Forrester, as the Court of Appeals said in the later case of Gross versus Winter. All of this leads me, Mr. President, to the conclusion that the issue as to whether the pending amendment by Senator NICKLES is precluded by the speech and debate clause is very much an open one, as is the question with respect to amendment to be offered by Senator GRASSLEY.

My own view is that the purpose of the speech and debate clause has to be assessed in terms of what is a legislative function. The speech and debate clause, I submit, was put into the Constitution to be sure that no Member of the House or Senate could be held liable anywhere for anything that was said on the floor of the House or Senate or in related legislative duties so that we could speak freely in speech, we could debate freely, we could say whatever we chose and if similar language on the outside might constitute the tort of defamation, the tort of slander, we would not be held accountable for that.

But I have great problems, Mr. President, based on the cases which I have just reviewed and on the purpose of the speech and debate clause to say that it gives Members of the Senate immunity for any kind of action such as that which is comprehended within the kind of Federal legislation which has been cited here this evening.

I thank the Chair and yield the floor.

Mr. CHAFEE. Mr. President, I shall vote against the pending amendment offered by the Senator from Oklahoma. Let me detail why.

First, this amendment includes all of Congress, not just the Senate, but the House of Representatives, too. This, for purely practical reasons, will cause severe problems with regard to enactment of this bill we have worked on so long and so diligently. The House will want to have some say in the kind of coverage that will apply to that body. Hence, this provision will bring the bill down, perhaps forever. It probably will kill this bill.

Second, while I am amenable to extending coverage to Congress of employment and civil rights statutes, I worry that this amendment is too hastily put together. As I said, the House certainly will want to have some input in this matter. For example, there are constitutional issues to be researched. I believe it is worth taking the time to carefully craft a comprehensive coverage measure, so that we know, to the best extent possible, what we are doing and the consequences of our actions.

We are in a period of self-flagellation because of the prevailing mood in the country that holds elected officials in low esteem. That mood, nonetheless, does not require that we enact foolish laws that we subsequently shall discover serve the public badly.

Mr. DURENBERGER. Mr. President, I rise in support of the amendment offered by my distinguished colleague from Oklahoma. This amendment tells the American people that we in the Congress are not above the law. We in the Congress will no longer pass laws that impose legitimate burdens on the private sector and then blithely exempt ourselves from those same laws.

Mr. President, you cannot take a step outside of the Beltway and find a single person who accepts the idea that the U.S. Congress is exempted from antidiscrimination laws, or fair labor standards laws, or OSHA laws. How can we justify such exemptions when every day we meet constituents who have extraordinary difficulties in complying with the thousands of mandates the Federal Government imposes on them?

Mr. President, this Senator cannot justify these exemptions, these special perogatives that we preserve for ourselves in this body. The time has come to send a message to the American people—Congress will reform itself and stop acting as if it we are above the law. Otherwise, the American people will send this institution a message—dissolve yourself because we no longer have faith in your ability to govern.

Mr. WOFFORD. Mr. President, I agree completely with the principle that motivates the amendment offered today by the Senator from Oklahoma. If the laws Congress passes are for the good of the Nation, then it should be good for Congress to comply with the laws. I will support the amendment.

I strongly object, however, to the provision which says that if a Senate employee sues for employment discrimination and wins, the taxpayers may foot the bill. When an individual Senator violates our civil rights laws, the money to right that wrong should not come out of the pocket of the American public. If this amendment passes, it is my intention to press the conferees to rewrite the damages provision so it says just that.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Mr. President, I believe what Mark Twain said "patriotism is the last refuge of a scoundrel." I am beginning to believe that interpretations of court decisions by very learned lawyers, of which I have many colleagues who are lawyers, may be the last refuge of Members who prefer the very nice and pleasant lifestyle that we have here in this body, exempting ourselves from a veritable laundry list of legislation which has been passed over the past 40 or 50 years and which place a well justified but sometimes onerous burden on men and women in the free enterprise system in America.

I will not prolong this debate, Mr. President. The hour is late. I rise primarily to make a motion to table the NICKLES amendment and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Arizona to lay on the table the amendment of the Senator from Oklahoma.

On this question, the yeas and nays were ordered, and the clerk will call the roll.

Mr. FORD. I announce that the Senator from Nebraska [Mr. KERREY] is necessarily absent.

The PRESIDING OFFICER (Mr. BRYAN). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 61, nays 38, as follows:

[Rollcall Vote No. 234 Leg.]

YEAS—61

Akaka
Baucus
Bentsen
Biden
Bingaman
Bradley
Breaux
Bryan
Burdick
Byrd
Chafee
Cochran
Cohen
Cranston
D'Amato
Danforth
Daschle
DeConcini
Dole
Domenici
Exon
Ford
Garn
Glenn
Gore
Gorton
Gramm
Hatch
Hatfield
Heflin
Hollings
Inouye
Jeffords
Johnston
Kennedy
Lautenberg
Levin
Lugar
Metzenbaum
Mitchell
Moynihan
Murkowski
Nunn
Pell
Pryor
Reid
Riegle
Robb
Rockefeller
Roth
Rudman
Sanford
Sarbanes
Sasser
Shelby
Simon
Stevens
Thurmond
Warner
Wellstone
Wirth

NAYS—38

Adams
Bond
Boren
Brown
Bumpers
Burns
Coats
Conrad
Craig
Dixon
Dodd
Durenberger
Fowler
Graham
Grassley
Harkin
Helms
Kassebaum
Kasten
Kerry
Kohl
Leahy
Lieberman
Lott
Mack
McCain
McConnell
Mikulski
Nickles
Packwood
Pressler
Seymour
Simpson
Smith
Specter
Symms
Wallop
Wofford

NOT VOTING—1

Kerrey

So the motion to lay on the table the amendment (No. 1284) was agreed to.

Mr. MITCHELL. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. HATCH. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Missouri. Senators will refrain from carrying on conversations on the floor. The Senator from Missouri is recognized.

Mr. DANFORTH. Mr. President, Senator BROWN tells me that, based on the previous vote, his underlying amendment, which is simply a sense-of-the-Senate amendment, would stand or fall with this vote and therefore this will not require a rollcall vote. So I move to table the underlying Brown amendment.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table amendment No. 1283.

The motion was agreed to.

Mr. MITCHELL. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. FORD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1286 TO AMENDMENT NO. 1274

Mr. DANFORTH. Mr. President, I send an amendment to the desk on behalf of Senators KENNEDY, HATCH, DOLE, and myself and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Missouri [Mr. DANFORTH], for himself, Mr. KENNEDY, Mr. HATCH, and Mr. DOLE, proposes an amendment numbered 1286.

Mr. DANFORTH. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 9, line 5, insert "(a)" before "section 703".

On page 11, line 5 insert after "or national origin." the following:

"(b) No statements other than the interpretive memorandum appearing at 137 Congressional Record S. 15,276 (daily ed. Oct. 25, 1991) shall be considered legislative history of, or relied upon in any way as legislative history in construing or applying, any provision of this act that relates to Wards Cove—Business necessity/cumulative/alternative business practice.".

Mr. DANFORTH. Mr. President, I ask unanimous consent that an agreed-upon statement by Senators DANFORTH, KENNEDY, HATCH, and DOLE relating to the amendment be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATORS DANFORTH, KENNEDY, HATCH, AND DOLE

In offering this amendment, the authors recognize that they do not agree on the meaning of the word "cumulation".

Mr. HATCH. Mr. President, this amendment and the stipulated statement are acceptable to this side.

Mr. KENNEDY. Mr. President, I hope the Senate will accept the amendment.

The PRESIDING OFFICER. If there is no further debate on the amendment—the Senator from Rhode Island.

Mr. CHAFEE. Mr. President, will the Senator from Utah explain this?

Mr. HATCH. I will be happy to.

Mr. President, this amendment is very simple. Is part of the interpretive memorandum that we agreed to in bringing about this effective settlement that will, hopefully, result in a civil rights bill this year. It starts by saying "No statements other than the interpretive memorandum," and then "appearing" at the certain place in the RECORD "shall be considered legislative history." That is basically all it is. It resolves once and for all some of the questions that have arisen during the negotiations leading up to the effectuation of this bill. I think it solves the problem. So we urge adoption of the amendment.

The PRESIDING OFFICER. Is there further debate? If there is no further debate the question is on agreeing to the amendment.

The amendment (No. 1286) was agreed to.

Mr. HATCH. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. KENNEDY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Are there further amendments to the substitute?

Mr. KENNEDY. Mr. President, I believe that we have two other items, at least, that we know of. There may be others. I think that we will be able to get that worked out while we are considering the Grassley amendment, or a matter related thereto. So we will, as I understand, continue to press on. I expect there will be further action on the Grassley amendment, or on an amendment related to the Grassley amendment. I hope, if others have amendments, that they will come and talk with Senator HATCH, myself, or Senator DANFORTH, because I think we are moving very close to final resolution of at least the amendments that have been brought to our attention.

AMENDMENT NO. 1281, AS MODIFIED, TO AMENDMENT NO. 1274

Mr. KENNEDY. Mr. President, this morning, the Senate, by unanimous consent, accepted an amendment requested by the Chairman of the Equal Employment Opportunity Commission, Mr. Evan Kemp, to permit the EEOC and the Attorney General to sue for damages in intentional discrimination cases under title VII and the Americans With Disabilities Act.

Through an oversight, the amendment requested by the EEOC authorized the Attorney General to sue for damages under title VII but not under the ADA.

The EEOC Chairman has requested that we modify the amendment to provide parallel authority to the Attorney General under title VII and the ADA. The Republican leader, Senator DANFORTH, and the Republican manager have cleared the modification.

I ask unanimous consent that amendment No. 1281 be modified to reflect the change I now send to the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 1281), as modified, is as follows:

On page 7, line 21, insert "the Equal Employment Opportunity Commission, the Attorney General, or" after "subsection (a)(1),".

On page 8, line 2, insert "the Equal Employment Opportunity Commission, or the Attorney General, or" after "subsection (a)(2),".

Mr. KENNEDY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. WALLOP. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WALLOP. Mr. President, having lost the battle over Clarence Thomas, many Democrats and their operatives have sought to make political hay out of failure. They griped about unfair tactics and smear strategies. They accused Republicans of being unconcerned with the truth. While their target may have been Republicans, the Democrats actually affronted the American people. Tens of millions of us witnessed those hearings with our own eyes. We formed our own opinions mostly without the benefit of mass media filtering or spin control from professional politicos. What pained the Democrats most was this concrete illustration of what everyone else already knew: neither the Democratic Party, not the special interest groups that control them, represent a majority of the American people.

Now these same self-pitying folk are griping about the civil rights bill. News of a compromise had barely broken when the majority leader was on the floor and on television trying to reap partisan advantage. The majority leader claimed the President had agreed to language which was offered a year-and-a-half ago. He said the only reason agreement was not reached earlier was the White House's desire to use race as a political issue. That is grossly untrue, Mr. President, and this Senator, for one, resents the majority leader's distortion of the facts.

The compromise language agreed upon last week does not resemble anything that the Senator from Massachusetts or any other Senator from the other side of the aisle placed before the Senate during the last 2 years. The legislation they offered last year was an extremely radical measure designed to overturn 25 Supreme Court decisions. The Senator from Massachusetts claimed each of three different versions took language directly from the Griggs decision. In no instance, could we locate his language in that decision.

What the White House agreed to last week was a dramatically different much narrower version, than any proposed by any Democrats. For that matter it was narrower than any bill proposed by the Senator from Missouri. In truth, Mr. President, it has been the majority party which has repeatedly moved in the direction of the President. From the outset, they were forced to alert and modify the radical language they had drafted. The reason was simple: the legislation they originally promoted was a quota bill. The fact the Democrats came as far as they did should prove to everyone just how radical their original proposals were.

Mr. President, if the majority leader's revisionism about the bill was not offensive enough, he chose to broaden his attack to include specious matters such as David Duke. During an interview on CNN, the majority leader contended that David Duke's success was directly related to the political tactics used by Republicans in the last few elections. I submit the majority leader has it exactly backward.

David Duke's success is attributable to the heightened racial tensions in our society. This Senator believes it is their approach to government which has invariably exacerbated these tensions. The majority democrats have led the way in dividing this Nation along racial, gender, and ethnic lines. The Democratic party not only has promoted policies which categorizes people on these bases, they have promoted the distribution of entitlements on the basis of group identification and membership. The Democratic Party has used racial and gender quotas to achieve statistical balance among delegates at its conventions. Whether the issue is quotas, comparable worth, or redistributive economic policies, the majority leader's party has been preoccupied with statistical balances—with equality of results instead of equality of opportunity.

Mr. President, this approach to Government violates the constitution guarantees of equal protection of the laws and the Civil Right Act of 1964's protection against discrimination. If is regrettable but true in our country today, you are more likely to get results by designating yourself a member of an aggrieved group, than by arguing your qualifications or merit. It is this approach that has generated and aggravated social tension. The David Dukes of the world are eager to capitalize upon it. Only a steadfast protection of the individual—not quotas or preferential treatment for groups—will diffuse the political tensions upon which the likes of David Duke prey. They are not racial, or gender, or religious tensions—they are tensions of fairness, the melting pot has become a stew of specific proportions.

The language of the Civil Rights Act of 1964 could not be more clear. Subsection 703(a) of the bill states, "it shall be an unlawful employment practice for an employer" either 'to fail or refuse to hire or to discharge any individual, or otherwise to discriminate against any individual with respect to his compensation, terms, conditions, or privileges of employment, because of such individual's race, color, religion, sex, or national origin." It would also be an unlawful employment practice for an employer—

> To limit, segregate, or classify his employees or applicants for employment in any way which would deprive or tend to deprive any individual of employment opportunities or otherwise adversely affect his status as an employee, because of such individual's race, color, religion, sex, or national origin.

Subsections 7803 (b), (c), and (d), used almost identical language to prohibit such discrimination, respectively, in employment agencies, labor organizations, and training and apprenticeship programs. Perhaps the most important provision of the bill, in terms of the current debate, is subsection 703(j) titled, "Preferential treatment not to be granted on account of existing number or percentage imbalance." The language of this subsection was added as a compromise gesture to assuage the concerns of Senators who worried that title VII could force employers to hire by the numbers. It states that "nothing * * * shall be interpreted to require any employer * * * to grant preferential treatment to any individual or to any group because of the race, color, religion, sex, or national origin of such individual or group on account of an imbalance which may exist with respect to the total number or percentage of persons * * * employed."

The Supreme Court has since periodically argued that the language of the statute was purposely vague in several respects. It has argued that Congress implied that affirmative action, minority set asides, and preferential goals and timetables were legitimate tools to accomplish the statute's objectives, despite operative language which precludes these options. Mr. President, this is indeed an ironic claim. On April 8, 1964, as the Senate's attention turned to title VII of the act, the floor managers of the respective parties during the consideration of title VII, Senators Joseph Clark and Clifford Case, submitted an interpretive memorandum which addressed many of the concerns Senators had expressed about the provision. It stated, in part:

> It has been suggested that the concept of discrimination is vague. In fact it is clear and simple and has no hidden meanings. To discriminate is to make a distinction, to make a difference in treatment or favor, and those distinctions or differences in treatment or favor which are prohibited * * * are those which are based on any five of the forbidden criteria: race, color, religion, sex, and national origin. Any other criterion or qualification for employment is not affected by this title. There is no requirement in title VII that an employer maintain a racial balance in his work force. On the contrary, any deliberate attempt to maintain a racial balance, whatever such a balance may be, would involve a violation of title VII because maintaining such a balance would require an employer to hire or to refuse to hire on the basis of race. It must be emphasized that discrimination is prohibited as to any individual.

During debate on the bill itself, Senator Hubert Humphrey, majority whip and Democratic floor manager for the legislation, responded to similar criticism by stating, "it is claimed that the bill would require racial quotas for all hiring, when in fact it provides that race shall not be a basis for making personnel decisions." Senator Leverett Saltonstall, the Massachusetts Republican who led his party's task force in drafting the final operative language of the 1964 act, was equally precise about the intent behind the legislation: "The legislation before us today provides no preferential treatment for any group of citizens. In fact, it specifically prohibits such treatment." Mr. President, the RECORD is replete with similar assurances; the few I have mentioned only scratch the surface. These assurances were not trivial. It was the only way the bill was going to pass.

On July 2, 1964, the day the Civil Rights Act became the law of the land, Senator Humphrey inserted into the CONGRESSIONAL RECORD "A concise explanation of the Civil Rights Act of 1964". He inserted the analysis "to provide Americans with a short and understandable explanation of the civil rights bill * * * that the American people may find useful." This analysis was quite precise: "[title VII] does not provide that any preferential treatment shall be given to Negroes or to any other persons or groups. It does not provide that any quota systems may be established to maintain racial balance in employment. In fact, the title prohibits preferential treatment for any particular group."

Mr. President, this Senator cannot imagine how the 88th Congress could have been more explicit in delineating what was—and what was not—permissible behavior by employers in fashioning hiring, promoting and other employment practices. The legislative history of the year-and-a-half battle to pass the 1964 act leaves no doubt as to what Congress intended.

Despite this crystal clear legislative history, the Supreme Court began to turn the 1964 Civil Rights Act on its head with several decisions in the late 1970's: Regents of the University of California versus Bakke, Steelworkers versus Weber, and Fullilove versus Klutznick. By 1986, in the case Johnson versus Board of Transportation for Santa Clara County, Justice Antonin Scalia concluded the Court had finally "complete[d] the process of converting [the 1964 civil rights act] from a guarantee that race or sex will not be the basis for employment determinations, to a guarantee that if often will." At nearly every opportunity during that period—with a few notable exceptions—the Court found justification for obviating the 1964 act's specific prohibitions against discrimination.

Justice John Paul Stevens, although a member of the Court at the time, did not participate in the pivotal 1979 case Steelworkers versus Weber. However, in 1986 while outlining his reasoning in a concurring opinion in Johnson versus Board of Transportation, Justice Stevens described the evolution of title VII case law. "Prior to 1978," he stated, "the Court construed the Civil Rights Act of 1964 as an absolute blanket prohibition against discrimination which neither required nor permitted discriminatory preferences for any group, minority or majority." Justice Stevens believed it was clear Congress had intended "to eliminate all practices which operate to disadvantage the employment opportunities of any group protected by title VII, including caucasians." He concluded that, with respect to the Johnson case, "[i]f the court had adhered to that construction of the [1964] act, petitioners would unquestionably prevail in this case. But it has not done so."

Ultimately, Justice Stevens concurred with the majority in Johnson precisely because the court years before had departed so dramatically from the common understanding of what the 1964 act—and specifically title VII—had meant. In his words, he faced the dilemma of "whether to adhere to an authoritative construction of the act that is at odds with [his] understanding of the actual intent of the authors of the legislation." Because the court in Bakke and Weber had already charted a different course, Justice Stevens acquiesced in the interest of "stability and orderly development of the law."

Mr. President, it is precisely this ratchet effect, as George Will has described it, that so troubles this Senator. Every Supreme Court decision is based upon precedents from previous decisions in the same or related case areas. A series of subsequent cases based upon an important Supreme Court decision is called its progeny. Thus, the progeny of the landmark privacy case Griswold versus Connecticut includes the case of Roe versus Wade. Likewise, the case Griggs versus Duke Power Co. has its own progeny, including: Albemarle Paper Co. versus Moody, Connecticut versus Teal, Watson versus Fort Worth Bank & Trust, and, of course, Wards Cove Packing Co. versus Atonio.

This is a crucial point: While each case of a progeny is based upon a landmark decision or general principle, no two cases are exactly the same. Each case has its own unique circumstances and nuances which invariably sets it apart. Subsequent cases build upon established precedents within a progeny by addressing new issues and topics. Every case becomes a new salient, allowing judicial frontiers and interpretations to be pushed further and further in a particular direction. This is especially true in an era of an activist Supreme Court, when justices have little regard for strict construction or legislative intent.

Mr. President, with that in mind, it is much easier to understand how the Court proceeded to radically alter Congress' understanding of title VII and the 1964 act. There was a time—quite a long time in fact—when there was no doubt as to the purpose and charge of this law. In the seminal case of Griggs versus Duke Power Co., handed down in 1971, the Supreme Court held that, "discriminatory preference for any group, minority or majority, is precisely and only what Congress has proscribed. What is required by Congress is the removal of artificial barriers to employment when the barriers operate invidiously to discriminate on the basis of racial or other impermissible classification." The Equal Employment Opportunity Commission ruled in 1973 that to countenance reverse discrimination against white individuals would "constitute a derogation of the commission's congressional mandate to eliminate all practices which operate to disadvantage the employment opportunities of any group protected by title VII, including Caucasians."

In 1976, the Supreme Court held in the case McDonald versus Santa Fe Trail Transportation Co., that "title VII prohibits racial discrimination against the white petitioners in this case upon the same standards as would be applicable were they Negroes." As late as 1978, in Furnco Construction Cop. versus Waters, the Court definitively stated, "It is clear beyond cavil that the obligation imposed by title VII is to provide an equal opportunity for each applicant regardless of race, without regard to whether members of the applicant's race are already proportionately represented in the work force."

As previously noted, with the Court's decisions during the late 1970's in Bakke and Weber, it soon became apparent, in Justice Stevens' words, that "a majority of the court interpreted the antidiscriminatory strategy of the [1964 act] in a fundamentally different way." In Bakke, the court ruled that a strict racial quota could not be used in determining admissions to a medical school, but consented to school officials taking into account an individual's race during the admissions process for the purpose of ensuring diversity among the student body.

As Professor Michael Rosenfeld pointed out in an Ohio State University Law Review article, out of Bakke "two distinct positions emerged" on the court:

> The first, expressed by Justice Powell, is based upon the belief that equal protection requires that the same protection be given to every person regardless of race. The second is succinctly expressed by Justice Blackmun's statement that "in order to treat some persons equally, we must treat them differently." The first position emphasizes marginal equality, while the second stresses the importance of achieving global equality, even if that requires endorsing marginal inequality.

Thus, the distinction between "equality of opportunity" and "equality of results" began to blur.

In the 1979 Weber case, the Supreme Court approved a plan reserving for black employees 50 percent of the openings in a factory's craft-training program until the percentage of black craftworkers in a plant matched the percentage of blacks in the local labor force. The majority opinion argued that what mattered was not the letter of the law in title VII but the "spirit" of the 1964 act. Thus, the Court jettisoned previous interpretations of title VII which did not require or permit preferential treatment of individuals or groups on the basis of race. They had suddenly discovered the 1964 act did not preclude "private, voluntary, race-conscious affirmative action efforts" designed to eliminate the vestiges of past intentional discrimination.

In Weber, the Supreme Court overturned two lower court rulings, suggesting the lower courts' "reliance upon a literal construction of the statutory provisions [of the 1964 act] *** [was] misplaced." "[R]ead against the background of the legislative history of title VII and the historical context from which the act arose" the court reasoned that "title VII's prohibition in subsections 703 (a) and (d) against racial discrimination does not condemn all private, voluntary race-conscious affirmative action plans."

Mr. President, the Court arrived at its erroneous conclusion despite the fact that several titles of the 1964 act specifically dealt with eliminating discrimination in the private sector. Title II of the bill expressly targeted discrimination by private businesses in places of public accommodations, such as hotels, restaurants, theaters, and gas stations. Senator Humphrey's "concise explanation" even described title VII as providing that "employers, labor unions, and employment agencies whose activities affect interstate commerce are prohibited from discriminating on the basis of race, color, religion, sex, and national origin." The activist Supreme Court chose to ignore this counsel.

Chief Justice Burger, dissenting in Weber, admitted that "the Court reach[ed] a result I would be inclined to vote for were I a Member of Congress considering a proposed amendment of title VII." However, because the Court's decision effectively amended "the statute to do precisely what both its sponsors and its opponents agreed the statute was not intended to do," he felt that "[I]f 'affirmative action' programs such as the one presented in this case [were] to be permitted, it [was] for Congress, not this Court, to so direct."

The Court continued to expand the instances in which preferential treatment for persons or groups on account of race could be utilized. Also in 1979, the Supreme Court ruled that the Federal Government could take race into account in dispersing Federal grants and programs. In the case Fullilove versus Klutznick, the Court approved a Federal mandate requiring that "at least 10 percent of Federal funds granted for local public works projects must be used by the State or local grantee to procure services or supplies from business owned by minority group members." In contravention of previous court doctrine, this particular allocation was not designed as a remedy for identifiable victims of actual discrimination; rather, this "limited use of racial and ethnic criteria" was intended "to cure the effects of prior [societal] discrimination. * * * even absent any intentional discrimination or other unlawful conduct."

Eloquent dissents were written not by staunch conservatives, but by renown centrists—Justices Potter Stewart and John Paul Stevens. In his dissent, Justice Stewart quoted Justice Louis Brandeis, who said, "Our Government is the potent, the omnipresent teacher. For good or ill, it teaches the whole people by its example." Continuing in this vein, Justice Stewart decried the disturbing transformation taking place in the way our Nation approached issues of discrimination. In words quite ominous, considering contemporary society, he declared:

> [B]y making race a relevant criterion once again in its own affairs the Government implicitly teaches the public that the apportionment of rewards and penalties can legitimately be made according to race—rather than according to merit or ability—and that people can, and perhaps should, view themselves and others in terms of racial characteristics. Notions of "racial discrimination" will be fostered, and private discrimination will necessarily be encouraged.

Justice Stevens also was troubled about the signal sent by the adoption of such a measure by the Federal Government: "* * * a statute of this kind inevitably is perceived by many as resting on an assumption that those who are granted this special preference are less qualified in some respect that is identified purely by their race. Because that perception—especially when fostered by the Congress of the United States—can only exacerbate rather than reduce racial prejudice, it will delay the time when race will become a truly irrelevant, or at least insignificant, factor." Such a sentiment is surely in perfect line with the spirit—and the letter—of the 1964 Civil Rights Act. The setting aside of a specific portion of Federal subsidies to be doled out on the basis of race is decidedly not.

In 1985, the Supreme Court was presented with two cases concerning the remedies available for minority groups victimized by discrimination. In Firefighters versus Cleveland and Sheet Metal Workers versus EEOC the Court ruled that, where minority groups have previously been denied employment opportunities, strict goals and timetables—essentially quotas—could be used to remedy their past treatment. The Court had earlier allowed such means to be used when redressing specific individuals who had been the victims of intentional discrimination. The Court had not previously allowed such measures to be utilized to the benefit of individuals who were not discriminated against, but who were subsequently beneficiaries simply because of their race.

In both cases, the Supreme Court's broadening of the remedies available to minority groups disturbed Justice Byron White. He had been in the majority when the Court ruled in Weber, but he dissented in these cases. The Court's continually shifting standards left him in doubt not only as to what were, and what were not, permissible remedies in cases of discrimination, but also as to how the Court was construing past decisions in this area. His dissent in Firefighters stressed the growing schism, "The Court purports to find support for its position in Steelworkers versus Weber, but this is not my understanding of that case."

Justice White believed that while "title VII does not bar relief for nonvictims" of intentional discrimination, "the general policy under title VII is to limit relief for racial discrimination in employment practices to actual victims of the discrimination." "Absent findings that those benefiting from the [proposed] relief had been victims of the discriminatory practices," Justice White felt the relief provided in these cases—strict goals, timetables and quotas—was "an impermissible remedy under title VII."

By 1986, the Court had ruled in Johnson versus Board of Transportation that a lesser qualified woman could be promoted over a man in order to further the goal of a more statistically balanced workforce. Justice White became convinced the majority was now grossly distorting the Court's past decisions. The majority in Weber noted that, while there had been no formal finding of intentional discrimination on the part of the employers, "judicial findings of exclusion from crafts on racial grounds are so numerous as to make such exclusion a proper subject for judicial notice." As part of a national collective bargaining agreement before legal action was taken, the employers agreed to "an affirmative action plan designed to eliminate conspicuous racial imbalances in [employers'] then almost exclusively white craftwork forces."

However, the employers in Johnson were not seeking to eliminate gender imbalances created by prior discrimination "because there was no sex discrimination to remedy." The district court had found—and no one contended otherwise—that the employer had "not discriminated in the past, and does not discriminate in the present against women in regard to employment opportunities in general and promotions in particular." As Justice Scalia's dissent eloquently displayed, the goal in this case was simply social engineering:

> Not only was the plan not directed at the results of past sex discrimination by the agency, but its objective was not to achieve the state of affairs that this Court has dubiously assumed would result from an absence of discrimination—an overall work force "more or less representative of the racial and ethnic composition of the population in the community." Rather, the oft-stated goal was to mirror the racial and sexual composition of the entire county labor force, not merely in the agency work force as a whole, but in each and every individual job category at the agency.

Justice Scalia concluded by noting "it is the alternation of social attitudes, rather than the elimination of discrimination, which today's decision approves as justification for state-enforced discrimination. This is an enormous expansion, undertaken without the slightest justification or analysis."

Because the Court had now placed societal discrimination on equal footing with intentional discrimination when it came to fashioning remedies, Justice White believed it necessary to revisit the original decision in Weber. He wrote:

> My understanding of Weber was, and is, that the employer's plan did not violate title VII because it was designed to remedy the intentional and systematic exclusion of blacks by the employer and the unions from certain job categories. That is how I understood the phrase "traditionally segregated jobs" that we used in that case. The Court now interprets it to mean nothing more than a manifest imbalance between one identifiable group and another in an employer's labor force. As so interpreted, that case, as well as today's decision * * * is a perversion of title VII. I would overrule Weber and reverse the judgement below.

Mr. President, the Johnson decision was the culmination of everything the proponents of the Civil Rights Act of 1964 had promised the American people would never come about. We have since witnessed preferential treatment of racial groups and gender groups, in the name of correcting perceived statistical imbalances. We have witnessed strict goals, timetables, and quotas. We have witnessed remedies previously reserved for victims of intentional discrimination now granted to groups who do not even claim to have been discriminated against. We have seen all of these things done in the name of fulfilling the purpose of the Civil Rights Act of 1964—even though each and every one of them blatantly violates provisions set forth in that law.

Mr. President, this Senator believes it is high time we as a Nation return to the notion of civil rights as being the province of individuals, as the Constitution requires, not as a booty for specific groups. One of the cardinal sins our government has committed, as George Will has described, has been the "Balkanization" of the American people. It is perfectly fine for Americans to view themselves as members of groups—be they ethnic, fraternal, neighborhood, civic, regional, et cetera. The Constitution properly recognized the freedom of association and protected the freedom to assemble. James Madison acknowledged in Federalist Paper #10 the inevitability of—and beneficent aspects of—competing factions.

However, for the Government, in the process of drafting laws or distributing proceeds, to differentiate among its people on the basis of race, religion, color, gender or ethnicity, is something radically inconsistent with the principles upon which this Nation was founded and upon which the 1964 Civil Rights Act was passed. As Justice Stewart noted wryly in his dissent in Fullilove versus Klutznick, "there are those who think that we need a new Constitution, and their views may someday prevail. But under the Constitution we have, one practice in which the Government may never engage is the practice of racism—not even 'temporarily' and not even as an 'experiment.'"

Ms. MIKULSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Maryland is recognized.

Ms. MIKULSKI. Thank you, Mr. President. I rise to take this opportunity to comment about both the bill and an amendment that should be offered later on this evening.

First, on the legislation, we are about some time today or tomorrow to pass the Civil Rights Act of 1991. This legislation is designed to redress grievances that the American people suffer in the area of discrimination, discrimination on the basis of race, national origin, ethnicity, religion and gender.

This legislation will create a framework that will take us into the 21st century. It is, indeed, very needed because the United States of America needs to show that a 21st century United States of America has no room for bigotry, has no room for bias, and that bigotry and bias is out of date, outmoded and should be outlawed. This is what this legislation will do. I am very proud to be part of it.

I regret that there are certain aspects of the bill that I thought could be done better. I have been particularly concerned about the fact that women will be treated differently in the discrimination section than other groups that have been discriminated against. We are going to place caps on the amount of damages that women can receive if they have been discriminated against or sexually harassed. I regret that. We place no caps on any other group, and I am sorry about that. Yet, I am willing to yield because I think this legislation will be a very important step in the right direction.

But, Mr. President, not only am I concerned about the way women are treated, I am concerned about the fact that Senate employees and House employees are not covered in this legislation. In a very short time, the Senator from Iowa, Mr. GRASSLEY, will be offering an amendment to remedy that. He will be joined by the majority leader of the Senate, Mr. MITCHELL. I salute them for working on a compromise to bring an amendment to the Senate that will include all Senate employees, with no exception, in the civil rights legislation.

I would like to congratulate the Senator from Iowa for taking the leadership in this area. I appreciate very much the majority leader working to provide a framework that both sides of the aisle could agree upon.

I think it is excellent if the Senate will adopt legislation to include us and all of our employees in the Civil Rights Act of 1964 and hopefully in the Civil

Rights Act of 1991; that we will be included in the Age Discrimination Act of 1967, the Rehabilitation Act of 1973, and the Americans With Disabilities Act of 1990. I say that because I believe the U.S. Senate should practice what we preach. If we preach nondiscrimination to the private sector and to the public sector and the nonprofit sector, we should go by the same rules that we establish for everybody else. I think this amendment will be a very important step to do that.

Why do I advocate that? No. 1, fundamental fairness, that our employees should have the same opportunities they would if they worked for the private sector, to be protected. The other thing, Mr. President, is, as I moved around Maryland this weekend throughout, people say, well, we like you, Senator Mikulski, but we worry a little bit about Congress. We think Congress is isolated. We think the Congress has no idea about what is going on with the American people, what it is like to run a business, what it is like to survive.

People in my State feel they are on the brink of an economic depression. They feel the Members of Congress are isolated, privileged and pampered. Whether it is so or not, that is the perception. But what they also feel very frustrated about is that they feel we never endure the consequences of our actions; that what we do in economic policy or social policy or even in foreign policy, we never have to endure the consequences of our actions.

Therefore, I think when we make ourselves subject to the same legal framework that we do every other American, we are taking an important step forward to restore confidence in this institution, provide fundamental fairness to our employees.

Mr. President, when that amendment, the Grassley-Mitchell amendment, comes up I will be happy and enthusiastic in my support of it.

I yield the floor.

CIVIL RIGHTS PROTECTION FOR FEDERAL EMPLOYEES

Mr. WARNER. Mr. President, I likewise would be a supporter of the compromise, and hope it will soon be brought forward by the distinguished majority leader and Republican leader.

Mr. President, I think at this time I would like to make a statement relating to the amendment the Senator from Virginia has sent to the desk, but it is not the pending business. But I understand from the managers in all likelihood it will be accepted in due course. So at this time, I will make a brief statement in support of my amendment.

Mr. President, the Danforth-Kennedy substitute to the civil rights bill is, in my opinion, a long overdue piece of legislation. I early on was a cosponsor of this measure and welcome the opportunity tonight to give further support.

However, it has come to my attention that there was an omission, and I think it was an honest omission, in the damages section of the compromise legislation. The omission to which I refer is the right of the Federal employee to sue for compensatory damages in cases of discrimination.

Section 1977A of the bill entitled "Damages in Cases of Intentional Discrimination in Employment" provides a remedy under section 706 of the Civil Rights Act of 1964, as provided in section 107(a) of the Americans With Disabilities Act of 1990, section 42 U.S.C. 12117(a), for a plaintiff who has been unlawfully discriminated against by his or her employer. This section on damages allows for the recovery of compensatory damages, in addition to any relief authorized by section 706(g) of the Civil Rights Act of 1964.

My amendment simply seeks to assure that Federal employees will have the same protections that the underlying legislation provides for other private sector citizens in employment situations.

Mr. KENNEDY. Will the Senator yield?

Mr. WARNER. Yes.

Mr. KENNEDY. The matter is acceptable to me, and I believe to Senator DANFORTH. It is just a matter now of trying to find out from the White House whether this conforms with our earlier understanding. I did not want to cut the Senator off, but I think that if we start off by considering the Grassley amendment, and try to work out the particular language of the Warner amendment with the Justice Department and the White House, we might be able to expedite consideration of the Grassley amendment, the Senator's amendment, and the legislation itself.

Mr. WARNER. Mr. President, I fully intend, if the Senator could give me a minute-and-a-half, to complete my statement, at which time I fully support the efforts by the distinguished Senator from Massachusetts and others to proceed to the Grassley amendment.

Some Senators would view this amendment in the category of a technical correction. But I do not want to leave anything to chance, nor do my fellow colleagues, the Senator from Maryland, Ms. MIKULSKI, Senator STEVENS, Senator WIRTH, and Senator ROTH. As there are presently some 3 million Federal employees, the impact is a very major one.

Mr. President, I wish to acknowledge the vigilance of the American Federation of Government Employees, the AFGE, which brought this matter to my urgent attention. I would like to express my thanks as well to the managers of the bill, Senators KENNEDY and HATCH, and in addition Senator DANFORTH.

I welcome the support of my colleagues, and I ask unanimous consent that my statement at some point could be coupled up in the RECORD at such time as the Senate turns to my amendment. Also, I would like——

Ms. MIKULSKI. Will the Senator yield?

Mr. WARNER. Yes, I yield the floor to my distinguished colleague, the Senator from Maryland.

Ms. MIKULSKI. I want to lend my enthusiastic support to the amendment of the Senator from Virginia.

Mr. President, I am happy to join Senator WARNER in offering this amendment.

This amendment will make it possible for a jury to award compensatory damages to Federal employees who are victims of intentional discrimination or harassment.

It is time to get rid of double standards in Government.

It is time to provide Government employees the same protection that other employees in the private sector have.

If you suffer from sexual harassment, it is just as humiliating whether it is in a Federal agency or a major company.

If you are a victim of racial discrimination, it hurts just as much whether you work at the corporation or at the Government agency.

Mr. President, we have to establish new standards of behavior in our country, from Wall Street to the U.S. Congress.

For too long, Federal employees have had to suffer silently.

This amendment will begin to change that.

I thank the managers for considering this amendment, and I yield the floor.

Mr. WARNER. Mr. President, if I may, at the appropriate time with the support of the managers I will urge adoption of the amendment.

Mr. KENNEDY. At the earliest possible time I will enthusiastically support the Senator's amendment.

Mr. WARNER. I leave nothing to chance. I thank the Senator.

Mr. GRASSLEY addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa, Mr. GRASSLEY, is recognized.

AMENDMENT NO. 1287 TO AMENDMENT NO. 1274

(Purpose: To establish the Office of Senate Fair Employment practices in order to protect the right of Senate employees, with respect to Senate employment, to be free of discrimination on the basis of race, color, religion, sex, national origin, age, or disability, and for other purposes)

Mr. GRASSLEY. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Iowa [Mr. GRASSLEY] for himself, Mr. MITCHELL, Mr. SPECTER, Mr. BROWN, Mr. HARKIN, Mr. PACKWOOD, Mr. PRESSLER, and Mr. MCCAIN, proposes an amendment numbered 1287.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 1, between lines 2 and 3, insert the following:

TITLE I—FEDERAL CIVIL RIGHTS REMEDIES

On page 22, line 21, strike "CONGRESS" and insert "HOUSE OF REPRESENTATIVES".

On page 22, strike line 23 and all that follows through page 25, line 22.

On page 25, line 23, strike "(b)" and insert "(a)".

On page 27, line 13, strike "(c)" and insert "(b)".

On page 27, line 25, insert ", except for the employees who are defined as Senate employees, in section 201(c)(1)" after "apply exclusively".

On page 28, following line 23, add the following new title:

TITLE II—GOVERNMENT EMPLOYEE RIGHTS

SEC. 201. GOVERNMENT EMPLOYEE RIGHTS ACT OF 1991.

(a) Short Title.—This title may be cited as the "Government Employee Rights Act of 1991".

(b) Purpose.—The purpose of this title is to provide procedures to protect the right of Senate and other government employees, with respect to their public employment, to be free of discrimination on the basis of race, color, religion, sex, national origin, age, or disability.

(c) Definitions.—For purposes of this title:

(1) Senate employee.—The term "Senate employee" or "employee" means—

(A) any employee whose pay is disbursed by the Secretary of the Senate;

(B) any employee of the Architect of the Capitol who is assigned to the Senate Restaurants or to the Superintendent of the Senate Office Buildings;

(C) any applicant for a position that will last 90 days or more and that is to be occupied by an individual described in subparagraph (A) or (B); or

(D) any individual who was formerly an employee described in subparagraph (A) or (B) and whose claim of a violation arises out of the individual's Senate employment.

(2) Head of employing office.—The term "head of employing office" means the individual who has final authority to appoint, hire, discharge, and set the terms, conditions or privileges of the Senate employment of an employee.

(3) Violation.—The term "violation" means a practice that violates section 202 of this title.

SEC. 202. DISCRIMINATORY PRACTICES PROHIBITED.

All personnel actions affecting employees of the Senate shall be made free from any discrimination based on—

(1) race, color, religion, sex, or national origin, within the meaning of section 717 of the Civil Rights Act of 1964 (42 U.S.C. 2000e–16);

(2) age, within the meaning of section 15 of the Age Discrimination in Employment Act of 1967 (29 U.S.C. 633a); or

(3) handicap or disability, within the meaning of section 501 of the Rehabilitation Act of 1973 (29 U.S.C. 791) and sections 102–104 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12112–14).

SEC. 203. ESTABLISHMENT OF OFFICE OF SENATE FAIR EMPLOYMENT PRACTICES.

(a) In General.—There is established, as an office of the Senate, the Office of Senate Fair Employment Practices (referred to in this title as the "Office"), which shall—

(1) administer the processes set forth in sections 205 through 207;

(2) implement programs for the Senate to heighten awareness of employee rights in order to prevent violations from occurring.

(b) Director.—

(1) In general.—The Office shall be headed by a Director (referred to in this title as the "Director") who shall be appointed by the President pro tempore, upon the recommendation of the Majority Leader in consultation with the Minority Leader. The appointment shall be made without regard to political affiliation and solely on the basis of fitness to perform the duties of the position. The Director shall be appointed for a term of service which shall expire at the end of the Congress following the Congress during which the Director is appointed. A Director may be reappointed at the termination of any term of service. The President pro tempore, upon the joint recommendation of the Majority Leader in consultation with the Minority Leader, may remove the Director at any time.

(2) Salary.—The President pro tempore, upon the recommendation of the Majority Leader in consultation with the Minority Leader, shall establish the rate of pay for the Director. The salary of the Director may not be reduced during the employment of the Director and shall be increased at the same time and in the same manner as fixed statutory salary rates within the Senate are adjusted as a result of annual comparability increases.

(3) Annual budget.—The Director shall submit an annual budget request for the Office to the Committee on Appropriations.

(4) Appointment of director.—The first Director shall be appointed and begin service within 90 days after the date of enactment of this Act, and thereafter the Director shall be appointed and begin service within 30 days after the beginning of the session of the Congress immediately following the termination of a Director's term of service or within 60 days after a vacancy occurs in the position.

(c) Staff of the Office.—

(1) Appointment.—The Director may appoint and fix the compensation of such additional staff, including hearing officers, as are necessary to carry out the purposes of this title.

(2) Detailees.—The Director may, with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, use on a reimbursable or nonreimbursable basis the services of any such department or agency, including the services of members or personnel of the General Accounting Office Personnel Appeals Board.

(3) Consultants.—In carrying out the functions of the Office, the Director may procure the temporary (not to exceed 1 year) or intermittent services of individual consultants, or organizations thereof, in the same manner and under the same conditions as a standing committee of the Senate may procure such services under section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i)).

(d) Expenses of the Office.—In fiscal year 1992, the expenses of the Office shall be paid out of the Contingent Fund of the Senate from the appropriation account Miscellaneous Items. Beginning in fiscal year 1993, and for each fiscal year thereafter, there is authorized to be appropriated for the expenses of the Office such sums as shall be necessary to carry out its functions. In all cases, expenses shall be paid out of the Contingent Fund of the Senate upon vouchers approved by the Director, except that a voucher shall not be required for—

(1) the disbursement of salaries of employees who are paid at an annual rate;

(2) the payment of expenses for telecommunications services provided by the Telecommunications Department, Sergeant at Arms, United States Senate;

(3) the payment of expenses for stationery supplies purchased through the Keeper of the Stationery, United States Senate;

(4) the payment of expenses for postage to the Postmaster, United States Senate; and

(5) the payment of metered charges on copying equipment provided by the Sergeant at Arms, United States Senate.

The Secretary of the Senate is authorized to advance such sums as may be necessary to defray the expenses incurred in carrying out this title. Expenses of the Office shall include authorized travel for personnel of the Office.

(e) Rules of the Office.—The Director shall adopt rules governing the procedures of the Office, including the procedures of hearing boards, which rules shall be submitted to the President pro tempore for publication in the Congressional Record. The rules may be amended in the same manner. The Director may consult with the Chairman of the Administrative Conference of the United States on the adoption of rules.

(f) Representation by the Senate Legal Counsel.—For the purpose of representation by the Senate Legal Counsel, the Office shall be deemed a committee, within the meaning of title VII of the Ethics in Government Act of 1978 (2 U.S.C. 288, et seq.).

SEC. 204. SENATE PROCEDURE FOR CONSIDERATION OF ALLEGED VIOLATIONS.

The Senate procedure for consideration of alleged violations consists of 4 steps as follows:

(1) Step I, counseling, as set forth in section 205.

(2) Step II, mediation, as set forth in section 206.

(3) Step III, formal complaint and hearing by a hearing board, as set forth in section 207.

(4) Step IV, review of a hearing board decision, as set forth in section 208 or 209.

SEC. 205. STEP I: COUNSELING.

(a) In General.—A Senate employee alleging a violation may request counseling by the Office. The Office shall provide the employee with all relevant information with respect to the rights of the employee. A request for counseling shall be made not later than 180 days after the alleged violation forming the basis of any request for counseling occurred. No request for counseling may be made until 10 days after the first Director begins service pursuant to section 203(b)(4).

(b) Period of Counseling.—The period for counseling shall be 30 days unless the employee and the Office agree to reduce the period. The period shall begin on the date the request for counseling is received.

(c) Employees of the Architect of the Capitol and Capitol Police.—In the case of an employee of the Architect of the Capitol or an employee who is a member of the Capitol Police, the Director may refer the employee to the Architect of the Capitol or the Capitol Police Board for resolution of the employee's complaint through the internal grievance procedures of the Architect of the Capitol or the Capitol Police Board for a specific period of time, which shall not count against the time available for counseling or mediation under this title.

SEC. 206. STEP II: MEDIATION.

(a) In General.—Not later than 15 days after the end of the counseling period, the employee may file a request for mediation with the Office. Mediation may include the Office, the employee, and the employing office in a process involving meetings with the parties separately or jointly for the purpose of resolving the dispute between the employee and the employing office.

(b) Mediation Period.—The mediation period shall be 30 days beginning on the date the request for mediation is received and may be extended for an additional 30 days at the discretion of the Office. The Office shall notify the employee and the head of the employing office when the mediation period has ended.

SEC. 207. STEP III: FORMAL COMPLAINT AND HEARING.

(a) Formal Complaint and Request for Hearing.—Not later than 30 days after receipt by the employee of notice from the Office of the end of the mediation period, the Senate employee may file a formal complaint with the Office. No complaint may be filed unless the employee has made a timely request for counseling and has completed the procedures set forth in sections 205 and 206.

(b) Hearing Board.—A board of 3 independent hearing officers (referred to in this title as "hearing board"), who are not Senators or officers or employees of the Senate, chosen by the Director (one of whom shall be designated by the Director as the presiding hearing officer) shall be assigned to consider each complaint filed under this section. The Director shall appoint hearing officers after considering any candidates who are recommended to the Director by the Federal Mediation and Conciliation Service, the Administrative Conference of the United States, or organizations composed primarily of individuals experienced in adjudicating or arbitrating personnel matters. A hearing board shall act by majority vote.

(c) Dismissal of Frivolous Claims.—Prior to a hearing under subsection (d), a hearing board may dismiss any claim that it finds to be frivolous.

(d) Hearing.—A hearing shall be conducted—

(1) in closed session on the record by a hearing board;

(2) no later than 30 days after filing of the complaint under subsection (a), except that the Office may, for good cause, extend up to an additional 60 days the time for conducting a hearing; and

(3) except as specifically provided in this title and to the greatest extent practicable, in accordance with the principles and procedures set forth in sections 554 through 557 of title 5, United States Code.

(e) Discovery.—Reasonable prehearing discovery may be permitted at the discretion of the hearing board.

(f) Subpoena.—

(1) Authorization.—A hearing board may authorize subpoenas, which shall be issued by the presiding hearing officer on behalf of the hearing board, for the attendance of witnesses at proceedings of the hearing board and for the production of correspondence, books, papers, documents, and other records.

(2) Objections.—If a witness refuses, on the basis of relevance, privilege, or other objection, to testify in response to a question or to produce records in connection with the proceedings of a hearing board, the hearing board shall rule on the objection. At the request of the witness, the employee, or employing office, or on its own initiative, the hearing board may refer the objection to the Select Committee on Ethics for a ruling.

(3) Enforcement.—The Select Committee on Ethics may make to the Senate any recommendations by report or resolution, including recommendations for criminal or civil enforcement by or on behalf of the Office, which the Select Committee on Ethics may consider appropriate with respect to—

(A) the failure or refusal of any person to appear in proceedings under this or to produce records in obedience to a subpoena or order of the hearing board; or

(B) the failure or refusal of any person to answer questions during his or her appearance as a witness in a proceeding under this section.

For purposes of section 1365 of title 28, United States Code, the Office shall be deemed to be a committee of the Senate.

(g) Decision.—The hearing board shall issue a written decision as expeditiously as possible, but in no case more than 45 days after the conclusion of the hearing. The written decision shall be transmitted by the Office to the employee and the employing office. The decision shall state the issues raised by the complaint, describe the evidence in the record, and contain a determination as to whether a violation has occurred.

(h) Remedies.—If the hearing board determines that a violation has occurred, it shall order such remedies as would be appropriate if awarded under section 706(g) and (k) of the Civil Rights Act of 1964 (42 U.S.C. 2000e–5(g) and (k)), and may also order the award of such compensatory damages as would be appropriate if awarded under section 1977 and section 1977A(a) and (b)(2) of the Revised Statutes (42 U.S.C. 1981 and 1981A(a) and (b)(2)). In the case of a determination that a violation based on age has occurred, the hearing board shall order such remedies as would be appropriate if awarded under section 15(c) of the Age Discrimination in Employment Act of 1967 (29 U.S.C. 633a(c)). Any order requiring the payment of money must be approved by a Senate resolution reported by the Committee on Rules and Administration. The hearing board shall have no authority to award punitive damages.

(i) Precedent and Interpretations.—Hearing boards shall be guided by judicial decisions under statutes referred to in section 202 and subsection (h) of this section, as well as the precedents developed by the Select Committee on Ethics under section 208, and other Senate precedents.

SEC. 208. REVIEW BY THE SELECT COMMITTEE ON ETHICS.

(a) In General.—An employee or the head of an employing office may request that the Select Committee on Ethics (referred to in this section as the "Committee"), or such other entity as the Senate may designate, review a decision under section 207, including any decision following a remand under subsection (c), by filing a request for review with the Office not later than 10 days after the receipt of the decision of a hearing board. The Office, at the discretion of the Director, on its own initiative and for good cause, may file a request for review by the Committee of a decision of a hearing board not later than 5 days after the time for the employee or employing office to file a request for review has expired. The Office shall transmit a copy of any request for review to the Committee and notify the interested parties of the filing of the request for review.

(b) Review.—Review under this section shall be based on the record of the hearing board. The Committee shall adopt and publish in the Congressional Record procedures for requests for review under this section.

(c) Remand.—Within the time for a decision under subsection (d), the Committee may remand a decision no more than 1 time to the hearing board for the purpose of supplementing the record or for further consideration.

(d) Final Decision.—

(1) Hearing board.—If no timely request for review is filed under subsection (a), the Office shall enter as a final decision, the decision of the hearing board.

(2) Select committee on ethics.—

(A) If the Committee does not remand under subsection (c), it shall transmit a written final decision to the Office for entry in the records of the Office. The Committee shall transmit the decision not later than 60 calendar days during which the Senate is in session after the filing of a request for review under subsection (a). The Committee may extend for 15 calendar days during which the Senate is in session the period for transmission to the Office of a final decision.

(B) The decision of the hearing board shall be deemed to be a final decision, and entered in the records of the Office as a final decision, unless a majority of the Committee votes to reverse or remand the decision of the hearing board within the time for transmission to the Office of a final decision.

(C) The decision of the hearing board shall be deemed to be a final decision, and entered in the records of the Office as a final decision, if the Committee, in its discretion, decides not to review, pursuant to a request for review under subsection (a), a decision of the hearing board, and notifies the interested parties of such decision.

(3) Entry of a final decision.—The entry of a final decision in the records of the Office shall constitute a final decision for purposes of judicial review under section 209.

(e) Statement of Reasons.—Any decision of the Committee under subsection (c) or subsection (d)(2)(A) shall contain a written statement of the reasons for the Committee's decision.

SEC. 209. JUDICIAL REVIEW.

(a) In General.—Any Senate employee aggrieved by a final decision under section 208(d) may petition for review by the United States Court of Appeals for the Federal Circuit.

(b) Law Applicable.—Chapter 158 of title 28, United States Code, shall apply to a review under this section except that—

(1) with respect to section 2344 of title 28, United States Code, service of the petition shall be on the Senate Legal Counsel rather than on the Attorney General;

(2) the provisions of section 2348 of title 28, United States Code, on the authority of the Attorney General, shall not apply;

(3) the petition for review shall be filed not later than 90 days after the entry in the Office of a final decision under section 208(d);

(4) the Office shall be an "agency" as that term is used in chapter 158 of title 28, United States Code; and

(5) the Office shall be the respondent in any proceeding under this section.

(c) Standard of Review.—To the extent necessary to decision and when presented, the court shall decide all relevant questions of law and interpret constitutional and statutory provisions. The court shall set aside a final decision if it is determined that the decision was—

(1) arbitrary, capricious, an abuse of discretion, or otherwise not consistent with law;

(2) not made consistent with required procedures; or

(3) unsupported by substantial evidence.

In making the foregoing determinations, the court shall review the whole record, or those parts of it cited by a party, and due account shall be taken of the rule of prejudicial error. The record on review shall include the record before the hearing board, the decision of the hearing board, and the decision, if any, of the Select Committee on Ethics.

(d) ATTORNEY'S FEES.—If an employee is the prevailing party in a proceeding under this section, attorney's fees may be allowed by the court in accordance with the standards prescribed under section 706(k) of the Civil Rights Act of 1964 (42 U.S.C. 2000e–5(k)).

SEC. 210. RESOLUTION OF COMPLAINT.

If, after a formal complaint is filed under section 207, the employee and the head of the employing office resolve the issues involved, the employee may dismiss the complaint or the parties may enter into a written agreement, subject to the approval of the Director.

SEC. 211. COSTS OF ATTENDING HEARINGS.

Subject to the approval of the Director, an employee with respect to whom a hearing is held under this title may be reimbursed for actual and reasonable costs of attending proceedings under sections 207 and 208, consistent with Senate travel regulations. Senate Resolution 259, agreed to August 5, 1987 (100th Congress, 1st Session), shall apply to witnesses appearing in proceedings before a hearing board.

SEC. 212. PROHIBITION OF INTIMIDATION.

Any intimidation of, or reprisal against, any employee by any Member, officer, or employee of the Senate, or by the Architect of the Capitol, or anyone employed by the Architect of the Capitol, as the case may be, because of the exercise of a right under this title constitutes an unlawful employment practice, which may be remedied in the same manner under this title as is a violation.

SEC. 213. CONFIDENTIALITY.

(a) COUNSELING.—All counseling shall be strictly confidential except that the Office and the employee may agree to notify the head of the employing office of the allegations.

(b) MEDIATION.—All mediation shall be strictly confidential.

(c) HEARINGS.—Except as provided in subsection (d), the hearings, deliberations, and decisions of the hearing board and the Select Committee on Ethics shall be confidential.

(d) FINAL DECISION OF SELECT COMMITTEE ON ETHICS.—The final decision of the Select Committee on Ethics under section 208 shall be made public if the decision is in favor of the complaining Senate employee or if the decision reverses a decision of the hearing board which had been in favor of the employee. The Select Committee on Ethics may decide to release any other decision at its discretion. In the absence of a proceeding under section 208, a decision of the hearing board that is favorable to the employee shall be made public.

(e) RELEASE OF RECORDS FOR JUDICIAL REVIEW.—The records and decisions of hearing boards, and the decisions of the Select Committee on Ethics, may be made public if required for the purpose of judicial review under section 209.

SEC. 214. EXERCISE OF RULEMAKING POWER.

The provisions of this title, except for sections 209, 220, 221, and 222, are enacted by the Senate as an exercise of the rulemaking power of the Senate, with full recognition of the right of the Senate to change its rules, in the same manner, and to the same extent, as in the case of any other rule of the Senate. Notwithstanding any other provision of law, except as provided in section 209, enforcement and adjudication with respect to the discriminatory practices prohibited by section 202, and arising out of Senate employment, shall be within the exclusive jurisdiction of the United States Senate.

SEC. 215. TECHNICAL AND CONFORMING AMENDMENTS.

Section 509 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12209) is amended—

(1) in subsection (a)—

(A) by striking paragraphs (2) through (5);

(B) by redesignating paragraphs (6) and (7) as paragraphs (2) and (3), respectively; and

(C) in paragraph (3), as redesignated by subparagraph (B) of this paragraph—

(i) by striking "(2) and (6)(A)" and inserting "(2)(A)", as redesignated by subparagraph (B) of this paragraph; and

(ii) by striking "(3), (4), (5), (6)(B), and (6)(C)" and inserting "(2); and

(2) in subsection (c)(2), by inserting ", except for the employees who are defined as Senate employees, in section 201(c)(1) of the Civil Rights Act of 1991)" after "shall apply exclusively".

SEC. 216. POLITICAL AFFILIATION AND PLACE OF RESIDENCE.

(a) IN GENERAL.—It shall not be a violation with respect to an employee described in subsection (b) to consider the—

(1) party affiliation;

(2) domicile; or

(3) political compatibility with the employing office,

of such an employee with respect to employment decisions.

(b) DEFINITION.—For purposes of this section, the term "employee" means—

(1) an employee on the staff of the Senate leadership;

(2) an employee on the staff of a committee or subcommittee;

(3) an employee on the staff of a Member of the Senate;

(4) an officer or employee of the Senate elected by the Senate or appointed by a Member, other than those described in paragraphs (1) through (3); or

(5) an applicant for a position that is to be occupied by an individual described in paragraphs (1) through (4).

SEC. 217. OTHER REVIEW.

No Senate employee may commence a judicial proceeding to redress discriminatory practices prohibited under section 202 of this title, except as provided in this title.

SEC. 218. OTHER INSTRUMENTALITIES OF THE CONGRESS.

It is the sense of the Senate that legislation should be enacted to provide the same or comparable rights and remedies as are provided under this title to employees of instrumentalities of the Congress not provided with such rights and remedies.

SEC. 219. RULE XLII OF THE STANDING RULES OF THE SENATE.

(a) REAFFIRMATION.—The Senate reaffirms its commitment to Rule XLII of the Standing Rules of the Senate, which provides as follows:

"No Member, officer, or employee of the Senate shall, with respect to employment by the Senate or any office thereof—

"(a) fail or refuse to hire an individual;

"(b) discharge an individual; or

"(c) otherwise discriminate against an individual with respect to promotion, compensation, or terms, conditions, or privileges of employment

on the basis of such individual's race, color, religion, sex, national origin, age, or state of physical handicap.".

(b) AUTHORITY TO DISCIPLINE.—Notwithstanding any provision of this title, including any provision authorizing orders for remedies to Senate employees to redress employment discrimination, the Select Committee on Ethics shall retain full power, in accordance with its authority under Senate Resolution 338, 88th Congress, as amended, with respect to disciplinary action against a Member, officer, or employee of the Senate for a violation of Rule XLII.

SEC. 220. COVERAGE OF PRESIDENTIAL APPOINTEES.

(a) IN GENERAL.—

(1) APPLICATION.—The rights, protections, and remedies provided pursuant to section 202 and 207(h) of this title shall apply with respect to employment of Presidential appointees.

(2) ENFORCEMENT BY ADMINISTRATIVE ACTION.—Any Presidential appointee may file a complaint alleging a violation with the Equal Employment Opportunity Commission, or such other entity as is designated by the President by Executive Order, which, in accordance with the principles and procedures set forth in sections 554 through 557 of title 5, United States Code, shall determine whether a violation has occurred and shall set forth its determination in a final order. If the Equal Employment Opportunity Commission, or such other entity as is designated by the President pursuant to this section, determines that a violation has occurred, the final order shall also provide for appropriate relief.

(3) JUDICIAL REVIEW.—

(A) IN GENERAL.—Any party aggrieved by a final order under paragraph (2) may petition for review by the United States Court of Appeals for the Federal Circuit.

(B) LAW APPLICABLE.—Chapter 158 of title 28, United States Code, shall apply to a review under this section except that the Equal Employment Opportunity Commission or such other entity as the President may designate under paragraph (2) shall be an "agency" as that term is used in chapter 158 of title 28, United States Code.

(C) STANDARD OF REVIEW.—To the extent necessary to decision and when presented, the reviewing court shall decide all relevant questions of law and interpret constitutional and statutory provisions. The court shall set aside a final order under paragraph (2) if it is determined that the order was—

(i) arbitrary, capricious, an abuse of discretion, or otherwise not consistent with law;

(ii) not made consistent with required procedures; or

(iii) unsupported by substantial evidence.

In making the foregoing determinations, the court shall review the whole record or those parts of it cited by a party, and due account shall be taken of the rule of prejudicial error.

(D) ATTORNEY'S FEES.—If the presidential appointee is the prevailing party in a proceeding under this section, attorney's fees may be allowed by the court in accordance with the standards prescribed under section 706(k) of the Civil Rights Act of 1964 (42 U.S.C. 2000e–5(k)).

(b) PRESIDENTIAL APPOINTEE.—For purposes of this section, the term "Presidential appointee" means any officer or employee, or an applicant seeking to become an officer or employee, in any unit of the Executive Branch, including the Executive Office of the President, whether appointed by the President or by any other appointing authority in the Executive Branch, who is not already entitled to bring an action under any of the statutes referred to in section 202 but does not include any individual—

(1) whose appointment is made by and with the advice and consent of the Senate;

(2) who is appointed to an advisory committee, as defined in section 3(2) of the Federal Advisory Committee Act (5 U.S.C. App.); or

(3) who is a member of the uniformed services.

SEC. 221. COVERAGE OF PREVIOUSLY EXEMPT STATE EMPLOYEES.

(a) APPLICATION.—The rights, protections, and remedies provided pursuant to sections 202 and 207(h) of this title shall apply with respect to employment of any individual chosen or appointed, by a person elected to public office in any State or political subdivision of any State by the qualified voters thereof—

(1) to be a member of the elected official's personal staff;

(2) to serve the elected official on the policymaking level; or

(3) to serve the elected official as an immediate advisor with respect to the exercise of the constitutional or legal powers of the office.

(b) ENFORCEMENT BY ADMINISTRATIVE ACTION.—Any individual referred to in subsection (a) may file a complaint alleging a violation with the Equal Employment Opportunity Commission, which, in accordance with the principles and procedures set forth in sections 554 through 557 of title 5, United States Code, shall determine whether a violation has occurred and shall set forth its determination in a final order. If the Equal Employment Opportunity Commission determines that a violation has occurred, the final order shall also provide for appropriate relief.

(c) JUDICIAL REVIEW.—Any party aggrieved by a final order under subsection (b) may obtain a review of such order under chapter 158 of title 28, United States Code. For the purpose of this review, the Equal Employment Opportunity Commission shall be an "agency" as that term is used in chapter 158 of title 28, United States Code.

(d) STANDARD OF REVIEW.—To the extent necessary to decision and when presented, the reviewing court shall decide all relevant questions of law and interpret constitutional and statutory provisions. The court shall set aside a final order under subsection (b) if it is determined that the order was—

(1) arbitrary, capricious, an abuse of discretion, or otherwise not consistent with law;

(2) not made consistent with required procedures; or

(3) unsupported by substantial evidence.

In making the foregoing determinations, the court shall review the whole record or those parts of it cited by a party, and due account shall be taken of the rule of prejudicial error.

(e) ATTORNEY'S FEES.—If the individual referred to in subsection (a) is the prevailing party in a proceeding under this subsection, attorney's fees may be allowed by the court in accordance with the standards prescribed under section 706(k) of the Civil Rights Act of 1964 (42 U.S.C. 2000e–5(k)).

SEC. 222. SEVERABILITY.

Notwithstanding section 301 of this Act, if any provision of section 209 or 220(a)(3) is invalidated, both sections 209 and 220(a)(3) shall have no force and effect.

On page 29, before line 1, insert the following:

TITLE III—GENERAL PROVISIONS

On page 29, line 1, strike "21" and insert "301".

On page 29, line 8, strike "22" and insert "302".

Mr. GRASSLEY. Mr. President, I am very pleased to propose this amendment extending the employment discrimination laws to employees of the Senate. This is an amendment that I have worked out with the majority leader. I want to take this opportunity, Mr. President, to thank him for his interest in this issue, for his cooperation, and for the time that he has spent working with me on this amendment to work it out.

For the first time, as a result of this amendment, if it is adopted, and I hope it will be adopted, all Senate employees will have the right to judicial review of employment decisions. This is a historic development and one whose time has finally come.

I would like to explain the amendment. First, it establishes a Senate office of fair employment practice. That office will have jurisdiction over complaints of employment discrimination for all Senate employees.

An employee will be entitled to file a claim with the fair employment office. The office will attempt to settle the claim on an informal basis using mediation. If that is unsuccessful, the employee can request an administrative hearing.

The hearing will be on the record, with an opportunity for cross-examination. A panel of three independent hearing officers will hear and weigh the evidence. Their decision would be issued on the record. They will have the right to subpoena witnesses and evidence. They could award all of the remedies that are available under title VII, including compensatory damages.

The decision of the panel may then be subject to review by the Ethics Committee, who will have the power to reverse or remand the decision of the panel.

Mr. President, this is a little bit different than the way the Ethics Committee normally would act because this legislation that the majority leader and I are proposing would say that a majority of the panel will be necessary for reversal or remand, ensuring that such decisions will not be made on a purely partisan basis. Ethics Committee review is not mandatory, but it is at the discretion of either party or the director of the fair employment office.

If the employee needs an opportunity—feeling that justice has not been done at this hearing process level that I have just described—there is an appeal to the U.S. Court of Appeals for the Federal circuit. The court will review all the proceedings, including any decisions that the Ethics Committee might make.

This process will be available to all employees from legislative staff to the restaurant and mail room workers.

Mr. President, there are no exemptions. There are no gaps. There are no loopholes. If you are a Senate employee, you are covered with the protections of these civil rights bills now on the books.

And we will ensure that the same coverage extends to political hires in the executive branch. This compromise of course is not perfect. I have said that coverage of the Senate should be on the same terms as for the private sector. But, Mr. President, sometimes to get legislation passed and to move forward, it is necessary to compromise.

In this institution, compromise is a way to get something done. So that is what we have here—a good and valuable piece of legislation, based upon bringing all interests together; full coverage for all employees, with a day in court at the Federal appeals court level.

That is a lot more than many of my colleagues would like; you have heard from them already this evening on other pieces of legislation, and you will hear from them also on this legislation.

I have heard a lot of Senators complaining about how difficult it would be for them to live by civil rights laws. They tell me that they want to hire and fire whoever they wish, for whatever reason they deem relevant to their employment decisions. I can only say, in response, that if these Senators find the imposition of these laws too onerous to live by, I hope that they can adjust, because the people of this country feel that these laws should be equally applied, or as close to equal application as possible.

Some will argue that key legislative employees should not be entitled to any court review. They will cite the Constitution's speech and debate clause as a source of immunity from employment laws. But the speech and debate clause is not implicated by a law that is as simple as prohibiting Senators from discriminating against their employees, and I think that is sound constitutional law, based upon decisions that I have had occasion to look at.

It is not constitutionally protected speech or debate when a Senate office hires or fires on the basis of race, or sex, or fails to put a stop to sexual harassment. Moreover, the language of the compromise codifies existing law and recognizes that a Senator may consider an employee's party affiliation, State of residence, or political compatibility when making employment decisions. Any argument that this language infringes on a Senator's speech and debate immunity is baseless.

Frankly, Mr. President, this is a giant step forward in getting Senators to live by similar rules that we expect other people in the country to live by, a first step back to the vision of the founders that the very legitimacy of legislative rule in our democracy would be contingent upon congressional rulers following the very rules we apply to all of society.

I have been working on this issue for several years, and I think the public has always supported initiatives of this sort. After recent events, as more attention has been placed on this issue by the press, the public is even demanding more prompt action on our part.

It is entirely appropriate, Mr. President, that we respond to this mandate. The people have been scrutinizing us quite closely in recent days. Many have questioned the legitimacy of our judgment over other men, and the legitimacy of rules that we pass for others but not for ourselves.

The President has warned us that we are improperly treating ourselves as a "privileged class of rulers." I happen to agree with him. I know a lot of my colleagues do not agree with him, and I respect their judgment. But we do have a national voice, the only national voice, in our political way of doing business in this country that I think speaks the opinion of people at the grassroots. For now, only we in this body have the power to change that perception.

So I urge my colleagues to begin to restore the legitimacy of this body in the minds of the people by eliminating the Senate's exemption from civil rights and other related laws. This compromise amendment is a first step in that direction.

I thank Senator MITCHELL for his help in this effort.

Mr. MITCHELL. Mr. President, I thank my colleague for his comments, and I thank him for his efforts in this regard.

Mr. President, I rise in support of the amendment offered by Senator GRASSLEY and myself, the purpose of which is to cover the staff of the U.S. Senate, the Executive Office of the President, and other Presidential appointees under our Nation's antidiscrimination laws.

The amendment would apply to the Senate and the Executive Office of the President, the Civil Rights Act of 1964; the Age Discrimination in Employment Act of 1967; the Rehabilitation Act of 1973; the Americans with Disabilities Act of 1990; and the underlying bill itself, the Civil Rights Act of 1991.

Under this amendment, each staff person, without exception or exclusion, would have recourse to the court of appeals for the Federal circuit for a full and substantive review of the record in his or her case to determine if the law and evidence in the case were properly applied. No staff person would be exempted from that basic right of appeal to the courts.

The core purpose of this amendment is one that ought to have the support of every Member of this body: To give the people who work here in the Senate, the people who work at the White House, and the Schedule C appointees scattered throughout the executive branch, a reasonable and fair and open process to hear and adjudicate complaints of discrimination, a process similar to that available to their counterparts in the civil service, and to do that in a manner consistent with the constitutional separation of powers.

To understand where we are today, it is helpful to know where we have been. Under current law, and under the pending Civil Rights Act of 1991, private persons who are employers are liable to charges of discrimination. Those charges must first be brought to the Office of Equal Employment Opportunity.

When, and only when, the efforts of that office at mediation and conciliation have failed, the aggrieved employee may file suit in Federal district court and require that a neutral body—the Federal judiciary—hear the facts of the case, draw conclusion from those facts, and issue a ruling based on the requirements of the law.

Employers then have a right to challenge the lower court's initial decision by seeking to have a Federal appellate court review the trial record and determine if the evidence substantiates the charges brought and the decision reached. Employees, of course, have the same right.

It has long been Senator GRASSLEY'S goal that the protections in law which the Congress provides to employees in the private sector should be available to employees of the Senate. I agree.

I further agree—as does Senator GRASSLEY—that similar protection should apply for the persons employed in the Executive Office of the White House—that is, White House staff, Trade Representative staff, Office of Management and Budget staff, and the political appointees who do not require the advice and consent of the Senate to take up noncompetitive posts in the executive branch.

Mr. President, it is obvious that Government is not identical to the private sector. Punitive damages are levied against the private sector as a deterrent to others and to future misconduct. They are not generally applied against the Federal Government because the funds involved are tax dollars, and the deterrent element is not the same.

Many of the frequent analogies drawn between the public and private sector are valid, as far as they go, but it is essential to understand where they stop being valid and useful.

For instance, the President has always been able to raise a defense of Executive privilege against the disclosure of confidential information or advice received from his staff.

Similarly, article I, section 6 of the Constitution provides that elected Members of the Congress may not be questioned "in any other place" about their legislative activities.

As a result, because of Executive privilege in the case of the President and the "speech and debate" clause of the Constitution in the case of Congress, both institutions—the President and the individual Members of Congress—have been exempted from the reach of certain laws.

No one in this institution has proposed to change that. Everyone here has agreed, at least by acquiescence, that the President ought to retain the right of Executive privilege, and the Members of the Senate ought to retain the right under the speech and debate clause of not being questioned in any other place.

In the case of the Congress, those exemptions have been based on the separation of powers doctrine which holds that each individual branch of our Government system may not exert police power over the other branches. It is an essential element of the balance of powers which preserves the liberties of American citizens.

The Federal judiciary, for instance, is insulated from political interference, once each judge or justice has been sworn in, by lifetime tenure and a salary that cannot be reduced. Thus, we ensure that the cases we bring to the Federal courts will be heard in an atmosphere free of partisan maneuvering.

Likewise, the Congress is free of the enforcement powers of the executive branch against its internal operations and should be free. That ensures the independence of the legislative process as well as preserving the accountability each individual Member has to the constituents who elected him or her.

Members of the Senate cannot go back to their States and plead that the executive branch forced them to do one thing rather than another: They are required to be accountable for their own votes directly to the persons who elected them. That is as it should be.

Neither Congress nor the President seeks to direct the chief executive officers of American businesses in the personnel decisions they may make. We ask only that they be accountable to the law.

The purpose of this amendment is to apply the same standard—accountability to the law—to ourselves and to the Office of the President. Not more, but not less.

The amendment achieves this outcome by respecting the constitutional issues which arise whenever either Presidential or congressional powers are at stake.

It establishes an internal mechanism analogous to the Equal Employment Opportunity Commission, which private parties have available to them. It establishes that analogous mechanism within the Senate with respect to the antidiscrimination laws.

A provision of the amendment makes the Office of the President subject directly to EEOC, since no separation of powers issue prevents that, or to another entity that the President may, at his discretion, establish to perform a similar function.

In the Senate, the entity would be an Office of Senate Fair Employment Practices that would be created under this amendment. The Director would be appointed by the President pro tempore of the Senate, upon the recommendation of the majority leader in consultation with the minority leader.

The Director would have to submit his or her budget to the Appropriations Committee, in much the same manner as the Office of Senate Legal Counsel and legislative counsel must now do.

The Director would be specifically mandated to draw up and promulgate regulations regarding the operations of that office without oversight from any Senate committee or other Senate body.

That ensures the office and Director of independence.

The Director's function would then be analogous to the function now served by the EEOC in the executive branch. The Director would, at the request of any staff person, first initiate a counseling process, to last no more than 30 days, to seek resolution of an interoffice problem or dispute.

In the event counseling fails, the Director would, on request of staff, be able to conduct a mediation process involving the hiring authority—including individual Members of the Senate—the aggrieved staff person, and outside mediators when appropriate.

If mediation failed, the staff person would, 15 days after the expiration of the mediation period, have the right to file a formal complaint with the Director and ask for a hearing of the facts.

The hearing process would not be in the hands of the Director directly. Instead, the Director would appoint outside mediators, independent hearing examiners, to ascertain the facts of the case and to reach a decision based on those facts.

Hearing examiners would not form a permanent body of personnel. They would be engaged for each individual case as a panel and dismissed when that case was concluded.

The goal of this provision is to create as close an analogy to the fact-finding function of a court as possible within the constitutional limits of the "speech and debate" clause.

This is an effort to reconcile two conflicting provisions, two conflicting objectives, to provide protections to the members of the Senate staff identical to those accorded other persons, but to do it in a way that is within the Constitution.

The procedure envisaged would include reasonable prehearing discovery and depositions at the board's discretion. The procedure would then permit either party to request a review of the decision by the Ethics Committee.

The Ethics Committee would be required to have a majority vote in order to reverse a hearing board decision or remand it back to the hearing board for further deliberations. In the case of an Ethics Committee deadlock—that is, if it were three to three in the Ethics Committee—the ruling of the hearing board would stand.

The counseling, mediation, and conciliation processes in the proposal remain confidential until a final decision—following Ethics Committee review—of the hearing board is formally entered.

An important safeguard in this amendment—the one factor that ensures the application of the antidiscrimination laws to the Senate will be serious—is that nothing, neither a hearing board's contrary decision nor an Ethics Committee reversal hampers the ability of a staff member to take the matter to court.

Under this amendment, there are no exempted staff members who cannot seek the protection of judicial review. There are no loopholes through which bodies of staff or groups of staff can be created who would be unprotected by the laws. All staff would be protected by this law. All staff would have the right of judicial review.

Because of the "speech and debate" clause prohibition which limits the reach of the Judiciary into the operations of a Senator's own office or committee, the independent hearing board is the trier of fact rather than a Federal district court.

But a review of that board's decision in any case may go to the court of appeals for the Federal circuit where the standard of proof is, in all essential elements, the same standard as is applied against executive branch agencies under the Administrative Procedures Act.

Additionally, unlike the underlying law that will apply to the private sector, compensatory damages against the Senate will not be capped for any employee. Compensatory damages will be available for all classes of discrimination, with the guideline—but not a requirement—that the underlying law be consulted in terms of appropriate relief in each instance. However, no language in this amendment prohibits the award of compensatory damages in excess of what will be available in the private sector to nonracial discrimination cases.

Additionally, when a hearing board decision is final and goes against a Senate Member, that result will be made public. Should the Ethics Committee reverse a hearing board decision favorable to an employee, that reversal and the underlying decision will be made public. As a result, even in cases where neither party seeks to appeal to the Federal judiciary, Members will in all instances confront the fact that their conduct under the antidiscrimination laws will be a matter of public record.

Similarly, because damage awards required to be paid must be subject to a Senate resolution, the amount of those awards will be public knowledge, as will be the identity of the office whose conduct caused the award to be granted in the first place. And, of course, any dispute that goes to a Federal court would also become public upon filing.

The point of this process is to adapt, as closely as possible, the process of litigation in the private sector to the different motivations and risks that apply in a public, electoral office such as the Senate and the Executive Office of the President.

In private litigation, unsubstantiated cases may be brought by a desire on the part of the plaintiff to reap a cash reward in the form of an out-of-court settlement or a damage award granted by a jury.

The costs of this, to the private sector, are to erode the profits of a business or even, in extreme cases, to threaten the continued existence of the business.

In the public sector, no precisely similar risks are at stake. Neither the President personally or any Member of the Senate is liable for damage awards out of his or her own pocket. Indeed, no private CEO is required to undertake personal bankruptcy to satisfy an award. Awards come from corporate profits, not the personal assets of company officials.

However, in the public electoral sector, there is an asset which is easily damaged and hard to repair, and that is an individual Member's reputation.

Each Member of the Senate runs for public office on the implicit claim of his or her personal integrity. Each candidate for office knows his or her motives may be questioned by a political opponent. But that is part of the process which the public understands.

Political claims and allegations are usually given the weight they deserve by the public: They are regarded as unproven and the burden of proof is on the party making the allegation.

Under those circumstances, candidates for office who are incumbents, can and most often effectively do defuse the worst kinds of politically motivated attacks on their integrity. Members who are candidates are thus enabled to focus the election contest on the issues facing a State, their constituents, the Nation at large or whatever else they choose.

A very different element enters the picture, however, if a political opponent can credibly undermine a candidate's claim of integrity. That, in poliical terms, is the only capital each member brings to a electoral contest.

We all know we can be outspent by a wealthy or well-financed opponent.

We all know we can be victims or beneficiaries of foreign or domestic policy developments over which we have no personal control.

But an important element in making a credible case for reelection is personal integrity.

Once that is undermined, or credibly tarnished, each candidate who is also a Member, is fighting an uphill battle for which there is really no counterpart in the private sector.

Private firms may be required to disclose elements of new product development or other corporate secrets they had hoped to keep private; individual corporate officers may be temporarily embarrassed; but in very few cases would an antidiscrimination suit, or the threat of one, cause a CEO or other corporate officer to lose his position directly.

The same is not true for elected officials such as Members of the Senate. If a credible and politically well timed charge can be levied against a Member that he or she intentionally discriminated on the basis of race or sex or disability or some other cause, that Member is at direct risk of forfeiting his or her seat without the benefit of due process.

A certain amount of rough and tumble is part of political life, as we all know. The goal of this amendment is not to add to that rough and tumble, not to provide targets of opportunity for ingenious opponents, but to give all Senate employees the same substantive protection against discrimination as is given to all other workers.

Because of the special circumstances that surround the Senate, the process cannot be mechanically identical in each and every respect. But there is no call for mechanical identity so long as the substantive issues are fairly addressed.

This, I believe, the amendment before us achieves, and as a result, it deserves the support of every Member of the Senate.

I would just like to make some concluding comment.

Mr. President, this is a very difficult subject for every Member of the Senate. Reasonable people, people whose views I greatly respect, disagree on this amendment. Among them is the Senator from New Hampshire. There is not a Senator that I respect more than the distinguished senior Senator from New Hampshire. I know he disagrees with this. I know he believes this is not constitutional.

I am unable to say with certainty whether this is or is not constitutional. I believe it can be held constitutional. It is an effort to do what I suggested earlier is difficult to do, and that is to provide the protections in law, the protections in law for members of Senate staff now afforded to other persons within the constraints of the separation of powers mandated under the Constitution.

It is very clear to me—and I express this as just a personal view which I know others will disagree with—it is very clear to me that the method attempted to achieve that result in the prior amendment was clearly unconstitutional. No effort was made there to accommodate the separation of powers requirements under the Constitution. This is such an effort.

Senator GRASSLEY and I did not agree on every issue. This is a compromise. There are some things in here that he would have preferred not be in here. The same is true of myself.

There are other things not in here that he would have liked in here. The same is true of myself. This is a compromise in a sincere effort to bring about what I know all Senators want, and that is to accord to Senate employees the protection of the laws against discrimination in a manner that is compatible with the Constitution. I cannot say to Senators that this is the perfect solution, this is the only solution. I can say that this is an attempt to achieve a responsible and thoughtful solution that is a product of many days of effort, of compromise, of give and take on both sides.

I hope that Senators will support this. I recognize the difficulty of the subject matter, and we all ought to recognize that we are imposing upon ourselves as Senators a very substantial burden, a burden which the Senator from New Hampshire is shortly going to spell out in some considerable detail. But I believe this is a responsible effort and a reasonable middle ground at trying to accommodate the two objectives which I have described.

Mr. President, I wonder if my colleagues would be agreeable to a time limitation on debate, and a vote at a certain time on this, so that we can complete action on the measure. We both, the Senator from Iowa and I, have spoken, and I do not want to disadvantage the opponents, the Senator from New Hampshire, and others. I do not know whether the other Senators age going to speak for or against the amendment.

Might I suggest, as a way of a least getting a reaction, that we consider 1 additional hour on the subject, perhaps with 40 minutes of that time going to the opposition, and 20 minutes to the proponents, since Senator GRASSLEY and I have already used up some time in support?

(Mr. LAUTENBERG assumed the chair.)

Mr. RUDMAN. Will the majority leader yield?

Mr. MITCHELL. Yes.

Mr. RUDMAN. I do not have a problem with that. But at the conclusion of that time, which I believe would be 60 minutes, I would propose to make a procedural motion.

If that prevailed, that would be the end of it. If it did not, and I expect it probably would not, I would like to reserve the right for an additional 10 minutes.

Mr. MITCHELL. That is fine.

Mr. WARNER. Could the Senator from Virginia, as a proponent and cosponsor, have 3 minutes?

Mr. MITCHELL. That will be fine with me.

Mr. SPECTER. I would, on the constitutional issue, which is somewhat involved, ask for 10 minutes, and depending on what my colleague from New Hampshire does, could I have an equal 10 minutes to reply in a discussion with him at that stage?

Mr. RUDMAN. I may not need to reply. But I appreciate the courtesy.

Mr. JEFFORDS. As a proponent of the amendment, I would like 5 minutes, if I may.

Mr. SEYMOUR. I would like 5 minutes as a proponent.

Mr. MITCHELL. Right now, there are 23 minutes of the proponents' time, not counting an additional 10 minutes on either side.

I want to be sure the Senator from New Hampshire has a fair amount of time equal to the aggregate of all the proponents if he wants to use it. I would suggest, then, that we agree on, if we could, 70 minutes, with 40 minutes to the Senator from New Hampshire and 30 minutes to the proponents. Would that be agreeable?

Mr. SPECTER. Mr. President, is it clear that this Senator has 10 minutes——

Mr. MITCHELL. I am going to include that in the request.

Mr. SPECTER. In the main body, and then 10 minutes to reply to the Senator from New Hampshire if he exercises that afterward.

Mr. MITCHELL. I am not going to get beyond the first vote. There will be no limitation after that. I would like to get to his procedural point, and after that there would be no limitation. I was going to use the times the Senators suggested.

Would the Senator from Oklahoma like time?

Mr. NICKLES. Reserving the right to object, this Senator is interested in possibly amending the so-called Mitchell-Grassley amendment. I might ask the majority leader if I am correct—and maybe I have not seen the last draft—but am I correct in my assumption that under the Mitchell-Grassley compromise, there is not a provision for jury trials?

Mr. MITCHELL. That is correct.

Mr. NICKLES. But the rest of the private sector is subject to jury trials under title VII; is that correct?

Mr. MITCHELL. That is correct.

Mr. NICKLES. This Senator plans on offering an amendment dealing with jury trials.

Let me ask the majority leader another question. Does the compromise exclude punitive damages under the Mitchell-Grassley proposal?

Mr. MITCHELL. Yes, it does.

Mr. NICKLES. But we have punitive damages for the rest of the private sector.

This Senator plans on having an amendment—it will not take very long—to cover that. But it will be an amendment to the Mitchell-Grassley substitute. And so it would be a second-degree amendment, unless the Senator stacked it already. At some point, I will offer that amendment.

Mr. MITCHELL. The Senator did that on his amendment. We have not done that on this amendment.

Mr. NICKLES. I did not hear the Senator.

Mr. MITCHELL. The Senator said unless the Senator stacked it to preclude a second-degree amendment. My response was the Senator from Oklahoma did that on his amendment. We did not do that on this amendment.

Mr. NICKLES. The Senator has the votes. He does not need to.

I will reserve the right to offer a second-degree amendment.

Mr. MITCHELL. The Senator may offer any amendment he may wish.

I understood the Senator from New Hampshire was going to offer a second-degree amendment.

Mr. RUDMAN. Yes, I will.

Mr. MITCHELL. I will leave that to him, and the Senators can agree among themselves as to the order.

Mr. NICKLES. But nothing in the time agreement would limit second-degree amendments or a reasonable amount of time to discuss those amendments.

Mr. MITCHELL. I am just trying to get the procedural point of the Senator from New Hampshire. After that, if we can get an agreement beyond that, we will try to do so. If not, we will stay here as long as the Senator would like to offer amendments and debate them.

Mr. NICKLES. I will not take very long.

Mr. RUDMAN. I can assure the leader, should my procedural motion fail, I will be very brief to offer an amendment and vote with a very limited discussion, although I dare say there are others who might want to address what I am going to offer as an amendment out of their own personal concern.

Mr. BUMPERS. If the leader will yield before he asks consent, will the leader consider adding 3 minutes to the Senator from Arkansas out of the proponents' time on the amendment?

Mr. MITCHELL. I apologize. I did not hear the Senator.

Mr. BUMPERS. I just ask for 3 minutes on the proponents' side. I may take it, and I may not.

Mr. MITCHELL. As a proponent of the amendment?

Mr. BUMPERS. Yes.

Mr. MITCHELL. Mr. President, I think what is happening, we are already over the time on the proponents. We are in a situation where we are losing time trying to get an agreement to save time. I have not propounded a unanimous-consent request, and I do not intend to propound one.

Why do we not just debate and see how it goes—we are going to stay here until we finish it—and see how long that will be.

I yield the floor.

Mr. RUDMAN. Mr. President, how much time had we hypothetically agreed to for the opposition?

Mr. MITCHELL. I intended to propose 70 minutes of debate; 40 minutes for the Senator from New Hampshire. But I am not offering any unanimous consent right now.

Mr. RUDMAN. I thank the leader. I can assure him I do not think I will use that. I sense I will be very lonely on this floor tonight. I do not think I will have to share my time with too many people. I can kind of sense that this deal has been cut.

Let me start off, Mr. President, by saying to the distinguished majority leader that I greatly respect what he and Senator GRASSLEY have done in this compromise up until the point of judicial review. I think that it was a very fine compromise until we got to the point of judicial review, which in my view, and I am not nearly as cautious as my friend from Maine, a former Federal judge. I will tell him unequivocally, and we can go off the floor later and have a small legal wager on this, that this will be struck down as soon as it sees the light of day. And I say that with all due respect to my friend from Pennsylvania, who wants to offer his views. It is so clear that I have not found a single constitutional scholar I talked to in the last 48 hours that even says that it is even close.

Let me start out by saying that I admire the persistence of my friend from Iowa and the diligence of my friend from Maine in attempting to broker a compromise.

I am a little reminded of a former colleague of ours from the State of Vermont, Senator Stafford. Senator Stafford was a great New England storyteller. He told one story in particular which is, I think, very apropos to these two amendments.

The Nickles amendment, of course was overwhelmingly defeated, as well it should have been.

It seems that up in a small Vermont town, a gentleman who lived high on the hill, who was very penurious and very mean and would throw widows and orphans into the street if they missed their rental, died. On the day of the funeral in the Congregational Church, it was full—not so much with mourners, but probably with celebrants.

And, as is the custom in those New England churches, the minister asked, at the end of the very brief service, if someone would rise and say something nice about the deceased. No one rose. The minister was very nervous and anxious, and he did not feel very good about it, and he said would someone please rise and say something nice about the deceased, and none did.

Finally, after the fourth request, an old farmer got up in the back of the room, had his coveralls on, and he said, "Well, he wasn't as bad as his brother."

The Grassley amendment is not as bad as the defeated Nickles amendment. But it is only a matter of gradation.

Mr. President, I addressed these issues before, and I do not want to address them all again, but I expect we ought to have this record complete. Had the drafters ended this where they should have, I could support it with enthusiasm. Unfortunately, it now has a review by the circuit court of appeals.

Quite frankly, whether it is in the Federal distict court or the circuit court of appeals, the issue is the same. We are going to have judicial oversight over employment decisions of Members of the U.S. Senate. So all of those who intend to vote for this remember that if, as a U.S. Senator, you choose to replace your administrative assistant or your press secretary or one of your key committee people, you may be liable to an action for age discrimination, sex discrimination, racial discrimination, or who knows what else, and I expect, having been the Ethics Committee and noticed the unique and exquisite timing at which complaints reach us, that sometime about 3 months before your election, the case that will have been brought against you 120 days before will get into the appeals court and it will lose all of its privacy and we will read that Senator X, from State Y, is being sued for sex discrimination in his office or her office in Washington.

Now, I will only tell you that by the time you have a chance to respond, you will have been retired to a more luxurious and relaxing life.

The case law on this is clear. My friend from Pennsylvania and I came here together. He is a very artful and accomplished lawyer, very effective, and I expect he will have some things to say about this. But, frankly, there is one case that will strike this down as fast as a lightning bolt.

I want to ask the Senator from Iowa if he would answer one question for me so at least I can be accurate. Would the Senator from Iowa be pleased to answer a question before I at least address this issue?

Mr. GRASSLEY. Well, I will try.

Mr. RUDMAN. I would like to refer to page 27 of the draft. I assume he has a copy of the bill. I am referring to page 27, line 8.

I mean, I just want to understand the logic in what is overall, rather illogical. But this one really stumps me and I want some understanding. At least we ought to have a record on this.

Has the Senator found the line?

Mr. GRASSLEY. Yes, I do.

Mr. RUDMAN. It says:

> PRESIDENTIAL APPOINTEE.—For purposes of this section, the term "Presidential appointee" means any officer or employee, or

> an applicant seeking to become an officer or employee, in any unit of the Executive Branch, including the Executive Office of the President, whether appointed by the President or by any other appointing authority in the Executive Branch, who is not already entitled to bring an action under any of the statutes referred to in section 202 but does not include any individual—
>
> (1) whose appointment is made by and with the advice and consent of the Senate * * *.

Am I to understand from that, that if you happen to be a Presidential appointee who is confirmed by the U.S. Senate, you retain your traditional exclusion while nobody else does? Is that correct?

Mr. GRASSLEY. Yes. The Senator is correct.

Mr. RUDMAN. Could the Senator tell me why? What is the distinction? Why should that happen? Maybe the majority leader can answer the question. Could somebody answer that for me because it seems to me we are setting up a super class, here.

Mr. GRASSLEY. I ask the Senator from Maine to help me, but part of this is because of compromise and the necessity, on people here in the Senate, who were firm in their conviction that if we were going to apply the laws equally to the Senate, they were going to apply equally to the executive branch of Government. And this is part of the process of reaching that compromise, where we are covering executive branch employees previously exempt so that they would likewise be covered and have parity there with congressional branch employees.

I would also yield to the Senator from Maine.

Mr. MITCHELL. Mr. President, in response to the question of the Senator from New Hampshire, as he knows and as we have discussed repeatedly throughout the evening, the question is whether this process can be applied in a manner consistent with the separation of powers doctrine of the Constitution. It is the opinion of the Senator from New Hampshire that this cannot be done, and, therefore, this proposal is constitutionally infirm.

The advice of counsel, which we received in the drafting process, was that the inclusion under this provision of persons whose appointment is made by the President with the advice and consent of the Senate would increase the likelihood of the provision being deemed unconstitutional and thereby stricken, because it implicates separation of powers and, of course, is a constitutional provision. And, therefore, in an effort to achieve what I have earlier described sometimes as the conflicting objectives of providing protection and doing it consistent with the Constitution, we agreed, on advice of counsel, to remove that category of persons in what is a candid effort to increase the likelihood that it will pass constitutional muster.

Mr. RUDMAN. I thank the majority leader and the Senator from Iowa. I would only say I think with all due respect to that legal advice, and I am such it is given by many competent people, we have many here, I think there is a very interesting due process problem created within that. It now creates two grades of Presidential employees, those who are excluded because they were confirmed by the Senate and those who are not because they were not. And all I think we have is a new can of worms. But I wanted to make that point on the record.

Mr. MITCHELL. Proving once again the solution to every human problem contains within itself the seeds of a new problem.

Mr. RUDMAN. And I would say to the majority leader, probably the seeds of its own destruction. But that would please me, I just say to everyone.

I want to read again the case of Nixon versus Fitzgerald. We do make laws here. They are interpreted by the U.S. Supreme Court. This statute purports to cover Presidential appointees, other than ones the majority leader and I just discussed. Let me read Nixon versus Fitzgerald, and I am going to be very interested in the argument my friend from Pennsylvania makes about this one.

The case is a 1982 case. Fitzgerald, you might recall, was a very famous whistle blower, worked for the Air Force, uncovered huge fraud in certain defense contracts, was fired, accused the President of conspiring in his firing. Nixon had left office by the time this was reached, but that is not an issue here because it deals with the basic centrality of the issue we are discussing. Here is what the court said:

> This Court has recognized that government officials are entitled to some form of immunity from suits for civil damages. In the absence of immunity, executive officials would hesitate to exercise their discretion in a way injuriously affecting the claims of particular individuals, even when the public interest required bold and unhesitating action. We hold that petitioner, as a former President of the United States, is entitled to absolute immunity from damages, liability predicated on his official acts.

What is good for the goose is good for the gander. There is a whole string of U.S. Supreme Court cases, I am not going to bore anybody with them tonight, on separation of powers, and what is good for the President is good for the U.S. Senate. I hope that the majority leader will agree with that.

Mr. MITCHELL. Mr. President, will the Senator yield for me to respond?

Mr. RUDMAN. I will be happy to.

Mr. MITCHELL. I believe that the holding in the case just read makes the point that a President, and by analogy a Member of the Senate, cannot be personally liable in the event a proper case were made, but that it does not preclude the kind of remedy that is made available in this amendment.

Mr. RUDMAN. I think that is true, and I know exactly why the majority leader makes that comment, and I will have a comment in response to that at the appropriate time. Let me simply finish the quote.

The quote finishes from the Fitzgerald case as follows:

> Because of the singular importance of the President's duties, diversion of his energies by concern with private lawsuits would raise unique risk to the effective functioning of Government.

What is good for the goose is good for the gander. What is good for the executive branch is good for the Congress. We are three equal branches. It means just that. Not one more equal than the other, but coequal, and the Nixon case is clear on that issue. For that reason alone when I raise a procedural issue I hope it will be supported. After all, we should not knowingly vote for legislation unconstitutional on its face, not on my say-so; on the say-so of the U.S. Supreme Court. It is infirm and unconstitutional.

Let me just move on to the current case law, and it is interesting that this is such a well-settled issue that there are not a great many cases at the U.S. Supreme Court level. There is, however, a very interesting case called Browning versus Clerk of United States House. In that case, the D.C. Circuit held in 1986 that Members of Congress had absolute immunity under the speech and debate clause relating to employment decisions if the position had duties related in some way to the legislative process. Thus, a decision to fire a reporter of debates was held to be nonreviewable. A person doing the work that this lady is doing was held to be involved in the legislative process. I think that is a far reach, but that is what the court decided.

On that point, I had talked to the distinguished majority leader and to the Senator from Iowa and said, look, if at least we want to do this, let us try to make it constitutional. Why not separate those people who have policymaking positions, that is our legislative staffs, our committee staffs, versus those that do not. The cooks, the waitresses, the police, the stenographers, the people who tend the gardens and drive the trucks. Fine, let them have their judicial review. But, no, this body is so frightened by public reaction that we have to do something, even if it means throwing out the baby with the bath water, which is about what we are going to do tonight.

In Walker versus Jones, incidentally, to make this record complete, that same circuit held that the decision to fire a House restaurant employee was reviewable, and that is proper. The House restaurant employee had no policy or legislative function.

In the Browning case, the court said that:

> The speech and debate clause is intended to protect the integrity of the legislative

process by restraining the judiciary and the executive from questioning legislative actions. Without this protection, legislators would be both inhibited in and distracted from the performance of their constitutional duties. Where the duties of the employees implicate speech or debate, so will personnel actions respecting that employee.

The standard for determining immunity is whether the employee's duties were directly related to the due functioning of the legislative process. The thing that puzzles me is, with people of good will, why we could not get that compromise. But we could not. I was perfectly delighted to have this entire process be constitutional by separating those policy and legislative people as the court clearly said.

There have been other cases. There is tension in Forrester versus White, which Senator SPECTER spoke about earlier. In that case, the U.S. Supreme Court held that the appropriate test in an employment case where judicial immunity had been raised was the nature of the judge's act, not the duties of the employee, as in the Browning case. I do not think that is much tension at all, and I expect if this is ever reviewed, they will come out the same way.

The Supreme Court in that case said this, and I think it is the most instructive language: "Running through our cases with fair consistency is a functional approach to immunity. Questions other than those that have been decided by express constitutional or statutory enactment"—in other words, speech and debate clause questions—"are different," and they should be.

Mr. President, I doubt if I can change any votes tonight, but for a few minutes I am going to try. I said this afternoon, and I will repeat tonight, this Senate is a very special place with very special obligations, a very rich history and, I hope, a rich future. None of us who serve here will serve here longer than a brief blink of time. And there are some institutional values which are worth protecting.

I thought of reading the Federalist Papers tonight and reading from the debates in Philadelphia, but I decided the hour is late and I am not going to do that. I may send you all a little monograph on that some day. But it was very clear what they meant by separation of powers. Of course, we are subject to the criminal law, as well we should be. If we commit crimes, we will be adjudged of being guilty and we would be so found and so sentenced. If an independent prosecutor should be appointed, he will be, as we are presently covered by that law as the majority leader correctly pointed out on the last amendment.

But, Mr. President, to submit the employment decisions of this body as it relates to our committee staffs and our personal staffs to a review by a judge who is appointed for life tramples any semblance of separation of power that I have ever read or heard of.

I wonder what the Federal district court would say or the Federal circuit court of the United States if the Senate Judiciary Committee proposed, and we passed, a law telling them what their Rules of Civil Procedure would be. It would take them about two lines to tell us what they thought.

Do Members understand that by doing this, because of the unique position that we are in, we are not owners of factories or food stores or restaurants or sport teams or construction companies, we are in the political eye, we are subject to attack by opponents and potential opponents, by each other on occasion.

There has been more malice around here in the last 3 weeks than I have seen in the previous 10 years. This is an invitation for trashing each other in court on trumped-up charges.

Let me tell my colleagues something, and I will not break any confidences. We have a procedure in this place now to handle complaints of a certain type. They are handled by the Ethics Committee. For all of the abuse that committee has taken recently, I think we have done a pretty good job, have done a very good job. They have been private, confidential, and had due process. Lawyers have been there, depositions have been taken, and you did not read a word about it. Not one. Nor should you, because of the sensitive nature of this place.

Under this proposal, if a finding was made and you were adjudged guilty within the body, it would be made known. I think, within 120 days is the period of complaint, if I am not mistaken. But once it gets into that circuit court, not only have you given up all of your rights and your privacy, but you have given up something that is very precious. That is little chance to defend yourself against well-timed, ill-considered, malicious complaints destined to go to court. There are several Members of this body who have told me of incidents that have occurred to them in their home States with complaints that were brought not into the Senate, but in other fora and the problems that it caused those Senators.

This is probably going to be adopted and some people are going to get hurt by it, because it is going to be awhile before it is struck down. Oh, it will get struck down. It will get struck down on Nixon versus Fitzgerald because it applies to the President. It will be struck down by separation of powers and speech and debate because it applies to the Congress.

By the way, it does not apply to all of Congress, it is very unique. I want to tell all my colleagues, this applies to us, not to the House of Representatives. Again, a bifurcated Congress: One set of rules for the Senate, another set for the House. Let me tell you something. If anybody really believes that the American people who are justifiably angry at this Congress for lots of reasons are going to be fooled by this, then you do not give the American people very much credit. They know better.

Why, there was a poll I saw today in which they think that 46 percent of those of us who seek public office are, get this, corrupt. Corrupt. That is the view in which this body is now held.

Does anybody really believe that they think we are going out and doing this really? Of course not. Of course not. They know better.

And why do they know better? Because of a very unique provision in this bill, which was in the original Grassley bill. I have heard all night that we should be treated like everybody else, which of course is absurd, but it has been repeated over and over again. And we are told that this is going to treat everybody here like everybody else.

If the local company in New Hampshire is guilty of discrimination, he will be fined, or damages will be assessed, and they will come right out of his or her pocket. Or the local shoe store, or the restaurant, or the university, or whatever; and if it is a large public corporation, out of the treasury of that corporation. Thus the stockholders, who are the owners, beneficially will pay.

But guess what? Oh, we are treating ourselves differently except when it comes to paying money, and that is the sophistry of this whole scheme. In this case if I discriminate against someone in my office based on age, national origin, sex, whatever, and it goes all the way to the court, and a finding is against me with $250,000 worth of damages, I do not pay that. The Grassley amendment says that the American taxpayer pays that.

Mr. JOHNSTON. Mr. President, will the Senator yield?

Mr. RUDMAN. Yes.

Mr. JOHNSTON. Is the Senator telling us that under this amendment the taxpayer is supposed to pay for our transgressions? And that based on that, we expect the American public to believe we are treating ourselves the same as the great public out there? Is the Senator actually saying that?

Mr. RUDMAN. As astounding as that seems, and that is not all—I have more to tell the Senate—as astounding as that is, that is precisely right. As a matter of fact, what we are really saying here is, yes, we are equal but slightly more equal than others, and the place that counts is in the pocketbook. Sticks and stones will break your bones but fines will break you, really.

In addition to that, there are attorney's fees here, and these lawyers who will descend on this place will get their attorney's fees paid by the taxpayers of the United States.

So tell everyone how wonderful this is, how equal we are. We are so brave, so courageous, except we will not pay our own damned bills.

Well, I intend to fix that before this night is over, and I yield the floor.

Mr. MITCHELL addressed the Chair.

Mr. CHAFEE. May I ask——

The PRESIDING OFFICER. The majority leader.

Mr. CHAFEE. I was just going to ask a question. This in theory is to treat everybody the same. Does this provide for a jury trial?

Mr. RUDMAN. It does not.

Mr. CHAFEE. I see. And are there caps on the damages or how does that work?

Mr. RUDMAN. I do not believe there are caps on the damages, no. There are not.

Mr. CHAFEE. I thought we were treating everybody the same.

Mr. RUDMAN. Everybody the same? We are not treating everybody the same because if Senator CHAFEE, my friend from Rhode Island, gets a $300 judgment against him——

Mr. CHAFEE. Let us not use that as an illustration. As an individual.

Mr. RUDMAN. As an individual—he will not pay. And if the Senator from Rhode Island were running a factory in Rhode Island, or a store, and this was levied against him, he would pay. All of our constituents must pay those damages but not us. We will just send the bill down to Nick Brady and tell him to issue a check.

Mr. MITCHELL addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. MITCHELL. Mr. President, first off, I say to the Senator from Rhode Island, he has stated the argument of the proponent of the previous amendment, not this amendment. Maybe there is a little time warp in here, but I have not stated—in fact, I regret that it is apparent now that my remarks were not understood by the Senator from New Hampshire, Rhode Island, or apparently anybody else, because I have said over and over again that we are not trying to provide identical processes for Senate employees to those provided under law.

Mr. RUDMAN. I stand corrected. I would say the Senator said that three times today. He is absolutely correct. He did say that. That of course does not make it right.

Mr. MITCHELL. No. I understand.

Let me repeat it then for the benefit of the Senator from Rhode Island. We are not trying to do that. We are trying to achieve similar protection of the law for Senate employees by a procedure that is analogous to but not identical to that provided to private citizens.

The Senator from Oklahoma has already said he is going to offer an amendment, several amendments, to try to substitute for those analogous procedures, which he tried to do in an earlier amendment which failed. The Senator from Rhode Island may do the same. But please do not misstate or misconstrue the argument of the Senator from Iowa and myself. We have not argued that this treats everybody exactly the same. We have made precisely the opposite argument.

We have said that what we are interested in is a substantive result of protection of law for Senate staff, the same as that accorded to others. The procedures intended to achieve that result are different because of the constitutional separation of powers doctrine. And I said in my prepared statement and my extemporaneous remarks just about what I said here on at least three occasions.

Now, let me address the argument, if I might, of the Senator from New Hampshire and the comment made by the Senator from Louisiana. It is news to me—perhaps other Senators found out for the first time—that if an employee of a company is subject to a charge that involves back pay, which most of these cases involve; that is the bulk of it—the employer pays out of his or her pocket. I had not heard that. I thought that the responsibility for pay was the responsibility of the company.

And if we want to carry arguments to their logical and absurd extreme, if the Senators from Louisiana and New Hampshire are suggesting that a Senate staffer who is entitled to back pay, that the pay ought to be from the Senators, not from the taxpayer, then would the Senators like now to offer to pay all of their own staff salaries out of their own pocket? Where do staff salaries come in?

Mr. RUDMAN. Will the Senator yield?

Mr. MITCHELL. They come from the taxpayer. That is where they come from. And if a person brings a suit and is entitled to back pay, it is a new, I might say, a rather startling doctrine that Senators are going to start paying their staffs out of their own pockets. Maybe the Senator from Louisiana does that.

Mr. RUDMAN. There are a few here who could.

Mr. MITCHELL. I was unaware of it. I want to confess to the American people and the people of Maine, my staff is paid by the U.S. Treasury.

Mr. RUDMAN. Will the Senator yield?

Mr. MITCHELL. I do not pay them personally. I do not know a Senator who does.

Mr. RUDMAN. Thirty seconds.

Mr. MITCHELL. Yes.

Mr. RUDMAN. The Senator's analogy is hypothetically correct, but I would point out in the State of Maine or the State of New Hampshire, most of these companies are run by sole proprietors or families and they are being levied damages which they do not believe they should pay and they are paying them out of their own pocket. You may call it the ABC Co., but the fact is they are sole proprietorships or small corporations.

Mr. MITCHELL. Mr. President if I might just respond to that, if I might just respond——

Mr. RUDMAN. Certainly.

Mr. MITCHELL. Under this provison——

Mr. RUDMAN. I did not realize the U.S. Senate was a family business.

Mr. MITCHELL. Companies with 15 or fewer employees are exempt from the provisions of title VII as applied here.

Mr. RUDMAN. I understand. But there are many companies in Maine and New Hampshire with between 50 and 300 employees owned by a family or by a small group of people and it comes out of their pocket. With all due respect to the majority leader, this comes out of the pocket of the taxpayers. And I must say that although there are some here who may not accept that, I think most people watching will accept it.

Mr. DOMENICI. Will the Senator yield?

Mr. JOHNSTON. Mr. President, will the majority leader yield for a question?

Mr. MITCHELL. I yield the floor.

Mr. JOHNSTON. I thought I was correct in my recollection that under the Civil Rights Act the proper defendant is anyone acting under color of law, whether he acts as an individual or not, and thereby subjects himself possibly to compensatory damages as well as punitive damages. Let us say he is a sheriff or corporation president. If he is acting under color of law, then he is the defendant, and he might possibly have to pay, is that not right, I ask the former judge from Maine?

Mr. MITCHELL. Mr. President, I want to say I think we are caught in an interesting squeeze here. The Senator from Oklahoma is critical of this bill because it does not provide all of the same remedies for people in the private life, such as punitive damages. The Senators from Louisiana and New Hampshire are critical from the other side saying, well, but what it does provide is too much because it is going to be paid for by the taxpayers. It suggests to me Senator GRASSLEY and I are probably right on course, right in the middle, getting it from both sides here.

I suggest to my colleagues that in any event the Senator from New Hampshire is going to offer an amendment, as he has already told me, to make Senators personally liable, the Senator from Louisiana will have the perfect opportunity to make himself personally liable for whatever occurs, apparently consistent with his prior statement.

Mr. DOMENICI. Mr. President, I want to use 1 minute. I want to say to the distinguished majority leader, I think I understand the chore he undertook here, and why he has concluded as he has. But I would suggest that one of the principal reasons given for this legislation, not necessarily that he produced this compromise, but the original legislation, one of the principal reasons was the American taxpayer wants us to take some of the medicine that they are taking. And, essentially, the real medicine is paying the bill.

That is what is wrong with this. You can go home, for those who want to vote with Senator RUDMAN, and you can say it did not do what it said because the taxpayers are going to pay for whatever the Senator or his office does that is wrong. That may be what he had to do to make it constitutional, but at the same time he probably made it such that many of us can say we will go to these town meetings. We will go there after we vote against this and we will say, "Did you want the taxpayers to pay this?" They are going to all say no. We will say, "Well, we are on your side."

Mr. MITCHELL. Mr. President, let me just say that I have long felt that the ingenuity of Senators to explain or defend their votes is without limit. [Laughter.]

I, myself, seek to defend and explain every vote I cast. I respect the Senator's statement.

Mr. DOMENICI. This was an easy one, however, I might say. I did not have to work hard on this.

Mr. MITCHELL. Any Senator who wishes to vote against this may do so. Certainly, this will not be the first time nor the last that a Senator is going to be criticized whichever way he or she votes on this. You can make an argument against it. In fact, several arguments have been made against it, some of them with a good deal of force, politically.

On the other hand, if you believe, as I believe, that the persons who are employed in the Senate ought to be entitled to the same substantive protections of law that other employees are, and that given the constraints of the Constitution and the requirements of the separation of powers doctrine, there are limitations upon the manner in which those protections can be provided, then this is an approach that attempts to achieve that middle ground.

I do not dispute the validity of any of the statements made here in criticism of this. That is true of virtually any bill that can be offered. The Senator from New Hampshire has made a very powerful and compelling argument against it, as have other Senators. Senators must choose which arguments have greater weight and more control. I believe the arguments in favor of the amendment are compelling. I certainly respect the view of Senators who have a contrary view, including the point made by the Senator from New Mexico.

Mr. NICKLES. Will the majority leader yield for a question?

Mr. MITCHELL. Certainly.

Mr. NICKLES. I heard the majority leader state once or twice that it was his intention to try to be close to general practices but also wanted to be constitutional. In his amendment with Senator GRASSLEY, you have the judicial review. Unlike the Senator from New Hampshire, I happen to think that is a good provision.

But would the majority leader explain why we would not have rights to jury trial if we provide that for all the private sector, we do have the judicial review, so we bypass the constitutional argument, why we will not give congressional employees the right to a jury trial just like we do the private employees throughout the country?

Mr. MITCHELL. We have proposed an alternative procedure for factfinding as described in the law, counseling, mediation, formal complaint and hearing which we believe reduces the likelihood of this being found constitutionally infirm.

Clearly, the Senator from New Hampshire feels that by including any involvement by the Federal judiciary, specifically review by the appellate court, we make it unconstitutional. But as with the earlier provision discussed respecting Presidential appointees that are subject to the advice and consent of the Senate, we have attempted to do it in a way that reduces the likelihood of the provision being stricken down, and we believe that establishing an analogous internal factfinding procedure with the right of appellate review comes closer to making it constitutionally acceptable.

Mr. NICKLES. If the majority leader will yield a minute further, I have no problem with the factfinding panel and so on. But my problem is you have a judicial review. Why not have a jury trial as we allow for all the private sector?

I compliment the majority leader for having judicial review, and I compliment Senator GRASSLEY because he has been steadfast in pushing for that. But why eliminate the step that we are getting ready to expand? The major change—correct me if I am wrong—but the major change we are making in this bill is applying title VII to jury trial and punitive damages. Why would we exempt Congress from jury trial and punitive damages under his proposal?

Mr. MITCHELL. I have just stated the reason I felt that the Senator does not accept it. I respect the fact that he does not accept my view. Let me say I believe, with all due respect, that the Senator from Oklahoma mistakenly confuses process with substance, that his entire argument throughout this proceeding, including his earlier amendment, has been the only way that you can achieve the same result is to have the same process.

So he seeks to have a mechanical repetition of the process here that is used in other areas. I suggest that is not possible because of the constitutional requirements.

I further suggest it is not necessary and is contrary to common sense and our entire legal system. There is nothing in American law or history that suggests that you can achieve a fair result only if you follow a precise procedure.

Let us take jury trials. Jury trials are available for some grievances. They are not available for all. Many States are adopting legislation which limits, restricts, and in some cases eliminates the right and requires alternative methods of resolving disputes.

Are we to say that because one process has been established in one case in one method of dealing with the problem that the only way you can get a fair result is to follow that process exactly? Is that the Senator's argument? I respectfully disagree. I do not agree. We operate from a completely different premise.

Mr. NICKLES. Mr. President, I will not be long. I know Senator SPECTER has some points to make. I would like to make a couple of comments.

One, I compliment Senator RUDMAN. At least he is consistent. He was stating that constitutionally we would have a problem with the Nickles amendment. He says this is still unconstitutional because it has judicial review. He did not want the executive branch to have anything to say about it. He does not want the judicial branch to say anything. So he is consistent. I applaud that.

But this amendment does have judicial review, but it does not have jury trial. My colleagues are aware that the big debate on this bill, the civil rights bill, hinged on two or three things. One was on jury trial and the other was on damages.

The Mitchell-Grassley amendment has damages. It has compensatory damages. But it does not have punitive damages. And there was a big battle over whether or not we would have punitive damages.

So the amendment that we have before us now exempts Congress from punitive damages. It exempts Congress from jury trials. A lot of people were concerned about jury trials for the private sector, and a lot of people were concerned about punitive damages in the private sector.

But we made that happen on all the employers of the country, except for when it came to Congress, and we just exempted ourselves from jury trials and from punitive damages. I find that to be very inconsistent, and you cannot hide behind the constitutional argument, because it does have judicial review.

So I just mention to my colleagues that you are going to see a lot of headlines that say "Congress exempts itself from the civil rights bill," because we exempted ourselves from punitive damages, and we have exempted ourselves from jury trials.

I will have a second-degree amendment that I will offer in the near future to try to remedy that injustice.

Mr. METZENBAUM. Mr. President, I rise in support of this Grassley-Mitchell amendment, which would significantly broaden the applicability of title VII, the Americans With Disabilities Act, the Age Discrimination in Employment Act, and the Rehabilitation Act of 1973 to employees of the Senate and White House staff.

This is a great day for the people, because we—the U.S. Senate—are finally accepting the principle that we must practice what we preach. I believe that Senate employees and White House employees are entitled to the same rights and remedies as other Americans. I am thankful that the compromise agreement on civil rights has presented us with an opportunity to do what we should have done many years ago.

For many years, I have been a strong supporter of proposals to extend the coverage of Federal employment statutes to employees of Congress. I also would like to recognize the hard work of my colleague from Ohio, Senator GLENN, in pursuing this goal.

Over the past 4 years, many of us in this body have frequently cosponsored labor and civil rights legislation which included broad congressional coverage. When the Americans With Disabilities Act was being debated in this body last year, we approved a resolution to cover congressional employees who are ability-impaired. That resolution became law, but we are replacing it here with even broader protection. When the Family and Medical Leave Act was being considered this year, many of us supported a substitute that covered congressional employees. I am pleased to say that substitute has passed the Senate.

When we introduced the Comprehensive Occupational Safety and Health Reform Act this year, I made sure as a coauthor that the bill included a provision which wipes out the 20-year-old OSHA exemption for Congress.

In addition, in the 100th and 101st Congresses, I along with others, cosponsored the Fair Employment in Congress Act, authored by Senator LEAHY. This legislation proposed to eliminate the exemption for employees of Congress from a broad range of labor and civil rights statutes. Unfortunately, that bill was never acted upon by this body.

During consideration of civil rights legislation last year, many of us voted for a broad, bipartisan congressional coverage amendment which was ultimately included in the civil rights legislation vetoed by the President. I also supported an even broader amendment offered by Senator GRASSLEY which would have permitted employees of the Senate to file lawsuits against Senators for violations of the Civil Rights Act of 1964 and the Americans With Disabilities Act of 1990. That amendment was ultimately defeated.

During consideration of each of these pieces of legislation, I have been guided by one fundamental principle in addressing congressional coverage issues. That is the principle that we in Congress should not treat ourselves differently from the rest of the country when it comes to legislation designed to protect hardworking Americans.

Of course, we must be careful that any provision we adopt is consistent with the Constitution. A provision that is struck down in the courts would be of no use to Senate or White House employees. But within those bounds, we should treat ourselves just as we treat other employers in this country, and we should provide the same protections and rights to our employees and to White House employees that we provide to the rest of the working men and women of this country.

By providing employees of the Senate and the White House with an opportunity to seek judicial review of claims they have filed against their employers, this Grassley-Mitchell amendment goes a long way toward putting Senate and White House employees on an equal footing with their private sector counterparts. I urge my colleagues to support this amendment.

Finally, I want to add a few words on the compromise solution to overturn Wards Cove. As the author of the original bill to reverse that decision, which was included as part of the Civil Rights Act introduced by Senator KENNEDY, I feel keenly about the importance of this issue.

Under this legislation, employment practices which have a disparate impact on a protected group will be unlawful unless they are job related for the position in question and consistent with business necessity. In this context, the phrase "job related" is a term of art which means that the practice must be related to job performance. A recent study by the law firm of Fried, Frank, Harris, Shriver & Jacobson for the NAACP Legal Defense and Educational Fund, Inc. found that in 96 percent of all of the post-Griggs, pre-Wards Cove title VII disparate impact cases the courts used that standard of job relatedness.

This is consistent with a short interpretive memorandum Senator DANFORTH inserted into the RECORD last Friday. That memorandum notes that, as used in the bill, the term "job related" is intended to reflect the concepts enunciated by the Supreme Court in Griggs and in other Supreme Court decisions prior to Wards Cove.

In addition, plaintiffs will be permitted to challenge a group of practices which together produce a disparate impact where the practices are not capable of separation for analysis. Of course, implicit in this rule is the notion that plaintiffs be permitted to try to ascertain the specific contribution of each practice in the group to the disparate impact, through the discovery process. Thus, the standard of not capable of separation for analysis means not capable of separation after reasonable discovery has been conducted. It obviously does not mean "physically or logically impossible to separate."

I also should clarify the effect of requiring plaintiffs to demonstrate that each challenged practice caused the disparate impact. Causation here does not mean that each practice in the group must have caused the disparate impact by itself. For example, if an employer uses two practices in making hiring decisions, and the plaintiff establishes that each practice is responsible for 50 percent of the disparate impact, the employer should not be permitted to argue that neither practice caused the disparate impact.

I ask unanimous consent that the full text of my remarks be included in the RECORD as if read.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, the debate which is unfolding this evening on the amendment of the distinguished Senator from Iowa, I think, shows a little too much haste on the part of the Senate in rushing to this particular solution, and I think tonight's debate really illustrates the proposition that there are two things you do not want to see made—sausage and legislation.

Tonight we are seeing legislation made as we are moving through this process. If we are going to finish this tonight, it is going to be a late night. I think we are going to see a great many amendments on jury trials, the elimination of counsel fees, and the elimination of the provisions that taxpayers are going to have to pay the award.

As the Grassley amendment moves farther away from the existing civil rights law, the more problems are being created. Mr. President, there is no constitutional prohibition, in the opinion of this Senator, to have the generalized provisions of the civil rights bill apply, because the speech and debate clause does not preclude it. Article I, section 6 of the Constitution states: "for any speech or debate in either House"—and it refers to Members of Congress—"shall not be questioned in any other place."

But that relates, Mr. President, to having absolute immunity on what we do on this floor, and in our legislative function, and in hearing processes; but it does not preclude the remedies under the civil rights bill.

It is a mistake for us to carve out exemptions, which has the rest of the country in the position of second-class citizens and require the taxpayers to pay our damages. I think that before we are finished with this amendment, there will be considerable modification in just that way.

Mr. President, earlier on the Nickles amendment, there was debate which I had offered on the subject of the constitutional issue. And the distinguished Senator from New Hampshire has again referred to the Browning case which, on its face, appears to pose a constitutional bar to the Grassley amendment. But as I pointed out earlier—and it is worth repeating briefly—the Browning case was undermined by a later Supreme Court decision in Forrester versus White, and that was specifically acknowledged by the Court of Appeals for the District of Columbia circuit in Gross versus Winter which said, "Browning is undermined by the Supreme Court's later decision in Forrester."

So that the cases which are on record, Mr. President, by the Supreme Court of the United States, really stand for the proposition that the Civil Rights Act could be applied to the Senate.

The closest case is the case of Davis versus Passman, and in that case, where there was a suit by a former congressional staff member against a Congressman, charging violations of the fifth amendment for sex discrimination and termination, the Supreme Court, in the extensive footnote 11, left the question open as to whether that implicated the speech and debate clause.

In the case of Gravel versus United States, the Supreme Court of the United States made it plain that Members and their aides, who had the same status as Members, were not immune from processes of a grand jury, even when the activities involved proceedings and hearings.

So that I think on a fair reading of the constitutional law there is a sound basis for concluding that the speech and debate clause does not preclude incorporating the entire text of the civil rights bill. And I believe that before we are finished here this evening, that will in fact be done, that the provisions for eliminating taxpayer payment for awards against Senators is certainly going to be amended, as will other parts, which distinguish the Grassley amendment from what has been proposed in the civil rights bill generally.

The Senator from New Hampshire raises the case of Nixon versus Fitzgerald. I submit, Mr. President, as a threshold issue, that we do not have a goose and we do not have a gander here; but if you accept the conclusion that the President is not liable for the civil damages, that is about the same immunity which the Congress has under the speech and debate clause.

The Nixon versus Fitzgerald case goes on, I think, to, in any event, distinguish rather conclusively the duties of the President and the duties of the Congress. Page 756 or 457, United States Reports, the Supreme Court refers to "the special nature" of the President's constitutional office. It refers to his discretionary responsibilities, which are obviously much different and much more extensive than the responsibilities of a Member of Congress.

The Court also notes that there are many circumstances where there is jurisdiction over the President of the United States, and it cites the subpoena case of the United States versus Nixon and the seizure of the steel mills. And the Court goes on to say, page 754: "but other cases also have established that a court, before exercising jurisdiction, must balance the constitutional weight of the interest to be served against the dangers of intrusion on the authority and functions of the executive branch."

Nixon versus Fitzgerald does not at all affect the propriety of applying the civil rights bill to the Senate of the United States.

I submit that there is no constitutional impediment to doing so under any of the deciding cases, and I think it would be interesting, as the Senate works its will, in structuring an amendment to what Senator GRASSLEY has proposed; and I credit him for his longstanding efforts here and would note that I have supported him the last two times he has proposed this amendment, long before the issue of the congressional reputation came into sharp public focus.

But I think it is important that the Senate be covered by the civil rights bill. If I drafted the amendment, I would not have excluded the House of Representatives, candidly, even as a matter of comity between the bodies. I did not draft the amendment, and I support the basic thrust of what the Senator from Iowa has done here. I think that in the conference which was worked on yesterday, and worked on again this morning, there has been a hodge-podge of an amendment which leaves a great many infirmities. We have already started to point some of those out, and I think we will deal with them through the amendment process this evening.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. FORD. Mr. President, could I ask how many would like to speak, so we might get a time certain? I believe Senator JEFFORDS would like to have 5 minutes, Senator SEYMOUR 5 minutes and the Senator from Virginia——

Mr. WARNER. The Senator from Virginia indicated earlier a desire for 6 to 8 minutes.

Mr. FORD. On this amendment?

Mr. WARNER. That is right.

Mr. FORD. How about 5?

Mr. WARNER. Five it is.

Mr. FORD. All right.

That is 18 minutes.

Mr. WARNER. Mr. President, I would urge our distinguished whip for the majority, this is a very, very serious piece of legislation.

Mr. FORD. All we are going to do is get to the procedural vote of the distinguished Senator from New Hampshire. Once that is done, then it is all over.

Mr. WARNER. That may be a wee bit optimistic.

Mr. FORD. I say when we get to that in 30 minutes, then if that passes, then it is through. If it does not, then the floor is open for additional debate.

Mr. WARNER. I would simply say to the distinguished Senator from Kentucky, this is very important. The Senator from New Hampshire has already showed his hands on the table.

Mr. FORD. I do not want to argue over unanimous consent. I would like to, 30 minutes from now, get a vote, say at 10:40, and give everybody 5 minutes; the Senator from New Hampshire 5 minutes, and the majority leader 5 minutes. And that would be 30 minutes. and we could vote at 10:40 on the procedural motion of the distinguished Senator from New Hampshire.

The PRESIDING OFFICER. Is there objection?

Mr. WARNER. Is there a procedural motion pending?

Mr. DOMENICI. No; it is not pending.

Mr. PRYOR. Mr. President, reserving the right to object.

The PRESIDING OFFICER. The Senator from Arkansas reserves the right to object.

Mr. PRYOR. Mr. President, I will not object. In fact, I do not even know if the distinguished Senator from Kentucky made a unanimous-consent request. I would like, if I might, to reserve 10 minutes on behalf of my colleague, Senator BUMPERS, who is not on the floor. He will want to speak on this.

Mr. FORD. Mr. President, I ask unanimous consent that at the hour of 10:50, we proceed to vote on the procedural motion by the Senator from New Hampshire; that prior to that, Senator JEFFORDS will receive 5 minutes; Senator SEYMOUR will receive 5 minutes; Senator WARNER will receive 5 minutes; Senator CHAFEE will receive 3 minutes; Senator BUMPERS will receive 10 minutes; the Senator from Alaska, 3 minutes; and the majority leader, 5 minutes.

The PRESIDING OFFICER. Is there objection?

Mr. NICKLES. Mr. President, reserving the right to object.

Mr. CHAFEE. I would like to ask a question, if I might, of the distinguished whip. What is the procedural motion of the Senator form New Hampshire?

Mr. RUDMAN. I am not sure I am compelled to answer that question. But I will. If the distinguished acting majority leader will yield, I believe that is a classic case, if you read the rule book, of not having to vote on this issue as it is presented, but truly voting, as the Senator has certainly voted, on issues involving the U.S. Constitution.

Thus, under our rules, I will raise a constitutional point of order, which I will explain in brief detail. It is my understanding that under the rules of the Senate, the Chair will not decide that issue, but the issue will then be put to the Senate for a vote.

Mr. NICKLES. Mr. President, reserving the right to object, and I shall not object, except I wish to inform the acting majority leader, as I did the majority leader, that I do have an amendment that deals with this, and I would assume upon the conclusion or disposition of the Rudman point of order, then I will offer my amendment.

Mr. FORD. I say to all my colleagues once the motion has been made and completed, however it turns out, then the Senator from Oklahoma will be perfectly in order.

Mr. RUDMAN. Mr. President, if the Senator will yield, I would like to make one sentence to the Senator from Kentucky: Of course, if I prevail, it is all over.

Mr. FORD. Did I say if the Senator prevails it is all over?

Mr. RUDMAN. He said we go on after the vote?

Mr. FORD. We can go on to other things.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FORD. Mr. President, now that we have this, I hope we can get the vote, then, at 10:50.

The PRESIDING OFFICER. Under the unanimous-consent request, the Chair will recognize those Senators who have been listed by the Senator from Kentucky.

Who seeks recognition?

The Senator from Vermont is recognized for 5 minutes.

Mr. JEFFORDS. Mr. President, I rise in support of the amendment of the Senator from Iowa. I think we have to put things in perspective here. We may not like the amendment; we may not agree with it. But it is the only thing which will give our employees some parity in this situation.

We can argue about the right to jury trial; we can argue about whether or not it is appropriate to have an appeal. But the question is whether or not we want to provide some relief to our employees that have none now.

I would like briefly to go through the history leading up to the situation we have this evening. We had never covered either the executive branch or the legislative branch under any Civil Rights Act until the early 1980's. At that time, I was in the House, and I got an amendment on to cover the executive branch under section 504 of the Rehabilitation Act. I tried very hard to get Congress under that one, and it failed.

Many of us have been fighting ever since to achieve this kind of equality on various pieces of legislation. A year ago, we included Congress for the first time under the Minimum Wage Provisions of the Fair Labor Standards Act, and that is working fairly well. Now all we are doing is expanding coverage to our employees in a way that seems to be sensible and reasonable under title VII.

I hope that the Senator's amendment will prevail.

Mr. President, at this time, I also would like to discuss a little bit of the history of the bill itself. A considerable amount of work has gone into this bill since it was introduced February 7, 1990, as S. 2104.

We had hot debates on many of the issues, but finally it was worked out. The Senator from Missouri [Mr. DANFORTH] made some substantial amendments which were introduced as a major breakthrough on April 4, 1990. I commend also the Senator from Pennsylvania, Senator SPECTER, who also worked very hard on these issues.

But we did not stop then. We continued negotiations with the administration, and on July 12, I know that summer evening many of us spent many hours talking and discussing a proposal made by John Sununu.

Mr. President, I ask unanimous consent that a copy of that proposal be printed in the RECORD.

There being no objection, the proposal was ordered to be printed in the RECORD, as follows:

JOHN SUNUNU PROPOSAL, JULY 12, 1990

The term required by business necessity means:

(1) in the case of employment practices primarily intended to measure job performance, the practice or group of practices must bear a significant relationship to successful performances of the job.

(2) in the case of other employment practices that are not primarily intended to measure job performance, the practice or group of practices must bear a significant relationship to a significant business objective of the employer.

In deciding whether the above standards for business necessity have been met, unsubstantiated opinion and hearsay are not sufficient; demonstrable evidence is required. The court may rely on as such evidence statistical reports, validation studies, expert testimony, prior successful experience and other evidence as permitted by the Federal Rules of Evidence and the court shall give such weight, if any, to such evidence as it deems appropriate.

LEGISLATIVE HISTORY

There would also be in the statute the following language, "This language is meant to codify the meaning of business necessity as used in Griggs and other opinions of the Supreme Court.

Mr. JEFFORDS. We continued to debate and negotiate, and finally, on July 18, we passed a bill. And at that time, Senator HATCH stepped up and tried to bring us together on a compromise, proposing language which was agreed to by the bills sponsors. Unfortunately, the administration failed to go along with it. But we moved on, we included the Hatch proposals in the bill even without the agreement of the White House.

We continued to negotiate and debate until, on September 6, we had another long session with the administration. And again the administration came forth with a proposal by White House counsel Boyden Gray in which he marked up the language of the bill passed by the House.

I ask unanimous consent that a copy of the Boyden Gray markup language of September 6, 1990, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

BOYDEN GRAY MARKUP LANGUAGE, SEPTEMBER 6, 1990

(o)(1) The term "required by business necessity" means—

(A) in the case of employment practices primarily intended to measure job performance, the practice or group of practices must bear a significant relationship to successful performance of the job; or

(B) in the case of other employment practices that are not primarily intended to measure job performance the practice or group of practices must bear a significant relationship to a significant business objective of the employer.

Mr. JEFFORDS. So we reviewed that very carefully, in long dissertations and efforts, to try and determine whether or not we could accept it. The response of those of us who ended up opposed to that was made by Bill Coleman in a letter dated September 7, 1990, which explained why that particular proposal could not be allowed to be the center of a compromise.

Mr. President, I ask unanimous consent that a copy of that letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

O'MELVENY & MYERS,
Washington, DC, September 7, 1990.

Re Civil Rights Act of 1990.

Hon. JOHN H. SUNUNU,
Chief of Staff,
The White House, Washington, DC.

DEAR GOVERNOR SUNUNU: So far my negotiations with Boyden have not resulted in the success which you and I wanted to achieve, to wit, a Bill which by precise wording expressed what you and Senator Kennedy meant when you met on July 12, 1990. Such result would achieve a Bill which the President would sign. At my meeting with Boyden all that resulted was that Boyden marked up the House bill so as to make it word for word what he always claimed the language should be even though I thought you had acknowledged that that language created confusion and the Coleman-Gray meeting was to clear up the confusion so we put in writing what you and Senator Kennedy meant.

I know you are going off to Helsinki today, but I want you to know that there are no meaningful negotiations going on because Boyden has not retreated one inch from the language which I think both you and I recognize creates some problem. I tried to clear the problem up by introducing a subsection C which would read as follows:

"C. Where the employer proves that its employment decisions was based primarily on rules relating to the use of illegal drugs, excessive drinking on the job, attempting to create a smoke free environment or plant termination or bankruptcy such employment decision is to be measured by B. above and not A. above."

I told Boyden that you might want to add other provisions to this sentence but this was the approach which would solve your concern and my concern, namely that B. would not be interpreted as swallowing up A. which is my concern and from your point of view that A. would not be interpreted as swallowing up B.

I also pointed out to Boyden that with respect to his change in (3) in which he would strike the language which said that the intent is to overrule *Wards Cove* and instead say that business necessity was to be understood as used in *Griggs* and "other opinions of the Supreme Court" did nothing but reenact Ward Cove which is the basis for all our difficulties. Such approach rejects the overwhelming consensus in the Congress and among many in the Administration that *Ward Cove* should be overruled.

I send this letter to you now even though I know you are about to engage on a trip of essential interest to the country because I did not want you or anyone else to feel that meaningful negotiations were going on to close the gap. I hope that when you return on Monday you will be able to meet with me and if we cannot work it out that you will inform the President and then he would make available to me the time he promised when he telephoned from Kennebunkport. I continue to believe as you do that it is essential in the public interest that the Congress and the President reach an agreement on a Bill which both will support. It is, moreover, as you know, my judgment that the Bill as passed by the House is such a Bill but I stand ready to discuss any changes which you feel that the President needs in order to discharge his constitutional responsibility.

With kindest regards,

Sincerely,

WILLIAM T. COLEMAN, Jr.

Mr. JEFFORDS. Subsequently, our bill went over to the House, and the House passed it, and it came back here for conference. On October 16, we passed a conference report. Before that, we had continued negotiations up until that time. On September 21, we had another proposal, which came from the White House. We examined that very thoroughly, and unfortunately we could not reconcile the problems.

I ask unanimous consent that that proposal, entitled "John Sununu, September 21, 1990, Proposal by Boyden Gray," be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

JOHN SUNUNU, PROPOSAL BY BOYDEN GRAY, SEPTEMBER 21, 1990

Delete subsection 701(n) and reletter. Delete subsection (o) and insert in lieu thereof the following:

"(n)(1) The term 'required by business necessity' means—

"(A) in the case of employment practices primarily intended by the respondent to measure job performance by tests, evaluations, requirements of education, experience, knowledge, skill, ability of physical characteristics, the practice has a manifest relationship to the employment in question; or

"(B) in the case of employment practices that are not primarily intended by the respondent to measure job performance, such as, but not limited to, legitimate community or customer relationship efforts, veracity requirements, job safety or efficiency, rules relating to drug, methadone, alcohol or tobacco use, rules relating to compliance with local, State or Federal laws, rules relating to a prior criminal record, and selection criteria designed to screen applicants for the potential for future promotions, the respondent's legitimate employment goals are significantly served by—even if they do not require—the challenged employment practice.

"(2) In deciding whether the above standards for business necessity have been met, unsubstantiated opinion and hearsay are not sufficient, demonstrable evidence is required. The court may rely on as such evidence statistical reports, validation studies, expert testimony, prior successful experience and other evidence as permitted by the Federal Rules of Evidence and the court shall give such weight, if any, to such evidence as it deems appropriate."

Exclusive Legislative History for Sections 3 & 4: "This language is meant to codify the meaning of business necessity as used in Griggs and other opinions of the Supreme Court."

In subsection 703(k)(1), strike "under this section" and insert in lieu thereof "only". Strike subsection 703(k)(2) and renumber. Strike subsection 703(k)(1)(B) and insert at the end of (A) the following: "provided, however, that if the elements of a decision-making process are not capable of separation for analysis, they may be analyzed as one employment practice, just as where the criteria are distinct and separate each must be identified with particularity."

Legislative History: Agreement that plaintiff can plead the elements of a decision-making process as one employment practice, and the determination of whether the elements in fact are not capable of separation for analysis shall be made after discovery.

(Note: Such a paragraph would be added at the end of the legislative history attached to Gov. Sununu's July 10 letter to Sen. Kennedy, with the last five words before the citation eliminated, as agreed, from the end of the last paragraph.)

Mr. JEFFORDS. Mr. President, that did not end it. We continued to work, and as you may remember, we passed the conference report on October 16, trying out best to be able to get something which the President could approve.

However, at that time, as you may remember, we did not get the sufficient votes on it to indicate that it would not be vetoed. It was vetoed.

After it was vetoed, the President came back and gave us his answer in his veto message.

I ask unanimous consent that a copy of that veto message of October 22 be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

PRESIDENT'S VETO MESSAGE OCTOBER 22, 1990

"(m) The term 'demonstrates' means meets the burdens of production and persuasion.

"(n) (1) The term 'required by business necessity' means—

"(A) in the case of employment practices that are defended as a measure of job performance, the practice must bear a significant relationship to successful performance of the job; or

"(B) in the case of other employment practices that are not defended as a measure of job performance, the practice must bear a significant relationship to a significant business objective of the employer.

"(2) In deciding whether the standards described in paragraph (1) for business necessity have been met, unsubstantiated opinion and hearsay are not sufficient; demonstrable evidence is required. The court may rely on as such evidence statistical reports, validation studies, expert testimony, performance evaluations, written records or notes related to the practice or decision, testimony of individuals with knowledge of the practice or decision involved, other evidence relevant to the employment decision, prior successful experience and other evidence as permitted by the Federal Rules of Evidence, and the court shall give such weight, if any, to such evidence as is appropriate.

Mr. JEFFORDS. Mr. President, in the compromise proposal before us today, the parties have specifically included the requirement of job relatedness by providing that practices with disparate impact can be defended only if they are "job related for the position in question and consistent with business necessity." The use of the conjunctive "and" is very significant for it clarifies that the job related prong must be present in all cases even where other aspects of business necessity are asserted. The choice of proving either one or the other prong is not preserved in this compromise.

The term "business necessity" is not defined in the statute, but one stated purpose of the act is "to codify the concepts of 'business necessity' and 'job related' enunciated by the Supreme Court in Griggs * * * and in other * * * decisions prior to Wards Cove." Thus, I submit, Mr. President, that the compromise bill will reinstate the law of Griggs that selection practices which have the effect of screening out women or minorities may be defended only on a showing that the practices are in fact job related.

DAMAGES FOR INTENTIONAL DISCRIMINATION

As recent days have shown, no issue has become more politicized than the inclusion of compensatory and punitive damages in the civil rights bill. When first proposed in the 1990 bill, the creation of tort-like damages under title VII was viewed as a long shot at best, and at worst as trade bait. Title VII has always provided only make-whole relief such as lost wages and benefits or reinstatement to the job. The prospect of expanding beyond that level of damages to include such things as pain, suffering, or humiliation was not viewed by many as being a realistic possibility.

However, Mr. President, such damages are now a central part of every civil rights proposal. The recent experiences of the Thomas confirmation battle have changed the political landscape. America now is far more aware of the issue of sexual harassment and its implications than it was before we learned the name Anita Hill. In one form or another, this is an idea whose time has come. In fact, the only remaining questions appear to be whether such damages will be unlimited as to amount or capped and, to a lesser extent, whether they will be awarded by judges or juries.

The argument in support of creating the right to such expanded damages under title VII is a good one. Based on Supreme Court interpretations in the mid-1970's, the 1966 Civil Rights Act, known as section 1981, permitted racial minorities to recover monetary damages for the same types of intentional discrimination which are prohibited by title VII. Title VII provides only back pay, costs, and injunctive relief in its remedial scheme.

However, in 1989 the Supreme Court ruled in Patterson versus McLean Credit Union that section 1981 does not apply to or prohibit racial harassment and other forms of on-the-job discrimination. The rationale of the Court was that the act only prohibits acts of discrimination in the "making and formation" of contracts, which roughly amounts to hiring only. As such, the Court concluded that the act does not address conduct occurring after hiring. Under this strained interpretation of the law, once they are hired employees could be harassed, denied raises, promotions, or other benefits of employment on basis of their race, with no right to sue for damages under section 1981.

This is the current state of the law under section 1981. There is no currently existing right to seek compensatory or punitive damages for on-the-job discrimination for blacks any more than there is for women, religious minorities, or qualified persons with disabilities. In plain fact, they are all in the same boat at the present time. We have achieved parity in that no one can get damages. Only if we change the law will any such rights exist.

The reason that so much is said about the lack of parity on this issue is that everyone agrees the Patterson case was wrongly decided and must be reversed. Every civil rights proposal made over the past 1½ has included a Patterson reversal as one of its terms.

Given that we will restore the rights taken away in Patterson, and given that it is not fair, for example, to permit the recovery of humiliation damages by a black man harassed on the job because of his race and to deny that same right of recovery to a woman who is harassed on the job because of her sex, the only logical thing to do is to create the same rights for women, the disabled, and other minorities.

Such total parity with section 1981, in the form of unlimited compensatory and punitive damages, is an admirable goal. The House had the good sense to permit an up-or-down vote on a version of H.R. 1 which did not contain the caps and other limitations included in other versions. The proposal containing parity on damages was rejected by a vote of 152 ayes to 277 noes. From this substantial rejection, one must conclude that total parity with section 1981 was not a politically obtainable goal at the time of the House vote.

While the political climate may have been changed by the Thomas-Hill affair, it has not resulted in a willingness of the President to sign a bill with uncapped damages. Further, while the compromise calls for damages awarded by juries, getting the administration to give on this point was a major achievement leading to this agreement. I believe that uncapping the damages would put us over the edge in the sense of reviving the threat of a veto.

In addition to the potential of a veto, I do have other concerns about a civil rights bill with unlimited punitive damages. Punitive damages are intended to punish discriminators and to deter further discrimination. However, these beneficial purposes should not be used as an excuse to seriously impair an employer's continued economic viability or to put a company out of business. No one is served by that result. The caps which we have adopted are designed to address these concerns.

Rather than addressing the issue of damages for intentional discrimination by modifying title VII, this bill creates a new section 1981A in title 42 of the United States Code. This new section 1981A would authorize the award of compensatory and punitive damages in cases of intentional employment discrimination against persons within the protected categories of title VII and the Americans with Disabilities Act, where such persons are not able to recover damages under section 1981. Accordingly, claims for damages from such discrimination in employment against women, minorities, and qualified persons with disabilities could be addressed under this new section.

The sum of compensatory plus punitive damages which may be awarded is subject to the following limitations:

First, in the case of a respondent who has 15 or more but fewer than 101 employees $50,000;

Second, in the case of a respondent who has more than 100 and fewer than 201 employees $100,000;

Third, in the case of a respondent who has more than 200 and fewer than 501 employees $200,000; and

Fourth, in the case of a respondent who has more than 500 employees, $300,000.

If a complaining party seeks compensatory or punitive damages under S. 1745, any party may demand a trial by jury. Further, in such a trial, the court is not to inform the jury of the limitations on damages included in the law.

From the beginning, Mr. President, our effort has been to craft a civil rights bill that all the contending factions could live with. Almost by necessity, this means that none of those factions would love the result. Each would have had to have given up too much to get a bill that could become law. There is no thrill of victory here. This is as true on the issue of damages as it is for every other issue. I am convinced that the worst enemy of this good, solid legislation is the quest for perfect legislation. Perfection is not obtainable in this instance, this is the best we can do at this time. We should adopt it now—not as the end of our journey, but as one step forward on the long road to perfection.

The PRESIDING OFFICER. The Chair will inform the Senator that his time has expired.

Mr. JEFFORDS. I thank the Chair, and I am expired.

Mr. SEYMOUR addressed the Chair.

The PRESIDING OFFICER. The Senator from California is recognized for 5 minutes.

Mr. SEYMOUR. Mr. President, very soon this body will pass the civil rights bill of 1991. This legislation is perhaps the most important legislation for women and minorities since the Civil Rights Act of 1964.

The civil rights bill is a compromise, Mr. President. Without compromise, there would be no civil rights bill. Indeed, without compromise this body would cease to function—its the grease that makes the congressional wheels run.

The amendment offered by the distinguished Senator from Maine and my good friend from Iowa is a compromise as well, and like all compromises, all sides can only claim partial victories.

I am a cosponsor of the original Grassley amendment. As my colleagues know, the original amendment would have allowed U.S. Senate employees to file discrimination or harassment claims in court after consideration by the ethics committee.

I still believe the original Grassley amendment was the better alternative and in fact is a compromise itself because it required an employee of the U.S. Senate to go to the ethics committee first before going to court.

The measure before us is a compromise of that original Grassley amendment. It is true that for the first time, a U.S. Senate employee will be able to go to court to seek a resolution. However, under this compromise, he or she must clear two bureaucratic, in-house hurdles to get there. Not only must an employee go through the ethics committee before a court appearance is viable, he or she must go through a newly created administrative office first.

I am going to support the compromise, but, I have to admit, without a great deal of enthusiasm.

Mr. President, Senate immunity from our Nation's civil rights laws is a cancer—a cancer of unaccountability. It is clear, like the disease itself, we cannot destroy this cancer in one quick legislative operation. We are going to have to engage in legislative chemotherapy. So I am going to support this compromise much like a cancer patient approaches their first day of treatment—it is a step toward a cure, and it certainly is better than our current procedure.

This compromise merely attacks the disease, however marginally. More legislative treatment and much more chemotherapy is needed.

I congratulate my good friend from Iowa for his efforts on this issue. It is because of this tremendous tenacity and commitment to this cause that the Senate has moved to action. And I know now, firsthand, the type of tenacity it takes to move this body, as I learned my lesson last week in moving this House to initiate investigations of the Senate Judiciary Committee leaks on the Justice Thomas and Professor Hill matter.

Why should we in the Senate be an island of immunity on these civil rights laws? After all, when we cast our votes on civil rights legislation, I presume we do so because we believe that this legislation is best able to strike at discrimination or harassment in the workplace, regardless of whether it occurs on an assembly line, in a corporate highrise, or even in this U.S. Senate.

We have heard a lot of arguments about the constitutionality, and all day long we have heard of speech and debate, as described in article I, section 6. I am, quite frankly, very impressed by the legal scholars found in the senior Senator from New Hampshire and the senior Senator from Pennsylvania as they argued. I am not an attorney, so I will not pretend to be anywhere in that league of being a legal scholar. In fact, many of my constituents in California suggest that my background, being business, maybe brings a balance to this house of lawyers. So I look at this a bit differently.

But when I just take a read of section 6 and the speech and debate clause, just an ordinary citizen reading it, I do not read into it what others seem to read. It says that we will be privileged from arrest during our attendance at the session of our House and in going to and returning from the same, and for any speech and debate in either House we shall not be questioned any other place. In other words, while we are here doing the business of the people, we have immunity.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. SEYMOUR. May I request another 3 minutes?

The PRESIDING OFFICER. Does the Senator ask unanimous consent in that regard?

Mr. SEYMOUR. Yes, I do.

The PRESIDING OFFICER. Is there objection? Hearing none, it is so ordered.

Mr. FORD. Mr. President, I will advise Senators, if there is any additional time henceforth, I will object.

Mr. SEYMOUR. Thank you, Mr. President.

The PRESIDING OFFICER. The Senator is recognized for an additional 3 minutes.

Mr. SEYMOUR. Section 6 grants us immunity while we are here doing the people's business. I have not heard anybody talk about the preceding section, section 5. Section 5 says each House may determine the rules of its proceedings. Is that not what we are doing, determining the rules of the proceedings? And in such a determination, are we not saying in this amendment, or trying the best we can, that, yes, we are going to live by the same laws that any other citizen, whether it is an individual or a corporation, what we are asking them to live with.

So, I cannot speak any more to the constitutionality than that. But I believe it is altogether constitutional and, further, I believe, more importantly, the public demands it and has a right to ask for it.

My good friend from New Hampshire was quoted in this morning's Wall Street Journal, stating that applying the civil rights laws to Congress might resemble "the days when the Crown used to regularly arrest Members of Parliament on the way to meet."

The Senator from New Hampshire's statement is an interesting one because I think this body—by continuing to fully exempt itself from civil rights laws and others—is looking very much like the House of Lords.

What is Congress afraid of? If any employee in the U.S. Senate is harassed, why can they not be guaranteed the same access to jury trials? These and other questions still remain to be resolved even with this compromise.

So I want to make it clear for the record that this Senator is very reluctantly willing to support the compromise. But it is merely one phase of treatment. This cancer of immunity must end, and I am willing to work with my colleagues in the future to apply further legislative treatment until we are cured and until we are living under the same legal umbrella and the same laws that we apply to the rest of the Nation's citizens.

Thank you, Mr. President. I yield back the remainder of my time.

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER. The Senator form Alaska is recognized for 3 minutes.

Mr. STEVENS. Thank you, Mr. President.

Mr. President, since 1977, rule 42—originally rule 50—of the Standing Rules of the Senate has strictly prohibited discrimination by the Senate or any office of the Senate on the basis of "race, color, religion, sex, national origin, age, or state of physical handicap."

Last year, the Senate took an action which further reinforced our prohibition against discrimination. As part of the Americans With Disabilities Act, the Senate enacted section 509 which applied four fundamental civil rights laws to Senate employees: The Civil Rights Act of 1964; the Age Discrimination in Employment Act of 1967; the Rehabilitation Act of 1973; and the ADA bill, itself.

On July 26, 1990, the day the ADA legislation was signed into law, Senator FORD, as chairman of the Rules Committee, and I sent a letter to all Senate employees reminding them of their protections against discrimination.

The ADA legislation provided for investigation and adjudication of claims to be handled by the Select Committee on Ethics—or such other entity as the Senate may designate.

Mr. President, the amendment before us has two parts. The first part, as contemplated by the ADA legislation, sets up a new entity in the Senate to handle discrimination claims. The internal adjudicatory procedures for resolving discrimination claims are to be administered by a new Senate Office of Fair Employment Practices. As ranking Republican on the Rules Committee, I participated with Chairman FORD in developing this new internal Senate process, which I believe will be an effective and fair process for the resolution of discrimination claims. And if this current amendment is brought down by the constitutional defect, it is our intention to offer that internal procedure for the Senate's consideration as we originally intended to do.

However, as I will explain in a moment, I have strong disagreements with the second part of the amendment which provides for judicial review of all decisions arrived at through the internal adjudicatory process.

The new Senate Office of Fair Employment Practices will succeed the Ethics Committee in handling discrimination claims in the Senate. While the Ethics Committee currently offers a forum for investigation and adjudication of discrimination claims, this amendment will strengthen the protection of employee rights by creating a full process dedicated specifically to discrimination claims. This process will include education, counseling, mediation, a full hearing by independent hearing officers, and a right of appeal to the Ethics Committee.

Education: The Director of the Office of Fair Employment Practices will be responsible for educating Senate offices and their employees about civil rights protections and the availability of the OFEP to resolve potential or actual problems.

Counseling: If any employee, or any applicant for employment, believes their civil rights may have been violated, they may contact the Office within 180 days of the alleged incident. For violations alleged by employees of the Architect of the Capitol or the Capitol Police, the Director of the OFEP may at this point direct the employee's complaint, for a limited period of time, to the internal grievance procedures of the respective office. In such cases, if the employee is not satisfied with the results of the internal grievance procedures, the employee may proceed through the Senate OFEP procedures—in the same way as all other Senate employees.

During the 30-day counseling process, the Director—or a counselor from the Office—discusses with the employee what laws might be relevant to the situation, what constitutes a violation, how the adjudication process operates, and any other relevant considerations.

If the employee decides that, in his or her view, a violation has occurred, he or she would then have the right to move ahead to the mediation stage.

Mediation: The mediation stage, which lasts 30 or 60 days, involves mediation by the Office between the complainant employee and the employing office. Our intention is that many—hopefully most—of the complaints will be resolved during the mediation stage.

If the employee decides that, in his or her view, the problem has not been satisfactorily resolved, he or she would then have the right to file a formal complaint and proceed to a formal hearing.

Formal Hearing: The hearing process we establish for Senate employees is a fair and independent adjudicatory hearing conducted, to the extent possible, according to Administrative Procedure Act procedures. The fairness and independence of the hearing will be guaranteed by providing that the Director of OFEP appoint three hearing officers from outside of the Senate to hear the case. It is our intention that the Director of OFEP appoint the officers based on their knowledge of the pertinent laws, their record of integrity, and their experience in presiding over formal hearings.

Ethics Review: Following the hearing, the employee, the employing office, or the OFEP may seek review of the decision of the hearing officers by the Select Committee on Ethics, or such other review panel as the Senate may in the future decide to create. The Ethics Committee may—at its discretion—reverse, remand, or let stand the decision of the hearing board.

Judicial Review: Following the appeal to the Ethics Committee, the amendment before us provides all Senate employees with the right to seek judicial review in the U.S. Court of Appeals for the Federal Circuit. During negotiations over this amendment I had supported the right of non-legislative employees—such as Architect of the Capitol, Superintendent, and Sergeant at Arms employees—to seek judicial review. I believe that would have been fair and appropriate.

However, I strongly oppose, as unconstitutional, the provisions of this amendment which permit employment decisions with respect to all Senate employees—including personal and policy staff—to be reviewed by the courts.

Mr. President, in setting up a tripartite Government of three equal branches, our Founders provided in article I, section 6, that with regard to Senators and Representatives, "for any Speech or Debate in either House, they shall not be questioned in any other Place." I believe the Founders placed this provision in our Constitution to preserve the fundamental independence and integrity of the legislative branch. They wanted Members of the first, and all future Congresses, to be able to speak and act freely in the performance of their legislative duties without any interference by the other two branches of Government. Their wisdom is evident: Imagine the chilling effect on our legislative deliberations if a Member's legislative activities could be questioned in court.

I believe that the decisions we make in hiring our close personal assistants and policy advisors is integral to our functioning as legislators, and is therefore protected by the speech or debate clause.

The Court of Appeals of the D.C. Circuit has agreed and I believe the Senator from New Hampshire will go into this very thoroughly.

In 1986, in Browning versus Clerk, U.S. House, the D.C. Circuit held the Clerk of the House to be immune from a discrimination suit brought by an official reporter of the House. The standard used by the court was "whether the employee's duties were directly related to the due functioning of the legislative process." In the words of the court, if the employee's duties are "such that they are directly assisting Members of Congress in the 'discharge of their functions,' personnel decisions affecting them are correspondingly legislative and shielded from judicial scrutiny."

In the same way, Mr. President, I believe that most personal, committee, and leadership staff directly assist us in the discharge of our legislative duties, and that employment decisions with respect to these employees are therefore immune from judicial scrutiny.

Let me be clear: I believe that all Senate employees are entitled to full protection from discrimination and that is why I joined with Senator FORD in the ADA legislation to apply civil rights laws to Senate employees, and why we have joined again to develop the provisions of this legislation which create a Senate Office of Fair Employment Practices. The OFEP will provide a fair and independent resolution of discrimination claims.

We did work hard on this. We have an amendment ready to offer to the Senate to establish internal procedures to carry out the requirements of the ADA Act as we passed—as we originally intended to do.

But I strongly object to the provisions of the pending amendment which permit judicial review of decisions with respect to personal, committee, and leadership staff.

In my view, the judicial review provisions—insofar as they apply to employment and selection of personal and policy staff—violate the speech or debate clause and the underlying principle of separation of powers. I believe we must protect the constitutional underpinnings of the Congress of the United States—as well as the rights of our employees—if we are to preserve the functioning of the Senate.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized for 3 minutes.

Mr. CHAFEE. Mr. President, I have some trouble with what we are doing tonight. There are no hearings that have been held on this amendment and there are obviously some constitutional questions. I would just like to bring one particular point to the attention of the Senate.

As I understand this legislation, a subset of gender discrimination, which is one of the matters as part of this bill, is sexual harassment. Under the procedure that has been set up under the legislation, if a female employee believes that she has been sexually harassed by a Senator, she goes through a series of procedural steps: Counseling, mediation, and then the last, the third step is formal complaint and hearing by a three-member independent hearing panel.

Now, that panel sits in judgment, and at the end of that time it will issue a written decision within 45 days of concluding the hearing. All remedies available under the referenced laws, including unlimited compensatory damages, will be available to the aggrieved Senate employee.

Let us take the situation where, indeed, the panel finds that the Senator is guilty and awards the aggrieved employee $20,000 of compensatory damages. Those compensatory damages are paid by the taxpayer.

I ask the distinguished Senator from New Hampshire if I am not correct in that?

Mr. RUDMAN. The Senator is correct, as the bill is presently written.

Mr. CHAFEE. So we have a Senator who is guilty of sexual harassment, found so by this independent panel, unlimited compensatory damages available, all paid for by the U.S. taxpayers.

We ought to be able to do better than that, Mr. President. I objected to the Nickles amendment because there are no hearings held on it and because we really did not know what we were doing. And I think to a considerable degree that applies to this amendment before us tonight.

Perhaps it can be fixed up. Maybe it can. But certainly—certainly the taxpayers should not pay the compensatory damages that arise because of what a Senator has done.

So I bring that point to the attention of the Senate. Perhaps, as I say, an amendment will be submitted. Perhaps we can straighten this out. Here it is half past 10 at night. I wish we were proceeding in a more deliberate fashion than we are.

The PRESIDING OFFICER. The Senator from Virginia is recognized for 5 minutes.

Mr. WARNER. Mr. President, I would like to pick up on the note of my distinguished colleague.

Mr. CHAFEE. Mr. President, if I have any time I will be glad to yield it.

The PRESIDING OFFICER. The Senator has no time remaining.

Mr. CHAFEE. Thank you.

Mr. WARNER. Mr. President, I support the efforts of the distinguished majority leader, Republican leader, and others who tried to put this together. We are dealing with one of the most important things, in my brief tenure in the Senate. I wish we had more time to devote to it because I think the debate has been constructive tonight. But I want to pick up on this note that the taxpayer has to pick up the bill.

What is the alternative? I find it unsatisfactory. But what is the alternative to a Senator, married, three children, trying to get through school, maintain two residences? Does he in fact, absent some private resources, have any funds with which to pay the fine?

Mr. RUDMAN. Of course, under the way this legislation is presently constructed, the judgment would be presented to the Treasurer of the United States through the Senate disbursing office. And not only for the $20,000 award but for all reasonable attorney's fees.

Mr. WARNER. For the attorney's fees.

Mr. RUDMAN. Which, these days, seem to be somewhat unreasonable reasonable attorney's fees. So you get a bill for maybe $25,000 or $30,000 paid for by the Treasury for a sexual harassment case, a blatant case, intentional discrimination based on race.

That is fine but I do not think the taxpayers ought to pay for it.

Mr. WARNER. Mr. President, I find that unsatisfactory. What is the alternative? The Senator has no funds.

Mr. RUDMAN. I have an alternative.

Mr. WARNER. Just bear with me. The Senator has no funds. Is it fair for the employee? In fact, if you work for a Senator who simply does not have the funds—and what we have is published, given some brackets, between which you cannot figure out between the haves and have-nots—is it fair to the employees, of those who are published as a matter of record having limited funds? What are you doing to those employees?

Really, what you are saying, if you put up the amendment, to strike that provision, you are in effect saving 50 State legislatures the burden of facing term limitation. It will be a bailout around here of a wholesale nature.

Mr. RUDMAN. Something that has not been mentioned here in this debate I think probably ought to be mentioned. Up until this moment the President, the Congress, and all of the State governments, Governors and county executives and so forth, are exempt for their policymaking positions. This repeals that.

Mr. WARNER. Can the Senator from New Hampshire be on his time? He tends to be slightly elongated on occasion.

Mr. President, it is of the utmost importance. We are up here making great speeches and great press about the taxpayers, when in fact, practically speaking, the employees have no recourse—if you strike out that and make it a personal liability—in those instances where the Senator comes here of limited means.

I should like to pose that question to my colleague. What happens to the employee of a Senator of published limited means?

Mr. CHAFEE. Well, I hardly think when we are discussing Senators of the United States, that we are talking about a deprived class.

Mr. WARNER. Mr. President, if you had a judgment of $50,000 imposed on a Senator who, together with his family is living on this salary, I question whether that Senator could have the $50,000 to pay the judgment.

Mr. CHAFEE. If he had a judgment rendered against him for any other incident, whether it was an automobile accident or a contract dispute or whatever it was, he would manage to come up with the money.

Mr. WARNER. Mr. President, I do not find that a satisfactory answer to a serious question.

Mr. CHAFEE. No; it was a question of can he pay? He ought to behave himself.

Mr. WARNER. Mr. President, let us not make a mockery out of this bill. This is serious business. We are talking about the rights of our employees, and I am saying those employees who seek employment with a Senator of limited means would have no other recourse for their——

Mr. CHAFEE. He is dealing with an individual who is on the payroll of the U.S. Government and receiving a check totaling $125,000 a year.

There is a perfect chance to withhold. I could not see a better chance to attach those wages, that salary, to get the compensatory damages that are awarded.

So I am not going to shed crocodile tears over some Senator who cannot pay a judgment that he should pay when it is found that he has sexually harassed an employee.

Mr. WARNER. Mr. President, I made my point within my time. I think we should try as best we can to fashion a bill to reach the goals of the distinguished Senator from Iowa, now joined with the majority leader and Republican leader, to solve this question, and not put forth these amendments, which I think in a less serious way will challenge the efforts by our leadership.

The PRESIDING OFFICER. The time of the Senator has expired. The Senator from Arkansas.

Mr. BUMPERS. Mr. President, I want to first thank our majority leader for doing the best possible that can be done with this amendment. It has been vastly improved from its original form, and, still, is constitutionally suspect.

H.R. Mencken said one time, you have all heard that quote about, "for every complex problem there is a very simple solution, and it is wrong."

I intend to support the Grassley amendment, but I want you to know it is not with a great deal of enthusiasm. And it is not because I do not think the Members of this body ought to respond in an institutional way to the demands of the American people, that we put ourselves under some of the regulatory burdens that they are under.

But the U.S. Senate is different. The U.S. Congress is different. And the Constitution sets it out in fairly explicit language. You cannot ignore that.

I think that, really, what we ought to be doing—instead of certain, what the majority leader called transparent efforts to play politics with a very serious problem—what we ought to be doing, instead of a last minute rush on a civil rights bill to deal with this complex problem, we ought to be referring this to the Rules Committee, letting the best constitutional scholars in the country tell us, No. 1, is what we are doing constitutional or not? No. 2, how can we deal with it to meet the legitimate demands of the people of this country that Members of Congress subject themselves to some of these burdens? And tell us how we can deal with it in a constitutional way.

Eisenhower at one time said that when privilege becomes more important than principle, you will soon lose both. Rightly or wrongly, the American people believe that this is a privileged organization.

I must say in all candor and I do not mean this to be crass or derogatory about our President, but the other day when he referred to those people over there in the privileged class, I fight traffic to get to work every morning in a little car, and I do not feel particularly privileged while I am doing it. The President walks out of the back of the White House to the strains of "Hail to the Chief" played by the Marine band, walks to a helicopter that is elegantly appointed, where he flies 20 miles to Andrews Air Force base, where a $600 million airplane awaits him with God knows how many servants and television sets and all the rest of it, and he calls us privileged. I am not being defensive about it because obviously there is a certain privilege to being in the U.S. Senate. After all, only 1,700 or 1,800 people have ever been honored enough to serve in this body.

I voted not to table the Nickles amendment. I am not particularly proud of that vote.

I thought the Senator from New Hampshire made a very compelling and persuasive speech regarding the constitutionality of it. I have always sort of prided myself on my reverence for the Constitution, but in my heart I really felt strongly that the Nickles amendment was highly suspect.

We are going to have to deal with a couple of other issues before the night is over, as I understand it, or maybe tomorrow. I take a back seat to nobody. As chairman of the Small Business Committee, I probably held more hearings on the regulatory burden that we impose on small business than any other subject to come before that committee. In the late 1970's, I fought for 3 years to get an amendment through the U.S. Senate that would shift the burden of proving the validity of regulations on the regulatory writers instead of on the taxpayers.

Right now somebody comes in and says, "Your fire extinguisher is 52 inches off the floor, and the rules say it can only be 50 inches off the floor. I hereby fine you $50." The taxpayer has to pay the $50 or he has to haul the U.S. Government to court and pay all of its attorney's fees and everything else, when Congress obviously never intended for that man to pay a $50 fine.

So my amendment, which became prominently known around here as the Bumpers amendment, would change the burden of that person, saying if you do not think this is right, you just say I am not going to pay the fine, and that puts the burden back on the Government to prove that the Congress intended that kind of a regulation. I got it passed here on time, and I must say the people on the other side of the aisle voted almost unanimously all the time. They loved it so much they put it in their platform in 1980 when Ronald Reagan ran for President. After having put it in their platform, I could not get it passed after that. Nobody seemed to like it after that.

I can tell you if you are a small businessman out there trying to comply with all these laws, it is maddening. People sometimes come to me and say, "Senator, why don't you cut all that spending?" In the last few years, I have gotten to where I used to be a little defensive about that and thought did they know what I knew. But the truth of the matter is they knew something, and it was a legitimate demand to say why do you not cut all that spending.

This past July, I offered amendments which over the next 20 years would have saved us between $200 and $300 billion, $12 billion to $14 billion next year; and 42 votes was my high water mark. Not just on defense: Space station, super collider all the rest of that junk that could at least be postponed if not scrapped totally. So when people say why do you not all eliminate some of those regulations you keep imposing on us, we ought to be listening. The truth of the matter is if we had to live with those things, we would be a lot more circumspect about what we impose on them.

Now back to where I started, Mr. President. It does seem to me that this can be dealt with in a legitimate manner and not in the last rushing hours of passing the civil rights bill.

Some thing that the amendment offered by the Senator from Oklahoma was designed to kill the civil rights bill. My good friend from Missouri who is on the floor and whose bill this is I think felt that it was a killer amendment and said so on the floor. Whether it was or not, I do not know.

As I say, it certainly was constitutionally suspect, though I showed the flag and said to my constituents at least that we hear you and we understand what you are saying. And there must be, Mr. President, an institutional response by the Congress to the people of the country, who the majority leader has said hold this place in contempt right now. And it is up to us to reinstall confidence in the American people in what we are doing here.

So I am going to vote for the Grassley amendment, even though I think it is constitutionally suspect, and hope that before the evening is over, before this bill is passed, we will refer this to the Rules Committee and let them deal with it in a sensible, timely manner.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The majority leader.

Mr. MITCHELL. Mr. President, I ask unanimous consent the Senator from Iowa be recognized for 3 minutes, and the Senator from New Hampshire be recognized for 3 minutes, and then the majority leader be recognized for 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, this has been a very serious debate, except during one or two moments when some of my colleagues have attempted to be a little funny and create a circus environment with the issue of taxpayers paying for the misjudgments of a Senator if he were involved in discrimination.

The fact of the matter is, when a Federal employee discriminates under title VII, like we will say a department head or a supervisor at the Department of HHS discriminates, and that employee is successful in pursuit of accusations against that supervisor, who do my colleagues think pays for that Federal employee who violated title VII, which is a law passed by this body to protect the civil rights of employees of the Federal Government, the taxpayers? The taxpayers of the United States pay in that instance. Who else?

So there is nothing new or different if there is an accusation successfully made against a Senator of the United States for that to be paid out of the Treasury of the United States. Do my colleagues propose that if it not be paid out of the Federal Treasury then, likewise, the Federal Government is not responsible for one of its supervisors discriminating against one of our own employees? I think not. I think they would feel legitimately that that Federal employee should be properly treated and awarded damages, and that is what this does, Mr. President.

I want to make clear that this is perfectly consistent with the way we handle like claims in the executive branch of Government and like claims before State and local government that are covered by the same title VII.

I yield the floor.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from New Hampshire.

Mr. RUDMAN. I thank the Chair.

I say to my friend from Iowa as to his last remarks, he can go back to Des Moines and make that argument, but I am sure not going to Manchester and make that argument.

If a Member of this body who employs 20, 30, 40 people is found guilty of sexual harassment or intentional discrimination and we are asking the taxpayers to pick that up because if the Secretary of HUD is sued and there is discrimination agency-wide, the Government pays, that is a distinction with a difference.

Mr. President, this is a serious vote we are about to cast. I am told that there is no chance that what I am about to do will prevail. But I implore my colleagues, look at the patent unconstitutionality on the face of this statute. Understand that the rules of the Senate have a constitutional point of order for this very purpose. Have a little courage. Be willing to face your constituents and say I agree with everything that was in this amendment except the judicial review because it is obviously against the Constitution and you sent me to the Senate to uphold the Constitution. I cannot knowingly vote for a piece of legislation that by any reasoned judgment is unconstitutional on its face.

Mr. President, speeches generally do not change too many votes around here, but if we set this son of Frankenstein in motion, this will become law. The House is not covered. It will be signed by the President. Everyone here will be in jeopardy, and we will have done much violence to this body and to the Constitution.

Please support the motion I will make in the interest of the body and the institution, if not in our own self-interest.

Mr. MITCHELL addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. MITCHELL. Mr. President, I urge every Member of the Senate to oppose the point of order to be raised by the Senator from New Hampshire and to permit us to proceed to vote to approve this amendment.

First, let me make clear what our argument in support of this amendment is not. It has been said here many times tonight that we want to make the Senate the same as everyone else, that we want to treat Senators the same as everyone else, that we want to have the Senate treated the same as the private sector.

Mr. President, not a single Senator believes that. Not a single Senator wants that. The proof of that is that the greatest privilege possessed by the Senate is the immunity granted by the speech-and-debate clause of the Constitution. It is what, above all, what sets us apart from all citizens. Not a single Senator wants that.

Those who make that argument have engaged in political rhetoric. It is hot air. There is not anybody who wants to make the Senate the same as everyone else or treat the Senate the same as everyone else. If they really felt that, they would propose to eliminate the speech-and-debate provision or they themselves would voluntarily remove themselves from under its power. You do not need an amendment for that. You do not need a law for that. Every one of these Senators who tonight has stood up and said—with great rhetoric—let us be like everybody else, can simply voluntarily withdraw from that protection, give it up. Then you will be proving that you meant what you said when you said you wanted to be like everyone else.

No, this is not what this amendment seeks to do. This amendment seeks to do something that is more modest and more reasonable, and that is to provide to employees of the Senate the same protections under laws against discrimination that are provided to others in a manner that is consistent with the Constitution and that meets the separation-of-power provisions of the Constitution.

We ought not to be looking at mechanically duplicating the procedures used in the private sector. They cannot constitutionally be applied here. We ought, rather, to be asking whether we can somehow achieve the same substantive protection of law in a manner that is consistent with the Constitution. That is what this amendment tries to do.

The Senator from New Hampshire, for whom, I repeat, I have the greatest respect, concludes that it cannot be done. His conclusion is that you cannot bridge that constitutional gap. I respectfully disagree. I believe we can. I think this amendment does. And in any event, it achieves what we all ought to be achieving as opposed to all the political rhetoric we have heard tonight, and that is to provide the substantive protection of law against discrimination to employees of the Senate that are provided to other Americans. This amendment seeks to do that.

I repeat, it does not meet this phony argument that we ought to be treated just like everybody else; Main Street and Capitol Hill ought to be just the same, the private sector and the procedures here ought to be identical. It does not do that. It does not seek to do that. No one really wants to do that.

But we ought to be saying that if we believe the laws against discrimination are meaningful, have a valid purpose, and are necessary for Americans all across this country, then can we—consistent with the Constitution—provide those same protections of law to our Senate employees. I believe this amendment does it.

I ask my colleagues to support the amendment and to vote against the constitutional point of order.

I respect the difference of opinion. People of intelligence and good will have different views on the constitionality of this provision. No one of us can know for sure, of course, until the court actually adjudicates it, which we can all be confident will occur. We are going to have a court decision on this probably at an early time. Until then, I believe we can best meet our obligations under law, our obligations to our constituents, and our obligations to the Senate by voting for this amendment and rejecting the point of order.

UNANIMOUS-CONSENT AGREEMENT

Mr. MITCHELL. Mr. President, I am about to propound a unanimous-consent agreement which is the result of discussion with all of the Senators involved in this bill, especially the managers, and which, if approved, will permit us to have this vote imminently on the point of order to be raised by the Senator from New Hampshire and then recess until tomorrow and complete action on this bill tomorrow.

Accordingly, Mr. President, I now ask unanimous consent that upon the disposition of Senator RUDMAN's constitutional point of order, if it is defeated, Senator RUDMAN be recognized to offer a second-degree amendment to the Grassley amendment regarding Senators' personal liability; that upon disposition of the Rudman amendment, Senator NICKLES be recognized to offer a second-degree amendment to the Grassley amendment regarding jury trials and punitive damages; that upon the disposition of the Nickles amendment, Senator BROWN be recognized to offer a second-degree amendment to the Grassley amendment relevant to the Grassley amendment; that upon the disposition of the Brown amendment, the Senate without any intervening action or debate vote on the Grassley amendment, as amended; that there then be 30 minutes for debate equally divided in the usual form on each of the three second-degree amendments.

I further ask unanimous consent that if the Grassley amendment is not agreed to, Senators STEVENS and FORD may offer an additional amendment on internal Senate procedures, on which there be 30 minutes of debate equally divided and controlled in the usual form; and that Senate MCCAIN be recognized to offer an amendment relative to congressional coverage on which there be 30 minutes equally divided and controlled in the usual form.

I further ask unanimous consent that upon the disposition of the Grassley amendment the only further amendments remaining in order be the following: a Warner-Mikulski-Stevens-Wirth-Kennedy amendment dealing with compensatory damages of Federal employees and a McCain amendment dealing with the committee's report requirements, and any amendment that is agreed to by the two managers of the bill; that there then be 30 minutes remaining for debate on the bill, including the Danforth substitute, equally divided and controlled between Senators KENNEDY and HATCH; and that at the conclusion or yielding back of time on the bill, the bill be read for the third time; the Senate immediately proceed to the consideration of Calendar No. 148, H.R. 1, the House companion bill; that all after the enacting clause be stricken, the text of S. 1745, as amended, be inserted in lieu thereof; the bill be read for the third time; and the Senate proceed to vote on final passage of H.R. 1, as amended; with all of the above occurring without any intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Several Senators addressed the Chair.

Mr. GRASSLEY. Reserving the right to object, I have one little other matter that I need to tell the floor leader about, suggested by the clerk. I have a technical correction amendment to my amendment.

Mr. MITCHELL. Mr. President, I add to technical correcting amendment—it is a modification of Senator GRASSLEY's amendment—to the consent request which I just made.

Several Senators addressed the Chair.

Mr. RUDMAN. Reserving the right to object, I want to have a clear understanding of what is going on here. We are talking about a modification of amendment. Parliamentary inquiry. Does the Senator have a right to do that without asking unanimous consent?

Mr. DOLE. The yeas and nays have not been ordered.

The PRESIDING OFFICER. The Chair understands the request of the Senator from Iowa to be that the unanimous-consent request be amended to include his modification.

Mr. RUDMAN. I object.

The PRESIDING OFFICER. The unanimous-consent request is still pending.

Mr. RUDMAN. I will object to that part of it unless I know what it is.

Mr. CHAFEE. Mr. President, pending the discussion there, might I address a question to the majority leader? Could the majority leader inform us what the total time is involved in these measures? In other words, roughly?

Mr. MITCHELL. First let me state that if we get this agreement, it is my intention to recess after the vote on Senator RUDMAN's point of order this evening and do all of the rest of this tomorrow.

Mr. CHAFEE. I appreciate that. Are we talking 10 hours?

Mr. MITCHELL. No.

Mr. CHAFEE. We have had so many different times.

Mr. MITCHELL. I am about to respond to that now. This provides that if Senator RUDMAN's point of order is defeated, there would then be a second-degree amendment by Senator RUDMAN, a second-degree amendment by Senator NICKLES, and an amendment by Senator BROWN, which is not specified, each of which would be subject to a 30-minute time limitation equally divided. Then there are a couple of other amendments which I understand are going to be accepted. Then there would be 30 minutes of debate on the bill itself and a vote on final passage. So we are talking about three amendments of 30 minutes each, plus a vote, and then 30 minutes and final passage.

Mr. President, let me finish with the Senator from Rhode Island. If the Grassley amendment is not agreed to, Senator STEVENS has reserved the right, and Senator FORD, that they may offer an additional amendment on internal Senate procedures which would be 30 minutes.

Mr. CHAFEE. I thank the majority leader.

The PRESIDING OFFICER. Is there objection to the request made by the majority leader?

Mr. DOLE addressed the Chair.

Mr. RUDMAN. I simply want to advise the majority leader that I have now been informed of the nature of the modification and I will not object.

Mr. MITCHELL. I modify the unanimous-consent request in the following respects. I read the following sentence which I will now ask to be deleted and that sentence was "and that Senator MCCAIN be recognized to offer an amendment relative to congressional coverage on which there be 30 minutes equally divided and controlled in the usual form." I am now advised that will not be necessary. I ask that be deleted from my request.

I further ask that the following language which I read also be deleted. This is in the very last paragraph, the following words, "the Senate, immediately proceed to the consideration of Calendar No. 148, H.R. 1, the House companion bill; that all after the enacting clause be stricken, the text of S. 1745, as amended, be inserted in lieu thereof, the bill be read for the third time." I ask that that language be removed from the request.

Further, that in the clause immediately following that clause which I have just requested be deleted, the words "H.R. 1" be deleted and there be substituted therefor "S. 1745".

Finally, Mr. President, that with respect to the two amendments to which I referred earlier in my request, that is one being a Warner-Mikulski-Stevens-Wirth-Kennedy amendment, and the other being a McCain amendment, dealing with committees reporting crime, that those be subject to 20-minute time limitations equally divided and controlled in the usual form.

The PRESIDING OFFICER. Is there objection to the request made by the majority leader?

Mr. DOLE. Mr. President, does that cover the technical amendment of the Senator from Iowa? He can modify his amendment now if he wishes.

Mr. MITCHELL. Yes. Mr. President, I request that my proposal I made be amended to include the request of the Senator from Iowa.

Mr. DOLE. But he can modify his amendment now. The yeas and nays have not been ordered. Just send the modification.

Mr. GRASSLEY. If the Senator will yield, I will do it right now.

MODIFICATION OF GRASSLEY AMENDMENT NO 1287

Mr. GRASSLEY. Mr. President, I send to the desk a modification to my amendment.

The PRESIDING OFFICER. The Senator has the right under the rules. The Senator's amendment is so modified.

The amendment (No. 1287) as modified, is as follows:

I ask unanimous consent that the Grassley Amendment No. 1287 be modified by striking lines 1 through 4 on page 1, and by striking lines 8 through 12 on page 30.

The PRESIDING OFFICER. If there is no objection to the request made by the majority leader, the request is agreed to.

The text of the agreement follows:

Ordered, That, on Wednesday, October 30, 1991, when the Senate resumes consideration of S. 1745, the Civil Rights Bill, the Senator from New Hampshire (Mr. Rudman) be recognized to offer a second degree amendment to amendment No. 1287, concerning Senators' Personal Liability, and that there be 30 minutes of debate on the amendment, equally divided and controlled in the usual form.

Ordered further, That upon disposition of the Rudman amendment, the Senator from Oklahoma (Mr. Nickles) be recognized to offer a second degree amendment to amendment No. 1287, concerning Jury Trials and Punitive Damages, and that there be 30 minutes of debate on the amendment, equally divided and controlled in the usual form.

Ordered further, That upon disposition of the Nickles amendment, the Senator from Colorado (Mr. Brown) be recognized to offer a relevant second degree amendment to amendment No. 1287, and that there be 30 minutes of debate on the amendment, equally divided and controlled in the usual form.

Ordered further, That upon disposition of the Brown amendment, the Senate, without intervening action or debate, vote on amendment No. 1287, as amended, if amended.

Ordered further, That, if amendment No. 1287 is not agreed to, the Senator from Alaska (Mr. Stevens) and the Senator from Kentucky (Mr. Ford) are authorized to offer an additional amendment on internal Senate procedures, and that there be 30 minutes of debate on the amendment, equally divided and controlled in the usual form.

Ordered further, That upon disposition of amendment No. 1287, the only amendments in order be the following:

Warner, et. al.—Compensatory damages for Federal Employees.

Warner—Prospective application.

Kennedy—2nd degree to Prospective application.

McCain—Committee reporting requirements.

Managers—Amendments agreed to by the Managers.

Ordered further, That debate on the above listed amendments, other than amendments agreed to by the Managers, be limited to 20 minutes, equally divided and controlled in the usual form.

Ordered further, That there be 30 minutes of debate remaining on the bill, including amendment No. 1274, equally divided and controlled by the Senator from Massachusetts (Mr. Kennedy) and the Senator from Utah (Mr. Hatch). That when time is used or yielded back, the bill be read a third time, and the Senate, without intervening action or debate, vote on passage of the bill, as amended, if amended.

Mr. DOLE. This will be the last vote?

Mr. MITCHELL. This will be the last vote this evening. It is my intention that the Senate will reconvene at 10:30 in the morning and be back on the bill at 11, which means that there could be a vote at about 11:30. That will give us an opportunity to get a decent night's sleep and reflect on the action that we will take tomorrow.

The PRESIDING OFFICER. The Chair recognizes the Senator from New Hampshire.

Mr. RUDMAN. Mr. President, I thank the Chair.

Mr. President, I make the constitutional point of order against the Grassley-Mitchell amendment on the grounds that the amendment proposes an unconstitutional intrusion into the affairs of the executive and legislative branches.

Mr. BYRD. Mr. President, may we have order so we know what we are voting on? This is supposed to be a constitutional point of order. I think the Senators want to know what we are voting on.

The PRESIDING OFFICER. The Senate will be in order.

Mr. RUDMAN. I thank the President pro tempore. I will restate my motion. I make a constitutional point of order against the Grassley-Mitchell amendment on the grounds that the amendment proposes an unconstitutional intrusion into the affairs of the executive and legislative branches, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Chair has no authority to rule on the points of order raised under the Constitution. The Chair therefore under the precedents submits the question to the Senate.

Is the point of order well taken? On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Nebraska [Mr. KERREY] and the Senator from Pennsylvania [Mr. WOFFORD], are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 22, nays 76, as follows:

[Rollcall Vote No. 235 Leg.]

YEAS—22

Biden
Byrd
Cochran
Cohen
Danforth
Domenici
Garn
Gorton
Gramm
Hatch
Hatfield
Heflin
Hollings
Johnston
Lott
Lugar
Mack
Nunn
Rudman
Simpson
Stevens
Thurmond

NAYS—76

Adams
Akaka
Baucus
Bentsen
Bingaman
Bond
Boren
Bradley
Breaux
Brown
Bryan
Bumpers
Burdick
Burns
Chafee
Coats
Conrad
Craig
Cranston
D'Amato
Daschle
DeConcini
Dixon
Dodd
Dole
Durenberger
Exon
Ford
Fowler
Glenn
Gore
Graham
Grassley
Harkin
Helms
Inouye
Jeffords
Kassebaum
Kasten
Kennedy
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
McCain
McConnell
Metzenbaum
Mikulski
Mitchell
Moynihan
Murkowski
Nickles
Packwood
Pell
Pressler
Pryor
Reid
Riegle
Robb
Rockefeller
Roth
Sanford
Sarbanes
Sasser
Seymour
Shelby
Simon
Smith
Specter
Symms
Wallop
Warner
Wellstone
Wirth

NOT VOTING—2

Kerrey
Wofford

So, on the decision of the Senate, the point of order was not sustained.

Mr. FORD. Mr. President, I move to reconsider the vote.

Mr. GRASSLEY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. FORD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FORD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BINGAMAN. Mr. President, I rise in support of the amendment offered by my friends and colleagues, Senator DANFORTH and Senator KENNEDY, and I commend them for their tireless, and often frustrating, work over the past several months on behalf of the working men and women of our country.

Although the compromise falls far short of assuring all victims of job discrimination the right to fair and equal treatment under the law, it nonetheless marks an important milestone: The President has finally found the courage and the wisdom to lay aside rhetoric and join the Congress in taking constructive action. He has finally acknowledged that this is not, in any way, shape, or form, a quota bill and has agreed, finally, to sign this important civil rights bill into law. This is real progress—not as much as many of us would like, but it is a significant step in the ongoing struggle to remove barriers to equal employment opportunity for all.

Our distinguished colleagues, led by the Senator from Missouri, Senator DANFORTH, have worked long and hard on this compromise. They have, I believe, responded to every legitimate objection raised to a civil rights bill. They have crafted a bill that removes any reasonable doubt about quotas. As the administration urged last year, the language of S. 1745 clearly reflects Griggs versus Duke Power Co., the prevailing interpretation of civil rights law for 17 years, until the Supreme Court's 1989 decisions.

I am pleased that this compromise will put to rest once and for all allegations that this is a quota bill. Those allegations, which we heard repeatedly during the past year, have done an incredible disservice to the millions of women and minorities who stand to gain the fundamental right of equality through passage of this legislation. Not one Member of the Senate supports quotas. I certainly do not. I firmly believe that merit, not race or sex, should determine who is hired for a job. And through the tireless efforts of Senator DANFORTH and others, S. 1745 makes clear that quotas are not advocated, mandated, or intended.

Mr. President, we solved the quota issue, but a serious problem of simple equality remains to be addressed. Because of the compromise agreement with the White House, however, the Senate cannot effectively deal with this inequity until we first pass S. 1745. Until the enactment of this bill, we cannot address legislation to remove arbitrary limits, both statutory and court-imposed, on legal remedies available to victims of sex-based, religion-based, and disability-based job discrimination.

I fervently wish that arbitrary damage award limits, which the President insisted be part of the compromise, were not part of this bill. I wish that we had the courage to accept the commonsense amendment to eliminate the damage limits proposed last week by my good friend, Senator WIRTH, along with Senator MIKULSKI, Senator DURENBERGER, myself, and others. But we do not. Instead, at the insistence of the President, we are going to pass a bill that, to a limited degree, intentionally perpetuates discrimination against women, religious minorities, and the disabled.

To ensure that the President will not veto the other, enormously important provisions of this civil rights bill, we find ourselves stuck with an arbitrary four-tier cap on the damage awards available to victims to sex discrimination. It is true that the capped damages provide more monetary relief than victims of sex discrimination can currently receive. But the fact that existing law is less than fair does not justify perpetuating a limitation, particularly when victims of other forms of job discrimination are entitled to much broader relief.

Under current law, victims of race-based job discrimination may collect compensatory and punitive damages without limit. Victims of discrimination based on sex, religion, or disability are entitled only to receive back pay, reinstatement, and declaratory or injunctive relief—all of which are little comfort to someone who has suffered the trauma and humiliation of sexual harassment or discrimination based on their religion or disability.

The Danforth-Kennedy compromise, with its four-tier damage award scheme, partially addresses these currently conflicting laws. The problem is that it simply does not go far enough. No Member of this body should be satisfied until the damage award limit is repealed and women are no longer treated as second-class citizens. I can assure you that the women of this country will not be satisfied.

Mr. President, this is a bittersweet day in the Senate: To reclaim part of the ground lost by the recent Supreme Court decisions and ensure enactment of this legislation, we have had to agree to continue with discriminatory treatment of many in our country. I fervently hope that before the 102d Congress adjourns, we can pass legislation to cure this injustice. I pledge my best efforts to do just that. Thank you.

Mr. BREAUX. Mr. President, I rise today to discuss two very important issues included in this legislation. First, I strongly believe that Congress should be subject to the same civil rights laws that it subjects the rest of the country to. Second, I wish to comment on the very difficult situation in which the Congress now finds itself. On the plus side, after 2 years of divisiveness and partisan politics, it looks as though the Congress and the administration have finally agreed to a bill that can be enacted into law to restore civil rights gains achieved before 1989. On the minus side, the bill keeps intact disparities in the law for different forms of discrimination.

Under an 1866 law known as section 1981, racial minorities have long had the ability to sue for punitive and compensatory damages. These damages are not capped and never have been.

Under title VII of the Civil Rights Act of 1964, which covers discrimination on the basis of gender, ethnicity, and religion, as well as race, an individual who has been discriminated against has no ability to collect punitive and compensatory damages—only injunctive relief, back pay, and reinstatement.

The different remedies available under these two laws lead to obvious inequities. The most glaring inequity is the treatment given sex discrimination in the workplace. The unfortunate fact is that different standards have existed for as long as these two laws have existed.

The compromise bill we will be voting on greatly improves the playing field but maintains separate standards. Why? Since 1989, the Congress has attempted to pass civil rights legislation. The President vetoed the first bill passed by Congress, the Civil Rights Act of 1990. Congress, without sufficient votes to override this veto, finds itself forced to craft a bill that will be acceptable to the White House and is left with little room to go further.

Now, the prospects are good for passing a bill that will substantially return civil rights law to its pre-1989 status, plus provide increased remedies for sex discrimination. The White House, however, has made it clear that the price for its support of the compromise is acceptance of a set of caps on damages under title VII. Does the White House believe that gender discrimination is not as serious as racial discrimination? I do not know. Do I believe that gender discrimination is any less important? Absolutely not. Discrimination is wrong and strong laws are needed to prevent it, whatever the basis.

The Congress must now face an extremely difficult choice. Does it pass a civil rights bill that condones an uneven playing field—improved though it may be? Or, in the face of Presidential opposition, does it do nothing?

If Congress does nothing and allows the series of Supreme Court decisions that came down in 1989 to stand, we accept the reversal of longstanding gains in civil rights. These gains affect every kind of minority—women and racial minorities alike.

If we do something, and pass this bill, we restore the basis for civil rights law to its pre-Wards Cove strength, which is critical for women, for racial minorities, and any other class of plaintiff. And we will at least take the first steps toward improving the remedies that are available to all minority groups under title VII, including victims of sex discrimination.

This bill will allow damages for women who are discriminated against up to $300,000, not including back pay, reinstatement, nor out-of-pocket expenses. Without this bill, none of this would be allowed under current law.

In the belief that it is better to accomplish something rather than nothing, I feel that this certainly represents a step in the right direction and I will support the bill.

On a final note, I believe that it is the height of arrogance for Congress to pass laws, such as civil rights laws, and then exempt itself from those laws. I wholeheartedly support an amendment to make the Congress and the executive office subject to the same laws that Congress imposes on its citizens, and I hope that we can pass such a provision as part of this bill.

I thank the Chair for the opportunity to speak, and I yield the floor.

Mr. DASCHLE. Mr. President, I have been thinking about the situation in which we find ourselves with respect to civil rights legislation in this country, and what words I might find to express my thoughts and feelings on how we got to this point.

Last Friday, in a reversal of direction reminiscent of a famous football coach's exhortation to run to daylight, President Bush announced that he had reached an agreement with Senate leaders on civil rights legislation that sets "a new standard against discrimination" but "does not resort to quotas." That pronouncement effectively ended a nearly 2-year political dispute over how—not whether—to overturn a series of Supreme Court decisions that made it harder for workers to win job discrimination cases.

The President is back on the high road, but his embrace of the compromise cannot erase the stain left on the soul of the Nation. Regrettably, the 2-year debate over the Civil Rights Act has been about more than how to prevent job discrimination without penalizing employers unfairly. It has been part of a broader national morality play that the American people have seen acted out before their eyes since Willie Horton seared an indelible impression on the national consciousness during the 1988 Presidential campaign.

Politicians jockey for political advantage by putting their own spin on terms such as "affirmative action" and "quotas." The highly politicized hearings on the nomination of Clarence Thomas to the Supreme Court explode in acrimony and hypocrisy after sexual harassment charges are leaked to the press. A former Klansman and American Nazi leader emerges as a contender for Governor in the Deep South.

What do these developments say about the country's elected leaders and the evolution of the national character?

My reaction has been one of confusion, disappointment, anger, and disbelief. My concern is for the millions of Americans across this country who must bear the sting of discrimination in the workplace as national politicians extemporize for partisan political gain. I also feel for the individual businesspeople around the country who are struggling to make ends meet while caught in the teeth of a stagnating economy. Unsure whose rhetoric to believe and alarmed by the horror stories about the potential effect of a quota bill, they understandably find it prudent to dig in and oppose the Civil Rights Act of 1991.

It is not easy to put all these thoughts and feelings into words. But last Thursday our colleague from Maine, Mr. COHEN, did just that. I call attention to the eloquent statement of Senator COHEN, who happens to be a Republican, not to embarrass the White House, but to share with any of my colleagues who may have missed the statement, the undeniable truth of its contents.

I will quote two early paragraphs, which are especially powerful, and will ask unanimous consent that the full text of Senator COHEN's speech be printed at the close of my remarks.

In addressing the charge that the Civil Rights Act is a quota bill, Senator COHEN muses as follows:

> It seems to me that it is back to the future in American politics today. Although the calendar may say 1991, the times are starting to remind me somewhat of George Orwell's "1984," where we are told love is hate, war is peace, ignorance is wisdom, and 2 plus 2 equals 5 or 6 or 7 whatever our deepest fear demands.
>
> Orwell warned us that the debasement of language will lead inevitably to the corrosion and corruption of values. And I believe that is exactly what we are seeing in the debate over civil rights today.

As Orwell warned in 1984, Senator COHEN goes on to warn those who have done everything possible to incite partisan, racial, and sexual divisiveness over the Civil Rights Act of 1991 that they are playing politics over the wrong issue. That any short-term political gain the Republican media consultants may achieve as a result of their all-out assault on the truth could lead to long-term disaster. His remarks are not only courageous; they serve as a critical reminder to all of us who are jaded by our experiences with 30-second TV attack ads that truth and human values are more important than the tainted benefits we receive from clever manipulation. I urge all of my colleagues to read Senator COHEN's speech.

Mr. President, the fact that agreement on a compromise civil rights bill appears to have been reached at the 11th hour does not detract from either the truth or power of Senator COHEN's remarks. Its underlying message merits serious reflection.

In our representative democracy, the people choose those they trust to lead. But leadership requires more than an ability to garner votes. Winning 1 election, or 2, or 10, does not, in and of itself, make one a legitimate leader. Real leadership speaks to the best in each of us and moves us forward. It does not appeal to our faults and fears to hold us back.

It is incumbent upon those of us entrusted with power to accept the responsibility that comes with leadership. In the area of civil rights legislation, I am deeply concerned that the American people have been provided little leadership of late. In fact, they have been misled. Cynical politicians have abused their power and deliberately misled the public to prevent civil rights legislation from moving forward.

What is wrong with restoring the civil rights protections Americans had in 1989? What is wrong with recognizing the rights of women, religious minorities, and the disabled who are the victims of sexual harassment and other forms of discrimination to some compensatory and punitive damages?

It had been suggested that opposition to the bill had been based on the fact that the President and other Republicans would lose what they believe is a valuable campaign tool if this issue is resolved. It is now suggested that the President's change of heart is somehow connected to the fallout from the Thomas hearings and a former Klansman from Louisiana's embrace of the Republican party.

Mr. President, that is not leadership.

Those of us in this body are now called up to lead this country in a direction that protects the rights of all Americans. To sort out the truth from among the many wild mischaracterizations that have been used in public discourse on this issue and pursue the proper policy. The Civil Rights Act of 1991 is a small, but important step toward that goal.

Why is it needed?

The Wards Cove ruling in 1989 made it easier for employers to justify employment practices as "being required by business necessity." It has been documented how this new standard has made it more difficult for minorities and women to contest what they believe to be discrimination in the workplace. We should not turn back the clock on those who suffer discrimination.

One aspect of the legislation that has received less attention is the civil rights relief the bill offers working women, who, under current law, are essentially second-class citizens.

In recent weeks, public awareness of sexual harassment and its impact on women has been raised. Sexual harassment is one of the most insidious and widespread forms of discrimination. Virtually every Member of the male-dominated Senate has proclaimed his or her abhorrence of sexual harassment and his or her commitment to combating it. But what few people understand is that, under current law, women are denied compensatory and punitive damages for proven, intentional sexual harassment.

It should be no wonder that many women decline to file formal sexual harassment charges. Under current law, they have little to gain from such a decision even if they are able to prove a charge that, because of the very nature of sexual harassment, is extremely difficult to prove.

The extent of this problem will be a surprise to many Americans. According to a 1987 study of Federal employees, 42 percent of all women reported that they experienced some form of workplace harassment between 1985 and 1987.

As we have learned in recent weeks, sexual harassment exacts a heavy toll on its victims. But current law does not fairly compensate harassment victims. They may get their jobs back, or they may receive back pay, and they may obtain a court order against future discriminatory or harassing conduct. But they cannot obtain compensation for their medical expenses, emotional distress, and other losses. Meanwhile, victims of racial discrimination can recover these losses, as well as punitive damages. A woman who is the victim of sexual discrimination or harassment does not have this right. That situation is not fair.

How frustrating and demoralizing it must be for a victim of harassment to suffer this trauma in her life, only to learn, after a lawsuit that may take months or even years, that she is entitled to little or nothing for her losses, even if the court finds that her rights have been violated. Look at what happened to women who brought claims of sexual harassment and discrimination against their employers:

One woman was severely, sexually, and racially harassed on the job until she finally quit after her supervisor showed her sexually explicit photographs and threatened her life. She fell down a flight of stairs trying to escape him and subsequently suffered a severe depression. The court found that her rights were violated, but because of the limitations in the current law she received no compensation at all for her medical injuries.

A fire dispatcher endured "extreme and ongoing sexual harassment" including unwanted sexual touching by her coworkers and being told by her supervisor that what she really needed was to be raped in the bushes. But she received no relief under current law.

A police officer experienced severe anxiety, depression, and stroke-level high blood pressure as the result of a campaign of harassment by her fellow officers and supervisors but received nothing for her injuries, even though the court found she had suffered severe discrimination.

Congress has been trying to correct this injustice for 2 years. The Civil Rights Act of 1990 provided for damages, but it was vetoed by President Bush, and the attempt to override the veto failed by one vote. Like the 1990 bill, the Civil Rights Act of 1991 would enable all victims of intentional workplace discrimination, including women, to recover compensatory and, in some cases, punitive damages.

By providing these damages for intentional sexual discrimination and harassment, the compromise bill makes the first step toward fair treatment of women under antidiscrimination law. But it falls short of the ultimate goal by capping these damages—a provision upon which the President insisted. For women to enjoy the full benefits of Federal protection against sexual discrimination and harassment, these caps should be removed, and it is likely that this issue will be revisited in subsequent legislation. We cannot say women will receive justice until we treat women fairly under this law.

The 1991 Civil Rights Act will provide protections against job discrimination for all Americans. It will ensure that employees are hired on the basis of merit, on their ability to perform the job, not on their gender, age or physical traits. It will ensure that women will have basic protection against sexual harassment and a remedy when they are victims of such discrimination.

Last Friday, President Bush joined this battle by endorsing a modified version of the Civil Rights Act of 1991 which he proclaimed is not a quota bill. This legislation reverses six Supreme Court decisions that made it more difficult for plaintiffs to win job discrimination lawsuits and allows women, religious minorities and the disabled to sue for and win compensatory and punitive damages for intentional discrimination. I hope that this compromise will be enacted into law without further delay and that the lessons of the political posturing and sparring that characterized the 2-year debate on this legislation will not be lost on lawmakers or the American people. It is time to move forward.

I ask unanimous consent that the remarks to which I earlier referred be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

THE CIVIL RIGHTS ACT OF 1991

• Mr. COHEN. Madam President, the bill that we are considering has been labeled a "quota bill." And it has been given the White household stamp of disapproval.

It seems to me that it is back to the future in American politics today. Although the calendar may say 1991, the times are starting to remind me somewhat of George Orwell's "1984," where we are told love is hate, war is peace, ignorance is wisdom, and 2 plus 2 equals 5 or 6 or 7 or whatever our deepest fear demands.

Orwell warned us that the debasement of language will lead inevitably to the corrosion and corruption of values. And I believe that is exactly what we are seeing in the debate over civil rights today.

In the corridors and back rooms of Capitol Hill, civil rights legislation is whispered to be a politically defining issue, a so-called wedge issue that can be used to drive middle-class white voters further into the arms of the Republican Party, leaving blacks, feminists, labor unions, and vacuous liberals in the backwash of the Democratic Party.

Now it may be, as this cynical thesis might have it, that this wedge is a politically powerful and popular force that is going to repel the segments of our society into clearly defined magnetic fields.

This wedge may even be the key to political victory for the balance of this century and beyond—if you believe that winning means never having to say you're sorry.

But I believe the short-term political success is going to prove to be a long-term public policy disaster. Political success for a party and for our country ought to mean something more than he who dies holding the most votes. Just as wealth has to mean more than the number of dollars in one's bank account or the number of cars in one's garage.

When we speak of politics, we must speak of philosophy. And philosophy means the love or pursuit of wisdom and the understanding of human values.

And that is what is truly at stake here—not wedges, but values.

There are two—at least two—basic values that lie deep within the hearts and minds of the American people.

One is that every person should be given a fair chance to compete—in the classroom, on the athletic fields, and in the workplace. Every person under our Constitution should enjoy equal privileges and equal protection of the law.

The second major value—there should be no special privileges. No favoritism. No artificial or arbitrary rules that give something that has not been earned. No quotas, which are a rule of thumb and not a rule of reason.

In an ideal world, these values are not in conflict. They are complementary. They are in harmony.

But suppose the world is less than ideal. Suppose that all the people in this country are not treated equally and have not been treated equally over a long period of time. Suppose there are laws passed or practices established that discriminate against people because of their race or sex.

Suppose people are treated as slaves, pack mules, objects of hatred and violence, or simply as reproductive vessels.

Suppose people cannot buy a home or obtain a mortgage or get a job because of the color of their skin or break through that so-called glass ceiling at the workplace because of their gender.

Is there anything more un-American than to deny a human being the chance to be the best that he or she can be, as the Army says, on equal terms?

Is there anything more un-American than to isolate people in a ghetto, put up invisible barriers by denying them jobs, opportunity, and any hope of breaking out of their prison of poverty? And then sit back and watch in horror and outrage as their children go fatherless and their streets go white with drugs and then run red with the blood from mindless violence?

Is there anything more un-American than to rob people of their equal opportunity because of the pigment in their skin, the texture of their hair, the composition of their chromosomes—all the while we sit back and proudly proclaim that our policies have to be colorblind and gender neutral?

Is there anything more hypocritical than to say that racism or sexism is a thing of the past?

Madam President, in "Native Son," Richard Wright told a story of what it means to be black in this country. There are many memorable scenes in the book, but there is one that has stayed with me over the years. In it, two young boys, Bigger and Gus, look up at a pilot who is skywriting on a lazy summer day:

"Looks like a little bird," Bigger breathed with childlike wonder.

"Them white boys sure can fly," Gus said.

"Yeah," Bigger said wistfully. "They get a chance to do everything. I could fly a plane if I had a chance."

"If you wasn't black and if you had some money and if they'd let you go to that aviation school, you could fly a plane," Gus said.

And then there is Bigger contemplating a life filled with denial and rejection, and he responds:

> Every time I think about it, I feel like somebody's poking a red-hot iron down my throat * * * It's just like living in jail. Half the time I feel I'm on the outside of the world peeping in through a knothole in the fence. * * *

That scene was memorable for me not just because it depicts a scene of innocence and whimsey perhaps in a novel filled with horror, but because it said so much about the human spirit, about the significance of hope, about the utter destructiveness of knowing in advance that the hope can never be realized.

Now, "Native Son" is fiction and it was written 50 years ago. We've made great progress since then. Michael Jordan is now skywriting in Chicago, Michael Jackson walks on the Moon, TV watchers can start their day with Bryant Gumbel or Oprah Winfrey and end it with Bill Cosby or Arsenio Hall, and Clarence Thomas sits on the Supreme Court.

There has been progress. But for every Jordan, Jackson, Gumbel, Winfrey, Cosby, Hall, or Thomas, there are millions of people treated with contempt and disdain and discrimination every single day and moment of their lives.

For every Sandra Day O'Connor or Katherine Graham, there are millions of women who run smack into harassment or invisible walls that restrict the achievement of their potential.

Recently, I watched a segment of "Prime Time" on ABC. The producers of the show took two attractive, articulate male college graduates—one white, one black—and sent them out into the world followed by a hidden camera.

You can probably guess the results of that foray into the world's experiences. The young white man was treated almost systematically with courtesy and enthusiasm and accommodation, with financial incentives to make purchases.

How was the black man treated? In a store, he was regarded with great suspicion by a salesman and followed by a security guard. He went to one auto dealership—the same dealership that his counterpart had gone to earlier—where he was thoroughly ignored. At another dealership, he went in to ask about purchasing a car and was given a higher interest rate than his counterpart. He went to look for an apartment and was told that the last apartment had just been leased, even though, of course, we all know that it hadn't been leased.

The camera never blinked. Nor did any of the unwitting participants in the film. They either denied that they had engaged in acts of racism or discrimination, or they reacted with anger to the exposure of their behavior.

And still, there are those who want to make the term "civil rights" a pejorative phrase, and use it to achieve political success on the backs of those who have been victimized by society for hundreds of years.

Justice Holmes once wrote that the hell of the old world's literature involved people being taxed beyond their abilities. We can recall all of the various myths where the individuals had their fate written well in advance. It was all preordained, and they struggled against overwhelming odds and inevitably failed.

But Holmes said there was a different type of hell in today's literature and today's life. He said a far deeper abyss existed and that's when powers conscious of themselves are denied their chance. And that, it seems to me, is at the core of what we're debating today.

The hell of millions of Americans that they must endure every day of their lives, knowing that they have the intelligence and the ability, and they're being denied their chance.

Madam President, opponents of this legislation can jump up and say they agree. Intentional discrimination is a violation of every sense of decency, every principle that we hold dear. But they would then argue this legislation goes beyond intentional discrimination—and indeed it does. They would argue it dictates employment practices and standards and is going to force employers to hire unqualified people or undesirables in order to avoid a lawsuit. And so they put the quota label on the bill.

Madam President, what this legislation does is it talks about burden of proof—the allocation of burden of proof. Who should bear the burden of proving that an employer's hiring or promotional activities result in excluding women or minorities from entering that work force or progressing within it.

Congress passed laws, which the courts determined placed the burden on those who could show that their standards or practices were driven by business necessity rather than any racial or sexual bias or discriminatory practice. And from 1971 to 1989 there seemed to be no cry of quotas. No one said this jeopardized the entire American ethic because of quotas.

But then in 1989, the nonactivist Supreme Court discarded precedent and shifted the burden to those who chose and do choose to complain.

What we are doing in this legislation, we are saying to the court and to the country, "No. The burden belongs on those who claim, "the business makes me do it."

Madam President, this legislation, so meticulously and laboriously crafted by my diligent and thoughtful colleague JACK DANFORTH, is important for what it does. But it is also important for the message that it sends. The pursuit of the American ideal or dream is as important today as it was on the day that our Constitution was drafted.

There are others who have spoken far more eloquently than I can ever possibly hope to do. There is one voice I recall reading, that of Robert G. Ingersoll, who was talking about the issue of racism in our society. He said:

> Liberty is not a social question. Civil equality is not social equality. We are equal only in rights. No two persons are of equal weight, or height. There are no two leaves in all the forests of the earth alike—no two blades of grass—no two grains of sand—no two hairs. Neither mental nor physical equality can be created by law, but law recognizes the fact that all men have been clothed with equal rights by nature, the Mother of us all.

And then he went on to say:

> The man who hates the black man because he is black has the same spirit as he who hates the poor man because he is poor. It is the spirit of caste. The proud useless despises the honest useful. The parasite idleness scorns the great oak of labor on which it feeds, and that lifts it to the light.
>
> I am the inferior of any man whose rights I trample under foot. Men are not superior by reason of the accident of race or color—

And let me here add the words "or sex."

Madam President, to oppose this legislation is to reaffirm the condemnation of those millions of Americans who conscious of their powers are being denied their chance.

I cited Justice Holmes a moment ago, and let me close with another of his observations.

He said that a catchword can hold analysis in fetters for 50 years and more. A label can attach similar chains to our minds. I would hope that my colleagues would reject the label, tear off the label, to study the contents and, more importantly, study what has been done to the lives of so many of our citizens.

And I hope that they will conclude that fairness demands that they support this legislation.

Madam President, I suggest the absence of a quorum.●

Mr. HEFLIN. Mr. President, I rise today to express my support for the substitute version of S. 1745, the Civil Rights Act of 1991. This legislation, sponsored by Senator JOHN DANFORTH, represents nearly 2 years of bipartisan effort to resolve the problem of legal redress toward discrimination in the work force.

The final compromise on S. 1745 would reverse five 1989 Supreme Court decisions limiting employee recourse for job discrimination. It would also reverse a 1991 Supreme Court ruling by allowing American workers abroad to sue their U.S.-based employers for discrimination. In addition, S. 1745 would allow women, religious minorities, and the disabled to obtain money damages for acts of intentional discrimination.

Specifically, the compromise bill reinstates the Supreme Court's 1971 ruling in Griggs versus Duke Power Co., which held that employers must prove a business necessity for practices that adversely affect women and minorities. S. 1745 returns to the employer the burden of justifying employment practices that are seemingly fair but have an adverse impact on those groups, leaving to the courts the task of deciding what constitutes a business necessity. This provision is significant because there was much concern that the bill's previous definitions of business necessity would have forced companies to adopt numerical hiring and promotion quotas rather than risk lawsuits.

Furthermore, S. 1745 would amend title VII of the Civil Rights Act of 1964 to set limits on compensatory and punitive damages for women, minorities, and the disabled, and to allow jury trials for victims of sexual bias. This legislation would also bar racial harassment and other forms of bias that occur after a person is hired. Regarding consent decrees, the bill would define rules under which third parties could challenge a consent decree in an antidiscrimination case.

S. 1745 goes on to make clear that an employer may not make an employment decision based on race, color, religion, sex, or national origin, regardless of whether other factors also motivated the decision. In addition, the bill would permit workers challenging a potentially discriminatory seniority system to wait until the adverse impact on the system is felt to bring a lawsuit. Finally, S. 1745 would bar the adjustment of test scores by racial or other classifications.

Mr. President, the S. 1745 compromise does not promote quotas and is supported by the administration. Of equal importance is the fact that it is fair to the business community. For all of the reasons I have stated, I support this legislation and move for its immediate passage.

MORNING BUSINESS

Mr. FORD. Mr. President, I ask unanimous consent that we now proceed to morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE NATIONAL SCHOOL LUNCH PROGRAM

Mr. DOLE. Mr. President, on October 16, 1991, the distinguished chairman of the Agriculture Committee, Senator LEAHY, made a statement on the floor regarding the National School Lunch Program. I agree with the senior Senator from Vermont that healthy children are the foundation of a healthy nation, and that the National School Lunch Program is a vital investment in the future of all our children. However, I believe his statement was unduly critical of the job both the U.S. Department of Agriculture and school food service workers are doing, and I would like to offer my own perspective on some of the points he made.

USDA does have a responsibility to improve the meals served to schoolchildren, as Senator LEAHY indicated. However, his statement makes it sound as if the Department is dragging its feet on implementing congressional directives. The Department is doing what the Senator and I, as members of the Agriculture Committee, voted for in providing new dietary guidance, establishing the new food service management institute, and requiring coordination of all these activities with other Federal departments and other interested groups.

It is also true, as Senator LEAHY states, that the amount of commodities available for school meal programs has fallen in recent years. But I do not want anyone to get the impression that this drop is due to any deliberate policy to shortchange the School Lunch Program. The decline has occurred only because extra, bonus commodities, over and above the amount schools are entitled to, have dwindled after a relatively long period of extremely high levels of donation. The current commodity situation is a result of changes Congress made in agriculture policy to bring supply and demand into better balance, thus avoiding huge, costly Government-owned surpluses.

I would also point out that no one should infer from Senator LEAHY'S remarks that schools are now dropping out of the program in large numbers. Some 90 percent of all schools participate in the National School Lunch Program, and 90 percent of our students have access to it. There are always some schools, for reasons of economics or choice, that will elect not to have a National School Lunch Program, while other schools join the program. Additionally, there is evidence to suggest that those schools which do not participate tend to be located in more affluent communities. I would also note that we are seeing greater participation in school meal programs as more schools add a school breakfast program. Over the last 2 years alone, 6,000 schools have been added to the breakfast program.

I do not want to minimize the concern I have about the effect of a school's nonparticipation, particularly on poor children's access to meals. A school lunch is the only nutritious meal many disadvantaged children get all day. I would even add that we should be concerned not only about what happens to low-income children when schools drop out of the School Lunch Program, but what happens to disabled children requiring modified meals as well.

Nor would I deny that the lack of bonus commodities has made it even more of a challenge for school food service authorities to keep their costs down. But we need to base our suggestions for strengthening the program on facts, without alarmist comparisons with other countries' programs, or outdated and demeaning references to mystery meat.

We are working on getting those facts. USDA, both on its own initiative and at Congress' direction, is studying the decline in bonus commodities, student and school participation trends, and the costs of the program, both to students and to schools. Clearly Congress will be looking closely at the findings of these studies when it is time to reauthorize the National School Lunch Program in 1994. When we get to that debate, I trust the senior Senator from Vermont will agree that Americans care as much about their children as the Japanese do.

IN SEARCH OF AN ENERGY POLICY

Mr. WALLOP. Mr. President, in a few days the Senate will begin debate on S. 1220, a bill to provide our country with a national energy strategy. I will have much to say about the bill as we proceed, but today, I want to share with my colleagues several recent news articles about the National Energy Security Act.

The Wyoming State Tribune, one of my State's leading newspapers located in Cheyenne, recently published several editorials on the issue of our national energy policy. Rather, the editorials discussed the lack of a policy and what should be done. In short, with no coherent energy policy, the United States is slowly accumulating a dependence on foreign produced oil for a substantial share of our energy supply. Oil, both domestic and foreign, currently provides 40 percent of our energy needs. And, as the recent OTA study on oil supply vulnerability points out, 40 percent of this oil is foreign. However, our dependence is projected to grow to 70 percent over the next decade if we do not implement a national energy program.

The bill that I have sponsored with Senator JOHNSTON provides a conservation and production program which decreases dependence on foreign energy supplies. The Tribune articles succinctly discuss the provisions of S. 1220, and why it should be enacted.

Warren Brookes, one of the few editorial page writers who actually understands economics, has provided two interesting columns on the most controversial issues involving a national energy policy—CAFE and ANWR. These acronyms refer to the strategy of our opponents to eliminate both automobile and fossil fuel production in this country. It is a strategy fueled by misinformation and wishful thinking.

This bizarre campaign confronting our bill is explained in the two Brooke's articles. I would like to add one comment that has just come to my attention. Our opponents have flown in the guru of energy alternatives, Amory Lovins. He has a lot of interesting ideas, some of which, believe it or not, we have incorporated in our bill, having thought of them without his help.

But, he has some wild ideas. For instance, at one meeting he argued that efforts to increase energy production have been failures. One example he cited was the fact that the coal boom in the Western States has been a flop. what a surprise to Wyoming since we have now become the Nation's leading producer of coal. And, energy companies are actively bidding on new coal leases in my State to meet the demand from utilities throughout the country. Let me therefore caution my colleagues to maintain a healthy skepticism about any claims that there is an easy soft path to our energy future. There are no silver bullets, it will take a lot of work, it requires a National Energy Security Act. It always has and it always will. It is grossly irresponsible to suggest otherwise.

I would ask that the articles be included at this point in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Wyoming State Tribune, Oct. 22, 1991]

COWBOY STATE COULD BENEFIT FROM NATIONAL ENERGY SECURITY ACT

(By Warren Brookes)

The U.S. Senate will initiate debate this month on a new national energy bill that could result in a potential boon for Wyoming, but more importantly, will assist the United States in lessening its demand for foreign oil.

The Persian Gulf War once again drove home the fact that our country is too dependent on foreign oil:

As Americans were shipped overseas to fight Iraq, Americans at home found energy prices rising despite the fact the United States imported only a limited amount of foreign oil from Iraq before the war. Because of our dependence on foreign oil, our country had no choice but to absorb higher energy costs.

The United States relies on foreign crude oil to supply 65 percent of our country's needs, but many Republicans and Democrats, including President George Bush, would like to see our country's dependence on foreign oil drop to 40 to 45 percent by the year 2010.

This can be accomplished through the passage of a national energy bill that is being sponsored by Wyoming Republican Sen. Malcolm Wallop and Louisiana Democratic Sen. Bennett Johnston.

This national energy bill, which the United States urgently needs as we get closer to the 21st century, will provide some benefits to Wyoming, a state that relies heavily on energy production.

The bill could be beneficial to natural gas and coal producers in our state.

The energy bill will help streamline natural gas regulations and make them beneficial to consumers and business. This will allow natural gas companies to take advantage of market opportunities. If fully implemented, the National Energy Strategy measures, would increase U.S. consumption of natural gas by almost one trillion cubic feet (about 5 percent) per year.

The bill also would:

Expedite gas pipeline construction in our country. New gas lines could be built more quickly by shortening or eliminating the process of obtaining a certificate of public convenience and necessity. All state and federal environmental laws would apply, but delaying tactics by competitors would no longer be allowed.

Streamline the National Environmental Policy Act process. The Federal Energy Regulator Commission would be the sole agency responsible for administrating the National Environmental Policy Act for new natural gas pipelines.

Deregulate pipeline sales rates. Unless a pipeline is found to have market power in the sale of natural gas, the price at which a pipeline sells natural gas would be deregulated if the pipeline proves comparable transportation and other services to all customers, regardless of whether they are purchasing gas from the pipeline or from other sources.

Improve access to natural gas pipelines transportation services, eliminate the Department of Energy's import and export regulations and encourage the use of natural gas as an alternative transportation fuel.

These proposed changes will enhance the use of natural gas, which is a domestically abundant source of clean energy.

The energy bill would also benefit coal producers in our state. Wyoming's low-sulphur coal is becoming more in demand because it is clean-burning.

Wyoming coal producers would benefit from the fact this energy bill would require our nation's energy department to develop advances in coal technology. This development would include converting coal into synthetic gas or liquid.

The energy bill has many good points, but we do have one concern.

The bill calls for the removal of barriers so that construction of coal slurry pipelines would be made easier.

Coal slurry pipelines use a mixture of water and coal in competing with railroads and barges in transporting this non-renewable energy source.

The idea of a coal slurry pipeline should be a concern for many of us in the West since water is scarce. Using water to transport coal to areas of the country where water is abundant is not in the best interest of our economy or the many people who depend on water for their livelihood.

The National Energy Security Act lays the foundation for a more efficient, less vulnerable and environmentally sustainable energy future. A future we can no longer ignore.

SMOKE SCREEN IS HIDING ADVANTAGES OF ENERGY LEGISLATION

Congress will have its work cut out for itself when it begins debate on the National Energy Security Act of 1991. Before Congress will be able to clearly debate the facts behind this important and much-needed legislation, Congressional leaders will have to cut through the well-developed smoke screen that has been set up by environmentalists and opponents.

The National Energy Security Act, also known as our country's National Energy Strategy, is considered by many as the way to lay foundation for a more efficient, less vulnerable and environmentally sustainable energy future.

Critics of the measure contend that approval of such an energy bill will make our wildlife and pristine lands vulnerable to big business. In this case, America's oil companies.

These critics have developed a poorly-conceived smoke screen that even the average American can see through.

The controversy at the heart of this bill, sponsored by Republican Sen. Malcolm Wallop of Wyoming and Democratic Sen. Bennett Johnston of Louisiana, centers around the plan to drill for oil on the coastal plain of the Arctic National Wildlife Refuge in northeast Alaska.

This area of the United States is special in many ways.

The Arctic National Wildlife Refuge is located 250 miles above the Arctic Circle. During two months of winter, the sun never rises and it is bitterly cold. In the summer months, the ANWR is home to thousands of caribou, great flocks of waterfowl and birds and other wildlife, and swarms of mosquitoes.

Besides being home to an enormous array of wildlife, this refuge also holds oil estimated in the billions of barrels, development of which will result in ten of thousands of jobs and provide our nation's economy with an injection of wealth. Most importantly, this oil will help our country reduce its dependence on foreign oil.

Those opposed to drilling in the ANWR want us to believe there is widespread pollution and permanent environmental damage as a result of oil operations on the North Slope of Alaska and along the Alaskan pipeline.

Data from these areas confirm there have been no declines in wildlife population from oil industry activities, and in many cases wildlife can be found grazing alongside the pipeline.

The argument that the ANWR holds only a 200-day supply of oil and there is no need for further oil exploration is far from the truth. Our government estimates about nine billion barrels of oil are contained in the ANWR and some geologists estimate more in the line of 15 billion barrels. We could expect a production of one million barrels of oil a day for 20 or more years.

What makes the ANWR find so important is its potential. Based on the government's 8.8 billion barrel estimate for the refuge, the ANWR has more proven reserves than Texas (7.0) or other Alaska sites (6.7). Other comparisons are the reserves in California (4.8), Wyoming (0.8), Oklahoma (0.8), Louisiana (0.7) and New Mexico (0.7) Twenty-four other oil-producing states have a total reserve of 2.3 billion barrels.

This Energy Strategy will not destroy the wilderness within the ANWR. In 1980, Congress designated more than 25 percent of the ANWR's coastline as wilderness, placing more than 450,000 acres of the coastal plains off limits to development. This energy plan doesn't propose any reversal of this action.

It is the goal of the National Energy Strategy to reduce our dependence on foreign oil. Without this energy strategy plan, the United States will import 65 percent of its oil needs by the year 2010, but with NES in place, such consumption will be held to 40 to 45 percent.

Finding domestic oil reserves and developing those reserves will help bring the United States one step closer to energy independence.

Many of those backing this new energy plan realize that the United States can't completely reduce all oil imports into our country, but we can make a significant difference in reducing the amount of energy we do import.

In the United States alone, 66 percent of our oil consumption is absorbed by transportation, while 21 percent goes to industry, 8 percent to home/business heating and 4 percent to electric generation.

This much-needed energy bill goes further than other energy bills. For instance, increasing the federal gas mileage standards, called Corporate Average Fuel Economy, is one way to help Americans conserve. The current average is 27 miles per gallon and at least one proposal is calling for a standard of 40 mpg.

The National Energy Strategy benefits the best of both worlds—developing domestic oil needs and encouraging conservation through tax breaks.

Energy is fundamental to our quality of life. The National Energy Strategy is a comprehensive approach that will benefit America in many ways.

ENERGY STRATEGY UNDER SIEGE

The U.S. Senate is about to debate the National Energy Strategy bill (S. 1220). That bill is one of the most pleasant surprises to hit Capitol Hill in a long time. While it would generate three times as much "new energy" from conservation as it does from production, for the first time we have a real "pro-growth" energy strategy.

The credit for this amazingly good bill belongs to Sen. Bennett Johnston, Louisiana Democrat and chairman of the Senate Energy and Natural Resources Committee, ranking Republican Sen. Malcolm Wallop of Wyoming, Energy Secretary James Watkins and deputies Henson Moore and Linda Stuntz.

Sadly, the environmental zealots—led by Sens. Timothy Wirth, Colorado Democrat, Joseph Lieberman, Connecticut Democrat, and Paul Wellstone, Minnesota Democrat-Farmer-Labor—have adopted a "scorched earth" strategy to derail this bill over its proposal to drill for new oil on the Arctic National Wildlife Refuge, which offers the largest potential new field in the United States. (See Table.)

Americans who watch this debate will be subjected to florid rhetoric about the "violation of this pristine wilderness" by "greedy oil companies." The same folks who said the Exxon Valdez spill "forever destroyed" the fisheries in Prince William Sound (which in 1990 and 1991 registered the biggest salmon catches in history), are now raising money by telling fibs about the Arctic National Wildlife Refuge.

Last May 4, Lisa Spear of the Natural Resource Defense Council (NRDC) told a hearing of the Senate Environment Committee that the commercial oil development at Prudhoe Bay on the North Slope of Alaska had produced "the destruction of thousands of acres of wildlife habitat and a decline in local populations of bears, wolves, and birds."

On May 11, Idaho Republican Sen. Steve Symms, referring to Miss Spear's testimony, asked John Turner, director of the U.S. Fish and Wildlife Service: "Does the data available to the Department of the Interior support the claims with respect to the bear population?"

Mr. Turner said, "No, Mr. Chairman." Asked Mr. Symms. "How about the caribou population?" Said Mr. Turner, "They have gone up substantially." Asked Mr. Symms, "How about a loss in the bird population?"

Responded Mr. Turner, "We certainly haven't documented that." Then asked Mr. Symms, "How about the health of the local fisheries?" Mr. Turner replied, "We have not documented substantial loss."

In fact, the Alaska Fish and Game Department reports record numbers of grizzly bears now using the Prudhoe field area for habitat and mating. The snow geese population has gone from 50 nesting pairs to 302. The caribou population has more than quadrupled since 1970. Mr. Symms accused Miss Spear of using her appearance on a C-SPAN televised hearing "to raise money for the Natural Resource Defense Council."

One week later, an "Urgent Environmental Dispatch" from the NRDC asked recipients to contribute money for the NRDC to go to court and "keep oil giants out of Alaska's Arctic wildlife refuge," repeating Miss Spear's charge of declining animal populations at Prudhoe.

NRDC Executive Director John Adams warned that "virtually the entire domestic oil industry are mobilizing to commence drilling before summer's end." In fact, even congressional approval would not mean drilling before the year 2000.

"At stake is the only refuge in North America that protects—in an undisturbed condition—all of the various Arctic ecosystems. And I can tell you firsthand that it won't even take an oil spill to destroy forever the incredibly fragile beauty of its coastal plain," warned Mr. Adams.

In the first place, the drilling and production area will cover fewer than 13,000 acres, which is 0.07 percent of the Arctic National Wildlife Refuge's million acres. In the second place, the "coastal plain" is in fact covered in ice and snow for nine months of the year and in the summer has such a barren crop of mosses, lichens and dwarf shrubs, it looks more like a green moonscape than a wilderness.

Compare this with the Wilderness Society's description of this "coastal plain" as "America's Serengeti . . . an Arctic wilderness of borcal forests, dramatic peaks, and tundra." But area 1002 of the Arctic National Wildlife Refuge, where drilling is proposed, has no trees or mountains in sight. Any relationship between the heavily animal-populated Serengeti plain with its 80-degree year-around temperature and 3 million animals is purely a figment of green imaginations.

As for the "ecological nightmare" promised by the NRDC's Mr. Adams, he should call his friends at the National Audubon Society, which now earns money at three of its sanctuaries with oil exploration and production—on the 26,800-acre Rainey Wildlife Sanctuary in Louisiana, the Corkscrew Swamp Sanctuary near Naples, Fla., and the Baker Wildlife Sanctuary in Michigan, which found "the birds breeding in habitats adjacent to the oil-well site were not noticeably disturbed by the presence of humans or the noise of oil drilling." That agrees with the U.S. Fish and Wildlife Service evaluation on the Arctic National Wildlife Refuge that "exploration and development drilling activities would generate only minor or negligible effects on all wildlife resources."

SHOOTOUT IN THE GREENHOUSE CAFE

The biggest hurdle in the way of a sound, progrowth energy bill, represented by Sens. Bennett Johnston and Malcolm Wallop's National Energy Strategy (S. 1220), is a high-noon shootout expected this week over something called "CAFE" (Corporate Average Fuel Economy).

On one side are those determined to shut down what's left of the U.S. auto industry by forcing the average fleet mileage of new cars to 40 miles per gallon for cars and 30 mpg for trucks by the year 2001, a 40 percent to 50 percent increase from the present. This is the bill sponsored by Democratic Sen. Richard Bryan of Nevada, who drives a big gasguzzling Oldsmobile, as you would in a state where 200 miles is commuting and 80 mph is cruising speed.

On the other side is S. 1220, which leaves future increases in the CAFE standard (now at 28 mpg) up to rulemaking by the Energy Department, taking into consideration a new study by the National Academy of Sciences to be completed in 1992.

Standing in the middle of this bloody battle is a decoy, authorized by Senate Energy Committee Chairman Johnston, Louisiana Democrat, and co-sponsored by Sen. Kent Conrad, North Dakota Democrat, that would increase CAFE standards to 30 mpg by 1996, 34 mpg by 2001, and 37 mpg in 2006.

While that would allow more time for technology to catch up to Senate fantasy, it is only a modest stay of execution for the family-sized autos that are the bread and butter of the U.S. auto industry and the growing preference of consumers for whom the real price of gasoline today is 40 percent less than 1980.

If the Bryan amendment were to pass, the only feasible way to achieve its goals would be to drop the average weight of cars by another 800 pounds to 1,000 pounds, making today's compacts the largest cars available: That would add another 1,700 to 3,000 fatalities a year to the similar number being caused by the current CAFE standard.

In this debate, ideology is swamping both sound science and economics. There are only two arguments supporting raising auto fuel economy—our growing dependence on oil imports and the alleged "green-house global warming" from the carbon dioxide emissions threat.

Henry Schuler, director of energy and national security at the Center for Strategic and International Studies, does make a powerful case that our present growing reliance on Saudi Arabia for eight times as much oil we imported from there five years ago in return for the U.S. military security is a dangerous concoction.

He reminds us that similar U.S. defense for petroleum relationships with Iraq, Iran and Libya imploded when those regimes were overthrown and replaced with anti-U.S. governments, and today we receive no oil from any of these countries.

"Even without internal upheaval in Saudi Arabia, the United States could find itself in another oil shock. If any serious political or economic instability were to affect the Arab world as a whole, the Saudi regime could decide that its survival depended on distancing itself from the United States."

While Mr. Schuler uses this argument to support drilling in the Arctic National Wildlife Refuge, Mr. Bryan and his allies use it to support a massive increase in CAFE. Yet, since CAFE was enacted, foreign oil imports have risen from 38 percent of our supply to 51 percent today.

Simply forcing Americans to drive smaller and more fuel-efficient cars does little to slow demand for oil. In fact, it merely fuels that demand because it lowers its relative cost to the consumer. The only way to curb consumption sharply is massively to force oil and gasoline prices up through taxation.

Yet much the same economic analysis applies to the other issue the CAFE proponents use, global warming. Any number of analyses have demonstrated that taxes on all carbon fuels are infinitely more "efficient" in reducing carbon dioxide than command and control regulation on energy-using equipment like cars.

The latest such study, admittedly done for the Motor Vehicle Manufacturers Association by Charles River Associates, demonstrates that a 40 mpg CAFE standard would cost the consumers $104 per ton of carbon dioxide removed, or $45 per barrel of oil saved. By contrast, a gasoline tax would cost $23 per ton of carbon dioxide removed and only $10 per barrel of oil saved, while carbon taxes on all fossil fuels would cost only $2 per ton of carbon dioxide removed.

But politicians do not have the guts to pass such taxes and want to do it indirectly by forcing auto-makers to slash auto weight and safety in a vain effort to save fuel and the planet.

As to the latter, they would do well to cool their fevered brows and read the latest National Academy of Sciences study, which concluded in September and found that the greenhouse scenarios now projected "will be no more severe and adapting to them will be no more difficult than for the range of climates already on Earth and no more difficult than for other changes humanity faces" and far less dangerous than AIDS or other epidemics.

Besides, raising CAFE to 40 mpg would, at best, lower these warming scenarios by 2/100 of a degree! Forget it.

SENATE RESOLUTION 210—PROMOTE AND MAINTAIN A CEASEFIRE IN YUGOSLAVIA

Mr. LEVIN. Mr. President, I am grateful that last evening the Senate approved Senate Resolution 210, the Levin-Lugar resolution urging the President to provide active leadership in encouraging the United Nations to promote and maintain a cease-fire in Yugoslavia. The United Nations has not been involved—has not been asked to become involved—in a peacekeeping effort in Yugoslavia. The ongoing civil war in Yugoslavia threatens the peace and stability not only of the region, but all of Europe. Vital United States and Western interests are threatened. It is important that the United States encourage U.N. efforts to, first, stop the bloodshed, and second, help structure a just space.

The loss of life and violations of human rights and decency in this war have been appalling. The unnecessary destruction of cultural and historical treasures is a tragedy. The deteriorating situation poses both a challenge to and an opportunity for the United Nations to help create peaceful world order.

If ever there was an need and an appropriate challenge for U.N. involvement, this war is it. Senate Resolution 210 that the Senate passed last night urges the President to provide active leadership in encouraging the United Nations to promote and maintain a cease-fire in Yugoslavia. The resolution also urges the President to support consideration in the Security Council of the sending of a United Nations peacekeeping force to Yugoslavia.

The European Community has mounted and sustained a concerted effort to bring peace. Its commendable efforts have yet to succeed, and its multiple cease-fires have not held. It is time for the United Nations to become involved, beyond the single Security Council resolution adopted September 25, implementing an international embargo on weapons and military equipment. It is time for the United States to provide active leadership at the United Nations to avert a further escalation of the bloody catastrophe engulfing Yugoslavia.

Mr. President, the difficult issues involved in the current conflict in Yugoslavia, and the question of borders, should be resolved by negotiation and mutual consent, not military actions. This is a challenge the United Nations should confront, and the U.S. Government should provide leadership in this effort.

I want to thank Senator LUGAR for his cosponsorship and staunch support. I also want to thank a number of other Senators, including Senators MITCHELL and DOLE, for their assistance in shaping this resolution and its passage.

MODIFICATION OF UNANIMOUS-CONSENT AGREEMENT—S. 1745

Mr. FORD. Mr. President, I ask unanimous consent that the previous unanimous-consent agreement governing S. 1745 be further modified to include an amendment by Senator WARNER regarding prospective application on which there will be 20 minutes for debate equally divided and controlled in the usual form.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FORD. I further ask unanimous consent that a possible Kennedy second-degree amendment to the Warner amendment on the same subject be in order.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FORD. Mr. President, I ask unanimous consent, under the previous unanimous-consent agreement, that the Kennedy second-degree amendment be limited to the same time as the Warner amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

INTERNATIONAL CONVENTION ON OIL POLLUTION PREPAREDNESS, RESPONSE AND COOPERATION, 1990

INTERNATIONAL CONVENTION ON SALVAGE, 1989

CONVENTION FOR A NORTH PACIFIC MARINE SCIENCE ORGANIZATION [PICES]

Mr. FORD. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following matters:

Executive Calendar 11. International Convention on Oil Pollution Preparedness, Response and Cooperation;

Executive Calendar 12. International Convention on Salvage, 1989; and

Executive Calendar 13. Convention for a North Pacific Marine Science Organization [PICES].

I further ask unanimous consent that the treaties be considered as having been advanced through the various parliamentary stages up to and including the presentation of the resolutions of ratification, that no amendments, understandings or reservations be in order, that any statements appear, as if read, in the RECORD, and that the Senate vote, en bloc, on the resolutions of ratification without intervening action or debate with one vote to count as three.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FORD. Mr. President, I ask for a division vote.

The PRESIDING OFFICER. A division is requested. All those in favor will stand and be counted. All those opposed will stand and be counted.

In the opinion of the Chair, two-thirds of those present having voted in the affirmative, the resolutions of ratification are agreed to.

The resolutions of ratification agreed to are as follows:

INTERNATIONAL CONVENTION ON OIL POLLUTION PREPAREDNESS, RESPONSE AND COOPERATION, 1990

Resolved, (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the International Convention on Oil Pollution Preparedness, Response and Co-operation, 1990, with Annex, adopted at London November 30, 1990.

INTERNATIONAL CONVENTION ON SALVAGE, 1989

Resolved, (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the International Convention on Salvage, 1989 (Salvage Convention), done at London April 28, 1989 and signed by the United States March 29, 1990.

CONVENTION FOR A NORTH PACIFIC MARINE SCIENCE ORGANIZATION (PICES)

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Convention for a North Pacific Marine Science Organization (PICES), which was done at Ottawa on December 12, 1990, and signed by the United States on May 28, 1991.

Mr. PELL. Mr. President, I am pleased to present three treaties for the Senate's consideration today.

The first treaty is the International Convention on Salvage, which is designed to encourage sound environmental practices by commercial salvors, and to ensure that they receive adequate compensation for their work, especially when environmental damages are minimized by their efforts. This Convention includes the following provisions:

It imposes reciprocal obligations upon salvors, shipowners, and ships' masters to exercise "due care" in preventing or minimizing damage to the environment.

It adds a new factor to be considered in determining the amount of a salvage award when a salvage operation is successful "the skill and efforts of the salvors in preventing or minimizing damage to the environment.

And it contains a special compensation provision so that, even when a salvage operation is unsuccessful, salvors will be able to recover their expenses when the salvage operation involves a vessel which, by itself or its cargo, threatens damage to the environment.

The second treaty is the International Convention on Oil Pollution Preparedness, Response, and Cooperation. This treaty is designed to increase the protection of the marine environment in a number of ways, including the creation of a global network to coordinate pollution response resources to minimize damage from catastrophic oil spills. In addition, this Convention would—

Require ships to have oil pollution response plans on board;

Require ships and offshore platforms to report their own oilspills and spills they observe;

Require establishment of a national response plan, including the pre-positioning of response equipment;

Provide for the sharing of technical support and the results of R&D activities; and

Promote the establishment of bilateral agreements for oil pollution preparedness and response.

The third treaty is the Convention for the North Pacific Marine Science Organization, known as "PICES." The purpose of this Convention is to establish a new scientific organization to coordinate and promote collaborative, multidisciplinary research in the North Pacific Ocean. The Convention will make a useful contribution to the study of the role of the ocean in global change as well as other important environmental issues, such as pollution and environmental quality as well as fisheries research.

I urge my colleagues to approve these three treaties and give their advice and consent to their ratification.

Mr. FORD. Mr. President, I ask unanimous consent that the motions to reconsider the vote be tabled en bloc and that the President be notified of the Senate's action and that the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now resume legislative session.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. McCathran, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

EXECUTIVE ORDER WITH RESPECT TO HAITI MESSAGE FROM THE PRESIDENT—PM-91

The Presiding Officer laid before the Senate the following message from the President of the United States, together with accompanying papers; which was referred to the Committee on Banking, Housing, and Urban Affairs.

To the Congress of the United States:

Pursuant to section 204(b) of the International Emergency Economic Powers Act, 50 U.S.C. section 1703(b), and section 301 of the National Emergencies Act, 50 U.S.C. section 1631, I hereby report that I have again exercised my statutory authority to issue an Executive order with respect to Haiti that:

(a) Continues to block all property including bank deposits of the Government of Haiti in the United States or in the control of U.S. persons including their overseas branches;

(b) Continues to prohibit any payment to the *de facto* regime in Haiti by U.S. persons or by any person organized under the laws of Haiti and owned or controlled by a U.S. person, and to require that payments owed to the Government of Haiti be paid when due into an account in the Federal Reserve Bank of New York, unless otherwise directed by the Treasury, to be held for the benefit of the Haitian people; and

(c) Prohibits, effective 11:59 p.m. e.s.t., Tuesday, November 5, 1991, trade between Haiti and the United States, with an exception for trade in informational materials. The order further excepts exportation to Haiti of (i) donations intended to relieve human suffering; and (ii) rice, beans, sugar, wheat flour, and cooking oil. An import exception is also created for goods containing parts or materials exported from the United States through Tuesday, November 5, 1991, assembled or processed in Haiti, and imported into the United States before midnight on December 5, 1991.

Items (a) and (b) reaffirm the action I took in issuing Executive Order No. 12775 on October 4, 1991, and continue to be warranted by the circumstances described in my report to the Congress of October 4, 1991, regarding that Executive order. Item (c) is a new action taken in view of the continuing crisis in Haiti and of the resolution of the Meeting of Foreign Ministers of the Organization of American States adopted on October 8, 1991, which *inter alia* urges member States to impose a trade embargo on Haiti.

I have instructed that this order be implemented with due regard to humanitarian needs of the Haitian people.

I am enclosing a copy of the Executive order.

GEORGE BUSH.

THE WHITE HOUSE, *October 28, 1991.*

MESSAGES FROM THE HOUSE

At 2:20 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 2896. An act to authorize the Secretary of the Interior to revise the boundaries of the Minute Man National Historical Park in the State of Massachusetts, and for other purposes; and

H.R. 3401. An act to amend the Public Health Service Act to establish a program for the prevention of disabilities, and for other purposes.

MEASURES REFERRED

The following bill was read the first and second times by unanimous consent, and referred as indicated:

H.R. 2896. An act to authorize the Secretary of the Interior to revise the boundaries of the Minute Man National Historical Park in the State of Massachusetts, and for other purposes; to the Committee on Energy and Natural Resources.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-2081. A communication from the Comptroller General of the United States, transmitting, pursuant to law, reports on the status of budget authority that was proposed for rescission by the President in his fifth special impoundment message for fiscal year 1991, pursuant to the order of January 1, 1975, as modified by the order of April 11, 1986; referred jointly to the Committee on Appropriations, the Committee on the Budget, the Committee on Banking, Housing and Urban Affairs, the Committee on Commerce, Science and Transportation, the Committee on Finance, and the Committee on Foreign Relations.

EC-2082. A communication from the Secretary of the Interior, transmitting, a draft of proposed legislation to amend the Land and Water Conservation Fund Act of 1965 to provide for the establishment of the America the Beautiful Passport to facilitate access to certain federally-administered lands and enhance recreation and visitor facilities thereon, to authorize the Secretary of the Interior and the Secretary of Agriculture to enter into challenge cost-share agreements, and for other purposes; to the Committee on Energy and Natural Resources.

EC-2083. A communication from the Secretary of the Interior, transmitting, pursuant to law, a report to update and improve the information contained in the report dated September 1982 entitle "Status and Trends of Wetlands and Deepwater Habitats in the Conterminous United States, 1950's to 1970's"; to the Committee on Environment and Public Works.

EC-2084. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, a report concerning the probable impacts of extension of the American Canal on rates of ground water declines and resultant subsidence in the El Paso-Juarez area; to the Committee on Environment and Public Works.

EC-2085. A communication from the General Counsel of the Department of Defense, transmitting, a draft of proposed legislation to authorize the sale to the Republic of Korea of obsolete ammunition from War Reserve Stocks; to the Committee on Foreign Relations.

EC-2086. A communication from the Assistant Attorney General (Legislative Affairs), transmitting, a draft of proposed legislation to amend the Comprehensive Drug Abuse Prevention and Control Act of 1970 to control the diversion of legitimately produced controlled substances, to assist the States in their efforts to control diversion, to provide for the utilization of electronic orders and records systems, to provide for the maintenance of effective safeguards against diversion, and for other purposes; to the Committee on the Judiciary.

EC-2087. A communication from the Assistant Attorney General (Legislative Affairs), transmitting, a draft of proposed legislation to amend the Federal Food, Drug, and Cosmetic Act to revise the provisions added thereto by the Prescription Drug Marketing Act of 1987; to the Committee on Labor and Human Resources.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BIDEN, from the Committee on the Judiciary, with an amendment in the nature of a substitute:

S. 15. A bill to combat violence and crimes against women on the streets and in homes (Rept. No. 102-197).

By Mr. HOLLINGS, from the Committee on Commerce, Science, and Transportation, with an amendment in the nature of a substitute:

S. 1405. A bill to authorize appropriations for certain programs and functions of the National Oceanic and Atmospheric Administration, and for other purposes (Rept. No. 102–198).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. BENTSEN, from the Committee on Finance:

Michael H. Moskow, of Illinois, to be a Deputy United States Trade Representative, with the rank of Ambassador; and

David M. Nummy, of Oklahoma, to be an Assistant Secretary of the Treasury.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. BROWN:

S. 1885. A bill to reauthorize the Uranium Mill Tailings Radiation Control Act of 1978; to the Committee on Energy and Natural Resources.

By Mr. MCCONNELL:

S. 1886. A bill to delay until September 30, 1992, the issuance of any regulations by the Secretary of Health and Human Services changing the treatment of voluntary contributions and provider-specific taxes by States as a source of a State's expenditures for which Federal financial participation is available under the medicaid program and to maintain the treatment of intergovernmental transfers as such a source; to the Committee on Finance.

By Mr. HARKIN (for himself, Mr. KENNEDY, Mr. INOUYE, Mr. DASCHLE and Mr. BURDICK):

S. 1887. A bill to amend the Public Health Service Act to establish the National Center for Nursing Research as a National Institute, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. HEFLIN:

S. 1888. A bill to amend the Internal Revenue Code of 1986 to allow S corporations to sponsor employee stock ownership plans; to the Committee on Finance.

By Mr. SIMPSON (for himself and Mr. WALLOP):

S. 1889. A bill to designate the United States Courthouse located at 111 South Wolcott in Casper, Wyoming, as the "Ewing T. Kerr United States Courthouse"; to the Committee on Environment and Public Works.

By Mr. CRANSTON:

S. 1890. A bill to require the President to investigate allegations that China is exporting products made with forced labor, and for other purposes; to the Committee on Finance.

By Mr. THURMOND (for himself and Mr. HOLLINGS):

S. 1891. A bill to permit the Secretary of Health and Human Services to waive certain recovery requirements with respect to the construction or remodeling of facilities, and for other purposes.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

Mr. SASSER:

S. Res. 211. A resolution expressing the sense of the Senate regarding human rights abuses in China against writers and journalists; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BROWN:

S. 1885. A bill to reauthorize the Uranium Mill Tailings Radiation Control Act of 1978; to the Committee on Energy and Natural Resources.

URANIUM MILL TAILINGS RADIATION CONTROL ACT REAUTHORIZATION

• Mr. BROWN. Mr. President, today I rise to introduce legislation to reauthorize the Uranium Mill Tailings Radiation Control Act of 1978.

From the 1940's through 1960, uranium ore was processed mostly by private companies for use by the Department of Defense. When these companies had completed their contracts with the Federal Government, uranium mills were shut down and large piles of uranium tailings were left on site.

At the time the mills were closed, the health effects of the tailings, which contain radioactive elements, were unknown. Recognizing the threat to human health and the environment that these unstabilized tailings posed, Congress enacted Public Law 95–604, the Uranium Mill Tailings Radiation Control Act of 1978.

Public Law 95–604 states that "every reasonable effort be made to provide for stabilization, disposal, and control of the tailings in a safe and environmentally sound manner to ensure public health, safety and welfare."

Since the law's inception in 1978, the Department of Energy [DOE] and affected States have worked together to make the uranium mill tailings remedial action [UMTRA] project a success. DOE, in conjunction with the States, is responsible for the cleanup of 24 inactive uranium mill tailings sites in 10 States—9 of which are located in Colorado—and on some Indian lands. To date, the cleanup of nine of these sites has been completed.

Although significant progress has been made cleaning up these sites, we have been told by DOE that the remediation of all 24 sites will not be completed by the expiration of the UMTRCA in 1994.

So that our communities neighboring these sites can be assured of the Federal Government's commitment to eliminating the health and environment risks associated with these tailings, I have introduced the Uranium Mill Tailings Radiation Control Reauthorization Act. The bill will extend the authorization of the Uranium Mill Tailings Remedial Action Program through September 30, 1998.•

By Mr. HARKIN (for himself, Mr. KENNEDY, Mr. INOUYE, Mr. DASCHLE, and Mr. BURDICK):

S. 1887. A bill to amend the Public Health Service Act to estabish the National Center for Nursing Research as a National Institute, and for other purposes; to the Committee on Labor and Human Resources.

NATIONAL INSTITUTE OF NURSING RESEARCH ACT

• Mr. HARKIN. Mr. President, I rise today to introduce, on behalf of myself, Senator KENNEDY, Senator INOUYE, Senator BURDICK, and Senator DASCHLE, the National Institute for Nursing Research Act. This important legislation would appropriately elevate the status of the successful National Center for Nursing Research [NCNR] at the National Institutes of Health to that of an institute—the National Institute for Nursing Research.

The legislation we are introducing today is simple and straightforward. It redesignates the National Center for Nursing Research as the National Institute for Nursing Research, a change which appropriately reflects the fact the NCNR's existing structure and range of activities is in line with other institutes at NIH. Our bill has the support of a large number of national organizations as well as a bipartisan coalition in Congress. Companion legislation has already been approved without dissent by the House of Representatives. And I am very pleased that our distinguished chairman of the Committee on Labor and Human Resources and longtime leader on behalf of American nurses, Senator EDWARD KENNEDY, will include this legislation in his chairman's recommendations for the reauthorization of the National Institutes of Health later this year.

Mr. President, it is not only appropriate that Congress take the important step of elevating the status of the Nursing Center to that of an institute, it is a step that is overdue. America's nearly 2 million nurses have for too long been denied the recognition and status they deserve within our health care system. Throughout our Nation's history, nurses have been at the core of our health care system, providing high quality, cost-effective care. Yet, the role and accomplishments of nurses within the health care system have too often not been given appropriate equal recognition. And so it has been in the area of research. While NCNR has proven itself as a major force within NIH and despite a structure and list of activities which put it on par with other institutes, it has not been recognized as such by being given the designation as an institute.

In 5 short years since its establishment, the National Center for Nursing Research has established itself as the world's leader in nursing research. NCNR supports a broad range of research to better our ability to prevent and treat the numerous diseases and disabilities confronting Americans. Its research focuses on how people of all ages respond to disease and its treatment, physiologically and psychologically, and on the promotion of improved health and the prevention of disease and disability. This emphasis on preventive health is most appropriate as nurses have long been at the forefront of health promotion and disease and disability prevention. As aptly noted by NCNR, because of nurses' close proximity to patients and their families, they are ideally situated to carry out these kinds of research and to translate findings directly into nursing practice and better health care outcomes.

Mr. President, the National Center for Nursing Research has been tremendously successful in its short history. Through its Division of Extramural Programs and Division of Intramural Research, NCNR has produced critical research findings that are already resulting in more affordable, higher quality health care for many Americans. For example, though a grant from NCNR, nurse researchers at the University of Iowa are developing cost-effective ways of reducing the incidence of falls among frail, older Americans. The results of this research will greatly improve the quality of life for many older Americans while lowering long-term care costs for themselves and their families by reducing the incidence of broken hips, a leading cause of nursing home admissions.

Another notable NCNR-supported study by researchers at the University of Wisconsin School of Nursing resulted in improved care and reduced costs for prematurely born babies. As recently reported in the New York Times, by creating a less stressful hospital environment for premature babies, project directors were able to demonstrate an improvement in their breathing and eating, a reduction in complications, improved neurological development, and shorter hospital stays. The cost of care for the infants in the study was significantly reduced by an average of $12,250 per baby.

Mr. President, I have been pleased, as chairman of the Senate Appropriations Subcommittee that funds the National Institutes of Health, to have been able to preside over a significant expansion of support for NCNR. In my 3 years as chairman, we have been able to increase funding for nursing research by nearly 50 percent, from $33 million in fiscal year 1990 to a Senate-approved level of $45.9 million. And I am convinced that this investment is among the wisest and most cost-effective we have made. I have been particularly pleased with the investment NCNR has in turn made in critical areas such as women's health, long-term care for the elderly and disabled, and the special health care needs of rural America.

The elevation of NCNR to institute status will help further build on nursing research's impressive beginning at NIH.

Mr. President, I want to thank the members of my nurses advisory committee for their input and assistance on this proposal. I formed this organization, which is made up of nurse leaders from across Iowa, in 1985, to study health care issues and to give me advice and recommendations for reform. They have been of invaluable assistance to me over the past 6 years, providing me with expert advice and ideas that turned into legislative action here in the Senate. Their work is valued and trusted and I would recommend to my colleagues the formation of similar nurse advisory groups.

Mr. President, in closing, I simply would urge my colleagues to join us in supporting this legislation and hope that it gains swift approval so that nursing research can take its rightful position at the NIH.•

By Mr. HEFLIN:

S. 1888. A bill to amend the Internal Revenue Code of 1986 to allow S corporations to sponsor employee stock ownership plans; to the Committee on Finance.

ESOP PROMOTION ACT OF 1991

• Mr. HEFLIN. Mr. President, I arise today to introduce the ESOP Promotion Act of 1991. This legislation would allow S corporations to sponsor employee stock ownership plans, which they are now prohibited from doing.

An ESOP is a tax-exempt retirement trust that is invested in stock of the employee corporation. Employees have accounts in the ESOP's which are paid to them after they leave the company. Employees are not taxed on their accounts until the stock is actually distributed to them.

ESOP's create excellent opportunities for employees to share in the ownership of the corporation for which they work. Since 1974, when Congress enacted the first tax measures designed to encourage employee stock ownership plans, the number of employee-owned companies has grown from about 1,600 to approximately 11,000. The number of employees owning stock has jumped from 250,000 to over 11 million employees.

ESOP's can be very beneficial to small businesses. First, an ESOP can play an important role in the company's employee benefit program by supplementing other retirement plans such as pension and profit-sharing plans. Also, the employer may benefit from increased employee morale and improved productivity resulting from providing employees an equity interest in the company. Employee ownership can greatly enhance the overall quality of work and competitiveness of the corporation.

Unfortunately, under current law only C corporations can sponsor ESOP's. Therefore, S corporations, which are small and midsize corporations comprising nearly one-third of all corporations in America, are not allowed to establish these plans. As a long-time supporter of small business I am concerned that these companies have been unable to take full advantage of ESOP's. Therefore, my legislation is intended to correct the situation by permitting S corporations to sponsor ESOP's.

I urge my colleagues to support this legislation which I believe will go far toward encouraging more employee ownership, which will benefit both employees and their companies.•

By Mr. SIMPSON (for himself and Mr. WALLOP):

S. 1889. A bill to designate the U.S. Courthouse located at 111 South Wolcott in Casper, WY, as the "Ewing T. Kerr United States Courthouse"; to the Committee on Environment and Public Works.

EWING T. KERR UNITED STATES COURTHOUSE

Mr. SIMPSON. Mr. President, I am so very pleased to join my colleague, MALCOLM WALLOP, as we pay tribute to a very marvelous, fine man and someone I have called friend for a lifetime—Judge Ewing T. Kerr. For today we will introduce a bill which will designate the Federal courthouse in Casper, WY., as the "Ewing T. Kerr United States Courthouse."

Although Judge Kerr was born in Bowie, TX in 1900, it did not take him long to see the light and move north to Wyoming. He landed in Cheyenne 1 year after the streets of the frontier town had been paved. First came the roads—then came Judge Kerr. Things were looking up for both. In 1927 Ewing Kerr was admitted to practice law in Wyoming so he placed his shingle on the door and began to build a lifetime reputation as a brilliant, steady, thoughtful, and dedicated member of the legal profession. The following year, in 1928 he began to rise through the ranks of his profession and he served as the assistant U.S. attorney from 1928 to 1933. His career was now soaring and in 1938 Gov. Nels H. Smith appointed him as Wyoming's Attorney General.

He served with clear distinction as attorney general until he heard a different kind of call—the call to serve his country in the Army, which he did for 3 years. After his military service he again practiced law and soon was appointed as a Federal district judge, obtaining senior status in this position in 1975, and it is in this capacity that he still serves his community, his State, and his country.

I have quickly stated only the briefest facts of quite a remarkable legal career but I have not even begun to scratch the surface of what makes this man so remarkable and so fully deserving of this special tribute and this unique honor. For Judge Kerr is a learned man, a dedicated legal scholar, and a distinguished judge—yes, he is all of this but he is also so very much more.

Though his legal career has been a remarkable one—I would be so remiss if I did not mention the lives he has touched through the years as he put his thoughts, beliefs, and his concern for his fellow man into action through his participation in a wide variety of different civic and charitable organizations. Almost from the day he arrived in Cheyenne in 1927 he began a commitment to public service that he has honored to this very day.

He has worked over long years to help the chamber of commerce, the Red Cross, the Salvation Army, various fraternal groups, his beloved Rotary Club, and his church. And he has done it all in a genuine spirit of kindness, compassion and consideration for others which is truly remarkable. When his predecessor retired he gave Judge Kerr some very valuable advice. "Stay active in community affairs," advised the jurist, "for it will make you a better judge." That predecessor was already very aware of Judge Kerr's active involvement in his community—and I hunch he was just advising Judge Kerr to "keep it up". And he surely did, as he has, and he always will.

In his early days he also loved to involve himself in the workings of local and national politics as much as possible. He learned at a tender age that democracy is not a spectator sport and he became involved early and often as a young attorney in Wyoming. If a cause or an organization was ever in need of his special talents, some counsel or advice, or just some time and his valuable assistance—he was always ready and available to serve.

And now—even though the Judge has attained senior status—he has in no way retired. He maintains his outside interests, serves his community, still gives a speech now and then—to the delight of his audiences—and takes an active role in raising his two dear granddaughters. A visit to the Kerr household means confronting old law books, books of history, art and literature, and an assortment of bikes, skateboards, roller skates, and an incredible array of the trappings of childhood.

Nothing personally pleases me more than taking this moment to "give credit where credit is due" and so I am very proud to be a part of this effort. No one is more deserving of this tribute than the Judge—a man who has been so important and such a vital part of his community, his State, and his country. His long and distinguished years of service to the legal and judicial community, combined with his innate civility and kindness, his compassion, his willingness to serve, his intellect and his devotion to duty and the pursuit of the truth all make him so very worthy of the honor of naming the Federal courthouse in Casper, WY the "Ewing T. Kerr United States Courthouse." We do this to honor a man who has made so many important contributions to our lives that we will remember his name for years to come as it graces this Federal building. This is just our very small way of saying, "Thank you, Judge Kerr. You made a difference in every way in all our lives—especially in mine—and you will never be forgotten. We love you."

He swore me into the Federal District Court in the District of Wyoming in August of 1958 and I shall never forget his remarks to "our class." They were timeless, moving, and memorable and I ask unanimous consent to insert them into the RECORD at this time along with the text of the bill.

God bless you, kind sir.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1899

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS.

The Congress finds that—

(1) Ewing T. Kerr has dedicated 64 years of his life to the practice of law in the State of Wyoming;

(2) over a period of 36 years, as a Federal district judge, Ewing T. Kerr has embodied the spirit of public service and has been dedicated to upholding the law of the land; and

(3) Ewing T. Kerr deserves recognition, honor, and gratitude.

SEC. 2. DESIGNATION.

The United States Courthouse located at 111 South Wolcott in Casper, Wyoming, is designated as the "Ewing T. Kerr United States Courthouse".

SEC. 3. LEGAL REFERENCES.

Any reference in any law, regulation, document, record, map, or other paper of the United States to the United States Courthouse referred to in section 1 is deemed to be a reference to the Ewing T. Kerr United States Courthouse.

CENTENNIAL RECOLLECTIONS

(By Hon. Ewing R. Kerr)

During this year, 1990, we have celebrated the centennial of Wyoming's statehood. In addition, I marked my 90th birthday. These events have given me cause to think back on Wyoming's history as well as my own. In this Article I share some of those recollections.

THE TERRITORIAL COURT

Prior to 1890, the Territory of Wyoming had three federal judges who were appointed by the President and confirmed by the Senate and served for six-year terms. These judges convened once a year, acting as a Territorial Supreme Court, and heard appeals taken from their own decisions. Judge A.C. Campbell, an early Wyoming attorney whom I knew well and who was a prolific writer and a member of the Wyoming constitutional convention, used to say facetiously that the judges convened once a year to affirm each other's decisions. However, a review of Volume I of the Territorial Decisions shows that the judges actually reversed many of their own decisions.

THE TRANSITION INTO STATEHOOD

When Wyoming became a state on July 10, 1890, selection of a state supreme court was not an easy task. Under Section 20 of the Act of Admission of the State of Wyoming, the Territorial Supreme Court justices were to serve as justices of the new Wyoming Supreme Court until that court could be organized. The justices during this interim period were Chief Justice Willis Van Devanter (who had become territorial chief justice at the young age of thirty), Micah Saufley and Asbury Conaway. They served until the supreme court was organized on October 11, 1890.[1] The first three judges of the Wyoming Supreme Court, elected on September 11, 1890, were Chief Justice Van Devanter, Justice Groesbeck and Justice Conaway. The new justices drew straws, and Justice Van Devanter drew the short term and chief justice position. However, a few days later he resigned from the court,[2] and Homer Merrell was appointed to fill the vacancy until the general election to be held November 8, 1892. At that time, Gibson Clark was elected to fill the vacancy on the court. Justice Groesbeck succeeded Justice Van Devanter as chief justice of the new supreme court.

Former Justice Van Devanter continued to practice law in Cheyenne and set up a partnership with his brother-in-law, John W. Lacey. Van Devanter and Lacey was Wyoming's most prominent and successful law firm. John Lacey had served on the Territorial Supreme Court from 1879 to 1886, and was its chief justice from 1884 to 1886, when he resigned to return to private practice. Judge Lacey was not only the outstanding judge in Wyoming during that era, he was considered the ablest lawyer in the Rocky Mountain Region. He served as general counsel for Harry Sinclair in the Tea Pot Dome scandal, and he was the attorney for the Union Pacific Railroad and several other large corporations. He had the biggest law practice of any lawyer in Cheyenne. Judge Kennedy[3] told me that it took a lot of courage to decide a case against John Lacey, but eventually he had to do it. That was the kind of reputation as a lawyer he had. Judge Lacey's home of forty years is now as the Whipple House in Cheyenne. In 1903, Justice Van Devanter was appointed to the United States Court of Appeals for the Eighth Judicial Circuit; and on December 12, 1910, he was nominated by President Taft to the United States Supreme Court. Justice Van Devanter is the only citizen of Wyoming in its first 100 years to have been appointed a Justice of the United States Supreme Court. He served on the Court from 1911 to 1937 and wrote the opinion for the landmark water case, Wyoming v. Colorado.[4]

A former law partner of Justice Van Devante, Charles Potter, advanced to the Wyoming Supreme Court in 1895. Justice Potter served on the court for over thirty-three years, including more than twenty years as chief justice. As a young lawyer, I had the privilege of appearing before Justice Potter during his last year on the bench.

Footnotes at end of article.

Justice Potter was a very strict chief justice and kept lawyers strictly on the subject matter appealed. The Potter Law Club at the University of Wyoming College of Law is named in his honor.

Another prominent, long-term member of the Wyoming Supreme Court was Justice Fred Blume. Justice Blume was appointed in 1921 to replace justice Blydenburg. Justice Blume served more than thirty years on the Wyoming Supreme Court. He was a recognized Roman law scholar and authored an English translation of the Justinian Code. He was frequently invited to law schools, including the University of Chicago, to lecture on Roman law. In his early opinions, he used nearly as much Latin as English. The Blume Room at the University of Wyoming Law Library is named in his honor.

Ralph Kimball, a Lander lawyer and district judge, was appointed to the Wyoming Supreme Court in 1921. He is the third member of the high court to serve more than thirty years on the bench. He was buried on his 81st birthday. In memorial proceedings before the Wyoming Supreme Court in 1959 honoring Justice Kimball, all of those contributing spoke of his kindness, courtesy and patience along with his ability as an able and insightful jurist.[5]

READING LAW

In addition to being highly respected jurists, Justices Lacey, Blume and Kimball had one thing in common—they all had "read law," instead of attending and graduating from a law school. Justice Blume held a Ph.D. in government and economics, but Justice Lacey never attended college. Justice Lacey studied and worked in Justice Van Devanter's father's law office while he was employed as a high school principal in Indiana. Many lawyers of their day acquired their legal training by "reading law." It was an accepted practice then, as reflected by the unanimous approval of Justice Blume's nomination to the supreme court in 1921. However, attitudes changed somewhat later. For example, in 1955, there was some opposition from the Wyoming Bar to my own nomination to the federal bench because I, too, "read law" instead of attending law school. But I'd say at least one-third of the lawyers during the time I practiced law had "read law."

FEDERAL JUDGES

President Benjamin Harrison appointed John A. Riner as the first United States District Judge for the District of Wyoming in 1890. Judge Riner began his tenure at the age of forty, and retired in 1921, after serving thirty-one years. He set the precedent for longevity in service on Wyoming's federal bench.

In the early days, federal court was held on the second floor of a building located on 16th Street in Cheyenne between Capitol and Warren Avenues. The first federal courthouse in Cheyenne was not built until 1904. It was in this courthouse that Judge T. Blake Kennedy[1] heard the famous Tea Pot Dome case in 1925. This first federal courthouse, situated across the street from the Boyd Building, now houses a bank.

My predecessor on the federal bench, Judge Kennedy, came to Cheyenne to live in 1901 and established himself as a prominent local attorney in 1903 by representing the infamous Tom Horn in his trial for murder. Mr. Kennedy was nominated to the federal bench by President Warren G. Harding in 1921, and served as a federal district judge until 1955. He was an outstanding judge and well respected by the legal profession. Because the case load was light during his term, he frequently sat on Eighth Circuit panels.[7] After the Tenth Circuit was formed in 1925, with its seat in Denver, he served even more frequently on appellate panels. Succeeding Judge Kennedy was not an easy task for me, but I have tried to carry out his policies during my own tenure of thirty-four years on the bench.

WOMEN ON JURIES

Wyoming, of course, was the first state to allow women the right to vote, getting them equal voting rights while we were still a territory. It was not until 1920 that the nineteenth amendment was ratified, conferring the right to vote on all women in the United States. Wyoming can also claim the first women jurors in the world—they served on a petit jury in Laramie in 1868. It was the personal view of the Laramie District Court judge, Judge John Howe, who seated these women that, because women had the right to vote in the Territory, they should be entitled to sit on a jury. The women wore heavy veils and refused to be photographed, but the news spread throughout the world. Even the King of Prussia cabled congratulations to President Grant.[8] The newspapers caricatured the women. One capition was "Baby, baby, don't get in a fury; your mama's sittin' on the jury."[9] Both defense and prosecuting attorneys objected to the women, and after being overruled the defense attorney indicated his intent to appeal to the Wyoming Supreme Court. Judge Howe responded, "With Kingman and me on the Court, how far do you think you will get?" To this the defense attorney replied, "Your Honor, it may not do any good to appeal, and my experience teaches me that Judges never retire, but fortunately they sometimes sicken and die." After the trial, Judge Howe praised the women for exerting a refining influence on the courtroom as a whole.

But Wyoming has not always lived up to her name, the Equality State. Judge Howe's view was not popular, and the custom of women juries retired when Judge Howe did, two years later. Women were officially denied the privilege of serving as jurors in federal and state courts in Wyoming from 1868 until 1948. During that era, federal court procedure, including qualification of jurors, was governed by state law. Wyoming law provided that males over the age of twenty-one were eligible to serve on juries. Thus, no women served on a state or federal jury in Wyoming until the law was changed in 1948.

Many states permitted women to serve as jurors before Wyoming officially did. I am familiar with the subject because several women's organizations came to me and asked me to draft legislation permitting women to serve as jurors in Wyoming. They came to me because I was Chairman of the Republican Party in Wyoming, and a majority of both houses of the state legislature were Republicans. Nevertheless, it was not an easy task to pass such a law because many lawyers in the legislature were opposed to it. Governor Crane, however, supported the bill, which simply changed the word "male" in the statute to "citizen." Eventually, the bill passed by a slight margin and was signed into law.

AUTOBIOGRAPHY

I was born in 1900 in Bowie, Texas, and moved with my family to Indian Territory (later Oklahoma) when I was one. I received a B.A. degree in economics and government from the University of Oklahoma and then a B.S. degree in education from Oklahoma Central State University. When I was principal of the junior high school in Hominy, Oklahoma, from 1923 to 1925, I boarded with the family of Kenneth Lott. Mr. Lott had graduated from and taught law at the University of Kansas School of Law. I became interested in law myself and was encouraged by Mr. Lott. Mr. Lott had saved all of his text books from law school, and some of the examinations he had given as an instructor. I began studying these and working in his office. I "read law" under Mr. Lott for two years.

In 1925 I moved to Cheyenne at the suggestion of my sister who was a teacher there. I continued to "read law" for about a year while serving as principal of Corlett Elementary School.[10] In 1927 I took the bar examination before Clyde Watts, later District Judge Watts. The exam was administered in the Boyd Building and lasted half a day. It consisted of essay questions on subjects of state law such as criminal and contracts law; there were no multiple choice questions as there are today. (In fact, I've never understood the purpose of the multi-state bar exam or what those questions have to do with the law business.)

I have always enjoyed politics, especially campaigning for and writing and giving speeches on behalf of various candidates. I served longer as Wyoming State Republican Party Chairman (eight years) than anyone else in the history of Wyoming. In 1938, I campaigned for Nels Smith, one of only two Republican governors elected in the country that year. I campaigned all over the State on the issue of abolishing the sales tax. Although we couldn't do without the tax now, abolishing it had great appeal then. It was a very effective campaign.

One of my early speaking engagements actually led to my first federal position. At the last minute, I was asked to introduce Senator Francis E. Warren, who was scheduled to speak at a gathering in Pine Bluffs, a small community east of Cheyenne. Some time later, when a vacancy arose in the United States Attorney's Office for an Assistant United States Attorney, Senator Warren called A.D. Walton, the United States Attorney, to discuss the appointment and to suggest that Walton consider that "young fellow who introduced me out in Pine Bluffs." After Walton determined that it was I who introduced Senator Warren, he called me. He told me that the Senator didn't know whether I was a lawyer and didn't know my last name, but that if I wanted the Assistant United States Attorney position, I could have the job. I held that position from 1929 until 1933.

I handled many Prohibition cases while I was Assistant United States Attorney, including the famous "Casper Conspiracy" case. The Mayor, Chief of Police, Sheriff and thirty-four other Casper citizens were indicted and tried for conspiring to give a monopoly to two large illegal distilleries in Casper. For this they were paid more than $360,000. This ring was so well organized they even set up a bootlegger's warning system, which involved a system of signal lights set up on the courthouse roof. The Sheriff would turn on the red light if the federal prohibition officer was in Casper, to warn the bootleggers to hold all deliveries. Ed Reed, who kept the books for the ring, was my witness at the trial. I also prosecuted many other bootlegging cases and cases involving the operation of stills, as well as cases involving simple possession of alcohol.

I remember Judge Kennedy was opposed to Prohibition, but you couldn't tell it when you were trying a case before him. If defendants pled guilty to possession of alcohol he would fine them two or three hundred dollars, but if they stood trial and took the time of the court they would go to jail for thirty to sixty days. Defendants all knew this, so Judge Kennedy got a lot of guilty pleas. Some of Wyoming's most colorful lawyers were those defending the leading defendants in these Prohibition cases. The "bigshots," of course, employed the best lawyers, and the "Casper Conspiracy" defendants had retained them all. I was the sole prosecutor for the government. Judge Kennedy kept the jury out for two weeks. The first ballot was 11-1 for conviction, but ultimately all defendants were acquitted. Even so, they were disgraced and their reputations in Wyoming ruined.

There is a tendency to compare Prohibition cases to drug enforcement trials. However, in my opinion there is simply no comparison between Prohibition years and the drug problems we face today. Will Rogers said that Prohibition was better than no liquor at all. People drank then just like they drink now. But this drug problem is the greatest problem in my lifetime, and they don't have the answer to it yet. The price of drugs simply goes up as the organization and efforts to curtail it increase.

I also served four years as Wyoming Attorney General, from 1939 to 1943. I was the youngest Attorney General ever appointed in the State at that time. Then there were only three members of the attorney general staff, compared to more than forty today. I have vivid memories of two cases I argued as Wyoming Attorney General before the United States Supreme Court—*Nebraska v. Wyoming*[11] and *Wyoming v. Colorado*,[12] and both water law cases. *Nebraska v. Wyoming* was one of the most complex and voluminous cases ever heard by the Supreme Court. The case went to a master first, and then his decision was reviewed by the Supreme Court. It resolved the two states' conflicting claims to the North Platte River. The case produced 43,000 pages of testimony and was in the Court for six to seven years. Nebraska's evidence alone weighed in at over one ton. One of the reporters in the case (Whittington) died before it was decided.

Then there was *Wyoming v. Colorado*, which arose over competing claims to the Laramie River. Colorado was entitled to 12,500 second feet of water, but was taking 30,000. I remember Justice Douglas asked me what a "second foot" was. "Second foot" or "c.f.s." refers to the rate of flow, measured in cubic feet, of water passing a given point in a stream in a second. I explained this to Justice Douglas, and he said that he thought that was what the term meant. Justice Douglas came from a part of the country—Washington State—where it is much less crucial to be able to measure and apportion the available water. I always found water law to be (speaking figuratively) a rather dry subject. So many engineers and surveyors. But I enjoyed my experiences before the Supreme Court; they were very kind and gentle.

1943 I entered the United States Army and was assigned to the Allied Military government in North Africa. I was later transferred to Italy. Hitler and Mussolini had closed all of the civilian courts during World War II. General Mark Clark desired that the civilian courts be re-established as soon as the Germans were driven north. I had the pleasure of supervising the process of re-establishing the Italian courts in southern Italy. This was a fascinating and educational experience. No juries were permitted in the new court system. Three judges tried all cases, except minor ones, and they rendered their decision following the presentation of the evidence. These trials took less than a day. A comparable case in the United States now would be in trial a week to ten days.

In 1955 I was nominated by President Dwight D. Eisenhower to replace the retiring Judge Kennedy on the federal district court in Wyoming. Senator Frank Barrett, father of Judge Jim Barrett of the Tenth Circuit Court of Appeals, moved my nomination in the Senate. For reasons still unknown, my commission was sent to Omaha rather than Cheyenne, and then had to be sent back to Washington, D.C. and re-delivered, which delayed my receiving it by a week. As a result, I was sworn in on November 7th instead of November 1st, the date that would have marked Judge Kennedy's completion of thirty-three full years on the federal bench. In the course of my thirty-four years as judge, I have held court in every state of the Tenth Circuit, as well as in Louisiana, California, New York, Florida and Puerto Rico. In my early days on the court, I sat in Denver almost as often as in Cheyenne, because Colorado had only one federal district judge.

Of all of the cases I have heard while serving on the federal bench, the *Black Fourteen*[13] case received by far the most publicity. In fact, a Catholic priest with whom I was acquainted sent me an article about the case, which he had clipped from the *London Times*. The case stemmed from the request of fourteen Wyoming football players to wear black arm bands when playing the Brigham Young University team, to protest the Mormon Church's policies concerning blacks. The players based their suit on *Tinker v. Des Moines School District*[14] in which the Supreme Court upheld three public school students' right under the first amendment to wear black arm bands in a passive, nondisruptive protest to the federal government's Vietnam policy. The *Black Fourteen* case was unique, however, because it involved both first amendment free speech and entanglement concerns, although the players contended their suit was based upon racial discrimination, rather than the religious beliefs of the Mormon Church.

I remember holding an evidentiary hearing that all of the players attended. I suggested they sit in the jury box so they could be close to the proceedings. Fourteen chairs and they filled them all. Early in the case, the State of Wyoming was represented by Attorney General Jim Barrett, later Judge Barrett. Later on in the case, he was replaced by Attorney General Clarence Brimmer, later Judge Brimmer of the Federal District Court for the District of Wyoming. Judge Barrett says that every time he looked over to the jury box he could see what was going to happen to Wyoming's football team. In 1968 the team had played in the Sugar Bowl and everyone expected the team to be even better in 1969. He knew these fourteen players were the nucleus of the team, and all he could think about was that if the team lost these players, it was going to "go to pot." And, as it turned out, Wyoming won only four games that year.

The State's position in the case was that it could not be a party to permitting its representatives (its team) or the use of its facilities to protest anyone's religious beliefs. And that is how the case was tried. I agreed that because the University is a state school, such a protest against any religious belief was improper, and I granted summary judgment to the State on that basis. The Tenth Circuit upheld the summary judgment on behalf of the State, but returned the case because of some dispute of fact with respect to another aspect of the litigation. Judge Brimmer argued the case on remand, and in the end the State won. It was an interesting case, and rare to see free speech claims pitted against entanglement concerns.

The case reminded me of how much times have changed since my own years at the University of Oklahoma. The Universities of Oklahoma and Kansas in the early twenties had a written agreement that Kansas would not use its only black player when the team was playing in Norman, Oklahoma. The Mason-Dixon line divided Kansas and Oklahoma then, and there were no black athletes in any school south of the line until 1954. This is just one example of the many ways in which I've seen the world and the law develop in the course of my lifetime.

Indeed, during my tenure on the federal bench, there have been radical change in both court procedures and in the types of litigation brought in the United States District Court. For example, until the 1940's there was no paid federal court reporter. If a lawyer wanted his case reported, he hired and paid a reporter himself. Herbert Hulse, who currently lives in Cheyenne, was the first paid court reporter in the District of Wyoming. He was first assigned to Judge Kennedy, and then to state judges, Sam Thompson and Al Pearson. The earliest reporters recorded the proceeding in longhand; later they used Gregg shorthand. When I was in the United States Attorney's office during Prohibition years, there were many trials but few reported trials. Consequently, there were scarcely any appeals. Today we have a reporter even for motion hearings. At least partially as a result of this, it is much easier for counsel to bring an appeal.

The principal changes in the types of litigation brought in federal court have involved criminal cases. Prisoners, particularly, are constantly filing petitions for writs of habeas corpus or filing suits under the civil rights statutes. It was during Judge Lewis' tenure as chief judge of the Tenth Circuit that the court began allowing convicts to bring these appeals in forma pauperis, in spite of the federal statute that requires, as a prerequisite, a certificate of probable cause issued by the trial court. We used to dismiss these petitions and then deny the certificates. But Judge Lewis' view was that the circuit court would have to reach the merits in reviewing the denial of the certificate of probable cause, so to avoid that extra step, he made the administrative decision to allow these appeals. Now the appellate court decides the merits of these cases. Thousands of pages have been written—most of them a waste of the court's time. However, occasionally the courts decide that relief is warranted; for example, the Osborn[15] case heard by Judge Brimmer, which involve an ineffective assistance of counsel claim. But that is a rare case. I have never released a prisoner on a writ of habeas corpus or granted a prisoner's civil rights action. Nevertheless, much of the court's time is devoted to these cases. We also get many petitions complaining about conditions inside the prisons. I must admit, the prisons do not operate like the Brown Palace Hotel, but we have to be realistic. These are jails, not hotels.

We hear many other frivolous suits now, too. Recently, for example, I heard a motion to dismiss by the State of Wyoming and the police department of a Wyoming town in a suit brought by a person who was arrested for failure to have a driver's license. He claimed that he had a right as a taxpayer to use state highways, and he was suing the State for $100,000 in damages. This is typical of many suits being brought in federal courts in Wyoming and throughout the nation today.

I have also seen tremendous changes in court procedures. For instance, the rules for the federal district courts used to be about ten pages long. I wrote my own rules for my court, in fact. How, there are volumes of rules. In my opinion, the system is more complicated than it should be. Jury selection has also changed dramatically. Until 1964 we had a system that I thought worked extremely well. I appointed a reputable person in each community to submit names of people he or she knew and considered to be good juror candidates. From this pool of names venires were selected, and then the parties in each case had an opportunity, just as they do now, to review the venire and select a jury. These so-called "Blue-Ribbon" juries were intelligent, responsible and fair. But we had to abandon the system when Congress enacted standard jury selection procedures for federal courts.

A LOVE FOR WYOMING

As for Wyoming lawyers, it's been my experience that they conduct themselves in a different manner than do lawyers in most other states where I've held court. They are orderly, courteous, well prepared and efficient. I've never had a Wyoming lawyer get "out of hand" in my court.

Wyoming is a great state. I felt that way when I arrived, and I feel even more strongly about it now, sixty-five years later. Wyoming has certainly been kind to me.

FOOTNOTES

[1] Thomson, *History of Territorial Federal Judges for the Territory of Wyoming: 1869–1880*, 17 LAND & WATER L. REV. 567, 614 (1982).

[2] Presumably he resigned to earn more money in private law practice. Judicial salaries were small—$3,000 at the time—and Justice Van Devanter had a family to support. *Id.*

[3] Thomas Blake Kennedy served thirty-four years as the lone federal judge in Wyoming and was the predecessor of Ewing Kerr. He moved to Wyoming from Michigan and earned fame as an attorney of his defense of Tom Horn. R. Thomson, *History of Territorial Federal Judges for the Territory of Wyoming 1868–1890 and United States District Judges for the District of Wyoming 1890–1980*, 81–109 (unpublished manuscript).

[4] Wyoming v. Colorado, 259 U.S. 419 (1922).

[5] In Memoriam—Honorable Ralph Kimball—1878-1989. Proceedings before the Wyoming Supreme Court, December 15, 1959.

[6] *See supra* note 3.

[7] At that time Wyoming was in the Eighth Circuit, and the circuit seat was in Omaha.

[8] Thomson, *supra* note 1, at 582.

[9] Brown, Transition from Territorial to State Court (unpublished manuscript).

[10] The Corlett School was named for a senior partner of Judge Lacey and Justice Van Devanter. It still exists in Cheyenne, in a different building, but at the same location.

[11] 325 U.S. 589 (1945).

[12] 309 U.S. 627 (1940).

[13] Williams v. Eaton, 310 F. Supp. 1342 (D.C. Wyo. 1979).

[14] 393 U.S. 503 (1969).

[15] Osborn v. Schillinger, 639 F. Supp. 610 (D.C. Wyo. 1986).

Mr. WALLOP. Mr. President, I am pleased to join with my colleague from Wyoming, Senator SIMPSON, in sponsoring legislation to name the U.S. courthouse in Casper, WY, after the Honorable Ewing T. Kerr, senior Federal district judge, for the District of Wyoming. Judge Kerr's service to America's judicial branch has been outstanding, and his civic and charitable contributions to the State of Wyoming have been enormous. He is richly deserving of this honor.

I am not a lawyer myself but let me relate some examples of the high regard with which those who are in the judicial system hold this remarkable gentleman. Judge Brimmer, Chief Judge of the U.S. District Court, District of Wyoming, says that naming the courthouse in Casper in honor of Judge Kerr in recognition of the great contribution that he has made to the justice system in Wyoming "would meet with the approbation of the entire citizenry of this State."

Judge James Barrett of the U.S. Circuit Court says "I know of no person more deserving of plaudits and commendations than Judge Kerr."

U.S District Court Judge for Wyoming, Judge Alan B. Johnson describes Judge Kerr's character thusly:

> Judge Kerr is the image of the ideal qualities to be possessed by a Federal trial judge. Rather than serving in an isolated, ivory-tower manner, his judicial service has been vibrant and deeply involved in the issues that have shaped Wyoming's history. He has taken a personal interest in the young lawyer, and all who have come before him have benefited from his wisdom and common sense so freely shared. If the citizens of this State hold the courts and members of the bar in higher regard than that in existing in other places, it is certain that has occurred because of Judge Kerr.

Finally, Judge Wade Brorby of the U.S. Circuit Court says the following:

> Judge Kerr has made a remarkable contribution to the administration of justice. He has been an exemplary judge with long and distinguished service, and he is truly a compassionate, thoughtful and dedicated person. There exist but few persons who are deserving of such an honor. Judge Kerr certainly belongs to this select group.

I can think of no higher honor than to have one's peers offer such praise, Mr. President, and similar sentiments are echoed by lawyers and citizens from every walk of life all throughout my home State.

When Judge Kerr was appointed to the Federal bench by President Eisenhower in 1955 he was only the third Federal judge to be appointed since Wyoming's admission into the Union and he helped guide the States through some tumultuous times over the next several decades. He remained the only sitting Federal judge in Wyoming until he took senior status in 1975 and continues to hear cases today. In all those years he has been an eminently fair and impartial judge, an extremely efficient administrator of the justice system, and a very patient and kind man.

But his contributions are not just limited to the judicial realm. He served our State first as assistant U.S. attorney and then as Wyoming's attorney general before being appointed to the court. Moreover, the Republican State Committee benefited from his leadership at the helm of that organization from 1945 until 1954. Judge Kerr was also generous with his time when it came to his community as he was active in various civic and charitable organizations.

His has been a very steady and nurturing presence for the State of Wyoming over many years, and I can think of no one more deserving of this honor. As I stated at the beginning, I am not a lawyer, though I did serve on the Senate Judiciary Committee. With this mixed background, I can appreciate the achievements and regard which Judge Kerr has accomplished through his service on the Federal court. But, my admiration is based just as much on Judge Kerr as a builder of our great State of Wyoming. I would ask that an article written by Judge Kerr celebrating Wyoming's centennial be included in the RECORD at this point.

I strongly recommend that my Senate colleagues expeditiously approve this measure.

By Mr. CRANSTON:

S. 1890. A bill to require the President to investigate allegations that China is exporting products made with forced labor, and for other purposes; to the Committee on Finance.

FORCED LABOR PRODUCTS INVESTIGATION ACT

• Mr. CRANSTON. Mr. President, I rise to introduce the Prison Labor Products Investigation Act, requiring the President of the United States to investigate allegations that China is exporting products made with forced labor.

I do so, Mr. President, because I have grown weary of the administration's foot dragging on this issue.

Two years have passed since the Customs Service began its most recent investigation of forced labor imports from China.

While the Customs Service slowly and seemingly reluctantly investigates allegations that China is exporting forced labor goods to the United States, countless numbers of Chinese citizens continue to suffer under a system of near slavery—a system which the United States abets by buying the products of that slavery.

This practice must end.

The importation of forced labor goods is illegal. It also is immoral. Yet little is being done about it.

To date, not a single individual or company has been prosecuted under the McKinley Act or the Smoot-Hawley Act for illegally importing forced labor goods from China. That is a matter of record.

Yet there is evidence from credible witnesses who claim that forced labor exists in China, that forced labor goods are exported from China, that they are imported into the United States, and that the Chinese Government, which relies upon income from these products, allegedly participates in this nefarious practice. Mr. Harry Wu, a political prisoner for 19 years, returned to China to gather evidence which he presented to the Subcommittee on Asian Affairs on October 17, 1991.

What Mr. Wu tells us, and shows by way of photographs and film footage he secretly took in China is chilling.

Mr. Wu claims, and his photographs show, that Chinese prison laborers are forced to stand fully naked in vats of toxic chemicals to cure sheep skins for car seat covers. He presents filmed footage of a Chinese prison official saying that if the quality of an exported prison product does not meet the buyer's expectation, the prisoners will be punished and beaten. He films prison officials conspiratorially asking that he not tell anyone that the goods to be exported to the United States come from forced labor because that is against U.S. law. Mr. Wu presents filmed evidence of a Chinese prison official admitting to working with companies in Hong Kong and elsewhere to disguise the source of the exported goods.

Finally, Mr. Wu videotaped a 1988 certificate from the Chinese Ministry of Foreign Economic Relations authorizing one camp to produce goods for export. This flies in the face of the Ministry of Foreign Economic Relations and Trade's repeated assertions that prison enterprises are not authorized to export goods.

But Mr. Wu's is not the only evidence of the alleged acts, Mr. President, we have a copy of a letter from a Chinese official to Volvo Corp. In it, a representative of the Chinese Reform of Criminals bureaus offers cheap and reliable labor to Volvo Corp. I ask that this letter appear in the RECORD at the end of my statement.

Finally, the investigative television program "60 Minutes," recently cited the Chinese Law Yearbook, an official publication, which said that in 1988 the income from the exportation of forced prison goods had risen 21 percent from the previous year.

The exportation of forced labor seems to be an ongoing and very lucrative business for the Chinese Government. At least 90 different products are sold internationally for millions of dollars. But it is not the dollar amount that is relevant here. Rather it is the fact that unwitting consumers may be buying and using products made by forced labor. Without our knowledge, we may be wearing or using goods made by the very people who were imprisoned for fighting for democracy in Tiananmen Square.

I think my colleagues will agree with me that that is a very distressing thought indeed.

The administration is charged with protecting U.S. consumers from these goods. The administration is responsible for eradicating the market for these products of suffering. Yet it is the same administration that was unwilling to deny most-favored-nation-trading status after the suppression at Tiananmen Square.

My bill requires that the administration fully investigate the allegations raised by Mr. Wu and others and report to the Congress. If the President finds that there is a preponderance of evidence that Chinese forced labor goods are being imported into the United States, then the bill requires the following of the President:

A report on the progress made in negotiating a memorandum of understanding with China on ending the exportation of forced labor goods to the United States;

Information regarding the steps the Chinese Government has taken to identify and take actions against companies exporting goods made with forced labor to the United States; and

Information regarding the action the President will take to end the importation into the United States of Chinese goods made with forced labor.

To be fair, the Customs Service of late has withheld "certain hand tools and steel products made by the Shanghai Laodong Machinery Plant and the Shanghai Laodong Steel Pipe Works." Upon questioning, Mr. DeVaughn of the Customs Service admitted that the crackdown was in reaction to the evidence Mr. Wu had provided.

Is that what it is going to take to make the Customs Service move, Mr. President? Is Mr. Wu or someone equally courageous going to have to bring evidence to the Customs Service on a ongoing basis to get some action?

The U.S. Customs Service, with all of its resources, and other agencies at its disposal should be able to investigate these allegations without having to rely upon an individual risking his freedom to gather evidence.

This game of "show me" is equally bad with Chinese officials, Mr. President. In a New York Times article of Friday, October 26, 1991, a spokesman for the Chinese Ministry of Foreign Economic Relations and Trade said, and I quote, "As long as the U.S. side can give the name of such factories, we will deal with them sternly." I ask unanimous consent that this article be printed in the RECORD at the conclusion of my comments.

This is ridiculous. The United States Customs Service depends upon private citizens to bring it evidence and the Chinese Government depends upon the United States to bring it evidence.

It is time to end the games.

Chinese prisoners allegedly are being forced to toil under the most abysmal of conditions. Prisoners are beaten and made to live on little more than a single bowl of rice and water per day. These people have little hope of freedom unless the most powerful nation in the world stands up and says, "Enough."

It is partly out of frustration with the Chinese Government and partly out of frustration with the Customs Service, State Department, and administration that I introduce this bill today.

I ask unanimous consent that a section-by-section analysis of this bill along with the text of the bill be printed in the RECORD. I encourage my colleagues to consider this bill promptly and positively.

What this bill does, Mr. President, is force the administration to investigate and report on the problem of forced labor goods entering the United States. If the allegations raised are valid, then this bill requires that the President report on what he proposes to do to end this horrid practice.

It is the least we can do to get to the bottom of this worrisome problem.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1890

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Forced Labor Products Investigation Act".

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds the following:

(1) There are pervasive allegations that China is exporting to the United States goods made with forced labor.

(2) Witnesses, including Members of Congress, have stated that forced laborers are engaged in producing goods for export to the United States and have, in one instance, film supporting their claims.

(3) Letters, allegedly written by Chinese prison officials offering inexpensive Chinese forced labor, have been received by manufacturers outside China.

(4) People who have escaped from Chinese forced labor camps have given specific statements regarding China's forced labor system and the exportation of goods made with forced labor.

(5) Estimates vary on the number of people detained, but according to the July 1990 General Accounting Office Report, the Department of State estimates that as many as 2 million detainees are held in Chinese forced labor camps.

(6) The July 1990 General Accounting Office Report states that many prisoners are detained for employment in the camps even after their sentences expire. That report says that "Some individuals who have been released from labor reform camps are forbidden to return to their home communities", which amounts to "internal exile", according to the Country Reports on Human Rights Practices for 1989 produced by the Department of State.

(7) It is generally accepted that the products of Chinese forced labor camps are exported to the United States through exporters in Hong Kong and elsewhere who may change labels on goods or otherwise try to disguise forced labor-made goods.

(8) It has been illegal to import into the United States goods made with forced labor since the passage of the McKinley Act. This principle was later expanded in the Smoot-Hawley Act (the Tariff Act of 1930).

(9) The Tariff Act of 1930 specifically charges the Secretary of the Treasury, under whose auspices the Customs Service operates, to prescribe such regulations as may be necessary to enforce the McKinley Act and the Smoot-Hawley Act.

(10) The United States Customs Service has been investigating the exportation of forced

labor-made goods to the United States at least since July 1990.

(11) Customs Service investigators have at their disposal the resources, equipment, and cooperation of other agencies necessary to investigate exhaustively the allegations raised regarding the importation into the United States of Chinese forced labor-made goods. Nonetheless, the Customs Service has yet to find conclusive evidence of Chinese forced labor-made goods entering the United States.

(b) PURPOSE.—It is the purpose of this Act to require the President to seek the cooperation of other countries and to utilize the resources of such agencies as the Central Intelligence Agency, the Federal Bureau of Investigation, the Department of State, the Customs Service, and the United States International Trade Commission to investigate exhaustively the importation of Chinese forced labor-made goods into the United States.

SEC. 3. INVESTIGATION.

The President is authorized and directed to use every means available, to seek the cooperation of other countries to utilize the resources of the Central Intelligence Agency, the Federal Bureau of Investigation, the Department of State, the United States International Trade Commission, the Customs Service, and any other appropriate Federal agency, to investigate and determine whether Chinese forced labor-made goods are being imported into the United States.

SEC. 4. REPORT.

Not later than 1 year after the date of the enactment of this Act, the President shall report in writing to the Congress the findings of the investigation conducted pursuant to section 3. Such findings shall include a determination (based on a preponderance of the evidence) as to whether Chinese forced labor-made goods are being imported into the United States.

SEC. 5. CONTENTS OF REPORT.

(a) IN GENERAL.—The report submitted under section 4 shall include the following:

(1) A list of the United States agencies and departments which cooperated in the investigation and in preparing the report.

(2) The number of Customs Service investigators and other investigators assigned to the investigation.

(3) The number of hours spent on the investigation by the participating agencies.

(4) All organizations, international and otherwise, interviewed or questioned in connection with the investigation.

(5) The names of all individuals, including foreign nationals, interviewed or questioned in connection with the investigation, unless disclosure' of such name would be contrary to national security or an individual requests anonymity.

(b) FINDING OF EXPORTATION OF GOODS MADE WITH FORCED LABOR.—If the President finds that there is a preponderance of evidence that Chinese forced labor-made goods are being imported into the United States, the report shall also include the following:

(1) Information regarding the progress the United States has made in negotiating a memorandum of understanding with Chinese to cease the use of forced labor in production of goods exported to the United States.

(2) Information regarding the steps the Chinese Government has taken to identify and take action against companies exporting goods made with forced labor.

(3) Information regarding the action the President will take to end the importation into the United States of Chinese goods made with forced labor.

SEC. 6. FORCED LABOR DEFINED.

For purposes of this Act, the term "forced labor" has the meaning given to such term by section 307 of the Tariff Act of 1930 (19 U.S.C. 1307).

SECTION BY SECTION OF FORCED LABOR BILL INTRODUCED BY SENATOR ALAN CRANSTON

Section 1. Sets forth Short Title.

Section 2. Set forth Findings and Purpose.

Section 3. Directs the President, in cooperation with all agencies necessary, to investigate the allegations that forced labor goods are imported into the U.S. If the President is unable to come to a definitive conclusion, a conclusion based upon the preponderance of the evidence, is to be drawn.

Section 4. Requires that within one year of the enactment of this legislation the President must report on its findings to the Congress.

Section 5. Sets forth Contents of Report.

(a) Sets forth the information to be provided in the mandated report.

(b) Provides that if the President concludes that forced labor goods are being imported into the U.S., then the report submitted must also include what progress the United States has made in negotiating a memorandum of understanding with China to end the use of forced labor in the production of goods exported to the United States; information regarding the steps the Chinese Government has taken to identify and take action against companies exporting goods made with forced labor; information regarding the action the President will take to end the importation into the U.S. of Chinese goods made with forced labor.

Section 6. Defines the term "forced labor."

CHINTER, BELGIUM,
Brussels, July 3, 1989.

AB VOLVO,
Goteborg, Sweden.

DEAR SIRS: We are representing Chinese Reform of Criminals bureaus of all the provinces along the coast of China. We heard that your esteemed Firm has intention to establish factories in Asia.

All the Bureaux can provide many existing factories for your choice on rent basis. They have also many lands to rent. Besides they can provide large numbers of criminals who received already basic technical training as very cheap labours on lease basis. The number of labours and the security are fully guaranteed.

We are ready to show you all the relative information. If you are interested in our proposal, please don't hesitate to call upon us.

Looking forward to hear from you, we remain,

Truly yours,

CHARLES H.J. CHI,
General Manager.

[From the New York Times, Oct. 26, 1991]

BEIJING MOVES TO HALT PRISON-MADE EXPORTS

BEIJING, October 24.—In an apparent move to counter United States criticism, the Chinese government announced today that it had dismissed a factory official and warned another about the export of goods made with prison labor.

The Government's official position has been that prisons are not allowed to export their products. But foreign news organizations have recently reported cases in which goods made in Chinese prisons were sold for export. China's failure to halt the practice has become a contentious issue between the two countries, with United States blocking the entry of some goods.

Huang Yuefeng, a spokesman for the Chinese Ministry of Foreign Economic Relations and Trade, said the prison system had dismissed Wan Shaohua, a department chief at the Qinghai Leather and Wool Bedding and garment Factory. A "serious warning" was given to the factory's director, Gao Hongzhou, Mr. Huang said.

"As long as the U.S. side can give the name of such factories, we will deal with them sternly," he said.

But he said no decision had been made about actions against the Shanghai Laodong machinery Plant, which has been reported to use prison labor to make wrenches and pipes. American customs officials have recently banned that company's products from the United States, where businesses are prohibited from buying foreign goods made by prison labor.

Most Chinese prisons have factories or farms and require the inmates to work. The Justice and Trade ministries issued a statement this month reiterating the ban on exports of prison-made goods and promising to punish violators severely.•

By Mr. THURMOND (for himself and Mr. HOLLINGS):

S. 1891. A bill to permit the Secretary of Health and Human Services to waive certain recovery requirements with respect to the construction or remodeling of facilities, and for other purposes; ordered to be placed on the calendar.

WAIVER OF CERTAIN RECOVERY REQUIREMENTS

Mr. THURMOND. Mr. President, I rise today along with my fellow colleague Senator HOLLINGS, to introduce legislation which will permit the Secretary of Health and Human Services to waive certain Federal recovery requirements regarding the construction or remodeling of community mental health facilities.

Under section 2713 of the Public Health Service Act—42 U.S.C. 300aaa-12—the Federal Government may recover certain Federal construction funds used in building a community mental health center in two situations. In the first situation, the Federal Government may recover funds if at any time within a 20-year period after a center is constructed, the center is either sold or transferred. In the second case, the Federal Government may recover funds if a center ceases to be used by a community mental health center in the provision of comprehensive mental health services.

In the latter situation, the Secretary of Health and Human Services may waive the recovery rights of the Federal Government (section 1713(d) of the Public Health Service Act, 42 U.S.C. 300aaa-12(d)) if the Secretary determines that there is good cause for waiving such rights.

By way of background, the waiver authority was included as part of the 1985 amendments to the Public Health Service Act. Unfortunately, the legislative intent of this provision is not entirely clear. The legislative history does not clarify the reason for authorizing the waiver authority in the second situation—where a facility ceases to be used as a mental health facility—and not in the first, where there is a sale or transfer of property. Nevertheless, it is reasonable to assume that one of the underlying purposes for the Federal right of recovery is to ensure that comprehensive mental health services are provided to the community for 20 years.

The Office of General Counsel at the National Institute of Mental Health [NIMH] has construed the waiver provision narrowly. Even though a facility may cease to be used as a mental health center, if a sale or transfer happens to be involved, no waiver would be available. In effect, the interpretation given by NIMH is that no waiver can be obtained where there is a sale or transfer of property, even though the new mental health center is larger, provides improved services, or is in a better location than the former facility. Surely this anomalous result was not intended.

Because of my concern with these unforeseen and unfortunate consequences, I am today introducing a bill which would permit a waiver where a sale or transfer of property is involved. This does not mandate a waiver. Rather, it simply gives the Secretary of Health and Human Services authority to grant a waiver not only where a facility ceases to provide mental health services—as under current law—but also where a sale or transfer of property is involved.

Mr. President, by way of example, the Coastal Empire Mental Health Center in Beaufort, SC, desires to cease operations at its current location, and move to another nearby site provided by Beaufort Memorial Hospital, a local public hospital. The old site would become part of a new $23 million expansion of the hospital, which provides a large volume of free and below-cost medical care to the residents of the five counties surrounding Beaufort. On the new site an expanded and vastly improved mental health center would be constructed.

All the county and State governing bodies involved or affected by this proposal strongly support it, but because of the interpretation of NIMH on sales or transfers, the mental health center is not eligible for even consideration of a waiver. This is very disturbing, particularly where the equities and reasons for moving to a new facility are overwhelming.

Accordingly, it is my hope that this legislation will prevent this and other such anomalous situations in the future. I ask unanimous consent that the text of this bill appear immediately after my remarks in the RECORD, and I further ask unanimous consent that the bill be held at the desk.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1891

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. WAIVER OF CERTAIN RECOVERY REQUIREMENTS.

Section 2713(d) of the Public Health Service act (42 U.S.C. 300aaa-12(d)) is amended by striking out "(a)(2)" and inserting in lieu thereof "(a)".

ADDITIONAL COSPONSORS

S. 377

At the request of Mrs. KASSEBAUM, the name of the Senator from Arizona [Mr. DECONCINI] was added as a cosponsor of S. 377, a bill to amend the International Air Transportation Competition Act of 1979.

S. 474

At the request of Mr. DECONCINI, the name of the Senator from Ohio [Mr. GLENN] was added as a cosponsor of S. 474, a bill to prohibit sports gambling under State law.

S. 914

At the request of Mr. GLENN, the name of the Senator from California [Mr. CRANSTON] was added as a cosponsor of S. 914, a bill to amend title 5, United States Code, to restore to Federal civilian employees their right to participate voluntarily, as private citizens, in the political processes of the Nation, to protect such employees from improper political solicitations, and for other purposes.

S. 1128

At the request of Mr. GLENN, the name of the Senator from Illinois [Mr. SIMON] was added as a cosponsor of S. 1128, a bill to impose sanctions against foreign persons and United States persons that assist foreign countries in acquiring a nuclear explosive device or unsafeguarded special nuclear material, and for other purposes.

S. 1159

At the request of Mr. GORE, the name of the Senator from Wisconsin [Mr. KOHL] was added as a cosponsor of S. 1159, a bill to provide for the labeling or marking of tropical wood and tropical wood products sold in the United States.

S. 1219

At the request of Mr. BAUCUS, the name of the Senator from California [Mr. CRANSTON] was added as a cosponsor of S. 1219, a bill to enhance the conservation of exotic wild birds.

S. 1257

At the request of Mr. SPECTER, his name was added as a cosponsor of S. 1257, a bill to amend the Internal Revenue Code of 1986 with respect to the treatment of certain real estate activities under the limitations on losses from passive activities.

S. 1357

At the request of Mr. SPECTER, his name was added as a cosponsor of S. 1357, a bill to amend the Internal Revenue Code of 1986 to permanently extend the treatment of certain qualified small issue bonds.

S. 1398

At the request of Mr. SPECTER, his name was added as a cosponsor of S. 1398, a bill to amend section 118 of the Internal Revenue Code of 1986 to provide for certain exceptions from certain rules for determining contributions in aid of construction.

S. 1426

At the request of Mr. BUMPERS, the names of the Senator from Tennessee [Mr. SASSER], and the Senator from Montana [Mr. BURNS] were added as cosponsors of S. 1426, a bill to authorize the Small Business Administration to conduct a demonstration program to enhance the economic opportunities of startup, newly established, and growing small business concerns by providing loans and technical assistance through intermediaries.

S. 1617

At the request of Mr. MCCAIN, his name was added as a cosponsor of S. 1617, a bill to amend the Internal Revenue Code of 1986 to provide protection for taxpayers, and for other purposes.

S. 1641

At the request of Mr. SPECTER, his name was added as a cosponsor of S. 1641, a bill to amend section 468A of the Internal Revenue Code of 1986 with respect to deductions for decommissioning costs of nuclear powerplants.

S. 1647

At the request of Mr. BAUCUS, the name of the Senator from Wyoming [Mr. WALLOP] was added as a cosponsor of S. 1647, a bill to amend the Internal Revenue Code of 1986 to provide that the deduction for State and local income and franchise taxes shall not be allocated to foreign source income.

S. 1648

At the request of Mr. MCCAIN, the names of the Senator from Kentucky [Mr. MCCONNELL], and the Senator from Louisiana [Mr. BREAUX] were added as cosponsors of S. 1648, a bill to amend title VII of the Public Health Service Act to reauthorize and expand provisions relating to area health education centers, in order to establish a Federal-State partnership, and for other purposes.

S. 1691

At the request of Mr. DIXON, the name of the Senator from Hawaii [Mr. AKAKA] was added as a cosponsor of S. 1691, a bill to amend title 18, United States Code, to govern participation of Federal Prison Industries in Federal procurements, and for other purposes.

S. 1793

At the request of Mr. D'AMATO, the names of the Senator from Utah [Mr. HATCH], the Senator from Illinois [Mr. DIXON], the Senator from North Carolina [Mr. HELMS], the Senator from Idaho [Mr. SYMMS], the Senator from

Louisiana [Mr. BREAUX], and the Senator from Pennsylvania [Mr. SPECTER] were added as cosponsors of S. 1793, a bill to restrict United States assistance for Serbia or any part of Yugoslavia controlled by Serbia until certain conditions are met, and for other purposes.

S. 1810

At the request of Mr. DURENBERGER, the name of the Senator from Florida [Mr. MACK] was added as a cosponsor of S. 1810, a bill to amend title XVIII of the Social Security Act to provide for corrections with respect to the implementation of reform of payments to physicians under the Medicare Program, and for other purposes.

S. 1826

At the request of Mr. DASCHLE, the name of the Senator from Arkansas [Mr. BUMPERS] was added as a cosponsor of S. 1826, a bill to amend the Internal Revenue Code of 1986 to encourage parity giving in order to increase prices to farmers while assisting in feeding the starving of the world.

S. 1842

At the request of Mr. DASCHLE, the names of the Senator from Hawaii [Mr. INOUYE], and the Senator from North Dakota [Mr. BURDICK] were added as cosponsors of S. 1842, a bill to amend title XIX of the Social Security Act to provide for Medicaid coverage of all certified nurse practitioners and clinical nurse specialists services.

SENATE JOINT RESOLUTION 176

At the request of Mr. DIXON, the names of the Senator from Arkansas [Mr. BUMPERS], and the Senator from Pennsylvania [Mr. SPECTER] were added as cosponsors of Senate Joint Resolution 176, a joint resolution to designate March 19, 1992, as "National Women in Agriculture Day."

SENATE JOINT RESOLUTION 188

At the request of Mr. KERREY, his name was added as a cosponsor of Senate Joint Resolution 188, a joint resolution designating November 1991, as "National Red Ribbon Month."

SENATE JOINT RESOLUTION 198

At the request of Mr. AKAKA, the names of the Senator from Oklahoma [Mr. BOREN], the Senator from South Carolina [Mr. HOLLINGS], and the Senator from Arizona [Mr. MCCAIN] were added as cosponsors of Senate Joint Resolution 198, a joint resolution to recognize contributions Federal civilian employees provided during the attack on Pearl Harbor and during World War II.

SENATE JOINT RESOLUTION 216

At the request of Mr. GLENN, the names of the Senator from Rhode Island [Mr. PELL] and the Senator from Illinois [Mr. SIMON] were added as cosponsors of Senate Joint Resolution 216, a joint resolution requiring a report under the Nuclear Non-Proliferation Act of 1978 on United States efforts to strengthen safeguards of the International Atomic Energy Agency.

SENATE JOINT RESOLUTION 217

At the request of Mr. HATFIELD, the name of the Senator from Indiana [Mr. LUGAR] was withdrawn as a cosponsor of Senate Joint Resolution 217, a joint resolution to authorize and request the President to proclaim 1992 as the "Year of the American Indian."

SENATE CONCURRENT RESOLUTION 65

At the request of Mr. DECONCINI, the names of the Senator from Utah [Mr. HATCH] and the Senator from New Jersey [Mr. BRADLEY] were added as cosponsors of Senate Concurrent Resolution 65, a concurrent resolution to express the sense of the Congress that the President should recognize Ukraine's independence.

SENATE CONCURRENT RESOLUTION 69

At the request of Mr. CRANSTON, the names of the Senator from Idaho [Mr. CRAIG] and the Senator from Florida [Mr. GRAHAM] were added as cosponsors of Senate Concurrent Resolution 69, a concurrent resolution concerning freedom of emigration and travel for Syrian Jews.

SENATE CONCURRENT RESOLUTION 70

At the request of Mr. SANFORD, the name of the Senator from Iowa [Mr. HARKIN] was added as a cosponsor of Senate Concurrent Resolution 70, a concurrent resolution to express the sense of the Congress with respect to the support of the United States for the protection of the African elephant.

SENATE RESOLUTION 201

At the request of Mr. DANFORTH, the names of the Senator from South Carolina [Mr. HOLLINGS] and the Senator from Tennessee [Mr. GORE] were added as cosponsors of Senate Resolution 201, a resolution to express the sense of the Senate regarding enforcement of the oilseeds GATT panel ruling against the European Community.

SENATE RESOLUTION 204

At the request of Mr. D'AMATO, the name of the Senator from Tennessee [Mr. SASSER] was added as a cosponsor of Senate Resolution 204, a resolution expressing the sense of the Senate that the United States should pursue discussions at the upcoming Middle East Peace Conference regarding the Syrian connection to terrorism.

SENATE RESOLUTION 210

At the request of Mr. LEVIN, the name of the Senator from Indiana [Mr. LUGAR] was added as a cosponsor of Senate Resolution 210, a resolution relating to violence in Yugoslavia.

AMENDMENT NO. 1274

At the request of Mr. DANFORTH, the name of the Senator from Iowa [Mr. HARKIN] was added as a cosponsor of amendment No. 1274 proposed to S. 1745, a bill to amend the Civil Rights Act of 1964 to strengthen and improve Federal civil rights laws, to provide for damages in cases of intentional employment discrimination, to clarify provisions regarding disparate impact actions, and for other purposes.

SENATE RESOLUTION 211—REGARDING HUMAN RIGHTS ABUSES IN CHINA AGAINST WRITERS AND JOURNALISTS

Mr. SASSER submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 211

Whereas Asia Watch, the Committee to Protect Journalists, the Committee to End the Chinese Gulag, and the Nieman Foundation for Journalism at Harvard University have documented the imprisonment of numerous Chinese writers and journalists by the Government of the People's Republic of China since the Tiananmen Square Massacre;

Whereas the Government of China is responsible for the harassment of writers and journalists and continues to imprison writers and journalists solely because of their political views;

Whereas the Government of China has closed or suspended many publications;

Whereas, in July 1989, the Government of China named journalist Dai Qing an "instigator of turmoil" and imprisoned her until May 1990, for her statements against the Government's actions in the Tiananmen Square Massacre;

Whereas Dai Qing has published a series of articles on Chinese women which have now been denounced and banned by the Government of China;

Whereas Dai Qing has also published one of the most courageous critiques of the All-China Women's Federation, which is an organization controlled by the Chinese Party;

Whereas Dai Qing peacefully engaged in her internationally recognized human right of free expression;

Whereas Dai Qing remains under constant police surveillance;

Whereas Dai Qing has been awarded a Nieman Fellowship by Harvard University, but has been refused a passport by the Government of China; and

Whereas the Government of China has an international responsibility to respect and uphold the rights of all of its citizens: Now, therefore, be it

Resolved, That it is the sense of the Senate that the President should—

(1) communicate directly to the leadership of the Government of the People's Republic of China the urgent concern of the Congress and the citizens of the United States for the rights of all political prisoners in China; and

(2) urge the Government of the People's Republic of China to recognize the right of Dai Qing and all Chinese writers and journalists to free expression and travel.

SEC. 2. The Secretary of the Senate shall transmit a copy of this resolution to the President.

AMENDMENTS SUBMITTED

CIVIL RIGHTS ACT OF 1991

DOLE AMENDMENT NOS. 1277 AND 1278

Mr. DOLE proposed two amendments to amendment No. 1274 proposed by Mr. DANFORTH to the bill (S. 1745) to amend the Civil Rights Act of 1964 to strengthen and improve Federal civil rights laws, to provide for damages in cases of international employment discrimination, to clarify provisions involving disparate impact actions, and for other purposes, as follows:

Amendment No. 1277

At the appropriate place insert the following new section:

SEC. . TECHNICAL ASSISTANCE TRAINING INSTITUTE.

(a) Technical Assistance.—Section 705 of the Civil Rights Act of 1964 (42 U.S.C. 2000e-4) is amended by adding at the end the following new subsection:

"(j)(1) The Commission shall establish a Technical Assistance Training Institute, through which the Commission shall provide technical assistance and training regarding the laws and regulations enforced by the Commission.

(2) An employer or other entity covered under this title shall not be excused from compliance with the requirements of this title because of any failure to receive technical assistance under this subsection.

"(3) There are authorized to be appropriated to carry out this subsection such sums as may be necessary for fiscal year 1992.".

(b) Effective Date.—The amendment made by this section shall take effect on the date of the enactment of this Act.

Amendment No. 1278

On page 3, between lines 4 and 5, insert the following:

TITLE I—FEDERAL CIVIL RIGHTS REMEDIES

On page 22, line 17, strike "Act" and insert "title".

On page 23, line 15, strike "Act," and insert "title,".

On page 23, line 22, strike "Acts" and insert "provisions".

On page 24, line 6, strike "Acts" and insert "provisions".

On page 24, line 9, strike "Acts" and insert "provisions".

On page 24, line 13, strike "Acts" and insert "provisions".

On page 27, line 15, strike "Act" and insert "title".

On page 28, line 23, strike "Act" and insert "title".

On page 29, strike lines 1 through 16 and insert the following new titles:

TITLE II—GLASS CEILING

SEC. 201. SHORT TITLE.

This title may be cited as the "Glass Ceiling Act of 1991".

SEC. 202. FINDINGS AND PURPOSE.

(a) Findings.—Congress finds that—

(1) despite a dramatically growing presence in the workplace, women and minorities remain underrepresented in management and decisionmaking positions in business;

(2) artificial barriers exist to the advancement of women and minorities in the workplace;

(3) United States corporations are increasingly relying on women and minorities to meet employment requirements and are increasingly aware of the advantages derived from a diverse work force;

(4) the "Glass Ceiling Initiative" undertaken by the Department of Labor, including the release of the report entitled "Report on the Glass Ceiling Initiative", has been instrumental in raising public awareness of—

(A) the underrepresentation of women and minorities at the management and decisionmaking levels in the United States work force;

(B) the underrepresentation of women and minorities in line functions in the United States work force;

(C) the lack of access for qualified women and minorities to credential-building developmental opportunities; and

(D) the desirability of eliminating artificial barriers to the advancement of women and minorities to such levels;

(5) the establishment of a commission to examine issues raised by the Glass Ceiling Initiative would help—

(A) focus greater attention on the importance of eliminating artificial barriers to the advancement of women and minorities to management and decisionmaking positions in business; and

(B) promote work force diversity;

(6) a comprehensive study that includes analysis of the manner in which management and decisionmaking positions are filled, the developmental and skill-enhancing practices used to foster the necessary qualifications for advancement, and the compensation programs and reward structures utilized in the corporate sector would assist in the establishment of practices and policies promoting opportunities for, and eliminating artificial barriers to, the advancement of women and minorities to management and decisionmaking positions;

(7) a national award recognizing employers whose practices and policies promote opportunities for, and eliminate artificial barriers to, the advancement of women and minorities will foster the advancement of women and minorities into higher level positions by—

(A) helping to encourage United States companies to modify practices and policies to promote opportunities for, and eliminate artificial barriers to, the upward mobility of women and minorities; and

(B) providing specific guidance for other United States employers that wish to learn how to revise practices and policies to improve the access and employment opportunities of women and minorities; and

(8) employment quotas based on race, sex, national origin, religious belief, or disability—

(A) are antithetical to the historical commitment of the Nation to the principle of equality of opportunity; and

(B) do not serve any legitimate business or social purpose.

(b) Purpose.—The purpose of this title is to establish—

(1) a Glass Ceiling Commission to study—

(A) the manner in which business fills management and decisionmaking positions;

(B) the developmental and skill-enhancing practices used to foster the necessary qualifications for advancement into such positions; and

(C) the compensation programs and reward structures currently utilized in the workplace; and

(2) an annual award for excellence in promoting a more diverse skilled work force at the management and decisionmaking levels in business.

SEC. 203. ESTABLISHMENT OF GLASS CEILING COMMISSION.

(a) In General.—There is established a Glass Ceiling Commission (referred to in this title as the "Commission"), to conduct a study and prepare recommendations concerning—

(1) eliminating artificial barriers to the advancement of women and minorities; and

(2) increasing the opportunities and developmental experiences of women and minorities to foster advancement of women and minorities to management and decisionmaking positions in business.

(b) Membership.—

(1) Composition.—The Commission shall be composed of 21 members, including—

(A) six individuals appointed by the President;

(B) six individuals appointed jointly by the Speaker of the House of Representatives and the Majority Leader of the Senate;

(C) one individual appointed by the Majority Leader of the House of Representatives;

(D) one individual appointed by the Minority Leader of the House of Representatives;

(E) one individual appointed by the Majority Leader of the Senate;

(F) one individual appointed by the Minority Leader of the Senate;

(G) two Members of the House of Representatives appointed jointly by the Majority Leader and the Minority Leader of the House of Representatives;

(H) two Members of the Senate appointed jointly by the Majority Leader and the Minority Leader of the Senate; and

(I) the Secretary of Labor.

(2) Considerations.—In making appointments under subparagraphs (A) and (B) of paragraph (1), the appointing authority shall consider the background of the individuals, including whether the individuals—

(A) are members of organizations representing women and minorities, and other related interest groups;

(B) hold management or decisionmaking positions in corporations or other business entities recognized as leaders on issues relating to equal employment opportunity; and

(C) possess academic expertise or other recognized ability regarding employment issues.

(3) Balance.—In making the appointments under subparagraphs (A) and (B) of paragraph (1), each appointing authority shall seek to include an appropriate balance of appointees from among the groups of appointees described in subparagraphs (A), (B), and (C) of paragraph (2).

(c) Chairperson.—The Secretary of Labor shall serve as the Chairperson of the Commission.

(d) Term of Office.—Members shall be appointed for the life of the Commission.

(e) Vacancies.—Any vacancy occurring in the membership of the Commission shall be filled in the same manner as the original appointment for the position being vacated. The vacancy shall not affect the power of the remaining members to execute the duties of the Commission.

(f) Meetings.—

(1) Meetings prior to completion of report.—The Commission shall meet not fewer than five times in connection with and pending the completion of the report described in section 204(b). The Commission shall hold additional meetings if the Chairperson or a majority of the members of the Commission request the additional meetings in writing.

(2) Meetings after completion of report.—The Commission shall meet once each year after the completion of the report described in section 204(b). The Commission shall hold additional meetings if the Chairperson or a majority of the members of the Commission request the additional meetings in writing.

(g) Quorum.—A majority of the Commission shall constitute a quorum for the transaction of business.

(h) Compensation and Expenses.—

(1) Compensation.—Each member of the Commission who is not an employee of the Federal Government shall receive compensation at the daily equivalent of the rate specified for level V of the Executive Schedule under section 5316 of title 5, United States

Code, for each day the member is engaged in the performance of duties for the Commission, including attendance at meetings and conferences of the Commission, and travel to conduct the duties of the Commission.

(2) TRAVEL EXPENSES.—Each member of the Commission shall receive travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, for each day the member is engaged in the performance of duties away from the home or regular place of business of the member.

(3) EMPLOYMENT STATUS.—A member of the Commission, who is not otherwise an employee of the Federal Government, shall not be deemed to be an employee of the Federal Government except for the purposes of—

(A) the tort claims provisions of chapter 171 of title 28, United States Code; and

(B) subchapter I of chapter 81 of title 5, United States Code, relating to compensation for work injuries.

SEC. 204. RESEARCH ON ADVANCEMENT OF WOMEN AND MINORITIES TO MANAGEMENT AND DECISIONMAKING POSITIONS IN BUSINESS.

(a) ADVANCEMENT STUDY.—The Commission shall conduct a study of opportunities for, and artificial barriers to, the advancement of women and minorities to management and decisionmaking positions in business. In conducting the study, the Commission shall—

(1) examine the preparedness of women and minorities to advance to management and decisionmaking positions in business;

(2) examine the opportunities for women and minorities to advance to management and decisionmaking positions in business;

(3) conduct basic research into the practices, policies, and manner in which management and decisionmaking positions in business are filled;

(4) conduct comparative research of businesses and industries in which women and minorities are promoted to management and decisionmaking positions, and businesses and industries in which women and minorities are not promoted to management and decisionmaking positions;

(5) compile a synthesis of available research on programs and practices that have successfully led to the advancement of women and minorities to management and decisionmaking positions in business, including training programs, rotational assignments, developmental programs, reward programs, employee benefit structures, and family leave policies; and

(6) examine any other issues and information relating to the advancement of women and minorities to management and decisionmaking positions in business.

(b) REPORT.—Not later than 15 months after the date of the enactment of this Act, the Commission shall prepare and submit to the President and the appropriate committees of Congress a written report containing—

(1) the findings and conclusions of the Commission resulting from the study conducted under subsection (a); and

(2) recommendations based on the findings and conclusions described in paragraph (1) relating to the promotion of opportunities for, and elimination of artificial barriers to, the advancement of women and minorities to management and decisionmaking positions in business, including recommendations for—

(A) policies and practices to fill vacancies at the management and decisionmaking levels;

(B) developmental practices and procedures to ensure that women and minorities have access to opportunities to gain the exposure, skills, and expertise necessary to assume management and decisionmaking positions;

(C) compensation programs and reward structures utilized to reward and retain key employees; and

(D) the use of enforcement (including such enforcement techniques as litigation, complaint investigations, compliance reviews, conciliation, administrative regulations, policy guidance, technical assistance, training, and public education) of Federal equal employment opportunity laws by Federal agencies as a means of eliminating artificial barriers to the advancement of women and minorities in employment.

(c) ADDITIONAL STUDY.—The Commission may conduct such additional study of the advancement of women and minorities to management and decisionmaking positions in business as a majority of the members of the Commission determines to be necessary.

SEC. 205. ESTABLISHMENT OF THE NATIONAL AWARD FOR DIVERSITY AND EXCELLENCE IN AMERICAN EXECUTIVE MANAGEMENT.

(a) IN GENERAL.—There is established the National Award for Diversity and Excellence in American Executive Management, which shall be evidenced by a medal bearing the inscription "National Award for Diversity and Excellence in American Executive Management". The medal shall be of such design and materials, and bear such additional inscriptions, as the Commission may prescribe.

(b) CRITERIA FOR QUALIFICATION.—To qualify to receive an award under this section a business shall—

(1) submit a written application to the Commission, at such time, in such manner, and containing such information as the Commission may require, including at a minimum information that demonstrates that the business has made substantial effort to promote the opportunities and developmental experiences of women and minorities to foster advancement to management and decisionmaking positions within the business, including the elimination of artificial barriers to the advancement of women and minorities, and deserves special recognition as a consequence; and

(2) meet such additional requirements and specifications as the Commission determines to be appropriate.

(c) MAKING AND PRESENTATION OF AWARD.—

(1) AWARD.—After receiving recommendations from the Commission, the President or the designated representative of the President shall annually present the award described in subsection (a) to businesses that meet the qualifications described in subsection (b).

(2) PRESENTATION.—The President or the designated representative of the President shall present the award with such ceremonies as the President or the designated representative of the President may determine to be appropriate.

(3) PUBLICITY.—A business that receives an award under this section may publicize the receipt of the award and use the award in its advertising, if the business agrees to help other United States businesses improve with respect to the promotion of opportunities and developmental experiences of women and minorities to foster the advancement of women and minorities to management and decisionmaking positions.

(d) BUSINESS.—For the purposes of this section, the term "business" includes—

(1)(A) a corporation including nonprofit corporations;

(B) a partnership;

(C) a professional association;

(D) a labor organization; and

(E) a business entity similar to an entity described in subparagraphs (A) through (D);

(2) an education referral program, or a training program, such as an apprenticeship or management training program or a similar program; and

(3) a joint program formed by a combination of any entities discussed in paragraphs (1) or (2).

SEC. 206. POWERS OF THE COMMISSION.

(a) IN GENERAL.—The Commission is authorized to—

(1) hold such hearings and sit and act at such times;

(2) take such testimony;

(3) have such printing and binding done;

(4) enter into such contracts and other arrangements;

(5) make such expenditures; and

(6) take such other actions;

as the Commission may determine to be necessary to carry out the duties of the Commission.

(b) OATHS.—Any member of the Commission may administer oaths or affirmations to witnesses appearing before the Commission.

(c) OBTAINING INFORMATION FROM FEDERAL AGENCIES.—The Commission may secure directly from any Federal agency such information as the Commission may require to carry out its duties.

(d) VOLUNTARY SERVICE.—Notwithstanding section 1342 of title 31, United States Code, the Chairperson of the Commission may accept for the Commission voluntary services provided by a member of the Commission.

(e) GIFTS AND DONATIONS.—The Commission may accept, use, and dispose of gifts or donations of property in order to carry out the duties of the Commission.

(f) USE OF MAIL.—The Commission may use the United States mails in the same manner and under the same conditions as Federal agencies.

SEC. 207. CONFIDENTIALITY OF INFORMATION.

(a) INDIVIDUAL BUSINESS INFORMATION.—

(1) IN GENERAL.—Except as provided in paragraph (2), and notwithstanding section 552 of title 5, United States Code, in carrying out the duties of the Commission, including the duties described in sections 204 and 205, the Commission shall maintain the confidentiality of all information that concerns—

(A) the employment practices and procedures of individual businesses; or

(B) individual employees of the businesses.

(2) CONSENT.—The content of any information described in paragraph (1) may be disclosed with the prior written consent of the business or employee, as the case may be, with respect to which the information is maintained.

(b) AGGREGATE INFORMATION.—In carrying out the duties of the Commission, the Commission may disclose—

(1) information about the aggregate employment practices or procedures of a class or group of businesses; and

(2) information about the aggregate characteristics of employees of the businesses, and related aggregate information about the employees.

SEC. 208. STAFF AND CONSULTANTS.

(a) STAFF.—

(1) APPOINTMENT AND COMPENSATION.—The Commission may appoint and determine the compensation of such staff as the Commission determines to be necessary to carry out the duties of the Commission.

(2) LIMITATIONS.—The rate of compensation for each staff member shall not exceed the daily equivalent of the rate specified for level V of the Executive Schedule under section 5316 of title 5, United States Code for each day the staff member is engaged in the performance of duties for the Commission. The Commission may otherwise appoint and determine the compensation of staff without regard to the provisions of title 5, United States Code, that govern appointments in the competitive service, and the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, that relate to classification and General Schedule pay rates.

(b) EXPERTS AND CONSULTANTS.—The Chairperson of the Commission may obtain such temporary and intermittent services of experts and consultants and compensate the experts and consultants in accordance with section 3109(b) of title 5, United States Code, as the Commission determines to be necessary to carry out the duties of the Commission.

(c) DETAIL OF FEDERAL EMPLOYEES.—On the request of the Chairperson of the Commission, the head of any Federal agency shall detail, without reimbursement, any of the personnel of the agency to the Commission to assist the Commission in carrying out its duties. Any detail shall not interrupt or otherwise affect the civil service status or privileges of the Federal employee.

(d) TECHNICAL ASSISTANCE.—On the request of the Chairperson of the Commission, the head of a Federal agency shall provide such technical assistance to the Commission as the Commission determines to be necessary to carry out its duties.

SEC. 209. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Commission such sums as may be necessary to carry out the provisions of this title. The sums shall remain available until expended, without fiscal year limitation.

SEC. 10. TERMINATION.

(a) COMMISSION.—Notwithstanding section 15 of the Federal Advisory Committee Act (5 U.S.C. App.), the Commission shall terminate 4 years after the date of the enactment of this Act.

(b) AWARD.—The authority to make awards under section 205 shall terminate 4 years after the date of the enactment of this Act.

TITLE III—GENERAL PROVISIONS

SEC. 301. SEVERABILITY.

If any provision of this Act, or an amendment made by this Act, or the application of such provision to any person or circumstances is held to be invalid, the remainder of this Act and the amendments made by this Act, and the application of such provision to other persons and circumstances, shall not be affected.

SEC. 302. EFFECTIVE DATE.

Except as otherwise specifically provided, this Act and the amendments made by this Act shall take effect upon enactment.

KENNEDY AMENDMENT NO. 1279

Mr. MITCHELL (for Mr. KENNEDY) proposed an amendment to amendment No. 1278 proposed by Mr. DOLE to the bill S. 1745, supra, as follows:

On page 14, line 7, before the word "National" insert the following: "Frances Perkins-Elizabeth Hanford Dole".

KENNEDY AMENDMENT NO. 1280

Mr. KENNEDY proposed an amendment to amendment No. 1274 proposed by Mr. DANFORTH to the bill S. 1745, supra, as follows:

On page 5, line 22, insert "political" after "agency, or".

On page 6, line 16, strike "15" and insert "14".

On page 10, line 13, strike "business" and insert "employment".

On page 12, line 23, strike "this".

On page 21, line 3, strike "section 1977 or 1977a" and insert "section 1977 or 1977A".

KENNEDY AMENDMENT NO. 1281

Mr. KENNEDY submitted an amendment, which was subsequently modified, to amendment No. 1274 proposed by Mr. DANFORTH to the bill S. 1745, supra, as follows:

On page 7, line 21, insert "the Equal Employment Opportunity Commission, the Attorney General, or" after "subsection (a)(1),".

On page 8, line 2, insert "the Equal Employment Opportunity Commission, the Attorney General, or" after subsection (a)(2).".

MCCONNELL (AND OTHERS) AMENDMENT NO. 1282

Mr. MCCONNELL (for himself, Mr. BOND, and Mr. DOMENICI) proposed an amendment to amendment No. 1274 proposed by Mr. DANFORTH to the bill S. 1745, supra, as follows:

After section 20 of the amendment, insert the following new section:

SEC. 20A. ATTORNEY FEES LIMITATION; PRIVATE RIGHT OF ACTION; DISCLOSURE AND ESTIMATES; HOURLY RATE RIGHT.

(a) ATTORNEY FEES.—(1) Notwithstanding any other provision of law, no plaintiff's attorney may charge, demand, receive, or collect for services rendered, fees in excess of 20 percent of any judgment, settlement, award, on compromise concerning any right or interest under the provisions of this Act, or the Acts awarded by this Act.

(a) Any attorney who charges, demands, receives, or collects for services rendered in connection with a claim any amount in excess of that allowed under this subsection, if recovery be had, shall be fined not more than $2,000 or imprisoned not more than 1 year, or both.

(b) DISCLOSURE AND ESTIMATES.—(1) Notwithstanding any other provision of law, any attorney representing a plaintiff on a contingency fee basis concerning any right or interest under any provision of this Act, any amendment made by this Act, or the Acts amended by this Act, shall provide, prior to any binding agreement for legal services, a complete written estimate of all reasonably likely legal costs, including—

(A) the total percentage amount of the contingency fee that shall be deducted from any court award provided to the plaintiff;

(B) the attorney's hourly rate for legal services, and an estimate of the total number of hours required to conduct the legal proceeding; and

(C) any additional expenses, costs, and fees that shall be charged to the plaintiff or against the court award, and whether such additional expenses, costs, and fees shall be charged regardless of the outcome of the court proceeding.

(2) An Attorney representing a plaintiff on a contingency fee basis concerning any right or interest under this Act, any amendment made by this Act, or the Acts amended by this Act, may not charge the plaintiff more than 125 percent of the furnished estimate for additional expenses, costs, and fees, without obtaining the written consent of the plaintiff before the expenses, costs, and fees in excess of the estimate are incurred.

(3) In any action concerning any right or interest under this Act, any amendment made by this Act, or the Acts amended by this Act, before any final determination on damages or awards by the court, the attorney shall furnish the court with copies of the initial written estimate of fees and other expenses, and any written consent forms executed by the plaintiff.

(c) PRIVATE RIGHT OF ACTION.—(1) Notwithstanding any judicial enforcement of any provision of this section, a plaintiff shall have a private right of action to enforce any such provision in the appropriate Federal court, and to recover any amounts appropriated by the attorney in violation of any such provision, as well as interest, court costs, and reasonable attorney fees.

(2) The private right of action provided under this subsection may not be filed 5 or more years after the events giving rise to the action were discovered or should have been discovered.

(d) HOURLY RATE RIGHT.—(1) Notwithstanding any other provision of law, any attorney representing a plaintiff concerning any right or interest under any provision of this Act, any amendment made by this Act, or the Acts amended by this Act, shall provide the plaintiff the option of paying for legal services on an hourly rate basis or a contingency fee basis. No attorney may refuse to provide such legal services on the basis of the plaintiff electing to pay on an hourly rate basis.

(2) Any attorney who violates the provisions of paragraph (1) shall be fined not more than $2,000 or imprisoned not more than 1 year, or both.

BROWN AMENDMENT NO. 1283

Mr. BROWN proposed an amendment to amendment No. 1274 proposed by Mr. DANFORTH to the bill S. 1745, supra, as follows:

At the appropriate place in the amendment, add the following new section:

SEC. . EQUAL APPLICATION OF THE LAW TO CONGRESS.

The Congress finds—

That Congress should be required to adhere to laws affecting the public at large in the same manner and form;

That Congress has exempted itself from more than a dozen laws;

That the credibility and reputation of Congress would be bolstered by the enactment of legislation requiring coverage under these laws; and

That Federalist Paper, Number 57, asserts that elected officials "can make no law which will not have in full operation on themselves and their friends, as well as on the great mass of society. ... If this spirit shall ever be so far debased as to tolerate a law not obligatory on the legislature as well as on the people, the people will be prepared to tolerate any thing but liberty."

Therefore, it is the Sense of the Senate that the Senate recognizes the need to create an equitable balance between laws governing the public at large and its own affairs, and that the Senate will act with speed in rectifying this shortcoming in the application of laws governing civil rights, labor, ethics, safety, privacy, and governmental access policies.

NICKLES (AND OTHERS) AMENDMENT NO. 1284

Mr. NICKLES (for himself, Mr. PACKWOOD, Mr. BROWN, and Mr. MCCAIN) proposed an amendment to amendment No. 1283 proposed by Mr. BROWN to amendment No. 1274 (in the nature of a substitute) proposed by Mr. DANFORTH to the bill S. 1745, supra, as follows:

At the end of the pending amendment, add the following:

Notwithstanding section 19 of this Act, the following section shall apply in lieu of section 19:

SEC. . COVERAGE OF CONGRESS AND PRESIDENTIAL APPOINTEES.

(a) CONGRESSIONAL EMPLOYMENT.—

(1) APPLICATION.—

(A) IN GENERAL.—In addition to the laws that apply with respect to employment by the Senate under section 509(a)(2) of the Americans with Disabilities Act of 1990, the rights and protections provided pursuant to this Act and the provisions specified in subparagraph (B) shall apply with respect to employment by Congress.

(B) PROVISIONS.—The provisions that shall apply with respect to employment by Congress shall be—

(i) section 1977 of the Revised Statutes (42 U.S.C. 1981);

(ii) section 1977A of the Revised Statutes (as added by section 5 of this Act);

(iii) the National Labor Relations Act (29 U.S.C. 151 et seq.);

(iv) the Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.);

(v) the Equal Pay Act of 1963 (29 U.S.C. 206); and

(vi) the Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.).

(2) ENFORCEMENT BY ADMINISTRATIVE ACTION.—

(A) IN GENERAL.—Notwithstanding any other provision of law, and subject to the limitations contained in this paragraph, a congressional employee or any person, including a class or organization on behalf of a congressional employee, may bring an administrative action before an administrative agency to enforce a provision of law referred to in paragraph (1) against Congress or the congressional employer of the employee, if a similarly situated complaining party may bring such an action before the agency.

(B) LIMITATIONS ON COMMENCEMENT OF ADMINISTRATIVE ACTION.—An administrative action commenced under this paragraph to enforce a provision of law referred to in paragraph (1) shall be commenced in accordance with the limitations, exhaustion, and other procedural requirements of the law otherwise applicable to a similarly situated complaining party seeking to enforce the provision.

(C) ACTION.—In any administrative action brought before an agency under this paragraph to enforce a provision of law referred to in paragraph (1), the agency may take such action against Congress or the congressional employer as the agency could take in an action brought by a similarly situated complaining party.

(3) ENFORCEMENT BY CIVIL ACTION.—

(A) IN GENERAL.—Notwithstanding any other provision of law, and subject to the limitations contained in this paragraph, a congressional employee or any person, including a class or organization on behalf of a congressional employee, may bring a civil action to enforce a provision of law referred to in paragraph (1) in a court specified in subparagraph (C) against Congress or the congressional employer of the employee, if a similarly situated complaining party may bring such an action.

(B) LIMITATIONS ON COMMENCEMENT OF CIVIL ACTION.—A civil action commenced under this paragraph to enforce a provision of law referred to in paragraph (1) shall be commenced in accordance with the limitations, exhaustion, and other procedural requirements of the law otherwise applicable to a similarly situated complaining party seeking to enforce the provision.

(C) VENUE.—An action may be brought under this paragraph to enforce a provision of law referred to in paragraph (1) in any court of competent jurisdiction in which a similarly situated complaining party may otherwise bring an action to enforce the provision.

(D) RELIEF.—In any civil action brought under this paragraph to enforce a provision of law referred to in paragraph (1), the court—

(i) may grant as relief against Congress or the congressional employer any equitable relief otherwise available to a similarly complaining party bringing an action to enforce the provision;

(ii) may grant as relief against Congress any damages that would otherwise be available to such a complaining party; and

(iii) shall allow such fees and costs as would be allowed in such an action.

(b) CONDUCT REGARDING MATTERS OTHER THAN EMPLOYMENT.—

(1) APPLICATION.—In accordance with section 509(a)(6) of the Americans with Disabilities Act of 1990, the rights and protections provided pursuant to such Act shall apply with respect to the conduct of Congress regarding matters other than employment.

(2) ENFORCEMENT.—Notwithstanding any other provision of law, any person may bring an administrative action described in subsection (a)(2) in accordance with such subsection, or a civil action described in subsection (a)(3) in accordance with such subsection, against Congress or a congressional employer, to enforce paragraph (1).

(c) INFORMATION.—

(1) APPLICATION.—The rights and protections provided pursuant to section 552a of title 5, United States Code (commonly known as the the Privacy Act), shall apply with respect to information in the possession of the Congress.

(2) ENFORCEMENT.—Notwithstanding any other provision of law, any person may bring an administrative action described in subsection (a)(2) in accordance with such subsection, or a civil action described in subsection (a)(3) in accordance with such subsection, against Congress, or the congressional employer in possession of the information, to enforce paragraph (1).

(d) ETHICS IN GOVERNMENT.—

(1) APPLICATION.—The rights and protections provided pursuant to chapter 40 of title 28, United States Code (commonly known as title VI of the Ethics in Government Act of 1978) shall apply with respect to investigation of congressional improprieties.

(2) ENFORCEMENT.—Notwithstanding any other provision of law, any person may bring a civil action described in subsection (a)(3) in accordance with such subsection against any party with a duty under chapter 40 of title 28, to enforce paragraph (1).

(e) PRESIDENTIAL APPOINTEES.—

(1) APPLICATION.—In addition to the laws that apply with respect to employment by the Senate under section 509(a)(2) of the Americans with Disabilities Act of 1990, the rights and protections provided pursuant to this Act and sections 1977 and 1977A of the Revised Statutes shall apply with respect to employment of Presidential appointees.

(2) ENFORCEMENT.—Notwithstanding any other provision of law, a Presidential appointee or any person, including a class or organization on behalf of a Presidential appointee, may bring an administrative action described in subsection (a)(2) in accordance with such subsection, or a civil action described in subsection (a)(3) in accordance with such subsection, against the United States to enforce paragraph (1), if a similarly situated complaining party may bring such an administrative or civil action before the agency.

(f) DEFINITIONS.—Notwithstanding any other provision of this Act, as used in this section:

(1) CONGRESSIONAL EMPLOYER.—The term "congressional employer" means—

(A) a supervisor, as described in paragraph 12 of rule XXXVII of the Standing Rules of the Senate;

(B)(i) a Member of the House of Representatives, with respect to the administrative, clerical, or other assistants of the Member;

(ii)(I) a Member who is the chairman of a committee, with respect, except as provided in subclause (II), to the professional, clerical, or other assistants to the committee; and

(II) the ranking minority Member on a committee, with respect to the minority staff members of the committee;

(iii)(I) a Member who is a chairman of a subcommittee which has its own staff and financial authorization, with respect, except as provided in subclause (II), to the professional, clerical, or other assistants to the subcommittee; and

(II) the ranking minority Member on the subcommittee, with respect to the minority staff members of the committee;

(iv) the Majority and Minority Leaders and the Majority and Minority Whips, with respect to the research, clerical, or other assistants assigned to their respective offices; and

(v) the other officers of the House of Representatives, with respect to the employees of the officers; and

(C)(i) the Architect of the Capitol, with respect to the employees of the Architect of the Capitol;

(ii) the Director of the Congressional Budget Office, with respect to the employees of the Office;

(iii) the Comptroller General, with respect to the employees of the General Accounting Office;

(iv) the Public Printer, with respect to the employees of the Government Printing Office;

(v) the Librarian of Congress, with respect to the employees of the Library of Congress;

(vi) the Director of the Office of Technology Assessment, with respect to the employees of the Office; and

(vii) the Director of the United States Botanic Garden, with respect to the employees of the United States Botanic Garden.

(2) CONGRESSIONAL EMPLOYEE.—The term "congressional employee" means an employee who is employed by, or an applicant for employment with, a congressional employer.

(3) PRESIDENTIAL APPOINTEE.—The term "Presidential appointee" means an employee, or an applicant seeking to become an employee—

(A) whose appointment is made by and with the advice and consent of the Senate; or

(B) whose position has been determined to be of a confidential, policy-determining, policymaking, or policy-advocating character by—

(i) the President for a position that the President has excepted from the competitive service;

(ii) the Office of Personnel Management for a position that the Office has excepted from the competitive service; or

(iii) the President or head of an agency for a position excepted from the competitive service by statute.

(4) SIMILARLY SITUATED COMPLAINING PARTY.—The term "similarly situated complaining party" means—

(A) in the case of a party seeking to enforce a provision with a separate enforcement mechanism for governmental complaining parties, a governmental complaining party; or

(B) in the case of a party seeking to enforce a provision with no such separate mechanism, a complaining party.

(g) EFFECTIVE DATE.—This section shall take effect 120 days after the date of the enactment of this Act.

WARNER (AND OTHERS) AMENDMENT NO. 1285

(Ordered to lie on the table.)

Mr. WARNER (for himself, Ms. MIKULSKI, Mr. STEVENS, Mr. WIRTH, and Mr. ROBB) proposed an amendment to amendment No. 1274 proposed by Mr. DANFORTH to the bill S. 1745, supra, as follows:

On page 4, line 5, insert "or 717" after "706".

On page 4, line 23, after "U.S.C. 12117(a)))", insert the following: ", or under Section 501 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 791),".

DANFORTH (AND OTHERS) AMENDMENT NO. 1286

Mr. DANFORTH (for himself, Mr. KENNEDY, Mr. HATCH, and Mr. DOLE) proposed an amendment to amendment No. 1274 proposed by Mr. DANFORTH to the bill S. 1745, supra, as follows:

On page 9, line 5, insert "(a)" before "Section 703".

On page 11, line 5 insert after "or national origin." the following:

"(b) No statements other than the interpretive memorandum appearing at 137 Congressional Record S. 15,276 (daily ed. Oct. 25, 1991) shall be considered legislative history of, or relied upon in any way as legislative history in construing or applying, any provision of this act that relates to Wards Cove—Business necessary/cumulation/alternative business practice.".

GRASSLEY (AND OTHERS) AMENDMENT NO. 1287

Mr. GRASSLEY (for himself, Mr. MITCHELL, Mr. SPECTER, Mr. BROWN, Mr. HARKIN, Mr. PACKWOOD, and Mr. PRESSLER) proposed an amendment, which was subsequently modified, to amendment No. 1274 proposed by Mr. DANFORTH to the bill S. 1745, supra, as follows:

On page 1, between lines 2 and 3, insert the following:

TITLE I—FEDERAL CIVIL RIGHTS REMEDIES

On page 22, line 21, strike "CONGRESS" and insert "HOUSE OF REPRESENTATIVES".

On page 22, strike line 23 and all that follows through page 25, line 22.

On page 25, line 23, strike "(b)" and insert "(a)".

On page 27, line 13, strike "(c)" and insert "(b)".

On page 27, line 25, insert ", except for the employees who are defined as Senate employees, in section 201(c)(1)" after "apply exclusively".

On page 28, following line 23, add the following new title:

TITLE II—GOVERNMENT EMPLOYEE RIGHTS

SEC. 201. GOVERNMENT EMPLOYEE RIGHTS ACT OF 1991.

(a) SHORT TITLE.—This title may be cited as the "Government Employee Rights Act of 1991".

(b) PURPOSE.—The purpose of this title is to provide procedures to protect the right of Senate and other government employees, with respect to their public employment, to be free of discrimination on the basis of race, color, religion, sex, national origin, age, or disability.

(c) DEFINITIONS.—For purposes of this title:

(1) SENATE EMPLOYEE.—The term "Senate employee" or "employee" means—

(A) any employee whose pay is disbursed by the Secretary of the Senate;

(B) any employee of the Architect of the Capitol who is assigned to the Senate Restaurants or to the Superintendent of the Senate Office Buildings;

(C) any applicant for a position that will last 90 days or more and that is to be occupied by an individual described in subparagraph (A) or (B); or

(D) any individual who was formerly an employee described in subparagraph (A) or (B) and whose claim of a violation arises out of the individual's Senate employment.

(2) HEAD OF EMPLOYING OFFICE.—The term "head of employing office" means the individual who has final authority to appoint, hire, discharge, and set the terms, conditions or privileges of the Senate employment of an employee.

(3) VIOLATION.—The term "violation" means a practice that violates section 202 of this title.

SEC. 202. DISCRIMINATORY PRACTICES PROHIBITED.

All personnel actions affecting employees of the Senate shall be made free from any discrimination based on—

(1) race, color, religion, sex, or national origin, within the meaning of section 717 of the Civil Rights Act of 1964 (42 U.S.C. 2000e-16);

(2) age, within the meaning of section 15 of the Age Discrimination in Employment Act of 1967 (29 U.S.C. 633a); or

(3) handicap or disability, within the meaning of section 501 of the Rehabilitation Act of 1973 (29 U.S.C. 791) and sections 102-104 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12112-14).

SEC. 203. ESTABLISHMENT OF OFFICE OF SENATE FAIR EMPLOYMENT PRACTICES.

(a) IN GENERAL.—There is established, as an office of the Senate, the Office of Senate Fair Employment Practices (referred to in this title as the "Office"), which shall—

(1) administer the processes set forth in sections 205 through 207;

(2) implement programs for the Senate to heighten awareness of employee rights in order to prevent violations from occurring.

(b) DIRECTOR.—

(1) IN GENERAL.—The Office shall be headed by a Director (referred to in this title as the "Director") who shall be appointed by the President pro tempore, upon the recommendation of the Majority Leader in consultation with the Minority Leader. The appointment shall be made without regard to political affiliation and solely on the basis of fitness to perform the duties of the position. The Director shall be appointed for a term of service which shall expire at the end of the Congress following the Congress during which the Director is appointed. A Director may be reappointed at the termination of any term of service. The President pro tempore, upon the joint recommendation of the Majority Leader in consultation with the Minority Leader, may remove the Director at any time.

(2) SALARY.—The President pro tempore, upon the recommendation of the Majority Leader in consultation with the Minority Leader, shall establish the rate of pay for the Director. The salary of the Director may not be reduced during the employment of the Director and shall be increased at the same time and in the same manner as fixed statutory salary rates within the Senate are adjusted as a result of annual comparability increases.

(3) ANNUAL BUDGET.—The Director shall submit an annual budget request for the Office to the Committee on Appropriations.

(4) APPOINTMENT OF DIRECTOR.—The first Director shall be appointed and begin service within 90 days after the date of enactment of this Act, and thereafter the Director shall be appointed and begin service within 30 days after the beginning of the session of the Congress immediately following the termination of a Director's term of service or within 60 days after a vacancy occurs in the position.

(c) STAFF OF THE OFFICE.—

(1) APPOINTMENT.—The Director may appoint and fix the compensation of such additional staff, including hearing officers, as are necessary to carry out the purposes of this title.

(2) DETAILEES.—The Director may, with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, use on a reimbursable or nonreimbursable basis the services of any such department or agency, including the services of members or personnel of the General Accounting Office Personnel Appeals Board.

(3) CONSULTANTS.—In carrying out the functions of the Office, the Director may procure the temporary (not to exceed 1 year) or intermittent services of individual consultants, or organizations thereof, in the same manner and under the same conditions as a standing committee of the Senate may procure such services under section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i)).

(d) EXPENSES OF THE OFFICE.—In fiscal year 1992, the expenses of the Office shall be paid out of the Contingent Fund of the Senate from the appropriation account Miscellaneous Items. Beginning in fiscal year 1993, and for each fiscal year thereafter, there is authorized to be appropriated for the expenses of the Office such sums as shall be necessary to carry out its functions. In all cases, expenses shall be paid out of the Contingent Fund of the Senate upon vouchers approved by the Director, except that a voucher shall not be required for—

(1) the disbursement of salaries of employees who are paid at an annual rate;

(2) the payment of expenses for telecommunications services provided by the Telecommunications Department, Sergeant at Arms, United States Senate;

(3) the payment of expenses for stationery supplies purchased through the Keeper of the Stationery, United States Senate;

(4) the payment of expenses for postage to the Postmaster, United States Senate; and

(5) the payment of metered charges on copying equipment provided by the Sergeant at Arms, United States Senate.

The Secretary of the Senate is authorized to advance such sums as may be necessary to defray the expenses incurred in carrying out this title. Expenses of the Office shall include authorized travel for personnel of the Office.

(e) Rules of the Office.—The Director shall adopt rules governing the procedures of the Office, including the procedures of hearing boards, which rules shall be submitted to the President pro tempore for publication in the Congressional Record. The rules may be amended in the same manner. The Director may consult with the Chairman of the Administrative Conference of the United States on the adoption of rules.

(f) Representation by the Senate Legal Counsel.—For the purpose of representation by the Senate Legal Counsel, the Office shall be deemed a committee, within the meaning of title VII of the Ethics in Government Act of 1978 (2 U.S.C. 288, et seq.).

SEC. 204. SENATE PROCEDURE FOR CONSIDERATION OF ALLEGED VIOLATIONS.

The Senate procedure for consideration of alleged violations consists of 4 steps as follows:

(1) Step I, counseling, as set forth in section 205.

(2) Step II, mediation, as set forth in section 206.

(3) Step III, formal complaint and hearing by a hearing board, as set forth in section 207.

(4) Step IV, review of a hearing board decision, as set forth in section 208 or 209.

SEC. 205. STEP I: COUNSELING.

(a) In General.—A Senate employee alleging a violation may request counseling by the Office. The Office shall provide the employee with all relevant information with respect to the rights of the employee. A request for counseling shall be made not later than 180 days after the alleged violation forming the basis of any request for counseling occurred. No request for counseling may be made until 10 days after the first Director begins service pursuant to section 203(b)(4).

(b) Period of Counseling.—The period for counseling shall be 30 days unless the employee and the Office agree to reduce the period. The period shall begin on the date the request for counseling is received.

(c) Employees of the Architect of the Capitol and Capitol Police.—In the case of an employee of the Architect of the Capitol or an employee who is a member of the Capitol Police, the Director may refer the employee to the Architect of the Capitol or the Capitol Police Board for resolution of the employee's complaint through the internal grievance procedures of the Architect of the Capitol or the Capitol Police Board for a specific period of time, which shall not count against the time available for counseling or mediation under this title.

SEC. 206. STEP II: MEDIATION.

(a) In General.—Not later than 15 days after the end of the counseling period, the employee may file a request for mediation with the Office. Mediation may include the Office, the employee, and the employing office in a process involving meetings with the parties separately or jointly for the purpose of resolving the dispute between the employee and the employing office.

(b) Mediation Period.—The mediation period shall be 30 days beginning on the date the request for mediation is received and may be extended for an additional 30 days at the discretion of the Office. The Office shall notify the employee and the head of the employing office when the mediation period has ended.

SEC. 207. STEP III: FORMAL COMPLAINT AND HEARING.

(a) Formal Complaint and Request for Hearing.—Not later than 30 days after receipt by the employee of notice from the Office of the end of the mediation period, the Senate employee may file a formal complaint with the Office. No complaint may be filed unless the employee has made a timely request for counseling and has completed the procedures set forth in sections 205 and 206.

(b) Hearing Board.—A board of 3 independent hearing officers (referred to in this title as "hearing board"), who are not Senators or officers or employees of the Senate, chosen by the Director (one of whom shall be designated by the Director as the presiding hearing officer) shall be assigned to consider each complaint filed under this section. The Director shall appoint hearing officers after considering any candidates who are recommended to the Director by the Federal Mediation and Conciliation Service, the Administrative Conference of the United States, or organizations composed primarily of individuals experienced in adjudicating or arbitrating personnel matters. A hearing board shall act by majority vote.

(c) Dismissal of Frivolous Claims.—Prior to a hearing under subsection (d), a hearing board may dismiss any claim that it finds to be frivolous.

(d) Hearing.—A hearing shall be conducted—

(1) in closed session on the record by a hearing board;

(2) no later than 30 days after filing of the complaint under subsection (a), except that the Office may, for good cause, extend up to an additional 60 days the time for conducting a hearing; and

(3) except as specifically provided in this title and to the greatest extent practicable, in accordance with the principles and procedures set forth in sections 554 through 557 of title 5, United States Code.

(e) Discovery.—Reasonable prehearing discovery may be permitted at the discretion of the hearing board.

(f) Subpoena.—

(1) Authorization.—A hearing board may authorize subpoenas, which shall be issued by the presiding hearing officer on behalf of the hearing board, for the attendance of witnesses at proceedings of the hearing board and for the production of correspondence, books, papers, documents, and other records.

(2) Objections.—If a witness refuses, on the basis of relevance, privilege, or other objection, to testify in response to a question or to produce records in connection with the proceedings of a hearing board, the hearing board shall rule on the objection. At the request of the witness, the employee, or employing office, or on its own initiative, the hearing board may refer the objection to the Select Committee on Ethics for a ruling.

(3) Enforcement.—The Select Committee on Ethics may make to the Senate any recommendations by report or resolution, including recommendations for criminal or civil enforcement by or on behalf of the Office, which the Select Committee on Ethics may consider appropriate with respect to—

(A) the failure or refusal of any person to appear in proceedings under this or to produce records in obedience to a subpoena or order of the hearing board; or

(B) the failure or refusal of any person to answer questions during his or her appearance as a witness in a proceeding under this section.

For purposes of section 1365 of title 28, United States Code, the Office shall be deemed to be a committee of the Senate.

(g) Decision.—The hearing board shall issue a written decision as expeditiously as possible, but in no case more than 45 days after the conclusion of the hearing. The written decision shall be transmitted by the Office to the employee and the employing office. The decision shall state the issues raised by the complaint, describe the evidence in the record, and contain a determination as to whether a violation has occurred.

(h) Remedies.—If the hearing board determines that a violation has occurred, it shall order such remedies as would be appropriate if awarded under section 706(g) and (k) of the Civil Rights Act of 1964 (42 U.S.C. 2000e–5(g) and (k)), and may also order the award of such compensatory damages as would be appropriate if awarded under section 1977 and section 1977A(a) and (b)(2) of the Revised Statutes (42 U.S.C. 1981 and 1981A(a) and (b)(2)). In the case of a determination that a violation based on age has occurred, the hearing board shall order such remedies as would be appropriate if awarded under section 15(c) of the Age Discrimination in Employment Act of 1967 (29 U.S.C. 633a(c)). Any order requiring the payment of money must be approved by a Senate resolution reported by the Committee on Rules and Administration. The hearing board shall have no authority to award punitive damages.

(i) Precedent and Interpretations.—Hearing boards shall be guided by judicial decisions under statutes referred to in section 202 and subsection (h) of this section, as well as the precedents developed by the Select Committee on Ethics under section 208, and other Senate precedents.

SEC. 208. REVIEW BY THE SELECT COMMITTEE ON ETHICS.

(a) In General.—An employee or the head of an employing office may request that the Select Committee on Ethics (referred to in this section as the "Committee"), or such other entity as the Senate may designate, review a decision under section 207, including any decision following a remand under subsection (c), by filing a request for review with the Office not later than 10 days after the receipt of the decision of a hearing board. The Office, at the discretion of the Director, on its own initiative and for good cause, may file a request for review by the Committee of a decision of a hearing board not later than 5 days after the time for the employee or employing office to file a request for review has expired. The Office shall transmit a copy of any request for review to the Committee and notify the interested parties of the filing of the request for review.

(b) Review.—Review under this section shall be based on the record of the hearing board. The Committee shall adopt and publish in the Congressional Record procedures for requests for review under this section.

(c) Remand.—Within the time for a decision under subsection (d), the Committee may remand a decision no more than 1 time to the hearing board for the purpose of supplementing the record or for further consideration.

(d) Final Decision.—

(1) Hearing board.—If no timely request for review is filed under subsection (a), the Office shall enter as a final decision, the decision of the hearing board.

(2) Select committee on ethics.—

(A) If the Committee does not remand under subsection (c), it shall transmit a written final decision to the Office for entry in the records of the Office. The Committee shall transmit the decision not later than 60 calendar days during which the Senate is in session after the filing of a request for review under subsection (a). The Committee may extend for 15 calendar days during which the Senate is in session the period for transmission to the Office of a final decision.

(B) The decision of the hearing board shall be deemed to be a final decision, and entered in the records of the Office as a final decision, unless a majority of the Committee votes to reverse or remand the decision of the hearing board within the time for transmission to the Office of a final decision.

(C) The decision of the hearing board shall be deemed to be a final decision, and entered in the records of the Office as a final decision, if the Committee, in its discretion, decides not to review, pursuant to a request for review under subsection (a), a decision of the hearing board, and notifies the interested parties of such decision.

(3) ENTRY OF A FINAL DECISION.—The entry of a final decision in the records of the Office shall constitute a final decision for purposes of judicial review under section 209.

(e) STATEMENT OF REASONS.—Any decision of the Committee under subsection (c) or subsection (d)(2)(A) shall contain a written statement of the reasons for the Committee's decision.

SEC. 209. JUDICIAL REVIEW.

(a) IN GENERAL.—Any Senate employee aggrieved by a final decision under section 208(d) may petition for review by the United States Court of Appeals for the Federal Circuit.

(b) LAW APPLICABLE.—Chapter 158 of title 28, United States Code, shall apply to a review under this section except that—

(1) with respect to section 2344 of title 28, United States Code, service of the petition shall be on the Senate Legal Counsel rather than on the Attorney General;

(2) the provisions of section 2348 of title 28, United States Code, on the authority of the Attorney General, shall not apply;

(3) the petition for review shall be filed not later than 90 days after the entry in the Office of a final decision under section 208(d);

(4) the Office shall be an "agency" as that term is used in chapter 158 of title 28, United States Code; and

(5) the Office shall be the respondent in any proceeding under this section.

(c) STANDARD OF REVIEW.—To the extent necessary to decision and when presented, the court shall decide all relevant questions of law and interpret constitutional and statutory provisions. The court shall set aside a final decision if it is determined that the decision was—

(1) arbitrary, capricious, an abuse of discretion, or otherwise not consistent with law;

(2) not made consistent with required procedures; or

(3) unsupported by substantial evidence.

In making the foregoing determinations, the court shall review the whole record, or those parts of it cited by a party, and due account shall be taken of the rule of prejudicial error. The record on review shall include the record before the hearing board, the decision of the hearing board, and the decision, if any, of the Select Committee on Ethics.

(d) ATTORNEY'S FEES.—If an employee is the prevailing party in a proceeding under this section, attorney's fees may be allowed by the court in accordance with the standards prescribed under section 706(k) of the Civil Rights Act of 1964 (42 U.S.C. 2000e–5(k)).

SEC. 210. RESOLUTION OF COMPLAINT.

If, after a formal complaint is filed under section 207, the employee and the head of the employing office resolve the issues involved, the employee may dismiss the complaint or the parties may enter into a written agreement, subject to the approval of the Director.

SEC. 211. COSTS OF ATTENDING HEARINGS.

Subject to the approval of the Director, an employee with respect to whom a hearing is held under this title may be reimbursed for actual and reasonable costs of attending proceedings under sections 207 and 208, consistent with Senate travel regulations. Senate Resolution 259, agreed to August 5, 1987 (100th Congress, 1st Session), shall apply to witnesses appearing in proceedings before a hearing board.

SEC. 212. PROHIBITION OF INTIMIDATION.

Any intimidation of, or reprisal against, any employee by any Member, officer, or employee of the Senate, or by the Architect of the Capitol, or anyone employed by the Architect of the Capitol, as the case may be, because of the exercise of a right under this title constitutes an unlawful employment practice, which may be remedied in the same manner under this title as is a violation.

SEC. 213. CONFIDENTIALITY.

(a) COUNSELING.—All counseling shall be strictly confidential except that the Office and the employee may agree to notify the head of the employing office of the allegations.

(b) MEDIATION.—All mediation shall be strictly confidential.

(c) HEARINGS.—Except as provided in subsection (d), the hearings, deliberations, and decisions of the hearing board and the Select Committee on Ethics shall be confidential.

(d) FINAL DECISION OF SELECT COMMITTEE ON ETHICS.—The final decision of the Select Committee on Ethics under section 208 shall be made public if the decision is in favor of the complaining Senate employee or if the decision reverses a decision of the hearing board which had been in favor of the employee. The Select Committee on Ethics may decide to release any other decision at its discretion. In the absence of a proceeding under section 208, a decision of the hearing board that is favorable to the employee shall be made public.

(e) RELEASE OF RECORDS FOR JUDICIAL REVIEW.—The records and decisions of hearing boards, and the decisions of the Select Committee on Ethics, may be made public if required for the purpose of judicial review under section 209.

SEC. 214. EXERCISE OF RULEMAKING POWER.

The provisions of this title, except for sections 209, 220, 221, and 222, are enacted by the Senate as an exercise of the rulemaking power of the Senate, with full recognition of the right of the Senate to change its rules, in the same manner, and to the same extent, as in the case of any other rule of the Senate. Notwithstanding any other provision of law, except as provided in section 209, Enforcement and adjudication with respect to the discriminatory practices prohibited by section 202, and arising out of Senate employment, shall be within the exclusive jurisdiction of the United States Senate.

SEC. 215. TECHNICAL AND CONFORMING AMENDMENTS.

Section 509 of the Americans With Disabilities Act of 1990 (42 U.S.C. 12209) is amended—

(1) in subsection (a)—

(A) by striking paragraphs (2) through (5);

(B) by redesignating paragraphs (6) and (7) as paragraphs (2) and (3), respectively; and

(C) in paragraph (3), as redesignated by subparagraph (B) of this paragraph—

(i) by striking "(2) and (6)(A)" and inserting "(2)(A)", as redesignated by subparagraph (B) of this paragraph; and

(ii) by striking "(3), (4), (5), (6)(B), and (6)(C)" and inserting "(2); and

(2) in subsection (c)(2), by inserting ", except for the employees who are defined as Senate employees, in section 201(c)(1) of the Civil Rights Act of 1991)" after "shall apply exclusively".

SEC. 216. POLITICAL AFFILIATION AND PLACE OF RESIDENCE.

(a) IN GENERAL.—It shall not be a violation with respect to an employee described in subsection (b) to consider the—

(1) party affiliation;

(2) domicile; or

(3) political compatibility with the employing office,

of such an employee with respect to employment decisions.

(b) DEFINITION.—For purposes of this section, the term "employee" means—

(1) an employee on the staff of the Senate leadership;

(2) an employee on the staff of a committee or subcommittee;

(3) an employee on the staff of a Member of the Senate;

(4) an officer or employee of the Senate elected by the Senate or appointed by a Member, other than those described in paragraphs (1) through (3); or

(5) an applicant for a position that is to be occupied by an individual described in paragraphs (1) through (4).

SEC. 217. OTHER REVIEW.

No Senate employee may commence a judicial proceeding to redress discriminatory practices prohibited under section 202 of this title, except as provided in this title.

SEC. 218. OTHER INSTRUMENTALITIES OF THE CONGRESS.

It is the sense of the Senate that legislation should be enacted to provide the same or comparable rights and remedies as are provided under this title to employees of instrumentalities of the Congress not provided with such rights and remedies.

SEC. 219. RULE XLII OF THE STANDING RULES OF THE SENATE.

(a) REAFFIRMATION.—The Senate reaffirms its commitment to Rule XLII of the Standing Rules of the Senate, which provides as follows:

"No Member, officer, or employee of the Senate shall, with respect to employment by the Senate or any office thereof—

"(a) fail or refuse to hire an individual;

"(b) discharge an individual; or

"(c) otherwise discriminate against an individual with respect to promotion, compensation, or terms, conditions, or privileges of employment

on the basis of such individual's race, color, religion, sex, national origin, age, or state of physical handicap.".

(b) AUTHORITY TO DISCIPLINE.—Notwithstanding any provision of this title, including any provision authorizing orders for remedies to Senate employees to redress employment discrimination, the Select Committee on Ethics shall retain full power, in accordance with its authority under Senate Resolution 338, 88th Congress, as amended, with respect to disciplinary action against a Member, officer, or employee of the Senate for a violation of Rule XLII.

SEC. 220. COVERAGE OF PRESIDENTIAL APPOINTEES.

(a) IN GENERAL.—

(1) APPLICATION.—The rights, protections, and remedies provided pursuant to section 202 and 207(h) of this title shall apply with respect to employment of Presidential appointees.

(2) ENFORCEMENT BY ADMINISTRATIVE ACTION.—Any Presidential appointee may file a complaint alleging a violation with the Equal Employment Opportunity Commission, or such other entity as is designated by the President by Executive Order, which, in accordance with the principles and procedures set forth in sections 554 through 557 of title 5, United States Code, shall determine whether a violation has occurred and shall set forth its determination in a final order. If the Equal Employment Opportunity Commission, or such other entity as is designated by the President pursuant to this section, determines that a violation has occurred, the final order shall also provide for appropriate relief.

(3) JUDICIAL REVIEW.—

(A) IN GENERAL.—Any party aggrieved by a final order under paragraph (2) may petition for review by the United States Court of Appeals for the Federal Circuit.

(B) LAW APPLICABLE.—Chapter 158 of title 28, United States Code, shall apply to a review under this section except that the Equal Employment Opportunity Commission or such other entity as the President may designate under paragraph (2) shall be an "agency" as that term is used in chapter 158 of title 28, United States Code.

(C) STANDARD OF REVIEW.—To the extent necessary to decision and when presented, the reviewing court shall decide all relevant questions of law and interpret constitutional and statutory provisions. The court shall set aside a final order under paragraph (2) if it is determined that the order was—

(i) arbitrary, capricious, an abuse of discretion, or otherwise not consistent with law;

(ii) not made consistent with required procedures; or

(iii) unsupported by substantial evidence.

In making the foregoing determinations, the court shall review the whole record or those parts of it cited by a party, and due account shall be taken of the rule of prejudicial error.

(D) ATTORNEY'S FEES.—If the presidential appointee is the prevailing party in a proceeding under this section, attorney's fees may be allowed by the court in accordance with the standards prescribed under section 706(k) of the Civil Rights Act of 1964 (42 U.S.C. 2000e-5(k)).

(b) PRESIDENTIAL APPOINTEE.—For purposes of this section, the term "Presidential appointee" means any officer or employee, or an applicant seeking to become an officer or employee, in any unit of the Executive Branch, including the Executive Office of the President, whether appointed by the President or by any other appointing authority in the Executive Branch, who is not already entitled to bring an action under any of the statutes referred to in section 202 but does not include any individual—

(1) whose appointment is made by and with the advice and consent of the Senate;

(2) who is appointed to an advisory committee, as defined in section 3(2) of the Federal Advisory Committee Act (5 U.S.C. App.); or

(3) who is a member of the uniformed services.

SEC. 221. COVERAGE OF PREVIOUSLY EXEMPT STATE EMPLOYEES.

(a) APPLICATION.—The rights, protections, and remedies provided pursuant to section 202 and 207(h) of this title shall apply with respect to employment of any individual chosen or appointed, by a person elected to public office in any State or political subdivision of any State by the qualified voters thereof—

(1) to be a member of the elected official's personal staff;

(2) to serve the elected official on the policymaking level; or

(3) to serve the elected official as an immediate advisor with respect to the exercise of the constitutional or legal powers of the office.

(b) ENFORCEMENT BY ADMINISTRATIVE ACTION.—Any individual referred to in subsection (a) may file a complaint alleging a violation with the Equal Employment Opportunity Commission, which, in accordance with the principles and procedures set forth in sections 554 through 557 of title 5, United States Code, shall determine whether a violation has occurred and shall set forth its determination in a final order. If the Equal Employment Opportunity Commission determines that a violation has occurred, the final order shall also provide for appropriate relief.

(c) JUDICIAL REVIEW.—Any party aggrieved by a final order under subsection (b) may obtain a review of such order under chapter 158 of title 28, United States Code. For the purpose of this review, the Equal Employment Opportunity Commission shall be an "agency" as that term is used in chapter 158 of title 28, United States Code.

(d) STANDARD OF REVIEW.—To the extent necessary to decision and when presented, the reviewing court shall decide all relevant questions of law and interpret constitutional and statutory provisions. The court shall set aside a final order under subsection (b) if it is determined that the order was—

(1) arbitrary, capricious, an abuse of discretion, or otherwise not consistent with law;

(2) not made consistent with required procedures; or

(3) unsupported by substantial evidence.

In making the foregoing determinations, the court shall review the whole record or those parts of it cited by a party, and due account shall be taken of the rule of prejudicial error.

(e) ATTORNEY'S FEES.—If the individual referred to in subsection (a) is the prevailing party in a proceeding under this subsection, attorney's fees may be allowed by the court in accordance with the standards prescribed under section 706(k) of the Civil Rights Act of 1964 (42 U.S.C. 2000e-5(k)).

SEC. 222. SEVERABILITY.

Notwithstanding section 301 of this Act, if any provision of section 209 or 220(a)(3) is invalidated, both sections 209 and 220(a)(3) shall have no force and effect.

WARNER (AND OTHERS) AMENDMENT NO. 1288

(Ordered to lie on the table.)

Mr. WARNER (for himself, Ms. MIKULSKI, Mr. STEVENS, Mr. WIRTH, Mr. ROBB, and Mr. ADAMS) submitted an amendment intended to be proposed by them to amendment No. 1274 proposed by Mr. DANFORTH to the bill S. 1745, supra, as follows:

On page 4, line 5, insert "or 717" after "706".

On page 4, line 10, strike "or 704" and insert "704, or 717".

On page 4, line 23, insert ", and section 505(a)(c) of the Rehabilitation Act of 1973 (29 U.S.C. 794a(a)(1)," before "against a".

On page 4, line 25, insert "section 501 of the Rehabilitation Act of 1973, (29 U.S.C. 791) and the regulations implementing section 501, or who violated the requirements of section 501 of the Act or the regulations implementing section 501 concerning the provision of a reasonable accommodation, or" before "section 102".

On page 4, line 25, strike "Act" and insert "Americans with Disabilities Act of 1990".

On page 5, line 10, insert "or regulations implementing section 501 of the Rehabilitation Act of 1973" before ", damage".

On page 4, line 20 insert "or 717" after "706".

THE 900 SERVICES CONSUMER PROTECTION ACT OF 1991

INOUYE AMENDMENT NO. 1289

Mr. FORD (for Mr. INOUYE) proposed an amendment to the bill (S. 1579) to provide for regulation and oversight of the development and application of the telephone technology known as pay-per-call, and for other purposes, as follows:

Strike all on page 4, lines 1 through 7, and insert in lieu thereof the following:

(1) The term "pay-per-call service" means any information service, provided by telephone, which receives payment, directly or indirectly, from each person who calls that service by telephone, except that such term shall not include information services for which users are assessed charges only after entering into a presubscription or comparable arrangement with the provider of such service. The Federal Communications Commission shall, by regulation, specify in greater detail the kinds of information services that are included within such term and the criteria for determining whether a valid presubscription or comparable arrangement is created, consistent with the purposes of this Act.

Strike all on page 12, lines 12 through 20, and insert in lieu thereof the following:

(2) In conducting a proceeding under subsection (a), the Federal Trade Commission shall consider requiring by rule or regulation that a pay-per-call service for which there is a nominal per-call charge shall be exempt from the requirements of subsection (b).

At the end of page 12, add the following new subsection:

(g) APPLICABILITY OF PENALTIES TO COMMON CARRIERS.—No common carrier shall be liable for a criminal or civil sanction or penalty under this Act solely because it provided transmission or billing collection services for a pay-per-call service that violated a rule or regulation issued or prescribed under this Act.

On page 15, line 12, strike "their" and insert in lieu thereof "its".

AUTHORITY FOR COMMITTEES TO MEET

SELECT COMMITTEE ON INDIAN AFFAIRS

Mr. FORD. Mr. President, I ask unanimous consent that the Select Committee on Indian Affairs be authorized to meet on October 29, 1991, beginning at 9:45 a.m., in 485 Russell Senate Office Building, to consider for report to the Senate S. 168, the Three Affiliated

Tribes and Standing Rock Sioux Tribe Equitable Compensation Act and S. 754, to provide that a portion of the income derived from trust or restricted land held by an individual Indian shall not be considered as a resource or income in determining eligibility for assistance under any Federal or federally assisted program, and to meet on H.R. 1476 and S. 1869, the San Carlos Indian Irrigation Project Divestiture Act of 1991.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON HOUSING AND URBAN AFFAIRS

Mr. FORD. Mr. President, I ask unanimous consent that the Subcommittee on Housing and Urban Affairs of the Committee on Banking, Housing, and Urban Affairs be allowed to meet during the session of the Senate, Tuesday, October 29, 1991, at 10 a.m. to conduct a hearing on issues related to multifamily housing finance.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON AGRICULTURAL RESEARCH AND GENERAL LEGISLATION

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry, Subcommittee on Agricultural Research and General Legislation be allowed to meet during the session of the Senate on Tuesday, October 29, 1991, at 2:30 p.m., to hold a hearing on reducing foreign material limits in official soybean standards.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Tuesday, October 29, 1991, at 10 a.m., to hold a hearing by the Patents Subcommittee.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet during the session of the Senate on Tuesday, October 29, 1991, at 4 p.m., for a hearing on S. 1845, the Financial Aid for All Students Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet during the session of the Senate on Tuesday, October 29, 1991, at 10 a.m. for a hearing on OSHA reform: Fulfilling the promise of a safe and healthy workplace.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON THE CONSUMER

Mr. FORD. Mr. President, I ask unanimous consent that the Consumer Subcommittee of the Committee on Commerce, Science, and Transportation, be authorized to meet during the session of the Senate on Tuesday, October 29, 1991, immediately following the 3 p.m. nomination hearing on developments in automotive fuel economy technology.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation, be authorized to meet during the session of the Senate on Tuesday, October 29, 1991, at 2:30 p.m. on the nomination of Mary L. Azcuenaga to be a Federal Trade Commissioner.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON THE MERCHANT MARINE

Mr. FORD. Mr. President, I ask unanimous consent that the Merchant Marine Subcommittee of the Committee on Commerce, Science, and Transportation, be authorized to meet during the session of the Senate on Tuesday, October 29, 1991, at 10 a.m. on overview of Federal shipbuilding chartering practices.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on October 29, 1991, at 10:30 a.m. to consider the nominations of Michael H. Moskow to be a Deputy U.S. Trade Representative and David M. Nummy to be an Assistant Secretary of the Treasury, and to consider a request for a section 332 study on Latin American trade barriers.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

PRESIDENT SERRANO SHOULD BE CONGRATULATED ON GUATEMALAN HUMAN RIGHTS BREAKTHROUGH

• Mr. CRANSTON. Mr. President, I rise today to offer my sincerest congratulations to Guatemalan President Jorge Serrano for his leadership in breaking one of his country's longstanding antidemocratic traditions—the impunity of military officers responsible for atrocious human rights violations.

Last week a military court in Guatemala handed down sentences against 2 military officers for their role in the massacre last December of 13 unarmed civilians in the town of Santiago Atitlan.

The slaughter at Santiago Atitlan, where 21 others were wounded, forms part of a more than three-decade history of military brutality against the poor and mostly indigenous communities of Guatemala.

What is remarkable is that this case, which is unrepresentative only because of the publicity it has received, is apparently the first in which military officers have been tried and convicted for human rights atrocities.

In the case of Santiago Atitlan, Army Sgt. Maj. Efrain Gonzalez was sentenced to 16 years in prison after being convicted of firing—while under the influence of alcohol—indiscriminately against the people of Santiago Atitlan. Lt. Jose Rodriguez was sentenced to 4 years for his role in intimidating the public.

Mr. President, critics have made several important observations in the handling of the case of this atrocity.

These critics point out that there was virtually no investigation into the facts of the massacre.

The military court was remiss in not having visited the scene of the crime, autopsies of the victims were not carried out, and witnesses to the violence were not interviewed.

Although the military has sought to portray this barbarity as an isolated act of a few individuals, it is clear that these officers' commander also bears responsibility for this crime—yet he was not charged.

Furthermore Guatemalan Attorney General Acisclo Valladares Morina has taken the extraordinary step of appealing Garcia Gonzalez' sentence in an effort to win a longer prison term. He, too, deserves our praise and support for his courage and demonstration of civic responsibility.

Mr. President, I might also point out that although the Guatemalan parliament has authorized an indemnization to be paid to the survivors of this tragedy, and to the relatives of those killed, such payments have not yet been made.

Recently, Jose Sosof Coo, a teenage victim of the military attack, recently visited my office. Jose is now confined to a wheelchair and has been undergoing painful, and expensive, care in the United States.

I urge President Serrano to take steps to assure that Jose and other relatives and victims are not subject to reprisal from vengeful members of the security forces. Justice requires that the Guatemalan state seek to repair the damage visited upon these people.

Clearly, while we celebrate the important step in the strengthening of the rule of law represented in the conviction of the two army men, there is still a way to go before one can say that justice has truly been served.

This being said, it would also be an enormous injustice to remain silent and not to recognize President Serrano's efforts to restore Guatemala's long-trampled sense of justice and human dignity. For that reason I offer my comments and praise today.•

WORLD SERIES CHAMPION MINNESOTA TWINS

• Mr. DURENBERGER. Mr. President, I rise today to salute the World Series champion Minnesota Twins. By virtue of Sunday night's thrilling 1 to 0 victory over the Atlanta Braves, they once again reign as baseball's world champions.

Much has been made of the Twins remarkable last-to-first turnaround this season, yet an accomplishment of this magnitude does not occur without hard work and dedication. Each and every member of this year's squad took the motto "Work Hard, Play Hard" to heart and this attitude has resulted in the Twins second world championship in the past 5 years.

Led by World Series MVP Jack Morris, the bats of Chuck Knoblauch and Brian Harper, and a host of brilliant defensive plays, including Greg Gagne's contributions at shortstop, the Twins emerged from what was one of baseball's greatest fall classics. Whether it was Kirby Puckett climbing the fence to rob Ron Gant of an RBI extra-base hit, Dan Gladden stretching a single in the bottom of the 10th in game 7, or Brian Harper's splendid play behind the plate during game 4, the entire Nation watched as the Minnesota Twins and Atlanta Braves battled for the world title in a series which saw an unprecedented five 1-run games.

Finally, I cannot conclude this statement without a few words of praise for the Atlanta Braves. They proved to be a worthy opponent and throughout this past season exhibited a style and grace under pressure which few teams have matched. The National League can be proud of the representation which the Braves provided and the entire Atlanta organization can be proud of their accomplishments.

Mr. President, again I congratulate the Minnesota Twins on becoming baseball's 1991 world champions and I thank them for allowing the fans of Minnesota to be a part of this truly magical season.•

THE THREATENED TATSHENSHINI

• Mr. WIRTH. Mr. President, I would like to speak for a few moments on a subject of deep concern to me—the fate of the Tatshenshini River. The Tatshenshini is the major tributary of the Alsek River of British Columbia and Alaska and is part of one of the great river systems of North America. It drains the pristine wilderness of British Columbia's northwest corner and then crosses into Alaska, flowing through the Wrangell-St. Elis National Park, just north of Glacier Bay National Park, to empty into the Gulf of Alaska.

The future of the Tatshenshini and the wilderness character of the landscape which it dominates is clouded by a proposed copper mine called the Windy Cragg Mountain project. If built, this mine would produce a projected 30,000 tons of copper ore a day. The 6,000-foot summit of Windy Cragg Mountain would be leveled.

Because of the extremely high level of sulphide ore intermixed with the copper ore—six times greater than that of any other mine in British Columbia—and the roadless character of the surrounding area, this project would cause great environmental damage. When sulphide ore is exposed to the air and rain, sulphuric acid is formed. In this case, huge amounts of acid would be produced from the exposed mine tailings and would flow downhill to the Tatshenshini. The very life of the Tatshenshini, and the multimillion-dollar fisheries, the area's recreation economy, and the native cultures that depend on it are threatened.

Mr. President, those of us from the West are well aware of the environmental dangers of mining. Responsible mining operations, which exist throughout Colorado, plan for and mitigate these threats. But we have also been left with the legacy of over a hundred years of mining, much of which took place before many of these threats were well understood and before technology for dealing with them was developed. Many of these sites are now listed as national priorities under Superfund and we have found that the technology for dealing with the toxic pollution produced by many mining operations is still inadequate. This is the case at Windy Cragg, where thousands of gallons of sulphuric acid and other toxic liquids containing heavy metals would be released. The leaching of these wastes would last hundreds if not thousands of years.

I am bringing this matter to the attention of the Senate because this proposal is of international concern. The Tatshenshini flowing into the United States and the livelihoods of our citizens are at stake. Mr. President, I would like to insert some materials in the RECORD that more fully explains this situation and the character of the imperiled Tatshenshini for my colleagues to examine. I hope they will study this situation and reach their own conclusions about its merit. I am confident that once the dangers on this project become known, Americans will decide that its risks are simply too great.

The material follows:

[From the Ottawa Citizen, Sept. 8, 1991]

FIGHTING FOR A NORTHERN TREASURE

(By Anne McIlroy)

DRY BAY, AK.—After floating for days down an untouched strip of water, ice and mountains, the sight of a huge, red-faced man on the all-terrain vehicle piled high with beer comes as a shock.

"Which are the single women?" booms Paul Smith. It's his way of welcoming a group of Tatshenshini River rafters who for 12 days have ridden slate grey waters through the Yukon, northwestern British Columbia, into the Alsek River and out through Alaska to the Pacific Ocean.

Dry Bay, the end of the journey, is a fishing outpost with a wild, free feel to it. The grey beach stretches for kilometers against a dark, brooding sky. Seals bob in the surf, and bald eagles fly overhead. It is part of Glacier Bay National Park, and nobody lives here year round.

Dry Bay has more visitors than usual this year, largely because of the copper mine Toronto-based Geddes. Resources has proposed for Windy Craggy Mountain inland from the Tatshenshini in B.C.

Attracted by reports that one of Canada's last great wilderness areas is in peril, hundreds of people have rafted down the river—called the Tat for short—this summer.

A SPECTACULAR TRIP

The trip is spectacular. With each day the river gets wider, swifter and darker, as sediment and melting ice flows in. Huge glaciers lick at the river banks, and icebergs the watery blue of anti-freeze calve into the water. Bears—grizzly, black and the rare silver-blue glacier bear—roam the mountains that rise from the stony shores, and on this trip, a lone wolf was running along the beach.

But Smith, famous as the only man to ever fall into the frigid Alsek more than once and survive, is a good indication that more than pristine Canadian wilderness is at stake here. For him, and other Alaskans, the real issue is fish. This area is among the most productive salmon fisheries in the state.

"It'll kill the fish. And you fellows will end up paying millions to us because you wrecked our salmon fishery."

Smith is far from an official U.S. spokesman—his other claim to fame is being able to fish with one hand and hold a bear in the other. But U.S. Park officials say he is right with his prediction that the Tatshenshini is an international environmental issue.

"Officially, we are watching the developments. Unofficially, we are very anti-mine," says Greg Dudgeon, a ranger at Glacier Bay National Park.

Although the mine is in Canada, environmentalists on both sides of the border say it could turn the Tatshenshini into a river of acid.

The copper is buried deep in the mountain, and its ore contains high concentrations of sulphur, which when exposed to air and water becomes sulphuric acid.

The company, Geddes Resources, wants to start construction in 1991 and have the $600-million project on line by 1994. Their first plan, which was rejected by the B.C. and federal governments, was to pile the waste rock on glaciers. The revised proposal is to store it under a manmade lake, built with a dam, that will eventually be four kilometers long.

Gerald Harper, the company president, says the mine won't be an environmental disaster. But the area is known for frequent earthquakes and environmentalists say the risk is too high.

For John Mikes, owner of the Canadian River Expeditions rafting company and lead guide on the trip, the issue is a simple one.

All of the arguments—if it will release acid into the river, if it's economically feasible—are really not the important ones. This is a truly beautiful place. Don't mess with it. It's that simple."

Mike makes his living from the river, and has a financial stake in keeping it the way it is.

But his every word shows how much he cares for this land. On a hillside near where a road and bridge to the mine would go, he gave a Sunday sermon on how the development would change an area of true wilderness forever.

"If you feel this river should be saved, do something about it," he urged.

In the audience, a special guest was listening.

Pauline Browes, the junior federal environment minister, had arrived by helicopter for three days of official business.

The federal government has yet to take a stand on the Tatshenshini and environmentalists had suggested Browes come north to see exactly what was at stake.

For Mikes, her visit was a coup, even though it meant giving up a sleeping bag for a few cool nights—by accident only one had been packed for Browes and her husband George.

The visit also meant extra stress. B.C. environmentalists have invited politicians into the wilderness before, and bad weather had on several occasions turned the trips into disasters.

Not only that, but most of the rafters were on holidays and for them the visit was good fodder for a joke. They had dubbed the minister Junior Browes before she arrived.

But Browes was on the river for an unbelievable day that left everyone—including a writer for National Geographic—struggling for words that would do it justice.

The confluence of the Tatshenshini and Alsek rivers is a vast grey sea of fresh water ringed by peaks—some laden with glaciers, others soft green mounds and still others chalky grey with thickly forested lower slopes. It was a circle of beauty, a place of overwhelming power and strength. The water was fast, the wind strong and the mountains, everywhere.

The federal government has yet to take a stand on the Tatshenshini, although the revised proposal for the mine is now being screened by the federal and B.C. governments.

Browes, it seems, was moved by her trip.

"I have never seen anything quite so spectacular, so dramatic. If this is going to be destroyed or disturbed it would be a tragedy."

But she wouldn't say whether she felt there should be a mine.

Browes wasn't the only politician to raft down the river this summer. Liberal Environmental critic Paul Martin took his family on a Canadian River Expeditions trip and says he spent a lot of timing wondering what a road and a bridge would do to the area, let alone the mine.

"It would ruin it. The federal government has jurisdiction here. It is a navigable, international water" way. They should get in there and protect it."

[From Borealis 2 (4), 1991]

THE TATSHENSHINI RIVER: SAVING THE HEARTLAND OF A GREAT WILDERNESS

(By Michael Down)

The Tatshenshini River is the main tributary of the mighty Alsek, River, that drains the northwest corner of British Columbia, a region trapped between the state of Alaska and Canada's Yukon Territory. This is also the place where the Pacific and Continental tectonic plates meet. Intense mountain building forces are hard at work here. In a geologic sense, the last ice age is a present reality. To the north are Canada's highest mountains, the Himalayan-sized St. Elias Range. Canada's highest peak, Mt. Logan rises to 19,550 feet (5,958 metres), as sprawling massif so large that it's almost a miniature mountain range in itself. And right off the coast looms the lofty pyramid of Mt. St. Elias, abruptly rising from sea level to a summit of 18,008 feet (5,489 metres) over less than 50 kilometres. This is the single greatest vertical relief to rise from a coastline anywhere on earth.

All this may sound like a wilderness rhapsody. But there is no other way to describe the sheer drama of the Tatshenshini. To the immediate south rises the more compact, but equally dramatic Fairweather Range. Again the mountains rise from the beach and rapidly climb to British Columbia's highest summit. The inaptly named Mt. Fairweather forms a 15,300-foot (4,663 metre) border peak.

Cradled by these two massive coastal mountain ranges is the largest non-polar glacier system in the world. Among the countless icefields and glaciers, eight flow right down to water's edge, where huge chunks of ice calve off, forming icebergs in the fast-flowing lower reaches of the Tatshenshini/Alsek system. Together, these two rivers slice a path through the mountains, breaching the coastal divide and cutting a corridor all the way from the dry willow and birch shrublands of the Yukon interior to the hemlock and spruce rain forests on the Pacific coast. This is a land of extremes, a land of transition, which accounts for a rich diversity of natural ecosystems. In a voyage of 200 kilometres, the river moves through six biogeoclimatic zones, including an unclassified coastal rain forest that is unique in Canada.

Dr. Edgar Wayburn is the elder statesman of Alaska wildlands conservation. Since the early '60s, he and his wife Peggy have been at the forefront of Alaska wilderness battles. They have been exploring the most remote and spectacular corners of the state for a quarter of a century. Among those journeys, a raft trip down the Tatshenshini stands out: "I can personally attest to its magnificence and to its remarkable wilderness qualities. The mine and 70-mile road would be devastating to the best remaining wilderness in the world," said Wayburn, a former president of the Sierra Club.

Although the Tatshenshini/Alsek river system is the third largest in British Columbia, it remains unknown to most residents. But to white water enthusiasts and wilderness rafting aficionados, it is world renowned as one of the best river running experiences anywhere on the planet. Not only is there the grandeur of floating through the heart of glacier-draped mountains, but the salmon-rich river supports an abundance of wildlife. The region is home to significant populations of moose, red fox, wolf, wolverine, mountain goats, bald eagles, gyrfalcons and some rare bird species such as the gray-cheeked thrush, short-billed dowitcher and Hudsonian godwit.

But the most striking wildlife impression comes from the overwhelming presence of big bears. Bob Peart, executive director of the B.C. Outdoor Recreation Council and a past-president of the Canadian Parks and Wilderness Society (CPAWS) took a trip down the Tatshenshini last summer. "I have never seen so many signs of grizzlies in one place before in my life," he said. "There were huge tracks everywhere, torn-up stumps, rooted up shrubs, flowers and piles of big black droppings all over the place. They were always there. Whether you could see them or not, you could sense their presence, their spirit. All the way down the river, I felt like I was in the spirit of the Great Bear."

Field data are sparse, but it seems clear that stretches of the Tatshenshini Valley support some of the highest densities of grizzly bear in the world. In places, there may be as many as one bear every five square kilometres (three square miles). The river's floodplain is the only home in Canada for the Alaskan brown bear. According to the B.C. Wildlife Branch, the gizzly habitat in the valley is rated as "nationally important and unique in Canada." And in keeping with the Tatshenshini's rare qualities, the valley is also the only home in Canada for the rare glacier bear, a peculiar subspecies of black bear named for its silver-blue fur.

In keeping with its propensity for drama, the Tatshenshini not only possesses increasingly rare wilderness qualities, but it also just happens to hold—in nature's ironic way of balancing superlatives—the most massive undeveloped copper deposit known in North America. At the head of Tats creek, a tributary of the Tatshenshini, just above its confluence with the Alsek, is Windy Craggy Mountain. Locked inside Windy Craggy is a miner's treasure, a potential 3.2-billion kilograms of copper. To get at this motherlode, Geddes Resources of Toronto proposes to invest an estimated $600 million in infrastructure centred around an underground operation and a giant open pit up to 550 metres deep. The 6,000-foot (1,828 metre) summit of Windy Craggy Mountain would be levelled.

Reading Geddes' promotional material, the proposed mine sounds like a bonanza. About 900 jobs would be created to construct the project's infrastructure over the first two years. After construction an estimated 600 jobs would be created to operate the mine over a projected life span of 15 years. More than $70 million would be spent annually to produce 30,000 tons per day of copper ore, which is equivalent to one percent of world production. In dollars spent and ore produced, this would be a world-scale mine of mammoth proportions.

But beneath the rosy projections are some serious implications for the environment. The copper itself is laced within a massive sulphide deposit. The ore has a sulphur content of 35 percent—about six times greater than any other mine in B.C. When sulphide ore is mined and exposed to the atmosphere, oxidation takes place and deadly sulphuric acid is formed. At the smaller Equity mine near Houston, B.C. the ore has only six percent sulphur content. Sulphuric acid leaches from the waste rock and tailings, and it will need to be continually neutralized for hundreds, perhaps thousands of years, at a cost of $1 million a year. Impossible to completely control, this acid rock drainage threatens to poison the aquatic ecosystem of the Bulkley River and destroy a major fishery.

A similar scenario, except on a grander scale, may be in store for the Tatshenshini. Mining operations are expected to generate about 250 million tons of tailings and waste rock with acid-generating potential. To keep the waste rock from coming in contact with air, Geddes proposes to bury it underwater in a man-made reservoir, drowning the upper Tats Creek Valley in a potentially toxic lake, four kilometres long and one kilometre wide. The reservoir will be created by two huge earth-fill dams, the downstream one as high as a football field is long.

Due to the porous nature of the underlying glacial sands and gravels, the company's consultants estimate as much as 100,000 gallons of tailings liquid, laced with the toxic metals, may seep through the dams and sides of the reservoir. All of the seeping tailings will have to be monitored, trapped and neutralized for many years after the mine closes.

Further complicating matters is the fact that this proposed mine sits squarely in the middle of one of Canada's most earthquake-prone areas. Those same tectonic forces that are thrusting the region's mountain ranges skyward are also keeping things moving and shaking at ground level. Only 20 kilometres to the west is the highly active Border Fault, and 50 kilometres further west is the equally active Fairweather Fault. Two lesser faults slice almost directly through the mine area. The area had two earthquakes that registered over 6.4 on the Richter scale last spring alone. These were strong enough to make plaster fall off cracking walls. But these are small compared to the monumental quake of 1958, that measured 7.9 and caused a tidal wave to wash forests from slopes several hundred feet above sea level in nearby Lituya Bay. And in 1899, the greatest quake ever recorded on the North American continent struck, with its epicentre only 120 kilometres away. Registering at 8.6 on the Richter scale, it shattered glaciers and uplifted cliffs more than 12 metres on the beach. Earthquakes of this size produce catastrophic results, with the ground rising and falling in waves, generating large landslides and floods and destroying buildings and bridges.

The prospect of locating a mine in the maw of a major continental fault concerns people like Paul George, a staunch defender of wilderness and a director of the Western Canadian Wilderness Committee. "If the mine development goes ahead, the Tatshenshini would be under threat from an acid spill disaster for hundreds or perhaps thousands of years," he says. "It's like putting a nuclear waste dump on top of the San Andreas fault."

Such a catastrophe could contaminate or even wipe out the salmon runs of the Tatshenshini/Alsek system. At risk upstream is the traditional native food fishery of the Champagne-Aishihik band. They have filed a land claim on the area. Also downstream are the multimillion dollar commercial fisheries at Dry Bay and out of the Fairweather Banks.

Even today, as in the days of the Gold rush, a camp city springs to life on the banks of the Alsek above Dry Bay each year. It is populated by independent-minded fishermen, panning the river for another kind of gold. Like their cousins upcoast in the village of Yukatat, they believe their livelihoods are threatened by the Windy Craggy proposal.

Neither is the prospect appealing to American officials in Alaska. Commenting on the original mine plane, Steve Pennoyer, Alaska director for the U.S. Dept. of Commerce Marine Fisheries Service says, "It does not appear that the environmental and engineering problems associated with this project can be resolved with existing technology. We believe the long-term environmental degradation likely to result from the proposed Windy Craggy mine outweighs any economic gains that may accrue.

Last spring opinions such as these led the B.C. Government to reject Geddes' initial mine plan at Stage 1 of the Mine Development Review Process. Many reasons were cited, but the primary one was that the company had inadequately assessed the hazards of acid rock drainage. By year's end, the company submitted a revised plan. It proposed to consolidate the two initially proposed open pits into one by taking the mine underground earlier. The revised plan also attempts to ensure that all of the sulphur-laden waste rock ends up in a tailings reservoir, rather than being dumped on the glacier. To pay for the increased costs Geddes proposed to increase production by 50 percent, from 20,000 to 30,000 tonnes per day.

The changes reduce waste rock by 30 percent, but it leaves almost no margin for error. Critics claim the enormous risks posed by acid rock drainage have not been solved. The plan offers assurances that the "latest and best technology" will be used, but according to U.S. agencies reviewing the plan, "latest" is still unproven and unreliable; and "best" is unacceptable given the consensus understanding of experts that dealing with acid rock drainage is poorly understood and needs many more years of study.

Steve Fortner lives in Victoria, where he has worked for a number of West Coast wilderness groups over the years. A jeweller by trade, he approaches issues with the same precision and patience as he does his work. But he has little patience for the company's approach to environmental concerns: "In my opinion the new mine plan seems like the latest attempt by Geddes to downplay the extreme dangers of the project. It reads more like a salesman's effort to overcome objections than a serious consideration of what is really at stake. And it seems empty when you see how much of the company's effort is going into lobbying the government for quick approval," he says.

But Geddes president, Gerald Harper doesn't understand all the fuss. He said, "This isn't pristine wilderness, it's barren land." He's convinced that Geddes can undertake the project and minimize the risks.

However, if the project goes ahead and acid rock drainage is a problem, it will be the abundant wildlife populations that depend on the fish, particularly the grizzly, that will be affected. Equally threatening to the Tatshenshini wilderness is the proposed road needed to haul out copper concentrate and truck in fuel and supplies to the airstrip and 600 workers at Tats Creek. Access would require 104 kilometres of new, all-weather road, through what is now a pristine wilderness. It would begin by traversing through Scottie Pass, the only wintering range of the dall sheep found in B.C. The road would then enter the Tatshenshini watershed and follow the river's edge for 25 kilometers, cutting right through open alpine and some of the prime grizzly denning habitat. With a 45-ton ore truck passing every 10 minutes, 24 hours a day, 365 days a year—animal deaths from collisions and obstructed migratory paths could reach tragic proportions. Wildlife not driven away would inevitably be exposed to increased hunting and poaching pressure as hunters gained access to the area on new mine roads.

More than 20 million gallons of diesel fuel would have to be transported in each year to provide power for the operation. Truck crashes and toxic ore spills pose risks to the river. Of the 11 bridges planned, the three largest would require dredging of the river, which would seriously affect salmon spawning and rearing habitat. At the confluence of the Tatshenshini and the O'Connor rivers, a 200-metre bridge, the length of two football fields, would be required.

The river's adventure tourism industry generates $1 million annually in direct revenues. This is projected to double in the future. But, operators say their businesses would suffer a crushing blow if the river lost its reputation for wilderness raft trips. Shelley Goble runs Suskwa Adventure Outfitters, one of more than a dozen commercial rafting operators with licenses for the river.

"Geddes likes to play up the recreational opportunities the road would supposedly open up," she quips. "Just think of all the jet boats that could get in there! And there would be lots of sport dodging those huge ore trucks roaring around those tight corners every few minutes."

"But seriously, with its dangerous heavy traffic, they won't allow recreationists in anyway. Road-accessed river recreation is plentiful just about everywhere else in B.C. and the Yukon. My customers pay top dollar and come from all over because they want something you can hardly find anywhere else in the world: two weeks of rafting pure wilderness. Trying to hide the road behind some bushes just won't do. If this project goes ahead, the valley will become the mere commonplace and my customers just won't come."

The B.C. Ministry of Parks agrees that the Tatshenshini is "in the top echelon of wilderness rivers." Once paved, its wilderness would be lost forever. It would be tragic if the proposed road and its bridges were built only to have the mine shut down because of a drop in the price of copper. Such was the case in the early '80s, when the entire town of Kitsault on Alice Arm was abandoned after the market for molybdenum crashed. History threatens to repeat itself. With depressed coal prices, the massive NorthEast coal project in B.C., which has received $1.5 billion of public investment, may be at risk.

Copper is a commonly available commodity, for which demand is expected to decline. Its biggest application has been in telecommunications, but fiber optics is beginning to replace copper wire at an accelerating pace. High output transistors are now displacing roughly 30 pounds of copper used to manufacture every new automobile. And new technologies for recycling cooper are developing. It is expected that within 10 to 20 years, 60 to 75 percent of the world's copper needs could be met by recycled material. With the fiber optics revolution, some of the major future sources of copper may turn out to be cities like Tokyo and New York.

With dropping demand and expected increases in supply resulting from major new mines in Chile, "the outlook for copper is not very bright beyond 1991," stated Scotia McLeod's January 1990 edition of the Mining Equity Adviser.

The company says their project poses minimal environmental risk, and that their operating methods are above reproach. But their track record suggests otherwise, "As I see it government rejection of their initial mine plan makes it clear: Geddes' proposals consistently place economic considerations before environmental ones," says Ethan Askey, a founder of Tatshenshini Wild and a river guide who has guided rafting trips on the Tatshenshini for several years.

"But let's face it. If you've got to cut environmental corners to turn a profit, then the project is a bust. Geddes seems most concerned with painting themselves as environmentally friendly," said Askey.

Over the last few years, Geddes' proposals have constantly changed. Initially announced as a small, fly-in gold mine, the idea fell apart when drilling tests revealed that gold percentages were to low to be commercially viable. To retain their investment, Geddes dumped gold and gambled on copper on a big scale. They assumed that high copper prices, then peaking at $1.30 US a pound, would prevail. But the value of copper has since declined. The World Bank forecasts a 35 percent drop, to a price of $0.85 US, by the middle of the decade. With fluctuating conditions, the Windy Craggy proposal has grown from a compact 3,500-ton per day (tpd) operation to 15,000 tpd, to 20,000 tpd and now it's a whopping 30,000 tpd.

The end of the road for the Windy Craggy mine in Haines, Alaska, a small town of 1,200 people nestled under 1,800-metre-high snow-capped mountains at the end of America's longest fjord, the Lynn Canal. Here, Geddes proposes to upgrade a deep-sea port to accommodate large-hulled ore tankers to ship copper to Asian smelters.

The town's two economic mainstays, tourism and fishing, worth $3 million $17 million respectively per year, would also be hard hit. "It would seriously disrupt the lifestyle that many of us who live in Haines have chosen," says Tom Ely, president of the Lynn Canal Conservation Society, "It's our rural quiet lifestyle and the peaceful wilderness atmosphere the most of us here enjoy," he says

A constant convoy of heavy ore trucks would rumble down mainstreet Haines, with all the noise, toxic dust and safety problems expected from transporting 330,000 tons of hazardous materials, including high explosives, along with the copper ore. The nearby harbor of Skagway, an ore shipping port handling lead-zinc concentrates from Yukon mines, had to be declared a super-fund cleanup zone by the U.S. Environmental Protection Agency (EPA) as a consequence of lead and zinc poisoning. It's not surprising then, that a poll conducted in Haines Borough last summer found 60 percent of residents were opposed to the project and that 69 percent were against the truck traffic. But Geddes president, Gerald Harper vowed at a community meeting last November: "A popular vote of the people of Haines, Alaska or their local government against the mine will not stop us."

Above the town of Haines, the road winds up along the Chilkat River right through the Chilkat Eagle Reserve, sanctuary for 3,500 wintering bald eagles that congregate each year to prey on the vast runs of sockeye salmon. The salmon are fighting their way upstream to spawn and die.

The road would need to be widened, at a cost of $72 million. The risk is that the river will be affected by the development and threatened by spills. Even Geddes has admitted spills will occur. Studies have shown that copper contamination interferes with the ability of salmon smelt to migrate, depleting the population and reducing the eagle's food supply.

Americans are fiercely proud of their national symbol, the bald eagle. And armed with the Bald Eagle Protection Act, they can be expected to fight hard to protect it. They are gearing up now to help protect the Tatshenshini, which since it flows into the Alsek, is an international river. Acid rock drainage, like any other environmental threat, does not recognize political boundaries and some of the worst of its effect may be felt downstream in the United States.

Nevin Holmberg, a Juneau, Alaska-based field supervisor of the U.S. Department of the Interior, agrees. In his opinion of the open-pit mine would poison the valley's aquatic ecosystem long after the miners have packed up their picks and shovels. "The size of the Geddes project, its remoteness and the harsh climate of the locale, when combined with fish and wildlife resources of acknowledged world-class economic, recreational and ecological significance creates a potential of ultimately massive environmental loss. Such loss cannot be restored once damaged. We recommend it not be permitted," he said in a submission to the Mine Development Review.

At the other end of the Tatshenshini River, just 38 kilometres downstream from Windy Craggy, is the international boundary and the edge of one of America's most beautiful and celebrated national parks, Glacier Bay. It was established as a result of the efforts of America's grandfather of conservation, John Muir. The fragile backcountry of Glacier Bay would be opened up and seriously jeopardized if a road is built down the Tatshenshini. Marvin Jensen, National Parks Service superintendent for Glacier Bay stated in a letter to the B.C. government: "The mine would initiate effects in Canada, but the culminations of certain impacts would be hardest felt in Glacier Bay National Park. A bridge and visible access road would have very serious deleterious effects on what is now one of the premier float trips in the world."

And, of course, a spill would disrupt its ecology on a massive scale. Glacier Bay has been designated as a World Biosphere Reserve by the United Nations. Building a mine nearby could be interpreted as a threat to the park and its status under the U.N. designation.

Glacier Bay protects 1.34 million hectares of wilderness. In 1980, the U.S. Congress extended the boundaries of Glacier Bay to take in the Alsek River. To the north, beginning at the Yukon border, the Alsek is a Canadian Heritage River and 2.18 million hectares of wilderness are also protected in Canada's Kluane National Park Reserve. Kluane also carries a U.N. designation as a World Heritage Site. And adjacent to Kluane on the west is Wrangell-St. Elias National Park, America's largest national park at 4.45 million hectares. All of the governments surrounding the Tatshenshini have recognized its outstanding natural features and given it the highest order of protection; except for the province of British Columbia.

But the B.C. portion of the Tatshenshini/Alsek system is the heartland of the entire wilderness complex. It is the only major valley corridor that permits wildlife to pass through these high coastal mountain ranges. The integrity of protected wilderness in Alaska and the Yukon depends on protecting the B.C. section. That was a fact recognized by Congress, when it urged Canada to protect the Tatshenshini. Even the B.C. government has recognized the importance of the area. Parks Plan '90, an initiative of the B.C. Ministry of Parks to complete the provincial parks system, is studying the area for protected wilderness designation. And the International Union for the Conservation of Nature (IUCN) has recommended the federal government protect the area with national park or equivalent status. With the addition of the 0.92-million hectares of the Tatshenshini to adjacent national parks, an international park system totalling 9.1 million hectares—three times the size of Vancouver Island—would be created. This would form the largest wilderness preserve in the world.

It's no surprise that a private corporation like Geddes downplays the wilderness value of the Tatshenshini. But environmental groups are becoming concerned by what appears to be a fast-tracking of the project. After a public outcry, the Mine Development Steering Committee told the company to revise its plan, which was rejected for several reasons but chiefly because of the acid rock drainage problem.

But the revised plan addresses only the mine itself and not its impacts on the valley. The revised plan proposes a 50 percent increase in daily production and the effects of that increase could reach far beyond the mine.

Colin Rankin is a moderate, soft-spoken vice-chair of the B.C. chapter of the Canadian Parks and Wilderness Society, one of several groups fighting the proposed mine in B.C. On this issue, he is unusually outspoken: "To propose such a massive development with major environmental implications before the area has been adequately assessed for wilderness values is shortsighted in the extreme."

Reinforcing CPAWS, WCWC and Tatshenshini Wild is a growing coalition of heavy-hitting eastern Canadian and American groups with a stake in the Tat. According to Tom Cassidy, a spokesman for American Rivers, "Protection of the Tatshenshini is a priority for American conservationists. That's why the Tat is number two on the 10 most endangered rivers list. The proposal by Geddes to expand the scale of the mine only increases the threat. It also increases our resolve, along with that of the other major U.S. groups, such as the National Audubon Society and Sierra Club, to strongly oppose the destruction of the Tatshenshini's extraordinary wilderness values."

A continent-wide campaign is quickly taking shape. Elizabeth May served as senior policy advisor to former environment minister Tom McMillan. She served notice at Geddes' annual general meeting last spring that shareholders should be prepared for long delays and fierce opposition to Windy Craggy. In over a decade and a half of environmental activism, she says she has never seen support for an issue grow so quickly. "This is not something that is coming from a handful of people," says May. "It took 12 years of effort for South Moresby to reach this level of concern."

Like South Moresby, the Tatshenshini campaign has a certain mystique. It is a river many people will never see, but it has already fired the imagination of activists from across the continent. Far from their backyards, they are taking time from local issues to work for a mysterious valley with a magical name: the Tatshenshini. This upwelling of support gives Ric Careless, this year's winner of the prestigious *Equinox* Citation for environmental achievement, great faith in the future of the Tatshenshini. "This river has cast a spell that's invoked a deep sense of caring and commitment in people I've talked to all over the continent. And it's no wonder: it's North America's greatest wilderness, threatened by one of North America's biggest mines."

"The campaign to save the Tat is the Grand Canyon of the 1990s," says Careless, with a smile. "What a privilege to be part of one of the greatest wilderness efforts of all time. And the best part is we know we are going to win."•

TIMBER COMMUNITIES FACE CATASTROPHIC JOB LOSS

• Mr. **GORTON.** Mr. President, recently I wrote to constituents in Washington State and solicited their opinions on the Fish and Wildlife Service's proposal to set aside 11.6 million acres of land for protection of the spotted owl. As you know, I have taken a firm position on this issue. I believe that any steps the U.S. Government takes to ensure the protection of the spotted owl also must take into account the effect those steps will have on people. I believe that owls are important, but I also believe that people are at least as important.

The response I received was spirited and indicative of the battle currently being waged over the protection of the owl. Many agreed with my position that we must reduce the spotted owl set-asides. What may surprise some people is that a lot of those who agreed were people not involved in the logging industry. Insurance agents, motel owners, car mechanics, people from all walks realize how these huge set-asides would affect them, their jobs, and their communities. They, too, believe that government has gone too far.

Conversely, and not surprisingly, some constituents disagreed with my position. They talked about protecting ecosystems, biospheres, and the owl as an indicator species. They are convinced that we must stop logging on this land not just because of the spotted owl but because they believe continued logging on this land is harmful to the entire global environment. I disagree.

Washington State is blessed with the kind of growing conditions which allow us to plant, cut, and replant in a sustained yield cycle. To those who say we are running out of logs, I would point out a 1989 University of Washington Forestry School study which shows we should have a stable supply of logs for the next decade and then the supply will jump sharply as young trees reach harvestable size. We are not running out of trees and we are not harming the environment by cutting trees on a sustainable-yield basis.

I am firmly committed to solving the timber crisis in the Northwest and will do whatever I can to reach a solution.•

COMMENDING DEPAUW UNIVERSITY

• Mr. COATS. Mr. President, today I rise to congratulate the students at DePauw University on their being named by President Bush as the 592d daily point of light for the Nation.

DePauw University is located in Greencastle, IN, and over 65 percent of the student body have participated in activities through the university's community service programs. These programs include weekend group service projects in innercity Indianapolis and one-on-one voluntary activities in rural Putnam County. For 17 years, this program has given students an opportunity to augment the level of voluntarism at the university.

In 1990, nearly 700 students did such activities as visit prison inmates, serve as Head Start classroom aides, and adopt senior citizens, and provide parenting training for unwed mothers. To provide this ongoing companionship and support, students are specially trained for their particular program. Groups of students spent weekends building and repairing homes, working for the nature conservancy, or other community efforts. Travel to Third World countries and to depressed areas in the United States gave students an opportunity to construct or repair buildings, provide public health education, and offer dental care instruction.

These students can be a model for all of us to do more for those in need. Needs exist in all communities and are of every variety, but few individuals are active in volunteeing. The DePauw students are outstanding examples of what it means to give of oneself to others. We all benefit from their remarkable efforts.•

FREEDOM FOR THE OPPRESSED

• Mr. D'AMATO. Mr. President, I rise today in support of Senate Concurrent Resolution 69, a resolution expressing concern for the freedom of emigration and travel rights for Syrian Jews. I urge my colleagues to join me in cosponsoring this resolution.

As democracy sweeps the world, one nation in particular, Syria, continues to ignore this trend. The Demon of Damascus, Hafez Assad, has isolated 4,000 Syrian Jews in ghettos, subjugating them to massive oppression and discrimination, typical of this dictatorial regime possessing such a long record of human rights abuses. It is our duty to seek freedom for these forgotten people. Syrian Jews must be afforded the fundamental rights of freedom of travel and freedom of emigration.

For far too long, Assad has subjected Syria's Jews to constant harassment and surveillance by his security police, the Mukhabarat, keeping files on each of the community's members and following their every move. Typical of these masters of darkness, they monitor all contacts between Syrian Jews and foreigners. Additionally, they monitor all mail and phone calls coming to and from the Jewish community.

Syrian anti-Semitism has even led to a limitation of the educational abilities of Syrian Jewry and has relegated them to menial, low-paying jobs. The community's religious leaders must report regularly to the Mukhabarat and religious instruction in Hebrew is strictly forbidden.

The treatment of Syria's Jewish population merits worldwide outrage. It runs counter to everything for which the civilized world stands. In this light, we must be mindful that as the 53d anniversary of Kristallnacht, the beginning of the Holocaust, approaches, the oppression of any minority cannot be forgiven. We must take all steps to insure that the fundamental right to choose where one may live, should be guaranteed for all.

Syria's 4,000 Jews deserve this right and are deprived of it. Our efforts on behalf of those who lack to the ability to defend their own freedom must be relentless. Let us take all actions necessary to insure free and unimpeded emigration and travel rights for the 4,000 Jews of Syria.

In conclusion, by our joining together in cosponsorship of this resolution, we will help see to it that the Jewish hostages of Syria are not forgotten in the ongoing proceedings in Madrid.•

CESAR ODIO, RECIPIENT OF 1991 MOST VALUABLE PUBLIC OFFICIAL AWARD

• Mr. MACK. Mr. President, I rise today to bring to the attention of my colleagues a person whom I believe deserves special recognition.

Mr. Cesar Odio, the city manager of Miami, FL, has recently been selected as one of seven recipients of the 1991 Most Valuable Public Official Award which is selected by City and State magazine.

Cesar was born and educated in Havana, Cuba. He studied business administration at Havana University, then earned a bachelors degree in public administration from Florida Memorial College. Mr. Odio is married to Marian Trio, the daughter of a former Cuban President. He is the father of five children.

Before joining the city managers office of Miami in 1979, Cesar served as vice president and operations manager with a Miami-based trucking firm. His business background has helped to elevate his awareness of personal issues. This formed the foundation of Cesar's managerial philosophy which has enabled him to deal effectively with the problems associated with the day-today operations of a city the size of Miami.

Conservative fiscal responsibility coupled with functional relations with organized labor, has helped Mr. Odio successfully tackle the challenges facing Miami. Cesar has forged an effective partnership between the unions and the administration of the city.

Mr. Odio realizes that long-term solutions to inner-city problems will require innovative thinking. The city is doing its part to do more with less by trimming daily operation costs, by eliminating bureaucracy in the city managers office and through departmental consolidation. These adjustments are just the beginning, but a significant step in a responsible direction. Mr. President, Mr. Odio has clearly demonstrated his value to the citizens of Miami. I know my colleagues here in the Senate join me in wishing him well in his continuing efforts to manage the city of Miami.•

DRUG PREVENTION PROGRAMS IN CALIFORNIA

• Mr. SEYMOUR. Mr. President, I stand today in recognition of two vital and informative drug-prevention program located in California: "Drug Use Is Life Abuse" and "Celebrities for a Drug-Free America".

As a support group of the Orange County sheriff's advisory council, the "Drug Use Is Life Abuse" program works to coordinate drug use prevention and awareness programs in the Orange County area of California. The "Drug Use Is Life Abuse" strategic plan calls for approaching the drug awareness and prevention issue from three angles: First, youth and education; second, the workplace; and third, the general public. This approach has been extremely well-received by the local community, and has educated over 90,000 schoolchildren since January 1989.

The President's Drug Advisory Council recognized "Drug Use Is Life Abuse" as one of the top three drug prevention programs in the Nation and highlighted the program last year at their national leadership forum. The "Drug Use Is Life Abuse" program intends to continue to play a major role in the countywide and nationwide efforts to eliminate the demand for illicit drugs.

"Celebrities for a Drug Free America" was founded by Ben Vereen in 1990. The purpose of the program is to utilize the fame of celebrities in communicating to young people the horrors of drug use and abuse. Many celebrities give generously of their time and resources in traveling throughout the United States and meeting with students and youngsters all across America. These celebrities are deglamorizing drug-use by effectively communicating the harsh facts and grim realities of the lives of social users and drug addicts. Young people place a high significance on the advice of celebrities, such as Ben Vereen, therefore "Celebrities for a Drug Free America" is truly making progress in our war on drugs.

I want to commend both of these worthwhile programs for their selfless efforts on behalf of the people of America. On Saturday, November 9, 1991, these programs are joining for a celebrities gala for a drug free America in Orange County, CA. All proceeds from the event will be used to further both of these two fine programs, and will enable our communites to continue to benefit from the "Drug Use Is Life Abuse" and "Celebrities for a Drug Free America" programs. I will continue to support these programs in their efforts to make the United States of America free from drugs.•

FORMER COUNTY LEGISLATOR JOE ESPOSITO

• Mr. D'AMATO. Mr. President, I am proud to stand here today to pay tribute to a friend who personifies the very best of America. He is Mr. Joe Esposito, the former county legislator from the 28th District from Rochester, NY. Joe Esposito is a friendly neighborhood barber, an active member of Holy Apostles Church, and the Gaeta Society of Monroe County "Man of the Year."

Joe has spent his life serving others from his barber shop and from the political arena. Joe has served five consecutive terms in the Rochester County Legislature. He served from January 1968 through December 1977. It's interesting to note that in 1971 his son Ralph ran for office and won a town of Gates legislative seat. As such, the Esposito's were the only father and son team to serve simultaneously in the State of New York.

Joe Esposito is a devoted husband, married for 50 years to wife Jean, and father of two, Jo Lynn and Ralph. Some of Mr. Esposito's other associations include being on the board of directors of the Monroe County Fair Association, and chairing the Monroe County Board of Ethics, Seneca Parks Master Plan Committee, Monroe County Parks Committee, and the Supervisors/Legislators Reunion Committee.

One of Joe Esposito's favorite accomplishments was when he ran Youth Town, where boys from 10- to 18-years-old learned to set up their own government. The boys elected their own mayor and conducted mock trials.

Mr. Esposito has been of service to the people of Monroe County and others. In fact, when I first ran for the Senate in 1980 one of my first stops on the campaign trail was Monroe County. While there I held a press conference on the steps of Joe Esposito's Lyle Avenue barber shop. Afterward, Joe and I took a walking tour of the neighborhood.

Joe Esposito is a great guy and it gives me great pleasure to salute him today.•

SPR PROVISIONS OF INTERIOR APPROPRIATIONS BILL

• Mr. JOHNSTON. Mr. President, Public Law 101-383, approved last year by Congress and signed by the President, allows the Department of Energy [DOE] to pursue oil leasing as an alternative means of filling the strategic petroleum reserve. This law reflects the consensus of Congress and the administration that there is good potential for the SPR to be filled quickly and at low cost through oil leasing.

Unfortunately, there appears to be no consensus on the degree to which Congress should review oil leases that the Department might negotiate. The authorizing committees seem to have one view; the appropriating committees seem to have another view. However, this should not obscure the fact that Congress does want the Department to proceed with negotiations. In particular, I want potential parties to oil leases to know that Congress supports the Department in this endeavor.

Protracted and difficult negotiations in this year's Interior appropriations conference over oil leasing produced a result that is far from perfect in my mind. However, I want to emphasize that the final compromise provision specifically allows DOE to proceed with negotiations. The Interior appropriations repeals last year's permanent ban on the use of funds for oil leasing. Instead, there is a temporary ban on the use of funds in fiscal year 1992.

DOE should indeed pursue negotiations. In addition, there are two avenues by which DOE could conclude negotiations and sign a contract in fiscal year 1992. First, DOE could enter a lease providing for payments to begin in fiscal year 1992, and Congress could lift the funding ban in a supplemental appropriations bill. I have no doubt that any such lease that DOE signs would be a good one. It would provide oil for the SPR at a cost lower than direct purchase, and the leased oil would provide the same energy security benefits as purchased oil. I also have no doubt that Congress would recognize this and lift the fiscal year 1992 ban on oil leasing. The second avenue would be for DOE to sign a lease in fiscal year 1992 with payments not beginning until fiscal year 1993. I am confident that such a lease would be beneficial and that Congress would not revive the expiring ban on oil leasing.

I look forward to the results of the Department's ongoing efforts in this area.•

BILL PLACED ON CALENDAR—S. 1891

Mr. SIMPSON. Mr. President, I ask unanimous consent that S. 1891, introduced today by Senators THURMOND and HOLLINGS, be placed upon the calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

ABANDONED INFANTS ASSISTANCE ACT AMENDMENTS OF 1991

Mr. FORD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar 240, S. 1532, regarding the Abandoned Infants Assistance Act.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (S. 1532) to revise and extend the programs under the Abandoned Infants Assistance Act of 1988, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Labor and Human Resources, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Abandoned Infants Assistance Act Amendments of 1991".

SEC. 2. FINDINGS.

Section 2 of the Abandoned Infants Assistance Act of 1988 (42 U.S.C. 670 note) is amended—

(1) in paragraph (6), by striking ", and the number of cases has doubled within the last 13 months;

(2) in paragraph (9)—

(A) by inserting after "counseling services" the following: "early intervention and developmental services,"; and

(B) by striking "and" at the end thereof;

(3) by redesignating paragraph (10) as paragraph (11); and

(4) by inserting after paragraph (9) the following new paragraph:

"(10) one of the goals of these comprehensive services shall be to support the family, which includes the child and the natural, foster and adoptive families, with the aim of preventing abandonment of the child; and".

SEC. 3. PROGRAM OF DEMONSTRATION PROJECTS.

(a) IN GENERAL.—Section 101(a) of the Abandoned Infants Assistance Act of 1988 (42 U.S.C. 670 note) is amended—

(1) in the matter preceding paragraph (1), by striking "may make grants" and inserting the following: "shall make grants from funds appropriated pursuant to section 104(a)";

(2) in paragraph (1), by inserting before the semicolon the following: ", including the provision of services to all members of the natural family for any condition that increases the probability of abandonment of an infant or young child";

(3) in paragraph (2), by inserting before the semicolon "or those who are pre- or post-natally exposed to the etiologic agent for the human immunodeficiency virus, drugs or alcohol, or those who are medically fragile";

(4) in paragraph (3), by inserting after "those with acquired immune deficiency syndrome" the following: "or those who are pre- or post-natally exposed to the etiologic agent for the human immunodeficiency virus, drugs or alcohol, or those who are medically fragile,";

(5) in paragraph (4)—

(A) by striking "children," and inserting the following: "children (including the actual expenses of the persons receiving the services),"; and

(B) by inserting "or those who are pre- or post-natally exposed to the etiologic agent for the human immunodeficiency virus, drugs or alcohol, or medically fragile children" before the semicolon;

(6) in paragraph (5), to read as follows:

"(5) to provide residential care programs for abandoned infants and young children, who are unable to reside with their natural families or be placed in foster family care, particularly those with acquired immune deficiency or those who are pre- or post-natally exposed to the etiologic agent for the human immunodeficiency virus, drugs or alcohol, or those who are medically fragile;".

(7) in paragraph (6), by amending the paragraph to read as follows:

"(6) to carry out programs and services including respite care, family support groups, parenting skills, in-home support services, the use of volunteers and individual counselors and payment of expenses to attend such groups and provide alternative care) for natural, foster, and adoptive families of infants and young children with acquired immune deficiency syndrome, or those who are pre- or post-natally exposed to the etiologic agent for the human immunodeficiency virus, drugs or alcohol, or medically fragile children and young persons; and"; and

(8) in paragraph (7), by inserting before the period "or those who are pre- or post-natally exposed to the etiologic agent for the human immunodeficiency virus, drugs or alcohol, or those who are medically fragile.".

(b) COMPREHENSIVE SERVICE CENTERS.—Section 101 of the Abandoned Infants Assistance Act of 1988 (42 U.S.C. 670 note) is amended—

(1) by redesignating subsections (b) through (f) as subsections (c) through (g); and

(2) by inserting after subsection (a) the following new subsection:

"(b) COMPREHENSIVE SERVICE CENTERS.—

"(1) The Secretary shall make grants from funds appropriated pursuant to subsection 104(b) to fund a demonstration program to enable public and nonprofit private entities to plan, coordinate and establish model comprehensive service centers. These centers shall provide or offer access to children and to natural, foster and adoptive families covered under the Act in order to strengthen the family unit, or ameliorate or prevent conditions that increase the probability of improper care or abandonment. These centers shall—

"(A) coordinate, at one location (which may include schools) the provision of services, including social service, child protection, health, and education/training components, to those family members in need of such services;

"(B) be conducted in a setting convenient to, and easily accessible by, large numbers of natural, foster, and adoptive families, particularly those providing services to infants and children with acquired immune deficiency syndrome or medically fragile conditions, or those who are pre- or post-natally exposed to the etiologic agent for the human immunodeficiency virus, drugs or alcohol; and

"(C) involve, to the maximum extent possible, community-based and nonprofit organizations that have demonstrated expertise in the operation of such programs or that demonstrate the potential expertise.

The Secretary shall make grants under this subsection based on the necessity and number of services to be offered. The Secretary shall prioritize the applications upon the need for such services, as evidenced by the relative numbers of infants and young children covered under this Act to be served.

"(2) In the case of public or nonprofit private entities that have been providing similar comprehensive services under grants made under subsection (a) before the date of the enactment of the Abandoned Infants Assistance Act Amendments of 1991, the Secretary shall make provision to transition these projects, upon application by said public or nonprofit private entity for such transition, to this program during the first period for which funds are made available under section 104(b) for this subsection, provided that the Secretary shall make provision in such transition for the expansion, over a period of no more than 2 years, to encompass all of the services required under this subsection.".

(c) ADMINISTRATION OF GRANT.—Section 101(d) of the Abandoned Infants Assistance Act of 1988, as redesignated by subsection (b)(1) of this section, is amended—

(1) by redesignating paragraphs (1) through (4) as subparagraphs (A) through (D);

(2) in the matter preceding subparagraph (A) (as so redesignated), by striking "(d) ADMINISTRATION" and all that follows through "The Secretary" and inserting the following:

"(d) ADMINISTRATION OF GRANT.—

"(1) The Secretary";

(3) by moving each of subparagraphs (A) through (D) (as so redesignated) 2 ems to the right; and

(4) by adding at the end the following new paragraph:

"(2) Subject to the availability of funds, the Secretary shall make grants under this section for periods of not less than 3 years, with there being 2 automatic extensions of the grants being made absent a finding by the Secretary of substantial nonperformance.".

SEC. 4. EVALUATIONS, STUDIES, AND REPORTS BY SECRETARY.

(a) EVALUATIONS OF DEMONSTRATION PROJECTS.—Section 102(a) of the Abandoned Infants Assistance Act of 1988 (42 U.S.C. 670 note) is amended by striking "shall," and inserting "shall from funds appropriated under section 104(c),".

(b) SPECIAL NEEDS DISSEMINATION.—Section 102 of the Abandoned Infants Assistance Act of 1988 (42 U.S.C. 670 note) is amended—

(1) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively;

(2) by inserting after subsection (a) the following new subsection:

"(b) SPECIAL NEEDS DISSEMINATION.—

"(1) The Secretary shall, from amounts appropriated under section 104(d), maintain the National Resource Center for Programs Serving Abandoned Infants and Infants at Risk of Abandonment and Their Families established by the Secretary pursuant to the Abandoned Infants Assistance Act of 1988. The National Resource Center shall assist in identifying, developing and utilizing effective program practices, information and materials in order to meet the service needs of specific groups of individuals, who, on a national or State basis, are disproportionately effected by the drug and alcohol epidemics or who have been historically underserved with respect to the provision of information and services.

"(2) The National Resource Center described in paragraph (1) shall—

"(A) identify innovative or exemplary programs, public and private agencies, resources and support groups;

"(B) disseminate information on prevention and preventive services;

"(C) provide technical assistance, training and consultation to service providers and to State agencies to promote professional competency, service coordination, utilization of resources and the best practices related to the management and administration of abandoned infants assistance programs;

"(D) develop a national network of professionals in the field to serve as consultants and to link such individuals with persons and agencies requiring assistance; and

"(E) identify emerging issues with respect to child welfare, developmental disabilities and maternal and child health, particularly as such issues relate to pre- and post-natal alcohol, drug and pediatric HIV exposure.

"(3) Among the groups to be given priority for these services under this provision are those who are drug or alcohol addicted, individuals with acquired immune deficiency syndrome, minorities, limited English proficient individuals, or those individuals who have been statistically and historically underserved by such information services and dissemination. Information on prevention and services shall also be distributed to the communities of such individuals.

"(4) The Secretary shall enter into contracts or cooperative services under this subsection for periods of not less than 3 years. The Secretary shall extend the contract or grant for 2 additional consecutive 1-year periods absent a finding by the Secretary of substantial nonperformance.";

(3) in paragraph (1)(A) of subsection (c) (as so redesignated), by inserting after "infants who have acquired immune deficiency syndrome", the following: "or those who are pre- or post-natally exposed to the etiologic agent for the human immunodeficiency virus, drugs or alcohol, or who are medically fragile,"; and

(4) in paragraph (2) of subsection (d) (as so redesignated), by striking "April 1, 1991" and inserting "April 1, 1992".

SEC. 5. DEFINITIONS.

Section 103 of the Abandoned Infants Assistance Act of 1988 (42 U.S.C. 670 note) is amended—

(1) by striking "sec." and all that follows through "the term" and inserting the following:

"SEC. 103. DEFINITIONS.

"For purposes of this title:

"(1) The term"; and

(2) by adding at the end the following new paragraphs:

"(2) The term 'natural family' shall be interpreted to include natural parents, grandparents, familial members (including all siblings and children resident in the household), and others (on a continuing basis) who reside in the household and are in a care-giving situation with respect to infants and young children covered under this Act.

"(3) The term 'medically fragile' includes those infants and young children who exhibit medical, physical or developmental conditions occasioned by pre- or post-natal alcohol and drug exposure.".

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

Section 104 of the Abandoned Infants Assistance Act of 1988 (42 U.S.C. 670 note) is amended by striking "For the purpose" and all that follows and inserting the following:

"(a) DEMONSTRATION GRANTS IN GENERAL.—For the purpose of making grants under section 101(a), there are authorized to be appropriated $15,000,000 for fiscal year 1992, and such sums as may be necessary for each of the fiscal years 1993, 1994, and 1995.

"(b) COMPREHENSIVE SERVICE CENTERS.—For the purpose of making grants under section 101(b), there are authorized to be appropriated $1,000,000 for fiscal year 1992, and such sums as may be necessary for each of the fiscal years 1993, 1994, and 1995.

"(c) EVALUATIONS OF DEMONSTRATION PROJECTS.—For the purpose of making grants under section 102(a), there are authorized to be appropriated $1,500,000 for fiscal year 1992, and such sums as may be necessary for each of the fiscal years 1993, 1994, and 1995.

"(d) SPECIAL NEEDS DISSEMINATION.—For the purpose of making grants under section 102(b), there are authorized to be appropriated $5,000,000 for fiscal year 1992, and such sums as may be necessary for each of the fiscal years 1993, 1994, and 1995.

"(e) ADMINISTRATIVE EXPENSES.—

"(1) In addition to the funds authorized above, there shall be an amount authorized for the purpose of administering this program of 5 percent of the amount appropriated for the programs in fiscal years 1992, 1993, 1994, and 1995.

"(2) The Secretary may not obligate any of the amounts appropriated under paragraph (1) for a fiscal year unless, from the aggregate amounts appropriated under subsections (a) through (d) for the fiscal year, the Secretary has obligated for the purpose described in paragraph (1) an amount equal to the amounts obligated by the Secretary for such purpose in fiscal year 1991.

"(f) AVAILABILITY OF FUNDS.—Funds appropriated under this authority shall remain available until expended.".

SEC. 7. CONFORMING AMENDMENT.

The heading for title I of the Abandoned Infants Assistance Act of 1988 (42 U.S.C. 670 note) is amended by adding at the end the following: "AND ABANDONMENT PREVENTION PROGRAMS".

SEC. 8. TERMINATION OF PROGRAM.

Section 105 of the Abandoned Infants Assistance Act of 1988 (42 U.S.C. 670 note) is repealed.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on agreeing to the committee amendment in the nature of a substitute.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

So the bill (S. 1532), as amended, was passed as follows:

S. 1532

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Abandoned Infants Assistance Act Amendments of 1991".

SEC. 2. FINDINGS.

Section 2 of the Abandoned Infants Assistance Act of 1988 (42 U.S.C. 670 note) is amended—

(1) in paragraph (6), by striking ", and the number of cases has doubled within the last 13 months;

(2) in paragraph (9)—

(A) by inserting after "counseling services" the following: "early intervention and developmental services,"; and

(B) by striking "and" at the end thereof;

(3) by redesignating paragraph (10) as paragraph (11); and

(4) by inserting after paragraph (9) the following new paragraph:

"(10) one of the goals of these comprehensive services shall be to support the family, which includes the child and the natural, foster and adoptive families, with the aim of preventing abandonment of the child; and".

SEC. 3. PROGRAM OF DEMONSTRATION PROJECTS.

(a) IN GENERAL.—Section 101(a) of the Abandoned Infants Assistance Act of 1988 (42 U.S.C. 670 note) is amended—

(1) in the matter preceding paragraph (1), by striking "may make grants" and inserting the following: "shall make grants from funds appropriated pursuant to section 104(a)";

(2) in paragraph (1), by inserting before the semicolon the following: ", including the provision of services to all members of the natural family for any condition that increases the probability of abandonment of an infant or young child";

(3) in paragraph (2), by inserting before the semicolon "or those who are pre- or post-natally exposed to the etiologic agent for the human immunodeficiency virus, drugs or alcohol, or those who are medically fragile";

(4) in paragraph (3), by inserting after "those with acquired immune deficiency syndrome" the following: "or those who are pre- or post-natally exposed to the etiologic agent for the human immunodeficiency virus, drugs or alcohol, or those who are medically fragile,";

(5) in paragraph (4)—

(A) by striking "children," and inserting the following: "children (including the actual expenses of the persons receiving the services),"; and

(B) by inserting "or those who are pre- or post-natally exposed to the etiologic agent for the human immunodeficiency virus, drugs or alcohol, or medically fragile children" before the semicolon;

(6) in paragraph (5), to read as follows:

"(5) to provide residential care programs for abandoned infants and young children, who are unable to reside with their natural families or be placed in foster family care, particularly those with acquired immune deficiency or those who are pre- or post-natally exposed to the etiologic agent for the human immunodeficiency virus, drugs or alcohol, or those who are medically fragile;".

(7) in paragraph (6), by amending the paragraph to read as follows:

"(6) to carry out programs and services including respite care, family support groups, parenting skills, in-home support services, the use of volunteers and individual counselors and payment of expenses to attend such groups and provide alternative care) for natural, foster, and adoptive families of infants and young children with acquired immune deficiency syndrome, or those who are pre- or post-natally exposed to the etiologic agent for the human immunodeficiency virus, drugs or alcohol, or medically fragile children and young persons; and"; and

(8) in paragraph (7), by inserting before the period "or those who are pre- or post-natally exposed to the etiologic agent for the human immunodeficiency virus, drugs or alcohol, or those who are medically fragile.".

(b) COMPREHENSIVE SERVICE CENTERS.—Section 101 of the Abandoned Infants Assistance Act of 1988 (42 U.S.C. 670 note) is amended—

(1) by redesignating subsections (b) through (f) as subsections (c) through (g); and

(2) by inserting after subsection (a) the following new subsection:

"(b) COMPREHENSIVE SERVICE CENTERS.—

"(1) The Secretary shall make grants from funds appropriated pursuant to subsection 104(b) to fund a demonstration program to enable public and nonprofit private entities to plan, coordinate and establish model comprehensive service centers. These centers shall provide or offer access to children and to natural, foster and adoptive families covered under the Act in order to strengthen the family unit, or ameliorate or prevent conditions that increase the probability of improper care or abandonment. These centers shall—

"(A) coordinate, at one location (which may include schools) the provision of services, including social service, child protection, health, and education/training components, to those family members in need of such services;

"(B) be conducted in a setting convenient to, and easily accessible by, large numbers of natural, foster, and adoptive families, particularly those providing services to infants and children with acquired immune deficiency syndrome or medically fragile conditions, or those who are pre- or post-natally exposed to the etiologic agent for the human immunodeficiency virus, drugs or alcohol; and

"(C) involve, to the maximum extent possible, community-based and nonprofit organizations that have demonstrated expertise in the operation of such programs or that demonstrate the potential expertise.

The Secretary shall make grants under this subsection based on the necessity and number of services to be offered. The Secretary shall prioritize the applications upon the need for such services, as evidenced by the relative numbers of infants and young children covered under this Act to be served.

"(2) In the case of public or nonprofit private entities that have been providing similar comprehensive services under grants made under subsection (a) before the date of the enactment of the Abandoned Infants Assistance Act Amendments of 1991, the Secretary shall make provision to transition these projects, upon application by said public or nonprofit private entity for such transition, to this program during the first period for which funds are made available under section 104(b) for this subsection, provided that the Secretary shall make provision in such transition for the expansion, over a period of no more than 2 years, to encompass all of the services required under this subsection.".

(c) ADMINISTRATION OF GRANT.—Section 101(d) of the Abandoned Infants Assistance Act of 1988, as redesignated by subsection (b)(1) of this section, is amended—

(1) by redesignating paragraphs (1) through (4) as subparagraphs (A) through (D);

(2) in the matter preceding subparagraph (A) (as so redesignated), by striking "(d) ADMINISTRATION" and all that follows through "The Secretary" and inserting the following:

"(d) ADMINISTRATION OF GRANT.—

"(1) The Secretary";

(3) by moving each of subparagraphs (A) through (D) (as so redesignated) 2 ems to the right; and

(4) by adding at the end the following new paragraph:

"(2) Subject to the availability of funds, the Secretary shall make grants under this section for periods of not less than 3 years, with there being 2 automatic extensions of the grants being made absent a finding by the Secretary of substantial nonperformance.".

SEC. 4. EVALUATIONS, STUDIES, AND REPORTS BY SECRETARY.

(a) EVALUATIONS OF DEMONSTRATION PROJECTS.—Section 102(a) of the Abandoned Infants Assistance Act of 1988 (42 U.S.C. 670 note) is amended by striking "shall," and inserting "shall from funds appropriated under section 104(c),".

(b) SPECIAL NEEDS DISSEMINATION.—Section 102 of the Abandoned Infants Assistance Act of 1988 (42 U.S.C. 670 note) is amended—

(1) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively;

(2) by inserting after subsection (a) the following new subsection:

"(b) SPECIAL NEEDS DISSEMINATION.—

"(1) The Secretary shall, from amounts appropriated under section 104(d), maintain the National Resource Center for Programs Serving Abandoned Infants and Infants at Risk of Abandonment and Their Families established by the Secretary pursuant to the Abandoned Infants Assistance Act of 1988. The National Resource Center shall assist in identifying, developing and utilizing effective program practices, information and materials in order to meet the service needs of specific groups of individuals, who, on a national or State basis, are disproportionately effected by the drug and alcohol epidemics or who have been historically underserved with respect to the provision of information and services.

"(2) The National Resource Center described in paragraph (1) shall—

"(A) identify innovative or exemplary programs, public and private agencies, resources and support groups;

"(B) disseminate information on prevention and preventive services;

"(C) provide technical assistance, training and consultation to service providers and to State agencies to promote professional competency, service coordination, utilization of resources and the best practices related to the management and administration of abandoned infants assistance programs;

"(D) develop a national network of professionals in the field to serve as consultants and to link such individuals with persons and agencies requiring assistance; and

"(E) identify emerging issues with respect to child welfare, developmental disabilities and maternal and child health, particularly as such issues relate to pre- and post-natal alcohol, drug and pediatric HIV exposure.

"(3) Among the groups to be given priority for these services under this provision are those who are drug or alcohol addicted, individuals with acquired immune deficiency syndrome, minorities, limited English proficient individuals, or those individuals who have been statistically and historically underserved by such information services and dissemination. Information on prevention and services shall also be distributed to the communities of such individuals.

"(4) The Secretary shall enter into contracts or cooperative services under this subsection for periods of not less than 3 years. The Secretary shall extend the contract or grant for 2 additional consecutive 1-year periods absent a finding by the Secretary of substantial nonperformance.";

(3) in paragraph (1)(A) of subsection (c) (as so redesignated), by inserting after "infants who have acquired immune deficiency syndrome", the following: "or those who are pre- or post-natally exposed to the etiologic agent for the human immunodeficiency virus, drugs or alcohol, or who are medically fragile,"; and

(4) in paragraph (2) of subsection (d) (as so redesignated), by striking "April 1, 1991" and inserting "April 1, 1992".

SEC. 5. DEFINITIONS.

Section 103 of the Abandoned Infants Assistance Act of 1988 (42 U.S.C. 670 note) is amended—

(1) by striking "sec." and all that follows through "the term" and inserting the following:

"SEC. 103. DEFINITIONS.

"For purposes of this title:

"(1) The term"; and

(2) by adding at the end the following new paragraphs:

"(2) The term 'natural family' shall be interpreted to include natural parents, grandparents, familial members (including all siblings and children resident in the household), and others (on a continuing basis) who reside in the household and are in a care-giving situation with respect to infants and young children covered under this Act.

"(3) The term 'medically fragile' includes those infants and young children who exhibit medical, physical or developmental conditions occasioned by pre- or post-natal alcohol and drug exposure.".

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

Section 104 of the Abandoned Infants Assistance Act of 1988 (42 U.S.C. 670 note) is amended by striking "For the purpose" and all that follows and inserting the following:

"(a) DEMONSTRATION GRANTS IN GENERAL.—For the purpose of making grants under section 101(a), there are authorized to be appropriated $15,000,000 for fiscal year 1992, and such sums as may be necessary for each of the fiscal years 1993, 1994, and 1995.

"(b) COMPREHENSIVE SERVICE CENTERS.—For the purpose of making grants under section 101(b), there are authorized to be appropriated $1,000,000 for fiscal year 1992, and such sums as may be necessary for each of the fiscal years 1993, 1994, and 1995.

"(c) EVALUATIONS OF DEMONSTRATION PROJECTS.—For the purpose of making grants under section 102(a), there are authorized to be appropriated $1,500,000 for fiscal year 1992, and such sums as may be necessary for each of the fiscal years 1993, 1994, and 1995.

"(d) SPECIAL NEEDS DISSEMINATION.—For the purpose of making grants under section 102(b), there are authorized to be appropriated $5,000,000 for fiscal year 1992, and such sums as may be necessary for each of the fiscal years 1993, 1994, and 1995.

"(e) ADMINISTRATIVE EXPENSES.—

"(1) In addition to the funds authorized above, there shall be an amount authorized for the purpose of administering this program of 5 percent of the amount appropriated for the programs in fiscal years 1992, 1993, 1994, and 1995.

"(2) The Secretary may not obligate any of the amounts appropriated under paragraph (1) for a fiscal year unless, from the aggregate amounts appropriated under subsections (a) through (d) for the fiscal year, the Secretary has obligated for the purpose described in paragraph (1) an amount equal to the amounts obligated by the Secretary for such purpose in fiscal year 1991.

"(f) AVAILABILITY OF FUNDS.—Funds appropriated under this authority shall remain available until expended.".

SEC. 7. CONFORMING AMENDMENT.

The heading for title I of the Abandoned Infants Assistance Act of 1988 (42 U.S.C. 670 note) is amended by adding at the end the following: "AND ABANDONMENT PREVENTION PROGRAMS".

SEC. 8. TERMINATION OF PROGRAM.

Section 105 of the Abandoned Infants Assistance Act of 1988 (42 U.S.C. 670 note) is repealed.

Mr. FORD. Mr. President, I move to reconsider the vote.

Mr. SIMPSON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

THE 900 SERVICES CONSUMER PROTECTION ACT

Mr. FORD. Mr. President, I ask unanimous consent the Senate proceed to consideration of Calendar 275, S. 1579, the 900 Service Consumer Protection Act of 1991.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (S. 1579) to provide for regulation and oversight of the development and application of the telephone technology known as pay per call, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to the consideration of the bill, which had been reported from the Committee on Commerce, Science, and Transportation, with amendments; as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets and the parts of the bill intended to be inserted are shown in italic.)

S. 1579

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "900 Services Consumer Protection Act of 1991".

SEC. 2. FINDINGS.

The Congress makes the following findings:

(1) The pay-per-call telecommunications industry has grown into a national, billion-

dollar industry as a result of recent technological innovations.

(2) Many pay-per-call businesses provide valuable information, increase consumer choices, and stimulate innovative and responsive services that benefit the public.

(3) Some interstate pay-per-call businesses, however, are engaging in practices which are misleading to the consumer, harmful to the public interest, and/or contrary to accepted standards of business [practice.] *practices.*

(4) The improper activities of those businesses damage the reputation of the entire pay-per-call industry, causing harm to the many reputable businesses that are serving the public in an honest and honorable fashion.

(5) Many of the harmful practices of the pay-per-call industry are currently beyond the reach of regulatory agencies and existing legislation.

(6) The nationwide, interstate scope of pay-per-call services makes it impossible for the individual States to regulate these businesses within their individual borders.

(7) Therefore, Congress should enact legislation that provides for the proper and orderly regulation of the pay-per-call industry in order to protect the public interest and allow for the continued growth of pay-per-call businesses.

SEC. 3. PURPOSE.

It is the purpose of this Act—

(1) to put into effect a system of regulation and review of the pay-per-call business; and

(2) to give the Federal Communications Commission and the Federal Trade Commission authority to prescribe regulations, adopt enforcement procedures, and conduct oversight concerning the pay-per-call industry, to give State attorneys general authority to enforce Federal laws and regulations concerning that industry, to afford reasonable protection to consumers, and to assure that violations of Federal law do not occur.

SEC. 4. DEFINITIONS.

As used in this Act—

(1) The term "pay-per-call service" means any information service, provided by telephone, which receives payment, directly or indirectly, from each person who calls that service by telephone. The Federal Communications Commission shall, by regulation, specify in greater detail the kinds of information services that are included within such term.

(2) The term "common carrier" has the meaning given that term under section 3(h) of the Communications Act of 1934 (47 U.S.C. 153(h)).

(3) The term "information service" does not include any regulated communication service provided by a common carrier.

(4) The term "provider of a pay-per-call service" does not include a common carrier when its sole action with respect to a pay-per-call service is—

(A) to carry such service over its network; or

(B) to bill and collect for such service.

(5) The term "caller" means a person using a pay-per-call service.

(6) The term "State" means any State of the United States, the District of Columbia, Puerto Rico, the Northern Mariana Islands, and any territory or possession of the United States.

SEC. 5. FCC AND FTC REGULATIONS ON PAY-PER-CALL SERVICES.

(a) RULEMAKING PROCEEDINGS.—The Federal Communications Commission and Federal Trade Commission shall, within 120 days after the date of enactment of this Act, initiate coordinated rulemaking proceedings to establish a consistent system for oversight and regulation of pay-per-call services in order to provide for the protection of consumers in accordance with this Act, and other applicable Federal statutes and regulations. The final rules or regulations issued pursuant to such proceedings shall be effective within 1 year after the date of enactment of this Act.

(b) MINIMUM STANDARDS FOR PAY-PER-CALL SERVICES.—The rules or regulations issued by the Federal Trade Commission under subsection (a) shall require that a pay-per-call service—

(1) shall include an introductory disclosure message that describes the service being provided and the maximum charge per minute or per call and other charges, and informs the caller that charges for the call will begin at the end of the introductory message;

(2) shall enable the caller to hang up before the end of the introductory message without incurring any charge whatsoever;

(3) shall, after the institution of any increase in charges for the service, disable any bypass mechanism which allows repeat callers to avoid listening to the complete introductory disclosure message required under paragraph (1), for a period of time sufficient to give such repeat callers adequate and sufficient notice of the increase;

(4) shall not be aimed at children under the age of 12, unless such service is a bona fide educational service; and

(5) shall prohibit the use of a toll-free telephone number from which a caller will be automatically connected to an access number for a pay-per-call service.

(c) COMMON CARRIER OBLIGATIONS.—The rules or regulations issued by the Federal Communications Commission under subsection (a) shall include the following requirements for common carriers:

(1) A common carrier which contracts with a provider of a pay-per-call service shall make readily available on request—

(A) a list of the access numbers for each of the pay-per-call services it carries;

(B) a short description of each such service;

(C) a statement of the maximum charges per call or per minute, and any other charge, for each such service;

(D) a statement of its name, business address, and business telephone; and

(E) such other information as the Federal Communications Commission considers necessary for the enforcement of this Act and other applicable Federal statutes and regulations.

(2) A common carrier shall not disconnect a subscriber's local exchange telephone service, or long distance telephone service, because of nonpayment of charges for any pay-per-call service.

(3) A common carrier that provides local exchange service shall—

(A) offer telephone subscribers (where technically and economically feasible) the option of blocking access from their telephone number to all, or to certain specific, [prefixes,] *prefixes* used by pay-per-call services, which option—

(i) shall be offered at no charge (I) to all subscribers for a period of 60 days after the issuance of the rules or regulations under subsection (a), and (II) to any subscriber who subscribes to a new telephone number prior to and for a period of 60 days after the time the new telephone number is effective; and

(ii) shall otherwise be offered at a reasonable fee as established by the appropriate State regulatory commission; and

(B) offer telephone subscribers (where the Federal Communications Commission determines it is technically and economically feasible), in combination with the blocking option described under subparagraph (A), the option of presubscribing to or blocking only specific pay-per-call services for a reasonable one-time charge.

(4) A common carrier that engages in billing and collection of charges for pay-per-call services shall—

(A) give telephone subscribers the option of cancelling charges for pay-per-call services in instances of unauthorized use or misunderstanding of such charges at the time of use, subject to guidelines prescribed by the Federal Communications Commission to prevent subscribers from abusing that option;

(B) send, to every person subscribing to a new telephone number and, within 60 days after the issuance of such rules or regulations, to all telephone subscribers, and at least annually thereafter, a disclosure statement that—

(i) sets forth all rights and obligations held by the subscriber and the carrier with respect to the use and payment for pay-per-call services; and

(ii) describes the applicable blocking options required under paragraph (3) (A) and (B);

(C) in any billing to telephone subscribers that includes charges for any pay-per-call service, display any charges for pay-per-call services in a part of the subscriber's bill that is identified as not being related to local and long distance telephone charges; and for each charge so displayed, specify the type of service, the amount of the charge, and the date, time, and duration of the call;

(D) in instances when such carriers contract for the collection and distribution of charges by any provider of pay-per-call services that solicits charitable contributions, shall obtain from that provider proof of the tax exempt status of any person or organization for which contributions are solicited;

(E) have the right to recover such carrier's costs of complying with subparagraphs (A), (B), and (C) from the provider of pay-per-call services for which such carrier conducts billing and collection;

(F) stop the assessment of time-based charges upon disconnection by the caller; and

(G) require that pay-per-call services be offered only via the use of certain telephone number prefixes.

(d) ADVERTISING RESTRICTIONS.—The rules or regulations issued by the Federal Trade Commission under subsection (a) shall—

(1) require that any provider of a pay-per-call service shall include, in any advertisement for a pay-per-call service a disclosure stating the maximum charge per call or per minute for calling the advertised number and such other information as the Federal Trade Commission shall consider necessary;

(2) require that, whenever the number to be called is shown in television and print media advertisements, the provider of a pay-per-call service shall ensure that the charges for the call are clear and conspicuous and displayed for the same duration as that number is displayed;

(3) prohibit any person from advertising on any radio station, television broadcast station, or community antenna television station by means of an advertisement that emits electronic tones which can automatically dial an access number for a pay-per-call service;

(4) require that any telephone message soliciting calls to a pay-per-call service specify clearly, and at the audible volume of the solicitation, the maximum charge per call or

per minute and other charges for such a call; and

(5) prohibit any person from advertising a toll-free telephone number from which a caller can or will be automatically connected to an access number for a pay-per-call service.

(e) MATTERS FOR FCC AND FTC CONSIDERATION.—(1) In conducting a proceeding under subsection (a), the Federal Communications shall consider requiring by rule or regulation that—

(A) a pay-per-call service—

(i) automatically disconnect a call after one full cycle of program; and/or

(ii) automatically disconnect interactive programs if no activity occurs within a reasonable, specified time period; and

(B)(i) a pay-per-call service providing a live interactive group program shall include a beep tone or other appropriate and clear signal during the program so that callers will be alerted to the passage of time; and

(ii) such tone or other signal shall be explained in the disclosure statement required under subsection (c)(4)(B).

(2) In conducting a proceeding under subsection (a), the Federal Trade Commission shall consider requiring by rule or regulation that—

(A) a pay-per-call service to which a person presubscribes shall be exempt from the requirements of subsection (b); and

(B) a pay-per-call service for which there is a nominal per-call charge shall be exempt from the requirements of subsection (b).

(f) EFFECT ON DIAL-A-PORN PROHIBITIONS.—Nothing in this section shall affect the provisions of section 223 of the Communications Act of 1934 (47 U.S.C. 223).

SEC. 6. FEDERAL AGENCY ENFORCEMENT.

(a) FEDERAL COMMUNICATIONS COMMISSION.—Any violation of the regulations issued by the Federal Communications Commission under section 5 of this Act shall be treated as a violation of the rules and regulations under the Communications Act of 1934 and therefore shall be subject to the provisions of title V of the Communications Act of 1934 (47 U.S.C. 501 et seq.), including—

(1) criminal penalties for willful and knowing violation of Commission rules, regulations, conditions, and restrictions, consisting of a fine of not to exceed $500 for each day in which an offense occurs; and

(2) forfeiture penalties for the willful or repeated failure to comply with statutory provisions or Commission rules, regulations, or orders—

(A) of not to exceed $100,000 for each violation or each day of a continuing violation by a common carrier subject to title II of the Communications Act of 1934, or by an applicant for any common carrier license, permit, certificate, or other instrument of authorization issued by the Commission; and

(B) of not to exceed $10,000 for each violation or each day of a continuing violation by a person that is not such a common carrier or applicant.

(b) FEDERAL TRADE COMMISSION.—Any violation of any rule prescribed by the Federal Trade Commission under section 5 of this Act shall be treated as a violation of a rule under section 18 of the Federal Trade Commission Act (15 U.S.C. 57a) regarding unfair or deceptive acts or practices and therefore shall be subject to any remedy or penalty applicable to any violation thereof. The Federal Trade Commission shall prevent any person from violating a rule, regulation, or order of the Federal Trade Commission under this Act in the same manner, by the same means, and with the same jurisdiction, powers, and duties as though all applicable terms and provisions of the Federal Trade Commission Act (15 U.S.C. 41 et seq.) were incorporated into and made a part of this Act. Any person who violates such a rule, regulation, or order shall be subject to the penalties and entitled to the privileges and immunities provided in the Federal Trade Commission Act in the same manner, by the same means, and with the same jurisdiction, powers, and duties as though all applicable terms and provisions of the Federal Trade Commission Act were incorporated into and made a part of this Act.

SEC. 7. ACTIONS BY STATE ATTORNEYS GENERAL.

(a) AUTHORITY OF ATTORNEYS GENERAL.—Whenever the attorney general of any State has reason to believe that the interests of the residents of that State have been or are being threatened or adversely affected because any provider of a pay-per-call service has engaged or is engaged in acts which violate any rule or regulation of the Federal Trade Commission under this Act, the State may bring a civil action on behalf of its residents to enjoin such acts, to enforce compliance with any rule or regulation of the Federal Trade Commission under this Act, to obtain damages on behalf of their residents, or to obtain such further and other relief as the court may deem appropriate.

(b) EXCLUSIVE JURISDICTION OF FEDERAL COURTS.—The district courts of the United States, the United States courts of any territory, and the District Court of the United States for the District of Columbia shall have exclusive jurisdiction over all civil actions brought under this section against a provider of a pay-per-call service to enforce any liability or duty created by any rule or regulation of the Federal Trade Commission under this Act, or to obtain damages or other relief with respect thereto. Upon proper application, such courts shall also have jurisdiction to issue writs of mandamus, or orders affording like relief, commanding the defendant to comply with the provisions of any rule or regulation of the Federal Trade Commission under this Act, including the requirement that the defendant take such action as is necessary to remove the danger of violation of any such rule or regulation. Upon a proper showing, a permanent or temporary injunction or restraining order shall be granted without bond.

(c) FTC RIGHTS.—The State shall serve prior written notice of any such civil action upon the Federal Trade Commission and provide the Commission with a copy of its complaint, except in any case where such prior notice is not feasible, in which case the State shall serve such notice immediately upon instituting such action. The Federal Trade Commission shall have the right (1) to intervene in the action, (2) upon so intervening, to be heard on all matters arising therein, and (3) to file petitions for appeal.

(d) VENUE.—Any civil action brought under this section in a district court of the United States may be brought in the district wherein the defendant is found or is an inhabitant or transacts business or wherein the violation occurred or is occurring, and process in such cases may be served in any district in which the defendant is an inhabitant or wherever the defendant may be found.

(e) INVESTIGATORY POWERS.—For purposes of bringing any civil action under this section, nothing in this Act shall prevent the attorney general from exercising the powers conferred on the attorney general by the laws of such State to conduct investigations or to administer oaths or affirmations or to compel the attendance of witnesses or the production of documentary and other evidence.

(f) EFFECT ON STATE COURT PROCEEDINGS.—Nothing contained in this section shall prohibit an authorized State official from proceeding in State court on the basis of an alleged violation of any general civil or criminal antifraud statute of such State.

(g) LIMITATION.—Whenever the Federal Trade Commission has instituted a civil action for violation of any rule or regulation under this Act, no State may, during the pendency of such action instituted by the Commission, subsequently institute a civil action against any defendant named in the Commission's complaint for violation of any rule as alleged in the Commission's complaint.

(h) DEFINITION.—As used in this section, the term "attorney general" means the chief legal officer of a State.

SEC. 8. STUDY OF THE USE OF CALLERS' TELEPHONE NUMBERS.

(a) STUDY.—The Federal Trade Commission shall conduct a study of the acquisition and use, by providers of pay-per-call services, of callers' telephone numbers to generate, compile, and sell or lease lists of such numbers. Such study shall investigate the extent to which such numbers are obtained with or without the knowledge or consent of the caller and shall identify methods by which callers could be given the opportunity to grant or withhold that consent.

(b) REPORT.—The Federal Trade Commission shall, within 1 year after the date of enactment of this Act, submit to the Congress and the Commission a report on the results of the study required by subsection (a). To the extent that the study identifies any abuses in the acquisition and use, by providers of pay-per-call services, of callers' telephone numbers, such report shall include recommendations for administrative or legislative changes to prevent such abuses.

Mr. INOUYE. Mr. President, I rise today in support of the 900 Services Consumer Protection Act of 1991, legislation designed to address problems that have arisen due to the use of pay-per-call services, better known as 900 numbers. I am deeply grateful to Senator MCCAIN for all of his work on this compromise. I also want to thank all of the members of the Commerce Committee, and the cosponsors, particularly the chairman, Senator HOLLINGS, and the ranking member, Senator DANFORTH. Finally, I want to thank the Federal Communications Commission, the Federal Trade Commission, the telephone companies, and the 900 services industry, all of whom have worked with us to reach this compromise.

Let me take a few minutes to describe the industry and the problems that this bill is intended to address. Pay-per-call services give callers access to a variety of information services through the telephone network. Customers can obtain access to this information by calling a 10-digit number whose prefix is typically 900 or 700. When consumers call one of these numbers, they are then assessed a charge in addition to the regular long-distance charge. Generally, callers are charged either a flat fee per call or by the minute. The charge appears on the caller's telephone bill and can be as high as $25 per call or $10 per minute.

These numbers are used to: Provide information like stock quotes and sports data; conduct polls—call one number for yes and another number for no; provide legal and other advice; provide mass announcements which play prerecorded messages; promote sweepstakes; sell goods; raise funds for charitable and political organizations; provide dating services and group access bridging—gab lines or party lines.

The way most 900 services operate is that the information service provider enters into a contract with a telephone company, most often long distance companies. The telephone company makes telephone lines available to the information service provider and also handles the billing and collection. The 900 service provider offers the information, such as stock quotes. The service provider then advertises the service and the 900 number using print and/or broadcast media. When a consumer calls the stock quote 900 number, he or she is then billed directly on his or her telephone bill. The telephone company collects the charge for the consumer, takes out its share to cover the cost of providing the lines and the billing service, and passes the remainder of the charge to the service provider. It is important to note that the telephone company does not provide the information; the telephone company provides the telephone lines and billing, but, generally does not provide the information content.

The 900 pay-per-call business, which began in the early 1980's, has developed into a $759 million industry and is projected to grow into a $1.6 billion industry by 1992. Testimony presented at a Communications Subcommittee hearing on this issue estimated that there are presently 14,000 different pay-per-call programs available.

In recent years, the increased usage of 900 numbers has resulted in many consumer complaints. Since January 1988 the FCC has received over 2,000 complaints, and the complaints are continuing. The FCC received 197 complaints in November 1990, and 190 in January 1991. The most frequent complaints concern false or deceptive disclosure of rates and products. Advertisements often fail to disclose the cost of calls to 900 numbers, or the cost of the call is printed in small illegible mice print. Some ads only state the cost of the call once, or in slurred, last-minute voiceovers, but repeat the 900 numbers frequently throughout the advertisement.

Some of these services target children who do not appreciate the costs of dialing these numbers. Especially dangerous are those that run TV and radio advertisements telling children to hold the phone up to the TV or radio. The tones associated with each telephone number are then broadcast over the TV or radio so that the call is dialed automatically. As a result, children do not even have to know how to dial to be connected to one of these services.

Finally, this problem is exacerbated by the fact that these charges are collected through the monthly telephone bill. This not only lends legitimacy to the charge, because it looks like the telephone company is responsible for the charge, but the consumer believes that he or she must pay the charge or the telephone company will disconnect their service.

These problems have not gone unnoticed. Some telephone companies have voluntarily begun to institute measures to provide some protections to consumers. For example, GTE Hawaiian Telephone Co. has made call blocking of 900 and 700 numbers available to all of its customers. The blocking service is free the first time it is requested by a customer. If the customer cancels the service and then reinstates it, there will be a charge. However, this only addresses part of the problem and this service is not universally available.

To address these problems, the 900 Services Consumer Protection Act of 1991 expands the jurisdiction of the FCC, FTC, and the States to provide express authority to address the problems raised by the explosive growth of the pay-per-call industry. The major provisions do the following:

Require that 900 services provide a preamble stating the cost of the call, all per-call charges, describing the information, product, or service to be provided, and giving the caller the option to hang up without being charged;

Ban 900 services aimed at children under the age of 12;

Require the phone companies to give their subscribers the option to block all calls to 900 numbers from their phone where technically and economically feasible;

Prohibit local telephone companies from disconnecting subscribers for failure to pay interstate 900 number charges;

Prohibit broadcasters from carrying advertisements that emit tones that automatically dial a telephone number when the phone is held up to the radio or television;

Require full and clear disclosure of the rates for these calls in all advertisements;

Prohibit the use of 800 numbers—free calls—that automatically connect callers to 900 numbers that charge the caller;

Require the telephone company who contracts with 900 service providers to make available on request the information concerning the 900 service providers it contracts with, including the name and address of the 900 service provider, the costs of the service, and any other information the FCC deems appropriate.

Give the FCC, the FTC, and the States the authority to enforce the provisions of this legislation.

Senator MCCAIN and I are offering an amendment to the bill, as reported. This amendment would exempt pay-per-call services to which consumers must presubscribe and protect telephone companies from liability for actions taken by information service providers. We believe that presubscription services should not be subject to the requirements of this bill because consumers must first enter into a contract with the information service provider before they can get access to these services. Thus, consumers clearly have the opportunity to decline to accept the services offered and have an opportunity to review the terms and conditions under which the service is offered before incurring any charges. Based on the record of the committee's hearing on this bill it is clear that presubscription services are not the types of services that have resulted in consumer complaints and therefore should be exempt.

As to the telephone companies, the amendment simply provides that telephone companies who provide transmission and/or billing services to 900 service providers will not be subject to liability if a 900 service provider violates the provisions of this bill. Thus, for example, a telephone company will not be subject to liability in the event that a 900 service provider fails to comply with the preamble requirement of this legislation. A telephone company would, however, be subject to liability if it violated a provision of this act that applied to that company, like disconnecting a subscribers' telephone service for failure to pay 900 charges. In other words, this amendment simply clarifies the fact that telephone companies are not to be held responsible for actions of unaffiliated information service providers.

In closing, I believe that this legislation is very important, and I urge all of my colleagues to support this effort. This bill has virtually no opposition. It ensures that consumers are protected against abuses by pay-per-call service providers, while permitting legitimate service providers to expand their business opportunities.

Mr. HOLLINGS. Mr. President, today the Senate will consider S. 1579, the 900 Telephone Services Consumer Protection Act of 1991. I commend Senators INOUYE and MCCAIN, the authors of this legislation, and my fellow cosponsors for all of their work on this measure. This bill represents a bipartisan effort, and it has taken much hard work to develop this compromise.

Mr. President, consumers are under attack. Everywhere they turn they are bombarded with advertisements for pay-per-call services—so called 900 services. A recent advertisement in a Washington area paper reads: "If you want to be sure you are going to Heaven call 1-900-535-4900.'' The 900 services are used to promote anything and everything. Unfortunately, these advertisements often deceive customers as to the cost of these calls. The charges can be as high as $50 per call or $10 per minute. Further, when a consumer calls, the provider often fails to give the consumer what was advertised.

The South Carolina Department of Consumer Affairs has received more complaints about 900 services than any other issue except computerized phone calls—over 160 complaints concerning 900 numbers since July of this year. The 900 pay-per-call business is close to a billion-dollar-a-year industry which is expected to double within 2 years. The complaints seem to be growing faster than the industry.

These services prey upon people's hopes and dreams and add to their despair. At recent hearings in Greenville and Columbia, SC, I heard from my constituents, and there is no doubt in my mind that this legislation is needed. One woman received a call on a night while she was trying to figure out which bills she could afford to pay that month. The call promised that she would receive a VISA card if she called a 900 number. She was charged $50 for the call and got nothing, not even an application to complete.

Another constituent had 900 charges on his phone bill one month. When he called his local phone company to complain, he was told to call the long-distance carrier. While he was waiting for a response from the long-distance company, his phone was disconnected for failing to pay the 900 charges. This went on for several months, each time because of the same 900 charges that appeared on one bill. He finally gave up and decided to do without a phone. Then he lost his job, and now has no home phone to use in his job search.

S. 1579 will address these problems. Among other things, it will prohibit telephone companies from disconnecting basic phone service for failure to pay 900 charges, it will require that callers are informed about the charges they will incur and the service or product to be provided, and, most importantly, it will impose penalties on information service providers and telephone companies for failure to comply with the requirements of this legislation.

It is clear to me that we need to enact legislation to provide consumers with information and additional protection against fraud and abuses perpetrated by certain unprincipled 900 service providers. As with most industries, many 900 service providers are operated by responsible individuals who do not take advantage of consumers. However, there are clearly those who abuse consumers. Even the 900 service providers realize that this is an issue Congress needs to address and have worked with the committee on this legislation.

In closing, I believe that we cannot assume a hands-off attitude while consumers are being harmed. We must act to prevent further abuses from 900 services, and I urge my colleagues to support this legislation.

Mr. MCCAIN. Mr. President, I am pleased that the Senate has agreed upon this legislation, S. 1579, the 900 Services Consumer Protection Act of 1991. This bill represents a comprehensive effort by Senator INOUYE and me to address the consumer abuses in the pay-per-call industry.

I would like to commend my good friend from Hawaii, the chairman of the Subcommittee on Communications, Senator INOUYE, for his diligence and leadership. His conviction to reach an equitable solution to the problems facing consumers and the communications industry is once again evident in the manner in which he worked on this legislation. I am grateful to him for his effort.

On February 21, 1991 of this year, I introduced S. 471, the 900 Services Consumer Protection Act of 1991 because of the flagrant abuses against consumers perpetrated by some information services providers, more commonly referred to as 900 service providers or pay-per-call services. Senator INOUYE later introduced S. 1166, the Telephone Consumer Assistance Act, on April 25, 1991. S. 1166 also sought to address the issue of consumer fraud in the 900 services industry.

S. 471 and S. 1166 were merged following a hearing on the two bills on July 16, 1991. S. 1579, the 900 Services Consumer Protection Act of 1991 is the result of this collaboration.

Of the many mechanisms commonly used to defraud consumers, nondisclosure and misinformation unfortunately stand as the most prevalent. Many of the services offered through the pay-per-call industry have shown this to be true time and time again.

Pay-per-call fraud is committed in a variety of ways. For example, advertisements of these services often do not disclose the full price of the call, or fail to state the price in a manner which is clear to the consumer. Thus, consumers are not always aware of the cost of the call, and are unprepared for the charge on the phone bill.

In addition, there have been complaints to both the Federal Communications Commission [FCC] and the Federal Trade Commission [FTC] about toll free 800 calls which reach a recording which directs the caller to dial a 900 number, without disclosure of the fact that there will be a charge or the amount that will be charged.

There is also great concern about the fact that the identity of the information provider is not available on the phone bill where the charge appears. The charge is attributed to the long-distance carrier. Therefore, the consumer cannot verify whether they did, indeed, call that service. This creates a burden for both the consumer and the long-distance carrier.

This has become an increasingly important issue for parents of young children. Children are the most common victims of consumer fraud in this industry. Minors are not in a position where they can make an informed decision about whether or not they should incur the cost of 900 services. This has been recognized by Federal policymakers in the area of communications since as far back as the 1960's. For this reason, the FCC has placed restrictions on certain kinds of television advertisements aimed at children. Because of the limits placed on children by youth and inexperience, they cannot distinguish between actual programming and the purpose of advertisements. This necessitates the consideration of children as a protected consumer class.

So-called latchkey kids are particularly susceptible to the temptation of making a 900 call as a result of watching a commercial, since they cannot ask their parents for permission or guidance because their parents are away at work.

It is clear that children are generally susceptible to the temptation of phoning in for services, and many of these services do not deliver what they promise. One such example is the Santa Claus line which promised a conversation with Santa. During the Christmas holidays, this is particularly enticing to young children. However, upon calling one particular Santa line, the child was informed that Santa was in the restroom, and that the child should call back in 10 minutes.

Regardless of whether or not the call was authorized by an adult, the child did not receive the service he or she was promised. If the child is still interested enough in contacting Santa Claus, he will continue to call in the hopes of speaking to him.

Another notorious case involving children is that of a different Santa Claus advertisement which directed children to put the phone up to the television set and delivered a series of tones which automatically dialed the phone number for the service. Clearly, the advertisement was aimed at very young children who may have difficulty dialing the telephone. If a child is too young to dial a telephone, then that child is obviously too young to make an informed consumer decision.

In the case of unmonitored 900 services usage, this unmonitored time often results in costly phone bills, up into the hundreds of dollars per month, because children were enticed to place a call by advertisement aimed directly at them, the innocent consumer.

These are not merely isolated incidents. Since 1988, the FCC has received over 2,000 complaints. The number of complaints has increased each year.

This led the National Association of Attorneys General to issue a report in March 1991 on the state of the 900 industry. The report concluded that consumer abuses required Federal regulation of the industry. It particularly stressed the importance of protecting children, and recommended a ban on services aimed at children.

I believe that all consumers have a right to all of the information they need to make an informed decision about the service for which they will be charged. This legislation facilitates the exercise of that right by:

First, requiring that 900 services provide a preamble stating the cost of the call, all per-call charges, and the type of service the caller will receive for the fee;

Second, requiring the local phone companies to give each subscriber the option to block all calls to 900/700 numbers from each phone;

Third, prohibiting local telephone companies from disconnecting a subscriber's telephone service for failure to pay interstate 900 number charges;

Fourth, prohibiting the broadcast of automatic dial tones in radio and television advertisements and ban 900 services aimed at children under 12 years of age;

Fifth, requiring that telephone companies include in any bills sent to subscribers information describing the rates charged for 900/700 numbers, the type of services called, and the rights and obligations of callers and the carrier;

Sixth, requiring full and clear disclosure of the rates for these calls in all advertisements;

Seventh, prohibiting use of 800 numbers, or toll-free calls, that automatically connect a consumer to 900/700 numbers for which the caller is ultimately charged;

Eight, requiring all telephone carriers that contract with 900 service providers to make available on request the name, business address, and phone number of 900 service providers carried by that carrier, a short description of the 900 service provided, the access numbers for the 900 services, and the maximum charges for the 900 service;

Ninth, giving the FCC, the FTC, and the States the authority to enforce the provisions of this legislation;

Tenth, requiring the FTC to conduct a study concerning use of callers numbers, without their knowledge, by telemarketing services; and

Eleventh, requiring the FCC to conduct a study into the need for regulations requiring automatic disconnection of services after one full cycle, or of interactive programs if there is no activity for some period of time; and the need for beep tones to remind callers that they are being charged for interactive calls.

Mr. President, it is my hope that consumers will be able to use information services without concern that they will become victims of fraud. This industry has afforded consumers a broad array of services, giving them the convenience of receiving services and entertainment through an interactive system. Consumers have benefited from the growth of this industry, which is largely comprised of honest, legitimate 900 service providers.

I believe that this industry will continue to grow, and will benefit from this greater consumer awareness.

AMENDMENT NO. 1289

(Purpose: To amend the definition of the term "pay-per-call service", and for other purposes)

Mr. FORD. Mr. President, I send an amendment to the desk for Mr. INOUYE and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Kentucky [Mr. FORD], for Mr. INOUYE, proposes an amendment numbered 1289.

Mr. FORD. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Strike all on page 4, lines 1 through 7, and insert in lieu thereof the following:

(1) The term "pay-per-call service" means any information service, provided by telephone, which receives payment, directly or indirectly, from each person who calls that service by telephone, except that such term shall not include information services for which users are assessed charges only after entering into a presubscription or comparable arrangement with the provider of such service. The Federal Communications Commission shall, by regulation, specify in greater detail the kinds of information services that are included within such term and the criteria for determining whether a valid presubscription or comparable arrangement is created, consistent with the purposes of this Act.

Strike all on page 12, lines 12 through 20, and insert in lieu thereof the following:

(2) In conducting a proceeding under subsection (a), the Federal Trade Commission shall consider requiring by rule or regulation that a pay-per-call service for which there is a nominal per-call charge shall be exempt from the requirements of subsection (b).

At the end of page 12, add the following new subsection:

(g) APPLICABILITY OF PENALTIES TO COMMON CARRIERS.—No common carrier shall be liable for a criminal or civil sanction or penalty under this Act solely because it provided transmission or billing and collection services for a pay-per-call service that violated a rule or regulation issued or prescribed under this Act.

On page 15, line 12, strike "their" and insert in lieu thereof "its".

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1289) was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on agreeing to the committee amendment in the nature of a substitute, as amended.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

So the bill (S. 1579), as amended, was passed as follows:

S. 1579

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "900 Services Consumer Protection Act of 1991".

SEC. 2. FINDINGS.

The Congress makes the following findings:

(1) The pay-per-call telecommunications industry has grown into a national, billion-dollar industry as a result of recent technological innovations.

(2) Many pay-per-call businesses provide valuable information, increase consumer choices, and stimulate innovative and responsive services that benefit the public.

(3) Some interstate pay-per-call businesses, however, are engaging in practices which are misleading to the consumer, harmful to the public interest, and/or contrary to accepted standards of business practices.

(4) The improper activities of those businesses damage the reputation of the entire pay-per-call industry, causing harm to the many reputable businesses that are serving the public in an honest and honorable fashion.

(5) Many of the harmful practices of the pay-per-call industry are currently beyond the reach of regulatory agencies and existing legislation.

(6) The nationwide, interstate scope of pay-per-call services makes it impossible for the individual States to regulate these businesses within their individual borders.

(7) Therefore, Congress should enact legislation that provides for the proper and orderly regulation of the pay-per-call industry in order to protect the public interest and allow for the continued growth of pay-per-call businesses.

SEC. 3. PURPOSE.

It is the purpose of this Act—

(1) to put into effect a system of regulation and review of the pay-per-call business; and

(2) to give the Federal Communications Commission and the Federal Trade Commission authority to prescribe regulations, adopt enforcement procedures, and conduct oversight concerning the pay-per-call industry, to give State attorneys general authority to enforce Federal laws and regulations concerning that industry, to afford reasonable protection to consumers, and to assure that violations of Federal law do not occur.

SEC. 4. DEFINITIONS.

As used in this Act—

(1) The term "pay-per-call service" means any information service, provided by telephone, which receives payment, directly or indirectly, from each person who calls that service by telephone, except that such term shall not include information services for which users are assessed charges only after entering into a presubscription or com-

parable arrangement with the provider of such service. The Federal Communications Commission shall, by regulation, specify in greater detail the kinds of information services that are included within such term and the criteria for determining whether a valid presubscription or comparable arrangement is created, consistent with the purposes of this Act.

(2) The term "common carrier" has the meaning given that term under section 3(h) of the Communications Act of 1934 (47 U.S.C. 153(h)).

(3) The term "information service" does not include any regulated communication service provided by a common carrier.

(4) The term "provider of a pay-per-call service" does not include a common carrier when its sole action with respect to a pay-per-call service is—

(A) to carry such service over its network; or

(B) to bill and collect for such service.

(5) The term "caller" means a person using a pay-per-call service.

(6) The term "State" means any State of the United States, the District of Columbia, Puerto Rico, the Northern Mariana Islands, and any territory or possession of the United States.

SEC. 5. FCC AND FTC REGULATIONS ON PAY-PER-CALL SERVICES.

(a) RULEMAKING PROCEEDINGS.—The Federal Communications Commission and Federal Trade Commission shall, within 120 days after the date of enactment of this Act, initiate coordinated rulemaking proceedings to establish a consistent system for oversight and regulation of pay-per-call services in order to provide for the protection of consumers in accordance with this Act, and other applicable Federal statutes and regulations. The final rules or regulations issued pursuant to such proceedings shall be effective within 1 year after the date of enactment of this Act.

(b) MINIMUM STANDARDS FOR PAY-PER-CALL SERVICES.—The rules or regulations issued by the Federal Trade Commission under subsection (a) shall require that a pay-per-call service—

(1) shall include an introductory disclosure message that describes the service being provided and the maximum charge per minute or per call and other charges, and informs the caller that charges for the call will begin at the end of the introductory message;

(2) shall enable the caller to hang up before the end of the introductory message without incurring any charge whatsoever;

(3) shall, after the institution of any increase in charges for the service, disable any bypass mechanism which allows repeat callers to avoid listening to the complete introductory disclosure message required under paragraph (1), for a period of time sufficient to give such repeat callers adequate and sufficient notice of the increase;

(4) shall not be aimed at children under the age of 12, unless such service is a bona fide educational service; and

(5) shall prohibit the use of a toll-free telephone number from which a caller will be automatically connected to an access number for a pay-per-call service.

(c) COMMON CARRIER OBLIGATIONS.—The rules or regulations issued by the Federal Communications Commission under subsection (a) shall include the following requirements for common carriers:

(1) A common carrier which contracts with a provider of a pay-per-call service shall make readily available on request—

(A) a list of the access numbers for each of the pay-per-call services it carries;

(B) a short description of each such service;

(C) a statement of the maximum charges per call or per minute, and any other charge, for each such service;

(D) a statement of its name, business address, and business telephone; and

(E) such other information as the Federal Communications Commission considers necessary for the enforcement of this Act and other applicable Federal statutes and regulations.

(2) A common carrier shall not disconnect a subscriber's local exchange telephone service, or long distance telephone service, because of nonpayment of charges for any pay-per-call service.

(3) A common carrier that provides local exchange service shall—

(A) offer telephone subscribers (where technically and economically feasible) the option of blocking access from their telephone number to all, or to certain specific, prefixes used by pay-per-call services, which option—

(i) shall be offered at no charge (I) to all subscribers for a period of 60 days after the issuance of the rules or regulations under subsection (a), and (II) to any subscriber who subscribes to a new telephone number prior to and for a period of 60 days after the time the new telephone number is effective; and

(ii) shall otherwise be offered at a reasonable fee as established by the appropriate State regulatory commission; and

(B) offer telephone subscribers (where the Federal Communications Commission determines it is technically and economically feasible), in combination with the blocking option described under subparagraph (A), the option of presubscribing to or blocking only specific pay-per-call services for a reasonable one-time charge.

(4) A common carrier that engages in billing and collection of charges for pay-per-call services shall—

(A) give telephone subscribers the option of cancelling charges for pay-per-call services in instances of unauthorized use or misunderstanding of such charges at the time of use, subject to guidelines prescribed by the Federal Communications Commission to prevent subscribers from abusing that option;

(B) send, to every person subscribing to a new telephone number and, within 60 days after the issuance of such rules or regulations, to all telephone subscribers, and at least annually thereafter, a disclosure statement that—

(i) sets forth all rights and obligations held by the subscriber and the carrier with respect to the use and payment for pay-per-call services; and

(ii) describes the applicable blocking options required under paragraph (3) (A) and (B);

(C) in any billing to telephone subscribers that includes charges for any pay-per-call service, display any charges for pay-per-call services in a part of the subscriber's bill that is identified as not being related to local and long distance telephone charges; and for each charge so displayed, specify the type of service, the amount of the charge, and the date, time, and duration of the call;

(D) in instances when such carriers contract for the collection and distribution of charges by any provider of pay-per-call services that solicits charitable contributions, shall obtain from that provider proof of the tax exempt status of any person or organization for which contributions are solicited;

(E) have the right to recover such carrier's costs of complying with subparagraphs (A), (B), and (C) from the provider of pay-per-call services for which such carrier conducts billing and collection;

(F) stop the assessment of time-based charges upon disconnection by the caller; and

(G) require that pay-per-call services be offered only via the use of certain telephone number prefixes.

(d) ADVERTISING RESTRICTIONS.—The rules or regulations issued by the Federal Trade Commission under subsection (a) shall—

(1) require that any provider of a pay-per-call service shall include, in any advertisement for a pay-per-call service a disclosure stating the maximum charge per call or per minute for calling the advertised number and such other information as the Federal Trade Commission shall consider necessary;

(2) require that, whenever the number to be called is shown in television and print media advertisements, the provider of a pay-per-call service shall ensure that the charges for the call are clear and conspicuous and displayed for the same duration as that number is displayed;

(3) prohibit any person from advertising on any radio station, television broadcast station, or community antenna television station by means of an advertisement that emits electronic tones which can automatically dial an access number for a pay-per-call service;

(4) require that any telephone message soliciting calls to a pay-per-call service specify clearly, and at the audible volume of the solicitation, the maximum charge per call or per minute and other charges for such a call; and

(5) prohibit any person from advertising a toll-free telephone number from which a caller can or will be automatically connected to an access number for a pay-per-call service.

(e) MATTERS FOR FCC AND FTC CONSIDERATION.—(1) In conducting a proceeding under subsection (a), the Federal Communications shall consider requiring by rule or regulation that—

(A) a pay-per-call service—

(i) automatically disconnect a call after one full cycle of program; and/or

(ii) automatically disconnect interactive programs if no activity occurs within a reasonable, specified time period; and

(B)(i) a pay-per-call service providing a live interactive group program shall include a beep tone or other appropriate and clear signal during the program so that callers will be alerted to the passage of time; and

(ii) such tone or other signal shall be explained in the disclosure statement required under subsection (c)(4)(B).

(2) In conducting a proceeding under subsection (a), the Federal Trade Commission shall consider requiring by rule or regulation that a pay-per-call service for which there is a nominal per-call charge shall be exempt from the requirements of subsection (b).

(f) EFFECT ON DIAL-A-PORN PROHIBITIONS.—Nothing in this section shall affect the provisions of section 223 of the Communications Act of 1934 (47 U.S.C. 223).

(g) APPLICABILITY OF PENALTIES TO COMMON CARRIERS.—No common carrier shall be liable for a criminal or civil sanction or penalty under this Act solely because it provided transmission or billing and collection services for a pay-per-call service that violated a rule or regulation issued or prescribed under this Act.

SEC. 6. FEDERAL AGENCY ENFORCEMENT.

(a) FEDERAL COMMUNICATIONS COMMISSION.—Any violation of the regulations issued by the Federal Communications Commission under section 5 of this Act shall be treated as a violation of the rules and regulations under the Communications Act of 1934 and therefore shall be subject to the provisions of title V of the Communications Act of 1934 (47 U.S.C. 501 et seq.), including—

(1) criminal penalties for willful and knowing violation of Commission rules, regulations, conditions, and restrictions, consisting of a fine of not to exceed $500 for each day in which an offense occurs; and

(2) forfeiture penalties for the willful or repeated failure to comply with statutory provisions or Commission rules, regulations, or orders—

(A) of not to exceed $100,000 for each violation or each day of a continuing violation by a common carrier subject to title II of the Communications Act of 1934, or by an applicant for any common carrier license, permit, certificate, or other instrument of authorization issued by the Commission; and

(B) of not to exceed $10,000 for each violation or each day of a continuing violation by a person that is not such a common carrier or applicant.

(b) FEDERAL TRADE COMMISSION.—Any violation of any rule prescribed by the Federal Trade Commission under section 5 of this Act shall be treated as a violation of a rule under section 18 of the Federal Trade Commission Act (15 U.S.C. 57a) regarding unfair or deceptive acts or practices and therefore shall be subject to any remedy or penalty applicable to any violation thereof. The Federal Trade Commission shall prevent any person from violating a rule, regulation, or order of the Federal Trade Commission under this Act in the same manner, by the same means, and with the same jurisdiction, powers, and duties as though all applicable terms and provisions of the Federal Trade Commission Act (15 U.S.C. 41 et seq.) were incorporated into and made a part of this Act. Any person who violates such a rule, regulation, or order shall be subject to the penalties and entitled to the privileges and immunities provided in the Federal Trade Commission Act in the same manner, by the same means, and with the same jurisdiction, powers, and duties as though all applicable terms and provisions of the Federal Trade Commission Act were incorporated into and made a part of this Act.

SEC. 7. ACTIONS BY STATE ATTORNEYS GENERAL.

(a) AUTHORITY OF ATTORNEYS GENERAL.—Whenever the attorney general of any State has reason to believe that the interests of the residents of that State have been or are being threatened or adversely affected because any provider of a pay-per-call service has engaged or is engaged in acts which violate any rule or regulation of the Federal Trade Commission under this Act, the State may bring a civil action on behalf of its residents to enjoin such acts, to enforce compliance with any rule or regulation of the Federal Trade Commission under this Act, to obtain damages on behalf of its residents, or to obtain such further and other relief as the court may deem appropriate.

(b) EXCLUSIVE JURISDICTION OF FEDERAL COURTS.—The district courts of the United States, the United States courts of any territory, and the District Court of the United States for the District of Columbia shall have exclusive jurisdiction over all civil actions brought under this section against a provider of a pay-per-call service to enforce any liability or duty created by any rule or regulation of the Federal Trade Commission under this Act, or to obtain damages or other relief with respect thereto. Upon proper application, such courts shall also have jurisdiction to issue writs of mandamus, or orders affording like relief, commanding the defendant to comply with the provisions of any rule or regulation of the Federal Trade Commission under this Act, including the requirement that the defendant take such action as is necessary to remove the danger of violation of any such rule or regulation. Upon a proper showing, a permanent or temporary injunction or restraining order shall be granted without bond.

(c) FTC RIGHTS.—The State shall serve prior written notice of any such civil action upon the Federal Trade Commission and provide the Commission with a copy of its complaint, except in any case where such prior notice is not feasible, in which case the State shall serve such notice immediately upon instituting such action. The Federal Trade Commission shall have the right (1) to intervene in the action, (2) upon so intervening, to be heard on all matters arising therein, and (3) to file petitions for appeal.

(d) VENUE.—Any civil action brought under this section in a district court of the United States may be brought in the district wherein the defendant is found or is an inhabitant or transacts business or wherein the violation occurred or is occurring, and process in such cases may be served in any district in which the defendant is an inhabitant or wherever the defendant may be found.

(e) INVESTIGATORY POWERS.—For purposes of bringing any civil action under this section, nothing in this Act shall prevent the attorney general from exercising the powers conferred on the attorney general by the laws of such State to conduct investigations or to administer oaths or affirmations or to compel the attendance of witnesses or the production of documentary and other evidence.

(f) EFFECT ON STATE COURT PROCEEDINGS.—Nothing contained in this section shall prohibit an authorized State official from proceeding in State court on the basis of an alleged violation of any general civil or criminal antifraud statute of such State.

(g) LIMITATION.—Whenever the Federal Trade Commission has instituted a civil action for violation of any rule or regulation under this Act, no State may, during the pendency of such action instituted by the Commission, subsequently institute a civil action against any defendant named in the Commission's complaint for violation of any rule as alleged in the Commission's complaint.

(h) DEFINITION.—As used in this section, the term "attorney general" means the chief legal officer of a State.

SEC. 8. STUDY OF THE USE OF CALLERS' TELEPHONE NUMBERS.

(a) STUDY.—The Federal Trade Commission shall conduct a study of the acquisition and use, by providers of pay-per-call services, of callers' telephone numbers to generate, compile, and sell or lease lists of such numbers. Such study shall investigate the extent to which such numbers are obtained with or without the knowledge or consent of the caller and shall identify methods by which callers could be given the opportunity to grant or withhold that consent.

(b) REPORT.—The Federal Trade Commission shall, within 1 year after the date of enactment of this Act, submit to the Congress and the Commission a report on the results of the study required by subsection (a). To the extent that the study identifies any abuses in the acquisition and use, by providers of pay-per-call services, of callers' telephone numbers, such report shall include recommendations for administrative or legislative changes to prevent such abuses.

Mr. FORD. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. SIMPSON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

THE HIGHWAY BILL

Mr. SIMPSON. Mr. President, I just will take a few monents. I have spoken with the Senator from Illinois [Mr. DIXON]. He spoke, expressing his frustration with certain obstructionist tactics in the appointment of conferees on the highway bill.

I just want to set the record straight there. I am a member of the committee with primary jurisdiction over that bill and I, immediately after passage, expressed my desire to serve as conferee on the bill to my ranking member. When I then learned that I would not be appointed I discussed the matter with the full committee ranking member and the subcommittee ranking member, was satisfied then that my concerns would be addressed forcefully in conference with my colleagues. I withdrew any objection that I had to the motion to appoint conferees. That was nearly 24 hours ago.

Early this morning my intentions were communicated to the scheduling office. Since that time, I want the record clear: No Republican has had any opposition to be appointment of conferees on this very critically important bill, as the Senator from Illinois has indicated. I concur with him. Our side is quite eager to proceed with the conference. The truth of the matter is that my colleague and others are the authors of some of the problem because of the delayed appointment of conferees and the large number of people seeking to be conferees from the various committee.

So I understand that he, too, wished to be a conferee as a representative of the Banking Committee. That is his right. He pursued his request with the appropriate members of his party, and during his pursuit of that goal he has protected his rights fully in accordance with the rules and traditions of the Senate. Unfortunately, that is what is delaying the process where we appoint conferees.

I certainly do not blame the Senator from Illinois for his efforts, but he is stating a case which is not true in making comments about those of us on this side of the aisle with regard to any delay there. We do want to move forward. I think all of us do. We have no objections to the appointment of conferees to the highway bill on this side of the aisle.

I thank the Chair, and I thank my colleague from Kentucky.

ORDERS FOR TOMORROW

Mr. FORD. Mr. President, on behalf of the majority leader, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 11:30 a.m., Wednesday, October 30; that following the prayer, the Journal of the proceedings be approved to date; that the time for the two leaders be reserved for their use later in the day; that there then be a period for morning business not to extend beyond 12 noon, with Senators BOREN and LEVIN recognized to address the Senate for up to 10 minutes each; further, that at 12 noon, the Senate resume consideration of S. 1745.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

RECESS UNTIL TOMORROW AT 11:30 A.M.

Mr. FORD. Mr. President, if there is no further business to come before the Senate today, I ask unanimous consent that the Senate stand in recess as previously ordered.

There being no objection, the Senate, at 11:43 p.m., recessed until Wednesday, October 30, 1991, at 11:30 a.m.

NOMINATIONS

Executive nominations received by the Senate October 29, 1991:

DEPARTMENT OF STATE

WILLIAM EDWIN RYERSON, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF ALBANIA.

FOREIGN SERVICE

THE FOLLOWING-NAMED CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT FOR PROMOTION IN THE SENIOR FOREIGN SERVICE TO THE CLASSES INDICATED:

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF MINISTER-COUNSELOR:

RICHARD M. BROWN, OF VIRGINIA
TERRENCE J. BROWN, OF VIRGINIA
JOHN P. COMPETELLO, OF FLORIDA
GEORGE T. EASTON, OF CALIFORNIA
KEITH W. SHERPER, OF VIRGINIA
AARON S. WILLIAMS, OF VIRGINIA

THE FOLLOWING-NAMED CAREER MEMBERS OF THE FOREIGN SERVICE OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT FOR PROMOTION INTO THE SENIOR FOREIGN SERVICE, AND FOR APPOINTMENT, AS CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE, AS INDICATED:

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF COUNSELOR:

KEITH E. BROWN, OF VIRGINIA
JOHN B. FLYNN, OF NEVADA
SONIA HAMMAM, OF THE DISTRICT OF COLUMBIA
HOWARD B. HELMAN, OF THE DISTRICT OF COLUMBIA
BARBARA CABALLERO KENNEDY, OF CALIFORNIA
LAURA K. MCGHEE, OF FLORIDA
VIVIKKA M. MOLLDREM, OF MARYLAND
LEE D. ROUSSEL, OF FLORIDA
CAROLE HENDERSON TYSON, OF MARYLAND
JAMES R. WASHINGTON, OF THE DISTRICT OF COLUMBIA
MARILYN ANNE ZAK, OF WASHINGTON

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF COUNSELOR, AND CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

HOWARD R. HONG, OF TEXAS
MARJORIE A. LEWIS, OF MISSOURI
FRANK MILLER, OF NEW YORK
DOUGLAS L. SHELDON, OF VIRGINIA
WENDY A. STICKEL, OF VIRGINIA

THE FOLLOWING-NAMED PERSONS OF THE AGENCIES INDICATED FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF THE CLASSES STATED, AND ALSO FOR THE OTHER APPOINTMENTS INDICATED HEREWITH:

FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF CLASS 4, CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF STATE

To be Foreign Service officers of class four

DAVID ALLAN ALARID, OF OKLAHOMA
REKHA VISVANATHAN ARNESS, OF VIRGINIA
FREDERIC S. BARON, OF ILLINOIS
DIANE REIMER BEAN, OF FLORIDA
DUANE CLEMENS BUTCHER, OF CALIFORNIA
ALAN JOHNSTONE CARLSON, OF MINNESOTA
JOHN ALAN CONNERLEY, OF CALIFORNIA
JOEL DANIES, OF THE DISTRICT OF COLUMBIA
ANN MICHELLE DENEY, OF LOUISIANA
ANGELA RENEE DICKEY, OF FLORIDA
CAMILLE MARTINE PISK DONOGHUE, OF TEXAS
RICHARD JAMES DRISCOLL, OF CALIFORNIA
FRANK JONATHAN FINVER, OF MARYLAND
MICHAEL J. FITZPATRICK, OF VIRGINIA
THOMAS BARRY GIBBONS, OF VIRGINIA
STEVEN BROOKSHIRE GROH, OF TEXAS
STEVEN KASHKETT, OF FLORIDA
CHRISTOPHER A. LAMBERT, OF VIRGINIA
THEODORE M. LIENHART, OF VIRGINIA
ALEXANDER MARTSCHENKO, OF NEW JERSEY
NANCY E. MCELDOWNEY, OF FLORIDA
RICHARD M. MILLS, JR., OF TEXAS
PHILLIP ANDREW MIN, OF NEW JERSEY
THOMAS DANIEL MITTNACHT, OF TEXAS
JEFFREY A. MOON, OF FLORIDA
MARTIN D. MURPHY, OF CALIFORNIA
TIMOTHY DALMAINE NEELY, OF ILLINOIS
DENNIS FREESTONE OLSEN, OF CALIFORNIA
KEVIN MICHAEL O'REILLY, OF ILLINOIS
ANTHONY A. PAHIGIAN, OF MASSACHUSETTS
FRANCISCO DANIEL SAINZ, OF NEW YORK
ERIC T. SCHULTZ, OF COLORADO
JEFFREY C. SCHWENK, OF ILLINOIS
STEPHEN DAVID SELLERS, OF CALIFORNIA
CHRISTOPHER SIBILLA, OF CALIFORNIA
KATHLEEN ANNE SMITH, OF FLORIDA
FRANK WILLIAM STANLEY, OF VIRGINIA
SCOTT D. THOMSON, OF SOUTH CAROLINA
JANICE LYNN TRICKEL, OF MONTANA
GARY S. WAKAHIRO, OF CALIFORNIA

THE FOLLOWING-NAMED MEMBERS OF THE FOREIGN SERVICE OF THE DEPARTMENTS OF STATE AND COMMERCE AND THE U.S. INFORMATION AGENCY TO BE CONSULAR OFFICERS AND/OR SECRETARIES IN THE DIPLOMATIC SERVICES OF THE UNITED STATES OF AMERICA, AS INDICATED:

CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

JAKE COSMOS ALLER, OF WASHINGTON
LISA GAIL ALLYN, OF WASHINGTON
STEPHEN O. ALMY, OF VIRGINIA
BARBARA L. ARMSTRONG, OF GEORGIA
LUIS EDMUNDO ARREAGA, OF CALIFORNIA
BAMA ATHREYA, OF NEW JERSEY
MARY MONICA BARNICLE, OF MICHIGAN
KEVIN M. BATH, OF VIRGINIA
RUSSELL ALTON BAUM, JR., OF CALIFORNIA
KEITH D. BENNETT, OF UTAH
RICHARD K. BIELER, OF VIRGINIA
JOHN J. BIRD, OF VIRGINIA
CHARLES KEVIN BLACKSTONE, OF NEW YORK
CHRISTOPHER SCOTT BODDE, OF VIRGINIA
JEREMY BECKLEY BRENNER, OF CONNECTICUT
RAVI S. CANDADAI, OF WASHINGTON
FRANK CARRICO, OF TEXAS
MARKHAM C. CHADWELL, OF VIRGINIA
GEORGE B. COLLINS, OF VIRGINIA
DAVID FRANCIS COWHIG, JR., OF VIRGINIA
KENNETH A. DAIGLER, OF THE DISTRICT OF COLUMBIA
KATHLEEN A. DELANEY, OF IOWA
JOSEPH DEMARIA, OF NEW JERSEY
BENJAMIN BEARDSLEY DILLE, OF IOWA
CHRISTINA DOUGHERTY, OF VIRGINIA
THOMAS M. DUFFY, OF CALIFORNIA
LIISA ECOLA, OF ILLINOIS
BARRY M. EISLER, OF VIRGINIA
OSCAR RIGOBERTO ESTRADA, OF CALIFORNIA
ODALYS C. FAJARDO, OF FLORIDA
KATHERINE E. FARRELL, OF INDIANA
NICOLAS A. FERRO, OF VIRGINIA
J. ANDREW FIGURA, OF THE DISTRICT OF COLUMBIA
ELIZABETH ANN FRITSCHLE, OF THE DISTRICT OF COLUMBIA
CAROL C. FUHRMAN, OF VIRGINIA
SHELLEY GALBRAITH, OF VIRGINIA
DONALD F. GALLAGHER, OF VIRGINIA
LAWRENCE GARRED, OF PENNSYLVANIA
JONATHAN DEAN GIULIANO, OF VIRGINIA
KIRA M. GLOVER, OF CALIFORNIA
GEEGEE C. GODFREY, OF VIRGINIA
PATRICIA D. GOODE, OF VIRGINIA
BRIAN A. GOOGINS, OF THE DISTRICT OF COLUMBIA
ELIZABETH PERRY GOURLAY, OF SOUTH CAROLINA
GREGORY MICHAEL GUERIN, OF TENNESSEE
MIRIAM E. GUICHARD, OF CALIFORNIA
PETER D. HAAS, OF VIRGINIA
ANDREW B. HAVILAND, OF IOWA
MARGARET DEIRDRE HAWTHORNE, OF THE DISTRICT OF COLUMBIA
CHARLES F. HEIDELBERG, OF IOWA
JAMES WILLIAM HERMAN, III, OF WASHINGTON
JACK HINDEN, OF CALIFORNIA
PAUL ALAN HOLLINGSWORTH, OF VIRGINIA
RICHARD A. HOLTZAPPLE, OF CALIFORNIA
MARILYN HULBERT, OF FLORIDA
SHELLEY S. JANNOTTA, OF MARYLAND
JOHN C. JESSEN, III, OF VIRGINIA
RICHARD M. KAMINSKI, OF NEVADA
ANNE KATSAS, OF THE DISTRICT OF COLUMBIA
JONATHAN STUART KESSLER, OF TEXAS
KEVIN A. KIERCE, OF VIRGINIA
KARIN MARGARET KING, OF OHIO
JOHN C. KMETZ, OF THE DISTRICT OF COLUMBIA
MICHAEL KOPLOVSKY, OF IOWA
MARNIX ROBERT ANDRE KOUMANS, OF MASSACHUSETTS
STEVEN HERBERT KRAFT, OF VIRGINIA
MARY ANNE KRUGER, OF THE DISTRICT OF COLUMBIA
AGOTA M. KUPERMAN, OF THE DISTRICT OF COLUMBIA
KAMALA SHIRIN LAKHDHIR, OF CONNECTICUT
JEFFREY D. LANCASTER, OF VIRGINIA
ANTHONY J. LAVALLAIS, OF MARYLAND
LISA LETENDRE, OF VIRGINIA
GREGORY D. LOOSE, OF CALIFORNIA
DONALD LU, OF CALIFORNIA
JAMES P. LYNCH, OF VIRGINIA
SOPHIA LYNN, OF THE DISTRICT OF COLUMBIA
PAMELA J. MANSFIELD, OF ILLINOIS
DUBRAVKA ANA MARIC, OF CONNECTICUT
WILLIAM JOHN MARTIN, OF CALIFORNIA
CARLOS MEDINA, OF NEW YORK
LINDA R. MEEHAN, OF CALIFORNIA
ALEXANDER J. MEEROVICH, OF PENNSYLVANIA
JAMES P. MERZ, OF MARYLAND
ANDREW THOMAS SHERMA MILLER, OF VIRGINIA
KEITH W. MINES, OF COLORADO
GREGG MORROW, OF RHODE ISLAND
JOHN B. MOWER, OF VIRGINIA
EDWARD R. MUNSON, OF UTAH
ROBERT S. NEEDHAM, OF WISCONSIN
STACY R. NICHOLS, OF TENNESSEE
JOSEPH L. NOVAK, OF PENNSYLVANIA
BRADLEY E. OFFUTT, OF VIRGINIA
SANDRA D. OFFUTT, OF VIRGINIA
MARK A. PATRICK, OF NEW MEXICO
MARY CATHERINE PHEE, OF THE DISTRICT OF COLUMBIA
THEODORE STUART PIERCE, OF NEW YORK
THOMAS METZGER RAMSEY, OF NEW YORK
RUSLAN O. RASIAK, OF IOWA
WHITNEY A. REITZ, OF PENNSYLVANIA
SCOTT REMINGTON, OF ARIZONA
STEPHEN J. RIEDEL, OF VIRGINIA
SONJA KAY RIX, OF NEBRASKA
TIMOTHY P. ROCHE, OF VIRGINIA
DANIEL ALAN ROCHMAN, OF NEBRASKA
DAVID C. ROSENBERG, II, OF VIRGINIA
NICOLE DAYAN ROTHSTEIN, OF CALIFORNIA
MARIE-CLAUDE SADDY, OF VIRGINIA
DAVID A. SAHLIN, OF VIRGINIA
BARBARA B. SCHNEIDER, OF VIRGINIA
DAVID K. SCHNEIDER, OF VIRGINIA
PAMELA RENEE SCHNEIDER, OF VIRGINIA
MARK C. SCHROEDER, OF MARYLAND
KRISTINA LUISE SCOTT, OF IOWA
JO DELL SHIELDS, OF PENNSYLVANIA
RONALD N. SLIMP, II, OF VIRGINIA
SANDRA SPRINGER, OF FLORIDA
JOHN CHRISTOPHER STEVENS, OF THE DISTRICT OF COLUMBIA
LEILANI STRAW, OF NEW YORK
MONA K. SUTPHEN, OF WISCONSIN
ALAINA B. TEPLITZ, OF MISSOURI
JAMES PAUL THEIS, OF SOUTH DAKOTA
MICHAEL D. THOMAS, OF MASSACHUSETTS
ROBERT TOMKIN, OF NEW JERSEY
LESLIE MEREDITH TSOU, OF VIRGINIA
THOMAS L. VAJDA, OF TENNESSEE
JEFFREY DAVID WALLACE, OF VIRGINIA
DEIRDRE M. WARNER, OF PENNSYLVANIA
DAVID WILLIAMS, OF VIRGINIA
SARAH J. WRIGHT, OF VIRGINIA
JOSEPH M. YOUNG, OF THE DISTRICT OF COLUMBIA

SECRETARIES OF THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

JOHN BREIDENSTINE, OF PENNSYLVANIA

THE FOLLOWING-NAMED CAREER MEMBER OF THE FOREIGN SERVICE OF THE DEPARTMENT OF STATE FOR PROMOTION INTO THE SENIOR FOREIGN SERVICE TO THE CLASS INDICATED, EFFECTIVE APRIL 7, 1991:

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF COUNSELOR:

CAROL K. STOCKER, OF ILLINOIS

EXTENSIONS OF REMARKS

LEGISLATION TO AMEND THE PASSIVE LOSS RULES AND TO PROVIDE PREFERENTIAL CAPITAL GAINS TREATMENT FOR CERTAIN ASSETS

HON. E. CLAY SHAW, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 29, 1991

Mr. SHAW. Mr. Speaker, today, we face a critical juncture in the Nation's economic course. With the September unemployment figures showing modest but promising improvement, the Federal budget deficit maintains its spiral almost unhindered. I am introducing legislation to address a crisis that threatens prospects for a swift and sound economic recovery. This bill, directed at a distressed industry and depressed property values, will assist a vital and broad segment of the U.S. economy—and it will get people back to work.

ECONOMIC GROWTH

Both Houses of Congress have expended an enormous amount of energy trying to ease the burden borne by the Nation's unemployed. There has been sharp disagreement among the Members of this body over the best way to help these people. Frankly, I want to commend those Members on all sides of the issue who have labored to find a solution.

Although the September unemployment numbers indicate that the economy is moving in the right direction, improvement is too slow. And the sad fact is that Congress has done nothing to create employment. Not only that, but Congress has had a great deal to do with creating unemployment.

Within the last few days it seems that tax relief and economic growth packages have become the popular thing to do, all the rage as some would say. While they may be politically popular, I am concerned that many of the so-called growth plans are too broad to achieve maximum effectiveness. The Nation needs Congress to focus on specific areas of the economy that deserve relief. What we do not need is an ill-conceived shotgun solution.

In the housing and construction industries alone, just a segment of the economy, close to 500,000 net jobs were lost from June 1990 to July 1991. The bulk of this hit those in office and nonresidential construction. Additionally, the National Association of Home Builders, a group that represents the residential construction industry, estimates that some 690,000 builders are now out of work. The reason? Housing starts in 1991, according to the Washington Post, have fallen to their lowest level since 1946.

If we want to legislate responsibly, why do we hesitate to do something to get individuals in such key industries back to work? These individuals represent just one segment of unemployed Americans, and the unemployed in this country represent just a part of the total picture of a sclerotic American economy.

ECONOMIC CATASTROPHE

Congress has already appropriated $160 billion for the S&L cleanup. The House Banking Committee is preparing legislation to funnel another $80 billion into the effort, and it surely will not stop there. The cleanup effort, although unfortunately necessary, amounts to a bandaid at best.

There are many causes for the S&L catastrophe—regulatory failure, negligent congressional oversight, and a host of others. One major reason is the depression in the real estate industry, caused in large part by the plummet in values resulting from the 1986 tax changes.

Now the values of the real estate that the RTC is trying to sell remain depressed because Congress will not act to correct past mistakes. Absent congressional action, the crisis is likely to grow worse.

Commercial banks are also at risk. The Wall Street Journal reported this summer that of $77.6 billion of commercial banks' nonperforming loans at yearend, greater than half are either real estate loans gone sour or delinquent commercial and consumer loans secured with real estate. William Seidman has stated flatly, according to the Washington Post, that the principal reason for the severe decline in the bank insurance fund "is the precipitous decline in commercial and investment real estate values eating away at bank portfolios in many parts of the country."

ECONOMIC SENSE

It is imperative that Members of Congress seeking to legislate sound economic policy consider the Federal budget impact of any legislative action. But those who argue that legislation providing much-needed relief for the real estate industry would raise or lose a certain amount of tax dollars over a 5-year period are reading only half the story.

Stated simply, the legislation I am proposing will get a large number of the unemployed back to work. Not only that, it will reduce the cost of the S&L cleanup, and it will help prevent a similar catastrophe with commercial banks. The real economic savings to the Federal Government and ultimately to the taxpayers may be incalculable, but are undeniably real.

A great many Americans believe that Members of Congress act as though they lived in some kind of never-never land. It is time for Congress to show the American people that we can recognize economic reality.

REAL ESTATE RECOVERY AND EMPLOYMENT ACT

My legislation, the Real Estate Recovery and Employment Act, combines passive loss relief with a reduction in capital gains tax rates. There is nothing new in this bill. The passive loss relief comes from the legislation introduced by MIKE ANDREWS of Texas and BILL THOMAS of California. The capital gains portion is the relatively modest budget proposal submitted to Congress by the President.

In the last few months, speaker after speaker has come to the floor of the House to argue that there is a crisis in the real estate industry wrought by the Tax Reform Act of 1986. In the desire to kill the tax shelter industry, the 1986 Tax Act automatically deemed all losses from rental real estate to be passive, regardless of the level and commitment of the owners' involvement in the rental real estate business. At the same time, income from real estate activities, such as development, construction, management, leasing, and brokerage of real property, is treated as active income.

Since passive losses cannot be deducted against nonpassive income, people in the real estate business are taxed on the gross income of their overall real estate business operations and not on their net income. This discriminatory treatment of real estate entrepreneurs differs radically from the treatment of all other businesses in America. In all other cases, losses are considered to be passive only if the taxpayer does not materially participate in the activity that produces them.

The 1986 Tax Act was zealous almost beyond imagination in its attack on the tax shelter industry. Like over 300 of our colleagues who have already announced their support for passive loss relief, what I propose is not a return to the tax shelter industry but a return to tax fairness.

But as almost anyone whose life and livelihood have been destroyed or perched on the precipice of disaster by the collapse of the real estate industry can tell you, passive loss relief is only part of the problem. As much as we need it, it is no panacea for the ills of the industry.

The 1986 Tax Act also eliminated the preferential tax treatment accorded capital gains, another of the act's assaults on the viability of the real estate industry. I seriously regret the particularly partisan nature of the debate surrounding this issue over the last 2 years. The fact of the matter is that robbing real estate of the capital gains treatment accorded it under prior law robbed properties of much of the value that is needed to pull the industry out of depression.

I think there is no question that a capital gains tax cut would restore some of the value to properties that have suffered horribly over the last few years. Federal Reserve Chairman Alan Greenspan has stated that "there's no question in my mind that a capital-gains tax cut would be helpful with respect to the issue of property values and economic growth." (Wall Street Journal, Jan. 25, 1991.)

Most studies show that the cost of capital in the United States is higher than in other countries. Taxation affects the cost of capital because, in the words of a report by the Joint Committee on Taxation, "it creates a wedge between the return investors receive and the actual returns on investments. The larger the

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

tax wedge, the higher is the required return on investments." (Joint Committee on Taxation, Factors Affecting the International Competitiveness of the United States, p. 53 (1991).)

If we reduce the cost of capital in this country, we will increase the amount of investment—period. If we increase the amount of investment, we will increase the number of jobs for Americans. If we create enough jobs, we will not have an unemployment problem. Mr. Speaker, I urge my colleagues to cosponsor this legislation and I urge its prompt consideration and passage by the House.

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TREATMENT OF CERTAIN REAL ESTATE ACTIVITIES UNDER PASSIVE LOSS RULES.

(a) In General.—Subsection (c) of section 469 of the Internal Revenue Code of 1986 (relating to passive activity losses and credits limited) is amended by adding at the end the following new paragraphs:

"(7) Taxpayers engaged in the real property business.—In the case of a taxpayer engaged in the real property business, the determination of what constitutes an activity and whether an activity is a passive activity shall be made by treating the taxpayer's rental real property operations, undertakings and activities in the same manner as nonrental trade or business operations, undertakings, and activities.

"(8) Individuals engaged in the real property business.—For purposes of paragraph (7), an individual is engaged in the real property business if—

"(A) such individual spends at least 50 percent of such individual's working time in real property operations; and

"(B) such individual spends more than 500 hours during the taxable year in real property operations.

"(9) Real property operations.—For purposes of paragraph (8), the term 'real property operations' means any real property development, redevelopment, construction, reconstruction, acquisition, conversion, rental, operation, management, leasing, brokerage, appraisal, and finance operations.

"(10) Working time.—For purposes of paragraph (8), the term 'working time' means any time spent as an employee, sole proprietor, S corporation shareholder, partner in a partnership, or beneficiary of a trust or estate.

"(11) Closely held C corporations engaged in the real property business.—For purposes of paragraph (7), a closely held C corporation is engaged in the real property business if—

"(A) 1 or more shareholders owning stock representing more than 50 percent (by value) of the outstanding stock of such corporation materially participate in the aggregate real property activities of such corporation; or

"(B) such corporation meets the requirements of section 465(c)(7)(C) (without regard to clause (iv)) with respect to the aggregate real property activities of such corporation."

(b) Conforming Amendments.—

(1) Paragraph (2) of section 469(c) of such Code is amended to read as follows:

"(2) Passive activity includes certain rental activities.—Except for rental activities treated in the same manner as nonrental trade or business activities pursuant to paragraph (7), each rental activity is a passive activity without regard to whether or not the taxpayer materially participates in the rental activity."

(2) Paragraph (4) of such section 469(c) is amended to read as follows:

"(4) Material participation not required for paragraph (3).—Pargraph (3) shall be applied without regard to whether or not the taxpayer materially participates in the activity."

(c) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 1991.

SEC. 2. CAPITAL GAINS DIFFERENTIAL FOR INDIVIDUALS.

(a) In General.—Part I of subchapter P of chapter 1 of the Internal Revenue Code of 1986 (relating to treatment of capital gains) is amended by inserting after section 1201 the following new section:

"SEC. 1202. DEDUCTION FOR CAPITAL GAINS.

"(a) Deduction Allowed.—If for any taxable year a taxpayer other than a corporation has a net capital gain, there shall be allowed as a deduction from gross income an amount equal to the sum of—

"(1) 30 percent of the lesser of—

"(A) the net capital gain, or

"(B) the qualified 3-year net capital gain, plus

"(2) 20 percent of the excess (if any) of—

"(A) the net capital gain, over

"(B) the qualified 2-year net capital gain, reduced by the amount taken into account under paragraph (1), plus

"(3) 10 percent of the excess (if any) of—

"(A) the net capital gain, over

"(B) the amounts taken into account under paragraphs (1) and (2).

"(b) Qualified Net Capital Gain.—For purposes of subsection (a)—

"(1) Qualified 3-year net capital gain.—The term 'qualified 3-year net capital gain' means the amount of net capital gain which would be computed for any taxable year if, in determining net long-term capital gain for such taxable year, only capital assets held by the taxpayer for at least 3 years at the time of the sale or exchange were taken into account.

"(2) Qualified 2-year net capital gain.—The term 'qualified 2-year net capital gain' means the amount of net capital gain which would be computed for any taxable year if, in determining net long-term capital gain for such taxable year, only capital assets held by the taxpayer for at least 2 years but less than 3 years at the time of the sale or exchange were taken into account.

"(c) Estates and Trusts.—In the case of an estate or trust, the deduction under subsection (a) shall be computed by excluding the portion (if any) of the gains for the taxable year from sales or exchanges of capital assets which, under section 652 and 662 (relating to inclusions of amounts in gross income of beneficiaries of trusts), is includible by the income beneficiaries as gain derived from the sale or exchange of capital assets.

"(d) Transitional Provisions.—

"(1) Sales and exchanges during 1991.—In the case of sales and exchanges after September 30, 1991, and before January 1, 1992, subsection (a) shall be applied by substituting '30 percent' for each of the percentages contained in paragraphs (2) and (3) thereof.

"(2) Sales and exchanges during 1992.—In the case of sales and exchanges during 1992, subsection (a) shall be applied—

"(A) by substituting '30 percent' for '20 percent' in paragraph (2) thereof, and

"(B) by substituting '20 percent' for '10 percent' in paragraph (3) thereof."

(b) Capital Assets Not To Include Collectibles.—Section 1221 of such Code is amended by—

(1) by striking the period at the end of paragraph (5) and inserting "; and", and

(2) by inserting after paragraph (5) the following new paragraph:

"(6) any collectible (within the meaning of section 408(m)(2))."

(c) Minimum Tax.—Section 57(a) of such Code is amended by adding at the end thereof the following new paragraph:

"(8) Capital gains.—In the case of a taxpayer other than a corporation, the deduction under section 1202 for the taxable year."

(d) Conforming Amendments.—

(1) Section 1 of such Code is amended by striking subsection (h).

(2) Section 62(a) of such Code is amended by adding after paragragh (13) the following new paragraph:

"(14) Long-term capital gains.—The deduction allowed by section 1202."

(3) Subparagraph (B) of section 170(e)(1) of such Code is amended by inserting "100 percent minus the percentage described in each of the paragraphs of section 1201(a), which ever is applicable, of" before "the amount of gain".

(4) Section 172(d)(2) of such Code (relating to modifications with respect to net operating loss deduction) is amended to read as follows:

"(2) Capital gains and losses of taxpayers other than corporations.—In the case of a taxpayer other than a corporation—

"(A) the amount deductible on account of losses from sales or exchanges of capital assets shall not exceed the amount includible on account of gains from sales or exchanges of capital assets; and

"(B) the deduction for long-term capital gains provided by section 1202 shall not be allowed."

(5) Subparagraph (B) of section 172(d)(4) of such Code is amended by inserting ", (2)(B)," after "paragraph (1)".

(6)(A) Section 220 of such Code (relating to cross reference) is amended to read as follows:

"SEC. 220. CROSS REFERENCES.

"(1) For deduction for long-term capital gains in the case of a taxpayer other than a corporation, see section 1202.

"(2) For deductions in respect of a decedent, see section 691."

(B) The table of sections for part VII of subchapter B of chapter 1 of such Code is amended by striking "reference" in the item relating to section 220 and inserting "references".

(7) Paragraph (4) of section 642(c) of such Code is amended to read as follows:

"(4) Adjustments.—To the extent that the amount otherwise allowable as a deduction under this subsection consists of gain from the sale or exchange of capital assets held for more than 1 year, proper adjustment shall be made for any deduction allowable to the estate or trust under section 1202 (relating to deduction for excess of capital gains over capital losses). In the case of a trust, the deduction allowed by this subsection shall be subject to section 681 (relating to unrelated business income)."

(8) Paragraph (3) of section 643(a) of such Code is amended by adding at the end thereof the following new sentence: "The deduction under section 1202 (relating to deduction for excess of capital gains over capital losses) shall not be taken into account."

(9) Paragraph (4) of section 691(c) of such Code is amended by striking "1(h), 1201, and 1211" and inserting "1201, 1202, and 1211, and for purposes of section 57(a)(8)".

(10) Clause (iii) of section 852(b)(3)(D) of such Code is amended by striking "66 percent" and inserting "the rate differential portion (within the meaning of section 904(b)(3)(E))".

(11) The second sentence of paragraph (2) of section 871(a) of such Code is amended by inserting "such gains and losses shall be determined without regard to section 1202 (relating to deduction for excess of capital gains over capital losses) and" after "except that".

(12) Section 1402(i)(1) is amended to read as follows:

"(1) In General.—In determining the net earnings from self-employment of any options dealer or commodities dealer—

"(A) notwithstanding subsection (a)(3)(A), there shall not be excluded any gain or loss (in the normal course of the taxpayer's activity of dealing in or trading section 1256 contracts) from section 1256 contracts or property related to such contracts, and

"(B) the deduction provided by section 1202 shall not apply."

(13) Section 1445(e)(1) is amended by striking "34 percent (or, to the extent provided in regulations, 28 percent)" and inserting "34 percent (or, to the extent provided in regulations, the alternative tax rate determined under section 904(b)(3)(E)(iii))".

(e) Effective Date.—The amendments made by this section shall apply to sales and exchanges after September 30, 1991.

WATER IS CRITICAL TO THE FUTURE OF THE MIDDLE EAST

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 29, 1991

Ms. PELOSI. Mr. Speaker, on the eve of the Mideast Peace Conference, I want to commend Secretary Baker and leaders of the region for their initiative in the name of peace.

The dialog that crosses the conference table will form either the basis for greater understanding and partnership, or for continued conflict. Matters of life and death will be confronted in discussions of complex problems involving land claims, refugee resettlements, competition for resources and the right to a homeland.

Water is critical to the future of the Middle East. Increased population and finite water supply, exacerbated by the current drought, could well be the precursor of future conflict in the region. Rivers and waters have no political boundaries. Any discussion of peace must take into account the potential conflict that could erupt from water scarcity and the competition for sparse resources.

I urge the participants in the Mideast Peace Conference to negotiate an agreement on shared water resources and to implement a plan that apportions fairly the resources that are essential for life and necessary for lasting peace in the region.

The 5-year California drought has taught our State some difficult lessons and we have, by no means, been entirely successful in confronting all of the issues, but one lesson is clear—we must work as partners and we must be prepared to compromise.

THE EMERGENCY HEALTH CARE SYSTEM IS BEING OVERWHELMED

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 29, 1991

Mr. RANGEL. Mr. Speaker, As chairman of the emergency room crisis caucus, I have addressed this body several times about the grave situation faced by our Nation's emergency departments. All of our society's ills are manifested in the emergency department: homelessness, drug abuse, AIDS. The emergency health care system is being overwhelmed and often is not able to adequately treat people coming through the hospital doors. But this crisis is not limited to drug addicts or AIDS sufferers. Everyone's health is threatened by the strain placed on emergency departments. In New York City, a lawyer needlessly died of a heart attack not treated in time; a student died of a stab wound not found by hospital staff.

What can we do about it? Harold Osborn, chairman of the standards committee for the New York City Emergency Medical System, has some ideas for New York. His essay follows my remarks in the Record. I believe his suggestions could apply to any major city in the United States.

[From the Daily News, Oct. 14, 1991]

Emergency-Room Crisis Calls for Team Response

(By Harold Osborn)

Recently, New Yorkers have been shocked by widely publicized accounts of improper treatment in our city's emergency rooms. These cases are not just isolated examples of inadequate care. They should serve as a warning that our emergency-care system is spinning dangerously out of control.

The indiscriminate and ill-advised closing of more than 40 hospitals in New York City over the last 20 years created an acute shortage of hospital beds. This shortage intensified as the twin crises of drugs and AIDS grew and has resulted in overcrowded emergency rooms all over the city.

In addition to rendering emergency care, the E.R. now routinely serves as a holding area for patients who may wait days for a hospital bed. Meanwhile, new patients may wait six to eight hours to be seen.

A chronic state of medical gridlock pervades the system and exhausts and demoralizes even the most dedicated health-care providers. City hospital E.R. are especially hard hit, because they are chronically understaffed and underfunded and serve as the primary source of health care for the poor, who have no where else to go. Low salaries and poor working conditions make it difficult for city hospitals to recruit and retain well-qualified staff. The city has just instituted an additional 15% budget cut across the board for all municipal hospitals, which will certainly worsen an already desperate situation.

At the same time, the New York City ambulance service is also in serious trouble. Long criticized for excessively long response times, the 91 Emergency Medical System has been without a full-time medical director for over a year. A program designed to reduce response times using firefighters as first respondents for medical emergencies is barely off the ground after two years and is threatened by budget cuts. The preliminary results of a recent city-wide study of the ambulance service suggest that fewer than 1% of patients with a cardiac arrest who are transported by EMS survive to leave the hospital.

These results compare unfavorably to many other large urban centers in the U.S. Better ambulance response times and earlier application of an electrical shock (defibrillation) to the heart can potentially save the lives of thousands of New Yorkers each year. Better organization and greater cooperation among the city's uniformed services, not more spending, is the logical first step toward realizing this goal. Unfortunately, the reform of our emergency-care system doesn't seem to be a high priority; attempts to improve it have floundered due to competing political agendas, and city officials have been unable to agree on a common approach.

A thorough overhaul of the system is long overdue; further delay could be disastrous. As the cold weather approaches, the need for emergency care will intensify and overcrowding will increase. The recent institution of a cap on clinic visits by Medicaid patients may drive more patients seeking care to the E.R., where, by law, they cannot be refused.

And as more people lose their jobs (and their health coverage), there will be additional pressure on our E.R.s. The emergency-care providers working in the system, who are generally enthusiastic and caring people, are already stretched to the breaking point. "Mistakes" similar to those witnessed in recent weeks are bound to happen and are the inevitable result of a system being asked to do the impossible.

Rescuing the emergency-care system in New York City will take a concentrated effort. Some immediate steps would be beneficial: The city should appoint a medical director for EMS and establish a citywide first-response defibrillator program using firefighters and EMS personnel. Additional funding should be provided to city hospitals to hire a full complement of competent E.R. staff. Drug treatment facilities should be made available to all those seeking help. Walk-in clinics should be established in each hospital to take pressure off the E.R.'s. New York City medical schools should be encouraged to establish academic departments of emergency medicine, so that the field can be treated equally with other medical disciplines.

Finally, the Mayor should appoint a commission composed of those working in the field to recommend further changes designed to improve our emergency-care system. All New Yorkers, rich and poor alike, have the right to expect something better. The time to act is now.

HONORING WILLIAMSBRIDGE NAACP

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 29, 1991

Mr. ENGEL. Mr. Speaker, I would like to take this opportunity to pay tribute to the Williamsbridge National Association for the Advancement of Colored People, and particularly its day care center which is celebrating 20 years of service to the community.

For two decades, working parents who must find a trustworthy place to leave their children while they earn a paycheck have turned to the Williamsbridge NAACP, and the organization has always been there to assist. In a time when most households need both parents to hold steady jobs in order to make ends meet, it is places like the Williamsbridge Day Care Center that help make ends meet.

The day care center is just one of the services that have been provided to my constituents by the Williamsbridge NAACP. On this special occasion, I would like to congratulate the members for their contributions to the community and wish the day care center at least another two decades of success.

THE REBUILDING OF ARC–SBC'S ALPHA TRAINING CENTER

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 29, 1991

Mr. LAGOMARSINO. Mr. Speaker, I rise today to pay tribute to one of our Nation's most dedicated organizations, the Association for Retarded Citizens—Santa Barbara Council.

A group of caring parents and volunteers established in 1954, for the purpose of supporting those who are mentally retarded, the Alpha Training Center. That facility was destroyed by the disastrous June 27, 1990, Painted Cave Fire.

Through the generous hard work of the board, parents, volunteers, and staff—and the charitable support of the community—I am pleased to announce that ground breaking ceremonies will commence today for a new Alpha Training Center facility. I would also like to note the involvement and assistance of the Federal Emergency Management Agency and the Santa Barbara County Office of Emergency Services.

Long months of effort will come to fruition today—a testament to the caliber of people who reside in the 19th Congressional District.

A TRIBUTE TO FAIRMONT PRIVATE SCHOOLS

HON. WILLIAM E. DANNEMEYER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 29, 1991

Mr. DANNEMEYER. Mr. Speaker, on September 25 Fairmont Private Schools based in Anaheim, CA, was awarded the U.S. Department of Education's highest honor when President Bush presented Fairmont with the Blue Ribbon of Excellence Award.

The award was established to call attention to schools that are most effective in meeting the needs of tomorrow's work force. Fairmont was graded on their visionary leadership, a productive teaching environment, impressive academic achievement, strong parental involvement, and positive attitude.

Founded in 1953, Fairmont Private Schools is Orange County's oldest and largest nonsectarian private school. Fairmont educates more than 900 children from preschool through eighth grade on three campuses.

Mr. Speaker, Fairmont Private Schools is taking a lead in providing a good education. I am glad they were so honored.

LEGISLATION TO RESTORE ELECTION TO REDUCE BASIS IN LIEU OF CURRENT TAXATION ON INCOME FROM DISCHARGE OF REAL PROPERTY BUSINESS INDEBTEDNESS

HON. E. CLAY SHAW, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 29, 1991

Mr. SHAW. Mr. Speaker, real estate today is in disarray. Commercial property markets across the country are marked by unchecked declines in real property values. Financing and liquidity are virtually nonexistent for real estate activities. In short, a credit crisis and a crisis in value have taken hold of the real estate sector of our economy.

As a consequence, owners of rental real estate are struggling because their properties cannot support the debt tied to the properties. These people are faced with foreclosure, deeding the property back to the lender in lieu of foreclosure, or, if they are more fortunate, seeking to restructure the debt on the property to reflect more accurately the property's ability to service the debt. Yet each choice typically results in discharge of indebtedness income under IRC section 108, presenting dire consequences for the owner. I say dire because the so-called income is not accompanied by any cash to pay the associated tax. Thus, the taxpayer frequently must resort to selling other property the taxpayer normally would not sell to generate the needed funds.

As unpleasant as this is for real estate owners, these forced sales further exacerbate the plunge in real estate values, increase the pressure of financial institutions by making loan workouts more difficult, and provide momentum to steadily eroding State and local tax bases. In short, the troubles in the real estate markets are proving to be a significant drag on the national economy and its ability to rebound from the recession.

Now is the time to examine closely the tax code and make those changes necessary to restore some sense of stability to real estate markets. Therefore—in addition to legislation I am introducing today regarding capital gains, passive losses, and the at-risk rules—I am introducing legislation to provide relief from the tax burden associated with the discharge of indebtedness income.

Under my bill a solvent taxpayer would be permitted to elect to exclude discharge of indebtedness income if the taxpayer reduces the basis of other real estate the taxpayer owns by the amount of the discharged real estate debt. This would enable real estate owners, now often desperately cash short, credit starved, and seriously weakened, to defer tax liability until the other real property is sold, resulting in funds needed to satisfy the deferred tax. The sale of property in this manner will be under market conditions that maximize values, not minimize them as is now so often the case.

It is important to note that I am not proposing tax forgiveness, but tax deferral until cash is generated to pay the tax. The concept embodied in my legislation existed in our tax laws for many years prior to the Tax Reform Act of 1986.

The principle that the discharge, or forgiveness, of a debt generates taxable income is well established in our Federal income tax laws. For example, suppose that A lends B $1,000 and B promises to repay the $1,000 with interest in 2 years. If A forgives the loan before B repaid it, and assuming that the forgiveness is not a gift, then B has taxable income.

Equally well established in our tax laws is the notion that under certain circumstances the taxpayer will not be required to pay tax currently on such income, but will instead be allowed to defer taxation. Section 108 of the tax code provides these circumstances. For example, there is no current tax liability from a debt discharge if the taxpayer is in bankruptcy or is insolvent. This makes sense because under such circumstances the taxpayer does not have the funds to pay the tax. Prior to the Tax Reform Act of 1986, a solvent business taxpayer could defer income from a debt discharge by electing instead to reduce the basis of other depreciable assets owned. This served the policy of preventing businesses from liquidating prematurely to pay the tax owed on a discharged debt.

The 1986 tax act, however, repealed this basis-reduction concept for all solvent taxpayers except those realizing income from the discharge of farm-related debt. The rule was not repealed in the farming sector because of the credit crisis then occurring in that segment of the economy.

A true and more pervasive crisis—a crisis in credit as well as values—now exists in the real estate industry. It is time that we reinstate the election to reduce the basis of depreciable property in lieu of immediate tax liability in cases involving the discharge of qualified real estate business indebtedness. Just as the immediate taxation of income associated with the discharge of farming debt would have created significant problems in the farming sector, the immediate taxation of income from the discharge of real estate debt is now spelling trouble for real estate.

The solution I propose is simple. If a taxpayer has income related to the discharge of a debt incurred or assumed with respect to real property used in a trade or business, then the taxpayer may defer taxation by electing to reduce the basis of other depreciable property owned by the taxpayer. The deferred amount may not exceed the total adjusted bases of all the depreciable property held by the taxpayer. The same rule would be available for corporate taxpayers.

For example, the taxpayer owns an office building and an apartment building. The office building has a tax basis of $30,000 and the apartment building has a mortgage of $100,000. The apartment building, through no fault of the taxpayer, has declined in value and the rental income from the property now services a debt of only $75,000. The lender, rather than foreclosing and seeking a deficiency from the taxpayer, reduces the mortgage to $75,000. Instead of forcing the taxpayer to find the resources to satisfy a tax on $25,000—usually through the distressed sale of other property—my legislation would allow the taxpayer to defer the tax liability by reducing the office building's basis to $5,000. If the total basis available for reduction had been only $20,000, then the taxpayer would reduce the office building's basis to 0 and owe tax on $5,000. Even so, this result is far preferable to that under current law, which frequently forces sales at distressed prices.

I urge my colleagues in the House and on the Ways and Means Committee to join me in support of this legislation. Unless the current rules are changed, owners of commercial real estate will continue to face large amounts of discharge of indebtedness income and, as a result, will be forced to liquidate other holdings at values disruptive to the Nation's financial system, tax base, and economy.

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. RESTORATION OF EXCLUSION FROM GROSS INCOME FOR INCOME FROM DISCHARGE OF QUALIFIED REAL PROPERTY BUSINESS INDEBTEDNESS.

(a) In General.—Paragraph (1) of section 108(a) of the Internal Revenue Code of 1986 (relating to income from discharge of indebtedness) is amended by striking "or" at the end of subparagraph (b), by striking the period at the end of subparagraph (C) and inserting "or", and by adding at the end thereof the following new subparagraph:

"(D) the indebtedness discharged is qualified real property business indebtedness."

(b) Qualified Real Property Business Indebtedness.—Section 108 of such Code is amended by inserting after subsection (b) the following new subsection:

"(c) Treatment of Discharge of Qualified Real Property Business Indebtedness.—

"(1) Basis reduction.—

"(A) In general.—The amount excluded from gross income under subparagraph (D) of subsection (a)(1) shall be applied to reduce the basis of the depreciable property of the taxpayer.

"(B) Cross reference.—For provisions making the reduction described in subparagraph (A), see section 1017.

"(2) Limitation.—The amount excluded under subparagraph (D) of subsection (a)(1) shall not exceed the aggregate adjusted bases of depreciable property held by the taxpayer as of the beginning of the taxable year following the taxable year in which the discharge occurs (determined after any reduction under subsections (b) and (g)).

"(3) Qualified real property business indebtedness.—Indebtedness of the taxpayer shall be treated as qualified real property business indebtedness if (and only if)—

"(A) the indebtedness was incurred or assumed—

"(i) by a corporation in connection with real property, or

"(ii) by an individual in connection with real property used in his trade or business, and

"(B) such taxpayer makes an election under this paragraph with respect to such indebtedness.

Such term shall not include qualified farm indebtedness."

(c) Technical Amendments.—

(1) Subparagraph (A) of section 108(a)(2) of such Code is amended by striking "and (C)" and inserting ", (C), and (D)".

(2) Subparagraph (B) of section 108(a)(2) of such Code is amended to read as follows:

"(B) Insolvency exclusion takes precedence over qualified farm exclusion and qualified real property business exclusion.—Subparagraphs (C) and (D) of paragraph (1) shall not apply to a discharge to the extent the taxpayer is insolvent."

(3) Subsection (d) of section 108 of such Code is amended by striking "Subsections (a), (b), and (g)" each place it appears in the heading thereof and in the text and headings paragraphs (6) and (7) and inserting "Subsections (a), (b), (c), and (g)".

(4) Subparagraph (B) of section 108(d)(7) of such Code is amended by adding at the end thereof the following new sentence: "The preceding sentence shall not apply to any discharge to the extent that subsection (a)(1)(D) applies to such discharge."

(5) Subparagraph (A) of section 108(d)(9) of such Code is amended by inserting "or under paragraph (3) of subsection (c)" after "subsection (b)".

(6) Paragraph (2) of section 1017(a) of such Code is amended by striking "or (b)(5)" and inserting ", (b)(5), or (c)(1)".

(7) Subparagraph (A) of section 1017(b)(3) of such Code is amended by inserting "or (c)(1)" after "subsection (b)(5)".

(d) Effective Date.—The amendments made by this section shall apply to discharges after December 31, 1991, in taxable years ending after such date.

TRIBUTE TO RALPH D. KNIGHT

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 29, 1991

Ms. PELOSI. Mr. Speaker, I rise today to recognize a man who personifies the meaning of the word "commitment," Ralph D. Knight, president and CEO of the Northern California Presbyterian Homes, Inc., in San Francisco, CA. This year, Mr. Knight will retire after serving as chairman of the board of the American Association of Homes for the Aging, the national organization of not-for-profit homes and services for the Nation's elderly.

Mr. Knight has devoted his lifelong career to providing housing and services for older Americans. His experience began at the Valley Christian Centers Settlement House Program in Arizona, where he directed group work and community organization programs in two low-income and socially disadvantaged communities in the Phoenix area. He later moved to California where he began his long tenure working to provide quality housing and support services for the elderly.

As chairman for the California Association of Homes for the Aging Fire and Life Safety Committee, Mr. Knight was successful in advocating for a State law to modify the fire and life safety requirements to ensure that persons living in residential care facilities in California were protected. He was also successful in ensuring the passage of legislation to allocate $3 million in direct low-interest loans to facilities faced with higher costs in meeting the State's new fire and life safety standards.

As part of the long-term care system, not-for-profit nursing homes and senior housing facilities have a long history of dealing with complex ethical dilemmas regarding the care of the sick and elderly. Every day they face questions ranging from life-and-death decisions, such as whether to stop treatment, to more practical concerns, such as transferring an elderly resident from one part of a facility to another. In 1987, the American Association of Homes for the Aging developed its Commission on Ethics in Long-Term Care, and Mr. Knight served as chairman from 1987 to 1990. He spearheaded the commission's work including the promotion of ethics committees in long-term care facilities and senior housing.

Throughout his career, Mr. Knight has been the recipient of numerous citations and awards for his dedication in the field of housing and services for the elderly. In 1977, the California Association of Homes for the Aging recognized him with the association's Award of Honor, its highest award, for his work in the field of aging, and, in 1988, recognized him again with the association's President's Citation for continued outstanding service to the elderly in California.

I salute Ralph Knight on the outstanding contributions he has made to the elderly. His efforts have made a profound difference in the lives of the many he has come in contact. His good work continues to benefit the elderly of California and the Nation.

BLACKS AND JEWS: A SHARED HISTORY OF SURVIVAL

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 23, 1991

Mr. RANGEL. Mr. Speaker, I rise to call to the attention of my colleagues an article which appeared recently in the New York Amsterdam News. It concerns a reunion of Jewish survivors of Hitler's concentration camps at Buchenwald and Dachau with their liberators, American soldiers who were members of the 761st all-black tank battalion.

I was honored to be among the guests at this most moving of ceremonies in New York City, in which the two groups—Jewish survivors and black liberators—were reunited for the first time since the war.

The event had great significance to all present, particularly in this time during which so much is said of a growing estrangement between black and Jewish Americans. The reunion was a stark reminder of the mutual support that has bound blacks and Jews together for decades. Indeed, our shared history of suffering, struggle, and triumph has joined us in a permanent alliance of survivors.

DOCUMENTARY TO FOCUS ON LIBERATION OF JEWS BY BLACK WW II SOLDIERS

(By Norma Harris)

WNET-Channel 13 is putting a new twist on the Jewish Holocaust with a 90-minute documentary which focuses on the contribution of Black soldiers to the liberation of Jews from Hitler's concentration camps at the end of World War II.

The documentary called "Liberators: Fighting on Two Fronts in World War Two," will be screened next year. It unravels the yet untold story of African-American battalions which helped to free thousands of Jews from German concentrations camps at Buchenwald and Dachau.

Previewing footage of the documentary, which is in the final stages of production, Congressman Charles Rangel said: "This dramatic and at times emotional documentary is a constant reminder of Jews and to gentiles that none of us stands alone. We need a program of mutual respect. What with the problems in Israel and the economic depression facing the African-Americans communities today, many people have forgotten that African-Americans and Jews marched together in the past against racism. We cannot afford to forget."

Rangel added that the new television documentary is "just as important as what is happening today in Haiti and the Middle East. This is a story that must be told."

The documentary, co-produced by Bill Miles and Nina Rosenblum, is a testament to the role played by African-American soldiers in the defeat of the Nazis. It documents for the first time the heroism of men like Johnie Stevens, William Scott, Abraham Chapnik and Dr. Leon Bass, all members of the 761st all-Black tank battalion which liberated concentration camps at Buchenwald and Dachau.

At a reunion luncheon at Channel 13's studio in Manhattan, which brought together holocaust survivors now resident in the U.S. and their African-American liberators, former soldier Johnie Stevens said: "This documentary is a piece of history that our kids won't learn from history books."

Recalling life in the segregated American Army he noted, "Nobody knew we existed. Nobody knew there were Black tankers on the Western front. The media never spoke to us. They ignored us. As far as the world was concerned, we did not exist. This documentary tells our story in our own words. It proves we were there."

Survivor Benjamin Bender, who is featured in the documentary returning to the Buchenwald camp with two of the African-American servicemen who freed him recalls the humanity of the men who liberated him. "They had tears in their eyes as they tended to us. I could not understand why they were crying. At Buchenwald we never cried. We mourned like wounded animals."

Throughout World War II, army planners held a dim view of African-American troops and their fighting ability, but all-Black battalions like the 761st and the 183rd played a major role in capturing key European towns.

The battalions received hundreds of purple hearts but were omitted from media reports, histories and films like "Patton."

According to producer Bill Miles, "Liberators is a story that has to be told now. The guys who made it all happen are virtually passing away. This part of African-Americans history has to be told."

HONORING YOUNG ISRAEL OF CO-OP CITY

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 29, 1991

Mr. ENGEL. Mr. Speaker, it is my distinct pleasure to recognize the 25th anniversary of Young Israel of Co-op City, which is located in my congressional district.

Over the years, the members of Young Israel of Co-op City have dedicated themselves to working for the synagogue and for the good of the community. By sponsoring activities within Co-op City, as well as leading trips throughout the world, the members engage in a continuous effort to promote Jewish life. The first 25 years have been a resounding success, and I feel confident that the next 25 will be even better.

On this special occasion, I congratulate the members of Young Israel of Co-op City for all their achievements and wish them happiness and success in the days and years ahead.

TAIWAN STOPS THE USE OF DRIFT NETS

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 29, 1991

Mr. LAGOMARSINO. Mr. Speaker, in 1989, I introduced legislation supporting the establishment of a drift-net-free zone in the South Pacific. Drift nets indiscriminately trap and kill marine mammals in plastic nets which are up to 30 miles in length. Drift nets are very effective killers of their target fish, tuna, but the nets also catch all types of other marine life which have no commercial value. Congress enacted legislation in the last Congress which incorporated language of my bill.

Subsequently to congressional action, the United Nations passed a resolution calling upon the world community to stop the use of drift nets. A number of countries which have supported their drift net tuna fishing industries have changed their policies.

The Government of Taiwan formally announced on August 21, 1991, that it will comply with United Nations Resolution No. 44–225, and end the use of drift nets on the high seas by June 30, 1992. Along with the announcement, the Government introduced the following programs to ensure the fishing industry a smooth transition to other fishing methods:

First, a generous buy-back offer for aged drift net vessels, at approximately $445 per ton and up to approximately $185,000 per ship;

Second, a low-interest loan program to cover the cost of converting to other fishing methods;

Third, the establishment of special funds to promote catches acquired with new fishing methods.

I want to commend the Government to the Republic of China on Taiwan for their efforts to actively eliminate the use of drift nets by their domestic fishing fleet. This latest policy announcement testifies to their determination and sincerity to play a responsible role in the efforts to preserve our marine environment. I urge other countries to take note of and implement like policies to insure drift-net-free oceans which are safe for all marine mammals.

NATIONAL SCIENCE SCHOLARS

HON. WILLIAM E. DANNEMEYER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 29, 1991

Mr. DANNEMEYER. Mr. Speaker, two young men from the 39th District, both from my hometown of Fullerton, have been selected as National Science Scholars for the 1991–92 academic year. The young men are Jae Kang and Steven A. Miller.

The purpose of the National Science Scholars Program is to recognize excellence and achievement in the physical, life, and computer sciences, math, and engineering. The monetary awards given these young men are to encourage their continuing studies at the postsecondary level of education.

Mr. Speaker, it is a privilege to recognize their achievement. We wish Jae Kang and Steven A. Miller continued success.

LEGISLATION TO AMEND THE AT RISK RULES

HON. E. CLAY SHAW, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 29, 1991

Mr. SHAW. Mr. Speaker, today, I am introducing legislation to expand the kinds of real property mortgages that qualify as amounts at risk. My bill would include as amounts at risk nonrecourse financing provided by a lender who is selling property acquired through foreclosure or by an instrument in lieu of foreclosure.

By removing this unnecessary restriction on the financing of certain real property sales, this legislation would preserve the antitax shelter integrity of the at risk rules while facilitating sales of real estate now held by our Nation's financial institutions. This legislation is sorely needed given the lack of available financing options for real property purchases and the troubles lenders now experience because of their inability to sell property that they have come to own through foreclosure or the like.

In 1986, Congress concluded that it was appropriate to apply the at risk rules to real estate activities. The stated reason was to limit the opportunity for overvaluation of property—resulting in inflated deductions—and to prevent the transfer of tax benefits arising from real estate activities to taxpayers with little or no real equity in the property.

The at risk rules limit the amount of losses eligible to be deducted by an owner of real estate to the amount the owner could actually lose in the activity, that is, the amount the owner has at risk in the enterprise. These rules define the amount that an owner is considered to be at risk to be the sum of his cash contributions to the activity, the adjusted basis of other property contributed by the owner to the activity, and certain mortgage loans used to buy or construct the property.

Currently, the rules limit the kinds of mortgage loans that qualify as amounts at risk. The purpose of my legislation is to expand the kinds of mortgage loans that qualify—without violating the spirit and goals of the 1986 Tax Act.

Under present law, all so-called recourse loans, in which the borrower is personally liable for repayment of the loan, qualify under the at risk rules whether or not they are provided by the seller or a third party. On the other hand, nonrecourse loans, in which the property alone serves as security for repayment, qualify only if the loan is provided by an unrelated third party organization in the business of lending or by a related party if the terms of the loan are commercially reasonable and on substantially the same terms as loans involving unrelated persons.

Nonrecourse financing provided by the seller of real property, however, may not be treated as an amount at risk under the current rules—even in situations in which the seller is in fact an organization engaged in the business of lending.

The restrictions on nonrecourse lending provided by the seller of the property is justified by the argument that there may be little or no incentive to limit the amount of such financing to the value of the property. This, in turn, could result in the buyer's receipt of inflated deductions and the seller's conversion of ordinary income into capital gain.

In the case of nonrecourse financing provided by a third lending institution, however, Congress has determined that this kind of financing is much more likely to be in line with the property's value. Furthermore, such lenders are more likely to predetermine that the financing will be repaid and that the purchaser has or will have real equity in the activity. Therefore, under the current rules, financing provided by an organization in the business of lending may appropriately be treated as an amount at risk regardless of whether the financing is recourse or nonrecourse. But, if the lender is also the seller, then the financing must be recourse to qualify as an amount at risk.

The legislation I am introducing today will clarify that the policy underlying the at risk rules is not undermined if the lender is now also a seller merely because the lender happens to have acquired the property through foreclosure or by an instrument in lieu of foreclosure. Such a seller is in fact in the business of lending money and is more in the nature of an involuntary caretaker of property than an owner/seller.

My legislation does not alter the purpose behind the 1986 extension of the at-risk rules to real estate, but clarifies that financing provided by organizations in the business of lending will qualify as an amount at risk regardless of whether the financing is recourse or nonrecourse.

I urge my colleagues in the House and on the Ways and Means Committee to join me in support of this legislation and to take prompt action on this matter. The current rules are unnecessarily restrictive. They slow down the sale of property from lenders' portfolios while potential buyers search—often in vain—for available financing from other sources.

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXCEPTION FROM CERTAIN AT-RISK RULES FOR PROPERTY ACQUIRED BY FORECLOSURE.

(a) IN GENERAL.—Subparagraph (D) of section 465(b)(6) of the Internal Revenue Code of 1986 (relating to qualified nonrecourse financing treated as amount at risk) is amended by adding at the end thereof the following new clause:

"(iii) CERTAIN FINANCING FROM SELLERS OF PROPERTY.—For purposes of this paragraph, financing secured by property shall not fail to be treated as qualified nonrecourse financing by reason of subclause (II) of section 49(a)(1)(D)(iv) if the person referred to in such subclause acquired such property by foreclosure or by instrument in lieu of foreclosure."

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to financing provided after December 31, 1991, in taxable years ending after such date.

A TRIBUTE TO THE WINSTON TENANTS ASSOCIATION

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 29, 1991

Mr. ACKERMAN. Mr. Speaker, I rise today to honor the members of the Winston Tenant's Association of Briarwood, NY. They are an inspiring example of individual citizens cooperating to protest unfair treatment by their housing management.

The Winston Tenant's Association was formed in April 1981, as a result of the owner's failure to correct over 100 building violations. Despite retaliation by the staff of the Winston Apartments, the residents insisted that their leases be enforced, thanks to the dynamic efforts to Phil Karasyk, an attorney, and Albert Willingham, who is currently the president of the association. The tenants worked closely with the offices of City Council Member Morton Povman, Assemblywoman Nettie Mayersohn, State Senator Jeremy Weinstein, and myself to settle the disputes, but the matter was eventually decided in court. Judge Maurice Harbater ruled that the landlord had to correct numerous infractions of the building code, including breakdowns in heating during the winter. Justice was served.

Since then the Winston Tenant's Association has worked diligently to ensure the safety and comfort of its members, and having gained many friends, I am sure that they will continue to address the issues with their collective power and wisdom. I ask my fellow members to rise and salute the Winston Tenants Association on its 10th anniversary.

IN MEMORY OF ENS. JOHN LONERGAN

HON. THOMAS M. FOGLIETTA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 29, 1991

Mr. FOGLIETTA. Mr. Speaker, I rise today to pay tribute to the memory of Ens. John Joseph Lonergan of Philadelphia, who tragically lost his life in an automobile accident on October 12 at the age of 23.

As a boy, Mr. Lonergan used to sit with his father on the bleachers at JFK Stadium in Philadelphia, and watch the annual Army-Navy football game. From that time on, John Lonergan knew that he wanted to attend Annapolis, and worked with persistence and diligence throughout his school years to achieve that goal. I helped young John attend the Academy. Whether he was serving as a class officer, or playing the tenor saxophone in the Northeast Catholic High School jazz band, John Lonergan constantly delighted his friends and teachers with his numerous talents.

In 1987, John Lonergan fulfilled the goal he had set for himself long ago, as he entered the freshman class of the U.S. Naval Academy in Annapolis. Following his graduation this year, Ensign Lonergan was assigned to the Navy's Surface Warfare Officers' School Command in Newport, RI.

John Joseph Lonergan's friends and family recall that he lived by a code of persistence. As a student, an officer, or a friend, John Lonergan will always be remembered for his determination, and his kindness toward others. I know I join my colleagues in extending my deepest sympathies to Ensign Lonergan's parents, Joe and Sally, as well as to the rest of his family and friends.

IN RECOGNITION OF THE ECONOMIC OPPORTUNITY COUNCIL OF SAN FRANCISCO

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 29, 1991

Ms. PELOSI. Mr. Speaker, I rise today to recognize and commend the Economic Opportunity Council of San Francisco [EOC], an organization that has waged a tireless attack on poverty since its inception, under the Economic Opportunity Act of 1964. Its mandate was "to formulate a program to mobilize and utilize public and private resources in a concerted and effective attack on poverty by developing employment opportunity, improving human performance, motivation and productivity, and by bettering the conditions under which people live, learn and work." Then Mayor John Shelley, along with Dr. Arthur Coleman, first chairman of the board of directors, and Everett Brandon, the first executive director, had the charge of making the Economic Opportunity Council a reality.

For 27 years, the EOC has continued to meet their long-term goal of promoting self-sufficiency among the city's poor, helping them in becoming less dependent upon government assistance, while aiding them in becoming more dependent upon their most valuable resource—themselves. The EOC has also committed itself to providing a variety of support services for low-income groups and individuals, including employment, health, housing, education, nutritional food supplements, and child and parent development. In this manner, the EOC helps to alleviate the many adversities associated with poverty.

Today the board of directors, Executive Director Enola Maxwell, clients and staff of the Potrero Hill Neighborhood House, honor the

Economic Opportunity Council of San Francisco, and the many individuals who have worked for it. Many of these dedicated activists went on to public service, truly making a reality of the purpose of this legislation, a vital part of the war on poverty. Mr. Speaker, I join with the San Francisco community in honoring the continuing good works of the Economic Opportunity Council.

HONORING NAT DAVIS

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 29, 1991

Mr. ENGEL. Mr. Speaker, this week in my district, the friends and family of the late Nat Davis will gather at Boston Post Road to dedicate a street in honor of a beloved member of the community.

It is appropriate that the block between Waring and Mace Avenues be named in honor of Nat Davis. The senior citizen center at 2424 Boston Post Road was the focus of many of his activities in his later years. Working with his dedicated wife Thal, he promoted the growth of the senior center and helped its neighbors in countless ways.

All of his neighbors, whether young or elderly, were recipients of Nat Davis' generosity. Nat was widely known for his free physical education instructions and his willingness to drive senior citizens to shopping or doctor appointments. He was a Scoutmaster of troop 133 of the Boy Scouts of America, where he taught city youth about the wonders of the outdoors. He was a member of the board of directors at Pelham Parkway Jewish Center and regularly contributed to the United Jewish Appeal, Israel Bonds, and other organizations.

When we lost Nat Davis, we lost a man who epitomized concern for his neighbors and love of his family. The naming of a street in his honor will serve to remind us of his legacy and motivate us to carry on his community spirit.

ST. FRANCIS MEDICAL CENTER

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 29, 1991

Mr. LAGOMARSINO. Mr. Speaker, I rise today to pay tribute to one of the most respected medical centers in the 19th District, the newly renamed St. Francis Medical Center.

This institution was founded 83 years ago to provide high quality, personal family oriented health care as the St. Francis Hospital. In light of the remarkable advancement St. Francis has made in the medical field, it is appropriate at this time to dedicate the new name to reflect what the facility now is—a complete medical care institution.

Recent improvements in St. Francis are very impressive and include an expansion of the emergency department and preliminary work on an ambulatory care center, the addition of the cardiac catherization laboratory and a new MRI scanner as well as a new high tech surgery wing. St. Francis also boasts of having an innovative family birth center—offering labor, delivery, recovery and post-partum care.

In closing, I would like to applaud all those involved over the years who have helped make St. Francis a shinning achievement in the medical establishment of this great Nation.

ETHNIC POLITICS RETURN TO BULGARIA

HON. JIM MOODY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 29, 1991

Mr. MOODY. Mr. Speaker, in June, President Bush signed a Jackson-Vanik waiver to indefinitely extend most-favored-nation status to products from Bulgaria. At precisely that time, the Bulgarian Turkish minority was struggling to participate in the political life of that country. Efforts were underway to declare illegal the Bulgarian-Turkish political party, the Movement for Rights and Freedoms [MRF] led by Ahmed Dogan. For that reason, I felt that President Bush's Jackson-Vanik waiver represented a vote of confidence for Bulgaria at just the wrong time.

Slavic-Bulgarian parties joined together after the June elections to prevent the MRF from participating in the October 13 elections. Despite all their efforts—including two cases that went to the Supreme Court—they were not successful. The MRF won 23 seats in the National Assembly and would probably have won more were there not so much uncertainty surrounding its participation.

I applaud the determination and tenacity of the Bulgarian-Turkish minority. Their advances in the October elections are particularly amazing considering the history of their treatment in Bulgaria.

In 1984, President Todor Zhivkov began a campaign of assimilation against Bulgarian Turks. They were forced to take Slavic names, banned from attending Turkish language schools, and banned from speaking Turkish—even though 70 percent of Turks knew no other language. Turkish names were removed from tombstones and mosques were closed except on the most sacred holidays. In 1985, the Bulgarian Government declared that the restoration of Bulgarian names had been safely completed and declared that no ethnic Turks remained in Bulgaria.

In 1989, 4 years later, this brutal campaign sparked a massive flight from the country. Some 300,000 Bulgarian Turks left their homes and livelihoods behind and fled to Turkey, constituting the largest flow of refugees in Europe since World War II.

I am repeating this story today because few people outside Bulgaria and Turkey remember this recent history. Few Americans knew about these events at the time they occurred. Is it relevant today under a new government? I believe that Bulgaria has taken important strides forward. The people of Bulgaria ejected the Zhivkov regime—but allowed the Communists to remain in power under a new name. They rewrote the constitution to allow greater representation—but stopped short of including strong protections for the rights of Bulgarian Turks and other ethnic minorities.

Today, as Congress takes the step to extend most-favored-nation status to products from Bulgaria, we are obligated to take another step as well. We must continue to monitor the situation in Bulgaria and press for greater protections for the rights of minorities. The Movement for Rights and Freedoms, for example, should be able to participate in elections without being challenged and representatives of the Turkish community should be appointed to the Central Elections Commission.

Other Eastern European countries have demonstrated that greater political openness does not necessarily bring greater tolerance and respect for diversity. Bulgaria has a sad and recent history of intolerance for the rights of the Bulgarian-Turkish minority. Those attitudes will not change overnight.

Reprinted below is an article that appeared last week in the Washington Post. The article describes how the Bulgarian Communists, now called the Socialist Party, are whipping up historic Slavic-Bulgarian fears of Turks to shore up their own sagging fortunes.

It is sadly ironic that, if Ahmed Dogan and Bulgarian-Turks had not participated in the elections, they would have no voice in the affairs of their country. But because they did participate and because they received the strong support of sectors of the country, they will spark a revival of ethnic recriminations and fears.

This is no time to close the book on Bulgaria. It is a time for continued diligence. I urge my colleagues and the Bush administration to join me in expressing our continued interest and concern.

[From the Washington Post, Oct. 27, 1991]

ETHNIC POLITICS RETURN TO BULGARIA—COMMUNISTS, BEATEN IN ELECTION, REVIVE FEAR OF TURKISH POWER

(By Mary Battiata)

KURDJALI, BULGARIA.—It was the usual afternoon call to prayer, but for men sipping dark coffee near the mosque's tin minaret, the pre-taped wail of the muezzin sounded especially sweet. Kurdjali, main city for Bulgaria's repressed ethnic Turkish minority, had elected its first Turkish mayor since 1913.

The win was part of a larger electoral sweep that left the jubilant Turks the third-strongest political force in Bulgaria's new parliament, and essential governing partner for the victorious Union of Democratic Forces. "This Turkish mayor is the first beam of hope for us," said Turkish legislator Husein Karamolle.

But the Turks' strong showing also has revived older forms of ethnic politics here. Bulgaria's Communists—now reorganized as the Socialist party—are attempting to exploit Bulgarian fears about the Turks to shore up their own sagging fortunes.

It has become a familiar spectacle throughout post-Communist Eastern Europe. In Romania, Yugoslavia, Slovakia and now Bulgaria, Communists who once condemned nationalism as the disease of petty capitalists now portray themselves as defenders of a threatened majority.

The approach is potentially powerful here, where democracy is empowering the ethnic Turks—who make up roughly 10 percent of the population—just as market reforms rattle the confidence and tolerance of the dominant Slavs.

Added to economic tension is the weight of memory. Bulgaria's five centuries of occupation and domination by the Turkish Ottoman Empire ended only in 1878. Many Bulgarians fear that the ethnic Turks' present demands for cultural and religious autonomy will lead inevitably to political separatism.

The Socialists went into this month's parliamentary election allied with two extreme nationalist parties. They nonetheless suffered a narrow defeat by the Union of Democratic Forces and lost their parliamentary majority.

Even before the final votes had been tallied, the Socialists were trying to paint the Turks' new clout as a threat to ordinary Bulgarians. Their rhetoric has raised fears of an anti-Turkish backlash.

"Nationalism is the only card the Socialists have to play," said Turkish party spokesman Yunal Lyutfi. "Regrettably, that feeling is flourishing in this part of the world. It has no future, but in the short term it is very dangerous."

Socialist leader Andrei Lukanov told a post-election press conference that the results left Bulgaria "a political hostage" of the Turkish party, the Movement for Rights and Freedoms. Yet in 1990, as prime minister of Bulgaria's first freely elected government, Lukanov led a move to restore the rights that Communist dictator Todor Zhivkov had denied the Turkish minority.

In the Kurdjali region, where ethnic Turks are in the majority, the rhetoric was less oblique. "They threatened there would be bloodshed if we have a Turkish mayor," said legislator Ramse Osman.

Kurdjali's old Communist newspaper, New Life, has campaigned for a ban on the public playing of Turkish music and the Islamic calls to prayer, on grounds that it is offensive to the Bulgarian population.

To the Turks, that sounds too much like the attempts by Zhivkov's hard-line Communist regime throughout the 1980s to force their assimilation by closing their mosques, making them "Bulgarize" their names and collecting stiff fines from anyone caught speaking Turkish on the street. That culminated in an exodus of 300,000 ethnic Turks to Turkey in 1989.

The Socialists insist it is the Turks who are undemocratic. Socialist leader Lukanov and others said the Turkish party took 95 percent of the vote in Turkish areas because of its "iron discipline."

Turkish leaders scoff at that complaint. "If we were an undemocratic, nationalist party, there would have been bloodshed already," said Lyutfi. "Because in the Balkans, competition between two parties that represent ethnic ideas always results in bloodshed."

TRIBUTE TO OLGA TORRES

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 29, 1991

Mr. ORTIZ. Mr. Speaker, I rise today to commend Olga Torres, a talented and outstanding young woman from Brownsville, TX. Olga recently won the prestigious JROTC 75th Anniversary National Essay Contest. Olga is the daughter of Agustin and Herlinda Torres. She recently graduated from Homer Hanna High School in the top 10 percent of her class and has enlisted in the U.S. Air Force. Olga is an example of a proud American who is willing to dedicate her talents to serve our Nation.

I encourage each of my colleagues to take a moment to read the following winning essay. It provides an excellent interpretation of a leadership role that a young individual envisions.

HOW JROTC HAS PREPARED ME FOR RESPONSIBLE CITIZENSHIP

JROTC has been interesting, exciting, informative, and an education in how to be your best. More significantly, JROTC prepared me for a successful life and responsible citizenship.

JROTC challenged me to learn how to better serve my country. Serving my country does not necessarily mean serving in the nation's armed forces, but being knowledgeable about government and being active in community service. Nevertheless, one of the most important ways in which I have practiced my citizenship has been by proudly wearing my Army JROTC uniform. I was not just representing the JROTC program whenever I wore it, I was representing the US Armed Forces, my school, and my nation. Furthermore, JROTC taught me how to show patriotism towards my country, towards my flag and to understand how democracy works.

As a fourth year cadet, I had numerous opportunities to practice my leadership skills and acquiring leadership skills helped me to become a responsible citizen. I have had hands-on experience in teaching lower classmates drill, first aid, map reading, marksmanship and several other courses. Acquiring these skills helped me develop leadership attributes and become a responsible citizen.

Two other courses I have enjoyed immensely and believe essential to the program are the drug abuse lectures and a block of instruction known as "Unlocking Your Potential." The drug abuse program helps encourage cadets to stay drug free and influence others to be drug free. What better way to teach responsible citizenship? Similarly, "Unlocking Your Potential" assisted me in developing a higher self-esteem, a positive attitude, and most importantly to decide what I really wanted to do with my life. Goal setting is an integral part of the course.

I attribute my success to the JROTC program. Most likely, if I had not taken this course, I would not have accomplished my goals. I am proud of being in the top ten percent of my class. I am proud of being selected as a peer tutor and role model by the Brownsville Police Department for a drug education program for elementary schools. And I am proud of having enlisted in the armed forces where I will continue to be a citizen dedicated to the preservation of American Freedom.

JROTC aided me in becoming a responsible, dedicated citizen. It would be fantastic if everyone could go through this program. If they did, our country would profit.

FIRMS GET A JUMP ON FAST TRACK—JOBS GO TO MEXICO

HON. NICK JOE RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 29, 1991

Mr. RAHALL. Mr. Speaker, last May, during the debate on extending fast-track authority, I had many concerns about that matter. Concerns about treatment of the environment; health and safety laws; labor laws, especially child labor laws; and Buy American mandates. But certainly my chief concern was the right of American workers to keep their jobs.

I, along with many of my colleagues, stood here demanding that the Congress not be made to sit idly by while the jobs of our constituents are allowed to leave this country. I wanted a process which would ensure that the jobs of Americans would be protected. I wanted to know how we expected our workers to compete with workers who are willing to accept far inferior wages and working conditions?

During this debates, I was told not to worry about the loss of jobs to Mexico. I was told that the fear of Mexican workers taking American jobs was farfetched. I didn't believe that. I couldn't believe that. Jobs in my State are too precious to risk on such empty speculation. At the time of the fast track vote, West Virginia had an unemployment rate of 8.3 percent. The current unemployment rate in West Virginia is 9.8 percent.

Many areas of this country are suffering similar unemployment rates and there are many factors contributing to this suffering. But I submit to you that on top of all the other economic contributors which are driving up the unemployment rate, American workers should not have to worry about losing their jobs to Mexico because of a weak trade agreement which makes it easy for businesses and industries to take jobs there.

Are Members who fear having to watch helplessly as the plug is pulled and jobs swirl down the drain into Mexico overreacting? Is our response of anxiety to the granting of fast-track authority inappropriate? Absolutely not!

Let me quote to you from a classified ad in a textile trade publication:

> Business For Sale, Mexico Apparel Plant, Get a head-start on "Fast Track Free Trade," Save 50 percent on U.S. costs.

No one can call me this isn't an advertisement to entice U.S. businesses to take advantage of the low wages which prevail in that country! This ad isn't aberration. I have other examples of attempts to lure companies and businesses with the promise of low labor costs.

Consider this. The marketing director of FINSA Grupo Arguelles, a private Mexican development firm, promises United States companies fully fringed labor costs which average $1.25 per hour. Labor costs, including all benefits, which average $1.25 per hour; that's $10 per day; $40 per week; and we're not even talking take home pay.

Or how about the company which holds seminars on how to take advantage of a $25,000 savings per assembler, per year? That's $25,000 which they are promising to take out of the pockets of American workers, promising to take out of the American economy. Is this what my opponents had in mind when they said that the fear of losing American jobs to Mexico is far fetched?

I ask you Mr. Speaker, is this the fate of American labor? Are the sacrifices which were made in the past by our fathers and mothers, grandfathers and grandmothers to ensure fair wages, safe working conditions, and a decent standard of living going to be thrown away for $1.25 an hour? Have we forgotten the struggle, the pain, the humiliation, which was endured by the citizens of this country whose only desire was to be able to perform an honest day's work in a clean, safe, factory for an honest day's wage. These were people who took pride in their work and in their country and instilled this pride in their children.

The achievements of our grandparents cannot be forgotten. They are part of what has made this country what it is today. We should be focusing our attentions on ways to make this country stronger, not on ways to send the jobs, which decent, hardworking Americans deserve, to Mexico.

DUKE MUDDIES THE MAINSTREAM

HON. DONALD J. PEASE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 29, 1991

Mr. PEASE. Mr. Speaker, I would like to call my colleagues' attention to the following editorial, which appeared recently in the Plain Dealer, Cleveland's daily newspaper and the largest circulation daily in Ohio. It discusses, succinctly and articulately, a frightening trend which is becoming apparent in this Nation.

The politics of divisiveness emerged during President Bush's first Presidential campaign, and they have been employed by the President and many of his followers ever since. We have witnessed them most recently in the President's rhetoric regarding important civil rights legislation as well as the White House's strategy during the Thomas confirmation hearings. Mr. Speaker, these tactics are pitting American against American on the basis of race and gender.

It is dangerous to forget that human emotions are deeply rooted and easily manipulated. The victories the United States has scored against prejudice and discrimination since the 1960's are fading as the political strategies of the GOP shamelessly stir up the very worst in human nature. Try as they might, the President and the Replublican Party cannot distance themselves from the monstrous tactics they have popularized. David Duke is employing the lessons of his teachers all too well in the Louisiana gubernatorial contest.

Mr. Speaker, I hope that my colleagues will read this editorial and take its admonitions to heart.

[From the Plain Dealer]

DUKE MUDDIES THE MAINSTREAM

A frightening, real-life drama is being played out in Louisiana. It bears watching as a foreboding measure of U.S. race relations.

Louisiana voters last week gave former Ku Klux Klan Grand Wizard David Duke a berth in the electoral runoff for the governor's office. Duke claimed about 32% of the vote, coming in second to Democratic former governor and gambler Edwin W. Edwards.

The bayou state's electorate historically has supported flamboyant politicians who have more skeletons in their closets than position papers in their portfolios. Edwards is no angel-in-pinstripes. He has said he will base this campaign on what's best for the state, not on personalities and the past.

That's a necessary strategy. During Edwards' gubernatorial reign in the 1970s, he was known as a gambler and a womanizer, and twice was indicted on federal racketeering charges (though he was never convicted).

But Duke's past is far more worrisome. He has worn the robes of a klansman and the cloth of a neo-Nazi. He has traded those outfits for power suits, well-coiffed hair and a man-of-the-middle image. And it's working.

He has appealed to traditional Republican strongholds by preaching the evils of the welfare system and those who must make use of it—in Louisiana's case, that means mostly blacks. He blames crime, drugs and other social ills on them and says he will reduce social service costs by lowering the "illegitimate welfare birthrate."

Those are dangerous words, ones meant to stir up racial hatred. As the economy remains comatose, anger rises and people get hungrier to find scapegoats on which to blame their predicament. Duke is exploiting those emotions.

That's disgusting no matter when it's done. But Duke's mouthings come as racial tensions flare around the country. Many college campuses are experiencing increases in racial incidents; so, too, are big cities where melting pots are bubbling over into violence.

The national Republican Party, of which Duke claims to be a member, disavows any connection to the state representative. Still, Duke is gaining legitimacy, in large part, by invoking many of the same cries as the mainline GOP. Duke's platform, concedes the Louisiana Republican Party, is built on standard Republican arguments—such as quotas being unfair to whites.

If Duke has become mainstream, he has floated in on the wave of political strategy begun by the late Lee Atwater, the Republican strategist who made Willie Horton a household name during the last presidential campaign.

Perhaps the Republicans never expected their rhetoric and tactics to be used so deftly by a former klansman. Perhaps they deserve to see the perverted maturation of their divisive brand of politics.

What's more important is to not ignore the anger Louisiana voters have shown through their support of Duke. Leaders must look at the problems behind that discontent and devise solutions that will be equitably beneficial for all Americans. One thing is certain: The country cannot afford to be governed by bigotry.

THE U.S.S. "PHELPS"

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 29, 1991

Mr. GILMAN. Mr. Speaker, I rise today to bring to the attention of my colleagues the inspiring story of the U.S.S. *Phelps*.

The U.S.S. *Phelps* was commissioned in 1936, but her true history did not begin until the bombing of Pearl Harbor by the Japanese in 1941. The *Phelps* survived the infamous Japanese attack and her crew went on to earn 12 Battle Stars for engaging the enemy and rescuing numerous downed aviators.

Additionally, the *Phelps* took part in many other historical battles including the Battles of the Coral Sea, Midway, and the assault on Guadalcanal. After its enviable World War II record, the U.S.S. *Phelps* was decommissioned in 1945 and struck from the naval registry in 1946.

However, the memory of the *Phelps* lives on in its former crew as they gather to celebrate their distinguished service and the memory of the *Phelps* every 2 years. I am particularly proud that George J. Parness, the mayor of Suffern, NY, a village in my congressional district, was one of the *Phelps* crewmen.

I request that the history of the U.S.S. *Phelps*, written by George Parness and Harold Placette, be inserted at this point in the CONGRESSIONAL RECORD in order to enable my colleagues to read the history of this great ship and her dedicated crew and their heroic service to our Nation's war effort that saved the world from dictatorial domination during World War II:

THE STORY OF THE U.S.S. "*PHELPS*" (DD-360)

The U.S.S. *Phelps* (DD-360) was commissioned in 1936, decommissioned in 1945, and scrapped in 1946. In one short decade, the *Phelps* played a part in international diplomacy, survived Pearl Harbor and engaged the enemy in World War II, (12 battle stars), and rescued numerous downed aviators. An enviable record in such a short time!

After her commissioning in Boston, the *Phelps* was the only destroyer selected to accompany President Franklin D. Roosevelt to Buenos Aires, Argentina when he opened the Inter-American Peace Conference of 1936. Upon returning to Boston, the *Phelps* received a letter from the President containing those phrases which are the inspiration of all Navy men: "A smart ship! To every man in your ship's company, 'Well done'".

Assigned to the Pacific Fleet in 1937, the *Phelps* was again honored by being selected to take President Roosevelt from Seattle, Washington to Victoria, B.C. for the President's meeting with the Prime Minister of British Columbia in October of that year.

In 1939, the *Phelps* home port was shifted to Pearl Harbor, where she was designated Flagship, Destroyer Squadron ONE, Battle Force, United States Fleet. On that fateful morning of December 7, 1941, the *Phelps* was alongside a destroyer tender in Pearl Harbor, and all shut down. With only three officers, one Lieutenant and two newly-commissioned Ensigns, and approximately fifty percent of the crew, the *Phelps* got up steam, got underway through fire and confusion, steamed out into the Pacific, stayed underway for 72 hours with the Lieutenant on the bridge the entire time, and finally returned to Pearl Harbor when it was safe to do so.

February 1942 found the *Phelps* steaming with the carrier *Lexington* task group when attacked by Japanese aircraft. That was the first major air battle of the war, in which Lt. E.H. "Butch" O'Hare became one of the first aces of the war by shooting down five enemy aircraft. The Chicago airport is named after this naval aviation hero.

In May 1942, the *Phelps* was again steaming with the *Lexington* in the Battle of the Coral Sea. When the *Lexington* was rendered helpless by the attacking Japanese aircraft and resulting fires, the *Phelps* was designated to stay behind the retreating task group, pick up the last survivors, and torpedo the burning carrier to prevent the Japanese from attempting to salvage the hulk and claim a moral victory.

The following month the *Phelps* was in the thick of the action again, operating with the carrier *Enterprise* at the Battle of Midway. During the three-day battle, the *Phelps* picked up two dive bomber pilots, one whose plane was damaged by enemy gunfire, and the other whose plane ran out of gas while returning to the *Enterprise.*

In August, U.S. forces launched the assault on Guadalcanal, with the *Phelps* assigned to the carrier *Saratoga* task group providing air support to the landing operations. During the months of July and August, the *Phelps* recovered several aviators whose planes were damaged in aerial combat or ditched for a variety of reasons.

The *Phelps* returned to the Mare Island Naval Shipyard in California for new radar equipment and more anti-aircraft guns. In place of heat and humidity, the *Phelps* next went to the Aleutian Islands with the Amphibious Force to drive the Japanese forces out of Attu and Kiska. That task completed, the *Phelps* proceeded to Pearl Harbor and joined the Task Force headed for the Gilbert Islands. Here her accurate gunfire helped destroy Japanese shore batteries on Makin Island.

Two months later, the *Phelps* was part of the Amphibious Force that assaulted Kwajalein, in the Marshall Islands. On D-Day Plus 1, the *Phelps* was the first destroyer to enter the lagoon at Kwajalein and shell Japanese positions from inside the atoll. Three weeks later, the *Phelps* was again the first destroyer to proceed into the lagoon at Eniwetok, following a small U.S. minesweeper.

Luck ran out during the bombardment of Saipan in June 1944. The *Phelps* was hit by Japanese shore batteries, with significant damage, several injured, and one fatality. Because of the heavy repair workload in Pearl Harbor and the West Cost shipyards, the *Phelps* returned to the Atlantic and was repaired at the Charleston, South Carolina Navy Yard. Her last year of service was spent in the Atlantic on convoy duty between the United States and Europe/North Africa.

The physical parts of the ship—the hull, the guns, the engines—are minor contributors of this decade of glory. The ship's company, from plank owners at the commissioning in Boston to the men who were serving at the time of her decommissioning in Brooklyn almost ten years later—these are the men of whom we can be justly proud.

When they meet every other year to recapture the past, the hopes is voiced that perhaps some day there will be another *Phelps.* The *Phelps* shipmates will next meet in San Antonio in the fall of 1992, and the glories of the years gone by will be told once again.

PROVASOLI-GUILLARD CENTER

HON. THOMAS H. ANDREWS

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 29, 1991

Mr. ANDREWS of Maine. Mr. Speaker, I rise to announce the introduction of a resolution, with Representative OLYMPIA J. SNOWE, to designate as a national center and facility the Provasoli-Guillard Center for the Culture of Marine Phytoplankton at the Bigelow Laboratory in West Boothbay Harbor, ME. This is companion legislation to a bill introduced in the Senate by Senators GEORGE MITCHELL and WILLIAM COHEN.

The Bigelow Laboratory is known throughout the scientific community for its significant contributions to the research of the marine environment in Maine, the country and other regions of the world. The Provasoli-Guillard Center plays an important role in the laboratory's work. Phytoplankton are microscopic plants that form the foundation of the food web and fisheries productivity. There is evidence that this organism can help control the flow of carbon dioxide to the deep ocean and thereby influence global climate change. Oceans and their life-supporting ecosystems cover 70 percent of the Earth. The Center contains the largest collection of marine phytoplankton in the world and supplies researchers around the world. This legislation provides well-deserved recognition to the Center, and confirms its place as a leader in the study of marine phytoplankton.

COMMENDING MAJ. GEN. HAROLD GENE HOLESINGER ON HIS RETIREMENT AS ADJUTANT GENERAL OF THE ILLINOIS NATIONAL GUARD

HON. RICHARD J. DURBIN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 29, 1991

Mr. DURBIN. Mr. Speaker, I rise today to honor Maj. Gen. Harold Holesinger, the State's highest ranking military officer, upon his retirement following nearly 40 years of service with the Illinois Army National Guard. Major General Holesinger currently serves as the Illinois Adjutant General and director of the Illinois Department of Military Affairs. In this capacity, General Holesinger has admirably fulfilled his responsibility to both the 15,000 men and women serving with the National Guard and the State of Illinois for planning, development and implementation of Illinois National Guard defense policies. General Holesinger has made a strong contributions to both Illinois and the Nation and his leadership will be missed.

General Holesinger's record of service is, in so many ways, a model of success. He was promoted to the position of adjutant general for the State of Illinois in November 1983. A native of Morrison, IL, General Holesinger is a graduate of Morrison High School and attended Northern Illinois State Teachers College. He began his military service in 1948, enlisting as a private in the 33d Division of the Illinois Army National Guard. Awarded his pilot's wings, Gene Holesinger was commissioned as a second lieutenant in 1952. With combat experience in Korea, active service during the Berlin crisis and over 5,000 flying hours in various aircraft, General Holesinger has also served as a gunnery instructor pilot and a flight commander.

As the recent experience in the Persian Gulf demonstrates, our National Guard and Reserve forces are ready and able to step forward and serve our Nation far from home in times of need. During General Holesinger's leadership, the National Guard posted its highest level of readiness in Illinois history. Units such as Springfield's 233d Military Police Co., and Chicago's 108th Medical Battalion demonstrated their courage and dedication during Operation Desert Storm. However, the Guard's dedication and service is equally demonstrated by the disaster relief, comfort and humanitarian assistance extended to their fellow Illinois citizens in terms of need here at home.

A two-star general with the U.S. Air Force, General Holesinger has been awarded numerous decorations, including the Air Medal with one Oak Leaf Cluster, Air Force Commendation Medal, Combat Readiness Medal with Four Oak Leaf Clusters, the National Defense Medal with a Bronze Star and the Korean Service Medal. Active in the Air Force Association and the National Guard Association of the United States, the Reserve Forces Policy Board and the Executive Council of the National Guard Association, General Holesinger's contributions extend far beyond the Illinois borders.

I know his wife, Dolores, and two children are proud of his years of distinguished service. I join them and thank Harold for his years of selfless service and wish both he and his family all the best for the future.

THE INTRODUCTION OF A BILL TO IMPROVE THE FEDERAL PRISON INDUSTRIES PROGRAM

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 29, 1991

Mr. SKELTON. Mr. Speaker, I rise to introduce a bill to improve the Federal Prison Industry [FPI] Program run by the Bureau of Prisons. The program has provided useful employment for Federal prisoners for 60 years. Teaching them working skills and keeping them occupied and out of trouble.

The doubling of the prison population over the last 10 years, however, has put a tremendous pressure on FPI to grow at any cost. Unfortunately it is America's taxpaying small businesses who have paid the price. Federal Prison Industries have used their a preemptive right to Federal contracts extensively, and reserved for themselves the lion's share of Federal business in a number of product categories. In so doing, they have ignored their own mandate to find labor intensive products without dominating any one industry. As a result, the taxpayer has been ill-served by a costly program providing a minimal benefit and small businesses caught in the squeeze have either laid off their law-abiding employees or closed their doors altogether.

The bill that I introduce today in conjunction with 12 of our colleagues, Mr. Speaker, would make Federal Prison Industries a responsible participant in the Federal procurement market by requiring them to compete for contracts and execute them efficiently. Our bill will simply require the program managers to work harder to find more appropriate opportunities for their work force that provides the least intrusion on existing small businesses.

STATEMENT OF THE HONORABLE AL SWIFT

HON. VIC FAZIO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 29, 1991

Mr. FAZIO. Mr. Speaker, I know that my colleagues share my deep sense of professional and personal regret over the announcement by our distinguished friend from Washington, Congressman AL SWIFT, that he will seek reelection to the House only one more time. The loss of such an intelligent, principled, and effective legislator will be sharply felt in this Chamber by the people of the State of Washington and by the Nation.

In keeping with the remarkable quality of his entire career, Congressman SWIFT used the occasion of his retirement announcement to discuss the threat to democracy posed by the term limit movement with great insight and power.

I insert his moving remarks into the RECORD in the hope that every citizen who cares about the preservation of government "of the people, by the people, and for the people" will take the time to review them.

STATEMENT: AL SWIFT, OCTOBER 25, 1991

I was in high school when we ratified the Constitutional amendment limiting Presidential terms. The rationale was that serving more than that gave presidents too much power in relation to the Congress. I remember believing even then that the solution was too radical for the problem. I argued that the term limitation proposal was actually a limitation on a free people to choose whomever they wish to be their President.

In ten days, the citizens of Washington State will vote to determine if they will similarly limit themselves in who they may wish to serve in the Governor's office, other executive offices, the legislature and presumably, in Congress. I think this would be a very serious mistake—one that we will deeply regret, not today or tomorrow, perhaps, but fairly soon and until we repeal it.

The frustration I have felt in speaking out against this very popular response to the intense frustration people are feeling these days is that, as a Member of Congress, whose service to my district would be cut short by this initiative, I have no credibility.

"You're just trying to hang on to your job," people will say, and that is understandable. But I believe this radical surgery on the body politic will be so bad for people and for our democratic institutions that I very much want to speak out, to address my fellow citizens in a way in which they will at least give serious and thoughtful consideration to what I say—rather than dismissing it as merely self-interest.

Therefore I am announcing today that I will seek only one more term, in 1992. I will not run for re-election after next year, regardless of the outcome of Initiative 553. I will not run for the Senate. I will not run for Governor. I will never again seek public office.

Some of the finest public servants I have ever known have spent their whole lives in public office: Senator Jackson and Senator Magnuson to name two great ones. However, I have not. I worked most of my life in the private sector. I am one of those citizen legislators we hear so much about. I do not fear returning to the private sector.

This was not an easy decision to make. In this Congress I became Chairman of a very important sub-committee—a Chairmanship that will allow me to even better serve the people of the Second District. I will be able to use this new position to, among other things, help restore Amtrak to our community—and improve the service between Seattle and Portland. I also want to complete the rewrite of our nation's basic recycling law this term and update the Superfund law in the next.

I want to deal with traffic problems at the Canadian border, flood control work, help Max McYoung get the Skagit Wild and Scenic River properly funded and attended to. I'd like to see the Everett Home Port open and want to be sure that NAS Whidbey survives the 1993 base closure process. There is, of course, even more.

So, I have been certain that I wanted to run one more time. My wife and I were moving strongly, however, to the decision that it would probably be the last. It simply occurred to us that if we made that decision now, rather than in a couple of years as would be more typical, I could speak out on Initiative 553, without having anything at stake, personal, professional, or political.

This decision is irrevocable.

Now, having said that, let me discuss I-553.

553 is like the apple in Eden: It is very tempting and it will lead to no good. First, as I have said, it purports to limit lazy, corrupt and unresponsive politicians. But it throws the baby out with the bath water. In fact, a sound argument can be made that it primarily throws out the baby and leaves the bath water; it throws out people like House Speaker Tom Foley who is respected and, most importantly, is a known quantity—for what? At the very best it assures that a respected, known quantity will be replaced by a totally unknown one. Tell the truth: What are the chances that Tom Foley's replacement will be better than he is? In this sense, Initiative 553 is simply a crap shoot. Our odds of winning that game are poor.

Aside from that, there are three major reasons to reject 553 and one very good action people can take to restore their confidence in our system.

The first reason is that this is an out-of-town, out-of-state movement with a secret agenda. An excellent piece of investigative reporting done by the Tacoma News Tribute revealed that Initiative 553 is the brainchild of a small group of very rich, very extreme citizens, not one of whom lives in Washington State. And it is bankrolled by that group, which includes among others the 18th wealthiest family in-the-world.

The second reason: When California passed a term limitation bill, they carefully exempted their Congressional delegation. With the largest and most powerful delegation in the nation, California is the only state which might be able to survive the self-crippling of their influence in Congress. However, they did not do that. But the initiative created for us by out-of-state forces very specifically limits our ability to defend ourselves in Congress. There are serious Constitutional questions about that provision, but I wouldn't bet the farm on this Supreme Court and that's what we're being asked to do.

So what is at stake? Just for starters: our power, our electricity rates, our water, a fair portion of Pacific Rim trade, and, at its very core, our ability to have control of our own fate when our giant neighbor to the South decides otherwise.

Some say, but eventually, this will apply to all the states. Stop and think. Most states are considering 12 year limits. Ours is only six. We are still disadvantaged.

And besides, they are asking us to go first. "Hey," they say, "I've got a great idea: Let's all cut off our right thumb. You go first. I'll be right behind you."

Sure, and the check is in the mail.

If this is a good idea for everyone—and I don't think it is—then everyone should do it together. And our system provides a means to amend the federal Constitution to do that. But to do it alone is the legislative equivalent of unilateral disarmament. We will stand naked, shivering in the cold winds of harsh political reality, while the well-meaning local supporters of 553 explain that they really did think that others would follow our lead and they can't tell us how sorry they are that they didn't.

As for the out of state forces that started this and are bank-rolling it, they could not care less.

My third and final point is really my first one, the one I remember from school. 553 limits people a lot more than it does politicians. It limits the citizens in a free society. And that is dangerous.

How can it be dangerous?

The premise of this measure is that people cannot be trusted to make up their own minds the fourth time a legislator runs. They are too easily influenced by incumbency, too readily gulled by professional politicians we are told.

Well, someone is going to ask, if the people can't be trusted to make a wise decision the fourth time, how can they be trusted to decide wisely the third time . . . or the second. How can they even be trusted to make such weighty and important decisions at all?

In short, this is an attack—not on entrenched politicians—but on the very right of people to choose their own leaders.

A final observation along that line. Somehow we've come to a point where, as free citizens in this great land, we no longer believe we can have an effect on our political process. I think that is because somewhere we got the idea that democracy was easy.

Thomas Jefferson said that "eternal vigilance is the price of liberty." That does not sound easy to me. This country was founded by people willing to sacrifice their lives, their fortunes and their sacred honor in order to be free and self-governing. And many Americans since have died to protect—fundamentally—our right to vote, our right to choose our leaders, which is the essence of our democracy.

Now, some people are telling us that they have come up with a "no sweat" democracy. Pass Initiative 553 and we'll give you a "set and forget" political system. You won't have to lift a finger.

You won't have to find out what anybody stands for. You won't have to search out voting records. You won't have to struggle to understand issues—some of which are very complex and difficult these days. You won't have to do that because—we've done the founding fathers one better. Citizens won't have to pay any attention because every three elections we throw everybody out—good and bad. You won't need to pay attention because if a stinker gets in office, he will soon be gone. And if a really good person gets in, there's nothing you can do to keep them there, so you really don't have to worry about governing yourself anymore. Initiative 553 will just take care of all that for you.

I got interested in politics a long time ago because I think it is the heart of what makes a democratic society work. And I believe that a nation's politics is as good as its people are vigilant.

Democracy is not a spectator sport.

Over the years I've worked on more campaigns for other people than I have for myself. I never expected to run for office, let alone have the great honor of representing some very good people in the United States Congress.

But here I am—proof that you can make a difference. I am a truck driver's son and I have been able to make a difference. Don't tell me you can't. I had a very happy childhood in a blue collar neighborhood on McKinley Hill in Tacoma and got my first job at Sprague Hardware when I was fourteen. And I was able to make a difference. So can anyone.

I worked my way through college—the first one in my family to graduate and I was able to make a difference. Just like millions of other Americans.

And one strange day I decided to run for Congress and I faced powerful forces—equivalent of incumbency—and I was outspent, two to one. But I was elected. It can be done. In fact, it is done regularly.

In the last 9 elections right here in Washington State, we've elected 12 new people just to our small Congressional delegation—and in the process defeated 4 incumbents. We can change our delegation and we do change our delegation. We can defeat incumbents and we do defeat incumbents.

It just takes "participation."

I no longer have any political stake in this initiative, but I do have a personal one. As a citizen of this state, I care deeply about its future, and just as every other citizen of Washington, I have an enormous personal stake in its well being.

And I ask my fellow citizens to get involved. Elect whom you wish. Defeat whom you choose. Be active. Take control. But don't—Don't ever give away your control to someone who promises every thing will be all right. Democracy inherently means the right to vote and the right to choose our leadership—but it is not, and never has been, a burden of responsibility. It is a sacred trust. If we turn our back on that trust, we, and the rest of our country, will lose so much more than just a few more Congressmen.

TRIBUTE TO PAUL GRANDE

HON. JACK REED

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 29, 1991

Mr. REED. Mr. Speaker, I rise today to pay tribute to Mr. Paul Grande, former president of the Silver Lake Little League, on the occasion of a testimonial honoring his three decades of service to the youth of Rhode Island. Mr. Grande has displayed compassionate leadership and commitment to his community.

Mr. Grande's dedication to young athletes is evidenced through the numerous positions he has held such as being a coach of little league baseball for 35 years, or being a Cub Scout master for 14 years and umpiring for baseball games for 10 years. A well-respected individual of Providence, he stands as an usher at masses for St. Barthlomew's Parish and is a member of the Holy Name Society.

Mr. Grande's efforts with the youth of Silver Lake have instilled confidence, aggressiveness, and growth within each child and these qualities will hopefully remain in their spirits for the competitive world ahead of them.

Mr. Speaker, I ask you and my colleagues to join me in saluting Mr. Paul Grande. I am indeed proud of his honorable service to our next generation of leaders in this country.

IN HONOR OF BREAST CANCER AWARENESS MONTH

HON. TOBY ROTH

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 29, 1991

Mr. ROTH. Mr. Speaker, I rise today in recognition of October 1991 as "National Breast Cancer Awareness Month." As this month draws to a close, it is my hope that greater national emphasis will result in more effective diagnosis and treatment of this deadly disease.

More than 175,000 new cases of breast cancer will be diagnosed this year while nearly 44,000 women will die from this disease. It is the second leading cause of death among women in the United States. Despite early detection, the mortality rate has remained unchanged for 60 years and the incidence rates continue to escalate for reasons which remain unclear.

In my home State of Wisconsin, approximately 3,100 women will develop breast cancer this year, and while many cases will be detected early enough to save lives, many women will suffer and die. We must support and encourage greater access to mammography and breast examinations because early detection is crucial to survival.

Mr. Speaker, continued research is vital if we are to find a way to end this senseless loss of life. I am confident that we will reach this goal through the efforts of many organizations and individuals—the American Cancer society alone has more than 2.5 million volunteers nationwide. I commend these people for their dedication. I want to thank all of the women who contacted me this month to express their concerns about breast cancer. I share your commitment, and I join with you to fight this killer.

Most importantly, I have the deepest admiration for those women who are fighting breast cancer and have the courage to go on in life. You are not only an inspiration but also a symbol of hope for the future when someday this fight will be won.

FELIX "DON FELIX" PITTERSON

HON. RON de LUGO

OF THE VIRGIN ISLANDS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 29, 1991

Mr. DE LUGO. Mr. Speaker, A great and wonderful man, Felix "Don Felix" Pitterson, has passed away at the age of 93. A man of generosity and compassion, Don Felix was self-taught and self-made. He grew up in poverty but by the time of his death, he was possibly the largest landowner on St. Croix.

But Don Felix never used the land as so many others do. He was content to see the rolling fields of his island home left largely unspoiled by development. But he was ever generous. When charity asked, he responded, donating portions of his beloved land to nearly two dozen community organizations including churches and schools.

Born on Vieques and raised on Culebra, Don Felix had almost no formal education. He fibbed about his age to a U.S. Navy recruiter and joined the service at the age of 14. Ever eager for knowledge, he traveled the world, reading and experiencing life. He first came to the Virgin Islands in 1928 and moved to St. Croix 10 years later to begin raising cattle, acquiring property as his business prospered.

My grandfather, Don Antonio Lugo y Suarez, knew Don Felix well in their days in Vieques before they moved to the Virgin Islands, Don Felix to St. Croix and Don Antonio to St. Thomas. I was fortunate to become acquainted with Don Felix in 1956 when I moved from St. Thomas to St. Croix. I learned first hand so much that I had heard through the years from family and friends about what a forceful yet kina man he was.

An era has passed with the passing of Don Felix Pitterson, an era which will be remembered with pride and fondness by all who knew this outstanding man.

TERRY'S LAST BIRTHDAY IN CAPTIVITY

HON. LOUISE M. SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 29, 1991

Ms. SLAUGHTER of New York. Mr. Speaker, 6-year-old Sulome Anderson was on the evening news this weekend, singing "Happy Birthday" in childlike innocence to a father she has never met. Little Sulome was born 4 months after Terry Anderson was abducted in Beirut in 1985. The wish Sulome made this weekend as she blew out the candles on her father's birthday cake was that Terry might come home in time to celebrate her own seventh birthday this coming Spring.

Sunday, October 27, 1991, was Terry Anderson's 44th birthday—the 7th birthday which he has marked in captivity. Terry's family and friends are hopeful that this will be his last birthday as a hostage. At church and community services marking Terry's birthday in East Pembroke, N.Y.; Lorain, OH; and, Cadiz, KY, the prevailing sentiment was one of great love and hope. Intense efforts by U.N. Secretary-General Javier Perez de Cuellar on behalf of the Western hostages and the recent homecomings of Jesse Turner and John McCarthy have buoyed expectations that the remaining hostages will soon be free.

The Middle East peace conference opening tomorrow in Madrid holds an historic opportunity to end at last the crimes of terrorism which have robbed Terry of 7 years of his life. As Secretary Baker negotiated the convening of such a peace conference, I was proud to gather the support of 47 of my colleagues in the House in petitioning President Bush to make freedom for the hostages and an end to terrorism a priority in the Middle East conference. I hope that Terry is aware of our concern and our efforts in pressing for his release; and I pray that he accepts these efforts as a genuine sign that he has not been forgotten.

On this bittersweet occasion of Terry Anderson's birthday, I ask all of my colleagues to remember Terry and the other hostages in their thoughts and prayers, so that next year, this same date might be a cause for real celebration—the celebration of freedom.

THIRTEEN YEARS OF AIRLINE DEREGULATION

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 29, 1991

Mr. BEREUTER. Mr. Speaker, during the past several years the United States has seen a procession of airline bankruptcies, mergers, and takeovers. These changes have resulted in decreased competition and, in turn, fewer choices and greater inconvenience for passengers. As a result, more and more Americans are becoming disenchanted with the overall effects of airline deregulation.

Clearly, a thriving and competitive airline industry is essential to the economic health of the United States and the well-being of its citizens. However, the recent consolidation of the airline industry and the demise of some of the giants has generated much concern about the industry's future. After more than a decade of deregulation, it is appropriate to take a look at the results and determine the best course for the coming years.

The following editorial from the October 3, 1991, edition of the Lincoln Journal is a brief but insightful look at the disturbing trend toward consolidation in the airline industry. I commend this editional to my colleagues.

[From the Lincoln Journal, Oct. 3, 1991]

IS THIS HOW DEREGULATION OF AIRLINES WAS TO END UP?

Airline deregulation, commencing in 1978, was held out, by Republicans and Democrats alike, as a sure boon to travelers.

The promise was that in an opened market, competitive opportunities and commercial freedom would spawn new carriers and cut all passenger costs. That tended to happen; anyway, at the beginning.

Seventeen airlines were formed between 1979 and 1985.

Fourteen of them no longer fly.

Today, just three airlines alone carry more than half of all the passenger load. Add five more carriers and they have 90 percent of the market.

The evolution is toward an oligopoly, or a market containing an controlled by only a few sellers.

And, oh yes, you can't get there from here, or at least not conveniently, is a well-known story, coast to coast.

THE INTRODUCTION OF THE LONG ISLAND SOUND RESTORATION ACT OF 1991

HON. ROBERT J. MRAZEK

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 29, 1991

Mr. MRAZEK. Mr. Speaker, I rise today to announce that I am introducing legislation that will help to ensure that we will always be able to enjoy Long Island Sound as a source of recreation, livelihood, and natural beauty. The Long Island Sound Restoration Act of 1991 develops a demonstration program to rejuvenate Long Island Sound and restore water quality in designated bays and harbors.

Currently, the Environmental Protection Agency [EPA] is working to complete the 6-year comprehensive conservation and management plan [CCMP] of the Long Island Sound study under the National Estuary Program. The research and assessment phase is being concluded and EPA has released a document to address findings on hypoxia—low dissolved oxygen, which is the leading problem in the Sound—the "Status Report and Interim Actions for Hypoxia Management." In fact, the Long Island Sound Policy Committee recently agreed to the implementation of strategies to prevent net increases in nitrogen and to prevent nonpoint source increases.

This new program will be a first-step toward improving the water quality of Long Island Sound as well as implementing the recommendations of the CCMP. While it is not the solution to all of Long Island Sound's water quality problems, it is a major step forward.

The goals of the legislation are to restore water quality in designated bays and harbors, enhance opportunities for recreation, maintain a healthy ecosystem, minimize health risks associated with human consumption of shellfish and finfish, and advance the goals and recommendations of the CCMP.

Under the program, the EPA will provide grants to the States of New York and Connecticut in order to remediate and restore a total of six bays and/or harbors within Long Island Sound. The selection of bays and/or harbors will be subdivided throughout the Sound, with one in New York City. The designation of bays and/or harbors will be made in cooperation with the Long Island Sound Management Committee.

The States will use the grants to address any combination of the following problems: pollutants from nonpoint sources, waste from recreational boats, pollutants carried by rivers, airborne pollutants, degradation of wetlands, and pollutants from point sources. Also, a public education component is included.

The program requires monitoring and the submission of periodic reports to EPA and one to Congress at the conclusion of the program. The total program cost is $325 million, with a Federal contribution of $250 million.

As a member of the House Appropriations Committee, I have advocated increased funding for clean water-related programs, including the construction grants and State revolving funds [SRF] programs. I strongly support the $70 million grant for New York City appropriated this year and increases in the SRF.

But, more needs to be done to address the specific and significant water quality problems in the New York metropolitan area. As the population in the Long Island Sound drainage basin continues to increase, the demands on Long Island Sound are directly related to the stress on this important ecosystem. Clearly, this legislation acknowledges a Federal commitment to the region as the goals and recommendations of the CCMP are implemented after the Long Island Sound study is concluded next year.

It is my hope that this important demonstration will both serve as a model for estuary cleanup and will be included as part of the upcoming Clean Water Act reauthorization.

A SALUTE TO TOM McNIEL

HON. SAM JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 29, 1991

Mr. JOHNSON of Texas. Mr. Speaker, I would like to take this opportunity today to tell my colleagues about a man who has served our Nation well for many years, Tom McNiel. For the past 23 years, Tom has served as the chairman of Texas' Third Congressional District Candidate Selection Board to help appoint outstanding young men and women to America's service academies.

As a member of the U.S. Military Academy's Class of 1945, Tom McNiel knows the rigors and rewards of our military academies. He emerged from his own West Point experience with patriotism and dedication. He has passed on those values to the academy applicants with whom he has worked.

During Tom McNiel's many years of leadership, the Dallas area's Third Congressional District has sent many young men and women to the academies. The Third District is well represented with 21 appointees currently attending the U.S. Air Force Academy, 18 at the Naval Academy, 17 at West Point, and 6 at the Merchant Marine Academy.

Mr. Speaker, Tom McNiel has served his country, many young people, myself, and my predecessors through his leadership on Texas' Third District Candidate Selection Board. I offer Tom McNiel my heartfelt thanks for his service to Texas and to America.

HCFA REGULATION COULD JEOPARDIZE KENTUCKY'S MEDICAID PROGRAM

HON. HAROLD ROGERS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 29, 1991

Mr. ROGERS. Mr. Speaker, on September 10 the Health Care Financing Administration [HCFA] announced its intention to prohibit States from raising Medicaid matching funds through provider fees or voluntary donations. If enacted, this proposed regulation will have a devastating impact on the elderly, the poor, and the children of Kentucky.

If this rule goes into effect, a quarter of a million Kentuckians with families under the poverty level could lose their hospital coverage.

The rule would have a disastrous effect on rural hospitals. In my district four hospitals would lose $7.5 million. Harlan Appalachian Regional Hospital would lose $1.3 million, Humana Lake Cumberland would lose $3.3 million, Whitesburg Appalachian Regional Hospital would lose $1.2 million, and Middlesboro Regional would lose $1.7 million.

Rural hospitals across my State are struggling to survive with Medicaid funds. Right now these funds are being used for many preventive health care services that are critical.

Study after study has shown that if you can keep people healthy from the onset, you actually restrain the costs of health care.

Let us not be penny wise and pound foolish. The actions taken by my State of Kentucky were approved by HCFA back in 1985.

Just last year, this very concept was passed by the Congress and signed into law by the President. Simply stated, Congress intended States to develop their own strategies to cope with increased Federal mandates.

For the Federal Government to dictate to States how they may or may not raise revenues is simply not right.

Mr. Speaker, I sincerely hope that the Health Care Financing Administration will revise this rule before it does needless damage to the lives of millions of low-income Americans.

A CONGRESSIONAL SALUTE TO GEORGE GHIOTTO—1991 SENIOR OF THE YEAR

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 29, 1991

Mr. ANDERSON. Mr. Speaker, I rise today to pay tribute to an outstanding individual whom I greatly admire, Mr. George Ghiotto. Mr. Ghiotto, in recognition of his enormous contributions to our community, has been chosen as the 1991 Senior of the Year by the Senior Care Action Network. This occasion affords me the opportunity to express my sincere gratitude for the work and services he has provided to senior citizens in the Lakewood community.

George Ghiotto has reached a point in his life when the average person might slow down and enjoy retirement. George Ghiotto is not an average person. He continues to give freely of his time and energy to many community activities and organizations. His volunteer credentials include president-elect of the Westside Association, member of the board of directors Beach Charities, Special Olympics booster, member of the Committee of Betterment for Senior Citizens, and volunteering with the USO. In addition, George is a member of the American Legion, the Kiwanis for the senior center, and the Long Beach Central Area Association. George is also chairperson of the Senior Citizens Police Committee, vice-president for the Council of Seniors of Greater Long Beach, and chairperson of the Senior Center Advisory Council. He has served as president of the Gem and Mineral Society for the past 3 years and has volunteered with the Long Beach Senior Services Fund Raising Committee and Senior Center Dance Committee. An avid gardener, George has conducted garden workshop classes for several organizations and participated in the 1990 arbor tree planting. Mr. Ghiotto has also instituted a gardening class for mentally impaired patients at Pacific Hospital. He is an active member of the Frail Elderly Task Force and Agencies and Programs on Aging [APA]. He has been instrumental in establishing the Adopt-a-Policeman Program, the Flag Day ceremony, and a monthly pet visitation hour at the senior center. George has also played a key role in the 1991 Blue Star Memorial event at the Veterans' Administration Hospital, the first memorial recognition for our veterans in Long Beach.

Mr. Ghiotto's dedication to his community is obvious and the value of his services enrich and touch all of our lives. I take great pride in joining with all those attending this special occasion in expressing the gratitude he so richly deserves.

My wife, Lee, joins me in extending this congressional salute to Mr. George Ghiotto. We wish him all the best in the years to come.

INTRODUCTION OF THE TOURISM POLICY AND EXPORT PROMOTION ACT

HON. AL SWIFT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 29, 1991

Mr. SWIFT. Mr. Speaker, today I am introducing legislation to reauthorize the U.S. Travel and Tourism Administration [USTTA]. I ask unanimous consent to have 5 legislative days to revise and extend my remarks.

Travel and tourism related business is one of our country's most significant export products. Last year, approximately 39.8 million people visited the United States, an increase of 55 percent over the 1985 figure. Foreign visitors spent about $52.8 billion in the United States in 1990, an increase of 240 percent over the level 5 years ago. Last year was the second consecutive year in which the United States had a tourism trade surplus; in fact, foreign visitors accounted for about 11 percent of the total spending on travel and tourism activities in the United States.

The travel and tourism industry is also one of the Nation's largest employers, providing jobs for approximately 8.5 million Americans. All of these statistics clearly show the importance of a healthy travel and tourism industry to our Nation's economic well-being.

As all of us know, however, there is much more to the United States than New York, Los Angeles, or Walt Disney World. In every State there are a host of cultural and recreational events that reveal the incredible depth and breadth of the American culture. For example, Washington State is home to the Makah Tribe, which has been actively developing tourism at its reservation. Mr. Don Johnson, Makah tribal chairman, testified at an October 3 hearing of the Subcommittee on Transportation and Hazardous Materials about their efforts to develop a number of cultural and tourism-related projects. In addition to the Makahs, my district also proudly features the San Juan Islands, the Ross Lake tours, the North Cascade Highway, the Friday Harbor Whale Museum, the Whatcom County Ski-to-Sea Race, the Skagit Tulip Festival, a multitude of outdoor recreational opportunities—including the Olympic National Park—and the Elma Slug Festival.

Many of these lesser-known areas want to develop their tourism base, but lack either the financial or technical wherewithal to promote themselves effectively to foreign visitors. USTTA has the technical knowledge to assist these areas in developing effective tourism plans. Through its foreign contacts, USTTA can then serve as a conduit through which communities can get their promotional materials to foreign tour vendors.

This bill shares a number of common points with legislation introduced earlier this year by Senator ROCKEFELLER. Both the legislation sponsored by Senator ROCKEFELLER and my bill contain a number of initiatives developed by the travel and tourism industry in response to criticisms voiced about USTTA. One of these initiatives reorganizes the foreign offices by establishing three regional offices: One for Europe and Africa, one for Asia and the Pacific region, and one for the Americas. I believe that by concentrating its resources in these regional offices and maintaining smaller offices in individual countries, USTTA will have greater flexibility to focus its activities in those foreign countries where the need for USTTA involvement is the greatest.

Both bills also establish a Deputy Under Secretary for Travel and Tourism, who will be a career civil servant. This person will be responsible for USTTA's day-to-day operations, leaving the Under Secretary free to concentrate on Federal tourism policies and to work with the industry and his counterparts in other countries to develop tourism trade initiatives. In addition, my bill contains language setting up a series of demonstration projects designed to help areas with underutilized tourism potential develop tourism action plans.

The legislation also limits the amount of its annual budget that USTTA can put toward overhead expenses. Currently, estimates show that USTTA's overhead costs account for approximately 80 percent of its spending. By limiting the percentage of annual appropriations that can be used for overhead expenses, we can hopefully get the Agency to function more efficiently. Also, the money freed from overhead expenses can be put to better use in the Agency's generic marketing programs, and to help regions, States, and localities develop viable tourism development plans.

The subcommittee has scheduled a markup of pending legislation for later this month, at which I hope we can process this important bill. I look forward to working with my colleagues in this body, the Members of the other body, and all other interested parties to move this important reauthorization bill through the Congress.

MADAME C.J. WALKER'S ESTATE AS A NATIONAL HISTORIC SITE

HON. CARDISS COLLINS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 29, 1991

Mrs. COLLINS of Illinois. Mr. Speaker, today I am introducing legislation instructing the National Park Service to do a study and report to Congress on the feasibility and appropriateness of designating Villa Lewaro, Madame C.J. Walker's Westchester County estate, as a national historic site and purchasing the property for use as an historic site. Though there are always scores of worthy competing projects, I believe this is truly a unique opportunity to reclaim one of black America's most important landmarks.

Villa Lewaro—designed by Vertner W. Tandy, the preeminent black architect of his day—was intended as a monument to the achievements of African-Americans when it was completed in 1918. Now, in 1991, we envision it as a monument to the entrepreneurial, philanthropic, activist spirit represented by Madame Walker, who is believed to be the first American woman of any race to make a million dollars on her own in business.

This legislation calls upon the National Park Service to conduct the study into the cultural and historical significance of Villa Lewaro and report to Congress on whether the property should be designated an historic site and be purchased by the National Park Service. The home is already a national historic landmark but is privately owned by a family who wishes to sell it as soon as possible.

Of the more than 50 historic sites maintained by the State of New York none represents the contributions of African-Americans. And though there are more than 80 black national historic landmarks, only a handful—including the homes of Frederick Douglass, Booker T. Washington, Maggie Lena Walker, Mary McCleod Bethune, and Martin Luther King, Jr.—are operated by the Department of the Interior.

Madame Walker planned her home as a gathering place for business and political leaders. Among the guests invited to the official opening during a weekend-long conference and party in August 1918 were James Weldon Johnson, W.E.B. DuBois, Moorfield Storey, A. Philip Randolph, Joel Spingarn, Maggie Lena Walker, and Arthur Schomburg. After the weekend, honoree Emmett Scott, Special Assistant to the Secretary of War in charge of Negro Affairs and former private secretary to Booker T. Washington, wrote to Madame Walker, "No such assemblage has ever gathered at the private home of any representative of our race, I am sure."

When Madame Walker died in 1919, the home was willed to her daughter, A'Lelia Walker, with the understanding that upon her daughter's death it would be turned over to the the NAACP. But when A'Lelia Walker died in 1931, in the midst of the Depression, the upkeep and taxes were beyond the organization's means at that time. Consequently, the Walker estate was forced to sell the home at a disappointingly low price, turning over the proceeds to the NAACP.

Madame Walker's great-great granddaughter, A'Lelia Bundles, just completed the first book-length biography of Madame Walker. This publication, geared toward the young adult market, was released in April 1991. Alex Haley, author of "Roots," is also working on a biography and miniseries scheduled to be completed in 1992.

Madame Walker has already been the subject of an hour-long PBS documentary, "Two Dollars and a Dream," and is featured in several Smithsonian Institute exhibits. As well, the Madame Walker Urban Life Center and Walker Theater in Indianapolis have been restored and are drawing national attention.

I am excited that there is an opportunity to reclaim this unique landmark and use it for the purposes Madame Walker originally intended, and urge my colleagues to join me in supporting this effort.

R ADAMS COWLEY, M.D.

HON. WILLIAM LEHMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 29, 1991

Mr. LEHMAN of Florida. Mr. Speaker, it was with deep distress that I learned of the death on Sunday of R Adams Cowley.

Dr. Cowley was the founder of modern trauma medicine. He used his surgical skills and his powers of observation to identify the "golden hour," during which medical intervention is most likely to save victims of traumatic injury from death. He developed Maryland's internationally known shock-trauma system, which has served as a model for systems all over the Nation and the world. Finally, and no doubt most important to Adams, through his life's work, he has directly or indirectly saved thousands upon thousands of lives.

I came to know Adams Cowley through my work on highway safety, and he taught me everything I know about trauma. He was charming, knowledgeable, dedicated—and also very funny. I have lost a dear friend, and I know everyone in the highway safety community will miss him. I would like to extend Joan's and my deepest sympathy to Adams Cowley's widow, Roberta, and to his children, grandchildren, and great-grandchildren.

Mr. Speaker, I would like to share with my colleagues the release issued by the Maryland Institute for Emergency Medical Services Systems regarding Adams Cowley's death. I would urge my colleagues to read this account of the life and career of a very special man, whose accomplishments have made all our lives safer.

R ADAMS COWLEY, 74, DIES; PIONEER IN SHOCK-TRAUMA

R Adams Cowley, M.D., a pioneer in the treatment of victims of severe illness and injury and the father of modern trauma medicine, died of coronary failure at his home in Baltimore, MD, on Oct. 27. He was 74 years old. Cowley was the founder of the world renowned Shock Trauma Center that bears his name and founder of the State of Maryland's emergency medical system—the model for all others nationwide.

Known for his "get-things done" management style, Cowley, Professor of Thoracic Surgery and Cardiovascular Surgery at the University of Maryland, School of Medicine, was internationally acclaimed for his research about the effects of shock, especially as it relates to the injured cell.

Governor of the State of Maryland, William Donald Schaefer, said of Cowley, "We have lost not only a great Marylander, but an international figure in emergency medicine. His dedication to establishing the nation's finest trauma center at the University of Maryland earned our state a reputation for medical response that is unparalleled in America," Schaefer said. "In doing so, he made Maryland—and the world—a safer place to live. Dr. Cowley was an inspiration as a healer, in his efforts to preserve lives. There are few people in the State of Maryland who have not been touched directly or indirectly by the Cowley model of care."

Cowley's contribution to emergency medical care began in 1961, when he set up a two-bed clinical research unit at University Hospital devoted to the study and care of shock and trauma victims. In less than 30 years, the two hospital beds grew into a statewide emergency medical system, which includes a 50 hospital network with 10 trauma centers, 450 ambulances, and extensive communications system and a fleet of Med-Evac helicopters. Cowley served as the leader and founder of Maryland's statewide EMS service until 1989.

Today, the R Adams Cowley Shock Trauma Center, a 138 bed, $44 million, life-saving facility at the University of Maryland Hospital in downtown Baltimore, stands as testimony to his life's work and the thousands of lives that have been saved because of Cowley's dedication. The Maryland system of treating accident victims relies on the coordination of people, communications and equipment from the accident site to the hospital, in a fine-tuned life-saving network.

"This facility is a model for the nation and the world," said Louis Goldstein, Comptroller, State of Maryland. "We are thankful for his outstanding work and proud of his accomplishments."

Friend and professional associate of Cowley's, Jonathan E. Rhoads, M.D., board chairman of the American Trauma Society and professor of surgery, University of Pennsylvania, said, "He created the best shock trauma system of its time anywhere in the nation. He always took the position of saving those that others would think unsaveable."

The University of Maryland at Baltimore President, Errol L. Reese said "Dr. Cowley was a unique leader in the truest sense, a man who has left an indelible mark on the health care systems of our state and nation. Through his drive and determination, he established the world's leading shock trauma program and built the facilities that are unmatched for shock trauma care anywhere, which has saved thousands of lives already and will save thousands more by serving as the model for other emergency medical centers to emulate."

"As someone who has known Dr. Cowley for more than 20 years, I have never known a more dedicated and hard-working individual," Dr. Reese said. "The campus extends our sympathy to the family and many friends of Dr. Cowley."

Cowley's rare vision brought him to realize that there was also the need for an information clearinghouse for research into trauma and analysis of health care related to trauma. In 1986, President Reagan, with a joint resolution of the 99th Congress, created The Charles McC, Mathias, Jr., National Study

Center for Trauma and Emergency Medical Systems. Cowley was director of the National Study Center, located in Baltimore, and special advisor to Governor Schaefer for Maryland until his death.

"Dr. Cowley revolutionized the care of people with severe trauma," said Morton I. Rapoport, M.D., President and Chief Executive Officer of the University of Maryland Medical System. "With his vision and determination, he built a trauma system in Maryland that became an internationally renowned model for trauma care."

Marvin Mandel, former Governor of the State of Maryland said, "I have never met an individual who was so totally dedicated. His determination made Maryland's shock trauma system a reality. Thousands of people here and throughout the country owe Dr. Cowley a debt of thanks."

A Utah native, Cowley trained in chest surgery at the University of Utah, the University of Michigan, and the University of Maryland, remaining at the latter after serving as Military Chief of Surgery for the Army in Mourmalon, France, and Munich, Germany, 1946–1947. a talented young surgeon, he was able to observe the 'old masters' of the time in Europe, coming to realize that many more lives were saved because of the speed with which these surgeons worked.

Because of his surgical skills and the speed of his scalpel, Cowley became one of a select few who first conducted open-heart surgery in the United States. A surgical clamp carries his name and a prototype of the electronic pacemaker created by Cowley was a constant companion to President Dwight D. Eisenhower.

Cowley was bothered by the fact that even though the surgery was perfect, patients would still die. Through extensive research, Cowley determined that the longer a patient's body was in shock, the larger were his chances of dying, due to poor oxygen flow to the brain and throughout the body.

In 1961, he began studying the problems relative to shock and trauma, realizing that people could be saved if helped within one hour, Cowley later coined the term known to emergency medical personnel as the famous, "golden hour." In the early 1970s, Cowley started transporting accident victims by helicopter so they could receive necessary care within the "golden hour." The genesis of Cowley's shock-trauma methodologies is chronicled in *Shocktrauma* (Franklin & Doelp, St. Martin's Press, 1980), in which Cowley said, "No one had ever set up a real system to take care of accident victims. They'd scrape you off the highway, put you in a hearse and take you to the closest hospital . . . they wouldn't be ready for you."

Trauma remains the leading cause of death in the United States for those between the ages of one and 44.

Cowley's relentless curiosity took him into emergency rooms where 'being ready' for accident victims became his obsession. He served with the committee which produced in 1966 the landmark paper "Accidental Death and Disability: The Neglected Disease of Modern Society," presented to the National Academy of Sciences, National Research Council. These findings focused on the critical state of emergency care and set the stage for the study of trauma care and emergency medical systems nationwide. Cowley was appointed to the prestigious Army Science Board and numerous other statewide and national boards.

Among his hundreds of publications are *Shock Trauma/Critical Care Handbook* (1986), *Trauma Care: Surgical Management* (1987) and *Trauma Care: Medical Management* (1987). He was also instrumental in producing a variety of made-for-television programs and videos related to trauma, the most recent being the television version of the 1980 book, *Shocktrauma*.

He is survived by his wife, Roberta S. Cowley of Baltimore; an infant son, R Adams Cowley, II; a daughter, Kay Cowley Pace of Santa Cruz, Ca; three grandchildren and eleven great-grandchildren. His father was the late William Wallace Cowley, a pharmacist and founder of Kowley Drug Stores, and his mother was the late Alta-Louise Adams Cowley, a businesswoman, both of Layton, Utah. Dr. Cowley was an elder in the Church of Jesus Christ of Latter Day Saints (Mormon).

Funeral services will be held at 11 a.m. Monday, Nov. 4, at the Church of Jesus Christ of Latter Day Saints, 1400 Dulaney Valley Rd. Viewing hours will be at the church, from 2 p.m. to 4 p.m. and 7 p.m. to 9 p.m. on Saturday, Nov. 2 and Sunday, Nov. 3. Burial will be at Arlington National Cemetery.

Donations can be made in Dr. Cowley's memory to the University of Maryland Foundation for the R Adams Cowley, M.D. Fellowship, which is a research fellowship at the National Study Center for Trauma/EMS.

ADDITIONAL MATERIAL

Because of the eminence of R Adams Cowley, a number of people have responded to Dr. Cowley's death, in addition to those who have been quoted in the attached obituary. Some of these quotations follow:

James P.G. Flynn, M.D., Director, Maryland Institute for Emergency Medical Services System (MIEMSS) said, "Dr. Cowley was undoubtedly one of the 20th century's visionaries in the field of medicine, from his research work at the bench, to clinical work, to public health issues, to the emergency medical system. In later years, his major interests move to rehabilitation, thus closing the loop of the individual who becomes a victim, then a patient, and then a productive member of society."

According to Joseph S. McLaughlin, M.D., Head of Thoracic Surgery at the University of Maryland at Baltimore, "Dr. Cowley was the prime force behind emergency medical systems in the United States and throughout the world. He was also one of the first, modern-day cardiac surgeons, establishing the first open heart surgery system at the University of Maryland and one of the first in the United States."

Congresswoman Helen Delich Bentley (R-MD) joined with fellow Marylanders in mourning the death of Dr. Cowley. "We are fortunate to have had a man like Dr. Cowley to lead Maryland into becoming the world's key center for shock trauma medicine. Maryland certainly could not have achieved this without Dr. Cowley, who gave his whole life to serve others. His innovative and practical ideas for treating victims of massive 'cell' shock spawned medical practices that have saved untold thousands of lives in both military and civilian sectors."

TO COMMEND SFC LAWRENCE V. McBEAN

HON. RON de LUGO

OF THE VIRGIN ISLANDS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 29, 1991

Mr. DE LUGO. Mr. Speaker, I rise to commend SFC Lawrence V. McBean a man who has given more than 15 years of service to his country and who is being deservedly recognized for his distinguished performance during Operation Desert Storm.

Sergeant First Class McBean is currently the first sergeant of the 299th Medical Detachment Air Ambulance at Fort Drum, NY, the most senior enlisted member of the unit. He has received numerous awards in his military career: 3 Army Commendation Medals, 3 Army Achievement Medals, a National Defense Service Medal, and the Southwest Asia Medal for Service in the Persian Gulf.

I am very pleased to say that SFC Lawrence McBean is from my district, the island of St. Croix. He is a native son who has made his family, his friends, and his Delegate to Congress very proud.

The soldiers who have served our country, particular those who served in Operation Desert Storm, have given pride to their Nation for their brave and selfless task. They are men and women who were willing to sacrifice, even to make the ultimate sacrifice, on behalf of their country when called to serve.

I give my thanks to SFC Lawrence McBean for all he has done on behalf of the United States and the people of the Virgin Islands throughout his career as a soldier in the U.S. Army.

WORKING AMERICANS' IRA RELIEF ACT OF 1991

HON. TED WEISS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 29, 1991

Mr. WEISS. Mr. Speaker, today, I am introducing the Working Americans' IRA Relief Act of 1991, which would provide much-needed relief and financial flexibility to working Americans holding individual retirement accounts.

This legislation is needed for several reasons, not the least of which is the dire economic condition of this country. For the 16th consecutive month, the United States is in a recession. And for the third fiscal quarter in a row, there has been negative growth in the gross national product. As a result, there were about 8 million unemployed Americans in September or 6.7 percent of the population. New York City, which I represent, has been particularly hard hit with a 7.7-percent unemployment rate in September and over 100,000 city residents who have exhausted their unemployment benefits.

As the recession lingers, its effects are particularly onerous on working Americans. Not only are they threatened with unemployment, but they face higher medical, housing, and education expenses—higher essential living expenses. For instance, the cost of attending public universities in 1990 increased by 12 percent, the biggest increase since 1983. Average tuition and fees at 4-year private colleges is $10,017 and at public colleges it is $2,137.

Working Americans did not fare any better in the 1980's. There is good reason for calling the 1980's as the decade when the rich got richer and the poor got poorer. From 1977 to 1988, the average family income for four-fifths of income filers shrank, while the richest one-fifth realized significant income gains. Working Americans are feeling pinched by both the economy and the Federal tax and budget policies of the last 10 years. By modifying IRA's, Congress could provide a helping hand.

Current IRA law makes no sense for working Americans. On the one hand, the Federal Government is asking workers to set aside their hard-earned money until retirement, but the Government also insists that the account holder not touch those savings—or else suffer severe penalties—until retirement age. This is an impossible feat for most working Americans, who have witnessed their incomes stagnate, if not decline, while the costs of vital living expenses increase. In addition, the Federal Government is asking Americans to make investments in their future through purchasing homes and attending college, but it doesn't give them the financial wherewithal to make those investments. It is little wonder that the number of tax returns showing IRA contributions dropped from 16.4 million in 1985 to 7.4 million in 1987, when the IRA eligibility rules were significantly tightened in the 1986 Tax Reform Act.

My bill would extend a helping hand to hard-working Americans with IRA's by making three important and progressive changes in current law governing IRA's. First, the Working Americans' IRA Relief Act would greatly expand the permissible uses of an IRA by permitting penalty-free early withdrawals for financially devastating illnesses, higher education costs, first-time home purchases and extended periods of unemployment.

Second, the bill would make IRA's a viable option for working Americans by making them flexible and financially attractive. My bill would expand who would be eligible for the full tax deductible contributions to IRA's. The adjusted gross income limits would be increased and indexed for inflation for each filing category: single filers, from $25,000 to $40,000; joint filers, from $40,000 to $60,000; and head of household filers, from $50,000 to $70,000. The amount of the maximum deductible contribution would be phased out over the next $10,000. Any individual within these income categories could make a tax deductible contribution to an IRA, regardless of participation in an employee-sponsored retirement plan.

Finally, the bill would adjust for inflation the maximum allowable contribution, starting at $2,000. The Congressional Research Service reports that had the $2,000 limit been indexed back in 1981 it now would stand at $2,876, which means that a nonindexed IRA plan is not as attractive a retirement option because purchasing power of the contribution diminishes over time.

I would point out that my proposal differs from the Bentsen-Pickle bill in two ways. First, it is more progressive than the Bentsen-Pickle bill by concentrating the tax benefits on lower and middle-income Americans, whereas the Bentsen-Pickle bill provide for both universal IRA deductibility and a back-loaded IRA. Second, although no cost analysis has been done, my bill differs in that the cost from lost revenue would not be as great as the $12 billion price tag of the Bentsen-Pickle proposal because the benefits are more limited.

Both the Joint Tax Committee and Center on Budget Priorities have revealed that by providing universal deductibility for IRA's, as the Bentsen-Pickle bills do, the majority of tax benefits would accrue to the wealthiest in the country. As the center's report says: "Only one-fifth of all taxpayers have incomes exceeding $50,000, but they would receive 95 percent of the tax benefits—from restoring IRA deductibility for taxpayers who lost it in the Tax Reform Act. This is as high as the percentage of the tax benefits that would go to the top fifth under a capital gains tax cut."

Working Americans need a break without Congress giving tax breaks to those who already benefited from Reaganomics. Congress can and must provide them with relief by giving them viable financial options, and the Working Americans' IRA Relief Act is one such option.

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CERTAIN DISTRIBUTIONS FROM INDIVIDUAL RETIREMENT PLANS MAY BE MADE WITHOUT PENALTY.

(a) IN GENERAL.—Paragraph (2) of section 72(t) of the Internal Revenue Code of 1986 (relating to exceptions to 10-percent additional tax on early distributions from qualified retirement plans) is amended by adding at the end thereof the following new subparagraph:

"(D) CERTAIN DISTRIBUTIONS FROM INDIVIDUAL RETIREMENT PLANS.—

"(i) IN GENERAL.—The following distributions to an individual from an individual retirement plan:

"(I) FIRST-TIME HOMEBUYERS.—Any qualified first-time homebuyer distribution (as defined in paragraph (6)).

"(II) PERIODS OF UNEMPLOYMENT.—Any distribution made during a period of involuntary unemployment.

"(III) HIGHER EDUCATION EXPENSES AND CERTAIN MEDICAL EXPENSES.—Distributions (other than distributions described in subparagraph (A) or in subclause (I) or (II) of this clause) to the extent such distributions do not exceed the sum of the qualified higher education expenses (as defined in paragraph (8)) of the taxpayer for the taxable year and the qualified catastrophic illness expenses (as defined in paragraph (9)) of the taxpayer for the taxable year.

"(ii) DISTRIBUTIONS MAY BE INCREASED TO REFLECT TAX LIABILITY.—The amount of distributions to which subclause (I) or (II) of clause (i) (or so much of subclause (III) of clause (i) as relates to qualified higher education expenses) applies for any taxable year shall be increased by other distributions to the extent that the amount of such other distributions does not exceed the product of—

"(I) the amount to which such subclause would otherwise apply (without regard to this clause), multiplied by

"(II) the highest rate of tax applicable to the taxpayer under section 1."

(b) DEFINITIONS.—Section 72(t) of such Code is amended by adding at the end thereof the follow new paragraphs:

"(6) QUALIFIED FIRST-TIME HOMEBUYER DISTRIBUTIONS.—

"(A) IN GENERAL.—For purposes of paragraph (2)(D), the term 'qualified first-time homebuyer distribution' means any payment or distribution received by a first-time homebuyer from an individual retirement plan to the extent such payment or distribution issued by the individual before the close of the 60th day after the day on which such payment or distribution is received to pay qualified acquisition cost with respect to a principal residence for such individual.

"(B) QUALIFIED ACQUISITION COSTS.—For purposes of this paragraph, the term 'qualified acquisition costs' means the cost of acquiring, constructing, or reconstructing the residence. Such term includes any usual or reasonable settlement, financing, or other closing costs.

"(C) FIRST-TIME HOMEBUYER; OTHER DEFINITIONS.—For purposes of this paragraph:

(i) FIRST-TIME HOMEBUYER.—The term 'first-time homebuyer' means any individual if such individual (and, if married, such individual's spouse) had no present ownership interest in a principal residence during the 2-year period ending on the date of acquisition of the principal residence to which this paragraph applies.

"(ii) PRINCIPAL RESIDENCE.—The term 'principal residence' has the same meaning as when used in section 1034.

"(iii) DATE OF ACQUISITION.—The term 'date of acquisition' means the date—

"(I) on which a binding contract to acquire, construct, or reconstruct the principal residence is entered into, or

"(II) on which construction or reconstruction of the principal residence is commenced.

"(D) SPECIAL RULE WHERE DELAY IN ACQUISITION.—If—

"(i) any amount is paid or distributed from an individual retirement plan to an individual for purposes of being used as provided in subparagraph (A); and

"(ii) by reason of delay in the acquisition of the residence, the requirements of subparagraph (A) cannot be met,

the amount so paid or distributed may be paid into an individual retirement plan as provided in section 408(d)(3)(A)(i) without regard to section 408(d)(3)(B), and, if so paid into another such plan, such amount shall not be taken into account in determining whether section 408(d)(3)(A)(i) applies to any other amount.

"(7) PERIOD OF INVOLUNTARY UNEMPLOYMENT.—

"(A) IN GENERAL.—For purposes of paragraph (2)(D), the term 'period of involuntary unemployment' means the consecutive period beginning on the 180th day after an individual becomes unemployed and ending with the date on which the individual begins any employment which would disqualify the individual from receiving unemployment compensation.

"(B) EMPLOYEE MAY RECONTRIBUTE AMOUNT WITHDRAWN.—For purposes of this title, if, during the 1-year period following the close of any period of involuntary unemployment, an employee makes 1 or more contributions to individual retirement plans in amounts not greater than amounts to which paragraph (2)(D)(i)(II) applied during the period of involuntary unemployment—

"(i) the employee may elect to treat such contributions (or any portion thereof) as recontributions of the amounts withdrawn,

"(ii) such contributions shall not be taken into account in determining any excess contributions of the taxpayer, and

"(iii) in the case of any deduction or exclusion with respect to contributions for which an election is made under clause (i)—

"(I) such deduction or exclusion shall only be allowed for contributions with respect to which the amount withdrawn was included in gross income, and

"(II) any limitation on the amount of such deduction or exclusion shall be increased by the amount of contributions described in subclause (I).

The Secretary may issue such regulations as may be necessary to carry out the provisions of this subparagraph, including additional reporting requirements to ensure compliance with such provisions.

"(C) UNEMPLOYMENT COMPENSATION.—For purposes of this paragraph, the term 'unemployment compensation' has the meaning given such term by section 85(b).

"(8) QUALIFIED HIGHER EDUCATION EXPENSES.—

"(A) IN GENERAL.—For purposes of paragraph (2)(D), the term 'qualified higher education expenses' means tuition, fees, books, supplies, and equipment required for the enrollment or attendance of—

"(i) the taxpayer,

"(ii) the taxpayer's spouse, or

"(iii) the taxpayer's child (as defined in section 151(c)(3)) or grandchild,

at an eligible educational institution (as defined in section 135(c)(3)).

"(B) COORDINATION WITH OTHER PROVISIONS.—

"(i) REIMBURSED EXPENSES.—No amount shall be treated as qualified higher education expenses if a scholarship or grant is received for such expenses or such expenses are otherwise reimbursed to the taxpayer.

"(ii) SAVINGS BONDS.—The amount of qualified higher education expenses for any taxable year shall be reduced by any amount excludable from gross income under section 135.

"(9) QUALIFIED CATASTROPHIC ILLNESS EXPENSES.—

"(A) IN GENERAL.—For purposes of paragraph (2)(D), the term 'qualified catastrophic illness expenses' means the catastrophic medical expenses paid by the taxpayer during the taxable year, to the extent that the amount of such expenses exceed 7.5 percent of adjusted gross income.

"(B) CATASTROPHIC MEDICAL EXPENSES.—For purposes of subparagraph (A), the term 'catastrophic medical expenses' means the amount paid during the taxable year, not compensated for by insurance or otherwise, for medical care (as defined in section 213(d)) of—

"(i) The taxpayer,

"(ii) the taxpayer's spouse, or

"(iii) any dependent of the taxpayer with respect to whom the taxpayer is allowed a deduction under section 151,

if such medical care is required by reason of any disease or accident that caused hospitalization for more than 30 days."

"(c) EFFECTIVE DATE.—The amendments made by this section shall apply to payments and distributions after date of enactment of this Act in taxable years ending after such date.

SEC. 2. MODIFICATIONS TO DEDUCTION FOR RETIREMENT SAVINGS.

"(a) INCREASE IN INCOME LIMITATIONS.—Subparagraph (B) of section 219(g)(3) of the Internal Revenue Code of 1986 is amended to read as follows:

"(B) APPLICABLE DOLLAR AMOUNT.—The term 'applicable dollar amount' means—

"(i) $70,000 in the case of a taxpayer filing a joint return or a surviving spouse (as defined in section 2(a)),

"(ii) $60,000 in the case of a head of a household (as defined in section 2(b)),

"(iii) $40,000 in the case of an individual who is not described in clause (i) or (ii) and who is not a married individual filing a separate return, and

"(iv) zero in the case of a married individual filing a separate return."

(b) INFLATION ADJUSTMENTS.—

(1) IN GENERAL.—Section 219 of such Code is amended by redesignating subsection (h) as subsection (i) and by inserting after subsection (g) the following new subsection:

"(h) COST-OF-LIVING ADJUSTMENTS.—

"(1) IN GENERAL.—In the case of any taxable year beginning in a calendar year after 1991 (1992 in the case of the dollar amounts referred to in paragraph (2)(E)), each dollar amount referred to in paragraph (2) shall be increased by the product of—

"(A) such dollar amount, multiplied by

"(B) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which such taxable year begins determined—

"(i) by substituting 'calendar year 1990' for 'calendar year 1989' in subparagraph (B) thereof, or

"(ii) in the case of any dollar amount referred to in paragraph (2)(E), by substituting 'calendar year 1991' for 'calendar year 1989' in subparagraph (B) thereof.

"(2 DOLLAR AMOUNTS.—The dollar amounts referred to in this paragraph are—

"(A) the $2,000 amount set forth in subsection (b)(1)(A),

"(B) the $7,500 amount set forth in subsection (b)(3)(A),

"(C) the $2,250 amount set forth in subsection (c)(2)(A)(i),

"(D) the $2,200 amount set forth in the last sentence of subsection (c)(2), and

"(E) each dollar amount set forth in subsection (g)(3)(B).

"(3) ROUNDING.—If any increase determined under paragraph (1) is not a multiple of $10, such increase shall be rounded to the nearest multiple of $10."

(2) CONFORMING AMENDMENTS.—

(A) Section 408(a)(1) of such Code is amended by striking "in excess of $2,000 on behalf of any individual" and inserting "on behalf of any individual in excess of the dollar amount in effect for such taxable year under section 219(b)(1)(A)".

(B) Section 408(b) of such Code is amended by striking "$2,000" each place it appears and inserting "the dollar amount in effect under section 219(b)(1)(A)".

(C) Section 408(j) of such Code is amended by striking "$2,000".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1991.

ACTOR/HISTORIAN, ERIC SORG

HON. ANDY IRELAND

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 29, 1991

Mr. IRELAND. Mr. Speaker, several years ago I had the opportunity to meet a young man named Eric Sorg. Eric, who resides in Laramie, WY, is an actor/historian who may be our Nation's foremost authority on William F. Cody. Cody, of course, is known to most Americans as simply "Buffalo Bill".

Eric Sorg has spent much of his adulthood studying everything that has been written about Buffalo Bill Cody. Eric also spent considerable time talking with Buffalo Bill's only surviving grandchild—Bill Cody, who operates a well-known dude ranch in Cody, WY. He has taken that knowledge and created a one-man theatrical presentation which he performs throughout this Nation and Canada as well. In 1988 he even made a special appearance in Dublin, Ireland for that city's millennium.

In the summer issue of "Persimmon Hill", which is the Journal of the National Cowboy Hall of Fame and Western Heritage Center, there is a wonderful article on Eric and his life's mission. The article was written by M.J. Van Deventer. Ms. Deventer is the editor of the "Persimmon Hill". Mr. Speaker, I am proud to be able to place this fine article in the CONGRESSIONAL RECORD.

AN AMERICAN ICON—BUFFALO BILL

(By M.J. Van Deventer)

How does a man like William F. Cody, with barely a grade school education and a penchant for flamboyance, become a trusted American icon and a legend of the American West?

Historian-actor Eric Sorg says the time was right in the late 1800s for "Buffalo Bill" Cody to become a symbol of the American West. The world was ready for a kind of hero that would let people escape the memories of the Civil War and live vicariously in the romantic, mythical world that Buffalo Bill personified.

Sorg, an actor with a master of arts degree in American studies from the University of Wyoming, resides in Laramie and travels the country portraying Buffalo Bill in a series of one-act dramas. He recently presented his views of this American hero in a dinner theater at the National Cowboy hall of Fame. Sorg portrays Cody with the same enthusiasm that Hal Hollbrook brings to the stage when he recreates the life of Mark Twain.

Buffalo Bill has captivated Sorg's interest since he first read the book The Lives and Legends of Buffalo Bill. He was so inspired by Cody's life that he wrote half of his master's thesis at the University of Wyoming about the man he called "my new-found hero."

Long after receiving his master's degree, and earning another degree in theater, Sorg was still fascinated by Cody and his cronies. "I think I was destined to portray Cody," Sorg says. "I like to act out stories in the realm of historical probability and I saw Cody's life and his philosophies as an opportunity for a performer to have a good time."

"A lot of people think Cody was a charlatan and a historical character of dubious value," Sorg says, "But I'm working to dispel the view that history has presented of Cody. To me, he is an archetype of the American West."

Sorg says Cody saw the West as virgin land where people could start life new and fresh. "Cody once said, 'I believe a man gets closer to God out there in the big free West. It gives him a chance to expand, to know himself, to think. In the great cities people don't stop to think. . . And I'll tell you another thing: a big city is the most lonesome place on earth. You pass thousands of people on the street, but you don't know 'em, and, what's more, you don't care a d. . . . about knowing 'em. You feel differently about your fellow man out there in the West.'"

Sorg also sees Cody as a hero who helped heal the breach caused by the Civil War. "In Buffalo Bill, Southerners saw a rugged individualist, like themselves, who lived outside of the social mainstream, yet was essential to the growth of the country. The stage character Buffalo Bill came in from the seclusion of the wilds to fight corrupt Yankees. And this hero was not a crude sort but a chivalrous gentleman. Northerners identified with Cody's pragmatic nature and his appealing chivalry and also saw him as a character instrumental in the development of the West.

"Buffalo Bill, and the American West that Cody represented, embodied the ante-bellum ideals of the United States, ideals that appeared to be lost as the cynical post-Civil War nation searched for its identity and worked to create a unified nation," Sorg says. "At that time in history, the West was a melting pot of American values. There was no stigma of being Yankee or Southern. Cody was the right person at the right time to help heal the national wounds and he knew it."

Sorg notes that "Long before the Civil War, James Fenimore Cooper wrote about a leatherstocking, an individual who came in from the forest to help civilization develop the wilderness and then retreated to the remote vastness of the wilds. This American literary figure had historic representatives the public could look up to such as Daniel Boone, Kit Carson and Davy Crockett. After the Civil War, Buffalo Bill joined their ranks as another leatherstocking and blended historical fact with historical myth."

By the time Cody began performing in the theater in the 1870s, he was already famous. For half a decade newspapers had written accounts of Cody's exploits as a buffalo hunter, scout for the military, winner of a Congressional Medal of Honor, hunting guide for such notables as General Philip Sheridan, James Gordon Bennett, and Grand Duke Alexis of Russia, (*See related story in this issue.*)

He was known as a friend to Sitting Bull, General George Armstrong Custer and "Wild Bill" Hickok. Train stations had mounted buffalo heads in them shot by Buffalo Bill, and he was even renowned as a character on the New York stage.

Changes in the American theater in the 1870s also helped make Cody an acceptable icon, Sorg explains. "The theater was undergoing a change from a lewd, bawdy house of low-humored entertainment where prostitutes would congregate on the top balcony to a place where families could be entertained. Many of the new family entertainments did not offer great literary value, but they gave the public a wholesome evening's escape from reality.

"The stage machinery of the Gilded Age rivaled the Elizabethan stage for its realism. Cody strode into this world of reality and fantasy, a real hero who saw the opportunity to make money in a world of fantasy."

Cody used his hero status to attract his theater audiences, and he held them and made them return with his winning ways. He would hold impromptu curtain speeches with the audience, pull the legs of critics, use his spectacular rifle skill to shoot coins out of audience members' fingers, lasso villains and reinforce his public persona as Buffalo Bill. He once noted. "I didn't try to act . . . I did what I used to do on the plains."

The dramas written for Buffalo Bill were looked upon by many unsophisticated audience members as actual history. Cody played on this ambiguity, caused by a mixture of reality and myth, which contributed to the public's confusion. He sometimes even wandered the streets of major cities in his buckskins armed for combat. During the 1876 Indian war Cody wore a stage costume into battle and then had a script written for him about this battle for the winter acting season.

Sorg admits Cody's antics on and off stage and the material written about him often caused confusion among his public. "More novels were written about Buffalo Bill than any other Western figure. Cody added to the pulp mill by writing autobiographies as well as dime novels. In order to make money for his investments he signed his name to many works that were bad histories but good publicity."

Cody eventually outgrew the confines of the theatre stage and wanted, more than anything, to bring the American West to the world. He believed, "one cannot transport the prairie to the boarded stage and keep within the mileage limits." It was these feelings, and his ability to spot a good investment, that prompted him to open "Buffalo Bill's Wild West" in 1883.

To him, it was not a "show" but an educational extravaganza that capitalized on country's growing interest in education. In fact, Cody never used the word "show" to describe his Wild West venture. He once even fought a lawsuit in St. Louis over the classification of "Buffalo Bill's Wild West." The authenticity of the exhibition was attested to by such figures as Samuel Clemens, Elizabeth Custer, Philip Sheridan and Eugene Carr.

An editorial in the May 24, 1898 issue of The Stamford Telegram praised Cody for becoming "an educator in one of the most interesting and least familiar fields of human experience."

Because the American West was such an unknown to much of the world, "Buffalo Bill's Wild West" was often the first place where the public health learned about this unique aspect of America.

In its thirty years of operation, "Buffalo Bill's Wild West" was performed before an estimated 70 million people. And at its peak, the exhibition featured 186 horses, 25 mustangs, 20 buffalo, and 640 people including 115 Indians with squaws and papooses, 48 cowboys, and half a dozen women who could ride and shoot, including Annie Oakley.

"At that time in history, the 1890 census report revealed that one-third of the people living in the United States were first or second generation Americans," Sorg notes. "They didn't have to speak English to learn the American values presented in Buffalo Bill's Wild West. The spectacle did the teaching. It was a way to acculturate the immigrants into American society."

"Buffalo Bill's Wild West" was much like a modern rodeo with scenes from the mythic West codified. In these scenes the hero, who was often Buffalo Bill, arrived in the nick of time to always triumph over evil," Sorg says.

The millions of people who saw "Buffalo Bill's Wild West" found it easy to identify the United States with Buffalo Bill. From the newspaper clippings that Cody kept, and the proliferation of pulp Westerns and the Wild West format during and after Cody's lifetime, it would appear that, for a while, Americans felt comfortable with that identification.

Why was he such a legitimate, acceptable hero? Sorg believes it's because he was the embodiment of a leatherstocking who helped to lead America to a unified nation while reaffirming the mythic ideals of individuality. Those lessons, played out in the arena of the "Wild West," taught citizens, emigrants, and the rest of the world what America, and especially the American West, represented.

In 1909 a newspaper columnist wrote that "even to-day [sic] affection for Abraham Lincoln, Ulysses S. Grant and Robert E. Lee has its sectional limitations; that for William Frederick Cody knows no boundaries."

Sorg says it is unfortunate that at the end of his life, Cody's generosity found him bankrupt and more than $150,000 in debt even though he had made millions of dollars and helped fund a number of charitable causes. "Bitterness crept in at the end of his life. He wondered where all the people were that he had helped so much," Sorg notes. "I find it sad that William F. Cody had lived with the world at his feet but he died with it on his shoulders."

HOLD ASSAD TO ACCOUNT

HON. EDWARD F. FEIGHAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 29, 1991

Mr. FEIGHAN. Mr. Speaker, last August when Saddam Hussein's tanks rolled into Kuwait City, President Bush responded by saying that this illegal aggression will not stand. Two months later when Hafiz Assad's troops attacked Beirut and consolidated Syria's hold on the nation of Lebanon, the administration was not only silent, it welcome Syria into the anti-Iraq coalition.

Why does the administration condemn a brutal, aggressive dictator in Iraq, while coddling a more calculating and murderous dictator in Syria? It is the same misguided belief that constructive engagement can somehow induce miraculous conversions in these renegade regimes. But, it didn't work with Saddam Hussein. It will not work with Hafiz Assad.

The administration refuses to learn this lesson. Instead, it is busy repeating the same mistakes it made with Iraq. The administration has refused to confront Syria across of an array of policy concerns—whether its Syria's absorption of Lebanon; or its continued sponsorship of terrorism; or its ongoing complicity in the drug trade in and out of Syrian-controlled Lebanon; or its appalling human rights record.

We should hold Assad to account. That's the message in an article written by our colleague, Representative LARRY SMITH of Florida, which recently appeared in the Atlanta Journal-Constitution. Mr. SMITH warns of the danger of the administration's course and posits a possible alternative policy. If Syria is to be a player in the peace process, its intentions should be tested.

A copy of the article follows:

[From the Atlantic Journal-Constitution, Oct. 17, 1991]

HOLD ASSAD TO ACCOUNT

(By Lawrence J. Smith)

WASHINGTON.—When it comes to the Middle East, President Bush understands the uses of anger. When Israel requested loan guarantees that he was not prepared to give, Mr. Bush inveighed against "powerful political forces" that supposedly were challenging him for control of foreign policy.

When Saddam Hussein refused to allow U.N. helicopters to overfly his territory, and when the Iraqi dictator tried to cover up his nuclear program, the president made his anger known before the U.N. General Assembly.

So why is Mr. Bush being silent about Syria's annexation of Lebanon? Why has the silence gone on for so long?

A year ago, Syria took control of Beirut. Preoccupied with Saddam Hussein, the West chose not to criticize Syria's president, Hafez Assad, even when his men rounded up hundreds of Lebanese Christians, forced them to their knees and shot them dead.

In May, Syria imposed a one-sided "Treaty of Brotherhood, Cooperation and Coordination" on Lebanon. In mid-September, with Syrian tanks nearby, the Lebanese parliament approved the treaty. Again, Mr. Bush said nothing.

The treaty gives Syria veto power over Lebanon's foreign policy, its economy and its security. Syrian troops will remain in Lebanon indefinitely. Amazingly, America has even given the treaty a guarded endorsement.

Mr. Bush appears to be operating under the assumption that if he challenges Syria's aggression in Lebanon, he risks losing Mr. Assad as a participant in the Mideast peace conference. But Mr. Assad differs from Saddam only in style, not substance, and the refusal to challenge him will only reinforce his belief that he can yet conquer his neighbors.

Syria has never recognized the independence of Lebanon; it claims the country as part of "Greater Syria." Syria entered the Lebanese civil war 15 years ago with two goals: to incorporate Lebanon into its domain, and to use Lebanon as a second attack route against Israel. Mr. Assad has never wavered from these objectives, and the treaty provides him the means to consummate his aggression.

Since the Gulf War, the Syrians have gone on an arms-buying frenzy. This speaks volumes about Mr. Assad's true intentions, yet the administration has had little to say about it.

Backed by billions of dollars from Saudi Arabia and the Persian Gulf sheikhdoms, the Syrians have purchased 100 to 150 Scud-C missiles and 24 to 48 missile launchers from North Korea.

Syria's new rockets have a range of 375 miles to 400 miles, twice the range of Iraq's Scuds.

Syria also is buying a similar missile from the Chinese. It is completing a deal with Czechoslovakia for about 300 T-72 tanks. The Syrians are also trying to obtain T-72s, MiG-29s, and Su-24 fighter-bombers from the Soviet military.

The refusal of the United States to challenge Syria's political and military policies will inevitably encourage adventurism: against Lebanon, against Israel, against Jordan, against Turkey, even against the United States. The administration just reopened the military-aid pipeline to Jordan, yet the only country that threatens Jordan is Syria.

Why are we cultivating a militarist such as Mr. Assad while helping his neighbors prepare for his inevitable aggression? This approach is not merely illogical; it sends a message of weakness, and therefore is dangerous.

By refusing to challenge Mr. Assad, we undermine our own diplomacy. If settlements in the West Bank are an obstacle to peace, is not Syria's headlong rush for weapons or its annexation of Lebanon infinitely greater threats? If we expect to ask Israel to trust Syrian intentions in the Golan Heights, should we not test those intentions first in Lebanon?

Lebanon and Israel negotiated a serviceable treaty in 1983. This would have been the second peace agreement between Israel and an Arab neighbor, and it would have changed the entire dynamic of Arab-Israel relations.

Syria was kept appraised of the negotiations, but when the treaty neared completion, Mr. Assad killed it.

To test Mr. Assad's intentions toward Israel, the United States should try to revive the treaty. If Mr. Assad will not countenance normalization between Israel and Lebanon, then he certainly will not tolerate it on his own borders.

The U.S. Congress is now unaware of what is happening in Lebanon. But each time it has looked to the White House for guidance, it has received no response. As the acknowledged leader of America's foreign policy in the Middle East, Mr. Bush must take the lead.

VERMONT STREET TAKES A BITE OUT OF CRIME

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 29, 1991

Mr. TOWNS. Mr. Speaker, I salute the collective community efforts of the residents of Vermont Street in the Cypress Hills neighborhood in Brooklyn, especially those of Mr. Joseph Licari. Mr. Licari and his wife were recent victims of a cat burglar who had been victimizing other members of that Brooklyn community. When neighbors heard the cries for help from Mr. Licari and his wife, young and old people rallied to his aid. In a time when there is so much ethnic, racial, and class strife, it is heartwarming to hear that these Brooklyn citizens did more than their fair share to fight crime and promote community harmony. Vermont Street knows how to "take a bite out of crime".

POLICE CHIEF DAVID THOMPSON

HON. CARLOS J. MOORHEAD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 29, 1991

Mr. MOORHEAD. Mr. Speaker, I rise today to talk about a cop.

I know it's been fashionable recently to bash the police, but I am here to pay tribute to a man who has devoted his life to law enforcement. It's been a 35-year career that has not only been commendable and beyond reproach, but one that epitomizes the true essence of public service.

Glendale Police Chief David Thompson has decided to turn in his badge and hang up his pistol.

When Dave joined the Glendale Police Department in 1956, as a rookie police officer, I was a young and struggling attorney in my hometown of Glendale. Over the years, since those early days, I have become a big admirer of Chief Thompson.

David Thompson was born in Wales and came to America when he was 16. he became a U.S. citizen in 1952 and later served his new country in the U.S. Air Force.

After the service, Dave earned his bachelor's degree in public administration from California State University, Los Angeles, and later received his juris doctorate from Glendale College of Law.

When David Thompson became a Glendale Police Officer in 1956, he was 1 of 160 employees that operated within a budget of $1.1 million.

Now, Glendale is the third largest city in Los Angeles County, with a population well over 180,000. As chief of police, Dave Thompson is responsible for more than 300 employees and an annual budget of $24 million.

In addition to his police duties, Chief Thompson is an active member of the community. The organizations with which he is involved are too numerous to list completely, but I can mention a few. They include: Glendale Kiwanis, Montrose-Verdugo City Chamber of Commerce, Red Cross Board of Directors, Civic Advisory Board, executive board of the Los Angeles County Peace Officers Association, and Glendale Adventist Medical Center.

In 1984, the chief was named "Man of the Year" by the Montrose Shopping Park Association and received a similar honor by the Glendale Board of Realtors in 1987.

Dave also received the Law Enforcement Commendation Medal, in 1988, by the Sons of the American Revolution and, in 1990, was awarded the John Anson Ford Award for outstanding service in the field of human relations.

The chief has done all of this with the support of a very special woman; his wife, Jackie. Dave and Jackie have two daughters, one granddaughter, and one grandson.

Finally, I would like to point to the dedication Chief Thompson has shown, even as he headed into his last few months on the job.

Glendale is not the same town it was 35 years ago. One of the most noticeable changes, other than population and construction booms, has been the city's cultural diversity. This diversity has allowed many citizens to broaden their experiences with different people.

The multicultural flavor of Glendale has put new demands on the police department. Chief Thompson has handled these changes with skill and sensitivity. He has met countless times with leaders from various segments of the community, to help keep Glendale as a place where everyone works together for the welfare of all.

Dave has been a visionary when it came to law enforcement and to community relations. He will be greatly missed in Glendale. I wish him and Jackie the best in the years ahead. They have earned it.

RECOGNIZING THE FOOTHILLS WELLNESS CENTER AND DAN HYLTON, FOOTHILLS MANAGER OF GOLF

HON. DAN SCHAEFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 29, 1991

Mr. SCHAEFER. Mr. Speaker, for many Americans recreational activities are an important part of relieving day-to-day stress and maintaining physical fitness. The Foothills Recreation and Park District, located in the western suburbs of Denver, has been a proven leader in providing a wide variety of recreation and leisure activities to the residents of Colorado's Sixth Congressional District.

Foothills has always been a source of great pride for my constituents, providing recreational opportunities at over 60 facilities throughout the district. Thousands of residents take advantage of swimming, golf, tennis, basketball, theater, and a myriad of other sporting and educational activities the District sponsors every year.

One of the most unique programs offered by Foothills is the Community Wellness Program. This forward-thinking approach focuses on the total health of people: lifestyle choices; physical fitness; and mental well-being. The program and its founder, Mr. George Kroeninger, have been nationally recognized for their excellent and unique approach to physical and mental fitness.

Programs such as the Community Wellness Program do not turn into successes overnight. It takes hard work by dedicated individuals. One of these is Mr. Dan Hylton. Dan is the manager of golf for Foothills, and recently put together a golf tournament to accomplish two goals: To focus attention on the work and opportunities at the Wellness Center and to attract additional financial support for the Wellness Center's operations. As one who participated, I can report that the tournament was a tremendous success on both counts. Dan can take a great deal of pride and satisfaction from the positive reaction both the golf tournament and the Wellness Center have received.

It is the efforts of people like Dan Hylton that keep our Nation's communities vibrant and alive. I commend Dan and the rest of the Foothills Recreation District for helping make the Community Wellness Program a resounding success.

TRIBUTE TO SISTER CITIES; BELLEVILLE, IL, AND PADERBORN, GERMANY

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 29, 1991

Mr. COSTELLO. Mr. Speaker, I rise today to pay tribute to the city of Belleville, IL, and its sister city of Paderborn, Germany.

Civic leaders and public officials in my hometown of Belleville recently signed a joint pact with Paderborn to establish cultural exchanges and other mutually beneficial relationships. This agreement was promoted by the mayor of Belleville, Rich Brauer, and his wife, Dottie.

I had the opportunity to meet with 46 residents of Paderborn who visited the U.S. House of Representatives in Washington, DC recently. These citizens had the occasion to admire our Nation's Capitol and our American democratic process at work. It was a very enjoyable opportunity for me to personally escort our sister city residents around this beautiful monument and symbol of our Federal Government.

It is my belief that this sister city agreement will be of tremendous benefit to both cities. Now that I have met residents of our sister city and have a better perspective on the city of Paderborn, I want to extend my hand of friendship to them in the years to come on their future visits to America.

HOUSE RESOLUTION 263—SUPPORT BURMESE NOBEL PEACE PRIZE WINNER

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 29, 1991

Mr. GILMAN. Mr. Speaker, today I am introducing House Resolution 263, for myself and for my colleagues Representatives Ackerman, Broomfield, Lantos, Lagomarsino, Pelosi, and Rohrabacher a resolution regarding the sale of military equipment to Burma by the People's Republic of China.

The military government of Burma, the so-called State Law and Order Restoration Council [SLORC], has distinguished itself in history for being one of the most ruthless dictatorships that has ever existed. Thousands of Burmese citizens are regularly swept up in the streets into months and sometimes years of forced portering for the military. A large number of them are shot or left for dead if they fall ill or complain. Many times their relatives are totally unaware of their fate.

Those in charge of SLORC have sentenced at least 50 democratically elected members of the National Assembly to prison terms. The winner of the Nobel Peace Prize for 1991, National League for Democracy [NLD] leader Daw Aung San Suu Kyi, has been held incommunicado under house arrest since July 1989. She probably does not even know that she won the prize.

The rulers of SLORC have much at stake in their hold on the assets and the people of Burma. The personal enrichment of its rulers through the sale of Burma's teak to members of the Thai military is well known. Funds acquired through the environmental ravaging of the rain forest support armies that protect drug lords who are responsible for the vast majority of the illicit opium produced in the world.

Unfortunately, it appears appropriate that the source of the military equipment that the Burmese rulers use to ruthlessly suppress their own people is from the totalitarian Communist regime that runs the People's Republic of China. Who else but those who brought us the Tianenmenn Square massacre would openly embrace SLORC with over a billion dollars' worth of tanks, jet fighters, rocket launchers, assault rifles, armored personnel carriers, patrol boats, and antiaircraft guns? The dictatorship in Beijing enslaves its own prodemocracy supporters, sells missiles to any Middle East tyrant that wants them, supports marxist rebels in democratic India, nurtures the despicable Khmer Rouge, brutally occupies Tibet, and threatens Mongolia, Nepal, and Taiwan. So it seems to make sense that they would arm the thugs ruling Burma.

Mr. Speaker, House Resolution 263, urges the Chinese to join us and the European Community in our arms embargo of Burma. It also urges the President to let the Chinese know that their continued support for SLORC will be a factor in the consideration by the administration in its extension of most favor nation to the People's Republic of China. House Resolution 263 also urges the President to instruct the Secretary of State to let the rulers in Beijing know that we do not approve of their behavior.

Accordingly, I urge my colleagues to support House Resolution 263 and I insert the full text of the resolution at this point in the Record:

H. Res. 263

Whereas the military government of Burma, the so-called State Law and Order Restoration Council (SLORC), has refused to implement the results of the May 1990 elections, won overwhelmingly by the opposition National League for Democracy (NLD), and return the country to civilian rule;

Whereas the Government of Burma has systematically suppressed the domestic political opposition, subjecting members and supporters of the NLD to widespread arrest and interrogation, sentencing at least 50 elected members of the National Assembly to prison terms;

Whereas the winner of the Nobel Peace Prize for 1991, NLD leader Daw Aung San Suu Kyi, has been held incommunicado under house arrest since July 1989;

Whereas there is no freedom of speech or freedom of the press in Burma;

Whereas Burma remains under martial law, and independent human rights organizations, the United Nations Human Rights Commission, the United States Department of State, and others have documented widespread and continuing human rights violations including arrests of monks, torture, ill-treatment and deaths in custody, arbitrary arrests, disappearances, compulsory labor such as forced portering for the military, and unfair trials before military tribunals of politicians, students, and others exercising their basic rights to freedom of expression, association, and assembly;

Whereas the United States Government has condemned Burma's human rights practices and called for a return to democratic, civilian rule;

Whereas the Burmese military has shown little interest in the suppression of narcotics trafficking and production, and has ceased efforts made before 1988 to eradicate opium crops, and the United States Government has not been able to certify Burma as cooperating in narcotics control;

Whereas the United States has blocked the sale of American military equipment to Burma and imposed economic sanctions against Burma as required by section 138 of the Customs and Trade Act of 1990;

Whereas in July 1991, the European Community announced a total arms embargo on Burma;

Whereas the military Government of Burma continues to rely on the People's Republic of China as its major source of military equipment and arms, and support from the People's Republic of China is crucial to SLORC's survival;

Whereas the Chairman of SLORC, General Saw Maung, made an official visit to Beijing in August 1991, followed by an agreement by China to grant SLORC a $9,300,000 interest-free loan and sell additional arms to Burma;

Whereas China is providing Burma with tanks, jet fighters, rocket launchers, assault rifles, armored personnel carriers, patrol boats, anti-aircraft guns and other arms with the total value of military supplies estimated by the United States Department of State to be approximately $1,300,000,000; and

Whereas China is a major trading partner with Burma and has refused to impose economic sanctions against SLORC: Now, therefore be it

Resolved, That the House of Representatives—

(1) urges the Government of the People's Republic of China to cancel all arms deals with the Government of Burma until such time as all political prisoners are unconditionally released (including Daw Aung San Suu Kyi), martial law is lifted, and the results of the May 1990 elections are fully implemented;

(2) urges the President to instruct the Secretary of State to privately and publicly call for an end to China's military sales and economic support to Burma as a matter of urgent United States concern during any visit by the Secretary to Beijing or in other high-level contacts with representatives of the People's Republic of China; and

(3) urges the President to instruct the Secretary of State to advise the Government of China that its continued support for SLORC will be a factor in the consideration by the Administration of extension of nondiscriminatory (most favored nation) trading status for China in 1992.

CARL L. STACEY HONORED

HON. DOUGLAS APPLEGATE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 29, 1991

Mr. APPLEGATE. Mr. Speaker, I rise today to recognize one of Ohio's most outstanding public servants. On October 31, 1991, Mr. Carl L. Stacey will step down after 33 years of dedicated service to the citizens of Columbiana County.

Mr. Stacey was first elected to the office of Clerk of Common Pleas Court on November 14, 1958. Since that time he has served nine consecutive terms, making him the longest serving office holder in the history of Columbiana County. As clerk, Stacey spends much time running his office which is responsible for processing the paperwork involved in lawsuits and vehicle registration.

An active member of the State association of county clerks, serving as chairman in 1983, he fought hard for changes that would make his office more efficient and effective. He played a key role in the State decision to allow individual counties to earn interest on the investment of money collected by the clerk. In recent years this has resulted in an additional $40,000–$60,000 for Columbiana County.

Mr. Stacey is a veteran of World War II, a loving husband, father and grandfther. Mr. Speaker, it is my distinct privilege and honor to ask my colleagues to join with me in acclamation of Mr. Carl Stacey, an exceptional public servant as well as a great man.

KEEP HOMELESSNESS AT THE TOP OF THE AGENDA

HON. TOM CAMPBELL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 29, 1991

Mr. CAMPBELL of California. Mr. Speaker, homelessness and poverty are tragic problems that continue to vex all Americans of compassion and conscience. Congress has worked hard to combat these problems—indeed, we have just passed a new housing bill which reaffirms commitments and embraces new ideas. Yet, the sad truth is that homelessness problems will not soon disappear.

To keep the issues of homelessness and poverty at the forefront of Congress' agenda, Representative Kweisi MFUME and I have formed the congressional homelessness task force, and let me take this opportunity to urge my colleagues who have not joined the task force to do so. The task force seeks to create innovative, bipartisan legislative proposals that, if enacted, would enlist and inspire goodwilled people at the grassroots to come forward and help alleviate the dreadful problems of homelessness and poverty in the United States.

Our focus will be on the simple steps that could be taken—not necessarily the programs heavy in cost or government structure. For example, easing liability laws to encourage grocery stores and restaurants to donate wholesome food could do much good for many homeless, at no cost to the taxpayer.

Mr. Speaker, the task force is not meant to compete with the Housing Committee, but to serve as a forum to keep issues of homelessness as an urgent priority, drawing on the experience and imagination of Members of various expertises. With the broad participation of Congress, task force initiatives could be attached to bills originating from many committees.

Today, we are proud to introduce our first two pieces of legislation. The first is a bill to encourage the Governors to open certain National Guard armories for use as temporary homeless shelters. Current law states that the Secretary of a military department may make military installations under his jurisdiction available for temporary shelter for the homeless. This bill gives incentives to Governors to make use of this option by giving additional consideration for McKinney Act homelessness funds to those States that make use of National Guard armories for homeless shelters.

The idea for this bill comes from the success California has had using National Guard armories for temporary shelter. Last year, California provided 335,000 shelter nights for the homeless in over 40 military installations, and the State plans to continue the program. Mr. Speaker, we should not mistake this approach for a permanent solution to the homeless crisis. We should recognize it for what it is—a concrete step toward alleviating the suffering of the homeless population.

Our second bill encourages the States to enact good samaritan laws for health care providers. The District of Columbia has pioneered a bill in this regard for obstetricians. If we could reduce the fear of lawsuits, more doctors and healthcare workers would likely come forward and donate their time and care to the homeless and needy. Our bill will offer priority for HHS grants and McKinney funds to those States that implement such good samaritan laws.

Mr. Speaker, here are two straightforward measures that can alleviate the needs of the homeless. I urge my colleagues to keep homelessness at the top of the agenda, and to cosponsor these bills.

SALUTE TO HARVEY GANDEL

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 29, 1991

Mr. GALLEGLY. Mr. Speaker, I rise today to honor an outstanding realtor for his contributions as president of the Simi Valley-Moorpark Association of Realtors.

Harvey Gandel has been a leading realtor in Simi Valley for 14 years, when he began his career in real estate. In 1979, Harvey became a licensed broker and started his own office, Harvey Gandel Realtors.

He has served as a director of the Simi Valley-Moorpark Association for the past 10 years. In addition, he has served as treasurer and first vice president, as well as a member of several committees. He also has served on several State association committees during the past 5 years, and earned the coveted award of Realtor of the Year in 1986.

During his term as president, Harvey has achieved many accomplishments, including completing additional office space and the Realtor Service Center at the association office; establishing the past president's committee; and the revision and approval of the association bylaws.

Mr. Speaker, Harvey's fellow realtors will honor him at the association's annual installation dinner this Saturday. I ask my colleagues to join me in saluting him for a job well done.

AVILA COLLEGE—75 YEARS OF EDUCATIONAL EXCELLENCE

HON. ALAN WHEAT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 29, 1991

Mr. WHEAT. Mr. Speaker, I am proud to bring to the attention of my colleagues the 75th anniversary of Avila College, a distinguished institution of higher learning in Kansas City, MO. To mark its 75th anniversary year, Avila has scheduled a year-long series of exciting activities that celebrate the achievements of the past and look forward to the challenges of the future.

Founded in 1916 by the Sisters of Saint Joseph of Carondelet, Avila College is a 4-year, Catholic college with a long tradition of academic excellence and service to our community. From its origins 75 years ago as a school for young women, Avila has blossomed into a full-scale, coeducational liberal arts college widely recognized for its programs in nursing, education, and business.

A small jewel of a campus set in a peaceful residential neighborhood of Kansas City, Avila offers an intimate and contemplative learning environment. At Avila, a student is given individual attention and made to feel like a person, not just a number.

The residents of the Fifth District of Missouri are fortunate indeed to have Avila College as a neighbor. Nearly 1,500 students choose Avila for their education every year, and more than two-thirds of its graduates remain in the community to put their education to work in jobs in health care, business, education, mental health, the arts, and social services.

The students of Avila uphold the college's strong mission of service to the community by helping to feed the homeless, repairing and winterizing homes for the elderly, and providing assistance to needy families in other regions of the United States and the Dominican Republic.

Avila has consistently shown itself to be a leader among academic institutions in the region by offering the metropolitan area's first baccalaureate degree in nursing, the first weekend college, and the first programs in public administration, women's studies, and gerontology.

Mr. Speaker, I had the honor of delivering the commencement address to Avila's Class of 1988 and it is a pleasure to know that hundreds of the proud graduates I saw in the audience that day are now making their own contributions to the economic and social life of our community.

Today, I am pleased to congratulate Avila's president, Dr. Larry Kramer, and the entire Avila community on 75 years of academic excellence. On behalf of the Fifth District of Missouri, I am proud to salute Avila College, an outstanding training ground for tomorrow's leaders.

TURKEY IS WELL SUITED FOR A STRATEGIC PARTNERSHIP

HON. GREG LAUGHLIN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 29, 1991

Mr. LAUGHLIN. Mr. Speaker, of the over 40 countries in the world with predominantly Muslim population, only one is a flourishing democracy where free and fair elections serve as a means of transferring power from one administration to another. This country joined the NATO Alliance in 1952 and has proven a reliable and valuable partner through the cold war, the Korean conflict, and most recently, the gulf war.

Mr. Speaker, that country is the Republic of Turkey. Democracy was reaffirmed in Turkey on October 20 when voters went to the polls to select 450 members of the Grand National Assembly, or parliament, for the next 5 years. The elections were fair, well-supervised by the judiciary's supreme election council, and without incident.

The Turkish constitution provides for legislative, executive, and judicial branches of government. Legislative power is vested in the Turkish Grand National Assembly, or parliament.

Months of active campaigning, involving six major political parties, preceded the recent elections in Turkey. The country was buzzing with campaign jingles and election excitement. Over 80 percent of the eligible Turks, exercising their constitutional rights, voted for the candidate of their choice.

Our President visited Turkey last July, the first to do so since President Eisenhower. During his visit, leaders of the two countries discussed the promising possibilities of a new strategic partnership. Indeed, given its strong democratic institutions and traditions, its strategic location between the Middle East and Southern Europe, and its unique and flourishing democracy, Turkey is well suited for such a partnership.

FRANCES AND BERYL WEINSTEIN AWARDED THE PRESTIGIOUS TORCH OF LEARNING AWARD

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 29, 1991

Ms. DELAURO. Mr. Speaker, it is with great pleasure that I rise today to recognize the recipients of the Torch of Learning Award: Frances and Beryl Weinstein.

The Torch of Learning Award is presented to leading men and women who demonstrate a deep commitment to education, their community, the Jewish people, and Israel. The Weinsteins have proven through a lifetime of service to their community, that they are worthy of this prestigious honor.

The Weinsteins have played a significant role in a wide variety of activities involving the general public as well as the Jewish community. Frances has demonstrated an untiring commitment to Jewish affairs through a number of organizations including the Waterbury Jewish Federation, the Temple Israel Sisterhood and through her work as president and life member of Hadassah. Her concern for the community knows no bounds. She has given generously to such worthy organizations as the United Way, the Child Guidance Clinic, the Girl Scouts, and she presently serves on the board of the Guilford Interfaith Housing Corp.

The family tradition of hard work and deep concern for people is exemplified by Beryl's involvement with the Waterbury Jewish Federation, Temple Israel, the Connecticut Jewish Community Relations Council, and the Council of Jewish Federations. Since founding the Doctors Diagnostic Laboratory, Inc., in 1946, he has remained active in the educational field with the Jewish Educational Service of North America and the Mattatuck Community College, where he currently serves as chairman of the board of the college's foundation.

Their commitment to education is critical. I hope my colleagues will join with me in commending them on receiving this prestigious award and I wish them continued success in all their future endeavors.

ANOTHER LOOK AT OUR POW/MIA'S IN VIETNAM: WHAT WAS MOSCOW'S ROLE?

HON. BILL McCOLLUM

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 29, 1991

Mr. MCCOLLUM. Mr. Speaker, I rise today to bring to the attention of my colleagues an article published in last Sunday's Los Angeles Times magazine, entitled "On the Trail of the MIA's" by Edward Tivnan. The author of this article raises important questions and brings to light details about the POW/MIA issue heretofore unknown.

One critical issue addressed in this article is the National Security Agency's role during the Vietnam war in the intelligence gathering and analysis of North Vietnam's radio and signals communications that revealed the capture and subsequent whereabouts of American pilots brought down over Laos and North Vietnam. Based upon the sworn testimony of Jerry Mooney, a former NSA analyst, "the United States Government had abandoned hundreds of American prisoners in Southeast Asia after the Vietnam war." He also claims, "that U.S. intelligence officials knew not only that Hanoi had withheld American POW's as 'bargaining chips' for future negotiations, but also that the North Vietnamese had handed over scores of American airmen to the Soviets for interrogation; 50 or so POW's had disappeared into the hands of the Soviets."

I find this article especially enlightening and apropos in lieu of the expected Senate Hearings next week on the subject of American POW/MIA's left in Southeast Asia. The questions and concerns raised by the author should not be overlooked as they could prove to be extremely critical in the hopeful resolution of the POW/MIA issue.

I include the full text of the attached article in the CONGRESSIONAL RECORD following this statement:

ON THE TRAIL OF THE MIA'S

(By Edward Tivnan)

For 30 years, Jerry Mooney carried around in his head some of America's deepest secrets. His wife, Barbara, followed him to posts in Thailand, Okinawa and Ft. Meade, Md., but never knew exactly what her husband did every day. Mooney had pledged never to reveal anything he worked on or saw, and no one he worked with ever expected the quiet, upright, measured and meticulous Mooney to break that pledge. Ever.

Then in the late '80s, Mooney did an extraordinary thing. He gave secret testimony before a Senate committee and appeared on national television alleging that the U.S. government had abandoned hundreds of American prisoners in Southeast Asia after the Vietnam War. He also claimed that U.S. intelligence officials knew not only that Hanoi had withheld American POWs as "bargaining chips" for future negotiations, but also that the North Vietnamese had handed over scores of American airmen to the Soviets for interrogation; 50 or so POWs, he charged, had disappeared into the hands of the Soviets.

For many families of men "missing in action" in Southeast Asia, Mooney's revelations were the next best thing to a real-life Rambo rescuing an American POW from the jungles of Laos or Vietnam. Since the end of the Vietnam War, MIA activists had been waging their own guerrilla war against the government, convinced that the United States was not telling all it knew about the fate of more than 2,000 men who remained unaccounted for. Jerry Mooney, however, was no Rambo. He had spent most of his 20-year career in the Air Force behind a desk, assigned to the National Security Agency, the nation's largest and most secretive intelligence operation. As a code breaker and analyst, he eavesdropped on radio and signals communications around the globe. During the Vietnam War, Mooney culled information about American POWs from literally tons of North Vietnamese communications that America had intercepted with its high-flying, intelligence-gathering planes and ground-based listening posts.

When Mooney went public in 1987, he was the first member of the intelligence community to break his vow of silence and talk about the top-secret POW data that had crossed his desk—and what he had to say amounted to charges of a massive MIA cover-up.

It was startling stuff. But the U.S. government all but ignored Jerry Mooney. The Pentagon quickly and strenuously declared that "the commonly repeated myth that U.S. personnel with specialized technical knowledge were kept in Vietnam or sent to third countries is not supported by any evidence." After all, officials have pointed out, of the 591 POWs who did return from Vietnam, not one remembered ever having been interrogated by Soviet officers. But the government made no effort to discredit Mooney's outstanding NSA service record, and it did not dispute that Mooney had been in a position to see POW-related intelligence data. And though, according to Mooney, representatives from the NSA and Justice Department warned him to "shut your mouth," he was not prosecuted for breaking the law by divulging secrets.

But where were the other Jerry Mooneys? As Mooney says, "I just got a little piece of the rock. People in higher positions saw more." Even those who wanted to believe this NSA whistle-blower wondered why no one else—from among the hundreds of NSA, CIA and Defense Intelligence Agency workers who could have seen similar data—had emerged to support Mooney's claims.

During the next four years, Mooney tried to get his side of the story out to official Washington. He talked to lawyers, to state legislators, to congressmen. He talked to MIA families about what he believed had happened to their loved ones and swore out and filed affidavits on their behalf. At the same time, mud was slung in Mooney's direction. He was "off the wall," intelligence sources told interested members of Congress, "a flake."

In the end, Mooney had little effect. Presidents Reagan and Bush may have called accounting for the MIAs "the nation's highest priority," but Mooney's allegations, along with the entire MIA issue, slipped back into history as the country accepted the idea that all that could have been done to account for the nation's MIAs had been done.

Their fate, however, continued to dominate Jerry Mooney's life. During the past few years, he admits, "I've felt pretty alone."

No longer. A six-month investigation I conducted in the United States and the Soviet Union has turned up intelligence sources who confirm Mooney's story. Another former NSA analyst, retired air-defense specialist Terrell A. Minarcin, has come forward with his own stories about American POWs held after the war ended and interrogated by the Soviets. And in several interviews in Moscow last winter, Soviet intelligence sources admitted for the first time that the Russians made secret arrangements with Hanoi to interrogate American POWs. "In my time in intelligence," says retired KGB Maj. Gen. Oleg Kalugin, a former head of Soviet foreign counterespionage, "we did participate in the interrogation of American prisoners."

Mooney, Minarcin and the Soviet sources do not claim to have evidence of Americans still alive in custody anywhere. But their stories combine to create compelling testimony that Hanoi lied about returning all the American POWs in its custody in 1973 and that the best proof of this may be in the files of a North Vietnamese ally: the Soviet Union.

These revelations come at a time when the MIA issue has leaped back into the headlines. Last spring, Army Col. Millard Peck, chief of the Pentagon's Special Office for Prisoners of War and Missing in Action, angrily resigned. The government's MIA efforts were a "travesty" and a "charade," he charged. "A coverup may be in progress." Peck, a highly decorated career intelligence officer, later told members of Congress that there was "a strong possibility" that Americans were still alive in Southeast Asia. Shortly after that, the Republican staff of the Senate Foreign Relations Committee released an updated draft of a 120-page report on the MIA issue confirming Peck's claims. Within weeks, the Pentagon investigated and offered a rebuttal: "There is no foundation to support" Peck's charges.

The Pentagon also continues to issue blanket denials of Mooney's allegations: "For the past few years," it recently told The Times, "Mr. Mooney has made various claims to possess information on U.S. POWs. U.S. government records have been checked, including all intelligence sources, and there is nothing to support Mr. Mooneys claims. Further, we have no intelligence to support a belief that U.S. prisoners were taken to the Soviet Union."

To try to settle the MIA issue once and for all, the Pentagon has opened an office in Hanoi—the U.S. government's first official presence in Vietnam since the war—to research the fate of the missing men. And the Senate, at the instigation of Sen. Robert C. Smith (R-N.H.), a Vietnam veteran and a persistent MIA activist in Congress, voted last summer to hold Watergate-style hearings on the issue. The temporary Select Committee, chaired by Sen. John Kerry (D-Mass.), also a Vietnam veteran, is likely to begin hearing testimony this week. According to Smith and Kerry, the committee will explore the Russian connection: "Mooney is a critical witness," said Frances Zwenig in Kerry's office. Mooney may have company. The committee reportedly has been approached by former and current members of the intelligence community willing to talk about MIAs if the Senate promises them immunity.

Roger Shields, deputy assistant secretary of defense in charge of POW/MIA affairs from 1971 to 1976, has long been an MIA skeptic. He dismisses nearly all claims by activists as rumor and innuendo. "The smoking gun," he says, "has not been revealed." In his years in the Defense Department, Shields says, he never saw anything that suggested that any prisoner was ever interrogated by the Russians. Yet he calls Gen. Kalugin's statements "a very hot lead."

"If [he] is willing to talk to us and can give details that will make sense," Shield says, "if he's the guy who was involved, that's the kind of thing I'm talking about when I say 'smoking gun,' and definitely grist for the Senate investigation."

In 1965, President Lyndon Johnson ordered the bombing of North Vietnam, code-named "Operation Rolling Thunder." The North Vietnamese, with virtually no air force of their own and no anti-aircraft defense system, sought help from their communist ally, the Soviet Union. Moscow trained North Vietnamese pilots to fly MIGs, and the Soviet Union also sent one of its most effective surface-to-air missile systems to Hanoi—the SAM-2. To deploy the SAMs, the government of Leonid I. Brezhnev dispatched a group of "advisers" under civilian cover to Hanoi.

The arrival of the SAMs in Vietnam alarmed American strategists, according to U.S. military historians. It was a SAM that had knocked Francis Gary Powers' U-2 spy plane out of the sky in 1960. Nikita S. Khrushchev boasted that Soviet airspace was impenetrable. "We didn't believe that the Americans could successfully interfere with our missiles," recalled Lt. Gen. Vladimir Abramov, commander of the Soviet Air Defense Forces in Vietnam from 1965 to 1968, in an interview in his Moscow apartment last winter. But when the shoot-downs in Vietnam were totaled at the end of 1965, the SAMs had achieved a pathetic kill rate of 5%.

"By mid-1966, the performance of the SAM was an embarrassment," says Robert S. Hopkins III, an aviation historian. During one week in 1966, Hopkins has learned from contemporary reports, the Soviets launched 29 missiles and scored only a single hit.

Soviet prestige—not to mention the war effort—depended on finding out how American planes were evading the SAMs. The obvious sources of up-to-date American intelligence were the hundreds of American airmen who were literally falling into the arms of Moscow's loyal allies, the North Vietnamese. Sitting in Okinawa in 1968, Jerry Mooney, an old Russian hand, naturally assumed, as did his superiors, that the Soviets would not leave Vietnam without carrying back as much knowledge about enemy air power as possible, up to and including the interrogation of American prisoners. But Mooney suspected that the North Vietnamese would be secretive about handing over POWs to the Russians. He didn't expect to find evidence of it in the low-level intercepts he was "working."

Then, in 1968, in uncoded "plain text," he saw a transcription of a casual radio conversation between guards worried that a passing F-4 might have photographed a camp for Americans near Cu Loi, northeast of Hanoi. Subsequent radio transmissions among North Vietnamese troops referred to the *my*—Vietnamese for Americans—in trucks being escorted toward an airfield at Bai Thong by the *ban*, the "friends," a term Mooney says the North Vietnamese routinely used to refer to their Soviet allies. Further intercepts confirmed that the airfield was a holding area for American POWs. Bored with tracking the movement of troops and supplies down the Ho Chi Minh trail, Mooney began searching for POW information in his data. He was amazed at how much he found. Sifting through current and past intercepts, he saw what he believed to be references to prisoners being shifted from camp to camp, to the presence of Soviet advisers in the area of the camps, to execution orders, to prisoners being assigned to slave labor.

But Mooney couldn't convince his superiors that scouting for prisoners should be part of intelligence gathering in Vietnam. The NSA was "tasked" only to track materiel and personnel moving up and down the Ho Chi Minh trail and to provide air-defense information to U.S. pilots. In 1970, when he returned to agency headquarters at Ft. Meade, Mooney was still keeping unofficial tabs on the POWs, still dogging his bosses. Finally, in 1971, he says, he got the go-ahead to report POW information through official channels.

Mooney became a grudging admirer of the North Vietnamese air-defense system. The North Vietnamese had quickly learned to spot the U.S. planes, track them with their own radar, target certain aircraft and "flak-trap" them. Shells from a large gun would force a plane to veer into the sights of smaller guns, increasing the probability that the plane would crash-land in piece large enough for future examination. Sixty percent of the planes were being knocked down by anti-aircraft cannon, not by the SAMs.

The interceptions showed that the North Vietnamese were sorting American pilots into categories as soon as they hit the ground, Mooney says. Those downed near Hanoi went into the prisoner-of-war complex that came to be known as the Hanoi Hilton, where they were held for propaganda purposes; many captured near supply lines were used for slave labor, and any prisoner unlucky enough to have killed a North Vietnamese officer during a bombing raid might be executed (a bullet in the back of the head was the preferred method).

Mooney remembers that he and his colleagues called the American stars falling from the sky "manna from Lenin" for their priceless value to Soviet intelligence. They included alumni of the space program, flyers with technical degrees, officers specializing in electronic warfare and crew members of secret planes.

These "special talents," says Mooney, often ended up in a camp across the border in Laos, near Sam Neua, the stronghold of the Pathet Lao. According to Mooney's analysis of the intercepts, all the evidence pointed to Sam Neua's being "the main Soviet interrogation center." The "friends" were there in high numbers, according to intelligence gleaned from enemy defectors and South Vietnamese spies. NSA intercepts also alerted Mooney to "a high concentration of flights" into the area. The Vietnamese appeared to be transporting POWs by truck from the camp near Cu Loi to Bai Thong, where they were flown by IL–14s—Russian transport planes—to Sam Neua. Mooney concedes that analysis in the DIA thought that the main Soviet center was at Lang Son, northeast of Hanoi, but he never saw what he considered to be adequate confirmation of that.

Among the brightest of the United States' "special talents" in North Vietnam were the crews of the two-seater F–111s, then the Air Force's latest and hottest fighter bomber. Mooney says his orders were to pay special attention to lost F–111 pilots, and he tracked them all via their own before-crash transmissions and intercepted North Vietnamese communications. In 1968, intercepts showed that two F–111s were flak-trapped with all four men surviving. Further intercepts indicated that these men were taken to Sam Neua. The North Vietnamese, Mooney concluded, had handed them over to the Soviets.

In September, 1972, the 361st Division of the North Vietnamese artillery shot down a third F–111 crew. According to the data that Mooney saw, one American died; the other was sent along the route to Gu Loi, Bai Thong and Sam Neua. In October, another one went down and Mooney saw evidence of one survivor (however, after the war, the remains of both members of this crew were returned to the United States). Two more F–111s went down in November. In one case, both crew members survived and ended up with the "friends." In the other, Mooney's information showed no survivors. Then in December, a seventh F–111 went down. According to Mooney, the intercepts showed that the crew did not eject before crashing into the Gulf of Tonkin, off Vinh Linh in North Vietnam. He considered them killed in action.

The crew of only one of the F–111s lost in Vietnam returned home with the POWs in 1973. The fighter—the last F–111 casualty of the war—fell on Dec. 22, 1972, one month before the peace accords were signed. These men were part of another pattern that Mooney noticed in the POW data he saw: Near the end of the war, the intercepts no longer showed "special talent" being moved to Sam Neua. It appeared that Hanoi was saving POWs for a prisoner exchange, rather than turning them over to the Soviets. Mooney says the NSA called it "Operation Warm Body Count."

In late 1972, in preparation for the negotiations he knew were inevitable, Mooney began to compile lists of all the men he had tracked as missing or captured—about 1,000 names in all. When the North Vietnamese eventually turned over 591 POWs in 1973, President Richard Nixon announced exultantly to the nation: "All our brave men are back home again."

To Mooney, Nixon's pronouncement was pure politics. After crossing the names of the released men off his list, and others accounted for by those men, Mooney still had a roster of 290 unaccounted-for Americans he believed to have been captured alive. About 50 of those men he marked "MB"—for Moscow Bound. While he had seen no specific intelligence showing that prisoners had been transported to the Soviet Union, what he had seen made him suspicious. "MB" stood for the "special talents" that he had tracked until they disappeared—in his estimation, into Soviet hands.

Four "special talents" were particularly fresh in Mooney's mind. After the cease-fire, in February, 1973, the North Vietnamese shot down an EC–47Q reconnaissance plane. U.S. intelligence officers on the ground quickly learned that some of the crew had probably survived. According to Mooney, NSA intercepts confirmed that the number was four and that they were headed for Hanoi. Hanoi, however, returned no EC–47Q survivors. To Mooney, the crew members were logical candidates for Soviet interrogation. All of them were experts in electronic surveillance, and at least one—Peter Cressman—had analyzed intelligence on the Soviet Union before his stint in Vietnam. They were among the last names he listed "MB."

Mooney assumed that, behind the scenes, every effort was being made to account for or bring home the men he thought had been captured alive. He insists that according to orders at the NSA, even four years after the war, "the highest national priority, right down to the intercept desk and reporters, was to isolate, identify and recover American POWs, particularly in Laos." (More than 600 men were reported missing there; not one has ever been accounted for.)

In 1977, Mooney, then a master sergeant and the noncommissioned officer in charge of airborne intelligence-gathering operations for the 6970th Air Base Group at NSA headquarters, retired from the Air Force after having served 20 years, two months and two days. According to written reports of his superiors, Mooney's had been an exemplary career in intelligence analysis. "A perfectionist," wrote one of his bosses. "Mooney is one of the most outstanding NCOs I have ever had the pleasure of supervising," wrote another. Mooney's evaluations or his Vietnam service, for example never fell below the highest rating.

Upon retiring, Mooney went with his wife, Barbara, to her home state of Montana, taking up residence in a town so remote that it didn't receive network TV. Mooney took a job as a grocery store manager and began looking forward to watching his daughters grow up and to "having my piece of the American dream."

Mooney's American idyll ended in 1985, the year cable TV brought national news to the wilds of Montana. Tuned into CNN one night, Mooney saw a report about the first American excavation of a Vietnam War air-crash site in Laos. According to the government, the remains of the entire 13-man crew of an AC–130A Spectre gunship, shot down in 1972, had been found.

Mooney was stunned. He stormed around the room kicking the furniture. "I knew the government was lying," he says. Hours after the gunship had gone down, intelligence had landed on Mooney's desk reporting that five of the plan's crew had bailed out and been captured alive. According to Mooney, an NSA analyst in another office later received confirmation from different source that the five Americans were indeed in enemy hands.

After a few phone calls to NSA buddies, Mooney found that while he had been enjoying his retirement, the government, beginning in 1977, had reclassified the more than 2,000 MIAs in Laos and Vietnam as "presumed dead," although just a year earlier hundreds of them had been classified as alive. "I was totally shocked—that's the only word for it," recalls Mooney. "You don't abandon your own guys who are fighting and dying for their country." He knew there was nothing he could do without breaking his NASA secrecy vows, and unthinkable step.

But his secrets started gnawing at him. He began to suffer severe chest pains. Three stints in the hospital and a heart catheterization revealed a healthy heart. Mooney confided in a friend, a Roman Catholic priest. "Father Jim looked me straight in the eye and said: 'If you don't want the cold hand of God's justice wrapped around your heart, get out and do something about it.'"

In January, 1987, Mooney went public in "We Can Keep You Forever: The Story of the MIA's," a television documentary produced by Ted Landreth and me in association with BBC Documentaries. In the few minutes of television time allotted to him, Mooney told his tale of POWs left for dead and men he had listed as "Moscow Bound." Then he waited for the story to break wide open. Instead, it died amid blanket government denials.

Mooney decided that the next time around he would tell everything he knew, secrecy and prosecution be damned. He began to prepare himself by ransacking his memory for each bit of MIA data he could recall, eventually piling up 400 pages of fact, analysis and theory, complete with his own rough sketches of the position of anti-aircraft batteries and maps revealing the extent of U.S. airborne intelligence-gathering operations. According to Mooney, during the early 1970s, the United States was flying its most sophisticated intelligence planes over Southeast Asia—U–2s and specially equipped C–130s over Laos and EC–135s over the Gulf of Tonkin—16 hours a day, seven days a week. "For the government to say 'we have no evidence' about POWs and MIAs is absurd," Mooney says.

Mooney challenged the government to prosecute him not only by divulging his secrets but also by swearing out and signing affidavits on specific MIA cases and sending them to mostly unresponsive U.S. senators. At the urging of then-Congressman Robert Smith, Mooney even wrote to the DIA requesting a closed-session meeting. The letter was returned unopened and stamped "N.G.B."—Not Government Business.

Mooney had been one of the NSA's prized performers; now he was a Washington pariah. He began to wonder if anyone else privy to similar intelligence data would ever join him out on his limb.

In a jaunty cap—the type a British sports car driver might wear—an American-style beige raincoat, a gray suit and tie, Maj. Gen. Kalugin, one of the KGB's top officials over two decades, ushered his visitors past the security police and into the Moskva Hotel off Red Square. A member of the now-disbanded Congress of People's Deputies as well as the Supreme Soviet, Kalugin, who left the KGB in 1990, confirmed in a one-hour interview last March that the Russians had interrogated American POWs in Vietnam.

A few days before, in a separate interview in Moscow, the former head of the Soviet Air Defense Forces in Vietnam, Col. Gen. Abramov, said that he'd been disappointed at the results of the North Vietnamese interrogations of American POWs: "They didn't even know what to ask," he said. Still, the Soviets hadn't taken over the interrogation. According to Abramov, there was a strict agreement between Moscow and Hanoi: "The Soviet specialists would not have any contact with the Americans."

How did Kalugin square Abramov's denial with his own information? Kalugin smiled and then explained: "You see, the generals may not know." Kalugin said he himself worked hard to persuade then-KGB chief Yuri Andropov to work out an arrangement with the Ministry of Interior in Hanoi—"not the military," noted Kalugin—to allow the KGB to go to Vietnam to interrogate Americans. It was all done, Kalugin said, "at a very high level."

KGB agents were dispatched for stints in Vietnam to interrogate select Americans, Kalugin remembered. "I was not there myself," he said in idiomatic English, "but I knew people who went to Vietnam to take part in the interrogations, to collect intelligence information." One "subordinate," he said in a later telephone conversation, interrogated a navy pilot. Kalugin recalled that one such conversation took place "in 1976, after the war." When pressed on the year during two separate interviews, Kalugin stuck to his story: The KGB was interrogating Americans even after the war. He claimed that he personally oversaw from Moscow the interrogation of an American CIA agent in Hanoi. "We were not the chief interrogators," Kalugin hastened to add. "We were present. We sometimes asked the questions * * * [The North Vietnamese] were the sole responsible party. Our role was to collect intelligence, but at no time, to my knowledge, were we aware of [the prisoners'] future destinies, whatever happened to them afterward."

The mystery about what happened to the American POWs deepened when another Soviet source appeared. Yuri Pankov, a reporter for the Moscow newspaper Kommersant, coordinated and collaborated on the Soviet end of the investigation for this story. Through a KGB official, Pankov put out the word that he wanted to speak with officers who had knowledge of KGB interrogation of American prisoners in Vietnam. His contact's identity as a KGB agent was confirmed by retired KGB Col. Yaroslav Karpovich, who worked in domestic counterespionage and who in 1989 was the first former KGB officer to denounce the agency. Pankov's contact told him to expect a telephone call.

Within days, the phone rang and the voice at the end of line told Pankov, "I have information about the subject you're interested in." The caller told Pankov to meet him at a particular Moscow street corner and to bring a map of Vietnam. At the meeting, the source said he was a KGB officer but refused to give Pankov his name.

In 1966, the source told Pankov, he had gone to three locations on the Ho Chi Minh trail in South Vietnam and in Laos, specifically to interrogate American POWs. He pointed to each location on the map Pankov had brought to the interview. In Laos, the source interrogated ground personnel captured near Da Nang, asking them specifically about American air tactics in the area—radar-jamming devices and the flight patterns of the RB-47, a strategic reconnaissance plan. The interrogation lasted two days; the third morning he was told that the nine Americans were dead. Surprised, the source went to see for himself—and said he found the men with their throats slit, the work of the North Vietnamese.

The second group he interrogated consisted of "military personnel" captured in the Pleiku area and one American pilot. The Russian source remembered that the pilot still wore his jumpsuit and carried his helmet. He had no idea what happened to those men.

His final stop was the tunnels of Cu Chi, an underground Viet Cong stronghold in South Vietnam. The source claimed that many prisoners were held there, including pilots. He interrogated the pilots but did not know their destination. The source did not provide information of Americans held after the war ended.

Monney has a mixed response to the information that Soviets had interrogated American POWs: "I'm happy that I've got some support, but it really bothers me that it had to come from the Russians." Within weeks, however, another source surfaced and went on the record—this time another American.

In September, 1987, Terry Minarcin and some channel-grazing friends in Tacoma, Wash., hit upon a showing of the BBC documentary about the MIAs. Minarcin, a retired Air Force master sergeant, saw shots of a familiar, bespectacled face. "That guy was my boss," he announced to his friends. He didn't tell them how shocked he was. "Mooney was the last person I thought would be the first person to break silence on the MIA issue," Minarcin says.

For 18 years in Okinawa, Taiwan, Thailand and at NSA headquarters in Ft. Meade, Minarcin, a Vietnamese linguist, was an air-defense specialist. Like Mooney, he decoded reported and analyzed communications intercepted by NSA equipment.

Minarcin, now 44, confirmed that gathering POW information was not part of the NSA's job in Vietnam. But like Mooney, Minarcin began to notice patterns concerning POWs in the intercepted "systems" he was decoding in the late '60s. The data indicated that downed American flyers and captured covert operators were ending up at camps in areas where intelligence had placed Russians. Minarcin says he filed routine reports on such information, most of it from relatively low-level communications.

Starting in 1968, the data suddenly got a lot better. NSA analysts, Minarcin says, broke a Vietnamese code that allowed them to interpret high-level political communiques about internal security matters. For the next 18 months, until the enemy upgraded to a more complex radio system, NSA analysts listened in on discussions about "political re-education camps" for South Vietnamese POWs—the *nguy*, or "puppets"—and the American POWs—*tu binh my*. In some intercepts, the Americans were called *giac lai my*, "bandit American pilots," who were being sent to prison camps south of Hanoi near Thanh Hoa, Thai Binh and Ninh Binh. The communiques also indicated which groups required "white hats"—Vietnamese slang for members of the state security apparatus—who, according to the pattern Minarcin saw in the intercepts, only accompanied American prisoners who were not headed for the Hanoi Hilton.

Minarcin believes that Russians were at the other end of the shipments he began discovering in 1968. He bases his conclusion, as does Mooney, in part on data showing that Soviet "advisers" were based in the locations to which the Vietnamese were sending the POWs.

Then in 1971 and 1972, Minarcin and his colleagues began seeing Vietnamese references to "going to market and needing *qua*"—fruit. "Like a shopping list," Minarcin theorizes. They had already figured out that *qua* referred to rockets—as in "the F-4 is loaded with *qua*"—and that bananas referred to guided rockets, and that other fruits referred to other ordnance. But it took the air-defense analysts two years, according to Minarcin, to see enough fruit references in the coded traffic to surmise that imprisoned airmen in the "market" were designated by the "fruit" their planes delivered.

Minarcin stresses that, unlike Mooney, who returned to Ft. Meade in 1970 and soon received permission to focus on the POW problem, "I had other things to worry about, like Joe Blow sitting on a runway and whether a Vietnamese triple A—anti-aircraft artillery—was preparing a flak trap for him." Minarcin says that sometimes a year would go by without his processing a POW reference. Nevertheless, he did see evidence "of a very high validity" that American prisoners were alive, held in special camps, and that the Soviets were invariably nearby. One case in particular sticks in his mind. It involved a fellow intelligence analyst, an EC-47Q crew member, who was shot down just 12 hours after he and Minarcin had had a beer together in a bar in Thailand. The man's name was Peter Cressman. Like Jerry Mooney, Minarcin saw the radio traffic about the EC-47Q and knew that "bandit American pilots" had been captured. Minarcin says that a month later, NSA surveillance picked up a request from a military complex near Vinh for language experts to interrogate "the SIGNINT [signals intelligence] specialist" who had recently been captured. Minarcin reckoned that his friend had fallen into Soviet hands.

In 1977, four years after the signing of the Paris peace accords, the Carter Administration began reviewing MIA cases and reclassifying men "presumed dead." But in 1978, Minarcin, then back at Ft. Meade and still working on Vietnam surveillance, continued to run across references to American POWs who, he believed, were alive. In one case, Minarcin says he overheard a radio operator complaining to the man at the other end that bad weather had destroyed their rice and he had been sent to Bai Thong to get rice; there he saw American POWs, who, he griped, were drier and better fed than he was. Mooney had identified Bai Thong as a holding area for American "special talents" in 1968.

In February or March of 1978, Minarcin says, he saw a Vietnamese military communique giving the flight itinerary of a helicopter scheduled to leave the Bai Thong air field with 12 tu binh my (American POWs) and transport them to Muong Sen. There, the Americans were to load the chopper with wood that had been cut by other American POWs. "When I told my colleagues of this communique," Minarcin says, "I was told not to report it, as all POWs were considered dead."

Minarcin, unlike Mooney, also claims to have come across specific transportation data that he feels support the idea that American POWs did not simply disappear into the hands of the Soviets, but that they were actually taken to the Soviet Union. In late 1977 and early 1978, while analyzing daily flight schedules listed by Hanoi's civilian aviation control, Minarcin came across references to special flights scheduled from various locations in Vietnam, including, he realized, areas where earlier intelligence had indicated American prisoners were held. "Special flight A," according to his analysis, referred to high-level military passengers, "B" referred to high-level political passengers, "C" was a planeload of international diplomats. "D was the last category," explains Minarcin, who says the radio code used by Hanoi aviation control was easily cracked because the Vietnamese were using captured American coding machines. "The D flights would always originate in a POW area, fly to another POW area or Soviet interrogation center and back, or to Hanoi and out of the country."

Minarcin paid particular attention to the D flights, checking out pilot and air-traffic communications related to them. The intercepts, he says, showed that in the six-week period he monitored, at least once a week men would leave D flights at Gia Lam airport in Hanoi, and Vietnamese security agents would march them into a nearby holding area. "Within a matter of hours," Minarcin says, "a Russian airliner, usually an 11-62, would depart Gia Lam for Moscow." Minarcin says that when analysts checked back through intercepts they found earlier examples of similar flight patterns in and out of Gia Lam.

In 1982, Minarcin heard through NSA associates working on Soviet intelligence that they'd also tracked planes from Hanoi to Moscow during the '70s. The word was that passengers from those planes were then flown to areas of Siberia requiring special clearance and secured by the KGB. It is only a theory, but Minarcin believes that some POWs ended up in Soviet custody.

All this came back to Minarcin when he was Mooney on TV in 1987. Retired from the Air Force in 1986 and living in Washington state, Minarcin wanted to call Mooney and say that he, too, was bothered about the missing men and what he remembered from the Vietnam intercepts. But he didn't know how to reach Mooney and ended up keeping what he knew to himself.

Then last Easter, on a trip to Florida, Minarcin ran into his past again. He saw a story in the Tampa Tribune about the efforts of the Cressman family to persuade the government to turn over information about their son Peter. Minarcin was stunned to realize that all the members of the EC-47Q crew were now considered killed in action. He called the Cressmans and told them that he believed their son had been captured and, perhaps, had been turned over to the Soviets. The Cressmans said that they had heard a similar story from Minarcin's old boss, Jerry Mooney.

After making the phone call, Minarcin realized that he had crossed a line. Like Mooney, whom he had not seen since 1974, Minarcin was finally ready to tell all that he knew.

Although the Pentagon still insists that there is no evidence to support a Russian connection to the MIAs, even a skeptic like former deputy assistant secretary of defense Roger Shields grants that the Soviets would have had good reasons to talk to American POWs. The Soviets would have to have been "far more incompetent and far more unaware and far more stupid and lackadaisical about things [than we think they are] not to have talked to an American flier about his aircraft, tactics, anything he knew about strategic plans and so forth," he concedes.

Retired Air Force Lt. Gen. Eugene F. Tighe, chief of intelligence for the Pacific Command in Vietnam and later head of the DIA, agrees. "We professional intelligence officers believed that ['special talents'] would be a high priority for the Russians." To Tighe, who headed a panel in the late '80s that examined to POW/MIA evidence, the fact that returning POWs denied being questioned by Soviets just didn't make sense. "It was amazing," he says. "Something was missing." In 1981, he told Congress that he was personally convinced that American POWs had been left behind in Southeast Asia. Now he says, "When I testified before [Congress], as I did every six months or so when I was head of the DIA, I said repeatedly that there were three possible explanations as to what happened to the men who did not return: (1) They were held for reparations—the Vietnamese had a tradition of hostage-taking; (2) they were maimed and the Vietnamese were simply embarrassed to give them up, and (3) they were 'special talents' who were held to trade with the Soviets and the Chinese."

Still, neither Tighe nor Shields saw data or analyses such as Mooney and Minarcin describe. Says Shields: "No intelligence I ever saw * * * even raises as a possibility a specific American who was turned over to Russians or interrogated by Russians."

Why wouldn't the reports have made it to Shields or Tighe? Mooney and Minarcin assumed their work went through regular NSA channels to the DIA, CIA and White House. Now Mooney wonders if the internal operations and rivalries of the U.S. intelligence community might have prevented the analysis and data from getting to Shields and others at the top levels of government. "We couldn't send data forward on our own," he says. "The NSA are producers of intelligence, not users.

Mooney recalls that the first time he referred in a transcription to "the friends," he got a call from CIA analyst asking, "Who the hell are 'the friends'?" Mooney also notes that neither the DIA nor those preparing for the Paris peace talks ever requested the raw POW intelligence that the NSA informed them they had collected. "I just assumed they had better data," he says. He also says that after the POWs came home in 1973, he called a DIA analyst to remind him about the men they both knew were captured but hadn't been returned, including the EC-47Q crew. The reply, according to Mooney: "Yeah, we know. We're working on it."

"I just can't believe that the NSA had all this material that never went into the system anywhere," Shields says. "I can't believe that my own DNA people who were coordinating the intelligence effort were keeping this from me."

Shields does remember seeing at least some of the same intelligence as Mooney and Minarcin; he also believes that Peter Cressman and other crew members of the EC-47Q were captured alive. He says that the Air Force, over his protests, declared them killed in action. Shields did not see evidence or analysis that led him to believe they ended up in Soviet hands, however. Still, he says, "If you can resolve the EC-47Q case, you will find out a lot about a lot of missing men." (According to a Pentagon spokesperson, the crew's change in status was "administrative, so that, for instance, wives could remarry and families could collect insurance. It did not reflect new information.")

Mooney and Minarcin claim that there are similar cases and much more evidence, perhaps too much. The eavesdropping equipment that the NSA used on the ground and in the air in Southeast Asia generated so much raw intelligence data—literally tons of it—that the DIA and CIA found it hard to digest. And "there was confusion as to who got what," explains Mooney, who served on a special NSA commission that evaluated the agency's performance in Vietnam.

And there remains no good access to MIA information. Neither Mooney, Minarcin nor Roger Shields, for example, was aware until recently of Nguyen Cong Hoan, a Vietnamese national assemblyman who defected in 1977 and the next year testified before Congress in closed session. In the political circles he traveled in, he testified, it was "everyday conversation" that Hanoi had held onto Americans as "trump cards." Hoan also said that he heard that some American prisoners had been sent to the Soviet Union for interrogation.

Mooney and Minarcin feel certain that they are not the only American intelligence analysts who saw the data they describe. What to do about it, they say, has split the intelligence community. Mooney says he has received calls from anonymous analysts still active at NSA who say they're rooting for him. "They ID'd themselves with an NSA phone number or cipher logs," Mooney explains. "They all say almost the same words: 'This is an issue that cannot be won, and we won't stick our necks out unless there's a chance of winning it.'"

Gen Tighe says it is unlikely that U.S. intelligence sources "of regard" will ever come forward. "I suspect that you're going to be able to get a lot of access to answers in the Soviet Union—from both the KGB and military sources. They feel an openness in speaking—these days—that will [benefit] our knowledge of the whole thing."

Indeed, the new openness in the Soviet Union, along with signs of new resolve on the part of American government officials, promises a fresh start in the effort to clear up the MIA issue in Southeast Asia. The Pentagon's Office for Seeking Missing Persons set up shop in Hanoi in July; its efforts—reviewing record, interviewing people and examining crash sites—have as yet yielded no results. And despite the official position of the government that there is no Soviet MIA connection, the State Department has formally requested access to KGB files to check them for references to Americans held from World War II through the Vietnam War. According to Deputy Secretary of State Lawrence S. Eagleburger, the government is cautiously optimistic that the Soviets will cooperate. In a letter to Rep. John Miller (R-Wash.) dated Sept. 5, Eagleburger wrote: "In light of the increasingly reformist bent of the Soviet government—and the appointment of a new minister of the interior—I am hopeful that the Soviet side will see the advantages of acceding our request."

Meanwhile, the Senate is mounting its latest investigation. "Some people in the intelligence community say that Mooney is off the wall," says Sen. Smith, the only member of the Senate so far to have talked to the retired NSA analyst. "But they won't let you look at the files to substantiate their claim." In announcing the formation of the Select Committee, Smith said: "The executive branch has resisted giving Congress intelligence data on POWs and MIAs. They will either provide it willingly or we are going to subpoena data and witnesses. It's that simple. We want to see the intelligence a soon as possible."

Roger Shields advises the Senate to lean on Hanoi. "We've just never pressed the Vietnamese hard enough on the MIAs," he says. "There are serious issues to be resolved, and there is that commitment a nation makes to its people" not to abandon those it sends to war.

"I went public precisely because I still believe in that commitment," Mooney says. He is eagerly awaiting his subpoena to prove to the Senate under oath that "I'm not some flake."

Indeed, Mooney, pointing to the manila folder that contains his 20-year service record of achievement and praise, prefers to see himself as a "hornet's nest" for official Washington—"a door they don't want to walk through." With anger rising in his voice, Mooney says, "All this has cost me time and irritation and a little money. It's been pretty lonely." He pauses and then marvels at the irony of Soviet sources admitting that Americans were interrogated by Soviets, and at the appearance of new information from Minarcin. The anger disappears. Mooney laughs and then announces, "I don't feel lonely anymore."

THANK YOU, DR. JENKINS

HON. GEORGE (BUDDY) DARDEN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 29, 1991

Mr. DARDEN. Mr. Speaker, today I rise to pay tribute to one of Georgia's finest school superintendents, J. Terry Jenkins, who is leaving his position in Floyd County to return to his native Troup County to lead its schools.

Under the exceptional leadership of Dr. Jenkins, the Floyd County School System has become one of the most impressive in the State. Dr. Jenkins has established a firm foundation of quality education for Floyd County's youth, and we are encouraged that this tradition of excellence will continue in the years to come.

Although the people of Floyd County are saddened by Dr. Jenkins' departure, his legacy of better education for Floyd County will long be remembered. We wish him well.

Mr. Speaker, I believe the following editorial in the Rome News-Tribune best expresses our appreciation for Dr. Jenkins' contributions to Floyd County, and I would like to share it with my distinguished colleagues at this time:

THANK YOU, DR. JENKINS

Dr. J. Terry Jenkins gets an "A" on his report card. In every subject.

It is difficult to contemplate losing as good a student of education as the Floyd County School System superintendent has turned out to be. He is, at the close of the calendar year, moving on to an opportunity he could not resist. He is going back home, to Troup County, to lead its schools.

Much as his departure is to be lamented by the many friends and supporters he has made, Jenkins is to be wished nothing but the best in this move. His decision, as he said, is based largely on personal and not professional reasons.

Troup County's gain is definitely Floyd County's loss. In his five years here, Jenkins has turned a troubled school system around.

The squabbling, distrust and allegations of wrongdoing are gone. There are new facilities everywhere, and more under construction. The caliber of the staff and its morale have been elevated.

Best of all, both parents and students now have confidence in the quality of education being provided. Taxpayers have become convinced that they are getting the maximum bang for the buck.

The shoes that Jenkins will be leaving behind are going to be hard to fill. The Floyd County Board of Education has named Assistant Superintendent Graden Mullis to take the helm from Jan. 1, 1992 until June 30, by which time it hopes to have completed its search for a successor.

It will be a difficult search, for the Floyd County system knows it needs to expand its never-ending battle to graduate students who can compete in a world growing ever more complex. It knows that tough budget decisions caused by tough economic times loom large.

Most of all, it will be a difficult search because Floyd County has become accustomed to having the best. No less will now do.

According to Board Chairman Steve Murdock, the qualifications for a successor are: "Someone who places children No. 1, someone with integrity, a progressive leader who can communicate well with the schools and with the community."

That is a description of Jenkins.

Troup County is getting all those attributes. Floyd County must now strive to retain them.

DUBROVNIK AND THE DESTRUCTION OF CROATIA'S HERITAGE

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 29, 1991

Mr. BROOMFIELD. Mr. Speaker, in his efforts to build a greater Serbia and improve his political standing among his people, Serbian President Slobodan Milosevic has caused over 1,000 deaths and thousands more injuries, displaced over 200,000 people and brought untold damage to the Republic of Croatia. On Monday, the European Community delivered an ultimatum to the Serbian dictator: He has until November 5 to stop the cease-fire violations by the Serbian-led Yugoslav National Army. Unless the fighting stops and Serbia cooperates with peace efforts, the EC will impose trade sanctions and call upon the U.N. Security Council to also impose restrictive measures on Serbia. Most importantly, the EC may recognize the republics of Yugoslavia that cooperate with its plans.

While the world continues to be shocked by the bloodshed, another war is being waged against Croatia—the destruction of its heritage. Since June, the Serbian-backed army has destroyed hundreds of Croatian villages and towns and, along with them, many ancient churches and historic sites. Just last week, units of the Yugoslav National Army shelled Dubrovnik, an ancient city on the Adriatic coast dating back to medieval times. Already many architectural treasures have been damaged.

Years ago, Dubrovnik was declared a world cultural landmark by the United Nations. Its irreplaceable churches and buildings showcase Byzantine, Gothic, and Renaissance architecture. Each year, the lovely city draws thousands of tourists who bolster the economic strength of the Croatian coast.

Dubrovnik is one of only a few regions of Croatia that is purely Croatian. Over 60,000 people have been trapped in the city for over a month and are living in terrible conditions without water, electricity, and telephone lines. Many fled there after their nearby villages were destroyed. Although the international community, including our Government, has spoken out against the shelling of Dubrovnik, little is being done to save the historic city.

The fighting in Croatia and the wanton destruction of Croatia's cultural heritage must cease. Mr. Milosevic's efforts to build a greater Serbia have brought about the current crisis and the disintegration of Yugoslavia. The country will never again be the same, and it is time for our Government to accept the new realities in that troubled region.

I commend the following Washington Post article on Dubrovnik to my colleagues in the Congress.

[From the Washington Post, Oct. 29, 1991]

ASSAULT ON A MASTERPIECE—HUNGER, DISEASE THREATEN DEFIANT DUBROVNIK

(By Laura Silber)

DUBROVNIK, YUGOSLAVIA. Every day now, hundreds of people pass along the ancient cobblestone streets of this historic fortress city, pointing out to each other the damage done to its architectural treasures by Yugoslav army artillery.

The Rupe Museum of clerical stonecarving has been hit, along with a synagogue, a monastery and the Minceta Tower—part of the medieval ramparts that have helped Dubrovnik fend off attackers from land and sea for seven centuries.

Windows in ornate Placa Square have been shattered by shellfire, and everywhere churches are secular buildings exemplifying Byzantine, Gothic and Renaissance notions of beauty and order have been boarded up and sandbagged. Army troops cut off food, fuel and water supplies to the 60,000 inhabitants of this Adriatic port city weeks ago, and now the stench of human excrement and rot hangs in the humid air.

"It's a clash between culture and barbarians," said Dubrovnik Mayor Pero Poljanic, referring to the month-old struggle for the city between Yugoslav army troops and militia forces of secessionist Croatia whose defense of the area has been steadily rolled back. "I am shocked that the world and Europe have permitted this kind of crime and aggression against this city of great importance," said Poljanic. "We will never surrender."

Dubrovnik has been declared a world cultural landmark by the United Nations, and the army offensive that has brought troops within a mile of its battlements and blasted holes in its monuments has drawn condemnation from the international community but little practical relief.

For their part, army commanders say they have issued firm orders that the old city is not to be fired on, and they maintain they are pressing the Dubrovnik campaign because Croatian militiamen use the city as a base for attacks on army positions. One senior Yugoslav military officer suggested last week that the damage done to historic buildings in Dubrovnik was not the result of army shelling, but of sabotage by defending Croatians seeking to gain foreign sympathy for their cause.

Apparently, only about 500 lightly armed Croatian militiamen remain in the city, but they say they will ignore an army ultimatum to surrender their weapons and will defend the city to the last man.

Most of the thousands of civilians trapped in the city express similar defiance, even though many have been reduced to one meal a day and have not been able to bathe for a month. Food and drinking water reach Dubrovnik on the few ferries allowed through the naval blockade, but health workers here say it is barely enough to avert starvation.

City hospital director Zoran Cikatic warned that an epidemic could spread through the weakened population. "The situation is critical for refugees . . . without water," he said. Local Red Cross officials estimate that 15,000 refugees from neighbouring towns and villages overrun by the army have sought refuge in Dubrovnik.

Cikatic said 21 civilians and at least that many militiamen have been killed in the fighting since the army began its advance on Dubrovnik October 1. More than 1,000 people have died so far in the four-month-old Yugoslav civil war, which broke out when Croatia and Slovenia declared their independence from the six-republic Yugoslav federation.

A cease-fire has been in effect in the Dubrovnik area since Saturday, but that has not prevented the army from tightening its grip around the city, a masterpiece of 13th-century urban planning whose double-walled fortifications hug the rim of a rocky promontory that juts into the Adriatic at the tip of southeastern Croatia. Today, army troops seized the suburban town of Zarkovica on a hill overlooking the city and hoisted the red-starred Yugoslav flag in clear view of the besieged Croats below.

Despite continuing peace talks, few here believe they will bring swift salvation for their city. "I don't believe in those cease-fires," said one woman who refused to give her name. "Every time there is an agreement, the army comes and shoots. . . .They want to use the city as blackmail, despite the outrage of the world."

Said another woman on her way to bathe in the Adriatic surf: "I don't know how we'll survive the winter. . . . Life has stopped for us in Dubrovnik."

LEADERSHIP AND THE LIBERAL ARTS COLLEGE

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 29, 1991

Mr. BURTON of Indiana. Mr. Speaker, today I would like to enter into the CONGRESSIONAL RECORD an interesting article written by William Bryan Martin which appeared in the Washington Times on October 29, 1991. Mr. Martin is the president of Franklin College in Franklin, IN.

This article addresses very eloquently the challenges facing America's colleges and universities heading into the 21st century, particularly the challenge of developing future leaders. I strongly urge all of my colleagues, as well as college educators and administrators across the country, to read this article and take it to heart.

[From the Washington Times, Oct. 29, 1991]

LEADERSHIP AND THE LIBERAL ARTS COLLEGE

(By William Bryan Martin)

Presidential rhetoric fills the air on our nation's colleges and universities: "The students being educated here in Great State University are those leaders who tomorrow will make the world happier, better and more free."

Such sentiments surely soothe alumni anxiety about the state of leadership in America and may even cause donors to open pocketbooks.

But does the rhetoric reflect reality? Are American colleges and universities meeting the challenge of motivating and preparing tomorrow's leaders?

Higher education clearly did meet the challenge back in America's early past of small cities, farms and small colleges. That was the heyday of small, church-related liberal arts colleges where professors actually taught and students actually participated actively in their own education, both in and out of the classroom. Religion and ethics were respectable subjects for study; indeed, students ranged over the whole field of human endeavor from the natural and social sciences through the humanities on to the arts.

It was axiomatic that healthy bodies and strong characters were every bit as important as rich minds. In such soil, leadership sprouted and bloomed.

The colleges in those days had considerable help. Students came to college leadership-friendly, full of self-esteem and values passed on by their families and primed by the leadership lessons they had absorbed by osmosis from the adults in their small communities. Even the teachers in those proverbial one-room schoolhouses helped pave the way by stressing the basic and being supportive.

How times have changed! America has gone "modern," most colleges have gone "university," and leadership education and development are in trouble.

There's no one smoking gun, just a series of factors. The family, for one, has been weakened by poverty, divorce, single parenting and working parents. And the bigness, specialization, speed and complexity of modern life assures that the adult role models of today's youth are usually video, audio and digital blips.

Add to that the baffling failure of our elementary and secondary schools to transmit basic knowledge and essential skills, including those subjects so important to character formation—religion and ethics.

Then there's the general decline of the work ethic, the relatively poor physical condition of our youth and the disturbing rates of crime, clinical depression, suicide, AIDS and substance abuse.

Even when young leadership talent is identified, the system conspires to push that talent toward specialized careers that drain off potential leaders into highly compensated roles.

Unlike yesteryear, most young people today do not come to our colleges and universities leadership-friendly. They need more than ever the nurturing, personal, participatory, values focus atmosphere of the liberal arts college.

Unfortunately, just the opposite is happening. Today most students attend national research universities, large state universities and community colleges ill-suited for leadership education and development.

Critics speak of large bureaucratized institutions composed of Balkanized principalities of professors committed to research publication, a subject matter specialty and a professional guild rather than to students and the mission of the university. Knowledge itself becomes Balkanized, students specialize, young teaching assistants serve as the real role models and mentors and large classes are tested by multiple choice, true/false and fill-in-the-blank.

The appearance given by these large institutions of an abundance of participatory opportunities for students is illusory. In reality, few participate, namely those willing to specialize and perform as a semi-professional for an adoring public. Far too often the rest are regularly relegated to the sidelines, along with the audience.

Sadly, there even has been a shrinking of the university's mission. Rather than the time-tested ideal of a healthy mind and spirit in a healthy body, modern universities strive to shape, and sharpen the intellect. To contribute to such a mission sounds good, and is effective in producing bureaucrats, analysts, professionals and widgets.

But if it's leaders we need and want, such a missional definition is based on the deceptively faulty promise that such necessary qualities as strength, stamina, empathy, intuition and insight, perspective and perseverance, creativity, commitment, courage, ambition and aspiration are byproducts of intellect.

Next time you hear a college president bragging about leadership education, check it out. If the rhetoric matches the lives of the institution's graduates, chances are the president heads a small liberal arts college.

As in the past, that's where the action is in leadership education. And the need is more acute than ever. If leadership potential is to be saved, awakened and nurtured, then increasing numbers of contemporary students need to be educated in the personal, participatory, values-focused atmosphere characteristic of America's small liberal arts college.

Nothing less than the future depends on it. And that's no rhetoric.